



A G E N D A
CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
Council Chamber
440 Harcourt Avenue
Wednesday, November 13, 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
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. REGULAR MEETING MINUTES FROM NOVEMBER 5, 2019

7. BUSINESS ITEMS

A. USE PERMIT APPLICATION NO. UP-19-13: 500 BROADWAY PARTNERS.

LLC, APPLICANT, AND BENNY ENEA, PROPERTY OWNER, ARE REQUESTING THE APPROVAL OF A USE PERMIT TO ALLOW FOR A NIGHTCLUB WITHIN AN EXISTING 2,154 SQUARE-FOOT BUILDING WHICH WILL INCLUDE ENTERTAINMENT (I.E. COMEDY, LIVE MUSIC, DJ), A CLASS 47 ALCOHOL LICENSE, AND BONA FIDE MEALS LOCATED AT 500 BROADWAY AVENUE IN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN MIXED USE (MX) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES. CONTINUED FROM THE OCTOBER 23, 2019 PLANNING COMMISSION MEETING.

RECOMMENDATION: In accordance with the Zoning standards of the Mixed Use zoning in the West Broadway Urban Village Specific Plan, a use permit is required to allow for a nightclub business.

That the Planning Commission approve the use permit in accordance with the draft Resolution provided as Attachment 1 to the staff report.

8. REPORTS FROM COMMISSIONERS

9. REPORTS FROM STAFF

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
November 27, 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, October 23, 2019
7:00 PM

1. CALL TO ORDER

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

2. ROLL CALL - ESTABLISHMENT OF QUORUM

PRESENT: OWENS, SPALLETTA, ROSS, LA MICA, EVANS, SILVA
ABSENT: DODSON

3. REVIEW OF AGENDA

There were no changes to the agenda.

4. PUBLIC COMMENT

There were no comments from the public.

5. APPROVAL OF MINUTES

A. REGULAR MEETING MINUTES OF SEPTEMBER 25, 2019

The meeting minutes of September 25, 2019 were continued to the next regular meeting.

6. BUSINESS ITEMS

A. RECEIVE AND PROVIDE INPUT ON THE DRAFT SAFE ROUTES TO SCHOOL PLAN PRESENTED BY ECOLOGY ACTION

Amelia Conlin, Ecology Action provided a verbal presentation and responded to questions and comments from the Commission. The Commission asked that the presentation be continued and brought back to its November 13 regular meeting with a visual presentation.

B. USE PERMIT APPLICATION NO. UP-19-13: 500 BROADWAY PARTNERS, LLC, APPLICANT, AND BENNY ENEA, PROPERTY OWNER, ARE REQUESTING THE APPROVAL OF A USE PERMIT TO ALLOW FOR A NIGHTCLUB WITHIN AN EXISTING 2,154 SQUARE-FOOT BUILDING WHICH WILL INCLUDE ENTERTAINMENT (I.E. COMEDY, LIVE MUSIC, DJ), A CLASS 47 ALCOHOL LICENSE, AND BONA FIDE MEALS LOCATED AT 500 BROADWAY AVENUE IN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN MIXED USE (MX)

ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.

Rick Medina, Senior Planner provided a presentation on the item. Darryl Choates, represented the applicant (500 Broadway Partners, LLC). Staff and applicant responded to questions and comments from the Commission. There was no public comment on the item. The Commission asked that the item be continued and brought back at its November 13 regular meeting to address concerns/issues raised about noise and parking.

On motion by Commissioner Silva and second by Commissioner Ross and carried by the following vote, the Commission moved to continue the item to its November 13 regular meeting.

RESULT: 6-0-1

AYES: OWENS, SPALLETTA, ROSS, LA MICA, EVANS, SILVA

NOES: NONE

ABSTAIN: NONE

ABSENT: DODSON

7. REPORTS FROM COMMISSIONERS

EVANS - Has the ADA access from Fremont Blvd on South side of the liquor store building been installed to the BBQ trailer at 1949 Fremont Blvd?; Has the City received any Community feedback on Cutino park/field?

OWENS - Crossing bars at LaSalle & Fremont -- what is the status on the "Keep Clear" and crossing bars since the road refinishing has been completed?

ROSS - Reported auto repair is being conducted at a residential address; also, is Cutino park/field locked at night? What are the hours of operation?

8. REPORTS FROM STAFF

December 4 Joint Special Meeting regarding Campus Town EIR.

9. ADJOURNMENT

On motion by Commissioner Ross and second by Commissioner Silva, the meeting adjourned at 8:26 p.m.

Respectfully submitted,

Dominique Davis, Commission Clerk

John Owens, Chair



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.A.

TO: Planning Commission

BY: Rick Medina, Senior Planner

DATE: November 13, 2019

SUBJECT: USE PERMIT APPLICATION NO. UP-19-13: 500 BROADWAY PARTNERS, LLC, APPLICANT, AND BENNY ENEA, PROPERTY OWNER, ARE REQUESTING THE APPROVAL OF A USE PERMIT TO ALLOW FOR A NIGHTCLUB WITHIN AN EXISTING 2,154 SQUARE-FOOT BUILDING WHICH WILL INCLUDE ENTERTAINMENT (I.E. COMEDY, LIVE MUSIC, DJ), A CLASS 47 ALCOHOL LICENSE, AND BONA FIDE MEALS LOCATED AT 500 BROADWAY AVENUE IN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN MIXED USE (MX) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES. CONTINUED FROM THE OCTOBER 23, 2019 PLANNING COMMISSION MEETING.

