

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
427-4863

Th3b



RECORD PACKET COPY

ADMINISTRATIVE PERMIT NUMBER 3-00-093

Applicant.....William & Mary Louise Shellooe

Project location.....Scenic Road, at 3 NE of 12th Ave. (backing onto San Antonio Street at 3 NW of 12th Ave.), Carmel, Monterey County.

Project descriptionDemolition of existing one-car garage and two single-story single family dwellings of approx. 550 sq. ft. each; and, construction of a new 2,180 sq.ft. single family dwelling on an existing 5,075 sq. ft. lot (Block A4, Lot 9, APN 001-291-005). Includes 80 cu.yds. of grading for 2-car garage on lower (Scenic Road) level.

Local Approvals.....City of Carmel-by-the-Sea: RE 99-58 for demolition; EA 99-01 for project environmental evaluation; City Council final action on June 6, 2000.

Note: Public Resources Code Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs. This permit will be reported to the Commission at the following time and place:

September 14, 2000

9 A.M.

Eureka Inn

7th and "F" Streets

Eureka, CA 95501

(707) 442-6441

IMPORTANT: Before you may proceed with development, the following must occur: You must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return to our office (Title 14, California Code of Regulations, Sections 13150(b) and 13158). Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, if applicable, we will send you a Notice of Administrative Permit Effectiveness. **Before you can proceed with development, you must have received both your administrative permit and the notice of permit effectiveness from this office.**

PETER DOUGLAS
Executive Director

By: Charles Lester
District Manager, Central Coast District



California Coastal Commission
September 14, 2000 Meeting in Eureka

Staff: S. Guiney/L. Otter
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EXECUTIVE DIRECTOR'S DETERMINATION: THE FINDINGS FOR THIS DETERMINATION, AND FOR ANY SPECIAL CONDITIONS, APPEAR ON SUBSEQUENT PAGES.

STAFF NOTE

In response to pending litigation from the Friends of Carmel Cultural Heritage, on April 4, 2000, the City Council adopted an urgency ordinance placing a moratorium on the processing of further demolitions for a period of 45 days. The allegations in the Friends' Petition for Writ of Mandamus (Monterey County Superior Court, Case M49762) specifically mention the Periwinkle and Sea Urchin structures proposed for demolition in this application. The urgency ordinance was allowed to expire concurrently with the adoption by the City Council on May 25 of Resolution 2000-79 establishing new interim procedures, criteria and policy direction for planning applications related to historic resources. The purpose of these procedures, criteria and policy directions was to guide the city until its long-term program and LCP are adopted. Following the adoption of Resolution 2000-79, on June 6, 2000, the City Council approved the Shellooe application, finding among other things that their decision was based, in part upon "the protocols and criteria contained in City Council Resolution No. 2000-79."

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



SPECIAL CONDITIONS

1. Relocation or Salvage. PRIOR TO COMMENCEMENT OF REMOVAL OR DEMOLITION OF THE EXISTING STRUCTURE, permittee shall submit, for review and approval by the Executive Director, the following measures to implement relocation or salvage:

- a. Documentation that arrangements have been made to move the existing building to a location within the same lot, or to another location, either within or outside of the City; or,
- b. If relocation is not feasible, then a salvage plan that has been agreed to by permittee, providing for identification, recovery and reuse of all significant exterior architectural elements of the existing building that can be feasibly incorporated in new construction on or off site. To the extent salvageable materials exceed on-site needs, they may be sold, exchanged or donated for use elsewhere. The plan shall specify that salvageable materials not used on site, sold or exchanged shall be offered without charge, provided recipient may be required to bear the cost of removal. Unsound, decayed, or toxic materials (e.g., asbestos shingles) need not be included in the salvage plan.

Relocation shall not be deemed infeasible unless: 1) a Licensed Historical Architect, Licensed Historical Contractor, or equivalent qualified expert has determined that relocation of the structure would not be feasible, or if feasible, would not result in worthwhile preservation of building's architectural character; or, 2) it has been noticed by appropriate means as available for relocation, at no cost to recipient, and no one has come forward with a *bona fide* proposal to move the existing structure within a reasonable time frame (i.e., within 60 days from date of first publication and posting of availability notice). Such notice of availability shall be in the form of a public notice or advertisement in at least two local newspapers of general circulation (at least once a week for four weeks), as well as by posting on the site or by other equivalent means as appropriate.

Submitted salvage plans shall be accompanied by a summary of all measures taken to encourage relocation, copies of posted notice, text of published notices/advertisements, and evidence of publication, along with a summary of results from this publicity, a list of relocation offers (if any) that were made and an explanation of why they were not or could not be accepted.

- 2. Archaeologic Mitigation.** PRIOR TO COMMENCEMENT OF ANY EXCAVATIONS, TRENCHING OR OTHER GROUND-DISTURBING ACTIVITIES, permittee shall submit to the Executive Director for review and approval a plan providing for archaeologic monitoring during any such ground-disturbing activities, or evidence from a qualified professional archaeologist (SOPA or equivalent) that no such monitoring is warranted.

Should any potential archaeological resources (including but not limited to midden ash or shellfish debris, projectile points, bone, chipped or ground stone) be discovered during construction, such find shall be immediately reported to the monitoring archaeologist. If such unearthed materials are confirmed as archaeological resources, all work that could damage or destroy these resources shall be temporarily suspended. The monitoring archaeologist shall inspect the project site to evaluate the nature and significance of the archaeological materials and develop appropriate mitigation measures



using the standards of the State Historic Preservation Office. This mitigation plan shall be submitted for review by the State Historic Preservation Office (SHPO); then submitted, along with evidence of SHPO review, to the Executive Director for review and approval; and, fully implemented by the property owner.

In addition, in event an archaeological mitigation plan becomes necessary, the applicant shall record a deed restriction. The deed restriction shall state that for purposes of protecting archaeological resources, excavation, trenching, and other ground-disturbing activities can only be undertaken according to the provisions of the approved archaeological mitigation plan. The plan must be recorded concurrently with the deed restriction as an exhibit.

EXECUTIVE DIRECTOR'S DETERMINATION

The Executive Director hereby determines that the proposed development is a category of development that qualifies for approval by the Executive Director through the issuance of an administrative permit (Public Resources Code Section 30624). Subject to Standard and Special conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to develop a Local Coastal Program in conformity with the provisions of Chapter 3, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

An important component of Carmel's special community character are its many small, well-crafted cottages. These modest, sometimes quaint residences are associated with the era in which Carmel was known for its resident artists and writers, and functioned as a retreat for university professors and other notables. These little homes were nestled into the native Monterey pine/Coast live oak forest, on a grid of streets which was executed in a way that yielded to trees more than to engineering expediency. This was the context for Carmel's community life and its built character.

