

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

Regular Meeting
City Hall
East Side of Monte Verde Street
Between Ocean & Seventh Avenues

October 12, 2016
Wednesday
Tour: 3:15 p.m.
Meeting: 4:00 p.m.

A. CALL TO ORDER AND ROLL CALL

Commissioners: Don Goodhue, Chair
Keith Paterson, Vice-Chair
Michael LePage
Julie Wendt
Gail Lehman

B. TOUR OF INSPECTION

Shortly after 3:15 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.

C. ROLL CALL

D. PLEDGE OF ALLEGIANCE

E. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS

F. 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 Chair. 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.

G. 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 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.

H. 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.

- | | |
|--|--|
| 1. DS 16-378 (Henkel)
Adam Jeselnick, Architect
NE Corner of 9th Avenue and Monte Verde
Block: 94; lot: 20
APN: 010-193-009 | Consideration of Concept Design Study (DS 16-378) for the demolition of an existing residence and construction of a new single-family residence located in the Single-Family Residential (R-1) Zoning District |
| 2. UP 16-191 (CPines7, LLC)
Fred Kern
SE Corner of Dolores & 7 th
Block: 91; Lot(s): 2, 4, 6, & 8;
APN: 010-145-020 | Consideration of a Use Permit (UP 16-191) application from the establishment of a full-line restaurant in the Service Commercial (SC) Zoning District. |
| 3. Carmel-by-the-Sea
Commercial Zoning Districts | Review of Municipal Code Title 17.14 (Commercial Zoning Districts) in order to evaluate if amendments should be made to require a Conditional Use Permit for certain land uses |

I. DIRECTOR'S REPORT

- 1. Update on Planning Activities

J. SUB-COMMITTEE REPORTS

- 1. Restaurant Subcommittee update

K. ADJOURNMENT

The next meetings of the Planning Commission will be: Wednesday, November 9, 2016

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 the Planning Commission Secretary what item you would like to comment on and the microphone will be brought to you.

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, east side of Monte Verde between Ocean & 7th Avenues, during normal business hours.

AFFIDAVIT OF POSTING

I, Cortina Whitmore, Community Planning and Building Director, for the City of Carmel-by-the-Sea, DO HEREBY CERTIFY, under penalty of perjury under the laws of the State of California, that the foregoing notice was posted at the Carmel-by-the-Sea City Hall bulletin board, posted at the Harrison Memorial Library on Ocean and Lincoln Avenues and the Carmel Post Office.

Dated this 5th day of October 2016 at the hour of 4:00 p.m.

Cortina Whitmore
Administrative Coordinator

Staff has scheduled this application for conceptual review. The primary purpose of this meeting is to review and consider the site planning, privacy and views, mass and scale related to the project. However, the Commission may provide input on other aspects of the design.

PROJECT DATA FOR A 4,000 SQUARE FOOT SITE:			
Site Considerations	Allowed	Existing	Proposed
Floor Area	1,800 sf (45%)*	363 sf	2,100 sf
Site Coverage	556 sf w/ bonus	0 sf	494 sf
Trees	3 Upper /1 Lower (recommended)	9 total	8
Ridge Height (1 st /2 nd)	18 ft/24 ft	n/a	Max. 2 nd floor: 24 ft
Plate Height (1 st /2 nd)	12 ft/18 ft	n/a	Max. 2 nd floor: 18 ft
Setbacks	Minimum Required	Existing	Proposed
Front	15 ft	n/a	29 ft 4 in
Composite Side Yard	10 ft (25%)	n/a	Min: 14 ft 6 in (36%)
Minimum Side Yard	3 ft	n/a	Min. North Side: 5 ft 6 in Min. South Side: 5 ft 9 in
Rear	15 ft	n/a	Min: 3 ft**
* The allowable square footage for a 4,000 square foot lot is 1,800 square feet, with a maximum bonus basement floor area of 2,400 square feet (including a 100 square foot basement incentive). ** Rear setback is 3' for structures under 15 feet in height.			

Staff analysis:

Forest Character: Residential Design Guidelines 1.1 through 1.4 encourage maintaining “a forested image on the site” and for new construction to be at least six feet from significant trees.

The site contains nine trees, including one eucalyptus tree, one Monterey Cypress, and seven Coast Live Oaks. The applicant is proposing to remove the 26-inch Eucalyptus tree to allow for the construction of the new residence. Eucalyptus trees are not considered a native species based on the Carmel-by-the-Sea recommended tree list, and therefore the tree is considered moderately significant. Moderately significant trees may be removed from the site for construction purposes

with Planning Commission approval. The forester reviewed the plans and expressed concerns with the close proximity of the construction to the both the 58-inch cypress tree located on the north property line and the 11-inch oak tree located to the west of the proposed residence. Although the plans meet the required 6-foot setback for both trees, the City Forester is concerned that the trees could be negatively affected due to the construction of the foundation and the tile terrace. A Condition of Approval is recommended that the applicant work with the Forester to reduce potential impacts to the trees prior to final planning approval.

Privacy & Views: Residential Design Guidelines 5.1 through 5.3 state that *“designs should preserve reasonable solar access to neighboring parcels”* and *“maintain privacy of indoor and outdoor spaces in a neighborhood”* and *“maintain view opportunities.”*

Staff has not identified any view or privacy impacts that would be created by the addition. The neighboring property to the north has five windows that face the project site and the existing wood fence on the north elevation of the property partially obscures these windows. Additionally, the residence to the rear (east) of the property has three, large 2nd story windows that face the project site. The second story of the proposed residence is situated towards the center of lot and therefore is not anticipated to create any significant view or privacy impacts to the adjacent neighbors.

The applicant is also proposing an approximately 200 square foot rooftop deck over a portion of the 1st story roof, however the deck will not impact the neighbor to the east because it will be shielded by the 2nd story element nor should it impact the neighbor to the north because it will be shielded by an approximately 6-foot section of an elevated roof above the kitchen.

Mass & Bulk: Residential Design Guidelines 7.1 through 7.6 encourages a building’s mass to relate *“to the context of other homes nearby”* and to *“minimize the mass of a building as seen from the public way or adjacent properties.”* Further, these guidelines state that *“a building should relate to a human scale in its basic forms.”*

The applicant is proposing to build a new single-family residence on an existing vacant site. The second story is located toward the rear of the residence, which minimizes the appearance of mass. The adjacent properties contain two-story residences, and the neighborhood consists mostly of two-story houses with varied siding styles and materials. With regard to mass and bulk, in staff’s opinion, the proposed residence meets the objectives of Residential Design Guidelines 7.1 through 7.6.

Building & Roof Form: Residential Design Guidelines 8.1 through 8.3 state that *"Shallow to moderately pitched roofs are appropriate on one-story buildings. More steeply pitched roof with low plate lines can be used on two-story buildings."* The Guidelines emphasize using *"restraint"* and *"simplicity"* in building forms, which should not be complicated, and roof lines, which should *"avoid complex forms."*

The proposed design includes a two-story residence with an attached garage. The residence will have a mix of flat roofs and hipped roofs with a pitch of 4:12. The proposed residence will also have an approximately 200 square foot rooftop deck over a portion of the 1st story roof. In staff's opinion, the roof design is simple and modern, and it complements the building style and neighborhood context.

Basement Bonus: The Municipal (CMC 17.10.030.D.3) allows a 100-square foot basement bonus. In addition to this, CMC 17.10.030.C.4 states that: *"The City provides an incentive to use some of the base floor area and exterior volume in a basement. The result of this incentive is to reduce above-ground floor area and reduce exterior volume for sites awarded bonus floor area in basements."* For a one story structure, the Code states that *"For each one square foot of the base floor area constructed in a basement and 12 cubic feet of allowed exterior volume not built above average grade, one additional square foot of bonus floor area may be constructed in a basement."*

The applicant is proposing a 2,100-square foot residence, which includes 1,700 square feet of "above average grade" floor area and 400 square feet of basement space, depicted on Sheet A8 of the plan set. Pursuant to the Municipal Code sections cited above, the applicant is entitled to a 300-square foot basement. The basement allowance includes the 100-square foot entitlement and a 200-square foot (2x) bonus for being 100 square feet below the allowed above-grade square footage. A condition has been drafted requiring a reduction in the size of the basement by 100 square feet.

Site Coverage: Because the project site is currently vacant, the site contains zero site coverage. The applicant is proposing to add 494 square feet of site coverage including 274 square feet of permeable materials (driveway, light wells, lower patio, and walkways). The site coverage will consist of the driveway, light wells, a patio, a terrace, steps, and walkways.

Finish Details: Finish details are not typically reviewed at the Concept stage; however, the Planning Commission can provide input during the concept review. The proposed finish details include vertical wood siding and Fond Du Lac Limestone veneer siding. The proposed roofing

material is a standing seam zinc metal roof. In staff's opinion, the applicant's proposal includes materials that compliment the modern design of the proposal.

Public ROW: The unimproved portion of the City Right-of-Way (ROW) between the front property line and edge of paving is approximately 10 feet wide. Staff did not identify any encroachments within the ROW.

Environmental Review: The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15303 (Class 3) – New Construction or Conversion of Small Units. The project includes the construction of one single-family residence in a residential zone, and therefore qualifies for a Class 3 exemption. The proposed residence does not present any unusual circumstances that would result in a potentially significant environmental impact.

ATTACHMENTS:

- Attachment A – Site Photographs
- Attachment B – Findings for Concept Acceptance
- Attachment C – Draft Recommendations/Conditions
- Attachment D – Project Plans

Attachment A – Site Photographs



Attachment B – Findings for Concept Acceptance

DS 16-378 (Henkel)
 October 12, 2016
 Concept Findings
 Page 1

<u>FINDINGS REQUIRED FOR CONCEPT DESIGN STUDY ACCEPTANCE (CMC 17.64.8 and LUP Policy P1-45)</u>		
For each of the required design study findings listed below, staff has indicated whether the submitted plans support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
Municipal Code Finding	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits and/or variances consistent with the zoning ordinance.	✓	
2. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest, open space resources and site design. The project's use of open space, topography, access, trees and vegetation will maintain or establish a continuity of design both on the site and in the public right of way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple/modest building forms, a simple roof plan with a limited number of roof planes and a restrained employment of offsets and appendages that are consistent with neighborhood character, yet will not be viewed as repetitive or monotonous within the neighborhood context.	✓	
4. The project is adapted to human scale in the height of its roof, plate lines, eave lines, building forms, and in the size of windows doors and entryways. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood. Its height is compatible with its site and surrounding development and will not present excess mass or bulk to the public or to adjoining properties. Mass of the building relates to the context of other homes in the vicinity.	✓	
5. The project is consistent with the City's objectives for public and private views and will retain a reasonable amount of solar access for neighboring sites. Through the placement, location and size of windows, doors and balconies the design respects the rights to reasonable privacy on adjoining sites.	✓	
6. The design concept is consistent with the goals, objectives and policies related to residential design in the general plan.	✓	
7. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings are setback a minimum of 6 feet from significant trees.	✓	
8. The proposed architectural style and detailing are simple and restrained in character, consistent and well integrated throughout the building and	✓	

complementary to the neighborhood without appearing monotonous or repetitive in context with designs on nearby sites.		
9. The proposed exterior materials and their application rely on natural materials and the overall design will add to the variety and diversity along the streetscape.	✓	
10. Design elements such as stonework, skylights, windows, doors, chimneys and garages are consistent with the adopted Design Guidelines and will complement the character of the structure and the neighborhood.	✓	
11. Proposed landscaping, paving treatments, fences and walls are carefully designed to complement the urbanized forest, the approved site design, adjacent sites, and the public right of way. The design will reinforce a sense of visual continuity along the street.	✓	
12. Any deviations from the Design Guidelines are considered minor and reasonably relate to good design principles and specific site conditions.	✓	

COASTAL DEVELOPMENT FINDINGS (CMC 17.64.B.1):

1. Local Coastal Program Consistency: The project conforms with the certified Local Coastal Program of the City of Carmel-by-the Sea.	✓	
2. Public access policy consistency: The project is not located between the first public road and the sea, and therefore, no review is required for potential public access.	✓	

Attachment C – Recommendations/Draft Conditions

DS 16-378 (Henkel)

October 12, 2016

Recommendations/Draft Conditions

Page 1

Recommendations/Draft Conditions		
No.		
1.	The applicant shall consult with the City Forester to minimize the potential impacts to the 58-inch Cypress Tree and the 11-inch Oak Tree.	
2.	The applicant shall reduce the size of the basement by 100 square feet.	

GENERAL NOTES

PROJECT DATA

SCOPE OF WORK:
 CONSTRUCT NEW 2-STORY SINGLE FAMILY RESIDENCE WITH ATTACHED GARAGE AND BASEMENT. NEW DRIVEWAY, WALKWAY, STONE TERRACE, AND OUTDOOR FIREPLACE. SITE IMPROVEMENTS AS NOTED ON THE PLAN.

CONSTRUCTION TYPE: V-B
 OCCUPANCY: R-3
 FIRE SPRINKLERS: YES
 WATER: CAL-AM (E)
 SEWER: CARMEL AREA WASTE WATER DISTRICT (E)

TREE REMOVAL: 1-26" EUCALYPTUS (SEPARATE PERMIT)
 GRADING: 200 CUBIC YARDS (CUT) / 40 CUBIC YARDS (FILL)

SITE COVERAGE CALCULATIONS:

EXISTING	
NO EXISTING SITE COVERAGE.	---
TOTAL, (E) COVERAGE:	--- SF
* MAX. ALLOWABLE COVERAGE =	396 SF
PROPOSED	
DRIVEWAY - PERMEABLE CONC.	100 SF
FRONT WALKWAY	24 SF
LIGHT WELL - PERMEABLE CONC.	38 SF
STEPS TO LIGHT WELL - CONC.	37 SF
TERRACE + STEPS - TILE	159 SF
WALKWAY + PATIO	136 SF
TOTAL, (N) COVERAGE:	494 SF
* MAX. ALLOWABLE COVERAGE =	556 SF

FLOOR AREA CALCULATIONS:

EXISTING	
(E) GARAGES-TO BE DEMOLISHED	363 SF
TOTAL, (E)	363 SF
PROPOSED	
(P) HOUSE, BASEMENT	400 SF
(P) HOUSE, 1ST FLOOR	1010 SF
(P) GARAGE	240 SF
(P) HOUSE, 2ND FLOOR	450 SF
TOTAL, (P) SF:	2100 SF
*NOTE: MAX. ALLOWABLE AREA =	1800 SF
*BONUS FLOOR AREA FOR BASEMENT =	400 SF / 2 = 200 SF
*BONUS FLOOR AREA FOR BASEMENT =	100 SF

SHEET INDEX

- A1 PROJECT DATA AND SITE LOCATION
- A2 NOTES AND SPECIFICATIONS, STREET ELEVATIONS
- A3 EXISTING SITE SURVEY
- A4 SITE PLAN, DEMOLITION
- A5 SITE PLAN, PROPOSED
- A6 PROPOSED BASEMENT AND 1ST FLOOR PLANS
- A7 PROPOSED 2ND AND ROOF PLAN
- A8 PROPOSED FLOOR LEVEL MAP + SCHEDULES
- A9 PROPOSED ELEVATIONS
- A10 PROPOSED ELEVATIONS
- A11 RENDERINGS

REVISION #

PROJECT DATA

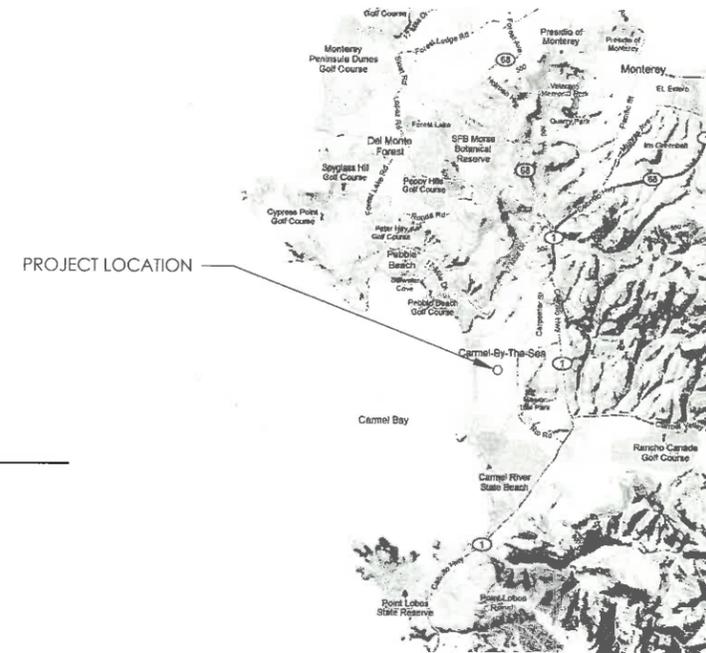
PROPERTY ADDRESS: N/E CORNER 9TH AVE. AND MONTE VERDE CARMEL-BY-THE-SEA, CALIFORNIA 93921
 BLOCK/LOT: LOT 20, BLOCK 94
 A.P.N. 010-193-009-000
 ZONING: R-1 SINGLE FAMILY RESIDENTIAL
 PERMITS: PSA 16-169 (HENKEL)

OWNER: MICHAEL AND FRANCES HENKEL
 159 E. WALTON PLACE, APT. 3C
 CHICAGO, ILLINOIS 60611

ARCHITECT: **ADAM JESELNICK ARCHITECT**
 3069 LORCA LANE
 CARMEL, CA 93923
 PHONE: (831) 620.5164 m
 CONTACT: ADAM JESELNICK AIA
 EMAIL: aejarch@gmail.com

CONTRACTOR: TBD.

