



AGENDA
CITY OF SEASIDE
PLANNING COMMISSION

VIRTUAL ONLY
MEETING
Wednesday, May 12, 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.

VIRTUAL MEETING ACCESS

This meeting can be watched via the City of Seaside YouTube channel:
https://www.youtube.com/channel/UC1Cu7854Ohtjpr_XV1tDvRg

Or by joining the Zoom webinar link: <https://us02web.zoom.us/j/81555467580>

Or call in phone number: 669 900 9128

Webinar ID: 815 5546 7580

1. CALL TO ORDER

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

A. APPROVAL OF APRIL 28, 2021 MEETING MINUTES

7. BUSINESS ITEMS

A. FENCE EXCEPTION APPLICATION NO. FE-21-01. CONTINUATION OF APPLICATION SUBMITTED BY CAROLINE STAVE-VIEMEISTER, APPLICANT AND PROPERTY OWNER, REQUESTING A FENCE EXCEPTION TO ALLOW FOR THE CONSTRUCTION OF A 5'-0" TALL FENCE ALONG THE FRONT AND SIDE PROPERTY LINES (1'-0" ABOVE THE PERMITTED FRONT YARD FENCE HEIGHT) AT 1289 DARWIN STREET, LOCATED IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN: 012-291-010). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

RECOMMENDATION: Overall, the proposed fence height exception is consistent with other fences in the neighborhood and would enhance the neighborhood aesthetics. The proposed is cohesive and reflects the continued improvements of the property. Based on the analysis provided below, staff recommends approval of Fence Exception Application No. FE-21-01 (Design Option B or C) subject to Attachment 1: Draft Resolution and Conditions of Approval, Attachment 2: Site Plan

and Attachment 3: Fence Designs.

8. REPORTS FROM COMMISSIONERS

9. REPORTS FROM STAFF

10. ADJOURNMENT

Next Regularly Scheduled Meeting:

Seaside City Hall

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.



MINUTES
CITY OF SEASIDE
PLANNING COMMISSION

VIRTUAL ONLY
SPECIAL MEETING
Wednesday, April 28, 2021
7:00 PM

1. CALL TO ORDER

Chair Owens the meeting and called it to order at 7:00 PM.

2. ROLL CALL - ESTABLISHMENT OF QUORUM

3. PLANNING COMMISSION

PRESENT: Dodson, Evans, La Mica, Huynh, Owens, Silva (arrived 1 minute late),
ABSENT: Spalletta

4. REVIEW OF AGENDA

No changes

5. PUBLIC COMMENT

None

6. APPROVAL OF MINUTES

A. April 14, 2021 – Owens noted that Silva and Spalletta are listed as absent, however, Silva did attend the meeting, but arrived late. Minutes should be amended to reflect.

Motion to approve as amended: Silva

Seconded: Evans

Vote:

AYES: Evans, La Mica, Huynh, Owens, Silva

NOES: None

ABSENT: Spalletta

ABSTAIN: Dodson

7. BUSINESS ITEMS

A. LOCAL COASTAL PERMIT (COAST DEVELOPMENT PERMIT) LCP-21-01 AND BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-21-04. CITY OF SEASIDE, APPLICANT, AND MONTEREY PENINSULA REGIONAL PARK DISTRICT, PROPERTY OWNER, ARE REQUESTING A COASTAL DEVELOPMENT PERMIT AS REQUIRED BY THE CITY'S LOCAL COASTAL PROGRAM, AND ARCHITECTURAL REVIEW, FOR APPROVAL OF THE INSTALLATION OF A NEW ADA PATHWAY AND INCLUSIVE PLAY EQUIPMENT TO THE EXISTING PLAYGROUND AT LAGUNA GRANDE PARK (APN 011-371-

008) LOCATED IN THE OPEN SPACE - RECREATION (OSR) ZONING DISTRICT AND COASTAL PARKS AND OPEN SPACE (CPOS) SPECIAL DISTRICT.

ACTION: Approved

Associate Planner Morrison presented the proposed project.

The Commission discussed the project and asked questions of staff.

Commission was supportive of the project but noted that they wanted to make sure that the benches would be replaced elsewhere on the project site and recommended resurfacing the entire playground substrate with the UltraFlex material. This would make the entire playground area accessible to those with mobility issues.

PUBLIC COMMENTS:

- Diane Nielson - Voiced her support of the project and expressed her excitement at the prospect of the project moving forward, as this has been years in the making.
- Franco Pacheco – Member of the Parks and Rec Commission who voiced his support of the project and encouraged PC to approve. Thanks PC for their work.

On motion by Commissioner Silva and Seconded by Commissioner La Mica, and approved by the following vote, the Planning Commission approved the application.

AYES: Dodson, Evans, La Mica, Huynh, Silva, Owens

NOES: None

ABSENT: Spalletta

8. DISCUSSION ITEMS

- A.** Returning to two Public Hearings per month; 2nd and 4th Wednesday per month.

