



AGENDA
CITY OF SEASIDE
PLANNING COMMISSION

VIRTUAL ONLY
REGULAR MEETING
Wednesday, August 12, 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 City Council 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 two (2) 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. July 22, 2020

7. BUSINESS ITEMS

A. FENCE EXCEPTION APPLICATION NO. FE 20-02: DAVID WOODMAN, APPLICANT AND PROPERTY OWNER, IS REQUESTING A FENCE EXCEPTION OF 2'-0" TO ALLOW FOR THE CONSTRUCTION OF A 6' TALL FENCE IN THE STREET SIDE SETBACK OF 1809 HAVANA STREET, LOCATED IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN: 012-622-059). THE PROJECT ALSO INVOLVES REPLACEMENT OF THE EXISTING NON-CONFORMING FRONT YARD FENCE WITH A FENCE THAT CONFORMS TO SEASIDE MUNICIPAL CODE 17.30.020. IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(1)(4).

RECOMMENDATION:

In accordance with Section 17.30.020.F of the Seaside Municipal Code the applicant/property owner is requesting approval of a fence exception to allow for the construction of a 6'-0" tall fence along the street side property line, which exceeds the maximum height limit by 2'-0", for a single family dwelling located at 1809 Havana Street in the Single Family Residential (RS-12) Zoning District (APN# 012-622-059).

Overall, the proposed fence height exception, replacement and relocation constitute a neighborhood improvement. Based on the analysis provided below, staff recommends approval of Fence Exception Application No. FE20-02. Motion options for the Commission include, but are not limited to, the following:

- *Motion 1- Approval of design Option 1:*

*Motion to approve Fence Exception application No. FE20-02 – construction of a 6' tall redwood fence, for a length of 43' (starting at rear property line), consisting of **flat topped** 5.5" wide pickets with no picket spacing, to be located at the street side property line of 1809 Havana Street.*

- *Motion 2- Approval of design Option 2:*

*Motion to approve Fence Exception application No. FE20-02 – construction of a 6' tall redwood fence, for a length of 43' (starting at rear property line), consisting of **dog-eared** 5.5" wide pickets with no picket spacing, to be located at the street side property line of 1809 Havana Street.*

- *Motion 3- Approval of design Option 3:*

*Motion to approve Fence Exception application No. FE20-02 – construction a 6' tall redwood fence, for a length of 43' (starting at rear property line), consisting of **alternating vertical and horizontal flat-topped** 5.5" wide pickets with no picket spacing, to be located at the street side property line of 1809 Havana Street.*

- *Motion 4- Approval of design Option 4:*

Motion to approve Fence Exception application No. FE20-02 – construction of a 6' tall redwood fence, for a length of 43' (starting at rear property line), consisting of

8. REPORTS FROM COMMISSIONERS

9. REPORTS FROM STAFF

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
August 19, 2020 Special Meeting
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.



CITY OF SEASIDE STAFF REPORT

Item No.: 7.A.

TO: Planning Commission

BY: Dana Morrison

DATE: August 12, 2020

SUBJECT: FENCE EXCEPTION APPLICATION NO. FE 20-02: DAVID WOODMAN, APPLICANT AND PROPERTY OWNER, IS REQUESTING A FENCE EXCEPTION OF 2'-0" TO ALLOW FOR THE CONSTRUCTION OF A 6' TALL FENCE IN THE STREET SIDE SETBACK OF 1809 HAVANA STREET, LOCATED IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN: 012-622-059). THE PROJECT ALSO INVOLVES REPLACEMENT OF THE EXISTING NON-CONFORMING FRONT YARD FENCE WITH A FENCE THAT CONFORMS TO SEASIDE MUNICIPAL CODE 17.30.020. IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(1)(4).

PURPOSE & RECOMMENDATION

In accordance with Section 17.30.020.F of the Seaside Municipal Code the applicant/property owner is requesting approval of a fence exception to allow for the construction of a 6'-0" tall fence along the street side property line, which exceeds the maximum height limit by 2'-0", for a single family dwelling located at 1809 Havana Street in the Single Family Residential (RS-12) Zoning District (APN# 012-622-059).

Overall, the proposed fence height exception, replacement and relocation constitute a neighborhood improvement. Based on the analysis provided below, staff recommends approval of Fence Exception Application No. FE20-02. Motion options for the Commission include, but are not limited to, the following:

- *Motion 1- Approval of design Option 1:
Motion to approve Fence Exception application No. FE20-02 – construction of a 6' tall redwood fence, for a length of 43' (starting at rear property line), consisting of **flat topped** 5.5" wide pickets with no picket spacing, to be located at the street side property line of 1809 Havana Street.*
- *Motion 2- Approval of design Option 2:
Motion to approve Fence Exception application No. FE20-02 – construction of a 6' tall*

*redwood fence, for a length of 43' (starting at rear property line), consisting of **dog-eared** 5.5" wide pickets with no picket spacing, to be located at the street side property line of 1809 Havana Street.*

- Motion 3- Approval of design Option 3:

*Motion to approve Fence Exception application No. FE20-02 – construction a 6' tall redwood fence, for a length of 43' (starting at rear property line), consisting of **alternating vertical and horizontal flat-topped** 5.5" wide pickets with no picket spacing, to be located at the street side property line of 1809 Havana Street.*

- Motion 4- Approval of design Option 4:

*Motion to approve Fence Exception application No. FE20-02 – construction of a 6' tall redwood fence, for a length of 43' (starting at rear property line), consisting of **5' of solid fence with 1' of crossed lattice**, to be located at street side property line. Solid portion would consist of 5.5" wide pickets with no picket spacing of 1809 Havana Street.*

BACKGROUND

As noted in the site photographs, the site has an existing non-conforming fence along the rear, street side property line. The property owner purchased the property in 2015. The existing non-conforming fence has been in place since at least 2011, though likely longer. At that time a non-conforming hedge was located in the offset between the sidewalk and fence, which predominantly blocked the view of the fence. The hedge has since been removed, along with a tree which was located in the front yard.

