



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Councilmembers Jeff Baron,
Alissandra Dramov, Karen Ferlito, and Bobby
Richards
Contact: 831.620.2000 www.ci.carmel.ca.us

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

REGULAR MEETING Tuesday, July 9, 2024

Tour of Inspection - 3:30 p.m.

Regular Meeting - 4:30 p.m.

HYBRID MEETING ATTENDANCE OPTIONS

This meeting will be held in person and via teleconference ("hybrid"). The public is welcome to attend the meeting in person or remotely via Zoom, however, the meeting will proceed as normal even if there are technical difficulties accessing Zoom. The City will do its best to resolve any technical issues as quickly as possible. To view or listen to the meeting from home, you may also watch the live stream on the City's YouTube page at: <https://www.youtube.com/@CityofCarmelbytheSea/streams>. To participate in the meeting via Zoom, copy and paste the link below into your browser.

<https://ci-carmel-ca-us.zoom.us/j/83289524838> Webinar ID: 832 8952 4838 Passcode: 904814 Dial in: (253) 215-8782

HOW TO OFFER PUBLIC COMMENT

The public may give public comment at this meeting in person, or using the Zoom teleconference module, provided that there is access to Zoom during the meeting. Zoom comments will be taken after the in-person comments. The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be received at least 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be made part of the record.

Tour Time - 3:30 PM

TOUR OF INSPECTION

Prior to calling the meeting to order, the Board/Commission will conduct an on-site tour of inspection of the properties listed on the agenda and the public is welcome to join. After the tour is complete, the Board/Commission will begin the meeting in the City Council Chambers no earlier than the time noted on the agenda.

- A.** Hofsas House Hotel - San Carlos Street 4 northwest 4th Avenue Block 34, Lot Multiple APN 010-124-014, 010-124-001

OPEN SESSION

4:30 PM

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

EXTRAORDINARY BUSINESS

- A. Presentation of the Results of the Urban Forest Master Plan Community Survey

ANNOUNCEMENTS

- A. City Administrator Announcements
- B. City Attorney Announcements
- C. Councilmember Announcements
- D. Ad Hoc Committees - Report Out

PUBLIC APPEARANCES

Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Appearances. Each person's comments shall be limited to 3 minutes, or as otherwise established by the Chair. Persons are not required to provide their names, however, it is helpful for speakers to state their names so they may be identified in the minutes of the meeting. Under the Brown Act, public comment for matters on the agenda must relate to that agenda item and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. If a member of the public attending the meeting remotely violates the Brown Act by failing to comply with these requirements of the Brown Act, then that speaker will be muted.

CONSENT AGENDA

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Council, Board or Commission or the public may ask that any items be considered individually for purposes of Council, Board or Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. Second Reading and Adoption of Ordinance No. 2024-001, adding Chapter 8.30 to Title 8 to the Carmel-by-the-Sea Municipal Code regarding a policy related to the use of Military Equipment by the Carmel-by-the-Sea Police Department
2. Letter authorizing the County of Monterey to execute all documents necessary to continue to implement the annual Used Oil Payment Program on behalf of the City during Fiscal Year 2024/25
3. Resolution 2024-058, Authorizing one (1) free use day of the Sunset Cultural Center theater and lobby for Peace of Mind Dog Rescue and the Carmel Dance Festival event "DANCE for the Love of Dogs" in April 2025
4. Resolution 2024-059 approving a list of street projects for Fiscal Year 2024/25 partially funded by SB1: The Road Repair and Accountability Act of 2017
5. Resolution 2024-060 accepting a \$9,800 donation from Community Emergency Response Volunteers (CERV) for the purchase of a Community Emergency Response Team trailer

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

6. Receive a report from the Police Building Ad Hoc Committee, and provide direction on authorizing Indigo/Hammond+Playle Architects to proceed with schematic design concepts for the Police Building Project.
7. Receive a presentation on the exploration of street addresses, to be discussed, and provide staff with direction

PUBLIC HEARINGS

8. **APP 24118 (Hofsas House, Inc.)** - Consideration of an appeal of the Planning Commission's approval of Design Review application DR 24059 (Hofsas House, Inc.) associated Lot Line Adjustment and Coastal Development Permit for the demolition of an existing 38-room hotel and the construction of a new 38-room hotel, and Use Permit application UP 24060 for the hotel and associated accessory uses located on San Carlos Street 2 northwest of 4th Avenue in the Residential & Limited Commercial (RC) District. APN: 010-124-001-000 and 010-124-014-000

FUTURE AGENDA ITEMS

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, located on the NE corner of Ocean Avenue and Lincoln Street, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us> in accordance with applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

July 9, 2024
EXTRAORDINARY BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Robert Harary, P.E., Director of Public Works

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Presentation of the Results of the Urban Forest Master Plan Community Survey

RECOMMENDATION:

Receive a 15-minute presentation from Forest and Beach Commissioner Kelly Brezoczky regarding the results of the Urban Forest Master Plan Community Survey.

BACKGROUND/SUMMARY:

The Urban Forest Master Plan (UFMP) is much more than developing a fancy study to put "on the shelf." This Plan is comprised of a series of technical evaluations specific to Carmel's forest, community outreach activities, and preparation and adoption of the Plan. Collectively, this information will help the City make informed policy decisions, provide targeting educational and ongoing outreach information, and implement best management strategies for day-to-day operations of the City's forest.

Technical Studies:

Work completed under the UFMP included the following technical reports and services, most of which were individually presented by staff to the Forest and Beach Commission (Commission) between August 2023 and June 2024, and are considered substantially complete at this time:

- Inventory of 12,000+ City trees, with geo-coded locations and condition assessments
- GIS Mapping and TreeKeeper data entry and demonstrations
- Background Review (regulations, policies, guiding documents)
- Stakeholder Interviews
- Goals and Action Items
- Tree Canopy and Land Cover Assessment
- Economics Analysis/Value of the Urban Forest
- Storm Water Analysis
- Operational Review of City's Maintenance Practices (not yet presented)
- Priority Planting Plan/Tree Replacement Model (not yet presented)

Community Outreach:

Outreach efforts to date, in addition to the above-listed Commission presentations on technical studies and public comments, included:

- Creation of an UFMP Steering Committee – June 2023
- 1st Community Workshop – July 2023
- Forest and Beach Commission presentation by consultant– August 2023
- Community Survey – September through November 2023 (See below)
- 2nd Community Workshop – May 2024

Preparation and Adoption of the Plan: (Next Steps)

- Tree Species List – To be significantly revised based on City Forester input and community feedback
- Draft Urban Forest Master Plan Report – 90% complete
- 3rd Community Workshop to present the draft UFMP and solicit feedback
- Commission review and adoption of Plan
- City Council review and adoption of Plan

Community Survey:

The UFMP Community Survey was launched to the public on September 27th, and was available in both online and paper formats. Survey announcements were published in the "Carmel Pine Cone," noticed on the City's website, sent out via "Constant Contact," and noted in a number of City Friday Letter newsletters. The Survey was open for 47 days and closed on November 13th. A total of 348 responses were received with 308 online surveys and 40 paper surveys.

Complete, unedited Survey results were initially reviewed at the December 2023 meeting of the Commission. These results can be reviewed via the following link: <https://ci.carmel.ca.us/ufmp> Responses are provided in both graphical format for most question, and unedited narrative responses are listed for two questions: 1) their level of satisfaction of the City's care of public trees, and 2) their most important issues to be addressed in the UFMP.

This raw data was subsequently evaluated by the Commission and staff, and duplications and other anomalies were filtered out. The refined Survey Results were presented by Commissioner Brezoczky at the Commission meeting in April 2024 and at the 2nd Community Workshop in May 2024. Staff suggested that this insightful presentation should also be provided to the City Council and the community at large.

The primary purpose for this presentation is to acknowledge consistent themes in the Survey responses and ensure that the Council, Commission, Steering Committee, and staff are in sync in terms of finalizing the remaining components of the UFMP and subsequently proceeding with policy decisions and management practices that address these themes. The top four themes from the Survey were:

- Residents appreciate Carmel's trees and would like to see the overall tree canopy level and iconic cypress on Scenic Drive maintained
- Residents are urgently calling for better maintenance of public trees; there are significant concerns about the safety and maintenance burdens with aging pines and cypress
- There are safety concerns around dead trees/limbs during storms and around power lines
- Replanting should occur in the right areas (parks, open spaces), with more diversity of trees and a preference for native species
- There is a perceived need for more Forestry staff/resources

ENVIRONMENTAL EVALUATION

This action does not constitute a project within the meaning of the California Environmental Quality Act under Public Resources Code Section 21065. It has no potential to cause either a direct physical change in

the environment or a reasonably foreseeable indirect physical change in the environment and, therefore, does not require environmental review.

FISCAL IMPACT:

There is no fiscal impact to receive this presentation. The Community Survey was funded under the UFMP Capital Improvement Project budget.

PRIOR CITY COUNCIL ACTION:

In August 2022, Council adopted Resolution 2022-068 awarding a Professional Services Agreement to Davey Resource Group for development of the City's Urban Forest Master Plan for a fee of \$160,000. In July 2023, Council adopted Resolution 2023-070 approving Amendment No. 1 to the Agreement for additional tree inventory and other technical services for a fee increase of \$45,000.

ATTACHMENTS:



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

July 9, 2024
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Paul Tomasi, Chief of Police & Public Safety Director

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Second Reading and Adoption of Ordinance No. 2024-001, adding Chapter 8.30 to Title 8 to the Carmel-by-the-Sea Municipal Code regarding a policy related to the use of Military Equipment by the Carmel-by-the-Sea Police Department

RECOMMENDATION:

Conduct a Second Reading and Adoption of Ordinance No. 2024-001, adding Chapter 8.30 to Title 8 to the Carmel-by-the-Sea Municipal Code regarding a policy related to the use of Military Equipment by the Carmel-by-the-Sea Police Department.

BACKGROUND/SUMMARY:

On September 30, 2021, California Assembly Bill 481 (AB 481) known as the *Law Enforcement and state agencies: military equipment, funding, acquisition, and use Act* was signed into law. Subsequently, the California Government Code (GC) §§ 7070, 7071, and 7072 were adopted to codify the requirements set forth in AB 481. The text of AB 481 is attached to this staff report for reference.

In enacting AB 481, the Legislature stated the public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials to increase transparency, accountability, and oversight. The same applies to the public's right to participate in any government agency's decision to fund, acquire, or use such equipment.

The bill requires a law enforcement agency (LEA) to obtain approval from the applicable governing body, through the adoption of a military equipment use policy as required by ordinance. The process shall be held at a regular public meeting in accordance with the Ralph M. Brown Act prior to the agency funding, acquiring, or using military equipment.

Other requirements are as follows:

- Draft a Military Equipment Use Policy that describes each piece of military equipment and the authorized uses for each piece (Each section listed in the attached policy and equipment list were created in adherence to the specified mandates of the GC)
- The LEA shall post the proposed policy on their website at least 30 days prior to any public hearing related to this policy.

- The LEA will submit an annual Equipment and Use Report within one year of approval, and annually thereafter.
- Seek approval of the Policy from their governing body by Ordinance before acquiring new military equipment or seeking funds for equipment purchases.
- The report shall be available on the LEA's website for as long as the equipment is available for use. The LEA shall hold a well-publicized and conveniently located community engagement meeting within 30 days of the report's submission.

GC § 7070 provides a list of sixteen (16) categories of equipment that are to be considered "Military Equipment" for the purpose of compliance with AB 481 and the associated government codes. The categories are listed below, and the items owned or purchased by the Carmel-by-the-Sea Police Department (CPD) are in bold text:

- 1) Unmanned, remotely piloted, powered aerial or ground vehicles.
- 2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- 3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
- 4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- 5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- 6) Weaponized aircraft, vessels, or vehicles of any kind.
- 7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
- 8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
- 9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
- 10) **Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.**
- 11) Any firearm or firearm accessory that is designed to launch explosive projectiles.
- 12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

13) Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).

14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons; and,

15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

Carmel-by-the-Sea Police Department equipment considered “Military Equipment” per AB481

AB 481 (10) The CPD currently possesses and operates 6 Colt M4- AR15 style semi-automatic rifles. Although, the rifles issued by the CPD are considered standard issue and not required to be listed per AB 481, we have included them on our list of military equipment for Council review. These rifles are similar to civilian style rifles and are not controlled by the Department of Defense nor were they obtained through any surplus military program.

Specialized tools and firearms including patrol rifles, enable officers (when in compliance with the CPD’s Use of Force Policy) to address short to long distance threats, or those threats who are heavily armed, armored or both. Furthermore, in both short and long-distance deployments, rifles allow officers a more precise shot placement minimizing the risk to officers and innocent community members. Unfortunately, with the regularity of active shooters/active aggressor incidents throughout the country, this has become a necessary tool to counter such threats to our community. There are no known alternatives to these weapons that will provide the same level of distance or precision.

The rifles have been standard issue equipment for each officer in the department for almost 10 years and are carried in the patrol vehicle during the officer’s routine patrol shifts. Each officer is required to complete a 16-hour POST certified rifle course before they are issued the rifle. Officers conduct semi-annual training on the rifle and qualify at the range at least once a year.

The CPD purchased the rifles in 2015. Each rifle with optics and accessories costs approximately \$1,500 to acquire at the time of purchase. These rifles were purchased prior to adoption of AB 481 and the Department does not have a current need to purchase additional rifles. The cost to maintain the rifles and accessories is negligible.

AB 481 (15)

The CPD possesses four (4) Kel Tec KSG Shotguns converted for less lethal applications. The shotguns are easily identified by the bright orange stock and foregrip and fire a kinetic energy munition that resembles a small bean bag (aka “bean bag” or “super sock”). Each projectile weighs approximately 40 grams and travels at a significantly lower velocity than a regular firearm projectile minimizing the potential for penetrating a person’s clothing or skin. These devices are available to patrol officers as a less lethal option when confronting a non-cooperative or violent subject when other force or de-escalation options are not practical. These shotguns were purchased in 2017, at a cost of \$500 each and replaced 25 year old shotguns that had been converted for less lethal use. The cost to maintain the rifles and accessories is negligible.

Monterey Peninsula Regional Special Response Unit (MPR SRU or SRU for short)

The CPD participates in the Monterey Peninsula Regional Special Response Unit (SRU). The SRU is a specialized team that operates under an MOU between seven Monterey Peninsula agencies. Each agency provides officers, command staff, and resources to provide a tactical team to address the ongoing needs of the Peninsula as well as assisting other jurisdictions in the region. The SRU provides a resource to respond to critical incidents, planned and unplanned high-risk events, and other specialized incidents as needed. The SRU utilizes various pieces of equipment that qualifies as Military Equipment as defined in AB 481. All SRU equipment is paid for by the SRU and purchased through a purchasing agent. Each member department can be a purchasing agent for SRU and is then responsible for that military equipment purchased. The CPD does not own any military equipment purchased or funded for use by the SRU.

FISCAL IMPACT:

There are no new financial considerations for existing military equipment since most of the items were purchased prior to the enactment of AB 481 or already funded by the MPR SRU.

PRIOR CITY COUNCIL ACTION:

On June 4, 2024, during a public hearing the City Council had a first reading and introduced Ordinance 2024-001.

ATTACHMENTS:

- Attachment 1) Draft Ordinance No. 2024-001
- Attachment 2) AB 481
- Attachment 3) CPD Policy 701 Military Equipment
- Attachment 4) Military Equipment List Owned by CPD

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

ORDINANCE NO. 2024-001

**AN ORDINANCE OF THE CITY COUNCIL OF CARMEL-BY-THE-SEA ADDING
CHAPTER 8.30 TO TITLE 8 OF THE CITY OF CARMEL-BY-THE-SEA MUNICIPAL
CODE REGARDING A POLICY RELATED TO USE OF MILITARY EQUIPMENT USE
BY THE CARMEL-BY-THE-SEA POLICE DEPARTMENT**

WHEREAS, On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies; and

WHEREAS, Assembly Bill 481 (AB 481), codified at California Government Code Sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a “military equipment” use policy at a regular meeting held pursuant to open meeting laws prior to taking certain actions relating to the funding, acquisition, or use of “military equipment”. The term “military equipment” is defined in California Government Code Section 7070(c); and

WHEREAS, AB 481 allows the City Council to approve the funding, acquisition, or use of military equipment, within its jurisdiction only if it makes specified determinations; and

WHEREAS, the Carmel-by-the-Sea Police Department’s Draft Military Equipment Use Policy No. 701 was published on the Carmel-by-the-Sea website on the Police Department Policy page on April 24, 2024, and is being presented to the City Council on June 4, 2024; and

WHEREAS, the proposed Military Equipment Use Policy No. 701 meets the requirements of California Government Code Section 7070; and

WHEREAS, this ordinance adds Chapter 8.30 to Title 8 of the Municipal Code to adopt Carmel-by-the-Sea Police Department’s Draft Military Equipment Use Policy No. 701 and authorize the use of “military equipment” by the members of the Carmel-by-the-Sea Police Department as described in Policy 701; and

WHEREAS, In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. and found this activity is not a “project” as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

**THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA HEREBY ORDAIN AS
FOLLOWS:**

SECTION 1. Chapter 8.30 is hereby added to Title 8, Health and Safety, of the Carmel-by-the-Sea Municipal Code to read as follows:

Chapter 8.30 Law enforcement military equipment funding, acquisition, and use ordinance.

8.30.010. Policy. The Police Department shall establish a policy by ordinance that requires approval from the City Council prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

8.30.020. Military Equipment. For purposes of this Chapter 8.30 “military equipment” shall have the meaning provided in California Government Code Section 7070(c).

The policy shall be established, maintained, and amended as needed in accordance with California Government Code Section 7071(a)(1).

SECTION 2. Determinations. Based on the findings above, in addition to information provided to the City Council at the public meeting, the City Council determines as follows:

1. The military equipment identified in the annual military equipment report has complied with the standards for approval as set forth in Government Code Section 7071(d).
2. The Carmel-by-the-Sea Police Department's Military Equipment Use Policy is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

3. The Carmel-by-the-Sea Police Department's Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
4. The military equipment identified in the Carmel-by-the-Sea Police Department's Military Equipment Use Policy is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safety.
5. Prior military equipment use by the Carmel-by-the-Sea Police Department complied with the Military Equipment Use Policy although it was not yet in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
6. The Carmel-by-the-Sea Police Department's Draft Military Equipment Use Policy, Policy 701, setting forth the City's military equipment use policy is hereby adopted.

SECTION 3. Severability. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining sections, subsections, provisions, sentences, clauses, phrases or words of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall take effect 30 days after its adoption by the City Council of the City of Carmel-by-the-Sea.

SECTION 5. Codification. The City Clerk is hereby authorized and directed to codify the provisions of Section 1 of this Ordinance into the Carmel-by-the-Sea Municipal Code.

INTRODUCED, at a Regular City Council Meeting on June 4, 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this X day of X, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

Assembly Bill No. 481

CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with
Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing

additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. FUNDING, ACQUISITION, AND USE OF MILITARY
EQUIPMENT

7070. For purposes of this chapter, the following definitions shall apply:

(a) “Governing body” means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff’s department or a district attorney’s office, “governing body” means the board of supervisors of the county.

(b) “Law enforcement agency” means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff’s department.

(3) A district attorney’s office.

(4) A county probation department.

(c) “Military equipment” means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters,

or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight

authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) “State agency” means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) “Type” means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications

to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

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701 Military Equipment

701.1 PURPOSE AND SCOPE

This policy governs the use of military equipment, as defined in Government Code § 7070, as may be amended. The Carmel-by-the-Sea Police Department (CPD) and its members will comply with provisions of Government Code §§ 7071, 7072, and with otherwise applicable department policies, with respect to military equipment.

701.1.1 DEFINITIONS

This policy adopts the following definitions set forth in Government Code § 7070 (c)(1) through § 7070 (e)(16) as may be amended or superseded:

Governing body – The elected or appointed body that oversees the Department.

Military equipment –

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

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10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in sections § 30510 and § 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service issued handheld pepper spray.
13. TASER® Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag", rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the Federal Defense Logistics Agency.

701.2 POLICY

It is the policy of the Carmel-by-the-Sea Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment. Use of military equipment should safeguard public welfare, safety, civil rights, and civil liberties.

701.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police designates the Police Commander to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.

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(b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Carmel-by-the-Sea Police Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting.
2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.

(f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

(g) Coordinating the process for a person to register a complaint, concern, or question about the use of a type of military equipment. The Department will respond in a timely manner.

A complaint, concern or question related to Military Equipment utilization by the Carmel-by-the-Sea Police Department can be made through any of the below listed methods:

Email: PoliceDept@ci.carmel.ca.us

By phone: (831) 624-6403

By mail: Carmel-by-the-Sea Police Department
Attn: Military Equipment Use Coordinator
P.O Box 600
Carmel-by-the-Sea, CA 93921

In person: At the address list above

701.4 APPROVAL

This policy, and any subsequent amendments, will be available on the department website at least 30 days prior to any public hearing concerning the military equipment at

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issue. This policy will be submitted to the City Council for approval and will remain in effect only if it is approved within 180 days of submission. Approval of this policy or any subsequent amendments requires adoption by ordinance at an open session of a regular meeting providing for public comment. The department will cease use of any military equipment if its use, or the policy for its use, is not approved. An approved military equipment use policy is required prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting, or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

701.5 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by other jurisdictions providing aid to CPD shall comply with their respective military equipment use policies. CPD is a participating member of the Monterey Peninsula Regional Special Response Unit (MPRSRU) in collaboration with other law enforcement agencies on the Monterey Peninsula. MPRSRU provides capabilities to address specific law enforcement issues, such as active shooter incidents, hostage situations, barricaded subject incidents, etc. CPD also collaborates and works with the Monterey County Sheriff's Department and other local, state and federal law enforcement agencies that may provide aid to CPD. Military equipment owned by other jurisdictions that may be used by MPRSRU inside the City of Carmel-by-the-Sea's jurisdiction is listed in Section Two of the Military Equipment Inventory.

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CPD is authorized to use that military equipment in connection with MPRSRU activities/responses.

701.6 ANNUAL REPORT

Within one year of approval of the military equipment use policy, and annually thereafter, the Chief of Police or the authorized designee will submit a military equipment report for each type of approved military equipment for as long as the military equipment is available for use. The annual military equipment report will be publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment.

701.7 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the public may discuss and ask questions regarding the funding, acquisition, or use of military equipment.

701.8 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment owned and/or utilized by the Carmel-by-the-Sea Police Department.

See attachment: CPD 706, CPD Equip Owned Oper.pdf

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Attachments

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CPD 701

CPD Equip Owned Oper.pdf

Carmel-by-the-Sea Police Department
Military Equipment List

Type	Section 14 - Less lethal shotguns and kinetic energy munitions
Description	Kel-Tec KSG patrol shotguns converted to less lethal The shotguns have orange colored stock and foregrip to signify a less-lethal device
Quantity	Four (4)
Capabilities	The less lethal shotgun platform utilizes kinetic energy munitions (aka “bean bag” or <i>Super-Sock</i> ®) which are shot filled ballistic fiber, weighing approximately 40 grams, and resembling a small bean bag or sock. The bag travels at a lower velocity than a regular shotgun projectile to reduce any potential penetration and an advertised maximum effective range of 75 feet.
Expected Lifespan	20 + years
Manufacturer’s Description	The Kel-Tec KSG is a bullpup 12-gauge pump-action shotgun designed by Kel-Tec. It has two tube magazines which the user of the gun can switch between manually. Each tube holds up to seven 2.75” shotgun shells or six 3” shotgun shells. 26.1” in overall length with 18.5” barrel length.
Purpose and Authorized Use	This platform and munitions are utilized as a less-lethal force option by officers who have successfully completed the required training.
Fiscal Impact	The initial cost to purchase the (4) shotguns was \$3,146.30 in 2019; however, the cost of conversion was approximately \$350.00 per shotgun. On-going: approximately \$200.00 for ammunition per year for practice and qualification.
Legal, Procedural, and Compliance	CA Commission on Peace Officer Standards and Training (POST) Reg: 1005 (Minimum training standards), Reg 1081 (Shotgun) CPD Policies – 300 (Use of Force), 308 (Control Devices and Techniques), 312 (Firearms)
Training Requirements	The initial training for the shotgun platform: POST Reg 1005 (Minimum training standards), 1081 (16 hours for shotgun), 1082 (Minimum Content – Less Lethal Instructors) Less lethal training: POST certified less lethal device course 2- or 4-hour course

Carmel-by-the-Sea Police Department
Military Equipment List

Type	Section 10 - Patrol rifle/carbine, semi-automatic
Description	Colt M4/AR15 (6); Patrol rifles are fitted with EOTECH holographic sights
Quantity	Six (6)
Capabilities	Colt M4/AR15 fire a .223 cal./5.56 mm rifle ammunition which offer more power, range, and accuracy at longer distance than the issued service handgun.
Expected Lifespan	15+ years
Manufacturer's Description	"The combat proven M4 platform takes a tactical turn with the release of the Colt® Law Enforcement M4 Carbine Semi-Auto Rifle. The 6-position collapsible stock offers custom adjustment from 35.5" down to 32" for increased maneuverability in tight quarters. This fast-aiming, and reliable carbine comes equipped with muzzle compensator and Magpul MBUS folding backup sight ready when you need it. The 16.1" M4 chrome-lined barrel has 1:7 rate-of-twist rifling*."
Purpose and Authorized Use	The patrol rifle/carbine enables officers to address short to long distance threats, and/or those threats who are heavily armed, armored, or both. In both short and long-distance deployments, patrol rifles provide officers with a platform that can assist in a more precise shot placement reducing the risk to officers and innocent by-standers.
Fiscal Impact	Initial: Approximately \$1,500/rifle at the time of purchase (between 2005 and 2016) Ongoing: approximately \$2,000.00 in ammunition cost annually for training and qualification
Legal, Procedural, and Compliance	Penal Code 33220(b) - Authorization and requisite POST training requirements POST Reg: 1005 (Minimum training standards), 1070 (Certified instruction), 1081(Rifle) CPD Policies: 300 (Use of Force), 312 (Firearms)
Training Requirements	16-hour POST certified patrol rifle course taught by POST certified instructors; annual training and qualification

** Description for specific models owned by CPD are no longer available on the current Colt website. Description taken from Cabelas.com for Colt LE Carbine.*

Carmel-by-the-Sea Police Department
Military Equipment List

Type	Section 12 - Irritant munitions (aka “tear gas”)
Description	Combined Systems Inc. (CSI), Combined Tactical Systems (CTS) irritant munitions
Quantity	Fifteen (15) CTS 3330, 37mm CS Liquid Barricade Smokeless Twenty-five (25) CTS 3300, 37mm Inert Barricade Smokeless Nine (9) CTS 5230, CS Cannister Grenade
Capabilities	3330 – Liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room. Velocity 385-425 fps, effective range of 50 yards 3300 – Inert. Velocity 385-425 fps, effective range of 50 yards 5230 - Large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and should not be deployed on rooftops, in crawl spaces or indoors due to potential fire hazard.
Expected Lifespan	5-year warranty
Manufacturer’s Description	“CTS produces a full line of chemical irritant and smoke munitions. The comprehensive line includes grenades, 12gauge, 37mm and 40mm projectiles. These less-lethal options address a wide range of scenarios from assisting tactical teams in displacing or detecting barricaded subjects to aiding riot control units charged with maintaining order in public or correctional environments.” “CTS Manufactures a wide range of single and multiple projectile munitions with payload capabilities exceeding those of any other less-lethal manufacturer. Single projectile offerings are extremely accurate for selective engagement in a variety of situations.”
Purpose and Authorized Use	The Monterey Peninsula Regional Special Response Unit (SRU) members utilize these devices to distract and/or gain compliance of potentially dangerous individuals during critical incidents such as a violent barricaded subject, hostage situations, high-risk search warrant or arrest warrant situations.
Fiscal Impact	No direct cost to the City; Recent purchase was \$2,645.10 funded by the SRU Replacement cost varies depending on utilization \$ 23.00 – 36.00 per individual device, funded by SRU
Legal, Procedural, and Compliance	Penal Code 22820 (required POST training) POST Reg: 1070 (Certified Instruction), 1081 (Chemical Agents), 1082 (Chemical Agent Instructor) CPD Policies: 300 (Use of Force), 404 (MPR SRU)
Training Requirements	POST chemical agents, three modules, 10-hour course. SRU training: 80-hour POST certified basic S.W.A.T. course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 9, 2024
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Mary Bilse, Environmental Programs Manager
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Letter authorizing the County of Monterey to execute all documents necessary to continue to implement the annual Used Oil Payment Program on behalf of the City during Fiscal Year 2024/25

RECOMMENDATION:

Authorize the City Administrator to send a letter authorizing the County of Monterey to execute all documents necessary to continue to implement the annual used Oil Payment Program on behalf of the City during Fiscal Year (FY) 2024/25.

BACKGROUND/SUMMARY:

For over 16 years, the Monterey County Environmental Health Bureau has successfully collaborated with the City and other local municipalities to implement a countywide Used Oil and Filter Recycling Program.

This program is funded by an Oil Payment Program (OPP) grant from the California Department of Resources Recycling and Recovery (CalRecycle). The Monterey County Environmental Health Bureau has served as the administrator of the OPP on behalf of all cities and the unincorporated area of the County, resulting in the leveraging of resources and consistency in outreach efforts.

In FY 2022/23, the County collected 194,659 gallons of oil and 39,405 used oil filters for proper disposal. The County also ran 170 ads through various media outlets, including radio, newspaper and online. In addition, the filter exchange program also provided 145 filter vouchers during Community Clean Up Days. Additional program highlights are included in the County's letter to the City (**Attachment #1**).

In order to continue this successful partnership, the City must provide a letter each year (**Attachment #2**) authorizing the Monterey County Environmental Health Bureau to act as the lead agency to administer the OPP.

FISCAL IMPACT:

The program is funded by a CalRecycle grant and does not impact the City's budget.

PRIOR CITY COUNCIL ACTION:

Council authorized sending similar letters on July 6, 2021, June 6, 2022, and July 11, 2023 to continue the Used Oil Program.

ATTACHMENTS:

Attachment 1) Letter from Monterey County Department of Health and Annual Report

Attachment 2) Draft Letter to Monterey County from City Administrator



COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Jimenez, Director of Health

Administration Animal Services Behavioral Health Clinic Services
Emergency Medical Services Environmental Health Public Administrator/Public Guardian Public Health

May 17, 2024

Chip Rerig
City Administrator
City of Carmel-by-the-Sea
PO Box CC
Carmel-by-the-Sea, CA 93921

Dear Mr. Rerig:

Each year the Monterey County Environmental Health Bureau (EHB) requests a letter of authorization from the City Administrator or designee authorizing the County of Monterey to execute all documents necessary to continue to implement the annual Oil Payment Program Cycle 15 (OPP15) on your city's behalf. A sample letter is enclosed for your convenience. **We request that you return the signed authorization letter to our office by May 31, 2024** to ensure timely submittal to CalRecycle.

For over 15 years, the EHB has administered a successful countywide Used Oil & Filter Recycling Program on behalf of all cities and the unincorporated area of Monterey County. The Program is funded by a grant from the California Department of Resources Recycling and Recovery (CalRecycle) and supports used oil and filter recycling activities throughout the County. Enclosed is the FY 2022-2023 Annual Report Summary detailing the activities, outreach events and volume collected as a result of this program. Below are a few highlights of program activities:

- Ran over 170 ads in English and Spanish through various media outlets.
- Filter exchange program paid for 145 filters for residents that were given vouchers when recycling used oil filters during Community Clean Up Days.
- Collected 194,659 gallons of used oil and 39,405 used oil filters.

Continuing to pool funds allows both the Cities and County to continue to achieve greater efficiencies by maximizing resources, allowing consistency in outreach efforts, and preventing duplication of labor. I look forward to continuing working with your city in providing used oil and filter recycling services to our community.

Please contact Recycling Services at (831) 755-8907 should you need further information regarding this program.

Sincerely,

DocuSigned by:

Ricardo Encarnacion

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Ric Encarnacion, REHS, MPH
Bureau Chief, Environmental Health Bureau



Annual Report Summary

Attachment 1

Recipient/Jurisdiction: Monterey County

Status: Open

Fiscal Year: 2022-23

Program Advisor: Batavia, Ashraf

Oil Collection Type	Oil (Gallons)	Oil Filters
Certified Collection Centers	100,445	
PHHW and ABOPS	25,110	6,840
Agricultural Collection	50,375	25,750
Residential Collection	17,359	6,315
Marinas	1,370	500
Oil Collection Total:	194,659	39,405

Expenditures

PAYMENT NUMBER : OPP12-21-0251

	AVAILABLE BALANCE	56,048.11
Administration	Indirect / Overhead Cost	8,356.73
	Personnel	4,508.91
Collection	Curbside (allow resident	5,338.50
	Permanent HouseHold Haza	26,719.94
Education	DMV Ads	5,850.00
	Other	715.55
Materials/Construction	Oil Absorbent Rags/Socks	1,758.48
	Oil Tanks	2,800.00
	REMAINING BALANCE	0.00

PAYMENT NUMBER : OPP13-23-0251

	AVAILABLE BALANCE	96,136.00
Administration	Indirect / Overhead Cost	4,597.30
	Personnel	10,187.17
Collection	Curbside (allow resident	5,757.25
	Permanent HouseHold Haza	24,715.48
Education	Other	821.36
Materials/Construction	Oil Tanks	4,491.74
	REMAINING BALANCE	45,565.70

Theme: One of the main activities of the Used Oil Program is to promote/increase used oil filter collection. What activities did you conduct to increase used oil filter collection?

The County of Monterey Used Oil and Filter Recycling Program provides outreach and education to residents of Monterey County on how to recycle used oil and filters. During the 2022 calendar year Monterey County Environmental Health (MCEH) placed electronic and radio advertisements, conducted site visits to local Certified Collection Centers (CCC's) and continued to cover the cost of used oil and filter hauling for garbage and recycling haulers, agricultural and marine centers. The program also continues to cover the cost of maintenance and repairs of oil tanks at various oil collection sites.

o Paid for advertisements at CA DMV – Salinas location that ran from April through December 2022.

o Paid for 170 – 15 second radio ads both in English and Spanish radio iHeart Radio on the Total Traffic & Weather Network focusing on the residential and curbside collection programs. Advertisements are played on KDON 102.5, KION 101.1FM, KOCN 105.1, KTOM 92.7 and La Preciosa KPRC.

Staff post information on recycling used oil and filters via Instagram and the County website.

Conducted 29 site visits to Certified Collection Centers.

Did you increase or decrease used oil and filter collection compared to last year? How much and why?

Used oil collection increased in Monterey County in 2022 with a significant increase in used filter collection compared to 2021. The significant increase in filter collection could be the cause of the following:

- Salinas Valley Recycles submitted their used oil and filter collection from DIYers.
- Haulers also improved their tracking of filter collection and submitted their data to the County of Monterey when requested.

The total gallons of used oil collected in 2022: 194,659 gallons. This was a 7% increase compared to the prior year.

The total number of used oil filters collected in 2022: 39,405 filters. This was a 31% increase compared to the prior year.

Oil Collection at CCC's increased by 6%. Filters data is not accurate, no data was provided. MCEH staff would like to know how to obtain the filter data collected by the CCC's so that it can be incorporated in the report.

Collection at PHHW/ABOP's increased by 175% for used oil and 204% in filter collection. The increase of both oil and filters collected is mainly because the staff was able to obtain data from Salinas Valley Recycles HHW collection sites. Information on HHW disposal is listed on Monterey County's website as well as the HHW collection sites' webpages. Also, when staff tables at community clean-up events direct outreach on HHW is provided to the public.

Collection at Agricultural Used Collection centers decreased by 18% for used oil and there was no difference in filter collection. Collection at Sturdy Oil continues to be the main collection center for the Monterey County AG program. MCEH staff annually participates in the AG expo as a way to educate small farmers on how to recycle used oil and filters.

Used oil collection for the Curbside program increased by 37% and over 300% for filter collection. MCEH staff placed electronic and radio advertisements for the curbside program. MCEH utilizes Instagram as a platform for outreach. Staff used the manifest data provided by Bayside Oil, our used oil hauler, and contacted the haulers directly to obtain this data.

Marine

Used oil collection at marine centers decreased 54% in used oil collection while filter collection remained the same for both 2022 and 2021.

Were there any program changes from this year to last year?

MCEH continued with filter exchange events as more community clean-up events resumed after taking a pause during the pandemic. There was a total of 6 filter exchange events in 2022, which resulted in 154 new filters for residents that recycled used filters. MCEH also brought back used oil recycling advertisements for CA DMV Salinas location that began in April 2022.

If you dropped a program or method, why do you think it didn't work?

Mainly due to the decrease in grant funding, the County of Monterey put a pause on radio ads as of June 2022 however they will continue in 2023.

What program or method has worked best for you?

Filter exchange events continue to be the best method for providing education and outreach because staff can connect directly with the public and answer questions that might arise.

Did you develop any best practices or techniques to share with other grantees?

Not at this time.

What can CalRecycle do to help you? Or what would you like to see modified to better assist you?

Provide ideas on how to assist certified collection centers that have a problem with illegal dumping of oil/ filters.

While conducting site visits, we noticed that there were a couple of sites that were no longer collecting oil/ filters from the public. How do we remove these sites from the list?

Annual Report Certification

"I certify under penalty of perjury, under the laws of the State of California, that I have read the Oil Payment Program (OPP) Guidelines (Guidelines), that the submitted Annual Report and Expenditure information is correct, and that all funds received under the OPP have been expended in accordance with the Guidelines."



8/11/2023 | 3:11 PM PDT

Signature of Signature Authority (as authorized in Resolution) or Authorized Designee (as authorized in Letter of Designation)

Date

Elsa Jimenez

Print Name

IMPORTANT! Recipient must print out this page, obtain Signature of Signature Authority, upload signed document to the LoGOPP system, and retain the original document in Recipient's cycle file.

City of Carmel-by-the-Sea
DEPARTMENT OF PUBLIC WORKS
POST OFFICE BOX CC
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2070

July __, 2024

Mr. Ric Encarnacion, REHS, MPH
Bureau Chief of Environmental Health Bureau
County of Monterey
1270 Natividad Road
Salinas, CA 93906

Subject: Authorization Letter for the Used Oil Payment Program Cycle 15, FY 2024/25

As the City Administrator of the City of Carmel-by-the-Sea, I am authorized to contractually bind the City of Carmel-by-the-Sea. Pursuant to this authority, I hereby authorize the County of Monterey to submit a regional application and act as Lead Agency for the Used Oil Payment Program Cycle 15 for Fiscal Year 2024/25 on behalf of the City of Carmel-by-the-Sea.

The County of Monterey is hereby authorized to execute all documents necessary to implement the grant under the Used Oil Payment Program Cycle 15 (OPP 15).

For any questions, please contact Mary Bilse, Environmental Programs Manager, at 831-620-2078.

Sincerely,

Chip Rerig
City Administrator
P.O. Box CC
Carmel-by-the-Sea, CA 93921

Cc: Robert Harary, P.E., Director of Public Works
Mary Bilse, Environmental Programs Manager



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

July 9, 2024
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Nova Romero, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2024-058, Authorizing one (1) free use day of the Sunset Cultural Center theater and lobby for Peace of Mind Dog Rescue and the Carmel Dance Festival event "DANCE for the Love of Dogs" in April 2025

RECOMMENDATION:

Adopt Resolution 2024-058, Authorizing one (1) free use day of the Sunset Cultural Center theater and lobby for Peace of Mind Dog Rescue and the Carmel Dance Festival event "DANCE for the Love of Dogs" in April 2025.

BACKGROUND/SUMMARY:

The 2017 Agreement between the City and Sunset Cultural Center, Inc. (SCC) provides that the City shall have the right to use the theater and lobby for up to twelve (12) full days each fiscal year without charge, as long as the spaces have not already been committed to rental customers by SCC.

Executive Summary

Peace of Mind Dog Rescue (POMDR) and Carmel Dance Festival (CDF), two local non-profits, have requested that the City Council grant them one (1) free use day of the Sunset Center for their community event in April 2025 (Attachment 2).

The event, titled "DANCE for the Love of Dogs," aims to celebrate the bond between humans and their canine companions. It will feature professional dancers from Ballare Carmel and is designed to raise scholarship funds for aspiring dancers and help find forever homes for dogs in need.

POMDR, founded in 2009, focuses on helping seniors keep their dogs and facilitating the adoption of senior dogs. CDF, established in 2021, promotes community involvement in dance. Together, they aim to create a memorable and impactful event benefiting both people and animals.

The benefits of this event to Carmel and its neighboring communities are manifold: proceeds from ticket sales will provide scholarships to the CDF Dance & Choreography Fellowship Program. Fund-raising opportunities such as sponsorships and program advertising will be available to participating animal welfare organizations, and the event will spread awareness about pet adoption and inspire individuals to adopt or

volunteer. Additionally, attendees will learn about dance classes and physical fitness opportunities, fostering community cohesion and overall well-being.

Recommendation

Staff requests that Council consider adopting the attached Resolution, which will grant one (1) of the City's Free Use Days of the Sunset Cultural Center Theatre and Lobby for Peace of Mind Dog Rescue and the Carmel Dance Festival event "DANCE for the Love of Dogs" in April 2025.

FISCAL IMPACT:

None for this item.

PRIOR CITY COUNCIL ACTION:

None for this item.

ATTACHMENTS:

Attachment 1) Resolution 2024-058

Attachment 2) POMDR and CDF Request Letter

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2024-058

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING A FREE USE DAY OF THE SUNSET CENTER THEATER AND LOBBY FOR PEACE OF MIND DOG RESCUE AND THE CARMEL DANCE FESTIVAL EVENT "DANCE FOR THE LOVE OF DOGS" IN APRIL 2025

WHEREAS, the City's Amended and Restated Lease Agreement with Sunset Center Cultural Center (SCC), adopted by the City Council on June 6, 2017, stipulates that the City shall have the right to use the Sunset Center theater, lobby and dressing rooms for up to twelve (12) full days (designated in the Lease Agreement as "Free Theater Days") each fiscal year without charge; and

WHEREAS, Peace of Mind Dog Rescue is a local 501c non-profit organization focuses on helping seniors keep their dogs and facilitating the adoption of senior dogs; and

WHEREAS, Carmel Dance Festival is a local 501c non-profit organization that promotes community involvement in dance; and

WHEREAS, Peace of Mind Dog Rescue and Carmel Dance Festival are joining together to hold a community event "DANCE for the Love of Dogs" in April 2025; and

WHEREAS, the event aims to celebrate the bond between humans and their canine companions, featuring professional dancers from Ballare Carmel and is designed to raise scholarship funds for aspiring dancers and help find forever homes for dogs in need; and

WHEREAS, the proceeds generated from the event will go toward scholarships for the Carmel Festival Dance & Choreography Fellowship Program, and spreading awareness about pet adoption; and

WHEREAS, granting Peace of Mind Dog Rescue and the Carmel Dance Festival one of the Sunset Center Free Theater Days will result in significant savings in facility use fees for this organization.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Authorize Peace of Mind Dog Rescue and the Carmel Dance Festival to utilize one of the City's Sunset Center Free Theater Days for their annual spring benefit in April 2025.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of July 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

Thursday, May 16th, 2024

Dear Members of the Carmel City Council:

Peace of Mind Dog Rescue (POMDR) and Carmel Dance Festival (CDF) have united in a collaborative effort to enrich and support the well-being of our community. This endeavor aims to benefit Carmel and its surrounding areas through an engaging, informative, uplifting, and impactful event.

Founded in 2009 by Carie Broecker and Monica Rua, POMDR is a 501C3 organization dedicated to aiding seniors who face challenges in keeping their beloved dogs at home. POMDR also facilitates the adoption of senior dogs in need of new homes. Carie's exceptional work with POMDR earned her recognition as a CNN Hero in 2022.

Similarly, CDF, established in 2021, operates as a 501C3. The organization's vision is to involve our diverse community in experiencing, performing, and embracing dance. Ballare Carmel, the professional dance company affiliated with CDF, has garnered acclaim for its performances at renowned venues such as Sunset Center, Hidden Valley Music Seminars, and Sand Box. Offering classes for all ages and abilities, CDF aims to promote the health and well-being of our community. Lillian Barbeito, a renowned dancer and director, partners with Grant Barbeito, an award-winning photographer and documentarian, in leading CDF.

Together, CDF and POMDR are collaborating on a performance titled "DANCE for the Love of Dogs," featuring professional dancers from Ballare Carmel in pieces dedicated to the canine companions we cherish. While dogs themselves won't perform, their admirable qualities, such as loyalty, playfulness, and humor, will be celebrated through the dances. Every shelter and rescue group in Carmel and neighboring communities will be invited to participate by hosting information booths and sending representatives for the lobby and post-performance gatherings.

The benefits of this event to Carmel and its neighboring communities are manifold: proceeds from ticket sales will provide scholarships to the CDF Dance & Choreography Fellowship Program. Fund-raising opportunities such as sponsorships and program advertising will be available to participating animal welfare organizations, and the event will spread awareness about pet adoption and inspire individuals to adopt or volunteer. Additionally, attendees will learn about dance classes and physical fitness opportunities, fostering community cohesion and overall well-being.

We kindly request your consideration for a free use day of the Sunset Center for our event in April 2025. Please inform us if you require further information.

Thank you for considering our request.

Respectfully,

Carie Broecker
Peace of Mind Dog Rescue
carie@pomdr.org
831.601.4253

Lillian Barbeito
Carmel Dance Festival
lillian@carmeldancefestival.org
310.923.2766



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

July 9, 2024
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Rob Culver, Superintendent, Public Works

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2024-059 approving a list of street projects for Fiscal Year 2024/25 partially funded by SB1: The Road Repair and Accountability Act of 2017

RECOMMENDATION:

Adopt Resolution 2024-059 approving a list of street projects for Fiscal Year 2024/25 partially funded by SB1: The Road Repair and Accountability Act of 2017.

BACKGROUND/SUMMARY:

California charges excise and sales taxes on gasoline and diesel fuel for transportation-related purposes and allocates a percentage of the funding to cities and counties. This funding is known as the Highway Users Tax Account (HUTA), also referred to as the gas tax. Until 2017, the gas tax had not been updated in 23 years, and the State was confronted with a backlog of deferred infrastructure repairs for bridges, freeways, and roads.

In April 2017, the Governor signed Senate Bill 1 (SB 1), the Road Repair and Accountability Act, into law. This legislation addresses road maintenance, rehabilitation, and safety needs of both the State highway system and local streets by increasing the per gallon fuel excise taxes, raising diesel fuel sales taxes, and charging new vehicle fees. SB 1 is estimated to generate \$1.5 billion a year for California cities and counties for street maintenance efforts statewide. Since November 1, 2017, a portion of this new funding, called the Road Maintenance and Rehabilitation Account (RMRA), has been apportioned by formula to eligible cities and counties for local street purposes.

In order for the City to be eligible to receive RMRA funds, the City must:

1. Adopt City budgets that include the proposed SB 1 street projects list.
2. Incorporate the SB 1 project list, including project description, locations, schedule, and estimated useful life, in the Capital Improvement Plan (CIP), and submit the CIP to the California Transportation Commission annually by October 16.
3. Sustain a certain amount of local funding for streets, known as the Maintenance of Effort (MOE).
4. Report on the use of the funds annually.

Public Works has identified the proposed street projects based on the Street Saver Pavement

Management System. In the Fall of 2022 working with the Transportation Agency of Monterey County (TAMC) and their paving consultant, NCE, the City's field condition assessment was reanalyzed, and the updated pavement rehabilitation strategies and cost information were incorporated into the Pavement Management System database.

Used by numerous agencies throughout California, the Street Saver System scientifically optimizes public funds by targeting pavement rehabilitation strategies to roadway segments which are about to slip into rapid decline, rather than allocating dollars to an agency's most damaged pavement sections which will ultimately require more-costly, complete pavement section reconstructions. Public Works staff has slightly modified the Street Saver's recommended roadway segment list due to other planned projects and by grouping similar pavement rehabilitation treatments to further optimize cost-effectiveness.

Formation of the "Conglomerate Paving Project FY 24-25" was formulated as follows:

Due to higher than anticipated construction bids received for the Annual Paving Project for FY 21-22, four additive bid items were not awarded for the construction contract. The bid items were for asphalt overlays along San Antonio Avenue, between Fourth and Ocean Avenues, San Antonio, between Ocean and Eighth Avenues, Monte Verde Street, between Fourth and Ocean Avenues, and along Torres Street, from Second to Fourth Avenues. All four of these bid additives, have a construction cost estimate of \$835,000. All four of these street segments will be included in the Conglomerate Paving Project FY 24-25.

Secondly, the FY 22-23 Concrete Street Repairs Project which for the design is complete is "shovel ready" for construction; however, the construction cost estimate is nearly \$3 million. Therefore, the majority of this project will be shelved until future capital funding becomes available. However, the reconstruction of the San Antonio-Ocean Avenue intersection which has a cost estimate of \$293,000 will be included Conglomerate Paving Project FY 24-25.

In addition, in April 2023, Council adopted a list of streets to be included in the FY 23-24 Annual Paving Project. The City's annual Maintenance of Effort funding (\$674,000 for FY 24-25) leverages external funds via TAMC from Measure X, Gas Tax, SB 1 - the Road Maintenance and Rehabilitation Account (RMRHA), and the Regional Surface Transportation Program (RSTIP). This project included design and construction of asphalt pavement overlays of nine roadway segments, including Upper Ocean Avenue and Santa Lucia Avenue, between Dolores Street and Rio Road, removal of failed pavement sections and providing a slurry seal treatment on 21 road segments predominately in residential neighborhoods, and replacing broken sidewalks with permeable pavers along five road segments in the downtown area.

The project description for "Streets and Road Projects" will include the following lists of streets planned to be partially funded with HUTA and RMRA account revenues:

Resurface the following streets with an asphalt overlay:

1. Ocean Avenue, Carpenter Street to East City Limits
2. Santa Lucia Avenue, Dolores Street to Rio Road
3. Sixth Avenue, Guadalupe Street to Carpenter Street
4. Tenth Avenue, Junipero to Mission Streets
5. San Antonio Avenue, Fourth Avenue to Ocean Avenue
6. San Antonio Avenue, Ocean Avenue to Eight Avenue
7. Monte Verde Street, Fourth Avenue to Ocean Avenue
8. Torres Street, Second Avenue to Fourth Avenue
9. San Antonio Avenue and Ocean Avenue Intersection

Remove sections of failed pavement, and slurry seal the following road segments:

1. Second Avenue, Casanova to Monte Verde Streets
2. Third Avenue, Monte Verde to Dolores Streets
3. Sixth Avenue, Junipero to Torres Streets
4. Sixth Avenue, Monte Verde Street to Lincoln Street
5. Sixth Avenue, Dolores to Mission Streets
6. Dolores Street, Vista to Second Avenues
7. Dolores Street, Fifth to Ocean Avenues
8. Flanders Way, Vizcaino to Crespi Avenues
9. Forest Road, Ocean to Seventh Avenues
10. Guadalupe Street, Second to Third Avenues
11. Guadalupe Street, Fifth to Sixth Avenues
12. Lobos Street, First to Second Avenues
13. Mission Street, Ocean to Eighth Avenues
14. Monte Verde Street, Second to Fourth Avenues
15. Monterey Street, North End to Second Avenue
16. Perry Newberry Way, Fourth to Sixth Avenues
17. Pine Ridge Way, Forest Road to Turn Around
18. Santa Fe Street, Third to Fourth Avenues
19. Santa Rita Street, North City Limits to Mountain View Avenue
20. Torres Street, North of Eleventh Avenue
21. Vizcaino Avenue, Mountain View Avenue to Flanders Way

Remove broken areas of concrete, asphalt, and brick sidewalks, and replace with permeable pavers, where needed, along the following street segments:

1. Junipero Street – west side, Sixth to Ocean Avenues
2. Northwest Corner – Dolores Street and Seventh Avenue
3. Northwest Corner – Dolores Street and Sixth Avenue
4. Sixth Avenue – south side, Mission to Junipero Streets
5. Southeast Corner – Dolores Street and Ocean Avenue

Install ADA-compliant ramps at intersections and modify drainage as required. Restore traffic striping and pavement markings as indicated on the plans, and provide landscaping and/or trees to supplement the project.

Note: Currently, costs of roadway materials and construction labor are highly erratic due to construction labor shortages, busy contractors, supply chain issues, and inflation. Therefore, it is unknown at this time which, and to what extent, the above list of streets can be repaired. Further, local engineering design firms are facing staffing shortages and backlogs of work, leading to project delays. However, bundling similar projects with the same, or similar, pavement resurfacing treatments (asphalt overlays and slurry seals), will stretch the limited available funding in a cost-effective manner.

The useful life of the repaired road segments will depend on the pavement rehabilitation method selected for each street. An asphalt overlay may extend the useful life of the residential and collector streets by 20 to 25 years, and arterials (Ocean Avenue) by 15 to 20 years. A slurry seal may have a useful life of 5 to 10 years.

The design of this project is currently in design and anticipated to begin with construction in the fall of 2024, following the busy summer season."

FISCAL IMPACT:

The City is estimated to receive a total of \$445,944 in FY 2024/25 from the following sources, via TAMC:

No.	Funding Source	Estimated Amount
1	Measure X	\$238,421
2	Highway Users Tax (Gas Tax)	\$88,746
3	SB 1 - RMRA	\$81,920
4	Regional Surface Transportation Program Fair Share (RSTP)	\$36,857
Total		\$445,944

These amounts will be shown as revenue in the City's budget for FY 2024/25 and allocated to the street paving project within the Capital Projects Fund.

In order to receive this funding, the City must annually expend from its General Fund for street purposes, an amount not less than the annual average of its expenditures of the past three (3) fiscal years. This amount is known as Maintenance of Effort (MOE). Based on the most recent available information, the City's MOE for FY 2024/25 is \$674,279 This figure will be included in the City's Capital Improvement Plan for FY 2024/25.

The total Project funding is estimated to be \$2,810,000.

The program-level cost estimates for the various components of the Projects are tabulated below:

No.	Component	Budget
1	Engineering & Design	\$180,000
2	Pavement Overlays (9 Streets)	\$1,150,000
3	Slurry Seals (21 Streets)	\$860,000
4	Sidewalk Repairs (5 Locations)	\$152,000
5	ADA ramps, bike & pavement markings, drainage, trees/ landscape	\$187,000
6	Contingency 10%	\$281,000
Total		\$2,810,000

PRIOR CITY COUNCIL ACTION:

In April 2023, Council adopted Resolution 2023-033, approving a list of streets to be paved in FY 2023/2024 partially funded by SB1: The Road Repair and Accountability Act of 2017.

ATTACHMENTS:

Attachment 1) Resolution 2024-059

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO 2024-059

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
APPROVING A LIST OF STREETS TO BE RESURFACED IN THE FISCAL YEAR 2024/25
CAPITAL IMPROVEMENT PLAN AND BUDGET PARTIALLY FUNDED BY SB 1: THE ROAD
REPAIR AND ACCOUNTABILITY ACT OF 2017**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Carmel-by-the-Sea are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated total of \$81,920 in RMRA funding in Fiscal Year 24/25 from SB 1; and

WHEREAS, this is the eight year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone a robust public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS, the City has used a Pavement Management System (StreetSaver) to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City overlay approximately nine road segments, slurry seal approximately twenty-one road segments, and repair sidewalks at five locations, as well as similar projects into the future; and

WHEREAS, the 2023 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in fair but at-risk condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a satisfactory condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY DECLARE:

1. The foregoing recitals are true and correct.
2. The following list of street and sidewalk projects will be funded in-part with Fiscal Year 2024/25 Road Maintenance and Rehabilitation Account revenues:

Resurface the following streets with an asphalt overlay:

1. Ocean Avenue, Carpenter Street to East City Limits
2. Santa Lucia Avenue, Dolores Street to Rio Road
3. Tenth Avenue, Junipero Street to Mission Street
4. Sixth Avenue, Guadalupe Street to Carpenter Street
5. San Antonio Avenue, Fourth Avenue to Ocean Avenue
6. San Antonio Avenue, Ocean Avenue to Eight Avenue
7. Monte Verde Street, Fourth Avenue to Ocean Avenue
8. Torres Street, Second Avenue to Fourth Avenue
9. San Antonio Avenue and Ocean Avenue Intersection

Remove sections of failed pavement, and slurry seal the following road segments:

1. Sixth Avenue, Junipero Street to Torres Street
2. Sixth Avenue, Monte Verde Street to Lincoln Street
3. Dolores Street, Vista to Second Avenue
4. Dolores Street, Fifth Avenue to Ocean Avenue
5. Flanders Way, Vizcaino Avenue to Crespi Avenue
6. Forest Road, Ocean Avenue to Seventh Avenue
7. Guadalupe Street, Second Avenue to Third Avenue
8. Guadalupe Street, Fifth Avenue to Sixth Avenue
9. Lobos Street, First Avenue to Second Avenue
10. Mission Street, Ocean Avenue to Eighth Avenue
11. Monte Verde, Second Avenue to Fourth Avenue
12. Monterey Street, North End to Second Avenue
13. Perry Newberry Way, Fourth Avenue to Sixth Avenue
14. Pine Ridge Way, Forest Road to Turnaround
15. Santa Fe Street, Third Avenue to Fourth Avenue
16. Santa Rita Street, North City Limits to Second Avenue
17. Second Avenue, Casanova Street to Monte Verde Street
18. Sixth Avenue, Dolores Street to Mission Street
19. Third Avenue, Monte Verde Street to Dolores Street
20. Torres Street, 285" North of Eleventh Avenue to Eleventh Avenue
21. Vizcaino Avenue, Mountain View Avenue to Flanders Way

Remove broken areas of concrete, asphalt, and brick sidewalk, and replace with permeable pavers, where needed, along to following street segments:

1. Junipero Street, West Side, Sixth Street to Ocean Avenue
2. Dolores Street/Seventh Avenue, north west corner
3. Sixth avenue, North Side, Lincoln Street to Dolores Street
4. Sixth Avenue, South Side, Mission Street to Junipero Avenue
5. Dolores Street/Ocean Avenue, south east corner

Install ADA-compliant ramps at intersections and modify drainage as required. Restore traffic striping and pavement markings as indicated on the plans.

Note: Currently, costs of roadway materials and construction labor are highly erratic due to construction labor shortages, contractor availability, supply chain issues, and inflation. Therefore, it is unknown at this time which, and to what extent the above list of street can be repaired. Further, local engineering firms are facing staffing shortages and backlogs of work, leading to project delays and higher costs. However, bundling similar projects with the same, or similar, pavement resurfacing treatments (asphalt overlays and slurry seals), will stretch the available funding in a cost effective manner.

The useful life of the repaired road segments will depend on the pavement rehabilitation method selected for each street. An asphalt overlay may extend the useful life of residential and collector streets by 20 to 25 years, and arterials by 15 to 20 years. A slurry seal may have a successful life of 5 to 10 years.

This project is currently in design and is anticipated to begin with construction in fall of 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of July, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

July 9, 2024
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Paul Tomasi, Chief of Police & Public Safety Director

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2024-060 accepting a \$9,800 donation from Community Emergency Response Volunteers (CERV) for the purchase of a Community Emergency Response Team trailer

RECOMMENDATION:

Adopt Resolution 2024-060 accepting a \$9,800 donation from Community Emergency Response Volunteers (CERV) for the purchase of a Community Emergency Response Team trailer.

BACKGROUND/SUMMARY:

Community Emergency Response Volunteers (CERV) is donating a check to the Carmel Community Emergency Response Team (CERT) for the purchase of an emergency response trailer in the amount of \$9,800. CERV was awarded the money through a grant by the Carmel Rotary. The City's policy C89-41, Acceptance of Donations and Gifts to the City, requires City Council to accept all gifts in excess of \$500 by resolution of the City Council. The money, if accepted will be deposited into the Carmel Police Department Donation Account: 101-000-00-36230 and used to purchase a Carmel CERT emergency response trailer and equipment.

FISCAL IMPACT:

None

PRIOR CITY COUNCIL ACTION:

None

ATTACHMENTS:

Attachment 1) Resolution 2024-060

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2024-060

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA ACCEPTING A \$9,800 DONATION FROM COMMUNITY EMERGENCY RESPONSE VOLUNTEERS (CERV) FOR THE CARMEL COMMUNITY EMERGENCY RESPONSE TEAM (CERT) PURCHASE OF A TRAILER

WHEREAS, The Community Emergency Response Volunteers (CERV) was awarded a grant through the Carmel Rotary in the amount of \$9800; and

WHEREAS, CERV wishes to donate the money to the Carmel Community Emergency Response Team (CERT) for the purchase of an emergency response trailer; and

WHEREAS, the City's Policy C89-41, Acceptance of Donations and Gifts to the City, requires the City Council accept all gifts in excess of \$500 by resolution of the City Council.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Accept the \$9,800 donation from CERV and authorize it to be deposited into the Carmel Police Department Donation Account, 101-000-00-36230.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of July, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

July 9, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Chip Rerig, City Administrator
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive a report from the Police Building Ad Hoc Committee, and provide direction on authorizing Indigo/Hammond+Playle Architects to proceed with schematic design concepts for the Police Building Project.

RECOMMENDATION:

Receive a report from the Police Building Ad Hoc Committee, and provide direction on authorizing Indigo/Hammond+Playle Architects to proceed with schematic design concepts for the Police Building Project.

BACKGROUND/SUMMARY:

In December 2022, the Police Department Ad Hoc Committee was developed to reengage the Police Building Project that had previously been adopted as a Capital Improvement project in 2017, and subsequently placed on hold in 2020 due to the Coronavirus Pandemic.

In June 2023, Council awarded a professional Services Agreement with Indigo/ Hammond+Playle Architects (Indigo) for \$300,000 to provide the following services:

1. Condition assessment report
2. Space programming report
3. Two design schematics
4. Final Report with cost estimates and schedules

In January 2024, after multiple meetings, the Ad Hoc Committee presented the results of the building condition assessment, the Police Department programming effort, and recommended next steps to the City Council at a public meeting. At this meeting a decision was made by Council to halt the project until there was more information provided to the public and the public had sufficient opportunity to review project needs and justification.

Over the last 6 months, the Ad Hoc committee has held multiple public listening sessions, conducted three public tours of the existing facility and one tour of the new Salinas Police Facility. The Ad Hoc Committee and the participants in the community meetings agree that the time has come for the City Council to make a decision and remobilize the project development effort.

Following the most recent public listening session on June 6th, the Ad Hoc Committee is unified in their desire to move a project forward to improve the Police Building. However, the two members are currently split in their recommended approach for how to move the project forward. Taking into consideration the Ad Hoc Committee's recommendation(s) below, the full Council should provide direction to staff regarding the next steps in the Police Building Project. Specifically, Council is being asked whether to authorize Indigo/Hammond+Playle to proceed in one of two directions:

1. Focus efforts on the current building only, and prepare schematic design concepts for the Police Building Project Options #1 & #2 (both at existing site), or;
2. Prepare a schematic design concept for Police Building Project Option #3 (Vista Lobos) in addition to either one or both of Police Building Project Options #1 & #2.

Here is a summary of each Police Building Project Option:

Option #1: Rehabilitate and expand the existing building on-site to accommodate the pragmatic functions of a contemporary police building.

Option #2: Demolish and rebuild the existing Police Building including the space used by Public Works and rebuild a structure that can meet the needs of a contemporary police facility and accommodate the Public Works Department.

Option #3: Explore the feasibility of building a police facility on a new site. Including this option would provide an additional cost analysis for comparison of the three options and help in the consideration of a final project.

All three options were presented as staff recommendations to the Council in the January 8, 2024 Council Meeting.

The Ad Hoc Committee members will be prepared to discuss considerations related to both approaches with the full Council.

FISCAL IMPACT:

Council appropriated \$3,239,000 in Fiscal Year 2023/24 for this Capital Improvement Project. The current unencumbered balance is approximately \$2,600,000.

Approximately \$599,020 has been expended or encumbered as follows:

- Indigo/Hammond & Playle Architects = \$300,000
- 4Leaf Project Management = \$129,780
- Electrical Panel repairs = \$54,000
- Dispatch Room essential renovation = \$16,000
- Electrical Repairs in Dispatch = \$41,360
- Security System repairs = \$28,730
- IT Cabling repairs = \$20,650
- Steel Fire Doors repairs = \$5,000
- Roof leaks repairs = \$3,500

Additional Schematic Design Cost

The current contract with Indigo/Hammond+Playle includes two (2) schematic designs to be produced, at the cost of \$50,000 each. This cost would stay the same regardless of which two schematic designs are

produced. If Council wishes to have a third schematic design produced, the additional cost would be \$50,000.

PRIOR CITY COUNCIL ACTION:

December 2022, the Ad Hoc Committee of Mayor Potter and Councilmember Baron was created to develop a set of recommendations on the way forward.

June 2023, Council approved a Professional Services Agreement with Indigo Architects to assess the current building condition, develop the recommended program for a modern Police facility, and develop concept designs for 2 options.

January 2024 Study Session, Council received public comments and requested staff to pursue moving forward with the architect on schematic designs, subject to Council approval of a resolution.

ATTACHMENTS:



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 9, 2024
ORDERS OF BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Emily Garay, Administrative Analyst

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Receive a presentation on the exploration of street addresses, to be discussed, and provide staff with direction

RECOMMENDATION:

Receive a presentation on the exploration of assigning street addresses in the City of Carmel-by-the-Sea. Consider and provide direction on the Ad Hoc Committee's recommendation to move forward with the assignment of street addresses in the City of Carmel-by-the-Sea and to create an implementation plan and return to City Council no later than September 2024.

BACKGROUND/SUMMARY:

On October 4, 2022, the City Council received a presentation from staff regarding preliminary research and historical context on street addresses. The research included consideration by Council and residents in the past and the presentation of a "white paper" (**Attachment 1**). The focus was on the City's intention to not implement door-to-door mail delivery and maintain the downtown post office operational for the community. Staff continued research into street addresses with a recognition and emphasis on the topics of exploring street addresses and at-home/door-to-door mail delivery as two separate issues, with the intention of only exploring implementation of street addresses, not at-home/door-to-door mail delivery. A critical element identified by staff was the need for an official response from the USPS on whether implementing a street address system would compel mail delivery and/or result in the closure of the downtown post office.

At Council's direction, staff diligently pursued further research into the process and requirements of implementing a street address system. With efforts including:

- Addressing questions posed by City Council members and community members.
- Gaining a thorough understanding of USPS processes and policies.
- Establishing more consistent communication lines with USPS representatives.
- Engaging with the USPS Address Management System Manager assigned to our district, (CA-Dist. 3), for guidance and clarification of the process.

Ad Hoc Committee

On November 7, 2023, the Mayor formed an Ad Hoc Committee dedicated to researching the street address system exploration, requirements, and implementation. Since its formation, the Ad Hoc Committee

aligned its focus and research on addressing key questions posed by Councilmembers and the community regarding street address implementation.

Questions Researched

Staff and the Ad Hoc Committee aligned its research to answering the following questions:

1. Will street address implementation trigger at-home mail delivery?
2. Can a hybrid system be implemented?
3. Can the City definitively say the downtown post office will not close?
4. Does CA Fire Code compliance require the City to have street addresses?
5. How does street address implementation enhance public safety for Carmel-by-the-Sea?

1. Will street address implementation trigger at-home mail delivery?

No, street address implementation in the City of Carmel-by-the-Sea will not trigger at-home mail delivery.

Based on research and direct engagement with the US Postal Service (USPS), staff and the Ad Hoc Committee determined that implementing a street address system will not trigger at-home mail delivery. This conclusion was reached after reviewing the USPS Policies and Operations Manual (**Attachment 2**), consulting with the USPS Growth Manager and Address Management Systems Manager, and direct correspondence between Councilmember Ferlito and the USPS (**Attachment 3**).

In the correspondence between Councilmember Ferlito and the USPS Address Management Systems Manager, the USPS replied, “local post office will not close; mail delivery system will remain as is...[and] yes, the USPS is the authority for street address systems. Other entities and mailers use our mailing products to determine valid addresses.” Staff research and conversations with the Address Systems Manager clarified that while the USPS will not take any proactive action to relay any new address systems to third parties or companies, the USPS database is one the most widely used databases from which other parties, institutions, and companies gather public address information from.

2. Can a hybrid system be implemented? (similar to other cities and towns with addresses and PO Box mail delivery)

Yes, a hybrid system can be implemented. The USPS requirements for a street address system can be reviewed in **Attachment 4**.

A street address system implementation would result in a hybrid model for Carmel-by-the-Sea; community members would still use their PO Boxes for mail delivery (“centralized mail delivery” at the downtown post office) while having assigned street addresses, without at-home mail delivery. This hybrid system is used in other cities and towns such as Lake Arrowhead, La Granada, and San Juan Bautista.

3. Can the City definitively say the downtown post office will not close?

No, the City cannot definitively state or guarantee that the downtown Post Office will never close.

Staff research and the Ad Hoc Committee’s discussions with USPS officials, along with the existing infrastructure at the downtown post office, indicate a positive outlook for its continued operation.

4. Does California Fire Code compliance require the City to have street addresses?

Yes, in order to be in compliance under the California Fire Code, the City shall have street addresses and street address numbers with visible house numbers/building numbers, visible from the street.

As a matter of public safety, the California Fire Code provides standards to protect and promote public and community safety. Research and discussions among staff from multiple departments including the Director

of Public Safety/Police Chief Tomasi, Fire Chief Miller, Building Official Laurie, and City Attorney Pierik, have concluded that street addresses and address identification numbers in the City of Carmel-by-the-Sea are required for compliance under the California Fire Code and as a significant tool for public safety.

The CA Fire Code section on Address Identification (Section 505.1) reads (emphasis added):
New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). *Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.* Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. *Address identification shall be maintained.*

In reviewing the possibility of exceptions or amendments to the California Fire Code, the City Attorney and Director of Planning and Building concluded that a city, in its adoption of the California Fire Code into its Building Code, may amend the Fire Code regulations, but those amendments may only, “establish more restrictive building standards, including, but not limited to, green building standards, reasonably necessary because of local climatic, geological, or topographical conditions.” Building and Fire Code Standards, as identified above in Section 505.1, describe the base requirements, including buildings being provided with approved address identification, numbers legible and visible from the street, with specific size and visibility requirements to facilitate emergency response and that address identification shall be maintained. A description of Parcel location relative to the nearest cross-street intersection that is in use today would likely be considered to be less restrictive than the Fire Code requirements for street addresses. For more information on the California Fire Code and Building Code, see **Attachment 5**.

5. How is the assignment of street addresses essential for public safety in the City of Carmel-by-the-Sea?

Staff, the Ad Hoc Committee, Chief Tomasi, and Fire Chief Miller discussed the effects, challenges, workarounds, and training that goes into training Fire and Police staff for emergency responses in the City. While the Police, Ambulance, and Fire departments make concerted efforts to train emergency response personnel to work within the current non-confirming descriptive address system to provide the highest level of safety service to the community, some emergency personnel such as AMR ambulance services, who respond to 15-20% of medical emergencies in the City, are not as familiar with the current system and may cause delays in response times to provide essential aid. In an emergency situation in which CAL Fire or FEMA personnel may be a part of the response team, the current descriptive system could pose challenging for quick and essential response times.

PD Chief Tomasi explained,

Monterey Fire, Cal Fire, AMR, and Monterey County OES responses are handled by Monterey County Dispatchers. Only, the Fire Dispatcher has the mapping system for the City, which is how this group would respond to a call in our City.

Monterey Fire (our Fire Department) has a very good understanding of our mapping system to locate our addresses because of the volume and regularity of call responses. The other groups are more infrequent and therefore don't have a full grasp of our addressing system. This is where we should be most concerned. A slow response by AMR, who responds to about 15-20% of our medical emergencies is an important concern and should be highlighted.

Another major concern is our County Emergency Notification System, an address-based notification system. We can only send alerts by zip code where other agencies can be more neighborhood specific. Right now, every time we send an alert message it goes to everyone in 93921. Consider the challenges we have faced for Missing Adults, or major incident notifications, where we cannot identify specific areas and have to notify everyone in 93921.

Other Considerations:

Residents and community members have communicated to Councilmembers and staff various hindrances and inconveniences as a result of not having a verifiable physical street address. Extended wait times for financial institution verification processes, lost or undeliverable packages, utilities set-up delays, etc. can affect everyday life and cause inconveniences but certain inconveniences may rise to a public health and safety issue when they fall in the realm of prescribed medication delivery or delivery of essential medical equipment.

Staff's presentation to City Council will include an explanation of its research and recommendation regarding California's Fire Code and Building Code as it relates to street addresses, the research and replies from the USPS Address Management Systems Manager, how it enhances public safety, and seek direction from City Council on whether to move forward with street addresses implementation by initiating and engaging in the established process with the local USPS Growth Manager or whether to conclude its research and maintain the status quo of not having a street address system in the City. If staff is directed to move forward, staff will return to Council with a road map and timeline for community engagement and outreach for the process.

FISCAL IMPACT:

N/A

PRIOR CITY COUNCIL ACTION:

On October 4, 2022, Council gave direction to staff to continue to do research on the topic and confirm if implementing a street address system will require mail delivery service.

On November 7, 2023, Council received a presentation on staff's research and the Ad Hoc Committee for street address exploration was formed.

ATTACHMENTS:

Attachment 1) Street Addresses White Paper

Attachment 2) Chapter 63 Sections 631.1-643.1 USPS Postal Operations Manual (POM)

Attachment 3) USPS Correspondence

Attachment 4) USPS Addressing Conventions

Attachment 5) Carmel-by-the-Sea Mail - Fwd_ CA building codes

Attachment 6) Questions from City Council and Community Members

**ADMINISTRATION DEPARTMENT
CITY OF CARMEL-BY-THE-SEA**

TO: Chip Rerig, City Administrator and Maxine Gullo, Assistant City Administrator

FROM: Emily Garay, Administrative Analyst

DATE: September 16, 2022

SUBJECT: Street Addresses in the City of Carmel-by-the-Sea

SUMMARY

In its 106-year history, Carmel-by-the-Sea has not implemented a formal street address system. Tradition and preservation of the City's charm, unique look, and culture have been at the forefront of its governing body and residents' preference in the past to reject implementing a street addressing system have maintained the absence of house street numbers until this day. Based on community feedback and the placement of street addresses on City Council's 2022-2023 priority project list, City staff presents historical context, residents' and Council's approach in consideration of street addresses in the past, and reasons to reconsider the issue out of contemporary necessity. With the presentation of its preliminary research, City staff looks for direction from City Council on how to proceed with the topic of street addresses in Carmel-by-the-Sea.

BRIEF HISTORY TIMELINE

- 1888** Santiago Duckworth begins promoting "Carmel City" as a (Catholic) retreat
- 1892** Santiago Duckworth works with Abbie Jane Hunter to promote Carmel-by-the-Sea
- 1902** Partners J. Franklin Devendorf and Frank Powers form the Carmel Development Company and begin to develop Carmel-by-the-Sea
- 1904** The City gets its first Post Office; L.S. Slevin becomes the first Postmaster of Carmel-by-the-Sea; **A.F. Horn** was the first mail-carrier between Carmel and Monterey
- 1916** City of Carmel-by-the-Sea was incorporated
- 1925** Postmaster asks for houses to be numbered
- 1925** Citizens form resolution against houses being numbered
- 1925** Trustees direct house numbering map to be prepared
- 1926** Trustees pass house numbering ordinance (Ord. 68)
- 1926** Postal inspector rejects idea of home mail delivery in Carmel
- 1940** House number ordinance repealed (by Ord. 228)
- 1953** Council protests potential state bill for house numbers
- 1953** Carmel threatens to secede from the state of California when the state considered insisting on house numbers in every community
- 2000** Council receives staff report and votes to table discussion on street delivery
- 2021** Council and staff discuss the need to start discussion and process related to assigning addresses

BACKGROUND

Carmel's Beginnings

In 1888, Santiago J. Duckworth acquired 324 acres from landowner Honor Escolle with the intention of developing Carmel City into a Catholic summer retreat.¹ Duckworth had the land surveyed by Monterey city engineer, W.C. Little and a map of the City was filed in May of 1888.² Little's map divided 135 blocks into four tracks and Duckworth began advertising lots for sale in July of 1888 for \$20.00 and \$25.00 for corner lots.³ Working with San Francisco businesswoman Abbie Jane Hunter, Duckworth continued advertising the lots for sale and in 1892 Hunter mailed promotional postcards advertising the City as "Carmel-by-the-Sea" for the first time.⁴ By late 1892, Duckworth prioritized his political aspirations and consequently ending his involvement with the promotion and development Carmel-by-the-Sea.

Carmel Development Company

In 1901, "two far-seeing idealistic men", James Franklin Devendorf and Frank Powers arrived in Carmel City and soon purchased Escolle and Duckworth's land holdings in the City.⁵ The pair founded the Carmel Development Company in 1902, with Powers providing financial backing and legal work and Devendorf managing the company and development of the land.⁶ They were "lovers of natural beauty and it meant more to them to get settlers who were interested in its preservation than to seek profitable expansion."⁷ Devendorf and Powers envisioned a unique community next to the Pacific Ocean, "a seaside town on Carmel Beach in the pine forest alongside Carmel Mission."⁸

Devendorf and Powers have long been considered the visionaries that developed the land in Carmel-by-the-Sea and along with it built a unique make up of residents with a penchant for the outdoors and community involvement. They sought to bring in residents "of small means who were interested in the arts", the makeup of the residency was integral to Devendorf's vision, so much so that the company sold lots for "nothing down, pay-when-you-can" to artists and performers wanting to live in Carmel-by-the-Sea.⁹ After a devastating earthquake and fire in San Francisco "left a group of artists, writers, and musicians homeless...many of them decided to settle in Carmel...their coming was set the future for the development of Carmel as a cultural

¹ "Carmel-by-the-Sea Historically Speaking...", *Game & Gossip Magazine*, December 7, 1966, 8-10.

² Ibid.

³ Ibid.

⁴ Harold Gilliam, Ann Gilliam, *Creating Carmel: The Enduring Vision*, (Salt Lake City: Peregrine Smith Books, 1992) 16, 185-186.

⁵ "Unlike Most Subdivisions – Carmel Was Not Started as a Place to Make Money," *Monterey Peninsula Herald*, August 27, 1949.

⁶ Harold Gilliam, Ann Gilliam, *Creating Carmel: The Enduring Vision*, (Salt Lake City: Peregrine Smith Books, 1992) 16, 185-186.

⁷ "Unlike Most Subdivisions – Carmel was Not started as a Place to Make Money," *Monterey Peninsula Herald*, August 27, 1949.

⁸ James Franklin Devendorf to School Teachers of California and other Brain workers at in-door employment, Carmel-by-the-Sea, May 21, 1903.

⁹ "First Subdivision Map for Carmel Filed in 1902," *Monterey Peninsula Herald*, June 1, 1970.

community inhabited by persons of vision who wished to preserve the natural beauty of their surroundings and the unique charm of a village in a forest above a white sand beach.”¹⁰

City of Carmel-by-the-Sea

The City of Carmel-by-the-Sea was incorporated in 1916, the same year voters chose members of the City’s first governing body.¹¹ That first governing body focused on framing laws to protect the new City of Carmel-by-the-Sea with special attention to the protection of City trees.¹² Political and cultural battles between residents and a growing business presence were common for years, the need to preserve the culture and character of Carmel-by-the-Sea was a driving motivation for residents and elected trustees. In 1929, a zoning law was passed stating that “business development should forever be subordinate to the residential character of the community,” still a concept today guarded deeply by residents and the City’s governing body.¹³ The uniqueness and charm of Carmel has been credited to resident and its governing body for preserving that vision of a town in a pine forest, after incorporation there was the notion that “Carmel belonged to the people...it was theirs to develop as they saw fit” with some wanting to keep Carmel “a simple village with as few earmarks of a city as possible.”¹⁴ The concept of preserving the City’s character, with that 1929 ordinance, can be lauded as the impetus for Carmel keeping residential streets free of sidewalks, street lights, no “high rise buildings to mar the outline of these pines against the sky,” forbidding of neon signs, and no street addresses or mailboxes lining the streets.¹⁵

Street Addresses

Walking down almost any street within the one-square-mile of Carmel-by-the-Sea something becomes obvious, there are no street addresses. There are no numbers on the exterior walls of houses, no displayed numbering system identifying a particular house or building. The absence of street addresses is perhaps more obvious when one attempts to have their GPS route their car to a particular house or building in Carmel-by-the-Sea. Modern GPS systems do not recognize the “descriptive” street addresses that Carmel-by-the-Sea residents use to identify their house; a mobile phone or car’s GPS will not recognize “Monte Verde 3 SE of Ocean”. Even though GPS devices do not recognize the descriptive street addresses residents use, residents and business owners often use signs to make their house or building identifiable by someone on the street. The signs in front of houses with a particular phrase, “name” of the house, or residents’ last names are also something that becomes obvious to anyone walking a residential street in Carmel-by-the-Sea. The topic of the City adopting a formal addressing system has been considered before and met with varying degrees of opinions, such as former mayor and trustee Perry Newberry

¹⁰ Marjory Lloyd, “The History of Carmel,” *The Carmel Pine Cone*, February 3, 1975.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Carol Card, “Memory Lane Through The Years With Ocean Avenue,” *The Carmel Pine Cone*, April 8, 1949.

¹⁵ Marjory Lloyd, “The History of Carmel,” *The Carmel Pine Cone*, February 3, 1975.

("arguably [Carmel's] best known, and certainly most outspoken, citizen") firmly against numbering houses and keeping Carmel-by-the-Sea "different from every other small town."¹⁶¹⁷

Throughout its history in consideration of street addresses Carmel-by-the-Sea residents and its governing body have responded with varied support or opposition to implementing street addresses. In 1926, City trustees passed an ordinance for house numbering of Carmel-by-the-Sea properties.¹⁸¹⁹ The ordinance made it unlawful for the owner of any real property in the City to "maintain any house, building, or structure...without posting securely...visible to passerby...a number plate showing in legible figures the number of said premises."²⁰ The ordinance was passed by a unanimous vote but the City did not implement or enforce the posting of house numbers, in 1940 the house number ordinance was officially repealed.²¹ In 2002, when the issue of mail delivery was at the center of attention, Council Member Barbara Livingston advocated to pass an ordinance to "specifically ban street addresses."²² In its 106 year history, Carmel-by-the-Sea has not assigned or displayed street addresses, it is one of the more unique attributes of the City that has been considered for discussion throughout the years. The issue of street addresses was brought up again in the July 2021 City Council meeting with Council Members stating a "need to start the discussion and process relating to assigning addresses."²³

Carmel-the-Sea has not always been alone in not implementing street addresses after seemingly most of the country adopted a numbering address system. Until the early 2000's, some rural towns in West Virginia remained without street addresses with a house numbering system only instituted in 2001 based in the concept of security and referred to as the "911 addressing system."²⁴ In places like McDowell County, West Virginia, residents picked up their mail at the local post office and had Amazon packages delivered to City Hall or the local bank.²⁵ Unsurprisingly, not everyone wanted a house number assigned to their property, some residents expressed not necessarily wanting to be "found" or that they did not mind their current workarounds in not having a street address as it had become a part of everyday life.²⁶ The need to be findable in emergencies proved a crucial aspect in implementing a house numbering system with accounts of firefighters' "chaotic attempts to locate frantic callers who can't give an address."²⁷

¹⁶ Neal Hotelling, "Perry Newberry's final editorial is unfinished," *The Carmel Pine Cone*, February 14, 2020.

¹⁷ Neal Hotelling, "For a successful, thoroughly modern city, don't vote for Perry," *The Carmel Pine Cone*, February 7, 2020.

¹⁸ Carmel-by-the-Sea, Cal., Ord. 68.

¹⁹ Ordinance 68 stated, "house numbering system for the City of Carmel-by-the-Sea is hereby adopted as and for the house-numbering Map Book of said City."

²⁰ Carmel-by-the-Sea, Cal., Ord. 68 §2.

²¹ Carmel-by-the-Sea, Cal., Ord. 228.

²² Kevin Howe, "Carmel Residents Adapt to Mail Delivery," *The Carmel Pine Cone*, March 29, 2002.

²³ Carmel-by-the-Sea City Council Regular Meeting, July 6, 2021.

²⁴ Anton Tantner, *House Numbers* (London: Reaktion Books, 2005), 28.

²⁵ Deirdre Mask, "Where the Streets Have No Name," *The Atlantic*, January/February 2013.

²⁶ Ibid.

²⁷ Ibid.

Consideration for Street Addresses

As times change, as financial and governmental institutions change their requirements for filing paperwork, as the COVID-19 pandemic spurred a turn to online ordering and delivery of essential necessities, the notion of exploring a street address system has made its way to the City Council's 2022-2023 priority project list. The reasoning behind making this a priority item comes from the changing times and residents expressing difficulties in opening or maintaining financial accounts, securing loans, obtaining a REAL ID Driver's license or passport, activating or changing basic utilities like wireless internet, having packages delivered to the correct house, or being "findable" in an emergency as a matter of public safety. Some Carmel-by-the-Sea residents have expressed frustration with the difficulty in establishing financial accounts or records without a traditional street address to provide to financial institutions who will not accept a PO Box as the address on record. Increased due diligence requirements for United States financial institutions post 9/11 have affected the information financial institutions are required to collect.²⁸ Staying in compliance with federal law requires banks to "collect and verify customer-provided information, such as birth dates, addresses and copies of drivers' licenses or passports."²⁹³⁰ For matters not involving financial records requirements, Carmel-by-the-Sea residents provide new neighbors with workarounds and look out for each other's packages when a new UPS or FedEx driver accidentally delivers a package to the wrong house. The current descriptive address system, the use of unique house "names" on a sign outside of residents' houses, and use of the US Post Office's physical address for vendors that do not ship to PO Boxes can prove to be efficient and straightforward to many Carmel-by-the-Sea residents. The City's proposal of exploring the idea of street addresses for its one square mile is rooted in listening to residents who have exhausted the workarounds and expressed the need to be findable in emergencies, to have an address to which they can reliably receive packages containing medical necessities, and maintain financial affairs in order.

Exploring Street Addresses for Carmel-by-the-Sea, What It Means for the Local Post Office

The City administration recognizes the topics of implementing street addresses and at-home mail delivery as two separate issues with the intention of exclusively exploring consideration of the former. At-home mail delivery for all residents in Carmel-by-the-Sea by the US Postal Service is not an action City staff will advocate for or pursue with the possible implementation of street addresses. The local post office has a long history in Carmel-by-the-Sea as being a local hub to where residents can make a daily visit to check their PO boxes, pick up packages from the friendly faces at the counter who many residents know by name, and catch up with other neighbors making the visit that day. Carmel-by-the-Sea's downtown post office is one of about 4,400 independent post offices in the United States that do not have carrier delivery and not a status the City wants to change.³¹ City staff has established a line of communication with the Carmel Postmaster and plans to continue the discussion and communication of the City's hardline stand

²⁸ Richard Newman, "9/11 and Patriot Act Changed the Way You Bank", APP, September 8, 2016, <https://www.app.com/story/money/business/main-street/2016/09/08/911-patriot-act-banks/90003828/>.

²⁹ Ibid.

³⁰ Section 312 and Section 326 of the USA PATRIOT Act required financial institutions to establish heightened due diligence and verification of identification procedures.

³¹ Patricia Lee Brown, "Fighting for a Carrier-Free Zone," *The New York Times*, September 6, 2000.

of not wanting at-home mail delivery for Carmel-by-the-Sea and maintaining the downtown post office open and operational.

Tradition Considered in Street Address Project Exploration

Since Duckworth's arrival and later Devendorf and Powers' visionary development of the City of Carmel-by-the-Sea, the absence of street addresses has been intentional. Throughout its 106-year history, the City and its residents have expressed a sense of pride in the idiosyncrasies that make Carmel-by-the-Sea unique and unlike any other, at the center is often the storied absence of street addresses within the City limits. Changing the longstanding tradition is not an idea to take lightly as plenty of Carmel-by-the-Sea residents have expressed in the past, stating "we don't like numbers on our homes, neon signs, and we like to get our mail at the post office."³² With attention to tradition, the challenges that come with the absence of street addresses should be weighed against the changing world and the need for street addresses for ease-of-access to essential necessities and public safety issues identified by Carmel-by-the-Sea residents.

FUTURE CONSIDERATIONS

Priorities in exploring a street address development process would include ensuring and maintaining the downtown post office in operation, a clear stand against implementing at-home mail delivery, and any consideration of street address signs would be subject to specifically developed design standards. Additionally, there is the possible consideration of implementing street addresses solely for purpose of being findable on a map or GPS device without exterior display of house numbers, a choice for residents to decide, or approaching the system with the expectation of design standards-approved street number signs outside every house and building in Carmel-by-the-Sea. At Council's direction, City staff can meet with the Carmel Postmaster, research different options for a street address program, including non-traditional systems of street addressing such as Google Plus codes or varying alpha numeric addressing systems. The implementation of street addresses has been considered by City Council before and with a wide spectrum of opinions on the topic, City staff looks to Council for direction to begin exploring a street address implementation process or maintain the status quo.

³² Frank Bruno, "Whither the Carmel post office?," *The Carmel Pine Cone*, July 5, 1973.



Postal Operations Manual

Issue 9

July 2002

The Postal Service's Transformation Plan serves as a blueprint to the activities we are pursuing to enable us to carry out our long-standing mission of providing affordable, universal service to the people of America. Many of the subjects covered in the *Postal Operations Manual* are also the subject of strategies discussed in the Transformation Plan. It is more important than ever that each of us be aware of the latest policies, regulations, and procedures that affect postal operations so that we can effectively implement the elements of the Transformation Plan. This latest revision of the *Postal Operations Manual* will help you do that.

- A. Purpose.** The *Postal Operations Manual* (POM) sets forth the policies, regulations, and procedures of the Postal Service governing retail, philatelic, collection, mail processing, transportation, delivery, and vehicle operations.
- B. Explanation.** Issue 9 is a complete revision. It replaces Issue 8 and contains all of the revisions to the manual published in the *Postal Bulletin* from July 30, 1998, through July 11, 02. In addition, new language has been added where appropriate. Recycle Issue 8.
- C. Summary of Changes and Change Bars.** The Summary of Changes contains a description of the changes made to the manual since Issue 8. A change bar (a vertical line in the margin) signals that the adjacent text has been revised.
- D. Forms Index.** In the Forms Index, each form mentioned in the manual is cross-referenced to each section that contains a reference to that form. By using the Forms Index, if you know the title or number of a form, you will be able to find each section of the manual that contains a reference to that form.
- E. Distribution.** This revision is being distributed to all Postal Service facilities. If you need additional copies, please use the following procedures:
 - **Touch Tone Order Entry (TTOE):** Call 800-332-0317, choose option 1, then option 2.
 - You must be registered to use TTOE. To register, call 800-332-0317, choose option 8, extension 2925, and follow the prompts to leave a message (wait 48 hours after registering before you place your first order).
 - **E-mail:** Complete PS Form 7380, *MDC Supply Requisition* (manually or by F3Fill), and send it as an attachment to the e-mail address *MDC Customer Service* or to mcustome@email.usps.gov.
 - **Mail:** Mail a completed PS Form 7380 to the MDC at the following address:
SUPPLY REQUISITIONS
MATERIAL DISTRIBUTION CENTER
500 SW GARY ORMSBY DR
TOPEKA KS 66624-9702

F. Sale to the Public. Nonpostal users should write or call:

PUBLIC ORDERS
MATERIAL DISTRIBUTION CENTER
500 SW GARY ORMSBY DR
TOPEKA KS 66624-9702

TELEPHONE: 800-332-0317

G. Comments and Questions. If you cannot find or do not understand certain material or discover that topics were omitted, send a memorandum outlining the problem through management channels to:

ATTN POSTAL OPERATIONS MANUAL
POLICIES AND PROCEDURES INFORMATION
US POSTAL SERVICE
475 L'ENFANT PLAZA SW RM 5540
WASHINGTON DC 20260-5540

H. Effective Date. This manual is effective July 02.



Azeezaly S. Jaffer
Vice President
Public Affairs and Communications

prompt corrective action after being properly notified, the postmaster may, with the approval of the district manager, withdraw delivery service.

623.22 **Delivery to Mailbox Inside of a Screen or Storm Door**

These mailboxes must meet the following requirements:

- a. When the box is inside a screen or storm door, the door must be left unlocked; otherwise, the box should be located outside the door or a slot should be provided in the outer door.
- b. When porches are screened in or enclosed by other material, and are used as living or sleeping quarters, the screen or storm door is considered the entrance door to the house. In these cases, notify the customers that they must place their mail receptacle outside the door or provide a slot in the door.

623.3 **Safety or Security**

Delivery service may be suspended when there is an immediate threat (including, but not limited to, threats due to loose animals) to the delivery employee, mail security, or postal property. Suspension of service should be limited to an area necessary to avoid the immediate threat. Postmasters should request corrective action from responsible parties and restore normal service as soon as appropriate.

623.4 **Travel Obstructions**

Persons responsible for road maintenance must be notified of road conditions obstructing the delivery of mail. If repairs are not made promptly, service may be withdrawn with the approval of the district manager. Resume service as soon as the road conditions are improved.

623.5 **Vacant Delivery Points**

The Postal Service may withdraw delivery service to vacant delivery points. A vacant delivery point is a delivery point where responsible personnel are aware the delivery point has been unoccupied for a period longer than ninety (90) consecutive days.

63 Modes of Delivery, Mail Receptacles, and Keys

631 **Modes of Delivery**

631.1 **General**

The Postal Service-approved modes of delivery available for all existing delivery points, including newly established and extensions of delivery points, are in [631.24](#). Centralized delivery is the preferred mode of delivery for all new residential and commercial developments. Curbside, sidewalk delivery, and door modes are generally not available for new delivery points, with very rare exceptions, as determined by the Postal Service in its sole discretion, on a case-by-case basis. The characteristics of the area to be served and the methods deemed necessary to provide adequate service by the Postal Service are described in greater detail throughout this section.

631.2 **Centralized Delivery (Preferred Mode)**

Centralized delivery service is the preferred mode of delivery and may be provided to call windows, horizontal locked mail receptacles, cluster box units (CBUs), wall-mounted receptacles, or mechanical conveyors (mechanical conveyors are only for high-rise and multiple-tenant buildings, and only if certain conditions are met; consult your postmaster for details).

- a. *Delivery requirements:* CBUs and USPS STD 4C (wall-mounted) equipment may be approved for use at one or more centralized delivery points in a residential housing community or business location. The local postal manager or District designees must approve the mailbox sites and type of equipment. Boxes must be safely located so that customers are not required to travel an unreasonable distance to obtain their mail and to provide sufficient access to mailbox locations. Normally, it is appropriate for the receptacle to be within one block of the residence.
- b. *Centralized delivery addresses:* Centralized delivery mail receptacles (including USPS STD 4C equipment and CBUs, delivery centers, and postal centers) must be identified by the same addresses as the dwellings for which they serve as mail receptacles. The respective, conforming addresses should be displayed inside the boxes and visible only to the carrier and customer when accessing that receptacle. USPS does not assign addresses; however, the sequential ordering of any centralized delivery equipment is subject to USPS approval for operational efficiency and to accommodate special circumstances or requests for hardship delivery. For security or privacy, mailer associations or customer groups may use another alphanumeric identification system on the outside of receptacles that is not part of, or used in, the mailing address.

631.21 **Curbside Delivery**

Delivery may only be provided to boxes at the curb with prior approval from the Postal Service, and so long as they can be efficiently, safely, and conveniently served by the carrier from the carrier's vehicle, and so that customers have reasonable and safe access. Mail receptacles must be grouped two to a property line, where possible.

631.22 **Sidewalk Delivery**

Sidewalk delivery may be provided to boxes located near the public sidewalk, only with prior approval from the Postal Service. Options and requirements for sidewalk delivery, as directed by the Postal Service, are as follows:

- a. If the sidewalk abuts the curb or if other unusual conditions exist (e.g., excessive street parking) that make it difficult or impractical to install or serve boxes at the curblane, customers in these situations may be permitted to install all their boxes at the edge of the public sidewalk nearest the residence, where they can all be served by a carrier from the sidewalk.
- b. If the average lot frontage is 50 feet or less, the boxes must be located so that the carrier can serve them from the sidewalk. The boxes are not required to be grouped together.

- c. If the average lot frontage is over 50 feet and does not exceed 75 feet, the boxes must be installed in groups of at least two.
- d. If the average lot frontage exceeds 75 feet, CBUs must be installed.

631.23 **Door Delivery**

Door delivery may be provided to boxes located at or near the door of a business or residential delivery point, or through a door slot, only with prior approval from the District Manager, and only if the box or mail slot can be efficiently, safely, and conveniently served by the carrier.

Door delivery will not be available for new delivery points, except in very unusual circumstances as determined by the Postal Service in its sole discretion.

631.24 **Newly Established or Extended Delivery Points**

631.241 **General**

Newly established or extended business or residential customers must request and receive approval of the delivery location and mode of delivery from the local Postmaster or District designees. These deliveries will not receive mail delivery service until the mail receptacles are installed and the units and locations are approved by local postal management. Options and requirements for modes of delivery are directed by the Postal Service.

631.242 **Newly Established or Extended Centralized Delivery Points (Preferred Mode)**

Centralized delivery is the preferred mode for new or extended business or residential delivery points, with very rare exceptions, as determined by the Postal Service in its sole discretion, on a case-by-case basis (see [631.1](#)). The mail receptacle and location of the delivery point(s) are approved by local postal officials in advance of the occupancy of the residence, business, or other site associated with the delivery point.

631.243 **Newly Established or Extended Sidewalk or Curbside Delivery Points**

Sidewalk or curbside delivery is permitted for new or extended business or residential delivery points, only with prior approval from the Postal Service. The mail receptacle and location of the delivery points are approved by the local District Manager in advance of the occupancy of the residence, business, or other site associated with the delivery points.

631.244 **Newly Established or Extended Door Delivery Points**

Door delivery will not be available for new delivery points, except in unusual circumstances as determined by the Postal Service in its sole discretion. Approval for newly established or extended business or residential door delivery points must come from the Area Vice President or designee. The Area Vice President must report the number of granted requests for newly established or extended business or residential door delivery points to Headquarters Delivery or its designee quarterly.

631.3 **Business Areas**

The type and design of buildings govern the mode of delivery to be implemented; the location of USPS-approved delivery equipment is subject to Postal Service approval. Centralized delivery is the preferred mode of delivery for new delivery points, with very rare exceptions, as determined by the Postal Service in its sole discretion, on a case-by-case basis. Modes of delivery are described below:

- a. *Centralized Delivery.* Centralized delivery service is for all business office buildings, office complexes, and industrial/professional parks. This may include call windows, horizontal locked mail receptacles, cluster box units (CBUs), wall-mounted receptacles, or mechanical conveyors (mechanical conveyors are only for high-rise and multiple-tenant buildings, and only if certain conditions are met; consult your postmaster for details).
- b. *Single Point Delivery.* Where an exception to [631.1](#) has been granted by the District Manager or District designee, and subject to Area approval, single-point delivery (door, curbside, or sidewalk) may be provided for single points, receptacles, or door slots provided by business management.
 - (1) If there is an elevator and if the offices are open to receive mail on all normal service days, or if door slots are provided, delivery may be authorized to all floors of office buildings.
 - (2) If there is no elevator, delivery is provided to the first floor, either to a centralized location as prescribed in [631.2a](#), or, where exceptions have been granted, to single points located on the first floor and to the second floor if it is occupied primarily by business offices and when such service is requested.

631.4 **Residential Housing (Except Apartment Houses and Transient Mobile or Trailer Homes)**

The available options for residential areas, aside from apartment houses, transient mobile or trailer homes, colleges and universities, and other sites are covered under part [615](#). Delivery mode options are constrained by USPS policies and procedures, in light of the characteristics of the area to be served and the methods needed to provide adequate service. Centralized delivery is the preferred mode for new delivery points. Curbside, sidewalk delivery, and door modes are generally not available for new delivery points, with very rare exceptions, as determined by the Postal Service, in its sole discretion, on a case-by-case basis (see [631.1](#)).

631.5 **Exceptions**

631.51 **Extension of Service Within an Existing Block**

New deliveries built or established within a block of existing deliveries can only receive the same type of service as the older deliveries, subject to Postmaster approval and after consideration of Postal Service operational efficiencies. When new development replaces more than one block, delivery methods must comply with mode of delivery options for establishment and extension of delivery service.

631.52 Hardship Cases

Procedures and guidelines for changes in delivery in hardship cases are as follows:

- a. Changes in the mode of delivery authorized for a delivery point are considered where service by existing methods would impose an extreme physical hardship on an individual customer. Any request for a change in delivery mode must be submitted in writing.
- b. Approval of these requests should be based on humanitarian and not economic criteria; however, rural delivery customers requesting a hardship extension must also meet current criteria for extension of rural delivery service (see [653](#)). Each request for a change in delivery service should be evaluated based on the customer's needs; a request should not be denied solely because of increased operational costs or because a family member or other party may be available to receive mail for the customer.
- c. If the local postmaster denies a request, the request must be sent to the district for review. The final decision is made by the district manager.
- d. If a customer no longer requires a variation in the type of delivery service, mail service must be restored to the mode of delivery in effect in the area.
- e. Hardship requests must be renewed annually by the customer and approved by the Postmaster.

631.53 Local Ordinances

If a customer chooses not to erect a curbside box because of a local, city, county, or state ordinance prohibiting the installation of mailboxes at the curb, the delivery options in establishments and extensions are as follows:

- a. *Centralized Delivery Service.* See [631.2](#).
- b. *Post Office Box or General Delivery Service.* Post Office Box or general delivery service may be provided at the nearest postal facility where carrier delivery emanates, or where may be otherwise available to a customer.

631.54 Apartment Houses**631.541 General**

Delivery of mail to individual boxes in a residential building containing apartments or units occupied by different addressees is contingent upon USPS concluding the following requirements are met:

- a. The building contains three or more units (above, below, or behind — not side by side) with:
 - (1) A common building entrance such as a door, a passageway, or stairs; and
 - (2) A common street address (some part of the address is shared) approved by local or municipal authorities.
- b. The installation and maintenance of mail receptacles are approved by the Postal Service.

- c. Each apartment is provided one box, including that of any resident manager or janitor, unless the management has arranged for mail to be delivered at the office or desk for distribution by its employees.
- d. The grouping of the boxes for the building is at a single point readily accessible to the carrier.

Note: The tenant's correct mailing address is the address of the entrance at which the mail receptacles are located, and should include the apartment number or designated mailbox number.

631.542 **Exceptions**

Delivery of mail to individual boxes in multiple residential buildings containing apartments or units occupied by different addressees is contingent upon USPS concluding the following requirements are met:

- a. If more than one such building in an apartment house complex has the same approved common street number, delivery of mail to individual boxes is contingent on the grouping of all the boxes for the common street number at a single point readily accessible by the carrier even though some boxes may serve residents in more than one building.
- b. If such a building has more than one entrance, delivery of mail to receptacles grouped at more than one entrance is contingent on each entrance to which delivery is made serving three or more apartments or flats and the assignment, by local or municipal authorities, of a different street number to each such entrance.
- c. When new apartments are being erected or existing ones remodeled, postmasters will inform builders and owners of these regulations' requirements and will provide appropriate advice and inspection to ensure that safe and durable receptacles are properly located and installed in conformance with regulations. Postal Service-approved parcel lockers may be used with approved mail receptacles.

631.55 **Mobile or Trailer Homes**

631.551 **Options**

The delivery options for mobile or trailer home developments depend on Postal Service determination of whether the development is permanent or transient.

631.552 **Permanent Developments**

Permanent developments consist of managed mobile home parks or residential mobile home subdivisions where the lots are permanently assigned, the streets are maintained for public use, and the conditions resemble those of a residential subdivision. For permanent developments, the delivery options are either central, curbside, or sidewalk delivery, as directed by the Postal Service, see [631](#).

a. *Central Delivery*

- (1) Delivery service may be provided to a single point or receptacle designated by local management for the receipt of mail and distribution by its employees.

- (2) Delivery service may be provided to one or more central points for the direct receipt of mail by postal customers within the area. The requirements for such central delivery are as follows:
 - (a) Local Postal Service managers must approve the mailbox sites and equipment.
 - (b) Customers must not be required to travel an unreasonable distance to obtain their mail, and reasonable access must be provided to the equipment location.
- b. *Curbside Delivery.*
 Delivery service may only be provided to boxes at the curb, as directed by the Postal Service, so that they can be served efficiently, safely, and conveniently from the carrier's vehicle and give customers reasonable and safe access. Mail receptacles may be grouped two to a property line where possible.
- c. *Sidewalk Delivery*
 - (1) If the sidewalk abuts the curb or other unusual conditions exist (e.g., excessive street parking) that make it difficult or impractical to install or serve boxes at the curbline, customers with these situations may install boxes at the edge of the sidewalk nearest the residence where they can all be served by the carrier from the sidewalk.
 - (2) In such conditions, if the average lot frontage is 75 feet or less, the sidewalk boxes are not required to be grouped together; if the average lot frontage exceeds 75 feet, the sidewalk boxes must be installed in groups of at least two.
 - (3) If the average lot frontage is 50 feet or less, customers may be permitted to locate all their mailboxes at the edge of the sidewalk nearest the residence rather than at the curb, regardless of whether the sidewalk abuts the curb or other unusual conditions exist. All the boxes must be located so the carrier can serve them from the sidewalk.

631.553 **Transient Developments**

Transient developments are mobile home, trailer, and recreational vehicle parks where the lots are temporarily occupied or rented and considered transient, short-term, or seasonal, even though some families may live in them for extended periods. For these developments, the only option is delivery to a single point or receptacle designated by park management and approved by local Postal Service managers for the receipt of all mail and subsequent distribution or mail forwarding by employees of the park. This method is also available for permanent developments.

631.6 **Colleges and Universities**

631.61 **Administration Buildings**

Mail is delivered to principal administration buildings. Mail undeliverable as addressed or not addressed to a specific building is delivered to the main administration building office for further handling. At larger universities, mail is delivered to the different departments, colleges, faculty buildings, or

principal campus structures, such as the Chemistry Building, Engineering Building, and so forth, provided that mail is addressed accordingly and volume warrants such delivery. Delivery is not to be made to individual offices within buildings.

631.62 **Dormitories or Residence Halls**

Mail is delivered to dormitory buildings and residence halls when addressed to a specific building. Mail is delivered in bulk to a designated representative of the school or property, who then becomes responsible for further distribution to students and residents. Postal Service personnel do not distribute mail into apartment-type mailboxes for dormitories or residence halls.

A dormitory building or residence hall often consists of single or multi-room units that may share or have access to centrally located kitchens, bathrooms, showers, or social or common areas. Whether located on or off campus, and regardless of private ownership, such buildings are nevertheless dormitory buildings or residence halls and the building owner or operator is responsible for the final delivery of student mail.

Where no affiliation with the school is established, the Postal Service determines the proper mode of delivery to be established based upon the totality of the circumstances, and may require that designees from the property be identified to accept mail for each location prior to initiating delivery. In making such a determination based upon the totality of the circumstances, the Postal Service weighs the following, among other considerations:

- a. The nature of the leases offered by the property (e.g., whether the leases' starting month corresponds to academic semesters or other school-related schedules and whether the lease term is for a period of less than one year).
- b. Whether the leases are generally for a bedroom within a multi-bedroom unit or for the entire unit and the scope of the lessee's liability in case of default.
- c. The Postal Service's treatment of similarly situated properties.
- d. The property's proximity to the school.
- e. External information furnished by the school and/or by local government, including any pertinent zoning classification.
- f. Whether the property is primarily marketed to students.
- g. The residency turnover rate.
- h. Amenities catering to student populations.
- i. Any other relevant factor.

631.63 **Married Student Housing**

Apartments and housing units for married students are often complete quarters consisting of a living room, kitchen or dinette, bedroom (s), and bath. Whether located on or off campus, and regardless of ownership, the apartment mail receptacle requirements in [631.54](#) apply.

631.64 Fraternity and Sorority Buildings

Deliver mail in bulk to a common mailbox or to a representative of the organization if addressed to a specific building.

631.65 Parcels

Deliver parcels in the same manner as other ordinary mail matter.

631.66 Forwarding of Mail

Forwarding mail for former students and for current students during the summer and vacation periods is the responsibility of the institution or building owner, except where delivery to respective apartment receptacles is being provided to married housing. Encourage school officials to include mail forwarding, proper mail addressing, and other related postal features in general instructions to students.

631.67 Noncity Delivery Offices

Where city delivery service is not established, students may obtain Post Office Box service, use general delivery, or the institution may arrange to pick up the mail in bulk and make its own distribution and delivery.

631.7 **Conversion of Mode of Delivery**

In this section, *conversion* refers to changing existing mail delivery to a more economical and efficient mode. The key to converting existing deliveries is identifying those deliveries that are most costly to the Postal Service.

Delivery managers can go into any delivery territory where delivery has been established for over 1 year and solicit to convert the mode of delivery if it would be cost beneficial to the Postal Service.

Postmasters may establish a mixed delivery area where in-growth or extensions of service within a block compel a change in modes of delivery for newly constructed or renovated delivery points. This policy applies to both residential and business delivery locations. When a residence is sold, the mode of delivery cannot be changed arbitrarily prior to the new resident moving in. The existing mode of delivery must be retained absent an agreement otherwise. If an owners' association or property management company represents the property or the community, it may request a change in the mode of delivery on behalf of the community or property. In rental areas, such as apartment complexes and mobile home parks, the owner or manager may request a conversion on behalf of the apartment complex, mobile home park, or other rental property. Approval is at the sole discretion of the Postal Service. Delivery will begin only after the approval of a mail receptacle and its location by the local Postmaster.

Where there is no homeowners' association or other property management company with authority to request a conversion on behalf of the owners, residents, or the community, customer signatures must be obtained prior to any conversion. In single-family housing areas (including manufactured housing and mobile homes) where the residences and lots are owned, each owner must agree to the conversion in writing. Owners who do not agree must be allowed to retain their current mode of delivery.

When a residence is sold, the mode of delivery cannot be changed arbitrarily prior to the new resident moving in. The existing mode of delivery must be retained absent an agreement otherwise. If an owners' association represents the community, it can direct the mode of delivery for the community. In rental areas, such as apartment complexes and mobile home parks, the owner or manager can approve a conversion.

631.8 **Correction of Improper Mode of Delivery**

631.81 **General**

In the event an improper mode of delivery is established or extended by a postal carrier or manager, the service will be withdrawn with a thirty (30) day advance notice to the affected customer(s), provided that the error is detected and the customer is notified within one (1) year. If the error is not detected and the customer is not notified within one (1) year of the date delivery is established or extended, the improper service remains in place unless the customer consents to the delivery mode change or a delivery point with improper modes of delivery in a vacant delivery is first identified during the vacant period per section [623.5](#). When the new customer(s) in

these vacant deliveries are identified by Postal Service management and informed (within the first 30 days of occupancy) that the current mode of delivery was established incorrectly and will need to be corrected.

For purposes of clarity, note that the one (1) year time period described above is not intended to apply to section 631.62, which prescribes the delivery methods appropriate to dormitory buildings or residence halls. For such properties, an improper mode of delivery may thus be withdrawn at any time upon a thirty (30) day advance notice to the property owner or manager and affected customer(s).

631.82 **Refusal by Customer**

If a customer refuses to accommodate the Postal Service's delivery mode determination by refusing to provide an approved mail receptacle or permit the Postal Service to install its own, General Delivery service may be provided at the nearest postal facility where the carrier delivery emanates or where may be otherwise available to the customer.

631.9 **Military Installations**

631.91 **Family Housing**

Delivery to family housing on military installations is effected in accordance with [611](#), [64](#), [65](#), or [66](#), whichever is appropriate.

631.92 **Other Services -Agreement With the Military**

Other services are provided to military installations in accordance with Publication 38, *Postal Agreement with the Department of Defense*, signed on February 21, 1980, reprinted in pertinent part:

III. POLICY

- A. The Military Postal Service is operated as an extension of the United States Postal Service® as authorized by 39 U.S.C. 406.
- B. The Department of Defense and the Postal Service agree to attempt to furnish mail service to the military equal to that provided the civilian population in the United States.
- C. The Department of Defense and the Postal Service affirm the importance of the national goal of energy conservation, and both parties resolve to minimize energy expenditure while conducting military postal operations.

