

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

CONDITIONS OF APPROVAL

UP 18-380 (Pure Barre)

Mary Raines Johnson, Business Owner

Carmel Plaza, Ste 302 & 303, SE Corner Ocean and Mission

Block 78; Lot All

APN: 010-086-006

PROJECT DESCRIPTION:

Consideration of a Use Permit (UP 18-380) application to establish a Personal Improvement Studio in the Carmel Plaza located at the southeast corner of Ocean and Mission in the Central Commercial (CC) Zoning District.

STANDARD CONDITIONS

1. This permit authorizes the use of a commercial business space as a barre fitness studio.
2. 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 City.
3. This Use Permit approval shall be valid for 6 months commencing from the final date of action. The Community Planning & Building Director may grant one 6 month extension or may refer the extension request to the Planning Commission for review and approval.
3. This Use Permit shall become void and in no further force or effect if the use is not initiated within six months of the issuance of the Certificate of Occupancy from the Building Official.
4. 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.
5. 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.

6. 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.

SPECIAL CONDITIONS:

7. The ancillary retail use shall be limited to no more than 10 percent of the floor area of the established primary use, and 10 percent of the window display area(s).
8. Class times shall not start before 6:00 AM, and shall not start after 8:00 PM. Classes shall not continue past 9:00 PM.
9. All noise, regardless of its source, shall be confined within the tenant's leased premises. The City reserves the right to require an acoustical analysis at the tenant's expense if complaints of excessive noise are received.
10. A business license shall be applied for prior to the commencement of business operations.
11. This Use Permit application does not permit any modifications to the existing tenant spaces. Any storefront or interior modifications shall be subject to a Design Review Application and review for consistency with the Carmel Plaza Storefront Design Guidelines.

***Acknowledgement and acceptance of conditions of approval.**

_____ Business Owner Signature	_____ Printed Name	_____ Date
_____ Property Owner Signature	_____ Printed Name	_____ Date