The applicant's statement in support of a fence exception is provided as Attachment 5 and offers the following reasons in support of the approval of the fence exception.

1. The current fence height allows for pedestrians along San Pablo to directly view into the master bedroom.
2. San Pablo is a high traffic area for pedestrians and vehicle traffic and the increased fence height will create an improved buffer.
3. Safety concerns due to neighborhood vandalism and neighborhood dogs (both dog and human feces have been left in the offset between the property line and existing fence).

Tree:

The tree, seen in Attachment 4, was removed as a result of a misunderstanding between the new property owners and a landscaper, which resulted in the accidental removal of the tree. A tree removal permit was not obtained before removal occurred. Per SMC 8.54 (Trees) all tree removals within the City require approval of a tree removal permit by the Public Works Director. Retroactive Tree Removal Permits, copy of application is located in Attachment 9, are typically processed when the city finds a removal was done without a permit and are charged a double-fee; this will be addressed by code enforcement but has been included as a Condition of Approval. According to the applicant, since the tree was removed the following trees have been planted on the property: a pineapple guava, a fig, a persimmon, 2 avocados and 2 lemon trees. A plum and pomegranate tree are also proposed to be planted once the fence work has been completed.

SITE LOCATION AND DESCRIPTION

The project site is approximately 5,800 square feet in area and is developed with a 1,280 square foot single story residence. 1809 Havana Street is a corner lot which is located at the intersection of Havana Street and San Pablo Avenue. Adjacent land uses consist of single-family residential dwellings.

PROJECT DESCRIPTION:

As part of their continued property improvements the owners of 1809 Havana Street are planning to replace the existing fencing on both street facing sides of their property: the frontage along Havana Street and the frontage along San Pablo Avenue.

It should be noted, that this application is only to approve the requested exemption to allow an additional 2'-0" of fence height along 43' of fence located on the street side yard facing San Pablo. The replacement front yard fence will be required to be in conformance with SMC 17.30.020 and traffic safety visibility area requirements (this has also been included as a Condition of Approval), as such it does not require a fence exception. While the front yard fence is not under review said fence will have an overall impact on site and neighborhood aesthetics, in conjunction with the proposed fence exception, as such it is discussed below for informational purposes. It is the goal of the property owner to have the front yard fence be in keeping with whatever final design option the Commission chooses for the street side fence.

Street Side Fence (portion proposed for height exception):

The existing street side fence varies in height from 52"-68" above grade and runs along the rear 43' of the street side property line. The current fence is setback ~24" from the street side property line. The fence design consists of 12" wide vertical wood pickets with no picket spacing (see Attachment 4).

Proposed Fence Exception: The property owner is requesting to remove the existing fence and construct a 6'-0" tall fence on their property line along the rear 43' of the street side property line (see Attachment 2 – Site Plan); this will remove the ~24" offset located between the fence and the edge of sidewalk. The applicant has proposed a number of different design options (see Attachment 6 – Street Side Fence Design Options). However, all designs propose to use 5.5" wide redwood pickets with no picket spacing.

Front Yard Fence and initial 30' of Street Side Yard Fence:

The existing front yard fence varies in height from 47" to 54" above grade; runs along the first 30' of the street side yard and along 55' of the front yard. The current fence is setback between 24"-36" from the front property line. The fence design consists of alternating panels; solid and lattice. The solid portions of the fence consist of 12" wide vertical wood pickets with no picket spacing, see Attachment 4.

Proposed Front Yard Fence: The property owner intends to install a 48" tall redwood fence consisting of 5.5" wide pickets with no picket spacing; they would choose flat-topped or dog-eared boards depending on what side yard fence design option. The new fence would be located on the property line, thereby removing the existing offset. The property owner has stated that they would be willing to incorporate some alternative design options which maintain some transparency in the front yard, see Attachment 7.

While the applicant is requesting an exception, overall the project will effectively remove a 100% non-conforming fence (front and street side) and replace them with fencing that will be predominantly conforming; barring the requested exception for an additional 2' of height along the rear 43' of the street side yard.

CEQA

This project is Categorically Exempt from the California Environmental Quality Act pursuant to Section 15303(e): New Construction of Small Structures. Class 3 categorical exemptions consist of the construction of small structures including fences.

Evidence: Approval of the proposed fence exception would result in the approval of a 6 foot high redwood fence at 1809 Havana Street. A fence consists of a minor improvement that is categorically exempt from CEQA.

