



AGENDA
CITY OF SEASIDE
PLANNING COMMISSION

VIRTUAL ONLY
REGULAR MEETING
Wednesday, August 26, 2020
7:00 PM

This meeting is compliant with Governor Newsom's Executive Order N-29-20 which allows local legislative bodies to hold public meetings electronically only, without a physical location for public participation, accessible only telephonically or otherwise electronically (video conferencing) to all members of the public seeking to observe and address the local legislative body, in order to avoid public gatherings, and until further notice.

REMOTE PUBLIC COMMENTS To make a public comment, the following options are available:

- Before the Meeting via Email: Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item # (insert the agenda item number relevant to your comment). Written comments must be received by 5:00 p.m. on the day of the meeting. All submitted comments will be provided to the City Council or the Board for consideration, compiled as part of the record, and may be read into the record.
- During the Meeting via Oral Comments: When the Chair calls for public comment, attendees can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press *9. The Secretary to the Board will call speaker names and unmute speaker microphones. You will have up to 2 minutes to provide your comments, with time set by the discretion of the Mayor. Please note, if you chose to make comments orally, your written comments will not be read but will be included in the final record.

In an effort to ensure the virtual process closely follows our normal process, public comment will be accepted in writing during the meeting, but may not be read into the record during the meeting, but will be included as part of the final administrative record. Please do not plan to use the chat or Q&A features to put a comment on record. These resources are for tech support only

1. CALL TO ORDER

A. VIRTUAL MEETING INFORMATION

This meeting can be watched via the City of Seaside You Tube Channel <https://bit.ly/SeasideYouTube>

Or by joining the webinar: <https://us02web.zoom.us/j/83424069963>

Call in Phone Number: (669) 900-9128
Webinar ID: 825 9694 8197

2. ROLL CALL - ESTABLISHMENT OF QUORUM

3. PLANNING COMMISSION

John Owens	Chair
Michael Spalletta	Vice Chair
Keith Dodson	Commissioner
Arlington La Mica	Commissioner
Dave Evans	Commissioner
William Silva	Commissioner
Danny Huynh	Commissioner

4. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

5. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to two (2) minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

6. APPROVAL OF MINUTES

A. July 22, 2020, August 12, 2020 and August 19, 2020

7. BUSINESS ITEMS

A. USE PERMIT APPLICATION NO. UP-20-06 AND BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-20-03. ANKIT AFRICAWALA, APPLICANT AND PROPERTY OWNER, IS REQUESTING: A USE PERMIT FOR AN EXTERIOR STAIRWAY THAT WOULD PROVIDE ACCESS TO AN EXISTING AND EXPANDED SECOND FLOOR; AND ARCHITECTURAL REVIEW APPROVAL FOR A SECOND STORY ADDITION, INCLUDING DECKS, TO AN EXISTING TWO-STORY SINGLE FAMILY RESIDENCE LOCATED AT 1949 MENDOCINO STREET IN THE SINGLE-FAMILY RESIDENTIAL (RS-8) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15301(E), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECOMMENDATION: In accordance with Seaside Municipal Code (SMC) section 17.12.050, Table 2-3 – Residential Zone Development Standards, Footnote 6: Exterior stairways that would lead to a second floor are permitted with the issuance of a Use Permit; and in accordance with SMC 17.62.030.B.2 Architectural Review approval is required for the construction of all new second-story elements, including decks, for single-family residential projects.

Staff recommends approval of Use Permit 20-06 for the exterior stairway that provides access to the second floor and staff also recommends approval of BAR-20-03 for the proposed second story addition and decks, subject to Attachment 1:Resolution, Exhibit A to Attachment 1: Project Plans, and Exhibit B to Attachment 1: Material Specifications.

B. SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-06:INTRODUCTION OF AN ORDINANCE FOR REVIEW AND RECOMMENDATION TO CITY COUNCIL AMENDING SEASIDE MUNICIPAL CODE CHAPTER 17.55: REGULATIONS FOR SMALL CELL WIRELESS AND ASSOCIATED UPDATES TO THE CITY'S FEE SCHEDULE - THE PROPOSED ORDINANCE WOULD AMEND CHAPTER 17.55 TO ESTABLISH REASONABLE, UNIFORM, AND COMPREHENSIVE STANDARDS AND PROCEDURES FOR SMALL CELL WIRELESS FACILITIES DEPLOYMENT, CONSTRUCTION, INSTALLATION, COLLOCATION, MODIFICATION, OPERATION, RELOCATION, AND REMOVAL WITHIN THE CITY'S JURISDICTIONAL BOUNDARIES CONSISTENT WITH AND TO THE EXTENT PERMITTED UNDER FEDERAL AND CALIFORNIA STATE LAW. THE PROPOSED ORDINANCE ALSO ADDRESSES COST RECOVERY ASSOCIATED WITH SMALL CELL WIRELESS FACILITY PERMIT APPLICATIONS, INCLUDING RECOUPING FEES FOR CITY-HIRED INDEPENDENT EXPERTS AND OUTSIDE CONSULTING FEES. THE TEXT AMENDMENT AND RESOLUTION ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES PER SECTION 15061(3).

RECOMMENDATION: Review and recommend approval of the attached Resolution (Attachment 1) recommending approval of Ordinance (Attachment 2) adopting Chapter 17.55 (Attachment 3 – Exhibit A) to establish reasonable, uniform, and comprehensive standards and procedures for small cell wireless facilities with the City and address cost recovery associated with small cell wireless facility permit application, including recouping fees for City-hired independent experts and outside consulting fees (Attachment 4 – Exhibit B).

8. REPORTS FROM COMMISSIONERS

9. REPORTS FROM STAFF

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
September 9, 2020
Seaside City Hall
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. 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 Government Code Section 54954.2(a) or Section 54956.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.A.

TO: Planning Commission

BY: Beth Rocha, Associate Planner

DATE: August 26, 2020

SUBJECT: USE PERMIT APPLICATION NO. UP-20-06 AND BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-20-03. ANKIT AFRICAWALA, APPLICANT AND PROPERTY OWNER, IS REQUESTING: A USE PERMIT FOR AN EXTERIOR STAIRWAY THAT WOULD PROVIDE ACCESS TO AN EXISTING AND EXPANDED SECOND FLOOR; AND ARCHITECTURAL REVIEW APPROVAL FOR A SECOND STORY ADDITION, INCLUDING DECKS, TO AN EXISTING TWO-STORY SINGLE FAMILY RESIDENCE LOCATED AT 1949 MENDOCINO STREET IN THE SINGLE-FAMILY RESIDENTIAL (RS-8) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15301(E), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PURPOSE & RECOMMENDATION

In accordance with Seaside Municipal Code (SMC) section 17.12.050, Table 2-3 – Residential Zone Development Standards, Footnote 6: Exterior stairways that would lead to a second floor are permitted with the issuance of a Use Permit; and in accordance with SMC 17.62.030.B.2 Architectural Review approval is required for the construction of all new second-story elements, including decks, for single-family residential projects.

Staff recommends approval of Use Permit 20-06 for the exterior stairway that provides access to the second floor and staff also recommends approval of BAR-20-03 for the proposed second story addition and decks, subject to Attachment 1: Resolution, Exhibit A to Attachment 1: Project Plans, and Exhibit B to Attachment 1: Material Specifications.

BACKGROUND

Staff Report Note: Due to the merging of the Planning Commission and the Board of Architectural Review, the following staff report presents separate findings for the two

applications under the “**PROJECT DESCRIPTION**” headings of this staff report for UP-20-06: Exterior stairway that provides access to the second floor and BAR-20-03: second story addition and decks.

On November 1, 2019 Ankit Africawala purchased the subject property. A demolition permit was issued on January 1, 2020 and Mr. Africawala has proceed to demolish areas that were constructed without permits by the previous owner, including interior habitable area on the second floor, decks and accessory structures (see areas specified for demo in Exhibit A to Attachment 1, Sheet A4). There are miscellaneous unenclosed accessory structures in the rear yard that will be removed during demolition.

The subject property is developed with a 2,217 square foot (sf) two-story single-family residence comprised of 1,408sf on the first floor, including a 352sf garage, and 457sf on the second floor. The lot is 9,874sf and the existing conditions comply with both lot coverage and floor area ratio regulations. The maximum height of the current home is 23'-8”.

SITE LOCATION AND DESCRIPTION

The 9,874sf site is located on the west side of Mendocino Street between Ord Grove Avenue to the north and La Salle Avenue to the south. The project site is surrounded by residential uses. Site photographs are provided as Attachment 2.

The subject property is surrounded on all sides by single-story residential properties. There are significant grade changes between the subject property on the west side of Mendocino (existing grade: 188') to that on the east side: 1950 Mendocino (existing grade: 195'), as well as the property to the rear of the subject site, 1950 Highland (existing grade: 173') (see Attachment 3: Topographic Map and Attachment 4: Topographic Cross-Section).

PROJECT DESCRIPTION USE PERMIT 20-06: EXTERIOR STAIRWAY PROVIDING ACCESS TO THE SECOND FLOOR

The proposed exterior stairway providing access to the second floor deck is located on the south elevation (side) and would be located beyond a gate separating the front and rear of the property. The proposed dimensions of the stairway is 4'w x 12'l. The stairway would have an open handrail of stainless steel cabling and the structure would be constructed primarily of wood (Exhibit A to Attachment 1, Sheet A8). The proposed location of the stairway would observe a side setback of approximately 14' and is separated from the adjacent property to the south by a fence and hedge. Additionally, the driveway of the adjacent property runs parallel to the side property line, providing at least 7' of additional separation from the shared side property line. There is only one small window on the adjacent property's north-facing wall (see Attachment 2, p. 4-5). The project complies with all applicable requirements of the Seaside Municipal Code.

STAFF ANALYSIS AND FINDINGS

SMC section 17.62.070.F outlines the following findings that are necessary for approval by the

review authority regarding the exterior stairway, including evidence in support of the findings:

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

Evidence: *The attached exterior stairway maintains a minimum 15-foot setback from the rear property line (Section 17.12.050, Table 2-3, Residential Zone Development Standards) and approximately 14' from the side property line.*

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

Evidence: *The Seaside General Plan Land Use Designation for the project site is Low Density Single-Family Residential. This land use classification is intended for existing or planned detached single-family residential units, including exterior stairways. The project would be consistent with the following General Plan Goals and Policies:*

Land Use Element

Goal UD-3: Provide and maintain a streetscape system that protects views and enhances the visual quality and continuity within the community.

Policy UD-3.1: Protect private views of significant natural features, such as the Monterey Bay, Roberts Lake, the Pacific Ocean, the surrounding mountains, and other important viewsheds.

Goal LU-4 – Ensure that new development compliments existing land uses and enhances the character of the community and its neighbors.

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

Evidence: *The project proposal is compatible with the overall design and scale of surrounding residential land uses. The placement of an exterior stairway on the south elevation (side yard) of a one-car garage leading to the proposed deck and existing and expanded second floor area will not detract from the character of the neighborhood. The stairway would be setback significantly beyond the side setback minimums and would be screened from public view on Mendocino Street by the new 6' tall fence (Exhibit A to Attachment 1, Sheet A7). Additionally, there is only one small window on wall of the adjacent residence that faces the proposed stairway on the south elevation, which limits privacy concerns.*

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

Evidence: *The exterior stairway is an accessory use to the main dwelling and therefore does not alter the operating characteristics of the dwelling or enjoyment of the other properties in the neighborhood.*

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

***Evidence:** The site is an existing residence in the RS-8 (Single-Family Residential) zoning district. Access to the deck on the second story would be provided by an exterior stairway located at the south of the residence and will be setback 14' from the side property line. Extension of public utilities is not required for the proposed project. The completion of the exterior stairway will not alter the location of existing utilities or access to the roof deck from the ground level.*

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

***Evidence:** The proposed project is located in the RS-8 zone and is compatible with the existing and planned future single-family residential land uses in the vicinity and would not create significant noise or privacy impacts that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.*

RECOMMENDATION

Staff recommends approval of UP-20-06 for the exterior stairway providing access to the proposed second story deck and expanded residential area subject to Attachment 1: Resolution and Exhibit A to Attachment 1: Project Plans.

PROJECT DESCRIPTION BAR-20-03: SECOND-STORY ADDITION AND DECK

A second story residential addition: a 122sf addition to accommodate a master bath and closet (8'-6" x 14'-4") built to a height of 22'-8", which is lower than the maximum height of the existing roof peak of 23'-8" (Exhibit A to Attachment 1, South elevation - A8); a second-story deck of 405sf, which will project off the west elevation (rear): 8'-7", south elevation (side): 4'-0", and a rehabilitated and new portion of the existing deck off east elevation (front): 6'-4" (see Exhibit A to Attachment 1 - A7). The following is proposed on the first story: a 16sf residential addition with a raised roof to a height of 18'-4" and a 328.5 sf deck off the west elevation (rear). The project complies with all applicable requirements of the Seaside Municipal Code.

STAFF ANALYSIS

Section 17.62.030.E.1-3 and F. of the SMC outlines the following review considerations be evaluated by the Board of Architectural Review:

- 1. Architectural considerations.** Architectural considerations, including the character, quality, and scale of the design, architectural relationship with the site and other structures, building materials, colors, fencing, trash enclosure and walkway

improvements, exterior lighting and signs, and the screening of exterior appurtenances.

