



A G E N D A

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
VIRTUAL ONLY
Thursday, June 4, 2020
7:00 PM

Pursuant to Governor Newsom's Executive Orders [N-29-20](#) and [N-33-20](#), and to do all we can to help slow the spread of COVID-19 (coronavirus) City of Seaside meetings will be adapted in the following ways:

- Meetings of the Seaside City Council and its Boards and Commissions will be conducted with virtual (electronic) participation only. Members of the public may watch the live stream of the City Council and Boards and Commission meetings at <https://bit.ly/SeasideYouTube> or can click the link below to join the webinar: <https://us02web.zoom.us/j/81056468161> Or by Telephone by dialing 1 669-900-9128 and entering the Webinar ID: 810 5646 8161
- Members of the public may participate before and during each meeting by submitting comment(s) to cityclerk@ci.seaside.ca.us. The clerk will read each received public comment aloud into the record at the designated time, subject to time limits that may be imposed pursuant to the Brown Act. In the subject line of a public comment email, please specify the meeting body and date and indicate the relevant item number or "general" to help staff easily receive and organize public comments.

1. CALL TO ORDER

2. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby	Mayor
David R. Pacheco	Mayor Pro Tem
Jason Campbell	Council Member
Jon Wizard	Council Member
Alissa Kispersky	Council Member

3. PLEDGE OF ALLEGIANCE

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. PUBLIC AGENCY COMMUNICATIONS

This is a time specifically set aside for representatives of public agencies to make brief comments of general interest to the City Council and the community.

7. PRESENTATIONS

A. UPDATE ON RESTAURANT RE-OPENING PLAN

8. CONSENT AGENDA

A. APPROVAL OF MINUTES FROM MAY 7, MAY 19, MAY 21, MAY 28, 2020 CITY COUNCIL MEETINGS

RECOMMENDATION: Approve minutes as presented.

B. APPROVE AND FILE CITY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of May 9, 2020 through May 22, 2020 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending May 15, 2020 & May 21, 2020. Total Accounts Payable and Payroll for the above referenced period is \$1,114,216.15.

C. APPROVE TRAFFIC ADVISORY COMMITTEE RECOMMENDATIONS FOR RED CURB AND 2ND DRIVEWAY

RECOMMENDATION: The purpose of this item is to have the City Council review and approve the Traffic Advisory Committee's recommendations for the following:

1. Installation of the 23 feet of red curb from the driveway apron of 1768 La Salle Ave to the curb ramp on the south side of La Salle Ave. at Lindberg Ct. in order to improve the visibility and safety of pedestrians utilizing the existing school crosswalk.

2. A 2nd driveway at 2095 Paralta Avenue on Military Avenue conforming to the following conditions:

a) SMC Section 17.30.100; and

b) SMC Section 17.30.030E; and

c) Building Permit #20557

D. RESOLUTION APPROVING THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC) AGREEMENT FOR THE ALLOCATION OF FUNDING FOR THE PERIOD OF MARCH 2020 THROUGH MARCH 2023 AS APPROVED BY THE TAMC BOARD OF DIRECTORS

RECOMMENDATION: The purpose of this item is to have the City Council approve an agreement between the Transportation Agency for Monterey County (TAMC) and the City of Seaside for the allocation of funding for the period of March 2020 through March 2023 as approved by the Transportation Agency Board of Directors.

E. ADOPT RESOLUTION ADOPTING 5TH AMENDMENT TO EMERGENCY PROCLAMATION

RECOMMENDATION: Adopt resolution as presented.

9. PUBLIC HEARING

A. SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-02: SECOND READING AND ADOPTION OF AN ORDINANCE TO REPEAL IN ITS ENTIRETY SEASIDE MUNICIPAL CODE SECTION 17.52.140, APPROVE TEXT AMENDMENTS ADDING LAND USE DEFINITIONS TO 17.98, AND TO MODIFY THE PERMIT REQUIREMENTS OF MECHANICAL AND ELECTRONIC GAMES AND GAME CENTERS IN SMC 17.14.030, TABLE 2-4 FROM REQUIRING A USE PERMIT TO BEING PERMITTED OUTRIGHT IN THE CMX, CC AND CRG ZONES (SECOND READING - ROLL CALL VOTE)

RECOMMENDATION: Conduct the second reading of the draft ordinance as presented, discuss, invite comments from the public, and adopt the draft ordinance repealing Seaside Municipal Code section 17.52.140 and amending sections 17.98 and 17.14.030, table 2-4 to eliminate specific use regulation and to modify the permit requirements of mechanical and electronic games and game centers.

B. ADOPTION OF AN ORDINANCE FOR SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-01: TEXT AMENDMENTS TO CHAPTER 17 OF THE SEASIDE MUNICIPAL CODE CONSISTING OF ADDING A GASOLINE-FUELING STATION AS A USE PERMIT UNDER SECTION 17.14.030.B – TABLE 2-4 (ALLOWED LAND USES AND PERMITTED USES) IN THE

**AUTOMOTIVE REGIONAL COMMERCIAL (CA) ZONING DISTRICT AND
MODIFYING LOCATION AND OPERATIONAL STANDARDS FOR SERVICE
STATIONS UNDER SECTION 17.52.250 . (SECOND READING, ROLL CALL
VOTE)**

RECOMMENDATION: Waive second reading and adopt Ordinance for text amendments in accordance with Seaside Municipal Code Application SMA-20-01.

10. BUSINESS ITEMS

**A. RECEIVE UPDATE ON THE PROGRESS CARRYING OUT THE FORT ORD
REUSE AUTHORITY AND CITY OF SEASIDE ENVIRONMENTAL SERVICES
COOPERATIVE AGREEMENT (ESCA) AND LOCAL REDEVELOPMENT
AUTHORITY (LRA)/ECONOMIC DEVELOPMENT CONVEYANCE (EDC)
SUCCESSOR IMPLEMENTING AGREEMENT**

RECOMMENDATION: Received update on the process and provide direction to staff.

11. COUNCIL MEMBER REQUESTS

**12. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY
COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS**

This is a time specifically set aside for members of the City Council, the City Manager and City Attorney to make brief comments of general interest to the community, make requests that items be added to future City Council meeting agendas as necessary and report on committee assignments.

13. ADJOURNMENT

Next Regularly Scheduled Meeting:
June 18, 2020
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. Agendas are posted 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 Governor Newsom's Executive Orders N-29-20 and N-33-20.



DRAFT MINUTES
CITY OF SEASIDE
CITY COUNCIL

VIRTUAL ONLY
SPECIAL MEETING
Council Chamber
Thursday, May 14, 2020
5:30 PM

1. CALL TO ORDER

Mayor Oglesby called the meeting to order at 5:30 pm.

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Campbell, Kispersky, Oglesby, Pacheco, Wizard
ABSENT: None

3. PLEDGE OF ALLEGIANCE

Led by Council Member Wizard.

4. PUBLIC COMMENT

None.

5. STUDY SESSION

A. BRAINSTORMING SESSION ON COMMUNITY AND CITY FISCAL RECOVERY

The City Council discussed the list of council proposed strategic ideas to help with the economic and structural recovery due to the impacts of COVID-19. City Manager Malin urged the Council to be conscious of the feasibility of items with less staff and less resources. Council members discussed strategic ideas and prioritized their requests providing direction to staff to review the items and report back to the Council on the viability of the options.

Priority options included the following:

- Closing Broadway to cars to provide room for pedestrians to social distance.
- Pause all recently approved committees and commissions plus non-essential commissions for one year.
- Enlist the C-JOBS to review, study, and provide recommendations for the long-term recovery
- Lessen regulations on signage as approved for businesses to promote store fronts
- 24/7 City Hall – Online processes for all City transactions
- Seaside Creates should become more of a community & small business economic resource clearinghouse (a Business Recovery Center)
- Convert to charter city to charge higher documentary transfer tax fee or otherwise exercise greater tax authority
- Establish a city enterprise to monitor and administer prevailing wage requirements

- for area governments as a fee for service
- Facilitate creation of new business interest in Home Depot parking lot
- Increase the numbers in the city's Summer Youth Job Program

6. ADJOURNMENT

On motion, the meeting was adjourned.

Respectfully submitted,

Lesley Milton, City Clerk

Ian N. Oglesby, Mayor



DRAFT MINUTES
CITY OF SEASIDE
CITY COUNCIL

VIRTUAL ONLY

SPECIAL MEETING
Council Chamber
Thursday, May 28, 2020
5:30 PM

1. CALL TO ORDER

Mayor Oglesby called the meeting to order.

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Campbell, Kispersky, Oglesby, Pacheco, Wizard
ABSENT: None

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

None.

5. CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

The Property Referred to As Seaside Resort Development at 1 McClure Way. Negotiator for the City: Craig Malin, City Manager. Under Negotiation: Hotel Development

B. CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54957.6 - CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Craig Malin, City Manager;
Roberta Greathouse, Human Resources Director / Risk Manager;
Kimberly Drabner, Finance Director; Donna Williamson, Labor Negotiator.
Employee Organizations: Seaside Firefighters' Association and Seaside Police Officers' Association

C. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: 2 Cases

D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9

Committee for Sound Water and Land Development of Fort Ord v. City of Seaside, et al, real parties in interest; Monterey County Superior Court Case No. 20 CV 001203.

6. ADJOURNMENT

The Council reconvened to open session and there were no announcements for the public.

Having no further business, the meeting was adjourned.

Respectfully submitted,

Lesley Milton, City Clerk

Ian N. Oglesby, Mayor



DRAFT MINUTES
CITY OF SEASIDE
CITY COUNCIL

SPECIAL MEETING
Council Chamber
Thursday, May 21, 2020
7:30 PM

1. CALL TO ORDER

Mayor Oglesby called the meeting to order.

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Campbell, Kispersky, Oglesby, Pacheco, Wizard
ABSENT: None

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

None.

5. BUSINESS ITEMS

A. AUTHORIZE LETTER OF SUPPORT FOR MONTEREY COUNTY'S ATTESTATION OF READINESS CRITERIA

Mayor Oglesby spoke to the need of this item and intent of the Monterey County Board of Supervisors to apply to the State to enter into Phase 2 of the staged reopening. He requested the Council approve the letter to provide support to the application. The Council discussed the definition of Phase 2 and verified that the County Health officer was in support of the application.

On motion by Council Member Jon Wizard and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council approved the issuance of the letter of support and directed staff to send to the County of Monterey for inclusion in the application.

RESULT: ***Approved***

AYES: *Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky*

NOES: *None*

6. ADJOURNMENT

On motion, the meeting was adjourned at 12:10 am.

Respectfully submitted,

Lesley Milton, City Clerk

Ian N. Oglesby, Mayor



DRAFT MINUTES
CITY OF SEASIDE
CITY COUNCIL

SPECIAL MEETING
Council Chamber
Tuesday, May 19, 2020
6:00 PM

1. CALL TO ORDER

Mayor Oglesby called the meeting to order.

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Campbell, Kispersky, Oglesby, Pacheco, Wizard
ABSENT: None

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

None.

5. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: 2 Cases

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

1. 956 Hilby Ave
2. Laguna Grande Shopping Center Parking Lot on Canyon Del Rey Blvd Owned By The Parking Authority Negotiator For The City: Craig Malin. Under Discussion: Price, Terms Of Payment Or Both.

