



AGENDA

CITY OF SEASIDE
PLANNING COMMISSION

SPECIAL MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, January 17, 2018
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. **REGULAR MEETING MINUTES FOR OCTOBER 25, 2017**

B. **REGULAR MEETING MINUTES FROM NOVEMBER 8, 2017**

6. **BUSINESS ITEMS**

A. ELECTION OF OFFICERS FOR 2018 PLANNING COMMISSION

PURPOSE: As required by the Seaside Municipal Code, the Commission is to nominate and elect officers for the 2018 year.

RECOMMENDATION: For the Planning Commission to elect a Chair and Vice-Chair for the 2018 calendar year.

B. USE PERMIT APPLICATION NO. UP-18-01: GALEN ISHI, PROPERTY OWNER, AND SELENE ROJAS, APPLICANT, ARE REQUESTING THE APPROVAL OF A USE PERMIT TO ALLOW THE ON-SALE OF BEER AND WINE UNDER A TYPE 41 ALCOHOL LICENSE AND SPIRITS UNDER A TYPE 47 ALCOHOL LICENSE FOR A 138-SEAT SIT-DOWN RESTAURANT LOCATED AT 1732 FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301(A), THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW.

PURPOSE: In accordance with Section 17.14.030.B - Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones), the on-sale of alcoholic beverages 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 provided as Attachment 1 to the staff report.

7. REPORTS FROM COMMISSIONERS

8. REPORTS FROM STAFF

9. ADJOURNMENT

Next Regularly Scheduled Meeting:
January 24, 2018

Seaside City Hall
7:00p.m.

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.



FINAL MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER

Wednesday, October 25, 2017
7:00 PM

1. **CALL TO ORDER**

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

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

PLANNING COMMISSION

PRESENT: Owens, Ross, Spalletta, Oglesby

ABSENT: Lechman, Dodson, La Mica

3. **REVIEW OF AGENDA**

None.

4. **PUBLIC COMMENT**

None.

5. **APPROVAL OF MINUTES**

A. **APPROVAL OF THE MINUTES FROM SEPTEMBER 27, 2017 AND OCTOBER 11, 2017.**

On motion by Commissioner Ross, seconded by Commissioner Spalletta, and all in favor, the minutes from the September 27, 2017 meeting were approved.

On motion by Commissioner Oglesby, seconded by Chair Owens, and all in favor, the minutes from the October 11, 2017 meeting were approved.

6. **BUSINESS ITEMS**

A. **FENCE EXCEPTION APPLICATION No. FE-17-01: BRETT NIELSEN, PROPERTY OWNER AND APPLICANT, IS REQUESTING A FENCE EXCEPTION TO ALL FOR THE CONSTRUCTION OF A FIVE-FOOT FOUR-INCH FENCE WITHIN THE REQUIRED 15-FOOT FRONT YARD SETBACK AND 15-FOOT BY 15-FOOT DRIVEWAY LINE OF SITE WHICH EXCEEDS THE MAXIMUM HEIGHT OF FOUR FEET. THE PROJECT SITE IS LOCATED AT 1808 FLORES STREET IN THE RS-12 ZONING DISTRICT (APN 012-792-002).**

**THE PROJECT IS CATEGORIALLY EXEMPT CLASS 3, SECTION 15303(e)
FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

Mr. Medina presented the property location and details of the fence in question. The north side of Flores on which this property is located, is above the grade of the street and is the reason why the fence does not meet height requirements. The residents attempted to build a fence tall enough to retain the sand and dirt on their lot from shifting and moving. Mr. Medina presented the PowerPoint which included a visual diagram of the dimensions of the fence and a comparison of what existed before. Mr. Medina concluded by explaining findings in support of the exception, some of which included, neighborhood compatibility, distance from the major intersections and the ability to post a mirror to allow for more visibility of a vehicle pulling out for pedestrians. He did note that if the board wanted to deny the request a new draft resolution would need to be brought back to the next Planning Commission regular meeting to be adopted.

