A G E N D A
CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
Council Chamber
440 Harcourt Avenue
Wednesday, January 22, 2020
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
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

7. BUSINESS ITEMS

A. USE PERMIT APPLICATION NO. UP-19-16: FELIPE VILLICANA, APPLICANT, AND NANCY MARZI, PROPERTY OWNER, ARE REQUESTING APPROVAL OF A SMALL COLLECTION RECYCLING FACILITY LOCATED AT 1220 BROADWAY AVENUE IN THE COMMERCIAL MIXED USE (CMX) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES, CLASS 11, SECTION 15311.C.

RECOMMENDATION: In accordance with Section 17.52.210.C, the applicant is seeking a Use Permit to allow a small collection recycling facility located in parking at 1220 Broadway Avenue.

It's recommended the Planning Commission approve the Use Permit, subject to the Conditions of Approval contained in the Resolution.

8. ELECTION OF CHAIR AND VICE CHAIR

9. REPORTS FROM COMMISSIONERS

10. REPORTS FROM STAFF

11. ADJOURNMENT

Next Regularly Scheduled Meeting:
February 12, 2020
Seaside City Hall
7:00PM

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.

CITY OF SEASIDE
STAFF REPORT

Item No.: 7.A.

TO: Planning Commission

BY: Beth Rocha, Associate Planner

DATE: January 22, 2020

SUBJECT: **USE PERMIT APPLICATION NO. UP-19-16: FELIPE VILLICANA, APPLICANT, AND NANCY MARZI, PROPERTY OWNER, ARE REQUESTING APPROVAL OF A SMALL COLLECTION RECYCLING FACILITY LOCATED AT 1220 BROADWAY AVENUE IN THE COMMERCIAL MIXED USE (CMX) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES, CLASS 11, SECTION 15311.C.**

PURPOSE & RECOMMENDATION

In accordance with Section 17.52.210.C, the applicant is seeking a Use Permit to allow a small collection recycling facility located in parking at 1220 Broadway Avenue.

It's recommended the Planning Commission approve the Use Permit, subject to the Conditions of Approval contained in the Resolution.

BACKGROUND

All supermarkets in California are required to have a recycling center within a specified area around the store called a "convenience zone". Convenience zones increase the geographic dispersal of locations where beverage containers can be redeemed. A convenience zone is required by law to have a recycling center that redeems all California Redemption Value (CRV) containers. Convenience zone recyclers provide opportunities to redeem containers near where beverages were purchased. If a recycling opportunity does not exist in this zone, then generally the supermarket, and all other retailers that sell beverage containers in that zone, must take-back containers in-store. Supermarket-based recycling centers receive a premium payment, called a handling fee, to offset the additional costs these sites incur. However, nearly half of state-certified recycling centers have closed in the last five years, which leaves more bottles and cans unredeemed by consumers. Additionally, recycling center closures also

impact communities via job losses and critical income for families and individuals who gather discarded cans and bottles to earn extra cash. Lastly, grocery and big box chains are not taking back bottles and cans despite a legal obligation to do so.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This project is categorically exempt from the California Environmental Quality Act pursuant to Class 1, Section 15311.C: Accessory Structures. Class 11 consists of the operation of existing facilities involving the placement of accessory structures on a parcel that are appurtenant to the primary use.

Evidence: The proposed project involves the placement and operation of an 8 foot by 20 foot metal storage container in the parking lot of a grocery store for the purpose of collecting recycling materials. The location of the container would not create any type of substantial disruption to the site and the use of the recycling facility would be an appurtenant use of the grocery store.

SITE LOCATION

The project site is 1220 Broadway Avenue, a corner property bordered by San Lucas Street, where La Preciosa Family Market is located. The adjacent uses consist of a mix of commercial and residential uses. See Attachment 1: Site Plan.

PROJECT DESCRIPTION

Proposed Use
The applicant is proposing to place an 8 foot by 20 foot metal storage container on the east side of the existing parking lot facing Broadway Avenue to receive cans, bottles and plastic containers eligible for California Redemption Value (CRV). The project area would occupy 1 of 18 existing parking spaces associated with the grocery store without reducing the required parking of 10 spaces, as outlined in Seaside Municipal Code, 17.34.040, Table 3-8. An attendant would be on-site during all hours of operation to accept CRV products. The facility would have the following hours of operation: Monday thru Friday, 9AM to 5PM and Saturday 9AM-3PM. Photographs of the metal container are provided as Attachment 2.

STAFF ANALYSIS AND FINDINGS

UP-19-16 Findings
In accordance with S.M.C. Section 17.52.210.C, a small collection recycling facility shall be required to file an application under the Use Permit process to determine whether the following findings can be made concerning the proposed project:

The proposed use is allowed within the applicable zone and would comply with all other

applicable provisions of the Zoning Ordinance and Municipal Code.

Evidence: The code requires a minimum setback of 50 feet from any parcel zoned or occupied for residential use.
The location of the recycling container would be setback a minimum of 50 feet from the nearest adjoining residential uses to the south.
It would be placed on site and would comply with the requirement that it be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.

