

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR APPROVAL

UP 18-366 (Casanova)
Walter and Sylviana Georis Trust
Location: 5th Avenue, 2 SW of Mission Street
Block: 57, Lots: 1 & 3
APN: 010-132-013

PROJECT DESCRIPTION:

Consideration of a Use Permit (UP 18-366) amendment to an existing full-line restaurant (Casanova) proposing to separate the north commercial space (fronting on 5th Ave.) from the south commercial space (fronting on Mission St.) creating two separate restaurants, re-configuring the indoor and outdoor seating and proposing new hours of operation. This use permit is for the north space (Casanova Restaurant) located on 5th Avenue, 2 SW of Mission Street in the Service Commercial (SC) Zoning District.

FINDINGS OF FACT:

1. The project site is located in a commercial space on 5th Avenue, 2 SW of Mission Street in the Service Commercial (SC) Zoning District. The full-line restaurant would continue to operate in an existing 1,604-square foot tenant space.
2. The restaurant was initially granted approval to operate in the space under Use Permit 77-13 on June 17, 1977 with a total of 77 seats (interior and exterior).
3. In 1996, the owners of Casanova's (north space) purchased the adjacent Clam Box Restaurant (south space) and merged the two restaurants together.
4. In 1999, the owners submitted Use Permit Amendment UP 99-03 to define the seating arrangements in the restaurant. This use permit authorized 204 total seats for both spaces including 150 interior seats and 54 exterior seats. The seating plan for the north space identified 88 total seats, 40 interior and 58 exterior.
5. On October 11, 2018 a Use Permit application was submitted to close off an internal door joining the spaces in order to separate the north commercial space from the south commercial space creating two separate restaurants and reconfiguring the indoor and outdoor seating.
6. The project qualifies for a Class 3 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. Class 3

exemptions include the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The project consists of separating one restaurant into two restaurants as it existed prior to 1999.

FINDINGS FOR DECISION:

1. The project constitutes an improvement over existing site conditions pursuant to CMC Section 17.14.010 (Purpose).
2. The project conforms to all zoning standards applicable to the site including, floor area, height, setbacks and parking.

General Findings Required for All Use Permits (CMC 17.64.010):

3. The proposed use is not in conflict with the City's General Plan.
4. The proposed project, as conditioned, will comply with all zoning standards applicable to the use and zoning district.
5. The granting of 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.
6. The proposed project will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, street capacity and fire protection.
7. The proposed project will not be injurious to public health, safety or welfare and provides adequate ingress and egress.
8. The proposed project will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.
9. The proposed project will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.

General Findings Required for Commercial Use Permits (CMC 17.64.020):

10. 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.
11. The proposed use will provide adequate ingress and egress to and from the proposed location.

12. The capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.