



AGENDA

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, October 28, 2015
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

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

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

3. **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).

4. **PUBLIC COMMENT**

5. **APPROVAL OF MINUTES**

6. **BUSINESS ITEMS**

- A. **Fence Exception Application No. FE-15-01. Virginia McCormick, property owner, and Ray Ramsey, applicant, are requesting approval of a fence exception to allow for a twenty foot extension to an existing six foot high wood fence located within the ten foot street side setback of a corner lot located at 2090 Cross Street in the RS-8 (Single Family Residential) Zoning District. Pursuant to the California Environmental Quality Act Guidelines, the project is Categorically Exempt, Class 3, Section 15303(e), New Construction of Small Structures. (Continued from October 14, 2015)**

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

Residential) Zoning District.

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

7. **REPORTS FROM COMMISSIONERS**

8. **REPORTS FROM STAFF**

A. **PROVIDE DIRECTION FOR DATES FOR SPECIAL MEETING IN NOVEMBER**

9. **ADJOURNMENT**

Next Regularly Scheduled Meeting:
November, 2015
Seaside City Hall
TBD

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

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

Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Meetings are also available through live streaming at:
<http://cvp.telvue.com/player?id=T01629&video=52314&noplaylists=1&width=400&height=300> Videos of past meetings are available on demand through the City's website: <http://www.ci.seaside.ca.us>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.A.

TO: Planning Commission

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

DATE: October 28, 2015

SUBJECT: **Fence Exception Application No. FE-15-01.** Virginia McCormick, property owner, and Ray Ramsey, applicant, are requesting approval of a fence exception to allow for a 20 foot extension to an existing six foot high wood fence located within the ten foot street side setback of a corner lot located at 2090 Cross Street in the RS-8 (Single Family Residential) Zoning District. Pursuant to the California Environmental Quality Act Guidelines, the project is Categorically Exempt, Class 3, Section 15303(e), New Construction of Small Structures. (Continued from October 14, 2015)

PURPOSE

In accordance with Section 17.30.020(F) of the Seaside Municipal Code (SMC) the applicant is requesting approval of a fence exception for a 20 foot extension to an existing six-foot high wood fence located within the ten foot street side setback of a corner lot. The property is located at 2090 Cross Street in the RS-8 (Single Family Residential) Zoning District.

RECOMMENDATION

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

BACKGROUND

SITE LOCATION AND DESCRIPTION

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

Uses). Location map is provided as Attachment 3. Aerial photo is provided as Attachment 4. Site photographs are provided as Attachment 5.

Figure 1: Adjacent Land Uses

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

PROJECT DESCRIPTION

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

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

In lieu of the proposed landscaping and removal of the existing concrete driveway pad, the applicant is now proposing to retain the concrete pad and continue the six foot fence on Military

Avenue twenty feet in a westerly direction in front of the concrete driveway to terminate at the northwesterly corner of the garage. The six foot fence currently located along the eastern edge of the driveway pad will be relocated to the western edge of the driveway pad. The existing concrete driveway pad would be combined with the existing patio located between the garage and the two-story second unit to create a large outdoor patio area on the north side of the house.

The applicant has stated that they would prefer a larger patio area in lieu of an additional 360 square feet of landscaping which would require water and maintenance. The area between the back of sidewalk and the existing six foot fence that is currently landscaped with large succulents spaced approximately 10 feet apart will remain

The applicant's request for a fence exception is provided as Attachment 6 and provides the following reasons to support the approval of the fence exception.

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

ENVIRONMENTAL REVIEW

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

Evidence: Approval of the proposed fence exception would result in the construction of a new six foot high wood fence on Military Avenue. A fence consists of a minor improvement that is categorically exempt from CEQA.

STAFF ANALYSIS AND FINDINGS

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

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

Primary issues relate to whether a physical hardship (e.g. irregular lot size, slope, building

placement, utilities) exist which would preclude the property owner from the reasonable use of their property if the fence exception is not granted.

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

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

Findings for Denial of the Fence Exception Application:

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

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

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

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

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

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

CONCLUSION

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

FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Attachment 2 - Proposed Site Plan
 3. Attachment 3 - Location Map
 4. Attachment 4 - Aerial Views
 5. Attachment 5 - Site Photos
 6. Attachment 6 - Applicant's Statement
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**PLANNING COMMISSION
RESOLUTION NO. 15-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, DENYING FENCE EXCEPTION APPLICATION NO. FE-15-01 TO ALLOW FOR A 20 FOOT EXTENSION TO AN EXISTING SIX FOOT HIGH WOOD FENCE WHICH EXCEEDS THE MAXIMUM HEIGHT REQUIREMENTS OF ZONING CODE SECTIONS 17.30.020.B.1 WITHIN THE REQUIRED STREET SIDE SETBACK LOCATED AT 2090 CROSS STREET (APN: 011-042-001).

