



AGENDA
CITY OF SEASIDE
PLANNING COMMISSION

VIRTUAL ONLY
SPECIAL MEETING
Wednesday, January 13, 2021
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 Board 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

7. BUSINESS ITEMS

A. BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-20-11: CONTINUATION OF 2ND-STORY DECK REVIEW AT 1955 GRANDVIEW STREET LOCATED IN THE RS-8 ZONING DISTRICT.

RECOMMENDATION:

In accordance with Seaside Municipal Code (SMC) 17.62.030.B.2 Architectural Review approval is required for the construction of all second-story elements, including decks, for single-family residential projects.

Staff presented the proposed project to the Commission at the December 16, 2020 Public Hearing, however the item was continued after the Commission requested additional comments from the Building Department. The Building Department has since reviewed and commented on the project. Based on the Building Department comments, and the analysis provided in the previous staff report, it is recommended that the Commission approve BAR-20-011 subject to Attachment 2: Conditions of Approval, Attachment 3: Project Plans, and Attachment 4: Project Description and Material Specifications.

B. USE PERMIT APPLICATION NO. UP-20-08. VINCE LUCIDO, APPLICANT, AND MARTHA PRICE, PROPERTY OWNER, ARE REQUESTING USE

PERMIT APPROVAL FOR A 189 SQUARE FOOT DECK THAT WOULD BE CONSTRUCTED 3'-9" ABOVE GRADE AND PROJECT 5'-6" INTO THE REQUIRED 15' REAR YARD SETBACK OF 1785 YOSEMITE STREET, LOCATED IN THE RS-12, SINGLE FAMILY RESIDENTIAL ZONE. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(E), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECOMMENDATION: In accordance with Seaside Municipal Code (SMC) section 17.30.100, Table 3-5 – Allowed Architectural Projections Into Setbacks, uncovered and unenclosed above-ground (greater than 18 inches above grade) decks are allowed to project 6' into the rear setback. Additionally, Footnote 3: requires that projections of more than three feet into the front or rear setback are subject to Use Permit approval by the Planning Commission.

Staff recommends approval of UP-20-08 for the proposed 5'-6" projection (observing a 9'-6" rear setback) into the required 15' rear yard setback for the 189 square foot(sf) deck (21'w x 9'd) and associated access steps subject to Attachment 1: Resolution and Attachment 2 (Exhibit A): Project Plans.

8. REPORTS FROM COMMISSIONERS

9. REPORTS FROM STAFF

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
January 27, 2021
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: January 13, 2021

SUBJECT: BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-20-11: CONTINUATION OF 2ND-STORY DECK REVIEW AT 1955 GRANDVIEW STREET LOCATED IN THE RS-8 ZONING DISTRICT.

PURPOSE & RECOMMENDATION

In accordance with Seaside Municipal Code (SMC) 17.62.030.B.2 Architectural Review approval is required for the construction of all second-story elements, including decks, for single-family residential projects.

Staff presented the proposed project to the Commission at the December 16, 2020 Public Hearing, however the item was continued after the Commission requested additional comments from the Building Department. The Building Department has since reviewed and commented on the project. Based on the Building Department comments, and the analysis provided in the previous staff report, it is recommended that the Commission approve BAR-20-011 subject to Attachment 2: Conditions of Approval, Attachment 3: Project Plans, and Attachment 4: Project Description and Material Specifications.

BACKGROUND

Zachary Grover, applicant and property owner purchased the subject property in 2017. The subject property is developed with a 2,208 sf two-story single-family residence which had a 2nd story deck which measured 80 sf. The lot is 6,000 sf and the existing conditions comply with both lot coverage and floor area ratio regulations. The applicant is requesting approval for the new 160 sf deck which was constructed in late 2020 without a permit. The proposed deck

meets the required development standards; the original Staff Report, with full analysis, is available to view as Attachment 1

The Planning Commission reviewed the proposed 2nd story deck at the 12/16/2020 Public Hearing. While generally supportive of the project, the Commission was concerned that additional support would be needed for the deck which could alter the aesthetics. Building has since reviewed the plans and did not have any structural concerns, see Attachment 5: Building Department Comments. The Building Official did add a Condition specifying that the railing shall not exceed 42 inches in height and that the spaces between rails shall be no greater than 3^{7/8} inches. The project is consistent with this provision as the railing height is 42 inches and contains spacing measuring 3^{1/2} inches between each cable. The applicant has provided specific a clearer rendering of the railing dimensions and spacing which can be viewed in Attachment 6: Hand Railing Details.

RECOMMENDATION

Staff recommends approval of BAR-20-11 for the new 160 sf second story deck subject to Attachment 2: Conditions of Approval, Attachment 3: Project Plans, and Attachment 4: Project Description and Material Specifications.

ATTACHMENTS

1. Attachment 1 - 12.16.2020 Staff Report
 2. Attachment 2 - Conditions of Approval BAR
 3. Attachment 3 - Project Plans
 4. Attachment 4 - Project Description and Material Specifications
 5. Attachment 5 - Location Map and Site Photos
 6. Attachment 6 - Building Department Comments
 7. Attachment 7 - Hand Railing Details
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CITY OF SEASIDE STAFF REPORT

Item No.: 7.A.

TO: Board of Architectural Review

BY: Dana Morrison

DATE: December 16, 2020

SUBJECT: **BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-20-11**

PURPOSE & RECOMMENDATION

In accordance with Seaside Municipal Code (SMC) 17.62.030.B.2 Architectural Review approval is required for the construction of all second-story elements, including decks, for single-family residential projects.

Staff recommends approval of BAR-20-011 for the proposed 160 sf deck, subject to Attachment 1: Conditions of Approval, Attachment 2: Project Plans, and Attachment 3: Project Description and Material Specifications.

BACKGROUND

Zachary Grover, applicant and property owner purchased the subject property in 2017. The deck was already in existence when the home was purchased. It is unclear when the existing deck was constructed; there is no record of previous BAR review for this property. Review of Google Earth Historic Photos shows the existing deck has been in place since at least 2007, though it is possible that it could have been in existence prior to this as satellite photos are not available prior to this.

According to the applicant, repair work was conducted in the summer of 2019 to fix water intrusion on the existing joists of the original 80 sf deck. The repair work was not effective and in October of 2020, due to the continued water intrusion and wood rot Mr. Grover decided it would be best to proceed with replacing the 80 sf deck. According to Mr. Grover, he took this as an opportunity to widen the deck by 4 feet. During construction a stop work order was issued by the City's Code Enforcement officer, to

which Mr. Grover complied. Mr. Grover since been working with the City to properly approve the new 160 sf deck.

The subject property is developed with a 2,208 sf two-story single-family residence which had a 2nd story deck which measured 80 sf. The lot is 6,000 sf and the existing conditions comply with both lot coverage and floor area ratio regulations.

SITE LOCATION AND DESCRIPTION

The 6,000 sf site is located on the west side of Grandview Street between Ord Grove Avenue to the north and La Salle Avenue to the south. The subject property has single story houses to the west (downhill), and 2-story houses to the north and east with deck elements. The project site is surrounded by residential uses. A Location Map and Site Photographs are provided as Attachment 4.

PROJECT DESCRIPTION

BAR-20-11: Second-story deck

Old Deck Removal:

According to the applicant, the 80 sf (since demolished) wood deck was removed and all protruding floor joists were removed as well. All openings were covered with 3/8 inch plywood, waterproofing membrane, and chicken wire, then filled with stucco and painted to match the existing house color.

New Deck:

The 160 sf deck is no longer cantilevered but is instead supported by two systems of columns and beams. The new deck is constructed from redwood with cable rigging used for a portion of the railing. The floor of the deck consists of 2x6 redwood boards. The railing consists of 7 (4x4) redwood posts which are topped with a 2x6 redwood board. The railing is completed by 7 runs of STS Dyneema cable rigging which runs between each of posts.