PURPOSE & RECOMMENDATION

In accordance with the Zoning standards of the Mixed Use zoning in the West Broadway Urban Village Specific Plan, a use permit is required to allow for a nightclub business.

That the Planning Commission approve the use permit in accordance with the draft Resolution provided as Attachment 1 to the staff report.

BACKGROUND

The applicant is requesting approval of a Use Permit for the change in use of an existing 2,154 square foot commercial building from a bar/tavern use to a nightclub in the West Broadway Urban Village Specific Plan ("The Specific Plan"). The application

was reviewed by the Planning Commission on October 23, 2019. In review of the project, the Planning Commission continued the public hearing to November 13, 2019 to receive additional information on the following aspects of the proposal:

1. Receive opinion from the City Attorney regarding the policy in the Specific Plan which does not require any incremental off-street parking to be provided on-site for a change in use that does not result in a higher intensity land use; and
2. Receive updated floor plan providing outline of the area at the rear of the site that will be used for an outdoor patio; and
3. What sound attenuation will be provided to minimize noise associated with the outdoor patio and the entertainment events inside the building.

Executive Summary

Since 1963, the site has continuously been used as a bar/tavern in accordance with a Class 48 (On-Sale General) Alcohol License until the closure of the bar in the spring of 2019. The applicant is proposing to reopen the establishment as a nightclub with a Class 47 alcohol license (On Sale General with Meals). Per the Class 47 alcohol license requirements, food sales must be provided during business hours when alcohol is made available. Modifications to the site will consist of re-arranging the location of the bar, upgrading the bathrooms to be multi-use, and allowing for entertainment acts consisting of comedy acts, live music, and DJ services.

The project is located at the southeast corner of Broadway Avenue and Contra Costa Street. The adjoining land uses consist of Multi-Family housing to the south, vacant commercial lot to the west, vacant commercial building to the east and commercial restaurant and commercial car wash to the north. Location Map is provided as Attachment 2. Site Photographs are provided as Attachment 3.

The project site is located within and subject to the goals and policies of the Specific Plan that was adopted in 2010. A link to the WBUVSP is provided below: <http://www.ci.seaside.ca.us/DocumentCenter/View/386/Adopted-West-Broadway-Urban-Village-Specific-Plan-PDF?bidId=>. The land use zoning designation of the site is Mixed Use in the Specific Plan , which allows a nightclub with a use permit.

PROJECT DESCRIPTION

Proposed Use

The building floor plan includes a 200 square-foot entertainment area/dance area at the front, a 64 seat dining area, an eight seat bar area, and a kitchen. A 200 square-foot deck will be located at the rear of the site to provide area for patrons to sit outside. Deliveries will be provided through the rear of the site from an existing driveway on Contra Costa Street.

The exterior will be modified to consist of new exterior colors (See Attachment 4), a

raised parapet on the front and side elevations, down-lit exterior lighting on the west side (Contra Costa Street) to provide accent lighting and lighting on the sidewalk, and signage on the front (Broadway Avenue) and west side (Contra Costa Street).

The nightclub will be open daily per the following schedule:

Sunday – Thursday: 4 PM to 11 PM

Friday –Saturday: 4 PM to 1:30 AM

The comedy acts will typically be featured on Friday and Saturday from 6 PM to 11 PM. Activities on Sunday through Thursday will consist of live music, comedy, and DJ events on a rotating schedule. A total of six employees will be on-site. Applicant will have security personnel on-site for all entertainment events.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act pursuant to Class 1, Section 15301(a): Existing Facilities. Class 1 activities consist of minor alterations to the interior and exterior of a building.

Evidence: The proposed project will consist of minor facade alterations (e.g. awnings, parapets, exterior lighting, and outdoor patio) and interior modifications to accommodate the seating, bar, and kitchen for a nightclub.

STAFF ANALYSIS AND FINDINGS

Zoning Ordinance Conformance

Adjacent Land Uses

This project is located within the Mixed Use (MX) Zoning District of the Specific Plan, which allows bars and nightclubs, subject to use permit approval. The surrounding land uses consist of a vacant lot and coffee shop to the west, a 12-unit multi-family apartment building used for transitional housing managed by the Salvation Army to the south, a vacant commercial lease area to the east, and a restaurant, Chamber of Commerce office and self-service car wash to the north.

Development Standards

The proposed improvements will be limited to interior modifications and minor exterior façade improvements (e.g fenestration, parapets, outdoor patio, signs). There will be no expansion of the existing building or site boundaries. The project site will be in compliance with setbacks and accessibility requirements for entrance into the nightclub and required multi-occupancy bathrooms.

Since the establishment of the previous bar use in 1963, there has been no off-street parking provided. The area to the rear of the building that is accessible from the Contra Costa Street driveway has been used primarily for deliveries and pick-ups.

