



AGENDA
CITY OF SEASIDE
PLANNING COMMISSION

VIRTUAL ONLY
REGULAR MEETING
Wednesday, July 22, 2020
7:00 PM

This meeting is compliant with Governor Newsom's Executive Order N-29-20 which allows local legislative bodies to hold public meetings electronically only, without a physical location for public participation, accessible only telephonically or otherwise electronically (video conferencing) to all members of the public seeking to observe and address the local legislative body, in order to avoid public gatherings, and until further notice.

REMOTE PUBLIC COMMENTS To make a public comment, the following options are available:

- Before the Meeting via Email: Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item # (insert the agenda item number relevant to your comment). Written comments must be received by 5:00 p.m. on the day of the meeting. All submitted comments will be provided to the City Council or the Board for consideration, compiled as part of the record, and may be read into the record.
- During the Meeting via Oral Comments: When the Chair calls for public comment, attendees can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press *9. The Secretary to the Board will call speaker names and unmute speaker microphones. You will have up to 2 minutes to provide your comments, with time set by the discretion of the Mayor. Please note, if you chose to make comments orally, your written comments will not be read but will be included in the final record.

In an effort to ensure the virtual process closely follows our normal process, public comment will be accepted in writing during the meeting, but may not be read into the record during the meeting, but will be included as part of the final administrative record. Please do not plan to use the chat or Q&A features to put a comment on record. These resources are for tech support only

1. CALL TO ORDER

A. VIRTUAL MEETING INFORMATION

This meeting can be watched via the City of Seaside You Tube Channel <https://bit.ly/SeasideYouTube>

Or by joining the webinar: <https://us02web.zoom.us/j/83424069963>

Call in Phone Number: (669) 900-9128
Webinar ID: 825 9694 8197

2. ROLL CALL - ESTABLISHMENT OF QUORUM

3. PLANNING COMMISSION

John Owens	Chair
Michael Spalletta	Vice Chair
Keith Dodson	Commissioner
Arlington La Mica	Commissioner
Dave Evans	Commissioner
William Silva	Commissioner
Danny Huynh	Commissioner

4. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

5. PUBLIC COMMENT

Members of the public wishing to address the Commission on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

6. APPROVAL OF MINUTES

A. June 24, 2020

7. BUSINESS ITEMS

- A. FENCE EXCEPTION APPLICATION No. FE-20-01: SOFIA MATROSOVA KHALIL, PROPERTY OWNER AND APPLICANT, IS REQUESTING A FENCE EXCEPTION TO ALLOW FOR A FIVE-FOOT HIGH FENCE WITHIN THE 15-FOOT FRONT YARD SETBACK LOCATED AT 1122 HARCOURT AVENUE (APN: 012-353-004) IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(e) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

RECOMMENDATION: In accordance with Section 17.30.020.F of the Seaside Municipal Code (SMC), a fence or wall may exceed allowed height requirements subject to Planning Commission approval.

City staff recommends approval of the fence exception based on the required findings listed in SMC Section 17.30.020.F.

- B. USE PERMIT APPLICATION NO. UP-19-16: FELIPE VILICANA, APPLICANT, AND KU HUI HONG, PROPERTY OWNER, ARE REQUESTING APPROVAL OF A SMALL COLLECTION RECYCLING FACILITY LOCATED AT 1949 FREMONT BOULEVARD IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES, CLASS 11, SECTION 15311.C.**

RECOMMENDATION: In accordance with Section 17.52.210.C, the applicant is seeking a Use Permit to allow a small collection recycling facility located in parking at 1949 Fremont Boulevard.

It's recommended the Planning Commission approve the Use Permit, subject to the Conditions of Approval contained in the Resolution.

- C. USE PERMIT APPLICATION NO. UP-20-05: ANTHONY ZAVITSANOS, APPLICANT AND PROPERTY OWNER, AND CALVIN CARSWELL (ROBERT), PROPERTY OWNER, ARE REQUESTING A USE PERMIT FOR THE ESTABLISHMENT OF A LIVE-WORK UNIT IN AN EXISTING COMMERCIAL BUILDING. THE PROJECT SITE IS LOCATED AT 348 ROBERTS AVENUE (APN: 011-561-006) IN THE HEAVY COMMERCIAL (CH) ZONING DISTRICT. IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301.A. EXISTING FACILITIES.**

RECOMMENDATION: In accordance with the Seaside Municipal Code (SMC) section 17.14.030.B, Table 2-4: *Allowed Land Uses and Permit Requirements for Commercial Zones*, Planning Commission approval of a Use Permit is required for live-work units in the Heavy Commercial (CH) zone. Additionally, SMC 17.52.130: *Live-Work Units* applies to the proposed project.

Staff recommends approval of the proposed live-work unit subject to Attachment 1: Conditions of Approval and Exhibit A to Attachment 1: Project Plans.

8. REPORTS FROM COMMISSIONERS

9. REPORTS FROM STAFF

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
August 12, 2020
Seaside City Hall
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:

<http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



DRAFT MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
VIRTUAL ONLY

Wednesday, June 24, 2020
7:00 PM

1. **CALL TO ORDER**

Chair Owens called the meeting to order at 7:00 pm.

2. **ROLL CALL - ESTABLISHMENT OF QUORUM**

3. **PLANNING COMMISSION**

PRESENT: Evans, Dodson, Huynh, La Mica, Owens, Spalletta, Silva

ABSENT: None

4. **REVIEW OF AGENDA**

No Changes.

5. **PUBLIC COMMENT**

None.

6. **APPROVAL OF MINUTES**

A. **May 13, May 27 & June 10, 2020**

- *Minutes for May 13, 2020 approved unanimously, M/S/C Spalletta/La Mica 7-0-0*
- *Minutes for May 27, 2020 approved unanimously, M/S/C Dodson/Silva 7-0-0*
- *Minutes from June 10, 2020 approved unanimously, M/S/C La Mica/Dodson 7-0-1, Abstain Owens*

7. **BUSINESS ITEMS**

- A. **USE PERMIT APPLICATION No. UP-20-05: EARLY DEVELOPMENT SERVICES. PROPERTY OWNER AND APPLICANT, IS REQUESTING A USE PERMIT FOR THE CONSTRUCTION OF A 960 SQUARE-FOOT ACCESSORY BUILDING FOR USE AS A CLASSROOM AND STORAGE FACILITY FOR AN EXISTING DAYCARE CENTER**

LOCATED AT 1405 LA SALLE AVENUE (APN# 011-081-026) IN THE RS-8 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(c) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Senior Planner Medina spoke to the application to construct a classroom/storage room at an existing daycare facility. He presented the history of the project site, the current uses, and other recent improvements to the property. In detailing the proposed request, he explained the intent to replace existing Conex boxes in the parking lot with more a useful and attractive storage facility. Mr. Medina spoke to the proposed materials to be used in construction and architectural style which would tie in to the existing building. He recommended the Commission approve the continued rehabilitation of the site and confirmed it complies with the general plan of the city. On question, this will not raise the enrollment of the operations, but intends to reduce enrollment to adhere to water accommodations. They are permitted for 160 and currently is not enrolled at capacity.

Applicant Adam Franch spoke to the design of the application. He noted that the building was designed to open up directly onto the play yard in addition to serving a utility function. Green design functions are incorporated including solar panels, rainwater catchment, and natural day light features for less energy intensity. The design included a low roof for minimal neighborhood intrusion and styled with board and baton, which matches the neighborhood style. Set backs are significant from all property lines and on question he agreed the applicant would match the existing color of the building and confirmed the Conex boxes would be removed. Shannon Watkins, applicant, acknowledged Rick for his efforts and congratulated him on retirement.

Chair Owens spoke in support of the roof design that is 100% water collectible, Commissioner Silva recommended painting an earth tone that does not stand out or matching the existing and Mr. La Mica spoke in support of the removal of the Conex boxes.

PUBLIC COMMENTS: None

On motion by Commissioner Silva and seconded by Commissioner Dodson and passed by the following vote the Planning Commission approved Use Permit 20-05 and requested prior to issuance of the building permit that the Commission review and approve the color pallet chosen by the applicant.

RESULT: ***Approved***

AYES: *John Owens, Michael Spalletta, Keith Dodson,
Arlington La Mica, Dave Evans, William Silva, Danny
Huynh*

NOES: *None*

B. FENCE EXCEPTION APPLICATION No. FE-20-01: SOFIA MATROSOVVA KHALIIL, PROPERTY OWNER AND APPLICANT, IS REQUESTING A FENCE EXCEPTION TO ALLOW FOR A FIVE-FOOT HIGH FENCE WITHIN THE 15-FOOT FRONT YARD SETBACK LOCATED AT 1122 HARCOURT AVENUE (APN# 012-353-004) IN THE RS-

12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(e) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Senior Planner Rick Medina presented the fence exception application for 1122 Harcourt Avenue, currently a residential property operating an in home daycare center. He detailed the request for the exception citing the desire to keep the existing fence for continuity with adjacent properties but to add additional height to it for added safety and privacy. The commission questioned the design of the fence and location. The applicant explained that the fence was built by the existing neighbor and the intent is to keep the original fence and to add additional height for safety as she operates a residential day care on the property. Ms. Sofia answered questions from the Board.

Public Comment: None

The Commission discussed the application, expressed concern about the blending of the fence into the neighborhood. Commissioner Silva indicated that while they are not obscuring visibility on the corner, he cited previous Commission priorities to use landscaping in front of fence lines, with set backs for privacy, not fences and expressed concern that adding height shades all vegetation. He also spoke to strategies that higher fences compromise safety because they create a hiding place and will be opposite of the applicant's intent. Additionally, the commissioners expressed concern that a heightened fence would block visibility from the driveway, endangering pedestrians on the sidewalk.

Commissioner Dodson moved to approve the fence exception application, seconded by Commissioner La Mica. Motion failed 3-2-0.

RESULT: **FAILED**
AYES: Dodson, La Mica, Huynh
NOES: Owens, Evans, Spalletta, Silva

On motion by Commissioner Silva and seconded by Commissioner La Mica and passed by the following vote the Planning Commission agreed to continue this item to July 22, 2020 at 7:00 pm to allow the applicant to work with staff and return with a modified design consistent with Commissioner direction.

RESULT: **Approved**
AYES: Owens, Spalletta, Dodson, La Mica, Evans, Silva, Huynh
NOES: None

8. REPORTS FROM COMMISSIONERS

Chair Owens requested code enforcement review an unlicensed vehicle on La Salle Avenue for compliance.

9. REPORTS FROM STAFF

Assistant City Manager Milton informed the Commission and public about the November 3,

2020 Election Nomination period for any Seaside voter who is interested in running for elected office in Seaside.

10. ADJOURNMENT

Having no further business the meeting was adjourned at 8:07 PM.

Respectfully submitted,

Lesley Milton, City Clerk

John Owens, Chair



CITY OF SEASIDE STAFF REPORT

Item No.: 7.A.

TO: Planning Commission

BY: Beth Rocha

DATE: July 22, 2020

SUBJECT: FENCE EXCEPTION APPLICATION No. FE-20-01: SOFIA MATROSOVA KHALIIL, PROPERTY OWNER AND APPLICANT, IS REQUESTING A FENCE EXCEPTION TO ALLOW FOR A FIVE-FOOT HIGH FENCE WITHIN THE 15-FOOT FRONT YARD SETBACK LOCATED AT 1122 HARCOURT AVENUE (APN: 012-353-004) IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(e) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PURPOSE & RECOMMENDATION

In accordance with Section 17.30.020.F of the Seaside Municipal Code (SMC), a fence or wall may exceed allowed height requirements subject to Planning Commission approval.

City staff recommends approval of the fence exception based on the required findings listed in SMC Section 17.30.020.F.

BACKGROUND

On June 24, 2020 the Planning Commission considered this fence exception application, but communicated concerns with: the lack of details in the proposed drawings; potentially increasing safety hazards by increasing the fence height and, therefore, decreasing visibility onto the property; and lack of neighborhood compatibility. The application was denied, but then the Commission motioned and voted to continue the meeting to July 22, 2020 to allow the applicant time to consider the input provided and revise the fence exception application accordingly.

