

**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

February 10, 2016
Wednesday
Tour: 2:45 p.m.
Meeting: 4:00 p.m.

A. CALL TO ORDER AND ROLL CALL

Commissioners: Don Goodhue, Chair
 Michael LePage, Vice-Chair
 Keith Paterson
 Jan Reimers
 Ian Martin

B. TOUR OF INSPECTION

Shortly after 2:45 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. ELECTION OF CHAIR AND VICE CHAIR

F. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS

G. 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.

H. 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.

1. Draft minutes from the January 13, 2016 Planning Commission Special Meeting will be considered at the next meeting.

I. 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. DR 15-217 (Chadwick)
Eric Miller Architects
Scenic Road, 2 NW of 8th Avenue
Blk C2, Lot: 10 & 11
APN: 010-312-026
<i>Continued to 3/9/16</i> | Consideration of a Concept and Final Design Study (DS 15-217) and Coastal Development Permit application for demolition of existing residence and construction of new residence located in the Single-Family Residential (R-1), Beach and Riparian (BR) and Archaeological Significance (AS) Overlay Zoning Districts |
| 2. DS 15-466 (Murphy)
Richard Rhodes
Camino Real 3 SE of Ocean
Block: G, Lots: 8 & 10
APN: 010-261-011 | Consideration of a Concept Design Study (DS 15-466) and Coastal Development Permit application for the demolition of an existing residence and construction of a new residence located in the Single-Family Residential (R-1) Zoning District |
| 3. SI 16-007/DR 16-030 (Carmel Hotel)
4th and San Carlos Properties, LLC
SE Cor. San Carlos at 4th Ave
Block: 35,
Lots: Partial of 7, 8, 17, 19; all of 10, 12,
14, 16
APN: 010-123-014 | Consideration of a Sign (SI 16-007) application and a Design Review (DR 16-030) application for a new sign and color change to an existing hotel (Dolphin Inn) located in the Residential and Limited Commercial (RC) District |

- | | |
|---|---|
| <p>4. UP 15-444 (Mediterranean)
 Bashar Sneeh
 S/s of Ocean Ave., between Lincoln &
 Monte Verde
 Blk: 74, Lot: 3
 APN: 010-201-012</p> | <p>Consideration of a Use Permit (UP 15-444) application to allow live music from an existing restaurant located in the Central Commercial (CC) Zoning District.</p> |
| <p>5. UP 15-443 (Portabella)
 Bashar Sneeh
 S/s of Ocean Ave., between Lincoln &
 Monte Verde
 Blk: 74, Lot: 4
 APN: 010-201-015</p> | <p>Consideration of a Use Permit (UP 15-443) application to allow live music from an existing restaurant located in the Central Commercial (CC) Zoning District.</p> |
| <p>6. CR 16-01 (CPines 7 LLC)
 CPines 7 LLC
 SE corner of Dolores & 7th
 Block 91, Lots: 2, 4, 6 & 8
 APN: 010-145-020</p> | <p>Preliminary Concept Review (CR 16-01) of a proposal to establish a food market/eatery at a site located in the Service Commercial (SC) Zoning District</p> |
| <p>7. APP 16-011 (Carmel Blo)
 Chioma Carmel
 Dolores St., 2 NE of Eighth St.
 Blk 91, Lot: 16
 APN: 010-145-009</p> | <p>Consideration of Appeal (APP 16-011) of the administrative denial of the amendment to a Business License (BL 15-416) to allow for the ancillary sale of alcohol in a hair salon.</p> |
| <p>8. Residential Roofing Policy (City of Carmel Planning Commission Roofing Sub-Committee)
 Carmel-by-the-Sea
 Residential Zoning Districts</p> | <p>Consideration of Roofing Subcommittee recommendations regarding allowable roofing materials in the Single Family Residential (R-1) Zoning District</p> |

J. DIRECTOR'S REPORT

1. Update from the Director

K. SUB-COMMITTEE REPORTS

1. Discussion on Restaurant Subcommittee and potential future subcommittees

L. ADJOURNMENT

The next meeting of the Planning Commission will be:

March 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.

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

AFFIDAVIT OF POSTING

I, Marc Wiener, Acting 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 February 2016 at the hour of 4:00 p.m.

Marc Wiener
Acting Community Planning and Building Director



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

February 10, 2016

To: Chair Goodhue and Planning Commissioners

From: Marc Wiener, Community Planning and Building Director

Submitted by: Catherine Tarone, Assistant Planner

Subject: Consideration of a Concept Design Study (DS 15-466) and Coastal Development Permit application to demolish an existing residence and construct a new residence located in the Single-Family Residential (R-1) Zoning District.

Recommendation:

Accept the Concept Design Study (DS 15-466) subject to the attached findings and recommendations/draft conditions.

Application: DS 15-411 **APN:** 010-261-011
Block: G **Lot:** south 37' of lot 8, north 20' of lot 10
Location: Camino Real, 3 SE of Ocean Avenue
Applicant: Richard K. Rhodes **Property Owner:** Joseph A. Murphy

The project site is a 5,700-square foot property located at Camino Real, 3 south-east of Ocean Avenue and is developed with a 1,829.5 square-foot, single-family residence and detached garage. The residence is primarily single-story; however, the existing north portion of the building contains a two-story element. The grade of the property drops approximately 7 feet from the east property boundary to the west property boundary. A Determination of Historic Ineligibility was issued on January 22, 2015.

On December 30, 2015, the applicant submitted a Design Study application proposing the demolition of the existing single-story residence and detached garage, and the construction of a new 2,371-square-foot, two-story residence and the reconstruction of the existing 240 square-foot garage. The existing fireplace and-30 foot length of the south living room wall will remain in-tact. The applicant is also proposing to remove the existing brick porch, patios, stairs and asphalt walkways and install a 295.75 square-foot wood lower deck, a 140 square-foot upper-

level deck, a sand-set paver driveway and all-bark walkways and patios. Finish materials will be finalized at the final review, however, horizontal wood siding and a composition shingle roof are currently proposed. Additionally, a skylight is proposed to be located on the first story of the building on the north (side) elevation of the residence which faces neighboring property, the Sunset House Bed and Breakfast. Behind the detached garage, the applicant is also proposing to replace an existing cement retaining wall.

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, and mass and scale related to the project. However, the Commission may provide input on other aspects of the design.

PROJECT DATA FOR THE 5,700-SQUARE FOOT SITE:			
Site Considerations	Allowed	Existing	Proposed
Floor Area	2,371.2 sf.	1,829.5 sf.*	2,371 sf.**
Site Coverage	749 sf. (13.1%)	No Data	417.25 sf. (7.3%)
Trees (upper/lower)	3/1 trees	3/3 trees	3/3 trees
Ridge Height (1 st /2 nd)	18 ft./24 ft.	Approximately 15 feet / No Data	14 ft., 3 in. / 22 ft., 6 in.
Plate Height (1 st /2 nd)	12 ft. /18 ft.	Approximately 11 ft., 6 in./ No Data	11 ft / 17 ft., 6 in.
Setbacks	Minimum Required	Existing	Proposed
Front	15 ft.	38 ft., 9 in.	28 ft., 6 in.
Composite Side Yard	14 ft., 3 in. (25%)	4 ft.	15 ft.
Minimum Side Yard (exterior, street-facing side/interior side)	5 ft. / 3 ft.	4 ft., 3 in./ 6 ft. 4 in.	4 ft., 3 in./ 3 ft., 9 in.
Rear	15 ft. (3 feet for portions of the structure less than 15 ft tall)	Varies. (Ranges from 0 ft. at the least and 18 ft., 6 in. at most)	5 ft. (portions less than 15 ft. tall); 15 ft. for portions over 15 ft. in height
*Includes 200 square feet for parking located in the detached garage			
**Includes 240 square feet for parking located in the detached garage			

Staff analysis:

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

There are six trees on the property, three of which are classified as “significant.” Significant trees include one Coast redwood at the north end of the property and two significant Coast live oaks at the west end of the property. No trees are proposed to be removed as a result of construction. Additionally, all demolition, construction and cut and fill is proposed to be located six feet away from the base of all existing trees. However, staff notes that the proposed 295.75 square foot wood lower deck will be located within 6 feet of the limbs of a significant oak tree. Staff has drafted a condition that the applicant shall work with staff and the city forester on addressing the 295.75 square foot, first-story wood deck that will be constructed within 6 feet of major limbs on a significant oak tree in the front (west) yard of the property.

Privacy and Views: According to Residential Design Guideline 5.2, projects should “*Maintain view opportunities to natural features that lie outside the property*” and “*locate buildings so they will not substantially block views enjoyed by others.*” Since the existing property is a single-story residence and the proposed property is a two-story residence, there is the potential for view impacts to the two-story residences on either side of the property.

Staff visited the property and viewed the roof height of the proposed residence staked with story poles. In staff’s opinion, the proposal would not create any serious view impacts since the two properties located to the rear of the proposal are single-story and do not have an existing view toward natural features. Staff notes that since the existing two-story element of the building is proposed to be demolished and replaced by a single-story building element with a sloping roof ranging in height from 8 feet to 12 feet, the north-most rear neighbor’s view may be improved. Staff also notes that the south-most rear neighbor’s view will be partially obscured by the second-story element of the proposal; however, the yard of this rear neighbor appears to comply with 15-foot setback limits and the second-story element complies with 15-foot setback limits resulting in an approximately 30-foot distance between these properties.

In regard to privacy impacts, residential Design Guideline 9.12 advises locating and sizing “*windows and doors to achieve a human scale while avoiding mass and privacy impacts.*”

Residential Design Guideline 5.1 advises locating *“windows and balconies such that they avoid overlooking active indoor and outdoor use areas of adjacent properties.”*

Staff notes that on the second-story south elevation, the first casement window from the front of the property appears to line up with two side-by-side casement windows on the second story of the adjacent property to the south. In addition, the proposed 140-square-foot, upper-story deck/balcony will also look toward this window on the neighbor’s property. The proposed second-story window will be set back approximately 23 feet from the neighbor’s second-story window and the proposed second-story deck will be located approximately 19 feet away from the neighbor’s window. Staff is concerned about the second-story deck, as it may impact the privacy of the southern neighbor. The Commission should consider this issue.

Finally, staff notes that the low fences on the north and east (rear) portions of the property allow views of the rear yards of these properties. The Commission may decide whether the fence height is sufficient to protect privacy.

Mass and Scale: Design guidelines 7.1 advises *“minimizing the mass of a building as seen from the public right-of-way, avoiding long, uninterrupted wall planes.”* Design Guideline 7.6 encourages *“relating a building’s basic forms to a human scale and avoiding design treatments that produce a top-heavy appearance such as roof forms that dominate the body of the building and wide chimney structures.”*

The floor area of the first story is proposed to be 1,596.75 square feet while the floor area of the second story is proposed to be 534.25 square feet, or 33.4% of the total square footage for just the residence. Since the residence is proposed with one-third of its mass on the second story and two-thirds of its mass on the first story, in staff’s opinion, this project complies with the intent of the city’s Design Guidelines.

The floor of the proposed 295.75 wood front deck will be raised approximately 3 and-one-half feet from grade and will count toward the property’s volume. While the raised deck will add to the mass and complexity of the building, staff feels that this complies with Design Guidelines 7.1 and 7.6.

According to Residential Design Guideline 7.3, project proposals should *“avoid placing a tall building wall near a property line when it will be adjacent to similar walls on neighboring sites”*

in order to *“avoid the appearance of a narrow corridor or tunnel between buildings as seen from the street.”*

While the second story element is proposed to rise approximately 7 and-one-half feet above the, primarily, first-story existing property, the subject residence adheres to the allowed height limits with a maximum roof height of approximately 22 feet, 6 inches while the maximum allowed roof height for the second story of a residence is 24 feet. The lower story of the residence is approximately 14 feet and 3 inches at the highest while the maximum height allowed is 18 feet.

While the property to the south has high building walls located near to the property line, the proposed residence’s second story element will be located in the middle of the building, at least 11 and one-half-feet from the property line and approximately 16 feet from the second story element on the adjacent building to the south. Due to the setback of the second story element, staff does not feel that the proposed project will create a “tunnel effect” between properties.

Building and Roof Form: In addition, the Design Guidelines recommend *“changing roof heights to help break up the mass, while keeping the overall roof forms simple in character.”* Staff feels that the proposed residence adheres to this guideline as evidenced by the variation in the proposed roof heights.

This project proposes an open gable roof with a 3.5/12 pitch. In staff’s opinion, the roof design and roof slope are modest and do not create a top-heavy appearance.

The project includes a proposal for two cantilevered window seats on the first story, each extending from the west to the north property elevations. These window seats add to the complexity of the proposal and staff feels that the front building façade may appear less busy if the cantilevered front building elements were to extend to the ground. The Commission should consider adding a condition to address this issue.

Detached Garage: Residential Design Guideline 6.1 states that *“facilities for parking should not dominate the design of the house or site.”* Residential Design Guideline 6.2 states that *“parking facilities that maintain or enhance variety along the street edge are encouraged.”* CMC 17.10.030 allows for detached garages and carports, not exceeding 250 square feet, to encroach into the front and/or side-yard setbacks if certain standards can be met. These include avoiding impacts to significant trees and providing diversity to the streetscape.

The applicant is proposing to demolish the existing 200 square-foot detached garage in the front yard setback and reconstruct a new 240 square-foot garage in the same location. The proposed garage is 10 and one-half-feet high and 12 feet wide while the maximum allowed is 15 feet in height and 12 feet in width. The proposal locates the new garage three feet from the side-yard property line and at the front property line, maintaining the existing front yard location. There are already three detached garages located across the street and adjacent to the south of the proposal.

Staff can support the detached garage since the proposal replaces the existing garage with a similar one and the garage's 10 and-one-half-foot height will limit its massive appearance. The Commission may decide whether this proposal is consistent with the city's Design Guidelines.

Skylight: According to Residential Design Guideline 9.14, *"skylights should not be visually prominent from the street or from neighboring windows. Skylights that will produce glare or light pollution visible to neighbors or the public should be mitigated."*

As indicated on the plans, the proposed skylight will be located 18 feet away from the neighboring building to the north. In addition, staff visited the site and in staff's opinion, the proposed skylight will not cause any light impacts since it is located 18 feet back from the property to the north and the second story of this property is a windowless wall.

Grading: The applicant is proposing to grade a 1,300 square-foot area of the property with cut and fill. The applicant is proposing a grading cut of 47 cubic yards at the 111 elevation line. This soil will then be distributed on-site as fill from the 111 elevation line to the 108 elevation line which is a 2,500 square foot area. This will result in approximately 6 inches of fill across this portion of the site. No cut or fill will occur within 6 feet of any tree on the site. Staff could not identify any issues that would be caused by the proposed grading.

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 and a detached garage 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 Conditions/Recommendations

Attachment D – Project Plans

Murphy Residence Photographs

Front (west) elevation of the residence with staking and flagging



Proposed first-story height of the north portion of the residence



Proposed height of the second-story element of the residence



Attachment A

Potential privacy issue: double casement window belonging to the neighbor to the south



Two-story element of the residence at the rear of the property



Attachment A

Existing significant oak tree with limbs within six feet of the proposed 295.75 square foot wood lower deck



Property to the rear (east) of the project as viewed over the low fence on the property



Attachment B – Findings for Concept Acceptance

DS 15-466 (Murphy)
 February 10, 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 15-466 (Murphy)

February 10, 2016

Recommendations/Draft Conditions

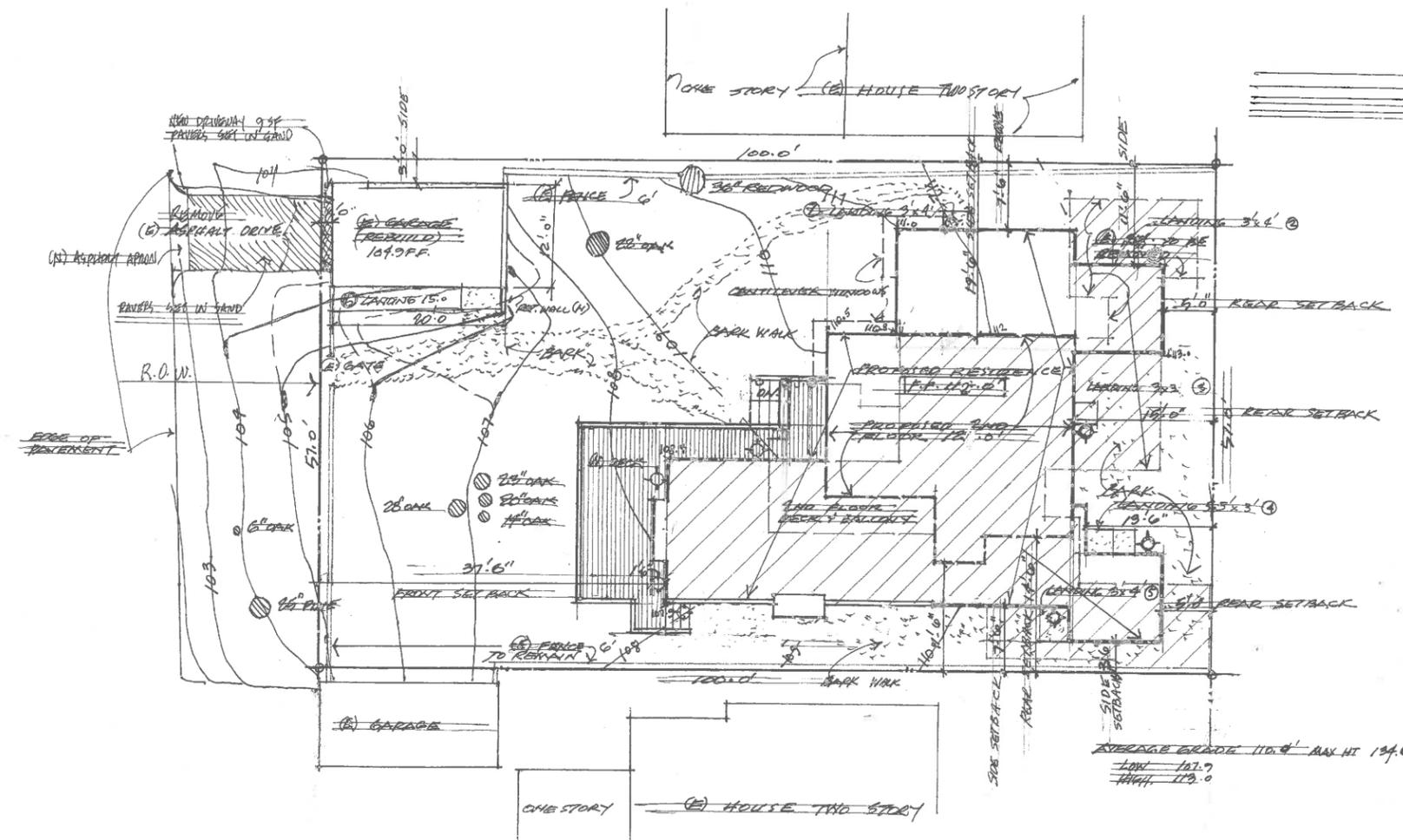
Page 1

Recommendations/Draft Conditions		
No.		
1.	The applicant shall work with staff and the City Forester on addressing the 295.75 square foot, first-story wood deck that will be constructed within 6 feet of major limbs on a significant oak tree in the front (west) yard of the property.	

