

## CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

November 10, 2021  
PUBLIC HEARINGS

**TO:** Chair LePage and Planning Commissioners

**SUBMITTED BY:** Evan Kort, Associate Planner

**APPROVED BY:** Brandon Swanson, Community Planning and Building Director

**SUBJECT:** **DR 21-114 and UP 21-266 (The Conservatory)** Consideration of a Design Review and Use Permit Application for the establishment of a music recording studio and remodel and structural seismic retrofit of an historic 5,857 square-foot structure, including the addition of a 986 square-foot interior balcony, staircase, elevator, a 20 square-foot basement addition, installation of new solar panel array, new skylight and exterior windows to the China Arts Building located at Dolores Street 2 northwest of 7th Avenue in the Central Commercial (CC) Zoning District and Downtown Conservation District (CD) Overlay; APN: 010-147-006-000

**Application:** DR 21-114 and UP 21-226 (The Conservatory)

**APN:** 010-146-006-000

**Block:** 91

**Lot:** 6, 8, 10

**Location:** Dolores Street 2 northwest of 7th Avenue

**Applicant:** Robert Carver, Architect

**Property Owner:** Dolores & 7th, LLC

### Executive Summary:

The applicant is proposing a seismic retrofit and predominantly interior remodel of the building into a multi-story, private music recording studio. Interior modifications include a basement enlargement, Level 2 interior hallway addition and new electrical, HVAC, plumbing and acoustic infrastructure. The primary exterior alterations include an addition to the historic entrance on Dolores of an all glass “sound lock” entry door used for sound attenuation, and window additions to the rear (west) elevation, as well roof top additions to accommodate a new stairway and elevator. The “sound lock” component of the project is effectively an enclosure of the front vestibule with glass to prevent sound from escaping out into the public. A similar feature can be seen at the main entrance of the Sunset Center. The item was previously considered at the October 13, 2021 Planning Commission hearing and was continued with direction for the applicant to explore relocating the proposed sound lock entry feature to the interior of the structure.

### Recommendation:

Staff recommends the Planning Commission adopt a resolution approving a Design Review and Use Permit for a remodel and structural seismic retrofit of an historic structure, known as the China Arts Center, which includes new acoustic infrastructure, as well as new elevator and stairway additions to the roof and a new skylight and exterior windows for a new private music recording studio located at Dolores Street, 2 northwest of 7th Avenue in the Central Commercial (CC) Zoning District and Downtown Conservation District (CD) Overlay. APN: 010-147-006 (attachment 1)

### Background and Project Description:

The project site is located on Dolores Street, 2 northwest of 7<sup>th</sup> Avenue on a 4,000 square foot lot. The applicant is proposing to seismically retrofit and remodel an historic building, known as the China Arts Center, into a private multi-story, music recording studio. The project also includes a complete interior remodel with the addition of a new elevator and stairway enclosure on the roof, a new skylight, new windows and doors, and a new “sound lock” entry on Dolores Street. The “sound lock” component of the project is effectively an enclosure of the front vestibule with glass to prevent sound from escaping out into the public. The new roof additions would allow access to the currently inaccessible (only accessible via ladder) roof area that would serve as a gathering space on the western portion of the roof, and a mechanical area within the existing gable on the east.

As the subject property is a Historic Recourse, the proposed exterior alterations were required to be reviewed by the Historic Resources Board (HRB) for consistency with the Secretary of the Interior’s Standards. On August 16, 2021, the HRB considered the project and adopted Resolution 2021-07-HRB issuing a Determination of Consistency with the Secretary of the Interior’s Standards subject to the adoption of the recommended Conditions of Approval.

The project was then considered by the Planning Commission at the October 13, 2021 hearing and was continued with direction to the applicant to explore providing a design that will have the sound lock on the interior of the building instead of the exterior of the vestibule. The commission was supportive of the proposed use as a music recording study and did not provide additional direction regarding the exterior modifications beyond exploring the relocation of the sound lock entry. As such, this report will only discuss the exploration of the relocation of the sound lock entry –an analysis of the proposed use and other proposed exterior modifications were discussed in the October 13, 2021 staff report (Attachment 4).

### Staff Analysis:

**Response to Direction:** In response to the Planning Commission’s direction to “explore providing a design that will have the sound lock on the interior of the building instead of the exterior of the vestibule,” the applicant has not provided revised drawings, but rather has submitted supplemental information to support their position that the location of the sound lock on the exterior of the building is more efficient for the use and sound attenuation than if located in the interior (Attachment 3).

As stated in a cover letter by Charles Salter, president of “Salter”, a professional sound engineering firm:

*To achieve adequate sound-isolation, a double-door system is necessary. The project design provides a double-door arrangement while at the same time maximizes the size of the great hall. If a portion of the exterior vestibule is not allowed for sound-isolation, then the double-door arrangement must be brought into the great hall. This reduces the number of musicians who can perform in the great hall. It also increases the sound-transfer into the building by allowing airborne noise out of doors to shake the building structure and telegraph energy into the room... In conclusion, this vestibule sound-lock design is most effective and rational means by which to configure the existing*

*building into a world-class recording studio.*

The applicant's supplemental information also includes a diagram illustrating the sound transfer concern described above, a seating diagram illustrating the potential impacts of the reduced interior floor space on the ability to record an orchestra, as well as other examples where glass enclosures have been used on historic buildings. It is staff's understanding the applicant's acoustical engineer will be in attendance at the hearing to speak to the acoustical requirements of the use.

In review of the supplemental information, staff identified that the orchestral seating layout provided (both with and without the sound lock on the interior) would exceed the maximum building occupancy of 49 persons as established in the Building and Fire Codes for a "B" (business) occupancy building. Occupancies of more than 49 persons would change the building to an "A" (assembly) occupancy during those occurrences, however, the building would not be permanently classified as an "A" occupancy.

To accommodate occupancies exceeding 49 persons on a temporary basis (for the purposes of orchestral recording sessions only), planning staff has coordinated with the City's Building Official, and Monterey Fire to draft Special Condition of Approval #24 which states:

*The owner may temporarily exceed the maximum building occupancy established in Condition of Approval #23, Maximum Occupancy, for the purposes of seating an orchestra for music recording purposes upon written approval from The Director of Community Planning and Building, and the fire department. To be approved, the following the following requirements must be met:*

- A. The building occupancy during an orchestral recording session shall not exceed more than one hundred (100) persons total at any time, inclusive of staff and guests.*
- B. A professional event management or security company shall be on-site for the duration of the recording session. At least two (2) employees from the professional company shall be on-site at all times when the occupancy is over 49 persons, to ensure strict compliance with Condition of Approval #24 of this permit and to provide exiting and crowd control assistance in the event of an emergency. The two employees of the professional company shall count towards the total maximum temporary occupancy of 100 persons.*
- C. Roof access is prohibited at all times to any person for the duration of the orchestral recording session when building occupancy exceeds 49 people.*
- D. No more than five (5) Orchestral Event Permits shall be allowed in any calendar year. The duration of each event may not exceed 4 days.*

*Prior to any orchestral recording session where the maximum building occupancy would be exceeded, the owner shall submit the following the Community Planning and Building Department for approval by the Director and fire department:*

- 1. A dimensioned floor plan that includes, but is not limited to: seating arrangement, aisle locations and widths, location of equipment. Additional information may be request by the Director or the fire department.*
- 2. A written request describing the proposed event including the total number of anticipated occupants, and days and hours the occupancy is proposed to be exceeded. The written request shall include a description of measures taken to ensure compliance with Condition of Approval #24, Orchestral Event Permit Conditions.*

Condition of Approval #24, included in full, above, has been reviewed and approved by the Fire Department

as well as the Building Official to ensure compliance with Building and Fire Code regulations pertaining to increased occupant load of a building. With the inclusion of this condition, the project can be allowed to exceed building occupancy on a limited and restricted basis.

**Public Correspondence:** Following the October hearing, staff has received written correspondence in support of the proposed use as well as building modifications as proposed by the applicant. The correspondence has been included as Attachment 3.

### **Other Project Components:**

Staff recommends the project be found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines, and local environmental regulations, pursuant to Section 15303 (Class 3) – New Construction or Conversion of Small Structures. 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 a seismic retrofit and remodel an historic building previously used as a museum/art gallery into a private multi-story, music recording studio. The project also includes a complete interior remodel with the addition of a new elevator and stairway enclosure on the roof, a new skylight, new windows and doors, and a new “sound lock” entry. The proposed project does not present any unusual circumstances that would result in a potentially significant environmental impact and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines.

Attachment 1 - Resolution

Attachment 2 - Supplemental Project Information

Attachment 3 - Public Correspondence

Attachment 4 - October 13, 2021 Staff Report (Excluding Project Plans)

Attachment 5 - Project Plans



**CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION**

**PLANNING COMMISSION RESOLUTION NO. 2021-XXX-PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING A DESIGN REVIEW AND USE PERMIT FOR A REMODEL AND STRUCTURAL SEISMIC RETROFIT OF AN HISTORIC STRUCTURE, KNOWN AS THE CHINA ARTS CENTER, WHICH INCLUDES NEW ACOUSTIC INFRASTRUCTURE, AS WELL AS NEW ELEVATOR AND STAIRWAY ADDITIONS TO THE ROOF AND A NEW SKYLIGHT AND EXTERIOR WINDOWS FOR A NEW PRIVATE MUSIC RECORDING STUDIO LOCATED AT DOLORES STREET, 2 NORTHWEST OF 7TH AVENUE IN THE CENTRAL COMMERCIAL (CC) ZONING DISTRICT AND DOWNTOWN CONSERVATION DISTRICT (CD) OVERLAY. APN: 010-147-006**

WHEREAS, Robert Carver (“Applicant”) on behalf of property owner, Dolores & 7<sup>th</sup>, LLC, submitted an application requesting approval of a Design Review application “DR 21-114” and Use Permit application “UP 21-226” described herein (“Application”); and

WHEREAS, the project is located on Dolores 2 Northwest 7<sup>th</sup> Avenue (Block: 75, Lot: 19) in the Central Commercial (CC) Zoning District and Downtown Conservation District (CD) Overlay; and

WHEREAS, the Applicant is requesting approval of a Design Review Application and a Conditional Use Permit for a seismic retrofit and remodel of the building into a multi-story, private music recording studio; and

WHEREAS, a Coastal Development Permit is not required pursuant to CMC 17.52.100.C, Developments Excluded from Coastal Permit Requirements –Other Improvements; 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 that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, pursuant to CEQA regulations, the Application is categorically exempt under Section 15303 (Class 3), New Construction or Conversion of Small Structures and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, a notice of the public hearing was published on October 1, 2021 in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each occupant within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on August 16, 2021, the Historic Resources Board held a public hearing to receive public testimony regarding the Application, including without limitation, the information provided to the Planning Commission by City staff and public testimony on the Design Review application and adopted Resolution 2021-007-HRB issuing a Determination of Consistency with the Secretary of the Interior's Standards; and

WHEREAS, on October 13, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Application, including without limitation, the information provided to the Planning Commission by City staff and public testimony on the Design Review Application and Use Permit application; and

WHEREAS, on October 13, 2021, the Planning Commission continued the application with direction the applicant to explore relocating the sound lock to the interior of the existing structure; and

