



AGENDA

CITY OF SEASIDE
ZONING
ADMINISTRATION

REGULAR MEETING
Council Chamber
440 Harcourt Avenue
Monday, April 30, 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-18-10: PAMELA MANAS, PROPERTY OWNER, AND MARCOS GUTIERREZ, APPLICANT, ARE REQUESTING MINOR USE PERMIT APPROVAL TO ESTABLISH A MARTIAL ARTS STUDIO WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED AT 786 BROADWAY AVENUE (APN# 011-292-017) IN THE MIXED USE (MX) ZONING DISTRICT WITHIN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301, FORM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE & RECOMMENDATION: In accordance with Section B.1.2.4 of the development standards for the West Broadway Urban Village Specific Plan, the applicant, Marcos Gutierrez, is requesting approval of a Minor Use Permit to establish a martial arts studio within an existing commercial building located at 786 Broadway Avenue in the West Broadway Urban Village Specific Plan Mixed Use Commercial (MX) Zoning District.

6. **ADJOURNMENT**

Next Regularly Scheduled Meeting:
Regular
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.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 5.A.

TO: Zoning Administration

BY: Rick Medina, Senior Planner

DATE: April 30, 2018

SUBJECT: MINOR USE PERMIT APPLICATION NO. MUP-18-10: PAMELA MANAS, PROPERTY OWNER, AND MARCOS GUTIERREZ, APPLICANT, ARE REQUESTING MINOR USE PERMIT APPROVAL TO ESTABLISH A MARTIAL ARTS STUDIO WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED AT 786 BROADWAY AVENUE (APN# 011-292-017) IN THE MIXED USE (MX) ZONING DISTRICT WITHIN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301, FORM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PURPOSE & RECOMMENDATION

In accordance with Section B.1.2.4 of the development standards for the West Broadway Urban Village Specific Plan, the applicant, Marcos Gutierrez, is requesting approval of a Minor Use Permit to establish a martial arts studio within an existing commercial building located at 786 Broadway Avenue in the West Broadway Urban Village Specific Plan Mixed Use Commercial (MX) Zoning District.

BACKGROUND

The existing tenant space is currently vacant. The project location was previously occupied by a retail store for auto detailing products.

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PROJECT DESCRIPTION

The martial arts studio would be located within a 1,400 square foot tenant space with a main entrance that fronts onto Broadway Avenue (north side) and a rear exit/entry that fronts onto a rear parking lot (south side). Other than minor changes to the entry door required by ADA standards, no changes will be made to the exterior of the building. The site provides 10 onsite parking spaces. The West Broadway Urban Village Plan requires that this building provide a minimum of 8 parking spaces. The general hours of the business would be from 6 AM to 9 PM,

Monday through Saturday. The applicant currently has a morning class from 6 AM to 9 AM and an evening class from 6 PM to 9 PM. Each class has from 15 to 25 students. Additional classes may be added based upon demand.

ENVIRONMENTAL REVIEW

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In accordance with Section 15301(a) (Existing Facilities) of the California Environmental Quality Act (CEQA), interior or exterior alterations to existing structures are categorically exempt from CEQA review provided that the project involves negligible or no expansion of the existing use and the area in which the project is located is not environmentally sensitive.

Evidence: The proposed project involves issuing a Certificate of Occupancy to accommodate a martial arts studio within an existing 1,400 square-foot commercial tenant space. Proposed improvements will consist of minor modifications to the interior of the tenant space to accommodate the martial arts classes. The project site is located within a heavily urbanized commercial area of the community where all public services and facilities are available and is located on an existing developed property that is not environmentally sensitive. The proposed project would be exempt from the CEQA Guidelines per Class 1, Section 15301(a).

STAFF ANALYSIS

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In accordance with Section B.1.2.4 of the West Broadway Urban Village Specific Plan Mixed Use Zoning District, the establishment of a martial arts studio would be allowed with Minor Use Permit approval. In accordance with Section 17.62.070.F of the Seaside Municipal Code, all of the following findings must be made in order to approve the subject Minor Use Permit.