NORTH



South
 FENCE TO REMAIN



LESS THAN 50 CU. YDS OF EXCAVATION AND FILL. NO EXPORT OF CUT-E-D BE LOST ON SITE.
 REMOVE (E) 1707.5 SF HOUSE 140 GARAGE REBUILD

MURPHY RESIDENCE
 1482 RESERVATION ROAD
 SALINAS, CALIFORNIA 93908
 831.214.5304 12.11.15 1.30.16

PROJECT DATA

Lot Size 5700 square feet
 Zoning R-1
 APN 010-261-011
 Address of the south 37' of lot 8 of the north 20' of lot 10 Block G Addition No 1 to Carmel by the Sea Monterey County, California

FLOOR AREA

FAR allowed 2371.7 square feet
 Proposed
 Main house 2134.9 square feet
 Detached garage 240.0 square feet
 Total gross floor area 2374.9 square feet

SITE COVERAGE

Allowed 743 square feet
 Proposed: Pervious coverage
 Wood lower deck 295.75 square feet
 Upper deck 36.0 square feet *
 Total of pervious coverage 331.75
 * 104 square feet over living space below
 Proposed: Impervious coverage
 Driveway (pavers in sand) 9.0 square feet
 Concrete landings 1-6 33.3 square feet
 Total impervious coverage 42.3 square feet
 Total proposed site coverage 743 square feet

SCOPE OF WORK

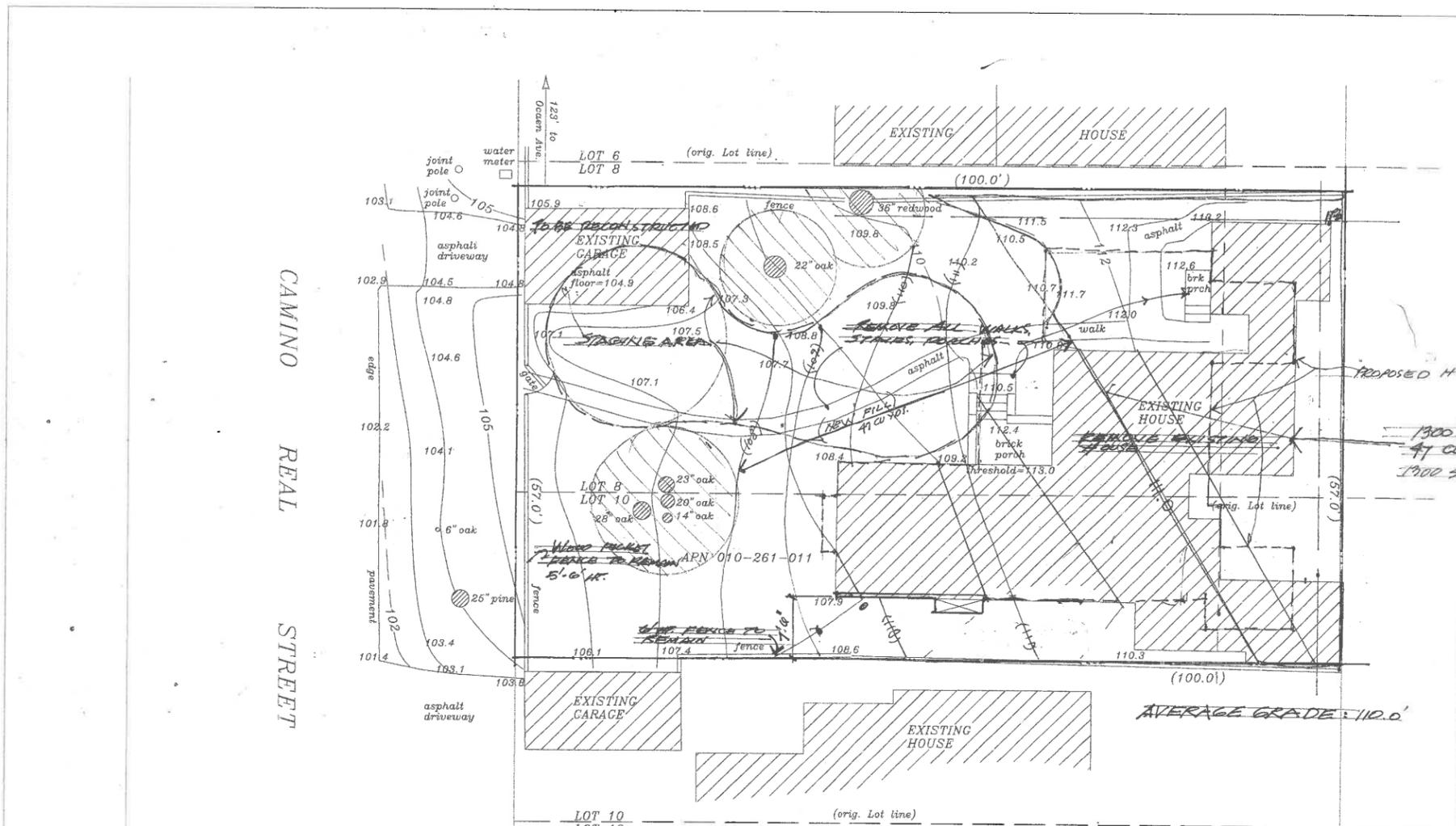
- Demolition of existing non-conforming residence (rear set backs, building heights, side set backs), Reconstruction of existing garage and removal of all existing site coverage (porch, steps, walkways, patios).
- Construction of a new two story SFD maximum 2371.7 square feet (2371 shown) residence, first floor and second floor decks, reconstruction of a 240 square foot garage and 743 square feet of hardscape.
- No trees are to be removed.

SHEET INDEX

- SITE PLAN
- SITE DEMOLITION
- FIRST FLOOR PLAN
- SECOND FLOOR PLAN
- FLOOR LEVEL PLAN/GARAGE
- EXTERIOR ELEVATIONS/WINDOW, DOOR SCHEDULE
- EXTERIOR ELEVATIONS
- ROOF PLAN, STREET ELEVATION
- PRELIMINARY SITE ASSESSMENT

RECEIVED
 FEB 02 2016
 City of Carmel-by-the-Sea
 Planning & Building Dept.

SHEET 1.



1300 SF AREA
 AT CURB CUT (TO BE DISTRIBUTED ON SITE)
 1400 SF CUT TO BE OVER 2500 SF AREA (APPROX 6" FILL)

**SITE DEMOLITION PLAN
 TOPOGRAPHIC MAP**

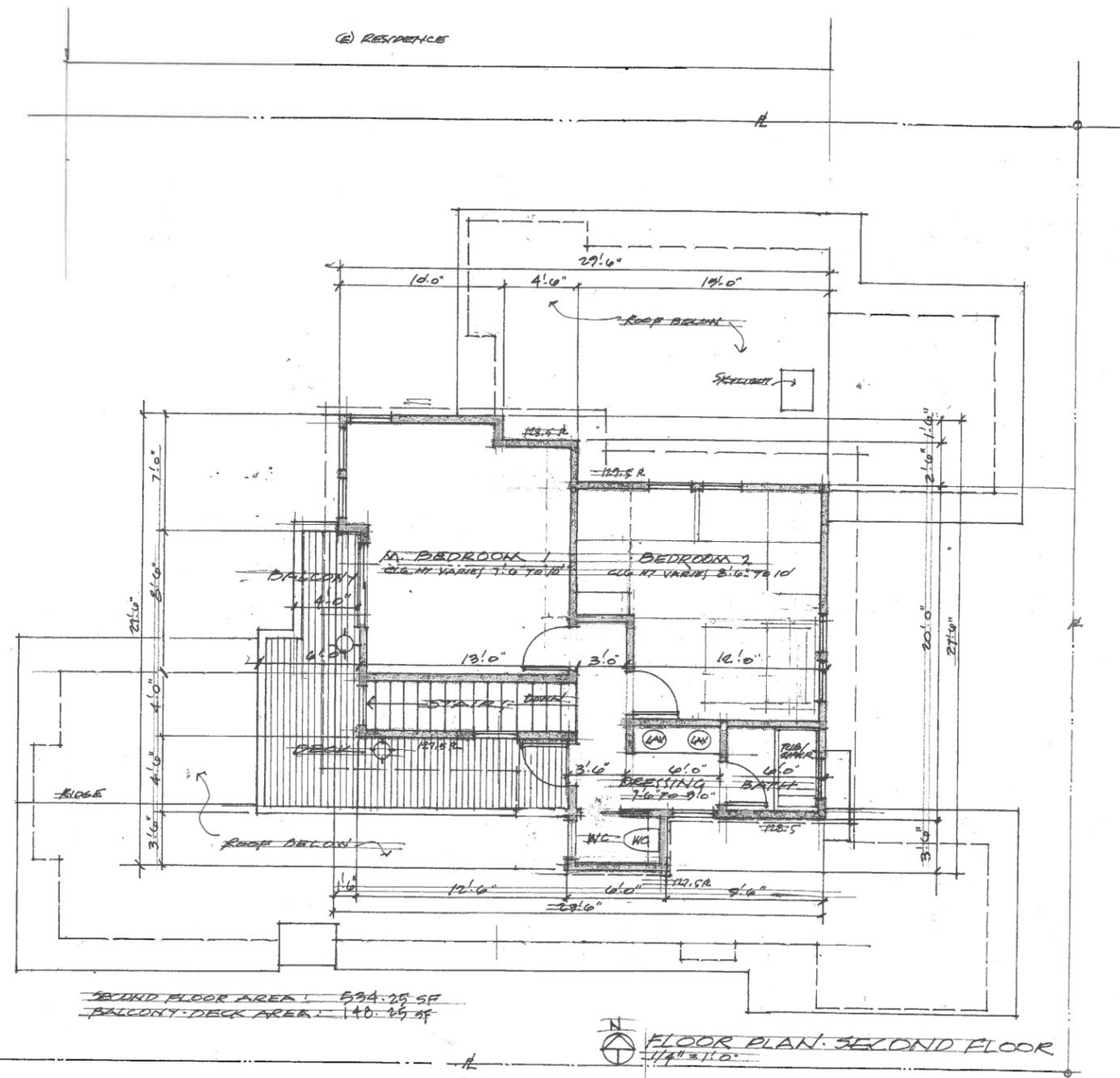
- NOTES:**
1. Elevation datum is assumed.
 2. Points found or set are so indicated, others are shown for reference only.
 3. Record data is shown in parenthesis (.....)
 4. Check for direction of tree growth in field where pertinent to location of improvements.
 5. Distances and elevations are expressed 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.

of the South 37' of Lot 8 and the North 20' of Lot 10, Block G, Addition No. 1 to Carmel-by-the-Sea, Monterey County, California.
 Prepared for:
JOE MURPHY
 Jon D. Hagemeyer Licensed Land Surveyor
 Carmel, California
 Scale: 1" = 8' W.O. 5687 January, 2015



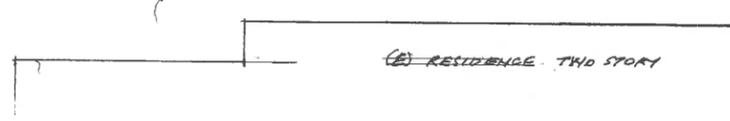
This map correctly represents a survey made by me or under my direction in January, 2015.

EXISTING HOUSE 1587.5 SF SHEET 2
 EXISTING GARAGE 120.0 SF
 EXISTING 2ND FLOOR 122.0 SF
 TOTAL 1829.5



BLIND FLOOR AREA: 534.25 SF
 BALCONY-DECK AREA: 140.69 SF

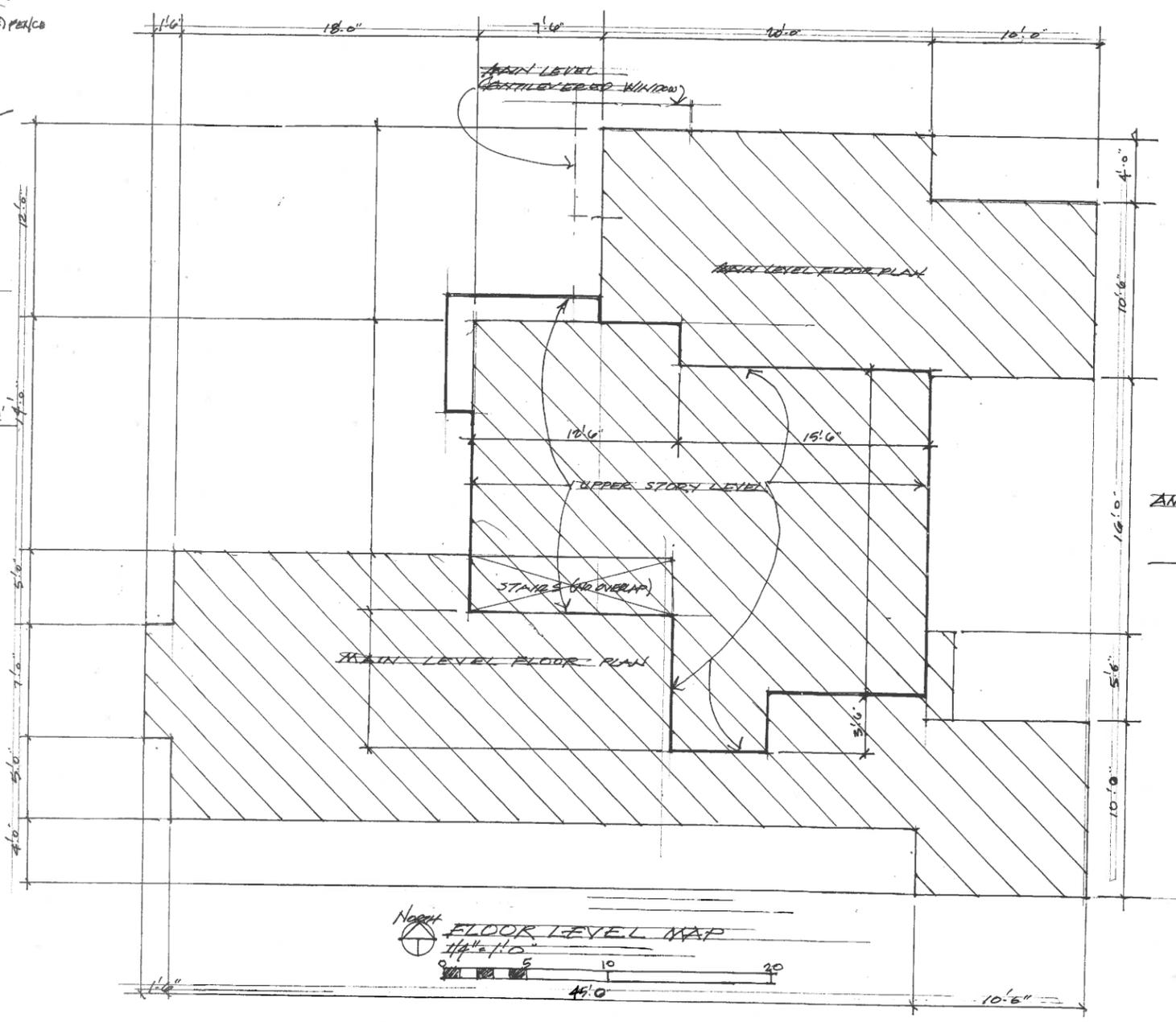
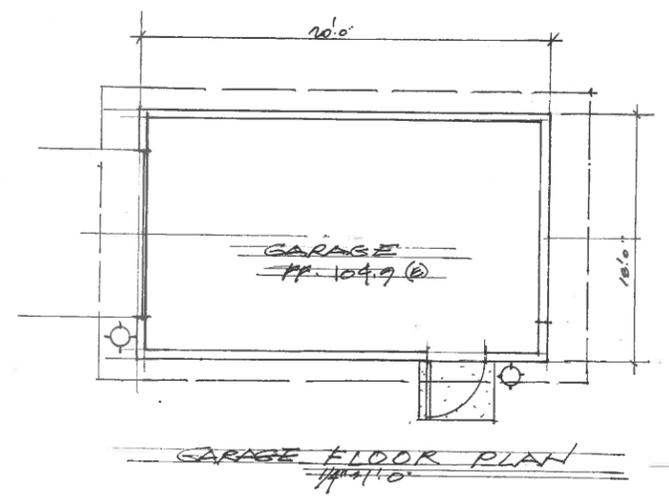
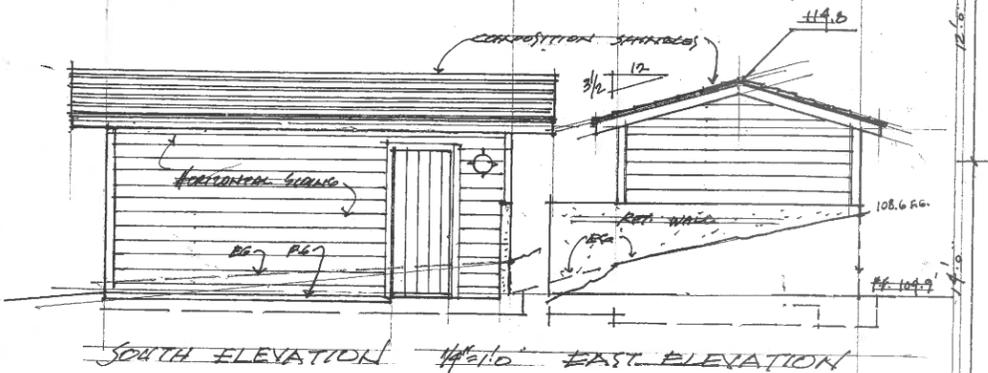
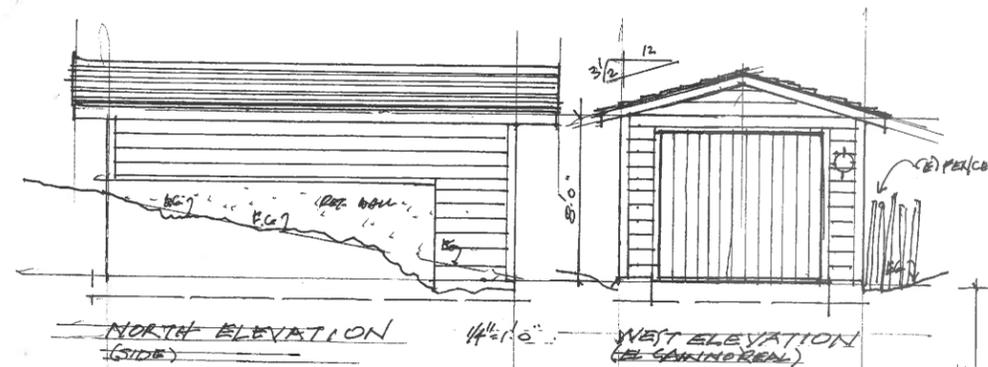
FLOOR PLAN - SECOND FLOOR
 1/4" = 1'-0"