In accordance with Section B.8.1.1 of the Specific Plan, parking shall be provided parking as stated for a commercial, non-residential use of one space per 500 square feet of floor area. With a square footage of 2,154 square feet, a total of four parking spaces are required. Per B.8.1.3, on-street parking along street frontages of projects may be counted toward the parking requirement. The frontage on Contra Costa Street is 75 feet in length which will provide three parking spaces. The frontage on Broadway is red curbed which provides no parking. Requirements for renovation, enlargements or use changes apply only to net new floor area and/or the incremental increase in parking demand for a higher intensity land use. The land use Table 7-1 of the Specific Plan treats "Bars and Nightclubs" as the same land use category. In consultation with the City Attorney, it has been verified that the proposed nightclub will not result in no new net increase in floor area or potential increase in intensity due to limits imposed on the maximum occupancy of 100 persons within the building per the California Building Code.

In accordance with Title 24 of the 2016 California Building, an existing site with no existing parking shall not be required to provide a disable parking stall if the occupancy classification of the nightclub remains the same as the previous bar use.

The proposed project will be consistent with the following policies:

1. The proposed façade improvement will utilize paint colors, awnings, parapets, signage and marquee displays for acts to help anchor the corner building at the intersection of Contra Costa Street and Broadway Avenue.
2. The façade improvements will emphasize three dimensional detailing with the use of awnings over windows, parapet moldings, and neon sign as an effective means of integrating the architectural edge with the adjoining sidewalk.
3. Alcoholic Beverage Control License; The applicant is requesting a change in the type of Alcohol License for the premise from a Class 48 (On-sale General - Beer, Wine and Spirits) to a Class 47 (On-sale General with a bona fide eating place). A liquor license Type 48 allows for the sale of alcoholic beverages in an establishment that designated for patrons who are 21 years of age and older, in contrast to a liquor license Type 47 that's used when serving alcohol on premises of a bona fide eating place. Currently there are 27 of this type within Census tract 140. 17 of these licenses are for restaurants to sell beer and wine, five are for restaurants with on-sale general with the others for grocery and social clubs.

The Department of Alcoholic Beverage Control (ABC) has determined that there is an over-concentration of on sale licenses within Census Tract 140, which will require the

finding of a Public Convenience or Necessity (PCN) for the new alcohol license on the project site by city prior to the approval by the ABC. When the City receives applications for a PCN, the applications are referred to the Police Department. In response to the proposed project, the Police Department has recommended conditions that include security at the front door checking identification of patrons, a camera surveillance system, and sufficient lighting for the site, both inside and out.

City staff finds that the Alcohol License would be necessary to establish a nightclub and that the entertainment emphasis of the business will create an upscale environment consistent with the goals and policies of the Specific Plan. The project will also fill a void in the lack of entertainment facilities that would attract both local residents and visitors from the peninsula and greater Monterey County.

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 Mixed Use Specific Plan overlay. The MX land use classification is intended to accommodate an integrated mix of high density residential, commercial uses. The West Broadway Mixed-Use corridor will be Seaside's main street and the heart of the Urban Village. The Urban Village will become a mixed-use downtown center that is oriented towards the pedestrian and contains vibrant retail activity, public gathering spaces. The proposed project is consistent with the following General Plan Goals and Policies:

Land Use Element

Goal LU-1: Promote a mixture of land uses and a balance of jobs and housing to support a community in which people can live, work, shop, and play.

Policy LU-1-1: **Create a Central Business District**

Evidence: The proposed project will provide a vibrant commercial entertainment facility to allow for evening activity which is currently lacking within the core downtown of the West Broadway Urban Village Mixed-Use Corridor.

Policy LU-1.3 : Encourage regional commercial and visitor-serving commercial development that will enhance the identity of Seaside and attract visitors to the community.

Evidence : The proposed project will provide an entertainment land use that will enhance the the identity of West Broadway as an evening attraction and attract visitors.

Goal LU-2: Revitalize existing commercial areas.

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

Evidence : The proposed project will reestablish and repurpose an existing location which has been used as an on-sale general alcohol beverage facility only serving alcohol as a bar into a vibrant and updated facility that will include entertainment and food. The bar area of the of the facility will only be open when entertainment and food is provided.

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 façade improvement will utilize paint colors, awnings, parapets, signage and marquee displays for acts to help anchor the corner building at the intersection of Contra Costa Street and Broadway Avenue.

Evidence: The façade improvements will emphasize three dimensional detailing with the use of awnings over windows, parapet moldings, and neon sign as an effective means of integrating the architectural edge with the adjoining sidewalk.

Evidence: Noise from microphones, persons talking, and music will be contained within the building. In the event noise can be heard from the property line of adjacent residential uses to the south, the applicant will be responsible to add additional sound attenuation within the building to address noise issues and/or complaints.

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 District to document that the food service will be in compliance with the Group III standards for a bar with limited food service.

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

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Attachment 1 - Exhibit A
 3. Attachment 1 - Exhibit A facade Improvements
 4. Attachment1- Exhibit A Rear Patio
 5. Attachment 1-Exhibit A Rear Patio Location
 6. Attachment 2 - Location map
 7. Attachment 3 - Site Photos
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RESOLUTION NO. 19-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT NO. UP-19-13 TO ALLOW A NIGHTCLUB WITH ENTERTAINMENT AND A TYPE 47 ON-SALE OF ALCOHOLIC BEVERAGE LICENSE IN THE MIXED-USE (MX) ZONING DISTRICT LOCATED AT 500 BROADWAY AVENUE (APN 011-303-013).