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: Under the off-street parking standards for the West Broadway Urban Village Specific Plan, the existing commercial building is required to provide a minimum of eight (8) parking spaces (one space per 500 sq. ft.). The project site provides ten parking spaces (three in the rear and seven on the side off Calaveras Street).

Evidence: In accordance with Section B.1.2 of the WBUVSP, Minor Use Permits on primary streets must cite the potential for the use to contribute to pedestrian activity and to provide visual access for pedestrians into the ground floor use. The proposed project will serve to occupy a vacant, underutilized commercial building with a business that would enhance pedestrian activity and refurbish the storefront to enhance the overall appearance of the commercial environment and improve the economic viability of the WBUVSP area.

The storefront windows would remain open to public view from the street right-of-way and sidewalk.

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

The project site is designated as the WBUVSP area in the General Plan Land Use Element. The project would be consistent with the following General Plan and WBUV Goals and Policies:

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General Plan

- Goal LU-2 – Revitalize existing commercial areas.
- Policy LU-2.1 – Encourage consolidation of under-performing and under-utilized commercial properties.

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Evidence: The project would occupy an existing vacant commercial lease area on a primary street.

- Goal ED-5 – Attract new regional and visitor serving businesses.
- Policy ED-5.1 – Attract and support commercial and employment generating development that is consistent with the General Plan and City Ordinances.

Evidence: The proposed project will create additional employment opportunities and its hours of operation would provide opportunities for existing businesses to capitalize on the attraction of both local residents and visitors frequenting the WBUVSP area as a result of the new business who may not have otherwise frequented the WBUVSP area.

West Broadway Urban Village

- Goal: Create a balance of community and visitor serving mix of uses in the West Broadway Urban Village.

Evidence: The proposed martial arts studio will provide a service oriented business in an area of the city that is predominantly occupied with retail serving businesses. The service aspect of the business will serve to attract both local residents and regional visitors to a location that fronts on a primary street within the urban core of the City and

diversify the mix of businesses envisioned for the MX zoning district of the WBUVSP.

- Support and encourage the development of vacant and underutilized lots with uses that are efficient and compatible with the character of the West Broadway Urban Village.

Evidence: The project would occupy an existing vacant commercial lease area on a primary street.

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 project proposed is consistent with location, size and use of the existing and planned future uses of the mixed use commercial area.

Evidence: The proposed therapeutic massage business will be compatible with the existing businesses surrounding the project site in that it will not detract from the character of mix of land uses envisioned for the WBUVSP and would encourage a pedestrian oriented atmosphere by occupying a storefront building on a primary street. The Minor Use Permit process will enable the City to place conditions on the land use which would regulate how the therapeutic aspects of the business would take place to remove any misconception of illegal adult business activities often associated with a massage practitioner business and ensure that visual access into the storefront window would be maintained to blend with the retail character of the WBUVSP area.

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; and

Evidence: The project site is developed with a commercial building containing adequate off-street parking for the combined use of the multi-tenant commercial building, as well as the project lease area.

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 City of Seaside's Building Department has reviewed the conceptual project. Their comments include complying with the 2016 California Building Code, including all applicable ADA requirements.

ATTACHMENTS

1. Attachment 1 - Resolution
 2. Attachment 1, Ex. A - Project Plans
 3. Attachment 2 - Site Map
 4. Attachment 3 - Site Photo
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**ZONING ADMINISTRATOR
RESOLUTION No. 18-XX**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING MINOR USE PERMIT APPLICATION NO. MUP-18-10 TO ALLOW FOR THE ESTABLISHMENT OF A MARTIAL ARTS STUDIO LOCATED AT 786 BROADWAY AVENUE (APN 011-292-017).

