

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

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

November 14, 2012  
Wednesday  
Tour – 2:15 p.m.  
Meeting – 4:00 p.m.

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

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

**II. TOUR OF INSPECTION**

Shortly after 2:15 p.m. the Commission will leave the Council Chambers for an on-site Tour of Inspection of all properties listed on this agenda (including those on the Consent Agenda). The Tour may also include projects previously approved by the City and not on this agenda. Prior to the beginning of the Tour of Inspection, the Commission may eliminate one or more on-site visits. The public is welcome to follow the Commission on its tour of the determined sites. The Commission will return to the Council Chambers at **4:00 p.m.** or as soon thereafter as possible.

**III. ROLL CALL**

**IV. PLEDGE OF ALLEGIANCE**

**V. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS**

**VI. APPEARANCES**

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

**VII. CONSENT AGENDA**

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

- 5 1. Consideration of minutes from October 23, 2012, Special Meeting.
- 13 2. DR 12-10  
Carmel Sands Subsidiary, LLC  
NE San Carlos & 5<sup>th</sup>  
Block 50, Lot(s) 13-20  
Consideration of a Time Extension for Design Review, Demolition Permit, Use Permit and Coastal Development Permit applications for the redevelopment of the Carmel Sands hotel located in the Service Commercial (SC) District.
- 51 3. DR 12-27  
Claudine Van Vleet  
NW Lincoln & 6<sup>th</sup>  
Block 70, Lot(s) 3 & 4  
Consideration of a Public Bench and Plaque Donation and Design Review application for the installation of a bench in front of the First Murphy Cottage.
- 57 4. UP 12-9  
John Allen  
N/s 7<sup>th</sup> bt. San Carlos & Dolores  
Block 76, Lot(s) 20 & 22  
Consideration of the re-issuance of a Use Permit to allow a retail art gallery and wine shop with wine tasting at a commercial space located in the Central Commercial (CC) District. (Up, Up & Away)
- 69 5. UP 11-9  
Constance Dudley  
SE Ocean & Lincoln  
Block 75, Lot(s) 8  
Consideration of a Use Permit Amendment to allow live music at an existing restaurant located in the Central Commercial (CC) District. (Dametra Café)

**IX. PUBLIC HEARINGS**

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

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|-----|---|---|
| 79  | <p>1. DR 12-24/UP 12-15<br/>         Thomas C White III<br/>         N/s 5<sup>th</sup> bt. San Carlos &amp; Dolores<br/>         Block 51, Lot(s) 17-19</p>    | <p>Consideration of Design Review and Use Permit Amendment applications (Concept) for exterior alterations, including exterior seating, for an existing restaurant located in the Service Commercial (SC) District.<br/>         (Ristorante La Dolce Vita)</p> |
| 87  | <p>2. UP 12-17<br/>         Dennis Levett<br/>         SE Mission &amp; 5<sup>th</sup><br/>         Block 58, Lot(s) 2 &amp; 4</p>                              | <p>Consideration of a Use Permit application to allow wine sales and wine tasting at a site located in the Service Commercial (SC) District. (De Tierra Vineyards)</p>  |
| 99  | <p>3. DR 12-26<br/>         Peter Kimball/Kathy Cambell<br/>         W/s Torres 2 N 5<sup>th</sup><br/>         Block 48, Lot(s) 19</p>                         | <p>Consideration of a Preliminary Concept Review for the construction of a new residence on a property located in the Multi-Family Residential (R-4) District.</p>  |
| 113 | <p>4. DS 12-96<br/>         David &amp; Patricia Hughey<br/>         E/s San Carlos bt. 2<sup>nd</sup> &amp; 3<sup>rd</sup><br/>         Block 28, Lot(s) 8</p> | <p>Consideration of a Design Study application for the application of stonework to an existing residence located in the Single Family Residential (R-1) and Archaeological Significance Overlay (AS) Districts.</p>   |
| 119 | <p>5. DS 12-106<br/>         Mike &amp; Lynn Momboisse<br/>         SW Santa Fe &amp; 6<sup>th</sup><br/>         Block 67, Lot(s) 1</p>                        | <p>Consideration of Design Study (Concept) and Coastal Development Permit applications for the substantial alteration of an existing residence located in the Single Family Residential (R-1) District.</p>   |

**X. ADJOURNMENT**

The next meetings of the Planning Commission will be:

- ▶ Special Meeting – Thursday, November 15, 2012 at 1:00 p.m.
- ▶ Regular Meeting – Wednesday, December 12, 2012 at 4:00 p.m.

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

The City Council Chambers is equipped with a portable microphone for anyone unable to come to the podium. Assisted listening devices are available upon request of the

Administrative Coordinator. If you need assistance, please advise Leslie Fenton what item you would like to comment on and the microphone will be brought to you.

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

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

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

**I. CALL TO ORDER & ROLL CALL**

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

**STAFF PRESENT:** Sean Conroy, Planning & Building Services Manager  
Marc Wiener, Associate Planner  
Leslie Fenton, Administrative Coordinator

**II. TOUR OF INSPECTION**

The Planning Commission toured the following sites: Graham, Harper, Williams, Casey Silvey TR, Leidig/Draper Properties, Allen, Byrne and Nonnenberg.

**III. ROLL CALL**

**IV. PLEDGE OF ALLEGIANCE**

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

**V. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS**

Sean Conroy, Planning & Building Services Manager, made the following announcements:

1. Application DR 12-18, installation of an awning at B & G Jewelers, which was denied by the Planning Commission has been appealed to the City Council.
2. Public Hearing item #1 DR 12-17 has been continued. Item #4 DR 12-19/UP 12-12 has been moved to #1.

Commissioner Paterson announced that the article in the Pine Cone regarding the wine event was incorrect. The Planning Commission did not hear the proposal so they did not approve the proposal.

Mayor Burnett and City Administrator Stilwell presented a Certificate of Appreciation to Sean Conroy for his work with the City and the Planning Commission.

**VI. APPEARANCES**

Kathryn Gualtieri and Barbara Livingston appeared before the Commission.

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

6. DS 12-83  
Jerry Williams  
SW Camino Del Monte & 2nd  
Block 27, Lot(s) 1,3,4
- Consideration of a Design Study application for the construction of retaining walls located in the Single Family Residential (R-1) and Park (P) Overlay Districts.

Commissioner Paterson re-cused himself.

Commissioner LEPAGE moved **to approve the application**, seconded by DALLAS and **carried** by the following roll call vote:

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

5. UP 12-9  
John Allen  
N/s 7<sup>th</sup> bt. San Carlos & Mission  
Block 76, Lot(s) 20 & 22
- Consideration of the re-issuance of a Use Permit to allow a retail art gallery and wine shop with wine tasting at a commercial space located in the Central Commercial (CC) District.

Commissioner Reimers re-cused herself.

Marc Wiener, Associate Planner, presented the staff report. Chair Reimers opened the public hearing at 4:23 p.m. Lori Curtis appeared before the Commission. There being no other appearances, the public hearing was closed at 4:30 p.m.

Commissioner DALLAS moved **to continue the application**, seconded by PATERSON and **carried** by the following roll call vote:

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

**IX. PUBLIC HEARINGS**

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|---|--|
| 1. DR 12-19/UP 12-12<br>Leidig/Draper Properties<br>E/s Dolores bt. Ocean & 7th<br>Block 76, Lot(s) 6,7,8 | Consideration of Design Review and Use Permit Amendment applications for exterior alterations, including exterior seating, for an existing restaurant located in the Central Commercial (CC) District. |
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Commissioner Reimers re-cused herself from the discussion.

Marc Wiener, Associate Planner, presented the staff report. Vice-chair LePage opened the public hearing at 4:43 p.m. Claudio Ortiz, Roberta Miller, Barbara Livingston and John Hubert appeared before the Commission. There being no other appearances, the public hearing was closed at 5:06 p.m.

Commissioner DALLAS moved **to continue the project with the following recommendations; alternative ideas to awnings, access to kitchen and south wall design change to gradual decline**, seconded by GOODHUE and **carried** by the following roll call vote:

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

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|--|--|
| 2. DS 12-36<br>Dale & Margaret Byrne<br>26040 Ridgewood Dr.<br>Block 2W, Lot(s) 18 | Consideration of Design Study (Final) and Coastal Development Permit applications for the substantial alteration of an existing residence located in the Single Family Residential (R-1) and Archaeological Significance Overlay (AS) Districts. |
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Marc Wiener, Associate Planner, presented the staff report. Chair Reimers opened the public hearing at 5:26 p.m. John Mandurrago appeared before the Commission. There being no other appearances, the public hearing was closed at 5:31 p.m.

Commissioner LEPAGE moved **to approve the application with staff's Special Conditions #1 and #2; change to #3 – The applicant shall apply for an encroachment permit for the walkway prior to obtaining a building permit. The walkway must be shown on the plan and the encroachment shall serve as access to a walkway on the site; addition of #4 – applicant shall work with staff on final site coverage; addition of #5 the roof above the front entrance shall be one preferred by applicant**, seconded by PATERSON and **carried** by the following roll call vote:

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

3. DS 12-77  
David & Jan Graham  
SE Carmelo & 4<sup>th</sup>  
Block GG, Lot(s) 26 & 28
- Consideration of Design Study (Concept & Final), Variance and Coastal Development Permit applications for the alteration of an existing residence located in the Single Family Residential (R-1) and Archaeological Significance Overlay (AS) Districts.

Marc Wiener, Associate Planner, presented the staff report. Chair Reimers opened the public hearing at 5:44 p.m. Rob Nicely and Barbara Livingston appeared before the Commission. There being no other appearances, the public hearing was closed at 5:46 p.m.

Commissioner DALLAS moved **to approve application with staff's Special Conditions #1-3 and addition of #4 – The applicant shall work with staff on bringing the composite setback into compliance**, seconded by PATERSON and **carried** by the following roll call vote:

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

4. DS 12-87  
Sally & Stephen Harper  
W/s Lopez 2 S 2<sup>nd</sup>  
Block LL, Lot(s) 33
- Consideration of a Design Study application for the replacement of an existing wood shake roof with composition shingles on a residence located in the Single Family Residential (R-1) District.

Sean Conroy, Planning & Services Building Services Manager, presented the staff report. Chair Reimers opened the public hearing at 5:55 p.m. Sally Harper and Roberta Miller appeared before the Commission. There being no other appearances, the public hearing was closed at 6:04 p.m.

The Commission decided to go to item #6 so that the applicant could get an example of the roofing material.

6. SI 12-33  
Carmel Plaza – OWRF LLC  
SW Ocean & Junipero  
Block 78, Lot(s) All
- Consideration of a Sign Application for the installation of temporary banners in the interior courtyard of the Carmel Plaza located in the Central Commercial (CC) District.

Commissioner Reimers re-cused herself from the discussion.

Sean Conroy, Planning & Building Services Manager, presented the staff report. Vice-chair LePage opened the public hearing at 6:05 p.m. Jim Griffith and Barbara Livingston appeared before the Commission. There being no other appearances, the public hearing was closed at 6:10 p.m.

Commissioner PATERSON moved **to approve the application with staff's amended Special Condition #1 – The Carmel Plaza is authorized to install up to four temporary signs at no more than four events per calendar year. The signage shall comply with Carmel Municipal Code Section 17.40.070 (Temporary Signs). Banners shall not exceed 12 sq. ft in size and comply with City Banner Policy in regards to material to be used,** seconded by GOODHUE and **carried** by the following roll call vote:

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

The Commission returned to item #4.

Chair Reimers re-opened the public hearing at 6:17 p.m. A representative from the roofing company showed a sample. There being no other appearances, the public hearing was closed at 6:19 p.m.

Commissioner PATERSON moved **to approve the application,** seconded by Reimers and **carried** by the following roll call vote:

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

5. DS 12-88  
Lane & Sheryl Nonnenberg  
W/s Lincoln bt. 9<sup>th</sup> & 10<sup>th</sup>  
Block 113, Lot(s) 11

Consideration of a Design Study application  
for the replacement of an existing wood shake  
roof with composition shingles on a residence  
located in the Single Family Residential (R-1)  
District.

Sean Conroy, Planning & Building Service Manager, presented the staff report. Chair Reimers opened the public hearing at 6:22 p.m. Mike Lang appeared before the Commission. There being no other appearances, the public hearing was closed at 6:26 p.m.

Commissioner LEPAGE moved **to deny the application**, seconded by DALLAS and **carried** by the following roll call vote:

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

**X. ADJOURNMENT**

There being no further business to come before the Commission, the meeting was adjourned at 6:30 p.m.

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Leslie Fenton, Administrative Coordinator

ATTEST:

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Janet Reimers, Chair

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

MEETING DATE: 14 November 2012      BLOCK: 50 LOTS: 13-20

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: DR 12-10

OWNER: Carmel Sands Subsidiary, LLC

STREAMLINING DEADLINE: N/A

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SUBJECT:

Consideration of a Time Extension for Design Review, Demolition Permit, Use Permit and Coastal Development Permit applications for the redevelopment of the Carmel Sands hotel located in the Service Commercial (SC) District.

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ENVIRONMENTAL REVIEW:

N/A

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LOCATION:

NE Cor. San Carlos & 5<sup>th</sup>

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ZONING:

SC

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ISSUES:

1. Have the conditions surrounding the original approvals changed?

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OPTIONS:

1. Approve the application.
2. Approve the application with special conditions.
3. Continue the application.
4. Deny the application.

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RECOMMENDATION:

Option #1

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ATTACHMENTS:

1. Staff Report dated 11/14/12
2. Application Materials.
3. Approved Findings, Conditions and Plans.

STAFF CONTACT: Marc Wiener, Associate Planner

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

**APPLICATION:** DR 12-10      **APPLICANT:** Carmel Sands Subsidiary, LLC  
**BLOCK:**                    50                    **LOT:**                    13-20  
**LOCATION:**                NE Cor. San Carlos & 5<sup>th</sup>

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**REQUEST:**

Consideration of a Time Extension for Design Review, Demolition Permit, Use Permit and Coastal Development Permit applications for the redevelopment of the Carmel Sands hotel located in the Service Commercial (SC) District.

**BACKGROUND & PROJECT DESCRIPTION:**

The Carmel Sands Lodge is located at the northeast corner of San Carlos Street and Fifth Avenue and consists of three buildings and includes a 42 hotel rooms and a 120 seat restaurant. The site also includes a large surface parking lot and a swimming pool. The buildings on the site are not considered historically significant. A Determination of Ineligibility for listing on the City's Historic Inventory was issued on 1 September 2006.

On 14 July 2010 the Planning Commission approved the redevelopment project at this site and adopted a Mitigate Negative Declaration. The City Council upheld the Planning Commission's decision on appeal on 10 December 2010. The project includes the following elements:

- 42 hotel rooms in four buildings.
- Intra-block walkway and interior courtyard.
- Two retail spaces.
- Limited use restaurant.
- 64-space underground garage.
- Day spa facility.

The bank has since taken over ownership of the property and is requesting a time extension for the project approvals. Based on the final action by the City Council, the current permits are valid until 10 December 2012.

**EVALUATION:**

**Time Extension:** CMC Section 17.52.170 indicates that the Planning Commission may administratively grant a time extension equal in length to the original approval, in this case two years. The criteria for evaluating a time extension is whether the conditions surrounding the original approval have changed, or whether the General Plan, Municipal Code or Local Coastal Plan Program have been amended in any manner which would

cause the approvals to be inconsistent with these plans or codes. A time extension request does not reopen the public hearing for the project.

Staff supports the time extension as the conditions surrounding the project have not changed.

**RECOMMENDATION:**

Approve the application for a Time Extension extending the life of the permits until 10 December 2014.