Evidence: The container is 160 square feet in area (8'x20'). The maximum allowed area is 350 square feet.

Evidence: The entire container would be painted a solid color.

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

Evidence: The General Plan land use designation for the proposed project site is Commercial Mixed Use (CMX). The purpose of the CMX land use designation is appropriate for pedestrian and transit oriented activity centers and is intended to accommodate retail stores, offices, theaters, restaurants, and other similar and related uses together with residential units in the context of mixed use, pedestrian-oriented development. The proposed project would allow the grocery store to provide a recycling facility to accommodate the half-mile convenience zone requirements of the State for a grocery store in the City of Seaside. This use would also provide the nearby businesses and residential areas with a State mandated recycling facility.

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

Evidence: The proposed project would not alter the site's existing operating characteristics. All existing and planned future adjacent uses would continue to be commercial in nature and would be compatible with the existing and future allowed uses in the vicinity.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and absence of physical constraints.

Evidence: The site is currently served by all necessary municipal services and utilities. The lot contains adequate underutilized space where the proposed project could be accommodated, making the site suitable for the proposed use.

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.

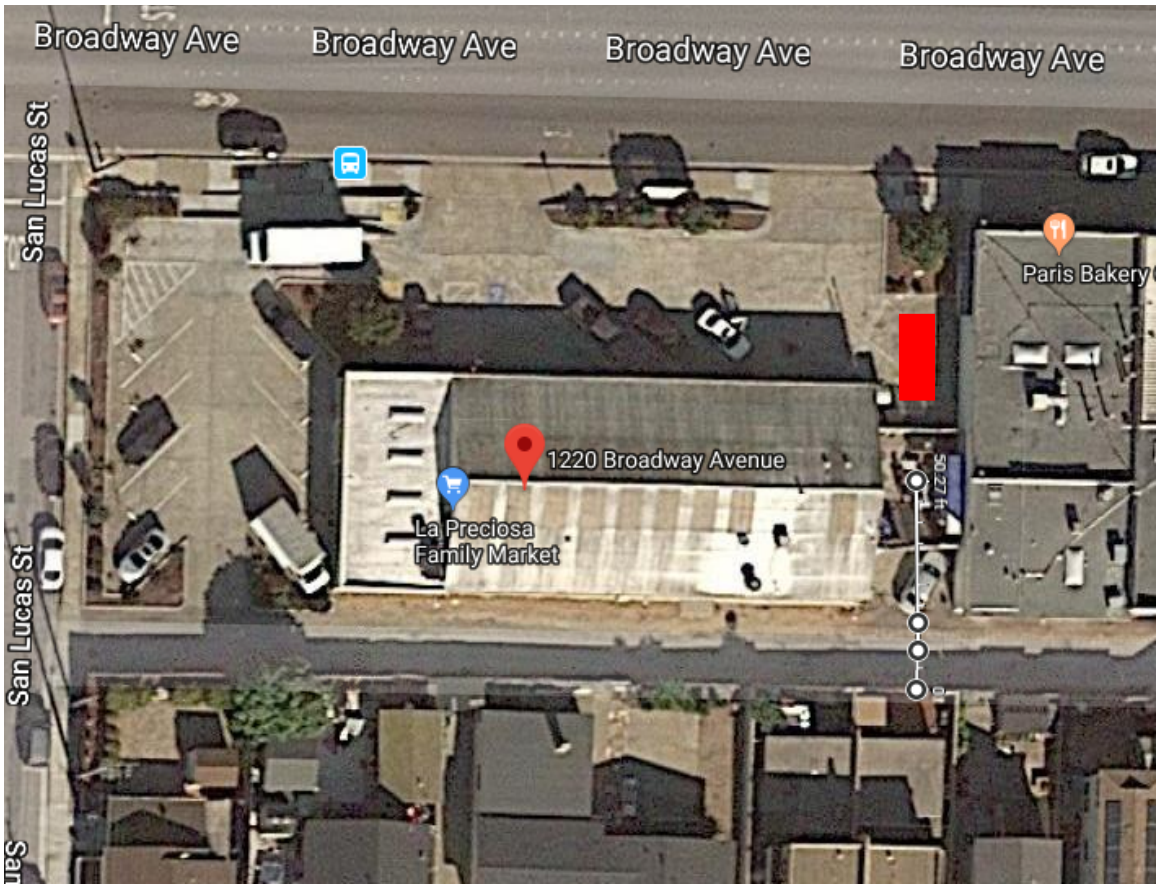
Evidence: Conditions of approval would require the site to be maintained free of clutter and debris and for the container to be painted to be in harmony with the exterior of the grocery store.

CONCLUSION

Based on the analysis, the proposed small collection recycling facility complies with the intent of the Seaside General Plan and the requirements of Title 17 of the Seaside Municipal Code. Staff recommends approval of UP-19-16, subject to the resolution and conditions of approval (See Attachment 3).

ATTACHMENTS

1. Attachment 1 Site Plan
2. Attachment 2 Photos
3. Attachment 3 Resolution



Site plan with 50’ distance from adjacent residentially zoned properties labeled.
Shown in red is the approximate location of the container.

