



AGENDA
CITY OF SEASIDE
PLANNING COMMISSION

VIRTUAL ONLY
MEETING
Wednesday, July 28, 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 three (3) 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 JULY 14, 2021 MINUTES

7. BUSINESS ITEMS

A. USE PERMIT APPLICATION NO. UP-21-04 AND ARCHITECTURAL REVIEW APPLICATION NO. BAR-21-08. JAMES SMURR AND CLAUDIA BURGOS SMURR, PROPERTY OWNERS, AND OMAR VIVAS (VYLCO, INC.), APPLICANT, ARE REQUESTING USE PERMIT AND ARCHITECTURAL REVIEW APPROVAL FOR AN EXTERIOR STAIRWAY LEADING TO A PROPOSED 381.6 SQUARE FOOT SECOND STORY ROOF DECK AND ASSOCIATED ARCHITECTURAL IMPROVEMENTS LOCATED AT 1600 LA SALLE AVENUE IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN 012-853-025). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(E)(1) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECOMMENDATION: In accordance with Section 17.12.050 of the Seaside Municipal Code (SMC), Table 2-3 Residential Zone Development Standards, note 6 states *exterior stairways that would lead to a roof deck within residential zone are permitted with the issuance of a Use Permit*. Additionally, in accordance with SMC section 17.62.030.B.2., architectural review is required *for all new construction, additions to existing structures that result in a height of greater than 18 feet, and all new second-story elements including decks, roofs, projections, etc.*

B. USE PERMIT APPLICATION NO. UP-21-08. MR. AND MRS. DOUG HANSEN, PROPERTY OWNERS, AND BILL MEFFORD, APPLICANT, ARE REQUESTING USE PERMIT APPROVAL FOR AN EXTERIOR STAIRWAY LEADING TO AN EXISTING SECOND-STORY MASTER BEDROOM BALCONY OF AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED AT 1221 LUXTON STREET IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN 012-853-025). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(E)(1) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECOMMENDATION: In accordance with Section 17.12.050 of the Seaside Municipal Code (SMC), Table 2-3 Residential Zone Development Standards, note 6 states *exterior stairways that would lead to a second floor or roof deck within residential zone are permitted with the issuance of a Use Permit.*

C. USE PERMIT APPLICATION NO. UP-21-05. PETER COMAROTO, PROPERTY OWNER, AND KAPSUP LIM, APPLICANT, ARE REQUESTING APPROVAL OF A USE PERMIT TO ALLOW FOR THE ON-SITE SALE OF BEER, WINE AND SPIRITS UNDER A TYPE 47 ALCOHOL LICENSE FOR A SIT-DOWN RESTAURANT (OCEAN'S GRILL) LOCATED AT 880 BROADWAY AVENUE, C-5 IN THE COMMERCIAL MIXED USE (CMX) ZONING DISTRICT. THIS PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

RECOMMENDATION: The purpose of this item is for the Commission to consider approval of a Use Permit and finding of Public Convenience or Necessity to approve a Type 47 ABC license which authorizes the sale and of beer, wine and spirits for consumption on site as part of an eating establishment. The license is proposed for the recently opened Ocean's Grill restaurant located in the City Center Shopping Center, at 880 Broadway Avenue, Suite C-1.

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:

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MINUTES
CITY OF SEASIDE
PLANNING COMMISSION

VIRTUAL ONLY

Wednesday, July 14, 2021
7:00 PM

1. CALL TO ORDER

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

A. VIRTUAL MEETING INFORMATION

2. ROLL CALL - ESTABLISHMENT OF QUORUM

3. PLANNING COMMISSION

PRESENT: Dodson, Evans (arrived late), Huynh, Owens, Silva, Spalletta

ABSENT: La Mica, Silva

EXUSED: None

4. REVIEW OF AGENDA

Amanda Rotella new Assistant City Manager – Community Development introduced herself to the Planning Commission.

5. PUBLIC COMMENT

None.

6. APPROVAL OF MINUTES

A. June 23, 2021 Minutes

Motion to approve: Spalletta

Seconded: Dodson

Vote:

AYES: Dodson, Evans, Huynh, Spalletta, Owens

NOES: None

ABSTAIN: None

ABSENT: La Mica, Silva

7. BUSINESS ITEMS

- A. BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-21-05: JOSE FUENTES, APPLICANT AND PROPERTY OWNER, IS REQUESTING ARCHITECTURAL REVIEW APPROVAL FOR THE CONSTRUCTION OF A NEW SINGLE-STORY SINGLE-FAMILY RESIDENCE AT 1787 LAGUNA STREET

LOCATED IN THE SINGLE-FAMILY RESIDENTIAL (RS-12) ZONING DISTRICT. THE EXISTING HOME WILL BE DEMOLISHED AND REPLACED WITH A NEW 1,217 SF HOUSE WITH AN ATTACHED 408 SF GARAGE AND A 176 SF FRONT PORCH (APN 012-812-016). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15301(E), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

ACTION: Approved

Associate Planner Morrison presented the proposed project.

PUBLIC COMMENTS: None.

Commission discussed the project and were supportive of the design and upgrade to the neighborhood. Commission had specific questions regarding the placement of the olive tree, the fence and the roof pitch, but did not result in any changes to the project design or conditions.

On motion by Commissioner Huynh and Seconded by Commissioner Dodson, and approved by the following vote, the Planning Commission approved BAR-21-05.

Vote:

AYES: Dodson, Huynh, Evans, Spalletta, Owens

NOES: None

ABSENT: La Mica, Silva

- B. BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-21-08 AND FENCE EXCEPTION APPLICATION FE-21-03 - STEVE MICKEL, APPLICANT, AND NELSON VEGA, PROPERTY OWNER, ARE REQUESTING ARCHITECTURAL REVIEW AND A FENCE EXCEPTION TO APPROVE THE CONSTRUCTION OF NEW 3' TALL STUCCO WALL WITH A 2' METAL PICKETT FENCE ON TOP (FOR A TOTAL HEIGHT OF 5') TO BE LOCATED ALONG THE FRONT AND STREET SIDE PROPERTY LINES OF THE MIXED-USE PROPERTY LOCATED AT 1104 BROADWAY AVE IN THE CMX (COMMERCIAL MIXED USE) ZONING DISTRICT (APN 012-195-069). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15301(E), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

ACTION: Approved

Associate Planner Morrison presented the proposed project.

Commission asked questions of Mr. Vega. Commission discussed the landscaping and affirmed that the landscaping would be installed; looking to get all the hardscape put in before moving forward with landscaping. Is currently working with a landscape architect. Applicant/property owner shall be required to submit a landscaping plan (utilizing low-water and drought tolerant plantings) to the Planning Department for review and approval.

PUBLIC COMMENT:

Nelson Vega: Property owner made a brief statement regarding the project and the future plan for landscaping. Hoped the Commission would support the project.

Steve Mickel: Made himself available to answer questions.

Evans stated his general support, would have liked to see the landscaping included, but understand why it was separate.

Huynh and Dodson stated their support of the project.

Spalletta concurred with Evans.

Owens is not supportive of the wall, feeling that Broadway is the City's gateway and should have a cohesive plan. Also would have like to see a consistent 4' height throughout.

On motion by Commissioner Dodson and Seconded by Commissioner Huynh, and approved by the following vote, the Planning Commission approved BAR-21-08 and FE-21-03.

Vote:

AYES: Dodson, Huynh, Evan, Owens, Spalletta

NOES: None

ABSENT: La Mica, Silva

- C. DISCUSSION ITEM – RECEIVE GUIDENACE FROM THE PLANNING COMMISISON REGARDING POTENTIAL AMENDMENTS TO APPLICABLE SECTIONS OF THE SEASIDE MUNICIPAL CODE TO CHANGE 'RESTAURANTS-COUNTER SERVICE' FROM A USE WHICH REQUIRES A USE PERMIT TO A PERMITTED USE IN THE CMX (COMMERCIAL MIXED USE), CC (COMMUNITY COMMERCIAL) AND CRG (REGIONAL COMMERCIAL) ZONING DISTRICTS. ALSO, TO MAKE ALOCHOL SERVICE A PERMITTED ANCIALLARY USE AS PART OF A RESTAURANT USE IN ALL ZONING DISTRICTS WHICH PERMIT RESTUARANTS; PROVIDE FURTHER DIRECTION WHETHER THIS SHOULD BE FOR ALL RESTUARANTS OR JUST TABLE SERVICE RESTAURANTS.

ACTION: Direction given to staff.

Senior Planner Rocha made a brief presentation to the Commission.

Commission discussed and provided direction to staff stating their support of the proposed amendments to applicable sections of the SMC. As long as food is served, do not see any issue. For this past year, all restaurants have been operating as counter or take-out services and there have been no issues. Especially given that ancillary alcohol sales are already, an approved use in the West Broadway Urban Village they are supportive of the proposed amendments.

8. COMMISSIONER REPORTS

Evans updated the Commission on the go-kart issue.

Huynh had questions regarding the work being done to install pipes at Military and Fremont. According to Evans there is a high-pressure gas line being installed.

Dodson was interested to hear how the City thought the July 4th enforcement went. Evans stated that there is going to be an update on this at tomorrow night's City Council meeting.

Owens asked about the Avila Building (daycare) on Broadway and asked why it did not come before the Board of Architectural Review. Does not like the final design, as the frontage facing Broadway has small windows and does not look attractive. According to Senior Planner Rocha, the design did go through Board of Architectural Review a few years ago (back when the Board was a separate body).

Owens also had questions regarding a previously approved project on Ord Grove, for a home renovation with an enlarged garage and roof top deck. The roof deck for the project appears to be unfinished with no guardrails.

9. STAFF REPORTS

None.

10. ADJOURNMENT

Having no further business, the meeting was adjourned at 7:59 pm.

Respectfully submitted,

Dominique Davis, City Clerk

John Owens, Chair



CITY OF SEASIDE STAFF REPORT

Item No.: 7.A.

TO: Planning Commission

BY: Beth Rocha, Senior Planner

DATE: July 28, 2021

SUBJECT: **USE PERMIT APPLICATION NO. UP-21-04 AND ARCHITECTURAL REVIEW APPLICATION NO. BAR-21-08.** JAMES SMURR AND CLAUDIA BURGOS SMURR, PROPERTY OWNERS, AND OMAR VIVAS (VYLCO, INC.), APPLICANT, ARE REQUESTING USE PERMIT AND ARCHITECTURAL REVIEW APPROVAL FOR AN EXTERIOR STAIRWAY LEADING TO A PROPOSED 381.6 SQUARE FOOT SECOND STORY ROOF DECK AND ASSOCIATED ARCHITECTURAL IMPROVEMENTS LOCATED AT 1600 LA SALLE AVENUE IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN 012-853-025). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(E)(1) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PURPOSE & RECOMMENDATION

In accordance with Section 17.12.050 of the Seaside Municipal Code (SMC), Table 2-3 Residential Zone Development Standards, note 6 states *exterior stairways that would lead to a roof deck within residential zone are permitted with the issuance of a Use Permit*. Additionally, in accordance with SMC section 17.62.030.B.2., architectural review is required *for all new construction, additions to existing structures that result in a height of greater than 18 feet, and all new second-story elements including decks, roofs, projections, etc.*

Staff recommends approval of UP-21-04 and BAR-21-08 subject to Attachment 1: Draft Resolution.

BACKGROUND

The subject site consists of a 6,806 square-foot parcel located on the corner of La Salle

Avenue and Highland Street The property is developed with a 1,756 square-foot, one-story single-family dwelling with an attached garage. The adjoining parcels consist of one-story single-family dwellings on the east, north, south and a two-story single-family dwelling to the west.

PROJECT DESCRIPTION

The project consists of modifying the flat roof to a 4:12 pitched roof, with varying heights along the sloping lot, ranging from 14'-4½" to 17'-5½". The roof will be finished with a Class 'A' Spanish tile roof system. The proposed exterior stairway is located adjacent to the rear yard/south elevation and is proposed to be 3'-6" in width. The rooftop deck is proposed to be 381.6sf and would be located adjacent to the street side yard/west elevation (Highland St.) of the house. The maximum proposed height of the deck is 17'-1", which includes a 42" glass panel and stainless steel railing on the south and west elevations, while a solid wall with Spanish tile would be constructed on the north and east elevations. The existing covered patio structures will retain their flat roofs.

Project plans are provided as Exhibit A to Attachment 1 (Draft Resolution).

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act pursuant to Class 1, Section 15301(e)(1): Class 1 consists of additions to existing structures involving negligible or no expansion of use.

Evidence: *The proposed exterior stairway and roof 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 of the dwelling and/or mass of the dwelling.*

STAFF ANALYSIS

SMC section 17.62.070.F requires the following findings be made in order to grant a Use Permit:

Finding 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 additions will comply with all standards of development associated with the RS-12 zoning district, including setbacks and height limits.

Finding 2

The proposed use is consistent with the General Plan and any applicable

specific plan.

The Seaside General Plan Land Use Designation for the project site is Single Family-Low Density Residential. Roof decks consist of an accessory use that would be allowed in a single-family dwelling with design review approval. With an exterior stairway, the design review approval is subsequent to the granting of a Use Permit. The General Plan requires all new development to complement and enhance existing land uses, as set forth in the following Land Use and Urban Design Goals and Policies: The General Plan provides the following guidelines with respect to Streetscapes/View sheds and land use compatibility:

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.

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.

Evidence: *The project proposal is compatible with the overall design and scale of surrounding residential land uses. The placement of an exterior stairway on the south/rear elevation leading to the roof deck above will not detract from the character of the neighborhood in that stairway is significantly setback from right-of-way on Highland Street. Furthermore, the modifications to raise the height of the existing roof line on the dwelling will serve to minimize the appearance of a unbalanced pop-up appearance over one side of the dwelling where the roof deck is located and provide a uniform appearance from the public view.*

Single-Family Residential Design Guidelines

The proposed rooftop deck and sloped roof will provide breaks in the roofline to provide interest and break-up of the massing. 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.)

The visual impact of the proposed rooftop deck is relevant to design review based on the following Single-Family Residential Design Guidelines item: “Secondary Story or Roof Decks should use appropriate screening measures to reduce privacy invasion (i.e., solid railing walls, latticework and landscaping)” (II.B.ii.c)

Evidence: *The neighborhood has a variety of architectural styles and colors. The project plans for the residence have been designed to respect the existing residential patterns and scale in the neighborhood.*

Evidence: *Due to a grade differential between the uphill adjacent residences to the east, staff finds that the proposed rooftop deck will not significantly impact the viewshed of the adjacent properties.*

Finding 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 applicant has incorporated design features and architectural styles of the existing structure to have a contextual relationship with the existing neighborhood. The visibility of the roof deck would be minimized from both the pedestrian viewpoint and from the right of way. The project plans for the residence have been designed to respect the existing residential patterns and scale in the neighborhood.*

Finding 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 zoning district. Access to the roof deck will be provided by an exterior stairway located at the rear of the residence and will be setback more than 15 feet from the rear property line. Extension of public utilities is not required for the proposed project. The completion of the exterior stairway will not alter the location of existing utilities or access to the roof deck from the ground level.*

Finding 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 City of Seaside's Fire Department, Building Department and Public Works Department have reviewed the conceptual project proposal. The Fire Department, Building Department and Public Works Department had no comments regarding the proposed addition.*

Evidence: *The proposed project is located in the Single-Family Residential (RS-12 zone) and is compatible with the existing and planned future single-family residential*

land uses in the vicinity. The proposed stairway is consistent with the Zoning Code with a Use Permit, and does 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.

