



AGENDA

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, June 27, 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 Spalletta	Vice Chair
Keith Dodson	Commissioner
Denise Ross	Commissioner
Arlington La Mica	Commissioner
Alissa Kisperskey	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. **May 23, 2018**

B. **May 9, 2018**

6. **BUSINESS ITEMS**

A. USE PERMIT APPLICATION NO. UP-18-04. SEASIDE PLAZA, LLC, PROPERTY OWNER, AND JIAN ZHENG, APPLICANT, ARE REQUESTING APPROVAL OF A USE PERMIT TO ALLOW FOR A THERAPEUTIC MASSAGE BUSINESS LOCATED WITHIN THE LAGUNA PLAZA SHOPPING CENTER AT 1130 FREMONT BOULEVARD, STE:103-A IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.

PURPOSE & RECOMMENDATION:

In accordance with Table 2-4, allowed land uses and use permit requirements for Commercial Zones, therapeutic massages services are permitted in the CC zoning district subject to receiving use permit approval from the Planning Commission.

7. REPORTS FROM COMMISSIONERS

8. REPORTS FROM STAFF

9. ADJOURNMENT

Next Regularly Scheduled Meeting:

July 11, 2018
Seaside City Hall
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, they are asked to contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings.

City Council Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Meetings are also available through live streaming at:

<http://cyp.telvue.com/player?id=T01629&video=52314&noplaylists=1&width=400&height=300>

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

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



DRAFT MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER

Wednesday, May 23, 2018
7:00 PM

1. **FIELD TRIP**

The Planning Commission conducted a field trip to the project sites as agendized.

2. **CALL TO ORDER**

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

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

PRESENT: Dodson, Kisperskey, Oglesby, Owens, Ross, Spalletta

ABSENT: Ross

PLANNING COMMISSION

4. **REVIEW OF AGENDA**

No changes were requested.

5. **PUBLIC COMMENT**

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

6. **CONSENT AGENDA**

On motion by Commissioner Ian Oglesby and seconded by Vice Chair Michael Spalletta and passed by the following vote the Planning Commission approved the Consent Agenda as presented.

RESULT: **Approved**

AYES: John Owens, Keith Dodson, Arlington La Mica, Michael Spalletta,
Ian Oglesby, Alissa Kisperskey

NOES: None

A. **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING FENCE EXCEPTION APPLICATION NO. FE-18-01 TO ALLOW FOR A 5.5 FOOT HIGH FENCE WITHIN THE REQUIRED 15 FOOT FRONT YARD OF A RESIDENTIAL PARCEL LOCATED AT 1661 LUZERN STREET (APN 012-723-016).**

Action: Approved

7. **APPROVAL OF MINUTES**

None.

8. **BUSINESS ITEMS**

A. **TEXT AMENDMENTS TO SEASIDE MUNICIPAL CODE CHAPTERS 10.32 AND 17.34**

Associate Planner Rocha explained the purpose the item to consider recommendations to the City Council on proposed map amendments to the General Plan. The properties in question are currently zoned regional commercial with compatibility with automotive industry. The modifications would allow a mixed use to incorporate more pedestrian and transit uses that encourage people to walk or bike instead of using their car. Currently the uses are very limited and the proposed zoning increases the amount of uses to be able to have a higher and better use of the property. The proximity to the WBUV is important to take into consideration. Staff spoke to the need to activate areas and this will be in the 2040 General Plan zoned as mixed use high area.

Chair Owens invited comments on the item.

- Frank Conte owner of the property spoke to the history of the property, to the infrastructure development and enhancements he has made and wants to bring in businesses and tenants that conform to the WBUV zoning designations. They want to activate the property to help the surrounding businesses not competing with the automotive industry.

Commissioner Kisperskey questioned if the surrounding businesses will be negatively impacted to which staff confirmed they would not.

Commissioner Kisperskey moved the staff recommendation, seconded by Commissioner Oglesby. Speaking on the second Commissioner Oglesby said this is the catalyst that the City needs and thanked the property owner for making investments in their property.

On motion by Planning Commissioner Alissa Kisperskey and seconded by Commissioner Ian Oglesby and passed by the following vote the Planning Commission Considered approved the staff recommendation and recommended the text amendment to the planning commission as presented.

RESULT: **Approved**

AYES: John Owens, Keith Dodson, Arlington La Mica, Michael Spalletta,
Ian Oglesby, Alissa Kisperskey

NOES: None

B. **PROPOSED MAP AMENDMENTS TO THE SEASIDE GENERAL PLAN AND TITLE 17 (ZONING CODE) OF THE SEASIDE MUNICIPAL CODE**

Senior Planner Medina said that this item is a beer and wine application permit for 1988 Fremont Blvd, a two tenant, mixed use building. The site has been a restaurant site for 40 plus years with 54 seats. The owner is attempting to upgrade the offerings to a different menu and the sale of alcohol would be ancillary to meal sales. He noted the Police department had no issues or concerns.

Chair Owens invited comments from the public.

- Moke, owner of the Chopsticks at two locations spoke to the intent to provide a new menu, a nicer atmosphere and more authentic Vietnamese cuisine. He sees the alcohol sales as an important factor to the business success.

Commission Dodson spoke to the competitive nature of restaurants and it is inherent to the success of the business. Chair Owens agreed.

On motion by Commissioner Keith Dodson and seconded by Commissioner Arlington La Mica and passed by the following vote the Planning Commission Approved the permit application for 1988 Fremont Blvd.

RESULT: **Approved**

AYES: John Owens, Keith Dodson, Arlington La Mica, Michael Spalletta,
Ian Oglesby, Alissa Kisperskey

NOES: None

C. USE PERMIT APPLICATION NO. UP-18-03 MANGOLD PROPERTY MANAGEMENT, PROPERTY OWNER, AND MIKEY NGUYEN, APPLICANT, ARE REQUESTING THE APPROVAL OF A USE PERMIT TO ALLOW THE ON-SALE OF BEER AND WINE UNDER A TYPE 41 ALCOHOLS FOR A SIT-DOWN RESTAURANT LOCATED AT 1988 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.

Associate Planner Larsen presented information regarding the project site and the appeal. He provided a background of the project that included two BAR hearings citing all second story additions must be staked and flagged and in compliance with the single family residential design guidelines. The BAR made findings of approval for the project finding it consistent. There was an appeal submitted by an aggrieved party and the Planning Commission was asked to review the findings and make a determination. He reported to the public that the Commission had conducted a field trip to the project site and he detailed the aerial view of all of the two story houses in the immediate neighborhood explaining the site plan with the proposed additions. The initial addition was approved and constructed in 2010 the proposed addition is 200 square feet. He informed the Commission of their ability to affirm, affirm in part, or reverse any decision, but findings have to be provided with evidentiary facts to support a decision. The Commission questioned UD 3.1 of the General Plan questioning what qualifies as "a natural feature".

The appellant presented a rebuttal report speaking to the General Plan and zoning code that is supposed to protect the natural environment and view protection while balancing access and residential rights. She reiterated that the code protects against adverse effects on "visual resources" and shall be protected as public importance. She disagreed with the City's argument that the property is not located in the view corridor and is not recognizing the rights of property owners. She expressed frustration that in 2009 neighboring properties had 100% view and after the applicants first addition it was reduced by 50% and this project will reduce it even further. Marcela, homeowner and co-appellant disagreed with the decision of the BAR. She questioned the recusal of BAR Member Mitchell who participated in the full

meeting, then prior to the vote recused himself. She felt he had input on the entirety of meeting which tainted the discussion. She also expressed frustration with Board Members who said they visited the site then said they did not.

Chair Owens invited comments from the public.

- Arron Tolefson, designer of the project spoke to the applicant's intention to reduce disruption to the neighbors. He presented an amended design after hearing the dissent at the BAR meeting and hoped it may appease the neighbors. The revised design shows a new roof line and hopes that it keeps the integrity of the addition while keeping portions of neighbor's view shed.
- Foncia Parker, resident spoke to the need of fairness in the process and the growth in the region. She requested consideration that this has a financial impact on the value of neighbors' homes, reducing value as you reduce view.
- The applicant spoke to the initial second story addition where there were no comments about view shed made publically. He spoke to efforts to appease neighbors because he wants to be a good neighbor and recommended consideration of the revised design as a compromise.
- Marty Miasak expressed understanding that the applicant's desire to improve his property but noted it will be taking away the property value of three people behind. One should not benefit at the expense of others.