Commission discussed and agreed to return to 2 meetings per month, per pre-COVID PC schedule.

- B.** Potential of returning to in-person meetings.

Commission discussed. Some Commissioners were supportive of returning to in-person meetings, others were hesitant and preferred continuing with virtual on-line meetings. Commissioners generally agreed that it would be better to wait until August to return; felt it would be best to wait and see how it goes with Council. Noted, however, that if one person is not comfortable with in-person it should be accommodated; should be based on lowest common denominator. Hybrid meetings could be a possible solution.

9. COMMISSION REPORT

Requested updates on In-N-Out and Costco Gas situations; staff researching.

10. STAFF REPORTS

None.

11. ADJOURNMENT

Having no further business, the meeting was adjourned at 7:55 pm.

Respectfully submitted,

Dominique Davis, City Clerk

John Owens, Chair



CITY OF SEASIDE STAFF REPORT

Item No.: 7.A.

TO: Planning Commission

BY: Dana Morrison

DATE: May 12, 2021

**SUBJECT: FENCE EXCEPTION APPLICATION NO. FE-21-01.
CONTINUATION OF APPLICATION SUBMITTED BY CAROLINE
STAVE-VIEMEISTER, APPLICANT AND PROPERTY OWNER,
REQUESTING A FENCE EXCEPTION TO ALLOW FOR THE
CONSTRUCTION OF A 5'-0" TALL FENCE ALONG THE FRONT
AND SIDE PROPERTY LINES (1'-0" ABOVE THE PERMITTED
FRONT YARD FENCE HEIGHT) AT 1289 DARWIN STREET,
LOCATED IN THE RS-12 (SINGLE FAMILY RESIDENTIAL)
ZONING DISTRICT (APN: 012-291-010). THE PROJECT IS
CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(E), FROM
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
GUIDELINES.**

PURPOSE & RECOMMENDATION

In accordance with Section 17.30.020.F of the Seaside Municipal Code the applicant/property owner is requesting approval of a fence exception to allow for the construction of a 5'-0" tall fence along the front and side yard property lines, which exceeds the maximum height limit by 1'-0", for a single-family dwelling located at 1289 Darwin Street.

Staff presented the proposed project to the Commission at the April 14, 2021 Public Hearing, however the item was continued after the Commission requested alternative design options. Specifically requesting a redesign which was a cohesive design in keeping with existing gate, which considered visibility and openness, while providing privacy. The applicant has returned with 3 alternate design options.

Overall, the proposed fence height exception is consistent with other fences in the neighborhood and would enhance the neighborhood aesthetics. The proposed fence is cohesive and reflects the continued improvements of the property. Based on the

analysis provided below, staff recommends approval of Fence Exception Application No. FE-21-01 (Design Option B or C) subject to Attachment 1: Draft Resolution and Conditions of Approval, Attachment 2: Site Plan and Attachment 3: Fence Designs.

BACKGROUND

The house was constructed in 1962 and was purchased by the current property owner in 2020. A number of site improvement have already been done to increase the curb appeal of the existing property. This includes two new redwood gates which were designed and constructed by the applicant/owner of the property.

According to the applicant/property owner, the fence height increase is proposed to increase security of the front yard and provide additional privacy. The existing fence height is only 3', and is easily scalable by both people and the owners' dogs. Both the existing residents are elderly females and the additional height would help to provide peace of mind. Furthermore, the increased will make the front more usable for the dogs which also live at the residence.

SITE LOCATION AND DESCRIPTION

The project site is approximately 3,650 square feet in area and is developed with a 1,003 square foot single story residence. Adjacent land uses consist of single-family residential dwellings to the north, south, east and west. This section of Darwin Street is a dead end, with only 6 houses served by the roadway; Durant Park is located on the eastern side of the dead end section of Darwin. A Location Map and Site + Area Photos are provided as Attachment 4 and Attachment 5, respectively.

PROJECT DESCRIPTION:

As part of their continued property improvements the owners of 1289 Darwin Street are seeking to remove the existing 3' redwood fence and replace with a new 5' fence with uniquely designed window elements/panels (intricate lattice work) located at various points along the front property. The applicant has provided 3 design options; see Attachment 3. The fence was designed to match the two new existing gates, creating a cohesive front yard fence design which still provides privacy while containing open elements. For photos of the two gates and interior front yard; see Attachment 6.

The 3 design options provided are generally the same, but have a different number of, and proposed locations for, the window panels. The windows will consist of a unique lattice design; see Attachment 7. The window panels would consist of two panels measuring 2' tall by 3' wide. The remaining fence would be constructed of solid redwood boards 1" deep x 12" wide x 5' high. The height of the solid redwood portions would be 5' in the areas where there is no window panel, and 3' in height where there is window panel above.

