



AGENDA
CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
440 HARCOURT AVE (COUNCIL CHAMBER)
Wednesday, April 27, 2022
7:00 PM

NOTICE: *The City Council and the City's Boards, Commissions and Committees, will hold its public meetings in person, with a virtual option for public participation based on availability. The City of Seaside utilizes Zoom tele-conferencing technology for virtual public participation; however, we make no representation or warranty of any kind, regarding the adequacy, reliability, or availability of the use of this platform in this manner. Participation by members of public through this means is at their own risk.*

VIRTUAL PUBLIC PARTICIPATION INSTRUCTIONS

1. To view this meeting: Please click on the following link to the City of Seaside YouTube Channel: <https://www.youtube.com/c/CityofSeasideCalifornia>
2. To participate in this meeting: Using the Zoom application on your smart phone, laptop, tablet or desktop and click on this link: <https://us02web.zoom.us/j/81555467580>
WEBINAR ID: 815 5546 7580
3. To participate by phone: Please call (669) 900-9128
Enter the meeting ID 815 5546 7580 when prompted. There is no participate code – press the pound sign # after the recording prompts you.
4. To make 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 at least two (2) hours prior to the meeting time on the day of the meeting.
 - 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.

IN PERSON PARTICIPATION INSTRUCTIONS

Members of the public participating in person and wishing to address the Commission may approach the podium when the Chair calls for public comment.

1. CALL TO ORDER

2. ROLL CALL - ESTABLISHMENT OF QUORUM

William Silva	Chair
Keith Dodson	Commissioner
William Silva	Commissioner
Arlington La Mica	Commissioner
Dave Evans	Commissioner
Danny Huynh	Commissioner
John Owens	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 FOR COMMISSIONS

Members of the public wishing to address the Commission 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. Comments on specific agenda items are heard under that item. For the public record, please state your name.

5. APPROVAL OF MINUTES

A. APPROVE MINUTES OF MARCH 9 AND APRIL 13, 2022

6. BUSINESS ITEMS

A. APPROVE A RESOLUTION TO CHANGE THE MEETING START TIME OF THE PLANNING COMMISSION FROM 7PM TO 6PM.

B. FENCE EXCEPTION APPLICATION No. FE-22-01: RAMONA LOWE, APPLICANT, AND CHONG-HUI PAK, OWNER, REQUEST A FENCE EXCEPTION TO ALLOW FOR A SIX-FOOT HIGH FENCE WITHIN THE STREET SIDE SETBACK LOCATED AT 700 ELM AVE (APN: 011-322-001) IN THE MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (RM). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(E) PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.

C. BOARD OF ARCHITECTURAL REVIEW APPLICATION No. BAR-22-04. TIM MUSE AND ERASMO AIELLO APPLICANTS, ARE REQUESTING DESIGN APPROVAL OF A 640 SQUARE FEET OUTDOOR DINING AREA TO AN

EXISTING RESTAURANT LOCATED AT 1901 FREMONT BOULEVARD IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT (APN: 011-525-009). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

7. REPORTS FROM COMMISSIONERS

8. REPORTS FROM STAFF

9. ADJOURNMENT

Next Regularly Scheduled Meeting:
May 11, 2022
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:

<http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

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



DRAFT MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
Wednesday, March 9, 2022
7:00 PM

1. CALL TO ORDER

Chair Silva called the meeting to order at 7:02 p.m.

2. ROLL CALL - ESTABLISHMENT OF QUORUM

PRESENT: Dodson, Evans, LaMica, Silva, Huynh
ABSENT: Owens

3. PLANNING COMMISSION

4. REVIEW OF AGENDA

No changes.

5. PUBLIC COMMENT

None

6. BUSINESS ITEMS

**A. ADOPT A RESOLUTION RECOMMENDING THE COUNCIL ADOPT
AN ORDINANCE REPEALING AND AMENDING SECTION 17.52.230
OF THE SEASIDE MUNICIPAL CODE**

Senior Planner Beth Rocha presented an overview of the purpose of the meeting and the resolution.

The commissioners discussed the content of their original suggestions to the City Council and clarified that their suggestions will be considered, but are not guaranteed to be included in the ordinance adoption.

On motion by Commissioner Dodson and second by Commissioner Evans and carried by the following vote, the Planning Commission moved to approve UP-22-02.

RESULT: 5-0-0-2

AYES: Dodson, Evans, LaMica, Silva, Huynh

NOES: None

ABSTAIN: None

ABSENT: Owens

Action: Resolution approved.

7. REPORTS FROM COMMISSIONERS

Reports provided and staff noted and will provide follow-ups as requested.

8. REPORTS FROM STAFF

None

9. ADJOURNMENT

With no further business, the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Dominique L. Davis, Secretary

William Silva, Chair



DRAFT MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
Wednesday, April 13, 2022
7:00 PM

1. CALL TO ORDER

Chair Silva called the meeting to order at 7:12 p.m.

2. ROLL CALL - ESTABLISHMENT OF QUORUM

PRESENT: Dodson, Evans, LaMica, Silva
ABSENT: Huynh, Owens

3. PLANNING COMMISSION

4. REVIEW OF AGENDA

No changes.

