



AGENDA

CITY OF SEASIDE
PLANNING COMMISSION

MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, October 14, 2015
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

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

John Owens	Chair
Michael Lechman	Vice Chair
Keith Dodson	Commissioner
Margaret Leighton	Commissioner
Denise Ross	Commissioner
Arlington LaMica	Commissioner

3. **PUBLIC COMMENT**

4. **APPROVAL OF MINUTES** - None

5. **BUSINESS ITEMS**

- A. **Fence Exception Application No. FE-15-01. Virginia McCormick, property owner, and Ray Ramsey, applicant, are requesting approval of a fence exception to allow for a twenty foot extension to an existing six foot high wood fence located within the ten foot street side setback of a corner lot located at 2090 Cross Street in the RS-8 (Single Family Residential) Zoning District. Pursuant to the California Environmental Quality Act Guidelines, the project is Categorically Exempt, Class 3, Section 15303(e), New Construction of Small Structures.**

PURPOSE: In accordance with Section 17.30.020(F) of the Seaside Municipal Code (SMC) the applicant is requesting approval of a fence exception for a twenty foot extension to an existing six-foot high wood fence located within the ten foot street side setback of a corner lot. The property is located at 2090 Cross Street in the RS-8 (Single Family Residential) Zoning District.

RECOMMENDATION: Staff recommends denial of the Fence Exception based upon the findings and evidence in the draft Resolution provided as Exhibit A.

6. **REPORTS FROM COMMISSIONERS**

7. **REPORTS FROM STAFF**

8. **ADJOURNMENT**

Next Regularly Scheduled Meeting:
Wednesday, October 28, 2015 at 7:00 PM
Seaside City Hall

The City of Seaside is an ADA accessible facility and is committed to include the disabled in all of its services, programs and activities. Any person who requires accommodation to be able to participate in this meeting is asked to contact the office of the City Clerk at 899-6707, no fewer than two business days prior to the meeting to allow for reasonable arrangements.

The City Council Chambers is equipped with a portable microphone for anyone unable to come to the podium. Assisted listening devices are also available.

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. Meetings are also available through live streaming at:
<http://cvp.telvue.com/player?id=T01629&video=52314&noplaylistskin=1&width=400&height=300> Videos of past meetings are available on demand through the City's website: <http://www.ci.seaside.ca.us>

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.: 5.A.

TO: Planning Commission

BY: Lisa Brinton, Community and Economic Development Services Manager
Diana Ingersoll, Deputy City Manager Resource Management Services
Bob Larsen, Associate Planner

DATE: October 14, 2015

SUBJECT: **Fence Exception Application No. FE-15-01.** Virginia McCormick, property owner, and Ray Ramsey, applicant, are requesting approval of a fence exception to allow for a twenty foot extension to an existing six foot high wood fence located within the ten foot street side setback of a corner lot located at 2090 Cross Street in the RS-8 (Single Family Residential) Zoning District. Pursuant to the California Environmental Quality Act Guidelines, the project is Categorically Exempt, Class 3, Section 15303(e), New Construction of Small Structures.

PURPOSE

In accordance with Section 17.30.020(F) of the Seaside Municipal Code (SMC) the applicant is requesting approval of a fence exception for a twenty foot extension to an existing six-foot high wood fence located within the ten foot street side setback of a corner lot. The property is located at 2090 Cross Street in the RS-8 (Single Family Residential) Zoning District.

RECOMMENDATION

Staff recommends denial of the Fence Exception based upon the findings and evidence in the draft Resolution provided as Exhibit A.

BACKGROUND

SITE LOCATION AND DESCRIPTION

The project site is located at the southeast corner of Cross Street and Military Avenue. The parcel is approximately 14,888 square feet in area and developed with a 1,506 square foot three bedroom, two-bath house and detached 640 square foot accessory unit with a two car garage. The main dwelling was constructed in 1952 and the accessory unit was constructed in 2014. Adjacent land uses are all single-family residential in nature. (See Figure 1: Site Adjacent Land Uses). Location map is provided as Attachment 3. Aerial photo is provided as Attachment 4. Site photographs are provided as Attachment 5.

