

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

CONDITIONS OF 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.

AUTHORIZATION:

1. **Use Permit Authorization:** This permit authorizes an amendment to the use permit of an existing 1,604-square-foot full-line restaurant as defined in CMC Section 17.68.050 (Commercial Use Classifications) proposing new hours and reconfigured seating. Casanova will continue to serve its existing menu which focuses on contemporary and rustic cuisine.

USE PERMIT STANDARD CONDITIONS (CMC 17.14.040.I):

2. The sale of nonfood merchandise directly related to the use may be allowed if it is determined to be incidental to the full-line restaurant. The display of nonfood merchandise shall be ancillary to the full-line restaurant.
3. 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.
 - a. The trash storage area shall be designed and maintained to prevent storm water contamination by loose trash and debris.

- b. All drainage from adjoining roofs and pavement shall be diverted around the trash area to minimize water flow through the storage area.
 - c. The trash storage area shall be maintained in a screened or walled area to prevent off-site transport of trash.
- 4. At least one restroom shall be available for use by both sexes 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.
- 5. Any sale of alcoholic beverages shall be subordinate to the primary use.
- 6. The restaurant shall not operate as a "Drive-in, Formula Food or Fast Food" establishment as defined in CMC Section 17.70.
- 7. Substantially all foods from the standard menu shall be available for purchase during the hours that alcoholic beverages are being served.
- 8. No more than 20% of the seating is permitted at a bar or in a separate bar room.
- 9. Customers shall be provided with individual menus while seated at a table or counter.
- 10. 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. The seating capacity shall be posted on the premises at all times.
- 11. Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrapping.
 - a. 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.

USE PERMIT SPECIAL CONDITIONS:

- 12. Permitted hours of operation are from 7:30 am to 10:00 pm for all restaurant seating, including outdoor seating. No new customers shall be accepted into the restaurant after 10:00 p.m.

13. The restaurant is permitted a maximum of 107 seats, 42 interior and 65 exterior. Interior seating consists of 36 seats in the restaurant plus 6 interior seats located in a separate room at the back of the east (side) exterior patio. Exterior seating consists of 45 seats in the east (side) exterior patio, and 20 seats in the north (front) exterior patio. The number of interior seats may be reduced to comply with Building and Fire Code requirements.
14. 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.
15. The applicant shall obtain all necessary permits from the Monterey County Health Department prior to building permit issuance.
16. 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.
17. This Use Permit shall become void and in no further force or effect if the use is not initiated within six (6) months of the issuance of the Certificate of Occupancy from the Building Official.
18. 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.
19. 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.

GENERAL CONDITIONS:

20. 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.

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

Applicant Signature

Printed Name

Date

Property Owner Signature

Printed Name

Date