



AGENDA

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, September 13, 2017
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

2. **ROLL CALL - ESTABLISHMENT OF QUORUM**

John Owens	Chair
Michael Lechman	Vice Chair
Keith Dodson	Commissioner
Denise Ross	Commissioner
Arlington La Mica	Commissioner
Michael Spalletta	Commissioner
Ian Oglesby	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**

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

5. **APPROVAL OF MINUTES**

A. **August 30, 2018**

6. **BUSINESS ITEMS**

- A. USE PERMIT APPLICATION No. UP-17-04: DWIGHT HINDS, PROPERTY OWNER, AND JOHN BALESTRIERI, APPLICANT, ARE REQUESTING USE PERMIT APPROVAL FOR THE ON-SALE AND OFF-SALE OF BEER AND WINE FOR A SPECIALTY MARKET LOCATED AT 1534 FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT (012-183-001). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE: In accordance with Section 17.14.030.B - Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones), the on-sale and off-sale of beer and wine is subject to the issuance of a Use Permit by the Planning Commission.

RECOMMENDATION: City staff recommends approval of the use permit in accordance with the findings, evidence and conditions of approval listed in the Draft Resolution provided as Attachment1 to the project staff report.

- B. USE PERMIT APPLICATION No. UP-17-05: ROSARIO TRUST, PROPERTY OWNER, AND RONANSKI FAMILY TRUST, APPLICANT, ARE REQUESTING USE PERMIT APPROVAL FOR THE ESTABLISHMENT OF A COUNTER SERVICE RESTAURANT LOCATED AT 1620 FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT (APN 012-181-031). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(a) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE: In accordance with Section 17.14.030.B - Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones), the establishment of a counter service restaurant is subject to the review and approval of a use permit by the Planning Commission.

RECOMMENDATION: City staff recommends approval of the use permit in accordance with the findings, evidence, and conditions of approval listed in the draft Resolution provided as Attachment 1 to the project staff report.

7. **REPORTS FROM COMMISSIONERS**
8. **REPORTS FROM STAFF**
9. **ADJOURNMENT**

Next Regularly Scheduled Meeting:
September 27, 2017

Seaside City Hall
7:00pm

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.



DRAFT MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER

Wednesday, August 23, 2017
7:00 PM

1. **CALL TO ORDER**

Chair Owens called the meeting to order at 7:00 PM.

2. **ROLL CALL - ESTABLISHMENT OF QUORUM**

PLANNING COMMISSION

PRESENT: Owens, La Mica, Spalletta, Lechman, Oglesby, Ross, Dodson

ABSENT: None

3. **REVIEW OF AGENDA**

No changes were requested.

4. **PUBLIC COMMENT**

Chair Owens invited comments from the public and had no requests to speak.

5. **APPROVAL OF MINUTES**

RESULT:	Approved
MOVER:	Commissioner La Mica
SECONDER:	Commissioner Oglesby
AYES:	Mike Lechman, John Owens, Denise Ross, Keith Dodson, Arlington La Mica, Michael Spalletta, Ian Oglesby
NOES:	None
ABSENT:	None

6. **BUSINESS ITEMS**

A. **CONDUCT A STUDY SESSION ON THE 2015-2023 HOUSING ELEMENT UPDATE**

General Plan Update Consultant for Community Workshops Veronica Tam made the presentation explaining that the Housing Element identifies and assesses projected housing needs and provides an inventory of constraints and resources relevant to meeting these needs. Components of the housing element include: A housing needs assessment with

population and household characteristics, Identification of constraints to providing housing, An inventory of available sites for the provision of housing for all economic segments of the community, and a statement of goals, policies and programs for meeting the City's housing needs.

The staff Analysis concluded that to provide adequate, suitable sites for new residential development, the City will offer appropriate incentives through its mixed use zoning regulations to include elements such as; reduced parking standards, increased densities, Increased height limits, Increased lot coverage, Reduced setbacks and Live Work housing options and Establishment of affordable housing and emergency shelters as being permitted by right.

She further explained that the update is taking place in conjunction with the comprehensive General Plan Updated (2040 Seaside General Plan) and that before the Housing Element can be included as part of the comprehensive General Plan Update for adoption by the City Council, a 60- day review of the document is required to be made by HCD. Prior to submitting the document to HCD, the City's designated land use body (The Planning Commission) must conduct at least one public hearing on the draft Housing Element to ensure that the public has had the opportunity to comment on the draft Housing Element. Ms. Tam spoke to the requirement of public participation to solicit input from the community, and the number of public workshops and General Plan Update Task Force meetings which occurred starting in December of 2016 until the present meeting. If the draft document is approved by the Commission, after a 60 day review period it will be passed to the City Council and if approved, the comprehensive General Plan Update will be considered in the spring/summer of 2018.

Ms. Tam Answered questions from the Commission. The Commission clarified and asked questions regarding set-backs, density, and building heights regulations.

On motion by Commissioner Lechman and seconded by Commissioner Ross and passed unanimously, the Planning Commission directed City staff to submit the draft Housing Element to the State of California Housing and Community Development Department (HCD) for the 60-day review.

If any changes are returned after the 60 day review, they will be brought back to the Planning Commission for review again. Chair Owens ensured the public that this is not a final adoption of the item.

B. SEASIDE MUNICIPAL CODE AMENDMENT NO. SMA-17-14: CONSIDER A RECOMMENDATION TO THE CITY COUNCIL TO ADOPT AN ORDINANCE AMENDING THE SEASIDE MUNICIPAL CODE ADDING CHAPTER 19 THAT SETS FORTH THE ESTABLISHMENT OF REGULATIONS GOVERNING COMMERCIAL AND ADULT USE CANNABIS ACTIVITIES, INCLUDING CULTIVATION, DISPENSARIES, MANUFACTURING, TESTING, TRANSPORTATION AND DISTRIBUTION WITHIN THE CITY OF SEASIDE.

Economic Development Manager Overmeyer introduced the item explaining and detailing the final draft ordinance incorporating all of the changes from the previous Joint Special Meeting with the City Council and Commission. He spoke to the key questions regarding dispensaries, including how the City intends to issue permits for this use, the proposed number of permits to grant, concentration, distance from sensitive uses, appropriate zoning

districts, authority for delivery services and how to rate and distribute the limited licenses.