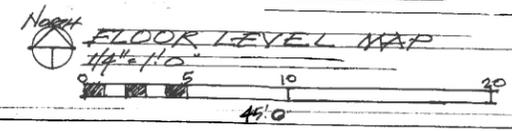
(B) RESIDENCE TWO STORY

MURPHY RESIDENCE
 CANNING REAL ESTATE OF OCEAN, CARROLL ISLAND, TEXAS
 RICHARD H. RHODES ARCHITECT 12.17.15 1:20/16

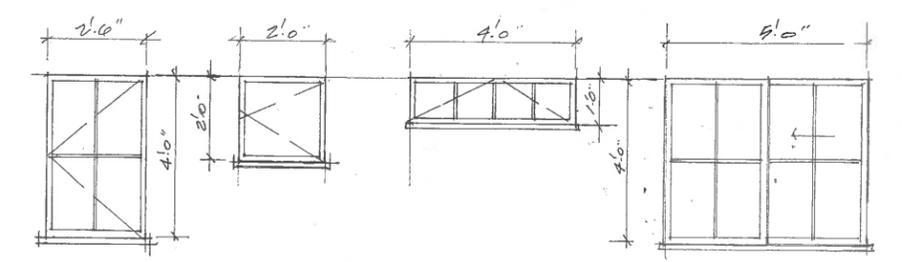
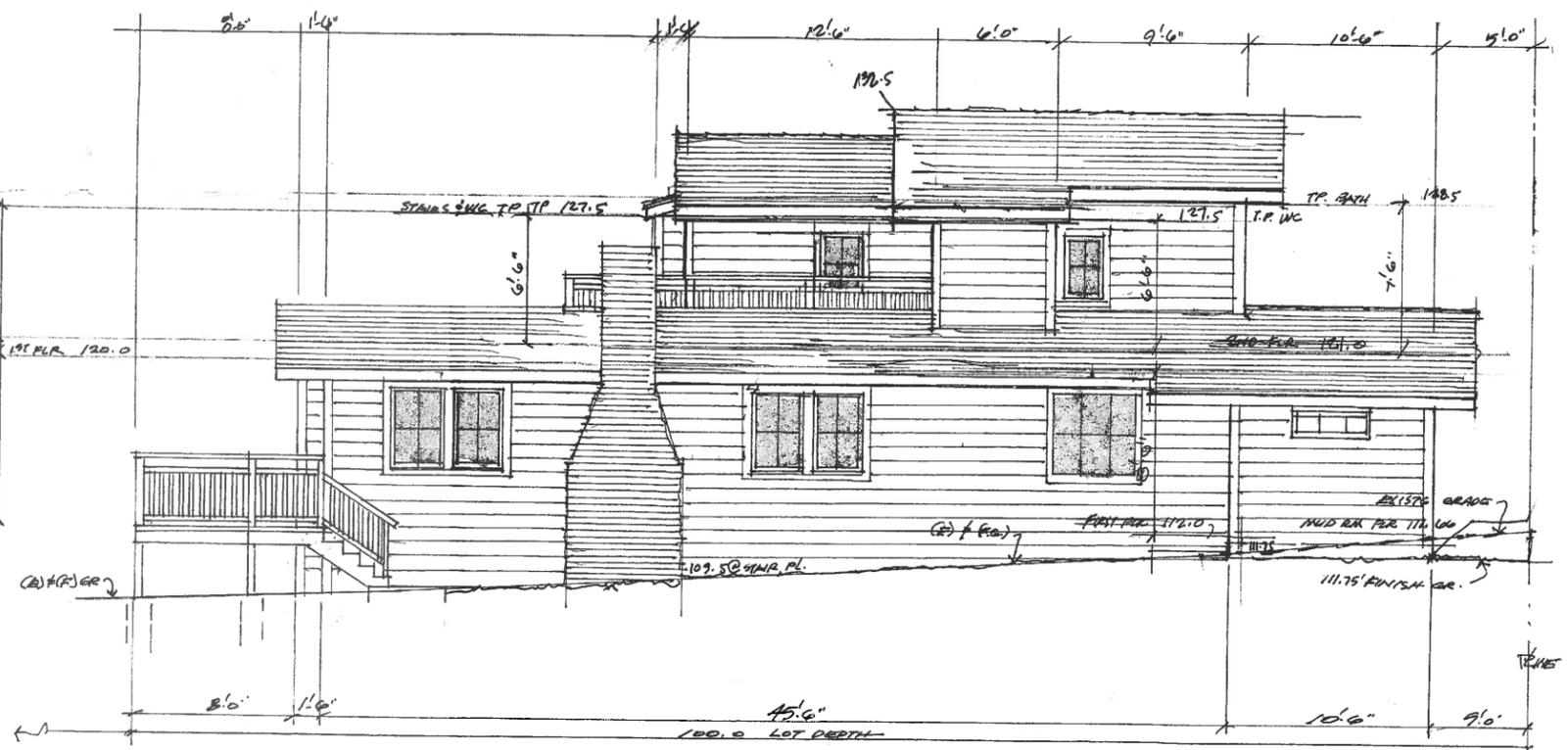
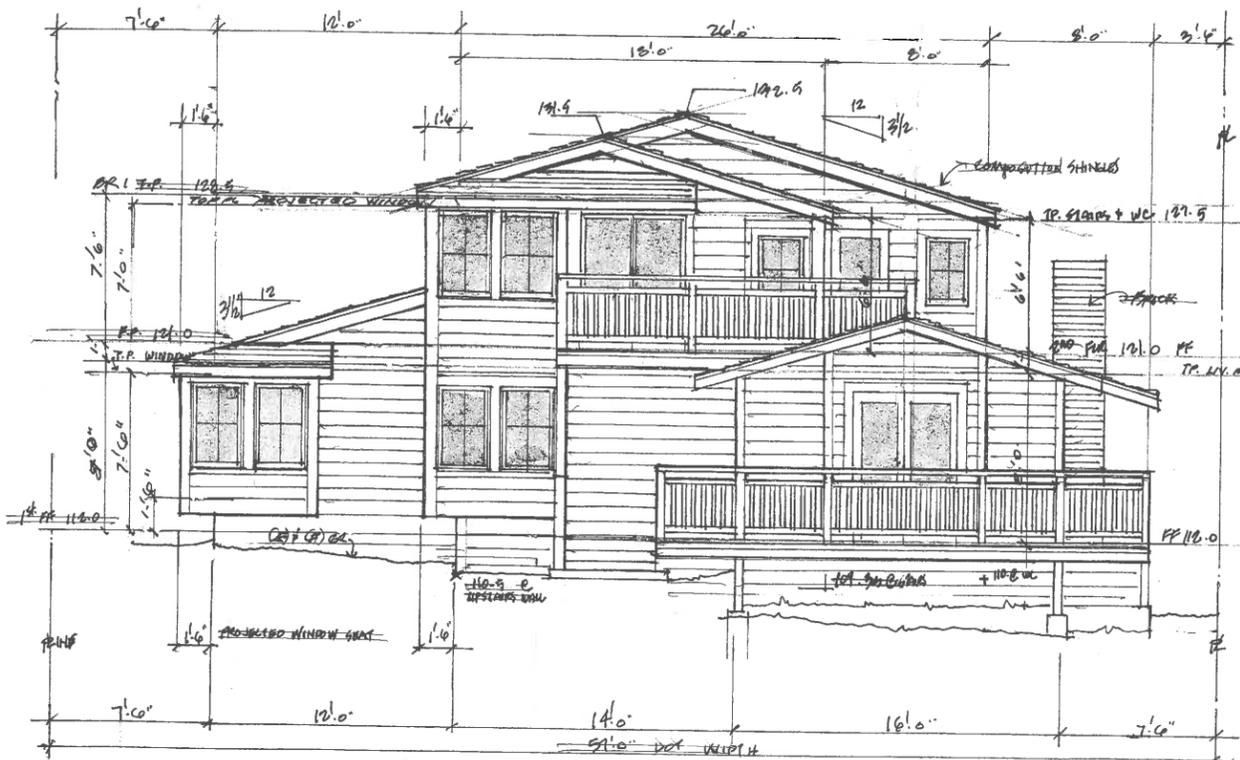
SHEET 4



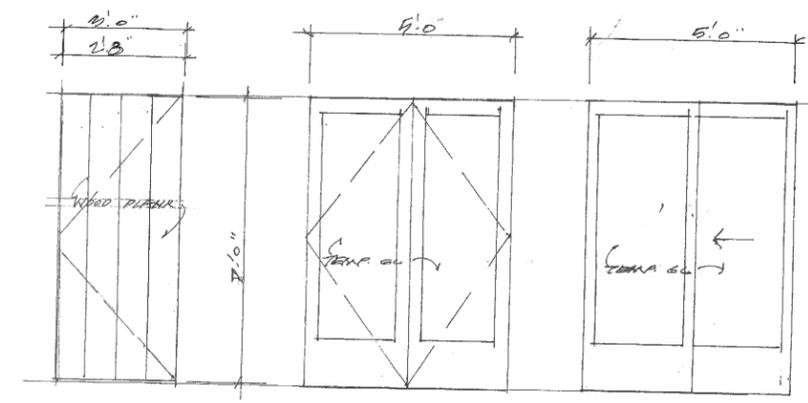
AMOUNT OF FLOOR AREA:
 NO. OVERLAP 1089.25'
 OVERLAP 520.75'



SHEET 5



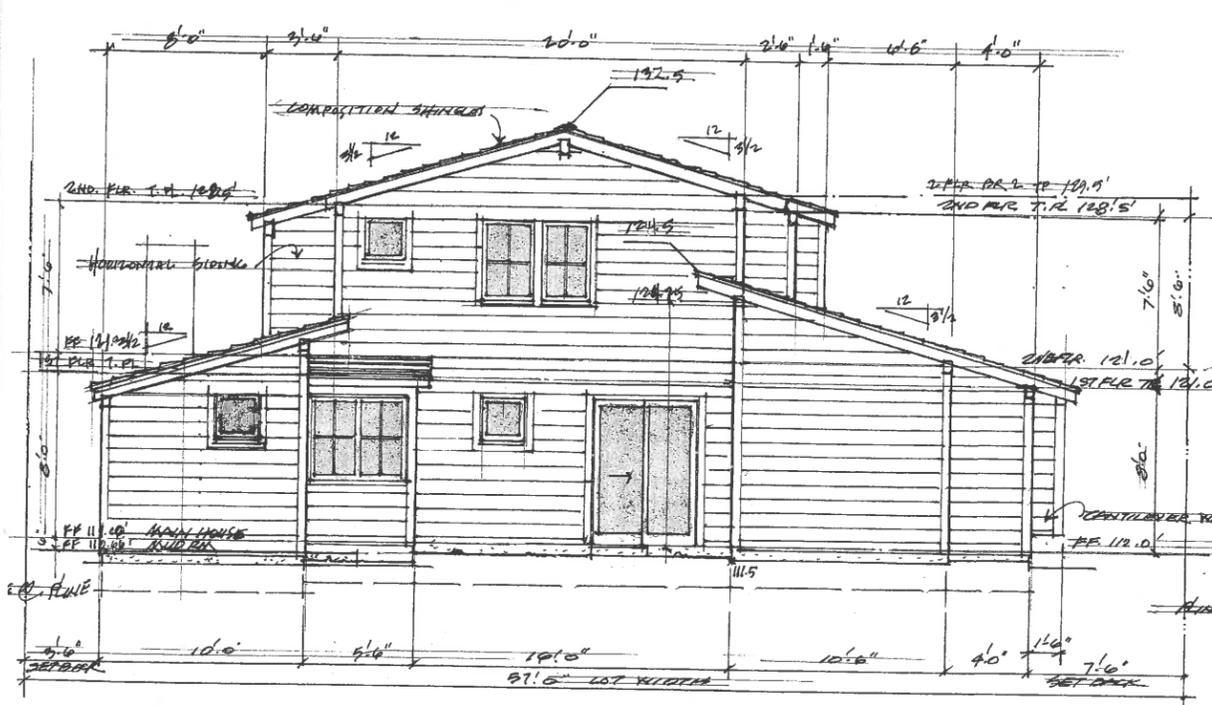
CASHERMENT
 CLAD WOOD WOODWORKS - TRIP DIVIDED - SIERRA PACIFIC. NEG.
 #12" #1'-0"



WOOD DOOR
 FRENCH DOOR
 SIERRA PACIFIC
 SLIDING/CLAD WOOD
 SIERRA PACIFIC

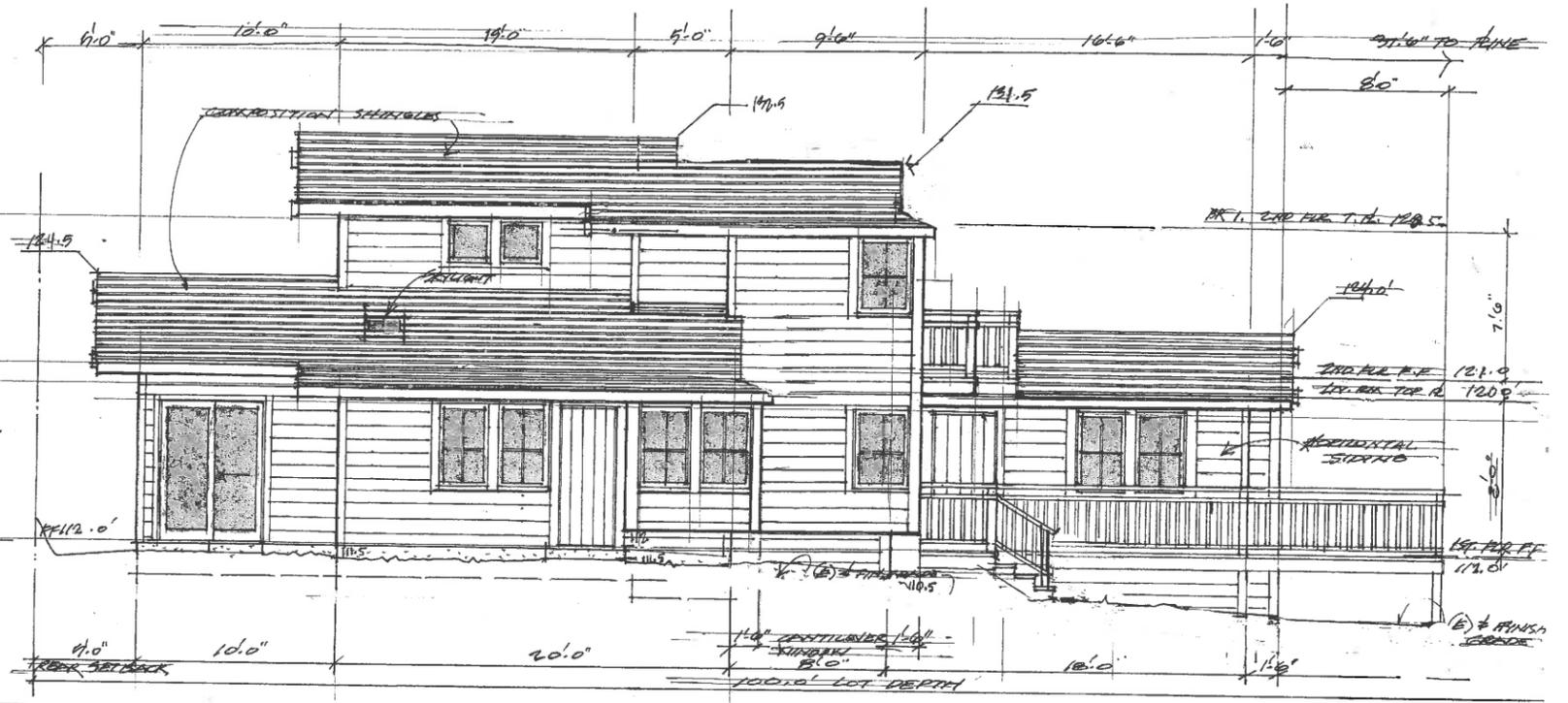
MURPHY RESIDENCE
 CAMINO REAL 3 SE OF OCEAN CARMEL BY THE SEA
 RICHARD E. RHODES ARCHITECT

EXTERIOR ELEVATIONS 1/4" = 1'-0"
 12.77.15



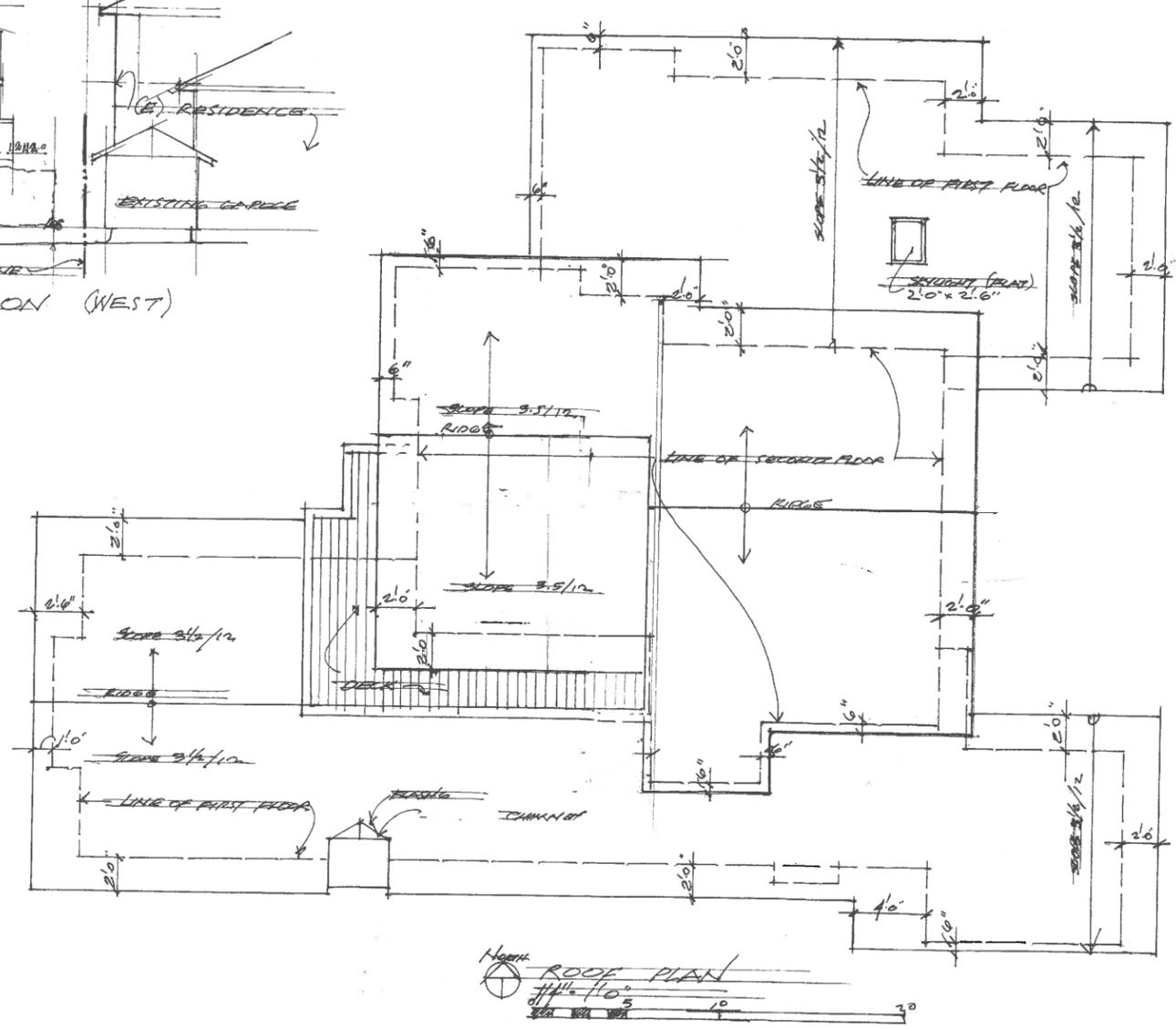
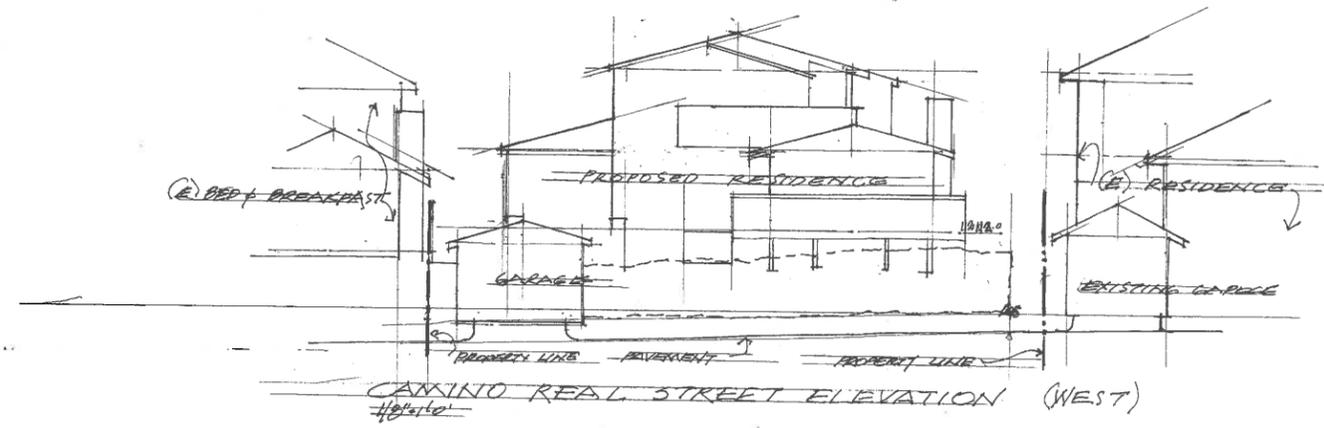
EAST ELEVATION (REAR)

AVERAGE GRADE 110.0'
 ALLOWABLE HEIGHT 127.0'



NORTH ELEVATION (SIDE)

MURPHY RESIDENCE
 3500 REAL 3 SE OF DODD OWN OWNED BY THE SUB
 RICHARD W. RHODES ARCHITECT
 EXTERIOR ELEVATIONS 1/4" = 1'-0"
 12-17-15
 1-30-16



SHEET 8



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

February 10, 2016

To: Chair Goodhue and Planning Commissioners

From: Marc Wiener, Acting Community Planning and Building Director

Submitted by: Matthew Sundt, Contract Planner

Subject: Consideration of a Sign (SI 16-007) application and a Design Review (DR 16-030) application for a color change to an existing hotel (*Dolphin Inn*) located in the Residential and Limited Commercial (RC) District

Recommendation:

Determine the appropriate action. Included herein are Conditions of Approval to accommodate approval of the proposed project.