5. PUBLIC COMMENT

None

6. BUSINESS ITEMS

A. USE PERMIT APPLICATION No. UP-22-02. SEA PACIFIC INVESTMENTS, PROPERTY OWNER AND BETTY P. PHAYSOUPHANH APPLICANT, ARE REQUESTING USE PERMIT APPROVAL TO COMBINE A CANNABIS MICROBUSINESS WITH AN EXISTING CANNABIS RETAIL BUSINESS (DBA PLANTACEA) LOCATED AT 1717 #B FREMONT BOULEVARD IN THE CRG (REGIONAL COMMERCIAL) ZONING DISTRICT. THE CANNABIS MICROBUSINESS WILL CONSIST OF THE CULTIVATION, TESTING AND DISTRIBUTION OF HARVESTED CANNABIS PLANTS/FLOWERS WITHIN THE INTERIOR OF THE EXISTING COMMERCIAL BUILDING. NO CHANGES WILL OCCUR TO THE FLOOR PLAN AND RETAIL SALES OF THE EXISTING CANNABIS RETAIL OPERATIONS. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(a) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Senior Planner, Beth Rocha presented the item and responded to questions from the Commission. Ms. Rocha made the Commission aware that the property owner and applicant were present and available for questions.

Applicants, Betty P. Phaysouphanh and Brian Huynh provided a statement and responded to questions from the Commission. Maurice Solis, a member of the applicant's team also responded to questions from the Commission.

PUBLIC COMMENT: Dennis Alexander

On motion by Commissioner Dodson and second by Commissioner Evans and carried by the following vote, the Planning Commission moved to approve UP-22-02.

RESULT: 4-0-0-2

AYES: Dodson, Evans, LaMica, Silva

NOES: None

ABSTAIN: None

ABSENT: Huynh, Owens

Action: Approved UP-22-02

7. REPORTS FROM COMMISSIONERS

Reports provided and staff noted and will provide follow ups as requested.

8. REPORTS FROM STAFF

None

9. ADJOURNMENT

With no further business, the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Dominique L. Davis, Secretary Secretary

William Silva, Chair



CITY OF SEASIDE STAFF REPORT

Item No.: 6.A.

TO: Planning Commission

BY: Beth Rocha, Senior Planner

DATE: April 27, 2022

**SUBJECT: APPROVE A RESOLUTION TO CHANGE THE MEETING START TIME OF
THE PLANNING COMMISSION FROM 7PM TO 6PM.**

PURPOSE & RECOMMENDATION

Consider an earlier start time for the Planning Commission meetings, approving a resolution to change the start time from 7pm to 6pm.

BACKGROUND

The Planning Commission meets on the 2nd and 4th Wednesdays of the month. The start time is currently 7pm, but a 6pm start time would keep the meeting accessible to the public and provide the commission and staff with reasonable meeting end times.

ATTACHMENTS

1. Attachment 1: Draft Resolution
-

RESOLUTION NO. 22-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING CHANGE IN MEETING HOURS FROM REGULARLY SCHEDULED MEETINGS.

WHEREAS, there is a Planning Commission of the city created by pursuant to California Government Code Section 65101; and,

WHEREAS, in accordance with Section 17.70.040 of the Seaside Municipal Code the Planning Commission currently meets on the second and fourth Wednesday of each month; and,

WHEREAS, the Planning Commission has discussed at a duly noticed public meeting making changes to the starting time of its regular meetings from 7 pm to 6 pm; and

WHEREAS, the action to change the regular starting time of a regularly scheduled Planning Commission meeting is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061, General Rule Exemption.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts 6 pm as its starting time for all regularly scheduled meetings.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 27th day of April, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary



CITY OF SEASIDE STAFF REPORT

Item No.: 6.B.

TO: Planning Commission

BY: Eric Azriel, Assistant Planner

DATE: April 27, 2022

SUBJECT: FENCE EXCEPTION APPLICATION No. FE-22-01: RAMONA LOWE, APPLICANT, AND CHONG-HUI PAK, OWNER, REQUEST A FENCE EXCEPTION TO ALLOW FOR A SIX-FOOT HIGH FENCE WITHIN THE STREET SIDE SETBACK LOCATED AT 700 ELM AVE (APN#011-322-001) IN THE MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (RM). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(E) PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.

PURPOSE & RECOMMENDATION

In accordance with Section 17.30.020.F of the Seaside Municipal Code (SMC), a fence may exceed allowed height requirements subject to Planning Commission approval.

City staff recommends approval of the fence exception based on the required findings listed under Section 17.30.020.F.2 SMC.

BACKGROUND

The project site is 4,000 square feet in area (40 feet by 100 feet) and sits on a corner lot fronting Elm Avenue, with Alhambra Street on the street side to the west, and an alley to the rear. Elm Avenue is zoned for medium density residential as part of the gradual increase in density approaching the West Broadway Specific Plan area.

The site is developed with a one-story single family dwelling built in 1947. The topography is largely flat. Neighboring uses are single-family dwellings.

Site Location Map is provided as Attachment 2.

PROJECT DESCRIPTION

On September 24, 2021 the applicant applied for and was granted an over-the-counter permit to build a fence. The project was to replace an existing fence in poor condition which applicant states was 7 feet tall.

The Fence Permit Application addresses the general requirements for fences, including the statement that:

Fences shall not exceed 4 feet in height when located within the front yard setback. Fences outside of front yard setbacks shall not exceed 6 feet in height.

The City also requires that fences not exceed 4 feet tall within street side setbacks; this requirement was not included in the permit language. The fence was ultimately constructed within the street side setbacks to a height of 6 feet. An unrelated City inspection of the property on January 26, 2022 noted the unpermitted height of the fence and gave the property owner a correction notice. The applicant filed this Fence Exception in response.

