



A G E N D A
CITY OF SEASIDE
PLANNING COMMISSION

SPECIAL MEETING
Council Chamber
440 Harcourt Avenue
Wednesday, March 6, 2019
7:00 PM

1. CALL TO ORDER

2. ROLL CALL - ESTABLISHMENT OF QUORUM

3. PLANNING COMMISSION

John Owens	Chair
Michael Spalletta	Vice Chair
Keith Dodson	Commissioner
Denise Ross	Commissioner
Arlington La Mica	Commissioner
Dave Evans	Commissioner
Vacant	Commissioner

4. 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).

5. 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.

6. APPROVAL OF MINUTES

A. FEBRUARY 13, 2019

7. BUSINESS ITEMS

- A. USE PERMIT APPLICATION NO. UP-19-01. LARRY AMOS, APPLICANT, IS REQUESTING THE APPROVAL OF A USE PERMIT TO ALLOW THE ESTABLISHMENT OF AN ITINERANT VENDOR TO COOK AND SELL BARBECUE FOOD PRODUCTS ON THE REAR OPEN SPACE AREA OF TERRACE LIQUORS LOCATED AT 1949 FREMONT BOULEVARD IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT. THE PROJECT IS EXEMPT CLASS 3, SECTION 15303(E) FROM THE CALIFORNIA ENVIRONMENTAL ACT (CEQA) GUIDELINES.**

RECOMMENDATION: In accordance with Section 17.52.190.E of the Seaside Municipal Code (SMC), the parking of a barbecue trailer/food trailer for the purpose of selling cooked food on a private property may be allowed with the issuance of a Use Permit.

- B. USE PERMIT APPLICATION NO. UP-19-02. STEVE AND JOHN CARDINALI, PROPERTY OWNERS, APPLICANT, AND BRIAN ROBERTS, APPLICANT, ARE REQUESTING USE PERMIT APPROVAL TO CONVERT AN EXISTING VEHICLE STORAGE LOT INTO A VEHICLE STORAGE LOT FOR A TOW SERVICE. THE PROJECT SITE IS LOCATED AT 446 PALM AVENUE IN THE MEDIUM DENSITY RESIDENTIAL (RM) ZONING DISTRICT OF THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN (APN# 011-305-004 AND 005). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(C) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.**

RECOMMENDATION: In accordance with Section 17.72.030.C of the Seaside Municipal Code (SMC), the transfer of a nonconforming use to another similar nonconforming use may be allowed with the issuance of a Use Permit.

8. REPORTS FROM COMMISSIONERS

9. REPORTS FROM STAFF

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
March 13, 2019
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, 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. Live streamed meeting videos as well as videos of past meetings are available on the City's website at: <http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

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, February 13, 2019
7:00 PM

1. **CALL TO ORDER**

Chair Owens called the meeting to order at 7:00

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

PLANNING COMMISSION

PRESENT: La Mica, Spalletta, Evans, Owens, Dodson, Ross
ABSENT: None

3. **REVIEW OF AGENDA**

No changes were requested.

4. **PUBLIC COMMENT**

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

5. **APPROVAL OF MINUTES**

A. JANUARY 23, 2019

The item was continued to the next meeting to update the vote blocks.

6. **BUSINESS ITEMS**

A. COASTAL DEVELOPMENT PERMIT APPLICATION NO. CDP-19-01. CITY OF SEASIDE, PROPERTY OWNER AND APPLICANT, IS REQUEST APPROVAL OF A COASTAL DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE EXISTING DEL MONTE LIFT STATION LOCATED AT THE SOUTHWEST CORNER OF DEL MONTE BOULEVARD AND CANYON DEL REY BOULEVARD IN THE COASTAL TRANSPORTATION CORRIDOR (CTC) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(D) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.

Senior Planner Rick Medina indicated the Purpose of the application was to make a finding that the proposed improvements to the existing public utility, the Del Monte lift station located at the southwest corner of Del Monte Boulevard and Canyon Del Rey boulevard will not, under the circumstances of the particular case, result in any detrimental impact on the City's goals and policies of the City of Seaside Local Coastal Plan (LCP). Mr. Medina noted that no improvements have been made to the site since it was developed. The purpose of the lift

station is to move the flow of the sanitary sewer system from a lower elevation to a higher elevation. The new lift station will serve to improve the reliability of the sewer system and prevent any backup from the sanitary sewer leaching or flowing into the adjacent Laguna Grande Lake and Roberts Lake. Both of these waterways serve to provide the City of Seaside with environmentally sensitive plant and wildlife and connect with the outflow of these lakes into the Monterey Bay Sanctuary. The project requires a Coastal Development Permit. Mr. Medina answered questions from the Commission.

