

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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W15b



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COASTAL DEVELOPMENT PERMIT APPLICATION

Application 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 description Demolition 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.

File documents 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.

Staff recommendation **Approval with Conditions**

I. Summary: The proposed project is located within the City of Carmel-by-the-Sea. Carmel is a very popular visitor destination, as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area, forest canopy and white sand beach. Carmel is especially notable for the character of both public and private development within the context of its native pine forest. In particular, as a primarily residential community, Carmel's predominantly small scale, well-crafted homes play a key role in defining the special character of the City.

The applicant originally proposed to demolish two small existing cottages and a garage on site and to replace these structures with a new residence. Pursuant to Categorical Exclusion E-77-13, a coastal development permit is required for the demolition portion of the project (but not the new construction). There is a concern that the existing pattern of such demolitions and rebuilding may prejudice the ability of the City to complete its Local Coastal Program (LCP) in a manner that would be in conformance with Coastal Act policies. In particular, the LCP will need policies that respect and protect the keystone elements of Carmel's special character—the beach, the forest canopy, the compact scale and design of its built environment, the context and integrity of its historic resources. At the same time, the LCP will also need to provide reasonable standards for restoration, additions, or where warranted, replacement. These policies will be

determined through a community process that the City expects will culminate with the completion of an LCP Land Use Plan by April, 2001.

Regardless of the outcome of the current debate regarding historic resources, the cumulative effect of such demolitions raises concerns with respect to the overall protection of the City's special character. This concern is being addressed in part through the City's existing review process for tree removal, historic resources, and design review. Further refinements to these processes are expected from the LCP completion effort now underway.

As a result of testimony and discussion at the December 14, Commission meeting in San Francisco, the applicant's agreed to continue the item and stated that they would accept a condition to rehabilitate the two small cottages on the site and construct a new home, "Barnacle" behind "Sea Urchin" and "Periwinkle". The resulting development would then function as a single family home even though the components would be physically separated a bit.

Pending LCP completion, additional mitigation—in the form of a rehabilitation condition—is warranted in this case, because the existing cottages potential as historic resources and their contribution to the overall community character of the City of Camel. As conditioned therefore, the Commission's action on this demolition request will not prejudice the City's ability to prepare an LCP that protects it's distinctive community character. Also, because the project requires excavation in an area of known to be archaeologically sensitive, suggested permit conditions will address any potential impacts through an archaeological mitigation plan.

Therefore, as conditioned to provide for rehabilitation of the existing cottages and ensure that the new dwelling is consistent with the attractive character of the area, and for archaeological mitigation, the project is consistent with the policies of Chapter 3 of the Coastal Act and will not prejudice the City's ability to complete its Local Coastal Program.

II. Staff Recommendation on Coastal Development Permit

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. **Due to the time requirements of the Permit Streamlining Act, the Commission must take action on this application at the January 2001 meeting.** Staff recommends a **YES** vote on the motion below. A yes vote results in approval of the project as modified by the conditions below. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number 3-00-093 subject to the conditions below and that the Commission adopt the following resolution:*

Approval with Conditions. *The Commission hereby grants a permit for the proposed development, as modified by the conditions below, on the grounds that the modified development is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976 (Coastal Act), will not prejudice the ability of the City of Carmel to prepare a local coastal program conforming to Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).*

III. Conditions of Approval

A. 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.

B. SPECIAL CONDITIONS

1. **Revised Plans.**, PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, permittee shall submit revised plans to the Executive Director for review and approval that include the following:

- (a) Rehabilitation Plan consistent to the Secretary of the Interior's "Guidelines for the Rehabilitation of Historic Properties" for the existing cottages "Sea Urchin" and "Periwinkle". The plan shall ensure that the existing appearance of the front facades of the cottages is preserved and shall include site, floor and elevation plans for the rehabilitated cottages.
- (b) Revised site, elevation and floor plans for the new structure to be located behind the rehabilitated cottages. The revised plans shall ensure that the new building will be in an architectural style that will be compatible with the character of the rehabilitated cottages.
- (c) A landscaping plan.
- (d) Color and material samples for all exterior facades and roofs (rehabilitated cottages and the new structure)
- (e) Evidence of local approval for the revised plans

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 archaeological 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.

IV. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and 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 altered to their present Mediterranean Revival style. A small accessory garage structure and a stucco wall are also located on the parcel.