Application: SI 16-007 / DR 16-030 **APN:** 010-123-014
Location: San Carlos at 4th Avenue
Block: 35 **Lot:** Partial of 7, 8, 17, 19; all of 10, 12, 14, 16
Owner/Applicant: 4th and San Carlos Properties, LLC

Background and Project Description:

The subject hotel was once known as the Dolphin Inn. Associated with this Inn was the Brophy's bar and restaurant. The colors for the Dolphin Inn and Brophy's were ivory color for the body and a blue color for doors and trim. The property was recently sold and the new owner is rebranding the property, whereby there is a name change to "Carmel Hotel". Staff recently approved Design Review (DR 15-268), which permitted a remodel of the Dolphin Inn pool area into an outdoor lounge area. Staff notes that approved lounge area is not highly visible from the street.

The hotel owner is now proposing to change the color scheme of the building and replace two existing signs, one of which is a monument sign that faces San Carlos Street and the other is a wall mounted sign that faces 4th Avenue. The current applications for changing color (DR 16-030) and the sign permit (SI 16-007) were submitted subsequent to the outdoor lounge area application (DR 15-268).

The proposed modifications will substantially change the appearance of the hotel. Therefore, staff has referred this matter to the Planning Commission to determine if the proposed color change and the signs are consistent with the Commercial Guidelines and appropriate for this site. Staff notes that the two existing signs exceed the allowed size standards. Sites are also only allowed one sign and any additional signage must be authorized by the Planning Commission. Staff has been unable to locate the original permit for the two existing signs, however, these signs may have at one time been approved by the City, in which case the non-conforming size and number would be “grandfathered in”. In staff’s opinion, the signs likely were permitted by the City and should be grandfathered.

Staff analysis:

Signs

The primary objective of sign review is to implement the objectives and policies of the General Plan by maintaining the community’s village character and natural beauty. To achieve this objective, pursuant to CMC 17.40.030 business signs shall be:

1. Informative of the business name and use. The business name shall be the primary design feature on the sign, and all logos and other graphics shall be subordinate to the business name;
2. Simple in design. Any creative graphic depictions should be related to the business use and in scale with sign text;
3. Oriented toward the pedestrian environment within the commercial district;
4. Compatible in design, color, size and scale to the business storefront, adjoining structures and surroundings; and
5. Made of permanent and natural materials such as wood, wrought iron, ceramic or stone unless otherwise approved by the Planning Commission.

In addition, per CMC 17.40.020.B, signs which, in the opinion of the Director, require exception from the standards, shall be reviewed by the Planning Commission. The Commission may grant exceptions only to the number, location and design of business signs. The following criteria must be satisfied to grant the exception:

1. Number. Additional business signs may be permitted in unusual circumstances such as, but not limited to, a business that has entrances on two different public rights-of-way.
2. Location. Signs shall clearly identify the business entrance. Signs shall be pedestrian-oriented except for gas stations and motels that are recognized by the City as

predominantly vehicle-oriented business. Clutter from business signs at street frontages shall be avoided. Sign clutter along street frontages from multiple businesses within a courtyard or building shall be avoided.

3. Design. Any exceptions to design standards shall retain compatibility with the design, color, and scale of the building.

The specific requirements for exterior wall mounted business signs (CMC 17.40.030.C) are: one sign per business, not to exceed 6 square feet, 10-inch maximum letter height, and the monument sign shall not to be mounted higher than three feet from the ground.

There are two existing signs – one monument sign of approximately 16 square feet set within a 6" x 6" wood frame that stands 11 feet tall and 5.5 feet wide. This monument sign is on San Carlos Street immediately to the north of the existing driveway. The existing wall-mounted sign is approximately 10.5 square feet and located on the building face fronting Fourth Street (south elevation). The proposed signs do not conform to the municipal code. The existing signs are shown in the photograph included as Attachment B.

The applicant proposes to replace the existing monument sign with an in-kind 16 square-foot (58" x 40") sign and replace the wall-mounted sign with one slightly larger than existing - 12.25 square feet (40" x 40") instead of 10.5 square feet (3' x 3'-6"). Staff has drafted a condition requiring that the size of the wall-mounted sign be reduced to 10.5 square feet. The proposed signs will be painted in black and ivory as shown in the attached photographs; lettering is metallic gold. The colors and dimensions are shown in Attachment A.

Staff concludes that the signs are simple in design, and are made of wood, but they do not conform to dimension standards. As previously stated, if the signs were at one time permitted the size and locations would be grandfathered in. The applicant would not be permitted to increase the size, in which case the wall mounted sign on the south elevation should not exceed 10.5 square feet.

Building Color

The Commercial Design Guidelines Section E states that: *"Building materials and colors should respect the traditions already established in the commercial district. Paint should be applied as a solid color, without texture or mottling. Muted paint colors, which blend with the natural surroundings, are appropriate. Bright and primary colors should be avoided. Contrasting colors should be saturated and earthen"*.

The proposed color for the body of the Inn is ivory and black for the doors and trim. However, there is a slight deviation in which the railings and posts are proposed to be painted Ivory, not black.

The Commission should consider whether the proposed black and ivory color scheme proposed for the buildings and signs will meet the intent of the commercial guidelines. Color samples will be available at the meeting for review.

Alternatives: The following alternative actions are presented for Commission consideration:

1. Approve the request as submitted subject to the attached conditions.
2. Approve the request with revisions. If the required revisions are substantial, the Commission may wish to continue this item to allow the applicant to respond to Commission direction.
3. Deny the application request and direct the applicant to propose a new reasonable accommodation request that is more consistent with City design standards.

Environmental Review: The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15303 (Class 1) – Additions to Existing Facilities. The proposed changes do not present any unusual circumstances that would result in a potentially significant environmental impact.

ATTACHMENTS:

- Attachment A – Sign Design/Color Samples
- Attachment B – Site Photographs
- Attachment C – Conditions of Approval

SIGN PERMIT SUBMITTAL

TRUCKSIS

Over 20 Years
Established & Renowned For Providing a
Custom Signage, Displays & Print Collateral
831.647.8100 • TRUCKSIS.com

SIGN SPECIFICATIONS

QTY. 1

MATERIAL:

HDU (HIGH DENSITY URETHANE)
VOC FREE PAINTS

SIZE:

40"x58" x 2"

SIDED:

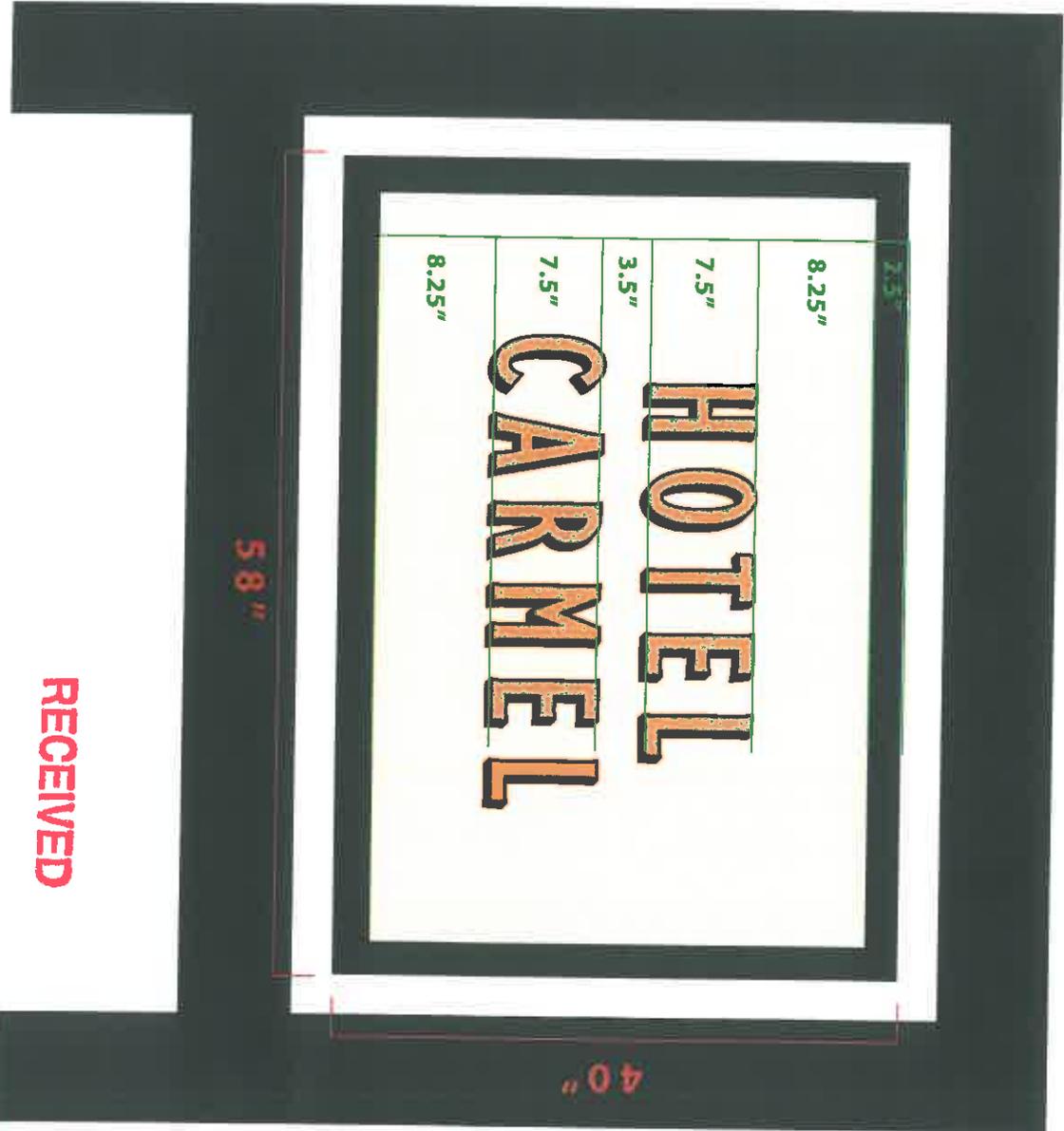
Double side

MOUNT:

Eye & Hook

COLORS:

- Sherwin Williams 6258 Tricorn Black
- Sherwin Williams Metallic Gold
- Sherwin Williams DEW327 Lily



SIGN PERMIT SUBMITTAL

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Great Quality
Durable & Standing Time Spawning In
Custom Signs, Displays & Print Collateral
831.647.8100 • TRUCKSIS.com

SIGN SPECIFICATIONS

QTY. 1

MATERIAL:

HDU (HIGH DENSITY URETHANE)
VOC FREE PAINTS

SIZE:

42" x 42" x 1.5"

SIDED:

Single side

MOUNT:

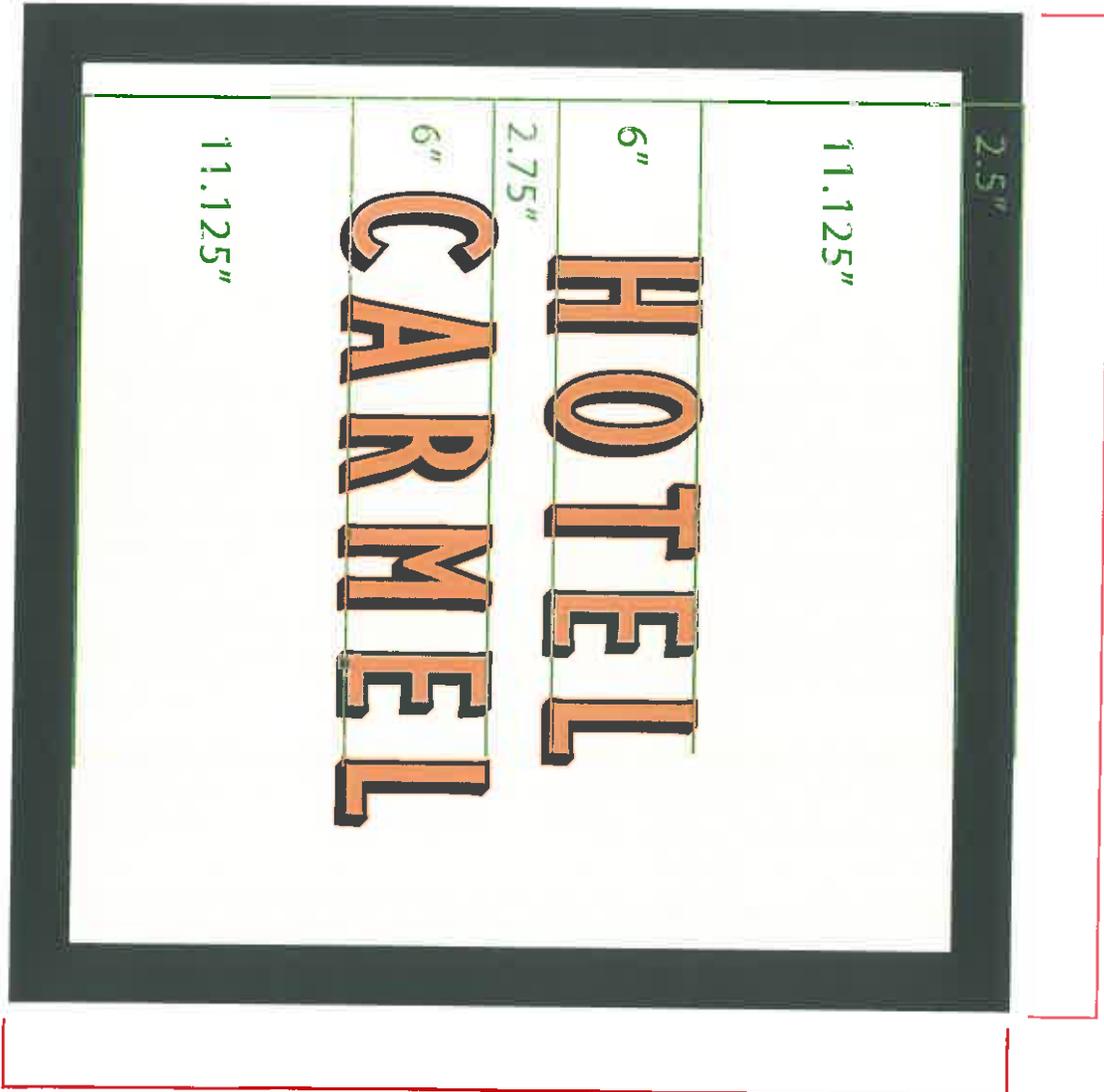
Stud or tapcon mount

COLORS:

- Sherwin Williams 6258 Tricorn Black
- Sherwin Williams Metallic Gold
- Sherwin Williams DEW327 Lily

Team: Merry
Date: 12/28/15

Proof # 1



42"

RECEIVED

JAN 11 2016

City of Carmel-by-the-Sea
Planning & Building Dept.



EXTERIOR BUILDING PAINT HOTEL CARMEL

- Doors and windows... Tricorn Black



- Railings and the body of the building... Lily





Above is a picture of the 42" by 42" sign being replaced on the 4th street frontage.



Above is a picture of the sign being replaced on the San Carlos Frontage.

RECEIVED

JAN 11 2016

City of Carmel-by-the-Sea
Planning & Building Dept.



San Carlos St

New main sign on
existing structure

New sign on building
replacing existing

4th street

RECEIVED

JAN 11 2016

City of Camel-by-the-Sea

Attachment C – Conditions of Approval

AUTHORIZATION:

1. This approval of Sign Application (SI 16-007) and Design Review (DR 16-030) authorizes the proposed new signs as depicted by the applicant and new paint colors for the building that include: black trim and ivory body, as shown on the approved plans dated February 10, 2016.

SPECIAL CONDITIONS:

1. The wall-mounted sign shall be reduced to a size of 10.5 square feet. The applicant shall submit a revised design to the City reflecting this change prior to fabricating and installing sign.
2. This Design Review approval is valid for a period of eighteen months from date of approval, and hence, expires on July 11, 2017.
3. The applicant agrees, at the applicant's 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.

*Acknowledgement and acceptance of conditions of approval.

Property Owner Signature

Printed Name

Date

Once signed, this form must be returned to the Community Planning and Building Department.



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

February 10, 2016

To: Chair Goodhue and Planning Commissioners

From: Marc Wiener, Acting Community Planning & Building Director

Submitted by: Ashley Hobson, Contract Planner

Subject: Consideration of a Use Permit (UP 15-444) application to allow live music from an existing restaurant located in the Central Commercial (CC) Zoning District.

Recommendation:

Approve the Use Permit (UP 15-444) application to allow live music subject to the attached findings and conditions.

Application: UP 15-444

APN: 010-201-012

Location: Mediterranean

Block: 74

Lot: 3

Applicant: Bashar Sneeh

Property Owner: Scandia Lopez Limited Partnership

Background and Project Description:

The project site is a 1,987-square foot commercial space located on the south side of Ocean Avenue between Monte Verde and Lincoln Streets, in the Central Commercial (CC) Zoning District. On November 24, 2015, the Community Planning and Building Department issued the approval of a business license (BL 15-399) for a new restaurant names Mediterranean, which replaced Merlot Bistro. The new owner, Mr. Bashar Sneeh, also owns Dametra Café located on the southeast corner of Ocean and Dolores. Mediterranean operates under Use Permit #93-20, which allows 72 seats, and hours of operations from 8:00am and 11:00pm. On December 9, 2015, the owner applied for a Live Music Use Permit.

The applicant is requesting approval of a Use Permit to allow live music to be played from within the main building during the business hours of 12:00 p.m. to 10:00 p.m. The applicant is requesting to play music on a daily basis from various locations throughout the restaurant. The musicians intend to move around the restaurant while playing instruments to compliment the lunch and dinner service, for no more than 5 minutes every hour on a daily basis. The instruments include a guitar or Oud with light percussion, with no more than three musicians at a time.

Staff notes that Mr. Sneeh also purchased Portabella restaurant and has applied for a separate Live Music Use Permit (UP 15-443), which is also being considered at this meeting.

Staff analysis:

Noise Sensitive Use and Evaluation

Pursuant to Carmel Municipal Code Section 9.16.030, the applicant has submitted a site map identifying noise-sensitive land uses within 200 feet of the project site. The majority of the near-by uses are commercial; however, there are several residential uses within the 200-foot perimeter, including 2nd-story apartments to the southwest (in the court of the Golden Bough) and multiple hotels including Casa De Carmel, The Monte Verde Inn, The Normandy Inn, Lobos Lodge, the Pine Inn, L'Auberge, and the Cypress Inn. Additionally, the Church of the Wayfarer, the City Hall, and the Harrison Memorial Library are located within the 200-foot perimeter. Staff notes that the Alexander Smith Wine Tasting Room and Il Tegamino Restaurant are both within the 200-ft radius and have active Live Music Use Permits. The Alexander Smith Wine Tasting is permitted to play acoustic music twice a month between the hours of 11:00am and 6:45pm, and Il Tegamino is permitted to play live music three times a week between 12:00pm and 9:00pm.