WHEREAS, on November 10, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Application, including without limitation, the information provided to the Planning Commission by City staff and public testimony on the Design Review Application and Use Permit application; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Commission at the public hearing 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 and attachments, recommendations and testimony hereinabove set forth and used their independent judgment to evaluate the project; and

WHEREAS, Pursuant to CMC 17.14.220.A, Façade Remodels, *when plans for remodels are reviewed for approval, the reviewing body must find the following to be true:*

1. *The proposed modification contributes to, restores or achieves consistency of architectural character and scale when considering the building or courtyard as a whole.*
2. *The proposed modification does not incorporate materials, patterns or other design elements that would:*
  - a. *Call attention to the building.*
  - b. *Create a form of advertising or sign through architectural treatment.*
  - c. *Would render the storefront unusable by a different business occupant without further remodeling.*
  - d. *Create a standardized identification with a particular business use.*

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 Use Permit:

<b>FINDINGS REQUIRED FOR USE PERMIT APPROVAL (CMC 17.64.010 &amp; 17.64.020)</b>		
For each of the required Use Permit findings listed below, staff has indicated whether the submitted plans support the 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.		
<b>Municipal Code Finding</b>	<b>YES</b>	<b>NO</b>
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 the health, safety, or welfare of neighboring properties or uses.	✓	
8. 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.	✓	
9. That proposed use will provide adequate ingress and egress to and from the proposed location.	✓	
10. 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 make the following findings and determinations regarding the **Design Review**:

<b><u>FINDINGS REQUIRED FOR DESIGN REVIEW APPROVAL</u></b>		
For each of the required findings listed below, staff has indicated whether the application supports 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.		
<b>CMC 17.58.060.B, Findings Required for Design Review Approval in any district</b>	<b>YES</b>	<b>NO</b>
1. Conform to the applicable policies of the General Plan and the Local Coastal Program	✓	
2. Comply with all applicable provisions of this code	✓	
3. Are consistent with applicable adopted design review guidelines	✓	

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Carmel-by-the-Sea does hereby **APPROVE** the Design Review Application (DR 21-114) and Use Permit Application (UP 21-226) for a remodel and structural seismic retrofit of an historic structure, known as the China Arts Center, which includes new acoustic infrastructure, as well as new elevator and stairway additions to the roof and a new skylight and exterior windows for a new private music recording studio located at Dolores Street, 2 northwest of 7th Avenue in the Central Commercial (CC) Zoning District and Downtown Conservation District (CD) Overlay (APN: 010-147-006), subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	<b>Authorization.</b> This approval of Design Review (DR 21-114) and Use Permit (UP 21-226) authorizes a remodel and structural seismic retrofit of an historic structure, known as the China Arts Center, which includes new acoustic infrastructure, as well as new elevator and stairway additions to the roof and a new skylight and exterior windows for a new private music recording studio as depicted in the plans prepared by Studio Carver Architects as presented to the Planning Commission on October 13, 2021, unless modified by the conditions of approval contained herein.	✓
2.	<b>Codes and Ordinances.</b> The project shall be constructed in conformance with all requirements of the CC zoning district. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested at the time such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.	✓
3.	<b>Permit Validity.</b> This approval shall be valid for a period of 18 months from the date of action unless an active building permit has been issued and maintained for the proposed construction.	✓
4.	<b>Water Use.</b> 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.	✓
5.	<b>Modifications.</b> The applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the applicant changes the project without first obtaining City approval, the applicant will be required to submit the change in writing, with revised plans, within 2 weeks of the City being notified. A cease work order may be issued any time at the discretion of the Director of Community Planning and Building until: a) either the Planning Commission or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review. The project will be reviewed for its compliance to the approved plans prior to final inspection.	✓

6.	<b>Service Laterals.</b> All electrical service laterals to any new building or structure, or to any building or structure being remodeled when such remodeling requires the relocation or replacement of the main service equipment, shall be placed underground on the premises upon which the building or structure is located. Undergrounding will not be required when the project valuation is less than \$200,000 or when the City Forester determines that undergrounding will damage or destroy significant trees(s) (CMC 15.36.020).	✓
7.	<b>Indemnification.</b> The applicant agrees, at his or her 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.	✓
8.	<b>Hazardous Materials Waste Survey.</b> A hazardous materials waste survey shall be required in conformance with the Monterey Bay Unified Air Pollution Control District prior to issuance of a demolition permit.	✓
9.	<b>Cultural Resources.</b> All new construction involving excavation shall immediately cease if cultural resources are discovered on the site, and the applicant shall notify the Community Planning and Building Department within 24 hours. Work shall not be permitted to recommence until such resources are properly evaluated for significance by a qualified archaeologist. If the resources are determined to be significant, prior to resumption of work, a mitigation and monitoring plan shall be prepared by a qualified archaeologist and reviewed and approved by the Community Planning and Building Director. In addition, if human remains are unearthed during excavation, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98.	✓
10.	<b>Truck Haul Route.</b> Prior to Building Permit issuance, the applicant shall provide for City (Community Planning and Building Director in consultation with the Public Services and Public Safety Departments) review and approval, a truck-haul route and any necessary temporary traffic control measures for the grading activities. The applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures.	✓
11.	<b>USA North 811.</b> Prior to any excavation or digging, the applicant shall contact the appropriate regional notification center (USA North 811) at least two working days, but not more than 14 calendar days, prior to commencing that excavation or digging. No digging or excavation is authorized to occur on site until the applicant has obtained a Ticket Number and all utility members have positively responded to the dig request. (Visit USANorth811.org for more information)	✓

12.	<b>Conditions of Approval.</b> All conditions of approval for the Planning permit(s) shall be printed on a full-size sheet and included with the construction plan set submitted to the Building Safety Division.	✓
<b>SPECIAL CONDITIONS</b>		
13.	<b>Decorative Plaster Repair.</b> Any repair to the decorative cement plaster shall be done in-kind to match the existing cement plaster in color, texture and method of application/detailing. If repair is required, photo documentation of the existing feature shall be provided to the Community Planning and Building Department for review and approval prior to commencement of the repair work.	✓
14.	<b>Wood Repair.</b> Any repair to the original wood brackets which support the roof structure shall use Dutchman techniques that remove a minimum amount of deteriorated material. If wood replacement is necessary, it shall match the original detail in size, profile and method of application. If repair is required, photo documentation of the existing feature shall be provided to the Community Planning and Building Department for review and approval prior to commencement of the repair work.	✓
15.	<b>Treatments for Cleaning and Repairs.</b> Physical treatments to repair existing cement plaster details, wood details and steel window sash will be undertaken with accepted methods for a given substrate. The applicant shall consult Preservation Brief 21 and/or 23 when undergoing repair to plaster, Preservation Brief 13 when undergoing repair to the steel windows, and Preservation Brief 6 before cleaning any feature.	✓
16.	<b>Sound Lock Entry Design.</b> The glazing system shall be revised to include fewer glass panels and thinner steel framing elements to make this glazing system as transparent as possible. A detail shall be provided to CPB for review and approval prior to issuance of a building permit.	✓
17.	<b>Sound Lock Entry Detail.</b> A detail of the glazing system that includes type/opacity of glass, width of framing elements and method of connection to the existing cement plaster arch shall be provided to CPB for review and approval prior to issuance of a building permit. The glazing system shall maintain transparent glass and the connection shall be designed to minimize damage to the existing plaster during installation and ensure the glazing system can be easily removed in the future.	✓
18.	<b>Noise.</b> All noise and sound associated with the uses shall be confined within the enclosed structure. The City reserves the right to require an acoustical analysis prepared by a qualified professional at the property owner's expense if complaints of excessive noise are received. Should the use be found to be not in compliance with this condition, the property owner agrees to seek immediate compliance and all business activity shall be ceased until it is demonstrated compliance with this condition has been achieved. Failure to comply and/or repeated violations shall be cause for the City to schedule a revocation hearing with the Planning Commission. At such hearings, the Commission may: a. Require changes in the noise mitigation plan; b. Establish new permit conditions; or c. Revoke the permit.	✓



19.	<b>Music within Outdoor Areas.</b> Recorded or reproduced music on private property played from accessible exterior areas of the building, including but not limited to the roof or rear patio area, are shall not exceed a volume that produces a sound level exceeding 55 db-A as measured at the property line. Live music is prohibited outdoors. Exceptions may be granted for temporary and special events upon approval of a temporary use permit granted by the Planning Director pursuant to CMC 17.14.050.I. Failure to comply and/or repeated violations shall be cause for the City to schedule a Use Permit revocation hearing with the Planning Commission. At such hearings, the Commission may: a. Require changes in the noise mitigation plan; b. Establish new permit conditions; or c. Revoke the use permit.	✓
20.	<b>Rooftop Mechanical Equipment.</b> If proposed, rooftop mechanical equipment such as, but not limited to, heating, cooling and ventilation system equipment shall be concealed from public view.	✓
21.	<b>Fire Service Equipment.</b> If required, all new fire service equipment shall be screened from public view.	✓
22.	<b>Prohibited Uses.</b> Concerts with live audiences in attendance are not permitted as part of the action. The use may live stream recording sessions and provide opportunities for local musical enterprises for recording, rehearsing and streaming of private performances.	✓
23.	<b>Maximum Occupancy.</b> Maximum building occupancy shall not exceed the standards in the California Building and Fire Codes. The maximum building occupancy for the established “B” building occupancy is forty-nine (49) persons unless otherwise modified by these conditions of approval.	✓
24.	<p><b>Occupancy Exceedances for Orchestral Recordings.</b> The owner may temporarily exceed the maximum building occupancy established in Condition of Approval #23, Maximum Occupancy, for the purposes of seating an orchestra for music recording purposes upon written approval from The Director of Community Planning and Building, and the fire department. To be approved, the following the following requirements must be met:</p> <ul style="list-style-type: none"> <li>A. The building occupancy during an orchestral recording session shall not exceed more than one hundred (100) persons total at any time, inclusive of staff and guests.</li> <li>B. A professional event management or security company shall be on-site for the duration of the recording session. At least two (2) employees from the professional company shall be on-site at all times when the occupancy is over 49 persons, to ensure strict compliance with Condition of Approval #24 of this permit and to provide exiting and crowd control assistance in the event of an emergency. The two employees of the professional company shall count towards the total maximum temporary occupancy of 100 persons.</li> <li>C. Roof access is prohibited at all times to any person for the duration of the orchestral recording session when building occupancy exceeds 49 people.</li> <li>D. No more than five (5) Orchestral Event Permits shall be allowed in any calendar year. The duration of each event may not exceed 4 days.</li> </ul>	✓

	<p>Prior to any orchestral recording session where the maximum building occupancy would be exceeded, the owner shall submit the following the Community Planning and Building Department for approval by the Director and fire department:</p> <ol style="list-style-type: none"> <li>1. A dimensioned floor plan that includes, but is not limited to: seating arrangement, aisle locations and widths, location of equipment. Additional information may be request by the Director or the fire department.</li> <li>2. A written request describing the proposed event including the total number of anticipated occupants, and days and hours the occupancy is proposed to be exceeded. The written request shall include a description of measures taken to ensure compliance with Condition of Approval #24, Orchestral Event Permit Conditions.</li> </ol>	
25.	<b>Roof Access.</b> The elevator door on the roof shall be located on the eastern side of the elevator shaft. A permeant guardrail or railing shall be installed extending from the northwestern corner of the elevator enclosure to the western parapet wall to prevent roof top access to the portion of the roof adjacent to the residential apartment unit to the south.	✓
26.	<b>Easement Recordation.</b> An easement shall be recorded across the Cypress Inn Property (APN: 010-147-008-000) prior to issuance of a building permit. A copy of the recorded easement shall be provided to the Community Planning and Building Department. The easement shall provide access from the basement level of subject property to 7th Avenue to provide a secondary means of emergency egress from the subject property to the public way.	✓

Acknowledgement and acceptance of conditions of approval.

