

**CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION  
AGENDA**

Special Meeting  
City Hall  
East side of Monte Verde Street  
Between Ocean & Seventh Avenues

May 1, 2013  
Wednesday  
Tour – 2:30  
Meeting – 4:00

**I. CALL TO ORDER AND ROLL CALL**

Commissioners: Steve Dallas  
Don Goodhue  
Michael LePage  
Jan Reimers, Vice-chair  
Keith Paterson, Chair

**II. TOUR OF INSPECTION**

Shortly after 2:30 p.m. the Commission will leave the Council Chambers for an on-site Tour of Inspection of all properties listed on this agenda (including those on the Consent Agenda). The Tour may also include projects previously approved by the City and not on this agenda. Prior to the beginning of the Tour of Inspection, the Commission may eliminate one or more on-site visits. The public is welcome to follow the Commission on its tour of the determined sites. The Commission will return to the Council Chambers at **4:00 p.m.** or as soon thereafter as possible.

**III. ROLL CALL**

**IV. PLEDGE OF ALLEGIANCE**

**V. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS**

**VI. APPEARANCES**

Anyone wishing to address the Commission on matters not on the agenda, but within the jurisdiction of the Commission may do so now. Please state the matter on which you wish to speak. Matters not appearing on the Commission agenda will not receive action at this meeting but may be referred to staff for a future meeting. Presentations will be limited to three minutes, or as otherwise established by the Commission. Persons are not required to give their name or address, but it is helpful for speakers to state their name in order that the Secretary may identify them.

## VII. CONSENT AGENDA

Items placed on the Consent Agenda are considered to be routine and are acted upon by the Commission in one motion. There is no discussion of these items prior to the Commission action unless a member of the Commission, staff, or public requests specific items be discussed and/or removed from the Consent Agenda. It is understood that the staff recommends approval of all consent items. Each item on the Consent Agenda approved by the Commission shall be deemed to have been considered in full and adopted as recommended.

- 5 1. Consideration of minutes from April 10, 2013, Regular Meeting.
- 11 2. SI 13-10  
OWRF Carmel LLC  
Mission/Junipero bt. Ocean & 7<sup>th</sup>  
Block 78, Lot(s) All
- 15 3. UP 13-8  
Casey Silvey TR  
N/s Ocean bt. Mission & San Carlos  
Block 70, Lot(s) 3 & 4
- 27 4. DR 13-10  
Nancy Moresco  
W/s Dolores bt. 5<sup>th</sup> & 6<sup>th</sup>  
Block 55, Lot(s) 13 & 15
- Consideration of an application for a metal business sign at a site located in the Central Commercial (CC) District.
- Consideration of a time extension for a Use Permit application to allow wine sales and wine tasting as an ancillary use to an existing art gallery in the Central Commercial (CC) District.
- Consideration of a Design Review application for exterior alterations to a property located in the Central Commercial (CC) District.

## VIII. CONSENT AGENDA (PULLED ITEMS)

### IX. PUBLIC HEARINGS

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

- 43 1. MP 13-8 (Tree Permit Ordinance)  
City of Carmel
- Consideration of recommendations to the City Council regarding an ordinance amending Municipal Code Sections 12.28.180, 12.28.350 and 17.48.080 to revise the tree removal permit requirements.

- 51 2. DS 13-33  
David Goldenson  
E/s Dolores 4 S 10<sup>th</sup>  
Block 116, Lot(s) 8  
Consideration of a Design Study application for the replacement of an existing wood shake roof with composition shingle on a residence located in the Single Family Residential (R-1) District.
- 57 3. DS 13-12  
Barbara Siebert/Cheryl Heyermann  
E/s Dolores 5 S 10<sup>th</sup>  
Block 116, Lot(s) 12  
Consideration of Design Study (Final), Demolition Permit and Coastal Development Permit applications for the construction of a new residence located in the Single Family Residential (R-1) District.
- 71 4. DS 13-28  
Lizette Fiallo/Maria Martinez  
W/s San Antonio 5 S Ocean  
Block C1, Lot(s) 5  
Consideration of a Design Study application for the addition of a detached garage in the front setback at a site located in the Single Family Residential (R-1) and Archaeological Overlay (AS) Districts.
- 89 5. DS 13-34  
Paul & Kristin Vais  
W/s Camino Real 3 S 11<sup>th</sup>  
Block R, Lot(s) 9 & 11  
Consideration of Design Study (Concept & Final) and Coastal Development Permit applications for the alteration of an existing residence located in the Single Family Residential (R-1) District.
- 111 6. DS 13-31  
Nancy Green  
W/s Lincoln 3 N 13<sup>th</sup>  
Block 135, Lot(s) 19  
Consideration of a Preliminary Design Concept for the alteration of an existing residence on a property located in the Single Family Residential (R-1) District.
- 119 7. UP 13-5  
Dolores Street Partners LLC  
W/s Dolores bt. Ocean & 7<sup>th</sup>  
Block 75, Lot(s) 13  
Consideration of a Use Permit application to extend the hours of operation for an existing restaurant located in the Central Commercial (CC) District. (Cantinetta Luca)
- 129 8. UP 13-7  
Esme Lazarre  
SE Ocean & San Carlos  
Block 77, Lot(s) 5,6,7,8  
Preliminary Concept Review of a request for a retail wine shop with wine tasting at a site located in the Central Commercial (CC) District. (Wild Vine)

**X. ADJOURNMENT**

The next meeting of the Planning Commission will be:

- ▶ Regular Meeting – Wednesday, June 12, 2013 at 4:00 p.m.

The City of Carmel-by-the-Sea does not discriminate against persons with disabilities. Carmel-by-the-Sea City Hall is an accessible facility. The City of Carmel-by-the-Sea telecommunications device for the Deaf/Speech Impaired (T.D.D.) Number is 1-800-735-2929.

The City Council Chambers is equipped with a portable microphone for anyone unable to come to the podium. Assisted listening devices are available upon request of the Administrative Coordinator. If you need assistance, please advise Leslie Fenton what item you would like to comment on and the microphone will be brought to you.

**NO AGENDA ITEM WILL BE CONSIDERED AFTER 8:00 P.M. UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE PLANNING COMMISSION. ANY AGENDA ITEMS NOT CONSIDERED AT THE MEETING WILL BE CONTINUED TO A FUTURE DATE AS DETERMINED BY THE COMMISSION.**

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning & Building Department located in City Hall, E/s Monte Verde between Ocean & 7<sup>th</sup> Avenues, during normal business hours.

**CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION – MINUTES  
APRIL 10, 2013**

**I. CALL TO ORDER AND ROLL CALL**

**PRESENT:** Commission Members: Dallas, LePage, Reimers, Goodhue,  
Paterson

**STAFF PRESENT:** Marc Wiener, Acting Senior Planner  
Leslie Fenton, Administrative Coordinator

**II. TOUR OF INSPECTION**

The Commission toured the following sites: Barnhurst/Cushman, Carmel Plaza, Steuck, Fink, Mitchell/Lewis and Heyermann/Siebert.

