



AGENDA

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, February 25, 2015
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

John Owens	Chair
Amy Taketomo	Vice Chair
Keith Dodson	Commissioner
Michael Lechman	Commissioner
Paul Mugan	Commissioner
Denise Ross	Commissioner

1. **CALL TO ORDER**
2. **ROLL CALL - ESTABLISHMENT OF QUORUM**
3. **PUBLIC COMMENT**
4. **NEW BUSINESS**
 - A. **USE PERMIT APPLICATION NO. UP-14-09. ERASMO AIELLO, PROPERTY OWNER, AND PAT CORRIGAN, APPLICANT, ARE REQUESTING APPROVAL OF A USE PERMIT TO ALLOW THE ON-SALE OF HARD LIQUOR (CLASS 47 ALCOHOLIC BEVERAGE CONTROL LICENSE) IN ADDITION TO THE EXISTING ON-SALE OF BEER AND WINE (CLASS 41 ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE RE-OPENING OF A 96 SEAT SIT DOWN FULL SERVICE RESTAURANT AT 1901 FREMONT BOULEVARD IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT. THE PROPOSED PROJECT IS CATEGORICALLY EXEMPT, SECTION 15301, EXISTING FACILITIES, FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE: The project consists of a Use Permit application for the on-sale of hard liquor in addition to the existing on-sale of beer and wine within a 96 seat sit down full service restaurant located at 1901 Fremont Boulevard. Section 17.14.030 of the Seaside Zoning Ordinance requires a Use Permit for alcoholic beverage sales in the Regional Commercial

zoning district.

RECOMMENDATION: Staff recommends approval of the use permit subject to the findings, evidence, and Conditions of Approval provided as Attachment 1 and Project Plans provided as Exhibit “A” to Attachment 1.

B.

USE PERMIT APPLICATION NO. UP-15-01. ALEX CHEHADA, PROPERTY OWNER, AND EDDIE HURT, APPLICANT, REQUEST APPROVAL OF A USE PERMIT TO ALLOW THE EXPANSION OF LIQUOR, BEER, AND WINE SALES WITHIN AN EXISTING RETAIL NEIGHBORHOOD MARKET (FOOD CORNER MARKET) LOCATED AT 1800 NOCHE BUENA STREET, IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT, CLASS 1, SECTION 15301 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

PURPOSE:

Per Table 2-4 of Section 17.14.030 of the Seaside Municipal Code, the applicant is requesting a Use Permit to expand the floor area dedicated to the off-sale of liquor, beer, and wine beverages sold at an existing retail neighborhood market (Food Corner Market) located at 1800 Noche Buena Street in the Community Commercial Zoning District.

RECOMMENDATION:

Staff recommends approval of Use Permit Application No. UP-15-01, granting approval to expand the floor area dedicated to the off-sale of liquor, beer, and wine sold at an existing retail neighborhood market (Food Corner Market) located at 1800 Noche Buena Street based on the findings and evidence cited in the staff report and subject to the Conditions of Approval provided as Attachment 1 and Project Plans Exhibit A, Attachment 1.

5. **OLD BUSINESS**
6. **REPORTS FROM COMMISSIONERS**
7. **REPORTS FROM STAFF**
8. **ADJOURNMENT**

Next Regularly Scheduled Meeting:

Seaside City Hall

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.: 4.A.

TO: Planning Commission

FROM: John Dunn, City Manager

BY: Lisa Brinton, Community and Economic Services Manager
Bob Larsen, Associate Planner

DATE: February 25, 2015

SUBJECT: **USE PERMIT APPLICATION NO. UP-14-09. ERASMO AIELLO, PROPERTY OWNER, AND PAT CORRIGAN, APPLICANT, ARE REQUESTING APPROVAL OF A USE PERMIT TO ALLOW THE ON-SALE OF HARD LIQUOR (CLASS 47 ALCOHOLIC BEVERAGE CONTROL LICENSE) IN ADDITION TO THE EXISTING ON-SALE OF BEER AND WINE (CLASS 41 ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE RE-OPENING OF A 96 SEAT SIT DOWN FULL SERVICE RESTAURANT AT 1901 FREMONT BOULEVARD IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT. THE PROPOSED PROJECT IS CATEGORICALLY EXEMPT, SECTION 15301, EXISTING FACILITIES, FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE

The project consists of a Use Permit application for the on-sale of hard liquor in addition to the existing on-sale of beer and wine within a 96 seat sit down full service restaurant located at 1901 Fremont Boulevard. Section 17.14.030 of the Seaside Zoning Ordinance requires a Use Permit for alcoholic beverage sales in the Regional Commercial zoning district.

RECOMMENDATION

Staff recommends approval of the use permit subject to the findings, evidence, and Conditions of Approval provided as Attachment 1 and Project Plans provided as Exhibit "A" to Attachment 1.

BACKGROUND

The project site is located at the northwest corner of Fremont Boulevard and La Salle Avenue and is developed with an existing 3,573 sq. ft. restaurant building and a 21 space off-street parking lot. Vehicular ingress and egress to the center is provided by driveways on Auto Center Parkway

at the west end of the site and a driveway off La Salle Avenue towards the east end of the site. The site is bordered to the west, north, and south by motels and retail commercial businesses to the east.