WHEREAS, Virginia McCormick, property owner, and Ray Ramsey, applicant, have applied for approval of a Fence Exception permit to allow for a 20 foot extension to an existing six foot high wood fence located within the ten foot street side setback of a corner lot thereby exceeding the maximum height requirements of Zoning Code Section 17.30.020.B.1 within the required street side setback; and

WHEREAS, the proposed project requires approval by the Planning Commission, and

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

WHEREAS, the Planning Commission considered written information concerning the proposed exception at a duly noticed public hearing held on October 28, 2015; and

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

Evidence: Approval of the proposed fence exception would result in the retention on an existing six foot high wood fence and the construction of 30 feet (20 feet along Military Avenue and ten foot return towards the garage) of new six foot high wood fence, which exceeds the maximum height requirements of SMC Sections 17.30.020.B. After visits to the site, City staff has concluded that granting the fence exception would not result in a traffic-related safety hazard, visible impairment at an intersection or an adjoining driveway.

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

1. Due to the size of the lot, other areas of the property within the rear yard can be used for private open space.

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

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

Evidence: The eastern end of the fence has been indented and reduced to a maximum four foot height in accordance with the SMC. The western end of the fence could match the existing construction to establish a compatible neighborhood design on Military Avenue.

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

Evidence: The lot does not contain sufficient cross slope or other unique or unusual topographic conditions (e.g. irregular lot size, building placement) to establish a physical hardship.

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

AYES:

NOES:

ABSENT:

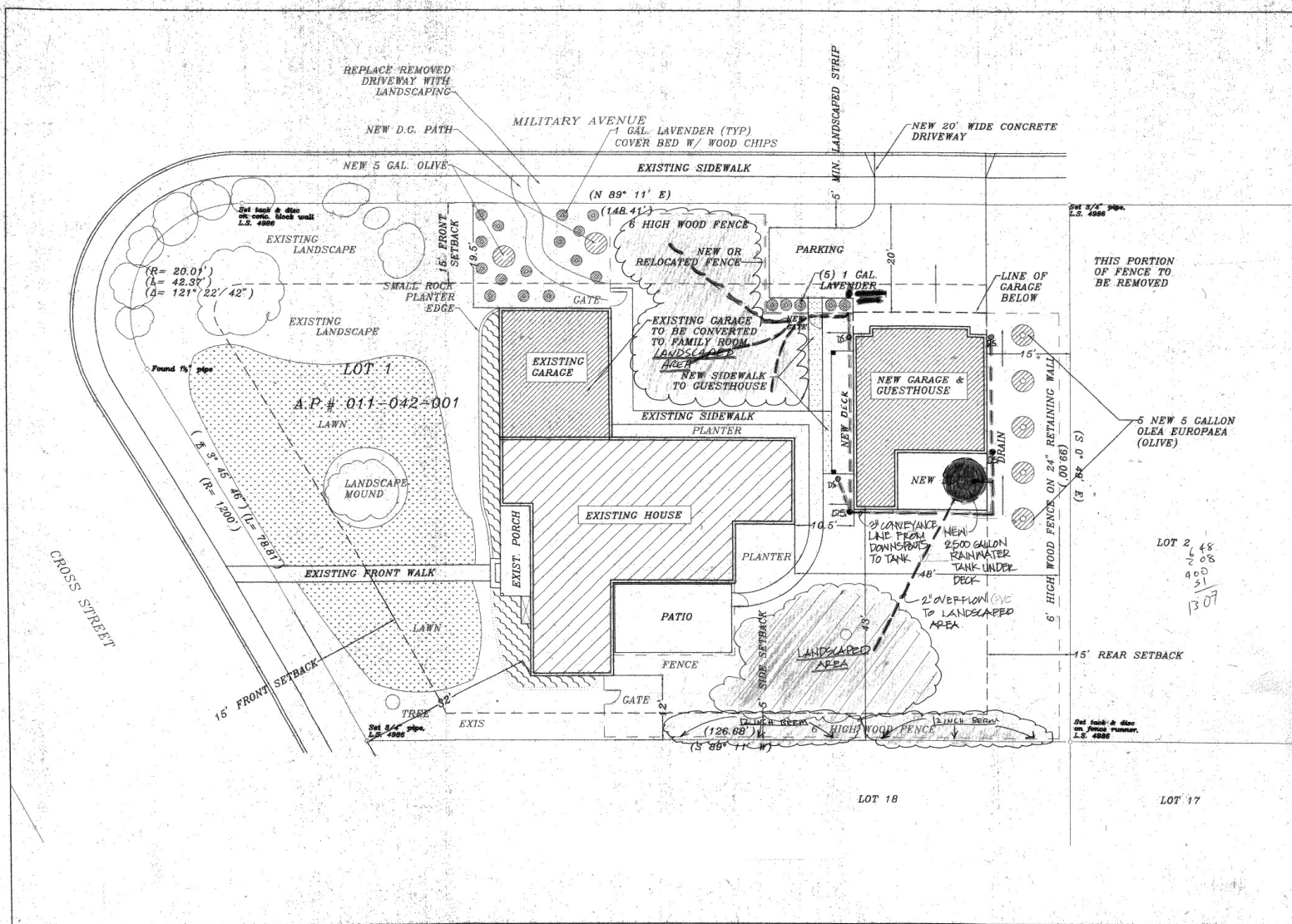
ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