The setbacks from the property lines to the 160 sf deck are as follows:

Side yard setback: 13'-10"

Required setback: 5'

Rear Yard setback: 30'

Required setback: 15'

PUBLIC COMMENTS

At the time of the creation of this Staff Report no public comments have been received.

STAFF ANALYSIS

FINDINGS

Section 17.62.030.E and F. of the SMC outlines review considerations be evaluated by the Board of Architectural Review, the following of which are applicable to this project:

E. Architectural considerations. Architectural considerations, including the character, quality, and scale of the design, architectural relationship with the site and other structures, building materials, colors, fencing, trash enclosure and walkway improvements, exterior lighting and signs, and the screening of exterior appurtenances.

F. Conditions of approval. In making its decisions, the Board of Architectural Review may impose the conditions, as it deems reasonable and necessary to protect the best interests of the surrounding area, as well as to further the public health, safety, and general welfare of the community.

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

Evidence: *In accordance with the SMC 17.12.050, Table 2-3, Residential Zone Development Standards, the proposed project adheres to all setbacks and development regulations.*

2. In compliance with Section 17.62.030.E.1 of the SMC, the additions and decks are consistent in quality, scale, and architectural relationship with the site and other structures.

Evidence: *The proposed 160 sf deck has been designed to be consistent in quality, scale, and architectural relationship with the site and there are no significant visual impacts to the adjacent properties. With any 2nd story deck element there are privacy impacts to the adjacent properties. The proposed deck would be able to support additional people (occupants or visitors of 1955 Grandview) beyond what was already existing with the unpermitted 80 sf deck. This could result in increased noise and disturbance to neighbors located to the south and west of the subject property; the existing single-family residence blocks the deck from properties located to the north and east. However, even with the proposed 160 sf deck the setbacks from the rear and side property lines are significantly larger than are required by SMC 17.12. Given these large setbacks, the fact that the 2nd story deck has been in existence for a number of years, and that no comments have been received from neighboring properties, it is staff's determination that the new proposed 160 sf deck would not result in significant increased privacy impacts.*

Single-Family Residential Design Guidelines

The project proposes to approve the construction of a 160 sf second story deck. The

existing deck is not viewable from the Grandview or from the public path located to the north of the property. The deck can be viewed from portions of Noche Buena which is downgrade and located west of the subject property. However, many of the house along Grandview have 2nd story deck elements which face the Bay. The proposed deck would not extend beyond the foot print of the existing patio and maintains setbacks significantly larger than required by the Zoning Code. The following Single-Family Residential Design Guidelines support this proposed modification:

"Architectural elements should be designed to eliminate the appearance of box-like buildings," (II.A.iii.) and, "Avoid box-like appearance through variation in the roofline and building elevations" (III.C.iv.)

Evidence: *The neighborhood has a variety of architectural styles and colors which includes many existing second story deck elements. The plans for the new 160 sf second story deck have been designed to respect the existing residential patterns and scale in the neighborhood and maintain significant setbacks from the side and rear property lines.*

Evidence: *Due to grade differential between the subject property and those to the east (uphill) and west (downhill), staff finds that the proposed 160 sf second story deck would not impact the view shed of the adjacent properties. Additionally, appropriate distance would be maintained on all sides of the project site to provide privacy to adjacent residences; the existing house shields the deck from public right of ways to the north and east. While the deck is viewable from the public right of way to the west and south; it is not out of place as there are a number of houses along Grandview which contain second stories and second story deck features. For further details pertaining to privacy impacts, see the Evidence description for Condition of Approval #2 (above).*

ENVIRONMENTAL REVIEW

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to **Class 3, Section 15301(E)**. Class 3 consists of projects that involve negligible or no expansion of an existing use and specific to this project: additions to existing structures that will not result in an increase or more than 50% of the floor area of the structures before the addition.

Evidence: *The site is developed with a 2,208 sf two-story single-family residence and the proposed project consists the approval of a new 160 sf second-story deck.*

RECOMMENDATION

Staff recommends approval of BAR-20-11 to legalize the 160 sf second story deck, subject to Attachment 1: Conditions of Approval, Attachment 2: Project Plans, and

Attachment 3: Project Description and Material Specifications.

ATTACHMENTS

1. Attachment 1- Conditions of Approval BAR
 2. Attachment 2 - Project Plans
 3. Attachment 3 - Project Description and Material Specifications
 4. Attachment 4 - Location Map and Site Photos
-

Conditions of Approval
File No. BAR-20-11
January 13, 2021

Standard:

1. Except as modified by required conditions of approval, plans submitted for a building permit shall substantially conform to the plans identified as "1955 Grandview Street" stamped received November 17, 2020. The project plans and material specification are provided as Attachment 3 and 4 of the 1/13/2021 Planning Commission Public Hearing Item 7.B.
2. Board of Architectural Review approval shall not be valid until the applicant has signed and accepted these conditions of approval. Failure to sign the conditions and return them to the Planning Division within fifteen (15) days from the date of approval will result in the Board of Architectural Review approval becoming null and void.
3. Board of Architectural Review approval shall be valid for a period of one (1) year from the date of approval of this project in accordance with S.M.C.S. 17.64.080. Project approval will become null and void if a building permit is not exercised within one (1) year from date of approval.
4. Proposed changes to the approved application(s) must receive approval from the Board of Architectural Review, unless approved by the Director as outlined in Seaside Zoning Code Section 17.64.090.C.
5. 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.

6. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.

BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-20-11

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 Board of Architectural Review.