Mr. Overmeyer detailed the staff recommendations incorporated into the ordinance to include the following main points: the draft ordinance would allow up to 3 permitted locations; that there would be 1,000 ft. separation from other dispensaries; medical and adult use can be co-located; locations must be a minimum of 600 feet from schools and parks; and it will allow dispensaries to deliver. Mr. Overmeyer then outlined the dispensary selection criteria and spoke to the different obligations for applicants to adhere to. Speaking to the Zoning Recommendations, he explained the definitions as CMX (Mixed Use) and CRG (Regional Commercial) zones of the City, which are zoning designations. Regarding cultivation, permitted uses would be allowed and the zoning district would be limited to the West Broadway Urban Village buildings that face Olympia Ave. The number is limited by geography and the size limited to 10,000 square feet. Manufacturing, research and development and testing are recommended as allowable uses within the CMX zone with no need for separation required. On question, Mr. Overmeyer explained the criteria qualification for testing.

Mr. Overmeyer answered clarifying questions from the Commission. On question, Mr. Overmeyer spoke to the ordinance requirement that each site has a security officer on site during operating hours. Further questions were answered about the signage for dispensaries and cultivators, and the number of employees which could cause parking related issues on Olympia Avenue.

Chair Owens invited comments from the public.

- Reg Carter requested consideration of changing the
- Jose Espinoza requested a better definition of what would be considered an exemplary security plan and expressed concern that the livescan process can take unknown amounts of time to return.
- We Clark requested when and where the testing would take place for the applicants
- Judy Whin requested that zones in outside areas be considered as there are other ideal locations and they intend to provide a different type of service requiring a different type of building.
- Janice Depol also requested consideration of expanding areas for locating a cannabis based business.
- Wendell Montes Expressed concern that if an applicant accidentally makes a mistake on the application it will be rejected and requested staff be reasonable with what is considered incomplete and requested clarification of how far a liquor store is allowed from a school.
- Tyson Hunter requested clarification if the tax is calculated based on sales floor square footage or total dispensary square footage.

Mr. Overmeyer answered questions presented during public comment.

Commissioner Oglesby also noted about the security plan that the standards should be fair. He also requested clarification regarding why the specific zones were targeted to which Mr. Overmeyer indicated that it is a way to activate underutilized areas that the City is trying to revitalize. Investment into building energizes zoning districts. The Commissioners discussed the types of security that would be required and the need for security due to the

nature of the business and the security is to disincentive criminals.

On motion by Commissioner Lechman, Seconded by Commissioner Ross and passed by the following vote the Planning Commission approved the draft ordinances as presented and recommended it be forwarded to the City Council for adoption.

RESULT:	Approved
MOVER:	Commissioner Mike Lechman
SECONDER:	Commissioner Denise Ross
AYES:	Mike Lechman, John Owens, Denise Ross, Keith Dodson, Arlington La Mica, Michael Spalletta, Ian Oglesby
NOES:	None
ABSENT:	Non

**C. SEASIDE MUNICIPAL CODE AMENDMENT APPLICATION NO. SMA-17-02:
THE CITY OF SEASIDE, APPLICANT, IS REQUESTING THE APPROVAL OF A
TEXT AMENDMENT TO CHAPTER 17.40 OF THE SEASIDE MUNICIPAL CODE
THAT SETS FORTH STANDARDS FOR ELECTRONIC DISPLAY MESSAGE
SIGNS RELATED TO PUBLIC OR PRIVATE MEETING FACILITIES LOCATED
WITHIN RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS CITYWIDE,
AND ADDRESSING OTHER MATTERS PROPERLY RELATING THERETO
THAT ARE IN CONFLICT WITH THE PROPOSED TEXT AMENDMENT.
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
GUIDELINES SECTION 15061(B)(3), THE ORDINANCE IS EXEMPT FROM
ENVIRONMENTAL REVIEW.**

Senior Planner Medina proposed a staff issued ordinance related to electronic message display signs for private and public meeting facilities. Amendments would be adding text to clarify how the signs would not be prohibited for meeting facility land use. This would allow for specific height, areas, intensity for the signs. The amendments were proposed in response to private meeting facility request. The first part would be adding allowances for electronic message display signs, the second amendment would address changeable message display signs and all display signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions. He spoke to the modifications to the standards.

Mr. Medina explained the development standards that have been taken into consideration including development standards, location, sign area measurement, animation, audio, duration and illumination. Mr. Medina sampled an allowable sign within the amendment criteria. A resolution with the modified text language has been provide to the Commission. Mr. Medina answered questions of the Commission.

The Commission deliberated asking for clarification regarding the definition of meeting facility, allowable size of the signs, illumination, changeability of the sign and discussed the possible impositions it could create in residential neighborhoods if the signs are too bright or change to rapidly. The Commissioners also expressed concern regarding messaging as it may not always be tied to the purpose of the facility.

On question, Economic Development Manager Stearns indicated that the blinking issue can be resolved by a dissolving effect of display, which does not distract drivers. As written the regulation provides a means for people to voice a compliant and the zoning administrator to determine if the sign would be egregious. She further clarified that the City cannot regulate content, as that is a freedom of speech issue. On further question, speaking to the benefit of the signs, this type of sign allows organizations a way to update their signs electronically instead of manually.

Chair Owens invited comments from the public.

- Pastor Britt spoke representing Greater Victory Temple and spoke in support of approving the regulation.
- John Nash indicated that the new signs would not be brighter than the exiting signs and that there has never been any complaints about the exiting signs. He expressed frustration that the Commissioners are not in support and requested approval of the regulation.

The Planning Commission requested that the request for approval be brought back at the next meeting for consideration with the following amendments; that the number of Lumens be specified, that an analysis be done of the total number of potential meeting facilities in the city that would qualify for this regulation, that the definition of meeting facility is made more clear, also that the regulations be changed to reflect that every application would come before the Commission for approval as a use permit.