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9

Committee for Sound Water and Land Development of Fort Ord v. City of Seaside, et al, real parties in interest; Monterey County Superior Court Case No. 20 CV 001203.

6. ADJOURNMENT

The Council reconvened to open session and there were no announcements for the public.

Having no further business, the meeting was adjourned.

Respectfully submitted,

Lesley Milton, City Clerk

Ian N. Oglesby, Mayor



FINAL MINUTES
CITY OF SEASIDE
CITY COUNCIL

VIRTUAL ONLY

SPECIAL MEETING
Council Chamber
Tuesday, May 5, 2020
5:30 PM

1. CALL TO ORDER

Mayor Oglesby called the meeting to order.

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Campbell, Kispersky, Oglesby, Pacheco, Wizard
ABSENT: None

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

No comments received

5. CLOSED SESSION

**A. CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54957.6 -
CONFERENCE WITH LABOR NEGOTIATORS**

Agency Negotiators: Craig Malin, City Manager; Roberta Greathouse, Human Resources Director / Risk Manager; Kimberly Drabner, Finance Director; Donna Williamson, Labor Negotiator.

Employee Organizations: Seaside Firefighters' Association; Seaside Public Safety Managers' Association; Seaside Police Officers' Association; Seaside City Employees' Association; Seaside Managers and Supervisory Employees' Association; and the unrepresented employees (Confidential Employees, Department Directors, and Unclassified Employees).

**B. PURSUANT TO GOVERNMENT CODE 54957.7 -PUBLIC EMPLOYEE
PERFORMANCE EVALUATION**

Title: City Attorney, City Manager

6. ADJOURNMENT

The City Council reconvened to open session and there were no announcements.

On motion, the meeting was adjourned.

Respectfully submitted,

Lesley Milton, City Clerk

Ian N. Oglesby, Mayor



CITY OF SEASIDE STAFF REPORT

Item No.: 8.B.

TO: City Council

FROM: Craig Malin, City Manager

BY: Jessica Riley, Accounting Assistant
Kimberly Drabner, Finance Director

DATE: June 4, 2020

SUBJECT: APPROVE AND FILE CITY CHECKS

PURPOSE & RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of May 9, 2020 through May 22, 2020 including the payroll and benefits checks, direct deposits and wired payments related to the pay period ending May 15, 2020 & May 21, 2020. Total Accounts Payable and Payroll for the above referenced period is \$1,114,216.15.

BACKGROUND

In accordance with Government Code Section 37208, at each City Council meeting the Council is provided a listing of the payroll and general checks issued since the last report so that it can inspect and confirm these checks. Each purchase has been reviewed and approved by the department making the purchase at the time of procurement. The invoice has been reviewed by the Finance Department prior to payment to ensure that it conforms to the approved budget.

Therefore, in accordance with Government Code Section 37208, the above referenced, and linked list of checks conforms to the approved budget and has been paid. These checks are submitted to the City Council for inspection and confirmation.

A description of the checks and wires exceeding \$10,000 are as follows:

- \$700,613.13 for Payroll and benefits
- \$10,867.68 to Access Monterey Peninsula, Inc. (AMP) for January - March, 2020 PEG fees (Public, Educational and Government access programming) for AT&T and Comcast.
- \$10,532.61 to Monterey County Convention & Visitor's Bureau for Monthly Tourism Improvement District (TID) remittance for the reporting period of March 2020 from the 13 City of Seaside Motels/Hotels.
- \$42,148.56 to Harris & Associates for SCSD - prof. svcs. from 3/29/2020-4/25/2020 for Phase I Del Monte Blvd Sewer Line and Phase II Canyon Del Rey Sewer Line.
- \$11,550.00 to Emergency Services Consulting Intl. for Accreditation payment for Fire Department Community Risk Analysis Consulting.
- \$10,546.70 to Russel Branson Consulting for Professional svcs from 4/2/2020-4/30/2020 related to the development of a 5 year financial forecast model for the City of Seaside. Services include construction of baseline model and meetings with City Staff.

The remaining checks, totaling \$327,957.47 include payments to vendors for operating expenditures.

The Checks report is available on the City's website here:
<http://www.ci.seaside.ca.us/194/Check-Draft-Register>

FISCAL IMPACT

There are no additional fiscal impacts.

ATTACHMENTS

None



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.C.

TO: City Council

FROM: Craig Malin, City Manager

BY: Scott Ottmar, Senior Engineer
Leslie Llantero, Assistant Engineer

DATE: June 4, 2020

**SUBJECT: APPROVE TRAFFIC ADVISORY COMMITTEE
RECOMMENDATIONS FOR RED CURB AND 2ND DRIVEWAY**

PURPOSE & RECOMMENDATION

The purpose of this item is to have the City Council review and approve the Traffic Advisory Committee's recommendations for the following:

1. Installation of the 23 feet of red curb from the driveway apron of 1768 La Salle Ave to the curb ramp on the south side of La Salle Ave. at Lindberg Ct. in order to improve the visibility and safety of pedestrians utilizing the existing school crosswalk.
2. A 2nd driveway at 2095 Paralta Avenue on Military Avenue conforming to the following conditions:
 - a) SMC Section 17.30.100; and
 - b) SMC Section 17.30.030E; and
 - c) Building Permit #20557

BACKGROUND

Item 1

La Salle Ave. is classified as a collector roadway with a speed limit of 30 miles per hour (mph) with reduced speeds in school zones. Ord Terrace Elementary School is situated on the north side of La Salle Ave., which has angled parking spaces along the frontage of the school. The south side of La Salle Ave. is a residential neighborhood consisting

primarily of single family homes. The intersection of La Salle Ave. and Lindberg Ct. is a three-way intersection, with a yellow school crosswalk installed to cross La Salle Ave. The intersection of La Salle Ave. with Linderberg Court is not stop controlled and vehicles are to yield to pedestrians in the crosswalk when present.

The City of Seaside Public Works Department has requested the red curb to be installed from the crosswalk on the south side of La Salle Ave. to encompass the distance from the driveway approach of 1768 La Salle Ave. to the (ADA) accessible curb ramp. Staff has observed the limited visibility of pedestrians when cars park directly up to the crosswalk, and many of these pedestrians are school aged children attending Ord Terrace Elementary School.

Analysis

The crosswalk has an Americans with Disabilities Act (ADA) accessible ramp on the south side of La Salle Ave. and California Vehicle Code (CVC) Section 22522 states "No person shall park a vehicle within three feet of any sidewalk access ramp constructed at, or adjacent to, a crosswalk ...". There is approximately 23 feet from the edge of the driveway of 1768 La Salle Ave. to the beginning of the ADA ramp. A standard parallel parking space is 22 to 26 feet, with an end space having a minimum of 20 feet in length. Taking into consideration the CVC limits of no parking within three feet of the ramp, there is approximately 20 feet remaining that is available for a vehicle to park.

Given the crosswalk is on a collector roadway where the standard speed limit is 30 mph, and the crosswalk is a main walking route for the elementary school, it would be recommended to paint more than just 3 feet of red curb to prevent vehicles from parking up to the crosswalk and provide sufficient sight visibility distance for oncoming vehicles to see pedestrians. Therefore, the installation would eliminate one on-street parking space.

TAC Recommendation

It is recommended the City Council approve the installation of the 23 feet of red curb from the driveway apron of 1768 La Salle Ave to the curb ramp on the south side of La Salle Ave. at Lindberg Ct. in order to improve the visibility and safety of pedestrians utilizing the existing school crosswalk.

Item 2

The owner of the property located at 2095 Paralta Avenue has obtained a building permit to construct a one bedroom accessory dwelling unit and is requesting a 2nd driveway to be located off of Military Avenue.

2095 Paralta Avenue is located on the southwest corner of Military Avenue and Paralta Avenue. Military Avenue tees into Paralta Avenue. Military Avenue is classified as a collector Street, with a posted speed limit of 30 miles per hour (mph) and one lane of traffic in each direction. Military is 40 ft. wide, measured from face of curb to face of

curb with parallel parking and sidewalks measuring approximately 4 feet wide on both sides of the street. Paralta Avenue is classified as a residential street with a speed limit of 25 mph.

The lot at 2095 Paralta Avenue is approximately 6,000 square feet with a 1,319 square foot single family dwelling with an attached two car garage. The property has approximately 177 ft of street frontage measured from the west property line on Military to the south property line on Paralta.

Although Military is classified as a collector street, this section of Military Avenue at Paralta only serves residents within this area. Paralta Avenue is a loop that connects to Military Avenue at two locations; at the east end of Military and approximately 990 feet west. Paralta Avenue north of Military Avenue terminates at the emergency gate (used only by the Police and Fire) towards Coe Avenue. Seaside Middle School is situated just north of the gate. The traffic generated in this area is either residents or drop off & pick up for Seaside Middle School students.

Analysis

The City of Seaside's Municipal code Section 17.34.120 Driveways and Site Access, outlines the requirements for driveways of Single Family Dwellings as follows:

A. Number of driveways. The number and placement of driveways shall be limited as follows; provided, that second driveways or additional curb cuts may be approved by the Traffic Advisory Committee:

1. Single dwellings and duplexes. A single dwelling or duplex shall be allowed one driveway, except that:
 - b. A parcel within the RS-8 or RS-12 zones with a frontage of 200 feet or more may have two separate driveways; provided, that they are separated by a minimum of 100 feet, or lesser distance as approved by the City Engineer based on considerations of site topography and traffic safety.

Per the above stated code section, 2095 Paralta Avenue does not meet the requirements for a second driveway off of Military Avenue due to the fact that the street frontage is less than 200 feet (measured 177 ft) and distance between driveways is less than 100 feet (measured 82 ft). However the the City Engineer can approve a lesser distance based upon considerations of site topography and traffic safety. Military Avenue at the location of the proposed second driveway is fairly flat and straight. Due to the fact that 2095 Paralta is a corner lot and each driveways are located on different streets and the distance between driveways is adequate, the above requirements can be reduced.

With regards to traffic safety, the SMC section 17.30.100 Setback Requirements and

Exceptions, outlines the limitation of setbacks with regards to parking as follows:

D. Limitations on the use of setbacks.

2. Parking. Required covered and uncovered residential parking spaces shall not be located within required front or street side setback areas. Temporary (overnight) parking is allowable within required front and street side setback areas only on paved, concrete, or hard permeable surface driveways. See also Subsection 17.33.090.C (Location of parking).

a. Required residential parking spaces may be located within a required side or rear setback area, provided they are separated from the side or rear property line by a minimum three-foot-wide landscaped buffer other than the side used for vehicle access and are not located within any traffic safety visibility area in accordance with Subsection 17.30.030.E (Height limit within traffic safety visibility areas)

Public comments received can be found in Attachment 5.

TAC Recommendation

It is recommended to approve the request for a 2nd driveway off Military Avenue with the following conditions:

1. Driveway design shall be in conformance with SMC section 17.30.100 (3 ft wide landscape buffer); and
2. SMC section 17.30.030 E to provide safe egress and ingress; and
3. Per Building Permit #20557; Applicant is to obtain a separate encroachment permit for construction of proposed driveway approach and new sidewalk curb and gutter. Prior to final inspection, any curb, gutter and sidewalk damaged during construction shall be replaced by a licensed concrete contractor in conformance with the most current applicable engineering standards, and upon the prior issuance of an Encroachment Permit from the Public Work Department. (12/30/2019, BDT)

FISCAL IMPACT

Item 1: The cost of installation of red curb is \$427 and will be paid from the Street Maintenance Account.