The project site is 5,000 square feet in area (50' x 100') and is developed with a one-story single family dwelling. The site is flat in topography and is surrounded by one-

story single family dwellings to the east, north, south and west. The existing dwelling was constructed in 1941. Most of the dwellings on the 1100 block of Harcourt Avenue were constructed between 1940 and 1960.

Location map is provided as Attachment 2. Site photos are provided as Attachment 3.

PROJECT DESCRIPTION

The property owner is requesting a fence exception to allow for a 17" (1'-5") horizontal extension onto an existing 43" (3'-7") tall redwood fence, for a 60" (5') tall fence, which would be one foot greater than the maximum allowed height of 4'. The increase in height is being requested due to needs of the large family day care operation as well as the personal safety of the residents and pets. The existing fence consists of varied vertical redwood, that has been painted since the last hearing. The project plans provided Attachment 1: Exhibit A provides two options for consideration "Preferred" and "Option." Also included in Exhibit A is a drawing of the existing conditions.

CEQA

The project is exempt from environmental review subject to Class 3, Section 15303(e): New Construction of Small Structures: Approval of the proposed fence exception would result in the approval of a five-foot high wood fence, which is a minor improvement that would clearly not result in any impact on the environment.

STAFF ANALYSIS

In response to the Commissions expressed concerns with the first review of the fence application, the applicant has taken the following actions with the assistance from staff:

1. Provided details in the proposed drawings that accurately document the existing conditions (dimensions) and the proposed options for the modified designs with clean graphics. Photographs have been updated to show the fence, which has since been painted.
2. Provided two fence design options for the Commission's consideration, which take into account the concerns expressed regarding safety and visibility. The applicant's reason for the fence exception request is solely safety related, for both her daycare operation as well as for the members of her household. Additionally, Attachment 3: Site photo no.1 shows an approximation of the proposed fence height in relation to the the residence. The residence is elevated above grade by approximately 15" (two steps) and the image clearly shows that the height increase would not obstruct visibility to the front doors and windows of the home.
3. The following objective information was gathered by staff concerning the topic of neighborhood compatibility to illustrate the actual conditions of this block of Harcourt Avenue with respect to nonconforming fences, design compatibility, conforming fences, and transparency (see Attachment 4).

A visual survey of the 23 homes on this block resulted in the following:
Homes with nonconforming fence material (chain link, SMC 17.30.020.E. Prohibited Materials): 3.
Homes with nonconforming fence height (17.30.020.B.1, Table 3-1): 6.
Homes with conforming fence height and materials: 13; of these 13, 6 homes with conforming fences and similar materials/design to subject property (included); of these 13, 8 homes with solid fencing.
Homes without fences: 2.

In summary, 13% of homes have nonconforming fence materials and 25% of homes have nonconforming fence height. 56% of homes have conforming fences and of these conforming fences, only 26% have design and material compatibility with the subject property and 34% have solid fencing and provide less transparency than the fence of the subject property.

Considering the data above, in addition to the fact that it appears only a few homes have recently re/constructed fences, the proposed fence modification constitutes a neighborhood improvement that provides a responsible safety measure feature, for the day care use, residents and pets, that does not compromise visibility from the street to the front of the home.

FINDINGS

In accordance with Section 17.30.020.F.2, the following findings shall be considered for a fence exception:

1. A general safety hazard to City residents and/or the general public would not be created.

Evidence: *The proposed fence exception would not result in a general safety hazard to the general public, adjacent property owners, and the occupants residing in the subject residence. The proposed fence height and design does not impair visibility from the street to the front door and windows of the home (for patrolling police or bystanders).*

2. A traffic-related safety hazard would not be created.

Evidence: *The width of the driveway will provide ample visibility to allow for the safety of pedestrians and vehicles travelling on Harcourt Avenue in the event a vehicle is backing out of the driveway on the subject property.*

3. The fence will not impair visibility at an intersection or traffic safety visibility area.

Evidence: *The project site is not located near an intersection. The width of the driveway will provide ample visibility to allow for the safety of pedestrians and vehicles travelling on Harcourt Avenue in the event a vehicle is backing out of the driveway on the subject property.*

4. The fence or wall will not obstruct vision from an adjoining driveway.

Evidence: *No driveways on the adjoining properties that abut the driveway on the subject property.*

5. The fence is compatible with the surrounding neighborhood.

Evidence: *The fence design would be an improvement to a neighborhood with a variety of older fence types: from solid (no transparency), to nonconforming height, to nonconforming materials. The proposal offers a colorful addition to the neighborhood, while using the same materials as the existing fence to maintain design compatibility with six other homes on the block.*

ATTACHMENTS

1. Attachment 1: Draft Resolution
 2. Exhibit A to Attachment 1: Project Plans
 3. Attachment 2 - Site Map
 4. Attachment 3: Site Photos
 5. Attachment 4: Neighborhood Compatibility
-

RESOLUTION NO. 20-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING FENCE EXCEPTION APPLICATION NO. FE-20-01 TO ALLOW FOR A FIVE-FOOT FENCE WITHIN FRONT SETBACK LOCATED AT 1122 HARCOURT AVENUE (APN: 012-353-004).

WHEREAS, Matrosova Khaliil, property owner and applicant, has applied for approval of a Fence Exception permit to allow for a five-foot tall fence in the front setback thereby exceeding the maximum height requirements of Zoning Code Section 17.30.020.B.1 within the front setback by one-foot; and

WHEREAS, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code in relation to the proposed Fence Exception; and

WHEREAS, the Planning Commission considered written information concerning the proposed exception at a duly noticed public hearing held on June 24th, 2020 during which the application was denied; the Commission then motioned and voted to continue the meeting to July 22nd, 2020 to allow the applicant time to consider the input provided and revise the fence exception application accordingly; and

WHEREAS, the Planning Commission considered additional information addressing their concerns expressed during the June 24th, 2020 hearing at a duly noticed public hearing held on July 22nd, 2020; and

WHEREAS, the project is exempt from environmental review subject to Class 3, Section 15303(e): New Construction of Small Structures:

Evidence: Approval of the proposed fence exception would result in the approval of a five-foot high wood fence, which is a minor improvement that would clearly not result in any impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for the denial of Fence Exemption Application No. FE-20-01:

1. A general safety hazard to City residents and/or the public would not be created

Evidence: The proposed fence exception would not result in a general safety hazard to the general public, adjacent property owners, and the occupants residing in the subject residence. The proposed fence height and design does not impair visibility from the street to the front door and windows of the home (for patrolling police or bystanders).

2. A traffic-related safety hazard would not be created.

Evidence: *The width of the driveway will provide ample visibility to allow for the safety of pedestrians and vehicles travelling on Harcourt Avenue in the event a vehicle is backing out of the driveway on the subject property.*

3. The fence will not impair visibility at an intersection or traffic safety visibility area.

Evidence: *The project site is not located near an intersection. The width of the driveway will provide ample visibility to allow for the safety of pedestrians and vehicles travelling on Harcourt Avenue in the event a vehicle is backing out of the driveway on the subject property.*

4. The fence or wall will not obstruct vision from an adjoining driveway.

Evidence: *No driveways on the adjoining properties that abut the driveway on the subject property.*

5. The fence is compatible with the surrounding neighborhood.

Evidence: *The fence design would be an improvement to a neighborhood with a variety of older fence types: from solid (no transparency), to nonconforming height, to nonconforming materials. The proposal offers a colorful addition to the neighborhood, while using the same materials as the existing fence to maintain design compatibility with six other homes on the block.*

BE IT FURTHER RESOLVED, that the Planning Commission hereby grants Fence Exception No. 20-01 subject to the following terms and conditions:

Project Specific:

Planning:

1. Except as modified by required conditions of approval, plans submitted for a building permit shall substantially conform to the plans identified as Exhibit A to Attachment 1.

Standard:

1. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City

may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

2. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
3. This Fence Exception approval will become null and void if any required building permit is not obtained within one (1) year from the date of approval.

NOW BE IT FURTHER RESOLVED, the Planning Commission hereby approves Fence Exception Application No. FE-20-01 on the 22nd day of July 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

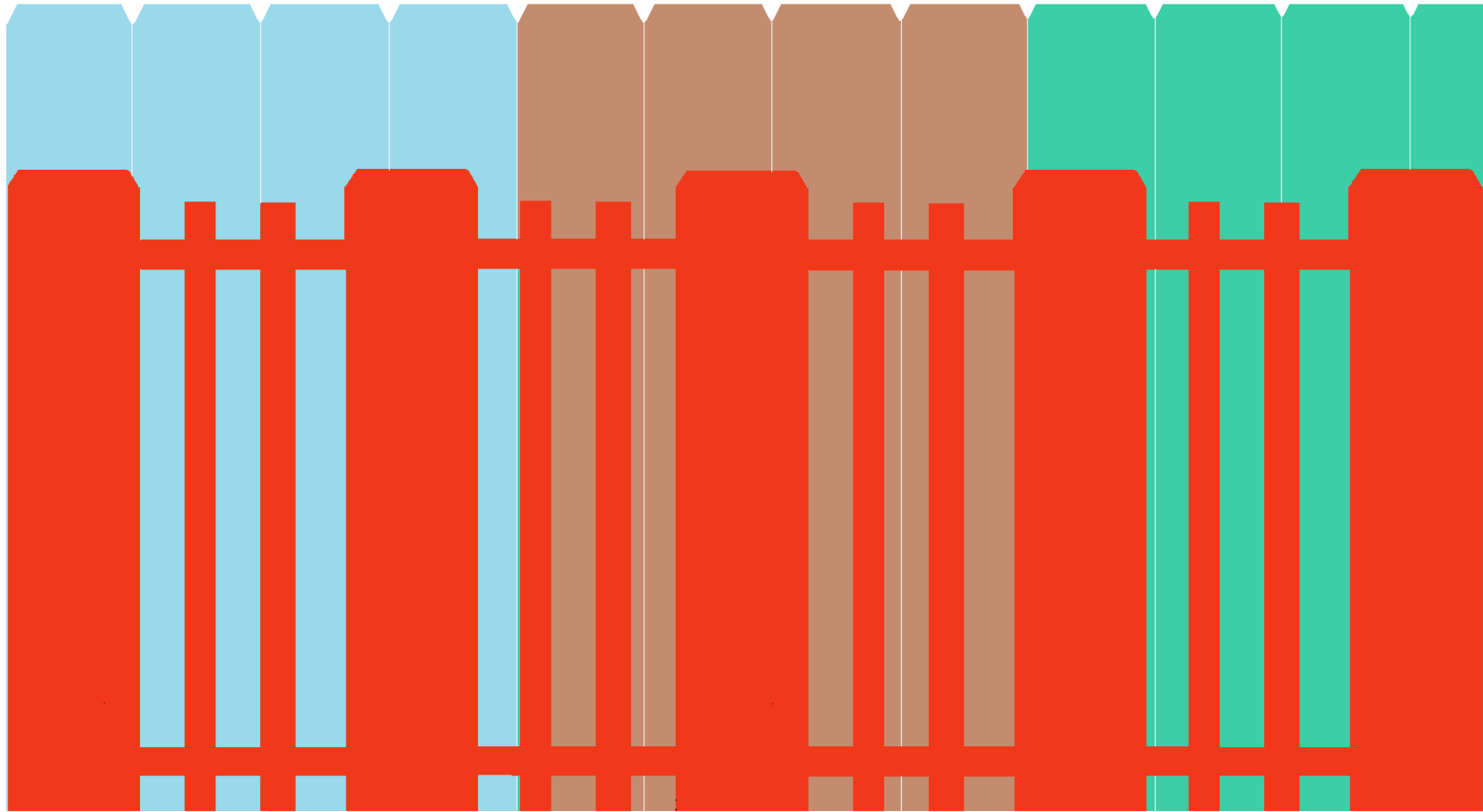
John Owens, Chairperson

ATTEST:

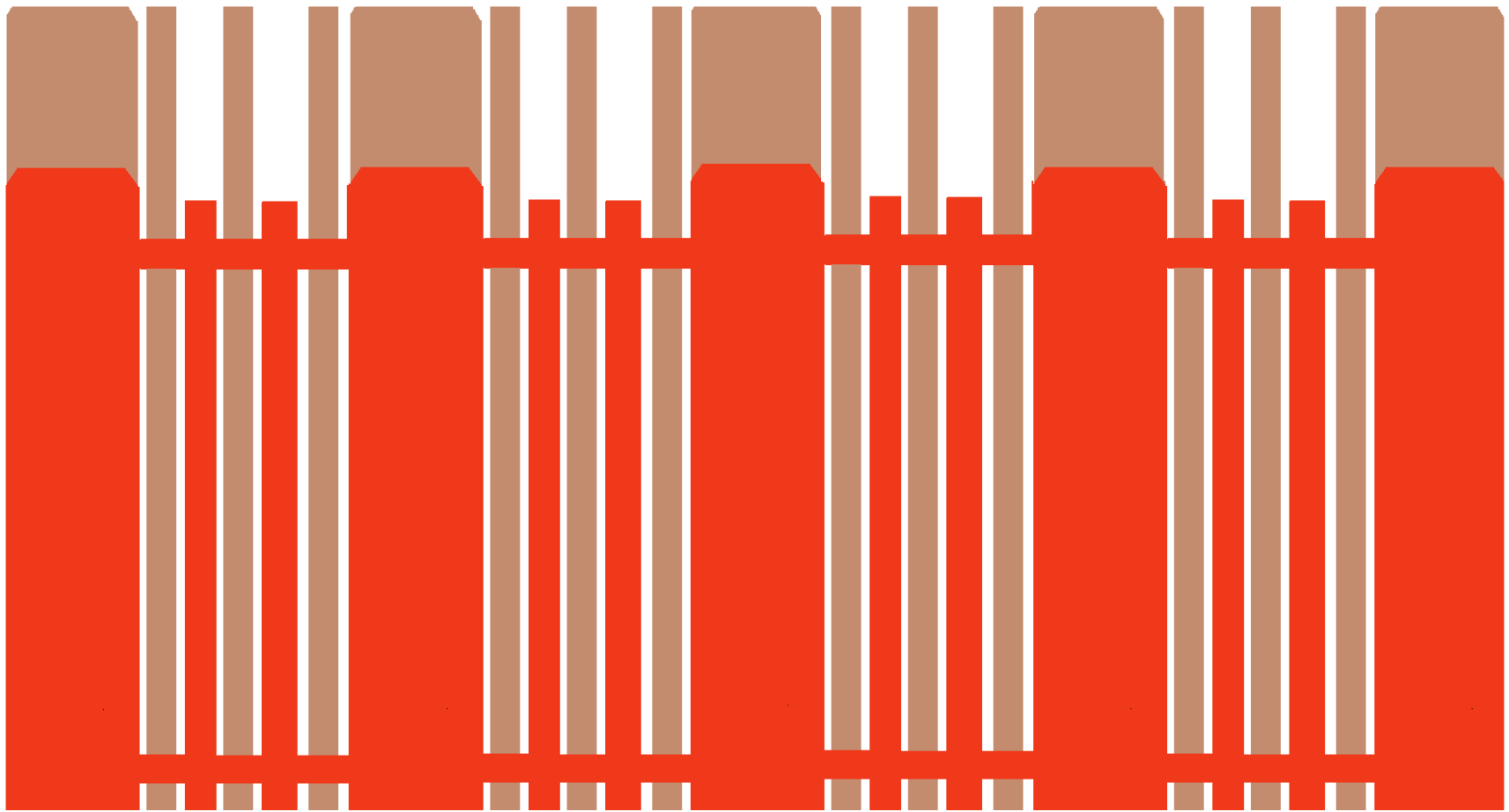
Planning Commission Secretary



Existing: 43" (3'-7") fence with dog-eared panels placed in repetition @12.25" intervals and ~ 2" wide wood strips, with 2.75" spacing between each, at a height of 40". The existing fence has 29% transparency.



Preferred: keep existing fence @ 43" (3'-7") and add painted (single color to be decided by applicant) dog-eared fence boards on backside for the entire length of the fence to a maximum height of 60" (5'0"), a 17" (1'-5") height increase. Transparency is reduced from the existing conditions, but fence improvements and contrasting colors between the front and back panels create depth and visual rhythm.

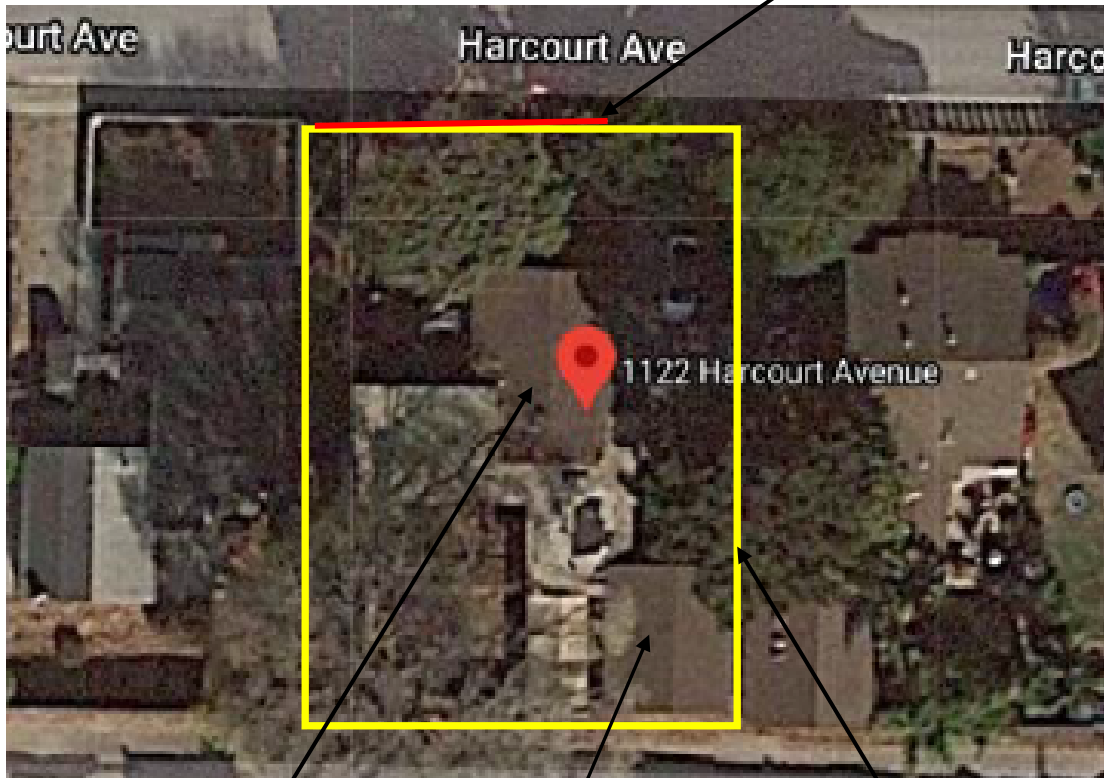


Option: keep existing fence @ 43" (3'-7") and add painted (single color to be decided by applicant) dog eared fence boards on backside of existing dog eared panels and in the space between add thin strips between existing strips for a maximum height of

60" (5'0"), a 17" (1'-5") height increase. Transparency is maintained at a lesser amount than the existing fence, but contrasting colors and varying material widths create a visual rhythm.

Attachment 1 – Exhibit A
Site Plan

Red Line – Front
Yard Fence



House

Detached Garage

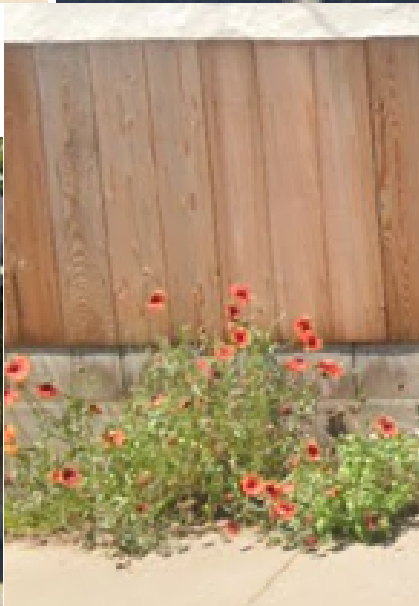
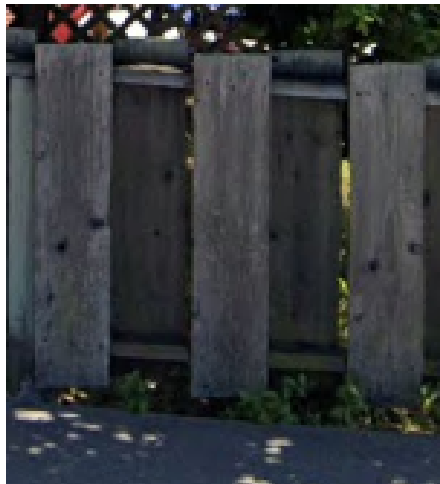
Yellow Line – Property
Boundaries















CITY OF SEASIDE STAFF REPORT

Item No.: 7.B.

TO: Planning Commission

BY: Beth Rocha

DATE: July 22, 2020

SUBJECT: USE PERMIT APPLICATION NO. UP-19-16: FELIPE VILICANA, APPLICANT, AND KU HUI HONG, PROPERTY OWNER, ARE REQUESTING APPROVAL OF A SMALL COLLECTION RECYCLING FACILITY LOCATED AT 1949 FREMONT BOULEVARD IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES, CLASS 11, SECTION 15311.C.

PURPOSE & RECOMMENDATION

In accordance with Section 17.52.210.C, the applicant is seeking a Use Permit to allow a small collection recycling facility located in parking at 1949 Fremont Boulevard.

It's recommended the Planning Commission approve the Use Permit, subject to the Conditions of Approval contained in the Resolution.

BACKGROUND

All supermarkets in California are required to have a recycling center within a specified area around the store called a "convenience zone". Convenience zones increase the geographic dispersal of locations where beverage containers can be redeemed. A convenience zone is required by law to have a recycling center that redeems all California Redemption Value (CRV) containers. Convenience zone recyclers provide opportunities to redeem containers near where beverages were purchased. If a recycling opportunity does not exist in this zone, then generally the supermarket, and all other retailers that sell beverage containers in that zone, must take-back containers in-store. Supermarket-based recycling centers receive a premium payment, called a handling fee, to offset the additional costs these sites incur. However, nearly half of state-certified recycling centers have closed in the last five years, which leaves more bottles and cans not redeemed by consumers. Additionally, recycling center closures

also impact communities via job losses and critical income for families and individuals who gather discarded cans and bottles to earn extra cash. Lastly, grocery and big box chains are not taking back bottles and cans despite a legal obligation to do so. The proposed project would be located within the convenience zone for two Sand City businesses: Lucky Supermarket (2000 California Avenue) and Costco (801 Tioga Avenue); in Seaside, Santa Fe Market (1712 Fremont Boulevard).

PROJECT DESCRIPTION

The project site is 1949 Fremont Boulevard, a property bordered by three rights-of-way: The Mall, Playa Avenue, and Fremont Boulevard, and is occupied by Ord Terrace Liquors. The adjacent uses consist of a mix of commercial businesses. See Attachment 2: Location Map.

The applicant is proposing to place an 160 square foot (8' x 20') metal storage container on the northwest side of the lot, set back a minimum of ten feet from the adjacent rights of ways, to function as a small recycling collection facility. The facility will be used to receive cans, bottles and plastic containers eligible for CRV. The project area would not occupy any required parking spaces associated with the liquor store, would be set back at least 10 feet from any public right-of-way, and would not obstruct pedestrian or vehicular circulation. An attendant would be on-site during all hours of operation to accept CRV products. The facility would have the following hours of operation: Monday thru Friday, 9AM to 5PM and Saturday 9AM-3PM. Photographs of the metal container are provided as Attachment 3.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This project is categorically exempt from the California Environmental Quality Act pursuant to Class 1, Section 15311.C: Accessory Structures. Class 11 consists of the operation of existing facilities involving the placement of accessory structures on a parcel that are appurtenant to the primary use.