2. Landscape considerations. Landscape considerations, including the color, coverage, location, size, texture, and type of plant materials, provisions for irrigation, maintenance, and the protection of landscaped areas, and similar elements. The Board of Architectural Review shall encourage the planting of native and/or drought-tolerant landscaping in compliance with Section [17.30.040](#) (Landscaping Standards).

***Note: per 17.62.030.B.3 Landscape and irrigation plans are required for new multifamily, commercial, and other nonresidential development.**

3. Lighting considerations. Proposed outdoor lighting, including the proposed placement of fixtures, type of fixtures, and illumination levels.

F. Conditions of approval. In making its decisions, the Board of Architectural Review may impose the conditions, as it deems reasonable and necessary to protect the best interests of the surrounding area, as well as to further the public health, safety, and general welfare of the community.

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

Evidence: In accordance with the SMC 17.12.050, Table 2-3, Residential Zone Development Standards, the proposed project adheres to all setbacks and development regulations.

2. In compliance with Section 17.62.030.E.1 of the SMC, the additions and decks are consistent in quality, scale, and architectural relationship with the site and other structures.

Evidence: The proposed addition and deck has been designed to be consistent in quality, scale, and architectural relationship with the site and there are no significant visual or privacy impacts to the adjacent properties, as there are significant setbacks from all property lines to the existing and proposed structures.

Single-Family Residential Design Guidelines

The proposed second story addition provides breaks in the facade plane in relation to the existing extent of the wood deck and existing second story wall facing the street. The following Single-Family Residential Design Guidelines support this proposed modification:

“Architectural elements should be designed to eliminate the appearance of box-like buildings,” (II.A.iii.) and, “Avoid box-like appearance through variation in the roofline and building elevations” (III.C.iv.)

Evidence: The neighborhood has a variety of architectural styles and colors. The project plans for the residence have been designed to respect the existing residential patterns and scale in the neighborhood.

Evidence: Due to a significant grade differential between subject property and those to the east (uphill) and west (downhill), staff finds that the existing second story area, proposed second story addition, and second story decks will not significantly impact the view shed of the adjacent properties. Additionally, significant distance would be maintained on all sides of the

project site to provide privacy to adjacent residences.

ENVIRONMENTAL REVIEW

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Class 3, Section 15301(E). Class 3 consists of projects that involve negligible or no expansion of an existing use and specific to this project: additions to existing structures that will not result in an increase or more than 50% of the floor area of the structures before the addition.

Evidence: UP-20-06 - *The proposed exterior stairway would consist of an accessory use to the single family that would not have any impact on the environment or materially affect the use and/or mass of the dwelling. The proposed modification would be exempt from CEQA review.*

Evidence: BAR-20-03 - *The site is developed with a 2,217sf two-story single-family residence and the proposed projects consists of a 122sf addition to an existing second-story bedroom, 16sf addition to the first floor, 309sf of decks, and a 48sf exterior stairway.*

RECOMMENDATION

Staff recommends approval of BAR-20-03 for the proposed second story interior and deck additions subject to Attachment 1:Resolution, Exhibit A to Attachment 1: Project Plans, and Exhibit B to Attachment 1: Material Specifications.

ATTACHMENTS

1. Attachment 1 Draft Resolution
 2. Exhibit A to Attachment 1: Project Plans
 3. Exhibit B to Attachment 1: Material Specifications
 4. Attachment 2: Site Photos
 5. Attachment 3: Topography Map
 6. Attachment 4: Topographic Cross Section
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RESOLUTION NO. 20-XX
UP-20-06 and BAR-20-03

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

**APPROVING USE PERMIT 20-06 TO ALLOW THE CONSTRUCTION OF AN
EXTERIOR STAIRWAY LEADING TO AN EXISTING AND EXPANDED
SECOND FLOOR AT 1949 MENDOCINO STREET IN THE SINGLE-FAMILY
RESIDENTIAL (RS-8) ZONING DISTRICT; AND APPROVING
ARCHITECTURAL REVIEW APPLICATION BAR-20-03 TO ALLOW FOR THE
CONSTRUCTION OF A SECOND STORY ADDITION AND DECKS AT 1949
MENDOCINO STREET IN THE SINGLE-FAMILY RESIDENTIAL (RS-8)
ZONING DISTRICT.**

WHEREAS, Ankit Africawala, applicant and property owner has applied for Use Permit 20-06 to:

- A. Permit the construction of an exterior stairway leading to an existing and expanded second floor; and

WHEREAS, Ankit Africawala, applicant and property owner, has applied for Architectural Review permit 20-03 to:

- A. Permit the construction of a second story addition and decks to an existing two-story single-family residence.

WHEREAS, the proposed project requires discretionary approval, and it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed Use Permit and Architectural Review applications at a duly noticed public hearing held on August 26th, 2020, and

WHEREAS, the project and both application are Categorically Exempt, Class 1, Section 15301(e)(1) from the California Environmental Quality Act Guidelines.

Evidence: UP-20-06 - The proposed exterior stairway would consist of an accessory use to the single family that would not have any impact on the environment or materially affect the use and/or mass of the dwelling. The proposed modification would be exempt from CEQA review.

Evidence: BAR-20-03 - The proposed additions to the second story would not have any impact on the environment or materially affect the use of the dwelling. The proposed modification would be exempt from CEQA review.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No. UP-20-06:

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

***Evidence:** The attached exterior stairway maintains a minimum 15-foot setback from the rear property line (Section 17.12.050, Table 2-3, Residential Zone Development Standards) and approximately 14' from the side property line.*

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

***Evidence:** The Seaside General Plan Land Use Designation for the project site is Low Density Single-Family Residential. This land use classification is intended for existing or planned detached single-family residential units, including exterior stairways. The project would be consistent with the following General Plan Goals and Policies:*

Land Use Element

Goal UD-3: Provide and maintain a streetscape system that protects views and enhances the visual quality and continuity within the community.

Policy UD-3.1: Protect private views of significant natural features, such as the Monterey Bay, Roberts Lake, the Pacific Ocean, the surrounding mountains, and other important viewsheds.

Goal LU-4 – Ensure that new development compliments existing land uses and enhances the character of the community and its neighbors.

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

***Evidence:** The project proposal is compatible with the overall design and scale of surrounding residential land uses. The placement of an exterior stairway on the south elevation (side yard) of a one-car garage leading to the proposed deck and existing and expanded second floor area will not detract from the character of the neighborhood. The stairway would be setback significantly beyond the side setback minimums and would be screened from public view on Mendocino Street by the new 6' tall fence (Exhibit A to Attachment 1, Sheet A7). Additionally, there is only one*

small window on wall of the adjacent residence that faces the proposed stairway on the south elevation, which limits privacy concerns.

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

Evidence: *The exterior stairway is an accessory use to the main dwelling and therefore does not alter the operating characteristics of the dwelling or enjoyment of the other properties in the neighborhood.*

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

Evidence: *The site is an existing residence in the RS-8 (Single-Family Residential) zoning district. Access to the deck on the second story would be provided by an exterior stairway located at the south of the residence and will be setback 14' from the side property line. Extension of public utilities is not required for the proposed project. The completion of the exterior stairway will not alter the location of existing utilities or access to the roof deck from the ground level.*

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

Evidence: *The proposed project is located in the RS-8 zone and is compatible with the existing and planned future single-family residential land uses in the vicinity and would not create significant noise or privacy impacts that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.*

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission approves Use Permit Application No. UP-20-06 subject to the following conditions:

Project Specific

Planning:

1. Except as modified by required conditions of approval, plans submitted for a Building Permit shall substantially conform to the plans identified as "Africawala Residence" stamped as received on August 4, 2020, and approved on August 26th, 2020. The Use Permit is approved to allow an exterior stairway in accordance with the project plans provided as Exhibit A to Attachment 1.

2. Minor modifications to the use permit consistent with Seaside Municipal Code Section 17.54.090.C may be made subject to the review and approval by the Zoning Administrator and the Planning Commission if such modifications are in keeping with the intent of the original approval.
3. Board of Architectural Review approval shall be received prior to the issuance of a Building Permit for the exterior stairway.

Fire Department:

1. Prior to the issuance of a Certificate of Occupancy, applicant shall comply with the requirements of the Seaside Fire Marshall for compliance with the current California Building and Fire Code.

Building Department:

2. Projects must comply with the current California Code of Regulations, Title 24, and California Law in effect at the time of the plan submittal.

Standard:

1. Use Permit approval is subject to revocation procedures contained in SMC 17.80.060 in the event any of the conditions of this approval are violated, this discretionary permit was granted on the basis of false or misleading information, written or oral, given willingly or negligently by the applicant or property owner.
2. This Use Permit is subject to procedures and requirements of Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration) of Title 17 of the Seaside Municipal Code.
3. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

4. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
5. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
6. The project shall be responsible for all applicable local and/or regional development and/or impact fees including, but not limited to, sewer, water, and traffic fees, which shall be paid prior to building permit issuance.
7. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
8. This Use Permit shall expire and become void 12 months from the date of approval, or upon the expiration of another time limit established by the review authority, unless use has commenced construction within the required time limit or the Zoning Administrator has granted an extension of time. In accordance with Section 17.64.080.B.1.a of the Zoning Code, the applicant must file request for time extension at least 30 days prior to expiration date in order to receive consideration of time extension by the Commission.
9. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission approves Board of Architectural Review application No. BAR-20-03 subject to the following conditions:

Standard:

1. Except as modified by required conditions of approval, plans submitted for a building permit shall substantially conform to the plans identified as "Africawala Residence" stamped received August 4, 2020 and the Material Specifications, provided as Exhibit A to Attachment 1 and Exhibit B to Attachment 1, respectively.
2. Board of Architectural Review approval shall not be valid until the applicant has signed and accepted these conditions of approval. Failure to sign the conditions and return them to the Planning Division within fifteen (15) days from the date of approval will result in the Board of Architectural Review approval becoming null and void.

3. Board of Architectural Review approval shall be valid for a period of one (1) year from the date of approval of this project in accordance with S.M.C.S. 17.64.080. Project approval will become null and void if a building permit is not exercised within one (1) year from date of approval.
4. Proposed changes to the approved application(s) must receive approval from the Board of Architectural Review, unless approved by the Director as outlined in Seaside Zoning Code Section 17.64.090.C.
5. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
6. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
7. Any work within the public right-of-way must conform to current engineering standards and shall require an encroachment permit from the Public Works Department.
8. All storm water runoff shall be contained and disposed of on site and the storm water retention system shall be reviewed and approved by the Public Works Department.
9. The proposed project shall comply with the applicable requirements of the Monterey Peninsula Water Management District for the installation of new water fixtures and landscape irrigation equipment.
10. The issuance of building permits involving the installation of new water shall be subject to the availability of an adequate supply of water and sewer capacity to serve the project.
11. Water conservation fixtures shall be provided in the proposed project.

12. This project is exempt from obtaining a tree removal permit for the four (4) tree trunks shown on Sheet A2 of the Exhibit A to Attachment 1.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 26th day of August 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