The applicant is requesting a fence exception to allow for a 6 foot tall wooden fence installed along the street side of their property alongside Alhambra Avenue. The proposed fence is shown in the aerial photograph in Attachment 3. The proposed fence elevation is provided in Exhibit A to Attachment 1. Pictures of the proposed fence are provided in Attachment 4.

The homeowner is a widow who lives alone on a street corner with the yard exposed to Alhambra Street save for the fence. The house's bedroom is in the rear of the house near the project area. Applicant asserts that a four foot fence will not give sufficient personal safety nor prevent people from driving by and scoping out the house for theft.

STAFF ANALYSIS

The proposed 6 foot tall fence would be located within the street side setback of 700 Elm Avenue. The maximum fence height permitted in the street side setback is 4 feet. The proposed fence replaces a taller fence.

Maximum Permitted Height

Section 17.30.020.B.1 SMC limits the heights of fences for residential uses for a corner parcel to 4 feet within the front or street side setbacks. This project exists in the street side setback of a corner parcel and is therefore limited to 4 feet in height.

Section 17.30.020.B.1 SMC also limits the height of fences within traffic safety visibility areas to 4 feet. Traffic safety visibility areas are described by section 17.30.030.E SMC and are shown diagrammatically in Attachment 5.

Traffic safety visibility areas apply to an intersection of streets or an intersection of a street and an alley where that intersection occurs at the junction of front and side

property lines. Traffic safety visibility areas also apply at the intersection of driveways and streets. But traffic safety visibility areas are not established for intersections at the rear of properties.

Part of the present project occurs at the intersection of a street and an alley. But the intersection in question is located at the rear of the property and therefore is not designated a traffic safety visibility area.

Original Nonconforming or Unpermitted

The City does not possess records of the original fence. Therefore the fence was either original to the house built in 1947 and thereby nonconforming, or it was an unpermitted fence built at a later date. Even if it was nonconforming, reconstructing a nonconforming nonresidential structure is not permitted without a Minor Use Permit, unless the cost to reconstruct the nonconforming structure is 60 percent or less of the assessed value of the structure immediately before it was damaged or destroyed.

Section 17.72.030.B.1.a SMC states:

Nonresidential or multi-family structures. A nonconforming nonresidential or multi-family structure shall not be enlarged, extended, increased, reconstructed, or relocated.

Section 17.72.040.B SMC states:

Termination by destruction. Nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed; except as provided by Section 17.72.030 for residential dwellings, and except as follows:

1. If the cost of repairing or replacing the damaged portion of the structure is 60 percent or less of the assessed value of the structure immediately before damage, the structure may be restored to no more than the same size and use, and the use continued, if the restoration is started within 12 months of the date of damage and is diligently pursued to completion.
2. Minor Use Permit approval shall be required if the cost of repairing or replacing the damaged portion of the structure is more than 60 percent of the assessed value of the structure immediately before the damage. Minor Use Permit approval shall require a finding, in addition to those contained in Section 17.62.070, that the benefit to the public health, safety, or welfare exceeds the detriment inherent in the restoration and continuance of a nonconformity.

Fence Exception

Exceptions to maximum height standards may be permitted by the Planning Commission where a physical hardship exists because of unique or unusual topographic conditions or structure location and where appropriate findings are made regarding public safety.

Section 17.30.020.F.1 SMC states:

Where a physical hardship exists because of unique or unusual topographic conditions or structure location, and upon the approval of the Zoning Administrator, a fence, wall, and/or hedge that exceeds the maximum standards of this Zoning Code may be allowed subject to a fence exception approved by the Commission

The location of the bedroom near the rear of the house and the exposure to the side street and the accompanying hazards may be considered a physical hardship because of structure location.

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

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

Evidence: *The proposed fence extension would not result in any hazard, either physically or visually to the general public or adjacent property owners and occupants residing in the immediate vicinity.*

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

Evidence: *The width of the public walkway area combined with the slow speeds of vehicles in alleyways will provide ample visibility to allow for the safety of pedestrians and vehicles travelling on Alhambra Street in the event a vehicle is exiting the alleyway.*

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

Evidence: *The project site is located near an intersection with an alleyway, but at the rear of the property. Traffic safety visibility areas are not established for the rear of residential properties.*

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

Evidence: *No adjoining driveways exist in the project area.*

5. The fence is compatible with the surrounding neighborhood.

Evidence: *The fence height and location mimic many other existing fences in the area. The vertical elements between boards break up the appearance of the fence and create a pleasing presentation compatible with the older fences and homes in the area.*

ATTACHMENTS

1. Attachment 1: Draft Resolution
Exhibit A to Attachment 1: Project Plans
 2. Attachment 2: Vicinity Map
 3. Attachment 3: Aerial Site Picture
 4. Attachment 4: Pictures of Proposed Fence
 5. Attachment 5: Diagram of Traffic Safety Visibility Area
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RESOLUTION NO. FE-22-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING FENCE EXCEPTION APPLICATION NO. FE-22-01 TO ALLOW FOR A SIX-FOOT FENCE WITHIN STREET SIDE SETBACK LOCATED AT 700 ELM AVENUE (APN:011-322-001).