Evidence: The proposed project involves the placement and operation of a 160 square foot (8' x 20') metal storage container in an empty portion of a lot adjacent to a liquor store for the purpose of collecting recycling materials. The location of the metal storage container would not create any type of substantial disruption to the site and the use of the recycling facility would be an appurtenant use of the liquor store.

STAFF ANALYSIS AND FINDINGS

UP-19-16 Findings

In accordance with S.M.C. Section 17.52.210.C, a small collection recycling facility shall be required to file an application under the Use Permit process to determine whether the following findings can be made concerning the proposed project:

1. The proposed use is allowed within the applicable zone and would comply with all

other applicable provisions of the Zoning Ordinance and Municipal Code.

Evidence: *The code requires a minimum setback of 50 feet from any parcel zoned or occupied for residential use. The project site is not located within 50 feet of a residential zoned or used parcel.*

The recycling facility (storage container) would be placed on site and would comply with the requirement that it be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.

It would be placed on site and would comply with the requirement that it be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.

Evidence: *The container is 160 square feet in area (8'x20'). The maximum allowed area is 350 square feet.*

Evidence: *The entire container would be painted a solid color.*

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Evidence: *The General Plan land use designation for the proposed project site is Regional Commercial (CRG). Regional Commercial uses are defined as large scale commercial development with retail, entertainment, and or service uses of a scale and function to serve a regional market. With the exception of the Auto Mall, regional commercial activities are under-represented in Seaside. The Regional Commercial category is intended for those areas of the community that already have regional commercial businesses (e.g., the Auto Mall) or that are considered suitable for the development of new Regional Commercial uses. Uses allowed in the RGC category include hotels, auto sales, auto repair, auto repair related uses, "big box" retail, factory outlets, and movie theaters. . The proposed project would allow the liquor store to provide a recycling facility to accommodate the half-mile convenience zone requirements of the State for a grocery store in the City of Seaside. This use would also provide the nearby businesses and residential areas with a State mandated recycling facility.*

3. The design, location, size and operating characteristics of the proposed activity are compatible with the existing and planned future uses in the vicinity.

Evidence: *The proposed project would not alter the site's existing operating characteristics. All existing and planned future adjacent uses would continue to be commercial in nature and would be compatible with the existing and future allowed uses in the vicinity.*

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and absence of physical constraints.

Evidence: *The site is currently served by all necessary municipal services and utilities. The lot contains adequate underutilized space where the proposed project could be accommodated, making the site suitable for the proposed use.*

5. Granting the permit would not be detrimental to the public interest, health, safety,

convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

Evidence: *Conditions of approval would require the site to be maintained free of clutter and debris and for the container to be painted to be in harmony with the exterior of the liquor store.*

CONCLUSION

Based on the analysis, the proposed small collection recycling facility complies with the intent of the Seaside General Plan and the requirements of Title 17 of the Seaside Municipal Code. Staff recommends approval of UP-19-16, subject to the resolution and conditions of approval (See Attachment 1).

ATTACHMENTS

1. Attachment 1: Draft Resolution
 2. Attachment 2: Location Map
 3. Attachment 3: Photos
-

RESOLUTION NO. 20-XX

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT APPLICATION NO. UP-19-16 TO ALLOW A SMALL COLLECTION RECYCLING FACILITY IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT LOCATED AT 1949 FREMONT AVENUE.

WHEREAS, Felipe Villicana, applicant, and Nancy Marzi, property owner, have applied for a use permit for the purpose of placing a small collection recycling facility located at 1949 Fremont Avenue in the Regional Commercial (CRG) zoning district; and

WHEREAS, the proposed project requires approval by the Planning Commission, and it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Planning Commission considered oral comments and written information concerning the proposed use permit at a duly noticed public hearing of the Planning Commission held on July 22nd, 2020; and

WHEREAS, the project is a Categorically Exempt from the California Environmental Quality Act pursuant to Class 11, Section 15311.C: Accessory Structures, meeting the following conditions:

Evidence: The proposed project involves the placement and operation of an 8' by 20' metal storage container in an empty portion of a lot adjacent to a liquor store for collecting recycling materials. The location of the metal storage container would not create any type of substantial disruption to the site and the use of the recycling facility would be an appurtenant use of the liquor store.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No.UP-19-16:

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of the Zoning Ordinance and Municipal Code.

Evidence: The code requires a minimum setback of 50 feet from any parcel zoned or occupied for residential use. The project site is not located within 50 feet of a residential zoned or used parcel. The recycling facility (storage container) would be placed on site and would comply with the requirement that it be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation. It would be placed on site and would comply with the requirement that it be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation. The container is 160 square feet in area (8'x20'). The maximum allowed

area is 350 square feet. The entire container would be painted a solid color.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Evidence: The General Plan land use designation for the proposed project site is Regional Commercial (CRG). Regional Commercial uses are defined as large scale commercial development with retail, entertainment, and or service uses of a scale and function to serve a regional market. With the exception of the Auto Mall, regional commercial activities are under-represented in Seaside. The Regional Commercial category is intended for those areas of the community that already have regional commercial businesses (e.g., the Auto Mall) or that are considered suitable for the development of new Regional Commercial uses. Uses allowed in the RGC category include hotels, auto sales, auto repair, auto repair related uses, "big box" retail, factory outlets, and movie theaters. . The proposed project would allow the liquor store to provide a recycling facility to accommodate the half-mile convenience zone requirements of the State for a grocery store in the City of Seaside. This use would also provide the nearby businesses and residential areas with a State mandated recycling facility.

3. The design, location, size and operating characteristics of the proposed activity are compatible with the existing and planned future uses in the vicinity.

Evidence: The proposed project would not alter the site's existing operating characteristics. All existing and planned future adjacent uses would continue to be commercial in nature and would be compatible with the existing and future allowed uses in the vicinity.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and absence of physical constraints.

Evidence: The site is served by all necessary municipal services and utilities. The lot contains adequate underutilized space where the proposed project could be accommodated, making the site suitable for the proposed use.

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

Evidence: Conditions of approval would require the site to be maintained free of clutter and debris and for the container to be painted to be in harmony with the exterior of the liquor store

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Use Permit Application No. UP-19-16 subject to the following terms and agreements:

Planning:

1. An employee must be on-site when recycling materials are received and/or accepted.
2. The applicant shall be responsible for keeping the site free of trash and debris and to prevent persons from loitering on the premises after conducting their transactions.
3. The container shall be painted a solid color.
4. The hours of operation shall be Monday thru Friday, 9AM to 5PM and Saturday 9AM-3PM.
5. The location of the small collection recycling facility shall be setback a minimum of 50 feet from any parcel zoned or occupied for residential use.
6. The location of the small collection recycling facility shall be set back at least 10 feet from any public right of way and not obstruct pedestrian or vehicular circulation.
7. All materials related to the operation of the small collection recycling facility shall be stored within the container when the use is not in operation.
8. The small collection facilities shall: not use power-driven processing equipment, except for reverse vending machines; and shall accept only glass, metal, or plastic containers, paper, and reusable items; and
9. Identification signs are allowed with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container.
10. Directional signs, consistent with Chapter 17.40 (Signs), may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

Building:

1. The project shall be constructed in compliance with the 2016 California Building Code.

Fire Department:

1. The project shall be constructed in compliance with the 2016 California Fire Code.

Public Works

1. Applicant must obtain encroachment permit for any work conducted within the public right-of-way.
2. The storm water runoff created by the new construction (also including additions, driveways, and walkways, etc.) shall be contained on site through the use of rain gutters, detention basins, cisterns, drainage fields, dispersion trenches or comparable methods. The proposed design details and calculations shall be included on a dedicated sheet to be submitted with the building permit plans and shall be designed for 100-year storm event. Sample details are available at the Resources Management Services, located at City Hall, 440 Harcourt Avenue in Seaside (831) 899-6825. Maintenance of the storm water retention system shall be by the owner(s).
3. Should the applicant decide to use the City Standard "S-480" Dispersion Trench for compliance with the retention of storm water, the Standard should be completed and the length and width of the required Dispersion Trench shall be filled in and the Standard sticky backed or stapled onto the building plans. Denote the trench location on the plans keeping 10' clear to any structure or property line. Maintenance of the storm water retention system shall be by the owner(s).

Standard:

1. Minor Use Permit approval is subject to revocation procedures contained in S.M.C. Section 17.69.060 in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
2. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a

court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

3. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
4. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within 15 days from the date of its approval.
5. Project approval will become null and void if a building permit is not obtained within one (1) year from the date of approval to begin construction on the project.
6. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED by the Planning Commission of the City of Seaside, State of California, on the 22nd of July, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

John Owens
Chairperson

**USE PERMIT APPLICATION NO. MUP-19-16
RESOLUTION NO. 20-XX**

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the applicant and property owner(s).

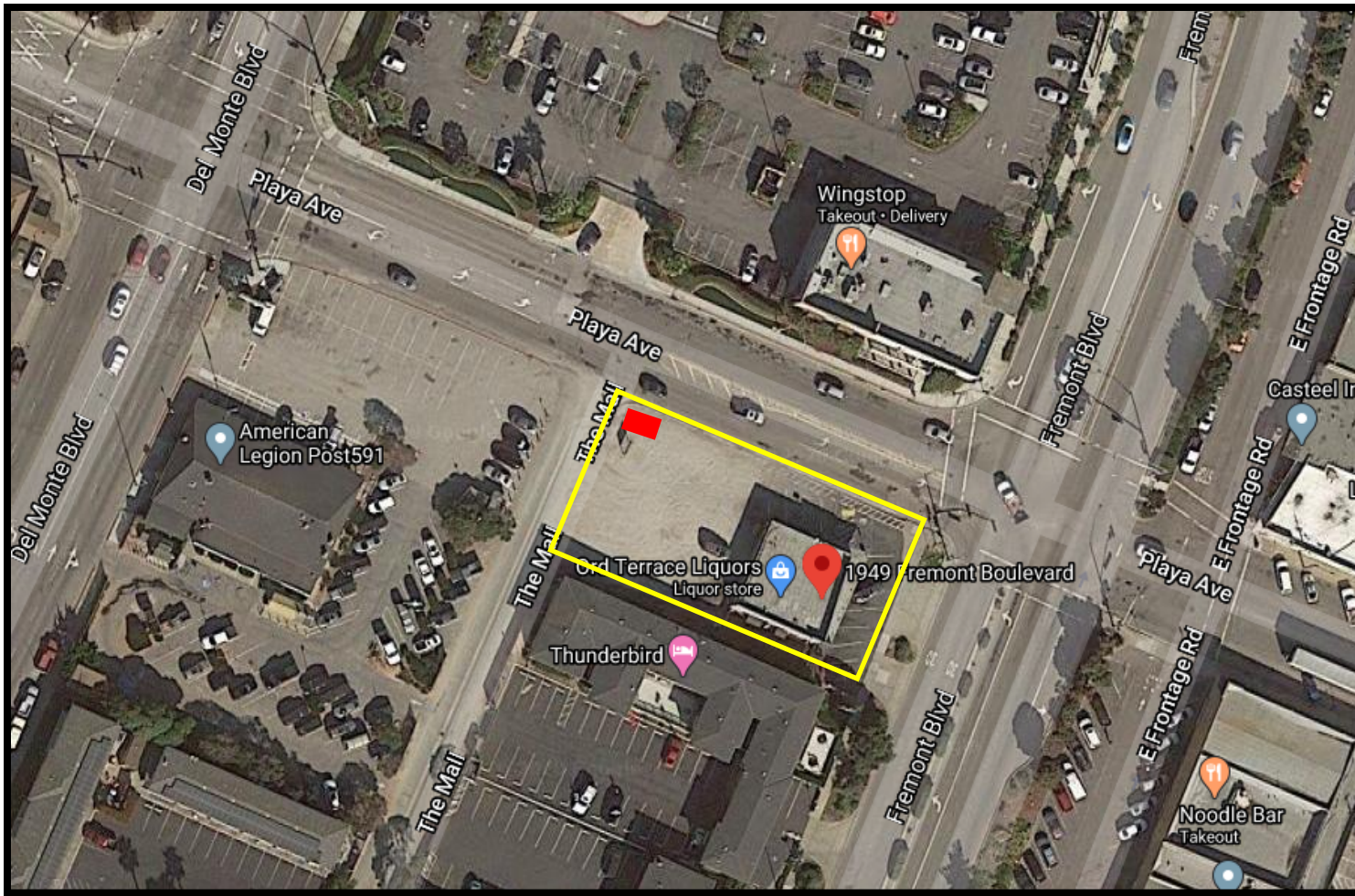
The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Planning Commission.