ATTACHMENTS

Attachment 1: Resolution
Exhibit A to Attachment 1: Project Plans

RESOLUTION NO. 21-XX
USE PERMIT APPLICATION NO. UP-21-04 AND ARCHITECTURAL
REVIEW APPLICATION NO. BAR-21-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA APPROVING USE PERMIT APPLICATION NO. UP-21-04 AND ARCHITECTURAL REVIEW APPLICATION NO. BAR-21-08.

WHEREAS, JAMES SMURR AND CLAUDIA BURGOS SMURR, PROPERTY OWNERS, AND OMAR VIVAS (VYLCO, INC.), APPLICANT HAVE APPLIED FOR A USE PERMIT AND ARCHITECTURAL REVIEW PERMIT TO:

- A. CONSTRUCT AN EXTERIOR STAIRWAY LEADING TO A 381.6 SQUARE FOOT ROOF DECK ABOVE AN EXISTING ONE-STORY SINGLE FAMILY DWELLING AND ASSOCIATED ARCHITECTURAL IMPROVEMENTS AT 1600 LA SALLE AVENUE (APN 012-853-025)

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 at a duly noticed public hearing held on July 28, 2021; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No. UP-21-04 and BAR No. BAR-21-08:

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

Evidence: The proposed roof 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.

Finding 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: In accordance with SMC Section 17.12.050, Table 2-3, Development Feature, Height limit, Note (6) states that exterior stairways that would lead to a second floor or roof deck are permitted with the issuance of a Use Permit.

Finding 2

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

The Seaside General Plan Land Use Designation for the project site is Single Family Low Density Residential. Roof decks consist of an accessory use that would be allowed in a single family dwelling with design review approval. With an exterior stairway, the design review approval is subsequent to the granting of a Use Permit. The General Plan requires all new development to complement and enhance existing land uses, as set forth in the following Land Use and Urban Design Goals and Policies: The General Plan provides the following guidelines with respect to Streetscapes/View sheds and land use compatibility:

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.

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.

***Evidence:** The project proposal is compatible with the overall design and scale of surrounding residential land uses. The placement of an exterior stairway on the south/rear elevation leading to the roof deck above will not detract from the character of the neighborhood in that stairway would be screened from public view on Highland Street. Furthermore, the modifications to raise the height of the existing roof line on the dwelling will serve to minimize the appearance of a unbalanced pop-up appearance over one side of the dwelling where the roof deck is located and provide a uniform appearance from the public view.*

Single-Family Residential Design Guidelines

The proposed rooftop deck and sloped roof will provide breaks in the roofline to provide interest and break-up of the massing. 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.)

The visual impact of the proposed rooftop deck is relevant to design review based on the following Single-Family Residential Design Guidelines item: "Secondary Story or Roof Decks should use appropriate screening measures to reduce privacy invasion (i.e., solid railing walls, latticework and landscaping)" (II.B.ii.c)

Evidence: *The neighborhood has a variety of architectural styles and colors. The project plans for the residence have been designed to respect the existing residential patterns and scale in the neighborhood.*

Evidence: *Due to a grade differential between the uphill adjacent residences to the east, staff finds that the proposed rooftop deck will not significantly impact the viewshed of the adjacent properties.*

Finding 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 applicant has incorporated design features and architectural styles of the existing structure to have a contextual relationship with the existing neighborhood. The visibility of the roof deck would be minimized from both the pedestrian viewpoint and vehicles. The project plans for the residence have been designed to respect the existing residential patterns and scale in the neighborhood.*

Finding 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 zoning district. Access to the roof deck will be provided by an exterior stairway located at the rear of the residence and will be setback more than 15 feet from the rear property line. Extension of public utilities is not required for the proposed project. The*

completion of the exterior stairway will not alter the location of existing utilities or access to the roof deck from the ground level.

Finding 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 City of Seaside's Fire Department, Building Department and Public Works Department have reviewed the conceptual project proposal. The Fire Department, Building Department and Public Works Department had no comments regarding the proposed addition.*

Evidence: *The proposed project is located in the Single-Family Residential (RS-12) zone and is compatible with the existing and planned future single-family residential land uses in the vicinity. The proposed stairway is consistent with the Zoning Code with a Use Permit, and does 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-21-04 AND ARCHITECTURAL REVIEW APPLICATION No. BAR-21-08 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 "Smurr Residence" stamped as received on June 21, 2021. The use permit is approved to allow an exterior stairway in accordance with the project plans provided as Attachment 1 and the BAR application is approved for the architectural improvements associated with the exterior stairway and roof deck.
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.

Engineering:

1. Proposed project must implement storm water best management practices (BMPs) during construction (SMC 8.46). See BMP hand-out.
 - a. Complete and submit the Storm Water Compliance Tracking Form, with signature with building permit application.
 - b. A site specific Erosion and Sediment Control Plan (ESCP) is required of the applicant as part of building permit application.
 - c. As part of building permit application, develop civil grading and drainage plans to clearly show direction of storm water drainage from new or redeveloped impervious surfaces.
 - d. Drainage shall not be directed to adjacent properties. Proposed site plans to show location of new and existing downspouts.
2. Prior to final inspection, any curb, gutter and sidewalk damaged during construction shall be replaced by a licensed concrete contractor in conformance with the most current applicable engineering standards, and upon the prior issuance of an Encroachment Permit from the Public Work Department.

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 Fire Code in effect at the time of the plan submittal.

Building Department:

2. Projects must comply with the 2016 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 regular meeting of the Planning Commission of the City of Seaside, State of California, on the 28th of July by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Dominique L. Davis, City Clerk

SMURR RESIDENCE

1600 LA SALLE AVE, SEASIDE CA 93955

APN 012-853-025

VYLCO

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ABBREVIATIONS

A	ABV.	Above
A.B.	A.B.	Anchor Bolt
A/C	A/C	Air Conditioner
A.D.	A.D.	Access Door
ADD.	ADD.	Addition
ADJ.	ADJ.	Adjust
AFF	AFF	Above Finished Floor
AFG	AFG	Above Finished Grade
AG	AG	Above Grade
ALT.	ALT.	Alternate
APP'D	APP'D	Approved
ARCH.	ARCH.	Architect, Architectural
ASPH.	ASPH.	Asphalt
B	B.	Bookcase
B.C.	B.C.	Board
BD.	BD.	Building Line Building
B.L.	B.L.	Block
BLK.	BLK.	Beam
BM.	BM.	Boundary nailing
B.N.	B.N.	Bottom of
B.O.	B.O.	Bottom of footing
B.O.F.	B.O.F.	Bottom of wall
B.O.W.	B.O.W.	Bearing
BRG.	BRG.	Built up
B.U.	B.U.	Bottom
BTM.	BTM.	
C	CSMNT.	Casement
CAB.	CAB.	Cabinet
C.B.	C.B.	Catch Basin
C.D.	C.D.	Construction document
CEM.	CEM.	Cement
C.F.M.	C.F.M.	Cubic Feet per Minute
C.L.	C.L.	Center Line
CL	CL	Closet
CLG.	CLG.	Ceiling
C.O.	C.O.	Clean Out
CO	CO	Carbon Monoxide Detector
COL	COL	Column
CONT.	CONT.	Continuous
CONTR.	CONTR.	Contractor
CONC.	CONC.	Concrete
C.T.	C.T.	Ceramic Tile
D	D.S.	Down Spout
D.S.	D.S.	Dishwasher
D/W	D/W	Double
DBL	DBL	Demolition
DEMO.	DEMO.	Diameter
DIA.	DIA.	Dimension
DIM.	DIM.	Dead Load
D.L.	D.L.	Down
DN	DN	Door
DR.	DR.	Door Opening
DR.OP.	DR.OP.	
E	E.A.	Each
E.A.	E.A.	Exhaust fan
E.F.	E.F.	Expansion joint
E.J.	E.J.	End nailing
E.N.	E.N.	Elevation
ELEV.	ELEV.	Electric, electrical
ELECT.	ELECT.	Equal
EQ.	EQ.	Equipment
EQUIP.	EQUIP.	Estimate
EST.	EST.	Each way
E.W.	E.W.	Exhaust
EXH.	EXH.	Existing
EXIST.	EXIST.	Exterior
EXT.	EXT.	
F	F.A.	Fire alarm
F.A.	F.A.	Floor clean out
F.C.O.	F.C.O.	Floor drain
F.D.	F.D.	Fire extinguisher
F.E.	F.E.	Field nailing
F.N.	F.N.	Fabricate
FAB.	FAB.	Foundation
FDN.	FDN.	Finish
FIN.	FIN.	Floor
FLR.	FLR.	Flooring
FLG.	FLG.	Fluorescent
FLUOR.	FLUOR.	Furnace
FURN.	FURN.	
G	GALV.	Galvanized
GALV.	G.C.	General Contractor
G.C.	GFCI	Ground Fault Circuit Interrupt
GFCI	GFI	Ground Fault Interrupt
GFI	GL	Glass
GL	G.T.	Glazed tile
G.T.	GYP.	Gypsum
H	HDW.	Hardware
HDW.	HGT.	Height
HGT.	HOR.	Horizontal
HOR.	HR.	Hour
HR.	H.R.	Handrail
H.R.	HTR.	Heater
HTR.	H.V.A.C.	Heating, Venting and Air Conditioning
H.V.A.C.	H.W.	Hot water
I	I.C.F.	Insulated Concrete Form
I.C.F.	I.D.	Inside diameter
I.D.	I.F.	Inside Face
I.F.	INCL.	Inclusive, including
INCL.	INV.	Invert
INV.	INSUL.	Insulation
INSUL.	INT.	Interior
INT.	J	Junction box
J	J-BOX	Junction
J-BOX	JCT.	Joist
JCT.	JST.	
JST.	L	Linear feet
L	FT.	Linear
FT.	UN.	Light
UN.	LT.	Lighting
LT.	LTG.	
LTG.		

M
M.B.
M.O.
MAR.
MAS.
MTL.
MAX.
MECH.
MED.
MFG.
MIN.
MOD.
MTL.
MUL.

N
N.T.S.
N.F.C.
NO.
NOM.

O
O.C.
O.D.
O.R.
OPNG.

P
P.
PART.
PAV.
PERF.
PLT.
P.L.
PLYWD.
P.S.F.
P.S.I.
P.T.
P.V.C.
PWR.

Q
Q.T.
QTY.

R
R.
R.D.
R.D.L.
R.O.
R.O.W.
REFG.
REF.
REINF.
RET.
REV.
RM.
RMV.

S
SAN.
S.C.
SCHED.
SD
SECT.
SHT.
SHT'G
SIM.
SKLT.
SPECS.
SF / SQ.FT
SQ. IN.
STD.
STL.
S.Y.
SYS.

T
T&G
T.B.
T.O.
T.O.B.
T.O.C.
T.O.F.
T.O.J.
T.P.
T.O.W.
T.S.
TH.
THR.
TYP.

U
UNF.

V
V.B.
V.I.F.
VA.
VCT.

W
W.C.
WDW.
WCT.
WP.
WT.
WH.
WD.
W.I.
W.I.C.

Y
YD.

Machine bolt
Masonry opening
Marble
Masonry
Material
Maximum
Mechanical
Medium
Manufacturing
Minimum
Modular
Metal (steel)
Mullion

Not to scale
Not for construction
Number
Nominal

On center
Outside diameter
Outside radius
Opening

Paint
Partition
Pavement
Perforated
Plate
Property line
Plywood
Pounds per square foot
Pounds per square inch
Pressure Treated
Polyvinyl chloride
Power

Radius
Roof drain
Roof drain leader
Rough Opening
Right of way
Refrigerator
Reference
Reinforced
Return
Revision
Room
Remove

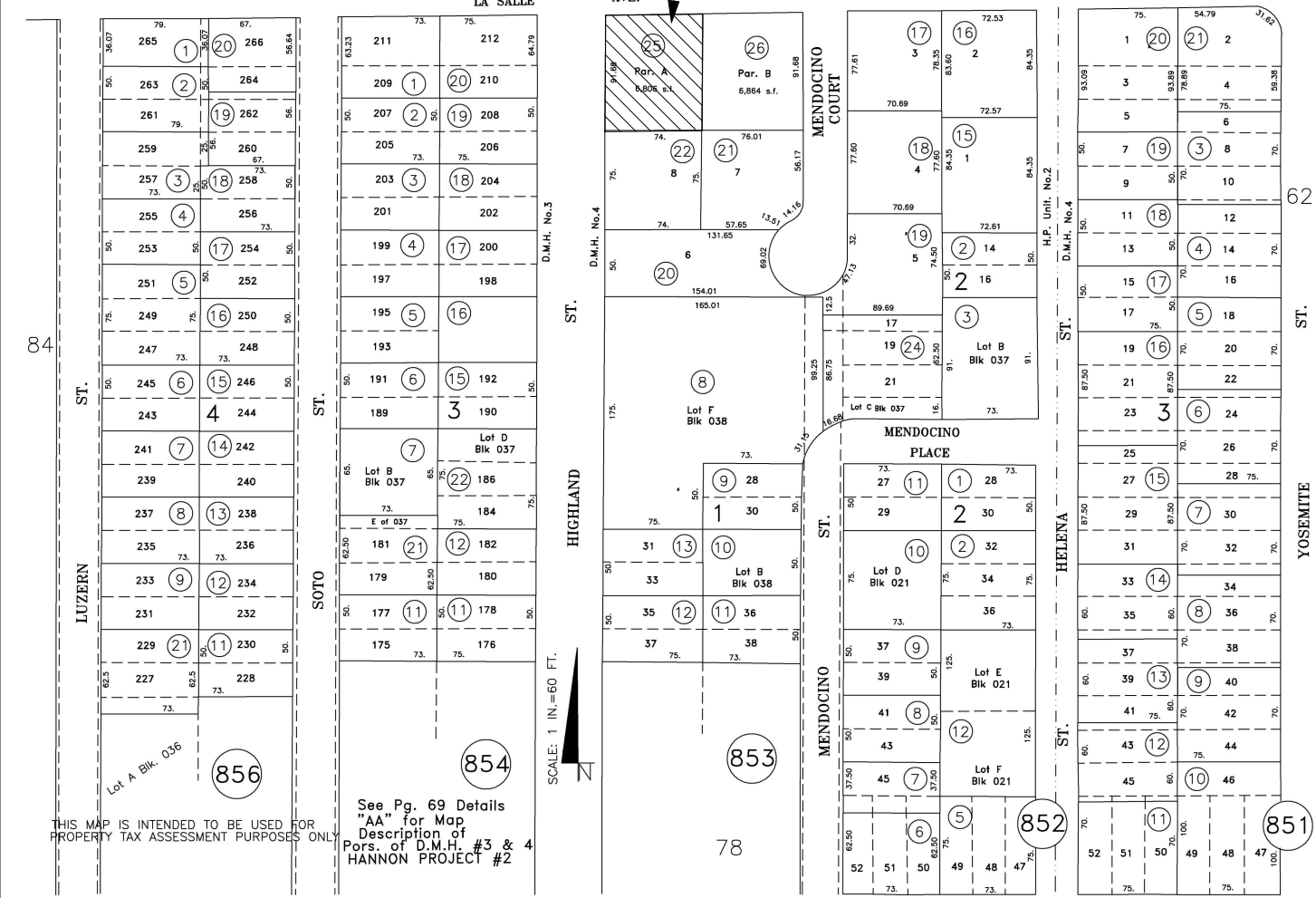
Sanitary
Self-Closing
Schedule
Smoke Detector
Section
Sheet
Sheathing
Similar
Sightlight
Specifications
Square feet
Square inches
Standard
Steel
Square yard
System