A primary issue is the cumulative loss of these cottages that so epitomize the Carmel character. City planners estimate that as much as one-third of the existing housing stock is comprised of "antiquated" structures, although not all older homes contribute anything in particular to the community's "special character." An accelerating trend is the replacement of these older, all-too-often neglected small homes with larger, more modern residences. The demolition phenomenon impacts both those structures worth saving, and those that are not. Nonetheless, hundreds of worthy cottages remain. Some have historical credentials, and some—because of their architectural character and context—are contributing characters on the stage.

Demolition and replacement of existing residential buildings in Carmel is not just a recent phenomenon. However, a series of demolitions in the recent past have engendered controversy over



whether or not an existing house represents the historical, architectural, and environmental character of Carmel; and if a replacement house detracts from Carmel's character because of a modern design, tree removal, proposed house size, or other characteristics. There are a number of examples where a house or houses were demolished and a single, much larger house constructed on the site. In other instances, a single house straddling a lot line has been demolished and two new, smaller houses were constructed. In either of these types of instances, the character of Carmel may or may not be preserved. The size of a house is one aspect of Carmel's character, but not all existing houses in Carmel are small. However, because the lots are almost all relatively small, typically about 4000 square feet, the general pattern of development is one of smaller houses.

The architectural style of houses in Carmel is another aspect of the City's character. Many of the houses were built in the first quarter of the century in the Craftsman style; others resemble houses that might be found in an English village. Modern style houses, while they do exist, are not prevalent in Carmel.

A third aspect of Carmel's character is the pine and oak dominated landscape. Although the forest landscape is not all natural – there has been enhancement over the years by tree planting – it is the type of landscape that pervades the City and for which it is known. Demolition can result in tree damage and/or removal. New construction after demolition also may result in the loss of trees, and reduce the available area for the growth of new trees--especially if a new structure is built out to the maximum allowed by the zoning.

The three aspects of the City's character briefly described above are not exhaustive. The relatively small physical size of the City, about 1 mile wide by 1.5 miles long, contributes to the City's character, as does the absence of sidewalks in the residential areas. Further, Carmel's character is not necessarily expressed by any one aspect, whether that be historical, architectural, environmental, or something else, but is rather a combination of several different aspects, all of which work together synergistically to create the unique ambiance of the City.

Applicable Policies. While residential development in most of Carmel is excluded from the requirement for a coastal development permit by virtue of Commission Categorical Exclusion E-77-13, a small number of residential parcels—including those that adjoin Scenic Road—do not fall within the scope of the exclusion. This project adjoins Scenic Road. Therefore, a coastal development permit is required for both the demolition and the construction of the new residence. Because the City of Carmel does not have a certified LCP, the Coastal Commission must issue the coastal development permit. The main issue raised by demolitions in Carmel is the preservation of community character, especially in the context of protecting the public view corridor along Scenic Road. Sections 30253 and 30251 of the Coastal Act address the issue of preserving the community character of special communities such as Carmel:

30253(5): New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited



and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality on visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

These Coastal Act sections as they apply to the proposed project require the protection of the unique community and visual character of Carmel. The City of Carmel is a very popular visitor destination as much for its quaint residential architecture as its renowned commercial shopping area and white sand beaches. Carmel is made special by the style and character of development within City limits. In particular, as a primarily residential community, residential development in Carmel plays a key role in defining the special character of the area.

Although there is no certified LCP for Carmel, structures that have been voluntarily designated as a historic resource enjoy certain protections from demolition under the City's Municipal Code. Without such voluntary designation, as is the case with this application, the subject site is not offered any special protection under local ordinances. When there is information indicating that a structure may be a significant historic resource, it is evaluated under the following Municipal Code criteria: Cultural Heritage, Architectural Distinction and Notable Construction, Unique Site Conditions, or relationship to an Important Person.

Applicable Policies for Excavation. Where a project could potentially impact an archaeological resource, Coastal Act Section 30244 applies:

30244: Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Project Description. The project site faces Carmel Bay and Carmel Beach across the aptly-named Scenic Road. This meandering blufftop thoroughfare comprises the primary vantage point for public views of Carmel's highly scenic shoreline. Many attractive and distinctive homes line the inland edge of the road. The road has been converted to one-way traffic flow, in order to more gracefully and safely accommodate pedestrian lateral access along the seaward edge. Close by the project site, at the corner of 12th Avenue, a City-owned pedestrian lane provides vertical access from San Antonio St. to Scenic Road and the beach.

The proposed development is on a 5,075 sq.ft. lot, larger than is typical for Carmel. This lot runs all the way through from Scenic Road to the next street up the slope, San Antonio. The site is occupied by two small cottages, commonly referred to as "Periwinkle" and "Sea Urchin." These houses were originally constructed c. 1915, but in a series of modifications between 1964 and 1977 were greatly altered to their present Mediterranean Revival style. A small accessory garage structure and a stucco wall also occupy the parcel. All of these structures are proposed for demolition.



These existing small residential buildings on the site are seen frontally from several important public vantage points, including Scenic Road, the blufftop Coastal Trail, and the public beach. They exhibit attractive proportions and an architectural romanticism popular in coastal California. Their architectural style has been characterized as "Mediterranean cottages." Because of their compact proportions, they are less imposing than the two-story residences that bracket the parcel on either side. While these buildings originated as simple wooden cottages, their origins have been thoroughly obscured with alterations such as decorative Spanish tile and stucco exterior finish--as illustrated by the attached photos. (See Exhibits 3 and 5, attached, for photographs of the existing structures as seen from the Scenic Road side.)

The purpose of the demolition is to clear the lot for a single, larger residence. Like the cottages it replaces, the new design displays certain architectural "character" features associated with the Mediterranean style, such as stucco surfaces, tiled roof, arched openings, special window treatments, etc. See Exhibit 4 for site plan and street elevations of the proposed new structure.

Applicant's architect has modified the roofline of the new building so that it is only slightly higher than the existing maximum roof profile on the site. As a result, the new building—although slightly taller and substantially larger than the existing cottages—will, according to applicant's representative, actually be 5 feet less in height than the adjacent neighboring houses on either side.

Applicant has also represented that an effort will be made to salvage architectural elements from the existing cottages and incorporate them in the new residence.

