

c. Whether the project is exempt from CEQA;

d. Whether a coastal development permit is required; and

e. Whether the project is appealable to the Coastal Commission per CMC 17.54.020.

2. The review of development permit applications for projects that are not subject to environmental review or for which a negative declaration has been prepared and adopted shall be completed within 60 days of the date the application is complete. However, if the applicant modifies the application, or if the applicant submits a written request for a time extension, the maximum time period for review may be extended for up to 90 additional days.

3. The preparation and certification of the final environmental impact report (EIR) for projects that are subject to environmental review or for which an EIR is needed, shall be completed within one year of the date that an application is accepted as complete. Upon the mutual consent of the Director and the project sponsor, this one-year time limit may be extended once for a period of not more than 90 days pursuant to CEQA Guidelines Section 15108. City action on such projects shall be completed within 180 days of the certification of the EIR unless the time for preparation of the EIR has been extended. In that case, City action is required within 90 days of certification. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

#### **17.52.030 Duties and Powers of the Director.**

The Director shall be responsible for implementing the Carmel-by-the-Sea General Plan and administering CMC Title 17, "Coastal Implementation Plan and Zoning Ordinance," of the Carmel-by-the-Sea Municipal Code. The Director shall have the following power and responsibilities:

A. To approve all administrative permits issued pursuant to this title.

B. To determine the applicable land use classification(s) of existing and proposed uses.

C. To issue business licenses.

D. To approve a change in use, provided the proposed use is permitted without condition.

E. To determine applicable categories for the processing of development applications including whether a project is subject to requirements for development permits, and if so, whether the permit is appealable to the Coastal Commission. The Director's determination of coastal development

permit category may be appealed in compliance with Chapter 17.54 CMC, Appeals, and California Code of Regulations Section 13569.

F. To approve the merger or consolidation of lots or lots and lot fragments pursuant to CMC 17.10.040(B), Lot Mergers.

G. To make environmental determinations regarding the use of exemptions and whether environmental review is required for discretionary permits.

H. To administer Carmel-by-the-Sea's water management program.

I. To review public works projects for consistency with Carmel-by-the-Sea's General Plan and Local Coastal Program.

J. To ensure that development is executed and completed according to the approved plans and that all permit conditions and mitigations are fully implemented and carried out in a timely manner.

K. To ensure that public notice requirements are met for deliberation on all administrative permits and all permits to be issued by the Historic Resources Board, the Design Review Board or the Planning Commission.

L. To refer any decision to an appropriate higher level, including the Historic Resources Board, the Design Review Board, the Planning Commission, or the City Council.

M. To authorize temporary uses of private property in compliance with CMC 17.52.100(I), Temporary Events.

N. To issue emergency coastal permits in compliance with CMC 17.52.180. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

#### **17.52.040 Director Approved Temporary Uses.**

Director approved temporary uses may be granted in the situations described in CMC 17.52.100(I). (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

#### **17.52.050 Duties and Powers of the Design Review Board.**

The Design Review Board shall have the following duties and responsibilities:

A. To conduct public hearings, review evidence and act on permit applications not reserved to the Planning Commission, Historic Resources Board or to the Director.

B. To act on commercial district design review applications not involving any land use permit pursuant to CMC 17.58.030, Commercial Design Review.



C. To act on residential design studies for projects not involving any land use permit pursuant to CMC 17.58.040, Residential Design Review.

D. To act on projects subject to coastal permit requirements pursuant to Chapter 17.58 CMC, Design Review, when such projects are within the categories listed above. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

#### **17.52.060 Duties and Powers of the Planning Commission.**

The Planning Commission as the designated planning agency of the City shall have the following power and responsibilities:

- A. To develop and maintain a General Plan.
- B. To develop specific plans, master plans and area plans as may be necessary or desirable.
- C. To periodically, at least once each fiscal year, review the capital improvement program of the City.
- D. To determine the consistency of capital improvements projects and programs with the General Plan.
- E. To prepare an annual report to the City Council on the status of the General Plan and progress in its application.
- F. To interpret the meaning and intent of the City's land use code.
- G. To hear and render decisions on appeals of discretionary decisions made by administrative officials.
- H. To review environmental impact reports and initial studies.
- I. To conduct public hearings, review evidence and determine requests for use permits, variances, lot line adjustments, subdivisions, rezones and land use code amendments.
- J. To act on design review and design study applications for those projects involving issuance of a land use permit.
- K. To act on projects subject to coastal permit requirements when such projects are within the categories listed above.
- L. To review the water management plan annually. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

#### **17.52.070 Variances.**

Only the development standards listed below shall be subject to modification through issuance of a variance:

- A. Maximum site coverage and minimum open space regulations;

- B. Minimum street frontage regulations;
- C. Maximum height regulations;
- D. Minimum front, side or rear yard setback dimensions; and
- E. Minimum parking requirements.

All variances require approval by the Planning Commission. Only when the findings listed in CMC 17.64.210, Variance, can be supported shall the Planning Commission grant a variance. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

#### **17.52.080 Use Permits.**

When findings required in Chapter 17.64 CMC, Findings Required for Permits and Approvals, can be supported, the Planning Commission may issue use permits for the following:

- A. Uses which are expressly permitted by this code upon the issuance of such a permit;
- B. Extend the period during which a nonconforming use in any district may be discontinued without the property owner losing his right to reestablish such nonconforming use; provided, however, that such extension shall not exceed six months;
- C. Allow the commercial extraction of natural materials;
- D. Permit the use of a parcel of land having an average slope of 30 percent or greater as measured from any one property line to another to be used as a building site. Through the use permit process, the following issues shall be addressed:
  1. Slope stability, both long-term and during construction;
  2. Site access for occupants, vehicles and emergency response services;
  3. Site drainage and erosion, both long-term and during construction;
  4. Impacts from proposed grading and construction activity on soils, vegetation and environmental resources;
  5. Impacts on public and private views.
- E. Permit an exterior display of specific merchandise in a specific, defined area on private property in the commercial district, providing all of the following conditions exist:
  1. The proposed area of merchandise display is not out of scale or incompatible with surrounding uses or with the use of adjacent open spaces, walkways or rights-of-way;
  2. The display is adjacent to and contiguous with the specific use and is representative of the general line of merchandise;