Chair Owens spoke to the need for preservation of views for additional construction. When people have already lost significant portions of their view and are asked to lose more, that's a problem. UD 3.1.1 protects views of significance. He spoke in support of the appellant and believes the impact would be significant enough to side with the applicant.

Commissioner Dodson said that he wished there was a defined regulation that allows a specific percentage of view shed. He spoke in support of the applicant trying to compromise with the neighbors and requested the new plan to be analyzed to see how much view shed would be preserved. The Commissioners asked questions of the architect and the Commission suggested re-flagging with the proposed redesign. Commissioner Kisperskey agreed there is no rigid guideline to follow, and wants to establish a trend for future decisions. She sympathized with the appellant and the problem with the view but appreciate that applicant attempts to compromise. Commissioners La Mica and Spalletta agreed and were pleased with the compromise and to re-flagging so all can better understand the impacts.

On motion by Commissioner Keith Dodson and seconded by Planning Commissioner Alissa Kisperskey and passed by the following vote the Planning Commission continued the item to June 13, 2018 at 7:00 PM to allow for a reflagging of the revised design presented.

RESULT: **Approved**

AYES: John Owens, Keith Dodson, Arlington La Mica, Michael Spalletta,
Ian Oglesby, Alissa Kisperskey

NOES: None

D. CONSIDER AN APPEAL REQUESTING TO OVERTURN THE BOARD OF ARCHITECTURAL REVIEW DECISION FOR A SECOND STORY ADDITION TO AN EXISTING TWO-STORY SINGLE FAMILY DWELLING LOCATED AT 1536 NOCHE BUENA STREET IN THE RS-12 (SINGLE FAMILY RESIDENTIAL)

ZONING DISTRICT (APN: 012-201-012). THIS PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301.E.1, EXISTING FACILITIES, FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

9. REPORTS FROM COMMISSIONERS

No reports.

10. REPORTS FROM STAFF

Staff reported on the Broadway Avenue celebration Broadway Bash happening June 7 to 10th.

A. ACCEPT AN INFORMATIONAL HANDOUT FROM STAFF REGARDING AN INTRODUCTION TO FORM BASED ZONING CODE. THIS IS INITIAL DOCUMENT IS JUST A GENERAL INTRODUCTION TO THE TOPIC, AND NOT SPECIFIC TO SEASIDE AT THIS TIME.

Associate Planner Beth Palmer presented the report regarding proposed text amendments establishing parking prohibitions for vehicles for sale on public streets. She explained this action is a way to increase on street parking as well as removal of blight and improving community safety. She further reported this action was approved by the TAC on April 10th and the City Council reviewed the recommendation on April 19th and directed staff to move forward and prepare an initial study to evaluate environmental issues associated with the text change. She also indicated that the modifications will not require erecting signs to reduce additional blight. Chair Owens said the regulations are too strict and is a temporary situation of cars for sale. The Commission discussed the definition of reasonable enforcement.

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

Chair Owens spoke in support of regulations in nonresidential zones but believes that prohibiting parking in residential zones is too regulatory. Ms. Rocha explained that enforcement of the residential zones was added to keep the problem from moving to the residential neighborhoods further exacerbating existing parking problems. The Commission expressed concern regarding inconsistent enforcement for current regulations. Under discussion, Chair Owens believes that you should be able to put your car in front of your own house on a public street and does not think item 1 should be included in the ordinance. Commissioner Dodson agreed that they should recommend approval of clause 2 and not clause 1 and made a motion as such. Motion died for lack of a second.

On motion by Planning Commissioner Alissa Kisperskey and seconded by Commissioner Arlington La Mica and passed by the following vote the Planning Commission approved the staff recommendation recommending the municipal code amendments to the City Council.

RESULT:	Approved
AYES:	Arlington La Mica, Michael Spalletta, Ian Oglesby, Alissa Kisperskey
NOES:	None

ABSTAIN: John Owens, Keith Dodson

11. ADJOURNMENT

Motion to adjourn at 8:57 PM.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

John Owens, Chair



DRAFT MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER

Wednesday, May 9, 2018
7:00 PM

1. **FIELD TRIP - 6:00 PM**

Chair Owens called the meeting to order at 6:00 PM and the Planning Commission adjourned to the Field Trip.

2. **CALL TO ORDER - 7:00 PM**

Chair Owens reconvened the meeting at 7:00 PM.

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

PLANNING COMMISSION

PRESENT: Dodson, Kisperskey, Oglesby, Owens, Ross, Spalletta

ABSENT: La Mica

4. **REVIEW OF AGENDA**

No changes were requested.

5. **PUBLIC COMMENT**

Chair Owens invited comments for items not on the agenda.

- Alex Miller, Chair of the NIPC announced the winner of the portal project and thanked the Commission and the public for participating.
- Rick Medina announced and welcomed the new appointment of Commissioner Kisperskey.

6. **APPROVAL OF MINUTES**

On motion by Vice Chair Michael Spalletta and seconded by Commissioner Ian Oglesby and passed by the following vote the Planning Commission approved the Minutes as presented.

RESULT: **Approved**

AYES: John Owens, Denise Ross, Keith Dodson, Michael Spalletta, Ian Oglesby

NOES: None

A. **APPROVE THE MINUTES FROM APRIL 25, 2018 REGULAR MEETING**

Action: approved

7. **BUSINESS ITEMS**

A. **FENCE EXCEPTION APPLICATION FE-18-01: NATALIE GIBSON, PROPERTY OWNER AND APPLICANT, IS REQUESTING THE APPROVAL OF A FENCE EXCEPTION TO ALLOW FOR A 5.5 FOOT HIGH FENCE WITHIN THE REQUIRED 15-FOOT FRONT YARD OF A RESIDENTIAL PARCEL LOCATED AT 1662 LUZERN**

STREET IN THE RS-12 (SINGLE FAMILY RESIDENTIAL ZONING DISTRICT (APN#012-723-016). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Associate Planner Larsen presented the report on the Item. He noted the structure is an as-built fence that exceeds the maximum height of four feet within the front setback with no record of a permit to construct. He described the design of the fence and explained the traffic safety visibility area as well as pedestrian visibility. He further explained the fence also operates as a retaining wall. Staff recommended denial of the appeal, per the regulations as the process mandates an exception only when a physical hardship exists but in this case but was not present, as defined by the code. Staff was not able to support the findings and recommended the Commission discuss and make a determination. Mr. Larsen answered questions of the Commission. On question, staff confirmed the fence existed when the owner purchased the house. The Commission expressed concern that when backing out of the driveway, they may have visual issues with pedestrians. The applicant explained that she has a small car, and spoke to the visibility to pulling out looking south, and also noted her neighbor's on both sides of her property have the same height. There were no questions for the applicant.

Chair Owens invited comments from the public.

- Victor Lorenzo, the real estate agent who sold the applicant the property indicated that according to the zoning code, it is not an intersection, and does not see how it is a general safety hazard and in terms of aesthetics, it's a positive looking fence, enhancing the neighborhood. He requested the commission grant the exception.

Commissioner Dodson said the scallops would seem to create site lines that are 4 feet so it is only a partial blockage of the 5 foot level. On question Mr. Larsen indicated this item was triggered by a real property report when the house was sold and it was part of due diligence. Commissioner Oglesby questioned the applicant to clarify that when the house was purchased, and that the fence was existing, and requested consideration of adding a mirror for increased visibility to which she agreed. The Commission agreed that a mirror would assist with the safety concerns, that the fence is consistent with surrounding fences and confirmed that the fence existed prior to purchasing the property.

On motion by Commissioner Dodson and seconded by Commissioner Kisperskey and passed by the following vote the Planning Commission approved the fence exception with the addition of a mirror on the south wall to protect pedestrians and requested staff to bring back a resolution for approval at the next meeting.

RESULT: **Approved**

AYES: Dodson, Kisperskey, Oglesby, Owens, Ross, Spalletta

NOES: None

B.