The new residence will have a two-bay garage on the lower level, facing Scenic Road. This will require excavation of about 80 cubic yards. Because evidence of possible Native American occupation or use can be seen along the adjacent Scenic Road, and a substantial occupation site is recorded from nearby Carmel Point, there is a chance that certain archaeological resources could be present on the lot. As stated in the Draft EIR for the project, "...there is the potential that buried cultural resources may be discovered during project staging or construction activities." Such resources could be impacted by excavation, trenching and other activities associated with residential development.

Analysis: Issue Identification. The primary Coastal Act issues in this application are the protection of public views, and the preservation of Carmel's special community character. Historic resources are an important component of such character values. The issue of whether or not the existing buildings constitute historic resources received considerable attention in the course of the City's approval process. The City, in its Findings for CEQA certification, found

That [the] Carmel Preservation Foundation surveyed this property in 1995 and concluded that it constituted a significant historic resource. That this conclusion, and accompanying documentation, established a fair argument that demolition would result in significant environmental effects.

The Draft EIR for the project (portions attached as Exhibit 5) states



The Periwinkle/Sea Urchin residence was recommended as significant under the City of Carmel-by-the-Sea's significance criteria...[It] was determined to be a significant historical resource under Criterion No. 1 because it conveys the cultural heritage of Carmel-by-the-Sea and under Criterion No. 8 because it embodies unique site conditions that make it a familiar and important visual feature to Carmel-by-the-Sea's citizens (Jones & Stokes Associates, 1999).

This conclusion is retained in the Final EIR. However, the City Planning Commission subsequently found that

...the EIR's determination of an unavoidable significant impact related to Cultural Resources (Historic) is incorrect because the existing structures on the Project site do not constitute "historic structures."

A variety of evidence is cited, including the fact that the buildings have been "...substantially reconstructed since 1963, totally modifying the design character of the buildings..." The statement continues:

The only remaining components of the pre-1930's structures are termite-ridden boards embedded in a segment of the stucco walls and a small section of the living room floor of Periwinkle which is about to collapse into the basement.

The Planning Commission's determination with respect to historical resources was affirmed by the City Council on June 6, 2000 (see Exhibit 6, attached).

From a Coastal Act perspective, the existing small-scale structures contribute to Carmel's special community character within the meaning of Coastal Act Section 30253(5)--whether or not they constitute a historic resource. In other words, for Coastal Act purposes, the impact of the proposed demolition needs to be addressed primarily in terms of protecting architectural character rather than historical resources. A persistent challenge for the City, in developing its LCP, is the question of how to protect this "cottage character." The companion challenge for the Coastal Commission is how, in the meanwhile, to mitigate the loss, preserve planning options, and avoid prejudicing the outcome of the LCP process. Clearly, at least some of Carmel's cottages will need to be preserved, in the context of a neighborhood of like character. The establishment of a Historic District has been proposed by historic preservation advocates, but has not (yet) been adopted by the City government as policy.

Other Planning Commission Findings address the visual impacts of the proposed new residence. Most relevant for Coastal Act purposes is the following:

As designed and conditioned, the project is visually compatible with the village character of Carmel-by-the-Sea and the character of the surrounding area, including the adjacent residential neighborhood and the adjacent coastal parks and open space areas, and is neither out-of-scale, massive nor imposing.



Analysis: Alternatives. As the various planning options are being debated, what options are available when an owner requests demolition to facilitate construction of a new residence? One alternative would be to deny such applications. However, this would result in some inequitable situations, especially in those instances where the existing structure has decayed beyond reasonable repair, or where there is no particular historic or architectural characteristic that demands such a stringent measure, or where the value of an architecturally or historically worthy structure has been severely compromised by the loss of its neighborhood context.

Another alternative is to identify those buildings that contribute to Carmel's special character—by virtue of their "cottage" style or their contribution as a historic resource—and to provide an opportunity for relocation. In order to maintain historic context, such relocation would ideally be on the same parcel if there is enough space. But, Carmel's relatively small 4,000 sq.ft. lots dictate that in most cases relocation will have to occur elsewhere.

While relocation results in the loss of original historic context, at least the architectural expression that the structure represents will live on, somewhere, hopefully in Carmel or the vicinity. And in those instances where relocation proves to be infeasible or inadvisable, or no one comes forward to claim an offered structure, at least some exterior (or interior) portions of the building may nonetheless be salvaged for reuse in other construction. In this way, not only are materials conserved, but also some of the architectural elements that contribute to the "Carmel character" can be reclaimed and enjoyed again.

The Findings adopted by the City's Planning Commission state that the "...applicant has offered the City and/or other qualified historical preservation organizations a 90-day option to move the existing structures to another location prior to demolition, but no person or entity has accepted the offer." Applicant has provided additional evidence, in the form of architect's and contractor's declarations, to show that rehabilitation or relocation of the existing structures appears infeasible. One reason stated for this is that the existing structures

...appear to be single-wall board-and-batt construction which have been plastered over. These walls have no studs or other structural members capable of providing long-term support...The existing roof structure...is totally inadequate to support the clay tile roof...Significant sagging and deflection...is already apparent...Interior floors are sagging and failing in a number of places. The courtyard has already collapsed.

On the other hand, the architect declares that the new residence "...will incorporate representative samples of the materials and/or details of the existing structures, including...clay barrel tile roof...decorative tiles and the iron gate."

Analysis: Conclusion. In the case of this application, the purpose of the proposed demolitions is to facilitate the construction of a replacement residence. The replacement of two small residences by one larger residence will not open the way to new development that would be growth inducing or lead to compromise of an existing urban-rural boundary. Parcels in the vicinity of the subject parcel



are developed with single family dwellings at urban densities. All utilities are connected to the existing residential use on this site. There are adequate public services for the proposed new house. Parking is adequate. Additionally, the proposed new house meets City requirements for maximum height, floor area, coverage, and yard setbacks.

As noted above, the case for "Periwinkle" and "Sea Urchin" as historical resources has been rigorously contested in the City's approval process. Ultimately, the City determined that these existing buildings do not constitute "historic structures" (see Exhibit 6, attached). Nonetheless, the structures proposed for demolition, through modest proportions and harmonious architectural elements, are consistent with the "Carmel cottage" character. The cumulative loss of such structures erodes the overall small-scale character and context of Carmel's historic neighborhoods. The impact of the proposed demolition therefore needs to be offset through an appropriate mitigation measure.

In this case, the loss of the existing structure can be mitigated, in part, through relocation or salvage of certain architectural elements (as offered by applicant). Relocation—or failing that, salvage—will help to offset the loss of the existing small-scale residences. The design of the replacement structure reflects some of the architectural style elements found in "Periwinkle" and "Sea Urchin," will not exceed the height of adjacent residences, and is not expected to detract from public views from the beach or along Scenic Road. The possibility of archaeologic impacts is offset by a requirement for archaeologic monitoring and if necessary, an archaeologic mitigation plan. These measures and circumstances together provide for reasonable conformance with Coastal Act Sections 30251, 30253(5), and 30244, and will help to avoid prejudice to the City's efforts to prepare an LCP that conforms with Coastal Act policies. This permit is conditioned accordingly.

