



**A G E N D A**  
CITY OF SEASIDE  
PLANNING COMMISSION

REGULAR MEETING  
Council Chamber  
440 Harcourt Avenue  
Wednesday, May 8, 2019  
7:00 PM

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**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 |
| William Silva     | 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. March 20, 2019, APRIL 10, 2019 AND APRIL 24, 2019**

**7. BUSINESS ITEMS**

**A. USE PERMIT APPLICATION NO. UP-19-09. CHARTWELL SCHOOL (PROPERTY OWNER AND APPLICANT) IS REQUESTING USE PERMIT APPROVAL TO ALLOW THE CONSTRUCTION OF TWO 96 SQUARE FOOT STORAGE SHEDS ON THE CHARTWELL SCHOOL CAMPUS LOCATED AT 2511 NUMA WATSON ROAD, IN THE PI (PUBLIC/INSTITUTIONAL) ZONING DISTRICT. (APN #031-151-022)**

**RECOMMENDATION:** In accordance with Seaside Municipal Code (SMC) Section 17.18.030.B, Table 2-7, Allowed Land Uses and Permit Requirements for Special Purpose Zones, use permit approval is required for the establishment of an ancillary use associated with a School – private or specialized education.

**B. COASTAL DEVELOPMENT APPLICATION NO. CDP-19-03. MONTEREY REGIONAL PARK DISTRICT, PROPERTY OWNER, AND THE CITY OF SEASIDE, APPLICANT, ARE REQUESTING THE APPROVAL OF A COASTAL DEVELOPMENT PERMIT TO CONSTRUCT A FIREWORKS STAGING AREA AND SAFETY ZONE TO LAUNCH A 20-MINUTE FIREWORKS DISPLAY AS A ONE-TIME FREE PUBLIC TEMPORARY EVENT ON JULY 4, 2019 IN THE PARKS AND OPEN SPACE (CPOS) ZONING DISTRICT. THE PROJECT IS EXEMPT, CLASS 4, SECTION 15304.E FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,.**

**RECOMMENDATION:** In accordance with Section of the Seaside Coastal Implementation Plan (CIP), a coastal development permit is required to use a public park as part of a Temporary Event.

**C. WORKING SESSION: WEST BROADWAY URBAN VILLAGE (WBUV) USE TABLE**

**RECOMMENDATION:** The purpose of this item is for the Planning Commission to have a working session regarding the uses of the West Broadway Urban Village and future proposed code amendments including language, definitions, and permit requirements.

**8. REPORTS FROM COMMISSIONERS**

**9. REPORTS FROM STAFF**

## **10. ADJOURNMENT**

Next Regularly Scheduled Meeting:  
May 22, 2019  
Seaside City Hall  
7:00 PM

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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, March 27, 2019  
7:00 PM

**1. CALL TO ORDER**

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

**2. PLANNING COMMISSION**

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

PRESENT: Ross, Evans, La Mica, Owens

ABSENT: Spalleta, Dodson

**4. REVIEW OF AGENDA**

No changes.

**5. PUBLIC COMMENT**

Chair Owens invited comments from the public.

A member of the public spoke to concerns and perceptions of government and spoke to several public situations and officials to whom he is dissatisfied with. Another member of the public spoke about the political climate in Santa Cruz and exercising his first amendment and constitutional right of free speech. He encouraged members of the public to read the bible as it has many political theories.

**6. APPROVAL OF MINUTES**

*On motion by Commissioner Denise Ross and seconded by Commissioner Arlington La Mica and passed by the following vote the Commission approved the minutes of March 6th and March 13th as presented.*

*RESULT: **Approved 4-0***

**A. FEBURARY 13, 2019, MARCH 6, 2019 AND MARCH 13, 2019**

**7. BUSINESS ITEMS**

**A. USE PERMIT APPLICATION No. UP-18-06: CITY OF SEASIDE, PROPERTY OWNER, AND SEQUOIA DEVELOPMENT SERVICES, APPLICANT, ARE REQUESTING THE APPROVAL OF A USE PERMIT TO ALLOW A WIRELESS TELECOMUNICATION FACILITY AND RELATED EQUIPMENT AT SOPER FIELD PARK LOCATED AT 220 COE AVENUE IN THE OPEN SPACE RECREATIONAL (OSR) ZONING DISTRICT (APN#031-051-025). THE PROJECT IS**

**CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(d) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES. ITEM CONTINUED FROM THE JANUARY 9, 2019 PLANNING COMMISSION MEETING.**

Senior Planner spoke to the January 9, 2019 Planning Commission Public Hearing where public testimony was accepted. He spoke to the modified proposal responsive to the Commission's comments to include a replacement of the 70- foot sports field tower with new light tower or placement with a mono pine tower, as well as the location of the equipment shelter and enclosure for the generator for sound attenuation. Mr. Medina acknowledged an RF report submitted with the project that is well under the required compliance FCC guidelines. The staff findings support approval of the project. Tripp May, consultant outside counsel for Telecom Law spoke to the provided plot maps to show the coverage for what area of town would be served by which antenna on a particular site. Applicant Pete Schubert, spoke representing Verizon Wireless detailing the three proposed site options, all with equivalent functionality and spoke to all sites considered. He stated they would be willing to install a battery operated generator if required. He also spoke to the location of the generator.

The Commission questioned other locations considered, preferences of the light tower to the mono pine for aesthetics to the park and the generator location and functionality.

Chair Owens invited comments from the public.

Silvia Shee requested that efforts be made to muffle the sound.

The Commission discussed the location and functionality of the generator concerned with sound, interference with park functionality and fumes near park users, as well as the architecture of the structure.

*On motion by Commissioner La Mica and seconded by Commissioner Evans and passed by the following vote the Planning Commission approve the use permit UP 18-6 with the stipulation that the generator be battery operated, and the structure enclosing the generator architecturally match the existing building, be reduced to 8 feet, that the roof would match the slope of the batting cage, and that the light pole be replaced with a mono pine.*

**RESULT:                      *Approved 4-0***

**B. 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. ITEM CONTINUED FROM THE MARCH 6, 2019 SPECIAL MEETING OF THE PLANNING COMMISSION.**

Economic Development Director Stearns presented the item continued from the March 6, 2018 meeting. She spoke to the background of the site, the current use, and the zoning code that allows outdoor cooking subject to use permit. Since the last meeting, the site plan was modified to have no restroom access as she revised the proposal removed on-site food consumption, to reduce clutter. Pedestrian access requirements

were modified to not impact traffic control and onsite parking would be available. She reminded the Commission that no water is available at this site so it is not an option for new construction. She provided site photos and renderings of what the site would look like and reminded the Commission that land use compatibility considerations include: pedestrian access, odors, noise, parking availability and trash enclosure. Ms. Stearns answered questions from the Commission. The Applicant spoke to adjusting his application with consideration of Commissioners feedback. He presented a petition from residents and businesses in support of the project.

The Commission questioned the time limit of a use permit, taxes, business license requirements, food truck regulations, generator noise and PG&E hook ups. They discussed possible changes in zoning regulations to allow for food trucks, which would be a 60-90 day approval process.

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

Chair Owens disagreed with the use and how it would make the city look. Commissioner Evans and Ross believed it was not fitting for the land use. Commission La Mica dissented and indicated that the American Legion is considering upgrading their property and has no issue with the food truck on site and that it is better than an empty lot. *Mr. La Mica moved to pass the staff recommendation and motion died for lack of a second.*

*On motion by Commissioner Dave Evans and seconded by Commissioner Denise Ross and passed by the following vote the Planning Commission denied the use permit application as presented.*

|                |                                     |
|----------------|-------------------------------------|
| <b>RESULT:</b> | <b>Rejected</b>                     |
| <b>AYES:</b>   | John Owens, Denise Ross, Dave Evans |
| <b>NOES:</b>   | La Mica                             |

Staff asked for the evidences of denial for incorporating into the ordinances to which they indicated the following:

They prefer the Zoning Code to be amended to allow vendors on city streets not private property, the dirt lot is aesthetically displeasing, the cumulative effect of all the noise of the operations would be impactful and is not mitigated and the parking is unprofessional

A resolution of denial with the above findings will be brought back at the April 10, 2019 meeting.

**8. REPORTS FROM COMMISSIONERS**

None.

**9. REPORTS FROM STAFF**

Gloria Stearns said staff is coordinating a CEQA attorney for training and will invite the Commission and the Board of Architectural Review.

**10. ADJOURNMENT**

Meeting adjourned at 8:44 PM.

**Respectfully submitted,**

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**Lesley Milton-Rerig, City Clerk**

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**John Owens, Chair**



## DRAFT MINUTES

CITY OF SEASIDE  
PLANNING COMMISSION

REGULAR MEETING  
COUNCIL CHAMBER

Wednesday, April 24, 2019  
6:00 PM

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1. **CALL TO ORDER**

The meeting was called to order at 6:00 pm.

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

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

3. **PLANNING COMMISSION**

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

The Commission recessed to the field trip at 6:05 PM.

5. **REVIEW OF AGENDA**

Item 8D was continued at the request of the applicant.

6. **PUBLIC COMMENT**

No requests to speak.

7. **APPROVAL OF MINUTES**

A. **March 20, 2019 AND APRIL 10, 2019**

Continued to the next meeting.

8. **BUSINESS ITEMS**

A. **VARIANCE APPLICATION NO.19-01 AND USE PERMIT APPLICATION NO.19-08:UNIVERSITY PLAZA SHOPPING CENTER, LLC INC., PROPERTY OWNER, AND THE SEASIDE CALLY CORPORATION, APPLICANT, ARE REQUESTING A VARIANCE TO 17.52.140.F.2 TO ALLOW FOR THE HOURS OF OPERATION UNTIL MIDNIGHT EVERY NIGHT OF THE WEEK, AND A USE PERMIT TO ALLOW FOR A MECHANICAL AND ELECTRONIC GAME CENTER (LYNN'S ARCADE) WITH THE ON-SALE OF BEER WITHIN A 2,760 SQUARE-FOOT TENANT SPACE AT UNIVERSITY PLAZA SHOPPING CENTER LOCATED AT 1760 FREMONT BOULEVARD, SUITE D-1, IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT (APN 012-071-014). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

Commissioner Dodson arrived at 7:00 PM.