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**Applicant Signature**

**Printed Name**

**Date**

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**Property Owner Signature**

**Printed Name**

**Date**

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

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-  
THE-SEA this 10th day of November 2021 by the following vote:**

**AYES:**

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Michael LePage  
Chair

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Margi Perotti  
Planning Commission Secretary

25 October 2021

Evan Kort

**City of Carmel-by-the-Sea**

P.O. Box CC

Carmel-by-the-Sea, CA 93921

ekort@ci.carmel.ca.us

**Subject: The Conservatory, Carmel-by-the-Sea, CA  
Acoustical Design  
Salter Project 20-0447**

Dear Mr. Kort:

This letter addresses the sound-isolation through the front door of the building.

A recording-performance studio of this type requires a high degree of sound-isolation. The sound-isolation construction reduces noise intrusion from vehicular traffic. It is also required to limit sound-transfer of music noise out to the sidewalk and the neighbors.

To achieve adequate sound-isolation, a double-door system is necessary. The project design provides a double-door arrangement while at the same time maximizes the size of the great hall. If a portion of the exterior vestibule is not allowed for sound-isolation, then the double-door arrangement must be brought into the great hall. This reduces the number of musicians who can perform in the great hall. It also increases the sound-transfer into the building by allowing airborne noise out of doors to shake the building structure and telegraph energy into the room. This energy-transfer concern is shown in Figure 4 (Drawing ASK-002).

In conclusion, this vestibule sound-lock design is most effective and rational means by which to configure the existing building into a world-class recording studio. Please contact me if you have any questions.

Best,

**SALTER**



Charles Salter, PE

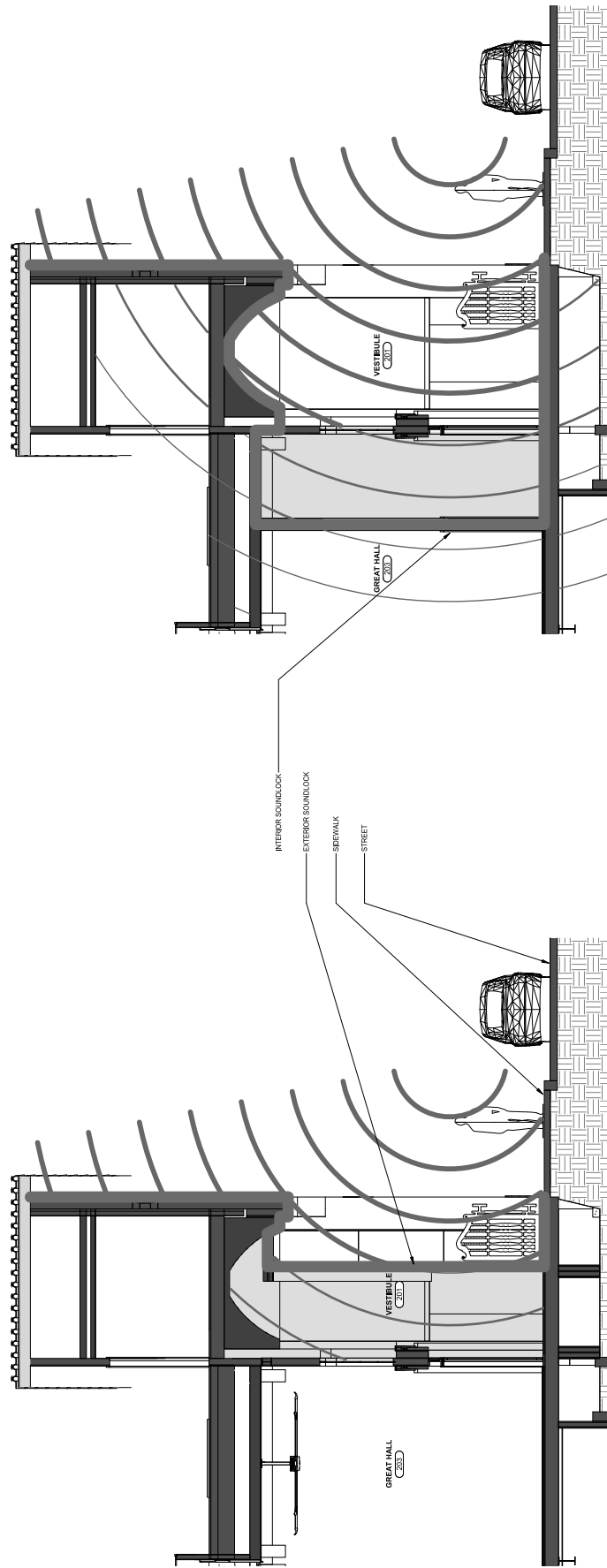
President

*atch/chsa P: 2021-10-25 The Conservatory – Acoustical Design*



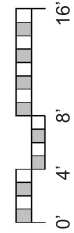
San Francisco | San Jose | Los Angeles | Honolulu | Seattle  
tel 415.397.0442 | salter-inc.com


Acoustics  
Audiovisual  
Telecommunications  
Security

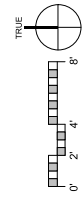
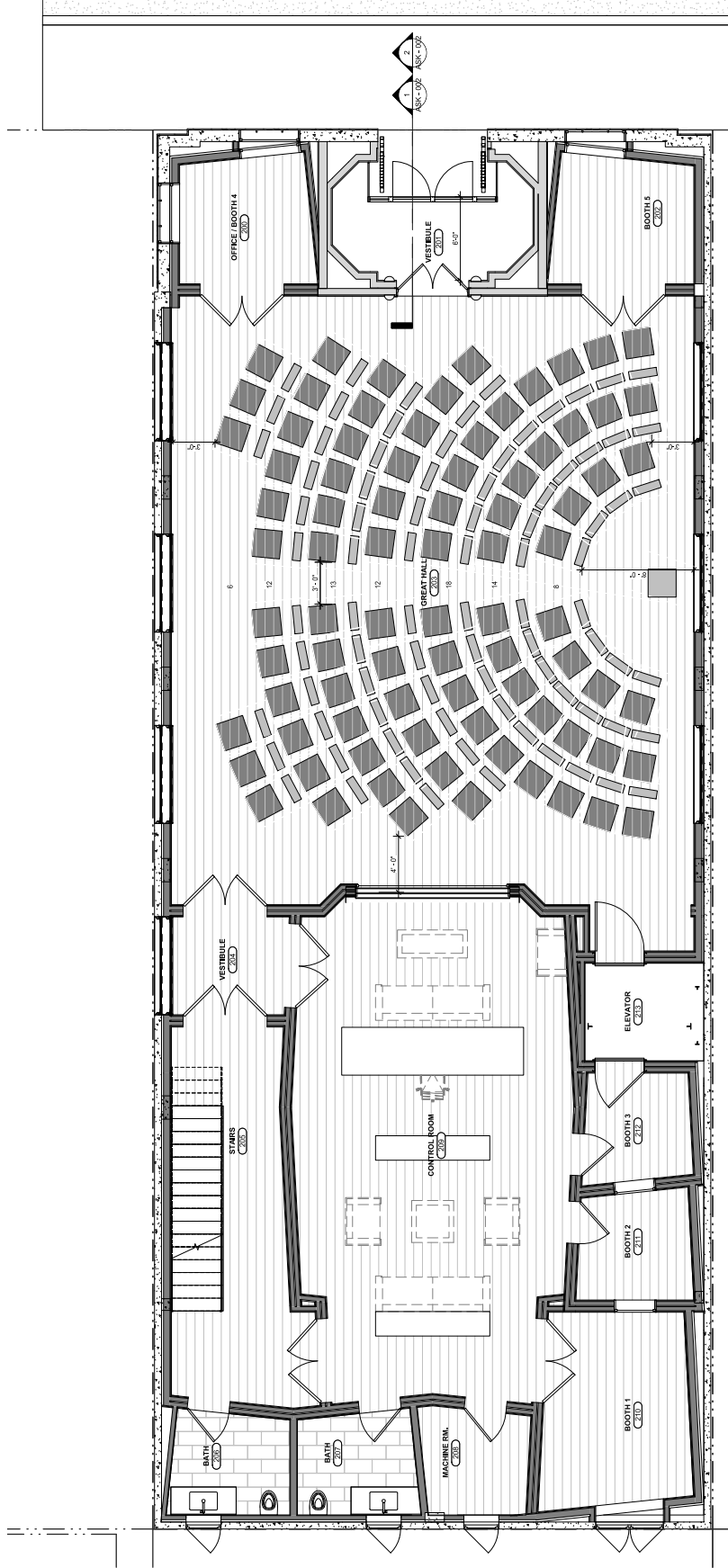