**III. ROLL CALL**

**IV. PLEDGE OF ALLEGIANCE**

Members of the audience joined Commission members in the pledge of allegiance.

**V. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS**

Marc Wiener, Acting Senior Planner, announced that the meeting scheduled for Wednesday, May 8, 2013 has been re-scheduled to Wednesday, May 1, 2013.

Commissioner Reimers announced that one the new Community Planning & Building Department Director has been hired that we should invite Brian Roseth down to discuss the City's guidelines and other areas of interest to the Planning Commission.

**VI. APPEARANCES**

None

**VII. CONSENT AGENDA**

All items were pulled for discussion.

**VIII. CONSENT AGENDA (PULLED ITEMS)**

1. Consideration of minutes from March 13, 2013, Regular Meeting.

Commissioners Paterson and Reimers had corrections to the minutes.

Commissioner GOODHUE moved to approve Consent Agenda item #1 as amended, seconded by REIMERS and carried by the following roll call vote:

AYES: Dallas, Goodhue, LePage, Reimers, Paterson  
NOES: None  
ABSENT: None  
ABSTAIN: None

2. UP 12-22 Consideration of a Use Permit to allow live music at a restaurant located in the Central Commercial (CC) District. (400°)  
David Fink  
NE corner Mission & 7<sup>th</sup>  
Block 78, Lot(s) All

Commissioner Reimers re-cused herself from the discussion.

Marc Wiener, Acting Senior Planner, presented the staff report. Chair Paterson opened the public hearing at 4:11 p.m. Lisa Dias and Barbara Livingston appeared before the Commission. There being no other appearances, the public hearing was closed at 4:13 p.m.

Commissioner LEPAGE moved to approve the Consent Agenda item #2 with staff's Special Conditions #1, 3, 4, 5, 6; change to Special Condition #2 – Live music may be played a maximum of two *three* days per week between the hours of 4:00 to 9:30 p.m.; and addition of Special Condition #7 – *Use Permit shall be forwarded to Police Department*, seconded by GOODHUE and carried by the following roll call vote:

AYES: Dallas, Goodhue, LePage, Paterson  
NOES: None  
ABSENT: Reimers  
ABSTAIN: None

3. DR 13-8 Consideration of a Design Review application for the replacement of an existing roof with composition shingles on a motel located in the Central Commercial (CC) District. (Coachman's Inn)  
Dr. Gordon & Sandy Steuck  
E/s San Carlos bt. 7<sup>th</sup> & 8<sup>th</sup>  
Block 90, Lot(s) 5,6,7,8

Commissioners Dallas and Reimers re-cused themselves from the discussion.

Marc Wiener, Acting Senior Planner, presented the staff report. Chair Paterson opened the public hearing at 4:20 p.m. Eric Barsted appeared before the Commission. There being no other appearances, the public hearing was closed at 4:20 p.m.

Commissioner LEPAGE moved to approve Consent Agenda item #3, seconded by GOODHUE and carried by the following roll call vote:

AYES: Goodhue, LePage, Paterson  
NOES: None  
ABSENT: Dallas, Reimers  
ABSTAIN: None

**IX. PUBLIC HEARINGS**

- |   |   |
|---|---|
| 1. DR 12-26/UP 13-6/VA 13-1<br>Peter Kimball/Kathy Cambell<br>W/s Torres 2 N 5 <sup>th</sup><br>Block 48, Lot(s) 19 | Consideration of Design Review, Demolition<br>Use Permit and Variance applications for the<br>construction of a new residence on a property<br>located in the Multi-Family Residential (R-4)<br>District. |
|---|---|

Marc Wiener, Acting Senior Planner, presented the staff report. Chair Paterson opened the public hearing at 4:27 p.m. Peter Davis appeared before the Commission. There being no other appearances, the public hearing was closed at 4:29 p.m.

Commissioner LEPAGE moved **to approve the application with staff's Special Conditions**, seconded by GOODHUE and **failed** by the following roll call vote:

AYES: LePage, Goodhue, Paterson  
NOES: Dallas, Reimers  
ABSENT: None  
ABSTAIN: None

- |  |   |
|--|---|
| 2. DR 13-4<br>Bill Mitchell/Rose-Eve Lewis<br>NE Dolores & 8 <sup>th</sup><br>Block 91, Lot(s) 18 & 20 | Consideration of a Design Review application<br>for exterior alterations to a building located in<br>the Residential and Limited Commercial (RC)<br>District. |
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Commissioner Dallas and Reimers re-cused themselves from the discussion.

Marc Wiener, Acting Senior Planner, presented the staff report. Chair Paterson opened the public hearing at 4:47 p.m. Craig Holdren and Barbara Livingston appeared before the Commission. There being no other appearances, the public hearing was closed at 4:52 p.m.

Commissioner LEPAGE moved **to approve the application with staff's Special Condition #1 and addition of Special Condition #2 – reduce paving along 8<sup>th</sup> Avenue, applicant shall return with a full landscape plan showing more plantings**, seconded by GOODHUE and **carried** by the following roll call vote:

AYES: Dallas, Goodhue, LePage, Reimers, Paterson  
NOES: None  
ABSENT: None  
ABSTAIN: None

3. DS 13-12  
Barbara Siebert/Cheryl Heyermann  
E/s Dolores 5 S 10<sup>th</sup>  
Block 116, Lot(s) 12
- Consideration of Design Study (Final),  
Demolition Permit and Coastal Development  
Permit applications for the construction of a  
new residence located in the Single Family  
Residential (R-1) District.

Commissioner Dallas re-cused himself from the discussion.

Marc Wiener, Acting Senior Planner, presented the staff report. Chair Paterson opened the public hearing at 5:06 p.m. Craig Holdren and Patricia Troxell appeared before the Commission. There being no other appearances, the public hearing was closed at 5:14 p.m.

Commissioner LEPAGE moved **to continue the application with directions from Planning Commission and adjust netting to show new heights**, seconded by GOODHUE and **carried** by the following roll call vote:

AYES: Goodhue, LePage, Reimers, Paterson  
NOES: None  
ABSENT: Dallas  
ABSTAIN: None

4. DS 13-13  
Brian Parton  
E/s Lopez 3 S 2<sup>nd</sup>  
Block KK, Lot(s) 22
- Consideration of Design Study (Final),  
Demolition Permit and Coastal Development  
Permit applications for the construction of a  
new residence located in the Single Family  
Residential (R-1) District

Marc Wiener, Acting Senior Planner, presented the staff report. Chair Paterson opened the public hearing at 5:30 p.m. Hunter Eldridge and Barbara Livingston appeared before the Commission. There being no other appearances, the public hearing was closed at 5:44 p.m.