WHEREAS, Benny Enea. Property Owner, and 500 Broadway Partners, Applicant, have filed an application for Use Permit approval, to allow for a nightclub with entertainment and a Type 47 on-sale Alcohol License issued by the State Department of Alcohol Beverage Control located at 500 Broadway Avenue in the Mixed-Use (MX) Zoning District on property located at 500 Broadway Avenue (APN 011-303-013); and,

WHEREAS, Chapter 7 of the West Broadway Urban Village Specific Plan allows for a nightclub in the MX zoning district subject to use permit approval; and,

WHEREAS, a duly notice public hearing has been held on October 23, 2019 and November 13, 2019; and,

WHEREAS, the Planning Commission reviewed the staff report, received and considered oral comments at the public hearing concerning the proposed use and acted to grant approval of Use Permit Application No. 19-13 on November 13, 2019 in accordance with Section 17.62.030 of the Seaside Municipal Code; and

WHEREAS, the proposed use is Categorically Exempt Class 1, Section 15301.a from the California Environmental Quality Act (CEQA); therefore,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings approving Use Permit Application No.19-13:

USE PERMIT FINDINGS

- 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

Adjacent Land Uses

This project is located within the Mixed Use (MX) Zoning District, which allows nightclubs, subject to use permit approval. The surrounding land uses consist of a vacant lot, coffee shop, and residence to the west, a 12-unit multi-family apartment building used for transitional housing by the Salvation Army to the south, a vacant commercial lease area to the east, and a restaurant, Chamber of Commerce office and self-service car wash to the north.

Development Standards

The proposed improvements will be limited to interior modifications and minor exterior façade improvements (e.g fenestration, parapets, outdoor patio, signs). There will be no expansion of the existing building. The driveway providing access to the rear of the site will continue to be used for deliveries only.

Until a parking district is adopted for the WBUVSP, the standards within Chapter 17 of the Seaside Municipal Code (SMC) shall apply. Based on the site not having any off-street parking spaces, the following standards shall apply:

1. The proposed nightclub will match the same assembly classification associated with the former bar use. No new net floor area will be added to the site. **In accordance with Section B.8 of the West Broadway Specific Plan, no additional off-street parking shall be required.**
2. In accordance with Title 24 of the 2016 California Building, an existing site with no existing parking shall not be required to provide a disabled parking stall if the occupancy classification of the nightclub remains the same as the previous bar use.

The proposed project will be consistent with the following policies:

1. The proposed façade improvement will utilize paint colors, awnings, parapets, signage and marquee displays for acts to help anchor the corner building at the intersection of Contra Costa Street and Broadway Avenue.
2. The façade improvements will emphasize three dimensional detailing with the use of awnings over windows, parapet moldings, and neon sign as an effective means of integrating the architectural edge with the adjoining sidewalk.

3. Alcoholic Beverage Control License; The applicant is requesting a change in the type of Alcohol License for the premise from a Class 48 (On-sale General - Beer, Wine and Spirits) to a Class 47 (On-sale General with a bona fide eating place). A liquor license Type 48 allows for the sale of alcoholic beverages in an establishment that designated for patrons who are 21 years of age and older, in contrast to a liquor license Type 47 that's used when serving alcohol on premises of a bona fide eating place. Currently there are 27 of this type within Census tract 140. 17 of these licenses are for restaurants to sell beer and wine, five are for restaurants with on-sale general with the others for grocery and social clubs.

The Department of Alcoholic Beverage Control (ABC) has determined that there is an over-concentration of on sale licenses within Census Tract 140, which will require the finding of a Public Convenience or Necessity (PCN) for the new alcohol license on the project site by city prior to the approval by the ABC. When the City receives applications for a PCN, the applications are referred to the Police Department. In response to the proposed project, the Police Department has recommended conditions that include security at the front door checking identification of patrons, a camera surveillance system, and sufficient lighting for the site, both inside and out.

City staff finds that the Alcohol License would be necessary to establish a nightclub and that the entertainment emphasis of the business will create an upscale environment consistent with the goals and policies of the WBUSP. The project will also fill a void in the lack of entertainment facilities that would attract both local residents and visitors from the peninsula and greater Monterey County.

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 Mixed Use WBUVSP overlay. The MX land use classification is intended to accommodate an integrated mix of high density residential, commercial uses. The West Broadway Mixed-Use corridor will be Seaside's main street and the heart of the Urban Village. The Urban Village will become a mixed-use downtown center that is oriented towards the pedestrian and contains vibrant retail activity, public gathering spaces. The proposed project is consistent with the following General Plan Goals and Policies:

Land Use Element

Goal LU-1: Promote a mixture of land uses and a balance of jobs and housing to support a community in which people can live, work, shop, and play.

Policy LU-1-1: **Create a Central Business District**

Evidence: The proposed project will provide a vibrant commercial entertainment facility to allow for evening activity which is currently lacking within the core downtown of the West Broadway Urban Village Mixed-Use Corridor.