Chair Owens asked Mr. Medina if a permit would have been issued to this applicant had they come to the city before building it. Mr. Medina answered no, a permit would not have been issued if it was shown to be over 4 feet on a site plan. He then invited the applicant to address the commission. Applicant explained that his elevated lot does not allow for a 4 foot fence and that the zoning code needs to be changed for such lots in Seaside. He then told the commission when he purchased the home in 1995 that he obtained permits for the side and rear fences but didn't have the money at the time for front. Chair Owens asked the applicant why he did not obtain a permit for the front fence when he had previously obtained a permit for the other fences on his property. The applicant did not have an answer and returned to his seat. Chair Owens then opened the discussion to the public. There was no public comment and he brought it back to the commission.

Chair Owens expressed his understanding of the applicant's situation as he lives on a similar elevated lot in Seaside. He asked Mr. Medina what the previous zoning code stated about where the measurement was to be taken for fence heights. Mr. Medina cited the switch in the 2006 zoning code which changed the grade from the highest to the lowest point to measure from. Mr. Medina reiterated that if the commission would consider the topography of this lot it may help explain the construction of the fence height.

Commissioner Ogelsby pointed out that the applicant is asking for an exception to the code which in and of itself acknowledges that it does not comply with the code. He then stated he was in favor of moving this request along. Chair Owens reiterated that the applicant knew he needed a permit but didn't get one for the front and he would like the code upheld. The applicant spoke up and Chair Owens allowed them to approach the commission. The applicant's wife explained that because they were not changing the height they did not think they needed a permit and expressed the hardship of cost this would put on them if they had to cut it down due to the material used to construct it. Chair Owens closed applicant comment and brought it back to the commission.

Chair Owens expressed his decision to deny this request based on the fact the Planning Commission spends a lot of time constructing code and if he voted to go against the code it would be as if their work was for naught. He empathized with their situation but reiterated that there are codes and laws that are required to be followed and upheld. He asked for a motion.

Commissioner Ross made a motion to deny the fence exception and Commissioner Spalletta seconded. Mr. Medina asked for some statements to be made on the record to support findings to deny the request. Commissioner Ross stated that the fence is not compatible with the neighborhood and Chair Owens stated that the fence is outside the code and does not fit with the neighborhood.

Commissioner Oglesby clarified this item will be brought back at the next meeting to be voted on. If the applicant does not agree with the vote, they may then appeal to the City Council.

Chair Owens moved on to the next item.

B. STUDY SESSION TO REVIEW THE FOLLOWING TOPICS WITH THE PLANNING COMMISSION:

1. BROWN ACT

2. ETHICS

3. PLANNING COMMISSION REVIEW AUTHORITY

4. SEASIDE VISION AND MISSION STATEMENT

5. SEASIDE STRATEGIC PLAN AND PLANNING COMMISSION

6. BOARDS COMMISSIONS AND COMMITTEES HANDBOOK

7. PLANNING COMMISSION WORK PLAN

Gloria Stearns gave a PowerPoint presentation to the Planning Commission.

Chair Owens asked about the Broadway timeline and shared his opinion of the support that should have been given to the businesses. Ms. Stearns shared the various ways the city has been communicating with businesses and promoting the Broadway businesses to the public. Commissioner Ross shared her thoughts on tourists passing through Seaside due to all the construction and wants Seaside to be a more than it is now. Ms. Stearns shared her enthusiasm for Seaside to be a destination and assured the commission that plans are in the work to keep us unique while maintaining our culture.

Ms. Stearns continued her presentation. Commissioner Spalletta asked how the commission could be better updated on things going on in the city. Ms. Stearns suggested to read the City Council agendas to have an idea of what could come down to the commission. A point was made that short term rentals would be a topic heard by the commission and then the presentation continued. The commission will be provided a Commissions and Committee handbook which outlines work plans. It was recommended to have a work plan in order to have a clear direction as to what the Commission would like to accomplish.

Chair Owens expressed his frustration with granting variances when the code is meant to be upheld regardless of the lack of knowledge that a code existed. Ms. Stearns reassured him that the majority of people do comply and it is within the purview of the Planning Commission to hear cases of exceptions. The presentation concluded.