Commissioner LEPAGE moved **to approve the application with staff's Special Conditions**, seconded by DALLAS and **carried** by the following roll call vote:

AYES: Dallas, Goodhue, LePage, Reimers, Paterson  
NOES: None  
ABSENT: None  
ABSTAIN: None

5. DS 13-6  
Noel Barnhurst/Suzanne Cushman  
W/s Lobos 2 S Valley Way  
Block 2, Lot(s) 1
- Consideration of a Design Study for alterations to an existing residence located in the Single Family Residential (R-1) District.

Marc Wiener, Acting Senior Planner, presented the staff report. Chair Paterson opened the public hearing at 5:55 p.m. Eric Zavvas appeared before the Commission. There being no other appearances, the public hearing was closed at 6:07 p.m.

Commissioner REIMERS moved **to approve the application with staff's Special Conditions**, seconded by DALLAS and **carried** by the following roll call vote:

AYES: Dallas, Goodhue, LePage, Reimers, Paterson  
NOES: None  
ABSENT: None  
ABSTAIN: None

6. DR 13-6  
OWRF Carmel LLC  
Mission/Junipero bt. Ocean & 7<sup>th</sup>  
Block 78, Lot(s) All
- Consideration of the re-issuance of Design Review and Sign applications for the minor alteration of a commercial building located in the Central Commercial (CC) District.  
(Tiffany's)

Marc Wiener, Acting Senior Planner, presented the staff report. Chair Paterson opened the public hearing at 6:39 p.m. Jim Griffith and Barbara Livingston (Marc read a letter from Barbara) appeared before the Commission. There being no other appearances, the public hearing was closed at 6:45 p.m.

Commissioner REIMERS moved **to deny the application for the awnings, approve the signage as designed and applicant shall submit a sample of the sign material**, seconded by DALLAS and **carried** by the following roll call vote:

AYES: Dallas, Goodhue, LePage, Reimers, Paterson  
NOES: None  
ABSENT: None  
ABSTAIN: None

7. MP 13-5  
City Wide

Consideration of recommendations to the City Council regarding an ordinance amending Municipal Code Sections 17.42 Storm Water Quality and Utility and 17.43 water quality protection ordinance.

Marc Wiener, Acting Senior Planner, presented the staff report.

Commissioner DALLAS moved **to recommend that the City Council adopt the attached ordinance**, seconded by LEPAGE and **carried** by the following roll call vote:

AYES: Dallas, Goodhue, LePage, Reimers, Paterson  
NOES: None  
ABSENT: None  
ABSTAIN: None

8. CIP

Consideration of a review of the 2013/14 Capital Improvement Plan (CIP) for consistency with the General Plan.

Commissioner LEPAGE moved **to recommend to Council that they adopt a Resolution determining that the CIP is consistent with the General Plan**, seconded by DALLAS and **carried** by the following roll call vote:

AYES: Dallas, Goodhue, LePage, Paterson  
NOES: None  
ABSENT: None  
ABSTAIN: Reimers

## **X. ADJOURNMENT**

There being no further business to come before the Commission, the meeting was adjourned at 7:35 p.m.

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Leslie Fenton, Administrative Coordinator

ATTEST:

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Keith Paterson, Chair

CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION  
AGENDA CHECKLIST

MEETING DATE: 1 May 2013

BLOCK: 78 LOT: All

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: SI 13-10

APPLICANT: Tiffany & Co.

STREAMLINING DEADLINE: 6/19/13

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SUBJECT:

Consideration of an application for a metal business sign at a site located in the Central Commercial (CC) District.

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ENVIRONMENTAL REVIEW:

Exempt (Class 3 – New Construction)

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LOCATION:

SE Corner of Ocean & Mission (Carmel Plaza)

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ZONING:

CC

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ISSUES:

1. Is the request consistent with Municipal Code section 17.40 (Signs)?

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OPTIONS:

1. Approve the application as submitted.
2. Approve the application with special conditions.
3. Continue the application with a request for changes.
4. Deny the application.

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RECOMMENDATION:

Determine the appropriate action.

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ATTACHMENTS:

1. Staff Report dated 1 May 2013.
2. Application Materials.

STAFF CONTACT: Marc Wiener, Senior Planner

**CITY OF CARMEL-BY-THE-SEA  
COMMUNITY PLANNING AND BUILDING  
STAFF REPORT**

**APPLICATION:** SI 13-10

**APPLICANT:** Tiffany & Co.

**BLOCK:** 78

**LOTS:** All

**LOCATION:** SE Corner of Ocean & Mission

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**REQUEST:**

Consideration of an application for a metal business sign at a site located in the Central Commercial (CC) District.

**BACKGROUND/PROJECT DESCRIPTION:**

The project site is located at the southeast corner of Ocean and Mission Avenues in the Carmel Plaza and is occupied by Tiffany and Co. The storefront is on the exterior of the Carmel Plaza and includes a double corner entry with a polished stone finish and stainless steel doors and windows.

On 10 April 2013 the Planning Commission approved the installation of two stainless steel signs at the corner of the building with a condition that the applicant return with a material sample of the signs. The applicant has provided a sample of the stainless steel, which matches the existing stainless steel windows.

At the last meeting it was also indicated that the applicant intends to install a total of four light fixtures (two per sign) to illuminate the signs. Staff has added a special condition to address this request. The lighting requirements are conditioned identical to the original approval issued in 2010.

**RECOMMENDATION:**

Approve the sign application with the following special conditions.

**SPECIAL CONDITIONS:**

1. The existing blade sign shall be removed with the installation of the new metal signs.
2. The applicant is permitted two lights per sign. The wattage of the two lights shall equal the output allowed for one light (Incandescent 25 watts; Halogen 20 watts). The applicant is required to apply for an electrical permit for the installation of the lights.

**TIFFANY & Co.**  
RESTAURANT DEVELOPMENT

390 Madison Avenue, New York, NY  
Tel: 646 448 5200 Fax: 347 468 5811

Project  
**Carmel Signage**  
Restaurant  
SIGNAGE REWORKING

Date  
10 NOVEMBER 2010

Rev: \_\_\_\_\_

FOR DESIGN INTENT ONLY  
Shawna

**A-100**

NOT FOR CONSTRUCTION



NEW SPOT LIGHTING FOR  
SIGNAGE

COMBINED WATTS NOT  
TO EXCEED 20W FOR  
EACH FACE

EXISTING BLADE SIGNAGE  
TO BE REMOVED

H

NEW SATIN STAINLESS STEEL SIGNAGE - 3 SF MAX

4'-11 1/8"

7 5/16"  
**TIFFANY & CO.**

① NEW SIGNAGE  
SCALE: 1/8" = 1'-0"

CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION  
AGENDA CHECKLIST

MEETING DATE: 1 May 2013

BLOCK: 70 LOTS: 3 & 4

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: UP 13-8

OWNER: Casey Silvey Tr.

