

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

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

August 8, 2012
Wednesday
Tour – 2:30 p.m.
Meeting – 4:00 p.m.

I. CALL TO ORDER AND ROLL CALL

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

II. TOUR OF INSPECTION

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

III. ROLL CALL

IV. PLEDGE OF ALLEGIANCE

V. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS

VI. APPEARANCES

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

VII. CONSENT AGENDA

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

- 5 1. Consideration of minutes from July 11, 2012, Regular Meeting
- 11 2. Consideration of minutes from July 12, 2012, Special Meeting

- 15 3. UP 12-6
Nancy Moresco
W/s Dolores bt. 5th & 6th
Block 55, Lot(s) 16
Consideration of the reissuance of a Use Permit to allow live music in an existing restaurant located in the Central Commercial (CC) District.
(Jack London's)

- 21 4. UP 12-7
OWRF - Carmel Plaza
Junipero/Mission bt. Ocean & 7th
Block 78, Lot(s) All
Consideration of the reissuance of a Use Permit to allow live music at the Carmel Plaza located in the Central Commercial (CC) District.

- 27 5. DS 12-54
Mike & Lynn Momboisse
SW Santa Fe & 6th
Block 67, Lot(s) 2-5
Consideration of a Design Study (Track 1 Referral) application for a new fence for a residence located in the Single Family Residential (R-1) District.

- 31 6. SI 12-31
Carmel Presbyterian Church
SE Junipero & Mt. View
Block 88, Lot(s) 1-5,7
Consideration of a Sign Application to allow temporary signage for three temporary events per year at a site located in the Single Family Residential (R-1) District.

VIII. CONSENT AGENDA (PULLED ITEMS)

IX. PUBLIC HEARINGS

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

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|-----|--|---|
| 39 | 1. DR 12-14
9/11 Memorial
NW Cor. Ocean & Junipero | Consideration of recommendations to the City Council regarding the placement of a 9/11 memorial at Devendorf Park. |
| 53 | 2. DS 12-55
Harry & Jane Herbst
E/s Santa Fe 2 S 5 th
Block 61, Lot(s) 4 | Consideration of Design Study (Concept) and Coastal Development Permit applications for the substantial alteration of an existing residence located in the Single Family (R-1) District. |
| 71 | 3. DS 12-61
Mary Ann Schicketanz
Torres 2 NE 10 th
Block 107, Lot(s) 9 & 10 | Consideration of a Design Study application (Track 1 Referral) for exterior alterations to an existing residence located in the Single Family Residential (R-1) District. |
| 91 | 4. DS 12-58
4 th & Santa Rita LLC
SW Santa Rita & 4 th
Block 36, Lot(s) 1,3,5 | Consideration of Design Study (Concept), Demolition Permit and Coastal Development Permit applications for the construction of a new residence located in the Single Family Residential (R-1) District. |
| 107 | 5. DS 12-31
Adam & Janet Salmon
W/s Santa Fe 5 S 5 th
Block 60, Lot(s) 9 | 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. |
| 143 | 6. DR 12-17
Richard Pepe (Vesuvio)
NW Cor. Junipero & 6 th
Block 58, Lot 25 | Consideration of a preliminary concept review for alterations to an existing outdoor area associated with a restaurant in the Service Commercial (SC) District. |

X. ADJOURNMENT

The next meeting of the Planning Commission will be:

- ▶ Regular Meeting – Wednesday, September 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 & 7th Avenues, during normal business hours.

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION – MINUTES
JULY 11, 2012**

I. CALL TO ORDER AND 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: Beach restroom location, Byrne and Forge.

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, announced the following:

1. The Coastal Commission has certified the Design Guidelines that the sub-committee worked on and the Planning Commission approved.
2. A Storm Water workshop will be held on August 4th, 2012 at Oldemeyer Center in Seaside.
3. Special Planning Commission tomorrow, Thursday July 12, 2012, at 3:00 p.m.

VI. APPEARANCES

None

VII. CONSENT AGENDA

1. Consideration of minutes from May 9, 2012, Regular Meeting.

Commissioner PATERSON moved **to approve item #1 of the Consent Agenda**, seconded by DALLAS and **carried** by the following roll call vote:

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

2. Consideration of minutes from June 13, 2012, Regular Meeting.

Commissioner LEPAGE moved **to approve item #2 of the Consent Agenda as amended**, seconded by GOODHUE and **carried** by the following roll call vote:

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

3. UP 12-5
Macerich Carmel Plaza
Junipero/Mission bt. Ocean & 7th
Block 78, Lot(s) All
- Consideration of a Use Permit application to extend the hours of operation for an existing restaurant located in the Central Commercial (CC) District. (Bistro Beaujolais)

Commissioner PATERSON moved **to approve item #3 of the Consent Agenda as submitted**, seconded by GOODHUE and **carried** by the following roll call vote:

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

IX. PUBLIC HEARINGS

1. MP 12-1 (Beach Restrooms)
City of Carmel
SW Scenic & Santa Lucia
- Consideration of a request to reconsider the planning Commission's decision to approve Design Review and Coastal Development Permit applications for the construction of a public restroom located in the Park (P-2), Archaeological Significance Overlay (AS) and Beach and Riparian Overlay (BR) Districts.

Commissioner LEPAGE moved **to reconsider MP 12-1**, seconded by PATERSON and **carried** by the following roll call vote:

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

Chair Reimers opened the public hearing at 4:08 p.m. Robert Carver, Jean Grace, Patricia Van Kirk, Belinda Holliday, Skip Lloyd, Barbara Livingston, Anthony Lombardo, Eric Miller and Joyce Steven appeared before the Commission. There being no other appearances, the public hearing was closed at 4:45 p.m.

After further discussion, the public hearing was re-opened at 5:25 p.m. Skip Lloyd, Eric Miller, Jean Grace, Barbara Livingston, Cindy Lloyd and Angus Jeffers appeared before the Commission. There being no other appearances, the public hearing was closed at 5:31 p.m.

Commissioner LEPAGE moved **to continue the project with design items provided by Commission to architect**, seconded by PATERSON and **carried** by the following roll call vote:

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

- | | |
|---|--|
| 2. DR 12-9
Macerich Carmel Plaza
Junipero/Mission bt. Ocean & 7 th
Block 78, Lot(s) All | Consideration of a Design Review application
for exterior alterations to the Carmel Plaza
located in the Central Commercial (CC)
District. (Kate Spade) |
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Marc Wiener, Associate Planner, presented the staff report. Chair Reimers opened the public hearing at 5:41 p.m. Barbara Livingston appeared before the Commission. There being no other appearances, the public hearing was closed at 5:43 p.m.

Commissioner LEPAGE moved **to accept color as presented in flat finish**, seconded by DALLAS and **carried** by the following roll call vote:

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

3. DS 12-36
Dale & Margaret Byrne
26040 Ridgewood Drive
Block 2W, Lot(s) 18

Consideration of Design Study 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) District.

Marc Wiener, Associate Planner, presented the staff report. Chair Reimers opened the public hearing at 5:46 p.m. John Mandurrago appeared before the Commission. There being no other appearances, the public hearing was closed at 5:53 p.m.

Commissioner LEPAGE moved **to accept concept application with staff's Special Condition #2; change to Special Condition #1 - The applicant shall plant one two upper-canopy tree of substantial size and caliber and of a species approved by the City Forester. The tree shall be planted onsite located approximately 10 feet from any building and shown on the final landscape plan submitted with the building permit application. Staff and the City Forester will work with the applicant on choosing a tree that will protect neighboring views; change to Special Condition #3 - The applicant shall remove all encroachments from the City's right-of-way. The applicant is permitted to apply for an encroachment permit for the front walkway; and addition of Special Condition #4 – driveway width shall be reduced to 10' wide.** seconded by PATERSON and **carried** by the following roll call vote:

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

4. DS 12-51
Carol Torrero
W/s Lobos 4 N 2nd Ave.
Block 18, Lot(s) 13

Consideration of Design Study and Coastal Development Permit applications for the substantial alteration of an existing residence located in the Single Family Residential (R-1) District and Very High Fire Hazard Severity Zone (VHFHSZ). **CONTINUED**

5. DR 12-16
Borromeo Forge
SE San Carlos & 7th
Block 90, Lot(s) 2 & 4

Consideration of a Design Review application for the placement of an ironwork sculpture in the Bell Tower Courtyard located in the Service Commercial (SC) District.

Chair Reimers re-cused herself from the discussion.

Sean Conroy, Planning & Building Services Manager, presented the staff report. Vice-chair Dallas opened the public hearing at 6:05 p.m. Lisa Guthrie and Barbara Livingston appeared before the Commission. There being no other appearances, the public hearing was closed at 6:07 p.m.

After further discussion, the public hearing was re-opened at 6:09 p.m. Roberta Miller 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 a time limit for display of twelve (12) months and applicant shall replace the flower bed if and when the sculpture is removed**, seconded by GOODHUE and **carried** by the following roll call vote:

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

- | | |
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| 6. Flanders Mansion
City of Carmel
25800 Hatton Road | Public hearing for receiving comments on the re-circulated draft environmental impact report prepared for the sale of the Flanders Mansion Project. |
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Sean Conroy, Planning & Building Services Manager, presented the staff report. Chair Reimers opened the public hearing at 6:27 p.m. Joyce Steven and Skip Lloyd appeared before the Commission. There being no other appearances, the public hearing was closed at 6:30 p.m.

There was no motion required for this item. Receive public comments only.

X. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 6:31 p.m.

Leslie Fenton, Administrative Coordinator

ATTEST:

Janet Reimers, Chair

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION – MINUTES
SPECIAL MEETING – JULY 12, 2012**

I. CALL TO ORDER AND 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. PLEDGE OF ALLEGIANCE

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

III. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS

None

IV. APPEARANCES

None

V. DISCUSSION ITEMS/PUBLIC HEARINGS

1. Consideration of recommendations to the City Council on the placement of a webcam near Carmel Beach.

Marc Wiener, Associate Planner, presented the staff report. Chair Reimers opened the public hearing at 3:08 p.m. Michael Kalaktus, Joseph Braun, Barbara Livingston and Mr. Gleason appeared before the Commission. There being no other appearances, the public hearing was closed at 3:17 p.m.

Commissioner PATERSON moved **to recommend to Council that the proposal for a webcam be rejected**, seconded by LEPAGE and **carried** by the following roll call vote:

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

2. Consideration of amendments to the Zoning Ordinance/Local Coastal Implementation Plan that include:

Changing single-family residential dwellings from a permitted use to a limited use in the Central Commercial (CC) District, and from a permitted use to a conditional use in the Service Commercial (SC) and Residential and Limited Commercial (RC) Districts.

Establishing floor area restrictions for two-unit residential developments; and

Prohibiting new residential units on the first story of any building in the Central Commercial (CC) District if the units would front directly on a public street.

Commissioner DALLAS moved to recommend adoption of the amendments as revised to the City Council, seconded by PATERSON and carried by the following roll call vote:

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

3. Consideration of appointments to the Sign Ordinance Sub-committee.

Sean Conroy, Planning & Building Services Manager, presented the staff report. Chair Reimers opened the public hearing at 4:07 p.m. There being no appearances, the public hearing was closed at 4:07 p.m.

Commissioner Paterson was appointed to the sub-committee.

4. Consideration of appointments to the Residential Design Guideline Sub-committee.

Sean Conroy, Planning & Building Services Manager, presented the staff report. Chair Reimers opened the public hearing at 4:09 p.m. Barbara Livingston appeared before the Commission, there being no other appearances, the public hearing was closed at 4:10 p.m.

Commissioner LePage was appointed to the sub-committee.

VIII. ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned at 4:12 p.m.

Leslie Fenton, Administrative Coordinator

ATTEST:

Janet Reimer, Chair

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

MEETING DATE: 8 August 2012

BLOCK: 55 LOTS: 13 & 15

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: UP 12-6

OWNER: MORESCO NANCY JEAN TR ET AL
BUSINESS: Jack London's
STREAMLINING DEADLINE: 9/3/2012

SUBJECT:

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

ENVIRONMENTAL REVIEW:

Exempt (15305) – Minor changes in land use.

LOCATION:

W/s Dolores bet. 5th & 6th

ZONING:

CC

ISSUES:

Does the proposal meet the requirements of Municipal Code Section 9.16 for live music?

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 8 August 2012.
2. Findings for Decision.

STAFF CONTACT: Sean Conroy, Planning & Building Services Manager

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

APPLICATION: UP 12-6 **APPLICANT:** Jack London's
BLOCK: 55 **LOT:** 13 & 15
LOCATION: W/s Dolores bet. 5th & 6th

REQUEST:

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

ADDITIONAL REVIEW:

1. None.

BACKGROUND & PROJECT DESCRIPTION:

Jack London's restaurant is located within the Su Vecino courtyard on the west side of Dolores Street between Fifth and Sixth avenues. The surrounding land uses in the courtyard include retail, restaurant and office space. There are some second-story residential units in the vicinity as well.

A Use Permit was issued on 12 April 2006 to allow live music at this location. The permit authorized live music for a three year period. The applicant is requesting that the Use Permit be reissued to allow them to continue to offer live music.

EVALUATION:

CMC Section 9.16 indicates that live music permits must be renewed every three years. The purpose of this requirement is to allow the Planning Commission to re-evaluate whether live music at a particular location is appropriate.

The City has not received any noise complaints or had any other issues with live music at this location. The original conditions of approval did not allow music past 10:00 p.m. and did not allow music in the courtyard. These conditions have also been included in the updated conditions. Staff does not see any reason that the use permit should not be re-issued.

RECOMMENDATION:

Reissue a Use Permit authorizing live music with the attached findings and conditions.

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

UP 12-6

Jack London's

W/s Dolores bet. 5th & 6th

Block 55, Lot 13, 15 & 16

CONSIDERATION:

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

FINDINGS OF FACT:

1. Carmel Municipal Code Section 9.16 establishes the standards for live music where alcoholic beverages are sold or served.
2. The Planning Commission approved a Use Permit application allowing live music at this location on 8 March 2006. The approval was valid for three years and has lapsed.
3. The applicant submitted a request to have the Use Permit reissued on 3 July 2012.
4. The proposed location of live music is Jack London's restaurant on the east side of Dolores Street between Fifth and Sixth avenues in the Central Commercial (CC) District.
5. During the time of the original permit, the City did not receive any noise or other related complaints regarding the playing of live music at this location.

SPECIAL CONDITIONS:

1. This use permit authorizes live music to be played in Jack London's restaurant in compliance with CMC 9.16 and the conditions of this permit. This permit is valid for three years from the date of approval and shall expire on 8 August 2015 unless renewed by the Planning Commission.
2. Live music shall be allowed within the restaurant Monday through Sunday from noon until 10:00 p.m. as allowed by the ordinance. Live music performances are not permitted in the Su Vecino courtyard.

3. The maximum noise level allowed from live music activities located on the property shall not exceed 40 db-A as measured inside any adjacent building containing a noise sensitive use or 55 db-A from the property line.
4. 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.

DECISION: The use permit is approved with conditions stated above.

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

MEETING DATE: 8 August 2012

BLOCK: 78 LOTS: All

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: UP 12-7

OWNER: Carmel Plaza

STREAMLINING DEADLINE: 9/20/12

SUBJECT:

Consideration of the reissuance of a Use Permit to allow live music at the Carmel Plaza located in the Central Commercial (CC) District.

ENVIRONMENTAL REVIEW:

Exempt (15305) – Minor changes in land use.

LOCATION:

SW Cor. Ocean & Junipero

ZONING:

CC

ISSUES:

Does the proposal meet the requirements of Municipal Code Section 9.16 for live music?

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 8 August 2012.
2. Findings for Decision.

STAFF CONTACT: Sean Conroy, Planning & Building Services Manager

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

APPLICATION: UP 12-7

APPLICANT: Carmel Plaza

BLOCK: 78

LOT: All

LOCATION: SW Cor. Ocean & Junipero

REQUEST:

Consideration of the reissuance of a Use Permit to allow live music at the Carmel Plaza located in the Central Commercial (CC) District.

ADDITIONAL REVIEW:

1. None.

BACKGROUND/PROJECT DESCRIPTION:

The Carmel Plaza is located on the southwest corner of Ocean and Junipero avenues in the Central Commercial (CC) District. The Plaza is surrounded by residential and quasi public uses to the east, commercial uses to the south and west, and parkland to the north. The Carmel Plaza was originally approved for a Use Permit to allow live music on 13 September 2006 and had the permit renewed on 12 August 2009. The Use Permit allows live music to be played in the interior courtyard seven days per week between the hours of Noon to 10:00 p.m.

EVALUATION:

CMC Section 9.16 indicates that live music permits must be renewed every three years. The purpose of this requirement is to allow the Planning Commission to re-evaluate whether live music at a particular location is appropriate. There have been no reported complaints regarding live music at this location over the past three years and the surrounding uses have not changed in that time. The enclosed courtyard is an ideal location for live music with little potential for noise impacts on adjacent properties.

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 12-7

Carmel Plaza

SW Cor. Ocean & Junipero

Block 78, Lot All

CONSIDERATION:

Consideration of the reissuance of a Use Permit to allow live music at the Carmel Plaza located in the Central Commercial (CC) District.

FINDINGS OF FACT:

1. Carmel Municipal Code Section 9.16 establishes the standards for live music where alcoholic beverages are sold or served. The Code requires that Live Music Permits be renewed every three years.
2. The applicant obtained a Use Permit to allow live music on 13 September 2006 and renewed the permit on 12 August 2009.
3. The applicant submitted an application to renew the Live Music permit on 20 July 2012.
4. The proposed location of live music is the courtyard of the Carmel Plaza, located at the corner of Ocean Avenue and Junipero Avenue in the Central Commercial (CC) District.

SPECIAL CONDITIONS:

1. This use permit authorizes live music to be played in the Carmel Plaza Courtyard in conjunction with CMC 9.16 and the conditions of this permit. This permit is valid for three years from the date of approval.
2. Live music may be played seven days a week from Noon to 10:00 p.m.
3. The maximum noise level allowed from live music activities located on the property shall not exceed 40 db-A as measured inside any adjacent building containing a noise sensitive use or 55 db-A measured from the property line.
4. 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.

5. Any tenant of the Carmel Plaza wishing to play live music from the courtyard, shall submit an Intent to Comply Form to the City.

DECISION: The use permit is approved with conditions stated above.

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

MEETING DATE: 8 August 2012

BLOCK: 107 LOT: part 2-5

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: DS 12-54

OWNER: Mike & Lynn Momboisse
STREAMLINING DEADLINE: 9/16/12

SUBJECT:

Consideration of a Design Study (Track 1 Referral) application for a new fence for a residence located in the Single Family Residential (R-1) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 3 – New Construction)

LOCATION:

SW Cor. of Santa Fe & 6th

ZONING:

R-1

ISSUES:

1. Does the proposed design comply with the Residential Design Objectives (CMC 17.10.1) and the Residential Design Guidelines?

OPTIONS:

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

RECOMMENDATION:

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

ATTACHMENTS:

1. Staff Reports dated 8 August 2012.
2. Application Materials/Project Plans.

STAFF CONTACT: Sean Conroy, Planning & Building Services Manager

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

APPLICATION: DS 12-54 **APPLICANT:** Mike & Lynn Momboisse
BLOCK: 107 **LOT:** 2-5
LOCATION: SW Cor. of Santa Fe & 6th

REQUEST:

Consideration of a Design Study (Track 1 Referral) application for a new fence for a residence located in the Single Family Residential (R-1) District.

BACKGROUND & DESCRIPTION:

This site is a 4,000 square foot lot developed with a single-family residence. The site fronts on Sixth Avenue and also has frontage on the Santa Fe Street right-of-way, which is not improved but does include a pedestrian path. Staff approved a Track 1 Design Study on 25 May 2012 for minor exterior alterations.

The applicant is proposing to remove an existing wood deck (84 sq. ft.), a retaining wall, a six foot tall fence and a brick paver patio (232 sq. ft.) that encroach into the public right-of-way, and construct a new retaining wall and solid wood fence with lattice on the eastern property line. The fence would be setback five feet from the northern property line. The primary purpose of the fence is to provide privacy for the master bedroom. Currently, pedestrians on the path can look directly into the bedroom windows.

EVALUATION:

Technically this site is considered a corner lot for setback purposes, even though the Santa Fe Street frontage is not improved. Carmel Municipal Code (CMC) Section 17.6.020.N indicates that for corner sites, the shorter street frontage is considered the "front" for calculating setbacks. CMC Section 17.10.030.A requires the following setbacks for the subject site:

Front (Santa Fe):	15'
Side Street Facing (6 th):	5'
Interior Side:	3'
Rear (west):	3'/15'

CMC Section 17.10.030.E indicates that fences within the front setback shall be limited to four feet in height or less and fences within all other setbacks are limited to six feet in height or less unless otherwise authorized by the Planning Commission.

As proposed, the new fence and lattice would be approximately seven feet six inches tall from the bottom of the training wall to the top of the fence as viewed from the public from the pedestrian path right-of-way. If the Commission determines that the front setbacks should apply from the east property line, then the fence would exceed the four foot requirement.

Staff recommends that the east property line be treated as a side property line for determining the height of the fence as it does not front on a public street. This would allow the Commission to approve a fence in excess of four feet in height. Since the Santa Fe Street right-of-way is not improved, staff notes that for all intents and purposes the east property line acts as a side property line rather than a front. The fence will have some open space between the boards and the applicant is also proposing some landscaping on the eastern side of the fence to further soften its appearance.

The fence appears to be a reasonable request to provide privacy without detracting from the community character. The reduction in site coverage and the removal of existing encroachments are also very beneficial.

RECOMMENDATION:

Approve the application as submitted.

SCOPE OF WORK

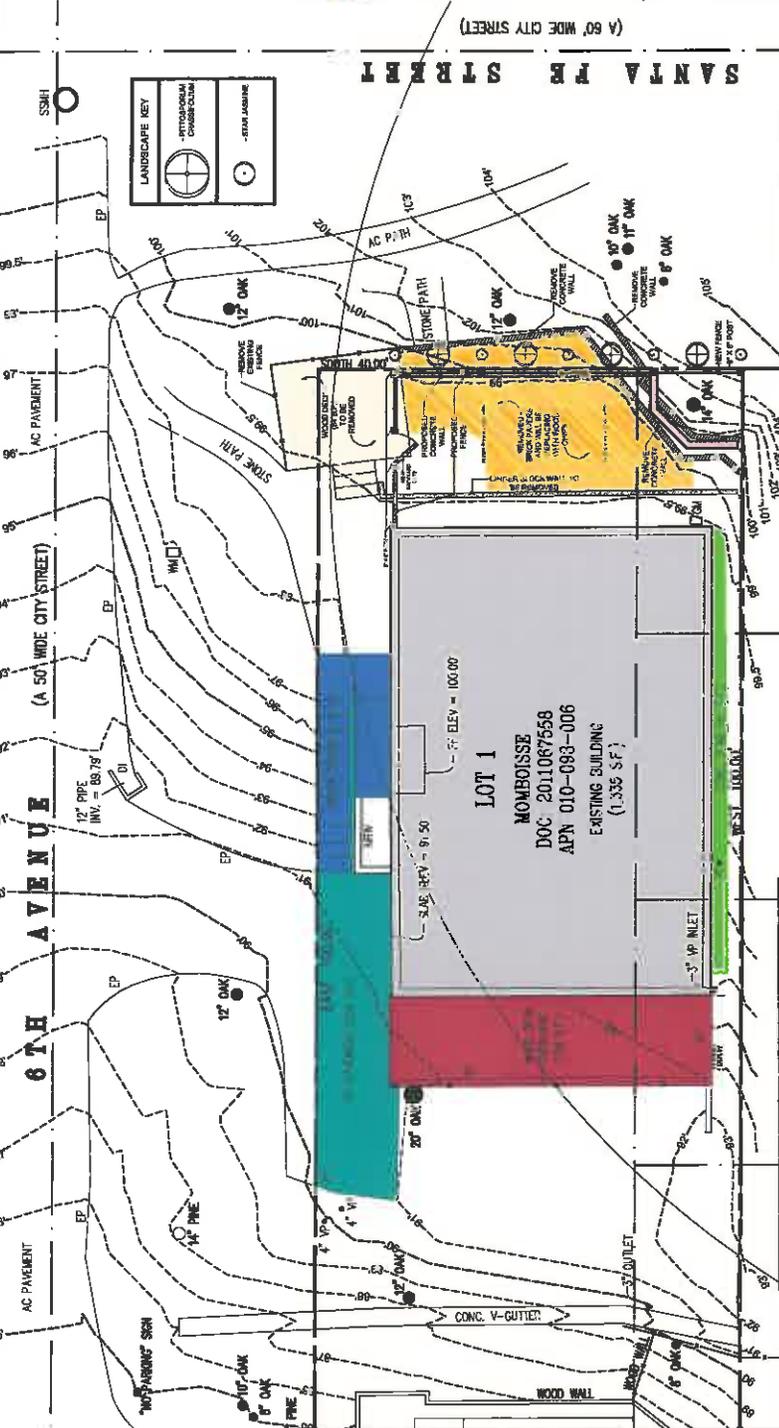
THE PROJECT IS A MAJOR EXTERIOR SITE FINISHING AND LANDSCAPE IMPROVEMENT PROJECT. THE PROJECT WILL INCLUDE THE INSTALLATION OF A NEW 12" DIAMETER CONCRETE UNDERGROUND WATER MAIN AND A NEW 12" DIAMETER CONCRETE UNDERGROUND SANITARY MAIN. THE EXISTING 12" DIAMETER CONCRETE UNDERGROUND WATER MAIN AND SANITARY MAIN WILL BE REMOVED AND REPLACED WITH THE NEW MAINS. THE NEW MAINS WILL BE INSTALLED AT A DEPTH OF 10' TO 12' BELOW THE FINISHED GROUND SURFACE. THE PROJECT WILL ALSO INCLUDE THE INSTALLATION OF A NEW 12" DIAMETER CONCRETE UNDERGROUND WATER MAIN AND A NEW 12" DIAMETER CONCRETE UNDERGROUND SANITARY MAIN. THE EXISTING 12" DIAMETER CONCRETE UNDERGROUND WATER MAIN AND SANITARY MAIN WILL BE REMOVED AND REPLACED WITH THE NEW MAINS. THE NEW MAINS WILL BE INSTALLED AT A DEPTH OF 10' TO 12' BELOW THE FINISHED GROUND SURFACE.

PROPOSED SITE COVERAGE SQUARE FOOT CALCULATIONS

ITEM	AREA (SQ. FT.)	PERCENTAGE
EXISTING DRIVE AND WALKWAY DECK (REMOVED)	1,100	1.1%
EXISTING DRIVE AND WALKWAY DECK (NEW)	1,100	1.1%
EXISTING DRIVE AND WALKWAY DECK (TOTAL)	2,200	2.2%
TOTAL TOTAL SITE COVERAGE	100,000	100%

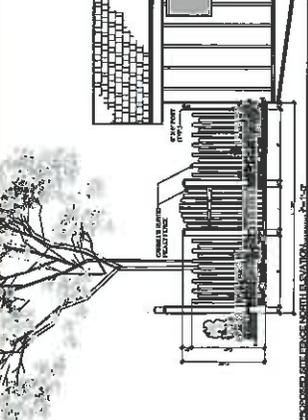
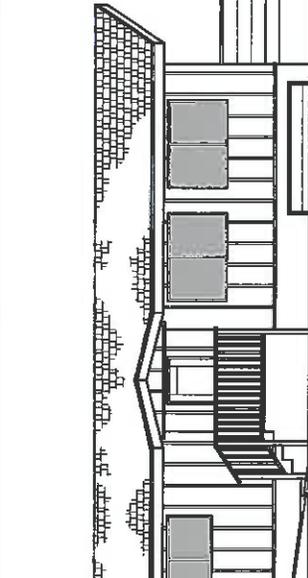
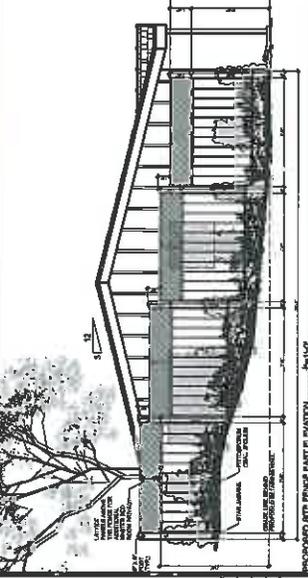
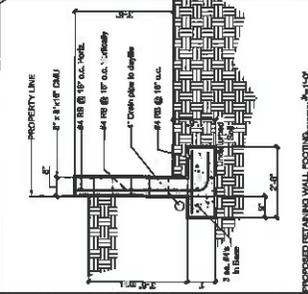
DEMOLITION KEY

	WOOD DECK TO BE REMOVED
	CONCRETE WALKWAY TO BE REMOVED
	UNDESIGNED CONCRETE WALL
	CINDER BLOCK WALL TO BE REMOVED
	PAVING TO BE REMOVED

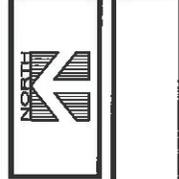


LOT 10
 OAK TREE INVESTMENTS II LLC
 DOC. 2007022409
 APN 010-093-013
 EXISTING BUILDING

LOT 1
 MOMBOSSE
 DOC. 2011087558
 APN 010-093-006
 EXISTING BUILDING
 (1,335 SF)



DATE: 04/15/2012
 DRAWN BY: ALE
 CHECKED BY: ALE
 PROJECT NO.: 1113



PROPOSED SITE WORK

Mombosse Residence
 SANTA FE & 6TH AVENUE CARMEL, CALIFORNIA

APN: 010-093-006

SCALE: 1/4" = 1' FOOT

4 FIG. 1

© COPYRIGHT 2012
 ALE ARCHITECTURE
 No. C 8846
 REGISTERED PROFESSIONAL ARCHITECT
 STATE OF CALIFORNIA

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHK.



Proposed Fence Location

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

MEETING DATE: 8 August 2012

BLOCK: 88 LOT: Lots 1-5, 7

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: SI 12-31

OWNER: Carmel Presbyterian

STREAMLINING DEADLINE: 9/20/12

SUBJECT:

Consideration of a Sign Application to allow signage for three temporary events per year at a site located in the Single Family Residential (R-1) District.

ENVIRONMENTAL REVIEW:

Exempt (Class 11 – Signage)

LOCATION:

SE Cor. Junipero & Mt. View

ZONING:

R-1

ISSUES:

1. Are the temporary signs consistent with the Zoning Ordinance?

OPTIONS:

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

RECOMMENDATION:

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

ATTACHMENTS:

1. Staff Report dated 8 August 2012.
2. Application Materials.

STAFF CONTACT: Sean Conroy, Planning & Building Services Manager

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

APPLICATION: SI 12-31 **APPLICANT:** Carmel Presbyterian Church
BLOCK: 88 **LOT:** 1-5, 7
LOCATION: SE Cor. Junipero & Mt. View

REQUEST:

Consideration of a Sign Application to allow signage for three temporary events per year at a site located in the Single Family Residential (R-1-) District.

BACKGROUND & PROJECT DESCRIPTION:

The Carmel Presbyterian Church is located on the southeast corner of Junipero Avenue and Mountain View Avenue. The Church has an existing monument sign located in the garden in front of the Church (see attached). For years the Church has placed a temporary banner over their monument sign for three temporary events each year; Christmas, Easter and for vacation bible school. The banners are approximately three feet by five feet in size. The Church is requesting approval to continue to display temporary signage for these three events each year.

EVALUATION:

Since the banners have been displayed temporarily for so many years there is not permit on file for them. In addition, since the banners are temporary and are removed after each event there are technically no grandfathered rights to continue to display them. For these reasons, staff and the Church determined the best approach would be to have the Planning Commission issue a permit for the signage to avoid enforcement issues in the future.

Carmel Municipal Code Section 17.40.070 allows temporary signs without a permit if they met the following criteria:

- 3 square feet in size;
- No more than one per site;
- Are displayed for no more than 15 days at a time and for no more than four events per year.

CMC Section 17.40.020.B does allow the Commission to grant exception for the number, location and design of signage. The Commission has previously interpreted design to include size. The proposed banners are larger than three square feet, but would comply with the number and display time of the ordinance. The proposed signs do not add to the visual clutter of the City and do not create negative community character impacts.

RECOMMENDATION:

Approve the application with the attached special conditions.

SPECIAL CONDITIONS:

1. Carmel Presbyterian Church shall be permitted to display one temporary sign for up to three events per year on the existing monument sign near the northwest corner of the site.
2. The temporary signage shall be displayed for no more than 15 days per event.



July 19, 2012

Sean Conroy
Planning and Building Services Manager
P.O. Box CC
Carmel-By-The-Sea, CA 93921

Dear Sean,

We are writing, following phone conversations with City Administrator Jason Stillwell and you, regarding the continued seasonal use of banners by Carmel Presbyterian Church.

Our request is that the church be allowed to continue doing what we have been doing since the church opened its doors in 1954. No more than three times each year – Christmas, Easter and summer Vacation Bible School – a banner is placed *over* our church sign listing special services times for Christmas and Easter and indicating the dates for our week-long children's summer event. The banners are approximately the size of our permanent sign.

Over the decades, these banners have served to inform our congregation and many guests of the service times that are different from other Sundays, for Easter and Christmas services, and to let parents and grandparents know the dates for our summer program.

We hope this accommodation can be made and greatly appreciate your time and that of Mr. Stillwell in reaching a solution that is of benefit to our community.

Please contact me for any additional information that would be helpful.

Our thanks,

Patrick Lynch
For Carmel Presbyterian Church

Dr. Rick Duncan
Pastor

Dr. Mike Harbert
Associate Pastor

Kert Hultgren
Pastor to Senior Adults

Patrick Lynch
Executive Administrator

Lynda Harkins
Children's Ministries

Cecilia DiRocco
Preschool Coordinator

Justin Noseworthy
Student Ministries

Bob Spencer
Student Ministries

Manon Pratt
Student Ministries

Abby Hoeck
Choir Director

Kimberly Momberger
Assistant to Sr. Pastor

Sarah Myers
Executive Assistant

Trude Renken
Bookkeeper

JoLinda Donahue
Receptionist



Existing monument sign, location of temporary banners