7. REPORTS FROM COMMISSIONERS

Chair Owens would like staff to check on a few fences they believe are too high. Locations to be discussed after the meeting.

8. REPORTS FROM STAFF

Mr. Medina reminded the commission of a Joint Meeting with City Council and Board of Architectural Review regarding Cutino Park at the Oldemeyer Center at 7:00pm.

9. ADJOURNMENT

Meeting was adjourned through the chair at 8:24pm.

Respectfully submitted,

Kristen Rice,
Sr. Administrative Assistant

John Owens, Chair



FINAL MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER

Wednesday, November 8, 2017
7:00 PM

1. **CALL TO ORDER**

Acting Chair, Commissioner Ogelsby, called the meeting to order at 7:00pm.

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

PLANNING COMMISSION

PRESENT: Ross, La Mica, Spalletta, Ogelsby

ABSENT: Owens, Leachman, Dodson,

3. **REVIEW OF AGENDA**

None.

4. **PUBLIC COMMENT**

None.

5. **APPROVAL OF MINUTES**

None.

6. **BUSINESS ITEMS**

- A. **FENCE EXCEPTION APPLICATION NO. FE-17-01: BRETT NIELSEN, PROPERTY OWNER, IS REQUESTING A FENCE EXCEPTION TO ALLOW A FIVE-FOOT THREE-INCH FENCE WITHIN THE REQUIRED 15-FOOT FRONT YARD SETBACK LOCATED AT 1808 FLORES STREET IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN# 012-792-002) CONTINUED FROM THE OCTOBER 25, 2017 PLANNING COMMISSION MEETING.**

Mr. Medina opened up with reference to the previous regular meeting's motion of intent to deny the application for a fence exception and referred the Commission to the new draft resolution which contained the findings and evidence to support that decision. Acting Chair, Commissioner Oglesby, offered the applicant an opportunity to speak on the record regarding his denial. The applicant asked for a moment to gather his thoughts. During that time, Commissioner Oglesby asked Mr. Medina about the new evidence and findings which were now presented to the Commission with unfavorable findings. Mr. Medina explained each new finding as it related to the direction he was given from the previous meeting.

The applicant approached the Commission to speak. He believed the fence and his property met the requirements to allow the fence exception, which as he stated, was the only reason he applied. He returned to his seat.

Commissioner Oglesby asked for a motion. On motion by Commissioner Ross, seconded by Commissioner Spalletta the Planning Commission adopted the resolution in a vote 3 to 1 as follows:

AYES: Ross, Spalletta

ABSTAIN: La Mica

Nay: Oglesby

Commissioner Oglesby then informed the applicant of his right to appeal the decision to the City Council.

7. REPORTS FROM COMMISSIONERS

Commissioner Ross asked how a citizen would go about making a street a one way street. Mr. Medina stated that process is handled by submitting a requests to the Traffic Advisory Committee.

Commissioner La Mica announced the Veteran's Service put on by the American Legion on the City Hall lawn at 10:30am on Saturday November 11, 2017.

Commissioner Ross announced a business on Broadway told her they were going to close their business.

Commissioner Oglesby asked if the Cutino Park project would be heard at the Planning Commission other than the joint session they heard it at with the Board of Architectural Review and the City Council. Mr. Medina stated only if the project triggers CEQA and other environmental factors that need reviewing then the project would come to the Planning Commission. Commissioner Oglesby reported a concern regarding noise levels from the proposed skate park.

8. REPORTS FROM STAFF

Mr. Medina reminded the Commissioners of a Special Meeting to review Cannabis applications. Commissioner Oglesby asked for staff to keep the commission updated regarding the finalized time.

9. ADJOURNMENT

On motion by Commissioner La Mica, seconded by Commissioner Spalletta, the meeting was adjourned at 7: 25pm.

Respectfully submitted,

Kristen Rice, Secretary

John Owens, Chair



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.B.