USE PERMIT APPLICATION NO. UP-18-02. UNIVERSITY PLAZA (PROPERTY OWNER) AND FRANK PACHECO, (APPLICANT), ARE REQUESTING APPROVAL OF AN INDOOR COMMERCIAL BUSINESS (DBA JUMPIN-AROUND) LOCATED AT 1760 FREMONT BOULEVARD, STE: D-1 IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.

Senior Planner Medina spoke to the application to relocate a commercial use, Jump N Around at the new location on Fremont Blvd. The business is a commercial recreation facility that will occupy approximately 9,500 square feet within lease area D-2 of the shopping center. The space will be used for a jungle gym structure, three bounce houses, climbing walls, and a gaming room oriented to youth and toddler between ages of 3-8 years. Other use of space includes private rooms that can be

reserved for events, a parent's waiting room/work area, restrooms, office, and storage. 400 square feet is slated to accommodate a real sales area selling merchandise and pre-packaged snacks and refreshments. The hours of operation are proposed to be 10 am to 7 pm, seven days a week. Mr. Medina detailed the site plan, the existing use of the building and noted that little internal construction is needed. Water allocation would be need prior to opening however the revenue, occupancy and space requirements are in alignment with allocation priorities. There would be a requirement for BAR approval for exterior modifications including repainting. He also noted that the applicant will be adding six ADA parking spaces and curb ramps for compliant access. Staff finds in the analysis that this project is a located in a community commercial zoning district and the use is consistent with allowable zoning uses and would help create pedestrian activity in the commercial zoning area, therefore staff recommended approval. Mr. Medina answered questions from the Commission.

The Commission discussed hours of operation and exterior lighting for safety purposes to which Mr. Medina indicated there would be additional, retrofit exterior lighting to the sidewalk and parking lot.

Chair Owens invited comments from the applicant. David How spoke as representative for the property owner, expressing enthusiasm for the tenant which should bring young families and additional foot traffic to the shopping center which will benefit all businesses co-located. He also stated they are attempting to change the address to Echo to alleviate confusion.

The Commission discussed the placement of the ADA parking spaces questioning if they could be more dispersed through the complex however on discussion of additional costs, the commission decided to allow the site plan as presented and spoke in support of the address change, as a condition of approval and requested the hours of operations be clarified in the final use permit.

Chair Owens opened public comment on the item and had no requests to speak.

On motion by Commissioner Keith Dodson and seconded by Commissioner Denise Ross and passed by the following vote the Planning Commission Approved Resolution number 18-07 approving Use permit application No UP 18-02 as presented.

RESULT:	Approved
AYES:	Dodson, Kisperskey, Oglesby, Owens, Ross, Spalletta
NOES:	None

C. CONSIDER AN APPEAL REQUESTING TO OVERTURN THE BOARD OF ARCHITECTURAL REVIEW DECISION FOR A SECOND STORY ADDITION TO AN EXISTING ONE-STORY SINGLE FAMILY DWELLING LOCATED AT 1739 YOSEMITE STREET IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN 012-101-065). THIS PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301.E.2.A, EXISTING FACILITIES, FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Commissioner Oglesby recused himself as he has relatives within the zone of influence. Commissioner Dodson reported that both of his children attend the International school however he still can vote objectively.

Associate Planner Larsen provided a background on the two previous BAR hearings about this item regarding design review to ensure that it is compliant with the residential guidelines. Mr. Larsen provided a project overview including an aerial view and location features for the appellant property location. He explained the design review process that is required for all 2nd story additions, staking and flagging is required and was completed by the application. Mr. Larsen detailed the elevation changes and revised floor plan as submitted and outlined the modifications requested and the changes made by the applicant. He emphasized the applicant complied and made additional changes

from the BAR requests. Mr. Larsen outlined the color and materials pallets. Senior Planner Medina explained the appeal process can be filed by an aggrieved person and further explained the PC has the ability to affirm, affirm in part, or reverse the decision by providing findings and evidentiary facts to support the decision. Mr. Medina then spoke to the appellant's statement that the project violates portions of the general plan. He explained the zoning code allows for second story additions in the RS zone and staff believes the action of the BAR is consistent with the Zoning Code and General Plan. What was identified was a panoramic view from the school, and he encouraged the Commission to take into account the rights of a view from a property owner and the rights of a view from a person on a sidewalk. Mr. Larsen spoke to the Single Family Residential Guidelines and detailed the changes from the initial and the revised submissions. He noted that they were in compliance with all elements of the SFR Guidelines. He closed by informing the public that the Commission did conduct a site visit at the beginning of the meeting. Staff answered questions from the Commission.

Felix Bachofner, the co-appellant presented his rebuttal, indicating that it is not just the residential property owners that are impacted but the adjoining school would also be impacted and explained his rationale to the Commission. He made three main arguments, that the addition would impact the view of the public from the sidewalk, that there would be light impacts to the residents below the property, and if other houses follow suit, then there would be a more substantial view impact. He also argued that the design of the property is out of compliance with residential guidelines specifically with regard to the entry way, window volume and set back.

Chair Owens invited comments from the public.

- Sue Hawthorne expressed concern that not all neighbors received the notice of the meeting, but expressed more concern with the limiting of her view of the sky, the shade that it casts and that it is not keeping with the character of the neighborhood.
- Jimmy Welch spoke in support of the applicant improving their home. He thinks the traffic is more concerning and expressed frustration that the former Mayor is using the school as an excuse to prevent someone from updating their property. He spoke in support of approval.
- Dennis Volk spoke in support of the applicant who wants to improve his property and he is a positive contributor to the community.
- Kevin Brokhouser Trustee at International School and Teacher at York school and spoke about the learning impact. As an educator, space matters and if students are inspired by their surroundings, students learn better. Does not want the inspiring view to be minimized and thinks it will impact the learning environment.
- A resident spoke in support of approval.
- Lanny Olis requested that because they did everything the BAR asked, please let him build his home and improve the neighborhood.
- Neil Impetos spoke to the benefits that happen to neighborhoods when people start investing in their properties. He was in support of approval.

Chair Owens called a five minute recess at 8:33 PM. The meeting was reconvened at 8:39.

- A neighbor to the applicant expressed concern about the reduction in privacy to her residence.
- Paul Wolf expressed understanding that regulations are there for a reason and that the BAR was supposed to look at was not just immediate impacts, but long term policy impacts for the City. He felt they avoided the discussion of the size of the proposed property and if approved, it sets precedence for projects of this size throughout the community.
- Cristina Dias expressed frustration with the blast email to the parents at the school that she felt coerced to come to the meeting to oppose a remodel of a home. She does not appreciate that he was speaking for her daughter and the parents of the school. She felt that the photos from the appellant were misleading and had no issues with the project.

- Kimberley Delrosario spoke to wanting her students to pay attention to their school work and to drivers to pay attention to the traffic; she did not oppose the project because of impacts of view.
- A resident and current parent spoke to the photos represented by the appellant as misleading and expressed disappointment that personal information was used to solicit a personal opinion. Energies should be focusing on the bullying issues that are happening in the school classes.
- Lucy Gomez spoke in support of the applicant, doing what is best for their family home and improving the surrounding community.
- Lanny Olis spoke in support of the applicant and the improvements and the changes that were made at the request of the City. He spoke in support of the Applicant.
- Alex, a previous ISM student, spoke to never looking at the view while attending and from the classroom; you will be able to see the view perfectly fine even with the addition.
- Cookie Siandro spoke in support of the family and of the project.
- Jefferson, small business owner, spoke to the benefit to the kids. As houses improve kids will be looking at improved houses and successful people and be inspired to work harder knowing there are possibilities for them in life. They will feel safer being surrounded by people who love their community.
- The applicant thanked staff for their effort and spoke to his family proximity and all of the changes he has made at the request of the City. He spoke to his love of Seaside and desires to make the community better and requested the Commission to deny the appeal.

Chair Owens clarified that the entirety of the appellant's time was used up in the beginning, they cannot offer a rebuttal.