RECEIVED
SEP 08 2016
 City of Carmel-by-the-Sea
 Planning & Building Dept.



1 VICINITY MAP
 SCALE: N.T.S.

ADAM JESELNICK
 ARCHITECT



HENKEL RESIDENCE
 N/E CORNER 9TH AND MONTE VERDE
 CARMEL-BY-THE-SEA, CALIFORNIA 93921

PROJECT DATA
 AND
 SITE LOCATION

8-31-2016

AS NOTED

A1

GENERAL NOTES

1. VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS AT THE SITE; CONFIRM ANY VARIATIONS OR CONFLICTING OR MISSING DIMENSIONS OR DATA PRIOR TO COMMENCING WORK. USE WRITTEN DIMENSIONS ONLY; DO NOT SCALE DRAWINGS FOR THE PURPOSE OF DETERMINING A DIMENSION DURING CONSTRUCTION.
2. CONSTRUCTION DETAILS NOT SPECIFICALLY SHOWN ON THE DRAWINGS SHALL BE BUILT TO CONFORM TO SIMILAR CONSTRUCTION, IN ACCORDANCE WITH THE BEST COMMON PRACTICE AND/OR MANUFACTURER'S SPECIFICATIONS FOR THE INSTALLATION OF THEIR MATERIALS OR ITEMS.
3. ALL CONSTRUCTION (MATERIALS, WORKMANSHIP & METHODS) SHALL COMPLY WITH TITLE 24 AND THE **2013 CALIFORNIA RESIDENTIAL BUILDING CODE (CBC)**; CALIFORNIA PLUMBING CODE (CPC), CALIFORNIA MECHANICAL CODE (CMC), CALIFORNIA ELECTRICAL CODE (CEC), CALIFORNIA ENERGY CODE, FIRE CODE, AND CALGREEN; AND ALL LOCAL AMENDMENTS AS ADOPTED BY CITY ORDINANCE.
4. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR SAFETY ON THE JOB SITE AND MUST ADHERE TO ALL FEDERAL, STATE LOCAL AND O.S.H.A. SAFETY REGULATIONS.
5. DEMOLITION: CONFIRM ALL DEMOLITION REQUIREMENTS WITH THE OWNER. VERIFY WITH OWNER WHICH ITEMS, IF ANY, HE/SHE WISHES TO RETAIN FOR HIS/HER USE. ALL OTHER ITEMS TO BECOME PROPERTY OF THE CONTRACTOR AND ARE TO BE PROPERLY REMOVED FROM THE PREMISES. SEE DEMOLITION PLANS FOR ADDITIONAL INFORMATION.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL BRACING AND SHORING REQUIRED DURING CONSTRUCTION UNTIL ALL CONSTRUCTION IS COMPLETE.
7. DO NOT STORE CONSTRUCTION MATERIALS, OR OPERATE CONSTRUCTION EQUIPMENT IN SUCH A MANNER THAT DESIGN LIVE LOADS OF THE STRUCTURES ARE EXCEEDED. DO NOT STORE CONSTRUCTION MATERIALS ON OVERHANGING FRAMING.

SPECIFICATIONS

SPECIFICATIONS AS NOTED ON THE ARCHITECTURAL AND ENGINEERING PLANS.

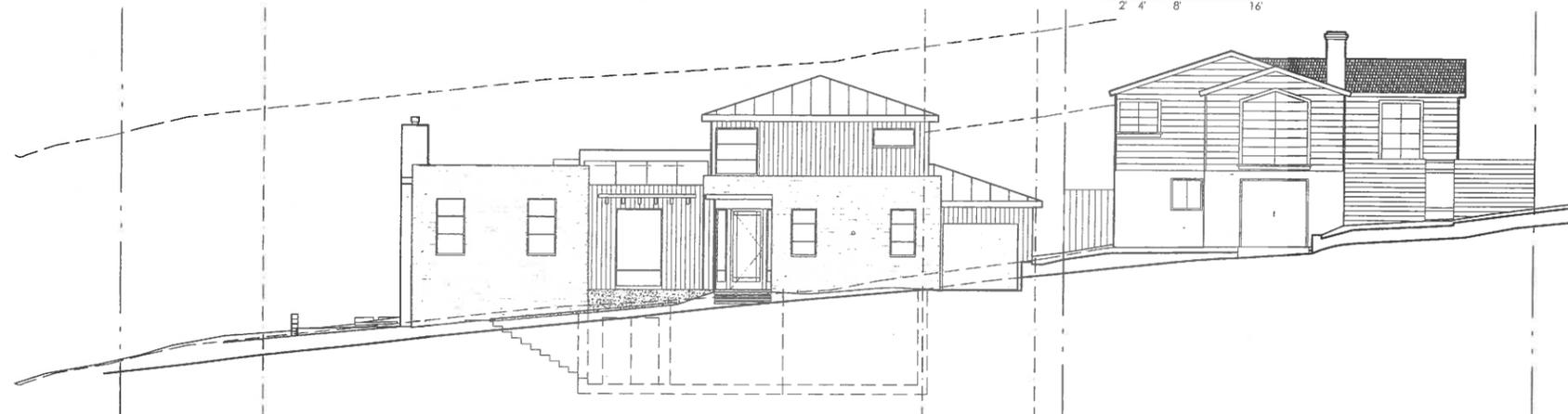
GRADING / DRAINAGE NOTES

REFER TO CIVIL ENGINEERING AND LANDSCAPE PLANS FOR ADDITIONAL INFORMATION.

**CITY OF CARMEL-BY-THE-SEA
CONDITIONS of APPROVAL**



② MONTE VERDE STREET ELEVATION
SCALE: 1/8"=1'-0"



① NINTH AVENUE ELEVATION
SCALE: 1/8"=1'-0"

REVISION # _____

ADAM JESELNICK
ARCHITECT



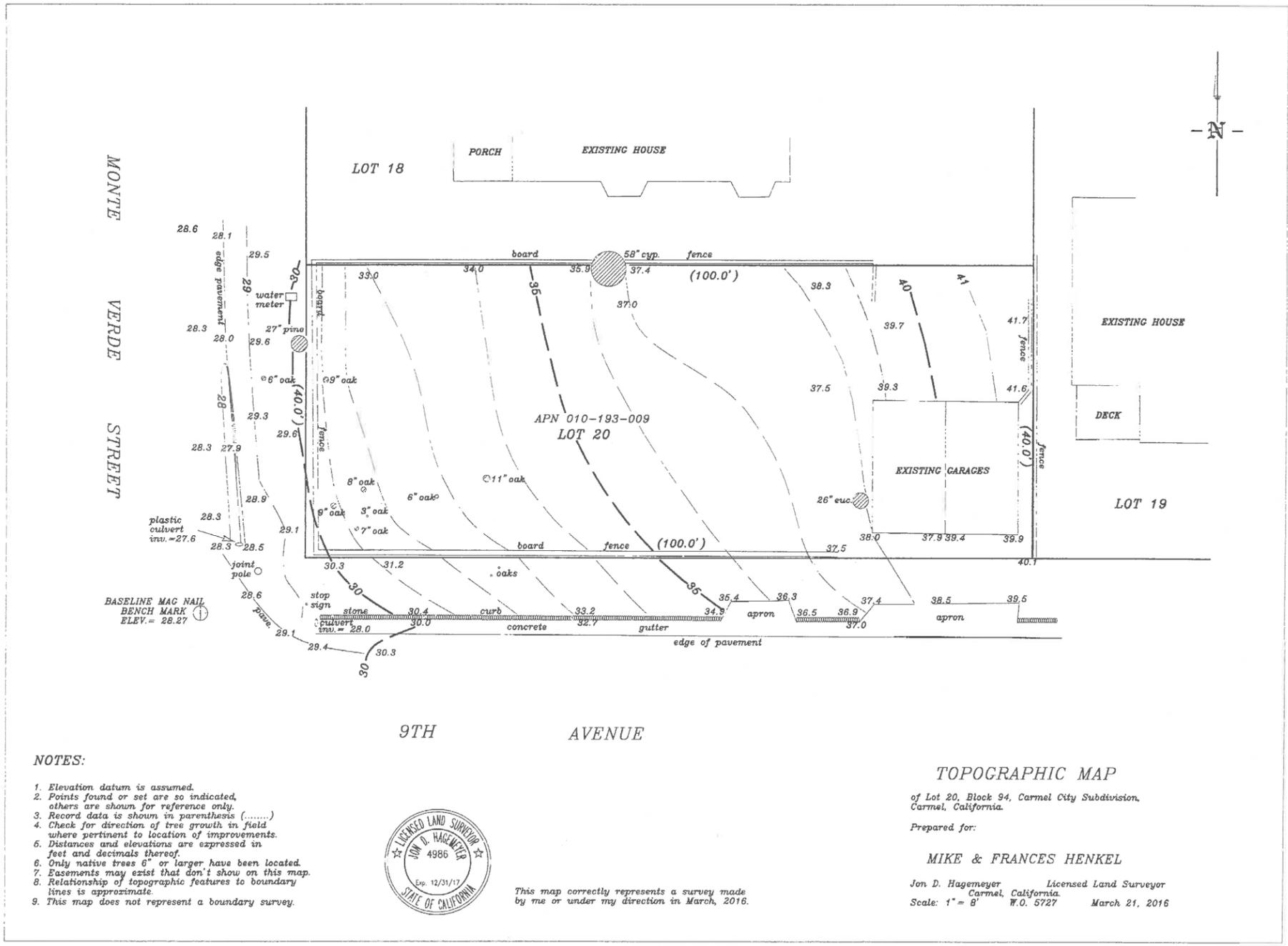
HENKEL RESIDENCE
N/E CORNER 9TH AND MONTE VERDE
CARMEL-BY-THE-SEA, CALIFORNIA 93921

PROPOSED
PLANS

8-31-2016

1/8" = 1'-0"

A2



NOTES:

1. Elevation datum is assumed.
2. Points found or set are so indicated, others are shown for reference only.
3. Record data is shown in parenthesis (.....)
4. Check for direction of tree growth in field where pertinent to location of improvements.
5. Distances and elevations are expressed in feet and decimals thereof.
6. Only native trees 6" or larger have been located.
7. Easements may exist that don't show on this map.
8. Relationship of topographic features to boundary lines is approximate.
9. This map does not represent a boundary survey.



This map correctly represents a survey made by me or under my direction in March, 2016.

TOPOGRAPHIC MAP

of Lot 20, Block 94, Carmel City Subdivision, Carmel, California.

Prepared for:

MIKE & FRANCES HENKEL

Jon D. Hagemeyer Licensed Land Surveyor
Carmel, California
Scale: 1" = 8' W.O. 5727 March 21, 2016

REVISION #

1 EXISTING SITE SURVEY
SCALE: 1/8" = 1'-0"



ADAM JESELNICK
ARCHITECT



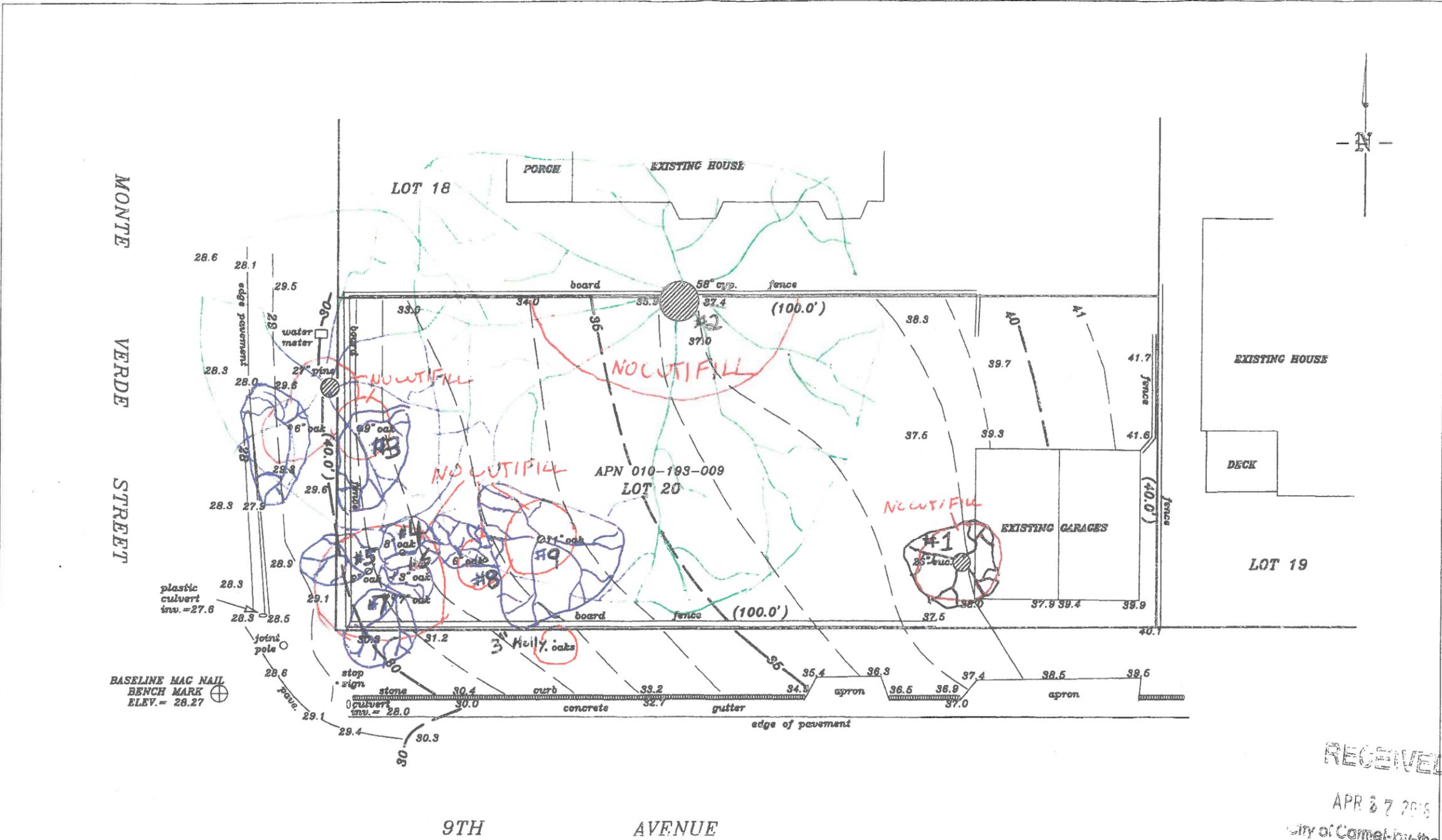
HENKEL RESIDENCE
N/E CORNER 9TH AND MONTE VERDE
CARMEL-BY-THE-SEA, CALIFORNIA 93921

EXISTING SITE SURVEY

8-31-2016

1/8" = 1'-0"

A3



NOTES:

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TOPOGRAPHIC MAP

of Lot 20, Block 94, Carmel City Subdivision, Carmel, California.

Prepared for:

MIKE & FRANCES HENKEL

Jon D. Hagemeyer Licensed Land Surveyor
Carmel, California
Scale: 1" = 8' F.O. 6727 March 21, 2016

RECEIVED
APR 27 2016
City of Carmel-by-the-Sea
Planning & Building Dept.

