



AGENDA

CITY OF SEASIDE
ZONING
ADMINISTRATION

JOINT SPECIAL MEETING
Council Chamber
440 Harcourt Avenue
Monday, January 22, 2018
5:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC COMMENT**

4. **APPROVAL OF MINUTES**

5. **BUSINESS ITEMS**

- A. **MINOR USE PERMIT APPLICATION NO. MUP-17-16: NELSON VEGA, PROPERTY OWNER AND APPLICANT, IS PROPOSING TO CONVERT THE SECOND FLOOR OFFICES OF AN EXISTING TWO-STORY COMMERCIAL BUILDING INTO SEVEN RESIDENTIAL MULTI-FAMILY DWELLING UNITS TO ESTABLISH A MIXED-USE COMMERCIAL BUILDING LOCATED AT 1104 BROADWAY AVENUE (APN# 012-195-069) IN THE CMX (COMMERCIAL MIXED USE) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE: In accordance with Section 17.14.30.B – Table 2-4 (Allowed Land Uses and Permit Requirements in Commercial Zones), the applicant is seeking a Minor Use Permit to allow for the conversion of seven offices on the second floor of an existing two-story commercial building into seven apartment units to establish a mixed-use building at 1104 Broadway Avenue.

RECOMMENDATION: Staff recommends this item be continued to Monday, January 29, 2018 at 5pm in order to consider a revised floor plan.

- B. MINOR USE PERMIT APPLICATION NO. MUP-17-10: MANUAL RODRIGUEZ, PROPERTY OWNER, AND PEDRO SAUCEDO, APPLICANT, ARE PROPOSING TO CONDUCT OUTDOOR COOKING IN FRONT OF AN EXISTING SIT-DOWN RESTAURANT LOCATED AT 1184 LA SALLE AVENUE (APN# 012-051-016) IN THE COMMERCIAL MIXED USE (CMX) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE: In accordance with Section 17.52.190.D.3, the applicant is seeking a Minor Use Permit to allow a mobile outdoor grill/food preparation unit in front of the Mariscos El Pilar De Nayarit restaurant located at 1184 La Salle Avenue.

RECOMMENDATION: City staff recommends approval of the placement of the outdoor cooking area in front of the restaurant located at 1184 La Salle Avenue subject to the findings, evidence, and Conditions of Approval provided as Attachment 1.

- C. MINOR USE PERMIT APPLICATION NO. MUP-17-14: KAY BIRTOLA, PROPERTY OWNER, AND ANDREW GOGLIUCCI, ARE REQUESTING MINOR USE PERMIT APPROVAL FOR A CANNABIS MANUFACTURING LICENSE TO INCLUDE THE TRANSPORTATION, DISTRIBUTION AND ASSEMBLY OF THE CANNABIS ITEMS BEING MANUFACTURED ON-SITE LOCATED AT 755 BROADWAY AVENUE IN THE MX (MIXED USE) ZONING DISTRICT (APN# 011-558-006). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.**

PURPOSE: In accordance with Chapter 19 of the Seaside Municipal Code, a license to allow for the manufacturing and transportation/distribution/assembly of cannabis as a commercial cannabis business is subject to the issuance of a Minor Use Permit issued by the Zoning Administrator.

RECOMMENDATION: It is recommended that the Zoning Administrator grant the Minor Use Permit in accordance with the Draft Resolution provided as Attachment 1 to the staff report.

6. ADJOURNMENT

Next Regularly Scheduled Meeting:
Joint Special
TBD

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&noplaylistskin=1&width=400&height=300>

Videos of past meetings are available on demand through the City's website: <http://www.ci.seaside.ca.us>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.

**ZONING ADMINISTRATOR
RESOLUTION NO. ZA-18-XX**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING MINOR USE PERMIT APPLICATION NO. MUP-17-10 TO ALLOW A MOBILE OUTDOOR GRILL/FOOD PREPARATION UNIT AT THE MARISCOS EL PILAR DE NAYARIT RESTAURANT IN THE CMX (COMMERCIAL MIXED USE) ZONING DISTRICT LOCATED AT 1184 LA SALLE AVENUE, SEASIDE, CALIFORNIA.