Applicant's Signature

Date

Property Owner's Signature

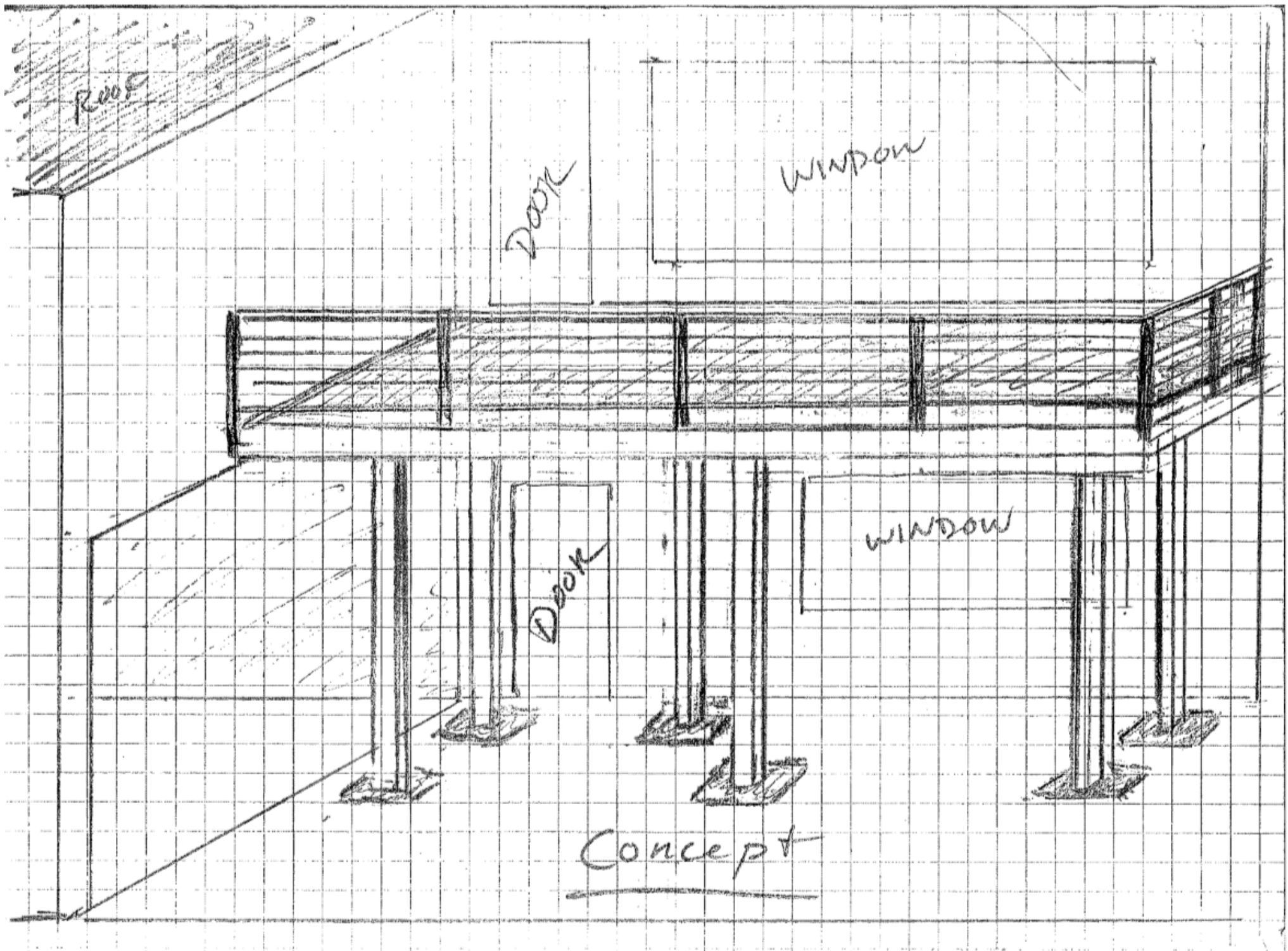
Date

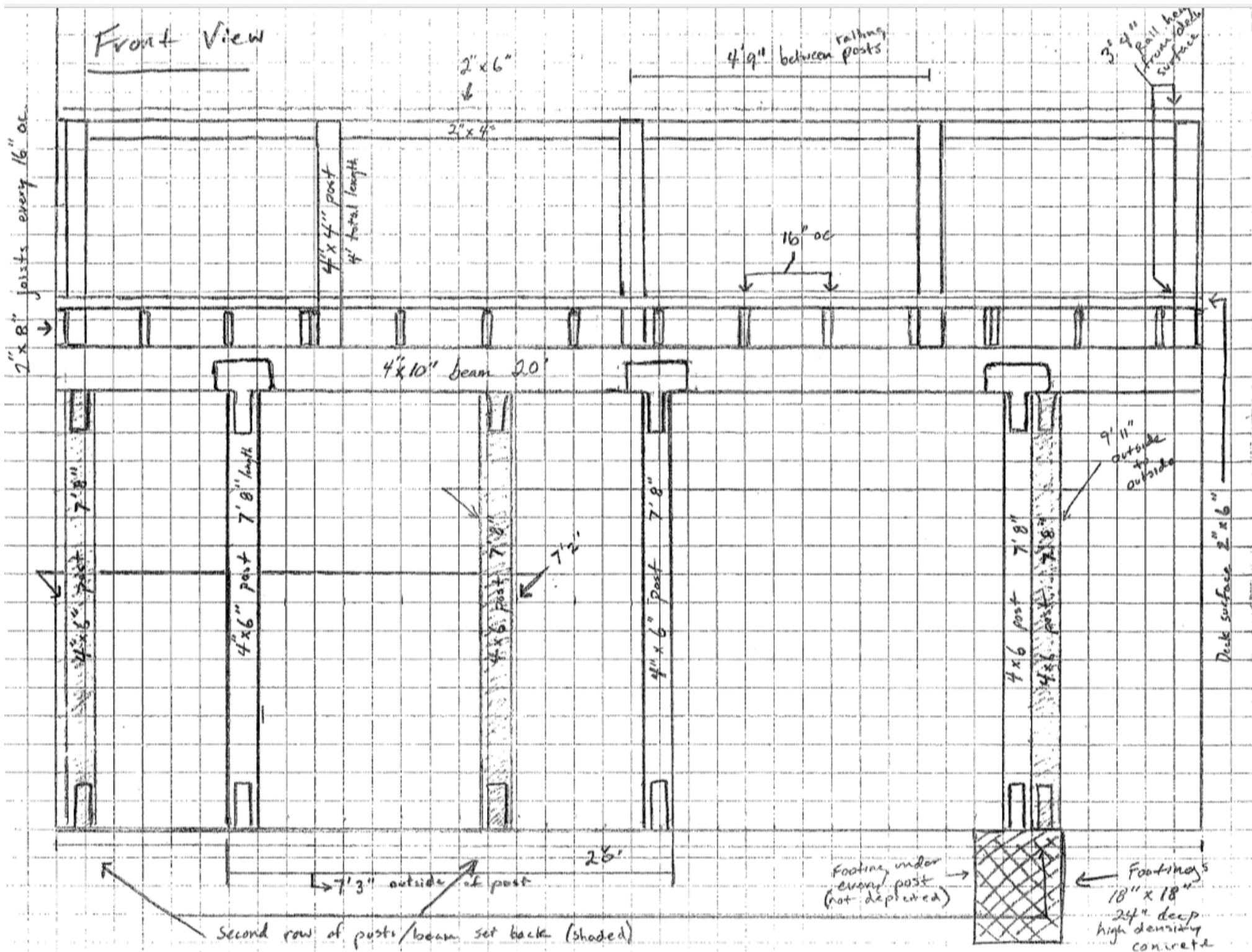
1946
Native
Brazil



NORTH

Grandview Street







Hand railing 3' 4" above deck surface

2" x 6" laid flat

2" x 4 20'

3/16" Synthetic dynema STS w/ turnbuckle
every 35 inches

4" x 4" post

4" x 4" post

2 x 4 20'

2 x 6" surface material laid flat (Redwood)

2" x 8" header board 20'

4' 9" between posts

Roof

pressure treated
2" x 4" to
support
railing 4" x 4"

pressure treated
2" x 8"
8' length

Door

Window

16"