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

UP 08-2/DR 08-9

Carmel Sands Lodge

NE Cor. San Carlos & 5<sup>th</sup>

Block 50, Lots Part 12 & 13-20

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**CONSIDERATION:**

Consideration of Findings and Conditions for the approval of Design Review, Use, Demolition and Coastal Development Permit applications and a Mitigated Negative Declaration for the Carmel Sands Redevelopment Project.

**FINDINGS OF FACT:**

1. This site is a 32,997 site comprised of a portion of lot 12 and all of lots 13-20 of Block 50 in the Service Commercial (SC) District of Carmel-by-the-Sea.
2. This site is developed with a 42-unit motel known as the Carmel Sands Lodge and includes a 120-seat full service restaurant.
3. The existing buildings on the site are not considered historically significant. The City issued a Determination of Ineligibility for listing on the City's Historic Inventory on 1 September 2006.
4. The property owner submitted an application for the demolition of the existing motel and the construction of a new 57-unit motel on 21 March 2008.
5. The City circulated an Initial Study(IS)/Mitigated Negative Declaration(MND) for the project in accordance with the California Environmental Quality Act (CEQA) from 13 November 2008 through 3 December 2008.
6. The Planning Commission reviewed the IS/MND on 10 December 2008 and continued the project.
7. The applicant subsequently revised the project to reduce the number of rooms to 42, which necessitated the preparation of a new IS.
8. The City prepared a revised IS/MND based on the new project description and circulated it from 4 November 2009 through 24 November 2009. Ten comments were submitted during the public comment period.
9. Staff issued a "Response to Comments" on 9 December 2009 responding to questions and concerns raised in comment letters.

10. On 9 December 2009 and again on 10 February 2010 the Planning Commission determined that the IS/MND was adequate for the project and that no substantial evidence existed that the project might have a significant effect on the environment.
11. On 10 March 2010 the Planning Commission accepted the Design Concept for the project and determined that the proposed scale, massing and site design were appropriate for the project.
12. The Planning Commission determined that the proposed mass and scale of the project is consistent with other hotels in town and with other projects in the vicinity.
13. The Planning Commission determined that the requested height exceptions for the tower elements that exceed 30-feet in height are appropriate for the project and consistent with CMC Section 17.14.150.B.

**REQUIRED FINDINGS (CMC 17.64):**

**CMC 17.64.010**

1. The proposed use is consistent with the General Plan as determined by the Planning Commission through the environmental and design review of the project.
2. The proposed use, as conditioned, will comply with all zoning standards applicable to the use and zoning district. The primary use (hotel) is considered a conditional use in the Service Commercial (SC) District.
3. The granting of the Use Permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.
4. The proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection as discussed in the IS.
5. The proposed use will not be injurious to public health, safety or welfare.
6. The proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the SC District.
7. The proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.
8. The project, as conditioned, is consistent with the Local Coastal Program.

required for public access in accordance with the California Coastal Act.

CMC 17.64.020

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/MND.

CMC 17.64.100

1. Consistent with CMC 17.30, the approved demolition of the existing structures is concurrent with Design Review approvals for replacement structures on-site.
2. The proposed project does not involve the demolition of existing residential units or the conversion of existing second-floor residential area to commercial area.
3. The proposed use does not require a water allocation from the City.
4. The proposed underground garage exceeds the minimum amount of required parking for the project and is consistent with CMC 17.38.
5. The proposed project does not create any nonconformities on the site.
6. The project design has been reviewed and found consistent with CMC 17.14.

CMC 17.64.120

1. The existing motel has been in existence since at least 1988 and has remained in operation since that time. The proposed use will not increase the number of motel units in the City.
2. The proposed use will operate as a commercial business offering transient lodging for guests and visitors.
3. None of the proposed motel units include cooking facilities.
4. A site plan has been approved for the project that maximizes usable open-space with an inter-block walkway, courtyards and outdoor seating areas consistent with CMC 17.14.

5. The proposed underground garage exceeds the minimum amount of required parking for the project and is consistent with CMC 17.38.
6. Incidental service uses provided by the motel, that are not otherwise allowed within the land use district, will be limited to use by motel occupants only.

**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, as mitigated, will not have a significant effect on the environment.
2. The Initial Study determined that potential environmental impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazardous materials, hydrology and water quality, land use and planning, noise and transportation and traffic could result from the project. Mitigation measures were identified in the Initial Study, and adopted as part of the Mitigation Monitoring Program, that will reduce the potential impacts to less than significant.
3. Slight revisions have been made to the text of the Initial Study to reflect aspects of the project that have changed during the review process. These changes were reviewed and approved as part of the adoption of the Mitigated Negative Declaration on 14 July 2010.

**SPECIAL CONDITIONS:**

1. Entitlements. This approval authorizes the issuance of Demolition, Design Review, Use and Coastal Development permits. These establish an entitlement to:
  - Demolition all existing site improvements.
  - Construct a 64-space underground garage.
  - Construct a 42-unit hotel that includes a restaurant, two commercial spaces and a day spa facility.

All approvals are based on the design plans approved on 14 July 2010 and all findings, mitigations (see Mitigation & Monitoring Plan), amendments and conditions presented at the meeting. If any part of this entitlement is implemented, all parts, designs and conditions also shall be implemented. The approvals shall be valid for two years from the date of final action unless a valid building permit has been issued and maintained for the purposes of construction.

(Hotel)

2. All 42 hotel units shall be offered on a transient basis (less than 30 days). None of the units shall contain kitchen facilities.

3. The project shall include one manager's unit, which may contain kitchen facilities.
4. No timeshare project, program, occupancy, use or ownership as defined in CMC Section 17.70 shall be permitted.

(Parking)

5. The use of the underground garage shall be limited to the parking and storing of vehicles and/or other non-commercial activities associated with the hotel.
6. The driveway slope shall be completely contained on private property and shall not exceed 10% in the first and last five feet, or 25% in the intervening distance.
7. As the total required parking includes employees and guests, employees shall not be prohibited from parking in the parking garage.

(Restaurant)

8. The restaurant shall be considered a "full line" restaurant for zoning purposes and shall be limited to 26 interior seats. Additional seating is authorized in the adjacent outdoor courtyard facing Fifth Avenue per the approved site plan. Restaurant hours shall be limited to 7:00 a.m. to 11:00 p.m. seven days a week. Room service shall be permitted without a restriction on hours.
9. The restaurant shall not operate as a "Drive-in, Formula Food or Fast Food" establishment as defined in CMC Section 17.70.
10. Except as provided in CMC Sections 8.68.070 and 8.68.080 no restaurant shall provide prepared food to its customers in CFC-processed food packaging or polystyrene foam food packaging, nor shall any restaurant purchase, obtain, keep, sell, distribute, provide to customers or otherwise use in its business any CFC-processed food packaging or polystyrene foam food packaging. The restaurant shall comply with all other requirements in CMC Section 8.68.
11. Substantially all foods from the standard menu shall be available for purchase during the hours that alcoholic beverages are being served except for the first hour and the last hour of each business day.
12. The business shall primarily be a restaurant with no more than 25 percent of the total number of seats located at a bar or in a separate bar room.
13. Customers shall be provided with individual menus while seated at a table or counter.
14. Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrappings, and all housebrand

labeled food store goods such as vinegars, oils and salad dressings shall be prepackaged and sealed.

15. 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.
16. At least one restroom shall be available for use by both sexes within, or conveniently adjacent to, the specific business premises and on the same property on which the use is located. This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location and accessibility standards, and shall be available for use by both the employees and patrons of the business.
17. Maximum seating capacity shall not exceed the standards in the State Uniform Building and Fire Codes, the number of seats approved by the Planning Commission through public review, or the number of seats in the previous business, whichever is less. The seating capacity shall be posted on the premises.
18. The restaurant shall include the installation of a grease trap to be reviewed and approved by the Carmel Area Waste Water District (CAWD).

(Commercial Spaces)

19. The conference facilities shall be used by guests of the hotel only so as to limit additional traffic generating uses on-site.
20. All commercial spaces shall be established with permitted uses in the Service Commercial (SC) District as identified in CMC Section 17.14. Any proposed use that requires a conditional use permit shall require separate review and approval by the Planning Commission.

(Design)

21. The applicant shall submit in writing any proposed changes to the project plans as approved on 14 July 2010 and approved by the Planning Commission, prior to incorporating changes on the site. If the applicant changes the project without first obtaining approval, the applicant will be required to either: a) Submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change; or b) Eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection approval.

22. The Carmel stone facade shall be installed in a broken course/random or similar masonry pattern. Setting the stones vertically on their face in a cobweb pattern shall not be permitted.
23. The floor of all recessed public entrances shall be differentiated from the adjoining sidewalk through contrasting stone, brick, tile or other pavers that do not extend beyond the property line.
24. All exterior paint shall be applied as a solid color, without texture or mottling. No faux finishes are permitted.
25. An exterior lighting plan shall be submitted as part of the building permit application that complies with the exterior lighting requirements of CMC Section 15.36.070.

(Construction)

26. All foundations within 15 feet of significant trees shall be excavated by hand. If any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed. Twelve inches (12") of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.
27. The applicant shall apply for an encroachment permit for all encroachments into the public right-of-way.
28. The applicant shall install semipermeable or fully permeable pavers in the public rights-of-way along San Carlos Street, Fifth Avenue and Mission Street abutting the property. The applicant shall coordinate with the Department of Community Planning and Building regarding the proposed paving materials prior to installation.
29. Final construction documents shall include a plan for locating required utility meters, vaults and connections that do not use the public sidewalk. Location within the garage or driveway is preferred. All utilities serving the property shall be installed underground.
30. Final construction documents shall include a plan showing all rooftop equipment such as heating, cooling and ventilation systems. All equipment shall be designed so as not to be visibly prominent from the public right-of-way and adjoining structures.
31. Final construction documents shall include a plan for garage ventilation that minimizes the conveyance of noise to adjacent properties and to the public right-of-way.

32. Final construction documents shall include a drainage plan that addresses runoff during construction and post construction. All site and roof runoff shall be maintained on private property to the extent possible. The contractor(s) shall use Best Management Practices for protecting the environment during project construction. No oils, paints, solvents or other foreign liquids produced by or resulting from the use of construction vehicles, painting equipment, adhesives or any other source shall be allowed to enter the street, storm drain system, or soils. No runoff containing cement, plaster, plastic or other construction materials shall be allowed to contaminate soils or to enter the public right-of-ways.
33. Prior to issuance of a building permit for demolition and excavation the owner or contractor shall meet with the Building Official, Public Safety Director and the Superintendent of Public Works to review the Truck Haul Route and all protocols (staging areas, vehicle size, time limits, clean-up, communication, etc.) for the project. Damage to any portion of the City roadway/street area including but not limited to the flow-line, curbs, sidewalks, gutters, storm drains, etc. shall be repaired by the contractor/owner of the project at the owner's expense. Repairs shall be coordinated with the Public Works Superintendent and subject to the specifications set forth for street repairs.

(Landscaping)

34. All new landscaping shall be shown on a landscape plan and shall be submitted to the Department of Community Planning and Building and to the City Forester prior to the issuance of a building permit. The landscape plan will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including the following requirements: 1) all new landscaping shall be 75% drought-tolerant; 2) landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 3) the project shall meet the City's recommended tree density standards, unless otherwise approved by the City based on site conditions. The landscaping plan shall show where new trees will be planted and/or relocated.
35. Wherever cuts are made in the ground near the roots of trees in the public right-of-way or on adjacent properties, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots
36. Trimming cuts shall conform to arboricultural standards and shall be made along the branch bark ridge under supervision of the City Forester or his designee.
37. Damage to any public tree during tree removal, demolition, excavation or construction shall be reported immediately by the person causing the damage, the responsible contractor or the property owner to the Director of Forest, Parks and Beach. The

contractor and/or owner shall treat the tree for damage in the manner specified by the Director of Forest, Parks and Beach.

38. Wires, signs and other similar items shall not be attached to trees.

(Misc)

39. The project shall not exceed the existing documented water credits for the site. No debit from the City's water allocation is authorized.
40. The applicant shall pay the TAMC regional impact fee prior to issuance of a building permit.
41. The applicant shall record a Notice of Determination within five days of the final City action on the project with the Monterey County Clerk and pay all applicable fees.
42. Neighborhood courtesy. All construction activities shall be limited to construction hours specified by the City. The contractor shall establish a person to contact to receive neighborhood complaints about noise or other construction activities. This contact person shall be responsible for determining the cause of the complaint, requiring reasonable measures to avoid recurrence and reporting all contacts and follow-up actions to the Building Official. Construction of the building and other improvements shall employ "good neighbor practices" including the provision of at least three days notice to property owners and building tenants within 200 feet for:
- a) The date construction will start.
  - b) Periods when unusually loud noises will need to be generated such as when jack-hammers and other equipment are used.
  - c) The dates when any sidewalk closures will be needed and the provision of workable detours for pedestrians, as approved by the Building Official.
43. 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.

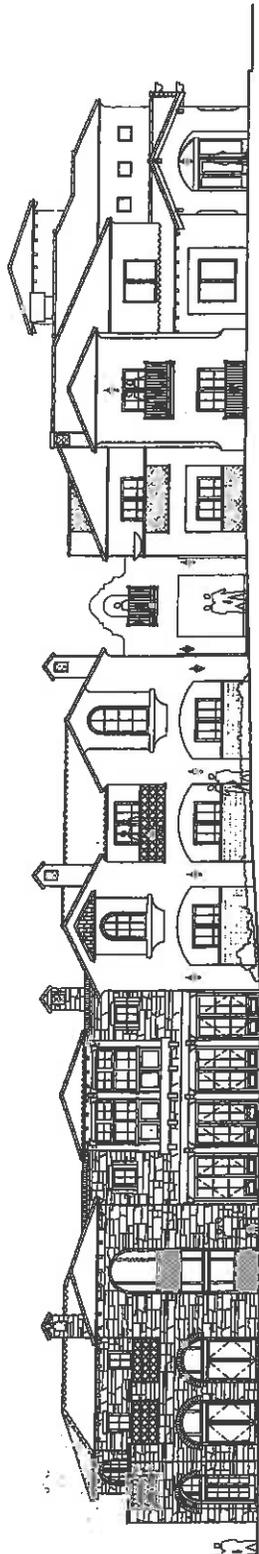
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CONSULTANT:  
 157 GRAND AVE. #100 PACIFIC GROVE, CA 95950  
 PHONE (831) 739-0900 • FAX (831) 739-0900 • WEB: www.ericmiller.com

ERIC MILLER ARCHITECTS, INC.  
 ARCHITECT

COVER SHEET / TITLE SHEET  
 CARMEL SANDS LODGE  
 157 GRAND AVE. #100 PACIFIC GROVE, CA 95950  
 PHONE (831) 739-0900 • FAX (831) 739-0900 • WEB: www.ericmiller.com

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# CARMEL SANDS LODGE

## PRELIMINARY PERMIT SUBMITTAL

### BUILDING SIZE CALCULATION

DEPARTMENT / CHANGE	VALUE SF
COURTY / SERVICE LEVEL	3,871 SF
BLDG. 1	2,712 SF
BLDG. 2	1,899 SF
SERVICE LEVEL SUBTOTAL	8,482 SF
1ST FLOOR	2,839 SF
BLDG. 1	4,482 SF
BLDG. 2	2,791 SF
BLDG. 3	2,778 SF
BLDG. 4	2,823 SF
BLDG. 5	1,687 SF
2ND FLOOR	4,412 SF
BLDG. 1	4,082 SF
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1. ALL OTHERS ARE NOT TO SCALE

