



AGENDA
CITY OF SEASIDE
ZONING ADMINISTRATION

VIRTUAL ONLY
REGULAR MEETING
Monday, November 2, 2020
5:00 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
VIRTUAL MEETING INFORMATION

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

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/89680667274?pwd=L2JIM1NNUkFHNGZ0Y09DZWdjc1cudz09>

Or Telephone: 1-669-900-9128
Meeting ID 89680667274
Passcode: 399249

2. PUBLIC COMMENT

3. BUSINESS ITEMS

A. LIMITED TERM PERMIT APPLICATION NO. LTP-20-01: SALVATORE PALMA, APPLICANT AND OWNER OF HIGHER LEVEL OF CARE (HL EXPRESS), AND REGGIE JACKSON, PROPERTY OWNER, ARE REQUESTING APPROVAL OF A LIMITED TERM PERMIT TO OPERATE A TEMPORARY CHECK-OUT WINDOW, OFFICE, STORAGE, AND EMPLOYEE BREAK AREA ASSOCIATED WITH HIGHER LEVEL OF CARE (A CANNABIS RETAILER LOCATED AT 1440 CANYON DEL REY BOULEVARD) FROM A COMMERCIAL BUILDING LOCATED AT 305 AMADOR AVENUE, SUITE C (APN #: 011-311-018), IN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECOMMENDATION: The purpose of this item is to consider Limited Term Permit application No. LTP-20-01 for a temporary check-out window, office, storage, and employee break area associated with Higher Level of Care (a cannabis retailer located at 1440 Canyon Del Rey Boulevard) from a commercial building located at 305 Amador Avenue, Suite C (APN#: 011-311-018), in the West Broadway Urban Village Specific Plan.

It is recommended the Zoning Administrator approve LTP 20-01 in accordance with Seaside Municipal Code Section 17.62.040.E.11. based on the findings that illustrate the proposed use is compatible with the uses listed in 17.62.040 and other uses in the zoning district. The approval would allow for the temporary activity for no more than 12 months and the project would be subject to various conditions of approval.

4. ADJOURNMENT

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. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings. City Council Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Live streamed meeting videos as well as videos of past meetings are available on the City's website 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.: 3.A.

TO: Zoning Administration

BY: Beth Rocha, Associate Planner

DATE: November 2, 2020

**SUBJECT: LIMITED TERM PERMIT APPLICATION NO. LTP-20-01:
**SALVATORE PALMA, APPLICANT AND OWNER OF HIGHER
LEVEL OF CARE (HL EXPRESS), AND REGGIE JACKSON,
PROPERTY OWNER, ARE REQUESTING APPROVAL OF A
LIMITED TERM PERMIT TO OPERATE A TEMPORARY CHECK-
OUT WINDOW, OFFICE, STORAGE, AND EMPLOYEE BREAK
AREA ASSOCIATED WITH HIGHER LEVEL OF CARE (A
CANNABIS RETAILER LOCATED AT 1440 CANYON DEL REY
BOULEVARD) FROM A COMMERCIAL BUILDING LOCATED AT
305 AMADOR AVENUE, SUITE C (APN #: 011-311-018), IN THE
WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN.THE
PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION
15301(A), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT.****

PURPOSE & RECOMMENDATION

The purpose of this item is to consider Limited Term Permit application No. LTP-20-01 for a temporary check-out window, office, storage, and employee break area associated with Higher Level of Care (a cannabis retailer located at 1440 Canyon Del Rey Boulevard) from a commercial building located at 305 Amador Avenue, Suite C (APN#: 011-311-018), in the West Broadway Urban Village Specific Plan.

It is recommended the Zoning Administrator approve LTP 20-01 in accordance with Seaside Municipal Code Section 17.62.040.E.11. based on the findings that illustrate the proposed use is compatible with the uses listed in 17.62.040 and other uses in the zoning district. The approval would allow for the temporary activity for no more than 12 months and the project would be subject to various conditions of approval.