RESULT:	Approved
MOVER:	Commissioner Keith Dodson
SECONDER:	Commissioner Ian Oglesby
AYES:	Mike Lechman, John Owens, Denise Ross, Keith Dodson, Arlington La Mica, Michael Spalletta, Ian Oglesby
NOES:	None
ABSENT:	None

8. **REPORTS FROM STAFF & COMMISSIONERS**

Chair Owens requested to discuss at a future meeting parking space regulations and if parking allocations are approved for a business, can those also be used for a different adjoining business.

9. **ADJOURNMENT**

Having no further business, the meeting was adjourned at 8:50 PM.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

John Owens, Chair



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.A.

TO: Planning Commission

BY: Rick Medina, Senior Planner

DATE: September 13, 2017

SUBJECT: USE PERMIT APPLICATION No. UP-17-04: DWIGHT HINDS, PROPERTY OWNER, AND JOHN BALESTRIERI, APPLICANT, ARE REQUESTING USE PERMIT APPROVAL FOR THE ON-SALE AND OFF-SALE OF BEER AND WINE FOR A SPECIALTY MARKET LOCATED AT 1534 FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT (012-183-001). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PURPOSE

In accordance with Section 17.14.030.B - Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones), the on-sale and off-sale of beer and wine is subject to the issuance of a Use Permit by the Planning Commission.

RECOMMENDATION

City staff recommends approval of the use permit in accordance with the findings, evidence and conditions of approval listed in the Draft Resolution provided as Attachment1 to the project staff report.

BACKGROUND

The project site is developed with a Mixed-Use commercial building consisting of five commercial tenant spaces on the first floor and 34 residential apartments on the second floor. Off-street parking consists of six diagonal parking spaces for the commercial tenants at the west end of the site that is accessed from a driveway off Palm Avenue and 34 residential parking spaces to the rear east end of the site that is accessed from driveway off Palm Avenue and the alley to the south. The project site will be located within an existing 2,217 square-foot lease area formerly occupied with a retail gift shop.

The proposed project will consist of adding a new specialty grocery meat market which will also

provide delicatessen services, including the on-sale and off-sale of beer and wine. The store will be open daily, 10 AM to 8 PM. The area of retail sales for the delicatessen and off-sale beer and wine will be limited at the front of the store as noted on the floor plan. The primary product of the business will be the production of specialty meat products. The sale of beer and wine is being included to provide specialty beers and wines that can be paired with the deli products and meat products. The beer and wine sales will clearly consist of an ancillary service of the specialty market and avoid the business from becoming a liquor store or convenience store. Furthermore, the kitchen area improvements at the back of house demonstrates the high quality and services of the specialty meat market.

The adjoining land uses consist of a gas station to the north, residential dwellings to the east, and commercial shopping center to the west and retail and multifamily apartments to the south. Location map is provided as Attachment 2 and Site Photos are provided as Attachment 3.

STAFF ANALYSIS

General Plan

The City's General Plan contains the following Implementation Plan regarding the sale of alcoholic beverages.

Implementation Plan LU-2.2.2 Alcoholic Beverage Control: Work with Alcoholic Beverage Control (ABC) to regulate the on-sale and off-sale of packaged alcoholic beverages.

The City's General Plan also includes a policy, LU-2-3, that discourages certain over-represented uses in the community including liquor and convenience stores, and mini-markets among other uses. Since the off and on-sale alcoholic beverage sales will consist of an ancillary sale for the market, the alcoholic beverage sales will be in compliance with the Seaside General Plan.

Zone District

The property is located in the CC zone district. Alcoholic beverage sales are permitted in the CC zone district subject to use permit approval (SMCS 17.14.030; Table 2-4). The Zoning Ordinance includes the following definitions that are relevant to this use permit application.

17.70

Definitions:

Alcoholic Beverage Sales: The retail sale of beer, wine, and/or spirits for off-premise consumptions, in conjunction with a convenience store, grocery store, drug store, and/or primary retail use. Where Article 2 (Zones, Allowed Uses, and Zoning Standards) provides that the primary retail use is otherwise permitted (a "P" use in the Article 2 land use tables), the inclusion or addition of alcoholic beverage sales will require the approval of the planning permit required by Article 2 (i.e., Use Permit or Minor Use Permit) for the entire combination of land uses.

Grocery or Specialty Food Store: A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store. Includes retail bakeries, where any on-site baking is only for on-site sales. See also "Convenience or Liquor Store", and "Alcoholic Beverage Sales."

The proposed use meets the definition of grocery or specialty food store. City staff finds that the

off and on-sale of alcoholic beverages will consist of ancillary sale in relation to the primary meat and gourmet food products being sold which will contribute to the livability and economic viability of the community by introducing a new healthy food sale product and improve the viability of the existing mixed use commercial building.

Public Convenience or Necessity

The applicants have filed an application with the State of California Department of Alcoholic Beverage Control (ABC) for a Type 20 License (Off Sale Beer and Wine) and Type 41(On-Sale Beer and Wine). ABC licensing regulations contain provisions for community input with regard to the geographic distribution and concentration of the sale of alcoholic beverages. This enables communities to limit the number of new licenses that are issued in geographic areas defined as either high crime areas (area exceeds the city's average crime rate by 20 percent), or that are areas of "undue concentration." According to the Seaside Police Department, the subject property is not within a high crime area or an area of increased law enforcement activity. "Undue concentration" is determined by the number of licenses in relation to the population within a geographic area.

According to the California Alcohol Beverage Control (ABC) Salinas district office, there are currently 11 existing off-sale retail alcohol licenses within Census Tract 137, where the proposed will be located. Based on the ratio of off-sale retail alcohol licenses per total population in all of Monterey County, the maximum concentration of off-sale retail alcohol licenses is 5 licenses before licenses are considered "overconcentrated." By making a determination of Public Convenience or Necessity (PCN) for the establishment of the retail alcohol license for off-site consumption as part of the business operation for the specialty market, the City acknowledges and supports the applicants request for an off-sale retail alcohol (Type 20) license from the ABC despite the Tract's "overconcentration" of alcohol-outlet licenses because it is an ancillary use to the primary grocery use.