Policy LU-1.3 : Encourage regional commercial and visitor-serving commercial development that will enhance the identity of Seaside and attract visitors to the community.

Evidence : The proposed project will provide an entertainment land use that will enhance the identity of West Broadway as an evening attraction and attract visitors.

Goal LU-2: Revitalize existing commercial areas.

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

Evidence : The proposed project will reestablish and repurpose an existing location which has been used as an on-sale general alcohol beverage facility only serving alcohol as a bar into a vibrant and updated facility that will include entertainment and food. The bar area of the facility will only be open when entertainment and food is provided.

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 façade improvement will utilize paint colors, awnings, parapets, signage and marquee displays for acts to help anchor the corner building at the intersection of Contra Costa Street and Broadway Avenue.

Evidence: The façade improvements will emphasize three dimensional detailing with the use of awnings over windows, parapet moldings, and neon sign as an effective means of integrating the architectural edge with the adjoining sidewalk.

Evidence: Noise from microphones, persons talking, and music will be contained within the building. In the event noise can be heard from the property line of adjacent residential uses to the south, the applicant will be responsible to add additional sound attenuation within the building to address noise issues and/or complaints.

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 District to document that the food service will be in compliance with the Group III standards for a bar with limited food service.

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

FINDINGS FOR PUBLIC CONVENIENCE OR NECESSITY

1. According to information received from the Seaside Police Department, the subject property is not located in an area that has excessive crime rates nor is it in an area of targeted law enforcement activities.
2. The subject property is located in a heavily developed, urbanized commercial area and is compatible with existing and planned land uses.
3. The on-sale of alcoholic beverage sales will be limited to being sold with meals which clearly demonstrates that the on-sale alcoholic beverages

will remain as an ancillary retail sale of the restaurant and avoid a bar/cocktail lounge atmosphere.

4. The establishment of a nightclub with a restaurant component supports the City's efforts to improve its commercial thoroughfares and its economic development goals. The on-sale of alcoholic beverages is a typical component of a restaurant use and the proposed nightclub is essential to the City's efforts to develop an urban streetscape as well as provide its residents and visitors with a quality entertainment component.

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Use Permit Application No. 19-13 subject to the following terms and conditions:

Project Specific:

1. The nightclub shall be conducted and operated within the interior of the building as shown on the enclosed plans stamped "Received Community Development November 8, 2019" provided as Exhibit "A".
2. All sales of alcoholic beverages are required to be conducted within the confines of the enclosed building and exterior patio per ABC requirements.
3. No exterior signs or other forms of advertising promoting or indicating availability of alcoholic beverage products are permitted.
4. A sign permit is required for all exterior and window signs, and must be approved by the Zoning Administrator.
5. Days and hours of operation are limited to 4:00 p.m. – 11:00 p.m. Sunday thru Thursday, and 4 p.m. to 1:30 a.m. Friday and Saturday, unless otherwise approved by the City of Seaside, Community Development Department.
6. The bathroom shall consist of a multi-accommodation consisting of a two stalls in the woman's bathroom and a urinal and stall in the men's bathroom.
7. The rear fence along the alley shall be reconstructed within 3-months from the issuance of a Certificate of Occupancy per plans approved by the Board of Architectural Review.
8. Noise generated by the use will be monitored by the Zoning Administrator. The applicant shall be required to comply with sound

attenuation requirements in the event noise from the microphones and/or live music/DJ is audible from adjoining residential uses.

9. The applicant shall comply with recommended security related issues based upon valid police investigations or reported incidents. All reports and incidents will be validated and conveyed to the applicant prior to any modifications or requirements being imposed by the Zoning Administrator or Planning Commission.
10. A trash enclosure as approved by the Building Official shall be placed within the rear area of the site.
11. A grease trap at a size as determined by the Public Works Department shall be installed on-site.
12. A gate, with appropriate neighbor access, approved by the Zoning Administrator shall be installed across the driveway accessing the rear of the site on Contra Costa Street.
13. Prior to the sale of alcoholic beverages, the applicant shall receive approval of a Type 47 Alcoholic Beverage License from the State Department of Alcohol Control.
14. Any entertainment event where persons under the age of 18 are admitted, the applicant shall provide security at the door to check identification and place wrist bands on persons who wish to purchase alcohol.

Standard:

1. Except as modified by required conditions of approval, plans submitted for a building permit shall substantially conform to the plans approved for discretionary permits for this project.
2. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the

applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

3. Any proposed future development or change in use shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
4. The proposed project shall comply with the applicable requirements of the Monterey Peninsula Water Management District for the installation of new water fixtures and dining room seats.
5. The issuance of building permits involving the installation of new water shall be subject to the availability of an adequate supply of water and sewer capacity to serve the project.
6. Water conservation fixtures shall be provided in the proposed project.
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. Use permit approval will become null and void if a building permit is not obtained within one (1) year from the date of approval to begin construction on the project.
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 special meeting of the Planning Commission of the City of Seaside, State of California, on the 23rd day of October, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