BACKGROUND

The Bureau of Cannabis Control has granted temporary relief from the requirements of sections 5402, subsection (c), and 5025, subsections(c)(2)-(3) of the Bureau's regulations (see Attachment 2) in response to Governor Newsom's emergency declaration regarding COVID-19: "The licensed retailer (Higher Level of Care, C10-0000517-LIC) may conduct 'curbside pick-up,' if the sale of cannabis goods is occurring under video surveillance or is being monitored by the retailer's security personnel. Licensed retailers must still verify each customer's age pursuant to section 5404 of the Bureau's regulations."

The Seaside Police Department reviewed the proposed security plan and did not have additional project conditions.

PROJECT DESCRIPTION

The proposed checkout window would be located at 305 Amador Avenue, Suite C. and would occupy 120 square feet (sf). The remainder of the space is 2,279sf and would be occupied by an office space, storage (non-cannabis), and employee break area (see Attachment 4: Floor Plan). Parking would be provided on site and the area can accommodate six (6) parking spaces (see black circled area of Attachment 5: Site Plan), which shall be provided for the use occupying the subject property.

LIMITED TERM PERMIT

In accordance with Seaside Municipal Code section 17.62.040, the Zoning Administrator is responsible for reviewing, approving/disapproving Limited Term Permits (LTP), which are limited to no more than 12 months. Section 17.62.040.E.11 allows for: *Similar temporary activities as those listed in subsection E (See Attachment 3) if the Zoning Administrator determines the proposed temporary use is similar to the other activities listed in this subsection, and compatible with the applicable zoning and surrounding land uses.*

Findings:

1. The proposed temporary use is similar to the other activities listed in this subsection, and compatible with the applicable zoning and surrounding land uses.

Evidence: *The proposed use of a checkout window and associated office space, storage, and employee break area at 305 Amador Avenue, Suite C is compatible with the applicable zoning and surrounding land uses. The property is located in the West Broadway Urban Village (WBUV), MX (Mixed Use) Zoning District. Similar and compatible uses to the proposed use of 305 Amador Ave, Suite C include: specialty retail and business services, all of which have the potential to facilitate vitality and pedestrian activity in accordance with the goals of the WBUV Specific Plan.*

2. The proposed use shall facilitate vitality in the WBUV.

Evidence: *HLC offers a vibrant retail activity and the associated checkout*

window at 305 Amador Avenue, Suite C will help facilitate vitality by streamlining customer service experiences for HLC patrons.

3. The proposed use shall contribute to pedestrian activity.

Evidence: *Pedestrian activity will be less concentrated at the main HLC retail space and increased at the 305 Amador Avenue, Suite C. The checkout window will accommodate customers who place their orders online. Additionally, the proposed office and employee breakroom will activate the pedestrian activity on the adjacent streets and sidewalks as employees use both places of business.*

4. The proposed use shall provide visual access for pedestrians into the ground floor use.

Evidence: *There will be conditions added to the use that will limit obscuring the windows of 305 Amador Avenue, Suite C. with signs.*

5. Visions and Goals, Concept and Policy adherence: The concept for the West Broadway Avenue area is that of an urban village because of the proposed mix of retail, residential and office uses, the focus on a safe and inviting pedestrian environment.

Evidence: *The proposal is consistent with the following WBUV policies and goals:*

- *Policy ECON-3. Encourage businesses in Seaside and other areas to locate to or expand within the West Broadway Urban Village.*
- *Policy ECON-4. Support and encourage the preservation of existing, locally serving businesses in balance with regional and national retailers.*
- *Policy UD-6. Incorporate principles of Crime Prevention Through Environmental Design (CPTED) in development, such as natural surveillance and natural access control, to reduce the potential for criminal activity to occur. Measures include maintaining clear sight lines between stores and parking areas, sidewalks, plazas and the street; and maintaining clearly marked property boundaries through installation of awnings, landscaping and appropriate signage.*
- *Policy UD-9. Consider and ensure compatibility in scale and design between adjacent developments.*

ATTACHMENTS

1. Attachment 1: Draft Resolution
 2. Attachment 2: Bureau of Cannabis Control Regulations
 3. Attachment 3: Seaside Municipal Code Section 17.62.040.E.
 4. Attachment 4: Floor Plan
 5. Attachment 5: Site Plan
 6. HLC Seaside - Security Plan v2
-