Item 2: There is no fiscal impact associated with this item. The applicant is required to apply for an encroachment permit for the installation of the driveway.

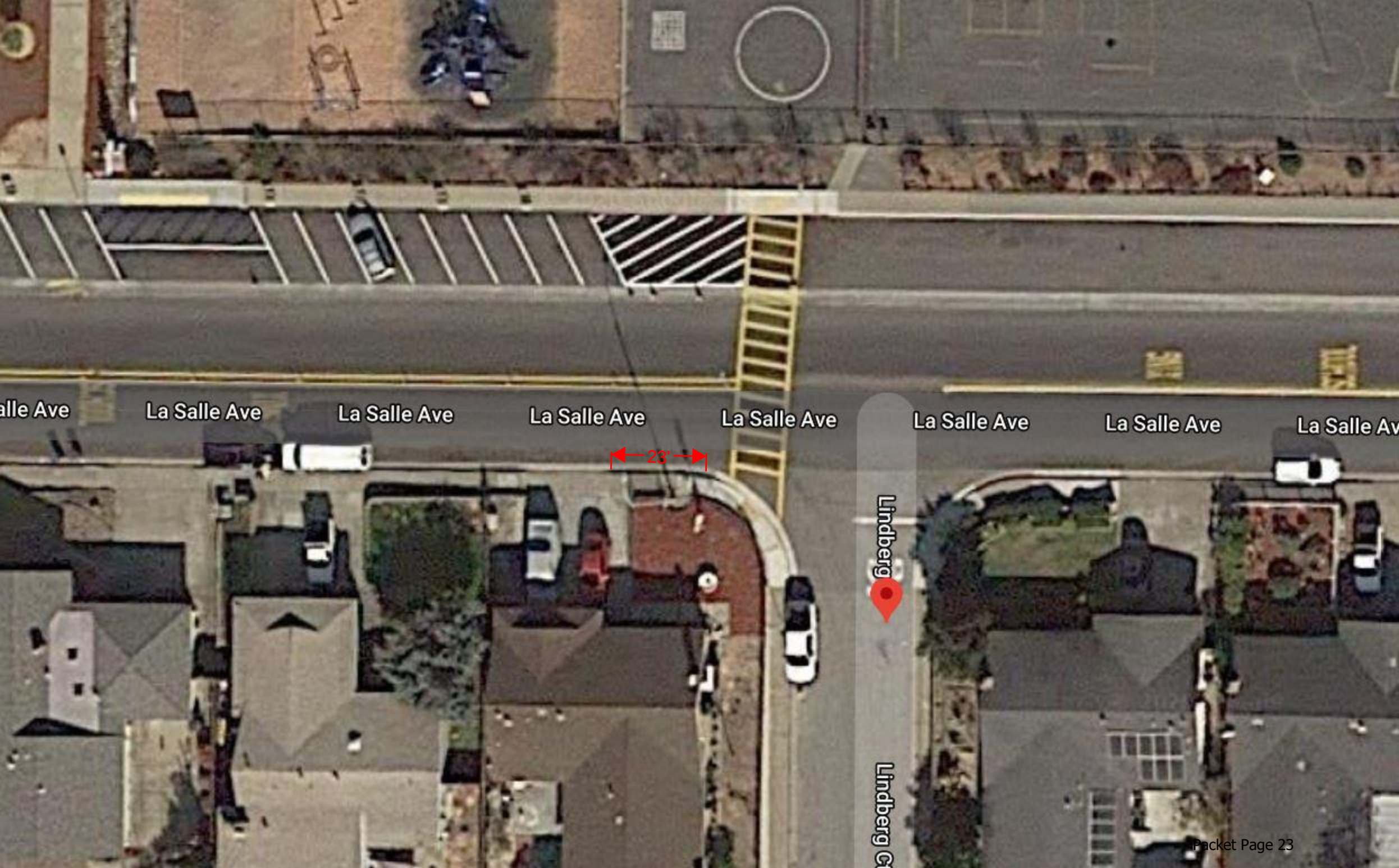
ATTACHMENTS

1. Item 1 - Aerial
 2. Item 1 - Photo Attachments
 3. Item 2 - Aerial & Street View
 4. Item 2 - Recommendation
 5. Item 2 - Public Comments
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



alle Ave

La Salle Ave

La Salle Ave

La Salle Ave

La Salle Ave

La Salle Ave

La Salle Ave

La Salle Ave

23'

Lindberg

Lindberg Ct



View travelling eastbound on La Salle Ave.



Location of proposed red curb facing westbound on La Salle Ave.

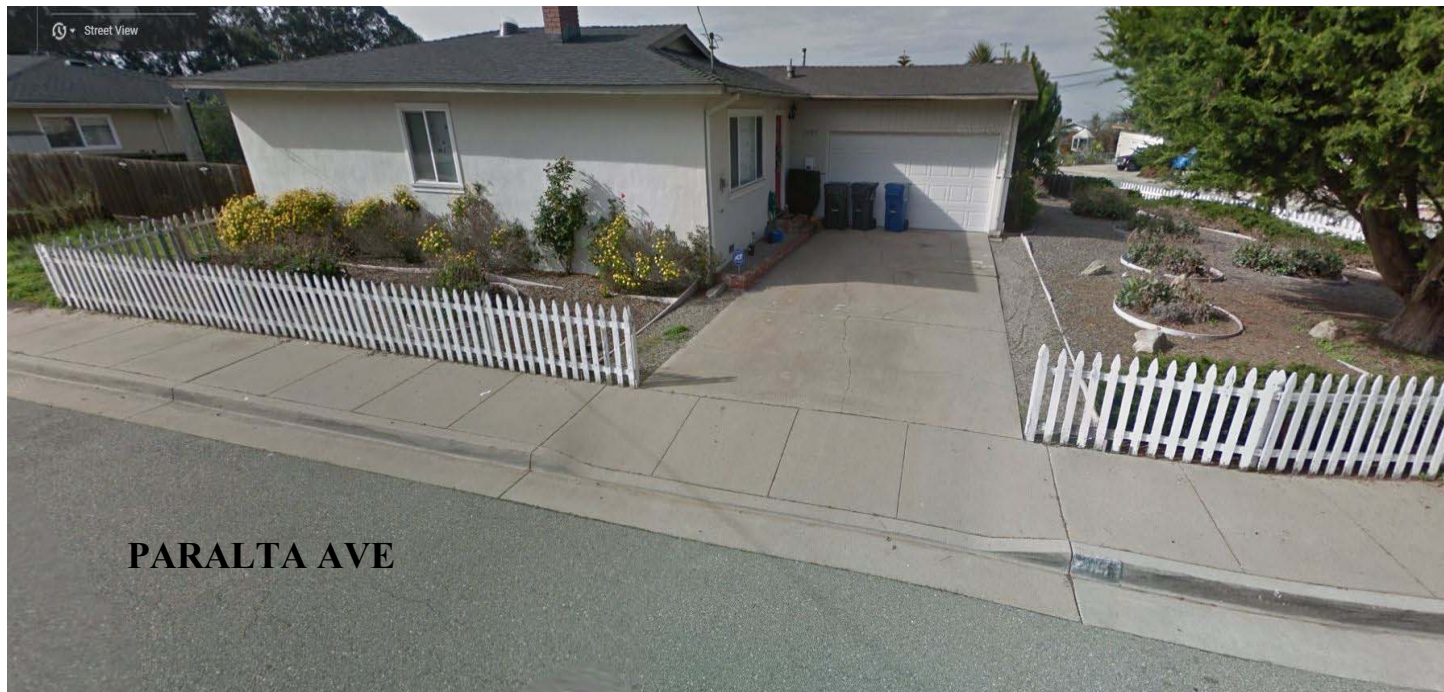


Seaside Middle School

Emergency Gate

Military – 30 MPH
Paralta – 25 MPH

2095 Paralta Ave



Packet Page 27



From: Benbenedic Aquino <aquinobenbenedic@gmail.com>
To: <pwinfo@ci.seaside.ca.us>
Date: 5/19/2020 9:44 AM
Subject: curb cut ADU access

Greetings of peace! We appreciate your help in reviewing our application. The main purpose is to allow our in laws/ tenants be able to park safely to access the dwelling unit. We feel that with a favorable response from the committee, community and our dear neighbors it will be beneficial to all. We will abide all city compliance requirements as necessary. Thank you for all your commitment and dedication to our place City of Seaside. Thank you again from Ben and Marie Aquino and family.

Sent from my iPhone

info - Traffic advisory committee

From: WENDY PEREA-COWAN <pereacowan@aol.com>
To: <pwinfo@ci.seaside.ca.us>
Date: 5/19/2020 10:43 AM
Subject: Traffic advisory committee

Traffic advisory committee

Meeting : Tuesday, May 19, 2020, at 5 PM.; considering a second driveway at 2095 Peralta Ave., Seaside, CA.

We are the Perea – Cowan's and have resided at and own 2070 Military Ave., Seaside, California (which is right next door) and are in our 20th year.

The entire neighborhood are SINGLE FAMILY homes garage to garage or garage to house, constructed for privacy, and no house has two driveways. Our front door is about 25 to 30 feet from this proposed driveway, which has just been a yard all these years... rumor has it that he's turning the garage into a two bedroom apartment, with the front door of the new construction facing our property, not the street. They are wanting to create another driveway right on the other side of our fence. They already have a dirt driveway with cars parked in it next to xxxx Peralta Ave. In addition to their cement driveway, so they'll have 3 driveways? What is this, a used car lot?

Right on the other side of our living room wall (10 feet) is this structure being worked on....noisy as heck, drills, Jack hammers, pounding...& now all the people and traffic pulling into the proposed driveway and the resultant noise will affect both our mental health and the property value here.

Imagine yourself in this predicament: having 20 years of privacy being taken from you, it's noisy as heck w/ additional people and vehicles feet from your property with property values involved. It would truly interrupt our living situation. This has been a quiet neighborhood without problems, until now. We were never informed of the building and or noise that would be and is going on.

There are also environmental issues with cars being parked right next to our yard. There already have been problems with this address and the cars. Perhaps you would like to come see the situation before approving this additional driveway. A look would be worth a thousand words.

Just the fact that a 2 bedroom apt facing our home is supposedly in progress without our having knowledge ahead of time....and now, a driveway for the apt, is RATHER upsetting. We pay hefty property taxes at our address and it was our understanding that this entire neighborhood were, and would remain, single family homes.

Thank you for taking the time.

Mike & Wendy Perea-Cowan

Sent from PereaCowan

Traffic advisory committee; driveway request at 2095 Paralta, 5/19/2020

I have lived in this neighborhood for over twenty plus years and the house at 2095 Paralta has always had good curb appeal, looking very nice and blended into the rest of the homes in the neighborhood for many years.

When these people moved in two years ago it turned it into a trashy looking house with all kinds of junk and cars on the yard and driveway and dog tied on to the front tree barking. Many neighbors are asking what happen to this house. This house has eight cars; five of them parked on the street (are they registered and insured), two in the main driveway and they us a secondary dirt driveway to park one car in the back yard with all the other rubbish they have. With this many cars parked on the street; the sweeper truck can't even do it job. Now the nearest homes in this area value have gone down, who wants to live near this mess?

