

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

**RESOLUTION NO. 2024-079**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DENYING AN APPEAL BY GREG AND VAN RODRIGUEZ (APP 24117, RODRIGUEZ) DATED APRIL 24, 2024; UPHOLDING RESOLUTION 2024-002-HRB PASSED BY THE HISTORIC RESOURCES BOARD ON APRIL 15, 2024; AND ADDING AN INDIVIDUAL PROPERTY LOCATED AT CAMINO REAL 4 NORTHWEST OF 11TH AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT TO THE CARMEL INVENTORY OF HISTORIC RESOURCES. APN 010-275-006.**

WHEREAS, on July 11, 2023, Jeremy McCullough (“Applicant” and “Agent”) submitted Historic Evaluation application HE 23209 (Rodriguez) described herein as (“Application”) on behalf of Greg and Van Rodriguez (“Owner”) for the 5,00-square-foot property located at Camino Real 4 northwest of 11th Avenue, APN 010-275-006, in the Single-Family Residential (R-1) District (Block Q, portion of lot 11 and all of lot 13); and

WHEREAS, in accordance with the City’s Historic Preservation Ordinance (CMC 17.32), upon receipt of a Historic Evaluation application, an initial assessment of historic significance shall be conducted to determine whether the property may have historic resource potential sufficient to warrant conducting an intensive survey (CMC 17.42.060.B); and

WHEREAS, in accordance with CMC 17.32.060.B, if a property appears to meet the criteria for the inventory or, if based on the initial assessment, a definitive determination of eligibility or ineligibility cannot be made, a qualified professional under contract to the City must prepare an intensive survey of the property; and

WHEREAS, Margaret Clovis, a City-contracted historic consultant, conducted an initial assessment of the property and was unable to disqualify the residence from listing based on the criteria for listing as a historic resource as outlined in the municipal code (CMC 17.32.040) and therefore a definitive determination of ineligibility could not be made by staff; and

WHEREAS, staff retained the services of Margaret Clovis to prepare an intensive review of the property to determine whether the property meets the criteria for listing on the Carmel Inventory; and

WHEREAS, the review concluded that the subject property is eligible for listing in the Carmel Inventory as a locally significant Tudor Revival style cottage built in 1933 by master builder Ernest Bixler (and rebuilt in 1940 by master builder Miles Bain to the original design), representative of Carmel’s architectural chronology; and

WHEREAS, the intensive survey dated August 2023 prepared by Margaret Clovis identified the property as the “J. Henry Ohloff House” with the following character defining features: cross-gabled roof system with sloping eaves; compound floor plan; horizontal and vertical boards within the apex of the gables; louvred vents in the front gables; original old brick chimney (recently covered with stucco); multi-paned casement windows; partial-width porch; and stucco exterior walls; and

WHEREAS, the intensive survey concluded that the residence is eligible for listing on the Carmel Inventory of Historic Resources as the property is representative of Theme 5: Architectural Development in Carmel (1888-1965) in the Historic Context Statement; retains a sufficient degree of integrity; is greater than 50 years old; and, meets California Register Criteria 3 (Architecture) as a

good example of a Tudor Revival style building and also as a work of master local builder(s) Ernest Bixler and Miles Bain; and

WHEREAS, in accordance with CMC 17.32.070.A, properties determined to be eligible by an administrative determination, or by the Historic Resources Board on appeal, shall become part of the Inventory upon completion of an inventory form documenting the resource and issuance of an administrative determination finding by the Department or adoption of a finding by the Board that the property meets the criteria for historic resources; and

WHEREAS, on behalf of the property owner, Anthony Lombardo, Attorney, challenged the administrative determination made by the Department and requested that the Historic Resources Board consider the decision to list the property on the Historic Inventory; and

WHEREAS, on April 15, 2024, the Historic Resources Board held a public hearing to receive public testimony regarding whether to list an individual property located at the Camino Real 4 northwest of 11th Avenue in the Single-Family Residential (R-1) Zoning District on the Carmel Inventory of Historic Resources; and

WHEREAS, on or before April 5, 2024, on behalf of the property owner, Gail Hatter 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, notice of the public hearing was published in the Carmel Pine Cone on April 5, 2024 and posted in three locations on April 12, 2024 in compliance with State law (California Government Code 54956); 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 judgement to evaluate the project; and

WHEREAS, based upon evidence presented to the Board at the April 15, 2024 hearing including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department, the Historic Resources Board of the City of Carmel-by-the-Sea passed Resolution 2024-002-HRB adding an individual property, the "J. Henry Ohloff House" located at Camino Real 4 northwest of 11th Avenue in the Single-Family Residential (R-1) zoning district, APN: 010-275-006, to the Carmel Inventory of Historic Resources; and

WHEREAS, decisions of the Historic Resources Board are appealable to the City Council per CMC 17.54.040.C; and

WHEREAS, on April 25, 2024, Greg and Van Rodriguez (Appellant) filed an appeal of the Historic Resources Board's decision, citing lack of clear evidence the home is a Tudor style that represents a particular idea or theme, and aspect, or a particular phase of the work of a "master" builder or architect; and

WHEREAS, on August 23, 2024, a notice of the public hearing scheduled for September 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 September 1, 2024, the appellant 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 6, 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 September 10, 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 the review of certain projects for environmental impacts and preparation of environmental documents; and

WHEREAS, the listing of the subject property on the Carmel Inventory is "not a project" pursuant to section 15378 of the CEQA Guidelines. Listing the subject property on the Carmel Inventory does not grant any permits or entitlements approving a project that would result in a direct or indirect physical change in the environment; 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 Greg and Van Rodriguez, dated April 24, 2024 (APP 24117, Rodriguez); uphold Resolution 2024-002-HRB passed by the Historic Resources Board on April 15, 2024; and add an individual property, the "J. Henry Ohloff House" located at Camino Real 4 northwest of 11th Avenue in the Single-Family Residential (R-1) zoning district to the Carmel Inventory of Historic Resources; APN: 010-275-006.**

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA THIS 10th DAY OF SEPTEMBER 2024, BY THE FOLLOWING VOTE:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter, Mayor

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Nova Romero, MMC, City Clerk