Figure 1: Project Site Adjacent Land Uses

NW	N			NE
	Motel	Motel	Retail Business	
W	Motel	Project Site	Retail Business	E
	Motel	Motel	Gas Station	
SW	S			SE

PROJECT DESCRIPTION

The restaurant was originally constructed as a “Golden West” pancake house in the 1970’s. The building was later converted in the 1990’s to an independent sit-down restaurant. After being vacant for some time, the restaurant reopened in the summer of 2014 as Lucky’s Roadside restaurant. The current applicant is proposing to reopen the restaurant as a 96 seat full service family sit down restaurant. The new restaurant will be called Gusto Pasta and Pizzeria. The applicant also owns Bigoli Pasta Company. The restaurant will offer Bigoli pastas and other related products for sale at the restaurant. The on-sale of beer and wine license transferred to the new owner on February 2, 2015. The applicant is requesting a Use Permit to allow hard liquor to also be served at the restaurant with meals. No separate lounge area will be created. The restaurant will be open for lunch and dinner from 11 AM to 11 PM weekdays and 11 AM to Midnight on the weekends. The Police, Fire, and Building Departments have reviewed the application and have offered no objections to the request.

ENVIRONMENTAL REVIEW

The proposed project qualifies as categorical exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15301, Existing Facilities. This class consist of the operation of existing public or private structures with negligible or no expansion of an existing use.

Evidence: The proposed project will consist of the serving of hard liquor in addition to beer and wine at an existing sit down restaurant. Negligible or no expansion of the existing improvements is required for the on-sale of hard liquor in addition to the on-sale of beer and wine at the restaurant.

STAFF ANALYSIS AND FINDINGS

Use Permit Findings

In accordance with Seaside Municipal Code (SMC) Section 17.14.030, Table 2-4, an application for the sale of alcoholic beverages shall be filed under the Use Permit process to determine whether the following findings can be made concerning the proposed project:

- 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.**

Site Improvements

The proposed project will be located within a developed restaurant that is equipped with all required utilities, trash enclosures, and off-street parking. No exterior improvements are proposed or required for the project.

Hard Liquor Sales

Section 17.14.030, Table 2-4 of the Seaside Municipal Code (SMC) requires the issuance of a use permit for the on-sale of alcoholic beverages. In accordance with a Class 47 On-Sale Liquor License, the sale of hard liquor would be served only at the tables with meals. The design, location, size, and operation of the restaurant is consistent and compatible with the existing and planned uses for the neighborhood. The Police Department has not identified any issues with the request and would support the approval of on-sale hard liquor in accordance with the proposed hours of operation.

- 2) **The proposed use is consistent with the General Plan and any applicable specific plan.**

Seaside General Plan

The project site is designated as Regional Commercial (RGC) in the Seaside General Plan. Regional Commercial uses are defined as large scale commercial development with retail, entertainment, and or services uses of a scale and function to serve a regional market.

Land Use Element

Goal LU-1: Promote a mixture of land uses and a balance of jobs and housing to support a community in which people can live, work and play.

Policy LU-1.3: Encourage regional commercial development and visitor-serving commercial development that will enhance the identity of Seaside and attract visitors to the community.

Evidence: The proposed sale of hard liquor will enhance the dining experience at a restaurant that will be visited by locals and tourists on a regular basis. The applicant is directing a large portion of his signage towards the Costco and auto dealership traffic on Del Monte Boulevard. The Bigoli pasta sales also have a regional following. This will increase the economic activity for the City of Seaside.

- 3) **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.**

The granting of a use permit will not create significant noise, traffic, or other conditions or situations 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.

CONCLUSION

Based on the analysis, staff recommends approval of the use permit. The serving of hard liquor at the Gusto Pasta and Pizzeria restaurant complies with the intent of the Seaside General Plan and the requirements of Title 17 of the Seaside Municipal Code.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Exhibit A - Floor Plan
 3. Attachment 2 - Location Map
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RESOLUTION NO. 15-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE ON-SALE OF HARD LIQUOR SALES LOCATED AT 1901 FREMONT BOULEVARD (APN 011-525-009).

WHEREAS, Patrick Corrigan, Applicant, and Erasmo Aiello, Property Owner, have applied for a Conditional Use Permit to allow on-sale hard liquor sales within an existing 96-seat sit down restaurant located at 1901 Fremont Boulevard, in the Regional Commercial (CRG) Zoning District; and

WHEREAS, the proposed project is a 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 amendment at a duly noticed public hearing at public meeting held on February 25, 2015; and

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

Evidence: The proposed project will consist of the serving hard liquor at an existing sit down restaurant.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Conditional Use Permit Application No. 14-09:

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; consistent with the General Plan, design, location, size and operating characteristics of the proposed activity, the site is physically suitable for the type, density, and intensity, and granting the permit would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

Evidence: The location, size, design, and operating characteristics of the proposed restaurant is compatible with the existing and future land uses on Fremont Boulevard where the proposed use is to be located; the sale of hard liquor with meals will not create a bar or tavern use; and the sale of hard liquor will not create significant noise, traffic, or other conditions or situations 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.

Evidence: The operation of a sit down full service restaurant is consistent and in harmony with the Regional Commercial General Plan Land Use Designation and Regional Commercial Zoning District.

Evidence: In accordance with Land Use Policy LU-4.1, the existing restaurant is compatible with the surrounding land uses and available infrastructure.

2. The on-sale of hard liquor at the project site would not create an undue concentration of alcohol establishments in the area and would not be detrimental to the health, safety, and welfare of the community.

Evidence: The sale of hard liquor will only be sold with meals at the dining room tables for on-site consumption; a separate bar/lounge area is not proposed as part of this application.

3. The approval of the proposed project is in compliance with the requirements of the California Environmental Quality Act (CEQA).

Evidence: In accordance with Section 15301(Existing Facilities) of the California Environmental Quality Act (CEQA), in that the operation of existing public or private structures with negligible or no expansion of an existing use. The on-sale of hard liquor will not expand the existing use of the restaurant.

