



A G E N D A

CITY OF SEASIDE
ZONING
ADMINISTRATION

MEETING
Council Chamber
440 Harcourt Avenue
Monday, August 28, 2017
5:00 PM

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1. **CALL TO ORDER**

2. **PUBLIC COMMENT**

3. **APPROVAL OF MINUTES**

4. **BUSINESS ITEMS**

- A. **MINOR USE PERMIT APPLICATION NO. MUP-17-08 JUAQUIN CUENTAS, APPLICANT, IS REQUESTING APPROVAL OF A MINOR USE PERMIT TO ALLOW A MOBILE OUTDOOR OVEN UNIT AT THE LA PRECIOSA MARKET IN THE CMX (COMMERCIAL MIXED USE) ZONING DISTRICT LOCATED AT 1220 BROADWAY AVENUE, SEASIDE, CALIFORNIA (APN 012-193-031). 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 of the Seaside Municipal Code (SMC), Joaquin Cuentas (applicant), has applied for a Minor Use Permit for the purpose of allowing the placement and operation of a mobile outdoor cooking unit on the site of the parking lot for the La Preciosa Market located at 1220 Broadway Avenue.

RECOMMENDATION:

Staff recommends approval of the proposed mobile outdoor grill/food preparation unit subject to the findings, evidence, and Conditions of Approval provided as Exhibit A and Attachment 1 – Project Site Plan to the staff report.

5. **BOARD MEMBERS COMMENTS**

6. **ROLL CALL**

7. **ADJOURNMENT**

Next Regularly Scheduled Meeting:

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.

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<http://cyp.telvue.com/player?id=T01629&video=52314&noplaylists=1&width=400&height=300>

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

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING MINOR USE PERMIT APPLICATION NO. MUP-17-08 TO ALLOW A MOBILE OUTDOOR COOKING UNIT IN THE CMX (COMMERCIAL MIXED USE) ZONING DISTRICT LOCATED AT 1220 BROADWAY, SEASIDE, CALIFORNIA (APN 012-193-031)

WHEREAS, Joaquin Cuentas (applicant), has applied for a Minor Use Permit for the purpose of allowing the placement and operation of a mobile outdoor cooking unit on the site of the parking lot for the La Preciosa Market located at 1220 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 August 28, 2017; and

WHEREAS, the project is a Categorically Exempt from the California Environmental Quality Act pursuant to Class1, Section 15301(c)(1): Existing Facilities, meeting the following conditions:

The proposed project involves the placement and operation of a mobile outdoor cooking unit in the parking lot of an existing market to serve 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-17-08:

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 oven unit in the parking lot of the existing La Preciosa Market for the purpose of roasting and baking potatoes under a covered canopy to be sold from the outdoor cooking area. The proposed outdoor cooking would provide an ancillary use to the existing market. The proposed outdoor cooking facility would not conflict with any applicable provisions of the Zoning Ordinance or Municipal Code; furthermore, conditions of project approval will 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 MX (Mixed Use). The purpose of the MX 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 for an ancillary use to the market which would serve to expand and promote the retail services and conveniences the market can provide to adjacent residential areas and community as a whole consistent with the intent of the MX land use designation for the property.

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 grocery market and off-street parking lot. The developed uses on the site are in conformance with the applicable development standards of the City's Zoning Ordinance, including the provision of required parking. The proposed project would not alter the site's existing operating characteristics nor reduce required parking below the 13 spaces required for the existing and proposed uses. All existing and planned future adjacent uses would continue to be commercial in nature. Several commercial uses in the immediate vicinity have outdoor displays and sales areas similar in nature to the proposed project; as such, the proposed outdoor cooking use 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 outdoor cooking area would be located on a flat, developed portion of the parking lot; situated as far away as possible from the adjoining single family dwellings to the south. The site is currently served by all necessary municipal services and utilities. The project site provides 19 parking spaces, which is in excess of the 13 spaces required by the Zoning Ordinance for both the existing and proposed use. Thus, the site contains adequate underutilized parking spaces 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: The proposed project would be separated from the nearest adjacent building by 46 feet. The cooking apparatus will consist of self-contained oven with no open flame. The cooking operations will generate create minimal odors and no smoke. The project location 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-17-08 subject to the following terms and agreements:

Building:

1. Applicant must submit proof of Fire Department approval for the proposed placement of the outdoor cooking unit for review and approval by the Building Official.

Code Enforcement:

1. The applicant shall obtain and submit to the Building Official a Certificate of Compliance from the Monterey County Health Department for the proposed outdoor cooking activity.

Monterey County Health Department:

1. The project is required to comply with all applicable requirements of the County Health Department for the procedures related to outdoor cooking activity.

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. Washing and dumping of materials onto the parking lot shall be prohibited.

Standard:

1. Except as modified by the conditions of approval, plans submitted for Architectural Review application must be in compliance with the plans stamped "Received City of Seaside, August 2, 2017, Community Development Department" provided as Exhibit "A" 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 28th of August 2017.

Rick Medina
Zoning Administrator

MINOR USE PERMIT APPLICATION NO. MUP-17-08

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.