WHEREAS, Manual Rodriguez, property owner, and Pedro Saucedo, applicant, have applied for a Minor Use Permit for the purpose of allowing the placement and operation of a mobile outdoor grill/food preparation unit on the site of the Mariscos El Pilar De Nayarit restaurant located at 1184 La Salle Avenue; and

WHEREAS, the proposed project requires approval by the Zoning Administrator, and it is the responsibility of the Zoning Administrator to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Zoning Administrator considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing that the Zoning Administrator held on January 22, 2018; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator adopts the following findings for Minor Use Permit Application No.MUP-17-10:

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

Evidence: The proposed project would permit the placement and operation of an outdoor grill/food preparation unit in front of the existing Mariscos El Pilar De Nayarit restaurant for the purpose of cooking food outside to be sold within the existing restaurant. The existing restaurant is a primary permitted use in the CMX (Commercial Mixed Use) zoning district. The proposed project would be an ancillary use to the existing restaurant. The proposed project does not conflict with any applicable provisions of the Zoning Ordinance or Municipal Code; furthermore conditions of project approval will be required to ensure that the project remains in compliance with all City, County, and State requirements.

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

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

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

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

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

Evidence: The site is currently served by all necessary municipal services and utilities. The front landscaped area of the site contains adequate underutilized space where the proposed project could be accommodated, making the site suitable for the proposed use. No on-site parking will be altered.

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

Evidence: Although the project would involve combustible materials and an open grill to prepare food, the proposed project would be separated from the nearest adjacent buildings by landscaping and paved surfaces. The project as approved and conditioned would ensure that the health, safety, and welfare of the public are protected.

BE IT FURTHER RESOLVED, the Zoning Administrator hereby grants Minor Use Permit Application No. MUP-17-10 subject to the following terms and agreements:

Building:

1. The mobile grill/food preparation unit shall be located no closer than 10 feet from a property line.
2. Grill/food preparation area to be used for “authorized staff” only and not open to the public.
3. Applicant must submit proof of Fire Department approval for review and approval by the Building Official.
4. The applicant shall obtain and submit to the Building Official a Certificate of Compliance from the Monterey County Health Department.

Monterey County Health Department:

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

Public Works

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

Fire Department

1. Compliance shall be maintained with all requirements of the Seaside Fire Department.

Standard:

1. Except as modified by the conditions of approval, plans submitted for Minor Use Permit application must be in compliance with the plans stamped "Received City of Seaside November 22, 2017, Community Development Department" provided as Attachment 1 to these Conditions.
2. Minor Use Permit approval is subject to revocation procedures contained in S.M.C. Section 17.69.060 in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
3. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
4. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).

5. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within 15 days from the date of its approval.
6. Project approval will become null and void if a building permit is not obtained within one (1) year from the date of approval to begin construction on the project.
7. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.
8. The storm water runoff created by the new construction (also including additions, driveways, and walkways, etc.) shall be contained on site through the use of rain gutters, detention basins, cisterns, drainage fields, dispersion trenches or comparable methods. The proposed design details and calculations shall be included on a dedicated sheet to be submitted with the building permit plans and shall be designed for 100-year storm event. Sample details are available at the Resources Management Services, located at City Hall, 440 Harcourt Avenue in Seaside (831) 899-6825. Maintenance of the storm water retention system shall be by the owner(s).
9. Should the applicant decide to use the City Standard “S-480” Dispersion Trench, the Standard should be completed and the length and width of the required Dispersion Trench shall be filled in and the Standard sticky backed or stapled onto the building plans. Denote the trench location on the plans keeping 10’ clear to any structure or property line. Maintenance of the storm water retention system shall be by the owner(s).

PASSED AND ADOPTED by the Zoning Administrator of the City of Seaside, State of California, on the 22nd of January, 2018.

Rick Medina

Zoning Administrator

MINOR USE PERMIT APPLICATION NO. MUP-17-10

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the applicant and property owner(s).

The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Zoning Administrator.