8'6" height

pressure treated
2" x 8" 20' length

Door

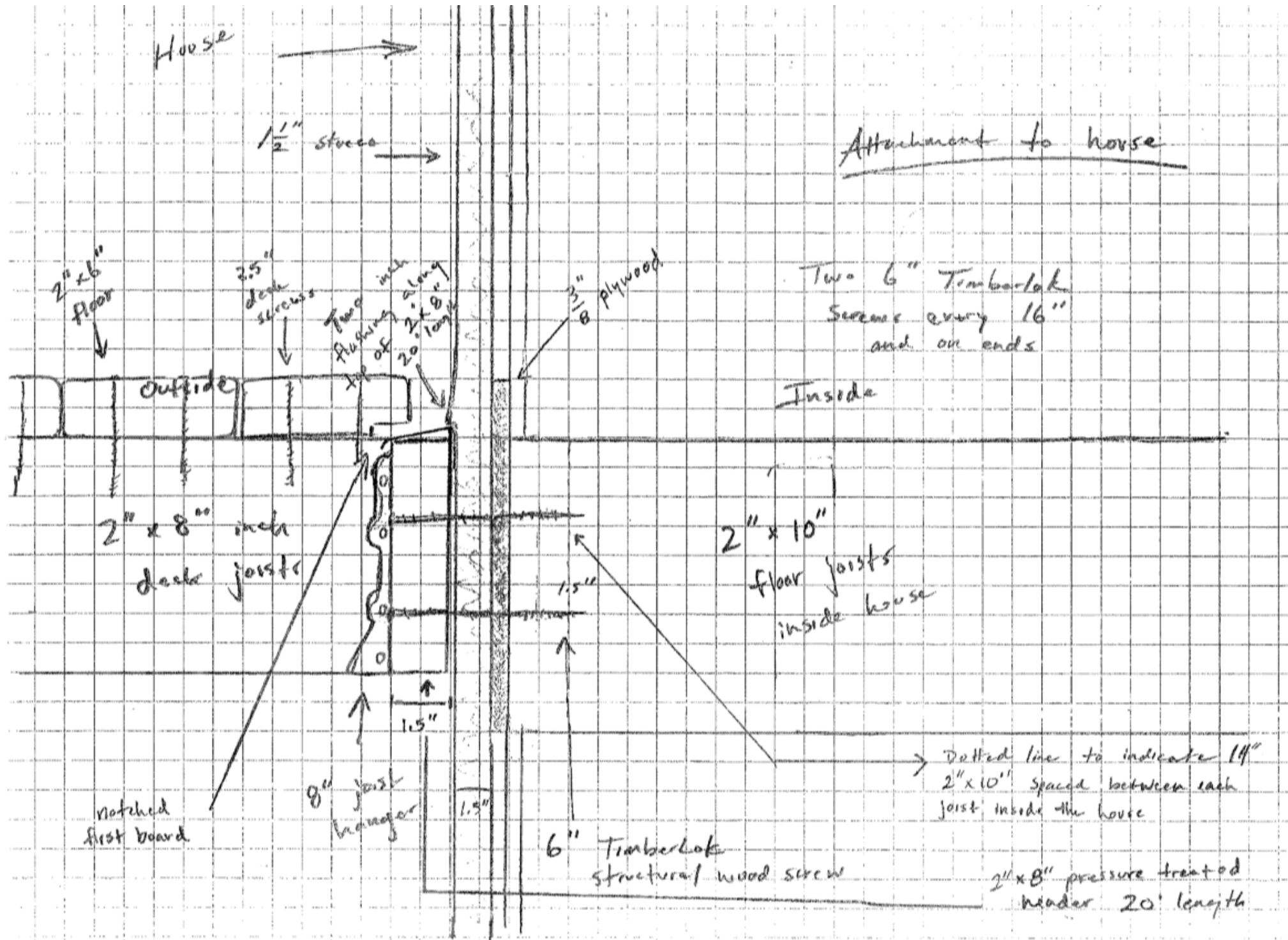
Door

Window

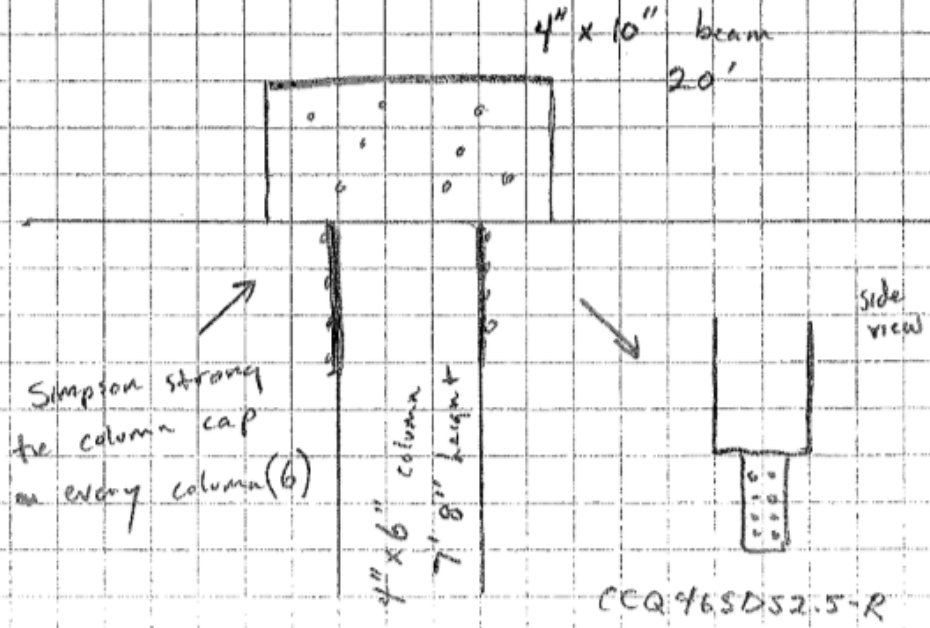
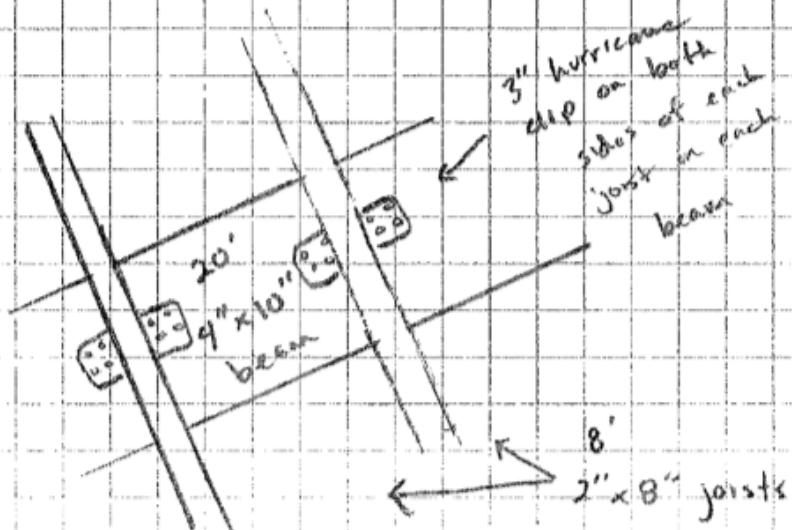
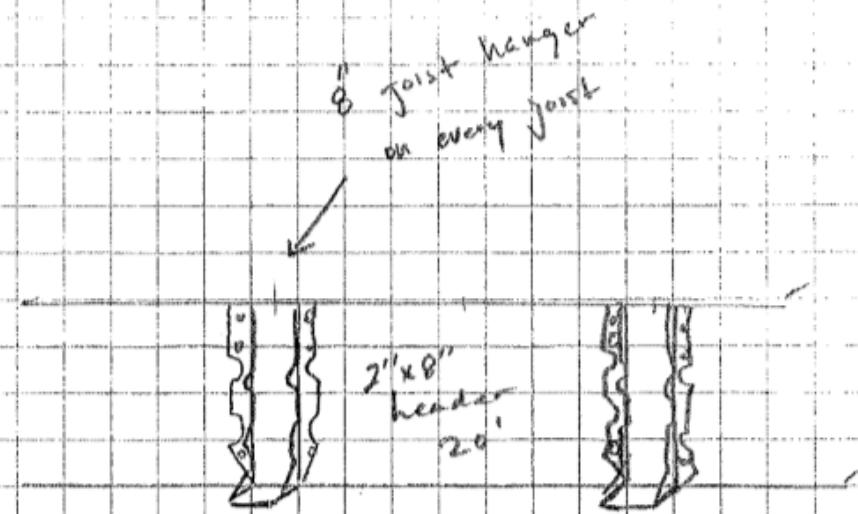
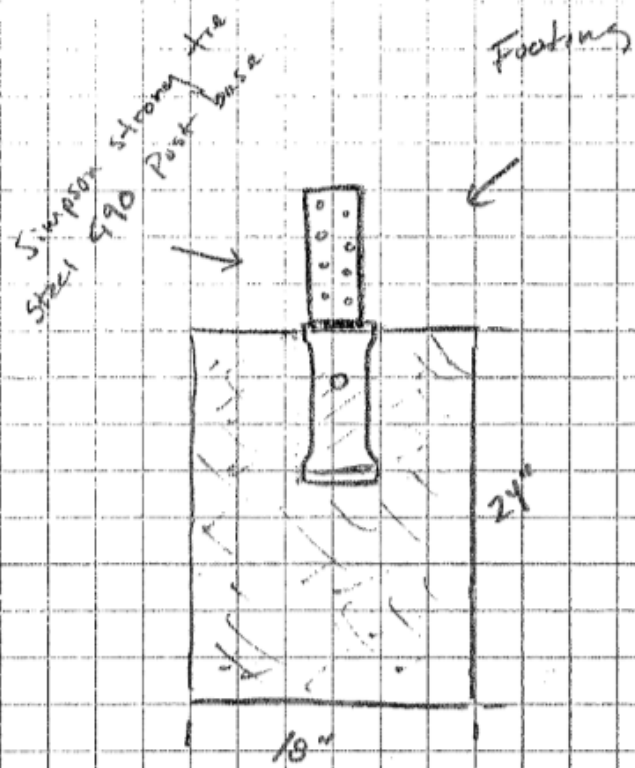
14"