**KEYED NOTES:**

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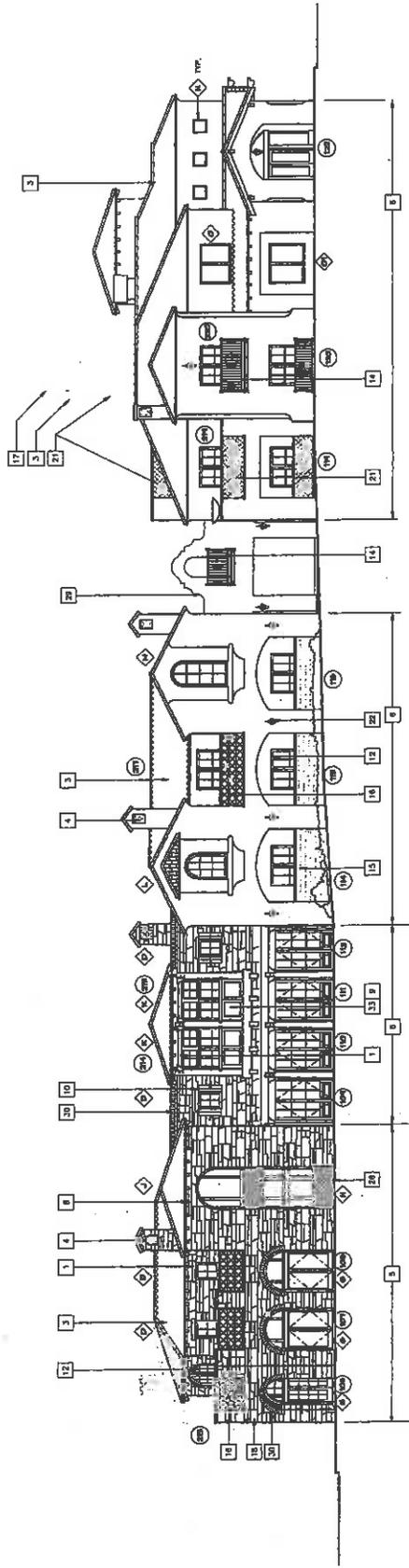
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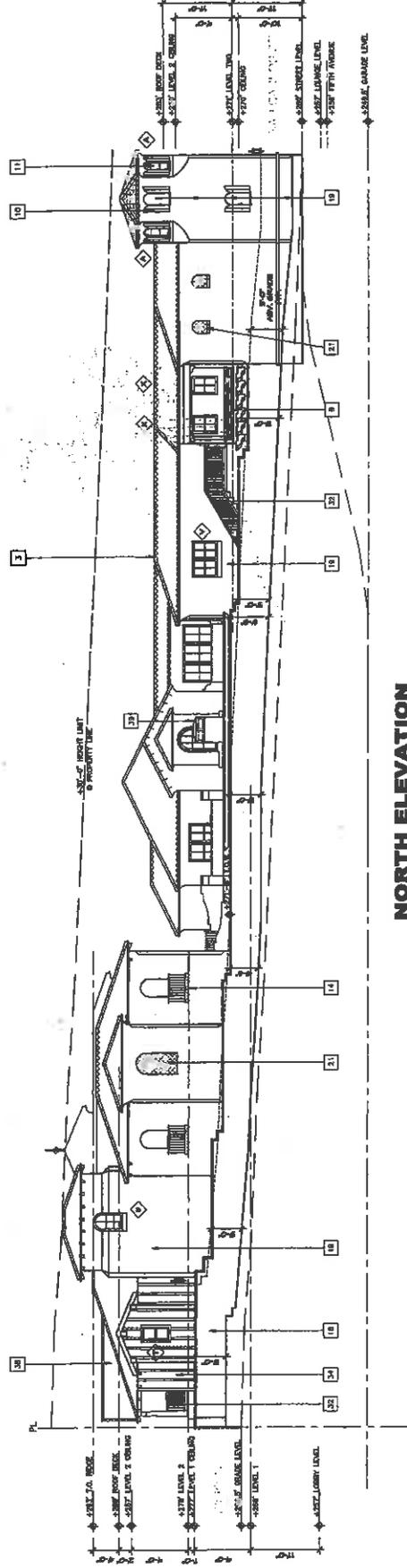
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**SOUTH ELEVATION (FIFTH AVENUE)**  
SCALE: 1/8" = 1'-0"



**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

REVISION	DATE	BY	CHKD
1	11/17/11	EM	EM
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3	11/17/11	EM	EM
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47	11/17/11	EM	EM
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50	11/17/11	EM	EM

CONSULTANT

**ERIC MILLER ARCHITECTS, INC.**  
157 GRAND AVE. 108 PACIFIC GROVE, CA 93950  
PHONE (805) 525-6410 FAX (805) 525-7494 WWW.ERICMILLERARCHITECTS.COM

ARCHITECT

**EXTERIOR ELEVATIONS**  
JOB NO. 1072  
JOB NAME: CARAMEL SANDS LODGE  
JOB ADDRESS: 1072 CARAMEL SANDS LODGE, CARAMEL, CA 93923

**A7**  
SHEET 05

1. ALL INFO ARE NEW UNLESS

**NOTED NOTES:**

- 1. FLOOR FINISH
- 2. 4" OT / 3" EP
- 3. 3" FLOOR FINISH TILE FINISH
- 4. 3" FLOOR FINISH TILE FINISH
- 5. 3" FLOOR FINISH TILE FINISH
- 6. 3" FLOOR FINISH TILE FINISH
- 7. 3" FLOOR FINISH TILE FINISH
- 8. 3" FLOOR FINISH TILE FINISH
- 9. 3" FLOOR FINISH TILE FINISH

- 10. FLOOR FINISH
- 11. FLOOR FINISH
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- 18. FLOOR FINISH

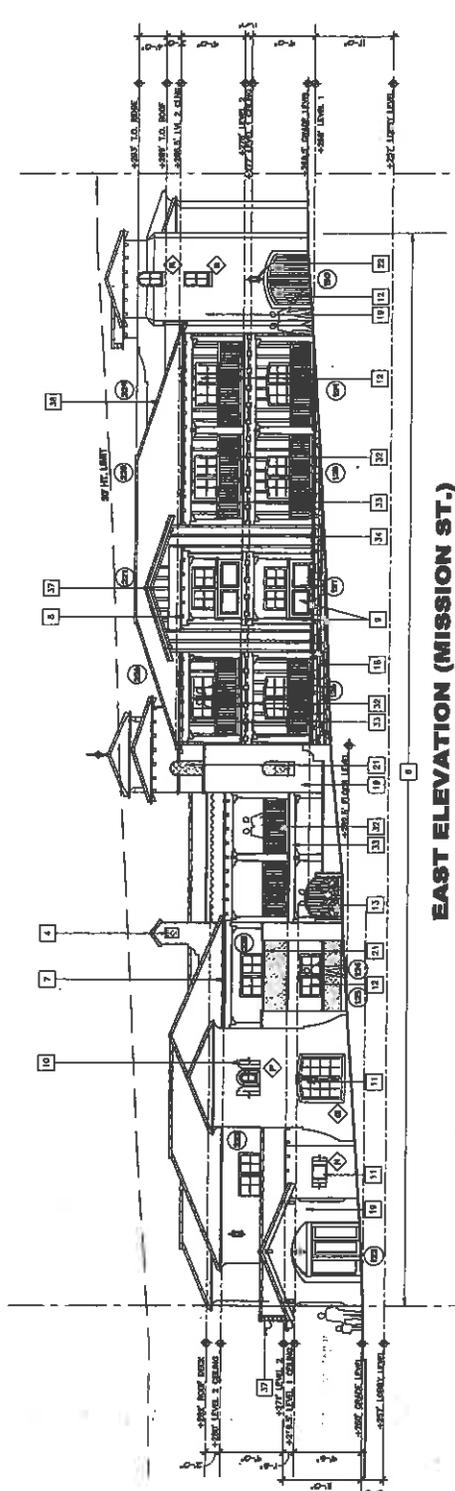
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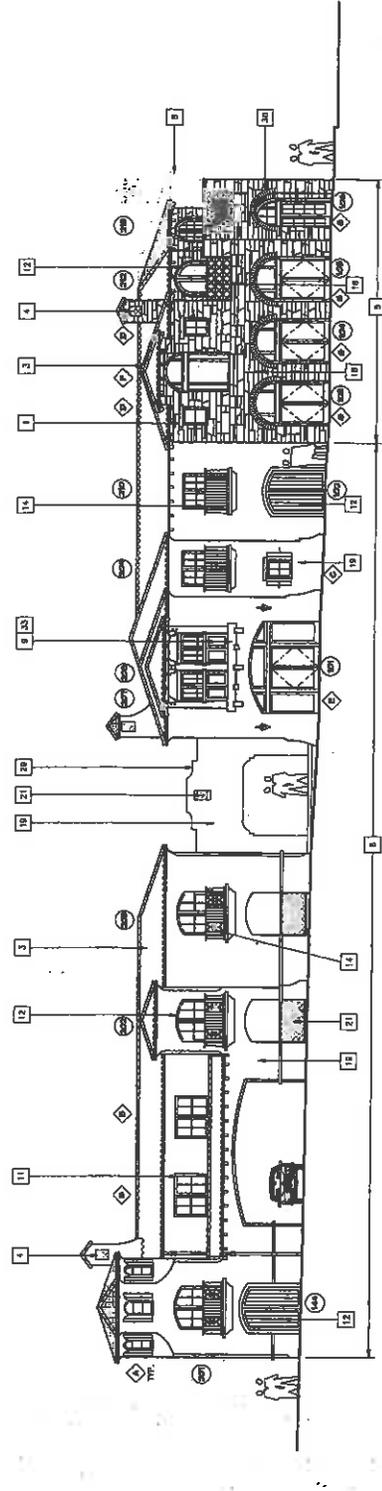
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- 61. FLOOR FINISH
- 62. FLOOR FINISH
- 63. FLOOR FINISH



**EAST ELEVATION (MISSION ST.)**  
SCALE: 1/8" = 1'-0"



**WEST ELEVATION (SAN CARLOS ST.)**  
SCALE: 1/8" = 1'-0"

REVISION	NO.	DATE	BY	DESCRIPTION
	1	12/1/08	ERIC MILLER	ISSUED FOR PERMIT
	2	12/1/08	ERIC MILLER	ISSUED FOR PERMIT
	3	12/1/08	ERIC MILLER	ISSUED FOR PERMIT
	4	12/1/08	ERIC MILLER	ISSUED FOR PERMIT
	5	12/1/08	ERIC MILLER	ISSUED FOR PERMIT
	6	12/1/08	ERIC MILLER	ISSUED FOR PERMIT
	7	12/1/08	ERIC MILLER	ISSUED FOR PERMIT
	8	12/1/08	ERIC MILLER	ISSUED FOR PERMIT
	9	12/1/08	ERIC MILLER	ISSUED FOR PERMIT
	10	12/1/08	ERIC MILLER	ISSUED FOR PERMIT

CONSULTANT:  
**ERIC MILLER ARCHITECTS, INC.**  
 157 GRAND AVENUE, SUITE 100  
 PACIFIC GROVE, CA 93950  
 PHONE (805) 872-0400 • FAX (805) 872-7100 • WEB: www.ericmiller.com

ARCHITECT:  
**CAMEL SANDS LODGE**  
 2800 CALIFORNIA ST., SUITE 200  
 CARMEL-By-the-SEA, CA 93920  
 DATE: 10/21/08  
 SHEET: 1/8" = 1'-0"  
 TITLE: EXTERIOR ELEVATIONS  
 JOB NUMBER: 08115  
 DRAWN: CML

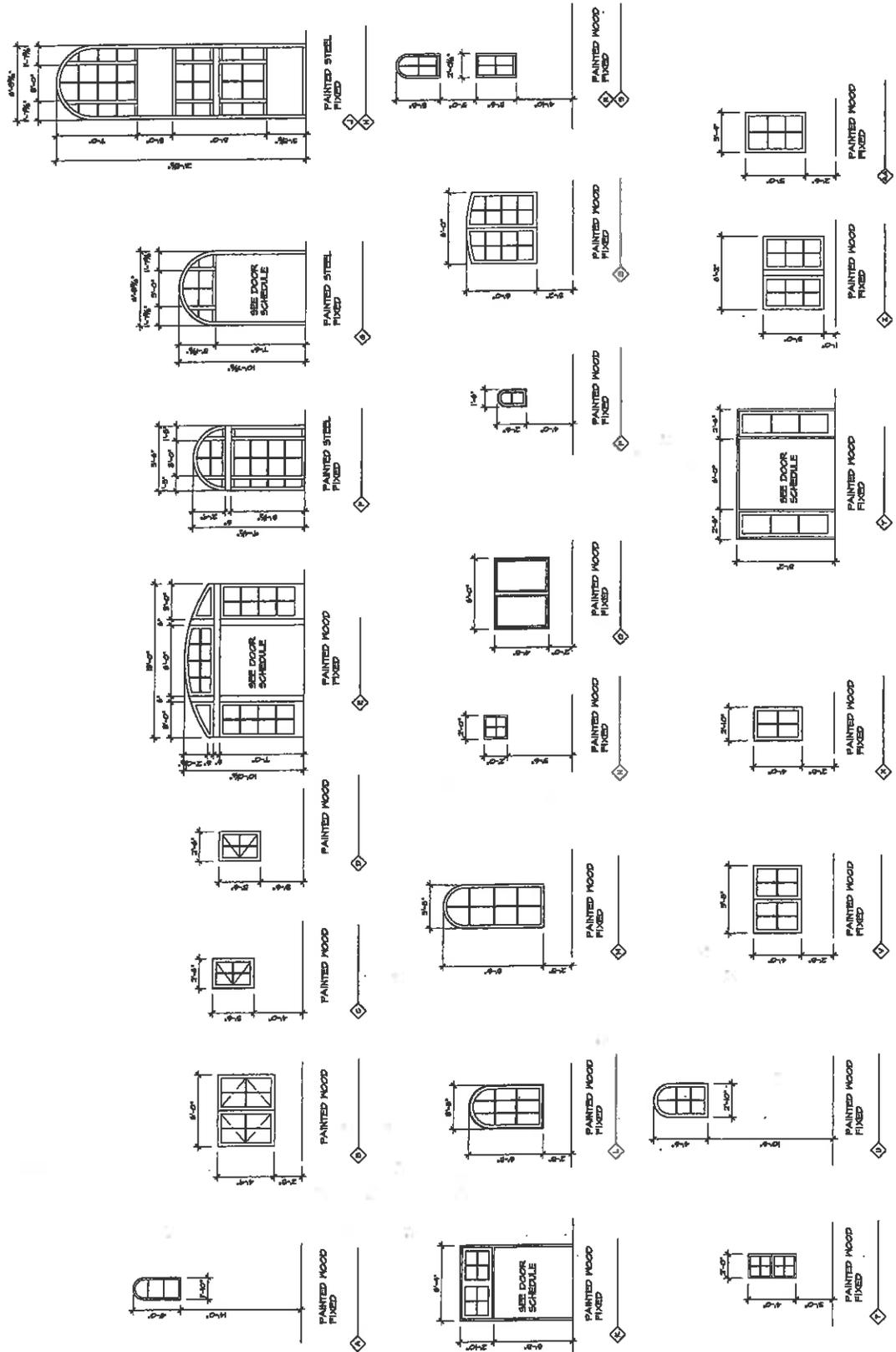
**A8**  
 SHEET 08





WINDOW SCHEDULE

WINDOW & STOREFRONT TYPES



WINDOW NOTES

1. WINDOWS LOCATED WITHIN 24" OF DOOR SHALL BE TEMPERED GLAZING PER CBC SECTION 2403.4.

VERIFY ALL DIMENSIONS ON SITE

REVISION	No.
17/08	A

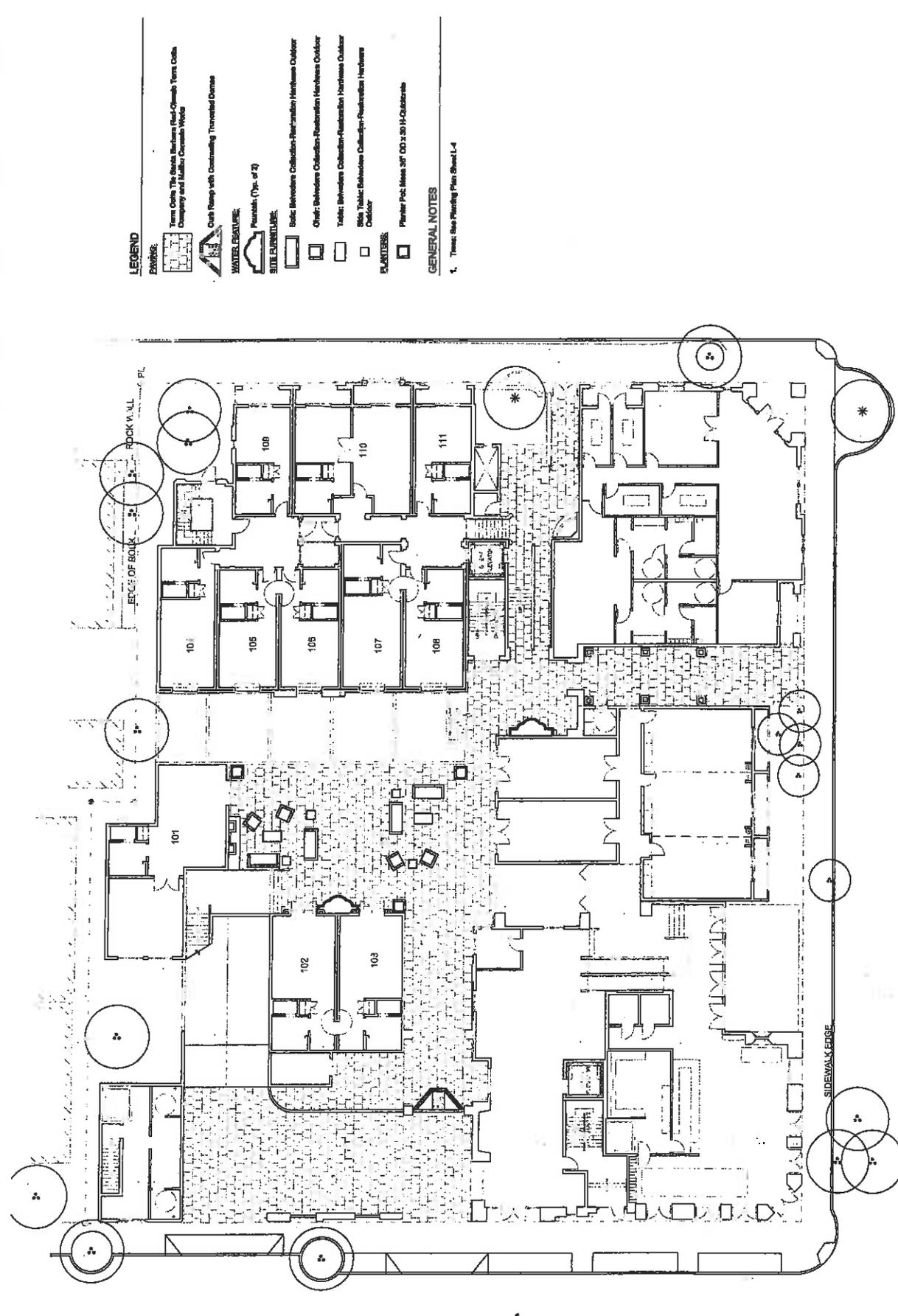
CONSULTANT:  
 ARCHITECT:  
 187 GRAND AVENUE  
 PACIFIC GROVE, CA 93950  
 PHONE (805) 239-0818 • FAX (805) 239-7844 • WWW.ERICMILLERARCHITECTS.COM

ERIC MILLER ARCHITECTS, INC.  
 187 GRAND AVENUE  
 PACIFIC GROVE, CA 93950  
 PHONE (805) 239-0818 • FAX (805) 239-7844 • WWW.ERICMILLERARCHITECTS.COM

WINDOW SCHEDULE  
 CARMEL SANDS LODGE  
 1500 CARMEL DRIVE  
 CARMEL, CA 95008  
 DATE: 10/20/2018  
 DRAWN: PH  
 JOB NUMBER: 0435

A11  
 SHEET OF

REVISION	No.

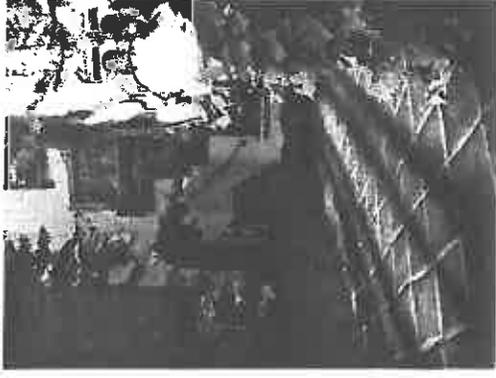


- LEGEND**
- FRAMES:**
    - Term Cuts The Stone Machine Cast-Orange Term Cuts Company and Nubbin Curved Woods
    - Cash Ramp with Countertop Transomed Dome
  - WATER FEATURE:**
    - Fountains (Type of 2)
  - SOFA FURNITURE:**
    - Basic: Belvedere Collection Restoration Hardware Outdoor
    - Chair: Belvedere Collection Restoration Hardware Outdoor
    - Table: Belvedere Collection Restoration Hardware Outdoor
    - Side Table: Belvedere Collection Restoration Hardware Outdoor
  - PLANTERS:**
    - Planter Pot: Mesa 36" OD x 30 H-Quadrant
- GENERAL NOTES**
1. Times: See Plotting Plan Sheet L-4



REVISION	No.

PAVING:  
 SANTA BARBARA RED TERRA COTTA PAVERS BY CLASSIC TERRA  
 COTTA COMPANY



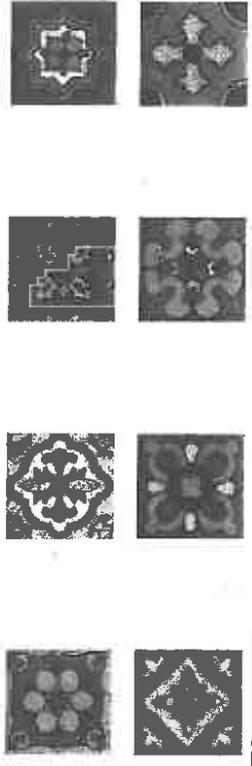
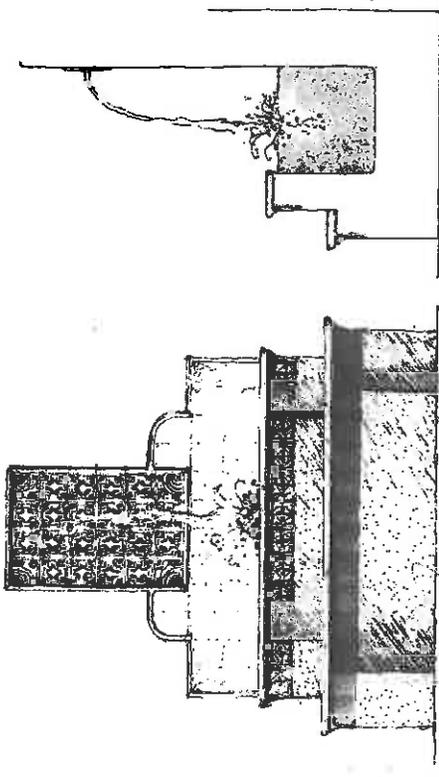
PLANTERS:  
 MESA PLANTER 36" OD X 30" H.  
 BY QUICKCRETE



SITE FURNITURE:  
 RELIANCE COLLECTION BY RESTORATION HARDWARE OUTDOOR



WATER FEATURE:  
 TILE BY MAJIBU CERAMIC WORKS TILE



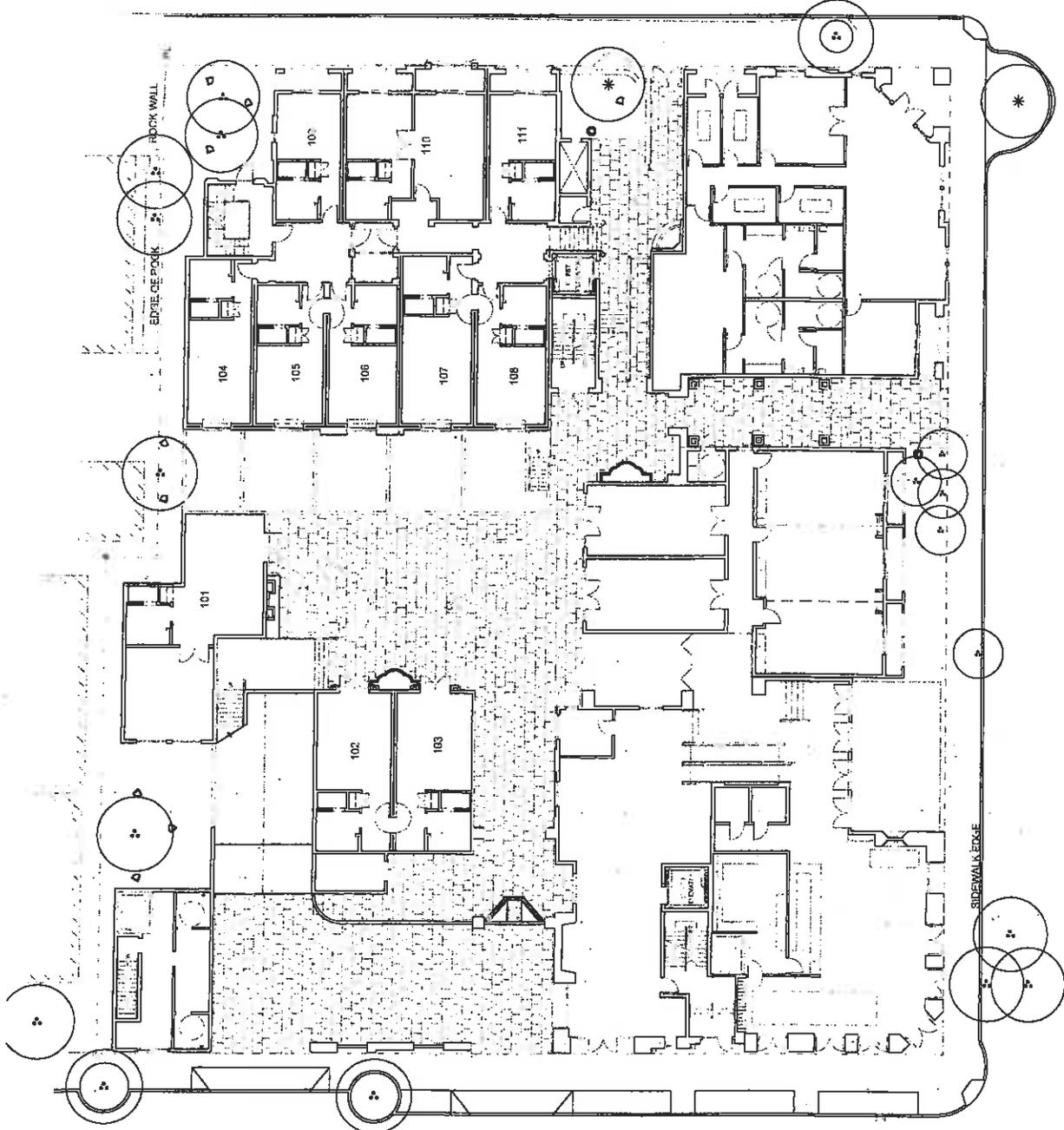
PROJECT NO.	107070
DATE	05/24/01
DESIGNER	ERIC MILLER ARCHITECTS, INC.
CLIENT	CARMEL SANDS LODGE
LOCATION	San Carlos St. & Mission St. & 5th Ave. Carmel-by-the-Sea, CA 93923

ARCHITECT  
ERIC MILLER ARCHITECTS, INC.  
157 GRAND AVENUE, PACIFIC GROVE, CA 93950  
PHONE (805) 873-9410 • FAX (805) 873-7948 • WWW.ERICMILLERARCHITECTS.COM

CONSULTANTS:  
Bellinger Foster Steinmetz  
145 Pacific St., Suite 201  
San Francisco, CA 94102  
PHONE (415) 774-2200  
WWW.BELLINGERFOSTERSTEINMETZ.COM

REVISION	No.

- LEGEND
- ◊ Uplight: Neosidus Ultra by FX Luminaire (Typ. of 8)
  - ◐ Pylon: Weathered Iron
  - Pyloric Pylon: Oschino by FX Luminaire (Typ. of 2)
  - Pyloric Copper

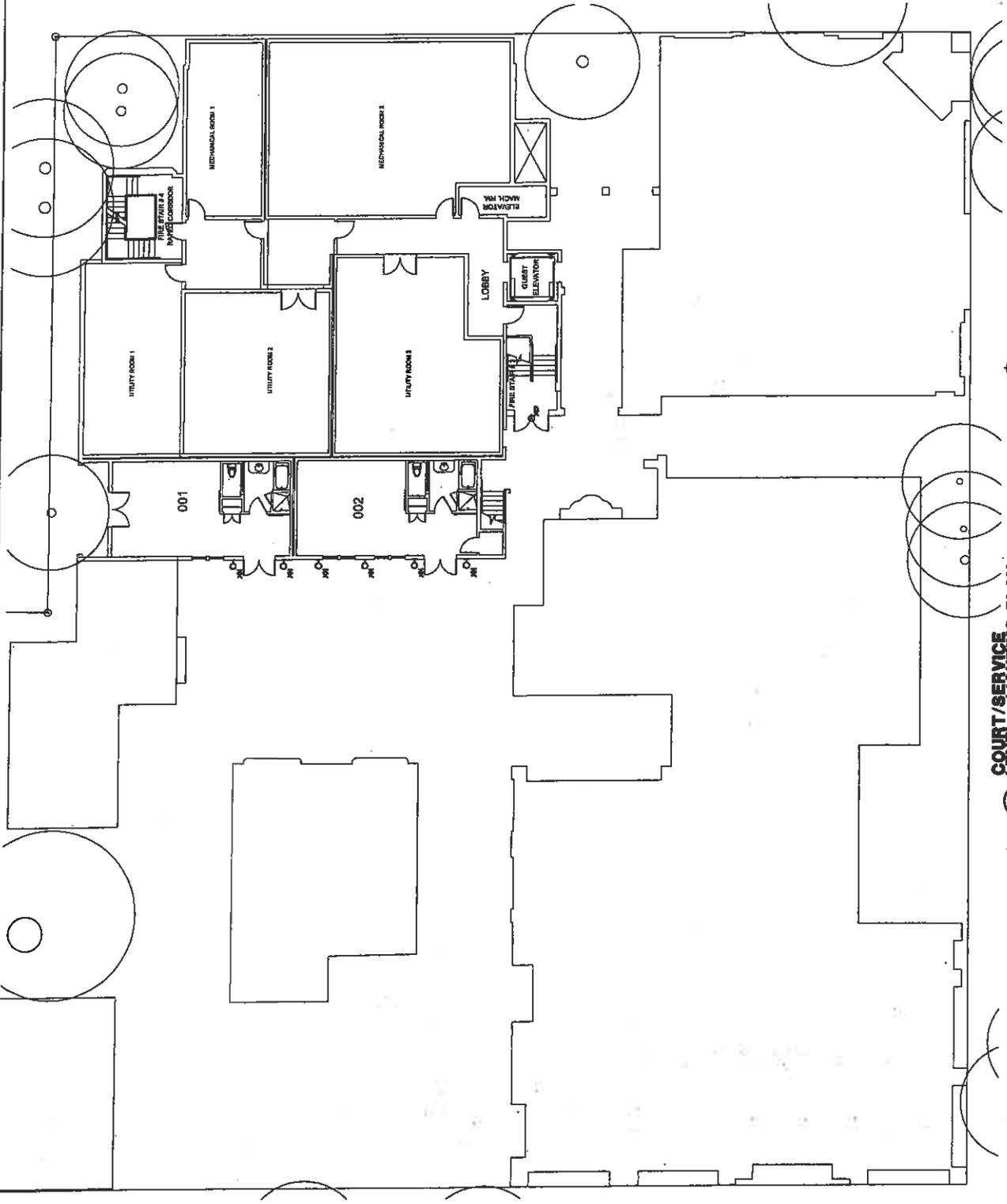








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18	02/02/10	EM	EM
19	02/02/10	EM	EM
20	02/02/10	EM	EM



1  
COURT / SERVICE  
LEVEL - LIGHTING PLAN  
SCALE: 1/8" = 1'-0"

- 32 -

REVISION	No.
1.0	12/17/08
2.0	12/17/08
3.0	12/17/08
4.0	12/17/08
5.0	12/17/08
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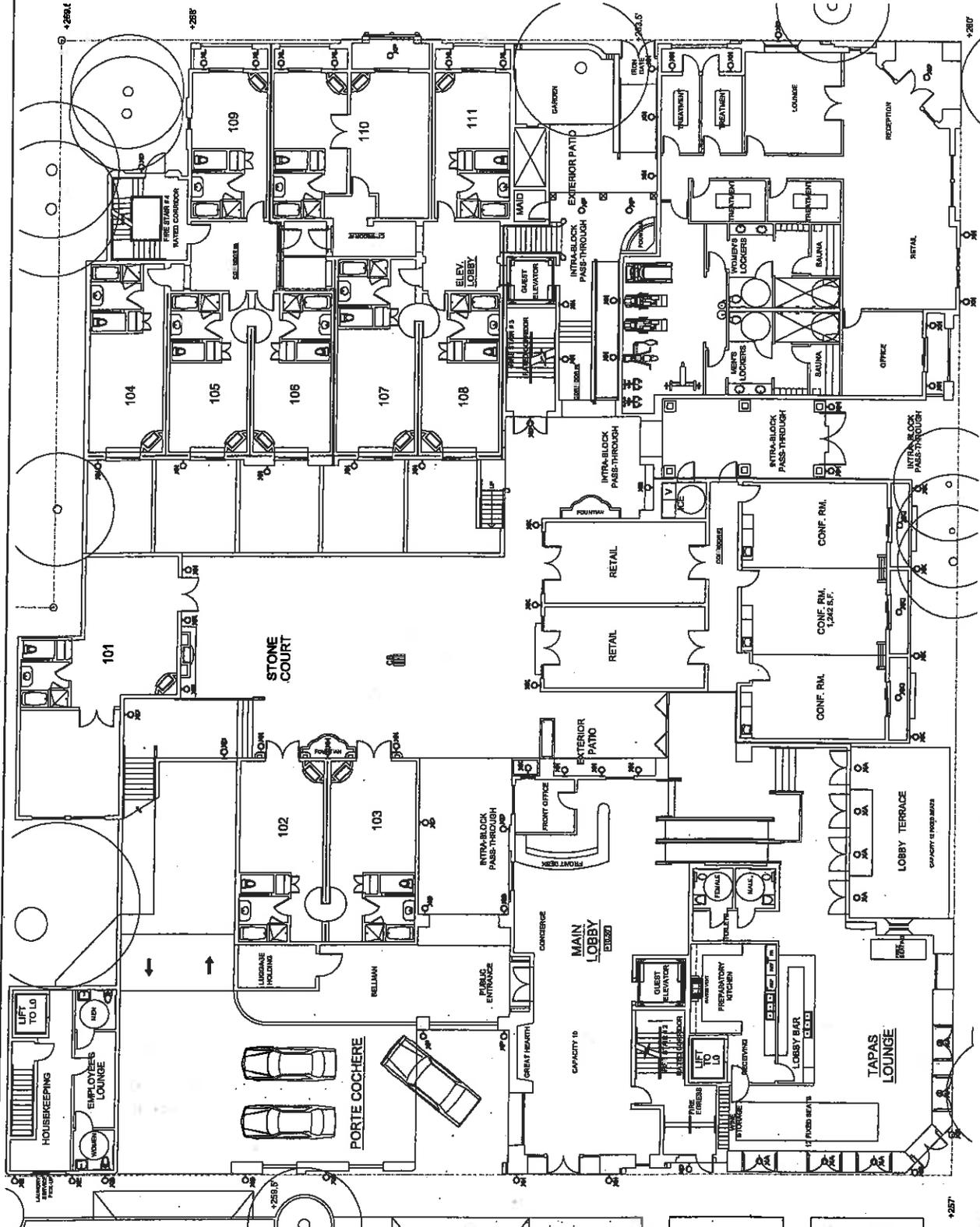
CONSULTANT:  
**2**  
 AMERICA CONSULTANTS  
 157 GRAND AVENUE  
 PACIFIC GROVE, CA 93950  
 PHONE (805) 724-0141 FAX (805) 529-7340  
 WWW.AMERICACONSULTANTS.COM

ARCHITECT:  
**ERIC MILLER ARCHITECTS, INC.**  
 157 GRAND AVENUE #108  
 PACIFIC GROVE, CA 93950  
 PHONE (805) 724-0141 FAX (805) 529-7340  
 WWW.ERICMILLERARCHITECTS.COM



**ERIC MILLER ARCHITECTS, INC.**  
**CAMEL SANDS LODGE**  
 157 GRAND AVENUE #108  
 PACIFIC GROVE, CA 93950  
 PHONE (805) 724-0141 FAX (805) 529-7340  
 WWW.ERICMILLERARCHITECTS.COM

**E2.2**  
 SHEET OF

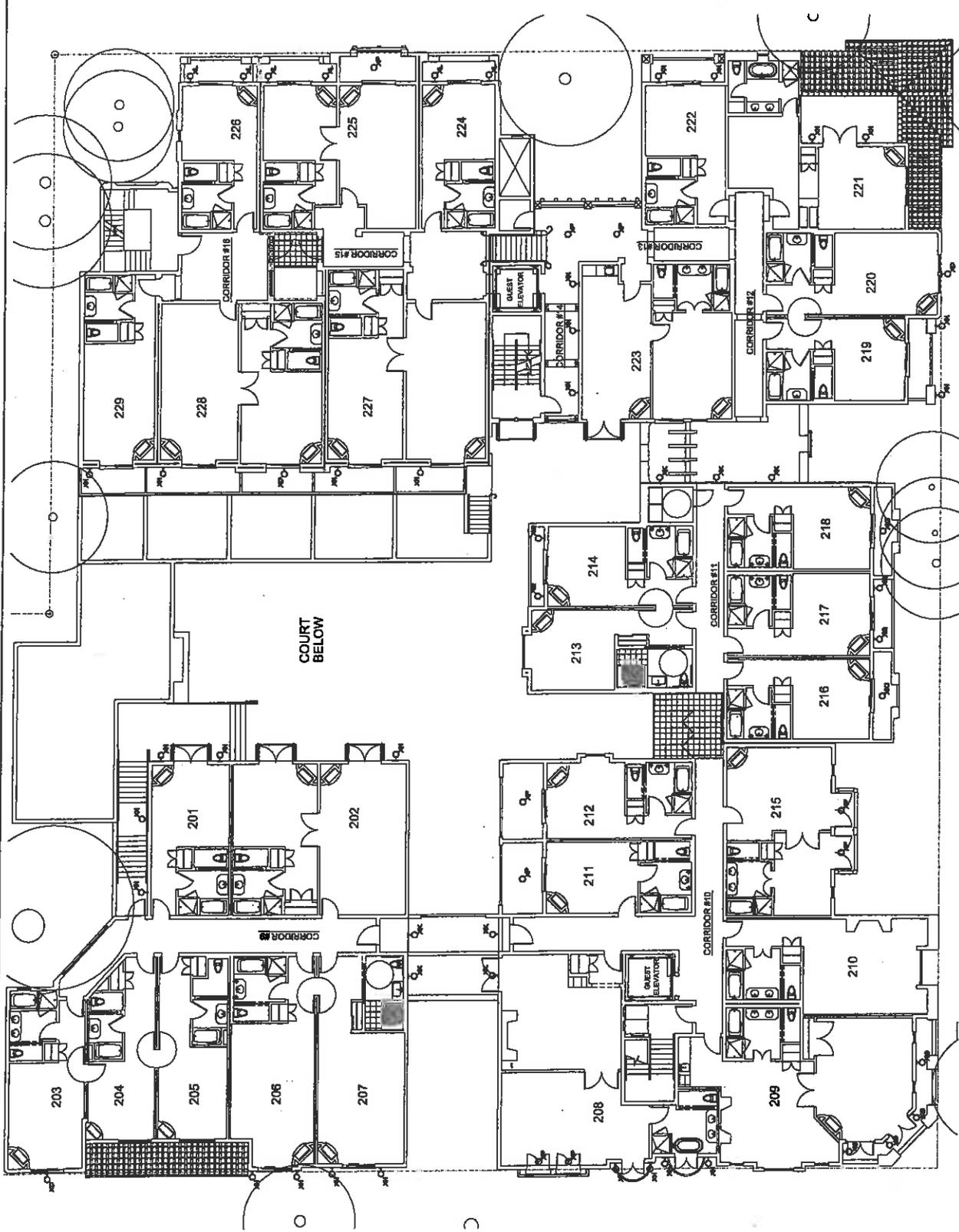


**1 FIRST FLOOR LIGHTING PLAN**  
 SCALE: 1/8" = 1'-0"  
 NORTH

- 40 -



REVISION	DATE	BY	CHKD
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2	01/20/10	MM	MM
3	02/02/10	MM	MM
4	02/02/10	MM	MM
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6	02/02/10	MM	MM
7	02/02/10	MM	MM
8	02/02/10	MM	MM
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10	02/02/10	MM	MM



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

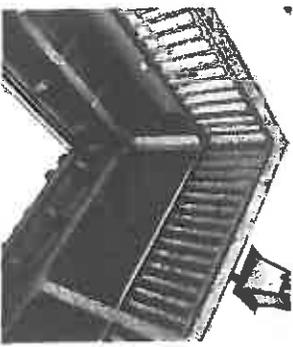
-14-

REVISION	No.
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2. 12/1/08	2
3. 12/1/08	3
4. 12/1/08	4
5. 12/1/08	5

CONSULTANT:

ERIC MILLER ARCHITECTS, INC.  
 157 GRAND AVE. 108 PACIFIC GROVE, CA 95026  
 PHONE (805) 235-4170 • FAX (805) 235-7340 • WWW.ERICMILLERARCHITECTS.COM

MATERIAL SAMPLE SHEET  
 JOB NAME: CARMEL SANDS LODGE  
 501 CAROL ST. & MISSION ST. 25TH AVE.  
 CARMEL-by-the-SEA, CA 95023  
 DATE: 10/24/08  
 SCALE: NO SCALE  
 DRAWING: 5005  
 JOB NUMBER: 0812  
**A15**  
 SHEET 4



① WOOD GUARDRAILING



② COURTYARD WROUGHT IRON BALCONY DETAIL



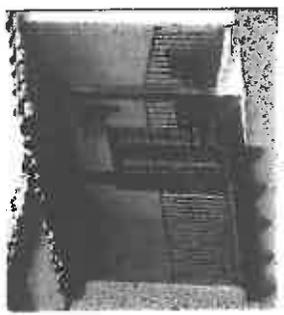
④ BRICK TILE GUARDRAILING



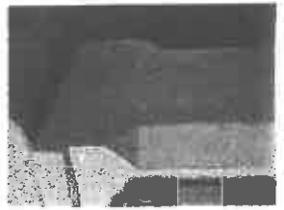
① ROOF TILE SAMPLE #2



② WOOD TRELLIS DETAIL



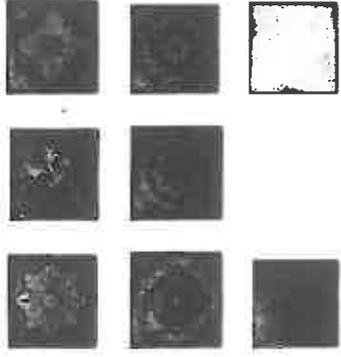
④ COVERED PATIO DETAIL



⑤ CORNER CHAMFER DETAIL



② ROOF TILE SAMPLE #3



③ ORNAMENTAL TILE SAMPLES



①② EXPOSED COPPER GUTTER



⑥ BRONZE AREA DRAIN



③ BRICK SAMPLE

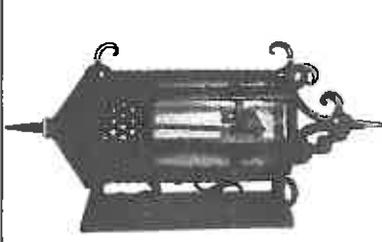
REVISION	No.	DATE

CONSULTANT:

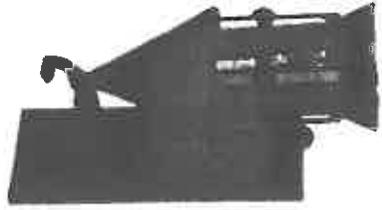
ARCHITECT  
**ERIC MILLER ARCHITECTS, INC.**  
 157 GRAND ST. #108  
 PACIFIC GROVE, CA 93950  
 PHONE (805) 279-0410 • FAX (805) 279-2940 • WWW.ERICMILLERARCHITECTS.COM

MATERIAL SAMPLE SHEET  
**CARMEL SANDS LODGE**  
 501 CAROL DR. & WILSON DR. @ 525 AVE.  
 CARMEL-By-the-Sea, CA 95020  
 DATE: 10/24/09  
 SCALE: NO SCALE  
 DRAWN: [Signature]  
 DESIGNED: [Signature]  
 DES. NUMBER: 0912

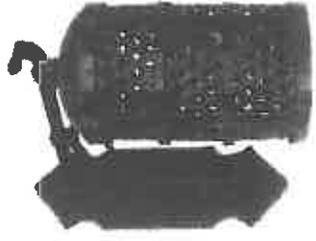
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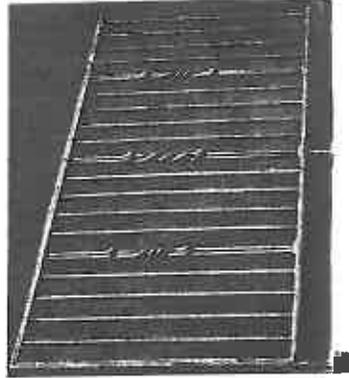
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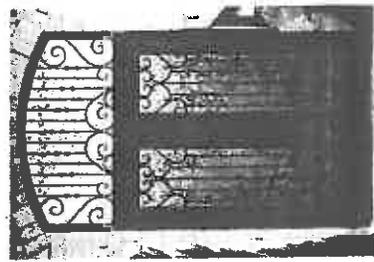
2 EXTERIOR SCENCE



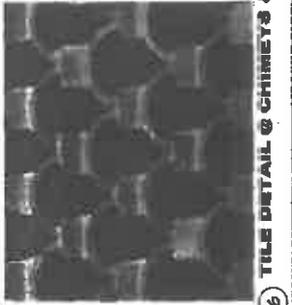
3 EXTERIOR LANTERN



4 EXTERIOR BRONZE RAILING



5 GATES & INTRA-BLOCK PASS-THROUGH



6 TILE DETAIL @ CHIMNEYS & PATIO



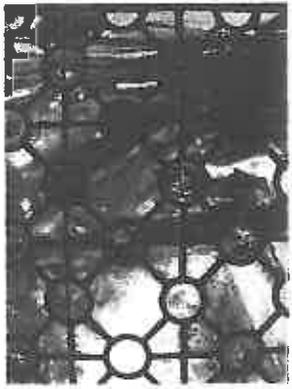
7 BRONZE TRENCH DRAIN



8 HIDDEN COPPER GUTTER & DOWNSPOUTS



9 MISSION STREET EXIT DOOR



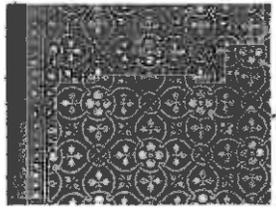
10 LEADED GLASS WINDOWS & SPA



11 ROOF TILE SAMPLE #1



12 STONE WALL SAMPLE



13 TILE SAMPLES

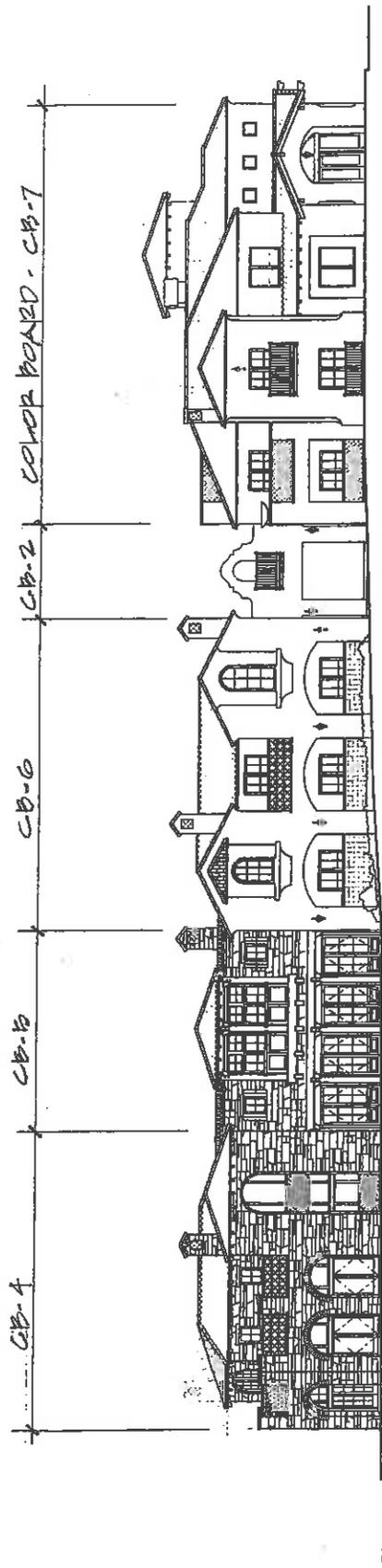
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✓	APPROVED FOR CONSTRUCTION
✓	APPROVED FOR RECORDING
✓	APPROVED FOR ARCHITECTURAL
✓	APPROVED FOR ENGINEERING
✓	APPROVED FOR MECHANICAL
✓	APPROVED FOR ELECTRICAL
✓	APPROVED FOR PLUMBING
✓	APPROVED FOR OTHER

CONSULTANTS:

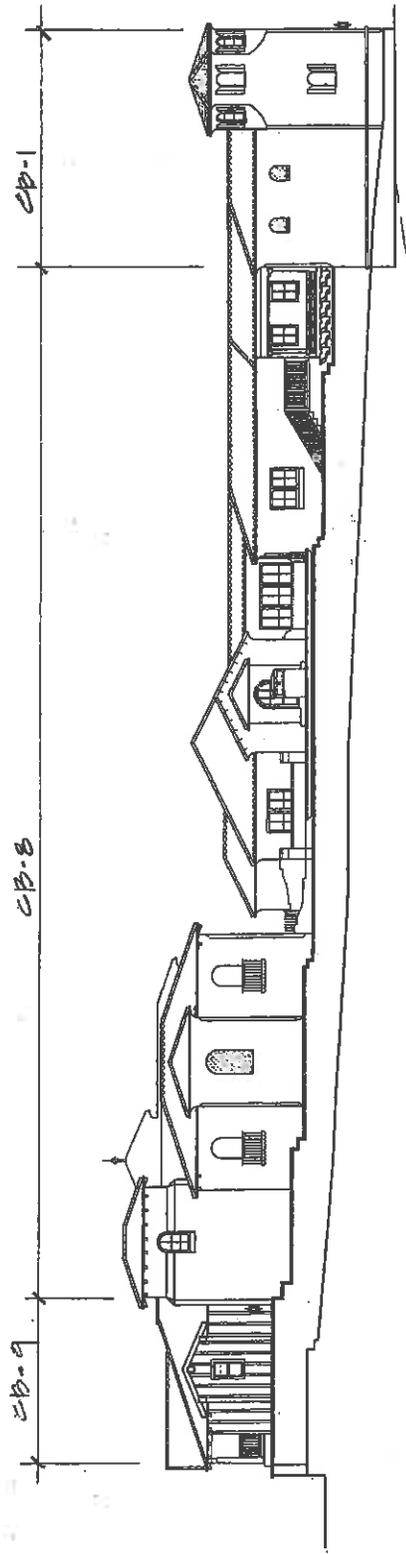
ARCHITECT  
**ERIC MILLER ARCHITECTS, INC.**  
 157 GRAND #44108 PACIFIC GROVE, CA 93950  
 PHONE (805) 239-0110 • FAX (805) 232-7848 • WEB: WWW.ERICMILLERARCHITECTS.COM

EXTERIOR COLORS  
**CARMEL SANDS LODGE**  
 300 N. MISSION ST., PACIFIC GROVE, CA 93950  
 SCALE: 1/8" = 1'-0"  
 DATE: 10/24/09  
 DRAWN: [blank]  
 CHECKED: [blank]  
 DESIGNED: [blank]  
 PROJECT: [blank]

**A16**  
 SHEET



**SOUTH ELEVATION (FIFTH AVENUE)**  
 SCALE: 1/8" = 1'-0"



**NORTH ELEVATION**  
 SCALE: 1/8" = 1'-0"

NO.	REVISION
1	ISSUE FOR PERMIT
2	ISSUE FOR CONSTRUCTION
3	ISSUE FOR RECORD
4	ISSUE FOR ARCHIVE
5	ISSUE FOR ARCHIVE
6	ISSUE FOR ARCHIVE
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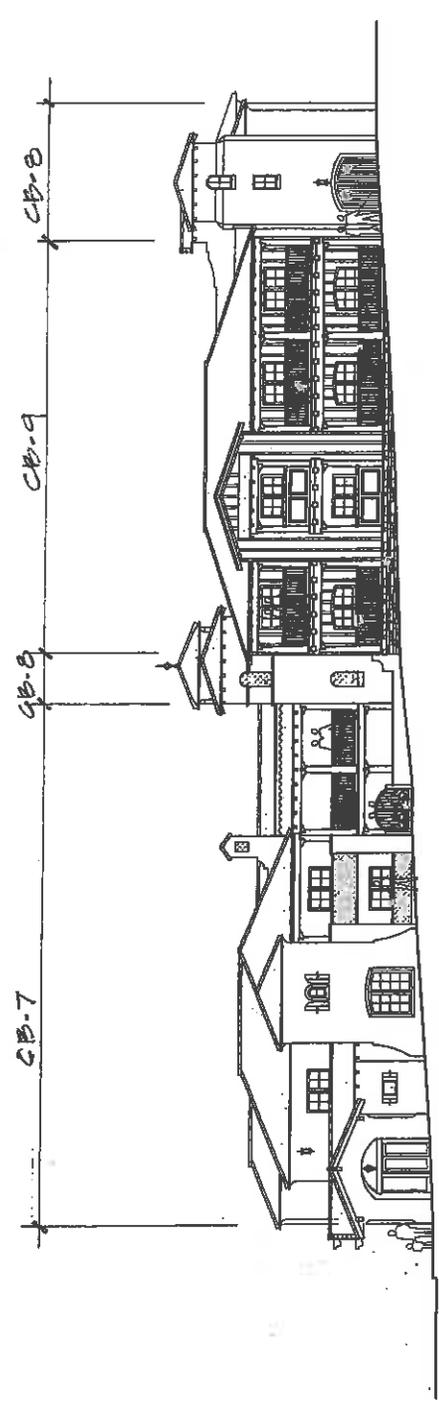
CONSULTANT

ARCHITECT  
**ERIC MILLER ARCHITECTS, INC.**  
 157 GRAND AVENUE 1008  
 PACIFIC GROVE, CA 93950  
 PHONE (805) 879-0110 • FAX (805) 879-7940 • WWW.ERICMILLERARCHITECTS.COM

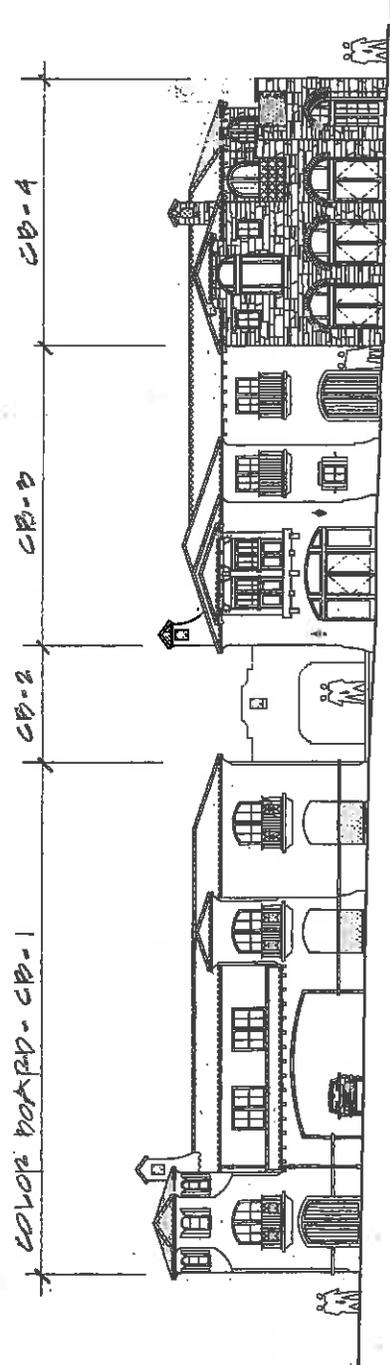
EXTERIOR COLORS  
**CAMEL SANDS LODGE**  
 San Carlos St. & Mission St., 1 5th Ave.  
 Carmel-by-the-Sea, CA 93923

DATE: 10/20/2010  
 SCALE: 1/8" = 1'-0"  
 SHEET: 17  
 JOB NUMBER: 014

**A17**  
 SHEET OF



**EAST ELEVATION (MISSION ST.)**  
 SCALE: 1/8" = 1'-0"



**WEST ELEVATION (SAN CARLOS ST.)**  
 SCALE: 1/8" = 1'-0"







REVISION	NO.
1	1
2	2
3	3
4	4
5	5

CONSULTANT

ERIC MILLER ARCHITECTS, INC.  
 157 GRAND AVENUE  
 PACIFIC GROVE, CA 93950  
 PHONE (805) 239-0111 FAX (805) 239-0112 WEB: www.ericmillerarchitects.com

ARCHITECT

COLOR BOARDS CB-7, 8 & 9  
 JOB NAME: CARMEL SANDS LODGE  
 5811 HWY. 101  
 5811 HWY. 101  
 CARMEL, CA 95008  
 PHONE: (831) 923-1111 FAX: (831) 923-1112

DATE: 04/13/09  
 JOB NUMBER: 0413  
 SHEET: A21

CB-9



ROOFING TILE



SIDING - WALLS

42 White Oak



WOOD DOORS,  
BALCONIES, WINDOWS  
& RAFTERS



DOOR & WINDOW  
TRIM



STONE BASE

CB-8



ROOFING TILE



STUCCO WALLS

OW 248-1 Semolina



WOOD DOORS,  
WINDOWS, RAFTERS,  
HEADERS, SHUTTERS  
& BALCONIES

#12 cargo



CHIMNEY TILE

CB-7



ROOFING TILE



STUCCO WALLS

168 Full Sun



WOOD DOORS,  
WINDOWS, TRELLIS,  
SHUTTERS, BALCONIES  
& RAFTERS



CHIMNEY TILE,  
BALCONY RAIL TILE

NOTE: ALL PAINT COLORS ARE BY KELLY-MOORE PAINTS!

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

MEETING DATE: 14 November 2012

BLOCK: 54 LOT: 15 & 17

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: DR 12-27

APPLICANT: Claudine Van Vleet

STREAMLINING DEADLINE: N/A

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SUBJECT:

Consideration of a Public Bench and Plaque Donation and Design Review application for the installation of a bench in front of the First Murphy Cottage.

---

ENVIRONMENTAL REVIEW:

Exempt (Class 3)

---

LOCATION:

NW Cor. Lincoln & 6<sup>th</sup>

---

ZONING:

P-2

---

ISSUES:

Is the bench consistent with the City's design standards?

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OPTIONS:

1. Approve the application.
2. Approve the application with conditions.
3. Continue the application.
4. Deny the application.

---

RECOMMENDATION:

Option #2 (Approve the application with conditions.)

---

ATTACHMENTS:

1. Staff Report dated 14 November 2012.
2. Application information.

STAFF CONTACT: Marc Wiener, Associate Planner

CITY OF CARMEL-BY-THE-SEA

STAFF REPORT

TO: CHAIR REIMERS AND PLANNING COMMISSIONERS

FROM: MARC WIENER, ASSOCIATE PLANNER

DATE: 14 NOVEMBER 2012

SUBJECT: CONSIDERATION OF A PUBLIC BENCH AND PLAQUE  
DONATION AND DESIGN REVIEW APPLICATION FOR THE  
INSTALLATION OF A BENCH IN FRONT OF THE FIRST  
MURPHY COTTAGE

---

BACKGROUND & PROJECT DESCRIPTION

The City allows funds for public benches to be donated to the City along with small memorial plaques on a limited basis. The applicant is proposing to donate funds for a public bench and plaque to be located at the First Murphy Park in front of the First Murphy Cottage.

EVALUATION

The City's Public Way Design Standards indicate that the Planning Commission shall review the design and location of furniture in the public way and/or public property to determine whether the proposed design is appropriate and serves a public need. An additional bench would provide a valuable amenity that would allow patrons to better enjoy the park and the First Murphy Cottage.

RECOMMENDATION

Approve the application with the attached special condition.

SPECIAL CONDITION

1. The engraved plaque shall be reviewed and approved by the City Administrator prior to public display.

Date received: \_\_\_\_\_  
By: \_\_\_\_\_

City of Carmel-by-the-Sea  
P.O. Box 55  
Carmel, CA 93921  
Ph: (831)620-2070 / Fax: (831)624-2132

### Public Bench and Plaque Donation Application

APPLICANT NAME: Claudine Van Vleet

MAILING ADDRESS: 100 Hacienda Carmel  
Carmel, CA 93923

PHONE NUMBER: (831) 626-7600

E-mail address: next door neighbor - jean.widaman@gmail.com

Desired BENCH LOCATION: On First Murphy House property under tree  
near <sup>entrance</sup> pathway near street

**TYPE OF REQUEST:**

- Plaque only (on existing bench)
  - Replacement Bench  and Plaque
  - New Bench location\*  and Plaque
- \*new bench locations require Planning Commission approval

Is this request to serve as a memorial for a person or persons? Yes  No

If yes, please describe their relation to Carmel-by-the-Sea or its sphere of influence:

If no, please describe your relation to Carmel-by-the-Sea or its sphere of influence:

Enid Sales saved the First Murphy House from demolition, had it moved to its present site, restored the house, and ran it for two years. Enid, the first chair of Carmel Preservation Committee, in later years saved The Door House, Periwinkle, and Sea Urchin from demolition, as well as Sunset Center, by putting it on the National Register of Historic Places.

Please provide your proposed wording for a plaque (3 3/4" x 1 1/4):

IN MEMORIAM ENID SALES 1922-2008  
Carmel Preservation Foundation  
Alliance of Monterey Area Preservations

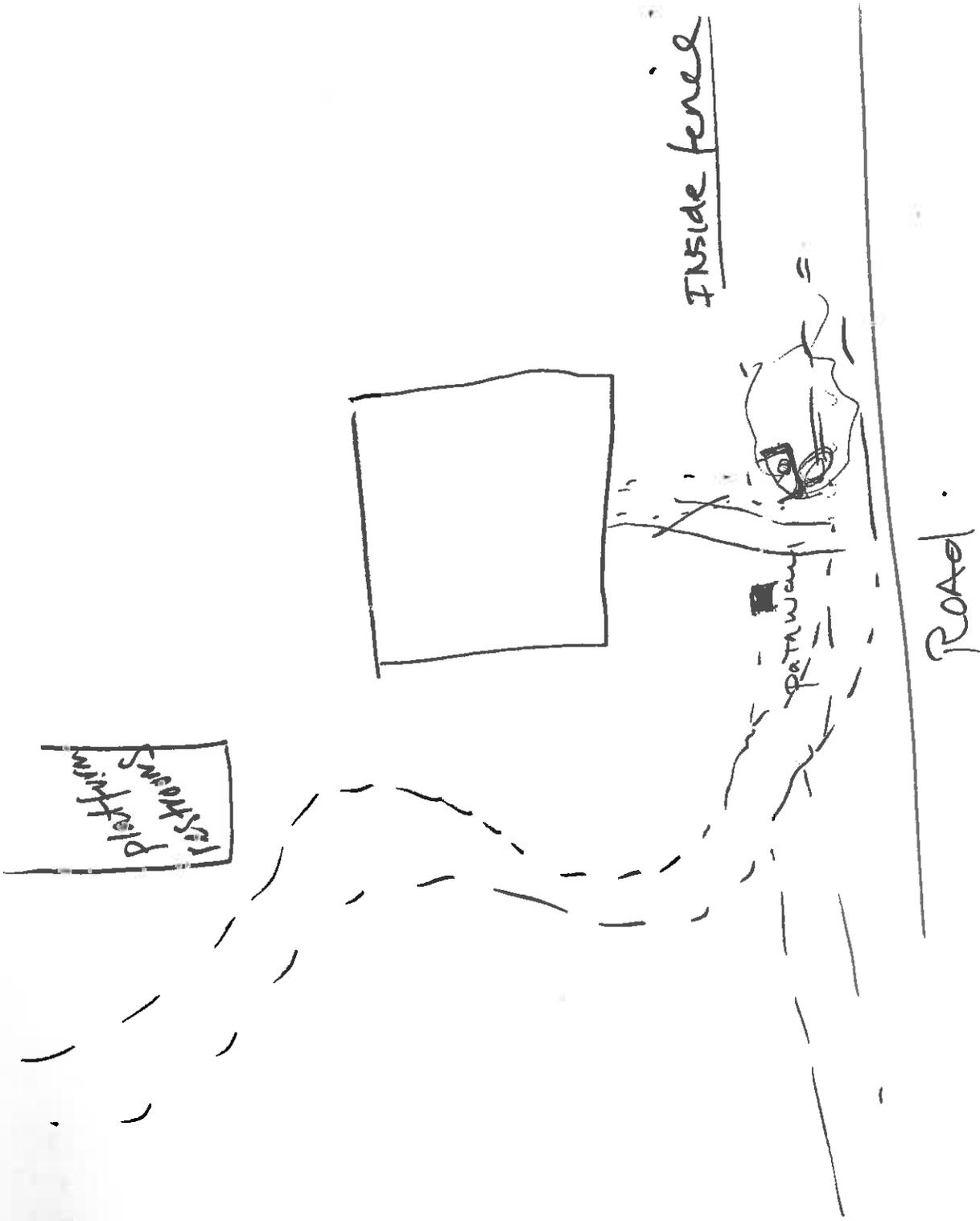
I have read and agree to comply with the City of Carmel Bench Donation Guidelines

Applicant Signature: Claudine Van Vleet Date: 10/10/12

**Bench Location: In front of the First Murphy Cottage**

Proposed Location





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

MEETING DATE: 14 November 2012

BLOCK: 76 LOT: 20

FIRST HEARING: X

CONTINUED FROM: 10/23/12

ITEM NO: UP 12-9

APPLICANT: John & Julie Allen

STREAMLINING DEADLINE: 11/21/12

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SUBJECT:

Consideration of the re-issuance of a Use Permit to allow a retail art gallery and wine shop with wine tasting at a commercial space located in the Central Commercial (CC) District.

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ENVIRONMENTAL REVIEW:

Exempt (Class 5 – Minor Alterations in Land Use)

---

LOCATION:

N/s of 7<sup>th</sup> bet. Dolores & San Carlos

---

ZONING:

CC

---

ISSUES:

1. Does the application comply with the Municipal Code and General Plan?

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OPTIONS:

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

---

RECOMMENDATION:

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

---

ATTACHMENTS:

1. Staff Report dated 14 November 2012.
2. Application Materials/Plans.

STAFF CONTACT: Marc Wiener, Associate Planner

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

**APPLICATION:** UP 11-3

**APPLICANT:** John & Julie Allen

**BLOCK:** 76

**LOT:** 20

**LOCATION:** N/s of 7<sup>th</sup> bet. Dolores & San Carlos

---

**REQUEST:**

Consideration of the re-issuance of a Use Permit to allow a retail art gallery and wine shop with wine tasting at a commercial space located in the Central Commercial (CC) District.

**CONTINUANCE:**

This application was reviewed by the Planning Commission on 23 October 2012 and continued with a request for changes. The Commission was generally supportive of the request to re-issue the permit and place the bar on the lower level. However, the Commission requested that the applicant return with an accurately scaled floor plan to show the size of the bar. The applicant has provided a floor plan, which shows that the bar would be 11 feet long. The remaining staff report, findings and conditions are identical to what was presented to the Commission at the October hearing.

**BACKGROUND/PROJECT DESCRIPTION:**

The project site is located on the north side of Seventh Avenue between Dolores and San Carlos streets and is developed with a commercial building that was substantially remodeled in 1996. The property includes an upper level courtyard that is approximately 10 feet above the street grade. Both the street level and courtyard level have historically been used for retail. The rear portion of the building is developed with a second-story apartment.

On 13 April 2011 the Planning Commission approved a use permit to allow a retail art gallery/wine shop with an ancillary use of wine tasting (see attached report). The proposed business was to feature wine from a Monterey County winery named Coastview Vineyards. The permit was never implemented and has since expired.

The applicant is requesting to have the permit re-issued and to amend the floor plan. The original permit placed the wine bar on the second level. The applicant is now proposing to place the wine bar on the ground level, near the front entrance. Staff notes that the first and second levels of the building are connected by an interior set of stairs. The second level has a mezzanine that overlooks the lower level. The applicant is proposing to place seating on the mezzanine.

**EVALUATION:**

**Permit Re-Issuance:** This hearing represents a new public hearing for consideration of the use permit. Staff is recommending that the approval be re-issued based on the previous review by the Planning Commission. The Commission is not bound by any previous decisions and can take any action it deems appropriate including approval, approval with modifications, or denial.

No zoning changes have occurred since the date of the original approval that would make the project nonconforming. However, since the original approval the City has adopted a wine tasting policy (see attached). The proposed business is consistent with the policy in all aspects except for the requirement regarding floor area. The policy states that when wine tasting is associated with other uses (Art Gallery, Clothing Store, etc), the retail space should be a minimum of 2,000 square feet. In this case the proposed retail space is approximately 937 square feet.

The primary purpose for this guideline is to prevent smaller retail stores with unrelated merchandise from taking on the appearance of a wine bar. For example, if a 600 square foot art gallery or clothing store were to install a wine bar it would substantially impact the character of the store. However, with this particular business the primary theme is of a wine shop, and the tasting bar would be consistent with the overall character of the business. Staff supports the re-issuance of the permit.

**Floor Plan Amendment:** The original approval permitted a bar on the second level with retail wine and art on the lower level. The applicant is proposing to relocate the tasting bar to the ground level with seating (tables on couches) on the upper level mezzanine. The applicant has indicated that 30% of the floor space would be devoted to wine tasting while 70% would be devoted to retail sales, as allowed with the original permit.

Staff supports the proposal to place a standing bar on the lower level as opposed to being upstairs. The original approval allowed upstairs seating along with the bar. With the revised proposal the bar and seating would be on different levels. Staff had added a special condition that the seating be confined to the mezzanine area only.

**RECOMMENDATION:**

Re-issue the Use Permit with an amended floor plan and special conditions.

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

UP 12-9

John & Julie Allen

N/s 7<sup>th</sup> bet. Dolores & San Carlos

Block 76, Lot 20

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**CONSIDERATION:**

Consideration of the re-issuance of a Use Permit to allow a retail art gallery and wine shop with wine tasting at a commercial space located in the Central Commercial (CC) District.

**FINDINGS OF FACT:**

1. The site is located on the north side of Seventh Avenue between Dolores and San Carlos Streets in the Central Commercial (CC) District.
2. The applicant was approved for a Use Permit (UP 11-3) to allow the establishment of a retail wine shop, tasting area and art gallery on 13 April 2011.
3. The applicant submitted an application to re-issue the Use Permit on 15 August 2012.
4. CMC Section 17.14.040 requires Planning Commission review for all Use Permits involving ancillary uses of 10% or more or when there may be a question regarding the compatibility of the uses.
5. The application is exempt from the requirements of the California Environmental Quality Act (class 5).
6. The proposed uses are classified as follows according to the North American Industrial Classification System (NAICS):

Primary Use

Retail Sales – 70% (Art, Wine, Wine related merchandise)

Ancillary Uses

Drinking Place – 30% (NAICS 722410)

**FINDINGS FOR DECISION:**

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

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

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

**SPECIAL CONDITIONS:**

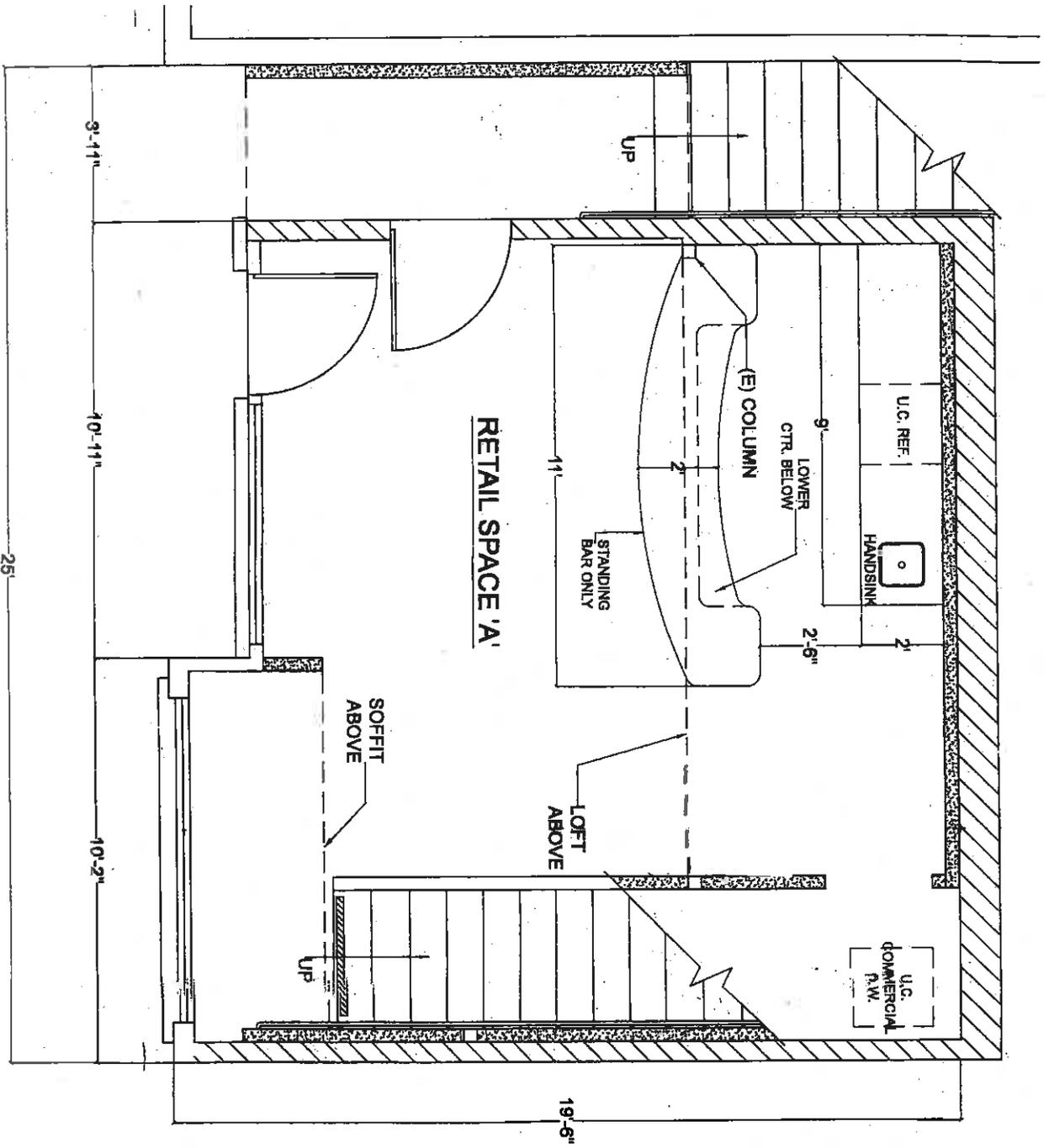
1. This permit authorizes wine tasting as an ancillary use to the retail sale of wine and fine art based on the percentages identified above.
2. All wines available for tasting and/or for sale shall be made by Coastview Vineyards. No more than one winery shall be featured in the space.

3. The retail wine sales/wine tasting shall not operate outside the hours of the existing gallery and at no time shall extend beyond 10:00 p.m. daily.
4. Tasting shall involve traditional wine based products such as still wines, sparkling wines or Port. No other alcoholic beverages are permitted to be tasted or sold.
5. The maximum serving size shall be 2 ounces per serving. Customers are not permitted to drink bottles of purchased wine in the store and no wine tasting shall take place on public property.
6. The upstairs seating shall be confined to the mezzanine and the number of allowed seats shall be determined by the Building Official in accordance with the permitted occupancy.
7. The applicant shall obtain any applicable licenses with the ABC prior to operation.
8. A minimum of 80% of all of the art displayed shall represent the work of a single artist. The remaining 20% may be from other artists as long as it appears clearly incidental and avoids the appearance of a multi-artist gallery.
9. All exterior alterations and/or sign changes, and interior renovations that may require a building permit, shall require approval from the Department of Community Planning and Building prior to performing the work.
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 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.
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. 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.

14. Approval of this application does not permit an increase in water use on the project site. Should the Monterey Peninsula Water Management District determine that the use would result in an increase in water use as compared to the previous use, this Use Permit will be scheduled for reconsideration.
  
15. The applicant agrees, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.

**DECISION:**

The Use Permit is re-issued with the amended floor plan and special conditions.



**1** PROPOSED STREET LEVEL FLOOR PLAN - OPTION A  
SCALED: 1/4"=1'-0"

\* Proposal 10/23/12 \*

**Up, Up & Away*****Coastview Vineyards*****Summary of Up, Up & Away Proposed Business:**

Up, Up & Away will be located at N/S of 7th between Dolores & San Carlos. The proposed business will be a wine tasting room and art gallery. Thirty percent (30%) of the 937.15 sq. ft. floor space will be devoted to wine tasting. Up, Up & Away will serve no more than 2 oz of a 4 flight of Coastview Vineyard Wine to their clients. Seventy percent (70%) of the 937.15 sq. ft. floor space will be devoted entirely to retail. Up, Up & Away plans to sell Coastview wines, artwork and other wine related items. Seventy percent (70%) of the walls will display eighty percent (80%) of artist John Maxons' artwork and twenty percent (20%) of miscellaneous artists. The days and hours of operation will be seven days a week opening at 11:00 am and closing at 9:00 pm.

**Percentages of Floor Space Being Used:**

Total square footage of wine tasting area (including level one and the mezzanine)- 280.00 sq. ft

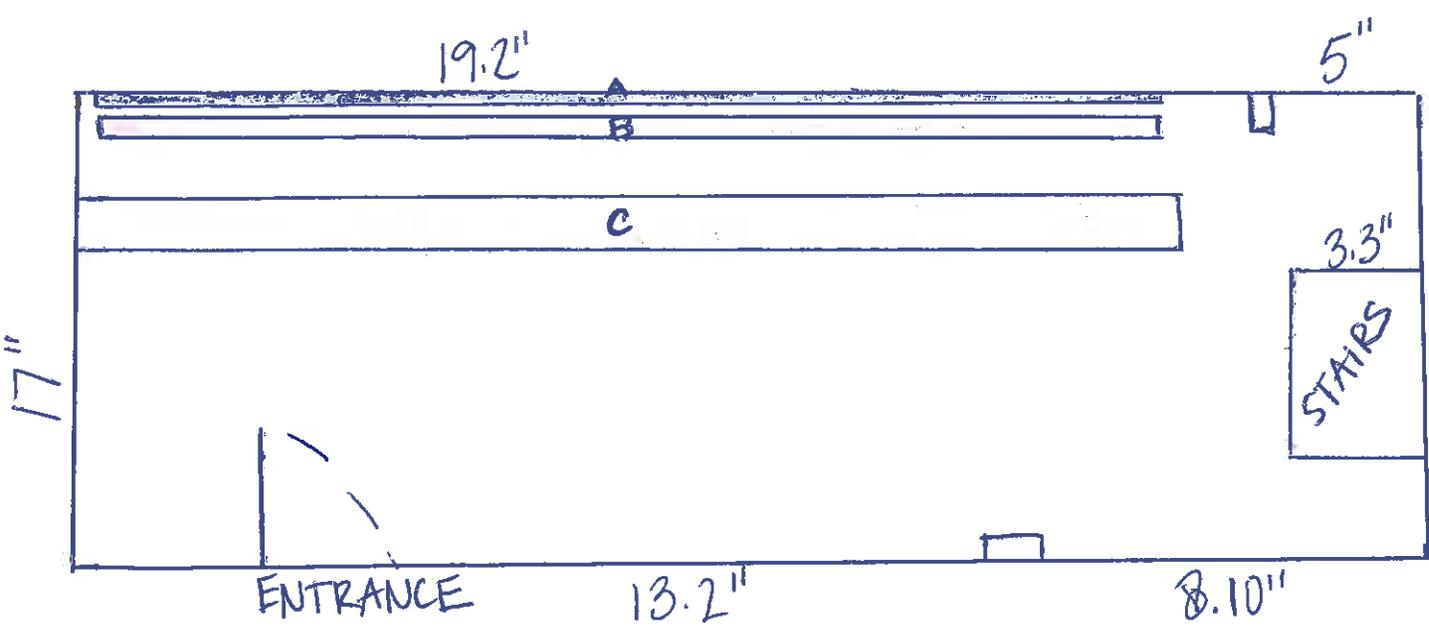
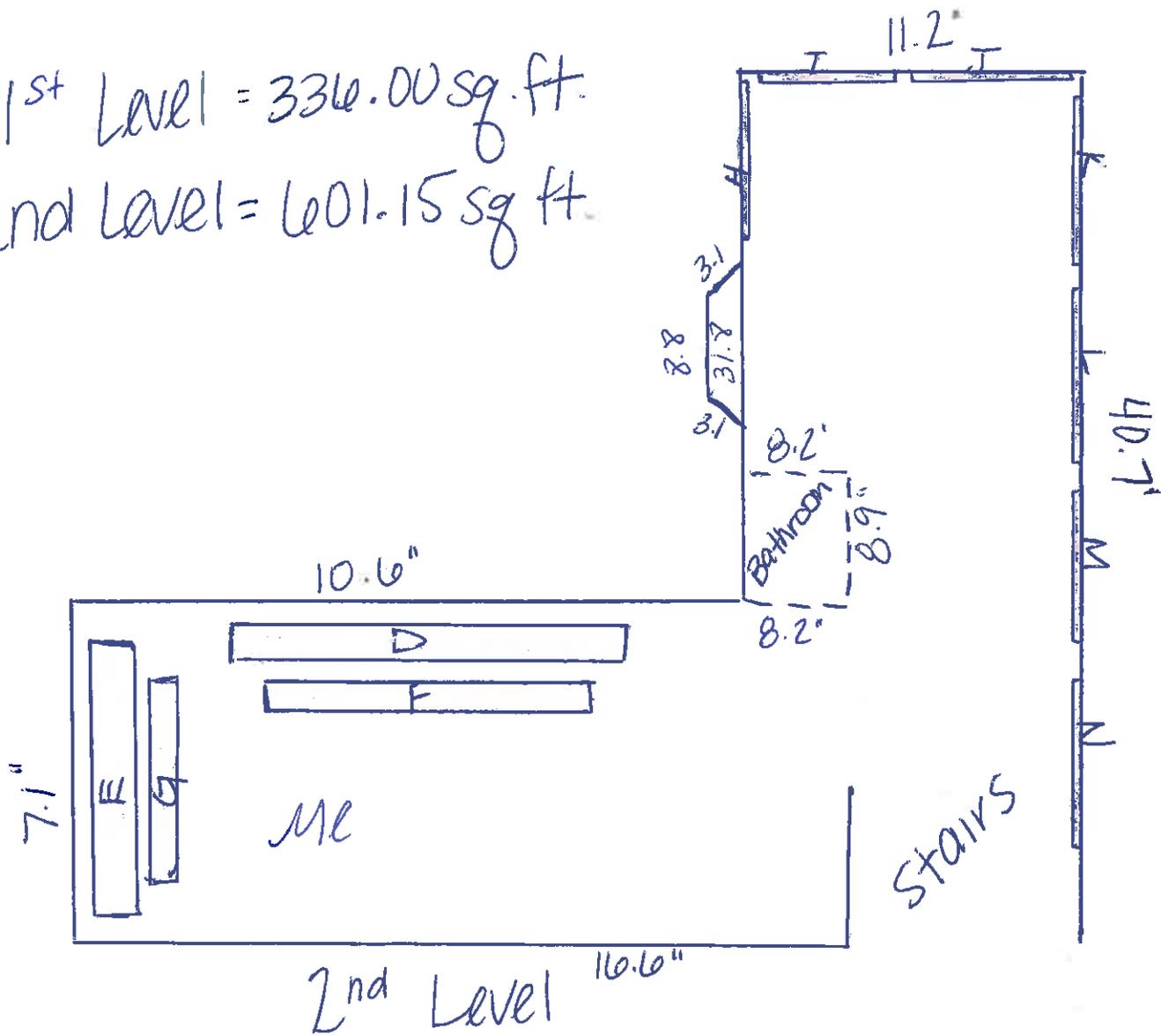
Total square footage of retail area-  
657.15 sq. ft

**Summary of Floor Plan:**

- A- Shelves on the wall above back bar for retail of Coastview Wines
- B- Back bar (will be against the wall)
- C- Front bar (where wine will be served)
- D-E- Couches for sitting area in mezzanine
- F-G- Coffee tables
- H-N- Art gallery paintings

WMA 66

1<sup>st</sup> Level = 336.00 sq. ft.  
 2<sup>nd</sup> Level = 601.15 sq. ft.



(JOHN ALLEN, UP, UP & AWAY) 1<sup>st</sup> Level - 417A - 67

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

MEETING DATE: 14 November 2012

BLOCK: 75 LOTS: 8

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: UP 11-9

OWNER: Constance Dudley

APPLICANT: Dametra's

STREAMLINING DEADLINE: 12/14/12

SUBJECT:

Consideration of a Use Permit Amendment to allow live music at an existing restaurant located in the Central Commercial (CC) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 5 – Minor Alterations in Land Use)

LOCATION:

ZONING:

SE Cor. Ocean & Lincoln

CC

ISSUES:

1. Does the application comply with the Municipal Code and General Plan?

OPTIONS:

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

RECOMMENDATION:

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

ATTACHMENTS:

1. Staff Report dated 14 November 2012.
2. Application materials.

STAFF CONTACT: Marc Wiener, Associate Planner

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

**APPLICATION:** UP 11-9

**APPLICANT:** Constance Dudley

**BLOCK:** 75

**LOT:** 8

**LOCATION:** SE Cor. Ocean & Lincoln

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**REQUEST:**

Consideration of a Use Permit Amendment to allow live music at an existing restaurant located in the Central Commercial (CC) District.

**BACKGROUND/PROJECT DESCRIPTION:**

Dametra's restaurant is located on the southeast corner of Ocean Avenue and Lincoln Street. On 10 August 2011 the Planning Commission approved a Use Permit amendment to allow the restaurant to expand into the corner space and to allow for the retail sales of wine and wine tasting from that space. The applicant is now requesting approval to allow live music in the restaurant.

**EVALUATION:**

**Noise Sensitive Uses and Evaluation:** Noise sensitive uses in the area include Harrison Memorial Library and the Pine Inn. Provided the live music complies with the decibel standards, the restaurant should be an appropriate venue. A special condition has been added requiring City staff to meet with the applicant on site to perform a sound evaluation to ensure the applicant understands the sound limitations of the permit.

**Use Permit:** The Use Permit Amendment that was approved in August 2011 authorized up to 49 seats provided the Water Management District could verify that the necessary credits were available. The Water Management District is still working to determine whether a valid credit transfer had occurred in the past. Staff recommends amending the Use Permit to allow no more than 39 seats until such time as the District can verify the actual available credits.

The proposed use permit amendments are shown in strike out and underline.

**RECOMMENDATION:**

Approve the application with the attached findings and conditions.

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

UP 11-9

Constance Dudley

Dametra's Café

SE Cor. Ocean & Lincoln

Block 75 Lot 8

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**CONSIDERATION:**

Consideration of an application for a Use Permit Amendment allowing for the expansion of an existing restaurant located in the Central Commercial (CC) District and to allow the playing of live music.

**FINDINGS OF FACT:**

1. The applicant owns the building on the southeast corner of Ocean Avenue and Lincoln Street that consists of two commercial spaces.
2. The building is occupied by a restaurant in the eastern space and an art gallery/jewelry store in the western space.
3. The site has sufficient water credits for ~~49~~ 39 seats.
4. The applicant is proposing to expand the existing restaurant into the adjacent space to the west.
5. The application is exempt from the requirements of the California Environmental Quality Act (class 5).
6. The proposed uses are classified as follows according to the North American Industrial Classification System (NAICS):  
  
Primary Use: Full Service Restaurant (722110).  
Ancillary Use: Retail Sales of Wine (445310).
7. The applicant submitted an application to allow live music at the restaurant on 26 July 2012.

**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, and fire protection.
5. The proposed use will not be injurious to public health, safety or welfare.
6. The proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.
7. The proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.

**SPECIAL CONDITIONS:**

1. The restaurant shall be considered a “full line” restaurant for zoning purposes and shall be limited to ~~49~~ 39 interior seats (including any seats at a bar). No exterior seats are authorized and no more than 10 seats are permitted at the bar. Restaurant hours shall be limited to 7:00 a.m. to 11:00 p.m. seven days a week. The retail sale of wine and wine related products are approved as an ancillary use. No display of non-food merchandise is permitted.
2. The interior door connecting the two spaces shall be opened at all times during normal business hours and the two spaces will operate as one single restaurant. Only one exterior sign is permitted.
3. The restaurant shall not operate as a “Drive-in, Formula Food or Fast Food” establishment as defined in CMC Section 17.70.
4. Except as provided in CMC Sections 8.68.070 and 8.68.080 no restaurant shall provide prepared food to its customers in CFC-processed food packaging or polystyrene foam food packaging, nor shall any restaurant purchase, obtain, keep, sell, distribute, provide to customers or otherwise use in its business any CFC-processed food packaging or polystyrene foam food packaging. The restaurant shall comply with all other requirements in CMC Section 8.68.

5. Substantially all foods from the standard menu shall be available for purchase during the hours that alcoholic beverages are being served except for the first hour and the last hour of each business day. The full menu shall be offered in both the eastern and western spaces.
6. Customers shall be provided with individual menus while seated at a table or counter.
7. Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrappings, and all housebrand labeled food store goods such as vinegars, oils and salad dressings shall be prepackaged and sealed.
8. 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.
9. At least one restroom shall be available for use by both sexes within, or conveniently adjacent to, the specific business premises and on the same property on which the use is located. This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location and accessibility standards, and shall be available for use by both the employees and patrons of the business.
10. Maximum seating capacity shall not exceed the standards in the State Uniform Building and Fire Codes, the number of seats approved by the Planning Commission through public review, or the number of seats in the previous business, whichever is less. The seating capacity shall be posted on the premises.
11. 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.
12. 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.

13. 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.
14. Approval of this application does not permit an increase in water use on the project site. Should the Monterey Peninsula Water Management District determine that the use would result in an increase in water use as compared to the previous use, this Use Permit will be scheduled for reconsideration.
15. 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.
16. This Use Permit amends and replaces the previous restaurant Use Permit for this site.
17. The applicant shall submit a final floor plan to the City identifying the number of seats proposed in each space and the total number proposed for the restaurant prior to operation indicating that no more than ~~49~~ 39 seats are proposed.
18. Live music may be played up to seven days a week from Noon to 11:00 p.m.
19. Prior to commencement of live music on the site, the applicant shall meet with City staff to perform a sound evaluation. Per CMC section 9.16, the maximum noise level allowed from live music activities located on the property shall not exceed 55 db as measured at the property line.
20. 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.

**DECISION:**

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

To Whom It May Concern:

We're applying for a live music permit for Dametra Café. The live music will be performed regularly during our business hours, from 11am-11pm, using an instrument called the Oud and live Piano without using any speakers or amplified electronics. We will not have a stage, we will be performing on the floor with about five minutes of music every hour on average. All of this is contained within the interior of the building. Around our location, we have:

The library, across the street,

The Pine Inn Hotel, north west

The City Hall, south west

The Church of the Wayfarer, south west

The Cypress Inn Hotel, South

Thank You,

Bashar Sneeh

Dametra Café



10/11/12