Applicant's Signature

Date

Property Owner's Signature *(if different from above)*

Date



1949 Fremont Boulevard





CITY OF SEASIDE STAFF REPORT

Item No.: 7.C.

TO: Planning Commission

BY: Beth Rocha

DATE: July 22, 2020

SUBJECT: USE PERMIT APPLICATION NO. UP-20-05: ANTHONY ZAVITSANOS, APPLICANT AND PROPERTY OWNER, AND CALVIN CARSWELL (ROBERT), PROPERTY OWNER, ARE REQUESTING A USE PERMIT FOR THE ESTABLISHMENT OF A LIVE-WORK UNIT IN AN EXISTING COMMERCIAL BUILDING. THE PROJECT SITE IS LOCATED AT 348 ROBERTS AVENUE (APN: 011-561-006) IN THE HEAVY COMMERCIAL (CH) ZONING DISTRICT. IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301.A. EXISTING FACILITIES.

PURPOSE & RECOMMENDATION

In accordance with the Seaside Municipal Code (SMC) section 17.14.030.B, Table 2-4: *Allowed Land Uses and Permit Requirements for Commercial Zones*, Planning Commission approval of a Use Permit is required for live-work units in the Heavy Commercial (CH) zone. Additionally, SMC 17.52.130: *Live-Work Units* applies to the proposed project.

Staff recommends approval of the proposed live-work unit subject to Attachment 1: Conditions of Approval and Exhibit A to Attachment 1: Project Plans.

BACKGROUND

The property is developed with a two-story building, addressed as 344 and 348 Roberts Avenue. The first floor is 2,430 square feet and the second floor is 1,052 square feet, for a total of 3,458 square feet. The Board of Architectural Review approved the original design on August 18, 2004 and the Planning Commission approved the original Use Permit (Attachment 2: Resolution 04-40) for a contractor's storage yard and commercial building on

September 8, 2004.

PROJECT DESCRIPTION

The proposed project scope is limited to adding a shower stall on the second floor of 348 Roberts Avenue to accommodate one live-work unit. The project does not include an increase in square footage or any exterior modifications to the existing structure.

STAFF ANALYSIS

The property is located in the Coastal Heavy Commercial (CCH) zone, but is exempt from a Coastal Administrative Permit and/or Coastal Development Permit, as the proposed interior addition of a shower stall does not meet the definition of "development," as outlined in SMC 18.02.040 and 18.04. The applicant's intent is to have the space designated as a live-work unit and staff has determined that the underlying zoning of the property applies, as the live-work use is addressed in a more comprehensive manner by Title 17 of the Seaside Municipal Code. SMC section 17.14.030.B, Table 2-4: Allowed Land Uses and Permit Requirements for Commercial Zones requires Planning Commission approval of a Use Permit for live-work units in the Heavy Commercial (CH) zone. Additionally, SMC 17.52.130 contains development requirements for live-work units, including ground-floor street frontage, access, and parking and services.

SMC 17.52.130 Live-Work Units

17.52.130.C. Ground-floor street frontage.

1. Rail, service, restaurant, office, and/or cottage industry are required on ground-floor primary building frontage, with residential on upper levels or behind the frontage use.

Compliance: *The ground-floor street frontage of 348 Roberts is occupied with a multi-use space: library/conference room/showroom space and is considered an active use.*

2. The work space directly adjacent the sidewalk/street shall contain an active use and not be used exclusively for storage or warehousing.

Compliance: *The ground floor street fronting space is not, and shall not be, used exclusively for storage or warehousing.*

3. The work space on the ground floor should be oriented toward the street to allow pedestrian exposure and direct access to the work space.

Compliance: *The ground floor should be oriented toward the street to allow*

pedestrian exposure and direct access to the work space.

4. The work space on the ground floor should have a minimum of 50 percent transparency, measured along the length of the primary building frontage. Transparency refers to an open view into the building, such as a window.

Compliance: *The transparency is beyond the minimum requirement at 78.4%.*

17.52.130.D. Access. Live-work buildings shall have one of two methods of primary pedestrian access:

1. The main entrance to the ground-floor work space shall be accessed directly from and face the street, and the residential occupancy area shall be accessed by a separate entrance and internal stairs that are also accessed from and face the street. There may also be a small shared lobby that provides separate access to the work space and residential areas.

Compliance: *The main entrance to the ground-floor work space is accessed directly from a walkway accessed off Roberts Avenue and the space faces the street; the live-work area is accessed from a shared lobby and internal stairs.*

2. Access to the residential area may be taken through the work space that is accessed directly from and faces the street.

Compliance: *Access to the live-work space is in compliance with 17.52.130.D.1, as evidenced above.*

17.52.130.E. Parking and services.

1. Parking and services shall be located to the rear of the property or internal to the block and access shall be provided through alleys or driveways.

Compliance: *Parking and services are located at the rear of the lot and parking is also located toward the front and side of the lot.*

2. Services, above-ground equipment, and trash container areas shall be located on the alley, or to the rear of the building accessed by a driveway.

Compliance: *Trash container areas are located at the rear of the building site and are accessed by a driveway.*

Use Permit findings are outlined in SMC 17.62.070.F. Findings and decision. The review authority may approve the Use Permit only after first finding all of the following:

SMC 17.62.070.F. Use Permit Findings and Decision

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Evidence: *Live-work is an allowed in the CH zoning district with approval of a Use Permit by the Planning Commission. Additionally, the project complies with SMC 17.52.130 Live-Work Units development standards.*

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Evidence: *The proposed live-work use is consistent with the following goals and policies of the General Plan, as the proposal would add a housing unit that complements the existing employment opportunities associate with the business: Goal LU-1: Promote a mixture of land uses and a balance of jobs and housing to support a community in which people can live, work, shop, and play; and Policy LU-1.4: Provide for a variety of housing that complements the employment opportunities in the community.*

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity.

Evidence: *The proposed live-work unit is located in an existing commercial structure with two businesses and such uses are compatible with potential future land uses in the CH zoning district.*

4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

Evidence: *The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.*

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

Evidence: *The granting of Use Permit would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other existing or future uses in the vicinity or adverse to the*

public interest, health, safety, convenience, or welfare of the City.

ATTACHMENTS

1. Attachment 1: Draft Resolution
 2. Exhibit A to Attachment 1: Project Plans
 3. Attachment 2: Resolution 04-40
-

RESOLUTION NO. 20-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT APPLICATION NO. UP-20-05 TO ALLOW FOR THE ESTABLISHMENT OF A LIVE-WORK UNIT IN AN EXISTING COMMERCIAL BUILDING AT 348 ROBERTS AVENUE (APN: 011-561-006).

WHEREAS, Anthony Zavitsanos, applicant and property owner, and Calvin Carswell (Robert), property owner, are requesting a use permit for the establishment of a live-work unit in an existing commercial building; and

WHEREAS, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code in relation to the proposed Live-Work unit; and

WHEREAS, the Planning Commission considered written information concerning the proposed exception at a duly noticed public hearing held on July 22, 2020; and

WHEREAS, the project is exempt from environmental review subject to Class 1, Section 15301(a): Existing Facilities:

***Evidence:** Approval of the proposed live-work unit only involves an interior alteration of installing a shower stall.*

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopt the following findings for the approval of Use Permit No. UP-20-05:

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

***Evidence:** Live-work is an allowed in the CH zoning district with approval of a Use Permit by the Planning Commission. Additionally, the project complies with SMC 17.52.130 Live-Work Units development standards.*

2. The proposed use is consistent with the General Plan and any applicable specific plan.

***Evidence:** The proposed live-work use is consistent with the following goals and policies of the General Plan, as the proposal would add a housing unit that complements the existing employment opportunities associate with the business: Goal LU-1: Promote a mixture of land uses and a balance of jobs and housing to support a community in which people can live, work, shop, and play; and Policy LU-1.4: Provide for a variety of housing that complements the employment opportunities in the community.*

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity.

Evidence: *The proposed live-work unit is located in an existing commercial structure with two businesses and such uses are compatible with potential future land uses in the CH zoning district.*

4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

Evidence: *The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.*

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

Evidence: *The granting of Use Permit would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other existing or future uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.*

NOW BE IT FURTHER RESOLVED, the Planning Commission hereby approves Use Permit No. UP-20-05 on the 22nd day of July 2020.

AYES:

NOES:

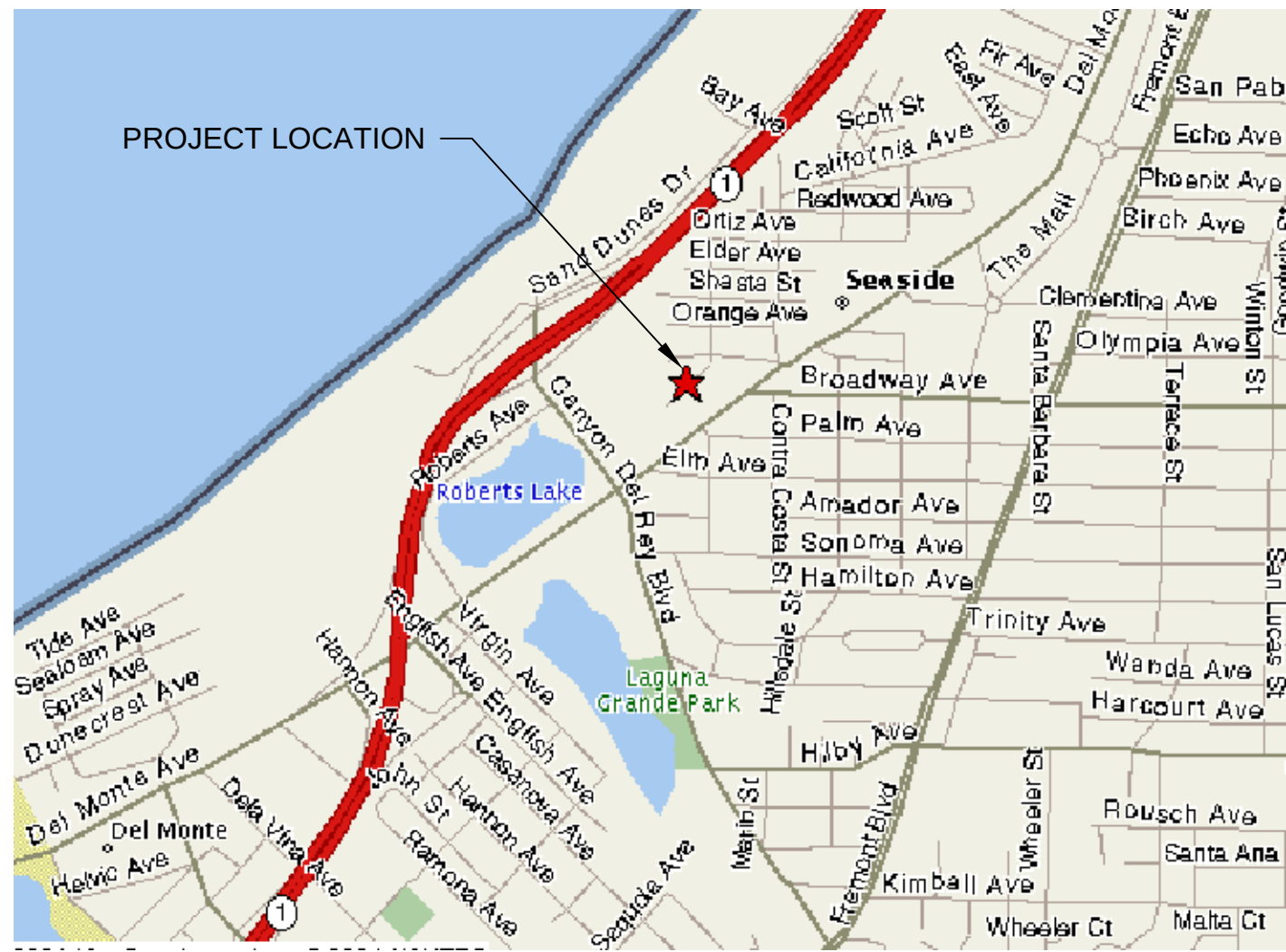
ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary



LOCATION MAP

N.T.S.