- 2" x 8" mounted to house w/ 6" Timber Lok structural wood screws
- Every 16" on center into floor joist ends
- Two screws on each joist

Attachment to House - stainless flashing over top of 2" x 8"



Anchors



11/16/2020

Seaside Planning and Development,

I appreciate your review of the plans and details of the attached deck enhancement project at 1955 Grandview Street. I apologize sincerely for not acquiring the permit prior to construction. The project unfolded in an unforeseeable course. I purchased 1955 Grandview 3 years ago and have had issues with the existing deck throughout that time.

In the summer of 2019 I did some extensive repair work to fix a water intrusion issue on the existing joists of the deck. During the winter of 2020 I came to learn the repair was not 100% effective. In mid-October of 2020 I began work for the second time on attempting to repair the water intrusion problem on the deck joists. I additionally had planned to strengthen the handrail, which was unsecure and wobbly. During this process, due to rot, I came to decide the entire deck needed to be dismantled and a new deck would be necessary.

I began work on a new deck, which was not cantilevered from the house, but supported by two systems of columns and beams. The beams would be anchored in concrete footings. The deck would be anchored to the house, eliminating water intrusion points. Through this work, I also decided to use this as an opportunity to widen the deck by four feet. After nearly completing the project, I was asked to stop work on the deck and apply for a permit. I immediately contacted Alfred Soto, and began the process of properly drawing the plans of the deck and submitting for approval.

In this packet you will find the plans drafted by myself, enlarged onto 11"x17" paper. I have also included a project description, setbacks, and photographs of the old and new deck. I greatly appreciate your consideration of approving the new deck.

Sincerely,



Zachary Grover

Home Owner

1955 Grandview Street

Seaside, CA 93955

Project description:

The old deck was removed completely and all protruding floor joists were removed. All openings were covered with 3/8" plywood, waterproofing membrane, chicken wire, and filled with stucco.

The new deck is no longer cantilevered through the house, but supported by a system of columns and beams. Rather than supporting the deck by a single beam on the outside end and by the attachment to the house on the inside end, two systems of columns and beams support the deck. The deck is then attached to the house by 6" structural screws that run through the pressure treated header board into the floor joists, every 16". The pressure treated end joist on the North side of the deck is secured to the house in the same way. A two inch piece of flashing runs along the pressure treated header, which is attached to the house.

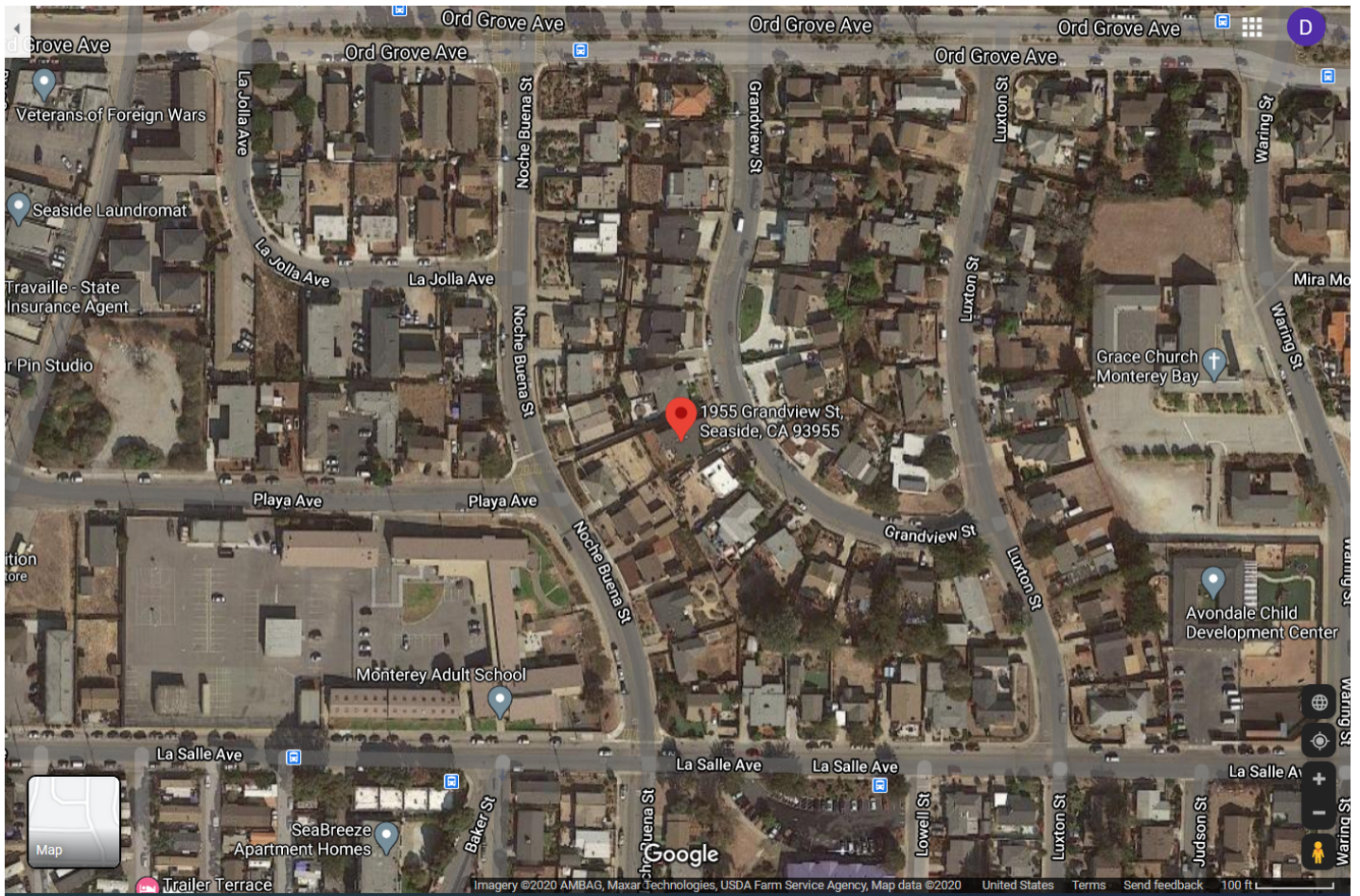
Each 4"x 10" beam is supported by three 4"x 6" columns. The beams are 20' long. The first row of columns is spaced to avoid covering the entryway door and window. The longer distance measures 9'11" from the outside of each column. The second row is spaced on center with 7' between each post. Each column is anchored to its footing, which measures 18"x 18" and 24" deep. The footings are solid high density concrete. Each column is anchored to its footing using Simpson strong tie steel G90 post bases. At the top of each column is a Simpson strong tie column cap, which secures the 4"x10" beams to the tops of the columns.

The 8" floor joists of the deck are secured to the pressure treated header board with 8" joist hangers, every 16" on center. They are 8' long. The outside header board is secured using 8" joist hangers as well. A secondary header board of 20' is fastened to the outside of the outer header, facing west. An 8' header runs along the final joist as a secondary on the south facing side of the deck. The deck joists are secured to both horizontal beams with Simpson strong tie hurricane clips. Both sides of each joist are secured to both beams in this way.