Another driveway will eliminate street parking for others which is so desperately needed by residents; also for the many school parents picking up their kids from Seaside Middle School daily in the afternoon. They don't need another Driveway to park more junk cars on.

Thank you for understand.

info - Traffic advisory committee

From: DEBORAH GULLETT <dgullett@comcast.net>
To: <pwinfo@ci.seaside.ca.us>
Date: 5/19/2020 4:06 PM
Subject: Traffic advisory committee

Subject: Public Comment in opposition to the application for a second driveway at 2095 Paralta Ave., Seaside, Ca

This second driveway will have a negative impact on

- 1) Public Safety
- 2) Neighborhood Property Values

Public Safety-

The sidewalk area of Military Ave. where this second driveway is proposed is highly trafficked by pedestrians. Not only is this sidewalk used daily as a pedestrian walkway by schoolchildren to and from the Seaside Middle School, it is utilized by pedestrians walking with their dogs and families to the culdesac pedestrian gate that leads to the green belts of "old Fort Ord."

Allowing a non-essential driveway where vehicles will intersect that pedestrian traffic increases the risk of an injurious, if not fatal, accident.

Neighborhood Property Values-

The neighborhood where this second driveway is proposed is zoned for single family residences. Allowing this proposed second non-essential driveway will negatively impact the property value of my home and my neighbors' homes.

"Curb appeal" is a term used in the real estate field when evaluating real property. This second proposed driveway will negatively affect the neighborhood by giving it a more highly dense and congested appearance.

(As a side note, the picture in the packet of 2095 Paralta for this committee's review is not an accurate depiction. The front yard is currently filled with clutter and a storage structure that resembles an out house/ portable toilet. It is not an out house, it just resembles one)

In reviewing the packet submitted to this committee for review, I noticed that this second proposed driveway does not meet the regulation requirements pursuant to Code Section 17.30.100, but that the City Engineer, in it's discretion is recommending approval. It is unclear if the City Engineer was aware of how highly trafficked by pedestrians this sidewalk is.

For the reasons stated above, and in light of the fact that this is not an essential driveway to the house, I respectfully request that the applicant's request for the second driveway off of Military Avenue be denied.

Thank you for your consideration,
Deborah Gullett
2075 Military Avenue



CITY OF SEASIDE STAFF REPORT

Item No.: 8.D.

TO: City Council

FROM: Craig Malin, City Manager

BY: Scott Ottmar, Senior Engineer
Leslie Llantero, Assistant Engineer

DATE: June 4, 2020

**SUBJECT: RESOLUTION APPROVING THE TRANSPORTATION AGENCY
FOR MONTEREY COUNTY (TAMC) AGREEMENT FOR THE
ALLOCATION OF FUNDING FOR THE PERIOD OF MARCH 2020
THROUGH MARCH 2023 AS APPROVED BY THE TAMC BOARD
OF DIRECTORS**

PURPOSE & RECOMMENDATION

The purpose of this item is to have the City Council approve an agreement between the Transportation Agency for Monterey County (TAMC) and the City of Seaside for the allocation of funding for the period of March 2020 through March 2023 as approved by the Transportation Agency Board of Directors.

BACKGROUND

At its March 25, 2020 meeting, the Transportation Agency for Monterey County (TAMC) awarded the City of Seaside two hundred four thousand, one hundred seventy one (\$204,171) for the Regional Surface Transportation Program (RSTP) Fair Share allocation. The grant award is for a three-year period ending fiscal year 2023. TAMC submitted a Master Funding Agreement for the City to approve to accept funding from TAMC. The Master Funding Agreement is attached as Exhibit 'A' to the attached resolution.

The City of Seaside and the Transportation Agency of Monterey County previously

executed a Master Funding Agreement that covered the period March 2020 through March 2023.

The TAMC's Master Funding Agreement is designed to comply with a State requirement that the Transportation Agency for Monterey County enter into contracts with its member agencies for the reimbursement of Regional Surface Transportation Program funds. The Master Funding Agreement details state requirements for several funding sources (Regional Surface Transportation Program, Transportation Development Act 2%, and Local Transportation Fund) and other fiscal provisions required to comply with state and federal regulations. The agreement also covers any Regional Development Impact Fees that are programmed to projects managed by local jurisdictions, requiring them to follow the same provisions as the other fund sources.

The Master Agreement anticipates that specific projects and amounts may vary over time and that the City and TAMC will only need to approve revised "Exhibit A" documents, rather than the entire Master Agreement. Each Exhibit A will identify the project for which funds are allocated, as well as the timing and amount of such funds for each identified project, in order to ensure compliance with requirements. Exhibit A's will be updated each time new funds are allocated or existing allocations are modified.

While the majority of the provisions in the Master Funding Agreement reflect the language of the agreement that the Transportation Agency signs with the State to receive RSTP funds, Agency staff has also included project completion requirements in this agreement. As part of the Master Funding Agreement, the funding recipient agrees to provide to the TAMC a short report summarizing total project costs and milestones, including before and after photos of the project, for each funded project within sixty days of completion. In addition, the Master Funding Agreement will need to be updated with each agency every three years. Each individual project will have a three year timely use of fund date, timed to the day the award was approved by the TAMC Board of Directors. All projects awarded to a jurisdiction with funds programmed by the TAMC will be included in the Master Agreement, including past awards and fair share allocations. Once a Master Agreement has been executed, then jurisdictions may submit a claim reimbursement form for funds.

Staff recommends that the City Council approve a resolution accepting the agreement with TAMC and authorize the City Manager to execute the agreement. The City cannot request disbursement of grant funds from the TAMC until the Master Funding Agreement is fully executed.

Environmental Compliance:

In accordance with Title 14, California Code of Regulations (CCR, Title 14), Chapter 3 "CEQA Guidelines," Article 20, Section 15378, the proposed action is not a project as defined by the California Environmental Quality Act (CEQA). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it

can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project.

FISCAL IMPACT

There is no fiscal impact to the General Fund associated with the approval of the Agreement.

ATTACHMENTS

1. Resolution
 2. Agreement
 3. Exhibit A
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

APPROVING AN AGREEMENT BETWEEN THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY AND THE CITY OF SEASIDE FOR THE ALLOCATION OF FUNDING FOR THE PERIOD MARCH 2020 THROUGH MARCH 2023 AS APPROVED BY THE TRANSPORTATION AGENCY BOARD OF DIRECTORS

WHEREAS, the Transportation Agency for Monterey County is the state-designated Regional Transportation Agency for Monterey County; and

WHEREAS, the Regional Surface Transportation Program (RSTP) was established by California State Statute utilizing Surface Transportation Program funds that are identified in Section 133 of Title 23 of the United States Code; and

WHEREAS, Local Transportation Funds are made available in accordance with Section 99233.3 of the Transportation Development Act (TDA) for Pedestrian and Bicycle Facilities; and

WHEREAS, the Transportation Agency for Monterey County (TAMC) distributes these funds to local agencies as part of its responsibilities as the Regional Transportation Planning Agency for Monterey County; and

WHEREAS, TAMC's member agencies are required to enter into a Funding Allocation Agreement, attached hereto, for reimbursement of these funds that details state requirements for RSTP funds and other fiscal provisions required to comply with state and federal regulations; and

WHEREAS, attached to the Funding Allocation Agreement is Exhibit A that has identified projects for which these funds are allocated, as well as the amounts of funds for each identified project, in order to ensure compliance with grant requirements.

WHEREAS, in accordance with Title 14, California Code of Regulations (CCR, Title 14), Chapter 3 "CEQA Guidelines," Article 20, Section 15378, the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Seaside to approve the Agreement between the Transportation Agency for Monterey County and the City of Seaside for the Allocation of Funding for the period March 2020 through March 2022 as Approved by the Transportation Agency Board of Directors, attached hereto, and to authorize the City Manager to execute the agreement.

PASSED AND ADOPTED at a regular City Council meeting duly held on the 4th day of June, 2020 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Ian Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

**AGREEMENT BETWEEN THE
TRANSPORTATION AGENCY FOR MONTEREY COUNTY
AND THE CITY OF SEASIDE
FOR THE ALLOCATION OF FUNDING APPROVED BY
THE TRANSPORTATION AGENCY BOARD OF DIRECTORS**

This agreement is made on _____ by and between the City of Seaside, a public body, hereinafter referred to as “Recipient,” and the Transportation Agency for Monterey County, hereinafter referred to as “TAMC.”

WHEREAS, TAMC is the state-designated Regional Transportation Planning Agency for Monterey County; and

WHEREAS, as authorized by section 182.6(g) of the Streets and Highways Code, TAMC has entered into a separate agreement with the State of California, through the Department of Transportation (Caltrans), to assign a defined portion of its annual federal Surface Transportation Block Grant Program (STBGP) apportionment to Caltrans in exchange for state funds for specified fiscal year(s); and

WHEREAS, TAMC is authorized to use these exchanged funds (hereinafter referred to as “RSTP Exchange Funds”) to assist local agencies to promote projects which otherwise qualify for STBGP funds; and

WHEREAS, as authorized by Chapter 2, Title 21, Rule 6640 of the Transportation Development Act, one of the duties of TAMC is to administer the provisions of the Transportation Development Act in apportioning Local Transportation Funds (LTF) for the Transportation Development Act 2% (TDA 2%) program for bicycle and pedestrian projects pursuant to Article 3 of that law, and to the Cities, County, and Monterey-Salinas Transit;

WHEREAS, as authorized by the Joint Powers Agreement for the Monterey County Regional Development Impact Fee Agency, TAMC is designated to administer and allocate regional development impact fee revenues (RDIF) to projects identified in the approved Strategic Expenditure Plan; and

WHEREAS, the TAMC Board of Directors has approved the allocation of funds toward the projects listed in Exhibit A; and

WHEREAS, it is contemplated by TAMC and the Recipient that the amount of funding and the projects designated in Exhibit A may change from time to time as set forth below; and

WHEREAS, TAMC has requested the Monterey County Auditor-Controller to establish a separate fund for the Federal Apportionment Exchange Program and such a separate fund has been established.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, THE PARTIES HERETO AGREE AS FOLLOWS:

1. RULES FOR RSTP EXCHANGE FUNDS

- A. TAMC agrees to allocate RSTP Exchange Funds paid by Caltrans under the Federal Apportionment Exchange Program only for projects as authorized under sections 133(b) and 133 (c) of Title 23, United States Code and Article XIX of the California State Constitution.
- B. The Recipient agrees to use RSTP Exchange Funds only for the RSTP Exchange eligible project(s) described in Exhibit A, as approved by the TAMC Board of Directors, for the amounts awarded for each project.

2. RULES FOR TDA 2%

- A. TAMC agrees to allocate TDA 2% funds under the Transportation Development Act only for projects as authorized under the Transportation Development Act Section 99234 Claims for Pedestrian and Bicycle Facilities.
- B. The Recipient agrees to use TDA 2% funds only for TDA 2% eligible project(s) described in Exhibit A, as approved by the TAMC Board of Directors, for the amounts awarded for each project.