STAFF ANALYSIS AND FINDINGS

Fence exception rules are listed under SMC Section 17.30.020.F.1 and 2. The process mandates that where a physical hardship exists because of unique or unusual topographic conditions or structure location, the commission may approve a fence exception subject to the following findings:

- A general safety hazard to City residents and/or the general public would not be created.
- A traffic-related safety hazard would not be created.
- The fence or wall will not impair visibility at an intersection or traffic safety visibility area.
- The fence or wall will not obstruct vision from an adjoining driveway.
- The fence or wall is compatible with the surrounding neighborhood

Physical Hardship

A physical hardship (e.g. irregular lot size, slope, building placement, utilities) exists when there are conditions that would preclude the property owner from the reasonable use of their property if the fence exception is not granted. Due to the existing topography of the lot, the house sits between 2-3' lower than the grade at sidewalk allowing for clear views in the master bedroom. The proposed height increase of the rear 43' of the fence along the street side property line will provide privacy for the master bedroom and additional privacy to the backyard.

It should be noted, that the majority of properties which abut San Pablo Avenue are orientated to front this street. Of the 35 houses along this portion of San Pablo (running from General Jim Moore Boulevard to the intersection for San Pablo and Mescal Street) only 12 have side yards which abut San Pablo. Due to the existing topography of the area, 8 of these 12 houses have residences which are located at a grade much higher than that of the street and sidewalk (see Attachment 8 – Topo Map and San Pablo Ave Map + Photos). Only the subject property, and three other houses (all located along the northern side of San Pablo Avenue) have sidewalk grades that are higher than the grade of the residence.

Neighborhood Compatibility

The following objective information concerning the topic of neighborhood compatibility illustrates the conditions of fences along San Pablo Avenue with respect to nonconforming fences, design compatibility, and conforming fences.

A survey of 35 homes along this portion of San Pablo Avenue resulted in the following information regarding fences:

- Homes with **nonconforming fence material** (chain link, SMC 17.30.020.E. Prohibited Materials): 5.
- Homes with **nonconforming fence height** (17.30.020.B.1, Table 3-1): 5.
- Homes with **conforming fence height and materials**: 12; 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 a fence: 13.

In summary, 14.25% of homes have nonconforming fence materials; 14.25% of homes have nonconforming fence height; 34.25% of homes have conforming fences; 37.25% have no fences. The majority of the homes with fences have then site directly on the property line. Further details are discussed below.

Siting of Fence

A survey of the 12 houses which have side yards which front San Pablo resulted in the following information regarding the siting of fences:

- Homes with **fence at property line (non-conforming height or material)**: 4 – 33.3%.
- Homes with **fence property line (conforming height or materials)**: 2 – 16.7%.
- Homes with **fence setback 15' and conforming**: 3 - 25%
- Homes without **no fence**: 3 – 25%

As discussed in the project description the applicant is seeking to place the replacement fence at the property line. This does appear to be in keeping with the general neighborhood characteristic which has 50% of fences located at the property line.

Zoning Ordinance Consistency

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 6 foot fence for the street side yard provides additionally screening to the master bedroom and is not substantially taller than the existing non-conforming fence. The proposed fence would not create a safety hazard to the general*

public.

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

Evidence: *The proposed street side fence does not pose a traffic-related safety hazard due to its location at the rear of the property. Furthermore, the proposed fence is located 15' from the adjacent driveway located at 1881 San Pablo and will not obstruct vision. The proposed replacement fence for the front yard will be constructed as required by SMC17.30.020 and will not obstruct the site distance at the intersection of Havana Street and San Pablo Avenue. As such, the proposed project will provide ample visibility to allow for the safety of pedestrians and vehicles turning from Havana Street onto San Pablo Avenue.*

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

Evidence: *The proposed front yard fence reconstruction will replace an existing non-conforming fence located at an intersection. The reconstructed fence will be constructed to meet SMC requirements for fence heights of corner lots (SMC 17.30.020). The proposed 6-foot street side yard fence will start 30' from the intersection in accordance with SMC 17.30.020 (Figure 3.1) and as such will not impair visibility at the intersection.*

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

Evidence: *The proposed fence is located 15' from the driveway located on the neighboring property at 1881 San Pablo Avenue and will not obstruct vision from said driveway.*

5. The fence is compatible with the surrounding neighborhood.

Evidence: *The fence design would be an improvement to a neighborhood which contains a wide variety of fence types: from solid (no transparency), to non-conforming height, to nonconforming materials, to no fencing at all. As discussed earlier, the subject property is one of only four residence along this portion of San Pablo which have a residence which is sited below the grade of the sidewalk. The proposal offers to install a conforming fence in the front yard and along the initial 30' of the street side yard frontage, with only a height exception being requested for the remaining 43' of street side yard. The redwood material proposed can be found in other fences located in the area.*

ATTACHMENTS

1. Attachment 1 - Resolution and COAs
 2. Attachment 2 - Location Map
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3. Attachment 3 (Exhibit A) - Site Plan
 4. Attachment 4 - Historical (tree) and Existing Site Photos
 5. Attachment 5 - Applicant Statement & Application
 6. Attachment 6 - Street Side Fence Design Options
 7. Attachment 7 - Front Yard Fence Design
 8. Attachment 8 - Topo Map and San Pablo Ave Residence Photos + Map
 9. Attachment 9 - Retroactive Tree Permit
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Attachment 1

PLANNING COMMISSION RESOLUTION NO. 20-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING FENCE EXCEPTION APPLICATION NO. FE20-02 TO ALLOW FOR A 6'-0" TALL FENCE WITHIN THE STREET SIDE YARD PROPERTY LINE LOCATED AT 1809 HAVANA STREET (APN # 012-622-059).

