



AGENDA
CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
440 HARCOURT AVE (COUNCIL CHAMBER)
Wednesday, June 26, 2024
6:00 PM

NOTICE: *The Planning Commission 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.*

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 view or 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 listen or participate by phone: Please call (669) 900-9128
Enter the **WEBINAR 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 by 2:00 p.m. on the day of the meeting.

During the Meeting: When the Chair calls for public comment, members of the public participating in person and wishing to address the Commission may approach the podium when the Chair calls for public comment.

When the Chair calls for public comment, members of the public participating on Zoom and wishing to address the City Council can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press *9 to "Raise Hand"; press *6 to unmute.
5. In accordance with the City's Remote Meeting Participation Policy for Public Comment: The City of Seaside reserves the right to refuse, limit, and/or revoke use of video conferencing technology and the option for virtual public participation. Granting use of the virtual participation in no way constitutes an endorsement of any person or group to display hateful conduct, including sending or posting hateful images, making violent threats, or targeting others with hateful or abusive speech. The City may remove any participant that violates its agreement or applicable policy with proper notice as outlined in the conditions of use/meeting access.

1. CALL TO ORDER

2. ROLL CALL - PLANNING COMMISSION

William Silva	Chair
Keith Dodson	Commissioner
John Owens	Commissioner
Arlington La Mica	Commissioner
Dave Evans	Commissioner
Danny Huynh	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. BUSINESS ITEMS

A. FENCE EXCEPTION APPLICATION FE-23-01: VY PHAM AND PHILLIP CHUNG, PROPERTY OWNERS, AND VY PHAM, APPLICANT, REQUEST APPROVAL OF A FENCE EXCEPTION FOR AN AS-BUILT RETAINING WALL AND FENCE CONSTRUCTED WITHIN THE STREET SIDE AND REAR SETBACKS, ACCESSORY TO AN EXISTING SINGLE FAMILY RESIDENCE AT 1654 GRANADA STREET (APN: 012-662-009) IN THE SINGLE FAMILY RESIDENTIAL (RS-8) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT (CLASS 3) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15303(E) OF THE CEQA GUIDELINES.

RECOMMENDATION: The purpose of this item is for the Commission to consider granting a Fence Exception in accordance with Seaside Municipal Code section 17.30.020.F.

6. REPORTS FROM COMMISSIONERS

7. REPORTS FROM STAFF

This is a time specifically set aside for the Staff Liaison to provide updates on non-agendized requests from the Commission, and to provide brief information on topics under the purview of the Commission.

8. ADJOURNMENT

Next Regularly Scheduled Meeting:
July 10, 2024
6:00 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.



CITY OF SEASIDE STAFF REPORT

Item No.: 5.A.

TO: Planning Commission

BY: Beth Rocha, Senior Planner

DATE: June 26, 2024

SUBJECT: **FENCE EXCEPTION APPLICATION FE-23-01: VY PHAM AND PHILLIP CHUNG, PROPERTY OWNERS, AND VY PHAM, APPLICANT, REQUEST APPROVAL OF A FENCE EXCEPTION FOR AN AS-BUILT RETAINING WALL AND FENCE CONSTRUCTED WITHIN THE STREET SIDE AND REAR SETBACKS, ACCESSORY TO AN EXISTING SINGLE FAMILY RESIDENCE AT 1654 GRANADA STREET (APN: 012-662-009) IN THE SINGLE FAMILY RESIDENTIAL (RS-8) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT (CLASS 3) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15303(E) OF THE CEQA GUIDELINES.**

PURPOSE & RECOMMENDATION

The purpose of this item is for the Commission to consider granting a Fence Exception in accordance with Seaside Municipal Code section 17.30.020.F.

BACKGROUND

The project site is a 6,900 square foot corner lot, fronting Granada Street, with Mescal Street on the street side to the west. The site is developed with a single-story dwelling. The natural topography gently slopes down towards Mescal Street, with the home sitting approximately 2'-6" above sidewalk grade on Mescal Street. However, the homeowners have recently constructed a retaining wall and filled behind it to provide a roughly level grade from the house to the street. Within this area they have constructed a fence ranging from 5-6 feet in height as measured from the new grade. Neighboring uses are single-family dwellings.