IV. RESPONSIBILITIES

- A. The Department of Defense agrees to:
 - 1. Maintain and operate military Post Offices in support of Armed Forces operations and personnel at locations outside the United States, or inside the United States where the military situation requires;
 - 2. Ensure that each military Post Office that provides postal financial or accountable mail services or exchanges incoming and outgoing mail directly with carriers is supervised by at least one qualified, on-site military member of the Armed Forces;

3. Administer the military postal service in accordance with the law, with policies and regulations of the Postal Service, and with consistent implementing directives of the Department of Defense;
 4. Arrange with foreign governments to permit military Post Offices to be established and military postal operations to be conducted in foreign countries;
 5. Furnish information required by the Postal Service to provide efficient postal services to authorized personnel and units;
 6. Establish and operate mail control activities at principal locations used by the Postal Service to receive and dispatch military mail and to provide information to distribute and dispatch military mail and to provide information for overseas and maneuver forces, ships, and other mobile units;
 7. In time of war or national emergency, assist or supplement Postal Service operation of bulk mail centers, postal concentration centers, and airport mail facilities;
 8. Establish and operate mail control activities at military aerial ports to receive outgoing military mail from the Postal Service for dispatch via military air transport and to receive incoming military mail via military air transport for entry into civilian postal channels;
 9. Conduct postal finance services at military Post Offices, to include selling stamps and stamped paper; issuing domestic money orders; cashing money orders, when feasible; and providing Certified Mail, Insured Mail, and Registered Mail services. Remittances to the Postal Service shall be in dollars in the amounts required by the schedule of rates, fees, and charges provided by postal regulations;
 10. Make periodic audits and inspections of military Post Offices.
- B. The United States Postal Service agrees to:
1. Provide postal services for the Armed Forces at locations inside the United States, including the establishment of civilian Post Offices on military installations and the usual postal finance, mail handling, and carrier delivery and collection consistent with United States postal laws and regulations, normal standards of the Postal Service, and changing military requirements;
 2. Establish and operate postal concentration centers, as needed, for the concentration, sorting, and delivery or dispatch of military mail in accordance with requirements of the Department of Defense;
 3. Process military mail in an expeditious manner while efficiently separating mail for the Armed Forces prior to delivery or dispatch;

4. Furnish information to the Department of Defense to permit proper routing of military mail prior to its entry into civilian postal channels;
5. Authorize the establishment of military Post Offices as branches of designated civilian Post Offices;
6. Extend stamp credits from designated civilian Post Offices to postal finance offices and other custodians of postal effects;
7. Assist the Department of Defense by informing postmasters and the public of proper addressing practices, applicable restrictions, and other military mail matters of interest.

V. ADMINISTRATION

- A. The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) shall serve as the point of contact with the United States Postal Service and shall implement and administer this agreement for the Department of Defense. The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) may enter into supplemental agreements with the United States Postal Service as may be necessary to carry out the purposes of this agreement.
- B. The Senior Assistant Postmaster General, Operations Group, shall serve as point of contact with the Department of Defense and shall implement and administer this agreement for the United States Postal Service. The Senior Assistant Postmaster General, Operations Group, may enter into supplemental agreements with the Department of Defense as may be necessary to carry out the purposes of this agreement.

VI. REVIEW AND AMENDMENT

- A. This agreement may be amended at any time by mutual agreement. It shall be renewed every five years by the Department of Defense and the Postal Service.

SUPPLEMENTAL POSTAL AGREEMENT: ADMINISTRATIVE DETAILS

I. TRANSPORTATION

- A. The Department of Defense agrees to arrange for military mail transportation from overseas postal facilities to commercial or military terminals in the United States and between military postal activities within overseas areas.
- B. The Postal Service agrees to:
 1. Arrange for military mail transportation to overseas postal facilities from commercial terminals in the United States and make transportation arrangements when the postal services of another country are required. However, this does not preclude military departments from making direct arrangements for the transportation of military mail to or between designated overseas points on a short-term basis when operational requirements dictate.

2. Provide inbound and outbound mail transportation between the postal concentration centers and military or commercial air or surface carriers.
3. Transport mail between civilian Post Offices on military installations and the receiving or dispatching Postal Service facility.

II. PERSONNEL

A. The Department of Defense agrees to:

1. Appoint mail clerks and issue them uniform identification cards.
2. Assign only qualified personnel to duties in military Post Offices, mailrooms, mail control activities, and other postal facilities. No persons convicted of a crime involving theft or moral turpitude or disciplined for any action reflecting unfavorably upon their integrity shall be assigned to postal duties. Those having a history of psychiatric disorder, alcoholism, or drug abuse may be so assigned if medical evidence of current good health, sufficient to meet published Postal Service standards, is available. This does not preclude the Department of Defense from establishing requirements that are more stringent than the published Postal Service standards.

III. EQUIPMENT

A. The Postal Service agrees to:

1. Provide equipment and furniture necessary for the operation of civilian Post Offices located on military installations.
2. Furnish equipment and supplies for use in military Post Offices. Equipment shall be new or serviceable and shall be issued in accordance with mutually determined issuance standards. Supplies and accountable equipment shall be furnished without charge. Nonaccountable equipment shall be furnished on a reimbursable basis beginning in FY 82.
3. Repair equipment for which it has a unique capability.

B. The Department of Defense agrees to transport such equipment between the continental United States and the overseas destination.

IV. DELIVERY

A. The Department of Defense agrees to:

1. Decline to accept collect on delivery mail for delivery at military Post Offices.
2. Deliver mail to personnel in a temporary duty status, in training, and where delivery requirements exceed Postal Service standards.
3. Deliver accountable mail, delivery of which is restricted by the sender, through mail clerks, only upon the written authorization of the addressee when it is impracticable for

the addressee to accept delivery in person at the civilian Post Office.

B. The Postal Service agrees to:

1. Neither accept nor forward to military Post Offices any collect on delivery mail.
2. Provide delivery service on military installation in the United States commensurate with the delivery service that would be provided for civilian communities of comparable characteristics. Postal Service criteria shall be used in considering extensions of mail service. Mail to principal administrative buildings or commands shall be delivered in bulk. The Postal Service agrees to also provide the mail in bulk to personnel and basic units in a transient or temporary duty status of 180 days or less. Where criteria will not allow free delivery service to be established or extended, the Postal Service agrees to provide the mail for individuals in bulk to basic units. However, in locations with adjacent civilian communities having delivery service, the Postal Service agrees to submit proposals to the Department of Defense to furnish service to groups of receptacles consistent with mutually agreed criteria and funding.
3. Deliver accountable mail addressed to military personnel, at military installations served by civilian Post Offices, to the addressees or mail clerks upon proper receipt.

V. CLAIMS

A. The Department of Defense agrees to:

1. Assume financial liability, under military claims procedures, for loss, damage, theft, wrong delivery, or rifling of accountable mail after receipt from or prior to delivery to a civilian or military Post Office by a mail clerk employed by the Department of Defense.
2. Reimburse the Postal Service for claims submitted by the Postal Service for the value of postal effects embezzled or lost through negligence, errors, or defalcations while in the possession of military Post Office personnel. Reimburse the Postal Service for claims paid by the Postal Service for losses of accountable mail through negligence, errors, or defalcations while in the possession of military Post Office personnel.
 - a. To be reimbursable, claims must be submitted within one year from discovery of the loss by the Postal Service.
 - b. In all just and expedient cases, the military departments may request the Postal Service to take action under 39 U.S.C. 2601(a)(3) to adjust, pay or credit the account of a Military Post Office, Postal Finance Officer, Military Postal Clerk, Financial Postal

Clerk, Custodian of Postal Effects, or persons acting in those capacities for any loss of Postal Service funds, papers, postage, or other stamped stock or accountable paper, under the same standards as such credit is granted to Postal Service employees.

- B. The Postal Service agrees to relieve custodians of postal effects of responsibility for the amount of the invoice of any shipment of stamps or stamped paper lost in transit as a result of casualty.

VI. LOGISTICAL AND ADMINISTRATIVE SUPPORT

A. The Department of Defense agrees to:

1. Furnish adequate facilities for civilian Post Offices located at military installations solely in support of the installation's mission. Utilities and local telephone service shall be furnished on a reimbursable basis beginning FY 82.
2. Offer billeting and meals to civilian Post Office employees who work at military installations on the same basis as those offered to Department of Defense civilian employees.
3. Issue invitational travel orders for Postal Service representatives who, at the request of the Department of Defense, are assigned to perform inspections, investigations, or audits of overseas military postal operations.

B. The Postal Service agrees to:

1. Reserve the right to discontinue civilian Post Offices on military installations where existing conditions endanger the health, safety, or welfare of its employees.
2. Furnish office space for related military mail terminals, fleet Post Offices, or liaison units at postal concentration centers.

VII. AUDITS AND INSPECTIONS

A. The Department of Defense agrees to:

1. Assist Postal Service representatives in surveying, inspecting, and auditing military postal operations.
2. Conduct surveys, inspections, investigations, and audits of Department of Defense postal facilities and operation as needed to verify that accountable postal effects are on hand and properly protected, that all revenue due the Postal Service is being collected and properly accounted for, and that the service rendered is efficient and in accordance with Postal Service and Department of Defense regulations.

- B. The Postal Service agrees to assign Postal Inspectors or other representatives of the Postal Service, as practicable, to conduct surveys, inspections, investigations, and audits of military postal operations to assure that efficient postal service is maintained.

VIII. MAIL SORTATION

- A. Except in time of war or other emergency as determined by the Secretary of Defense, the Postal Service agrees to:
 - 1. Sort mail for overseas forces in fixed base units to the 5-digit Army Post Office/Fleet Post Office ZIP Code separation. Mail for ships and other mobile units shall be sorted to the mobile unit by ZIP Code or name when warranted. Mail for maneuver forces, air groups, submarine groups, units in transit or temporary duty status for 180 days or less, and other similar units shall be separated in accordance with the needs of the Department of Defense. The Department of Defense agrees to develop mail routings for all of the above mail and provide the routing instructions to the postal concentration centers of the Postal Service.
 - 2. Sort mail for the forces at installations in the United States where delivery receptacles are not provided to basic military units or numbered boxes in groups of approximately 200, so far as practicable and mutually agreeable to the Postmaster and military authorities concerned.
- B. In time of war or other emergency as determined by the Secretary of Defense, the Postal Service agrees to:
 - 1. Allow the Department of Defense to control ZIP Code assignment to all military units.
 - 2. Specify jointly with the Department of Defense the sorting of mail for overseas forces and forces at installations in the United States.
- C. Postal Service criteria shall be used to assign ZIP Codes to military installations in the United States.
- D. The Department of Defense and the Postal Service agree to cooperate in the assignment and use of overseas ZIP Codes.
 - 1. Normally each military installation shall have one 5-digit ZIP Code, although special circumstances may be considered in assigning additional ZIP Codes. Additional ZIP Codes shall only be assigned if all resulting separations receive at least 1,000 pieces of mail per day. The implementing procedures for 9-digit ZIP Codes shall be jointly developed.
 - 2. The Department of Defense agrees to make every reasonable effort to see that its components have the correct ZIP Code in their address and return address. The Postal Service agrees to make every reasonable effort to see that the correct ZIP Code is in the address and return address of mail for military units and personnel originated by other government agencies and the civilian sector. Since the ZIP Code furnishes the Postal Service with its sole method of forwarding Army Post Office and Fleet Post Office mail, the Postal Service agrees to return to sender at the Post Office of origin all mail for Army Post Office or

Fleet Post Office addresses that does not have an authorized Army Post Office/Fleet Post Office ZIP Code.

IX. MAIL FORWARDING

- A. Where the Department of Defense delivers the mail it agrees to provide directory service for undeliverable-as-addressed military mail and endorse each piece to show a forwarding address or reason for nondelivery.
- B. Where the Postal Service delivers the mail it agrees to maintain change of address forms and endorse forwardable mail that is undeliverable as addressed.

X. SAM/PAL LAW

- A. This paragraph provides for the joint development of regulations as required by 39 U.S.C. 3401 (f)(1976) by the Postal Service and the Department of Defense concerning administration of the "SAM/PAL Law." Each party agrees to designate one or more organizational counterparts to serve on a committee to discuss conditions and regulations under which the SAM/PAL law will be jointly administered.
 - 1. For the Postal Service, the designees are: The Assistant Postmasters General, Mail Processing Department, and Rates and Classification Department, or their designees; and the Chief Postal Inspector or his designee.
 - 2. For the Department of Defense, the designee is: The Deputy Assistant Secretary of Defense (Supply, Maintenance and Transportation) or his designee.
- B. Neither party shall take any unilateral action with respect to implementing policies, conditions, or regulations promulgated exclusively under the SAM/PAL law without prior consultation with the other party. Committee meetings may be held upon written request of either party. Following such consultation, a joint committee report may be prepared for transmission to the respective managements.
- C. Nothing herein is intended to provide for the joint administration of any activity whose administration is not provided for by 39 U.S.C. 3401 (f)(1976).
- D. This section supersedes the supplementary agreement dated September 30, 1976, concerning "Joint Administration of 39 U.S.C. 3401 (the SAM/PAL Law) by the United States Postal Service and the Department of Defense."

631.93 **Reference**

See Publication 38-A, *Guidelines for Providing Postal Services on Military Installations*, for details on providing delivery, collection, and retail services.

632 Mail Receptacles

632.1 Customer Obligation

632.11 Responsibilities

Appropriate mail receptacles must be provided for the receipt of mail. The type of mail receptacle depends on the mode of delivery in place. Purchase, installation, and maintenance of mail receptacles are the responsibility of the customer. Appropriate locations for installation should be verified with local Postmasters. Customer obligations are as follows:

- a. In locations where door delivery has been authorized, customers must provide either house-mounted boxes that provide adequate protection and security for the mail and that are approved by the local Postmaster, or they must provide door slots (see [632.3](#)).
- b. If curblane delivery is authorized, customers must erect curb-mounted receptacles that comply with USPS-STD-7c (see [632.5](#)).
- c. If sidewalk delivery is authorized, customers must erect sidewalk-mounted receptacles that comply with USPS-STD-7c (see [632.5](#)).
- d. If centralized delivery is authorized, customers must install mail receptacles that comply with USPS STD 4C Wallmounted Mail Receptacles or USPSB1118, Postal Service specification, Cluster Box Units (see [632.6](#)).

Note: There is no local authority for the use of or approval of unauthorized centralized delivery equipment or centralized delivery systems. Contact Engineering or Delivery Post Office Operations at Headquarters for any necessary assistance.

632.12 Exception

The Postal Service may elect, under certain conditions, to purchase, install, and maintain curb-mounted mail receptacles or cluster box units.

632.13 Receptacles Not Required

Business complexes are not required to provide mail receptacles where door delivery was approved and authorized by the Postal Service and businesses are open to receive mail. If the offices are not open when the carrier arrives on normal service days, centralized mail receptacles must be provided.

632.14 Approach to Mailbox

The customer is responsible for keeping the approach to his or her mailbox clear to facilitate delivery. Where the approach to the mail receptacle located at the curb is temporarily blocked by a parked vehicle during normal delivery hours for the area, or snow or ice hampers the approach to the mailbox, the carrier normally dismounts to make delivery. If the carrier continually experiences a problem in serving curblane boxes and where the customer is able to control on-street parking in front of his or her mailbox but does not take prompt corrective action after being properly notified, the postmaster may, with the approval of the district manager, withdraw delivery service.

632.2 Keys to Customer's Private Mail Receptacle**632.21 General**

Carriers are prohibited from accepting keys for locks on private mail receptacles, buildings, or offices, except where an electromechanical door lock system or a key keeper box located within convenient reach of the door is used. Both devices must incorporate an Arrow lock to access the key or device needed to gain entry to the building. If customers place locks on their receptacles, the receptacles must have slots large enough to accommodate their normal daily mail volume so that delivery may be made by the carrier without using a key.

632.22 Locks and Keys

The Postal Service is responsible for providing every customer a compartment lock and three keys to his or her postal-owned Cluster Box Unit (CBU). No key deposits are required; advise customers that they may duplicate their keys at no expense to the Postal Service. Postal managers must take the following actions in issuing and controlling locks and keys for postal-owned CBUs:

- a. Give all compartment keys to customers with a notice stating that the Postal Service keeps no duplicate keys and if they lose all the keys, the Postal Service will have to install a new lock at the customer's expense.
- b. If customers lose their keys, arrange for the repairs and charge the customer accordingly.
- c. Request that customers return all compartment keys to the Post Office when they move from their residence. When a customer moves, the Post Office should change the lock before reissuing the compartment. The new customer is not charged for the first lock and keys even though the Postal Service replaced it.
- d. When new centralized delivery equipment is installed, the keys may either be taped to the inside of the receptacle until the compartment is issued, or stored at the Post Office. A suggested method of storage is to use P-570 envelopes labeled with address, compartment number, CBU location, and CBU identifying number.

Note: The builder or property owner is responsible for providing lock and key service for privately owned CBUs.

632.3 Door Slot Specifications

The clear rectangular opening in the outside slot plate must be at least 1-1/2 inches wide and 7 inches long. The slot must have a flap, hinged at the top if placed horizontally or hinged on the side away from the hinge side of the door if placed vertically. When an inside hood is used to provide greater privacy, the hooded part must not be below the bottom line of the slot in the outside plate if placed horizontally or beyond the side line of the slot in the outside plate nearest the hinge edge of the door if placed vertically. The hood at its greatest projection must not be less than 2-1/16 inches beyond the

inside face of the door. Door slots must be placed no less than 30 inches above the finished floor line.

632.4 **Receptacles Purchased by Postal Service**

Cluster Box Units (CBUs) and Outdoor Parcel Lockers (OPLs) may be purchased by the Postal Service from approved manufacturers. Specifications for construction of CBUs are covered in USPS-B-1118, *Postal Service Specification, Cluster Box Units*. Specifications for construction of OPLs are covered in USPS-B-1116, *Postal Service Specification, Outdoor Parcel Lockers*. Individuals or firms interested in the manufacture of these units should write to:

ENGINEERING
IP DELIVERY & RETAIL SYSTEMS
US POSTAL SERVICE
8403 LEE HWY
MERRIFIELD VA 22082-8150

632.5 **Curbside Mailboxes**

632.51 **Specifications for Manufacturers**

632.511 **Policy**

Manufacturers of all mailboxes designed and manufactured to be erected at the edge of a roadway or curbside of a street and to be served by a carrier from a vehicle on any city, rural, or highway contract route must obtain approval of their products according to USPS-STD-7, *Postal Service Mailboxes, Curbside*. A copy of USPS-STD-7 and a current listing of approved manufacturers and mailbox models may be obtained by writing to:

ENGINEERING
IP DELIVERY & RETAIL SYSTEMS
US POSTAL SERVICE
8403 LEE HWY
MERRIFIELD VA 22082-8150

632.512 **Approved Manufacturers and Models**

A current listing of approved manufacturers and models can be obtained from the office listed in section [632.511](#).

632.52 **Installation and Use**

632.521 **Custom-built Curbside Mailboxes**

Postmasters are authorized to approve curbside mailboxes constructed by individuals who, for aesthetic or other reasons, do not want to use an approved manufactured box. The custom-built box must conform generally to the same requirements specified in USPS-STD-7. Approval of such custom-built boxes will be done on a case-by-case basis. Such approval may be granted only for individual personal use, not for boxes produced as a commercial enterprise.

632.522 **Identification**

When box numbers are used on curbside mailboxes, the numbers must be inscribed in contrasting color in neat letters and numerals not less than 1 inch high on the side of the box visible to the carrier's regular approach, or on the door if boxes are grouped. Where street names and house numbers

are assigned by local authorities and the postmaster has authorized use of a street name and house number as a postal address, the house number must be shown on the box. If the box is on a different street from the customer's residence, the street name and house number must be inscribed on the box. Placement of the owner's name on the box is optional. Advertising on boxes or supports is prohibited.

632.523 **Posts and Supports**

The Postal Service does not regulate mailbox supports in any way except for purposes of carrier safety and delivery efficiency. Posts and other supports for curbside mailboxes are owned and controlled by customers, who are responsible for ensuring that posts are neat and adequate in strength and size. Heavy metal posts, concrete posts, and miscellaneous items of farm equipment, such as milk cans filled with concrete, are examples of potentially dangerous supports. The ideal support is an assembly that bends or falls away when struck by a vehicle. Post or support designs may not represent effigies or caricatures that disparage or ridicule any person. Customers may attach the box to a fixed or movable arm.

The Federal Highway Administration (FHWA) has determined that mailbox supports no larger than 4 inches by 4 inches, or a 2-inch diameter standard steel or aluminum pipe, buried no more than 24 inches, should safely break away if struck by a vehicle. According to FHWA, the mailbox must also be securely attached to its post to prevent separation if struck.

632.524 **Location**

Curbside mailboxes must be placed so that they may be safely and conveniently served by carriers without leaving their conveyances. They must be reasonably and safely accessed by customers. Boxes must also be on the right-hand side of the road and in the carrier's direction of travel in all cases where driving on the left-hand side of the road to reach the boxes would pose a traffic hazard or violate traffic laws and regulations. On new rural or highway contract routes, all boxes must be on the right side of the road in the carrier's direction of travel. Boxes must be placed to conform to state laws and highway regulations. Carriers are subject to the same traffic laws and regulations as are other motorists. Customers must remove obstructions, including vehicles, trash cans, and snow, that make delivery difficult. Generally, mailboxes are installed at a height of 41 to 45 inches from the road surface to the bottom of the mailbox or point of mail entry. Mailboxes are set back 6 to 8 inches from the front face of the curb or road edge to the mailbox door. Because of varying road and curb conditions and other factors, the Postal Service recommends that customers contact the postmaster or carrier before erecting or replacing their mailboxes and supports.

632.525 **Grouping**

Boxes should be grouped wherever possible, especially at or near crossroads, service turnouts, or other places where a considerable number of boxes are presently located.

632.526 **More Than One Family**

If more than one family wishes to share a mail receptacle, the following standards apply:

- a. *Route and Box Number Addressing.* On rural and highway contract routes authorized to use a route and box numbering system (e.g., RR 1 BOX 155), up to five families may share a single mail receptacle and use a common route and box designation. A written notice of agreement, signed by the heads of the families or the individuals who want to join in the use of such box, must be filed with the postmaster at the distributing office.
- b. *Conversion to Street Name and Number Addressing.* When street name and numbering systems are adopted, those addresses reflect distinct customer locations and sequences. Rural and highway contract route customers who are assigned different primary addresses (e.g., 123 APPLE WAY vs. 136 APPLE WAY) should erect individual mail receptacles in locations recommended by their postmasters and begin using their new addresses. Customers having *different primary addresses* but wishing to continue sharing a common receptacle must use the address of the receptacle's owner and the "care of" address format:

JOHN DOE
C/O ROBERT SMITH
123 APPLE WAY

Customers having a common primary address (e.g., 800 MAIN ST) but different secondary addresses (e.g., APT 101, APT 102, etc.) may continue to share a common receptacle if single-point delivery is authorized for the primary address. Secondary addresses should still be included in all correspondence.

632.527 **Locks**

The use of locks, locking devices, or inserts on curbside mailboxes on rural and highway contract routes is prohibited. See the list of curbside mailbox manufacturers for approved locking style mailboxes (a current listing of approved manufacturers and models can be obtained from the office listed in section [632.511](#)). The Postal Service does not allow carriers to open locked boxes and does not accept keys for this purpose.

632.528 **Unstamped Newspapers**

Curbside mailboxes are to be used for mail only, except for newspapers regularly mailed at Periodicals rates. Publishers of these newspapers may, on Sundays and national holidays only, place copies of the Sunday or holiday issues in the rural and highway contract route boxes of subscribers, with the understanding that these copies must be removed from the boxes before the next day on which mail deliveries are scheduled.

632.529 **Newspaper Receptacles**

A receptacle for the delivery of newspapers may be attached to the post of a curbside mailbox provided that no part of the receptacle interferes with the delivery of mail, obstructs the view of the flag, or presents a hazard to the carrier or the carrier's vehicle. The receptacle must not extend beyond the front of the box when the box door is closed. No advertising may be displayed on the outside of the receptacle, except the name of the publication.

632.53 Nonconforming Mailboxes

Carriers must report to the postmaster any existing mailboxes that no longer conform to postal regulations. The postmaster sends PS Form 4056, *Your Mailbox Needs Attention*, to the owners of these boxes to request that they remedy the irregularities or defects. All newly installed or replacement mailboxes must be approved models in accordance with USPS-STD-7. A current listing of approved manufacturers and models can be obtained from the office listed in section [632.511](#).

632.54 State and Local Regulations

Some states have enacted laws that are more stringent and specific about the type of mailbox that may be used, the post or support that must be used to mount the mailbox, and the location of the delivery equipment. Regulations and recommendations published here might not reflect appropriate requirements for your area. When providing guidance to the general public concerning mailbox placement and replacement, advise them not only of postal regulations but also of any mailbox regulations that you know have been enacted by state or local authorities.

632.6 Apartment House Receptacles**632.61 General**

Specifications for construction and approval procedures for manufacturers are covered in USPS STD 4C (RDD), Wallmounted Mail Receptacles. Individuals or firms interested in the manufacture of apartment house mailboxes should write to:

ENGINEERING
IP DELIVERY & RETAIL SYSTEMS
US POSTAL SERVICE
8403 LEE HWY
MERRIFIELD VA 22082-8101

632.62 Installation**632.621 General**

Owners and managers of apartment houses, or other multi-unit dwellings with obsolete apartment house mail receptacles should install up-to-date receptacles currently approved by the Postal Service to ensure safety of access and security of the mail. When such buildings are substantially renovated or remodeled, or when box locations change, obsolete receptacles should be replaced with currently approved receptacles.

632.622 Location and Arrangement

Regulations for the location and arrangement of receptacles are subject to Postal Service approval as follows:

- a. All new or remodeled apartment houses can only install USPS-approved 4C equipment. When installing this equipment, a requirement is to have at least one parcel locker for every five customer mail compartments. For those buildings with a minimum of five mail compartments, there must be at least one parcel locker installed.
- b. Receptacles and parcel lockers in apartment houses should be located reasonably close to the entrance in vestibules, halls, or lobbies. The

carriers must be able to serve the boxes without interference from swinging or open doors. The area must be adequately lighted to afford the best protection to the mail and to let carriers read addresses on mail and names on boxes without difficulty.

- c. Installation of standard, approved apartment receptacles in exterior walls of buildings may be authorized, provided that they are not installed directly on the street or a public sidewalk. Wherever possible, keep at least 15 feet between the boxes and the street or sidewalk; the location should be clearly visible from one or more apartment windows. A canopy must be provided, and it must be designed and located to afford maximum protection from the weather, including driving rains. In addition, adequate night lighting must be installed.

632.623 Access to Rear-Loading of Horizontal-Type Receptacles

Carrier access to the rear area of mailrooms containing rear-loading mailbox panel(s) shall be provided via a secure access door fitted with an ANSI 156.13 F15 lock. A security door, frame, and the F15 lock shall be selected and installed in accordance with all the requirements for residential mailrooms as specified in Handbook RE-5, *Building and Site Security Requirements*, Chapter 3, and in Central Delivery Guidelines, Section 10. A key to the door lock must be available to the carrier via a key keeper manufactured and installed in accordance with United States Postal Service Specification for Key Keepers, USPS-B-3180. The rear of the mailbox panel(s) must have a door or cover in accordance with USPS STD 4C to prevent the removal of mail from adjacent boxes and to prevent mail from coming out through the back. The cover or door must be easily opened and closed or else removed and replaced.

632.624 Installation With Telephone Units

The guidelines for installing receptacles with telephone units are as follows:

- a. When it is necessary or desirable to install mail receptacles with a standard-size telephone unit, vertical-type receptacles may be placed in two tiers. They may also be installed in groups of fewer than seven if necessary to properly arrange the groups in two tiers. This does not apply if the telephone unit is installed independently of the mail receptacles. Although there is no objection to combining these two services, the mail receptacles must be separated from the telephone or electrical unit. Electric push buttons, connected to wires outside the mail receptacles, may be placed in the frame of the installation if the push buttons can be removed from the outside and if the wire connections can be repaired without removing the receptacles.
- b. Telephone units combined with mail receptacle units must allow access to the telephone unit without having to enter the mail receptacle; the mail receptacle must not be accessible when the telephone unit is opened.

632.625 Key and Record Controls

The following key and record controls apply to apartment houses:

- a. Apartment house managers must maintain a record of the number of keys supplied by manufacturers so that new keys may be ordered when necessary. The record should match the key number to the

receptacle number. Do not place key numbers on the outside barrels of the locks because this would allow unauthorized persons access to keys and boxes. Clearly number each individual receptacle lock on the back; replace lost keys as needed according to lock numbers. Master-keying is not permitted.

- b. Apartment house managers must also maintain a record of key numbers and combinations of keyless locks so that new tenants may be given the combination. These records must be kept in the custody of the manager or a trusted employee. The record of key numbers must be kept until the lock is changed, when the old record may be destroyed and a replacement record created.
- c. Combination locks are not approved under current Postal Service receptacles standards.

632.626 **Directories**

Guidelines for Postal Service apartment house directories are as follows:

- a. For all apartment houses with 15 or more receptacles, maintain a complete directory of all persons receiving mail. If an apartment house is divided into units, each with separate entrances and 15 or more receptacles, each unit should have a separate directory. In addition, if mail is not generally addressed to specific units, a directory must be kept at the main unit of the building listing all persons receiving mail in the various units.
- b. Directories must be alphabetical by surname and must be maintained and kept up-to-date. The receptacle number and apartment number should always be the same, and the apartment number should appear to the right of the name in the directory. If the apartment number is different from the receptacle number, the receptacle number should appear to the left of the name in the directory. Follow the same arrangement for apartments that are either lettered or lettered and numbered.
- c. The directory must be legible, enclosed in a suitable protective frame, and attached to the wall immediately above or to the side of the mail receptacles where it can easily be read. If mailrooms are used, the directory should be placed for the carrier's convenience. If an attendant, such as a telephone operator, doorman, or elevator conductor, is on duty between the hours of 7:00 a.m. and 11:00 p.m., and the mail is delivered either to apartment house receptacles or in bulk for distribution by employees of the building, the employee on duty in the building may keep the directory to make it available to the carrier on request.

632.627 **Maintenance and Repair**

The guidelines for receptacle maintenance and repair are as follows:

- a. Owners or managers of buildings must keep receptacles in good repair. When an inside-letterbox Arrow lock is no longer needed, the building management must immediately notify the postmaster, who will then send a postal employee to supervise removal of the lock from the master door and return it to the Post Office.
- b. Carriers will report on PS Form 3521, *House Numbers and Mail Receptacles Report*, all apartment houses that are being remodeled

and all unlocked or out-of-order mailboxes. Delivering employees and postmasters must ensure that all inside-letterbox Arrow locks are recovered when buildings are torn down or remodeled.

- c. When informed of equipment needing repair or irregularity in the operation of apartment house mail receptacles, postmasters will promptly initiate an investigation and direct what repairs must be made at the expense of the owners or managers. To avoid any questions about disposition or treatment of mail, repairs must be made only when a postal representative is present. It is unlawful for anyone other than postal employees to open receptacles and expose mail.
- d. Failure to keep boxes locked or in proper repair as directed by postmasters is sufficient justification for withholding mail delivery and requiring occupants to call for their mail at the Post Office or carrier delivery unit serving the location. A reasonable notice of approximately 30 days will be given in writing to the customers and the owner or manager of the apartment building.
- e. If mail deposited by a carrier in an apartment house mail receptacle is reported lost or stolen, or if there is an indication that the mail has been willfully or maliciously damaged, defaced, or destroyed, the postmaster must immediately report the circumstances to the Postal Inspection Service.
- f. The U.S. Code prescribes criminal penalties for the wrongful possession of mail locks and the willful or malicious injury or destruction of letterboxes and the theft of mail therefrom.

632.628 **Approved Manufacturers and Models**

A current listing of approved manufacturers and models can be obtained from the office listed in section [632.511](#).

632.63 **New or Remodeled Apartment Buildings**

When new apartments are being erected or existing ones remodeled, postmasters will inform builders and owners of these regulations' requirements and will provide a suitable inspection to ensure that only approved receptacles are installed in conformance with regulations.

633 **Mail Keys**

633.1 **Types**

The following types of mail keys are available:

- a. LA keys.
- b. Rotary lock keys.
- c. Arrow lock keys used on street letter or collection boxes and apartment houses mail panels, and new neighborhood delivery and collection box units (NDCBUs).
- d. Serial padlock keys.
- e. Motor vehicle keys and motor vehicle padlock keys.
- f. Highway contract route keys, SR padlock.

633.2 **Personnel to Whom Keys Are Issued**

633.21 **LA Keys**

LA keys are issued to all Post Offices, stations, branches, airport mail facilities, authorized postal employees, and military Post Offices.

633.22 **Rotary Lock Keys**

Rotary lock keys are issued to the following:

- a. CAG A-J Post Offices, airport mail facilities, and military Post Offices.
- b. Other Post Offices and installations as authorized by their district manager.

633.23 **Other Keys**

Other types of keys are issued to authorized postal employees.

633.3 **Obtaining Keys**

633.31 **General**

Postal locks and keys are available from:

MAIL EQUIPMENT SHOPS
US POSTAL SERVICE
2135 5TH ST NE
WASHINGTON DC 20260-6224

Mail Equipment Shops (MES) manufactures most of the locks and keys used by the Postal Service. PS Form 4983, *Postal Key and Lock Requisition*, will be used to order Post Office box locks and keys.

633.32 **LA and Rotary Lock Keys**

Keys for newly established Post Offices will be furnished by the Mail Equipment Shops upon receipt of PS Form 4983, except that rotary lock keys for CAG K and L Post Offices must be requested by the district managers or their designees. Request additional and replacement keys on PS Form 4983 from:

MAIL EQUIPMENT SHOPS
US POSTAL SERVICE
2135 5TH ST NE
WASHINGTON DC 20260-6224

633.4 **Safekeeping Keys**

633.41 **In Installations**

633.411 **LA Keys**

Attach LA keys in use to fixtures by a chain.

633.412 **Rotary Lock Keys**

Attach rotary lock keys in use to a safe by a chain, except when it is more practicable to attach to other fixtures for ready access.

633.42 **Arrow Lock Keys**

Employees must turn in Arrow lock keys daily on completion of duty. Carriers must keep Arrow lock keys attached to their clothing by a chain at all times while on duty. If a clearance employee is not available, Arrow lock keys (and any other postal keys in temporary use, such as for vehicles) should be deposited in a secure location, for instance, a designated storage box.

633.5 Record of Keys**633.51 Where to Record**

Keep a record of the date of receipt, number of the key, and the combination, if any, at CAG A-G Post Offices on PS Form 1628, *Individual Key Record*. Other Post Offices must maintain a record of mail keys in the space provided on the inside back covers of their cash books.

633.52 Keys Assigned to Carriers

Have each carrier receipt mail keys issued to them. To eliminate the need for the carrier to repeatedly sign the key record book or PS Form 1628, use one of the following plans:

- a. Make up sets of keys for each route and enter the number of each key in the key record book. Opposite the key number, place the number of the route to which the key is assigned. Issue metal or fiber key checks, each bearing a different number, to both regular and substitute carriers and obtain a receipt from the carriers. When a carrier calls for a set of keys assigned to the route the carrier is serving, have him or her surrender his or her key check. Place the check on separation in the key case. Return the check to the carrier when he or she returns the key.
- b. Make up sets of keys for each route and attach a tag bearing a serial number to each set. Enter this number, in addition to the route number, in the key record. This number will identify the set of keys and may be entered on the receipt to be signed by a substitute carrier for any set the carrier draws. The sets of keys may be issued to regular carriers upon surrender of key checks issued to them.

633.53 Keys Assigned to Other Employees

Keys assigned to other employees for collection purposes must be accounted for as prescribed above.

633.6 Keys Lost, Stolen, Missing, or Found

Report the recovery or finding of keys in the same manner as described in ASM 273, except that a duplicate copy of the memorandum shall be sent direct to the Mail Equipment Shops with the key. Retain serviceable LA keys for local use if needed.

633.7 Keys From Discontinued Offices

Handle keys from discontinued offices under instructions received from the district manager.

633.8 Unserviceable Keys

Forward unserviceable mail keys by Registered Mail to:

MAIL EQUIPMENT SHOPS
US POSTAL SERVICE
2135 5TH ST NE
WASHINGTON DC 20260-6224

A letter of transmittal or a list of the keys by number is not necessary, but the package of keys must be properly identified. Do not send any other item or requisition in the same package with unserviceable keys.

633.9 Receipt and Control

Receipt and control all mail keys and locks according to the instructions in ASM 273.

64 City Delivery Service

641 Establishment of City Delivery Service

See [63](#) for authorized modes of delivery.

641.1 Definition

In this section, *establishment* refers to the initiation of city delivery service in a community through a Post Office that does not currently provide it.

641.2 Requirements

In establishing city delivery service, a combination of delivery methods is considered to provide regular and effective service to all residential and business sections of a community. All establishments of delivery service must have final approval of the district manager, Customer Service and Sales, or designee. Establishment of city delivery service is considered when the following essential requirements are met:

- a. Within the area to be served there is a population of 2,500 or more or 750 possible deliveries. (The postal customer population may vary greatly from the general census population because of different boundary interpretations and designations.)
- b. At least 10 percent of the building lots in the area to be served are improved with houses or business places. Where a house or building and its yard or ground cover more than one lot, all lots so covered are considered improved. The streets are paved or otherwise improved to permit the travel of Postal Service vehicles at all times, without damage or delay.
- c. Streets are named and house numbers are assigned by the municipal authorities in accordance with Management Instruction DM-940-89-3, *Addressing Conventions*.
- d. Street signs are in place and house numbers are displayed.
- e. Rights-of-way, turnouts, and areas next to roads and streets are sufficiently improved so that the installation, servicing, and accessing of boxes are not hazardous to the public or Postal Service employees.
- f. Satisfactory walkways exist for the carrier where required.
- g. Approved mail receptacles or door slots are installed at designated locations, as directed by the Postal Service.

642 Extensions

642.1 Definition

In this section, *extension* refers to the expansion of city delivery service to any areas not currently receiving delivery service but that are within the delivery limits of a Post Office from which city delivery service is already provided.

642.2 Requirements

The delivery service requirements for extensions are the same as those listed in [641.2](#) for establishments, with the following exceptions:

- a. Section [641.2a](#) does not apply to extensions.
- b. The applicability of b may be waived if:
 - (1) There is a reasonable expectation that the requirements of [641.2b](#) can be met within 12 months, and
 - (2) CBUs or USPS STD 4C equipment are to be used for delivery.

642.3 Out-of-bounds Customers

Customers outside the limits of city delivery service may be given delivery service, where approved by the Postal Service, if they erect boxes on the delivery carrier's line of travel. Parcel Post, Insured Mail, Certified Mail, COD, and Registered Mail are delivered to the residences or businesses of out-of-bounds customers if the residences or businesses are not more than three blocks from the carrier's line of travel and passable walks are constructed or the street is not impassable. Otherwise, a notice is left in the box requesting that the customer call for the mail. If an ordinary parcel is involved and it can be placed in the box, delivery is made in that manner.

643 Requests for Delivery Service

643.1 General

Requests or petitions to establish, change, or extend city delivery service must be made to the local postmaster. No formal petition is required. Postmasters forward requests or petitions to establish service to the district designee with a statement reporting whether the requirements in [641.2](#) have been met.

643.2 Labor Strikes

The procedures for delivery to an address experiencing a labor strike are as follows:

- a. Where a labor strike is in progress, the same service as was in effect prior to the strike should continue. No requests for changes in mail service will be complied with while the strike is in progress. If a request is received to have mail delivered to a plant that is normally received through Post Office box service or at a firm call window, advise that the request will not be granted until after the strike is over.
- b. Where it is the practice of a firm to transport mail to and from a detached mail unit (DMU) and a request is received for the Post Office

to perform this service during a strike, disapprove the request because this involves a change in mail service.

644 **Carrier Duties, Responsibilities, and Conduct**

Refer to Handbook M-41, *City Delivery Carriers Duties and Responsibilities*.

645 **Management**

645.1 **Pivoting Definition**

Pivoting is a method of utilizing the undertime of one or several carriers to perform duties on a temporary vacant route or to cover absences.

Nonpreferential mail may be curtailed within delivery time standards on the vacant route and/or on the route of the carriers being pivoted.

645.2 **Pivoting Usage**

Pivoting is not limited to periods when mail volume is light and when absences are high, but also can be utilized throughout the year for maintaining balanced carrier workloads.

646 **Reporting Local Ordinances and State Laws**

Managers are expected to report in a timely manner to district offices any contemplated action by local or state authorities to enact or consider enactment of local ordinances or state laws that would adversely affect operating costs or performance of postal services.

65 Rural Delivery Service

651 **Types of Service**

651.1 **Regular and Auxiliary Routes**

A regular or auxiliary route operates Monday through Saturday, excluding holidays. Regular routes are classified as H, J, or K, in accordance with the table of route classifications provided in the Postal Service-NRLCA National Agreement. Regular carriers assigned to H routes work 6 days per week, while J routes receive 1 scheduled relief day per pay period, and K routes have 2 scheduled relief days per pay period.

Mileage routes, also referred to as M or RCS routes, are regular routes on which the carrier is compensated on the basis of the route's mileage and the RCS (mileage) schedule. Mileage routes are no longer established. As existing mileage routes are vacated or standard hours increase so that the evaluated salary of the carrier would exceed the RCS salary, they are converted to the evaluated compensation system, at the appropriate classification.

Note: Authorized relief days are granted on Saturdays unless another day is desired by the regular carrier and is mutually agreeable to the postmaster and carrier. For J routes, the postmaster may schedule the relief day on either the first or second Saturday of the pay period.



City of Carmel-by-the-Sea

POST OFFICE BOX CC
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2000

Attachment 3

Karen Ferlito
City of Carmel-by-the-Sea, City Council Member
PO Box CC
Carmel-by-the-Sea, CA 93921

February 5, 2024

Marsha McFayden, Customer Relations Manager
Denise Moreno, AMS Manager California 3
United States Postal Service
28201 Franklin Parkway
Santa Clarita, CA 91383-9606

Dear Marsha McFayden and Denise Moreno:

I write to you as a City Council member for the City of Carmel-by-the-Sea to inquire about the process of developing and implementing a street address system. Since its incorporation in October 31, 1916, the City has operated without a formal street address system in place. Street names and cross-streets are posted at intersections, no numbers or "numerical addresses" are assigned to houses and buildings in the City. The roughly 3,220 residents in our one-square community use a centralized mail delivery system in place by picking up our mail at the local post office, a beloved and effective system that the City has no intention of changing. The residents and business owners of this community have been able to navigate their day-to-day with this centralized mail delivery system and without house/building numbers but with changing times and increased requirements for physical address verification and the California Fire Code requirements of visible address identifications, the City Council recognizes the need to make the exploration of street addresses a priority for this community.

The City Council has made exploration of the process of implementing a formal address system, assigning house/building numbers throughout the community, a priority item and we have directed City staff to research and report on what the process entails. At our direction, City staff has contacted both of you for preliminary information and to open the line of communication for a collaborative and effective process to better inform our staff, City Council, and residents on street address implementation. Staff has researched USPS policies and procedures, how address management systems have been utilized in new developments, and city addressing guidelines and have communicated how responsive and helpful you both have been in this preliminary exploration process.

As we move forward in the exploration process, I would like to express that the City and its residents appreciate and favor the centralized delivery system to the local post office and exploration of a street address system for the City is aimed only to assigning house/building numbers for the purposes of personal address verification (having an address that will register in financial, governments, etc. databases) and findability in GPS location systems. To this end, as staff has communicated how helpful and supportive you have been in our unique endeavor, in order to better inform the City Council and staff, I have worked with staff to formulate baseline questions to USPS to determine how we can proceed in this process while considering the values and preferences of the City of and its residents.



City of Carmel-by-the-Sea

POST OFFICE BOX CC
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2000

Attachment 3

I appreciate any insight and USPS postal code citations to the process you can provide to the questions below, along with any educational resources and formal USPS processes for City staff and I to examine and incorporate into exploration of street address system implementation for the City of Carmel-by-the-Sea.

- Will the local Post Office be required to close and/or will the City's mail delivery system change?
- Is USPS the deciding authority for street address system incorporation into street address management systems that are used for government address verification purposes?
- If Carmel-by-the-Sea develops and implements a street address system approved by the USPS, will USPS be the authority that relays that new address system for GPS findability, address verification databases, and address databases most widely used for legal "physical addresses"?

I truly appreciate you both taking the time to review this inquiry and the resources you have already proven to be to our City staff. I recognize that this is a unique undertaking for our City and there may be more questions and hopefully collaborative efforts between City staff and the USPS in order to provide a comprehensive explanation of this process to the residents of our community in the spirit of cooperative, informative, and good governance.

Sincerely,

Karen Ferlito
City of Carmel-by-the-Sea City Council Member



February 21, 2024

Karen Ferlito
PO Box CC
Carmel by the Sea, CA 93921

Dear Karen Ferlito,

I am writing to you as the Address Management System Manager for California 3, in response to the questions you recently raised concerning the implementation of street addressing by USPS for the City of Carmel-by-the-Sea. I am pleased to inform you that I have analyzed your queries and prepared responses to address them.

Please be assured that my team and I have conducted a thorough review of the matter, and our findings are as follows:

- Will the local Post Office be required to close and /or will the City's mail delivery system change?
-Local Post Office will not close; mail delivery system will remain as is.
- Is USPS the deciding authority for street address system incorporation into street address management systems that are used for government address verification purpose.
-Yes, USPS is the authority for street address systems. Other entities and mailers use our mailing products to determine valid addresses.
- If Carmel-by-the-Sea develops and implements a street address system approved by the USPS, will USPS be the authority that relays that new address system for GPS findability, address verification databases, and address databases, and address databases most widely used for legal "physical addresses"?
-USPS does not relay the new address for GPS findability as we do not have any products with that data linked. We are the authority for address verification.

The USPS offers address verification through Address Information System (AIS) products. Before an address can be certified as deliverable (CASS™ certified), it must first be standardized. Address correction software fixes spelling errors, corrects abbreviations, and standardizes capitalization so each address in a mailer/government list complies with the USPS® official format. The USPS definition of a standardized address is "one that is fully spelled out, abbreviated using the

- 2 -

Postal Service™ standard abbreviations . . . or as shown in the current Postal Service ZIP+4 file."

The Postal Service is committed to excellence in everything we do. Using all the correct elements in addressing, especially the **STE/APT/UNIT** number will help us continue to provide the outstanding service that is relied on each day.

I hope that these responses address your concerns satisfactorily.

Sincerely,

A handwritten signature in black ink that reads "D. Moreno". The signature is written in a cursive, flowing style.

Denise Moreno
Address Management System Manager
California 3

March 21, 2024

City of Carmel-by-the-Sea
PO Box CC
Carmel by the Sea, CA 93921

Dear Emily Garay,

I am writing to you as the Address Management System Manager for California 3, in response to implementing proper street addressing for the City of Carmel-by-the-Sea.

Addressing Conventions below will entail what a proper address requires.

Definitions

For the purposes of these instructions, the following are definitions:

F. City-Style Addressing

The address convention using the building number and street name format, (*i.e.*, 456 CENTER ST).

I. Building

A building is a house, residence, dwelling, store, business or other structure used for a residential, commercial or public purpose which fronts upon or has access to a street.

J. Lot

A lot is designated parcel, tract, or area of land which either is now or will be used, developed, or built upon as a unit.

K. Primary Address Number

The primary address number is the numeric or alphanumeric component of an address that precedes the street name.

L. Secondary Address Number

The secondary address number is the numeric or alphanumeric component of an address which describes an apartment, room, suite, or other secondary addressing unit, that is part of the location of the primary address.

ADDRESS MANAGEMENT SYSTEMS
UNITED STATES POSTAL SERVICE
SIERRA COASTAL DISTRICT
28201 FRANKLIN PKWY
SANTA CLARITA CA 91383-9321

5. Avoid the assignment of a primary street name which is also used as an AMS suffix or directional (e.g., COURT ST, or SOUTHEAST

6. Use individually addressed primary numbers whenever possible for multi-unit structures (e.g., 101 MAIN ST, 103 MAIN ST, 105 MAIN ST, rather than 101 MAIN ST APT A, 101 MAIN ST APT B, 101 MAIN ST APT C).

7. Avoid sound-alike street names (e.g., BEACH and BEECH, MAIN and MAINE, FLOWER and FLOUR).

8. Avoid street names longer than 15 characters (including the postal abbreviated suffix). Abbreviations of such names may produce inadvertent duplicates.

9. Avoid primary street numbers longer than six characters.

10. Avoid special characters in street names (e.g., hyphens, apostrophes, periods, decimals).

11. Avoid fractional addresses (e.g., 101 1/2 MAIN ST).

12. Avoid non-specific addresses, such as a corner location address (e.g., PICO and 33RD). Always choose a specific address (e.g., 123 PICO BLVD).

13. Avoid alphanumeric primary or secondary address numbers (e.g., E101 MAIN ST or 234 CENTER ST APT 101C).

14. Avoid hyphenated primary or secondary address numbers (e.g., 41-656 BELL ST).

15. Avoid the use of significant leading zeros in primary and secondary numbers (e.g., 0145 MAIN ST or 234 CENTER ST APT 012).

16. Maintain addressing continuity throughout the municipality.

17. Maintain addressing continuity from municipality to municipality wherever possible.

VIII. Addressing Guidelines

A. City-Style Addressing

1. The logical/grammatical order of address elements is: street number, pre-directional, primary street name, suffix, post-directional, and secondary number, if any (e.g., 100 W MAIN ST SE APT 201).

2. Official street numbers should proceed from a logical point of origin and should be in proper numerical sequence in relation to other lots with frontage on the same street.

3. Assign odd numbers to properties on one side of the street and even numbers to properties on the other side of the street. Numbers should provide sufficient flexibility to accommodate the maximum density permitted by zoning regulations.

4. Each street should have one correct name. Avoid the use of directionals or suffixes to distinguish separate, noncontinuous streets (e.g., PALM CT, PALM AVE, PALM ST, N PALM CT).

I hope that this may be of guidance.

Sincerely,

Denise Moreno
Address Management Systems Manager
California 3

ADDRESS MANAGEMENT SYSTEMS
UNITED STATES POSTAL SERVICE
SIERRA COASTAL DISTRICT
28201 FRANKLIN PKWY
SANTA CLARITA CA 91383-9321

**Carmel-
by-the-Sea**

Emily Garay <egaray@ci.carmel.ca.us>

Fwd: CA building codes

1 message

Karen Ferlito <kferlito@ci.carmel.ca.us>

Fri, Jun 14, 2024 at 2:22 PM

To: Chip Rerig <crerig@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>, Emily Garay <egaray@ci.carmel.ca.us>

Cc: Paul Tomasi <ptomasi@ci.carmel.ca.us>, miller@monterey.org, "Brian A. Pierik" <BPierik@bwslaw.com>

I requested info from Jermel regarding the CA Building Codes and the California Fire codes. Please see below. This is in preparation for the item regarding addresses scheduled for the July CC meeting and should be included in the staff report.

Begin forwarded message:

From: Jermel Laurie <jlaurie@ci.carmel.ca.us>**Subject: Re: CA building codes****Date:** June 14, 2024 at 7:34:59 AM PDT**To:** Karen Ferlito <kferlito@ci.carmel.ca.us>

Karen,

Here are the sections from both Building and Fire Codes.

2022 California Fire Code

505.1 Address Identification

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

<https://up.codes/viewer/california/ca-fire-code-2022/chapter/5/fire-service-features#505>**2022 California Building Code**

[F] 502.1 Address Identification

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.

<https://up.codes/viewer/california/ca-building-code-2022/chapter/5/general-building-heights-and-area> Attachment 5

2022 California Residential Code

R319.1 Address Identification

Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

<https://up.codes/viewer/california/ca-residential-code-2022/chapter/3/building-planning#R319>

Here is a link to all the California Building Codes from the Building Standards Commission of California

<https://www.dgs.ca.gov/BSC/Codes>

Best Regards,



Jermel Laurie, CBO
Building Official
City of Carmel-by-the-Sea
(831) 620-2055

Please take our [Customer Satisfaction Survey](#).

The Community Planning & Building Department will be closed to the public on **Wednesday, June 19th**. Regular business hours will resume at 8:00 a.m. on Thursday, June 20th, 2024. We look forward to connecting with you then. Take good care!

If you have a general Planning question, please email planning@ci.carmel.ca.us. For Building questions, please email building@ci.carmel.ca.us. To request a building inspection, please go on-line to: <https://ci.carmel.ca.us/post/electronic-inspection-scheduling> or call the inspection line at (831) 620-2065.

Thank you for your patience and understanding as we adapt to the changing conditions in our community.

On Thu, Jun 13, 2024 at 4:13 PM Karen Ferlito <kferlito@ci.carmel.ca.us> wrote:

Yes. I think the codes have something about addresses on buildings and homes.

I know the ca fire codes have those requirements. But I think the building codes may also address how they are to be installed and displayed.

Karen Ferlito

kferlito@ci.carmel ■ **ca.us**

On Jun 13, 2024, at 2:07 PM, Jermel Laurie <jlaurie@ci.carmel.ca.us> wrote:

Karen,
Yes I do. Is there a specific section or code you are looking for? Residential Code? Building code? Energy Code?

Best Regards,



Jermel Laurie, CBO
Building Official
City of Carmel-by-the-Sea
(831) 620-2055

Please take our [Customer Satisfaction Survey](#).

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Thank you for your patience and understanding as we adapt to the changing conditions in our community.

On Thu, Jun 13, 2024 at 1:48 PM Karen Ferlito <kferlito@ci.carmel.ca.us> wrote:

Jermel,

Do you have a copy of the CA building codes that I could use in the office? I want to do some research.

Regards,

Karen Ferlito
831-595-6458
kferlito@ci.carmel.ca.us

Questions from City Council and Community Members

1. Does the Fire Department keep any data/notes/recorded information about delayed response times to calls/dispatches due to not being able to initially find the correct house/building (due to absence of street address)? In an emergency response situation or in response to a house alarm?

- ***Answer from Chief Panholzer:***

We require our personnel to provide a reason for any delayed responses that exceed a 5-minute response time. I checked with Assistant Chief Jim Courtney, who reviews the reports monthly, and he does not recall any time where lack of addresses or inability to find the correct location was indicated as the reason for a delayed response. I cannot say that no addresses has never been a factor in our response, but I have not had any of our personnel indicate a concern with this.

2. Is the Carmel-by-the-Sea Fire Department aware of any difficulties Carmel-by-the-Sea residents or business owners have with obtaining fire insurance or any other type of structure insurance? Are there any requirements for street address or physical address that will/should affect Carmel-By-The-Sea residents/business owners?

- ***Answer from Chief Panholzer:***

I am not aware of any circumstance where someone was unable to obtain insurance coverage due to them not having a street address. It is possible that people have not shared that with me if it has happened.

3. Are there any fire safety requirements the Carmel-by-the-Sea Fire Department is aware of, in terms of street addresses, that may or should affect Carmel-By-The-Sea residents or structures?

- ***Answer from Chief Panholzer:***

The California Fire Code (adopted by Carmel) has a section requiring addresses for all buildings (see below). This has been brought up in the past. Carmel did not amend the Fire Code when it was adopted to exclude this section; it has just not been enforced.

505.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1 /2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

4. Does the Carmel-by-the-Sea Police Department keep any data or notes on delay of response times due to not initially finding the correct house/building (due to lack of street address)? Also, does the department keep any data/notes/info on police response to house alarms going off and whether there's any recorded difficulty or delay in identifying the correct house with the sounding alarm?

The Police Department does not log or record data specific to delayed response times and street addresses. While there may be individual address notes within the Computer Aided Dispatch (CAD) system, the correlation of any delayed response times due to lack of street addresses is not a factor that can be pulled from the data set as currently maintained by the CBTS Police Department.

5. Community members have provided staff with examples of other cities that have street addresses/house numbers but have their mail delivered to a PO Box at their local Post Office.

Staff has researched how other cities may have received a designation for USPS PO Box delivery and pick-up at a Post Office. The established delivery system would have been implemented with consideration to minimum workload availability by USPS, customer density, condition of roads, and the presence of gates/fences or other obstructions to delivery. Available information for specific cities provided as examples is limited, in reference to the details of the establishment of their mail delivery system. With online research into these specific cities and their mail delivery system being limited and uninformative, staff will attempt to gain insight and more information by communicating with staff from those cities.

6. If house numbers and building numbers have to be posted for street addresses, how will they look like? Will there be design requirements?

If building and house numbers will be posted, the appropriate design and presentation of those numbers would be discussed for approval in the context of the City's design guidelines to fit the character of the City.

7. What about Google Plus Codes? Has staff looked into this and how does it work?

Google describes the system as:

- Plus Codes are like street addresses for people or places that don't have one. Instead of addresses with street names and numbers, Plus Codes are based on latitude and longitude, and displayed as numbers and letters. With a Plus Code, people can receive deliveries, access emergency and social services, or just help other people find them.
- In rural United States, the Rural Utah Project is using Plus Codes to help members of the Navajo Nation register to vote, and to help emergency services reach residents faster.

Staff found that the system and the app is available to approved organizations that, "have the authority and resources to successfully deliver scaled addressing programs in their areas, and that there is a clear addressing need that can benefit from Plus Codes." In order to access the Address Maker function as a governmental organization, the City has to "request access" by filling out an application that is, "reviewed based on the information provided and our [Address Maker's] capacity to take on additional partners into this program."

Staff recommends discussion and community engagement before submitting any application for the Address Maker as an organization.

Questions for the Plus Codes Address Maker application include:**What is the name of your organization? *****What country(ies) do you hope to address? *****What are the areas to be addressed? *****How many properties (residences + businesses) do you hope to address? ***

☐ 10k~50k ☐ 50k~100k ☐ 100k~250k ☐ 500k~1M ☐ >1M

At what stage is your project? *

☐ Exploratory ☐ Plan in place but not resourced ☐ Plan in place and resourced

Your name ***Your email *****Your role *****Provide link to your organization's website or project page****What additional information would you like to tell us about your project? (ex. what needs are you trying to solve, is there a timing consideration like an upcoming census, etc.)***Questions Continued on Next Page*

8. What about the What3Words App?

The app uses a system that converts GPS coordinates into 3 word addresses, for example it takes the latitude and longitude entered into the app and converts it to “///geese.mirror.arrives”. The process explains that you’re given a what3words location, you can open it in the what3words app, then tap ‘Navigate’ and select ‘Google Maps’ to open the exact location in Google Maps and get directions.

Staff downloaded the app and used the built-in map service to locate City Hall for an example of a three word address. The system assigned, “///sketchbook.fiercer.regenerate” as a possible three word address for City Hall. The app works as a navigation tool but it is unclear whether the generated addresses are verifiable through any financial or governmental organizations.

9. What happens if someone incorrectly sends USPS to our “physical addresses”? Where does this go? Can the post office intercept this postal mail and put it in our PO Box?

A precise answer as to whether the Post Office can intercept incorrectly addressed postal mail (addressed to physical address) and place it in a PO Box is a question for USPS that staff can relay. Currently, postal mail addressed to a residents’ geographic or descriptive address is processed as “undeliverable” and sent back to sender.

10. How long (estimate) does it take to get the online databases for Google/Apple Maps etc to have our new physical addresses so they show up in all of the right places - online etc?

Staff does not have an estimated timeline for this process and completion.

11. What anticipated actions do all of us have to do to update our personal records with our new addresses? Or is this optional?

Residents and community members could continue to use their PO Box addresses for what they consider appropriate and workable for their needs but staff has not outlined specific anticipated actions at this point.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

July 9, 2024
PUBLIC HEARINGS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Marnie R. Waffle, AICP, Principal Planner

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: **APP 24118 (Hofsas House, Inc.)** - Consideration of an appeal of the Planning Commission's approval of Design Review application DR 24059 (Hofsas House, Inc.) associated Lot Line Adjustment and Coastal Development Permit for the demolition of an existing 38-room hotel and the construction of a new 38-room hotel, and Use Permit application UP 24060 for the hotel and associated accessory uses located on San Carlos Street 2 northwest of 4th Avenue in the Residential & Limited Commercial (RC) District. APN: 010-124-001-000 and 010-124-014-000

RECOMMENDATION:

Adopt Resolution 2024-061 (**Attachment 1**) denying an appeal, determining that the Carmel Legacy Hotel Project is exempt from the California Environmental Quality Act ("CEQA") and upholding the Planning Commission's April 10th, 2024, approval of Design Review application DR 24059, Use Permit application UP 24060, associated Lot Line Adjustment and Coastal Development Permit for the Carmel Legacy Hotel Project which entails the demolition of the existing 38-room Hofsas House Hotel and the construction of the proposed new 38-room Carmel Legacy Hotel located on San Carlos Street 2 northwest of 4th Avenue. APN: 010-124-001-000, 010-124-014-000.

BACKGROUND/SUMMARY:

Executive Summary:

The project involves demolishing an existing 38-room hotel and building a new replacement hotel with the same number of rooms on the same site. In addition to the replacement of the existing hotel, the existing hotel's surface parking lot would be replaced with structured parking, increasing the supply of on-site parking. The existing hotel includes 'guest only' accessory uses, including a pool, banquet room, on-site laundry, sauna, massage, and continental breakfast. The proposed hotel also includes several 'guest only' accessory uses, including a restaurant, café/bakery, spa and hair salon, gym/fitness center, and business center. An existing single-family residence located on-site will be converted into two apartments. The hotel's 'guest only' gym/fitness center and business center are also proposed to be located in the converted residence. On December 18, 2023, the Carmel-by-the-Sea Historic Resources Board determined the existing hotel was ineligible for listing on the local historic inventory. On December 18, 2023, the Board also determined that the single-family residence known as Donna Hofsas House is historically significant and added the structure to the Carmel historic inventory. Donna Hofsas House will be preserved and repurposed for accessory hotel uses, in addition to two residential apartments. No exterior changes to

Donna Hofsas House are proposed at this time.

Background/Project Description:

Four residences were constructed on lots 7, 9, 11, and 12 on San Carlos Street, northwest of Fourth Avenue, between 1923 and 1933. In 1943, the two-story residence on lot 9 was remodeled into apartments. Donna and Fred Hofsas purchased these properties in 1949 and created the Hofsas House complex of rental rooms and apartments. In 1956, they demolished two of the residences (lots 7 and 12) to create a parking lot.

In January 1957, Donna and Fred built a Bavarian-themed four-story, 25-unit motel and swimming pool designed by architect Robert Jones. Two of the pre-1957 cottages were remodeled and incorporated into the hotel's new design (lots 5 and 7). The reception area to the south of the hotel was one of the existing buildings, as evidenced by Robert Jones' site plan for the project (lot 9). This area was further enlarged to the south to create the Porte-cochere (portion of lot 11). A front-facing, clipped gable roof sweeps to the south to cover the Porte-cochere. Design features include wide, overhanging eaves with visible rafters, pink stucco with contrasting decorative half-timbering, front-gabled dormers, vertical diamond-paned windows, balconies with band-sawn railings, and floral murals by Maxine Albro.

In 1960, Donna Hofsas House, a single-family dwelling sporting a hyperbolic-parabola roof (aka modern gull-wing roof), was constructed on a portion of the larger hotel property (lots 8 and 10) fronting Dolores Street and served as the hotel manager's house. The home was evaluated for historical significance in 2002 and again in 2023 when it was officially added to the Carmel Historic Inventory.

In 1968, Donna Hofsas commissioned the eight-unit detached North Wing on lots 1 and 3 (front San Carlos Street) after demolishing two apartment buildings on those parcels. The north wing also expresses the Bavarian theme featuring wide, overhanging eaves, clipped gables, pink stucco, decorative half-timbering, gabled dormers, and band-sawn railings.

As it is known today, the Hofsas House Hotel occupies a 36,200 square foot building site comprised of two legal lots of record, an 8,000 square foot lot (Block 34, Lots 1 & 3, APN 010-124-001) and a 28,200 square foot lot (Block 34, Lots 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14, APN 010-124-014). The hotel is comprised of 38 guest rooms and includes an outdoor pool, banquet room, on-site laundry, sauna, massage, and continental breakfast. The single family residence known as Donna Hofsas House is located on the larger of the two parcels, fronting Dolores Street.

The hotel buildings were evaluated in 2023 for historical significance, and on December 18, 2023, the Historic Resources Board adopted a Determination of ineligibility for the hotel. No appeals were filed, and the decision became final on January 10, 2024.

The applicant proposes demolishing the 38-room Hofsas House Hotel and building a new replacement hotel, Carmel Legacy Hotel. There would be no increase in the number of hotel rooms.

On April 10, 2024, the Planning Commission adopted Resolution 2024-026-PC, approving a Design Review, Lot Line Adjustment, and associated Coastal Development Permit to demolish the existing 38-room Hofsas House Hotel and construct the proposed new Carmel Legacy Hotel with the same number of rooms on the same site (**Attachment 2**). The Planning Commission also adopted Resolution 2024-027-PC, approving a Use Permit for the proposed new Carmel Legacy Hotel and several accessory uses (**Attachment 3**). The Use Permit approval also includes converting the historic single-family Donna Hofsas House residence into two apartments and accessory hotel uses.

On April 24, 2024, Neal Kruse, on behalf of the Carmel Preservation Association, filed an appeal of the

Planning Commission's approval of the Use Permit, citing a failure to assess the project's environmental impacts under the California Environmental Quality Act (CEQA) and the use of a Class 32 Categorical Exemption for infill development (**Attachment 4**). On May 23, 2024, EMC Planning Group, on behalf of the project applicant, submitted responses to the appeal (**Attachment 5**). The applicant's attorney, Anthony Lombardo, also provided a response letter on June 25, 2024 (**Attachment 6**).

The question for the Council is whether or not the project to replace the existing 38-room hotel, as approved and conditioned, is categorically exempt from the California Environmental Quality Act (CEQA). The following section provides an overview of CEQA and the staff analysis supporting that the project qualifies for one or more categorical exemptions. The Planning Commission found the project categorically exempt from CEQA under Class 32 (Infill Development Projects) when approving the project on April 10, 2024. Staff also contends that the project is categorically exempt under Class 2 (Replacement or Reconstruction) for the replacement hotel and Classes 3 and 31 for the repurposing of the historic Donna Hofsas House. The identification of more than one categorical exemption is allowed under CEQA and can be considered by the Council during its review of the project on appeal.

Staff Analysis:

What is CEQA?

The California Environmental Quality Act (CEQA) (see-kwuh) "generally requires state and local government agencies to inform decision-makers and the public about the potential environmental impacts of proposed projects and to reduce those environmental impacts to the extent feasible. The laws and rules governing the CEQA process are contained in the CEQA statute (Public Resources Code Section 21000 and following), the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures." (<https://opr.ca.gov/ceqa/getting-started/>)

What are CEQA categorical exemptions?

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be categorically exempt from the provisions of CEQA. In response to that mandate, the Secretary of the Natural Resources Agency has found that thirty-three classes of projects do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement to prepare an environmental document. Those 33 classes of categorically exempt projects are found in CEQA Guidelines Sections 15301-15333.

Each Class includes a description and specific criteria that must be met in order for the exemption to apply. Some of the classes also include examples of the types of projects that are categorically exempt from CEQA; however, the list is not exclusive. Additionally, the Guidelines also include "exceptions to the exemptions" found in CEQA Guidelines Section 15300.2, which include several unique conditions that, when met, can disqualify a project from reliance on a categorical exemption.

The following section provides a detailed analysis of how the entire project qualifies for both the Class 2 and Class 32 categorical exemptions and how the component of the project that entails the conversion of the Donna Hofsas House also qualifies for both the Class 3 and Class 31 categorical exemptions and also demonstrates why none of the exceptions to the exemptions apply.

The Project falls under the Class 2 Categorical Exemption in CEQA Guidelines Section 15302 for the Replacement/Reconstruction of Existing Structures

The Class 2 categorical exemption applies to projects proposing the replacement or reconstruction of

existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

The 38-room Hofsas House Hotel occupies a 36,200 square foot building site comprised of two legal lots of record, an 8,000 square foot lot (Block 34, Lots 1 & 3, APN 010-124-001) and a 28,200 square foot lot (Block 34, Lots 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14, APN 010-124-014). The Hofsas House Hotel is proposed to be replaced with the proposed Carmel Legacy Hotel. The proposed 38-room Carmel Legacy Hotel will be located on the same 36,200-square-foot site that is currently occupied by the Hofsas House Hotel and will serve the same purpose: to provide overnight lodging accommodations to visitors. The Carmel Legacy Hotel will have the same 38-room capacity as the existing 38-room Hofsas House Hotel.

The Project also falls under the Class 32 Categorical Exemption in CEQA Guidelines Section 15332 for In-Fill Development

Class 32 consists of projects characterized as in-fill development meeting the following conditions [(a)-(e)]:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

General Plan Consistency.

Staff Response: The General Plan Land Use designation for the project site is Commercial/Residential. This land use designation provides for a mix of residential dwellings and a limited range of office and service uses in scale with the character of the community. Less intense commercial uses and visitor accommodations are also allowed. Mixed-use developments of commercial and multi-family residential uses at a maximum density of thirty-three (33) units per acre are allowed. This area is also appropriate for public service uses.

Applicable General Plan policies include the following:

P1-5 Preserve the development pattern established in the commercial area with a central core area of ground floor retail and service activities surrounded by a less intensive buffer area of residential, motels, offices, and other uses. (LUP)

Staff Response: The project site is located within the less intensive buffer surrounding the central commercial core where hotels/motels are an appropriate use. The project is consistent with this General Plan policy.

P1-17 Prohibit the creation of any additional motel units within the City.

Staff Response: The project is the replacement of an existing 38-room hotel, and the new hotel will have the same number of rooms. The project is consistent with this General Plan policy as no new/additional hotel units will be created as a result of the project.

P1-59 Preserve the existing land use pattern in the commercial district with retail uses limited to the core area at ground level surrounded by a buffer area of residential uses, motels, and offices that provide a transition to the residential district. Ensure that land use and design standards for these two areas remain coordinated. (LUP)

Staff Response: The project is located within a buffer area surrounding the commercial

district where hotels/motels provide a transition to the residential district. The project is consistent with this General Plan policy.

Zoning Consistency

Staff Response: The zoning designation for the project site is Residential & Limited Commercial (RC). Carmel Municipal Code Section 17.14.010 (Purpose) states that the specific purpose of the RC District is *to provide an appropriate location for permanent and transient residential uses, service and office uses, and limited retail uses that do not adversely impact the residential neighborhood. This district is intended to provide a transition and buffer between the more intense activities in the CC and SC districts and the less intense activities in the R-1 and R-4 districts.* The existing Hofsas House Hotel is an establishment offering lodging to transient patrons for periods of less than 30 days (a transient residential use). The proposed Carmel Legacy Hotel would replace the existing Hofsas House Hotel and will continue to offer lodging to transient patrons for periods of less than 30 days and there would be no increase in the number of rooms.

As described in the April 10, 2024, staff report to the Planning Commission (**Attachment 7**), the project is consistent with all applicable zoning regulations, including, but not limited to, building height, floor area, building coverage, setbacks, and parking. Further, the project meets the R-1 design objectives.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Staff Response: The project site is located between the west side of San Carlos Street and the east side of Dolores Street, north of 4th Avenue, within the City of Carmel-by-the-Sea city limits. The project site area is 36,200 square feet, which is 0.83 acres and well below the 5-acre maximum for this criterion. The project is substantially surrounded by urban uses as follows:

East: San Carlos Street and multi-family residential.

The project site is located near the intersection of San Carlos Street and Camino Del Monte Avenue. To the east of the roadway are the RC District and the Pine Terrace Condominiums, a multi-family residential development.

West: Hotel and Dolores Street/single-family residential.

Adjacent to a portion of the west property line is the RC District and another hotel known as Carmel Country Inn. The remainder of the west property line is adjacent to Dolores Street. To the west of Dolores Street is the R-1 District and single-family residences.

North: Unimproved 3rd Avenue Public Right-of-Way and single-family residential.

The project site abuts an unimproved portion of 3rd Avenue between San Carlos Street and Dolores Street. To the north of this area is the R-1 District and a single-family residence.

South: Hotel

Adjacent to the south property line is the RC District and the Svendgaards Inn Hotel.

(c) The project site has no value as habitat for endangered, rare, or threatened species.

Staff Response: The project site is fully developed with hotel and accessory buildings, a pool, and asphalt parking areas. The site is not located within an Environmentally Sensitive Habitat Area (ESHA) and has no

value as habitat.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Staff Response:

Traffic. Hexagon Transportation Consultants, Inc. prepared a memorandum (VMT and Parking Assessment for the Proposed Legacy Hotel Carmel in Carmel-by-the-Sea, California) (“VMT analysis”) dated November 27, 2023 (**Attachment 8**), for the proposed project to determine whether the project would result in a significant vehicle miles traveled (VMT) impact. The City of Carmel-by-the-Sea has not adopted a VMT policy, and therefore, the general practice is to follow the Governor’s Office of Planning and Research (OPR)’s Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018). Per these guidelines, there are several categories of projects that could be presumed to have a less than significant VMT impact or be screened out of a VMT analysis. Screening Threshold for Small Projects (projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less than significant transportation impact.

The existing hotel has 38 rooms, and the proposed hotel would have the same number of rooms. Hexagon Transportation Consultants, Inc. concluded that the project would not generate more vehicle trips beyond what is currently generated by the existing hotel. Additionally, the project proposes to offer electric buses and limousine services to shuttle guests to and from local destinations in addition to the existing shuttle services that provide transportation to and from the Monterey airport. Last, the additional amenities provided within the project, such as a restaurant, café, and spa, would be limited for use by hotel guests only and thus would reduce the need for guests to make trips outside the hotel grounds, further reducing VMT.

All projects within the City are required to submit a Construction Management Plan before the issuance of a building permit. The plan is reviewed and approved by the Community Planning & Building Director in consultation with the Building Official. The plan must include construction staging, truck haul routes, traffic control measures for material deliveries, contractor parking, project scheduling, construction hours, building materials storage, erosion control, and construction best management practices.

Noise. All projects in the City are required to comply with General Plan policy P9-4, which ensures that construction activities are managed to minimize overall noise impacts on surrounding land uses, and policy P9-17, which enforces state laws regarding unmuffled or improperly muffled motor vehicles. Additionally, all projects must comply with Carmel Municipal Code Section 15.08.180, which sets forth hours of construction as follows,

For projects requiring a building permit, the permitted hours of construction shall be from 8:00 a.m. to 6:30 p.m. Monday through Saturday unless other specified hours are approved or required by the Building Official or the Director of the Department of Community Planning and Building. These hours apply in all land-use districts. For the purpose of this section, the term “hours of construction” is defined as all times when builders, contractors, work crews, or other persons associated with the project are present on the property and engaged in any Class B noise activities related to or including construction.

CMC 8.56 defines Class B noise as “noise created or generated within or adjacent to residential property which is necessary and normally associated with property maintenance and construction. Class B noise includes, but is not limited to, noise created by power equipment and tools, appliances, workshops, vehicle repairs, and testing and construction projects.”

CMC 8.56.040 states, *"It shall be unlawful to create and emit Class B noise as defined in this chapter between the hours of 6:30 p.m. of one day and 8:00 a.m. of the following day."*

Adherence to all applicable General Plan policies and regulations of the Carmel Municipal Code will ensure that the project will have a less-than-significant impact from temporary noise increases during construction.

Air Quality. The City of Carmel-by-the-Sea is located in the North Central Coast Air Basin, which is under the jurisdiction of the Monterey Bay Air Resources District (MBARD). The District has regulatory authority over stationary sources of air emissions, monitoring air quality within the air basin, providing guidelines for analysis of air quality impacts pursuant to CEQA, and preparing an air quality management plan to maintain or improve air quality in the air basin. The District has developed thresholds of significance for criteria air pollutants, which can be found in the District's CEQA Air Quality Guidelines (2008). Emissions from construction activities represent temporary impacts that are typically short in duration. Per the Monterey Bay Air Resources District CEQA Air Quality Guidelines (<https://www.mbard.org/ceqa>), construction emissions could potentially impact local air quality if grading and excavation activities disturb more than 2.2 acres per day. Projects above this threshold may have a significant impact on air quality. The project site is less than 1 acre and has been disturbed by previous grading activities. The project is below the 2.2 acres of grading per day threshold and would not result in a significant impact on air quality.

A standard city requirement for all construction projects is the submission of a hazardous materials waste survey in conformance with the Monterey Bay Air Resources District. The identification of hazardous substances such as lead or asbestos is subject to State regulations for handling and disposal during construction.

Asbestos: The District is also responsible for regulating uncontrolled emissions of asbestos through implementation and enforcement of the federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for Asbestos and MBARD Rule 424. Prior to commencing any activity, a third-party California Certified Asbestos Consultant (CAC) is required to complete a thorough inspection for the presence, quantity and categories of asbestos-containing material (ACM). An asbestos survey is required for all renovations or demolitions prior to start of work. A survey is required regardless of the age of the building. The NESHAP requires that regulated asbestos-containing materials be removed under controlled conditions prior to demolitions or renovations so that asbestos fibers are not released into the air. Cal-OSHA requires that employees be trained before removing asbestos-containing materials. Contractors with specialized asbestos training and who are registered with Cal-OSHA must be utilized for asbestos removal projects. Contractors without special asbestos training must ensure that the job site is free of asbestos-containing materials before starting renovation or demolition work. The NESHAP requires that asbestos-containing waste materials be sealed in leak-tight, properly labeled containers and disposed of only at approved sites.

Further, the applicant reached out to MBARD for a statement on potential health impacts from the project, and MBARD confirmed there should be no adverse impact on public health if MBARD's MESHAP and Rule 424 and 439 requirements are satisfied (**Attachment 9**). The project will have a less-than-significant impact on air quality from construction emissions.

Water Quality. All projects within the City are required to comply with Carmel Municipal Code Chapter 17.43 (Water Quality Protection Ordinance), which protects and enhances the coastal waters in accordance with policies in the City's Local Coastal Plan, the California Coastal Act, and the City's National Pollutant Discharge Elimination System (NPDES) Phase II Permit requirements. At the construction phase of development, Section 17.43.030 requires an erosion and drainage control plan to be prepared and submitted. The plan includes site-specific erosion control measures, including controls on grading, best

management practices (BMPs) for staging, storage, and disposal of construction materials, design specification of sedimentation basins, and landscaping/revegetation of graded or disturbed areas. The project will comply with Carmel Municipal Code Chapter 17.43 and all BMPs (**Attachment 10**) and will have a less-than-significant impact on water quality.

(e) The site can be adequately served by all required utilities and public services.

Staff Response: The project site is in a heavily developed urban area currently served by all required public utilities and services.

The Project's Proposed Conversion of the Donna Hofsas House also falls under the Class 3 and Class 31 Categorical Exemptions in CEQA Guidelines Section 15303 for the Conversion of Existing Small Structures and Section 15331 for the Preservation of Historical Resources.

Class 3 consists of the conversion of existing small structures from one use to another, where only minor modifications are made to the exterior of the structure. Donna Hofsas House is proposed to be converted from a single-family residence to a two-family residence with accessory 'guest only' hotel uses, including a gym/fitness center and business center. No exterior modifications to the structure are proposed.

Class 31 consists of projects limited to rehabilitation, restoration, preservation, or conservation of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Donna Hofsas House is proposed to be rehabilitated and preserved. At this time, only interior remodeling is proposed and interior modifications are not subject to the Secretary of the Interior's Standards.

None of the Exceptions to the Exemptions Apply.

The following is a list of exceptions to categorical exemptions. If any of these exceptions apply, a project cannot be found categorically exempt from CEQA. As demonstrated below, none of the exceptions apply to this project.

Location. *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

Staff Response: As discussed above, the categorical exemptions applicable to the project include Class 2 (Replacement or Reconstruction), Class 3 (New Construction or Conversion of Small Structures), Class 31 (Historical Resource Restoration/Rehabilitation), and Class 32 (Infill Development Projects). This exception does not apply to categorical exemptions under classes 2, 31, and 32. The Class 3 exemption is limited to the repurposing of the historic Donna Hofsas House from a single-family residence to two apartments and accessory hotel uses, including a gym/fitness center and business center. No exterior modifications are proposed for Donna Hofsas House and the structure and its vicinity are not located in an area that has been designated, precisely mapped, or officially adopted by federal, state or local agencies as an environmental resource of hazardous or critical concern. This exception does not apply to the project.

Cumulative Impact. *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant.*

Staff Response: There is only one project: the demolition of a 38-room hotel, the construction of a new

hotel with the same number of rooms, and the conversion of an existing single-family dwelling into two apartments and accessory hotel uses. No successive hotel replacement/reconstruction projects are proposed, so this exception does not apply.

Significant Effect. *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

Staff Response: The project includes the replacement of an existing 38-room hotel with a new 38-room hotel. The project site has a General Plan land use of Commercial/Residential and is located in the Residential & Limited Commercial (RC) District, which specifically identifies hotels/motels as an appropriate transitional use from the commercial core to the single-family residential area. Many hotels are located in the RC district and in fact two hotels abut the project site, one to the south and the other to the west. It is not unusual that a hotel would be located in the RC District. The established general plan land use designation and the zoning designation both place the RC District adjacent to the Single-Family Residential (R-1) District. Hotels are considered a transient residential use and are appropriate near single family residences. Further, the Carmel Municipal Code recognizes existing hotels in the R-1 District, allowing them to be reconstructed further demonstrating that the adjacency of hotels to residences is not unusual. This exception does not apply to the project.

Scenic Highways. *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

Staff Response: The project site is bound by the intersection of San Carlos Street and Del Monte Avenue to the east and Dolores Street to the west. An unimproved portion of the 3rd Avenue right-of-way is to the north, and 4th Avenue is to the south, although the project does not abut 4th Avenue. None of these roadways are designated as state scenic highways. This exception does not apply.

Hazardous Waste Sites. *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

Staff Response: Government Code Section 65962.5 requires the Department of Toxic Substances Control to submit a list of (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code. (2) All land designated as hazardous waste property or border zone property pursuant to former Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code. (3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land. (4) All sites listed pursuant to Article 5 (commencing with Section 78760) of Chapter 4 of Part 2 of Division 45 of the Health and Safety Code.

On June 21, 2024, City staff reviewed the California Environmental Protection Agency Cortese List of Data Sources (<https://calepa.ca.gov/sitecleanup/corteselist/>) and confirmed that the project site is not on any of the following lists:

- Hazardous Waste and Substances Site List (<https://www.envirostor.dtsc.ca.gov/public/>).
- State Water Resources Control Board GeoTracker for leaking underground storage tanks (<https://geotracker.waterboards.ca.gov/search>).
- State Water Resources Control Board list of solid waste disposal sites (<https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CurrentList.pdf>).

- State Water Resources Control Board list of solid waste disposal sites (<https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CurrentList.pdf>).
- State Water Resources Control Board list of active discharge of waste or hazardous materials (<https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CDOCAOList.xlsx>).
- Additionally, the project site has not been identified as a hazardous waste facility under Health and Safety Code Section 25187.5 (<https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/>).

This exception does not apply.

Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Staff Response: On December 18, 2023, the Historic Resources Board reviewed a Phase 1 Intensive Report prepared by qualified professional Margaret “Meg” Clovis, along with five other professional opinions on the historic eligibility of the hotel (**Attachments 11 and 12**). The Board found that the Hofsas House Hotel does not meet the criteria for listing on the California Register or the Carmel Inventory of Historic Resources and issued a determination of ineligibility (**Attachment 13**). A 10-working day appeal period followed the Board’s decision during which time no appeals were filed. This Determination remains valid for five (5) years.

On December 18, 2023, the Historic Resources Board reviewed a Phase 1 Intensive Report prepared by qualified professional Margaret “Meg” Clovis on the historic eligibility of the single-family residence located on a portion of the hotel property fronting Dolores Street (**Attachment 14**). The Board found that the single-family residence, known as Donna Hofsas House, meets the criteria for listing on the Carmel Inventory of Historic Resources and added it to the historic inventory. A 10-working day appeal period followed the Board’s decision during which time no appeals were filed. The historic determination was filed with the Monterey County Clerk-Recorder on April 12, 2024.

No exterior modifications to the historic residence are proposed. Changes to the interior of the residence do not affect the significance of the historic resource. The residence will be preserved and protected during construction. The project will not cause a substantial adverse change in the significance of the historic Donna Hofsas House. This exception does not apply.

Additional Appeal Contentions

A1: The plan views are incomplete and fail to accurately portray the building as proposed. In this regard the height limits needs to be accurately assessed on this sloping site.

Staff Response: On December 13, 2023, the Planning Commission held a public hearing to consider a conceptual design of the Carmel Legacy Hotel. At that meeting, the Commission was asked for direction on how to measure the building height on a site where previous excavation of the site had significantly altered the natural grade. The Carmel Municipal Code anticipates this condition and allows for an average grade to be determined and utilized for the measurement of building height. The maximum permitted building height is 24 feet on sites which “face, abut, or adjoin any property in the R-1 District.”

On sites disturbed from previous grading and excavation activities, an approximation of preexisting conditions may be used as a reference for determining average grade using grades on adjacent sites, retaining walls, and prior survey maps (refer to Sheet A-19 of the project plans). All such grade approximations shall require the concurrence of the Department and a determination that the resulting

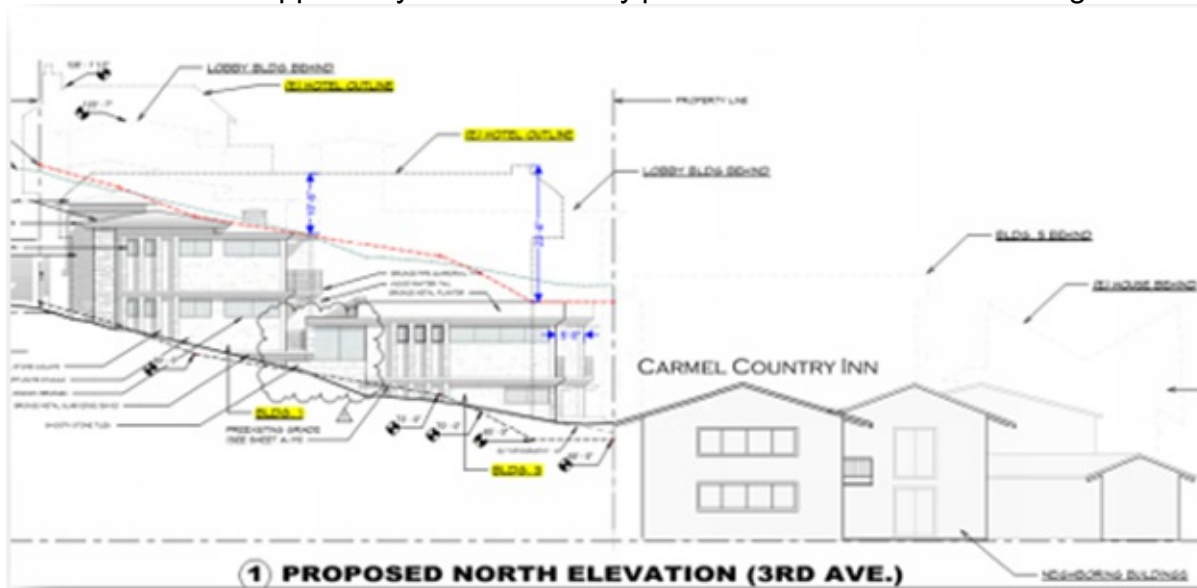
project complies with all requirements of the Zoning Ordinance, avoids large exposed cuts and unnatural topography and is consistent with R-1 design objectives. Average grade and associated building height measurements can be found on Sheets A-20 and A-21 of the project plans.

As outlined in the April 10, 2024, Planning Commission staff report (Attachment7), the Department concurred with the grade approximations proposed by the applicant. Following a comprehensive zoning analysis the Planning Commission found that the project complies with all requirements of the Zoning Ordinance. The project utilizes past excavation of the site to provide a design that is more harmonious with the topography and surrounding structures by stepping down the height of the building from east to west. Last, the applicant provided a thorough analysis of how the project meets R-1 design objectives on Sheet A-19C of the project plans.

A2: The west side proposes an increase in glass compared to that existing with consequences for the neighbors from the increased reflective glare.

Staff Response: The project consists of multiple building forms that step down from east to west. Buildings 1-4 are proposed to be located on existing Lots 1 & 3, which total 8,000 square feet. Buildings 1 and 2, located adjacent to San Carlos Street and furthest from residences on Dolores Street, contain two hotel suites on each floor with west-facing sliding glass doors. The lower floor rooms are obscured by buildings 3 and 4, located west and downhill from buildings 1 and 2. The upper floor rooms are partially obscured by balcony railings.

Buildings 3 and 4, just to the west of Buildings 1 and 2 and adjacent to another hotel, the Carmel Country Inn, contain three hotel suites on the upper floor and six suites on the lower floor, each with west-facing sliding glass doors. The lower floor suites look at the roof of the Carmel Country Inn, while the upper floor suites are just above the Inn's ridge. These sliding glass doors are also partially obscured by balcony railings. Additionally, the wall plane on the west elevation is articulated, creating approximately 5-foot offsets, which create breaks in the expanse of glass. Staff also notes that Buildings 3 and 4 are over 23 feet lower than the existing hotel building, and Buildings 1 and 2 are over 10 feet lower, making the project less visible from Dolores Street compared to existing conditions (refer to Sheet A-14 of the project plans). The City Council will have an opportunity to view the story poles from Dolores Street during the tour of inspection.



Building 5, on the south end of the site above the garage entrance on Dolores Street is the most visible west facing elevation. Articulation of the wall plane break up the massing of this portion of the building and balcony railings partially obscure the sliding glass doors. While the line of site is more visible, it is not unlike the west elevation of a typical single family home with west facing patio doors.



FISCAL IMPACT:

Staff time associated with processing this appeal is partially offset by fees collected from the appellant, with the remainder captured within the adopted FY 23-24 adopted budget for Community Planning and Building.

PRIOR CITY COUNCIL ACTION:

None

ATTACHMENTS:

- Attachment 1) Resolution 2024-061
- Attachment 2) PC Resolution 2024-026
- Attachment 3) PC Resolution 2024-027
- Attachment 4) Appeal (Redacted)
- Attachment 5) EMC Planning Group Appeal Response
- Attachment 6) Lombardo Letter dated 6-25-24
- Attachment 7) April 10, 2024 PC Staff Report
- Attachment 8) Hexagon Transportation Consultants
- Attachment 9) MBARD Email
- Attachment 10) BMP Plan Sheet
- Attachment 11) Phase 1 Intensive Hotel Meg Clovis
- Attachment 12) EMC Planning Group Professional Opinions
- Attachment 13) Final Determination Hotel
- Attachment 14) Resolution Donna Hofsas House

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2024-061

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DENYING AN APPEAL BY NEAL KRUSE, DATED APRIL 24, 2024, DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND UPHOLDING THE PLANNING COMMISSION'S APRIL 10, 2024 APPROVAL OF A DESIGN REVIEW (DR 24059) AND ASSOCIATED COASTAL DEVELOPMENT PERMIT AND USE PERMIT (UP 24060) FOR THE CARMEL LEGACY HOTEL PROJECT WHICH ENTAILS THE DEMOLITION OF THE 38-ROOM HOFASAS HOUSE HOTEL AND CONSTRUCTION OF THE 38-ROOM CARMEL LEGACY HOTEL LOCATED ON SAN CARLOS STREET 2 NORTHWEST OF 4TH AVENUE (APN: 010-124-001-000 and 010-124-014-000)

WHEREAS, on March 12, 2024, Eric Miller Architects, Inc. ("Applicant") submitted a Design Review application DR 24059 and UP 24060 (Hofsas House, Inc.) described herein as ("Application") on behalf of Hofsas House, Inc. ("Owner") for the Carmel Legacy Hotel, conversion of the historic Donna Hofsas House from a manager's unit to two apartments, and the addition of accessory uses both within the hotel and the historic house; and

WHEREAS, the Application is for two legal lots of record totaling 36,200 square feet located on San Carlos Street 2 northwest of 4th Avenue in the Residential and Limited Commercial (RC) District (Block 34, Lots 1, 3, 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14); and

WHEREAS, the Applicant is proposing to demolish the existing 38-room Hofsas House Hotel and construct a 38-room Carmel Legacy Hotel in its place, which would also entail the conversion of the historic Donna Hofsas House from a managers residential unit to two apartments, and establish hotel-related accessory uses for guest use only; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.030 (Commercial Design Review), new construction, alterations, rebuilds, additions, and demolitions require approval of a Residential Track Two Design Study by the Planning Commission; and

WHEREAS, in accordance with CMC 17.52.090 (Coastal Development Permit Required) a Coastal Development Permit is also required; and

WHEREAS, in accordance with CMC 17.14.030 (Land Use Regulations) a Use Permit is also required; and

WHEREAS, on January 26th and October 18th, 2023, the applicant and the hotel owner/operator hosted two meetings with the community, and on May 17th and May 25th, 2023, hosted two meetings with the Carmel Chamber of Commerce to present the project to the community and solicit feedback; and

WHEREAS, on February 2, 2023, the applicant submitted Conceptual Review application CR 23-097 (Hofsas House, Inc.) for the demolition of the Hofsas House Hotel and construction of a new hotel known as the Carmel Legacy Hotel; and

WHEREAS, on December 13, 2023, a conceptual design of the project was presented to the Planning Commission, and feedback was received from the public and the Commission some of which was incorporated into the project; and

WHEREAS, on December 18, 2023, the Historic Resources Board issued a Determination of Ineligibility for the Hofsas House Hotel, finding it did not meet the criteria for listing as a historic resource; and

WHEREAS, also on December 18, 2023, the Historic Resources Board issued a Determination of Eligibility for the Donna Hofsas House, finding it met the criteria for listing as a historically significant building; and

WHEREAS, on March 29, 2024, a notice of the public hearing scheduled for April 10, 2024, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before March 31, 2024, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before April 5, 2024, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on April 10, 2024, the Planning Commission held a duly noticed public hearing and adopted Resolution 2024-026-PC approving a Design Review, Lot Line Adjustment, and associated Coastal Development Permit for the Carmel Legacy Hotel and Resolution 2024-027-PC approving a Use Permit for the Carmel Legacy Hotel, the historic Donna Hofsas House and associated accessory uses; and

WHEREAS, on April 24, 2024, Neal Kruse, on behalf of the Carmel Preservation Association, filed an appeal of the Planning Commission's approval, citing a failure to adequately assess the environmental impacts of the project's demolition and construction phase under the California Environmental Quality Act (CEQA); and

WHEREAS, on June 21, 2024, a notice of the public hearing scheduled for July 9, 2024, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on public notice was duly posted on the project site and a hand-delivered copy of the public notice given to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before July 5, 2024, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on July 9, 2024, the City Council did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

WHEREAS, this Resolution and its findings are made based upon the analysis and evidence presented to the City Council, including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA"), together with State Guidelines (14 California Code Regulations §§ 15000, et seq., the "CEQA Guidelines") and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, The City Council has analyzed the proposed Carmel Legacy Hotel Project and has determined, based on its independent judgment and review of the record, including but not limited to the staff report and attachments thereto, that: (1) the Project is categorically exempt from CEQA pursuant to Sections 15302 (Class 2 Replacement or Reconstruction), 15303 (Class 3 New Construction or Conversion of Small Structures), 15331 (Class 31 Historical Resource Preservation) and 15332 (Class 32 Infill Development) of the CEQA Guidelines; and (2) that the project does not entail any unusual circumstances and that none of the exceptions in CEQA Guidelines Section 15300.2 apply to negate the applicability of any of the above-referenced categorical exemptions; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Carmel-By-The-Sea does hereby deny the appeal by Neal Kruse, dated April 24, 2024 (APP 24118), determine that the project is categorically exempt from the California Environmental Quality Act, and uphold the Planning Commission's April 10, 2024 approval of a Design Review (DR 24059) and associated Coastal Development Permit and Use Permit (UP 24060) for the Carmel Legacy Hotel project which entails the demolition of the 38-room Hofsas House Hotel and construction of the 38-room Carmel Legacy Hotel located San Carlos Street 2 northwest of 4th Avenue (APN: 010-124-001-000 and 010-124-014-000).

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of July 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Nova Romero, MMC
City Clerk

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2024-026-PC

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA
APPROVING A DESIGN REVIEW AND ASSOCIATED COASTAL DEVELOPMENT PERMIT FOR THE
CARMEL LEGACY HOTEL LOCATED ON SAN CARLOS STREET 2 NORTHWEST OF 4TH AVENUE
APN: 010-124-001-000 and 010-124-014-000**

WHEREAS, on March 12, 2024, Eric Miller Architects, Inc. (“Applicant”) submitted a Design Review application DR 24-059 (Hofsas House, Inc.) described herein as (“Application”) on behalf of Hofsas House, Inc. (“Owner”) for the Carmel Legacy Hotel, conversion of the historic Donna Hofsas House from a manager’s unit to two apartments, and the addition of accessory uses both within the hotel and the historic house; and

WHEREAS, the Application has been submitted for two legal lots of record totaling 36,200 square feet located on San Carlos Street 2 northwest of 4th Avenue in the Residential and Limited Commercial (RC) District (Block 34, Lots 1, 3, 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14); and

WHEREAS, the Applicant is requesting to demolish the Hofsas House Hotel, an approximately 15,762-square-foot 38-room hotel, and construct the Carmel Legacy Hotel, a 32,466-square-foot 38-room hotel, convert the historic Donna Hofsas House from a managers unit to two apartments, and establish hotel-related accessory uses; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.030 (Commercial Design Review), new construction, alterations, rebuilds, additions, and demolitions require approval of a Residential Track Two Design Study by the Planning Commission; and

WHEREAS, a Coastal Development Permit is also required in accordance with CMC 17.52.090 (Coastal Development Permit Required); and

WHEREAS, on January 26th and October 18th, 2023, the applicant and the hotel owner/operator hosted two meetings with the community, and on May 17th and May 25th, 2023, hosted two meetings with the Carmel Chamber of Commerce to present the project to the community and solicit feedback; and

WHEREAS, on February 2, 2023, the applicant submitted Conceptual Review application CR 23-097 (Hofsas House, Inc.) for the demolition of the Hofsas House Hotel and construction of a new hotel known as the Carmel Legacy Hotel; and

WHEREAS, on December 13, 2023, a conceptual design of the project was presented to the Planning Commission, and feedback received from the public and the Commission was incorporated into the project; and

WHEREAS, on December 18, 2023, the Historic Resources Board issued a Determination of Ineligibility for the Hofsas House Hotel, finding it did not meet the criteria for listing as a historic resource; and

WHEREAS, also on December 18, 2023, the Historic Resources Board issued a Determination of Eligibility for the Donna Hofsas House, finding it met the criteria for listing as a historically significant building; and

WHEREAS, on March 29, 2024, a notice of the public hearing scheduled for April 10, 2024, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before March 31, 2024, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before April 5, 2024, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on April 10, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the commercial design review, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the final design of the project; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the Planning Commission found that pursuant to CEQA regulations, the Application is categorically exempt under Section 15332 (Class 32) – Infill Development Projects, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Commission at the hearing date, including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the **Commercial Design Review**:

FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL		
For each of the required findings listed below, the staff has indicated whether the application supports adopting the findings, either as proposed or with conditions. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report, depending on the issues.		
CMC 17.58.060 Design Review Approval Findings	YES	NO
Conforms to the applicable policies of the General Plan and the Local Coastal Program.	✓	
Complies with all applicable provisions of Carmel Municipal Code.	✓	
Is consistent with applicable adopted design review guidelines.	✓	

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the **Coastal Development Permit**:

FINDINGS REQUIRED FOR COASTAL DEVELOPMENT PERMITS		
For each of the required findings listed below, the staff has indicated whether the application supports adopting the findings, either as proposed or with conditions. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report, depending on the issues.		
CMC 17.64.010.B, Coastal Development Permits	YES	NO
1. The project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Carmel-by-the-Sea Local Coastal Program.	✓	
2. If the project is located between the first public road and the sea, the project conforms with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby APPROVE the Commercial Design Review application DR 24-059 (Hofsas House, Inc.)

to demolish the Hofsas House Hotel, an approximately 15,762-square-foot 38-room hotel, and construct the Carmel Legacy Hotel, a 32,466-square-foot 38-room hotel, convert the historic Donna Hofsas House from a managers unit to two apartments, and establish hotel-related accessory uses located on San Carlos Street 2 northwest of 4th Avenue (Block 34, Lots 1, 3, 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14, APN 010-124-001 and 010-124-014), subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	Authorization. This approval of Design Review application DR 24-059 (Hofsas House, Inc.) authorizes the demolition of the 38-room Hofsas House Hotel, construction of the 38-room Carmel Legacy Hotel, and conversion of the historic Donna Hofsas House from a manager’s unit to two apartments. The project site is located on San Carlos Street 2, southwest of 4th Avenue in the Residential and Limited Commercial (RC) District as depicted in the plans prepared by Eric Miller Architects approved by the Planning Commission on April 10, 2024, and stamped approved and on file in the Community Planning & Building Department unless modified by the conditions of approval contained herein. This Design Review approval does not include any exterior modifications to the historic Donna Hofsas House. Any exterior change to the historic Donna Hofsas House shall be submitted under a separate Design Review application to the Community Planning and Building Department and shall comply with Carmel Municipal Code Chapter 17.32 (Historic Preservation).
2.	Codes and Ordinances. The project shall be constructed in conformance with all requirements of the Residential & Limited Commercial (RC) District and Archaeological Significance (AS) Overlay District. All adopted building and fire codes shall be adhered to when preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.
3.	Permit Validity. In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a commercial design review approval remains valid for 18 months from the date of action. The project must be implemented during this time, or the approval becomes void. Implementation is effected by erecting, installing, or beginning the installation of the improvement authorized by the permit, as determined by the Director. Extensions to this approval may be granted consistent with CMC 17.52.170.C.
4.	Water Use. Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is unavailable for this site, this permit will be scheduled for reconsideration, and appropriate findings will be prepared for review and adoption by the Planning Commission.

5.	Setback and Height Certifications. A State licensed surveyor shall survey and certify the following in writing: • The footing locations are in conformance with the approved plans prior to footing/foundation inspection; • The roof heights and plate heights of each building are in conformance with the approved plans prior to the roof sheathing inspection. Roofs and plates shall not exceed the elevation points as identified in the approved project plans, and the roofs include an appropriate allowance for roofing material thickness. Written certifications prepared, sealed, and signed by the surveyor shall be provided prior to footing/foundation inspection and roof sheathing inspection. In the event that multiple footing/foundation pours are required, a survey letter shall be submitted for each separate section.
6.	Service Laterals. Prior to final inspection, all electrical service laterals to any new building or structure, or to any building or structure being remodeled when such remodeling requires the relocation or replacement of the main service equipment, shall be placed underground on the premises upon which the building or structure is located. Undergrounding will not be required when the project valuation is less than \$200,000, or the City Forester determines that undergrounding will damage or destroy significant trees(s) (CMC 15.36.020).
7.	Utility Meter Locations. The placement of all utility meters shall be screened from public view to the satisfaction of the Community Planning & Building Director. Before changing the location of any utility meter, the Community Planning and Building Director or designee must give written approval.
8.	Modifications. The Applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the Applicant changes the project without first obtaining City approval, the Applicant will be required to submit the change in writing, with revised plans, within two weeks of the City being notified. A cease work order may be issued at any time at the discretion of the Director of Community Planning and Building until a) either the Planning Commission or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review. The project will be reviewed for its compliance with the approved plans prior to the final inspection.
9.	Exterior Revisions to Planning Approval Form. All proposed modifications that affect the exterior appearance of the building or site elements shall be submitted on the “Revisions to Planning Approval” form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.
10.	Conflicts Between Planning Approvals and Construction Plans. It shall be the responsibility of the Owner, Applicant, and Contractor(s) to ensure consistency between the project plans approved by the Planning Staff, the Planning Commission, or the City Council on appeal and the construction plans submitted to the Building Division as part of the Building Permit review. Where inconsistencies between the Planning approval and the

	construction plans exist, the Planning approval shall govern unless otherwise approved in writing by the Community Planning & Building Director or their designee. When changes or modifications to the project are proposed, the Applicant shall clearly list and highlight each proposed change and bring each change to the City's attention. Changes to the project incorporated into the construction drawings that were not clearly listed or identified as a proposed change shall not be considered an approved change. Should conflicts exist between the originally approved project plans and the issued construction drawings that were not explicitly identified as a proposed change, the plans approved as part of the Planning Department Review, including any Conditions of Approval, shall prevail.
11.	Exterior Lighting. Prior to the issuance of a building permit, the Applicant shall include in the construction drawings a comprehensive lighting plan including all exterior light fixtures and the manufacturer's specifications, including illumination information. All fixtures shall be shielded and down-facing. Exterior wall-mounted lighting shall be limited to 25 watts or less (incandescent equivalent or 375 lumens) per fixture and shall be installed no higher than 10 feet above the ground or walking surface. Landscape lighting shall not exceed 18 inches above the ground nor more than 15 watts (incandescent equivalent or 225 lumens) per fixture and shall be spaced no closer than 10 feet apart. Landscape lighting shall not be used as accent lighting, nor shall it be used to illuminate trees, walls, or fences. The purpose of landscape lighting is to safely illuminate walkways and entrances to the subject property and outdoor living spaces.
12.	Stone Facades (including chimneys). Prior to the issuance of a building permit, the Applicant shall identify the masonry pattern for all stonework in the construction drawings. Stone facades 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. All stonework shall be wrapped around building corners and terminated at an inside corner or a logical stopping point that provides a finished appearance. Termination of stonework shall be subject to review and approval by the Community Planning & Building Director or their designee.
13.	Wood Frame Windows. Prior to the issuance of a building permit, the Applicant shall include the manufacturer's specifications for the approved wood frame windows in the construction drawings. Window material shall be consistent throughout the project. Windows approved with divided lights shall appear to be true divided lights, including internal and external mullions and muntins on insulated windows. Any window pane dividers that are snap-in or otherwise superficially applied are not permitted. The painted finish shall be matte or low gloss.
14.	Indemnification. The Applicant agrees, at his or her 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 proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and 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 resolving all such actions by the parties hereto.
15.	Hazardous Materials Waste Survey. Prior to the issuance of a demolition permit, the Applicant shall submit a hazardous materials waste survey to the Building Division in conformance with the Monterey Bay Unified Air Pollution Control District.
16.	Archaeological Report. Prior to the issuance of a building permit, the Applicant shall submit an archaeological reconnaissance report prepared by a qualified archaeologist or another person(s) meeting the standards of the State Office of Historic Preservation. The Applicant shall adhere to any recommendations set forth in the archaeological report. 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 Planning Commission.
17.	Cultural Resources. Throughout construction, all excavation activities shall immediately cease if cultural resources are discovered on the site, and the Applicant or his/her agent on the site shall immediately notify the City of Carmel Community Planning & Building Department within 24 hours. Work shall not recommence until such resources are properly evaluated for significance by a qualified archaeologist. If the resources are determined to be significant, prior to the resumption of work, a mitigation and monitoring plan shall be prepared by a qualified archaeologist and reviewed and approved by the City of Carmel Community Planning and Building Director. If any human remains are found at any time during construction, work shall stop, and the applicant or his/her agent on the site shall immediately notify the Monterey County Coroner in compliance with applicable State requirements (California Public Resources Code (PRC) Section 5097.98).
18.	Truck Haul Route. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building Director, in consultation with the Public Works and Public Safety Departments, a truck-haul route and any necessary traffic control measures for the grading activities. The Applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures.
19.	USA North 811. Prior to any excavation or digging, the Applicant shall contact the appropriate regional notification center (USA North 811) at least two working days, but not more than 14 calendar days, prior to commencing that excavation or digging. No digging or excavation is authorized to occur on-site until the Applicant has obtained a

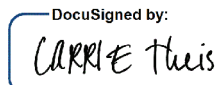
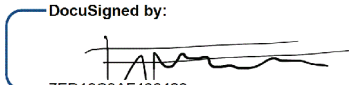
	Ticket Number and all utility members have positively responded to the dig request. (Visit USANorth811.org for more information)
20.	Conditions of Approval. Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.
Landscape Conditions	
21.	Landscape Plan Required. Prior to the issuance of a building permit, the Applicant shall submit a landscape plan for review and approval by the Community Planning & Building Department and the City Forester. The landscape plan shall be included in the construction drawings and will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including, but not limited to, the following: 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 on-site conditions. The landscape plan shall identify the location where new trees will be planted when new trees are required to be planted by the City code, the Forest and Beach Commission, or the Planning Commission.
22.	Tree Planting Requirements. Prior to issuance of a building permit, the Applicant shall identify on the landscape plan the location, size, and species of required tree plantings. All new trees shall be installed prior to the final inspection. Trees shall be recorded and monitored for at least five years to ensure their establishment and growth to maturity. Trees that do not survive or are removed shall be replaced with new trees that are equivalent in size to the measured or projected growth of the original trees and shall be planted in the same location unless otherwise directed by the City Forester or Forest & Beach Commission.
23.	Tree Removal Prohibited. Throughout construction, the Applicant shall protect all trees identified for preservation by methods approved by the City Forester. Trees on or adjacent to the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission.
24.	Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures on the construction site. • Prior to grading, excavation, or construction, the developer shall clearly tag or mark all trees to be preserved. • Excavation within 6 feet of a tree trunk is not permitted. • No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree. • Per Municipal Code Chapter 17.48.110, no material may be stored within the dripline of a protected tree, including the drip lines of trees on neighboring parcels.

	• Tree Protection Zone. The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. A minimum of 4-foot-high transparent fencing is required unless otherwise approved by the City Forester. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. The fencing must be maintained upright and taught for the duration of the project. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line outside of the fencing. • Structural Root Zone. The Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots. • If roots greater than 2 inches in diameter or larger are encountered within the approved Structural Root Zone, the City Forester shall be contacted for approval to make any root cuts or alterations to structures to prevent roots from being damaged. • If roots larger than 2 inches 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, and mitigation measures have been put in place.
25.	Foundation Work Near Significant Trees. 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. Six inches (6") of mulch shall be evenly spread across the inside the dripline of all trees prior to the issuance of a building permit.
Environmental Compliance Conditions	
26.	Drainage Plan. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a drainage plan that meets the requirements of the City's drainage guidance, SOG 17-07. At a minimum, new and replaced impervious area drainage must be dispersed around the site rather than focused on one corner of the property; infiltration features must be sized appropriately and located at least 6 feet from neighboring properties. The drainage plan shall include information on drainage from new impervious areas and semi-

	pervious areas.
27.	BMP Tracking Form. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a completed BMP Tracking form.
28.	Semi-Permeable Surfaces. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments cross-section details for all semi-permeable surfaces.
29.	Erosion and Sediment Control Plan. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments an erosion and sediment control plan that includes locations and installation details for erosion and sediment control BMPs, material staging areas, and stabilized access.
30.	Erosion Control in the Right-of-Way. Prior to issuance of a building permit, the Applicant shall identify on the landscape plan any natural slope within the right-of-way immediately adjacent to the property where parking is not practical. Jute netting and a drought-tolerant ground cover to manage post-construction erosion control shall be installed. Plants installed within the drip line of trees shall be selected from the City's "List of Compatible Plants Under and Around Native Trees" in the Forest Management Plan. The Public Works Director, or their designee, may waive this requirement.
Special Conditions	
31.	Pre-Construction Meeting. Prior to the issuance of a building permit, the contractor overseeing the project shall schedule a pre-construction meeting with the <u>Project Planner</u> to review the approval conditions and expectations during construction.
32.	Conditions of Approval Acknowledgement. Prior to the issuance of a building permit revision, a completed Conditions of Approval Acknowledgment form shall be included in the construction drawings. The form shall be signed by the Property Owner, Applicant, and Contractor prior to the issuance of a building permit.
33.	Copper Gutters & Downspouts Not Permitted. Prior to the issuance of a building permit, the applicant shall identify the material for gutters and downspouts in the construction drawings. The use of copper for gutters and downspouts is prohibited.
34.	Construction Management Plan. Prior to the issuance of a building permit, the Applicant shall submit a Construction Management Plan for review and approval by the Community Planning & Building Director.
35.	Public Way Improvements. Development projects involving substantial new or replacement construction shall include improvements in the public right-of-way adjacent to the building site to coordinate the design of the development with the design of City streets, sidewalks, walkways and infrastructure improvements and to enhance the overall appearance of the community. Prior to the issuance of a building permit, the applicant shall submit for review and approval by the Community Planning & Building Department and Public Works Department a design for public way improvements on San Carlos Street.
36.	Landscaping within Required Setbacks. Prior to the issuance of a building permit, the applicant shall submit for review and approval by the Community Planning & Building

	Department a final landscape and irrigation plan that includes landscaping within required setbacks.
37.	Garage Ventilation. Garages shall be ventilated to avoid the build-up of exhaust gases. When mechanical ventilation is used, noise mitigation measures shall be incorporated such as low-noise fans, insulated ductwork and vibration absorbing mounting systems. Ducts shall not exhaust toward any building openings or open space on any adjoining property nor toward any on-site or off-site open space, pathway, street, place or park accessible to the public. Venting to the roof is generally preferred. Plans for underground garages shall be reviewed to ensure accessibility for Police and Fire Department personnel during emergencies. To the extent possible, utility meters, vaults and connections should be located within garages or driveways and away from pedestrian walking surfaces.
38.	Kitchens or Similar Facilities for Cooking. No hotel units shall contain kitchens or similar facilities for cooking. A kitchen is defined as, <i>Any room or any part of a room designed, built, equipped, used, or intended to be used for the preparation of food and dishwashing, whether or not said room contains a cookstove or any other cooking appliance. A dining room, alcove, or similar room adjacent to or connected with a kitchen in which toasters, grills, percolators, and similar appliances are used shall not be deemed a kitchen.</i> (CMC 17.70)
39.	Lot Line Adjustment. Prior to the issuance of a building permit, the applicant shall prepare a final record of survey map and submit it to the Community Planning and Building Department for review and recordation with the Office of Monterey County.
40.	Building Coverage Analysis. Prior to the issuance of a building permit, the applicant shall prepare a comprehensive building coverage analysis including diagrams and submit it to the Community Planning and Building Department for review and approval.
41.	Floor Area Reduction. Prior to the issuance of a building permit, the applicant shall submit revised plans for review and approval by the Community Planning and Building Department that demonstrate a reduction in the building square footage on Lot 1 to comply with maximum floor area standards or submit revised plans with an alternative lot configuration that complies with maximum floor area standards.