BE IT FURTHER RESOLVED, that the Planning Commission approves Conditional Use Permit Application No. 14-09 subject to the following conditions:

1. Except as modified by the conditions of approval, the plans submitted for a Building Permit must be in compliance with the plans stamped "Received Seaside Community Development Department December 30, 2014" provided as Exhibit "A".
2. The Seaside Police Department shall retain the right to have Use Permit Application 14-09 brought back to the Planning Commission for the revocation of the on-sale alcohol sales if the sale of alcohol at the restaurant results in excessive calls for service or matters of civil disobedience.

Fire Department:

3. Compliance shall be maintained with the 2013 California Fire Code. This condition also requires compliance with the maximum occupancy load set for this establishment.

Building Department:

4. Compliance shall be maintained with the 2013 California Building Code.

Standard:

5. Use Permit approval is subject to revocation procedures contained in S.M.C.S. 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, and/or there has been a discontinuance of the use, or purposed for which the permit was issued, for a period of 180 days or more.

6. 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 Municipal.
7. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that they 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. The 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
8. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD) and Monterey Regional Water Pollution Control Agency.
9. 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.
10. 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 project use has commenced within the required time limit, and construction continues thereafter under a valid Building Permit, or the Zoning Administrator has granted an extension of time.
11. 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 25th day of February 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens,
Planning Commission Chairperson

ATTEST:

Planning Commission Secretary

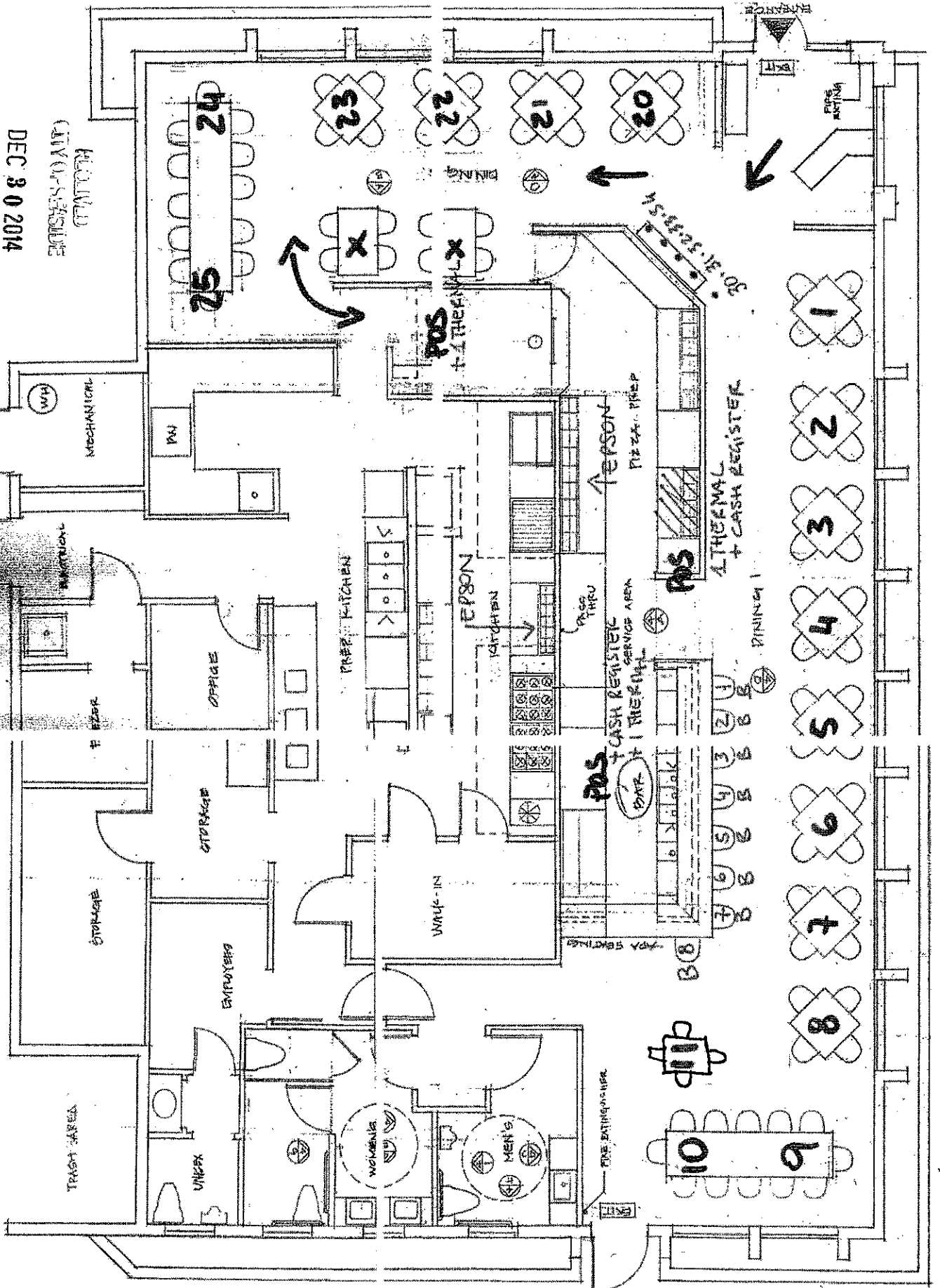
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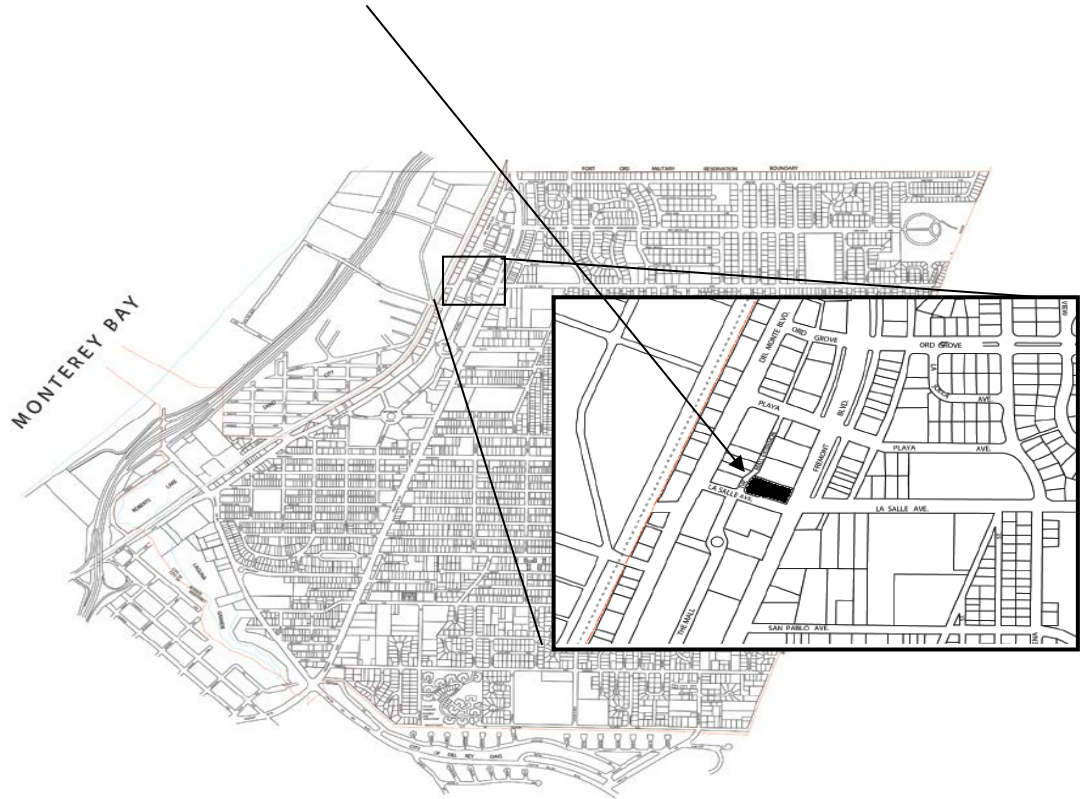
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RECEIVED
(AIRPORT) RESIDE