Attachment 1 – Exhibit A

Site Plan



Broadway Avenue

500 Broadway Avenue

Contra Costa St

Contra Costa St

Contra Costa St

Contra Costa St

Alley

Rear Patio outlined in Red

Driveway from Contra Costa Street

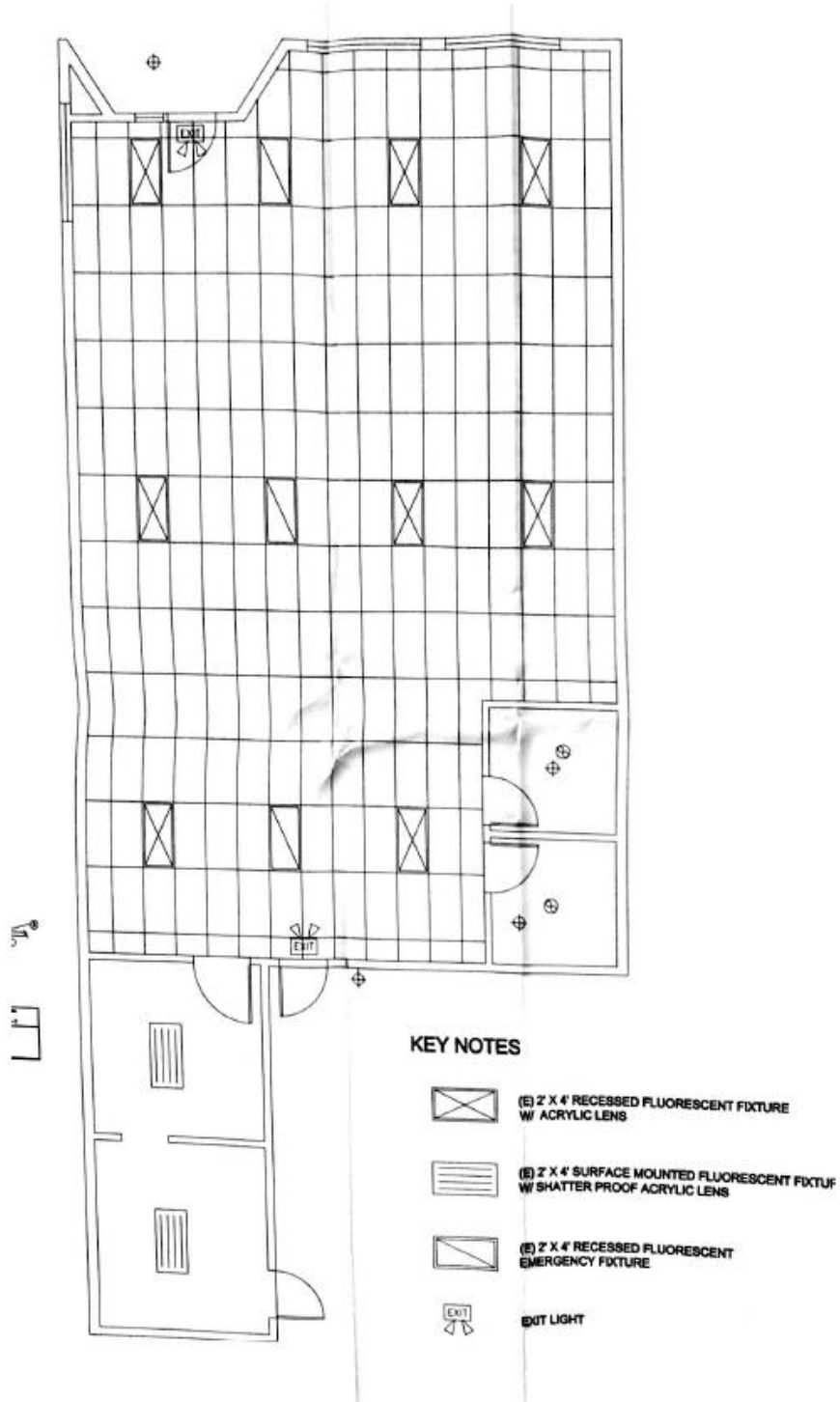
Contra Costa
Street



PLUMBING PLAN 5/8" = 1'-0"