PROJECT SCOPE OF WORK

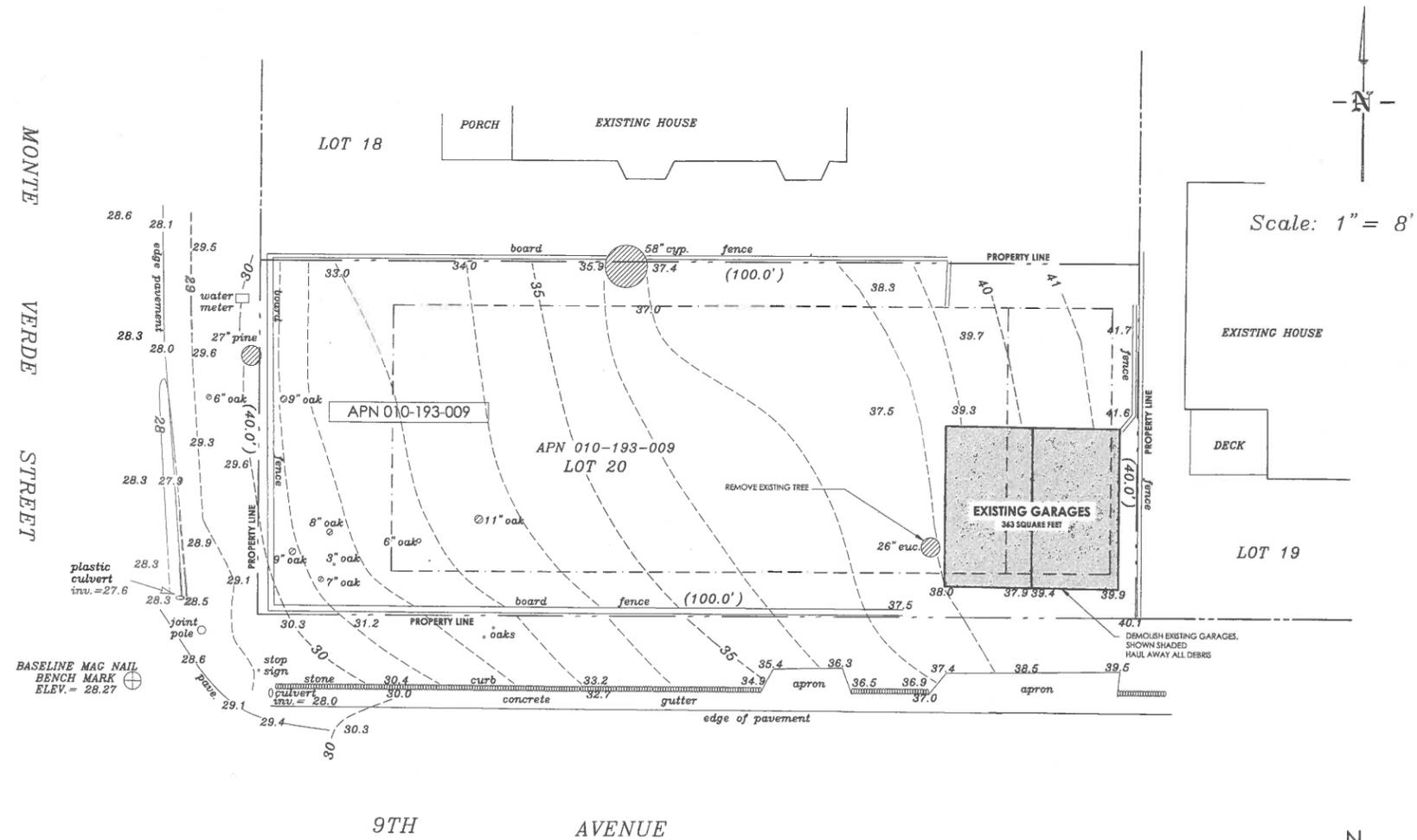
DEMOLISH TWO (2) EXISTING GARAGES (363 SF).

SITE PLAN NOTES:

1. PROTECT EXISTING TREES AS REQUIRED. NO TREE REMOVAL THIS PERMIT.
2. NO CHANGE TO EXISTING SITE DRAINAGE.
3. DEMOLITION LIMITED TO AREAS NOTED ON PLAN.
4. REMOVE AND REPLACE EXISTING PROPERTY LINE FENCE.

GRADING PLAN NOTES:

1. CUT OR FILL AS INDICATED ON CIVIL PLANS. SITE DISTURBANCE LIMITED TO AREAS SHOWN ON PLAN.
2. SEE CIVIL PLANS FOR SITE GRADING AND DRAINAGE NOTES.



1 EXISTING / DEMOLITION SITE PLAN
SCALE: 1/8"=1'-0"

REVISION #

ADAM JESELNICK
ARCHITECT



HENKEL RESIDENCE
N/E CORNER 9TH AND MONTE VERDE
CARMEL-BY-THE-SEA, CALIFORNIA 93921

EXISTING +
PROPOSED
SITE PLAN

8-31-2016

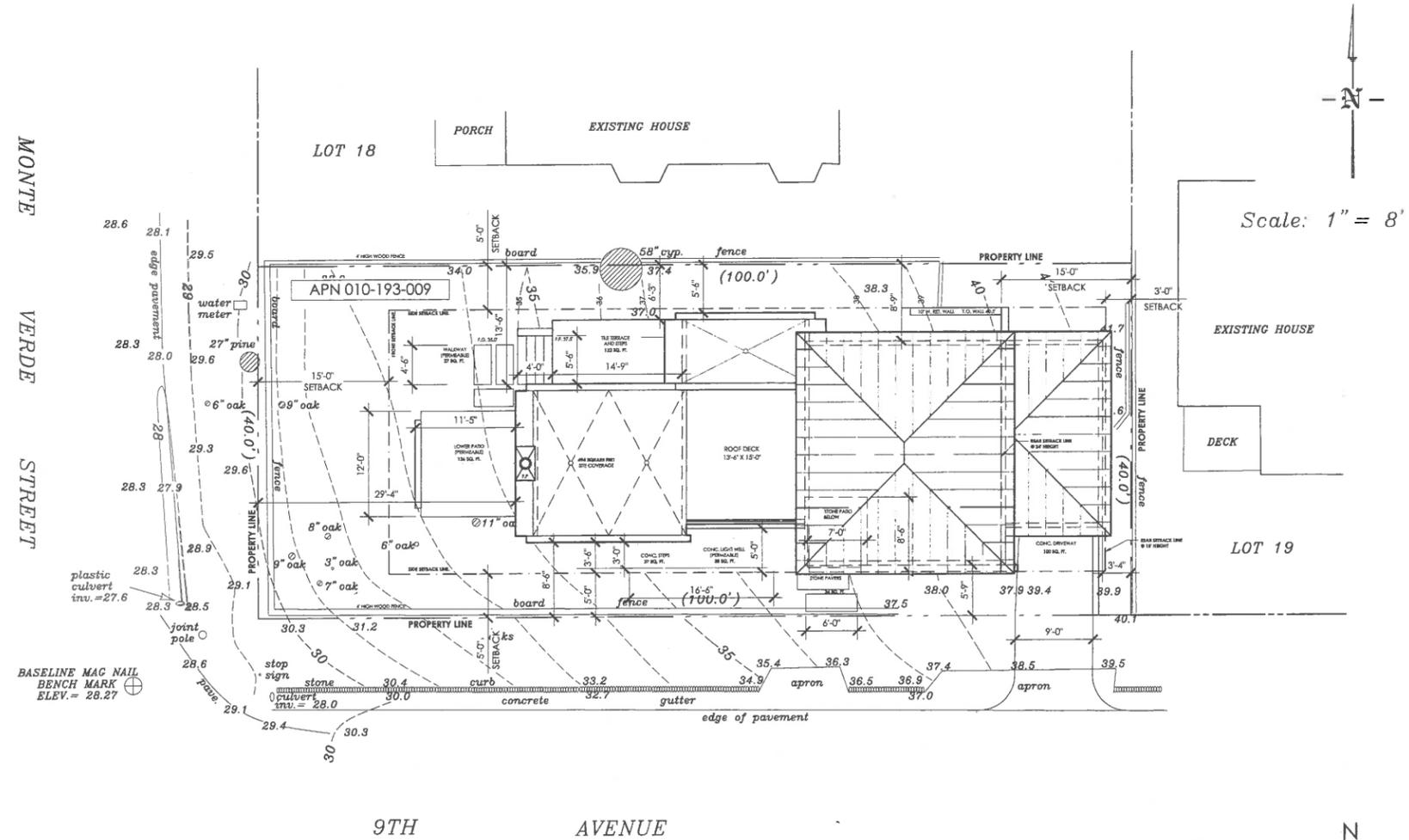
1/8" = 1'-0"

A4

PROJECT SCOPE OF WORK

SITE PLAN NOTES:

GRADING PLAN NOTES:



1 PROPOSED SITE PLAN
SCALE: 1/8"=1'-0"



REVISION #

ADAM JESELNICK
ARCHITECT



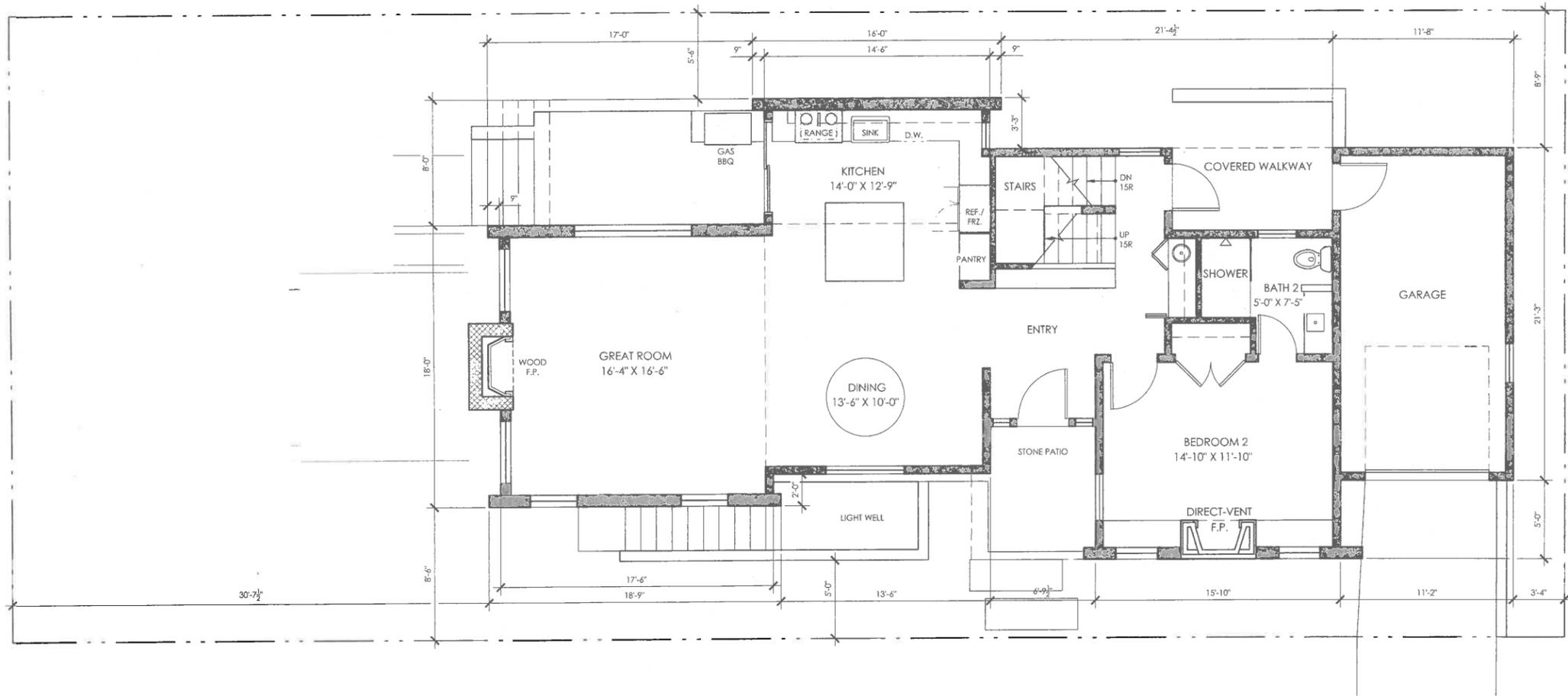
HENKEL RESIDENCE
N/E CORNER 9TH AND MONTE VERDE
CARMEL-BY-THE-SEA, CALIFORNIA 93921

EXISTING +
PROPOSED
SITE PLAN

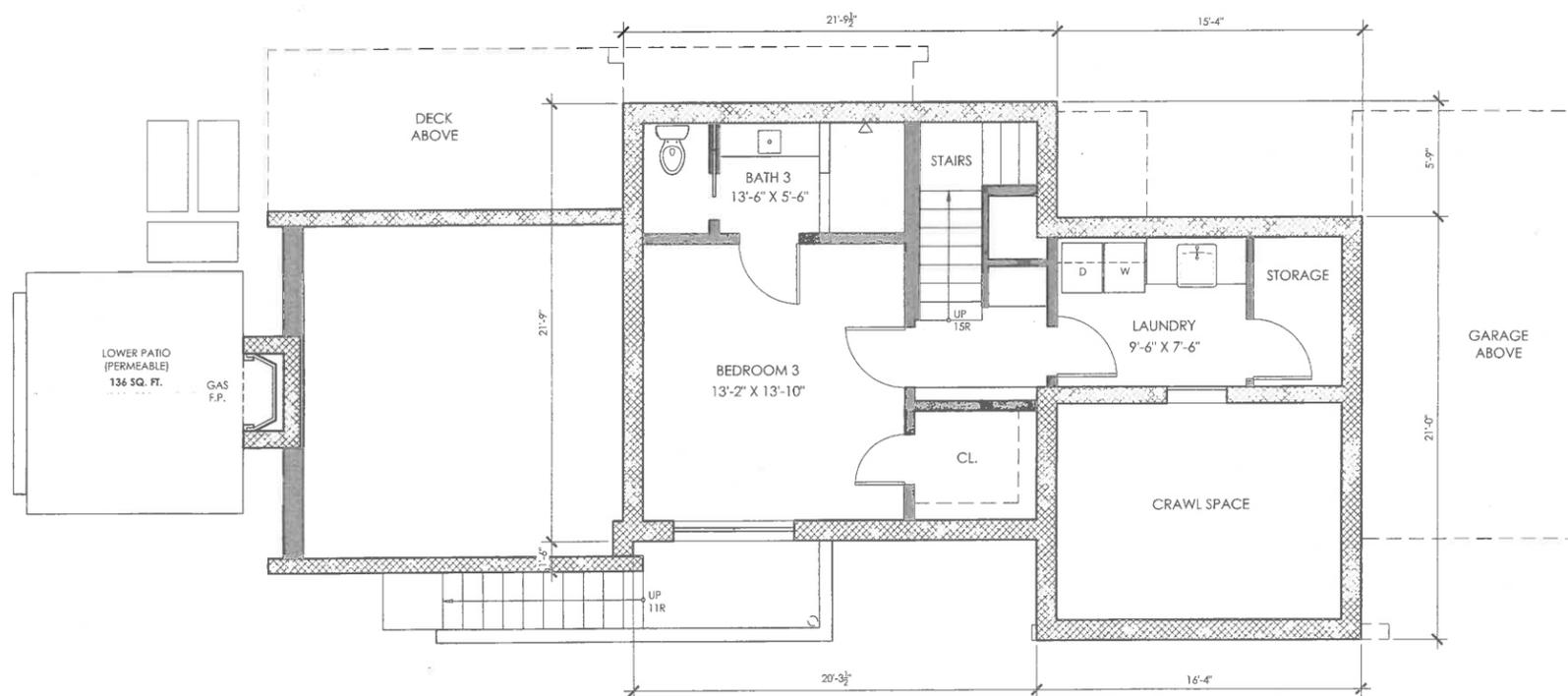
8-31-2016

1/8" = 1'-0"