① SOUND LOCK IN VESTIBULE

② SOUND LOCK IN GREAT HALL

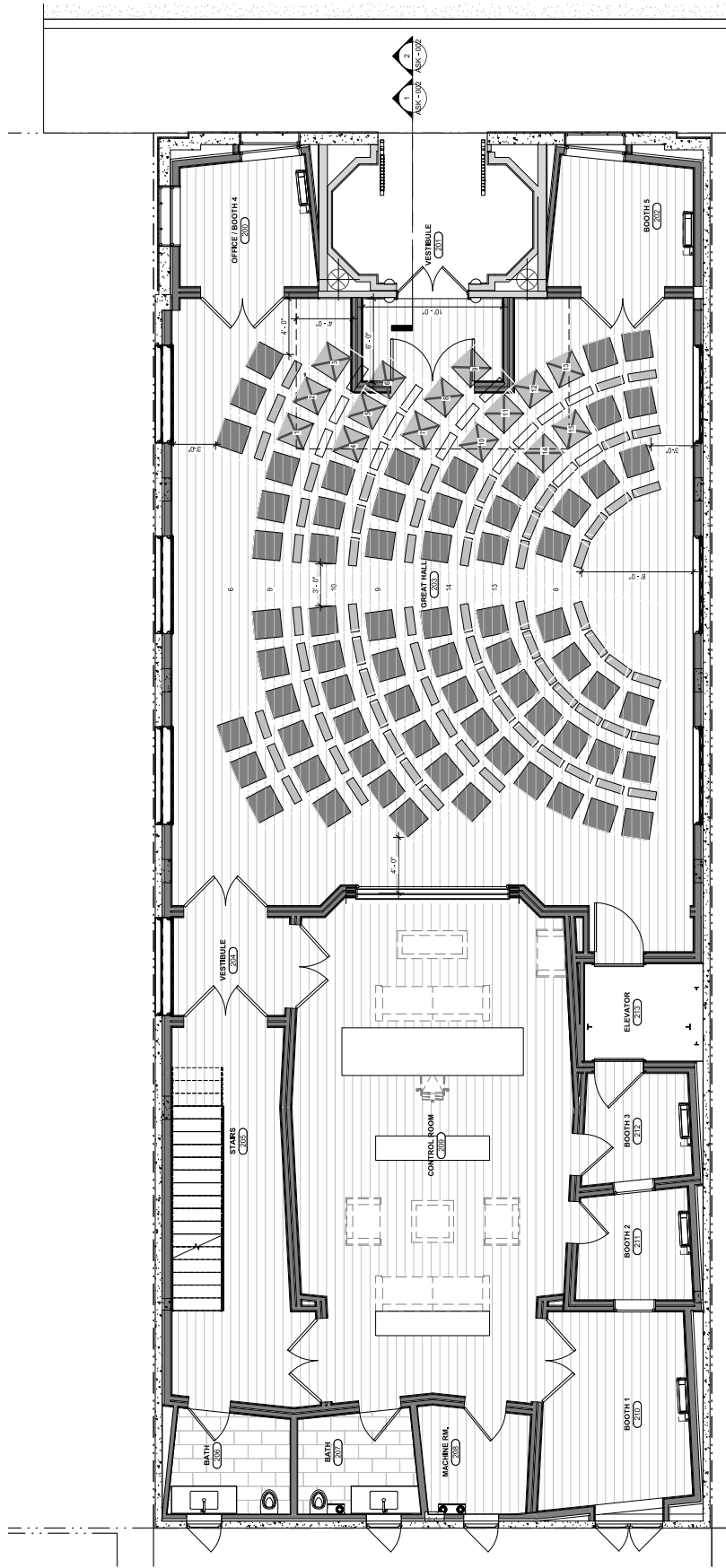


Scale: @ 11" x 17"		SOUND LOCK		<div></div> <div>STUDIO CARVER</div> <div>ARCHITECTURE + PLANNING + INTERIOR DESIGN</div> <div>PO BOX 2684 CARMEL, CA 93921 • U.S.A. T 831.622.7837 • F 831.624.0384 WWW.STUDIOCARVER.COM</div>		SHEET REF:
Drawn By:	SD	THE CONSERVATORY				REVISED DATE:
Job:		DOLORES 6 SW OF OCEAN				ISSUED DATE:
Date:	10/26/2021	CARMEL-BY-THE-SEA, CA 93921				



Scale: @ 11" x 17"		ORCHESTRA LAYOUT VESTIBULE SOUNDLOCK - 83 CHAIRS	
Drawn By:	SD	<b>THE CONSERVATORY</b> DOLORES 6 SW OF OCEAN CARMEL-BY-THE-SEA, CA 93921	
Job:			
Date:	10/26/2021		
STUDIO CARVER ARCHITECTURE + PLANNING + INTERIOR DESIGN		PG BOX 2684 CARMEL, CA 93921 - U.S.A. T 831.622.7837 F 831.624.0384 WWW.STUDIOCARVER.COM	
		SHEET REF.: REVISED DATE: ISSUED DATE:	
Attachment 2		SKETCH NUMBER: 2	

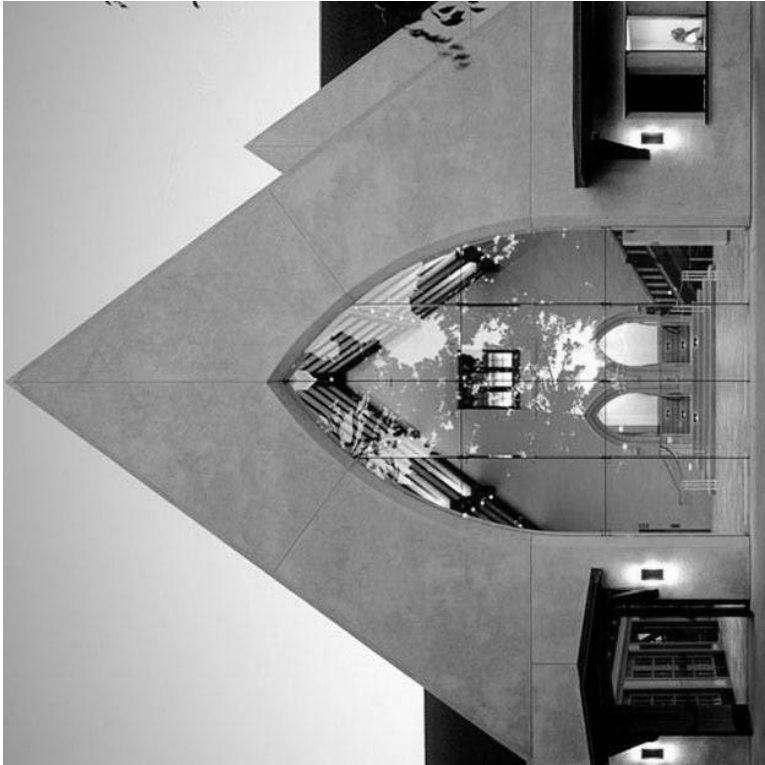




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Date:	10/26/2021		
STUDIO CARVER ARCHITECTURE + PLANNING + INTERIOR DESIGN		PG BOX 2684 CARMEL, CA 93921 - U.S.A. T 831.622.7837 F 831.624.0384 WWW.STUDIOCARVER.COM	
SHEET REF:		Attachment 3 Attachment 2	
REVISED DATE:			
ISSUED DATE:		SKETCH NUMBER: 10/26/2021	



St Peter's Church, Warwickshire, England  
(Circa 900AD)



Sunset Center, Carmel, CA  
(Circa 1931, Renovated 2002)

Scale: @ 11" x 17"

Drawn By: SD

Job:

Date: 10/26/2021

GLASS SOUND LOCKS IN HISTORICAL BUILDINGS

**THE CONSERVATORY**

DOLORES 6 SW OF OCEAN

CARMEL-BY-THE-SEA, CA 93921



**STUDIO CARVER**  
ARCHITECTURE + PLANNING + INTERIOR DESIGN

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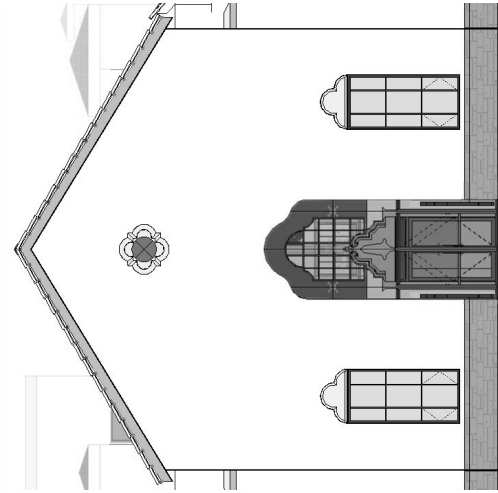
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4



Ratio of glass in The Sunset Center to The Conservatory at the same scale



Attachment 2		Attachment 2	
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Scale: @ 11" x 17"		EXISTING ENTRY		STUDIO CARVER ARCHITECTURE + PLANNING + INTERIOR DESIGN		PO BOX 2684 CARMEL BY THE SEA, CA 93921 - USA T 831.622.7837 F 831.624.0364 WWW.STUDIOCARVER.COM		SHEET REF:		SKETCH NUMBER:	
Drawn By: SD		THE CONSERVATORY		ARCHITECTURE + PLANNING + INTERIOR DESIGN		PO BOX 2684		REVISED DATE:		ISSUED DATE:	
Job:		DOLORES 6 SW OF OCEAN		ARCHITECTURE + PLANNING + INTERIOR DESIGN		CARMEL-BY-THE-SEA, CA 93921		T 831.622.7837 F 831.624.0364		WWW.STUDIOCARVER.COM	
Date: 10/26/2021		CARMEL-BY-THE-SEA, CA 93921		ARCHITECTURE + PLANNING + INTERIOR DESIGN		CARMEL-BY-THE-SEA, CA 93921		T 831.622.7837 F 831.624.0364		WWW.STUDIOCARVER.COM	



Scale: @ 11" x 17"		PROPOSED ENTRY		STUDIO CARVER ARCHITECTURE + PLANNING + INTERIOR DESIGN		PO BOX 2684 CARMEL BY THE SEA, CA 93921 - USA T 831.622.7837 F 831.624.0364 WWW.STUDIOCARVER.COM		SHEET REF:		SKETCH NUMBER: 7	
Drawn By:	SD	THE CONSERVATORY		ARCHITECTURE + PLANNING + INTERIOR DESIGN		PO BOX 2684		REVISED DATE:		ISSUED DATE:	
Job:		DOLORES 6 SW OF OCEAN		ARCHITECTURE + PLANNING + INTERIOR DESIGN		CARMEL-BY-THE-SEA, CA 93921		REVISED DATE:		ISSUED DATE:	
Date:	10/26/2021	CARMEL-BY-THE-SEA, CA 93921		ARCHITECTURE + PLANNING + INTERIOR DESIGN		CARMEL-BY-THE-SEA, CA 93921		REVISED DATE:		ISSUED DATE:	



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## China Arts Building Project

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**Sheila Sheppard** <deerpaths@yahoo.com>

Wed, Oct 27, 2021 at 10:21 AM

To: ekort@ci.carmel.ca.us

Cc: bswanson@ci.carmel.ca.us

Dear Mr. Kort,

My family and I own La Bicyclette Restaurant next to the China Art Center and as such the project next door is of great interest to us.

I just want to express our support of this project and to let you know how excited we are to have it just next door. To have this level of professional recording studio in Carmel is a real asset to the city. Like the Bach Festival, it adds an element usually found only in larger cities and gives some welcome variety to the kinds of businesses that are generally found here.

I am also very familiar with Studio Carver and the creative and high quality work they do. The China Art Center has been empty and neglected for countless years and has been calling for a well done refreshed version of itself. I have no doubt that this will be a visual upgrade to the street and to the overall liveliness and livelihood of the city.

The discussion on the vestibule has come to my attention. I would like to support the idea that has been originally proposed which is to use the opening to the vestibule as the first of a double door system. That open vestibule has been problematic for years as pigeons, charming as they are, have taken up residence inside. The former owners of the center had to put up unsightly nets at the opening in an attempt to keep them out. It was only partially successful and was really unsightly from the street. The entrance was always covered in droppings. Allowing the project to go ahead with a glass closure at the entrance would solve that problem and would be an esthetic improvement.

Let me encourage you and the other city planners to give your full support to this project.

Thank you for your time and consideration.

Respectfully,

Sheila Sheppard Georis

Sent from my iPad





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## Support for The Conservatory

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**Philip Glass** <philip.glass38@gmail.com>

Thu, Oct 28, 2021 at 7:50 AM

Reply-To: philip.glass38@gmail.com

To: bswanson@ci.carmel.ca.us, ekort@ci.carmel.ca.us

Cc: Robert Carver <Robert@studiocarver.com>

Dear Brandon and Evan,

I am writing in support of Robert M. Carver's new project, The Conservatory, in Carmel, CA. I am composer Philip Glass. I travel semi-annually to Carmel for The Days and Nights Festival, sponsored by the Philip Glass Center for the Arts, Science, and the Environment. Over the past ten+ years, I have grown a deep appreciation for the town and its many cultural wonders. My colleague Robert Carver is a supporter of the festival and has made many positive contributions to the town of Carmel.

One such contribution, which I understand is the proposal to be presented to the Planning Commission on Wednesday, November 10th, is Robert's plan for The Conservatory. Robert has explained his plan to repurpose the China Arts Building and turn the space into a state-of-the-art recording studio.

