A G E N D A

CITY OF SEASIDE
ZONING
ADMINISTRATION

SPECIAL MEETING
Council Chamber
440 Harcourt Avenue
Wednesday, May 9, 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-18-06: SEASIDE RETAIL, PROPERTY OWNER AND ADAS RECYCLING, ARE REQUESTING APPROVAL OF A SMALL COLLECTION RECYCLING FACILITY LOCATED AT 1712 FREMONT BLVD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES, CLASS 11, SECTION 15311.C. ITEM HAS BEEN CONTINUED FROM THE APRIL 23, 2018 ZONING ADMINISTRATOR MEETING.

PURPOSE & RECOMMENDATION: In accordance with Section 17.52.210.C, the applicant is seeking a Minor Use Permit to allow a small collection recycling facility located in parking at 1712 Fremont Boulevard.

6. ADJOURNMENT

Next Regularly Scheduled Meeting:
Special
Not Currently Scheduled

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://cvp.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: May 9, 2018

SUBJECT: **MINOR USE PERMIT APPLICATION NO. MUP-18-06: SEASIDE RETAIL, PROPERTY OWNER AND ADAS RECYCLING, ARE REQUESTING APPROVAL OF A SMALL COLLECTION RECYCLING FACILITY LOCATED AT 1712 FREMONT BLVD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES, CLASS 11, SECTION 15311.C. ITEM HAS BEEN CONTINUED FROM THE APRIL 23, 2018 ZONING ADMINISTRATOR MEETING.**

PURPOSE & RECOMMENDATION

In accordance with Section 17.52.210.C, the applicant is seeking a Minor Use Permit to allow a small collection recycling facility located in parking at 1712 Fremont Boulevard.

BACKGROUND

The item has been continued from the April 23, 2018 Zoning Administrator Hearing in order for City staff to address the following issues:

1. Provide the public with the letter sent from the State of California to the Santa Fe Grocery Store specifying that the store could be fined $100 a day if a small collection facility is not established within 1/2 mile of the store.

Response: Copy of final notice from the State of Department of Resources Recycling and Recovery is provided as Attachment 4. As stated in the letter, local merchants that sell California Refund Value (CRV) must redeem CRV containers inside the store or incur a $100.00 a day fine. The fine would be eliminated if a small recycling facility is located within half-mile radius of the store. The Santa Fe Foods company is proposing to provide small recycling facility on-site since there is no facility within half-mile of site.

2. Consider whether the location of the storage contained could be shifted away from side property line abutting the alley.

Response: In response to concerns expressed by the property owner of the office building nearby at 1676 Fremont Boulevard and other citizens, the applicant has shifted the container away from the side property line to the middle of the parking lot. The revised location is shown on Attachment 3 and on the project site plan attached as Exhibit A to the Draft Resolution.

ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act pursuant to Class 1, Section 15311 (c): Accessory Structures. Class 11 consists of the operation of existing facilities involving the placement of accessory structures on a parcel that are appurtenant to the primary use.

Evidence: The proposed project involves the placement and operation of an 8 foot by 20 foot metal storage container within the parking lot of a grocery store for the purpose of collecting recycling materials. The location of the container would not create any type of substantial disruption to the site and the use of the recycling facility would be an appurtenant use of the grocery store.

SITE LOCATION

The project site will be located within the front area of the parking lot for the Santa Fe Foods Grocery Store. Adjacent uses include an auto parts store to the North, Auto Center and Round Table Pizza to the West, Mobile Home Park to the East, and multi-family residential apartments and commercial office building to the South.

PROJECT DESCRIPTION

Proposed Use

The applicant is proposing to place an eight foot by 20 foot metal storage container at the front area of the parking lot facing Fremont Boulevard to receive cans, bottles and plastic containers eligible for California Redemption Value (CRV). The project area would occupy three parking spaces. An attendant would be on-site to accept redeemable products. The facility will be open from 9am to 5pm, Monday thru Saturday. A photograph of the metal container is provided as Attachment 5.

STAFF ANALYSIS AND FINDINGS

MUP-18-06 Findings

In accordance with S.M.C. Section 17.52.210.C, a small collection recycling facility shall be required to file an application under the Minor Use Permit process to determine whether the following findings can be made concerning the proposed project.

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 location of the recycling container will be setback 65 feet from the nearest adjoining multi-family apartments to the South and 200 feet from the nearest adjoining mobile homes to the East. Minimum setback of 50 feet from a residential use is required.