The Commission discussed the proposed vegetation plan, proposed by Rana Creek. They discussed the location where the generator would be located, the piping locations, and the possible to be relocated underground. Staff spoke to the unanticipated cost of the project, and clarified that the proposal is not relocating a station, but building a new station, with a larger scope and an emergency overflow tank. The project as initially over budget and the project scope was reduced. There are no impacts to the pathways for coastal issues, the landscape proposed will be screening and the generator will be situated behind trees and can only be seen if you are walking next to it. The Commission expressed disappointment, but understanding for the location of the generator.

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

The Commission requested that the landscape be designed to match the adjoining landscape.

On motion by Commissioner Denise Ross and seconded by Commissioner Arlington La Mica and passed by the following vote the Planning Commission Approved the item as presented.

RESULT: **Approved**

AYES: John Owens, Denise Ross, Keith Dodson, Arlington La Mica, Michael Spalletta, Dave Evans

NOES: None

7. REPORTS FROM COMMISSIONERS

Chair Owens reiterated his request for an update on the roads and road maintenance to which staff responded that he will email the City Engineer and copy the Commission requesting a presentation. The Commission also requested clarification on vacant buildings on Broadway Avenue, and staff responded there are four new businesses that have opened and there are two more that are anticipated to open in the very near future. They also questioned staff on the status of the cannabis operators and staff responded it will be reported at a near future City Council meeting. They also questioned the status of filling the Planning Commission vacancy.

8. REPORTS FROM STAFF

There will be items on the next two agendas.

9. ADJOURNMENT

Having no further business, the meeting was adjourned.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

John Owens, Chair



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.A.

TO: Planning Commission

BY: Gloria Stearns, Community Development Manager
Rick Medina, Senior Planner

DATE: March 6, 2019

SUBJECT: USE PERMIT APPLOCATION NO. UP-19-01. LARRY AMOS, APPLICANT, IS REQUESTING THE APPROVAL OF A USE PERMIT TO ALLOW THE ESTABLISHMENT OF AN ITINERANT VENDOR TO COOK AND SELL BARBECUE FOOD PRODUCTS ON THE REAR OPEN SPACE AREA OF TERRACE LIQUORS LOCATED AT 1949 FREMONT BOULEVARD IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT. THE PROJECT IS EXEMPT CLASS 3, SECTION 15303(E) FROM THE CALIFORNIA ENVIRONMENTAL ACT (CEQA) GUIDELINES.

PURPOSE & RECOMMENDATION

In accordance with Section 17.52.190.E of the Seaside Municipal Code (SMC), the parking of a barbecue trailer/food trailer for the purpose of selling cooked food on a private property may be allowed with the issuance of a Use Permit.

BACKGROUND

The property owner/business owner of Ord Terrace Liquors is proposing to lease the rear, undeveloped open space area of the project site located at 1949 Fremont Boulevard to allow for an itinerant vendor to operate an outdoor barbecue food service. The liquor store was built in the 1950's and has been continuously operating since. The rear area of the site has remained in its, vacant, undeveloped condition. The subject site is located within Regional Commercial (CRG) Zoning District. The City's Zoning Code allows for itinerant vendors serving from either a food truck or barbecue trailer to be located as a permanent outdoor venue when located on private property upon receiving a use permit from the Planning Commission. Subject to receiving approval from the Planning Commission on the use permit, the applicant will be submitting a Building Permit application to make minor tenant improvements (trash enclosure, barriers, ADA walkway, restrooms).

SITE LOCATION AND DESCRIPTION

The subject site is an approximately 21,000 square-foot parcel located on the west side of Fremont Boulevard, and adjacent to the southwest corner of the intersection of Fremont Boulevard and Playa Avenue (Attachment 2). The existing liquor store is approximately 5,580 square feet in size with the front façade and entrance facing toward Fremont Boulevard. An asphalt parking area consisting of 13 parking stalls is located to the front and north side of the liquor store.