RESOLUTION No. 20-XX
USE PERMIT APPLICATION NO. UP-20-06
ARCHITECTURAL REVIEW APPLICATION NO. BAR-20-03

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

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

Applicant's Signature

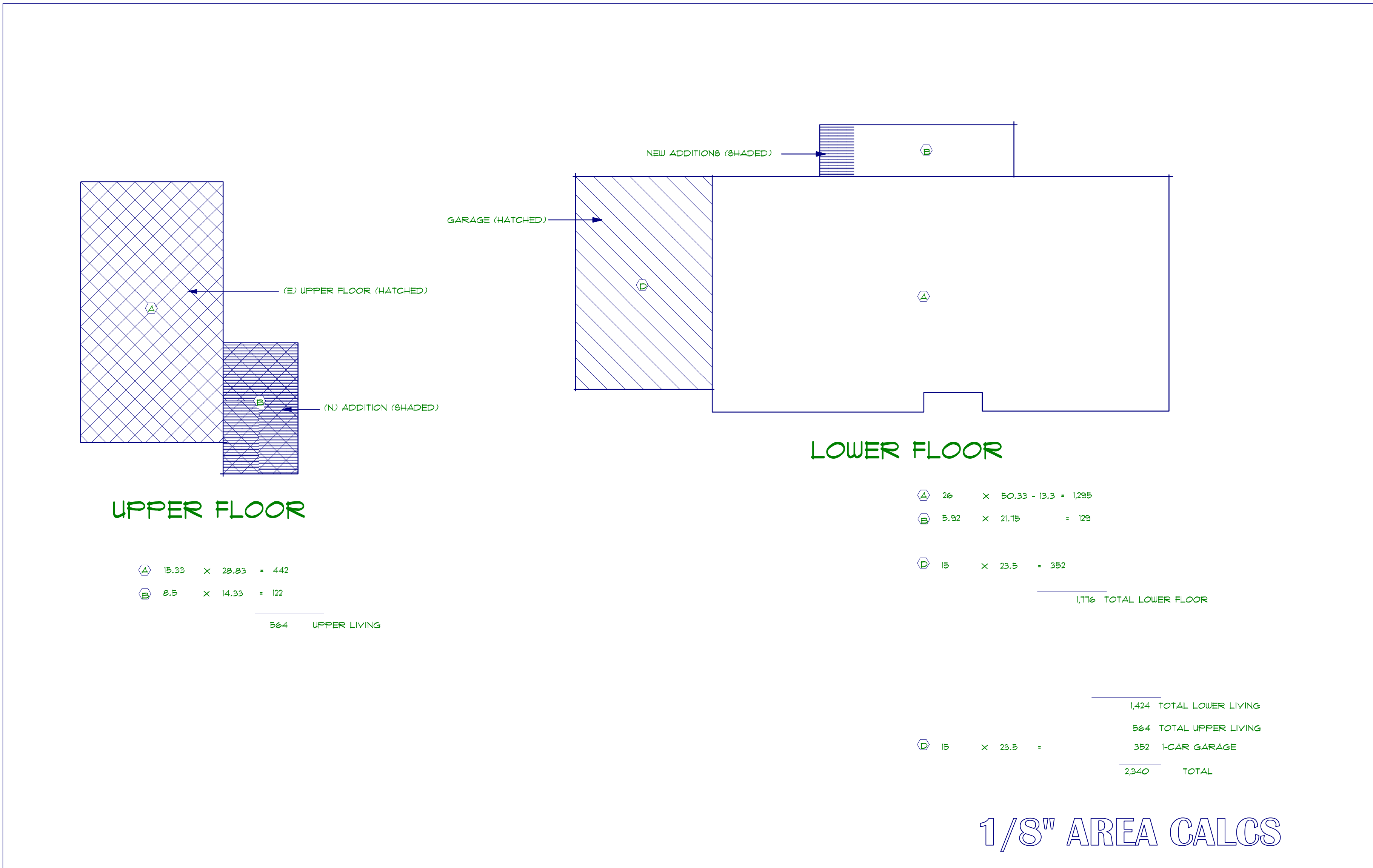
Date

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

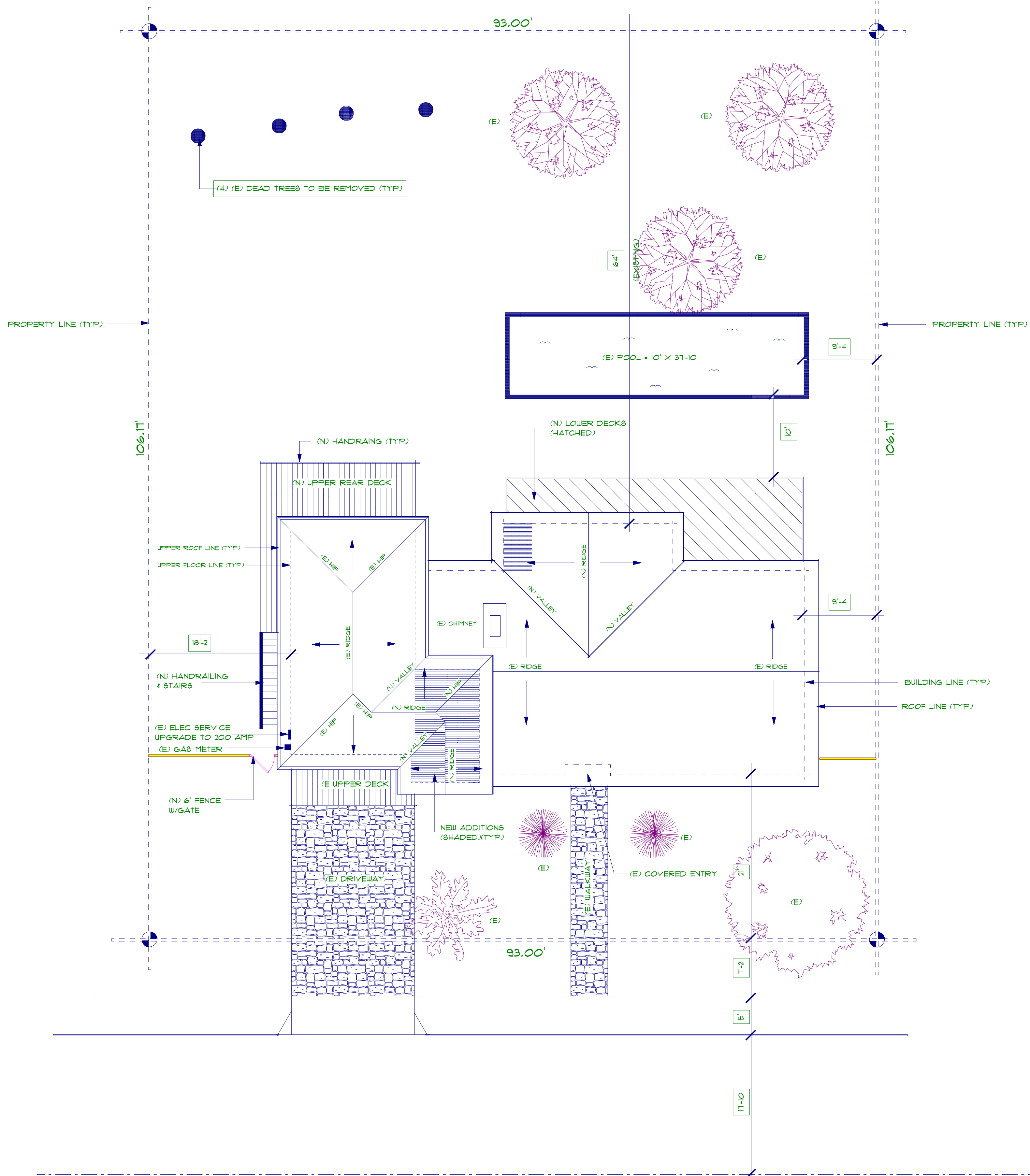
Date

AFRICAVALA RESIDENCE

☐ PLANNING DEPARTMENT ☐ PRELIMINARY (NOT FOR CONSTRUCTION) ☐ DESIGN REVIEW SUBMITTAL ☒ BUILDING DEPARTMENT ☒ PLAN CHECK SUBMITTAL ☐ APPROVED FOR CONSTRUCTION

☐ APPROVED FOR CONSTRUCTION

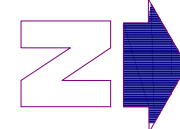
Packet Page 20



1949 MENDOCINO STREET

JF BUILDING DESIGN, OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY. THIS MAP REPRESENTS TOPOGRAPHY OF THE SURFACE FEATURES ONLY. UNLESS SPECIFIED ON THIS MAP, LOCATIONS OF THE PROPERTY LINES, EXISTING TREES & SETBACK MUST BE VARIFIED BY CONTRACTOR

1/8" SITE PLAN



* NOTE TO CONTRACTOR *

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SITE NOTES:

- 1) CONTACT PUBLIC WORKS, FOR DRAINAGE AND FINAL GRADE INSPECTION, WHICH INCLUDES DRAIN LINES & ROOF DRAINS/DOWN SPOUTS.
- 2) CONTRACTOR IS RESPONSIBLE FOR DUST CONTROL & INSURING THE AREA ADJACENT TO THE WORK IS LEFT IN A CLEAN CONDITION.
- 3) THE CONTRACTOR SHALL REVIEW STD. DETAILS ON TREE PROTECTION PRIOR TO ACCOMPLISHING ANY WORK OR REMOVING ANY TREES.
- 4) UTILIZE BEST MANAGEMENT PRACTICES (BMP'S), AS REQUIRED BY THE STATE WATER RESOURCE CONTROL BOARD, FOR ANY ACTIVITY, WHICH DISTURBS SOIL.
- 5) ALL ROOF DRAINS AND/OR DOWN SPOUTS SHALL BE DRAIN SHEET FLOW 2% AWAY FROM THE BUILDING & MAYBE COLLECTED BY DRAIN INLET CONNECTED TO PUBLIC STORM DRAIN FACILITY. IF AND ONLY IF THE DRAIN IS IN THE HILLSIDE AREA CAN THE WATER BE DIRECTLY CONNECTED TO THE PUBLIC STORM DRAIN.
- 6) PG&E SERVICE TO BE UNDERGROUND.
- 7) SEWER LATERAL TO BE 4" DIA. MIN.
- 8) CHAIN LINK TREE PROTECTIVE FENCING TO BE INSTALLED PRIOR TO BEGINNING CONSTRUCTION & TO REMAIN IN PLACE THROUGHOUT CONSTRUCTION.
- 9) NO CONSTRUCTION EQUIPMENT OR PRIVATE VEHICLES SHALL PARK OR BE STORED WITHIN THE DRIPLINE OF ANY ORDINANCE PROTECTED TREES ON SITE.
- 10) TRENCHING FOR UTILITIES SHALL BE LOCATED AS MUCH AS POSSIBLE OUTSIDE THE DRIPLINES OF THE PROTECTED TREES.
- 11) NO SOIL TO BE CUT BENEATH CANOPIES OF PROTECTED TREES.

GENERAL NOTES:

ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF JF BUILDING DESIGN PRIOR TO COMMENCING.

VERIFY LOCATION OF UTILITIES AND EXISTING CONDITIONS AT SITE PRIOR TO CONSTRUCTION AND BIDDING.

CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR METHOD AND MANNER OF CONSTRUCTION AND FOR ALL JOB SITE SAFETY DURING CONSTRUCTION.

SLOPE ALL FINISH GRADES IN .5% 5'-0" AWAY FROM STRUCTURE FOR POSITIVE DRAINAGE & LANDSCAPED AREA & SLOPE GRADE 2% MIN. & PAVED AREAS.

ALL WORK APPLIANCES AND EQUIPMENT SHALL COMPLY WITH C.E.C. TITLE 24 RESIDENTIAL ENERGY STANDARDS.

NO CONSTRUCTION EQUIPMENT OR PRIVATE VEHICLES SHALL PARK OR BE STORED WITHIN THE DRIPLINE OF ANY ORDINANCE PROTECTED TREES ON SITE.

ADDRESS NUMBERS ON BUILDING SHALL BE CLEARLY VISIBLE FROM STREET OR ROAD FRONTING THE PROPERTY.

JF BUILDING DESIGN

P.O. Box 2818
Cupertino, Ca. 95015
(408) 489-3029



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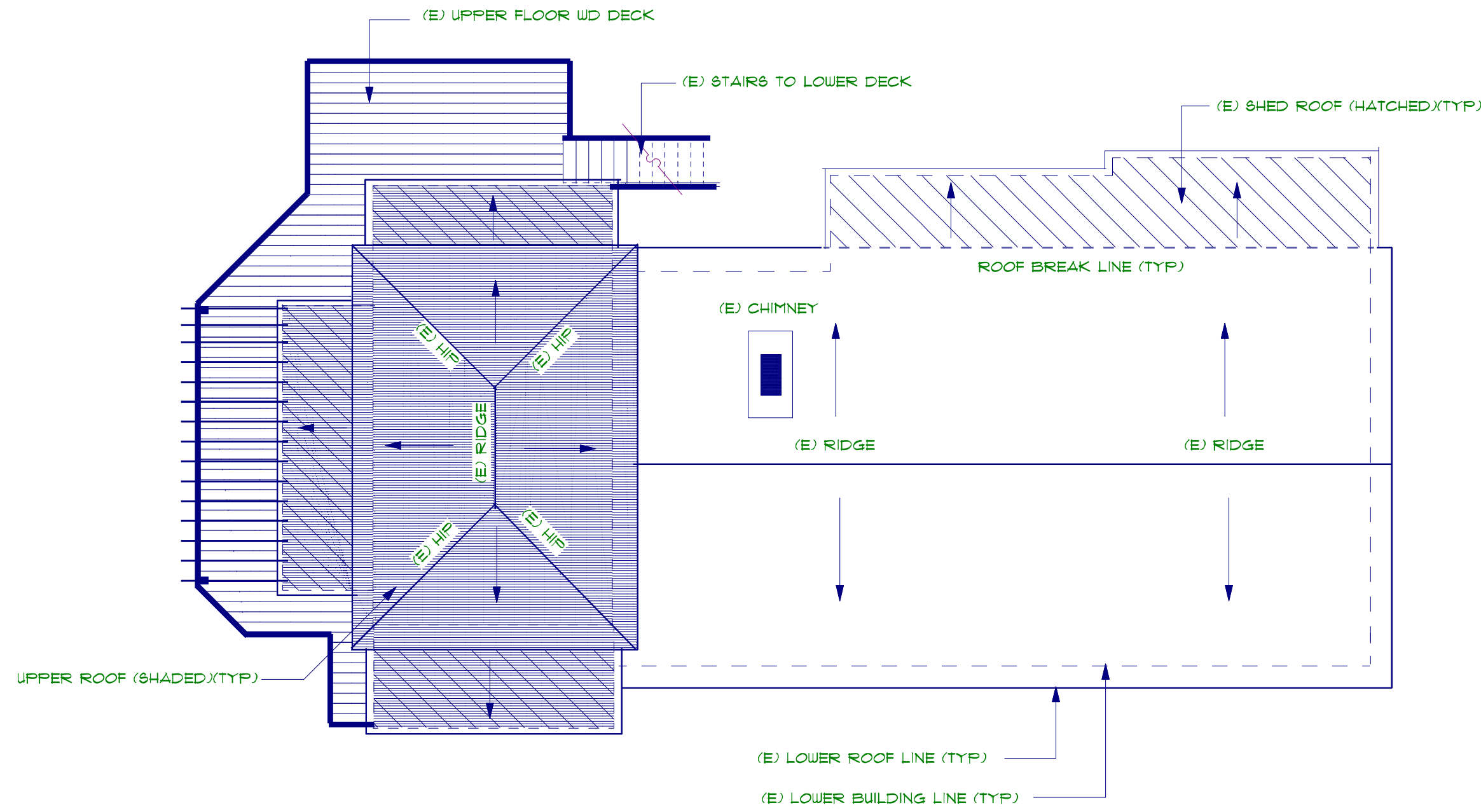
JF BUILDING DESIGN