According to information from the ABC, "public convenience or necessity" is established when it is determined that the business provides a benefit to the community. State law does not mandate the criteria used to determine PCN; determination is the responsibility of local jurisdictions. A public convenience or necessity determination allows local jurisdictions to influence alcohol-outlet density to improve and maintain the quality of neighborhoods.

The Police Department has confirmed that the subject property is not in a high crime area and is not an area that is the target of law enforcement activity. The Police Department has not identified any issues of concern regarding the proposed sale of alcoholic beverages in conjunction with the grocery market, subject to the recommended Conditions of Approval.

Since the proposed use requires a determination of public convenience or necessity due to an over concentration of alcohol-outlet uses in the area and since the property is adjacent to an existing residential neighborhood and a future mixed-use neighborhood, it is appropriate to apply Conditions of Approval to safeguard public health, safety and welfare. The recommended Conditions of Approval in Attachment 1 will reduce the potential of a detrimental impact to the neighborhood.

FINDINGS

USE PERMIT

In accordance with the requirements of SMCS 17.62.070.F, the Planning Commission is required to make all of the following findings in order to grant approval of the use permit

application.

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

Evidence: The property is located in the Community Commercial zoning district. Grocery or specialty food stores 5,000 square feet and larger are a permitted use; use permit approval is not required for the grocery market. Alcoholic beverage sales are permitted in the CMX zone district subject to use permit approval (SMCS 17.14.030.B; Table 2-4).

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

Evidence: The proposed use is consistent with the City's General Plan Implementation Plan LU-2.2.2 Alcoholic Beverage Control. The proposed use requires approval of a license from the State of California Department of Alcoholic Beverage Control (ABC). In accordance with ABC requirements, the City will make a determination of public convenience or necessity as part of this use permit application. The off and on-sale of beer and wine for the proposed specialty grocery market will help to contribute to the livability and economic viability of the community by supporting a new, healthy food sale business with an applicable ancillary beverage product and to the vitality of the existing mixed-use commercial building by introducing a specialty food sale that will attract visitors to Seaside and provide the residents of the mixed-use commercial building and neighboring residential dwellings with a high quality walkable retail food outlet.

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

Evidence: Subject to the recommended Conditions of Approval, the sale of alcoholic beverages in conjunction with a specialty retail grocery market is compatible with the commercial character of the mixed-use commercial building and surrounding residential neighborhood.

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

Evidence: The property is developed with an existing mixed-use commercial building. Infrastructure is available for the proposed use.

5. Subject to compliance with the Conditions of Approval, granting the use permit will 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: Subject to the recommended conditions of approval, the sale of alcoholic beverages in conjunction with a retail specialty grocery market will not result in a detrimental impact on the property or in the vicinity of the property because exterior sale, advertising, and/or display of alcoholic beverages is prohibited and that scale of alcohol being sold in conjunction with the operation of a specialty retail grocery market will ensure that the business will not operate as a liquor store or convenience store.

PUBLIC CONVENIENCE OR NECESSITY

In order for the ABC to approve the Type 20 license, the City is required to make a determination of public convenience or necessity. Staff recommends the Planning Commission support this determination based on the following findings.

FINDINGS

1. According to information received from the Seaside Police Department, the subject property is not located in an area that has excessive crime rates nor is it in an area of targeted law enforcement activities.
2. The subject property is located in a downtown commercial area and is compatible with existing and planned land uses.
3. Retail alcoholic beverage sales are limited to less than 10 percent of the floor area of the proposed specialty retail grocery market and the establishment of the commercial kitchen for the production of specialty meat products clearly demonstrates that the sale of beer and wine will remain as an ancillary retail sale of the store.
4. The proposed specialty retail grocery market supports the City's efforts to improve its commercial thoroughfares and its economic development goals. Retail sale of alcoholic beverages is typical component of retail grocery operations and the proposed specialty grocery market is essential to the City's efforts to develop a mixed-use urban streetscape as well as provide a local grocery store with gourmet food and beverage alternative for its current residents.

FISCAL IMPACT

ATTACHMENTS

- 1.
 1. Attachment 1 - Draft Resolution
 2. Attachment 1 - Exhibit A Site Plan
 3. Attachment 1 - Exhibit A Floor Plan
 4. Attachment 2 - Location Map
 5. Attachment 3 - Site Photos
-

Meeting Date: September 13, 2017

RESOLUTION NO. 17-##

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT NO. UP-17-04 TO ALLOW RETAIL SALE OF ALCOHOLIC BEVERAGES FOR OFF-AND ON-SALES IN CONJUNCTION WITH A RETAIL SPECIALTY GROCERY MARKET USE IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT LOCATED AT 1534 FREMONT BOULEVARD (APN 012-183-001).

WHEREAS, Dwight Hinds,. Property Owner, and Jason Balestrieri, Applicant, have filed an application for Use Permit approval, to allow for the on-sale and off-sale of beer and wine in conjunction with a retail specialty grocery market located in the Community Commercial (CC) Zoning District on property located at 1534 Fremont Boulevard (APN 012-183-001); and,

WHEREAS, Section 17.24.030 of the Seaside Zoning Code allows the sale of alcoholic beverages in the CC zoning district subject to use permit approval; and,

WHEREAS, a duly notice public hearing has been held on September 13, 2017; and,

WHEREAS, the Planning Commission reviewed the staff report, received and considered oral comments at the public hearing concerning the proposed use and acted to grant approval of Use Permit Application No. 17-04 on September 13, 2017 in accordance with Section 17.62.030; Table 2-4; and

WHEREAS, the proposed use is Categorically Exempt Class 1, Section 15301.a from the California Environmental Quality Act (CEQA); therefore,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings approving Use Permit Application No.17-04:

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

Evidence: The property is located in the Community Commercial zoning district. Grocery or specialty food stores 5,000 square feet and larger are a permitted use; use permit approval is not required for the grocery market. Alcoholic beverage sales are permitted in the CMX zone district subject to use permit approval (SMCS 17.14.030.B; Table 2-4).

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

Evidence: The proposed use is consistent with the City's General Plan Implementation Plan LU-2.2.2 Alcoholic Beverage Control. The proposed use requires approval of a license from the State of California Department of Alcoholic Beverage Control (ABC). In accordance with ABC requirements, the City will make a determination of public convenience or necessity as part of this use permit application.