The subject site is bordered on the north by the Cost Plus shopping center, on the east by strip commercial retail/service businesses, on the west by the American Legion Service Club, and on the south by the Thunderbird Motel. Location Map is provided as Attachment 2. An aerial image is provided as Attachment 3. Site Photographs are provided as Attachment 4.

PROJECT DESCRIPTION

The applicant is proposing to use the entire undeveloped 90-foot by 120-foot area (10,800 square feet) behind the liquor store to operate an outdoor barbecue food service (See Site Plan – Attachment 1-Exhibit A). The barbecue trailer/barbecue grill/Portable bathrooms (Service Area) will be located on the far north side site within a 15-foot by 85-foot area (1,275 square feet) with the remaining 90-foot by 85-foot area (7,650 square feet) to the south being used to provide for eight parking spaces, including one van disable space. A portion of the south side of the site will be used for an accessible pedestrian path that will provide a connection between the "Service Area" and the front sidewalk on Fremont Boulevard. A chain connected with metal post bollards will be installed along the property line abutting the alley to the west to direct the flow of vehicle traffic into and out of the 24-foot wide drive entrance. Plastic stand-up bollards will be used to partition the barbecue/pedestrian areas from the parking lot.

The "Service Area" is configured to place the barbecue trailer on the east end, the cooking grill in the middle, and the portable bathroom on the west end. The service window for the barbecue trailer will face toward Playa Avenue. A canopy will be placed over the outdoor grill. Per the Monterey County Health Department regulations, all food cooked on the grill will be brought

into and packaged for sale in the trailer. There will be no outdoor tables or chairs will be on-site.

Food sales will be for to-go only. The trailer and barbecue grill will be removed nightly. The proposed hours of operation are Monday through Friday from 11 am to 7 pm. Applicant will begin preparation and set-up of the service area at 7 am.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act pursuant to Class 3, Section 15303(e): Class 3 consists of new structures in limited numbers. The proposed trailer and outdoor cooking grill are minor accessory structures that would not have any impact on the environment.

STAFF ANALYSIS AND FINDINGS

USE PERMITS ARE FOR THOSE USES WHICH, BY THEIR NATURE, REQUIRE SPECIAL CONSIDERATION SO THAT THEY MAY BE LOCATED PROPERLY WITH RESPECT TO THE OBJECTIVES OF THE MUNICIPAL CODE AND WITH RESPECT TO THEIR EFFECTS ON SURROUNDING PROPERTIES. IN ORDER TO ACHIEVE THESE PURPOSES, THE PLANNING COMMISSION IS EMPOWERED TO APPROVE, CONDITIONALLY APPROVE, OR DENY APPLICATIONS FOR USE PERMITS.

Land Use

The proposed use is located in a heavily developed commercially zoned area of the City, containing a mix of motels, restaurants, retail, and service organizations. The adjoining properties are developed with a 25-unit motel to the south, the American Legion service club to the west and retail uses located across Playa Avenue and Fremont Boulevard to the south and east.

City staff finds that the overall size of the rear area where the parking and service area will be located is sufficient to avoid overcrowding on the parcel, provide access for all persons from the public sidewalk on Fremont Boulevard, vehicular circulation without any conflict with food sales or interfering with the operation of the adjoining businesses. The following factors should be considered:

- The location of the service area will be positioned on the opposite side of the parcel to reduce odor, noise and visual impacts on the motel to the south; and

- The barbecue trailer as shown on the site photos will provide a professional appearance;
- Vehicular access to the rear will be controlled via a 24-foot wide drive entrance located away from the intersection of the alley with Playa Avenue to reduce back-ups that could affect other vehicles or pedestrians; and
- The area of the service area will be setback approximately 25 feet from the curb line of Playa Avenue to minimize conflict with the roadway and allow for pedestrians to safely access the site; and
- With no on-site dining, the off-street parking area will provide sufficient parking and mitigate litter and food related disposable waste issues; and
- A trash enclosure will be constructed to provide for garbage and waste generated by the liquor store and barbecue business; and
- The development of the vacant area within a primary regional commercial area will serve to upgrade the visual appearance of the area, provide for a business opportunity that will attract both local and visitors coming to the city.