Tongue and groove
Through bolt
Top of
Top of Beam
Top of curb
Top of footing
Top of Joist
Top plate
Top of Wall
Tube Steel
Threshold
Threaded
Typical

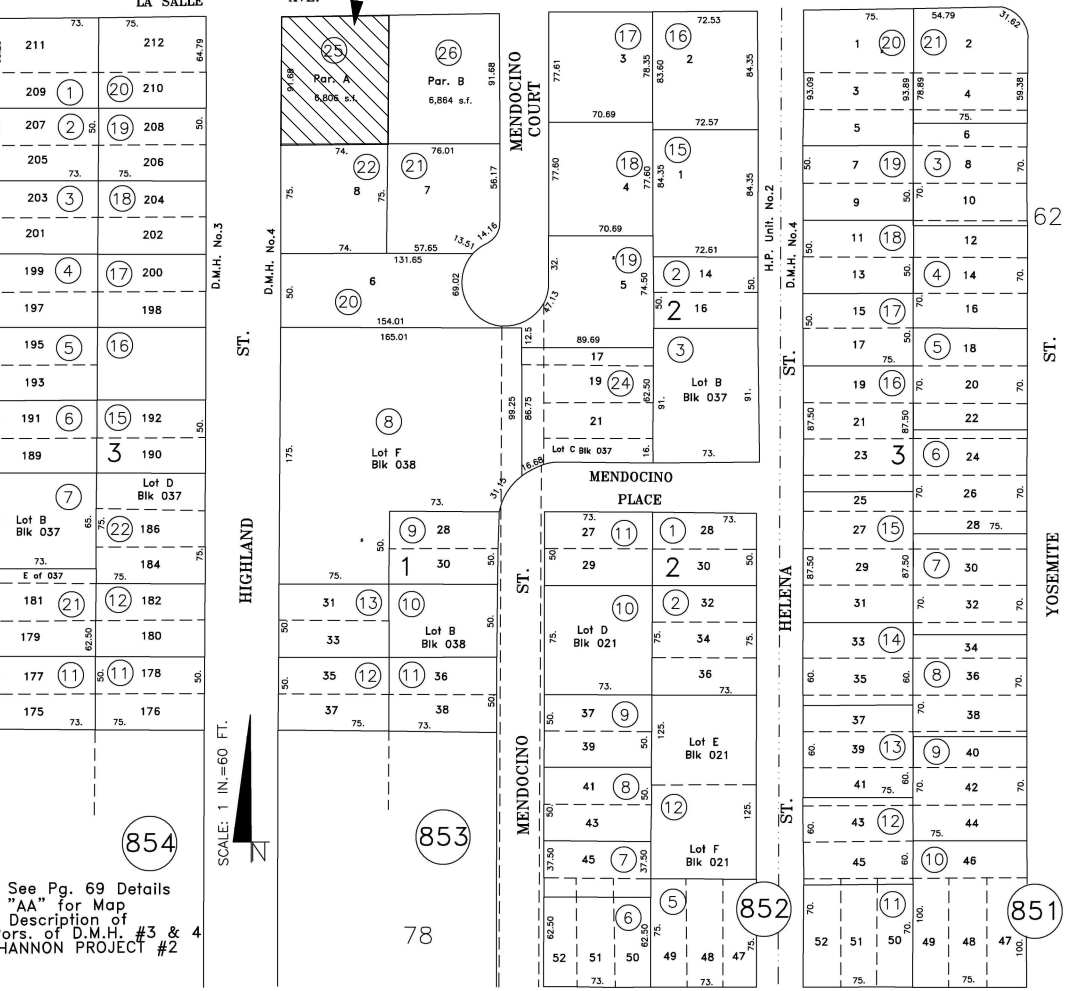
Toilet (water closet)
Window
Wainscot
Weatherproof
Weight
Water Heater
Wood
Wrought Iron
Walk In Closet

Yard

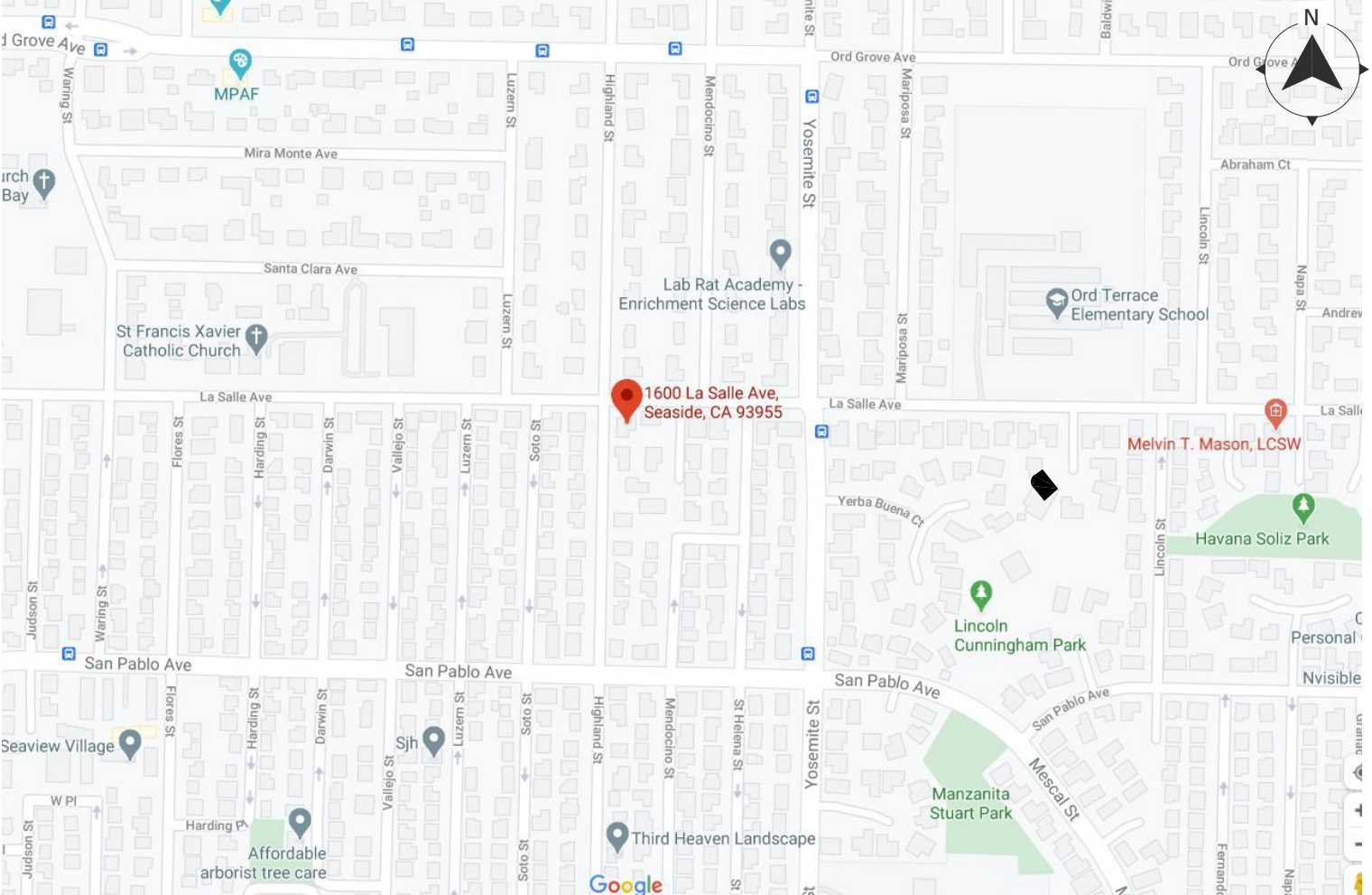
PARCEL MAP



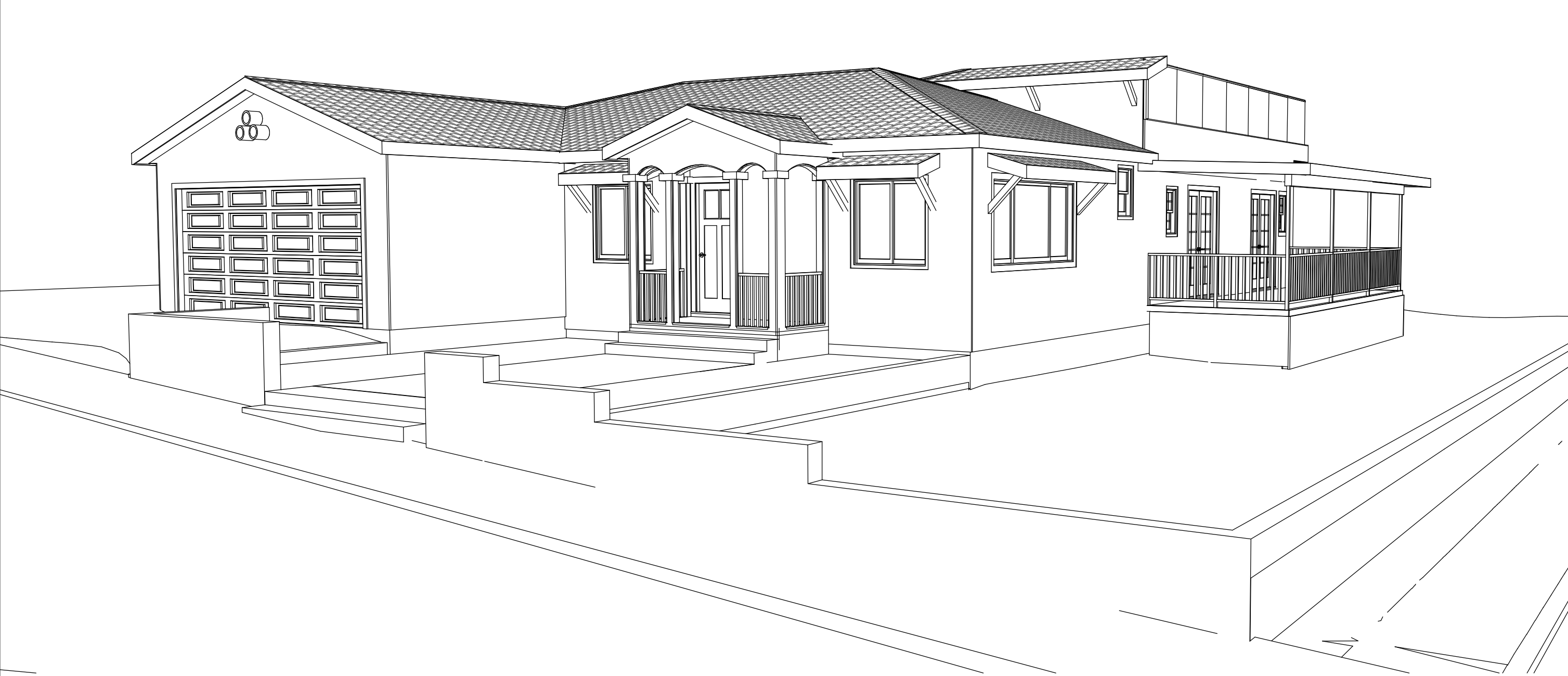
PROJECT LOCATION



VICINITY MAP



FRONT-RIGHT PERSPECTIVE



CONSTRUCTION SHALL CONFORM TO:
2019 California Building Code
2019 California Residential Code
2019 California Plumbing Code
2019 California Mechanical Code
2019 California Electrical Code
2019 Energy Code
2019 Green Building Code
2019 California Fire Code
2019 California Reference Standards Code

PROJECT DESCRIPTION

NEW ROOF PITCH 4:12. NEW ROOF DECK ABOVE FIRST FLOOR WITH EXTERIOR STAIRCASE.

PROJECT DATA

APN	012-853-025
ZONING	RS-12
OCCUPANCY	R3
CONSTRUCTION TYPE	VB-NO SPRINKLERED
LOT SIZE	6,806 SF
FLOOR AREA:	
(E)1ST FLOOR	1,756 SF
(E)FAR	25.8 % < MAX. 45 %
(E)PORCH	490 SF
(N)ADDITION	0 SF
(N)TERRACE	381.6 SF

SHEET INDEX

CS	COVER SHEET
ARCHITECTURAL	
A1.1	EXISTING PLANS
A1.2	EXISTING EXTERIOR ELEVATIONS
A2.1	PROPOSED ROOF PLAN
A2.2	PROPOSED FLOOR PLAN
A2.3	PROPOSED EXTERIOR ELEVATIONS

APPROVAL STAMPS:

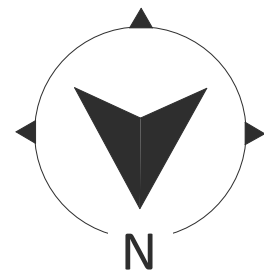
#	DATE	DESCRIPTION	BY

DATE: 5/24/2021
DRAWN BY: LL

COVER SHEET

SHEET:

CS



VYLCO
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OWNER: JAMES & CLAUDIA SMURR
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SEASIDE, CA 93955

DRAFTER: OMAR VIVAS
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NEW TWO-STORY HOME

1600 LA SALLE
AVE, SEASIDE, CA
93955

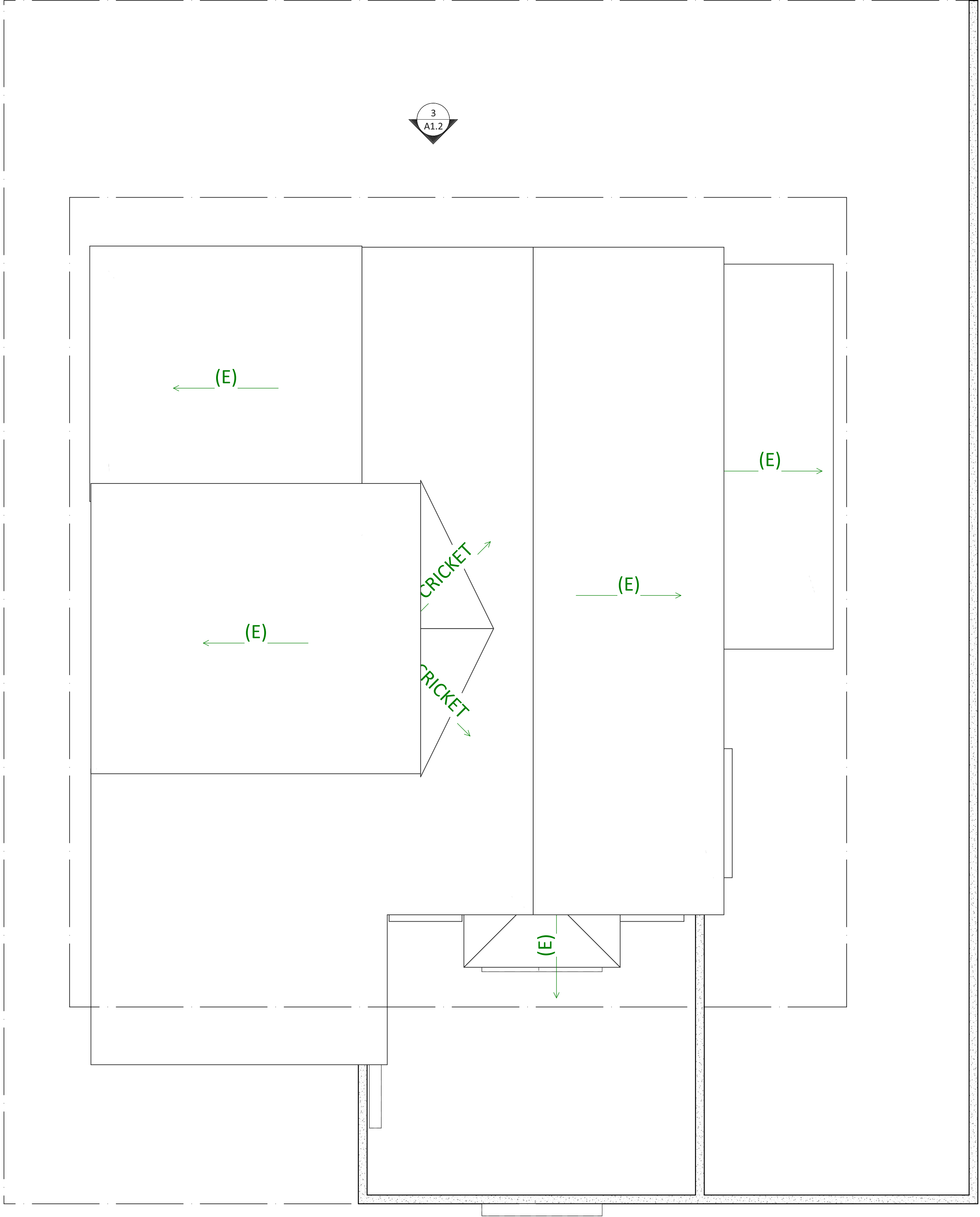
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DRAWN BY: LL