Acknowledgment and acceptance of conditions of approval:

DocuSigned by:  9505E1DE51E4467... Property Owner Signature	CARRIE Theis Printed Name	4/15/2024 Date
DocuSigned by:  7ED16C3AF436423... Applicant	Eric Miller Printed Name	4/13/2024 Date

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 10th day of April 2024, by the following vote:

Resolution No. 2024-026-PC

Attachment 2

Page 12 of 12

AYES: ALLEN, DELVES, KARAPETKOV, LEPAGE

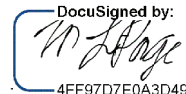
NOES:

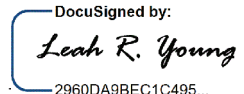
ABSENT:

ABSTAIN: LOCKE

APPROVED:

ATTEST:

DocuSigned by:

4FF97D7E0A3D499...
Michael LePage
Chair

DocuSigned by:

2960DA9BEC1C495...
Leah Young
Planning Commission Secretary

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2024-027-PC

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA
APPROVING A USE PERMIT FOR THE CARMEL LEGACY HOTEL, THE HISTORIC DONNA HOFAS
HOUSE, AND ASSOCIATED ACCESSORY USES LOCATED ON SAN CARLOS STREET 2 NORTHWEST
OF 4TH AVENUE APN: 010-124-001-000 and 010-124-014-000**

WHEREAS, on March 22, 2024, Eric Miller Architects, Inc. (“Applicant”) submitted Use Permit application UP 24-060 (Hofsas House, Inc.) described herein as (“Application”) on behalf of Hofsas House, Inc. (“Owner”) for the Carmel Legacy Hotel, conversion of the historic Donna Hofsas House from a manager’s unit to two apartments, and the addition of accessory uses both within the hotel and the historic house; and

WHEREAS, the Application has been submitted for two legal lots of record totaling 36,200 square feet located on San Carlos Street 2 northwest of 4th Avenue in the Residential and Limited Commercial (RC) District (Block 34, Lots 1, 3, 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14); and

WHEREAS, the Applicant is requesting to demolish the Hofsas House Hotel, an approximately 15,762-square-foot 38-room hotel, and construct the Carmel Legacy Hotel, a 32,466-square-foot 38-room hotel, convert the historic Donna Hofsas House from a managers unit to two apartments, and establish hotel-related accessory uses; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.14.030 (Land Use Regulations), Hotels and Motels in the RC District require a conditional use permit; and

WHEREAS, on March 29, 2024, a notice of the public hearing scheduled for April 10, 2024, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before March 31, 2024, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before April 5, 2024, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on April 10, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Use Permit, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the Planning Commission found that pursuant to CEQA regulations, the Application is categorically exempt under Section 15332 (Class 32) – Infill Development Projects, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Commission at the hearing date, including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the Use Permit:

FINDINGS REQUIRED FOR USE PERMIT APPROVAL (CMC 17.64.010 & 17.64.020)		
For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting the findings. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes," depending on the issues, may or may not be discussed in the report.		
Municipal Code Findings: CMC 17.64.010	YES	NO
1. That the proposed use will not be in conflict with the City’s General Plan.	✓	
2. That the proposed use will comply with all zoning standards applicable to the use and zoning district.	✓	
3. That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.	✓	
4. That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.	✓	
5. That the proposed use will not be injurious to public health, safety or welfare.	✓	
6. That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.	✓	

7. That the proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.	✓	
Municipal Code Findings: CMC 17.64.020	YES	NO
A. That allowing the proposed use will not conflict with the City's goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and nonlocal populations.	✓	
B. That proposed use will provide adequate ingress and egress to and from the proposed location.	✓	
C. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.	✓	
Municipal Code Findings: CMC 17.64.120	YES	NO
A. That the motel or hotel was in existence and lawfully established prior to April 1988 and has remained in operation since that time. That the proposed use will not increase the number of lodging units in existence as of that date.	✓	
B. That the proposed use will be operated as a commercial business offering transient lodging for guests and visitors. That the use will maintain living quarters occupied by a full-time manager on-site, if such occupancy was previously established as part of the use.	✓	
C. That the minimum number of units on the site is five. That, except for the manager's unit, no units shall contain kitchens or similar facilities for cooking food.	✓	
D. That, when reconstruction is involved, a site plan has been approved through the design review process that maximizes usable open space, minimizes unrelieved expanses of pavement devoted to parking and conforms in all respects to the commercial design requirements in Chapter 17.14 CMC, Commercial Zoning Districts.	✓	
E. That the use meets all parking requirements for all uses on the site established by Chapter 17.38 CMC, Off-Street Parking Requirements.	✓	
F. That incidental service uses provided by the motel, that are not otherwise allowed within the land use district, will be limited to use by motel occupants only and will not be made available to the general public.	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby approve the Use Permit application UP 24-060 (Hofsas House, Inc) for the demolition of the 38-room Hofsas House Hotel and construction of the 38-room Carmel Legacy Hotel, conversion of the historic Donna Hofsas House from a manager's unit to hotel rooms, and the addition of accessory uses both within the hotel and the historic house located on San Carlos Street 2 northwest of 4th Avenue (Block 34, Lots 1, 3, 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14, APN 010-124-001 and 010-124-014) subject to the Conditions of Approval below:

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	Authorization. Approval of Use Permit application UP 24-060 (Hofsas House, Inc) authorizes a 38-room hotel, two apartments, and associated hotel accessory uses	✓

	located on San Carlos Street 2 northwest of 4 th Avenue, in the Residential & Limited Commercial (RC) District as depicted in the application, plans and associated documents prepared by Eric Miller Architects approved by the Planning Commission on April 10, 2024, stamped approved and on file in the Community Planning & Building Department, unless modified by the conditions of approval contained herein.	
2.	Codes and Ordinances. The project shall conform to all Residential & Limited Commercial (RC) District requirements. All adopted building and fire codes shall be adhered to when preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.	✓
3.	Water Use. Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is not available for this site, this permit will be scheduled for reconsideration, and appropriate findings prepared for review and adoption by the Planning Commission.	✓
4.	Modifications. The applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the applicant changes the project without first obtaining City approval, the applicant will be required to submit the change in writing, with revised plans, within 2 weeks of the City being notified. A cease work order may be issued any time at the discretion of the Director of Community Planning and Building until: a) either the Planning Commission or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review. The project will be reviewed for its compliance to the approved plans prior to final inspection.	✓
5.	Indemnification. The applicant agrees, at his or her 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.	✓
6.	Conditions of Approval. All conditions of approval for the Planning permit(s) shall be printed on a full-size sheet and included with the construction plan set submitted to the Building Safety Division.	✓
SPECIAL CONDITIONS		

7.	Permit Validity. In accordance with CMC Section 17.52.170.B (General Limits), the Planning Commission extends the time limit on the commercial use permit from 6 months to 18 months to run concurrently with the associated commercial Design Review application. In accordance with CMC 17.52.170.C (Time Extensions), the Planning Commission may grant one 18-month extension of the commercial use permit if the conditions surrounding the original approval have not changed, and the General Plan, Municipal Code, or Local Coastal Program has not been amended in a manner which causes the approval to be inconsistent with these plans or codes.	✓
8.	Hotel Operations. In accordance with CMC 17.14.040.M (Hotels and Motels), hotels and motels may include minor accessory uses such as light meals and refreshments for guests only, with or without separate remuneration. If such accessory uses are available to the general public, they must be allowed uses within the underlying land use district and must meet all design, parking, and land use regulations established for the use.	✓
9.	Hotel Accessory Uses. The following hotel accessory uses are approved for use by hotel guests only as part of this commercial business use permit: Restaurant/Dining Room: - Up to 50 seats for guests and their family/friends - Hours of Operation: 7 am to 10 pm daily Café/Bakery: 300 square feet (approximately) - Hours of Operation: 7 am to 5 pm daily Gym/Fitness Center: 500 square feet (approximately) - Hours of Operation: 6 am to 9 pm daily Business Center: 350 square feet (approximately) Spa & Salon: 700 square feet (approximately) - Hours of Operation: By appointment Amendments: The Community Planning and Building Director shall have the authority to approve minor modifications to the accessory uses. Any modification that, in the opinion of the Director, has the potential to negatively impact surrounding uses shall be referred to the Planning Commission for review.	✓
10.	Apartments. Two apartments are permitted and shall contain complete living, sleeping, and bathing facilities.	

11.	Hotel Room Kitchens. In accordance with the findings for approval (CMC 17.64.120), except for the manager's unit, no hotel units shall contain kitchens or similar facilities for cooking food. CMC 17.70 defines a kitchen as, <i>Any room or any part of a room designed, built, equipped, used, or intended to be used for the preparation of food and dishwashing, whether or not said room contains a cookstove or any other cooking appliance. A dining room, alcove, or similar room adjacent to or connected with a kitchen in which toasters, grills, percolators, and similar appliances are used shall not be deemed a kitchen.</i>	✓
12.	Parking. The hotel shall provide on-site parking equal to 1 parking space per rental unit, including any manager's unit, plus 1.5 spaces per permanent residential use (apartment) for a total of 41 on-site parking spaces. No additional parking shall be required for accessory hotel uses that are limited to hotel guests.	✓

Acknowledgment and acceptance of conditions of approval.

DocuSigned by:  9505E1DE51E4467...	CARRIE Theis	4/15/2024
Property Owner Signature	Printed Name	Date
DocuSigned by:  7ED16C3AF436423...	Eric Miller	4/13/2024
Applicant Signature	Printed Name	Date

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 10th day of April 2024, by the following vote:

AYES: ALLEN, DELVES, KARAPETKOV, LEPAGE

NOES:

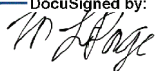
ABSENT:

ABSTAIN: LOCKE

APPROVED:

ATTEST:

DocuSigned by:



4FF97D7E0A3D499...

Michael LePage
Chair

DocuSigned by:



2960DA9BEC1C495...

Leah Young
Planning Commission Secretary



CITY OF CARMEL-BY-THE-SEA APPEAL FORM

Attachment 4

Appeals to a Board or Commission must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed **within 10 calendar days following the date of action** and paying the required filing fee as established by City Council resolution.

Appeals to the City Council must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed **within 10 working days following the date of action** and paying the required filing fee as established by City Council resolution.

Carmel Preservation Association, Neal Kruse

Name of Appellant

P.O. Box 7239, Carmel, CA 93921

Mailing Address of Appellant

Phone Number

Email address

Send correspondence to the following party (if different than Appellant):

City of Carmel-By-The-Sea

ALEXANDER HENSON

APR 24 2024

Name

Office of the City Clerk

P.O. Box 1381, Carmel Valley, CA. 93924

Mailing Address

Phone Number

Email address

2:45pm

Planning Commission

Commission, Board, Official or Department whose action is being appealed

Physical location of property involved (street location or address):

SAN CARLOS STREET 2 NORTHWEST OF 4TH AVENUE

Block 34, Lots 1, 3, 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14

APN: 010-124-001-000 and 010-124-014-000

Lot

Block

APN

Date of decision being appealed: 4-10-2024

Specific action or decision being appealed: Use Permit Approval

Grounds for appeal (attach additional pages if necessary): See Attachment A and B

Signature of Appellant

SB# 53741

ATTACHMENT A

The issue of this appeal is the failure of the Planning Commission to adequately assess the environmental impacts of the proposed project pursuant to the requirements of the California Environmental Quality Act, Public resources Code Section 21000 et seq. Specifically this appeal challenges the adoption of the categorical exemption of “infill development” as the basis to not identify and mitigate significant adverse environmental impacts. This project is not an infill development project as defined by the Office of Planning and Research (OPR).

The project as proposed and approved by the Planning Commission may have significant effects from traffic, noise and air quality, asbestos release being an especially significant concern, thus nullifying the use of the “infill” categorical exemption.

Further, there are “unusual circumstances” attendant to this project making a categorical exemption inappropriate pursuant to CCR Section 1500.2, particularly in regards to the demolition and construction phases. Those circumstances are:

1. The proposed project is surrounded by residential dwellings which will be subjected to significant construction noise, and traffic, particularly during excavation for the parking structure, and air quality impacts from dust, diesel exhaust and potentially, asbestos.
2. Given the quantity of dirt to be removed for the parking structure, and the amount of cement needed to build the project, the truck traffic with attendant noise, traffic impacts, and air quality impacts, will be significant along the entire truck route through the town from the construction site to the highway. This could also adversely impact emergency vehicle traffic.
3. The historic façade of the building will be lost unnecessarily. One more piece of Carmel's history obliterated.
4. The plan views are incomplete and fail to accurately portray the building as proposed. In this regard the height limit needs to be accurately assessed on this sloping site.
5. The west side proposes an increase in glass compared to that existing with consequences for the neighbors from increased reflective glare.
6. The impact on parking opportunities during demolition and construction.
7. This project is located between two major streets which serve as ingress and egress to the Village. Where will the construction workers and construction vehicles park and how will they navigate through this very congested part of town. The traffic and circulation of these major demolition and construction vehicles, dump trucks, cement mixers, etc. has not been addressed. We have two inns sharing same the city block with Hofsas and two more on Fourth Avenue, one at intersection with San Carlos and the other at the intersection with Dolores. This area contains multiple inns and is also a residential neighborhood that will be heavily impacted by the project traffic.

ATTACHMENT B

The existing Hofsas House demolition, and construction of the new Carmel Legacy Hotel was approved by the Planning Commission on April 10, 2024. We are appealing this Planning Commission decision to exempt the project from CEQA because the criteria to qualify for the "In-fill development Projects" exemption were misused and misinterpreted. The exemption was therefore applied erroneously. The exemption is also inconsistent with the way similar past projects in Carmel-by-the-Sea were analyzed in Environmental Impact Reports (EIRs) under CEQA.

For historical perspective, there were at least three similar projects in the past for which the City prepared EIRs for environment assessment and mitigation of impacts. Specifically, the scope of these projects included the demolition of existing and old commercial structures followed by the construction of new commercial structures in their places, as follows:

-Sunset Center 10/16/1995

"Demolition of Sunset Theater and construction of a new larger theater building in its place."

-San Carlos Inn Project 3/19/1999

"The project proposed to demolish a small commercial real estate office and two apartments which front San Carlos Street, and a converted single-family residence with attached subordinate unit located within the basement which fronts Mission Street. After demolition, the project proposes to construct a 13-unit residential care facility on 4,335 square feet of a 8,500 square-foot parcel located in the RC District."

-Plaza Del Mar 5/28/2004

"Construct a two-story mixed-use structure with ground floor retail/residential (5 units), second story residential (3 units), over two underground parking levels. Project includes the demolition of existing one-story commercial building and detached office building."

The Hofsas House project also involves demolition and replacement of structures as these three earlier projects did. The City nonetheless did not see fit to do any CEQA analysis, let alone prepare an EIR. Instead, the City concluded that the project was exempt from CEQA based on the exemption for "In-fill Development Projects." However, as described by the State's Office of Planning and Research (OPR): "The term 'infill development' refers to building within unused and underutilized lands within existing development patterns,

typically but not exclusively in urban areas.” The Hofsas House project is not an infill development project.

CEQA documentation should have been more comprehensive, and an EIR should have been considered, especially for a project of this magnitude surrounded by residential neighborhoods. Numerous residents live in homes that are situated directly across the street from the project site and these homes surround the project on all sides. These residents and neighborhoods will be subject to potential adverse demolition and construction related impacts. In addition, residents living in homes along the demolition and construction related truck routes may also be adversely impacted.

A major concern is that the demolition and construction phase was not thoroughly analyzed for potential adverse public health and safety impacts. Demolition in particular could result in considerable particulate emissions and other air pollutants, including asbestos and other toxins, and diesel exhaust from heavy equipment and trucks. In addition, truck traffic and noise are also of concern.

Given that the project site abuts neighborhoods on all sides, toxic pollutants including asbestos and other emissions such as diesel exhaust will likely be dispersed into these residential areas. The demolition and trucks transporting tons of debris from which particulates could escape into neighborhoods could be particularly impactful.

The Hofsas House is a substantial structure with a large footprint of almost an entire city block, and it is literally surrounded by residents. No legitimate health and safety assessment to address the demolition and construction phase of the project was undertaken before the Planning Commission approved the project.

The following statement represents the conclusion of staff that the project was exempt from CEQA requirements:

Carmel-by-the-Sea Planning Commission Staff Report

April 10, 2024

“Staff recommends the project be found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15332 (Class 32) – Infill Development Projects. The project includes the demolition of a 38-room hotel and the construction of a new 38-room hotel and therefore qualifies for a Class 32 exemption. The proposed project does not present any unusual circumstances that would result in a potentially significant environmental impact, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines.”

The staff statement above references Section 15332 (infill projects) as the basis for an exemption. However, the demolition and replacement of the Hofsas House with a new

hotel is not an "infill" project and using that category is misuse of a categorical exemption in order to avoid an environmental review and analysis that is otherwise required by CEQA. Furthermore, Section 15332(d) refers to significant effects relating to traffic, noise, and air quality as not qualifying:

California Code of Regulation - Title 14

Section 15332 - In-Fill Development Projects

"Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value, as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services."

The proposed project does not qualify for the exemption for "In-Fill Development Projects." It has the potential for significant effects from the demolition and construction phase of the project. The staff also refers to the CEQA Guidelines to claim that there are no "unusual circumstances" to preclude CEQA exemption, but even the Guidelines do not allow for categorical exemptions where there is reasonable potential for significant effects:

Section 15300.2 - Exemptions"(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances."

The "unusual circumstances" in this case are surrounding single family residential neighborhoods immediately adjacent to the project site.

Carmel Legacy Hotel Response to Appeal to the City Council and Recommended Evidence for a Class 32 Categorical Exemption

On behalf of the applicant, EMC Planning Group staff conducted a review and evaluation of the project, the appeal to the City Council, conducted research regarding the applicability of the Class 32 categorical exemption, and presents the following:

Project Description

The project site is currently occupied by the Hofsas House Hotel, a 36,200 square foot building site comprised of two legal lots of record, an 8,000 square foot lot (Block 34, Lots 1 & 3, APN 010-124-001) and a 28,200 square foot lot (Block 34, Lots 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14, APN 010-124-014). The project site totals 36,200 square feet or 0.83 acres. The hotel, as it is known today, was constructed in 1957 and expanded in 1968. The Donna Hofsas House is located on the larger of the two parcels, fronting Dolores Street, and was constructed in 1960.

The project includes demolishing the 38-room Hofsas House Hotel and building a new hotel, Carmel Legacy Hotel. There would be no increase in the number of hotel rooms.

Response to the Appeal

Introduction

The appeal was filed on April 24, 2024, and includes Attachment A and Attachment B, with the appellant's arguments that the project should not be categorically exempt under Class 32 of the CEQA Guidelines.

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. In response to that mandate, the California Secretary for Resources has found that 33 classes of projects, which are listed in the CEQA Guidelines, do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

Therefore, the Secretary for Resources has found that the environmental impacts associated with projects that fall into these classes are not significant.

The city has used the following categorical exemption associated with approval of the project:

15332. In-fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

Response to Appeal's Claim that Class 32 Exemption Does Not Apply

The following are responses to the claims in Attachments A and B of the appeal. In summary, the appellant does not provide any support to the claim that the Class 32 exemption does not apply because there are unusual circumstances that qualify for an exception to the exemption.

Attachment A

Attachment addresses A what the appellant refers to as “unusual circumstances making the categorical exemption inappropriate, particularly in regard to the demolition and construction phase.” The appellant presents the following circumstances:

1. *The proposed project is surrounded by residential dwellings which will be subjected to significant construction noise, and traffic, particularly during excavation for the parking structure, and air quality impacts from dust, diesel exhaust and potentially, asbestos.*
2. *Given the quantity of dirt to be removed for the parking structure, and the amount of cement needed to build the project, the truck traffic with attendant noise, traffic impacts, and air quality impacts, will be significant along the entire truck route through the town from the construction site to the highway. This could also adversely impact emergency vehicle traffic.*

Response to 1 and 2. For clarification, the project site is surrounded by a residential neighborhood to the north; Svendsgaard's Inn and 4th Avenue to the south; San Carlos Street, Pine Terrace Condominiums and Hotel Carmel to the east; and Carmel County Inn, Dolores Street, and a residential neighborhood to the west. There is nothing unusual regarding air pollutants, asbestos, other toxins, diesel exhaust, truck traffic and noise associated with demolition and construction activities associated with the project. Typical demolition activities

include all necessary actions to remove existing structures including parking lots from the site. Typical construction activities include grading and the import or export of soil, and the use of cement in the construction of parking structures (above ground or below ground), and the construction of new buildings and associated infrastructure. Soil removal and the use of cement are typical activities that occur during demolition and construction activities.

Regarding hazards, the city's standard condition of approval, which was applied to the project states, "Hazardous Materials Waste Survey. Prior to the issuance of a demolition permit, the Applicant shall submit a hazardous materials waste survey to the Building Division in conformance with the Monterey Bay Unified Air Pollution Control District." This addresses the issues of asbestos and other toxins associated with demolition of the existing structures.

Regarding construction traffic, the city's standard condition of approval, which was applied to the project states, "Truck Haul Route. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building Director, in consultation with the Public Works and Public Safety Departments, a truck-haul route and any necessary traffic control measures for the grading activities. The Applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures." Regarding construction noise, the city's General Plan/Local Coastal Plan includes policy P9-4 "Ensure that construction activities are managed to minimize overall noise impacts on surrounding land uses." Additionally, Municipal Code section 15.08.180, limits the hours of construction to between 8:00 a.m. and 6:30 p.m.

Therefore, there would be no significant impacts associated with air pollutants, asbestos, other toxins, diesel exhaust, truck traffic and noise and there are no unusual circumstances associated with the project's demolition and construction activities.

3. *The historic façade of the building will be lost unnecessarily. One more piece of Carmel's history obliterated.*

Response to 3. A review of the property was conducted by five separate qualified professionals: Chattel Inc., Historic Preservation Consultants (October 16, 2023), Heritage Services Consulting (October 23, 2023), Modern Resources (October 16, 2023), Kent Seavey (November 12, 2023), and Dr. Anthony Kirk (September 11, 2023 and September 2022). All reports concluded the existing hotel is not a significant historic resource and is not eligible for listing in the City Inventory or the California Register. The City contracted with Ms. Margaret Clovis, a qualified professional to perform an intensive survey of the Hofsas House Hotel. The DPR report submitted by Ms. Clovis concluded that the Hofsas House Hotel does not meet any of the California Register criteria and is not eligible for listing in the Carmel Inventory of Historic Resources in a DPR report. Subsequently, on December 18, 2023, the City of Carmel-by-the-Sea Historic Resources Board determined that the Hofsas House Hotel does not constitute a historic resource. No appeal of that determination was filed within the time allowed by law.

4. *The plan views are incomplete and fail to accurately portray the building as proposed. In this regard the height limit needs to be accurately assessed on this sloping site.*

Response to 4. The height of the new building was determined to be consistent with the city's zoning regulations. Therefore, there are no unusual circumstances associated with the height of the new building. The proposed height of the building projections was simulated with flagging. Height measurements of (6) six points were measured and verified to accurately reflect the height proposed on the planset, by an affidavit signed by a licensed land surveyor, per the City's Story Pole Certification Policy.

5. *The west side proposes an increase in glass compared to that existing with consequences for the neighbors from increased reflective glare.*

Response to 5. The use of glass in commercial structures such as a hotel is not an unusual circumstance.

6. *The impact on parking opportunities during demolition and construction.*
7. *This project is located between two major streets which serve as ingress and egress to the Village. Where will the construction workers and construction vehicles park and how will they navigate through this very congested part of town. [sic] The traffic and circulation of these major demolition and construction vehicles, dump trucks, cement mixers, etc. has not been addressed. We have two inns sharing same the [sic] city block with Hofsas and two more on Fourth Avenue, one at [sic] intersection with San Carlos and the other at the intersection with Dolores. This area contains multiple inns and is also a residential neighborhood that will be heavily impacted by the project traffic.*

Response to 6 and 7. It is not unusual for demolition and construction traffic to have a temporary effect on the availability of on-street parking. Additionally, the city's Municipal Code section 15.08.190 Parking During Construction states, "The parking of construction vehicles in any posted time-limited zone is prohibited unless a construction parking permit has been issued by the City." Municipal Code section 15.08.210, Use of Public Right-of-Way states, "When at any time any construction interferes with the use of any portion of the public right-of-way, a temporary encroachment permit therefor shall first be obtained and all necessary protection devices shall be installed. Such devices shall include, but may not be limited to: barricades, pedestrian walkways, guardrails, signs, lighting, etc. Said permit shall be obtained from the Department of Community Planning and Building and shall be approved by the Community Planning and Building Department in conjunction with the Director of Public Works. The fee for said permit shall be as established from time to time by resolution of the City Council. Temporary encroachment permits shall be limited in duration to 48 hours unless a longer time period is specifically approved by the Directors of Planning and Building and Public Works. Temporary encroachment permits shall not be issued to allow storage of construction materials

and/or equipment in the public right-of-way unless it can be demonstrated that a significant hardship exists that prevents material storage elsewhere on the site.”

Additionally, the city has included the following condition of approval associated with construction: “Construction Management Plan. Prior to the issuance of a building permit, the Applicant shall submit a Construction Management Plan for review and approval by the Community Planning & Building Director.”

Therefore, temporary impacts on the availability of parking opportunities does not constitute an unusual circumstance.

Attachment B

1. *Regarding inconsistency with the way similar past projects were analyzed in EIRs. The appellant argues that the city prepared EIRs for three projects that included demolition of existing and old commercial structures followed by construction of new commercial structures in their places. However, they don't provide any evidence that those three projects were categorically exempt. Even if one or more of those projects were categorically exempt, preparing an EIR for those project(s) would not require the city to prepare EIRs on other projects that are categorically exempt. In summary, preparing EIRs on past projects does not affect the exempt status of other projects, include the Carmel Legacy Hotel project.*
2. *Regarding the definition of “infill development.” The appellant argues that the Office of Planning and Research defines infill development as follows: “The term ‘infill development’ refers to building within unused and underutilized lands within existing development patterns, typically but not exclusively in urban areas. Infill development is critical to accommodating growth and redesigning our cities to be environmentally- and socially-sustainable.” CEQA Guidelines section 15332 defines In-Fill Development Projects for purposes of this exemption, namely, that the project be substantially surrounded by urban uses. This project meets section 15332.*
3. *Regarding surrounding land uses. The appellant argues that an EIR should be prepared because the project site is surrounded by residential neighborhoods, including numerous residents that live in homes directly across the street. They, as well as residents living along the truck routes will be subject to demolition and construction-related impacts. For clarification, the project site is surrounded by a residential neighborhood to the north; Svendsgaard's Inn and 4th Avenue to the south; San Carlos Street, Pine Terrace Condominiums and Hotel Carmel to the east; and Carmel County Inn, Dolores Street, and a residential neighborhood to the west. By its very characterization of in-fill developments projects, CEQA Guidelines section 15332 states that the proposed development must occur within city limits on a project site of no more than five acres substantially surrounded by urban uses. There are no unusual circumstances associated with the project being surrounded by existing commercial and residential uses.*

4. *Regarding public health and safety impacts. The appellant implies that residents in the vicinity could be exposed to air pollutants, asbestos, other toxins, diesel exhaust, truck traffic and noise.* There is nothing unusual regarding air pollutants, asbestos, other toxins, diesel exhaust, truck traffic and noise associated with demolition and construction activities associated with the project. Typical demolition activities include all necessary actions to remove existing structures including parking lots from the site. Typical construction activities include grading and the import or export of soil, construction of parking structures (above ground or below ground), and construction of new buildings and associated infrastructure. These are typical activities that occur during demolition and construction activities.

Regarding hazards, the city's standard condition of approval, which was applied to the project states, Hazardous Materials Waste Survey. Prior to the issuance of a demolition permit, the Applicant shall submit a hazardous materials waste survey to the Building Division in conformance with the Monterey Bay Unified Air Pollution Control District." This addresses the issues of asbestos and other toxins associated with demolition of the existing structures.

Regarding construction traffic, the city's standard condition of approval, which was applied to the project states, "Truck Haul Route. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building Director, in consultation with the Public Works and Public Safety Departments, a truck-haul route and any necessary traffic control measures for the grading activities. The Applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures." Regarding construction noise, the city's General Plan/Local Coastal Plan includes policy P9-4 "Ensure that construction activities are managed to minimize overall noise impacts on surrounding land uses." Therefore, there would be no significant impacts associated with air pollutants, asbestos, other toxins, diesel exhaust, truck traffic and noise and there is nothing unusual about the demolition and construction activities associated with the project.

The replacement of the hotel will address structural and engineering issues with the existing hotel, as described in the attached report from KPFF Consulting Engineers.

Categorical Exemption and Recommended Evidence

The project appears to qualify under the following four exemption categories:

- Class 32, In-fill Development
- Class 2, Replacement or Reconstruction
- Class 3, New Construction or Conversion of Small Structures
- Class 31, Historical Resource Restoration/Rehabilitation

The applicability of each class to the project is discussed below.

Class 32, In-fill Development Categorical Exemption

The project qualifies for a categorical exemption under Article 19, Section 15332 of the California Environmental Quality Act (CEQA).

(a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

Evidence. The April 10, 2024 staff report to the Planning Commission provides the evidence that the project is consistent with the applicable general plan designation and with applicable zoning designation and regulations. The project is consistent with the following General Plan Policies noted in the City's Land Use Element:

G1-2 Preserve the residential village character and perpetuate a balance of land uses compatible with local resources and the environment.

P1-5 Preserve the development pattern established in the commercial area with a central core area of ground floor retail and service activities surrounded by a less intensive buffer area of residential, motels, offices and other uses.

The project is sited adjacent to the Commercial District in (RC) Residential and Limited Commercial Zoning.

O1-6 Recognize the natural resources and scenic quality of Carmel as a coastal community and allow uses in the community that are consistent with local needs, the Carmel Local Coastal Plan, and the California Coastal Act

P1-27 Continue to ensure that development, whether commercial or residential, does not diminish the village character by excessively blocking important public or private views and disturbing natural topography, mature trees, or native growth.

The project is lower in height, and expands surrounding viewsheds.

G1-3 Recognize the qualities and attributes that make up the unique architectural character of Carmel, retain these qualities in existing buildings, and encourage the use of them in new structures.

O1-10 Apply design regulations for the commercial district that will protect its established character while supporting the land uses contained therein.

The project's design was evaluated and unanimously approved, by the Planning Commission who confirming the design is in alignment with the City of Carmel's Commercial Design Guidelines

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Evidence. The project site is 0.83 acres, located within the city limits of Carmel-by-the-Sea, and is completely surrounded by urban uses. The project site is surrounded by a residential neighborhood to the north; Svendsgaard's Inn and 4th Avenue to the south; San Carlos Street, Pine Terrace Condominiums and Hotel Carmel to the east; and Carmel County Inn, Dolores Street, and a residential neighborhood to the west.

(c) The project site has no value as habitat for endangered, rare or threatened species.

Evidence. The project site is completely developed with structures and parking lots and within the developed city of Carmel-by-the-Sea. Janet Walther, MS, EMC Planning Group principal biologist reviewed the project site and the California Natural Diversity Database and concluded that the project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality Construction Traffic), or water quality.

Evidence - Traffic. A vehicle miles traveled (VMT) study was conducted by Hexagon Transportation Consultants in November 2023 to determine if the project would result in significant traffic effects as defined by CEQA. In summary, the study concluded that the project would replace an existing hotel facility consisting of 38 rooms and on-site amenities with a proposed hotel facility consisting of 38 rooms and on-site amenities. The proposed hotel would presumably accommodate the same number of guests as the existing hotel. Therefore, it is anticipated that the proposed hotel project would generate no more than the number of vehicle trips currently generated by the existing Hofsas House Hotel. As a result of the project generating or attracting fewer than 110 net new trips per day, it can be presumed that the proposed project would have a less-than-significant impact on VMT based on OPR's VMT screening criteria. Therefore, approval of the project would not result in any significant effects relating to traffic. Prior to construction, a Construction Mobilization plan will be prepared and submitted with construction plans. The plan will detail the following: shuttle schedule and off-site parking plans for construction worker transportation to and from the job site. Noise mitigation measures, material delivery and removal, and hazardous waste removal will also be addressed.

Evidence – Noise. The project would be developed within the existing commercial and residential neighborhoods and would be required to comply with city noise regulations, which includes the city's General Plan/Local Coastal Plan policy P9-4 "Ensure that construction activities are managed to minimize overall noise impacts on surrounding land uses" and the Municipal Code 15.08.180, which limits the hours of construction to between 8:00 a.m. and 6:30 p.m. Therefore, construction of the project would not result in any significant effects relating to noise.

Evidence – Air Quality. Construction-related air quality impacts are short-term in nature and therefore are not considered significant. Additionally, the project is required to comply with all applicable local, regional, state, and federal regulations associated with demolition and construction of buildings. Regarding long-term air quality impacts associated with vehicle use, the new Carmel Legacy Hotel project will have the same number of hotel rooms as the existing Hofsas House hotel and, as documented in the traffic report prepared by Hexagon Transportation Consultants (and discussed above). Therefore, there would be no increase in existing long-term air quality impacts.

Evidence – Water Quality. Development of the project will be required to comply with the city's grading ordinance, which requires drainage and erosion controls be in place prior to, and during, all work (Municipal Code 15.08.200 Grading). The project will also comply with the State Water Resources Control Board's applicable construction stormwater general permit. Therefore, demolition of the existing hotel and construction of the new hotel would not result in significant water quality impacts.

Therefore, the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) *The site can be adequately served by all required utilities and public services.*

Evidence. The existing on-site hotel is adequately served by required utilities and public services, including but not limited to water, wastewater, gas and electricity, and fire and police protection. Therefore, the Carmel Legacy hotel with the same number of guest rooms would also be adequately served by required utilities and public services.

Class 2, Replacement or Reconstruction Categorical Exemption

The project also appears to be exempt under 15302, Replacement or Reconstruction, which states:

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.
- (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.
- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- (d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility

distribution lines where the surface is restored to the condition existing prior to the undergrounding.

Evidence. The project is the replacement of an existing hotel (Hofsas House Hotel) with 38 guest rooms, with a new hotel (Carmel Legacy Hotel) with 38 guest rooms. The replacement hotel will be located on the same site as the hotel replaced and will have substantially the same purpose and capacity as the structure replaced; i.e. a 38-room hotel. Additionally, the new hotel is substantially the same size (square footage and height) as documented in the supplemental FAR and Square Footage calculations document provided by Eric Miller Architect's office. The purpose of the project remains consistent (hotel to hotel), and there is no change to room capacity (38 rooms to 38 rooms).

Class 3, New Construction or Conversion of Small Structures Categorical Exemption

The Donna Hofsas House component of the project is also exempt under 15303, New Construction or Conversion of Small Structures which states:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.
- (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.
- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
- (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

(f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

Evidence: A portion of the project proposes to renovate the Donna Hofsas House by adding conference and exercise facilities to its interior. The project proposes minor modifications to the exterior, with the potential for no exterior changes at all. The conversion of the existing small house from residential use to multiple uses qualifies the project for this exemption.

Class 31, Historical Resource Restoration/Rehabilitation Categorical Exemption

The Donna Hofsas House component of the project is also exempt under 15331, Historical resource Restoration/Rehabilitation which states:

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

Evidence: The restoration and conservation of the Donna Hofsas House will be completed in a manner consistent with the Secretary of the Interior's Standards, and therefore qualifies for this exemption.

Exceptions to Categorical Exemptions

Section 15300.2 of the CEQA Guidelines lists exceptions that would prohibit a project from qualifying for a Categorical Exemption, even if the project satisfies the requirements for one or more of the exemption classes. On behalf of the applicant, EMC Planning Group, conducted a review and evaluation of the project and conducted research. Based on its review, EMC Planning Group concluded that none of the exceptions listed in CEQA Guidelines section 15300.2 (a-f) apply to the project (discussed below). Therefore, a Categorical Exemption is appropriate pursuant to CEQA Guidelines Section 15302.

a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

Discussion. The project qualifies for a Class 32 exemption and therefore, the location exception does not apply to the project. The project also qualifies for a Class 3 exemption, and the Donna Hofsas House renovation will not impact an environmental resource of hazardous or critical

concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Discussion. There are no successive projects of the same type in the same place planned. Therefore, there is no cumulative impact that would be significant. In addition, because the impacts of replacing the Hotel with a similarly sized hotel are less than significant with this project, it is not expected that any future project to replace the new Hotel with another Hotel of similar size would be cumulatively significant.

c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Discussion. There is no reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances, based upon the following substantial evidence:

- The project site is surrounded by a residential neighborhood to the north; Svendsgaard's Inn and 4th Avenue to the south; San Carlos Street, Pine Terrace Condominiums and Hotel Carmel to the east; and Carmel County Inn, Dolores Street, and a residential neighborhood to the west. By its very characterization of in-fill developments projects, CEQA Guidelines section 15332 states that the proposed development must occur within city limits on a project site of no more than five acres substantially surrounded by urban uses. There are no unusual circumstances associated with the project being surrounded by existing commercial and residential uses.
- There is nothing unusual regarding air pollutants, asbestos, other toxins, diesel exhaust, truck traffic and noise associated with demolition and construction activities associated with the project. Typical demolition activities include all necessary actions to remove existing structures including parking lots from the site. Typical construction activities include grading and the import or export of soil, and the use of cement in the construction of parking structures (above ground or below ground), and the construction of new buildings and associated infrastructure. Soil removal and the use of cement are typical activities that occur during demolition and construction activities.

Regarding hazards, the city's standard condition of approval, which was applied to the project states, "Hazardous Materials Waste Survey. Prior to the issuance of a demolition permit, the Applicant shall submit a hazardous materials waste survey to the Building Division in conformance with the Monterey Bay Unified Air Pollution Control District." This addresses the issues of asbestos and other toxins associated with demolition of the existing structures. Regarding construction traffic, the city's standard condition of approval,

which was applied to the project states, “Truck Haul Route. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building Director, in consultation with the Public Works and Public Safety Departments, a truck-haul route and any necessary traffic control measures for the grading activities. The Applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures.” Regarding construction noise, the city’s General Plan/Local Coastal Plan includes policy P9-4 “Ensure that construction activities are managed to minimize overall noise impacts on surrounding land uses.” Additionally, Municipal Code section 15.08.180, limits the hours of construction to between 8:00 a.m. and 6:30 p.m.

Therefore, there would be no significant impacts associated with air pollutants, asbestos, other toxins, diesel exhaust, truck traffic and noise and there are no unusual circumstances associated with the project’s demolition and construction activities.

- The height of the new building was determined to be consistent with the city’s zoning regulations. Therefore, there are no unusual circumstances associated with the height of the new building.
- The use of glass in commercial structures such as a hotel is not an unusual circumstance.
- It is not unusual for demolition and construction traffic to have a temporary effect on the availability of on-street parking. Additionally, the city’s Municipal Code section 15.08.190 Parking During Construction states, “The parking of construction vehicles in any posted time-limited zone is prohibited unless a construction parking permit has been issued by the City.” Municipal Code section 15.08.210, Use of Public Right-of-Way states, “When at any time any construction interferes with the use of any portion of the public right-of-way, a temporary encroachment permit therefor shall first be obtained and all necessary protection devices shall be installed. Such devices shall include, but may not be limited to: barricades, pedestrian walkways, guardrails, signs, lighting, etc. Said permit shall be obtained from the Department of Community Planning and Building and shall be approved by the Community Planning and Building Department in conjunction with the Director of Public Works. The fee for said permit shall be as established from time to time by resolution of the City Council. Temporary encroachment permits shall be limited in duration to 48 hours unless a longer time period is specifically approved by the Directors of Planning and Building and Public Works. Temporary encroachment permits shall not be issued to allow storage of construction materials and/or equipment in the public right-of-way unless it can be demonstrated that a significant hardship exists that prevents material storage elsewhere on the site.”

- Additionally, the city has included the following condition of approval associated with construction: “Construction Management Plan. Prior to the issuance of a building permit, the Applicant shall submit a Construction Management Plan for review and approval by the Community Planning & Building Director.”
- Therefore, temporary impacts on the availability of parking opportunities does not constitute an unusual circumstance.

d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

Discussion. According to the Caltrans Scenic Highway System Map website, the nearest scenic highway is State Route 1, which is located approximately ½ mile east of the project site. The project site is not visible from the highway. Therefore, no officially designated scenic highways, or scenic resources, would be affected as a result of the project.

e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Discussion. The project is not located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code. Each were checked and are discussed herein. The site is not listed on the California Environmental Protection Agency’s Cortese List (Health and Safety Code Section 25187.5). The State Water Resources Control Board’s GeoTracker (Health and Safety Code Section 25295 and Water Code Sections 13273 and 13301) does not indicate any hazardous sites within the project site. The project site is also not listed on the California Environmental Protection Agency’s list of solid waste sites identified by the Water Board with waste constituents above hazardous waste levels outside the waste management unit (Health and Safety Code Section 116395).

f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Discussion. A review of the property was conducted by Chattel Inc., Historic Preservation Consultants (October 16, 2023), and concluded the existing hotel is not a significant historic resource and is not eligible for listing in the City Inventory or the California Register. Subsequently, on December 18, 2023, the City of Carmel-by-the-Sea Historic Resources Board determined that the Hofsas House hotel does not constitute a historic resource. The Historic Resources Board’s determination was not appealed within 10 days of the Board’s decision and so that decision is now final and conclusive. (Carmel-by-the-Sea Municipal Code § 17.54.010(B).)

With respect to the House, the renovation project will not cause a substantial adverse change in the significance of this historical resource because it will not significantly affect the exterior of the House and the interior renovations will be conducted consistently with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

Architectural floor plan of the 4th floor. The plan shows several rooms and corridors. A callout points to a specific area with the text "5.9' TALL ATTIC SPACE BETWEEN LEVEL 2 & 3". Other labels include "4TH FLOOR LOT 5 & 7" and "4TH FLOOR LOT 9 & 11".

3RD FLOOR LOT 1 & 3

3RD FLOOR LOT 1 & 3

3RD FLOOR LOT 5 & 7

3RD FLOOR LOT 9 & 11

APARTMENT

3RD FLOOR PLAN

The site plan illustrates the layout of the first floor. It includes several labeled areas: '1ST FLOOR LOT 1 & 3' (a grey-shaded rectangular area on the left), 'GARAGES (1230 SF)' (indicated by an arrow pointing to a dashed rectangular area below the lot), '1ST FLOOR LOT 5 & 7' (a large grey-shaded rectangular area in the upper center), 'CRAWL SPACE STORAGE' (a purple-shaded rectangular area on the right), '1ST FLOOR LOT 9' (a grey-shaded area on the right with an arrow pointing to it), and '1ST FLOOR MEETING ROOM LOT 3' (a grey-shaded rectangular area at the bottom center with an arrow pointing to it). The plan also shows various building footprints, parking lots, and a central pond-like feature.

Visual Assessment and Evaluation Hofsas House Hotel

Carmel, CA

Prepared by:

KPFF Consulting Engineers
San Francisco, CA
May 21, 2024

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Hofsas House Hotel Visual Assessment and Evaluation
KPFF Job No. 2400074

SITE & STRUCTURAL SCREENING and EVALUATION

1. Scope of Report

This report presents the findings of the visual assessment and evaluation of the Hofsas House Hotel, located in Carmel, California. The objective of this study was to perform a visual conditions assessment, noting deficiencies encountered, and a qualitative structural review of the buildings along with a civil assessment of the site.

The following tasks outline the scope of work that was performed for the structural evaluation of the building:

1. Review of available original structural and architectural drawings provided by the Client.
2. Walkthrough visual survey of the building exteriors to further understand and verify existing conditions, construction, systems, and finishes.
3. Walkthrough visual civil site survey of the exterior site including parking facilities, pedestrian access facilities, site amenities, and visible surface indications of utilities.
4. Prepare a letter report summarizing the results of the structural and civil evaluations.

2. Limitations

This report has been prepared for the sole and exclusive use of Eric Miller Architects (EMA) and shall not be relied upon by or transferred to any other party, or used for any other purpose, without the express written authorization of **KPFF Consulting Engineers (KPFF)**.

In preparation of our evaluation and report, limited original structural drawings were made available to KPFF for review and use. A site investigation was performed to verify that visible existing conditions generally matched the limited available drawings; however, no finishes were removed and materials testing was limited to three concrete compression tests of one wall. The conclusions in this report were based on a review of the existing drawings, our experience with similar structures and sites. Evaluation of potential soils-related hazards have not been evaluated by KPFF.

3. Building & Site Descriptions

The Hofsas House is a hotel on the west side of San Carlos Street near 4th Avenue in Carmel, California, on a site that has approximately 20 feet of grade change. Originally a collection of smaller buildings built prior to 1957, the site is a collection of interconnecting buildings built of wood, concrete masonry (CMU) and concrete. Figure 1 is an aerial view of the site with the different colors representing construction timeframes, as best as they could be determined using the available drawings. Buildings highlighted in green represent the single-story concrete and CMU structures with timber roofs built prior to 1957. Highlighted in yellow, the wood-framed construction from 1957 enveloped some of the original structures and contains the lobby and 25 guest rooms. Orange highlights in Figure 1 represent the 3-story wood-framed L-shaped building and single-story poolside building of an unknown vintage because drawings were not available for review. Online research hints that the structures were built circa 1957, and the visible framing of the 2-story building is similar though not identical to the yellow highlighted structure.

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KPFF Job No. 2400074



SITE & STRUCTURAL SCREENING and EVALUATION

Including the three structures, the site accessible to Hofsas House guests measures approximately 0.8-acres. The lobby and guest check-in is located along San Carlos Street. A pedestrian loading zone is located along San Carlos Street. Guest parking is available at the rear of the site, accessible through one-way drive-throughs under the building. Guest parking elevations vary, but are approximately 1- to 2-stories lower than the entrance along San Carlos Street. Guest amenities including a heated swimming pool and dry saunas are located adjacent to the lower parking lot.



Figure 1- Aerial View

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SITE & STRUCTURAL SCREENING and EVALUATION



Figure 2- West Elevation

Our office visited the site for visual assessment in July of 2022 and again in May of 2024. A partial set of drawings for the yellow highlighted building was available for review. Prepared by Robert R. Jones, AIA and Carter and Slattery Structural Engineers, the available drawings detail a 4-story, wood framed structure with lightly reinforced concrete grade beams. The gabled roofs consist of 5/8" thick plywood sheathing over 2x6 joists spaced at 16" on center in the southmost roof and 32" on center elsewhere. At the floor levels, 1" thick diagonal sheathing spans between 2x12's spaced at 16" on center. At the units with the exposed exterior walkways, every other joist spans past the westmost perimeter wall to support 2x6 flat decking which carries the corridor loads.

When subjected to lateral loads, the plywood roof sheathing distributes inertial forces to diagonal sheathed shear walls. Similarly, the 1x diagonal floor sheathing distributes inertial forces to the same diagonal sheathed shear walls. The sheathed walls carry the inertial loads to the concrete strip footings.

4. Results of Structural Evaluation

Our limited field observations, the concrete core compressive tests, and our review of the partial drawings set highlighted a number of structural issues.

- 4.1 Inadequate Lateral System: The floor diaphragm and shear walls are sheathed with diagonal sheathing rather than plywood, and the current walls and floors very likely do not have the minimum capacity required by the current building code. The walls also likely do not have the adequate hardware (holdowns or tiedowns) required to resist overturning when subjected to large seismic loads. After a thorough quantitative seismic analysis, retrofit will likely involve removing floor and wall finishes and installing the requisite hardware and plywood sheathing.

-
- 1" diag. sheath.
- 2x12 joists
- 2-2x6 @ 16"
- 2x6 studs @ 16"
- 3/4" Plywood sheath. Wall @ 3' ac @ edges
- 2x6 Round sill.
- 8x12 d bolts @ 5'-0" oc
- 4"
- 1'-0"
- 1'-6" 1'-4"
- 4" @ 15' o.c.
- 4" @ 12' o.c.
- 12" M...
- SECTION (3)

4.4 Condition of the pre 1957 retaining wall: The pre-1957 structure that was incorporated into the 1957 structure has an 8' tall concrete retaining wall within 8' of San Carlos Street. The wall is in poor condition and has a large void vein running through it (See Figure 4). Beach sand and Carmel stone appear to have been used as aggregate in the wall concrete. Because of this, and because water

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appears to have been leaking through the wall for some time, the average concrete core compressive strength was tested to be 1290 psi, with a low value of 790 psi tested where shown in Figure 4. Two other samples were taken away from the void vein, and the compressive strengths were 1050 psi and 2020 psi, as seen in the materials testing report in Appendix A. The tested concrete is quite weak, and the weakened wall is critical for the support of both the 1957 structure above and the adjacent San Carlos Street. Replacement is recommended, though it may prove cost prohibitive as it will require shoring both the roadway and the entire building, plus reattachment. The work will also likely trigger a full seismic retrofit. Due to the potential impact on the adjacent street, further detailed study is warranted, including a geotechnical investigation. Traffic, including truck traffic, is potentially surcharging a weak and decaying retaining wall in its current configuration.



Figure 4- Void Vein in East Wall of Pre-1957 Structure

SITE & STRUCTURAL SCREENING and EVALUATION

- 4.5 Attachment to Pre-1957 Structure At East Wall: Although the structural drawing showing the attachment between the 1957 structure and the east wall of the original structure was not available, the connection appears tenuous in the field and appears to have been repaired at one location in the past. The repair also does not appear to be rugged. Failure of this connection will lead to substantial damage.



Figure 5- Resupport of 1957 Structure at East Wall of Original Structure

SITE & STRUCTURAL SCREENING and EVALUATION

- 4.6 Efflorescence and Weak Concrete in South Wall of Pre-1957 Structure: As shown in Figures 6 and 7, there is visible efflorescence on the surface of the south wall of the pre-1957 structure, indicating that water has been migrating through the wall. Additionally, the surface concrete at the efflorescence crumbled easily by hand. The concrete condition is likely similar to the tested concrete of the east wall.



Figure 6- Efflorescence and Weak Concrete in South Wall of Pre-1957 Structure

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Figure 7- Additional Efflorescence and Weak Concrete in South Wall of Pre-1957 Structure

- 4.7 Exposed Deck Joists: Figure 8 shows a typical condition of cantilevered 2x12 joists on the west and south sides of the hotel buildings. The 2x12 joists at 32" on center specified on the historic structural drawings do not have the capacity to carry 100 psf corridor loading required by the building code. Although they don't extend to the ground, the intermittent posts will help share load between floors; however, corridor framing is typically designed to carry load at the level it is applied. In addition, the cantilevered joists are prone to dry rot, and we noted locations in the exposed walkway framing where the original members have been replaced with pressure treated lumber, presumably because the original elements rotted. We also noted signs of weathering on some exposed timber elements, plus some rot in the exposed framing in the northmost building.. All rotted elements should be removed and replace. Additionally, the joists are a conduit for moisture to enter the building if not flashed properly. No finishes were removed to examine the supporting west wall framing, but there may be rot in some locations due to water intrusion. The cantilevered joist condition has been singled out as the cause of the infamous balcony collapse in Berkeley.

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Figure 8- Typical Exposed Framing at Walkway

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Figure 9- Example of Weathering in Exposed Framing

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Figure 10- Dry Rot in Exposed Framing at Northmost Building

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Figure 11- Dry Rot in Exposed Landing Framing at Northmost Building

- 4.8 Corroded Base Plate and Anchors: At the Southwest corner of the northmost building, there is a column to support the two stories of hotel space above. Although painted, the paint is blistered on the base plate and the anchor bolts are corroded. The finish should be removed for further investigation, and the base plate and anchor bolts may require replacing. Figure 12 shows the condition.

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Figure 12- Corroded Base Plate and Anchors

- 4.9 Fractured CMU at Cantilevered Beam: There is a 6x12 beam that cantilevers off the CMU wall at the north end of the building highlighted yellow in Figure 1. This beam supports the elevated walkway framing and the stair landings. The CMU support wall has cracked underneath beam and should be repaired.

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Figure 13- Fractured CMU Support Wall at Cantilevered 6x12

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5. Results of Civil Engineering Evaluation

The following sections note a variety of field observations made upon our May 2024 site visit. The comments listed below are primarily focused on site accessibility, but also cover other site features including site structures, drainage, and utilities. The key map below, Figure 14, provides the general location of the following listed items.



Figure 14 – Civil Site Observations Key Map

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- 5.1 Pedestrian Loading Zone: An approximate 30-foot length of San Carlos Street is marked white for “Hotel Loading Zone Only”. Immediately adjacent to the loading zone is a shallow curb, painted white, limited landscaping/bushes, and a brick/wood decorative wall. No direct access is available to the adjacent pedestrian walkway. While the location is generally appropriate, the loading zone is missing several features to provide pedestrian accessibility. A 5-foot wide, striped and hatched area is required adjacent to the loading zone. A direct connection to the walkway is also required, with a detectable warning surface located between where the loading zone interfaces with the walkway. While removing the existing curb, landscaping and wall appear feasible, it does not appear that sufficient space is available to provide the required accessible elements. In order to provide an accessible pedestrian loading zone, the area may need to be relocated and/or other significant improvements made to create a new location to serve the function.



Figure 15 – Existing Pedestrian Loading Zone

- 5.2 Lobby Entrance: The lobby entrance is located near the pedestrian loading zone, adjacent to the south driveway. The entrance is located near, and directly visible from, the public right-of-way along San Carlos Street. To enter the lobby, a pedestrian is required to take two steps up to the level of the lobby. No handrail is provided along the steps in the direct from the right-of-way. At the top of the steps, an in-swinging door provides access to the lobby. The threshold is in excess of $\frac{1}{2}$ ", and an adequately sized landing space is not provided at the door. Access from the right-of-way to entry also requires a pedestrian to traverse the primary driveway entrance to the on-site parking; no separate, protected walkway is provided.

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Figure 16 – Lobby Entrance

- 5.3 No Accessible Parking Stalls: Heading west from the lobby entrance brings users down a steep driveway into the on-site parking area. Approximately 30 parking spaces are provided on-site, but there are no accessible parking stalls identified. For the quantity of on-site parking provided, two accessible parking stalls are required: 1 van accessible stall and 1 standard accessible stall. The stalls would require appropriate signage and striping, grading improvements to provide a level area, and adjacent accessible improvements to connect the parking with the site (See Items 5.4 and 5.5 below).
- 5.4 Pool Accessibility: A heated swimming pool amenity is located adjacent to the lowest parking area. An accessible lift is provided in order to enter the pool itself. To enter the pool area, a gate is located at the southeast corner. The gate latch is located at the top of fence and the area immediately outside of the gate lacks the required landing space. A gate is also located at the northwest corner of the pool area; the gate is located on a run of stairs, without adequate clearances around the gate or at either the top or bottom of the stair run. In addition, the deck area around the pool has areas which exceed 2%. To provide accessibility to the pool area, the southeast gate would need to be replaced, the landing area would need to be expanded, detectable warning would need to be added to separate the pedestrian zone from the parking lot, and the pool deck would need to be re-graded to provide level access.

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Figure 17 – Southeast Pool Entrance

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Figure 18 – Northwest Pool Entrance

- 5.5 Non-Accessible Pedestrian Ramps: Pedestrian ramps are located in the lowest parking area, connecting parking and the pool area with the lowest level of rooms in the main building. The ramps lack detectable warning at the interface with the parking lot. The ramps lack appropriate handrails. The ramp slopes exceed 8.33%, and no intermediate landings are provided where the elevation change exceeds 30". All of these deficiencies would need to be corrected in order to provide accessibility. Given the total elevation change between the parking lot/pool and the building level, the ramp lengths would need to be extended. It is unclear if space is available for the extended length to be accommodated.

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Figure 19 – Pedestrian Ramp

- 5.6 Site Stairs: Given the elevation change across the site, the multiple stories of guestrooms, and the lack of interior corridors, site stairs are provided throughout the site. With the exception of stairs constructed as a part of the 1957 building, numerous issues were identifiable across the approximately dozen stairs observed on-site. In general, all stairs lacked handrails with appropriate gripping areas; handrails were frequently only provided on one side of the stairs; handrails did not extend sufficiently beyond the length of the stair run. In addition, a stair located at the north end of the main building, extending down from San Carlos St, has a handrail obstructed by an emergency fire access ladder from a higher level.

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Figure 20 – Stairs

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Figure 21- Stairs

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Figure 21 – Stairs

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Figure 22 – Stairs

- 5.7 No Pedestrian Egress to Public Right-of-Way: Site users in the off-site parking lot and at the pool amenity have no egress path to the public right-of-way. In order to reach San Carlos St, a user would need to either walk up a steep driveway on either side of the site, or use various runs of stairs. An accessible path, separated from the driveway is needed from these lower site areas. The accessible path would need to be separated from the vehicular areas with a curbed walkway, likely with handrails. The walkway would likely require significant grading improvements and potential retaining walls; it may also severely impact vehicular access around the site.

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Figure 23 – Ramp at Primary Entrance Driveway

- 5.8 CMU Retaining Wall, Potential Movement: A CMU retaining is located at the southwest area of the site, supporting a parking lot for hotel users. The primary CMU retaining wall, located in the north-south orientation appears to be in good condition. The shorter CMU retaining wall, returning east-west and varying in height from approximately 4-feet high to flush appears to be out of plumb. The foundation of the wall is not observable, but it appears that the wall may be sliding and needs to be replaced/improved.

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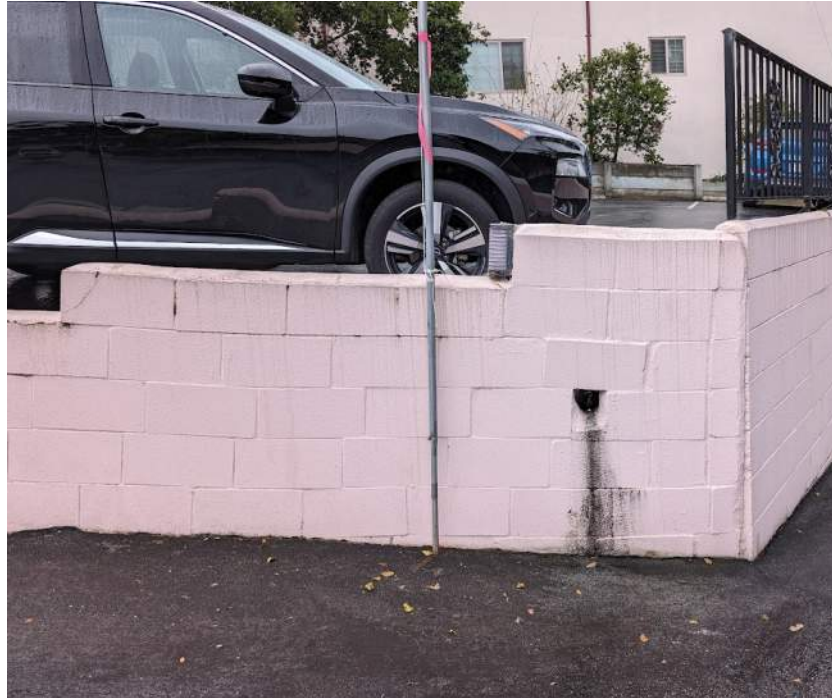


Figure 24 – CMU Retaining Wall

- 5.9 Wood Retaining Wall, Structural Failure: Wood retaining walls are located around the parking at the southwest corner of the site. The parking lot is located lower than the adjacent site improvements. The wood retaining walls generally support landscape areas, with some concrete improvements. The wall is constructed of 2x12 planks with 6x6 posts spaced at 8' on center. Where the wall is the highest, approximately 4-feet, the wall is beginning to fail with plans being bowed out and posts beginning to rotate. Wall replacement is likely needed.

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Figure 25 – Wood Retaining Help

- 5.10 Sanitary Sewer Lateral: Relatively new sanitary sewer cleanout boxes were located throughout the parking lot at the rear of the site. Based on the cleanout box layout, it appears that sanitary sewer flows via gravity to Dolores Street. Given the appearance of the cleanout boxes and frequency of placement, we would expect that the sewer system may have been upgraded and is in relatively good condition. Further assessment could be done.

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Figure 26 – Sanitary Sewer Cleanout

- 5.11 Domestic Water Service: Several water meters were identified along the frontage on San Carlos St, located inline with both the main building and the 1957 building. Backflow preventers were located on the domestic service lines. The backflow preventers appeared to be in good condition. No other observable notes on the water distribution.

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Figure 27 – Water Backflow Preventer

- 5.12 Gas Service Location, Limited Access & Ventilation: A gas meter was located on-site, in between the main building and the 1957 building. The gas meter is at a level that is approximately 2-stories beneath San Carlos St. The gas meter is located under site stairs, with limited access to the gas meter set. In addition, there are operable doors and windows located above the gas meter set. This location would not currently be acceptable by gas utility agencies and may pose a potential fire hazard if a gas leak leads to trapped gas.

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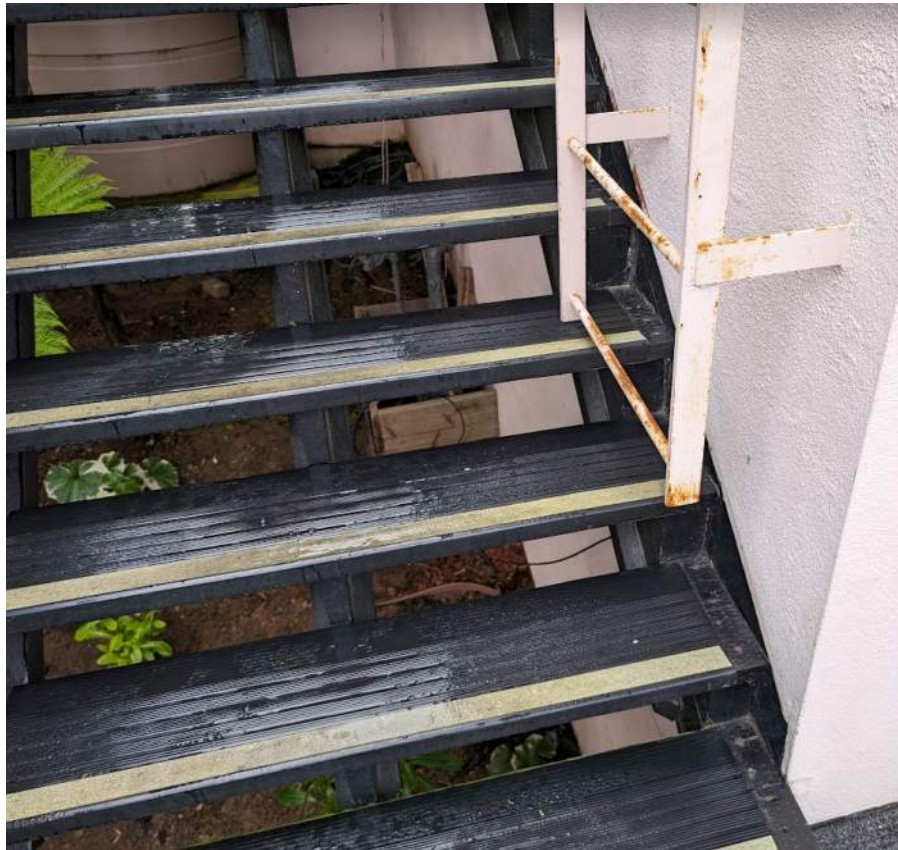


Figure 28 – Gas Meter Under Stairs

- 5.13 Disconnected Drainage System: As noted previously, the site experiences significant elevation change. The site is also generally paved. During our site visit, the site was wet but did not display any clear indication of drainage issues. With that said, the majority of roof downspouts are “disconnected” from the storm drain system – they are not directly piped but rather discharge onto pavement areas. Concentrated flow from downspouts are a hazard to pedestrians and cannot be done across pedestrian paths of travel. In the current site configuration, with limited pedestrian paths of travel, this is not a concern; however, it may be more of a concern requiring storm drain additions where pedestrian accessible improvements are added to correct previously noted issues.

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SITE & STRUCTURAL SCREENING and EVALUATION



Figure 29 – Downspout onto Driveway

Appendix A

Concrete Compression Tests



APPLIED MATERIALS & ENGINEERING, INC.

980 41st Street
Oakland, CA 94608

Attachment 5
Tel: (510) 420-8190
FAX: (510) 420-8186
e-mail: info@appmateng.com

May 20, 2024

Project No.: 1240362C

Mr. Eric Miller
ERIC MILLER ARCHITECTS
211 Hoffman Avenue
Monterey, CA 93940

[Email: Eric@ericmillerarchitects.com](mailto:Eric@ericmillerarchitects.com)

Subject: Hofsas House Hotel – Cores Compressive Strength
San Carlos St. btw 3rd and 4th Street, Carmel, CA

Dear Mr. Miller:

As requested, Applied Materials & Engineering, Inc. (AME) has completed laboratory testing of the concrete strength for the subject property.

PROCEDURES & RESULTS

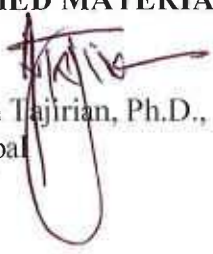
Three (3) cores were delivered to our laboratory; the cores were tested for compressive strength per ASTM C42 (dry).

Results of this testing are given in Table I. Based on results the average compressive strength of the concrete is 1290 psi.

Please call if any questions arise.

Sincerely,

APPLIED MATERIALS & ENGINEERING, INC.


Armen Tajirian, Ph.D., PE
Principal

APPLIED MATERIALS & ENGINEERING, INC.

TABLE I

CONCRETE CORE COMPRESSIVE STRENGTH TEST RESULTS

Hofsas House Hotel

San Carlos St. btw 3rd and 4th Street, Carmel, CA

AME Project No. 1240362C

Core ID	As Received Height (in.)	Diameter (in.)	Capped Height (in.)	Area (in. ²)	Correction Factor	Ultimate Load (lbs)	Ultimate Compressive Strength (psi)
4	8.25	3.73	6.59	10.92	0.982	22,470	2020
5	8.89	3.73	7.93	10.92	1.000	11,440	1050
6	8.66	3.73	5.03	10.92	0.942	9,160	790
Average							1290

Appendix B

Hazardous Materials Report

S TECH CONSULTING

Limited Asbestos & Lead-Based Paint Survey Report

Commercial Property

Site: Hofsas House, San Carlos 2NW of 4th, Carmel, California

S Tech Project: 23116-2

Prepared for: Hofsas Legacy LLC

July 27, 2023

S Tech Consulting was retained by Hofsas Legacy LLC to conduct a limited assessment for asbestos containing materials and lead-based paint at the the Hofsas House, on San Carlos, 2NW of 4th Avenue, in Carmel, California. A retaining wall, connected to the hotel requires structural inspection. To create observation panels, the existing wallboard and siding must be disturbed in six rooms on the first and second floors.

Prior to disturbing building materials, the EPA and Cal-OSHA require sampling to determine whether asbestos is present. When asbestos is identified, it must be handled and disposed of by trained and licensed personnel, to ensure an airborne asbestos hazard is not created. Lead paint is regulated by EPA and OSHA to prevent creating a lead exposure hazard for workers and especially children.

The site visit took place on July 25, 2023 by Sean Tillema, a DOSH Certified Asbestos Consultant (CAC 07-4257) and California Department of Public Health Certified Lead Related Construction Inspector / Risk Assessor (LRC-2901).

Scope of Work & Property Description

The scope of work was to conduct a limited asbestos and lead-based paint survey in the locations where access panels will be cut to facilitate the structural inspection. The asbestos survey was in compliance with the Monterey Bay Air Resources District's (MBARD) requirements. Lead testing was for compliance for the Cal-OSHA Lead in Construction Standard.

The facility is a multi-building hotel constructed between the 1940s through 1960s. The subject building where access panels will be created was constructed in the 1950s.

The rooms selected for access panels are rooms and 1, 3, and 5 on the first floor and rooms 22, 24, and 26 on the second floor. The panels will all be cut in the guest room closets.

The exterior of the building is clad in stucco siding. Interior walls are drywall with a skim coat.



Hotel Room #1 (Similar To Other Rooms In Scope)

Asbestos Containing Materials

[Asbestos-containing material \(ACM\)](#) is defined by the United States Environmental Protection Agency (EPA) as material containing **more than one percent asbestos** as determined by Polarized Light Microscopy (PLM). In California, for contractor licensing and employee protection, the California Department of Occupational Safety and Health (Cal-OSHA) classifies any material as having greater than one-tenth of one percent (>0.1%) asbestos as [Asbestos-Containing Construction Material \(ACCM\)](#). Asbestos containing material are divided into friable and non-friable classifications. Friability refers to the likelihood of the material readily releasing airborne fibers when disturbed. Materials which are non-friable in-situ have the potential to become friable when deteriorated or when renovation or demolition occurs.

The following conclusions were arrived at from the field inspection and the analytical results:

- * **The joint compound associated with the drywall system in the four-story hotel building contains less than (<) 1% Chrysotile asbestos. Joint compound cannot be separated from the non-asbestos drywall. The removal of the drywall must be handled as friable, Regulated Asbestos Containing Material (RACM).**

Analysis was performed by Patriot Environmental Laboratories, a NVLAP accredited laboratory, on a twenty-four hour laboratory turnaround time. Seventeen samples were collected and submitted to the laboratory. Once at the lab, the submitted samples were further separated into thirty-two individual materials for analysis. The table below is a summary of materials identified to contain asbestos. Following the summary table, is a listing of all materials collected from the site, with samples in red containing asbestos. The laboratory report is provided in appendix 'A' of this document. See the summary for additional information.

Asbestos Summary Table				
Asbestos Material	Locations	Analytical Results	Classification	Approximate Quantity to be Removed
Drywall Joint Compound	<u>4-Story Hotel Building</u> Throughout	Drywall: NAD JC: Up To <1% Chrysotile	Friable, RACM	To Be Determined By The Scope Of The Renovations

Asbestos Containing Materials - continued

Asbestos Bulk Sample Table			
Sample Number	Material Sampled	Sample Location	Analytical Results NAD = No Asbestos Detected
116-2 - 1	Drywall / Joint Compound	Guest Room #1 - Bathroom	Drywall: NAD JC: <1% Chrysotile
116-2 - 2	Drywall / Skim Coat	Guest Room #1 - Bathroom	NAD
116-2 - 3	Drywall / Joint Compound	Guest Room #3 - Bathroom	NAD
116-2 - 4	Drywall / Skim Coat	Guest Room #3 - Bathroom	NAD
116-2 - 5	Drywall / Joint Compound	Guest Room #5 - Bathroom	Drywall: NAD JC: <1% Chrysotile
116-2 - 6	Drywall / Skim Coat	Guest Room #5 - Bathroom	NAD
116-2 - 7	Drywall / Joint Compound	Guest Room #26 - Bathroom	Drywall: NAD JC: <1% Chrysotile
116-2 - 8	Drywall / Skim Coat	Guest Room #26 - Bathroom	NAD
116-2 - 9	Linoleum	Guest Room #25 - Bathroom, Top Layer	NAD
116-2 - 10	VFT - 9"x9" w/ Black Mastic	Guest Room #25 - Bathroom, Bottom Layer	NAD

Asbestos Containing Materials - continued

Asbestos Bulk Sample Table			
Sample Number	Material Sampled	Sample Location	Analytical Results NAD = No Asbestos Detected
116-2 - 11	Linoleum	Guest Room #24 - Bathroom	NAD
116-2 - 12	Drywall / Joint Compound	Guest Room #24 - Bathroom	Drywall: NAD JC: <1% Chrysotile
116-2 - 13	Drywall / Skim Coat	Guest Room #24 - Bathroom	NAD
116-2 - 14	Drywall / Joint Compound	Guest Room #22 - Bathroom	Drywall: NAD JC: <1% Chrysotile
116-2 - 15	Drywall / Skim Coat	Guest Room #22 - Bathroom	NAD
116-2 - 16	Stucco	Four Story Building - Exterior	NAD
116-2 - 17	Stucco	Four Story Building - Exterior	NAD

Lead-Based Paint & Glazings

Lead-Based Paint (LBP), as defined by EPA, is of concern both as a source of direct exposure through ingestion of paint chips, and as a contributor to lead interior dust and exterior soil. Lead was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950. Lead compounds continued to be used as corrosion inhibitors, pigments and drying agents from the early 1950's. In 1972, the Consumer Products Safety Commission limited lead content in new paint to 0.5% (5000 ppm) and, in 1978, to 0.06% (600 ppm). **Today, for purposes of lead-based paint inspection, for childhood lead poisoning prevention, EPA defines LBP as paint containing greater than 0.5% (5000 ppm) lead by weight or greater than 1.0 mg/cm² by surface area. This report applies the 1.0 mg/cm² reference standard, which applies to X-ray Fluorescence (XRF) testing.**

The State of California has enacted a number of regulations to minimize lead exposure in children and adults. Specifically, [Title 17, California Code Of Regulations, Division 1, Chapter 8 Accreditation, Certification, and Work Practices For Lead-Based Paint and Lead Hazards](#) and a number of California Civil and Health and Safety Codes, provide requirements for lead-safe housing and the prevention of lead hazards from developing in housing. A complete list of all State of California LBP regulations is available at the [CDPH Childhood Lead-Poisoning Prevention Branch website](#). The California Department of Public Health (CDPH) is the agency responsible for enforcing compliance with existing state LBP regulations.

For occupational lead exposure in the construction and building maintenance industries, lead is regulated below the threshold set by the EPA for lead-based paint. Additionally, OSHA does not limit lead health and safety requirements to paint. Many other building materials and manufactured items are known to contain lead. Adult occupational tasks may result in exposure to lead even when working with low lead concentrations. Tasks such as abrasive blasting, flame torch usage, and mechanical grinding are especially prone to occupational lead exposure. When lead is present in any concentration, Cal-OSHA, under Title 8 CCR Section 1532.1, requires employers to evaluate the task performed and conduct an exposure assessment. Based on the results of the exposure assessment, engineering controls and personal protective equipment may be necessary to reduce occupational lead exposure. Additional information is available from this Cal-OSHA fact sheet: http://www.dir.ca.gov/dosh/dosh_publications/lead-fct-sheet-rev.pdf

Paint testing at this property was conducted by X-ray Fluorescence (XRF), which provides instant onsite analysis, penetrating all paint layers.

The following conclusions were arrived at from the testing:

- * **Exterior and interior, EPA defined Lead-Based Paint (>1.0 mg/cm² by XRF) is NOT present in coatings anticipated to be impacted by the scope of the paint disturbance for the retaining wall inspection.**
- * **For the purposes of compliance with the Cal-OSHA 8 CCR 1532.1 'Lead in Construction Standard', when disturbing any amount of lead, in any material, the employer must ensure their employees are not exposed to lead in excess of the Action Level (AL) or Permissible Exposure Limit (PEL). Contractors must have historical exposure data on file for the task performed or they must conduct an exposure assessment on representative workers. Engineering controls and personal protective equipment (PPE) must be utilized where exposure data dictates. Tasks that are likely to create high lead exposure are abrasive blasting, flame torching, and mechanical grinding.**

A table listing the results of all the components tested is provided in Appendix 'B'. See summary for additional information.

Summary of Findings

Asbestos

When conducting renovation or demolition, A State of California [C-22](#) Licensed Asbestos Abatement Contractor who is Division of Occupational Safety & Health (DOSH) registered, must be retained when disturbing materials containing greater than 0.1% asbestos ([Asbestos Containing Construction Material](#)). All work must be conducted in strict accordance with Cal-OSHA's asbestos standard, [8 CCR 1529](#) and the requirements of the Monterey Bay Air Resources District's (MBARD) [Rule 424](#). Waste must be disposed of in the correct landfill for the classification of asbestos being removed.

The following recommendations apply specifically to this project:

- * Regulated Asbestos Containing Material (RACM) exceeding 160 square feet will not be impacted by the scope of the current renovations. A notification to the Monterey Bay Air Resources District (MBARD) is not necessary for the cutting of the observation panels in the specific rooms chosen for this project. If the scope of the removal expands to exceed 160 square feet, then air district notification will be necessary.
- * Contractors should be aware that concealed spaces may harbor additional suspect material. Asbestos insulated pipes and asbestos cement pipes may be concealed within ceilings and wall cavities. Should any additional suspect materials be identified during the course of the renovation work, stop work and contact us to assess and sample if necessary.

Lead

Lead-Based Paint was not identified in any of the coatings expected to be impacted by the scope of the renovations. No further action is required with regards to LBP.

The following recommendations apply specifically to this project:

- * Contractors shall ensure compliance with Cal-OSHA's [Lead in Construction Standard](#). All paints tested have a quantifiable lead content. Cal-OSHA has not set a lower 'safe' threshold for lead content in regards to occupational exposure for workers involved in the construction industry. Contractors who task employees with activities that could result in occupational exposure to lead must follow the requirements of the Lead in Construction Standard to ensure their employees are protected. Contractors should collect exposure data on their employees or have historical data from similar tasks or projects.

If you have any questions please feel free to call us at 831.883.8415

S Tech Consulting



Sean P. Tillema
Certified Asbestos Consultant (CAC) #07-4257
Certified Lead Inspector / Risk Assessor #LRC-2901

Limitations

This report is not intended to identify all hazards or unsafe conditions or to imply that others do not exist. This survey was planned and implemented on the basis of a mutually agreed scope of work and S Tech's experience in performing this type of assessment.

Areas outside our scope or inaccessible areas are excluded from this report.

S Tech Consulting has performed this survey in a professional manner using the degree of skill and care exercised for similar projects under similar conditions, by reputable and competent environmental consultants. S Tech Consulting shall not be responsible for conditions or consequences arising from relevant facts that were concealed, withheld, or not fully disclosed at the time that this survey was conducted.

S Tech Consulting further states that no warranties, expressed or implied, are made regarding the quality, fitness, or results to be achieved as a consequence of this report or impacted by information not properly disclosed to S Tech at the time of this report. It further states that no responsibility is assumed for the control or correction of conditions or practices existing at the premises of the client.

Site Plan and Asbestos Sample Locations



**S
TECH
CONSULTING**

DATE PREPARED:
7/26/23

REVISION:

PROJECT NO:
23116-2

SOURCE:
Google Earth

REVISION DATE:

SCALE:
NTS

DRAWING TITLE:

Aerial View of Subject Site

PROJECT NAME:

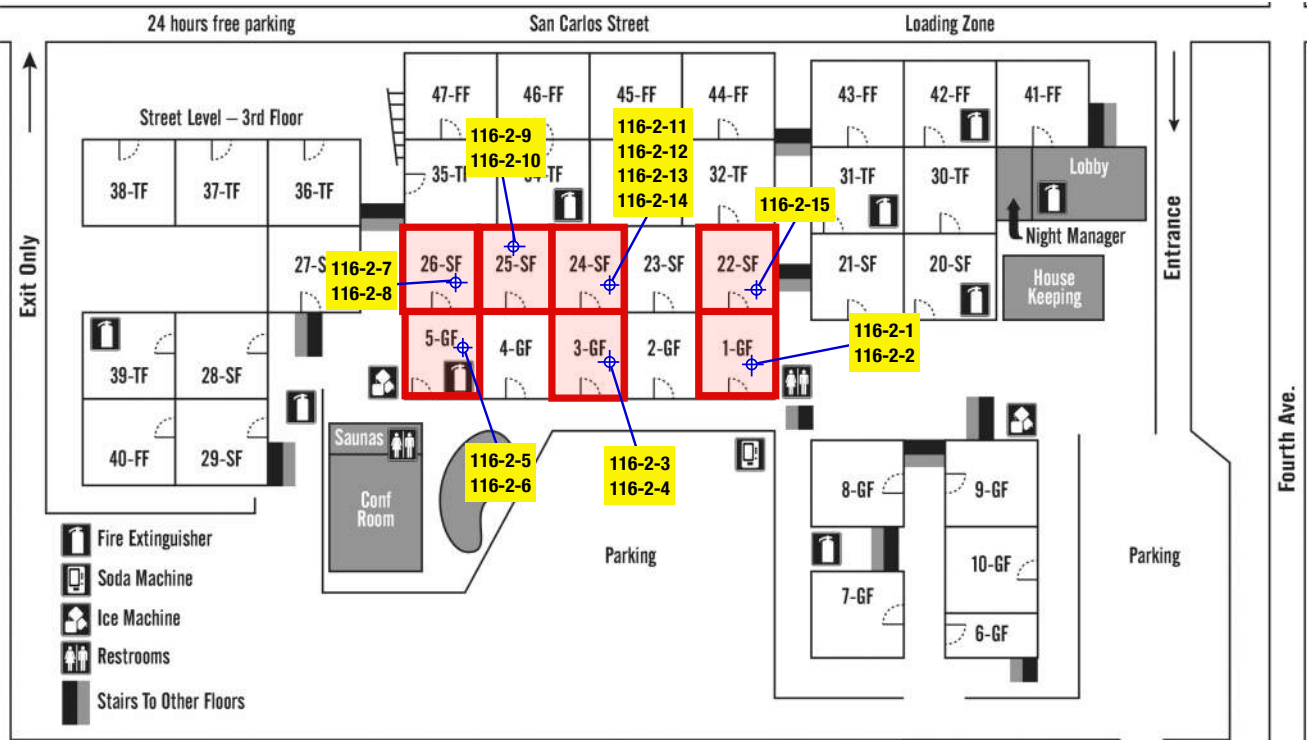
Hofsas Hotel
San Carlos, 2NW of 4th, Carmel, California

CLIENT:

Hofsas Legacy LLC

FIGURE NO.

A



ASSESSMENT AREAS

▽ Indicates Exterior Sample Location

⊕ Indicates Interior Sample Location

* Samples 16 & 17 Not Shown

S TECH CONSULTING	DATE PREPARED: 7/26/23	SOURCE: Hofsas Hotel	DRAWING TITLE: Asbestos Site Sample Location Plan
	REVISION:	REVISION DATE:	
	PROJECT NO: 23116-2	SCALE: NTS	
	PROJECT NAME: Hofsas Hotel San Carlos, 2NW of 4th, Carmel, California	CLIENT: Hofsas Legacy LLC	
			FIGURE NO. 1

Appendix A - Asbestos Analytical Data

Certificate of Analysis
PLM Asbestos Identification

Attachment 5



S Tech Consulting
 484-B Washington Street #401
 Monterey, CA 93940

Report Number: 983996
 Project Number: 23116-2
 Project Name: Hofsas Hotel
 Project Location: San Carlos 2NW of 4th
 Carmel, California

Date Collected: 7/25/2023
 Date Received: 7/26/2023
 Date Analyzed: 7/26/2023
 Date Reported: 7/26/2023

Collected By: Sean Tillema
 Claim Number:
 PO Number:
 Number of Samples: 32

Lab/Client ID/Layer	Location	Material Description	Color	Composition (%)
983996-001 116-2-1	4-Story Guest Room 1	Drywall	White	93% Non-Fibrous Material 7% Cellulose

Total Asbestos **None Detected**

983996-001A 116-2-1	4-Story Guest Room 1	Joint Compound	White	100% Non-Fibrous Material
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Chrysotile <1 %
Total Asbestos **< 1%**

983996-002 116-2-2	4-Story Guest Room 1	Drywall	White	93% Non-Fibrous Material 7% Cellulose
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Total Asbestos **None Detected**

983996-002A 116-2-2	4-Story Guest Room 1	Skim Coat	White	100% Non-Fibrous Material
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Total Asbestos **None Detected**

983996-003 116-2-3	4-Story Guest Room 3	Drywall	White	93% Non-Fibrous Material 7% Cellulose
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Total Asbestos **None Detected**

Certificate of Analysis
PLM Asbestos Identification

Attachment 5



S Tech Consulting
 484-B Washington Street #401
 Monterey, CA 93940

Report Number: 983996
 Project Number: 23116-2
 Project Name: Hofsas Hotel
 Project Location: San Carlos 2NW of 4th
 Carmel, California

Date Collected: 7/25/2023
 Date Received: 7/26/2023
 Date Analyzed: 7/26/2023
 Date Reported: 7/26/2023

Collected By: Sean Tillema
 Claim Number:
 PO Number:
 Number of Samples: 32

Lab/Client ID/Layer	Location	Material Description	Color	Composition (%)
983996-003A 116-2-3	4-Story Guest Room 3	Joint Compound	White	98% Non-Fibrous Material 2% Glass Fibers

Total Asbestos **None Detected**

983996-004 116-2-4	4-Story Guest Room 3	Drywall	White	93% Non-Fibrous Material 7% Cellulose
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Total Asbestos **None Detected**

983996-004A 116-2-4	4-Story Guest Room 3	Skim Coat	White	100% Non-Fibrous Material
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Total Asbestos **None Detected**

983996-005 116-2-5	4-Story Guest Room 5	Drywall	White	93% Non-Fibrous Material 7% Cellulose
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Total Asbestos **None Detected**

983996-005A 116-2-5	4-Story Guest Room 5	Joint Compound	White	98% Non-Fibrous Material 2% Glass Fibers
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Chrysotile <1 %

Total Asbestos **< 1%**

Certificate of Analysis
PLM Asbestos Identification

Attachment 5



S Tech Consulting
484-B Washington Street #401
Monterey, CA 93940

Report Number: 983996
Project Number: 23116-2
Project Name: Hofsas Hotel
Project Location: San Carlos 2NW of 4th
Carmel, California

Date Collected: 7/25/2023
Date Received: 7/26/2023
Date Analyzed: 7/26/2023
Date Reported: 7/26/2023

Collected By: Sean Tillema
Claim Number:
PO Number:
Number of Samples: 32

Lab/Client ID/Layer	Location	Material Description	Color	Composition (%)
983996-006 116-2-6	4-Story Guest Room 5	Drywall	White	93% Non-Fibrous Material 7% Cellulose

Total Asbestos **None Detected**

983996-006A 116-2-6	4-Story Guest Room 5	Skim Coat	White	100% Non-Fibrous Material
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Total Asbestos **None Detected**

983996-007 116-2-7	4-Story Guest Room 26	Drywall	White	93% Non-Fibrous Material 7% Cellulose
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Total Asbestos **None Detected**

983996-007A 116-2-7	4-Story Guest Room 26	Joint Compound	White	100% Non-Fibrous Material
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Chrysotile <1 %

Total Asbestos **< 1%**

983996-008 116-2-8	4-Story Guest Room 26	Drywall	White	93% Non-Fibrous Material 7% Cellulose
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Total Asbestos **None Detected**

983996-008A 116-2-8	4-Story Guest Room 26	Skim Coat	White	100% Non-Fibrous Material
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Total Asbestos **None Detected**

Certificate of Analysis
PLM Asbestos Identification

Attachment 5



S Tech Consulting
484-B Washington Street #401
Monterey, CA 93940

Report Number: 983996
Project Number: 23116-2
Project Name: Hofsas Hotel
Project Location: San Carlos 2NW of 4th
Carmel, California

Date Collected: 7/25/2023
Date Received: 7/26/2023
Date Analyzed: 7/26/2023
Date Reported: 7/26/2023

Collected By: Sean Tillema
Claim Number:
PO Number:
Number of Samples: 32

Lab/Client ID/Layer	Location	Material Description	Color	Composition (%)
983996-009 116-2-9	4-Story Guest Room 25	Linoleum	Off White	70% Non-Fibrous Material 25% Cellulose 5% Glass Fibers

Total Asbestos **None Detected**

983996-009M 116-2-9	4-Story Guest Room 25	Flooring Material	White	100% Non-Fibrous Material
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Total Asbestos **None Detected**

983996-010 116-2-10	4-Story Guest Room 25	VFT - 9 Inches x 9 Inches	Tan Brown	100% Non-Fibrous Material
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Total Asbestos **None Detected**

983996-010M 116-2-10	4-Story Guest Room 25	Mastic	Brown Black	100% Non-Fibrous Material
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Total Asbestos **None Detected**

983996-011 116-2-11	4-Story Guest Room 24	Linoleum	Off White	70% Non-Fibrous Material 25% Cellulose 5% Glass Fibers
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Total Asbestos **None Detected**

983996-011M 116-2-11	4-Story Guest Room 24	Flooring Material	White	100% Non-Fibrous Material
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Total Asbestos **None Detected**

Certificate of Analysis
PLM Asbestos Identification

Attachment 5



S Tech Consulting
484-B Washington Street #401
Monterey, CA 93940

Report Number: 983996
Project Number: 23116-2
Project Name: Hofsas Hotel
Project Location: San Carlos 2NW of 4th
Carmel, California

Date Collected: 7/25/2023
Date Received: 7/26/2023
Date Analyzed: 7/26/2023
Date Reported: 7/26/2023

Collected By: Sean Tillema
Claim Number:
PO Number:
Number of Samples: 32

Lab/Client ID/Layer	Location	Material Description	Color	Composition (%)
983996-012 116-2-12	4-Story Guest Room 24	Drywall	White	93% Non-Fibrous Material 7% Cellulose

Total Asbestos **None Detected**

983996-012A 116-2-12	4-Story Guest Room 24	Joint Compound	White	100% Non-Fibrous Material
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Chrysotile <1 %
Total Asbestos **< 1%**

983996-013 116-2-13	4-Story Guest Room 24	Drywall	White	93% Non-Fibrous Material 7% Cellulose
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Total Asbestos **None Detected**

983996-013A 116-2-13	4-Story Guest Room 24	Skim Coat	White	100% Non-Fibrous Material
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Total Asbestos **None Detected**

983996-014 116-2-14	4-Story Guest Room 22	Drywall	White	93% Non-Fibrous Material 7% Cellulose
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Total Asbestos **None Detected**

Certificate of Analysis
PLM Asbestos Identification

Attachment 5



S Tech Consulting
 484-B Washington Street #401
 Monterey, CA 93940

Report Number: 983996
 Project Number: 23116-2
 Project Name: Hofsas Hotel
 Project Location: San Carlos 2NW of 4th
 Carmel, California

Date Collected: 7/25/2023
 Date Received: 7/26/2023
 Date Analyzed: 7/26/2023
 Date Reported: 7/26/2023

Collected By: Sean Tillema
 Claim Number:
 PO Number:
 Number of Samples: 32

Lab/Client ID/Layer	Location	Material Description	Color	Composition (%)
983996-014A 116-2-14	4-Story Guest Room 22	Joint Compound	White	100% Non-Fibrous Material
Chrysotile	<1 %			
Total Asbestos	< 1%			
983996-015 116-2-15	4-Story Guest Room 22	Drywall	White	93% Non-Fibrous Material 7% Cellulose
Total Asbestos	None Detected			
983996-015A 116-2-15	4-Story Guest Room 22	Skim Coat	White	100% Non-Fibrous Material
Total Asbestos	None Detected			
983996-016 116-2-16	4-Story Exterior	Stucco	Pink Grey	100% Non-Fibrous Material
Total Asbestos	None Detected			
983996-017 116-2-17	4-Story Exterior	Stucco	Pink Grey	100% Non-Fibrous Material
Total Asbestos	None Detected			

Certificate of Analysis
PLM Asbestos Identification

Attachment 5



S Tech Consulting
484-B Washington Street #401
Monterey, CA 93940

Report Number: 983996
Project Number: 23116-2
Project Name: Hofsas Hotel
Project Location: San Carlos 2NW of 4th
Carmel, California

Date Collected: 7/25/2023
Date Received: 7/26/2023
Date Analyzed: 7/26/2023
Date Reported: 7/26/2023

Collected By: Sean Tillema
Claim Number:
PO Number:
Number of Samples: 32

Lab/Client ID/Layer	Location	Material Description	Color	Composition (%)
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Note: Additional materials observed and analyzed.

A handwritten signature in black ink that reads 'Denis Hau'.

Denis Hau - Analyst

A handwritten signature in black ink that reads 'Esmeralda Jimenez'.

Esmeralda Jimenez - Approved By

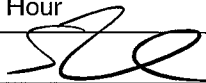
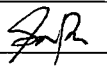
Bulk sample(s) submitted was (were) analyzed in accordance with the procedure outlined in the US Federal Register 40 CFR 763, Subpart F, Appendix A; EPA-600/R-93/116 (Method for Determination of Asbestos in Building Materials), and EPA-600/M4-82-020 (US EPA Interim Method for the Determination of Asbestos in Bulk Insulation Samples). Samples were analyzed using Calibrated Visual Estimations (CVES); therefore, results may not be reliable for samples of low asbestos concentration levels. Samples of wall systems containing discrete and separable layers are analyzed separately and reported as composite unless specifically requested by the customer to report analytical results for individual layers. This report applies only to the items tested. Results are representative of the samples submitted and may not represent the entire material from which the samples were collected. "None Detected" means that no asbestos was observed in the sample. "<1%" (less than one percent) or Trace means that asbestos was observed in the sample but the concentration is below the quantifiable level of 1%. This report was issued by a NIST/NVLAP (Lab Code 201022-0) and CA Water Board ELAP (Cert. No. 2900) accredited laboratory and may not be reproduced, except in full without the expressed written consent of Patriot Environmental Laboratory Services, Inc. This report may not be used to claim product certification, approval or endorsement by NIST, NVLAP, CA-ELAP or any government agency.

ASB_Rep_2.23

983996

Laboratory Chain of Custody

Project Information

S TECH CONSULTING	Project #	23116-2	
	Date	Tuesday, July 25, 2023	
	Client	Hofsas Legacy LLC	
	Site	Hofsas Hotel, San Carlos 2NW of 4th,, Carmel, California	
	Tech	Sean Tillema	
	Analysis	Asbestos PLM	
	Turnaround	24 Hour	
	Released by		7-25-23, 15:30
	Received by	Sam Rocas  7/26/23 10 am	
	Note to Lab		
Reports to:	Sean@stechconsulting.com, David@stechconsulting.com, consultingstech@gmail.com		
484-B Washington Street, #401, Monterey, California 93940 T 831.883.8415.			

Asbestos Bulk Sample Log

Sample Prefix: 116-2										
Sample #	Material (Pop Up Menu)	Additional Description	Color	Material (Manual Entry)	Building	Area	Location	#	Location Note	Note
1	Drywall / Joint Compound				4-Story		Guest Room	#1		
2	Drywall / Skim Coat				4-Story		Guest Room	#1		
3	Drywall / Joint Compound				4-Story		Guest Room	#3		
4	Drywall / Skim Coat				4-Story		Guest Room	#3		
5	Drywall / Joint Compound				4-Story		Guest Room	#5		
6	Drywall / Skim Coat				4-Story		Guest Room	#5		

983996

Sample Prefix: 116-2

Sample #	Material (Pop Up Menu)	Additional Description	Color	Material (Manual Entry)	Building	Area	Location	#	Location Note	Note
7	Drywall / Joint Compound				4-Story		Guest Room	#26		
8	Drywall / Skim Coat				4-Story		Guest Room	#26		
9	Linoleum				4-Story		Guest Room	#25		
10	VFT - 9"x9" w/ Black Mastic				4-Story		Guest Room	#25		
11	Linoleum				4-Story		Guest Room	#24		
12	Drywall / Joint Compound				4-Story		Guest Room	#24		
13	Drywall / Skim Coat				4-Story		Guest Room	#24		
14	Drywall / Joint Compound				4-Story		Guest Room	#22		
15	Drywall / Skim Coat				4-Story		Guest Room	#22		
16	Stucco				4-Story		Exterior			
17	Stucco				4-Story		Exterior			

Appendix B - Individual Lead XRF Data Table

Project Information		
S TECH CONSULTING	Project #	23116-2
	Date	Tuesday, July 25, 2023
	Client	Hofsas Legacy LLC
	Site	Hofsas Hotel, San Carlos 2NW of 4th,, Carmel, California
	Tech	Sean Tillema - CDPH #2901
	Analysis	X-ray Fluorescence (XRF)
484-B Washington Street, #401, Monterey, California 93940 T 831.883.8415.		

XRF Calibration						
Assay	Assay Description	Purpose	Standard	Pass	Fail	Note
C1	Cal-Check	System Start-Up	Stainless Steel 316	☒	☐	Device Unlocked
C2	NIST Calibration #1	Lead-Based Paint XRF Calibration	NIST SRM 2573	☒	☐	Lead Calibration Check Passed
C3	NIST Calibration #2					
C4	NIST Calibration #3					

XRF Data Log								
Assay	Area	Location	Component	Substrate	Pb (mg/cm2) <0.01 (BDL)	Pb (mg/cm2)	Pb (mg/cm2) >1.0 LBP	Note
1	4-Story Building, 1st Floor	Guest Room #1	Wall	Drywall	☐	0.38	☐	
2	4-Story Building, 1st Floor	Guest Room #3	Wall	Drywall	☐	0.65	☐	
3	4-Story Building, 1st Floor	Guest Room #5	Wall	Drywall	☐	0.53	☐	
4	4-Story Building, 2nd Floor	Guest Room #26	Wall	Drywall	☐	0.31	☐	
5	4-Story Building, 2nd Floor	Guest Room #24	Wall	Drywall	☐	0.09	☐	
6	4-Story Building, 2nd Floor	Guest Room #22	Wall	Drywall	☐	0.12	☐	
7	4-Story Building	Exterior	Siding	Stucco	☐	0.19	☐	

ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

June 25, 2024

File No. 5547.000

Mayor David Potter
City of Carmel-by-the-Sea
PO Box CC
Carmel-by-the-Sea 93921

Re: Carmel Legacy Hotel Appeal

Dear Mayor Potter and Members of the City Council,

Our office represents the applicants for the proposed Carmel Legacy Hotel which will replace the existing Hofsas House Hotel. We have reviewed the appeal materials submitted by the Carmel Preservation Association on April 24, 2024, and believe that the appeal provides no evidence to support its conclusion that the categorical exemption prepared by the City is inadequate. We also agree with the materials submitted in response to the appeal by EMC and by Eric Miller Architects. This letter further responds specifically to the appellant's position that there are "unusual circumstances" surrounding the project which necessitate the preparation of an EIR even though the project is otherwise categorically exempt under CEQA, as well as the appellant's assertion that the demolition of the project will result in significant impacts to the environment.

Staff determined that the project was categorically exempt under a Class 32 CEQA exemption for "Infill Development," but other exemptions are also applicable to this project. The State legislature has determined that projects which are "categorically exempt" do not have the potential to create a significant effect on the environment, and therefore are exempt from the preparation of further environmental documentation. A project which would otherwise be categorically exempt from the preparation of an EIR or negative declaration can be required to prepare further environmental documentation due to "unusual circumstances" surrounding the project. The appeal filed by the Carmel Preservation Association appears to claim that there are unusual circumstances associated with this project that would cause such significant effects. Fortunately, the Courts in California have defined what constitutes "unusual circumstances" and there is nothing about this project that is an unusual circumstance mandating the preparation of further environmental analyses.

Mayor David Potter
 City of Carmel-by-the-Sea
 June 25, 2024
 Page | 2

The defining case in California law regarding the application of the unusual circumstances exception is *Berkeley Hillside Preservation v. City of Berkeley* 60 Cal.4th 1086 (Cal. 2015). That case centered around a proposal by homeowners in the Berkeley Hills to demolish their house, and construct a new, two story, 6,478 square-foot house with an attached 3,394 square foot ten car garage on a steep lot in a heavily wooded area of existing homes that were much smaller. The city found the project to be exempt from CEQA review under the infill exemption and also found that the construction of the home did not involve any “unusual circumstances.”

The Court laid out a two-part test for determining whether the unusual circumstances exception applied. First, the City must determine whether there are “unusual circumstances,” which the court reviews under the “substantial evidence” standard of review. Second, if the City determines that unusual circumstances are present, the City must then consider whether there is a fair argument that the proposed activity may have a significant environmental effect.

The Court described the test as follows:

While evidence of a significant effect may be offered to prove unusual circumstances, circumstances do not become unusual merely because a fair argument can be made that they might have a significant effect. Evidence that a project may have a significant effect is not alone enough to remove it from a class consisting of similar projects that the Secretary has found “do not have a significant effect on the environment.” (§ 21084, subd. (a), italics added; cf. Laurel Heights II, supra, 6 Cal.4th at p. 1134, 26 Cal.Rptr.2d 231, 864 P.2d 502; No Oil, supra, 13 Cal.3d at p. 83, fn. 16, 118 Cal.Rptr. 34, 529 P.2d 66.) Therefore, an agency must weigh the evidence of environmental effects along with all the other evidence relevant to the unusual circumstances determination, and make a finding of fact. Judicial review of such determinations is limited to ascertaining whether they are “supported by substantial evidence.” (§ 21168.5.) Id. at 1115-16 (Cal. 2015) [emphasis added]

In short, under the *Berkeley Hillside* test, the City must determine if there are unusual circumstances (something not normally associated with a project of this type and scale) which results in a significant effect on the environment in order to determine that a categorical exemption is inappropriate.

The appeal claims (without citing any evidence) that the project will create parking, traffic, noise, asbestos pollution, glare, and historic resource impacts.

The appellant provides no evidence to support any of the statements, or any justification for why these issues constitute “unusual circumstances” under CEQA.

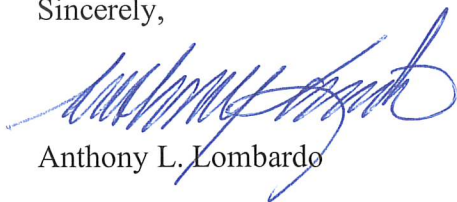
Mayor David Potter
City of Carmel-by-the-Sea
June 25, 2024
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The appellants cite no evidence to substantiate a claim that these are unusual circumstances which would prevent the adoption of a categorical exemption. Each of the appellant's contentions are items that would be expected to be associated with the demolition and construction of virtually any site in the City of Carmel. Moreover, there is no evidence that any of the issues raised by appellant would actually result in a significant effect on the environment. The City has imposed conditions of approval on the project and the State of California has regulations that must be complied with (such as the proper handling of asbestos, if encountered) which preclude any of these issues from rising to the level of a significant impact.

Based on the foregoing, it is clear that the proposed project is typical of the type of project that was contemplated by the Class 32 infill exemption. There are no unusual circumstances associated with this project that would result in a significant effect on the environment, and all issues raised by the appellant are either non-issues (the project is not historic, and glass is typically used in hotel construction) or have already been resolved through conditions of approval and/or compliance with State law or City code requirements (requirement for a construction management plan, noise ordinance compliance, etc....).

The applicant therefore respectfully requests that the City Council deny the appeal and uphold the Planning Commission's unanimous approval.

Sincerely,



Anthony L. Lombardo

cc: clients
Chip Rerig, City Manager
Brandon Swanson, Community Planning & Building Director
Marnie Waffle, Principal Planner
Peter Prows, Esq.



CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

April 10, 2024
PUBLIC HEARINGS

TO: Chair LePage and Planning Commissioners

SUBMITTED BY: Marnie R. Waffle, AICP, Principal Planner

APPROVED BY: Brandon Swanson, Assistant City Administrator and Acting Director of Community Planning and Building

SUBJECT: **DR 24059 & UP 24060 (Hofsas House, Inc.):** Consideration of a Design Review application, DR 24059 (Hofsas House, Inc.), Use Permit application, UP 24060 (Hofsas House, Inc.), and associated Lot Line Adjustment and Coastal Development Permit for the demolition of the 38-room Hofsas House Hotel and the construction of the Carmel Legacy Hotel, a 38-room hotel and two apartments inclusive of the historic "Donna Hofsas House" and associated hotel accessory uses, located on San Carlos Street 2 northwest of 4th Avenue in the Residential & Limited Commercial (RC) District. APNs: 010-124-001-000 and 010-124-014-000.

Application: DR 24059 & UP 24060 (Hofsas House, Inc.)

APN: 010-124-001-000, 010-124-014-000

Block: 34

Lot: Various

Location: San Carlos Street 2, northwest of 4th Avenue

Applicant: Eric Miller Architects

Property Owner: Hofsas House, Inc.

Executive Summary:

The Hofsas House Hotel is a 38-room hotel that has been in operation since the 1950's. The proposed project is demolition of the existing hotel and construction of a new hotel with modern amenities such as a restaurant and dining room, business center, gym/fitness center, salon, and spa. The hotel buildings were evaluated in 2023 for historical significance, and on December 18, 2023, the Historic Resources Board adopted a Determination of Ineligibility for the hotel. The Planning Commission is considering a use permit for the hotel and a design review for the redevelopment of the site. A lot line adjustment is also proposed.

Recommendation:

Adopt a Resolution (Attachment 1) approving a Use Permit for the 38-room Carmel Legacy Hotel, the historic Donna Hofsas House, and associated accessory uses located on San Carlos Street 2 northwest of 4th Avenue in the Residential & Limited Commercial (RC) District. APN 010-124-001-000 and 010-124-

014-000, and

Adopt a Resolution (Attachment 2) approving a Design Review and associated Lot Line Adjustment and Coastal Development Permit for the demolition of the 38-room Hofsas House Hotel and the construction of the Carmel Legacy Hotel, a new 38-room hotel and two apartments inclusive of the historic "Donna Hofsas House" and associated hotel accessory uses, located on San Carlos Street 2 northwest of 4th Avenue in the Residential & Limited Commercial (RC) District. APN 010-124-001-000 and 010-124-014-000.

Background and Project Description:

The Hofsas House Hotel occupies a 36,200 square foot building site comprised of two legal lots of record, an 8,000 square foot lot (Block 34, Lots 1 & 3, APN 010-124-001) and a 28,200 square foot lot (Block 34, Lots 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14, APN 010-124-014). The hotel, as it is known today, was constructed in 1957 and expanded in 1968. The historic Donna Hofsas House is located on the larger of the two parcels, fronting Dolores Street, and was constructed in 1960.

Four residences were constructed on lots 7, 9, 11, and 12 on San Carlos Street, northwest of Fourth Avenue, between 1923 and 1933. In 1943, the two-story residence on lot 9 was remodeled into apartments. Donna and Fred Hofsas purchased these properties in 1949 and created the Hofsas House complex of rental rooms and apartments. In 1956, they demolished two of the residences (lots 7 and 12) to create a parking lot.

In January 1957, Donna and Fred built a Bavarian-themed four-story, 25-unit motel and swimming pool designed by architect Robert Jones. Two of the pre-1957 cottages were remodeled and incorporated into the hotel's new design (lots 5 and 7). The reception area to the south of the hotel was one of the existing buildings, as evidenced by Robert Jones' site plan for the project (lot 9). This area was further enlarged to the south to create the Porte-cochere (portion of lot 11). A front-facing, clipped gable roof sweeps to the south to cover the Porte-cochere. Design features include wide, overhanging eaves with visible rafters, pink stucco with contrasting decorative half-timbering, front-gabled dormers, vertical diamond-paned windows, balconies with band-sawn railings, and floral murals by Maxine Albro.

In 1960, Donna Hofsas House, a single-family dwelling sporting a hyperbolic-parabola roof (aka modern gull-wing roof), was constructed on a portion of the larger hotel property (lots 8 and 10) fronting Dolores Street and served as the hotel manager's house. The home was evaluated for historical significance in 2002 and again in 2023 when it was officially added to the Carmel Historic Inventory.

In 1968, Donna Hofsas commissioned the eight-unit detached North Wing on lots 1 and 3 (front San Carlos Street) after demolishing two apartment buildings on those parcels. The north wing also expresses the Bavarian theme featuring wide, overhanging eaves, clipped gables, pink stucco, decorative half-timbering, gabled dormers, and band-sawn railings.

The hotel buildings were evaluated in 2023 for historical significance, and on December 18, 2023, the Historic Resources Board adopted a Determination of Ineligibility for the hotel. No appeals were filed, and the decision became final on January 10, 2024.

The applicant proposes demolishing the 38-room Hofsas House Hotel and building a new hotel, Carmel Legacy Hotel. There would be no increase in the number of hotel rooms.

Community Meetings Hosted by the Applicant

The applicant team hosted community meetings on January 26, 2023, and October 18, 2023, to present a

preliminary design of the project to the community and solicit feedback. The applicant team also presented the project at the Carmel Chamber of Commerce Roundtable on May 17, 2023, and at the Carmel Chamber of Commerce Board Meeting on May 25, 2023. The applicant initiated all of these meetings, and the feedback received informed changes to their design.

Development Review Committee Meeting

On February 16, 2023, the City's Development Review Committee met to discuss the proposed project and provide preliminary feedback to the applicant. The Committee includes the Carmel Community Planning & Building Department, Carmel Public Works Department, Monterey Fire Department, Monterey Peninsula Water Management District, and Carmel Area Wastewater District.

Conceptual Review

Carmel Municipal Code Section 17.14.110 (Standard of Review and Design Guidelines) states

When a proposed project involves construction of a new building or the replacement, significant enlargement, or modification of an existing building, applicants are encouraged, first, to consult the design guidelines and then to prepare and submit conceptual or preliminary drawings for review by the Planning Commission. This preliminary review can promote communication between project applicants and the City's staff and decision-makers, facilitating an understanding of applicable design regulations and avoiding unnecessary expenditures in detailed plans.

On December 13, 2023, the Planning Commission held a public hearing to review the project's conceptual design. The following summarizes the Planning Commission's comments/direction:

- Average grade is an appropriate measurement tool to determine building height.
- The restaurant above the lobby and the separate lounge west of the lobby do not qualify as a special design feature (e.g., towers, steeples, and ornamentation) and cannot exceed the maximum building height.
- The Commission was divided on whether the project is human scale.
- A parking/traffic study is necessary.
- All accessory uses should be restricted to guests of the hotel.

Based on feedback from the Commission and the public, the following revisions were made to the design:

- The height of the lobby building was reduced by 3 feet.
- A parking/traffic study was submitted.
- The vehicle exit on Third Avenue at San Carlos Street was reintroduced into the design.

Staff Analysis:

ZONING.

Archaeological Overlay District: Applications for new construction or additions, alterations, and remodels involving excavation of undisturbed earth shall include an Archaeological Resource Management Report (ARMR). The "Archaeological Resource Management Reports (ARMR): Recommended Contents and Format" (cited as the ARMR Guidelines, prepared by the California Office of Historic Preservation) shall be used as guidelines for the preparation of ARMR reports. The Planning Commission and the Department of Community Planning and Building shall use these ARMR Guidelines to review proposed construction and mitigation for potential impacts on archaeological resources. Project plans that fail to achieve reasonable compliance with these ARMR Guidelines shall not be approved.

Residential and Limited Commercial (RC) District: The purpose of the RC District is to provide an appropriate location for permanent and transient residential uses, service and office uses, and limited retail uses that do not adversely impact the residential neighborhood. This district is intended to provide a transition and buffer between the more intense activities in the CC and SC districts and the less intense activities in the R-1 and R-4 districts. Hotels are a conditionally permitted use in the RC District.

CONDITIONAL USE PERMIT.

Findings for the Reconstruction of a Hotel Use

The Hofsas House Hotel is considered a nonconforming use because it was established prior to a change in the municipal code that now requires a use permit for hotels. The demolition and reconstruction of the hotel requires that the project meet all current standards for a hotel, including the granting of a use permit by the Planning Commission.

The following special use permit findings are required for the reconstruction of hotels/motels in the commercial districts (CMC 17.64.120, Existing Motel Uses and the Reconstruction of Motel Buildings in Commercial and R-4 Districts).

A. That the motel or hotel was in existence and lawfully established prior to April 1988 and has remained in operation since that time. That the proposed use will not increase the number of lodging units in existence as of that date.

Staff Response: In 1957, a four-story, 25-unit hotel and swimming pool were constructed, and an adjacent single-family residence was remodeled to serve as the hotel reception area. The existing porte cochere adjacent to the reception office was also constructed at this time. In 1968, eight additional units were constructed on an adjacent 8,000-square-foot lot north of the hotel. Combined with the five units remaining from the early days of the rental rooms and apartments, the hotel has operated 38 units since 1968. The proposed Carmel Legacy Hotel includes 38 rooms. The project meets this finding.

B. That the proposed use will be operated as a commercial business offering transient lodging for guests and visitors. That the use will maintain living quarters occupied by a full-time manager on-site, if such occupancy was previously established as part of the use.

Staff Response: The Carmel Legacy Hotel will continue to operate as a hotel, providing transient lodging to guests for periods of less than 30 days. The historic Donna Hofsas House, which served as the original hotel manager's unit, will be remodeled into two apartments and continue providing living quarters for an on-site manager. The project meets this finding.

C. That the minimum number of units on the site is five. That, except for the manager's unit, no units shall contain kitchens or similar facilities for cooking food.