TO: Planning Commission

BY: Gloria Stearns, Economic Development Manager

DATE: January 17, 2018

SUBJECT: **USE PERMIT APPLICATION NO. UP-18-01: GALEN ISHI, PROPERTY OWNER, AND SELENE ROJAS, APPLICANT, ARE REQUESTING THE APPROVAL OF A USE PERMIT TO ALLOW THE ON-SALE OF BEER AND WINE UNDER A TYPE 41 ALCOHOL LICENSE AND SPIRITS UNDER A TYPE 47 ALCOHOL LICENSE FOR A 138-SEAT SIT-DOWN RESTAURANT LOCATED AT 1732 FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301(A), THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW.**

PURPOSE

In accordance with Section 17.14.030.B - Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones), the on-sale of alcoholic beverages 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 provided as Attachment 1 to the staff report.

BACKGROUND

The project site is developed with a Two-Story 9,887 square-foot commercial building consisting of a 138 seat sit-down restaurant on the first floor and six professional offices on the second floor. Off-street parking consists of 41 parking spaces for the commercial tenants at the east end of the site that is accessed from a driveway off Birch Street. The adjacent land uses consist of a Starbucks Coffee Shop to the north, an auto parts store/grocery store to the south, multi-family residential structures to the east, and a mixed use building to the west. Location map is provided as Attachment 2 and Site Photos are provided as Attachment 3.

Project Description

The proposed project will consist of changing the restaurant tenant from a Chinese Restaurant to a Mexican Restaurant. No changes will occur to the seating arrangement and interior layout of the restaurant or the exterior façade/parking lot. Only change to the business operation will be to add the on-sale of alcoholic beverages consisting of beer, wine and spirits. The restaurant will be open daily, 6 AM to 10 PM Monday thru Friday and 10 AM to 10 PM Saturday and Sunday. The on-sale of alcoholic beverages will be limited to being served at the dining room tables. The bar designated on the floor plan near the front entrance foyer will be used by staff only for the preparation of alcoholic beverages. The restaurant will not include a bar area for patrons.

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 on-sale alcoholic beverage sales will consist of an ancillary sale for the restaurant and is considered to be an acceptable and customary use for a sit down restaurant, 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 on-sale of sale of beer, wine, and/or spirits will occur in conjunction with a sit down restaurant. City staff finds that the on-sale of alcoholic beverages will consist of an ancillary sale in relation to the bona fide meals being sold.

Public Convenience or Necessity

The proposed restaurant is located in Census Tract 137. 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. Based on the ratio of off-sale retail alcohol licenses per total population in all of Monterey County, the maximum concentration of on-sale alcohol licenses is 9 in this census tract before licenses are considered "overconcentrated." 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; the determination of a PCN 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. By making a determination of Public Convenience or Necessity (PCN) for the establishment of an additional on-sale alcohol license as part of the business operation for the sit down restaurant, the City acknowledges and supports the applicants request for a Type 41 and Type 47 on-sale retail alcohol license from the ABC despite the Tract's "overconcentration" of alcohol-outlet licenses because it is an ancillary use to the primary restaurant use and does not pose any risk to the general health, safety, and welfare of the community.

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. "Undue concentration" is determined by the number of licenses in relation to the population within a geographic area.

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 on-sale of beer, wine and spirits for the proposed restaurant will help to contribute to the livability and economic viability of the community by supporting and introducing a new restaurant that will attract visitors to Seaside and provide the residents of the with a high quality 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 on-sale of alcoholic beverages in conjunction with a sit down restaurant is compatible with the commercial character of the commercial thoroughfare on Fremont Boulevard and the surrounding residential neighborhood to the east.

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 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 on-sale of alcoholic beverages in conjunction with a sit down restaurant will not result in a detrimental impact on the property or in the vicinity of the property because the volume of alcohol being sold as part of the meals being sold will ensure that the on-sale of alcoholic beverages will remain as an ancillary sale to the restaurant.

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 heavily developed, urbanized commercial area and is compatible with existing and planned land uses.

3. The on-sale of alcoholic beverage sales will be limited to being sold with meals which clearly demonstrates that the on-sale alcoholic beverages will remain as an ancillary retail sale of the restaurant and avoid a bar/cocktail lounge atmosphere.