Applicant's Signature

Date

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

Date

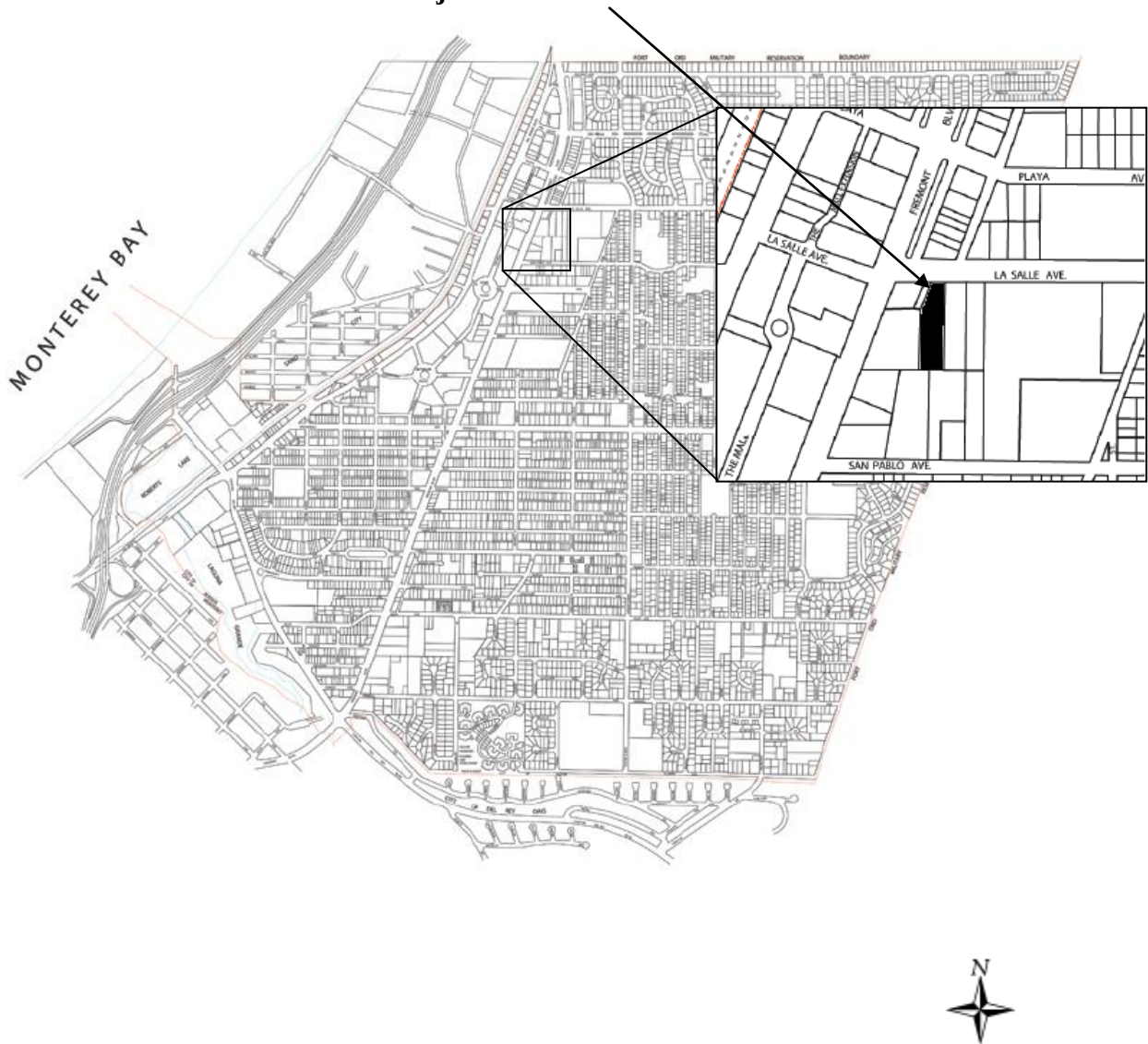
SITE PLAN

1184 La Salle Ave.



Location Map

Project Site: 1184 La Salle



SITE PHOTOGRAPHS

1184 La Salle Avenue



View of front of restaurant from La Salle Avenue



View of front of restaurant from driveway approach

RESOLUTION NO. 18-XX

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A MINOR USE PERMIT TO ALLOW A MANUFACTURE CANNABIS FACILITY WITH TRANSPORTATION/DISTRIBUTION/ASEMBLY LOCATED AT 755 BROADWAY AVENUE (APN# 011-558-006) IN THE MX (MIXED USE) ZONING DISTRICT.