WHEREAS, Chong-Hui Pak, property owner and Ramona Lowe, applicant, have applied for approval of a Fence Exception permit to allow for a six-foot tall fence in the street side setback thereby exceeding the maximum height requirements of Zoning Code Section 17.30.020.B.1 within the street side setback by two-feet; and

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

WHEREAS, the Planning Commission considered written information concerning the proposed exception at a duly noticed public hearing held on April 27, 2022; and

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

Evidence: Approval of the proposed fence exception would result in the approval of a six-foot high wood fence, which is a minor improvement that would clearly not result in any impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopt the following findings for the approval of Fence Exemption Application No. FE-22-01:

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

Evidence: *The proposed fence would not result in any hazard, either physically or visually to the general public or adjacent property owners and occupants residing in the immediate vicinity.*

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

Evidence: *The width of the public walkway area combined with the slow speeds of vehicles in alleyways will provide ample visibility to allow for the safety of pedestrians and vehicles travelling on Alhambra Street in the event a vehicle is exiting the alleyway.*

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

Evidence: *The project site is located near an intersection with an alleyway, but at the rear of the property. Traffic safety visibility areas are not established for the rear of the residential properties.*

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

Evidence: *No adjoining driveways exist in the project area.*

5. The fence is compatible with the surrounding neighborhood.

Evidence: *The fence height and location mimic many other fences in the area. The vertical elements between boards break up the appearance of the fence and create a pleasing presentation compatible with the older fences and homes in the area.*

BE IT FURTHER RESOLVED, the Planning Commission hereby approves Fence Exception Application No. FE-22-01 subject to the following terms and conditions:

Standard:

1. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

2. 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.
3. The proposed project shall comply with the applicable requirements of the Monterey Peninsula Water Management District for the installation of new water fixtures.
4. 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.
5. Water conservation fixtures shall be provided in the proposed project.
6. 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.
7. Design Review 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.
8. 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 meeting of the Planning Commission of the City of Seaside, State of California, on the 27th day of April, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

FENCE EXCEPTION APPLICATION No. FE-22-01

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

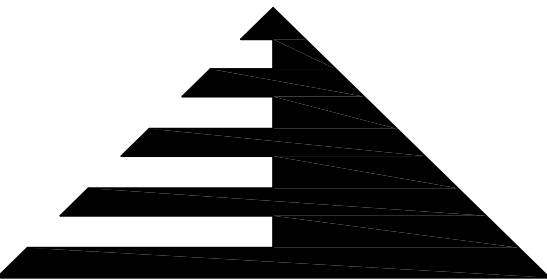
Date

Property Owner's Signature

Date

Project / Owner:

HUI PAK
(N)
FENCE
700 ELM AVENUE
SEASIDE, CA



RAMONA LOWE
D E S I G N
P.O. BOX 4035, MONTEREY CA 93942
(831)402-1043

Ramona Lowe

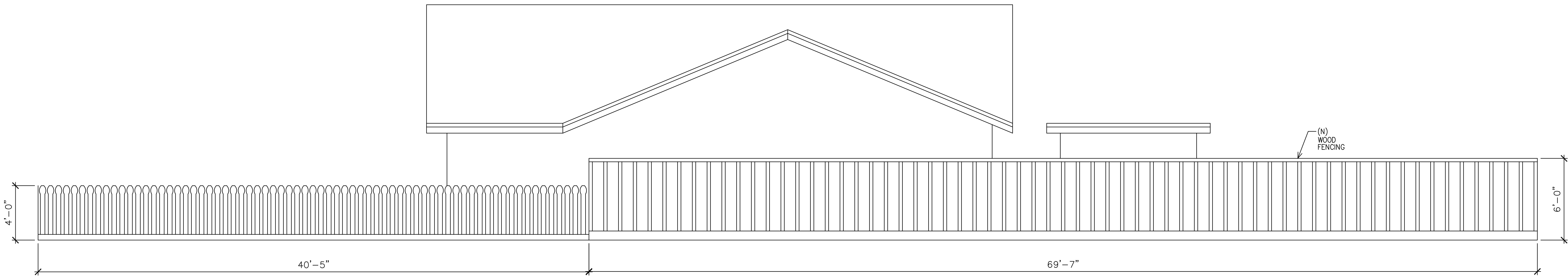
Drawn By: R.L.