The applicant has noted that the music will be restricted to string instruments and light percussion with no sound amplification. Staff notes that the allowed noise limit for live music is 55 decibels (dBA) as measured at the property line boundaries (CMC Section 9.16.035). A condition has been included that the maximum noise level shall not exceed 55db as measured at the property line at any time.

Staff notes that at the time this report was completed, the public noticing was not yet distributed, hence no comments in support or opposition of this project were received.

However, any comments received prior to the Planning Commission meeting will be distributed to the Commissioners.

Enforcement

With regard to enforcement of noise levels, staff notes that pursuant to CMC Section 9.16.030.B.3, *“any three violations within any 12-month period shall require revocation of the use permit by the Planning Commission.”* A condition has been drafted that includes this requirement.

Hours of Operation

The City's Municipal Code restricts live music between the hours of 12:00 p.m. to 10:00 p.m. and states that *“the Planning Commission may establish fewer hours to address specific circumstances unique to each site and permit.”* The applicant is requesting to play music in short increments daily between 12:00am and 10:00pm. In staff's opinion, the restaurant is situated far away from all nearby residential uses that music until 10:00pm will not create a significant nuisance. Additionally, a condition has been drafted that the music remain intermittent throughout the day, and not be played as a continual performance. The Commission may modify these conditions as necessary.

Alternative Options

Alternative 1: In approving Use Permit (UP 15-444) to allow live music, the Commission may include additional or revised conditions of approval to address issues such as allowed hours, types of music, types of events, etc.

Alternative 2: The Commission could deny the Use Permit (UP 15-444).

Environmental Review: The application qualifies for a Class 1 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. Class 1 exemptions include projects involving minor expansions of uses within existing structures. The proposal for unamplified live music does not present any unusual circumstances that would result in a potentially significant environmental impact

ATTACHMENTS:

- Attachment A – Findings for Approval
- Attachment B – Conditions of Approval
- Attachment C – Floor Plan
- Attachment D – Surrounding Uses Map

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR APPROVAL

UP 15-444

Bashar Sneeh (Mediterranean)

Southside of Ocean Avenue, between Monte Verde and Lincoln Streets

Block: 74, Lot: 3

APN: 010-201-012

CONSIDERATION:

Consideration of a Use Permit (UP 15-444) application to allow live music from an existing restaurant located in the Central Commercial (CC) Zoning District.

FINDINGS OF FACT:

1. The applicant, Bashar Sneeh, submitted a Use Permit (UP 15-444) application to allow live music on December 9, 2015, and provided revised application materials on February 1, 2016.
2. The project site is a commercial space located on the south side of Ocean Avenue between Monte Verde and Lincoln Streets, in the Central Commercial (CC) Zoning.
3. On October 24, 2015, the City approved Business License 15-399 subject to UP 93-20 for the subject property allowing the building to operate as a restaurant with 72 interior seats.
4. Carmel Municipal Code Section 9.16 establishes the standards for live music where alcoholic beverages are sold or served. The use permit is being issued under the City's Live Music Ordinance (CMC 9.16), which was adopted by the City Council on July 2, 2013.
5. The application qualifies for a Class 1 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. Class 1 exemptions include projects involving minor expansions of uses within existing structures. A Noise Management Plan was prepared with measures to avoid significant noise impacts. The proposal for live music does not present any other unusual circumstances that would result in a potentially significant environmental impact

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 will contribute to a balanced mix of uses in the downtown.

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

CONDITIONS OF APPROVAL

UP 15-444

Bashar Sneeh (Mediterranean)

Southside of Ocean Avenue, between Monte Verde and Lincoln Streets

Block: 74, Lot: 3

APN: 010-201-012

AUTHORIZATION:

1. This Use Permit authorizes unamplified live music, to be played from Mediterranean Restaurant. Live music is permitted to be played on an interim basis for a maximum of 10-minutes each hour, on a daily basis from any location within the restaurant.
2. With this authorization, live music shall be ancillary to the primary activity. Music-related activities such as concerts or pay-at-the-door music events are prohibited. Advertising of specific performers or performer's music is prohibited.
3. Live music is permitted to be played between the hours of 12:00 p.m. to 10:00 p.m., on a daily basis.
4. Pursuant to Municipal Code Chapter 9.16, the maximum noise level allowed from live music activities located on the property shall not exceed 55 dBA as measured at any of the property lines.

SPECIAL CONDITIONS:

5. All live music should remain intermittent in nature and not exceed more than 10-minutes per hour.
6. Any three violations within any 12-month period shall require revocation of the Use Permit by the Planning Commission.
7. A summary sheet of basic Use Permit requirements (allowed days, allowed hours, special mitigations) shall be maintained on the premises and shall be available upon request by any enforcement officer of the City.
8. 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.

9. 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.
10. 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.
11. 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.

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

_____	_____	_____
Applicant Signature	Printed Name	Date
_____	_____	_____
Property Owner Signature	Printed Name	Date

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

Attachment D



- Residential Uses
- Portabella and Mediterranean Restaurants
- Hotels, Motels, and Inns
- Church and Library



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

February 10, 2016

To: Chair Goodhue and Planning Commissioners

From: Marc Wiener, Acting Community Planning & Building Director

Submitted by: Ashley Hobson, Contract Planner

Subject: Consideration of a Use Permit (UP 15-443) application to allow live music from an existing restaurant located in the Central Commercial (RC) Zoning District.

Recommendation:

Approve the Use Permit (UP 15-443) application to allow live music subject to the attached findings and conditions.

Application: UP 15-443

APN: 010-201-015

Location: Portabella Restaurant

Block: 74

Lot: 4

Applicant: Bashar Sneeh

Property Owner: Scandia Lopez Limited Partnership

Background and Project Description:

The project site is a 1,528-square foot commercial space located on the south side of Ocean Avenue between Monte Verde and Lincoln Streets, in the Central Commercial (CC) Zoning District. On November 24, 2015, the Community Planning and Building Department issued the approval of a business license (BL 15-398) for the new ownership of an existing restaurant under the same name (Portabella). The restaurant operates under Use Permit #93-09, which allows 55 interior seats and 15 exterior seats on the rear patio. The new owner, Mr. Bashar Sneeh, also owns Dametra Café on the southeast corner of Ocean and Dolores. On December 9, 2015, the business owner applied for a Live Music Use Permit for Portabella Restaurant.

The applicant is requesting approval of a Use Permit to allow live music to be played from within the main building during the business hours of 12:00 p.m. to 10:00 p.m. The applicant is requesting to play music on a daily basis from various locations throughout the restaurant. The musicians intend to move around the restaurant while playing instruments to compliment the lunch and dinner service, for no more than 5 minutes every hour on a daily basis. The instruments include a guitar or Oud with light percussion, with no more than three musicians at a time.

Staff notes that Mr. Sneeh also owns Mediterranean (previously Merlot Bistro) and has applied for a separate Live Music Use Permit (15-443), which is being considered at this meeting.

Staff analysis:

Noise Sensitive Use and Evaluation

Pursuant to Carmel Municipal Code Section 9.16.030, the applicant has submitted a site map identifying noise-sensitive land uses within 200 feet of the project site. The majority of the near-by uses are commercial; however, there are several residential uses within the 200-foot perimeter, including 2nd-story apartments to the southwest (in the court of the Golden Bough) and multiple hotels including Casa De Carmel, The Monte Verde Inn, The Normandy Inn, Lobos Lodge, the Pine Inn, L'Auberge, and the Cypress Inn. Additionally, the Church of the Wayfarer, the City Hall, and the Harrison Memorial Library are located within the 200-foot perimeter. Staff notes that the Alexander Smith Wine Tasting Room and Il Tegamino Restaurant are both within the 200-ft radius and have active Live Music Use Permits. The Alexander Smith Wine Tasting is permitted to play acoustic music twice a month between the hours of 11:00am and 6:45pm, and Il Tegamino is permitted to play live music three times a week between 12:00pm and 9:00pm.

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However, any comments received prior to the Planning Commission meeting will be distributed to the Commissioners.

Enforcement

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Hours of Operation

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Alternative Options

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Alternative 2: The Commission could deny the Use Permit (UP 15-443).

Environmental Review: The application qualifies for a Class 1 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. Class 1 exemptions include projects involving minor expansions of uses within existing structures. The proposal for unamplified live music does not present any unusual circumstances that would result in a potentially significant environmental impact

ATTACHMENTS:

- Attachment A – Findings for Approval
- Attachment B – Conditions of Approval
- Attachment C – Floor Plan
- Attachment D – Surrounding Uses Map

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR APPROVAL

UP 15-443

Bashar Sneeh (Portabella)

Southside of Ocean Avenue, between Monte Verde and Lincoln Streets

Block: 74, Lot: 4

APN: 010-201-015

CONSIDERATION:

Consideration of a Use Permit (UP 15-443) application to allow live music from an existing restaurant located in the Central Commercial (CC) Zoning District.

FINDINGS OF FACT:

1. The applicant, Bashar Sneeh, submitted a Use Permit (UP 15-443) application to allow live music on December 9, 2015, and provided revised application materials on February 1, 2016.
2. The project site is a 1,528-square foot commercial space located on the south side of Ocean Avenue between Monte Verde and Lincoln Streets, in the Central Commercial (CC) Zoning. The site is developed with a restaurant and a rear administrative office.
3. On October 27, 2015, the City approved Business License 15-398 subject to UP 93-09 for the subject property allowing the building to operate as a restaurant with 55 interior seats and 15 exterior seats.
4. Carmel Municipal Code Section 9.16 establishes the standards for live music where alcoholic beverages are sold or served. The use permit is being issued under the City's Live Music Ordinance (CMC 9.16), which was adopted by the City Council on July 2, 2013.
5. The application qualifies for a Class 1 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. Class 1 exemptions include projects involving minor expansions of uses within existing structures. A Noise Management Plan was prepared with measures to avoid significant noise impacts. The proposal for live music does not present any other unusual circumstances that would result in a potentially significant environmental impact

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 will contribute to a balanced mix of uses in the downtown.

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

CONDITIONS OF APPROVAL

UP 15-443

Bashar Sneeh (Portabella)

Southside of Ocean Avenue, between Monte Verde and Lincoln Streets

Block: 74, Lot: 4

APN: 010-201-015

AUTHORIZATION:

1. This Use Permit authorizes unamplified live music, to be played from Portabella Restaurant. Live music is permitted to be played on an interim basis for a maximum of 10-minutes each hour, on a daily basis from any location within the restaurant.
2. With this authorization, live music shall be ancillary to the primary activity. Music-related activities such as concerts or pay-at-the-door music events are prohibited. Advertising of specific performers or performer's music is prohibited.
3. Live music is permitted to be played between the hours of 12:00 p.m. to 10:00 p.m., on a daily basis.
4. Pursuant to Municipal Code Chapter 9.16, the maximum noise level allowed from live music activities located on the property shall not exceed 55 dBA as measured at any of the property lines.

SPECIAL CONDITIONS:

5. All live music should remain intermittent in nature and not exceed more than 10-minutes per hour.
6. Any three violations within any 12-month period shall require revocation of the Use Permit by the Planning Commission.
7. A summary sheet of basic Use Permit requirements (allowed days, allowed hours, special mitigations) shall be maintained on the premises and shall be available upon request by any enforcement officer of the City.
8. 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.

9. 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.
10. 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.
11. 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.

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

_____	_____	_____
Applicant Signature	Printed Name	Date
_____	_____	_____
Property Owner Signature	Printed Name	Date

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



-  Residential Uses
-  Portabella and Mediterranean Restaurants
-  Hotels, Motels, and Inns
-  Church and Library

(National Parking and Valet). In addition to the primary Use Permit (UP 12-20), a second Use Permit (UP 14-19) for live music at the site was approved by the City Council on January 6, 2015, and a third Use Permit (UP 15-282) for commercial parking was approved by the City Council on September 1, 2015.

The applicant is proposing a new use for the site that is characteristic of a food market/restaurant and is requesting that the Planning Commission review the proposal at a concept level. Certain components of the project proposal are not permitted and would require an amendment to the City's zoning code. The applicant has provided a letter, included as Attachment A, which explains the business model. Staff notes that this conceptual review by the Planning Commission is intended to provide feedback to the applicant on the proposal and does not constitute a guarantee of future approval.

Project Description: The property owner (applicant) has determined that the demand for the originally intended use of the site as an event center is low, and is therefore requesting a change of use on non-event days. The applicant is requesting a food market/eatery that would offer: specialty food products, pre-prepared foods and sandwiches, baked items, confections, coffee, drinks, wine, and other incidental specialty merchandise. The applicant has indicated that the food and merchandise would be supplied by local Carmel businesses and merchants. All prepared food and drinks will be sold in disposable containers, and will be for consumption on or off-site as desired. The proposal includes tables and seats located in both the interior and exterior of the building. The smaller building would be used as community room, which is consistent with the original approved use of a community center.

The applicant has submitted plans, included as attachment D, depicting the proposed interior display and seating layout. The plans show 100 interior seats and 75 exterior seats. In addition, the plans indicate an intent to install a second-story mezzanine on the north side of the interior space. Staff notes that the parking lot is currently not striped and parking is provided solely through a valet service. The proposed project would require that parking lot be striped as depicted on the plans.

The applicant has requested to maintain the original Use Permit (UP 12-20), which allows the building to operate as a community center in conjunction with a new use permit that would allow the food market/eatery. As indicated in the applicant's letter, the market inventory, displays, shelving, and other related items would be moved to the basement when events occur.

Staff analysis:

Zoning Considerations: The proposed use is characteristic of both a Specialty Food Store and a Specialty Restaurant in that the applicant is proposing to sell pre-packaged food, but there is also a large amount of on-site seating proposed. Municipal Code Section 17.68.050 provides the following definitions of both uses:

Food Store-Specialty. Retail food markets, with no seating on the site, that provide a specialized and limited range of food items sold primarily for home preparation and consumption. Examples include such uses as:

- *Bakeries;*
- *Candy, nuts and confectionery stores;*
- *Meat or produce markets;*
- *Vitamins and health food stores;*
- *Cheese stores and delicatessens.*

Restaurants, Specialty. Restaurants providing a limited range of food products for immediate consumption on the site. These restaurants provide seating but are not required to provide table service or menus. Specialty restaurants provide, as a primary use, two or fewer of the following lines of foods: pastries and doughnuts, frozen desserts, candy and nuts, juices, and coffee and tea.

Staff notes that the proposed use would violate the zoning code regardless of how it is defined. If the Planning Commission determines that the use is defined as a specialty food store, it would not be allowed to have seating per the Municipal Code definition. In addition, the definition indicates that the food sold is primarily for home preparation and consumption. The applicant's proposal includes on-site consumption of meals and is therefore inconsistent with this definition.

Staff notes that if the use were defined as a specialty restaurant, it would not be permitted in the Service Commercial (SC) Zoning District. Only full-line restaurants are permitted in the SC Zoning District. The applicant has indicated that business would offer pre-prepared/package food, however, the applicant has not explicitly stated that no food will be prepared on site.

Staff notes that the building contains a commercial kitchen that could be used for food preparation.

In staff's opinion, with the large amount of seating the business would be more characteristic of a specialty restaurant than a specialty food store. The Commission should consider how the proposed use should be defined and depending on how it is defined whether it would either: (1) support the study of a zoning code amendment that would change the definition of a specialty food store to sell foods for on-site consumption and allow outdoor seating, or (2) support the study a zoning code amendment that would allow specialty restaurant in the SC Zoning District.

Staff notes that if the applicant withdraws the proposal for seating, a specialty food store could be permitted at this site with the issuance of a conditional use permit. As an alternative, the applicant could also return with a request to establish a full-line restaurant at this site with the issuance of a conditional use permit. Additional water credits would be needed at the site to support a full-line restaurant, which can be purchased from Malpaso Water Company.

Design Considerations: The project plans depict a proposal for a mezzanine structure on the north side of the interior in order to accommodate seating. The design details of the mezzanine have not been provided by the applicant, however, staff notes that there are several large windows on the north elevation and that the street view of the building would be affected by the proposed interior structure.

In addition to the mezzanine, the applicant is also proposing an outdoor water fountain on the west side of the building and a large amount of exterior seating around the site. Exterior seating is subject to design standards and the Commission should evaluate whether the proposed number of exterior seats is compatible with the building and site. Staff notes that exterior seating could be proposed in association with a full-line restaurant and that the Planning Commission has discretion in reviewing the proposed number, configuration, and location of seats.

Other Use Permits: The applicant is requesting to maintain the other three existing use permits for the site, which include Use Permit (UP 12-20) for the community center, Use Permit (UP 14-19) for live music, and Use Permit (UP 15-282) for commercial parking. The Commission should consider whether if it should require that one or all of these permits be amended or voided as a

condition of a new use at the site. For example, staff would be concerned with allowing commercial parking at this site if the building is being used as a restaurant or market.

Parking Considerations: CMC 17.38.020 (Table A) states that one parking space is required per 600 square feet of commercial floor area (See Attachment “A”). In addition to the parking requirements provided in Table A, CMC 17.38.020 also states that: *“Table A establishes the minimum amount of parking required for most land uses and land use districts. The Planning Commission shall review proposed projects for their anticipated parking demand and may require additional parking through use permit conditions if substantial evidence supports the need for providing parking beyond the minimum standard.”*

The subject buildings on the property are approximately 5,357 square feet in size and therefore the use requires a minimum of 9 parking spaces. The parking lot would accommodate 17 parking spaces as depicted on the plans. The City previously determined that the parking was insufficient at the site to support the use of a community center and as such as Use Permit (UP 12-20) was issued to allow off-site parking through a valet service. Staff notes that there are many restaurants in the City that do not have on-site parking or have much less than the 7th & Dolores site. The Commission should consider what the parking requirements for this site should be and whether a valet service needs to be maintained. In staff’s opinion, a valet service should only be required in association with the use of the site as a community center.