Evidence: The off and on-sale of beer and wine for the proposed specialty grocery market will help to contribute to the livability and economic viability of the community by supporting a new, healthy food sale business with an applicable ancillary beverage product and to the vitality of the existing mixed-use commercial building by introducing a specialty food sale that will attract visitors to Seaside and provide the residents of the mixed-use commercial building and neighboring residential dwellings with a high quality walkable retail food outlet.

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

Evidence: Subject to the recommended Conditions of Approval, the sale of alcoholic beverages in conjunction with a specialty retail grocery market is compatible with the commercial character of the mixed-use commercial building and surrounding residential neighborhood.

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

Evidence: The property is developed with an existing mixed-use commercial building. Infrastructure is available for the proposed use.

5. Subject to compliance with the Conditions of Approval, granting the use permit will 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: Subject to the recommended conditions of approval, the sale of alcoholic beverages in conjunction with a retail specialty grocery market will not result in a detrimental impact on the property or in the vicinity of the property because exterior sale, advertising, and/or display of alcoholic beverages is prohibited and that scale of alcohol being sold in conjunction with the operation of a specialty retail grocery market will ensure that the business will not operate as a liquor store or convenience store.

PUBLIC CONVENIENCE OR NECESSITY

In order for the ABC to approve the Type 20 license, the City is required to make a determination of public convenience or necessity. Staff recommends the Planning Commission support this determination based on the following findings.

FINDINGS

1. According to information received from the Seaside Police Department, the subject property is not located in an area that has excessive crime rates nor is it in an area of targeted law enforcement activities.

2. The subject property is located in a downtown commercial area and is compatible with existing and planned land uses.
3. Retail alcoholic beverage sales are limited to less than 10 percent of the floor area of the proposed specialty retail grocery market and the establishment of the commercial kitchen for the production of specialty meat products clearly demonstrates that the sale of beer and wine will remain as an ancillary retail sale of the store.
4. The proposed specialty retail grocery market supports the City's efforts to improve its commercial thoroughfares and its economic development goals. Retail sale of alcoholic beverages is a typical component of retail grocery operations and the proposed specialty grocery market is essential to the City's efforts to develop a mixed-use urban streetscape as well as provide a local grocery store with gourmet food and beverage alternative for its current residents.

BE IT FURTHER RESOLVED, that the Planning Commission makes a determination of public convenience or necessity in conjunction with the approval of Use Permit Application No.17-04:

1. According to information received from the Seaside Police Department, the subject property is not located in an area that has excessive crime rates nor is it in an area of targeted law enforcement activities.
2. The subject property is located in a downtown commercial area and is compatible with existing and planned land uses.
3. Retail alcoholic beverage sales are limited to less than 10 percent of the floor area of the proposed grocery market and recommended Conditions of Approval prohibit single-unit beverage container sales.
4. The proposed grocery market supports the City's efforts to improve its downtown and its economic development goals. Retail sale of alcoholic beverages is a typical component of retail grocery operations and the proposed grocery market is essential to the City's efforts to develop a mixed-use urban village downtown as well as provide a local grocery store alternative for current residents.
5. The proposed grocery store provides new jobs within the city, contributes to the city's tax revenues, and establishes a business model that is unique in the city.

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Use Permit Application No. 17-04 subject to the following terms and conditions:

Project Specific:

1. The sale of beer and wine shall be conducted and operated within the interior of the building as shown on the enclosed plans stamped "Received Community Development July 14, 2017" provided as Exhibit "A".
2. All sales of alcoholic beverages are required to be conducted within the confines of the enclosed building.
3. No alcoholic beverage tasting is permitted on the premises unless prior approvals are obtained from the State of California Department of Alcoholic Beverage Control and the City of Seaside, Resource Management Services Department.
4. No exterior signs or other forms of advertising promoting or indicating availability of alcoholic beverage products are permitted.
5. Days and hours of operation are limited to 10:00 a.m. – 12:00 p.m. daily unless otherwise approved by the City of Seaside, Resource Management Services Department.

Building

1. The project shall be operated and constructed in compliance with the 2016 California Building Code.

Fire

1. The project shall be operated and constructed in compliance with the 2016 California Fire Code.

Public Works

1. The project shall be required to install a grease trap at a size as deemed appropriate by the City Engineer for the commercial kitchen and dishwashing functions of the business.

Standard:

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.
2. 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.

3. 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.
4. The proposed project shall comply with the applicable requirements of the Monterey Peninsula Water Management District for the installation of new water fixtures and landscape irrigation equipment.
5. 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.
6. Water conservation fixtures shall be provided in the proposed project.
7. 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.
8. Use permit 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.
9. 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 13th day of September, 2017, by the following vote:

AYES:

NOES:

ABSENT:

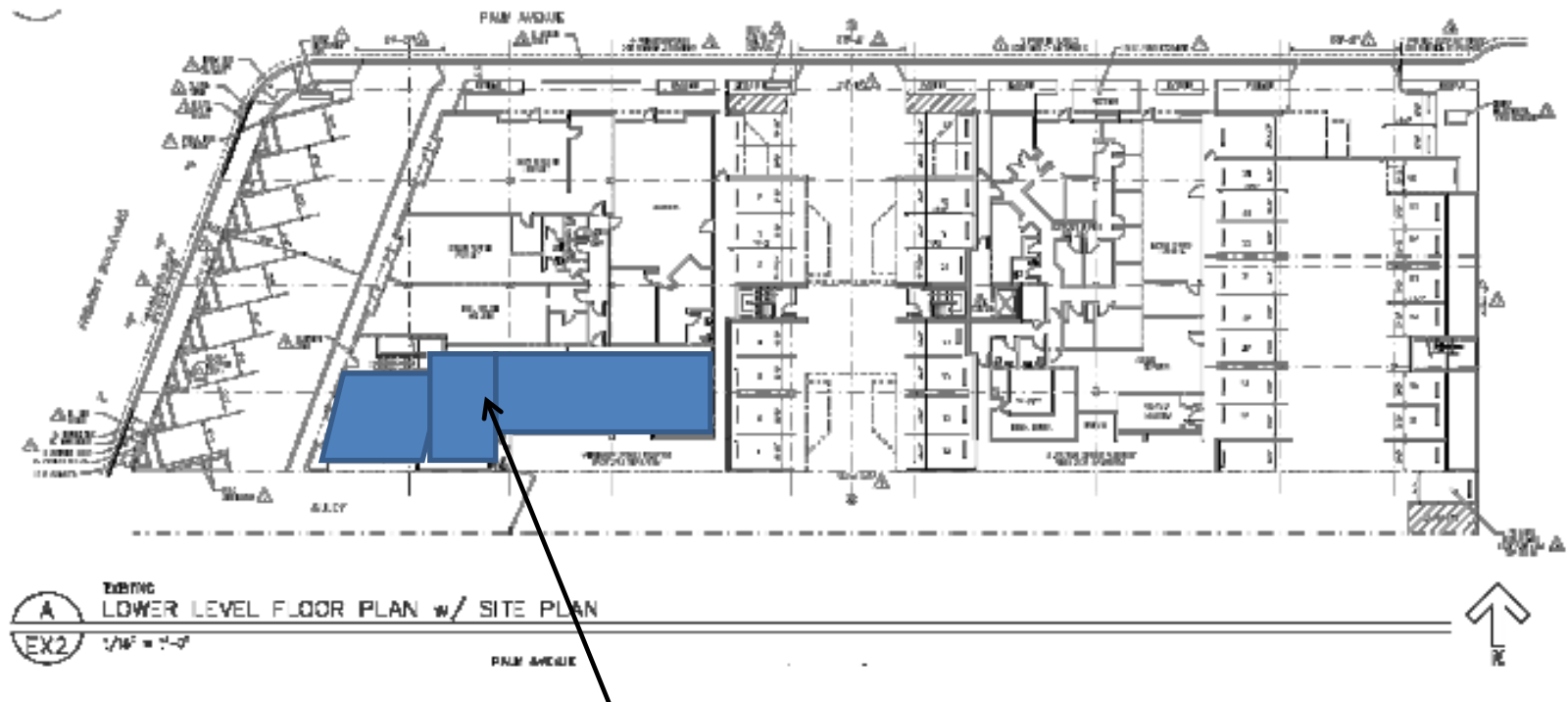
ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

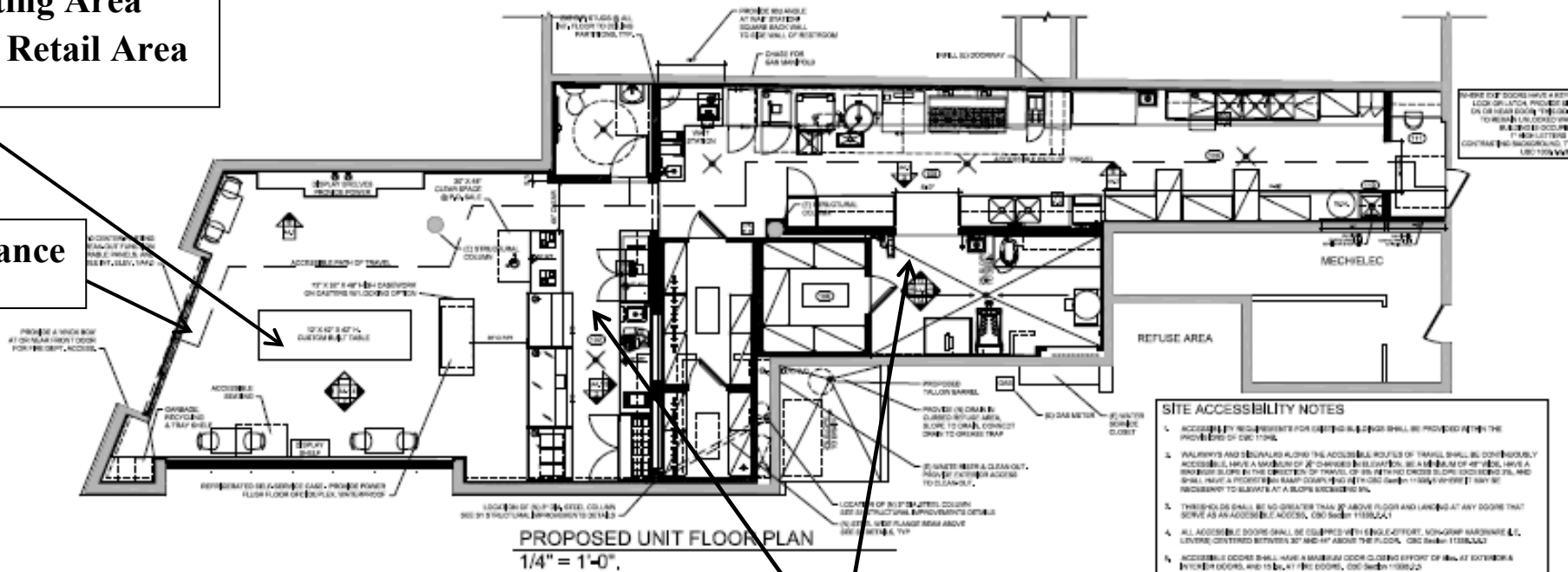
Site Plan



FLOOR PLAN

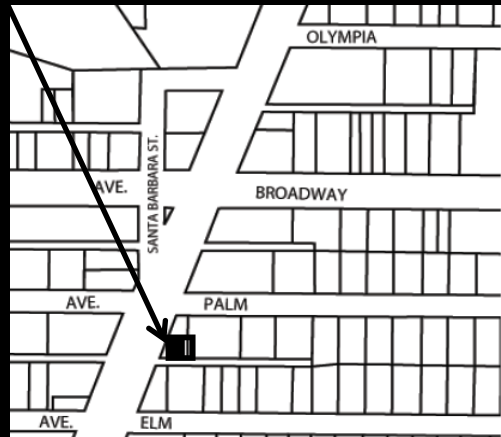
Seating Area
and Retail Area

Front Entrance



Kitchen
Area/Back of
House

MONT



Attachment 3

Site Photos



View tenant space at southwest corner from Fremont Boulevard



View of tenant space from Fremont Boulevard



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.B.