PROJECT DESCRIPTION

The applicant is requesting a fence exception. The retaining wall ranges in height from

1'-11¾" to 2'-8", increasing in height from front to street side to rear setback areas as the grade was modified with the retaining wall construction and creates a level and usable street side yard. There is also a gravel and landscaped gap between the back of the retaining wall and the base of the fence, starting at 2'-8" and narrowing down to 9", from front to street side to rear setback areas. The fence also increases in height as it moves from the street side yard to the rear, with heights ranging from approximately 5'-2" (within the street side setback) and 6'-2" (within the rear yard setback). Since the fence is less than 36", its height is measured from the base of the retaining wall pursuant to Section 17.30.020.D.3.b. When combined with the retaining wall heights, the overall height range of the wall and fence is 6'-1¾" (street side) to 8'-10" (rear), while the code allows a maximum height of 4' (street side) and 6' (rear), per SMC 17.30.020.B.1, Table 3-1. See Attachment 3 for photos of the as-built fence and wall.

Nearly all other properties on the street do not have fences fronting on the street; those that do have non-solid fences. The proposed design of the fence deviates from that. The fence was constructed to provide privacy from the living room and home office of the home, which face Mescal Street, as well as to create a usable yard for a property for which a backyard doesn't exist. However, staff's recommendation is that the fence be allowed to remain, provided that it is modified so that the heights as measured from the new grade correspond roughly with the allowable fence heights for the yards (4 feet and 6 feet, respectively). In other words, the height of the fill behind the retaining wall would be excluded from the calculation of fence height. This would give the homeowners the ability to have the same fence that any other home would be allowed on a level lot. Without the exception, the homeowners would only be able to construct a roughly 1'-2' tall fence on top of the retaining wall within the street side setback and 3'-4' tall fence within the rear setback. Staff believes that this approach balances neighborhood compatibility with the rights of the property owner to make use of their property.

CEQA

The project is Categorically Exempt, Class 1, from the California Environmental Quality Act (CEQA) pursuant to Section 15303(E) of the CEQA Guidelines: The as-built retaining wall and fence are considered accessory structures to the primary single family use and are exempt from CEQA.

STAFF ANALYSIS

SMC 17.30.020.F.1 states:

Where a physical hardship exists because of unique or unusual topographic conditions or structure location, . . . 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 gradual slope towards Mescal Street creates an unusable street side yard and also contributes to exposure to the living spaces adjacent to Mescal Street. The corner parcel, structure location, and parcel size also resulted in the property having no usable

backyard, but only two minimal side yards and a sloping front yard. Also, the assessors map (Attachment 2) shows the property dimensions, showing the length off Mescal Street to be only 45'-10" feet in length, leaving only approximately 15'-10" outside the traffic safety visibility area.

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

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

Evidence: *The proposed fence 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 rear yard occupies 15' of the southwest property boundary running parallel to Mescal Street and is setback from the west property line a minimum of 2' at all points, up to a maximum of 3'-8", nearest the intersection, where the fence is at its lowest height.*

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

Evidence: *The project site is located on a corner lot and the fence projects beyond the maximum 4' height limit of the traffic safety visibility area (17.30.030.E) with a height of 4'-2", an approximate 11" gap then topped with a horizontal board to a maximum height of 5'-2". However, the visibility is not obstructed due to the curve of the road, as illustrated in Attachment 4: Visibility Photo.*

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 is unlike any other fences in the area, with the majority of properties lacking fences within the front yards. The fence appears to be the newest accessory structure in the neighborhood located within a front, street side, or rear setback. However, the staff recommendation would achieve sufficient compatibility with other properties and would provide the homeowner with the same development rights to construct and utilize a fence up to the maximum limits allowed by the code.*

ATTACHMENTS

1. Attachment 1: Draft Resolution
 2. Exhibit A to Attachment 1: Plans
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3. Attachment 2: Assessors Map
 4. Attachment 3: As-Built Fence Photos
 5. Attachment 4: Visibility Photo
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**PLANNING COMMISSION
RESOLUTION NO. 24-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING FENCE EXCEPTION APPLICATION NO. FE-23-01 FOR AS-BUILT RETAINING WALL AND FENCE CONSTRUCTED WITHIN THE STREET SIDE AND REAR SETBACKS, ACCESSORY TO AN EXISTING SINGLE FAMILY RESIDENCE AT 1654 GRANADA STREET (APN: 012-662-009) IN THE SINGLE FAMILY RESIDENTIAL (RS-8) ZONING DISTRICT.