Noise

Patron's voices, vehicular traffic and the operation of a 1,300 watt Honda generator would be the main noise sources at the project site. The proposed hours of operation for the sales of food are 11:00 am through 7:00 pm, Monday through Friday. The preparation of the outdoor grill will begin at 7:00 am with the outdoor cooking ceasing at 6:30 pm. The generator will be turned on at 10:00 am and shut down no later at 8:00 pm. The use of the generator is required to run the refrigeration and hot box inside the trailer. When lights are required during non-daylight savings time, the generator would be used for that purpose as well.

The outdoor activity occurring with the proposed business must be conducted in accordance with the objectives of the City's Noise standards for a stationary noise source under Section 17.30.060.E of the Seaside Municipal Code (SMC). No use shall generate noise in excess of levels identified in Table 3-3 (Maximum Interior and Exterior Noise Standards) and 3-4 (Noise/Land Use Compatibility Matrix). The primary noise source associated with the business would be the operation of the 13,000 watt

generator which would be at 60dB.

The noise sensitive use closest to the site is the 33-unit Thunderbird Motel on the adjacent parcel to the south. Per Table 3-3, the maximum exterior dB is 70. Per the Table 3-4, the noise compatibility matrix lists less than 55 dB as normally acceptable with a noise level of 65 dB or less as conditionally acceptable. The portion of the motel facing the "Service Area" consists of 12 rooms, with 10 rooms having small bathroom window facing the site and two having a 40/40 windows. The primary sleeping area of each room is oriented away from the project site. Based on the location of the generator combined with distance from the motel and the vehicle traffic noise on Fremont Boulevard and Playa Avenue, noise levels will operate at a normally acceptable level. Furthermore, Condition No. 2 includes noise mitigation to further reduce noise levels to a less than significant level.

Parking

The project site is developed with 11 parking spaces on a paved asphalt surface that are used for the Liquor store. The applicant is proposing stripe eight spaces, which includes a van disable space on the gravel surface to the rear. An outdoor itinerant vendor does not have a specific parking requirement. Per Section 17.34.040.A. 2, a land use not specifically listed shall be as required by the review body. In this case, the Planning Commission would be the review body.

The Parking lot to the rear has been designed to allow for a controlled entrance and exit so that vehicles are entering and exiting without interference with the pedestrian walkway and the disable space is located the closest to the "Service Area". In review of Table 3-8 (Parking Requirements By Land Use), eight parking spaces would equal the size of a 1,600 square-foot take-away restaurant. City finds that using this criteria the proposed business would be providing an acceptable number of parking spaces. Additionally, the business would be operating week days only. Should parking related problems occur, staff has included a condition of approval which allows the Community Development Director to refer the Use Permit back to the Planning Commission for possible mitigation measures.

Building, Police, and Fire Review

The Building Division and Fire Department have reviewed the proposed use and do not have concerns with the proposal. Any physical design issues will be addressed with the forthcoming Design Review application. The Police Department also reviewed the proposal and has determined that no special security staff or precautions will be required.

Public Works

Public works has provided the following conditions:

- Provide tracker system at drive entrance to control the flow of dirt and debris from tires entering the City streets.
- All grease collection from the cooking grill and trailer shall be disposed within an on-site tallow container.
- Trash enclosure shall be constructed on-site to contain trash from the proposed business and existing liquor store.

FINDINGS

In accordance with S.M.C. Section 17.62.070, an application for a used permit shall be filed under the use permit process to determine whether the following findings can be made concerning the proposed project:

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 Regional Commercial (RGC) Zoning District in which an itinerant vendor is permitted with use permit approval (S.M.C.S. 17.24.030, Table 2-4).

Evidence

- The location of the service area will be positioned on the opposite side of the parcel to reduce odor, noise and visual impacts on the motel to the south; and
- The barbecue trailer as shown on the site photos will provide a professional appearance;

- Vehicular access to the rear will be controlled via a 24-foot wide drive entrance located away from the intersection of the alley with Playa Avenue to reduce back-ups that could affect other vehicles or pedestrians; and
- The area of the service area will be setback approximately 25 feet from the curb line of Playa Avenue to minimize conflict with the roadway and allow for pedestrians to safely access the site; and
- With no on-site dining, the off-street parking area will provide sufficient parking and mitigate litter and food related disposable waste issues; and
- A trash enclosure will be constructed to provide for garbage and waste generated by the liquor store and barbecue business; and
- The development of the vacant area within a primary regional commercial area will serve to upgrade the visual appearance of the area, provide for a business opportunity that will attract both local and visitors coming to the city.