Drawing Date: 04/10/22

Sheet Title:
PROPOSED
WEST
ELEVATIONS

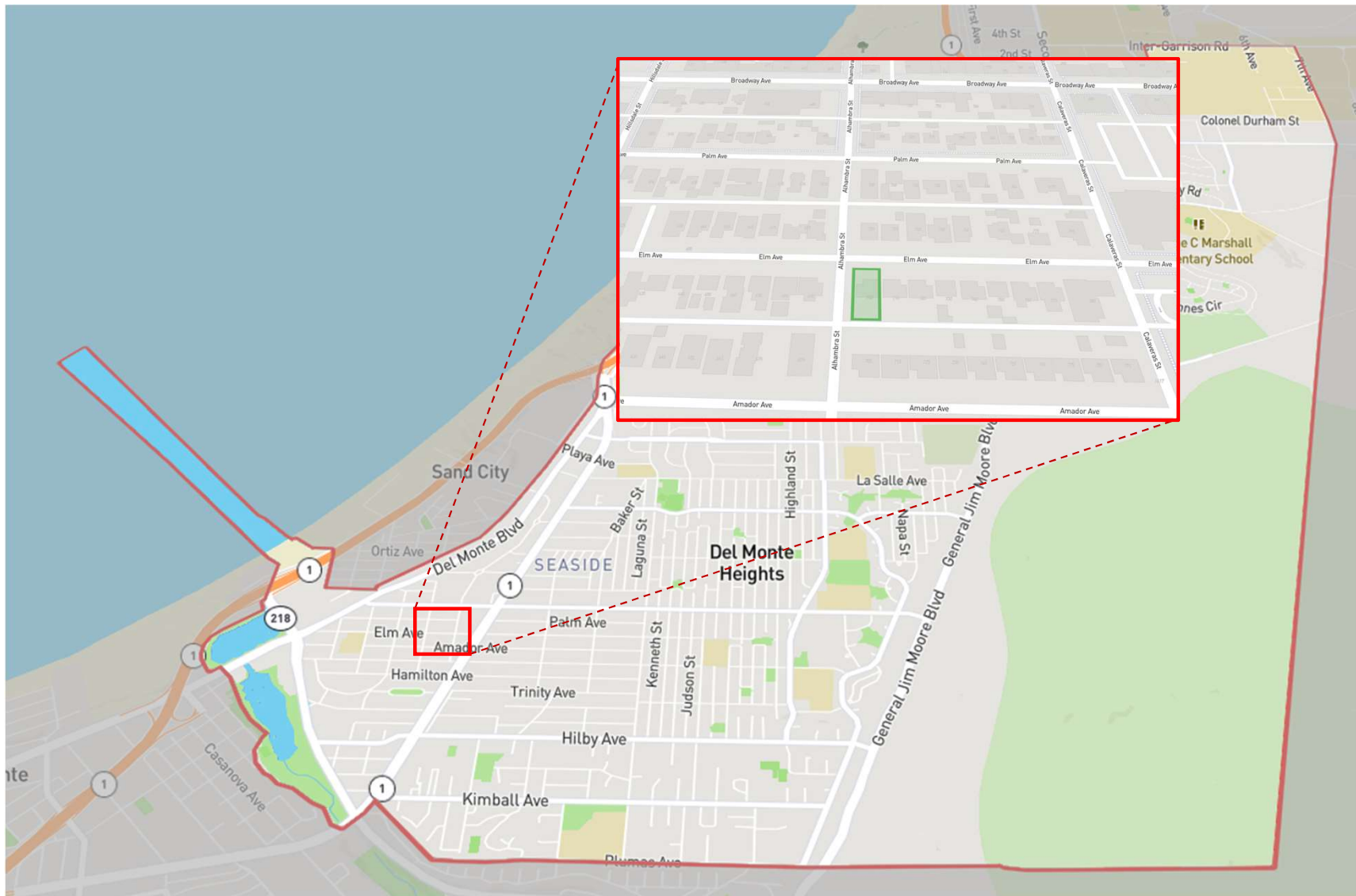
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A10.1



WEST ELEVATION

SCALE: 1/4" = 1'-0"



Aerial view of 700 Elm Ave with fence area highlighted.





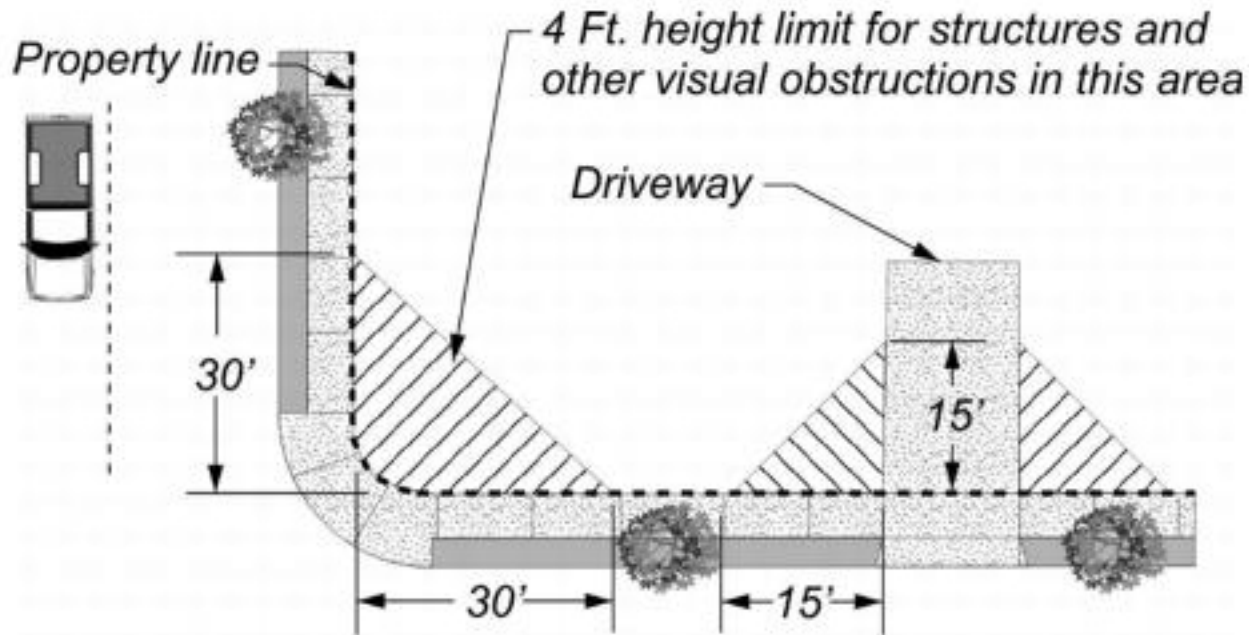


Figure 3-6 – Required Traffic Safety Visibility Area



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.C

TO: Board of Architectural Review

BY: Jose Torres, Associate Planner

DATE: April 27, 2022

SUBJECT: BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-22-04. TIM MUSE AND ERASMO AIELLO APPLICANTS, ARE REQUESTING DESIGN APPROVAL OF A 640 SQUARE FEET OUTDOOR DINING AREA TO AN EXISTING RESTAURANT LOCATED 1901 FREMONT BOULEVARD IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT (APN: 011-525-009). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

PURPOSE

In accordance with Seaside Municipal Code (SMC), Section 17.62.030.B.1, Architectural review shall be required for nonresidential projects: all new construction. The following is also applicable, is Section 17.62.030.B.8 of the Board of Architectural Review approval is required for any change(s) to projects that previously received Architectural Review approval from the Board of Architectural Review that cannot be approved by the Zoning Administrator in accordance with Section [17.64.090](#) (Changes to an Approved Project).