WHEREAS, Kay Birtola, property owner and Andrew Gogliucci, applicant, have applied for a Minor Use Permit for:

- A. The establishment of a Manufacture Cannabis facility with Transportation/Distribution/Assembly.

WHEREAS, the proposed project requires discretionary approval, and it is the responsibility of the Zoning Administrator to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Zoning Administrator considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing at a special public meeting held on January 22, 2018; and

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

- a) The proposed development will consist of converting an existing commercial building into a cannabis manufacture facility which will not require any exterior alteration to the site or change in intensity of the site without creating any significant environmental impact on the community and neighboring properties.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator adopts the following findings for Minor Use Permit Application No. MUP-17-14:

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

Evidence: This project is located within the MX Zoning District in which a Cannabis Manufacture facility may be established with minor use permit approval subject to the manufacture facility being located on the back half of the building.

Evidence: The applicant will provide sufficient security measures to both deter and prevent unauthorized entrance into the facility and eliminate any unauthorized loitering inside and outside of the facility.

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

Seaside General Plan Conformance

Evidence: *The site is designated as by the 2004 Seaside General Plan. Per the General Plan Land Use Element, the site is designated as West Broadway Urban Village Specific Plan. The following Goals and Policies would apply:*

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

Land Use Element Policy LU-1.1: The proposed use would serve to implement and diversify the land uses within the West Broadway Urban Village Specific Plan and improve the City's job housing balance.

Land Use Element Policy LU-1.2: The proposed use will serve to provide additional jobs to improve the City's job housing balance.

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

Land Use Element Policy LU-1.3: The cannabis manufacture facility will serve to establish a regional commodity within the City of Seaside that will provide a substantial investment within the community that will serve to improve the character of the West Broadway Specific Plan area and attract customers both from the Monterrey Bay area and tourists.

Land Use Element Goal LU-2: Revitalize existing commercial areas

Element Policy –LU-2.1: The proposed project will serve to revitalize an existing commercial area of the community that is targeted as a specific plan area to provide new jobs and services as the downtown core of the community.

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

Evidence: *The proposed Cannabis Manufacture facility will meet the economic and jobs/housing needs of the community consistent with the West Broadway Urban Village Specific Plan and improve the overall business character with the infusion of new façade treatments and monetary investment in the infrastructure of the site.*

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

Evidence: *The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project. The proposed conversion of a retail commercial building to a Cannabis Manufacture facility with interior changes and exterior façade changes conforms to Land Use Element of the Seaside General Plan.*

- 5) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

Evidence: *The site is designated as Mixed Use in the West Broadway Urban Village Specific Plan. The proposed Cannabis Manufacture facility will provide for a community facility that is safe and attractive for a Cannabis land use.*

Evidence: *The proposed conversion of a commercial retail building to a Cannabis Manufacture facility would not be detrimental to the public health, safety and general welfare of the people of the City and surrounding neighborhood, because the proposed use is located on an in-fill site and would help maintain a compact city form consistent with the scale and character of the surrounding commercial neighborhood*

BE IT FURTHER RESOLVED, that the Zoning Administrator approves Minor Use Permit Application No. UP-17-14 subject to the following conditions:

Project Specific

Planning:

1. Except as modified by required conditions of approval, the permittee shall have the right to operate a Cannabis Manufacture Facility with transportation/distribution/assembly in accordance with the project material stamped "Received by the City of Seaside January , 2018". Project material is provided as Exhibit "A".