WHEREAS, David Woodman, property owner and applicant, has applied for approval of a Fence Exception permit to allow for a 6'-0" tall fence to be located within the street side yard setback thereby exceeding the maximum height requirements of Zoning Code Section 17.30.020.B.1 within the street side setback by 2'-0"; 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 August 12, 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 as 6 foot high redwood fence at 1809 Havana Street. A fence consists of a minor improvement that is categorically exempt from CEQA.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for approval of Fence Exemption Application No. FE20-02:

Finding No. 1

Physical hardships exist based upon unique or unusual topographic conditions or structure location.

Evidence: Due to the existing topography of the lot, the house sits between 2-3' lower than the grade at sidewalk allowing for clear views in the master bedroom. The

proposed height increase of the rear 43' of the fence along the street side property line will provide privacy for the master bedroom and additional privacy to the backyard.

Finding No. 2

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 6'-0" fence for the street side yard provides additionally screening to the master bedroom and is not substantially taller than the existing non-conforming fence. The proposed fence would not create a safety hazard to the general public.*

Finding No. 3

A traffic-related safety hazard would not be created.

Evidence: *The proposed street side fence does not pose a traffic-related safety hazard due to its location at the rear of the property. Furthermore, the proposed fence is located 15' feet from the adjacent driveway located at 1881 San Pablo and will not obstruct vision. The proposed replacement fence for the front yard will be constructed as required by SMC17.30.020 and will not obstruct the site distance at the intersection of Havana Street and San Pablo Avenue. As such, the proposed project will provide ample visibility to allow for the safety of pedestrians and vehicles turning from Havana Street onto San Pablo Avenue.*

Finding No. 4

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

Evidence: *The proposed front yard fence reconstruction will replace an existing non-conforming fence located at an intersection. The reconstructed fence will be constructed to meet SMC requirements for fence heights of corner lots (SMC 17.30.020). The proposed 6-foot street side yard fence will start 30' from the intersection in accordance with SMC 17.30.020 (Figure 3.1) and as such will not impair visibility at the intersection.*

Finding No. 5

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

Evidence: *The proposed fence is located 15' from the driveway located on the neighboring property at 1881 San Pablo Avenue and will not obstruct vision from said driveway.*

Finding No. 6

The fence is compatible with the surrounding neighborhood.

Evidence: *The fence design would be an improvement to a neighborhood which contains a wide variety of fence types: from solid (no transparency), to non-conforming height, to nonconforming materials, to no fencing at all. As discussed earlier, the subject property is one of only four residence along this portion of San Pablo which have a residence which is sited below the grade of the sidewalk. The proposal offers to install a conforming fence in the front yard and along the initial 30' of the street side yard frontage, with only a height exception being requested for the remaining 43' of street side yard. The redwood material proposed can be found in other fences located in the area.*

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Fence Exception Application No. FE20-02 subject to the following terms and agreements:

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 (Attachment 3- Site Plan).
2. Replacement fence for the front yard shall be in compliance with SMC 17.30.020 and vision triangle requirements.
3. A Retroactive Tree Removal Permit shall be applied for and paid prior to building permit issuance.

Public Works

1. An Encroachment Permit will be required prior to the initiation of any work within the public right-of-way.

Standard:

1. The Fence Exception 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 onsite 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 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.
4. 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.
5. 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.

NOW BE IT FURTHER RESOLVED, the Planning Commission hereby approves Fence Exception Application No. FE20-02, on the 12th day of August 2020, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