ATTACHMENTS:

- Attachment A – Project Description and Photographs
- Attachment B – UP 12-20 (Staff Report, Conditions, Findings)
- Attachment C - UP 14-19 and UP 15-282 (Conditions and Findings)
- Attachment D – Project Plans

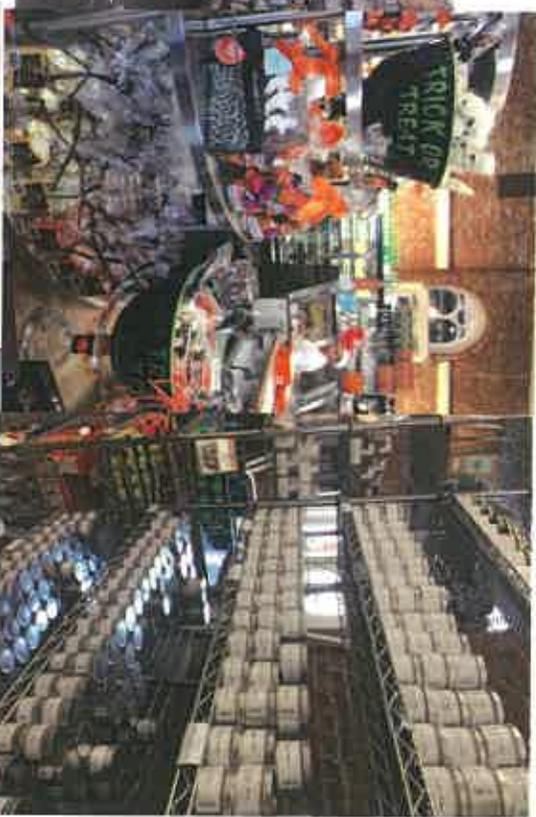
Carmel Event Center Market Proposal:

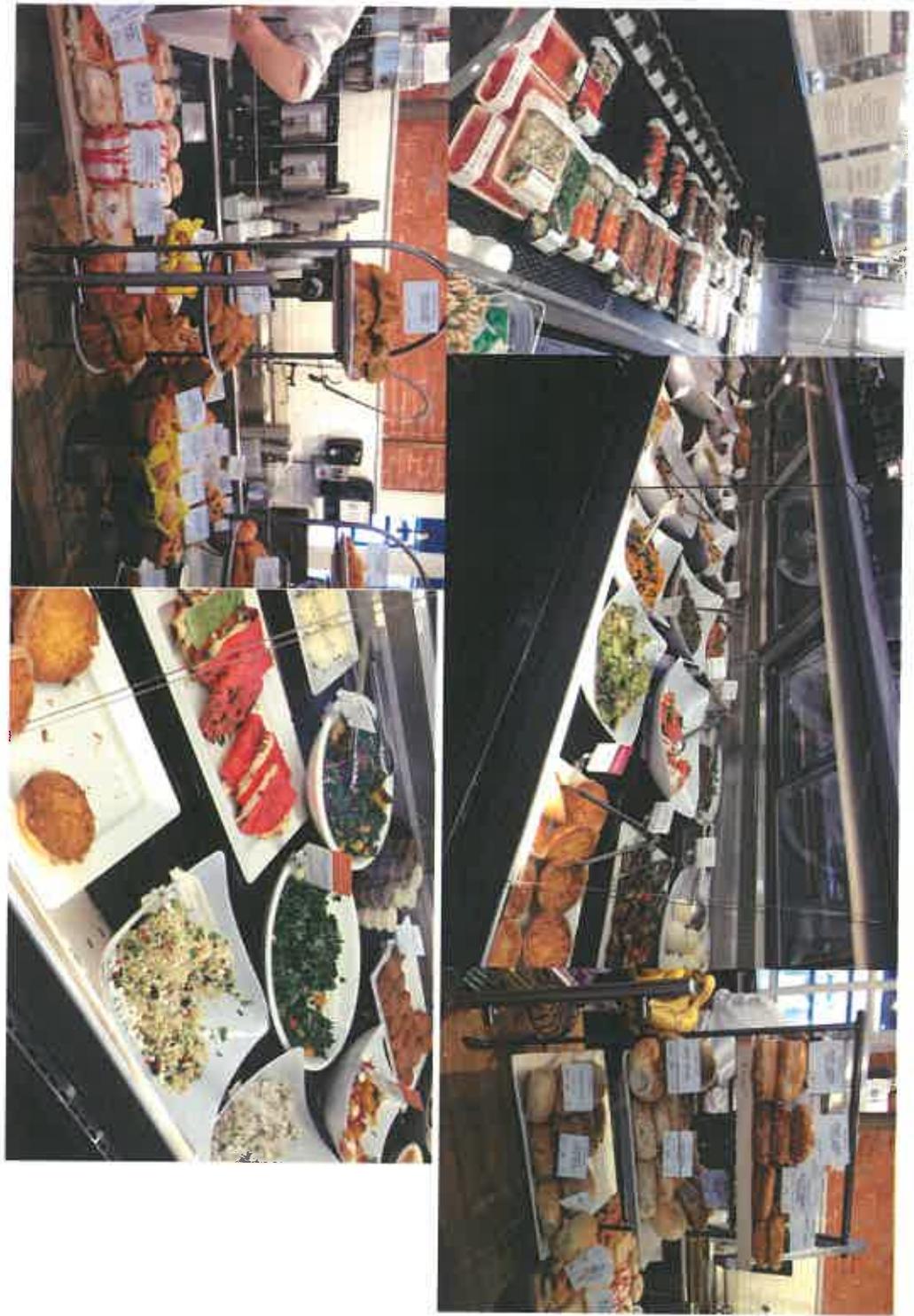
Currently the property at 7th & Dolores operates an allowed use in the existing buildings as an event center/community center; and the City has approved two Use Permits, one for valet parking of vehicles for guests of events off-site, and one for a valet service parking lot for general use parking when the facility is not in use for events. The owner of the Carmel Event Center has determined that the demand for use of the facility on weekdays, weekday evenings, and some weekends is low. As such, the buildings are generally not in use during the week and on many weekends. In order to provide for a viable business venture, while maintaining the buildings' availability as an event center/community center, the owner is proposing an additional use on non-event days.

The owner is requesting a Use Permit for a Market/Food Shop/Eatery. The food store/market would offer specialty food products, pre-prepared foods and sandwiches, baked items, confections, coffee, drinks, wine, and other incidental specialty merchandise. The applicant is proposing to include the sale of food and merchandise supplied by local Carmel businesses and merchants. All prepared food and drinks will be sold in disposable containers, and will be for consumption on or off-site as desired by the customer. Seating which is permitted on-site for existing uses would be available to customers that wish to consume purchased items and/or to rest and socialize. The smaller event center building will also be furnished as a "community room" for use as a general public resting and social area, in conjunction with the outdoor patio areas. The plan for the community room and the presence of outdoor seating in association with the buildings is intended to promote and encourage pedestrian and social interactions, and to mirror the objectives expressed in CMC 17.14.170 for outdoor areas in commercial uses. The proposed market will be in place and open for business on all non-event days from 6 a.m. to 10 p.m. Prior to any scheduled event, the market inventory, displays, shelving, and other related items will be moved to the basement storage area. After any scheduled events have concluded, the same market items and inventory will be replaced into the larger event building, and the market will reopen. All display cases and shelving will be on wheels and easily mobile to allow for these transitions to occur with ease.

The property is in the Service Commercial zoning, and the applicant seeks to design the features and activities to comply with the requirements in CMC 17.14.030, CMC 17.68.050, and CMC 17.14.040(J). The applicant is requesting the assistance of Planning to schedule this proposal for a hearing, in order to receive input from the public & City.

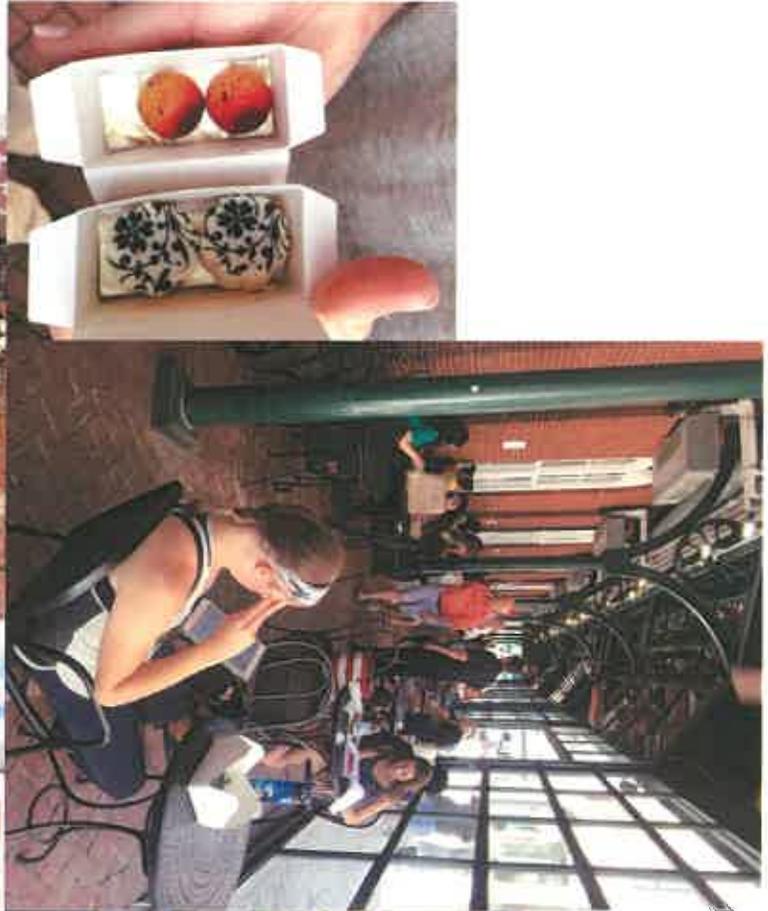














Amended & Approved 8/6/13

CITY OF CARMEL-BY-THE-SEA

STAFF REPORT

TO: MAYOR BURNETT AND MEMBERS OF THE CITY COUNCIL

FROM: MARC WIENER, SENIOR PLANNER

THROUGH: JASON STILWELL, CITY ADMINISTRATOR

DATE: 6 AUGUST 2013

SUBJECT: CONSIDERATION OF A USE PERMIT APPLICATION, WATER ALLOCATION RESOLUTION AND CERTIFICATION OF AN INITIAL STUDY/NEGATIVE DECLARATION FOR THE ESTABLISHMENT OF AN EVENT CENTER AT A SITE LOCATED IN THE SERVICE COMMERCIAL (SC) DISTRICT.

BACKGROUND

The project site is a 16,000 square foot property located at the southeast corner of Dolores Street and Seventh Avenue. The site is developed with two commercial buildings totaling 5,357 square feet and a parking lot containing 15 angled parking spaces. The buildings were designed by Walter Burde in 1971 and have historically been used as a bank and for retail purposes.

The City spent several years reviewing a proposal for an 18,000 square foot mixed use building with underground parking at the subject property named Plaza Del Mar. The project was denied by the City in November 2009 for reasons primarily related to the preservation of the existing structure. The building has been vacant for the past several years.

PROJECT DESCRIPTION

The applicant is proposing to use the existing buildings on the site as an event center to provide a venue for special events. The project is named the Carmel Event Center. Activities would likely include meetings, conferences, wedding receptions, cooking demonstrations, hands-on classes, retail shows, etc. The maximum allowable occupancy for any event would be 194 people. The proposed hours of operation are from 8:00 a.m. to 10:00 p.m. An Initial Study/Negative Declaration (IS/ND) was prepared for the project (Attachment "A") by RBF Consulting.

To provide sufficient parking the applicant is proposing to use a valet service, National Parking & Valet (NP&V), to park cars at the Carmel Plaza garage and the Sunset Center parking lot. The project site will serve as the drop-off and pick-up point. The applicant is also proposing to modify and reconfigure the parking lot at the project site to accommodate 30 perpendicular parking spaces for the valet service.

Interior modifications are proposed to the main building to accommodate the new use. The main building is 4,729 square feet and is comprised of a main floor (3,267 sf.), a partial second floor (612 sf.), and a basement (850 sf.). The second floor is proposed to be removed and the basement will be reduced in size and used for storage. Other interior refurbishments include the installation of a kitchen and expansion of the existing restrooms. The footprint of the building is not being expanded.

PLANNING COMMISSION REVIEW

The Planning Commission reviewed this project at its meeting on 9 January 2013 for the purpose of providing recommendations to the City Council. Two Commissioners had to recuse themselves because they own property within 500' feet of the project site. The Planning Commission Rules of Procedure states that four members are required to make a quorum when voting on a use permit. Because only three Commissioners are able to participate, this project has been forwarded to the City Council for consideration of the use permit.

The Planning Commission was generally supportive of the project and found it to be an appropriate use for the site. The Commission concluded that the use is permitted by the zoning and should be classified as a "Community Center" as defined in CMC 17.68.030. The Commission did have some concerns about parking and traffic, however, it was noted that those issues would be addressed in the IS/ND. The Commission recommended that the Council approve the use permit to allow off-site parking.

EVALUATION

Environmental Review: One of the primary reasons for the California Environmental Quality Act (CEQA) is to disclose potential environmental impacts associated with a project to decision-makers and the public prior to final action on a project. An Initial Study (IS) was prepared by RBF Consulting. Based on the IS the consultant and staff determined that the project would not cause a significant effect on the environment and prepared a Negative Declaration (ND). The IS and ND were circulated for public review and comment from March 11th through April 1st of 2013. No comments were received.

The IS/ND shall only be certified if there is no substantial evidence in light of the whole record that the project will have a significant effect on the environment that cannot be mitigated or avoided. CEQA Guidelines Section 15384 defines substantial evidence as:

“...enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might be reached...Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”

If the Council determines that substantial evidence exists that the project may have a significant environmental impact, staff must be directed to identify mitigation measures or to prepare an Environmental Impact Report (EIR). Staff has determined that no substantial evidence exists in the current record that the proposed project would have a significant environmental impact.

The IS/ND has been revised by staff to reflect changing circumstances surrounding water demand at the site. The Monterey Peninsula Water Management District (MPWMD) originally defined the proposal as a Group III use requiring approximately 2.10 acre-feet of water. The applicant funded an engineering study, produced by Axiom Engineers, which estimated the anticipated water use to only be 0.8252 acre-feet.

Since the IS/ND was prepared the MPWMD changed the classification of the use to Group II, which requires 0.8860 acre-feet of water. The IS/ND has been revised accordingly to reflect the change in circumstances. The changes are minor in the context of environmental impact and do not require a recirculation of the document per CEQA Guidelines section 15073.5. The engineering study has still been provided as supplemental information.

Definition of Use: Staff concludes that the proposed use is most characteristic of a “Community Center” as defined by the Zoning Code. CMC Section 17.68.030 defines a community center as: *“Any public, private, commercial, or nonprofit facility established to provide social, educational, recreational, or cultural programs, meetings, or lectures, or similar activities. Examples include conference facilities, meeting rooms, youth centers, and senior centers. This classification includes community facilities operated in conjunction with an approved residential or commercial use that are not generally available to the public.”* Per CMC 17.14.030, community centers are classified as a permitted use in the Service Commercial (SC) District.

The applicant has provided a broad description of events ranging from conferences, weddings, wine tastings, cooking classes, retail shows, etc. The Planning Commission determined that the proposed use of the property meets the definition of “community center” as defined by the Code. Staff concludes that hosting activities such as conferences, seminars, special classes, social gatherings (i.e. weddings) would be consistent with the above definition. Temporary retail oriented events such as fashion shows, home furnishings shows, etc, are also permitted.

One issue with the proposal is that retail activities including art galleries, jewelry stores, antique stores and arts and crafts stores are not permitted where the project site is located, in the SC District (CMC 17.14.030). The Council should consider whether these zoning regulations apply to the proposed use of this building, which would prohibit any shows or events that involve the sale of arts, jewelry and antiques. The intent of the Code could be that the retail restrictions apply to permanent businesses and not occasional events.

A special condition has been added prohibiting the sale of these items at this site. However, the City Council can remove this special condition if it is determined that the zoning restrictions do not apply to the proposed use of the building.

With regards to monitoring the activities that could occur at the site, staff has conditioned the approval so that the applicant shall make the schedule available to the City upon request. The City is authorized to determine whether the scheduled events are consistent with the permitted use of the building. In some cases the venue will be occupied by individual business proprietors intending to temporarily operate in the City (i.e. cooking classes, art classes, seminars, etc). A special condition has been added requiring business proprietors renting the space to register with the City by applying for an In-and-About business license.

Parking & Traffic:

Use Permit: CMC 17.38.020 (Table A) requires only seven parking spaces based on the size of the building. However, this code section also states the following: “*Table A establishes the minimum amount of parking required for most land uses and land use districts. The Planning Commission shall review proposed projects for their anticipated parking demand and may require additional parking through use permit conditions if substantial evidence supports the need for providing parking beyond the minimum standard.*” The Planning Commission concluded that the proposed use would require more than seven spaces.

As a separate attachment (Attachment "D") staff has provided a section from CMC 17.38.30 which states the *"parking requirements may be fulfilled by supplying the required parking on another site upon approval of a use permit"* and *"the land area required to provide such parking shall be legally committed for the full life of the structure."* In order to obtain a use permit the applicant must demonstrate one of the following five conditions:

1. *The property owners of two or more adjacent properties have proposed a combined development plan to provide the required parking for their properties, in accordance with the parking standards established in this chapter, on part of the several sites involved.*
2. *The project site for which the parking requirement applies is 5,000 square feet or less in size and has less than 50 feet of street frontage.*
3. *The construction of required driveway(s) for on-site parking would result in the excessive loss of curb parking on street.*
4. *The topography, size, shape or peculiar conditions of the site or the existing development on the site would make the provision of on-site parking impractical.*
5. *The site for which parking is required is located within the central commercial (CC) land use district where on-site parking is prohibited.*

Of the five conditions the only one that could potentially qualify the property is condition #4. In this case the "peculiar condition" with the existing development could be that the building is oversized in relation to the parking lot. For example, even a retail use would have an occupancy of 97 individuals, which significantly exceeds the parking demand that could be met by the 15 parking spaces currently on the lot.

The Planning Commission determined that condition #4 could be applied to this property and recommended that the City Council approve the use permit. Pursuant to CMC Section 17.38.020, a special condition has been included requiring the off-site parking to be committed for the full life of the structure.

With regards to off-site parking General Plan (Objective O2-4) states that the City should *"recognize that it is not practical to provide sufficient parking that meets total demand at every location; but that it is desirable to provide, where practical, alternate parking where it could be removed from public view and in a scale appropriate to Carmel."*

Valet Parking: A parking and traffic analysis was prepared by Hatch Mott MacDonald on 27 February 2013. To meet the parking demand the applicant is intending to provide off-site parking through a valet service named National Parking & Valet (NP&V). NP&V would park cars at the Carmel Plaza and Sunset Center. Carmel Plaza has 110 spaces with a typical daily occupancy of 30 spaces. Sunset Center has 135 spaces with a typical daily occupancy of about 35 spaces. NP&V would have discretion to park the cars at either site.

The parking lot at the project site would be modified to accommodate 30 perpendicular parking spaces for the valet service and an additional 15 temporary spaces (45 Total). The project site will serve as the drop-off and pick-up point. Valet staffing will vary depending upon the size of the event and will be actively moving cars to or from the remote parking lots to prevent vehicle spill-over into adjacent streets. Vehicles would enter the site from Dolores Street and exit onto Seventh Avenue.

The IS/ND includes a thorough description of the parking plan as well as the study prepared by Hatch Mott MacDonald. Figure 4 in the IS/ND presents a diagram of the valet parking access routes and parking locations. It is estimated that the total parking demand for any given event could reach as high as 120 vehicles (includes event staff), which would be for the largest of events as indicated in the study.

It should be noted that parking availability at the Sunset Center will be impacted by the farmers market, which occurs every Thursday between 10:00 a.m. to 2:00 p.m. The City has also initiated the process of developing a parking plan that could utilize more of the Sunset Center Parking lot. The project applicant will have to plan around the farmers market and the use permit may have to be amended at a future date to accommodate the City's parking plan.

Traffic: The traffic analysis prepared by Hatch Mott MacDonald was peer reviewed by RBF Consulting. The project was determined to have a "less than significant impact" on transportation and traffic as identified in the IS/ND. The proposed project would generate a total of 192 average daily trips.

The IS/ND notes that if the property were returned to being a bank, a total of 397 daily trips would be anticipated. This number is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual 9th Ed. In theory, the proposed event center would generate 205 fewer average daily trips than a bank use.

Although a negative traffic impact is not anticipated, the City could revoke the use permit or amend it to allow for a lower occupancy and/or reduced number of events if the use creates significant traffic or parking problems in the downtown commercial. A special condition has been added to address this provision.

It should be noted that staff has been working with the Carmel Police Department throughout the process to make them aware of the proposed activity and the traffic studies. The applicant is proposing to hire off-duty police officers for each event to assist with coordinating the traffic circulation.

Carmel's Public Safety Director, Chief Calhoun, has provided a memo to address this proposal (Attachment "C"). Chief Calhoun indicates that the Carmel PD would work with the applicant to assist with staffing events and will work with event coordinators to suggest alternatives if staffing is not available. Chief Calhoun recommends that "only trained and qualified law enforcement personnel be used for directing traffic" and "any law enforcement or specially trained personnel not employed by the City of Carmel shall receive approval by the Carmel Police Department prior to directing any vehicle traffic on Carmel City streets."