Standard:

1. Use Permit approval is subject to revocation procedures contained in S.M.C.S. 17.69.060 in the event any of the conditions of this approval are violated, this discretionary permit was granted on the basis of false or misleading information, written or oral, given willingly or negligently by the applicant or property owner, and/or there has been a discontinuance of the use, or purposed for which the permit was issued, for a period of 180 days or more.
2. This Use Permit is subject to procedures and requirements of Chapter 17.54 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration) of Title 17 of the Municipal.
3. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the

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

4. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
5. The applicant shall comply with the security measures of the Seaside Police Chief outlined in Chapter 19 of the Seaside Municipal Code prior to receiving to a Certificate of Occupancy.
6. The exterior façade will be improved per plans submitted to and approved by the Zoning Administrator.
7. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
8. The project shall be responsible for all applicable local and/or regional development and/or impact fees including, but not limited to, sewer, water, and traffic fees, which shall be paid prior to building permit issuance.
9. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
10. This Use Permit shall expire and become void 12 months from the date of approval, or upon the expiration of another time limit established by the review authority, unless use has commenced within the required time limit or the Zoning Administrator has granted an extension of time. In accordance with Section 17.54.080.B.1.a of the Zoning Code, the applicant must file request for time extension at least 30 days prior to expiration date in order to receive consideration of time extension by the Commission.
11. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

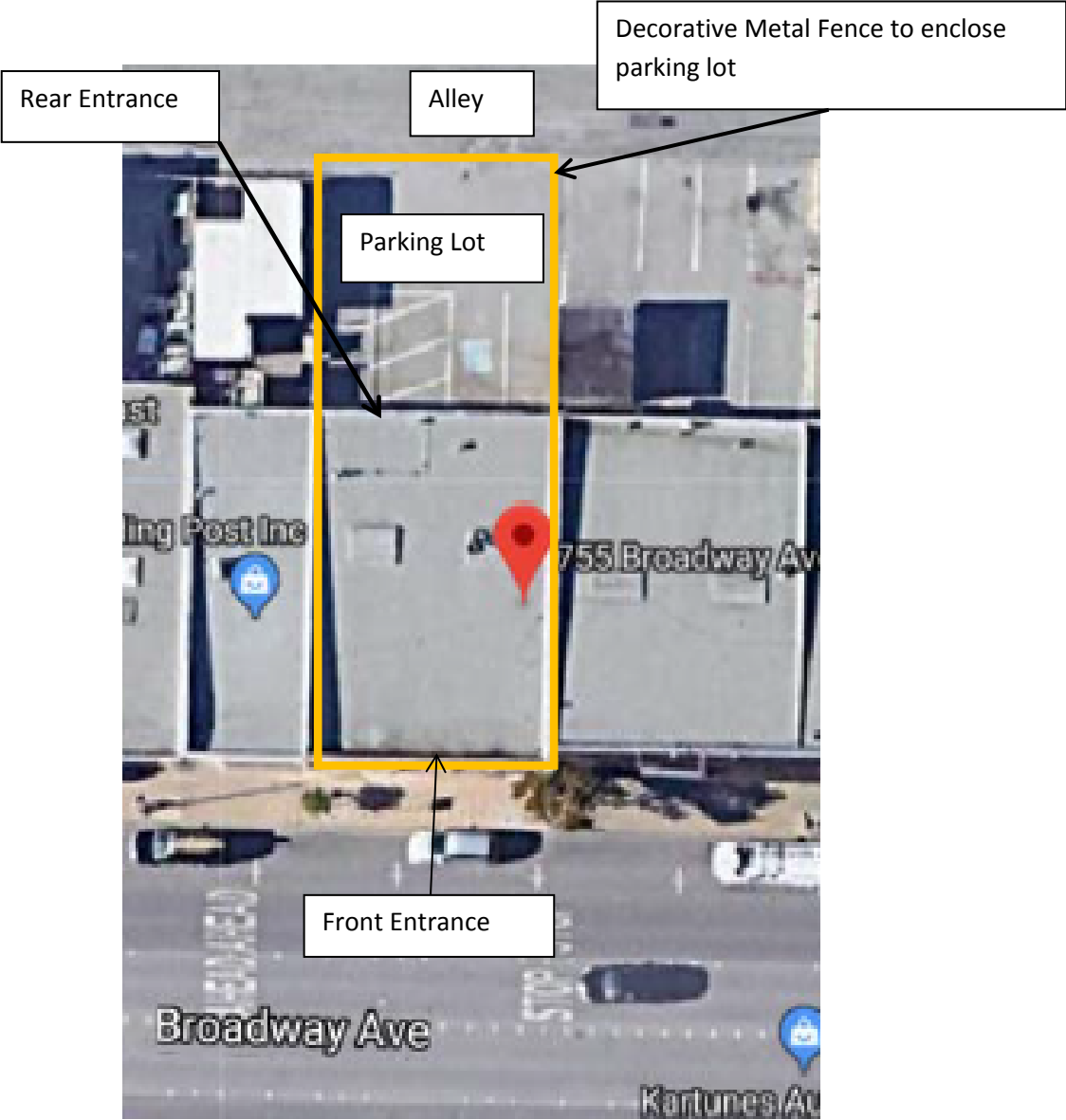
PASSED AND ADOPTED at a special meeting of the Zoning Administrator of the City of Seaside, State of California, on the 22nd of January, 2018.