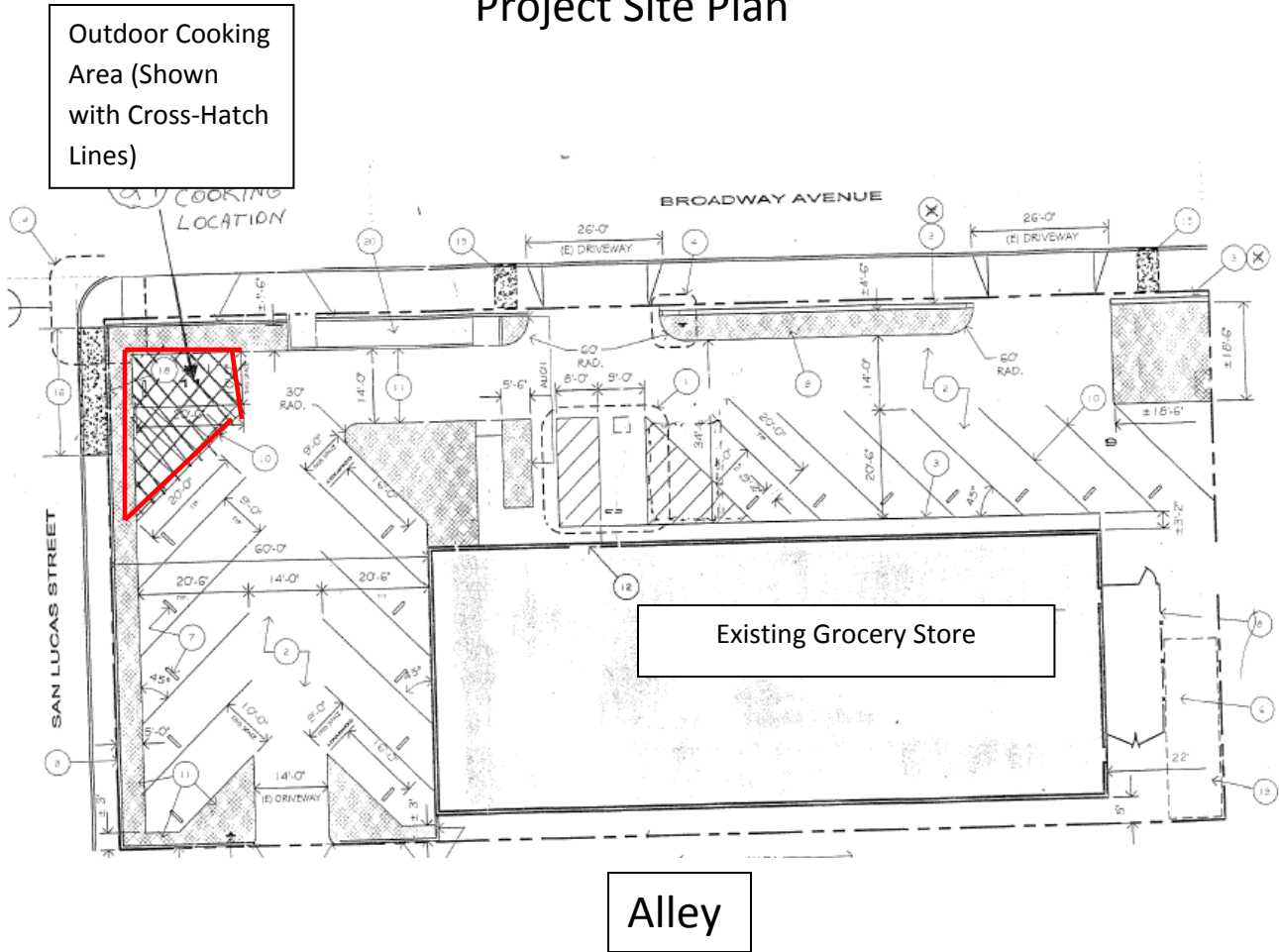
Applicant's Signature

Date

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

Date

Project Site Plan



Photograph of Canopy Structure



Location Map

Project Site: 1220 Broadway Avenue



Site Photographs

Outdoor Cooking Area



View of site from San Lucas Street

Outdoor Cooking Area



View of site from corner of Broadway Avenue and San Lucas Street

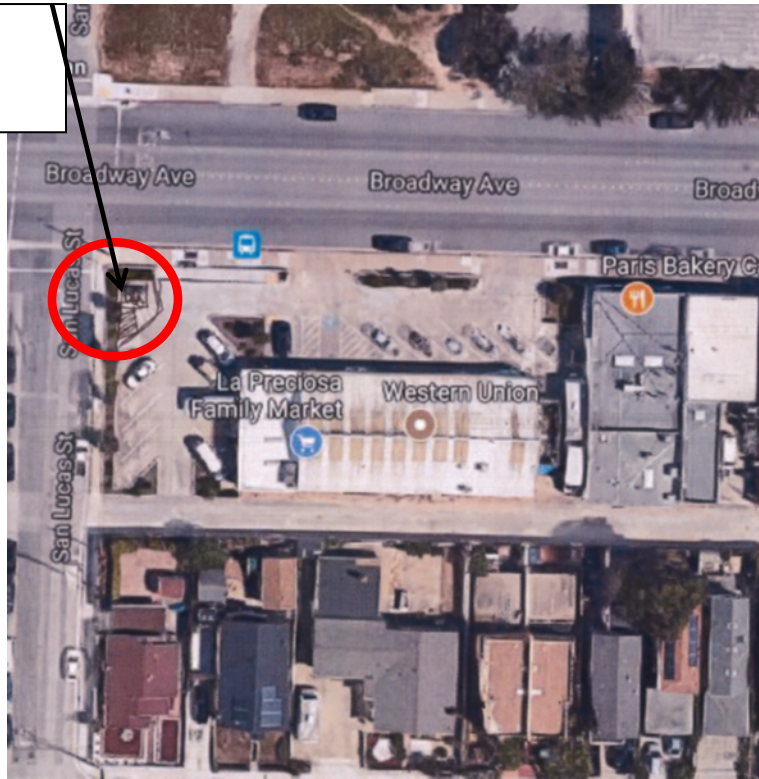
Outdoor Cooking Area



View of site from interior of parking lot looking west

Proposed Canopy Details

Location of Outdoor
Cooking Operation



Canopy Cover Design