The floor boards of the deck are 2"x 6" redwood. The hand railing of the deck is made of 4"x4" posts that are secured to the inner header board and the joists and are roughly 4' 9" apart, totaling 7 posts. These are secured with 6" structural screws. A 2"x6" runs along the top of the posts as the hand railing. The total height of the hand railing from the deck surface is 3' 4". A 2"x4" runs just below the handrail and another one runs 3.5" up from the deck surface. Between the 2"x 4"s are 7 runs of STS Dyneema cable rigging every 3.5". These are tightened with stainless steel turnbuckles.

All wood was painted with two coats of weatherproof stain before assembly. The first floor board, closest to the house, is notched on its underside to ensure water flows over the flashing and under the deck.

Location Map



Site Photos



Photo of the old 80 sf deck which was demolished.



Photo of new 160 sf redwood deck.



View from the east of new 160 sf redwood deck.



Google Earth Image Capture of 1955 Grandview from corner of Playa Ave and Noche Buena St.



View of 1955 Grandview and new deck coming from the north on Noche Buena (view from north).



View of 1955 Grandview and new deck from corner of Noche Buena and Playa Ave (view from west).



View of 1955 Grandview and new deck driving on Noche Buena from the south (view from south).



CITY OF SEASIDE
PLAN CHECK
COMMENT SHEET

Date submitted to City for review: 10/28/2020

Return to: COUNTER

Date sent to departments for review: 10/28/2020

Date Comment Due:

- ☐ Building Department
 - o David Little
- ☐ Fire Department
 - o Paul Blaha
- ☐ Planning Department
 - o Rick Medina
 - o Bob Larsen/Beth Rocha
- ☐ Public Works Department
 - o Billy Thomas
- ☐ Water Department

APPLICANT CONTACT INFORMATION

Attn: ZACHARY GROVER

Project Applicant: ZACHARY GROVER

Daytime Phone Number: (760) 703-3644

Mailing Address: 1955 GRANDVIEW ST., SEASIDE, CA 93955

PROJECT INFORMATION

Project Number: 0021569

Project Address: 1955 GRANDVIEW ST.

Project Description: REMOVE AND REPLACE DECK ON 4" X 6" POSTS (6) SUPPORTING 2" X 10" BEAMS. DECK WILL BE 8 FT WIDE (FORMERLY 4 FT WIDE). 80 SQ FT TO 160 SQ FT.

COMMENT SECTION

Please review and comment on the proposed project as it relates to the requirements of your department. Please return all comments to the Building Division within 10 working days but no later than the due date shown on the top of this form. All comments must be typewritten on a separate sheet as the comments will be forwarded to the applicant.

- ☐ NO COMMENTS
- ☐ APPROVED WITH NO CONDITIONS
- ☒ APPROVED SUBJECT TO CONDITIONS (see attached)
- ☐ ADDITIONAL INFORMATION REQUIRED (see attached)
- ☐ DISAPPROVED FOR THE FOLLOWING REASONS (see attached)

*Storm Water Pollution
Prevention Plan fee: \$ (S37.50 or S75)

*Public Works
Plan Review fee: \$ (\$45 and up)

Reviewed by: David L

Title: CPD

Date: 11/9/2020

Amount of hours spent on plan
check (i.e. 1/2 hr, 1/4 hr, 1 1/2 hr):

GUARD RAILS SHALL BE 42"
MINI HIGH WITH NO
SPACES GREATER THAN
3 7/8" INCHES
OR LESS THAN 4"

Hand Railing

3' 6" above deck surface

← Total railing height
3' 6"

2" x 6" Redwood laid flat

2" x 4" laid flat

2" x 4" 20'

↑ 3.5"

↑ 3.5"

↑ 3.5"

↑ 3.5"

↑ 3.5"

↑ 3.5"

↑ 3.5"

↑ 3.5"

↑ 3.5"

↑ 3.5"

↖ 3/16" Synthetic dyneema STS w/ turnbuckle
every 3.5 inches

2" x 4" 20'

↑ 3.5"

2" x 6" surface material laid flat (Redwood)

2" x 8" header board 20'

4' 9" between posts



CITY OF SEASIDE STAFF REPORT

Item No.: 7.B.

TO: Planning Commission

BY: Beth Rocha, Associate Planner

DATE: January 13, 2021

SUBJECT: **USE PERMIT APPLICATION NO. UP-20-08. VINCE LUCIDO, APPLICANT, AND MARTHA PRICE, PROPERTY OWNER, ARE REQUESTING USE PERMIT APPROVAL FOR A 189 SQUARE FOOT DECK THAT WOULD BE CONSTRUCTED 3'-9" ABOVE GRADE AND PROJECT 5'-6" INTO THE REQUIRED 15' REAR YARD SETBACK OF 1785 YOSEMITE STREET, LOCATED IN THE RS-12, SINGLE FAMILY RESIDENTIAL ZONE. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(E), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE & RECOMMENDATION

In accordance with Seaside Municipal Code (SMC) section 17.30.100, Table 3-5 – Allowed Architectural Projections Into Setbacks, uncovered and unenclosed above-ground (greater than 18 inches above grade) decks are allowed to project 6' into the rear setback. Additionally, Footnote 3: requires that projections of more than three feet into the front or rear setback are subject to Use Permit approval by the Planning Commission.

Staff recommends approval of UP-20-08 for the proposed 5'-6" projection (observing a 9'-6" rear setback) into the required 15' rear yard setback for the 189 square foot(sf) deck (21'w x 9'd) and associated access steps subject to Attachment 1: Resolution and Attachment 2 (Exhibit A): Project Plans.

BACKGROUND

In accordance with Seaside Municipal Code (SMC) section 17.30.100, Table 3-5 – Allowed Architectural Projections Into Setbacks, uncovered and unenclosed above-ground decks (greater than 18 inches above grade) are allowed to project 6' into the rear setback. Additionally, Footnote 3: requires that projections of more than three feet into the front or rear setback are subject to Use Permit approval by the Planning Commission.

Staff recommends approval of UP-20-08 for the proposed 5'-6" projection into the rear yard setback

for the 189 square foot(sf) deck (21'w x 9'd) and associated access steps subject to Attachment 1: Resolution and Attachment 2 (Exhibit A): Project Plans.

UP-20-08: Per SMC 17.30.100.E. Table 3-5: decks are permitted to project 6 feet into the required rear yard setback. However, any projection of more than 3 feet into the front or rear yard requires Use Permit approval. The rear yard setback required for a property zoned RS-12 is 15 feet; per City code the deck is permitted to observe a 9 foot rear setback. The applicant is requesting to utilize nearly the full Use Permit projection allowance of 6 feet, with a proposed projection of 5'-6". If approved, the deck would observe 9'-6" foot rear setback. The 6,562 lot is developed with a 1,796sf one-story single-family residence. The existing and proposed conditions comply with both lot coverage and floor area ratio regulations.

SITE LOCATION AND DESCRIPTION

1785 Yosemite is located south of San Pablo Avenue and north of Mingo Avenue. The project site is surrounded entirely by residential uses. An aerial photograph is provided as Attachment 3.

STAFF ANALYSIS

UP-20-08:

SMC section 17.62.070.F outlines the following findings that are necessary for approval by the review authority, including evidence in support of the findings:

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: *The proposed 189 sf deck would observe a 9'-6" rear setback (Section 17.30.100, Table 3-5, Allowed Architectural Projections Into Setbacks). The standard setback requirement for the base zoning district is 15' and the minimum setback permitted is 9'-0".*

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

Evidence: *The Seaside General Plan Land Use Designation for the project site is Medium Density Single-Family Residential. This land use classification is intended for detached single-family residential units, including decks.*

3. *The project would be consistent with the following General Plan Goals and Policies:*

Land Use Element

Goal LU-3: Revitalize existing residential areas

Policy LU-3.2: Improve physical appearance of residential neighborhoods

Goal LU-4 – Ensure that new development compliments existing land uses and enhances the character of the community and its neighbors.