A world class recording studio, and one which can comfortably fit an orchestra, would be a wonderful addition to the thriving cultural fabric of Carmel. To give the community a space to make recorded music is a gift. A recording studio of calibre would be a great resource for the city.

I am pleased to offer my support for this project. Thank you for your consideration.

Kind Regards,  
Philip Glass



## CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

**October 13, 2021  
PUBLIC HEARINGS**

**TO:** Chair LePage and Planning Commissioners

**SUBMITTED BY:** Evan Kort, Associate Planner

**APPROVED BY:** Brandon Swanson, Community Planning & Building Director

**SUBJECT:** **DR 21-114 & UP 21-226 (The Conservatory)** - Consideration of a Design Review (DR 21-114) and Use Permit (UP 21-226) Application for a remodel and structural seismic retrofit of an historic 5,857 square-foot structure, the addition of a 311 square-foot interior balcony, staircase, elevator, and elevator mechanical room, basement addition, the repair a leaking roof and install new solar panel array, and the addition of new electrical, HVAC, plumbing, and acoustic infrastructure, as well as a new skylight and exterior windows to the China Arts Building located at Dolores Street 2 northwest of 7th Avenue in the Central Commercial (CC) Zoning District and Downtown Conservation District (CD) Overlay. APN: 010-147-006.

**CEQA Action:** Staff recommends that the proposed project be found categorically exempt from CEQA pursuant to Section 15303 (Class 3) - New Construction or Conversion of Small Structures.

**Application:** DR 21-114 & UP 21-226 (The Conservatory)

**APN:** 010-147-006-000

**Block:** 91

**Lot:** 6, 8, 10

**Location:** Dolores Street 2 northwest of 7th Avenue

**Applicant:** Robert Carver, Architect

**Property Owner:** Dolores & 7th, LLC

### **Executive Summary:**

The applicant is proposing a seismic retrofit and predominantly interior remodel of the building into a multi-story, private music recording studio. Interior modifications include a basement enlargement, Level 2 interior hallway addition and new electrical, HVAC, plumbing and acoustic infrastructure. The primary exterior alterations include an addition to the historic entrance on Dolores of an all glass “sound lock” entry door used for sound attenuation, and window additions to the rear (west) elevation, as well roof top additions to accommodate a new stairway and elevator. The “sound lock” component of the project is effectively an enclosure of the front vestibule with glass to prevent sound from escaping out into the public. A similar feature can be seen at the main entrance of the Sunset Center.

### Recommendation:

Staff recommends the Planning Commission adopt a resolution approving a Design Review and Use Permit for a remodel and structural seismic retrofit of an historic structure, known as the China Arts Center, which includes new acoustic infrastructure, as well as new elevator and stairway additions to the roof and a new skylight and exterior windows for a new private music recording studio located at Dolores Street, 2 northwest of 7th Avenue in the Central Commercial (CC) Zoning District and Downtown Conservation District (CD) Overlay. APN: 010-147-006 (attachment 1).

### Background and Project Description:

The project site is located on Dolores Street, 2 northwest of 7<sup>th</sup> Avenue on a 4,000 square foot lot. The applicant is proposing to seismically retrofit and remodel an historic building, known as the China Arts Center, into a private multi-story, music recording studio. The project also includes a complete interior remodel with the addition of a new elevator and stairway enclosure on the roof, a new skylight, new windows and doors, and a new “sound lock” entry on Dolores Street. The “sound lock” component of the project is effectively an enclosure of the front vestibule with glass to prevent sound from escaping out into the public. The new roof additions would allow access to the currently inaccessible (only accessible via ladder) roof area that would serve as a gathering space on the western portion of the roof, and a mechanical area within the existing gable on the east.

The China Art Center is a multi-story commercial building constructed in the Mission Revival style. Designed by San Francisco architect H.H. Winner and built by Hugh Comstock. The subject property is listed as a Carmel-by-the-Sea historic resource under the Historic Context Statement’s theme of Architectural Development in Carmel and is significant under California Criterion 3, in the area of architecture as an example of the Mission Revival Style. The character defining features of the building appear primarily on the front elevation and are the:

- Gabled roof massing, with wide overhangs containing carved wood brackets;
- Clay-barrel tile roofing material;
- Quatrefoil window with deep recess in the gable end;
- Grand entrance beneath cement plaster Moorish arch with carved corner pilasters;
- Paired window openings flanking the entrance, containing steel industrial sash;
- Carmel stone base course; cement plaster wall cladding;
- Entrance vestibule accessed via carved wood gates and containing carved niches and cement plaster details;
- Mission Revival-style, wood entry gates with wrought iron hinges;
- Paired wood entrance doors beneath a pedimented, Moorish entrance with carved spiral pilasters;
- Arched window openings with steel industrial sash on the north elevation.

In addition to being a historic resource, the China Arts Center is located in the Downtown Conservation District (CD) Overlay. As outlined in CMC 17.20.280, projects within the Downtown Conservation District affecting any historic resource shall require approval by the Historic Resources Board consistent with CMC 17.32, Historic Preservation.

On August 16, 2021, the Historic Resources Board (HRB) considered the project and adopted Resolution 2021-07-HRB (Attachment 3) issuing a Determination of Consistency with the Secretary of the Interior’s Standards subject to the adoption of the recommended Conditions of Approval (discussed below).

**Staff Analysis:**

**HRB Hearing:** On August 16, 2021, the HRB considered the project and adopted a resolution issuing a Determination of Consistency with the Secretary of the Interior's Standards. As part of the review by the HRB, Seth Bergstein of PAST Consultants evaluated the project for consistency with the Secretary of the Interior's Ten Standards for Rehabilitation. Mr. Bergstein found that Standards #1, 2, 3, 5, 6, 7, 9 and 10 are applicable to the project. The evaluation concluded that the project as proposed is consistent with all applicable standards on the condition that recommendations outlined in Phase II Evaluation are carried out. The recommended Conditions of Approval adopted by the HRB have been incorporated into the Planning Commission Conditions of Approval as Conditions #13-#17 for this Design Review Approval (refer to Attachment

1). Of the five Recommended Conditions of Approval adopted by the HRB, conditions #16 and #17 are most pertinent to the review by the Planning Commission, which state:

*16. The glazing system shall be revised to include fewer glass panels and thinner steel framing elements to make this glazing system as transparent as possible.*

*17. A detail of the glazing system that includes type/opacity of glass, width of framing elements and method of connection to the existing cement plaster arch shall be provided. The glazing system shall maintain transparent glass and the connection shall be designed to minimize damage to the existing plaster during installation and ensure the glazing system can be easily removed in the future.*

Following the HRB hearing, the applicant responded to the Recommended Conditions of Approval adopted by the HRB. While the original sound lock glazing system previously maintained solid mullions that were similar to the windows located on either side of recessed entry, the Phase II Evaluation concluded the mullions would detract from the existing primary elevation and character defining features of the building's entrance. The applicant revised the plans to include fewer divisions and eliminated the solid mullions and replaced the system with a "Stackwall" with spider fittings and glass mullions (refer to Attachment 5, Sheet A5.0). This feature will maintain an appearance similar to that of the entrance at the Sunset Center (refer to Attachment 4, Figure 5).

A detail provided by the applicant also showed how the glazing system will be affixed to the existing wall of the building using a removable fastener and anchor. The attachment would allow for the removal of the entry feature in the future, if desired, with the ability to repair the holes created by the fastener and anchor (refer to Attachment 5, Sheet A5.0). This ensures that the building can maintain its historic significance even if the use was changed in the future.

**Land Use:** The existing commercial building is proposed to be remodeled and retrofitted to accommodate a new private music recording studio. While the city does not currently maintain a specific land use classification of a "recording studio," CMC 17.14.030 and CMC 17.68.020 allow the Director to make a determination as to the inclusion or exclusion of a particular proposed use in a particular category according to the characteristics of the use, the Director's interpretation of the land use code, and the NAICS Use Categories List and the current edition of the North American Industrial Classification System (NAICS).

NAICS: The proposed use would be classified as a Sound Recording Studio under the current NAICS Classification System.

Sound Recording Studio (NAICS #512240): *This industry comprises establishments primarily engaged in providing the facilities and technical expertise for sound recording in a studio. This industry includes establishments that provide audio production and postproduction services to produce master recordings. These establishments may provide audio services for film, television, and video productions.*

**Staff Analysis:** Based on to the characteristics of the use, the Director's interpretation of the land use code, and the NAICS Use Categories List, staff recommends the use be classified as a "live performance theater", despite not being open to the general public for shows or performances. Live performance theater is defined as, "*Facilities engaged in providing live spectator entertainment including musicals, operas, recitals, concerts, plays, comedy, and improvisational and puppet shows*" (CMC 17.68.050).

The use is less intense than a traditional live music venue. Unlike a traditional concert hall or theater, recording sessions would not be accessible to the public, which is a minor deviation from the definition of a live performance theater, but music would still be performed live for recording purposes as opposed to spectator entertainment. As live music performance is proposed as a primary function of the use, the Director has determined, consistent with CMC 17.14.030 and CMC 17.68.020, that the proposed use is most appropriate to be included in the live performance theater land use classification. This use is permitted in the Central Commercial Zoning District upon issuance of a Conditional Use Permit (findings discussed below).

Public concerts with live audiences are not proposed as part of the project, and are prohibited as part of the recommended action (Condition of Approval #22). The applicant has indicated that studio may live stream recording sessions and provide opportunities for local musical enterprises such as the Bach Festival, the Monterey Symphony, Philip Glass' Days and Nights Festival, The Monterey Jazz Festival, Youth Music Monterey and more to be invited to record, rehearse and stream from our facility (refer to Attachment 2).

**Noise and Sound:** While live music is proposed as part the use, staff does not anticipate any noise impacts associated with the use as propose and conditioned. The primary scope of the project (including interior modifications) is to soundproof the structure. According to the applicant:

*Recording Studios, by definition, need to block outside noise from intruding into the background of the recordings. Since sound doesn't know if it is coming or going, the same care in soundproofing will ensure that no noise escapes the building. We have hired one of the best acoustical engineers in the world, Charles Salter and Associates (<https://www.salter-inc.com/projects/>) out of San Francisco. Charles himself assures us that he is positive we can isolate the sounds in both directions. Salter has helped engineer many iconic projects including the Walt Disney Concert Hall in Los Angeles, the Fox Theatre in Oakland, the Monterey Bay Aquarium and Skywalker Ranch for George Lucas of Star Wars fame.*

Structural improvements are proposed throughout the building to sound proof the building such as, the construction of new interior perimeter walls of the building (refer to Attachment 5, Sheets A2.4, A2.7, A3.6), the addition of the "sound lock" at the building entry, as well as providing a floor plan with non-parallel walls which prevents sound buildup at particular frequencies and in particular locations within a room (refer to Attachment 5, Sheet A2.4).

While noise impacts are not anticipated due to the measures taken to soundproof the structure staff has still included Condition of Approval #18 stating:

*All noise and sound associated with the use shall be confined within the enclosed structure. The City reserves the right to require an acoustical analysis prepared by a qualified professional at the property owner's expense if complaints of excessive noise are received. Should the use be found to be not in compliance with this condition, the property owner agrees to seek immediate compliance and all business activity shall be ceased until it is demonstrated compliance with this condition has been achieved. Failure to comply and/or repeated violations shall be cause for the City to schedule a revocation hearing with the Planning Commission. At such hearings, the Commission may: a. Require changes in the noise mitigation plan; b. Establish new permit conditions; or c. Revoke the permit.*

**Zoning Compliance:** The proposed project does not change or alter the setbacks, or building coverage as the scope of work is located within the existing building footprint. An increase in height is proposed only for new elevator and stairway access to the roof and the existing interior floor area will be reorganized and expanded in areas, however, no net increase in floor area is proposed.