Evidence: Container will total 160 feet (8' x 20'). Maximum allowed is 350 square feet.

Evidence: Container will be painted a beige to match the primary wall color on the grocery store.

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 Community Commercial (CC). The purpose of the CC land use designation is to promote pedestrian and transit oriented activity centers with a mix of residential, commercial office and civic uses. The proposed project would allow the grocery store to provide a recycling facility to accommodate the 1/2 mile convenience zone requirements of the State for a grocery store in the City of Seaside. This use will also provide the nearby businesses and residential areas with a State mandated recycling facility.

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

Evidence: 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 vacant lot 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: Conditions of approval will require the site to be maintained free of clutter and debris and for the container to be painted to be in harmony with the exterior of the grocery store.

CONCLUSION

Based on the analysis, staff recommends approval of the MUP-18-06. The proposed small collection recycling facility complies with the intent of the Seaside General Plan and the requirements of Title 17 of the Seaside Municipal Code.

ATTACHMENTS

1. Attachment 1 - 18-06
2. Exhibit A - Site Plan
3. Exhibit A - Recycling Container
4. Attachment 2 - Location Map
5. Attachment 3 - Alternate Location
6. Attachment 4 - State Notice
7. Attachment 5 - Proposed Recycling Container

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-18-06 TO ALLOW A SMALL COLLECTION RECYCLING FACILTY IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT LOCATED AT 1712 FREMONT BOULEVARD.

WHEREAS, Seaside Retail (Property Owner) and ADAS Recycling, Applicant, have applied for a Minor Use Permit for the purpose of placing a small collection recycling facility located at 1712 Fremont Boulervard; 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 April 23, 2018 and May 7, 2018; and

WHEREAS, the project is a Categorically Exempt from the California Environmental Quality Act pursuant to Class 11, Section 15311(c):Accessory Structures, meeting the following conditions:

Evidence: The proposed project involves placing a detached container within the parking lot of a grocery store.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator adopts the following findings for Minor Use Permit Application No.MUP-18-06:

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 location of the recycling container will be setback 65 feet from the nearest adjoining multi-family apartments to the south and 200 feet from the nearest adjoining mobile homes to the east. Minimum setback of 50 feet from a residential use is required.

   Evidence: Container will total 160 square feet (8'x20'). Maximum allowed is 350 square feet.

   Evidence: Container will be painted a beige to match the primary wall color on the grocery store.

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 Community Commercial (CC). The purpose of the CC land use designation is to promote pedestrian and transit oriented activity centers with a mix of residential, commercial, office, and civic uses. The proposed project would allow the grocery store to provide a recycling facility to accommodate the ½ mile convenience zone requirements of the State for a grocery store in the City of Seaside. This use will also provide the nearby businesses and residential areas with a State mandated recycling facility.

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 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 vacant lot 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: Conditions of approval will require the site to be maintained free of clutter and debris and for the container to be painted to be in harmony with the exterior of the grocery store.

BE IT FURTHER RESOLVED, the Zoning Administrator hereby grants Minor Use Permit Application No. MUP-18-06 subject to the following terms and agreements:

Planning:

1. Except as modified by the conditions of approval, plans submitted for Architectural Review application must be in compliance with the aerial site plan stamped "Received City of Seaside April 26, 2018, Community Development Department" provided as "Exhibit A" to these Conditions.

2. An employee must be on-site when recycling containers are accepted.

3. The applicant shall be responsible for keeping the site free of trash and debris and to prevent persons from loitering on the premises.

4. The container shall be painted a beige color to match the beige body color on the grocery store.

5. The hours of operation shall be 10 am to 5 pm daily.

Building:

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

Fire Department:

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

Public Works

1. Applicant must obtain encroachment permit for any work conducted within the public right-of-way.

2. 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).

3. Should the applicant decide to use the City Standard "S-480" Dispersion Trench for compliance with the retention of storm water, 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).

Standard:

1. 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 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.

5. 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.

6. 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 9th of May, 2018.