Attachment 2



Scarlett • Ramsey
building design

Cindi Scarlett-Ramsey
PO Box 22572
Carmel, CA 93922

Residential Design
tel. 331-659-3127
fax. 331-659-3129

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

Property Address:
2090 Cross Street
Seaside, CA 92055

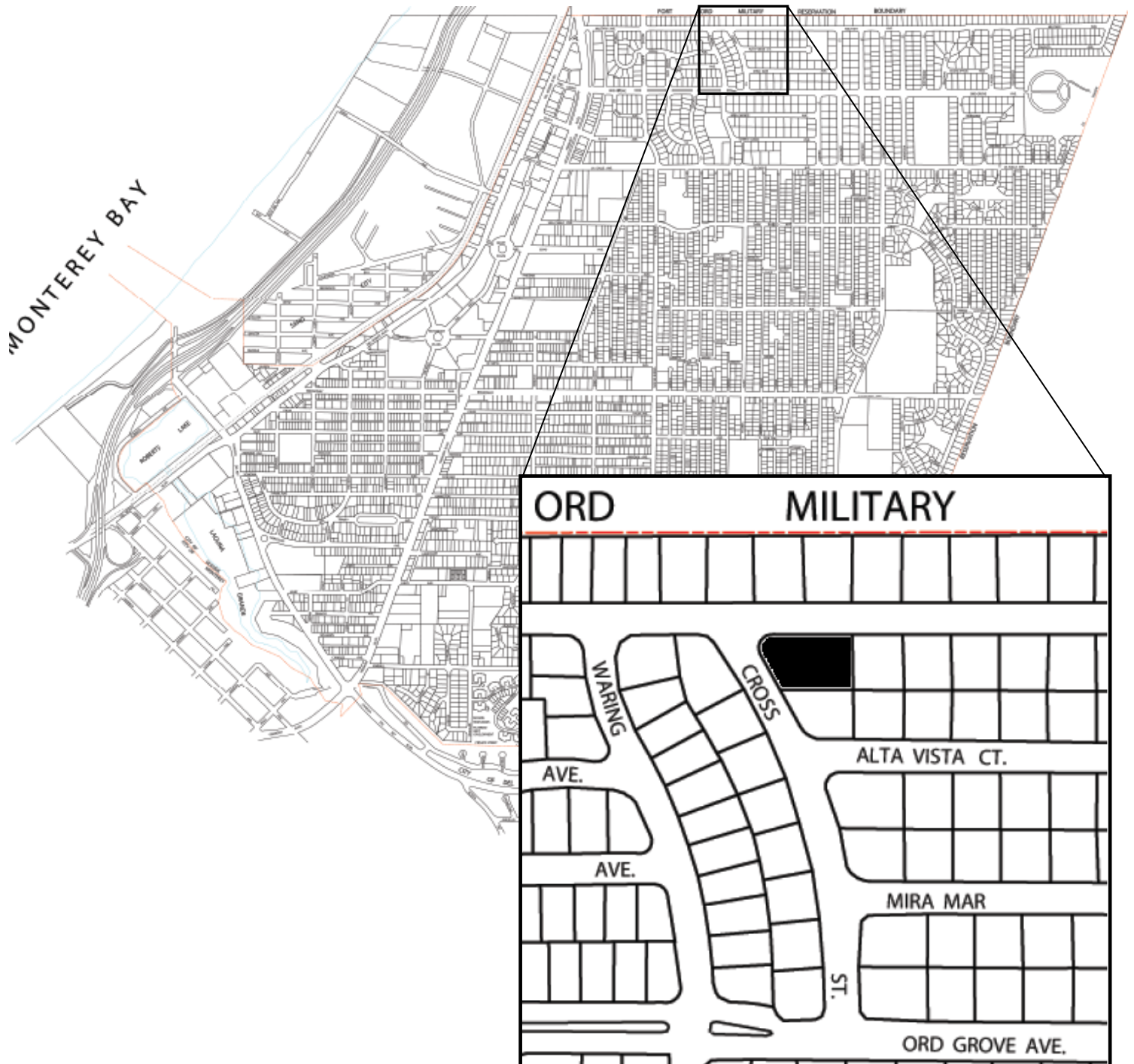
Owner:
Virginia McCormick
2090 Cross Street
Seaside, CA 93955
831-394-4111