A5



1 FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"



1 BASEMENT PLAN
SCALE: 1/4"=1'-0"

*BONUS FLOOR AREA



ADAM JESELNICK
ARCHITECT



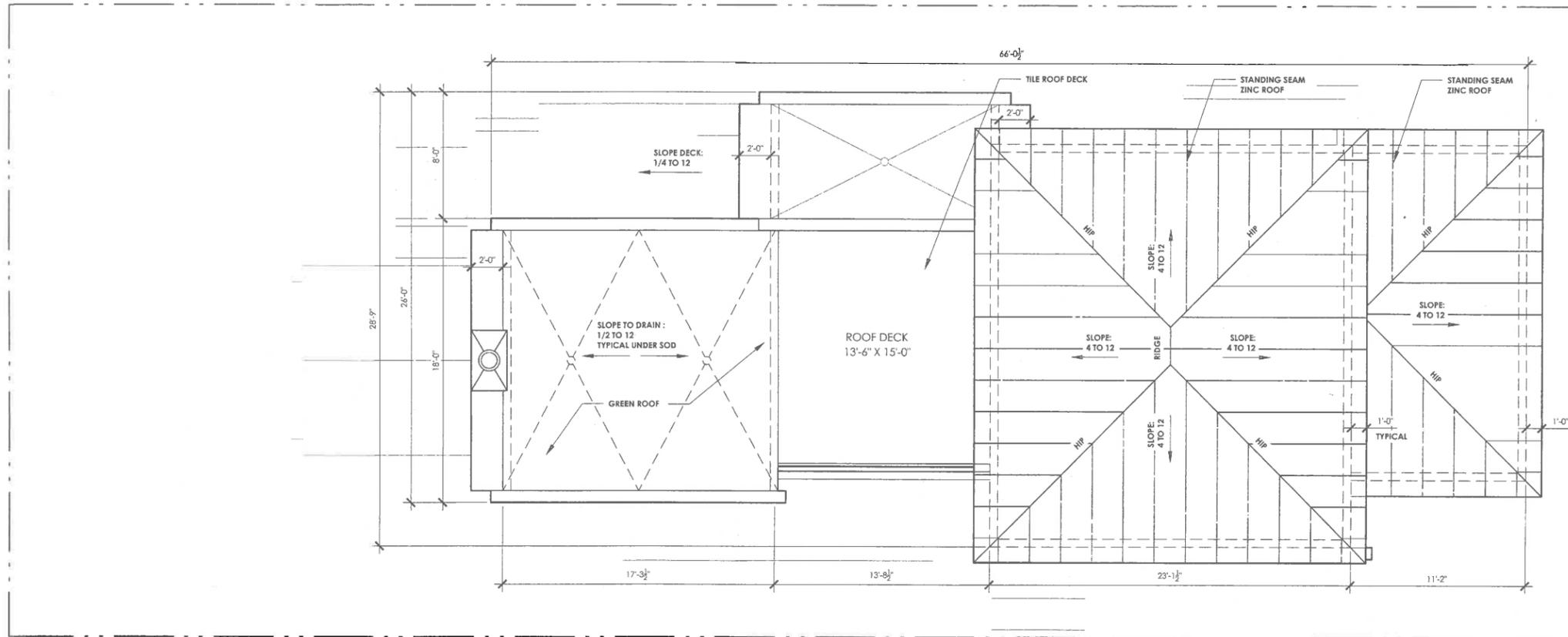
HENKEL RESIDENCE
N/E CORNER 9TH AND MONTE VERDE
CARMEL-BY-THE-SEA, CALIFORNIA 93921

PROPOSED
BASEMENT AND 1ST
FLOOR PLANS

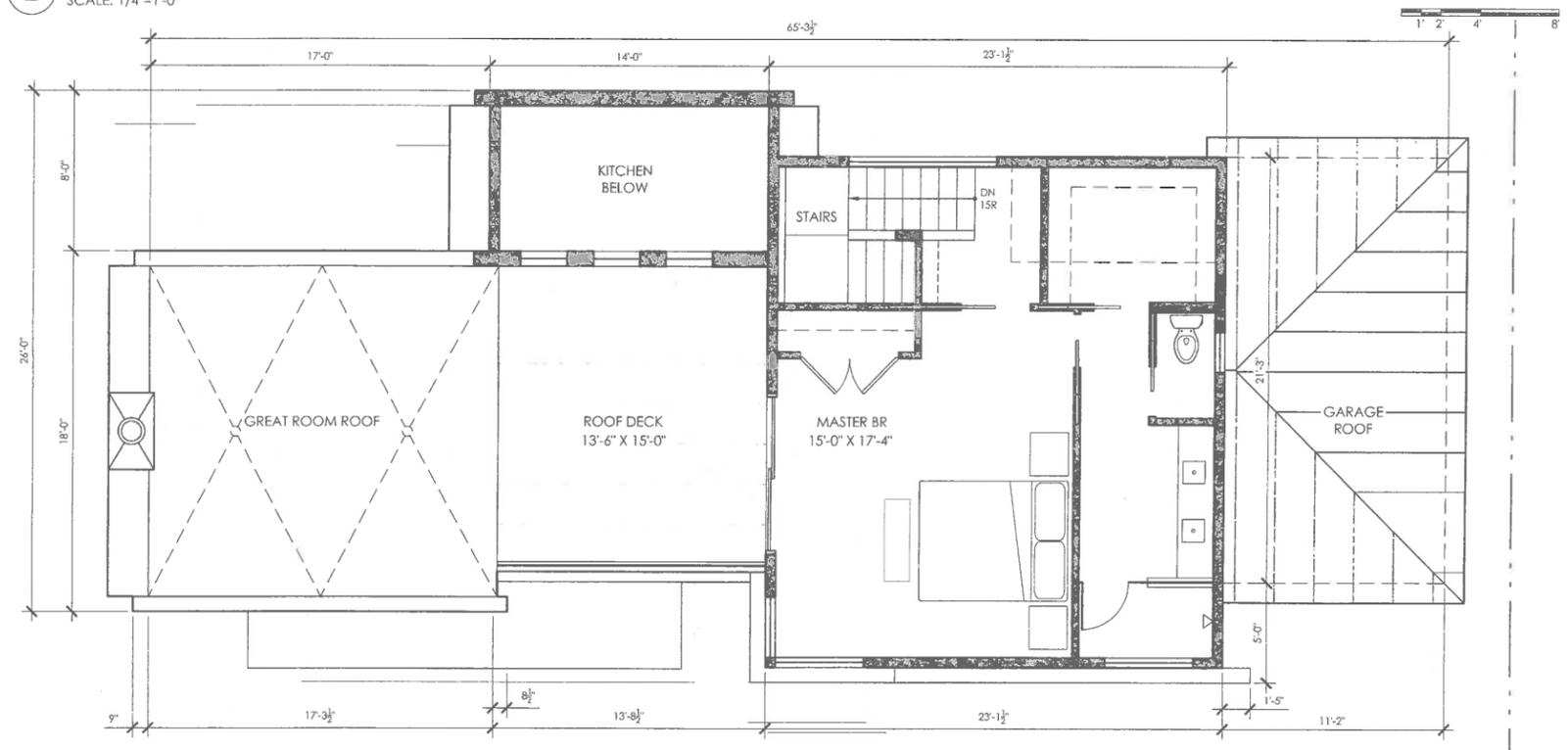
8-31-2016

1/4" = 1'-0"

A6



2 ROOF PLAN
SCALE: 1/4"=1'-0"



1 SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"

ADAM JESELNICK
ARCHITECT



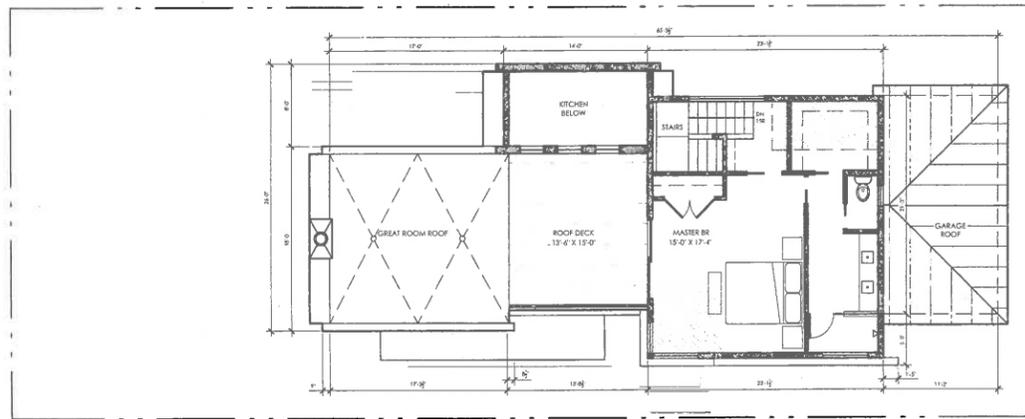
HENKEL RESIDENCE
N/E CORNER 9TH AND MONTE VERDE
CARMEL-BY-THE-SEA, CALIFORNIA 93921

PROPOSED 2ND
AND ROOF PLAN

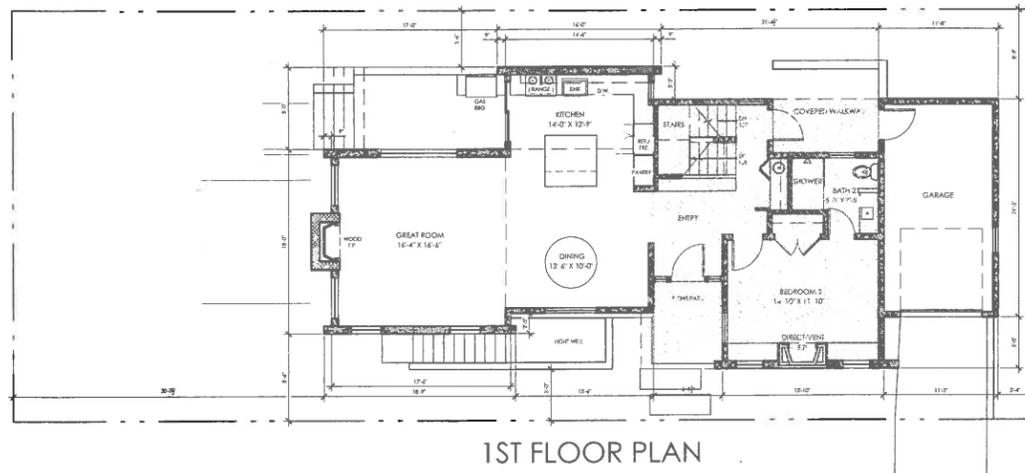
8-31-2016

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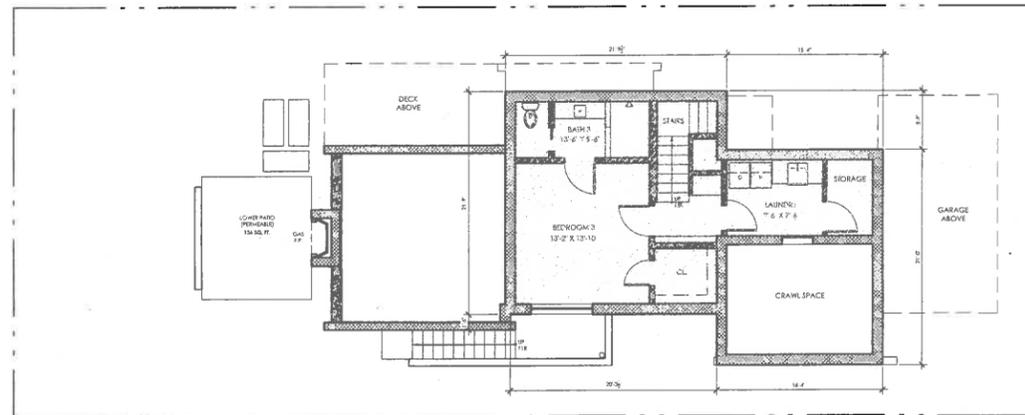
A7



2ND FLOOR PLAN



1ST FLOOR PLAN



BASEMENT PLAN

FLOOR LEVEL TABLE:

BASEMENT AREA	400 SF (INCLUDES BEDROOM, BATH, LAUNDRY)
1ST FLOOR AREA ONLY	860 SF (INCLUDES HOUSE AND GARAGE)
2ND FLOOR AREA ONLY	114 SF (INCLUDES 2ND FLOOR MASTER BR)
OVERALL BUILDING AREA (FOOTPRINT)	1436 SF

REVISION #

1 FLOOR LEVEL MAP
SCALE: 1/8"=1'-0"

2 DOOR + WINDOW SCHEDULES
SCALE: N.T.S.

ADAM JESELNICK
ARCHITECT



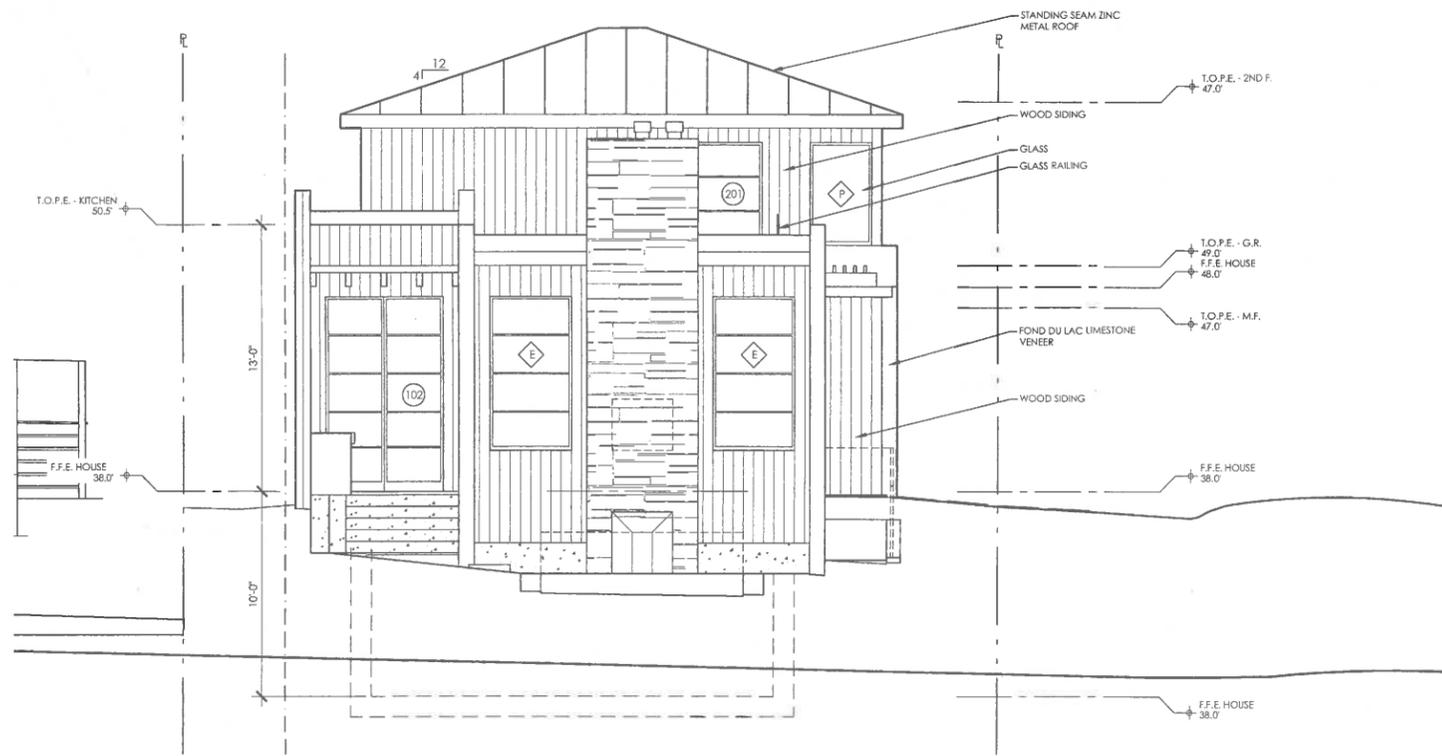
HENKEL RESIDENCE
N/E CORNER 9TH AND MONTE VERDE
CARMEL-BY-THE-SEA, CALIFORNIA 93921