APPLICANT: Wyland Galleries

STREAMLINING DEADLINE: 5/20/13

SUBJECT:

Consideration of a time extension for a Use Permit application to allow wine sales and wine tasting as an ancillary use to an existing art gallery in the Central Commercial (CC) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 5 – Minor Alterations in Land Use)

LOCATION:

ZONING:

N/s Ocean bet. Mission & San Carlos

CC

ISSUES:

1. Have the conditions surrounding the original approvals changed?

OPTIONS:

1. Approve the application as submitted.
2. Approve the application with special conditions.
3. Continue the application with a request for additional information.
4. Deny the application.

RECOMMENDATION:

Option #1 (Approve the application as submitted.)

ATTACHMENTS:

1. Staff Report dated 1 May 2013.
2. Staff Report dated 23 October 2012. (Original Approval)

STAFF CONTACT: Marc Wiener, Senior Planner

**CITY OF CARMEL-BY-THE-SEA  
COMMUNITY PLANNING AND BUILDING  
STAFF REPORT**

**APPLICATION:** UP 13-8

**APPLICANT:** Wyland Galleries

**BLOCK:** 70

**LOT:** 3 & 4

**LOCATION:** N/s Ocean bet. Mission & San Carlos

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**REQUEST:**

Consideration of a time extension for a Use Permit application to allow wine sales and wine tasting as an ancillary use to an existing art gallery in the Central Commercial (CC) District.

**BACKGROUND/PROJECT DESCRIPTION:**

This commercial space is located on the north side of Ocean Avenue between Mission and San Carlos Street. The space is approximately 2,900 square feet in size and is occupied by Wyland Galleries. On 23 October 2012 the Planning Commission approved a use permit for the establishment of wine tasting at the gallery. The applicant is requesting a time extension of the use permit.

**EVALUATION:**

**Time Extension:** CMC Section 17.52.170 indicates that use permit approvals are valid for six months and that the Planning Commission may grant a six month time extension. The criteria for evaluating a time extension is whether the conditions surrounding the original approval have changed, or whether the General Plan, Municipal Code or Local Coastal Plan Program have been amended in any manner which causes the approval to be inconsistent with these plans or codes. Staff supports the time extension as the conditions surrounding the project have not changed.

**RECOMMENDATION:**

Approve a six month time extension of the use permit application.

**\*Original Approval 10/23/12\***

CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION  
AGENDA CHECKLIST

MEETING DATE: 23 October 2012

BLOCK: 70 LOTS: 3 & 4

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: UP 12-13

OWNER: Casey Silvey Tr.

APPLICANT: Wyland Galleries

STREAMLINING DEADLINE: 10/30/12

SUBJECT:

Consideration of a Use Permit application to allow wine sales and wine tasting as an ancillary use to an existing art gallery in the Central Commercial (CC) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 5 – Minor Alterations in Land Use)

LOCATION:

N/s Ocean bet. Mission & San Carlos

ZONING:

CC

ISSUES:

1. Does the application comply with the Municipal Code and the Wine Tasting Policy?

OPTIONS:

1. Approve the application as submitted.
2. Approve the application with special conditions.
3. Continue the application with a request for additional information.
4. Deny the application.

RECOMMENDATION:

Option #2 (Approve the application with special conditions.)

ATTACHMENTS:

1. Staff Report dated 23 October 2012.
2. Findings for Decision.
3. Application materials.

STAFF CONTACT: Sean Conroy, Planning & Building Services Manager



- *In order to avoid the appearance of a bar, the wine tasting service and seating area should generally be limited to no more than 30% of the floor area of the retail space.*
- *Tasting should only involve traditional wine based products such as still wines, sparkling wines or Port, no other alcoholic beverages should be permitted to be tasted or purchased.*
- *Tasting should involve wine only, no other alcoholic beverages should be permitted to be tasted or purchased.*
- *The maximum serving size should be 2 ounces per serving. Customers should not be permitted to drink bottles of purchased wine in the store and no wine tasting should take place on public property.*
- *Light snacks may be allowed, however, appetizers and/or meals should not be permitted.*

Response: The proposed tasting area will be limited to approximately 3.5% of the total floor area for the site. The small space, and the existing primary use of an art gallery will help ensure that the wine-tasting area not develop a bar-like atmosphere. Conditions of approval have been added to address tasting sizes and the other requirements listed above.

- *In order to encourage diversity and maintain a balanced mix of uses, one retail location offering wine tasting should not be located directly adjacent to another retail location offering wine tasting (not including restaurants). Generally, not more than five establishments offering tasting should be permitted along any one block.*

Response: This will be the first business with wine tasting as an ancillary use on this block. The proposed use will not impact the desired balanced mix of uses in the area.

- *Night time hours should be limited to no later than 10:00 p.m.*

Response: A condition of approval has been added to address this criterion.

- *Wines originating from Monterey County Vineyards and Wineries and locating their off-site tasting rooms in Carmel are desired and strongly encouraged.*

Response: The applicant has not yet selected a winery, but has indicated an interest in using a local Monterey County winery. Staff has added a special condition requiring that the applicant submit information on the selected winery prior to commencing operation.

- *When Associated with other Uses (Art Gallery, Clothing Store, etc.)*
  - All the standards listed above.
  - Limited to retail spaces of 2,000 square feet or larger.

Response: The proposed space is approximately 2,900 square feet in size and complies with this criterion.

**RECOMMENDATION:**

Approve the Use Permit with the attached findings and conditions.

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION Amended & Approved 10/23/12

UP 12-13

Casey Silvey Trust

Wyland Galleries

N/s Ocean bet. Mission & San Carlos

Block 70, Lots 3 & 4

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**CONSIDERATION:**

Consideration of a Use Permit application to allow wine sales and wine tasting as an ancillary use to an existing art gallery in the Central Commercial (CC) District.

**FINDINGS OF FACT:**

1. The retail space is located on the north side of Ocean Avenue between Mission and San Carlos Streets and is approximately 2,900 square feet in size.
2. The applicant applied for a Use Permit on 30 August 2012 to allow retail wine sales/wine tasting as an ancillary use to the existing art gallery.
3. CMC Section 17.14.040 requires Planning Commission review for all Use Permits involving ancillary uses of 10% or more or when there may be a question regarding the compatibility of the uses.
4. The application is exempt from the requirements of the California Environmental Quality Act (class 5).
5. The proposed uses are classified as follows according to the North American Industrial Classification System (NAICS):

Primary Use

Art Gallery –95%

Ancillary Use

Wine Sales/Wine Tasting – 5%

**FINDINGS FOR DECISION:**

1. The proposed use is not in conflict with the General Plan.
2. The proposed use, as conditioned, will comply with all zoning standards applicable to the use and zoning district.

3. The granting of the Use Permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.
4. The proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, street capacity and fire protection.
5. The proposed use will not be injurious to public health, safety or welfare and provides adequate ingress and egress.
6. The proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.
7. The proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.
8. The proposed use is consistent with the adopted Wine Tasting Policy.