City of Carmel Local Coastal Program. Section 30604 of the Coastal Act states in part that a coastal development permit shall be granted if the Commission finds that the development will not prejudice the local government's ability to prepare a Local Coastal Program (LCP) in conformity with the resource protection policies of the Coastal Act. The entire City of Carmel falls within the coastal zone, although most development currently is excluded from the requirement for a coastal development permit by Categorical Exclusion E-77-13 (not applicable to this project).

Approximately twenty years ago, the City submitted the Land Use Plan (LUP) portion of its LCP for review by the Coastal Commission. On April 1, 1981, the Commission certified part of the LUP as submitted and part of the LUP with suggested modifications regarding beach-fronting property. The City resubmitted an amended LUP which addressed the beach-fronting properties provisions, but which omitted the previously certified portion of the document protecting significant buildings within the City. On April 27, 1984, the Commission certified the amended LUP with suggested modifications to reinstate provisions for protecting significant structures. However, the City never accepted the Commission's suggested modifications. The City is currently working on a new LUP submittal. The City's work plan proposes to examine a number of issues including community character. It will be important for the City to assess development trends, including demolitions and associated new construction, since the approval of the Categorical Exclusion in 1977 and the relationship of those development trends to community character. Commission staff will be



meeting with City staff to discuss measures to ensure that the issue of community character is adequately addressed.

The zoning or Implementation Plan (IP) was certified with suggested modifications on April 27, 1984. The City did not accept the suggested modifications and so the IP remains uncertified. The City is presently working on a new IP submittal.

Approval of the proposed project, as conditioned to require relocation or salvage of the existing structure, and for archaeological resource mitigation, will not prejudice the ability of the City to complete its LCP in accordance with Coastal Act requirements.

California Environmental Quality Act (CEQA). Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA.

In this case, an Environmental Impact Report (EIR) was prepared for the project, and certified by the City. Commission staff has examined the relevant issues in connection with the environmental impacts of the proposal. In the course of its review, Commission staff identified potential mitigation measures that were suggested by the EIR but required refinement to insure that Coastal Act requirements are met. The Commission finds that, for the reasons stated above, the proposed project, as conditioned to require relocation or salvage of the existing structures and mitigation of any impacts on archaeological resources, will not have significant adverse effects on the environment within the meaning of CEQA.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's signature

Date of signing



CARMEL-BY-THE-SEA OFFICIAL ZONING MAP

MUNICIPAL CODE SECTION 1590.0
(CORRECTED TO 1/1/84)

LEGEND

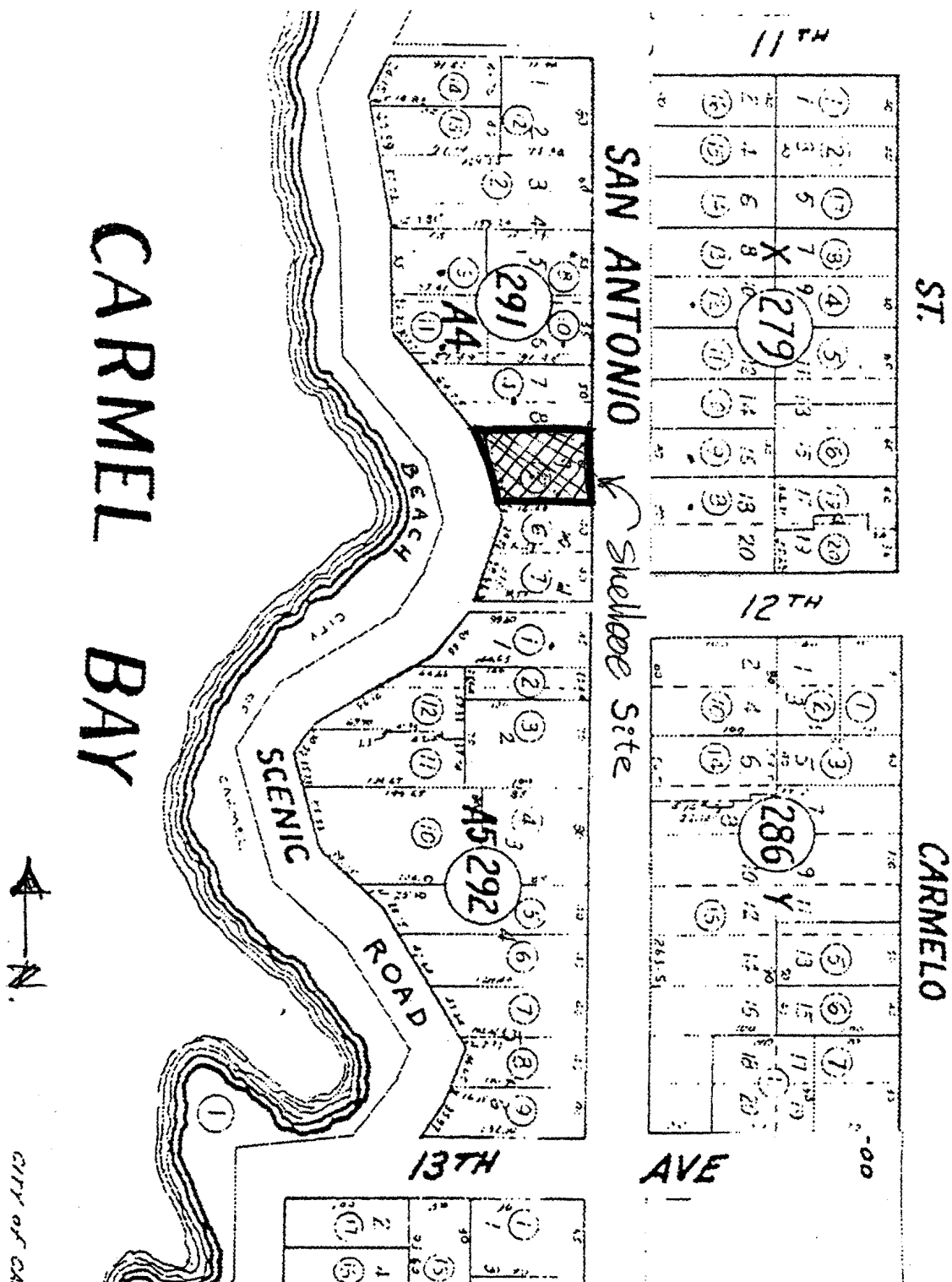
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- SERVICE STATION OVERLAY ZONE
- ▨ ZONES P (PARKS AND PARKING);
ZONES A-1, A-2 (THEATRICAL
OR CULTURAL CENTER)
- ▨ AREA NOT EXCLUDABLE
BY LAW OR NOT REQUESTED
FOR EXCLUSION
(AREAS NOT MARKED ARE ZONED R-1)