PROPOSED
PLANS

8-31-2016

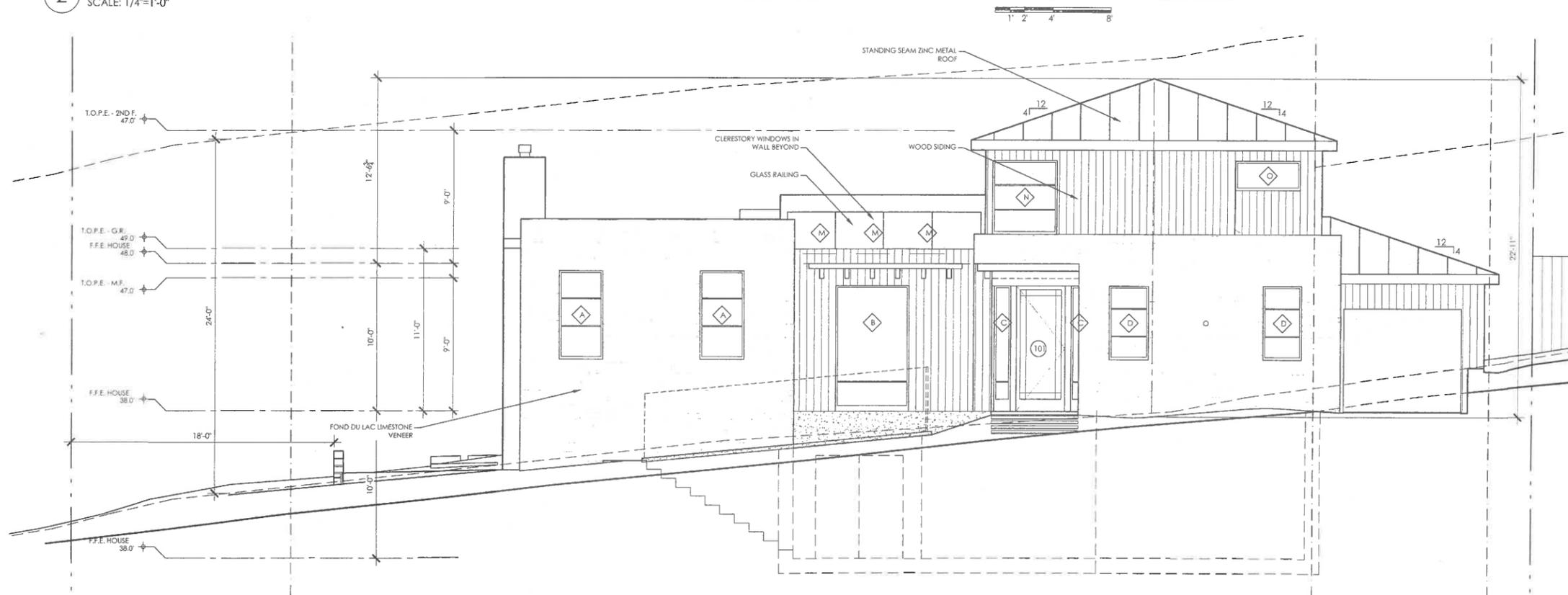
SCALE AS NOTED

A8



ELEVATION NOTES:

2 WEST ELEVATION
SCALE: 1/4"=1'-0"



1 SOUTH ELEVATION
SCALE: 1/4"=1'-0"

ADAM JESELNICK
ARCHITECT



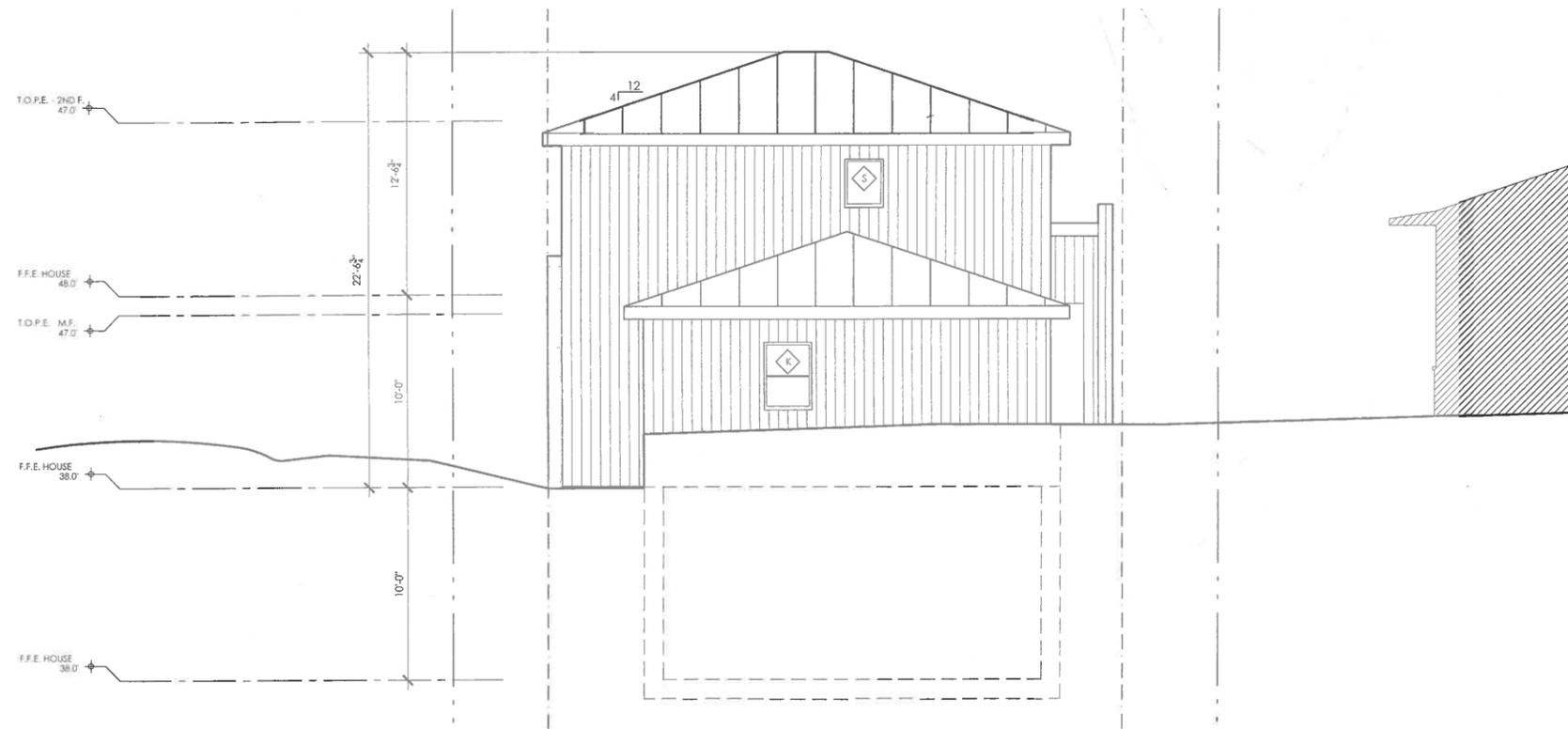
HENKEL RESIDENCE
N/E CORNER 9TH AND MONTE VERDE
CARMEL-BY-THE-SEA, CALIFORNIA 93921

PROPOSED ELEVATIONS

8-31-2016

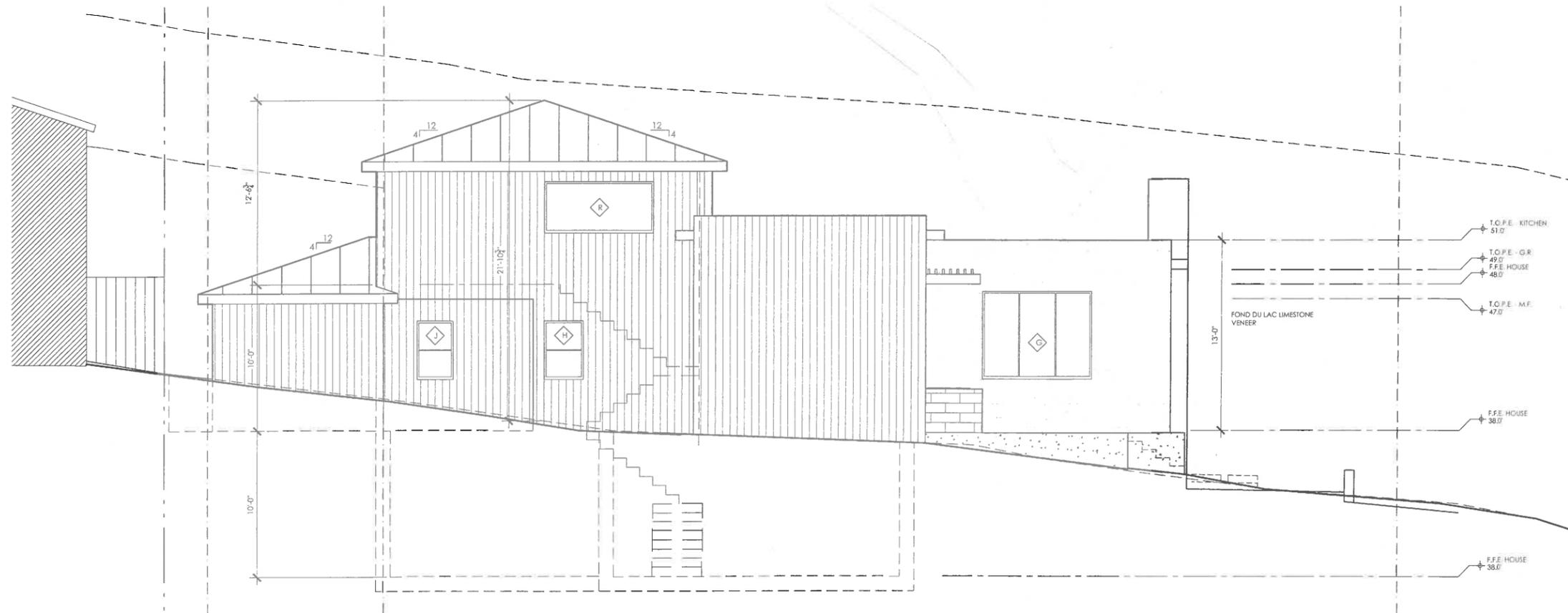
1/4" = 1'-0"

A9



ELEVATION NOTES:

2 EAST ELEVATION
SCALE: 1/4"=1'-0"



1 NORTH ELEVATION
SCALE: 1/4"=1'-0"



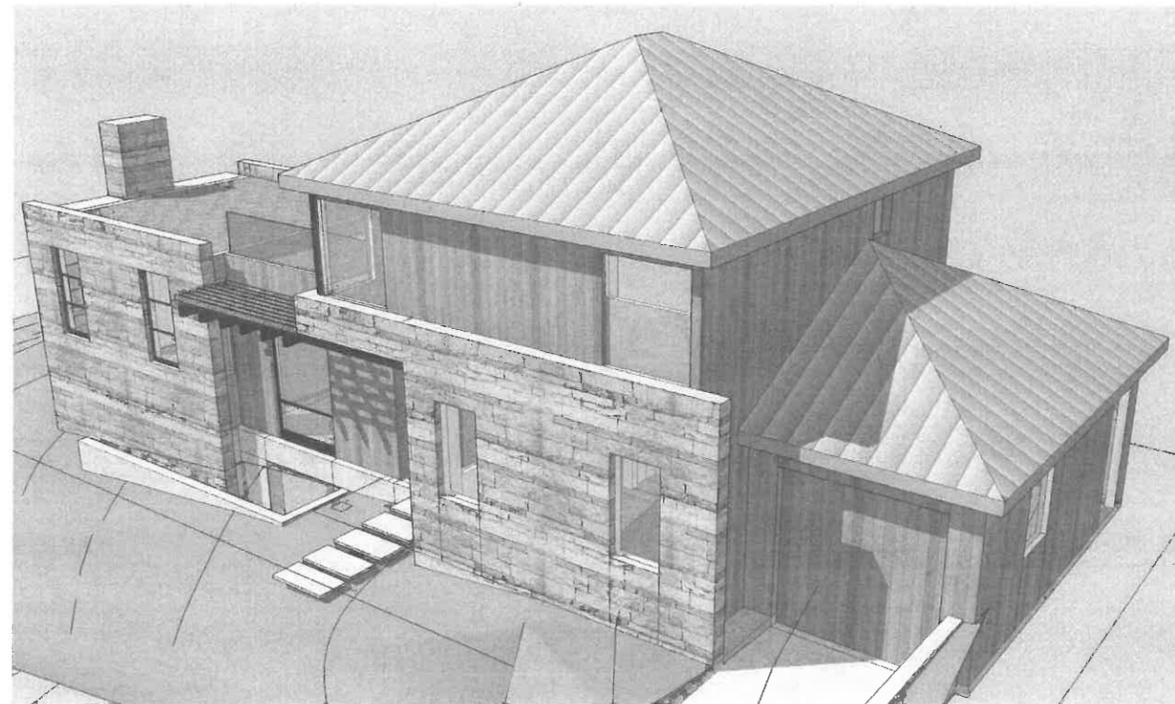
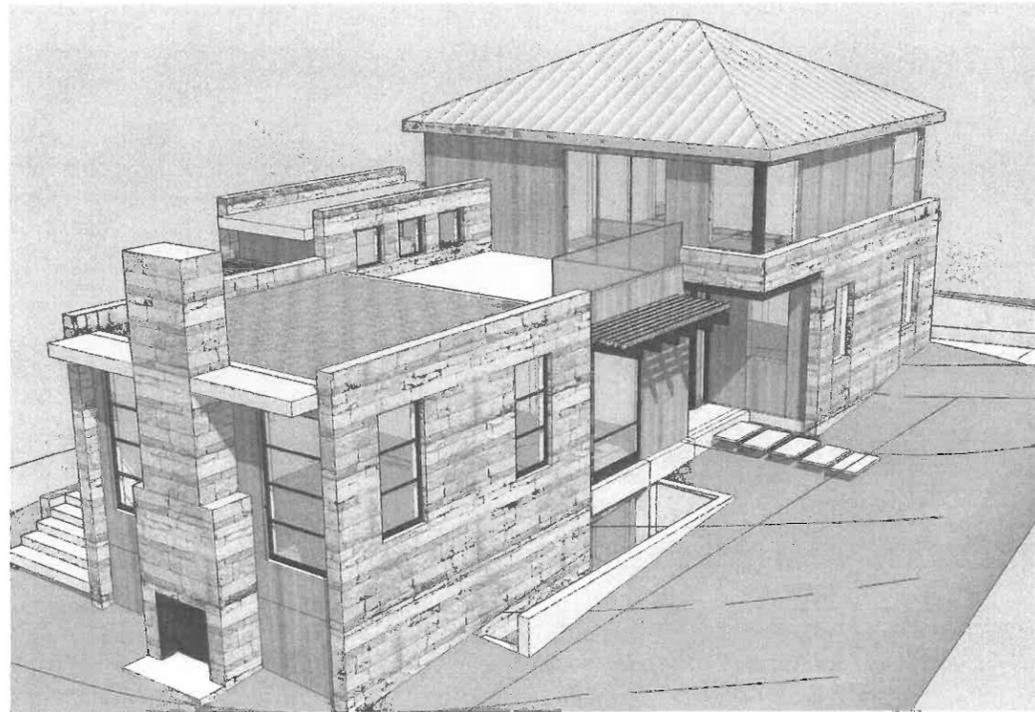
ADAM JESELNICK
ARCHITECT



HENKEL RESIDENCE
N/E CORNER 9TH AND MONTE VERDE
CARMEL-BY-THE-SEA, CALIFORNIA 93921

PROPOSED
ELEVATIONS
8-31-2016
1/4" = 1'-0"

A10



SCHEMATIC DESIGN

HENKEL RESIDENCE
N/E corner Monte Verde + 9th

Carmel-by-the-Sea, California



NORTH
ADAM JESELNICK
ARCHITECT

Project Number: 1603
Date: August 27, 2016

ADAM JESELNICK
ARCHITECT



HENKEL RESIDENCE
N/E CORNER 9TH AND MONTE VERDE
CARMEL-BY-THE-SEA, CALIFORNIA 93921

RENDERINGS

8-31-2016

N.T.S.

A11



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

October 12, 2016

To: Chair Goodhue and Planning Commissioners

From: Marc Wiener, AICP, Community Planning and Building Director

Subject: Consideration of Use Permit (UP 16-191) application for the establishment of a full-line restaurant in an existing commercial building. The project site is located at the southeast corner of Dolores Street and 7th Ave in the Service Commercial (SC) Zoning District.

