



AGENDA
CITY OF SEASIDE
ZONING ADMINISTRATION

REGULAR MEETING
VIRTUAL ONLY
440 Harcourt Avenue
Monday, May 3, 2021
5:30 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 4:00 p.m. on the day of the meeting. All submitted comments will be provided to the Zoning Administrator 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 Clerk will call speaker names and unmute speaker microphones. You will have up to 3 minutes to provide your comments, with time set by the discretion of the Chair. Please note, 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. They will be included in the final administrative record.

VIRTUAL MEETING ACCESS

This meeting can be watched via the City of Seaside You Tube channel

https://www.youtube.com/channel/UC1Cu7854Ohtjpr_XV1tDvRg

Or by joining the Zoom webinar link <https://us02web.zoom.us/j/83926453331>

Or call in phone number: 669-900-9128

Webinar ID: 839 2645 3331

1. CALL TO ORDER

2. ROLL CALL

Gloria Stearns – Zoning Administrator

3. PUBLIC COMMENT

4. BUSINESS ITEMS

- A. MINOR USE PERMIT APPLICATION MUP-21-02. TIM SPACKMAN, PROPERTY OWNER AND APPLICANT, IS SEEKING MUP APPROVAL IN ACCORDANCE WITH SEASIDE MUNICIPAL CODE SECTION 17.72.030.B.1.B.(2) FOR A 286 SQUARE FOOT GARAGE THAT WAS ILLEGALLY CONVERTED FROM A CARPORT, LEGALLY ESTABLISHED IN 1959. THE PROPERTY IS LOCATED AT 1738 GOODWIN STREET (APN: 012-163-039) IN THE SINGLE-FAMILY RESIDENTIAL (RS-12) ZONE. THIS PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, 15301(E).**

RECOMMENDATION: APPROVE THE RESOLUTION INCLUDED AS ATTACHMENT 1, WHICH INCLUDES FINDINGS AND EVIDENCE IN SUPPORT OF APPROVAL OF MINOR USE PERMIT 21-02.

5. ADJOURNMENT

Next Regularly Scheduled Meeting:
TBD

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.: 4.A.

TO: Zoning Administration

BY: Beth Rocha, Associate Planner

DATE: May 3, 2021

SUBJECT: MINOR USE PERMIT APPLICATION MUP-21-02. TIM SPACKMAN, PROPERTY OWNER AND APPLICANT, IS SEEKING MUP APPROVAL IN ACCORDANCE WITH SEASIDE MUNICIPAL CODE SECTION 17.72.030.B.1.b.(2) FOR A 286 SQUARE FOOT GARAGE THAT WAS ILLEGALLY CONVERTED FROM A CARPORT, LEGALLY ESTABLISHED IN 1959. THE PROPERTY IS LOCATED AT 1738 GOODWIN STREET (APN: 012-163-039) IN THE SINGLE-FAMILY RESIDENTIAL (RS-12) ZONE. THIS PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, 15301(e).

PURPOSE & RECOMMENDATION

APPROVE THE RESOLUTION INCLUDED AS ATTACHMENT 1, WHICH INCLUDES FINDINGS AND EVIDENCE IN SUPPORT OF APPROVAL OF MINOR USE PERMIT 21-02.

BACKGROUND

The subject property is a corner lot, with the established front yard on Goodwin Street and the street side yard located along the Phoenix Avenue frontage. In the RS-12 zone, the setbacks are as follows: Front: 15', Rear: 13' for an attached garage, and the Street Side is 10'.

The enclosed carport, which is now a garage, is compliant with the Street Side setback of 10', as it observes a 13' setback. The rear setback is non-compliant and only observes a 6' setback when 13' is required for an attached garage. The original detached carport would have required a 10' Street Side setback and a 3' Rear Setback.

In 2020, City of Seaside's Planning Department was contacted by Tim Spackman, prospective property owner at the time and now owner, regarding an unpermitted carport to garage conversion at 1738 Goodwin Street. Mr. Spackman sought advice on how to remedy the unpermitted conversion and on March 24, 2020 Rick Medina, Senior

Planner at the time, advised Mr. Spackman of the following Seaside Municipal Code (SMC) section that could be used to resolve the violation found at the time the Real Property Report was completed:

Per Section 17.72.020.B.1.b.2, an area of an addition that encroaches no further than an existing nonconforming portion of the structure may be allowed with a Minor Use Permit provided that the area of the addition is less than 25% of the floor area of the existing structure. The conversion of the carport to a garage would constitute an addition. Based on site inspection, the area of the garage is less than 25% of the existing dwelling. In order to clear the violation comment on the Real Property Certification, a Minor Use Permit approved by the Zoning Administrator is required. The Real Property Certification is a disclosure document. The MUP can be submitted by the current owner or yourself. In the event you close on the property and the violation has not been cleared then the responsibility would be placed on the new owner of record.