Design A proposes to have 3 window panel sections all located along the front property line. The window panel sections would be separated by 46" of solid redwood fencing between each and then each end panel would be 34 ½" from the property line edges (where the fences ends, but continues in towards the house along the side property lines).

Design B proposes to have 4 window panels. Two of the panels would be located at each corner with one 3'x2' panel along the side property line and the other 3'x2' panel along the front property line. The window panels along the front property line would be separate by 4' of solid redwood fencing for the two outer panels, and a 6' gap between the two inner panels.

Design C proposes to have 3 window panels. Two of the panels would be located at each corner with one 3'x2' panel along the side property line and the other 3'x2' panel along the front property line. There would only be one full window panel (and two halves) along the front property line, these would be separate by 10' of solid redwood fencing.

The property owner proposes to utilize the concrete footings and redwood beams from the existing redwood fence. As such, the new fence would propose to retain the existing foot print located directly along the front property and also along the side property lines (within the front yard setback). The new fence would consist of a 32' linear section of the fence along the front property line (east), as well as 18'-7" and 11'-6" linear portions of fence located along the side property lines (north and south). A site plan is available as Attachment 2: Site Plan.

CEQA

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

Evidence: Approval of the proposed fence exception would result in the approval of as 5'-0" replacement redwood fence with lattice panels (a specific design option the Planning Commission selected) at 1289 Darwin Street. A fence consists of a minor improvement that is categorically exempt from CEQA.

STAFF ANALYSIS AND FINDINGS

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

- A general safety hazard to City residents and/or the general public would not be

created.

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

Physical Hardship

The existing fence along the front yard property line is only 3' in height (1' lower than code allows. The applicant is requesting to add an additional 2'-0" (consisting of lattice redwood) to increase the overall height to 5'-0" (1'-0" above the height which code allows. The request is being made to increase the privacy and safety of the front yard. The applicant owns dogs and the existing 3' fence is easy to jump and the proposed height addition to the fence will make the front yard more secure. The increased height will also allow for more privacy when the residents are utilizing the front yard. The new fence design includes an intricate lattice pattern, which creates openness and visibility; panels are proposed to be located in positions that allow visibility for cars exiting the existing driveways of the property and property neighbors.

Neighborhood Compatibility

The following objective information concerning the topic of neighborhood compatibility illustrates the conditions of fences along Darwin Street with respect to nonconforming fences, design compatibility, and conforming fences. A survey of 25 homes along Darwin Street resulted in the following information regarding fences:

Homes with **nonconforming fence material** (chain link, SMC 17.30.020.E. Prohibited Materials): 0 (0%).

Homes with **nonconforming fence height** (17.30.020.B.1, Table 3-1): 7 (28%).

Homes with **conforming fence height and materials**: 13 (52%)

Homes without a fence: 5 (20%).

Considering the data above, in addition to the fact that it appears only a few homes have recently re/constructed fences, the proposed fence modification constitutes a neighborhood improvement that provides a responsible safety measure feature for the residents and pets, that does not compromise visibility from the street to the front of the home.

Zoning Ordinance Consistency

In accordance with Section 17.30.020.F.2, the following findings shall be considered for a fence exception:

1. A general safety hazard to City residents and/or the general public would not be created.

Evidence: *The proposed fence exception would not result in a safety hazard to the general public, adjacent property owners, and the occupants residing in the subject residence. The proposed 5'-0" fence for the front and side yards provides additional privacy and added safety for the home's residents and their dogs. The new fence consists of a mix of solid redwood fencing with window panels (lattice openings). The window panels were specifically located to provide a view that would not impair the visibility of the driveways servicing the neighboring properties. The proposed fence is consistent with existing front yard fence non-conforming heights which can be found on other properties along Darwin Street (28% of the homes surveyed have non-conforming fence heights). The proposed fence would not create a safety hazard to the general public.*

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

Evidence: *The proposed front yard fence height increase does not pose a traffic-related safety hazard due to its location along a dead end street. The new proposed 5'-0" fence (1'-0" above code) is proposed to consist of a mix of solid redwood and lattice panels which will allow for visibility along the driveways for the two neighboring properties. Furthermore, the project site is not located at an intersection of traffic safety visibility area.*

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

Evidence: *The proposed front yard fence addition is not located at an intersection or traffic safety visibility area.*

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

Evidence: *The proposed fence design includes lattice sections located at the corners of the property to ensure that there are visible site lines for car exiting the existing driveways. With the new fence design, more than 50% of the view will still be open. As such the proposed fence will not obstruct the vision from the two neighboring driveways. The driveway to the north of the project site is ~18' from the fence and would not be impacted by the height increase. The property to the south has a driveway right up against the southern property line where the new fence of 5'-0" in height is proposed. However, as mentioned earlier, the new fence has lattice panels located at the corners to provide visibility from the driveway. In addition, the existing fence on the southern neighbor's property is already 5'-6" in height and directly abuts their driveway, but does not appear to affect the visibility from said driveway. Furthermore, this is a dead end street with only 3 houses located past the project site, as such traffic along this section of Darwin is very limited.*