Policy LU-4.1 – Require that all new development is compatible with surrounding uses, the site, and available infrastructure.

Urban Design Element

Goal UD-3: Provide and maintain a streetscape system that protects views and enhances the visual quality and continuity within the community.

Policy UD-3.1: Protect private views of significant natural features, such as the Monterey Bay, Roberts Lake, the Pacific Ocean, the surrounding mountains, and other important viewsheds.

Evidence: *The project proposal is compatible with the overall design and scale of surrounding residential land uses. The placement of an exterior deck in the rear yard the single family residence will not detract from the character of the neighborhood. The proposed property improvements will help to improve the physical appearance and character of the residential neighborhood.*

4. 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 deck is an accessory use to the main dwelling and therefore does not alter the operating characteristics of the dwelling or enjoyment of the other properties in the neighborhood.*

5. 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 site is an existing residence in the RS-12 (Single-Family Residential) zoning district. Access to the deck would be provided from an exterior stair, with six risers constructed at no more than 8" each, from existing grade in the backyard. Extension of public utilities is not required for the proposed project. The completion of the deck will not alter the location of existing utilities.*

6. 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 proposed project is located in the RS-12 zone and is compatible with the existing and planned future single-family residential land uses in the vicinity and would not create significant noise or privacy impacts 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.*

ENVIRONMENTAL REVIEW

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

Evidence: *The proposed deck would consist of an accessory use to the single family that would not have any impact on the environment or materially affect the use and/or mass of the dwelling. The proposed modification would be exempt from CEQA review.*

RECOMMENDATION

Staff recommends approval of UP-20-08 for the proposed 5'-6" projection (observing a 9'-6" rear setback) into the rear yard setback for the 189 square foot(sf) deck (21'w x 9'd) and associated access steps subject to Attachment 1: Resolution and Attachment 2 (Exhibit A): Project Plans.

ATTACHMENTS

1. Attachment 1: Resolution
 2. Attachment 2 (Exhibit A): Project Plans
 3. Attachment 3: Aerial Photo
-

RESOLUTION NO. 20-XX

UP-20-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE APPROVING USE PERMIT 20-08 TO ALLOW A 189SF DECK TO PROJECT 5 FEET 6 INCHES INTO THE REQUIRED REAR YARD, OBSERVING A 9-FOOT 6-INCH SETBACK, AS PERMITTED BY SMC 17.30.100.E AT 1785 YOSEMITE STREET IN THE SINGLE-FAMILY RESIDENTIAL (RS-12) ZONING DISTRICT;

WHEREAS, Vince Lucido, applicant, and Martha Price, property owner, have applied for Use Permit 20-08 to:

- A. Permit the deck to project 5 feet 6 inches into the required rear yard setback, observing a 9-foot 6-inch setback, as permitted by SMC 17.30.100.E.

WHEREAS, the proposed project requires discretionary approval, 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 Seaside Planning Commission considered oral comments and written information concerning the proposed Use Permit and Architectural Review applications at a duly noticed public hearing held on January 13th, 2021, and

WHEREAS, the project and both application are Categorically Exempt, Class 1, Section 15301(e)(1) from the California Environmental Quality Act Guidelines.

Evidence: UP-20-08 - The proposed deck would consist of an accessory use to the single family that would not have any impact on the environment or materially affect the use and/or mass of the dwelling. The proposed modification would be exempt from CEQA review.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No. UP-20-08:

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: The proposed 189 sf deck would observe a 9'-6" setback from the rear property line (Section 17.30.100, Table 3-5, Allowed Architectural Projections Into Setbacks). The standard setback requirement for the base zoning district is 15' and the minimum setback permitted is 9'-0".

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

Evidence: The Seaside General Plan Land Use Designation for the project site is Medium Density Single-Family Residential. This land use classification is intended for detached single-family residential units, including decks.

The project would be consistent with the following General Plan Goals and Policies:

- **Land Use Element**

- Goal LU-3: Revitalize existing residential areas
 - Policy LU-3.2: Improve physical appearance of residential neighborhoods
- Goal LU-4 – Ensure that new development compliments existing land uses and enhances the character of the community and its neighbors.
 - Policy LU-4.1 – Require that all new development is compatible with surrounding uses, the site, and available infrastructure.

- **Urban Design Element**

- Goal UD-3: Provide and maintain a streetscape system that protects views and enhances the visual quality and continuity within the community.
 - Policy UD-3.1: Protect private views of significant natural features, such as the Monterey Bay, Roberts Lake, the Pacific Ocean, the surrounding mountains, and other important viewsheds.

Evidence: The project proposal is compatible with the overall design and scale of surrounding residential land uses. The placement of an exterior deck in the rear yard the single family residence will not detract from the character of the neighborhood. The proposed property improvements will help to improve the physical appearance and character of the residential neighborhood.

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 deck is an accessory use to the main dwelling and therefore does not alter the operating characteristics of the dwelling or enjoyment of the other properties in the neighborhood.

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 site is an existing residence in the RS-12 (Single-Family Residential) zoning district. Access to the deck would be provided from an exterior stair, with six risers constructed at no more than 8" each, from existing grade in the backyard. Extension of public utilities is not required for the proposed project. The completion of the deck will not alter the location of existing utilities.*

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 proposed project is located in the RS-12 zone and is compatible with the existing and planned future single-family residential land uses in the vicinity and would not create significant noise or privacy impacts 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.*

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission approves Use Permit application No. UP-20-08 subject to the following 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 Attachment 2 (Exhibit A), and approved on January 13th, 2021. The Use Permit is approved to allow the deck to project 5 feet 6 inches into the required rear yard, observing a 9-foot 6-inch rear setback, in accordance with the project plans provided as Attachment 2 (Exhibit A).
2. Minor modifications to the use permit consistent with Seaside Municipal Code Section 17.54.090.C may be made subject to the review and approval by the Zoning Administrator and the Planning Commission if such modifications are in keeping with the intent of the original approval.

Fire Department:

1. Prior to the issuance of a Certificate of Occupancy, applicant shall comply with the requirements of the Seaside Fire Marshall for compliance with the current California Building and Fire Code.

Building Department:

2. Projects must comply with the current California Code of Regulations, Title 24, and California Law in effect at the time of the plan submittal.

Standard:

1. Use Permit approval is subject to revocation procedures contained in SMC 17.80.060 in the event any of the conditions of this approval are violated, this discretionary permit was granted on the basis of false or misleading information, written or oral, given willingly or negligently by the applicant or property owner.
2. This Use Permit is subject to procedures and requirements of Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration) of Title 17 of the Seaside Municipal Code.
3. 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.
4. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
5. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
6. The project shall be responsible for all applicable local and/or regional development and/or impact fees including, but not limited to, sewer, water, and traffic fees, which shall be paid prior to building permit issuance.
7. 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.

8. This Use Permit shall expire and become void 12 months from the date of approval, or upon the expiration of another time limit established by the review authority, unless use has commenced construction within the required time limit or the Zoning Administrator has granted an extension of time. In accordance with Section 17.64.080.B.1.a of the Zoning Code, the applicant must file request for time extension at least 30 days prior to expiration date in order to receive consideration of time extension by the Commission.
9. 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 at the Special Meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of January 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

RESOLUTION No. 20-X
USE PERMIT APPLICATION NO. UP-20-08

These permits are 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.