1 NORTH

SITE

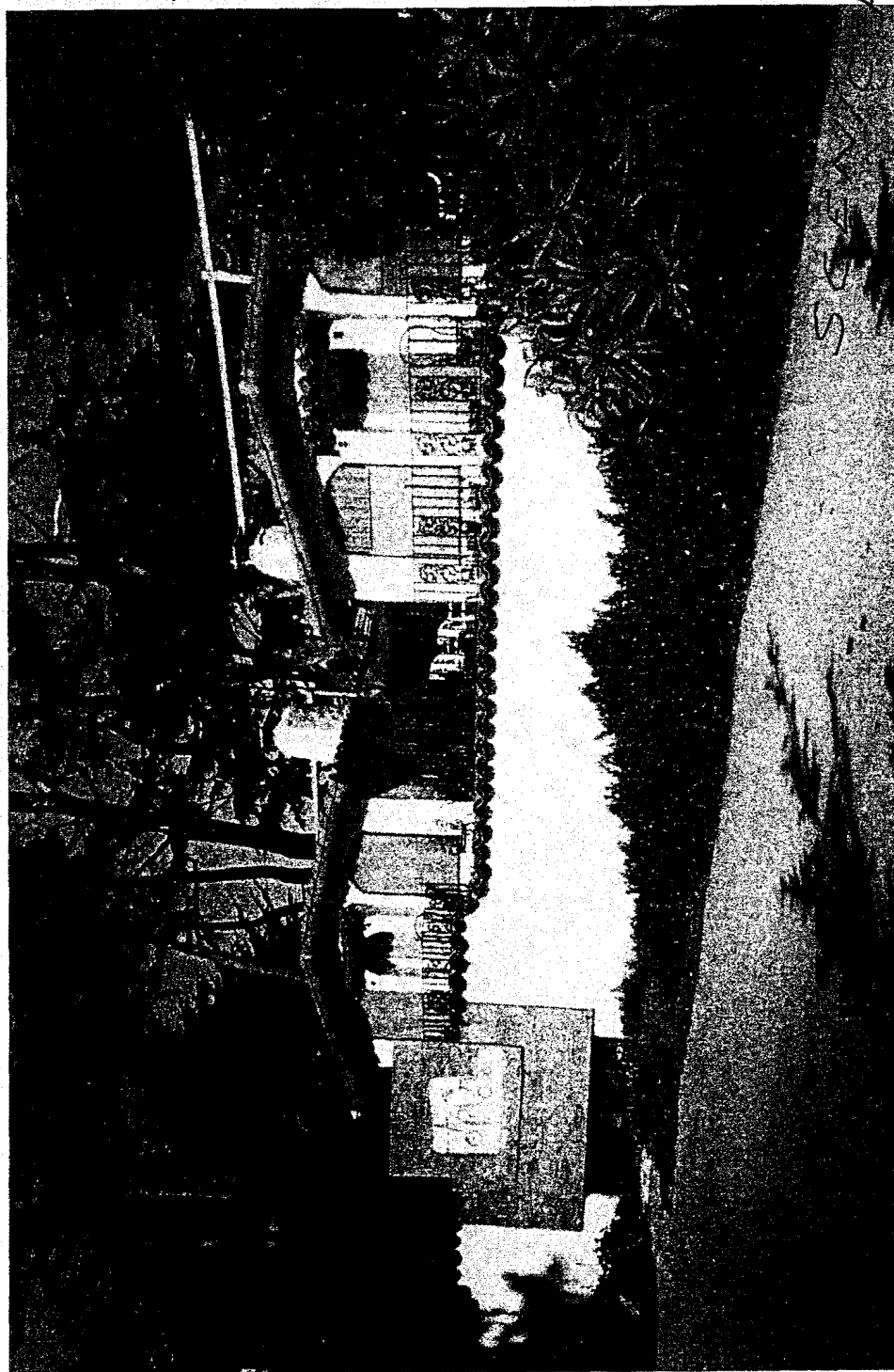


EXHIBIT 1
PROJECT LOCATION MAP
3-00-093 SHELLOOE



Shellooe
 Structures to
 be demolished

STORY
 POLES FOR
 NEW STRUC-
 TURE



ROAD

EXISTING STRUCTURES
 (PROPOSED DEMOLITION)

SHELLOOE
 3-00-093

EXHIBIT 3

SAN ANTONIO ROAD

PROJECT DATA

PARKBL AREA	5075 SF
LOWER FLOOR	494 SF
UPPER FLOOR	1606 SF
TOTAL	2100 SF
FAR AVAILABLE	2102 SF

SITE PLAN

SCALE: 1/8" = 1'-0"