4. The establishment of a full service sit down restaurant supports the City's efforts to improve its commercial thoroughfares and its economic development goals. The on-sale of alcoholic beverages is a typical component of a sit down restaurant and the proposed restaurant is essential to the City's efforts to develop an urban streetscape as well as provide its residents and visitors with a quality food alternative to a fast-food and/or casual food use.

FISCAL IMPACT

No fiscal impact with the project.

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

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 18-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT NO. UP-18-01 TO ALLOW ON-SALE OF ALCOHOLIC BEVERAGES TO INCLUDE BEER, WINE AND SPIRITS IN CONJUNCTION WITH A 138-SEAT SIT DOWN RESTAURANT IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT LOCATED AT 11732 FREMONT BOULEVARD (APN 012-072-045).

WHEREAS, Galen Ishi,. Property Owner, and Selene Rojas, Applicant, have filed an application for Use Permit approval, to allow for the on-sale beer and wine under a Type 41 Alcohol License and the on-sale of spirits under a Type 47 Alcohol License issued by the State Department of Alcohol Beverage Control in conjunction with a 138-seat sit down restaurant located in the Community Commercial (CC) Zoning District on property located at 1732 Fremont Boulevard (APN 012-072-045); and,

WHEREAS, Section 17.14.030.B 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 January 17, 2018; 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. 18-01 on January 17, 2018 in accordance with Section 17.62.030 of the Seaside Municipal Code; 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.18-01:

USE PERMIT FINDINGS

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 on-sale of Alcoholic beverages are permitted in the CC zoning 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 on-sale of beer, wine and spirits for the proposed restaurant will help to contribute to the livability and economic viability of the community by supporting and introducing a new restaurant that will attract visitors to Seaside and provide the residents of the with a high quality 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 on-sale of alcoholic beverages in conjunction with a sit down restaurant is compatible with the commercial character of the commercial thoroughfare on Fremont Boulevard and the surrounding residential neighborhood to the east.

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 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 on-sale of alcoholic beverages in conjunction with a sit down restaurant will not result in a detrimental impact on the property or in the vicinity of the property because the volume of alcohol being sold as part of the meals being sold will ensure that the on-sale of alcoholic beverages will remain as an ancillary sale to the restaurant.

FINDINGS FOR PUBLIC CONVENIENCE OR NECESSITY

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 heavily developed, urbanized commercial area and is compatible with existing and planned land uses.
3. The on-sale of alcoholic beverage sales will be limited to being sold with meals which clearly demonstrates that the on-sale alcoholic beverages will remain as an ancillary retail sale of the restaurant and avoid a bar/cocktail lounge atmosphere.
4. The establishment of a full service sit down restaurant supports the City's efforts to improve its commercial thoroughfares and its economic development goals. The on-sale of alcoholic beverages is a typical component of a sit down restaurant and the proposed restaurant is

essential to the City's efforts to develop an urban streetscape as well as provide its residents and visitors with a quality food alternative to a fast-food and/or casual food use.

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Use Permit Application No. 18-01 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 January 12, 2018" provided as Exhibit "A".
2. All sales of alcoholic beverages are required to be conducted within the confines of the enclosed building and enclosed exterior patio.
3. No exterior signs or other forms of advertising promoting or indicating availability of alcoholic beverage products are permitted.
4. Days and hours of operation are limited to 6:00 a.m. – 10:00 p.m. Monday thru Friday and 10 a.m. to 10 p.m. Saturday and Sunday, unless otherwise approved by the City of Seaside, Resource Management Services Department.

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 dining room seats.