5. The fence is compatible with the surrounding neighborhood.

Evidence: *The new cohesive fence design would be an improvement to a neighborhood which contains a wide variety of fence types: from solid (no transparency), to non-conforming height, to no fencing at all. The proposed height, while above the 4' height limit is consistent with the height of other front yard fences in the surrounding neighborhood. The fence design is unique, but is of a well-crafted, cohesive, aesthetically pleasing design. Similar fences, which contain open elements, such as crosshatched or squared lattice, can be found in the area. Overall, the new proposed fence is compatible with and would result in an improvement of the overall neighborhood aesthetic.*

RECOMMENDATION

Overall, the proposed fence height exception is consistent with other fence designs in the area and would result in an improvement in neighborhood aesthetics. Based on the analysis provided, staff recommends approval of Fence Exception Application No. FE-21-01 (Design Option B or C) subject to Attachment 1: Draft Resolution and Conditions of Approval, Attachment 2: Site Plan, and Attachment 3: Fence Designs.

ATTACHMENTS

Attachment 1_Draft Resolutions and COAs
Attachment 2_Site Plan
Attachment 3_Fence Designs
Attachment 4_Location Map
Attachment 5_Site and Area Photos
Attachment 6_Photos of Gates and Interior Front Yard
Attachment 7_Window Panel Details

**PLANNING COMMISSION
RESOLUTION NO. 21-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING FENCE EXCEPTION APPLICATION NO. FE21-01 TO ALLOW FOR A NEW 5'-0" TALL FENCE ALONG THE FRONT AND SIDE YARD PROPERTY LINES LOCATED AT 1289 DARWIN STREET (APN # 012-291-010).

WHEREAS, Caroline Stave-Viemeister, property owner and applicant, has applied for approval of a Fence Exception permit to allow for a 5'-0" tall fence to be located along the front and side property lines, thereby exceeding the maximum height requirements of Zoning Code Section 17.30.020.B.1 within the street side setback by 1'-0"; and

WHEREAS, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code in relation to the proposed Fence Exception; and

WHEREAS, the Planning Commission considered written information concerning the proposed exception at a duly noticed public hearing held on May 12, 2021; and

WHEREAS, the project is exempt from environmental review subject to Class 3, Section 15303(e): New Construction of Small Structures:

Evidence: Approval of the proposed fence exception would result in the approval of as 5'-0" foot high redwood fence, with lattice panels, at 1289 Darwin Street. A fence consists of a minor improvement that is categorically exempt from CEQA.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for approval of Fence Exemption Application No. FE20-01:

Finding No. 1

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

Evidence: The existing fence along the front yard property line is only 3' in height (1' lower than code allows. The applicant is requesting to construct a new fence which is 2'-0" higher than the existing; a solid redwood fence with lattice panels at various location throughout along the front property line. The new cohesive fence design would

stand at an overall height of 5'-0" (1'-0") above the height which code allows. The request is being made to increase the privacy and safety of the front yard. The applicant owns dogs and the existing 3' fence is easy to jump and the proposed height addition to the fence will make the front yard more secure. The increased height will also allow for more privacy when the residents are utilizing the front yard. 28% of 25 homes survey along Darwin Street have non-conforming fence heights. Considering this, in addition to the fact that it appears only a few homes have recently re/constructed fences, the proposed fence modification constitutes a neighborhood improvement that provides a responsible safety measure feature for the residents and pets, that does not compromise visibility from the street to the front of the home.

Finding No. 2

A general safety hazard to City residents and/or the general public would not be created

Evidence: The proposed fence exception would not result in a safety hazard to the general public, adjacent property owners, and the occupants residing in the subject residence. The proposed 5'-0" fence for the front and side yards provides additional privacy and added safety for the home's residents and their dogs. The new fence consists of a mix of solid redwood fencing with window panels (lattice openings). The window panels were specifically located to provide a view that would not impair the visibility of the driveways servicing the neighboring properties. The proposed fence is consistent with existing front yard fence non-conforming heights which can be found on other properties along Darwin Street (28% of the homes surveyed have non-conforming fence heights). The proposed fence would not create a safety hazard to the general public.

Finding No. 3

A traffic-related safety hazard would not be created.

Evidence: The proposed front yard fence height increase does not pose a traffic-related safety hazard due to its location along a dead end street. The new proposed 5'-0" fence (1'-0" above code) is proposed to consist of a mix of solid redwood and lattice panels which will allow for visibility along the driveways for the two neighboring properties. Furthermore, the project site is not located at an intersection of traffic safety visibility area.

Finding No. 4

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

Evidence: The proposed front yard fence addition is not located at an intersection or

traffic safety visibility area.