3. RULES FOR RDIF

- A. TAMC agrees to allocate RDIF funds under the Joint Powers Agreement only for projects as authorized by the TAMC Board of Directors in the approved Strategic Expenditure Plan.
- B. The Recipient agrees to use RDIF funds only for RDIF eligible project(s) described in Exhibit A, as approved by the TAMC Board of Directors, for the amounts awarded for each project.

4. ADMINISTRATIVE POLICIES

- A. The projects described in Exhibit A, and the amounts allocated therefore, may be amended from time to time without changing the rest of this Master Agreement, by means of approval by the TAMC Board of Directors of a revised Exhibit A, which shall be designated by a date and number (e.g., "Exhibit A-1 (DATE)").
- B. The Recipient agrees to submit an annual report to TAMC by April 30 describing the progress towards completion for all projects listed in Exhibit A.
- C. The Recipient agrees to mention TAMC's role in funding the project in any press releases or media events held by the Recipient to promote a funded project.
- D. TAMC agrees to reimburse the Recipient within 30 days of receipt of a completed claim form (Exhibit B) from the Recipient.
- E. The Recipient agrees to cause the completion of the project(s) within three years from the date funds were awarded by the TAMC Board of Directors, as recorded in Exhibit A. Failure to complete the project(s) in a timely basis shall allow TAMC to refuse reimbursement and to reprogram such funds for other purposes.

5. COST PRINCIPLES

- A. Recipient agrees to comply with Office of Management and Budget Circular A-87, Cost Principles for State and Local Government, and 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements.
- B. Recipient agrees to:
 - (a) use Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., to determine the allowability of individual project cost items; and
 - (b) comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Costs Principles and Audit Requirements.

Every sub-recipient receiving funds as a contractor or sub-contractor under this AGREEMENT shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Costs Principles and Audit Requirements.

6. THIRD PARTY CONTRACTING

- A. Recipient shall not award a construction contract over \$10,000 or other contracts over \$25,000 on the basis of a noncompetitive negotiation for work to be performed using Funds without the prior written approval of Caltrans. This provision shall not apply to professional service contracts of the type which are required to be procured in accordance with Government Code Sections 4525 (d), (e), and (f).
- B. Recipient agrees that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as project costs only after those costs are incurred and paid for by the subcontractors and only if consistent with Paragraph 10, below.
- C. In addition to the above, the pre-award requirements of third party contractor/consultants with Recipient shall be consistent with Local Program Procedures as published by Caltrans.

7. ACCOUNTING SYSTEM

Recipient, its contractors and subcontractors, shall establish and maintain an accounting system and records that properly accumulate and segregate expenditures by line item. The accounting system of Recipient, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment claims.

8. RIGHT TO AUDIT

For the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the Agreement pursuant to Government Code 8546.7, Recipient shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the Agreement, including but not limited to, the costs of administering the Agreement. All parties shall make such materials available at their respective offices at all reasonable times during the Agreement period and for three years from the date of final payment under the Agreement. The state, State Auditor, TAMC, FHWA, or any duly authorized representative of the Federal Government shall have access to any books, records, and documents of Consultant and its certified public accountants (CPA) work papers that are pertinent to the Agreement and indirect cost rates (ICR) for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested. Subcontracts in excess of \$25,000 shall contain this provision.

9. TRAVEL AND SUBSISTENCE

Payments to Recipient for travel and subsistence expenses of Recipient forces and/or its contractors or subcontractors, claimed for reimbursement or applied as local match credit, shall not exceed rates authorized to be paid exempt non-represented State employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced are in excess of those authorized DPA rates, then Recipient is responsible for the cost difference and any overpayments shall be reimbursed to the TAMC on demand.

10. PROJECT COMPLETION

Recipient agrees to provide to the TAMC a short report summarizing total project costs and milestones, including before and after photos of the project, for each project within sixty (60) days of completion.

11. GOVERNING LAWS

This Agreement shall be construed and enforced according to the laws of the State of California, and the parties hereby agree that the County of Monterey shall be the proper venue for any dispute arising hereunder.

12. CONFLICT OF INTEREST

Recipient warrants that it presently has no interest and shall not acquire any interest during the term of this Agreement, which would directly or indirectly conflict in any manner or to any degree with its full and complete performance of all services under this Agreement.

13. CONSTRUCTION OF AGREEMENT

The parties agree that each party has fully participated in the review and revision of this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any exhibit or amendment. To that end, it is understood and agreed that this Agreement has been arrived at through negotiation, and that neither party is to be deemed the party which prepared this Agreement within the meaning of Civil Code Section 1654. Section and paragraph headings appearing herein are for convenience only and shall not be used to interpret the terms of this Agreement.

14. WAIVER

Any waiver of any term or condition hereof must be in writing. No such waiver shall be construed as a waiver of any other term or condition herein.

15. SUCCESSORS AND ASSIGNS

This Agreement and all rights, privileges, duties and obligations hereunder, to the extent assignable or delegable, shall be binding upon and inure to the benefit of the parties and their respective successors, permitted assigns and heirs.

16. TIME IS OF THE ESSENCE

The parties mutually acknowledge and agree that time is of the essence with respect to every provision hereof in which time is an element. No extension of time for performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act, nor shall any such extension create a precedent for any further or future extension.

17. EXECUTION OF AGREEMENT

Any individual executing this Agreement on behalf of an entity represents and warrants that he or she has the requisite authority to enter into this Agreement on behalf of such entity and to bind the entity to the terms and conditions hereof. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

18. ENTIRE AGREEMENT

This document, including all exhibits hereto, constitutes the entire agreement between the parties, and supersedes any and all prior written or oral negotiations and representations between the parties concerning all matters relating to the subject of this Agreement.

19. TERMINATION DATE

This Agreement shall remain in effect for a period of three (3) years from the date of this Agreement.

IN WITNESS WHEREOF, TAMC and Recipient execute this Agreement as follows:

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Debra L. Hale
Executive Director

Date

Recipient:
CITY OF SEASIDE

Craig Malin, City Manager

Date

Approved as to Form:

Kathryn Reimann
TAMC Counsel

Date

Sheri Damon, City Attorney
City of Seaside

Date

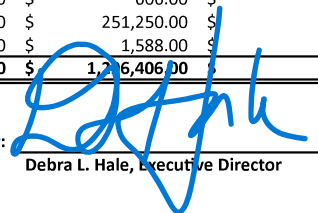
Transportation Agency for Monterey County
Master State and Federal Funding Agreement
Exhibit A

City of Seaside

Agency	Board Approval Date	Fund Expiration Date	Type	Active Projects	Budget	Paid	Balance Outstanding
Seaside	8/27/2014	6/30/2019	RSTP Competitive	West Broadway Urban Village Infrastructure Improvements Project	\$ 3,798,750.00	\$ 3,359,801.29	\$ 438,948.71
Seaside	3/22/2017	3/22/2020	RSTP Fair Share	Intersection Control Evaluation & Corridor Studies Project	\$ 221,900.96	\$ 33,639.25	\$ 188,261.71
Seaside	12/4/2019	12/4/2022	RSTP Safe Streets	Pedestrian Intersection Improvements Project	\$ 200,000.00	\$ -	\$ 200,000.00
Seaside	3/25/2020	3/25/2023	RSTP Fair Share	Unprogrammed balance	\$ 204,721.24	\$ -	\$ 204,721.24
					\$ 4,425,372.20	\$ 3,393,440.54	\$ 1,031,931.66

Agency	Board Approval Date	Fund Expiration Date	Type	Completed Projects	Budget	Paid	Balance Outstanding
Seaside	3/26/2014	Completed	RSTP Competitive	Broadway Ave. Improvements	\$ 500,000.00	\$ 500,000.00	\$ -
Seaside	8/27/2014	Completed	RSTP Fair Share	Broadway Ave. Improvements	\$ 542,962.00	\$ 542,962.00	\$ -
Seaside	8/27/2014	Completed	RSTP Fair Share	Final Design & Construction of Coe Avenue Bikeway	\$ 606.00	\$ 606.00	\$ -
Seaside	8/27/2014	Completed	TDA 2%	West Broadway Urban Village Infrastructure Improvements Project	\$ 251,250.00	\$ 251,250.00	\$ -
Seaside	9/28/2016	Completed	RSTP Fair Share	West Broadway Urban Village Infrastructure Improvements Project	\$ 1,588.00	\$ 1,588.00	\$ -
					\$ 1,296,406.00	\$ 1,296,406.00	\$ -

Last Revised: 3/25/2020

Approved by: 
Debra L. Hale, Executive Director



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.E.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton, Assistant City Manager

DATE: June 4, 2020

**SUBJECT: ADOPT RESOLUTION ADOPTING 5TH AMENDMENT TO
EMERGENCY PROCLAMATION**

PURPOSE & RECOMMENDATION

Adopt resolution as presented.

BACKGROUND

Staff members met with local businesses on June 2 to review potential adaptations to facilitate safe business activity during the re-opening now underway. Businesses expressed interest in being able to utilize private parking areas, sidewalks and adjacent public parking areas for dining and other business activity to expand social distancing. Businesses also expressed interest in a pilot closing of Broadway on Saturday evening. An attached resolution would permit these activities on a trial, 90-day basis.

FISCAL IMPACT

Not yet specified, but to be under the City Manager's spending authority.

ATTACHMENTS

1. 6.4 Rev Resolution 2020-Fifth Proclamation to local emerge
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**RATIFYING THE FOURTH SUPPLEMENT TO PROCLAMATION OF LOCAL
EMERGENCY AND PROVIDING ADDITIONAL DIRECTION**

WHEREAS, Government Code §8630 and Seaside Municipal Code Chapter 2.40 authorize the City Manager, acting as the Director of Emergency Services, to proclaim a local emergency as defined by Government Code §8558, subdivision (c) when the City of Seaside City Council is not in session; and

WHEREAS, on March 19, 2020, the City of Seaside ratified the Director of Emergency Services Proclamation of Local Emergency by adopting Resolution 20-13; and

WHEREAS, the City has had to and continues to modify its operations in order to continue to provide essential services during this time of emergency; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby adopt the declarations to the Director's Fifth Supplement and ratifies the Director's Fifth Supplement to his Declaration of Local Emergency to permit the utilization of private parking areas, sidewalks and adjacent public parking areas with sufficient traffic safety measures for dining and other business activity for social distancing and a pilot closing of Broadway on Saturday evenings on a trial, 90-day basis, effective immediately upon the adoption of this resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 4th day of June, 2020 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

APPROVED AS TO FORM:

CITY ATTORNEY



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 9.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Rick Medina, Senior Planner

DATE: June 4, 2020

SUBJECT: SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-02: SECOND READING AND ADOPTION OF AN ORDINANCE TO REPEAL IN ITS ENTIRETY SEASIDE MUNICIPAL CODE SECTION 17.52.140, APPROVE TEXT AMENDMENTS ADDING LAND USE DEFINITIONS TO 17.98, AND TO MODIFY THE PERMIT REQUIREMENTS OF MECHANICAL AND ELECTRONIC GAMES AND GAME CENTERS IN SMC 17.14.030, TABLE 2-4 FROM REQUIRING A USE PERMIT TO BEING PERMITTED OUTRIGHT IN THE CMX, CC AND CRG ZONES (SECOND READING - ROLL CALL VOTE)

PURPOSE & RECOMMENDATION

Conduct the second reading of the draft ordinance as presented, discuss, invite comments from the public, and adopt the draft ordinance repealing Seaside Municipal Code section 17.52.140 and amending sections 17.98 and 17.14.030, table 2-4 to eliminate specific use regulation and to modify the permit requirements of mechanical and electronic games and game centers.