The front elevations of the existing cottages on the site are seen 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 original purpose of the demolition was to clear the lot for a single, larger residence. Like the cottages it was intended to replace, 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)

The applicant's have now agreed to accept a condition that provides for the rehabilitation of the small cottages and the construction of a new two story home behind them. Of necessity, the design of the new home will have to be revised from that initially submitted with this application, but can be expected to be compatible with the architectural character of the rehabilitated cottages. (Please see Special Condition 1 and Exhibit 4)

The new residence will include a garage on the lower level. Construction of the garage 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. Therefore, an archeological mitigation plan is being required as a condition of approval.

B. LCP History and Status

The entire City of Carmel falls within the coastal zone, but the City does not yet have a certified LCP. 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 subject to suggested modifications regarding beach-fronting property. The City resubmitted an amended LUP that addressed the beach-fronting properties provisions, but that 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 and so the LUP certification expired.

The LCP zoning or Implementation Plan (IP) was certified by the Commission subject to suggested modifications on April 27, 1984. However, the City did not accept the suggested modifications and so the IP, too, was never certified.

Predating the City's LCP planning efforts, the Commission in 1977 authorized a broad-ranging categorical exclusion covering most of the area of the City of Carmel (Categorical Exclusion E-77-13). E-77-13 excludes from coastal permitting requirements most types of development not located along the beach and beach frontage of the City; not excluded, however, are demolitions such as that proposed in this case.

The City is currently working on a new LCP submittal (both LUP and IP), funded in part by an LCP completion grant awarded by the Commission. According to City representatives, the Land Use Plan is expected to be submitted for Commission review in April 2001, with the Implementation Plan submittal expected by December 2001.

This current City effort is focused on protecting the significant coastal resources found in Carmel, including the spectacular public beach and recreational amenities along the City's shoreline, the urban forest that uniquely identifies Carmel as "the City within the trees," the substantial riparian and habitat areas (such as Mission Trails Nature Preserve and Pescadero Canyon), and the unique community and visual character of Carmel as exhibited by the style, scale, and rich history of its residential, commercial, and civic architecture. Taken as a whole, these resources combine to form the special character of Carmel; a character that comprises a significant coastal resource worthy of protection in its own right.

C. Standard of Review

Unless and until the Commission has certified any future City LCP submittals, the Commission retains coastal permitting authority over non-excluded development within the City. As a result, although the City's current ordinances and policies can provide context and guidance, the standard of review for this application is the Coastal Act.

D. Coastal Development Permit Determination

1. Community Character

Sections 30253 and 30251 of the Coastal Act address the issue of preserving the community character of special communities such as Carmel:

Section 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.*

Section 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.

The Coastal Act defines special coastal communities in terms of their unique characteristics that make them attractive to the visitor. The City of Carmel is a very popular visitor destination as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area and white sand beach. Carmel is made special, in part, by the character of development within City limits.

In particular, as a primarily residential community, the web of residential development in Carmel plays a key role in defining the special character of the City. Carmel is distinctly recognized for 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 that 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.

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.

One 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, or elsewhere in Carmel if possible. In this case, relocation on the site and rehabilitation of the cottages is feasible and is the preferred alternative .

As another alternative for 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.

Mitigation, through Relocation and Rehabilitation:

Since the last Coastal Commission meeting in December, the applicants and others have discussed alternatives to the demolition of the two cottages and have determined that it would be possible to rehabilitate the structures consistent with the Secretary of the Interior's " Guidelines for the Rehabilitation of Historic Structures" and retain them onsite. In order to achieve a larger residence (the cottages total less than 1000 square feet in size), a third residential structure would be built behind the cottages. To accommodate this portion of the project, the rehabilitated cottages may have to be moved slightly forward on the site. The new building, to be named "Barnacle", would be two stories, designed to be compatible with the character of the cottages and occupy a footprint of approximately 1500 square feet. The three structures, although separated physically, will function as one residence.

The rehabilitation of the cottages and an appropriately designed third structure will fully mitigate the impacts of the new, larger development on the special character of Carmel because the attractive elements on site will be rehabilitated and retained.