RECOMMENDATION

Staff recommends approval of the 640 sq. ft. outdoor dining deck and Conditions of Approval provided as Exhibit A to Attachment 1: Project Plans

BACKGROUND

The site is a corner parcel developed with a one-story commercial building that is occupied by Gusto Handcrafted Pasta & Pizza. The applicant is proposing an outdoor dining deck of 640 square feet (sq. ft.). The project site is located within the Regional Commercial (CRG) Zoning District. The adjoining land uses consist of three hotels to the north, south and west.

Vicinity Map is provided as Attachment 2.

PROJECT DESCRIPTION

The following modifications are proposed (Exhibit A to Attachment 1: Project Plans)

- New exterior LED string lights
- Safety flood lighting for walkways
- New polymer deck (slate grey stain) 5.5" boards

STAFF ANALYSIS

The proposed improvements will consist of a clean design that refines the style of the existing, building façade. The proposed dining deck measures 20'x32' (640 sq. ft.) in the parking lot of the west side of main structure with a 10' setback distance between the existing structure and the proposed dining deck.

New materials, colors, and landscaping will enhance the adjacent streetscape environment. The deck and railing material will consist of stained pressure treated wood. The deck will hold six tables and up to 24 seats. A four-foot railing with equally spaced 6'x6' posts, wraps around the perimeter. Overhead ambient string-lights and ground-level safety flood lighting for walkways will help activate and create a safer space. The perimeter will be lined with wooden wine barrels filled with base rock, to act as an aesthetically appealing safety bollards. The area between the dining deck and the La Salle sidewalk, will be landscaped with equally spaced planters.

The establishment currently has 2,132 sq. ft. of leasable space. Parking required is 1 space for every 200 sq. ft. of floor area. Current parking requirements are for 10.66 parking spaces. The restaurant currently has 24 parking spaces. The proposed outdoor dining space will result in the removal of 4 parking spaces. In accordance with SMC section 17.34.040, 13.86 spaces are required for the existing restaurant and 20 spaces would remain on-site. The removal of 4 parking spaces will not result in a reduction of required parking.

A condition of approval has been added, as the outdoor dining deck may sit atop buried utilities and there may be instances where the outdoor dining area will need to be removed to access a utility beneath it. In the event of necessary utility maintenance or the unlikely event of a utility failure such as a gas leak or water main break that threatens public safety, the City or utility owner may remove outdoor dining area with little or no notice.

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

Evidence: *The property is located in the CRG zoning district, subject to Design Review approval (SMCS 17.30.100.E; Table 3-5).*

Evidence: *The proposed deck will consist of TimberTech composite decking materials that would be compatible with the existing color palette of the main building trim.*

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

community.

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

Evidence: *In accordance with the SMC 17.14.030, Table 2-6, Commercial Zone Development Standards, the proposed project adheres to all setbacks and development regulations.*

2. In compliance with Section 17.30.100.2c of the SMC, standards for the location, required size, and allowable uses of setbacks. This structure is exempt.

Evidence: The proposed 640 sf deck has been designed to be consistent in quality, scale, and architectural relationship with the site and there are no significant visual impacts to the adjacent properties. The proposed 640 sf deck the proposed deck complies with the setback of the zone.

ENVIRONMENTAL DETERMINATION

This project is exempt from the California Environmental Quality Act pursuant to Class 1, Section 15301(e): Existing Structures. The proposed improvements will consist an addition that will not result in an increase of more than 50% of the existing floor area.

Evidence: It can be seen with certainty that the proposed changes are minor and will not have any impact on the environment.

ATTACHMENTS

1. Attachment 1 – Draft Resolution
 2. Attachment 2 – Vicinity Map
 3. Exhibit A to Attachment 1: Project Plans
-

RESOLUTION NO. 22-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING DESIGN REVIEW PERMIT BAR-22-04 FOR APPROVAL OF A 640 SQUARE FEET (SQ. FT.) OUTDOOR DINING AREA TO AN EXISTING RESTAURANT LOCATED 1901 FREMONT BOULEVARD IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT (APN: 011-525-009).

WHEREAS, Erasmo Aiello, property owner, and Tim Muse, applicant, are requesting design approval of a 640 sq. ft. outdoor dining deck to an existing restaurant at 1901 Fremont Boulevard in the CRG zoning district, 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 in relation to the proposed dining deck; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for the approval of Design Review Application No. BAR- 22-04:

1. Architectural considerations. Architectural considerations, including the character, quality, and scale of the design, architectural relationship with the site and other structures, building materials and colors.

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

WHEREAS, the project is exempt from the California Environmental Quality Act pursuant to Class 3, Section 15303(e): New Construction or Conversion of Small Structures. The proposed improvements will consist of minor changes to the exterior of an existing building.

Evidence: *It can be seen with certainty that the proposed changes are minor and will not have any impact on the environment.*

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

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

Evidence: *The property is located in the CRG zoning district, subject to Design Review approval (SMCS 17.30.100.E; Table 3-5).*

Evidence: *The proposed deck will consist of TimberTech composite decking materials that would be compatible with the existing color palette of the main building trim.*

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

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

Evidence: *In accordance with the SMC 17.14.030, Table 2-6, Commercial Zone Development Standards, the proposed project adheres to all setbacks and development regulations.*

2. In compliance with Section 17.30.100.2c of the SMC, standards for the location, required size, and allowable uses of setbacks. This structure is exempt.