Figure 1: Adjacent Land Uses

NW	N			NE
	Single Family Dwelling	Single Family Dwelling	Single Family Dwelling	
W	Single Family Dwelling	Project Site	Single Family Dwelling	E
	Single Family Dwelling	Single Family Dwelling	Single Family Dwelling	
SW	S			SE

PROJECT DESCRIPTION

On August 5, 2009, the applicant received design review approval for the construction of a detached residential second unit above a new two-car garage at the east portion of the property facing Military Avenue. To accommodate a new driveway and associated on-site parking for the main dwelling and second unit, the easterly 52 feet of an 80 foot long, six foot high wood fence in front of the new garage along the Military Avenue frontage was removed. The westerly 28 feet of the six foot high fence remained in place and currently terminates with a 90 degree return to the northeasterly corner of the existing attached garage. The previously approved plans indicate that the attached garage is to be converted into a family room with the completion of the new garage. The approved plans also show that the 20 foot wide concrete driveway pad in front of the garage is to be removed and replaced with landscaping while the existing driveway approach is to be removed and replaced with standard curb, gutter, and sidewalk to match the existing improvements on Military Avenue.

The SMC states that a fence located within the street side setback (10 feet from property line along the Military Avenue frontage) shall have a maximum height of four feet. The applicant is requesting a fence exception to allow for a six foot high fence along Military Avenue and a six foot high fence that would be located in the ten foot street side setback as it returns towards the

corner of the garage (a distance of approximately eighteen feet – eight within the setback).

In lieu of the proposed landscaping and removal of the existing concrete driveway pad, the applicant is now proposing to retain the concrete pad and continue the six foot fence on Military Avenue twenty feet in a westerly direction in front of the concrete driveway to terminate at the northwesterly corner of the garage. The six foot fence currently located along the eastern edge of the driveway pad will be relocated to the western edge of the driveway pad. The existing concrete driveway pad would be combined with the existing patio located between the garage and the two-story second unit to create a large outdoor patio area on the north side of the house. The applicant has stated that they would prefer a larger patio area in lieu of an additional 360 square feet of landscaping which would require water and maintenance. The area between the back of sidewalk and the existing six foot fence that is currently landscaped with large succulents spaced approximately 10 feet apart will remain

The applicant's request for a fence exception is provided as Attachment 5 and provides the following reasons to support the approval of the fence exception.

1. Due to the property being a large corner lot, they consider this portion of the lot as part of their back yard,
2. For aesthetic reasons, they would like to keep the fences along Military Avenue at the same height,
3. A six foot fence is needed for privacy into the bedroom windows on that side of the house,
4. Due to the slope of the property, people can look into their yard,
5. People walking by their property cause problems with their dogs and throw trash into their yard.

ENVIRONMENTAL REVIEW

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 construction of a new six foot high wood fence on Military Avenue. 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.

Primary issues relate to whether a physical hardship (e.g. irregular lot size, slope, building placement, utilities) exist which would preclude the property owner from the reasonable use of their property if the fence exception is not granted.

The Public Works and Police departments have reviewed this application and have offered no objections to the proposed fence based on the findings listed above.

Staff is unable to justify the request based upon the code's requirement to meet a physical hardship associated with this site which would allow for an exception. The size of the lot provides alternate locations for patios as well as the keeping of dogs away from pedestrians on the sidewalk. The slope of the lot is fairly gentle in all directions. There is no evidence of a physical hardship to support the applicant's request.

Findings for Denial of the Fence Exception Application:

1. Due to the size of the lot, other areas of the property can be used as private open space in the back yard.

Evidence: The 14,888 square foot lot provides opportunities to create secure yard areas without the need to construct a six foot fence within the ten foot street side setback to create additional private open space.

2. There is sufficient area within the rear yard for a dog to be placed.

Evidence: The size of the lot offers alternate locations away from the sidewalk for the keeping of dogs.

3. Physical hardships do not exist based upon unique or unusual topographic conditions or structure location.

Evidence: The lot does not contain sufficient cross slope or other unique or unusual topographic conditions, irregular lot size, or building placement to establish a physical hardship to justify the issuance of a Fence Exception.

CONCLUSION

Based on the above analysis, staff recommends denial of Fence Exception Application No. FE-15-01. The proposed fence exception request does not offer compelling evidence in support of a physical hardship due to unique or unusual topographic conditions or structure location.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Attachment 1 "Exhibit A" - Site Plan
 3. Attachment 2 - Location Map
 4. Attachment 3 - Aerial Photo
 5. Attachment 4 - Site Photos
 6. Attachment 5 - Applicant's Letter
-

**PLANNING COMMISSION
RESOLUTION NO. 15-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, DENYING FENCE EXCEPTION APPLICATION NO. FE-15-01 TO ALLOW FOR A TWENTY FOOT EXTENSION TO AN EXISTING SIX FOOT HIGH WOOD FENCE WHICH EXCEEDS THE MAXIMUM HEIGHT REQUIREMENTS OF ZONING CODE SECTIONS 17.30.020.B.1 WITHIN THE REQUIRED STREET SIDE SETBACK LOCATED AT 2090 CROSS STREET (APN: 011-042-001).