Commissioner Ross indicated that General Plan Policy UD 3.1.1 said that the view from the school is a public view, not a private view so it does not apply and did not think that the project would impact the applicant's access to light. Sunlight moves and is not an inherent property right. Commissioner Dodson stated that he is also a parent at the school and understands concern stated but disagrees that the project will impact the view from the property and he spoke in support of the applicant's modifications as requested by the BAR. And does not see any grounds for reversal of the decision. Commissioner Spalletta agreed. Commissioner Kisperskey agreed that the view is obstructed but only from the vehicle location and you should not be looking at the view when you should be driving in a school zone. She spoke to the importance of kids being surrounded by improved homes rather than dilapidated homes. Acknowledged the issue of shade to neighboring properties, but the issue is that our houses are so close to each other, and this will be an issue for all two story buildings. The Commission agreed that improving houses will improve neighborhoods and with the cost of living so high, building up is a more affordable option than purchasing a larger home. The Commission found no justification to reverse the decision of the BAR.

Chair Owens spoke to the traffic issue that this school causes. The impact will only be an 8' increase to the sight line. The view is not impacted and he personally went through the same process. He is in support of the project and he said that more consideration should be paid to traffic than the view.

Commissioner Dodson moved to deny the appeal. Seconded by Commissioner Ross. Approved unanimously.

8. **REPORTS FROM COMMISSIONERS**

Commissioner Ross reported that a problem with pedestrian crossing at Broadway and Fremont citing it as an unsafe situation.

9. **REPORTS FROM STAFF**

Staff reported that Broadway Avenue construction would be completed by June 7 and invited the Commission to the City sponsored Pedal Party from 5- 7 on May 10th at the Seaside Creates office

at 656 Broadway Avenue. Economic Development Manager Gloria Stearns reported on previous comments about road conditions, and the Planning Commission confirmed that they want an independent study session from the City Council.

10. ADJOURNMENT

On motion, the meeting was adjourned at 9:20 PM.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

John Owens, Chair



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.A.

TO: Planning Commission

BY: Rick Medina, Senior Planner

DATE: June 27, 2018

SUBJECT: USE PERMIT APPLICATION NO. UP-18-04. SEASIDE PLAZA, LLC, PROPERTY OWNER, AND JIAN ZHENG, APPLICANT, ARE REQUESTING APPROVAL OF A USE PERMIT TO ALLOW FOR A THERAPEUTIC MASSAGE BUSINESS LOCATED WITHIN THE LAGUNA PLAZA SHOPPING CENTER AT 1130 FREMONT BOULEVARD, STE:103-A IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.

PURPOSE & RECOMMENDATION

In accordance with Table 2-4, allowed land uses and use permit requirements for Commercial Zones, therapeutic massages services are permitted in the CC zoning district subject to receiving use permit approval from the Planning Commission.

BACKGROUND

The project is located at Laguna Plaza, a 26,080 square-foot shopping center on a 1.85 acre site that was constructed in 1988. The center contains 13 tenant spaces in two main structures and a standalone fast food restaurant (Carl's Jr.). A total of 96 common parking spaces are provided in both front and on south side of the shopping center, with vehicular access provided from Fremont Boulevard Avenue. The 13 existing tenant spaces are listed in Table 1 below:

Table 1

Space	Tenant
101	Chomp Laboratory
102	Wakatobi Restaurant
103	Project Site – Purity Day Spa
104	Liberty Income Tax
105	UPS Store
106	Dental Care
107	Armed Forces
201	Breakfast Club Restaurant

203	Cigarette Store
204	Cash Advance
207	Outdoor World
208	Vacant Space
1142 Fremont Boulevard	Carl's Jr, Restaurant

The adjoining land uses to the east consist of two mobile home parks, a motel to the south, a retail commercial building to the north, and a motel and multi-tenant commercial building to the west. Location map is provided as Attachment 2. Site photographs are provided as Attachment 3.

PROJECT DESCRIPTION

The applicant's proposed floor plan features two reception areas at the front entrance, an open air foot massage area consisting of six foot massage sofas on the right of the tenant space and eight rooms enclosed with eight-foot tall partition walls located in the middle of the tenant space. Five rooms will contain a single massage table and three rooms will contain double table massage tables. The doorway to each room will be shielded with a curtain. A single stall unisex rest room and a maintenance room will be located at the far left end of the tenant space. The business will be open seven days a week from 10:00 AM to 10:00 PM.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, Section 15301 (Existing Facilities). Class 1 consists of minor interior alterations involving such things as interior partitions, plumbing and electrical conveyances.

Evidence: The proposed project would involve remodeling the interior of an existing commercial tenant space located within a multiple-tenant commercial shopping center to operate a therapeutic massage business. Interior improvements will include minor wall and electrical improvements to set-up the reception area, massage therapy area, and office. Proposed improvements would be exempt from further CEQA review.

STAFF ANALYSIS AND FINDINGS

USE PERMIT FINDINGS

In accordance with S.M.C. Section 17.24.030.B (Table 2-4 Commercial Zone Land Use and Requirements), an application for a therapeutic massage business shall be filed under the use permit process to determine whether the following findings prescribed under S.M.C Section 17.52.070.F can be made concerning the proposed project:

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

Seaside General Plan Conformance

The Seaside General Plan Land Use Designation for the project site is Community Commercial. The land use classification is intended for retail and service oriented business activities primarily serving the local community or neighborhood. Uses may include restaurants, supermarkets, health clubs, retail goods and services, personal services, neighborhood-oriented retail uses. The proposed project would consist of a personal service oriented land use consistent with the Community Commercial General Plan Land Use designation. The project would be consistent with the following General Plan Goals and Policies:

Land Use Element

Goal LU-4: Ensure that new development compliments existing land uses and enhances the character of the community and neighborhoods.

Policy LU-4.1: Require that all new development is compatible with surrounding uses, the site, and available infrastructure

***Evidence:** The Laguna Plaza shopping center offers a wide variety of retail services, professional offices, and personal services; allowing the therapeutic massage business to locate in the subject site provides a convenient personal service for those shoppers/customers who wish to treat themselves to massage treatment and enhances the commercial viability and opportunities of the shopping center. The interior modifications to the business would not alter or impact the character of the shopping center or introduce any traffic impacts.*

Economic Element

Goal ED-1: Establish a diverse and balanced mix of businesses that will generate a stable, long-term stream of revenue to fund city services.

Policy ED-1.2: Diversify the local economy by targeting business development and attraction efforts toward businesses whose economic cycles are less likely to correspond to those of major retailers in the city.

***Evidence:** The proposed business would introduce a new service oriented business opportunity to the city that would diversify the city's personal services and serve to capitalize on the adjacency of the surrounding retail sales/services at the existing shopping center. The proposed use also has the potential to attract visitors from outside the city that would further enhance economic viability of the shopping center and support business expansion and growth in the City of Seaside.*

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

Zoning Ordinance Conformance

This project is located within the Community Commercial Zoning District. This zoning district is intended for retail and service oriented businesses activities primarily serving the local community and neighborhood. Seaside Municipal Code Section 17.24.030.B (Table 2-4) requires approval of a use permit by the Planning Commission for all therapeutic massage establishments. The definition for “Therapeutic Massage” as contained under Section 17.70 of the SMC (See Attachment 4) outlines the practices and methods that the applicant must adhere to ensure that all massage activity is taking place within the establishment is legitimate and all conduct is of an appropriate nature. The definition also requires that the operator and all individuals performing massage have received certification by the California Massage Therapy Council (CAMTC).

Parking

In accordance with Section 17.34.040.C.1 of the SMC, the city computes parking requirements for tenants in a shopping center based on the aggregate number spaces required for use. The existing shopping center is currently non-conforming with existing parking standards. In accordance with Section 17.72.030.C.2 of the nonconforming parking regulations, for a non-conforming shopping center the number of spaces on-site shall be maintained and additional parking shall be required for additional floor area. No additional floor will be added. The occupancy of the space with interior tenant improvements will be consistent with the off-street parking standards.

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.

The proposed improvements for the use will consist of interior improvements only. No changes are proposed to the exterior façade or site. Per Condition # 2, the front windows will remain clear of any window covering, curtains, or blinds; except for window signs installed in compliance with Section 17.38.080.H of the SMC. With the windows remaining clear for visibility into the tenant space, the design of the business would be compatible with the adjoining tenant spaces and overall appearance of the shopping center from the public right-of-way.

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.

The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.

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.

The granting of a use permit will not create significant noise, traffic, or other conditions or

situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

CONCLUSION

Based on staff's analysis of the application, all of the findings prescribed by S.M.C Section 17.52.070.F can be made. As such, staff recommends that the Planning Commission approve the application based on the findings and subject to the conditions of approval contained in the Draft Resolution provided as Attachment 1.