BACKGROUND

Adopted in 1982, the original ordinance was prompted by a new business model turned cultural phenomena that resulted in a sudden increase in number of applications to establish game centers as well as the addition of arcade games to other primary land uses. At the time, the City Council found that it was appropriate and necessary to establish regulations for games centers to preserve the public health, safety and

welfare of the City of Seaside.

Nearly 40 years after the code was adopted the concerns regarding public health, safety and welfare of the city and its inhabitants specific to the operation of Mechanical and Electronic Games and Game Centers, are no longer relevant. Additionally, specific regulations exist in the SMC for Curfew for Minors (9.24), Noise Regulations (9.12), and Public Nuisances (8.30). Furthermore, it is the intent of the City of Seaside to support new business models in the community that are consistent with the General Plan, attract a diverse and balanced mix of business types that will generate a stable, long-term stream of revenue to the city, and support uses that will attract visitors from outside of the city.

FIRST READING BY CITY COUNCIL

On May 21, 2020 the Draft Ordinance (Attachment 1) was introduced to the City Council, who voted 4-0 and passed to print the first reading.

PROPOSED REPEAL AND TEXT AMENDMENTS

It is proposed that 17.52.140 be repealed in its entirety from the SMC (see Exhibit A to Attachment 1). Additionally, the land use definitions are only located in 17.52.140 and are proposed to be amended to section 17.98, where all definitions are located (see Exhibit B to Attachment 1). Lastly, 17.14.030, Table 2-4 is proposed to be amended to change Mechanical and Electronic Games and Game Centers from requiring a Use Permit to Permitted in the CMX, CC, and CRG zones (see Exhibit C to Attachment 1).

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The exemption from the California Environmental Quality Act (CEQA) has been established, as follows:

Evidence: In accordance with the California Environmental Quality Act (CEQA) Guidelines the proposed text amendments are exempt per 15061(b)(3). It can be seen with certainty that there is no possibility that the proposed code amendments may have a significant effect on the environment.

FINDINGS

1.The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Evidence: Nearly 40 years after the code was adopted the concerns regarding public health, safety and welfare of the city and its inhabitants specific to the operation of Mechanical and Electronic Games and Game Centers, are no longer relevant. Additionally, specific regulations exist in the SMC for Curfew for Minors (9.24), Noise Regulations (9.12), and Public Nuisances (8.30). Furthermore it is the intent of the City of Seaside to support new business models in the community that are consistent with the General Plan, attract a diverse and balanced mix of business types that will generate a stable, long-term stream of revenue to the city, and support uses that will

attract visitors from outside of the city.

2. The proposed amendments to 17.14.030, Table 2-4 are consistent with the General Plan.

Evidence: *The proposed changes to the permitting requirements for Mechanical and Electronic Games and Game Centers (17.14.030, Table 2-4), from requiring a Use Permit to being permitted outright in the CMX, CC and CRG zones is consistent with the General Plan.*

The Commercial Mixed-Use (CMX) zone implements and is consistent with the Mixed Use land use designation in the General Plan, which aims to promote pedestrian and transit oriented activity centers in the community with a mix of residential, commercial, office and civic uses.

The Community Commercial (CC) zone implements and is consistent with the Community Commercial land use designation of the General Plan, which is intended for retail and service oriented business activities primarily serving the local community or neighborhood. Uses may include restaurants, supermarkets, health clubs, retail goods and services, personal services, offices, and neighborhood-oriented retail uses.

The Regional Commercial (CRG) zone implements and is consistent with the Regional Commercial (RGC) land use designation of the General Plan, which is applied to areas of the City that are appropriate for large-scale commercial development with retail, entertainment, and/or service uses, or business parks of a scale and function to serve a regional market. Permitted land uses may include hotels, "big-box" retail, movie theaters, and business parks in the North Seaside area only. Regional Commercial uses are defined as large scale 1.0:1 FAR commercial development with retail, entertainment, and or service uses of a scale and function to serve a regional market. Includes hotels, auto sales, auto repair, auto repair related uses, "big box" retail, and movie theaters.

3. The exemption from the California Environmental Quality Act (CEQA) has been established.

Evidence: *In accordance with the California Environmental Quality Act (CEQA) Guidelines the proposed text amendments are exempt per 15061(b)(3). It can be seen with certainty that there is no possibility that the proposed code amendments may have a significant effect on the environment.*

RECOMMENDATION

It is recommended the City Council conduct the second reading of the draft ordinance as presented, discuss, invite comments from the public, and adopt the draft ordinance repealing Seaside Municipal Code section 17.52.140 and amending sections 17.98 and

17.14.030, table 2-4 to eliminate specific use regulation and to modify the permit requirements of mechanical and electronic games and game centers.

FISCAL IMPACT

None.

ATTACHMENTS

1. Attachment 1- Draft Ordinance
 2. EXHIBIT A to Attachment 1- Repeal of 17.52.140
 3. EXHIBIT B to Attachment 1-Text Amendments 17.98
 4. EXHIBIT C to Attachment 1-Text Amendment to 17.14.030 Table 2-4
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

REPEALING IN ITS ENTIRETY SECTION 17.52.140 OF THE SEASIDE MUNICIPAL CODE AND TEXT AMENDMENTS TO SECTIONS 17.98 AND 17.14.030, TABLE 2-4 – *ALLOWED LAND USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONES* TO MODIFY THE PERMIT REQUIREMENT OF MECHANICAL AND ELECTRONIC GAMES AND GAME CENTERS FROM REQUIRING A USE PERMIT TO PERMITTED OUTRIGHT IN THE CMX, CC AND CRG ZONES

THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

SECTION 1. GENERAL PURPOSE AND FINDINGS. The purpose of this Ordinance is to consider Exhibit A, the repeal of Seaside Municipal Code Section 17.52.140; and Exhibit B, text amendments to 17.98; and Exhibit C, text amendments to Section 17.14.030, Table 2-4 (proposed text identified with an underline (Underline) and proposed text to be deleted identified with a strikethrough (~~Strikethrough~~)).

- A. Exhibit A: Repeal 17.52.140: Mechanical and Electronic Games and Game Centers, removing the specific standards for the use; and
- B. Exhibit B: Amend 17.98 Definitions, to add *Mechanical or Electronic Game* and *Mechanical or Electronic Game Center*.
- C. Exhibit C: Amend 17.14.030, Table 2-4, modifying the permit requirement for Mechanical and Electronic Games and Game Centers from requiring a Use Permit to Permitted outright in the CMX, CC, and CRG zoning districts.

WHEREAS, the City Council finds that existing zoning and property development standards are sufficient to regulate Mechanical and Electronic Games and Game Centers and there are no adverse consequences associated with this use as related to public health, safety, convenience, or welfare of the City; and

WHEREAS, the City Council finds the proposed amendments to 17.14.030, Table 2-4 are consistent with the General Plan.

SECTION 2. CEQA. This ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

SECTION 3. In accordance with Section 17.74.050 of the Seaside Municipal Code, it is the responsibility of the City Council to consider and weigh the merits of proposed text amendments to the Seaside Municipal Code and the public input received on the proposed text amendments in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code.

SECTION 4. The Seaside Planning Commission considered oral comments and written information concerning the proposed at a duly noticed public hearing held on April 22, 2020 and made a unanimous recommendation to the City Council to adopt the proposed repeal and text amendments.

SECTION 5. At a duly noticed public hearing held on May 21, 2020, the City Council considered both oral comments and written information concerning the proposed repeal and text amendments.

SECTION 6. At a duly noticed Public Hearing on May 21, 2020, the City Council adopts the first reading of this ordinance.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days following the date of its passage.

INTRODUCED at a regular meeting of the City Council of the City of Seaside held on the 21st day of May 2020 and passed to print.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside held on the ____ day of ____ 2020 by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

EXHIBIT A: Repeal of 17.52.140

~~17.52.140 Mechanical and Electronic Games and Game Centers~~

A.—Purpose. ~~The purpose of this chapter is to set forth guidelines for the location, positioning, and regulation of mechanical and electronic games and game centers to ensure that the games and game centers operate without adverse consequences so as to preserve the public health, safety, and welfare of the City.~~

B.—Definitions. ~~For the purposes of this Title, the following terms shall have the meanings set out in this section:~~

1.—Mechanical or electronic game. ~~Any machine, apparatus, contrivance, appliance, or device which may be operated or played upon the placing or depositing therein of any coin, check, slug, ball, or any other article or device, or by paying therefor either in advance of or after use, involving skill in its use, including, but not limited to, tape machine, pool table, pinball machine, bowling game machine, shuffleboard machine, marble game machine, horse racing machine, basketball game machine, electronic video game, or any other similar machine or device.~~

2.—Mechanical or electronic game center. ~~Any establishment with three or more mechanical and/or electronic games.~~

C.—Location. ~~No mechanical or electronic game center shall be located on any street other than a major thoroughfare or within a shopping center.~~

D.—Noise. ~~The operation of any mechanical or electronic game and consequent activities shall not cause the outdoor noise level to exceed 65 decibels measured directly outside of the establishment.~~

E.—Security. ~~The manager(s) of each center shall provide the necessary surveillance so as to prevent the creation of an unfavorable environment.~~

F.—Hours of operation.

1.—~~No mechanical or electronic game either within a game center or other establishment that is located within 1,000 feet of a public or private school of elementary or high school grade may be made available for minors' use during the academic school year between the hours of 7:00 a.m. and 3:30 p.m. except during school holidays and on Saturday and~~

~~Sunday, nor between the hours of 10:00 p.m. and 7:00 a.m. on all days preceding school days and between midnight and 7:00 a.m. on all other days.~~

~~2.— All mechanical or electronic game centers shall be open to business no later than 10:00 p.m. on all days preceding school days and not later than midnight on all other days.~~

~~**G.— Minors.** No minor under the age of 18 shall be permitted in the establishment during the hours that regular school is in session unless such minor is accompanied by a parent, guardian or other adult person having the care and custody of such minor.~~

H.— Conditional Use Permit.

~~1.— All Conditional Use Permits granted for mechanical or electronic game centers shall be valid for a period of one year. The Conditional Use Permit may be reissued annually by the Planning Commission after the Commission has reviewed the operation of the game center and has made the following findings:~~

~~a.— All the conditions of approval of the Use Permit have been met within the required period of time.~~

~~b.— There have been no violations of this Code.~~

~~c.— The game center has caused no significant adverse effect on surrounding business and/or residential neighborhoods or on the community as a whole.~~

~~2.— The Conditional Use Permit may be revoked any time when the conditions of approval or the provisions of this Title have not been met.~~

~~**I.— Compliance with other laws.** Neither this chapter nor any provisions herein contained shall include or apply to any act which is made a public offense by the Penal Code of the state of California, or by any other law of the state of California or of the United States Government; nor shall this chapter or any provision herein contained authorize or permit or be construed as authorizing or permitting the keeping, maintaining, possessing, using, or operating in the City of any contrivance or device otherwise prohibited by law.~~

~~**J.— Public nuisance.** In addition to criminal penalties provided for in this Code, a violation of any provision of this chapter, or any condition caused or permitted to exist in violation of the provisions of this chapter shall and is deemed and declared to be a public nuisance and may be abated as such by the City.~~

EXHIBIT B: Text Amendments to 17.98 Definitions ("Massage" and "Media Production" not amended and shown for context only. Amended text is **bold and underlined**).