Recommendation:

Approve Use Permit (UP 16-191) with a condition that the applicant return to the Planning Commission in order to identify the restaurant operator

Application:	UP 16-191	APN:	010-145-020
Location:	SE Corner of Dolores and 7 th Ave		
Block:	91	Lots:	2, 4, 6 & 8
Applicant:	CPines 7, LLC	Property Owner:	CPines 7, LLC

Background and Project Description:

The project site is a 16,000-square foot property located at the southeast corner of Dolores Street and Seventh Avenue (aka 7th & Dolores). The site is developed with two commercial buildings that are a combined 4,671 square feet in size. The site also includes a parking lot that accommodates up to 30 vehicles when parked by valet service. On August 6, 2013, the City Council approved a Use Permit (UP 12-20) application allowing the building to operate as a venue for special events (Community Center) with an allowance for off-site parking at the Sunset Center and Carmel Plaza in order to meet the parking demand. In addition, a second Use Permit (UP 14-19) for live music was approved by the City Council on January 6, 2015, and a third Use Permit (UP 15-282) for general commercial and hotel parking at the site was approved by the City Council on September 1, 2015.

On August 2, 2016, the City Council reviewed a Use Permit (UP 16-191) application to establish a full-line restaurant. The Council indicated support for the proposal, but remanded the application to the Planning Commission with specific direction on revising the floor layout and with a recommendation that UP 12-20 and UP 15-282 be revoked. Staff notes that the applicant is still requesting to host four (4) special events per year as discuss in the Staff Analysis section of this report.

When the City Council reviewed this proposal in August, Jay and Chloe Dolata were identified as the restaurant operators. The applicant, Fred Kern, is now going to be the restaurant owner and is proposing a restaurant named Seventh and Dolores Steak House. Mr. Kern has indicated that a professional restaurant operator will be hired to manage the restaurant. A condition has been drafted requiring the applicant to return to the Planning Commission in order to identify the operator and receive authorization for any associated changes to the name, menu floor layout, etc. prior to opening the restaurant.

Staff Analysis:

Restaurant Use Permit: Full-line restaurants require the approval of a Conditional Use Permit by the City. According to CMC Section 17.68.030, full line restaurants provide *“a full line of prepared food and drinks using non-disposable plates, glasses and utensils for immediate consumption on the site. These restaurants provide table service to patrons of all ages who pay after eating. Takeout service may be provided.”*

CMC Section 17.14.040.I (3) establishes the criteria for a full-line restaurant. The criteria for a full-line restaurant are listed below with a staff analysis on how the project complies with the requirements.

1. *Customers shall be provided with individual menus while seated at a table or counter.*

Analysis: The applicant’s project description included as Attachment D, indicates that guests will order from an iPad stationed at each table, or via menu provided by wait staff while seated at their table or at the wine and cheese bars. Payment will be made after the meal is eaten. No counter service is proposed or provided with this proposal. Staff notes that Special Condition #7 requires that the food be paid for after consumption and that a menus will be provided, both of which are required by code.

2. *Drive-in, formula, and fast food establishments are prohibited.*

Analysis: CMC 17.70.020 defines drive-in, formula food, or fast food as: *“A business where food is consumed on or off the site and food is (1) pre-made and wrapped before customers place orders,*

and/or (2) served with disposable tableware for on-site food consumption.” Both the project description and menu (Attachment D) indicate that the proposed restaurant will not violate this section of the code. Furthermore, Special Condition #4 ensures compliance with this code.

3. *The applications, menus and plans indicate that the business will primarily be a restaurant – full line, and that no more than 20 percent of the total number of seats are at a bar or in a separate bar room.*

Analysis: The applicant is proposing a wine bar located at the northwest corner of the space that includes 7 seats. Municipal Code Section 17.14.040.I.3.d allows full-line restaurants to have a bar with a maximum of 20% of the total seating allowed at the bar. The proposed bar meets this requirement and the sale of alcoholic beverages would be subordinate to the full-service restaurant. Staff notes that while the applicant is proposing to serve wine from the bar, this would be considered a restaurant bar and not a wine tasting room. The applicant could potentially obtain an ABC license to serve beer and other types of spirits from the bar.

4. *Adequate facilities shall be provided on the site for the closed storage of trash and garbage generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways.*

Analysis: There is an existing 152-square foot trash storage area located near the rear southeast corner of the property that was constructed when the building was remodeled for the community center. The trash bins are enclosed by a tall wood fence and are shielded from public view. Conditions have been drafted requiring that the trash storage area will meet all the necessary storm-water requirements.

5. *At least one restroom shall be available for use by both sexes within, or conveniently adjacent to, the specific business premises and on the same property on which the use is located. This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location and accessibility standards, and shall be available for use by both the employees and patrons of the business.*

Analysis: There is an existing ADA-compliant restroom for both sexes that was constructed when the building was remodeled for the community center.

6. *Substantially all foods from the standard menu shall be available for purchase during the hours that alcoholic beverages are being served except for the first hour and the last hour of each business day.*

Analysis: The applicant has indicated that restaurant would be open between the hours of 7:00 a.m. to 10:00 p.m. daily. Special Condition #5 requires that food be available for purchase during all hours that alcohol is served.

7. *The maximum seating capacity shall not exceed the standards in the State Uniform Building and Fire Codes, the number of seats approved by the Planning Commission through public review, or the number of seats in the previous business, whichever is less. The seating capacity shall be posted on the premises.*

Analysis: The applicant is proposing a total of 100 interior seats and 42 exterior seats. The applicant will acquire water credits from the Malpaso Water Company to allow for the proposed restaurant. The floor/seating plan will be reviewed as part of the Building Permit Plan Check process for compliance with the State Uniform Building and Fire Code. Staff recommends that the Planning Commission approve the number of seats proposed by the applicant. However, it should be noted that Special Condition #18 states that this limit is a maximum, and may be reduced by the Building Official to meet the State Uniform Building and Fire Codes.

Hours of Operation: The proposed hours of operation are from 7:00 a.m. to 10:00 p.m. daily. Special Condition #19 requires that the kitchen close by 10:00 p.m. and states that no new customers shall be accepted after 10:00 p.m.

City Council Recommendations: The Council indicated support for the proposal to establish a restaurant at the subject location, but remanded the application to the Planning Commission with specific direction. Staff notes that this project is a de novo hearing, meaning that the Planning Commission is not bound by previous decisions on this project, nor is the Commission obligated to ensure that the project complies with all of the City Council's recommendations. Nevertheless, these recommendations should be given substantial consideration. The Council provided the following direction:

1. *Revise the design to eliminate the display counter and include additional interior seating by transferring outdoor seats to the interior of the building.*

Staff Response: The applicant had originally proposed minimal seating the main dining area and a large display counter. The Council had concerns that the floor layout would lend itself to the sale of pre-packaged food products and required that the number of seats be increased and that the display counter be reduced in size. The applicant has complied with these recommendations, but has not relocated seating from the exterior to the interior. The Commission should consider whether an reduce in exterior seating is necessary. The original floor/seating plan is included as Attachment C and the revised is included as Attachment E for comparison.

2. *The Event Center Use Permit (12-20) and Commercial Parking Use Permit (UP 15-282) shall be revoked with the approval of the restaurant.*

Staff Response: The applicant has agreed to the revocation of UP 12-20 and UP 15-282, but is still requesting to host four (4) special events per year including the following events:

Pebble Beach AT&T National Pro-Am – February 6-12

Pebble Beach Food and Wine – March 30 – April 4

Counours d’ Elegance – August 30-20

Carmel International Film Festival – Mid October

The applicant has identified 24 days that the proposed events would occur in 2017, which does not include the Film Festival which could add another 5-10 days. Staff notes that while the applicant is requesting to host four events annually and not just in the year 2017. When the City Council considered this proposal on August 2, 2016, staff had conditioned the Use Permit to allow up to 12 special events per year in association with Event Center Use Permit (UP 12-20). However, the Council had concerns with the restauranteur having to remove and store furniture on a consistent basis. The Council indicated that the building should only occupy a single use and that the site should operate solely as a restaurant. For this reason, staff has not included an allowance for special events in the authorization. Staff notes that the City Council did not have the opportunity to review the specific list of events that the applicant is proposing, which may have affected the outcome of the decision.

Parking: The applicant has agreed to the revocation of Use Permit (UP 15-282), which would eliminate the use of general public parking or valet parking for hotel guests. The applicant is, however, proposing valet parking for restaurant guests only. A condition has been drafted requiring that valet parking be maintained on site and only for restaurant guests.

Environmental Review: The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15332 (Class 32) – In-Fill Developments. The project proposes a new full-line restaurant within an existing 4,671-square foot building. The proposed changes do not present any unusual circumstances that would result in a potentially significant environmental impact. Furthermore, the project meets the following criteria for exemption pursuant to Section 15332 of the CEQA Guidelines.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

ATTACHMENTS:

- Attachment A – Findings for Approval
- Attachment B – Conditions of Approval
- Attachment C – Original Floor/Seating Plan
- Attachment D – Project Description/Menu
- Attachment E – Revised Floor/Seating Plan

Attachment A – Findings for Decision

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

UP 16-191 (CPines 7 LLC)
Fred Kern (7th and Dolores Steak House)
NE Corner of Dolores and 7th
Block: 91; Lots: 2, 4, 6 & 8
APN: 010-145-020

CONSIDERATION:

Consideration of Use Permit (UP 16-191) application for the establishment of a full-line restaurant in an existing commercial building. The project site is located at the southeast corner of Dolores Street and 7th Ave in the Service Commercial (SC) Zoning District.

FINDINGS OF FACT:

1. The project site is located at the northeast corner of Seventh Avenue and Dolores in the Service Commercial (SC) Zoning District.
2. On August 2, 2016, the City Council reviewed a Use Permit (UP 16-191) application to establish a full-line restaurant. The City Council indicated support for the proposal, but remanded the application to the Planning Commission with specific direction as identified in the attached staff report.
3. Carmel Municipal Code Section 17.14 Schedule II-B establishes that full line restaurants are a conditionally permitted use and are subject to Planning Commission approval. This Use Permit (UP 16-181) supersedes all previous use permits at this location.
4. The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15332 (Class 32) – In-Fill Developments. The project proposes a new full-line restaurant within an existing 4,671-square foot building. The proposed changes do not present any unusual circumstances that would result in a potentially significant environmental impact.

FINDINGS FOR DECISION:

1. The proposed use, as conditioned, 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, and fire protection.
5. The proposed use will not be injurious to public health, safety or welfare.
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.

Attachment B – Conditions of Approval

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

CONDITIONS OF APPROVAL

UP 16-191 (CPines 7 LLC)
Fred Kern (7th and Dolores Steak House)
NE Corner of Dolores and 7th
Block: 91; Lots: 2, 4, 6 & 8
APN: 010-145-020

PROJECT DESCRIPTION:

Consideration of Use Permit (UP 16-191) application for the establishment of a full-line restaurant in an existing commercial building. The project site is located at the southeast corner of Dolores Street and 7th Ave in the Service Commercial (SC) Zoning District.

STANDARD CONDITIONS (Pursuant to CMC 17.14.040.I):

1. Authorization: This Use Permit (UP 16-191) authorizes the use of a full-line restaurant: “7th and Dolores Steak House” with a floor layout depicted on the October 4, 2016 approved plan set. The proposed hours of operation are from 7:00 a.m. to 10:00 p.m. daily. The restaurant is permitted 100 interior seats, 40 exterior seats, a wine bar, a retail cheese bar, and a large display counter that acts as a point of sale.
2. Any sale of alcoholic beverages shall be subordinate to this primary use.
4. The restaurant shall not operate as a “Drive-in, Formula Food or Fast Food” establishment as defined in CMC Section 17.70.
5. Substantially all foods from the standard menu shall be available for purchase during the hours that alcoholic beverages are being served except for the first hour and the last hour of each business day.
6. Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrapping.
7. Customers shall be provided with individual menus while seated at a table or counter and shall pay for the meal after eating.
8. The sale of nonfood merchandise that is directly related to the use may be allowed when determined to be incidental to the primary use. The display of nonfood merchandise is prohibited.

9. Adequate facilities shall be provided on the site for the closed storage of trash and garbage generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways. If the method of cooking used will generate hot ashes, a storage facility and disposal method shall first be approved by the Fire Department.
10. At least one restroom shall be available for use by both sexes within, or conveniently adjacent to, the specific business premises and on the same property on which the use is located. This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location and accessibility standards, and shall be available for use by both the employees and patrons of the business.
11. Maximum seating capacity shall not exceed the standards in the State Uniform Building and Fire Codes, the number of seats approved by the Planning Commission through public review, or the number of seats in the previous business, whichever is less. The seating capacity shall be posted on the premises. This limit is a maximum and may be reduced by the Building Official to meet the State Uniform Building and Fire Codes.
12. Except as provided in CMC Sections 8.68.070 and 8.68.080, no restaurant shall provide prepared food to its customers in CFC-processed food packaging or polystyrene foam food packaging, nor shall any restaurant purchase, obtain, keep, sell, distribute, provide to customers or otherwise use in its business any CFC-processed food packaging or polystyrene foam food packaging. The restaurant shall comply with all other requirements in CMC Section 8.68.
13. 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 City.
14. This Use Permit shall become void and in no further force or effect if the use is not initiated within six months of the issuance of the Certificate of Occupancy from the Building Official.
15. 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.
16. A summary sheet of basic Use Permit requirements (allowed days, allowed hours, special mitigations) shall be posted on the premises or shall be available upon request by any enforcement officer of the City.
17. 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.

SPECIAL CONDITIONS:

18. Prior to opening the restaurant for business, the applicant shall identify the proposed restaurant owner and receive authorization from the Planning Commission for any associated changes, such as change in name, menu, floor layout, etc.
19. Permitted hours of operation are from 7:00 a.m. to 10:00 p.m. daily. The kitchen shall cease operation and no new customers shall be accepted into the restaurant after 10:00 p.m.
20. The restaurant is permitted a maximum of 100 interior seats, including 7 seats at a bar and 7 at a counter, and 40 exterior seats. This limit is a maximum and may be reduced by the Building Official to meet the State Uniform Building and Fire Codes.
21. Valet parking may be utilized for restaurant customers only and shall be contained on the project site. The valet service is not permitted to park cars off site.