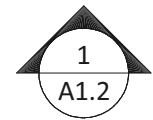
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EXISTING PLANS

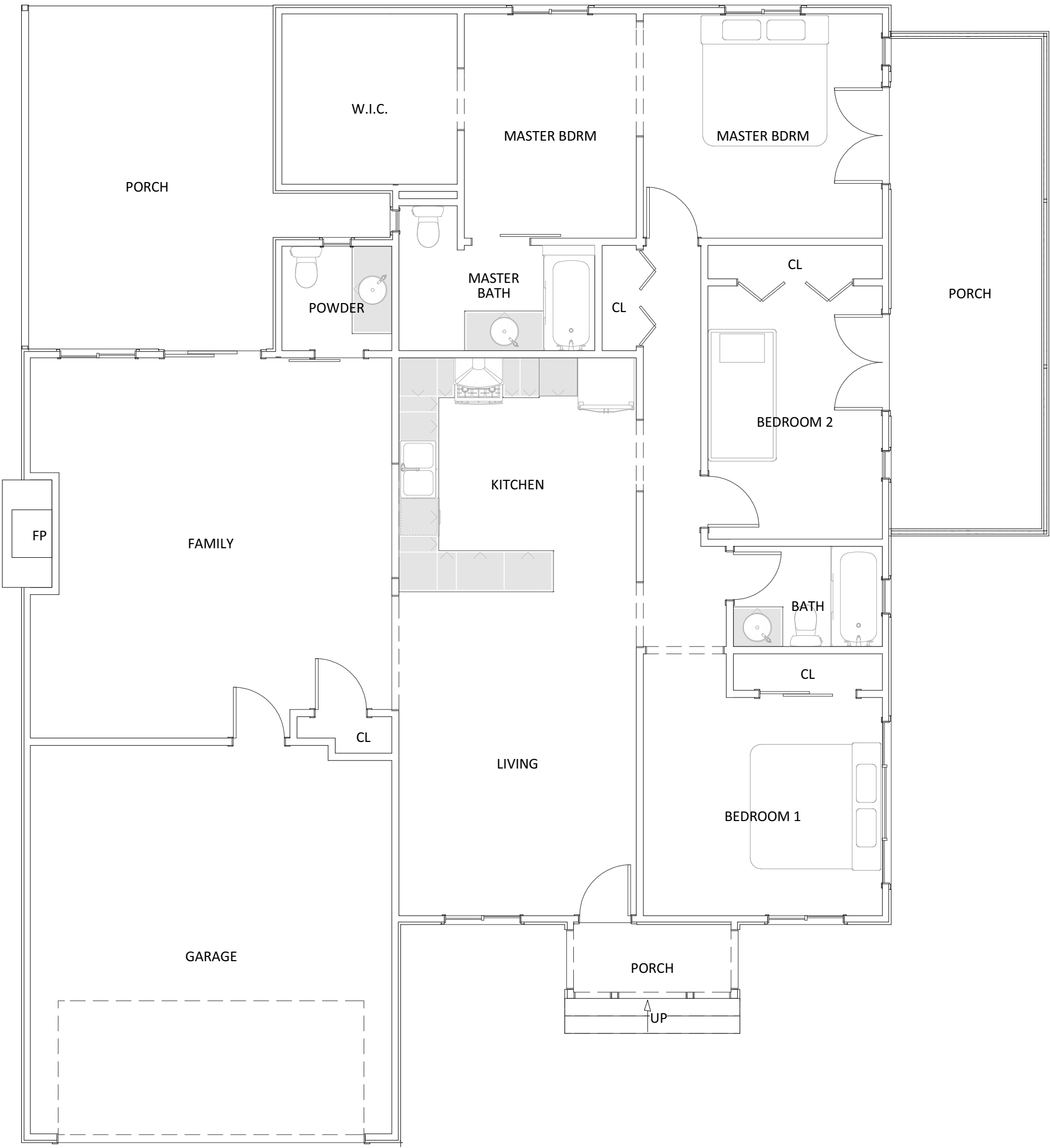
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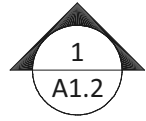
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A1.1 EXISTING ROOF PLAN
SCALE: 3/16" = 1' - 0"

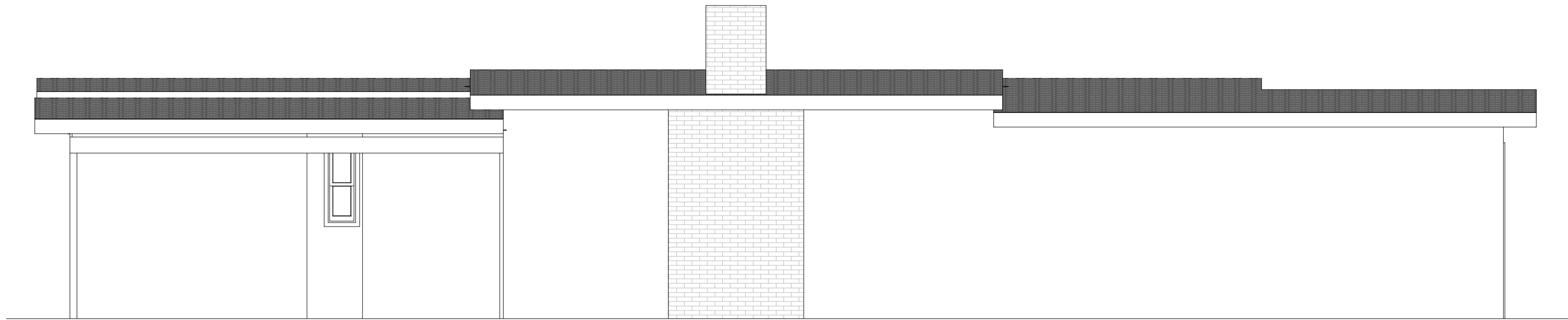


LA SALLE AVE.

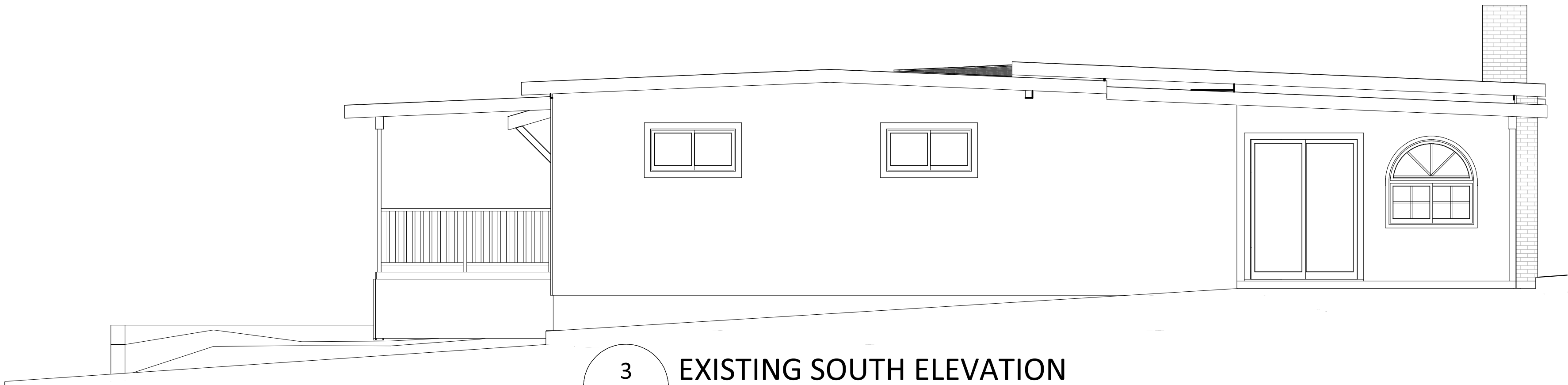


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A1.1 EXISTING FLOOR PLAN
SCALE: 3/16" = 1' - 0"

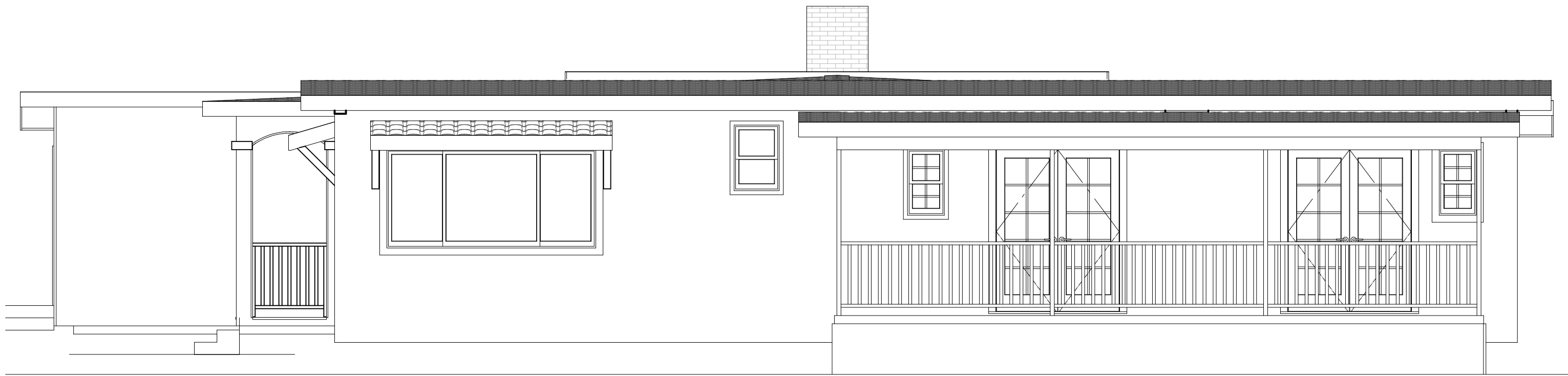




4
A1.2 EXISTING EAST ELEVATION
SCALE: 1/4" = 1' - 0"



3
A1.2 EXISTING SOUTH ELEVATION
SCALE: 1/4" = 1' - 0"



2
A1.2 EXISTING WEST ELEVATION
SCALE: 1/4" = 1' - 0"



1
A1.2 EXISTING NORTH ELEVATION
SCALE: 1/4" = 1' - 0"

NEW TWO-STORY
HOME

1600 LA SALLE
AVE, SEASIDE, CA
93955

#	DATE	DESCRIPTION	BY

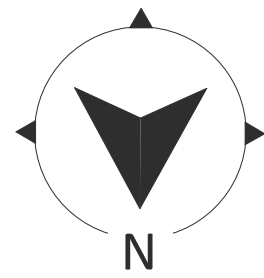
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APPROVAL STAMPS:

EXISTING
EXTERIOR
ELEVATIONS

SHEET:

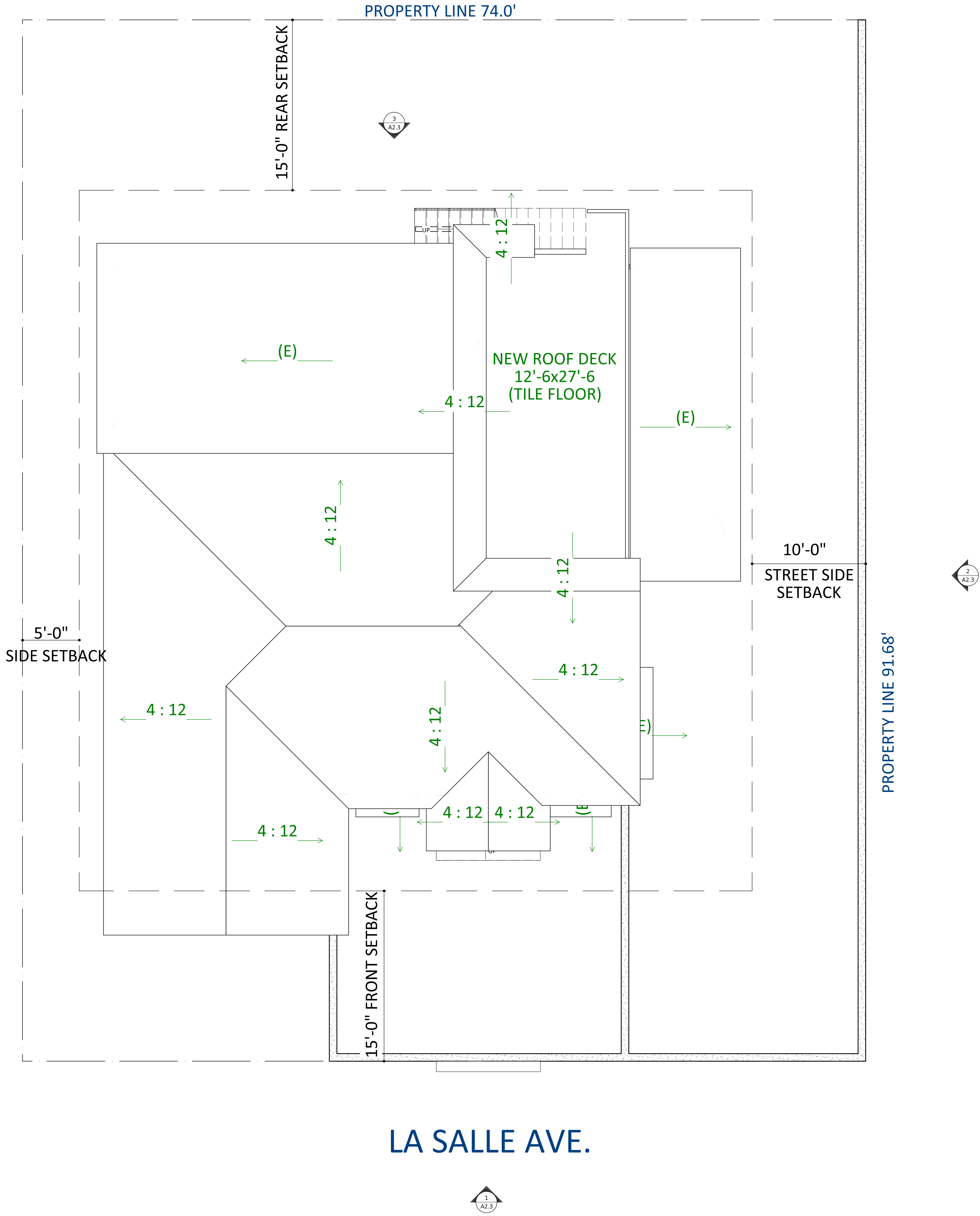
A1.2



VYLCO
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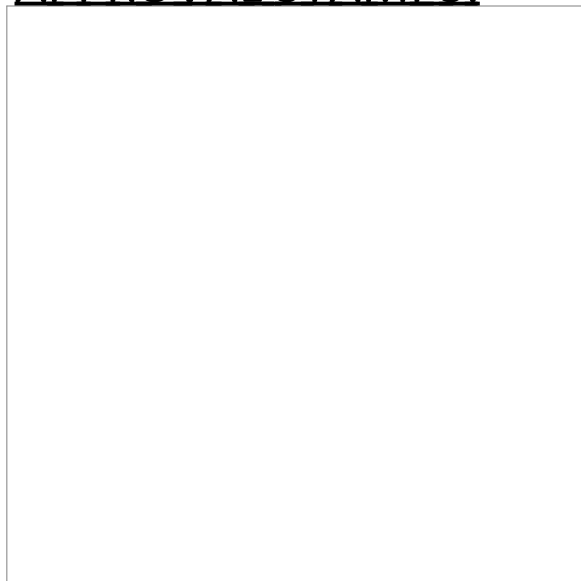
OWNER: JAMES & CLAUDIA SMURR
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SEASIDE, CA 93955