WHEREAS, Virginia McCormick, property owner, and Ray Ramsey, applicant, have applied for approval of a Fence Exception permit to allow for a twenty foot extension to an existing six foot high wood fence located within the ten foot street side setback of a corner lot thereby exceeding the maximum height requirements of Zoning Code Section 17.30.020.B.1 within the required street side setback; and

WHEREAS, the proposed project requires approval by the Zoning Administrator, and based on the fact that a portion of the six foot wood fence has already been constructed, the Zoning Administrator has referred the review of the fence exception request to the Planning Commission. 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, the Planning Commission considered written information concerning the proposed exception at a duly noticed public hearing held on October 14, 2015; 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 retention on an existing six foot high wood fence and the construction of thirty feet (twenty feet along Military Avenue and 10 foot return towards the garage) of new six foot high wood fence, which exceeds the maximum height requirements of SMC Sections 17.30.020.B. After visits to the site, City staff has concluded that granting the fence exception would not result in a traffic-related safety hazard, visible impairment at an intersection or an adjoining driveway.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for the denial of Fence Exemption Application No. FE-15-01:

1. Due to the size of the lot, other areas of the property may be developed into a back yard.

Evidence: The 14,888 square foot lot provides opportunities to create secure yard areas without the need to construct a six foot fence within the ten foot street side setback.

2. The eastern end of the fence has been indented and reduced to a maximum four foot height.

Evidence: The eastern end of the fence has been indented and reduced to a maximum four foot height in accordance with the SMC. The western end of the fence could match this construction.

3. Physical hardships do not exist based upon unique or unusual topographic conditions or structure location.

Evidence: The lot does not contain sufficient cross slope or other unique or unusual topographic conditions to be considered a physical hardship.

NOW BE IT FURTHER RESOLVED, the Planning Commission hereby denies Fence Exception Application No. FE-15-01.

AYES:

NOES:

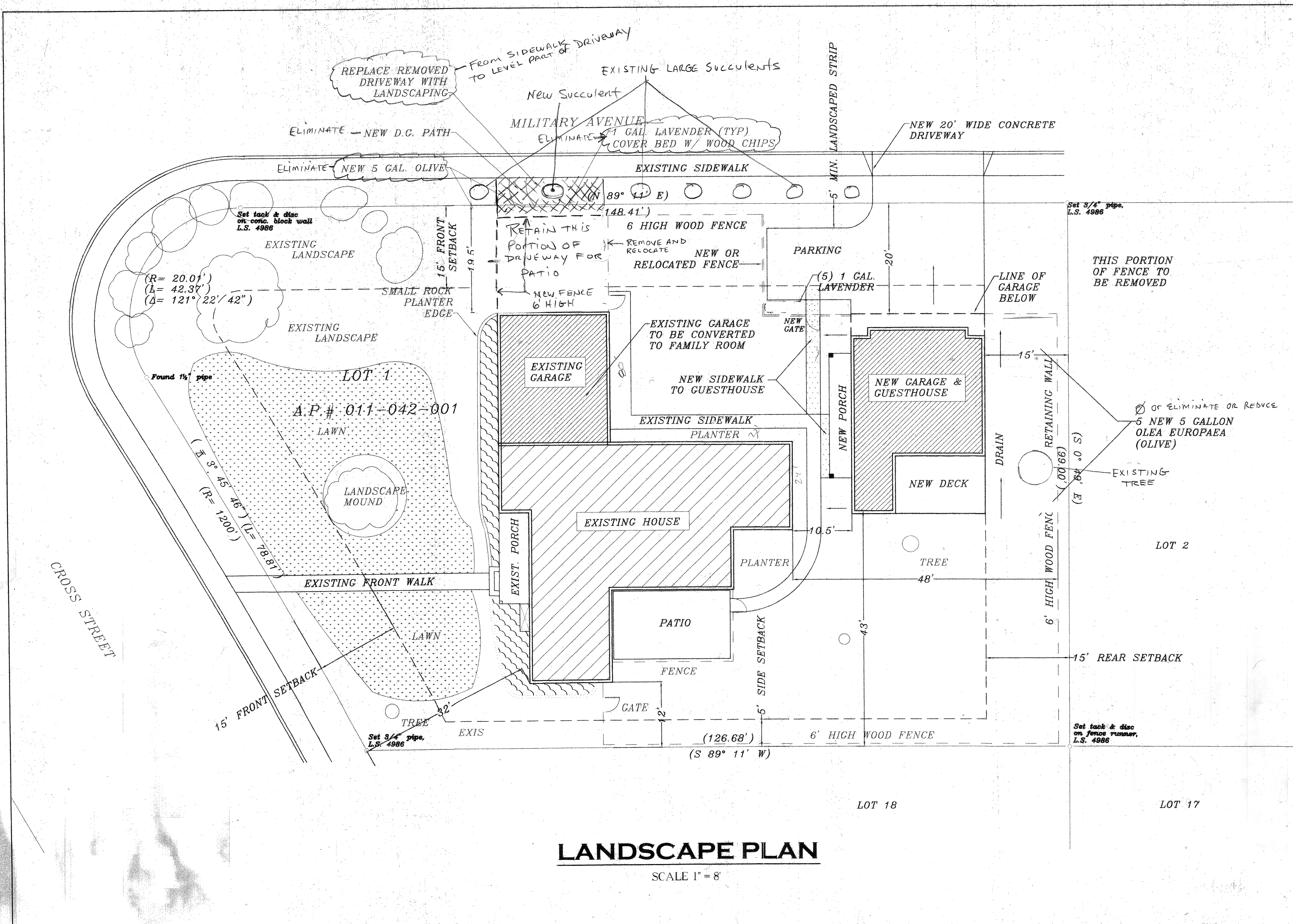
ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary



LANDSCAPE PLAN

SCALE 1" = 8'

michiranz@gmail.com
(818) 601-6772
Cell 625-4990

Project Description: Remodel of single-family residence & addition of Garage with Guesthouse above

Property Address: 2090 Cross Street, Seaside, CA 93955

Owner: Virginia McCormick, 2090 Cross Street, Seaside, CA 93955, 831-394-4111

Designer: Cindi Scarlett-Ramsey, PO Box 22572, Carmel, CA 93922, 831-659-3127, scarlett-ramsey@comcast.net

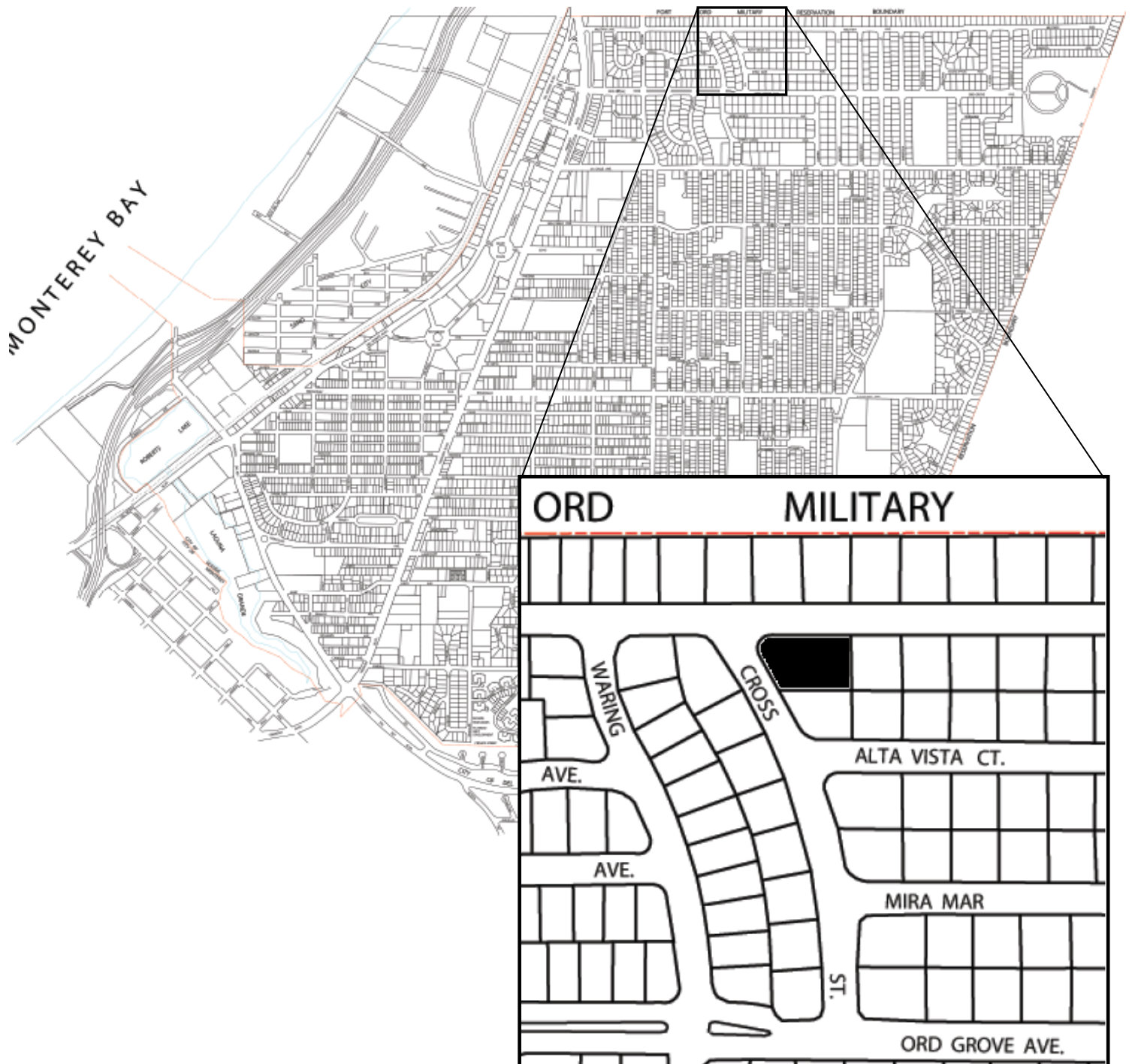
Property Address: 2090 Cross Street, Seaside, CA 93955, 831-394-4111

Date: [Redacted]

Rev: [Redacted]

Scarlett - Ramsey
building design
Cindi Scarlett-Ramsey
Residential Design
tel. 831-659-3127
fax. 831-659-3129
PO Box 22572
Carmel, CA 93922

Location Map: 2090 Cross St.



Attachment 3
Aerial Photo

2090 Cross Street



Aerial View



Existing Fence looking west from new driveway



Existing and Proposed Fence



View towards front yard and Cross Street



Looking east from Cross Street

To whom it may Concern,

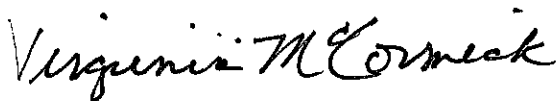
My name is Virginia McCormick and I live at 2090 Cross St. My son in law, daughter and I are applying for a fence exception from the city of Seaside. We are applying due to the several hardships that exist. First, we are on a large corner lot and the site in question is part of our back yard. Esthetically we would like to elongate the existing fence across the old driveway leaving it the same height with no cut in as required by the city. This would make it look like the existing fence that was granted to us several years ago through a fence exception. Second, there is a privacy issue due to the placement of the windows and door of my daughter's bedroom. The bedroom would visible to the people that walk up and down Military Ave. Lastly, and the most important problem is the safety factor for our backyard. When I put up the new fence several years ago I was permitted by the city to put the fence height at six feet at all levels because the property goes uphill at quite an angle. I need to keep the fence as high as possible in the backyard because of the trouble I have had with the people walking by, particularly the Jr. High and High School students. Before I had a shorter fence and my dogs were constantly teased. They through firecrackers into the backyard that resulted in a fire that required the fire department to put out. I wasn't even home at the time.

We have removed approximately 52 feet of the existing six-foot-tall fence to make room for the new driveway and additional parking space on the lot required by the city. Our proposed extension adds approximately 20 feet to the west side of the existing fence and encloses the existing driveway to make a patio. To remove this driveway and plant 3 trees and 20 new plants as required by the city due to our original plans also seems to be a hardship to us and the city due to water rationing.

Thank you very much for considering this fence exception. We look forward to meeting with you on October 14th. I'm confident that together we can come up with a solution.

Sincerely,

Virginia McCormick



RECEIVED
CITY OF SEASIDE
SEP 26 2015
RESOURCE MANAGEMENT
SERVICES