REVISIONS	BY
30 JULY 20	

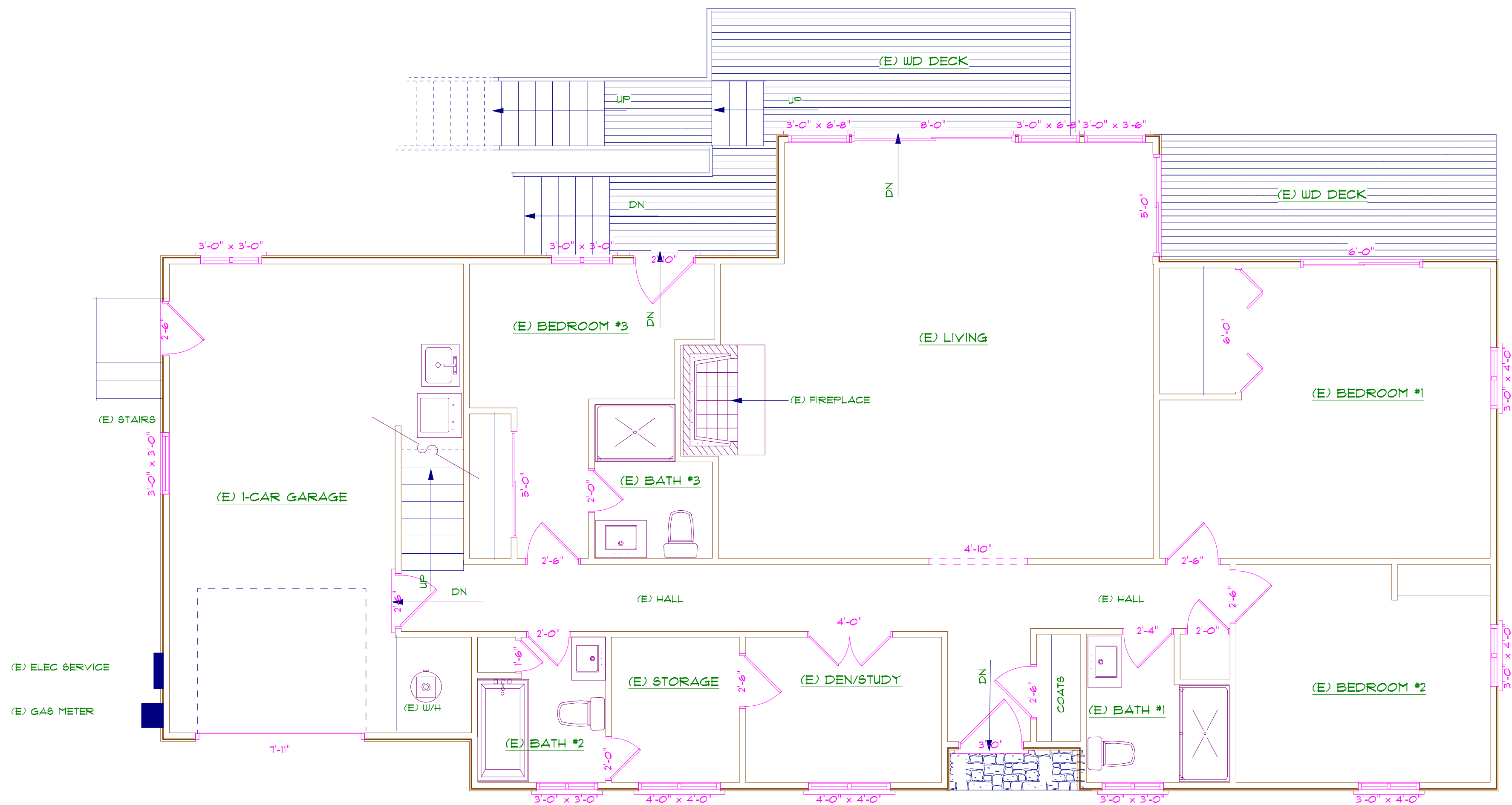
PREPARED BY: DATE:
A New Additions/Remodel For:
Ankit Africawala
on the grounds at
1949 Mendocino Street, Seaside, Ca. 93955

DRAWN
JF
CHECKED
JF
DATE
21 DEC 19
SCALE
AS NOTED
JOB NO.
1929
SHEET

A2



1/8" EXISTING ROOF PLAN



1/4" EXISTING LOWER FLOOR PLAN

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JF BUILDING DESIGN

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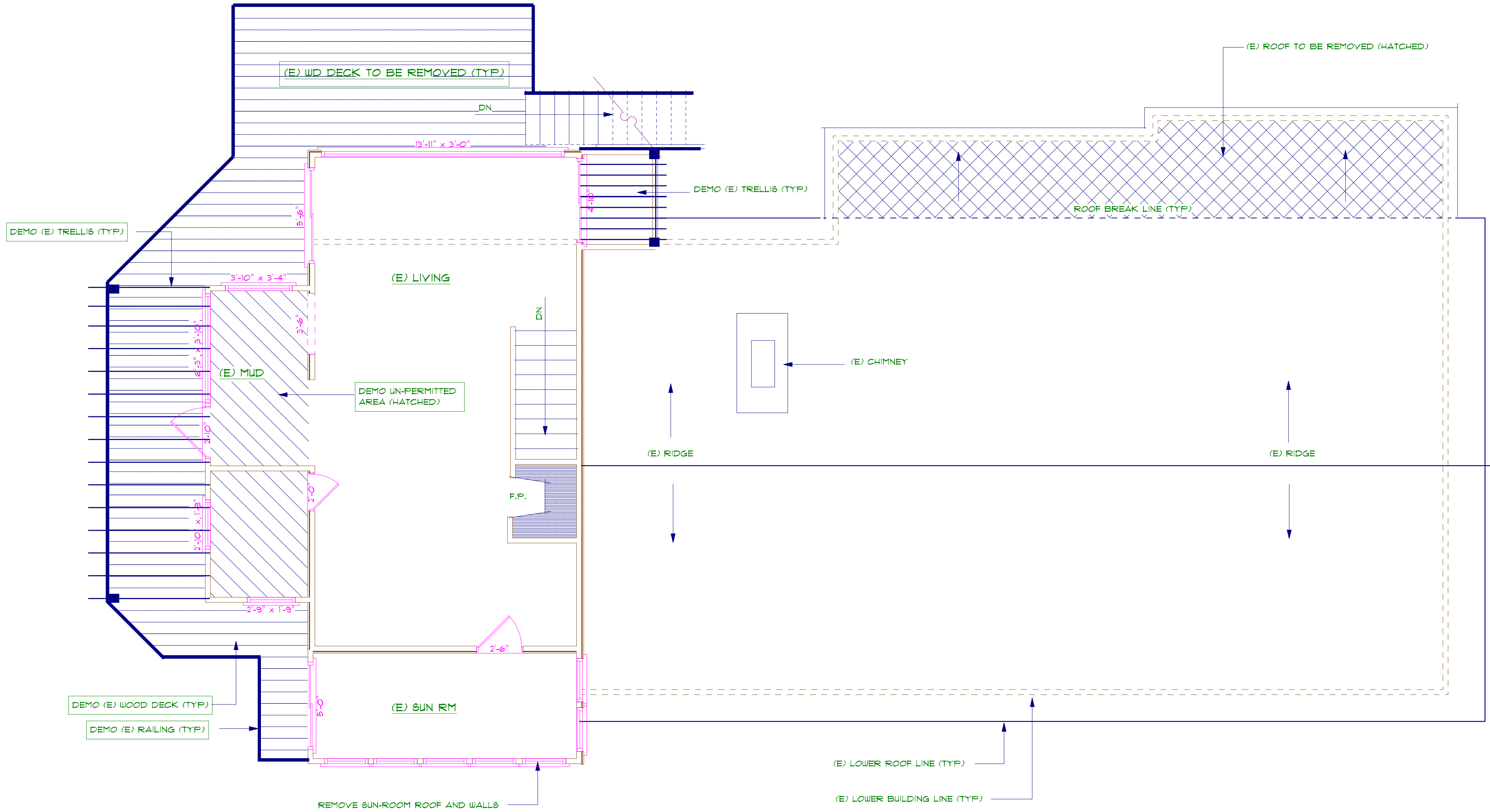
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OF SHEETS

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1/4" EXISTING UPPER FLOOR PLAN ➡

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JF BUILDING DESIGN

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DRAWN JF
CHECKED JF
DATE 21 DEC 19
SCALE AS NOTED
JOB NO. 1929
SHEET

A4

OF SHEETS

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1. INSTALL MINIMUM 1/2" GYPSUM BOARD CONSTRUCTION TO BE PROVIDED ON THE GARAGE SIDE FOR WALLS, 5/8" GYP BD TYPE 'X' ON 2nd FLOOR & GARAGE SEPARATION CEILING, ROOF AND BEAMS OF GARAGE ADJACENT TO AND SUPPORTING THE REMAINING ROOF FOUNDATION TO ROOF SHEATHING, APPLIED VERT. OR HORIZ. NAIL W/6d COOLER/COOLER WALLBOARD NAILS @ 1" OC W/ END JOINTS ON ALLING MEMBERS, STAGION JOINTS EA SIDE (AS PER 2018 C.R.C. SECTION R302.6 & TABLE R302.6)
- 1.2. PROVIDE PRESSURE BALANCE VALVES FOR ALL SHOWER AND SHOWER/TUB.
- 1.3. SINGLE SHOWERHEADS @ 2.0 GPM @ 80 PSI.
MULTIPLE SHOWERHEADS: COMBINED FLOW RATE OF ALL SHOWERHEADS CONTROLLED BY A SINGLE VALVE SHALL NOT EXCEED 2.0 GPM @ 80 PSI/ OR ONLY ONE SHOWER OUTLET IS TO BE IN OPERATION AT A TIME.
(PER 2018 CBC SECTION 4.303.1.1 & TABLE 4.303.1.2 OF 2018 CBC).

- 1.4. LAVATORY FAUCETS TO HAVE A MAX FLOW OF 1.2 GPM @ 60 PSI, MIN 0.8 GPM @ 20 PSI PER 2018 (CFC 4411.2).
- 1.5. KITCHEN FAUCETS NOT TO EXCEED 1.8 GPM @ 60 PSI, MIN 0.8 GPM @ 20 PSI PER 2018 (CFC SECTION 402.12, TABLE 4.303.2 OF 2018 CGBC
- 1.6. 'VERIFICATION OF REPLACEMENT OF ALL EXISTING TO REMAIN NON-COMPLIANT PLUMBING FIXTURES WITH WATER-CONSERVING PLUMBING FIXTURES AS SPECIFIED IN CIVIL CODE SECTION 101.101.01 SHALL BE PROVIDED TO THE TOWN BUILDING INSPECTOR, PRIOR TO FINAL INSPECTION. THIS REQUIREMENT APPLIES TO ALL EXISTING TO REMAIN PLUMBING FIXTURES LOCATED WITHIN THE STRUCTURE'.

2. PROVIDE 1 3/8" THICK SOLID CORE DOOR W/ CLOSER FROM GARAGE TO RESIDENCE.
3. F.A.U. & WATER HEATER INSTALLED ON 18" HIGH WOOD PLATFORM W/ 1 1/8" PLYWOOD TOP SURFACE.
INSTALL (2) SEISMIC STRAPS ON ALL WATER HEATERS.

4. CRAWL SPACE ACCESS TO BE 18" X 24" MIN.
5. ATTIC ACCESS TO BE 30" X 22" MIN.

6. TILE SHOWERS TO ACCOMMODATE 30" DIA. CIRCLE INSIDE CLEAR DIMENSION. DOOR 4 GLASS TO BE TEMPERED

7. TILE FINISH ON SHOWER WALLS TO BE MIN. 1'-0" HIGH

- "DUROCK" OR "WONDERBOARD" ON ALL "WET" AREAS.
NOTE: GREEN, PURPLE OR OTHER GYPSUM BOARD BASED
TILE BACKERS IS NOT ALLOWED.