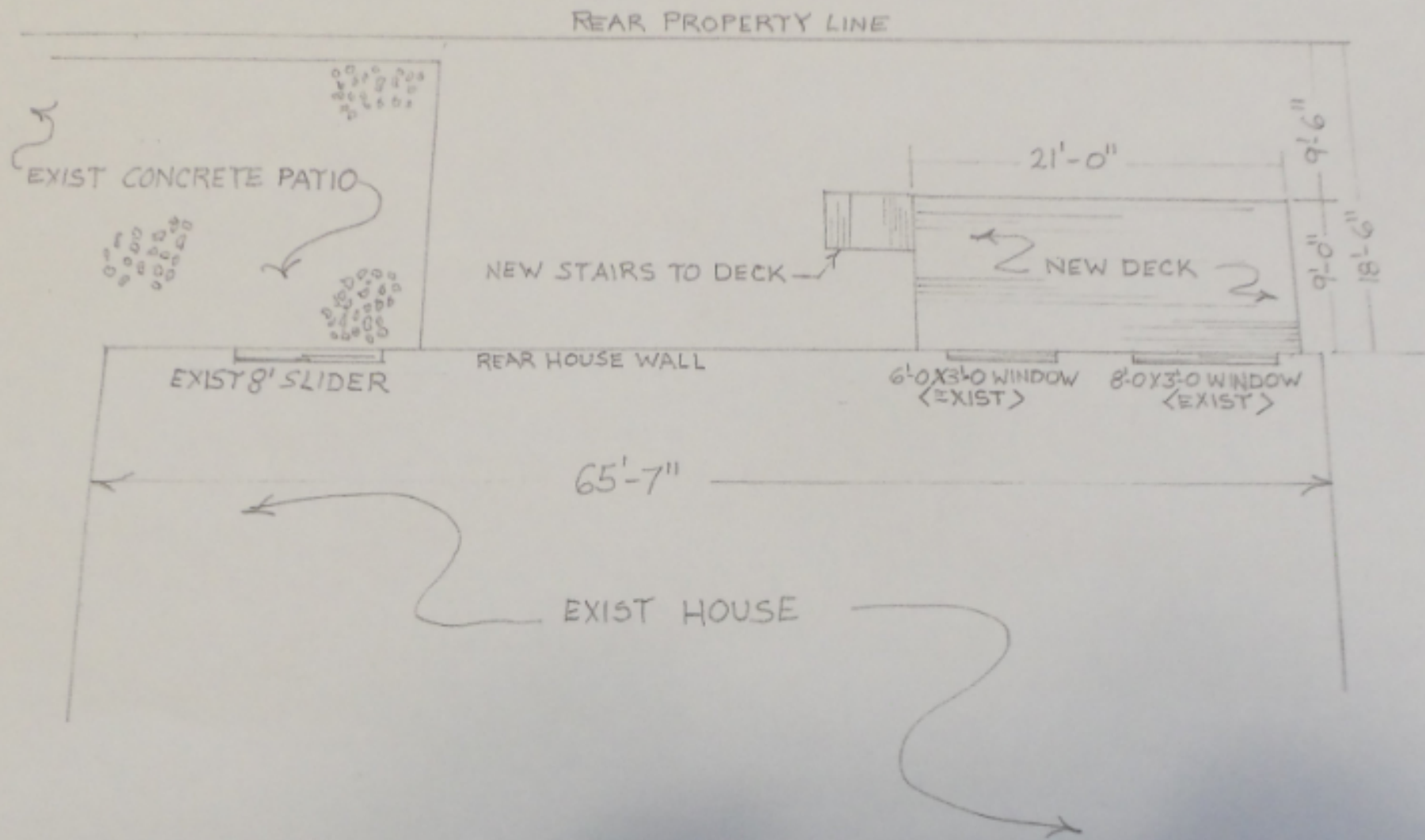
Applicant's Signature

Date

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

Date

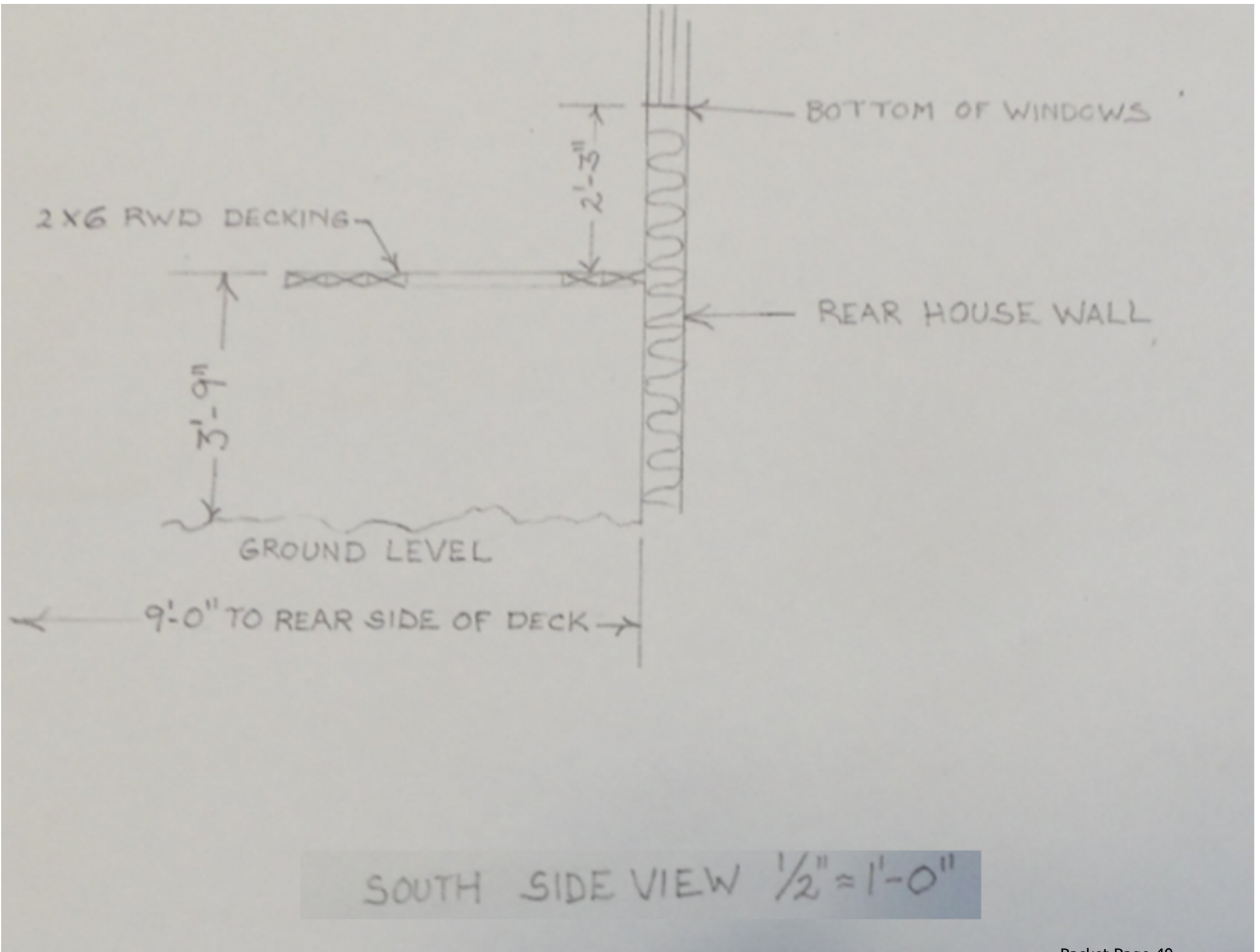
SITE PLAN



.SITE PLAN $\frac{1}{8}" = 1'-0"$

1785 YOSEMITE ST.
SEASIDE, CA 93955
DR. BY: VINCENT A. LUCIDO
<831> 402-7709

ELEVATION



1685

San Pablo Ave

St Helena St

Yosemite St

1791

1790

1791

1790

1785

1782

1785 Yosemite St,
Seaside, CA 93955
5 min drive - home

1784

1779

1778

1777

1778

1773

1772

1771

18

1769

St Helena St

Yosemite St

Google

Westminster Ct