Staff Response: The project proposes to maintain 38 hotel units. Special condition of approval no. 38 states that no hotel units shall contain kitchens or similar facilities for cooking. A kitchen is defined as, *Any room or any part of a room designed, built, equipped, used, or intended to be used for the preparation of food and dishwashing, whether or not said room contains a cookstove or any other cooking appliance. A dining room, alcove, or similar room adjacent to or connected with a kitchen in which toasters, grills, percolators, and similar appliances are used shall not be deemed a kitchen.* (CMC 17.70) The two apartments within the historic Donna Hofsas House, one of which will serve as the on-site manager's unit, are required to have kitchens as a permanent residential use. With the application of conditions, the project

meets this finding.

D. That, when reconstruction is involved, a site plan has been approved through the design review process that maximizes usable open space, minimizes unrelieved expanses of pavement devoted to parking and conforms in all respects to the commercial design requirements in Chapter 17.14 CMC, Commercial Zoning Districts.

Staff Response: The applicant has submitted a site plan for design review that includes replacing the existing expanse of pavement devoted to parking with structured parking that will screen vehicles and provide opportunities for passive outdoor gathering spaces. Special conditions have been included to ensure that the project meets all commercial design requirements. With the application of conditions, the project meets this finding.

E. That the use meets all parking requirements for all uses on the site established by Chapter 17.38 CMC, Off-Street Parking Requirements.

Staff Response: The project is required to provide one on-site parking space for each hotel unit and 1.5 spaces for each permanent residential use, for a total of 41 spaces. The applicant proposes at least 68 spaces in an underground parking structure. The additional spaces are to provide off-street parking for the hotel's employees, relieving parking pressures on surrounding streets in the residential district. Additionally, the applicant is proposing a valet-only service for all guests and hotel employees. The project meets this finding.

F. That incidental service uses provided by the motel, that are not otherwise allowed within the land use district, will be limited to use by motel occupants only and will not be made available to the general public.

Staff Response: The project includes a restaurant, café/bakery, fitness center, salon, and spa. In the RC District, all of these uses are prohibited except for barber and beauty shops. The applicant proposes to limit the use of these facilities to hotel guests only. The project meets this finding.

Minor Accessory Uses to Hotels/Motels

Hotels and motels may include minor accessory uses such as light meals and refreshments for guests only, with or without separate remuneration. If such accessory uses are available to the general public, they must be allowed land uses within the underlying land use district and must meet all design, parking, and land use regulations established for the use (CMC 17.14.040.M, Hotels and Motels).

Additionally, CMC Section 17.14.040.B (Ancillary Uses) states,

Requests for the establishment of more than one ancillary use with a primary use, or to establish one or more ancillary uses with a proportion of more than 10 percent of the primary use shall only be approved upon the granting of a use permit by the Planning Commission through the adoption of findings established in CMC 17.64.060, Ancillary or Accessory Uses.

The applicant is proposing the following accessory/ancillary uses:

Restaurant. The project includes a 50-seat restaurant. The kitchen would be located on level two below the lobby, and the seating area on level four above the lobby.

Café/Bakery. The proposed café/bakery would be approximately 300 square feet in size and would be located on level 2 adjacent to the lobby building.

Gym/Fitness Center. The project includes an approximately 500-square-foot gym for hotel guests only. The Gym would be located in a portion of the historic Donna Hofsas House. It would be open from 6 a.m. to 9 p.m. daily.

Business Center. The proposed business center is approximately 350 square feet and located in the historic Donna Hofsas House. It would be open 24 hours a day, seven days a week.

Spa & Hair Salon. The proposed spa and hair salon is approximately 700 square feet and is located on level 2 in Building 5. Services would be available by appointment only.

Findings for Multiple Ancillary Uses

The following special findings are required for approval of ancillary or accessory uses (CMC 17.64.060):

A. That all proposed ancillary uses are compatible with the primary use;

Staff Response: The proposed ancillary uses are compatible with newer hotels in tourist destinations that provide guest amenities.

B. That the proposed land use, considered as a whole, appears to have the primary and ancillary uses united by a consistent theme and that the use will not exhibit a character of multiple, unrelated activities combined into one business; and

Staff Response: All of the proposed activities would serve the needs of guests, whether traveling on business or for pleasure. Amenities also cater to guests hosting a special event or celebration, such as a wedding.

C. That the use will contribute to the character of the commercial district as a residential village with a mix of unique retail and service shops.

Staff Response: This finding is not applicable.

Time Limits on Commercial Business Use Permits

Carmel Municipal Code Section 17.52.170 (Time Limits on Approvals and Denials) places a six-month time limit on commercial business use permits. The approval expires if a commercial business is not established within this time frame. CMC Section 17.52.170.B allows the Planning Commission to approve an alternative time limit by adopting a condition of approval. Staff recommends special condition of approval no. 7 (Attachment 1) to extend the time period for which the commercial business use permit will remain valid from six months to 18 months to run concurrently with the commercial design review permit.

DEVELOPMENT STANDARDS.

Building Site Area: The maximum building site area in the RC District is 32,000 square feet. The project site comprises two legal lots of record, an 8,000-square-foot lot containing eight hotel rooms and a 28,200-square-foot lot containing 30 hotel rooms. The combined lot size is 36,200 square feet. The applicant is proposing a lot line adjustment to create two more equally sized lots at approximately 18,333 square feet and 17,867 square feet, respectively. The project meets this standard.

Lot Line Adjustment: Applications for lot line adjustments in commercial districts require review and approval by the Planning Commission (CMC 17.44.040, Approval of Applications). The applicant requests

to shift the lot line between lots 3 and 5 in Block 34 to the south, between proposed Buildings 2 and 4 and the Lobby. The adjusted lot line would result in the two lots being more equally sized at approximately 18,333 square feet and 17,867 square feet, respectively. Staff supports approval of the lot line adjustment. Special condition of approval no. 39 requires the applicant to prepare a final record of survey map and submit it to the Community Planning and Building Department for review and recordation with the Office of Monterey County.

Building Coverage: Building coverage is defined as the total ground area of a site occupied by any building or structure as measured from the outside of its surrounding external walls or supporting members. Building coverage includes exterior structures such as stairs, arcades, and bridges, permanent structural elements protruding from buildings such as overhanging balconies, oriel windows, stories that overhang a ground-level story, and covered carports (CMC 17.14.130, Building Coverage).

Excluded from building coverage are roof eaves extending less than 30 inches from the face of the building, awnings or covered entryways, and masonry walls not greater than six feet in height, such as wing walls, planter walls, or grade-separation retaining walls.

All site area not counted as building coverage shall be considered open space (CMC 17.14.130, Building Coverage). Open space is an open area free of structures and visually accessible from public ways or walkways (CMC 17.14.170.A).

The maximum allowable building coverage in the RC district shall not exceed 70 percent of the total site area if the land area is 4,000 square feet or less. If the land area is more than 4,000 square feet, the allowable building coverage shall be reduced by one percent for each additional 2,000 square feet of site area. (For example, the allowable building coverage on a 6,000-square-foot site equals 69 percent of the total site area.)

The proposed lot sizes are approximately 18,333 square feet and 17,867 square feet. The maximum allowable building coverage is, 62.84% or 11,520 square feet and 63.07% or 11,268 square feet, respectively. Special condition of approval no. 40 has been added, requiring a comprehensive building coverage analysis, including diagrams, prior to the issuance of a building permit to confirm the project complies with maximum building coverage standards.

Floor Area Ratio: Floor area is defined as the total combined area included within the surrounding exterior walls of all floor levels. Floor area includes all floor spaces used for commercial, manufacturing, residential and miscellaneous land uses including space occupied by mezzanine floors, interior walkways, storage areas above ground, hallways, restrooms, and both interior and exterior wall thicknesses.

Excluded from floor area are the following: underground floor space within a basement, cellar or underground garage when not used for commercial purposes. Also excluded are: underground areas for noncommercial storage or parking and mechanical spaces within a building limited to vent, duct and piping shafts, and mechanical equipment rooms of the minimum size required by the building code.

The floor area ratio for a 2-story building in the RC District is 80 percent. No single structure shall contain more than 10,000 square feet of floor area. In addition to the basic floor area ratio two-story buildings may qualify for a bonus of up to 15 percent, which allows a floor area ratio of up to 95 percent of the site area. A floor area bonus of up to 10 percent may be granted for projects that include a courtyard and/or intra-block walkway.

The proposed lot sizes are approximately 18,333 square feet and 17,867 square feet. The maximum allowable floor area is 14,666 and 14,293, respectively. The applicant is also proposing two intrablock walkways, a east-west walkway on Lot 2 and a north-south walkway on Lot 1.

The table below provides a breakdown of the floor area ratio with the intrablock walkway bonus.

Table 1. 80% Floor Area Ratio Plus 10% Intrablock Walkway Bonus

	Lot Size	80% FAR	10% Bonus	Total Allowed	Proposed	Dif.
Lot 1	18,333	14,666	1,833	16,499	18,688	+2,189
Lot 2	17,867	14,293	1,786	16,079	13,778	-2,301
Total	36,200	28,959	3,619	32,578	32,466	-112

While the project as a whole does not exceed the combined floor area allowance, the amount of square footage on Lot 1 exceeds what is permitted. Special condition of approval no. 41 requires the applicant to reduce the square footage prior to the issuance of a building permit. With the application of conditions, the project meets this standard.

Building Height: The maximum allowable building height in the RC District is 26 feet, except that building sites that face, abut, or adjoin any property in the R-1 district shall be limited to a height of 24 feet. The project faces an R-1 district on both the north and west sides of the site; therefore, the maximum building height is 24 feet.

Note: Small areas not exceeding 10 percent of the proposed building coverage and occupied by special design features such as towers, steeples, and ornamentation may exceed these heights if approved by the Planning Commission.

The height of buildings is measured as the plumb vertical distance from the existing or finished grade (whichever is more restrictive) to the highest point on the roof (CMC 17.06.020.L, Measuring Height). Existing grade is the topographic elevation representing the surface of the ground prior to grading, filling, or other site alterations for a project. Existing grade may also be referred to as natural grade. Finished grade is the topographic elevation representing the ground surface of those parts of the site not occupied by a building upon project completion.

On sites disturbed from previous grading or excavation activities, an approximation of preexisting conditions may be used as a reference for determining average or existing grade using grades on adjacent sites, retaining walls, and prior survey maps. All such grade approximations shall require the concurrence of the Department and a determination that the resulting project complies with all requirements of the Zoning Ordinance, avoids large exposed cuts and unnatural topography, and is consistent with R-1 design objectives (CMC 17.06.020.F).

Due to prior over-excavation of the lot, the applicant requests the use of average grade to measure the height of new structures. Average grade is defined as, *A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of buildings. Average grade is calculated separately for each building.* At the December 13, 2023, Planning Commission meeting, the Commission expressed support for using average grade to measure building height.

The project has been designed within the 24-foot height limit as measured from average grade, with the exception of minor projections for elevator towers. Refer to Attachment 5, Sheet A-19C for an analysis of the projects compliance with the R-1 design objectives. The project meets this standard.

Setbacks: The project site abuts parcels in the RC District to the south and west and is located across from the R-1 District to the north and west. The east side is across from the RC District.

The setbacks identified below apply to the project. Setbacks shall be used primarily for landscaping.

Buildings 1-4:

Front Setback (East, San Carlos Street, across from RC District): 5 feet

Rear Setback (West): Not Applicable

North Side Setback (Unimproved Third Street): Not Applicable

South Side Setback (Proposed Lobby, abutting RC District): 5 feet for 50 percent

Lobby:

Front Setback (East, San Carlos Street, across from RC District): 5 feet

Rear Setback (West): Not Applicable

North Side Setback (Interior Lot Line, abutting RC District): 5 feet for 50 percent

South Side Setback (Interior Lot Line, abutting RC District): 5 feet for 50 percent

Building 5:

Front Setback (West, Dolores Street, across from R-1)

Rear Setback (East): Not Applicable

North Side Setback (Interior Lot Line, abutting RC District): 5 feet for 50 percent

South Side Setback (Interior Lot Line, abutting RC District): 5 feet for 50 percent

Historic Donna Hofsas House: No Change

Parking Regulations: For an analysis of the project's conformance with on-site parking requirements, see the discussion above under Conditional Use Permit, Findings for the Reconstruction of a Hotel Use, Subsection E.

At the December 13, 2023, conceptual review hearing with the Planning Commission, the applicant was asked to prepare a parking and traffic study to evaluate traffic impacts on Dolores Street with a single point of entry/exit from the garage. In response to the concerns raised by the neighbors, the applicant has revised the circulation pattern on site to retain the exit onto Third Avenue, thereby reducing the number of vehicle trips at the Dolores Street entry. The applicant also commissioned Hexagon Transportation Consultants to prepare a Vehicle Miles Traveled (VMT) and Parking Assessment for the project (Attachment 6).

Vehicles Miles Traveled (VMT) replaced the former Levels of Service (LOS) intersection analyses under the California Environmental Quality Act (CEQA). The study is based on a 38-room hotel with all on-site facilities restricted to hotel guests only. It concludes that there would be no net increase in vehicle trips compared to current conditions. Additionally, the applicant proposes to provide an electric bus and limousine service that would shuttle guests to and from local designations, including to and from the Monterey airport. These services are not currently offered at the hotel. By providing alternative transportation options for hotel guests, the number of daily vehicle trips can be expected to be lower.

The Hexagon report also analyzed existing parking demand at the hotel. Based on industry standards, the peak parking demand for a hotel occurs at approximately 9 a.m. on weekdays and 9 p.m. on Saturdays. A parking occupancy survey was conducted on April 29, 2023 (Saturday) and May 2, 2023 (Tuesday) to determine existing parking demand at the hotel. The survey involved counting the number of vehicles parked on-site during the peak periods. Of 28 on-site parking stalls, 15 were occupied on Tuesday and 20 on Saturday. The report concludes that existing on-site parking meets current demand.

The proposed hotel maintains the same number of rooms, and while the variety of amenities will increase, they will be limited to guests only and, therefore, not generate additional parking demand. Additionally, the

project proposes 68 on-site parking spaces, which exceed the current number of on-site spaces (28) and the amount of required parking (41).

Underground Parking: The following standards apply to underground parking:

1. The maximum height of the finished floor level above an underground parking garage facing any public street, way, place or park, shall not be higher than five feet above the existing grade or the official street grade, whichever measurement results in the lower height.

Staff Analysis: The street grade elevation at the parking structure entrance on Dolores Street is 66.41'. The finish floor level of Building 5 is 69'. The project meets this standard.

2. Underground parking garages may be constructed within required setbacks if significant trees will not be removed or injured and the setback can still be effectively landscaped. Underground garage designs shall provide sufficient room around the perimeter to accommodate existing and new tree root systems for all trees required as part of the project.

Staff Analysis: The proposed parking structure would encroach into side and rear setbacks on the north, south, and west property lines. Except for the north elevation, the site is surrounded by development, and no tree root systems will be impacted. Special condition of approval no. 36 requires landscaping within required setbacks to be shown on a final landscape and irrigation plan.

3. The grade of driveways providing access to underground garages shall not exceed five percent in the first 10 feet of the driveway slope near the street or sidewalk and shall not exceed 10 percent in the last 10 feet near the level of the garage floor. The intervening grade shall not exceed 25 percent. Driveway designs shall provide sufficient area to allow drivers to view automobile and pedestrian traffic before merging into such traffic.

Staff Analysis: The first 10 feet of the driveway on Dolores Street are proposed to have a 5 percent slope. The next 24 feet would be sloped at 23 percent. This driveway would be an entry only. Vehicles would exit on Third Avenue at San Carlos Street. The project meets this standard.

4. Garages shall be ventilated to avoid the build-up of exhaust gases. When mechanical ventilation is used, noise mitigation measure shall be incorporated such as low-noise fans, insulated ductwork and vibration absorbing mounting systems. Ducts shall not exhaust toward any building openings or open space on any adjoining property nor toward any on-site or off-site open space, pathway, street, place or park accessible to the public. Venting to the roof is generally preferred. Plans for underground garages shall be reviewed to ensure accessibility for Police and Fire Department personnel during emergencies. To the extent possible, utility meters, vaults and connections should be located within garages or driveways and away from pedestrian walking surfaces.

Staff Analysis: Special condition of approval no. 37 requires the applicant to demonstrate compliance with these standards prior to the issuance of a building permit.

DESIGN REVIEW.

Commercial Design Review: To protect the unique qualities and characteristics of the commercial districts, all exterior design changes are subject to site plan and architectural approval as prescribed in Chapter 17.58 CMC, Design Review. The basic standard of review in the commercial district is whether the project constitutes an improvement over existing conditions – not whether the project just meets minimum standards (CMC 17.14.100, Design Review and Basic Review Standard).

Approval of any design review application for a commercial project shall require the Planning Commission to find that the proposed project represents an improvement over existing conditions. All projects approved shall comply with minimum zoning standards established by Title 17, Zoning. However, compliance with minimum standards does not constitute a sufficient basis for project approval. Projects also shall be evaluated for compliance with the design guidelines.

Applications subject to design review shall not require a public hearing unless the project involves a historic structure or dwelling, requires a use permit, variance, subdivision, lot line adjustment, appealable coastal development permit (CDP), or other land use permit that requires a hearing in accord with the provisions of this title or State law. All track two projects shall be subject to the CDP requirements of the Local Coastal Program (LCP), and a track two design review approval shall constitute a coastal development permit for the project.

Commercial Design Guidelines.

Roofing Materials

1. Roofing materials shall be selected that are consistent with the design character of the buildings on which they are placed. Roofing materials should be consistent in color and composition on each roof plane of the building and on the roofs of each building within a single complex or courtyard.
2. All newly installed roofs shall be of noncombustible Class-A materials. Buildings determined by the City to qualify as historic resources may use fire treated wood roofing materials with a fire resistant underlayment assembly approved by the Building Official to meet standards for historic rehabilitation.

Concealment of Rooftop Equipment.

1. Design Review. Rooftop mechanical equipment such as, but not limited to, heating, cooling and ventilation system equipment shall be concealed from public view. When visible, the enclosures and location of such equipment are subject to design review. Existing rooftop mechanical equipment shall be concealed or relocated out of view whenever a roof is replaced as defined in subsection (B)(4) of this section and when equipment is upgraded or replaced to any extent that requires issuance of a building permit.
2. Standards for Review. Rooftop mechanical equipment shall be restricted or shielded from view from the public right-of-way and from adjoining structures by one or more of the following means:
 - a. Located on a portion of the rooftop that is not visible to the public.
 - b. Located behind roof forms, parapets or screens that are compatible with the architectural character of the structure.

Open Space & Landscaping:

All site area not counted as building coverage shall be considered open space (CMC 17.14.130, Building Coverage). Open space is an open area free of structures and visually accessible from public ways or walkways (CMC 17.14.170.A).

CMC Section 17.14.180 (Landscaping) requires that landscaping in commercial districts be provided in accordance with Chapter 17.34 CMC, Landscaping. The landscaping requirements for commercial development are as follows:

1. A minimum of 50 percent of the required open space on each site shall be landscaped. Landscaping may include nonliving materials such as garden benches, water features, and patterned paving treatments as long as the combined total area of such plant alternatives is not used as more than 25 percent of the required landscaping on any site. All landscaping improvements shall include upper canopy trees on-site and/or in the sidewalk in front of the property whenever possible.
2. Building sites contiguous to the R-1 district shall provide sufficient landscaping and trees to blend visually with open space and landscaping on adjacent sites.

Lighting: Condition of approval no. 11 has been included requiring the submittal of a comprehensive lighting plan prior to issuance of a building permit.

Public Improvements: Development projects involving substantial new or replacement construction shall include improvements in the public right-of-way adjacent to the building site to coordinate the design of the development with the design of City streets, sidewalks, walkways and infrastructure improvements and to enhance the overall appearance of the community (CMC 17.14.190, Public Improvements). Special condition of approval no. 35 requires the submittal of a comprehensive public improvement plan prior to the issuance of a building permit.

Other Project Components:

Staff recommends the project be found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15332 (Class 32) – Infill Development Projects. The project includes the demolition of a 38-room hotel and the construction of a new 38-room hotel and therefore qualifies for a Class 32 exemption. The proposed project does not present any unusual circumstances that would result in a potentially significant environmental impact, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines.

Attachment 1 - Resolution USE PERMIT

Attachment 2 - Resolution DESIGN REVIEW

Attachment 3 - Final Determination of Ineligibility - HOTEL_packet

Attachment 4 - Description for Use PermitVer4

Attachment 5 - Design Narrative

Attachment 6 - Project Plans 03.05.2024_rv01

Attachment 7 - Traffic Study Carmel Legacy Hotel VMT and Parking Assessment 11-27-23

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2024-XXX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA
APPROVING A USE PERMIT FOR THE CARMEL LEGACY HOTEL, THE HISTORIC DONNA HOFAS
HOUSE, AND ASSOCIATED ACCESSORY USES LOCATED ON SAN CARLOS STREET 2 NORTHWEST
OF 4TH AVENUE APN: 010-124-001-000 and 010-124-014-000

WHEREAS, on March 22, 2024, Eric Miller Architects, Inc. (“Applicant”) submitted Use Permit application UP 24-060 (Hofsas House, Inc.) described herein as (“Application”) on behalf of Hofsas House, Inc. (“Owner”) for the Carmel Legacy Hotel, conversion of the historic Donna Hofsas House from a manager’s unit to two apartments, and the addition of accessory uses both within the hotel and the historic house; and

WHEREAS, the Application has been submitted for two legal lots of record totaling 36,200 square feet located on San Carlos Street 2 northwest of 4th Avenue in the Residential and Limited Commercial (RC) District (Block 34, Lots 1, 3, 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14); and

WHEREAS, the Applicant is requesting to demolish the Hofsas House Hotel, an approximately 15,762-square-foot 38-room hotel, and construct the Carmel Legacy Hotel, a 32,466-square-foot 38-room hotel, convert the historic Donna Hofsas House from a managers unit to two apartments, and establish hotel-related accessory uses; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.14.030 (Land Use Regulations), Hotels and Motels in the RC District require a conditional use permit; and

WHEREAS, on March 29, 2024, a notice of the public hearing scheduled for April 10, 2024, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before March 31, 2024, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before April 5, 2024, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on April 10, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Use Permit, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the Planning Commission found that pursuant to CEQA regulations, the Application is categorically exempt under Section 15332 (Class 32) – Infill Development Projects, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Commission at the hearing date, including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the Use Permit:

FINDINGS REQUIRED FOR USE PERMIT APPROVAL (CMC 17.64.010 & 17.64.020)		
For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting the findings. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes," depending on the issues, may or may not be discussed in the report.		
Municipal Code Findings: CMC 17.64.010	YES	NO
1. That the proposed use will not be in conflict with the City’s General Plan.	✓	
2. That the proposed use will comply with all zoning standards applicable to the use and zoning district.	✓	
3. That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.	✓	
4. That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.	✓	
5. That the proposed use will not be injurious to public health, safety or welfare.	✓	
6. That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.	✓	

7. That the proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.	✓	
Municipal Code Findings: CMC 17.64.020	YES	NO
A. That allowing the proposed use will not conflict with the City's goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and nonlocal populations.	✓	
B. That proposed use will provide adequate ingress and egress to and from the proposed location.	✓	
C. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.	✓	
Municipal Code Findings: CMC 17.64.120	YES	NO
A. That the motel or hotel was in existence and lawfully established prior to April 1988 and has remained in operation since that time. That the proposed use will not increase the number of lodging units in existence as of that date.	✓	
B. That the proposed use will be operated as a commercial business offering transient lodging for guests and visitors. That the use will maintain living quarters occupied by a full-time manager on-site, if such occupancy was previously established as part of the use.	✓	
C. That the minimum number of units on the site is five. That, except for the manager's unit, no units shall contain kitchens or similar facilities for cooking food.	✓	
D. That, when reconstruction is involved, a site plan has been approved through the design review process that maximizes usable open space, minimizes unrelieved expanses of pavement devoted to parking and conforms in all respects to the commercial design requirements in Chapter 17.14 CMC, Commercial Zoning Districts.	✓	
E. That the use meets all parking requirements for all uses on the site established by Chapter 17.38 CMC, Off-Street Parking Requirements.	✓	
F. That incidental service uses provided by the motel, that are not otherwise allowed within the land use district, will be limited to use by motel occupants only and will not be made available to the general public.	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby approve the Use Permit application UP 24-060 (Hofsas House, Inc) for the demolition of the 38-room Hofsas House Hotel and construction of the 38-room Carmel Legacy Hotel, conversion of the historic Donna Hofsas House from a manager's unit to hotel rooms, and the addition of accessory uses both within the hotel and the historic house located on San Carlos Street 2 northwest of 4th Avenue (Block 34, Lots 1, 3, 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14, APN 010-124-001 and 010-124-014) subject to the Conditions of Approval below:

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	Authorization. Approval of Use Permit application UP 24-060 (Hofsas House, Inc) authorizes a 38-room hotel, two apartments, and associated hotel accessory uses	✓

	located on San Carlos Street 2 northwest of 4 th Avenue, in the Residential & Limited Commercial (RC) District as depicted in the application, plans and associated documents prepared by Eric Miller Architects approved by the Planning Commission on April 10, 2024, stamped approved and on file in the Community Planning & Building Department, unless modified by the conditions of approval contained herein.	
2.	Codes and Ordinances. The project shall conform to all Residential & Limited Commercial (RC) District requirements. All adopted building and fire codes shall be adhered to when preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.	✓
3.	Water Use. Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is not available for this site, this permit will be scheduled for reconsideration, and appropriate findings prepared for review and adoption by the Planning Commission.	✓
4.	Modifications. The applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the applicant changes the project without first obtaining City approval, the applicant will be required to submit the change in writing, with revised plans, within 2 weeks of the City being notified. A cease work order may be issued any time at the discretion of the Director of Community Planning and Building until: a) either the Planning Commission or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review. The project will be reviewed for its compliance to the approved plans prior to final inspection.	✓
5.	Indemnification. The applicant agrees, at his or her 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.	✓
6.	Conditions of Approval. All conditions of approval for the Planning permit(s) shall be printed on a full-size sheet and included with the construction plan set submitted to the Building Safety Division.	✓
SPECIAL CONDITIONS		

7.	Permit Validity. In accordance with CMC Section 17.52.170.B (General Limits), the Planning Commission extends the time limit on the commercial use permit from 6 months to 18 months to run concurrently with the associated commercial Design Review application. In accordance with CMC 17.52.170.C (Time Extensions), the Planning Commission may grant one 18-month extension of the commercial use permit if the conditions surrounding the original approval have not changed, and the General Plan, Municipal Code, or Local Coastal Program has not been amended in a manner which causes the approval to be inconsistent with these plans or codes.	✓
8.	Hotel Operations. In accordance with CMC 17.14.040.M (Hotels and Motels), hotels and motels may include minor accessory uses such as light meals and refreshments for guests only, with or without separate remuneration. If such accessory uses are available to the general public, they must be allowed uses within the underlying land use district and must meet all design, parking, and land use regulations established for the use.	✓
9.	Hotel Accessory Uses. The following hotel accessory uses are approved as part of this commercial business use permit: Restaurant/Dining Room: • Up to 50 seats for guests and their family/friends • Hours of Operation: 7 am to 10 pm daily Café/Bakery: • 300 square feet (approximately) • Hours of Operation: 7 am to 5 pm daily Gym/Fitness Center: • 500 square feet (approximately) • Hours of Operation: 6 am to 9 pm daily Business Center: • 350 square feet (approximately) Spa & Salon: • 700 square feet (approximately) • Hours of Operation: By appointment Amendments: The Community Planning and Building Director shall have the authority to approve minor modifications to the accessory uses. Any modification that, in the opinion of the Director, has the potential to negatively impact surrounding uses shall be referred to the Planning Commission for review.	✓
10.	Apartments. Two apartments are permitted and shall contain complete living, sleeping, and bathing facilities.	

11.	Hotel Room Kitchens. In accordance with the findings for approval (CMC 17.64.120), except for the manager's unit, no hotel units shall contain kitchens or similar facilities for cooking food. CMC 17.70 defines a kitchen as, <i>Any room or any part of a room designed, built, equipped, used, or intended to be used for the preparation of food and dishwashing, whether or not said room contains a cookstove or any other cooking appliance. A dining room, alcove, or similar room adjacent to or connected with a kitchen in which toasters, grills, percolators, and similar appliances are used shall not be deemed a kitchen.</i>	✓
12.	Parking. The hotel shall provide on-site parking equal to 1 parking space per rental unit, including any manager's unit, plus 1.5 spaces per permanent residential use (apartment) for a total of 41 on-site parking spaces. No additional parking shall be required for accessory hotel uses that are limited to hotel guests.	✓

Acknowledgment and acceptance of conditions of approval.

Property Owner Signature

Printed Name

Date

Applicant Signature

Printed Name

Date

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 10th day of April 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Leah Young
Planning Commission Secretary

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2024-XXX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA
APPROVING A DESIGN REVIEW AND ASSOCIATED COASTAL DEVELOPMENT PERMIT FOR THE
CARMEL LEGACY HOTEL LOCATED ON SAN CARLOS STREET 2 NORTHWEST OF 4TH AVENUE
APN: 010-124-001-000 and 010-124-014-000

WHEREAS, on March 12, 2024, Eric Miller Architects, Inc. (“Applicant”) submitted a Design Review application DR 24-059 (Hofsas House, Inc.) described herein as (“Application”) on behalf of Hofsas House, Inc. (“Owner”) for the Carmel Legacy Hotel, conversion of the historic Donna Hofsas House from a manager’s unit to two apartments, and the addition of accessory uses both within the hotel and the historic house; and

WHEREAS, the Application has been submitted for two legal lots of record totaling 36,200 square feet located on San Carlos Street 2 northwest of 4th Avenue in the Residential and Limited Commercial (RC) District (Block 34, Lots 1, 3, 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14); and

WHEREAS, the Applicant is requesting to demolish the Hofsas House Hotel, an approximately 15,762-square-foot 38-room hotel, and construct the Carmel Legacy Hotel, a 32,466-square-foot 38-room hotel, convert the historic Donna Hofsas House from a managers unit to two apartments, and establish hotel-related accessory uses; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.030 (Commercial Design Review), new construction, alterations, rebuilds, additions, and demolitions require approval of a Residential Track Two Design Study by the Planning Commission; and

WHEREAS, a Coastal Development Permit is also required in accordance with CMC 17.52.090 (Coastal Development Permit Required); and

WHEREAS, on January 26th and October 18th, 2023, the applicant and the hotel owner/operator hosted two meetings with the community, and on May 17th and May 25th, 2023, hosted two meetings with the Carmel Chamber of Commerce to present the project to the community and solicit feedback; and

WHEREAS, on February 2, 2023, the applicant submitted Conceptual Review application CR 23-097 (Hofsas House, Inc.) for the demolition of the Hofsas House Hotel and construction of a new hotel known as the Carmel Legacy Hotel; and

WHEREAS, on December 13, 2023, a conceptual design of the project was presented to the Planning Commission, and feedback received from the public and the Commission was incorporated into the project; and

WHEREAS, on December 18, 2023, the Historic Resources Board issued a Determination of Ineligibility for the Hofsas House Hotel, finding it did not meet the criteria for listing as a historic resource; and

WHEREAS, also on December 18, 2023, the Historic Resources Board issued a Determination of Eligibility for the Donna Hofsas House, finding it met the criteria for listing as a historically significant building; and

WHEREAS, on March 29, 2024, a notice of the public hearing scheduled for April 10, 2024, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before March 31, 2024, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before April 5, 2024, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on April 10, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the commercial design review, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the final design of the project; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the Planning Commission found that pursuant to CEQA regulations, the Application is categorically exempt under Section 15332 (Class 32) – Infill Development Projects, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Commission at the hearing date, including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the **Commercial Design Review**:

FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL		
For each of the required findings listed below, the staff has indicated whether the application supports adopting the findings, either as proposed or with conditions. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report, depending on the issues.		
CMC 17.58.060 Design Review Approval Findings	YES	NO
Conforms to the applicable policies of the General Plan and the Local Coastal Program.	✓	
Complies with all applicable provisions of Carmel Municipal Code.	✓	
Is consistent with applicable adopted design review guidelines.	✓	

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the **Coastal Development Permit**:

FINDINGS REQUIRED FOR COASTAL DEVELOPMENT PERMITS		
For each of the required findings listed below, the staff has indicated whether the application supports adopting the findings, either as proposed or with conditions. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report, depending on the issues.		
CMC 17.64.010.B, Coastal Development Permits	YES	NO
1. The project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Carmel-by-the-Sea Local Coastal Program.	✓	
2. If the project is located between the first public road and the sea, the project conforms with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby APPROVE the Commercial Design Review application DR 24-059 (Hofsas House, Inc.)

to demolish the Hofsas House Hotel, an approximately 15,762-square-foot 38-room hotel, and construct the Carmel Legacy Hotel, a 32,466-square-foot 38-room hotel, convert the historic Donna Hofsas House from a managers unit to two apartments, and establish hotel-related accessory uses located on San Carlos Street 2 northwest of 4th Avenue (Block 34, Lots 1, 3, 5, por. of 7, por. of 8, 9, 10, por. of 11, 12, 14, APN 010-124-001 and 010-124-014), subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	Authorization. This approval of Design Review application DR 24-059 (Hofsas House, Inc.) authorizes the demolition of the 38-room Hofsas House Hotel, construction of the 38-room Carmel Legacy Hotel, and conversion of the historic Donna Hofsas House from a manager's unit to two apartments. The project site is located on San Carlos Street 2, southwest of 4th Avenue in the Residential and Limited Commercial (RC) District as depicted in the plans prepared by Eric Miller Architects approved by the Planning Commission on April 10, 2024, and stamped approved and on file in the Community Planning & Building Department unless modified by the conditions of approval contained herein. This Design Review approval does not include any exterior modifications to the historic Donna Hofsas House. Any exterior change to the historic Donna Hofsas House shall be submitted under a separate Design Review application to the Community Planning and Building Department and shall comply with Carmel Municipal Code Chapter 17.32 (Historic Preservation).
2.	Codes and Ordinances. The project shall be constructed in conformance with all requirements of the Residential & Limited Commercial (RC) District and Archaeological Significance (AS) Overlay District. All adopted building and fire codes shall be adhered to when preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.
3.	Permit Validity. In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a commercial design review approval remains valid for 18 months from the date of action. The project must be implemented during this time, or the approval becomes void. Implementation is effected by erecting, installing, or beginning the installation of the improvement authorized by the permit, as determined by the Director. Extensions to this approval may be granted consistent with CMC 17.52.170.C.
4.	Water Use. Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is unavailable for this site, this permit will be scheduled for reconsideration, and appropriate findings will be prepared for review and adoption by the Planning Commission.

5.	Setback and Height Certifications. A State licensed surveyor shall survey and certify the following in writing: • The footing locations are in conformance with the approved plans prior to footing/foundation inspection; • The roof heights and plate heights of each building are in conformance with the approved plans prior to the roof sheathing inspection. Roofs and plates shall not exceed the elevation points as identified in the approved project plans, and the roofs include an appropriate allowance for roofing material thickness. Written certifications prepared, sealed, and signed by the surveyor shall be provided prior to footing/foundation inspection and roof sheathing inspection. In the event that multiple footing/foundation pours are required, a survey letter shall be submitted for each separate section.
6.	Service Laterals. Prior to final inspection, all electrical service laterals to any new building or structure, or to any building or structure being remodeled when such remodeling requires the relocation or replacement of the main service equipment, shall be placed underground on the premises upon which the building or structure is located. Undergrounding will not be required when the project valuation is less than \$200,000, or the City Forester determines that undergrounding will damage or destroy significant trees(s) (CMC 15.36.020).
7.	Utility Meter Locations. The placement of all utility meters shall be screened from public view to the satisfaction of the Community Planning & Building Director. Before changing the location of any utility meter, the Community Planning and Building Director or designee must give written approval.
8.	Modifications. The Applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the Applicant changes the project without first obtaining City approval, the Applicant will be required to submit the change in writing, with revised plans, within two weeks of the City being notified. A cease work order may be issued at any time at the discretion of the Director of Community Planning and Building until a) either the Planning Commission or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review. The project will be reviewed for its compliance with the approved plans prior to the final inspection.
9.	Exterior Revisions to Planning Approval Form. All proposed modifications that affect the exterior appearance of the building or site elements shall be submitted on the "Revisions to Planning Approval" form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.
10.	Conflicts Between Planning Approvals and Construction Plans. It shall be the responsibility of the Owner, Applicant, and Contractor(s) to ensure consistency between the project plans approved by the Planning Staff, the Planning Commission, or the City Council on appeal and the construction plans submitted to the Building Division as part of the Building Permit review. Where inconsistencies between the Planning approval and the

	construction plans exist, the Planning approval shall govern unless otherwise approved in writing by the Community Planning & Building Director or their designee. When changes or modifications to the project are proposed, the Applicant shall clearly list and highlight each proposed change and bring each change to the City's attention. Changes to the project incorporated into the construction drawings that were not clearly listed or identified as a proposed change shall not be considered an approved change. Should conflicts exist between the originally approved project plans and the issued construction drawings that were not explicitly identified as a proposed change, the plans approved as part of the Planning Department Review, including any Conditions of Approval, shall prevail.
11.	Exterior Lighting. Prior to the issuance of a building permit, the Applicant shall include in the construction drawings a comprehensive lighting plan including all exterior light fixtures and the manufacturer's specifications, including illumination information. All fixtures shall be shielded and down-facing. Exterior wall-mounted lighting shall be limited to 25 watts or less (incandescent equivalent or 375 lumens) per fixture and shall be installed no higher than 10 feet above the ground or walking surface. Landscape lighting shall not exceed 18 inches above the ground nor more than 15 watts (incandescent equivalent or 225 lumens) per fixture and shall be spaced no closer than 10 feet apart. Landscape lighting shall not be used as accent lighting, nor shall it be used to illuminate trees, walls, or fences. The purpose of landscape lighting is to safely illuminate walkways and entrances to the subject property and outdoor living spaces.
12.	Stone Facades (including chimneys). Prior to the issuance of a building permit, the Applicant shall identify the masonry pattern for all stonework in the construction drawings. Stone facades 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. All stonework shall be wrapped around building corners and terminated at an inside corner or a logical stopping point that provides a finished appearance. Termination of stonework shall be subject to review and approval by the Community Planning & Building Director or their designee.
13.	Wood Frame Windows. Prior to the issuance of a building permit, the Applicant shall include the manufacturer's specifications for the approved wood frame windows in the construction drawings. Window material shall be consistent throughout the project. Windows approved with divided lights shall appear to be true divided lights, including internal and external mullions and muntins on insulated windows. Any window pane dividers that are snap-in or otherwise superficially applied are not permitted. The painted finish shall be matte or low gloss.
14.	Indemnification. The Applicant agrees, at his or her 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 proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and 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 resolving all such actions by the parties hereto.
15.	Hazardous Materials Waste Survey. Prior to the issuance of a demolition permit, the Applicant shall submit a hazardous materials waste survey to the Building Division in conformance with the Monterey Bay Unified Air Pollution Control District.
16.	Archaeological Report. Prior to the issuance of a building permit, the Applicant shall submit an archaeological reconnaissance report prepared by a qualified archaeologist or another person(s) meeting the standards of the State Office of Historic Preservation. The Applicant shall adhere to any recommendations set forth in the archaeological report. 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 Planning Commission.
17.	Cultural Resources. Throughout construction, all excavation activities shall immediately cease if cultural resources are discovered on the site, and the Applicant or his/her agent on the site shall immediately notify the City of Carmel Community Planning & Building Department within 24 hours. Work shall not recommence until such resources are properly evaluated for significance by a qualified archaeologist. If the resources are determined to be significant, prior to the resumption of work, a mitigation and monitoring plan shall be prepared by a qualified archaeologist and reviewed and approved by the City of Carmel Community Planning and Building Director. If any human remains are found at any time during construction, work shall stop, and the applicant or his/her agent on the site shall immediately notify the Monterey County Coroner in compliance with applicable State requirements (California Public Resources Code (PRC) Section 5097.98).
18.	Truck Haul Route. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building Director, in consultation with the Public Works and Public Safety Departments, a truck-haul route and any necessary traffic control measures for the grading activities. The Applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures.
19.	USA North 811. Prior to any excavation or digging, the Applicant shall contact the appropriate regional notification center (USA North 811) at least two working days, but not more than 14 calendar days, prior to commencing that excavation or digging. No digging or excavation is authorized to occur on-site until the Applicant has obtained a

	Ticket Number and all utility members have positively responded to the dig request. (Visit USANorth811.org for more information)
20.	Conditions of Approval. Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.
Landscape Conditions	
21.	Landscape Plan Required. Prior to the issuance of a building permit, the Applicant shall submit a landscape plan for review and approval by the Community Planning & Building Department and the City Forester. The landscape plan shall be included in the construction drawings and will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including, but not limited to, the following: 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 on-site conditions. The landscape plan shall identify the location where new trees will be planted when new trees are required to be planted by the City code, the Forest and Beach Commission, or the Planning Commission.
22.	Tree Planting Requirements. Prior to issuance of a building permit, the Applicant shall identify on the landscape plan the location, size, and species of required tree plantings. All new trees shall be installed prior to the final inspection. Trees shall be recorded and monitored for at least five years to ensure their establishment and growth to maturity. Trees that do not survive or are removed shall be replaced with new trees that are equivalent in size to the measured or projected growth of the original trees and shall be planted in the same location unless otherwise directed by the City Forester or Forest & Beach Commission.
23.	Tree Removal Prohibited. Throughout construction, the Applicant shall protect all trees identified for preservation by methods approved by the City Forester. Trees on or adjacent to the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission.
24.	Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures on the construction site. • Prior to grading, excavation, or construction, the developer shall clearly tag or mark all trees to be preserved. • Excavation within 6 feet of a tree trunk is not permitted. • No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree. • Per Municipal Code Chapter 17.48.110, no material may be stored within the dripline of a protected tree, including the drip lines of trees on neighboring parcels.

	• Tree Protection Zone. The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. A minimum of 4-foot-high transparent fencing is required unless otherwise approved by the City Forester. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. The fencing must be maintained upright and taught for the duration of the project. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line outside of the fencing. • Structural Root Zone. The Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots. • If roots greater than 2 inches in diameter or larger are encountered within the approved Structural Root Zone, the City Forester shall be contacted for approval to make any root cuts or alterations to structures to prevent roots from being damaged. • If roots larger than 2 inches 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, and mitigation measures have been put in place.
25.	Foundation Work Near Significant Trees. 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. Six inches (6") of mulch shall be evenly spread across the inside the dripline of all trees prior to the issuance of a building permit.
Environmental Compliance Conditions	
26.	Drainage Plan. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a drainage plan that meets the requirements of the City's drainage guidance, SOG 17-07. At a minimum, new and replaced impervious area drainage must be dispersed around the site rather than focused on one corner of the property; infiltration features must be sized appropriately and located at least 6 feet from neighboring properties. The drainage plan shall include information on drainage from new impervious areas and semi-

	pervious areas.
27.	BMP Tracking Form. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a completed BMP Tracking form.
28.	Semi-Permeable Surfaces. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments cross-section details for all semi-permeable surfaces.
29.	Erosion and Sediment Control Plan. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments an erosion and sediment control plan that includes locations and installation details for erosion and sediment control BMPs, material staging areas, and stabilized access.
30.	Erosion Control in the Right-of-Way. Prior to issuance of a building permit, the Applicant shall identify on the landscape plan any natural slope within the right-of-way immediately adjacent to the property where parking is not practical. Jute netting and a drought-tolerant ground cover to manage post-construction erosion control shall be installed. Plants installed within the drip line of trees shall be selected from the City's "List of Compatible Plants Under and Around Native Trees" in the Forest Management Plan. The Public Works Director, or their designee, may waive this requirement.
Special Conditions	
31.	Pre-Construction Meeting. Prior to the issuance of a building permit, the contractor overseeing the project shall schedule a pre-construction meeting with the <u>Project Planner</u> to review the approval conditions and expectations during construction.
32.	Conditions of Approval Acknowledgement. Prior to the issuance of a building permit revision, a completed Conditions of Approval Acknowledgment form shall be included in the construction drawings. The form shall be signed by the Property Owner, Applicant, and Contractor prior to the issuance of a building permit.
33.	Copper Gutters & Downspouts Not Permitted. Prior to the issuance of a building permit, the applicant shall identify the material for gutters and downspouts in the construction drawings. The use of copper for gutters and downspouts is prohibited.
34.	Construction Management Plan. Prior to the issuance of a building permit, the Applicant shall submit a Construction Management Plan for review and approval by the Community Planning & Building Director.
35.	Public Way Improvements. Development projects involving substantial new or replacement construction shall include improvements in the public right-of-way adjacent to the building site to coordinate the design of the development with the design of City streets, sidewalks, walkways and infrastructure improvements and to enhance the overall appearance of the community. Prior to the issuance of a building permit, the applicant shall submit for review and approval by the Community Planning & Building Department and Public Works Department a design for public way improvements on San Carlos Street.
36.	Landscaping within Required Setbacks. Prior to the issuance of a building permit, the applicant shall submit for review and approval by the Community Planning & Building

	Department a final landscape and irrigation plan that includes landscaping within required setbacks.
37.	Garage Ventilation. Garages shall be ventilated to avoid the build-up of exhaust gases. When mechanical ventilation is used, noise mitigation measures shall be incorporated such as low-noise fans, insulated ductwork and vibration absorbing mounting systems. Ducts shall not exhaust toward any building openings or open space on any adjoining property nor toward any on-site or off-site open space, pathway, street, place or park accessible to the public. Venting to the roof is generally preferred. Plans for underground garages shall be reviewed to ensure accessibility for Police and Fire Department personnel during emergencies. To the extent possible, utility meters, vaults and connections should be located within garages or driveways and away from pedestrian walking surfaces.
38.	Kitchens or Similar Facilities for Cooking. No hotel units shall contain kitchens or similar facilities for cooking. A kitchen is defined as, <i>Any room or any part of a room designed, built, equipped, used, or intended to be used for the preparation of food and dishwashing, whether or not said room contains a cookstove or any other cooking appliance. A dining room, alcove, or similar room adjacent to or connected with a kitchen in which toasters, grills, percolators, and similar appliances are used shall not be deemed a kitchen.</i> (CMC 17.70)
39.	Lot Line Adjustment. Prior to the issuance of a building permit, the applicant shall prepare a final record of survey map and submit it to the Community Planning and Building Department for review and recordation with the Office of Monterey County.
40.	Building Coverage Analysis. Prior to the issuance of a building permit, the applicant shall prepare a comprehensive building coverage analysis including diagrams and submit it to the Community Planning and Building Department for review and approval.
41.	Floor Area Reduction. Prior to the issuance of a building permit, the applicant shall submit revised plans for review and approval by the Community Planning and Building Department that demonstrate a reduction in the building square footage on Lot 1 to comply with maximum floor area standards.

Acknowledgment and acceptance of conditions of approval:

_____ Property Owner Signature	_____ Printed Name	_____ Date
_____ Applicant	_____ Printed Name	_____ Date

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 10th day of April 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Leah Young
Planning Commission Secretary



CARMEL-BY-THE-SEA

NOTICE OF INELIGIBILITY

For the Carmel Historic Resources Inventory

On December 18, 2023, the Historic Resources Board determined that the property identified below does not constitute a historic resource.

Assessor's Parcel Number: 010-124-014 (por.) & 010-124-001
Current Owner: Hofsas House Inc
Block/Lot: 34 /5, 7, 8 (por.), 9, 11, 14, Various & 34/1 & 3
Street Location: San Carlos Street 2 NW of 4th Avenue
Lot size: 28,200 square feet (excludes Lots 10 & 12-Donna Hofsas House)
Date of Construction: 1957, 1968

- ☒ The Hofsas House Hotel is not eligible under **Criterion One** (Event/Association) because it does not retain a high degree of integrity and is not associated with a prominent member of the business community.
- ☒ The Hofsas House Hotel is not eligible under **Criterion Two** (Important Person) because the property is not associated with a person who is considered significant within Carmel's historic context. There is no indication that the hotel operator, Donna Hofsas, played an outstanding role within the tourism community when compared to her peers. Additionally, muralist Maxine Albro's life achievements would be better represented by her own home.
- ☒ The Hofsas House Hotel is not eligible under **Criterion Three** (Design/Construction) because none of the architects or builders associated with the Hofsas House Hotel could claim the design or construction was a defining moment in their careers; the Bavarian-themed vernacular buildings are not recognized as significant in the city's Historic Context Statement; and the hotel does not display a rare style of architecture.
- ☒ The Hofsas House Hotel is not eligible under **Criterion Four** (Information Potential), which is generally reserved for archeological sites. There is no evidence in the historical record that the Hofsas House Hotel meets the eligibility requirements for Criterion Four.

This Determination is based on the intensive survey prepared by qualified professional Margaret Clovis dated 08/2023 (11 pages) and the peer review documentation prepared by EMC Planning Group dated October 26, 2023 (attached). This Determination was subject to a ten (10) working day appeal period, which ended at 5:00 P.M. on Wednesday, January 10, 2024. No appeals were filed during the appeal period. This Determination is final and shall remain valid for a period of 5 years.

Marnie R. Waffle

Marnie R. Waffle, AICP
Principal Planner

PRIMARY RECORD

Primary # _____ Attachment 3

HRI # _____

Trinomial _____

NRHP Status Code _____

Other Listings _____

Review Code _____ Reviewer _____ Date _____

Page 1 of 11

*Resource Name or #: (Assigned by recorder) Hofsas House Hotel

P1. Other Identifier: Hofsas House Hotel

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary)

*b. USGS 7.5' Quad Monterey Date 2012 T ; R ; ¼ of ¼ of Sec ; Mount Diablo B.M.

c. Address San Carlos 2 NW of 4th City Carmel by the Sea Zip 93921

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

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

APN 010-124-014; Blk. 34, lots 5,7,9,11 & 14; APN 010-124-001, Blk. 34, lots 1 & 3

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

Between 1923 and 1933, four buildings were constructed on lots 7, 9, 11, and 12 on San Carlos Street, 2 NW of Fourth Avenue. In 1943 the two-story residence on lot 9 was remodeled into apartments. In May 1948 Harry Hofsas purchased the property and then granted the cottages to his brother, Fred, and his wife Donna in July. Donna and Fred started to remodel the cottages into a complex of rental rooms and apartments. In 1956 they demolished two of the residences on lots 7 and 12 to create a parking lot. In January 1957 they built a four-story, 25-unit motel and swimming pool. In 1967 Donna built the eight-unit detached North Wing on lots 1 and 3, after demolishing two apartment buildings on those parcels. Donna Hofsas used Bavarian themed details for the 1957 hotel and remodeled the two pre-1957 cottages to match. The front elevation of the Hofsas House Hotel extends along San Carlos Street. The reception area of the southern two-story section was one of the existing buildings, as evidenced by Robert Jones' site plan for the project. This area was enlarged to the south (continued p. 3)

*P3b. Resource Attributes: (List attributes and codes) HP5, Hotel/Motel

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



P5b. Description of Photo: (View, date, accession #) Front Elevation, 05/2023

*P6. Date Constructed/Age and

Sources: 1957, 1968 ☒ Historic

☐ Prehistoric ☐ Both

Building Permits

*P7. Owner and Address:

Hofsas House Hotel

POB 1195

Carmel, CA. 93921

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

Meg Clovis

14024 Reservation Rd.

Salinas, CA 93908

*P9. Date Recorded: 08/2023

*P10. Survey Type: (Describe)

Intensive

*P11. Report Citation: (cite survey report and other sources, or enter "none.") 2001 Carmel City-Wide Survey, DPR by Kent Seavey. No paper records. Verbal reference and reference in the building file.

*Attachments: ☐ NONE ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure and Object Record

☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record

☐ Artifact Record ☐ Photograph Record ☐ Other (List)

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 11

*NRHP Status Code

*Resource Name or # (Assigned by recorder) Hofsas House Hotel

B1. Historic Name: Hofsas House Hotel

B2. Common Name: Hofsas House Hotel

B3. Original Use: Hotel

B4. Present Use: Hotel

*B5. Architectural Style: Bavarian-Themed Vernacular

*B6. Construction History: (Construction date, alteration, and date of alterations) BP#445: Addition to cottage (1938); BP#1016: 2-story building remodeled into apartments (1943); BP#2986: Demolish 2 residences for parking lot (1956); BP# 2996 Build 4-story hotel (1957); BP# 3058 Build swimming pool (1957); BP# 4748 Build 8-unit North Wing (1968). See p. 4 for additional permits.

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

Original Location:

*B8. Related Features: Parking lot, pool

B9a. Architect: Robert R. Jones, Cleve Dayton, George Willox b. Builder: Ralph Stean, Helm & Savoldi

*B10. Significance: Theme: N/A

Area Carmel by the Sea

Period of Significance: N/A

Property Type Building Applicable Criteria: N/A

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

In 1949 Donna J. Hofsas (1902-1981) and Frederick L. Hofsas (1897-1989) moved to Carmel from Los Angeles. Donna was a film actress with Fox Studios and Fred was an accountant. Fred's brother, Harry, granted four cottages he had purchased on San Carlos Street to the couple. Donna and Fred started remodeling the cottages into apartments. By 1951 they were renting rooms and apartments in their advertised Hofsas House Hotel. Donna managed the rentals while Frederick continued his work as an accountant. In 1957 they built a Robert Jones designed four story Bavarian-themed motel and incorporated two of the old buildings into the new complex. Fred, who was an amateur artist, designed a mosaic coat of arms for the hotel, with the creed "Otium Cum Dignitate" (Leisure with Dignity). Donna asked her friend, renowned artist Maxine Albro, to paint murals on the inside wall of the porte cochere. Donna and Fred divorced in 1960 and Donna continued to operate the Hofsas House Hotel until her death. The hotel is still owned and operated by her descendants.

Architect **Robert R. Jones** (1911-1989) designed the four-story motel. Born in Berkeley, Jones was educated at the University of California, Berkeley before (continued p. 6)

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

*B12. References:

Carmel Context Statement & Historic Preservation Ordinance

Sacramento Bee, 9/3/2012, p. 10

Building File, Carmel Planning Dept.

National Register Bulletin 15

Polk's City Directories, Harrison Memorial Library

U.S. Census & Voter Registration Records

TGIF Guide.com

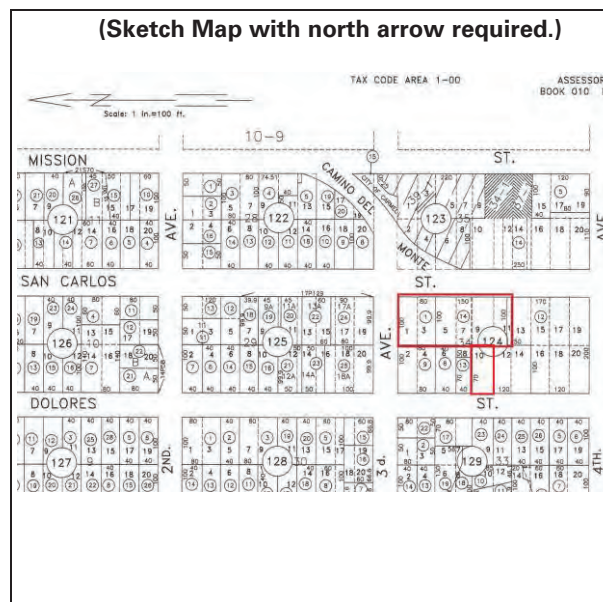
Donna Hofsas Obit., *Carmel Pine Cone*, 7/16/1981, p. 26

B13. Remarks

*B14. Evaluator: Meg Clovis

*Date of Evaluation: 08/2023

(This space reserved for official comments.)



CONTINUATION SHEET

Primary # _____

HRI# _____

Trinomial _____

Attachment 3

Page 3 of 11

*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update

P3a. Description (continued):

to create the porte cochere. A front-facing, clipped gable roof sweeps to the south to cover the porte cochere. The roof has wide, overhanging eaves and visible rafters. Pink stucco covers the exterior walls and provides contrast for the decorative half-timbering used on both floors (the buildings were originally painted beige, per the Planning Commission's request, so they would not look as large). A plant-covered balcony extends from the second floor. Vertical diamond paned windows are used on both floors. Floral murals surround the second-floor windows. Maxine Albro's mural of Bavarian peasants is located on the interior wall of the porte cochere.



Three, front gable dormers are located on the 1957 portion of the San Carlos Street elevation. Each dormer has two small diamond pane casement windows that flank inset floral murals. A chimney is located at the intersection of the cross gable. Pink stucco and half-timbering covers the exterior walls and the Hofsas House coat of arms, created by Fred Hofsas, is located at intervals along the first-floor wall.

Figure 1: Front elevation of Hofsas House, looking northwest from San Carlos Street.

A steep driveway leads down from San Carlos Street to the rear and lower level of the property. The main hotel is centered between the remodeled older residences within the complex and the 1968 North Wing. Rising four stories from the parking lot, each level of the 1957 hotel has a balcony which extends across the entire floor. The balcony has a Bavarian-style, band sawn wood railing and the balcony is divided into separate porches for each room. Each room has a door onto the porch and a window. Flights of exterior stairs connect each level.

The two-story, 1968 building to the north of the 1957 building has an L-shaped plan and cross gable roof with wide, overhanging eaves and clipped gables. Hotel rooms are located on the upper floor while a meeting room and a covered parking area are located on the ground level. The same pink stucco and half timbering is used on the exterior. Other details from the 1957 building are incorporated into the North Wing such as the gabled dormers¹, and the band sawn railings used for the exterior

¹ The 1968 building's gabled dormers have murals painted between each casement window. The murals are similar to Maxine Albro's original murals however they were not painted by her since she died in 1966. There is no record of who painted the murals for the 1968 North Wing.

CONTINUATION SHEET

Page 4 of 11

*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update

walkways and balconies. To the south of the rear parking lot is a cluster of buildings that were part of the original, pre-1957 hotel complex. Pink stucco covers the exterior walls, but half timbering is not used.

A pool and large parking area (with another automobile entrance off of Dolores Street) are located on the lower level of the property. Landscaping throughout the complex is minimal except along the driveway which leads from San Carlos Street to the covered parking under the North Wing.

The Hofsas House Hotel was established when Carmel's reputation as a tourist attraction was on the rise. Many hotels, inns, and motels were built between 1947 and 1963 and these establishments reflect a wide range of architectural styles and themes. The 1957 section of the hotel was designed by Robert Jones, who is best known for his contemporary designs. The project contractor was Ralph Stean, who specialized in post-adobe style homes. The north wing was designed by San Jose architect Cleve Dayton, the same architect who designed Donna Hofsas' house with the parabolic roof, located off of Dolores Street. By May 1968 George Willcox had taken over the project, working with contractors Helm and Savoldi.

The Hofsas House is a conglomeration of buildings cobbled together over four decades. Following is a timeline of alterations and additions:

- May 1948: Harry Hofsas purchases cottages (currently rooms 6, 7, 8, 9, and 10)
- May 1948: New basement added to two-story building on lot 9 (BP# 1604)
- June 1948: Bathroom and living room addition to two-story building on lot 9 (BP# 1625)
- August 1948: Two-story building's basement remodeled into bedroom and bath on lot 9 (BP# 1660)
- 1952: Building additions (currently rooms 20, 21, 30 and 31)
- March 1952: New apartments added to existing building on lot 9 (BP#2283)
- May 1952: Apartment addition to lot 13 (BP# 2315)
- June 1952: Porch roof addition to Lot 11 (BP# 2337)
- December 1956: Demolition permit for two old residences to create a parking lot for hotel (BP# 2986)
- January 1957: Construction of 4-story main hotel building with 21 units, night manager's apartment and laundry room
- May 1957: Addition of 5 units to existing 25 units (BP# 3044)
- June 1957: Build swimming pool (BP# 3058)
- November 1959: Remodel bath and hallway in duplex on lot 8 (BP# 3458)
- November 1967: North wing constructed with 8 units, banquet room, kitchen, and two dry saunas (BP# 4748)
- January 1968: Tar and gravel roof replaced with shakes and roof structure changed to provide 4" minimum pitch on lot 11 (BP# 4744)
- 1974: New office added over back office of the lobby and stairs redesigned from the 4th floor to the parking lot (BP# 74-101)
- June 1977: Stairs replaced on the north side of the main building (BP# 77-132)
- November 1978: Repair of failed retaining wall (BP# 78-192)

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*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update



Figure 2: North wing looking southwest from San Carlos Street.



Figure 3: View of hotel's porte cochere with mural and family shield, looking southwest from San Carlos Street.

CONTINUATION SHEET

Page 6 of 11

*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update

B10. Significance (continued):

relocating to the Monterey Peninsula to work for architect Robert Stanton. Jones opened his own architectural firm in 1939 designing house plans for war housing and FHA apartments. By the war's end, Jones had opened additional offices in Merced and Oxnard. On the Peninsula, his firm designed 27 canneries and reduction plants, as well as public buildings for the Monterey Peninsula Airport. His Modernist design for the Monterey Airport Administration Building won a major design award from the Smithsonian Institute. He also designed the Elks Lodge in Monterey. In Carmel he designed All Saints Episcopal Church and the Carmel Youth Center. He designed numerous residences in the area and was known for his flat-roofed, Modern style. Robert R. Jones is included in Carmel's Historic Context Statement.

Ralph Leo Stean (1918-2004) was the contractor for the 1957 Hofsas House Hotel project. Stean was a Carmel Valley developer and contractor who worked on the Monterey Peninsula from the mid-1940s to the 1970s. Early on he specialized in building Post-Adobe residences. Ralph Stean is listed in Carmel's Historic Context Statement.

Cleveland Dayton (1919 - 2012) prepared the preliminary plans for the North Wing, which was built in 1968. Dayton was an architect with the Creative Design Company, a San Jose firm. The North Wing's plans were revised by **George Legge Willox** (1903 – 1968), a Carmel architect who is best known for his design of the Church of the Wayfarer. Born in Scotland,² and raised in Canada, Willox graduated with a degree in architecture from the University of Michigan. He moved to Carmel from Los Angeles and joined Robert Stanton's firm as head designer. He eventually opened his own architectural practice. Willox served on Carmel's Planning Commission for fourteen years and was appointed to the California State Planning Commission by Governor "Pat" Brown. Willox is included in Carmel's Historic Context Statement.

The contracting firm of **Helm and Savoldi** constructed the North Wing. Walter Helm (1914-1998) graduated in 1938 with an engineering degree from the University of Arizona. He settled in Carmel in 1945, working as a carpenter. Helm became a licensed contractor and partnered with Michigan-native and former pro-wrestler Clem Savoldi (1909 – 1999) to form the Helm-Savoldi contracting firm. Helm and Savoldi built hundreds of custom homes on the Monterey Peninsula, working with such notable architects as Henry Hill, Jon Konigshofer, and Walter Burde. Helm and Savoldi are not included in Carmel's Historic Context Statement.

² George Willox Obituary, *Carmel Pine Cone*, August 20, 1968.
DPR 523L (1/95)

CONTINUATION SHEET

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*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

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☒ Continuation ☐ Update



Donna Hofsas asked her friend **Maxine Albro** (1903-1966) to paint murals on the inside wall of the porte-cochere. She also did three paintings for the reception area. Maxine Albro was a nationally known muralist, mosaic artist and sculptor. She was one of America's leading female artists, and one of the few women commissioned under the New Deal's Federal Art Project. During that time, she executed the California agricultural workers mural in Coit Tower. She became a leader in the California muralist movement and her work can be found in the collections of the Smithsonian American Art Museum, MoMA, and the National Gallery of Art, among others. She and her husband moved to Carmel in 1938 and she lived in Carmel until her death. She was named an honorary life member of the Carmel Art Association and served on Carmel's first Art Commission. Besides the Hofsas House Hotel, her work can be seen locally at Santa Catalina School.³

Figure 4: Photo of Maxine Albro courtesy of the Carmel Art Association.

In 1961 a glowing review of the Hofsas House Hotel stated:⁴

"Hofsas House is something new under Carmel's sun. It's on a curve of the road leading into the village at San Carlos and Fourth. It's right out of a picture book with gay murals of peasants dancing under a smiling sun and diamond paned windows, touched by the flicker of patio torches. A page out of Bavaria with king sized beds, jeweled and gold telephones, a delightful, heated swimming pool sheltered from the ocean breezes, yet a view of ocean on each of its four levels."

Evaluation for Significance

Historians use National Register Bulletin 15⁵ as a guide when evaluating a property's significance whether on a local, state, or national level. As a first step, to determine whether or not a property is significant, it must be evaluated within its historic context and the City of Carmel's Historic Context Statement⁶ provides this context. The City of Carmel's Historic Preservation Ordinance (Section 17.32.040) reiterates the role of *National Register Bulletin 15* in the evaluation of historic resources.

³ Maxine Albro Obituary. *Carmel Pine Cone*. 7/28/1966, p. 19.

⁴ *Biggs News*, 11/3/1961, p. 4.

⁵ National Register Bulletin 15. *How to Apply the National Register Criteria for Evaluation*. National Park Service. 1998.

⁶ *Historic Context Statement: Carmel-by-the-Sea (Draft)*. Approved by the City Council December 6, 2022.

CONTINUATION SHEET

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*Resource Name or # Hofsas House Hotel

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*Date 08/2023

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Adopted eligibility criteria are modeled on the California Register's four criteria with the addition of specific qualifications for Criterion Three (Section 17.32.040.D).

The Hofsas House Hotel is not eligible under **Criterion One (Event/Association)** despite its association with the development of business and tourism in Carmel. The Hofsas House Hotel is one of dozens of tourist-serving accommodations built in Carmel during the 1950s and 1960s. Per Carmel's Historic Context Statement, "Properties associated with business and tourism exist in abundance throughout Carmel. Significant examples should retain a high degree of integrity. Significance would be enhanced by association with prominent members of the business community and with specific businesses or business types that were pivotal in the town's economic development" (p. 31). The Hofsas House Hotel's significance is not enhanced by its association with Donna Hofsas, who did not distinguish herself from others in the same business (see Criterion Two).

For a property to be listed under **Criterion Two (Important Person)** it must be associated with a person who is considered significant within Carmel's historic context. An individual must have made contributions or played a role that can be justified as significant and the contributions of the individual must be compared to others who were active, prosperous, or influential in the same sphere of interest. Carmel had over fifty hotels, inns, and motels that were in operation at the same time Donna Hofsas was managing the Hofsas House Hotel. There is no indication in the historical record that Mrs. Hofsas played an outstanding role within the tourism community when compared to her peers. Maxine Albro painted the murals on the exterior walls of the Hofsas House Hotel, but her life achievements would be better represented by her own home which was located on Santa Rita between Fourth and Fifth Avenues. The Hofsas House Hotel is not eligible for listing in the Carmel Inventory of Historic Resources under Criterion Two.



Figure 5: Rear elevation of 1957 hotel looking northeast.

CONTINUATION SHEET

Primary # _____

HRI# _____

Trinomial _____

Attachment **3**

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*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update

A property is eligible under **Criterion Three (Design/Construction)** if it, "embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values." Carmel's Historic Preservation Ordinance includes additional qualifications for eligibility under Criterion Three. An historic resource eligible under California Register Criterion Three (per Carmel's Ordinance) should meet at least one of the following four criteria:

1. Have been designed and/or constructed by an architect, designer/builder, or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement.

The 1958 hotel building was designed by Robert R. Jones and constructed by Ralph Stean, who are both listed in Carmel's Historic Context Statement. Jones is best known for his contemporary designs and Stean is best known for his post-adobe residences. The 1968 North Wing was initially designed by Cleveland Dayton, re-designed by George Willox, and built by Helm and Savoldi. George Willox is the only creative individual out of the three who is listed in Carmel's Historic Context Statement. Per Bulletin 15, a property is not eligible as the work of a master simply because it was designed by a prominent architect. "The property must express a particular phase in the development in the master's career, an aspect of his or her work, or a particular idea or theme in his or her craft." None of the architects or builders associated with the Hofsas House Hotel could claim that the design and/or construction of this hotel was a defining moment in their careers, so this criterion is not applicable.

2. Have been designed and or constructed by a previously unrecognized architect, designer/builder, or contractor if there is substantial, factual evidence that the architect, designer/builder, or contractor contributed to one or more of the historic contexts of the City to an extent consistent with other architects, designer/builders or contractors identified within the Historic Context Statement.

This criterion is not applicable.

3. Be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement.

Bavarian-themed vernacular commercial buildings are not recognized as significant in Carmel's Historic Context Statement.

4. Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed by known architects, designer/builders, or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

There are several examples of vernacular style buildings with various thematic attributes in Carmel. The Hofsas House Hotel does not display a rare style of architecture and cannot be considered eligible under this criterion.

California Register Criterion Three (Design/Construction) has three parts as follows:

A property is eligible if it 1) embodies the distinctive characteristics of a type, period, region, or method of construction, 2) represents the work of a master, or 3) possesses high artistic values.

CONTINUATION SHEET

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Trinomial _____

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*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

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The Hofsas House Hotel does not meet the first part of California Register Criterion Three because it does not embody the distinctive characteristics of a particular style of architecture. As evidenced by the lengthy list of building permits over a four decades, the hotel complex is an assemblage of disparate components, rather than a cohesive stylistic vision.

Although designed and constructed by architects and contractors recognized as significant in Carmel's Historic Context Statement, the Hofsas House Hotel is not representative of their best work. The hotel does not meet the second part of Criterion Three.

The Hofsas House Hotel does not meet the third part of Criterion Three because it does not possess high artistic values and it does not express aesthetic ideals or design concepts.

The California Register's **Fourth Criterion (Information Potential)** is generally reserved for archeological sites. There is no evidence in the historical record that the Hofsas House Hotel meets the eligibility requirements for Criterion Four.



Integrity

Integrity is defined as the ability of a property to convey its significance. There are seven aspects of integrity including location, design, setting, materials, workmanship, feeling, and association. To retain integrity a property must retain several if not most aspects. If a property does not meet any of the eligibility criteria, then integrity is not a consideration as part of the evaluation for historical significance.

Figure 6: North wing looking northeast.

CONTINUATION SHEET

Primary # _____

HRI# _____

Trinomial _____

Attachment **3**

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*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update

Summary

To be eligible for the Carmel Inventory a resource must represent a theme in the Context Statement, retain substantial integrity, be at least 50 years old, and meet at least one of the four criteria for listing in the California Register. The Hofsas House Hotel does not represent a theme in the Context Statement. The Hofsas House Hotel does not retain substantial integrity. The Hofsas House Hotel is over 50 years old. The Hofsas House Hotel does not meet any of the California Register criteria. In summary, Bulletin 15, the Carmel Historic Context Statement, the Carmel Historic Preservation Ordinance, and the historical record support the conclusion that the Hofsas House Hotel is not eligible for listing in the Carmel Inventory of Historic Resources.



Figure 7: Mosaic shield created by Frederick Hofsas.



Planning for Success

October 26, 2023

Brandon Swanson
Community Planning & Building Director
City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921

Re: HE23-097 Clovis DPR – Hofsas House Hotel

Dear Mr. Swanson,

The Phase 1 historical evaluation report issued by Meg Clovis on the Hofsas House Hotel has numerous false and misleading statements. The Phase 1 report, which will be referred to as the Clovis DPR, has failed to establish factual and substantial evidence to identify the Hofsas House Hotel as a historic resource. This package serves to provide new information that was not addressed in the Clovis DPR and offers factual evidence and clarification on misleading statements.

Included with this letter are professional peer review reports produced by the following independent, accredited historians:

- Robert Chattel, AIA (President, Chattel, Inc.)
- Laura Jones, Ph.D. (Director of Heritage Services and University Archaeologist for Stanford University)
- Barbara Lamprecht, M.Arch., Ph.D. (Owner, Modern Resources)
- Anthony Kirk, Ph.D.

Also included for review, and referenced in the aforementioned historian peer reviews, are the following documents:

- 'Clovis DPR Review-' by Carrie Theis (Owner, Hofsas House Hotel)
- Hofsas House Hotel – Building and Business Timeline

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- Architectural Contributions Diagram
- Tamara Grippi, "What's Not on the List," *Carmel Pine Cone*, Nov. 2-8, 2001, p. 1, 5
- Carmel Preservation Foundation Collection Summary, *Henry Meade Williams, Local History Department, Carmel Public Library*
- Carmel Inventory of Historic Resources Database, Volumes 1 and 2.
- National Register Bulletin VIII. 'How to Evaluate the Integrity of a Property'
- Deed, Harry Hofsas to Fred Hofsas, 1948.
- Letter to Scott Theis, 2002.

To address subjective assumptions, and correct false and misleading claims in the Clovis DPR, a recorded and transcribed deposition was conducted on Tuesday, October 24th, 2023. The deposition featured Carrie Theis, the granddaughter of Donna Hofsas, and Stephanie Kirz, the step-daughter of Fred Hofsas and the Executrix of his estate. The sworn under oath statements address false assumptions regarding the intentionality behind the hotel's design vision, correct false and misleading statements about Fred Hofsas and his heritage, and also provide accurate first-hand testimony from Fred and Donna's relatives. The transcription will be submitted upon request.

The peer review reports, supplementary documents, and depositions, all serve to provide new information to refute and correct false and misleading statements in the Clovis DPR of the Hofsas House Hotel.

Sincerely,



Anna Bornstein
Associate Planner

Cc: Carrie Theis

Professional Historian – Peer Reviews





Chattel, Inc. | Historic Preservation Consultants

MEMORANDUM

DATE October 16, 2023

TO Brandon Swanson
Community Planning & Building Directory
City of Carmel-By-The-Sea

FROM Robert Chattel, AIA, President
Christine di Iorio, AICP, Principal Associate
Leslie Heumann, Principal Associate
Alvin-Christian Nuval, Senior Associate
Chattel, Inc. | Historic Preservation Consultants

RE Hofsas House Hotel, Carmel-By-The-Sea, California
Peer Review of DPR Form

Chattel, Inc. (Chattel) is providing this memorandum to peer review the Administrative Draft Department of Parks and Recreation (DPR) form prepared by Meg Clovis (Preparer) in August 2023 for the Hofsas House Hotel in Carmel-By-The-Sea (Carmel), California. The Hofsas House Hotel (Hotel) is a 1957 hotel with 1968 addition that is located on San Carlos Street between Third and Fourth Avenues. The DPR form was provided by the Preparer at the request of the City of Carmel (City) and makes the following two claims:

- 1.) The Hotel is eligible for listing in the City Inventory of Historic Resources (City Inventory) under local Criterion 3 for "[displaying] the rare Bavarian Revival style of architecture, which is a derivative of Carmel's unique storybook style of architecture."
- 2.) The Hotel is eligible for listing in the California Register of Historical Resources (California Register) under state Criterion 3 for "[embodying] the distinctive characteristics of the Bavarian Revival style of architecture, which is a rare style in Carmel."

Upon further research into applicable historic contexts and investigation of the information provided in the DPR form, Chattel disagrees with both of the above claims. Unless otherwise stated, this memorandum relies on review of materials formally adopted by the City Council to help evaluate properties for consideration for inclusion in the City Inventory. In particular, this memorandum refers to the City Historic Context Statement which was first prepared and adopted in 1994 and revised in 1996, 2008, and more recently in 2022. Note that the City Historic Context Statement makes no reference to the Hotel under any of the context themes, including Economic Development (1848-1986) and Architectural Development in Carmel (1888-1986).

This memorandum was prepared by professionals meeting the *Secretary of the Interior's Professional Qualifications Standards* in history, architecture, architectural history, and historic architecture. President Robert Chattel and Principal Associate Christine di Iorio conducted a site visit at the Hotel on April 24, 2023. Principal Associate Leslie Heumann conducted a site visit at the Hotel on August 21, 2023.



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Property Description

The Hotel sits on two adjacent parcels with Assessor Parcel Number 010-124-014 (Parcel #1) and 010-124-001 (Parcel #2). Parcel #1 contains most of the Hotel property as well as the entirety of the Hofsas House (House), a 1959 single-family residence that fronts Dolores Street at the west. Though a separate DPR form was also provided by the Preparer for the House, this memorandum only reviews information presented about the Hotel. A map showing the two parcels at the property is included in the following figure:



Figure 1: Parcel outlines identified with Hotel in red and House in yellow.

Bavarian Revival

The findings in the DPR form depend on the assumption of a “Bavarian Revival” architectural style, though there is little to no research, scholarly or otherwise, that indicates that such a style exists. The DPR form states that the style “was first introduced to the United States by A.J. Downing’s 1850 stylebook, *Architecture of Country Houses*,”¹ though no page citation is provided. Chattel review of the stylebook did not uncover mention of “Bavarian Revival” and Chattel requests additional citation for this claim. In addition, the DPR form follows in saying that the style “enjoyed a resurgence in the early 20th century as part of the Arts and Crafts movement and later interest in revival styles.”² No source is provided to support this statement that “Bavarian Revival” was part of this resurgence, though in general Period Revival styles were particularly popular during that time. The Hotel was constructed in 1957 and not in the early 20th century when Period Revival styles were at their peak. While other Period Revival styles such as Storybook and Tudor Revival are recognized across the United States, California, and Carmel, there does not appear to be an established “Bavarian Revival” style. It is important to note that the City Historic Context Statement does not include any mention of “Bavarian” or “Bavarian Revival” style within the city.

¹ Clovis, Meg, DPR Form for Hofsas House Hotel, August 2023, 4.

² Ibid.

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Page 3

Character-defining features of the “Bavarian Revival” style are not indicated in the DPR form, so there is no basis of comparison to see if the Hotel is a good representative building of the purported style. Unlike authentic buildings in the Bavarian region of Germany in which details such as half-timbering and exposed wood structural frames are incorporated in the construction, these details appear to be solely decorative at the Hotel and serve only as surface treatment with false half-timber and stucco applied to a common wood stud framed wall. Page 4 of the DPR form includes a figure labeled “Bavarian decorative motifs,”³ though the image shown appears to be an unidentified building likely in Bavaria and not an example of the purported “Bavarian Revival” style.

It is more likely that the Hotel was inspired by architecture in Bavaria in the same way that other motels and hotels may use thematic elements to attract guests. More extreme examples of using thematic elements to attract tourists are represented in the hotels and casinos along the Las Vegas Strip, but modest examples appear across the United States, employing a range of styles such as Spanish Colonial Revival as decoration rather than in plan or construction to evoke a certain feeling. The Hotel may be inspired by architecture in Bavaria, but it is a pastiche intended to evoke an experience for tourists and potential customers, not a representative example of a particular style itself.

In reviewing the 1957 drawings prepared for the Hotel by architect Robert R. Jones, it is clear that the primary façade of the Hotel wraps around the surface of a pre-existing building, again supporting that the Bavarian thematic elements are only a surface treatment applied as decoration. Figure 2 below illustrates how only a sliver of new material was added at the street-facing east elevation on San Carlos to apply the theming.

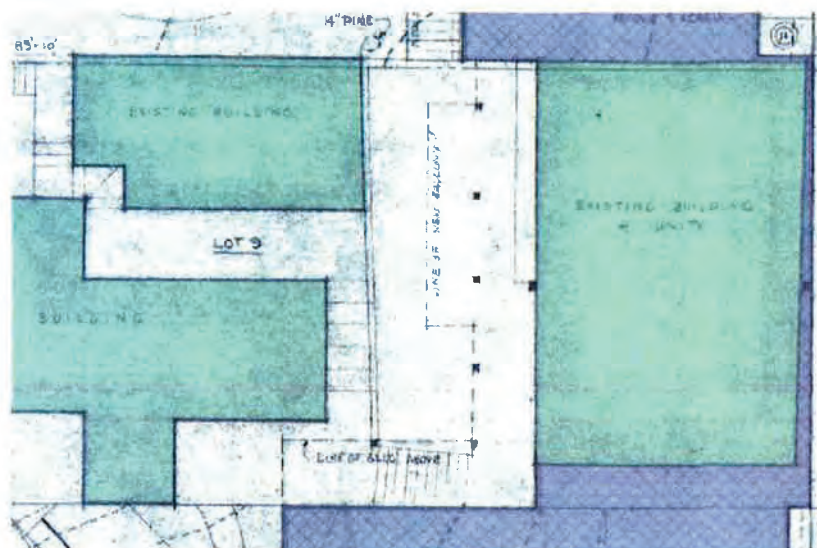


Figure 2: 1957 drawing showing pre-existing buildings in green and addition wrapping around in blue. See Attachment A for full drawing sheet.

Storybook Style in Carmel

The DPR Form states that the “Bavarian Revival” style is “derivative of Carmel’s unique storybook style of architecture.”⁴ Storybook in Carmel has very specific associations with master builder Hugh Comstock, as evidenced in the City Inventory which currently includes 12 properties listed under the

³ Ibid.

⁴ Clovis, 10.

Storybook style.⁵ All of the listed buildings were constructed between 1924 and 1929 and were designed by Comstock, except for the Lemos Building, which sits adjacent to Comstock's Tuck Box.

While the City Historic Context Statement does not provide any further elaboration of the Storybook style, it mentions that "Carmel's world-renowned 'quaintness,' the characteristic that has distinguished the village throughout its history, is often attributed to a distinctive, 'storybook' style of architecture embodied in Hugh Comstock's Tuck Box of 1927."⁶ Again, the relationship of the style to Comstock is emphasized. The Hotel falls outside the identified period of significance and does not fit within the grouping of Storybook buildings constructed and listed in Carmel.

Tudor Revival Style in Carmel

It is possible that the Hotel can be argued to represent features of the Tudor Revival style. The City Historic Context Statement notes that "Tudor Revival buildings typically feature characteristic half-timbering and gabled rooflines"⁷ and that the style was widely employed in the 1920s. Along with Spanish Colonial Revival, it helped to leave "the most lasting imprint on the character of the business district."⁸ The City Inventory currently includes 46 properties listed under the Tudor style spanning a period between 1905 and 1940.⁹

The City Historic Context Statement does not provide a list of character-defining features for the Tudor Revival style. As such, the following character-defining features are excerpted from a historic context statement for the style adopted by the City of Los Angeles:¹⁰

- Decorative half-timbering.
- Entrance vestibules with arched openings.
- Massive chimneys that are a prominent visual element.
- Predominately brick or stucco exteriors, or a combination.
- Steeply pitched, usually multi-gabled roofs.
- Tall, narrow, multi-paned casement windows arranged in groups.
- Usually two stories in height.

When compared to like properties that are listed in the City Inventory under the Tudor style, the Hotel does not represent one of the best examples, lacking some of the prominent character-defining features that express its design, materials, and workmanship. Furthermore, like Storybook, the Tudor Revival style reached its popularity during the early 20th century, evident in the range of construction dates for the styles in the City Inventory that is largely in the 1920s and 1930s. Constructed in 1957, the Hotel does not share the period of significance for this style.

Rarity and Contribution to Carmel's Sense of Time and Place

Ultimately, the sole criteria that the Hotel was identified as eligible under for listing in the City Inventory (Criterion 3) reads:

Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given

⁵ City of Carmel, Carmel Inventory of Historic Resources Database, June 23, 2022.

⁶ City of Carmel, Historic Context Statement: Carmel-by-the-Sea, 2022, 25.

⁷ Ibid, 52.

⁸ Ibid.

⁹ City of Carmel, Carmel Inventory of Historic Resources Database, June 23, 2022.

¹⁰ GPA Consulting, SurveyLA Los Angeles Citywide Historic Context Statement: Architecture and Engineering, Theme: Period Revival, 1919-1950, Sub-Theme: Late Tudor Revival, 1930-1950, January 2016, 23.

special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed by known architects, designer/builders, or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

As noted above, it is not enough for a property to be considered "rare," but it should also "contribute to Carmel's unique sense of time and place." Based on the information provided above in this memorandum, it does not appear that the Hotel is representative of Carmel's unique sense of time and place. Whether the Hotel is considered to be the Storybook style, Tudor Revival style, or a mix of the two, it was constructed in 1957, long after the popularity of both Period Revival styles had peaked across the country and in Carmel. Instead, it was constructed during a time when Modern style buildings were gaining momentum, with the city "[seeing] the construction of an incalculable number of Modern-style buildings between the years of 1940 and 1986."¹¹ As such, the Hotel does not contribute to a unique sense of time and place within the city.

The City Historic Context Statement was revised in 2022 to include a section on "A Visual Presentation of Architectural Styles: 1935-1986" to describe character-defining features of architectural styles representative of this period in the city.¹² Seven architectural styles are noted as representing this time period in Carmel: Minimal Traditional Style, California Ranch Style, Bay Region Modern Style, Postwar Modern Style, Wrightian Organic Style, Regional Expressionist Style, and Post-Adobe Style. The Hotel does not represent any of these architectural styles associated with Carmel in the mid-to-late 20th century.

In addition, rarity criteria often refer to buildings that are considered the last surviving examples of a once prominent or popular architectural style or property type. For example, in the City of Los Angeles, both programmatic architecture and buildings related to early streetcar neighborhoods are considered rare as many such buildings have since been lost or demolished. The Hotel deviates from this understanding of rarity as there was never a period of popularity for a "Bavarian Revival" style in Carmel. Again, there is no mention of this style in the City Historic Context Statement, which has been updated multiple times between 1994 and 2022. There are still many examples of Storybook and Tudor Revival style that exist in Carmel. Being the sole example of a building with Bavarian thematic elements may make the Hotel unique from its like properties, but it alone cannot convey rarity under this criterion, in the same way that constructing a unique themed building today does not automatically impart significance to a property.

Conclusion

As described in this memorandum, there is little to no research, scholarly or otherwise, that supports the existence of a "Bavarian Revival" style. There is no mention of "Bavarian Revival" nor the Hotel in the adopted City Historic Context Statement. The extant examples of the Storybook and Tudor Revival styles are more representative of Carmel and were constructed during the period of significance of the 1920s and 1930s when Period Revival styles had reached their peak within Carmel, in California, and across the United States. The City Historic Context Statement also clearly describes seven architectural styles that represent the period from 1935 to 1986 in Carmel – none of which apply to the Hotel. As such, the Hotel does not contribute to Carmel's unique sense of time and place, and it is not one of a few last surviving examples of a once prominent or popular architectural style. To reiterate, being the sole example of a building with Bavarian thematic elements applied as decoration to a pre-existing building may make the Hotel unique from its like properties, but it alone does not convey rarity. Thus, the Hotel is not eligible for listing in the City Inventory or the California Register under Criterion 3.

¹¹ City of Carmel, Historic Context Statement: Carmel-by-the-Sea, 2022, 47.

¹² Ibid, 56.

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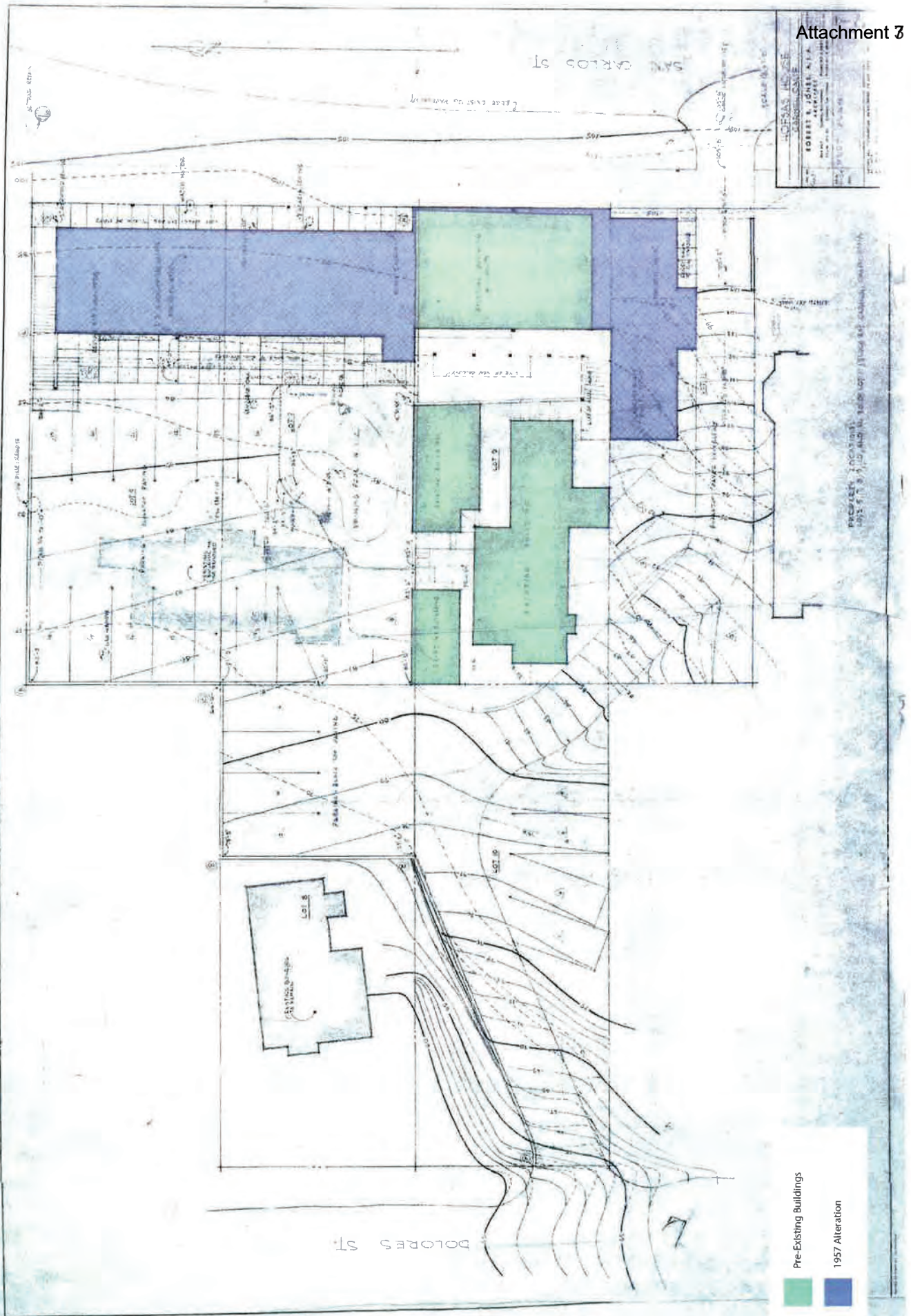
Attachments

Attachment A: Plot Plan from 1957 Drawings

ATTACHMENT A:
PLOT PLAN FROM 1957 DRAWINGS

HOFAS HOUSE HOTEL
CARMEL-BY-THE-SEA, CALIFORNIA

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HERITAGE SERVICES CONSULTING

Laura Jones, Ph.D.
3905 Page Mill Road
Los Altos, California 94022

October 23, 2023

Anthony Lombardo
Anthony Lombardo & Associates
144 West Gabilan St
Salinas, CA 93901

Subject: Peer Review of Historic Resource Evaluations, Hofsas House Hotel, APN 010-124-014, San Carlos Street 2 NW of 4th Avenue, Carmel-by-the-Sea, CA.

Dear Mr. Lombardo,

I have reviewed the three documents you provided concerning the eligibility of this property for listing on the Carmel-by-the-Sea Inventory and/or California Register.

1. Historical Resources Evaluation report in State of California DPR Forms format by Anthony Kirk, dated September 26, 2022
2. Historical Resources Evaluation report in State of California DPR Forms format by Meg Clovis, "Hofsas House Hotel," dated August 2023
3. Compilation of Architectural Contributions site plan by Eric Miller Architects, dated August June 23, 2023
4. Peer review prepared by Chattel, Inc. dated October 16, 2023.

The subject property is a 38-room hotel contained in a series of structures built between 1923 and 1974. The comments below address the eligibility of the property as a historic resource, based on the two professional evaluation reports and the construction history as summarized in the architect's site plan.

Areas of Agreement

Both professional evaluators (Kirk and Clovis) agree that the Hofsas House Hotel is not eligible for listing at the state, national or local levels for association with significant persons or events.

Kirk and Clovis agree that the property is not eligible as an important work by any of the architects who were involved in its design, does not represent an important style identified in the Historic Context Statement of Carmel-by-the-Sea, and that the property does not express "high artistic values."

Subjects of Controversy

The first reviewer, Dr. Anthony Kirk, identified the property as an example of Tudor Revival style and concluded that the hotel "is by no means a good example of Tudor architecture" and "The mural by Maxine

Albro cannot be said to possess high artistic values.” The Kirk evaluation concludes that the property does not appear eligible for the National Register, California Register or the Carmel Register. ¹

The second reviewer, Meg Clovis, finds the Hofsas Hotel significant because “The Hofsas House Hotel meets the first part of California Register Criterion Three because it embodies the distinctive characteristics of the Bavarian Revival style of architecture, which is a rare style in Carmel. In addition, the murals of noted artist Maxine Albro decorate the exterior walls, contributing to the significance of the property.”²

The Chattel, Inc. team finds no scholarly support for a “Bavarian Revival” style in the Clovis report and notes that the period of significance for period revival styles had ended long before the construction of the main wing of the Hofsas House in 1957.

The critical issues in resolving the eligibility of the property are:

1. What style is the hotel? Is it a good example of this style? If so, is the style rare?
2. Are the Maxine Albro murals “the work of a master”?
3. Does the Hofsas House Hotel retain integrity?

Tudor Revival, Storybook and “Bavarian Revival” style architecture: What style is it?

Picturesque styles inspired by traditional European rustic buildings have enjoyed several periods of popularity in the United States, beginning in the mid-1800s and then for a few years after both World War 1 and World War 2. These eclectic interpretations include Tudor Revival, Swiss Chalet Style, English Cottage and “Storybook Style.” More common in residential architecture, these styles also enjoyed popularity in hotels and restaurants in scenic resort communities. Storybook Style has been identified as an important theme in Carmel-by-the-Sea.



Tudor Revival



Bavarian Revival



Storybook Style

Bavarian Revival is less common, with its major, authentic expression in a handful of towns settled by German immigrants in the late 1800s: Frankenmuth, Michigan (“Little Bavaria”); Hermann, Missouri; Amana Colonies, Iowa; New Ulm, Minnesota; Germantown, Wisconsin. The villages of the Amana Colonies have been listed on the National Register, with no mention of “Bavarian Revival” style. Two other noted “Bavarian” villages - - Helen, Georgia and Leavenworth, Washington - redeveloped their downtowns in exaggerated “Bavarian” styles as tourism promotion schemes in the 1960s.³ The 1957 Hofsas House has more in common with these commercial expressions than with the earlier German immigrant communities. Neither Helen, Georgia or

¹ Kirk DPR, page 4.

² Clovis DPR, page 11.

³ <https://cityofleavenworth.com>; <https://helenballoon.com/history.htm>

Leavenworth, Washington has any listed examples of Bavarian Revival architecture, however the City of Leavenworth does publish a guide to the style.⁴

Chattel, Inc. is correct that Bavarian Revival architecture is not widely recognized as an important style in the United States. The emergence of Bavarian “theme” buildings in the late 1950s and 1960s has not been identified by preservation organizations or architectural historians as an important moment in American architecture. And, using the Leavenworth style guide as a reference, Hofsas House Hotel does not appear to embody the style. The building is correctly identified as a very late Tudor Revival style building with some Bavarian Revival decorative elements. I concur with Chattel, Inc. that the finding by Clovis that the hotel exemplifies a rare style of architecture is not supported in the evaluation report and is not supported by review of extant examples of Bavarian Revival style buildings in the United States.

Summary

This review concludes that there is no substantial support for a finding of significance for the Hofsas House Hotel. The Hotel does not exemplify any significant period or style of architecture at the local, state, or national level.

⁴ <https://cityofleavenworth.com/wp-content/uploads/2021/07/Portfolio-of-Old-World-Bavarian-Architecture-and-Signs-SEARCHABLE.pdf>

Maxine Albro Mural: The Work of a Master?

The guidance from the National Register of Historic Places is widely cited in this regard: a master is a “figure of generally recognized greatness” in architecture or craftsmanship.⁵ Artist Maxine Albro (1903-1966) was an academically trained artist who worked in a variety of media: drawing, painting, fresco and mosaic tile. Based in San Francisco, she is best known for painting one of the fresco murals at Coit Tower in San Francisco that presents a theme of California Agriculture. After her marriage she relocated to Carmel-by-the-Sea and travelled extensively in Mexico. Her work in the 1940s reflects Mexican themes.⁶ Her style is connected to the socialist realism of the Depression era. Ms. Albro died in Los Angeles in 1966.



Coit Tower, 1934



The Water Carriers

⁵ *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. National Park Service. Page 20. Viewed at https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf

⁶ Carmel Art Association (<https://carmelart.org/artist/maxine-albro/>), Sullivan Goss Gallery (<https://www.sullivangoss.com/artists/maxine-albro-1903-1966>).



Allied Arts Guild Fresco (Menlo Park, CA)



Skipping Rope (Carmel Art Association)



Hofsas House Mural (1957)

Neither review identified Albro as a master artist or craftsman. Neither review found that the Hofsas House Hotel mural by Albro is a major example of her work. It clearly lacks the depth, detail and perspective of her other painted works. Kirk's comment "An extremely simple work, it lacks the complex composition and fascinating detail" of the Coit Tower mural appears to exclude this as an important work in Albro's career. The Albro mural does not appear to qualify the Hofsas House for listing as a historic resource.

Does the Hofsas House Hotel Retain Integrity?

If the property met any of the criteria for listing as an historic resource, an analysis of its integrity would be required. It does not appear to meet any of the criteria. However, the lengthy and complex construction history presented by both evaluators, and the exhibit by Eric Miller Architects suggest that the property may have lost integrity of workmanship and materials. The disagreement between the Clovis evaluation which assumes that the hotel retains its original materials and the two other reports that show extensive window replacement with historically incompatible materials (vinyl windows) casts doubt on the thoroughness of that report.

Summary

The Hofsas House Hotel was developed over many decades and has some charming aspects. One reviewer found that the property might be eligible as a locally rare example of Bavarian Revival architecture with a mural that contributed to its significance. A review of the architectural features of the property suggests that it does not exemplify this style, but is rather an eclectic Tudor Revival style with some Bavarian decorative details. The mural by local artist Maxine Albro does not exhibit the themes or quality of her other painted works. Based upon the materials provided, the Hofsas House Hotel does not appear to qualify as a historical resource at the local, state or national level.

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The purpose of this evaluation is to independently analyze the reports from Meg Clovis and Dr. Anthony Kirk and to evaluate the subject property, the Hofsas House Hotel, located at San Carlos Street, 2 NW of 4th Avenue in the City of Carmel, APN 010-124-001 (Lots 1, 3) and APN 010124014000, Lots 5, 7, 8, 9, 10, 11, 12, 14.

Summary

The Hofsas House Hotel does not appear to be eligible for inclusion in the Carmel Inventory of Historic Resources because it does not meet the criteria for historic resources as established by the City of Carmel in Municipal Ordinance 17.32.040, Eligibility Criteria for the Carmel Inventory. Additionally, it also fails to meet the criteria established by the National Register of Historic Places and the California Register of Historical Resources. While largely reiterating federal and state criteria, Carmel's criteria are specific to the city and slightly different, and the subject property does not meet the sole criterion on which the evaluation prepared by Ms. Meg Clovis rests.

Discussion – Style

Both reports by Dr. Kirk and Ms. Clovis take great care in describing the property comprehensively. The reports also agree that the subject does not meet the threshold for eligibility under any federal, state, or local criteria except for one. Here the two reports differ sharply. Thus, this deciding criteria is the focus of this review.

The Clovis DPR asserts that the property exemplifies a rare example of "Bavarian Revival," and thus conforms to Criterion 4 of Carmel's eligibility requirements. A property should:

4. Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed by known architects, designer/builders or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

Apart from the above, the Clovis DPR does not find that the property meets any other criteria at any level, thus requiring further analysis of this "rare" style.

In referring to the 2022 edition of *A Field Guide to American Houses* by Virginia Savage McAlester, the authoritative style guide that is part of every American architectural historians repertoire, the style of the property's primary façade is Tudor, described pp. 448 – 446. "Bavarian Revival" is not

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recognized as a style in the Historic Context Statement, Carmel-by-the-Sea, updated 2023, nor is it recognized as a style in the National Register's Architectural Style Categories, which includes 40 styles.¹ (The California Register relies on the National Register and other guides, including McAlester, for stylistic terminology.) It is helpful to compare a picture from the *Field Guide* to the façade of the subject property:



House, Louisville, Kentucky, approx. 1910.
Source: McAlester, 2023, p. 456.



Hofsas House Hotel, Carmel-by-the-Sea.
Source: Clovis DPR.

The house on the left is an example of Tudor Revival, "sometimes referred to as Germanic Cottages by Eclectic builders," according to the *Field Guide*. The *Guide* also notes that diamond shaped panes, clipped gable roofs, overhanging gables, and half timbering are typical character defining features of Tudor Revival, which can have many variations, as presented in the *Guide*, pp. 449 – 467. Even the image of "Bavarian Decorative Motifs" on the Clovis report, p. 4, shows a very different roof profile, no diamond pane windows, and windows with shutters, which the primary façade does not have. While property's façade and porte cochere includes painting and murals, such elaborate, colorful mural work can be seen in in eighteenth and nineteenth century Bavaria,

¹ https://en.wikipedia.org/wiki/National_Register_of_Historic_Places_architectural_style_categories

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but also in Italy, Switzerland, and Austria. There is no evidence that these decorative murals are historically significant.

Cumulatively, there is no such style as “Bavarian Revival,” at least not in this country. It is not a “rare” style. Rather, it is not a style at all.

Additionally, it must be pointed out that beyond the façade there are almost no further architectural references either to “Bavaria” or to Tudor Revival. By contrast, once a visitor enters the parking lot, where saunas, pool, parking, and general room access occur, the character of the property is that of a large, conventional motel-hotel with unremarkable stylistic features typical of such commercial buildings constructed between the 1950s and the 1980s. The San Carlos façade is essentially two-dimensional, a set design that is easily struck (removed) rather than an authentic interpretation of Tudor Revival or “Bavarian Revival” architecture. For example, on the San Carlos elevation, except for a few remaining wood windows, in the diamond shape pattern, all the windows were replaced in 2008 with vinyl windows. By contrast, the Tuck Box, 1926, designed and built by Hugh Comstock, is a fully realized, three-dimensional adventure in fantasy. While it, too, uses faux timbering, as does the Hofsas House Hotel, the Tuck Box’s materials palette include hand-crafted, eccentrically shaped wood windows, front door and full-dimensional clinker brick, similar to that employed by architect brothers Greene and Greene in their early twentieth-century Craftsman homes, including the Gamble House, 1909. Combining European Art Nouveau, Craftsman, and the look of those extraordinary cottages found in children’s fables, the Tuck Box is unique, authentic to itself inside and out, with all façades treated to the highly individual theme devised by Comstock.² It is indeed “storybook” architecture.

The Clovis DPR asserts that architectural historian Kent Seavey evaluated the hotel in 2002 as historically significant. No such evaluation has ever been written. By contrast, as noted in the Kirk report a 2001 survey of potential historical resources conducted by Seavey includes the Donna-Theis Hofsas *House* (known as the Donna Hofsas House) but not the Hofsas *House Hotel*.³ In a DPR on an unrelated property prepared by Seavey and dated Feb. 16, 2004, he does note the 1965 house on Dolores Street (and not the hotel) as an “innovative” work by the esteemed local builder and building designer Ralph Stean (1918 – 2004), builder of the hotel. The 2002 Carmel Inventory of Historic Resources Database does not include either hotel or the house, but the 2023 update of

² Evaluated by Richard Janick in a DPR dated Oct. 8, 2002, with the code 5S1, meaning an “individual property that is listed or designated locally.”

³ Tamara Grippi, “What’s Not on the List,” *Carmel Pine Cone*, Nov. 2 – 8, 2001, p. 1, 5.

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the Historic Context Statement calls out the house, including a picture of the house, as an excellent representative of the Regional Expressionist style, noting its dramatic hyperbolic-shaped roof.⁴ Notably, none of the other firms who prepared earlier versions of the Context Statement thought the hotel was worthy of mention: Teresa Grimes and Leslie Heumann, both highly respected and experienced architectural historians, 1994; Glory Anne Laffey, Archives & Architecture, 1997; Architectural Resources Group, Inc., 2008.

Alterations

Beginning in May 1922, the early permit record (between 1922 and 1956) shows a variety of owners building a house, adding a laundry and other alterations to the four cottages extending from San Carlos to Dolores Street to the west, following the downward slope. On May 13, 1948, Harry Hofsas purchased the property and granted the cottages in July to his brother Fred and Fred's wife Donna, who immediately began remodeling them and constructing additions to create apartments. In 1956, that modest level of activity sharply changed with the demolition of two cottages and the erection of a three-story motel with a total 30 units as it is labeled in the permit record. In the 1960s, three permits for demolishing apartments were filed.

Permits for major work are:

1956-7 Architect Robert R. Jones (1911 – 1989) and builder Ralph Stean constructed the four-story structure, which involved altering and subsuming the existing residences, and the one-story building facing San Carlos. According to a timeline of construction history compiled by co-owner Carrie Theis, part of the fourth level of the hotel was built over four rooms of the apartments. In 1960, Fred's now-former wife, Donna, received permission to build the house noted in the 2022 Context Statement.

1968 Architect Cleve (variations of the first name include Clive and Cleveland A.) Dayton designed a two-story structure comprising eight units, revised by architect George Willcox. It is not clear whether it was constructed by J.D. Dayton or Helm & Savoldi.

Subsequent permits revert to additions, alterations, new roofs, and repairs. As noted earlier, while the diamond-shaped wood windows facing San Carlos Street were retained, by contrast, the remaining approximately 85 aluminum sash windows were replaced with vinyl windows in February

⁴ Historic Context Statement Carmel-by-the-Sea, PAST Consultants, LLC, adopted 2023, p. 64.

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2008.⁵ This was to improve energy efficiency, sound insulation, and to be “more modern looking.”⁶ The effect of the striking disparity was to exacerbate the architectural disparity between the San Carlos elevation and the rest of the hotel.

Both the Clovis and Kirk DPRs report acknowledge that although Jones and Stean were noted in the 2022 Historic Context Statement, Carme-by-the-Sea, the subject property was neither their best work nor emblematic of a particular style. The Context , for example, describes Jones as a “famed local Modernist.” Working with the distinguished Modern landscape architect Thomas Church, he designed the All Saints Episcopal Church, 1952, described as a successful synthesis of traditional and Modern church design. The permit record indicates that another Carmel-based architect, Olof Dahlstrand, designed a rectangular addition to the office and a new outdoor staircase leading from the 4th Floor to the parking area in May 1974.⁷ The staircase is in a minimal, sleek, Modern design.

Conclusion

Several hands—owners, architects, designers, and builders—have made many changes to the property since the late 1940s, creating an imposing large motel-hotel of little distinction from one view (from Dolores Street) and a primary façade (from San Carlos Street) featuring Tudor details with motifs seen in Germany, Austria, and Italy. There is little correlation between the two facades in terms of architectural reference, continuity, or integrity. “Bavarian Revival” is not a recognized style. Cumulatively, the Hofsas House Hotel does not appear to be eligible for inclusion into the Carmel Inventory of Historic Resources because it does not meet the criteria for historic resources as established by the City of Carmel Municipal Ordinance 17.32.040, Eligibility Criteria for the Carmel Inventory. Likewise, it does not meet the criteria established by the National Register of Historic Places and the California Register of Historical Resources.

⁵ Carrie Theis, compiler, Hofsas House Hotel Timeline, undated, p. 3.

⁶ City of Carmel, Historic Property Files, Property File for APN 010124014000, <https://portal.laserfiche.com/Portal/DocView.aspx?id=13662&repo=r-45db07c0&searchid=fef83863-6dc4-4002-ba81-79ea74c88016>

⁷ Ibid. See also the Hofsas House Hotel Timeline, undated, p. 2.

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19 September 2023

Brandon Swanson
Community Planning and Building Director
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Dear Mr. Swanson:

I have carefully read the evaluation by Meg Clovis on DPR forms of the Hofsas House Hotel, completed 20 August 2023. There are several conclusions in her evaluation that are inaccurate. For example on page 2. Ms. Clovis further states, on page two that the murals inside the lobby were the work of the well-known painter Maxine Albro, who created the welcoming mural across the driveway from the office. The lobby murals were in fact painted by an artist named Kip who also repainted the exterior mural. The mural around the windows above the office seem to be the work of Albro, but they are not signed. Ms. Clovis should have said that they *appear* to be the work of Maxine Albro. More significant by far, the Report Citation at the bottom of page one of the evaluation refers to a DPR written by Kent Seavey. Mr. Seavey has never evaluated the hotel! Another architectural historian, Richard N. Janick, evaluated the house west of the hotel, which is owned by the Hofsas family, and found it to be architecturally significant. On pages eight and nine, Ms. Clovis repeats the error, stating that Mr. Seavey evaluated the hotel in 2001 and “found the property significant for its architecture and for continuing the legacy of Carmel’s storybook architectural style.” This is not correct. In the next sentence she claims that the City of Carmel-by-the-Sea has “recognized the Hofsas House Hotel as a historic resource.” This statement is also not correct. Ms. Clovis cites a letter from the City of Carmel to Jack Theis as evidence supporting her statement. The letter is addressed to Scott Theis, not Jack Theis, and mistakenly states that the Hofsas House Hotel had “been identified by the City’s Consultant, Kent Seavey’s Historical Resources Survey as a local historical resource.” Mr. Seavey’s survey identified the Hofsas Home, not the Hofsas House Hotel, as significant, as may be seen in the list of historic properties published in the *Carmel Pine Cone* on 2 November 2001. A long list of errors, filling two pages, has been compiled by the current owner of the property, Carrie Theis, and is attached to this letter as an appendix.

In her DPR, Ms. Clovis refers to the style of the hotel as Bavarian Revival. A variety of architectural styles are found in Bavaria, as in much of Europe, and the only style unique



Figure 1. Looking northwest at east side of Hofsas House Hotel, 29 July 2022.



Figure 2. Looking northeast at west side of Hofsas House Hotel, 29 July 2022.



Figure 3. Looking along west side of Hofsas House Hotel, toward north wing, from steps leading to office, 29 July 2022.

to Bavaria is a regional variation of a farmhouse, or Baurnhaus, which is constructed of wood and is typically two or two-and-a half stories in height. Frederick Hofsas and his wife, Donna, acquired what would become the Hofsas House Hotel in 1949. According to Ms. Clovis, the grandfather of Fred Hofsas was from Württemberg, Germany, and it was his heritage that influenced the design of the hotel. There is nothing in either the record or any information in possession of the family that substantiates this conclusion. Given that Württemberg is located nearly a hundred miles west of Bavaria and does not share the same architectural heritage and styles, this story seems unlikely. It also should be observed that Donna Hofsas received a letter at an unknown date from the Carmel Fire Department that told her she should “discontinue further use of the Tiki Torches” that lit the exterior of the hotel. Typically, one does not associate Tiki Torches with a Bavarian architectural style. In my evaluation of the property, completed in September 2022, I refer to the architectural style of the hotel as Tudor Revival. Neither Tudor Revival nor Bavarian Revival, both of which relate exclusively to domestic architecture, is the really correct term to use when evaluating a hotel or a motel. The term Tudor Revival, it should be said, appears in *Historic Context Statement: Carmel-By-The-Sea* (updated by Past Consultants, [2022]) but the term Bavarian Revival does not. Almost no element of either architectural style is visible on the west façade of the hotel, one of the primary elevations of the building. Most guests park their cars on this side of the hotel and many make use of the swimming pool, conference room, and men’s and women’s sauna located here. As may be clearly seen in figures 2 and 3, the west façade of the Hofsas House

Hotel has no architectural elements save for a scattering of faux half-timbering. The general appearance is that of a big-box hotel or motel, such as a Motel 6.

As I stated in the evaluation of the Hofsas House Hotel I wrote in September 2022, the welcoming mural painted in the porte cochère of the hotel by Maxine Albro is of some interest. Ms. Clovis states on page eleven of her evaluation of the hotel, that its presence contributes “to the significance of the property.” The mural was completed in 1957 and repainted by Kip. Three years ago the Carmel folk artist Marie-Clare Treseder Gorham spent a couple of weeks repainting it again. The mural is actually the work of three artists.

Although easily seen by motorists and pedestrians, there is no mention of either the mural or the hotel itself in the *Historic Context Statement: Carmel-by-the-Sea*. The original *Context Statement* was prepared by Teresa Grimes and Leslie Heumann and published in September 1994. It was revised two years later by Glory Anne Laffey, founder of Archives and Architecture, and in 2008, by the San Francisco firm Architectural Resources Group. A year ago, in 2022, it was again updated by Past Consultants. It is readily apparent that none of these four firms considered it to be a significant architectural resource. In my opinion it should not be added to the Carmel Register of Historic Resources.

Sincerely yours,



Anthony Kirk, Ph.D.

The Hofsas House Hotel is a large complex of buildings that was constructed in three phases, with work beginning in the 1920s and ending in 1968. The buildings vary in height from one story to four stories and are largely wood-frame construction, though concrete blocks were used in the earliest construction and in some of the work that dates to 1957. The hotel was built on a hillside, and from the front, which faces east, toward San Carlos Street, it appears to be but two stories in height. The earliest construction consists of eight rooms in four cottages that extend from San Carlos Street down the hill toward Dolores Street. The cottages facing the street are two stories in height. The Residential Building Record for the property (curiously, there is no Commercial Building Record) shows that the cottages rest on concrete perimeter foundations. Fenestration is asymmetrical and originally consisted of steel-sash windows, though the Building Record makes no mention of the type of windows. The gabled roofs are characterized by moderate overhang and open eaves and finished with composition shingles. At an unknown date—but possibly in the early 1950s—aluminum-sash windows replaced the original steel-sash windows.