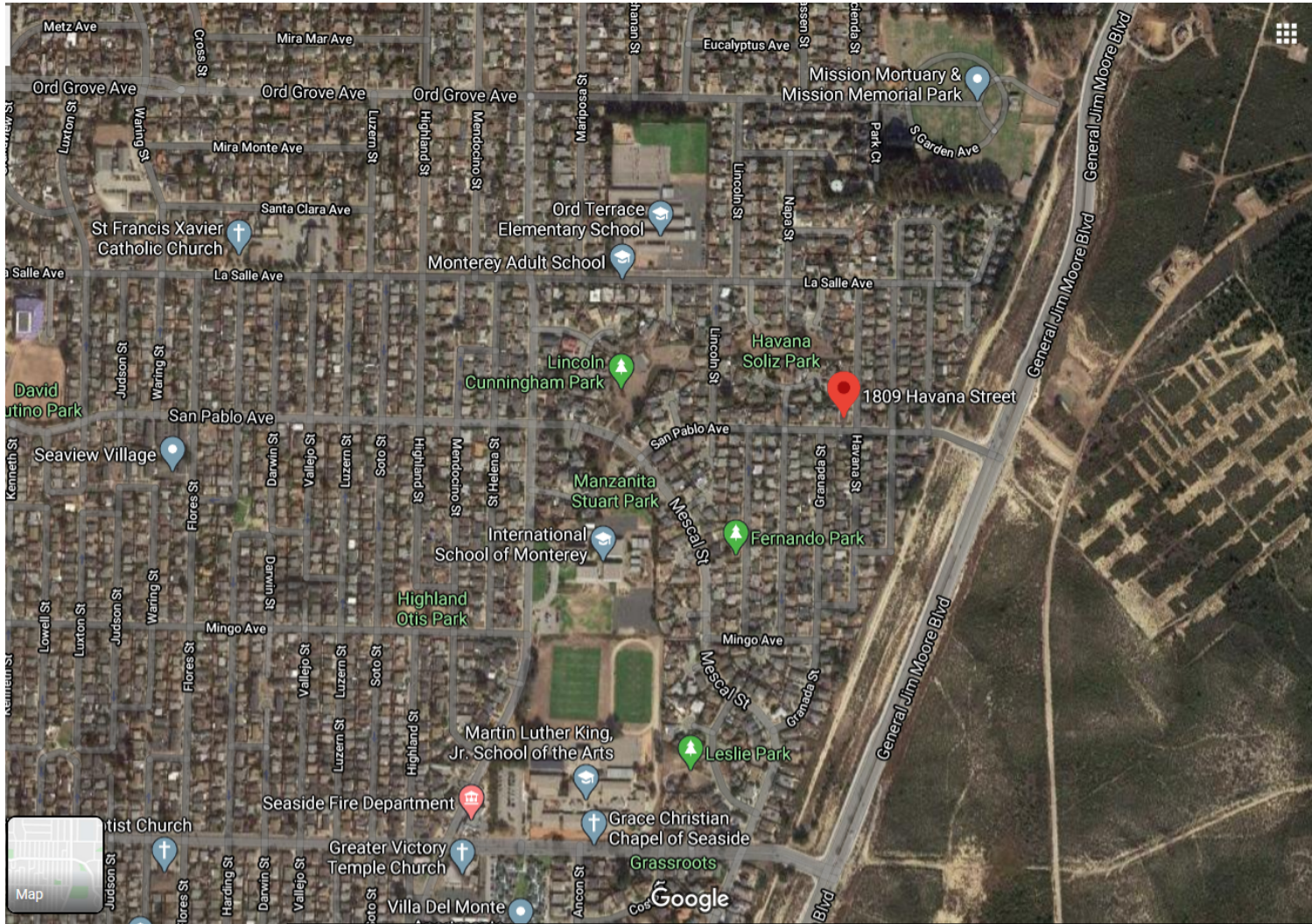
John Owens, Chairperson

ATTEST:

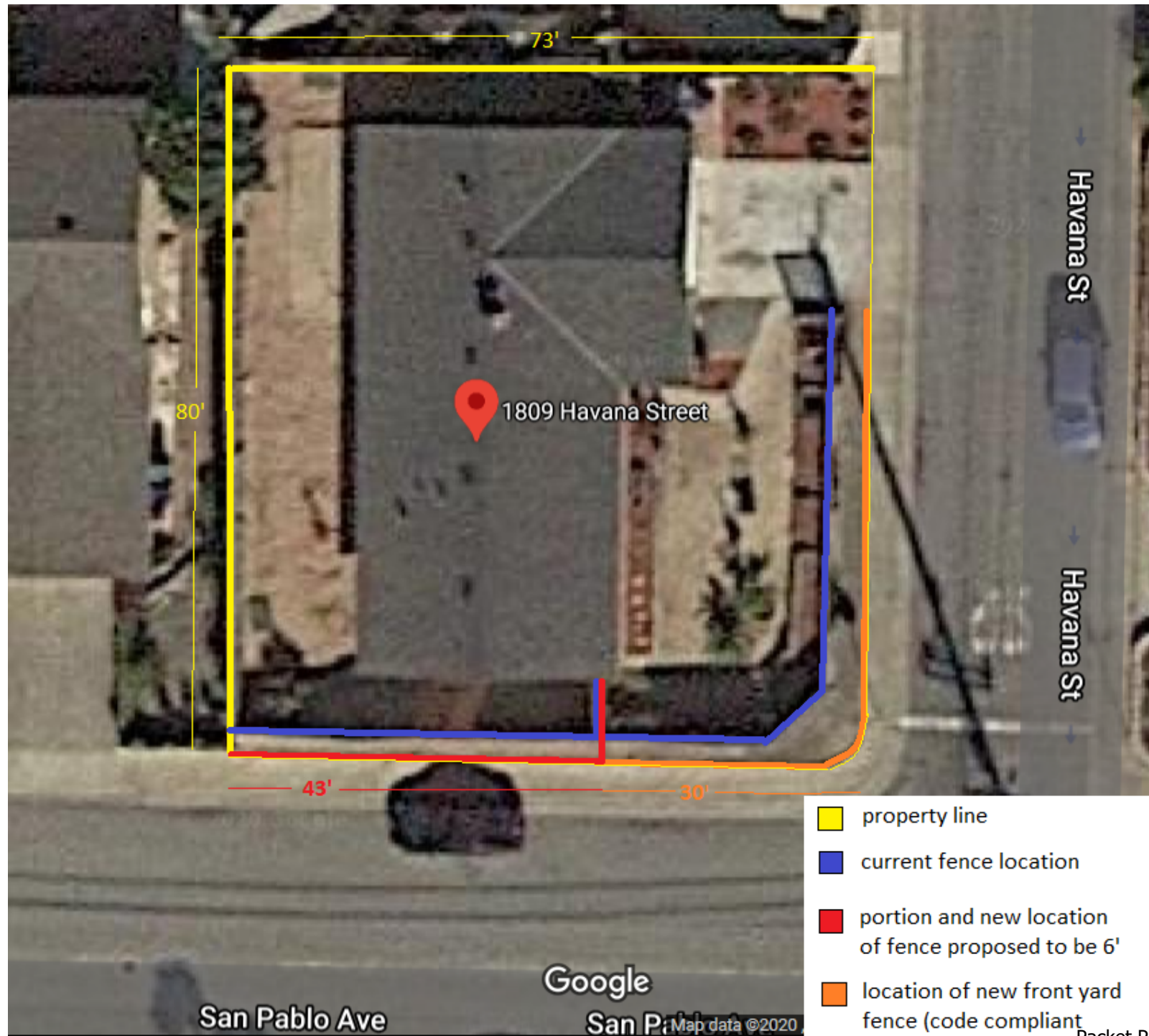
Planning Commission Secretary

Attachment 2

Location Map



Site Plan



Attachment 4
Historical and existing site photos



Street view photo of property in 2011, from San Pablo Avenue



Street view photo from 2011 which shows the tree which was removed.



Street view photo of property in 2020, from San Pablo Avenue.



Street view from 2020, Havana Street frontage.

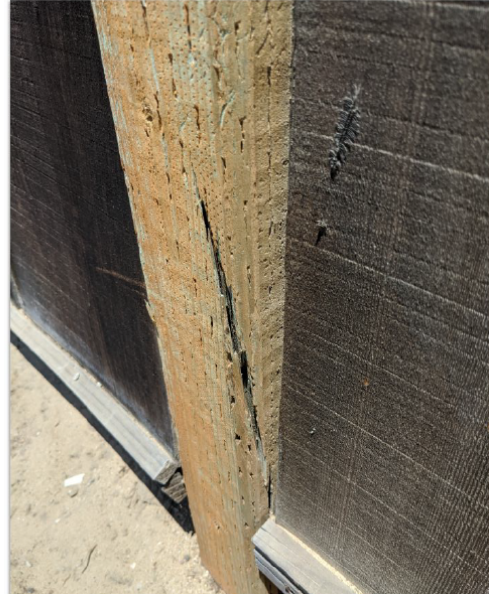


Photos of front yard

Photos from applicant:



**Selection of claw marks
from dogs trying to get to
mine on San Pablo Side
backyard.**



**Fence is failing and
needs rebuilding
urgently.**

FE-20-02
0021233

CITY OF SEASIDE Resource Management Services | Planning Division *Fence*

Exception Application

Project Address or Location: 1809 Havana st

APN: Project Description (attach if needed): remove broken/failing fence and replace with a new one along the perimeter of the property.

Applicant / Primary Contact:

Name: David Woodman

Address: 1809 havana st

City: Seaside

State: CA

Zip: 93955

Phone Contact: 617-960-6112

Email: woodman155@gmail.com

Property Owner:

Name: David Woodman

Address: 1809 Havana st

City: Seaside

State: CA

Zip: 93955

Phone Contact: 617-960-6112

Email: woodmand155@gmail.com

Property Owner's Statement: I am submitting this exception form in the hopes to 1) be able to build the backyard half of my fence at the height allowed for backyards. (6'). 2) build my fences on my property line. The rear half of my yard is street facing however the current height allows passerbys views into my yard including my bedroom. Our street is a high traffic area for pedestrians and vehicle traffic. Of more concern, a number of troubling incidents and criminal activity have occurred making the rebuilding of our fence a priority. This includes but is not limited to:

1. Breaking and entering of a vehicle adjacent to our property. After stealing the owners phone, cash and cards, the unwanted items were discarded over our fence
2. Drunken street fights next to our home (San pablo side) that lead to a section of our fence being knocked down and a knife stuck in it
 - a. Garbage thrown in to the yard over our fence
3. Human feces on the offset area of our property
 - a. A significant volume of neighborhood dogs defecate on our offset
4. A vomit filled towel thrown over our fence

Our fence is an eye sore to the neighborhood especially for such a high traffic area. The above gives a practical, safe and aesthetic need for rebuilding our fence at the requested height. There are multiple homes within a small radius of ours that have street facing fences at the requested height as well as ALL fences around us built on the property line so we would not significantly

change the makeup of the neighborhood. Another important factor is that this will not obstruct drivers views at the intersection.

"By my signature, I hereby certify that I am the legal owner of record of the property identified in this application and that I approve of the requested action herein. I further certify that all data, information, plans and evidence submitted as part of this application is true and correct to the best of my knowledge."

Signature: David Woodman

Date: 7/16/2020

Submittal Requirements

1. Site Plan - Five (5) full-size plan sets of existing and proposed site characteristics, drawn to scale, showing the exact location of the requested fence or wall to be exempt and its proposed height **2.** In accordance with Section 17.030.020.F of the Seaside Zoning Code, approval of a fence or wall exception shall require all of the following findings to be made by the review authority. Provide written or illustrative evidence that the proposed fence exception would comply with these findings: a. A traffic-related safety hazard is not being created; b. The fence or wall will not impair visibility at an intersection; c. The fence of wall will not obstruct vision from an adjoining driveway; d. The fence or wall is compatible with the surrounding neighborhood.