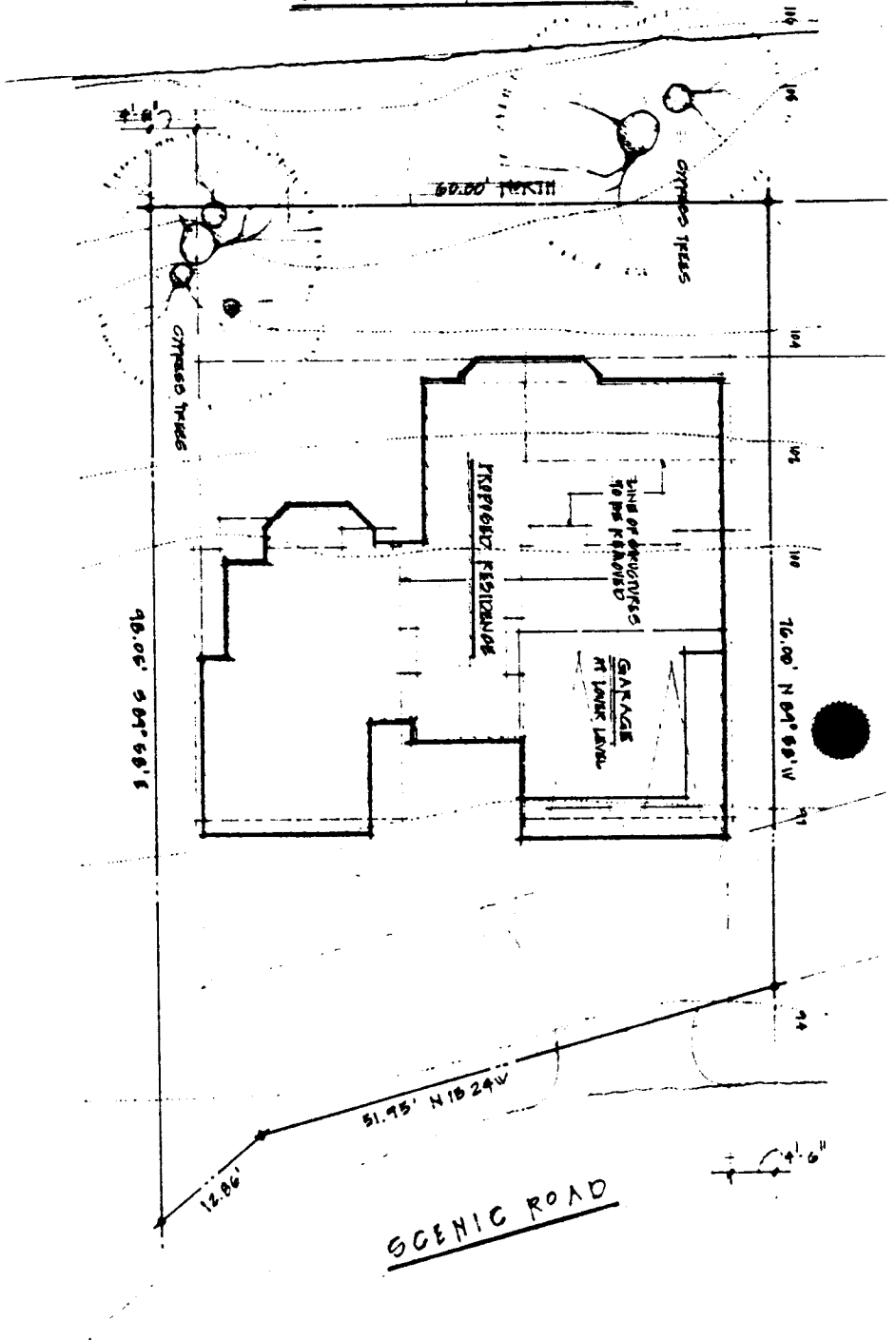
LEGAL: LOT N19 9 20' OF LOT N8 8
BLOCK A-4 / ADDITION N19 6
CARREL PY-118 SEA, CA
A.P. N19 010-291-005

OWNER:
MR. & MRS. WILLIAM SHELLOOE
P.O. BOX
CARREL CA 95921

CALIFORNIA
COASTAL CONSTRUCTION
CENTRAL COAST AREA

JUN 18 2000

RECEIVED



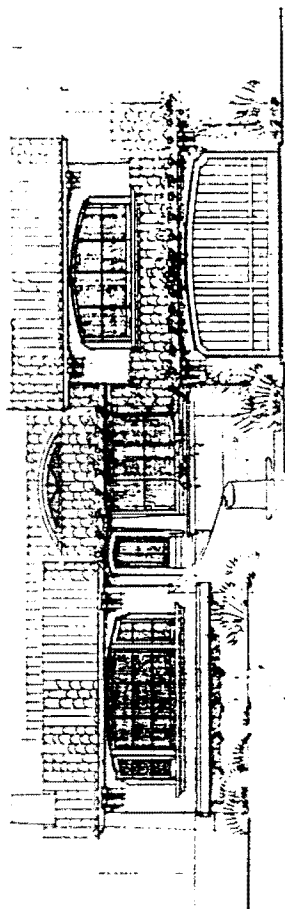
BEACH
↓

PROPOSED
SITE PLAN

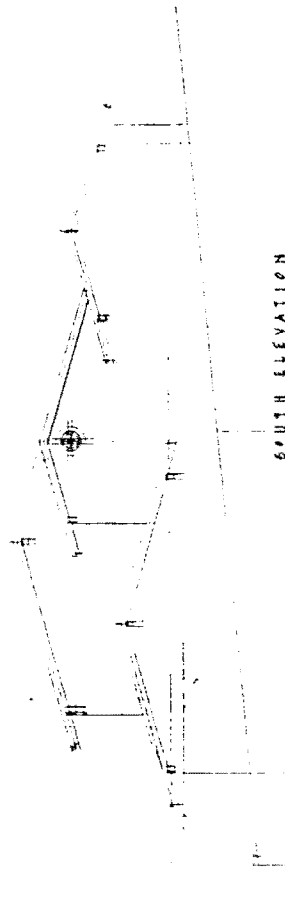
SHELLOOE
3-00-093

EXHIBIT 4
p. 1 of 3

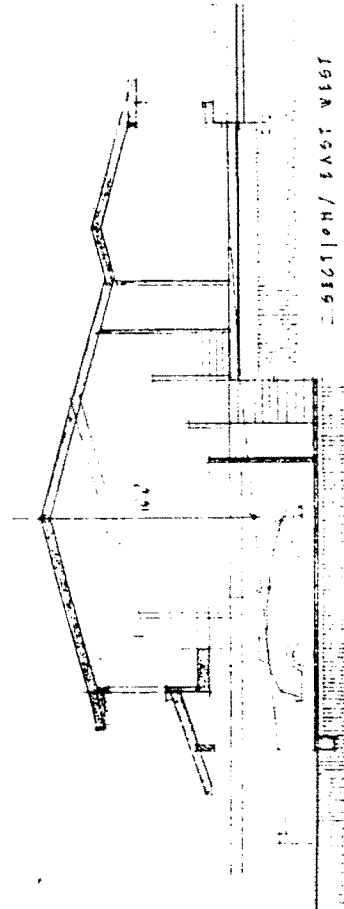
FRONT ELEVATION
SCENIC ROAD



WEST / SCENIC DRIVE ELEVATION



SOUTH ELEVATION



SECTION / EAST WEST

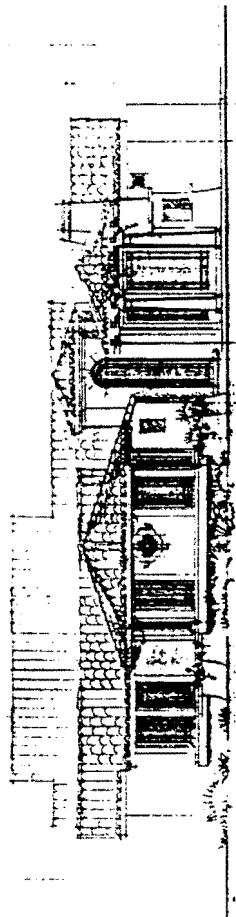
SHELLOOE
3-00-093

RESIDENCE FOR: A.R. & MRS. WILLIAM SHELLOOE CAPABLE BY THE SIA
ALAN TURPEN/ASSOCIATES
P.O. BOX 363
CARROLLTON, TEXAS 75621
409/624-1211