The approval has been conditioned to meet the above requirements. It should be noted that the determination of a "less than significant" impact is not contingent on having a traffic coordinator. However, having a traffic coordinator would benefit the parking and traffic situation, in particular for large events.

WATER ENTITLEMENT

The site is currently categorized as a Group I use by the Monterey Peninsula Water Management District (MPWMD) and would be required to obtain additional water credits to support the event center, which is categorized as a Group II use. The site currently contains .3750 acre-feet of water and at a minimum would need an additional .5110 acre-feet of water. The applicant has requested that water be transferred to the site from the City's reserves based on the history of the property.

Two commercial property owners, Denny LeVett and Zigmont Le Towt, transferred water to the City's reserves for the purpose of being used for the Plaza Del Mar project. However, the water was never transferred to the site from the City reserves because the project was denied. The water transferred from Mr. LeVett (.3340 acre feet) remains in a category entitled "Spinning Wheel". The water transferred from Mr. Le Towt (.3500 acre-feet) had been unaccounted for because Water Management mistakenly did not credit Carmel's water reserve account. This oversight was recently identified and the water has been credited to the City and labeled "Le Towt" water.

On 4 June 2013 the City Council reviewed the matter and determined that the applicant was equitably entitled to the water. The primary reason for the decision was that applicant of the Event Center project was one of the applicants involved in the Plaza Del Mar Project. When the project was denied the City requested that the applicant return with a project that would be an adaptive re-use of the building as opposed to demolishing it. The applicant followed the City's direction for the treatment of the property and the Event Center project is considered a derivative of the Plaza Del Mar Project. Staff has prepared findings for adoption to reflect the determinations made at the June 4th meeting.

As a separate item staff has prepared a resolution to transfer .6840 acre-feet of water from the "Spinning Wheel" and "Le Towt" categories into the "Commercial" land use category. A second resolution has been provided to pre-commit the .6840 acre-feet of water in the "Commercial" category to the Event Center Project. A special condition has been added that any remaining water not needed for the project shall be placed in the category entitled "Unallocated Reserve".

SUMMARY

When the Planning Commission reviewed the project on 9 January 2013 several Carmel residents and business owners appeared to speak in support of the project. The general sentiment was that the project would be a good use for the building and could potentially benefit local businesses.

With regards to the business district, two applicable sections of the General Plan are Objective O1-3, which states to "*Preserve the economic integrity of the community and maintain an economic philosophy toward commercial activity ensuring compatibility with the goals and objectives of the General Plan.*" Policy P1-11 encourages "*unique, quality commercial uses that serve the intellectual, social, material, and day-to-day needs of both the local community and visitors.*" The proposed project meets these goals.

RECOMMENDATION

With the attached findings and conditions: 1) Approve the use permit application to allow for off-site parking 2); Adopt a resolution to certify the Initial Study/Negative Declaration; 3) Adopt a resolution to pre-commit the water in the "Commercial" land use category to the Event Center Project.

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

UP 12-20
Carmel Event Center
CPines 7 LLC
SE Cor. Dolores & 7th
Block 91, Lots 2, 4, 6 & 8

CONSIDERATION:

Consideration of Findings and Conditions for the approval of a Use Permit application and certification of a Negative Declaration for the Carmel Event Center Project.

FINDINGS OF FACT:

1. This site is a 16,000 sf. site comprised of lots 2, 4, 6 & 8 of Block 91 in the Service Commercial (SC) District of Carmel-by-the-Sea.
2. The site is developed with two commercial buildings totaling 5,357 square feet and a parking lot containing 15 angled parking spaces. The 612 square foot upper level will be demolished as part of the project approval.
3. The property owner submitted an application to establish an event center at the site on 16 November 2013. The project will require the approval of a use permit application to allow for additional off-site parking.
4. The Planning Commission reviewed project proposal on 9 January 2013 to provide recommendations to the City Council.
5. The proposed use is categorized as Group II by the Monterey Peninsula Water Management District and will require 0.8860 acre-feet of water. The site currently contains 0.3750 acre-feet of water and requires an additional ~~0.5110~~ 0.5510 acre-feet from the City's water allocation. A resolution has been prepared for adoption by the City Council.
6. The City circulated an Initial Study (IS)/Negative Declaration (ND) for the project in accordance with the California Environmental Quality Act (CEQA) from 11 March 2013 through 1 April 2013. No comments were received.

FINDINGS FOR DECISION:

1. Allowing the proposed use is consistent 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.
2. The proposed use will provide adequate ingress and egress to and from the proposed location.
3. The capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use as evaluated in the IS/ND.
4. The proposed use is not in conflict with the General Plan.
5. The proposed use will comply with all zoning standards applicable to the use and zoning district.
6. 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.
7. 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.
8. The proposed use will not be injurious to public health, safety or welfare.
9. 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.
10. The proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.

ENVIRONMENTAL FINDINGS:

1. Pursuant to the provisions of the California Environmental Quality Act, and based on the findings of the Initial Study, the City of Carmel-by-the-Sea has determined that the project will not have a significant effect on the environment.
2. With the use of the Carmel Plaza garage and Sunset Center parking lots the Initial Study/Negative Declaration determined that the project will have a "less than significant" impact on parking and traffic.

3. Minor amendments have been made to the Initial Study/Negative Declaration to reflect circumstances around the water demand for project which changed during the review process.

SPECIAL CONDITIONS:

1. This Use Permit (UP 12-20) authorizes an event center at the subject property with additional off-site parking provided by the Carmel Plaza garage and Sunset Center parking lot to be used for special events. Pursuant to CMC Section 17.38.020, the off-site parking identified in the IS/ND shall be committed for the full life of the use. Any change to the terms of this condition shall be cause for the amendment and/or possible revocation of the Use Permit.
2. The applicant shall obtain a business license and certificate of occupancy for the building. Maximum occupancy shall not exceed the standards in the State Uniform Building and Fire Codes. The maximum occupancy identified in the staff report (194) is a maximum and may be reduced by the Building Official as needed to meet safety standards depending on the floor plan and layout.
3. If the Event Center project is not implemented the pre-committed water will return to the ~~Affordable Housing Category~~ **“Unallocated Reserve” category**. Any water not needed for the Event Center project shall be reallocated into the “Unallocated Reserve” category.
5. Hours of operation shall be limited from 8:00 a.m. to 10:00 p.m. seven days per week. Live music is not permitted without a permit. Recorded or reproduced music shall not exceed 55 db-A as measured at the property line (CMC 9.16.040). Complaints of excessive noise, lighting and other nuisances from the property shall be cause for review of the permit.
6. Retail events **lasting longer than one week are prohibited**. ~~including the sale of jewelry, art, antiques and arts and crafts as defined by CMC 17.68 are prohibited.~~ Business proprietors renting the space for a special event shall submit an “In-And-About” business license application to the City prior to the event.
7. The applicant shall make a schedule of events available to the City upon request **and shall be posted on-line**. The City reserves the right to determine whether the scheduled events are consistent with the permitted use of the property and consistent with the zoning code.
8. The applicant shall work with the Carmel Police Department to provide traffic coordinators for special events. Only trained and qualified law enforcement

personnel shall be used for directing traffic. Any law enforcement or specially trained personnel not employed by the City of Carmel shall receive approval by the Carmel Police Department prior to directing any vehicle traffic on Carmel City streets.

9. If the use creates a significant parking and traffic impact to the surrounding neighborhood, as determined by the City, the Use Permit shall be reviewed by the City Council to address the impact. Amendments may include, but are not limited to, reducing the building occupancy, reducing number of allowed events or amending the parking plan.
10. 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.
11. This use permit shall become void and 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.
12. 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.
13. All modifications made to the exterior of the building, including but not limited to paint, window treatments, awnings, paving and landscaping, shall first require written approval by the Department of Community Planning and Building and/or the Planning Commission. All changes shall be minor in nature and shall maintain the architectural language and integrity of the building. No notice-attracting features, such as banners, balloons, streamers, lights, additional signs, or flags shall be installed without written approval from the City.
14. 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.

15. At least one restroom for each sex shall be available for use within ~~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.
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.

Approved and Amended by City Council on 1/6/15

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

CONDITIONS OF APPROVAL

UP 14-19
C Pines 7, LLC
Southeast corner of Dolores and Seventh Avenues
Block: 91 Lots: 2, 4, 6 & 8
APN: 010-145-020

AUTHORIZATION:

1. This use permit authorizes live music, amplified or acoustic, to be played from the main building located at the southeast corner of Dolores and Seventh Avenues as indicated on the January 6, 2015, approved floor plan included in Attachment 3.
2. ~~With this authorization, live music shall be ancillary to the primary activity and events including live music or dancing must be private events.~~ Music-related activities such as concerts or pay-at-the-door music events are prohibited.
3. Live music is permitted to be played between the hours of 12:00 p.m. to ~~9:45~~**10:00** p.m., seven days per week. ~~Live music is permitted to be played a maximum of 4 hours on any one calendar day.~~
4. Pursuant to Municipal Code Chapter 9.16, the maximum noise level allowed from live music activities located on the property shall not exceed 55 dBA as measured at any of the property lines.

SPECIAL CONDITIONS:

5. All events involving live music shall be staffed and monitored by a qualified sound technician to ensure that compliance with the City's noise regulations.
6. Any three violations within any 12-month period shall require revocation of the Use Permit by the Planning Commission.
7. An update on this Use Permit (UP 14-19) shall be provided to the City Council within six to ~~twelve~~ months from the date of approval. The permit and its conditions of approval shall be reviewed at that time, and revisions to the live music authorization and the associated conditions of approval may be made at that time.

8. A summary sheet of basic Use Permit requirements (allowed days, allowed hours, special mitigations) shall be posted on the premises and shall be available upon request by any enforcement officer of the City.
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. 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.

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

_____	_____	_____
Applicant Signature	Printed Name	Date
_____	_____	_____
Property Owner Signature	Printed Name	Date

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

Amended & Approved by City Council on 9/1/15

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

CONDITIONS OF APPROVAL

UP 15-282
C Pines 7, LLC
Southeast corner of Dolores and Seventh Avenues
Block: 91 Lots: 2, 4, 6 & 8
APN: 010-145-020

AUTHORIZATION:

1. This Use Permit (UP 15-282) authorizes the use of the site as a commercial parking lot as defined by City Municipal Code Section 17.68.050. The applicant is permitted to provide parking for hotel guests and paid parking to the general public only when events (7D events) are not scheduled at the site.
2. The parking service shall be staffed and monitored by a valet service (National Parking and Valet) at all times. The applicant shall notify the City of any changes to the valet service provider or changes in on-site parking operations.
3. The applicant is authorized to install a valet podium, umbrella, and signage at both site entrances. All valet equipment and signage shall be contained on private property.

SPECIAL CONDITIONS:

4. At no time shall parking services to hotels guests or the general public be provided while an event is occurring on site. Violation of this condition shall be grounds for City Council review and possible amendment or revocation of the Use Permit (UP 15-282).
5. An update on this Use Permit (UP 15-282) shall be provided to the City Council within six months from the date of approval. The permit and its conditions of approval shall be reviewed at that time, and revisions to the conditions of approval may be made at that time.
6. This Use Permit shall be reviewed by the City Council if it is determined by Community Planning and Building Department staff or the Police Department that the parking activity is having a negative impact on the surrounding neighborhood and adjacent intersections.
7. The applicant shall submit a Sign Permit application for the proposed public parking signs. The number, design, and location of the signs shall be consistent with City standards. Paid public parking signage shall only be displayed when the parking lot is open to the general public.
8. A summary sheet of basic Use Permit requirements (allowed days, allowed hours, special mitigations) shall be posted on the premises and shall be available upon request by any enforcement officer of the City.
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.

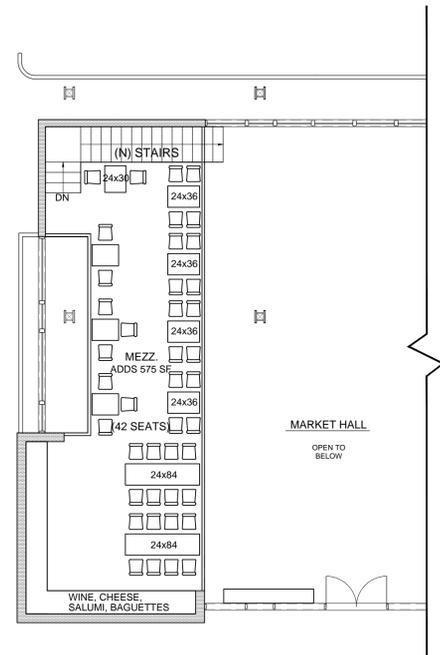
10. Violations of the terms of this Use Permit or other ordinances of the City may constitute grounds for revocation of this Use Permit and the associated business license by the City Council.
11. Upon termination or revocation of this use permit and/or business license for any reason, the use shall immediately cease and shall not be re-established without issuance of a new use permit.
12. 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.

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

_____ Applicant Signature	_____ Printed Name	_____ Date
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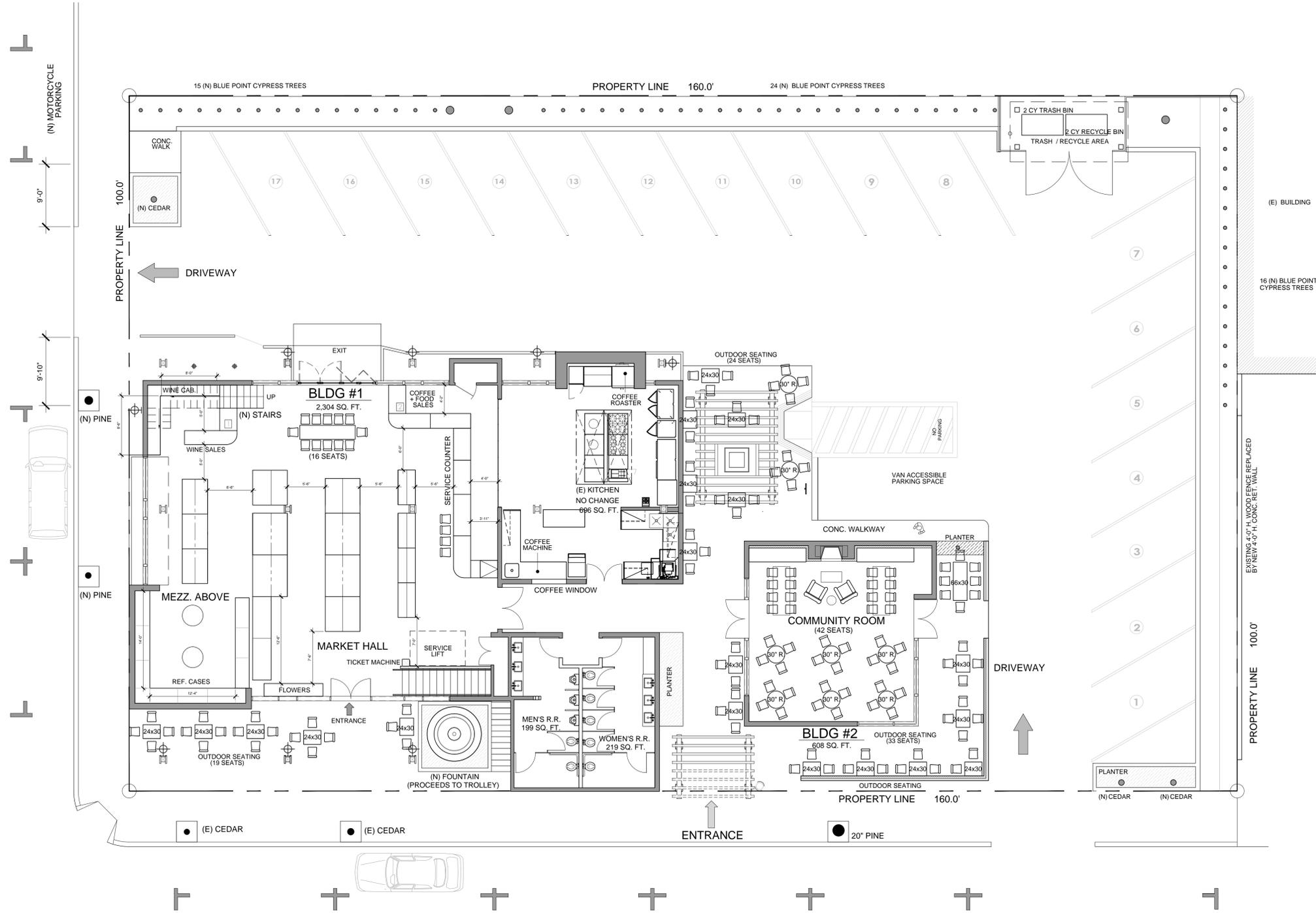
_____ Property Owner Signature	_____ Printed Name	_____ Date
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Once signed, please return to the Community Planning and Building Department.



PROPOSED MEZZANINE PLAN

7TH AVENUE



PROPOSED MAIN FLOOR AND SITE PLAN

DOLORES STREET

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

1-20-2016

1/8" = 1'-0"

A1.0

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



SEVENTH & DOLORES



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

February 10, 2015

To: Chair Goodhue and Planning Commissioners
From: Marc Wiener, Community Planning and Building Director
Submitted by: Ashley Hobson, Contract Planner
Subject: Consideration of Appeal (APP 16-011) of the administrative denial of the amendment to a Business License (BL 15-416) to allow for the ancillary sale of alcohol in a hair salon.

Recommendation:

Deny the Appeal and uphold the staff's decision.

Application:	APP 16-011	APN:	010-145-009
Block:	91	Lot:	16
Location:	Dolores St., 2 NE of 8th		
Applicant:	Chioma Carmel Inc.	Property Owner:	Masahiro Hasegawa

Background and Project Description:

On November 10, 2015, Planning Staff approved a Business License (BL 15-416) for a hair salon named Carmel Blō, which is located on Dolores Street, 2 NE of 8th Avenue in the Residential and Limited Commercial zone. The Business License authorized the business to offer shampoo and blow dry services with an ancillary use allowing the retail sale of hair products and hair accessories, which was determined to be a compatible use with the proposed hair salon.

On December 28, 2015, the Planning Department received a letter requesting an amendment to the Business License to allow for the sale of wine as an ancillary use to the hair salon. The service of Alcohol is not included as an allowed use in the charts appearing in Section 17.14.040, and the staff determined that the proposed sale of alcohol was not compatible with the characteristics of the approved hair salon. The Business License amendment was denied on December 30, 2015. An appeal of the Administrative decision was received during the 10-working day appeal period. In accordance with Section 17.54.040 of the Municipal Code, the

Planning Commission is the appeal body for all administrative decisions. The appellant's concerns, as well as a staff analysis, are summarized in the following section.

Staff Analysis:

Zoning Interpretations: With regard to ancillary uses, City Municipal Code Section 17.14.040B states the following:

One ancillary use may be established in conjunction with a primary use when the ancillary use is identified as an allowed ancillary use for the primary use in the notes to the use charts appearing in this section (CMC 17.14.040). Determinations of compatibility for other ancillary uses shall be made by the Director based on the North American Industrial Classification System (NAICS) Manual and the characteristics of the proposed use. Decisions on ancillary uses may be referred to the Planning Commission when, in the opinion of the Director, the classification or compatibility of a proposed ancillary use is unclear.

The North American Industrial Classification System (NAICS) provides a classification of a beauty salon and alcohol sales is not included in the NAICS description. In addition, the City's Wine Tasting Policy Guideline #11 discourages wine tasting in association with incompatible uses such as art galleries, clothing stores, etc. For these reasons, the Planning Director determined that alcohol sales is incompatible with the primary use of a hair salon and hence denied the business license amendment.