Building Height: The maximum height for a building in the Central Commercial Zoning District is 30 feet, however, the existing structure is non-conforming and is 38'4" tall as measured from the top of the gable fronting Dolores Street –the tallest point of the structure and the most visually prominent section of the building. The new roof top elevator and stairway additions would sit below the gable and be 37'4" and 33'10" tall, respectively, with portions of the elevator addition being visible certain locations along 7<sup>th</sup> Avenue and Lincoln Street (refer to Attachment 5, Sheet G1.8, and Attachment 4, Figures 1-5). The staircase on the north end of the roof is visible from 7th Avenue between Monte Verde and Lincoln with minimal portion of the stairway is visible from Dolores Street (refer to Attachment 4, Figure 3 & 5). The roof additions are only visible from certain locations from the right-of-way and are either screened by, or in scale with, the adjacent buildings surrounding the subject site.

CMC 17.14.150.B states, "Small areas not exceeding 10% of the proposed building coverage and occupied by special design features such as towers, steeples and ornamentation may exceed these heights if approved by the Planning Commission." Together, the features would be 251 square feet, or 6% of the 3,981 square foot building coverage for the site. The applicant is requesting the Planning Commission approve the new roof projections as a means to provide access to the roof of the building. Staff recommends the Commission approve the requested height exception.

Floor Area: The maximum allowable floor area ratio (FAR) in the Central Commercial Zoning District for a two-story building is 135%, or 5,400 square feet for a 4,000 square foot lot. The existing structure is non-conforming as it currently has a FAR of 172%, or 6,904 square feet. Modifications are proposed to the interior and the floor space is proposed to be reorganized to accommodate the new use as a recording studio, however, no net increase in floor area is proposed. The basement level will be expanded by 1,061 square feet to accommodate a storage space for the building, however, pursuant to CMC 17.14.140, underground areas used for noncommercial storage are excluded from floor area, as are mechanical equipment rooms that service the building at any level. Of the reorganized floor area, the only exterior change visible from the street would be the entry glazing addition which is located within the existing entry recess and is already captured within the building coverage for the site.



**Exterior Modifications:** The primary exterior alterations are the addition of a sound lock entry door to the historic entrance on Dolores Street and window additions to the rear (west) elevation, and new stairway and elevator enclosures to be located on the roof. The windows along the northern elevation of the building are proposed to be repaired in-kind. A new skylight is also proposed to be located over the great hall but will not be visible from the public way or adjacent properties. All proposed exterior alterations have been found consistent with the Secretary of the Interior's Standards and found to be consistent with the character of the Downtown Conservation District by the Historic Resources Board (refer to Attachment 3).

Entry Glazing System: The proposed new glazing system will be placed in the large arched opening to create the necessary sound barrier. The historic wood gates will be retained, but pinned in the open position to conform to egress requirements (refer to Attachment 5, Sheets G1.8 & A5.0). The new glazing feature will be comprised of a glass curtain wall with glass mullions held together a "spider" fitting to allow for unobstructed views into the existing entry, similar to the entry of the Sunset Center (refer to Attachment 4, Figure 6). A set of double glass entry doors is also proposed. While the applicant has responded to the HRB's recommended Condition of Approval regarding the design, Condition of Approval #16 has been retained as part of the resolution.

Rear Windows: The proposed design inserts new openings in the solid concrete, rear-elevation wall with two new windows facing south at the rear of the building. The openings will contain steel casement windows of a different pane system than the historic windows (refer to Attachment 5, Sheet A3.0 & A3.1). Staff is supportive of the inclusion of the new windows as proposed.

Roof Top Additions: The proposed additions will be visible from certain locations along 7th Avenue, Lincoln Street, and a minimal portion from Dolores Street (refer to Attachment 4); however, the bulk and massing of these features are in scale with the surrounding rooftop projections of the Cypress Inn to the west of the subject site, and the Kocher Building to the south and appear to be appropriate as viewed from the street.

The new roof top additions will accommodate access to the roof which is proposed to be used as an informal gathering area as well as used for accessing mechanical equipment associated with the building. The municipal code and the Commercial Design Guidelines are silent on roof top decks in the commercial district and it is staff's understanding there is a neighboring residential use adjacent to the subject property. The proposed commercial use is only permitted to operate within the enclosed building with no activity occurring on the roof. Aside from accessing the mechanical area, the roof would provide incidental access for the owner to capture views that currently existing from the building. The applicant has positioned the elevator shaft enclosure to screen the roof deck from the residential unit to the south and has provided a railing that prevents access to the southern 8'6" portion of the roof at the southwestern corner to create additional separation between the accessible portions of the roof and the neighboring apartment to the south (refer to Attachment 5, Sheet A2.10). Specific to the roof top and outdoor areas, staff has included Condition of Approval #19 (refer to CMC 9.16.040) and #24 stating:

*#19. Recorded or reproduced music on private property played from accessible exterior areas of the building, including but not limited to the roof or rear patio area, shall not exceed a volume that produces a sound level exceeding 55 db-A as measured at the property line. Live music is prohibited outdoors. Exceptions may be granted for temporary and special events upon approval of a temporary use permit granted by the Planning Director pursuant to CMC 17.14.050.I. Failure to comply and/or repeated violations shall be cause for the City to schedule a Use Permit revocation hearing with the Planning Commission. At such hearings, the Commission may: a. Require*

*changes in the noise mitigation plan; b. Establish new permit conditions; or c. Revoke the use permit.*

*#24. The elevator door on the roof shall be located on the eastern side of the elevator shaft. A permeant guardrail or railing shall be installed extending from the northwestern corner of the elevator enclosure to the western parapet wall to prevent roof top access to the portion of the roof adjacent to the residential apartment unit to the south.*

**Commercial Design Guidelines:** The purpose of the Commercial Design Guidelines are to, “*establish a series of design statements intended to conserve the historical village character and pedestrian orientation of Carmel's central commercial district. The emphasis of [the guidelines] are architectural, with special attention to building facades. Please note that these are guidelines and should be taken as descriptive, not prescriptive.... Strict compliance with every guideline is not necessary for approval of a project, but deviations should be related to good design principles and site conditions.*”

As the Commercial Design Guidelines primarily focus of façade design, the Design Guidelines provide limited guidance regarding the proposed changes as the existing façade is remaining intact with no structural modifications proposed to the primary building façade. The design guidelines do speak to preservation of design elements and new modifications achieving compatibility with the old and deviations from the design guidelines should be related to good design principles and site conditions.

**Commercial Design Guideline A1.** Modifications to buildings should respect the history and traditions of the architecture of the commercial districts. Basic elements of design integrity and consistency throughout each building should be preserved or restored.

**Commercial Design Guideline A2.** New buildings should not imitate styles of the past but strive to achieve compatibility with the old. Renovation and remodeling projects should take into account the possibility that a structure might meet criteria as a historical resource by state or federal agencies.

**Commercial Design Guideline C1.** Large sheets of glass, unbroken by divisions, can appear too urban or modern and should be avoided.

Staff Analysis: In their review of the project, the Historic Resources Board adopted the findings that:

1. The historic character of the property will be retained and preserved. Distinctive materials, features, spaces, and spatial relationships that characterize the property will be preserved.
2. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the property will be preserved.
3. The new work shall be subtly differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.
4. The proposed development is consistent with the established design context of the conservation district and will not adversely affect any historic resources on the project site or on adjacent sites.

With the adoption of the recommended Conditions of Approval of the Historic Resources Board, the project would meet Commercial Design Guideline A1 and A2. The proposed modifications are respectful of the existing historic character of the building and the integrity of the existing building is maintained.

While the Design Guidelines state, “Large sheets of glass, unbroken by divisions, can appear too urban or modern and should be avoided,” the proposal that was reviewed by the City’s Historic Consultant and Historic Resources Board included mullions in the new glass entry. However, the mullions were found to obscure the existing historic building entry and it was recommended the mullions be removed. While the inclusion of the mullions may have created a more traditional appearance, the removal has allowed the character defining features of the building to remain visible and minimally obscured. In staff’s opinion this is an acceptable deviation from the Design Guidelines that relates to design principles and site conditions as it maintains the integrity of the historic resource.

**Special Design Topics:** Pursuant to CMC 17.14.220.A, Façade Remodels, “When plans for remodels are reviewed for approval, the reviewing body must find the following to be true:

1. The proposed modification contributes to, restores or achieves consistency of architectural character and scale when considering the building or courtyard as a whole.
2. The proposed modification does not incorporate materials, patterns or other design elements that would:
  - a. Call attention to the building.
  - b. Create a form of advertising or sign through architectural treatment.
  - c. Would render the storefront unusable by a different business occupant without further remodeling.
  - d. Create a standardized identification with a particular business use.

**Staff Analysis:** The proposed façade modifications contribute the consistency of architectural character and scale of the building, as a whole. The new modification would not call attention to the building as the existing building façade is proposed to remain in its existing state with only the addition of a new glass curtain wall entry located within the existing vestibule that is designed to be as transparent as possible. The project would not create any form of advertising through architectural treatment nor would render the storefront unusable by a different business occupant or create a standardized identification with a particular use.

**Use Permit Findings.** In Accordance with CMC 17.64.010.A, in its review of applications for use permits, the Planning Commission shall evaluate each proposed use in order to consider its impact on the City. No use permit shall be granted unless all of these general findings can be made:

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.

**Staff Analysis:** The project would not conflict with the City's General Plan, nor the Zoning Code. The proposed use will not be detrimental and does not set a precedent for the approval of similar uses and will not make excessive demands on public services. While the use is a recording studio and classified under the live performance land use definition, the intensity of the use is more closely related to an office with significantly lower demand on services than if the business were a theater open to the public. The use is appropriate for the building and zoning district that allows for the use with the approval of a Use Permit, and will not generate adverse impacts to health, safety, or welfare.

***Commercial Use Permit findings.*** In accordance with CMC 17.64.020, in addition to the general findings required for all use permits listed above (CMC 17.64.010.A), no use permit shall be granted for commercial or business uses unless all of these general findings can be made:

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.

**Staff Analysis:** The project meets the findings outlined in CMC 17.64.020.

### ***Other Project Components:***

Staff recommends the project be found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines, and local environmental regulations, pursuant to Section 15303 (Class 3) – New Construction or Conversion of Small Structures. 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 a seismic retrofit and remodel an historic building previously used as a museum/art gallery into a private multi-story, music recording studio. The project also includes a complete interior remodel with the addition of a new elevator and stairway enclosure on the roof, a new skylight, new windows and doors, and a new “sound lock” entry. The proposed project does not present any unusual circumstances that would result in a potentially significant environmental impact and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines.