9. TOILETS TO HAVE MIN. 30" WIDE/15" FROM CENTER LINE OF
FIXTURE TO WALL OR OBSTRUCTION X 24" DEEP CLEARANCE.

10. EXTERIOR STUDWALLS TO BE 2 X 6 STUDS 16" O.C. W/
BATT INSULATION U.N.O.

- II. PROVIDE 2 X SOLID BACKING FOR RAILINGS, CABINETS, SHELVING, ACCESSORIES, ETC. AS NEEDED.

12. WINDOWS MARKED AS "EGRESS" MUST MEET (C.R.C. SECTION R310) CODE MINIMUM REQUIREMENTS, I.E. SIZE OF OPENING, SPECIAL HARDWARE, EASE OF OPERATION, ETC.

13. ALL WINDOWS AND DOORS ARE TO MATCH EXISTING SYSTEMS OR APPROVED EQ.

14. ALL WINDOWS ARE TO MATCH (E) SYSTEM U.N.O.

15. ALL DOORS ARE TO BE WOOD SYSTEM
SEE OWNER FOR SPECS AND FINISH U.N.O.

16. INSTALL ALL WINDOWS AND DOOR AS PER MAN

- 16.1 ALL SKYLIGHTS ARE TO SHOW COMPLIANCE WITH (AAMA/WDMA/CSA 1011.5.2/OR A440 AS PER (CRC R308.6.9).

- 16.2 FRENCH DOOR, SIDE LIGHT, SHOWER DOOR
WINDOWS AT SPAN STAIRWAYS - T.G.

17. ALL MECHANICAL, PLUMBING, ELECTRICAL AND SIMILAR PENETRATIONS OF THE FLOOR OR TOP PLATES SHALL BE CAULKED WITH A RESIDENTIAL RATED FIRE CAULK WITH AN ASTM E136 OR E814 RATING.

18. FRONT DOOR IS OPENABLE FROM THE INSIDE OF DWELLING WITHOUT USE OF A KEY, SPECIAL KNOWLEDGE OR EFFORT. (C.R.C. SECTION R311.2)

19. GAS FIREPLACE INSTALLATION AND USE SHALL BE IN ACCORDANCE WITH THEIR LISTING & LOCAL CODES.

20. ADDRESS NUMBERS IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE STREET OR ROAD FRONTING THE PROPERTY.

- NUMBERS SHALL CONTRAST WITH BACKGROUND BE ARABIC OR ALPHABETICAL LETTERS AND BE A MINIMUM OF 4" HIGH WITH MINIMUM STROKE OF 1/2", PER (CRC R319.1.)

21. T.GL. = TEMPERED GLASS

22. MINIMUM 36" DEEP LANDING OUTSIDE ALL EXTERIOR DOORS & NOT MORE THAN 1-3/4" LOWER THAN THE THRESHOLD FOR 4 IN SWINGING DOORS.

23. STEPS MIN 4" MAX. 1.75'

24. ALL NEW HALLWAYS TO HAVE A MINIMUM 36 INCHES WIDE AS PER (CRC SECTION R311.6)

25. WHERE COMBUSTION AFFLIANCES OR SOLID-FUEL BURNING AFFLIANCES ARE LOCATED INSIDE THE PRESSURE BOUNDARY, MAXIMUM ALLOWABLE NET EXHAUST FLOW OF THE TWO LARGEST EXHAUST FANS SHALL NOT EXCEED 15 CFM PER 100 SQ. FT. OF OCCUPABLE SPACE, WHEN OPERATING AT FULL CAPACITY. IF THE DESIGNED TOTAL NET FLOW EXCEEDS THIS LIMIT, THE NET EXHAUST FLOW MUST BE REDUCED BY REDUCING THE EXHAUST FLOW OR PROVIDING COMPENSATING OUT-DOOR AIR FLOW (NOTE: IF THE EXHAUST FAN IS INSTALLED IN A BALANCE SYSTEM, IT IS INTERLOCKED WITH THE LARGER EXHAUST FAN). (ASHRAE 62.2, SECTION 6.4)

26. ANNULAR SPACES AROUND PIPES, ELECTRIC CABLES, CONDUITS OR OTHER OPENINGS IN SOLE/BOTTOM PLATES AT EXTERIOR WALLS SHALL BE PROTECTED AGAINST THE PASSAGE OF RODENTS BY CLOSING SUCH OPENINGS WITH CEMENT MORTAR, CONCRETE MASONRY, OR SIMILAR ACCEPTABLE METHODS. (CGB&C SECTION 4.406.1).
27. HEATING AND AIR-CONDITIONING SYSTEMS SHALL BE DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS OF (CGB&C SECTION 4.501.2).

27. HEATING AND AIR-CONDITIONING SYSTEMS SHALL BE DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS OF (CGBSC SECTION 4.507.2).



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JF BUILDING DESIGN

REVISIONS	BY

PREPARED BY: _____ DATE: _____

A New Additions/Remodel For:

Ankit Africawala

on the grounds at

1949 Mendocino Street, Seaside, Ca. 93955

DRAWN
JF

CHECKED
JF

DATE
13 JULY 20

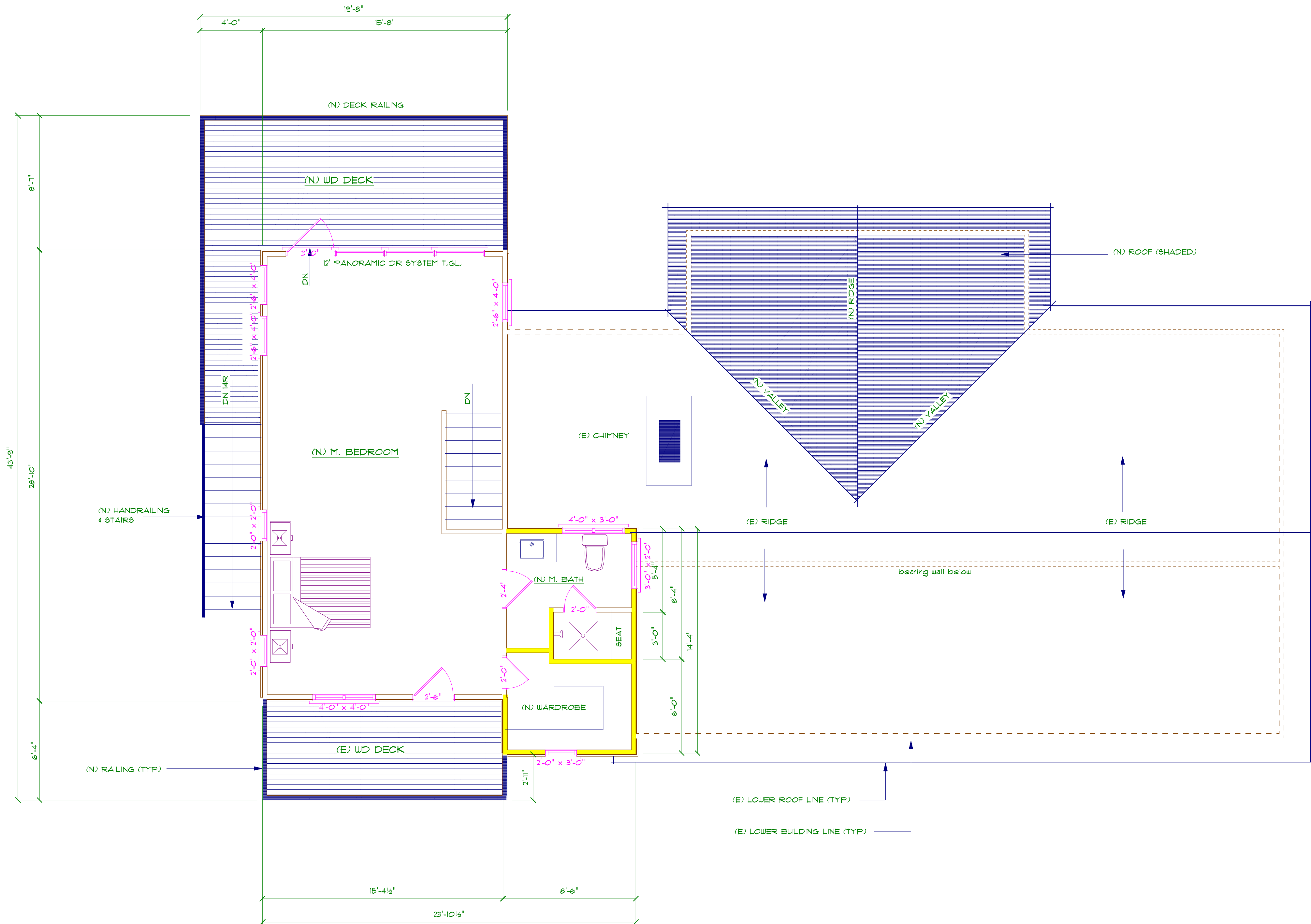
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OF SHEETS



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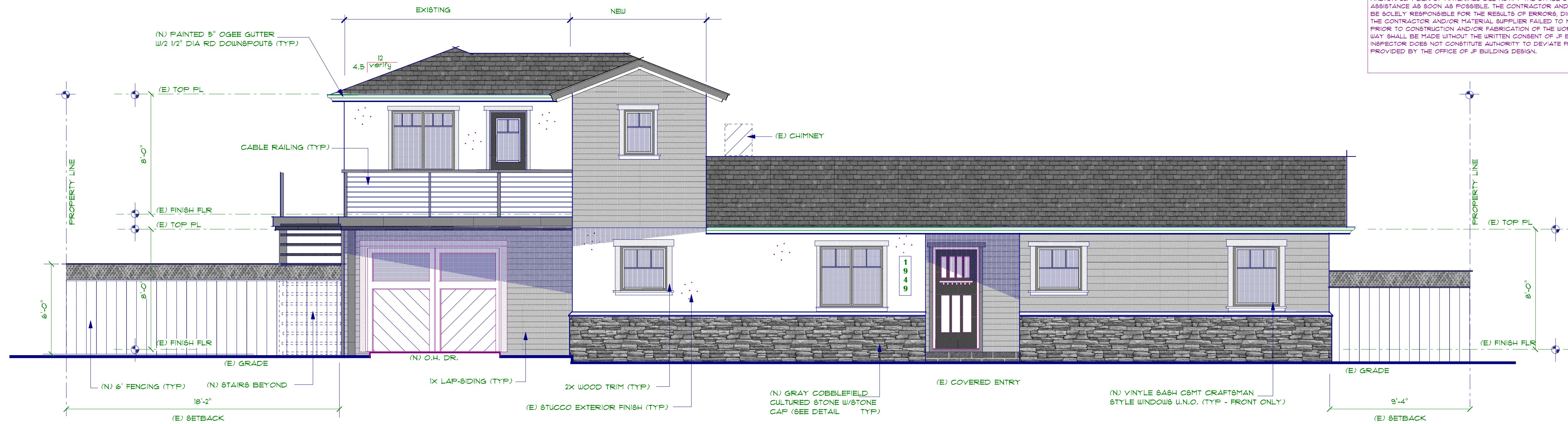
Ankit Africawala

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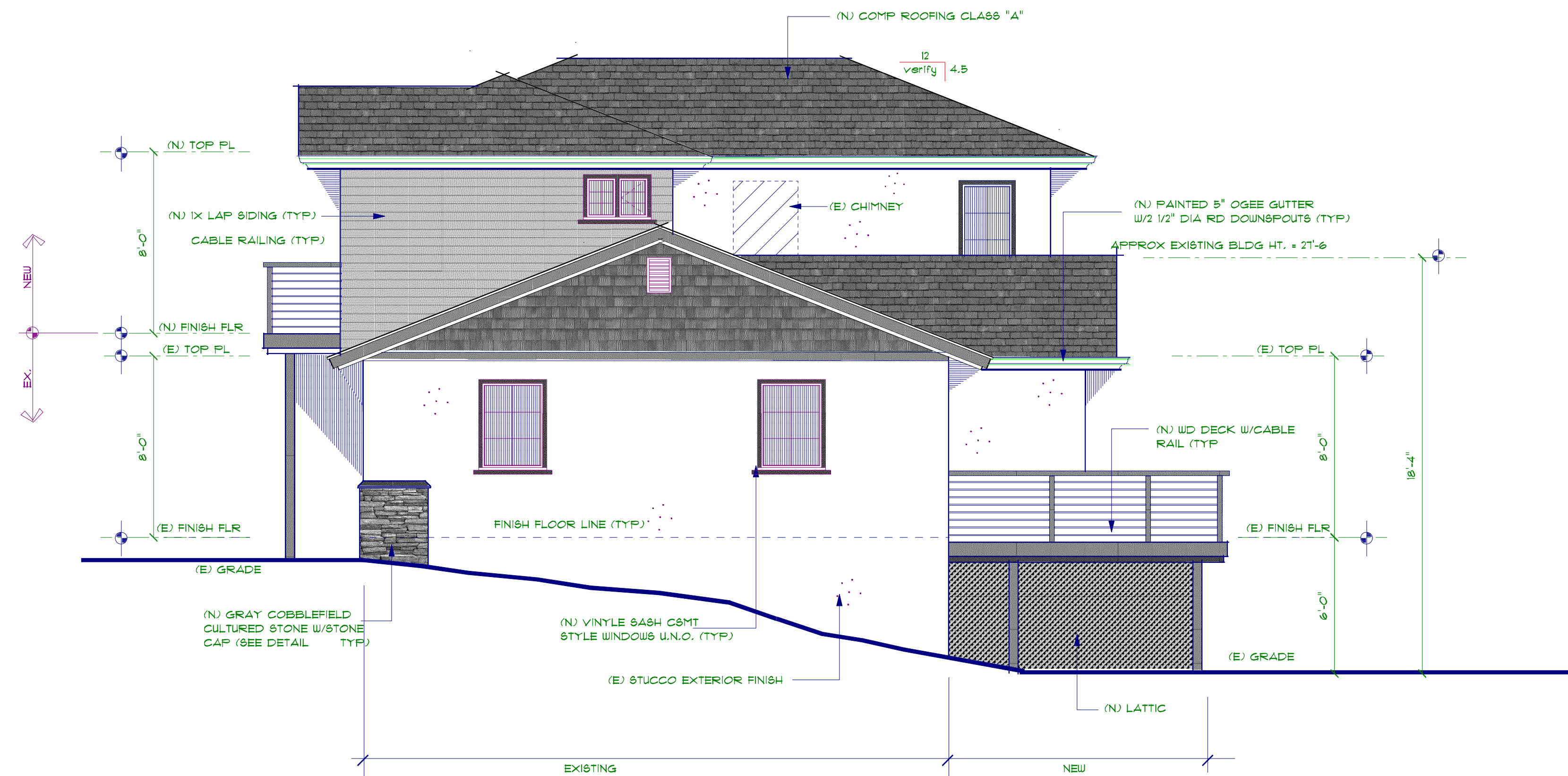
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DATE 13 JULY 20
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JOB NO. 329
SHEET A6
OF SHEETS