WHEREAS, Pamela Manas, Property Owner, and Marcos Gutierrez, applicant, have applied for a Minor Use Permit to establish a martial arts studio located at 786 Broadway Avenue; and

WHEREAS, the Minor Use Permit has been reviewed by the Zoning Administrator in accordance with Section 17.62.070 and 17.62.070.F of the Seaside Zoning Code; and

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 public meeting held on April 30, 2018; and

WHEREAS, this project qualifies as a Class 1 Categorical Exemption under Section 15301(a) under the California Environmental Quality Act; and.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator adopts the following findings approving Minor Use Permit Application No. MUP-18-10:

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: Under the off-street parking standards for the West Broadway Urban Village Specific Plan, the existing commercial building is required to provide a minimum of eight (8) parking spaces (one space per 500 sq. ft.). The project site provides ten parking spaces (three in the rear and seven on the side off Calaveras Street).

Evidence: In accordance with Section B.1.2 of the WBUVSP, Minor Use Permits on primary streets must cite the potential for the use to contribute to pedestrian activity and to provide visual access for pedestrians into the ground floor use. The proposed project will serve to occupy a vacant, underutilized commercial building with a business that would enhance pedestrian activity and refurbish the storefront to enhance the overall appearance of the commercial environment and improve the economic viability of the WBUVSP area. The storefront windows would remain open to public view from the street right-of-way and sidewalk.

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

The project site is designated as the WBUVSP area in the General Plan Land Use Element. The project would be consistent with the following General Plan and WBUV Goals and Policies:

General Plan

- Goal LU-2 – Revitalize existing commercial areas.
- Policy LU-2.1 – Encourage consolidation of under-performing and under-utilized commercial properties.

Evidence: The project would occupy an existing vacant commercial lease area on a primary street.

- Goal ED-5 – Attract new regional and visitor serving businesses.
- Policy ED-5.1 – Attract and support commercial and employment generating development that is consistent with the General Plan and City Ordinances.

Evidence: The proposed project will create additional employment opportunities and its hours of operation would provide opportunities for existing businesses to capitalize on the attraction of both local residents and visitors frequenting the WBUVSP area as a result of the new business who may not have otherwise frequented the WBUVSP area.

West Broadway Urban Village

- Goal: Create a balance of community and visitor serving mix of uses in the West Broadway Urban Village.

Evidence: The proposed martial arts studio will provide a service oriented business in an area of the city that is predominantly occupied with retail serving businesses. The service aspect of the business will serve to attract both local residents and regional visitors to a location that fronts on a primary street within the urban core of the City and diversify the mix of businesses envisioned for the MX zoning district of the WBUVSP.

- Support and encourage the development of vacant and underutilized lots with uses that are efficient and compatible with the character of the West Broadway Urban Village.

Evidence: The project would occupy an existing vacant commercial lease area on a primary street.

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 project proposed is consistent with location, size and use of the existing and planned future uses of the mixed use commercial area.

Evidence: The proposed therapeutic massage business will be compatible with the existing businesses surrounding the project site in that it will not detract from the character of mix of land uses envisioned for the WBUVSP and would encourage a pedestrian oriented atmosphere by occupying a storefront building on a primary street. The Minor Use Permit process will enable the City to place conditions on the land use which would regulate how the therapeutic aspects of the business would take place to remove any misconception of illegal adult business activities often associated with a massage practitioner business and ensure that visual access into the storefront window would be maintained to blend with the retail character of the WBUVSP area.

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; and

Evidence: The project site is developed with a commercial building containing adequate off-street parking for the combined use of the multi-tenant commercial building, as well as the project lease area.

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 City of Seaside's Building Department has reviewed the conceptual project. Their comments include complying with the 2016 California Building Code, including all applicable ADA requirements.