DRAFTER: OMAR VIVAS
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SAN JOSE, CA 95118
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VYLCO@OUTLOOK.COM



1
A2.1 **PROPOSED ROOF PLAN**
SCALE: 3/16" = 1' - 0"

APPROVAL STAMPS:



NEW TWO-STORY HOME

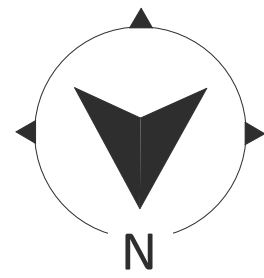
1600 LA SALLE AVE, SEASIDE, CA 93955

#	DATE	DESCRIPTION	BY

DATE: 5/24/2021
DRAWN BY: LL

PROPOSED ROOF PLAN

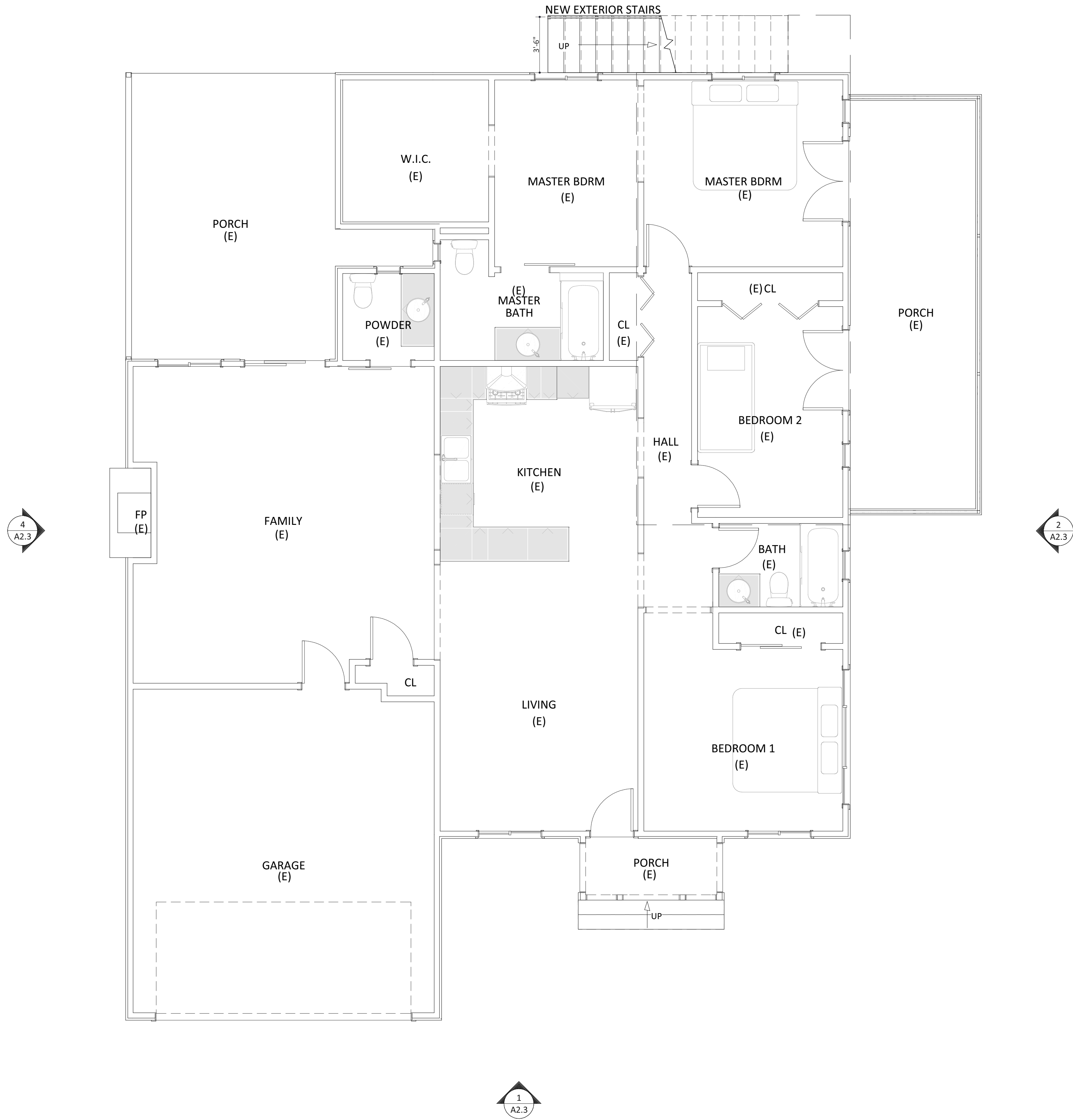
SHEET: **A2.1**



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1
A2.2 **PROPOSED FLOOR PLAN**
SCALE: 1/4" = 1' - 0"

**NEW TWO-STORY
HOME**

**1600 LA SALLE
AVE, SEASIDE, CA
93955**

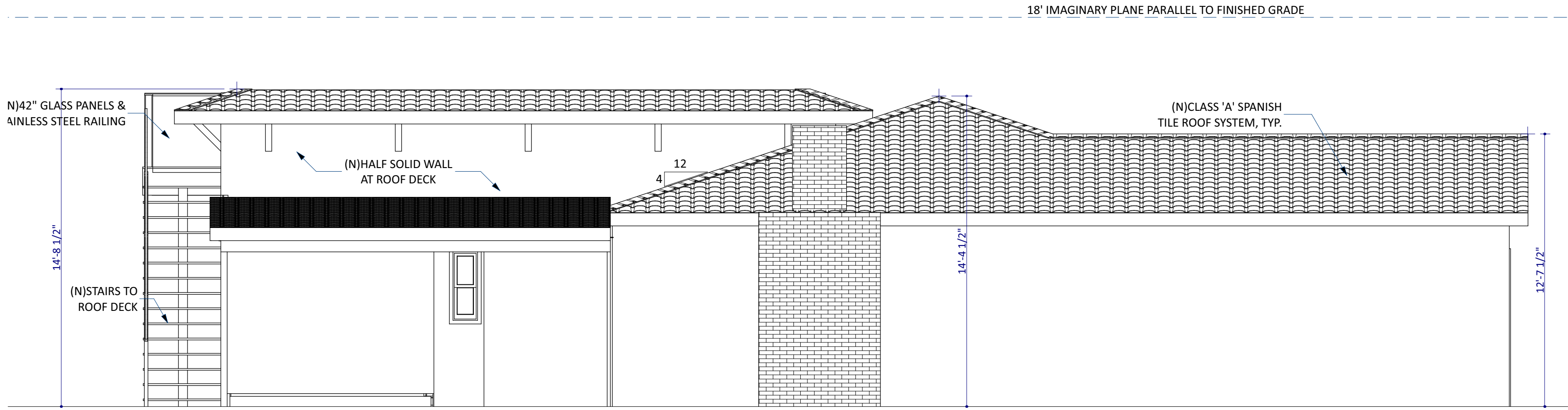
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DATE: 5/24/2021
DRAWN BY: LL

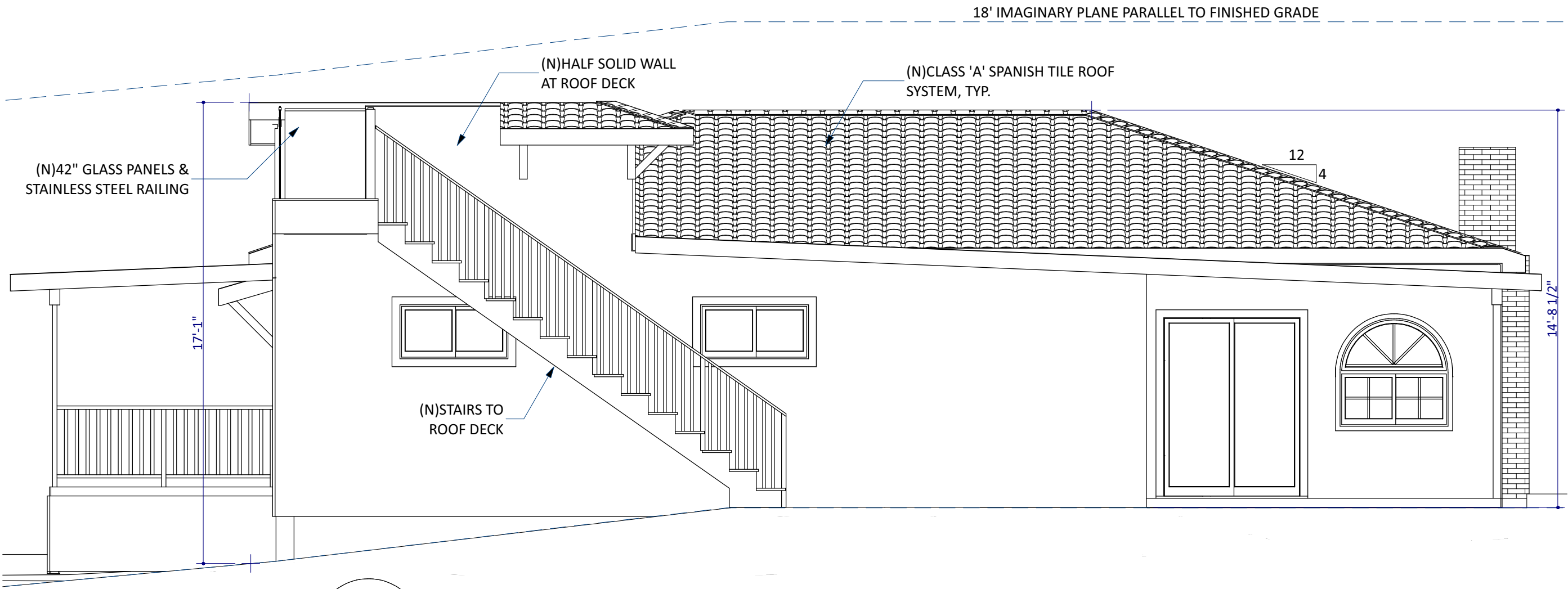
APPROVAL STAMPS:

**PROPOSED
FLOOR PLAN**

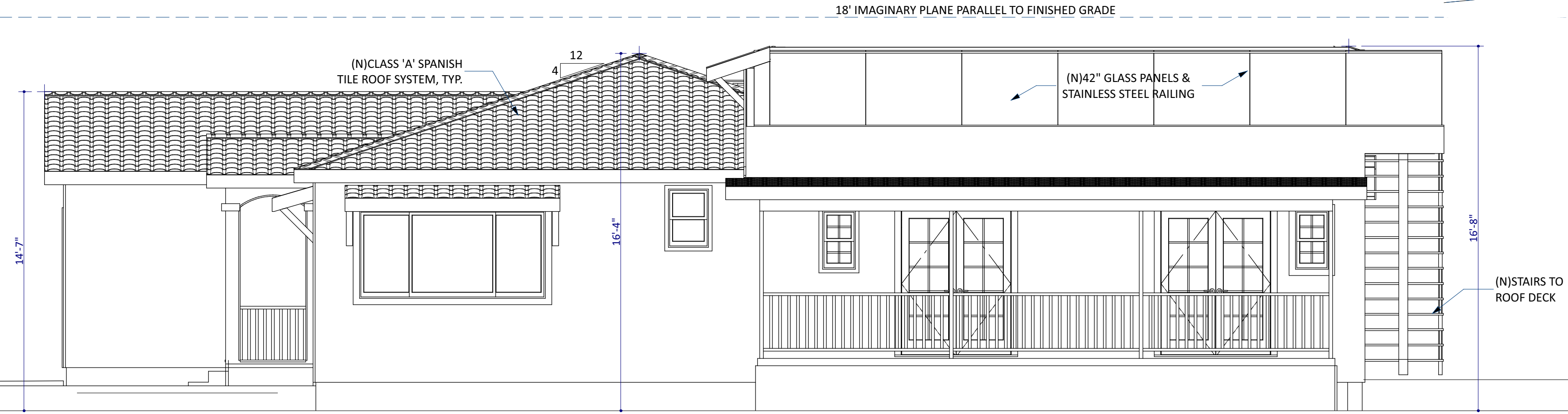
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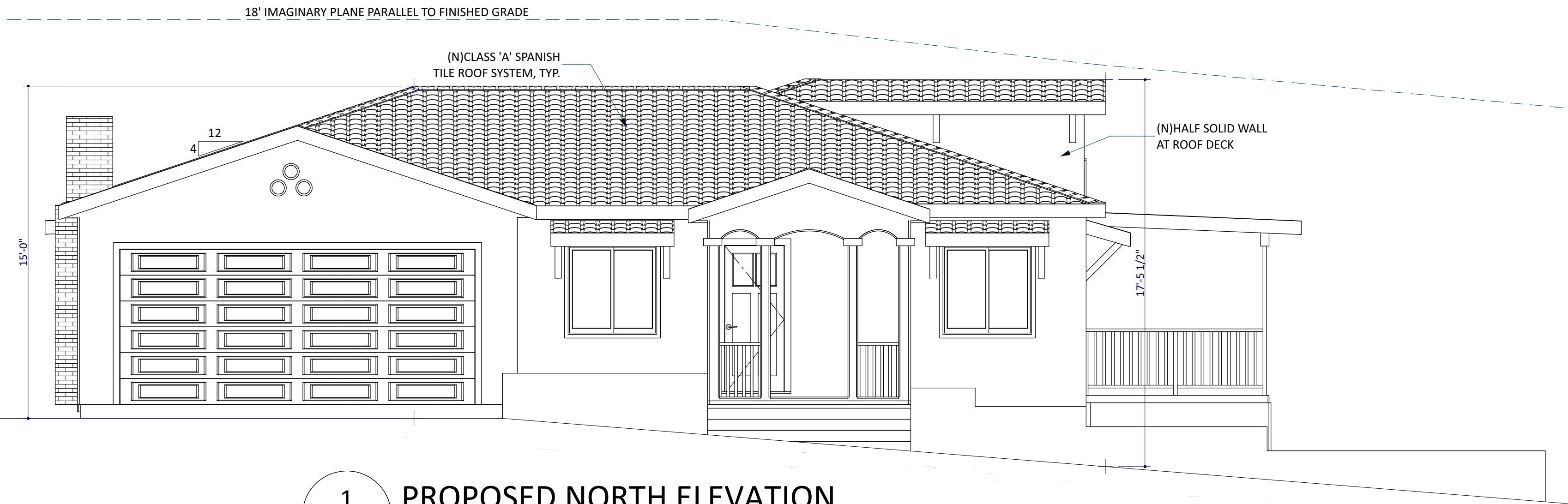
4
A2.3
PROPOSED EAST ELEVATION
SCALE: 1/4" = 1' - 0"



3
A2.3
PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1' - 0"



2
A2.3
PROPOSED WEST ELEVATION
SCALE: 1/4" = 1' - 0"



1
A2.3
PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1' - 0"

NEW TWO-STORY
HOME

1600 LA SALLE
AVE, SEASIDE, CA
93955

#	DATE	DESCRIPTION	BY

DATE: 5/24/2021
DRAWN BY: LL

APPROVAL STAMPS:

PROPOSED
EXTERIOR
ELEVATIONS

SHEET:

A2.3



CITY OF SEASIDE STAFF REPORT

Item No.: 7.B.