This interpretation of SMC 17.72.020.B.1.b.2 has been verified by the City Attorney as "fair and reasonable," as specific to this site and based on the communication between Senior Planner Medina (now retired) and Mr. Spackman.

Seaside Municipal Code section 17.72.030.B.1.b(2) states:

Any area of an addition that encroaches into a required setback no further than an existing nonconforming portion of the structure may be allowed with Minor Use Permit approval in accordance with Section [17.62.070](#); provided, that the area of the addition within the required setback is less than or equal to 25 percent of the total floor area of the existing structure, complies with the Building Code, and the review authority first determines that the addition will not adversely affect any neighboring property or the character of the surrounding neighborhood.

The square footage of the existing home is 1,113 square feet and the garage is 267 square feet.

FINDINGS

As outlined in SMC 17.62.070.F, the review authority may approve a Minor Use Permit only after first finding all of the following (1-5):

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: *Attached accessory structures are allowed in the zone and with the issuance of the MUP, the project complies with all other applicable provisions of the SMC.*

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

Evidence: *The proposed use is consistent with residential specific goals and policies of the General Plan.*

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 design, location, size, and operating characteristics of the garage are compatible with existing and planned future land uses in the vicinity, as many homes have enclosed on-site parking and one on-site parking space is required for new single family homes and additions over a specific square footage.*

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 suitable for a garage, which provides one enclosed on-site parking space accessed from a driveway. There are no issues with utilities and there is an absence of physical constraints.*

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:** Granting the MUP 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, as there are no public safety issues associated with a garage structure located on private property.*

ATTACHMENTS

Attachment 1 – Draft Resolution

Attachment 2 – Site Plan

**ZONING ADMINISTRATOR
RESOLUTION NO. ZA-21-XX**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING MINOR USE PERMIT APPLICATION NO. MUP-21-02 IN ACCORDANCE WITH SEASIDE MUNICIPAL CODE SECTION 17.72.030.B.1.b(2) FOR A 286 SQUARE FOOT GARAGE THAT WAS ILLEGALLY CONVERTED FROM A CARPORT THAT WAS LEGALLY ESTABLISHED IN 1959. THE PROPERTY IS LOCATED AT 1738 GOODWIN STREET (APN: 012-163-039) IN THE SINGLE-FAMILY RESIDENTIAL (RS-12) ZONE. THIS PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, 15301(e).

WHEREAS, Tim Spackman, property owner and applicant has 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 Special Meeting on May 3, 2021; and

WHEREAS, the project is exempt pursuant to Section 15301(e) of the California Environmental Quality Act, Class 1, additions to existing structures.

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

FINDINGS

As outlined in SMC 17.62.070.F, the review authority may approve a Minor Use Permit only after first finding all of the following (1-5):

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: *Attached accessory structures are allowed in the zone and with the issuance of the MUP, the project complies with all other applicable provisions of the SMC.*

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

Evidence: *The proposed use is consistent with residential specific goals and policies of the General Plan.*

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 design, location, size, and operating characteristics of the garage are compatible with existing and planned future land uses in the vicinity, as many homes have enclosed on-site parking and one on-site parking space is required for new single family homes and additions over a specific square footage.*

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 suitable for a garage, which provides one enclosed on-site parking space accessed from a driveway. There are no issues with utilities and there is an absence of physical constraints.*

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: *Granting the MUP 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, as there are no public safety issues associated with a garage structure located on private property.*

BE IT FURTHER RESOLVED, the Zoning Administrator hereby grants Minor Use Permit MUP-21-02 subject to the following terms and agreements:

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., Use Permit, Minor Use Permit, Variance, Minor Variance, or Planned Development 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 3rd day of May, 2021.

Gloria Stearns
Acting Zoning Administrator

**ZONING ADMINISTRATOR RESOLUTION NO. 20-XX
MINOR USE PERMIT APPLICATION NO. MUP 21-02**

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).