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Attachment 1 Exhibit A - Project Plans
 3. Attachment 2 - Location Map
 4. Attachment 3 - Site Photos
 5. Attachment 4 - Therapeutic Massage Definition
-

RESOLUTION NO. 18-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A USE PERMIT TO ALLOW FOR A THERAPEUTIC MASSAGE BUSINESS AT 1130 FREMONT BOULEVARD, Ste 103-A IN THE COMMUNITY COMMERCIAL ZONING DISTRICT.

WHEREAS, Seaside Plaza, property owner, and Jiang Zheng, applicant have applied for a use permit to allow:

- A. A therapeutic massage business to consist of six foot massage sofas and eight general massage rooms in a tenant space located in the Laguna Plaza Shopping Center at 1130 Fremont Boulevard, Ste: 103-A in the Community Commercial Zoning District.

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

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed use permit at a duly noticed public hearing at public meeting held on June 27, 2018, and

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

- a) The proposed project would involve remodeling the interior of an existing commercial tenant space located within a multiple-tenant commercial shopping center to operate a therapeutic massage business. Interior improvements will include minor wall and electrical improvements to set-up the reception area, massage therapy area, and office. Proposed improvements would be exempt from further CEQA review.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No. UP-18-04:

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

Evidence:

Seaside General Plan Conformance

The Seaside General Plan Land Use Designation for the project site is Community Commercial. The land use classification is intended for retail and service oriented business activities primarily serving the local community or neighborhood. Uses may include restaurants, supermarkets, health clubs, retail goods and services, personal services, neighborhood-oriented retail uses. The proposed project would consist of a personal service

oriented land use consistent with the Community Commercial General Plan Land Use designation. The project would be consistent with the following General Plan Goals and Policies:

Land Use Element

Goal LU-4: Ensure that new development compliments existing land uses and enhances the character of the community and neighborhoods.

Policy LU-4.1: Require that all new development is compatible with surrounding uses, the site, and available infrastructure

***Evidence:** The Laguna Plaza shopping center offers a wide variety of retail services, professional offices, and personal services; allowing the therapeutic massage business to locate in the subject site provides a convenient personal service for those shoppers/customers who wish to treat themselves to massage treatment and enhances the commercial viability and opportunities of the shopping center. The interior modifications to the business would not alter or impact the character of the shopping center or introduce any traffic impacts.*

Economic Element

Goal ED-1: Establish a diverse and balanced mix of businesses that will generate a stable, long-term stream of revenue to fund city services.

Policy ED-1.2: Diversify the local economy by targeting business development and attraction efforts toward businesses whose economic cycles are less likely to correspond to those of major retailers in the city.

***Evidence:** The proposed business would introduce a new service oriented business opportunity to the city that would diversify the city's personal services and serve to capitalize on the adjacency of the surrounding retail sales/services at the existing shopping center. The proposed use also has the potential to attract visitors from outside the city that would further enhance economic viability of the shopping center and support business expansion and growth in the City of Seaside.*

2) 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

Zoning Ordinance Conformance

This project is located within the Community Commercial Zoning District. This zoning district is intended for retail and service oriented businesses activities primarily serving the local community and neighborhood. Seaside Municipal Code Section 17.24.030.B (Table 2-4) requires approval of a use permit by the Planning Commission for all therapeutic massage establishments. The definition for “Therapeutic Massage” as contained under Section 17.70 of the SMC outlines the practices and methods that the applicant must adhere to ensure that all massage activity is taking place within the establishment is legitimate and all conduct is of an appropriate nature. The definition also requires that the operator and all individuals performing massage have received certification by the California Massage Therapy Council (CAMTC).

Parking

In accordance with Section 17.34.040.C.1 of the SMC, the city computes parking requirements for tenants in a shopping center based on the aggregate number spaces required for use. The existing shopping center is currently non-conforming with existing parking standards. In accordance with Section 17.72.030.C.2 of the nonconforming parking regulations, for a non-conforming shopping center the number of spaces on-site shall be maintained and additional parking shall be required for additional floor area. No additional floor will be added. The occupancy of the space with interior tenant improvements will be consistent with the off-street parking standards.

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 improvements for the use will consist of interior improvements only. No changes are proposed to the exterior façade or site. Per Condition # 2, the front windows will remain clear of any window covering, curtains, or blinds; except for window signs installed in compliance with Section 17.38.080.H of the SMC. With the windows remaining clear for visibility into the tenant space, the design of the business would be compatible with the adjoining tenant spaces and overall appearance of the shopping center from the public right-of-way.

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.

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 granting of a use permit will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

BE IT FURTHER RESOLVED, that the Planning Commission approves Use Permit Application No. UP-18-04 subject to the following conditions:

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 “Purity Day Spa” stamped as received on June 13, 2018, and approved on June 27, 2018. The use permit is approved to allow the establishment of a therapeutic massage business in accordance with the project plans provided as Exhibit “A”, subject to the modification to the height of the walls that would enclose the three massage tables as noted in Condition #2.
2. General Note #1 shall be amended to specify that the new walls being built to establish the three massage table rooms shall not exceed eight feet in height.
3. Minor modifications to the use permit consistent with Seaside Municipal Code Section 17.54.090.C may be made subject to the review and approval by the Zoning Administrator and the Planning Commission if such modifications are in keeping with the intent of the original approval,
4. Signage is not a part of this review. The applicant shall apply for a separate sign permit for the installation of any permanent exterior or window signs. All signage shall conform to the regulations contained in Master Sign Program for Pacific Heights Plaza.
5. The operation of the therapeutic massage business must be operated in compliance with the following standards:
 - a. All employees and independent contractors engaged in conducting massage practices at the premise must possess a valid Certified Massage Therapist Certificate issued by the California Massage Therapy Council. Each massage practitioner must display his or her original certificate issued by the California Massage Therapy Council while providing massage services for compensation.

- b. Provide his or her full name and certificate number upon the request of a member of the public, the council, or a member of law enforcement, or a local government agency charged with regulating massage or massage establishments, at the location where he or she is providing massage services for compensation.
- c. “Massage” means the scientific manipulation of the soft tissues. For purposes of this chapter, the terms “massage” and “bodywork” shall have the same meaning.
- d. “Massage establishment” or “establishment” means a fixed location where massage is performed for compensation, excluding those locations where massage is only provided on an out-call basis.
- e. “Massage practitioner” means a person who is certified by the California Massage Therapy Council pursuant to Section 4604.2 of the California Government Code and who administers massage for compensation.
- f. “Massage therapist” means a person who is certified by the California Massage Therapy Council under Section 4604 of the California Government Code.
- g. The applicant shall require each massage practitioner to undergo a background check with the Seaside Police Department as a condition of their employment, formation of a contractual relationship, or participation in massage related activities. Fees related to the processing of the background check by the Police Department shall be paid as listed in the City’s adopted fees and charges.
- h. All massage practitioners must be at least 18 years of age.
- i. It is a violation of this Use Permit for a business proprietor or a certificate holder conducting massage services under the authority of the business proprietor to commit any of the following acts, the commission of which is grounds for the Zoning Administrator to revoke the Use Permit or to impose discipline on a certificate holder:
 - (1) Unprofessional conduct related to massage services shall consist of the following activities:
 - (A) Engaging in sexually suggestive advertising related to massage services.
 - (B) Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation.
 - (C) Engaging in sexual activity while providing massage services for compensation.
 - (D) Practicing massage on a suspended certificate or practicing outside of the conditions of a restricted certificate.

- (E) Providing massage of the genitals or anal region.
- (2) Procuring or attempting to procure a Massage Practitioner certificate by fraud, misrepresentation, or mistake.
- (3) Failing to fully disclose all information requested on the background application completed by the Seaside Police Department.
- (4) Impersonating a Massage Practitioner certificate holder, or permitting or allowing a noncertified person to use a Massage certificate issued by the California Massage Therapy Council.
- (5) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a Massage certificate holder.
- (6) Dressing while engaged in the practice of massage for compensation or while visible to clients in a massage establishment, in any of the following:
 - (A) Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
 - (B) Swim attire, if not providing a water-based massage modality approved by the council.
 - (C) Attire displayed in a manner that exposes the certificate holder's breasts, buttocks, or genitals.
 - (D) Attire displayed in a manner that constitutes a violation of Section 314 of the Penal Code.
 - (E) Attire in a manner that is otherwise deemed to constitute unprofessional attire based on the custom and practice of the massage practitioner profession as deemed inappropriate in the State of California by the California Massage Therapy Council.
- (7) Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.
- (8) The Zoning Administrator shall deny an application for a Massage Certificate, or revoke the Massage Certificate, if the applicant or certificate holder is required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is required to register as a sex offender in another state.