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 special meeting of the Planning Commission of the City of Seaside, State of California, on the 17th day of January, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

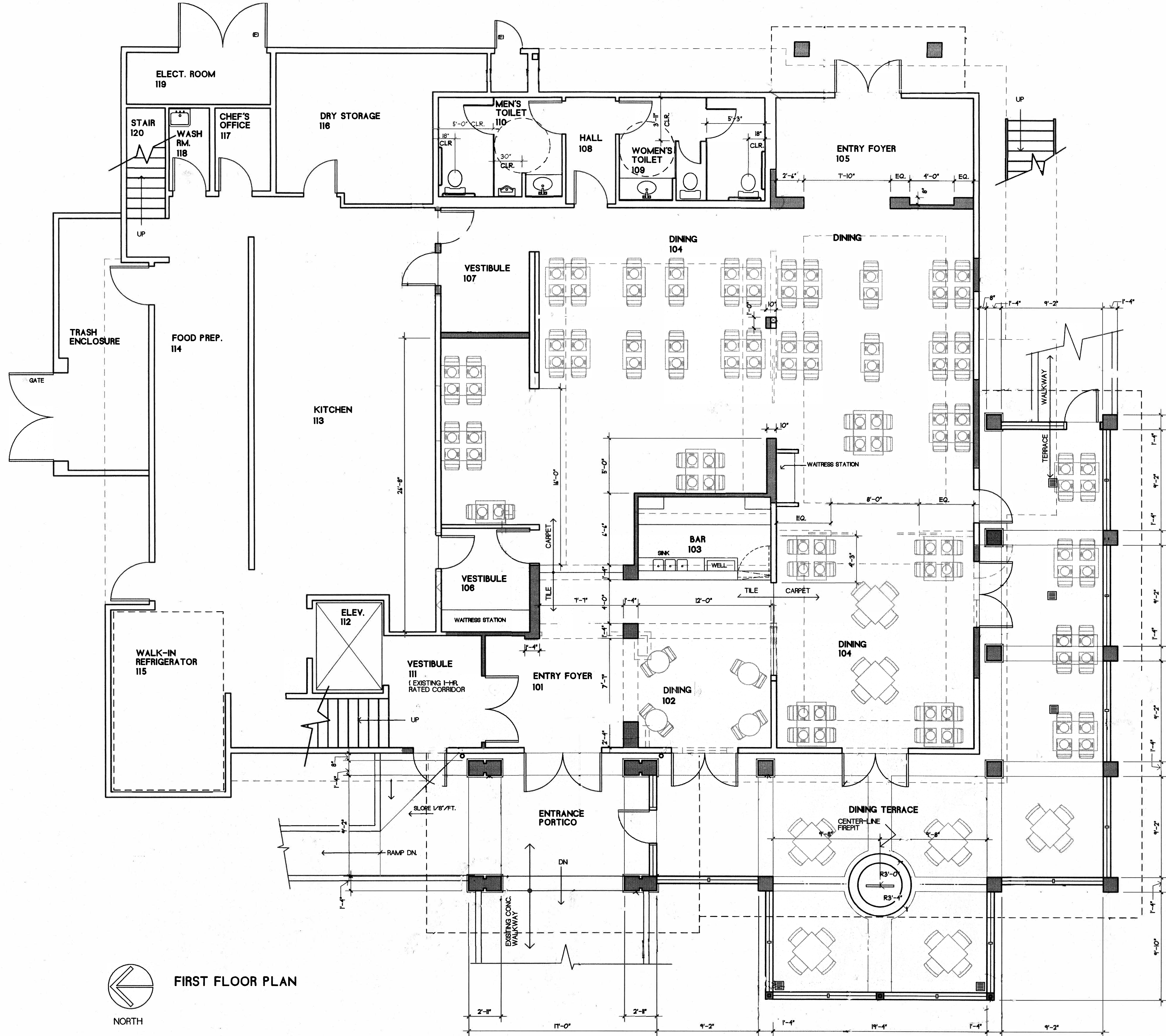
John Owens, Chairperson

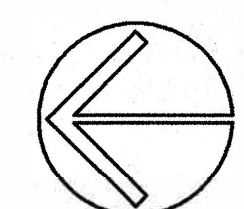
ATTEST:

Planning Commission Secretary

Site Plan






NORTH
FIRST FLOOR PLAN

**FLETCHER+
HARDON**
ARCHITECTS

789 PACIFIC STREET • MONTEREY, CALIFORNIA 93940
TEL 408 • 373 • 5855 • FAX 408 • 373 • 5859

PROJECT:

**LAS MARIE'S BAR
AND GRILL**

1732 FREMONT BLVD.
SEASIDE CALIFORNIA

PROJECT NO:

OWNER:

GALEN ISHII
1732 FREMONT BLVD.
SUITE 200A
SEASIDE, CA 93955

SHEET TITLE:

FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

DRAWN BY: P.H.