1/4" PROPOSED UPPER FLOOR PLAN



1/4" FRONT ELEVATION - EAST



1/4" RIGHT SIDE ELEVATION - NORTH

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Exterior Elevation Notes:

All Weather Exposed Surfaces shall have a weather-resistive barrier to protect the interior wall covering. Such barrier shall be equal to that provided for the 2016 C.R.C. standards and applied directly over studs or sheathing. Barriers shall be installed horizontally, weatherboard fashion, with upper layer over lower layer not less than 2 inches where vertical joints occur lap barrier not less than 6 inches as per 2016 C.R.C.

Exterior finish, where applicable, shall minimum 7/8" standard 3 coat application cement plaster (stucco) over layer of paper back metal or wire lath with drip screened at base. Weather-resistive barriers shall be installed under described lath as described above, and when applied over wood base sheathing shall include 2 layers of grade D Paper. As per 2016 C.R.C. Note: Paperback stucco wire is equivalent to 1 layer of grade d paper

Flash all exterior openings exposed to the weather with sheet metal or approved waterproof paper. Extend at least 3" under building paper behind exterior wall covering. All penetrations shall be thoroughly caulked and sealed as per 2016 C.R.C.

NOTE:

A 26 GA. GALVANIZED WEEP SCREED SHALL BE PROVIDED WITH A VERTICAL ATTACHMENT FLANGE OF 3 1/2 INCHES @ THE FOUNDATION PLATE LINE ON ALL WALLS COVERED WITH EXTERIOR PLASTER. THE SCREED SHALL BE PLACED A MIN. 4" ABOVE EARTH OR 2" ABOVE PAVED AREAS. 2016 C.R.C. (TYP. = CEMENT PLASTER)

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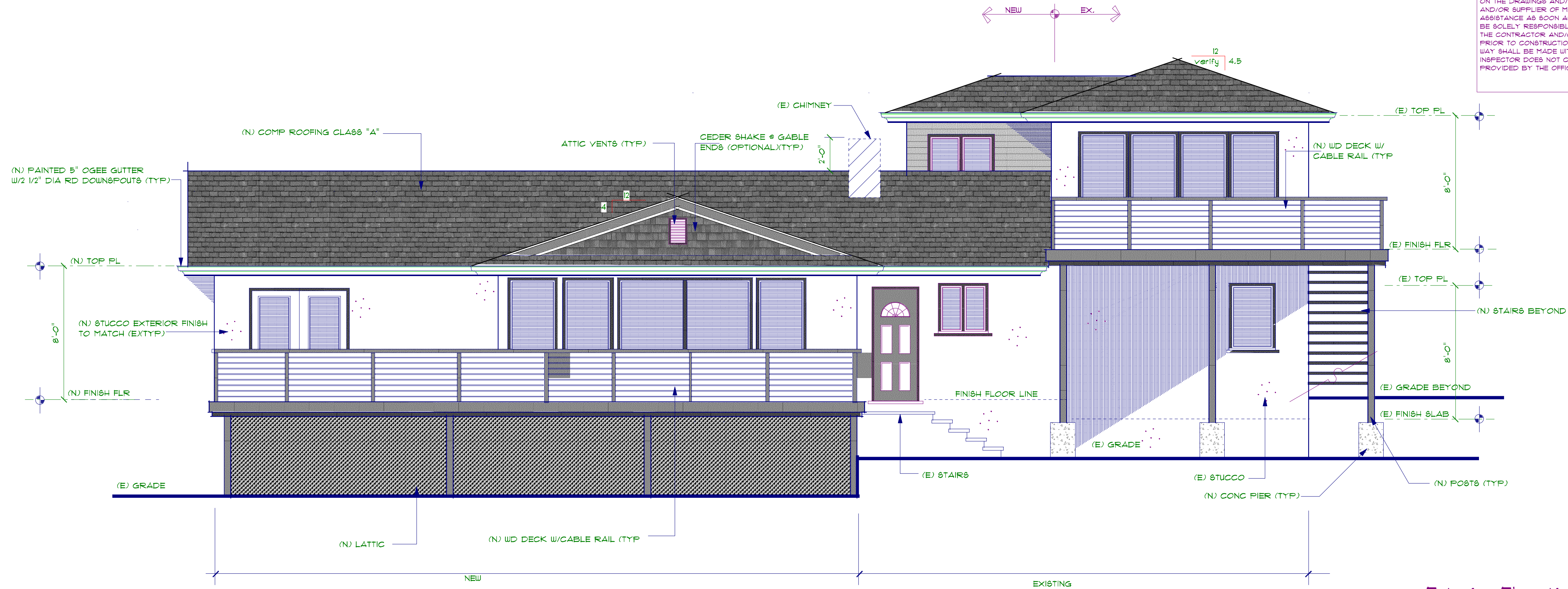
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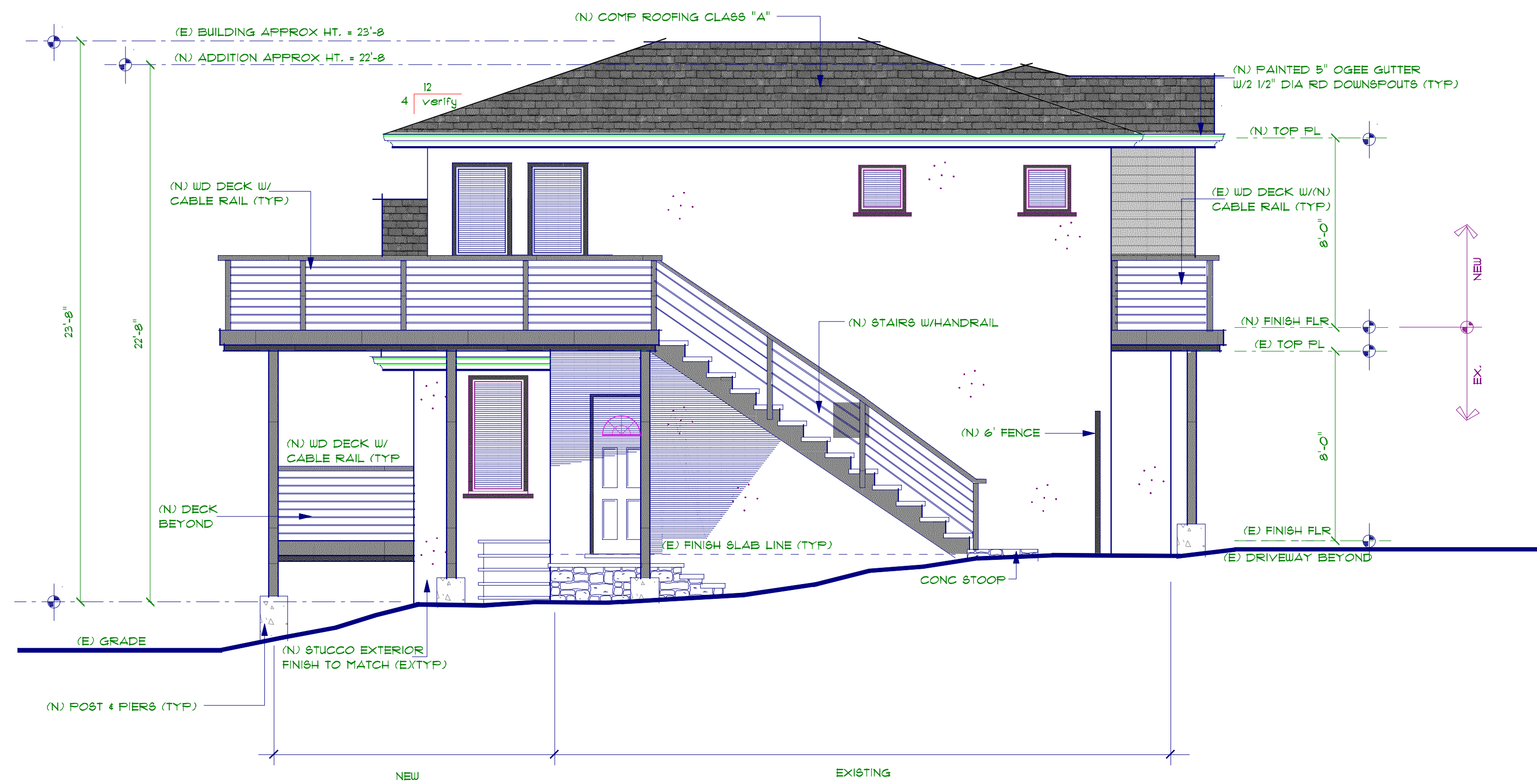
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DATE 13 JULY 20
SCALE AS NOTED
JOB NO. 1929
SHEET

A7

OF SHEETS



1/4" REAR ELEVATION - WEST



1/4" LEFT SIDE ELEVATION - SOUTH

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A 26 GA. GALVANIZED WEEP SCREED SHALL BE PROVIDED WITH A VERTICAL ATTACHMENT FLANGE OF 3 1/2 INCHES • THE FOUNDATION PLATE LINE ON ALL WALLS COVERED WITH EXTERIOR PLASTER, THE SCREED SHALL BE PLACED A MIN. 4" ABOVE EARTH OR 2" ABOVE PAVED AREAS. 2016 C.R.C. (TYP • CEMENT PLASTER)

JF BUILDING DESIGN

P.O. Box 2818
Cupertino, Ca. 95015
(408) 489-3029



THE PLANS, IDEAS AND DESIGN SHOWN ON THESE DRAWINGS ARE THE PROPERTY OF THE DESIGNER. DESIGNED SOLELY FOR THIS PROJECT. PLANS SHALL NOT BE USED, WHOLE OR IN PART, FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.
JF BUILDING DESIGN