Analysis: Conclusion. In the case of this application, the original purpose of the proposed demolitions is to facilitate the construction of a replacement residence. As conditioned to rehabilitate the two small cottages and construct 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. Although this project includes three separate residential structures, the buildings are planned to function together as a single family residence in keeping with the neighboring development. All utilities are connected to the existing residential use on this site. There are adequate public services for the

proposed project. As designed to provide off-street parking, parking standards will be met. Additionally, the proposed project 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 potential adverse impacts on Carmel's unique character that would have occurred from the loss of the existing cottages will be fully mitigated by the rehabilitation and reuse of the structures as part of the enlarged residential use of the site. This permit is conditioned accordingly.

The design of the new structure to be built behind "Periwinkle" and "Sea Urchin" reflects some of the architectural style elements found in those small cottages, will not exceed the height of adjacent residences, and is not expected to detract from public views from the beach or along Scenic Road. As conditioned by Special Condition One, the project will be consistent with Coastal Act Sections 30251 and 30253(5), and will not prejudice the City's efforts to prepare an LCP that conforms to Coastal Act policies.

2. Archaeological Resources

Section 30244 of the Coastal Act requires mitigation of any impacts on archaeological resources as follows:

"Where development would adversely impact archaeological ...resources as identified by the State Historic Preservation Officer [SHPO], reasonable mitigation measures shall be required."

Native American midden sites, a type of archaeological resource identified by SHPO, have been found in the Scenic Road area of Carmel. If such a resource is hidden beneath this site, it could be impacted by the excavations associated with this project. The possibility of archaeological impacts can be offset by a requirement for archaeological monitoring and if necessary, an archaeological mitigation plan. These measures and circumstances together provide for reasonable conformance with Coastal

Act Sections 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.

3. Potential for Prejudice to LCP Planning Efforts

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 applicable resource protection policies of the Coastal Act. More specifically, Section 30604(a) of the Coastal Act states:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

As previously described, the City is currently working on a new LUP submittal. A community planning process is now underway to determine, among other things, the basis for defining Carmel's community character and ways to protect and preserve this character consistent with the Coastal Act.

Each residential demolition results in a significant change to the character of the lot upon which it is situated. In some cases, an existing structure--because of virtues such as architectural style or historical associations--constitutes a significant component of the City's special character all by itself. More commonly, the structure only contributes to the overall impression on the visitor. Thus, the proposed project also affects community character on a cumulative basis. In other words, the effect of this particular demolition/rebuild must be evaluated within the context of the larger pattern of demolition and rebuild in Carmel.

Development trends: Over time, Carmel has been changing as its older housing and commercial stock makes way for new developments, usually larger in size and scale. As such, the period since 1990 can be examined to provide a meaningful sample for understanding the change issue in Carmel.

Since 1990, there have been 177 development proposals in Carmel. Of these, 145 projects (or over 80%) involve some form of demolition, rebuilding and/or substantial alteration of residential housing stock in Carmel. This comes out to roughly 13 such residentially related projects per year since 1990; nearly all of these have been

approved. Other than the three year period from 1992 – 1994 when a total of 13 applications were received, the number of development proposals in Carmel has been fairly constant until 2000. However, in the year 2000 alone, the Commission has received 44 applications as of October. Of these 44 applications received in the year 2000, 33 involved some form of demolition, rebuilding and/or substantial alteration of residential structures; 17 of the 33 have already been approved this year and 16 remain pending. More applications are arriving—the current average is approximately 3 per month.

Clearly the trend for demolition/rebuild/substantial remodel has been magnified in current years as demand for Carmel properties has outstripped the limited supply represented by the approximately 3,200 parcels within the City limits. However, at the expected rate of approximately 3 demolition applications per month, the cumulative amount of overall change by the target submittal date for the Land Use Plan (April 2001), will be relatively limited. Accordingly, the cumulative adverse effect on community character will, for the short term, continue to be insignificant.

In the event the Commission receives more than the expected number of applications that it has been averaging most recently, the Commission can evaluate such a changed circumstance and revise its approach accordingly.

Summary: Reliance on the City's own forestry, design review and historical resource protection procedures, together with monitoring of the application rate trends by Commission staff and the rehabilitation condition attached to this permit, will be adequate for addressing the requirements of Coastal Act Section 30253 to protect community character. Therefore, while the project as conditioned will result in the addition of a new structure on the site such change is not substantial enough to affect the efforts to complete a certifiable LCP within the timeframe projected by the City. Accordingly, approval of the proposed project as conditioned, will not prejudice the ability of the City to complete its LCP in compliance with Coastal Act requirements.