EXHIBIT 4
p. 2 of 3

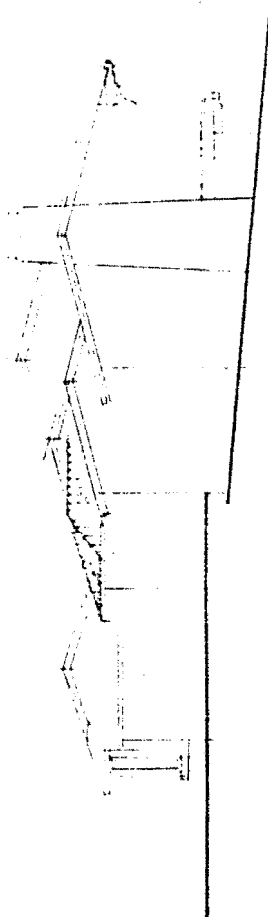
JAN 18 2000

**EAST ELEVATION
SAN ANTONIO AVE.**



EAST / SAN ANTONIO ELEVATION

**SHELLOOE
3-00-093**



NORTH ELEVATION

RESIDENCE FOR: AR. & AS. WILLIAM SHELLOOE DESIGNED BY THE SEA
ALAN TURPEN/ASSOCIATES
P.O. BOX 383
CARMEL, CALIFORNIA 93921
408/724-1833

EXHIBIT 4

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JAN 18 2000



**DRAFT
ENVIRONMENTAL IMPACT REPORT
for the
Periwinkle/Sea Urchin Residence
Project
SCH# 99051093**

July 16, 1999

Prepared for:

The City of Carmel-by-the-Sea
Community Planning and Building Department
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**PORTIONS OF
DRAFT EIR**
(with photo of existing)

**SHELLOOE
3-00-093**

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4.0 Environmental Setting, Impacts & Mitigation Measures

houses to their current appearance, including: moving the entry doors from the north facades of each house to the west facades; constructing the garage and driveway at the rear of the house in 1966; raising both houses by 4 feet, strengthening the foundations, and creating a lower level room in the Periwinkle house during the 1980s; replacing the front windows; and replacing the original grape stake fence surrounding the property with the stucco and tile capped wall currently in place. Artistic touches added by the Sasos include the stained glass window copied from the Carmel Mission by the Sasos' daughter Kathy Buonaserra that replaced the original entry door on Periwinkle; imported Italian tiles incorporated into the patio, front stairway, and kitchens; and the iron gate between the two houses that was purchased at an estate sale in Scotland.

Known Cultural Resources

There are no known prehistoric or historic archaeological resources within the project area.

There is one known significant historic resource within the project area. The Periwinkle-Sea Urchin residence was recommended as significant under the City of Carmel-by-the-Sea's significance criteria, and thus is considered by the City as a significant historical resource for the purpose of CEQA. The Periwinkle-Sea Urchin Residence was determined to be a significant resource under Criterion No. 1 because it conveys the cultural heritage of Carmel-by-the-Sea and under Criterion No. 8 because it embodies unique site conditions that make it a familiar and important visual feature to Carmel-by-the-Sea's citizens (Jones & Stokes Associates, 1999).

Impacts and Mitigation Measures

Standards of Significance: According to the California Environmental Quality Act, a project with an effect that may cause a substantial adverse change in the significance of an historical resources is a project that may have a significant effect on the environment (CEQA rev. 1998 Section 15064.5(b)). CEQA further states that a substantial adverse change in the significance of a resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. Actions that would materially impair the significance of a historic resource are any actions that would demolish or adversely alter those physical characteristics of an historical resource that convey its historical significance and qualify it for inclusion in the CRHR or in a local register or survey that meet the requirements of sections 5020.1(k) and 5024.1(g) of the Public Resources Code.

Impact: The proposed project includes demolition of the Periwinkle-Sea Urchin residence, a historically significant resource in the City of Carmel-by-the-Sea. This action would result in a significant and unavoidable effect on the environment, as defined above, since it would destroy a significant historical resource. *This is a significant unavoidable impact.*

Impact: Although the project site is not within the City's archaeological overlay zone (City of Carmel-by-the-Sea, n.d.b.), there is the potential that buried cultural resources may be discovered during project staging or construction activities. Disturbance or removal of artifacts associated

4.0 Environmental Setting, Impacts & Mitigation Measures

AESTHETICS/VIEWSHED

Introduction

This section is based on the City of Carmel-by-the-Sea General Plan Open Space Conservation and Scenic Highways Element.

Setting

The project is located within Carmel-by-the-Sea, a scenic community of natural and landscaped areas, and unique architecture. The project site is located along Scenic Road, a valuable scenic roadway. Scenic Road extends from Eighth Avenue to the southern City limits. It is a one-lane road that meanders south along the cypress-trimmed beach bluffs. It becomes a two-way road at the intersection of Santa Lucia Avenue. Formal pedestrian access to the beach is provided at several points along Scenic Road.

The character of the project vicinity, like the rest of the area, includes unique architecture, and picturesque natural and landscaped features. The project site is a rectangular parcel which slopes gently downward from east to west. The existing site elevation is shown on Figure 2 from Scenic Road and San Antonio Avenue. The two cottages on Scenic Road have an 15 foot setback from the Scenic Road and extend the width of the lot. The property is flanked by two-story single-family homes with similar setbacks to the north and south, San Antonio Avenue and more single-family homes to the east and Scenic Road, bluff top recreational trail and the Carmel Bay to the west. The view of the site from Scenic Road (see cover of this EIR for existing site photograph) includes the low stucco and tile wall at the front of the property and the fronts of the twin cottages. The view of the site from San Antonio Avenue includes a low wooden fence and gate to the driveway, the detached garage and the backs of the twin cottages. This viewpoint also affords several residences located on the east side of San Antonio Avenue a view of the Carmel Bay. Photos 1 through 3 on figure 7 show different views from San Antonio Avenue. Figure 8 shows the viewpoints from which the photos were taken. The general character of the streets in the area are a continuation of the residential district that surrounds Scenic Road.

