



## A G E N D A

CITY OF SEASIDE  
ZONING  
ADMINISTRATION

REGULAR MEETING  
Council Chamber  
440 Harcourt Avenue  
Monday, January 28, 2019  
5:00 PM

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*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 (MUP 18-12) FOR AN EXTENSION OF A NONCONFORMING DRIVE-THRU OF A MCDONALD'S RESTAURANT, WHICH WAS INVOLUNTARILY DESTROYED, LOCATED AT 1516 CANYON DEL REY BOULEVARD IN THE COASTAL REGIONAL COMMERCIAL ZONE (CCRG).**

**RECOMMENDATION:** E&E Caplow, LLC (Applicant) filed Minor Use Permit application 18-12 on December 3, 2018 for an extension of the nonconforming drive-thru use of the McDonald's located at 1516 Canyon Del Rey Boulevard, which was involuntarily destroyed on June 5, 2018.

6. **ADJOURNMENT**

Next Regularly Scheduled Meeting:  
February 4, 2019  
5:00PM

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

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**CITY OF SEASIDE  
STAFF REPORT**

Item No.: 5.A.

**TO:** Zoning Administration

**BY:** Beth Rocha, Associate Planner

**DATE:** January 28, 2019

**SUBJECT: MINOR USE PERMIT APPLICATION (MUP 18-12) FOR AN EXTENSION OF A NONCONFORMING DRIVE-THRU OF A MCDONALD'S RESTAURANT, WHICH WAS INVOLUNTARILY DESTROYED, LOCATED AT 1516 CANYON DEL REY BOULEVARD IN THE COASTAL REGIONAL COMMERCIAL ZONE (CCRG).**

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**PURPOSE & RECOMMENDATION**

E&E Caplow, LLC (Applicant) filed Minor Use Permit application 18-12 on December 3, 2018 for an extension of the nonconforming drive-thru use of the McDonald's located at 1516 Canyon Del Rey Boulevard, which was involuntarily destroyed on June 5, 2018.

**BACKGROUND**

On June 5, 2018 a vehicle crashed into the McDonald's restaurant located at 1516 Canyon Del Rey Boulevard, striking gas and electrical lines and igniting a fire that completely destroyed the restaurant. The McDonald's had been in operation at this location for more than three decades and included a drive-thru, a use that is only permitted for establishments in existence as of December 4, 2006 in the Regional Commercial Zone. Therefore, the drive-thru of the McDonald's is classified as a non-conforming use and is regulated by Seaside Municipal Code (SMC), Chapter 17.72: Nonconforming Uses, Structures, and Parcels.

**STAFF ANALYSIS**

On June 29, 2018 the city received and issued a demolition permit for the removal of the structure from the site. Approximately five months later, on December 3, 2018 E&E Caplow, LLC (Applicant) filed a Minor Use Permit for an extension of the 180 day reestablishment period for the nonconforming drive-thru use, in accordance with 17.72.040.A.2, which states:

The Zoning Administrator may grant a Minor Use Permit in compliance with Section 17.62.070 to allow an extension of the 180-day period for a period not to exceed an additional 180 days if the Zoning Administrator first finds that circumstances beyond the control of the applicant prevented the timely reestablishment of the use.

If granted, the 180 day extension would establish June 5, 2019 as the date by which the reestablishment of the drive-thru shall commence through the filing of a Use Permit application, which is required for fast-food restaurants in the CCRG zone.

On January 7, 2019 the City received a letter (see Attachment 1) from PM Design (project architectural firm) providing the reasons for the extension request application to support the findings required to be made by the Zoning Administrator, which included:

1. The vehicular accident which caused the fire and subsequent destruction of the restaurant, and
2. McDonald's has been working with their insurance company and the owner/operator to investigate the incident and resolve financial matters concerning rebuilding the site, and
3. Time spent coordinating with the property owners, landlords, and the City.

McDonald's authorized Elk Grove Builders to clean up the site and remove the existing vault that remained after the fire. Elk Grove Builders was contracted on 06/25/18, started the site cleanup on 07/09/2018, and finalized the site cleanup on 08/14/18.

Additionally, the first schematic plan was sent to the Building Official around 09/27/18 and a follow up email with a schematic plan was sent to Rick Medina, Senior Planner, on 11/13/18. Later that week Beth Rocha, Associate Planner, reviewed the schematic plan and communicated various issues with the proposal to Robert Forloine of PM Group, from site access being constrained to the current configuration as limited by the City's policy against tree removal, the orientation of the building being to far from the right of way, as well as other design elements that are inconsistent with the city's zoning code.

### **RECOMMENDATION**

Staff recommends the Zoning Administrator approve the 180 day extension request, which will establish June 5, 2019 as the date by which the applicant will be required to submit a complete Use Permit application and plans to the City of Seaside. Additionally, the temporary fencing shall be maintained in a manner to fully enclose the site in a secure and upright manner.

### **ATTACHMENTS**

1. Extension Request Letter 010719
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January 7, 2019

Beth Rocha  
Associate Planner  
Community Development  
440 Harcourt Ave.  
Seaside, CA 93955  
(831) 899-6728

RE: **MCDONALD'S SEASIDE REBUILD  
MUP - EXTENSION**  
1516 Canyon Del Rey Blvd.  
Seaside, CA 93955  
PMDG JOB NO. MCD17201.0

Dear Beth Rocha:

We are writing this letter to the city to request an extension for our planning submittal for the McDonald's location at 1516 Del Rey Blvd. As you are likely aware, there was an unfortunate car accident on June 5, 2018 at this McDonald's location that caused a major fire incident and as a result the entire building burned to the ground. McDonalds has been working diligently with their insurance company and the owner/operator to investigate the incident and lay out the groundwork to resolve the matters concerning financials and rebuilding this site. McDonald's has also been spending a considerable amount of time coordinating with the Landlord and property owners, city and their internal legal teams to work through multiple site layout configurations that might be functional for both the McDonald's and the Shopping center. All of these steps have unfortunately taken much more time than anticipated. On a positive note, during this process McDonald's was able to authorize a Contractor to clean up the site and remove the existing vault that was still standing.

We would at this time request that an extension be granted for our planning submittal date so as to allow the balance of time needed for us to finalize a site layout and assemble the planning submittal package. We would appreciate the Cities consideration to grant our request. Should you have any questions regarding this request please do not hesitate to contact us.

Respectfully,

Pedro McCracken DESIGN GROUP, INC.

Robert Forloine

Project Manager

**PM Design Group, Inc.**

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