BE IT FURTHER RESOLVED, the Zoning Administrator hereby grants Minor Use Permit Application No. MUP-18-10 subject to the following terms and agreements:

Project Specific

Planning:

1. Except as modified by required conditions of approval, plans submitted for a Certificate of Occupancy shall substantially conform to the plans identified as "786 Broadway" stamped as Received on March 28, 2018 (Attachment 1 - Exhibit "A") and approved on April 30, 2018,
2. Prior to installing a permanent wall sign or window sign, applicant must receive sign permit approval from the Planning Division.

Building:

1. Compliance shall be maintained with the 2016 California Building Code, including all applicable ADA requirements.
2. The applicant shall provide dimensioned plans reflecting existing conditions and proposed alterations to comply with accessibility requirements for change of use and proposed furnishings.

Fire Department:

1. All proposed improvements within the interior of the building shall comply with the 2016 California Fire Code for the issuance of a Certificate of Occupancy.

Standard:

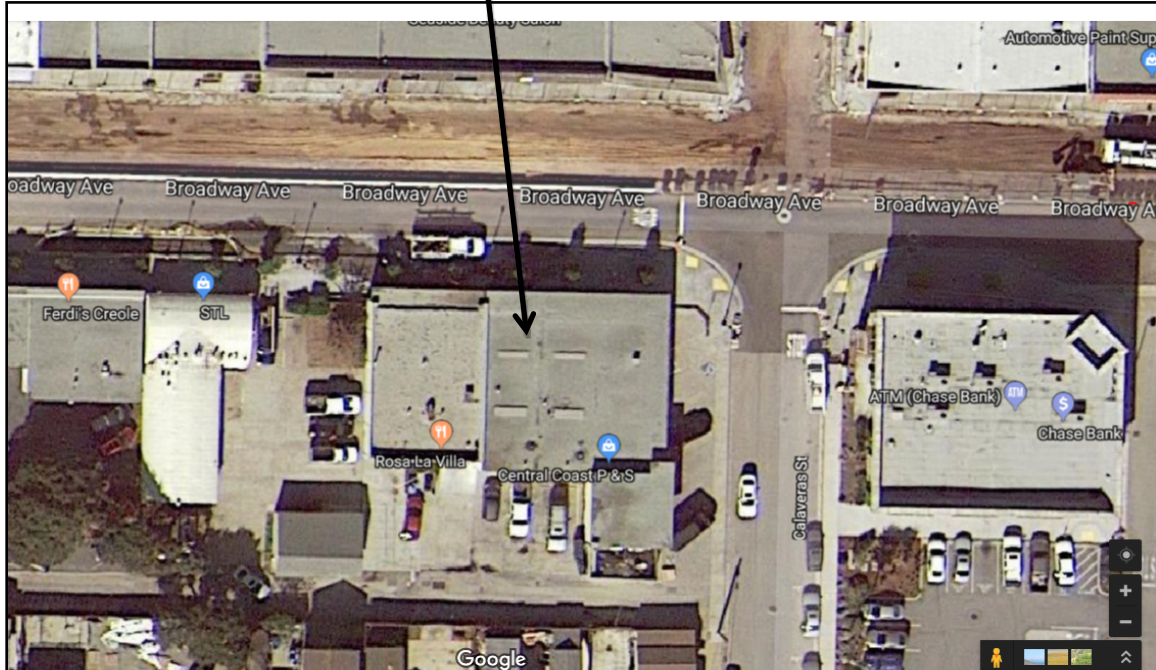
1. The Minor Use Permit approval is subject to revocation procedures contained in S.M.C. Section 17.69.060 in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
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. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
4. The project shall comply with all requirements of the Monterey Regional Water Pollution Control Agency for the installation of plumbing fixtures and drains.
5. The project shall comply with all requirements of the Monterey County Health Department for the massage services and the overall operations of the business
6. 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.
7. 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.
8. 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 by the Zoning Administrator of the City of Seaside, State of California, on the 30th day of April, 2018.

Rick Medina,
Zoning Administrator

SITE MAP

786 Broadway



786 Broadway

SITE PHOTO



Proposed Martial Arts Studio