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 Regional Commercial. According to the Seaside General Plan, the Regional Commercial land designation is intended to promote large scale development with retail, entertainment, and or service uses to serve the regional market.

Land Use Element

Goal LU--2: Revitalize existing commercial areas

Policy LU-2.1: Encourage consolidation of under-performing and under-utilized commercial properties

Evidence: The proposed outdoor food service will serve to revitalize a vacant, underutilized commercial property and provide for a retail/service use that will attract

both local residents and visitors.

ATTACHMENTS

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

1. Attachment 1 - Draft Resolution
2. Exhibit A - Site Plan

3. Attachment 2 - Location Map

Evidence: The proposed business will be designed to provide the following:

4. Attachment 3 - Aerial Photo

5. Attachment 4 Site photos

-
1. An accessible pedestrian walkway from Fremont Boulevard to the "Service Area"; and
 2. Off-street parking; and
 3. A "Service Area" on compliance with Health Department regulations; and
 4. Mitigation to control the noise level.

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. As condition of approval, the applicant must receive clearance from the Monterey Peninsula Water Manage District to document that the outdoor food use is exempt from District water allocation requirements.

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 for the proposed business based on the site plan submitted 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.

RESOLUTION NO. 19-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A USE PERMIT TO ALLOW FOR AN OUTDOOR COOKING FACILITY AT 1949 FREMONT BOULEVARD IN THE REGIONAL COMMERCIAL ZONING DISTRICT.

WHEREAS, Ku Hu Hong, property owner, and Larry Amos, applicant have applied for a use permit to allow:

- A. An itinerant vendor to establish an outdoor cooking facility on a private parcel in the Regional 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 special public hearing held on March 6, 2019, and

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

- a) The proposed project would involve the placement of a trailer and an outdoor barbecue grill that would be removed each day.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No. UP-19-01:

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

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

Zoning Ordinance Conformance

This project is located within the Regional Commercial (RGC) Zoning District in which an itinerant vendor is permitted with use permit approval (S.M.C.S. 17.24.030, Table 2-4).

Evidence

1. The location of the service area will be positioned on the opposite side of the parcel to reduce odor, noise and visual impacts on the motel to the south; and
2. The barbecue trailer as shown on the site photos will provide a professional appearance;
3. Vehicular access to the rear will be controlled via a 24-foot wide drive entrance located away from the intersection of the alley with Playa Avenue to reduce back-ups that could affect other vehicles or pedestrians; and
4. The area of the service area will be setback approximately 25 feet from the curb line of Playa Avenue to minimize conflict with the roadway and allow for pedestrians to safely access the site; and
5. With no on-site dining, the off-street parking area will provide sufficient parking and mitigate litter and food related disposable waste issues; and
6. A trash enclosure will be constructed to provide for garbage and waste generated by the liquor store and barbecue business; and
7. The development of the vacant area within a primary regional commercial area will serve to upgrade the visual appearance of the area, provide for a business opportunity that will attract both local and visitors coming to the city.

2) 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 Regional Commercial. According to the Seaside General Plan, the Regional Commercial land designation is intended to promote large scale development with retail, entertainment, and or service uses to serve the regional market.

Land Use Element

Goal LU--2: Revitalize existing commercial areas

Policy LU-2.1: Encourage consolidation of under-performing and under-utilized commercial properties

Evidence: The proposed outdoor food service will serve to revitalize a vacant, underutilized commercial property and provide for a retail/service use that will attract both local residents and visitors.

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 business will be designed to provide the following:

1. An accessible pedestrian walkway from Fremont Boulevard to the “Service Area”; and
2. Off-street parking; and
3. A “Service Area” on compliance with Health Department regulations; and
4. Mitigation to control the noise level.

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. As condition of approval, the applicant must receive clearance from the Monterey Peninsula Water Manage District to document that the outdoor food use is exempt from District water allocation requirements.

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 for the proposed business based on the site plan submitted 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.