Attachment 1 - Resolution

Attachment 2 - Applicant's Project Description

Attachment 3 - Historic Resources Board Resolution # 2021-07-HRB

Attachment 4 - Site Photographs

Attachment 5 - Project Plans

**CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION**

**PLANNING COMMISSION RESOLUTION NO. 2021-XXX-PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING A DESIGN REVIEW AND USE PERMIT FOR A REMODEL AND STRUCTURAL SEISMIC RETROFIT OF AN HISTORIC STRUCTURE, KNOWN AS THE CHINA ARTS CENTER, WHICH INCLUDES NEW ACOUSTIC INFRASTRUCTURE, AS WELL AS NEW ELEVATOR AND STAIRWAY ADDITIONS TO THE ROOF AND A NEW SKYLIGHT AND EXTERIOR WINDOWS FOR A NEW PRIVATE MUSIC RECORDING STUDIO LOCATED AT DOLORES STREET, 2 NORTHWEST OF 7TH AVENUE IN THE CENTRAL COMMERCIAL (CC) ZONING DISTRICT AND DOWNTOWN CONSERVATION DISTRICT (CD) OVERLAY. APN: 010-147-006**

WHEREAS, Robert Carver (“Applicant”) on behalf of property owner, Dolores & 7<sup>th</sup>, LLC, submitted an application requesting approval of a Design Review application “DR 21-114” and Use Permit application “UP 21-226” described herein (“Application”); and

WHEREAS, the project is located on Dolores 2 Northwest 7<sup>th</sup> Avenue (Block: 75, Lot: 19) in the Central Commercial (CC) Zoning District and Downtown Conservation District (CD) Overlay; and

WHEREAS, the Applicant is requesting approval of a Design Review Application and a Conditional Use Permit for a seismic retrofit and remodel of the building into a multi-story, private music recording studio; and

WHEREAS, a Coastal Development Permit is not required pursuant to CMC 17.52.100.C, Developments Excluded from Coastal Permit Requirements –Other Improvements; 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 that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, pursuant to CEQA regulations, the Application is categorically exempt under Section 15303 (Class 3), New Construction or Conversion of Small Structures and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, a notice of the public hearing was published on October 1, 2021 in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each occupant within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on August 16, 2021, the Historic Resources Board held a public hearing to receive public testimony regarding the Application, including without limitation, the information provided to the Planning Commission by City staff and public testimony on the Design Review application and adopted Resolution 2021-007-HRB issuing a Determination of Consistency with the Secretary of the Interior's Standards; and

WHEREAS, on October 13, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Application, including without limitation, the information provided to the Planning Commission by City staff and public testimony on the Design Review Application and Use Permit application; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Commission at the public hearing 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 and attachments, recommendations and testimony hereinabove set forth and used their independent judgment to evaluate the project; and

WHEREAS, Pursuant to CMC 17.14.220.A, Façade Remodels, *when plans for remodels are reviewed for approval, the reviewing body must find the following to be true:*

1. *The proposed modification contributes to, restores or achieves consistency of architectural character and scale when considering the building or courtyard as a whole.*
2. *The proposed modification does not incorporate materials, patterns or other design elements that would:*
  - a. *Call attention to the building.*
  - b. *Create a form of advertising or sign through architectural treatment.*
  - c. *Would render the storefront unusable by a different business occupant without further remodeling.*
  - d. *Create a standardized identification with a particular business use.*

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 Use Permit:

<b>FINDINGS REQUIRED FOR USE PERMIT APPROVAL (CMC 17.64.010 &amp; 17.64.020)</b>		
For each of the required Use Permit findings listed below, staff has indicated whether the submitted plans support the 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.		
<b>Municipal Code Finding</b>	<b>YES</b>	<b>NO</b>
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 the health, safety, or welfare of neighboring properties or uses.	✓	
8. 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.	✓	
9. That proposed use will provide adequate ingress and egress to and from the proposed location.	✓	
10. 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 make the following findings and determinations regarding the **Design Review**:

<b><u>FINDINGS REQUIRED FOR DESIGN REVIEW APPROVAL</u></b>		
For each of the required findings listed below, staff has indicated whether the application supports 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.		
<b>CMC 17.58.060.B, Findings Required for Design Review Approval in any district</b>	<b>YES</b>	<b>NO</b>
1. Conform to the applicable policies of the General Plan and the Local Coastal Program	✓	
2. Comply with all applicable provisions of this code	✓	
3. Are consistent with applicable adopted design review guidelines	✓	

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Carmel-by-the-Sea does hereby **APPROVE** the Design Review Application (DR 21-114) and Use Permit Application (UP 21-226) for a remodel and structural seismic retrofit of an historic structure, known as the China Arts Center, which includes new acoustic infrastructure, as well as new elevator and stairway additions to the roof and a new skylight and exterior windows for a new private music recording studio located at Dolores Street, 2 northwest of 7th Avenue in the Central Commercial (CC) Zoning District and Downtown Conservation District (CD) Overlay (APN: 010-147-006), subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	<b>Authorization.</b> This approval of Design Review (DR 21-114) and Use Permit (UP 21-226) authorizes a remodel and structural seismic retrofit of an historic structure, known as the China Arts Center, which includes new acoustic infrastructure, as well as new elevator and stairway additions to the roof and a new skylight and exterior windows for a new private music recording studio as depicted in the plans prepared by Studio Carver Architects as presented to the Planning Commission on October 13, 2021, unless modified by the conditions of approval contained herein.	✓
2.	<b>Codes and Ordinances.</b> The project shall be constructed in conformance with all requirements of the CC zoning district. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested at the time such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.	✓
3.	<b>Permit Validity.</b> This approval shall be valid for a period of 6 months from the date of action unless an active building permit has been issued and maintained for the proposed construction.	✓
4.	<b>Water Use.</b> 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.	✓
5.	<b>Modifications.</b> The applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the applicant changes the project without first obtaining City approval, the applicant will be required to submit the change in writing, with revised plans, within 2 weeks of the City being notified. A cease work order may be issued any time at the discretion of the Director of Community Planning and Building until: a) either the Planning Commission or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review. The project will be reviewed for its compliance to the approved plans prior to final inspection.	✓
6.	<b>Service Laterals.</b> All electrical service laterals to any new building or structure, or to any building or structure being remodeled when such remodeling requires the relocation or replacement of the main service equipment, shall be placed underground on the premises upon which the building or structure is located. Undergrounding will not be required when the project valuation is less than \$200,000 or when the City Forester determines that undergrounding will damage or destroy significant trees(s) (CMC 15.36.020).	✓
7.	<b>Indemnification.</b> The applicant agrees, at his or her 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.	
8.	<b>Hazardous Materials Waste Survey.</b> A hazardous materials waste survey shall be required in conformance with the Monterey Bay Unified Air Pollution Control District prior to issuance of a demolition permit.	✓
9.	<b>Cultural Resources.</b> All new construction involving excavation shall immediately cease if cultural resources are discovered on the site, and the applicant shall notify the Community Planning and Building Department within 24 hours. Work shall not be permitted to recommence until such resources are properly evaluated for significance by a qualified archaeologist. If the resources are determined to be significant, prior to resumption of work, a mitigation and monitoring plan shall be prepared by a qualified archaeologist and reviewed and approved by the Community Planning and Building Director. In addition, if human remains are unearthed during excavation, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98.	✓
10.	<b>Truck Haul Route.</b> Prior to Building Permit issuance, the applicant shall provide for City (Community Planning and Building Director in consultation with the Public Services and Public Safety Departments) review and approval, a truck-haul route and any necessary temporary traffic control measures for the grading activities. The applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures.	✓
11.	<b>USA North 811.</b> Prior to any excavation or digging, the applicant shall contact the appropriate regional notification center (USA North 811) at least two working days, but not more than 14 calendar days, prior to commencing that excavation or digging. No digging or excavation is authorized to occur on site until the applicant has obtained a Ticket Number and all utility members have positively responded to the dig request. (Visit USANorth811.org for more information)	✓
12.	<b>Conditions of Approval.</b> All conditions of approval for the Planning permit(s) shall be printed on a full-size sheet and included with the construction plan set submitted to the Building Safety Division.	✓
<b>SPECIAL CONDITIONS</b>		
13.	<b>Decorative Plaster Repair.</b> Any repair to the decorative cement plaster shall be done in-kind to match the existing cement plaster in color, texture and method of application/detailing. If repair is required, photo documentation of the existing feature shall be provided to the Community Planning and Building Department for review and approval prior to commencement of the repair work.	✓

14.	<b>Wood Repair.</b> Any repair to the original wood brackets which support the roof structure shall use Dutchman techniques that remove a minimum amount of deteriorated material. If wood replacement is necessary, it shall match the original detail in size, profile and method of application. If repair is required, photo documentation of the existing feature shall be provided to the Community Planning and Building Department for review and approval prior to commencement of the repair work.	✓
15.	<b>Treatments for Cleaning and Repairs.</b> Physical treatments to repair existing cement plaster details, wood details and steel window sash will be undertaken with accepted methods for a given substrate. The applicant shall consult Preservation Brief 21 and/or 23 when undergoing repair to plaster, Preservation Brief 13 when undergoing repair to the steel windows, and Preservation Brief 6 before cleaning any feature.	✓
16.	<b>Sound Lock Entry Design.</b> The glazing system shall be revised to include fewer glass panels and thinner steel framing elements to make this glazing system as transparent as possible. A detail shall be provided to CPB for review and approval prior to issuance of a building permit.	✓
17.	<b>Sound Lock Entry Detail.</b> A detail of the glazing system that includes type/opacity of glass, width of framing elements and method of connection to the existing cement plaster arch shall be provided to CPB for review and approval prior to issuance of a building permit. The glazing system shall maintain transparent glass and the connection shall be designed to minimize damage to the existing plaster during installation and ensure the glazing system can be easily removed in the future.	✓
18.	<b>Noise.</b> All noise and sound associated with the uses shall be confined within the enclosed structure. The City reserves the right to require an acoustical analysis prepared by a qualified professional at the property owner's expense if complaints of excessive noise are received. Should the use be found to be not in compliance with this condition, the property owner agrees to seek immediate compliance and all business activity shall be ceased until it is demonstrated compliance with this condition has been achieved. Failure to comply and/or repeated violations shall be cause for the City to schedule a revocation hearing with the Planning Commission. At such hearings, the Commission may: a. Require changes in the noise mitigation plan; b. Establish new permit conditions; or c. Revoke the permit.	✓
19.	<b>Music within Outdoor Areas.</b> Recorded or reproduced music on private property played from accessible exterior areas of the building, including but not limited to the roof or rear patio area, are shall not exceed a volume that produces a sound level exceeding 55 db-A as measured at the property line. Live music is prohibited outdoors. Exceptions may be granted for temporary and special events upon approval of a temporary use permit granted by the Planning Director pursuant to CMC 17.14.050.I. Failure to comply and/or repeated violations shall be cause for the City to schedule a Use Permit revocation hearing with the Planning Commission. At such hearings, the Commission may: a. Require changes in the noise mitigation plan; b. Establish new permit conditions; or c. Revoke the use permit.	✓

20.	<b>Rooftop Mechanical Equipment.</b> If proposed, rooftop mechanical equipment such as, but not limited to, heating, cooling and ventilation system equipment shall be concealed from public view.	✓
21.	<b>Fire Service Equipment.</b> If required, all new fire service equipment shall be screened from public view.	✓
22.	<b>Prohibited Uses.</b> Concerts with live audiences in attendance are not permitted as part of the action. The use may live stream recording sessions and provide opportunities for local musical enterprises for recording, rehearsing and streaming of private performances.	✓
23.	<b>Maximum Occupancy.</b> Maximum building occupancy shall not exceed the standards in the California Building and Fire Codes.	✓
24.	<b>Roof Access.</b> The elevator door on the roof shall be located on the eastern side of the elevator shaft. A permeant guardrail or railing shall be installed extending from the northwestern corner of the elevator enclosure to the western parapet wall to prevent roof top access to the portion of the roof adjacent to the residential apartment unit to the south.	✓

Acknowledgement and acceptance of conditions of approval.