Finding No. 5

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

Evidence: The proposed fence design includes lattice sections located at the corners of the property to ensure that there are visible site lines for car exiting the existing driveways. With the new fence design, more than 50% of the view will still be open. As such the proposed fence will not obstruct the vision from the two neighboring driveways. The driveway to the north of the project site is ~18' from the fence and would not be impacted by the height increase. The property to the south has a driveway right up against the southern property line where the new fence of 5'-0" in height is proposed. However, as mentioned earlier, the new fence has lattice panels located at the corners to provide visibility from the driveway. In addition, the existing fence on the southern neighbor's property is already 5'-6" in height and directly abuts their driveway, but does not appear to affect the visibility from said driveway. Furthermore, this is a dead end street with only 3 houses located past the project site, as such traffic along this section of Darwin is very limited.

Finding No. 6

The fence is compatible with the surrounding neighborhood.

Evidence: The new cohesive fence design would be an improvement to a neighborhood which contains a wide variety of fence types: from solid (no transparency), to non-conforming height, to no fencing at all. The proposed height, while above the 4' height limit is consistent with the height of other front yard fences in the surrounding neighborhood. The fence design is unique, but is of a well-crafted, cohesive, aesthetically pleasing design. Similar fences, which contain open elements, such as crosshatched or squared lattice, can be found in the area. Overall, the new proposed fence is compatible with and would result in an improvement of the overall neighborhood aesthetic.

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Fence Exception Application No. FE-20-01 subject to the following terms and agreements:

Planning:

1. Except as modified by required conditions of approval, plans submitted for a building permit shall substantially conform to the plans (identified as Attachment 2 - Site Plan) and the final design option selected by the Commission (identified as Attachment 3- Fence Design Options).

Public Works

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

Standard:

1. The Fence Exception approval is subject to revocation procedures contained in S.M.C. Section 17.69.060 in the event any of the terms of this approval are violated or if the uses onsite are conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
2. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
3. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within 15 days from the date of its approval.
4. Project approval will become null and void if a building permit is not obtained within one (1) year from the date of approval to begin construction on the project.
5. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

NOW BE IT FURTHER RESOLVED, the Planning Commission hereby approves Fence Exception Application No. FE-20-01, on the 12th day of May 2021, by the following vote.

AYES:

NOES:

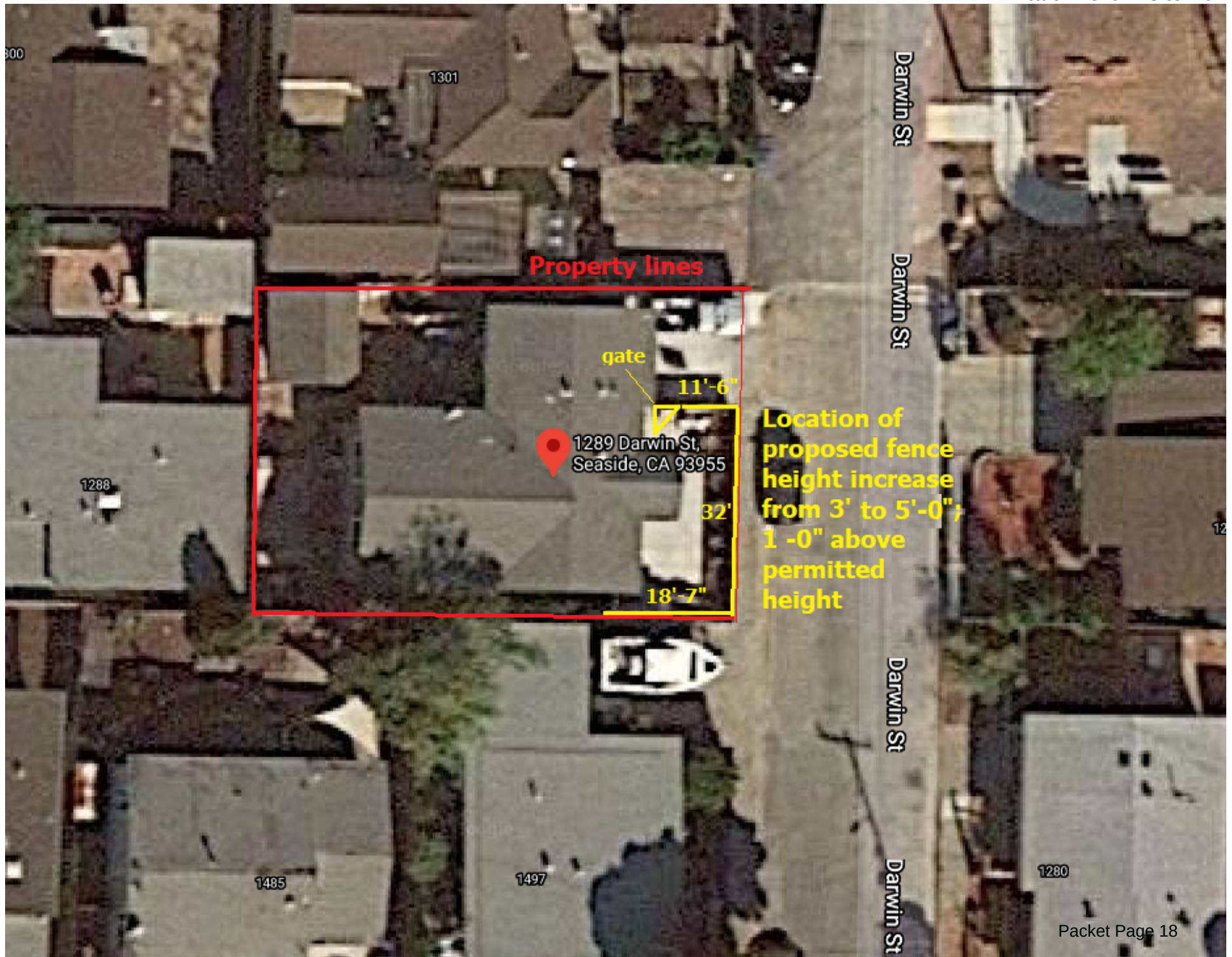
ABSENT:

ABSTAIN:

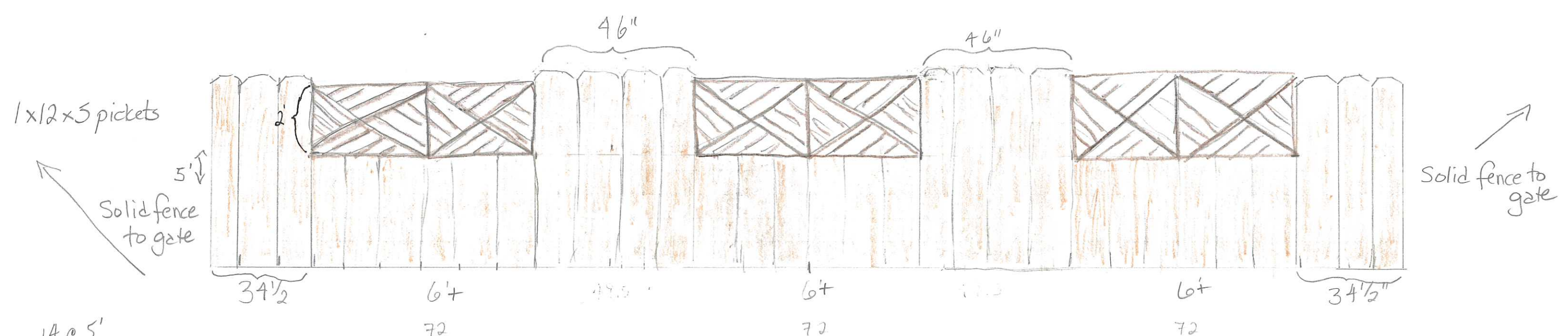
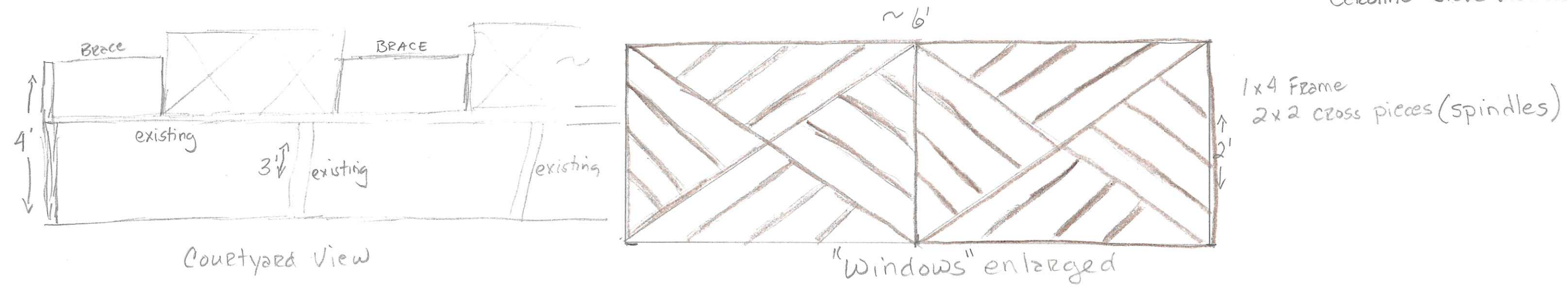
John Owens, Chairperson

ATTEST:

Planning Commission Secretary



1289 Dawin St.
 Caroline Stave Viemeister

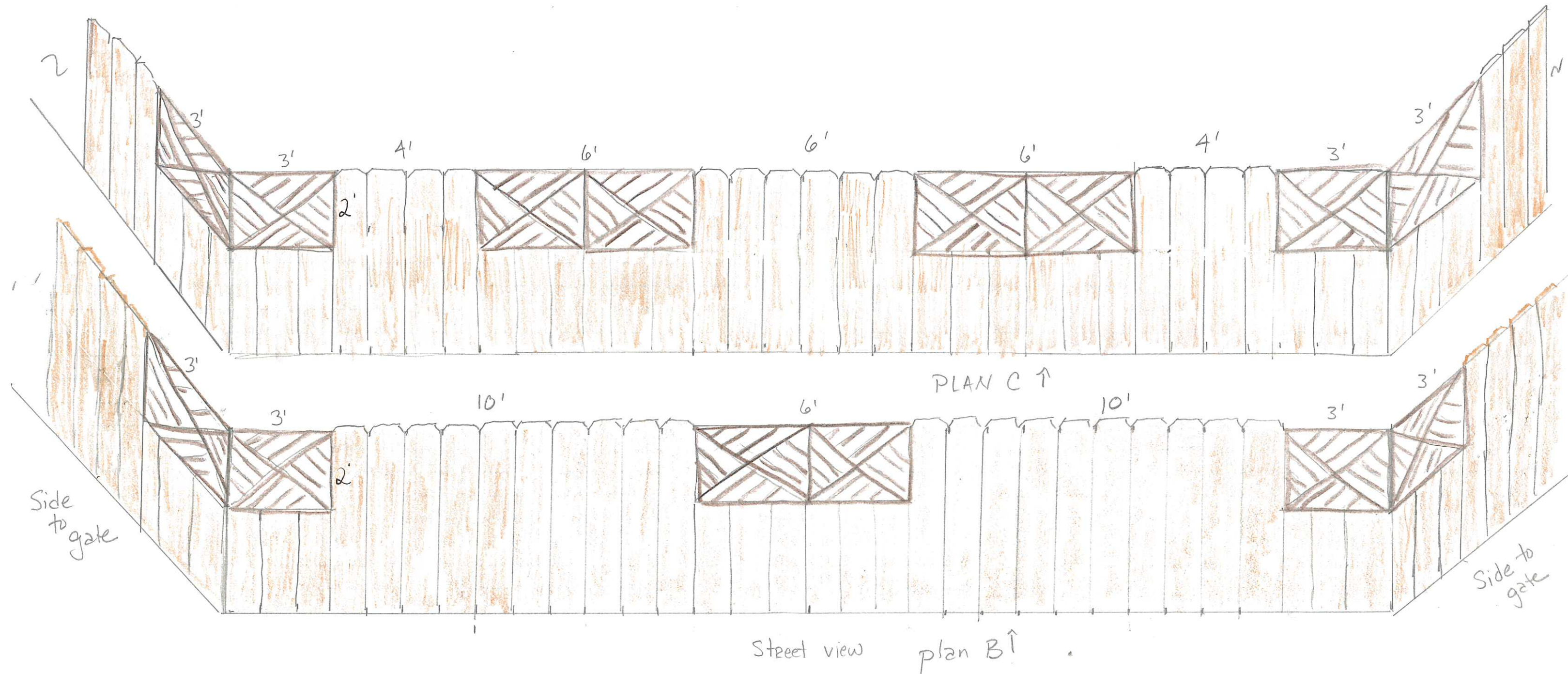


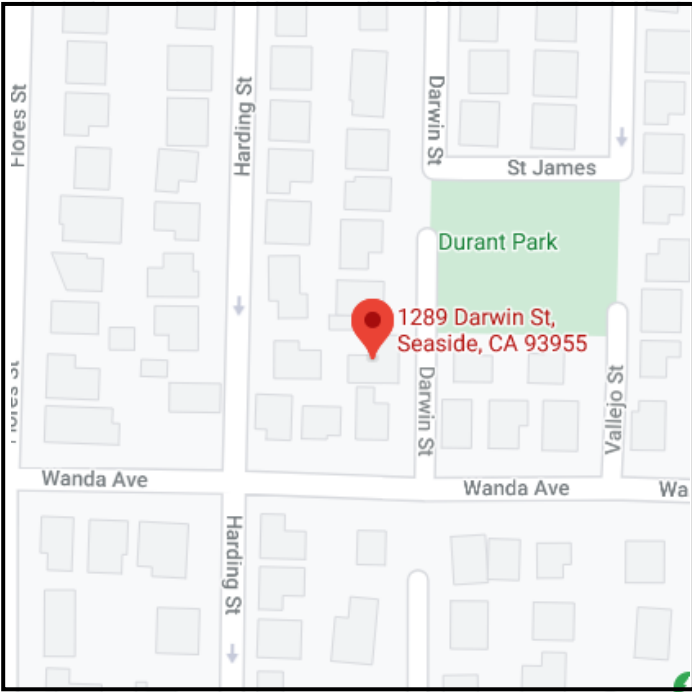
14 @ 5'
 9 @ 6' - No Dog Ears
 \$310.50
 34
 4 - 2x4x8 = 11.72

