

CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2020-XX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING  
A DESIGN REVIEW FOR MODIFICATIONS TO THE CARMEL MISSION BASILICA FORECOURT AND SIR  
HARRY DOWNIE MUSEUM LOCATED AT 3080 RIO ROAD  
(APN 009-531-003)

**WHEREAS**, Brett Brenkwitz (“Applicant”) submitted an application requesting approval of a Design Review application “(DR 20-038, Diocese of Monterey)” described herein (“Application”); and

**WHEREAS**, the application has been submitted for the property located at 3080 Rio Road also known as the Carmel Mission Basilica in the Single-Family (R-1) District, Archaeological Significance Overlay, Park Overlay and Beach & Riparian Overlay districts (Block US, Lot 38); and

**WHEREAS**, the Carmel Mission was listed as a National Historic Landmark in 1962, was listed on the National Register of Historic Places in 1967 and is included in the Carmel Historic Resource Inventory and the California Register of Historic Resources; and

**WHEREAS**, on May 18, 2015, the Historic Resources Board issued a Determination of Consistency with the Secretary of the Interior’s Standards for the Treatment of Historic Properties for modifications to the Carmel Mission Basilica Forecourt and Sir Harry Downie Museum as part of the Phase 2 infrastructure improvements at the Carmel Mission; and

**WHEREAS**, on July 8, 2015, the Planning Commission approved a Design Review (DR 14-38) and associated Coastal Development Permit for the infrastructure improvements; and

**WHEREAS**, due to a lack of funding only portion of the infrastructure improvements were completed in 2015 and since that time the Design Review approval has expired; and

**WHEREAS**, the Applicant is ready to proceed with infrastructure improvements to the Carmel Mission Basilica Forecourt and Sir Harry Downie Museum with an emphasis on accessibility under the American’s with Disabilities Act (ADA); and

**WHEREAS**, pursuant to CMC Section 17.32.160 (Historic Evaluation Process for Major Alterations), the project qualifies as a Major Alteration; and

**WHEREAS**, pursuant to CMC Section 17.32.140 (Determination of Consistency with the Secretary’s Standards), all major alterations to historic resources require a determination of consistency with the Secretary’s Standards and must be reviewed by a qualified professional and approved by the Historic Resources Board; and

**WHEREAS**, the project was reviewed by qualified professional Margaret Clovis and a report was prepared dated September 14, 2020 finding the alterations to the Carmel Mission Basilica Forecourt and Sir Harry Downie Museum to be consistent with the Secretary of the Interior's Standards for Rehabilitation and the Guidelines for Rehabilitating Cultural Landscapes; 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**, as a historic resource, the project is subject to review under CEQA and being found consistent with the Secretary's Standards for Rehabilitation and Guidelines for the Treatment of Cultural Landscapes, is considered to have mitigated impacts to a historic resource to a less-than-significant level (CEQA Guidelines 15064.5); and

**WHEREAS**, on October 19, 2020, the Historic Resources Board held a public meeting to receive public testimony regarding the Application, including without limitation, information provided to the Historic Resources Board by City staff and public testimony on the project; and

**WHEREAS**, notice of the public meeting was given in accordance with State law (California Government Code 54954.2.); and

**WHEREAS**, the Historic Resources Board adopted a Resolution issuing a Determination of Consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties for modifications to the Carmel Mission Basilica Forecourt and Sir Harry Downie Museum; and

**WHEREAS**, pursuant to CMC Section 17.58 (Design Review) a Design Review is required for certain physical improvements and any substantial alteration or rehabilitation for the purpose of promoting and maintaining the City's special character as a residential village that respects the natural setting and is typified by a rich and creative mix of architectural styles; and

**WHEREAS**, pursuant to CMC Section 17.58 (Design Review) major alterations to historic structures require a Track 2 Design Review and must be reviewed and approved by the Planning Commission; and

**WHEREAS**, on November 10, 2020, the Planning Commission held a public meeting to receive public testimony regarding the Application, including without limitation, information provided to the Planning Commission by City staff and public testimony on the project; and

**WHEREAS**, notice of the public meeting was given in accordance with State law (California Government Code 54954.2.); and

**WHEREAS**, this Resolution and its findings are made based upon evidence presented to the Planning Commission at the November 10, 2020 meeting including, without limitation, the staff report submitted by the Community Planning and Building Department; and

**WHEREAS**, the Planning Commission did hear and consider all said reports, recommendations and testimony herein above set forth and used their independent judgement 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 **APPROVE** a Design Study (DR 20-128) for modifications to the Carmel Mission Basilica Forecourt and Sir Harry Downie Museum located at 3080 Rio Road (APN 009-531-003) in the Single-Family (R-1) Zoning District, Archaeological Significance Overlay, Park Overlay and Beach & Riparian Overlay districts subject to the following Conditions of Approval:

<b>CONDITIONS OF APPROVAL</b>		
1.	<b>Authorization.</b> This approval of Design Review (DR 20-128) authorizes modifications to the Carmel Mission Basilica Forecourt and Sir Harry Downie Museum located at 3080 Rio Road in the Single-Family (R-1) District, Archaeological Significance Overlay, Park Overlay and Beach & Riparian Overlay districts as depicted in the plans prepared by Franks Brenkwitz & Associates dated 5-15-20, and the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Cultural Landscapes, unless modified by the conditions below.	✓
2.	<b>Permit Validity.</b> This approval shall be valid for a period of one year from the date of action unless an active building permit has been issued and maintained for the proposed construction.	✓
3.	<b>Landscape Plan.</b> All new landscaping shall be shown on a landscape plan and shall be submitted and reviewed by the Community Planning & Building Department, City Forester and Monterey Peninsula Water Management Districts (MPWMD), where applicable, <u>prior to the issuance of a building permit.</u>  The landscape plan shall be reviewed for compliance with the landscaping standards contained in Carmel Municipal Code Chapter 12.28 (Trees & Shrubs), Chapter 17.34 (Landscaping) and Chapter 17.48 (Trees & Shrubs).	✓
4.	<b>Tree Removal.</b> Trees on the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission, as appropriate; all remaining	✓

	trees shall be protected during construction by methods approved by the City Forester.	
5.	<b>Significant Trees.</b> All foundations within 15 feet of significant trees shall be excavated by hand. If any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed. Twelve inches (12") of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.	✓
6.	<b>Water Use.</b> 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.	✓
7.	<b>Modifications.</b> The applicant shall submit in writing to the Community Planning & Building Department any proposed changes to the approved project plans prior to incorporating changes. If the applicant changes the project without first obtaining City approval, the applicant will be required to either: a) submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change; or b) eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection.	✓
8.	<b>Truck Haul Route.</b> Prior to Building Permit issuance, the applicant shall provide for City (Community Planning and Building Director in consultation with the Public Services and Public Safety Departments) review and approval, a truck-haul route and any necessary temporary 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.	
9.	<b>Hazardous Materials Waste Survey.</b> A hazardous materials waste survey shall be required in conformance with the Monterey Bay Unified Air Pollution Control District prior to issuance of a demolition permit.	✓
10.	<b>USA North 811.</b> 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)	✓
11.	<b>Conditions of Approval.</b> 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.	✓

12.	<b>Indemnification.</b> 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.	✓
<b>ENVIRONMENTAL COMPLIANCE CONDITIONS</b>		
13.	<b>Drainage Plan.</b> Provide 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 into one corner of the property, infiltration features must be sized appropriately and must be located at least 6 feet from neighboring properties. The drainage plan shall include information on drainage from new impervious areas and semi-pervious areas.	✓
14.	<b>BMP Tracking Form.</b> A completed BMP Tracking form will need to be submitted with the Building Permit Application.	✓
15.	<b>Semi-Permeable Surfaces.</b> Provide cross-section details for semi-permeable surfaces.	✓
16.	<b>Erosion and Sediment Control Plan.</b> Provide an erosion and sediment control plan that includes locations and installation details for erosion and sediment control BMPs, material staging areas, and stabilized access with Building Permit application.	✓
<b>SPECIAL CONDITIONS</b>		
17.	<b>Pre-Construction Meeting.</b> Prior to issuance of the building permit, the applicant shall convene a pre-construction meeting to include the contractor, the City's Project Planner, and if deemed necessary by the City, the City's Historic Consultant, to ensure compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.	✓
18.	<b>Interior Adobe Walls.</b> The location of original interior adobe walls that are removed shall be delineated by darker tiles on the floor to guide any future reconstruction of the walls. In addition, the Applicant shall maintain a photographic record of the removed walls that could be used for reconstruction purposes.	✓
19.	<b>Downie Building, North Elevation.</b> If the two doors on the north elevation are lowered to facilitate an accessible path of travel, the existing wood headers shall remain in place and be plastered over. New matching wood headers shall be installed below the current headers.	✓

20.	<b>Repair or In-Kind Replacement of Historic Material.</b> Any damaged wood members shall be repaired with epoxy rather than replaced. If replacement is necessary, then wood elements shall be replaced “in kind”, to match type, texture, and dimensions. Any adobe bricks that are completely fractured, disintegrate or come loose when preparing the surface shall be reset or replaced with similar bricks.	✓
21.	<b>Garden Bed Stones.</b> The stones that border the garden beds shall be preserved and reused.	✓
22.	<b>Adobe Wall @ Museum Store/Gift Shop.</b> The reconstruction of the failed adobe wall shall be plastered to match the original in color and texture.	✓
23.	<p><b>Cultural Resources.</b> A qualified archaeologist and appropriately qualified Native American monitor shall be present on-site to monitor all earth moving activities.</p> <p>All new construction involving excavation shall immediately cease if cultural resources are discovered on the site, and the applicant shall notify the Community Planning and Building Department within 24 hours. Work shall not be permitted to recommence until such resources are properly evaluated for significance by a qualified archaeologist. If the resources are determined to be significant, prior to resumption of work, a mitigation and monitoring plan shall be prepared by a qualified archaeologist and reviewed and approved by the Community Planning and Building Director. In addition, if human remains are unearthed during excavation, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98.</p>	✓
24.	<b>Salvage and Reuse Plan.</b> Prior to the issuance of a building permit, the final construction documents shall include a materials list and a plan with elevation keynotes that clearly identify the methodology and extent of the proposed salvage and reuse of existing building materials including all exterior walls. This “salvage and reuse plan” shall clearly indicate that materials shall be: 1) preserved, 2) repaired, when preservation is not possible, and 3) replaced in-kind only when absolutely necessary.	✓

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Carmel-By-The-Sea on this 10<sup>th</sup> day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Michael LePage  
Chair

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Margi Perotti  
Planning Commission Secretary

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Property Owner Signature

Printed Name

Date

*Once signed, please return to the Community Planning and Building Department.*