In 1957, a large addition to the hotel was constructed, comprising twenty-three rooms that ran along San Carlos Street and extended down the hill. The plans were drawn by the Carmel architect Robert E. Jones, AIA. It was at this date that the current façade was constructed in a commercial Tudor style, with faux half-timbering, or strapwork, and stucco infilling. The work completely altered the appearance of the original cottages on San Carlos Street. A steeply pitched roof, with a clipped gable, covers the hotel office at the southern end of the building. A low brick veneer runs underneath the ground-story windows, from the office door to the base of a large interior brick chimney that rises far above the roof. The roof is characterized by

significant overhang at the front, with projecting decorative beams, and is finished with wooden shakes. It extends over the walk that stretches to the north end of the building and rests on a range of posts to the east of the walk. Two vertical sections of terracotta tile, next to the office, add a decorative touch. Three gabled dormers are set high on the roof, their ridges intersecting the ridge of the main roof. Fenestration is composed of casement windows with diamond-shaped lights and fixed, sliding, and double-hung vinyl-sash windows. At the north end of the building a halfpace staircase descends to the ground floor. On the west side of the building, each floor features a long balcony with a decorative balustrade. A concrete-block wall rises to the east of a kidney-shaped pool, and a metal fence and a wooden fence enclose the south and west sides. There is minimal half-timbering on the west side of the block, which has little of the decorative detailing that may be seen on the façade. An asphalt driveway, with a single parking space next to the office, descends the hillside and provides parking for a half dozen automobiles on the right side below the hotel and another seven on the left side somewhat farther down the hill, and then continues north.

When work was completed on the addition, the owner of the hotel commissioned Maxine Albro to paint a mural on the concrete-block wall opposite the entrance to the hotel. Born in Iowa in 1903, Albro moved to California at an early age and worked as a commercial artist before enrolling in the California School of Fine Arts and subsequently studying in Paris. Upon completing her studies, she visited Mexico, where she first saw the work of Diego Rivera, whose stylized figures influenced her work. In January 1934, shortly after recovery had begun from the Great Depression, she commenced work in San Francisco on what would be the most significant commission of her career, a ten-by-forty-two-foot mural in Coit Tower depicting agriculture life

in California. The Hofsas House Hotel mural, executed when the artist was living in Carmel, shows a half dozen figures in Bavarian clothes welcoming guests. Albro is also thought to have painted the murals on the gable wall above the office and the small murals at the front of the gabled dormers, but there is no evidence to support this contention. The two crests above the casement windows on the façade, which bear the words *Otium Cum Dignitate*—Leisure with Dignity—were designed by one of the early owners of the hotel, Frederick Hofsas.

In 1965 an unnamed architect, presumably a local designer, began work on preparing plans for a north wing, which was completed in 1968 and which holds eight rooms. The wing is L-shaped in plan and continues north from the halfpace staircase and then turns west, resting at its termination on a tall concrete wall that is roughly a dozen feet in length. The addition is two-stories in height and contains eight rooms. The exterior walls are clad with stucco and feature faux half-timbering, or strapwork. Fenestration is asymmetrical and consists of vinyl-sash windows, both casements and sliding windows. The steeply pitched roof is characterized by significant overhang along the façade and is finished with wooden shakes. It extends over the walk that runs along the front of the addition and rests on a series of posts. A single dormer is set high on the principal roof. The asphalt driveway that begins next to the hotel office passes underneath the west end of the addition and ascends the grade to San Carlos Street. A large brick furnace, with an incinerator that was originally used to burn trash, is set at the northwest corner of the addition, on the far side of the driveway. The chimney rises through the interior of the addition and emerges through the north slope of the roof. The two rooms at the end of the wing, one above the other, feature fireplaces. An exterior cylindrical brick chimney, with a tall chimney pot, rises two stories along the southeast corner of the addition and provides a fireplace

for each of two rooms. The same architect also drew plans for a conference room, with two saunas at the east end, to the north of the swimming pool, which dates to 1957. The conference room, which rests on a concrete perimeter foundation, is rectangular in plan. The exterior walls are clad with stucco and feature vinyl-sash windows. A Dutch door provides access on the south side, while a sliding door forms the entrance on the north side. The side-gabled roof is characterized by moderate overhang and open eaves and is finished with wooden shakes. A large interior brick chimney rises through the ridge of the roof at the west end.

A final alteration to the Hofsas House Hotel was made in 1974, following plans drawn by the Carmel architect Olof Dahlstrand. He designed a rectangular addition to the office, which is situated above the driveway that passes downhill at the southern end of the hotel. It is easily seen from the west side and is distinguished by the two vinyl-sash casements flanking a fixed window. In the years 2008 to 2009, all the aluminum-sash windows in the hotel were replaced with vinyl-sash windows.



The Hofsas House Hotel does not appear to be eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or the Carmel Historic Resource Inventory. It is not associated with events that have made a significant contribution to the broad patterns of United States, California, or Carmel history; nor is it associated with an individual or individuals significant in national, state, or local history. In the late 1920s it was owned by a man, or possibly a woman, with the last name of Torras, who was responsible for an addition to

what is described by the City of Carmel-by-the-Sea Community Planning and Building Department Planning as “Laundry Shops.” Four owners followed Torras, all of whom made additions or alterations to the buildings. In 1947 the hotel was acquired by Frederick and Donna Hofsas, who moved north from Los Angeles to run what became known as the Hofsas House. Fred Hofsas worked as an accountant, while Donna Hofsas managed the property. In 1957 the couple enlarged the hotel significantly, constructing a building with twenty-three rooms, as well as a swimming pool. The couple divorced in February 1960, with Donna Hofsas retaining ownership of the Hofsas House Hotel. Following her death in 1981, her only son, Jack Theis, assumed ownership. He died in 1996, and the property was run by his widow Doris Theis and the couple's two children. In 2000 the granddaughter of Fred and Donna Theis, Carrie Theis, assumed ownership of the hotel. None of the Hofsas is known to have made an important contribution to national, state, or local history.

Architecturally, the hotel has several features associated with the Tudor style of architecture, which was popular from 1890 to 1940, including, most notably, steeply pitched roofs and decorative half-timbering with stucco infilling. Most of the hotel was constructed some years after 1940, and, in fact, more than 80 percent of it dates to 1957 or later, more than a decade after the Tudor style enjoyed popularity in Carmel and across the United States. The hotel is not a good example of Tudor architecture. The only feature of interest in the buildings is the mural painted in 1957 by Maxine Albro on the concrete-block wall across the driveway from the office. The mural was freshened at an unknown date by a painter named Kip, about whom nothing is known. In the autumn of 2020 the Carmel folk artist Marie-Clare Treseder Gorham spent two weeks freshening colors that had faded. Her work was largely confined to the six figures in the

Supplemental Documentation

B

ATTACHMENT

Carrie Theis: HE23-097-New Information

There are numerous false and misleading statements in the Clovis DPR. The itemized list below serves to provide new information with reference to supplemental reports and documentation, where applicable. The professional peer reviews will be identified by their respective last names: Chattel, Jones, Lamprecht, and Kirk.

CLOVIS DPR - REVIEW

1. ***“Donna and Fred Hofsas purchased these properties in 1949 and created the Hofsas House complex of rental rooms and apartments” (Page 1, Paragraph 1, Sentence 3)***

This is false information

New Information: According to the deeds, Harry Hofsas, the brother of Fred Hofsas, purchased lots 9, 10 and parts of lot 7 from William Bishop on May 13, 1948. Harry then granted this property to Fred Hofsas on July 23, 1948. On May 2, 1949, Donna and Fred Hofsas were married. They lived in one of the apartments and rented out the rest.

Reference: Lamprecht report, page 4, and Carrie Theis deposition, and Harry Hofsas Deed, 1948

2. ***“In 1968 they built the eight-unit detached North Wing on lots 1 and 3, after demolishing two apartment buildings on those parcels” (Page 1, Paragraph 1, Sentence 6)***

This is false information

New Information: Fred and Donna divorced in 1960. The North Wing was built in 1968 by Donna Hofsas and Jack Thies. Fred Hofsas was not involved at all with the North Wing building.

Reference: Carrie Theis Deposition

3. ***“In 1957 they built a Robert Jones designed four story Bavarian fantasy” (Page 2, Paragraph 1, Sentence 6)***

This is misleading information

New Information: There is no documented intent to develop a Bavarian Fantasy

Reference: Deposition from Carrie Theis and Stephanie Kirz. Refer to Chattel report for discussion on Bavarian Revival

4. ***“Donna asked her friend, renowned artist Maxine Albro, to paint murals in the office, around the windows and on the inside wall of the porte cochere” (Page 2, Paragraph 1, Sentence 8)***

This is false information

New Information: The small birds and flowers painted above the window valences inside the lobby were not painted by Maxine Albro. These were done by KIP in 1999 when he touched up the mural outside the office and was asked to replicate the flowers and birds from the main mural so it would

be a continuum of the outside mural. The Hofsas family has pictures of the office in 1957 which does not have the flowers and birds painted above the inside windows. The paintings around the windows above San Carlos Street do not have a signature anywhere on those paintings. Therefore, they cannot be attributed to Maxine Albro.

5. **"Maxine Albro's floral murals surround the second-floor windows" (Page 3, Paragraph 1, Sentence 4).**

This is false information.

New Information: The paintings around the windows above San Carlos Street do not have a signature anywhere on those paintings. Therefore, they cannot be attributed to Maxine Albro. Also, these windows are on the 4th floor of the building.

Reference: Deposition from Carrie Theis

6. **"The same pink stucco and half timbering is used on the exterior. Other details from the 1957 building are incorporated into the North Wing such as the gabled dormers, and the band sawn railings used for the exterior walkways and balconies." (Page 3, Paragraph 4, Sentence 3).**

This is misleading information.

New Information: The North wing was originally painted beige in 1968 as Planning Commission didn't want the look of large building. It was painted pink in 1999 to match the rest of the hotel.

Reference: Deposition from Carrie Theis, City of Carmel Building Permit Records

7. **The 1968 building's gabled dormers have murals painted between each casement window. The murals are similar to Maxine Albro's original murals however they were not painted by her since she died in 1966. There is no record of who painted the murals for the 1968 North Wing (Page 3, Footnote 1)**

This is false information.

New Information: The 1968 North Wing does not have any paintings on the gabled dormers. Only the 1957 main 4 -story building has paintings on the gabled dormers facing San Carlos Street by an unknown artist.

Reference: Carrie Theis

8. **Apart from the construction of the North Wing in 1968, to the property since 1957 have principally focused on repairing or replacing the exterior stairs. (Page 4, Paragraph 2, Sentence 3).**

This is false information.

New Information: Many alterations and additions have been made over the years including the addition of the office above the lobby in 1974, the replacement of all the room windows (aluminum sash windows replaced the original steel-sash windows, and subsequently the aluminum windows were replaced by vinyl sash windows).

Reference: Architectural Contributions Diagram, Carrie Theis Deposition, City of Carmel Building Permit Records, Lamprecht report, page 4.

9. **"The Hofsas House Hotel represents a rare example of the Bavarian Revival style. This style was first introduced to the United States by A.J. Downing's 1850 stylebook, Architecture of Country Houses." (Page 4, Paragraph 4, Sentences 1-2).**

This is false information

New Information: There is no such reference to this style in the book, or professional architectural literature. Extensive research and new information regarding this alleged style of architecture is presented in the professional historian reports.

Reference: Chattel report, Jones report, Lamprecht report, and Kirk report.

10. **"The Hofsas House Hotel's pink color and Bavarian inspired architectural details all suggest that Frederick's heritage influenced the building's design" (Page 4, Paragraph 4, Sentence 5).**

This is misleading information

New Information:

Per Fred's stepdaughter Stephanie Kirz (Executrix of his estate, and responsible for clearing out all his belongings) stated that Fred made no mention of his heritage, or possessed any material items at home that referenced 'Bavaria' or Germany.

Reference: Stephanie Kirz deposition

11. **"This is corroborated by Frederick's design of the family shields and Albro's murals around the windows, both of which are typical of Bavarian motifs." (Page 4, Paragraph 4, Sentence 6).**

This is false information

New Information: The mosaic shields were designed as a marketing tool. The four images represent the hotel. The four images are as follows: a key to represent the rooms, and outstretched hand to represent hospitality, a copper fireplace, representing the fireplace in the lobby, and a cypress tree to represent the lone cypress on 17-mile Drive. The cursive script in the center are two H's, which represents 'Hofsas House' and the Latin text on the bottom of the shield: 'Otium Cum Dignitate' translates to "Leisure with Dignity", also relating to the hotel business.

Reference: Carrie Theis deposition

12. **"The Hofsas House Hotel represents a continuum of Carmel's famed storybook-style buildings, first introduced by Hugh Comstock." (Page 4, Paragraph 5, Sentence 1).**

This is false information

New Information: Per Chattel, "Storybook in Carmel has specific associations with Hugh Comstock. All of the listed buildings were built between 1924-1929. The Hofsas Hotel was not built during that timeframe and does not fit with the grouping of Storybook building constructed and listed in Carmel."

Reference: Chattel report page 3-4.

13. **"Frederick and Donna Hofsas were well aware of the power of storybook style buildings to lure tourists through their doors and they chose to capitalize on this style for their new hotel." (Page 5, Paragraph 1, Sentence 1).**

This is misleading information

New Information: This is an assumption. Fred Hofsas was notably not interested in the hotel and divorced Donna in 1960. She paid him alimony so she could keep the business. Stephanie Kirz has stated (first-hand information) that Fred hated the hotel and the hotel business. He preferred to be the accountant.

Reference: Stephanie Kirz deposition, and Carrie Theis deposition. See Chattel report pages 3-4 for discussion on 'Storybook style'

14. **"Character-defining features of the Hofsas House Hotel include..." (Page 5, Paragraph 1, Sentence 3).**

This is misleading information

New Information: Per Chattel, no character-defining features of the "Bavarian Revival" style are provided. The back of the hotel features very few design elements that can be characterized as a formal design style.

Reference: Chattel report, page 3. Kirk report, page 3.

15. **"Very few changes have been made to the Hofsas House Hotel since the build-out of the complex between 1957 and 1968". (Page 5, Paragraph 3, Sentence 3).**

This is false information

New Information: The property has had multiple additions, demolitions, and many alterations by multiple contributors.

Reference: Architectural Contributions Diagram, City of Carmel Building Permit Records. Lamprecht report, page 5.

16. **Design: the hotel complex has retained its original Bavarian Revival design. (Page 6, Paragraph 1, Sentence 1).**

This is misleading information

New Information: There is no record of this intended design style and no documentation to support Bavarian Revival as a formal architectural style.

Reference: Chattel report, page 2 Stephanie Kirz deposition, Jones report, page 3.

17. "Materials: the hotel complex retains its original materials." (Page 6, Paragraph 1, Sentence 3).

This is false information

New Information: There have been several alterations, including new windows, sidewalk materials, and new roofs.

Reference: Carrie Theis deposition, Lamprecht report, City of Carmel Building Permit records.

18. "Workmanship: the hotel complex still exhibits Bavarian Revival style details such as the flat balusters, clipped gables, diamond-paned windows, family crests, and Albro murals." (Page 6, Paragraph 1, Sentence 4).

This is false information

New Information: Per National Register Bulletin: Workmanship is the 'physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. The hotel is a compilation of efforts and does not represent the skills of an artisan or culture.

Reference: National Register Bulletin VIII. 'How to Evaluate the Integrity of a Property', page 45.

19. "Feeling: the hotel complex retains the physical features that convey its historic character, i.e., a large hotel built to serve Carmel tourists in the late 1950s. (Page 6, Paragraph 1, Sentence 5).

This is misleading information

New Information: Before the hotel, they rented out apartments and cottages. The hotel was built out over time.

Reference: Carrie Theis deposition

20. Association: the hotel complex still reflects its association with Donna Hofsas' original Bavarian vision. (Page 6, Paragraph 1, Sentence 6).

This is misleading information

New Information: Association is the direct link between an important historic event of person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. The Hofsas House Hotel has no association with historically important events, people, or activities.

Reference: National Register Bulletin VIII. 'How to Evaluate the Integrity of a Property', page 45.

- 21. "In 2001 the property was recorded and evaluated as part of Carmel's Historic Resource inventory by Kent Seavey, Mr. Seavy found the property significant for its architecture and for continuing the legacy of Carmel's storybook architectural style" (Page 8, Paragraph 5, Sentence 1)**

This is false information

New Information: There is no evidence of Kent Seavey, or his associates evaluating the Hofsas House Hotel. The Donna Hofsas House was listed in the Pine Cone article, "What's Not on the List", November 2-8, 2001, as a potential historic resource. The Carmel Library houses the 2002 Carmel Inventory of Historic Resources Database. In Box 8, Folder 1, the Kent Seavey Master Survey List does not include the Hofsas House Hotel, or the Donna Hofsas House.

Reference: Lamprecht's report, page 3, deposition from Carrie Theis, Pine Cone article, and documents from the Carmel Library.

- 22. "The City recognized the Hofsas House Hotel as a historic resource as evidenced by a letter in the building file" (Page 9, Paragraph 1, Sentence 2).**

This is false information

New Information: The letter mistakenly stated the hotel was historic in reference to a re-roof request in 2002, but there is no evidence of any documentation to support the hotel being identified or designated.

Reference: Carrie Theis

- 23. "Letter from City of Carmel to Jack Theis regarding a roof replacement for the Hofsas House Hotel, 1/2/2002. Hofsas House Hotel North Wing Building" (Page 9, Footnote 8).**

This is false information

New Information: The letter from the City of Carmel was addressed to Scott Thies, not Jack Thies. Jack Thies passed away in April of 1996.

Reference: City of Carmel Building Permit records, Letter to Scott Theis 2002.

- 24. "Personal communication with Kent Seavey 8/21/2023." (Page 9, Footnote 7).**

This is misleading information

New Information: The documented personal communication with Kent Seavey was not provided. There is no record of the hotel ever being evaluated, or recorded, as a historical resource.

Reference: Lamprecht report, page 3, Kirk Letter, page 1.

Hofsas House Hotel – Business and Building Timeline

1920's:

- 1920's: APN: 010-124-014-000 - Prior to 1947 there were several owners to the initial property dating back to 1928 and many changes that included laundry shops, changes to a garage, adding a 1 story residence and removal of existing building to be replaced by apartments according to building records.

1940's:

- 1947 – Fred Hofsas purchased cottages previously owned by Bishop (currently rooms 6, 7, 8, 9 & 10)
- 1948 - He added a new basement to a two-story foundation on Lot 9 (BP# 1604) in May.
- June of 1948, Harry Hofsas as owner and contractor added a bathroom & living room to the two-story building on Lot 9 (BP# 1625).
- August of 1948, Harry Hofsas remodeled basement to bedroom & bath on Lot 9 (BP# 1660).
- May 2, 1949 Donna & Fred Hofsas were married. They lived in room 9/10 & rented out the rest of the apartments.

1950's: (Early)

- 1952 building additions which are now rooms 20, 21, 30 & 31:
- March 18, 1952, BP# 2283 – Fred Hofsas was approved for an addition to existing residence and added new apartments to Lot 9.
- May 7, 1952, BP# 2315 – Added another apartment to Lot 13.
- June 20, 1952 BP# 2337 – porch roof addition to Lot 11.

1950's: (Late)

- March 28, 1956 Resolution Number 275 was approved by the Planning Commission to issue a building permit for a 21-unit hotel to be built on lots 5, 7, 9 and 10 of Block 34.
- December 13, 1956, BP# 2986 on Lots 5, 7, 8, 9, 10 & 11 to demolish two old residences to make parking lots for Hofsas House Hotel. January 23, 1957, BP# 2996 issued to build 3-story main building of hotel, adding 21 units to hotel (rooms 1-5, 22-26, 32-35, 41-47) lobby, night manager's studio apartment and laundry room. The south part of the fourth level was built over rooms 30 and 31 since you can still see the roof of these units inside the attic of the lobby.
- After main building was built, local artist Maxine Albrow was asked to paint Bavarian mural at the entry of hotel.
- April 24, 1957 Resolution 306 was passed by Planning Commission to add 5 units to existing motel (add rooms 6, 7, 8, 9 and 10) despite the Architectural Committee objecting to a four-story building on the west side of the project. There was no legal provision in the City code preventing a 4-story building so they recommended to the Planning Commission that the project be approved.
- May 10, 1957 BP# 3044 was issued to add 5 units to present 25 units on Lots 5, 7, 9, 10, 11, 12, 14 and 30' of lot 8.
- June 28, 1957 BP# 3058 was issued to build swimming pool.

- November 18, 1959 – Resolution # 410 to approve a remodel to modernize bath and hall in duplex on Lot 8 (BP# 3458).

1960's:

- February 10, 1960 – Donna & Fred divorced.
- February 24, 1960 – Resolution # 428 approved by the Planning Commission for Donna Hofsas to construct a house and garage
- May 30, 1960, BP# 3535 issued for house and garage.
- July 17, 1962 – Bathroom addition to manager's residence (House). Added a sink to master bath & closet space to north portion of master bedroom (BP# 3828).
- 1965 Donna purchased assessment 010-124-001-000 (lot just north of Hofsas House) from Mrs. Brown, Mike Brown's mother, with her son Jack Theis and created plans for an additional 8 units (rooms 27, 28, 29, 36, 37, 38, 39 & 40) with a banquet room, full kitchen and two dry saunas which became known as the North Wing of the Hofsas House Hotel. Permit issued in 1967 with an extension requested in November of 1967. This building was originally painted beige since the Planning Commission did not want the Hofsas House to look too big. Retaining wall was also built (permit #4387).
- December 1, 1967 Permit issued (#4717) to do an addition to existing kitchen of House (Lots 10 & 12).
- January 26, 1968 – Permit # 4744 to replace tar & gravel roof with shakes and change roof structure of building to provide 4" minimum pitch on Lot 11. This is the south side of the main building on San Carlos.

1970's:

- August 14, 1972 – Permit # 72-150 to extend entry of shift double doors of House and relocate interior block screen wall. Also extended the south part of the master bedroom.
- May and June of 1975, two building permits, 74-90 and 74-101 were issued for Hofsas House with Ralph Stein as contractor for Lots 5, 7, 9, 11, 12, 13 & 14 but not sure for what reason.
- 1974 – Olof Dahlstrand, architect designed Donna's office to be built over the back office of the lobby. He also redesigned the stairs leading from the 4th floor to the parking area (Permit #74-101).
- June 2, 1977 BP# 77-132 issued to replace stairs on the north side of the main building, lot 5
- November 2, 1978, permit # 78-192 – Emergency repair of failed retaining wall for Lots 5, 7, 9, 10, 12, 14 N/pt11.
- January 16, 1979, permit # 79-7 - Installed bay window in House.

1980's:

- July 1981 – Donna Hofsas passed away so my father, Jack Theis and my mother Doris Theis, took over the managing of the Hofsas House. Brother Scott soon joined Jack and Doris to help out.

1990's:

- April 19, 1996 Jack Theis passed away so Doris and my brother Scott Theis took over the management of the hotel.

- October 30, 1997, BP# 97-220 repair/replace retaining wall.
- March 30, 1999 BP# 99-132 issued to re-build stairway on north side of main building
- July 14, 1999 – Design Review 99-16 - Planning Commission approved our application to change exterior color of North Wing from beige to the existing pink color to match rest of the Hotel.
- 1999 – Local artist by the name of KIP was asked to refresh the mural painted by Maxine Albro. He added his signature to the right corner of the mural.

2000's:

- October 2000 Carrie joined Doris and Scott with the managing of the hotel.
- 2001 – repair roof structure of House. Replaced some small windows and replaced wood shake with synthetic slate tiles Permit # 01-70
- November 2001 – install new block wall on the Dolores side of property to support oak tree and dirt from erosion.
- 2003 – North wing stairs redesigned and built BP# 03-185, September 17, 2003.
- December 20, 2004, Permit # 04-245 C – replace supporting beams for walkway above rooms 20 and 21.
- January 16, 2006 – fire in laundry room so reconstructed interior of laundry room with shelves.
- February 2008 – for entire hotel, replaced aluminum framed windows with white vinyl Z bar frames with dual pan glass windows, inset into the exiting aluminum frames. The decorative character windows with pink trim at the front of the lobby and two adjacent rooms were not changed.

2010's:

- February 2014 apply to install pavers and drains on the San Carlos sidewalk in front of hotel main building. Hold Harmless agreement was signed. Also installed a rain catchment tank to drain.
- June 2014 - House foundation jeopardized on northwest corner due to deep excavation work on the adjacent property. Due to excavation, a water pipe was compromised and flooded the construction hole causing the oak tree to fall. Three helical foundation underpinning anchors were installed to support the foundation.

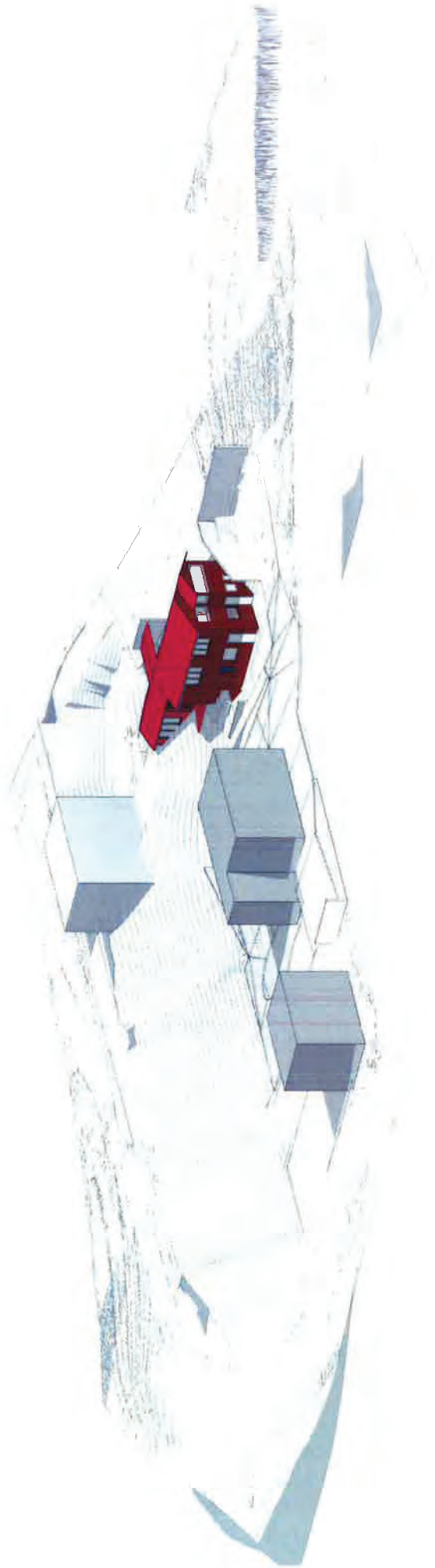
2020's:

- August 2020 – Local artist Marie-Clare Treseder Gorham was asked to touch-up the Maxine Albro mural since some the paint had faded. Her work was largely confined to the six figures in the mural and the birds. The background of the mural was not touched and a protective coating was applied to it after the touchups were completed.
- January 2022 – remodeled shower in room 10 by raising the floor and ceiling to remove the one-foot step down that was there.

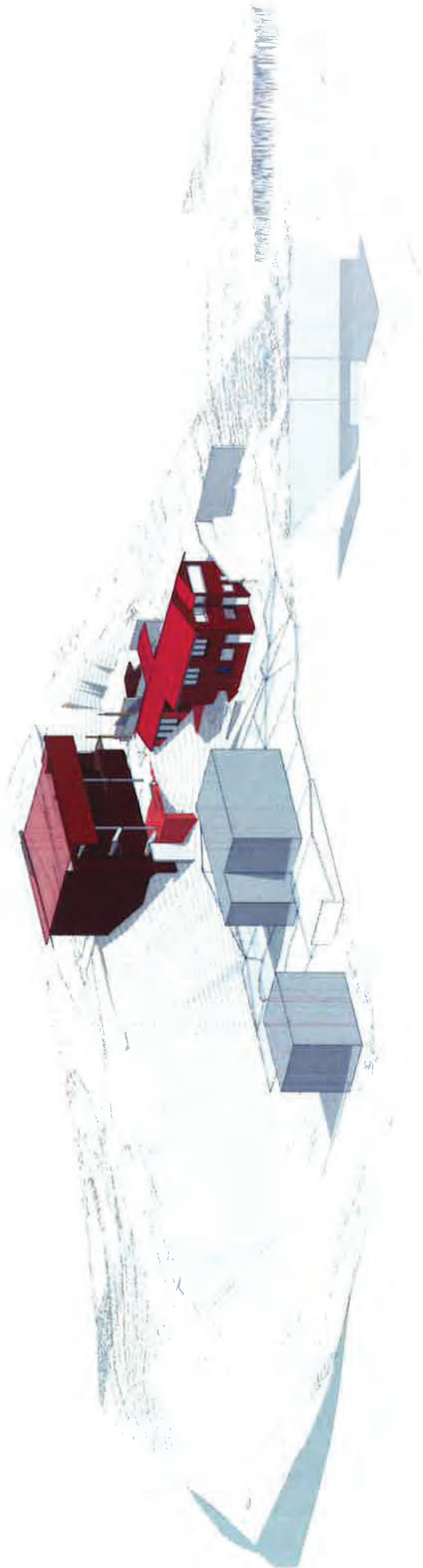
Architectural Contributions Diagram

The 'Architectural Contributions Diagram' illustrates both the changes in massing over time, from the 1920's to present, and the numerous contributors to the property. The following key illustrates the various color coding representing the multiple contributing contractors, and the cross-hatching overlays illustrate the multiple architects that have contributed to the development of the property.

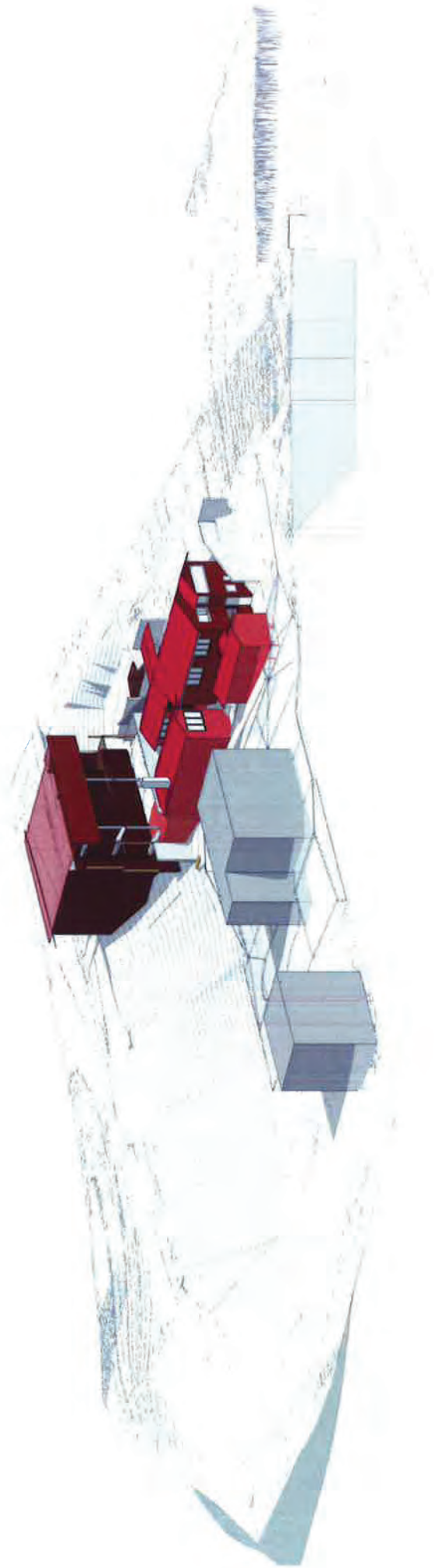
ARCHITECTS		CONTRACTORS	
	GEORGE WILLOX		TORRES
	ROBERT JONES		HARRY HOFMAN
	OLIVE DAYTON		S. SMITH
	WALD & LARSON		BISHOP
	OLAF GAHLSTRAND		THIES
			RALPH STEAM
			PHEDOCK
			UNKNOWN CONTRACTOR
			J.O. DAYTON
			KRAFTZECK
			HELM & SAVOLDI
			A.L. MILLER
			SWAYZE
			HAWTHORNE
			SFB MORSE & ASSOCIATES
			ALAN WILLIAMS
			ALLEN LARSEN
			BURKLEO ROOFING
			NUSSBAUM
			BAPTISTA CONSTRUCTION
			DEMOLISHED STRUCTURE



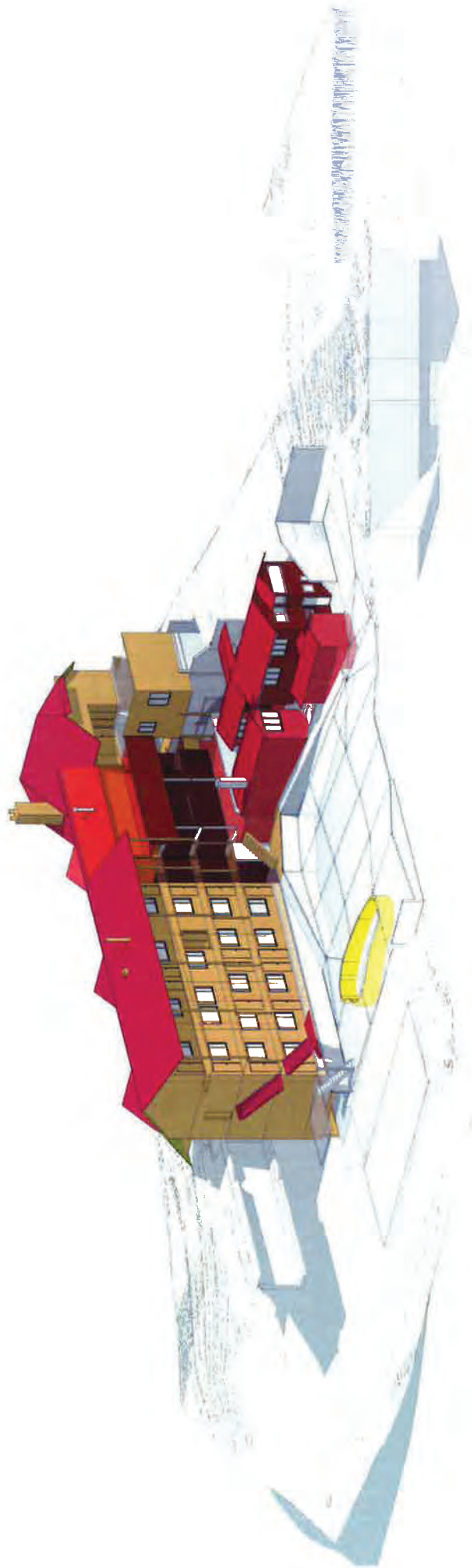
1920's : Residences, Laundry Shop and Apartments



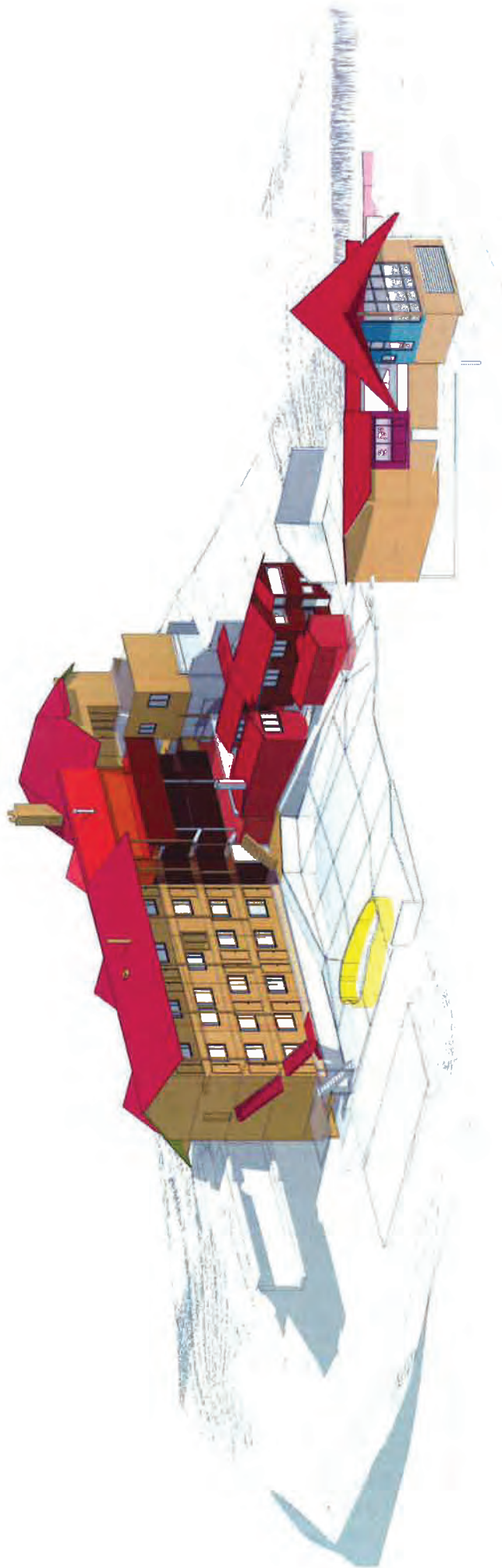
1940's : Basement, Bedroom and Bath Additions



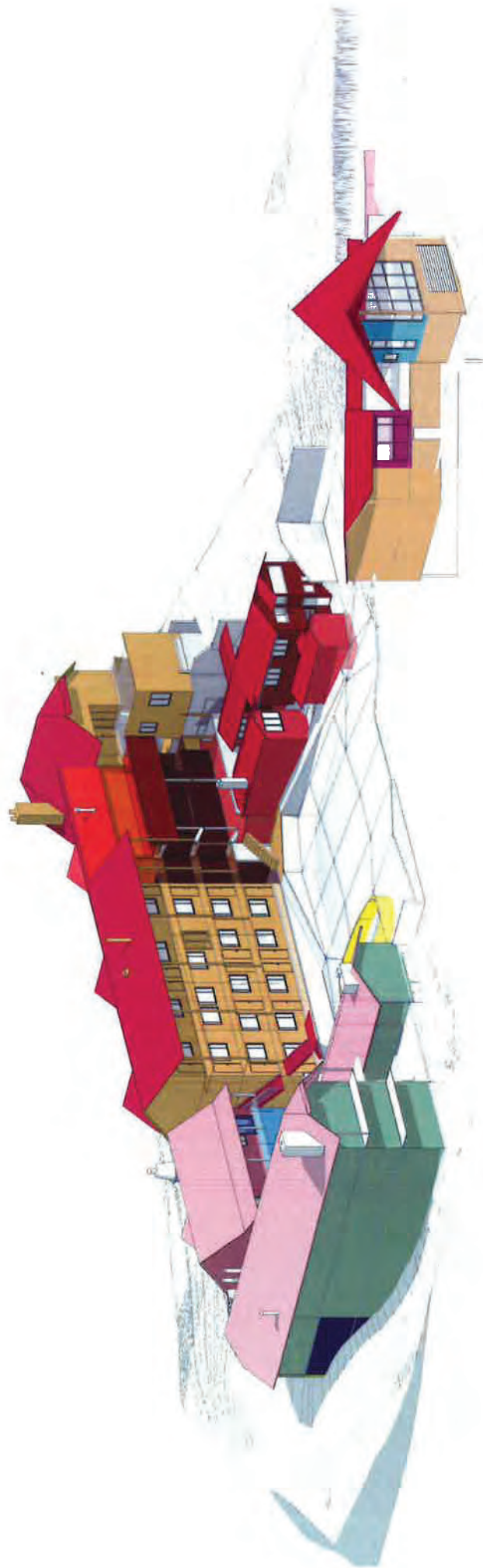
1950's (early) : New Apartments, Porch Roof, Residence Addition



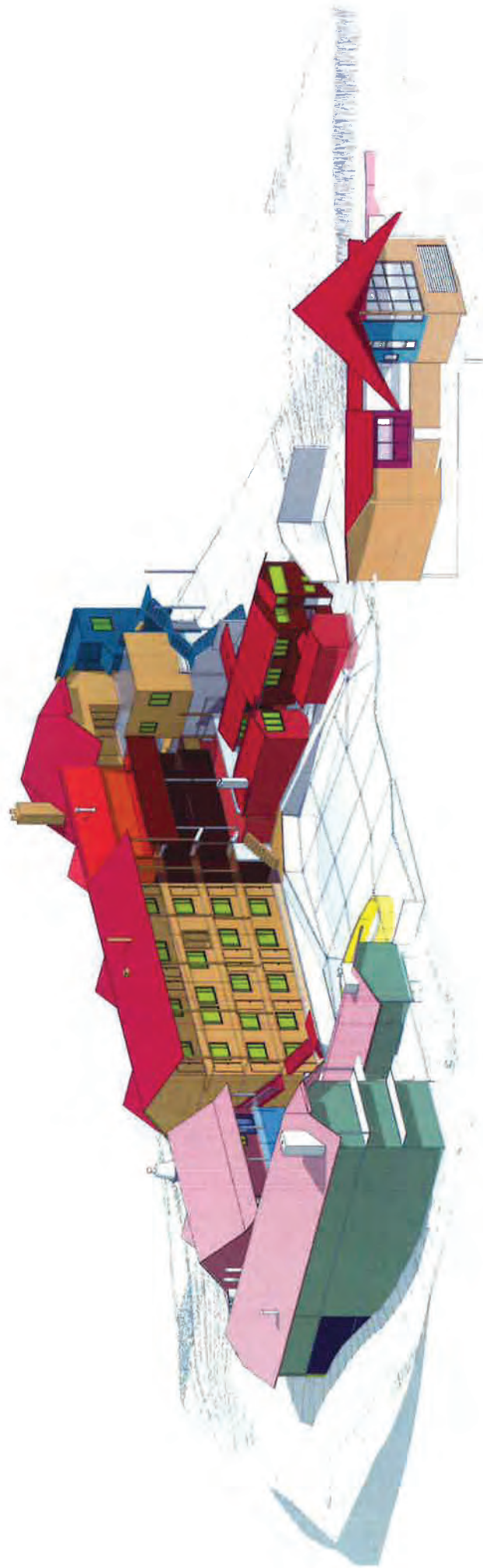
1950's (late) : Four Story Hotel, Demo (2) Houses, Lobby, Laundry, Studio, Pool



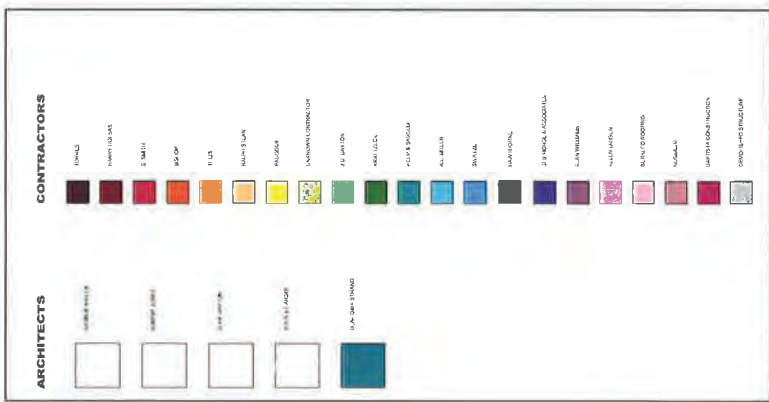
1960's (early) : Modern House Built

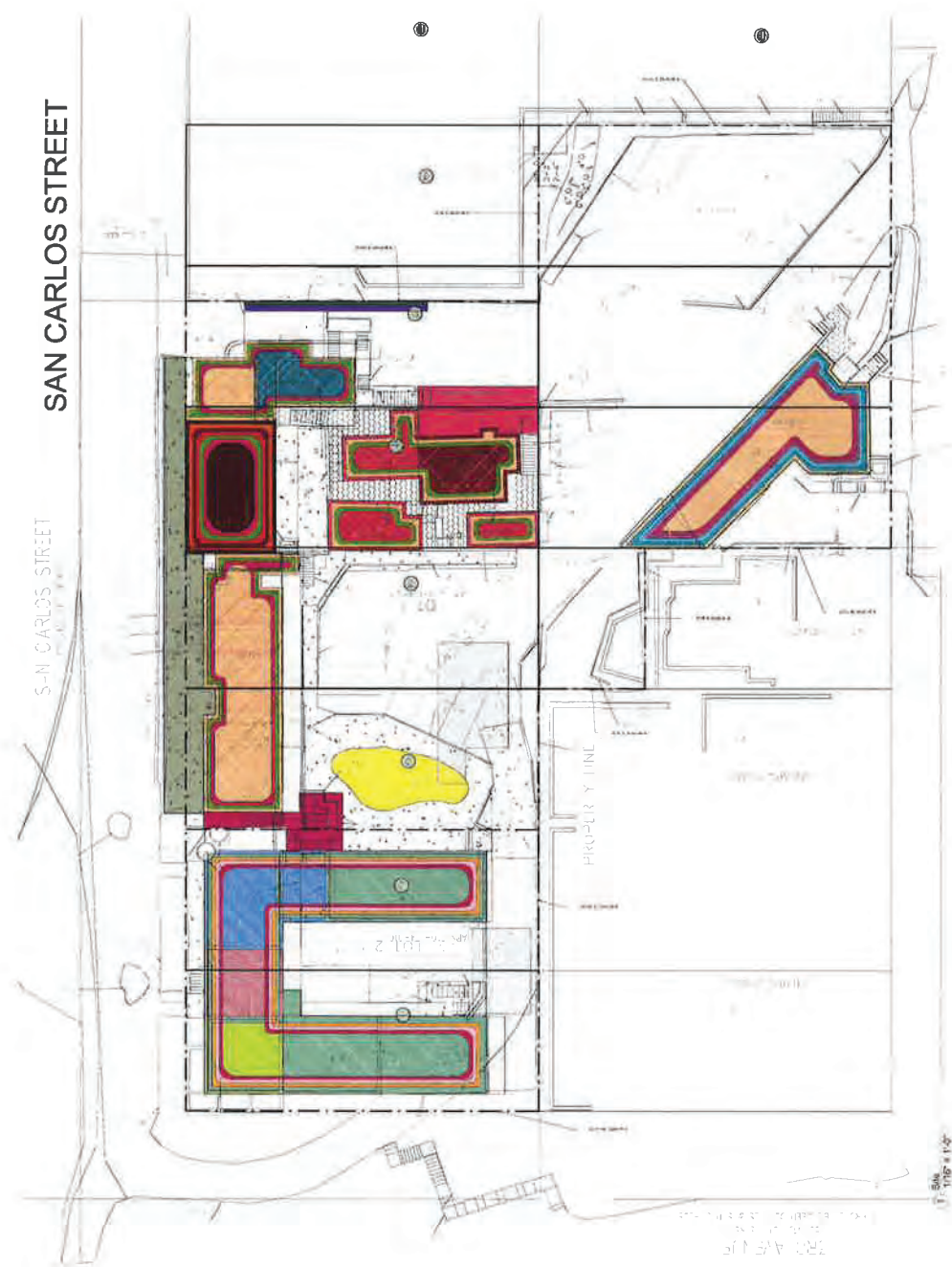


1960's (late) : Purchase Land, North Wing Built, Replace Roof with Shakes



1970's-Present : New Office Built, New Stairs, House Addition,
Change North Wing Color, Replace All Windows on Hotel with Vinyl







'Such a comedy!'
debuts at
Magic Circle



Bravissima concerts
launched with
knockout team



A little red
on the green
— INSIDE THIS WEEK



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November 1-6, 2001

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ROOTING OUT ALIEN INVADERS

■ 130-year-old eucalyptus
coming down on Fourth Avenue

By MARY BRYANFIELD

FOURTH AVENUE'S 32 towering eucalyptus trees — loved by some for the shade they make and the birds they drop on people's heads, and loved by others for their majestic stature — began coming down piece by piece last week. The city is paying Iverson Tree Service \$103,825 to remove the trees, native to Australia, which were planted by some of Carmel's earliest settlers more than 100 years



Severed more than 75 feet above Fourth Avenue, a worker with Iverson's tree service used a chain saw Wednesday morning to remove a large section of an aging eucalyptus.



The 15-foot piece was lowered to the ground where it joined a growing pile of logs from the 130-year-old trees, which will make way for native species.

ago. The eucalyptus will be replaced by native species. The work could take three months, perhaps longer, with "safety being the number one concern — not speed — due to the weight and mass of the trees, as well as their proximity to high voltage lines and homes," said acting city forester Mike Branson.

While tree removers once cut small pieces from the tops of the trees and dropped them to the ground below, they now slice off chunks about three feet in diameter and up to 15 feet long — each weighing more than a ton — and lower them to the street below.

"They start at the top and work their way down," he said. "It's a crane which really makes it a safer operation. You can take larger pieces, but these trees are emer-

See EUCALYPTUS page 17A

What's not on the list

■ Report: Sea Urchin, Arriola, Hitchcock houses not historic

By TAMARA CARP

THREE HOMES at the center of accusations that Carmel isn't doing enough to protect its historic buildings are ominously absent from a preservation expert's survey of the town.

Consultant Kent Sawney's list, released last month, is interesting reading not only for the architectural gems he identified, but also for those buildings not included — Sea Urchin and Periwinkle, Hitchcock House and the Jim Arriola House.

All three homes became the subject of an aggressive campaign by End Sales — including lawsuits and appeals to the California Coastal Commission — to stop them from being replaced with new buildings.

However, Sawney, who served as the firm historical coordinator for Monterey County and studied architectural histo-

See REPORT page 16A



Sea Urchin and Periwinkle, two tiny buildings that are one town's historic landmarks, sit on Seaside Road, near Highway 1, in Carmel.

Keeley takes redistricting complaint to Washington

By PAUL WILKINSON

ASSEMBLYMAN FRED Keeley, armed with "16 pounds of documents," is in the nation's capital to ask Justice Department officials to thwart a California redistricting plan that could cost Keeley a seat in the state Senate.

Under federal law, any change in election districts in Monterey County must get "pre-clearance" from Washington to ensure the changes don't discriminate against protected minority groups.

But new state Senate districts drawn up last summer by Democrats in Sacramento would "over-concentrate" Latinos in one new district, while "effectively" silencing Latinos in parts of Monterey County, Keeley complained.

The conflict is full of irony for Keeley, who was elected Assembly speaker for the last two years and was considered a strong

star in the California Democratic Party.

With his party 100 percent in control of state government for the first time since 1978, Keeley seemed a shoo-in to take Bruce McPherson's seat in the senate in 2004.

But party leaders left Keeley out in the cold, preferring to protect Democratic incumbents in other districts.

So Keeley headed to Washington this week to ask a Republican Justice Department of state from him his own party, McPherson's district — the 15th — includes Monterey and Santa Cruz counties and part of Santa Clara County.

But the redistricting split Santa Cruz County from Monterey and further divided each county, effectively leaving Keeley in a district dominated by Santa Clara County, where he would be hard-pressed to

See KEELEY page 17A

'No parking' not good enough for state coastal commission

By MARY McGUIRE

THERE CAN be no parking restrictions on Seaside Road under the California Coastal Commission's decision, according to the commission's decision. The commission's decision is a setback for the city of Carmel, which has been fighting to get the commission's decision overturned.

The issue is the town's 10-year-old policy of limiting parking to the area between the beach and the commission's staff. In 1991, the rules apply to all the businesses of the town "except for special permit" signs in Argos. But by removing the "No Parking 10 Minutes After Sunset to 1:30 a.m." sign, Carmel remains in violation, according to Taylor.

According to the commission's decision, the town's "No Parking" signs, including short-term parking and the removal of a sign-and-deck order, the city must "demonstrate" remove the signs, provide proof of the removal to the commission's district enforcement officer by Nov. 28 and "submit a complete Coastal Development Permit application for any parking program and/or signage installation that the city would like to permit," according to the letter.

Once an application is submitted and deemed complete, coastal staff "is willing to consider recommending approval of a limited overnight restriction — 2 a.m. to 4 a.m. — for the general public on Seaside Road."

Principal planner Brian Roach told the Carmel Planning Commission Oct. 30 that

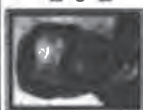
See SCENIC page 17A

CARMEL'S HISTORIC STRUCTURES

From page 5B

EURICH ON REAL ESTATE

If you're looking about buying a home, don't get a full today's favorite 30-year mortgage at the 6.75% rate. And don't get a high by historical standards but there are also mortgages and also with significantly lower interest



Walker Earlich

rates. And that translates into lower payments, or at least lower home for your money.

Many have begun one money by using adjustable rate mortgages. One-year ARMs are often about 1% to 2% lower than 30-year fixed rate mortgages. However, who are ARMs have their payments will rise if interest rates rise but the rate usually can't go up more than 2% a year, and if interest rates fall the payments can decrease.

Most ARMs adjust their rates every year but a few adjust rates as often as every month while others may change

every three, five, or seven years. There's even an ARM that waits 10 years to change to protect the borrower the impact of rate increases adjustment, the lower the interest rate, because lenders run the risk of being saddled with low interest loans if rates go up.

All ARMs are locked in rate early checked rates the market with interest rates. Two (usually) and adjust at treasury's movements and the cost of funds for financial institutions.

Having fixed-rate mortgages, longer term loans are now available in 10, 15, 20, and 25-year lengths — and their rates have somewhat lower rates than 30-year fixed-rate mortgages.

Before you buy a home, check your options carefully. You may be able to buy a better home than you think.

As a real estate professional, I'm dedicated to helping you to meet your real estate goals in any way I can. If you need real estate information or assistance in selling your existing home or finding a new home, please call me at 831-623-6878. There's no obligation for a consultation.

Walker Earlich, CIL, CRS, is an Associate Broker with The Michael Group, 200 Oaklawn Place, Suite 100, Carmel.

010-266-012	Rita (Buckminster)	1902F	House	010-286-015	Colonial Terrace	1935-1949	Hotel
010-267-005	Geary	1825F	House	010-287-001	John Palache (Mark)	1931F	House
010-268-008	Dr. Lane's Log House	1897E	House	010-287-002	Elm Palache (Hessinger)	1929F	House
010-268-009	La France (Bader)	1831F	House	010-287-005	Taber-Sperry	1871	House
010-269-006	Rex Clumpett	1897F	House	010-287-008	Edgemoor (Whitney Palache)	1926F	House
010-269-013	Corbett	1925	House	010-287-009	Orrick (Mary Palache)	1928F	House
010-271-000	Graham House (Cornstock)	1887	House	010-292-008	Helen Proctor	1883	House
010-272-002	Hein Brown Studio	1825F	House	010-301-025	George Grall House	1929	House
010-272-015	Johnston	1945F	House	010-301-027	McLaughlin	1920F	House
010-273-001	R. Markham	1827F	House	010-302-013	Mary Garden	1871F	House
010-273-008	Laura Maxwell	1831F	House	010-303-011	Nelson Nowell	1907	House
010-273-014	Sea View Inn	pre1910	Hotel	010-303-017	Dr. A. Merchant	1902	House
010-274-003	Boyet House	1881	House	010-311-009	Chas. House	1948	House
010-274-005	Wild	1825F	House	010-311-013	Chinnays (Cornstock)	1903F	House
010-274-006	Webb (B. Knapp)	1823F	House	010-311-014	Larkai	1833F	House
010-275-005	La France (Bader)	1934E	House	010-312-018	Tusler	1904F	House
010-275-012	McGregor (Bader)	1932F	House	010-321-005	Murphy Homestead/Powers House	1845E	Farm
010-275-016	Gunsau Norberg	pre1910	House	010-321-005	Murphy Barn/Powers Studio	1845E	Barn
010-277-005	Roosevelt House	1928	House	010-331-006	Countess Knoll	1825F	House
010-281-000	Knapp/Cornstock	1881	House	010-331-022	Model of Carmel Mission		Model
010-281-019	England	1831F	House	010-061-005	Paul Flanders Mansion	1884-1925	House
010-282-014	Fennel House	1923	House	None	World War I Memorial	1922	Monument
010-286-010	La Capita	1823F	House				
010-288-011	Grace McGowan Cooke	pre1908	House				

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Harrison Memorial Library

Henry Meade Williams Local History Room

Guide to the Carmel Preservation Foundation Collection

Title: Carmel Preservation Foundation Collection

Format: CP: PH: AV: MAPS

Collection No.: C363

Creator: Carmel Preservation Foundation Members; Enid Sales; Kent Seavey

Date Span: 1990's - 2000

Extent: 15 boxes, 5 oversized folders of maps and 4 rolled maps

Repository: Henry Meade Williams Local History Room

Shelf Location: CP: PH: AV: MAPS

Donor: Claudine Van Vleet

Note: This collection has been indexed using the folder titles found in the inventory. A more in depth indexing would be ideal in the future. AW 04/25/2013

Biographical/Historical Description

The Architectural Preservation Group, later reformed as the Carmel Preservation Foundation, was named in 1988 by mayor Ken White to come up with an architectural preservation ordinance. The group comprised of 30 members under preservationist and contractor, Enid Sales leadership, surveyed over 2,000 properties in Carmel. Approximately three hundred structures or sites and 4 districts were identified as having historic significance. CPF compiled their information from city files and took exterior photographs of each structure surveyed. CPF worked on numerous projects including the moving of the first Murphy House, which became the headquarters for the Carmel Heritage Society. In the early 2000's the group disbanded due to differences in opinions about the role of the group in the community. Enid Sales died in 2008. (SEE: S24 - Enid Sales Collection for more

Revised 6/2017 by Katie O'Connell

information)

Scope and Content

This collection contains correspondence, research materials, brochures, maps, photographs, VHS tapes, ledgers with block and lot information for the City of Carmel from various years.

Administrative Information

Access: Materials are open for research.

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Preferred citation: Henry Meade Williams Local History Room, Harrison Memorial Library, Carmel, CA.

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- Folder 2: Commercial Historic District
- Folder 3: Commercial Property Owners
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- Folder 5: Block 70, Lots 3 and 4 - Wermuth Building
- Folder 6: Block 70, Lots 5, 6, and 7 - Wishart/Putnam/Raggett Building
- Folder 7: Block 70, Lots 8, 9, 10, 10 and ½ - Goold Building
- Folder 8: Block 70, east part of Lot 1 and west part of Lot 10 - Fire House
- Folder 9: Block 71, Lots (parts) 1, 2, and 3 - Poebble Building
- Folder 10: Block 71, Lot 3 and the east part of 1 - Holman's Hardware
- Folder 11: Block 71, Lot 4, part 1 - Carmel Development Co., Hanson's, Dank, Carmel Drug
- Folder 12: Block 71, Lot 5 - First Bank of Carmel
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- Folder 14: Block 71, south part of Lot 8 and south part of Lot 9 - Paradise Building
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- Folder 12: Block 74, south part of Lot 5 and southwest part of Lot 6 - Caddy Shack in the Court of the Golden Bough
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 Folder 17: Block 76, Lot 10 - Isabel Leidig Building

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 Folder 17: Block 77, Lots 5,6,7, and 8 - "Levinson"/ "Carmel Garage"
 Folder 18: Block 77, Lots 9 and 11 - Gallery Sactchi and Rafaello Rest
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 Folder 3: Scout House - Copies of the Original Lease and Deed
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 Folder 8: Charles Sumner Greene
 Folder 9: Albert Henry Hill
 Folder 10: John Galen Howard
 Folder 11: Mark Mills
 Folder 12: Julia Morgan
 Folder 13: M.J. Murphy - Estimates
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 Folder 2: County Zoning Maps
 Folder 3: Thomas Map 1968
 Folder 4: Downtown 1947 and 1975
 Folder 5: Carmel Woods, 1922
 Folder 6: Parcels built on Prior to 1913 and Houses still standing in 1928
 Folder 7: Villa Addition - 1904

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Folder 10: Sanborn Map

Folder 11: Miscellaneous

CP Box 11: Block books 1916, 1930, 1946 (dates are approximate)

CP Box 12: Carmel Woods block book 1939

CP Oversize Folders: Maps

Folder 1: City of Carmel - Thomas Bros. Maps 1928-1938, 1928 Building Permits Issued, 1939 Building Permits Issued

Folder 2: Book 9 Assessor's Maps

Folder 3: Carmel City, Duckworth 1888/ Carmel-by-the-Sea 1902, Conditional Offer of Dedication of Roads 1904 and 1905, and various other maps

Folder 4: Sanborn Maps, 1910

Folder 5: Sanborn Maps, 1924

Folder 6: Sanborn Maps, 1930

CP Rolled Maps:

1: 1910 structures still standing

2: Carmel-by-the-Sea and adjacent areas

3: Carmel-by-the-Sea building sites 1989

4: City District Maps - Block and Lot

PH Box 1: Downtown Commercial District

Folder 1: Various

Folder 2: Delores K

Folder 3: Jean R's

Folder 4: Block 70

Folder 5: Block 71

Folder 6: Block 72

Folder 7: Block 73

Folder 8: Block 74

Folder 9: Block 75

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PH Box 2:

Folder 1a: Significant city-owned buildings - Scout House and other significant buildings

Folder 1b: Significant buildings

Folder 1c: Significant buildings

Folder 1d: Significant buildings

Folder 2: Early Carmel Builders - J.C. Anthony and Carmel Stone (photos by Marcia DeVoe)

Folder 3: Early Carmel Builders - Richard Barret

Folder 4: Early Carmel Builders - Ernest Bixler

Folder 5: Early Carmel Builders - Hugh Comstock

Folder 6: Carmel Historic Survey - Comstocks

Folder 7: District 1

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AV Box 1: VHS Tapes

- The Last Rent Deal in Carmel (about the Carmel Foundation)

- Moving First Murphy 06-28-90
- 'First Murphy' June 28, 1990
- 1st Murphy April to July 1991
- Preview "First Murphy" Rough Edit
- The Monterey Show: First Murphy House 8/18/94

CARMEL INVENTORY OF HISTORIC RESOURCES DATABASE

Block #	Lot #	APN #	Resource Name
A	1	010-196-001	Normandy Inn
A-1	4, 5	010-301-025	George Graft Hse
A-1	W 145' of 9	010-301-010	E.H. Cox Hse.
A	18, 20	010-196-009	D.W.W. Johnson Hse.
A-2	E p1s 7, 8, 9	010-302-013	Philip & Marie Gordon Hse.
A-3	S.W. Part 5, W Part 6	010-303-011	Nelson Nowell House
A-3	S.W. Part 10, West part 11	010-303-017	Merchant House
A-4	S1/2 8	010-281-005	Shellock Hse
A-6	Spt 3, Ept 5, Npt 7	010-293-003	Agnes C. Montgomery Hse.
A-5	S part of Lot 5	010-292-008	Helen I. Proctor House
A-6	Wp1s. Lots 12 & 14	010-293-014	Esther M. Hill House
AA	6	010-281-018	Leroy Babcock Hse.
AA	19	010-281-009	Ethel England Hse.
B	5	010-195-002	Efta Spencer House
B	14	010-195-010	Daniel T. Fisk House
B	SWpt. 15	010-195-016	George Seldeneck Studio Building
B	18	009-423-001	Mrs. Clinton Walker House
BB	18 & 20	010-282-014	Laura Fanner Hse
C	W 50' of 1, 3 N 20' of 5	010-194-018	Stonehouse
C	S 7-8 through 14	010-194-016	Golden Bough Theater
C-1	7 & 8	010-311-009	Chazen Residence
C-1	E 1/2 11	010-311-013	Alfred Matthews Hse.
C-1	Wpt. 11	010-311-014	"Lanakai"
C-2	NW pt 10	010-312-018	Henry L. Tusler Cottage
C	17	010-194-007	Sindair Lewis Hse.
D	4, 6	010-186-021	Clara Kellogg Hse.
D	12	010-186-013	Artie Bowen Hse.
D	19	010-186-008	Guest house
EE	13	010-214-011	Anson Hse.
EE	15	010-214-010	Abbie McDow Hse.

DPR Historic Resources Database (Coastal Commission Submittal)

12/19/2012

	Block #	Lot #	APN #	Resource Name
31	EE	27	010-214-006	Meade Hse.
32	F	7 & 9 north part 11	010-184-004	Hinds Cottage
33	FF	1 & 2	010-251-009	C. Halstead Yates Cottages
34	FF	12, S14	010-251-022	J. Kluegel Hse.
35	FF	20, 22	010-251-027	Prof. Karl Rendorff Hse.
36	FF	29	010-251-024	Collis Hse.
37	G	19	010-261-006	Emma Williams Hse.
38	G	2 & 4	010-261-014	Peter Pan Court
39	GG	1, 3, 5	010-252-011	Alfred P. Fraser Hse.
40	H	8	010-262-010	Dr. Kellogg Hse. & E. Wright Cottage
41	HH	24, 26	010-253-017	Ten Winkel Spanish Hse.
42	HH	28	010-253-018	F. Ten Winkel Hse.
43	I	1 & 3	010-263-019	George F. Beardsley Hse.
44	II	S 1/2 of 15, N 1/2 of 13	010-223-041	Robert A. Norton Hse.
45	JJ	1	010-224-016	Elspeth Rose Cottage
46	K	5	010-272-002	Helen Brown Studio/Home
47	K	9	010-272-004	Goetz Cottage
48	K	10	010-272-013	Dr. H.R. Green House
49	KK	2, 3	010-231-011	Adelaide J. Trethaway Hse.
50	KK	p 2, 3, 4	010-231-012	Thomas V. Cator Hse.
51	KK	13	010-231-007	Jennie Coleman House
52	KK	17	010-231-027	Warren Saltzman House
53	L	1, Npt 3	010-273-001	Reginald Markham Hse.
54	L	10, n 10' of 12	010-273-014	Sea View Inn
55	L	Wpt 11 & 13	010-273-013	Mrs. M.V. Phillips Cottage
56	LL	1/4 N of 7 & 9	010-232-030	Albert Henry Hill House
57	L	14	010-273-006	Louise P. Murphy Hse.
58	LL	Npt 9 Spt 12	010-232-029	Mr. and Mrs. Irving Fisk House
59	LL	pt 25, 27, 29	010-232-046/047	Dr. G.E. Wood Hse.
60	M	6, 8	010-266-012	"Cave of the Winds"
61	MM	19	010-241-007	Blanche M. Ayres House
62	N	11	010-265-004	Dr. Amelia Gates Cottage

Block #	Lot #	APN #	Resource Name
63	O	1 through 12 (all)	La Playa Hotel
64	P	8, 10	Adam Darling Hse.
65	Q	2	Gunnar Norbert Hse.
66	Q	S1/2 of 9, N 30' of 11	LaFrenz Garage/Studio
67	Q	12, 14	Alice Elder Hse. & Guest Hse.
68	S	13 & 15	John B. Adams House
69	S	17, 19	"La Canzone del Mar"
70	T	pt 3 & 5	Garfield D. Merner Hse.
71	T	12	LaFrenz Hse.
72	T	E 1/2 18, 20	Dr. Levi C. Lane's Log Hse.
73	U	1, 2, 5 & 7	Fred C. Holmes Hse.
73	V	7, 9 & N1/2 of 11	Samuel M. Haskins House
74	V	1/2 of 11, 13 & 15	Roussel Residence
75	W	1	Bowman House
76	X	1	Ethel P. Young Hse.
77	Y	7, 9, 10, 12, 14, 16	Colonial Terrace Inn
78	Y	W 17 & 19, E 18 & 20	Grace McGowan Cook Hse.
79	Z	1, 3	John Palache Hse.
80	Z	5, 7, 9	Eliza Palache Hse.
81	Z	6, N8	Mary Orrick Hse.
82	Z	S8, 10, 12	Edgemere Cottages
83	Z	14, 16 & pt Blk. 149	John Bathen House
84	1 (PP)	3	Gardner A. Dailey House
85	1W (Mission)	17	Millis House
86	1W (Mission)	19	Walker Spec House

Block #	Lot #	APN #	Resource Name
87	2A	009-164-008	
88	2W	009-352-006	Wilkinson Hse.
89	PP3	009-202-015	Robert A. Stephenson House
90	3A	009-163-003	Frances C. Johnson House
91	4	009-146-014	John T. Black House
92	4 1/2	W 1/2 17 & 19	Francis Whitaker Cottage
93	5 1/2	1 & N1/2 3	Ann Nash-Dorothy Bassett House
94	5 1/2	E1/2 18, 20	Perry Newberry Cottage
95	7	10	Adele C. Walnright Hse.
96	7 1/2	1 & 3	Sylvia Jordan Hse.
97	7 1/2	17	James Franklin Murphy Hse
98	9M	8	McCloud Hse.
99	9M	14	Dr. Emma W. Pope Hse.
100	9M	S 15	Keith Evans House
101	10	5	Jo Mora Hse.
102	10	10	Denny-Watrous Studio
103	11	1, 3	Forest Hill School
104	13	17, N 25' of 19	F.A. Watson Hse.
105	13	24, wp 26	Coast Valleys Gas & Electric Sub-station
106	16	10, 11	Ben Figueroa Hse.
107	21	6, 8, 10	Eric Beme House
108	22	9	Santiago Duckworth Hse.
109	22	10	Helen T. Warren House
110	22	12	Paul Stoney House
111	23	19	Samuel Wood Hse.
112	23	16	Alfonso Ramirez Cabin
113	25	5	G.H. Phillips House
114	27	p. 13-16	Curtain Call
115	27	Wpt. 17 & 19, Ept. 18 & 20	Agnes Shorting House
116	32	12 & 14	Edward Fristrom Cottage
117	32	13	Mary Austin Hse.
118	40	15, 17, 18, 19, 20	Carl Cherry Center for the Arts

Block #	Lot #	APN #	Resource Name
119	41	9	010-023-004 L.L. Spillers Guest Cottage
120	41	18 & 20	010-023-019 Abbie Jane Hunter Hse.
121	45	W pts 15, 17	010-036-015 Frank Smith Hse. & Fence
122	46	20	010-037-003 Bertha C. Cole Hse.
123	47	15	010-091-005 Helen Coolidge Cottage
124	49	12	010-097-011 Frank Lloyd Stone Cottage
125	50	9	010-131-004 Stonehouse Court
126	53	SE pts. 1 & 3	010-211-015 Norman Rial House
127	53	5	010-211-019 Howard Nieman House
128	53	9, 11, N1/2 of 13	010-211-027 Mabel GrayYoung Hse.
129	53	10	010-211-012 Richardson Log Cabin
130	53	S1/2 of 16 & N1/2 of 18	010-211-007 Gertrude McCaslin House
131	54	2 of 1, 2, 3, 4	010-212-016 Rudolph Ohm Hse.
132	54	6	010-212-013 Benjamin Turner Hse.
133	54	15	010-212-019 First Murphy House
134	55	9, 11	010-138-004 Carmel Art Assoc.
135	59	3	010-095-001 Frederick Bigland Apts.
136	60	10 Npt. 12	010-092-010 Hansel & Gretel
137	60	11	010-092-005 Elizabeth F. Armstrong Hse.
138	60	17, 19	010-092-007 Comstock Studio
139	60	18	010-092-018 Hugh Comstock Hse.
140	62	11 & 13	010-035-006 William Muench Cottage
141	62	14	010-035-013 Raymond Meeks House
142	63	16	010-032-011 Ship House
143	66	pts 1, 2, 3, 4	010-039-005 Birthday House
144	66	Wpt 1	010-039-003 Yellow Bird
145	66	Spts 2, 3, 4	010-039-007 Doll's House
146	66	pts. 2, 3, 4	010-039-006 Fables
147	66	spt. 4, 5	010-039-008 Ocean House
148	67	8, 9	010-093-003 MaryYoung Hunter Hse.
148	67	10	010-093-013 Grant Wallace Cottage
150	69	All	010-099-001 Devendorf Park

	Block #	Lot #	APN #	Resource Name
151	70	Wpt 11 & Ept 10	010-133-006	Carmel Fire Station
152	70	2	010-133-001	Reardon Bldg.
153	70	8 & 9 & Wpt 10	010-133-005	Goold Building
154	71	2, 3 & pt of 1	010-134-011	Carmel Development Co. Bldg.
155	71	6	010-134-006	Bernard Wetzel Building
156	71	Spts 8 & 9	010-134-009	Bank of Carmel
157	72	E1/2 of 1	010-139-001	Wilson Building
158	72	Spt 6	010-139-008	Fee Building
159	72	7, 8, 9, 10	010-139-007	Harrison Memorial Library
160	73	All	010-213-003	Pine Inn

Block #	Lot #	APN #	Resource Name
160	74	1 & 2	
161	74	Npt 4, Nept 5	Seven Arts Bldg.
162	74	Npt 5, 6, 7	Sade's
163	74	Npt 5, 6, 7	Carmel Weavers Studio
164	74	NWpt 6, 7, 8	Seven Arts Shop
165	74	9	Amelia Gates Bldg.
166	74	10	La Rambla Bldg.
167	74	12, 14, 16	Spinning Wheel Restaurant
168	74	18, 20	Carmel City Hall
169	75	Npt 1	Sundial Lodge
170	75	5	Mary Dummage Shop
171	75	9	Schweinger Building
172	75	15	Mary Dummage Shop
173	75	17	Oakes Building
174	75	18, 20, 22	T.A. Oakes Building
175	75	19	La Ribera Hotel
176	75	21	Monterey County Trust & Savings
177	76	5 & N 79' of 6	Kocher Building
178	76	Spts 6, 7, 8	Las Tiendas Bldg.
179	76	10	Draper Leidig Building
180	76	12	Isabel Leidig Building
181	76	14	W.C. Farley Building
182	76	16	Percy Parkes Building
183	76	18	De Yoa Building
184	76	18 (southeast portion)	Tuck Box
185	76	18 (southwest corner)	Lemos Building
186	76	pt of 20	The Garden Shop Addition
187	76	20, 22	"El Paseo" Jo Mora Sculpture
188	76	20, 22	El Paseo Bldg.
189	77	1 & 2	Enchanted Oaks Bldg.
190	77	4	Doud Building
191	79	4	Adam Fox Building
			Johann Hagemeyer Hse

Block #	Lot #	APN #	Resource Name
192	80	010-081-011	Mritz De Haass Hse.
193	80	010-081-005	Rufus M. Kingman Hse.
228	81	010-045-006	Converse House
229	81	010-045-011	Vivian Homes House
230	83	010-041-001	Florence Lockwood Studio/Hse.
231	86	010-044-020	Jacob W. Wright Hse.
232	86	010-044-004	Nelson-Krough Cottage
233	86	010-044-017	Frederick Bigland Hse.
234	86	010-044-019	Florence H. Gaylord Guest Hse.
235	86	010-044-008	Jacob W. Wright House (2)
236	87	010-082-008	Jacob F. Krops Hse.
237	87	010-082-006	Elizabeth H. Sullivan Hse.
238	88	010-084-009	The Unit House
239	89	010-087-006	Carmel Ballet Academy
240	92	010-148-002	Williams Bldg
241	94	010-193-005	DDH-by-the-Sea
242	94	010-193-010	Enoch A. Lewis Hse.
243	96	010-144-014	American Legion Post 512
244	97 & 110		Sunset Center
245	99	010-083-002	Dr. and Mrs. Chester Magee
246	99	010-063-009	L.D. Whiffen Hse.
247	101	010-055-002	Mr. and Mrs. R.A. Cootie Cottage
248	101	010-055-003, 13	Maj. Ralph A. Cootie Hse.
249	103	010-052-017	Dr. Hermann Spoehr Hse.
250	105	010-061-005	Paul Flanders Mansion
251	107	010-331-035	Vivian Homes II
252	108	010-071-016	Frank Woodsey House
253	110	010-151-001	Sunset School Primary Classroom #18
254	110	010-151-001	Sunset School Primary Classrooms #16-17
255	111	010-156-012	C.H. Gordinter Hse.
256	113	010-181-022	M.J. Murphy Hse.
257	113	010-181-021	M.J. Murphy Office

DPR Historic Resources Database (Coastal Commission Submittal)

2/1/2011

Block #	Lot #	APN #	Resource Name
258	114	010-182-008	J.W. Stough Cottage
259	115	010-158-016	Pearl Dawson Hse.
260	115	010-158-019	Everett G. Sheperd Hse.
261	115	010-158-013	Danmeyer Hse.
262	115	010-158-009	Norman Reynolds House
263	115	010-158-011	Community Church Rectory
264	116	010-155-010	Marchen Haus
265	117	010-152-009	M.J. Murphy Spec. Hse.
266	117	010-152-008	Adrian W. McEntire Hse.
267	118	010-075-023	Anne Martin House
268	120	010-331-006	Col. Henry L. Watson Hse.
269	128	010-073-002	The Coastal Laboratory -Temp. Removed/Post 1940
270	129	010-074-007	Mary McDowell Hse.
271	129	010-074-002	Celia Seymour Studio-House
272	131	010-154-006	Bliss-Hubbell Hse.
273	133	010-183-004	Daisy F.D. Bostick Cottage
274	134	010-175-018	William McPhillips Hse.
275	134	010-175-010	Bark House
276	134	010-175-011	Connolly-Search Hse.
277	136	010-171-003	Perry Newberry Stone Hse.
278	136	010-171-005	Anne Winslow Hse.
279	137	010-164-001	Ross E. Bonham Hse.
280	137	010-164-008	H. Markham Hse.
281	141, p140	010-161-022	Alice R. Comins Hse.
282	142	010-162-020	Frank Lloyd House
283	142	010-162-027	"Casa della Comedia"
284	142	010-162-013	Rev. Gardner Hse.
285	143	010-165-029	Mr. and Mrs. William Junk House
286	143	010-165-042	La Von Gottfried hse.
287	143	010-165-015	Las Abuelas
288	144	010-172-012	Violet Campbell Hse.
289	145	010-173-039	Charles Sumner Greene Studio

Block #	Lot #	APN #	Resource Name
290	145	010-173-017	Mary D. Crile House
291	145	010-173-006	Louis Ralston House
292	146	010-176-016	F.A. Collman Hse.
293	146	010-176-011	William McCabe Hse.
	U.S. Lot 38	009-531-005, 006	Mission San Carlos Pear Orchard Houses (2)
294	U.S. Lot 38	009-531-003	Mission San Carlos de Borromeo
295	<u>Historic Objects</u>		
296	EE	010-214-20	Milk Shrine
297	N/A	N/A	World War I Memorial Arch
	102	010-331-022	Mission Model - Miss Williams School
298	<u>Historic Districts</u>		
299	60, 66, 67	N/A	Comstock Hill Historic District
	70 to 77	N/A	Downtown Commercial Historic District

NATIONAL REGISTER BULLETIN

Technical information on the the National Register of Historic Places:
survey, evaluation, registration, and preservation of cultural resources



U.S. Department of the Interior
National Park Service
Cultural Resources
National Register, History and Education

How to Apply the National Register Criteria for Evaluation



VIII. HOW TO EVALUATE THE INTEGRITY OF A PROPERTY

INTRODUCTION

Integrity is the ability of a property to convey its significance. To be listed in the National Register of Historic Places, a property must not only be shown to be significant under the National Register criteria, but it also must have integrity. The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance.

Historic properties either retain integrity (this is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognizes seven aspects or qualities that, in various combinations, define integrity.

To retain historic integrity a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. Determining *which* of these aspects are most important to a particular property requires knowing why, where, and when the property is significant. The following sections define the seven aspects and explain how they combine to produce integrity.

SEVEN ASPECTS OF INTEGRITY

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

UNDERSTANDING THE ASPECTS OF INTEGRITY

LOCATION

Location is the place where the historic property was constructed or the place where the historic event occurred. The relationship between the property and its location is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in rare cases, the relationship between a property and its historic associations is destroyed if the property is moved. (See Criteria Consideration B in *Part VII: How to Apply the Criteria Considerations*, for the conditions under which a moved property can be eligible.)

DESIGN

Design is the combination of elements that create the form, plan, space, structure, and style of a property. It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

A property's design reflects historic functions and technologies as well as aesthetics. It includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.

Design can also apply to districts, whether they are important primarily for historic association, architectural value, information potential, or a combination thereof. For districts significant primarily for historic association or architectural value, design concerns more than just the individual buildings or structures located within the boundaries. It also applies to the way in which buildings, sites, or structures are related: for example, spatial relationships between major features; visual rhythms in a streetscape or landscape plantings; the layout and materials of walkways and roads; and the relationship of other features, such as statues, water fountains, and archeological sites.

SETTING

Setting is the physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the *character* of the place in which the property played its historical role. It involves *how*, not just *where*, the property is situated and its relationship to surrounding features and open space.

Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. In addition, the way in which a property is positioned in its environment can reflect the designer's concept of nature and aesthetic preferences.

The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as:

- Topographic features (a gorge or the crest of a hill);
- Vegetation;
- Simple manmade features (paths or fences); and
- Relationships between buildings and other features or open space.

These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its *surroundings*. This is particularly important for districts.

MATERIALS

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. The choice and combination of materials reveal the preferences of those who created the property and indicate the availability of particular types of materials and technologies. Indigenous materials are often the focus of regional building traditions and thereby help define an area's sense of time and place.

A property must retain the key exterior materials dating from the period of its historic significance. If the property has been rehabilitated, the historic materials and significant features must have been preserved. The property must also be an actual historic resource, not a recreation; a

recent structure fabricated to look historic is not eligible. Likewise, a property whose historic features and materials have been lost and then reconstructed is usually not eligible. (See Criteria Consideration E in *Part VII: How to Apply the Criteria Considerations* for the conditions under which a reconstructed property can be eligible.)

WORKMANSHIP

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site. Workmanship can apply to the property as a whole or to its individual components. It can be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It can be based on common traditions or innovative period techniques.

Workmanship is important because it can furnish evidence of the technology of a craft, illustrate the aesthetic principles of a historic or prehistoric period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles. Examples of workmanship in historic buildings include tooling, carving, painting, graining, turning, and joinery. Examples of workmanship in prehistoric contexts include Paleo-Indian clovis projectile points; Archaic period beveled adzes; Hopewellian birdstone pipes; copper earspools and worked bone pendants; and Iroquoian effigy pipes.

FEELING

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district retaining original design, materials, workmanship, and setting will relate the feeling of agricultural life in the 19th century. A grouping of prehistoric petroglyphs, unmarred by graffiti and intrusions and located on its original isolated bluff, can evoke a sense of tribal spiritual life.

ASSOCIATION Attachment 3

Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. For example, a Revolutionary War battlefield whose natural and manmade elements have remained intact since the 18th century will retain its quality of association with the battle.

Because feeling and association depend on individual perceptions, their retention *alone* is never sufficient to support eligibility of a property for the National Register.

ASSESSING INTEGRITY IN PROPERTIES

Integrity is based on significance: why, where, and when a property is important. Only after significance is fully established can you proceed to the issue of integrity.

The steps in assessing integrity are:

- Define the **essential physical features** that must be present for a property to represent its significance.
- Determine whether the **essential physical features are visible** enough to convey their significance.
- Determine whether the property needs to be **compared with similar properties**. And,
- Determine, based on the significance and essential physical features, **which aspects of integrity** are particularly vital to the property being nominated and if they are present.

Ultimately, the question of integrity is answered by whether or not the property retains the **identity** for which it is significant.

DEFINING THE ESSENTIAL PHYSICAL FEATURES

All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity. The essential physical features are those features that define both *why* a property is significant (Applicable Criteria and Areas of Significance) and *when* it was significant (Periods of Significance). They are the features without which a property can no longer be identified as, for instance, a late 19th century dairy barn or an early 20th century commercial district.

CRITERIA A AND B

A property that is significant for its historic association is eligible if it retains the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s). If the property is a site (such as a treaty site) where there are no material cultural remains, the setting must be intact.

Archeological sites eligible under Criteria A and B must be in overall good condition with excellent preservation of features, artifacts, and spatial relationships to the extent that these remains are able to convey important associations with events or persons.

CRITERION C

A property important for illustrating a particular architectural style or construction technique must retain most of the physical features that constitute that style or technique. A property that has lost some historic materials or details can be eligible if it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation. The property is not eligible, however, if it retains some basic features conveying massing but has lost the majority of the features that once characterized its style.

Archeological sites eligible under Criterion C must be in overall good condition with excellent preservation

of features, artifacts, and spatial relationships to the extent that these remains are able to illustrate a site type, time period, method of construction, or work of a master.

CRITERION D

For properties eligible under Criterion D, including archeological sites and standing structures studied for their information potential, less attention is given to their overall condition, than it they were being considered under Criteria A, B, or C. Archeological sites, in particular, do not exist today exactly as they were formed. There are always cultural and natural processes that alter the deposited materials and their spatial relationships.

For properties eligible under Criterion D, integrity is based upon the property's potential to yield specific data that addresses important research questions, such as those identified in the historic context documentation in the Statewide Comprehensive Preservation Plan or in the research design for projects meeting the *Secretary of the Interior's Standards for Archeological Documentation*.

INTERIORS

Some historic buildings are virtually defined by their exteriors, and their contribution to the built environment can be appreciated even if their interiors are not accessible. Examples of this would include early examples of steel-framed skyscraper construction. The great advance in American technology and engineering made by these buildings can be read from the outside. The change in American popular taste during the 19th century, from the symmetry and simplicity of architectural styles based on classical precedents, to the expressions of High Victorian styles, with their combination of textures, colors, and asymmetrical forms, is readily apparent from the exteriors of these buildings.

Other buildings "are" interiors. The Cleveland Arcade, that soaring 19th century glass-covered shopping area, can only be appreciated from the inside. Other buildings in this category would be the great covered train sheds of the 19th century.

In some cases the loss of an interior will disqualify properties from listing

in the National Register. ^{Attachment 7} A historic concert hall noted for the beauty of its auditorium and its fine acoustic qualities would be the type of property that if it were to lose its interior, it would lose its value as a historic resource. In other cases, the overarching significance of a property's exterior can overcome the adverse effect of the loss of an interior.

In borderline cases particular attention is paid to the significance of the property and the remaining historic features.

HISTORIC DISTRICTS

For a district to retain integrity as a whole, the majority of the components that make up the district's historic character must possess integrity even if they are individually undistinguished. In addition, the relationships among the district's components must be substantially unchanged since the period of significance.

When evaluating the impact of intrusions upon the district's integrity, take into consideration the relative number, size, scale, design, and location of the components that do not contribute to the significance. A district is not eligible if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment.

A component of a district cannot contribute to the significance if:

- it has been substantially altered since the period of the district's significance *or*
- it does not share the historic associations of the district.

VISIBILITY OF PHYSICAL FEATURES

Properties eligible under Criteria A, B, and C must not only retain their essential physical features, but the features must be visible enough to convey their significance. This means that even if a property is physically intact, its integrity is questionable if its significant features are concealed under modern construction. Archeological properties are often the exception to this; by nature they usually do not require visible features to convey their significance.

NON-HISTORIC EXTERIORS

If the historic *exterior* building material is covered by non-historic material (such as modern siding), the property can still be eligible if the significant form, features, and detailing are not obscured. If a property's exterior is covered by a non-historic false-front or curtain wall, the property will not qualify under Criteria A, B, or C, because it does not retain the visual quality necessary to convey historic or architectural significance. Such a property also cannot be considered a contributing element in a historic district, because it does not add to the district's sense of time and place. If the false front, curtain wall, or non-historic siding is removed and the original building materials are intact, then the property's integrity can be re-evaluated.

PROPERTY CONTAINED WITHIN ANOTHER PROPERTY

Some properties contain an earlier structure that formed the nucleus for later construction. The exterior property, if not eligible in its own right, can qualify on the basis of the interior property *only if* the interior property can yield significant information about a specific construction technique or material, such as rammed earth or tabby. The interior property *cannot* be used as the basis for eligibility if it has been so altered that it no longer contains the features that could provide important information, or if the presence of important information cannot be demonstrated.

SUNKEN VESSELS

A sunken vessel can be eligible under Criterion C as embodying the distinctive characteristics of a method of construction if it is structurally intact. A *deteriorated* sunken vessel, no longer structurally intact, can be eligible under Criterion D if the remains of either the vessel or its contents is capable of yielding significant information. For further information, refer to *National Register Bulletin: Nominating Historic Vessels and Shipwrecks to the National Register of Historic Places*.

Natural Features

A natural feature that is associated with a historic event or trend, such as a rock formation that served as a trail marker during westward expansion, must retain its historic appearance, unobscured by modern construction or landfill. Otherwise it is not eligible, even though it remains intact.

COMPARING SIMILAR PROPERTIES

For some properties, comparison with similar properties should be considered during the evaluation of integrity. Such comparison may be important in deciding what physical features are essential to properties of that type. In instances where it has not been determined what physical features a property must possess in order for it to reflect the significance of a historic context, comparison with similar properties should be undertaken during the evaluation of integrity. This situation arises when scholarly work has not been done on a particular property type or when surviving examples of a property type are extremely rare. (See **Comparing Related Properties** in *Part V: How to Evaluate a Property within its Historic Context*.)

RARE EXAMPLES OF A PROPERTY TYPE ^{Attachment 3}

Comparative information is particularly important to consider when evaluating the integrity of a property that is a rare surviving example of its type. The property must have the essential physical features that enable it to convey its historic character or information. The rarity and poor condition, however, of other extant examples of the type may justify accepting a greater degree of alteration or fewer features, provided that enough of the property survives for it to be a significant resource.

Eligible

- A one-room schoolhouse that has had all original exterior siding replaced and a replacement roof that does not exactly replicate the original roof profile can be eligible if the other extant rare examples have received an even greater degree of alteration, such as the subdivision of the original one-room plan.

Not Eligible

- A mill site contains information on how site patterning reflects historic functional requirements, but parts of the site have been destroyed. The site is not eligible for its information potential if a comparison of other mill sites reveals more intact properties with complete information.

DETERMINING THE RELEVANT ASPECTS OF INTEGRITY

Each type of property depends on certain aspects of integrity, more than others, to express its historic significance. Determining which of the aspects is most important to a particular property requires an understanding of the property's significance and its essential physical features.

CRITERIA A AND B

A property important for association with an event, historical pattern, or person(s) ideally might retain *some* features of all seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Integrity of design and workmanship, however, might not be as important to the significance, and would not be relevant if the property were a site. A basic integrity test for a property associated with an important event or person is whether a historical contemporary would recognize the property as it exists today.

For archeological sites that are eligible under Criteria A and B, the seven aspects of integrity can be applied in much the same way as they are to buildings, structures, or objects. It is important to note, however, that the site must have *demonstrated* its ability to convey its significance, as opposed to sites eligible under Criterion D where only the potential to yield information is required.

Eligible

A mid-19th century waterpowered mill important for its association with an area's industrial development is eligible if:

- it is still on its original site (**Location**), and
- the important features of its setting are intact (**Setting**), and
- it retains most of its historic materials (**Materials**), and
- it has the basic features expressive of its design and function, such as configuration, proportions, and window pattern (**Design**).

Not Eligible

A mid-19th century water-powered mill important for its association with an area's industrial development is not eligible if:

- it has been moved (**Location**, **Setting**, **Feeling**, and **Association**), or
- substantial amounts of new materials have been incorporated (**Materials**, **Workmanship**, and **Feeling**), or
- it no longer retains basic design features that convey its historic appearance or function (**Design**, **Workmanship**, and **Feeling**).

CRITERION C

A property significant under Criterion C must retain those physical features that characterize the type, period, or method of construction that the property represents. Retention of design, workmanship, and materials will usually be more important than location, setting, feeling, and association. Location and setting will be important, however, for those properties whose design is a reflection of their immediate environment (such as designed landscapes and bridges).

For archeological sites that are eligible under Criterion C, the seven aspects of integrity can be applied in much the same way as they are to buildings, structures, or objects. It is important to note, however, that the site must have *demonstrated* its ability to convey its significance, as opposed to sites eligible under Criterion D where only the *potential* to yield information is required.

Eligible

Attachment 3

A 19th century wooden covered bridge, important for illustrating a construction type, is eligible if:

- the essential features of its design are intact, such as abutments, piers, roof configuration, and trusses (**Design**, **Workmanship**, and **Feeling**), and
 - most of the historic materials are present (**Materials**, **Workmanship**, and **Feeling**), and
 - evidence of the craft of wooden bridge technology remains, such as the form and assembly technique of the trusses (**Workmanship**).
- Since the design of a bridge relates directly to its function as a transportation crossing, it is also important that the bridge still be situated over a waterway (**Setting**, **Location**, **Feeling**, and **Association**).

Not Eligible

For a 19th century wooden covered bridge, important for its construction type, replacement of some materials of the flooring, siding, and roofing would not necessarily damage its integrity. Integrity would be lost, however, if:

- the abutments, piers, or trusses were substantially altered (**Design**, **Workmanship**, and **Feeling**) or
 - considerable amounts of new materials were incorporated (**Materials**, **Workmanship**, and **Feeling**).
- Because environment is a strong factor in the design of this property type, the bridge would also be ineligible if it no longer stood in a place that conveyed its function as a crossing (**Setting**, **Location**, **Feeling**, and **Association**).

CRITERION D

For properties eligible under Criterion D, setting and feeling may not have direct bearing on the property's ability to yield important information. Evaluation of integrity probably will focus primarily on the location, design, materials, and perhaps workmanship.

Eligible

A multicomponent prehistoric site important for yielding data on changing subsistence patterns can be eligible if:

- floral or faunal remains are found in clear association with cultural material (**Materials** and **Association**) and
- the site exhibits stratigraphic separation of cultural components (**Location**).

Not Eligible

A multicomponent prehistoric site important for yielding data on changing subsistence patterns would not be eligible if:

- floral or faunal remains were so badly decomposed as to make identification impossible (**Materials**), or
- floral or faunal remains were disturbed in such a manner as to make their association with cultural remains ambiguous (**Association**), or
- the site has lost its stratigraphic context due to subsequent land alterations (**Location**).

Eligible

A lithic scatter site important for yielding data on lithic technology during the Late Archaic period can be eligible if:

- the site contains lithic debitage, finished stone tools, hammerstones, or antler flakers (**Material** and **Design**), and
- the site contains datable material (**Association**).

Not Eligible

A lithic scatter site important for yielding data on lithic technology during the Late Archaic period would not be eligible if:

- the site contains natural deposits of lithic materials that are impossible to distinguish from culturally modified lithic material (**Design**) or
- the site does not contain any temporal diagnostic evidence that could link the site to the Late Archaic period (**Association**).

Grant Deed

In Consideration of \$1.00, receipt of which is acknowledged,

Harry E. Hofsas

do. hereby grant to Frederick L. Hofsas

the real property in the City of Carmel County of Monterey State of California, described as:

Lot Numbered 9, the south 9 inches of lot numbered 7, and all of Lot Numbered 10, in Block Numbered 34, as said lots and block are shown on that certain map entitled, "Map of Carmel-by-the-Sea, Monterey County, California", filed for record March 7, 1902 in the Office of the County Recorder of the County of Monterey, State of California, in Volume 1 of Maps, "Citizens' Towns", at page 2

Dated this 13th day of July, 1928

Harry E. Hofsas

DEC-6 1949

50833

City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G
CARMEL-BY-THE-SEA, CA 93921
(831)620-2010 OFFICE
(831)620-2014 FAX

January 2, 2002

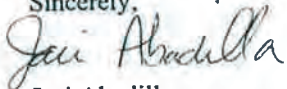
Mr. Scott Theis
P.O. Box 1195
Carmel, CA 93921

RE: Hofsas House Hotel Reroof

Dear Mr. Theis:

We received your letter requesting to reroof the Hofsas House with a wood shake product. The property has been identified by the City's Consultant, Kent Seavey's Historical Resources Survey as a local historical resource. Per Municipal Code Section 17.12.140(B)(2), *Buildings determined by the City to qualify as architectural, cultural or historic resources may use fire-treated wood roofing materials with a fire-resistant underlayment assembly approved by the Building Official to meet standards for historic rehabilitation.* Accordingly, the only requirement would be the issuance of a building permit and follow-up inspections by the Building Official. If you have any other questions, please give me a call at 620-2010.

Sincerely,



Jaci Abadilla
Administrative Coordinator

Photographs

C
ATTACHMENT

HOFAS HOUSE STAIR REVISION



EXISTING VIEWS







KENT L. SEAVEY
310 LIGHTHOUSE AVENUE
PACIFIC GROVE, CALIFORNIA 93950
(831) 375-8739

Attachment 7

Attachment 3

November 12, 2023

Mr. Anthony Lombardo
144 West Gabilan Street

Salinas, CA 93901

Dear Mr. Lombardo:

Thank you for the opportunity to comment on the series of Peer Reviews recently prepared concerning the historical significance of the Hofsas House Hotel commercial property located on San Carlos St. 2NW of 4th Ave. (APN# 010-124014-017) in Carmel-by-the-Sea. The evaluations were conducted by four highly qualified consultants whose collective appraisals were thoroughly researched & presented in a comprehensive compilation coming to the same conclusion, that the subject property does not meet the necessary qualifications for historic listing, at either the federal, state or local levels of significance.

The original analysis of the subject property in August, 2023 by a Carmel Planning Department contract consultant stated, that the subject property met the criterion for historic listing cited in Carmel's Historic Context Statement (CHCS), under the Theme of Architectural Development, that the feature retained "substantial integrity", and was a "rare example" of "Bavarian Revival" architectural design for its qualification as a local historic resource. Dr. Anthony Kirk initially pointed out that the Hotel does not appear in the original 1994 Carmel Historic Context Statement, nor in subsequent revisions of the Context Statement prepared in 2008 and 2022.

Dr. Laura Jones, one of the peer reviewers, identified three issues regarding the the City's consultants research. They included the questions (1) What style is the hotel, & is it a good example, and rare? (2) Are an artist's murals cited in the description of the hotel really the work of a "master", & (3) Does the Hofsas House Hotel retain Integrity as an architectural style?

Dr. Barbara Lamprecht, one of the reviewers, cited V. S. McAlester's 2022 *field Guide to American Houses*, A basic style guide for architectural historians, noting that "Bavarian Revival" as an architectural style is not mentioned, nor is it recognized in the National Register's Architectural Style Categories, and not found in Carmel's Historic Context Statements from 1994 through 2023.

The decorative murals on the facade of the hotel were originally painted by Maxine Albro, a well respected San Francisco muralist credited for her work in Coit Tower. She moved to Carmel in 1938, but spent much of her time painting in Mexico. Her hotel murals, painted in 1957, according to the research conducted by Dr. Anthony Kirk, were painted over, or "refreshed" by two other artists over time to whom the current images should be credited.

HISTORIC PRESERVATION MUSEUM INTERPRETATION

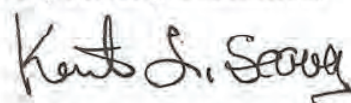
The evaluation of Dr. Lamprecht's Peer review, concerning the physical integrity of the subject property is concise and to the point:

"...it must be pointed out that beyond the facade there are almost no further architectural references either to "Bavaria" or to Tudor Revival. By contrast, once a visitor enters the parking lot, where saunas, pool, parking and general room access occur, the character of the property is that of a large, conventional motor-hotel with unremarkable stylistic features of such commercial buildings constructed between the 1950s and the 1980s."

This conclusion is confirmed by the extensive Architectural Contributions Diagram prepared by the EMC Planning Group, Inc.. This is possibly one of the most comprehensive studies I have seen in my 50+ years of historic preservation work in Monterey County.

In summary, having carefully reviewed the findings of the well qualified Architectural Historians who reviewed the study, I fully support their collective findings that, the Hofsas House Hotel, located on San Carlos St. 2NW of 4th Ave, (APN# 010-124-014), in Carmel by-the-Sea, is not qualified for listing as an historic resource, at the national, state or local levels of significance for the reasons so clearly identified above.

Respectfully submitted,

A handwritten signature in black ink, reading "Kent S. Seeger". The signature is written in a cursive, flowing style with a large initial "K".

Use Permit Description for Carmel Legacy Hotel

Project Overview:

The Hofsas House Hotel is set for an exciting transformation through upgrading and maintaining its existing 38 hotel units and two on-site residential units. Additionally, the House on Dolores Street will undergo extensive remodeling to align with the new vision of the Carmel Legacy Hotel.

Vision Statement:

The Carmel Legacy Hotel aspires to become a distinguished luxury establishment exclusively catering to its esteemed guests.

Hotel Amenities:

The hotel will boast a range of upscale amenities, including a 50-seat restaurant exclusive to guests and their family/friends, bar beverages and meals being served in the lobby and patio areas, coffee bar with bakery/grab & go items, room service, a business center, hair and beauty salon, spa, fitness room, and a pool. Laundry room for in house laundry service will also be a part of the hotel.

Parking Facilities:

The hotel will provide underground parking for an estimated 68 cars, with valet-only services available. Guests will arrive in the porte cochere and loading area on San Carlos Street. Valet services will navigate cars around the block to the Dolores Street garage entrance. Valet will retrieve cars upon request and the car will be driven through the underground parking to the driveway north of the hotel and exit onto San Carlos Street in the loading or porte cochere areas.

Transportation Services:

To enhance guest convenience, a van/limo service will be available to reduce the frequency of trips per day and limit the need for car retrievals from the garage.

Hours of Operation:

Front Desk and Valet: 24 hours a day

Concierge Service: 24 hours a day

Restaurant: 7 am to 10 pm

Coffee Bar/Bakery: 7 am – 5 pm

Room Service: 24 hours

Spa: Upon request. Local massage and other wellness therapists will be used to come in and use the facility to provide spa services to guests.

Hair Salon: Services available upon request with local stylists and barbers coming to the hotel and using the hair salon area to provide these services.

Fitness Room: 6 am to 9 pm, 7 days a week

Employee Structure:

The Carmel Legacy Hotel anticipates employing a total of 20 - 30 staff members, distributed across various roles:

General Manager

Assistant General Manager

Front Desk

Concierge

Bell Person

Housekeeping

Maintenance

Valet and Transportation

Restaurant: Manager, Chef, Sous Chef, Wait Staff, Room Service Staff

Barista



ERIC MILLER ARCHITECTS

March 5, 2024

re: Hofsas House Hotel

Planning Commission,

Following our fact-finding meeting with the Planning Director and Staff, it was recommended that we further elaborate on the Design Guideline, Scale, Mass & Bulk and Neighborhood Design in addition to the description outlined in the letter dated February 5, 2024 which is also attached for your review.

Design

The design of the proposed hotel meticulously crafts a timeless architectural expression, rooted in the traditional design language of the region, while perpetuating Carmel's founding principle of allowing architects to further develop the art of architecture.

Per the recommendation of the Planning Commission, the scale of the lobby building has been greatly reduced in both height and mass. The San Carlos Lobby facade has been reduced by 3 feet in height through scaling down structural elements, ceiling heights and dropping the central vertical mass as much as possible. The large tower that was located near the center of the property has been removed, due to the Planning Commission's determination that it is not exempt as a special architectural feature or tower.

The Planning commission's determination that the height of the hotel can be measured based on the approximation of preexisting conditions on sites disturbed by previous excavation has been analyzed, documented and successfully applied to a scientific degree. (Reference Carmel Code 17.06.020- Rules of Measurement)

The Planning Commission has also agreed that the proposed design is consistent with the R-1 Design Objectives. (Full descriptions of R-1 Objectives can be found on Sheet A-19C of the drawings.)

Scale

The proposed buildings decrease the scale and dominating behavior of the previous hotel. The existing hotel towers above the neighborhood as a 4 story wall of hotel units. The Legacy structures, in contrast, are broken up and dropped down into the hillside to meet Carmel's objective on scale.

The Lobby Building, purposely, represents the uppermost point of the aggregation of buildings throughout the site. This allows the architecture to delineate its function as the gateway and central node of the aggregation of buildings. Yet, even this building retains a 23.5 foot height from the finish grade of San Carlos Street. The Lobby also steps down to split levels in accordance with the

sloping topography; only allowing special features (tower elements) to extend up vertically. These provide a vertical rhythm, and break up the horizontal attributes of the structures.

Mass and Bulk

The simple massing includes one low horizontal element intersecting with one or two tower-like, vertical elements (variations of this massing and composition are found throughout the site). These vertical elements are bumped out forward and vertically, allowing relief and articulation of multiple materials along the facade. There are no long stretches of simultaneous surface. The building surface jogs and bumps to a minimum degree, often accompanied by a material change from stone to stucco. The natural and neutral color palette of browns, beiges and wood grain work to blend architecture into the Urban Forest and surrounding context.

This approach is directly related to the R-1 Objective of "Carmel's enduring principles of...simplicity...set amidst a forest landscape." The massing also successfully retains a modest presence on San Carlos Street through the explicit necessity to drop the buildings down below the street level to meet Carmel's height requirements. This gives the perception of the hotel only being one story in some places.

Neighborhood Design

The design and aesthetic of the Legacy Hotel is a composition of many celebrated local architectural expressions. Most notably, the hotel, inadvertently, shares many of the characteristics seen in Carmel's most iconic architectural attraction: the Clinton Walker house by Frank Lloyd Wright. The same use of Carmel Stone to clad heavy elements that visually anchor the structure to the landscape. Accompanied by low-sloping, bermuda-style metal hip roofs and windows that are delineated with unique wood-lined borders.

Using timber and locally sourced stone with Craftsman articulation and detail, the architecture builds off of the shoulders of celebrated Carmel, Coastal, and Californian design styles. The massing is broken up into a collection of smaller buildings, with a clear emphasis on holding the street line while cascading down in accordance with the local topography.

The backside of the hotel, which will be rarely visible, might be misinterpreted as having "modern attributes" simply due to the use of glass sliding doors focused towards the view of the ocean and urban forest. But it's the combination of traditional elements and contemporary amenities (such as proper and equitable access to daylight and expansive views through the use of modern glazing capabilities and direct access to outdoor spaces and vegetative roof decks) that allow the guests a sense of journey, comfort and equity while experiencing the layers of architecture that the proposed design offers.

These "modern" practicalities, mixed with traditional elements and timeless materials allow this architecture to bridge the gap between belonging to the neighborhood character and further developing the architectural vernacular and amenities of Carmel-by-the-Sea.

Sincerely



Eric Miller Architect, AIA

Encl.



ERIC MILLER ARCHITECTS

February 5, 2024

re: Hofsas House Hotel

Planning Commission,

The design of the proposed hotel is rooted in the traditional design language of the City, while including the forward thinking City tradition of allowing architects to further develop the art of architecture.

The hotel property is located between the R1 zoning and RC zoning. The design of the hotel recognizes the responsibility of buffering the automotive and pedestrian journey between the residential neighborhood and the Central Commercial district.

1) The pedestrian journey:

In the design of the hotel, the northeast side on San Carlos starts in very low buildings. The first building eave is about 14 feet above the sidewalk. As you travel south on San Carlos at 2.5 mph, the buildings containing the hotel rooms slowly increase in height. When the pedestrian reaches the entrance to the hotel, the eave of the building is still only about 21 feet.

2) The automotive journey:

As the hotel guest heads south on Highway One, continues down Carpenter and heads south on San Carlos, at 25 mph, the motorist first sees the low portion of the hotel. As the first time hotel guest travels from the north side of the hotel to the porte cochere, they have time to recognize the valet service and not just pass it by.

3) Materials and design language:

The design of the hotel is based on craftsman architectural axioms. EMA skillfully incorporates traditional forms such as low pitch hip roofs, traditionally proportioned fenestration based on the golden mean (vertical rectangles not horizontal) and materials such as stone and wood.

This design is human scale, is consistent with design guidelines, recognizes the zoning and its intent as a transitional, limited commercial designation.

Similar to the Frank Lloyd Wright House, the design is respectful of traditional architectural forms while it is also a forward thinking artistic statement that embodies the art of architecture.

Sincerely,

Eric Miller Architect, AIA

MAX BUILDING SIZE ALLOWED - 10,000 SF	
EXISTING F.A.R. & LOT COVERAGE	
F.A.R. =	65.5%
LOT COVERAGE =	38%
SEE PAGE A-3 FOR CALCULATIONS & DIAGRAMS	

San Carlos Street







EXISTING SITE PLAN

① Site
 $\frac{3}{32}'' = 1'-0''$

DOLORES ST.
A 50' WIDE CITY STREET

REVISION		No.	
CONSULTANT:			
ARCHITECT:		☐ ☐ ☐ ☐ ☐ ☐	
EXISTING SITE PLAN JOB Name: HOFASAS HOUSE LEGACY 2500 of 4th Ave. on San Carlos St. CARMEL-BY-SEA APN: 010-124-010 4 014		ERIC MILLER ARCHITECTS, INC. 211 HOFFMAN AVENUE MONTEREY, CA 93940 PHONE (831) 372-0410 ■ FAX (831) 372-7840 ■ WEB: ericmillerarchitects.com	
DATE: 2/9/2022			
SCALE: 3/32" = 1'-0"			
DRAWN: KJ			
JOB NO. 221			
A-2 SHEET OF			

DATE	EXISTING SITE PLAN
------	--------------------

HOF SAS HOUSE LEGACY
2NW of 4th Ave. on San Carlos St.
CARMEL-BY-SEA
A.P.N: 010-124-010 & 014

HOF SAS HOUSE LEA
2NW of 4th Ave. on San Carlos
CARMEL-BY-THE-SEA
APN: 010-124-010 & 014

DATE: 2/8/202

SCALE: 3/32" = 1'-0"

DDMMYY	MMYY
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2	DRAWN
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JOB NO.	221
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A-2

SHEET OF

3RD FLOOR PLAN

The plan shows the following areas:

- 2ND FLOOR LOT 1 & 3
- 2ND FLOOR LOT 1 & 3
- 3RD FLOOR LOT 5 & 7
- 3RD FLOOR LOT 9 & 11
- APARTMENT (indicated by an arrow pointing to a unit on the right side of the plan)

2ND FLOOR PLAN

② EXISTING HOTEL SECOND FLOOR PLAN

1ST FLOOR LOT 5 & 7

1ST MEETING ROOM LOT 3

1ST FLOOR LOT 9

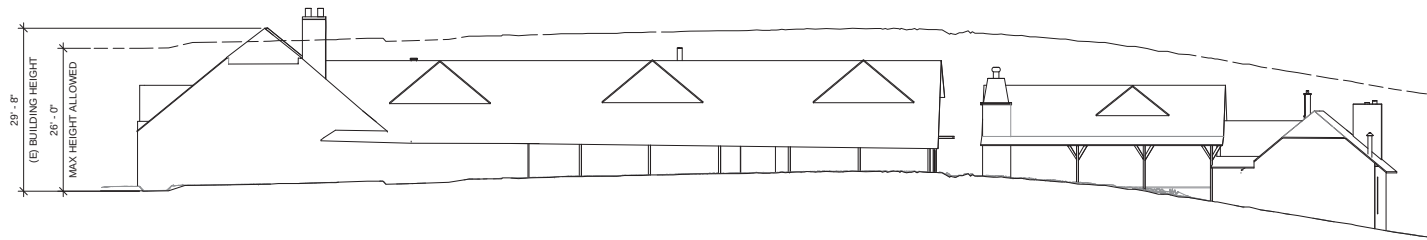
1ST FLOOR LOT 9

1ST FLOOR LOT 9

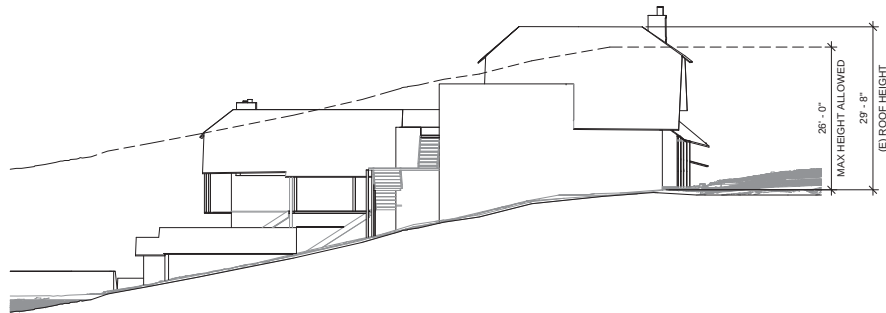
(E) LOT COVERAGE	
HOFSAS HOTEL	11,959 S.F.
HOFSAS HOUSE	1,809 S.F.
TOTAL COVERAGE	13,768 S.F.
	38%

(E) FAR Schedule				
Type	Area	Site Area	FAR	
1st Floor Lot 1 & 3	1987 SF	36200 SF	0.05	
1st Floor Lot 1 & 3	903 SF	36200 SF	0.02	
2nd Floor Lot 1 & 3	1987 SF	36200 SF	0.05	
2nd Floor Lot 1 & 3	884 SF	36200 SF	0.02	
2nd Floor Lot 5 & 7	1443 SF	36200 SF	0.04	
2nd Floor Lot 9 & 11	1691 SF	36200 SF	0.05	
3rd Floor Lot 5 & 7	1444 SF	36200 SF	0.04	
3rd Floor Lot 9 & 11	2031 SF	36200 SF	0.06	
4th Floor Lot 5 & 7	1443 SF	36200 SF	0.04	
4th Floor Lot 9 & 11	1931 SF	36200 SF	0.05	
Apartment	311 SF	36200 SF	0.01	
Residence Lower Floor	1501 SF	36200 SF	0.04	
Residence Upper Floor	1482 SF	36200 SF	0.04	
TOTAL: 13	19056 SF		0.53	53 %

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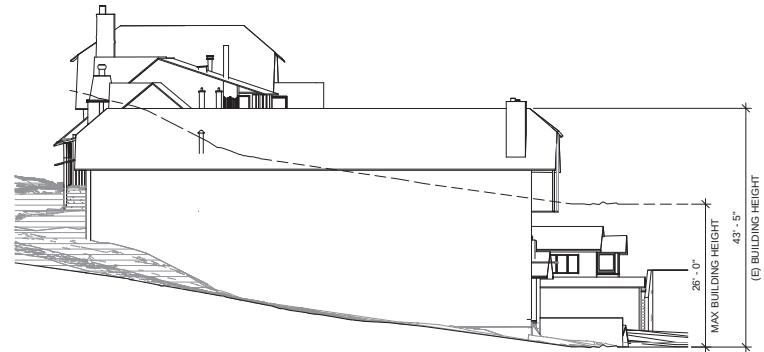


① EXISTING HOTEL EAST ELEVATION
3/32" = 1'-0"



④ EXISTING HOTEL SOUTH ELEVATION
3/32" = 1'-0"

Attachment 6



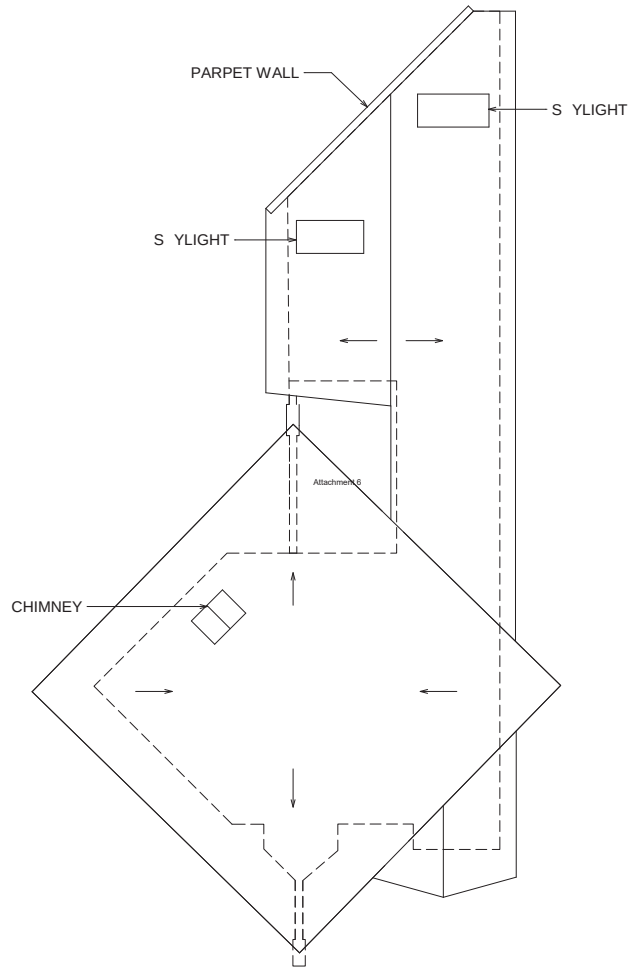
② EXISTING HOTEL NORTH ELEVATION
3/32" = 1'-0"



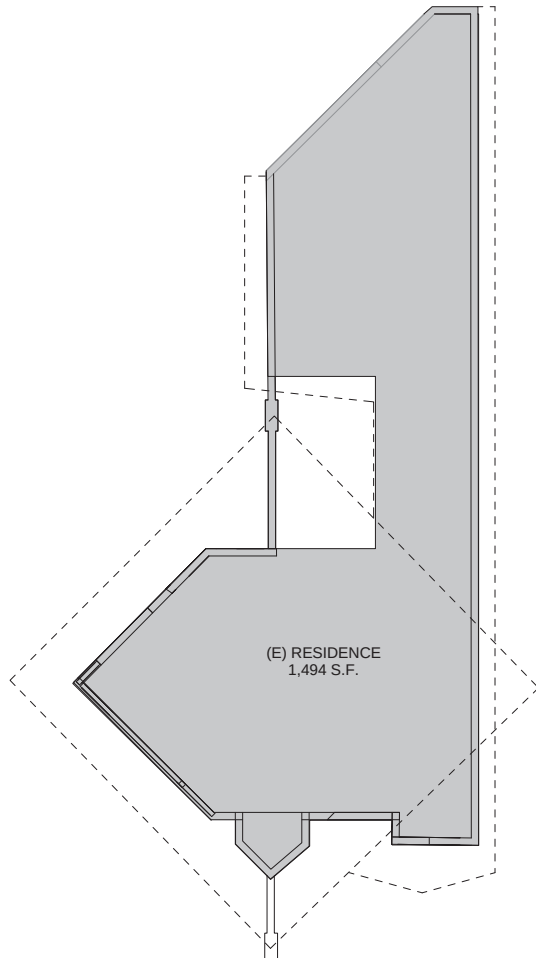
③ EXISTING HOTEL WEST ELEVATION
3/32" = 1'-0"

REVISION	No.
CONSULTANT:	
ARCHITECT:	
ERIC MILLER ARCHITECTS, INC.	
211 HOFFMAN AVENUE MONTEREY, CA 93940	
PHONE (831) 372-0410 ■ FAX (831) 372-7840 ■ WEB: ericmillerarchitects.com	
EXISTING HOTEL ELEVATIONS	
HOFBAS HOUSE LEGACY	
2111 4th Ave. on San Carlos St.	
CARMEL, BY THE SEA	
A.P.N. 010-124-010 1 014	
JOB NAME:	DATE: 2/9/2023
SCALE: 3/32" = 1'-0"	
DRAWN: K.L.	
JOB NO. 2214	
A-4	
SHEET OF	

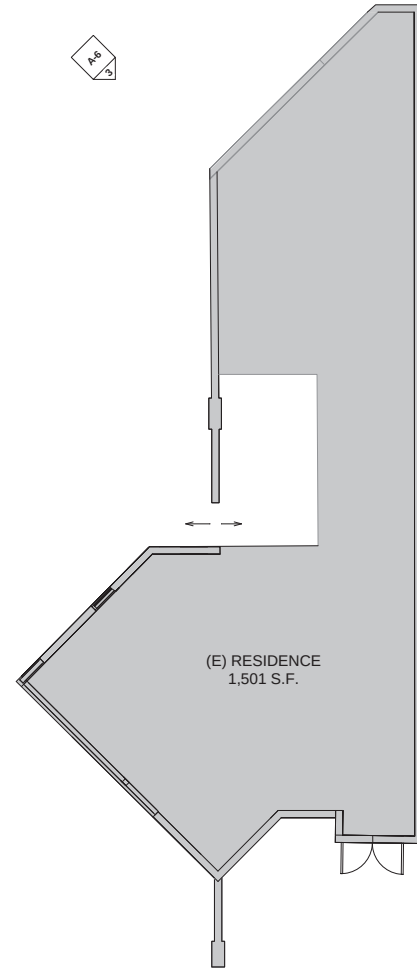
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ROOF FLOOR PLAN
③ EXISTING RESIDENCE ROOF PLAN
3/16" = 1'-0"



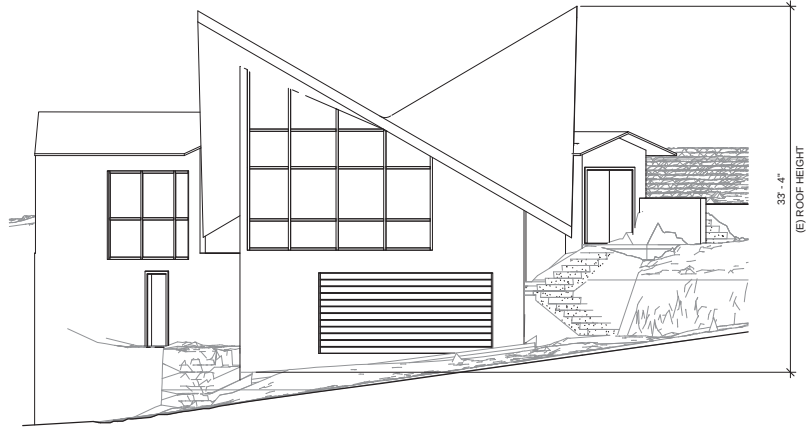
2ND FLOOR PLAN
① EXISTING RESIDENCE SECOND FLOOR PLAN
3/16" = 1'-0"



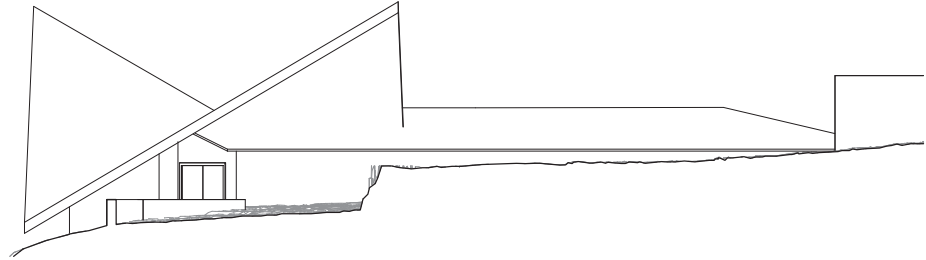
1ST FLOOR PLAN
② EXISTING RESIDENCE GROUND FLOOR PLAN
3/16" = 1'-0"

REVISION	No.
CONSULTANT:	
ARCHITECT:	
ERIC MILLER ARCHITECTS, INC.	
211 HOFFMAN AVENUE MONTEREY, CA 93940	
PHONE (831) 372-0410 FAX (831) 372-7840 WEB: ericmillerarchitects.com	
EXISTING RESIDENCE PLANS	
HOFSA'S HOUSE LEGACY	
2111 4th Ave. on San Carlos St.	
CARVEL, BY THE SEA	
A.P. N. 010-124-010 & 014	
JOB NAME:	
DATE:	2/9/2023
SCALE:	3/16" = 1'-0"
DRAWN:	K.L.
JOB NO.:	2214
A-5	
SHEET OF	

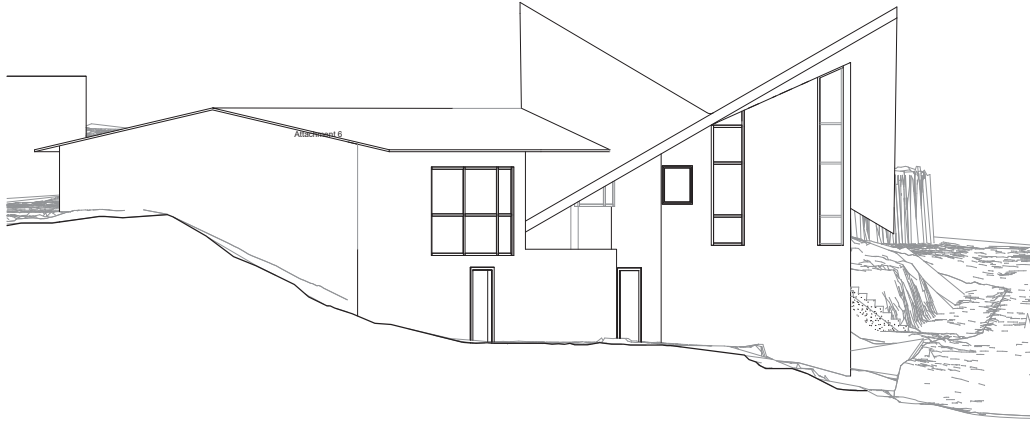
2/20/2023 11:58 AM - C:\Users\jcmiller\OneDrive\Documents\Hofsaas House Legacy.dwg
THE USE OF THIS DRAWING IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY OTHER USE OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF ERIC MILLER ARCHITECTS, INC. IS PROHIBITED. THE USER ASSUMES ALL LIABILITY FOR ANY DAMAGE, INCLUDING BUT NOT LIMITED TO, LOSS OF PROFITS OR REVENUE, ARISING OUT OF OR FROM THE USE OF THIS DRAWING.



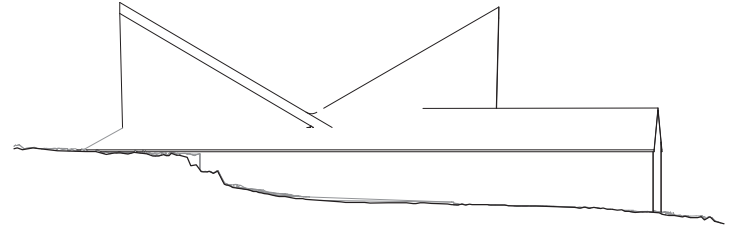
① EXISTIN. RESI. ENCE EAST ELEVATION
3/16" = 1'-0"



② EXISTIN. RESI. ENCE SOUTH ELEVATION
3/16" = 1'-0"

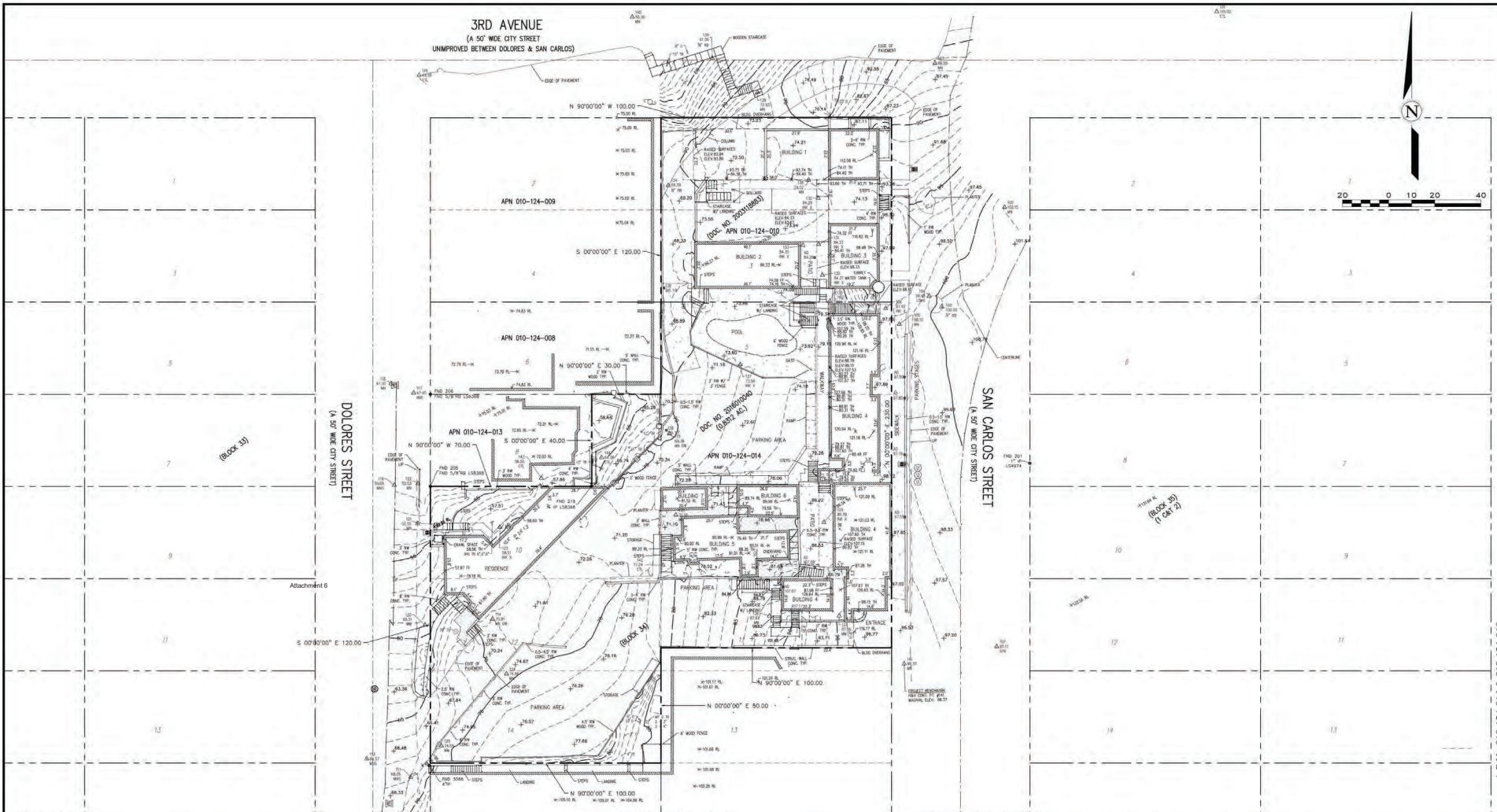


③ EXISTIN. RESI. ENCE NORTH ELEVATION
3/16" = 1'-0"



④ EXISTIN. RESI. ENCE WEST ELEVATION
3/16" = 1'-0"

REVISION		No.
CONSULTANT		
ARCHITECT		
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211 HOFFMAN AVENUE MONTEREY, CA 93940		
PHONE (831) 372-0410 ■ FAX (831) 372-7840 ■ WEB: ericmillerarchitects.com		
EXISTING RES. ELEVATIONS		
HOFSAS HOUSE LEGACY		
2111 4th Ave. on San Carlos St.		
CARMEL-BY-THE-SEA		
A.P.N. 010-124-010 & 014		
JOB NAME:	DATE: 2/9/2023	
SCALE: 3/16" = 1'-0"	DRAWN: K.L.	
JOB NO. 2214	SHEET OF	
A-		



LEGEND:

PROPERTY BOUNDARY	CONDUIT	IRRIGATION BOX
ADJACENT PROPERTY BOUNDARY	CLEANOUT	LANDSCAPE LIGHT
ORIGINAL PROPERTY BOUNDARY	DRAINOUT	STREETLIGHT
EXISTING (TYPE AS SHOWN)	PIGE BOX	POLE GAS MANHOLE
ROADWAY CENTERLINE	ELECTRIC HUB	PPE
MAJOR CENTERLINE (BY INTERVAL)	ELECTRIC METER	STORM DRAIN MANHOLE
MAJOR CENTERLINE (BY INTERVAL)	ELECTRIC OUTLET	SANITARY SEWER CLEANOUT
MINOR CENTERLINE (BY INTERVAL)	ELECTRIC PANEL	SANITARY SEWER MANHOLE
FENCE	ELECTRIC MANHOLE	TELEPHONE BOX
ASPHALT CONCRETE	PIPEBOX	UNKNOWN UTILITY
PORTLAND CEMENT CONCRETE	GAS LINE	UTILITY HUB
PAVEMENT	GAS VALVE	UTILITY POLE
WOOD	GUY WIRE	WATER METER
NATURAL GROUND SURFACE/	HOLE BBS	WATER SERVICE
LANDSCAPED AREA	FIRE HYDRANT	WATER VALVE
	IRRIGATION CONTROL VALVE	

ABBREVIATIONS:

AC	ASPHALT CONCRETE	FF	FISHED FLOOR	TH	THRESHOLD
AD	AREA DRAIN	FL	FLUORESC	TR	TREE
BUC	BUILDING	FR	FENCE	TYP	TYPICAL
BRK	BRICK	FRD	FIBRO	UTL	UTILITY
BRN	BREAKER	FTN	FOUNTAIN	V	V-GUTTER
BSW	BACK OF SIDEWALK	GEN	GENERATOR	W	WELL
CB	CATCH BASIN	GR	GRATE	WO	WOOD
CD	CEDAR	GRND	GROUND		
CHK VLV	CHECK VALVE	GT	GATE		
CHNLNK	CHANNEL	H	HOLLY		
CL	CEMENT	HL	HULL		
CMU	CONCRETE MASONRY UNIT	WFL	METAL		
CONC	CONCRETE	O	OAK		
CTL	CONTROL	PA	PALM		
CR	COTTON WOOD	PE	PEPPER		
CYP	CYPRESS	P	PINE		
DE	DECOMPOSED GRANITE	PLST	PLASTIC		
DK	TOP OF DECK	RE	REDWOOD		
E	EUCALYPTUS	RL	ROSE LINE		
ELEC	ELECTRIC	RN	RETAINING WALL		
EP	EDGE OF PAVEMENT	SAT	SATELLITE		
ESMT	EASEMENT	STN	STONE		
FSC	FIRE DEPARTMENT CONNECTION	STP	STOP		
		SYS	SYSTEMS		

GENERAL NOTES:

- ELEVATIONS ARE BASED ON AN ASSUMED DATUM. PROJECT BENCHMARK IS SURVEY HAV CONTROL POINT #141, A MAGNETIC NAIL LOCATED APPROXIMATELY 6.0' SOUTHERLY AND 5.5' EASTERLY FROM THE SOUTHEASTERN PROPERTY CORNER. ELEVATION = 96.37' AS SHOWN.
- NOT ALL UNDERGROUND UTILITIES WERE LOCATED. ONLY VISIBLE FACILITIES ABOVE AND FLUSH WITH THE SURFACE ARE SHOWN. SUB-SURFACE UTILITY LINES DRAWN MAY NOT BE COMPLETE AND SHOULD BE VERIFIED BY FIELD RECONNAISSANCE. UNDERGROUND UTILITY LOCATIONS CAN BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES, PUBLIC AGENCIES, OWNER'S AS-BUILT DRAWINGS, ETC., AND SHOULD BE THOROUGHLY COMPILED AND DEEMED COMPLETE WITHIN THE PROJECT AREA PRIOR TO ANY SITE DEVELOPMENT DESIGN AND/OR CONSTRUCTION.
- TREE TYPES ARE INDICATED WHEN KNOWN. TREE DIAMETERS ARE LABELED IN INCHES AS MEASURED AT 3" ABOVE THE GROUND. SYMBOL IS APPROXIMATE CENTER OF TREE. TREES SMALLER THAN 6" ARE NOT SHOWN.
- THIS MAP PORTRAYS THE SITE AT THE TIME OF THE SURVEY (7/18/22) AND DOES NOT SHOW SOLS OR GEOLOGY INFORMATION, UNDERGROUND CONDITIONS, EASEMENTS, ZONING OR REGULATORY INFORMATION OR ANY OTHER ITEMS NOT SPECIFICALLY REQUESTED BY THE PROPERTY OWNER AND/OR THEIR REPRESENTATIVES.
- BUILDING CORNERS SHOWN HERE LOCATED AT THE OUTMOST FACE OF IRMA. DIMENSIONS SHOWN REPRESENT THE BUILDING AT GROUND LEVEL. SQUARE FOOTAGE WAS CALCULATED USING THE OUTMOST BUILDING FOOTPRINT AS MEASURED. BUILDING OVERHANG(S) ARE NOT SHOWN.
- THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY. PROPERTY LINES SHOWN HEREON WERE COMPILED FROM RECORD INFORMATION AND FROM FIELD TIES TO EXISTING BOUNDARY MONUMENTATION. THE LOCATION OF THESE LINES IS SUBJECT TO CHANGE, PENDING THE RESULTS OF A COMPLETE BOUNDARY SURVEY.
- STRUCTURES AND/OR ACCOMPANYING ELEVATIONS SHOWN ON ADJACENT LOTS LOCATED WITHIN 10' OF THE SUBJECT PROPERTY BOUNDARIES ARE APPROXIMATE ONLY AND MAY NOT BE COMPLETE DUE TO RESTRICTED PHYSICAL ACCESS.

CONTACT INFORMATION:

ARCHITECT:
ATIN: MR. ALAN DENNICK
ERIC MILLER ARCHITECTS, INC.
211 HOFFMAN AVENUE
MONTEREY, CA 93942

SITE LOCATION:
SAN CARLOS STREET, 2 NW OF 4TH AVE.
CARMEL-BY-THE-SEA, CA 93921

8/12/22	AL	RELEASED TO CLIENT
DATE	BY	REVISION

TOPOGRAPHIC MAP

THOSE CERTAIN PARCELS DESCRIBED IN DOCUMENT NO. 2016010040 & 2003118883
OFFICIAL RECORDS OF MONTEREY COUNTY
CARMEL-BY-THE-SEA, CALIFORNIA

ERIC MILLER ARCHITECTS

SHEET	1
OF	1 SHEETS

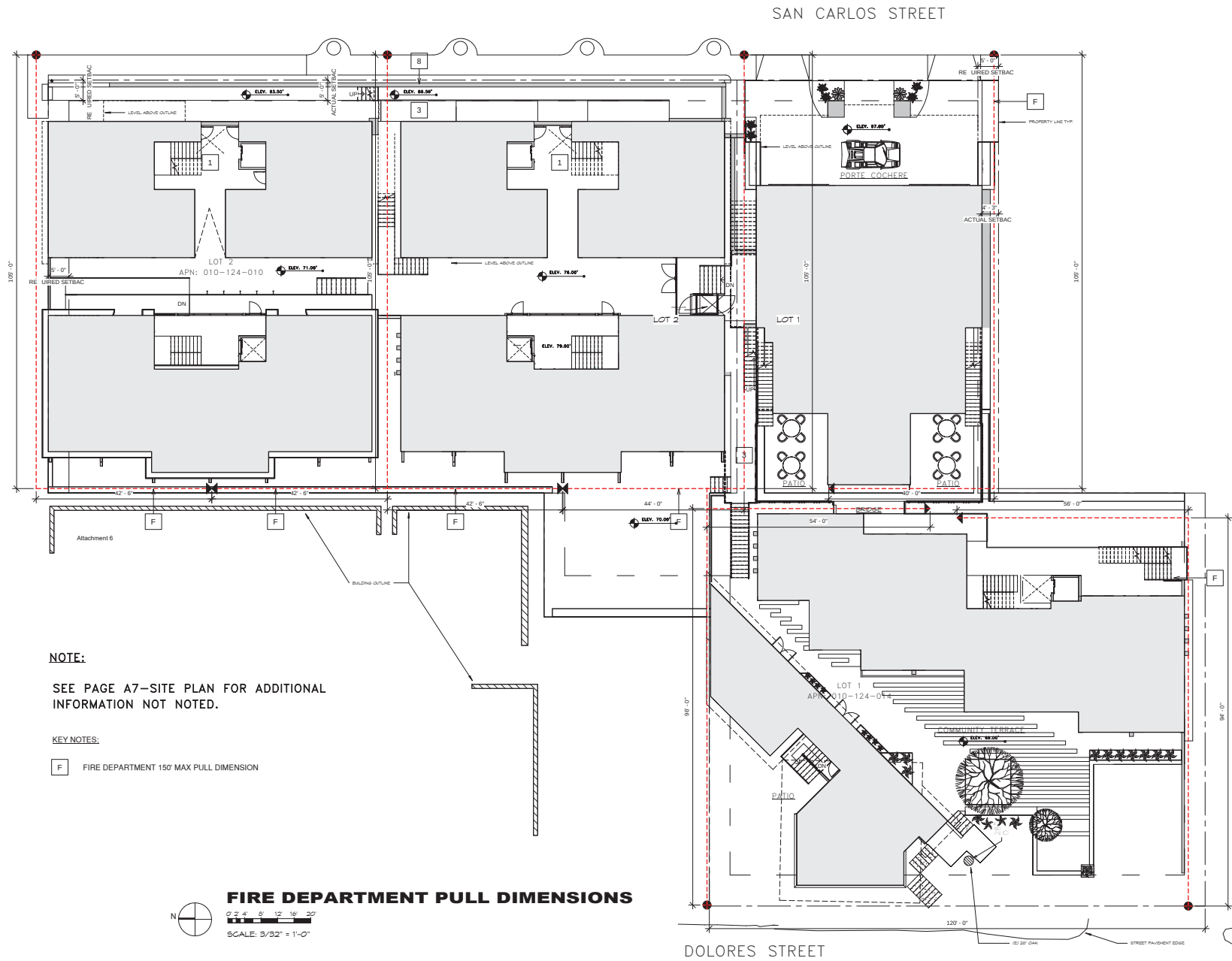
APPROVED BY:

LANDSET ENGINEERS, INC.

5555 Camp Street, Suite 100
Carmel, CA 93944
Tel: (831) 441-5970 Fax: (831) 441-5981
www.landseteng.com

PLS. No. 07703
CITY OF CARMEL

LEGACY HOTEL CARMEL, 211 HOFFMAN AVENUE, MONTEREY, CA 93940. ARCHITECT: ERIC MILLER ARCHITECTS, INC. DATE: 3/5/2024. SCALE: 3/32" = 1'-0". SHEET: A-7FD. PROJECT: LEGACY HOTEL CARMEL. APN: 010-124-010. LEGAL DESCRIPTION: 2ND 4TH AVE. ON SAN CARLOS ST. CARMEL, BY THE SEA. A.P.N. 010-124-010 & 014.



NOTE:
SEE PAGE A7-SITE PLAN FOR ADDITIONAL
INFORMATION NOT NOTED.

KEY NOTES:
F FIRE DEPARTMENT 150' MAX PULL DIMENSION



FIRE DEPARTMENT PULL DIMENSIONS

NO.	REVISION

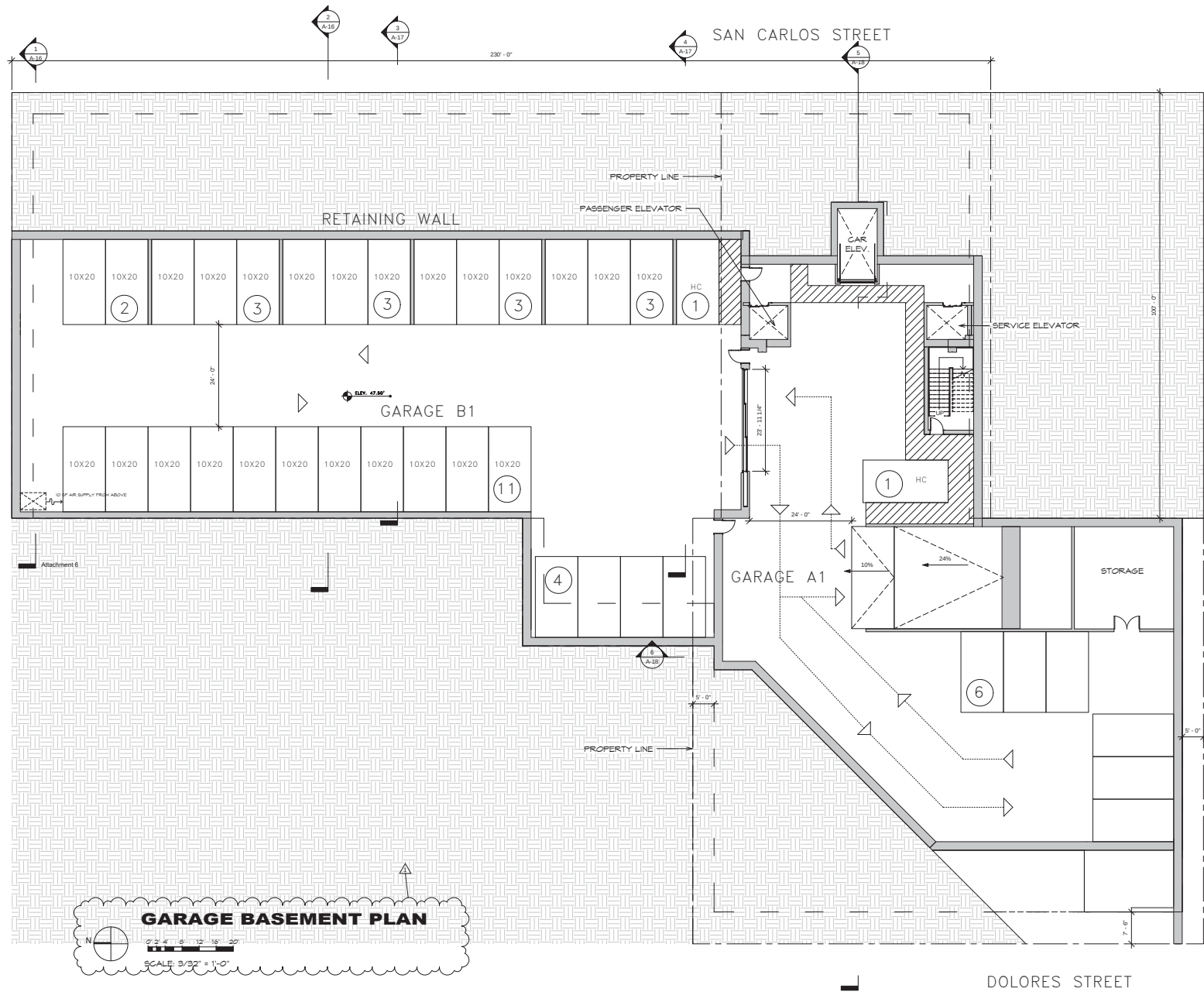
CONSULTANT:	
ARCHITECT: ERIC MILLER ARCHITECTS, INC.	
211 HOFFMAN AVENUE MONTEREY, CA 93940	
PHONE (831) 372-0410 FAX (831) 372-7840 WEB: ericmillerarchitects.com	

FIRE DEPARTMENT PLAN	
DATE:	3/5/2024
SCALE:	3/32" = 1'-0"
DRAWN:	C.S.
COR. NO.	22.14

LEGACY HOTEL CARMEL	
2ND 4TH AVE. ON SAN CARLOS ST.	
CARMEL, BY THE SEA	
A.P.N. 010-124-010 & 014	

A-7FD	
SHEET OF	

LEGACY HOTEL, 211 HOFFMAN AVENUE, MONTEREY, CA 93940. ARCHITECT: ERIC MILLER ARCHITECTS, INC. DATE: 3/5/2024. SCALE: 3/32" = 1'-0". SHEET: A-8 OF 22.14. THIS DRAWING IS THE PROPERTY OF ERIC MILLER ARCHITECTS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ERIC MILLER ARCHITECTS, INC.



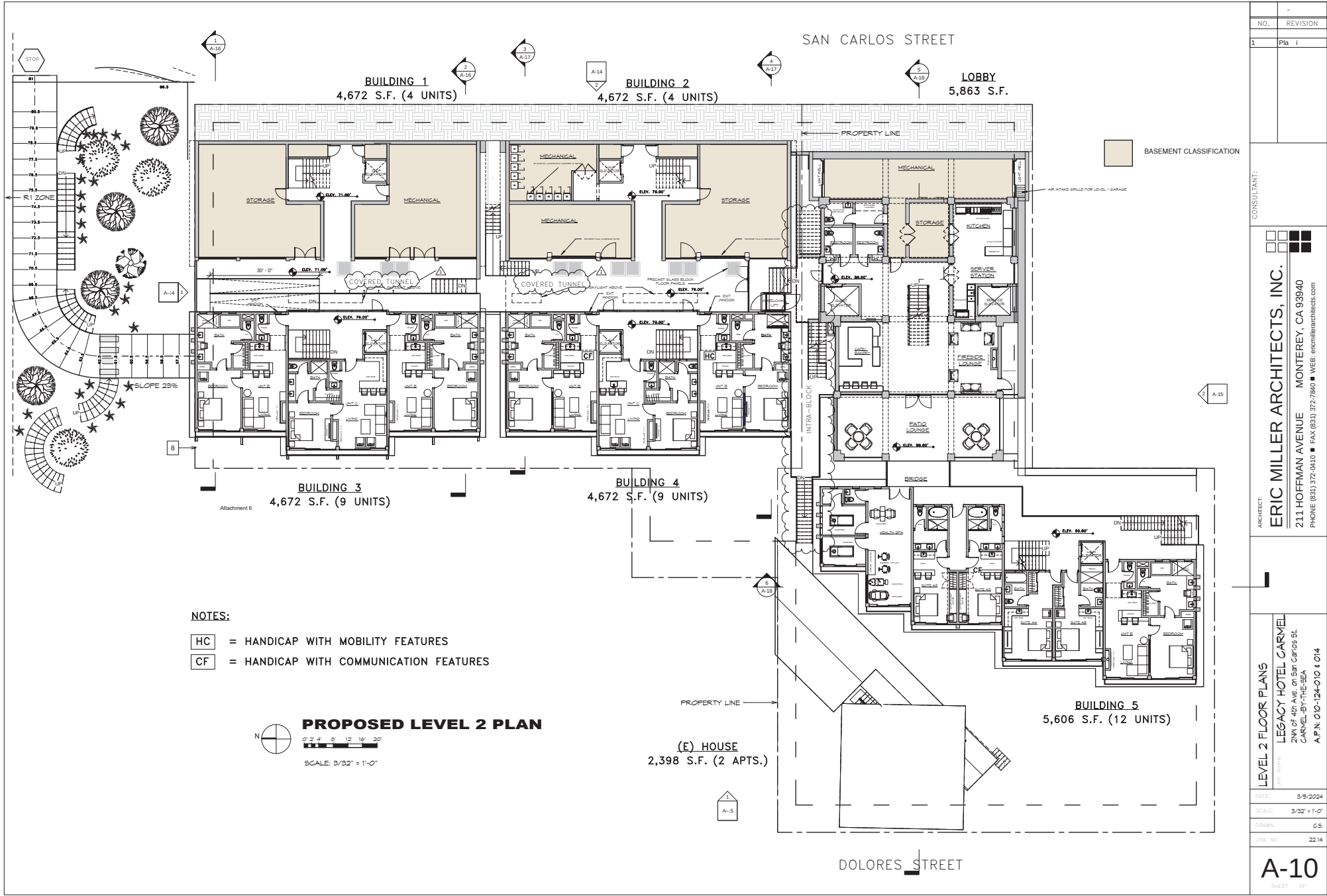
NO.	REVISION
1	Plannin

CONSULTANT:	ARCHITECT:
	ERIC MILLER ARCHITECTS, INC.
	211 HOFFMAN AVENUE MONTEREY, CA 93940
	PHONE (833) 372-0410 ■ FAX (833) 372-7840 ■ WEB: ericmillerarchitects.com

BASEMENT GARAGE PLAN	JOB NUMBER
LEGACY HOTEL CARMEL	211 HOFFMAN AVENUE MONTEREY, CA 93940
	CARMEL, BY THE SEA
	A.P.N. 010-124-010 4 014

DATE:	3/5/2024
SCALE:	3/32" = 1'-0"
DRAWN:	C.S.
JOB NO.	22.14

A-8	SHEET OF
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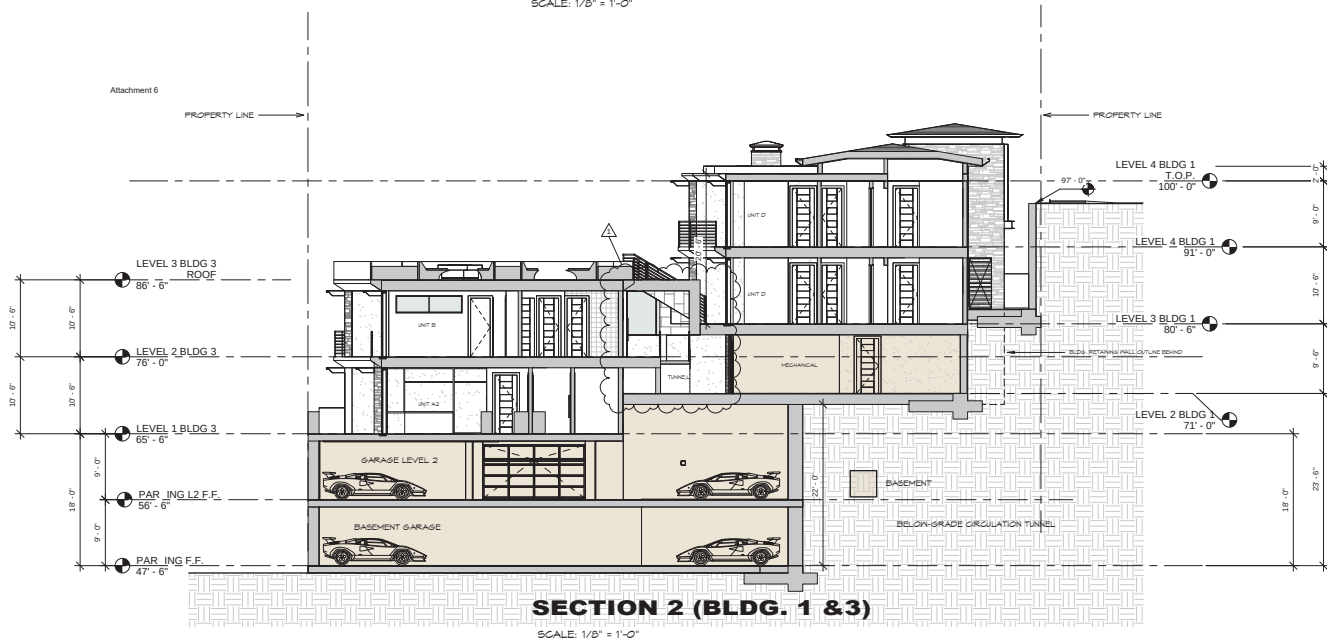
NO.	REVISION
1	Pla 1

CONSULTANT:	ARCHITECT:
	ERIC MILLER ARCHITECTS, INC.
	211 HOFFMAN AVENUE MONTEREY, CA 93940
	PHONE (831) 372-0410 FAX (831) 372-1940 WEB: ericmillarchitects.com

LEVEL 2 FLOOR PLANS	DATE: 3/5/2024
LEGACY HOTEL CARMEL	SCALE: 3/32" = 1'-0"
211 HOFFMAN AVENUE, MONTEREY, CA 93940	DRAWN: C.S.
CARMEL-BY-SEA	COR. NO. 2214
A.P.N. 00-124-010 & 014	

A-10
SHEET OF

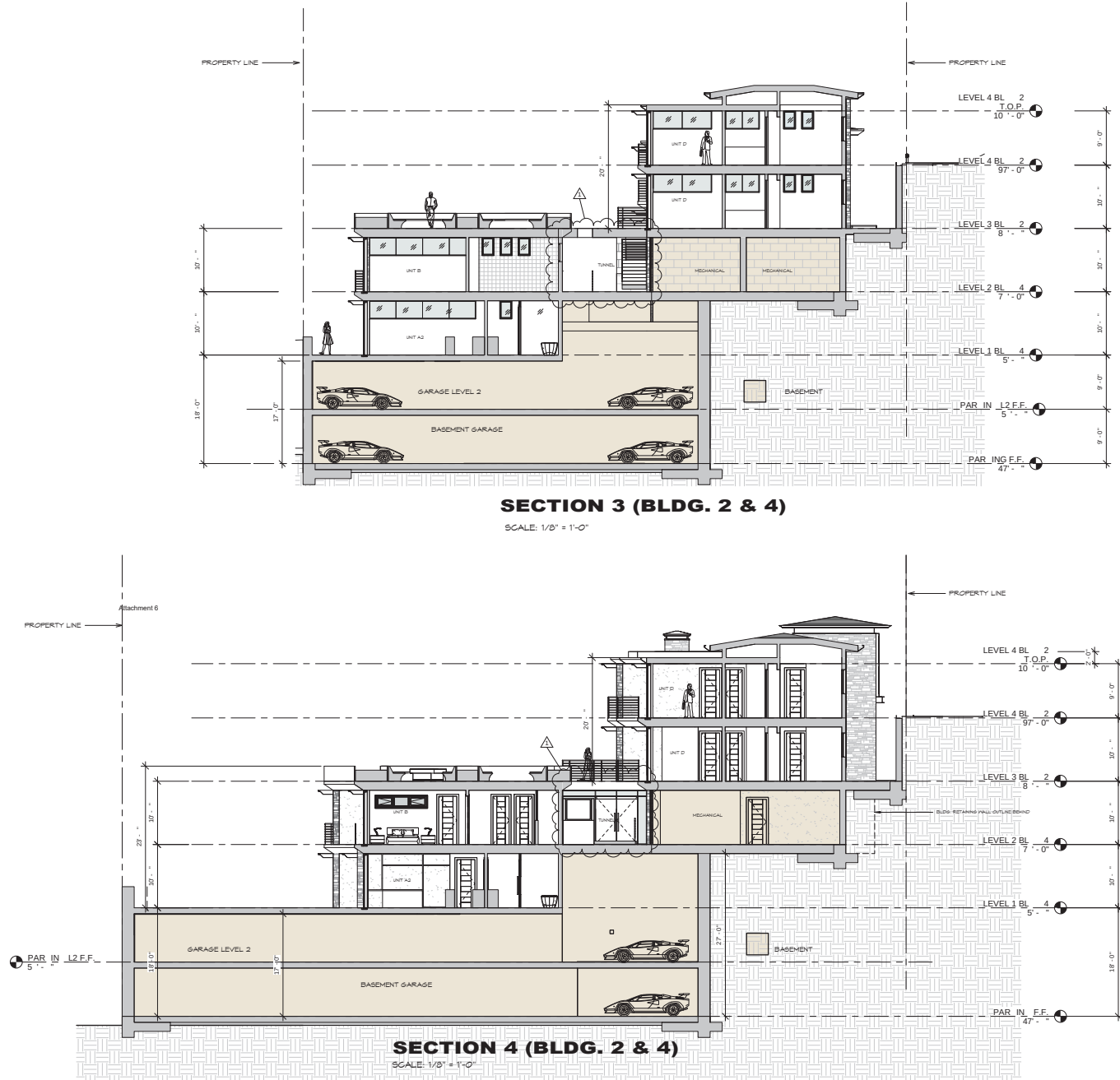




A. No building shall have more than two stories above grade. Additional underground floors, not defined as a story, may be authorized by a use permit approved by the Planning Commission when the use of these floors is expressly limited to the parking of vehicles, noncommercial storage and mechanical equipment serving the building

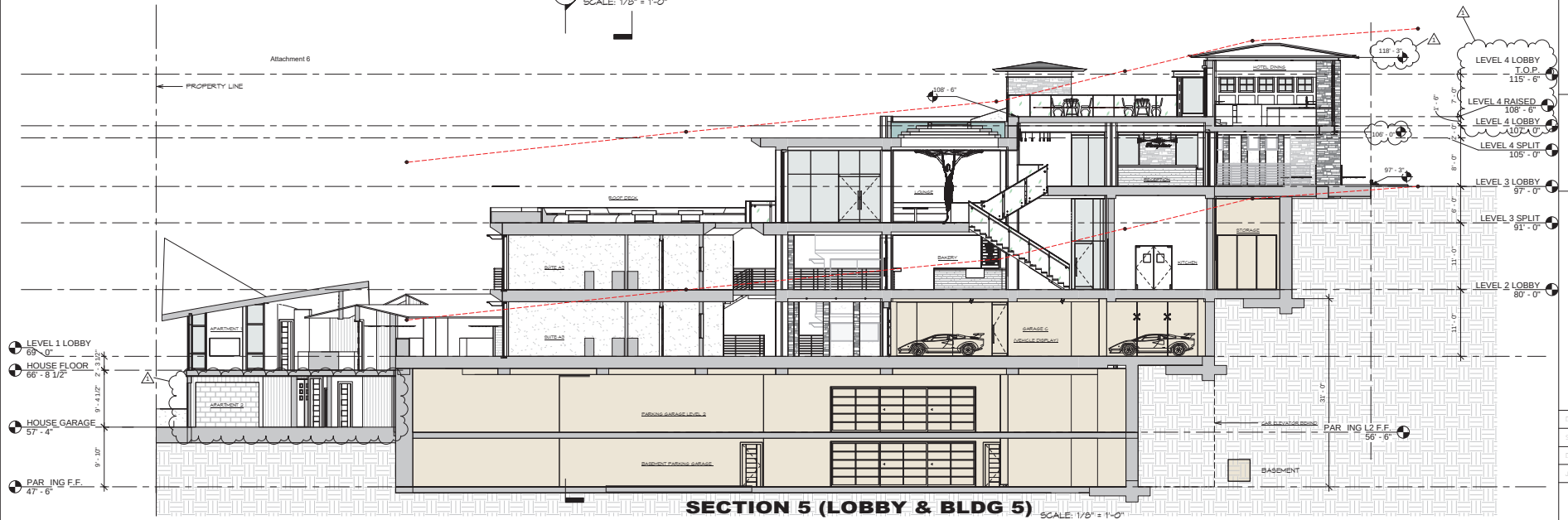
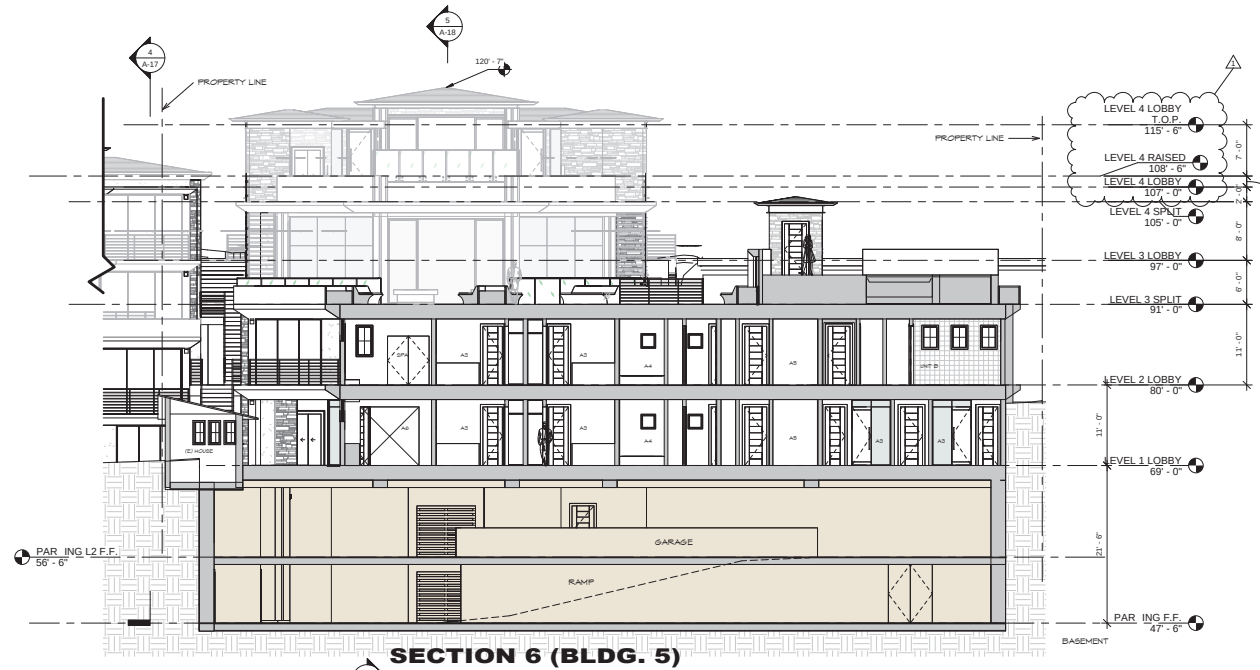
SECTIONS BLDG 1 & 3		LEGACY HOTEL CARMEL	NO.	REVISION
DATE:		3/5/2024	1	Planning
SCALE:		1/8" = 1'-0"		
JOB NO.		2214		
SHEET OF		A-16		
CONSULTANT:		ARCHITECT: ERIC MILLER ARCHITECTS, INC. 211 HOFFMAN AVENUE MONTEREY, CA 93940 PHONE (831) 372-0410 ■ FAX (831) 372-7840 ■ WEB: ericmillerarchitects.com		

LEGACY HOTEL - 211 HOFFMAN AVENUE, MONTEREY, CA 93940. ARCHITECT: ERIC MILLER ARCHITECTS, INC. DATE: 9/5/2024. SCALE: 1/8" = 1'-0". DRAWN: C.S. JOB NO: 2214. SHEET: A-17. THIS DRAWING IS THE PROPERTY OF ERIC MILLER ARCHITECTS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ERIC MILLER ARCHITECTS, INC. ALL RIGHTS ARE RESERVED.



NO.	REVISION
1	Pla 1
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PHONE (833) 372-0410 ■ FAX (833) 372-7840 ■ WEB: ericmillerarchitects.com	
SECTIONS BLDGS 2 & 4	
LEGACY HOTEL CARMEL	
211 HOFFMAN AVENUE, MONTEREY, CA 93940	
CARMEL, BY THE SEA	
A.P.N. 010-124-010 & 014	
DATE:	9/5/2024
SCALE:	1/8" = 1'-0"
DRAWN:	C.S.
JOB NO:	2214
A-17	
SHEET OF	

LEGACY HOTEL CARMEL, 211 HOFFMAN AVENUE, MONTEREY, CA 93940. ARCHITECT: ERIC MILLER ARCHITECTS, INC. DATE: 9/5/2024. SCALE: 1/8" = 1'-0". DRAWN: C.S. JOB NO.: 22.14. SHEET: A-18. SECTION: LOBBY & BLDG 5. PAR. ING L2 F.F. 56'-6". PAR. ING F.F. 47'-6".

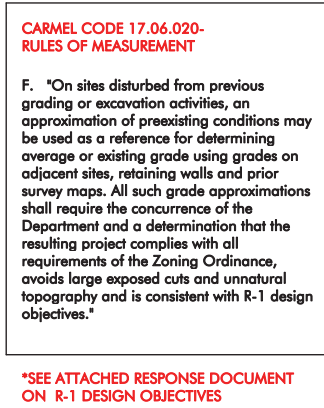


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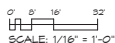
CONSULTANT:	ARCHITECT:
ERIC MILLER ARCHITECTS, INC.	LEGACY HOTEL CARMEL
211 HOFFMAN AVENUE	211 HOFFMAN AVENUE
MONTEREY, CA 93940	MONTEREY, CA 93940
PHONE (833) 372-0410	PHONE (833) 372-0410
FAX (833) 372-7840	FAX (833) 372-7840
WEB: ericmillerarchitects.com	WEB: ericmillerarchitects.com

SECTIONS LOBBY & BLDG 5	DATE: 9/5/2024
LEGACY HOTEL CARMEL	SCALE: 1/8" = 1'-0"
211 HOFFMAN AVENUE	DRAWN: C.S.
MONTEREY, CA 93940	COR. NO.: 22.14
PHONE (833) 372-0410	
FAX (833) 372-7840	
WEB: ericmillerarchitects.com	

A-18
SHEET OF



ADJACENT PREEXISTING GRADE LEGACY HOTEL CARVEL 2ND OF 4TH FLS. ON EAST CARLOS ST. CARVEL BOUTIQUE-SEA A.P.N. 000-124-010 & 014		ARCHITECT: ERIC MILLER ARCHITECTS, INC. 211 HOFFMAN AVENUE MONTEREY, CA 93940 PHONE (833) 372-0410 ■ FAX (833) 372-7840 ■ WEB: ericmillerarchitects.com	CONSULTANT:	
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A-19		SHEET OF		



*SEE ATTACHED RESPONSE DOCUMENT
ON R-1 DESIGN OBJECTIVES

A-19E

The Legacy Hotel
R-1 Design Objectives

A. The Urban Forest. Site improvements and the public right-of-way should be designed to preserve significant trees and to perpetuate the established urban forest in each neighborhood where it exists. Each site should contribute to the urban forest or other vegetation characteristic of the neighborhood, by harboring an appropriate number and mix of trees and/or shrubs consistent with the neighborhood context and the neighborhood streetscape.

The Legacy Hotel not only meets the description and perpetuation of the "Urban Forest", but re-imagines how the vegetation and architecture can be integrated into one; occupying and interacting within the built environment of the hotel.

Each building provides a vegetative Roof Deck that houses a variety of trees and shrubs. Essentially, redefining the ground plane and perpetuating the "Urban Forest" tree canopy above each building. Plantings and greenery can be found within the interblock walkways and circulation corridors between the buildings. Low-profile ground-cover or grasses are even planned to be integrated into the floor slab of the public space closest to Dolores Street.

In addition, forestry recommended trees and plantings will be added along San Carlos Street for improvement to the current streetscape. This will act to give a sense of natural proportion, balance and scale to the San Carlos facade; while providing an environmental, visual boundary to visitors entering the city from Camino Del Monte.

The current site is barren, so every effort has been made to preserve any existing trees and surrounding shrubs.

B. Neighborhood Design. Each site shall contribute to neighborhood character including the type of forest resources present, the character of the street, the response to local topography and the treatment of open space resources such as setbacks and landscaping. It is intended by this objective that diversity in architecture be encouraged while preserving the broader elements of community design that characterize the streetscape within each neighborhood.

The design and aesthetic of the Legacy Hotel is a composition of many celebrated local architectural expressions. Most notably, the hotel, inadvertently, shares many of the characteristics seen in Carmel's most iconic architectural attraction; the Clinton Walker house by Frank Lloyd Wright. The same use of Carmel Stone to clad heavy elements that visually anchor the structure to the landscape. Accompanied by low- sloping, bermuda-style metal hip roofs and windows that are delineated with unique wood-lined borders.

Using timber and locally sourced stone with Craftsman articulation and detail, the architecture builds off of the shoulders of celebrated Carmel, Coastal, and Californian design styles. The massing is broken up into a collection of smaller buildings, with a clear emphasis on holding the street line while cascading down in accordance with the local topography.

In fact, the current site is completely excavated into a 4 story pit. So the Legacy acts to redefine the lost pre-existing natural grade, by stepping down in multiple directions and providing a gradual interpretation of what the hillside once was. Allowing visitors and pedestrians to safely traverse and navigate between blocks; resitching the natural urban fabric.

The neighboring property (The Svendgaard) is pulled away from San Carlos, welcoming visitors to Carmel with a view of a parking lot and motel style swimming pool. We find it important to follow Carmel and European planning strategies, by holding the street edge and essentially funneling the pedestrians towards downtown. Yet, in the same breath, the San Carlos Street buildings maintain a low profile (sometimes with only 1 story visible) and adhere to the height objectives and massing objectives of the village character.

C. Site Design. Good site design is essential to good building design. Site improvements shall be compatible with, and sensitive to, the natural features and built environment of the site and of the surrounding area. Design solutions should relate to and take advantage of site topography, vegetation and slope. Designs shall recognize the limitations of the land and work with these limitations, rather than ignoring them or trying to override them.

See response to Objective B for site design in relation to topography.

The Legacy Hotel takes a unique approach to site and circulation design, which should improve the neighborhood character and move away from the outdated "Motel model" that is hurting the City's character.

Carmel's charm is negatively impacted by hotels/ motels with exposed exterior walkways featuring a wall of hotel room doors visible from the street. The Legacy Hotel site design features a central, outdoor corridor that leads guests to all buildings from the center of the property. This allows the San Carlos Facade to conceal circulation corridors/ hotel room doors/ and stairwells from the eye of the public.

This central artery is essential to the handicap accessibility of all buildings, while allowing the buildings to cascade down in accordance with the topography.

D. Mass and Bulk. Residential designs shall maintain Carmel's enduring principles of modesty and simplicity and preserve the City's tradition of simple homes set amidst a forest landscape. Buildings shall not present excess visual mass or bulk to public view or to adjoining properties. Large box-like buildings and buildings with large, continuous, unrelieved surfaces can appear massive. Designing building and roof planes with just a few, simple forms and keeping floor levels and plate heights close to grade help reduce mass and bulk. The use of natural materials such as wood or stone and the creative use of landscaping can also help to avoid excess mass by introducing texture, variety and screening.

The Legacy weaves a simple composition between Carmel Stone to denote the heavy/ anchoring elements, with a neutral stucco for most walls, and timber framed window sequences, paneling and rafter tails found throughout. The simple massing includes one low horizontal element intersecting with one or two tower-like, vertical elements.

These towers are found in strategic locations throughout the project, with the main tower signaling the entrance to the Lobby. Due to the restricting height limitations, these "special features" allow the buildings to maintain a proper scale and street presence, without exceeding a height protrusion percentage of 10%. Without these towers, the buildings would have a disconnected relationship with the human scale on San Carlos Street. This is due to having to sink the building so far down below the street, that pedestrians are sometimes met with a view of the roof. The towers help to regain an ordinary street height, scale and proportion.

There are no long stretches of simultaneous surface. The building surface jogs and bumps to a minimum degree, often accompanied by a material change from stone to stucco. The natural and neutral color palette of browns, beiges and wood grain work to blend architecture into the Urban Forest and surrounding context.

E. Scale. Buildings shall relate to a human scale in their forms, elements and in the detailing of doors, windows, roofs and walkways. Oversized design elements make structures appear dominating and monumental. This out-of-scale character represents a poor fit to the human form, violates the more intimate, rural charm and village character of Carmel-by-the-Sea and shall be avoided.

As stated in the previous objective, our building has adapted and responded to the unnatural topographic challenges and pre-existing excavated pit. The buildings cascade down the hill, re-establishing the pre-existing slope of the hillside.

The proposed buildings decrease the scale and dominating behavior of the previous hotel. The existing hotel towers above the neighborhood as a 4 story wall of hotel units. The Legacy structures, in contrast, are broken up and dropped down into the hillside to meet Carmel's objective on scale.

The Lobby Building, purposely, represents the uppermost point of the aggregation of buildings throughout the site. This allows the architecture to delineate its function as the gateway and central node of the aggregation of buildings. Yet, even this building retains at 26 foot height from the finish grade of San Carlos Street. The Lobby also steps down to split levels in accordance with the sloping topography; only allowing special features (towers) to extend up vertically as architectural statements. These provide a vertical rhythm, and break up the horizontal attributes of the structure.

F. Boxed-in Neighbors. Designs should preserve reasonable access to light, air and open space for surrounding properties when considered cumulatively with other buildings in the neighborhood. Designs incorporating tall or bulky building elements located near an adjoining site that is already partially boxed-in by previous development should be avoided.

The Legacy Hotel preserves reasonable access to light, air and open space for surrounding properties. Even allowing the public to pass through the outdoor open spaces and intra-block walkways that connect the surrounding streets. The hotel steps down in terraced increments, which allow sunlight from the East to reach the properties below on Dolores. Southern sunlight exposure is unobstructed to all neighboring properties.

G. Privacy. Designs should respect the privacy of neighbors. The placement of windows, doors, balconies and decks should be sensitive to similar improvements on neighboring properties.

The design respects the privacy of neighbors. The hotel rooms orient main openings/ sliding glass doors to the West, overlooking the privately owned Legacy Hotel property towards the sea. There are no privacy conflicts with any neighboring properties along Dolores, as they exist on a lower grade level than the hotel. This is illustrated on the North Elevation (Sheet A-14).

H. Open Space. The design of structures shall be coordinated with open space to enhance the park-like environment of the City. Open space should be distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites. Open space is a shared community resource and some front yard open space on each site should remain visible from the street when this is consistent with the context established by neighboring sites.

Interconnected pathways, intra-block walkways, and the arterial central corridor all act to provide visual separation and circulation connections between all the buildings.

Building 5, closest to Dolores, features a landscaped community terrace. This allows the building to be set back from the neighborhood, with the outdoor terrace leading to the street edge. Therefore, the Hofsas House Residence is the only building with a direct contextual relationship to the Dolores Street neighborhood. Each building features an open Roof Deck, which allows each building footprint usage to be enhanced with both interior and outdoor space.

I. Landscaping. Designs should coordinate structural elements with landscaping to achieve a pleasing overall site design. Landscaped open space on-site can help enhance the urban forest, or other vegetation characteristic of the neighborhood, by coordinating with open space on neighboring sites and roadside vegetation. Landscaping also can aid in achieving other design objectives such as breaking up mass and bulk and protecting privacy, but such use of landscaping should not substitute for good building design.

Please refer to the answer to Objective A.

J. Public Views. Buildings shall be located and designed to preserve significant coastal views from the public right-of-way in conformance with Section 30251 of the California Coastal Act. The protection of public views should not prevent reasonable development of the site, yet development shall not preclude reasonable protection of any significant coastal view. The proposed hotel does not increase obstruction of any current views. The proposed hotel is positioned lower than the current hotel in relation to all surrounding properties with views.

The proposed hotel does not increase obstruction of any current views. The proposed hotel is positioned lower than the current hotel in relation to all surrounding properties with views.

K. Private Views. Designs should respect views enjoyed by neighboring parcels. This objective is intended to balance the private rights to views from all parcels that will be affected by a proposed building or addition. No single parcel should enjoy a greater right than other parcels except the natural advantages of each site's topography. Buildings which substantially eliminate an existing significant view enjoyed on another parcel should be avoided.

The proposed hotel does not increase obstruction of any current views. The proposed hotel is positioned lower than the current hotel in relation to all surrounding properties with views.

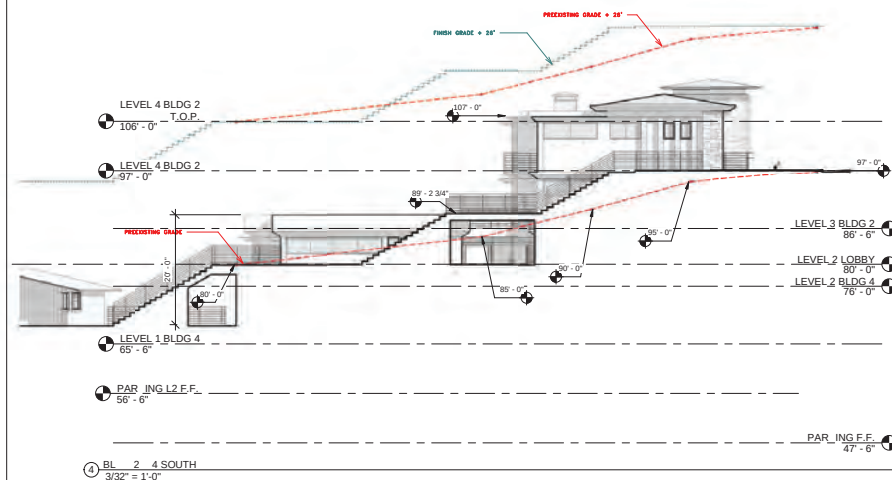
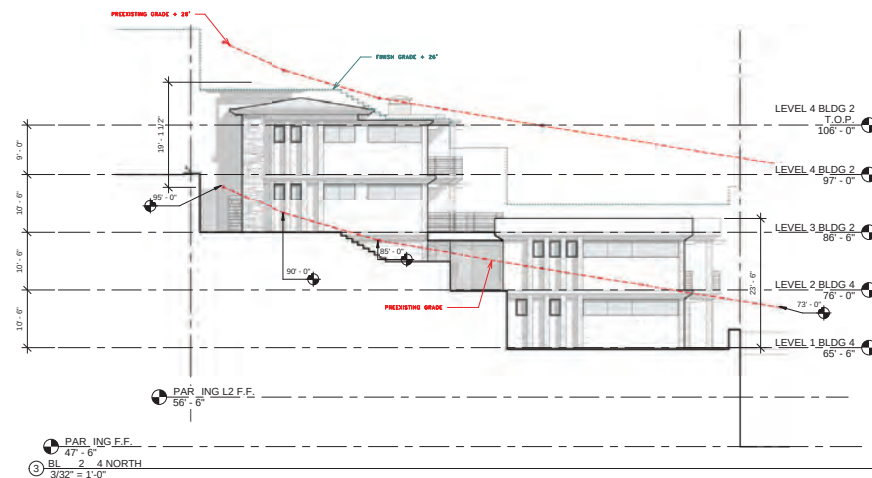
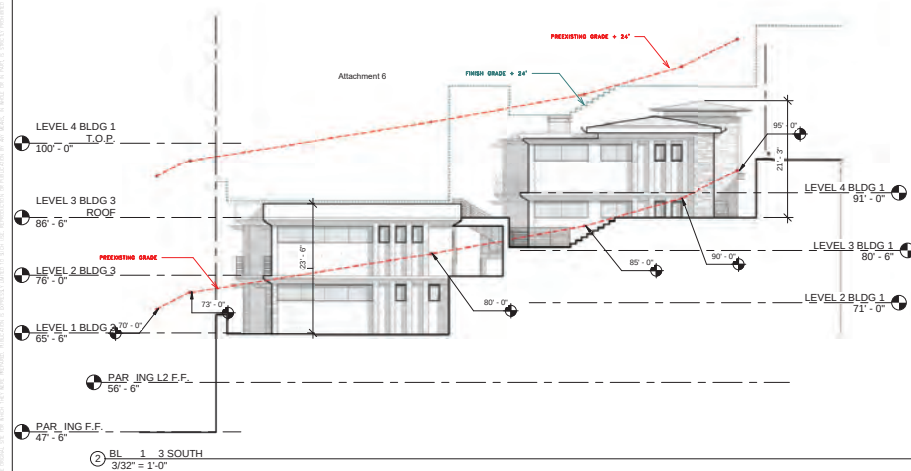
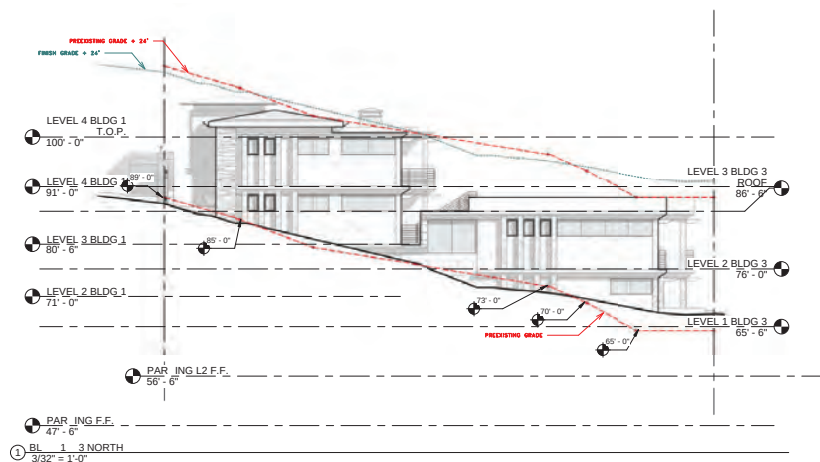
L. Solar Access. Designs should preserve the rights to reasonable solar access on neighboring parcels. Excessively tall buildings, particularly those near a north property line, which would block the free passage of the sun onto neighboring solar collectors or south-facing windows on neighboring sites, should be avoided.

Please refer to the answer to Objective F.

M. Equity. Design controls and conditions of approval should be reasonable and fair. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

The design aims to adhere to all reasonable and rational interpretations of the code and approval processes.

NO.	REVISION	
CONSULTANT:		
ARCHITECT:	ERIC MILLER ARCHITECTS, INC.	
211 HOFFMAN AVENUE MONTEREY, CA 93940		
PHONE (831) 372-0410 ■ FAX (831) 372-7840 ■ WEB: ericmilleraarchitects.com		
R-1 OBJECTIVES	LEGACY HOTEL CARMEL	
DATE:	3/9/2024	
SCALE:	1/4" = 1'-0"	
DRAWN:	C.S.	
JOB NO.	22.14	
A-19C		
SHEET OF		



NOTES: SEE PAGE A-7 FOR VIEW MARK LOCATIONS
SEE PAGE A-19B FOR COORDINATED PERIMETER GRADE POINTS

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NO.	REVISION

CONSULTANT:

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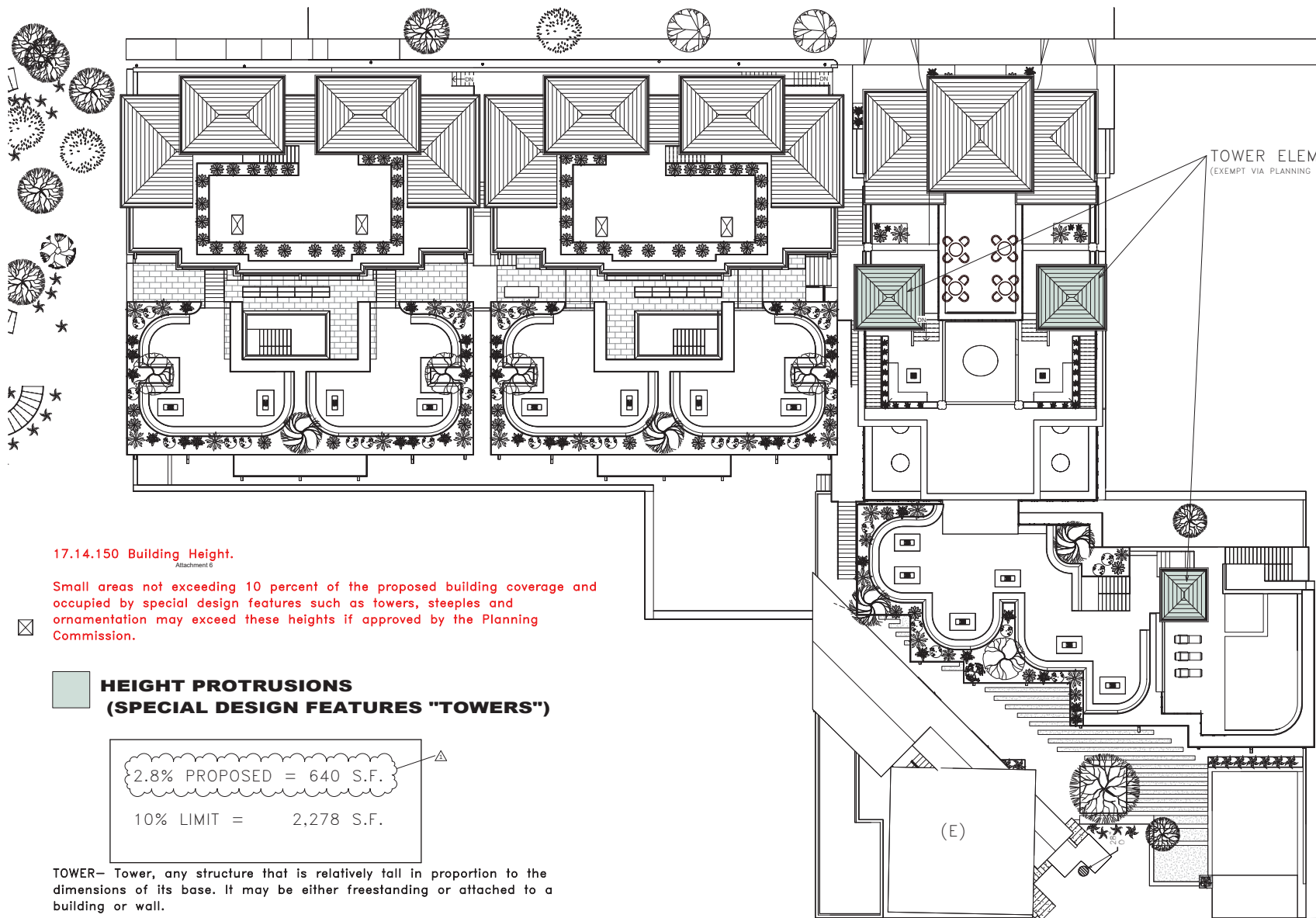
ARCHITECT:
ERIC MILLER ARCHITECTS, INC.
21211 HOFFMAN AVENUE MONTEREY, CA 93940
PHONE (831) 372-0410 ■ FAX (831) 372-7940 ■ WEB: ericmillerarchitects.com

PREEXISTING GRADE HEIGHTS
LEGACY HOTEL CARMEL
2N4 of 4th Ave. on San Carlos St.
CARMEL-BY-THE-SEA
APN: 010-124-010 & 014

DATE:	3/5/202
SCALE:	3/32" = 1'-0"
DRAWN	CS
JOB NO.	221

A-20

SHEET OF



17.14.150 Building Height.

Attachment 6

Small areas not exceeding 10 percent of the proposed building coverage and occupied by special design features such as towers, steeples and ornamentation may exceed these heights if approved by the Planning Commission.



HEIGHT PROTRUSIONS (SPECIAL DESIGN FEATURES "TOWERS")

2.8% PROPOSED = 640 S.F.

10% LIMIT = 2,278 S.F.

TOWER— Tower, any structure that is relatively tall in proportion to the dimensions of its base. It may be either freestanding or attached to a building or wall.

—ENCYCLOPEDIA BRITANNICA

—a tall, narrow building, either freestanding or forming part of a building...

—OXFORD LANGUAGES

Site Copy 1
3/32" = 1'-0"

NO.	REVISION
1	Planin

CONSULTANT:



ARCHITECT: **ERIC MILLER ARCHITECTS, INC.**
211 HOFFMAN AVENUE MONTEREY, CA 93940
PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: ericmillerarchitects.com

TEN PERCENT SPECIAL
FEATURE: LEGACY HOTEL CARMEL
200 OF 4TH AVE. ON SAN CARLOS ST.
CARMEL, BY THE SEA
A.P.N. 00-124-010 & 014

DATE: 3/5/2024
SCALE: 3/32" = 1'-0"
DRAWN: C.S.
JOB NO: 2214

A-22
SHEET OF



EXISTING HOTEL OVERLAY



SAN CARLOS FACING SOUTHWEST

Attachment 6



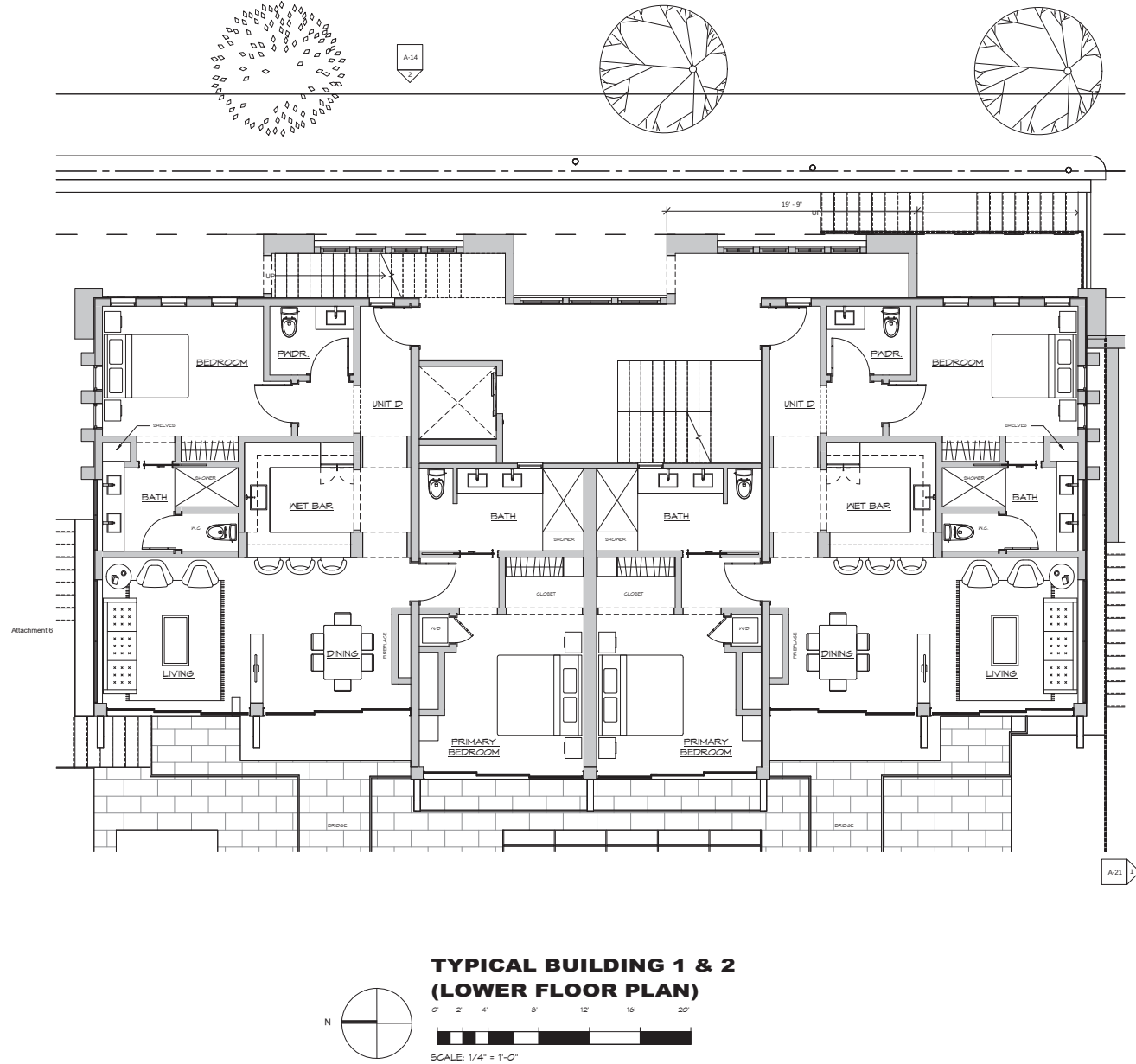
SAN CARLOS



NORTH ELEVATION OVERLAY

NO.		REVISION	
CONSULTANT:			
ARCHITECT:			
ERIC MILLER ARCHITECTS, INC.			
211 HOFFMAN AVENUE MONTEREY, CA 93940			
PHONE (831) 372-0010 ■ FAX (831) 372-7840 ■ WEB: ericmillerarchitects.com			
☐	☐	☐	☐
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EXISTING HOTEL MASS			
OVERLAY LEGACY HOTEL CARMEL			
2ND OF 4TH AVE. ON SAN CARLOS ST.			
CARMEL, BY THE SEA			
A.P.N. 010-124-010 & 014			
DATE:	9/5/2024		
SCALE:	1" = 1'-0"		
DRAWN:	C.S.		
JOB NO.	2214		
A-23			
SHEET OF			

1/20/2024 1:24:44 PM C:\Users\erica\OneDrive\Documents\Legacy Hotel Carmel\Legacy Hotel Carmel.dwg
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CONSULTANT:	ARCHITECT:
ERIC MILLER ARCHITECTS, INC.	ERIC MILLER ARCHITECTS, INC.
211 HOFFMAN AVENUE MONTEREY, CA 93940 PHONE (833) 372-0010 ■ FAX (833) 372-7840 ■ WEB: ericmillerarchitects.com	LEGACY HOTEL CARMEL 2ND OF 4TH AVE. ON SAN CARLOS ST. CARMEL-BY-THE-SEA A # N. 00-124-010 & 014

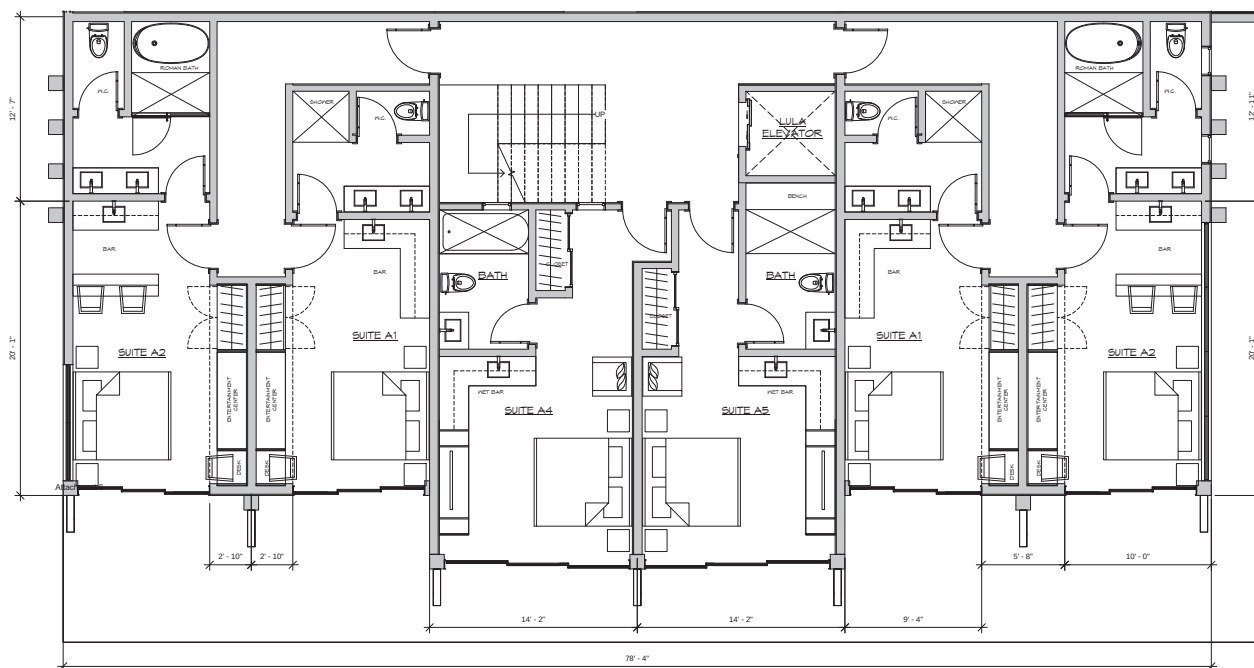
DATE:	9/5/2024
SCALE:	1/4" = 1'-0"
DRAWN:	C.S.
APP. NO.	2214

A-24	SHEET OF
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This architectural floor plan illustrates a symmetrical four-unit residential building. The layout is divided into two identical halves by a central vertical corridor. Each half contains two units, each with a living area, dining area, kitchen, bathroom, and bedroom. The central corridor includes a staircase with 'UP' and 'DN' directions. Dimensions of 19'-9" are shown at the top. The plan is labeled 'FLOOR PLAN' and 'SECTION'.

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

A-25



TYPICAL BUILDING 3 & 4 (LOWER LEVEL FLOOR PLAN)



0' 2' 4' 8' 12' 16' 20'

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

ENLARGED BLDG # 4 LOWER					
LEGACY HOTEL CARVEL 200 W. 4TH AVE. ON SW CORNER ST. CARVEL-BY-THE-SEA A.P.N.: 00-04-010-1014					
DATE:	9/5/2002				
SCALE:	1/4" = 1'-0"				
DRAWN BY:	CJ				
JOB NO.	221				
A-26					
SHEET OF					



A-27	ENLARGED BLDG 3 & 4 UPPER	DATE: 9/5/2022	SCALE: 1/4" = 1'-0"	SHEET NO.: 22	LEGACY HOTEL CARMEL 20N of 4th AVE. ON SAN CARLOS ST. CARMEL-BY-THE-SEA A.P.N.: 00-024-010 & 014	ARCHITECT: ERIC MILLER ARCHITECTS, INC. 211 HOFFMAN AVENUE MONTEREY, CA 93940 PHONE (831) 372-0610 ■ FAX (831) 372-7840 ■ WEB: ericmillerarchitects.com	CONSULTANT:			NO.	REVISION

LEGACY HOTEL CARMEL - 3500 Highway 1, Carmel, CA 93921 - Project No. 2020-001 - Architect: Eric Miller Architects, Inc. - 211 Hoffman Avenue, Monterey, CA 93940 - Phone: (831) 372-7840 - Fax: (831) 372-7840 - Website: ericmillerarchitects.com



METAL RAILING- BRONZE FINISH



GLASS RAILING WITH STAND-OFF PINS

10 RAILING



STEEL BEAM- WITH BRONZE/ GUNMETAL FINISH



Attachment 6

FASCIA- BRONZE/ GUNMETAL FINISH

11 EXPOSED BEAMS/ FASCIA



OAK RAFTER TAIL TYPE DETAILING

12 RAFTER TAIL



WOOD-GRAIN SLAT SOFFIT

7 SOFFIT



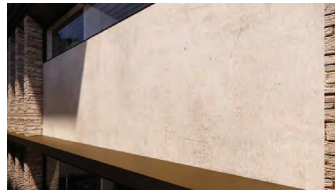
METAL FRAMED, MULTIPLE SLIDING DOORS WITH BRONZE FINISH

8 SLIDING DOORS



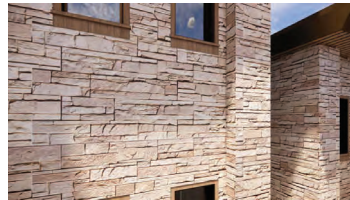
METAL BERMDIA STYLE ROOFING- BRONZE FINISH

9 ROOF



SMOOTH STUCCO- "MESA ARROYO" OR "NATIVE BROWN" ANTIQUE STAIN FINISH

4 STUCCO



CARMEL STONE OR JERUSALEM STONE VENEER

5 STONE



METAL GUTTER- BRONZE FINISH



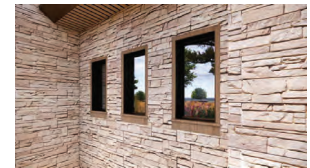
METAL SLAB EDGE- BRONZE FINISH

6 SLAB EDGE / GUTTERS



METAL FRAME AUTOMATIC SLIDING DOOR WITH BRONZE FINISH

1 FRONT ENTRY DOOR



TRADITIONAL WOOD FRAMED WINDOWS



METAL FRAMED WINDOWS WITH BRONZE FINISH

2 FRAMED GLASS/ WINDOWS



PATIO PAVERS (CREAM COLORED)

3 DRIVEWAY / PATIO

NO.	REVISION

CONSULTANT:



ARCHITECT:
ERIC MILLER ARCHITECTS, INC.
211 HOFFMAN AVENUE
MONTEREY, CA 93940
PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: ericmillerarchitects.com

MATERIAL BOARD

LEGACY HOTEL CARMEL
211 HOFFMAN AVENUE
MONTEREY, CA 93940
A.P. N. 010-124-010 / 014

DATE: 3/5/2024
SCALE:
DRAWN: C.S.
JOB NO.: 2214

A-28
SHEET OF



Memorandum

Date: November 27, 2023
To: Anna Bornstein, EMC Planning Group
From: Robert Del Rio, T.E., Luis Descanzo
Subject: VMT and Parking Assessment for the Proposed Legacy Hotel Carmel in Carmel-by-the-Sea, California

Hexagon Transportation Consultants, Inc. has completed a Vehicle Miles Traveled (VMT) and Parking assessment for the proposed Legacy Hotel Carmel located at 2NW of 4th Avenue on San Carlos Street (APN 010-124-010, -014) in Carmel-by-the-Sea, California (see Figure 1). The site is currently occupied by the Hofsas House Hotel, which consists of 38 hotel rooms and on-site amenities. As proposed, the project would replace the existing on-site uses with a new hotel consisting of 38 hotel rooms and on-site amenities (see Figure 2). All on-site facilities, including the restaurant and parking garage, would be accessible to hotel guests only.

The methodology, results, and recommendations of the analysis are discussed below.

VMT Assessment Methodology and Results

Pursuant to Senate Bill (SB) 743, the California Environmental Quality Act (CEQA) 2019 Update Guidelines Section 15064.3, subdivision (b) states that VMT will be the metric in analyzing transportation impacts for land use projects for CEQA purposes. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle-trips with one end within the project.

Monterey County, at the time of this report, is undertaking a process of updating its transportation policies to incorporate VMT methodologies and significance thresholds to be consistent with SB 743 but has not released draft thresholds. In the absence of an adopted County policy with impact standards and thresholds, this assessment relies on the Governor's Office of Planning and Research (OPR) guidelines in analyzing the project's effects on VMT.

OPR Screening Recommendations

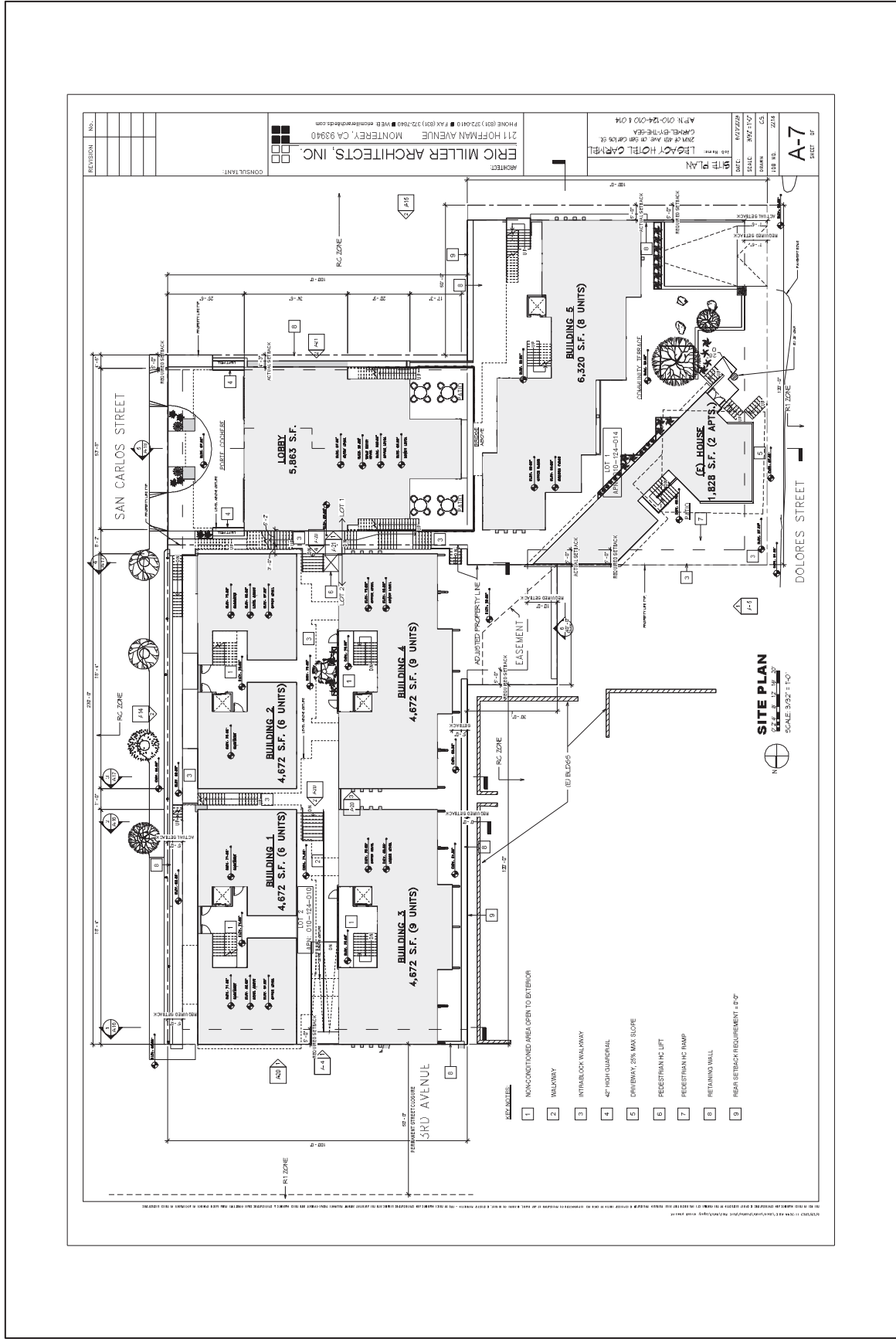
The *Technical Advisory on Evaluating Transportation Impacts in CEQA* published by OPR in December 2018 provides recommendations regarding VMT evaluation methodology, significance thresholds, and screening thresholds for the evaluation of land use projects.

The OPR provides screening threshold recommendations that are intended to identify when a project can be determined to cause a less-than-significant impact without conducting a detailed VMT evaluation. The OPR screening thresholds recommendations are based on project size, maps, transit availability, and provision of affordable housing. The OPR recommendations include the screening threshold criteria listed below:

Figure 1
Site Location



Figure 2
Site Plan



- OPR recommends that office or residential projects not exceeding a level of 15 percent below existing VMT per capita and employee may indicate a less-than-significant impact on VMT.
- OPR recommends that projects (including office, residential, retail, and mixed-use developments) proposed within ½ mile of an existing major transit stop or within ¼ mile of an existing stop along a high-quality transit corridor may be presumed to have a less-than-significant impact on VMT.
- OPR recommends that 100 percent affordable residential development in infill locations be presumed to have a less-than-significant impact on VMT.
- OPR recommends that projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant impact on VMT.
- OPR recommends that local-serving retail developments (considered to be less than 50,000 s.f. in size) may be assumed to cause a less-than-significant impact on VMT.

VMT Assessment Using OPR Screening Criteria

The project would replace an existing hotel facility consisting of 38 rooms and on-site amenities with a proposed hotel facility consisting of 38 rooms and on-site amenities. The proposed hotel would presumably accommodate the same number of guests as the existing hotel. Therefore, it is anticipated that the proposed hotel project would generate no more than the number of vehicle trips currently generated by the existing Hofsas House Hotel.

As a result of the project generating or attracting fewer than 110 net new trips per day, it can be presumed that the proposed project would have a less-than-significant impact on VMT based on OPR's VMT screening criteria.

Vehicle Trip Reductions

The proposed hotel would provide an electric bus and limousine service that would shuttle guests to and from local destinations. Guests may opt to utilize the bus service, instead of driving to and from local attractions. Shuttle services to and from Monterey airport would allow guests arriving by airplane to complete their trip without renting a personal vehicle altogether. These services are currently not offered at the existing hotel. Additionally, the proposed hotel would provide a wider range of on-site amenities compared to the existing hotel, including a new restaurant, coffee house and spa. Providing these amenities on-site will reduce the need for guests to make trips outside of hotel grounds.

By providing alternative transportation options and on-site amenities, the proposed hotel can be expected to reduce guest usage of personal vehicles and reduce the current number of daily trips.

Parking

According to the City Zoning Regulations (17.38.020), hotels are required to provide on-site vehicular parking at a rate of 1 space per rental unit, including manager's units.

Therefore, the proposed 38-room hotel with 2 apartment units would require a total of 40 vehicular parking spaces. Per the site plan, the project proposes a total of 50 on-site (valet) parking spaces. Therefore, vehicle parking as proposed by the project will exceed City vehicle parking standards.

Parking Demand

The ITE *Parking Generation, 5th Edition* provides estimates of peak period parking demand based on land-use type. For a Hotel use (Land Use 310), the peak parking demand occurs at approximately 9:00

AM during weekdays and approximately 9:00 PM during Saturdays. A parking occupancy survey was conducted at the Hofsas House Hotel during these hours to determine the existing parking demand at the site. The survey involved counting the number of vehicles parked on-site during the identified peak periods. The results of the survey indicate there is a sufficient parking supply on-site during peak periods. Out of 28 parking stalls on-site, only 15 stalls were occupied during the weekday peak period and only 20 stalls were occupied during the Saturday peak period. Therefore, it can be concluded that the existing hotel parking demand is being met by the existing parking supply on-site during the study peak periods.

The proposed hotel does not propose to increase the number of hotel rooms when compared to the existing hotel. Additionally, the proposed on-site amenities such as the restaurant, day spa, and beauty salon would be accessible to hotel guests only and would not generate additional parking demand. Therefore, the projected parking demand is anticipated to be similar to that of the existing hotel. Based on the results of the parking survey, the proposed new hotel's proposed 50 parking spaces would exceed the projected parking demand. Moreover, it is unlikely that guests will utilize street parking along roadways surrounding the project site, given that there would be residual parking capacity on-site.

Conclusions

- The proposed project would not generate additional vehicle trips compared to existing conditions. As a result of the project generating or attracting fewer than 110 net new trips per day, it can be presumed that the proposed project would have a less-than-significant impact on VMT based on OPR's VMT screening criteria.
- The proposed project would provide alternative transportation options and on-site amenities not currently offered at the existing Hofsas House Hotel. Therefore, it can be concluded that the proposed hotel project may generate fewer vehicle trips than the existing hotel.
- Based on the results of the parking survey, the proposed new hotel's proposed 50 parking spaces would exceed the projected parking demand.



HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

Date: November 27, 2023
To: Anna Bornstein, EMC Planning Group
From: Robert Del Rio, T.E., Luis Descanzo
Subject: VMT and Parking Assessment for the Proposed Legacy Hotel Carmel in Carmel-by-the-Sea, California

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Figure 1
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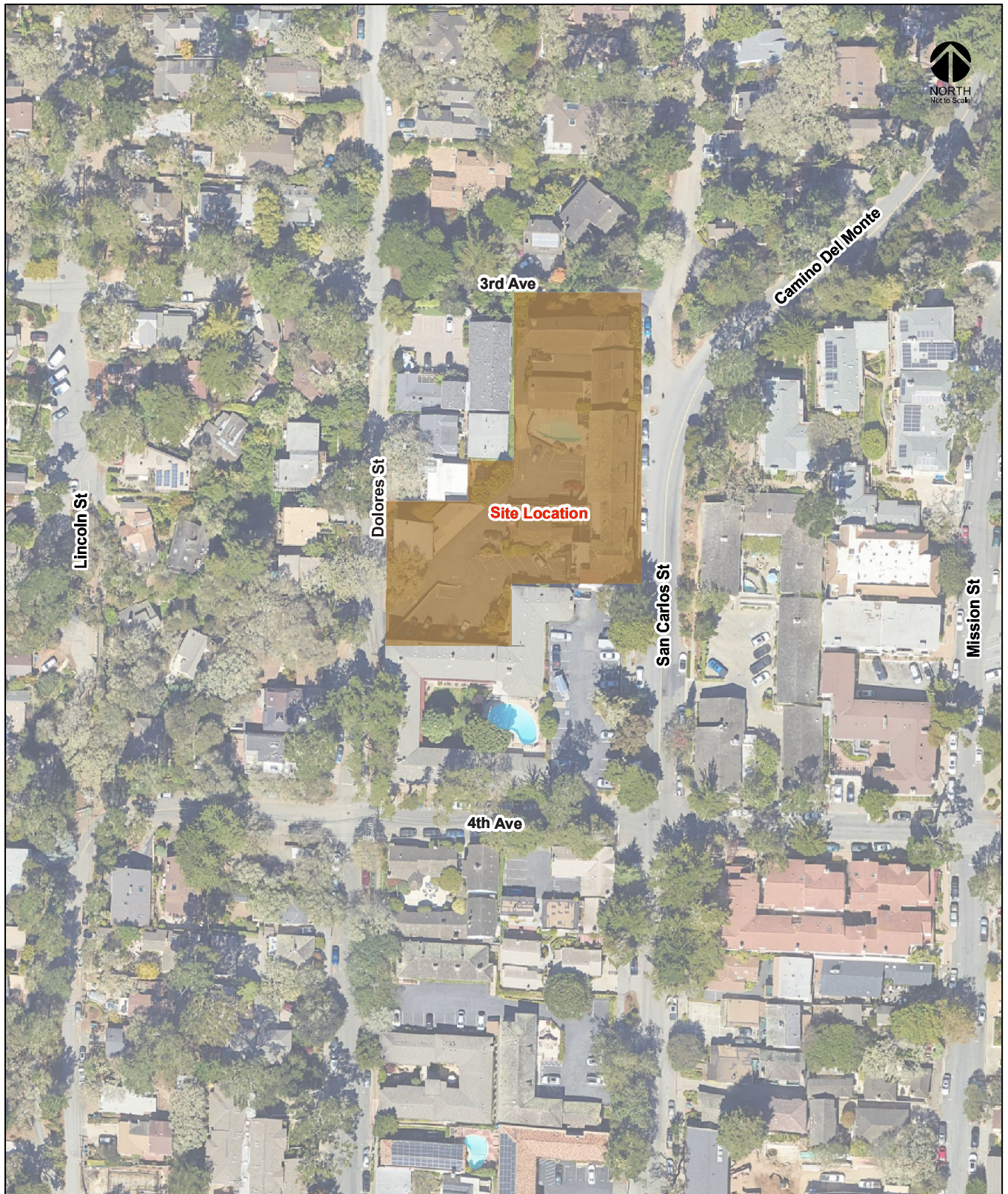
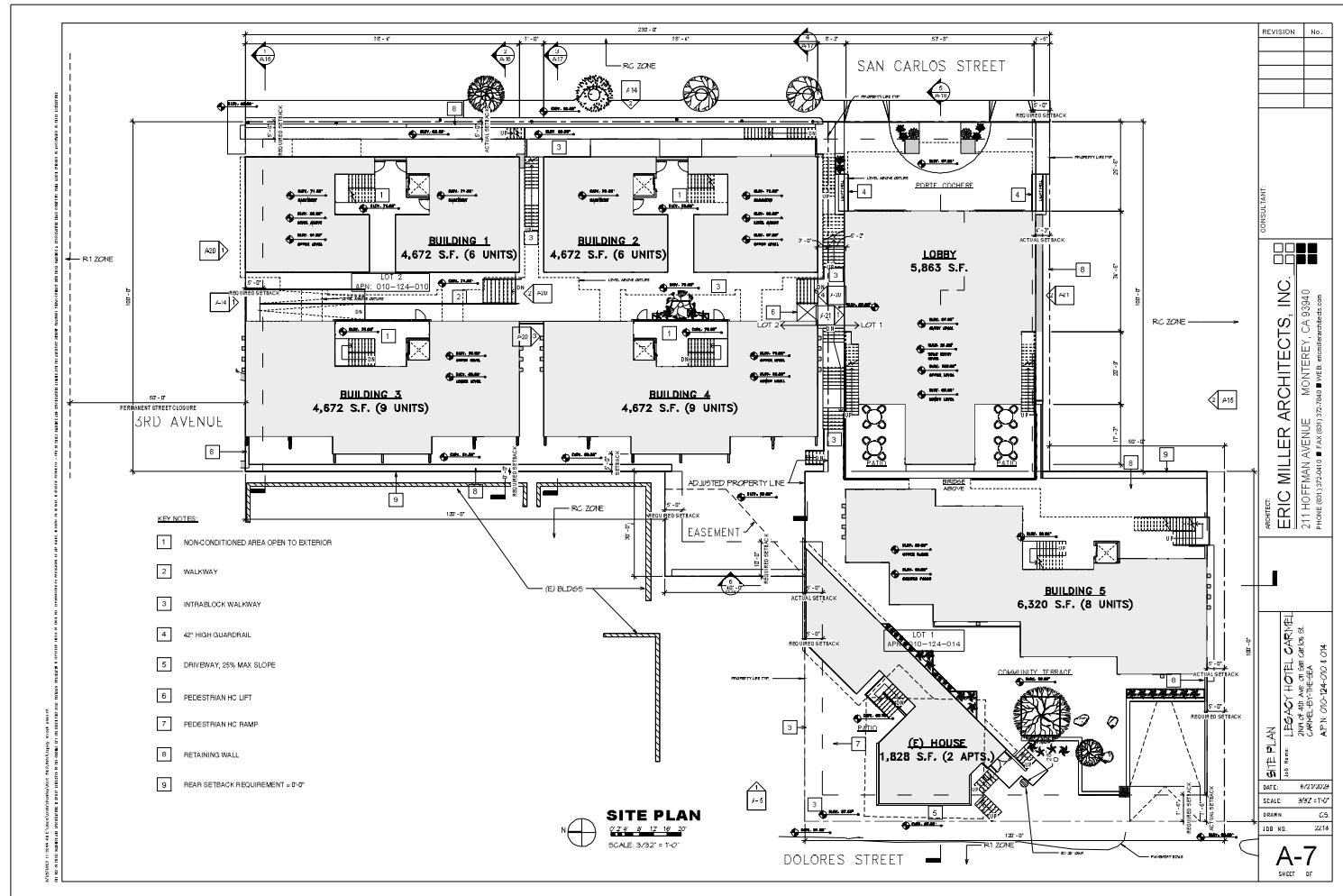


Figure 2
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- Based on the results of the parking survey, the proposed new hotel's proposed 50 parking spaces would exceed the projected parking demand.



Fwd: [EXTERNAL] RE: Carmel Preservation Association Appeal

Marnie R. Waffle <mwaffle@ci.carmel.ca.us>
To: "Marnie R. Waffle" <mwaffle@ci.carmel.ca.us>

Wed, Jul 3, 2024 at 8:53 AM

From: Richard Stedman <Rstedman@mbard.org>
Date: July 2, 2024 at 4:25:49 PM PDT
To: Anthony Lombardo <tony@alombardolaw.com>
Subject: [EXTERNAL] RE: Carmel Preservation Association Appeal

Dear Mr. Lombardo,

Thank you for your email regarding the demolition and reconstruction activities for the Hofsas House Hotel project in Carmel-By-The-Sea. The Monterey Bay Air Resources District (MBARD) is the delegated authority for the federal regulation of building demolition and asbestos abatement activities in our three-county region, which includes Carmel-by-the-Sea.

MBARD's Asbestos Program is designed to protect the public from uncontrolled asbestos emissions by implementing and enforcing the federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for Asbestos and building removals along with MBARD [Rule 424](#) and [Rule 439](#). Program requirements include Asbestos Survey, Notification submission to MBARD before beginning a project, Work Practice Standards, and Proper Disposal.

While MBARD does not perform asbestos abatement activities, MBARD inspects projects and requires certified contractors to properly assess, handle, remove, and dispose of asbestos and asbestos-containing materials. There should be no adverse impact on public health if MBARD's NESHAP and Rule 424 and 439 requirements are satisfied.

Sincerely,

Richard A. Stedman
Air Pollution Control Officer
24580 Silver Cloud Court
Monterey, CA 93940
Direct office: (831) 718-8039

From: Anthony Lombardo <tony@alombardolaw.com>
Sent: Tuesday, July 2, 2024 1:24 PM
To: Richard Stedman <Rstedman@mbard.org>
Subject: Carmel Preservation Association Appeal

CAUTION: This email is from outside the District. Do NOT click LINKS or open ATTACHMENTS unless you are sure it is safe.

Dear Mr. Stedman:

I am enclosing a copy of the appeal filed by the Carmel Preservation Association to the Carmel Planning Commission's unanimous approval of the demolition and reconstruction of a hotel to replace the Hofsas House Hotel in Carmel.

As you can see on page 3 of the appeal, the allegation is made that the project would have significant health impacts due to vehicle emissions and the demolition of an existing structure which may contain asbestos.

It's my understanding that there are acceptable best management practices that are incorporated into construction management plans to mitigate the effect of vehicular emissions and dust generation, and that there are strict protocols and laws requiring the investigation for the potential of asbestos materials onsite and the proper disposal that preclude their removal from creating any health impacts.

I would appreciate it if you could send an email confirming that there are no potential health impacts from this project if the aforementioned protocols are observed.

Sincerely,

Anthony Lombardo

ANTHONY LOMBARDO & ASSOCIATES

A Professional Corporation

144 W. Gabilan Street

Salinas, CA 93901

Phone (831) 751-2330

Fax (831) 751-2331

Email tony@alombardolaw.com

PRIVILEGED & CONFIDENTIAL -- ATTORNEY CLIENT PRIVILEGE -- ATTORNEY WORK PRODUCT

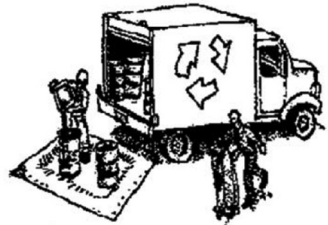
The information contained in this electronic transmission is legally privileged and confidential, and it is intended for the sole use of the individual or entity to whom it is addressed. If you are not the intended recipient, please take notice that any form of dissemination, distribution or photocopying of this electronic transmission is strictly prohibited. If you have received this electronic transmission in error, please immediately contact Anthony Lombardo at (831) 751-2330 or tony@alombardolaw.com and immediately delete the electronic transmission.



CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs)

Construction Projects Are Required to Implement the Stormwater Best Management Practices (BMPs) on this Page, as they Apply to Your Project, All Year Long.

Attachment 1



MATERIALS & WASTE MANAGEMENT

Non-Hazardous Materials

- ❑ Berm and securely cover stockpiles of sand, dirt, or other construction materials with tarps when rain is forecast or if stockpiles are not actively being used. For best results, this should be done at the end of the work day throughout construction when feasible.
- ❑ Use (but don't overuse) reclaimed water for dust control.

Hazardous Materials

- ❑ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state and federal regulations.
- ❑ Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecast.
- ❑ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ❑ Arrange for appropriate disposal of all hazardous wastes.

Construction Entrances and Perimeter

- ❑ Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.

- ❑ Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking. Never hose down streets to clean up tracking.

Waste Management

- ❑ The California Green Building Code requires all permitted construction, demolition and additions/alterations projects to recycle or salvage a minimum 65% of nonhazardous construction materials from the project.
- ❑ Cover waste disposal containers securely with tarps at the end of every work day and during wet weather.
- ❑ Clean or replace portable toilets, and inspect them frequently for leaks and spills. Incorporate secondary containment and locate them away from storm drain inlets.
- ❑ Dispose of liquid residues from paints, thinners, solvents, glues, and cleaning fluids as hazardous waste (the Monterey Regional Waste Management District offers a Household Hazardous Waste Facility that accepts these items).



EQUIPMENT MANAGEMENT & SPILL CONTROL

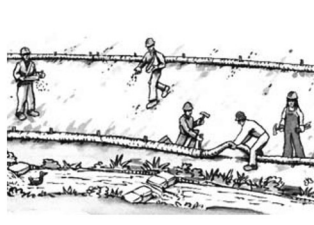
Maintenance and Parking

- ❑ Designate an area, fitted with appropriate BMPs, for vehicle and equipment parking and storage.
- ❑ Perform major maintenance, repair jobs, and vehicle and equipment washing off site.
- ❑ If refueling or vehicle maintenance must be done onsite, work in a bermed area away from storm drains and over a drip pan big enough to collect fluids. Recycle or dispose of fluids as hazardous waste.
- ❑ If vehicle or equipment cleaning must be done onsite, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or surface waters.
- ❑ Do not clean vehicle or equipment onsite using soaps, solvents, degreasers, steam cleaning equipment, etc.

- ❑ Inlet protection is the last line of spill defense. Drains/inlets that receive storm water must be covered or otherwise protected from receiving sediment/dirt/mud, other debris, or illicit discharges, and include gutter controls and filtration where applicable in a manner not impeding traffic or safety.