**REQUIRED FINDINGS (CMC 17.64.060 – Ancillary Uses):**

1. The ancillary use of wine tasting/wine sales is compatible with the primary use of an art gallery.
2. The proposed uses will not exhibit a character of multiple, unrelated activities combined into one business.
3. The store will continue to contribute to the character and diversity of the commercial district.

**SPECIAL CONDITIONS:**

1. This permit authorizes the retail sale of wine/tasting as an ancillary use to an art gallery based on the percentages identified above.
2. No more than one winery shall be featured in the space. Prior to implementing the proposed use permit, the applicant shall provide documentation to the Planning Commission City regarding the selected winery and verification that it is a Monterey County winery.
3. The retail wine sales/wine tasting shall not operate outside the hours of the existing gallery and at no time shall extend beyond 10:00 p.m. daily.

4. Tasting shall involve traditional wine based products such as still wines, sparkling wines or Port. No other alcoholic beverages are permitted to be tasted or sold.
5. The maximum serving size shall be 2 ounces per serving. Customers are not permitted to drink bottles of purchased wine in the store and no wine tasting shall take place on public property.
6. The applicant shall obtain any applicable licenses with the ABC prior to operation.
7. All exterior alterations and/or sign changes, and interior renovations that may require a building permit, shall require approval from the Department of Community Planning and Building prior to performing the work.
8. The use shall be conducted in a manner consistent with the presentations and statements submitted in the application and at the public hearing, and any change in the use which would alter the findings or conditions adopted as part of this permit shall require approval of a new use permit by the Planning Commission.
9. This use permit shall become void and of no further force or effect if the use is not initiated within six months and/or upon termination or discontinuance of the use for any period of time exceeding six months.
10. Violations of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this use permit and the associated business license by the Planning Commission.
11. Upon termination or revocation of this use permit and/or business license for any reason, the use shall immediately cease and shall not be re-established without issuance of a new use permit.
12. Approval of this application does not permit an increase in water use on the project site. Should the Monterey Peninsula Water Management District determine that the use would result in an increase in water use as compared to the previous use, this Use Permit will be scheduled for reconsideration.
13. The applicant agrees, at its 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.

**DECISION:**

This use permit is approved with the findings and conditions stated above.

CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION  
AGENDA CHECKLIST

MEETING DATE: 1 May 2013

BLOCK: 55 LOTS: 13 & 15

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: DR 13-10

APPLICANT: Nancy Moresco

STREAMLINING DEADLINE: 6/11/13

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SUBJECT:

Consideration of a Design Review application for exterior alterations to a commercial property located in the Central Commercial (CC) District.

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ENVIRONMENTAL REVIEW:

Exempt (Class 3 – New Construction)

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LOCATION:

W/s Dolores bet. 5<sup>th</sup> & 6<sup>th</sup> (Su Vecino Ct.)

---

ZONING:

CC

---

ISSUES:

1. Does the proposed design comply with Municipal Code Section 17.14 and the Commercial Design Guidelines?

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OPTIONS:

1. Approve the application as submitted.
2. Approve the application with special conditions.
3. Continue the application with a request for changes.
4. Deny the application.

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RECOMMENDATION:

Option #2 (Approve the application with special conditions.)

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ATTACHMENTS:

1. Staff Report dated 1 May 2013.
2. Application Materials.

STAFF CONTACT: Marc Wiener, Senior Planner

**CITY OF CARMEL-BY-THE-SEA  
COMMUNITY PLANNING AND BUILDING  
STAFF REPORT**

**APPLICATION:** DR 13-10

**APPLICANT:** Nancy Moresco

**BLOCK:** 55

**LOTS:** 13 & 15

**LOCATION:** W/s Dolores bet. 5<sup>th</sup> & 6<sup>th</sup> (Su Vecino Ct.)

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**REQUEST:**

Consideration of a Design Review application for exterior alterations to a commercial property located in the Central Commercial (CC) District.

**BACKGROUND AND PROJECT DESCRIPTION:**

The project site is located on the west side of Dolores Street between Fifth and Sixth Avenues at Su Vecino Court. The courtyard is paved with aggregate cement and includes 16 exterior seats that are permitted for Jack London's restaurant. Jack London's operates under use permit UP 01-1.

The applicant is proposing to repave the courtyard with brick pavers and replace the existing seating with two six-top tables and two two-top tables for a total of 16 seats. The two larger tables include gas fire pits at the center. The seating is located within the boundaries of the previously approved seating area.

The site improvements also include new landscaping and four new lampposts. The applicant recently obtained a permit to remove an existing magnolia tree in courtyard. The City Forester has required that a new lower canopy tree be planted as a replacement.

**EVALUATION:**

**Courtyard:** CMC Section 17.14.17.D states that: *"All proposals to alter the size, location of configuration of a courtyard or intra-block walkway require review by the Planning Commission. Generally, such changes shall be approved only if the Commission finds that the proposed change would be an improvement over existing conditions."* With regards to courtyards, Commercial Design Guidelines Section F states that *"courtyards and intra-block walkways are important design features of the commercial districts"* and *"a courtyard should maintain continuity of architecture, colors and materials"*.

**Paving Surface:** The applicant has submitted a sample of the brick pavers to be reviewed by the Planning Commission at the hearing. The proposed pavers are a substantial improvement over the existing aggregate cement and will improve the aesthetics of the courtyard. A condition has been added requiring the applicant to use a permeable base for the brick pavers.

Landscaping: Commercial Guidelines Section G states that “*permanently installed planter boxes are encouraged.*” The plan proposes new plantings along the north and south walls of the courtyard. The applicant is also proposing to construct a concrete planter with new plantings around the sign at the courtyard entry facing Dolores. A concrete planter and bench are also proposed around the area where the existing magnolia tree is located. A condition has been added that the applicant submit a finalized landscape plans providing the details of the plantings. The applicant has indicated that they are currently working with local landscape designer Michelle Comeau.

Lighting: With regards to lighting, Commercial Guideline Section H states that “*lighting should be the minimum required for public safety.*” There are currently two lampposts in the courtyard seating area that the applicant is proposing to replace with four new 26 watt lampposts of a similar style (see attached photo). The design of the lampposts is similar to the existing lampposts.

Staff supports the design of the lampposts, but is concerned that four lampposts may create too much lighting in the courtyard. A condition has been added that one of the lampposts be eliminated.

Outdoor Seating: The proposed alterations to the exterior seating require Design Review approval, but do not require an amendment to the use permit since the approved number of seats (16) is being maintained at the originally approved location.

CMC Section 17.14.220.D establishes the criteria for the review and approval of outdoor seating. A list of the criteria has been provided below with a response by staff.

CMC Section 17.14.220.D

1) *The seating area shall not occupy more than ten percent of the site area or more than 30% of any courtyard.*

Response: The project site is 8,000 square feet and the area of the courtyard and walkways is 2,066 square feet. The proposed seating area is approximately 361 square feet, which is less than 10% of the site area and 30% of the courtyard.