Designer:
Cindi Scarlett-Ramsey
PO Box 322572
Carmel, CA 93922
831-659-3127
scarlett.ramsey@comcast.net

Date: _____
Rev: _____

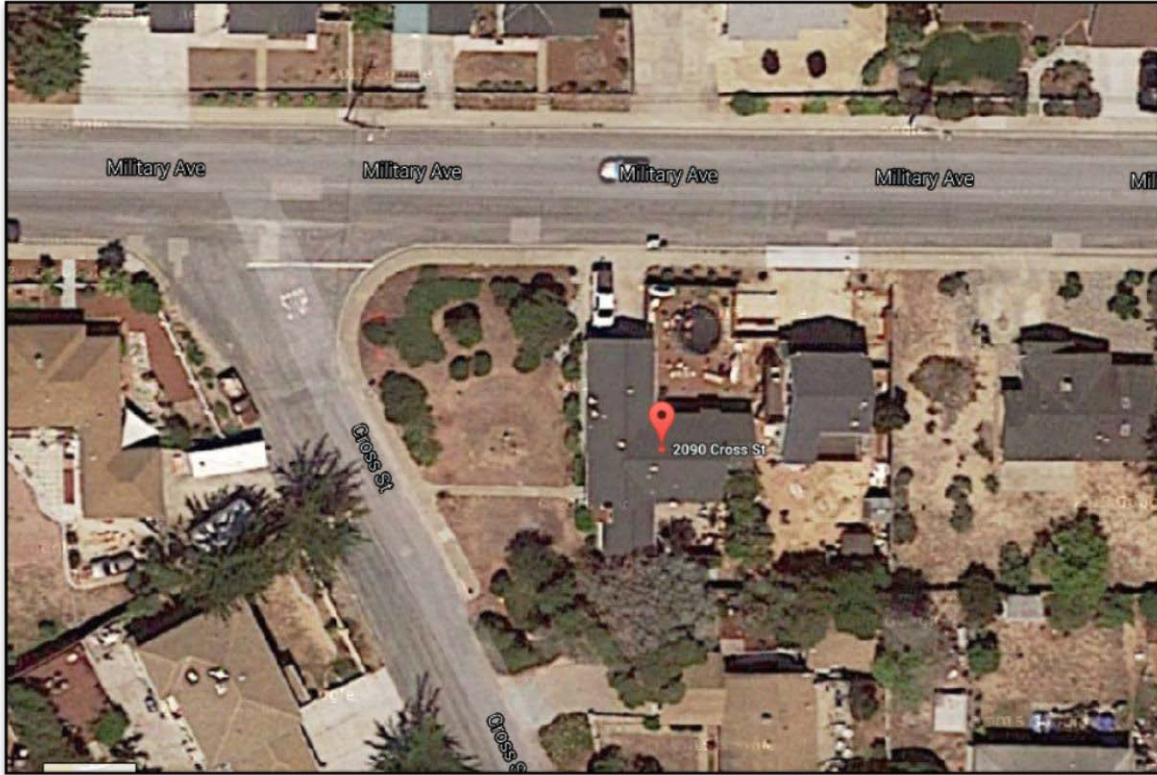
Attachment 3

Location Map: 2090 Cross St.



Attachment 4
Aerial Photo

2090 Cross Street



Aerial View

Attachment 5

Site Photos



2090 Cross Street - 2009



2090 Cross Street - 2009

Attachment 6
Applicant Statement

To Whom it Concern, and the City of Seaside,

We propose to extend our fence line by 20 feet on the west side of the existing fence (currently 28 feet) to enclose the existing driveway which is no longer in use. This 20 feet and current 28 feet are parallel to Military Ave. An additional 20 feet will return at 90 degrees to the corner of the house to enclose existing driveway to become a patio.

To be noted, we removed 52 feet of fence parallel to Military Ave on the east side of the existing fence parallel to Military Ave to create the space for the new and now existing driveway. Thank you for your consideration.

Sincerely,

Virginia McCormick & Ramsey Family