



AGENDA

CITY OF SEASIDE
ZONING
ADMINISTRATION

SPECIAL MEETING
Council Chamber
440 Harcourt Avenue
Tuesday, February 21, 2017
5:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

3. **PUBLIC COMMENT**

4. **APPROVAL OF MINUTES**

5. **BUSINESS ITEMS**

- A. **MINOR USE PERMIT APPLICATION NO. MUP-17-02 RIKA MCLEOD, PROPERTY OWNER, AND ALEJANDRA BERRELLEZA, APPLICANT, ARE REQUESTING THE APPROVAL OF A MINOR USE PERMIT APPLICATION TO ALLOW OUTDOOR COOKING FOR AN EXISTING COMMERCIAL RESTAURANT LOCATED AT 1188 BROADWAY AVENUE (APN# 012-195-062) IN THE COMMERCIAL MIXED USE (CMX) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE:

In accordance with Section 17.52.190.D.3, the applicant is seeking a Minor Use Permit to allow a mobile outdoor grill/food preparation unit for a commercial restaurant within the rear parking area of the project site located at 1188 Broadway Avenue.

RECOMMENDATION:

City staff recommends approval of the placement of an outdoor cooking area at the rear of the project site located at 1188 Broadway Avenue subject to the findings evidence, and Conditions of Approval provided as Exhibit A and Attachment 1 – Project Plans.

6. **BOARD MEMBERS COMMENTS**

7. **ADJOURNMENT**

Next Regularly Scheduled Meeting:
Special

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, they are asked to contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings.

City Council 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://cyp.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.

**ZONING ADMINISTRATOR
RESOLUTION NO. 17-02**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING MINOR USE PERMIT APPLICATION NO. MUP-17-02 TO ALLOW A MOBILE OUTDOOR GRILL/FOOD PREPARATION UNIT AT THE EL POLLO REY RESTAURANT IN THE CMX (COMMERCIAL MIXED USE) ZONING DISTRICT LOCATED AT 1188 BROADWAY AVENUE, SEASIDE, CALIFORNIA.

WHEREAS, Alejandra Berrelleza (applicant) has applied for a Minor Use Permit for the purpose of allowing the placement and operation of a mobile outdoor grill/food preparation unit on the site of the El Pollo Rey Restaurant located at 1188 Broadway Avenue ; and

WHEREAS, the proposed project requires approval by the Zoning Administrator, and it is the responsibility of the Zoning Administrator 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 Zoning Administrator considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing that the Zoning Administrator held on February 21, 2017; and

WHEREAS, the project is a Categorically Exempt from the California Environmental Quality Act pursuant to Class 1, Section 15301(c)(1): Existing Facilities, meeting the following conditions:

The proposed project involves the placement and operation of a mobile outdoor grill/food preparation unit in the parking lot of an existing market as an ancillary use to the market's existing food service operation

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator adopts the following findings for Minor Use Permit Application No. MUP-17-01:

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

Evidence: The proposed project would permit the placement and operation of an outdoor grill/food preparation unit in the rear parking/loading area of the proposed El Pollo Rey Restaurant for the purpose of cooking food outside to be sold within the restaurant. The restaurant is a primary permitted use in the CMX (Commercial Mixed Use) zoning district. The outdoor cooking would be an ancillary use to the existing restaurant. The proposed project does not conflict with any applicable provisions of the Zoning Ordinance or Municipal Code; furthermore conditions of project approval will be

required to ensure that the project remains in compliance with all City, County, and State requirements.

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

Evidence: The General Plan land use designation for the proposed project site is CMX (Commercial Mixed Use). The purpose of the CMX land use designation is to promote pedestrian and transit oriented activity centers where services are conveniently located adjacent to existing population centers. The proposed project would allow the market to expand the services and conveniences it provides to nearby businesses and residential areas in keeping with the intent of the CMX designation for the property. There is no adopted specific plan for the project site.

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

Evidence: The project site is fully developed with an existing restaurant. The proposed project would not alter the site's existing operating characteristics. All existing and planned future adjacent uses would continue to be commercial in nature and would be compatible with the existing and future allowed uses in the vicinity.

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

Evidence: The site is currently served by all necessary municipal services and utilities. The rear loading area of the site contains adequate underutilized space where the proposed project could be accommodated, making the site suitable for the proposed use.

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: Although the project would involve combustible materials and an open fire used to grill food, the proposed project would be separated from the nearest adjacent building by nonflammable fencing materials and paved surfaces consisting of a driveway and parking lot. The Fire Marshall has reviewed the project and stated he would approve the project as proposed. The project as approved and conditioned would ensure that the health, safety, and welfare of the public are protected.

BE IT FURTHER RESOLVED, the Zoning Administrator hereby grants Minor Use Permit Application No. MUP-17-02 subject to the following terms and agreements:

Planning:

1. *The food preparation and cooking operation outside shall not create any excessive order or smoke on the adjoining residential and commercial properties. Based on reported*

complaints or observation by City staff that said outdoor cooking is creating a nuisance in terms of odors and smoke, the applicant shall be responsible to mitigate these external effects. If adequate mitigation cannot be provided through either a screen or chimney feature above the outdoor grill to deflect where external smoke is being directed, the applicant would be then required to cease the outdoor cooking operation.

Building:

1. The mobile grill/food preparation unit shall be located no closer than 5 feet from a property line.
2. Applicant must submit proof of Fire Department approval for review and approval by the Building Official.

Monterey County Health Department:

1. The project is required to comply with all applicable requirements of the County Health Department including, but not limited to, the following:
 - a. Provide permanent hand washing station inside the market for employees;
 - b. Provide a preparation sink for items to be grilled;
 - c. Provide a 3 compartment sink to wash, rinse and sanitize;
 - d. Provide hot holding equipment for hot food being transferred from the grill.

Public Works

1. Applicant is responsible for protecting storm drain systems from potential wastes generated from cooking activities.
 - a. Wastes generated from the operation and cleaning of the grill must be captured and disposed of as solid waste.

Standard:

1. Except as modified by the conditions of approval, plans submitted for Architectural Review application must be in compliance with the aerial site plan stamped "Received City of Seaside February 9, 2017, Community Development Department" provided as Attachment 1 to these Conditions.
2. Minor Use Permit approval is subject to revocation procedures contained in S.M.C. Section 17.69.060 in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
3. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will

reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

4. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
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 within 15 days from the date of its approval.
6. Project 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.
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.
8. The storm water runoff created by the new construction (also including additions, driveways, and walkways, etc.) shall be contained on site through the use of rain gutters, detention basins, cisterns, drainage fields, dispersion trenches or comparable methods. The proposed design details and calculations shall be included on a dedicated sheet to be submitted with the building permit plans and shall be designed for 100-year storm event. Sample details are available at the Resources Management Services, located at City Hall, 440 Harcourt Avenue in Seaside (831) 899-6825. Maintenance of the storm water retention system shall be by the owner(s).
9. Should the applicant decide to use the City Standard "S-480" Dispersion Trench, the Standard should be completed and the length and width of the required Dispersion Trench shall be filled in and the Standard sticky backed or stapled onto the building plans. Denote the trench location on the plans keeping 10' clear to any structure or property line. Maintenance of the storm water retention system shall be by the owner(s).

PASSED AND ADOPTED by the Zoning Administrator of the City of Seaside, State of California, on the 21st of February, 2017.

Rick Medina
Zoning Administrator

MINOR USE PERMIT APPLICATION NO. MUP-17-02

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 Zoning Administrator.

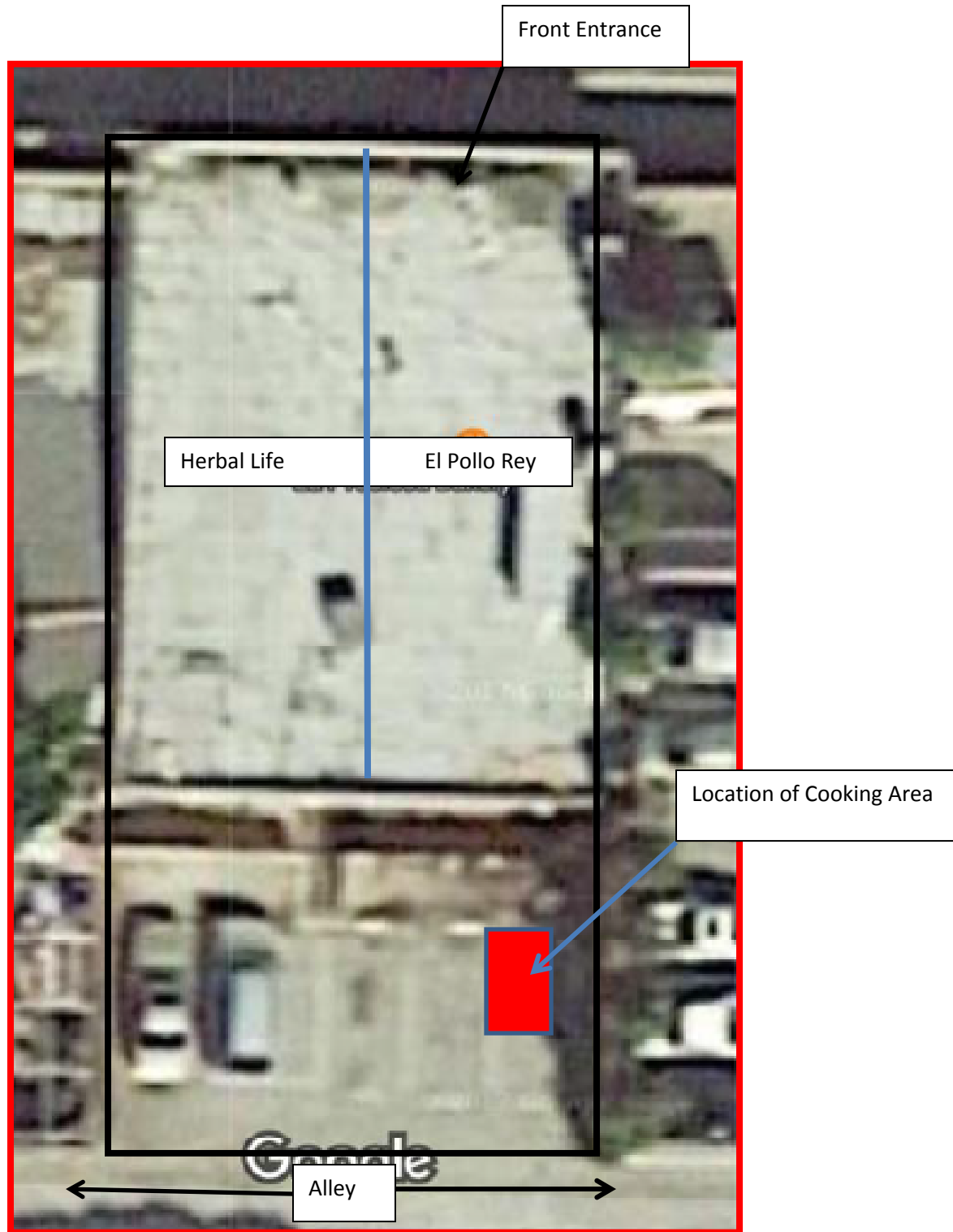
Applicant's Signature

Date

Property Owner's Signature *(if different from above)*

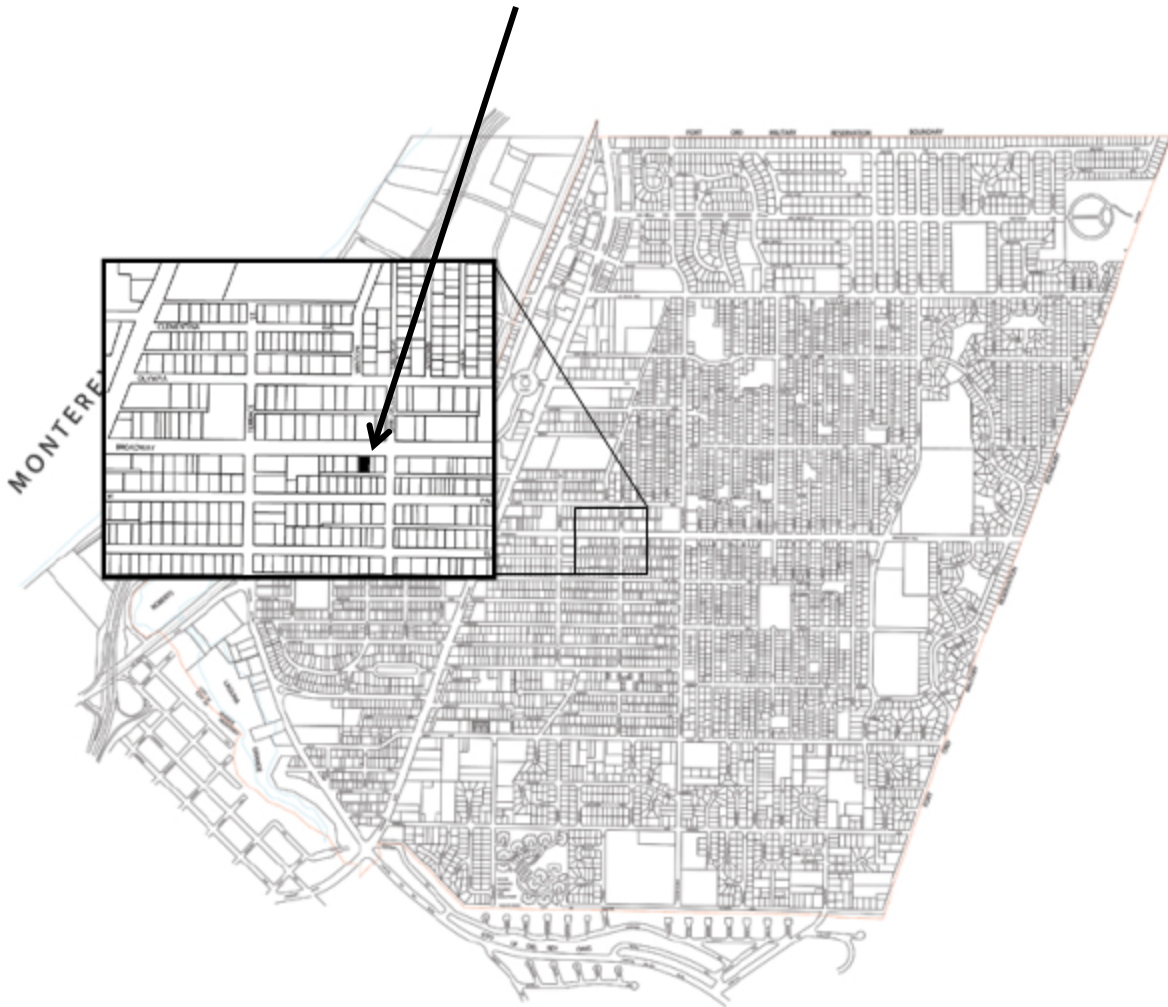
Date

Attachment 1 – Exhibit A



Location Map

Project Site: 1188 Broadway Avenue



Attachment 3

Aerial Photo

Project Site: 1188 Broadway Avenue



Attachment 4

Site Photographs



View from Alley looking west



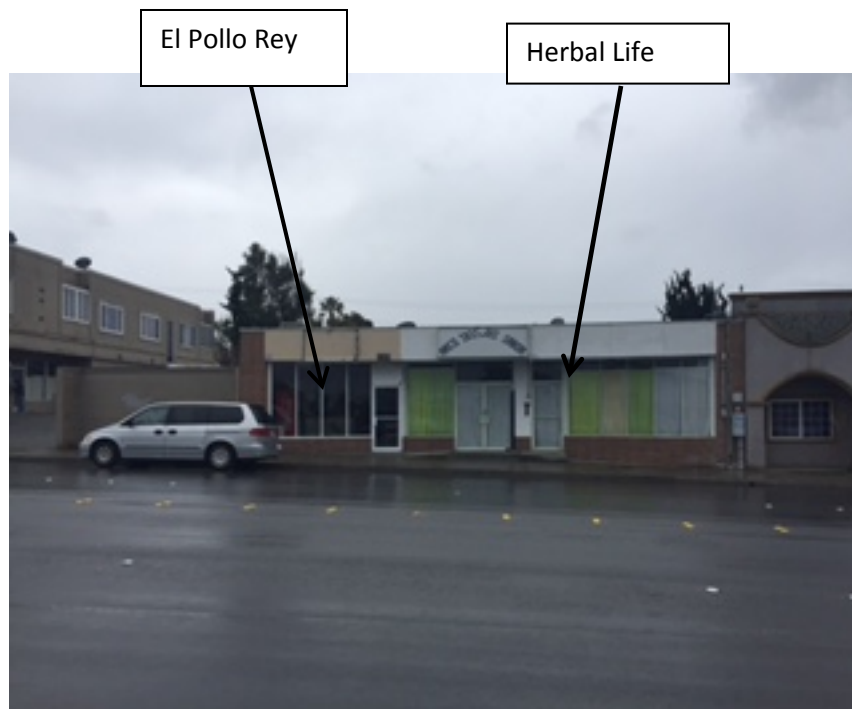
Location of Outdoor Cooking Area

View of rear parking area



Location of Outdoor Cooking area

View of Rear parking Area



El Pollo Rey

Herbal Life

View of front façade from Broadway Avenue