Street view PLANA
 Sanctuary NOT Fortress

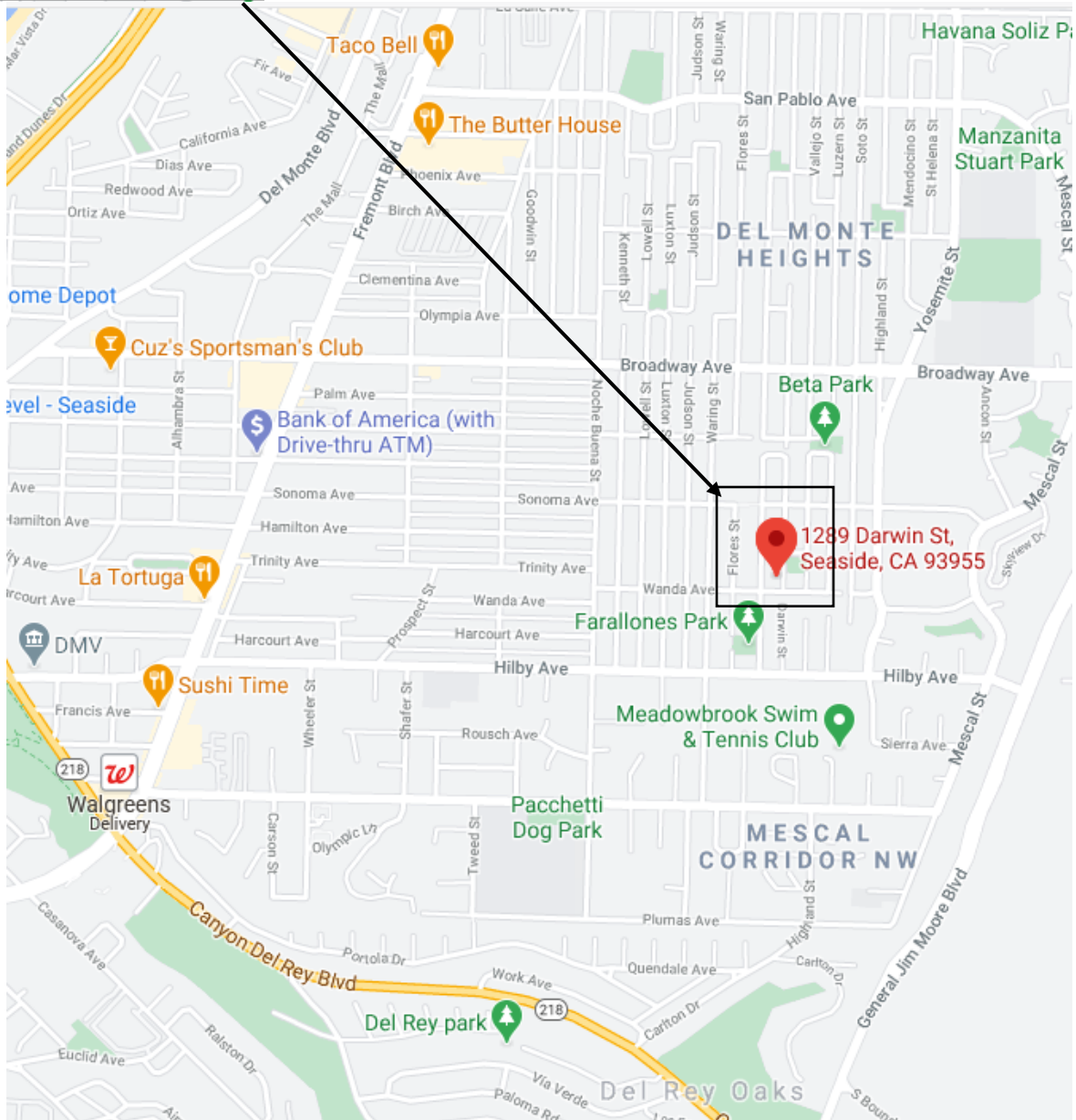
using Redwood pickets
 1x12x5
 49

1289 Darwin St.
Caroline Stave Viemeister





Attachment 4: Location Map



Attachment 5: Site and Area Photos



Aerial Photo



Existing site conditions.



View from subject property looking north.



View from subject property looking south, neighbor's fence is 5'-6" in height.



View of Darwin Street dead end with Durant park located at right.



View of front yard fence of neighboring property to the north (at dead end of Darwin).



View of front yard fence of neighboring property immediately to the north.

Nieghborhood Photos of fences along Darwin Street





Attachment 6
Photos of Existing Gates and Interior Front Yard



Photo of existing, newly constructed and installed, front entry gate.



Photo of newly constructed and installed side yard gate.

Photos of Existing Front Yard





1289 Darwin St.
Caroline Stave-Viemeister



An example of the "Windows"