***Acknowledgement and acceptance of conditions of approval.**

Applicant Signature

Printed Name

Date

Property Owner Signature

Printed Name

Date

APN:	010-145-020-000
LOT SIZE:	16,000 SQUARE FEET
FLOOR AREA, EXISTING:	
BUILDING 1, MAIN LEVEL:	3418 SF
BUILDING 1, UPPER LEVEL:	115 SF
BUILDING 1, BASEMENT:	530 SF
BUILDING 2:	608 SF
TOTAL:	4671 SF
FLOOR AREA, PROPOSED:	
BUILDING 1, MAIN LEVEL:	3418 SF
BUILDING 1, UPPER LEVEL:	115 SF
BUILDING 1, BASEMENT:	530 SF
BUILDING 2:	608 SF
TOTAL:	4671 SF
FLOOR AREA, MECHANICAL:	
BUILDING 1, UPPER LEVEL:	325 SF
BUILDING 1, BASEMENT:	476 SF

CITY NOTES:

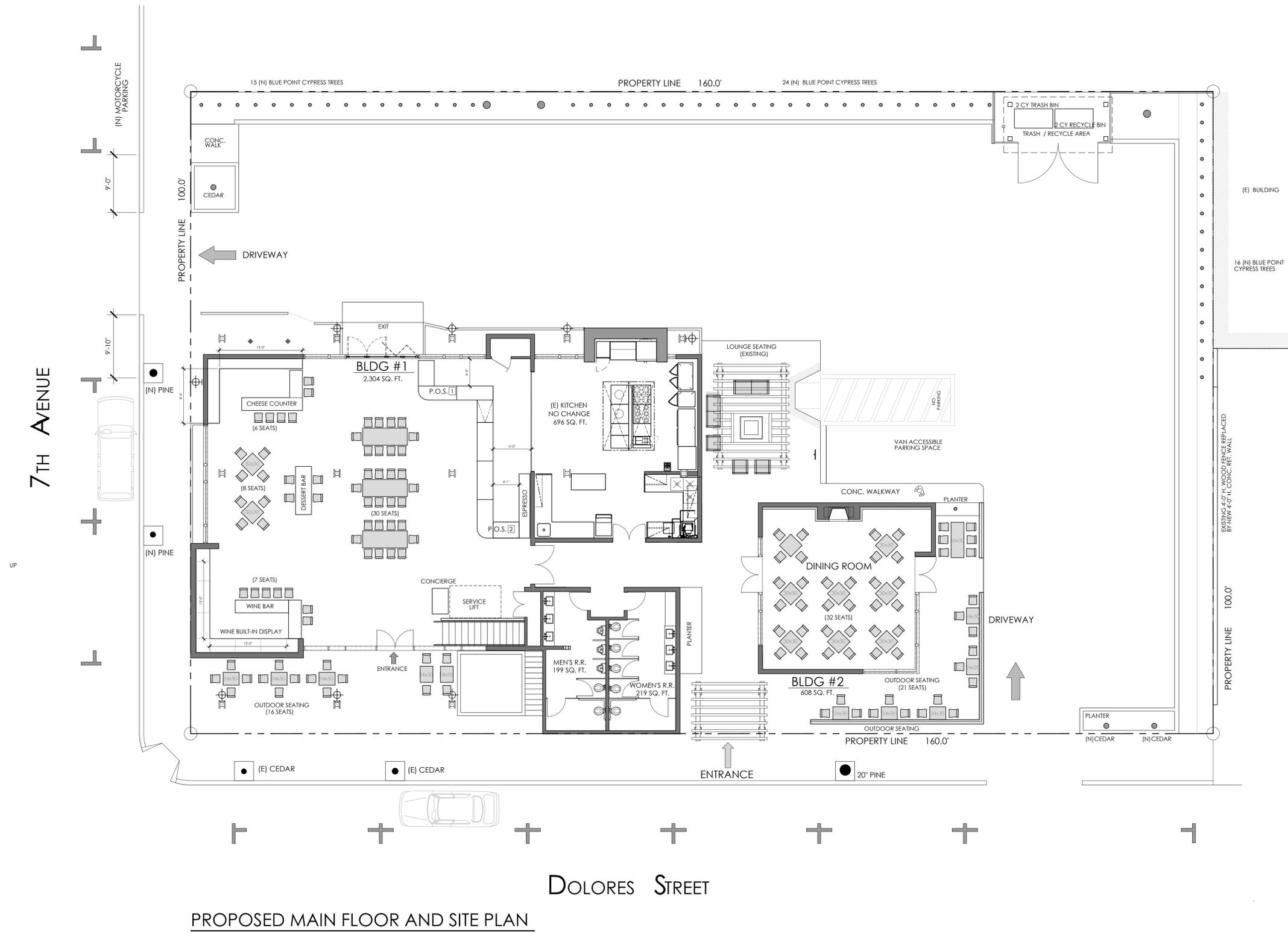
17.68.040: Full Line Restaurant: Providing a full line of prepared food and drinks using non-disposable plates, glasses and utensils for immediate consumption on the site. These restaurants provide table service to patrons of all ages who pay after eating. Takeout service may be provided.

17.14.040:

- No use shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Director or by the Planning Commission to be objectionable to persons residing or working in the vicinity by reason of odor, fumes, noise, vibration, illumination, glare, unsightliness, dust, cinders, dirt, refuse, water-carried wastes or heavy truck traffic, or involve any hazard of fire or explosion.
- Ancillary Uses shall be limited to no more than 10 percent of the floor area of the established primary use, and 10 percent of the window display area(s) unless otherwise specified in the notes to the use charts.
- Eating and Drinking Establishments:
 - The sale of nonfood merchandise that is directly related to the use may be allowed when determined to be incidental to the primary use. The display of nonfood merchandise is prohibited.
 - Adequate facilities shall be provided on the site for the closed storage or trash and garbage generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways. If the method of cooking used will generate hot ashes, a storage facility and disposal method shall first be approved by the Fire Department.
 - At least one restroom shall be available for use by both sexes within, or conveniently adjacent to, the specific business premises and on the same property on which the use is located. This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location and accessibility standards, and shall be available for use by both the employees and patrons of the business.
- Restaurant, Full Line:
 - Any sale of alcoholic beverages shall be subordinate to this primary use.
 - Drive-in, formula and fast food establishments are prohibited.
 - Substantially all foods from the standard menu shall be available for purchase during the hours that alcoholic beverages are being served except for the first hour and the last hour of each business day.
 - The applications, menus and plans indicate that the business will primarily be a restaurant - full line, and that no more than 20 percent of the total number of seats are at a bar or in a separate bar room. If the use does not meet this standard, the standards in subsection (1)(2) of this section, Drinking Places, shall also apply to the use.
 - Customers shall be provided with individual menus while seated at a table or counter.
 - The maximum seating capacity shall not exceed the standards in the State Uniform Building and Fire Codes, the number of seats approved by the Planning Commission through public review, or the number of seats in the previous business, whichever is less. The seating capacity shall be posted on the premises.
 - Outside seating may be allowed subject to Chapter 17.68 CMC, Design Review.
 - Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrappings, and all house-brand labeled food store goods such as vinegars, oils and salad dressings shall be prepackaged and sealed.
- Food and Beverage Sales:
 - Adequate facilities shall be provided on the site for the closed storage of trash and garbage generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways.
 - Cooking equipment shall be limited to indoor stoves and ovens.

SEATS PROPOSED:	
INDOOR SEATING, BUILDING # 1	55 SEATS
INDOOR SEATING, BUILDING # 2	32 SEATS
TOTAL INDOOR SEATING:	87 SEATS
OUTDOOR SEATING	37 SEATS

Attachment C - Original Plan Reviewed by City Council



PROPOSED MAIN FLOOR AND SITE PLAN

1 PROPOSED CONCEPTUAL FLOOR PLANS
SCALE: 1/8" = 1'-0"

2' 4' 8' 16' 24'



SEVENTH & DOLORES

NOT FOR CONSTRUCTION

ADAM JESELNICK
ARCHITECT



SEVENTH AND DOLORES
BLOCK : 91, LOT: 20 APN: 010-145-020-000
CARMEL-BY-THE-SEA, CALIFORNIA

FLOOR PLAN

7-11-2016

1/8" = 1'-0"

A1.0

Attachment D - Project Description and Menu

September 13, 2016

**Re: SEVENTH AND DOLORES STEAKHOUSE
UP 16-191**

Marc,

Please find below the supplemental response to your completeness review dated August 16, 2016 for Use Permit application UP 16-191. Pending your review of the supplemental materials requested, we would like to request to be scheduled for the October Planning Commission hearing.

A revised floor and seating plan of the proposed restaurant is attached for your consideration. The total number of seats is 100 inside and 42 outside.

Please do not hesitate to contact me or Fred Kern with your questions or concerns.

1. The Seventh & Dolores Steakhouse restaurant will be owned by Jeff Peterson, CPines7 llc property owner and Fred Kern, Seventh & Dolores primary tenant. The restaurant operation will be managed by operators with significant and substantial restaurant experience; local restauranteurs including Jay and Chloe Dolata are still being considered but no decision has been made as of now.
2. The proposed seating layout includes references to the complete City code for full line restaurants. Guests will order from an iPad stationed at each table, or via menu provided by wait staff while seated at their table or at the wine and cheese bars. Payment will be made after the meal is eaten. No counter service is proposed or provided with this proposal.
3. Valet Parking will be provided on-site for restaurant guests. No off-site valet parking will occur in association with the operation of the restaurant.
4. Approval of the current Use Permit (UP 16-191) will revoke the Event Center Use Permit UP 12-20 and the Commercial Parking Use Permit UP 15-282. We request consideration to continue the valet parking use overnight for downtown hotels.
5. As discussed, we are proposing to reserve the limited use of the site for four (4) significant events each year. During these events, the restaurant use will be suspended and outside sub-tenants will occupy the building for the duration of the event, with all conditions associated with the previous Use Permit (UP 16-191) applied to their activities at the site. The four events proposed are:

A. Pebble Beach AT&T National Pro -AM (February 6-12, 2017)

One of the most exciting events on the PGA TOUR, the **AT&T Pebble Beach Pro-Am** is contested annually in front of over 190,000 spectators and millions of television viewers on three of the Monterey Peninsula's premier golf courses: Pebble Beach Golf Links, Spyglass Hill Golf Course, and Monterey Peninsula Country Club Shore Course. All tournament proceeds benefit Monterey Bay charities. The event center will provide a downtown venue for potential corporate and PGA sponsors or golf-related companies.

B. Pebble Beach Food & Wine (March 30 – April 4, 2017)

Pebble Beach Food & Wine is the premier epicurean lifestyle event on the West Coast, matching 250 acclaimed wineries and 100 celebrity chefs to create a hedonistic four-day destination on one of the most picturesque strips of coastline in the world. Throughout the weekend you'll enjoy intimate access to the pinnacle of culinary and wine talent at wine tastings, cooking demos, and some of the most exclusive, unique dining opportunities available in the world. The event center will provide a downtown venue for food & wine events.

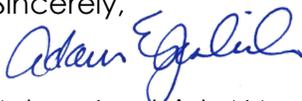
C. Concours d'Elegance (Car Week) (August 13-20, 2017)

A tradition going back over half a century, the **Pebble Beach Concours d'Elegance** is where the world's collector cars meet and compete. Only the 200 best collector cars in the world roll onto the legendary 18th fairway of Pebble Beach Golf Links, and only a handful of those will receive official recognition for style, technical merit and historical accuracy. But the Concours is only the final event in a packed week celebrating the classic automobile! All over Monterey County, classic cars take to streets, golf courses, parks and the world-renowned Mazda Raceway Laguna Seca, surrounding visitors with automobiles from yesteryear. Similar to this past year's event with a featured car manufacturer, the event center will provide a downtown venue for car-related events.

D. Carmel International Film Festival (mid-October)

Carmel International Film Festival held every October in Carmel-by-the-Sea giving independent filmmakers a platform for film, screenwriting and creativity. The event center will provide another downtown venue for film screenings, private parties, and other related events.

Sincerely,



Adam Jeselnick AIA

SEVENTH AND DOLORES STEAKHOUSE

Owner/operators: Mr. Jeff Peterson and Mr. Fred Kern

Proposed hours of operation: 7 am to 10 pm daily

PROPOSED RESTAURANT MENU / all-day dining

Appetizers

Jumbo Lump Crabmeat Cocktail

Ahi Tuna Tartare

Nova Scotia Lobster Cocktail

Nova Scotia Steamed Mussels

Nova Scotia Broiled Sea Scallops

12 Oysters on the Half Shell / Washington State

Lump Crab Cake / San Francisco

Jumbo Shrimp Cocktail

Soup & Salads

Salinas Valley Onion Soup

Lobster Bisque

Iceberg House Salad

Chopped Caesar Salad

Sliced Beefsteak Tomato with Mozzarella

Chopped Salinas Valley House Greens

Chopped Spinach Salad

Prime Steak & Chops

Center-Cut Filet Mignon

Porterhouse Steak

Signature Cut Prime New York Strip

Signature Center-Cut Prime Ribeye

Lamb Chops

Bone-In Veal Chop

Prime Bone-In Ribeye

Prime Pork Chop

Fresh Ribeye Special

Poultry, Pasta, & Seafood

Grilled Chicken
Blackened Salmon Fillet
Bolognese Pasta
Pasta All' Amatriciana
Nova Scotia Steamed Lobster
Jumbo Lump Crab Cakes / San Francisco
Baked Jumbo Shrimp Stuffed with Crab meat
Alaska King Crab Legs
Whole Baked Maine Lobster (MP)
Fresh Broccoli and Clam Linguine

Sides

Steamed Jumbo Asparagus
Steamed Broccoli
Creamed Spinach
Grilled Jumbo Asparagus
Creamed Corn
Fresh Mashed Potatoes
Loaded Baked Potato
Lyonnais Potatoes
Lobster Macaroni & Cheese
Gilroy Garlic Fries
Corn on the Cob (seasonal)
Crispy Hashed Brown Potatoes
Salinas Valley Onion Rings

Desserts

Seasonal Berries with Selection of Sorbet
Selection of Locally-crafted Ice Cream
Carrot Cake
Chocolate Souffle
Apple Pie a la mode
Pebble Beach Coconut Cake

APN:	010-145-020-000
LOT SIZE:	16,000 SQUARE FEET
FLOOR AREA, EXISTING:	
BUILDING 1, MAIN LEVEL:	3418 SF
BUILDING 1, UPPER LEVEL:	115 SF
BUILDING 1, BASEMENT:	530 SF
BUILDING 2:	608 SF
TOTAL:	4671 SF
FLOOR AREA, PROPOSED:	
BUILDING 1, MAIN LEVEL:	3418 SF
BUILDING 1, UPPER LEVEL:	115 SF
BUILDING 1, BASEMENT:	530 SF
BUILDING 2:	608 SF
TOTAL:	4671 SF
FLOOR AREA, MECHANICAL:	
BUILDING 1, UPPER LEVEL:	325 SF
BUILDING 1, BASEMENT:	476 SF

CITY NOTES:

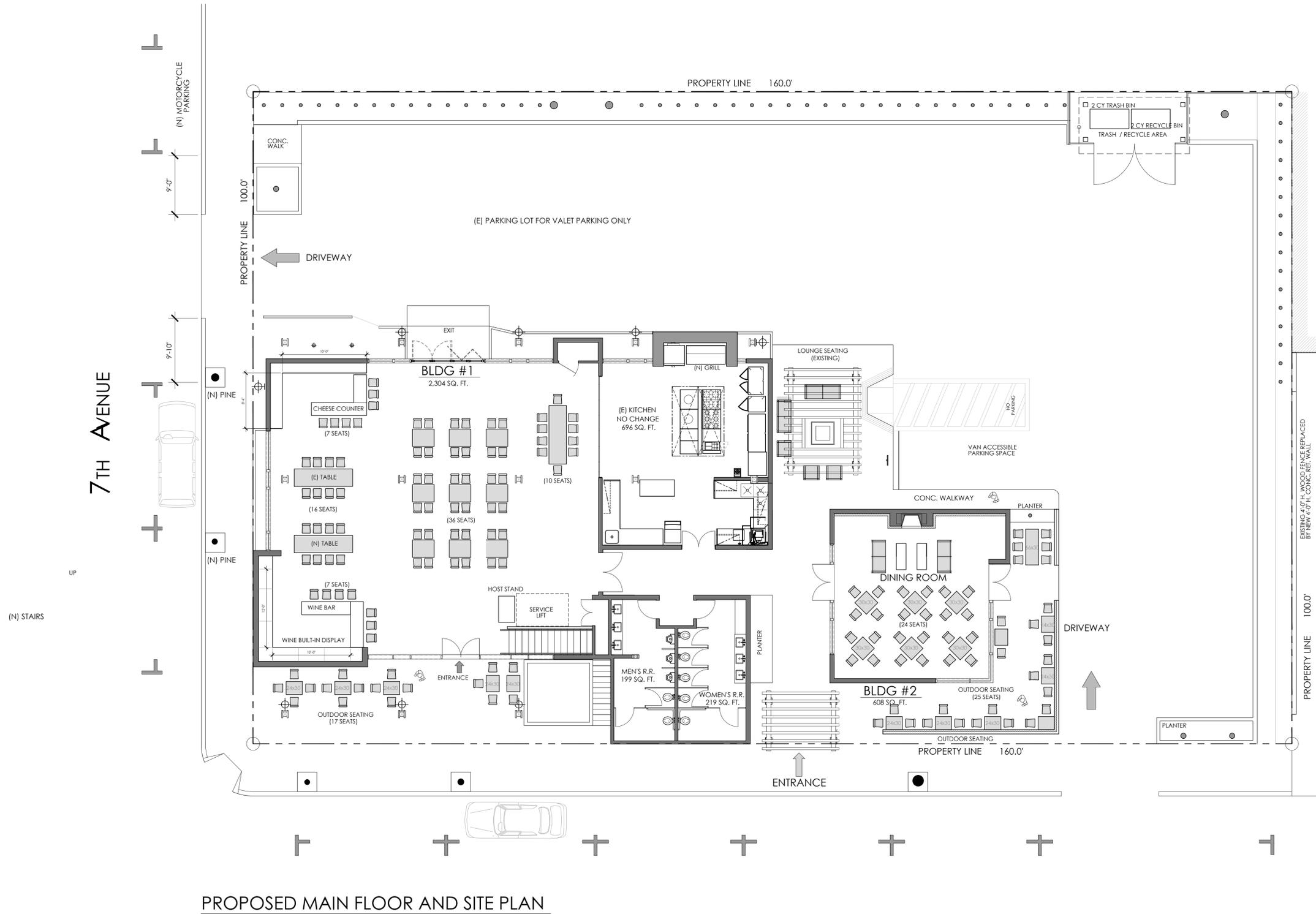
17.68.040: Full Line Restaurant: Providing a full line of prepared food and drinks using non-disposable plates, glasses and utensils for immediate consumption on the site. These restaurants provide table service to patrons of all ages who pay after eating. Takeout service may be provided.