TO: Planning Commission

BY: Beth Rocha, Senior Planner

DATE: July 28, 2021

SUBJECT: **USE PERMIT APPLICATION NO. UP-21-08. MR. AND MRS. DOUG HANSEN, PROPERTY OWNERS, AND BILL MEFFORD, APPLICANT, ARE REQUESTING USE PERMIT APPROVAL FOR AN EXTERIOR STAIRWAY LEADING TO AN EXISTING SECOND-STORY MASTER BEDROOM BALCONY OF AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED AT 1221 LUXTON STREET IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN 012-853-025). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(E)(1) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE & RECOMMENDATION

In accordance with Section 17.12.050 of the Seaside Municipal Code (SMC), Table 2-3 Residential Zone Development Standards, note 6 states *exterior stairways that would lead to a second floor or roof deck within residential zone are permitted with the issuance of a Use Permit.*

Staff Recommends approval of the UP-21-08 subject to Attachment 1: Draft Resolution.

BACKGROUND

The subject site consists of a 5,625 square-foot parcel located at 1221 Luxton Street, two parcels north of the corner of Hilby Avenue and Luxton St. The property is developed with a 1,957 square-foot, two-story single-family dwelling, including an attached 525sf two-car garage. The parcel is sloped from east to west and the proposed deck and stair are to be located on the low-grade side of the lot. The adjoining parcels consist of one-story single-family dwellings on the east, north, south and a two-story single family dwelling to the west.

PROJECT DESCRIPTION

The project consists of adding a new stairway on the south elevation of the existing structure that would lead to an existing second story balcony located off the master bedroom. The proposed stairway would observe a 13' side setback, which is 8' greater than the code required setback of 5'. At the highest point, the proposed stair is 14'-6". It is proposed to be constructed almost entirely of redwood, with an option of redwood or trex decking material on the treads. The proposed materials will complement the existing design of the home, which includes wood panel siding. Project plans are provided as Exhibit A to Attachment 1 (Draft Resolution).

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act pursuant to Class 1, Section 15301(e)(1): Class 1 consists of additions to existing structures involving negligible or no expansion of use.

Evidence: *The proposed exterior stairway would be considered an accessory use to the single-family residence that would not have any impact on the environment or materially affect the use of the dwelling and/or mass of the dwelling.*

STAFF ANALYSIS

SMC section 17.62.070.F outlines the Use Permit findings, as follows:

Finding 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 additions will comply with all standards of development associated with the RS-12 zoning district, including setbacks and height limits.*

Finding 2.

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

The Seaside General Plan Land Use Designation for the project site is Single Family Low Density Residential. An exterior stairway requires the granting of a Use Permit. The General Plan requires all new development to complement and enhance existing land uses, as set forth in the following Land Use and Urban Design Goals and Policies: The General Plan provides the following guidelines with respect to Streetscapes/View sheds and land use compatibility:

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.

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.

Evidence: *The project proposal is compatible with the overall design and scale of surrounding residential land uses. The placement of an exterior stairway on the south/side elevation leading to an existing second story balcony will not detract from the character of the neighborhood. Additionally, the proposed exterior stairway would be located nearest the garage of the adjacent residence, which does not include any windows, therefore, reducing the likelihood of privacy issues.*

Finding 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 applicant has incorporated design features and materials that complement the existing structure and to have a contextual relationship with the existing neighborhood. The project plans for the residence have been designed to respect the existing residential patterns and scale in the neighborhood.*

Finding 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 zoning district. Access to the existing second story balcony will be provided by an exterior stairway located at the south elevation/side of the residence and will be setback 13' from the side property line. Extension of public utilities is not required for the proposed project. The completion of the exterior stairway will not alter the location of existing utilities or access to the exterior stair from the ground level.*

Finding 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 City of Seaside's Fire Department, Building Department and Public Works Department have reviewed the conceptual project proposal. The Fire Department, Building Department and Public Works Department had no comments regarding the proposed addition.*

Evidence: *The proposed project is located in the Single-Family Residential (RS-12) zone and is compatible with the existing and planned future single-family residential land uses in the vicinity. The proposed stairway is consistent with the Zoning Code with a use permit, and does 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.*

ATTACHMENTS

Attachment 1: Draft Resolution

Exhibit A to Attachment 1: Project Plans

RESOLUTION NO. 21-XX
USE PERMIT APPLICATION NO. UP-21-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA APPROVING USE PERMIT APPLICATION NO. UP-21-08.

WHEREAS, MR. AND MRS. DOUG HANSEN, PROPERTY OWNERS, AND BILL MEFFORD, APPLICANT, HAVE APPLIED FOR A USE PERMIT TO:

- A. CONSTRUCT AN EXTERIOR STAIRWAY LEADING TO AN EXISTING SECOND-STORY MASTER BEDROOM BALCONY OF AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED AT 1221 LUXTON STREET IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN 012-853-025).

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 at a duly noticed public hearing held on July 28, 2021 and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No. UP-21-08:

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

Evidence: The proposed exterior stair 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.

Finding 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 additions will comply with all standards of development associated with the RS-12 zoning district, including setbacks and height limits.

Finding 2

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

The Seaside General Plan Land Use Designation for the project site is Single Family Low Density Residential. An exterior stairway requires the granting of a Use Permit. The General Plan requires all new development to complement and enhance existing land uses, as set forth in the following Land Use and Urban Design Goals and Policies: The General Plan provides the following guidelines with respect to Streetscapes/View sheds and land use compatibility:

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.

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.

Evidence: *The project proposal is compatible with the overall design and scale of surrounding residential land uses. The placement of an exterior stairway on the south/side elevation leading to an existing second story balcony will not detract from the character of the neighborhood. Additionally, the proposed exterior stairway would be located nearest the garage of the adjacent residence, which does not include any windows, therefore, reducing the likelihood of privacy issues.*

Single-Family Residential Design Guidelines

The proposed rooftop deck and sloped roof will provide breaks in the roofline to provide interest and break-up of the massing. 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.)

Finding 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 applicant has incorporated design features and materials that complement the existing structure and to have a contextual relationship with the existing neighborhood. The project plans for the residence have been designed to respect the existing residential patterns and scale in the neighborhood.*

Finding 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 zoning district. Access to the existing second story balcony will be provided by an exterior stairway located at the south elevation/side of the residence and will be setback 13' from the side property line. Extension of public utilities is not required for the proposed project. The completion of the exterior stairway will not alter the location of existing utilities or access to the exterior stair from the ground level.*

Finding 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 City of Seaside's Fire Department, Building Department and Public Works Department have reviewed the conceptual project proposal. The Fire Department, Building Department and Public Works Department had no comments regarding the proposed addition.*

Evidence: *The proposed project is located in the Single-Family Residential (RS-12 zone and is compatible with the existing and planned future single-family residential land uses in the vicinity. The proposed stairway is consistent with the Zoning Code with a use permit, and does 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-21-08 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 "1221 Luxton St." stamped as received on June 28, 2021. The use permit is approved to allow an exterior stairway in accordance with the project plans provided as Attachment 1.
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.

Public Works-Engineering

1. *Proposed project must implement storm water best management practices (BMPs) during construction (SMC 8.46).*
2. *Prior to final inspection, any curb, gutter and sidewalk damaged during construction shall be replaced by a licensed concrete contractor in conformance with the most current applicable engineering standards, and upon the prior issuance of an Encroachment Permit from the Public Works Department.*

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 California Building and Fire Code in effect at the time of the plan submittal.

Building Department:

2. Projects must comply with the 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 regular meeting of the Planning Commission of the City of Seaside, State of California, on the 28TH of July by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Dominique L. Davis, City Clerk



CITY OF SEASIDE STAFF REPORT

Item No.: 7.C.

TO: Planning Commission

BY: Dana Morrison

DATE: July 28, 2021

SUBJECT: USE PERMIT APPLICATION NO. UP-21-05. PETER COMAROTO, PROPERTY OWNER, AND KAPSUP LIM, APPLICANT, ARE REQUESTING APPROVAL OF A USE PERMIT TO ALLOW FO THE ON-SITE SALE OF BEER, WINE AND SPIRITS UNDER A TYPE 47 ALCOHOL LICENSE FOR A SIT-DOWN RESTAURANT (OCEAN'S GRILL) LOCATED AT 880 BROADWAY AVENUE, C-5 IN THE COMMERCIAL MIXED USE (CMX) ZONING DISTRICT. THIS PROJECT IS CATEGOPRICALLY EXEMPT CLASS 1, SECTION 15301(A) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

PURPOSE & RECOMMENDATION

The purpose of this item is for the Commission to consider approval of a Use Permit and finding of Public Convenience or Necessity to approve a Type 47 ABC license which authorizes the sale and of beer, wine and spirits for consumption on site as part of an eating establishment. The license is proposed for the recently opened Ocean's Grill restaurant located in the City Center Shopping Center, at 880 Broadway Avenue, Suite C-1.

BACKGROUND

The proposed project would be located within a multi-tenant building within the City Center Shopping Center, at 880 Broadway Avenue, Suite C-5. Surrounding uses to the Shopping Center generally consist of commercial land uses to the north, east, and south with some single-family residential uses to the south-west. Off-street parking consists of 197 parking spaces for the commercial tenants.

The proposed tenant space fronts onto Broadway Avenue to the north, is immediately adjacent to a sit-down pizza restaurant, Mountain Mike's, to the east there is Fremont

Avenue and Buffalo Wild Wings to the south. A public plaza runs along the eastern side of the project's tenant space, connecting Broadway Avenue and Fremont Boulevard with the interior of the City Center Shopping Center. Large windows open out to the public walkway and Broadway Avenue frontage. A Floor Plans and a Site Plan are provided as Attachment 2. A Location Map and Site Photos have been provided as Attachment 3.

Project Description

The proposed project will consist of serving Beer, Wine and Spirits under a Type 47 ABC license as part of an existing sit-down restaurant, Ocean's Grill. A Type 47 is an On-Sale General Public Eating Place license regulated by the ABC so as to require that the business operate primarily as a bona-fide restaurant limiting the amount of alcoholic beverages which can be sold to less than 50% of gross sales. Ocean's Grill opened in July of 2021 and occupies a 1704 sf tenant space within the larger City Center Shopping Center. The only proposed change to the business operation will be to add the on-sale of alcoholic beverages consisting of beer, wine and distilled spirits. The restaurant will be open daily, 11:30 AM to 8:00 PM Tuesday through Sunday. The on-site sale of alcoholic beverages will be limited to being served at the tables inside the restaurant (~30 seats) and in the proposed patio area (24 seats). The patio is adjacent to the open courtyard of the shopping center between Building "C" and Building "D"; the patio area will be cordoned off by a 4'-0" tall custom made metal fence. The restaurant will not include a bar area for patrons. There will be no live entertainment, dancing, or other night club type activities to include: DJ's, the use of night club promoters, cover charges, or the like.

STAFF ANALYSIS

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act pursuant to Class 1, Section 15301: Existing Facilities. Class 1 exemptions consist of the operation, permitting, licensing, or minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

Evidence: The proposed project would result in a new land use within an existing commercial shopping center for the sale of alcoholic beverages for on-site consumption and would not result in the expansion of an existing use.

General Plan

The City's General Plan contains the following Implementation Plan regarding the sale of alcoholic beverages.

Implementation Plan LU-2.2.2 Alcoholic Beverage Control: Work with Alcoholic Beverage Control (ABC) to regulate the on-sale and off-sale of packaged alcoholic beverages.

The City's General Plan also includes a policy, LU-2-3, that discourages certain over-represented uses in the community including liquor and convenience stores, and mini-markets among other uses. Since the on-sale alcoholic beverage sales will consist of an ancillary sale for the restaurant and is considered to be an acceptable and customary use for a sit-down restaurant, the alcoholic beverage sales will be in compliance with the Seaside General Plan.

Zoning District

The property is located in the Commercial Mixed-Use (CMX) zoning district. Alcoholic beverage sales are permitted in the CMX zoning district subject to Use Permit approval (SMCS 17.14.030; Table 2-4). The Zoning Ordinance includes the following definitions that are relevant to this Use Permit application.

17.70 Definitions:

Alcoholic Beverage Sales: The on-sale of beer, wine, and/or spirits will occur in conjunction with a sit-down restaurant. City staff finds that the on-sale of alcoholic beverages will consist of an ancillary sale in relation to the bona fide meals being sold.

Public Convenience or Necessity

The proposed restaurant is located in Census Tract 137. According to the California Alcohol Beverage Control (ABC) Salinas district office, there are currently 9 existing off-sale retail alcohol licenses within Census Tract 137. Based on the ratio of off-sale retail alcohol licenses per total population in all of Monterey County, the maximum concentration of on-sale alcohol licenses is 9 in this census tract before licenses are considered "over-concentrated." According to information from the ABC, "public convenience or necessity (PCN)" is established when it is determined that the business provides a benefit to the community. State law does not mandate the criteria used to determine PCN; the determination of a PCN is the responsibility of local jurisdictions. A public convenience or necessity determination allows local jurisdictions to influence alcohol-outlet density to improve and maintain the quality of neighborhoods. By making a determination of Public Convenience or Necessity for the establishment of an additional on-sale alcohol license as part of the business operation for the sit-down restaurant, the City acknowledges and supports the applicants request for a Type 47 on-sale General – Eating Place retail alcohol license from the ABC despite the Tract's "overconcentration" of alcohol-outlet licenses because it is an ancillary use to the primary restaurant use and does not pose any risk to the general health, safety, and welfare of the community.

The Police Department has confirmed that the subject property is not in a high crime

area and is not an area that is the target of law enforcement activity. The Police Department has not identified any issues of concern regarding the proposed sale of alcoholic beverages in conjunction with the sit-down restaurant, subject to the recommended Conditions of Approval. "Undue concentration" is determined by the number of licenses in relation to the population within a geographic area.