3. 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.





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 the rehabilitation of the existing cottages and to mitigate any impacts on archaeological resources, will not have significant adverse effects on the environment within the meaning of CEQA.

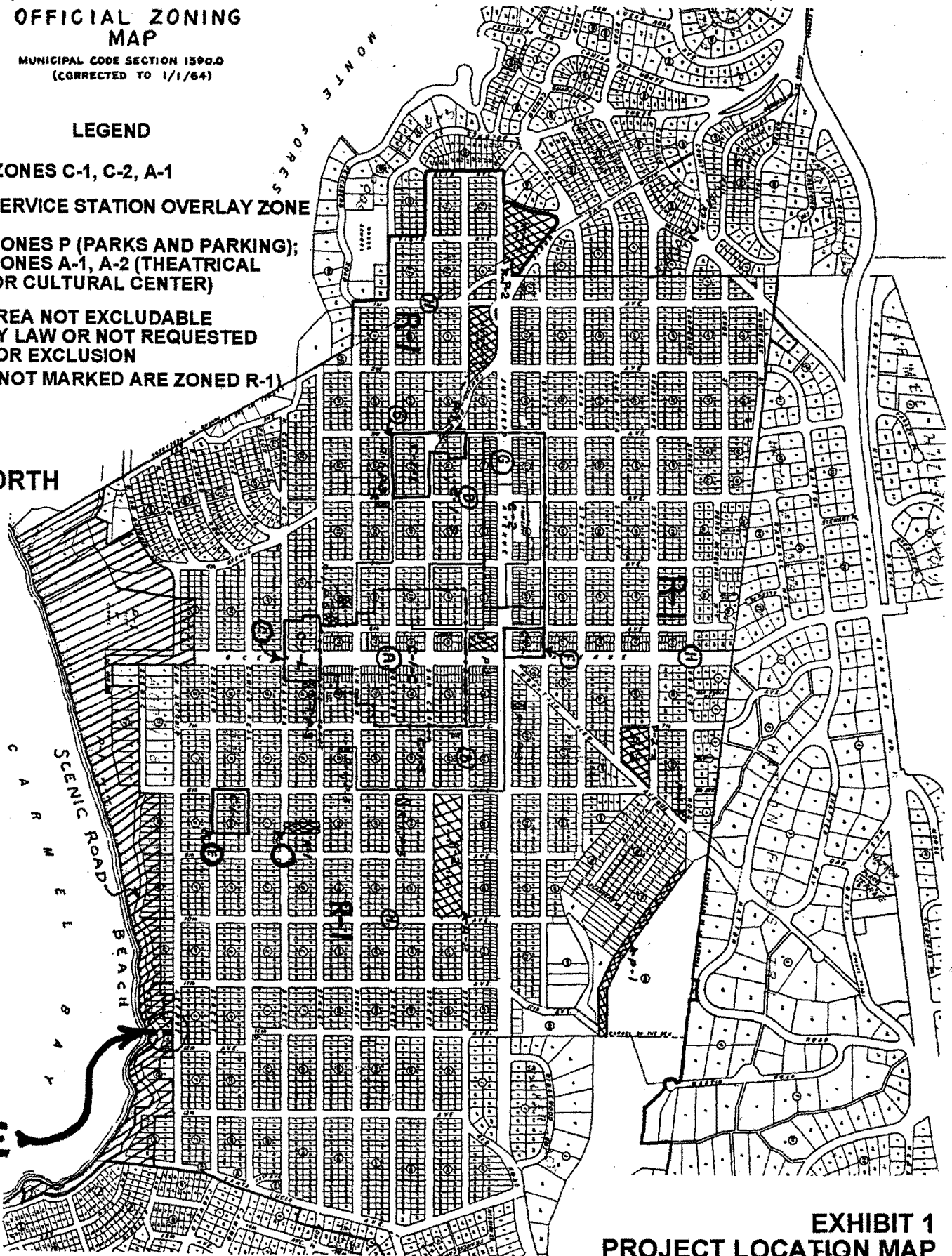
CARMEL-BY-THE-SEA OFFICIAL ZONING MAP

MUNICIPAL CODE SECTION 1590.0
(CORRECTED TO 1/1/64)