2) *The area in which the seating is proposed shall be fully contained on private property and shall not interfere with automobile or pedestrian traffic on any public right-of-way or through any intra-block walkway.*

Response: The proposed seating area is located on private property and will not interfere with pedestrian traffic.

- 3) *The seating area shall be demarcated by landscaping or other site features to clearly define its outer boundaries. The boundaries shall be established to preserve a sense of openness and ease of access for pedestrian traffic.*
- 4) *Outdoor seating areas which allow visual contact and incidental communication between patrons and passersby are encouraged.*

Response: The seating area is not demarcated by landscaping, but there are several planters throughout the courtyard and the boundaries of the seating area are demarcated by a change in the brick pattern. The seating area is located at the center of the courtyard which encourages visual contact and incidental communication between patrons and passersby.

- 5) *Physical structures that enhance comfort such as windscreens, heaters, and exterior lighting shall be shielded from view from the public right-of-way and from intra-block walkways or shall be designed to be architecturally compatible with the village character and the adjacent buildings.*

Response: No heaters are proposed, however, four lampposts are proposed. As previously discussed, the lampposts are architecturally compatible with the buildings, but a condition has been added that one be eliminated to reduce the nighttime lighting.

- 6) *Hours of service to outside seating areas shall be regulated through appropriate conditions of approval to prevent impacts on uses in the vicinity.*

Response: The current use permit/business license allows the restaurant to operate from 8:00 a.m. to 2:00 a.m. daily, but the outdoor seating is only permitted to be used between the hours of 8:00 a.m. to 8:00 p.m. In the cover letter the applicant has indicated that they would like to provide service to the outdoor seating area until 12:00 a.m. A change in hours would require the applicant to return with an application to amend the use permit. If the applicant returns with an application for a use permit amendment staff would recommend that 10:00 p.m. be the latest that service can be provided.

**RECOMMENDATION:**

Approve the application with the attached special conditions.

**SPECIAL CONDITIONS:**

1. The brick pavers shall be set in a permeable base.
2. The applicant shall provide a landscape plan to be approved by staff and the City Forester prior to the issuance of a building permit.

3. The applicant shall eliminate one of the four lampposts to reduce the nighttime lighting.
4. The outdoor seating area is permitted to operate between the hours of 8:00 a.m. to 8:00 p.m. Any change to the hours will require an amendment of use permit UP 01-1.



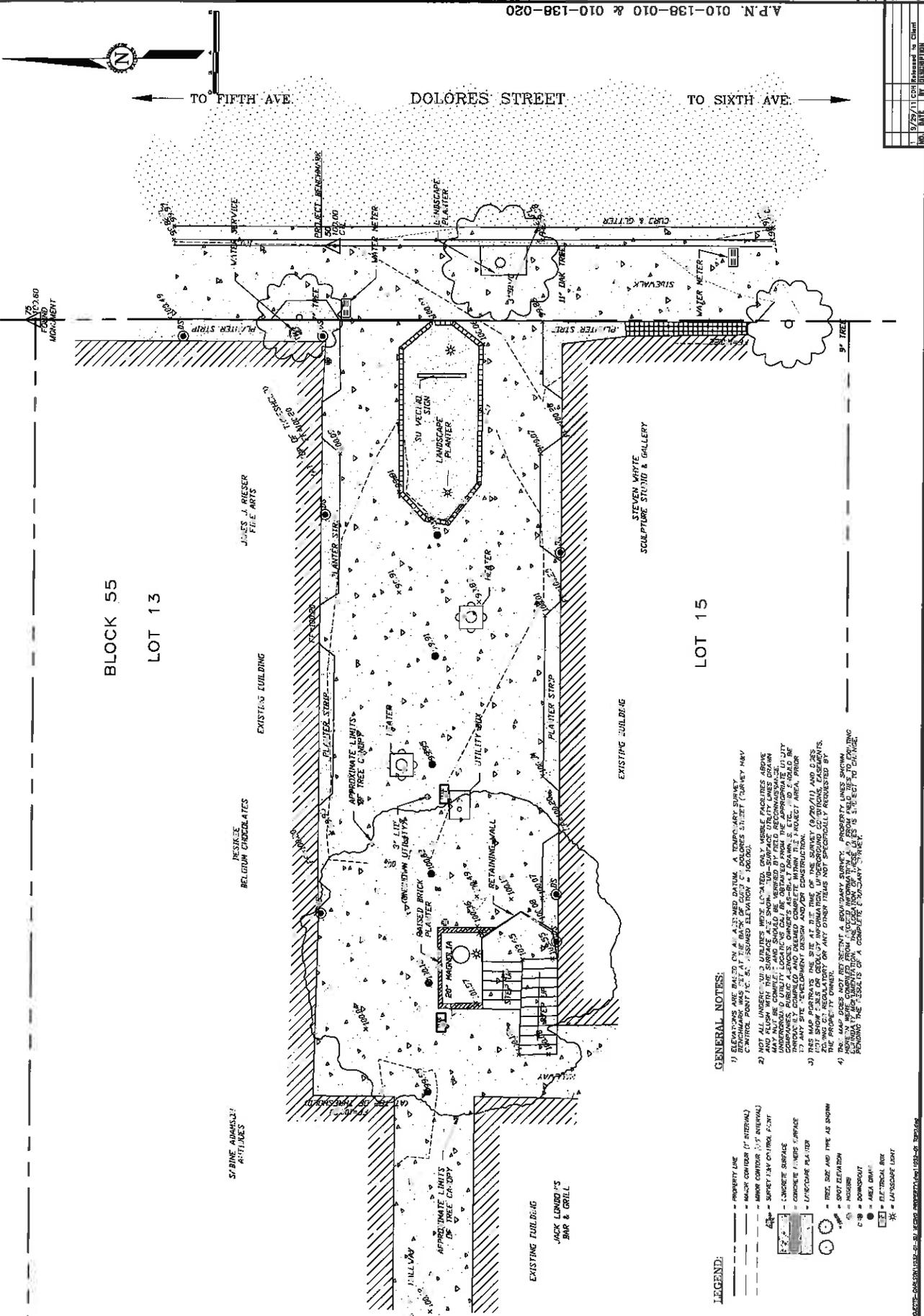


APPROVED BY: **ERIC MILLER ARCHITECTS**  
 ENGINEERS, INC.  
 ENGINEERING - LAND PLANNING  
 SURVEYING - ENVIRONMENTAL CONSULTING  
 820 - GREAT HORNES (FROM FIVE DOLLARS) CA 94077

**LANDSET**  
 ENGINEERS, INC.  
 ENGINEERING - LAND PLANNING  
 SURVEYING - ENVIRONMENTAL CONSULTING  
 820 - GREAT HORNES (FROM FIVE DOLLARS) CA 94077