**ZONING ADMINISTRATOR
RESOLUTION NO. ZA-20-XX**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING LIMITED TERM PERMIT APPLICATION NO. LTP-20-01 TO OPERATE A TEMPORARY CHECKOUT WINDOW, OFFICE, STORAGE, AND EMPLOYEE BREAK AREA ASSOCIATED WITH HIGHER LEVEL OF CARE (A CANNABIS RETAILER LOCATED AT 1440 CANYON DEL REY BOULEVARD) FROM A COMMERCIAL BUILDING LOCATED AT 305 AMADOR AVENUE, SUITE C (APN #: 011-311-018), IN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN.

WHEREAS, Salvatore Palma, applicant and owner of Higher Level of Care (HL Express), and Reggie Jackson, property owner, have applied for a minor use permit; and

WHEREAS, the project requires the approval by the Zoning Administrator 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 Zoning Administrator considered oral comments and written information concerning the proposed revisions at a duly noticed public hearing of the Zoning Administrator held at a Regular Meeting on November 2, 2020; and

WHEREAS, the project is the project is Categorically Exempt Class 1, section 15301(a), from the California Environmental Quality Act, as the project involves negligible or no expansion of an existing use and is limited to interior and exterior alterations.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator adopt the following findings for the project:

1. The proposed temporary use is similar to the other activities listed in this subsection, and compatible with the applicable zoning and surrounding land uses.

Evidence: The proposed use of a checkout window and associated office space, storage, and employee break area at 305 Amador Avenue, Suite C is compatible with the applicable zoning and surrounding land uses. The property is located in the West Broadway Urban Village (WBUV), MX (Mixed Use) Zoning District. Similar and compatible uses to the proposed

use of 305 Amador Ave, Suite C include: specialty retail and business services, all of which have the potential to facilitate vitality and pedestrian activity in accordance with the goals of the WBUV Specific Plan.

2. The proposed use shall facilitate vitality in the WBUV.
Evidence: HLC offers a vibrant retail activity and the associated checkout window at 305 Amador Avenue, Suite C will help facilitate vitality by streamlining customer service experiences for HLC patrons.

3. The proposed use shall contribute to pedestrian activity.
Evidence: Pedestrian activity will be less concentrated at the main HLC retail space and increased at the 305 Amador Avenue, Suite C. The checkout window will accommodate customers who place their orders online. Additionally, the proposed office and employee breakroom will activate the pedestrian activity on the adjacent streets and sidewalks as employees use both places of business.

4. The proposed use shall provide visual access for pedestrians into the ground floor use.
Evidence: There will be conditions added to the use that will limit obscuring the windows of 305 Amador Avenue, Suite C. with signs.

5. Visions and Goals, Concept and Policy adherence: The concept for the West Broadway Avenue area is that of an urban village because of the proposed mix of retail, residential and office uses, the focus on a safe and inviting pedestrian environment.
Evidence: The proposal is consistent with the following WBUV policies and goals:
 - *Policy ECON-3. Encourage businesses in Seaside and other areas to locate to or expand within the West Broadway Urban Village.*
 - *Policy ECON-4. Support and encourage the preservation of existing, locally serving businesses in balance with regional and national retailers.*
 - *Policy UD-6. Incorporate principles of Crime Prevention Through Environmental Design (CPTED) in development, such as natural surveillance and natural access control, to reduce the potential for criminal activity to occur. Measures include maintaining clear sight lines between stores and parking areas, sidewalks, plazas and the street; and maintaining clearly marked property boundaries through installation of awnings, landscaping and appropriate signage.*

- *Policy UD-9. Consider and ensure compatibility in scale and design between adjacent developments.*

BE IT FURTHER RESOLVED, the Zoning Administrator hereby grants Limited Term Permit LTP-20-01 subject to the following terms and agreements:

Planning:

1. This Limited Term Permit is valid for a period of 12 months, but may be revoked prior to the 12 months by the city if the Bureau of Cannabis Control's temporary relief documentation, outlined in Condition No.2, is not granted or proof not provided to the city every 30 days.
2. The applicant is required to provide the City of Seaside proof of the monthly Bureau of Cannabis Control's (BCC) temporary relief for license number C10-0000517-LIC, in response to Governor Newsom's emergency declaration regarding COVID-19. The proof shall include the following specifics: The Bureau has approved your request for relief from the requirements of sections 5402, subsection (c), and 5025, subsections(c)(2)-(3) of the Bureau's regulations. The licensed retailer may conduct "curbside pick-up," as described in your request if the sale of cannabis goods is occurring under video surveillance or is being monitored by the retailer's security personnel. Please be aware that licensed retailers must still verify each customer's age pursuant to section 5404 of the Bureau's regulations. The BCC's monthly documentation regarding approval of the temporary relief allowing for a checkout window shall be emailed to: brocha@ci.seaside.ca.us and planning@ci.seaside.ca.us
3. There shall be no storage/manufacturing/processing of cannabis at 305 Amador Avenue.
4. The checkout window shall be limited to 120sf (10' x 12').
5. A total of six (6) parking spaces shall be provided for the use occupying the subject property.
6. Window signs and other materials shall not be placed in a manner which obscures primary views into and out from the storefront (WBUV D.7.4.5).

7. Daily litter pickup shall be performed prior to close of business at and around 305 Amador Avenue, Suite C and 1440 Canyon Del Rey Boulevard.
8. The business owner is to establish a procedure to minimize the chance of customers using the product(s) in vehicles near the parcel. This procedure shall be provided to the City of Seaside (brocha@ci.seaside.ca.us and planning@ci.seaside.ca.us) prior to issuance of the Certificate of Occupancy.
9. Prior to implementation of any modifications to the submitted security plan, the changes shall be reviewed and approved by Seaside Police Department.

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 approval of a planning permit (i.e., Limited Term Permit shall become effective on the seventh day after the date of approval by the review authority; provided, that no appeal has been filed in compliance with Chapter [17.76](#) (Appeals), (SMC 17.64.020.A).
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. If a project is to be developed in approved phases, each subsequent phase shall be exercised within 12 months from the date that the previous phase was exercised, unless otherwise specified in the permit, or the permit shall

expire and become void, except where an extension of time is approved (SMC 17.64.080.A.4).

5. An appeal in compliance with SMC 17.76 be filed by any aggrieved person; except that in the case of a decision on a Use Permit, Minor Use Permit, Variance, Minor Variance, or Planned Development Permit which followed a public hearing, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing (SMC 17.76.030.A.1).

PASSED AND ADOPTED by the Zoning Administrator of the City of Seaside, State of California, on the 2nd day of November 2020.

Gloria Stearns
Acting Zoning Administrator

**ZONING ADMINISTRATOR RESOLUTION No. 20-XX
LIMITED TERM PERMIT APPLICATION No. 20-01**

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 Zoning Administrator.

Applicant's Signature

Date

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

Date

Attachment 2

Bureau of Cannabis Control Regulations

5402(c) All sales of cannabis goods must take place within the retail area of the retailer's licensed premises, except for cannabis goods sold through delivery, or a drive-in or drive-through window as authorized by section 5025(g) of this division.

5025. Premises. (c) Licensed retailers and licensed microbusinesses authorized to engage in retail sales shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this division.

(2) Licensed retailers or licensed microbusinesses authorized to engage in retail sales shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within or about a motor vehicle.

(3) No cannabis goods shall be sold and/or delivered by any means or method to any person within a motor vehicle.

Attachment 3

Seaside Municipal Code section 17.62.040.E.1.-11. Allowed Short-Term Activities.

1. Caretaker unit.
2. Construction yard – Off-site.
3. Events.
4. Fundraising event.
5. Location filming.
6. Model homes.
7. Seasonal sales lots.
8. Temporary facilities during construction.
9. Temporary real estate sales office.
10. Temporary business office or private school classroom.
11. Similar temporary activities.