Fees as per current adopted fee schedule Fee Collected: Receipt #: Accepted By: Date Accepted:

TO BE COMPLETED BY STAFF

Fee Collected:

\$ 500

Receipt #:

2000 12827

Accepted By:

JFT

Date Accepted:

7/22/2020

Attachment 6

Street Side Yard Fence Design Options

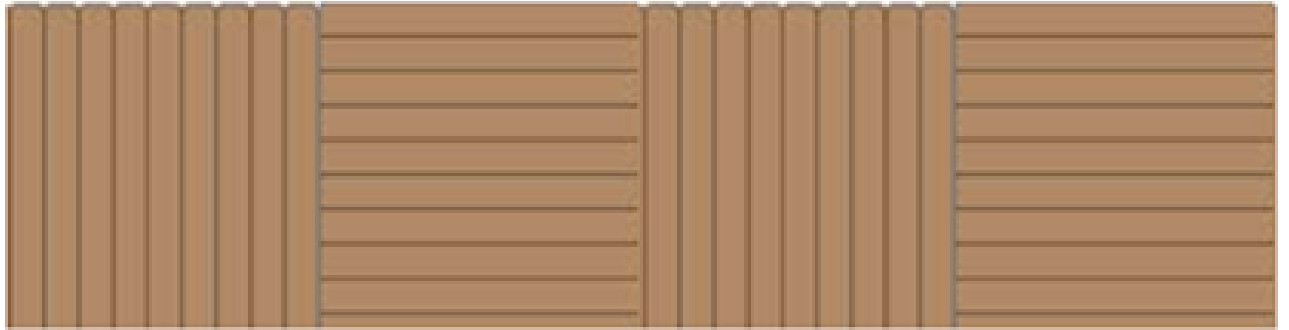
(Listed in order of preference by the applicant)



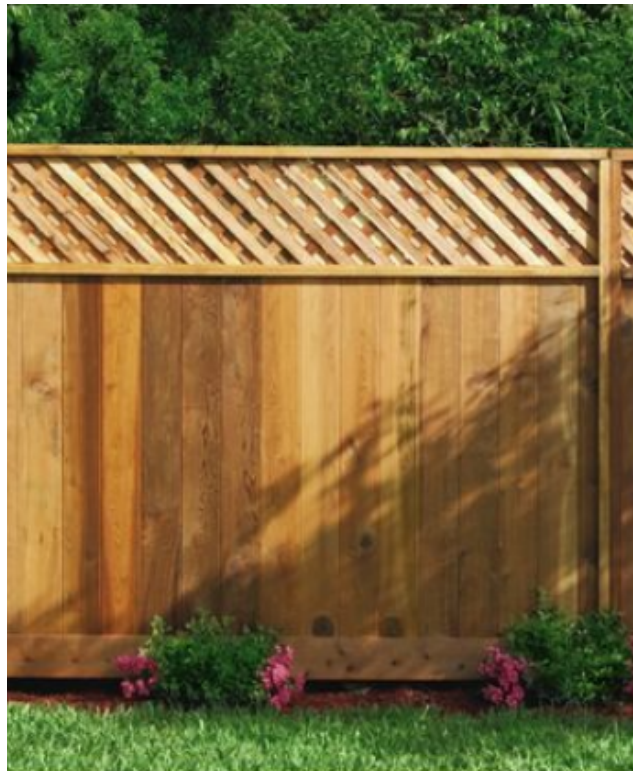
Option 1: (Preferred) solid 6' redwood fence, 5.5" flat topped pickets with no picket spacing



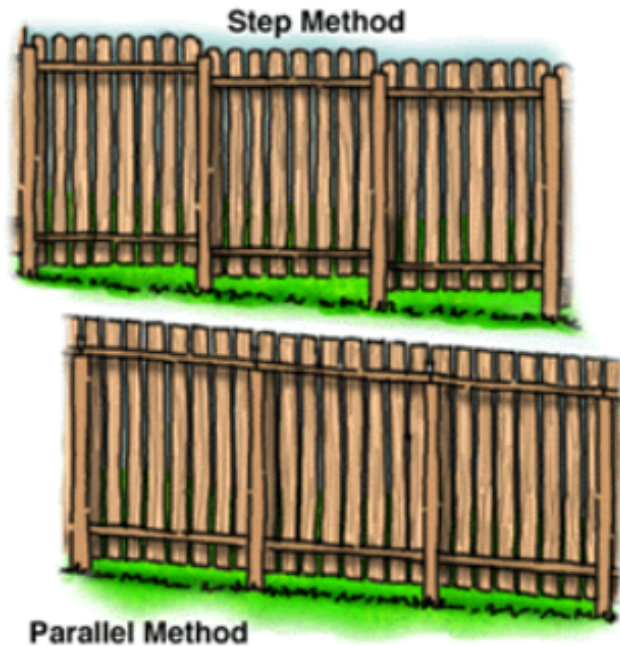
Option 2: solid 6' redwood fence, 5.5" dog-eared pickets with no picket spacing



Option 3: solid 6' redwood fence, 5.5" dog eared vertical pickets with no picket spacing, and 5.5" horizontal pickets with no picket spacing.



Option 4 (Least preferred option) 6' tall redwood fence, 5 feet of solid with 1 foot of crossed lattice, 5.5" pickets with no picket spacing.