**TOPOGRAPHIC MAP**  
 SU VECINO EAST COURTYARD  
 DOLORES STREET, BETWEEN 5TH & 6TH AVENUES  
 PORT LOTS 13 & 15, BLOCK 55 - VOL. 1 C&T, PG. 2  
 A.P.N. 010-138-010 & 010-138-020

SCALE: 1" = 40'  
 DATE: SEP. 2011  
 SHEET 1-0  
 OF 1 SHEETS



**GENERAL NOTES:**

- 1) SURVEY WAS BASED ON THE 1985 DATUM. A TEMPORARY STAKEY CONTROL POINT (T.C. 55) ASSUMED ELEVATION = 106.00.
- 2) NOT ALL UTILITIES WERE LOCATED. ONLY VISIBLE FACILITIES ABOVE GROUND WERE LOCATED. ALL UTILITIES SHOULD BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES AND SHOULD BE MARKED BY FIELD SURVEY LINES. UTILITIES SHOULD BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES THROUGH THE COMPANIES' RECORD DRAWINGS. THE INFORMATION SHOULD BE OBTAINED PRIOR TO ANY CONSTRUCTION.
- 3) THIS MAP PROVIDES DESIGN INFORMATION. IT DOES NOT SHOW THE RESULTS OF ANY OTHER DESIGN INFORMATION. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE SPECIFIC APPROVAL OF THE ARCHITECT.
- 4) THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY. PROPERTY LINES SHOWN ARE APPROXIMATE. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE RESULTS OF A COMPLETE BOUNDARY SURVEY.

**LEGEND:**

- - - PROPERTY LINE
- - - - - MARKER CORNER (1" INTERVAL)
- - - - - MARKER CORNER (1/2" INTERVAL)
- - - - - SURVEY TAP CONTROL POINT
- - - - - CONCRETE SURFACE
- - - - - ASPHALT SURFACE
- - - - - LANDSCAPE PLANTER
- - - - - TREE, SIZE AND TYPE AS SHOWN
- - - - - SPOT ELEVATION
- - - - - HOUSING
- - - - - AREA DUMP
- - - - - ELECTRICAL BOX
- - - - - LANDSCAPE LIGHT

NO.	DATE	BY	DESCRIPTION
1	9/29/11	CM	Revised to Client
2	10/11/11	EM	Revised to Client

34

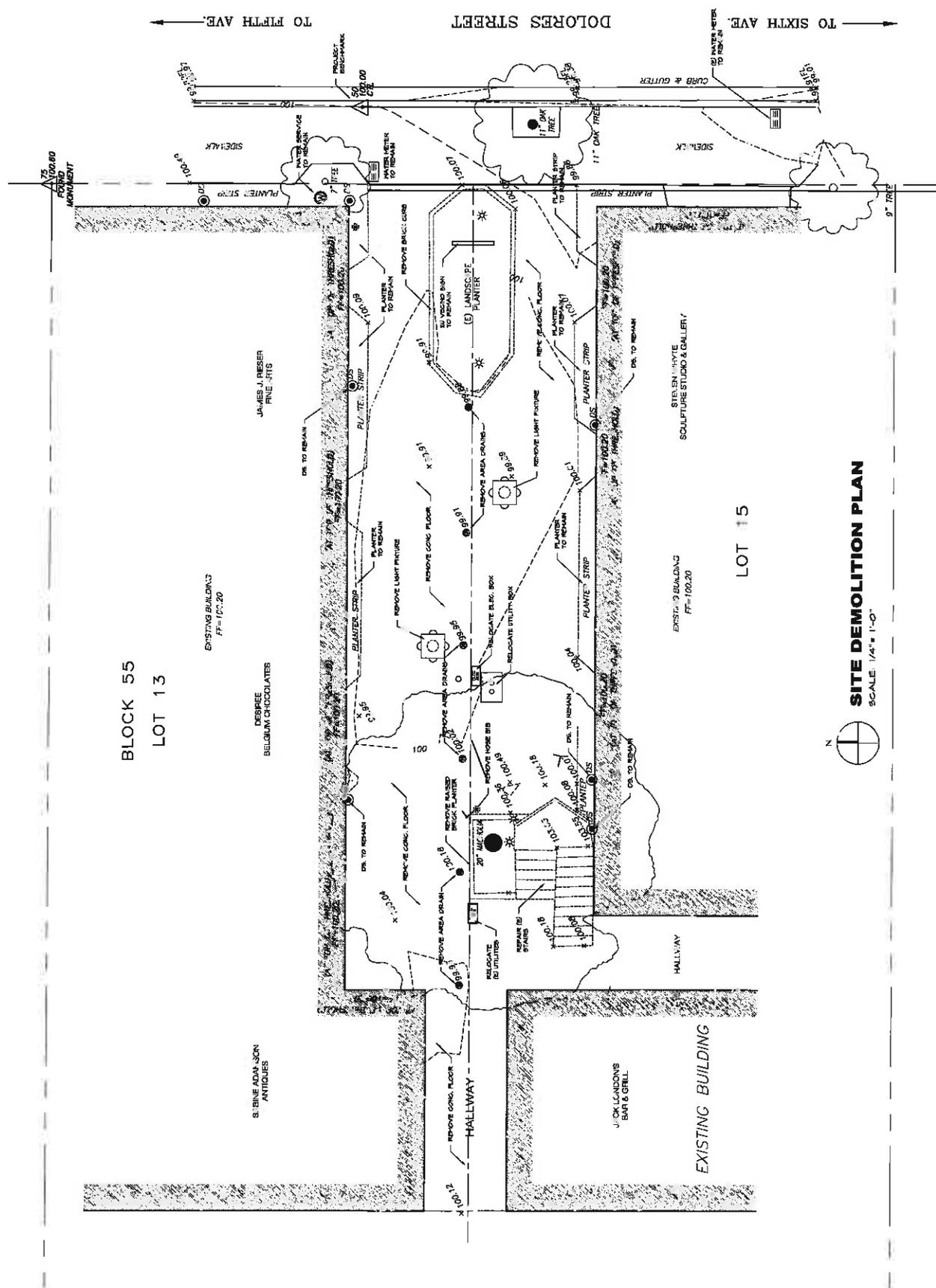
DATE	10/20/23
LOMB	1/4" = 1'-0"
DRAWN	DM
JOB NUMBER	10-24

**A-1.1**  
SHEET 01

**SITE DEMOLITION PLAN**  
Dolores between 5th and 6th Avenues  
KORSCO - Su Yehcho  
157 GRAND AVENUE  
PACIFIC GROVE, CA 93950  
ERIC MILLER ARCHITECTS, INC.  
ARCHITECT