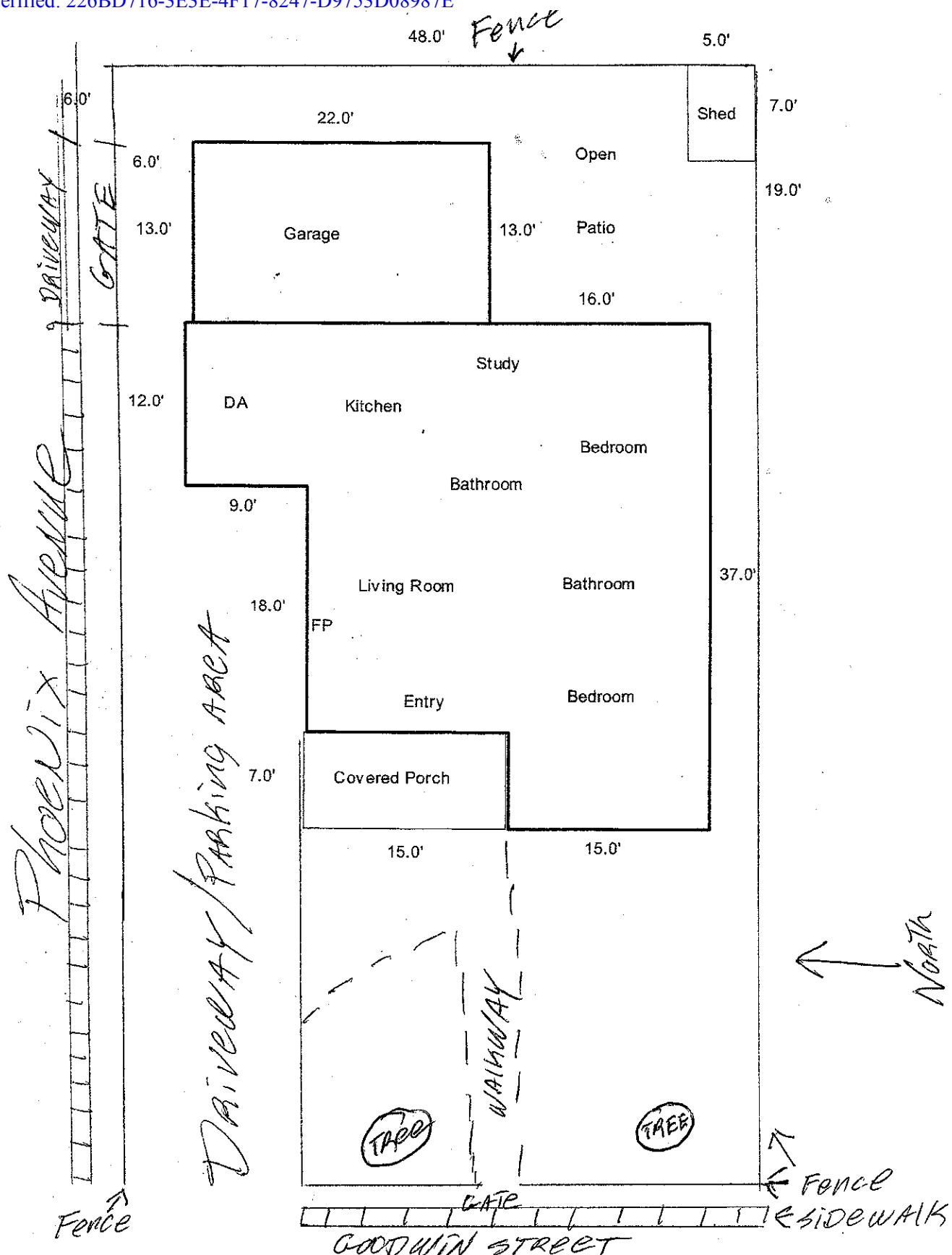
The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Zoning Administrator.

Applicant's Signature

Date

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

Date



Phoenix Avenue

DRIVEWAY

GATE

DRIVEWAY/PARKING AREA

WALKWAY

North

Fence

Fence

RESIDEWALK

GOODWIN STREET

0808-58-2-5-25-0030

Application - MINOR USE PERMIT - EXISTING GARAGE
 Address - 1738 Goodwin Street APN: 012-163-039-000
 OWNER Elizabeth Bartolucci
 701 Fonville Drive
 MARLIN, TX 76861
 012-597-9787
 EMBARTOLUCCI@GMAIL.COM