Location Map

Project Site: 1901 Fremont Boulevard





**CITY OF SEASIDE
STAFF REPORT**

Item No.: 4.B.

TO: Planning Commission

FROM: John Dunn, City Manager

BY: Lisa Brinton, Community and Economic Services Manager
Bob Larsen, Associate Planner
Rick Medina, Senior Planner

DATE: February 25, 2015

SUBJECT: **USE PERMIT APPLICATION NO. UP-15-01. ALEX CHEHADA, PROPERTY OWNER, AND EDDIE HURT, APPLICANT, REQUEST APPROVAL OF A USE PERMIT TO ALLOW THE EXPANSION OF LIQUOR, BEER, AND WINE SALES WITHIN AN EXISTING RETAIL NEIGHBORHOOD MARKET (FOOD CORNER MARKET) LOCATED AT 1800 NOCHE BUENA STREET, IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT, CLASS 1, SECTION 15301 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.**

PURPOSE

Per Table 2-4 of Section 17.14.030 of the Seaside Municipal Code, the applicant is requesting a Use Permit to expand the floor area dedicated to the off-sale of liquor, beer, and wine beverages sold at an existing retail neighborhood market (Food Corner Market) located at 1800 Noche Buena Street in the Community Commercial Zoning District.

RECOMMENDATION

Staff recommends approval of Use Permit Application No. UP-15-0, granting approval to expand the floor area dedicated to the off-sale of liquor, beer, and wine sold at an existing retail neighborhood market (Food Corner Market) located at 1800 Noche Buena Street based on the findings and evidence cited in the staff report and subject to the Conditions of Approval provided as Attachment 1 and Project Plans Exhibit A, Attachment 1.

BACKGROUND

The project site consists of an existing retail neighborhood market (Food Corner Market) located at the northeast corner of Noche Buena Street and San Pablo Avenue. The Food Corner Market is 1,970 square feet in area and stands on an approximately 9,375 square foot lot. The property is located immediately adjacent to David Cutino Park to the north and east, with a chain link fence separating the two uses. Surrounding land uses across the streets to the west and south consist of single-family residences. A Location Map is provided as Attachment 2. Site photographs are included as Attachment 3.

Figure 1: Project Site Adjacent Land Uses				
NW		N		NE
	Single-Family Residences	David Cutino Park	David Cutino Park	
W	Single-Family Residences	Project Site	David Cutino Park	E
	Single-Family Residences	Single-Family Residences	Single-Family Residences	
SW		S		SE

PROJECT DESCRIPTION

The Food Corner Market has been in existence since the early 1960s. The off-sale of liquor/beer/wine has always been an accessory use at this market. In 2006 the owner was granted a use permit to renovate the interior of the market in order to provide for a taqueria/delicatessen as part of the market's business services. One and one-half aisles of retail shelving along the north wall were replaced with the taqueria/delicatessen. The taqueria/delicatessen serves takeout food only. The market configuration currently includes the sale of hard liquor near the front register, a beer cooler along the east (back) wall, and beer/wine displays along the easterly 12 feet of the center aisle. The total liquor, beer, and wine display area currently accounts for 205 square feet or 34 percent of the existing 605 square feet of retail display space. The 56 square feet of deli cases that are to be removed are included in these figures. The former taqueria cook and prep line and counter area that are to be removed are not counted in these figures as this area is not being used at the present time. This can be seen on the Existing Floor Plan/Existing Layout portion of the Project Plans. A private parking lot for 7 parking spaces and 1 handicapped space is located to the north of the building. A side door from the market provides direct access to the parking lot. Project Plans are provided as Attachment 1, Exhibit A.