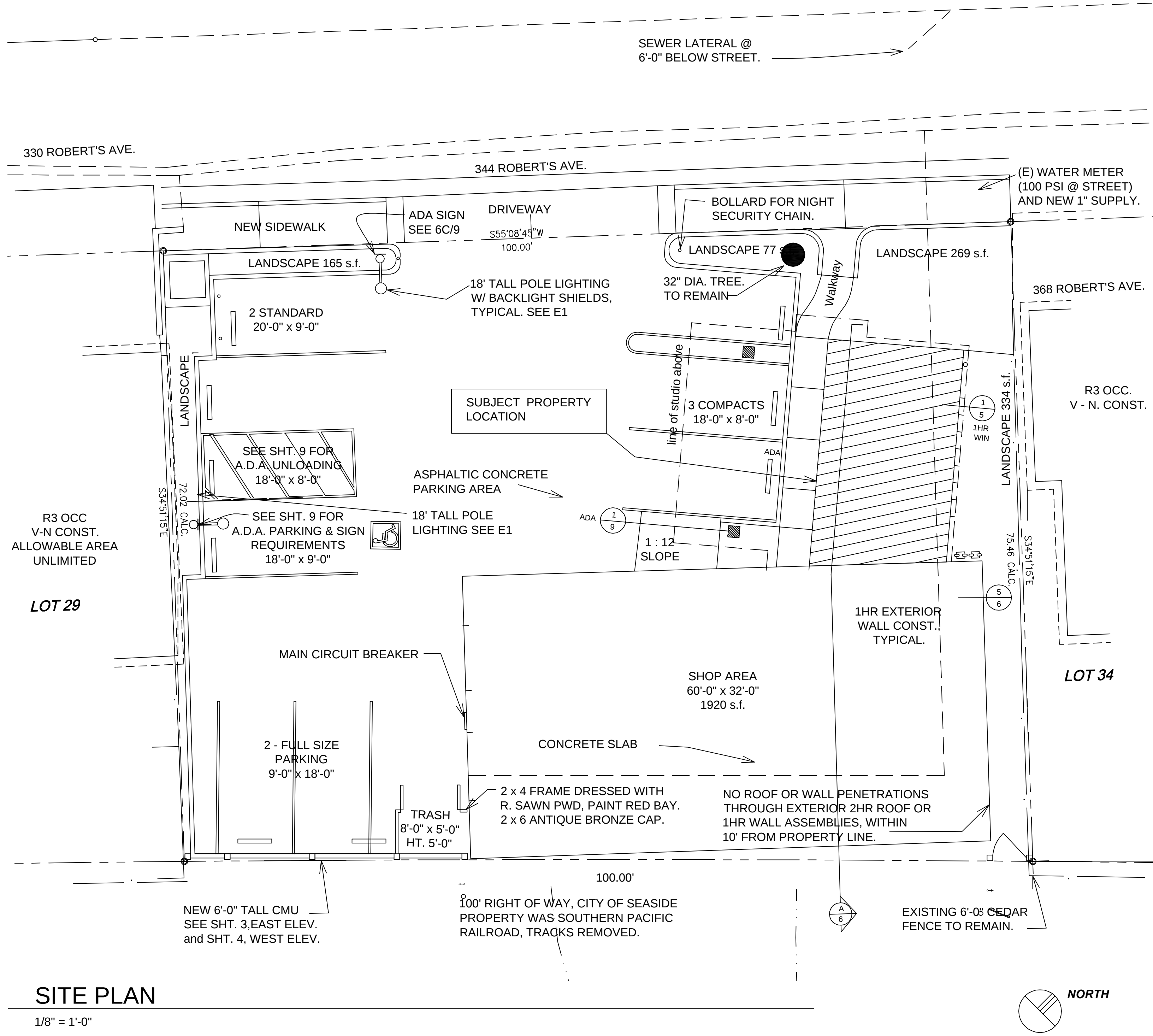


SOUTHWEST PHOTO

N.T.S.

ROBERTS AVENUE

(A 50' WIDE CITY STREET)



SITE PLAN

1/8" = 1'-0"

LIST OF DRAWINGS

- 1 SITE PLAN and LOCATION MAP, LIST OF DRAWINGS, PROJECT DESCRIPTION, SITE DEVELOPMENT REQUIREMENTS GENERAL NOTES.
- 2 FLOOR PLANS, DOOR, WINDOW & SHEARWALL SCEDULE
- 3 NORTH and WEST ELEVATIONS
- 4 SOUTH and EAST ELEVATIONS

PROJECT INFORMATION

- | | |
|--------------------------|--|
| 1. OCCUPANCY GROUPS | B/F2: (OFFICES / SHEET METAL SHOP) |
| 2. TOTAL FLOOR AREA | 3,458 S.F. |
| 1st FLOOR AREA | 2,430 S.F. |
| 2nd FLOOR AREA | 1,052 S.F. |
| 3. ALLOWABEL AREA | 8,000 S.F. |
| 4. FIRE SPRINKLE SYSTEM: | NO (MUNICIPAL ORD.) 15.04.060, I.SEC.10.309(i) |
| 5. STORIES | Two story |
| 6. FIRE ALARM | NO |
| 7. FIRE RET. ROOF | YES |
| 8. TYPE CONSTRUCTION | V-N |
| 9. ENERGY METHOD | Energy Pro 3.1 |

PROJECT DESCRIPTION

EXISTING BUILDING CONSISTS OF 1,920 S.F. NET (2,023 S.F. GROSS) OF F2 "CONTRACTOR'S STORAGE YARD", FOR FABRICATION AND ASSEMBLY OF SHEET METAL PRODUCTS, AND FOR USE BY CARSWELL SHEET METAL & HEATING (344 ROBERTS). ALSO 1,245 S.F. NET (1,435 S.F. GROSS) OF B "BUSINESS OFFICE SPACE" FOR USE BY A TO Z DESIGNS A BUILDING DESIGN FIRM (348 ROBERTS). THE PROPOSED PROJECT CONSISTS OF ADDING A SHOWER TO THE BATHROOM OF 348 ROBERTS IN ORDER TO ACCOMMODATE A LIVEWORK USE FOR THE OCCUPANT.

WATER REQUIRED FOR 3,048 S.F. (NET USABLE FLOOR AREA): .213 A.F. LESS (E) HOUSE 1,242 S.F.: .087 A.F. ADDITIONAL WATER: 1,808 x .00007 = .126 A.F. ALLOCATED TO 344 ROBERTS AVE. BY SEASIDE CITY COUNCIL APRIL 1, 2004.

DATA TABLE

A.P.N.:	011-561-006-000
SITE AREA:	7,350 S.F.
FOOT PRINT:	2,450 S.F.
ZONING:	H - HEAVY COMMERCIAL
USES:	B, F2
REQUIRED PARKING SPACES:	9: 4 - (20' x 9'), 1 - A.D.A. (18' x 9'), 4 - (16' x 8')
PROPOSED PARKING SPACES:	9: 2 - (20' x 9'), 1 - A.D.A. (18' x 9'), 3 - (18' x 8'), 2 - (18' x 9').

LOT COVERAGE:	ACTUAL	ALLOWABLE
BUILDING:	47% = 3,458 / 7,350	95%: 6,983 S.F
PARKING:	55% = 4055 / 7,350	
LANDSCAPE:	11% = 845 / 7,350	5%: 383 S.F.
SETBACKS:		
FRONT:	10'-0"	10'-0"
REAR:	0'-0"	6'-0"
RIGHT SIDE:	5'-0"	5'-0" MIN.
LEFT SIDE:	33'-10"	5'-0" MIN. 38'-0" COMBINED
HEIGHT:	27'-2"	36'-0" MAX.

OWNERS

ANTHONY ZAVITSANOS
560 BELDEN ST. STUDIO H
MONTEREY, CA 93940
(831) 402-4493

ROBERT CARSWELL
344 ROBERTS AVE.
SEASIDE, CA 93955
(831) 402-6472

APPLICANT

ANTHONY ZAVITSANOS,
BUILDING DESIGNER
560 BELDEN ST. STUDIO H
MONTEREY, CA 93940
cell (831) 402-4493

REVISIONS BY

SITE PLAN, PROJECT DESCRIPTION,
PROJECT REQUIREMENTS, LOCATION MAP.