PRINT DATE:

DRAWING DATE: JAN 11 2018

DATE ISSUED FOR CONSTRUCTION:

REVISIONS:

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SEATING: 138 SEATS TOTAL

SHEET NUMBER:

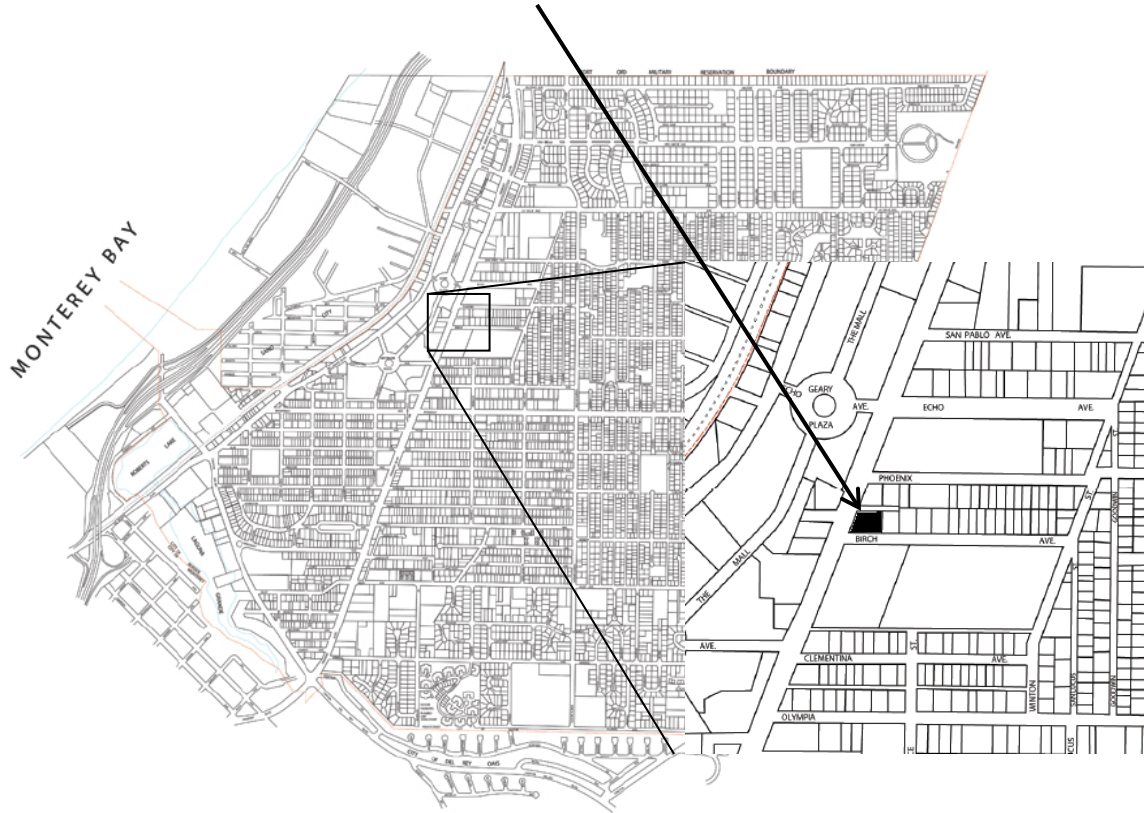
A1

SHEET ____ OF ____ SHEETS

Attachment 2

Location Map

Site Location: 1732 Fremont Boulevard



Attachment 3

Site Photographs



View of Front Façade from Fremont Boulevard



View of Street Side elevation from Birch Street



View of rear elevation and Parking Lot