The applicant bought the market less than 2 years ago. They indicated that the taqueria/delicatessen has not been a successful venture. (Applicant Narrative is provided as Attachment 4). They have submitted plans to remove the taqueria/delicatessen and convert this portion of the market back to retail sales. A new 22 square foot deli case will be installed against the wall where the taqueria/delicatessen counter had been located. A new 12 square foot display of chips and similar items will be located between the new deli case and the side door that faces the parking lot to the north. A new 62 square foot beer refrigerator case will be installed next to the deli case and will extend 20 feet along the north wall to the rear office in the northeast corner of the building. The total square footage of retail display space will be increased to 645 square

feet with the total liquor, beer, and wine display area increasing to 245 square feet or 38 percent of the total retail display space. The hard liquor will continue to be displayed near the cash register. The beer and wine displays will be concentrated in the northeast portion of the store. The three east/west aisles will remain, but they will be increased in width as indicated in Table 1 below. The remainder of the store layout will maintain its current layout. This can be seen on the Proposed Floor Plan/Proposed Layout portion of the Project Plans.

Table 1 - Aisle Width

Aisle Number	1	2	3
Existing Width	2 feet 9 inches	3 feet 0 inches	3 feet 2 inches
Proposed Width	4 feet 0 inches	4 feet 0 inches	7 feet 0 inches

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act pursuant to Class 3, Section 15301: Existing Facilities. Class 3 consists of the operation of existing public or private structures with negligible or no expansion of an existing use.

Evidence: The proposed project will consist of the off-sale of liquor/beer/wine at an existing grocery store. Negligible or no expansion of the existing improvements is required for the off-sale of liquor/beer/wine at the existing neighborhood market.

STAFF ANALYSIS

Zone District

The property is located in the Community Commercial (CC) Zone District. General retail and grocery stores (less than 5,000 sq. ft.) are permitted uses in the CC zone. Accessory alcoholic beverage sales are permitted in the CC subject to use permit approval. The Seaside Police Department has voiced no objection to the use permit request. No other objections have been received to date regarding this application.

FINDINGS

Use Permit Findings

In accordance with S.M.C. Section 17.12.050, Table 2-4, an application for the expansion of off-sale liquor, beer, and wine sales shall be filed under the Use Permit process to determine whether the following findings can be made concerning the proposed project:

- 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.**

Zoning Ordinance Conformance

This project is located within the Community Commercial Zoning District in which the retail off-sale of Alcoholic Beverages is permitted with Use Permit approval (S.M.C.S. 17.12.050, Table 2-4).

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

Seaside General Plan Conformance

The Seaside General Plan Land Use Designation for the project site is Community Commercial. The land use classification is intended to include retail sales and service oriented business activities. According to the Seaside General Plan, the Community Commercial land designation is intended to promote retail sales and services activities in the local community or neighborhood. The proposed project is proposing to expand retail sales of alcoholic beverages within an existing neighborhood market.

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.

Subject to the recommended Conditions of Approval, the accessory use of alcoholic beverage sales is compatible with the primary use of a retail market in the neighborhood.

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.

The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.

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.

The granting of a use permit will not create significant noise, traffic, or other conditions or situations 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. The Police Department has voiced no objection to the use permit request.

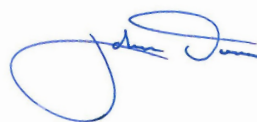
FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENTS

1. Attachment 1 - Draft Resolution
2. Attachment 1 - Exhibit A Project Plans
3. Attachment 2 - Vicinity Map
4. Attachment 3 - Site Photographs
5. Attachment 4 - Applicant Narrative

Reviewed for Submission to the
City Council by:



Meeting Date: February 25, 2015

John Dunn, City Manager

RESOLUTION NO. UP-15-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT NO. UP-15-01 TO ALLOW THE EXPANSION OF SQUARE FOOTAGE ALLOCATED TO THE SALE OF BEER AND WINE WITHIN AN EXISTING RETAIL MARKET AT 1800 NOCHE BUENA STREET IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.

WHEREAS, Alex Chehada and John Casas (applicant and property owner) have applied for a Use Permit to allow:

- a) The expansion of square footage allocated to the sale of beer and wine within an existing retail market at 1800 Noche Buena Street (APN 012-801-002).

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 permit at a duly noticed public hearing at public meeting held on February 25, 2015; and

WHEREAS, the project is a Categorically Exempt, Class 1, Section 15301 meeting the following conditions:

- a) The operation of an existing private structure with negligible or no expansion of an existing use.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No. UP-15-01

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 project is a permitted use in the Community Commercial Zoning District as a retail market with the off-sale of beer and wine, subject to a Use Permit under Seaside Municipal Code Section (SMCS) 17.14.030, Table 2-4: Allowed Land Uses and Permit Requirements.

Evidence: The proposed development would be subject to the regulations set forth in the Seaside General Plan and Zoning Ordinance and would result in an improved site that would enhance the character of the community.

2. 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 location, size, and operating characteristics of the project will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the Seaside General Plan.

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

Evidence: The proposed project is consistent with the underlying Community Commercial General Plan land use designation as a retail market that sells beer and wine.

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 project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.

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 granting of a Use Permit will not create significant noise, traffic, or other conditions or situations 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.

