

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2025-XX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA FINDING THAT THE ESTABLISHMENT OF A RETAIL CANDY STORE WITHIN AN EXISTING COMMERCIAL SPACE IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES SECTION 15301 – EXISTING FACILITIES AND THAT NO EXCEPTIONS TO THE EXEMPTIONS FOUND IN SECTION 15300.2 APPLY IN THIS CASE AND APPROVING A CONDITIONAL USE PERMIT (UP 25090, SEA SHACK CANDY CO.) FOR THE ESTABLISHMENT OF A SPECIALTY FOOD STORE SPECIALIZING IN THE SALE OF SCANDINAVIAN SWEETS. THE PROPERTY IS LOCATED AT CARMEL SQUARE, UNIT #2, ON SAN CARLOS STREET BETWEEN OCEAN AND 7TH AVENUES IN THE CENTRAL COMMERCIAL (CC) ZONING DISTRICT; APN: 010-141-005.

WHEREAS, business owner Tiffany and Richard Bufkin (“Applicant”), on behalf of property owner, WHITE JOHANNA C TR ET AL, submitted an application requesting approval of Use Permit application UP 25090, “Sea Shack Candy Co.” described herein (“Application”); and

WHEREAS, the applicant is proposing to establish a Specialty Food Store to be located in a 275 square foot commercial space located on San Carlos Street between Ocean and 7th Avenues (Carmel Square, Unit #2) in the Central Commercial (CC) Zoning District; and

WHEREAS, Specialty Food Stores are permitted in the CC zoning district upon issuance of a Conditional Use Permit by the Planning Commission; and,

WHEREAS, in accordance with Carmel-by-the-Sea Municipal Code (CMC) Section 17.52.090, a Coastal Development Permit is not required; and

WHEREAS, a notice of the May 14, 2025 public hearing was published in the Carmel Pine Cone on May 2, 2025, in compliance with State law (California Government Code 65091), as well as hand-delivered by the Applicant to each property within a 100-foot radius of the project site indicating the date and time of the public hearing on or before May 4, 2025; and

WHEREAS, on May 14, 2025, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Use Permit application, including without limitation, the 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, attachments, recommendations, and testimony hereinabove 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 the review of certain projects for environmental impacts and preparation of environmental documents; 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:

FINDINGS REQUIRED FOR USE PERMIT APPROVAL (CMC Chapter 17.64) For each of the required findings listed below, staff has indicated whether the submitted plans support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
Municipal Code Findings – CMC Section 17.64.010 General Findings Required for All Use Permits	YES	NO
1. That the proposed use will not be in 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 health, safety, or welfare of neighboring properties or uses.	✓	
Municipal Code Findings – CMC Section 17.64.020 General Findings Required for Commercial Use Permits		
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 FIND that the establishment of retail candy store within an existing commercial space is Categorically Exempt from environmental review pursuant CEQA Guidelines Section 15301 – Existing Facilities and APPROVE the Use Permit (UP 25090, Sea Shack Candy Co.) for establishment of a Specialty Food Store specializing in the sale of Scandinavian sweets, located on San Carlos Street between Ocean and 7th Avenues in the Central Commercial (CC) Zoning District (APN: 010-141-005-000) subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	Authorization. This approval Use Permit (UP 25090, Sea Shack Candy Co.) authorizes the establishment a new specialty food store specializing in the sale of Scandinavian sweets, with a focus on prepackaged candies from Sweden.	✓
2.	Codes and Ordinances. The business shall operate consistent with the requirements for Specialty Food Stores as established in CMC 17.14.040.J.3	
3.	Health Permits. The applicant shall obtain any necessary permits from the Monterey County Health Department prior to commencement of business operation.	✓
4.	Occupancy. The maximum occupancy shall not exceed the standards in the State Uniform Building and Fire Codes.	✓
5.	Public Restroom. 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.	
6.	Alcoholic Beverage Sales. Alcoholic beverage sales are prohibited.	✓
7.	Formula and Fast Food Establishments Not Permitted. The restaurant shall not operate as a “Drive-in, Formula Food or Fast Food” establishment as defined in CMC Section 17.70.	✓
8.	Business Operation. The use shall be conducted in a manner consistent with the presentations and statements submitted in the application and at the public hearing. 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 City.	✓
9.	Permit Validity. This Use Permit approval shall be valid for six (6) months following final action by the Planning Commission, or by the City Council on appeal. If the use is not established pursuant to CMC Section 17.52.170 (Time Limits on Approvals and Denials) the approval shall become null and void.	✓
10.	Business License. A business license shall be obtained prior to the commencement of business operation.	
11.	Permit Revocation. 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 pursuant to CMC Section 17.66.050 (Revocation).	✓
12.	Use Permit Summary. 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	✓
13.	Indemnification. 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.	✓
14.	Serving Samples. All food shall be sold for consumption off-site, however, a limited number of samples may be provided to customers on-site. Samples shall not be provided outside of the building or on the sidewalk.	✓
15.	Covered Containers. All food shall be placed in covered containers or wrappings.	✓
16.	Hours of Operation. The business is permitted to operate weekdays from 11:00AM	✓

	to 7:00PM and weekends from 11:00AM to 9:00PM.	
17.	Business Signage. The Applicant shall submit a sign permit application which shall be reviewed and approved by the Planning Division prior to installation of one exterior sign. All signage shall comply with applicable standards in CMC Sections 17.40.030 and 17.40.040.	✓

*Acknowledgement and acceptance of conditions of approval.

Applicant's Signature Printed Name Date

Property Owner Signature Printed Name Date

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

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 14th day of May, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Shelby Gorman
Planning Commission Secretary