The applicant is proposing to utilize the step method for the proposed street side fence. However, they are flexible and would utilize the parallel method if the Commission prefers it.

Attachment 7

Front Yard Fence Design

(Applicant is looking to mimic whichever street side yard option is chose by the Commission)



Flat-topped: 4 foot tall redwood fence with 5.5 inch wide flat-topped pickets with no picket spacing.

-or-



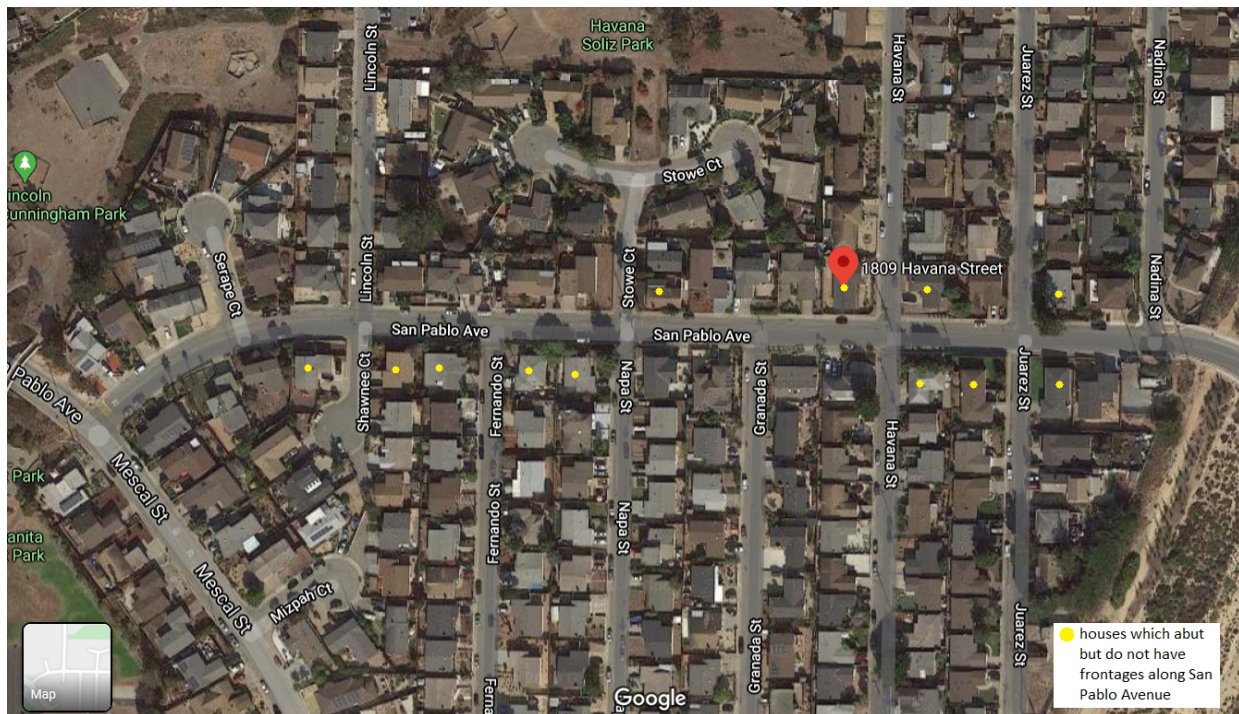
Dog-eared: 4 foot tall redwood fence with 5.5 inch wide dog-eared pickets with no picket spacing.

Attachment 8

Topo Map and Map + Photos of San Pablo Residences



Topography Map



Houses along San Pablo Avenue which abut but do not have frontage.



Image of house along San Pablo Ave with street side yard (solid fence with lattice).



Image of house along San Pablo Ave with street side yard (no fence).



Image of house along San Pablo Ave with street side yard (dog-eared wood fence).

CITY OF SEASIDE ~ COMMUNITY DEVELOPMENT
440 HARCOURT AVENUE ~ SEASIDE, CA 93955
(831) 899-6735



APPLICATION FOR PERMIT TO TRIM, REMOVE OR PLANT A TREE
ON PRIVATE PROPERTY

File Number: _____

Name of applicant: _____

Telephone: _____

Tree location address: _____

Property owner name: _____

Telephone: _____

Mailing Address: _____

City

State

Zip

E-Mail: _____

Please Provide Reason For: ☐ TRIMMING ☐ REMOVAL ☐ PLANTING

Please sketch or attach drawing or picture(s) of the location of tree(s) on the property:

Property Owner Signature: _____

Date: _____

(Park Staff Use Only)

CITY STAFF RECOMMENDATION: _____

CONDITIONS FOR TREE REMOVAL / TRIMMING:

____ GRIND STUMP

____ REPLANT A TREE

____ OTHER

APPROVED: _____ DISAPPROVED: _____

Resource Management Services Authorized Agent: _____

Date: _____

****Tree Permit Fee Based On Council Adopted Fee Schedule****

****All fees are non-refundable****

**THIS PERMIT SHALL EXPIRE IF NOT IMPLEMENTED WITHIN 45 DAYS
FROM THE DATE OF APPROVAL**

FOR TREE PERMIT INFORMATION, PLEASE CALL (831) 899-6735

Please Allow 5 Business Days for Processing

NOTE: ORIGINAL TO PROPERTY FILE - PDF COPY TO PARKS DEPARTMENT