Massage. Any therapeutic, non-sexual method of pressure on, or friction against, or stroking, rubbing, kneading, tapping, pounding, vibrating or stimulating, the external parts of the human body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliance, or with or without the aid of such supplementary materials as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in the practice of massage.

Mechanical or electronic game. Any machine, apparatus, contrivance, appliance, or device which may be operated or played upon the placing or depositing therein of any coin, check, slug, ball, or any other article or device, or by paying therefor either in advance of or after use, involving skill in its use, including, but not limited to, tape machine, pool table, pinball machine, bowling game machine, shuffleboard machine, marble game machine, horse racing machine, basketball game machine, electronic video game, or any other similar machine or device.

Mechanical or electronic game center. Any establishment with three or more mechanical and/or electronic games.

Media Production. Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types:

1. Backlots/Outdoor Facilities. Outdoor sets, backlots, and other outdoor facilities, including supporting indoor workshops and craft shops.
2. Indoor Support Facilities. Administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.

EXHIBIT C: Text Amendment to 17.14.030, Table 2-4 (striketrough of removal and amendments underlined for Mechanical and electronic games and game centers only, as indicated by surrounding box).

P Permitted Use, Zoning Clearance required	CMX – Commercial Mixed Use					
MUP Minor Use Permit required (see Section 17.62.070)	CC – Community Commercial					
UP Use Permit required (see Section 17.62.070)	CRG – Regional Commercial					
– Use not allowed	CA – Automotive Regional Commercial					
	CH – Heavy Commercial					
	PERMIT REQUIRED BY ZONE					Specific
LAND USE ⁽¹⁾	CMX	CC	CRG	CA	CH	Use Regs
Wholesaling and distribution	–	–	–	–	UP	

RECREATION, EDUCATION & PUBLIC ASSEMBLY

Adult oriented business	–	–	–	–	UP	17.50
Commercial recreation facility – Indoor	MUP	UP	UP	–	–	17.52.060
Commercial recreation facility – Outdoor	–	–	UP	–	–	
Conference/convention facility	–	–	UP	–	–	
Health/fitness facility	MUP	P	P	–	–	
Library or museum	MUP	MUP	P	–	–	
Mechanical and electronic games and game centers	UP	UP	UP	–	–	17.52.140



CITY OF SEASIDE STAFF REPORT

Item No.: 9.B.

TO: City Council

BY: Rick Medina, Senior Planner

DATE: June 4, 2020

SUBJECT: ADOPTION OF AN ORDINANCE FOR SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-01: TEXT AMENDMENTS TO CHAPTER 17 OF THE SEASIDE MUNICIPAL CODE CONSISTING OF ADDING A GASOLINE-FUELING STATION AS A USE PERMIT UNDER SECTION 17.14.030.B – TABLE 2-4 (ALLOWED LAND USES AND PERMITTED USES) IN THE AUTOMOTIVE REGIONAL COMMERCIAL (CA) ZONING DISTRICT AND MODIFYING LOCATION AND OPERATIONAL STANDARDS FOR SERVICE STATIONS UNDER SECTION 17.52.250 . (SECOND READING, ROLL CALL VOTE)

PURPOSE & RECOMMENDATION

Waive second reading and adopt Ordinance for text amendments in accordance with Seaside Municipal Code Application SMA-20-01.

BACKGROUND

On May 21, 2020, the City Council held a public hearing and took action to introduce for first reading of an Ordinance amending the text of Chapter 17 of the Seaside Municipal Code as follows:

1. Section 17.14.030.B – Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones) will be amended to add a "Service Station" as an allowed use in the Automotive Regional Commercial zone (CA) subject to receiving approval of a Use Permit.
2. The first sentence of Section 17.52.250.C.2 will be amended as shown with bold and underline language as follows: **Separation between stations:** A service station shall not be closer than 500 feet to another service station except when both are at the same intersection or **separated by a four lane arterial street.**
3. Amend Section 17.52.250.G.3 with the following bold and underline language as

follows: **Vehicle Parking:** Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys, and shall not be parked on the premises for the purpose of sale. **Off-street parking for a service station with no on-site cashier, on-site convenience store/vending machines, or on-site vehicle service repair shall be determined by Use Permit approval.**

4. Add Section 17.52.250.G.4 with the following bold and underline language as follows: **Public Restrooms: A public restroom shall not be required if no on-site cashier, on-site convenience store/vending machines, or on-site vehicle service repair is provided.**

The action taken by the City Council to introduce and pass to print the proposed Ordinance on May 21, 2020, also included the approval of a Use Permit Application for a 24-pump service station on Assessor's Parcel 011-523-018.

For additional information, the City Council agenda packet for the first reading of the Ordinance and the Use Permit Application from the May 21, 2020 City Council meeting, which includes supporting documentation such as staff report and ordinance can be found at: <https://seasideca.civicclerk.com/Web/Player.aspx?id=3601&key=-1&mod=-1&mk=-1&nov=0> (Agenda Item 9A)

No changes have been made to the proposed ordinance since May 21, 2020 public hearing. Said Ordinance has been legally summarized, as required by law, and copies of documentation are on file in the Office of the City Clerk.

ATTACHMENTS

1. Attachment 1 - Ordinance
 2. Attachment 1- Exhibit A Zoning Code Text Changes
-

DRAFT ORDINANCE 20-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

ADOPTING PROPOSED TEXT AMENDMENTS TO CHAPTER 17 OF THE SEASIDE MUNICIPAL CODE RELATED TO INCLUDING A SERVICE STATION LAND USE AS A CONDITIONALLY PERMITTED USE IN THE AUTOMOTIVE REGIONAL COMMERCIAL (CA) ZONING DISTRICT AND FACILITY OPERATIONAL STANDARDS FOR SERVICE STATIONS.

THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDINANCE AS FOLLOWS:

Section 1. In accordance with Section 17.74.050 of the Seaside Municipal Code, it is the responsibility of the City Council to consider and weigh the merits of proposed text amendments to the Seaside Municipal Code and the public input received on the proposed text amendments in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

Section 2. On April 22, 2020, the Seaside Planning Commission held a public hearings to provide the Seaside City Council with a recommendation on the proposed text amendments and considered all oral comments and written information concerning the proposed Ordinance in making its recommendation to the Seaside City Council; and

Section 3. On May 21, 2020, the Seaside City Council introduced the first reading of the draft Ordinance and considered oral comments and written information concerning this Ordinance at a duly noticed public hearing; and on the basis of the record thereof finds the following facts to be true;

Findings:

1. The proposed text amendments to Section 17.14.030.B-Table 2-4 and Section 17.52.250 to Title 17 of the Seaside Municipal Code are consistent with the goals and policies of all elements of the General Plan.

Seaside General Plan Conformance

The Seaside General Plan Land Use Designation for the project site is Regional Commercial (CRG). Regional Commercial uses are defined as large-scale commercial development with retail or service uses to serve a regional market. 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 and play.

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 and text amendment would provide complementary and compatible infill development within an existing regional commercial auto center. The project site is located within an urbanized area of the City and is surrounded by urban uses, including auto dealerships, motels, and restaurants. The proposed service station is located on a major arterial roadway and near other roadways to sufficiently meet the needs of local residents and visitors.

Evidence: The project site is located in an existing auto mall with commercial zoning. The proposed service station would be consistent with and support the existing General Plan land use category in that it would not displace any existing car sales or automotive repair services in the City. The car display lot on the project site has been deemed as being unnecessary for Cypress Coast Ford based on the lots distance from the showroom. The proposed project and text amendments would diversify the retail sales in the city and would increase City sales tax revenues that can be used to fund future City services and attract visitors to the Auto Center.

Goal LU-2: Revitalize existing commercial areas.

Policy LU-2.7: Continue with the revitalization of the Seaside Auto Center.

Evidence: The proposed project consists of the development of a service station that would be compatible with the auto center and other surrounding land uses by maintaining and diversifying the focused auto retail services of the auto center. The addition of a service station in the Auto Center would also enhance economic viability of the existing auto center and provide a new retail amenity that would be located along a major arterial commercial roadway, compatible with the City's circulation network and surrounding land uses that would improve regional identity of the auto center.

Goal LU-4: Ensure that new development complements existing land uses and enhances the character of the community and its neighborhoods.

Policy LU-4.1: Require that all new development is compatible with surrounding uses, the site and available infrastructure.

Evidence: The proposed project would provide for infill development within the boundaries of an existing auto center located along a major arterial roadway in an urbanized area of the city's commercial corridor. The proposed project and text amendments would be consistent with the City's development standards and infrastructure in order to ensure compatibility with the land use characteristics of the local area and the adjacent existing development within the Auto Center.

Goal LU-8.1: Provide a level of flood control and protection that meets the needs of the community.

Policy LU-8.2: Ensure that developers provide stormwater retention/detention facilities and institute Best Management Practices that regulate runoff and siltation that meets local, State, and federal standards.

Evidence: The proposed development will be required to direct all on-site runoff to landscape swales and/or underground interceptors.

Goal ED-4: Attract and expand local serving retail and services in existing commercial areas.

Policy ED-4.1: Encourage the development of retail establishments that will reduce leakage of resident spending.

Evidence: The proposed project will provide an additional revenue source within an infill site to capitalize on both local and visitor customers to enhance the City's long-term revenue.

Goal ED-5.1: Attract new regional and visitor-serving businesses.

Policy ED-5.1: Attract and support commercial and employment generating development that is consistent with the General Plan and City ordinances.

Evidence: The proposed project and text amendments will enable and support the attraction of regional serving commercial uses to provide an enhanced revenue source and encourage the redevelopment of underutilized commercial properties.

Goal C-4: Ensure adequate parking is provided throughout Seaside

Policy C-4.1: Require off-street parking in new development and redevelopment projects.

Evidence: Based on the operating characteristics of the card lock, membership service station, dedicated off-street parking will not be necessary.

2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Evidence: The approval of a service station would be subject to the review and approval of a Use Permit Application to ensure that the location and operation of a service station would complement existing land use, and enhances the character of the community and its neighborhoods.

3. The exemption from the California Environmental Quality Act (CEQA) has been CEQA Guidelines

Evidence: The City of Seaside has prepared an Initial Study for the proposed text amendments to the Seaside Municipal Code pursuant to the requirements of the California Environmental Quality Act Section 21000 et seq. and State CEQA Guidelines Section 15070 through 15075. The Initial Study is provided as Exhibit "A" to the Ordinance. Pursuant to the requirements of the California Environmental Quality Act Section 21000 et seq. and State CEQA Guidelines, it has been determined that the proposed text amendments would not have an environmental effect on the environment.

Section 4. The proposed amendments to Title 17 of the Seaside Municipal Code consist of the text amendments to Section 17.14.030.B – Table 2-4 of the Seaside Municipal Code and Section 17.52.250 as shown on Exhibit "B".