LEGEND

-  ZONES C-1, C-2, A-1
-  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)

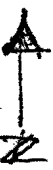
1
NORTH



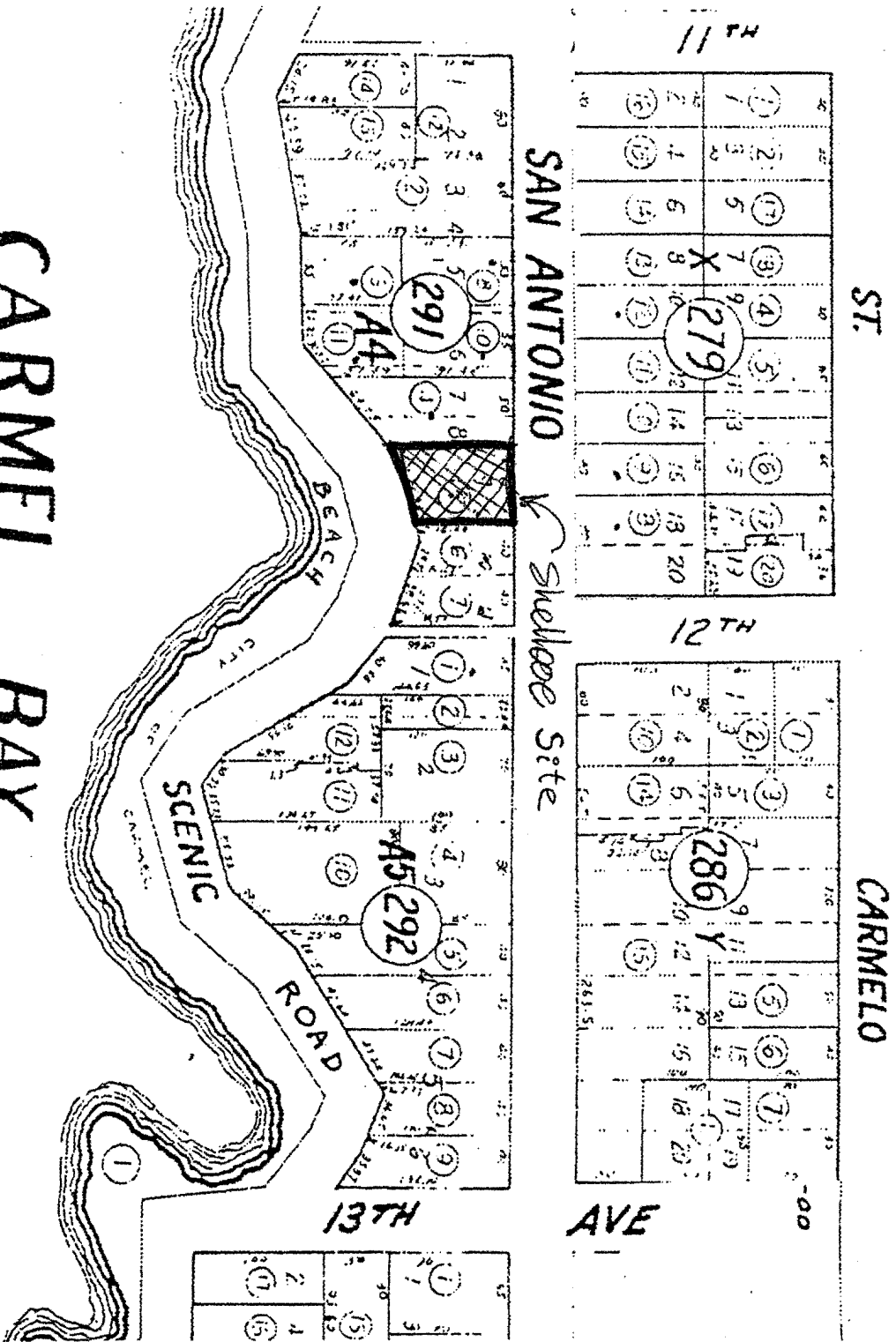
SITE →

**EXHIBIT 1
PROJECT LOCATION MAP
3-00-093 SHELOOE**

CARMEL BAY

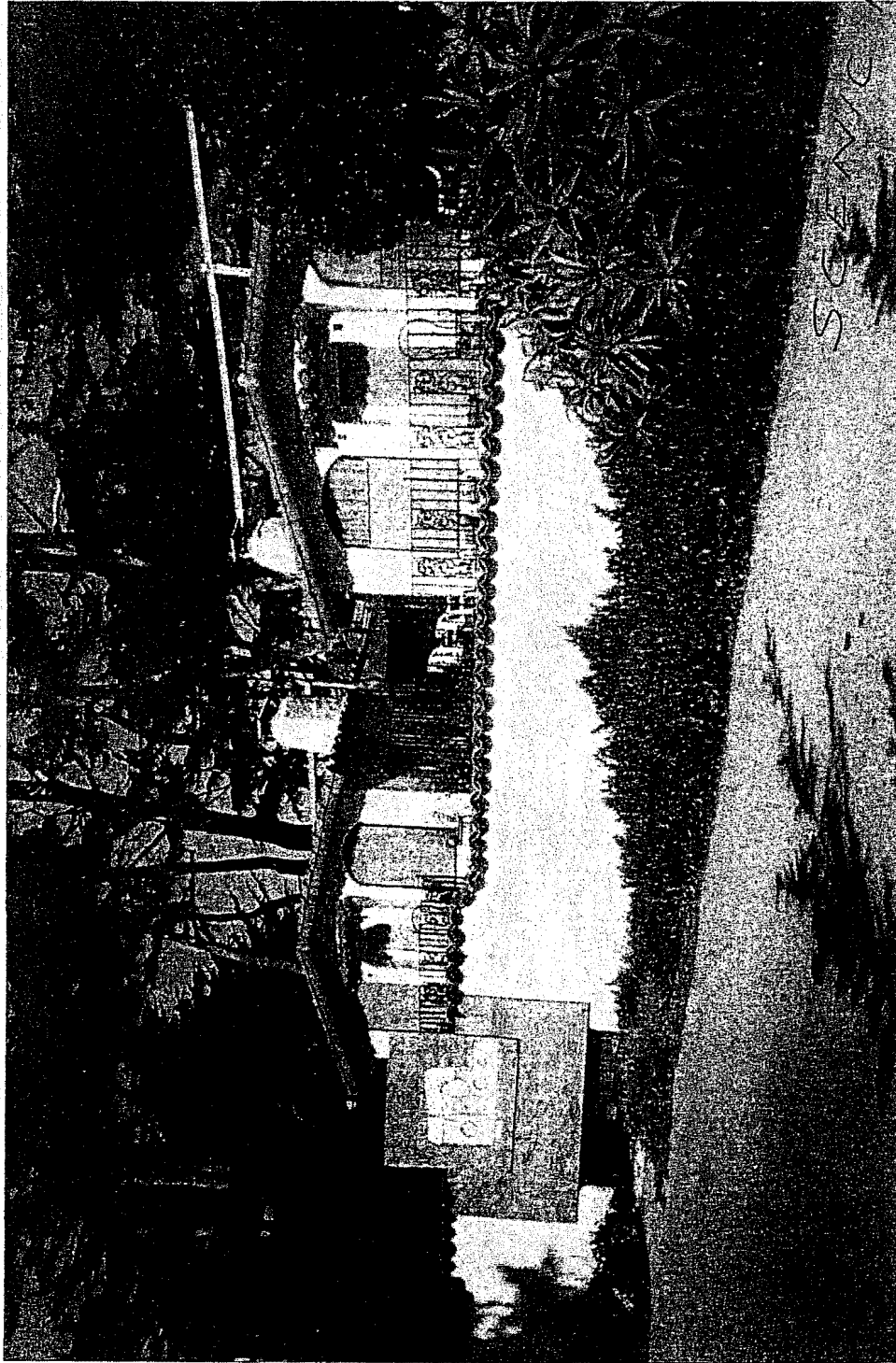


CITY OF CA



EXIST. Structures
SHELLOOE

STORY FOR
POLES FOR
NEW STRI
TURE



EXISTING STRUCTURES
(PROPOSED DEMOLITION)

SHELLOOE
3-00-093

EXHIBIT 3

Note to Commission: Exhibit 4, Revised Site Plan did not arrive in time to go into this report packet. Upon receipt, staff will forward it to the Commissioners and interested parties.