

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

**PLANNING COMMISSION RESOLUTION NO. 2024-XXX-PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING A  
CONDITIONAL USE PERMIT (UP 22-056, CAFE DAL MARE) FOR THE ESTABLISHMENT OF A NEW SPECIALTY  
RESTAURANT SPECIALIZING IN EUROPEAN-STYLE COFFEE AND PASTRIES LOCATED ON DOLORES STREET, 4  
SOUTH EAST OF OCEAN AVENUE IN THE CENTRAL COMMERCIAL (CC) ZONING DISTRICT; APN: 010-146-011.**

WHEREAS, Alex McCloskey (“Applicant”), on behalf of the property owner, OWRF Carmel LLC (“Owner”), submitted an application requesting approval of a Use Permit application (“UP 24247, Perfectly Pressed Carmel”) described herein (“Application”); and

WHEREAS, the applicant is proposing to establish a new Specialty Restaurant, called the “Perfectly Pressed Carmel” to be located in a 1,036 square foot commercial space located in suite 119 of Carmel Plaza located at the southeast corner of Mission Street and Ocean Avenue in the Central Commercial (CC) Zoning District; and

WHEREAS, Specialty Restaurant are permitted in the Central Commercial CC zoning district upon issuance of a Conditional Use Permit by the Planning Commission (CMC 17.14.030); and,

WHEREAS, notice of the public hearing was published on September 27, 2024, in the Carmel Pine Cone in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each property owner within a 100-foot radius of the project site indicating the date and time of the public hearing on or before September 29, 2024; and

WHEREAS, on October 9, 2024, the Planning Commission held a public hearing to receive public testimony regarding the Application, including without limitation, information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Commission at the hearing date, including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the project proposes the establishment of a Specialty Restaurant within an existing commercial space. Therefore, pursuant to CEQA regulations, the project is categorically exempt under Section 15301 (Existing Facilities). Class 1 exemptions include the operation, maintenance, permitting, and minor alterations to existing private structures involving negligible or no expansion of an existing or former use. The project consists of establishing a specialty food store within an existing commercial space; and

WHEREAS, pursuant to Section 15300.2 of the CEQA Guidelines, the proposed use does not present any unusual circumstances that would result in a potentially significant environmental impact, and there are no exceptions to the exemption; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

**NOW THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the Conditional Use Permit:

<b>FINDINGS REQUIRED FOR USE PERMIT APPROVAL (CMC 17.64)</b> For each of the required findings listed below, staff has indicated whether the submitted plans support the adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
<b>Municipal Code Findings – CMC 17.64.010 General Findings Required for All Use Permits</b>	<b>YES</b>	<b>NO</b>
1. The proposed use will not conflict with the City's General Plan.	✓	
2. That the proposed use will comply with all zoning standards applicable to the use and zoning district.	✓	
3. That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City or will be in conflict with the General Plan.	✓	
4. That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection	✓	
5. That the proposed use will not be injurious to public health, safety, or welfare.	✓	
6. That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.	✓	
7. That the proposed use will not generate adverse impacts affecting the health, safety, or welfare of neighboring properties or uses.	✓	
<b>Municipal Code Findings – 17.64.020 General Findings Required for Commercial Use Permits</b>		
1. That allowing the proposed use will not conflict with the City's goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and nonlocal populations.	✓	
2. That proposed use will provide adequate ingress and egress to and from the proposed location.	✓	
3. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.	✓	

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Carmel-by-the-Sea does hereby APPROVE the Use Permit UP 24247 (Perfectly Pressed) for the establishment of a new Specialty Restaurant located on within Carmel Plaza (southeast corner of Mission & Ocean; Ste 119) in the Central Commercial (CC) District, APN: 010-086-006 subject to the following Conditions of Approval:

<b>CONDITIONS OF APPROVAL</b>		
<b>No.</b>	<b>Standard Conditions for Specialty Restaurants</b>	
1.	<b>Authorization.</b> This approval Use Permit (UP 24247) authorizes: a new Specialty Restaurant located on within Carmel Plaza (southeast corner of Mission & Ocean; Ste 119) in the Central Commercial (CC) District. APN: 010-086-006. The business shall operate consistent with the plans and business description approved by the Planning Commission on October 9, 2024.	✓
2.	<b>Codes and Ordinances.</b> The business shall operate consistent with the requirements for a Specialty Restaurants as established in CMC 17.14.040.I.4	✓

3.	<p><b>Sale of Nonfood Merchandise.</b> The sale of nonfood merchandise directly related to the use may be allowed if it is determined to be incidental to the specialty restaurant. The display of nonfood merchandise shall be ancillary to the specialty restaurant.</p>	✓
4.	<p><b>Closed Storage of Trash.</b> Adequate facilities shall be provided on-site for the closed storage of trash and garbage generated by the full-line restaurant. 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.</p> <ul style="list-style-type: none"> <li>a. The trash storage area shall be designed and maintained to prevent storm water contamination by loose trash and debris.</li> <li>b. All drainage from adjoining roofs and pavement shall be diverted around the trash area to minimize water flow through the storage area.</li> <li>c. The trash storage area shall be maintained in a screened or walled area to prevent off-site transport of trash.</li> </ul>	✓
5.	<p><b>Public Restroom.</b> At least one restroom shall be available for use by all persons within, or conveniently adjacent to, the specific business premises and on the same property on which the full-line restaurant is located. The restroom shall comply with all provisions of the California 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.</p>	✓
6.	<p><b>Alcoholic Beverage Sales.</b> Alcoholic beverage sales are prohibited.</p>	✓
7.	<p><b>Formula and Fast Food Establishments Not Permitted.</b> The restaurant shall not operate as a “Drive-in, Formula Food or Fast Food” establishment as defined in CMC Section 17.70.</p>	✓
8.	<p><b>Seating Capacity.</b> The maximum seating capacity for the use approved as part of this use permit is twenty (20) indoor seats. No exterior seating is authorized as part of this approval. The actual maximum seating capacity shall not exceed the standards in the California Building and Fire Codes or the number of seats approved by this Use Permit, whichever is less.</p>	✓
9.	<p><b>Food Sold for Consumption off Premise.</b> Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrapping.</p> <p>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.</p>	✓

10.	<b>Indemnification.</b> 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.	✓
11.	<b>Water Units.</b> Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is not available for this site, this permit will be scheduled for reconsideration and appropriate findings prepared for review and adoption by the Planning Commission.	✓
12.	<b>Monterey County Health Department Permits.</b> The applicant shall obtain all necessary permits from the Monterey County Health Department prior to building permit issuance.	✓
13.	<b>Consistency with Approved Application and Seating Plan.</b> The use shall be conducted in a manner consistent with the plans, and application materials submitted with the project, 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 or amended Use Permit by the City.	✓
14.	<b>Use Permit Must be Initiated within 12 Months.</b> This Use Permit shall become void and in no further force or effect if the use is not initiated within twelve (12) months of the issuance of the Certificate of Occupancy from the Building Official.	✓
15.	<b>Violation of the Terms of this Use Permit.</b> Violations of the terms of this Use Permit or other ordinances of the City may constitute grounds for revocation of this Use Permit and the associated business license by the Planning Commission.	✓
16.	<b>Summary Sheet of Use Permit Must be Posted on the Premises.</b> A summary sheet of basic Use Permit requirements (allowed days, allowed hours, special conditions) shall be posted on the premises or shall be available upon request by any enforcement officer of the City.	✓
<b>Use Permit Special Conditions</b>		
17.	<b>Permitted Hours of Operation.</b> Permitted hours of operation are from 7:00 am to 7:00 pm 7 days a week.	✓
18.	<b>Permitted Interior Seating.</b> The restaurant is permitted a maximum twenty (20) interior seats. A minimum of fourteen (14) interior seats shall be maintained at all times.	✓
19.	<b>Exterior Seating.</b> Outside seating may be allowed, subject to CMC 17.58, Design Review. Prior to the establishment any outdoor seating, the applicant shall apply for and obtain approval of a Design Review Application for any associated outdoor seating.	✓