*** Proposed added text is shown with bold underline (Underline)**

Section 5. Severability.

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

B. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentences, clauses or phrases even if certain parts are held to be unconstitutional, invalid or unenforceable.

Section 6 Legal Construction. The provisions of this Ordinance shall be construed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of public health, safety, and welfare.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after its final passage and adoption at a duly noticed public hearing for the second reading of the proposed text amendments.

Section 8. The City Clerk shall certify to the adoption of this Ordinance and shall, within thirty (30) days after passage, publish a summary of this Ordinance in accordance with Section 36933 of the Government Code of State of California with the names of City Council members voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Seaside on the 21st day of May, 2020, and

PASSED AND ADOPTED by the City Council of the City of Seaside on the 4th day of June, 2020, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton, City Clerk

Zoning Code Text Changes

(Text changes are noted in **Bold** and Underlined)

TABLE 2-4 - Allowed Land Uses and Permit Requirements for Commercial Zones

P	Permitted Use, Zoning Clearance required	CMX – Commercial Mixed Use						
MUP	Minor Use Permit required (see Section 17.62.070)	CC – Community Commercial						
UP	Use Permit required (see Section 17.62.070)	CRG – Regional Commercial						
—	Use not allowed	CA – Automotive Regional Commercial						
		CH – Heavy Commercial						
LAND USE ⁽¹⁾		PERMIT REQUIRED BY ZONE					SPECIFIC USE REGS	
			CMX	CC	CRG	CA		CH
Big box retail			—	—	UP	—	—	
Building and landscape materials sales - Indoor			—	UP	P	—	P	
Building and landscape materials sales - Outdoor			—	UP	UP	—	P	
Construction and heavy equipment sales and rental			—	—	—	—	UP	
Convenience or liquor store			UP ⁽⁴⁾	UP ⁽⁴⁾	UP ⁽⁴⁾	—	—	17.52.080
Drive-through retail or service			UP ⁽⁴⁾	UP ⁽⁴⁾	UP ⁽⁴⁾	—	—	17.52.090
Drug store			P	P	P	—	—	
Equipment rental - Indoor			—	P	P	—	P	
Equipment rental - With outdoor storage			—	—	—	—	UP	
Fuel dealer			—	—	—	—	UP	
Furniture, furnishings and appliance store			P	P	P	—	P	
General retail - 5,000 sf or larger ⁽³⁾			MUP	P	P	—	—	
General retail - Less than 5,000 sf ⁽³⁾			P	P	P	—	—	
Grocery or specialty food store - 5,000 sf or larger ⁽³⁾			P	UP	P	—	—	
Grocery or specialty food store - Less than 5,000 sf ⁽³⁾			P	P	P	—	—	
Medical marijuana dispensaries		—	—	—	—	—	—	17.52.150
Mobile home, boat, or RV sales			—	—	—	—	UP	
Motorcycle sales, new, with accessory used sales			—	—	—	P	UP	
Night club			UP	UP	UP	—	—	
Outdoor retail sales and activities			P	P	P	—	—	17.52.190
Restaurant, café, coffee shop - Table service ⁽³⁾			P	P	P	—	P	
Restaurant, café, coffee shop - Counter service ⁽³⁾			UP	UP	UP	—	—	
Restaurant - Fast food ⁽³⁾			UP	—	UP	—	—	
Service station		—	—	UP	UP	UP	UP	17.52.250
Speculative retail building			UP	UP	UP	—	—	
Shopping center			UP	UP	UP	—	—	
Second hand store			—	P	—	—	—	
Winery/wine tasting			MUP	MUP	MUP	—	—	

Text
Change to
Table 2-4:
Add UP
to Service
Station in
CA Zone

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Automatic teller machine (ATM)		P	P	P	P	P	
Bank, financial services		P	P	P	—	—	
Business park		—	—	UP	—	—	
Business support service		P	P	P	—	—	
Medical services - Clinic, urgent care		UP	P	UP	—	—	
Medical services - Doctor office		MUP ⁽²⁾	P	—	—	—	
Medical services - Extended care	—	UP	—	—	—	—	

Chapter 17.42 Standards for Specific Land Uses

17.52.240 - SENIOR HOUSING PROJECTS

- A. **Applicability.** Senior housing projects shall comply with the requirements of this Section, where allowed by Article 2 (Zones, Permitted Land Uses, and Zoning Standards).
- B. **Limitations on location.** A senior housing project shall be reasonably near public transit and retail shopping, as determined by the review authority, and shall not be located to front on an arterial street including Broadway Avenue and Del Monte and Fremont Boulevards.
- C. **Processing requirements.**
 - 1. **Pre-application review.** The project must be reviewed at a pre-application conference.
 - 2. **Planned Development requirement.** The project must be developed as a planned development.
 - 3. **Needs assessment.** The applicant shall provide a needs assessment with the planning permit application for the project, demonstrating adequate market support for senior housing in the area.
- D. **Design and development standards.**
 - 1. **Height limit.** A senior housing structure shall not exceed three stories in height.
 - 2. **ADA requirements.** Each shall be designed and constructed to be accessible to disabled persons.
- E. **Operating requirements.**
 - 1. **Age requirement.** Senior housing units may be leased or rented only to persons 62 years of age or older.
 - 2. **Deed restrictions.** The property owner shall record deed restrictions against the property in a form approved by the City Attorney restricting the rental and occupancy of the units to persons 62 years of age or older except for spouses, temporary residents for a maximum 60 days per year, and primary caregivers over 45 years of age.

17.52.250 - SERVICE STATIONS

- A. **Applicability.** Motor vehicle service stations (including card lock facilities) shall comply with the requirements of this Section, where allowed by Article 2 (Zones, Permitted Land Uses, and Zoning Standards).
- B. **Application requirements.** Each application for a new or remodeled service station shall include a photometric lighting plan identifying all proposed light sources and their illumination levels, to assist in evaluating compliance with the outdoor lighting requirements of Subsection E.5 and Section 17.30.070 (Outdoor Lighting).
- C. **Limitations on location.**
 - 1. **Prohibited locations.** A service station site shall not abut a residential zoning district or residential use.
 - 2. **Separation between stations.** A service station shall not be closer than 500 feet to another service station except when both are at the same street intersection **or separated by a four lane arterial roadway**. The distance shall be measured in a straight line from the nearest property line of the sites for each service station. No more than two service stations shall be located at the same street intersection.
- D. **Site requirements.** A site proposed for a new service station shall:
 - 1. Be located on an arterial street on a site with a minimum of 150 feet of frontage; and
 - 2. Have a minimum area of 15,000 square feet and a minimum depth of 100 feet.

Add text to
Section
17.52.250.C.2

Date

Chapter 17.42 Standards for Specific Land Uses

shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties, in compliance with Section 17.30.070 (Outdoor Lighting). Lighting fixtures/lamps shall be the most energy efficient available, including fluorescent, compact fluorescent, low-pressure sodium, high-pressure sodium, or other lighting technology that is of equal or greater energy efficiency.

6. **Signs and banners.** Signs, banners, and promotional flags shall comply with Chapter 17.40 (Signs).
 7. **Solid waste and recyclables storage.** The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable federal, state, and local requirements. Outdoor solid waste and recyclable storage areas shall be screened by a solid masonry wall with a height of 6 feet, or as approved by the review authority. The wall design, materials, and colors shall be compatible with the primary structures on the site, as determined by the review authority.
- F. Building design standards.** Each new service station shall comply with the following standards.
1. **Architectural character.** Service station architecture shall fit with the existing or intended character of the surrounding area as determined by the review authority.
 2. **Bay orientation.** Service bay openings shall not face a public street.
 3. **Restrooms.** Each service station shall maintain one or more restrooms available for use by the general public without charge. Restroom entrances shall be screened from the view of the public right-of-way.
- G. Facility operating standards.**
1. **Restriction on outdoor activities.** Outdoor activities on a service station site shall be limited to fueling, replenishing air, water, oil and similar fluids, and the replacement of minor parts (e.g., lamp bulbs, wiper blades, and other similar items) requiring only the use of small hand tools while a vehicle is being serviced at the pump island. Where minor auto repair is permitted by Article 2 (Zones, Permitted Land Uses, and Zoning Standards), all repair activities shall occur entirely within an automotive work bay in an enclosed structure.
 2. **Display.** There shall be no outdoor display of equipment or merchandise, except as allowed in compliance with Subsection H.1, below.
 3. **Vehicle parking.** Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys, and shall not be parked on the premises for the purpose of sale. Off-street parking for a service station with no on-site cashier, on-site convenience store/vending machines, or on-site vehicle service repair shall be determined by Use Permit approval.
 4. **Public Restrooms:** A public restroom shall not be required if no on-site cashier, on-site convenience store/vending machines, or on-site vehicle service repair is provided.
- H. Accessory uses.** The following accessory uses are prohibited unless specifically allowed as part of Use Permit approval.
1. **Outdoor storage.** One or more outdoor storage and display cabinets or enclosures other than the primary structure may be approved by the review authority, provided that their combined total area shall not exceed 50 square feet. The construction and finish of storage and display cabinets shall be compatible with the primary structures on the site, as determined by the review authority. Outdoor storage and display cabinets may be used only for the display and sale of brake fluid, gasoline additives, oil, transmission fluid, windshield wipers and fluid, and other similar merchandise. The outdoor storage of tires shall be prohibited. No outdoor vending machines are allowed.
 2. **Tow truck operations.** Where tow truck operations are approved as part of a service station by the Commission, no abandoned, disabled, junked, wrecked, or otherwise nonoperational motor vehicles shall remain on-site for more than five days, and shall be stored entirely within an enclosed structure or parking lot screened from the public view.

Add Text to
Section
17.52.250.G.3
and new Section
17.52.250.G.4



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 10.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton, Assistant City Manager

DATE: June 4, 2020

**SUBJECT: RECEIVE UPDATE ON THE PROGRESS CARRYING OUT THE
FORT ORD REUSE AUTHORITY AND CITY OF SEASIDE
ENVIRONMENTAL SERVICES COOPERATIVE AGREEMENT
(ESCA) AND LOCAL REDEVELOPMENT AUTHORITY
(LRA)/ECONOMIC DEVELOPMENT CONVEYANCE (EDC)
SUCCESSOR IMPLEMENTING AGREEMENT**

PURPOSE & RECOMMENDATION

Received update on the process and provide direction to staff.

BACKGROUND

The Fort Ord Reuse Authority (FORA) is a regional agency established in 1994 under California State Law Government Code Sections 67650, et seq., to plan, facilitate and manage the transfer of former Fort Ord property from the Army to the governing local jurisdictions. Pursuant to that act FORA will sunset on June 30, 2020.

Many elements of the transition and sunset process are still in progress and to provide the most up to date information, staff make a verbal presentation on the FORA sunset transition process as it pertains to Seaside at the meeting June 4, 2020.

An update will include the following:

- Environmental Services Cooperative Agreement (ESCA), Local Redevelopment Authority (LRA) Successor Assignment Process/Economic Development

- Conveyance (EDC) Agreement & Pending Contract Approvals
- Property Transfer Status
- Status of Community Facilities District (CFD) Money Transfer and Bonds Update
- Risk, Liabilities and Status of Insurance Policies

FISCAL IMPACT

None associated with receiving this report.

ATTACHMENTS

None

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager