

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

CONDITIONS OF APPROVAL

UP 19-002 (Pangaea Grill)
Matthew Porges, Owner/ Operator
Location: N/S Ocean between Lincoln & Dolores
Block: 72, Lots: 5, W ½ 1
APN: 010-139-005

PROJECT DESCRIPTION:

Consideration of a Use Permit Amendment (UP 19-002) to allow for changes to the hours of operation for an existing full-line restaurant, located on the north side of Ocean Avenue between Lincoln and Dolores in the Central Commercial (CC) Zoning District.

AUTHORIZATION:

Use Permit Authorization: This permit authorizes the continued operation of a full-line restaurant in a 3,300 square foot tenant space including the following operational characteristics:

- a) Permitted hours of operation are from 7:00 a.m. to 10:00 p.m. seven days per week.
- b) Maintenance of the restaurant's existing 68 interior seats.

USE PERMIT STANDARD CONDITIONS (CMC 17.14.040.I):

- 1. 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.
- 2. 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.
3. 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.
4. Any sale of alcoholic beverages shall be subordinate to the full-line restaurant.
5. The restaurant shall not operate as a "Drive-in, Formula Food or Fast Food" establishment as defined in CMC Section 17.70.020.
6. Substantially all foods from the standard menu shall be available for purchase during the hours that alcoholic beverages are being served.
7. No more than 20 percent of the total number of seats are at a bar or in a separate bar room.
8. Customers shall be provided with individual menus while seated at a table or counter.
9. The maximum seating capacity shall not exceed the standards in the State Uniform Building and Fire Codes, the number of seats approved by the Planning Commission through public review, or the number of seats in the previous business, whichever is less. The seating capacity shall be posted on the premises.
10. 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:

11. This Use Permit UP 18-196 supersedes Use Permit B.A. 85-75 in its entirety.

12. 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.
13. The site is currently not permitted outdoor seating. Any proposed addition of outdoor seating would require a use permit amendment and a Design Review application prior to the establishment of outdoor seating.
14. The applicant shall obtain all necessary permits from the Monterey County Health Department prior to building permit issuance.
15. The use shall be conducted in a manner substantially consistent with the presentations and statements submitted in the application and at the public hearing, and any change in the use which would significantly alter the findings or conditions adopted as part of this permit shall require approval of a new Use Permit by the City.
16. 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.
17. The operator of the use shall be responsible for the cleaning and removal of all trash and garbage in, and immediately around, their business.
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