BE IT FURTHER RESOLVED, that the Planning Commission approves Use Permit Application No. UP-15-01 subject to the following conditions:

Standard:

1. Except as modified by the conditions of approval, the plans submitted for a Building Permit must be in compliance with the plans stamped "Received Seaside Community Development Department February 9, 2015" provided as Exhibit "A".
2. The hours of operation under the terms of Use Permit Application No. UP-15-01 shall be from 7 AM to 11 PM Sunday through Thursday, 7 AM to Midnight on Friday and Saturday, and 8 AM to 10 PM on Sunday. The hours of operation of the market shall be subject to review by the Seaside Police Department based on calls for service and matters of civil disobedience related to the sale of alcohol. The Chief of Police shall reserve the right to seek revocation of the off-sale alcohol sales associated with the market if in accordance with the judgment of the Seaside Police Department the sale of alcohol results in documented incidents that present a clear and present danger to the health, safety, and general welfare of the community.

Fire Department:

3. Compliance shall be maintained with the 2013 California Fire Code. This condition also requires compliance with the maximum occupancy load set for this establishment.

Building Department:

4. Compliance shall be maintained with the 2013 California Building Code.

Standard:

5. Use Permit approval is subject to revocation procedures contained in S.M.C.S. 17.60 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, and/or there has been a discontinuance of the use, or purposed for which the permit was issued, for a period of 180 days or more.
6. 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 Municipal.
7. 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.
8. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
9. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
10. 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.
11. 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.

12. 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 within the required time limit or the Zoning Administrator has granted an extension of time. In accordance with Section 17.54.080.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.
13. 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 February 25, 2015, by the following vote:

AYES:

NOES:

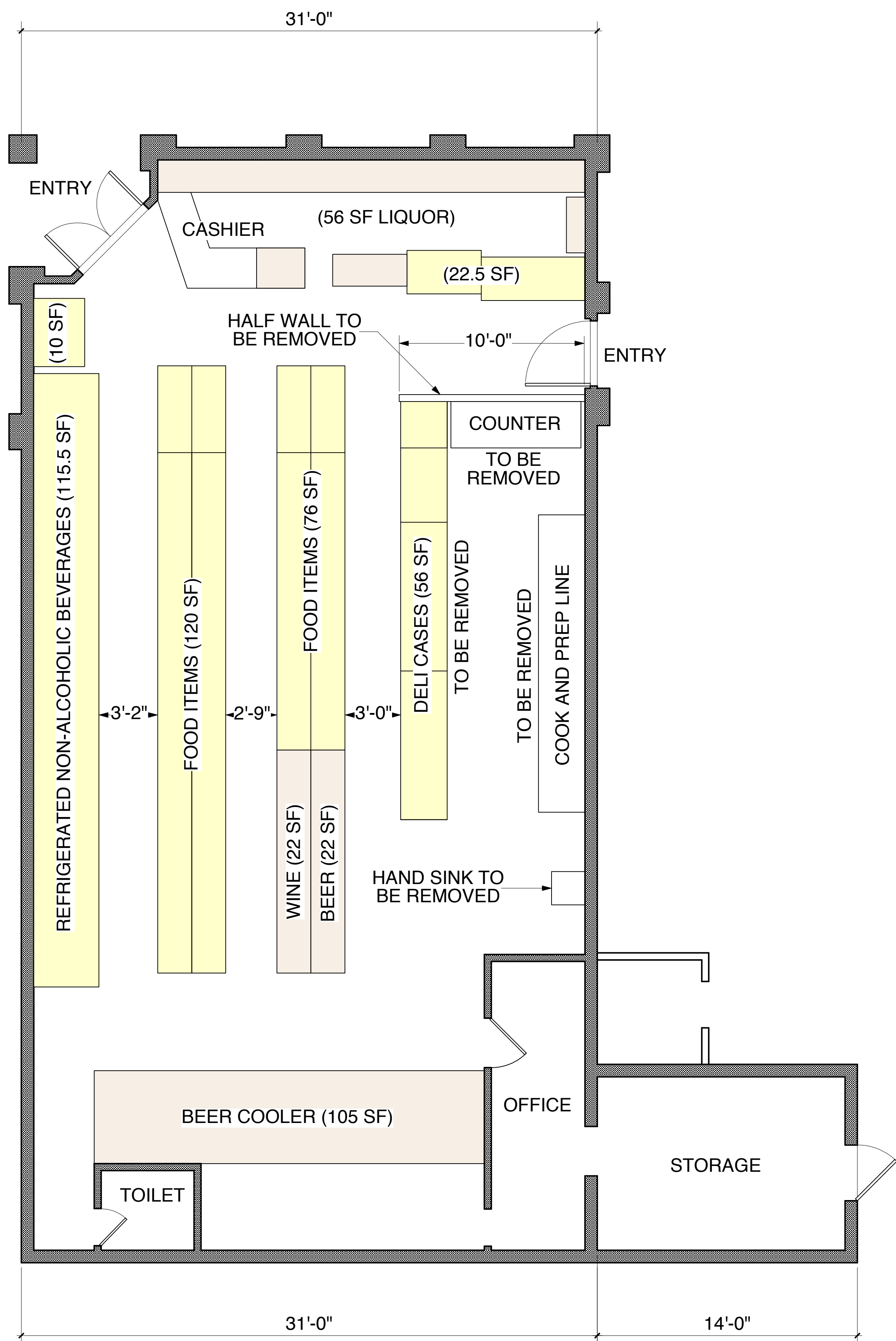
ABSENT:

ABSTAIN:

John Owen, Chairperson

ATTEST:

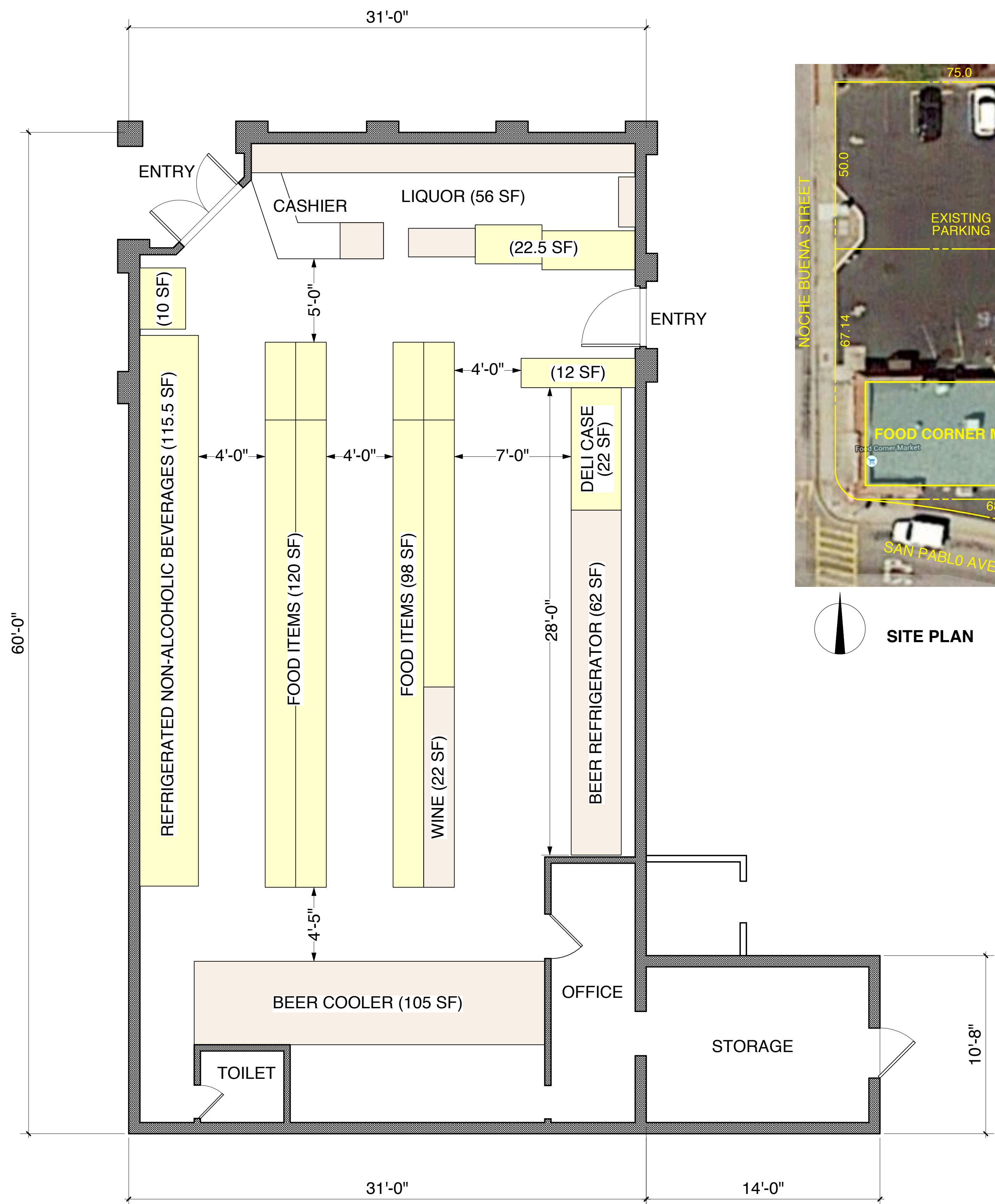
Planning Commission Secretary



EXISTING LAYOUT

 NON-ALCOHOL:
400 SF (66%)

ALCOHOL:
205 SF (34%)



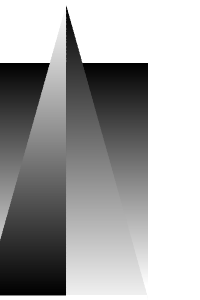
PROPOSED LAYOUT

NON-ALCOHOL: 400 SF (62.0%)
SAME AREA AS EXISTING LAYOUT

 **ALCOHOL: 245 SF (38.0%)**
40 SF NET INCREASE



SITE PLAN **1" = 20'**



EDDIE HURT
ARCHITECT

172 PACIFIC AVENUE
PACIFIC GROVE, CA 93950

PHONE (831) 917-2600
edhurt@pacbell.net



PROPOSAL TO REMOVE EXISTING DELI CASES & COOKING EQUIPMENT AND TO INSTALL A BEER REFRIGERATOR AT

FOOD CORNER MARKET

800 NOCHE BUENA ST
SEASIDE, CA 93955

APN: 012-801-002

CONTACT: ALEX CHEHADA
PHONE: (760) 963-4977

SITE PLAN

EXISTING FLOOR PLAN

PROPOSED FLOOR PLAN

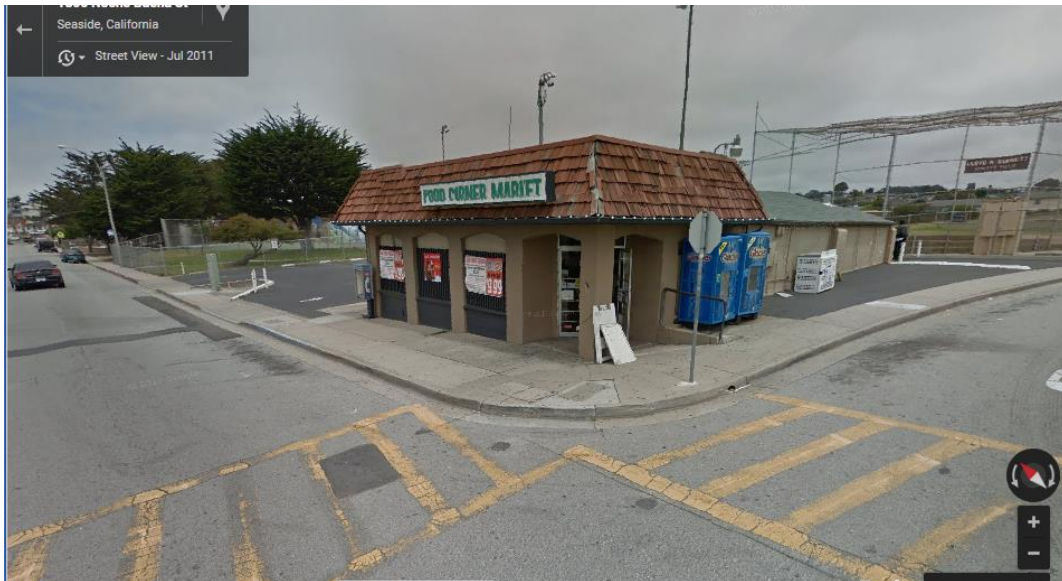
FEB 9, 2015

A1

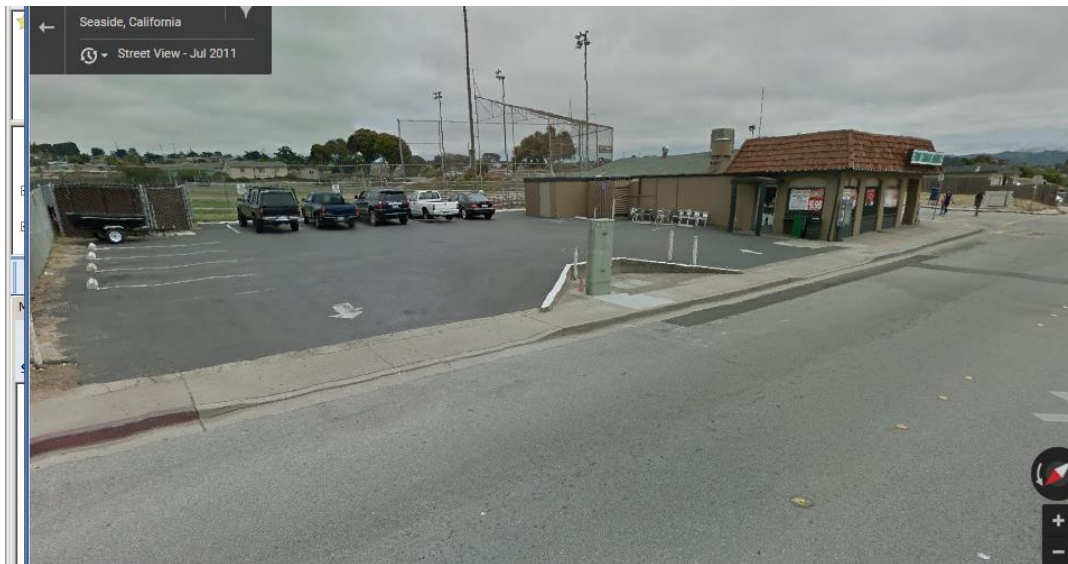
Project Location: 1800 Noche Buena Street



SITE PHOTOGRAPHS



View from intersection of Noche Buena Street and San Pablo Avenue



View towards parking lot from Noche Buena Street

February 9, 2015

Honorable Planning Commissioners
Seaside City Hall
440 Harcourt Avenue
Seaside, CA 93955

Subject: 1800 Noche Buena - Food Corner Market Use Permit

Dear Commissioners,

I am Elias Chehada, co-owner of the Food Corner Market along with my business partner Ayham Chehadeh. We have both worked hard for many years as cashiers in the convenience store business, saving our money for the day we could buy our own store. That opportunity arose in November 2013 when we purchased the Food Corner Market business from the Casas family, who are also the property owners. The two of us poured ourselves into refurbishing the store and re-opening the deli inside that had been unused for two years. After months of operating the deli ourselves we unfortunately found that it was costing us more to do so than the income it was producing. We then had another person take over the deli operation, in the hope he could make a go of it, but that arrangement ultimately failed as well.

The deli has sat unused for some time now, occupying about a quarter of the retail floor space in our store. Sales of our food items and other existing products have not been enough to survive economically so, in addition to the commonly available types of alcoholic beverages the store had already been selling for years, we started a social media campaign to market an extensive selection of small-batch, craft-brewed beers to distinguish our offerings. We were encouraged to see an increase in business, including customers from surrounding communities who were actively looking for such products. The old deli, occupying so much floor space, created a problem for our storage and display. We settled on a plan to replace the deli with an 11-door refrigerated case along one wall that would properly store the beer while providing a 3-door portion for deli and sandwich items. Removing the old unused cases and counters would not only solve our beer display problem but also would allow us to rearrange the existing product gondolas and widen the narrow aisles to correct a wheelchair accessibility problem. Though our proposal results in a modest 40 square foot increase in the floor area devoted to craft beers, the food products floor area remains unchanged at 400 square feet. In other words, Food Corner Market would remain a grocery store with 62% of the product floor area devoted to non-alcoholic beverage and food products. Esthetically, the layout of the store would improve, no longer having cramped aisles but instead providing 4 to 7 feet of clear space between product displays. Our business hours would remain unchanged: 7am - 11pm weekdays (midnight on weekends).

I hope I have explained our proposal in a manner that you can support, realizing that our business plan is NOT to turn Food Corner Market into a liquor store featuring cheap booze but rather to remain a nice neighborhood store selling a distinctive range of products that allows Food Corner Market to become a business success story in the community.

Respectfully yours,



Elias "Alex" Chehada
Co-owner, Food Corner Market