

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

HISTORIC RESOURCES BOARD RESOLUTION NO. 2023-014-HRB

**A RESOLUTION OF THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA  
ADDING A HISTORIC RESOURCE TO THE CARMEL REGISTER AND RECOMMENDING THAT THE CITY  
COUNCIL ENTER INTO A MILLS ACT CONTRACT WITH LOPEZ 5 NW, LLC FOR THE PROPERTY  
LOCATED ON LOPEZ AVENUE 5 NORTHWEST OF 4<sup>TH</sup> AVENUE (APN 010-232-028).**

WHEREAS, on June 2, 2023, KC Cullen, Architect (“Applicant”) submitted an application on behalf of Lopez 5 NW, LLC (“Owner”) requesting to add the historic “Cosmas House” to the Carmel Register of Historic Resources and enter into a Mills Act contract (MA 23-146, Lopez 5 NW, LLC) described herein as (“Application”); and

WHEREAS, the Application has been submitted for the property located on Lopez Avenue 5 northwest of 4<sup>th</sup> Avenue, in the Single Family Residential (R-1) District (Block LL, Lot 14, part Lot 12); and

WHEREAS, the Applicant is requesting to add the historic “Cosmas House” to the Carmel Register of Historic Resources; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.32.090 (Carmel Register of Historic Resources) the City shall maintain a Register of Historic Resources designated by the City for public recognition and benefits; and

WHEREAS, historic resources identified as significant at a local or regional level shall be eligible for listing in the Register at the request of the property owner and upon approval by the Historic Resources Board; and

WHEREAS, one of the benefits of being included on the Register is the ability to enter into a Mills Act Historical Property Contract with the City; and

WHEREAS, the Applicant is also requesting to enter into a Mills Act contract with the City and in accordance with Carmel Municipal Code (CMC) Section 17.32.100.B.6 (Review Process), the Historic Resources Board shall consider the application and make a recommendation to the City Council to approve, approve with conditions, or deny the application; and

WHEREAS, on September 8, 2023, notice of the September 18, 2023 public hearing 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

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WHEREAS, on or before September 8, 2023, 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 September 15, 2023 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 September 18, 2023, the Historic Resources Board held a public meeting to consider adding the historic “Cosmas House” to the Carmel Register and to consider the application for a Mills Act contract, including without limitation, information provided to the Historic Resources Board by City staff and through public testimony; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Historic Resources Board at the September 18, 2023 meeting including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Historic Resources Board 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 Historic Resources Board of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the **Mills Act Contract**:

<b><u>FINDINGS REQUIRED FOR A MILLS ACT CONTRACT</u></b>		
For each of the required findings listed below, staff has indicated whether the application supports the adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Historic Resources Board’s decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
<b>CMC 17.32.100.B.6.c</b>	<b>YES</b>	<b>NO</b>
i. The building is designated as an historic resource by the City and is listed on the Carmel Register.	✓	
ii. The proposed rehabilitation/restoration and maintenance plan is appropriate in scope and sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property.	✓	
iii. Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that:	✓	

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(A) Comply with the Secretary’s Standards (future additions only); and (B) Do not significantly alter, damage or diminish any primary elevation or character-defining feature; and (C) Do not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource; and (D) Do not result in any second-story addition to a single-story historic resource.		
iv. The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.	✓	
v. Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.	✓	

**BE IT FURTHER RESOLVED** that the Historic Resources Board of the City of Carmel-by-the-Sea does hereby add the historic “Cosmas House” to the Carmel Register of Historic Resources and recommend that the City Council enter into a Mills Act Contract (MA 23-146, Lopez 5 NW, LLC) for the property located on Lopez Avenue 5 northwest of 4<sup>th</sup> Avenue (APN 010-232-028).

PASSED, APPROVED AND ADOPTED BY THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA this 18<sup>th</sup> day of September, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

DocuSigned by:  
*Jordan Chroman*  
264F63DE03984A3...

DocuSigned by:  
*Marnie Waffle*  
D0DC1CEF3EBC469...

Jordan Chroman  
Chair

for Leah Young  
Historic Resources Board Secretary