(9) It is an unfair business practice for a person to do any of the following:

(A) To hold himself or herself out or to use the title of “certified massage therapist” or “certified massage practitioner,” or any other term, such as “licensed,” “certified,” “CMT,” or “CMP,” in any manner whatsoever that implies or suggests that the person is certified as a massage therapist or massage practitioner, unless that person currently holds an active and valid massage practitioner certificate issued by the California Massage Therapy Council.

(B) To falsely state or advertise or put out any sign or card or other device, or to falsely represent to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or massage practitioner.

6. The applicant shall display the certification from the CAMTC for each massage technician employed in the establishment in a conspicuous place in the facility in such a manner that it can be easily seen by any person entering the establishment.
7. The hours of operation for the massage establishment shall generally be limited to the hours of 10:00 AM to 10:00 PM, daily. The use permit may not permit anyone to engage in massage therapy outside of the permitted hours of operation.
8. The storefront windows shall remain clear without any type of window covering, blinds, walls, or other solid, opaque materials, except for window signs designed in accordance with Seaside Municipal Code Section 17.38.080.H.

Fire Department:

1. Prior to the issuance of a Certificate of Occupancy, applicant shall comply with the requirements of the Seaside Fire Marshall for the placement and spacing of the foot sofa massage chairs and standard massage tables.

Building Department:

1. Prior to commencing business, the applicant must receive a Certificate of Occupancy from the Building Division.

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. These conditions shall be binding on the applicant and all successors in interest, subject to the business operations not lapsing for a period 180 consecutive days. In the case of a transfer of ownership, the new owner of the establishment shall sign the adopted Resolution acknowledging these conditions of approval. Failure to comply with this requirement may result in revocation of this use permit.
5. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
6. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
7. 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.
8. 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.
9. 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.
10. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 27th of June, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

EXCEPTIONS:

- ⑤ COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS IN THE DOCUMENT RECORDED FEBRUARY 27, 1905 IN BOOK 84 OF DEEDS, PAGE 119. THIS ITEM MAY AFFECT THE SUBJECT PROPERTY BUT IS NOT PLOTTED HEREON BECAUSE THE SUPPORTIVE DOCUMENT PROVIDED AT THE TIME OF SURVEY IS ILLEGIBLE.
- ⑥ A WAIVER OF ANY CLAIMS FOR DAMAGES BY REASON OF THE LOCATION, CONSTRUCTION, LANDSCAPING OR MAINTENANCE OF A CONTIGUOUS FREEWAY, HIGHWAY OR ROADWAY, AS CONTAINED IN THE DOCUMENT RECORDED MAY 15, 1944 AS BOOK 834, PAGE 157 OF OFFICIAL RECORDS. THIS ITEM IS BLANKET IN NATURE AND DOES AFFECT THE SUBJECT PROPERTY.
- ⑦ AN EASEMENT FOR SANITARY SEWERS AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED SEPTEMBER 23, 1952 AS BOOK 1407, PAGE 166 OF OFFICIAL RECORDS. THIS ITEM MAY AFFECT THE SUBJECT PROPERTY BUT IS NOT PLOTTED HEREON BECAUSE THE EXACT LOCATION OF SAID EASEMENT CANNOT BE DETERMINED FROM THE DESCRIPTION OF RECORD.
- ⑧ THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "UNRECORDED MEMORANDUM OF UNDERSTANDING" RECORDED MARCH 2, 1988 AS REEL 2202, PAGE 725 OF OFFICIAL RECORDS. THIS ITEM IS BLANKET IN NATURE AND DOES AFFECT THE SUBJECT PROPERTY.
- ⑨ THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "GRANT DEED" RECORDED MARCH 2, 1988 AS REEL 2202, PAGE 725 OF OFFICIAL RECORDS. THIS ITEM IS BLANKET IN NATURE AND DOES AFFECT THE SUBJECT PROPERTY.
- ⑩ AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED MAY 10, 1988 AS REEL 2363, PAGE 19 OF OFFICIAL RECORDS. THIS ITEM IS PLOTTED HEREON AND DOES AFFECT THE SUBJECT PROPERTY.

STATEMENT OF ENCROACHMENTS:

- * THIS IS A LISTING OF OBSERVED ENCROACHMENTS THAT CROSS PROPERTY LINES. STATEMENT OF OWNERSHIP OR POSSESSION IS NOT THE INTENT OF THIS LISTING.
- (A) SOUTH END RETAINING WALL LIES 2.4' SOUTH OF PROPERTY LINE.
 - (B) SOUTH END RETAINING WALL LIES 1.6' SOUTH OF PROPERTY LINE.
 - (C) ANGLE POINT BLOCK WALL LIES 0.5' NORTH OF PROPERTY LINE.
 - (D) BUILDING CORNERS LIE 0.2' TO 0.3' NORTH OF SCHEDULE B ITEM NO. 11

NOTE:

THERE WERE NO MONUMENTS FOUND OR SET AT THE PROPERTY LINE CORNERS UNLESS OTHERWISE NOTED.

THE INFORMATION COURSES AND DISTANCES SHOWN ON THIS SURVEY PRINT ARE TRUE AND CORRECT AND ACCURATELY REPRESENT THE BOUNDARIES AND AREA OF THE PREMISES.

THERE IS NO VISIBLE EVIDENCE OF CEMETERIES ON SUBJECT PROPERTY.

ALL MEASURED AND RECORD DIMENSIONS ARE THE SAME UNLESS NOTED OTHERWISE.

AT THE TIME OF SURVEY NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR ADDITIONS WERE OBSERVED.

NO RECENT CHANGES IN STREET RIGHTS-OF-WAY WERE OBSERVED AT THE TIME OF SURVEY.

NO VISIBLE EVIDENCE WAS OBSERVED THAT THE SITE IS BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL AT THE TIME OF SURVEY.

THIS SURVEY HAS BEEN PREPARED FOR TITLE INSURANCE PURPOSES ONLY. THIS SURVEY MAY NOT CONTAIN SUFFICIENT DETAIL FOR DESIGN PURPOSES. THE BOUNDARY DATA AND TITLE MATTERS AS SHOWN HEREON HAVE BEEN DEVELOPED FROM THE REFERENCED TITLE REPORT.

UNLESS THIS PLAN HAS THE SEAL AND SIGNATURE OF THE SURVEYOR AND/OR ENGINEER RESPONSIBLE FOR ITS PREPARATION, THIS IS NOT AN AUTHENTIC COPY OF THE ORIGINAL SURVEY AND SHALL NOT BE DEEMED RELIABLE.

UTILITY NOTE:

BASED ON VISUAL OBSERVATION, THE SUBJECT SITE IS SERVED BY ALL THE NECESSARY UTILITIES REQUIRED TO MAINTAIN NORMAL OPERATION.

BUILDING
1142 FREMONT BOULEVARD
1 STORY STUCCO BUILDING
BUILDING HEIGHT = 17'±
BUILDING AREA = 2,727 SQUARE FEET±

LEGEND:

N.	NORTH
S.	SOUTH
E.	EAST
W.	WEST
TYP.	TYPICAL
DIA.	DIAMETER
P.L.	PROPERTY LINE
NO.	NUMBER
A.C.	ASPHALT CONCRETE
R.	RECORD
M.	MEASURED
C.L.	CENTER LINE
P.O.B.	POINT OF BEGINNING
CONC.	CONCRETE
FOUND.	FOUND
W/	WITH
E.W.	EASTERLY
W.W.	WESTERLY
GI	GRATE INLET
WV	WATER VALVE
BD	BACKFLOW DEVICE
VT	VAULT
FH	FIRE HYDRANT
PIV	POST INDICATOR VALVE
FDC	FIRE DEPARTMENT CONNECTION
CPB	CABLE PULLBOX
FP	FLAG POLE
WM	WATER METER
SC	SEWER CLEANOUT
SMH	SEWER MANHOLE
TE	TRASH ENCLOSURE
QM	GAS METER
TR	TRANSFORMER
SB	SPEAKER BOX
HCR	HANDICAP RAMP
EPNL	ELECTRICAL PANEL
MB	MAILBOX
EPB	ELECTRICAL PULLBOX
MS	MONUMENT SIGN

FD, LEAD AND TAG "LS5207"
PER R.S. VOL. 15, PG 122

WATER METER (4 TYP.)