TO: Planning Commission

BY: Rick Medina, Senior Planner

DATE: September 13, 2017

SUBJECT: USE PERMIT APPLICATION No. UP-17-05: ROSARIO TRUST, PROPERTY OWNER, AND RONANSKI FAMILY TRUST, APPLICANT, ARE REQUESTING USE PERMIT APPROVAL FOR THE ESTABLISHMENT OF A COUNTER SERVICE RESTAURANT LOCATED AT 1620 FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT (APN 012-181-031). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(a) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PURPOSE

In accordance with Section 17.14.030.B - Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones), the establishment of a counter service restaurant is subject to the review and approval of a use permit by the Planning Commission.

RECOMMENDATION

City staff recommends approval of the use permit in accordance with the findings, evidence, and conditions of approval listed in the draft Resolution provided as Attachment 1 to the project staff report.

BACKGROUND

The project site is developed with a single commercial building that is occupied with a commercial bakery at the rear of the site and a vacant tenant lease area at the front of the site. The vacant tenant space was formerly occupied with a Herbal Life business service and is accessed from doors at the southwest corner of the building. The commercial bakery is accessed from doors at the rear east elevation. The proposed counter service restaurant will consist of a "Togo's" sandwich shop. The project site is developed with an off-street parking lot to the rear of the site and along the alley frontage, providing a total of 32 parking spaces. The business will be open daily, typically between 10 AM and 9 PM.

The adjoining land uses consist of a commercial retail building to the north, a multi-family apartment building to the east, commercial retail buildings to the south, and commercial retail to the west. Location Map is provided as Attachment 2. Site Photographs are provided as Attachment 3.

Staff Analysis

The tenant space that will be used for the sandwich shop had been used for a sit-down restaurant in 1996. The restaurant was abandoned in the early 2000's and subsequently converted into a Herbal Life service business. The proposed project would restore the restaurant use at this location. The floor plan identifies the kitchen area and dining area. The project site contains 32 parking spaces. The proposed use will require 13 parking spaces. The commercial bakery will require five parking spaces. A surplus of 14 parking spaces will remain.

Findings

Use Permit

In accordance with the requirements of SMCS 17.62.070.F, the Planning Commission is required to make all of the following findings in order to grant approval of the use permit application.

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

Evidence: The property is located in the CC zone district. The project site is located within an existing building with full utilities/grease trap capability, ADA restrooms, and off-street parking.

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

Evidence: The proposed counter service restaurant will consist of a high quality national franchise (Togos) that will serve to encourage regional commercial development and attract visitors. (Land Use Policy LU-1.3)

Evidence: The proposed use will serve to replace an underperforming business service with a national franchise chain to achieve the full utilization of the commercial property in terms of the land use function and the existing water credit available for a restaurant land use. The proposed restaurant will also contribute to the livability and economic viability of the City's jobs housing balance. (Land Use Policy LU-2.1)

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

Evidence: Subject property is developed with an existing kitchen and off-street parking area to fully accommodate the proposed restaurant.

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

Evidence: The property is a level building site located in an urban area that is developed with an existing commercial building. Infrastructure is available for the proposed use.

5. Subject to compliance with the Conditions of Approval, granting the use permit will 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 will encourage the full and efficient use of a partially vacant commercial building to support the City's land use, urban design, and economic General Plan Goals and Policies. The full and efficient use of the subject property is equally important in terms of bringing a significant investment to the core of the Fremont Boulevard corridor and to serve a continuum in the attraction of new businesses and visitors to the City of Seaside.

FISCAL IMPACT

ATTACHMENTS

- 1.
 1. Attachment 1 - Draft Resolution
 2. Attachment 1 - Exhibit A Site Plan
 3. Attachment 1 - Exhibit A Floor Plan
 4. Attachment 2 - Location Map
 5. Attachment 3 - Site Photos
-

RESOLUTION NO. 17-##

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT NO. UP-17-05 TO ALLOW A COUNTER SERVICE RESTAURANT IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT LOCATED AT 1620 FREMONT BOULEVARD (APN 012-181-031).

WHEREAS, Rosario Trus, Property Owner, and Ronanski Family Trust, Applicant, have filed an application for Use Permit approval, to allow for a counter service restaurant in the Community Commercial (CC) Zoning District on property located at 1620 Fremont Boulevard (APN 012-181-031); and,

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 (SMC); and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing held on September 13, 2017; and

WHEREAS, Section 17.14.030.B – Table 2-4 - of the Seaside Zoning Code allows for a counter service restaurant in the CC zoning district subject to use permit approval; and,

WHEREAS, the Planning Commission reviewed the staff report, received and considered oral comments at the public hearing concerning the proposed use and acted to grant approval of Use Permit Application No. 17-05 on September 13, 2017 in accordance with Section 17.62.070 of the SMC; and

WHEREAS, the proposed use is Categorically Exempt Class 1, Section 15301.a from the California Environmental Quality Act (CEQA); therefore,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings approving Use Permit Application No.17-05:

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

Evidence: The property is located in the CC zone district. The project site is located within an existing building with full utilities/grease trap capability, ADA restrooms, and off-street parking.

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

Evidence: The proposed counter service restaurant will consist of a high quality national franchise (Togos) that will serve to encourage regional commercial development and attract visitors. (Land Use Policy LU-1.3)

Evidence: *The proposed use will serve to replace an underperforming business service with a national franchise chain to achieve the full utilization of the commercial property in terms of the land use function and the existing water credit available for a restaurant land use. The proposed restaurant will also contribute to the livability and economic viability of the City's jobs housing balance. (Land use Policy LU-2.1)*

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

Evidence: *Subject property is developed with an existing kitchen and off-street parking area to fully accommodate the proposed restaurant.*

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

Evidence: *The property is a level building site located in an urban area that is developed with an existing commercial building. Infrastructure is available for the proposed use.*

5. Subject to compliance with the Conditions of Approval, granting the use permit will 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 will encourage the full and efficient use of a partially vacant commercial building to support the City's land use, urban design, and economic General Plan Goals and Policies. The full and efficient use of the subject property is equally important in terms of bringing a significant investment to the core of the Fremont Boulevard corridor and to serve a continuum in the attraction of new businesses and visitors to the City of Seaside.*

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Use Permit Application No. 17-05 subject to the following terms and conditions:

Project Specific:

1. Except as modified by required conditions of approval, the permittee shall have the right to operate a counter service restaurant in accordance with the project plans stamped "Received by the City of Seaside August 30, 2017" and approved on September 13, 2017. Project plans are provided as Exhibit "A".
2. All parking areas, driveways, and other paved surfaces, accessways and grounds shall be regularly maintained and kept free of weeds, litter, and debris. All landscaped areas shall be maintained free of weeds, trash and debris, and all plant material shall be continuously maintained in a healthy, growing condition. All exterior building and wall surfaces shall be regularly maintained, and any damage caused by weathering, vandalism, or other factors shall be repaired in conformance with the terms of this permit.