_____

Rick Medina
Zoning Administrator

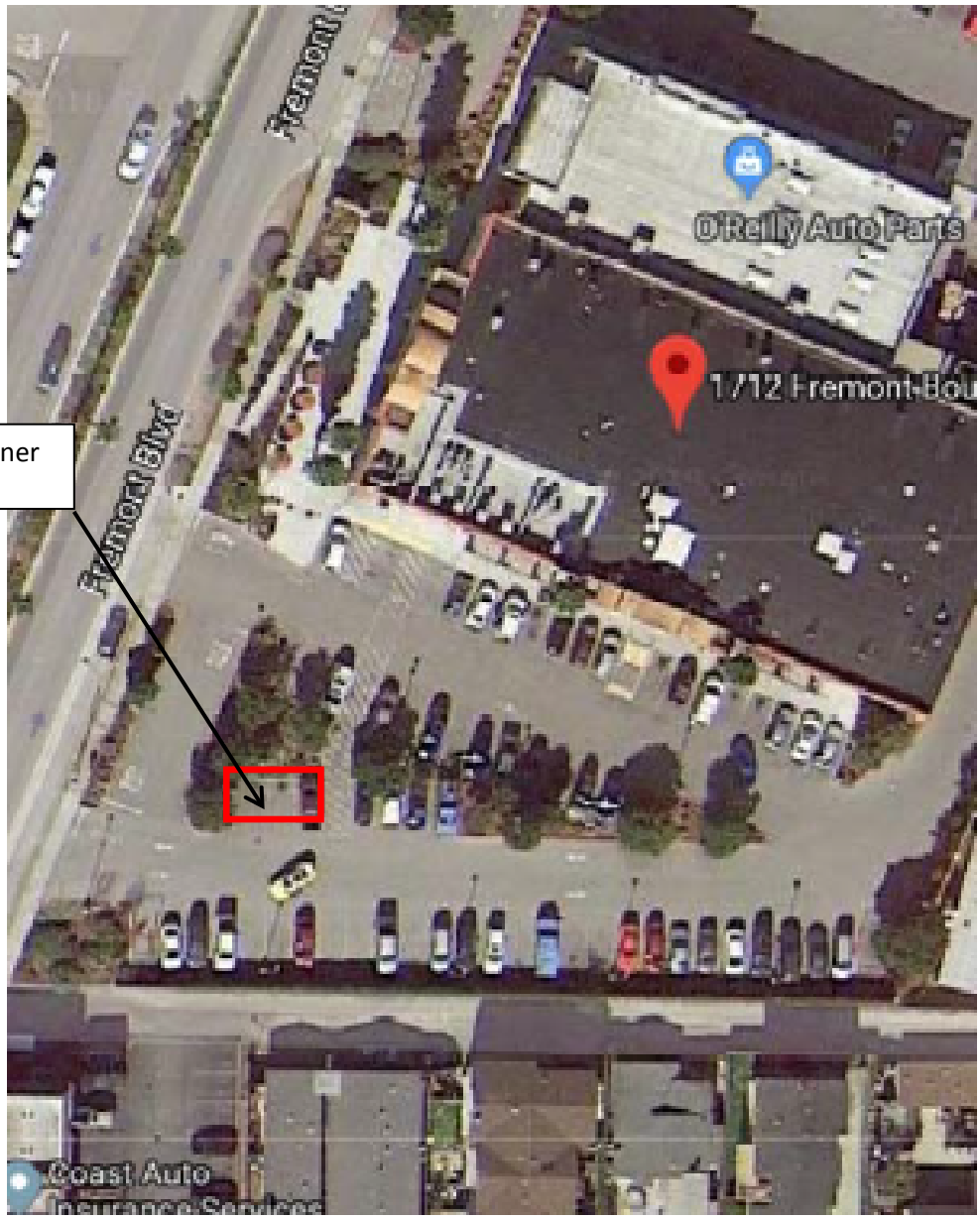
MINOR USE PERMIT APPLICATION NO. MUP-18-06
RESOLUTION NO. 18-XX

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

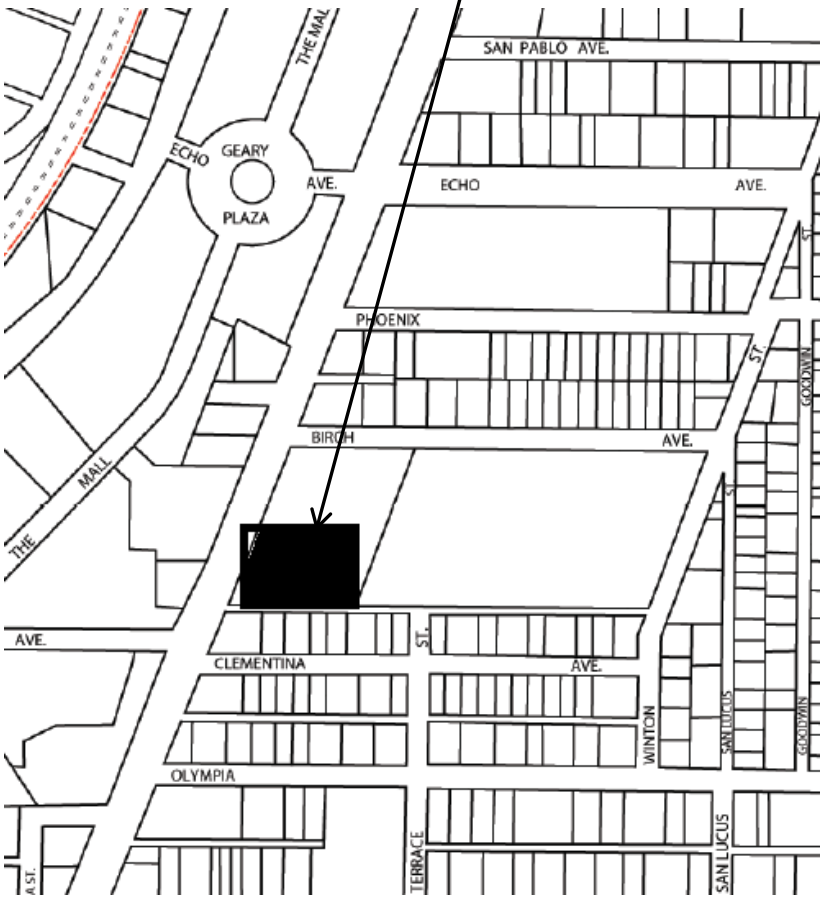

Location of container
Fremont Blvd
O'Reilly Auto Parts
Coast Auto

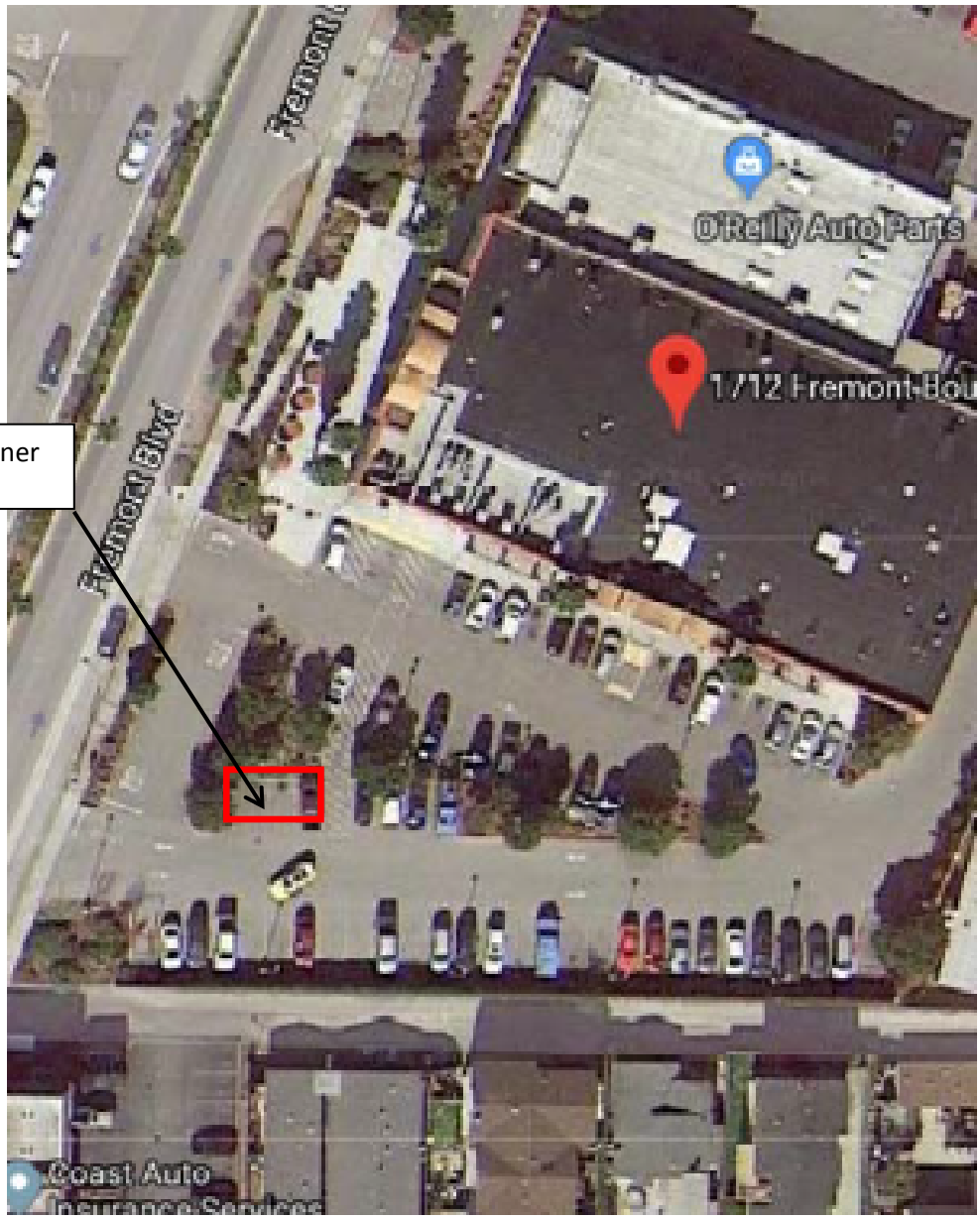
Attachment 4

Metal Container

Attachment 2

Location map: 1712 Fremont Boulevard




Location of container
O'Reilly Auto Parts
Fremont Blvd
Coast Auto

CalRecycle
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

January 17, 2018

DealerID: DL230728.001
Store Manager
Santa Fe Foods
1712 Fremont Blvd
Seaside, CA 93955

FINAL NOTICE: IMMEDIATE ACTION REQUIRED TO ENSURE RECYCLING CONVENIENCE

Dear Store Manager:

The Department of Resources Recycling and Recovery (CalRecycle) administers California's beverage container recycling law. This law is designed to provide people with convenient locations to return their empty beverage containers for the California Refund Value (CRV). As a retail store that sells CRV beverages, you share the responsibility for providing this convenience.

How Does This Affect You?

As explained in the First and Second Notices that you have already received, your store has been identified as a beverage dealer that is located within a convenience zone that does not have a certified recycling center. This means that people who shop in your area do not have a convenient location to return their beverage containers for CRV.