BUILDING CORNER (0.2' N. OF P.L.)

N. FACE BLOCK WALL (4.7' S. OF P.L.)

PROJECT SITE

REEL 064 O.R. PG 495

BUILDING
1130 FREMONT BOULEVARD
1 STORY STUCCO BUILDING
BUILDING HEIGHT = 28'±
BUILDING AREA = 11,067 SQUARE FEET±

BUILDING
1130 FREMONT BOULEVARD
1 STORY STUCCO BUILDING
BUILDING HEIGHT = 28'±
BUILDING AREA = 15,013 SQUARE FEET±

REEL 1934 O.R. PG 1160
SATO MELVIN T.
APN: 012-371-053-000

SITE RESTRICTIONS:

SETBACK:	
FRONT	0'
SIDE	0'
REAR	0'
HEIGHT	48' OR 4 STORIES
BULK	F.A.R. 0.5
ZONE	CC (COMMUNITY COMMERCIAL)

ALL SITE RESTRICTIONS WERE OBTAINED PER THE CITY OF SEASIDE (PLANNING DEPARTMENT) CONTACT: RICK MEDINA (631) 699-6729

NOTING AND RESTRICTIONS SHOWN HEREON WERE OBTAINED BY A GENERAL REQUEST AT THE PUBLIC COUNTER OF THE ABOVE NAMED DEPARTMENT. NO REPRESENTATION OR GUARANTEE FOR THE ACCURACY OR COMPLETENESS OF SAID DATA IS MADE. THIS PLAN IS NOT AN EXPERT IN THE INTERPRETATION OF COMPLEX ZONING ORDINANCES. COMPLIANCE IS BEYOND THE SCOPE OF THIS SURVEY. ANY USE OF SAID INFORMATION IS DEEMED TO CONTACT THE LOCAL AGENCY DIRECTLY.

PARKING REQUIREMENTS:

RETAIL: 1 SPACE PER 500 SQUARE FEET

OFFICES: 1 SPACE PER 300 SQUARE FEET

COFFEE HOUSE/MEDICAL: 1 SPACE PER 200 SQUARE FEET

BASIS OF BEARINGS:

THE BEARING NORTH 19°24'00" EAST BEING THE SOUTHEASTERLY RIGHT OF WAY LINE OF FREMONT BOULEVARD AS SHOWN ON RECORD OF SURVEY FILED IN VOLUME 15, PAGE 122 OF SURVEYS IN THE COUNTY OF MONTEREY, STATE OF CALIFORNIA WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

O.K.O. ENGINEERING INC.
CIVIL ENGINEERS/SURVEYORS/STRUCTURAL/
& CAD SPECIALISTS

23671 BIRCHER DRIVE
LAKE FOREST, CALIFORNIA 92630

949/597-3577
FAX 949/597-3579

COPYRIGHT 2011
by Back & Clark Corporation
This product style and format is protected by Copyright and all rights are reserved. The use of this style and format is strictly prohibited without the written consent and permission of Back & Clark Corporation.

SURVEY

SCALE: 1"=30'-0"



JHW
ARCHITECTS INC.
2400 GARDEN ROAD
SUITE C
MONTEREY, CA 93940
(831) 649-1701
FAX (831) 649-3072
www.jhwarch.com



PROJECT/OWNER

PURITY
DAY SPA
REMODEL

AT
1130 FREMONT BLVD.
SUITE 103
SEASIDE, CA 93955

APN: 012-371-061

DRAWN BY: j

PRINT DATE: 06-15-18

DRAWING DATE: 06-15-18

DATE ISSUED FOR CONSTRUCTION:

REVISIONS:

SHEET TITLE:

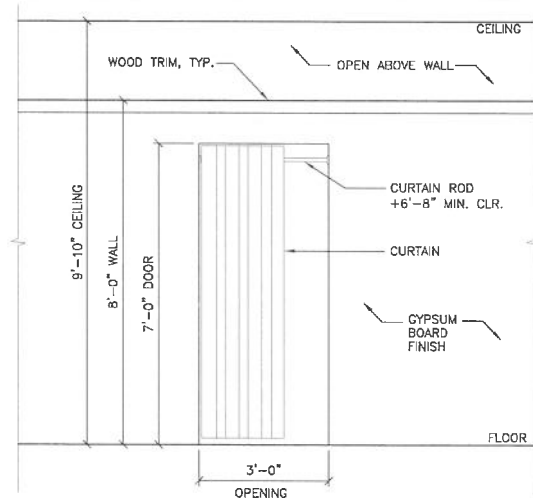
SURVEY

SHEET NUMBER:

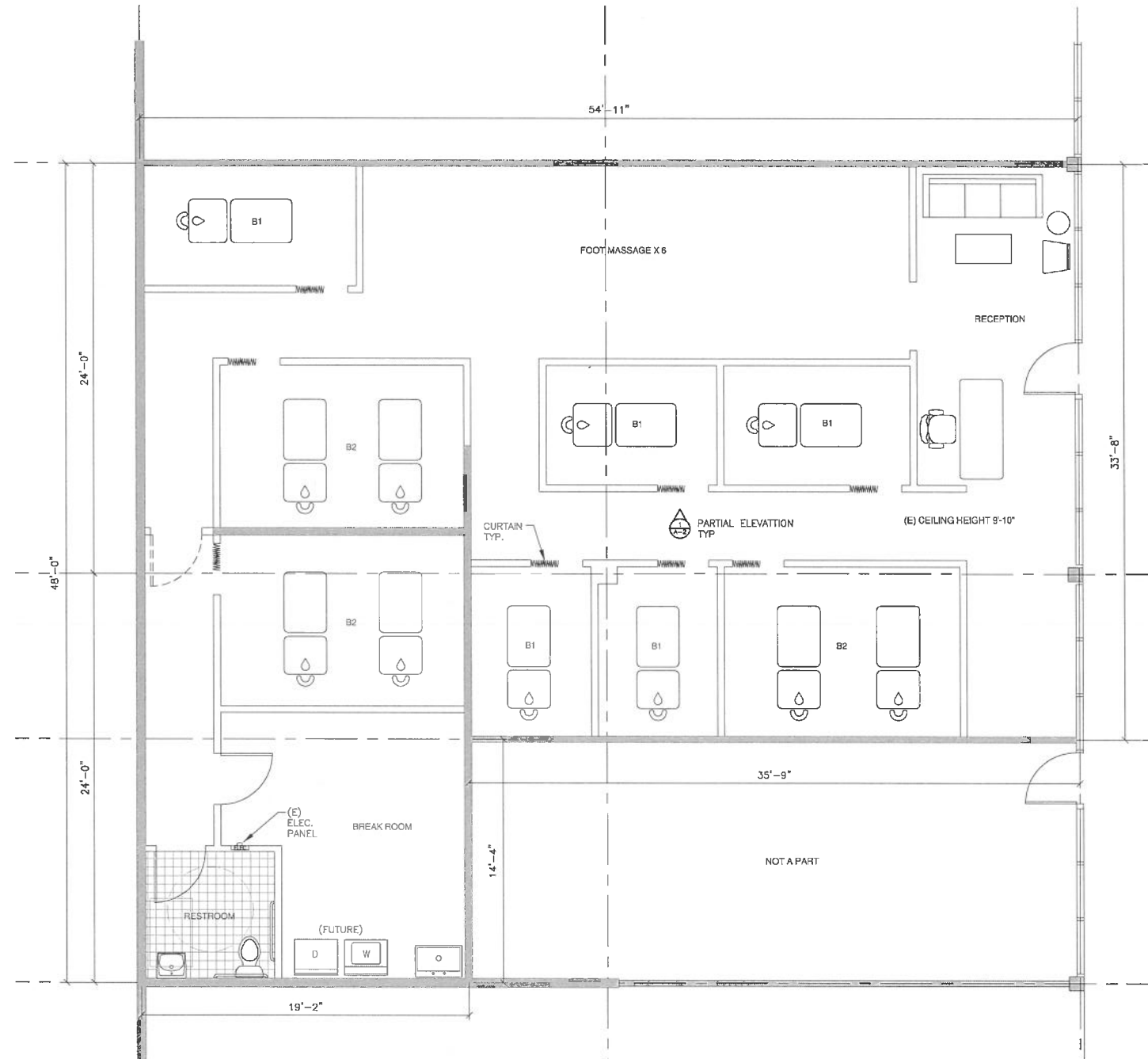
A-1

THE USE OF THESE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE SITE FOR WHICH THEY WERE PREPARED. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT IS STRICTLY PROHIBITED. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE PLANS OR FOR ANY DAMAGE TO PERSONS OR PROPERTY RESULTING FROM THE USE OF THESE PLANS.