Use Permit Findings:

In accordance with the requirements of SMCS 17.62.070.F, the Planning Commission is required to make all of the following findings in order to grant approval of the Use Permit application.

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

Evidence: The property is located in the Commercial Mixed-Use (CMX) zoning district. A sit-down restaurant is a permitted use; Use Permit approval is not required for the restaurant. Alcoholic beverage sales are permitted in the CMX zoning district subject to Use Permit approval (SMCS 17.14.030.B; Table 2-4).

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

Evidence: The proposed use is consistent with the City's General Plan Implementation Plan LU-2.2.2 Alcoholic Beverage Control. The proposed use requires approval of a license from the State of California Department of Alcoholic Beverage Control (ABC). In accordance with ABC requirements, the City will make a determination of public convenience or necessity as part of this Use Permit application. The on-sale of beer, wine and distilled spirits for the proposed restaurant will help to contribute to the livability and economic viability of the community by supporting and introducing a new restaurant that will attract visitors to Seaside and provide the residents of the with a high quality restaurant.

3. The design, location, size and operating characteristics of the activity in the Use Permit are compatible with the existing and planned future land uses in the vicinity.

Evidence: Subject to the recommended Conditions of Approval, the on-sale of alcoholic beverages in conjunction with a sit-down restaurant is compatible with the commercial character of the commercial thoroughfare on Fremont Boulevard and Broadway Avenue and the surrounding residential neighborhood to the south-west.

4. The site is physically suitable for the type, density and intensity of the use being proposed, including access, utilities, and the absence of physical constraints.

Evidence: The property is developed with an existing multi-tenant commercial building. Infrastructure is available for the proposed use.

5. Subject to compliance with the Conditions of Approval, granting the Use Permit will 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: Subject to the recommended conditions of approval, the on-sale of alcoholic beverages in conjunction with a sit-down restaurant will not result in a detrimental impact on the property or in the vicinity of the property because the volume of alcohol being sold as part of the meals being sold will ensure that the on-site sale of alcoholic beverages will remain as an ancillary sale to the restaurant.

FINDINGS FOR PUBLIC CONVENIENCE OR NECESSITY

In order for the ABC to approve the Type 47 license, the City is required to make a determination of public convenience or necessity. Staff recommends the Planning Commission support this determination based on the following findings.

1. According to information received from the Seaside Police Department, the subject property is not located in an area that has excessive crime rates nor is it in an area of targeted law enforcement activities.
2. The subject property is located in a heavily developed, urbanized commercial area and is compatible with existing and planned land uses.
3. The on-sale of alcoholic beverage sales will be limited to being sold with meals which clearly demonstrates that the on-sale alcoholic beverages will remain as an ancillary retail sale of the restaurant and avoid a bar/cocktail lounge atmosphere.
4. The establishment of a sit-down restaurant with ancillary alcohol sales as a component supports the City's efforts to improve its commercial thoroughfares and its economic development goals. The on-sale of alcoholic beverages is a typical component of a restaurant use and is essential to the City's efforts to develop an urban streetscape as well as provide its residents and visitors with a quality entertainment component.

RECOMMENDATION:

Approve the Use Permit application No. UP-21-05 and make a finding of Public Convenience or Necessity to allow the ancillary sale of beer, wine and distilled spirits, as part of existing sit-down restaurant at 880 Broadway Avenue, Suite C-5 (Ocean's Grill) subject to Attachment 1: Draft Resolution.

ATTACHMENTS

1. Attachment 1_Draft Resolution
 2. Attachment 2_Project Plans
 3. Attachment 3_Location Map and Site Photos
-

RESOLUTION NO. 21-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT NO. UP-21-05 TO ALLOW FOR A TYPE 47 ON-SITE SALE OF ALCOHOLIC BEVERAGE LICENSE IN THE COMMERCIAL MIXED-USE (CMX) ZONING DISTRICT LOCATED AT 880 BROADWAY AVENUE , SUITE C-5).

WHEREAS, Peter Comaroto, Property Owner, and Kapsup Lim, Applicant, have filed an application for Use Permit approval, to allow for a Type 47 on-sale general Alcohol License for beer, wine, and distilled spirits issued by the State Department of Alcohol Beverage Control located at 880 Broadway Avenue, Unit C-5 in the Commercial Mixed-Use (CMX) Zoning District on property and,

WHEREAS, a duly notice public hearing has been held on July 28, 2021; and,

WHEREAS, the Planning Commission reviewed the staff report, received and considered oral comments at the public hearing concerning the proposed use and acted to grant approval of Use Permit Application No. 21-05 in accordance with Section 17.62.030 of the Seaside Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings approving Use Permit Application No. UP- 21-05:

WHEREAS, the proposed use is Categorically Exempt Class 1, Section 15301 from the California Environmental Quality Act (CEQA); therefore,

Evidence: The proposed project would result in a new land use within an existing commercial shopping center for the sale of alcoholic beverages for on-site consumption as part of an existing restaurant and would not result in the expansion of an existing use/

Use Permit Findings:

In accordance with the requirements of SMCS 17.62.070.F, the Planning Commission is required to make all of the following findings in order to grant approval of the Use Permit application.

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

Evidence: The property is located in the Commercial Mixed-Use (CMX) zoning district. A sit-down restaurant is a permitted use; Use Permit approval is not

required for the restaurant. Alcoholic beverage sales are permitted in the CMX zoning district subject to Use Permit approval (SMCS 17.14.030.B; Table 2-4).

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

Evidence: The proposed use is consistent with the City's General Plan Implementation Plan LU-2.2.2 Alcoholic Beverage Control. The proposed use requires approval of a license from the State of California Department of Alcoholic Beverage Control (ABC). In accordance with ABC requirements, the City will make a determination of public convenience or necessity as part of this Use Permit application. The on-sale of beer, wine and distilled spirits for the proposed restaurant will help to contribute to the livability and economic viability of the community by supporting and introducing a new restaurant that will attract visitors to Seaside and provide the residents of the with a high quality restaurant.

3. The design, location, size and operating characteristics of the activity in the Use Permit are compatible with the existing and planned future land uses in the vicinity.

Evidence: Subject to the recommended Conditions of Approval, the on-sale of alcoholic beverages in conjunction with a sit-down restaurant is compatible with the commercial character of the commercial thoroughfare on Fremont Boulevard and Broadway Avenue and the surrounding residential neighborhood to the south-west.

4. The site is physically suitable for the type, density and intensity of the use being proposed, including access, utilities, and the absence of physical constraints.

Evidence: The property is developed with an existing multi-tenant commercial building. Infrastructure is available for the proposed use.

5. Subject to compliance with the Conditions of Approval, granting the Use Permit will 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: Subject to the recommended conditions of approval, the on-sale of alcoholic beverages in conjunction with a sit-down restaurant will not result in a

detrimental impact on the property or in the vicinity of the property because the volume of alcohol being sold as part of the meals being sold will ensure that the on-site sale of alcoholic beverages will remain as an ancillary sale to the restaurant.

FINDINGS FOR PUBLIC CONVENIENCE OR NECESSITY

In order for the ABC to approve the Type 47 license, the City is required to make a determination of public convenience or necessity. Staff recommends the Planning Commission support this determination based on the following findings.

1. According to information received from the Seaside Police Department, the subject property is not located in an area that has excessive crime rates nor is it in an area of targeted law enforcement activities.
2. The subject property is located in a heavily developed, urbanized commercial area and is compatible with existing and planned land uses.
3. The on-sale of alcoholic beverage sales will be limited to being sold with meals which clearly demonstrates that the on-sale alcoholic beverages will remain as an ancillary retail sale of the restaurant and avoid a bar/cocktail lounge atmosphere.
4. The establishment of a sit-down restaurant with ancillary alcohol sales as a component supports the City's efforts to improve its commercial thoroughfares and its economic development goals. The on-sale of alcoholic beverages is a typical component of a restaurant use and is essential to the City's efforts to develop an urban streetscape as well as provide its residents and visitors with a quality entertainment component.

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Use Permit Application No. 21-05 subject to the following terms and conditions:

Project Specific:

1. The Alcohol Use Permit shall be operated within the interior of the building as shown on the enclosed plans received July 8, 2021 provided as Attachment 2.
2. All sales of alcoholic beverages are required to be conducted within the confines of the enclosed building per ABC requirements.
3. Days and hours of operation are limited to 11:30 a.m. – 8:00 p.m. Tuesday thru Sunday, unless otherwise approved by the City of Seaside, Community Development Department.

4. Prior to the sale of alcoholic beverages, the applicant shall receive approval of a Type 47 Alcoholic Beverage License from the State Department of Alcohol Control.

Standard:

1. Except as modified by required conditions of approval, plans submitted for a building permit shall substantially conform to the plans approved for discretionary permits for this project.
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. Any proposed future development or change in use shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
4. The proposed project shall comply with the applicable requirements of the Monterey Peninsula Water Management District for the installation of new water fixtures and dining room seats.
5. The issuance of building permits involving the installation of new water shall be subject to the availability of an adequate supply of water and sewer capacity to serve the project.
6. Water conservation fixtures shall be provided in the proposed project.
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. Use Permit 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.

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 28th day of July, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

USE PERMIT APPLICATION NO. UP-21-05

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).

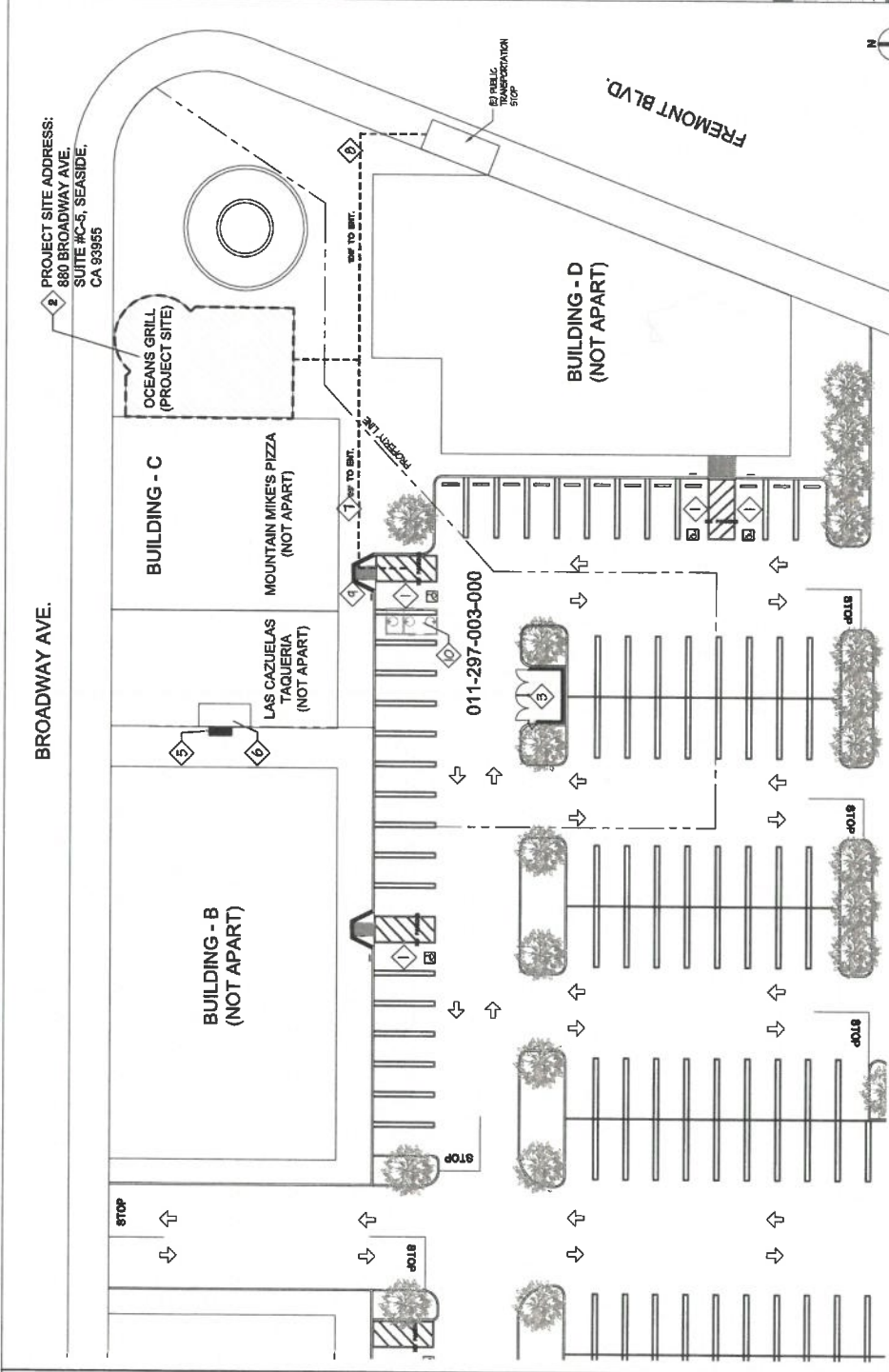
The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Water Allocation Committee.