Evidence: The proposed 640 sf deck has been designed to be consistent in quality, scale, and architectural relationship with the site and there are no significant visual impacts to the adjacent properties. The proposed 640 sf deck the proposed deck exempt from setback requirements.

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Board of Architectural Review Application No. 22-03 subject to the following terms and conditions:

Project Specific:

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, stamped "approved" on January 23, 2022 shown on Exhibit A.

2. Prior to the building permit being finalized for the project scope approved under Board of Architectural Review application, the applicant/owner shall be required to obtain a building permit for the deck addition.

Standard:

1. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
2. 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.
3. The proposed project shall comply with the applicable requirements of the Monterey Peninsula Water Management District for the installation of new water fixtures.
4. 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.
5. Water conservation fixtures shall be provided in the proposed project.
6. 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.
7. Design Review 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.
8. 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 27th day of April, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

DESIGN REVIEW APPLICATION No. BAR-22-04

PC RESOLUTION No. 22-04

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 Planning Commission.

Applicant's Signature

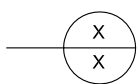
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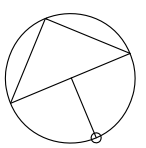
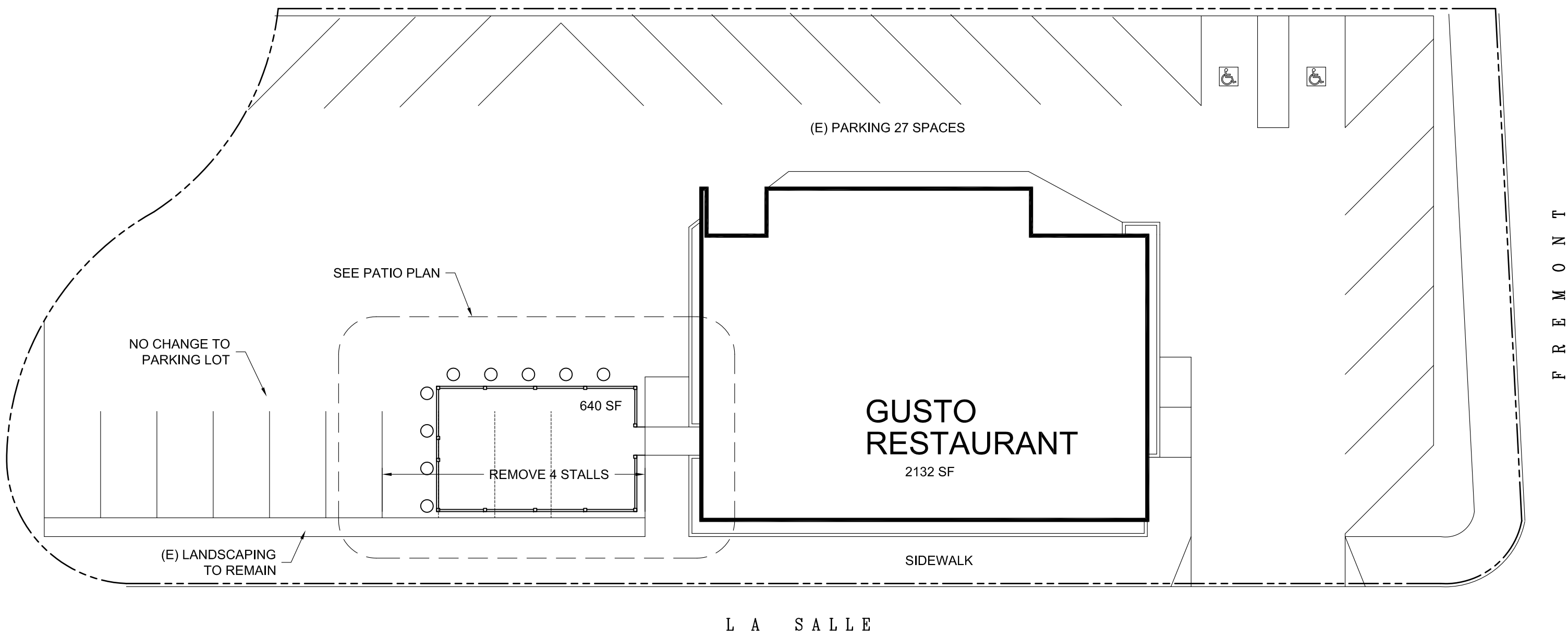
Property Owner's Signature

Date

ABBREVIATIONS
NOTES, SYMBOLS

BLK	BLOCKING	PR	PAIR
BM	BEAM	PTDF	PRESSURE TREATED DF
BOT	BOTTOM	REINF	REINFORCING
CLG	CEILING	SW SCHED	SHEAR WALL SCHEDULE
CONC	CONCRETE	SHTG	SHEATHING
CONT	CONTINUOUS	T. AND B.	TOP AND BOTTOM
CMU	CONCRETE MASONRY UNITS	T. AND G.	TONGUE AND GROOVE
DBL	DOUBLE	TEMP	TEMPERED
DF	DOUGLAS FIR	T.E.N.	TYPICAL EDGE NAIL
DS	DOWN SPOUTS	TOP	TOP OF FINISHED PAVING
DWL	DOWEL	TOS	TOP OF SLAB
(E)	EXISTING	TYP	TYPICAL
FIN FLR	FINISH FLOOR	UON	UNLESS OTHERWISE NOTED
FND	FOUNDATION	WD	WOOD
FRMG	FRAMING	WI.	WITH
FTG	FOOTING		
GYP BRD	GYPSUM BOARD		
GLB	GLUE LAMINATED BEAM		
HNGR	HANGER		
LNG	LONG		
LTG	LIGHTING		
MAX	MAXIMUM		
MIN	MINIMUM		
(N)	NEW		
OC	ON CENTER		
PLYWD	PLYWOOD		