Spill Prevention and Control

- ❑ Keep spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- ❑ Inspect vehicles and equipment frequently for and repair leaks promptly. Use drip pans to catch leaks until repairs are made.
- ❑ Clean up spills or leaks immediately and dispose of cleanup materials properly (see the Monterey Regional Waste Management District's guidelines for accepting hazardous waste materials).
- ❑ Do not hose down surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter, and/or rags).
- ❑ Sweep up spilled dry materials immediately. Do not try to wash them away with water, or bury them.
- ❑ Clean up spills on dirt areas by digging up and properly disposing of contaminated soil (see the Monterey Regional Waste Management District's Contaminated Soil Acceptance Criteria).
- ❑ Report significant spills immediately. You are required by law to report all significant releases of hazardous materials, including oil. To report a spill: Dial 911.



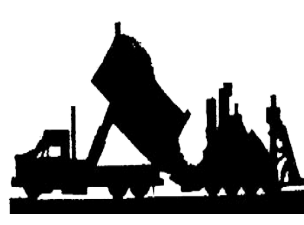
EARTHWORK & CONTAMINATED SOILS

Erosion Control

- ❑ Schedule grading and excavation work for dry weather only.
- ❑ Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matrix) until vegetation is established.
- ❑ Seed or plant vegetation for erosion control on slopes or where construction is not immediately planned.

Sediment Control

- ❑ Protect storm drain inlets, gutters, ditches, and drainage courses with appropriate BMPs, such as gravel bags, inlet filler, berms, etc.
- ❑ Prevent sediment from migrating offsite by installing and maintaining sediment controls, such as fiber rolls, silt fences, or sediment basins.
- ❑ Keep excavated soil on the site where it will not collect into the street.
- ❑ Transfer excavated materials to dump trucks on the site, not in the street.
- ❑ If any of the following conditions are observed, test for contamination and contact the Monterey County Environmental Health Department, Regional Water Quality Control Board, and local municipal inspector:
 - Unusual soil conditions, discoloration, or odor
 - Abandoned underground tanks
 - Abandoned wells
 - Buried barrels, debris, or trash.



PAVING/ASPHALT WORK

- ❑ Avoid paving and seal coating in wet weather, or when rain is forecast before fresh pavement will have time to cure.
- ❑ Cover storm drain inlets and manholes when applying seal coat, tack coat, slurry seal, fog seal, etc.
- ❑ Collect and recycle or appropriately dispose of excess abrasive gravel or sand. Do NOT sweep or wash it into gutters.
- ❑ Do not use water to wash down fresh asphalt or concrete pavement.

Sawcutting & Asphalt/Concrete Removal

- ❑ Completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or gravel bags to keep slurry out of the storm drain system.
- ❑ Protect storm drain inlets, gutters, ditches, and drainage courses with appropriate BMPs, such as gravel bags, inlet filters, berms, etc.
- ❑ Shovel, absorb, or vacuum saw-cut slurry and dispose of all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ❑ If sawcut slurry enters a catch basin, clean it up immediately.



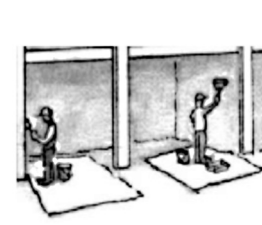
CONCRETE, GROUT & MORTAR APPLICATION

- ❑ Store concrete, grout and mortar under cover, on pallets and away from drainage areas. These materials must never reach a storm drain.
- ❑ Wash out concrete equipment/trucks offsite or in a contained area, so there is no discharge into the underlying soil or onto surrounding areas. Let concrete harden and dispose of as garbage.
- ❑ Collect the wash water from washing exposed aggregate concrete and remove it for appropriate disposal offsite.



LANDSCAPE MATERIALS

- ❑ Contain stockpiled landscaping materials by storing them under tarps when they are not actively being used.
- ❑ Stack erodible landscape material on pallets. Cover or store these materials when they are not actively being used or applied.
- ❑ Discontinue application of any erodible landscape material within 2 days before a forecast rain event or during wet weather.



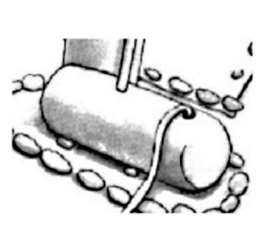
PAINTING & PAINT REMOVAL

Painting cleanup

- ❑ Never clean brushes or rinse paint containers into a street, gutter, storm drain, or surface waters.
- ❑ For water-based paints, paint out brushes to the extent possible. Rinse to the sanitary sewer once you have gained permission from the local wastewater treatment authority. Never pour paint down a drain.
- ❑ For oil-based paints, paint out brushes to the extent possible and clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of residue and unusable thinner/solvents as hazardous waste.

Paint Removal

- ❑ Chemical paint stripping residue and chips and dust from marine paints or paints containing lead or tributyltin must be disposed of as hazardous waste.
- ❑ Paint chips and dust from non-hazardous dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.



DEWATERING

- ❑ Effectively manage all run-on, all runoff within the site, and all runoff that discharges from the site.
- ❑ Divert run-on water from offsite away from all disturbed areas or otherwise ensure protection of its water quality for compliance.
- ❑ When dewatering, notify and obtain approval from the local municipality before discharging water to a street gutter or storm drain. Filtration or diversion through a basin, tank, or sediment trap, and/or disposal in sanitary sewer may be required.
- ❑ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the Engineer and municipal staff to determine whether testing is required and how to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

* Adapted with permission from the San Mateo Countywide Water Pollution Prevention Program

STORM DRAIN POLLUTERS MAY BE LIABLE FOR FINES OF UP TO \$10,000 PER DAY!

LAS MEJORES PRÁCTICAS DE CONSTRUCCIÓN

Los proyectos de construcción deben implementar las Mejores Prácticas de Construcción dadas en esta página, ya que son pertinentes a su proyecto todo el año.



MANEJO DE MATERIALES Y RESIDUOS

Materiales no peligrosos

- ❑ Haga un borde alrededor y cubra con lonas impermeables las pilas de arena, tierra u otros materiales de construcción cuando haya pronóstico de lluvia o si no se están usando activamente. Para mejor resultado, esto debería hacerse diariamente al final del día de trabajo durante toda la construcción cuando sea posible.
- ❑ Use (pero no abuse) agua reclamada para controlar el polvo.

Materiales peligrosos

- ❑ Póngales etiqueta con nombre a todos los materiales y residuos peligrosos (como pesticidas, pintura, diluyentes, solventes, gasolina, aceite y anticongelante) de acuerdo con las reglamentaciones de la ciudad, del condado, del estado y federales.
- ❑ Ponga los materiales y residuos peligrosos en contenedores que no pierdan, póngalos luego en contenedores secundarios apropiados y cúbralos después de cada día de trabajo, o durante la temporada lluviosa, o cuando se haya pronosticado lluvia.
- ❑ Al aplicar los materiales peligrosos, siga las instrucciones del fabricante y tenga cuidado de no usar más de lo necesario. No aplique productos químicos en el exterior cuando se haya pronosticado lluvia en las próximas 24 horas.
- ❑ Asegúrese de deshacerse apropiadamente de todos los residuos peligrosos.

Entradas y perímetros de los sitios de construcción

- ❑ Establezca y mantenga control efectivo de los perímetros y establezca todas las entradas y salidas del sitio de construcción

para controlar suficientemente la erosión y la descarga de sedimentos del sitio para que no salgan del sitio.

- ❑ Barra o aspire inmediatamente lo que haya pasado a la calle y controle la fuente de origen para prevenir que siga sucediendo. Nunca lave con manguera las calles para limpiar lo que haya sido acarreado o llevado del sitio de construcción.

Gestión de residuos

- ❑ El Código de Construcción Ecológica de California requiere que todos los proyectos permitidos de construcción, demolición y adiciones o alteraciones, residenciales o no residenciales, reciclen o salven un mínimo del 65% de los materiales de construcción no peligrosos del proyecto.
- ❑ Cubra los contenedores de residuos de manera segura con lonas impermeables al término de cada día de trabajo y durante el tiempo de lluvias.
- ❑ Limpie o reemplace los excusados portátiles e inspecciónelos con frecuencia para ver que no pierdan o se derramen. Incorpore contención secundaria y colóquela lejos de los desagües de aguas pluviales.
- ❑ Deshágase de los residuos líquidos de pintura, solventes, colas y líquidos de limpieza como materiales peligrosos (la compañía de Gestión de Residuos Monterey Regional Waste Management District, tiene una planta para residuos peligrosos del hogar que acepta estos artículos).



MANEJO DEL EQUIPO Y CONTROL DE DERRAMES

Mantenimiento y estacionamiento

- ❑ Diseñe un área especial, usando técnicas apropiadas de control de polución, para estacionar los vehículos y el equipo, y para almacenamiento.

- ❑ Realice las tareas mayores de mantenimiento, los trabajos de reparación y el lavado de vehículos y equipos fuera del sitio de construcción.

- ❑ Si es necesario ponerle gasolina a un vehículo o hacer reparaciones en el sitio, trabaje en un área bordeada, alejada de los desagües pluviales y sobre una bandeja de goteo de tamaño suficiente para contener los líquidos peligrosos que se derramen. Recicle o deshágase de los líquidos como materiales peligrosos.

- ❑ Si es necesario lavar los vehículos o equipos en el sitio de construcción, límpielos sólo con agua, en un área contenida que no permita que el agua de enjuague llegue a cunetas, calles, desagües de aguas pluviales o superficies acuáticas (lagos, arroyos, etc.).

- ❑ No lave vehículos o equipos en el sitio de construcción usando jabones, solventes, desengrasadores, equipo de limpieza en seco, etc.

- ❑ La protección del conducto de entrada es el último punto de defensa de derrames. Desagües/entradas que reciben aguas pluviales deben ser cubiertos o de otra manera protegidos contra sedimentos, tierra, barro u otras basuras, o contra descargues ilícitos, y debe incluir el control de canaletas y la filtración, donde sea pertinente, de manera que no obstruya el tránsito o la seguridad.

Prevención y control de derrames

- ❑ Mantenga a mano en el sitio de construcción, en todo momento, los materiales para limpiar derrames (trapos, absorbentes, etc.).

- ❑ Inspeccione frecuentemente los vehículos y equipos para descubrir pérdidas de fluidos y repárelas inmediatamente. Use bandejas de goteo para recoger el líquido de la pérdida hasta que pueda hacer las reparaciones.

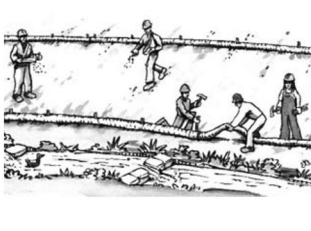
- ❑ Limpie los derrames o pérdidas inmediatamente y deshágase apropiadamente de los materiales de limpieza (vea las guías del *Monterey Regional Waste Management District* para ver los materiales peligrosos aceptados como desperdicio).

- ❑ No lave con manguera las superficies donde se hayan volcado líquidos. Use métodos en seco (materiales absorbentes, aserrín de cajas sanitarias para gatos, o trapos).

- ❑ Barra inmediatamente los materiales secos que se hayan desparramado. No trate de deshacerse de ellos usando agua, ni de enterrarlos.

- ❑ Limpie los derrames en la tierra excavando la tierra contaminada y deshaciéndose correctamente de ella (vea las guías del *Monterey Regional Waste Management District* sobre el criterio para aceptar tierra contaminada).

- ❑ Comunique inmediatamente cualquier derrame significativo. La ley obliga comunicar todos los derrames de materiales peligrosos, incluyendo el petróleo. Para comunicar un derrame: llame al 911.



TRABAJO EN LA TIERRA Y SUELOS CONTAMINADOS

Control de erosión

- ❑ Planee trabajo de nivelación y excavación sólo cuando no vaya a llover.
- ❑ Estabilice todas las áreas desnudas, instale y mantenga control de erosión provisorio (como tela de control de erosión o matriz de tejido pegado) hasta que se haya establecido la vegetación.
- ❑ Plante semillas o plantas para control de erosión en superficies en declive o donde no se planee la construcción inmediata.

Control de sedimento

- ❑ Proteja las rejillas de los desagües de aguas pluviales, las cunetas, canales y cursos de drenaje, usando apropiadas técnicas de control de polución, como bolsas con grava, rollos de fibras, bordes, etc.
- ❑ Prevenga que los sedimentos migren fuera del sitio instalando y manteniendo controles de sedimentos, como rollos de fibra, cerca de sedimentos o estanques de sedimentos.

- ❑ Mantenga la tierra que se haya excavado en el sitio de construcción en un lugar donde no pueda ser acarreada a la calle.

- ❑ Transfiera a los camiones los materiales excavados, en el sitio mismo de construcción y no en la calle.

- ❑ Si se observan cualquiera de las siguientes condiciones, analice la tierra para descubrir contaminación y comuníquese con la Junta Regional de Control de Calidad del Agua y con el inspector municipal local:

- Condiciones inusuales en la tierra, descoloramiento u olor.
- Tanques enterrados abandonados.
- Pozos de agua abandonados.
- Barriles, basuras o residuos enterrados.



TRABAJO CON PAVIMENTO/ASFALTO

- ❑ Evite pavimentar o recubrir pavimento en temporada de lluvias, o cuando se haya pronosticado lluvia para antes que el nuevo pavimento haya tenido tiempo de secarse.
- ❑ Cubra las rejillas de los desagües de aguas pluviales y las bocas de sumideros antes de aplicar la capa de sellado, capa ligante, capa de lechada (*slurry seal*), capa final fluida, etc.
- ❑ Junte y recicle o deshágase apropiadamente del exceso de grava o arena abrasivas. NO las barra ni las empuje con agua a los desagües de aguas pluviales.
- ❑ No use agua para lavar pavimento de concreto y asfalto fresco.

Cortando con sierra y removiendo asfalto/concreto

- ❑ Cubra completamente o erija una barrera alrededor de las rejillas de desagües de aguas pluviales cuando corte con sierra. Use tela de filtro, filtros en las bocas de admisión, o bolsas de grava para evitar que la lechada entre en el sistema de desagües pluviales.
- ❑ Proteja las entradas de desagües de aguas pluviales, canaletas, cunetas y cursos de drenaje con las mejores prácticas de control, como bolsas de grava, filtros de entrada, bordes, etc.
- ❑ Levante con pala, absorba o aspire la lechada producida por la sierra y deshágase de todos los residuos tan pronto como haya finalizado en un sitio, o al terminar cada día de trabajo (¡lo que ocurra antes!).
- ❑ Si la lechada producida por la sierra entra en un sumidero, límpielo inmediatamente.



APLICACIÓN DE CONCRETO, LECHADA DE CEMENTO Y ARGAMASA

- ❑ Guarde el concreto, la lechada de cemento y la argamasa cubiertos, en paletas y alejados de las áreas de desagüe. Estos materiales nunca deben llegar a los desagües pluviales.
- ❑ Lave el concreto del equipo y de los camiones fuera del sitio de construcción o en un área contenida, para que no descarguen en la tierra subyacente o en las áreas de alrededor. Deje secar el concreto y deshágase de él como basura.
- ❑ Junte el agua con la que lavó el concreto de agregado expuesto y deshágase de ella apropiadamente fuera del sitio de construcción.



MATERIALES DE JARDINERÍA

- ❑ Contenga los materiales de jardinería ya apilados manteniéndolos cubiertos con lonas impermeables cuando no estén en uso activo.
- ❑ Ponga sobre paletas los materiales de jardinería que puedan sufrir erosión. Cubra o guarde esos materiales cuando no sean activamente usados o aplicados.
- ❑ No continúe aplicando cualquier material de jardinería que pueda sufrir erosión por lo menos dos días antes de una lluvia pronosticada o durante tiempo lluvioso.



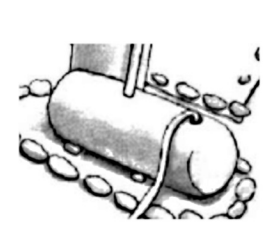
PINTANDO Y REMOVIENDO PINTURA

Limpieza después de pintar

- ❑ Nunca lave los pinceles ni enjuague los tarros de pintura en la calle, en las cunetas, desagües pluviales o superficies de aguas (arroyos, lagos, etc.).
- ❑ Al terminar de usar pinturas a base de agua, pinte lo más que pueda con la última pintura en el pincel. Enjuague los pinceles en un desagüe a las cloacas una vez que haya obtenido el permiso de las autoridades locales del sistema de tratamiento de aguas negras. Nunca eche pintura en un desagüe.
- ❑ Usando pinturas a base de aceite, pinte lo más que pueda con la última pintura en el pincel y limpie el pincel con diluyente o solvente en un envase apropiado. Filtre y vuelva a usar los diluyentes y solventes. Deshágase del residuo y del diluyente/solvente como desechos peligrosos.

Removiendo pintura

- ❑ Los residuos de productos químicos para remover pintura y los trozos y el polvo de pinturas marinas o de pinturas que contienen plomo o tributylin, deben ser desechados como residuos peligrosos.
- ❑ Los trozos de pintura y el polvo de productos no peligrosos y removidos en seco o con ráfagas de arena pueden ser barridos o juntados en tela de plástico y echados a la basura.



EXTRACCIÓN DEL AGUA

- ❑ Controle efectivamente toda el agua que corra al sitio, o dentro del sitio y la que corra hacia afuera originada en el sitio.
- ❑ Desvíe toda el agua que venga hacia el sitio para que no llegue a las áreas disturbadas o de alguna otra manera asegúrese de proteger la calidad del agua para cumplir con las ordenanzas.
- ❑ Al extraer el agua, notifique y obtenga el permiso de la municipalidad local antes de descargar agua en la cuneta de una calle o en un desagüe de aguas pluviales. Puede que se requiera filtración, o desvío a través de un depósito, tanque o entrampe de sedimento y/o puede ser requerida la descarga en un desagüe cloacal.
- ❑ En las áreas que se saben contaminadas, se requiere análisis antes de volver a usar o descargar el agua subterránea. Consulte con el ingeniero y el personal municipal para determinar si es necesario el análisis y cómo interpretar los resultados. El agua subterránea contaminada debe ser tratada o acarreada fuera del sitio para su eliminación apropiada.

* Adoptado con el permiso del Programa de Prevención de Polución del Agua del Condado de San Mateo.

¡QUIENES CONTAMINEN LOS DESAGÜES DE AGUAS PLUVIALES PUEDEN RECIBIR MULTAS DE HASTA \$10,000 POR DÍA!

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

Primary # _____ Attachment 11
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 11

*Resource Name or #: (Assigned by recorder) Hofsas House Hotel

P1. Other Identifier: Hofsas House Hotel

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary)

*b. USGS 7.5' Quad Monterey Date 2012 T ; R ; ¼ of ¼ of Sec ; Mount Diablo B.M.

c. Address San Carlos 2 NW of 4th City Carmel by the Sea Zip 93921

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

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

APN 010-124-014; Blk. 34, lots 5,7,9,11 & 14; APN 010-124-001, Blk. 34, lots 1 & 3

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

Between 1923 and 1933, four buildings were constructed on lots 7, 9, 11, and 12 on San Carlos Street, 2 NW of Fourth Avenue. In 1943 the two-story residence on lot 9 was remodeled into apartments. In May 1948 Harry Hofsas purchased the property and then granted the cottages to his brother, Fred, and his wife Donna in July. Donna and Fred started to remodel the cottages into a complex of rental rooms and apartments. In 1956 they demolished two of the residences on lots 7 and 12 to create a parking lot. In January 1957 they built a four-story, 25-unit motel and swimming pool. In 1967 Donna built the eight-unit detached North Wing on lots 1 and 3, after demolishing two apartment buildings on those parcels. Donna Hofsas used Bavarian themed details for the 1957 hotel and remodeled the two pre-1957 cottages to match. The front elevation of the Hofsas House Hotel extends along San Carlos Street. The reception area of the southern two-story section was one of the existing buildings, as evidenced by Robert Jones' site plan for the project. This area was enlarged to the south (continued p. 3)

*P3b. Resource Attributes: (List attributes and codes) HP5, Hotel/Motel

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



P5b. Description of Photo: (View, date, accession #) Front Elevation, 05/2023

*P6. Date Constructed/Age and

Sources: 1957, 1968 ☒ Historic

☐ Prehistoric ☐ Both

Building Permits

*P7. Owner and Address:

Hofsas House Hotel

POB 1195

Carmel, CA. 93921

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

Meg Clovis

14024 Reservation Rd.

Salinas, CA 93908

*P9. Date Recorded: 08/2023

*P10. Survey Type: (Describe)

Intensive

*P11. Report Citation: (cite survey report and other sources, or enter "none.") 2001 Carmel City-Wide Survey, DPR by Kent Seavey. No paper records. Verbal reference and reference in the building file.

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

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 11

*NRHP Status Code

*Resource Name or # (Assigned by recorder) Hofsas House Hotel

B1. Historic Name: Hofsas House Hotel

B2. Common Name: Hofsas House Hotel

B3. Original Use: Hotel

B4. Present Use: Hotel

*B5. Architectural Style: Bavarian-Themed Vernacular

*B6. Construction History: (Construction date, alteration, and date of alterations) BP#445: Addition to cottage (1938); BP#1016: 2-story building remodeled into apartments (1943); BP#2986: Demolish 2 residences for parking lot (1956); BP# 2996 Build 4-story hotel (1957); BP# 3058 Build swimming pool (1957); BP# 4748 Build 8-unit North Wing (1968). See p. 4 for additional permits.

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

Original Location:

*B8. Related Features: Parking lot, pool

B9a. Architect: Robert R. Jones, Cleve Dayton, George Willox b. Builder: Ralph Stean, Helm & Savoldi

*B10. Significance: Theme: N/A

Area Carmel by the Sea

Period of Significance: N/A

Property Type Building Applicable Criteria: N/A

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

In 1949 Donna J. Hofsas (1902-1981) and Frederick L. Hofsas (1897-1989) moved to Carmel from Los Angeles. Donna was a film actress with Fox Studios and Fred was an accountant. Fred's brother, Harry, granted four cottages he had purchased on San Carlos Street to the couple. Donna and Fred started remodeling the cottages into apartments. By 1951 they were renting rooms and apartments in their advertised Hofsas House Hotel. Donna managed the rentals while Frederick continued his work as an accountant. In 1957 they built a Robert Jones designed four story Bavarian-themed motel and incorporated two of the old buildings into the new complex. Fred, who was an amateur artist, designed a mosaic coat of arms for the hotel, with the creed "Otium Cum Dignitate" (Leisure with Dignity). Donna asked her friend, renowned artist Maxine Albro, to paint murals on the inside wall of the porte cochere. Donna and Fred divorced in 1960 and Donna continued to operate the Hofsas House Hotel until her death. The hotel is still owned and operated by her descendants.

Architect **Robert R. Jones** (1911-1989) designed the four-story motel. Born in Berkeley, Jones was educated at the University of California, Berkeley before (continued p. 6)

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

*B12. References:

Carmel Context Statement & Historic Preservation Ordinance

Sacramento Bee, 9/3/2012, p. 10

Building File, Carmel Planning Dept.

National Register Bulletin 15

Polk's City Directories, Harrison Memorial Library

U.S. Census & Voter Registration Records

TGIF Guide.com

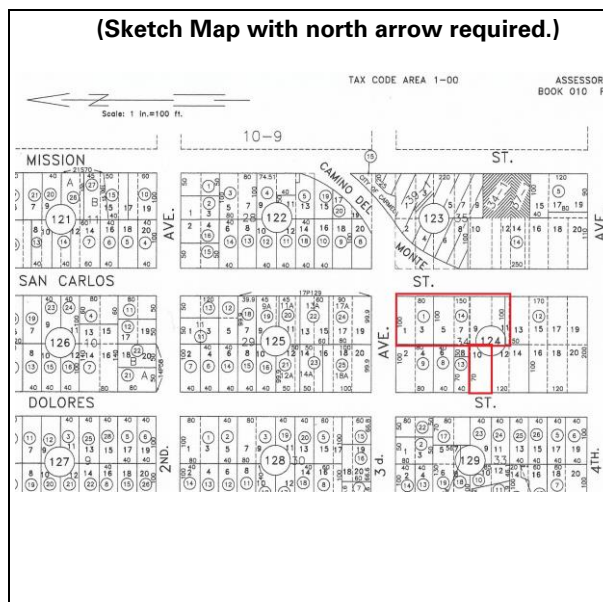
Donna Hofsas Obit., *Carmel Pine Cone*, 7/16/1981, p. 26

B13. Remarks

*B14. Evaluator: Meg Clovis

*Date of Evaluation: 08/2023

(This space reserved for official comments.)



CONTINUATION SHEET

Page 3 of 11

*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update

P3a. Description (continued):

to create the porte cochere. A front-facing, clipped gable roof sweeps to the south to cover the porte cochere. The roof has wide, overhanging eaves and visible rafters. Pink stucco covers the exterior walls and provides contrast for the decorative half-timbering used on both floors (the buildings were originally painted beige, per the Planning Commission's request, so they would not look as large). A plant-covered balcony extends from the second floor. Vertical diamond paned windows are used on both floors. Floral murals surround the second-floor windows. Maxine Albro's mural of Bavarian peasants is located on the interior wall of the porte cochere.



Three, front gable dormers are located on the 1957 portion of the San Carlos Street elevation. Each dormer has two small diamond pane casement windows that flank inset floral murals. A chimney is located at the intersection of the cross gable. Pink stucco and half-timbering covers the exterior walls and the Hofsas House coat of arms, created by Fred Hofsas, is located at intervals along the first-floor wall.

Figure 1: Front elevation of Hofsas House, looking northwest from San Carlos Street.

A steep driveway leads down from San Carlos Street to the rear and lower level of the property. The main hotel is centered between the remodeled older residences within the complex and the 1968 North Wing. Rising four stories from the parking lot, each level of the 1957 hotel has a balcony which extends across the entire floor. The balcony has a Bavarian-style, band sawn wood railing and the balcony is divided into separate porches for each room. Each room has a door onto the porch and a window. Flights of exterior stairs connect each level.

The two-story, 1968 building to the north of the 1957 building has an L-shaped plan and cross gable roof with wide, overhanging eaves and clipped gables. Hotel rooms are located on the upper floor while a meeting room and a covered parking area are located on the ground level. The same pink stucco and half timbering is used on the exterior. Other details from the 1957 building are incorporated into the North Wing such as the gabled dormers¹, and the band sawn railings used for the exterior

¹ The 1968 building's gabled dormers have murals painted between each casement window. The murals are similar to Maxine Albro's original murals however they were not painted by her since she died in 1966. There is no record of who painted the murals for the 1968 North Wing.

CONTINUATION SHEET

Page 4 of 11

*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update

walkways and balconies. To the south of the rear parking lot is a cluster of buildings that were part of the original, pre-1957 hotel complex. Pink stucco covers the exterior walls, but half timbering is not used.

A pool and large parking area (with another automobile entrance off of Dolores Street) are located on the lower level of the property. Landscaping throughout the complex is minimal except along the driveway which leads from San Carlos Street to the covered parking under the North Wing.

The Hofsas House Hotel was established when Carmel's reputation as a tourist attraction was on the rise. Many hotels, inns, and motels were built between 1947 and 1963 and these establishments reflect a wide range of architectural styles and themes. The 1957 section of the hotel was designed by Robert Jones, who is best known for his contemporary designs. The project contractor was Ralph Stean, who specialized in post-adobe style homes. The north wing was designed by San Jose architect Cleve Dayton, the same architect who designed Donna Hofsas' house with the parabolic roof, located off of Dolores Street. By May 1968 George Willcox had taken over the project, working with contractors Helm and Savoldi.

The Hofsas House is a conglomeration of buildings cobbled together over four decades. Following is a timeline of alterations and additions:

- May 1948: Harry Hofsas purchases cottages (currently rooms 6, 7, 8, 9, and 10)
- May 1948: New basement added to two-story building on lot 9 (BP# 1604)
- June 1948: Bathroom and living room addition to two-story building on lot 9 (BP# 1625)
- August 1948: Two-story building's basement remodeled into bedroom and bath on lot 9 (BP# 1660)
- 1952: Building additions (currently rooms 20, 21, 30 and 31)
- March 1952: New apartments added to existing building on lot 9 (BP#2283)
- May 1952: Apartment addition to lot 13 (BP# 2315)
- June 1952: Porch roof addition to Lot 11 (BP# 2337)
- December 1956: Demolition permit for two old residences to create a parking lot for hotel (BP# 2986)
- January 1957: Construction of 4-story main hotel building with 21 units, night manager's apartment and laundry room
- May 1957: Addition of 5 units to existing 25 units (BP# 3044)
- June 1957: Build swimming pool (BP# 3058)
- November 1959: Remodel bath and hallway in duplex on lot 8 (BP# 3458)
- November 1967: North wing constructed with 8 units, banquet room, kitchen, and two dry saunas (BP# 4748)
- January 1968: Tar and gravel roof replaced with shakes and roof structure changed to provide 4" minimum pitch on lot 11 (BP# 4744)
- 1974: New office added over back office of the lobby and stairs redesigned from the 4th floor to the parking lot (BP# 74-101)
- June 1977: Stairs replaced on the north side of the main building (BP# 77-132)
- November 1978: Repair of failed retaining wall (BP# 78-192)

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*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update



Figure 2: North wing looking southwest from San Carlos Street.



Figure 3: View of hotel's porte cochere with mural and family shield, looking southwest from San Carlos Street.

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B10. Significance (continued):

relocating to the Monterey Peninsula to work for architect Robert Stanton. Jones opened his own architectural firm in 1939 designing house plans for war housing and FHA apartments. By the war's end, Jones had opened additional offices in Merced and Oxnard. On the Peninsula, his firm designed 27 canneries and reduction plants, as well as public buildings for the Monterey Peninsula Airport. His Modernist design for the Monterey Airport Administration Building won a major design award from the Smithsonian Institute. He also designed the Elks Lodge in Monterey. In Carmel he designed All Saints Episcopal Church and the Carmel Youth Center. He designed numerous residences in the area and was known for his flat-roofed, Modern style. Robert R. Jones is included in Carmel's Historic Context Statement.

Ralph Leo Stean (1918-2004) was the contractor for the 1957 Hofsas House Hotel project. Stean was a Carmel Valley developer and contractor who worked on the Monterey Peninsula from the mid-1940s to the 1970s. Early on he specialized in building Post-Adobe residences. Ralph Stean is listed in Carmel's Historic Context Statement.

Cleveland Dayton (1919 - 2012) prepared the preliminary plans for the North Wing, which was built in 1968. Dayton was an architect with the Creative Design Company, a San Jose firm. The North Wing's plans were revised by **George Legge Willox** (1903 – 1968), a Carmel architect who is best known for his design of the Church of the Wayfarer. Born in Scotland,² and raised in Canada, Willox graduated with a degree in architecture from the University of Michigan. He moved to Carmel from Los Angeles and joined Robert Stanton's firm as head designer. He eventually opened his own architectural practice. Willox served on Carmel's Planning Commission for fourteen years and was appointed to the California State Planning Commission by Governor "Pat" Brown. Willox is included in Carmel's Historic Context Statement.

The contracting firm of **Helm and Savoldi** constructed the North Wing. Walter Helm (1914-1998) graduated in 1938 with an engineering degree from the University of Arizona. He settled in Carmel in 1945, working as a carpenter. Helm became a licensed contractor and partnered with Michigan-native and former pro-wrestler Clem Savoldi (1909 – 1999) to form the Helm-Savoldi contracting firm. Helm and Savoldi built hundreds of custom homes on the Monterey Peninsula, working with such notable architects as Henry Hill, Jon Konigshofer, and Walter Burde. Helm and Savoldi are not included in Carmel's Historic Context Statement.

² George Willox Obituary, *Carmel Pine Cone*, August 20, 1968.

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Donna Hofsas asked her friend **Maxine Albro** (1903-1966) to paint murals on the inside wall of the porte-cochere. She also did three paintings for the reception area. Maxine Albro was a nationally known muralist, mosaic artist and sculptor. She was one of America's leading female artists, and one of the few women commissioned under the New Deal's Federal Art Project. During that time, she executed the California agricultural workers mural in Coit Tower. She became a leader in the California muralist movement and her work can be found in the collections of the Smithsonian American Art Museum, MoMA, and the National Gallery of Art, among others. She and her husband moved to Carmel in 1938 and she lived in Carmel until her death. She was named an honorary life member of the Carmel Art Association and served on Carmel's first Art Commission. Besides the Hofsas House Hotel, her work can be seen locally at Santa Catalina School.³

Figure 4: Photo of Maxine Albro courtesy of the Carmel Art Association.

In 1961 a glowing review of the Hofsas House Hotel stated:⁴

"Hofsas House is something new under Carmel's sun. It's on a curve of the road leading into the village at San Carlos and Fourth. It's right out of a picture book with gay murals of peasants dancing under a smiling sun and diamond paned windows, touched by the flicker of patio torches. A page out of Bavaria with king sized beds, jeweled and gold telephones, a delightful, heated swimming pool sheltered from the ocean breezes, yet a view of ocean on each of its four levels."

Evaluation for Significance

Historians use National Register Bulletin 15⁵ as a guide when evaluating a property's significance whether on a local, state, or national level. As a first step, to determine whether or not a property is significant, it must be evaluated within its historic context and the City of Carmel's Historic Context Statement⁶ provides this context. The City of Carmel's Historic Preservation Ordinance (Section 17.32.040) reiterates the role of *National Register Bulletin 15* in the evaluation of historic resources.

³ Maxine Albro Obituary. *Carmel Pine Cone*. 7/28/1966, p. 19.

⁴ *Biggs News*, 11/3/1961, p. 4.

⁵ National Register Bulletin 15. *How to Apply the National Register Criteria for Evaluation*. National Park Service. 1998.

⁶ *Historic Context Statement: Carmel-by-the-Sea (Draft)*. Approved by the City Council December 6, 2022.

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Adopted eligibility criteria are modeled on the California Register's four criteria with the addition of specific qualifications for Criterion Three (Section 17.32.040.D).

The Hofsas House Hotel is not eligible under **Criterion One (Event/Association)** despite its association with the development of business and tourism in Carmel. The Hofsas House Hotel is one of dozens of tourist-serving accommodations built in Carmel during the 1950s and 1960s. Per Carmel's Historic Context Statement, "Properties associated with business and tourism exist in abundance throughout Carmel. Significant examples should retain a high degree of integrity. Significance would be enhanced by association with prominent members of the business community and with specific businesses or business types that were pivotal in the town's economic development" (p. 31). The Hofsas House Hotel's significance is not enhanced by its association with Donna Hofsas, who did not distinguish herself from others in the same business (see Criterion Two).

For a property to be listed under **Criterion Two (Important Person)** it must be associated with a person who is considered significant within Carmel's historic context. An individual must have made contributions or played a role that can be justified as significant and the contributions of the individual must be compared to others who were active, prosperous, or influential in the same sphere of interest. Carmel had over fifty hotels, inns, and motels that were in operation at the same time Donna Hofsas was managing the Hofsas House Hotel. There is no indication in the historical record that Mrs. Hofsas played an outstanding role within the tourism community when compared to her peers. Maxine Albro painted the murals on the exterior walls of the Hofsas House Hotel, but her life achievements would be better represented by her own home which was located on Santa Rita between Fourth and Fifth Avenues. The Hofsas House Hotel is not eligible for listing in the Carmel Inventory of Historic Resources under Criterion Two.



Figure 5: Rear elevation of 1957 hotel looking northeast.

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A property is eligible under **Criterion Three (Design/Construction)** if it, "embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values." Carmel's Historic Preservation Ordinance includes additional qualifications for eligibility under Criterion Three. An historic resource eligible under California Register Criterion Three (per Carmel's Ordinance) should meet at least one of the following four criteria:

1. Have been designed and/or constructed by an architect, designer/builder, or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement.

The 1958 hotel building was designed by Robert R. Jones and constructed by Ralph Stean, who are both listed in Carmel's Historic Context Statement. Jones is best known for his contemporary designs and Stean is best known for his post-adobe residences. The 1968 North Wing was initially designed by Cleveland Dayton, re-designed by George Willox, and built by Helm and Savoldi. George Willox is the only creative individual out of the three who is listed in Carmel's Historic Context Statement. Per Bulletin 15, a property is not eligible as the work of a master simply because it was designed by a prominent architect. "The property must express a particular phase in the development in the master's career, an aspect of his or her work, or a particular idea or theme in his or her craft." None of the architects or builders associated with the Hofsas House Hotel could claim that the design and/or construction of this hotel was a defining moment in their careers, so this criterion is not applicable.

2. Have been designed and or constructed by a previously unrecognized architect, designer/builder, or contractor if there is substantial, factual evidence that the architect, designer/builder, or contractor contributed to one or more of the historic contexts of the City to an extent consistent with other architects, designer/builders or contractors identified within the Historic Context Statement.

This criterion is not applicable.

3. Be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement.

Bavarian-themed vernacular commercial buildings are not recognized as significant in Carmel's Historic Context Statement.

4. Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed by known architects, designer/builders, or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

There are several examples of vernacular style buildings with various thematic attributes in Carmel. The Hofsas House Hotel does not display a rare style of architecture and cannot be considered eligible under this criterion.

California Register Criterion Three (Design/Construction) has three parts as follows:

A property is eligible if it 1) embodies the distinctive characteristics of a type, period, region, or method of construction, 2) represents the work of a master, or 3) possesses high artistic values.

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The Hofsas House Hotel does not meet the first part of California Register Criterion Three because it does not embody the distinctive characteristics of a particular style of architecture. As evidenced by the lengthy list of building permits over a four decades, the hotel complex is an assemblage of disparate components, rather than a cohesive stylistic vision.

Although designed and constructed by architects and contractors recognized as significant in Carmel's Historic Context Statement, the Hofsas House Hotel is not representative of their best work. The hotel does not meet the second part of Criterion Three.

The Hofsas House Hotel does not meet the third part of Criterion Three because it does not possess high artistic values and it does not express aesthetic ideals or design concepts.

The California Register's **Fourth Criterion (Information Potential)** is generally reserved for archeological sites. There is no evidence in the historical record that the Hofsas House Hotel meets the eligibility requirements for Criterion Four.



Integrity

Integrity is defined as the ability of a property to convey its significance. There are seven aspects of integrity including location, design, setting, materials, workmanship, feeling, and association. To retain integrity a property must retain several if not most aspects. If a property does not meet any of the eligibility criteria, then integrity is not a consideration as part of the evaluation for historical significance.

Figure 6: North wing looking northeast.

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Summary

To be eligible for the Carmel Inventory a resource must represent a theme in the Context Statement, retain substantial integrity, be at least 50 years old, and meet at least one of the four criteria for listing in the California Register. The Hofsas House Hotel does not represent a theme in the Context Statement. The Hofsas House Hotel does not retain substantial integrity. The Hofsas House Hotel is over 50 years old. The Hofsas House Hotel does not meet any of the California Register criteria. In summary, Bulletin 15, the Carmel Historic Context Statement, the Carmel Historic Preservation Ordinance, and the historical record support the conclusion that the Hofsas House Hotel is not eligible for listing in the Carmel Inventory of Historic Resources.



Figure 7: Mosaic shield created by Frederick Hofsas.



Planning for Success

October 26, 2023

Brandon Swanson
Community Planning & Building Director
City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921

Re: HE23-097 Clovis DPR – Hofsas House Hotel

Dear Mr. Swanson,

The Phase 1 historical evaluation report issued by Meg Clovis on the Hofsas House Hotel has numerous false and misleading statements. The Phase 1 report, which will be referred to as the Clovis DPR, has failed to establish factual and substantial evidence to identify the Hofsas House Hotel as a historic resource. This package serves to provide new information that was not addressed in the Clovis DPR and offers factual evidence and clarification on misleading statements.

Included with this letter are professional peer review reports produced by the following independent, accredited historians:

- Robert Chattel, AIA (President, Chattel, Inc.)
- Laura Jones, Ph.D. (Director of Heritage Services and University Archaeologist for Stanford University)
- Barbara Lamprecht, M.Arch., Ph.D. (Owner, Modern Resources)
- Anthony Kirk, Ph.D.

Also included for review, and referenced in the aforementioned historian peer reviews, are the following documents:

- 'Clovis DPR Review-' by Carrie Theis (Owner, Hofsas House Hotel)
- Hofsas House Hotel – Building and Business Timeline

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- Architectural Contributions Diagram
- Tamara Grippi, "What's Not on the List," *Carmel Pine Cone*, Nov. 2-8, 2001, p. 1, 5
- Carmel Preservation Foundation Collection Summary, *Henry Meade Williams, Local History Department, Carmel Public Library*
- Carmel Inventory of Historic Resources Database, Volumes 1 and 2.
- National Register Bulletin VIII. 'How to Evaluate the Integrity of a Property'
- Deed, Harry Hofsas to Fred Hofsas, 1948.
- Letter to Scott Theis, 2002.

To address subjective assumptions, and correct false and misleading claims in the Clovis DPR, a recorded and transcribed deposition was conducted on Tuesday, October 24th, 2023. The deposition featured Carrie Theis, the granddaughter of Donna Hofsas, and Stephanie Kirz, the step-daughter of Fred Hofsas and the Executrix of his estate. The sworn under oath statements address false assumptions regarding the intentionality behind the hotel's design vision, correct false and misleading statements about Fred Hofsas and his heritage, and also provide accurate first-hand testimony from Fred and Donna's relatives. The transcription will be submitted upon request.

The peer review reports, supplementary documents, and depositions, all serve to provide new information to refute and correct false and misleading statements in the Clovis DPR of the Hofsas House Hotel.

Sincerely,



Anna Bornstein
Associate Planner

Cc: Carrie Theis

Professional Historian – Peer Reviews





Chattel, Inc. | Historic Preservation Consultants

MEMORANDUM

DATE October 16, 2023

TO Brandon Swanson
Community Planning & Building Directory
City of Carmel-By-The-Sea

FROM Robert Chattel, AIA, President
Christine di Iorio, AICP, Principal Associate
Leslie Heumann, Principal Associate
Alvin-Christian Nuval, Senior Associate
Chattel, Inc. | Historic Preservation Consultants

RE Hofsas House Hotel, Carmel-By-The-Sea, California
Peer Review of DPR Form

Chattel, Inc. (Chattel) is providing this memorandum to peer review the Administrative Draft Department of Parks and Recreation (DPR) form prepared by Meg Clovis (Preparer) in August 2023 for the Hofsas House Hotel in Carmel-By-The-Sea (Carmel), California. The Hofsas House Hotel (Hotel) is a 1957 hotel with 1968 addition that is located on San Carlos Street between Third and Fourth Avenues. The DPR form was provided by the Preparer at the request of the City of Carmel (City) and makes the following two claims:

- 1.) The Hotel is eligible for listing in the City Inventory of Historic Resources (City Inventory) under local Criterion 3 for "[displaying] the rare Bavarian Revival style of architecture, which is a derivative of Carmel's unique storybook style of architecture."
- 2.) The Hotel is eligible for listing in the California Register of Historical Resources (California Register) under state Criterion 3 for "[embodying] the distinctive characteristics of the Bavarian Revival style of architecture, which is a rare style in Carmel."

Upon further research into applicable historic contexts and investigation of the information provided in the DPR form, Chattel disagrees with both of the above claims. Unless otherwise stated, this memorandum relies on review of materials formally adopted by the City Council to help evaluate properties for consideration for inclusion in the City Inventory. In particular, this memorandum refers to the City Historic Context Statement which was first prepared and adopted in 1994 and revised in 1996, 2008, and more recently in 2022. Note that the City Historic Context Statement makes no reference to the Hotel under any of the context themes, including Economic Development (1848-1986) and Architectural Development in Carmel (1888-1986).

This memorandum was prepared by professionals meeting the *Secretary of the Interior's Professional Qualifications Standards* in history, architecture, architectural history, and historic architecture. President Robert Chattel and Principal Associate Christine di Iorio conducted a site visit at the Hotel on April 24, 2023. Principal Associate Leslie Heumann conducted a site visit at the Hotel on August 21, 2023.



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Property Description

The Hotel sits on two adjacent parcels with Assessor Parcel Number 010-124-014 (Parcel #1) and 010-124-001 (Parcel #2). Parcel #1 contains most of the Hotel property as well as the entirety of the Hofsas House (House), a 1959 single-family residence that fronts Dolores Street at the west. Though a separate DPR form was also provided by the Preparer for the House, this memorandum only reviews information presented about the Hotel. A map showing the two parcels at the property is included in the following figure:



Figure 1: Parcel outlines identified with Hotel in red and House in yellow.

Bavarian Revival

The findings in the DPR form depend on the assumption of a "Bavarian Revival" architectural style, though there is little to no research, scholarly or otherwise, that indicates that such a style exists. The DPR form states that the style "was first introduced to the United States by A.J. Downing's 1850 stylebook, *Architecture of Country Houses*,"¹ though no page citation is provided. Chattel review of the stylebook did not uncover mention of "Bavarian Revival" and Chattel requests additional citation for this claim. In addition, the DPR form follows in saying that the style "enjoyed a resurgence in the early 20th century as part of the Arts and Crafts movement and later interest in revival styles."² No source is provided to support this statement that "Bavarian Revival" was part of this resurgence, though in general Period Revival styles were particularly popular during that time. The Hotel was constructed in 1957 and not in the early 20th century when Period Revival styles were at their peak. While other Period Revival styles such as Storybook and Tudor Revival are recognized across the United States, California, and Carmel, there does not appear to be an established "Bavarian Revival" style. It is important to note that the City Historic Context Statement does not include any mention of "Bavarian" or "Bavarian Revival" style within the city.

¹ Clovis, Meg, DPR Form for Hofsas House Hotel, August 2023, 4.

² Ibid.

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Character-defining features of the “Bavarian Revival” style are not indicated in the DPR form, so there is no basis of comparison to see if the Hotel is a good representative building of the purported style. Unlike authentic buildings in the Bavarian region of Germany in which details such as half-timbering and exposed wood structural frames are incorporated in the construction, these details appear to be solely decorative at the Hotel and serve only as surface treatment with false half-timber and stucco applied to a common wood stud framed wall. Page 4 of the DPR form includes a figure labeled “Bavarian decorative motifs,”³ though the image shown appears to be an unidentified building likely in Bavaria and not an example of the purported “Bavarian Revival” style.

It is more likely that the Hotel was inspired by architecture in Bavaria in the same way that other motels and hotels may use thematic elements to attract guests. More extreme examples of using thematic elements to attract tourists are represented in the hotels and casinos along the Las Vegas Strip, but modest examples appear across the United States, employing a range of styles such as Spanish Colonial Revival as decoration rather than in plan or construction to evoke a certain feeling. The Hotel may be inspired by architecture in Bavaria, but it is a pastiche intended to evoke an experience for tourists and potential customers, not a representative example of a particular style itself.

In reviewing the 1957 drawings prepared for the Hotel by architect Robert R. Jones, it is clear that the primary façade of the Hotel wraps around the surface of a pre-existing building, again supporting that the Bavarian thematic elements are only a surface treatment applied as decoration. Figure 2 below illustrates how only a sliver of new material was added at the street-facing east elevation on San Carlos to apply the theming.

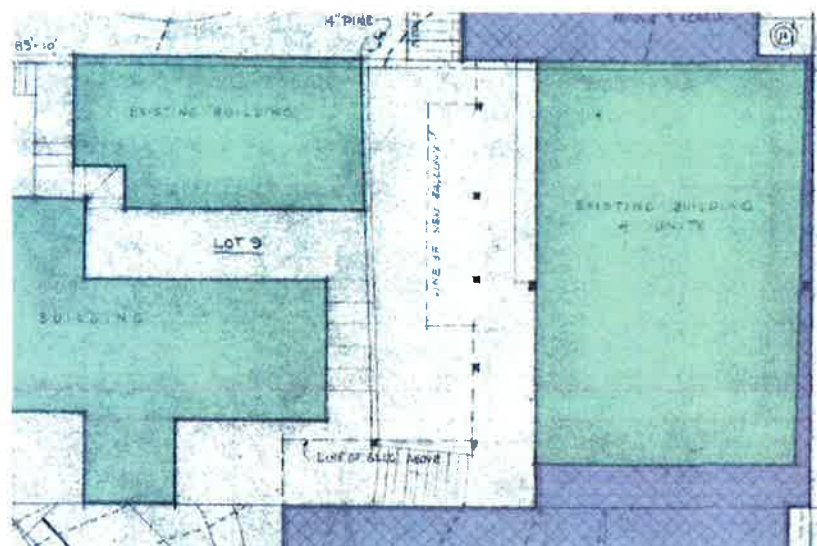


Figure 2: 1957 drawing showing pre-existing buildings in green and addition wrapping around in blue. See Attachment A for full drawing sheet.

Storybook Style in Carmel

The DPR Form states that the “Bavarian Revival” style is “derivative of Carmel’s unique storybook style of architecture.”⁴ Storybook in Carmel has very specific associations with master builder Hugh Comstock, as evidenced in the City Inventory which currently includes 12 properties listed under the

³ Ibid.

⁴ Clovis, 10.

Storybook style.⁵ All of the listed buildings were constructed between 1924 and 1929 and were designed by Comstock, except for the Lemos Building, which sits adjacent to Comstock's Tuck Box.

While the City Historic Context Statement does not provide any further elaboration of the Storybook style, it mentions that "Carmel's world-renowned 'quaintness,' the characteristic that has distinguished the village throughout its history, is often attributed to a distinctive, 'storybook' style of architecture embodied in Hugh Comstock's Tuck Box of 1927."⁶ Again, the relationship of the style to Comstock is emphasized. The Hotel falls outside the identified period of significance and does not fit within the grouping of Storybook buildings constructed and listed in Carmel.

Tudor Revival Style in Carmel

It is possible that the Hotel can be argued to represent features of the Tudor Revival style. The City Historic Context Statement notes that "Tudor Revival buildings typically feature characteristic half-timbering and gabled rooflines"⁷ and that the style was widely employed in the 1920s. Along with Spanish Colonial Revival, it helped to leave "the most lasting imprint on the character of the business district."⁸ The City Inventory currently includes 46 properties listed under the Tudor style spanning a period between 1905 and 1940.⁹

The City Historic Context Statement does not provide a list of character-defining features for the Tudor Revival style. As such, the following character-defining features are excerpted from a historic context statement for the style adopted by the City of Los Angeles:¹⁰

- Decorative half-timbering.
- Entrance vestibules with arched openings.
- Massive chimneys that are a prominent visual element.
- Predominately brick or stucco exteriors, or a combination.
- Steeply pitched, usually multi-gabled roofs.
- Tall, narrow, multi-paned casement windows arranged in groups.
- Usually two stories in height.

When compared to like properties that are listed in the City Inventory under the Tudor style, the Hotel does not represent one of the best examples, lacking some of the prominent character-defining features that express its design, materials, and workmanship. Furthermore, like Storybook, the Tudor Revival style reached its popularity during the early 20th century, evident in the range of construction dates for the styles in the City Inventory that is largely in the 1920s and 1930s. Constructed in 1957, the Hotel does not share the period of significance for this style.

Rarity and Contribution to Carmel's Sense of Time and Place

Ultimately, the sole criteria that the Hotel was identified as eligible under for listing in the City Inventory (Criterion 3) reads:

Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given

⁵ City of Carmel, Carmel Inventory of Historic Resources Database, June 23, 2022.

⁶ City of Carmel, Historic Context Statement: Carmel-by-the-Sea, 2022, 25.

⁷ Ibid, 52.

⁸ Ibid.

⁹ City of Carmel, Carmel Inventory of Historic Resources Database, June 23, 2022.

¹⁰ GPA Consulting, SurveyLA Los Angeles Citywide Historic Context Statement: Architecture and Engineering, Theme: Period Revival, 1919-1950, Sub-Theme: Late Tudor Revival, 1930-1950, January 2016, 23.

special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed by known architects, designer/builders, or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

As noted above, it is not enough for a property to be considered "rare," but it should also "contribute to Carmel's unique sense of time and place." Based on the information provided above in this memorandum, it does not appear that the Hotel is representative of Carmel's unique sense of time and place. Whether the Hotel is considered to be the Storybook style, Tudor Revival style, or a mix of the two, it was constructed in 1957, long after the popularity of both Period Revival styles had peaked across the country and in Carmel. Instead, it was constructed during a time when Modern style buildings were gaining momentum, with the city "[seeing] the construction of an incalculable number of Modern-style buildings between the years of 1940 and 1986."¹¹ As such, the Hotel does not contribute to a unique sense of time and place within the city.

The City Historic Context Statement was revised in 2022 to include a section on "A Visual Presentation of Architectural Styles: 1935-1986" to describe character-defining features of architectural styles representative of this period in the city.¹² Seven architectural styles are noted as representing this time period in Carmel: Minimal Traditional Style, California Ranch Style, Bay Region Modern Style, Postwar Modern Style, Wrightian Organic Style, Regional Expressionist Style, and Post-Adobe Style. The Hotel does not represent any of these architectural styles associated with Carmel in the mid-to-late 20th century.

In addition, rarity criteria often refer to buildings that are considered the last surviving examples of a once prominent or popular architectural style or property type. For example, in the City of Los Angeles, both programmatic architecture and buildings related to early streetcar neighborhoods are considered rare as many such buildings have since been lost or demolished. The Hotel deviates from this understanding of rarity as there was never a period of popularity for a "Bavarian Revival" style in Carmel. Again, there is no mention of this style in the City Historic Context Statement, which has been updated multiple times between 1994 and 2022. There are still many examples of Storybook and Tudor Revival style that exist in Carmel. Being the sole example of a building with Bavarian thematic elements may make the Hotel unique from its like properties, but it alone cannot convey rarity under this criterion, in the same way that constructing a unique themed building today does not automatically impart significance to a property.

Conclusion

As described in this memorandum, there is little to no research, scholarly or otherwise, that supports the existence of a "Bavarian Revival" style. There is no mention of "Bavarian Revival" nor the Hotel in the adopted City Historic Context Statement. The extant examples of the Storybook and Tudor Revival styles are more representative of Carmel and were constructed during the period of significance of the 1920s and 1930s when Period Revival styles had reached their peak within Carmel, in California, and across the United States. The City Historic Context Statement also clearly describes seven architectural styles that represent the period from 1935 to 1986 in Carmel – none of which apply to the Hotel. As such, the Hotel does not contribute to Carmel's unique sense of time and place, and it is not one of a few last surviving examples of a once prominent or popular architectural style. To reiterate, being the sole example of a building with Bavarian thematic elements applied as decoration to a pre-existing building may make the Hotel unique from its like properties, but it alone does not convey rarity. Thus, the Hotel is not eligible for listing in the City Inventory or the California Register under Criterion 3.

¹¹ City of Carmel, Historic Context Statement: Carmel-by-the-Sea, 2022, 47.

¹² Ibid, 56.

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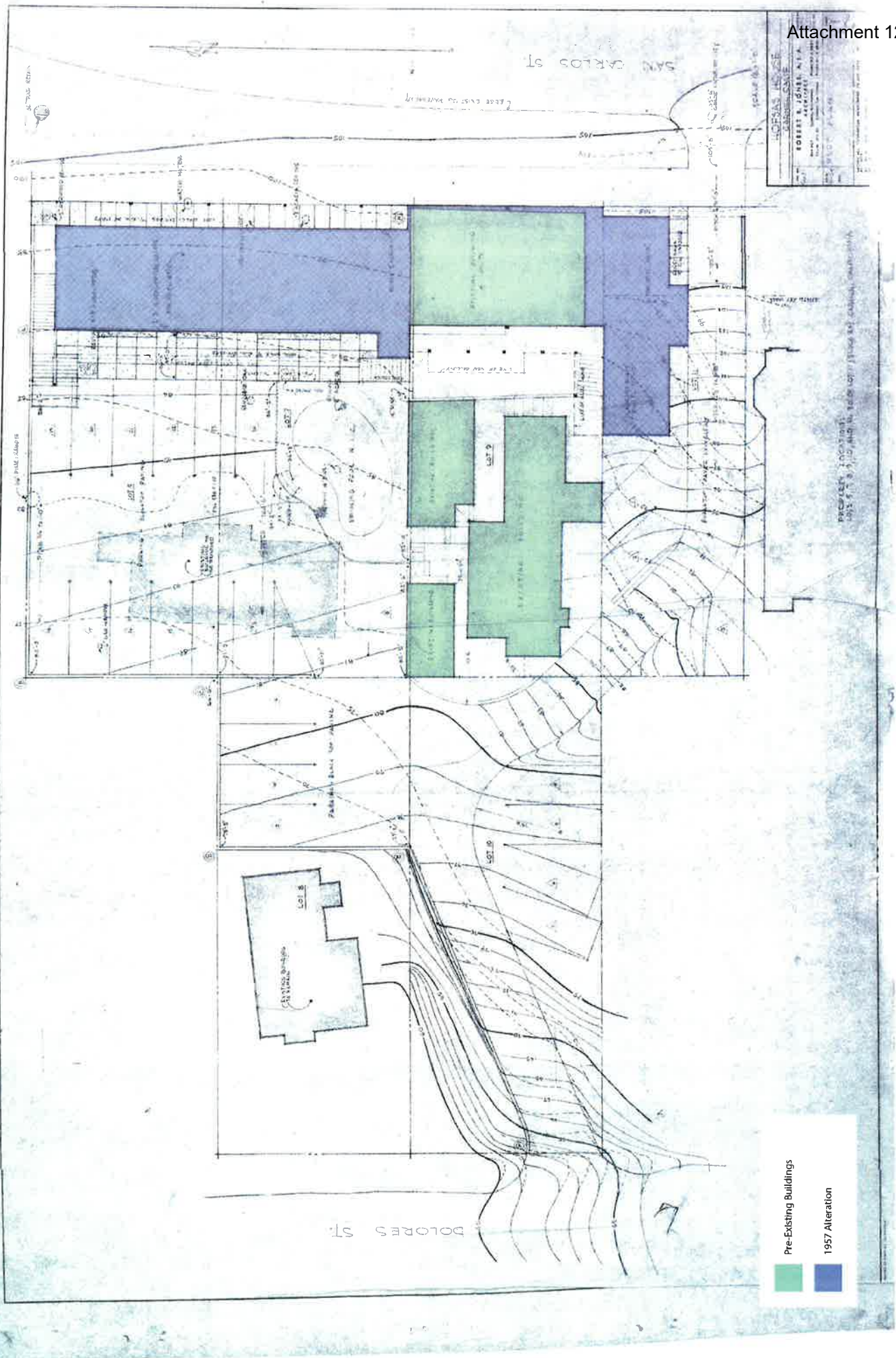
Attachments

Attachment A: Plot Plan from 1957 Drawings

ATTACHMENT A:
PLOT PLAN FROM 1957 DRAWINGS

HOF SAS HOUSE HOTEL
CARMEL-BY-THE-SEA, CALIFORNIA

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HERITAGE SERVICES CONSULTING

Laura Jones, Ph.D.
3905 Page Mill Road
Los Altos, California 94022

October 23, 2023

Anthony Lombardo
Anthony Lombardo & Associates
144 West Gabilan St
Salinas, CA 93901

Subject: Peer Review of Historic Resource Evaluations, Hofsas House Hotel, APN 010-124-014, San Carlos Street 2 NW of 4th Avenue, Carmel-by-the-Sea, CA.

Dear Mr. Lombardo,

I have reviewed the three documents you provided concerning the eligibility of this property for listing on the Carmel-by-the-Sea Inventory and/or California Register.

1. Historical Resources Evaluation report in State of California DPR Forms format by Anthony Kirk, dated September 26, 2022
2. Historical Resources Evaluation report in State of California DPR Forms format by Meg Clovis, "Hofsas House Hotel," dated August 2023
3. Compilation of Architectural Contributions site plan by Eric Miller Architects, dated August June 23, 2023
4. Peer review prepared by Chattel, Inc. dated October 16, 2023.

The subject property is a 38-room hotel contained in a series of structures built between 1923 and 1974. The comments below address the eligibility of the property as a historic resource, based on the two professional evaluation reports and the construction history as summarized in the architect's site plan.

Areas of Agreement

Both professional evaluators (Kirk and Clovis) agree that the Hofsas House Hotel is not eligible for listing at the state, national or local levels for association with significant persons or events.

Kirk and Clovis agree that the property is not eligible as an important work by any of the architects who were involved in its design, does not represent an important style identified in the Historic Context Statement of Carmel-by-the-Sea, and that the property does not express "high artistic values."

Subjects of Controversy

The first reviewer, Dr. Anthony Kirk, identified the property as an example of Tudor Revival style and concluded that the hotel "is by no means a good example of Tudor architecture" and "The mural by Maxine

Albro cannot be said to possess high artistic values.” The Kirk evaluation concludes that the property does not appear eligible for the National Register, California Register or the Carmel Register. ¹

The second reviewer, Meg Clovis, finds the Hofsas Hotel significant because “The Hofsas House Hotel meets the first part of California Register Criterion Three because it embodies the distinctive characteristics of the Bavarian Revival style of architecture, which is a rare style in Carmel. In addition, the murals of noted artist Maxine Albro decorate the exterior walls, contributing to the significance of the property.”²

The Chattel, Inc. team finds no scholarly support for a “Bavarian Revival” style in the Clovis report and notes that the period of significance for period revival styles had ended long before the construction of the main wing of the Hofsas House in 1957.

The critical issues in resolving the eligibility of the property are:

1. What style is the hotel? Is it a good example of this style? If so, is the style rare?
2. Are the Maxine Albro murals “the work of a master”?
3. Does the Hofsas House Hotel retain integrity?

Tudor Revival, Storybook and “Bavarian Revival” style architecture: What style is it?

Picturesque styles inspired by traditional European rustic buildings have enjoyed several periods of popularity in the United States, beginning in the mid-1800s and then for a few years after both World War 1 and World War 2. These eclectic interpretations include Tudor Revival, Swiss Chalet Style, English Cottage and “Storybook Style.” More common in residential architecture, these styles also enjoyed popularity in hotels and restaurants in scenic resort communities. Storybook Style has been identified as an important theme in Carmel-by-the-Sea.



Tudor Revival



Bavarian Revival



Storybook Style

Bavarian Revival is less common, with its major, authentic expression in a handful of towns settled by German immigrants in the late 1800s: Frankenmuth, Michigan (“Little Bavaria”); Hermann, Missouri; Amana Colonies, Iowa; New Ulm, Minnesota; Germantown, Wisconsin. The villages of the Amana Colonies have been listed on the National Register, with no mention of “Bavarian Revival” style. Two other noted “Bavarian” villages - Helen, Georgia and Leavenworth, Washington - redeveloped their downtowns in exaggerated “Bavarian” styles as tourism promotion schemes in the 1960s.³ The 1957 Hofsas House has more in common with these commercial expressions than with the earlier German immigrant communities. Neither Helen, Georgia or

¹ Kirk DPR, page 4.

² Clovis DPR, page 11.

³ <https://cityofcavenworth.com>; <https://helenballoon.com/history.htm>

Leavenworth, Washington has any listed examples of Bavarian Revival architecture, however the City of Leavenworth does publish a guide to the style.⁴

Chattel, Inc. is correct that Bavarian Revival architecture is not widely recognized as an important style in the United States. The emergence of Bavarian “theme” buildings in the late 1950s and 1960s has not been identified by preservation organizations or architectural historians as an important moment in American architecture. And, using the Leavenworth style guide as a reference, Hofsas House Hotel does not appear to embody the style. The building is correctly identified as a very late Tudor Revival style building with some Bavarian Revival decorative elements. I concur with Chattel, Inc. that the finding by Clovis that the hotel exemplifies a rare style of architecture is not supported in the evaluation report and is not supported by review of extant examples of Bavarian Revival style buildings in the United States.

Summary

This review concludes that there is no substantial support for a finding of significance for the Hofsas House Hotel. The Hotel does not exemplify any significant period or style of architecture at the local, state, or national level.

⁴ <https://cityofleavenworth.com/wp-content/uploads/2021/07/Portfolio-of-Old-World-Bavarian-Architecture-and-Signs-SEARCHABLE.pdf>

Maxine Albro Mural: The Work of a Master?

The guidance from the National Register of Historic Places is widely cited in this regard: a master is a “figure of generally recognized greatness” in architecture or craftsmanship.⁵ Artist Maxine Albro (1903-1966) was an academically trained artist who worked in a variety of media: drawing, painting, fresco and mosaic tile. Based in San Francisco, she is best known for painting one of the fresco murals at Coit Tower in San Francisco that presents a theme of California Agriculture. After her marriage she relocated to Carmel-by-the-Sea and travelled extensively in Mexico. Her work in the 1940s reflects Mexican themes.⁶ Her style is connected to the socialist realism of the Depression era. Ms. Albro died in Los Angeles in 1966.



Coit Tower, 1934



The Water Carriers

⁵ *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. National Park Service. Page 20. Viewed at https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf

⁶ Carmel Art Association (<https://carmelart.org/artist/maxine-albro/>), Sullivan Goss Gallery (<https://www.sullivangoss.com/artists/maxine-albro-1903-1966>).



Allied Arts Guild Fresco (Menlo Park, CA)



Skipping Rope (Carmel Art Association)



Hofsas House Mural (1957)

Neither review identified Albro as a master artist or craftsman. Neither review found that the Hofsas House Hotel mural by Albro is a major example of her work. It clearly lacks the depth, detail and perspective of her other painted works. Kirk's comment "An extremely simple work, it lacks the complex composition and fascinating detail" of the Coit Tower mural appears to exclude this as an important work in Albro's career. The Albro mural does not appear to qualify the Hofsas House for listing as a historic resource.

Does the Hofsas House Hotel Retain Integrity?

If the property met any of the criteria for listing as an historic resource, an analysis of its integrity would be required. It does not appear to meet any of the criteria. However, the lengthy and complex construction history presented by both evaluators, and the exhibit by Eric Miller Architects suggest that the property may have lost integrity of workmanship and materials. The disagreement between the Clovis evaluation which assumes that the hotel retains its original materials and the two other reports that show extensive window replacement with historically incompatible materials (vinyl windows) casts doubt on the thoroughness of that report.

Summary

The Hofsas House Hotel was developed over many decades and has some charming aspects. One reviewer found that the property might be eligible as a locally rare example of Bavarian Revival architecture with a mural that contributed to its significance. A review of the architectural features of the property suggests that it does not exemplify this style, but is rather an eclectic Tudor Revival style with some Bavarian decorative details. The mural by local artist Maxine Albro does not exhibit the themes or quality of her other painted works. Based upon the materials provided, the Hofsas House Hotel does not appear to qualify as a historical resource at the local, state or national level.

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The purpose of this evaluation is to independently analyze the reports from Meg Clovis and Dr. Anthony Kirk and to evaluate the subject property, the Hofsas House Hotel, located at San Carlos Street, 2 NW of 4th Avenue in the City of Carmel, APN 010-124-001 (Lots 1, 3) and APN 010124014000, Lots 5, 7, 8, 9, 10, 11, 12, 14.

Summary

The Hofsas House Hotel does not appear to be eligible for inclusion in the Carmel Inventory of Historic Resources because it does not meet the criteria for historic resources as established by the City of Carmel in Municipal Ordinance 17.32.040, Eligibility Criteria for the Carmel Inventory. Additionally, it also fails to meet the criteria established by the National Register of Historic Places and the California Register of Historical Resources. While largely reiterating federal and state criteria, Carmel's criteria are specific to the city and slightly different, and the subject property does not meet the sole criterion on which the evaluation prepared by Ms. Meg Clovis rests.

Discussion – Style

Both reports by Dr. Kirk and Ms. Clovis take great care in describing the property comprehensively. The reports also agree that the subject does not meet the threshold for eligibility under any federal, state, or local criteria except for one. Here the two reports differ sharply. Thus, this deciding criteria is the focus of this review.

The Clovis DPR asserts that the property exemplifies a rare example of "Bavarian Revival," and thus conforms to Criterion 4 of Carmel's eligibility requirements. A property should:

4. Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed by known architects, designer/builders or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

Apart from the above, the Clovis DPR does not find that the property meets any other criteria at any level, thus requiring further analysis of this "rare" style.

In referring to the 2022 edition of *A Field Guide to American Houses* by Virginia Savage McAlester, the authoritative style guide that is part of every American architectural historians repertoire, the style of the property's primary façade is Tudor, described pp. 448 – 446. "Bavarian Revival" is not

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recognized as a style in the Historic Context Statement, Carmel-by-the-Sea, updated 2023, nor is it recognized as a style in the National Register's Architectural Style Categories, which includes 40 styles.¹ (The California Register relies on the National Register and other guides, including McAlester, for stylistic terminology.) It is helpful to compare a picture from the *Field Guide* to the façade of the subject property:



House, Louisville, Kentucky, approx. 1910.
Source: McAlester, 2023, p. 456.



Hofsas House Hotel, Carmel-by-the-Sea.
Source: Clovis DPR.

The house on the left is an example of Tudor Revival, "sometimes referred to as Germanic Cottages by Eclectic builders," according to the *Field Guide*. The *Guide* also notes that diamond shaped panes, clipped gable roofs, overhanging gables, and half timbering are typical character defining features of Tudor Revival, which can have many variations, as presented in the Guide, pp. 449 – 467. Even the image of "Bavarian Decorative Motifs" on the Clovis report, p. 4, shows a very different roof profile, no diamond pane windows, and windows with shutters, which the primary façade does not have. While property's façade and porte cochere includes painting and murals, such elaborate, colorful mural work can be seen in in eighteenth and nineteenth century Bavaria,

¹ https://en.wikipedia.org/wiki/National_Register_of_Historic_Places_architectural_style_categories

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but also in Italy, Switzerland, and Austria. There is no evidence that these decorative murals are historically significant.

Cumulatively, there is no such style as “Bavarian Revival,” at least not in this country. It is not a “rare” style. Rather, it is not a style at all.

Additionally, it must be pointed out that beyond the façade there are almost no further architectural references either to “Bavaria” or to Tudor Revival. By contrast, once a visitor enters the parking lot, where saunas, pool, parking, and general room access occur, the character of the property is that of a large, conventional motel-hotel with unremarkable stylistic features typical of such commercial buildings constructed between the 1950s and the 1980s. The San Carlos façade is essentially two-dimensional, a set design that is easily struck (removed) rather than an authentic interpretation of Tudor Revival or “Bavarian Revival” architecture. For example, on the San Carlos elevation, except for a few remaining wood windows, in the diamond shape pattern, all the windows were replaced in 2008 with vinyl windows. By contrast, the Tuck Box, 1926, designed and built by Hugh Comstock, is a fully realized, three-dimensional adventure in fantasy. While it, too, uses faux timbering, as does the Hofsas House Hotel, the Tuck Box’s materials palette include hand-crafted, eccentrically shaped wood windows, front door and full-dimensional clinker brick, similar to that employed by architect brothers Greene and Greene in their early twentieth-century Craftsman homes, including the Gamble House, 1909. Combining European Art Nouveau, Craftsman, and the look of those extraordinary cottages found in children’s fables, the Tuck Box is unique, authentic to itself inside and out, with all façades treated to the highly individual theme devised by Comstock.² It is indeed “storybook” architecture.

The Clovis DPR asserts that architectural historian Kent Seavey evaluated the hotel in 2002 as historically significant. No such evaluation has ever been written. By contrast, as noted in the Kirk report a 2001 survey of potential historical resources conducted by Seavey includes the Donna-Theis Hofsas *House* (known as the Donna Hofsas House) but not the Hofsas *House Hotel*.³ In a DPR on an unrelated property prepared by Seavey and dated Feb. 16, 2004, he does note the 1965 house on Dolores Street (and not the hotel) as an “innovative” work by the esteemed local builder and building designer Ralph Stean (1918 – 2004), builder of the hotel. The 2002 Carmel Inventory of Historic Resources Database does not include either hotel or the house, but the 2023 update of

² Evaluated by Richard Janick in a DPR dated Oct. 8, 2002, with the code 5S1, meaning an “individual property that is listed or designated locally.”

³ Tamara Grippi, “What’s Not on the List,” *Carmel Pine Cone*, Nov. 2 – 8, 2001, p. 1, 5.

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the Historic Context Statement calls out the house, including a picture of the house, as an excellent representative of the Regional Expressionist style, noting its dramatic hyperbolic-shaped roof.⁴ Notably, none of the other firms who prepared earlier versions of the Context Statement thought the hotel was worthy of mention: Teresa Grimes and Leslie Heumann, both highly respected and experienced architectural historians, 1994; Glory Anne Laffey, Archives & Architecture, 1997; Architectural Resources Group, Inc., 2008.

Alterations

Beginning in May 1922, the early permit record (between 1922 and 1956) shows a variety of owners building a house, adding a laundry and other alterations to the four cottages extending from San Carlos to Dolores Street to the west, following the downward slope. On May 13, 1948, Harry Hofsas purchased the property and granted the cottages in July to his brother Fred and Fred's wife Donna, who immediately began remodeling them and constructing additions to create apartments. In 1956, that modest level of activity sharply changed with the demolition of two cottages and the erection of a three-story motel with a total 30 units as it is labeled in the permit record. In the 1960s, three permits for demolishing apartments were filed.

Permits for major work are:

1956-7 Architect Robert R. Jones (1911 – 1989) and builder Ralph Stean constructed the four-story structure, which involved altering and subsuming the existing residences, and the one-story building facing San Carlos. According to a timeline of construction history compiled by co-owner Carrie Theis, part of the fourth level of the hotel was built over four rooms of the apartments. In 1960, Fred's now-former wife, Donna, received permission to build the house noted in the 2022 Context Statement.

1968 Architect Cleve (variations of the first name include Clive and Cleveland A.) Dayton designed a two-story structure comprising eight units, revised by architect George Willcox. It is not clear whether it was constructed by J.D. Dayton or Helm & Savoldi.

Subsequent permits revert to additions, alterations, new roofs, and repairs. As noted earlier, while the diamond-shaped wood windows facing San Carlos Street were retained, by contrast, the remaining approximately 85 aluminum sash windows were replaced with vinyl windows in February

⁴ Historic Context Statement Carmel-by-the-Sea, PAST Consultants, LLC, adopted 2023, p. 64.

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2008.⁵ This was to improve energy efficiency, sound insulation, and to be “more modern looking.”⁶ The effect of the striking disparity was to exacerbate the architectural disparity between the San Carlos elevation and the rest of the hotel.

Both the Clovis and Kirk DPRs report acknowledge that although Jones and Stean were noted in the 2022 Historic Context Statement, Carme-by-the-Sea, the subject property was neither their best work nor emblematic of a particular style. The Context , for example, describes Jones as a “famed local Modernist.” Working with the distinguished Modern landscape architect Thomas Church, he designed the All Saints Episcopal Church, 1952, described as a successful synthesis of traditional and Modern church design. The permit record indicates that another Carmel-based architect, Olof Dahlstrand, designed a rectangular addition to the office and a new outdoor staircase leading from the 4th Floor to the parking area in May 1974.⁷ The staircase is in a minimal, sleek, Modern design.

Conclusion

Several hands—owners, architects, designers, and builders—have made many changes to the property since the late 1940s, creating an imposing large motel-hotel of little distinction from one view (from Dolores Street) and a primary façade (from San Carlos Street) featuring Tudor details with motifs seen in Germany, Austria, and Italy. There is little correlation between the two facades in terms of architectural reference, continuity, or integrity. “Bavarian Revival” is not a recognized style. Cumulatively, the Hofsas House Hotel does not appear to be eligible for inclusion into the Carmel Inventory of Historic Resources because it does not meet the criteria for historic resources as established by the City of Carmel Municipal Ordinance 17.32.040, Eligibility Criteria for the Carmel Inventory. Likewise, it does not meet the criteria established by the National Register of Historic Places and the California Register of Historical Resources.

⁵ Carrie Theis, compiler, Hofsas House Hotel Timeline, undated, p. 3.

⁶ City of Carmel, Historic Property Files, Property File for APN 010124014000, <https://portal.laserfiche.com/Portal/DocView.aspx?id=13662&repo=r-45db07c0&searchid=fef83863-6dc4-4002-ba81-79ea74c88016>

⁷ Ibid. See also the Hofsas House Hotel Timeline, undated, p. 2.

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19 September 2023

Brandon Swanson
Community Planning and Building Director
City of Carmel-by-the-Sea
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Dear Mr. Swanson:

I have carefully read the evaluation by Meg Clovis on DPR forms of the Hofsas House Hotel, completed 20 August 2023. There are several conclusions in her evaluation that are inaccurate. For example on page 2. Ms. Clovis further states, on page two that the murals inside the lobby were the work of the well-known painter Maxine Albro, who created the welcoming mural across the driveway from the office. The lobby murals were in fact painted by an artist named Kip who also repainted the exterior mural. The mural around the windows above the office seem to be the work of Albro, but they are not signed. Ms. Clovis should have said that they *appear* to be the work of Maxine Albro. More significant by far, the Report Citation at the bottom of page one of the evaluation refers to a DPR written by Kent Seavey. Mr. Seavey has never evaluated the hotel! Another architectural historian, Richard N. Janick, evaluated the house west of the hotel, which is owned by the Hofsas family, and found it to be architecturally significant. On pages eight and nine, Ms. Clovis repeats the error, stating that Mr. Seavey evaluated the hotel in 2001 and “found the property significant for its architecture and for continuing the legacy of Carmel’s storybook architectural style.” This is not correct. In the next sentence she claims that the City of Carmel-by-the-Sea has “recognized the Hofsas House Hotel as a historic resource.” This statement is also not correct. Ms. Clovis cites a letter from the City of Carmel to Jack Theis as evidence supporting her statement. The letter is addressed to Scott Theis, not Jack Theis, and mistakenly states that the Hofsas House Hotel had “been identified by the City’s Consultant, Kent Seavey’s Historical Resources Survey as a local historical resource.” Mr. Seavey’s survey identified the Hofsas Home, not the Hofsas House Hotel, as significant, as may be seen in the list of historic properties published in the *Carmel Pine Cone* on 2 November 2001. A long list of errors, filling two pages, has been compiled by the current owner of the property, Carrie Theis, and is attached to this letter as an appendix.

In her DPR, Ms. Clovis refers to the style of the hotel as Bavarian Revival. A variety of architectural styles are found in Bavaria, as in much of Europe, and the only style unique



Figure 1. Looking northwest at east side of Hofsas House Hotel, 29 July 2022.



Figure 2. Looking northeast at west side of Hofsas House Hotel, 29 July 2022.



Figure 3. Looking along west side of Hofsas House Hotel, toward north wing, from steps leading to office, 29 July 2022.

to Bavaria is a regional variation of a farmhouse, or Baurnhaus, which is constructed of wood and is typically two or two-and-a half stories in height. Frederick Hofsas and his wife, Donna, acquired what would become the Hofsas House Hotel in 1949. According to Ms. Clovis, the grandfather of Fred Hofsas was from Württemberg, Germany, and it was his heritage that influenced the design of the hotel. There is nothing in either the record or any information in possession of the family that substantiates this conclusion. Given that Württemberg is located nearly a hundred miles west of Bavaria and does not share the same architectural heritage and styles, this story seems unlikely. It also should be observed that Donna Hofsas received a letter at an unknown date from the Carmel Fire Department that told her she should “discontinue further use of the Tiki Torches” that lit the exterior of the hotel. Typically, one does not associate Tiki Torches with a Bavarian architectural style. In my evaluation of the property, completed in September 2022, I refer to the architectural style of the hotel as Tudor Revival. Neither Tudor Revival nor Bavarian Revival, both of which relate exclusively to domestic architecture, is the really correct term to use when evaluating a hotel or a motel. The term Tudor Revival, it should be said, appears in *Historic Context Statement: Carmel-By-The-Sea* (updated by Past Consultants, [2022]) but the term Bavarian Revival does not. Almost no element of either architectural style is visible on the west façade of the hotel, one of the primary elevations of the building. Most guests park their cars on this side of the hotel and many make use of the swimming pool, conference room, and men’s and women’s sauna located here. As may be clearly seen in figures 2 and 3, the west façade of the Hofsas House

Hotel has no architectural elements save for a scattering of faux half-timbering. The general appearance is that of a big-box hotel or motel, such as a Motel 6.

As I stated in the evaluation of the Hofsas House Hotel I wrote in September 2022, the welcoming mural painted in the porte cochère of the hotel by Maxine Albro is of some interest. Ms. Clovis states on page eleven of her evaluation of the hotel, that its presence contributes “to the significance of the property.” The mural was completed in 1957 and repainted by Kip. Three years ago the Carmel folk artist Marie-Clare Treseder Gorham spent a couple of weeks repainting it again. The mural is actually the work of three artists.

Although easily seen by motorists and pedestrians, there is no mention of either the mural or the hotel itself in the *Historic Context Statement: Carmel-by-the-Sea*. The original *Context Statement* was prepared by Teresa Grimes and Leslie Heumann and published in September 1994. It was revised two years later by Glory Anne Laffey, founder of Archives and Architecture, and in 2008, by the San Francisco firm Architectural Resources Group. A year ago, in 2022, it was again updated by Past Consultants. It is readily apparent that none of these four firms considered it to be a significant architectural resource. In my opinion it should not be added to the Carmel Register of Historic Resources.

Sincerely yours,



Anthony Kirk, Ph.D.

The Hofsas House Hotel is a large complex of buildings that was constructed in three phases, with work beginning in the 1920s and ending in 1968. The buildings vary in height from one story to four stories and are largely wood-frame construction, though concrete blocks were used in the earliest construction and in some of the work that dates to 1957. The hotel was built on a hillside, and from the front, which faces east, toward San Carlos Street, it appears to be but two stories in height. The earliest construction consists of eight rooms in four cottages that extend from San Carlos Street down the hill toward Dolores Street. The cottages facing the street are two stories in height. The Residential Building Record for the property (curiously, there is no Commercial Building Record) shows that the cottages rest on concrete perimeter foundations. Fenestration is asymmetrical and originally consisted of steel-sash windows, though the Building Record makes no mention of the type of windows. The gabled roofs are characterized by moderate overhang and open eaves and finished with composition shingles. At an unknown date—but possibly in the early 1950s—aluminum-sash windows replaced the original steel-sash windows.

In 1957, a large addition to the hotel was constructed, comprising twenty-three rooms that ran along San Carlos Street and extended down the hill. The plans were drawn by the Carmel architect Robert E. Jones, AIA. It was at this date that the current façade was constructed in a commercial Tudor style, with faux half-timbering, or strapwork, and stucco infilling. The work completely altered the appearance of the original cottages on San Carlos Street. A steeply pitched roof, with a clipped gable, covers the hotel office at the southern end of the building. A low brick veneer runs underneath the ground-story windows, from the office door to the base of a large interior brick chimney that rises far above the roof. The roof is characterized by

significant overhang at the front, with projecting decorative beams, and is finished with wooden shakes. It extends over the walk that stretches to the north end of the building and rests on a range of posts to the east of the walk. Two vertical sections of terracotta tile, next to the office, add a decorative touch. Three gabled dormers are set high on the roof, their ridges intersecting the ridge of the main roof. Fenestration is composed of casement windows with diamond-shaped lights and fixed, sliding, and double-hung vinyl-sash windows. At the north end of the building a halfpace staircase descends to the ground floor. On the west side of the building, each floor features a long balcony with a decorative balustrade. A concrete-block wall rises to the east of a kidney-shaped pool, and a metal fence and a wooden fence enclose the south and west sides. There is minimal half-timbering on the west side of the block, which has little of the decorative detailing that may be seen on the façade. An asphalt driveway, with a single parking space next to the office, descends the hillside and provides parking for a half dozen automobiles on the right side below the hotel and another seven on the left side somewhat farther down the hill, and then continues north.

When work was completed on the addition, the owner of the hotel commissioned Maxine Albro to paint a mural on the concrete-block wall opposite the entrance to the hotel. Born in Iowa in 1903, Albro moved to California at an early age and worked as a commercial artist before enrolling in the California School of Fine Arts and subsequently studying in Paris. Upon completing her studies, she visited Mexico, where she first saw the work of Diego Rivera, whose stylized figures influenced her work. In January 1934, shortly after recovery had begun from the Great Depression, she commenced work in San Francisco on what would be the most significant commission of her career, a ten-by-forty-two-foot mural in Coit Tower depicting agriculture life

in California. The Hofsas House Hotel mural, executed when the artist was living in Carmel, shows a half dozen figures in Bavarian clothes welcoming guests. Albro is also thought to have painted the murals on the gable wall above the office and the small murals at the front of the gabled dormers, but there is no evidence to support this contention. The two crests above the casement windows on the façade, which bear the words *Otium Cum Dignitate*—Leisure with Dignity—were designed by one of the early owners of the hotel, Frederick Hofsas.

In 1965 an unnamed architect, presumably a local designer, began work on preparing plans for a north wing, which was completed in 1968 and which holds eight rooms. The wing is L-shaped in plan and continues north from the halfpace staircase and then turns west, resting at its termination on a tall concrete wall that is roughly a dozen feet in length. The addition is two-stories in height and contains eight rooms. The exterior walls are clad with stucco and feature faux half-timbering, or strapwork. Fenestration is asymmetrical and consists of vinyl-sash windows, both casements and sliding windows. The steeply pitched roof is characterized by significant overhang along the façade and is finished with wooden shakes. It extends over the walk that runs along the front of the addition and rests on a series of posts. A single dormer is set high on the principal roof. The asphalt driveway that begins next to the hotel office passes underneath the west end of the addition and ascends the grade to San Carlos Street. A large brick furnace, with an incinerator that was originally used to burn trash, is set at the northwest corner of the addition, on the far side of the driveway. The chimney rises through the interior of the addition and emerges through the north slope of the roof. The two rooms at the end of the wing, one above the other, feature fireplaces. An exterior cylindrical brick chimney, with a tall chimney pot, rises two stories along the southeast corner of the addition and provides a fireplace

for each of two rooms. The same architect also drew plans for a conference room, with two saunas at the east end, to the north of the swimming pool, which dates to 1957. The conference room, which rests on a concrete perimeter foundation, is rectangular in plan. The exterior walls are clad with stucco and feature vinyl-sash windows. A Dutch door provides access on the south side, while a sliding door forms the entrance on the north side. The side-gabled roof is characterized by moderate overhang and open eaves and is finished with wooden shakes. A large interior brick chimney rises through the ridge of the roof at the west end.

A final alteration to the Hofsas House Hotel was made in 1974, following plans drawn by the Carmel architect Olof Dahlstrand. He designed a rectangular addition to the office, which is situated above the driveway that passes downhill at the southern end of the hotel. It is easily seen from the west side and is distinguished by the two vinyl-sash casements flanking a fixed window. In the years 2008 to 2009, all the aluminum-sash windows in the hotel were replaced with vinyl-sash windows.



The Hofsas House Hotel does not appear to be eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or the Carmel Historic Resource Inventory. It is not associated with events that have made a significant contribution to the broad patterns of United States, California, or Carmel history; nor is it associated with an individual or individuals significant in national, state, or local history. In the late 1920s it was owned by a man, or possibly a woman, with the last name of Torras, who was responsible for an addition to

what is described by the City of Carmel-by-the-Sea Community Planning and Building Department Planning as “Laundry Shops.” Four owners followed Torras, all of whom made additions or alterations to the buildings. In 1947 the hotel was acquired by Frederick and Donna Hofsas, who moved north from Los Angeles to run what became known as the Hofsas House. Fred Hofsas worked as an accountant, while Donna Hofsas managed the property. In 1957 the couple enlarged the hotel significantly, constructing a building with twenty-three rooms, as well as a swimming pool. The couple divorced in February 1960, with Donna Hofsas retaining ownership of the Hofsas House Hotel. Following her death in 1981, her only son, Jack Theis, assumed ownership. He died in 1996, and the property was run by his widow Doris Theis and the couple's two children. In 2000 the granddaughter of Fred and Donna Theis, Carrie Theis, assumed ownership of the hotel. None of the Hofsas is known to have made an important contribution to national, state, or local history.

Architecturally, the hotel has several features associated with the Tudor style of architecture, which was popular from 1890 to 1940, including, most notably, steeply pitched roofs and decorative half-timbering with stucco infilling. Most of the hotel was constructed some years after 1940, and, in fact, more than 80 percent of it dates to 1957 or later, more than a decade after the Tudor style enjoyed popularity in Carmel and across the United States. The hotel is not a good example of Tudor architecture. The only feature of interest in the buildings is the mural painted in 1957 by Maxine Albro on the concrete-block wall across the driveway from the office. The mural was freshened at an unknown date by a painter named Kip, about whom nothing is known. In the autumn of 2020 the Carmel folk artist Marie-Clare Treseder Gorham spent two weeks freshening colors that had faded. Her work was largely confined to the six figures in the

Supplemental Documentation

B
ATTACHMENT

Carrie Theis: HE23-097-New Information

There are numerous false and misleading statements in the Clovis DPR. The itemized list below serves to provide new information with reference to supplemental reports and documentation, where applicable. The professional peer reviews will be identified by their respective last names: Chattel, Jones, Lamprecht, and Kirk.

CLOVIS DPR - REVIEW

1. ***“Donna and Fred Hofsas purchased these properties in 1949 and created the Hofsas House complex of rental rooms and apartments” (Page 1, Paragraph 1, Sentence 3)***

This is false information

New Information: According to the deeds, Harry Hofsas, the brother of Fred Hofsas, purchased lots 9, 10 and parts of lot 7 from William Bishop on May 13, 1948. Harry then granted this property to Fred Hofsas on July 23, 1948. On May 2, 1949, Donna and Fred Hofsas were married. They lived in one of the apartments and rented out the rest.

Reference: Lamprecht report, page 4, and Carrie Theis deposition, and Harry Hofsas Deed, 1948

2. ***“In 1968 they built the eight-unit detached North Wing on lots 1 and 3, after demolishing two apartment buildings on those parcels” (Page 1, Paragraph 1, Sentence 6)***

This is false information

New Information: Fred and Donna divorced in 1960. The North Wing was built in 1968 by Donna Hofsas and Jack Thies. Fred Hofsas was not involved at all with the North Wing building.

Reference: Carrie Theis Deposition

3. ***“In 1957 they built a Robert Jones designed four story Bavarian fantasy” (Page 2, Paragraph 1, Sentence 6)***

This is misleading information

New Information: There is no documented intent to develop a Bavarian Fantasy

Reference: Deposition from Carrie Theis and Stephanie Kirz. Refer to Chattel report for discussion on Bavarian Revival

4. ***“Donna asked her friend, renowned artist Maxine Albro, to paint murals in the office, around the windows and on the inside wall of the porte cochere” (Page 2, Paragraph 1, Sentence 8)***

This is false information

New Information: The small birds and flowers painted above the window valences inside the lobby were not painted by Maxine Albro. These were done by KIP in 1999 when he touched up the mural outside the office and was asked to replicate the flowers and birds from the main mural so it would

be a continuum of the outside mural. The Hofsas family has pictures of the office in 1957 which does not have the flowers and birds painted above the inside windows. The paintings around the windows above San Carlos Street do not have a signature anywhere on those paintings. Therefore, they cannot be attributed to Maxine Albro.

5. **"Maxine Albro's floral murals surround the second-floor windows" (Page 3, Paragraph 1, Sentence 4).**

This is false information

New Information: The paintings around the windows above San Carlos Street do not have a signature anywhere on those paintings. Therefore, they cannot be attributed to Maxine Albro. Also, these windows are on the 4th floor of the building.

Reference: Deposition from Carrie Theis

6. **"The same pink stucco and half timbering is used on the exterior. Other details from the 1957 building are incorporated into the North Wing such as the gabled dormers, and the band sawn railings used for the exterior walkways and balconies." (Page 3, Paragraph 4, Sentence 3).**

This is misleading information

New Information: The North wing was originally painted beige in 1968 as Planning Commission didn't want the look of large building. It was painted pink in 1999 to match the rest of the hotel.

Reference: Deposition from Carrie Theis, City of Carmel Building Permit Records

7. **The 1968 building's gabled dormers have murals painted between each casement window. The murals are similar to Maxine Albro's original murals however they were not painted by her since she died in 1966. There is no record of who painted the murals for the 1968 North Wing (Page 3, Footnote 1)**

This is false information

New Information: The 1968 North Wing does not have any paintings on the gabled dormers. Only the 1957 main 4 -story building has paintings on the gabled dormers facing San Carlos Street by an unknown artist.

Reference: Carrie Theis

8. **Apart from the construction of the North Wing in 1968, to the property since 1957 have principally focused on repairing or replacing the exterior stairs. (Page 4, Paragraph 2, Sentence 3).**

This is false information

New Information: Many alterations and additions have been made over the years including the addition of the office above the lobby in 1974, the replacement of all the room windows (aluminum sash windows replaced the original steel-sash windows, and subsequently the aluminum windows were replaced by vinyl sash windows).

Reference: Architectural Contributions Diagram, Carrie Theis Deposition, City of Carmel Building Permit Records, Lamprecht report, page 4.

9. **“The Hofsas House Hotel represents a rare example of the Bavarian Revival style. This style was first introduced to the United States by A.J. Downing’s 1850 stylebook, *Architecture of Country Houses*.” (Page 4, Paragraph 4, Sentences 1-2).**

This is false information

New Information: There is no such reference to this style in the book, or professional architectural literature. Extensive research and new information regarding this alleged style of architecture is presented in the professional historian reports.

Reference: Chattel report, Jones report, Lamprecht report, and Kirk report.

10. **“The Hofsas House Hotel’s pink color and Bavarian inspired architectural details all suggest that Frederick’s heritage influenced the building’s design” (Page 4, Paragraph 4, Sentence 5).**

This is misleading information

New Information:

Per Fred's stepdaughter Stephanie Kirz (Executrix of his estate, and responsible for clearing out all his belongings) stated that Fred made no mention of his heritage, or possessed any material items at home that referenced 'Bavaria' or Germany.

Reference: Stephanie Kirz deposition

11. **“This is corroborated by Frederick’s design of the family shields and Albro’s murals around the windows, both of which are typical of Bavarian motifs.” (Page 4, Paragraph 4, Sentence 6).**

This is false information

New Information: The mosaic shields were designed as a marketing tool. The four images represent the hotel. The four images are as follows: a key to represent the rooms, and outstretched hand to represent hospitality, a copper fireplace, representing the fireplace in the lobby, and a cypress tree to represent the lone cypress on 17-mile Drive. The cursive script in the center are two H’s, which represents ‘Hofsas House’ and the Latin text on the bottom of the shield: ‘Otium Cum Dignitate’ translates to “Leisure with Dignity”, also relating to the hotel business.

Reference: Carrie Theis deposition

12. **“The Hofsas House Hotel represents a continuum of Carmel’s famed storybook-style buildings, first introduced by Hugh Comstock.” (Page 4, Paragraph 5, Sentence 1).**

This is false information

New Information: Per Chattel, "Storybook in Carmel has specific associations with Hugh Comstock. All of the listed buildings were built between 1924-1929. The Hofsas Hotel was not built during that timeframe and does not fit with the grouping of Storybook building constructed and listed in Carmel."

Reference: Chattel report page 3-4.

13. **"Frederick and Donna Hofsas were well aware of the power of storybook style buildings to lure tourists through their doors and they chose to capitalize on this style for their new hotel." (Page 5, Paragraph 1, Sentence 1).**

This is misleading information

New Information: This is an assumption. Fred Hofsas was notably not interested in the hotel and divorced Donna in 1960. She paid him alimony so she could keep the business. Stephanie Kirz has stated (first-hand information) that Fred hated the hotel and the hotel business. He preferred to be the accountant.

Reference: Stephanie Kirz deposition, and Carrie Theis deposition. See Chattel report pages 3-4 for discussion on 'Storybook style'

14. **"Character-defining features of the Hofsas House Hotel include..." (Page 5, Paragraph 1, Sentence 3).**

This is misleading information

New Information: Per Chattel, no character-defining features of the "Bavarian Revival" style are provided. The back of the hotel features very few design elements that can be characterized as a formal design style.

Reference: Chattel report, page 3. Kirk report, page 3.

15. **"Very few changes have been made to the Hofsas House Hotel since the build-out of the complex between 1957 and 1968". (Page 5, Paragraph 3, Sentence 3).**

This is false information

New Information: The property has had multiple additions, demolitions, and many alterations by multiple contributors.

Reference: Architectural Contributions Diagram, City of Carmel Building Permit Records. Lamprecht report, page 5.

16. **Design: the hotel complex has retained its original Bavarian Revival design. (Page 6, Paragraph 1, Sentence 1).**

This is misleading information

New Information: There is no record of this intended design style and no documentation to support Bavarian Revival as a formal architectural style.

Reference: Chattel report, page 2 Stephanie Kirz deposition, Jones report, page 3.

17. "Materials: the hotel complex retains its original materials." (Page 6, Paragraph 1, Sentence 3).

This is false information

New Information: There have been several alterations, including new windows, sidewalk materials, and new roofs.

Reference: Carrie Theis deposition, Lamprecht report, City of Carmel Building Permit records.

18. "Workmanship: the hotel complex still exhibits Bavarian Revival style details such as the flat balusters, clipped gables, diamond-paned windows, family crests, and Albro murals." (Page 6, Paragraph 1, Sentence 4).

This is false information

New Information: Per National Register Bulletin: Workmanship is the 'physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. The hotel is a compilation of efforts and does not represent the skills of an artisan or culture.

Reference: National Register Bulletin VIII. 'How to Evaluate the Integrity of a Property', page 45.

19. "Feeling: the hotel complex retains the physical features that convey its historic character, i.e., a large hotel built to serve Carmel tourists in the late 1950s. (Page 6, Paragraph 1, Sentence 5).

This is misleading information

New Information: Before the hotel, they rented out apartments and cottages. The hotel was built out over time.

Reference: Carrie Theis deposition

20. Association: the hotel complex still reflects its association with Donna Hofsas' original Bavarian vision. (Page 6, Paragraph 1, Sentence 6).

This is misleading information

New Information: Association is the direct link between an important historic event of person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. The Hofsas House Hotel has no association with historically important events, people, or activities.

Reference: National Register Bulletin VIII. 'How to Evaluate the Integrity of a Property', page 45.

- 21. "In 2001 the property was recorded and evaluated as part of Carmel's Historic Resource inventory by Kent Seavey, Mr. Seavy found the property significant for its architecture and for continuing the legacy of Carmel's storybook architectural style" (Page 8, Paragraph 5, Sentence 1)**

This is false information

New Information: There is no evidence of Kent Seavey, or his associates evaluating the Hofsas House Hotel. The Donna Hofsas House was listed in the Pine Cone article, "What's Not on the List", November 2-8, 2001, as a potential historic resource. The Carmel Library houses the 2002 Carmel Inventory of Historic Resources Database. In Box 8, Folder 1, the Kent Seavey Master Survey List does not include the Hofsas House Hotel, or the Donna Hofsas House.

Reference: Lamprecht's report, page 3, deposition from Carrie Theis, Pine Cone article, and documents from the Carmel Library.

- 22. "The City recognized the Hofsas House Hotel as a historic resource as evidenced by a letter in the building file" (Page 9, Paragraph 1, Sentence 2).**

This is false information

New Information: The letter mistakenly stated the hotel was historic in reference to a re-roof request in 2002, but there is no evidence of any documentation to support the hotel being identified or designated.

Reference: Carrie Theis

- 23. "Letter from City of Carmel to Jack Theis regarding a roof replacement for the Hofsas House Hotel, 1/2/2002. Hofsas House Hotel North Wing Building" (Page 9, Footnote 8).**

This is false information

New Information: The letter from the City of Carmel was addressed to Scott Thies, not Jack Thies. Jack Thies passed away in April of 1996.

Reference: City of Carmel Building Permit records, Letter to Scott Theis 2002.

- 24. "Personal communication with Kent Seavey 8/21/2023." (Page 9, Footnote 7).**

This is misleading information

New Information: The documented personal communication with Kent Seavey was not provided. There is no record of the hotel ever being evaluated, or recorded, as a historical resource.

Reference: Lamprecht report, page 3, Kirk Letter, page 1.

Hofsas House Hotel – Business and Building Timeline

1920's:

- 1920's: APN: 010-124-014-000 - Prior to 1947 there were several owners to the initial property dating back to 1928 and many changes that included laundry shops, changes to a garage, adding a 1 story residence and removal of existing building to be replaced by apartments according to building records.

1940's:

- 1947 – Fred Hofsas purchased cottages previously owned by Bishop (currently rooms 6, 7, 8, 9 & 10)
- 1948 - He added a new basement to a two-story foundation on Lot 9 (BP# 1604) in May.
- June of 1948, Harry Hofsas as owner and contractor added a bathroom & living room to the two-story building on Lot 9 (BP# 1625).
- August of 1948, Harry Hofsas remodeled basement to bedroom & bath on Lot 9 (BP# 1660).
- May 2, 1949 Donna & Fred Hofsas were married. They lived in room 9/10 & rented out the rest of the apartments.

1950's: (Early)

- 1952 building additions which are now rooms 20, 21, 30 & 31:
- March 18, 1952, BP# 2283 – Fred Hofsas was approved for an addition to existing residence and added new apartments to Lot 9.
- May 7, 1952, BP# 2315 – Added another apartment to Lot 13.
- June 20, 1952 BP# 2337 – porch roof addition to Lot 11.

1950's: (Late)

- March 28, 1956 Resolution Number 275 was approved by the Planning Commission to issue a building permit for a 21-unit hotel to be built on lots 5, 7, 9 and 10 of Block 34.
- December 13, 1956, BP# 2986 on Lots 5, 7, 8, 9, 10 & 11 to demolish two old residences to make parking lots for Hofsas House Hotel. January 23, 1957, BP# 2996 issued to build 3-story main building of hotel, adding 21 units to hotel (rooms 1-5, 22-26, 32-35, 41-47) lobby, night manager's studio apartment and laundry room. The south part of the fourth level was built over rooms 30 and 31 since you can still see the roof of these units inside the attic of the lobby.
- After main building was built, local artist Maxine Albro was asked to paint Bavarian mural at the entry of hotel.
- April 24, 1957 Resolution 306 was passed by Planning Commission to added 5 units to existing motel (add rooms 6, 7, 8, 9 and 10) despite the Architectural Committee objecting to a four-story building on the west side of the project. There was no legal provision in the City code preventing a 4-story building so they recommended to the Planning Commission that the project be approved.
- May 10, 1957 BP# 3044 was issued to add 5 units to present 25 units on Lots 5, 7, 9, 10, 11, 12, 14 and 30' of lot 8.
- June 28, 1957 BP# 3058 was issued to build swimming pool.

- November 18, 1959 – Resolution # 410 to approve a remodel to modernize bath and hall in duplex on Lot 8 (BP# 3458).

1960's:

- February 10, 1960 – Donna & Fred divorced.
- February 24, 1960 – Resolution # 428 approved by the Planning Commission for Donna Hofsas to construct a house and garage
- May 30, 1960, BP# 3535 issued for house and garage.
- July 17, 1962 – Bathroom addition to manager's residence (House). Added a sink to master bath & closet space to north portion of master bedroom (BP# 3828).
- 1965 Donna purchased assessment 010-124-001-000 (lot just north of Hofsas House) from Mrs. Brown, Mike Brown's mother, with her son Jack Theis and created plans for an additional 8 units (rooms 27, 28, 29, 36, 37, 38, 39 & 40) with a banquet room, full kitchen and two dry saunas which became known as the North Wing of the Hofsas House Hotel. Permit issued in 1967 with an extension requested in November of 1967. This building was originally painted beige since the Planning Commission did not want the Hofsas House to look too big. Retaining wall was also built (permit #4387).
- December 1, 1967 Permit issued (#4717) to do an addition to existing kitchen of House (Lots 10 & 12).
- January 26, 1968 – Permit # 4744 to replace tar & gravel roof with shakes and change roof structure of building to provide 4" minimum pitch on Lot 11. This is the south side of the main building on San Carlos.

1970's:

- August 14, 1972 – Permit # 72-150 to extend entry of shift double doors of House and relocate interior block screen wall. Also extended the south part of the master bedroom.
- May and June of 1975, two building permits, 74-90 and 74-101 were issued for Hofsas House with Ralph Stein as contractor for Lots 5, 7, 9, 11, 12, 13 & 14 but not sure for what reason.
- 1974 – Olof Dahlstrand, architect designed Donna's office to be built over the back office of the lobby. He also redesigned the stairs leading from the 4th floor to the parking area (Permit #74-101).
- June 2, 1977 BP# 77-132 issued to replace stairs on the north side of the main building, lot 5
- November 2, 1978, permit # 78-192 – Emergency repair of failed retaining wall for Lots 5, 7, 9, 10, 12, 14 N/pt11.
- January 16, 1979, permit # 79-7 - Installed bay window in House.

1980's:

- July 1981 – Donna Hofsas passed away so my father, Jack Theis and my mother Doris Theis, took over the managing of the Hofsas House. Brother Scott soon joined Jack and Doris to help out.

1990's:

- April 19, 1996 Jack Theis passed away so Doris and my brother Scott Theis took over the management of the hotel.

- October 30, 1997, BP# 97-220 repair/replace retaining wall.
- March 30, 1999 BP# 99-132 issued to re-build stairway on north side of main building
- July 14, 1999 – Design Review 99-16 - Planning Commission approved our application to change exterior color of North Wing from beige to the existing pink color to match rest of the Hotel.
- 1999 – Local artist by the name of KIP was asked to refresh the mural painted by Maxine Albro. He added his signature to the right corner of the mural.

2000's:

- October 2000 Carrie joined Doris and Scott with the managing of the hotel.
- 2001 – repair roof structure of House. Replaced some small windows and replaced wood shake with synthetic slate tiles Permit # 01-70
- November 2001 – install new block wall on the Dolores side of property to support oak tree and dirt from erosion.
- 2003 – North wing stairs redesigned and built BP# 03-185, September 17, 2003.
- December 20, 2004, Permit # 04-245 C – replace supporting beams for walkway above rooms 20 and 21.
- January 16, 2006 – fire in laundry room so reconstructed interior of laundry room with shelves.
- February 2008 – for entire hotel, replaced aluminum framed windows with white vinyl Z bar frames with dual pan glass windows, inset into the exiting aluminum frames. The decorative character windows with pink trim at the front of the lobby and two adjacent rooms were not changed.

2010's:

- February 2014 apply to install pavers and drains on the San Carlos sidewalk in front of hotel main building. Hold Harmless agreement was signed. Also installed a rain catchment tank to drain.
- June 2014 - House foundation jeopardized on northwest corner due to deep excavation work on the adjacent property. Due to excavation, a water pipe was compromised and flooded the construction hole causing the oak tree to fall. Three helical foundation underpinning anchors were installed to support the foundation.

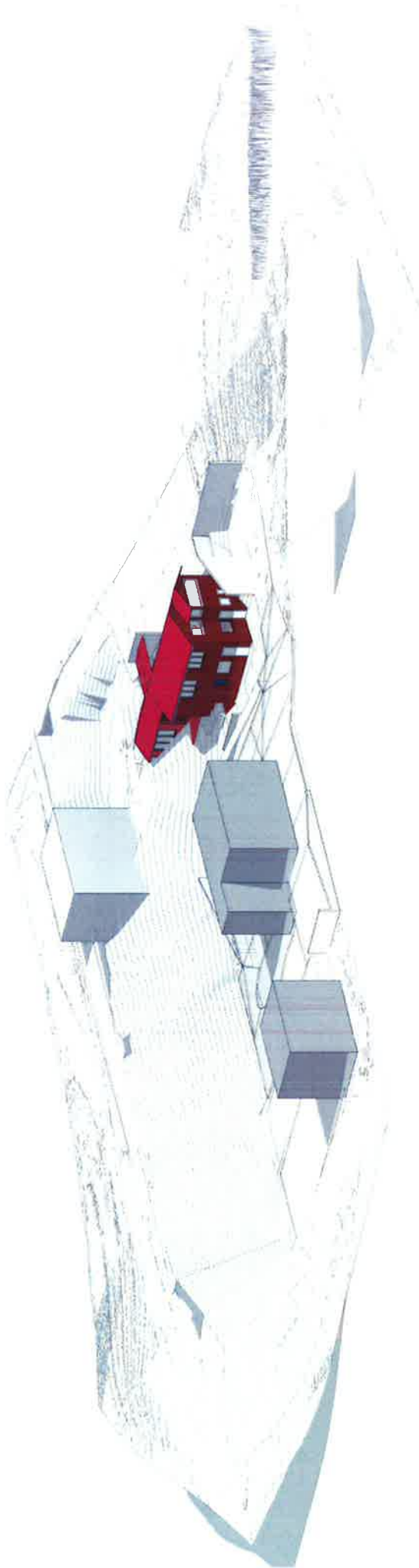
2020's:

- August 2020 – Local artist Marie-Clare Treseder Gorham was asked to touch-up the Maxine Albro mural since some the paint had faded. Her work was largely confined to the six figures in the mural and the birds. The background of the mural was not touched and a protective coating was applied to it after the touchups were completed.
- January 2022 – remodeled shower in room 10 by raising the floor and ceiling to remove the one-foot step down that was there.

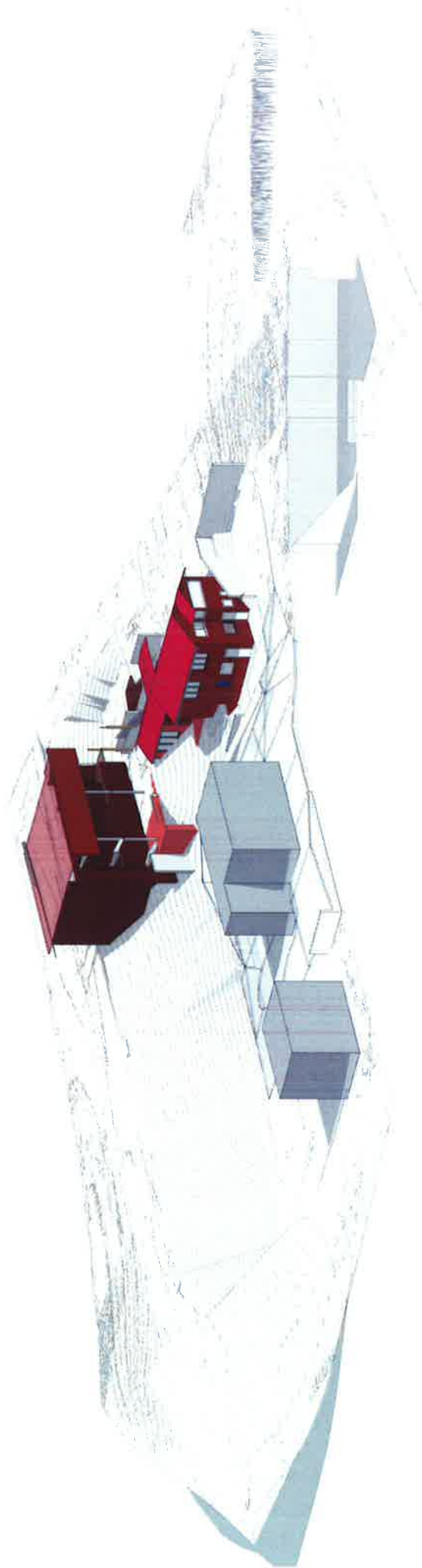
Architectural Contributions Diagram

The 'Architectural Contributions Diagram' illustrates both the changes in massing over time, from the 1920's to present, and the numerous contributors to the property. The following key illustrates the various color coding representing the multiple contributing contractors, and the cross-hatching overlays illustrate the multiple architects that have contributed to the development of the property.