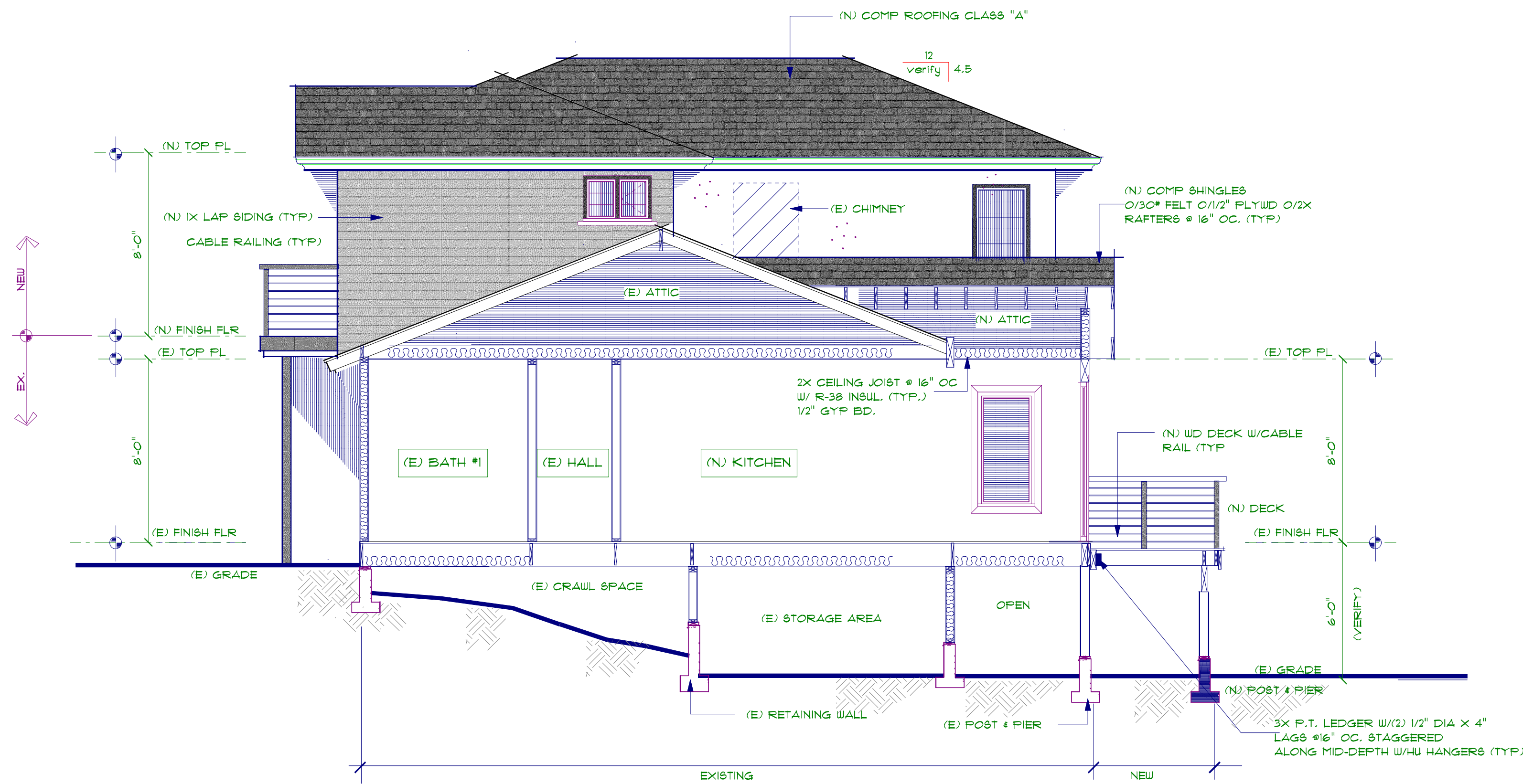
REVISIONS	BY
30 JULY 20	

A New Additions/Remodel For:
Ankit Africawala
on the grounds at
1949 Mendocino Street, Seaside, Ca. 93955

DRAWN JF
CHECKED JF
DATE 13 JULY 20
SCALE AS NOTED
JOB NO. 829
SHEET

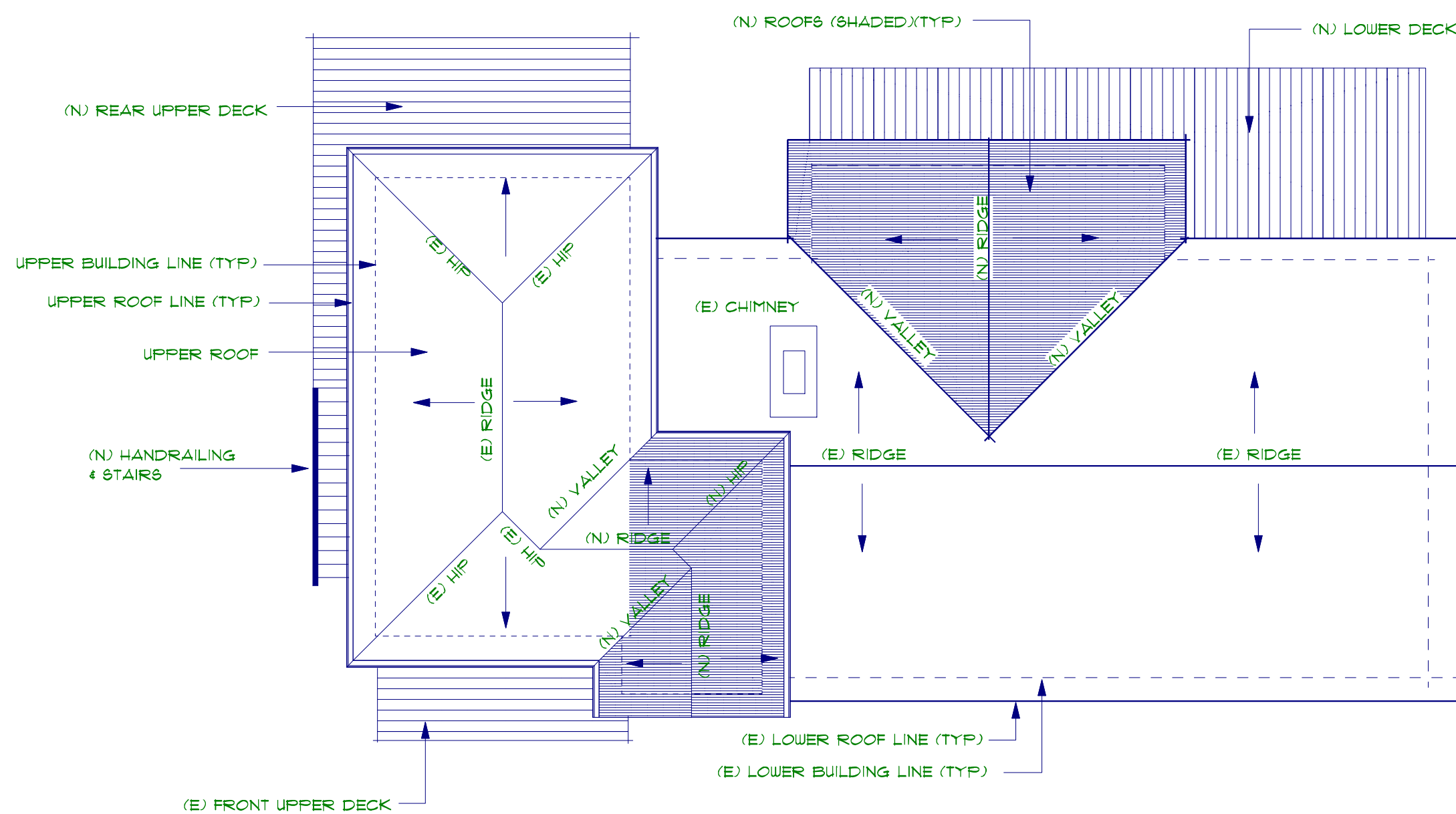
A8

OF SHEETS



1/4" SECTION (A)

SECTIONS ARE FOR DIAGRAMATIC PURPOSES ONLY.
SEE CONSTRUCTION/STRUCTURAL DRAWINGS FOR
ALL MATERIALS, FRAMING AND CONNECTIONS



1/8" NEW ROOF PLAN

ROOF PLAN NOTES

- ROOFING:
(N) 40YR COMP SHINGLES, CLASS "A"
SELECTED BY OWNER.
OVER TYPE 30 ROOFING
FELT. INSTALL PER MANUF.
INSTRUCTIONS.
- FLASHING & COUNTERFLASHING:
26 GAUGE STEEL, U.O.N., AS
REQUIRED AT JUNCTURE OF
ROOF AND VERTICAL SURFACES.
SEE SHEET METAL NOTES ON
SHEET 8P.
- VALLEY FLASHING:
26 GAUGE GALV. STEEL OVER
15 LB. FELT. CRICKETS SIMILAR.
- DOWNSPOUTS:
2 1/4" DIA ROUND GALV.
STEEL DOWN SPOUTS. PROVIDE
BASKET STRAINER AND SPLASH-
BLOCK AT EACH DOWNSPOUT.
- GUTTERS:
5" GALV. STEEL OGEE GUTTER

• NOTE TO CONTRACTOR •

THE CONTRACTOR AND/OR SUPPLIER OF MATERIALS SHALL NOT SCALE ANY DIMENSIONS FOR CONSTRUCTION PURPOSES. IN THE EVENT A DIMENSION IS REQUIRED THAT DOES NOT OCCUR ON THE DRAWINGS AND/OR A DIMENSION ERROR IS FOUND ON THE DRAWINGS, THE CONTRACTOR AND/OR SUPPLIER OF MATERIALS WILL NOTIFY THE OFFICE OF JF BUILDING DESIGN, AND REQUEST ASSISTANCE AS SOON AS POSSIBLE. THE CONTRACTOR AND/OR SUPPLIER OF MATERIALS SHALL BE SOLELY RESPONSIBLE FOR THE RESULTS OF ERRORS, DISCREPANCIES AND OMISSIONS WHICH THE CONTRACTOR AND/OR MATERIAL SUPPLIER FAILED TO NOTIFY THE OFFICE OF JF BUILDING DESIGN PRIOR TO CONSTRUCTION AND/OR FABRICATION OF THE WORK. NO DEVIATION FROM THE PLANS IN ANY WAY SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF JF BUILDING DESIGN. APPROVAL BY THE CITY INSPECTOR DOES NOT CONSTITUTE AUTHORITY TO DEVIATE FROM THE PLANS OR OTHER DOCUMENTS PROVIDED BY THE OFFICE OF JF BUILDING DESIGN.

JF BUILDING DESIGN

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JF BUILDING DESIGN

REVISIONS	BY

A New Additions/Remodel For:
Ankit Africawala
on the grounds at
1949 Mendocino Street, Seaside, Ca. 93955

DRAWN JF
CHECKED JF
DATE 21 DEC 19
SCALE AS NOTED
JOB NO. 1929
SHEET 8-SHEET

A9
OF 8-SHEETS

P.O. Box 2818
Cupertino, Ca. 95015
(408) 489-3029



PREPARED BY: DATE:

Item	Sample	URL	Note
Lap Siding		https://www.homedepot.com/p/James-Hardie-HardiePlank-HZ10-5-16-in-x-8-25-in-x-144-in-Fiber-Cement-Select-Cedar-mill-Lap-Siding-215518/100064049?MERCH=REC_-searchViewed_-100064049:204290525:203668263:202531838:100072921:305684630:305663363:305663349:312433454:311782483:302652326:302975059:301462037:206722516:206722193:206874626:205754787:205755025:205754786:205754975:205754974:205754964:205755024:301464213;-100064049--N	or something similar
Cable Railing		https://www.homedepot.com/p/CableRail-50-ft-Stainless-Steel-Cable-Assembly-Kit-for-Cable-Railing-System-6350-pkg/206640421	or something similar
Wood Deck		https://www.homedepot.com/p/Veranda-15-16-in-x-5-1-4-in-x-16-ft-Gray-Square-Edge-Capped-Composite-Decking-Board-BRDVC-G-16/206640421	or similar
Wood Rail		https://www.decksdirect.com/deck-railing/cable-deck-railing	or similar
Lattice		https://www.homedepot.com/p/Veranda-4-ft-x-8-ft-White-Garden-Vinyl-Lattice-73004026/100011154	or similar
Grey Cobblefield Stone		https://www.homedepot.com/p/ADORN-23-5-in-x-6-in-Buckskin-Stone-Veneer-Siding-Flats-BFLAT/301137836?mtc=Shopping-B-F_D22-G-D	or similar
Wood Trim		https://www.homedepot.com/p/Veranda-3-4-in-x-2-1-2-in-x-8-ft-White-PVC-Trim-9-Pack-827000001/203640248	or similar
Window Specs		https://www.homedepot.com/p/American-Craftsman-37-75-in-x-56-75-in-70-Series-Double-Hung-White-Vinyl-Window-with-Nailing-Flange-70	or similar
Roof Material		https://www.homedepot.com/p/Owens-Corning-TruDefinition-Durability-Desert-Tan-Laminate-Architectural-Shingles-32-8-sq-ft-per-Bundle-TK	or similar
Paint Colors		https://www.homedepot.com/b/Paint-Ideas/white/top	or similar gradient

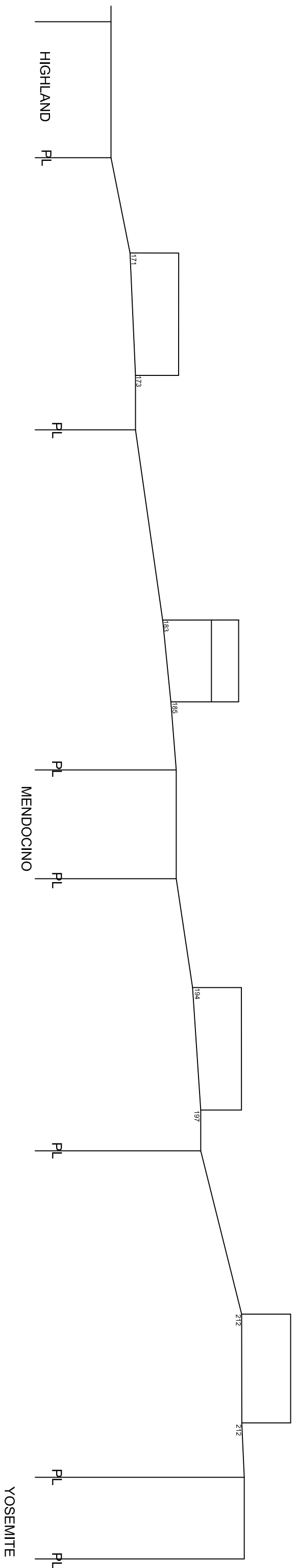














**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.B.

TO: Planning Commission

BY: Dana Morrison

DATE: August 26, 2020

SUBJECT: SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-06:INTRODUCTION OF AN ORDINANCE FOR REVIEW AND RECOMMENDATION TO CITY COUNCIL AMENDING SEASIDE MUNICIPAL CODE CHAPTER 17.55: REGULATIONS FOR SMALL CELL WIRELESS AND ASSOCIATED UPDATES TO THE CITY'S FEE SCHEDULE - THE PROPOSED ORDINANCE WOULD AMEND CHAPTER 17.55 TO ESTABLISH REASONABLE, UNIFORM, AND COMPREHENSIVE STANDARDS AND PROCEDURES FOR SMALL CELL WIRELESS FACILITIES DEPLOYMENT, CONSTRUCTION, INSTALLATION, COLLOCATION, MODIFICATION, OPERATION, RELOCATION, AND REMOVAL WITHIN THE CITY'S JURISDICTIONAL BOUNDARIES CONSISTENT WITH AND TO THE EXTENT PERMITTED UNDER FEDERAL AND CALIFORNIA STATE LAW. THE PROPOSED ORDINANCE ALSO ADDRESSES COST RECOVERY ASSOCIATED WITH SMALL CELL WIRELESS FACILITY PERMIT APPLICATIONS, INCLUDING RECOUPING FEES FOR CITY-HIRED INDEPENDENT EXPERTS AND OUTSIDE CONSULTING FEES. THE TEXT AMENDMENT AND RESOLUTION ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES PER SECTION 15061(3).