WHEREAS, Vy Pham, applicant, and Vy Pham and Phillip Chung, owners, applied for Fence Exception Application number FE-23-01; and

WHEREAS, the proposed project requires approval by the Planning Commission, 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 Planning Commission considered oral comments and written information concerning Fence Exception Application No. FE-23-01 at a duly noticed public hearing that the Planning Commission held on June 26, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following finding:

1. The project is Categorically Exempt, Class 1, from the California Environmental Quality Act (CEQA) pursuant to Section 15303(E) of the CEQA Guidelines:

Evidence: The as-built retaining wall and fence are considered accessory structures to the primary single family use and are exempt from CEQA.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission adopts the following findings for Fence Exception Application number FE-23-01:

2. 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.

3. **A traffic-related safety hazard would not be created.**

Evidence: The rear yard occupies 15' of the southwest property boundary running parallel to Mescal Street and is setback from the west property line a minimum of 2' at all points, up to a maximum of 3'-8", nearest the intersection, where the fence is at its lowest height.

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

Evidence: The project site is located on a corner lot and the fence projects beyond the maximum 4' height limit of the traffic safety visibility area (17.30.030.E) with a height of 4'-2", an approximate 11" gap then topped with a horizontal board to a maximum height of 5'-2". However, the visibility is not obstructed due to the curve of the road, as illustrated in Attachment 4: Visibility Photo.

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

Evidence: No adjoining driveways exist in the project area.

6. **The fence is compatible with the surrounding neighborhood.**

Evidence: The fence height and location is unlike any other fence in the area, with the majority of properties lacking fences within the front yards. The fence appears to be the newest accessory structure in the neighborhood located within a front, street side, or rear setback. However, the staff recommendation would achieve sufficient compatibility with other properties and would provide the homeowner with the same development rights to construct and utilize a fence up to the maximum limits allowed by the code.

BE IT FURTHER RESOLVED, the Planning Commission approves FE-23-01 as described in the attached Exhibit A, except that those portions described as being approximately five feet in height shall be no more than approximately four feet in height, and subject to the following Conditions of Approval:

Building:

1. Construction and grading must comply with all requirements of the California Building Code, as amended by the City of Seaside and in effect at the time of Building Permit submittal.

Fire Department:

2. Construction must comply with all requirements of the California Fire Code, as amended by the City of Seaside and in effect at the time of Building Permit submittal.

Standard:

3. Except as modified by the conditions of approval, plans submitted for Building Permits must be in compliance with Exhibit A: Project Plans.
4. The applicant agrees as a condition and in consideration of the approval of this 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.
5. 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 prior to issuance of any Building Permit or establishment of any use authorized by the permit.
6. This approval shall become null and void unless a Building Permit application is submitted or authorized use is established on or before July 3, 2025, in accordance with Seaside Municipal Code Section 17.64.080.A. Time extensions may be granted in accordance with Seaside Municipal Code Section 17.64.080.B. This approval shall also become null and void if the implementing Building Permit application expires.
7. 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 a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 26th day of June 2024, by the following vote:

AYES:
NOES:
ABSENT:

ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

Exhibits:

Exhibit A: Project Plans

**ARCHITECTURAL REVIEW APPLICATION No. <XX-XX-XX>
RESOLUTION No. <XX-XX>**

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.