 DETAIL NUMBER
PAGE WHERE DETAIL OCCURS



SITE
PLAN 1/16" = 1'-0"

REVISIONS	BY

SITE PLAN; PROJECT DATA

PROJECT
DATA

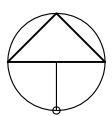
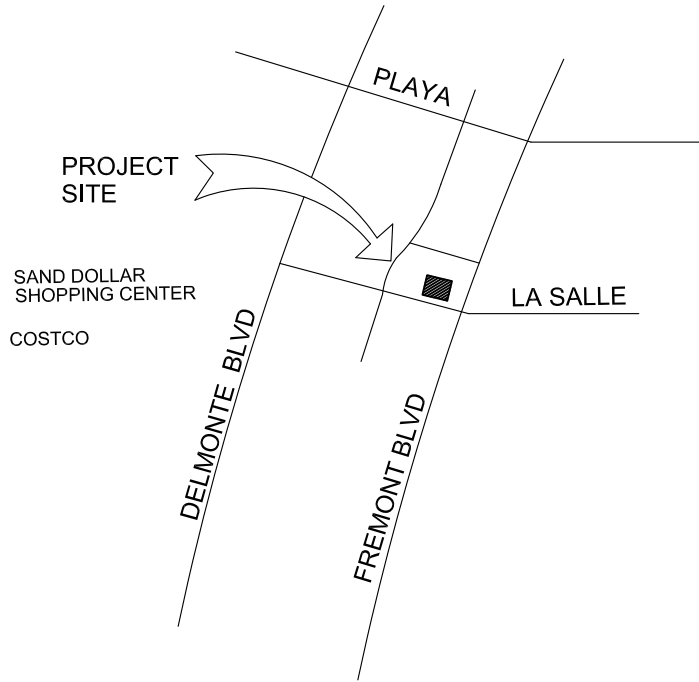
OWNER	ERASMO AIELLO 1901 FREMONT ST SEASIDE, CA 831.238.4447
CONTACT	TIM MUSE 1901 FREMONT ST SEASIDE, CA 831.899.5825
LEGAL	APN
PARKING	REQUIRED: 2132 + 640 ÷ 2772/200 = 14 STALLS PROVIDED: 27 - 4 or 23 STALLS
CODE EDITIONS	2019 EDITIONS of CBC; CMC; CEC; CPC; CFC and CA. ENERGY CODE.
PROJECT SCOPE	CONSTRUCT (N) OUTDOOR DINING PATIO.

PROJECT NOTES

- PROJECT SHALL COMPLY WITH 2019 EDITIONS OF CBC, CMC, CPC, AND CEC .
- THESE PLANS SHALL BE APPROVED FOR CONSTRUCTION BY THE PLANNING AND BUILDING DEPARTMENTS AND THE PROJECT ARCHITECT. ANY DEVIATIONS FROM THE WORK DESCRIBED HEREIN MUST BE AUTHORIZED IN ADVANCE BY THE ARCHITECT AND SUBMITTED TO THE APPROPRIATE AGENCIES FOR APPROVAL. ADDITIONALLY THE PLANS ARE NOT APPROVED FOR CONSTRUCTION UNLESS THEY HAVE BEEN "WET SIGNED" BY THE ARCHITECT.

SHEET INDEX

A0.1	SITE PLAN, PROJECT DATA
A2	PROPOSED PLANS, ELEVATIONS



VICINITY
MAP
NO SCALE

A NEW DINING PATIO FOR
GUSTO RESTAURANT
1901 FREMONT STREET SEASIDE, CA

DATE: 1/24/22

SCALE: AS NOTED

DRAWN: GO

SHEET

A0.1

OF 2 SHEETS

CONCEPT BOARD

GUSTO RESTAURANT OUTDOOR DINING DECK



Picking up the Grey on the building the Deck will be in the grey tones.

Deck Material-

TimberTech AZEK Vintage Collection-
Coastline, 5.5" boards.

Railing Material-

Pressure Treated Redwood stained with
Cabot Semi-Transparent Deck & Siding Stain
– Slate Gray



The Vintage Collection®

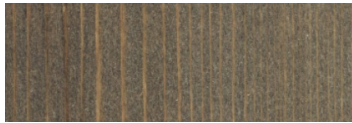
\$\$\$\$

Superior Capped Polymer Material

- Wire-brushed finish
- Highly color-blended
- Multi-Width options: (3.5", 5.5", 7.25")
- WUI-Compliant & Class A Flame Spread Index

<https://www.timbertech.com>

AZEK Vintage Collection



Slate Gray

Semi-Transparent Stain

<https://www.cabotstain.com>

Semi-transparent stain Slate Gray

Lighting

Ambient String Lights - dimmable



www.homedepot.com

Hampton Bay Sting Lights

Safety Flood Lighting for walkways



www.amazon.com

Waterproof-Security-Daylight-Floodlight

**1901 Fremont Blvd.
Gusto Handcrafted Pasta & Pizza**