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**Applicant Signature**

**Printed Name**

**Date**

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**Property Owner Signature**

**Printed Name**

**Date**

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

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 13th day of October 2021 by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Michael LePage  
Chair

---

Margi Perotti  
Planning Commission Secretary

## STUDIO CARVER

ARCHITECTURE + PLANNING + INTERIOR DESIGN

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### The Conservatory

October 6th, 2021

The Conservatory's current occupancy is limited by Fire Code and Water Restrictions to no more than 49 people at any one time. We will not have public concerts with audiences.

**Primary Use:** This will be a private Recording Studio for the recording of a full range of music, from classical to contemporary. Live Streaming will potentially be broadcast to a world-wide audience.

Recording Studios, by definition, need to block outside noise from intruding into the background of the recordings. Since sound doesn't know if it is coming or going, the same care in soundproofing will ensure that no noise escapes the building. We have hired one of the best acoustical engineers in the world, Charles Salter and Associates <https://www.salter-inc.com/projects/> out of San Francisco. Charles himself assures us that he is positive we can isolate the sounds in both directions. Salter has helped engineer many iconic projects including the Walt Disney Concert Hall in Los Angeles, the Fox Theatre in Oakland, the Monterey Bay Aquarium and Skywalker Ranch for George Lucas of Star Wars fame. Salter is excited about the acoustic potential of converting the historic Monterey County Trust and Savings Bank aka China Arts Building into a state-of-the-art Recording Studio. The owner of the Conservatory has a vast collection of museum quality soundboards, recording equipment and musical instruments that he intends to put to good use. When the Conservatory is not being used for booked sessions, and as time permits, there will be opportunities for local musical enterprises such as the Bach Festival, the Monterey Symphony, Philip Glass' Days and Nights Festival, The Monterey Jazz Festival, Youth Music Monterey and more to be invited to record, rehearse and stream from our facility.

### Main Floor-Level One

Inside the Vestibule will be a Sound Isolation Entry that will have soundproof doors that will be closed during musical activities. The Great Hall will be used for all of the activities listed above. The Mixing Room will be used for Mixing, Recording and sometimes as an Isolation Booth. Room 204 will be where the actual recording equipment (reel-to-reels, etc.) will be located. Room 214 will be an Isolation Room.

### Second Floor-Level Two

Upstairs, the proposed balcony will be circulation and potential space for a limited number of invited guests to watch and listen. The balcony rails will also accommodate structure for the placement of lights, cameras and speakers. The elevator is for moving equipment and for ADA compliance. The existing apartment will be renovated to serve as a break room and occasional place to work and stay overnight for the owner or a guest artist.

### Basement

The basement rooms will house utilities, storage and 2 more Isolation Booths with different acoustical characteristics than those upstairs.

We have just completed a very extensive (and expensive) removal of all asbestos and lead paint in the building. We look forward to meeting with the different City departments and gaining their input and support next week.

**Robert M. Carver, AIA** LEED AP

**STUDIO CARVER ARCHITECTS**

ARCHITECTURE + PLANNING + INTERIOR DESIGN

**CITY OF CARMEL-BY-THE-SEA  
HISTORIC RESOURCES BOARD**

**HISTORIC RESOURCES BOARD RESOLUTION NO. 2021-07-HRB**

**A RESOLUTION OF THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA ISSUING A DETERMINATION OF CONSISTENCY WITH THE SECRETARY OF THE INTERIOR'S STANDARDS FOR A REMODEL AND STRUCTURAL SEISMIC RETROFIT OF AN HISTORIC STRUCTURE, KNOWN AS THE CHINA ARTS CENTER, WHICH INCLUDES NEW ACOUSTIC INFRASTRUCTURE, AS WELL AS NEW ELEVATOR AND STAIRWAY ADDITIONS TO THE ROOF AND A NEW SKYLIGHT AND EXTERIOR WINDOWS LOCATED AT DOLORES STREET, 2 NORTHWEST OF 7TH AVENUE IN THE CENTRAL COMMERCIAL (CC) ZONING DISTRICT AND DOWNTOWN CONSERVATION DISTRICT (CD) OVERLAY. APN: 010-147-006**

WHEREAS, the owner of the subject property ("Owner") is Dolores and 7<sup>th</sup> LLC; and

WHEREAS, Robert Carver, on behalf of Studio Carver Architects, ("Applicant") submitted an application requesting the approval of a Design Review "DR 21-114" described herein ("Application"); and

WHEREAS, the application has been submitted for the 4,000 square foot property located at Dolores 2 NW 7th , in the Central Commercial (CC) Zoning District and Downtown Conservation District (CD) Overlay; and

WHEREAS, the subject property is known as the China Arts Center and is a historic resource listed under the Historic Context Statement's theme of Architectural Development in Carmel and is significant under California Criterion 3, in the area of architecture as an example of the Mission Revival Style; and

WHEREAS, the applicant is proposing a seismic retrofit and remodel of the building into a multi-story, music recording studio. While the interior will be reconfigured with a basement enlargement, Level 2 interior hallway addition and new electrical, HVAC, plumbing and acoustic infrastructure, the primary exterior alterations are the addition of a sound lock entry door used for sound attenuation to the historic entrance on Dolores Street and window additions to the rear (west) elevation; and

WHEREAS, the project qualifies as a Major Alteration to a Historic Resource pursuant to CMC 17.32.160; and

WHEREAS, pursuant to CMC 17.32.120 (Alteration of Historic Resources), a determination of consistency with the Secretary's Standards shall be obtained prior to altering, remodeling, demolishing, grading, relocating, reconstructing or restoring any historic resource; and

WHEREAS, pursuant to CMC 17.32.120.B, determinations of consistency for major alterations shall be prepared by a qualified professional and shall be supported by written documentation that (1) identifies which of the Secretary of the Interior's Standards for Rehabilitation are applicable to the project, (2) reviews the proposed project, and (3) explains the basis of the determination; and

WHEREAS, a Phase II report was prepared by a qualified professional, Seth Bergstein of PAST Consultants, dated August 10, 2021, and found the proposed amendments to be consistent with the Secretary of the Interior's Standards for Rehabilitation provided the recommendations outlined in the report were carried out; and

WHEREAS, notice of the public hearing was published on August 13, 2021, in compliance with State law (California Government Code 65090) indicating the date and time of the public hearing; and

WHEREAS, on August 16, 2021, the Historic Resources Board held a public hearing to receive public testimony regarding the Application, including without limitation, information provided to the Historic Resources Board by City staff and public testimony on the project; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Historic Resources Board at its August 16, 2021 hearing including but not limited to, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Historic Resources Board did hear and consider all said reports, attachments, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference; and

WHEREAS the Historic Resources Board of the City of Carmel-by-the-Sea finds that pursuant to Carmel Municipal Code (CMC) Section 17.32.140, the following required findings for issuance of a Determination of Consistency with the Secretary of the Interior Standards can be made in this case:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships;
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property will be avoided;
3. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved;
4. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence;*
5. *Archeological resources will be protected and preserved in place;*
6. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment; and*
7. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

WHEREAS the Historic Resources Board of the City of Carmel-by-the-Sea finds that pursuant to Carmel Municipal Code (CMC) Section 17.20.280.A, the following required findings for historic properties located in the Downtown Conservation District Overlay can be made in this case:

1. The historic character of the property will be retained and preserved. Distinctive materials, features, spaces, and spatial relationships that characterize the property will be preserved.
2. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the property will be preserved.

3. The new work shall be subtly differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.
4. The proposed development is consistent with the established design context of the conservation district and will not adversely affect any historic resources on the project site or on adjacent sites.

NOW THEREFORE, BE IT RESOLVED, based on the above findings and evidence, that the Historic Resources Board of the City of Carmel-By-The-Sea does hereby **issue a Determination of Consistency with the Secretary of the Interior's Standards** for a remodel and structural seismic retrofit of an historic structure, known as the China Arts Building, which includes new acoustic infrastructure, as well as new elevator and stairway additions to the roof, a new skylight, and exterior windows, in general conformance with the attached sketches and plans, all being attached hereto and incorporated herein by reference. This Determination of Consistency is further predicated on the following Recommended Condition(s) of Approval being accepted and approved by the City of Carmel-by-the-sea Planning Commission as part of the discretionary permit for this project:

Recommended Conditions of Approval		
No.		
1.	<b>Decorative Plaster Repair.</b> Any repair to the decorative cement plaster shall be done in-kind to match the existing cement plaster in color, texture and method of application/detailing. If repair is required, photo documentation of the existing feature shall be provided to the Community Planning and Building Department prior to commencement of the repair work.	✓
2.	<b>Wood Repair.</b> Any repair to the original wood brackets which support the roof structure shall use Dutchman techniques that remove a minimum amount of deteriorated material. If wood replacement is necessary, it shall match the original detail in size, profile and method of application. If repair is required, photo documentation of the existing feature shall be provided to the Community Planning and Building Department prior to commencement of the repair work.	✓
3.	<b>Treatments for Cleaning and Repairs.</b> Physical treatments to repair existing cement plaster details, wood details and steel window sash will be undertaken with accepted methods for a given substrate. The applicant shall consult Preservation Brief 21 and/or 23 when undergoing repair to plaster, Preservation Brief 13 when undergoing repair to the steel windows, and Preservation Brief 6 before cleaning any feature.	✓
4.	<b>Sound Lock Entry Design.</b> The glazing system shall be revised to include fewer glass panels and thinner steel framing elements to make this glazing system as transparent as possible.	✓
5.	<b>Sound Lock Entry Detail.</b> A detail of the glazing system that includes type/opacity of glass, width of framing elements and method of connection to the existing cement plaster arch shall be provided. The glazing system shall maintain transparent glass and the connection shall be designed to minimize damage to	✓



	the existing plaster during installation and ensure the glazing system can be easily removed in the future.	
6.	<b>Conditions of Approval.</b> The Conditions of Approval listed above (HRB Conditions of Approval) shall be incorporated into the Design Review Conditions of Approval and any action taken by the Planning Department or Planning Commission, as necessary.	✓

**PASSED AND ADOPTED BY THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA this 16th day of August, 2021, by the following vote:**


**AYES:** Board Members: Gaultieri, Pomeroy, Dyar

**NOES:** Board Members: Chroman, Hall

**ABSENT:** Board Members: None

**ABSTAIN:** Board Members: None

**APPROVED:**

  
Erik Dyar  
Chair

**ATTEST:**

  
Margi Perotti  
Historic Resources Board Secretary



**Figure 1.** View of rooftop additions from corner of Lincoln and 7<sup>th</sup>.



**Figure 2.** View of rooftop additions from corner of Lincoln. Cypress Inn in foreground.



**Figure 3.** View of rooftop additions from Dolores. A minimal portion of the stairway addition is visible.



**Figure 4.** View of rooftop additions from 7<sup>th</sup> Ave between Dolores and Lincoln.