S:\Clients\01-AutoCad 2008 Jobs\Purity Spa- Seaside\DWGA-2 FLOOR PLAN.dwg, 6/15/2018 10:31:56 AM, Christine



1
A-2 TYPICAL INTERIOR WALL & DOORWAY
SCALE: 1/2"=1'-0"



WALL LEGEND	
=====	EXISTING WALL TO BE REMOVED
=====	PARTIAL HEIGHT WALL, 8'-0" 2X4's @ 16" O.C.
=====	FULL HEIGHT STUD WALL: 2X4's @ 16" O.C.

FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"



SCOPE OF WORK

THIS PROJECT CONSISTS OF INTERIOR TENANT IMPROVEMENTS TO AN EXISTING 2,152 SF RETAIL SPACE (SUITE 103), INCLUDING:

- 1) REMOVAL OF A PARTITION WALL & DOOR
- 2) CREATING AN ACCESSIBLE ADA COMPLIANT BATHROOM
- 3) ADDING PARTITION WALLS TO CREATE (5) 1 PERSON MASSAGE ROOMS, (3) 2 PERSON MASSAGE ROOMS & RECEPTION / WAITING AREA.

JHW
ARCHITECTS INC. ■
2400 GARDEN ROAD
SUITE C
MONTEREY, CA 93940
(831) 649-1701
FAX (831) 649-3072
www.jhwarch.com



PROJECT/OWNER

PURITY DAY SPA REMODEL

AT
1130 FREMONT BLVD.
SUITE 103
SEASIDE, CA 93955

APN: 012-371 -061

DRAWN BY: jt
PRINT DATE: 06-15-18
DRAWING DATE: 06-15-18
DATE ISSUED FOR CONSTRUCTION:
REVISIONS:

SHEET TITLE:

PROPOSED FLOOR PLAN

SHEET NUMBER:

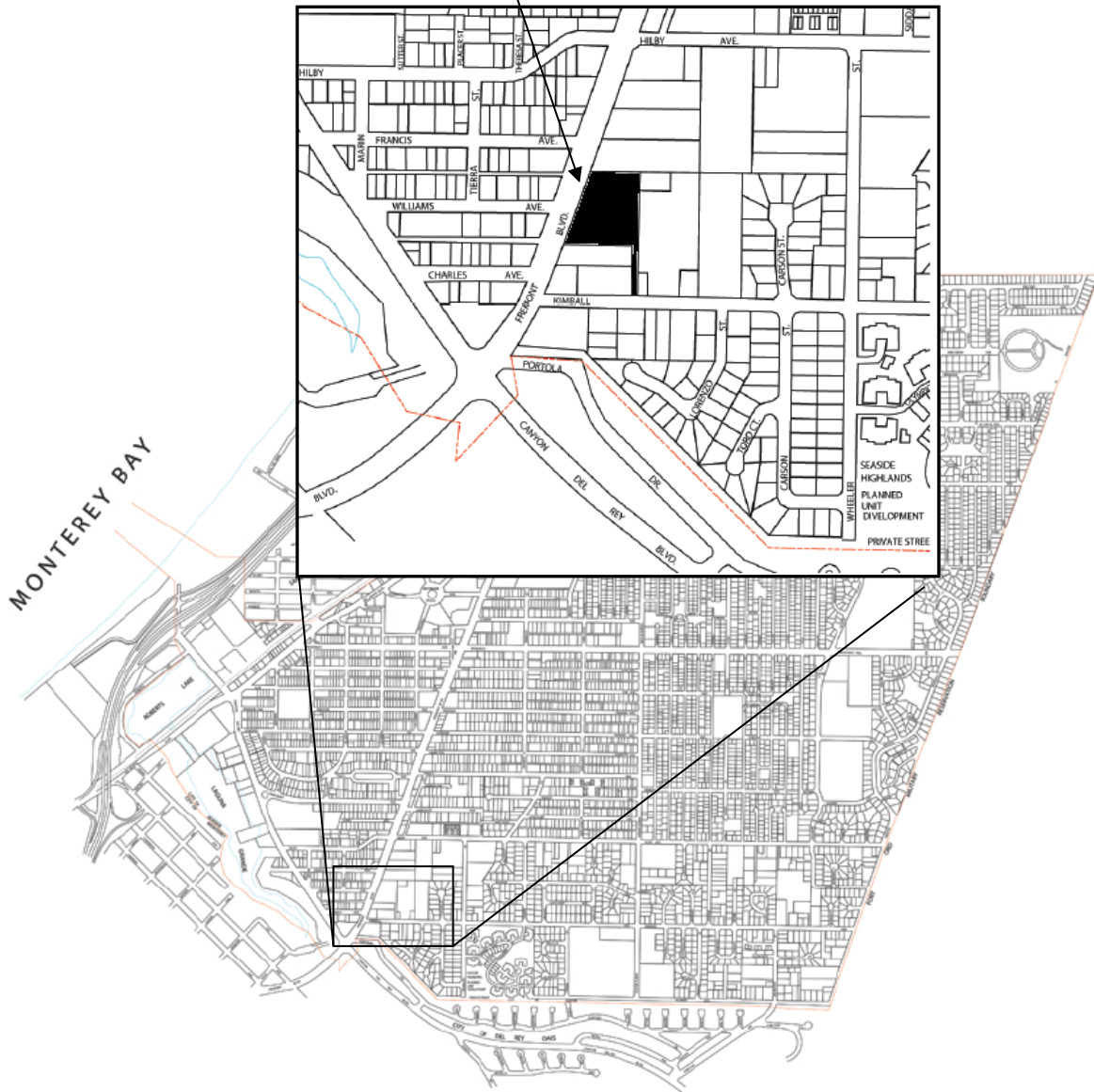
A-2

THE USE OF THESE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT, AND VISUAL CONTACT WITH THESE CONSULTING FIRMS FURTHER EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.

Attachment 2

Location Map

Project Site: 1130 Fremont Boulevard



Attachment 3 – Site Photos



Front façade of tenant space



Front Façade looking east



Front Façade looking west

Therapeutic Massage

Therapeutic Massage. An establishment with a fixed place of business where any individual, firm, association, partnership, corporation, or combination of individuals, engages in, conducts, carries on or permits to be engaged in, conducted or carried on, massage, baths, or health treatments involving massage or baths as the principle functions where the establishment adheres to the following criteria:

1. All individuals performing massage on the premises of the establishment are engaged in legitimate, therapeutic, non-sexual massage, have received certification by the California Massage Therapy Council (CAMTC), and are able to demonstrate current certification at the time of business license issuance and annual business license renewal by the City; and
2. All individuals performing massage on the premises of the establishment maintain reasonable attire and personal hygienic practices, and the establishment maintains safe, clean, and hygienic facilities; and
3. The establishment shall be subject to reasonable inspections during regular business hours by duly authorized law enforcement officials, to ensure compliance with all applicable building, fire, and health and safety requirements.

Establishments whose principle function involves the methods of practice or the legitimate techniques of licensed physicians, chiropractors, physical health therapists, or athletic trainers are classified as "Medical Services – Doctor Office." Massage establishments that are engaged in sexual massage, or do not satisfy all of the above criteria, are classified as an "Adult Oriented Business."