Applicant's Signature

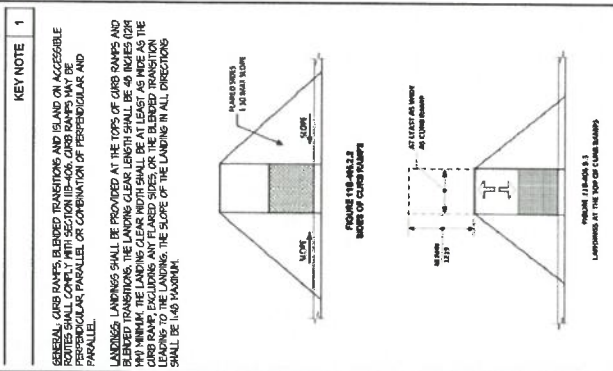
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Property Owner's Signature

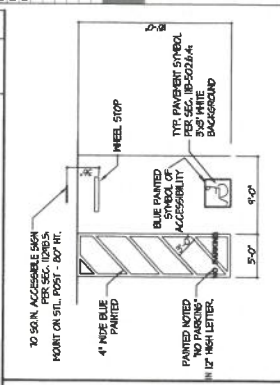
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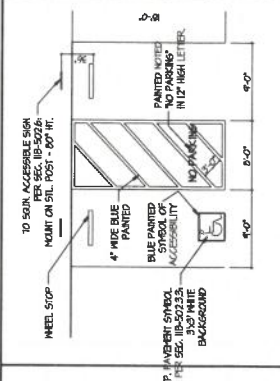
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4	TRASH ENCLOSURE LOCATION		
5	646 PETER LOCATION		
6	UTILITY ROOM BLESING PETER LOCATION		
7	ADA PATH OF TRAVEL FROM ACCESSIBLE PARKING SPACE		
8	TRAVEL FROM PEDESTRIAN		
9	DETECTABLE WARNING AND RAMP	2	4
10	GREASE INTERSECTION 3000 GAL		



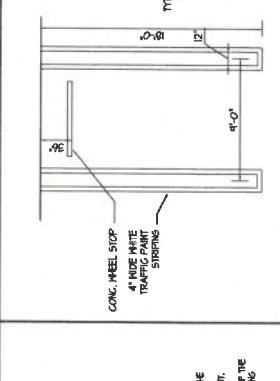
REFERENCE ONLY) EXISTING SITE PLAN



REFERENCE ONLY) EXISTING SITE PLAN



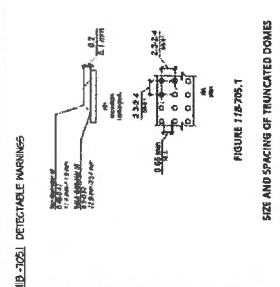
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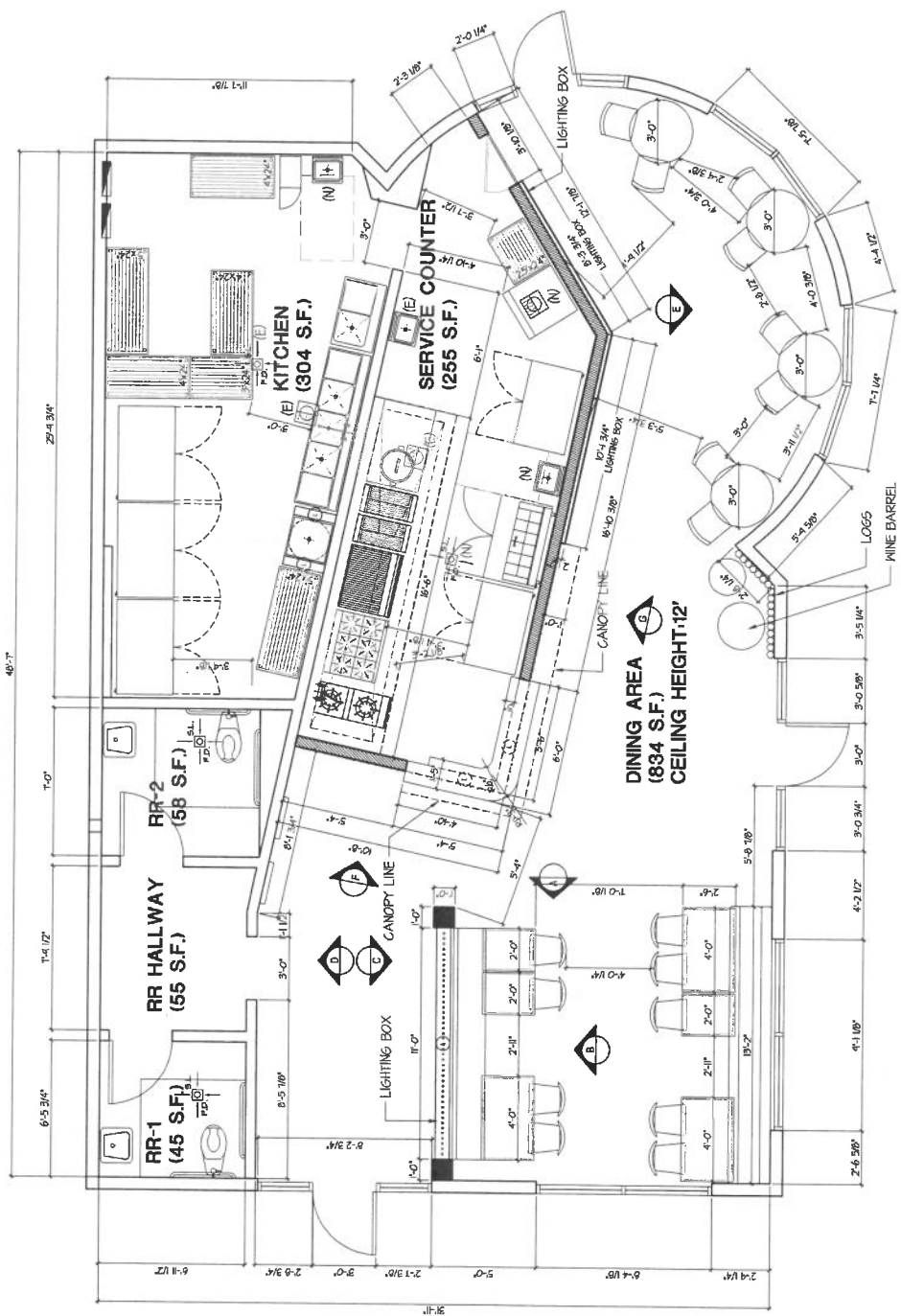


REFERENCE ONLY) EXISTING SITE PLAN



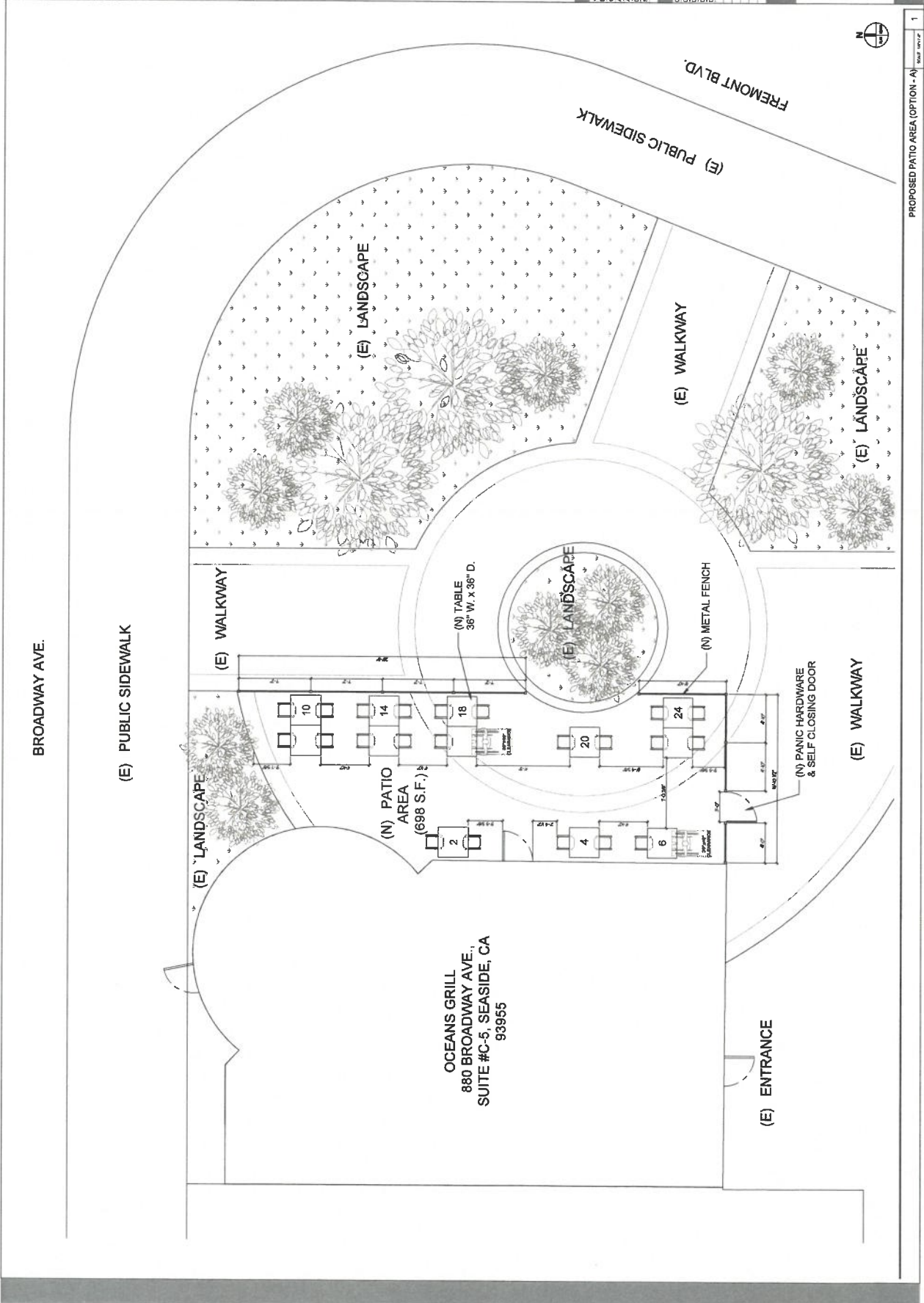
(E) TYP. PARKING STALL DETAIL	8	SCALE: 1/8" = 1'-0"
(E) TYP. VAN ACCESSIBLE PARKING STALL DETAIL	7	SCALE: 1/8" = 1'-0"
(E) TYP. STANDARD PARKING STALL	6	SCALE: 1/8" = 1'-0"
(E) TYP. HVC SIGNAGE DISPLAY	5	SCALE: 1/8" = 1'-0"
(E) DETECTABLE WARNING DETAIL (FOR REFERENCE ONLY)	4	SCALE: 1/8" = 1'-0"

PROJECT: OCEANS GRILL @ 880 BROADWAY AVE., SUITE #C-5, SEASIDE, CA 93955
 REV_PROPOSED FLOOR LAYOUT _02/22/2021

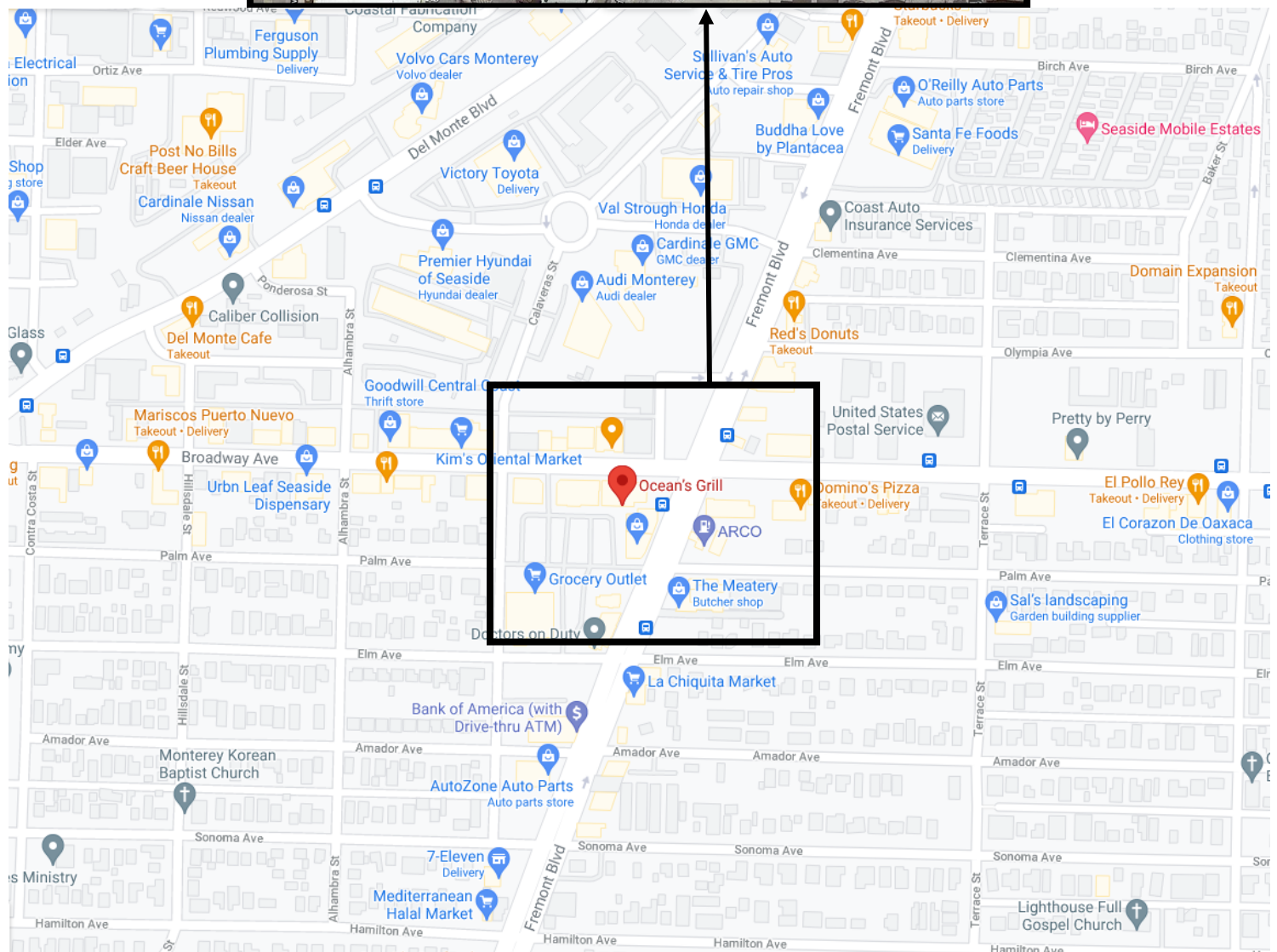
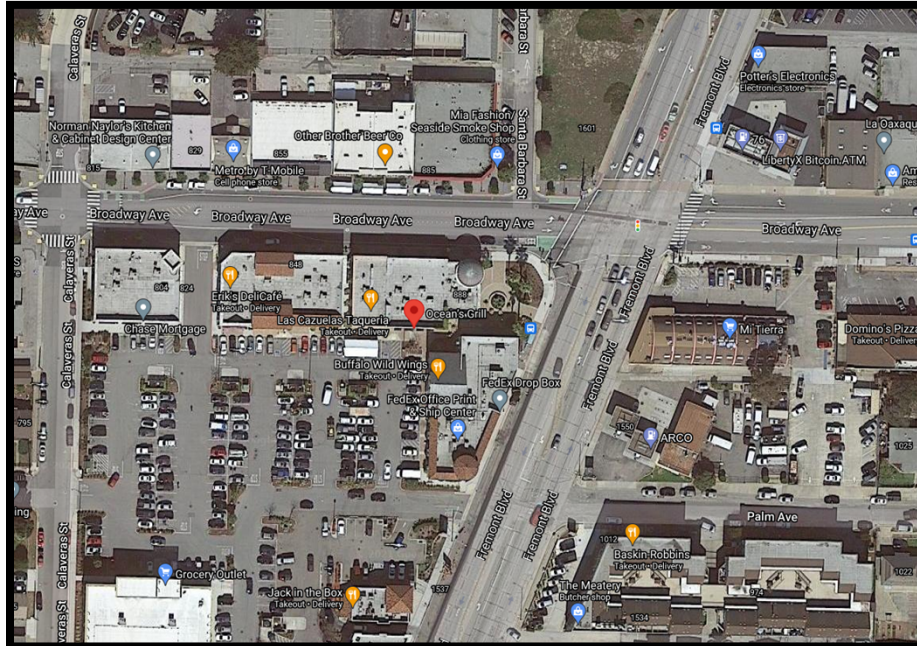


PLAN
 SCALE: 3/16"=1'-0"

NOTE: DIMENSION SHOULD BE VERIFY AT FIELD. IF THERE IS A DISCREPANCY BETWEEN THE FIELD AND DRAWING, PLEASE BE SURE TO NOTIFY PROJECT DESIGNER BEFORE STATING INSTALLATION AT THE FIELD.



Attachment 3: Location Map and Site Photos





Current main entrance. [North]



Current front entrance, located off of courtyard (from east courtyard at corner of Broadway and Fremont)
[South]



Current main entrance (will become proposed patio area; inside yellow area). [South-west]



Stool and high table seating area (seats 12). [East]



Bench seating area (seats 20). [South]



Interior looking towards southern exit door; once patio is installed this will become main entrance. [South]



Fencing of neighboring outdoor dining area (Buffalo Wild Wings), applicant proposes to use same black metal fencing to match. [South]