What Does the Law Require?

Dealers are allowed a 60-day grace period to work with property managers, local government and recycling center operators to establish a recycling center in your area. This grace period has expired without a recycling center becoming operational. As a result, you must now do one of the following two things:

A. Pay consumers the refund value for all empty CRV beverage containers they bring to your store for recycling

or

B. Pay a daily fee of $100 per day to CalRecycle. Please note that the daily fee is a compliance option in state law and is not a fine. By paying the daily fee, you are relieved of the responsibility to redeem CRV containers for consumers.

ORIGINAL PRINTED ON 100% POST-CONSUMER CONTENT, PROCESSED CHLORINE FREE PAPER

What Do You Need To Do Now?

After carefully reviewing all the information enclosed, you need to complete these three steps:

1. ***Decide whether you are going to accept containers from consumers (Option A) or pay the daily fee (Option B).*** Most dealers choose Option A since the volume of containers brought back to stores is usually small. However, this is not a guarantee as volume may vary by location. ***IMPORTANT: Public Resources Code 14571.6 (a)(1) requires that you submit to the Division an Option A Affidavit to validate in-store redemption. Unless you provide verification that you sent an Option A Affidavit, the Division has no way of knowing that your store redeems CRV. You will default to Option B, pay $100/day.***

2. ***Fill out the corresponding side of the form titled "Dealer Affidavit".*** The Dealer Affidavit must be signed and returned to CalRecycle within ten calendar days of the date you received this notice. ***Failure to return the affidavit defaults you as choosing Option B, and you will receive invoices to pay $100 per day to CalRecycle.*** If necessary, it is your responsibility to forward this information to your corporate office or store owner.

3. ***Make sure the Option A or Option B requirements are being met at your store.*** If you choose Option A, please refer to the enclosures titled "Instructions for Redeeming Empty Beverage Containers" and "CRV Computation Sheet" for assistance completing this process.

If a certified recycling center becomes operational within your convenience zone at any time, CalRecycle will immediately notify you in writing. We will provide the name and address of the new recycling center. At that time, you may begin directing consumers to the recycling center.

If you have any questions regarding this notice, please contact the Convenience Zone Unit at 916-322-0195. To help us assist you better, please provide your dealer identification number, DL230728.001, when you call.

Sincerely,

Walt Simmons
Supervisor
Convenience Zone Unit

Attachment 4

Metal Container