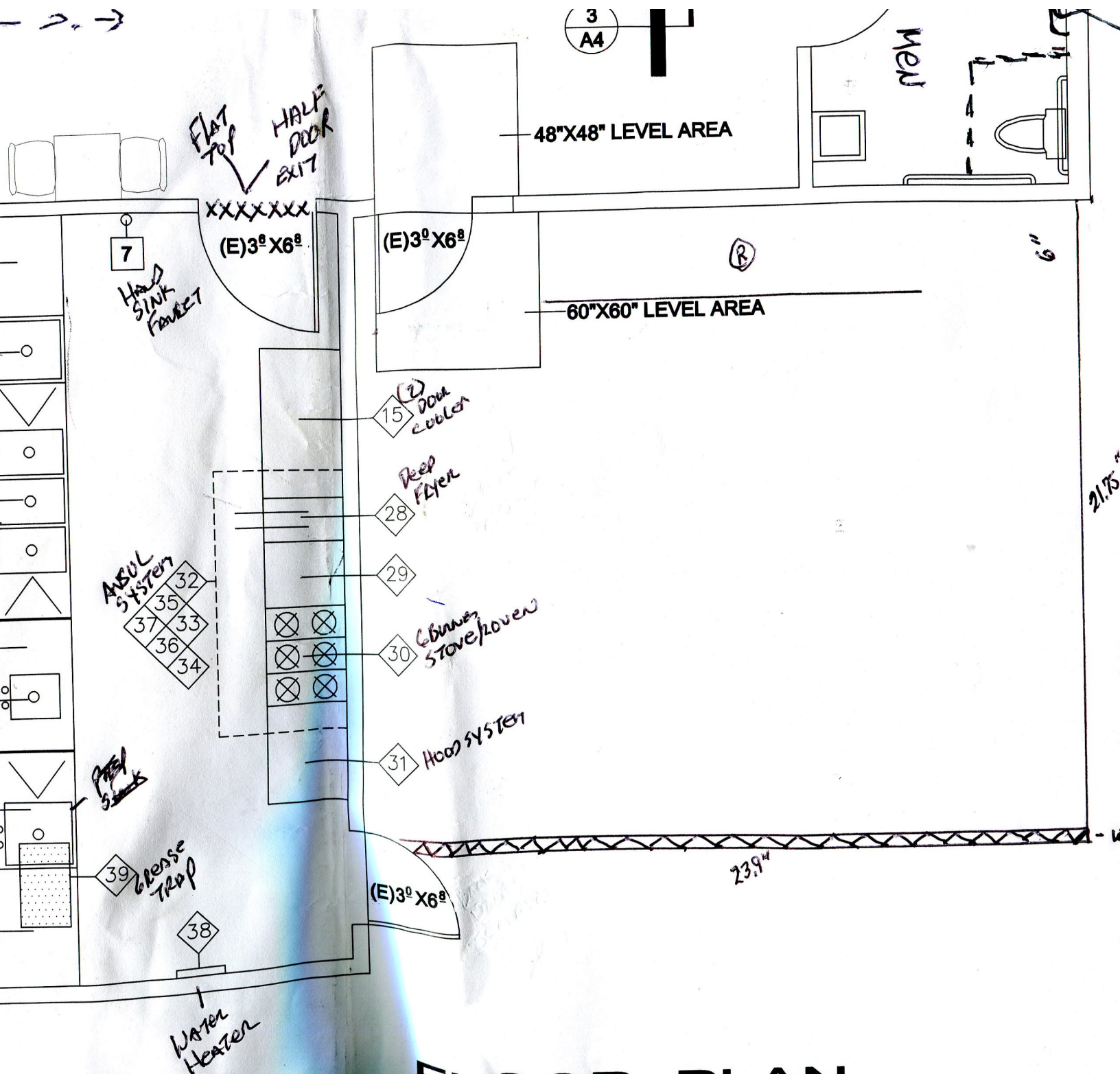


Electrical Plan



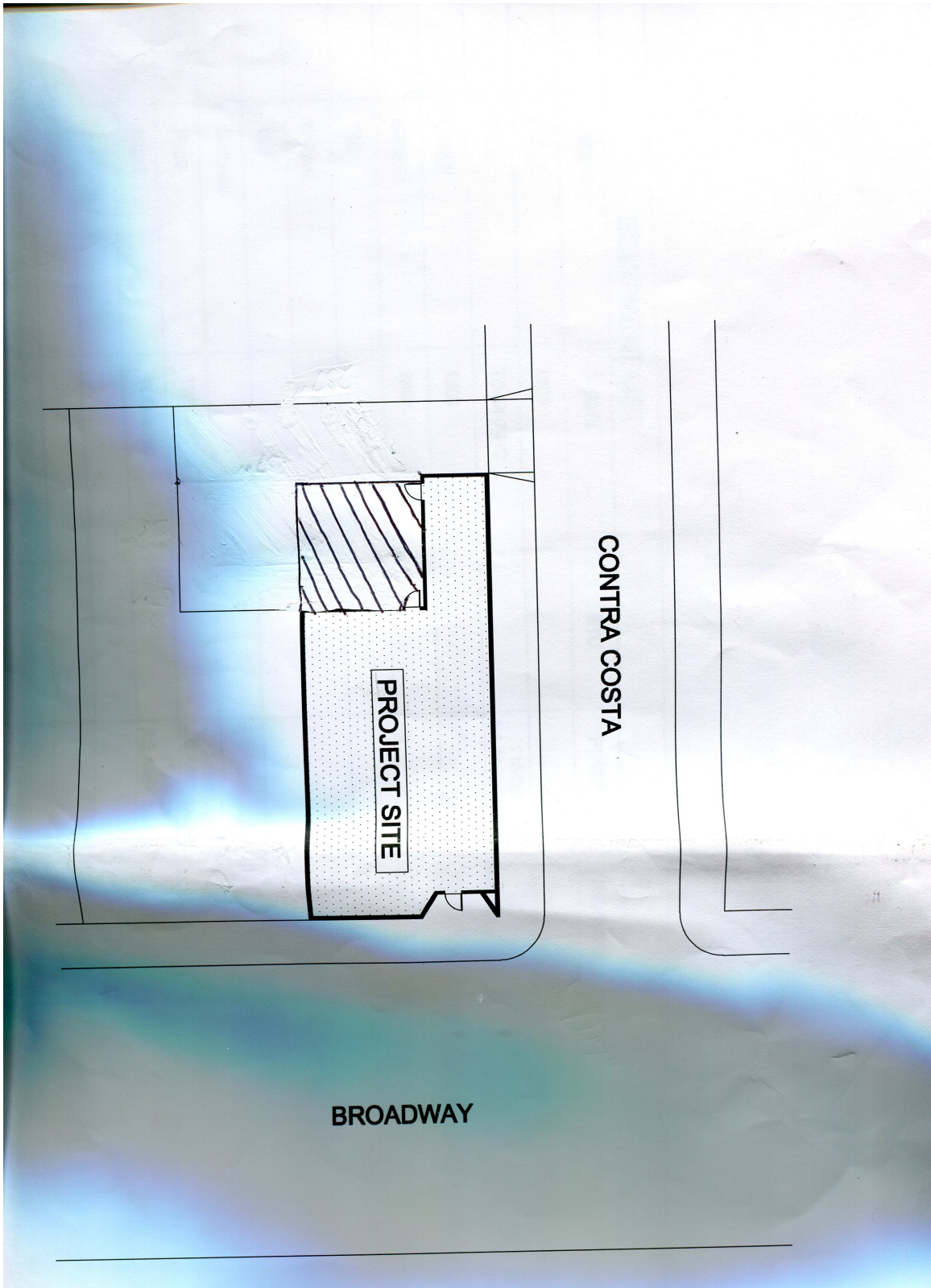


→ → →



FLOOR PLAN

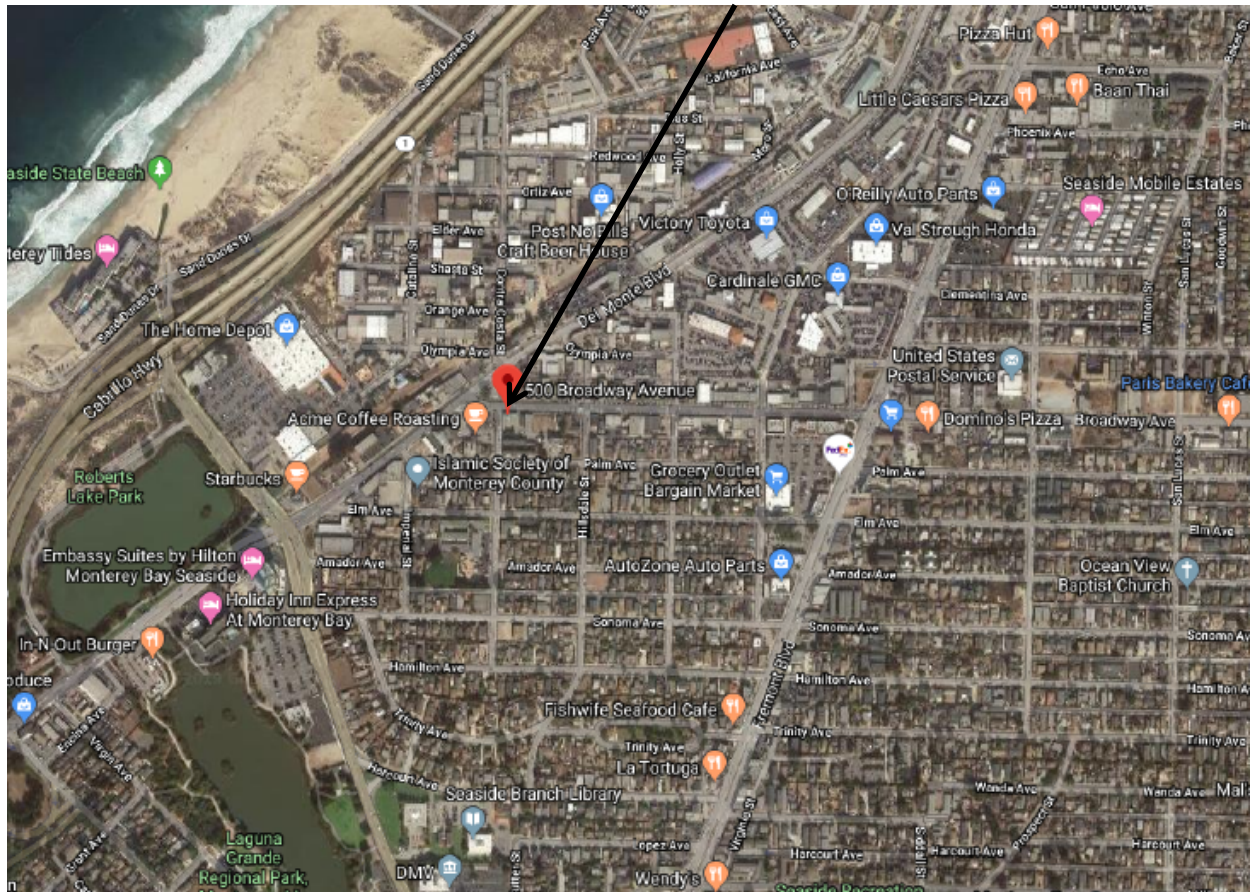
1/4" = 1'-0"



Attachment 2

Location Map

500 Broadway Avenue



Attachment 3

Site Photos



View of Front Façade



View of Side façade on Contra Costa Street