DATE	10/20/23
LOMB	1/4" = 1'-0"
DRAWN	DM
JOB NUMBER	10-24



**SITE DEMOLITION PLAN**  
SCALE 1/4" = 1'-0"



DATE	10/20/10
SCALE	1/4" = 1'-0"
DRAWN	DK
JOB NUMBER	1020

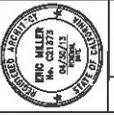
**(N) SITE PLAN**

DATE: 10/20/10  
 SCALE: 1/4" = 1'-0"  
 DRAWN: DK  
 JOB NUMBER: 1020

**ERIC MILLER ARCHITECTS, INC.**

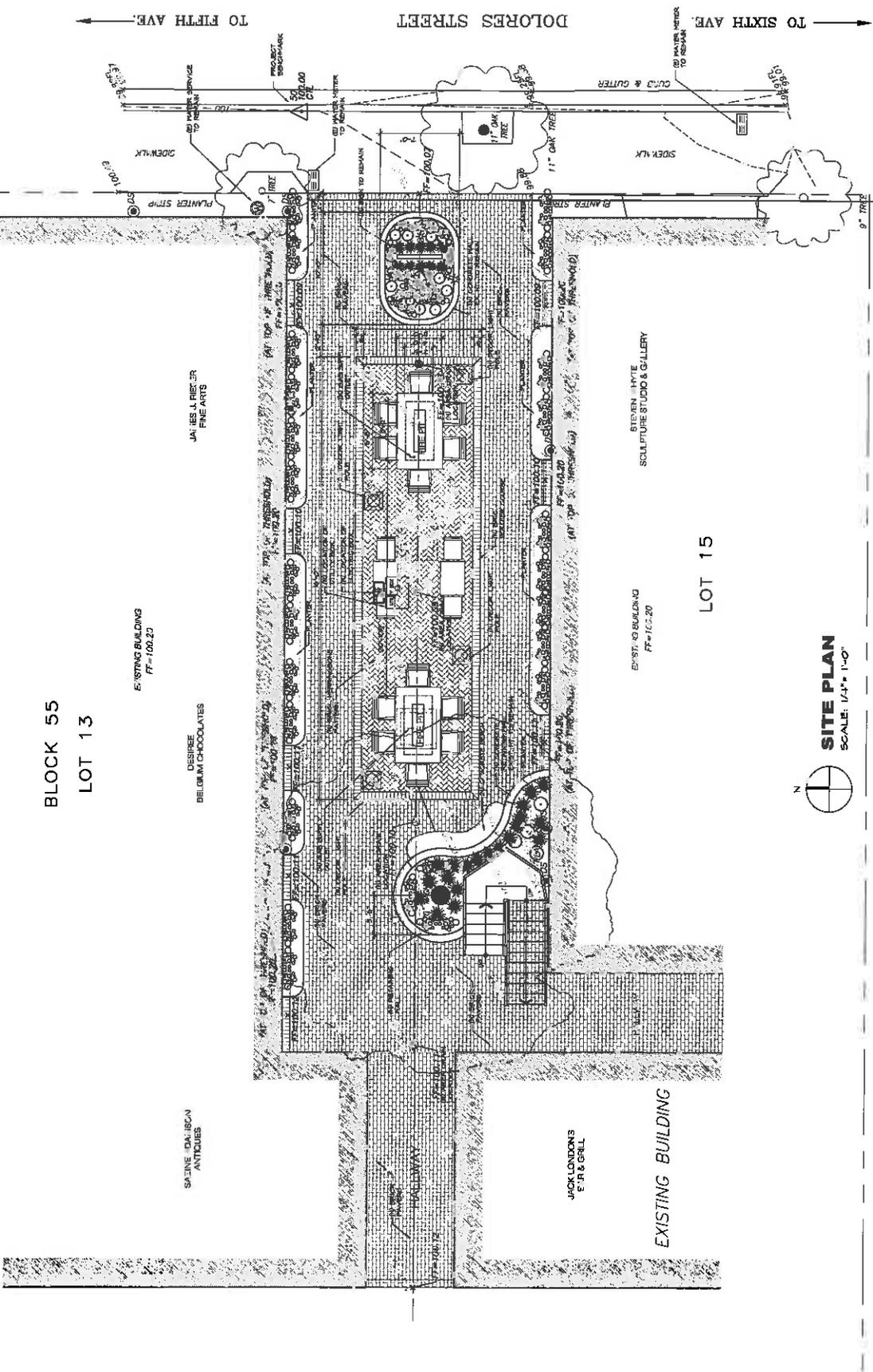
ARCHITECT

157 GRAND AVENUE, SUITE 100  
 PACIFIC GROVE, CA 93950  
 PHONE (805) 234-0410 • FAX (805) 729-0200 • WEB: WWW.ERICMILLERARCHITECTS.COM



**Moresco - Su Vecino**  
 (Corner) By The Sea, California  
 Dolores between 5th and 6th Avenues

**A-1.2**



**BLOCK 55**  
**LOT 13**

EXISTING BUILDING  
 FF = 100.23

DESIREE  
 BELGIUM CHOCOLATES

SAPINE DANBSON  
 ANTIQUES

JANIS REE OR  
 FINEARTS

JACK LONDON'S  
 F.R. & GRILL

EXIST. BLDG.  
 FF = 100.20

STEVEN HYTE  
 SCULPTURE STUDIO & GALLERY

**LOT 15**



**SITE PLAN**  
 SCALE: 1/4" = 1'-0"



ERIC MILLER  
ARCHITECTS

M E M O

*Date:* April 12, 2013  
*To:* Mr. Marc Wiener  
Senior Planner  
*Address:* City of Carmel-by-the-Sea  
Carmel-by-the-Sea, CA 93921  
DR 13-(Moresco)  
*Subject:* W/s Dolores bet. 5<sup>th</sup> & 6<sup>th</sup> (Su Vecino Ct.)  
Blk 55, Lots 13 & 15, APN: 010-138-010 & 010-138-020

Dear Marc,

The project at Su Vecino Ct. includes the replacement of paving with brick pavers to match existing brick color, new planter boxes and plantings, repair of exterior stairs, a new bench, new light fixtures, new seating and tables for the café, and the addition of firepits at 2 tables. The existing utility connections and area drains will be relocated to accommodate the proposed courtyard plan.

The proposed seating will be for 16, equal to the existing patio seating. The hours of operation for patio service will be every day from 11:30 a.m. to Midnight.

Sincerely,

Carla J. Hashimoto  
Associate Architect

**PROJECT: Su Vecino Ct. (Moresco)**

W/s Dolores between 5th & 6th  
APN: 010-138-010 & 010-138-020



1741BK-GU24  
Sullivan

Width: 11.75"  
Height: 26"  
Weight: 7 lbs.  
Material: Aluminum  
Glass: Etched Opal Glass  
Bulb: One 26w GU24  
Voltage: 120v  
UPC: 640665174144

**COURTYARD LIGHTING W/ BASE - (1) 26 WATT GU24 BULB, BLACK FINISH**



**BRICK PAVERS (PATTERN PER PLAN)**









WHYTE'S  
PHOTO GALLERY

JACK  
LONDON