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 “Catering Fresh 2U” Stamped February 13, 2019. Site Plan is provided as Exhibit A.
2. 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,
3. 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.
4. The house of operation will be from 7 am to 7 pm, Monday through Friday. The sales of food will be from 11 am to 7 pm.

5. The outdoor generator shall not exceed a decibel level of 60 dB as heard from the adjoining property line to the south.
6. Applicant shall obtain a permit from the Monterey County Health Department for the preparation and sale of food from an outdoor grill.
7. A portable bathroom and handwashing facility shall be provided in compliance with Health Department regulations.
8. A trash enclosure shall be constructed to provide for trash and debris from the liquor store and outdoor cooking facility.
- 9.

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 operation of the outdoor trailer and equipment.

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

Use Permit Application No. UP-19-01

These permits are 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).

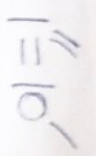
The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Planning Commission.

Applicant's Signature

Date

Property Owner's Signature (if different from above)

Date



Location Map

Project Site: 1949 Fremont Boulevard



Attachment 3

Aerial Photo



Attachment 4

Site Photos



View of the front façade for Liquor Store



View of trailer location from Playa Avenue



View of site with trailer and tent covering outdoor grill from Playa Avenue



View of site with trailer and tent covering outdoor grill from Playa Avenue



View of site from alley



View of site from motel



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.B.

TO: Planning Commission

BY: Rick Medina, Senior Planner
Gloria Stearns, Community Development Manager

DATE: March 6, 2019

SUBJECT: USE PERMIT APPLICATION NO. UP-19-02. STEVE AND JOHN CARDINALI, PROPERTY OWNERS, APPLICANT, AND BRIAN ROBERTS, APPLICANT, ARE REQUESTING USE PERMIT APPROVAL TO CONVERT AN EXISTING VEHICLE STORAGE LOT INTO A VEHICLE STORAGE LOT FOR A TOW SERVICE. THE PROJECT SITE IS LOCATED AT 446 PALM AVENUE IN THE MEDIUM DENSITY RESIDENTIAL (RM) ZONING DISTRICT OF THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN (APN# 011-305-004 AND 005). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(C) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.

PURPOSE & RECOMMENDATION

In accordance with Section 17.72.030.C of the Seaside Municipal Code (SMC), the transfer of a nonconforming use to another similar nonconforming use may be allowed with the issuance of a Use Permit.

BACKGROUND

The property owner is requesting use permit approval to allow for the conversion of an 8,000 square-foot parcel originally approved for the storage of taxis/vehicles into a storage lot for a towing service (Matteson and Beers). The original use permit was approved on February 3, 1999. The subject site is located within Medium Density Residential (RM) Zoning District of the West Broadway Urban Village Specific Plan Zoning District. The site was zoned as Primary Retail when the use permit for taxi/vehicle storage was granted in 1999. With the change in zoning, the current use is now classified as a legal nonconforming use. Subject to receiving approval from the Planning Commission on the use permit, a nonconforming use can be changed to another nonconforming use of the same or more restricted nature. The existing tow service is located in the City of Seaside at 1529 Santa Barbara Street. The applicant has to relocate due to the loss of their current lease. The tow service is one of two tow services in the City of Seaside.

SITE LOCATION AND DESCRIPTION

The subject site is an approximately 8,000 square-foot parcel located on the south side of Palm Avenue between Contra Costa Street and Imperial Street (Attachment 1). The subject site is bordered on the north by a nonconforming warehouse, on the east by a two story single family dwelling, on the west by a beauty salon, and on the south by single family dwellings. Location Map is provided as Attachment 1. An aerial image is provided as Attachment 2. Site Photographs are provided as Attachment 3.

PROJECT DESCRIPTION

The applicant is proposing to use the entire 80-foot by 100 foot (8,000 square feet) parcel for the storage of 15 vehicles (See Site Plan – Attachment 4). An existing 400 square-foot building located near the southwest corner will be used as an office. The applicant will maintain one flat bed tow truck and one hook tow truck within the driveway areas or an open parking stall if available. The existing wood fence along the front property line will be replaced with a decorative wood fence.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act pursuant to Class 3, Section 15301(c): Class 1 consists of occupying an existing structure or parcel with no structural change. The proposed business will not involve any physical change to the site. The use of the site will only involve the parking of vehicles and the use of the existing building as an office.

STAFF ANALYSIS AND FINDINGS

USE PERMITS ARE FOR THOSE USES WHICH, BY THEIR NATURE, REQUIRE SPECIAL CONSIDERATION SO THAT THEY MAY BE LOCATED PROPERLY WITH RESPECT TO THE OBJECTIVES OF THE MUNICIPAL CODE AND WITH RESPECT TO THEIR EFFECTS ON SURROUNDING PROPERTIES. IN ORDER TO ACHIEVE THESE PURPOSES, THE PLANNING COMMISSION IS EMPOWERED TO APPROVE, CONDITIONALLY APPROVE, OR DENY APPLICATIONS FOR USE PERMITS.

Land Use

The proposed use is located in an area of the City which contains a mix of residential, retail, and heavy commercial uses. The adjoining properties are developed with single family dwellings to the east and south and commercial businesses to the west and north. The existing structures were developed in the 1950's and 1960's. The current General Plan designation is Medium Density Residential under the West Broadway Urban Village Specific Plan which was adopted in 2010.

City staff finds that the change in the use of the site from a storage lot for taxis/vehicles to that for the storage of vehicles related to a tow service would be similar to the existing use subject to the site not containing any wrecked and/or severely damaged vehicles. The following factors should be considered:

- There would be no wrecked or severely damaged vehicles; and
- The vehicles stored on-site would be parked in a uniform manner;
- There would be no servicing of vehicles on-site ; and
- The tow trucks affiliated with the business would be stored inside the yard; and
- There would be no drop off or pick-up of vehicles between 7 pm and 7 am.

Noise

Patron's voices, vehicular traffic and the operation of the tow trucks would be the main noise sources at the project site. The proposed hours of operation are from 7:00 am through 5:00 pm, daily.

The outdoor activity occurring with the proposed business must be conducted in accordance with the objectives of the City's Noise standards for a stationary noise source under Section 17.30.060.E of the Seaside Municipal Code (SMC). No use shall generate noise in excess of levels identified in Table 3-3 (Maximum Interior and Exterior Noise Standards) and 3-4 (Noise/Land Use Compatibility Matrix). The primary noise source associated with the business would be the operation of moving vehicles. The hours of operation would restrict vehicles being delivered between 7 pm and 7 am.

Building, Police, and Fire Review

The Building Division and Fire Department have reviewed the proposed use and do not have concerns with the proposal. Any physical design issues will be addressed with the forthcoming Design Review application. The Police Department also reviewed the proposal and has determined that no special security staff or precautions will be required.

FINDINGS

In accordance with S.M.C. Section 17.62.070, an application for a used permit shall be filed under the use permit process to determine whether the following findings can be made concerning the proposed project:

Finding 1

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

1.

Zoning Ordinance Conformance

In accordance with Section 17.72.030.A.3, a nonconforming use may be changed to another nonconforming use of similar or more restricted nature

Evidence: The proposed use will consist if changing the nature of vehicle storage from passenger vehicles to vehicles associated with a towing service. Conditions of approval would prohibit wrecked or severely damaged vehicles to avoid the appearance as a wrecking yard.

Finding 2

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

3.

Seaside General Plan Conformance

The Seaside General Plan Land Use Designation for the project site is Medium Density Residential in the West Broadway Urban Village Specific Plan

Evidence: The proposed use may be allowed with a use permit subject to the Planning Commission determining that said use would operate in similar manner to the previous vehicle storage use. Conditions of approval would prohibit wrecked or severely damaged vehicles to avoid the appearance as a wrecking yard.

Finding 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 site will be enclosed with a fence on all sides, with a decorative design on the front property line facing Palm Avenue. Operation of the facility would be limited to between 7 am and 7 pm, Monday through Friday, and between 9 am and 5 pm on Saturday and Sunday. Office use will be on-site for employees to have shelter and bathroom. Tow vehicles would be prohibited from parking on the public street.

Finding 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. As condition of approval,

the applicant must receive clearance from the Monterey Peninsula Water Manage District to document that the outdoor food use is exempt from District water allocation requirements.

Finding 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 for the proposed business based on the site plan submitted will not create significant 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.

ATTACHMENTS

1. Attachment 1 - Location Map
 2. Attachment 2 - Aerial Photo
 3. Attachment 3 Site Photo
 4. Attachment 4 - Site Plan
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Attachment 1

Location Map

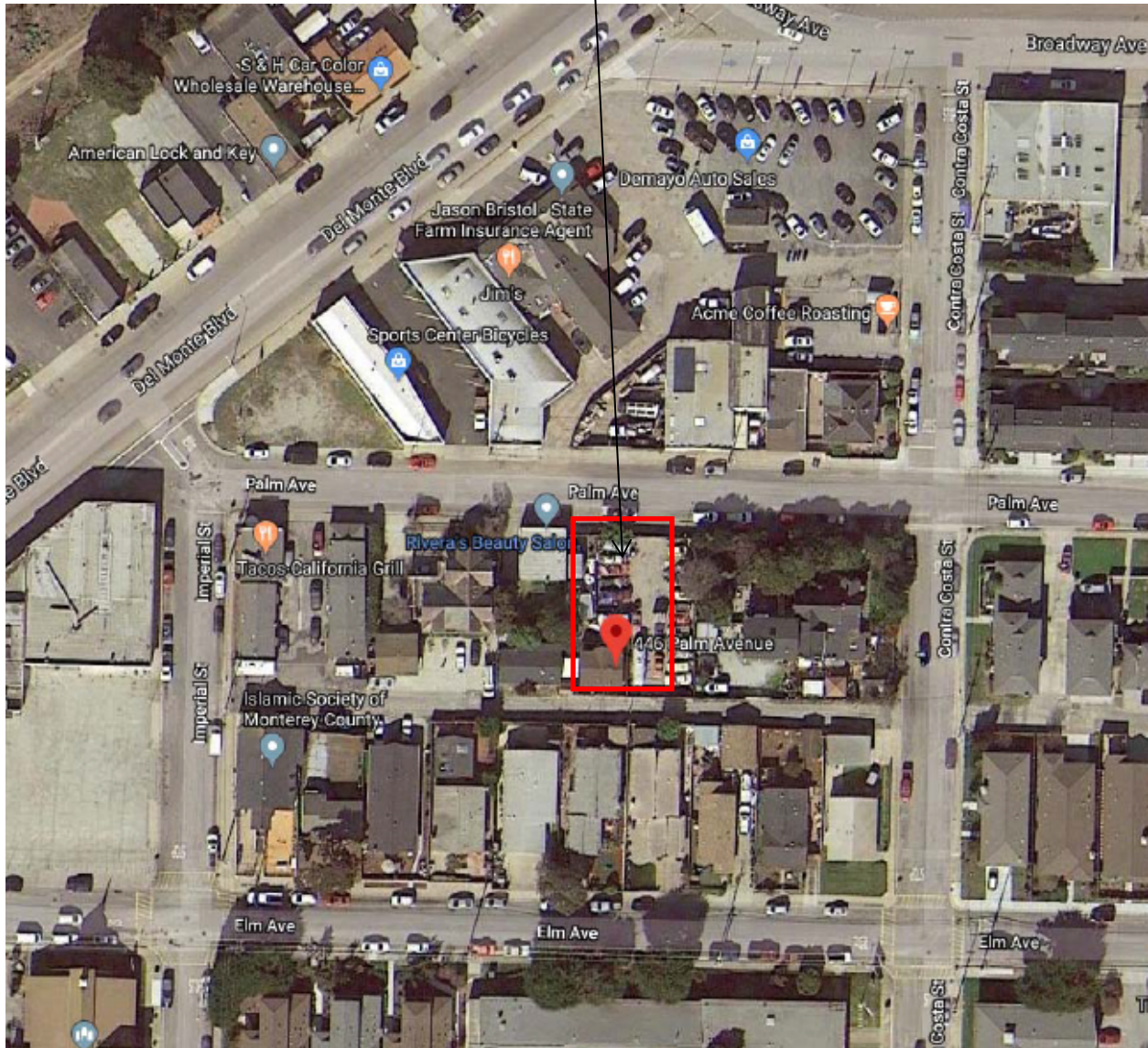
Project Site: 446 Palm Avenue



Attachment 2

Aerial Photo

Project Site: 446 Palm Avenue



Attachment 3

Site Photo



View of front fence from Palm Avenue looking east



PALM AVE