Impacts and Mitigation Measures

Standards of Significance: A project will normally have a significant effect on the environment if it will:

- Have a substantial and demonstrable negative visual or aesthetic effect.

The proposed project will change the appearance of the project site from Scenic Road and San Antonio Avenue. Elevations in Figures 3 through 5 show the existing and proposed appearance of the buildings. The architectural design of the proposed project involves retaining the Mediterranean style of the original structures and the design would have a similar massing and scale compared to the houses in the surrounding area. In addition, the proposed details are

4.0 Environmental Setting, Impacts & Mitigation Measures

consistent with the original architectural theme of the Periwinkle/Sea Urchin residence including cement plaster finish, clay barrel tile roof and wood trim windows. The project will be required to receive architectural design review prior to issuance of a building permit by the City of Carmel-by-the-Sea. This will reduce any potential impacts due to architectural design to a less-than-significant level.

The proposed project will raise the building height to accommodate an upper level living area over a lower level two-car garage. Specifically, the proposed roofline would be approximately four (4) feet higher than the existing roofline over the southern portion of the site. This site is one of a few properties through which a view of the ocean is currently available from San Antonio Avenue and homes on the eastern side of San Antonio Avenue. If the project is constructed as proposed, a portion of the current ocean view from several homes on San Antonio Avenue will be permanently blocked. This includes blocking the view that is available looking through the space between the existing structures (See photo # 1 in Figure 7).

Impact: Up to four (4) homes on the east side of San Antonio Avenue currently have ocean views. Additionally, there are public views of the ocean afforded to passerbys on San Antonio Avenue. These areas will have a reduction in the amount of ocean visible, if this project is implemented as proposed. *This is considered to be a significant unavoidable impact that cannot be mitigated to a less than significant level.*

5.0 CEQA Considerations

addition, damage to buildings will be minimized by conformance with existing building codes. The hazards would be site-specific and, therefore, would not be common to (or shared with, in an additive sense) the impacts on the other sites. Therefore, the geotechnical impacts would not be considered cumulative in nature.

Cumulative grading and removal of vegetation could lead to incremental increases in erosion, leading to sedimentation into storm water and localized fugitive dust. Implementation of appropriate erosion control measures in this EIR and as required by the City for each project, will reduce significant cumulative erosion and sedimentation impacts to a less-than-significant level.

Hydrology/Water Quality

Cumulative development in the Carmel area watersheds may result in a loss of floodplain storage or increase run-off that could increase downstream flood impacts. The project is located near Flood Zone A, one of the two flood zones. Flood Zone A is located along the beach front area which is subject to flooding during high tide. Due to the project being located approximately 100 feet above mean sea level and because there are no capacity problems down gradient from the site, no significant cumulative impacts would result.

Biological Resources

Because of limited development opportunities in areas with biological resources in the City of Carmel-by-the-Sea, and because of City and County ordinances protecting environmentally sensitive habitats, significant cumulative biological impacts are not expected.

Cultural Resources

The project would not contribute to cumulative impacts on archaeological resources since there are no known archaeological resources in the project area. If archaeological resources are discovered during this or other future projects, mitigation measures would need to be implemented as described in Cultural Resources section of this EIR which would reduce individual project and cumulative impacts to a less-than-significant level.

The significant unavoidable impact of demolition of the Periwinkle/Sea Urchin residence, discussed in detail in this EIR, will have a cumulative impact on historic resources in the City. The demolition of individually significant resources can have a cumulative impact on the historic resource base of the larger area due to the loss of irreplaceable historic resources and the addition of non-historic buildings. The project impacts of the Cypress Inn and San Carlos Inn properties have not yet been identified in CEQA documents. If implemented as proposed, these projects would result in demolition of two resources included on the local survey of historic resources as significant. In addition, the Sunset Center project may result in significant impacts on historic resources depending on the final design selected by decision-makers. These projects would result in the loss of significant resources or the reduction in the significance of historic resources, further contributing to the cumulative impacts on historic resources in the City.

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THESE ADDITIONAL
FINDINGS ADOPTED
BY CITY COUNCIL ON
JUNE 6, 2000

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

MARY LOU SHELLOOE and
BILL SHELLOOE

Applicants

File No. AE 99-01
E/S/ Scenic and W/S
San Antonio between
11th and 12th
Block A-4, Lot 9
(APN 010-291-005)

PROPOSED ADDITIONAL FINDINGS ON APPEAL

Applicants Mary Lou Saso Shellooe and Bill Shellooe respectfully request that the Honorable City Council adopt the following additional findings on appeal:

- 1A. Finding: The City Council affirms the determination of the Planning Commission that the Periwinkle/Sea Urchin structures do not constitute "historic structures" (Planning Commission Finding III.B.1).

Evidence: The City Council adopts the findings and evidence adopted by the Planning Commission in its Resolution No. 2000-02.

Evidence: The Criteria submitted by the Friends of Carmel Cultural Heritage attached to Staff Report (May 25, 2000) in regard to City Council Resolution No. 2000-79, stating a) that in order to qualify as an historic resource, a property must "have retained its original integrity" and b) that buildings should be eliminated from consideration which have "multiple additions which have, over time, destroyed the original integrity."

**CITY COUNCIL
ADDITIONAL FINDINGS
re: HISTORICAL
RESOURCE ISSUE**

SHELLOE
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Evidence: This application has followed the protocol for historic preservation processing contained in Attachment A to City Council Resolution No. 2000-79 (Case #2), including the preparation and certification of an EIR and a determination by the Planning Commission on whether the buildings are historic resources.

Evidence: The testimony of Frank Perry at the public hearing on June 6, 2000, (including a photograph of the original structures) regarding the appearance of the original structures.

- 2A. Finding: There is no way to restore the Periwinkle and Sea Urchin Buildings for human occupancy without completely dismantling them and reconstructing replicas of the existing buildings.

Evidence: Declaration of Patric Torrey, presented at the public hearing on June 6, 2000.

- 3A. Finding: The determination of the City Council that the existing structures on the Project site are not "historic structures" represents the independent reasoned judgment of the City Council based on the substantial evidence in the record on appeal, the policies and criteria contained in the General Plan, the City's Historic Context Statement, the Historic Preservation Chapter of the Zoning Ordinance, and the protocols and criteria contained in City Council Resolution No. 2000-79.

Evidence: The City Council adopts the findings and evidence adopted by the Planning Commission in its Resolution No. 2000-02.

Evidence: City Council Resolution No. 2000-79.

Evidence: Staff Report for June 6, 2000, City Council hearing on this appeal.

Respectfully submitted,

Brian Finegan

Attorney for Applicants
Mary Lou Saso Shellooe and
Bill Shellooe