A to Z DESIGN
560 - H BELDEN ST.
MONTEREY, CALIFORNIA 93940
(831) 373-7973

A to Z Designs
348 Roberts Avenue
SEASIDE, CA, 93955
A.P.N.: 011-561-006-000

DATE 6/08/2020

SCALE NOTED

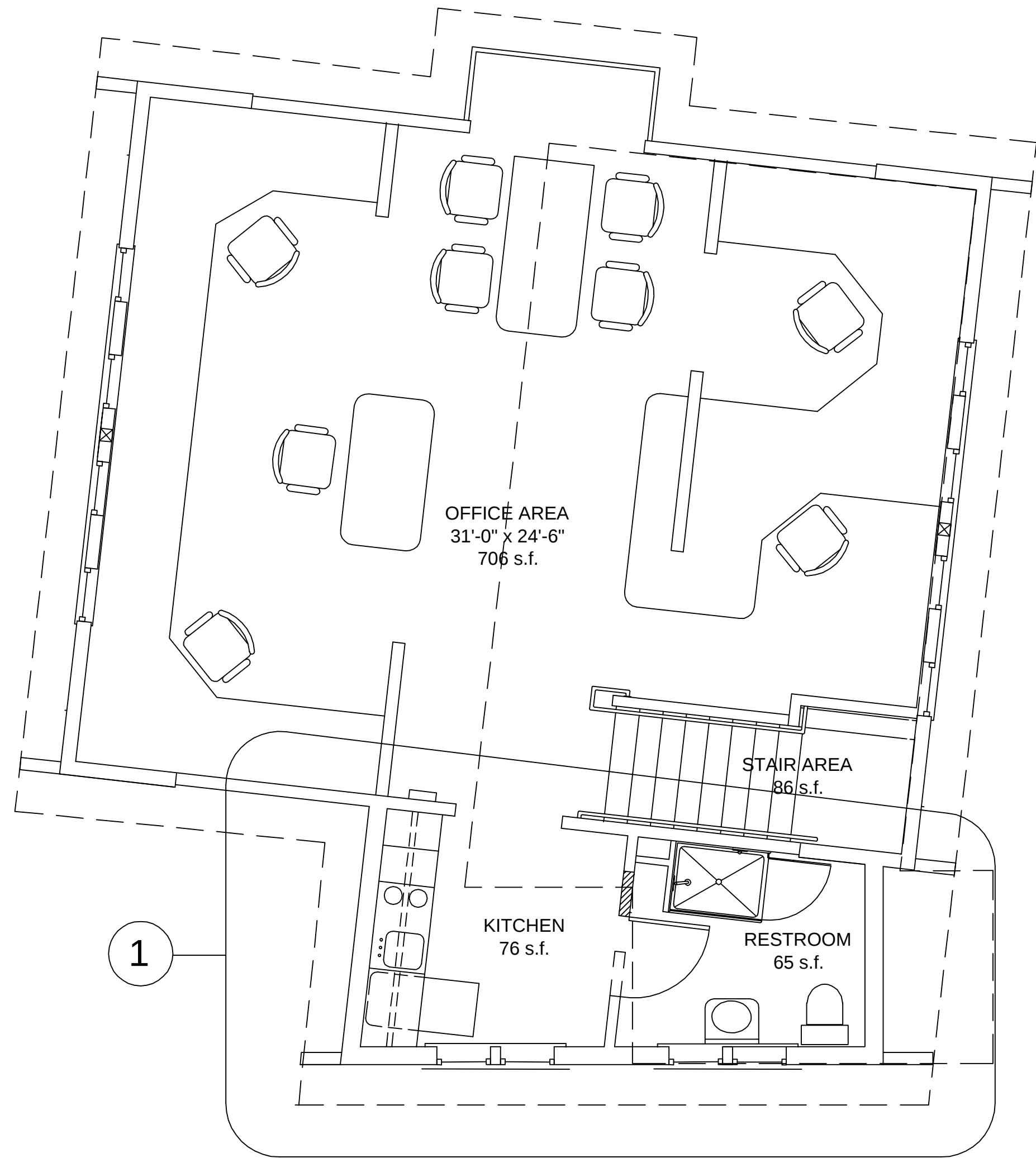
DRAWN AZ

JOB 040405

SHEET

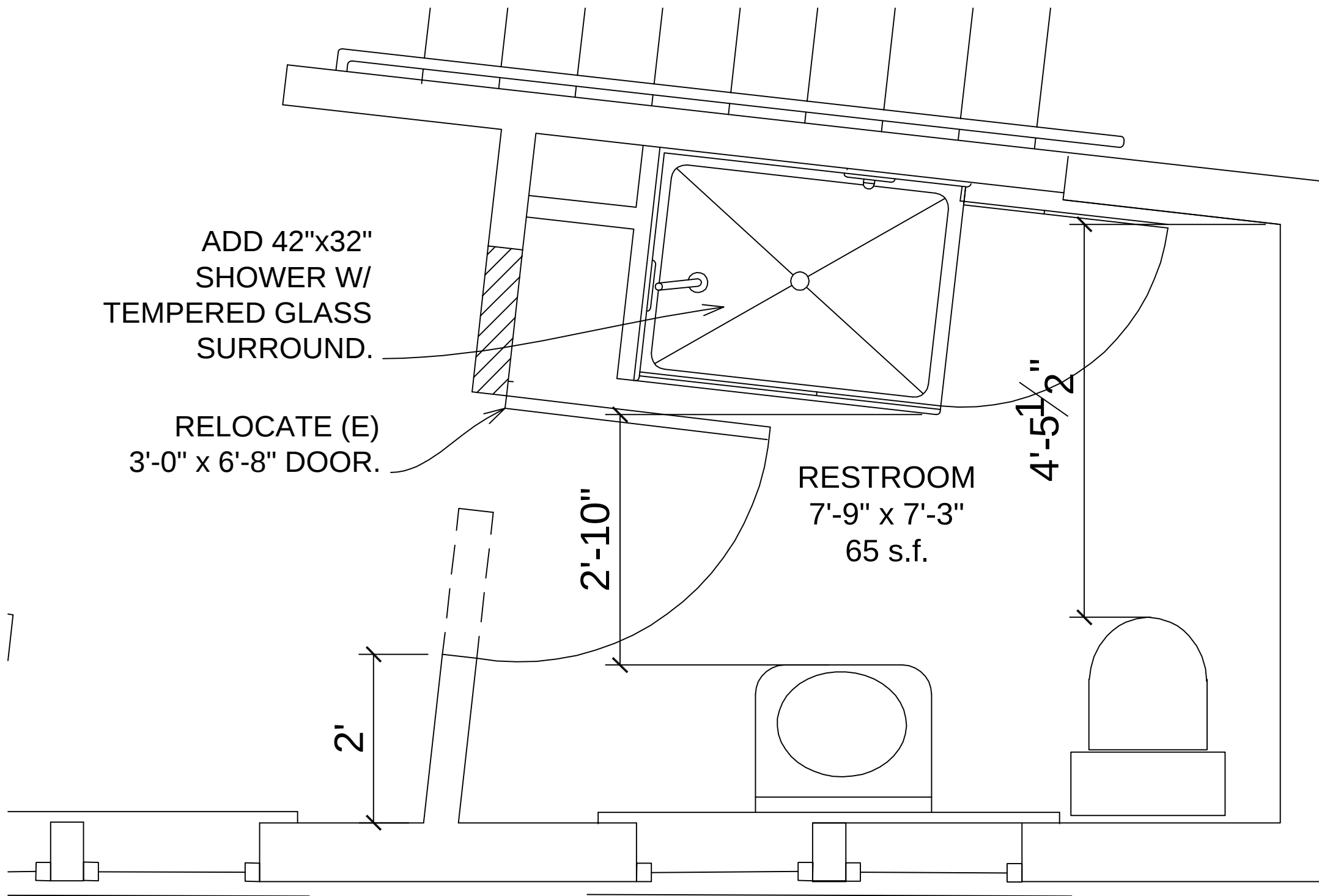
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OF 4 SHEETS



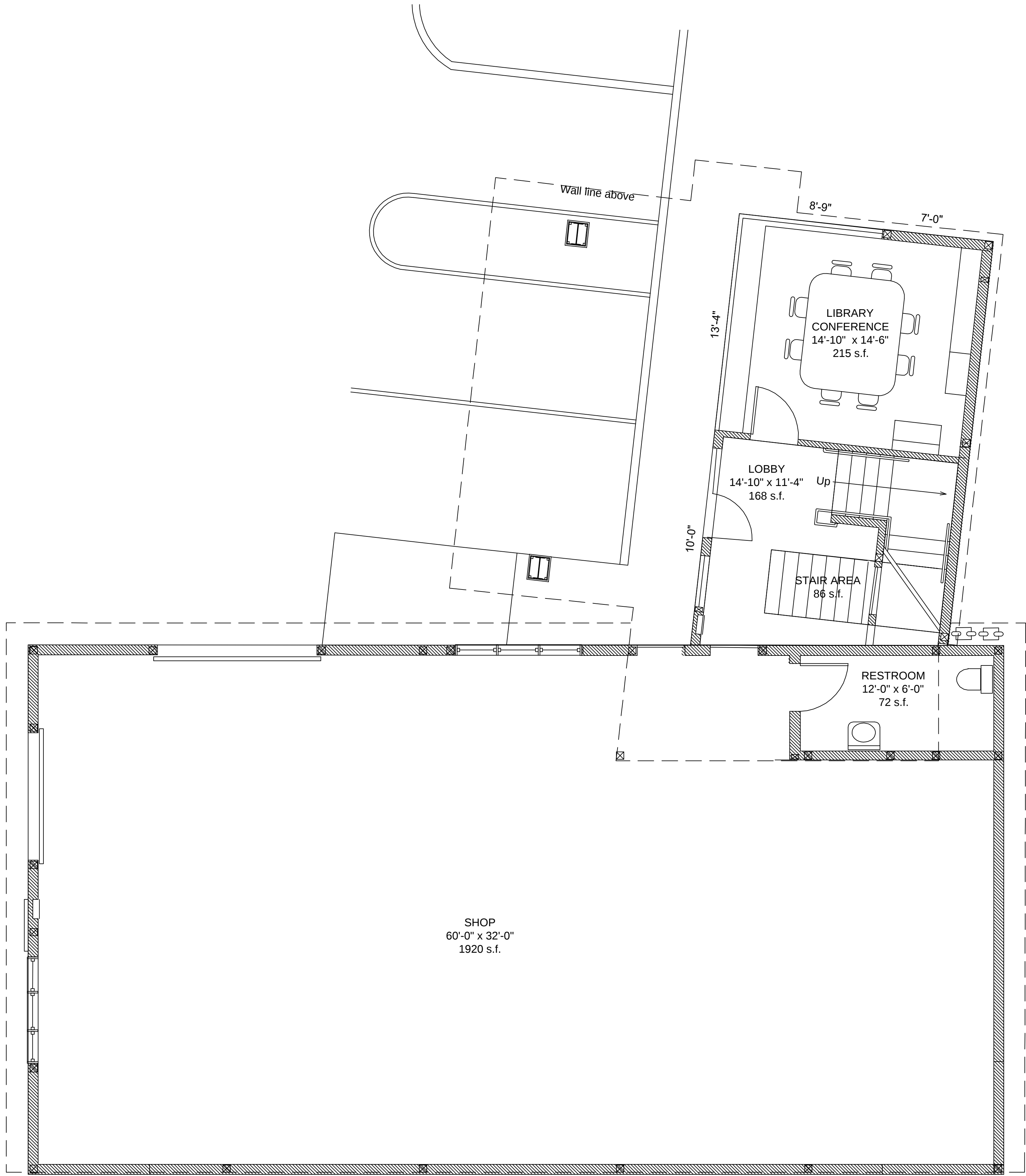
SECOND FLOOR PLAN

3/4" = 1'-0"



SECOND FLOOR BATHROOM PLAN

3/4" = 1'-0"



FIRST FLOOR PLAN

1/4" = 1'-0"

REVISIONS	BY

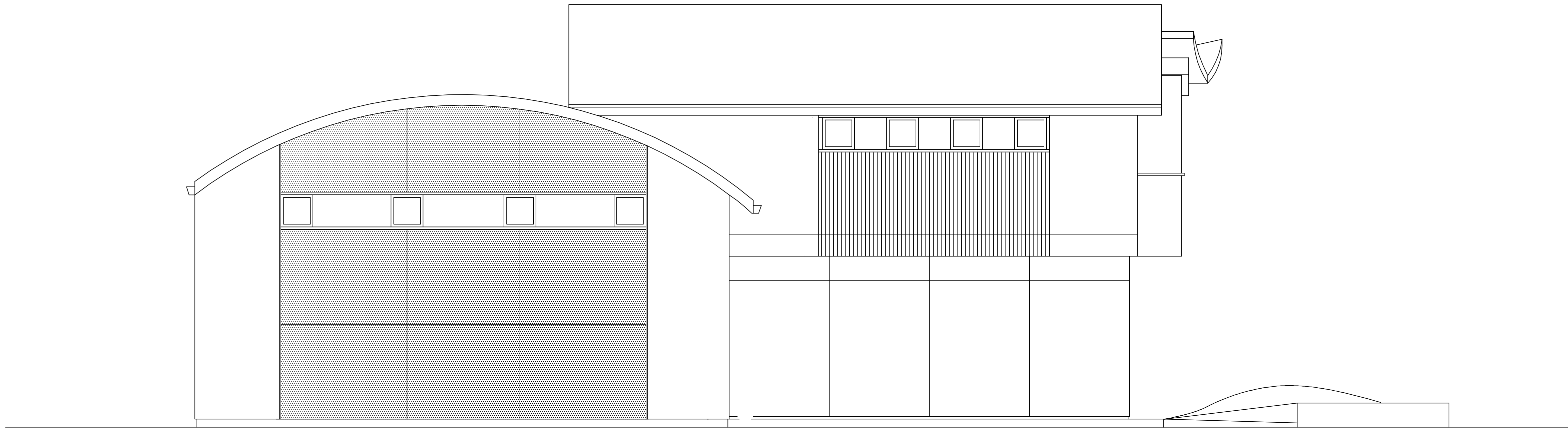
1ST & 2ND FLOOR PLANS, SHEAR SCHEDULE,
WINDOW & DOOR SCHEDULE, DETAILS.