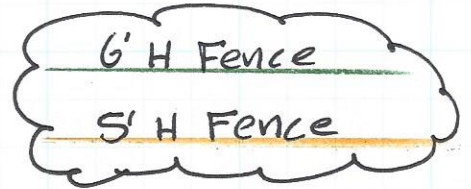
Applicant's Signature

Date

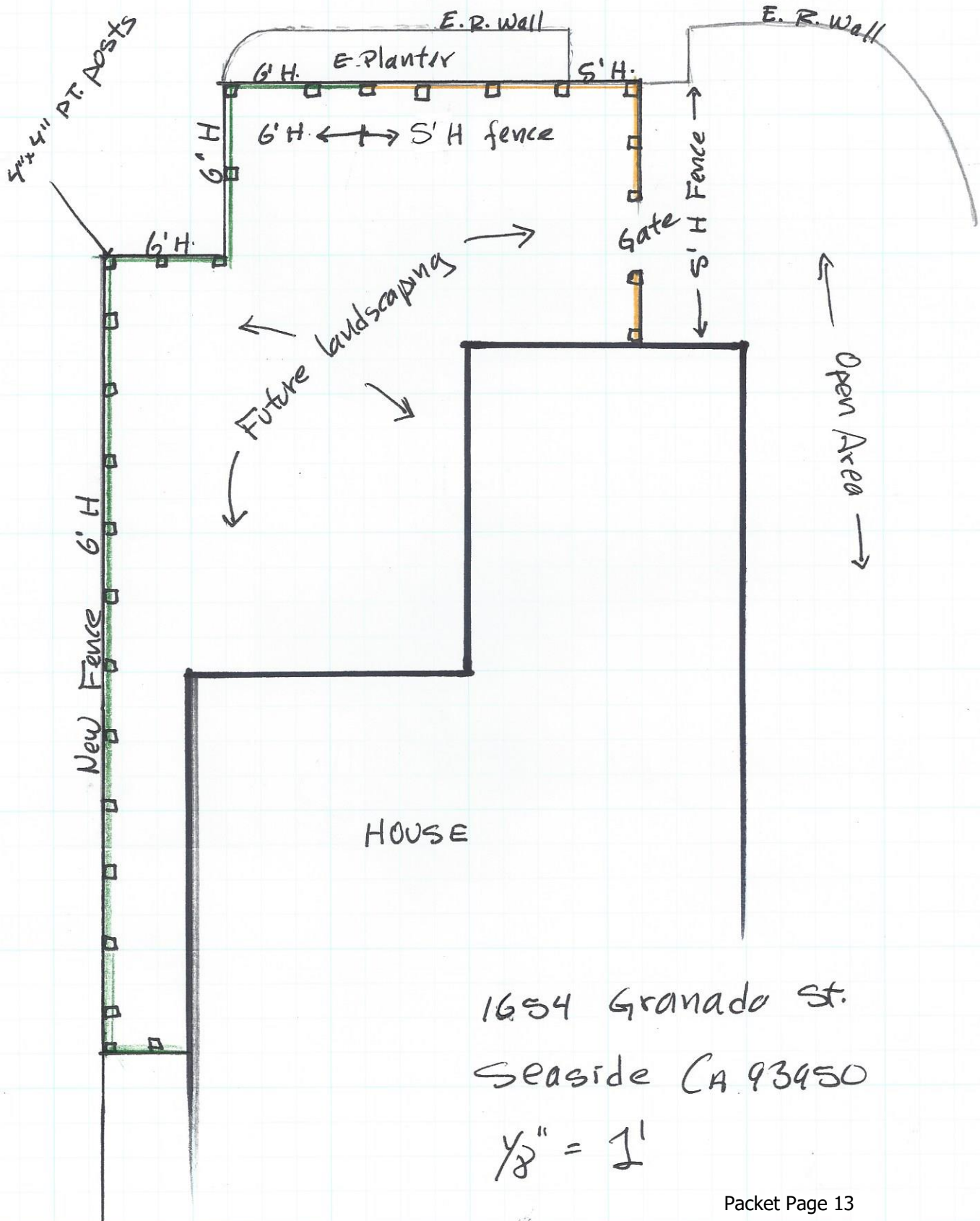
Property Owner's Signature

Date

FENCE LINE

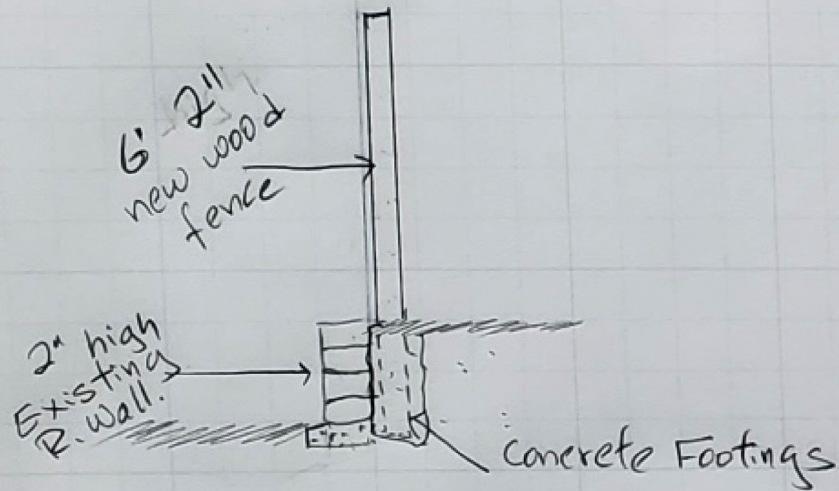


← Mescaí St →



1654 Granada St.
Seaside CA 93950
 $\frac{1}{8}'' = 1'$

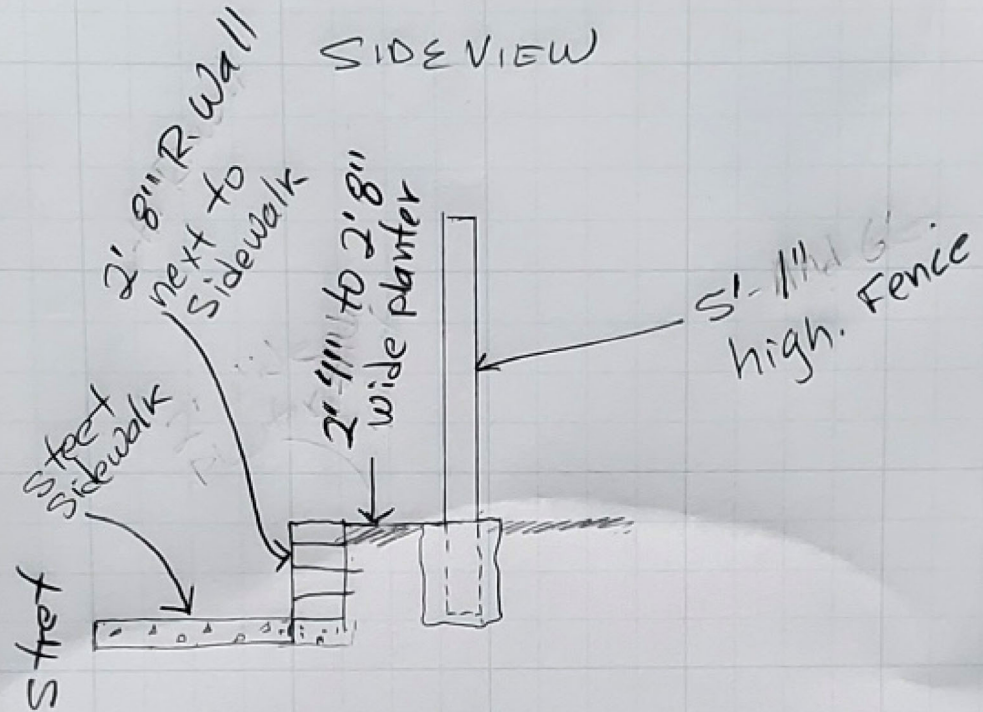
SIDE VIEW



Wall And Fence located at South side property limits

NTS

SIDE VIEW



Wall and Fence on West side Mescal St.

NTS

1654 Granada St.

Seaside CA 93950

Vy Pham
1654 Granada Street
Seaside, CA 93955

Wood: Cumaru Brazilian hardwood
Style: Horizontal Fence
Privacy fence Height: 5' - 6' -2"