Rick Medina, Zoning Administrator

ATTEST:

Julio Cisneros, Secretary

Site Plan

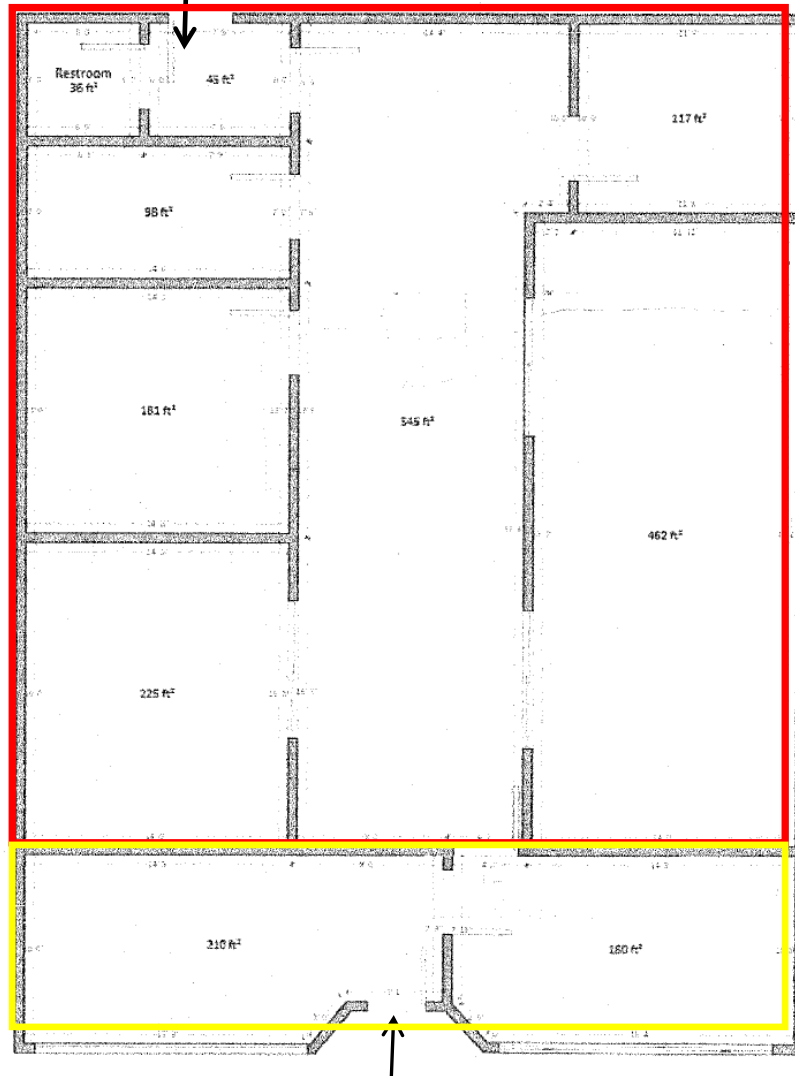


Floor Plan

Rear Parking Lot

Rear Entry

Page 1 of 1



Front Entry



Area of Cannabis Manufacturing



Area of retail/administration

Broadway Avenue

755 Broadway Avenue, Seaside, CA 93955



Fence is **Yellow** Gate is **Red**

Location Map

Project Site: 755 Broadway Avenue



Attachment 3

Site Photos



View of front façade from Broadway Avenue