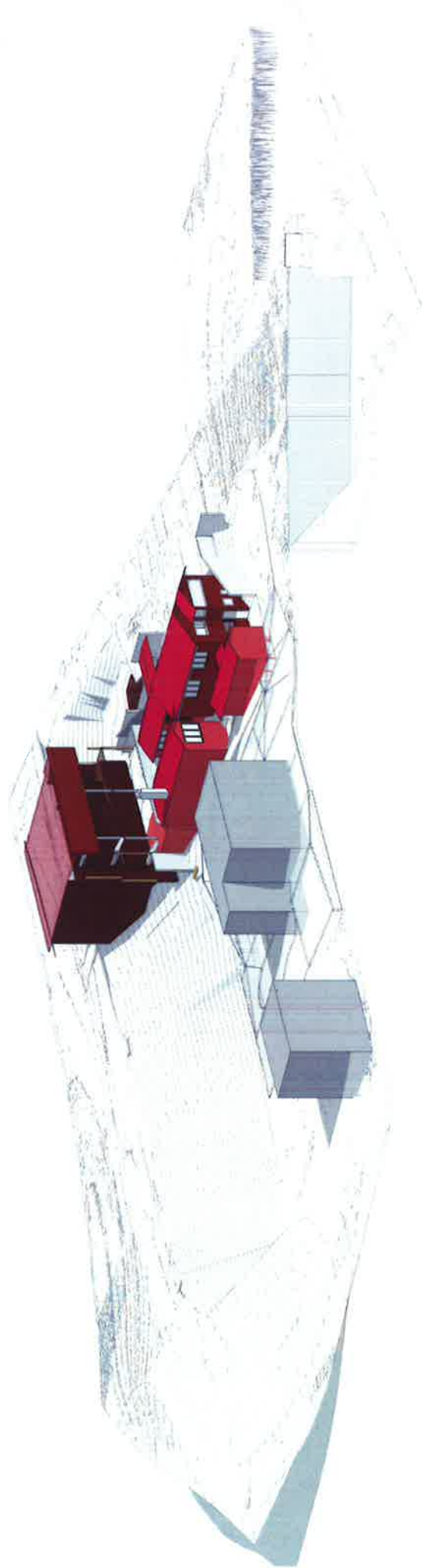
ARCHITECTS		CONTRACTORS	
	GEORGE WILLOX		TORRES
	ROBERT JONES		HARRY HOFMAN
	OLIVE DAYTON		S. SMITH
	WALD & LARSON		BISHOP
	OLAF GAHLSTRAND		THIES
			RALPH STEAM
			PRIDDICK
			UNKNOWN CONTRACTOR
			J.O. DAYTON
			KRAFTZECK
			HELM & SAVOLDI
			A.L. MILLER
			SWAYZE
			HAWTHORNE
			SFB MORSE & ASSOCIATES
			ALAN WILLIAMS
			ALLEN LARSEN
			BURKLEO ROOFING
			MUSBAUM
			BAPTISTA CONSTRUCTION
			DEMOLISHED STRUCTURE



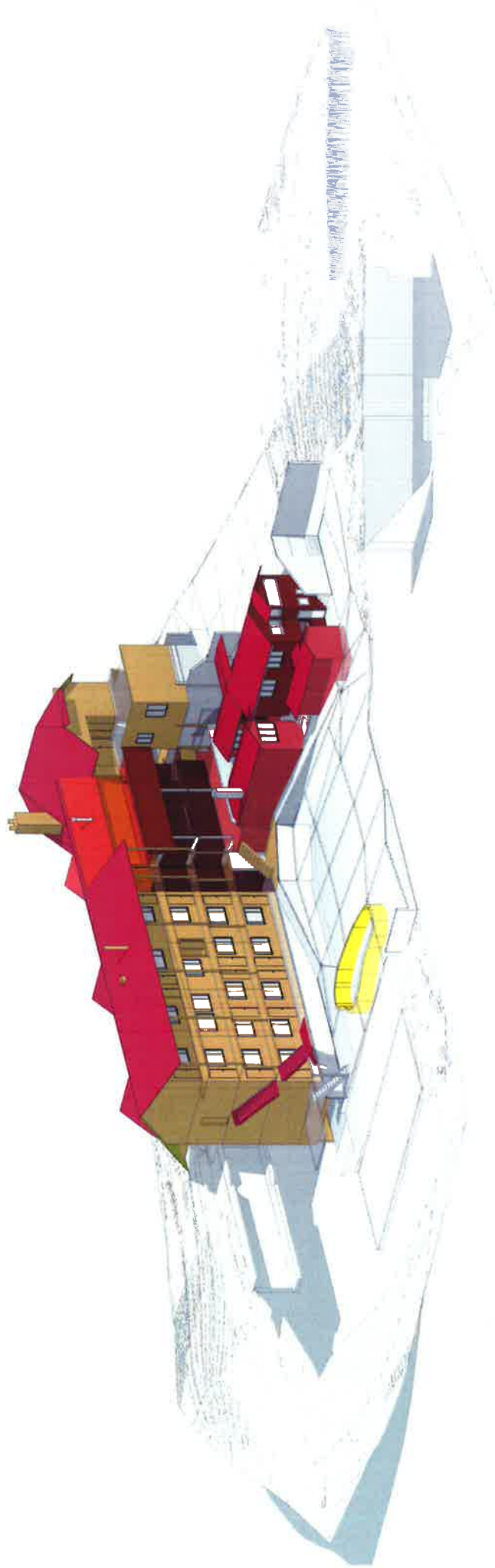
1920's : Residences, Laundry Shop and Apartments



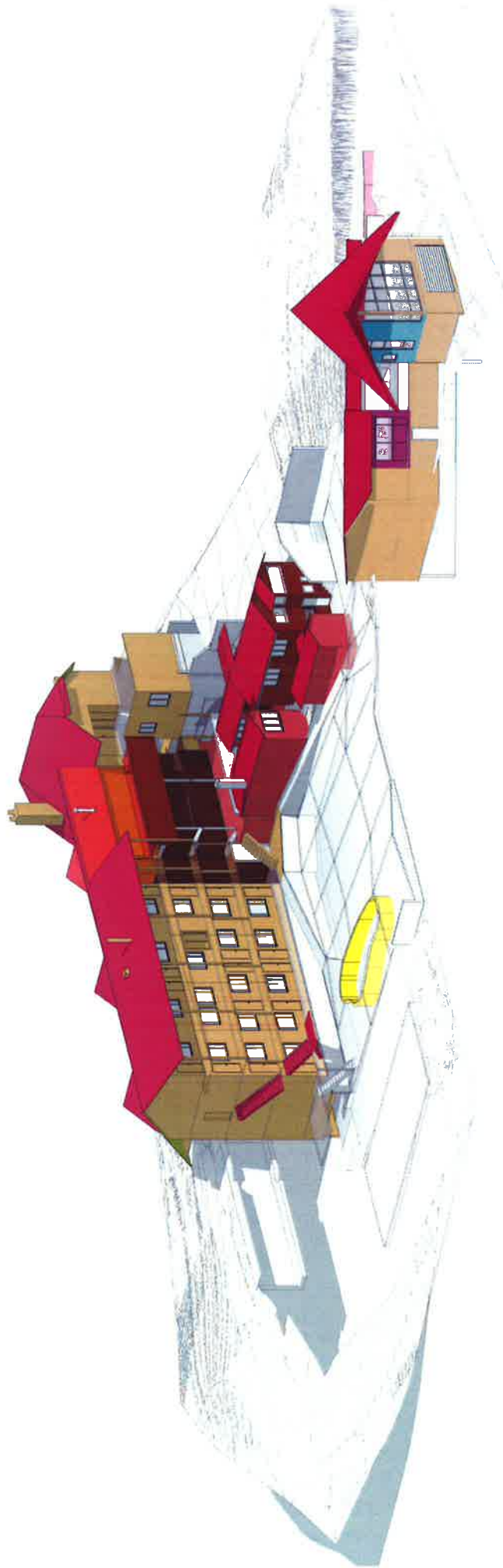
1940's : Basement, Bedroom and Bath Additions



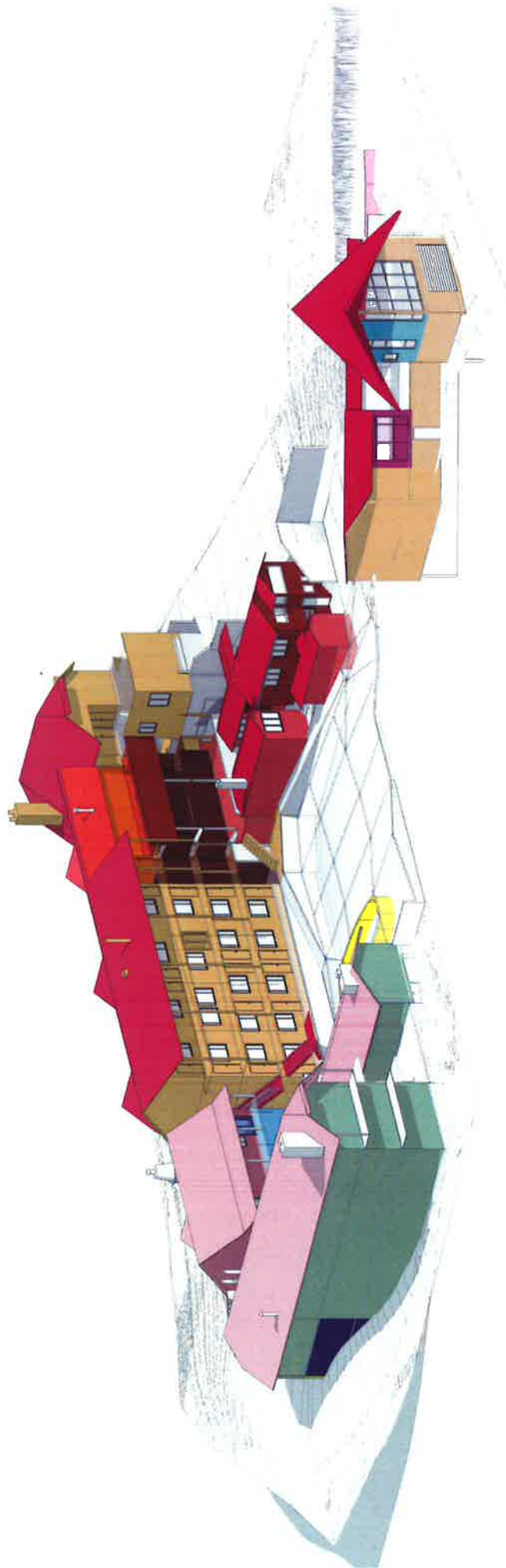
1950's (early) : New Apartments, Porch Roof, Residence Addition



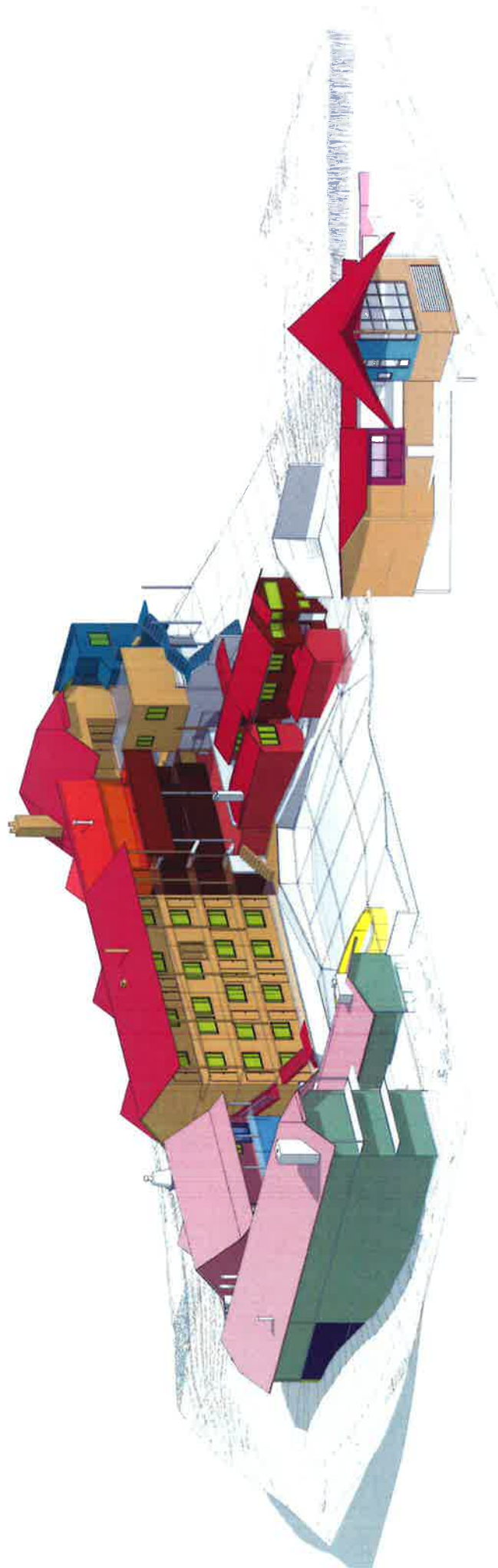
1950's (late) : Four Story Hotel, Demo (2) Houses, Lobby, Laundry, Studio, Pool



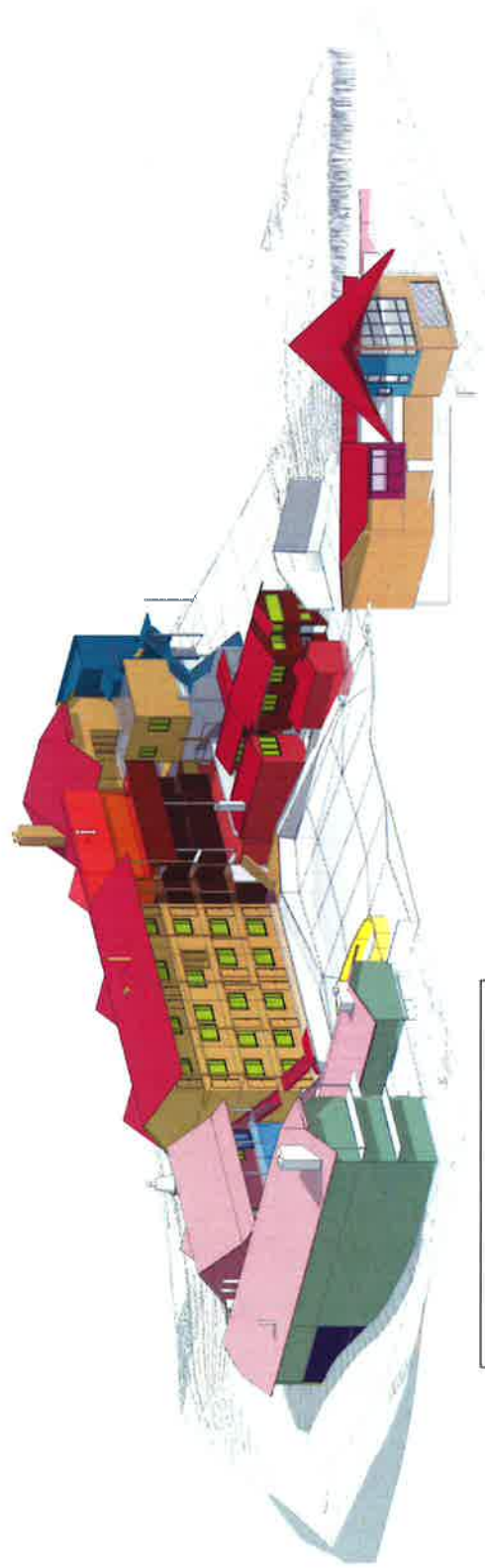
1960's (early) : Modern House Built



1960's (late) : Purchase Land, North Wing Built, Replace Roof with Shakes

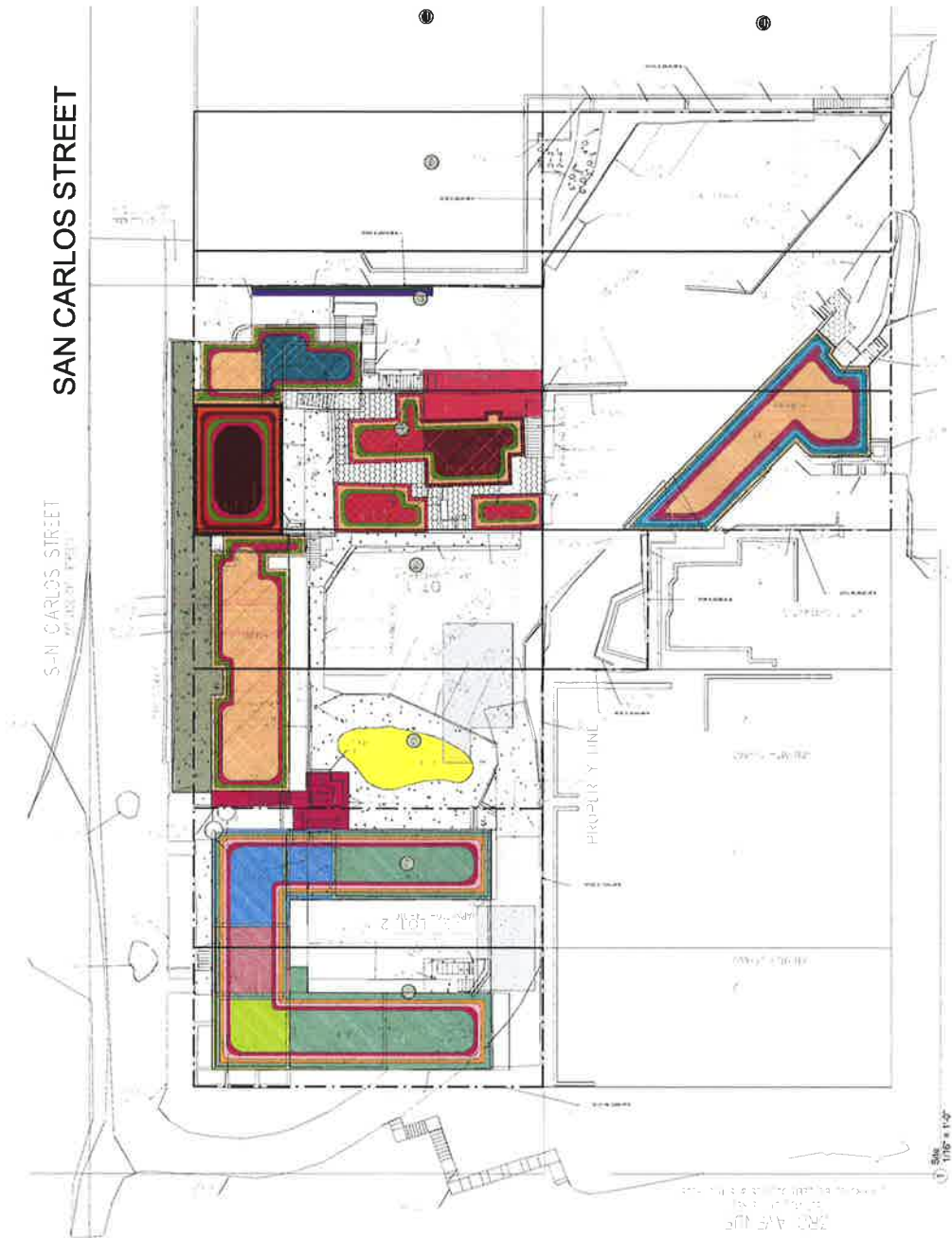


1970's-Present : New Office Built, New Stairs, House Addition,
Change North Wing Color, Replace All Windows on Hotel with Vinyl



ARCHITECTS		CONTRACTORS	
	GENERAL CONTRACTOR		CONCRETE
	MECHANICAL/ELECTRICAL/PLUMBING		WOODWORK
	PAINT		ROOFING
	GLASS		IRON/STEEL
	MECHANICAL/ELECTRICAL/PLUMBING		MECHANICAL/ELECTRICAL/PLUMBING
	MECHANICAL/ELECTRICAL/PLUMBING		MECHANICAL/ELECTRICAL/PLUMBING
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'Such a comedy!'
debuts at
Magic Circle



Bravissima concerts
launched with
knockout team



A little red
on the green
— INSIDE THIS WEEK



Carmel Pine Cone

Volume 27 No. 45

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November 2-8, 2001

BULK RATE
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ROOTING OUT ALIEN INVADERS

■ 130-year-old eucalyptus
coming down on Fourth Avenue

By MARY BRYANFIELD

FOURTH AVENUE'S 32 towering eucalyptus trees — loved by some for the shade they make and the birds they drop on people's homes, and loved by others for their majestic stature — began coming down piece by piece last week. The city is paying Iverson Tree Service \$103,825 to remove the trees, native to Australia, which were planted by some of Carmel's earliest settlers more than 100 years



Balance more than 75 feet above Fourth Avenue, a worker with Iverson's tree service used a chain saw Wednesday morning to remove a large section of an aging eucalyptus.



The 15-foot piece was lowered to the ground where it joined a growing pile of logs from the 130-year-old trees, which will make way for native species.

ago. The eucalyptus will be replaced by native species. The work could take three months, perhaps longer, with "safety being the number one concern — not speed — due to the weight and mass of the trees, as well as their proximity to high voltage lines and homes," said acting city forester Mike Branson.

While tree removers once cut small pieces from the tops of the trees and dropped them to the ground below, they now slice off chunks about three feet in diameter and up to 15 feet long — each weighing more than a ton — and lower them to the street below.

"They start at the top and work their way down," he said. "Ho has a crane which really makes it a safer operation. You can take larger pieces, but these trees are emer-

See EUCALYPTUS page 17A

What's not on the list

■ Report: Sea Urchin, Arriola, Hitchcock houses not historic

By TAMARA GAPP

THREE HOMES at the center of accusations that Carmel isn't doing enough to protect its historic buildings are noticeably absent from a preservation expert's survey of the town.

Consultant Kent Sawney's list, released last month, is interesting reading not only for the architectural gems he identified, but also for those buildings not included — Sea Urchin and Periwinkle, Hitchcock House and the Gus Arriola House.

All three homes became the subject of an aggressive campaign by End Sales — including lawsuits and appeals to the California Coastal Commission — to stop them from being replaced with new buildings.

However, Sawney, who served as the firm historical coordinator for Monterey County and studied architectural histo-

See REPORT page 16A



Sea Urchin and Periwinkle, two tiny buildings that are one town's historic, are right now.

Keeley takes redistricting complaint to Washington

By PAUL WILDER

ASSEMBLYMAN FRED Keeley, armed with "16 pounds of documents," is in the nation's capital to ask Justice Department officials to thwart a California redistricting plan that could cost Keeley a seat in the state Senate.

Under federal law, any change in election districts in Monterey County must get "preclearance" from Washington to ensure the changes don't discriminate against protected minority groups.

But new state Senate districts drawn up last summer by Democrats in Sacramento would "over-concentrate" Latinos in one new district, while "effectively silencing" Latinos in parts of Monterey County, Keeley maintained.

The conflict is full of irony for Keeley, who was recent Assembly speaker for the last two years and was considered a rising

star in the California Democratic Party.

With his party 100 percent in control of state government for the first time since 1978, Keeley seemed a shoo-in to take Bruce McPherson's seat in the senate in 2004.

But party leaders left Keeley out in the cold, preferring to protect Democratic incumbents in other districts.

So Keeley headed to Washington this week to ask a Republican Justice Department to save him from his own party. McPherson's district — the 15th — includes Monterey and Santa Cruz counties and part of Santa Clara County.

But the redistricting split Santa Cruz County from Monterey and further divided each county, effectively forcing Keeley to run in a district dominated by Santa Clara County, where he would be hard pressed to

See KEELEY page 17A

'No parking' not good enough for state coastal commission

By MARY BRYANFIELD

THERE CAN be no parking restrictions on Scenic Road unless the California Coastal Commission decides otherwise, coastal enforcement officer Stuart Taylor has said. On Oct. 23 letters to the city of Carmel told them to stop all the signs limiting parking on Scenic after dark or on foot and pedestrian.

The letter is the latest in a year-and-a-half-long dispute over Carmel's 17-year-old policy of limiting parking to the area under current planning to encourage the commission's staff by making the rules apply to all the businesses the small "except by special permit" signs in August. But by removing the "No Parking 30 Minutes After Sunset to 5:30 a.m." signs, Carmel remains in violation, according to Taylor.

In order to avoid formal enforcement

actions, including court-ordered penalties and the removal of a "dissemination" order, the city must "immediately" remove the signs, provide proof of the removal to the commission's district enforcement officer by Nov. 24 and "submit a complete Coastal Development Permit application for any parking program and/or signage installation that the city would like to present," according to the letter.

Once an application is submitted and deemed complete, coastal staff "is willing to consider recommending approval of a limited overnight restriction — 2 a.m. to 4 a.m. — for the general public on Scenic Road."

Principal planner Brian Roach told the Carmel Planning Commission Oct. 30 that

See SCENIC page 17A

CARMEL'S HISTORIC STRUCTURES

From page 3B

EURICH ON REAL ESTATE

If you're thinking about buying a home, don't get a full today's favorite 30-year mortgage at the 6 1/2% rate. And don't get a high by historical standards but there are also mortgages and also with significantly lower interest

every three, five, or seven years. There's even an ARM that waits 10 years to change in period the shorter the amount of time between adjustments, the lower the interest rate. Increase lenders not too risk of being saddled with too

secret loans if rates go up.

All ARMs are based on some early checked rates that moves with interest rates. Two commonly used indices are Treasury securities and the cost of funds for financial institutions.

Among fixed-rate mortgages, twenty term loans are now available in 10, 15, 20, and 25-year lengths - and there are also some that have lower rates than 30-year

fixed-rate mortgages.

Before you buy a home, check your options carefully. You may be able to buy a better home than you think.

As a real estate professional, I'm delighted to help you to meet your real estate goals in any way I can. If you need real estate information or assistance in selling your existing home or finding a new home, please call me at 831-623-4873. There's no obligation for a consultation.

Walter Eurich, CRP, CRS, is an Associate Broker with The Mitchell Group, 200 Chickadee Place, Suite 100, Carmel.



Walter Eurich

rates. And that translates into lower payments, or at least lower home for your money.

Many large buyers use money by using adjustable-rate mortgages. One-year ARMs are often about 1/8% to 3/8% lower than 30-year fixed-rate mortgages.

Buyers who use ARMs know that payments will rise if interest rates rise but the rate usually can't go up more than 2% a year, and if interest rates fall, the payments can decrease.

Most ARMs adjust their rates every year, but a few adjust rates as often as every month, while others may change

010-266-012	Rita (Buckminster)	1905F	House	010-286-015	Colonial Terrace	1935-1949	Hotel
010-267-005	Geary	1825F	House	010-287-001	John Palache (Mark)	1831F	House
010-268-008	Dr. Lane's Log House	1897E	House	010-287-002	Elm Palache (Hessmeyer)	1929F	House
010-268-009	La Franz (Buder)	1831F	House	010-287-005	Tabor-Sperry	1871	House
010-269-006	Rev. Clumpett	1893F	House	010-287-008	Edgemere (Whitney Palache)	1926F	House
010-269-013	Dorwart	1925	House	010-287-009	Orrick (Mary Palache)	1928F	House
010-271-090	Graham House (Comstock)	1887	House	010-292-008	Helen Proctor	1883	House
010-272-002	Helen Brown Studio	1825F	House	010-301-025	George Graff House	1929	House
010-272-015	Johnston	1940F	House	010-301-027	McLaughlin	1920F	House
010-273-001	R. Markham	1827F	House	010-302-013	Marie Gordon	1831F	House
010-273-008	Laura Maxwell	1831F	House	010-303-011	Nelson Howell	1907	House
010-273-014	Sea View Inn	pre1910	Hotel	010-303-017	Dr. A. Merchant	1962	House
010-274-003	Boyes House	1881	House	010-311-009	Chas. House	1948	House
010-274-005	Wild	1825F	House	010-311-013	Chimneys (Comstock)	1938F	House
010-274-006	Webb (B. Koepf)	1928F	House	010-311-014	Lanikai	1833F	House
010-275-005	La Franz (Buder)	1934E	House	010-312-018	Tusker	1804F	House
010-275-012	McGregor (Buder)	1932F	House	010-321-005	Murphy Homestead/Powers House	1846E	Farm
010-275-016	Gunsaul Norberg	pre1910	House	010-321-005	Murphy Barn/Powers Studio	1846E	Barn
010-277-005	Rossell House	1928	House	010-331-006	Countess Knoll	1825F	House
010-281-008	Koepf/Comstock	1881	House	010-331-022	Model of Carmel Mission		Model
010-281-019	England	1831F	House	010-061-005	Paul Flanders Mansion	1884-1925	House
010-282-014	Fenner House	1923	House	None	World War I Memorial	1922	Monument
010-286-010	La Casita	1822F	House				
010-288-011	Grace McGowan Cooke	pre1908	House				

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Harrison Memorial Library

Henry Meade Williams Local History Room

Guide to the Carmel Preservation Foundation Collection

Title: Carmel Preservation Foundation Collection

Format: CP: PH: AV: MAPS

Collection No.: C363

Creator: Carmel Preservation Foundation Members; Enid Sales; Kent Seavey

Date Span: 1990's - 2000

Extent: 15 boxes, 5 oversized folders of maps and 4 rolled maps

Repository: Henry Meade Williams Local History Room

Shelf Location: CP: PH: AV: MAPS

Donor: Claudine Van Vleet

Note: This collection has been indexed using the folder titles found in the inventory. A more in depth indexing would be ideal in the future. AW 04/25/2013

Biographical/Historical Description

The Architectural Preservation Group, later reformed as the Carmel Preservation Foundation, was named in 1988 by mayor Ken White to come up with an architectural preservation ordinance. The group comprised of 30 members under preservationist and contractor, Enid Sales leadership, surveyed over 2,000 properties in Carmel. Approximately three hundred structures or sites and 4 districts were identified as having historic significance. CPF compiled their information from city files and took exterior photographs of each structure surveyed. CPF worked on numerous projects including the moving of the first Murphy House, which became the headquarters for the Carmel Heritage Society. In the early 2000's the group disbanded due to differences in opinions about the role of the group in the community. Enid Sales died in 2008. (SEE: S24 - Enid Sales Collection for more

Revised 6/2017 by Katie O'Connell

information)

Scope and Content

This collection contains correspondence, research materials, brochures, maps, photographs, VHS tapes, ledgers with block and lot information for the City of Carmel from various years.

Administrative Information

Access: Materials are open for research.

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Preferred citation: Henry Meade Williams Local History Room, Harrison Memorial Library, Carmel, CA.

Inventory

CP Box 1: Downtown Commercial District

- Folder 1: Map - Blocks 70-77; Historic Commercial District List, December 2003
- Folder 2: Commercial Historic District
- Folder 3: Commercial Property Owners
- Folder 4: Block 70, Lots 1 and 2 - Mediterranean Market
- Folder 5: Block 70, Lots 3 and 4 - Wermuth Building
- Folder 6: Block 70, Lots 5, 6, and 7 - Wishart/Putnam/Raggett Building
- Folder 7: Block 70, Lots 8, 9, 10, 10 and ½ - Goold Building
- Folder 8: Block 70, east part of Lot 1 and west part of Lot 10 - Fire House
- Folder 9: Block 71, Lots (parts) 1, 2, and 3 - Pooble Building
- Folder 10: Block 71, Lot 3 and the east part of 1 - Holman's Hardware
- Folder 11: Block 71, Lot 4, part 1 - Carmel Development Co., Hanson's, Dank, Carmel Drug
- Folder 12: Block 71, Lot 5 - First Bank of Carmel
- Folder 13: Block 71, Lot 6 - Arne's Shoeshine, Bib n' Tucker, Wetzel J.
- Folder 14: Block 71, south part of Lot 8 and south part of Lot 9 - Paradise Building
- Folder 15: Block 71, Northeast part of Lot 1 - Pernille's
- Folder 16: Block 71, Lot 10, west part of Lot 8, and west part of Lot 9

CP Box 2: Downtown Commercial District

- Folder 1: Block 72, east part of Lot 1 and east part of Lot 2 - Wilson Building
- Folder 2: Block 72, south part of Lot 3 - Curtis Property
- Folder 3: Block 72, south part of Lot 6 - Fee Building
- Folder 4: Block 72, Lots 7,8,9 and part of 10 - Harrison Memorial Library
- Folder 5: Block 72, east part of Lot 1 and north part of Lot 3 - Brazil, Loran, Curtis
- Folder 6: Block 72, Lots 1 and 4 - Carmel Sunglass/Lutece Gallery
- Folder 7: Block 72, Lots 1 and 5 - Gold Fork
- Folder 8: Block 72, east part of Lot 10 and north part of Lot 6 - Little Swiss Cafe
- Folder 9: Block 73 - Pine Inn
- Folder 10: Block 74, Lots 1 and 2 - Seven Arts Building
- Folder 11: Block 74, north part of Lots 4 and 5 - Old "Sade's," Blooming Basement
- Folder 12: Block 74, south part of Lot 5 and southwest part of Lot 6 - Caddy Shack in the Court of the Golden Bough
- Folder 13: Block 74, northwest part of Lot 5 and northeast of Lot 6 - Cottage of Sweets in the Court of the Golden Bough
- Folder 14: Block 74, Lots 6, 7, and the north part of 5 - Talbott, Christian Science Reading Room in the Court of the Golden Bough
- Folder 15: Block 74, north part of Lot 5 and west part of Lot 6 - "Farratt and Impulse Shop" in the Court of the Golden Bough
- Folder 16: Block 74, Lots 4, 5, 6, 7, and 10 - Court of the Golden Bough
- Folder 17: Block 74, Lots 7, 8, and the northwest part of Lot 6 - "Dr. Gates" Building
- Folder 18: Block 74, southeast part of Lot 10 - "Spencers" in the Court of the Golden Bough

CP Box 3: Downtown Commercial District

- Folder 1: Block 74, Lot 9 - "La Rambla"
- Folder 2: Block 74, Lots 11 and 13 - "Katy's Cottage"
- Folder 3: Block 74, Lots 15, 17, 19 and 21 - Church of the Wayfarer
- Folder 4: Block 74, Lots 12, 14, and 16 - All Saints Church/ City Hall
- Folder 5: Block 74, Lots 18 and 20 - Sundial Court Apartments
- Folder 6: Block 74, west part of Lot 22 - Dr. C. Bergstrom
- Folder 7: Block 74, south part of Lot 4 and North part of Lot 5 - "Goat Shop," Court of the Golden Bough
- Folder 8: Block 74, Lot 3 - Bluebird Tea Room
- Folder 9: Block 74, southeast part of Lots 7 and 8 - Kuster Building , Spinning Wheel Inn
- Folder 10: Block 74, Lot 10 - Ruby's Kitchen
- Folder 11: Block 74, east part of Lot 22 - Pebble Beach Realty
- Folder 12: Block 75, Lot 1 - "Corner Cupboard"
- Folder 13: Block 75, Lot 3 - "Talbot, etc." Slevin Building
- Folder 14: Block 75, Lot 4 - Der Ling Shop
- Folder 15: Block 75, Lot 5 - Carmel Bakery
- Folder 16: Block 75, Lots 6, 7, 8, and the south part of Lot 5 - "Derek Rayne"
- Folder 17: Block 75, northwest part of Lot 8 - "Merle's Treasure Chest"/ Stanton's Office
- Folder 18: Block 75, Lots, 2, 3, 9, and the south part of Lot 1 - "Ladyfingers"
- Folder 19: Block 75, south ½ of Lot 9 - "Old Miller's Guild" / Cabbages and Kings

CP Box 4: Downtown Commercial District

- Folder 1: Block 75, Lot 13 - "Toots Lagoon and Seven Seas" / Parkes Building
- Folder 2: Block 75, Lot 15 - Oakes Building/ Weston New Masters Gallery

Folder 3: Block 75, Lot 17 - Oakes Building/ "Conway of Asia"/ Old City Hall and Post Office
 Folder 4: Block 75, Lot 19 - "China Art Center," Monterey County Trust and Savings
 Folder 5: Block 75, Lot 21 - "Kocher Building" / Dolores Pharmacy
 Folder 6: Block 75, Lot 16 - Mary DeNeale Morgan Studio
 Folder 7: Block 75, Lot 18, 20, and 22 - Cypress Inn
 Folder 8: Block 75, Lot 2, 3, 9, and south 1/3 of 1 - "Sportwise"
 Folder 9: Block 75, Lot 2 - Old Lanz
 Folder 10: Block 75, south part of Lot 8 - Caprice, Arthur Gallery
 Folder 11: Block 75, Lot 10 - Buff LaGrange, Court of the Golden Eagle
 Folder 12: Block 75, Lot 12 and part of Lot 10 - Bonnymeade Court
 Folder 13: Block 75, Lot 14 - Hartley Hill / Vendetti
 Folder 14: Block 76, Lot 5 and the north part of Lot 6 - "Las Tiendas"
 Folder 15: Block 76, Lots 7, 8, and the south part of Lot 6 - Draper/ Leidig Building
 Folder 16: Block 76, north part of Lot 8 - Leidig Building, "Old Fortier Drug"
 Folder 17: Block 76, Lot 10 - Isabel Leidig Building

CP Box 5: Downtown Commercial District

Folder 1: Block 76, Lot 12 - Farley Building
 Folder 2: Block 76, Lot 14 - Parkes Building/Vining/McKinstry
 Folder 3: Block 76, Lot 16 - Old Studio Theater, The Carmel Pine Cone
 Folder 4: Block 76, Lot 18 - Tuck Box
 Folder 5: Block 76, Lot 22 and the west part of lot 20 - El Paseo Building
 Folder 6: Block 76, Lot 22 and east part of lot 20 - Court of Enchanted Oaks
 Folder 7: Block 76, Lot 2 and the east 1/2 of Lot 1 - Laub's Country Store in front
 Folder 8: Block 76, Lots 3, 4, 9, and 11 - Doud Arcade
 Folder 9: Block 76, Lot 7 - Lloyd's Shoes
 Folder 10: Block 76, Lots 13 and 15 - Kocek Jewellers
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 Folder 12: Block 76, Lots 19 and 21
 Folder 13: Block 77, Lots 1 and 2 - "Carmel Hall"/ Manzanita Site
 Folder 14: Block 77, Lot 3 - "Sweater Shop"
 Folder 15: Block 77, Lot 4 - "Adam Fox"/ Ewig Building
 Folder 16: Block 77, part of Lot 4 - Goold Alley or Red Eagle Lane
 Folder 17: Block 77, Lots 5,6,7, and 8 - "Levinson"/ "Carmel Garage"
 Folder 18: Block 77, Lots 9 and 11 - Gallery Sactchi and Rafaello Rest
 Folder 19: Block 77, Lot 13 - Wells Fargo Parking
 Folder 20: Block 77, Lots 15, 17, 19, and 21 - Court of Fountains
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 Folder 23: Block 77, Lots 20 and 22 - Nielsen's Market

CP Box 6: Significant City Owned Buildings

Folder 1: Department of Parks and Recreation Surveys
 Folder 2: Scout House - Proposal and Correspondence
 Folder 3: Scout House - Copies of the Original Lease and Deed
 Folder 4: Scout House - Research
 Folder 5: Scout House - Research

CP Box 7: Early Carmel Builders

Folder 1: Research and Lists
 Folder 2: Frederick Bigland

Folder 3: Ernest Bixler
Folder 4: Artie Bowen
Folder 5: Hugh Comstock
Folder 6: Hugh Comstock - Post Adobes
Folder 7: Lee Gottfried and Donald Hale
Folder 8: Charles Sumner Greene
Folder 9: Albert Henry Hill
Folder 10: John Galen Howard
Folder 11: Mark Mills
Folder 12: Julia Morgan
Folder 13: M.J. Murphy - Estimates
Folder 14: M.J. Murphy - Research and miscellaneous
Folder 15: Percy Parks
Folder 16: Robert Stanton
Folder 17: Carlisle Stoney
Folder 18: John Thodos
Folder 19: William Weeks
Folder 20: George Whitcomb
Folder 21: Frank Lloyd Wright
Folder 22: William Wurster

CP Box 8: Carmel Historic Inventory

Folder 1: Kent Seavey Master Survey List
Folder 2: Blocks 76-93, 198-227
Folder 3: Blocks 93-117, 228-257
Folder 4: Blocks 60-69, 154-167
Folder 5: Blocks 22-59, 125-153
Folder 6: Blocks X-21, 89-124
Folder 7: Blocks A-D, 1-28
Folder 8: Blocks D-KK, 29-58
Folder 9: Block S-X
Folder 10: Blocks 146- Sand and Sea, 288-296
Folder 11: Blocks 118-145, 258-287

CP Box 9: Carmel Historic Survey

Folder 1: Inventory of Comstocks by Lot
Folder 2: Notable Buildings - District 5
Folder 3: Notable Buildings - District 1
Folder 4: District Maps
Folder 5: Notable Buildings - District 3
Folder 6: Inventory of Notable Buildings out of District
Folder 7: Carmel Historical Survey Brochures

CP Box 10: Maps of Carmel-by-the-Sea and Miscellaneous

Folder 1: Sadie Van Brower's Log - January 1928-1940 (1935-1939 not included)
Folder 2: County Zoning Maps
Folder 3: Thomas Map 1968
Folder 4: Downtown 1947 and 1975
Folder 5: Carmel Woods, 1922
Folder 6: Parcels built on Prior to 1913 and Houses still standing in 1928
Folder 7: Villa Addition - 1904

Folder 8: New additions

Folder 9: Duckworth - 1888

Folder 10: Sanborn Map

Folder 11: Miscellaneous

CP Box 11: Block books 1916, 1930, 1946 (dates are approximate)

CP Box 12: Carmel Woods block book 1939

CP Oversize Folders: Maps

Folder 1: City of Carmel - Thomas Bros. Maps 1928-1938, 1928 Building Permits Issued, 1939 Building Permits Issued

Folder 2: Book 9 Assessor's Maps

Folder 3: Carmel City, Duckworth 1888/ Carmel-by-the-Sea 1902, Conditional Offer of Dedication of Roads 1904 and 1905, and various other maps

Folder 4: Sanborn Maps, 1910

Folder 5: Sanborn Maps, 1924

Folder 6: Sanborn Maps, 1930

CP Rolled Maps:

1: 1910 structures still standing

2: Carmel-by-the-Sea and adjacent areas

3: Carmel-by-the-Sea building sites 1989

4: City District Maps - Block and Lot

PH Box 1: Downtown Commercial District

Folder 1: Various

Folder 2: Delores K

Folder 3: Jean R's

Folder 4: Block 70

Folder 5: Block 71

Folder 6: Block 72

Folder 7: Block 73

Folder 8: Block 74

Folder 9: Block 75

Folder 10: Block 76

Folder 11: Block 77

PH Box 2:

Folder 1a: Significant city-owned buildings - Scout House and other significant buildings

Folder 1b: Significant buildings

Folder 1c: Significant buildings

Folder 1d: Significant buildings

Folder 2: Early Carmel Builders - J.C. Anthony and Carmel Stone (photos by Marcia DeVoe)

Folder 3: Early Carmel Builders - Richard Barret

Folder 4: Early Carmel Builders - Ernest Bixler

Folder 5: Early Carmel Builders - Hugh Comstock

Folder 6: Carmel Historic Survey - Comstocks

Folder 7: District 1

Folder 8: District 5

Folder 9: Out of District

Folder 10: Maps - 1910

AV Box 1: VHS Tapes

- The Last Rent Deal in Carmel (about the Carmel Foundation)

Revised 6/2017 by Katie O'Connell

- Moving First Murphy 06-28-90
- 'First Murphy' June 28, 1990
- 1st Murphy April to July 1991
- Preview "First Murphy" Rough Edit
- The Monterey Show: First Murphy House 8/18/94

CARMEL INVENTORY OF HISTORIC RESOURCES DATABASE

Block #	Lot #	APN #	Resource Name
A	1	010-196-001	Normandy Inn
A-1	4, 5	010-301-025	George Graft Hse
A-1	W 145' of 8	010-301-010	E.H. Cox Hse.
A	18, 20	010-196-009	D.W.W. Johnson Hse.
A-2	E p1s 7, 8, 9	010-302-013	Phillip & Marie Gordon Hse.
A-3	S.W. Part 5, W Part 6	010-303-011	Nelson Nowell House
A-3	S.W. Part 10, West part 11	010-303-017	Merchant House
A-4	S1/2 8	010-281-005	Shelcoo Hse
A-6	Spt 3, Ept 5, Npt 7	010-293-003	Agnes C. Montgomery Hse.
A-5	S part of Lot 5	010-292-008	Helen I. Proctor House
A-6	Wp1s. Lots 12 & 14	010-293-014	Esther M. Hill House
AA	6	010-281-018	Leroy Babcock Hse.
AA	19	010-281-009	Ethel England Hse.
B	5	010-195-002	Efta Spencer House
B	14	010-195-010	Daniel T. Fisk House
B	SWpt. 15	010-195-016	George Seldeneck Studio Building
B	18	009-423-001	Mrs. Clinton Walker House
BB	18 & 20	010-282-014	Laura Fanner Hse
C	W 50' of 1, 3 N 20' of 5	010-194-018	Stonehouse
C	S 7-8 through 14	010-194-016	Golden Bough Theater
C-1	7 & 8	010-311-009	Chazen Residence
C-1	E 1/2 11	010-311-013	Alfred Matthews Hse.
C-1	Wpt. 11	010-311-014	"Lanakai"
C-2	NW pt 10	010-312-018	Henry L. Tusler Cottage
C	17	010-194-007	Sindair Lewis Hse.
D	4, 6	010-186-021	Clara Kellogg Hse.
D	12	010-186-013	Artie Bowen Hse.
D	19	010-186-008	Guest house
EE	13	010-214-011	Anson Hse.
EE	15	010-214-010	Abbie McDow Hse.

DPR Historic Resources Database (Coastal Commission Submittal)

12/19/2012

	Block #	Lot #	APN #	Resource Name
31	EE	27	010-214-006	Meade Hse.
32	F	7 & 9 north part 11	010-184-004	Hinds Cottage
33	FF	1 & 2	010-251-009	C. Halstead Yates Cottages
34	FF	12, S14	010-251-022	J. Kluegel Hse.
35	FF	20, 22	010-251-027	Prof. Karl Rendorff Hse.
36	FF	29	010-251-024	Collis Hse.
37	G	19	010-261-006	Emma Williams Hse.
38	G	2 & 4	010-261-014	Peter Pan Court
39	GG	1, 3, 5	010-252-011	Alfred P. Fraser Hse.
40	H	8	010-262-010	Dr. Kellogg Hse. & E. Wright Cottage
41	HH	24, 26	010-253-017	Ten Winkel Spanish Hse.
42	HH	28	010-253-018	F. Ten Winkel Hse.
43	I	1 & 3	010-263-019	George F. Beardsley Hse.
44	II	S 1/2 of 15, N 1/2 of 13	010-223-041	Robert A. Norton Hse.
45	JJ	1	010-224-016	Elspeth Rose Cottage
46	K	5	010-272-002	Helen Brown Studio/Home
47	K	9	010-272-004	Goetz Cottage
48	K	10	010-272-013	Dr. H.R. Green House
49	KK	2, 3	010-231-011	Adelaide J. Trethaway Hse.
50	KK	p 2, 3, 4	010-231-012	Thomas V. Cator Hse.
51	KK	13	010-231-007	Jennie Coleman House
52	KK	17	010-231-027	Warren Saltzman House
53	L	1, Npt 3	010-273-001	Reginald Markham Hse.
54	L	10, n 10' of 12	010-273-014	Sea View Inn
55	L	Wpt 11 & 13	010-273-013	Mrs. M.V. Phillips Cottage
56	LL	1/4 N of 7 & 9	010-232-030	Albert Henry Hill House
57	L	14	010-273-006	Louise P. Murphy Hse.
58	LL	Npt 9 Spt 12	010-232-029	Mr. and Mrs. Irving Fisk House
59	LL	pt 25, 27, 29	010-232-046/047	Dr. G.E. Wood Hse.
60	M	6, 8	010-266-012	"Cave of the Winds"
61	MM	19	010-241-007	Blanche M. Ayles House
62	N	11	010-265-004	Dr. Amelia Gates Cottage

Block #	Lot #	APN #	Resource Name
63	O	1 through 12 (all)	010-264-007 La Playa Hotel
64	P	8, 10	010-276-012 Adam Darling Hse.
65	Q	2	010-275-016 Gunnar Norbert Hse.
66	Q	S1/2 of 9, N 30' of 11	010-275-005 LaFrenz Garage/Studio
67	Q	12, 14	010-275-012 Alice Elder Hse. & Guest Hse.
68	S	13 & 15	010-267-004 John B. Adams House
69	S	17, 19	010-267-005 "La Canzone del Mar"
70	T	pt 3 & 5	010-268-002 Garfield D. Merner Hse.
71	T	12	010-268-009 LaFrenz Hse.
72	T	E 1/2 18, 20	010-268-008 Dr. Levi C. Lane's Log Hse.
73	U	1, 2, 5 & 7	010-269-002 Fred C. Holmes Hse.
73	V	7, 9 & N1/2 of 11	010-277-004 Samuel M. Haskins House
74	V	1/2 of 11, 13 & 15	010-277-005 Roussel Residence
75	W	1	010-275-001 Bowman House
76	X	1	010-279-001 Ethel P. Young Hse.
77	Y	7, 9, 10, 12, 14, 16	010-286-015 Colonial Terrace Inn
78	Y	W 17 & 19, E 18 & 20	010-286-011 Grace McGowan Cook Hse.
79	Z	1, 3	010-287-001 John Palache Hse.
80	Z	5, 7, 9	010-287-002 Eliza Palache Hse.
81	Z	6, N8	010-287-009 Mary Orrick Hse.
82	Z	S8, 10, 12	010-287-008 Edgemere Cottages
83	Z	14, 16 & pt Blk. 149	010-287-006 John Bathen House
84	1 (PP)	3	009-201-003 Gardner A. Dailey House
85	1W (Mission)	17	009-353-012 Mills House
86	1W (Mission)	19	009-353-011 Walker Spec House

Block #	Lot #	APN #	Resource Name
87	2A	14	009-164-008
88	2W	14	009-352-006
89	PP3	11	009-202-015
90	3A	5	009-163-003
91	4	1	009-146-014
92	4 1/2	W 1/2 17 & 19	010-115-006
93	5 1/2	1 & N1/2 3	010-111-020
94	5 1/2	E1/2 18, 20	010-111-008
95	7	10	090-132-005
96	7 1/2	1 & 3	010-114-001
97	7 1/2	17	010-114-015
98	9M	8	009-382-004
99	9M	14	009-382-010
100	9M	S 15	009-382-011
101	10	5	010-126-020
102	10	10	010-126-015
103	11	1, 3	010-121-011
104	13	17, N 25' of 19	010-106-006
105	13	24, wp 26	010-106-008
106	16	10, 11	010-026-015
107	21	6, 8, 10	010-015-015
108	22	9	010-022-022
109	22	10	010-022-015
110	22	12	010-022-014
111	23	19	010-025-009
112	23	16	010-025-012
113	25	5	010-102-003
114	27	p. 13-16	010-108-012
115	27	Wpt. 17 & 19, Ept. 18 & 20	010-108-007
116	32	12 & 14	010-222-008
117	32	13	010-222-019
118	40	15, 17, 18, 19, 20	010-024-013

Block #	Lot #	APN #	Resource Name
119	41	010-023-004	L.L. Spillers Guest Cottage
120	41	010-023-019	Abbie Jane Hunter Hse.
121	45	010-036-015	Frank Smith Hse. & Fence
122	46	010-037-003	Bertha C. Cole Hse.
123	47	010-091-005	Helen Coolidge Cottage
124	49	010-097-011	Frank Lloyd Stone Cottage
125	50	010-131-004	Stonehouse Court
126	53	010-211-015	Norman Rial House
127	53	010-211-019	Howard Nieman House
128	53	010-211-027	Mabel GrayYoung Hse.
129	53	010-211-012	Richardson Log Cabin
130	53	010-211-007	Gertrude McCaslin House
131	54	010-212-016	Rudolph Ohm Hse.
132	54	010-212-013	Benjamin Turner Hse.
133	54	010-212-019	First Murphy House
134	55	010-138-004	Carmel Art Assoc.
135	59	010-095-001	Frederick Bigland Apts.
136	60	010-092-010	Hansel & Gretel
137	60	010-092-005	Elizabeth F. Armstrong Hse.
138	60	010-092-007	Comstock Studio
139	60	010-092-018	Hugh Comstock Hse.
140	62	010-035-006	William Muench Cottage
141	62	010-035-013	Raymond Meeks House
142	63	010-032-011	Ship House
143	66	010-039-005	Birthday House
144	66	010-039-003	Yellow Bird
145	68	010-039-007	Doll's House
146	66	010-039-006	Fables
147	66	010-039-008	Ocean House
148	67	010-093-003	MaryYoung Hunter Hse.
149	67	010-093-013	Grant Wallace Cottage
150	69	010-099-001	Devendorf Park

	Block #	Lot #	APN #	Resource Name
151	70	Wpt 11 & Ept 10	010-133-006	Carmel Fire Station
152	70	2	010-133-001	Reardon Bldg.
153	70	8 & 9 & Wpt 10	010-133-005	Goold Building
154	71	2, 3 & pt of 1	010-134-011	Carmel Development Co. Bldg.
155	71	6	010-134-006	Bernard Wetzel Building
156	71	Spts 8 & 9	010-134-009	Bank of Carmel
157	72	E1/2 of 1	010-139-001	Wilson Building
158	72	Spt 6	010-139-008	Fee Building
159	72	7, 8, 9, 10	010-139-007	Harrison Memorial Library
160	73	All	010-213-003	Pine Inn

Block #	Lot #	APN #	Resource Name
160	74	010-201-001	Seven Arts Bldg.
161	74	010-201-015	Sade's
162	74	010-201-008	Carmel Weavers Studio
163	74	010-201-008	Seven Arts Shop
164	74	010-201-007	Amelia Gates Bldg.
165	74	010-201-002	La Rambla Bldg.
166	74	010-201-014	Spinning Wheel Restaurant
167	74	010-191-006	Carmel City Hall
168	74	010-191-005	Sundial Lodge
169	75	010-147-018	Mary Dummage Shop
170	75	010-147-014	Schweinger Building
171	75	010-147-018	Mary Dummage Shop
172	75	010-147-004	Oakes Building
173	75	010-147-005	T.A. Oakes Building
174	75	010-147-008	La Ribera Hotel
175	75	010-147-006	Monterey County Trust & Savings
176	75	010-147-007	Kocher Building
177	76	010-146-016	Las Tiendas Bldg.
178	76	010-146-013	Draper Leidig Building
179	76	010-146-012	Isabel Leidig Building
180	76	010-146-011	W.C. Farley Building
181	76	010-146-010	Percy Parkes Building
182	76	010-146-009	De Yoa Building
183	76	010-146-008	Tuck Box
184	76	010-146-008	Lemos Building
185	76	010-146-008	The Garden Shop Addition
186	76	010-146-007	"El Paseo" Jo Mora Sculpture
187	76	010-146-007	El Paseo Bldg.
188	76	010-146-006	Enchanted Oaks Bldg.
189	77	010-141-001	Doud Building
190	77	010-141-008	Adam Fox Building
191	79	010-085-004	Johann Hagemeyer Hse

Block #	Lot #	APN #	Resource Name
192	80	010-081-011	Mritz De Haass Hse.
193	80	010-081-005	Rufus M. Kingman Hse.
228	81	010-045-006	Converse House
229	81	010-045-011	Vivian Homes House
230	83	010-041-001	Florence Lockwood Studio/Hse.
231	86	010-044-020	Jacob W. Wright Hse.
232	86	010-044-004	Nelson-Krough Cottage
233	86	010-044-017	Frederick Bigland Hse.
234	86	010-044-019	Florence H. Gaylord Guest Hse.
235	86	010-044-008	Jacob W. Wright House (2)
236	87	010-082-008	Jacob F. Krops Hse.
237	87	010-082-006	Elizabeth H. Sullivan Hse.
238	88	010-084-009	The Unit House
239	89	010-087-006	Carmel Ballet Academy
240	92	010-148-002	Williams Bldg
241	94	010-193-005	DDH-by-the-Sea
242	94	010-193-010	Enoch A. Lewis Hse.
243	96	010-144-014	American Legion Post 512
244	97 & 110		Sunset Center
245	99	010-083-002	Dr. and Mrs. Chester Magee
246	99	010-063-009	L.D. Whiffen Hse.
247	101	010-055-002	Mr. and Mrs. R.A. Cootie Cottage
248	101	010-055-003, 13	Maj. Ralph A. Cootie Hse.
249	103	010-052-017	Dr. Hermann Spoehr Hse.
250	105	010-061-005	Paul Flanders Mansion
251	107	010-331-035	Vivian Homes II
252	108	010-071-016	Frank Woodsey House
253	110	010-151-001	Sunset School Primary Classroom #18
254	110	010-151-001	Sunset School Primary Classrooms #16-17
255	111	010-156-012	C.H. Gordinter Hse.
256	113	010-181-022	M.J. Murphy Hse.
257	113	010-181-021	M.J. Murphy Office

DPR Historic Resources Database (Coastal Commission Submittal)

2/1/2011

Block #	Lot #	APN #	Resource Name
258	114	010-182-008	J.W. Stough Cottage
259	115	010-158-016	Pearl Dawson Hse.
260	115	010-158-019	Everett G. Sheperd Hse.
261	115	010-158-013	Danmeyer Hse.
262	115	010-158-009	Norman Reynolds House
263	115	010-158-011	Community Church Rectory
264	116	010-155-010	Marchen Haus
265	117	010-152-009	M.J. Murphy Spec. Hse.
266	117	010-152-008	Adrian W. McEntire Hse.
267	118	010-075-023	Anne Martin House
268	120	010-331-006	Col. Henry L. Watson Hse.
269	128	010-073-002	The Coastal Laboratory -Temp. Removed/Post 1940
270	129	010-074-007	Mary McDowell Hse.
271	129	010-074-002	Celia Seymour Studio-House
272	131	010-154-006	Bliss-Hubbell Hse.
273	133	010-183-004	Daisy F.D. Bostick Cottage
274	134	010-175-018	William McPhillips Hse.
275	134	010-175-010	Bark House
276	134	010-175-011	Connolly-Search Hse.
277	136	010-171-003	Perry Newberry Stone Hse.
278	136	010-171-005	Anne Winslow Hse.
279	137	010-164-001	Ross E. Bonham Hse.
280	137	010-164-008	H. Markham Hse.
281	141, p140	010-161-022	Alice R. Comins Hse.
282	142	010-162-020	Frank Lloyd House
283	142	010-162-027	"Casa della Comedia"
284	142	010-162-013	Rev. Gardner Hse.
285	143	010-165-029	Mr. and Mrs. William Junk House
286	143	010-165-042	La Von Gottfried hse.
287	143	010-165-015	Las Abuelas
288	144	010-172-012	Violet Campbell Hse.
289	145	010-173-039	Charles Sumner Greene Studio

Block #	Lot #	APN #	Resource Name
290	145	010-173-017	Mary D. Crile House
291	145	010-173-006	Louis Ralston House
292	146	010-176-016	F.A. Collman Hse.
293	146	010-176-011	William McCabe Hse.
	U.S. Lot 38	009-531-005, 006	Mission San Carlos Pear Orchard Houses (2)
294	U.S. Lot 38	009-531-003	Mission San Carlos de Borromeo
295	<u>Historic Objects</u>		
296	EE	010-214-20	Milk Shrine
297	N/A	N/A	World War I Memorial Arch
	102	010-331-022	Mission Model - Miss Williams School
298	<u>Historic Districts</u>		
299	60, 66, 67	N/A	Comstock Hill Historic District
	70 to 77	N/A	Downtown Commercial Historic District

NATIONAL REGISTER BULLETIN

Technical information on the the National Register of Historic Places:
survey, evaluation, registration, and preservation of cultural resources



U.S. Department of the Interior
National Park Service
Cultural Resources
National Register, History and Education

How to Apply the National Register Criteria for Evaluation



VIII. HOW TO EVALUATE THE INTEGRITY OF A PROPERTY

INTRODUCTION

Integrity is the ability of a property to convey its significance. To be listed in the National Register of Historic Places, a property must not only be shown to be significant under the National Register criteria, but it also must have integrity. The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance.

Historic properties either retain integrity (this is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognizes seven aspects or qualities that, in various combinations, define integrity.

To retain historic integrity a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. Determining *which* of these aspects are most important to a particular property requires knowing why, where, and when the property is significant. The following sections define the seven aspects and explain how they combine to produce integrity.

SEVEN ASPECTS OF INTEGRITY

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

UNDERSTANDING THE ASPECTS OF INTEGRITY

LOCATION

Location is the place where the historic property was constructed or the place where the historic event occurred. The relationship between the property and its location is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in rare cases, the relationship between a property and its historic associations is destroyed if the property is moved. (See Criteria Consideration B in *Part VII: How to Apply the Criteria Considerations*, for the conditions under which a moved property can be eligible.)

DESIGN

Design is the combination of elements that create the form, plan, space, structure, and style of a property. It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

A property's design reflects historic functions and technologies as well as aesthetics. It includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.

Design can also apply to districts, whether they are important primarily for historic association, architectural value, information potential, or a combination thereof. For districts significant primarily for historic association or architectural value, design concerns more than just the individual buildings or structures located within the boundaries. It also applies to the way in which buildings, sites, or structures are related: for example, spatial relationships between major features; visual rhythms in a streetscape or landscape plantings; the layout and materials of walkways and roads; and the relationship of other features, such as statues, water fountains, and archeological sites.

SETTING

Setting is the physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the *character* of the place in which the property played its historical role. It involves *how*, not just *where*, the property is situated and its relationship to surrounding features and open space.

Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. In addition, the way in which a property is positioned in its environment can reflect the designer's concept of nature and aesthetic preferences.

The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as:

- Topographic features (a gorge or the crest of a hill);
- Vegetation;
- Simple manmade features (paths or fences); and
- Relationships between buildings and other features or open space.

These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its *surroundings*. This is particularly important for districts.

MATERIALS

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. The choice and combination of materials reveal the preferences of those who created the property and indicate the availability of particular types of materials and technologies. Indigenous materials are often the focus of regional building traditions and thereby help define an area's sense of time and place.

A property must retain the key exterior materials dating from the period of its historic significance. If the property has been rehabilitated, the historic materials and significant features must have been preserved. The property must also be an actual historic resource, not a recreation; a

recent structure fabricated to look historic is not eligible. Likewise, a property whose historic features and materials have been lost and then reconstructed is usually not eligible. (See Criteria Consideration E in *Part VII: How to Apply the Criteria Considerations* for the conditions under which a reconstructed property can be eligible.)

WORKMANSHIP

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site. Workmanship can apply to the property as a whole or to its individual components. It can be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It can be based on common traditions or innovative period techniques.

Workmanship is important because it can furnish evidence of the technology of a craft, illustrate the aesthetic principles of a historic or prehistoric period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles. Examples of workmanship in historic buildings include tooling, carving, painting, graining, turning, and joinery. Examples of workmanship in prehistoric contexts include Paleo-Indian clovis projectile points; Archaic period beveled adzes; Hopewellian birdstone pipes; copper earspools and worked bone pendants; and Iroquoian effigy pipes.

FEELING

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district retaining original design, materials, workmanship, and setting will relate the feeling of agricultural life in the 19th century. A grouping of prehistoric petroglyphs, unmarred by graffiti and intrusions and located on its original isolated bluff, can evoke a sense of tribal spiritual life.

ASSOCIATION Attachment 12

Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. For example, a Revolutionary War battlefield whose natural and manmade elements have remained intact since the 18th century will retain its quality of association with the battle.

Because feeling and association depend on individual perceptions, their retention *alone* is never sufficient to support eligibility of a property for the National Register.

ASSESSING INTEGRITY IN PROPERTIES

Integrity is based on significance: why, where, and when a property is important. Only after significance is fully established can you proceed to the issue of integrity.

The steps in assessing integrity are:

- Define the **essential physical features** that must be present for a property to represent its significance.
- Determine whether the **essential physical features are visible** enough to convey their significance.
- Determine whether the property needs to be **compared with similar properties**. And,
- Determine, based on the significance and essential physical features, **which aspects of integrity** are particularly vital to the property being nominated and if they are present.

Ultimately, the question of integrity is answered by whether or not the property retains the **identity** for which it is significant.

DEFINING THE ESSENTIAL PHYSICAL FEATURES

All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity. The essential physical features are those features that define both *why* a property is significant (Applicable Criteria and Areas of Significance) and *when* it was significant (Periods of Significance). They are the features without which a property can no longer be identified as, for instance, a late 19th century dairy barn or an early 20th century commercial district.

CRITERIA A AND B

A property that is significant for its historic association is eligible if it retains the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s). If the property is a site (such as a treaty site) where there are no material cultural remains, the setting must be intact.

Archeological sites eligible under Criteria A and B must be in overall good condition with excellent preservation of features, artifacts, and spatial relationships to the extent that these remains are able to convey important associations with events or persons.

CRITERION C

A property important for illustrating a particular architectural style or construction technique must retain most of the physical features that constitute that style or technique. A property that has lost some historic materials or details can be eligible if it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation. The property is not eligible, however, if it retains some basic features conveying massing but has lost the majority of the features that once characterized its style.

Archeological sites eligible under Criterion C must be in overall good condition with excellent preservation

of features, artifacts, and spatial relationships to the extent that these remains are able to illustrate a site type, time period, method of construction, or work of a master.

CRITERION D

For properties eligible under Criterion D, including archeological sites and standing structures studied for their information potential, less attention is given to their overall condition, than it they were being considered under Criteria A, B, or C. Archeological sites, in particular, do not exist today exactly as they were formed. There are always cultural and natural processes that alter the deposited materials and their spatial relationships.

For properties eligible under Criterion D, integrity is based upon the property's potential to yield specific data that addresses important research questions, such as those identified in the historic context documentation in the Statewide Comprehensive Preservation Plan or in the research design for projects meeting the *Secretary of the Interior's Standards for Archeological Documentation*.

INTERIORS

Some historic buildings are virtually defined by their exteriors, and their contribution to the built environment can be appreciated even if their interiors are not accessible. Examples of this would include early examples of steel-framed skyscraper construction. The great advance in American technology and engineering made by these buildings can be read from the outside. The change in American popular taste during the 19th century, from the symmetry and simplicity of architectural styles based on classical precedents, to the expressions of High Victorian styles, with their combination of textures, colors, and asymmetrical forms, is readily apparent from the exteriors of these buildings.

Other buildings "are" interiors. The Cleveland Arcade, that soaring 19th century glass-covered shopping area, can only be appreciated from the inside. Other buildings in this category would be the great covered train sheds of the 19th century.

In some cases the loss of an interior will disqualify properties from listing

in the National Register. A historic concert hall noted for the beauty of its auditorium and its fine acoustic qualities would be the type of property that if it were to lose its interior, it would lose its value as a historic resource. In other cases, the overarching significance of a property's exterior can overcome the adverse effect of the loss of an interior.

In borderline cases particular attention is paid to the significance of the property and the remaining historic features.

HISTORIC DISTRICTS

For a district to retain integrity as a whole, the majority of the components that make up the district's historic character must possess integrity even if they are individually undistinguished. In addition, the relationships among the district's components must be substantially unchanged since the period of significance.

When evaluating the impact of intrusions upon the district's integrity, take into consideration the relative number, size, scale, design, and location of the components that do not contribute to the significance. A district is not eligible if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment.

A component of a district cannot contribute to the significance if:

- it has been substantially altered since the period of the district's significance or
- it does not share the historic associations of the district.

VISIBILITY OF PHYSICAL FEATURES

Properties eligible under Criteria A, B, and C must not only retain their essential physical features, but the features must be visible enough to convey their significance. This means that even if a property is physically intact, its integrity is questionable if its significant features are concealed under modern construction. Archeological properties are often the exception to this; by nature they usually do not require visible features to convey their significance.

NON-HISTORIC EXTERIORS

If the historic *exterior* building material is covered by non-historic material (such as modern siding), the property can still be eligible if the significant form, features, and detailing are not obscured. If a property's exterior is covered by a non-historic false-front or curtain wall, the property will not qualify under Criteria A, B, or C, because it does not retain the visual quality necessary to convey historic or architectural significance. Such a property also cannot be considered a contributing element in a historic district, because it does not add to the district's sense of time and place. If the false front, curtain wall, or non-historic siding is removed and the original building materials are intact, then the property's integrity can be re-evaluated.

PROPERTY CONTAINED WITHIN ANOTHER PROPERTY

Some properties contain an earlier structure that formed the nucleus for later construction. The exterior property, if not eligible in its own right, can qualify on the basis of the interior property *only if* the interior property can yield significant information about a specific construction technique or material, such as rammed earth or tabby. The interior property *cannot* be used as the basis for eligibility if it has been so altered that it no longer contains the features that could provide important information, or if the presence of important information cannot be demonstrated.

SUNKEN VESSELS

A sunken vessel can be eligible under Criterion C as embodying the distinctive characteristics of a method of construction if it is structurally intact. A *deteriorated* sunken vessel, no longer structurally intact, can be eligible under Criterion D if the remains of either the vessel or its contents is capable of yielding significant information. For further information, refer to *National Register Bulletin: Nominating Historic Vessels and Shipwrecks to the National Register of Historic Places*.

Natural Features

A natural feature that is associated with a historic event or trend, such as a rock formation that served as a trail marker during westward expansion, must retain its historic appearance, unobscured by modern construction or landfill. Otherwise it is not eligible, even though it remains intact.

COMPARING SIMILAR PROPERTIES

For some properties, comparison with similar properties should be considered during the evaluation of integrity. Such comparison may be important in deciding what physical features are essential to properties of that type. In instances where it has not been determined what physical features a property must possess in order for it to reflect the significance of a historic context, comparison with similar properties should be undertaken during the evaluation of integrity. This situation arises when scholarly work has not been done on a particular property type or when surviving examples of a property type are extremely rare. (See **Comparing Related Properties** in *Part V: How to Evaluate a Property within its Historic Context*.)

RARE EXAMPLES OF A PROPERTY TYPE

Attachment 12

Comparative information is particularly important to consider when evaluating the integrity of a property that is a rare surviving example of its type. The property must have the essential physical features that enable it to convey its historic character or information. The rarity and poor condition, however, of other extant examples of the type may justify accepting a greater degree of alteration or fewer features, provided that enough of the property survives for it to be a significant resource.

Eligible

- A one-room schoolhouse that has had all original exterior siding replaced and a replacement roof that does not exactly replicate the original roof profile can be eligible if the other extant rare examples have received an even greater degree of alteration, such as the subdivision of the original one-room plan.

Not Eligible

- A mill site contains information on how site patterning reflects historic functional requirements, but parts of the site have been destroyed. The site is not eligible for its information potential if a comparison of other mill sites reveals more intact properties with complete information.

DETERMINING THE RELEVANT ASPECTS OF INTEGRITY

Each type of property depends on certain aspects of integrity, more than others, to express its historic significance. Determining which of the aspects is most important to a particular property requires an understanding of the property's significance and its essential physical features.

CRITERIA A AND B

A property important for association with an event, historical pattern, or person(s) ideally might retain *some* features of all seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Integrity of design and workmanship, however, might not be as important to the significance, and would not be relevant if the property were a site. A basic integrity test for a property associated with an important event or person is whether a historical contemporary would recognize the property as it exists today.

For archeological sites that are eligible under Criteria A and B, the seven aspects of integrity can be applied in much the same way as they are to buildings, structures, or objects. It is important to note, however, that the site must have *demonstrated* its ability to convey its significance, as opposed to sites eligible under Criterion D where only the potential to yield information is required.

Eligible

A mid-19th century waterpowered mill important for its association with an area's industrial development is eligible if:

- it is still on its original site (**Location**), and
- the important features of its setting are intact (**Setting**), and
- it retains most of its historic materials (**Materials**), and
- it has the basic features expressive of its design and function, such as configuration, proportions, and window pattern (**Design**).

Not Eligible

A mid-19th century water-powered mill important for its association with an area's industrial development is not eligible if:

- it has been moved (**Location**, **Setting**, **Feeling**, and **Association**), or
- substantial amounts of new materials have been incorporated (**Materials**, **Workmanship**, and **Feeling**), or
- it no longer retains basic design features that convey its historic appearance or function (**Design**, **Workmanship**, and **Feeling**).

CRITERION C

A property significant under Criterion C must retain those physical features that characterize the type, period, or method of construction that the property represents. Retention of design, workmanship, and materials will usually be more important than location, setting, feeling, and association. Location and setting will be important, however, for those properties whose design is a reflection of their immediate environment (such as designed landscapes and bridges).

For archeological sites that are eligible under Criterion C, the seven aspects of integrity can be applied in much the same way as they are to buildings, structures, or objects. It is important to note, however, that the site must have *demonstrated* its ability to convey its significance, as opposed to sites eligible under Criterion D where only the *potential* to yield information is required.

Eligible

Attachment 12

A 19th century wooden covered bridge, important for illustrating a construction type, is eligible if:

- the essential features of its design are intact, such as abutments, piers, roof configuration, and trusses (**Design**, **Workmanship**, and **Feeling**), and
- most of the historic materials are present (**Materials**, **Workmanship**, and **Feeling**), and
- evidence of the craft of wooden bridge technology remains, such as the form and assembly technique of the trusses (**Workmanship**).
- Since the design of a bridge relates directly to its function as a transportation crossing, it is also important that the bridge still be situated over a waterway (**Setting**, **Location**, **Feeling**, and **Association**).

Not Eligible

For a 19th century wooden covered bridge, important for its construction type, replacement of some materials of the flooring, siding, and roofing would not necessarily damage its integrity. Integrity would be lost, however, if:

- the abutments, piers, or trusses were substantially altered (**Design**, **Workmanship**, and **Feeling**) or
- considerable amounts of new materials were incorporated (**Materials**, **Workmanship**, and **Feeling**).
- Because environment is a strong factor in the design of this property type, the bridge would also be ineligible if it no longer stood in a place that conveyed its function as a crossing (**Setting**, **Location**, **Feeling**, and **Association**).

CRITERION D

For properties eligible under Criterion D, setting and feeling may not have direct bearing on the property's ability to yield important information. Evaluation of integrity probably will focus primarily on the location, design, materials, and perhaps workmanship.

Eligible

A multicomponent prehistoric site important for yielding data on changing subsistence patterns can be eligible if:

- floral or faunal remains are found in clear association with cultural material (**Materials** and **Association**) and
- the site exhibits stratigraphic separation of cultural components (**Location**).

Not Eligible

A multicomponent prehistoric site important for yielding data on changing subsistence patterns would not be eligible if:

- floral or faunal remains were so badly decomposed as to make identification impossible (**Materials**), or
- floral or faunal remains were disturbed in such a manner as to make their association with cultural remains ambiguous (**Association**), or
- the site has lost its stratigraphic context due to subsequent land alterations (**Location**).

Eligible

A lithic scatter site important for yielding data on lithic technology during the Late Archaic period can be eligible if:

- the site contains lithic debitage, finished stone tools, hammerstones, or antler flakers (**Material** and **Design**), and
- the site contains datable material (**Association**).

Not Eligible

A lithic scatter site important for yielding data on lithic technology during the Late Archaic period would not be eligible if:

- the site contains natural deposits of lithic materials that are impossible to distinguish from culturally modified lithic material (**Design**) or
- the site does not contain any temporal diagnostic evidence that could link the site to the Late Archaic period (**Association**).

Grant Deed

In Consideration of \$1.00, receipt of which is acknowledged,

Harry E. Hofsas

do. hereby grant to Frederick L. Hofsas

the real property in the City of Carmel County of Monterey
State of California, described as:

Lot Numbered 9, the south 9 inches of lot numbered 7, and all of Lot Numbered 10, in Block Numbered 34, as said lots and block are shown on that certain map entitled, "Map of Carmel-by-the-Sea, Monterey County, California", filed for record March 7, 1902 in the Office of the County Recorder of the County of Monterey, State of California, in Volume 1 of Maps, "Cities and Towns", at page 2

Dated this 13th day of July, 1928

Harry E. Hofsas

DEC-6 1949

50833

City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G
CARMEL-BY-THE-SEA, CA 93921
(831)620-2010 OFFICE
(831)620-2014 FAX

January 2, 2002

Mr. Scott Theis
P.O. Box 1195
Carmel, CA 93921

RE: Hofsas House Hotel Reroof

Dear Mr. Theis:

We received your letter requesting to reroof the Hofsas House with a wood shake product. The property has been identified by the City's Consultant, Kent Seavey's Historical Resources Survey as a local historical resource. Per Municipal Code Section 17.12.140(B)(2), *Buildings determined by the City to qualify as architectural, cultural or historic resources may use fire-treated wood roofing materials with a fire-resistant underlayment assembly approved by the Building Official to meet standards for historic rehabilitation.* Accordingly, the only requirement would be the issuance of a building permit and follow-up inspections by the Building Official. If you have any other questions, please give me a call at 620-2010.

Sincerely,



Jaci Abadilla
Administrative Coordinator

Photographs

C
ATTACHMENT

HOFAS HOUSE STAIR REVISION



EXISTING VIEWS









CARMEL-BY-THE-SEA

NOTICE OF INELIGIBILITY

For the Carmel Historic Resources Inventory

On December 18, 2023, the Historic Resources Board determined that the property identified below does not constitute a historic resource.

Assessor's Parcel Number: 010-124-014 (por.) & 010-124-001
Current Owner: Hofsas House Inc
Block/Lot: 34 /5, 7, 8 (por.), 9, 11, 14, Various & 34/1 & 3
Street Location: San Carlos Street 2 NW of 4th Avenue
Lot size: 28,200 square feet (excludes Lots 10 & 12-Donna Hofsas House)
Date of Construction: 1957, 1968

- ☒ The Hofsas House Hotel is not eligible under **Criterion One** (Event/Association) because it does not retain a high degree of integrity and is not associated with a prominent member of the business community.
- ☒ The Hofsas House Hotel is not eligible under **Criterion Two** (Important Person) because the property is not associated with a person who is considered significant within Carmel's historic context. There is no indication that the hotel operator, Donna Hofsas, played an outstanding role within the tourism community when compared to her peers. Additionally, muralist Maxine Albro's life achievements would be better represented by her own home.
- ☒ The Hofsas House Hotel is not eligible under **Criterion Three** (Design/Construction) because none of the architects or builders associated with the Hofsas House Hotel could claim the design or construction was a defining moment in their careers; the Bavarian-themed vernacular buildings are not recognized as significant in the city's Historic Context Statement; and the hotel does not display a rare style of architecture.
- ☒ The Hofsas House Hotel is not eligible under **Criterion Four** (Information Potential), which is generally reserved for archeological sites. There is no evidence in the historical record that the Hofsas House Hotel meets the eligibility requirements for Criterion Four.

This Determination is based on the intensive survey prepared by qualified professional Margaret Clovis dated 08/2023 (11 pages) and the peer review documentation prepared by EMC Planning Group dated October 26, 2023 (attached). This Determination was subject to a ten (10) working day appeal period, which ended at 5:00 P.M. on Wednesday, January 10, 2024. No appeals were filed during the appeal period. This Determination is final and shall remain valid for a period of 5 years.

Marnie R. Waffle

Marnie R. Waffle, AICP
Principal Planner

PRIMARY RECORD

Primary # _____ Attachment 13

HRI # _____

Trinomial _____

NRHP Status Code _____

Other Listings _____

Review Code _____ Reviewer _____ Date _____

Page 1 of 11

*Resource Name or #: (Assigned by recorder) Hofsas House Hotel

P1. Other Identifier: Hofsas House Hotel

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary)

*b. USGS 7.5' Quad Monterey Date 2012 T ; R ; ¼ of ¼ of Sec ; Mount Diablo B.M.

c. Address San Carlos 2 NW of 4th City Carmel by the Sea Zip 93921

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

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

APN 010-124-014; Blk. 34, lots 5,7,9,11 & 14; APN 010-124-001, Blk. 34, lots 1 & 3

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

Between 1923 and 1933, four buildings were constructed on lots 7, 9, 11, and 12 on San Carlos Street, 2 NW of Fourth Avenue. In 1943 the two-story residence on lot 9 was remodeled into apartments. In May 1948 Harry Hofsas purchased the property and then granted the cottages to his brother, Fred, and his wife Donna in July. Donna and Fred started to remodel the cottages into a complex of rental rooms and apartments. In 1956 they demolished two of the residences on lots 7 and 12 to create a parking lot. In January 1957 they built a four-story, 25-unit motel and swimming pool. In 1967 Donna built the eight-unit detached North Wing on lots 1 and 3, after demolishing two apartment buildings on those parcels. Donna Hofsas used Bavarian themed details for the 1957 hotel and remodeled the two pre-1957 cottages to match. The front elevation of the Hofsas House Hotel extends along San Carlos Street. The reception area of the southern two-story section was one of the existing buildings, as evidenced by Robert Jones' site plan for the project. This area was enlarged to the south (continued p. 3)

*P3b. Resource Attributes: (List attributes and codes) HP5, Hotel/Motel

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



P5b. Description of Photo: (View, date, accession #) Front Elevation, 05/2023

*P6. Date Constructed/Age and

Sources: 1957, 1968 ☒ Historic

☐ Prehistoric ☐ Both

Building Permits

*P7. Owner and Address:

Hofsas House Hotel

POB 1195

Carmel, CA. 93921

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

Meg Clovis

14024 Reservation Rd.

Salinas, CA 93908

*P9. Date Recorded: 08/2023

*P10. Survey Type: (Describe)

Intensive

*P11. Report Citation: (cite survey report and other sources, or enter "none.") 2001 Carmel City-Wide Survey, DPR by Kent Seavey. No paper records. Verbal reference and reference in the building file.

*Attachments: ☐ NONE ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure and Object Record

☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record

☐ Artifact Record ☐ Photograph Record ☐ Other (List)

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 11

*NRHP Status Code

*Resource Name or # (Assigned by recorder) Hofsas House Hotel

B1. Historic Name: Hofsas House Hotel

B2. Common Name: Hofsas House Hotel

B3. Original Use: Hotel

B4. Present Use: Hotel

*B5. Architectural Style: Bavarian-Themed Vernacular

*B6. Construction History: (Construction date, alteration, and date of alterations) BP#445: Addition to cottage (1938); BP#1016: 2-story building remodeled into apartments (1943); BP#2986: Demolish 2 residences for parking lot (1956); BP# 2996 Build 4-story hotel (1957); BP# 3058 Build swimming pool (1957); BP# 4748 Build 8-unit North Wing (1968). See p. 4 for additional permits.

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

Original Location:

*B8. Related Features: Parking lot, pool

B9a. Architect: Robert R. Jones, Cleve Dayton, George Willox b. Builder: Ralph Stean, Helm & Savoldi

*B10. Significance: Theme: N/A

Area Carmel by the Sea

Period of Significance: N/A

Property Type Building Applicable Criteria: N/A

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

In 1949 Donna J. Hofsas (1902-1981) and Frederick L. Hofsas (1897-1989) moved to Carmel from Los Angeles. Donna was a film actress with Fox Studios and Fred was an accountant. Fred's brother, Harry, granted four cottages he had purchased on San Carlos Street to the couple. Donna and Fred started remodeling the cottages into apartments. By 1951 they were renting rooms and apartments in their advertised Hofsas House Hotel. Donna managed the rentals while Frederick continued his work as an accountant. In 1957 they built a Robert Jones designed four story Bavarian-themed motel and incorporated two of the old buildings into the new complex. Fred, who was an amateur artist, designed a mosaic coat of arms for the hotel, with the creed "Otium Cum Dignitate" (Leisure with Dignity). Donna asked her friend, renowned artist Maxine Albro, to paint murals on the inside wall of the porte cochere. Donna and Fred divorced in 1960 and Donna continued to operate the Hofsas House Hotel until her death. The hotel is still owned and operated by her descendants.

Architect **Robert R. Jones** (1911-1989) designed the four-story motel. Born in Berkeley, Jones was educated at the University of California, Berkeley before (continued p. 6)

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

*B12. References:

Carmel Context Statement & Historic Preservation Ordinance

Sacramento Bee, 9/3/2012, p. 10

Building File, Carmel Planning Dept.

National Register Bulletin 15

Polk's City Directories, Harrison Memorial Library

U.S. Census & Voter Registration Records

TGIF Guide.com

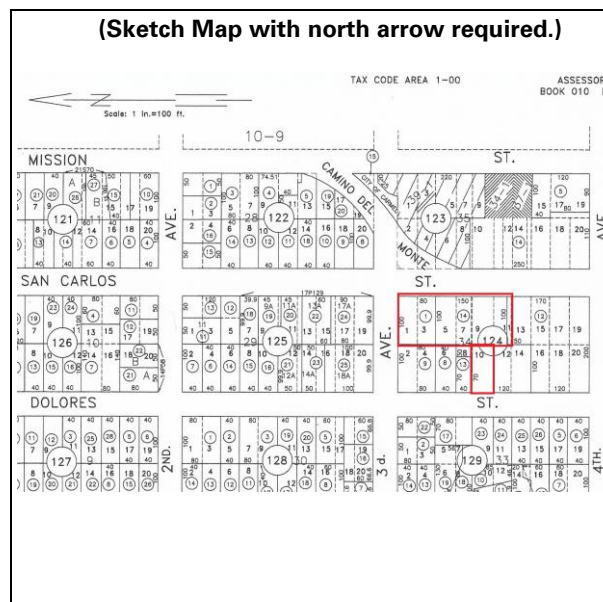
Donna Hofsas Obit., *Carmel Pine Cone*, 7/16/1981, p. 26

B13. Remarks

*B14. Evaluator: Meg Clovis

*Date of Evaluation: 08/2023

(This space reserved for official comments.)



CONTINUATION SHEET

P3a. Description (continued):

to create the porte cochere. A front-facing, clipped gable roof sweeps to the south to cover the porte cochere. The roof has wide, overhanging eaves and visible rafters. Pink stucco covers the exterior walls and provides contrast for the decorative half-timbering used on both floors (the buildings were originally painted beige, per the Planning Commission's request, so they would not look as large). A plant-covered balcony extends from the second floor. Vertical diamond paned windows are used on both floors. Floral murals surround the second-floor windows. Maxine Albro's mural of Bavarian peasants is located on the interior wall of the porte cochere.



Three, front gable dormers are located on the 1957 portion of the San Carlos Street elevation. Each dormer has two small diamond pane casement windows that flank inset floral murals. A chimney is located at the intersection of the cross gable. Pink stucco and half-timbering covers the exterior walls and the Hofsas House coat of arms, created by Fred Hofsas, is located at intervals along the first-floor wall.

Figure 1: Front elevation of Hofsas House, looking northwest from San Carlos Street.

A steep driveway leads down from San Carlos Street to the rear and lower level of the property. The main hotel is centered between the remodeled older residences within the complex and the 1968 North Wing. Rising four stories from the parking lot, each level of the 1957 hotel has a balcony which extends across the entire floor. The balcony has a Bavarian-style, band sawn wood railing and the balcony is divided into separate porches for each room. Each room has a door onto the porch and a window. Flights of exterior stairs connect each level.

The two-story, 1968 building to the north of the 1957 building has an L-shaped plan and cross gable roof with wide, overhanging eaves and clipped gables. Hotel rooms are located on the upper floor while a meeting room and a covered parking area are located on the ground level. The same pink stucco and half timbering is used on the exterior. Other details from the 1957 building are incorporated into the North Wing such as the gabled dormers¹, and the band sawn railings used for the exterior

¹ The 1968 building's gabled dormers have murals painted between each casement window. The murals are similar to Maxine Albro's original murals however they were not painted by her since she died in 1966. There is no record of who painted the murals for the 1968 North Wing.

CONTINUATION SHEET

Page 4 of 11

*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update

walkways and balconies. To the south of the rear parking lot is a cluster of buildings that were part of the original, pre-1957 hotel complex. Pink stucco covers the exterior walls, but half timbering is not used.

A pool and large parking area (with another automobile entrance off of Dolores Street) are located on the lower level of the property. Landscaping throughout the complex is minimal except along the driveway which leads from San Carlos Street to the covered parking under the North Wing.

The Hofsas House Hotel was established when Carmel's reputation as a tourist attraction was on the rise. Many hotels, inns, and motels were built between 1947 and 1963 and these establishments reflect a wide range of architectural styles and themes. The 1957 section of the hotel was designed by Robert Jones, who is best known for his contemporary designs. The project contractor was Ralph Stean, who specialized in post-adobe style homes. The north wing was designed by San Jose architect Cleve Dayton, the same architect who designed Donna Hofsas' house with the parabolic roof, located off of Dolores Street. By May 1968 George Willcox had taken over the project, working with contractors Helm and Savoldi.

The Hofsas House is a conglomeration of buildings cobbled together over four decades. Following is a timeline of alterations and additions:

- May 1948: Harry Hofsas purchases cottages (currently rooms 6, 7, 8, 9, and 10)
- May 1948: New basement added to two-story building on lot 9 (BP# 1604)
- June 1948: Bathroom and living room addition to two-story building on lot 9 (BP# 1625)
- August 1948: Two-story building's basement remodeled into bedroom and bath on lot 9 (BP# 1660)
- 1952: Building additions (currently rooms 20, 21, 30 and 31)
- March 1952: New apartments added to existing building on lot 9 (BP#2283)
- May 1952: Apartment addition to lot 13 (BP# 2315)
- June 1952: Porch roof addition to Lot 11 (BP# 2337)
- December 1956: Demolition permit for two old residences to create a parking lot for hotel (BP# 2986)
- January 1957: Construction of 4-story main hotel building with 21 units, night manager's apartment and laundry room
- May 1957: Addition of 5 units to existing 25 units (BP# 3044)
- June 1957: Build swimming pool (BP# 3058)
- November 1959: Remodel bath and hallway in duplex on lot 8 (BP# 3458)
- November 1967: North wing constructed with 8 units, banquet room, kitchen, and two dry saunas (BP# 4748)
- January 1968: Tar and gravel roof replaced with shakes and roof structure changed to provide 4" minimum pitch on lot 11 (BP# 4744)
- 1974: New office added over back office of the lobby and stairs redesigned from the 4th floor to the parking lot (BP# 74-101)
- June 1977: Stairs replaced on the north side of the main building (BP# 77-132)
- November 1978: Repair of failed retaining wall (BP# 78-192)

CONTINUATION SHEET

Primary # _____

Attachment 13

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*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update



Figure 2: North wing looking southwest from San Carlos Street.



Figure 3: View of hotel's porte cochere with mural and family shield, looking southwest from San Carlos Street.

CONTINUATION SHEET

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*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

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B10. Significance (continued):

relocating to the Monterey Peninsula to work for architect Robert Stanton. Jones opened his own architectural firm in 1939 designing house plans for war housing and FHA apartments. By the war's end, Jones had opened additional offices in Merced and Oxnard. On the Peninsula, his firm designed 27 canneries and reduction plants, as well as public buildings for the Monterey Peninsula Airport. His Modernist design for the Monterey Airport Administration Building won a major design award from the Smithsonian Institute. He also designed the Elks Lodge in Monterey. In Carmel he designed All Saints Episcopal Church and the Carmel Youth Center. He designed numerous residences in the area and was known for his flat-roofed, Modern style. Robert R. Jones is included in Carmel's Historic Context Statement.

Ralph Leo Stean (1918-2004) was the contractor for the 1957 Hofsas House Hotel project. Stean was a Carmel Valley developer and contractor who worked on the Monterey Peninsula from the mid-1940s to the 1970s. Early on he specialized in building Post-Adobe residences. Ralph Stean is listed in Carmel's Historic Context Statement.

Cleveland Dayton (1919 - 2012) prepared the preliminary plans for the North Wing, which was built in 1968. Dayton was an architect with the Creative Design Company, a San Jose firm. The North Wing's plans were revised by **George Legge Willox** (1903 – 1968), a Carmel architect who is best known for his design of the Church of the Wayfarer. Born in Scotland,² and raised in Canada, Willox graduated with a degree in architecture from the University of Michigan. He moved to Carmel from Los Angeles and joined Robert Stanton's firm as head designer. He eventually opened his own architectural practice. Willox served on Carmel's Planning Commission for fourteen years and was appointed to the California State Planning Commission by Governor "Pat" Brown. Willox is included in Carmel's Historic Context Statement.

The contracting firm of **Helm and Savoldi** constructed the North Wing. Walter Helm (1914-1998) graduated in 1938 with an engineering degree from the University of Arizona. He settled in Carmel in 1945, working as a carpenter. Helm became a licensed contractor and partnered with Michigan-native and former pro-wrestler Clem Savoldi (1909 – 1999) to form the Helm-Savoldi contracting firm. Helm and Savoldi built hundreds of custom homes on the Monterey Peninsula, working with such notable architects as Henry Hill, Jon Konigshofer, and Walter Burde. Helm and Savoldi are not included in Carmel's Historic Context Statement.

² George Willox Obituary, *Carmel Pine Cone*, August 20, 1968.
DPR 523L (1/95)

CONTINUATION SHEET

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*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

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Donna Hofsas asked her friend **Maxine Albro** (1903-1966) to paint murals on the inside wall of the porte-cochere. She also did three paintings for the reception area. Maxine Albro was a nationally known muralist, mosaic artist and sculptor. She was one of America's leading female artists, and one of the few women commissioned under the New Deal's Federal Art Project. During that time, she executed the California agricultural workers mural in Coit Tower. She became a leader in the California muralist movement and her work can be found in the collections of the Smithsonian American Art Museum, MoMA, and the National Gallery of Art, among others. She and her husband moved to Carmel in 1938 and she lived in Carmel until her death. She was named an honorary life member of the Carmel Art Association and served on Carmel's first Art Commission. Besides the Hofsas House Hotel, her work can be seen locally at Santa Catalina School.³

Figure 4: Photo of Maxine Albro courtesy of the Carmel Art Association.

In 1961 a glowing review of the Hofsas House Hotel stated:⁴

"Hofsas House is something new under Carmel's sun. It's on a curve of the road leading into the village at San Carlos and Fourth. It's right out of a picture book with gay murals of peasants dancing under a smiling sun and diamond paned windows, touched by the flicker of patio torches. A page out of Bavaria with king sized beds, jeweled and gold telephones, a delightful, heated swimming pool sheltered from the ocean breezes, yet a view of ocean on each of its four levels."

Evaluation for Significance

Historians use National Register Bulletin 15⁵ as a guide when evaluating a property's significance whether on a local, state, or national level. As a first step, to determine whether or not a property is significant, it must be evaluated within its historic context and the City of Carmel's Historic Context Statement⁶ provides this context. The City of Carmel's Historic Preservation Ordinance (Section 17.32.040) reiterates the role of *National Register Bulletin 15* in the evaluation of historic resources.

³ Maxine Albro Obituary. *Carmel Pine Cone*. 7/28/1966, p. 19.

⁴ *Biggs News*, 11/3/1961, p. 4.

⁵ National Register Bulletin 15. *How to Apply the National Register Criteria for Evaluation*. National Park Service. 1998.

⁶ *Historic Context Statement: Carmel-by-the-Sea (Draft)*. Approved by the City Council December 6, 2022.

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*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update

Adopted eligibility criteria are modeled on the California Register's four criteria with the addition of specific qualifications for Criterion Three (Section 17.32.040.D).

The Hofsas House Hotel is not eligible under **Criterion One (Event/Association)** despite its association with the development of business and tourism in Carmel. The Hofsas House Hotel is one of dozens of tourist-serving accommodations built in Carmel during the 1950s and 1960s. Per Carmel's Historic Context Statement, "Properties associated with business and tourism exist in abundance throughout Carmel. Significant examples should retain a high degree of integrity. Significance would be enhanced by association with prominent members of the business community and with specific businesses or business types that were pivotal in the town's economic development" (p. 31). The Hofsas House Hotel's significance is not enhanced by its association with Donna Hofsas, who did not distinguish herself from others in the same business (see Criterion Two).

For a property to be listed under **Criterion Two (Important Person)** it must be associated with a person who is considered significant within Carmel's historic context. An individual must have made contributions or played a role that can be justified as significant and the contributions of the individual must be compared to others who were active, prosperous, or influential in the same sphere of interest. Carmel had over fifty hotels, inns, and motels that were in operation at the same time Donna Hofsas was managing the Hofsas House Hotel. There is no indication in the historical record that Mrs. Hofsas played an outstanding role within the tourism community when compared to her peers. Maxine Albro painted the murals on the exterior walls of the Hofsas House Hotel, but her life achievements would be better represented by her own home which was located on Santa Rita between Fourth and Fifth Avenues. The Hofsas House Hotel is not eligible for listing in the Carmel Inventory of Historic Resources under Criterion Two.



Figure 5: Rear elevation of 1957 hotel looking northeast.

CONTINUATION SHEET

Primary # _____

HRI# _____

Trinomial _____

Attachment 13

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*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update

A property is eligible under **Criterion Three (Design/Construction)** if it, "embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values." Carmel's Historic Preservation Ordinance includes additional qualifications for eligibility under Criterion Three. An historic resource eligible under California Register Criterion Three (per Carmel's Ordinance) should meet at least one of the following four criteria:

1. Have been designed and/or constructed by an architect, designer/builder, or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement.

The 1958 hotel building was designed by Robert R. Jones and constructed by Ralph Stean, who are both listed in Carmel's Historic Context Statement. Jones is best known for his contemporary designs and Stean is best known for his post-adobe residences. The 1968 North Wing was initially designed by Cleveland Dayton, re-designed by George Willox, and built by Helm and Savoldi. George Willox is the only creative individual out of the three who is listed in Carmel's Historic Context Statement. Per Bulletin 15, a property is not eligible as the work of a master simply because it was designed by a prominent architect. "The property must express a particular phase in the development in the master's career, an aspect of his or her work, or a particular idea or theme in his or her craft." None of the architects or builders associated with the Hofsas House Hotel could claim that the design and/or construction of this hotel was a defining moment in their careers, so this criterion is not applicable.

2. Have been designed and or constructed by a previously unrecognized architect, designer/builder, or contractor if there is substantial, factual evidence that the architect, designer/builder, or contractor contributed to one or more of the historic contexts of the City to an extent consistent with other architects, designer/builders or contractors identified within the Historic Context Statement.

This criterion is not applicable.

3. Be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement.

Bavarian-themed vernacular commercial buildings are not recognized as significant in Carmel's Historic Context Statement.

4. Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed by known architects, designer/builders, or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

There are several examples of vernacular style buildings with various thematic attributes in Carmel. The Hofsas House Hotel does not display a rare style of architecture and cannot be considered eligible under this criterion.

California Register Criterion Three (Design/Construction) has three parts as follows:

A property is eligible if it 1) embodies the distinctive characteristics of a type, period, region, or method of construction, 2) represents the work of a master, or 3) possesses high artistic values.

CONTINUATION SHEET

Page 10 of 11

*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update

The Hofsas House Hotel does not meet the first part of California Register Criterion Three because it does not embody the distinctive characteristics of a particular style of architecture. As evidenced by the lengthy list of building permits over a four decades, the hotel complex is an assemblage of disparate components, rather than a cohesive stylistic vision.

Although designed and constructed by architects and contractors recognized as significant in Carmel's Historic Context Statement, the Hofsas House Hotel is not representative of their best work. The hotel does not meet the second part of Criterion Three.

The Hofsas House Hotel does not meet the third part of Criterion Three because it does not possess high artistic values and it does not express aesthetic ideals or design concepts.

The California Register's **Fourth Criterion (Information Potential)** is generally reserved for archeological sites. There is no evidence in the historical record that the Hofsas House Hotel meets the eligibility requirements for Criterion Four.



Integrity

Integrity is defined as the ability of a property to convey its significance. There are seven aspects of integrity including location, design, setting, materials, workmanship, feeling, and association. To retain integrity a property must retain several if not most aspects. If a property does not meet any of the eligibility criteria, then integrity is not a consideration as part of the evaluation for historical significance.

Figure 6: North wing looking northeast.

CONTINUATION SHEET

Primary # _____

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*Resource Name or # Hofsas House Hotel

*Recorded by Meg Clovis

*Date 08/2023

☒ Continuation ☐ Update

Summary

To be eligible for the Carmel Inventory a resource must represent a theme in the Context Statement, retain substantial integrity, be at least 50 years old, and meet at least one of the four criteria for listing in the California Register. The Hofsas House Hotel does not represent a theme in the Context Statement. The Hofsas House Hotel does not retain substantial integrity. The Hofsas House Hotel is over 50 years old. The Hofsas House Hotel does not meet any of the California Register criteria. In summary, Bulletin 15, the Carmel Historic Context Statement, the Carmel Historic Preservation Ordinance, and the historical record support the conclusion that the Hofsas House Hotel is not eligible for listing in the Carmel Inventory of Historic Resources.



Figure 7: Mosaic shield created by Frederick Hofsas.

AND WHEN RECORDED MAIL TO

Carmel City Hall
Post Office Drawer CC
Carmel, CA 93921
Attn: Marnie R. Waffle, AICP, Principal Planner
No Fee Pursuant to Gov. Code Sec.27383

This space is reserved for the Recorder's use only

RESOLUTION OF HISTORICAL RESOURCE DESIGNATION

The Department of Community Planning and Building of the City of Carmel-by-the-Sea has completed intensive survey work and has made an Administrative Determination that the property identified below meets the criteria for a historic resource as established in the City's General Plan, the Municipal Code, and the Local Coastal Program for Carmel-by-the-Sea.

Based on this determination, effective December 18, 2023, the Department of Community Planning and Building hereby resolves to designate the property described below as a local resource on the Carmel Inventory of Historic Resources.

This Resolution of Historical Resource Designation is being recorded pursuant to section 5029(b) of the California Public Resources Code, which requires the City to record all historic resource determinations. This action is also 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.

Assessor's Parcel Number: 010-124-014-000
Block: 34 Lot(s): 10 & 12
Current Owner: Hofsas House, Inc
Street Location: Dolores Street 2 NE of 4th Avenue
Resource Name: Donna Hofsas House

Attachment A – DPR 523A Form for Donna Hofsas House (7 pages)

It is the purpose of this Resolution to alert the owner, successors, and assigns to the existence of a historic resource on the property. This historic resource is protected under the laws of the State of California and of the City of Carmel-by-the-Sea, including the California Coastal Act, the California Public Resources Code, the Carmel-by-the-Sea Municipal Code, and the Local Coastal Program. Specific regulations affecting remodels, alterations, additions, and demolitions can be found in the City of Carmel-by-the-Sea planning documents referenced above.

Date:

Certified by:

December 18, 2023

Marnie R. Waffle, AICP, Principal Planner
City of Carmel-by-the-Sea

PRIMARY RECORD

Primary # _____ Attachment 14

HRI # _____

Trinomial _____

NRHP Status Code _____

Other Listings _____

Review Code _____ Reviewer _____ Date _____

Page 1 of 7

*Resource Name or #: (Assigned by recorder) Donna Hofsas House

P1. Other Identifier: Donna Hofsas House

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary)

*b. USGS 7.5' Quad Monterey Date 2012 T ; R ; ¼ of ¼ of Sec ; Mount Diablo B.M.

c. Address Dolores 2 NE of 4th City Carmel by the Sea Zip 93921

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

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

APN 010-124-014; Block 34, lots 12 & 14

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

The two-story Donna Hofsas House has an irregular plan placed diagonally on the downward sloping lot. The focal point of the house is the hyperboloid parabola roof which is supported by elevated concrete block piers. The roof is covered by fiberglass deck roofing with a coarse sand topping. The concrete block walls also serve as retaining walls against the grade. A bedroom/bathroom wing extends northeast. This wing has a low gabled roof with shingles. Vertical 1x10 siding and window walls within an exposed steel structural system act as non-load bearing screens below the sweep of the roof. A ground level garage is located on the west (front) elevation. Concrete stairs lead from the driveway up to the double front entrance located under the southeast peak of the roof. A Mayan concrete screen wall is located next to the door.

Building permits indicate that a bathroom was added to the north elevation in 1962 (designed by architect Ted Larson) and the entrance was extended in 1972 by architect Robert (continued p. 3)

*P3b. Resource Attributes: (List attributes and codes) HP2, Single family house

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



P5b. Description of Photo: (View, date, accession #) Front Elevation, 05/2023

*P6. Date Constructed/Age and

Sources: 1960 ☒ Historic

☐ Prehistoric ☐ Both

Building Permit

*P7. Owner and Address:

Hofsas House

POB 1195

Carmel, CA. 93921

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

Meg Clovis

14024 Reservation Rd.

Salinas, CA 93908

*P9. Date Recorded: 07/2023

*P10. Survey Type: (Describe)

Intensive

*P11. Report Citation: (cite survey report and other sources, or enter "none.") DPR523A&B, Richard Janick 2002

*Attachments: ☐ NONE ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure and Object Record

☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record

☐ Artifact Record ☐ Photograph Record ☐ Other (List)

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 7

*NRHP Status Code

*Resource Name or # (Assigned by recorder) Donna Hofsas House

B1. Historic Name: Donna Hofsas House

B2. Common Name: Donna Hofsas House

B3. Original Use: Residence

B4. Present Use: Residence

*B5. Architectural Style: Regional Expressionist

*B6. Construction History: (Construction date, alteration, and date of alterations) BP#3535 (1960) Build 2-story house; BP#3828 (1962) Add bathroom; BP#72-150 (1972) Extend entry & shift entry doors

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

Original Location:

*B8. Related Features: Parking lot

B9a. Architect: Cleveland A. Dayton

b. Builder: Ralph Stean

*B10. Significance: Theme: Architectural Development

Area Carmel by the Sea

Period of Significance: 1960

Property Type Building Applicable Criteria: CR3

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

In 1949 Donna J. Hofsas (1902-1981) and Frederick L. Hofsas (1897-1989) moved to Carmel from Los Angeles. Donna was a film actress with Fox Studios and Frederick was an accountant. They developed a Bavarian-themed hotel complex known as the Hofsas House Inn on San Carlos and Fourth. After considerably enlarging their hotel in 1957, they decided to build their own house on the edge of lots 12 and 14, fronting Dolores Street. Mrs. Hofsas hired architect Cleveland A. Dayton to design a house with a hyperbolic paraboloid roof, which was a daring choice for a community defined by delightful fairytale cottages. Although there was some initial disagreement among Planning Commissioners, Mrs. Hofsas prevailed and received a permit to build her house in May 1960.

There is no record of why Donna Hofsas selected a building style so radically different than her Hofsas House Inn, which exuded Bavarian charm. Architect Cleveland A. Dayton (1919-2012) worked for a San Jose firm called Creative Design Company. The structural design was handled by Carter-Slattey Engineers of Monterey. Neither Dayton nor the engineering firm are listed in Carmel's Historic Context Statement. The contractor on the project was Ralph Stean (1918-2004). Stean was a Carmel Valley developer and contractor who worked on the Monterey Peninsula from the mid-1940s to the 1970s. Early on he specialized in building Post-Adobe homes. Later in his career he built the (continued p. 5)

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

*B12. References:

Carmel Context Statement & Historic Preservation Ordinance

Building File, Carmel Planning Dept.

National Register Bulletin 15

Polk's City Directories, Harrison Memorial Library

Sprague, Tyler. "The Rise of Hyperbolic Paraboloids in Post-War America". *Construction History*, 1/2013.

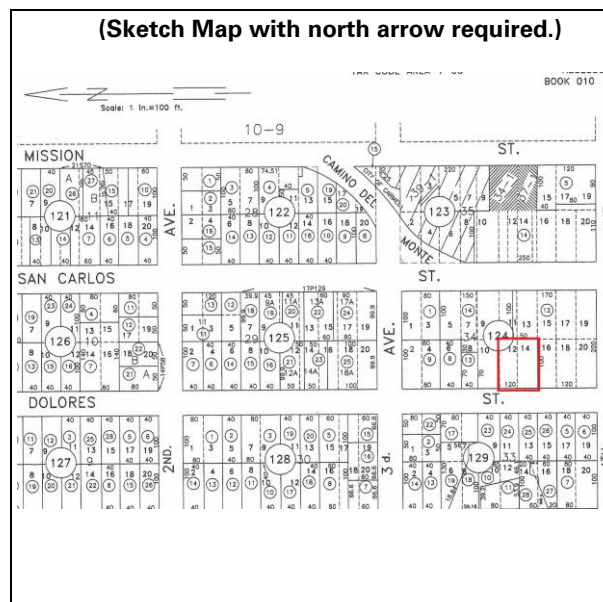
Donna Hofsas Obit., *Carmel Pine Cone*, 7/16/1981, p. 26

Rifkind, Carole. *A Field Guide to Contemporary American Architecture*. New York, 1998.

B13. Remarks

*B14. Evaluator: Meg Clovis

(This space reserved for official comments.)



CONTINUATION SHEET

P3a. Description (continued):

Stephenson. The entrance extension included new block walls and a shingled, gable roof covering. The house is wedged onto the edge of the lot, hemmed in by the Dolores Street entrance for the Hofsas House Inn parking lot and the parking lot itself. Landscaping is minimal and includes a built-in planter near the front door and a large oak which shades the entrance.

The Donna Hofsas House is an example of the Regional Expressionist style (1945-1986) as described in Carmel's Historic Context Statement (p. 64). Regional Expressionism applied new technologies and construction techniques to modernist building design that was attuned to Carmel's topography, geology, and climate. With advances in concrete and metal technologies, rooflines were able to soar with space-age shapes, including butterfly, arched, serrated, airplane and parabolic forms. The Donna Hofsas House is an excellent local example of the exuberant roof architecture favored in the 1960s, exhibiting a dynamic shape and dramatic encounter with its site.



Figure 1: Front elevation looking southeast

CONTINUATION SHEET

Primary # _____

HRI# _____

Trinomial _____

Attachment 14

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*Resource Name or # Donna Hofsas House

*Recorded by Meg Clovis

*Date 07/2023

☒ Continuation ☐ Update

Character-defining features of the Donna Hofsas House include:

- Irregular plan that addresses the immediate setting
- Hyperboloid parabola roof
- Exposed steel structural system and window wall
- Mayan concrete screen
- Double front doors
- Cement block walls with integrated front door planter

Integrity

Integrity is defined as the ability of a building to convey its significance. There are seven aspects of integrity and to retain integrity a building must retain several, if not most aspects. Very few changes have been made to the Donna Hofsas House since its construction in 1960. The Donna Hofsas House retains a high degree of integrity:

- Location: the house is still in its original location.
- Design: the house has retained its original Regional Expressionist design.
- Setting: the house remains in the same neighborhood setting, which is a mix of single-family residences and lodging facilities.
- Materials: the house retains its original materials.
- Workmanship: the house still exhibits the workmanship associated with the Regional Expressionist style such as the roof, window wall, and concrete block walls.
- Feeling: the house retains the physical features that convey its historic character, i.e., an Avant Garde house that pushed the envelope of Carmel's building traditions.
- Association: this aspect of integrity is only applicable to resources eligible under Criteria One and Two.



Figure 2: View looking northwest

CONTINUATION SHEET

B10. Significance (continued):

Carmel Valley movie theatre and several office complexes. Ralph Stean is listed in Carmel's Historic Context Statement.

Evaluation for Significance

Historians use National Register Bulletin 15¹ as a guide when evaluating a property's significance whether on a local, state, or national level. As a first step, to determine whether or not a property is significant, it must be evaluated within its historic context and the City of Carmel's Historic Context Statement² provides this context. The City of Carmel's Historic Preservation Ordinance (Section 17.32.040) reiterates the role of *National Register Bulletin 15* in the evaluation of historic resources. Adopted eligibility criteria are modeled on the California Register's four criteria with the addition of specific qualifications for Criterion Three. (Section 17.32.040.D).

The Donna Hofsas House is not eligible under **Criterion One (Event/Association)**

Because no specific event led to the construction of the residence and no important event took place in the residence.



Figure 3: View of front door, Mayan screen & 1972 addition

¹ National Register Bulletin 15. *How to Apply the National Register Criteria for Evaluation*. National Park Service. 1998.

² *Historic Context Statement: Carmel-by-the-Sea (Draft)*. Approved by the City Council December 6, 2022.

CONTINUATION SHEET

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*Resource Name or # Donna Hofsas House

*Recorded by Meg Clovis

*Date 07/2023

☒ Continuation ☐ Update

For a property to be listed under **Criterion Two (Important Person)** it must be associated with a person who is considered significant within Carmel's historic context. An individual must have made contributions or played a role that can be justified as significant and the contributions of the individual must be compared to others who were active, prosperous, or influential in the same sphere of interest. There is no indication in the historical record that Mrs. Hofsas played an outstanding role in the Carmel community when compared to other residents. The Donna Hofsas House is not eligible for listing in the Carmel Inventory of Historic Resources under Criterion Two.

A property is eligible under **Criterion Three (Design/Construction)** if it, "embodies the distinctive characteristics of a type, period, region or method of construction; or represents the work of a master; or possesses high artistic values." Carmel's Historic Preservation Ordinance includes additional qualifications for eligibility under Criterion Three. An historic resource eligible under California Register Criterion Three should meet one of the following criteria:

1. Have been designed and/or constructed by an architect, designer/builder, or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement.

The Donna Hofsas House was constructed by Ralph Stean who is recognized as significant in Carmel's Historic Context Statement.

2. Have been designed and or constructed by a previously unrecognized architect, designer/builder, or contractor if there is substantial, factual evidence that the architect, designer/builder, or contractor contributed to one or more of the historic contexts of the City to an extent consistent with other architects, designer/builders or contractors identified within the Historic Context Statement.

3. Be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement.

The Donna Hofsas House is a good example of the Regional Expressionist style of architecture, which is recognized as significant in Carmel's Historic Context Statement.

4. Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed by known architects, designer/builders, or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

The Donna Hofsas House is the only example of a hyperbolic parabola roof in Carmel. It is a rare roof type that attests to the innovative spirit that has defined the Carmel community since its inception. The Donna Hofsas House contributes to Carmel's unique sense of time and place.

The Donna Hofsas House does not meet the third part of Criterion Three because it does not possess high artistic values and it does not express aesthetic ideals or design concepts.

CONTINUATION SHEET

Primary # _____

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*Resource Name or # Donna Hofsas House

*Recorded by Meg Clovis

*Date 07/2023

☒ Continuation ☐ Update

The California Register's **Fourth Criterion (Information Potential)** is generally reserved for archeological sites. There is no evidence in the historical record that the Donna Hofsas House meets the eligibility requirements for Criterion Four.

Summary

To be eligible for the Carmel Inventory a resource must represent a theme in the Context Statement, retain substantial integrity, be at least 50 years old, and meet at least one of the four criteria for listing in the California Register. The Donna Hofsas House represents the theme of Architectural Development. The Donna Hofsas House is over 50 years old. The Donna Hofsas House meets California Register Criterion Three. The Donna Hofsas House meets Carmel's additional requirements under Criterion Three because:

- The house was designed by Ralph Stean, who is recognized as a significant contractor in the Context Statement;
- It is a good example of the Regional Expressionist style of architecture; and
- It displays a rare style of architecture in Carmel.

In summary, Bulletin 15, the Carmel Historic Context Statement, the Carmel Historic Preservation Ordinance, and the historical record support the conclusion that the Donna Hofsas House is eligible for listing in the Carmel Inventory of Historic Resources.