3. All existing damaged and hazardous sidewalks shall be reconstructed to City standards prior to a Certificate of Occupancy.
4. Prior to the issuance of a Certificate of Occupancy, the applicant must receive clearance from the Monterey County Health Department.

Building

1. The project shall be operated and constructed in compliance with the 2016 California Building Code.

Fire

1. The project shall be operated and constructed in compliance with the 2016 California Fire Code.

Public Works

1. The commercial kitchen shall be equipped and connected to a grease trap as deemed appropriate for the estimated quantity of waste water generated by the business as determined by the City Engineer.

Standard:

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.
2. 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.
3. 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.
4. The proposed project shall comply with the applicable requirements of the Monterey Peninsula Water Management District for the installation of new water fixtures and landscape irrigation equipment.
5. 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.

6. Water conservation fixtures shall be provided in the proposed project.
7. 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.
8. Use permit 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.
9. 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 13th day of September, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

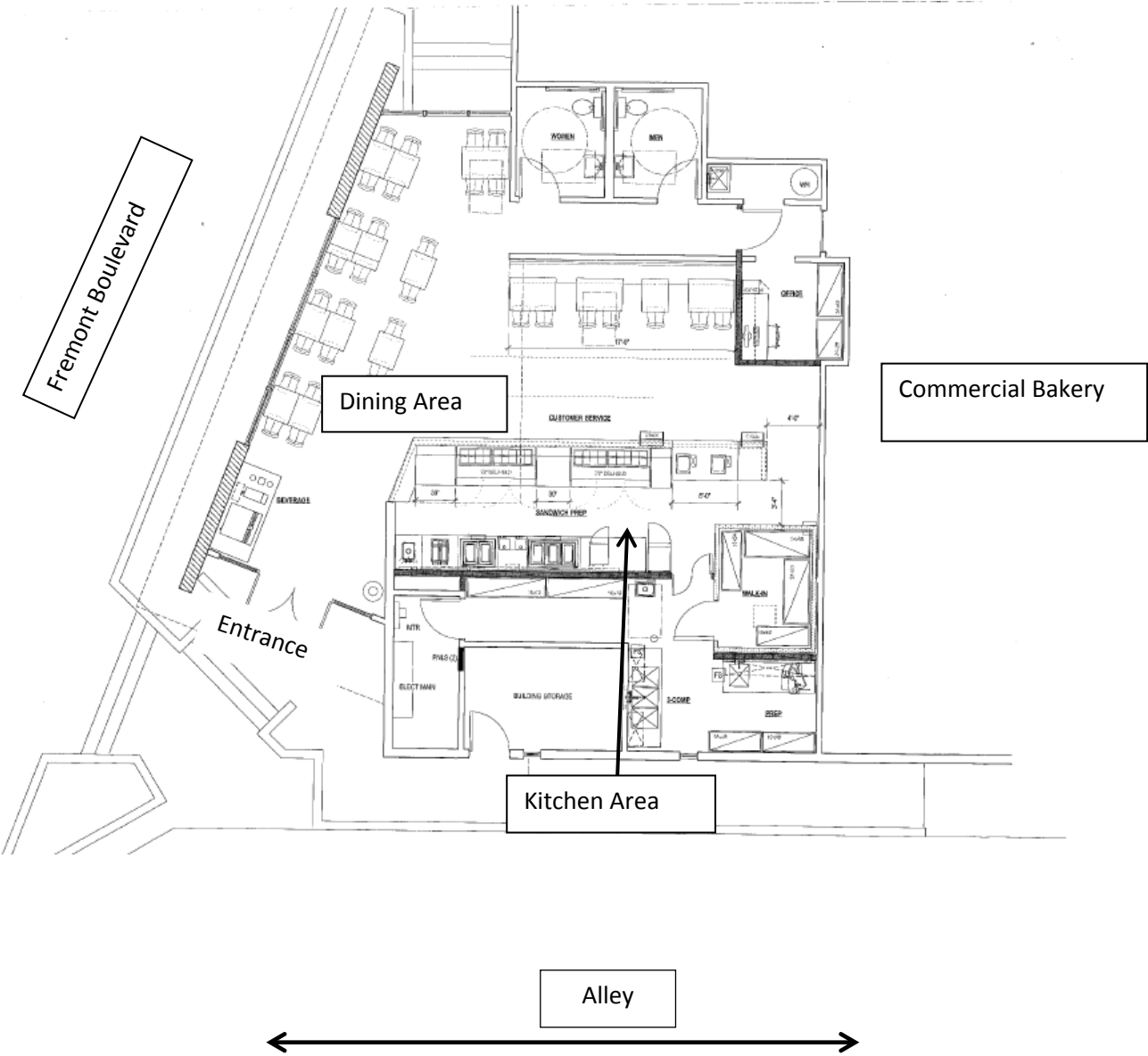
Planning Commission Secretary

Google Maps 1620 Fremont Blvd



Map data ©2017 Google United States 20 ft

Floor Plan



Attachment 3

Site Photos



View of Front Façade from Fremont Boulevard looking East



View of entrance to the store at the southwest corner from Fremont Boulevard

Attachment 3

Site Photos



View of northwest corner of storefront from Fremont Boulevard



View of rear parking lot from Olympia Avenue