OPEN
ADA'S
RECYCLING
831-240-9056
HAULAWAY.com
RENT ME!

OPEN
ADA'S
831-240-9056

RESOLUTION NO. 20-XX

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT APPLICATION NO. UP-19-16 TO ALLOW A SMALL COLLECTION RECYCLING FACILTY IN THE COMMERCIAL MIXED USE (CMX) ZONING DISTRICT LOCATED AT 1220 BROADWAY AVENUE.

WHEREAS, Felipe Villicana, applicant, and Nancy Marzi, property owner, have applied for a use permit for the purpose of placing a small collection recycling facility located at 1220 Broadway Avenue in the Commercial Mixed Use (CMX) zoning district; and

WHEREAS, the proposed project requires approval by the Planning Commission, 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 Planning Commission considered oral comments and written information concerning the proposed use permit at a duly noticed public hearing of the Planning Commission held on January 22, 2020; and

WHEREAS, the project is a Categorically Exempt from the California Environmental Quality Act pursuant to Class 11, Section 15311.C:Accessory Structures, meeting the following conditions:

Evidence: The proposed project involves placing a detached container within the parking lot of a grocery store.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No.UP-19-16:

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

   Evidence: The code requires a minimum setback of 50 feet from any parcel zoned or occupied for residential use. The location of the recycling container would be setback a minimum of 50 feet from the nearest adjoining residential uses to the south. It would be placed on site and would comply with the requirement that it be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.

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

   Evidence: The General Plan land use designation for the proposed project site is Commercial Mixed Use (CMX). The purpose of the CMX land use

designation is appropriate for pedestrian and transit oriented activity centers and is intended to accommodate retail stores, offices, theaters, restaurants, and other similar and related uses together with residential units in the context of mixed use, pedestrian-oriented development. The proposed project would allow the grocery store to provide a recycling facility to accommodate the half-mile convenience zone requirements of the State for a grocery store in the City of Seaside. This use would also provide the nearby businesses and residential areas with a State mandated recycling facility.

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

   Evidence: The proposed project would not alter the site's existing operating characteristics. All existing and planned future adjacent uses would continue to be commercial in nature and would be compatible with the existing and future allowed uses in the vicinity.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and absence of physical constraints.

   Evidence: The site is currently served by all necessary municipal services and utilities. The lot contains adequate underutilized space where the proposed project could be accommodated, making the site suitable for the proposed use.

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: Conditions of approval would require the site to be maintained free of clutter and debris and for the container to be painted to be in harmony with the exterior of the grocery store.

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Use Permit Application No. UP-19-16 subject to the following terms and agreements:

Planning:

1. An employee must be on-site when recycling materials are received and/or accepted.

2. The applicant shall be responsible for keeping the site free of trash and debris and to prevent persons from loitering on the premises after conducting their transactions.

3. The container shall be painted a solid color.

4. The hours of operation shall be Monday thru Friday, 9AM to 5PM and Saturday 9AM-3PM.

5. The location of the small collection recycling facility shall be setback a minimum of 50 feet from any parcel zoned or occupied for residential use.

6. The location of the small collection recycling facility shall be set back at least 10 feet from any public right of way and not obstruct pedestrian or vehicular circulation.

7. All materials related to the operation of the small collection recycling facility shall be stored within the container when the use is not in operation.

Building:

1. The project shall be constructed in compliance with the 2016 California Building Code.

Fire Department:

1. The project shall be constructed in compliance with the 2016 California Fire Code.

Public Works

1. Applicant must obtain encroachment permit for any work conducted within the public right-of-way.

2. The storm water runoff created by the new construction (also including additions, driveways, and walkways, etc.) shall be contained on site through the use of rain gutters, detention basins, cisterns, drainage fields, dispersion trenches or comparable methods. The proposed design details and calculations shall be included on a dedicated sheet to be submitted with the building permit plans and shall be designed for 100-year storm event. Sample details are available at the Resources Management Services, located at City Hall, 440 Harcourt Avenue in Seaside (831) 899-6825. Maintenance of the storm water retention system shall be by the owner(s).

3. Should the applicant decide to use the City Standard "S-480" Dispersion Trench for compliance with the retention of storm water, the Standard should be completed and the length and width of the required Dispersion Trench shall be filled in and the Standard sticky backed or stapled onto the building plans. Denote the trench location on the plans keeping 10' clear to any structure or

property line. Maintenance of the storm water retention system shall be by the owner(s).

Standard:

1. Minor Use Permit approval is subject to revocation procedures contained in S.M.C. Section 17.69.060 in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.

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. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).

4. 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 15 days from the date of its approval.

5. Project 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.

6. 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 by the Planning Commission of the City of Seaside, State of California, on the 22nd of January, 2020 by the following vote:

AYES:
NOES:

ABSENT:
ABSTAIN:

John Owens
Chairperson

USE PERMIT APPLICATION NO. MUP-19-16
RESOLUTION NO. 20-XX

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the applicant and property owner(s).

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

_____ _____
Applicant's Signature Date

_____ _____
Property Owner's Signature *(if different from above)* Date