Basis for Appeal: The applicant has included the grounds for the appeal in the Appeal Application included as Attachment E. Specifically, the applicant expressed three reasons why the application should not be denied:

- 1. The proposed use is compatible with the primary use of Beauty Salon services.*
- 2. The proposed land use, considered as a whole, appears to have the primary and ancillary uses united by a consisted theme and that use will not exhibit a character of multiple, unrelated actives combined into one business.*
- 3. The use will contribute to the character of the commercial district as a residential village with a mix of unique retail and service shops.*

The applicant has noted in the application that the alcohol sales will not constitute less than 1% of gross sales for the business. The applicant has also expressed to staff that the alcohol sales will be served to only patrons obtaining services from the salon.

Alternatives: This hearing is a de novo hearing. The Commission is responsible for reviewing the entire project and is not bound by the decision of staff. Staff recommends that this appeal be denied by the Planning Commission. The Commission could also grant the appeal, in which case staff would proceed with issuing the business license amendment.

Environmental Review: The proposed project is a statutory exemption from CEQA review. Staff is recommending disapproval of the project and therefore CEQA Section 15270 applies, which states that “CEQA does not apply to projects which a public agency rejects or disapproves.” This exemption may change depending on the Planning Commission’s determination. In the case that the use is approved, the proposed project would qualify for a categorical exemption from CEQA requirements pursuant to Section 15301 (Class 3) – New Construction or Conversion of Small Units.

ATTACHMENTS:

- Attachment A – Site Photographs
- Attachment B – Findings for Denial
- Attachment C – Municipal Code Section 17.14.040.B.
- Attachment D – Business License Application
- Attachment E – Business License Amendment
- Attachment F – Appeal Documents

Attachment A – Site Photographs



Carmel Blö, Dolores Street, 2 NE of 8th Avenue

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DENIAL

APP 16-011 / BL 15-416
Carmel Blō
Dolores Street, 2 NE of 8th Ave.
Block 91, Lots 16
APN: 010-145-009

CONSIDERATION:

Consideration of Appeal (APP 16-011) of an administrative denial of a Business License Amendment (BL 15-416) allowing the service of alcohol in an existing hair salon.

FINDINGS OF FACT:

1. The applicant submitted a Business License Application on 11/09/2015 for a new business to be located on Dolores Street, 2 NE of 8th Avenue in the Residential and Limited Commercial zone. The business was proposed to be called “Carmel Blō” and operate as a Hair Salon.
2. The Business License Application for “Carmel Blō” (BL 15-416) was approved on 11/10/2015.
3. The applicant submitted a Business License Amendment to the existing Business License (BL 15-416) on December 28, 2015 requesting the sale of alcohol as an ancillary use to the hair salon.
4. Staff denied the Business License Amendment to the existing Business License (BL 15-416) on December 30, 2015.
5. The Appeal of the Administrative Decision was filed on January 12, 2016, with the grounds of the appeal being the applicant’s objection to the staff’s interpretation of Municipal Code Section 17.64.060.

FINDINGS FOR DECISION

1. **Finding:** The proposed service of wine does not comply as a compatible use with a hair salon business.

Evidence: Section 17.14.040.B of the City Municipal code includes the following restrictions

for Ancillary Uses allowed for business: *“One ancillary use may be established in conjunction with a primary use when the ancillary use is identified as an allowed ancillary use for the primary use in the notes to the use charts appearing in this section (CMC 17.14.040). Determinations of compatibility for other ancillary uses shall be made by the Director based on the North American Industrial Classification System (NAICS) Manual and the characteristics of the proposed use.”* The service of Alcohol is not compatible with the characteristics of the approved hair salon.

2. **Finding:** The proposed service of wine is not included as part of the North American Industrial Classification System (NAICS) definition for a beauty salon.

Evidence: The North American Industrial Classification System (NAICS) provides the following definition for a beauty salon: *This U.S. industry comprises establishments (except those known as barber shops or men's hair stylist shops) primarily engaged in one or more of the following: (1) cutting, trimming, shampooing, coloring, waving, or styling hair; (2) providing facials; and (3) applying makeup (except permanent makeup).* Alcohol sales is not included in this description.

3. **Finding:** The proposed service of alcohol in a hair salon is not consistent with the City of Carmel's Wine Tasting Policy

Evidence: The City's Wine Tasting Policy Guideline #11 discourages wine tasting in association with incompatible uses such as art galleries, clothing stores, etc.

17.14.040 Additional Use Regulations.

B. Ancillary Uses. The following limitations shall apply to ancillary uses:

1. 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.

2. One ancillary use may be established in conjunction with a primary use when the ancillary use is identified as an allowed ancillary use for the primary use in the notes to the use charts appearing in this section (CMC 17.14.040). Determinations of compatibility for other ancillary uses shall be made by the Director based on the North American Industrial Classification System (NAICS) Manual and the characteristics of the proposed use. Decisions on ancillary uses may be referred to the Planning Commission when, in the opinion of the Director, the classification or compatibility of a proposed ancillary use is unclear.



CITY OF CARMEL-BY-THE-SEA
DEPARTMENT OF COMMUNITY PLANNING AND BUILDING
P.O. Drawer G, Carmel-by-the-sea, California 93921
Phone: (831) 620-2010 FAX: (831) 620-2014

APPLICATION FOR BUSINESS LICENSE
(TYPE OR PRINT CLEARLY)

Business Name: Carmelblo

Name of Principal (s)/Owner (s): Kris Howard + Kelly Davi

Ownership Type: (Circle One) Sole / Corporation / Partnership / Limited Liability Corporation

Required: Federal ID #: or Social Security #

Street Location of Business (Circle One): N/s S/s E/s W/s of Dolores St between N.E of Eighth Street and between 7th + 8th or

SW NW S/E/N/E Corner of Eighth Street and

Block: 91 Lot(s): 16 APN #: 010-145-009

Mailing Address: PO Box 1853 City: Carmel State: Cal Zip: 93921

E-Mail Address: dressmekris@gmail.com

Telephone: Business: (831) 250-5055 Home/Cell: (831) 594-3291 FAX: ()

Name of Property Owner: Masahiro Hasegawa Telephone: 831-373-2222
Court/Bldg:

Name of Previous Business at this Location: Laurie Ellen

Floor Level of Business (Circle Applicable): Basemen 1st 2nd Floor area: # of Exits: 1

Proposed Use/Business Activities: Include a DETAILED description of the specific products or services you intend to offer: Salon - Shampoo and blowdry selling hair products and accessories

Ancillary Use*: *Requires floor plan to be submitted with application showing the location and amount of floor space and display area occupied by both the primary and ancillary uses.

Open 5 Days per Week Hours of Operation 10-6

of Employees (including Owner/Manager): Full Time Part Time 3

of Parking Spaces Available Frequency of Deliveries 1 per week

Please describe how deliveries will be made (size of vehicle, unloading area and delivery times): deliveries once a week for towels

Desired/Anticipated Opening Date:

Change of Location: YES/NO License #: Previous Location: N/s S/s E/s W/s of: between and

Change of Use: YES/NO If yes, previous Use:

For Contractors Only: State of CA License #

For Transportation Only: # of vehicle trips per year

PLEASE READ AND SIGN OTHER SIDE

City Use Only

I, THE UNDERSIGNED, UNDER PENALTY OF PERJURY, STATE THAT I AM THE APPLICANT FOR THIS BUSINESS LICENSE. THE INFORMATION FURNISHED BY ME ON THIS APPLICATION IS TRUE AND CORRECT. I HAVE EXECUTED A VALID LEASE AGREEMENT AND/OR HAVE THE WRITTEN APPROVAL OF THE PROPERTY OWNER TO APPLY FOR A BUSINESS LICENSE. I UNDERSTAND THE ADMINISTRATIVE FEE IS NONREFUNDABLE AND THAT AFTER ONE YEAR, I AM RESPONSIBLE TO PAY TAXES ON ALL REVENUES COLLECTED.

Kelly Davis
Signature of Applicant

11.9.15
Date

IT IS YOUR RESPONSIBILITY TO NOTIFY THIS OFFICE IF YOU MOVE OR SELL BUSINESS, OR MAKE ANY SUBSTANTIAL CHANGE TO BUSINESS.

FOR OFFICE USE ONLY

SIC #: _____

Municipal Code Reference: 17.14.040 R NAICS Code #: _____ Class: _____

Zoning District RC Use Classification: Primary Personal Services Secondary Retail (<10%)

Use Permit: Not Required: X (Permitted) _____ (Nonconforming) _____

Required _____ (UP#) _____ (UP Date) _____

Compliance Standard: Yes X No _____ If so, Date Signed 11/24/15

Reviewed by: Ashley Holm Date: 11/10/15

THERE ARE NO REFUNDS ON BUSINESS LICENSE APPLICATIONS

New License/Change of Use, Location or Owner:

Application Fee: \$103.33
Administrative Fee: \$155.00
Inspection Fee: \$129.17
Disability & Access
Education Funding Fee \$ 1.00

TOTAL: \$388.50

Change of Business Name:

Application Fee: \$103.33
Administrative Fee: \$155.00
Disability & Access
Education Funding Fee \$ 1.00

TOTAL: \$259.33

TOTAL PAID \$ 388.50

RECEIPT # 63818

Received By: A. Ruben Date: 11/8/15



Hudson Martin Ferrante Street
Witten & DeMaria PC

RECEIVED

DEC 30 2015

City of Carmel-by-the-Sea
Planning & Building Dept.

December 28, 2015

VIA U.S. MAIL AND EMAIL

Community Planning and Building
Attn: Ashley Hobson
P.O. Drawer G
Carmel-by-the-Sea, CA 93921
ahobson@ci.carmel.ca.us

Re: Chioma Carmel, Inc. dba Carmel Blö
Our File No.: CHIO50802

Dear Ashley:

Thank you for your letter dated December 9, 2015. Please consider this letter as our formal request to amend Chioma Carmel, Inc.'s business license to permit the sale of wine as an ancillary use. The wine sales will constitute less than 1% of gross sales. Patrons will have the opportunity to purchase a glass of wine while having their hair done. The rest of the information pertaining to the business license remains unchanged.

To be clear, we wish to keep the current business license on file and active with the City of Carmel so Chioma Carmel, Inc. can continue to do business under that license while this amendment is pending.

The above-referenced ancillary use should be approved because: (1) the proposed use is compatible with the primary use of Beauty Salon services; (2) the proposed land use, considered as a whole, appears to have the primary and ancillary uses united by a consistent theme and that use will not exhibit a character of multiple, unrelated activities combined into one business; and (3) the use will contribute to the character of the commercial district as a residential village with a mix of unique retail and service shops. See Carmel Municipal Code Section 17.64.060. At this time there are no other impediments to the approval of Chioma Carmel, Inc.'s ABC application other than the City of Carmel's approval.

While we maintain that your office has authority to approve Chioma Carmel Inc.'s ABC application under the current business license, we understand your position is that your office must deny this request to amend the license in this capacity. Therefore please also accept this letter as our request to appeal a denial to the Planning Commission pursuant to Carmel Municipal Code Section 17.14.040.B and your letter dated December 9, 2015.

Re: Chioma Carmel, Inc. dba Carmel Blö
December 28, 2015
Page 2

If there is any further information we can provide please do not hesitate to contact us. We look forward to hearing from your office and the Planning Commission regarding the next steps.

Very truly yours,

HUDSON MARTIN FERRANTE STREET
WITTEN & DEMARIA PC



John C. Fox
Associate Attorney

APP 16-011
(Carmel Blö)

CITY OF CARMEL-BY-THE-SEA

APPEAL OF ADMINISTRATIVE DECISION

(FILING FEE: \$304.82*)

Appellant: Chioma Carmel, Inc. dba Carmel Blö

Mailing Address: 381 Cannery Row, Monterey CA 93940

Phone: Day:(831) 594-3291 Evening: (831) 594-3291

Email: kelly@chiomasalon.com

Date of Administrative Decision: December 30, 2015

*Appeals to the Planning Commission must be made in writing in the office of the Planning Department **within 10 calendar days following the date of the Administrative Decision** and paying the required filing fee as established by City Council resolution.*

Physical location of property that is the subject of appeal (street location or address):

2 NE Corner of Eighth Street on Dolores, STE F, Carmel, CA 93921

Lot(s): 91 Block: 16 APN: 010145009000

ADMINISTRATIVE DECISION BEING APPEALED: _____

Request to permit the sale of wine as an ancillary use to the beauty salon.

If you were **NOT** the original applicant or the applicant's representative, please state why you are an aggrieved party:

*Article 9, Section 7, of the Constitution of the State of California authorizes a city to impose fees. Also see California government Code, Section 54344.

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Planning & Building Dept.

GROUNDS FOR APPEAL: State the specific basis for your appeal, such as errors or omissions you believe were committed by Community Planning and Building Director in reaching his/her decision, etc. You may also submit a letter or other material to explain your appeal.

See attached

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT:

DATED THIS 6th DAY OF January, 2014.



Signature of appellant



Appeal fee received: (Staff Initial)



Receipt #:

IMPORTANT: If the appellant wishes to submit materials for duplication and inclusion in the City of Carmel-by-the-Sea’s Planning Commission agenda packet, the materials must be submitted to the Planning Department at least two weeks in advance of the appeal date.

Revised July 2014

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January 12, 2016	*****	Receipt #.: 64346
Tuesday 10:48 am	* City of Carmel-by-the-Sea *	Register #.: 000
By:	*****	Terminal ID: T91
	P.O. BOX CC CARMEL, CA. 93921	

I.D. Number	Amount Paid
APEAL APPEAL FEES	304.82
Cmt: 16-011 CARMEL BLO	01 36276 0010

Check #	Check Amount	Cash	Amt Tendered	Total Paid	Change
002159	304.82	.00	304.82	304.82	.00
				=====	=====
Paid By.: HUDSON MARTIN FERRANTE STREET WITTEN & DEMRIA PC					

CITY OF CARMEL-BY-THE-SEA

APPEAL OF ADMINISTRATIVE DECISION

Attachment

GROUND FOR APPEAL: This appeal is in regards to the Planning Commission's administrative decision to deny Chioma Carmel, Inc. dba Carmel Blō's ("Chioma") Alcoholic Beverage Control Application on the grounds that the sale of wine is not a permitted ancillary use to Chioma's beauty salon business license.

The wine sales at Chioma will constitute less than 1% of gross sales. Patrons will have the opportunity to purchase a glass of wine while having their hair done.

This appeal should be approved because: (1) the proposed use is compatible with the primary use of Beauty Salon services; (2) the proposed land use, considered as a whole, appears to have the primary and ancillary uses united by a consistent theme and that use will not exhibit a character of multiple, unrelated activities combined into one business; and (3) the use will contribute to the character of the commercial district as a residential village with a mix of unique retail and service shops. *See Carmel Municipal Code Section 17.64.060.* At this time there are no other impediments to the approval of Chioma Carmel, Inc.'s ABC application other than the City of Carmel's approval.

If there is any further information we can provide please do not hesitate to contact Chioma's legal counsel, Hudson Martin Ferrante Street Witten & DeMaria PC at (831) 375-3151. We look forward to hearing from you.

Very truly yours,

HUDSON MARTIN FERRANTE STREET
WITTEN & DEMARIA PC



John C. Fox
Associate Attorney

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Planning & Building Dept.



Hudson Martin Ferrante Street
Witten & DeMaria PC

January 6, 2016

VIA U.S. CERTIFIED MAIL

Community Planning and Building Department
City of Carmel-by-the-Sea
Post Office Drawer G
Carmel-by-the-Sea, CA 93921

Re: Chioma Carmel, Inc. dba Carmel Blō
Our File No.: CHIO50802

To Whom It May Concern:

Enclosed please find an Appeal of Administrative Decision form along with our check of \$304.82 for the filing fee. If there is any further information we can provide please do not hesitate to contact us. We look forward to hearing from your office.

Very truly yours,

HUDSON MARTIN FERRANTE STREET
WITTEN & DEMARIA PC

John C. Fox
Associate Attorney

JCF:jf

Enclosures as stated

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Planning & Building Dept.



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

February 10, 2016

To: Chair Goodhue and Planning Commissioners

From: Roofing Subcommittee of the Planning Commission

Submitted by: Marc Wiener, Acting Community Planning and Building Director

Subject: Consideration of Roofing Subcommittee recommendations to expand the list of acceptable roofing materials in the Single-Family Residential (R-1) Zoning District

Recommendation:

Review a report from the Roofing Subcommittee and direct staff to draft a policy identifying allowable types of roofing materials that can be approved administratively in the Single-Family Residential (R-1) District

Background and Purpose:

Over the past several years the Planning Commission has reviewed numerous re-roofing applications for materials that are an alternative to wood, such as composition shingle roofing. Requiring these re-roofing applications go before the Commission at a public hearing takes a significant amount of staff time and may delay re-roofing projects several months. In order to address this issue, the Commission appointed a Roofing Subcommittee to consider expanding the list of allowable roofing materials in the R-1 District that could be approved administratively.

The City's Residential Design Guidelines are restrictive, with stringent limits on the type of roofing materials that can be approved administratively. Specifically, the Residential Design Guidelines encourage the use of natural roofing materials consistent with the architectural style of the building, such as wood shakes/shingles, clay, tile, slate, and concrete tile. However, Design Guideline 9.6 states that *"some new materials may be considered only if they convey a scale and texture similar to that of traditional materials."*

The main charges of the Roofing Subcommittee were: 1) to consider expanding the City's list of acceptable roofing materials, 2) to potentially develop new criteria for acceptable alternative roofing materials, and 3) to make a recommendation on changes to the processing of re-roof applications to the full Planning Commission.

The Roofing Subcommittee: Don Goodhue and Ian Martin, researched alternative roofing products by reviewing samples that were sent to the City and meeting with product representatives to better understand the alternative roofing products available for residential applications. At the August 12, 2015 Planning Commission meeting, the subcommittee presented several roofing products that are a potential alternative to wood. The Commission expressed concern with some of these products and indicated a preference to tour sites in which the alternative roofing products were used. Since that time, the subcommittee has provided to the Planning Commission photographs and addresses of sites in which the roofing products were used.

Analysis/Recommendation

The Roofing Subcommittee recommends to the Planning Commission that the list of roofing materials that may be approved administratively by staff could be expanded to include certain alternative roofing materials. Acceptable alternative roofing materials include those that mimic the texture, thickness, and color of natural roofing materials. The Subcommittee has included a list (see below) of general types of products and specific manufacturer's product examples that could potentially be approved administratively, and would be used to review future residential roofing applications. This list has been narrowed down substantially from the list that was provided to the Commission in August 2015.

The following synthetic products are recommended:

- CeDUR shakes
- DaVinci shake or slates
- EcoStar shake or slates
- Metal tiles (the one previously approved)

Generic products, in addition to natural wood products, to be approved are:

- Clay tiles

Ceramic tiles
Light-weight concrete tiles

Note: All materials to be pre-approved would be limited to earth tones

Samples of the above listed products will be available at the meeting for review. Staff has conferred with the City Attorney and determined that the City may list specific manufacturers' products, provided that we indicate equivalent or similar products will also be accepted. In addition, the City's policy should note that products on the list are not guaranteed for approval and decisions on roofing materials are project specific. The current list of products is based on the review of samples, however, this list could be expanded in the future.

The intent is that the above list of products (or equivalent) could be approved by administratively by staff. As an alternative, the Planning Commission could delegate authority to the Roofing Subcommittee to review all applications for alternative roofing products prior to approval. Staff recommends that there be a time limit on this over-the-counter process, perhaps six months or a year, after which the policy would be reviewed. During this time period staff will visit and evaluate project sites that have used the alternative materials to consider whether the City should consider allowing these materials. Following the outcome of this meeting staff will draft a Re-roofing Policy that will return to the Planning Commission for adoption, likely at the next regular meeting.

Environmental Review: This project is exempt from CEQA pursuant to Section 15061.b (3) of the CEQA Guidelines. The proposed action is a potential expansion of the list of allowable roofing materials in the R-1 District per the City's existing Residential Design Guidelines and will not result in any potentially significant environmental impacts.