Chair Owens invited comments from the public and had no requests to speak. The Commission had no concerns and expressed it will be a positive addition to the plaza.

**RESULT:** **Approved 5-0**

Senior Planner Medina presented the application for the exterior stairway leading to the roof deck above a new two car garage. He detailed the site plan including elevations to show the proposed changes to the facade. The Commission received information and discussed the proposed design changes including facade materials and the single family design guidelines but the item was only to approve the staircase. Chair Owens expressed concerns about privacy. who which Allen Robinson, Architect representing the applicant spoke to Mr. Owens concern explaining the set back is only 5 feet therefore it is not a traditionally occupied back yard that would be viewable and explained the options about the design that would protect privacy.

*On motion by Commissioner Keith Dodson and seconded by Vice Chair Michael Spalletta and passed by the following vote the Planning Commission Approved Resolution 19-07 and Use Permit Application UP 19-06 approving the application as presented.*

**RESULT:** **Approved 5-0**

## Packet Page 9

**AT 1516 CANYON DEL REY BOULEVARD IN THE COASTAL VISITOR-SERVING RECREATION (CVSC) ZONING DISTRICT (APN'S 011-561-024 AND 011-561-025). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 2, SECTION 15302 (B) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

Planner Rocha introduced the item to rebuild the McDonalds site after destroyed by fire on June 5, 2018, explaining that due to the location of the property is in the Coastal Zone a Coastal Use Permit is required, but since it is a previously developed site there would be no impacts to resources or the coastal trail. She detailed the proposed architectural design, changes of the site plans, the preservation of the existing trees and the site circulation information on the site plan. The applicant's representative spoke to the item explaining the changes to the previous building including an internal play place, smaller LED digital menu boards, internal LED site lighting and other elements of how the design is focused on sustainability. She explained the drive through strategies with two ordering lanes, two ordering staying and two receiving windows. The Commission expressed significant concern regarding the path of travel across the drive through. The Commission and the Applicant discussed the different options for path of travel for both the entry way, drive through exit as well as pedestrians and ADA accessibility.

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

The Commission did not agree that the pedestrians should have to walk across the exit lane of the drive through, stating it creates a safety issue and did not seem compliant or considerate for ADA access. Staff explained the repositioning of the building was in response to the request to make all new developments urban-centric, to cater to pedestrians and not cars.

*On motion by Commissioner Keith Dodson and seconded by Commissioner Arlington La Mica and passed by the following vote the Planning Commission requested the applicant to return with alternatives for a clear path of travel for the pedestrians to ensure more safety, to consider an exit only for the driveway, to include in the revised design enhanced signage for the exit window and a physical barrier to protect people leaving and entering to discourage crossing the path of travel early.*

**RESULT:** *Approved 5-0*

**D. USE PERMIT APPLICATION NO. UP-19-10. CLAY AND LISA MATHEWS, PROPERTY OWNER, AND THOMAS RETTENWENDER, APPLICANT, ARE REQUESTING USE PERMIT APPROVAL FOR AN EXTERIOR STAIRWAY LEADING TO A 539 SQUARE FOOT ROOF DECK ABOVE A NEW TWO-CAR GARAGE ATTACHED TO A ONE-STORY SINGLE FAMILY DWELLING LOCATED AT 1565 ORD GROVE AVENUE IN THE RS-8 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN 011-043-014). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(E)(1) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

Continued at the request of the applicant.

## 9. REPORTS FROM COMMISSIONERS

Commissioner La Mica reported he will be absent for the month of May.

## 10. REPORTS FROM STAFF

Staff invited the Commission to the Earth Day and Sea Stars clean up on April 28th.

**11. ADJOURNMENT**

On motion, the meeting was adjourned at 8:32 PM.

**Respectfully submitted,**

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**Lesley Milton-Rerig, City Clerk**

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**John Owens, Chair**



## **CITY OF SEASIDE STAFF REPORT**

**Item No.: 7.A.**

**TO:** Planning Commission

**BY:** Gloria Stearns, Community Development Manager

**DATE:** May 8, 2019

**SUBJECT: USE PERMIT APPLICATION NO. UP-19-09. CHARTWELL SCHOOL (PROPERTY OWNER AND APPLICANT) IS REQUESTING USE PERMIT APPROVAL TO ALLOW THE CONSTRUCTION OF TWO 96 SQUARE FOOT STORAGE SHEDS ON THE CHARTWELL SCHOOL CAMPUS LOCATED AT 2511 NUMA WATSON ROAD, IN THE PI (PUBLIC/INSTITUTIONAL) ZONING DISTRICT. (APN #031-151-022)**

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### **PURPOSE & RECOMMENDATION**

In accordance with Seaside Municipal Code (SMC) Section 17.18.030.B, Table 2-7, Allowed Land Uses and Permit Requirements for Special Purpose Zones, use permit approval is required for the establishment of an ancillary use associated with a School – private or specialized education.

### **BACKGROUND**

The Chartwell School received use permit approval on July 9, 2003. Since its original construction, two modular classroom structures and a shed for a kiln have been added to the campus. The applicant is now requesting use permit approval for the construction of two storage sheds.

### **SITE LOCATION AND DESCRIPTION**

The subject parcel is 28.96 acres in area located south of Normandy Road and east of General Jim Moore Boulevard (see Attachment 2). The central portion of the parcel is developed with the Chartwell School campus, driveways, and parking facilities. The remaining portion of the site is densely vegetated with shrubs and oak trees.

Two new storage sheds are proposed to be located at the northwest corner of the Chartwell School campus (see Attachment 3). There are no significant site or

infrastructure improvements planned as part of the proposed project.

Adjacent land uses consist of the Marshall Elementary School to the west, residential housing to the north and vacant former Ft. Ord land to the east and south.

## **ENVIRONMENTAL REVIEW**

This project is exempt from the California Environmental Quality Act pursuant to a Class 3, Section 15303(e) categorical exemption. Class 3 exemptions consist of construction and location of limited numbers of small facilities or accessory structures. The proposed project consists of the construction of two 96 sq. ft. storage sheds.

Evidence: The proposed project consists of the construction of two 96 sq. ft. storage sheds adjacent to existing classroom structures.

## **PROJECT DESCRIPTION**

Building 400 on the Chartwell campus currently houses the school's wood shop facilities. This building is now needed for STEAM (science, technology, engineering, arts, and mathematics) classes. The 96 sq. ft. sheds will be constructed a minimum of 10 feet from and westerly of Building 400. The wood shop equipment will be stored inside these sheds and brought outside on carts or casters as needed. No woodworking will take place inside the two sheds.

The sheds will be purchased from a local retail store and assembled on site. The sheds will have pre-primed, treated wood siding and a fiberglass shingle roof. The sheds will be painted to match the fiber cement siding of the adjacent Building 400. The gable roof and exterior design of the sheds is similar in style to Building 400. The exterior of the sheds will be finished with decorative door hinges, wood trim, and shutters (see Attachment 5). No utilities will be run to the sheds and they are less than 120 square feet in area, therefore no building permit is required for their construction.

## **FINDINGS AND STAFF ANALYSIS**

### **Use Permit Findings**

In accordance with SMC. Section 17.62.070, an application for a Use Permit shall be considered by the Planning Commission to determine whether the following findings can be made concerning the proposed project:

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

## **Municipal Code.**

### *Zoning Ordinance Conformance*

This project is located within the PI (Public/Institutional) Zoning District in which an ancillary use to a private school is permitted with use permit approval (SMC Section 17.18.030.B, Table 2-7).

*Evidence:* The proposed project is consistent with the development standards of the PI Zoning District. The primary use of the site is for a private school. The addition of two storage sheds will enhance the operation of the school and will not conflict with the primary use.

## **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 PI (Public/Institutional). The land use classification is intended to include public and private schools. According to the Seaside General Plan, the PI land use designation is intended to provide for land uses that are under public or institutional ownership and/or have public benefit. The proposed project would be utilized in conjunction with the previously approved private Chartwell School campus.

The proposed project is consistent with the following General Plan Goals and Policies.

### Land Use Element

**Goal LU-11: Cooperate with local school districts and other educational organizations to ensure that a level of public education is provided that meets the community's educational needs**

Policy LU-11.1: Consider impacts of proposed projects on school enrollment and facilities.

*Evidence:* Approval of two storage sheds on the Chartwell School campus would provide for accommodation of existing and future school classes.

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.**

*Design*

The proposed design of the two storage sheds would be of a contemporary style with exterior wood siding gable roof to match the adjacent structures. The proposed design of the two sheds would be consistent with the existing design style of the Chartwell School campus.

*Location*

The proposed sheds would be located on the existing Chartwell School campus, immediately to the west of existing classrooms and will be consistent with the existing outdoor walkway and congregation areas of the Chartwell School.

*Size*

The proposed sheds will be approximately 10 feet in height with a footprint each of approximately 96 square feet. The proposed dimensions of each building are consistent with the existing scale and size of the existing Chartwell School campus.

*Operating Characteristics*

The proposed sheds would be used primarily during normal school business hours. These operating characteristics are consistent with the existing Chartwell School campus.

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 Chartwell School campus is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the

proposed project. No new services are proposed for the proposed sheds.

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 Use Permit Application No. UP-19-09 would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other existing or future uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

CONCLUSION

Based on the analysis, staff recommends approval of the Use Permit Application No. UP-19-09. The proposed Use Permit complies with the goals and policies of the Seaside General Plan and applicable requirements of Title 17 of the Seaside Municipal Code.

**ATTACHMENTS**

1. Attachment 1 - Draft Resolution UP-19-09
  2. Attachment 1, Exhibit A - Project Site Plan
  3. Attachment 2 - Location Map
  4. Attachment 3 - Aerial View
  5. Attachment 4 - Site Photographs
  6. Attachment 5 - Proposed Shed
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## RESOLUTION NO. 19-XX

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE

#### APPROVING A USE PERMIT TO ALLOW THE CONSTRUCTION OF TWO 96 SQUARE FOOT STORAGE SHEDS ON THE CHARTWELL SCHOOL LOCATED AT 2511 NUMA WATSON ROAD IN THE PUBLIC/INSTITUTIONAL (PI) ZONING DISTRICT.

**WHEREAS**, Chartwell School (applicants and property owners) has applied for a Use Permit to allow the construction of two 96 square foot storage sheds on the Chartwell School campus at 2511 Numa Watson Road, located in the Public/Institutional (PI) Zoning District; and

**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 amendment at a duly noticed public hearing held on May 8, 2019; and

**WHEREAS**, the project is exempt from the California Environmental Quality Act pursuant to a Class 3, Section 15303(e) categorical exemption:

- a) *The proposed project consists of the construction of two 96 sq. ft. storage sheds adjacent to existing classroom structures.*

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission adopts the following findings for Use Permit Application No. UP-19-09

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

*Evidence: The proposed project is located within the Public/Institutional (PI) Zoning District in which an ancillary use to a private school is permitted with use permit approval.*

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

*Evidence: The proposed use is consistent with the underlying Public/Institutional (PI) land use designation as a private school.*

*Evidence: The proposed use is consistent with Policy LU-11.1 of the Seaside General Plan Land Use Element such that approval two temporary classroom buildings on the Chartwell School campus would provide for accommodation of existing and future school classes.*

**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 location, size, and operating characteristics of the project would be compatible with the character of the site, and the land uses and development intended for the surrounding area by the Seaside General Plan.*

**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 would 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, or welfare of the City.*

**BE IT FURTHER RESOLVED**, that the Planning Commission approves Use Permit Application No. UP-19-09 subject to the following conditions:

**Specific – Public Works:**

1. Proposed project must implement storm water best management practices (BMPs) during construction.(SMC 8.46)
  - a. Complete and submit a Storm Water Compliance Tracking Form, with signature.

- b. A project specific Erosion and Sediment Control Plan (ESCP) is required.
- 2. Post-development peak storm water runoff rates shall not exceed predevelopment rate. A pro rata share of the cost of offsite erosion sediment, and flood control improvements and/or for maintenance to the principal drainage way may be required by the city engineer to handle the increase peak runoff and/or sediment generated by the project.(SMC 15.32.170)
  - a. Applicant, to clearly show direction of storm water drainage from new or redeveloped impervious surfaces.
  - b. Drainage shall not be directed to adjacent properties.
  - c. Plans shall clearly denote, in table format, the pre-project impervious surface area, new impervious surface area created, replaced impervious surface area, and post-project impervious surface area.

**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. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
5. The project shall comply with all applicable fees and regulations of the Fort Ord Reuse Authority (FORA) prior to occupancy of approved use.
6. The project shall comply with the requirements and the applicable ordinances of the Marina Coast Water District (MCWD) for the installation of new water and sewer infrastructure.
7. 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.
8. 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.
9. 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 May 8, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

John Owens, Chairperson

ATTEST:

---

Planning Commission Secretary

**USE PERMIT APPLICATION NO. UP-19-09  
RESOLUTION NO. 19-XX**

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.

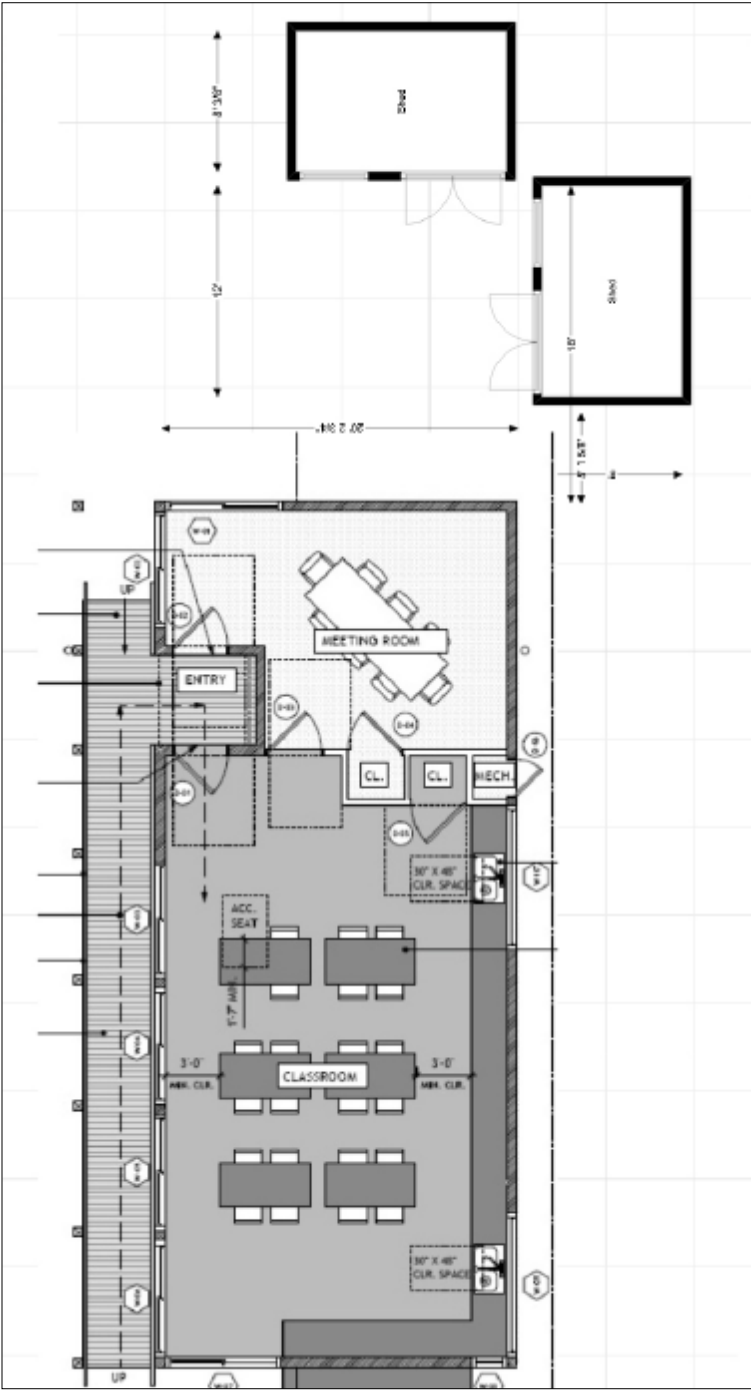
\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

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Property Owner's Signature

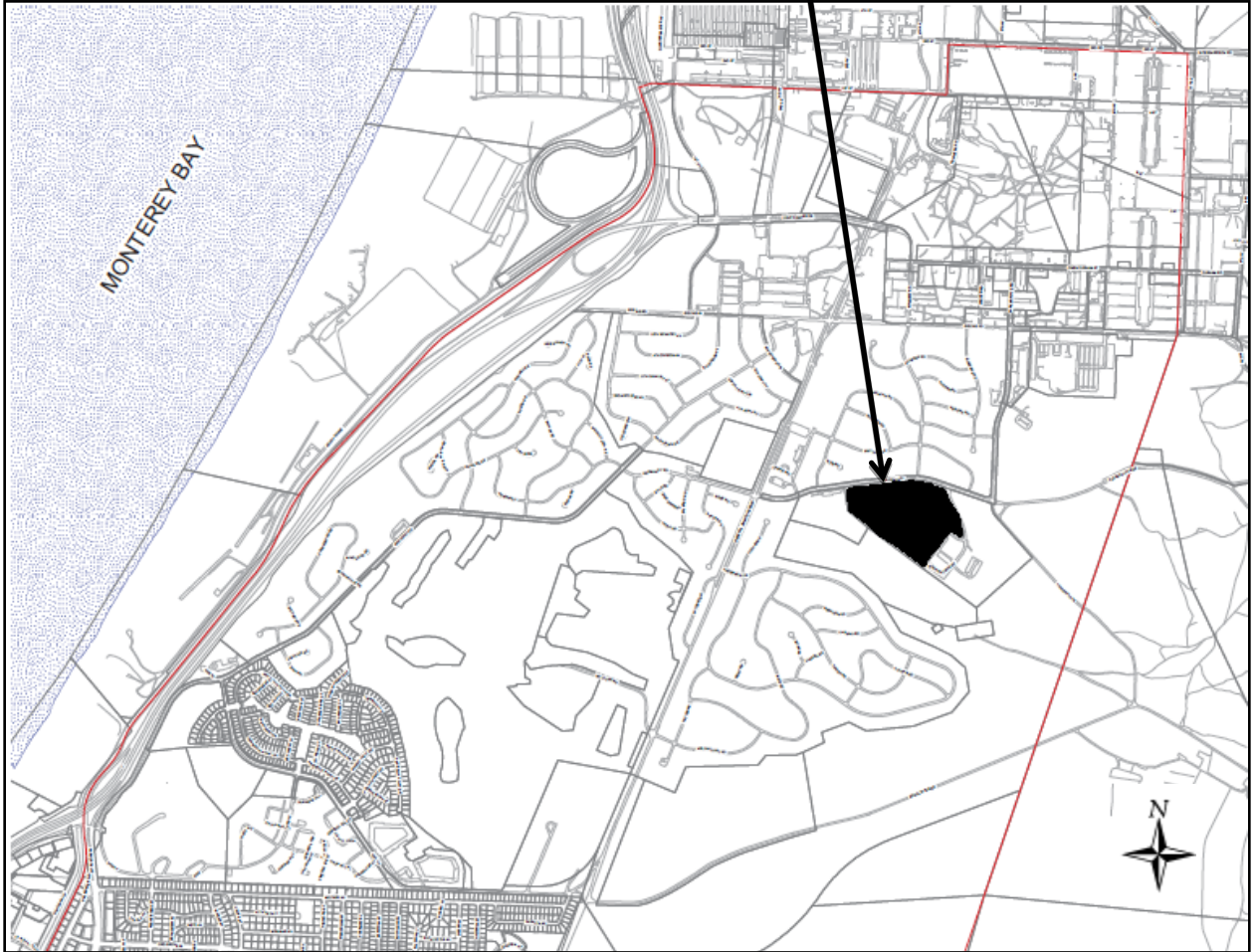
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Date

PROJECT SITE PLAN



# Location Map

**Chartwell School**  
**2511 Numa Watson Road**



# AERIAL VIEW CHARTWELL SCHOOL CAMPUS



Building 400



Indicates approximate location of proposed sheds

# Chartwell School

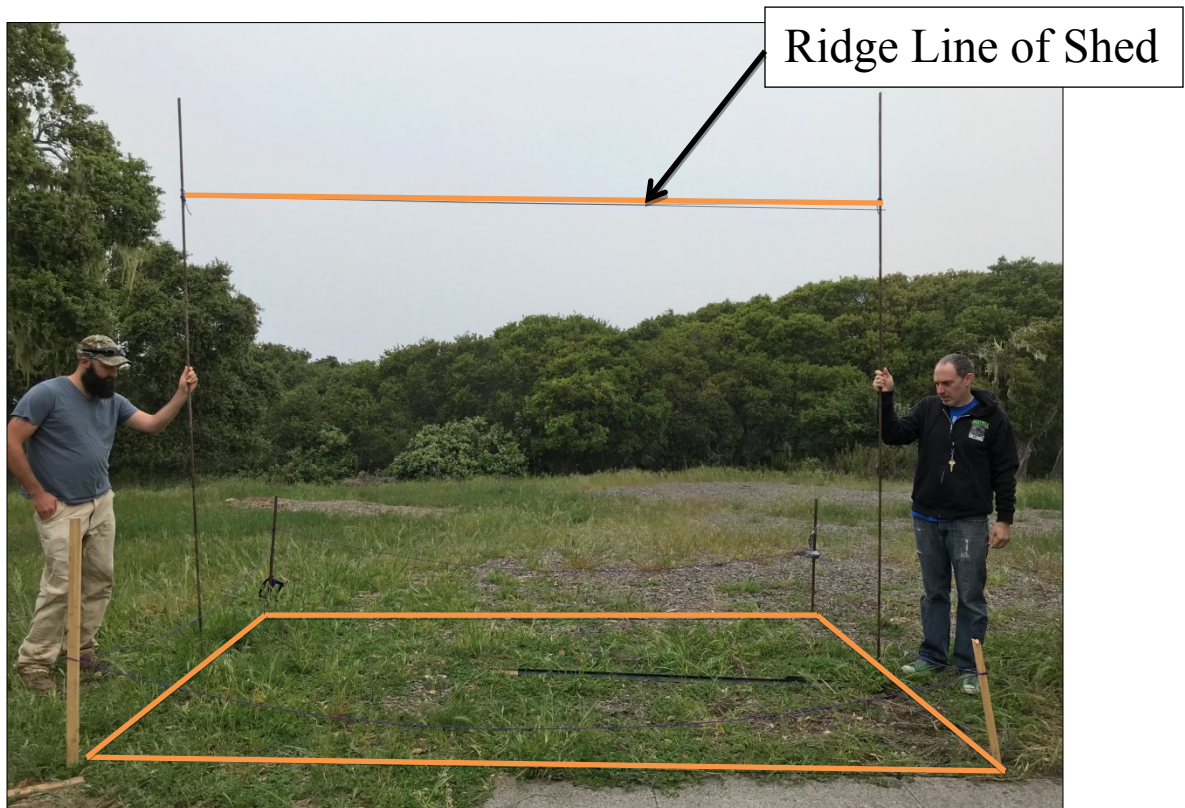
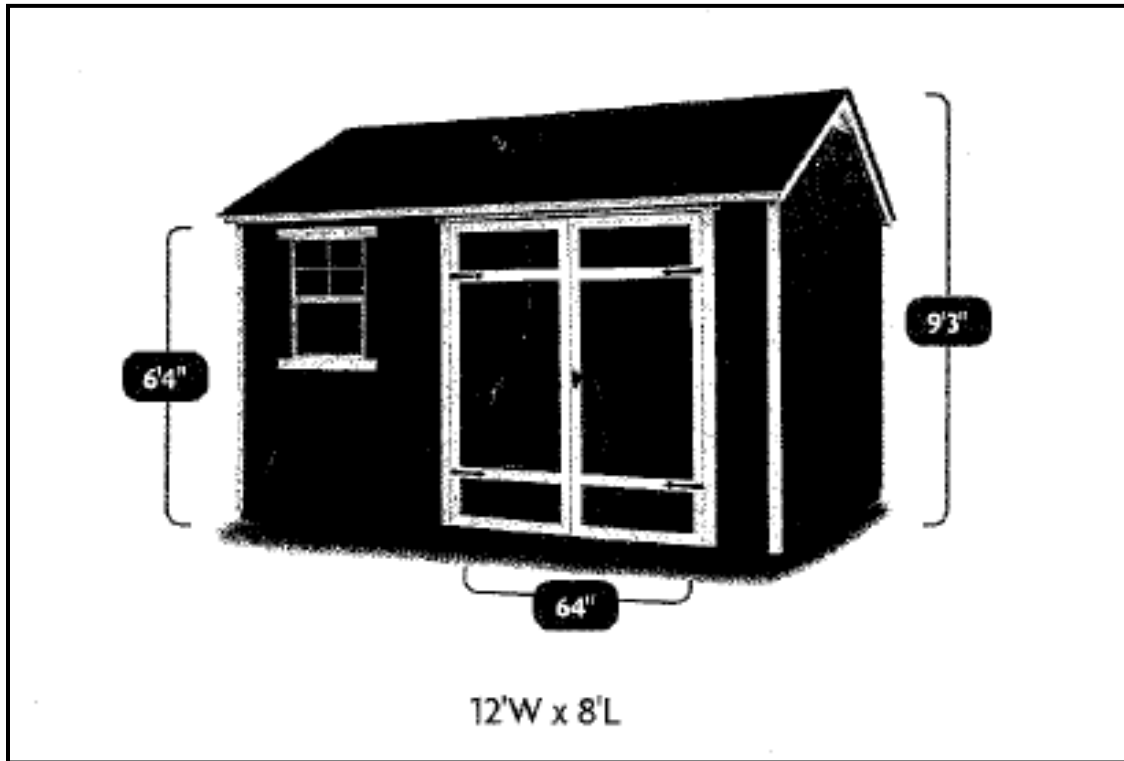


West end of Bldg. 400 (from the north) showing approximate location of sheds



West end of Bldg. 400 (from the south) showing approximate location of sheds

## CHARTWELL SCHOOL – PROPOSED SHEDS





## **CITY OF SEASIDE STAFF REPORT**

**Item No.: 7.B.**

**TO:** Planning Commission

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

**DATE:** May 8, 2019

**SUBJECT: COASTAL DEVELOPMENT APPLICATION NO. CDP-19-03. MONTEREY REGIONAL PARK DISTRICT, PROPERTY OWNER, AND THE CITY OF SEASIDE, APPLICANT, ARE REQUESTING THE APPROVAL OF A COASTAL DEVELOPMENT PERMIT TO CONSTRUCT A FIREWORKS STAGING AREA AND SAFETY ZONE TO LAUNCH A 20-MINUTE FIREWORKS DISPLAY AS A ONE-TIME FREE PUBLIC TEMPORARY EVENT ON JULY 4, 2019 IN THE PARKS AND OPEN SPACE (CPOS) ZONING DISTRICT. THE PROJECT IS EXEMPT, CLASS 4, SECTION 15304.E FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,.**

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### **PURPOSE & RECOMMENDATION**

In accordance with Section of the Seaside Coastal Implementation Plan (CIP), a coastal development permit is required to use a public park as part of a Temporary Event.

### **BACKGROUND**

The City of Seaside is proposing to launch fireworks from the south side of Laguna Grande Park as a one-time free public event on Thursday, July 4, 2019. The proposed project involves the siting of a fireworks safety zone/staging and launching area on a portion of Laguna Grande Park located between the Playground/Public Bathroom to the east and a Parking Lot to the west as shown on the Site Plan provided as Exhibit A to Attachment 1. A regional location map is provided as Attachment 2. The fireworks display will coincide with a Fourth of July Celebration event occurring on the City Hall grounds and a portion of Canyon Del Rey Boulevard that will be closed during the event between the hours of 4 pm and 10 pm. The fireworks display will take place within the boundaries of Laguna Grande Park in the City of Seaside. The fireworks display will begin at dusk (approximately 9 pm) and will last approximately 20 minutes. The fireworks will visible from the cities of Seaside, Del Rey Oaks and Monterey. An

aerial photo showing area of City Hall grounds and street closure is provided as Attachment 3. Site photographs are provided as Attachment 4.

## **SETTING**

Laguna Grande Park is one of four subareas contained in the City's coastal zone area. See Attachment 5 for Coastal Zone Boundary map. Laguna Grande is bordered on the east by a riparian corridor and Fremont Boulevard, on the north by Seaside City Hall and low density residential dwellings in the City of Seaside, on the south by park areas and low density residential dwellings in the City of Monterey, and on the west by visitor serving commercial uses. The habitat if the Fireworks display area is designated as a "Park" in the Coastal Land Use Plan.

## **ENVIRONMENTAL REVIEW**

This project is exempt from the California Environmental Quality Act pursuant to Class 4, Section 15304: Minor Alteration to Land. Class 4 consists of minor alteration to public lands which do not alter water and/or vegetation.

Evidence: The project will consist of setting up an area for the staging and launching of a 20 minute fireworks display. All platforms and equipment used for the event will be removed at the conclusion of the event. The closed segment of the roadway will be used for the temporary placement of street vendors and food trucks.

## **STAFF ANALYSIS AND FINDINGS**

### Temporary Events

Temporary events are regulated by Section 3.3.D of the Seaside Coastal Implementation Plan (CIP). A one-time event of less than one-day in duration would typically be exempt from a Coastal Development Permit (CDP), however, when a publically owned park is used then the issuance of a CDP. is required The staging and launching of fireworks will be consistent with the following Coastal policies and standards:

1. Public Access

While a section of the pedestrian path and park will be closed off during the event, the remainder of the pedestrian path will remain open to Laguna Grande Park. Persons wishing to walk toward the Beach and Roberts Lake subareas can do so by accessing these areas on the south side of the park and on the north side by walking on the closed portion of Canyon Del Rey Boulevard. The event is free to the public.

2. Coastal Resources

The event will consist of installing a temporary staging area for the launching of fireworks. The construction and breakdown of the staging will take place on a grassy area of the park devoid any natural habitat areas as shown on the site photograph provided as Attachment 4. Furthermore, City staff has consulted with the local office of the Department of Fish and Game who have indicated that the staging area is generally void of any sensitive habitats and trees which may support active nesting. Fish and Game staff requested that prior to the event the City must complete a survey of the surrounding habitat to determine if there any active nests and take precaution to cordon this area from the public or place signs advising the public of sensitive habitat.

The proposed fireworks would be launched inland from the Monterey Bay Sanctuary and the display will take place over Laguna Grande Park. In consultation with Monterey Bay Sanctuary staff, given the distance of the fireworks display from the beach area and its limited duration of 20 minutes the event would not substantially have any effect on the sanctuary.

3. Fire Hazards

The fireworks would be launched from a lawn area and over the lake area of Laguna Grande Park and viewed from City Hall lawn and surrounding communities. The City will obtain authorization from the Seaside Fire Department for the proposed fireworks display to ensure adequate precautions are taken to protect against fire hazards. In addition, Fire Department official will be on hand to monitor the fireworks through set-up, take down and during the display. Coastal Act Section 30253 requires fire risks be minimized.

## **ATTACHMENTS**

1. Attachment 1 - Draft Resolution-
  2. Attachment 1 - Exhibit A - Laguna Grande Park Fireworks Display Site Plan
  3. Attachment 2 Regional Location Map
  4. Attachment 3 - Aerial Photo of Road Closure Arera and City Hall Grounds in Use for 4th of July Event
  5. Attachment 4 - Site Photos
  6. Attachment 5 - Coastal Zone Boundaries
-

## RESOLUTION NO. 19-XX

**A RESOLUTION OF THE SEASIDE PLANNING COMMISSION, ADOPTING A COASTAL DEVELOPMENT PERMIT TO ALLOW FOR THE STAGING AND LAUNCHING OF A FIREWORKS DISPLAY FROM THE NORTH SIDE OF LAGUNA GRANDE PARK IN THE COASTAL PARKS AND OPEN SPACE (CPOS) ZONING DISTRICT AND THE USE OF A PORTION OF CANYON DEL REY BOULEVARD FOR A ONE TIME CITY SPONSORED EVENT ON THE FOURTH OF JULY. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 4, SECTION 1504(e)) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, the Monterey Peninsula Regional Parks District, property owner, and the City of Seaside, applicant, have applied for a Coastal Development Permit to allow:

1. The construction of a fireworks staging area and safety zone to launch a 20-minute fireworks display as a one-time free public temporary event on July 4, 2019 in the Parks and Open Space (CPOS) Zoning District and use of Canyon Del Rey Boulevard between Sonoma Avenue and Hilby Avenue for s a street faire associated with a City sponsored Fourth of July event.

**WHEREAS**, the proposed project requires discretionary approval under a Coastal Development Permit (CDP), and it is the responsibility of the Seaside Planning Commission as the representatives of the City 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 the Seaside Local Coastal Program for activities that required a CDP, and

**WHEREAS**, the Seaside Planning Commission considered oral comments and written information concerning the proposed project at a duly noticed public meeting held on May 8, 2019 and, and

**WHEREAS**, in accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is exempt from the California Environmental Quality Act pursuant to Class 4, Section 15304(e).

*Evidence: The project will consist of setting up an area for the staging and launching of a 20 minute fireworks display. All platforms and equipment used for the event will be removed the day after the event. The use of Canyon Del Rey will consist of street vendors and food trucks that will not involve any permanent construction that will affect the habitat or pedestrian access to the coastal zone.*

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council adopts the following findings for Coastal Development Application No. CDP-19-03:

1. The establishment, maintenance, or operation of the use or structure applied for will not under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood

of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the City.

*Evidence: The Coastal Development Permit (CDP) is for the establishment of a safety zone to stage and launch a 20 minute fireworks display and to close a PORTION OF Canyon Del Rey Boulevard for use as a street faire associated with a one-time free City of Seaside sponsored Fourth of July event. The proposed improvements would be located within an area developed with an existing park and roadway and would not alter or adversely affect the adjoining Laguna Grande Park and Lake open space area to the south or the roadway and residential areas to the north and west.*

2. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of this Title, and any zoning violations have been resolved, including any abatement costs have been paid.

*Evidence: The proposed improvements will be located within an existing public park and arterial roadway. The placement of fireworks display safety zone and street vendors in the roadway is permitted within the Local Coastal Plan subject to the issuance of a CDP. There are no existing zoning violations.*

3. The proposed project conforms to the public access and public recreation policies of the Coastal Act.

*Evidence: The proposed improvements will be located within an area that is developed with an existing public park and arterial roadway whereupon the proposed improvements will be added to the site without disturbing the surrounding environmentally sensitive habitat or interfering with any existing access points or planned access points to Laguna Grande Lake Regional Park and Roberts Lake.*

4. The proposed development is in conformance with plans, policies, and requirements of the certified Local Coastal Program Land Use Plan and complies with all regulations of the Certified Implementation Program. Specific findings shall be made with respect to the

- a. The proposed development protects vegetation, natural habitats, and natural resources consistent with the LUP.

*Evidence: The City of Seaside will require its contractors to employ the use of Best Management Practices to ensure that the construction area for the proposed fireworks display area will not disturb any environmentally sensitive habitat near the water line of Laguna Grande Lake and prevent sediment runoff from the fireworks display entering either Laguna Grande Lake to the south or Roberts Lake to the west.*

- b. The design, location, size, and operating characteristics of the proposed development is consistent with any applicable design plans and/or area plans incorporated into the LUP.

*Evidence: The proposed improvements for the fireworks display will be contained within a safety zone located on the north side of Laguna Grande Park. The fireworks display will not disrupt or adversely affect the environs of Laguna Grande Regional park which adjoins the project site to the east, north and west or the environs of Roberts Lake which adjoins the project site further to the west.*

- c. The proposed development maintains public access to and along the coast as set forth in the LUP.

*Evidence: The location of the proposed improvements will not interfere with the existing crosswalks on Del Monte Boulevard and Canyon Del Rey Boulevard intersection or the Hilby Avenue and Canyon Del Rey Boulevard intersection which provides pedestrian and bicycle access to Laguna Grande Regional Park/Roberts Lake and the interior trails/pathways within Laguna Grande Regional Park which connect with public sidewalks that have direct connections to the coastal beach areas located within City of Seaside and the City of Monterey.*

- d. The proposed development is consistent with the LUP goal of providing visitor-serving needs as appropriate.

*Evidence: The proposed fireworks display and City sponsored Fourth of July event will not have any impact on existing or future visitor-serving needs located within the Laguna Grande Regional Park/Roberts Lake boundaries or coastal boundaries located within the City of Seaside and the City of Monterey.*

- e. The proposed development is consistent with the LUP goal of encouraging coastal dependent and related uses as appropriate.

*Evidence: The proposed project is for the establishment of a fireworks safety area for a 20 minute fireworks display and street faire on a segment of Canyon Del Rey Boulevard which adjoins Laguna Grande Park that would be designed to ensure that said improvements would not detract from or impede public access to the coastal areas to the community or impair any existing coastal resource or habitat.*

- 5. The proposed development protects and where feasible enhances costal resources.

*Evidence: The proposed improvements for the fireworks display will be installed using Best Management Practices to ensure that the development area will not adversely affect the natural environs of Laguna Grande Regional Park.*

**BE IT FURTHER RESOLVED**, that the City Council authorizes City staff to process a Coastal Development Permit Application No. CDP-19-01 subject to the following conditions:

## **Project Specific**

### ***Planning:***

1. Except as modified by required conditions of approval, plans submitted for Coastal Development Permit approval shall substantially conform to the plans identified as “Laguna Grande Park/Lake Fireworks Display and Fourth of July Event” as approved on May 8, 2019. The project plans are provided as Exhibit “A”.
2. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy the permit and acceptance of the terms and conditions is returned to the City Clerk of the City of Seaside.

## **Special Conditions**

3. **Other Department/Agency Approvals.** PRIOR TO COMMENCEMENT OF THE FIREWORKS EVFENT, the City of Seaside (Permittee) shall submit to the Seaside Fire Chief for review and approval evidence of all permits, permissions or approvals granted for fireworks display from the Monterey Peninsula Regional Parks District and Seaside Fire Marshal. The Permittee shall inform the Fire Chief if any changes to the project required by any of the above-listed agencies. Such changes shall not be incorporated into the project until the Permittee obtains a Fire Chief amendment to this coastal development permit.
4. **Fireworks Limitations**
  - a. **All Labels and Wrapping Removed.** All plastic and aluminum labels and wrappings shall be removed from all aerial shells and specific pyrotechnic devices prior to use and before they are launched or detonated.
  - b. **Duration of Display.** The fireworks display shall be limited to no longer than 20 minutes.
5. **Clean-Up and Restoration of Laguna Grande Park and Adjacent Coastal Sub-Areas.** FOLLOWING THE FIREWORKS EVENT, all fireworks-related debris from the launch site shall be recovered and disposed. The Permittee shall inspect Laguna Grande Park/Lake and the adjacent coastal access sub-areas for a minimum of two days following the conclusion of the fireworks for any remaining event debris, including but not limited to all fireworks debris.
6. **Temporary Closure of Laguna Grande Park.** The permittee may close the park to general public access along the pedest6rian pathway that is located between the fireworks safety display zone until the launch and staging area is cleared of the fireworks display material and equipment.

7. **Pre and Post-Event Monitoring Report.** Prior to the event beginning and at the day after the conclusion of the fireworks event, the Permittee shall submit Pre and Post Event monitoring report to the Director of Community Development for review and approval. The report shall include, at a minimum, locations of known sensitive habitat and nesting.

**Standard:**

8. This Coastal Development Permit is subject to procedures and requirements of Section 2.7 and Section 3.8 for the implementation of the project improvements, and those related to appeals and revocation in Section 3.12 of Title 18.10 of the Seaside Municipal.
9. 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 Monterey Peninsula Regional Park District (MPRPD) or its agents, officers and employees from any claim, action or proceeding against the MPRPD or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the MPRPD for any court costs and attorney's fees, which the MPRPD may be required by a court to pay as a result of such action. MPRPD 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 MPRPD shall promptly notify the applicant of any such claim, action, or proceeding, and the MPRPD shall cooperate fully in the defense thereof.
10. Any proposed future development shall comply with the requirements of the Fire, Planning, Code Enforcement, Building and Public Works Departments.
11. 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.
12. This permit shall run with the land, or upon the expiration of another time limit established by the review authority and property owner.
13. 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 City of Seaside Planning Commission, State of California, on the 8th of May, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

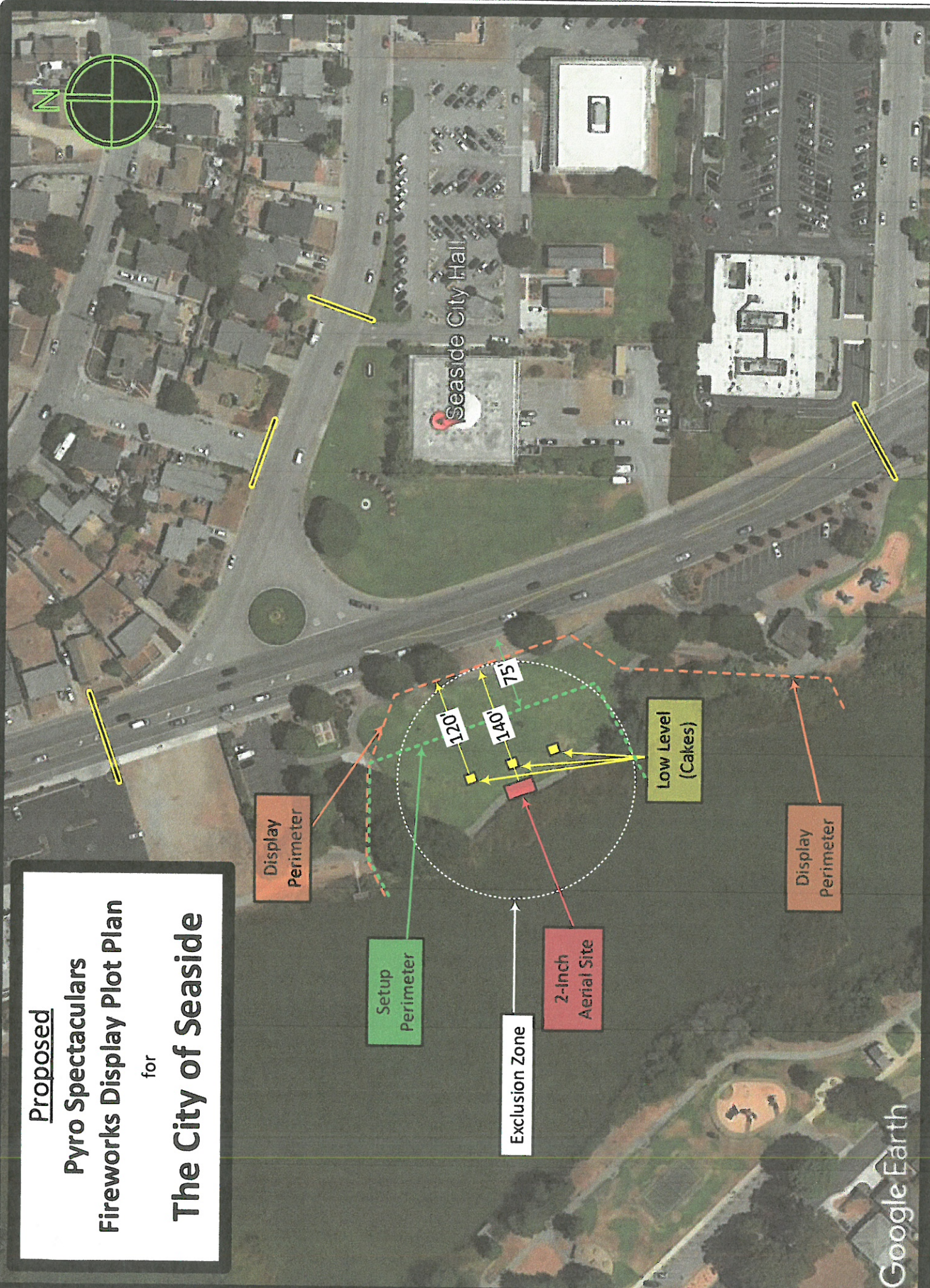
John Owens, Chairperson

ATTEST:

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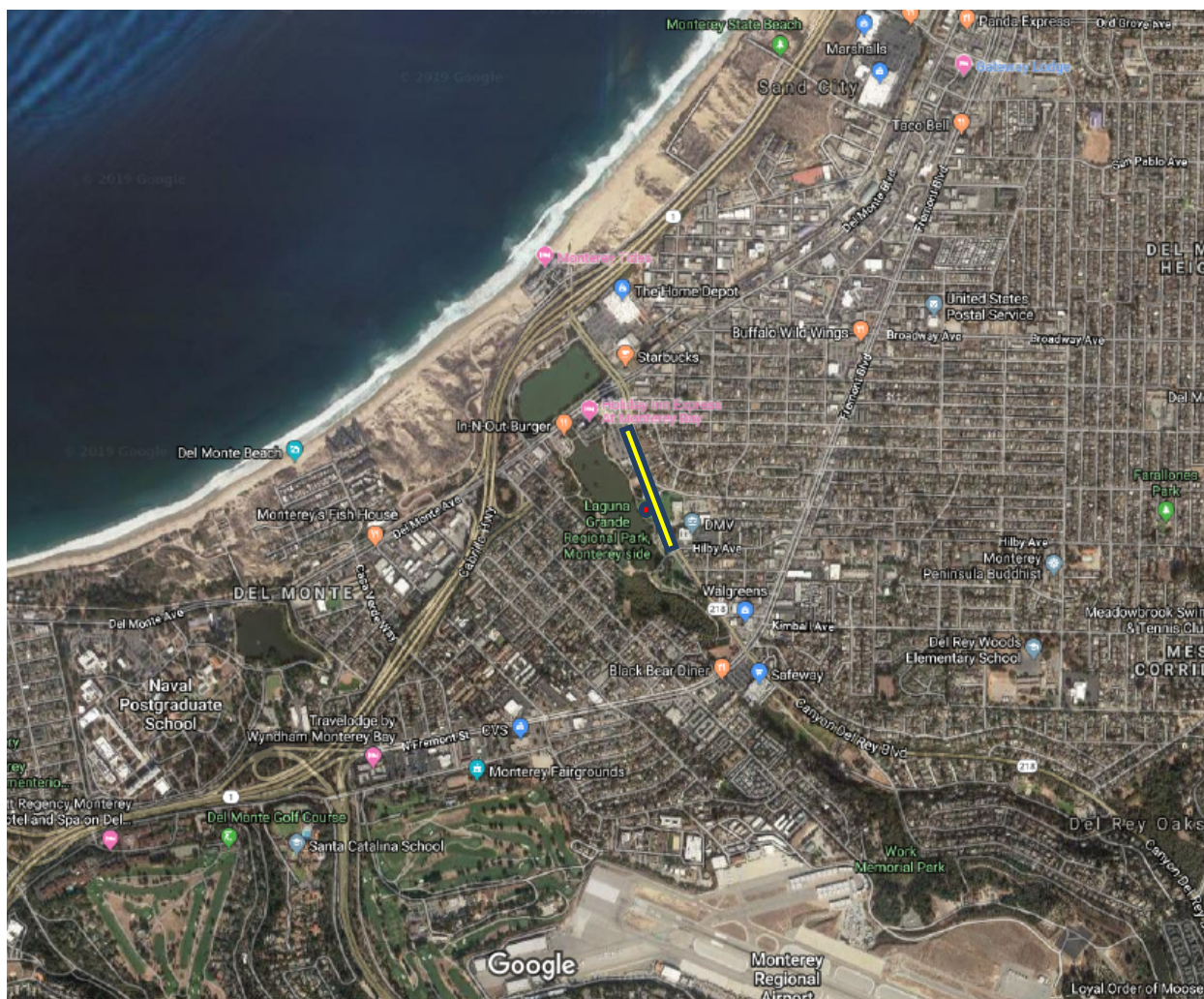
Lesley Milton, City Clerk

**Proposed  
Pyro Spectaculars  
Fireworks Display Plot Plan  
for  
The City of Seaside**



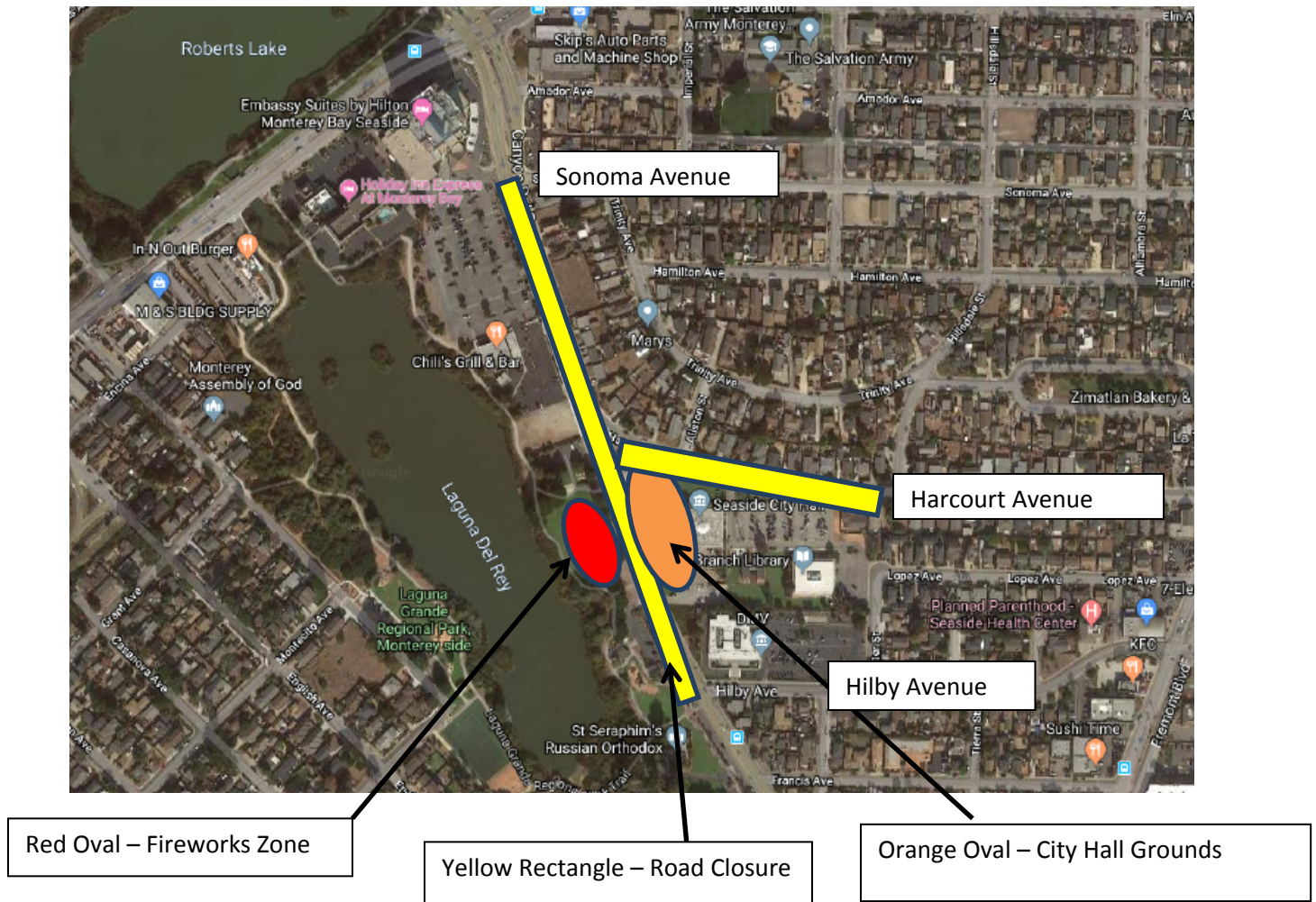
## Attachment 2

### Regional Location Map



## Attachment 3

### Street Closure and City Hall Grounds Aerial



## Attachment 4

### Site Photos



View of Fireworks Display Area looking east



View of Fireworks Display Area looking west



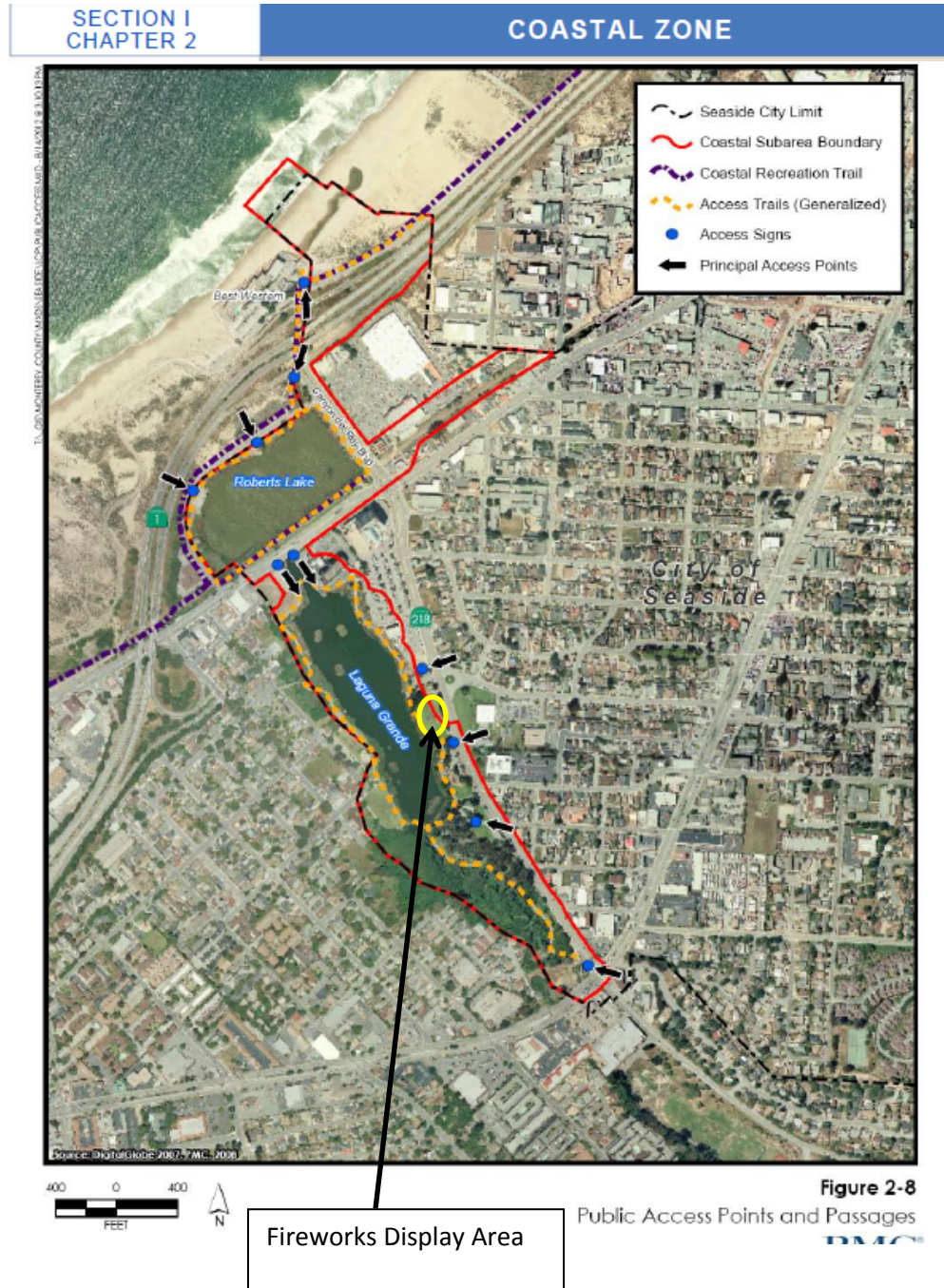
View of the Fireworks Display Area from City Hall looking south



View of City Hall grounds looking west toward Harcourt Avenue

# Attachment 5

## Coastal Boundaries





**CITY OF SEASIDE  
STAFF REPORT**

**Item No.: 7.C.**

**TO:** Planning Commission

**BY:** Beth Rocha, Associate Planner

**DATE:** May 8, 2019

**SUBJECT: WORKING SESSION: WEST BROADWAY URBAN VILLAGE  
(WBUV) USE TABLE**

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**PURPOSE & RECOMMENDATION**

The purpose of this item is for the Planning Commission to have a working session regarding the uses of the West Broadway Urban Village and future proposed code amendments including language, definitions, and permit requirements.

**BACKGROUND**

There is no staff report for this item. The Commission will discussed the attached during the meeting.

**ATTACHMENTS**

1. Final WBUV Plan
-

# DEVELOPMENT STANDARDS AND DESIGN GUIDELINES

7

## ***B. Development Standards***

The following development standards apply to the West Broadway Urban Village Specific Plan Area. They are intended to support the development of an active and lively downtown with a pedestrian-oriented mix of residential and commercial buildings that will draw visitors, shoppers and residents to the area. All new development, remodeled exteriors and new signage are subject to design review by the Board of Architectural Review (BAR). Table 7-1 lists permitted uses on ground floors and on upper floors. Except for provisions as laid out in the Specific Plan, definitions in Title 17 apply and can be found in Section 17.70 of the Municipal Code.

### **B.1.1 Permitted Ground Floor Uses**

For development on all parcels that front onto primary streets, newly constructed buildings are required to have a mix of uses. Ground floor level retail sales and service uses or eating and drinking establishments are required for all parcels that front onto Broadway Avenue, Del Monte Boulevard and Olympia Avenue. The following uses are permitted:

#### **B.1.1.1 Retail Sales and Services that include the following:**

- ♦ **Specialty Food Retail**, including but not limited to the following:  
groceries/drug stores (under 15,000 square feet); coffee/tea; candy;  
gourmet foods; ice cream; pastry/desserts; yogurt/dairy; doughnuts/  
bakery; wine.
- ♦ **Specialty Goods Retail**, including but not limited to the following:  
cooking supplies/culinary; general housewares; decorator/art and  
design centers (including tile, floor and wall coverings); architectural  
showrooms and supplies; specialty hardware; specialty gardening  
supplies; antiques selling previously used, high-quality goods; party  
supplies; lamps and lighting; household accessories; stationery; books  
and magazines; musical instruments.
- ♦ **Quality Goods and Services**, including but not limited to the  
following: small crafts; art supplies; picture framing; specialty furniture;  
clothing/shoe stores; thrift/consignment stores; electronics and  
computers; cameras/photography service and supplies; sporting goods;  
outdoor/sports clothing and supplies; toys/games; cards/gifts; jewelry/  
watches; florists.
- ♦ **Personal Services**, including but not limited to the following: dry cleaning;  
shoe repair; seamstress; tailor; minor appliance repair; barber and beauty

shops; finance and insurance services; pharmacy and drug stores. Excludes check cashing businesses.

- ◆ **Business Services** that have the capacity to generate a high degree of pedestrian activity, such as photocopying service. Mailing and mail box services, outdoor advertising services, copying and quick printing services, computer-related services (rental, repair).

**B.1.1.2** Eating and Drinking Establishments that include the following:

- ◆ Restaurants serving alcoholic beverages and/or providing entertainment, provided those activities are ancillary to the restaurant use.
  - ◆ Chairs and tables for outdoor dining and carts for merchant display may be permitted on sidewalks, paseos and other public rights-of-way and shall be consistent with Design Guidelines for the West Broadway Urban Village, provided that:
    - a. The use maintains a minimum six-foot wide travel zone that is clear and unimpeded for pedestrian traffic, and
    - b. The use does not infringe on the full width of the building entrance or otherwise impede access to and from the building.

**B.1.1.3** Small-scale light manufacturing as an accessory to a primary retail use to allow for a wholesale component of a retail business, including the following and similar uses: bakery; upholstery; tile-making; screen-printing; architectural showroom and supplies.

## B.2 Permitted Uses On The North Side Of Palm Avenue And Its Intersecting Streets - Rh/Mx Zone

Palm Avenue is envisioned as a primarily residential street. Typically, uses on Palm Avenue will follow the regulations of the Table 7-1-and Section B.3; however, small-scale professional office and residential serving retail uses at the ground floor of properties fronting onto the north side of Palm Avenue and the immediately adjacent sections of Contra Costa, Hillsdale, Alhambra, and Calaveras Streets as seen in Figure 7-2, may be conditionally approved.

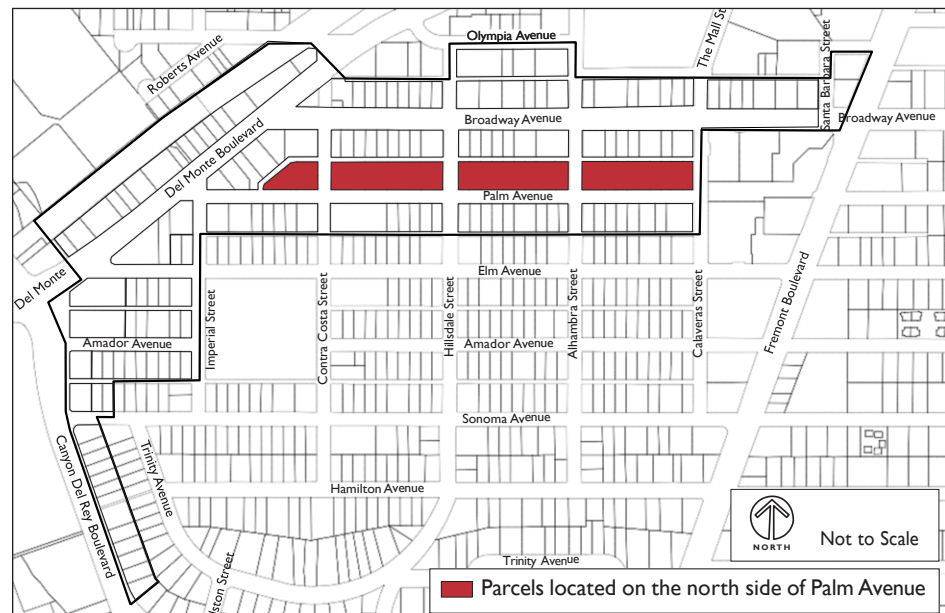


Figure 7-2. Permitted Uses on the North Side of Palm Avenue – RH/MX Zone (for illustrative purposes only)

## B.3 Permitted Uses ON ALL OTHER STREETS– RM/POS ZONE

All other streets in the Plan Area are envisioned as being primarily residential in character. These streets, including the half-block portion of the intersecting streets as shown in Figure 7-3, shall be developed at densities that will create a transitional area between the adjacent blocks of the new mixed-use area to the north and existing single-family residential to the south.

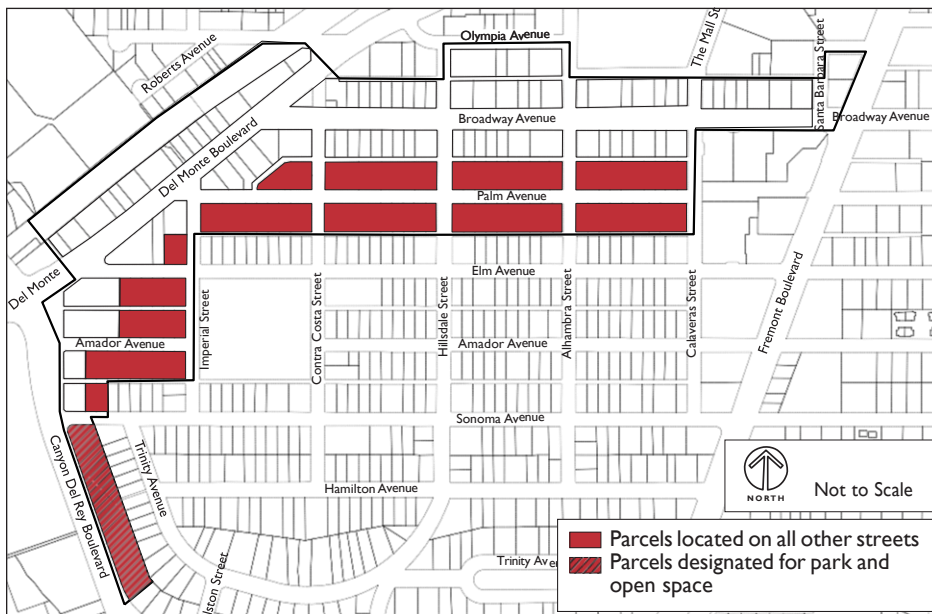


Figure 7-3. Permitted Uses on All Other Streets – RM/POS Zone (for illustrative purposes only)

Parcels would not become parks or open space unless acquired by the City. Undeveloped parcels could be developed with open space recreation uses consistent with the goals of the Specific Plan. The uses discussed in Section B.3 apply to the Canyon del Rey parcels zoned as POS until such time that they are purchased by the City and converted to parks or open space.

### B.3.1 Live-work

For live-work units on parcels which front onto streets other than West Broadway Avenue, Del Monte Boulevard and Olympia Avenue, the following regulations apply:

B.3.1.1. Live-work, defined in this Specific Plan as residential living spaces that include an integrated work space on the parcel that is principally used by an owner/occupant. No more than two employees other than the owner/occupant are permitted.

B.3.1.2 A second type of live-work, consisting of ground floor office with residential above, except for the south side of Palm Avenue only.

#### **B.4.1 Similar and Compatible Use Determinations**

B.4.1.1 The Zoning Administrator has the authority to deem uses not specifically listed in Table 7-1 as similar and compatible to listed uses. The Zoning Administrator must make the following findings in order to deem the unlisted use as Permitted or as subject to a Minor Use Permit:

- ◆ The Zoning Administrator must deem the unlisted use as similar and compatible to listed uses and must cite the potential for the proposed use to facilitate vitality, to contribute to pedestrian activity, to provide visual access for pedestrians into the ground floor use, and to substantially conform with the Vision and Goals (Chapter 2) and Specific Plan Policies (Chapter 4) of the Urban Village Specific Plan.

B.4.1.2 The Planning Commission has the authority to deem uses not specifically listed in Table 7-1 to meet the purpose and intent of the Urban Village Specific Plan. The Planning Commission must make the following findings in order to deem the unlisted use as subject to a Use Permit:

- ◆ The Planning Commission must deem the unlisted use as similar and compatible to listed uses and must cite the potential for the proposed use to facilitate vitality, to contribute to pedestrian activity, to provide visual access for pedestrians into the ground floor use, and to substantially conform with the Vision and Goals (Chapter 2) and Specific Plan Policies (Chapter 4) of the Urban Village Specific Plan.

**TABLE 7-1. PERMITTED USES**

| Use                                                                  | Primary Streets |              | North side of Palm Ave |              | All other Streets |              |
|----------------------------------------------------------------------|-----------------|--------------|------------------------|--------------|-------------------|--------------|
|                                                                      | Ground floor    | Upper floors | Ground floor           | Upper floors | Ground floor      | Upper floors |
| Specialty Food Retail                                                | ●               |              |                        |              |                   |              |
| Specialty Goods Retail                                               | ●               |              |                        |              |                   |              |
| Quality Goods and Services                                           | ●               |              |                        |              |                   |              |
| Eating and Drinking Establishments , excluding drive-thrus           | ●               |              |                        |              |                   |              |
| Personal Services, excluding check cashing businesses                | ●               |              | ●                      |              |                   |              |
| Small-scale Light Manufacturing <sup>i</sup>                         | ●               |              | ●                      |              |                   |              |
| Business Services                                                    | ●               |              | ●                      |              |                   |              |
| Bars and Nightclubs                                                  | ○               |              |                        |              |                   |              |
| Child Care Facilities                                                | ◐               | ◐            | ◐                      | ◐            | ◐                 | ◐            |
| Day Spas                                                             | ◐               | ◐            |                        |              |                   |              |
| Therapeutic Massage                                                  | ○               |              |                        |              |                   |              |
| Health and Exercise Facilities                                       | ◐               | ◐            |                        |              |                   |              |
| Specialized Education                                                | ◐               |              |                        |              |                   |              |
| Public Halls, clubs, lodges, meeting facilities                      | ○               |              |                        |              |                   |              |
| Recreational Facility- Indoor, excluding card rooms                  | ○               |              |                        |              |                   |              |
| Banks and financial institutions, excluding check cashing businesses | ○               |              |                        |              |                   |              |
| Professional and Government Offices                                  |                 |              |                        | ◐            |                   |              |
| Medical and dental offices                                           |                 | ●            |                        | ◐            |                   |              |
| Civic and Cultural Facilities                                        | ◐               |              | ●                      |              |                   |              |
| Plazas, Paseos, and Parks                                            | ●               |              |                        |              |                   |              |
| Public Health Facility                                               | ◐               | ◐            |                        |              |                   |              |
| Outdoor Entertainment                                                | ◐               |              |                        |              |                   |              |
| Parking Structures                                                   | ○               | ○            | ●                      | ●            | ○                 |              |
| Multi-Family Residential                                             |                 | ●            | ●                      | ●            | ●                 | ●            |
| Single-Family Residential                                            |                 |              | ●                      | ●            | ●                 | ●            |
| Live-Work <sup>ii</sup>                                              |                 |              | ●                      |              | ●                 |              |
| Live-Work Office/Residential <sup>iii</sup>                          |                 |              | ●                      |              |                   |              |
| Lodging, on a less than monthly basis                                | ◐               | ◐            | ◐                      | ◐            |                   | ○            |

|             |                    |              |
|-------------|--------------------|--------------|
| ● PERMITTED | ◐ MINOR USE PERMIT | ○ USE PERMIT |
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<sup>i</sup> See B.1.1.3    <sup>ii</sup> See B.3.1.1    <sup>iii</sup> See B.3.1.2