17.14.040:

- No use shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Director or by the Planning Commission to be objectionable to persons residing or working in the vicinity by reason of odor, fumes, noise, vibration, illumination, glare, unsightliness, dust, cinders, dirt, refuse, water-carried wastes or heavy truck traffic, or involve any hazard of fire or explosion.
- Ancillary Uses shall be limited to no more than 10 percent of the floor area of the established primary use, and 10 percent of the window display area(s) unless otherwise specified in the notes to the use charts.
- Eating and Drinking Establishments:
 - The sale of nonfood merchandise that is directly related to the use may be allowed when determined to be incidental to the primary use. The display of nonfood merchandise is prohibited.
 - Adequate facilities shall be provided on the site for the closed storage or trash and garbage generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways. If the method of cooking used will generate hot ashes, a storage facility and disposal method shall first be approved by the Fire Department.
 - At least one restroom shall be available for use by both sexes within, or conveniently adjacent to, the specific business premises and on the same property on which the use is located. This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location and accessibility standards, and shall be available for use by both the employees and patrons of the business.
- Restaurant, Full Line:
 - Any sale of alcoholic beverages shall be subordinate to this primary use.
 - Drive-in, formula and fast food establishments are prohibited.
 - Substantially all foods from the standard menu shall be available for purchase during the hours that alcoholic beverages are being served except for the first hour and the last hour of each business day.
 - The applications, menus and plans indicate that the business will primarily be a restaurant - full line, and that no more than 20 percent of the total number of seats are at a bar or in a separate bar room. If the use does not meet this standard, the standards in subsection (1)(2) of this section, Drinking Places, shall also apply to the use.
 - Customers shall be provided with individual menus while seated at a table or counter.
 - The maximum seating capacity shall not exceed the standards in the State Uniform Building and Fire Codes, the number of seats approved by the Planning Commission through public review, or the number of seats in the previous business, whichever is less. The seating capacity shall be posted on the premises.
 - Outside seating may be allowed subject to Chapter 17.68 CMC, Design Review.
 - Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrappings, and all house-brand labeled food store goods such as vinegars, oils and salad dressings shall be prepackaged and sealed.
- Food and Beverage Sales:
 - Adequate facilities shall be provided on the site for the closed storage of trash and garbage generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways.
 - Cooking equipment shall be limited to indoor stoves and ovens.

SEATS PROPOSED:	
INDOOR SEATING, BUILDING # 1	76 SEATS
INDOOR SEATING, BUILDING # 2	24 SEATS
TOTAL INDOOR SEATING:	100 SEATS
OUTDOOR SEATING	42 SEATS

Attachment E - Revised Restaurant Seating/Floor Plan



PROPOSED MAIN FLOOR AND SITE PLAN

1 PROPOSED CONCEPTUAL FLOOR PLANS
SCALE: 1/8" = 1'-0"

2' 4' 8' 16' 24'



SEVENTH & DOLORES

NOT FOR CONSTRUCTION

ADAM JESELNICK
ARCHITECT



SEVENTH AND DOLORES
BLOCK : 91, LOT: 20 APN: 010-145-020-000
CARMEL-BY-THE-SEA, CALIFORNIA

FLOOR PLAN

9-1-2016

1/8" = 1'-0"

A1.0



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

October 12, 2016

To: Chair Goodhue and Planning Commissioners

From: Marc Wiener, AICP, Community Planning and Building Director

Subject: Review of Municipal Code Title 17.14 (Commercial Zoning Districts) in order to evaluate if amendments should be made to require a Conditional Use Permit for certain land uses

Recommendation:

Review Title 17.14 of the Municipal Code and determine if amendments are needed.

Background and Purpose:

This item was originally placed on the September 14, 2016 Planning Commission agenda, but due to several lengthy items the Commission was unable to have an adequate discussion. This item has been placed on the agenda again for discussion. The staff report and attachments have not been modified from what was presented at the September meeting.

Title 17.14 of the Municipal Code regulates land use in the commercial district. Certain uses are classified 'Permitted' (aka 'use by right') and others are classified as requiring a 'Conditional Use Permit'. The review process and level of discretion by the City depends on the classification. The City is obligated to approve a Permitted Use through the business license process, so long as the business meets the zoning requirements and code definition of the use. The use is approved without a requirement to go before the Planning Commission and special conditions cannot be applied. The majority of businesses in Carmel, such as clothing stores, art galleries, offices, etc. are classified as a Permitted Use.

A Permitted Use is distinctively different from a Conditional Use. Pursuant to the City's Municipal Code, Conditional Use Permits are approved by the Planning Commission and the decision is discretionary. In order to approve a Conditional Use Permit certain findings must be made (See Attachment 2) and the approval is made with conditions. In Carmel, one of the

standard findings necessary to approve a Use Permit is that proposed use will not conflict with the City's goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and non-local populations. Land uses that are classified as a Conditional Use typically are unique in nature and require special review or have the potential to impact surrounding properties. The project is often conditioned to mitigate these potential impacts. Examples of Conditional Uses in Carmel include CMC 17.14.030 includes a table (Attachment 1) that identifies Permitted Use as "P" and Conditional Uses as "C".

At the August 2, 2016 City Council meeting, the Council directed the Planning Commission to study Title 17.14 of the City's Municipal Code and consider potential amendments that would require a Conditional Use Permit for certain land uses. Staff has scheduled this item as study session, in order to allow the Planning Commission to provide preliminary input prior to reviewing proposed Municipal Code Amendments.

Staff analysis:

Conditional Uses: There are several lands uses in Carmel that should potentially require a Conditional Use Permit. For example, over the past year there has been an influx of retail cosmetic stores on Ocean Avenue that have been identified as soliciting business from the doorway. The community has expressed concern with the solicitation tactics, which can be typical of cosmetic stores, and with the large number that have been clustered in one area. If a Conditional Use Permit were required for this type of business, it would give the City discretion to limit the number clustered in one area and potentially allow the City to condition the permit with a requirement that limits doorway solicitation. Other examples of Permitted uses that possibly should require a Conditional Use Permit due to potential neighborhood impacts include liquor stores and community centers. A community center, for example, can include a large number of attendees and associated traffic impacts. Staff recommends that the Commission consider the three types of land uses that have been identified and consider others that may be appropriate to be classified as a Conditional Use.

Other Commercial Code Amendments: In addition to evaluating whether certain land uses should require a Conditional Use Permit, it recommended that the Commission also take this opportunity to consider the following other code amendments:

Use Permit Voting Requirements: The Planning Commission Rules of Procedure states that the approval of a use permit requires four affirmative votes (supermajority). The Commission

should consider whether to continue the policy of requiring a supermajority for use permits or whether a simple majority is sufficient. Furthermore, the Planning Commission Rules of Procedure is a policy document and staff recommends that the voting requirements be codified.

Land Use Definitions: Certain definitions for common land uses are not identified in the Municipal Code. For example, there is currently no code definition of a wine tasting room. The City defines the use as a liquor store and pursuant to CMC 17.14.040 requires a use permit because the ancillary use of tasting exceeds 10% of the floor space. Another example of a land use that the Planning Commission recently reviewed and is not defined in the code is a bicycle rental shop. Staff is requesting that the Planning Commission consider whether any additional land use definitions should be added to the code.

Temporary Events: The Community Planning and Building Department currently authorizes special events on private property in accordance with CMC 9.16.030, which states:

“The Director of Community Planning and Building may authorize the playing of musical instruments with or without vocal accompaniment in conjunction with the sale or serving of alcohol during private (nonpublic) events and during temporary uses/special events open to the public, located on private property. All such events shall comply with CMC 17.14.050(G)(1), noise restrictions. The Director shall authorize no more than four public events per calendar year, per property.”

The above noted code section is applied for the authorization of a broad range of special events such as art gallery shows/parties, wine tasting room social events, and larger events such as car or food shows in the Carmel Plaza. Staff recommends that a section be added to Title 17.14 of the Municipal Code that more clearly defines the permitting requirements and allowances for special events.

ATTACHMENTS:

- Attachment 1 – Revised Wine Tasting Policy
- Attachment 2 – Recommended Event Guidelines (Jack Galante)

Attachment 1 – Land Use Table

Schedule II-B: Commercial Districts – Use Regulations				
P = Permitted Use L = Limitations Apply C = Conditional Use Permit Required	Commercial Districts			Additional Regulations
	CC	SC	RC	
Retail				
Animal Sales and Services				
Animal Grooming	P	P	P	See CMC 17.14.040(C)
Animal Hospitals	–	C	–	See CMC 17.14.040(C)
Kennels	–	C	C	See CMC 17.14.040(C)
Automobile Sales and Services				See CMC 17.14.040(D)
Motorcycles, Mopeds and Parts	P	P	–	
Vehicle Repair	–	C	C	
Vehicle Service and Gasoline	–	C	C	See CMC 17.14.040(D)
Building Materials, Hardware and Garden Supplies	P	P	C	See CMC 17.14.040(G)
Eating and Drinking Establishments				See Chapter 17.56 CMC
Drinking Places	C	C	–	See CMC 17.14.040(I)
Restaurant, Full Line	C	C	–	See CMC 17.14.040(I)
Restaurant, Specialty	C	–	–	See CMC 17.14.040(I)
Food and Beverage Sales				See Chapter 17.56 CMC
Convenience Market	–	L-2	L-2	See CMC 17.14.040 (D)(2) and (J)(2)
Food Store – Full Line	C	C	C	See CMC 17.14.040(J)
Food Store – Specialty	C	C	–	See CMC 17.14.040(J)
Liquor	P	P	C	See CMC 17.14.040(J)

Attachment 1 – Land Use Table

Retail Sales	P	P	–	See Chapter 17.16 CMC; See CMC 17.14.040(T)
Antique Shops	P	–	–	See CMC 17.14.040(T)
Art Galleries	P	–	–	See CMC 17.14.040(T)
Arts and Crafts	P	–	–	See CMC 17.14.040(T)
Jewelry Shops	P	–	–	See CMC 17.14.040(T)
Sales by Public Outcry (Auction)	–	C	C	See CMC 17.14.040(U)
Specialty, Theme	P	P	–	See CMC 17.14.040(T)
Stationery	P	P	P	See CMC 17.14.040(T)
Thrift Shops	P	P	–	See CMC 17.14.040(T)
Vending Machines	C	C	C	See CMC 17.14.040(T)
Service/Office				
Banks and Other Financial Institutions	P	P	P	See CMC 17.14.040(F)
Automatic Teller Machines (ATM)	C	C	C	See CMC 17.14.040(E)
Business Services	P	P	L-1	
Commercial Recreation	P	–	–	See CMC 17.14.040(H)
Community Care Facility	P	P	P	
Computer Services	P	P	P	
Day Care Centers	–	C	C	
Emergency Medical Care	P	P	P	
Government Offices	P	P	P	
Hotels and Motels	C	C	C	See Chapter 17.56 CMC, Restricted Commercial Uses, and CMC 17.14.040(M)
Hospitals and Clinics				
Hospitals		C	–	See CMC 17.14.040(L)

Attachment 1 – Land Use Table

Clinics	P	P	P	See CMC 17.14.040(L)
Hospice Care, Limited	P	P	P	
Maintenance and Repair Services	L-3	L-3	L-3	
Office				
Business and Professional	P	P	P	
Medical and Dental	P	P	P	
Other	P	P	L-4	See CMC 17.14.040(O)
Parking Facilities, Commercial	–	C	C	See CMC 17.14.040(P) and Chapter 17.64 CMC, Findings Required for Permits and Approvals
Personal Improvement Services	C	C	–	See CMC 17.14.040(Q)
Personal Services	P	P	P	
Laundry and Dry Cleaning	C	C	C	See CMC 17.14.040(R)
Video Tape Rental	P	P	–	See CMC 17.14.040(R)
Research and Development Testing Services	P	P	P	See CMC 17.14.040(S)
Residential Care Facilities				
General	–	C	C	
Limited	–	P	P	
Senior	–	C	C	
Travel Services	P	P	P	See CMC 17.14.040(V)
Residential/Public and Semipublic				
Colleges and Trade Schools	P	P	P	
Community Centers	P	P	P	
Conference Facilities, Small	P	P	P	

Attachment 1 – Land Use Table

Community Social Service Facility	P	P	P	
Family Day Care				See CMC 17.08.050(B)
Small Family	–	–	P	
Large Family	–	C	C	
Libraries, Public	P	P	P	
Multifamily Dwellings				See CMC 17.14.040(N)
0 – 22 dwelling units/acre	P	P	P	
22 – 33 dwelling units/acre	C	C	C	
34 – 44 dwelling units/acre	C	C	C	Chapter 17.64 CMC, Findings Required for Permits and Approvals
Museums, Galleries, Gardens (noncommercial)	P	P	P	
Park and Recreation Facilities				
Individual Recreation	C	C	–	
Organized Recreation	C	–	–	
Parking Facilities, Noncommercial	–	C	C	See Chapter 17.64 CMC, Findings Required for Permits and Approvals
Public Safety Facility	P	P	P	
Religious Facilities	–	–	C	
Schools, Private	P	P	P	
Senior Citizen Housing	P	P	P	
Single-Family	L-5	C	C	See CMC 17.08.050(G)
Theater, Live Performance	C	C	C	
Theater, Motion Picture	C	C	–	
Transitional Housing Facility	–	–	P	
Industrial				

Attachment 1 – Land Use Table

Handicraft/Custom Manufacturing	P	P	C	See CMC 17.14.040(K)
Industry, Limited	P	P	–	
Transportation, Communication and Utilities				
Communication Facilities	–	–	–	
Facilities Within Buildings	P	P	C	
Utilities, Major	P	P	C	
Utilities, Minor	P	P	C	
Agricultural				
Nurseries	P	P	P	
Other				
Accessory Use				See CMC 17.08.050(A)
Nonconforming				See Chapter 17.36 CMC, Nonconforming Uses and Buildings
Temporary				See CMC 17.52.100(I)
Specific Limitations and Conditions:				
L-1: Limited to advertising, consumer credit reporting, secretarial court reporting, equipment maintenance and repair, personnel supply services, and nonretail computer services and repair.				
L-2: Allowed only as accessory use to gasoline stations and limited to a maximum of 300 square feet. No sales of alcohol are permitted. See CMC 17.14.040(D)(2) and (J)(2).				
L-3: Any establishments with activities generating noise, odors, deliveries by large vehicles, high traffic by customers, or requiring large storage needs are not permitted.				
L-4: Limited to offices for the following categories: operators of nonresidential buildings, apartment buildings, dwellings, real estate agents and managers, and title companies.				
L-5: Limited to sites that are already developed with a single-family dwelling, or that were originally developed as, or used as, a single-family dwelling but have since been converted to another use. Existing single-family dwellings can be maintained, altered, repaired and/or redeveloped. R-1 district floor area ratio standards shall apply to these sites.				

Attachment 2 – Use Permit Findings

17.64.010 General Findings Required for All Use Permits.

A. In its review of applications for use permits, the Planning Commission shall evaluate each proposed use in order to consider its impact on the City. No use permit shall be granted unless all of these general findings can be made:

1. That the proposed use will not be in conflict with the City’s General Plan.
2. That the proposed use will comply with all zoning standards applicable to the use and zoning district.
3. That granting 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. That 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, and fire protection.
5. That the proposed use will not be injurious to public health, safety or welfare.
6. That 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. That the proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.

B. Coastal Development Permits. All decisions on coastal development permits shall be accompanied by written findings:

1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Carmel-by-the-Sea Local Coastal Program; and
2. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections [30200](#) of the Public Resources Code). (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.64.020 General Findings Required for Commercial Use Permits.

In addition to the general findings required for all use permits listed above, no use permit shall be granted for commercial or business uses unless all of these general findings can be made:

- A. That allowing the proposed use will not conflict with the City’s goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and nonlocal populations.
- B. That proposed use will provide adequate ingress and egress to and from the proposed location.
- C. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).