A to Z DESIGN
560 - H BELDEN ST.
MONTEREY, CALIFORNIA 93940
(831) 373-7873 (831) 402-4493
a2zdesign@comcast.net



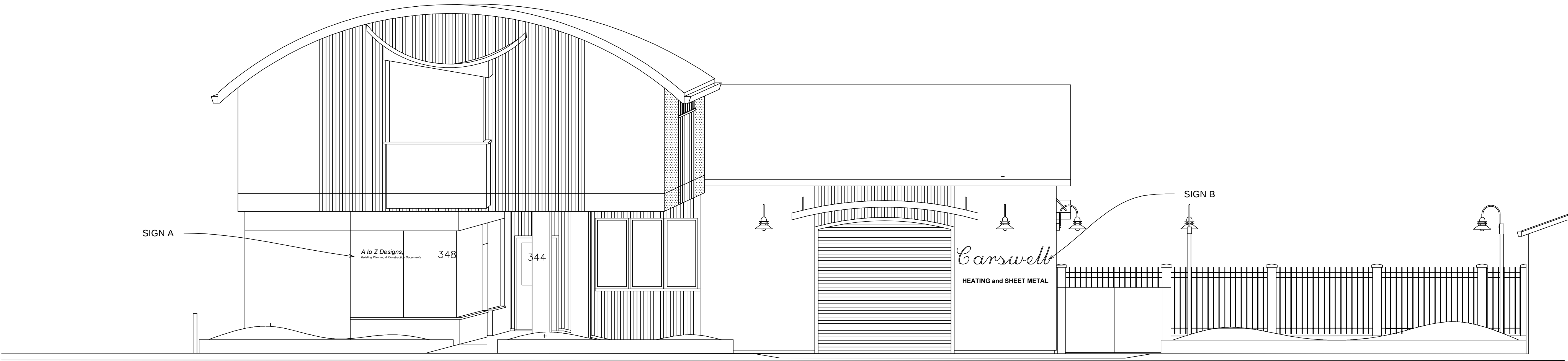
A to Z Designs
348 Roberts Avenue
Seaside, CA. 93955
A.P.N.: 011-561-006-000

DATE	6/08/2020
SCALE	NOTED
DRAWN	AZ
JOB	040405
SHEET	



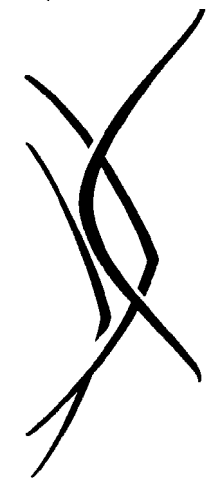
NORTH ELEVATION

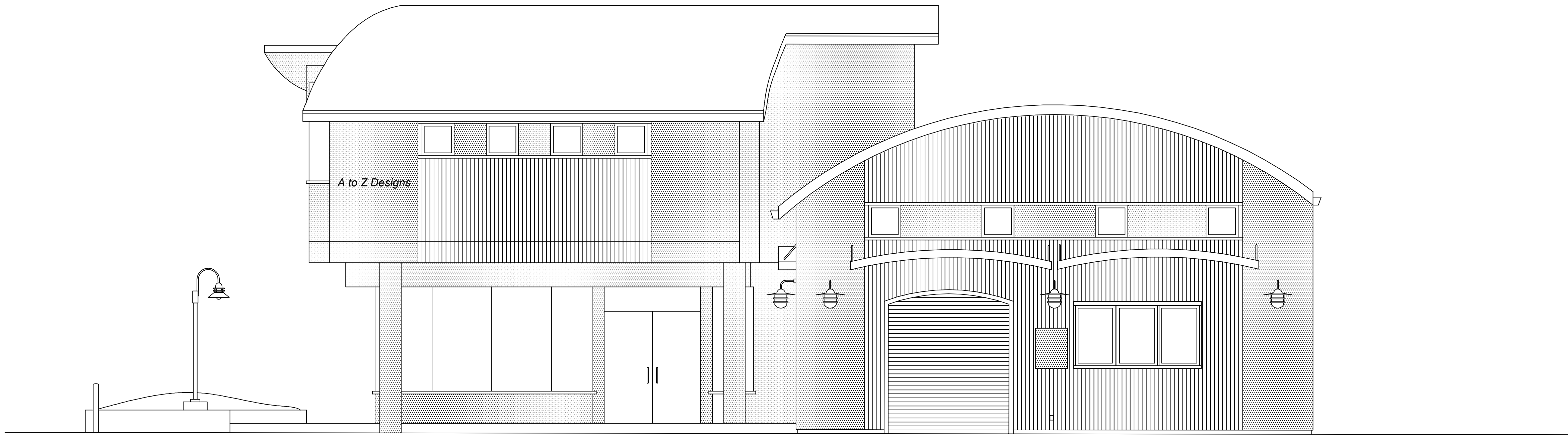
1/4" = 1'-0"



WEST ELEVATION

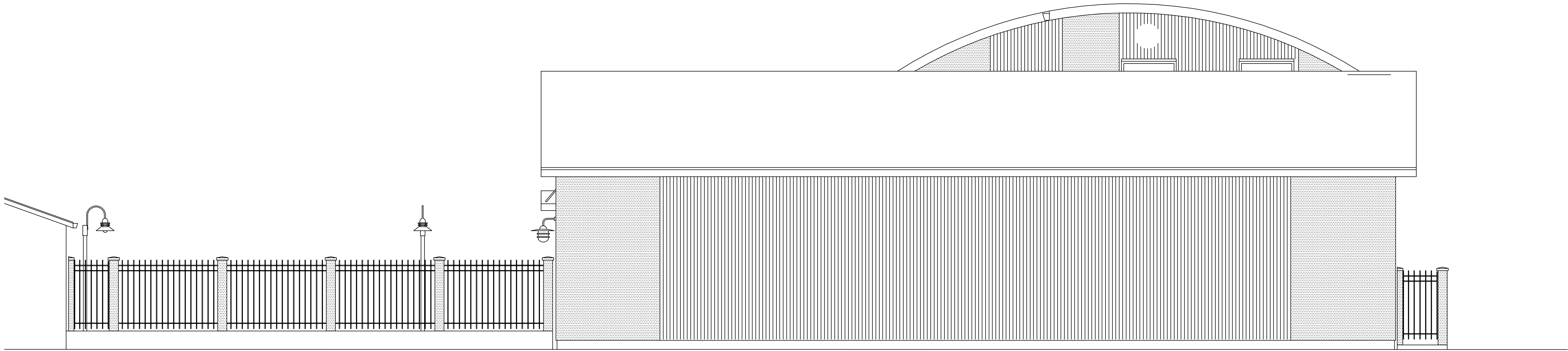
1/4" = 1'-0"

REVISIONS	BY
NORTH & WEST ELEVATIONS	
A to Z DESIGN 560 - H BELDEN ST. MONTEREY, CALIFORNIA 93940 (831) 373-7973 (831) 402-4493 a2zdesign@comcast.net 	
A to Z Designs 348 Roberts Avenue Seaside, CA. 93955 A.P.N.: 011-561-006-000 	
DATE	6/08/2020
SCALE	1/4"=1'-0"
DRAWN	AZ
JOB	040405
SHEET	3
OF 4	SHEETS



SOUTH ELEVATION

1/4" = 1'-0"



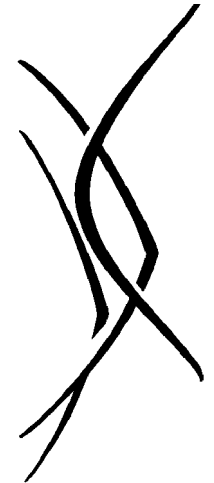
EAST ELEVATION

1/4" = 1'-0"

REVISIONS	BY

SOUTH & EAST ELEVATIONS

A to Z DESIGN
560 - H BELDEN ST.
MONTEREY, CALIFORNIA 93940
(831) 373-7973 (831) 402-4493
a2zdesign@comcast.net



A to Z Designs
348 Roberts Avenue
Seaside, CA. 93955
A.P.N.: 011-561-006-000

DATE	6/08/2020
SCALE	1/4"=1'-0"
DRAWN	AZ
JOB	040405
SHEET	

4

OF 4 SHEETS

RESOLUTION NO. 04-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING CONDITIONAL USE PERMIT APPLICATION NO. UP-04-14 FOR A CONTRACTOR'S STORAGE YARD IN CONJUNCTION WITH THE CONSTRUCTION OF A NEW 3,048 SQUARE-FOOT, COMMERCIAL BUILDING ON A VACANT LOT AT 344 ROBERTS AVENUE IN THE H (HEAVY COMMERCIAL) ZONING DISTRICT (APN: 011-561-006).

WHEREAS, Robert Carswell, Applicant and Property Owner, is requesting conditional use permit approval for a contractor's storage yard in conjunction with the construction of a new 3,048 square-foot, commercial building on a vacant lot; and

WHEREAS, the proposed contractor's storage yard requires a conditional use permit approval; and

WHEREAS, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, on August 18, 2004 the Board of Architectural Review recommended that the Planning Commission approve the proposed design; and

WHEREAS, the Seaside Planning Commission, at a duly noticed public hearing at its regularly scheduled meeting on September 8, 2004, considered oral comments and written information concerning the proposed project; and

WHEREAS, the project is Categorically Exempt, Class 3, Section 15303.

THEREFORE, BE IT RESOLVED THAT the Planning Commission approves the following findings for Conditional Use Permit Application No. UP-04-14:

1. The subject site is physically suitable for the type and density/intensity of the additional square footage being proposed.

Evidence: The proposed project complies with the setback requirements as stated in the Seaside Municipal Code Section 17.28.050(C)(D)(E) for the H – Heavy Commercial Zoning District; the proposed project is in compliance with the on-site required parking (Section 17.48.030(B) and (C); the lot coverage requirements (Section 17.48.050(E)); and building height limitations (Section 17.48.050(F)).

Evidence: On August 18, 2004, the Seaside Board of Architectural Review approved the architectural design of the proposed project.

Evidence: The location, size, design, and operating characteristics of the proposed

building are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

2. The approval of the site plan review for the proposed addition is in compliance with the requirements of the California Environmental Quality Act (CEQA).

Evidence: The proposed development meets the criteria for a Class 3 Categorical Exemption as outlined in Section 15303 of the California Environmental Quality Act (CEQA) Guidelines in that the project is consistent with the applicable general plan and general plan policies, is within the Seaside City Limits, the project site has no value as a habitat for endangered, rare or threatened species, will not result in significant effects relating to noise, air quality or water quality, and the site is adequately served by all required utilities and public services.

BE IT FURTHER RESOLVED THAT the Planning Commission approves Conditional Use Permit Application No. UP-04-14 subject to the following conditions:

1. Except as modified by the conditions of approval, plans submitted for a Building Permit shall substantially conform to the plans and color chart identified as "Carswell/Zavitsanos Commercial Building", consisting of six sheets submitted on August 10, 2004 (Attachment 1).
2. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of City Counsel or concurrent with the issuance of permits, use of the property, filing of the Parcel Map, whichever occurs first and as applicable. The City shall promptly notify the applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. If the City fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the applicant shall not thereafter be

responsible to defend, indemnify or hold the City harmless.

3. Prior to the issuance of a Building Permit, the Applicant must submit detailed landscaping and irrigation plans, information on the type of exterior lights and signs, and provide an example of the project materials that have been painted in accordance with the proposed color board for review and approval by the Board of Architectural Review.
4. All storm water runoff shall be contained and disposed of on site.
5. The storm water retention system to be reviewed and approved by the Public Works Department.
6. Any proposed future development must comply with the requirements of the Fire, Health, Planning, Building Inspection and Public Works Departments.
7. The issuance of building permits involving the installation of new water shall be subject to the availability of an adequate supply of water and sewer capacity to serve the project.
8. Any work within the public right-of-way must conform to current engineering standards and will require an encroachment permit from the Public Works Department.
9. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD) for the installation of any water fixtures. A building permit is required for construction of the addition.
10. There shall be no outside storage, including building materials and supplies, on the premises at any time.
11. No tandem parking will be permitted on the site.
12. The Conditional Use Permit approval is not valid until the applicant and property owner have signed and accepted the conditions of approval. Failure to sign the conditions and return them to the Community Seaside Development Department within 15 days from the date of approval will result in the Planning Commission approval becoming null and void. Project approval will become null and void if a building permit is not obtained within one year from date of approval to begin construction on project.

Resolution No. 04-40
File No. UP-04-14
Page 4

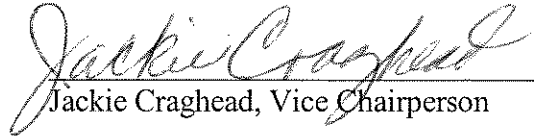
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 8th day of September 2004, by the following vote:

AYES: Commissioners Craghead, Meredith, , Montes, Robinson

NOES:

ABSENT:

ABSTAIN:


Jackie Craghead, Vice Chairperson

ATTEST:


Planning Commission Secretary

CONDITIONAL USE PERMIT NO. UP-04-14
RESOLUTION NO. 04-40

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the applicant and property owner(s).

The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Planning Commission.

Colleen R. Carswell
Applicant's Signature

DBA CARSWELL sheet metal
9/17/04
Date

Colleen R. Carswell
Anthony Quintana
Property Owner's Signature

9/17/04
Date