PURPOSE & RECOMMENDATION

Review and recommend approval of the attached Resolution (Attachment 1) recommending approval of Ordinance (Attachment 2) adopting Chapter 17.55 (Attachment 3 – Exhibit A) to establish reasonable, uniform, and comprehensive standards and procedures for small cell wireless facilities with the City and address cost recovery associated with small cell wireless facility permit application, including recouping fees for City-hired independent experts and outside consulting fees (Attachment 4 – Exhibit B).

BACKGROUND

In order to comply with changes in federal and state law that affect local authority over small wireless facilities, on October 17, 2019, the City Council reviewed and adopted an Urgency Ordinance 1066 adding a new chapter in the Municipal Code recognizing small wireless facilities and adopted a policy to regulate the permitting of said facilities. Unfortunately, the 45 day period of the Urgency Ordinance expired before it could be extended. As such, on December 5, 2019 the City Council adopted an amended version of said Urgency Ordinance (Urgency Ordinance 1072) and adopted a Small Cell Policy which established reasonable, uniform and comprehensive standards and procedures for small cell wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the City's jurisdictional boundaries. Urgency Ordinance 1072 was extended for a term of 10 months and 15 days at the January 16, 2020 City Council meeting. The Urgency Ordinance is due to expire at the end of November 2020. The Ordinance proposed is meant to serve as the permanent Small Cell Wireless ordinance and as such requires full analysis and public review.

Small Cell Background

On September 26, 2018, the Federal Communications Commission (FCC) adopted new rules that further limit local authority to regulate "small wireless facilities" as that term is defined in 47 C.F.R. § 1.6002(l). The FCC rules, which became fully effective on April 15, 2019, require the City to review small cell applications faster and under more limited criteria consistent with the FCC's national standard for permissible local regulations. These rules are part of a larger rule-making that aims to reinterpret the federal Telecommunications Act of 1996.

Small wireless facilities generally include the smaller scale antennas and associated facilities (as compared to first generation macro facilities) that are part of the next generation of wireless technology, known as 5G. 5G operates at significantly faster speeds than the existing 4th Generation (4G) technology, using higher frequency, directional radio waves over shorter distances. 5G technology calls for smaller, more frequently-placed antennas than 4G, which lend themselves to placement on light-poles and similar existing infrastructure. Wireless carriers have begun 5G installation in a number of major cities areas across the country, including Sacramento and Los Angeles, and are working towards nationwide deployment by the end of 2020.

Under the new rules, the FCC defines the presumptively reasonable time for review as 60 days for small cell attachments to existing structures and 90 days for attachments to new structures. Any administrative appeal must also occur within the applicable shot clock. If the City fails to issue a timely final decision, the City's failure to act presumptively constitutes an effective prohibition of service and the applicant may file a claim in federal court for an injunction to issue "shovel-ready" permits.

In addition, the FCC provides that a local small cell regulation causes an effective

prohibition in violation of federal law unless the regulation is (1) reasonable; (2) no more burdensome than regulations imposed on similar infrastructure deployments; and (3) objective and published in advance. Reasonable regulations are those that are technically feasible and reasonably directed to avoiding or remedying the “intangible public harm” (as it is described by the FCC) of unsightly or out-of-character deployments. Although the FCC declared that minimum spacing or under-grounding requirements would potentially violate the new test, the FCC provided little guidance as to the scope of specific local regulations that would likely be considered to be preempted. The regulations mean that the City may not prohibit placement of small cells within the public right-of-way or on publicly-owned and operated utility poles but can prescribe reasonable standards for their placement and design.

On December 10, 2018, the FCC clarified the effective dates for the rule, stating that the shot clock and fee regulations go into effect on January 14, 2019, with the aesthetic regulations going into effect on April 15, 2019. Consistent with the City Council's prior direction, the staff is bringing forward a permanent Ordinance for review and adoption.

SMALL CELL WIRELESS ORDINANCE (CHAPTER 17.55)

Upon the expiration of Urgency Ordinance 1072, the City's existing zoning code will not explicitly address small wireless facilities. Accordingly, staff seeks to permanently add Chapter 17.55 to the Seaside Municipal Code to recognize small wireless facilities. Chapter 17.55- Small Cell Wireless Facilities is substantially similar to the regulations and procedures set forth in the City Council Small Cell Policy (adopted December 5, 2019) changes which have been made are to address applicable application fees, costs and recouping of fees for the use of outside consultants and experts, as well as added language regarding backup-power related to California Public Utilities Commission Order which was issued in June of this year. The Chapter establishes that the required 'Small Cell Wireless Permit' shall be assessed at the same value as a Minor Use Permit (which is \$700 under the 2020-21 Fee Schedule). The Chapter is intended to promote the community interest of protecting the City's visual character from potential adverse impacts from facilities while providing access to high quality advanced wireless technology for the City's residents, businesses, and visitors.

Key provisions of the Ordinance (items in italics are new additions):

1. **Application Requirements:** Applicants are required to submit a variety of items, including but not limited to, a project narrative, construction drawings, a site survey, a radio frequency (“RF”) report certifying compliance with federal standards, photo simulations, an executed Pole License Agreement, and review/permitting fees.
2. ***Fees and Deposits Submitted with Application(s): For all Small Cell Wireless Facility applications, application fee(s) shall be required to be submitted with any application, as established by City Council resolution and in accordance with California Government Code Section 50030. Notwithstanding the foregoing, no***

application fee shall be refundable, in whole or in part, to an applicant for a Small Cell Wireless Facility unless paid as a refundable deposit.

3. *Costs:* *Reasonable costs of city staff, consultant and attorney time (including that of the city attorney) pertaining to the review, processing, noticing and hearing procedures directly attributable to a Small Cell Wireless Facility shall be reimbursable to the City. To this end, the Community Development director, as applicable, may require applicants to enter a trust/deposit reimbursement agreement, in a form approved by the city attorney, or other established trust/deposit accounting mechanism for purposes of obtaining an applicant deposit from which the direct costs of City processing of an application may be drawn-down.*
4. *Independent Expert:* *Where the city determines that it requires expert assistance in evaluating an application, the city may procure technical and other specialized consulting services that may be necessary to promptly and thoroughly review the application. The Community Development Director, as applicable, is authorized to retain on behalf of the City one or more independent, qualified consultant(s) to review any Small Cell Wireless Facility application. The review is intended to be a review of technical aspects of the proposed wireless telecommunications facility and shall include, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards.*
5. Community Development Director shall review all applications: The Community Development Director, or his/her designee, shall be responsible for reviewing all applications.
6. Zoning Administrator: The Zoning Administrator shall hold a public hearing approving, conditionally approving or denying the application.
7. Noticing: The Community Development Director shall ensure that notice of the project application is mailed to all properties and record owners of properties within 300 feet of the project site. The notice shall also be posted at or near the physical location of any proposed small cell facility. The notice will contain a description of the project, the applicant's contact information, and a statement to send comments to the Director within a specified time frame.
8. Decisions and Appeals: Due to the extremely short shot clocks the Zoning Administrator will approve or deny the applications after a public hearing. Interested persons will have the opportunity to appeal the decision directly to the City Council. The entire process will be fast-tracked to ensure adequate time for public participation in the process.
9. Location Preferences and Design Standards: Residential areas and new freestanding poles or similar structures are the least preferred and require the applicant to demonstrate why no more preferred location within a reasonable distance from the site is technically feasible. The Ordinance includes design criteria and standards that preserve local authority and comply with the FCC's restrictions.
10. Automatic Conditions of Approval: The policy contains a substantial number of "standard conditions" applicable to all deployments. These ensure that the

maintenance and operational requirements for all facilities are evenly applied, and also ensure that all facilities meet minimum standards in the event that an approval is mandated by law.

11. *Back-up Power: On June 16, 2020 the California Public Utilities Commission (CPUC) issued an order (D.20-07-011) requiring wireless providers to adopted a 72-hour backup power requirement for wireless providers' facilities, to ensure minimum service coverage is maintained during disasters or commercial grid outages. The 72-hour backup power requirements are only required for facilities located in Tier 2 and Tier 3 High Fire Threat Districts. Portions of the City located east of General Jim Moore Boulevard and south of Eucalyptus Road are designated as a Tier 2 High Fire Threat District.*

ENVIRONMENTAL REVIEW

The proposed code amendment is exempt from further environmental review in accordance with CEQA Guidelines section 15061(b)(3) because the it involves the adoption of regulations for small cell wireless facilities and does not directly or indirectly authorize or approve any actual physical changes in the environment.

SUMMARY/CONCLUSION

The City is seeking to complete full public review and analysis associated with the permanent Small Cell Wireless Ordinance in order to comply with the FCC regulations. Staff has worked with outside counsel to develop a flexible approach that preserves as much of the City's authority as possible while still achieving compliance. Staff recommends that the Planning Commission review and recommended approval of the proposed ordinance and fee schedule changes to the City Council by approval of the attached Resolution.

ATTACHMENTS

1. Attachment 1_ PC Resolution_Small Cell Wireless Resolution
 2. Attachment 2_ CC Ordinance_Small Cell
 3. Attachment 3 (Exhibit A)_Chapter 17.55
 4. Attachment 4 (Exhibit B)_ changes to fee schedule
-

**PLANNING COMMISSION
RESOLUTION NO. 20-XX**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE,
CALIFORNIA RECOMMENDING ADOPTION OF A PERMANENT SMALL CELL WIRELESS
ORDINANCE (CHAPTER 17.55) REGULATING SMALL CELL WIRELESS FACILITIES AND
OTHER INFRASTRUCTURE DEPLOYMENTS IN THE PUBLIC RIGHT-OF-WAY AND
ADOPTING AN AMENDMENT TO THE 2020-2021 FEE SCHEDULE TO ADDRESS COST
RECOVERY ASSOCIATED WITH SMALL CELL WIRELESS FACILITY PERMIT
APPLICATIONS

WHEREAS, on December 5, 2019, the City Council adopted a Small Cell Policy, which established reasonable, uniform and comprehensive standards and procedures for small cell wireless facilities and other infrastructure deployment on the public right-of-way, for the construction, installation, collocation, modification, operation, relocation and removal of such facilities within the City of Seaside's jurisdictional boundaries, consistent with and to the extent permitted under federal and California state law;

WHEREAS, in response to staff's evaluation and consideration of the proposed provision, the City Council desires to adopt a permanent Small Cell Wireless Facility Ordinance (Chapter 17.55) described in Exhibit A with proposed text bolded and underlined; and

WHEREAS, on August 26, 2020, the Planning Commission held a public hearing to review this Resolution and the associated permanent Small Cell Wireless Ordinance (Chapter 17.55) as well as the associated fee schedule amendments, at which the Commission received, reviewed, and considered the staff report, written and oral testimony from the public, and whereby the Commission recommended approval to the City Council;

NOW, THEREFORE, BE IT RESOLVED, THE CITY OF SEASIDE PLANNING COMMISSION HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. **Findings.** The Planning Commission finds that: a) the facts set forth in the recitals in this Resolution are true and correct and incorporated by reference; b) the recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the action taken in this Resolution; c) the provisions in this Resolution and the proposed permanent Ordinance (Chapter 17.55) are consistent with the General Plan, Seaside Municipal Code and applicable federal and state law; and d) neither this Resolution nor the Ordinance and associated fee schedule amendments will be detrimental to the public interest, health, safety, convenience or welfare.

2. **Environmental Review.** The Planning Commission finds that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment. This Resolution recommend approval of a permanent Small Cell Wireless Facility Ordinance (Chapter 17.55) which regulates small cell wireless facilities and other infrastructure deployments. This Resolution does not directly or indirectly authorize any actual changes in the physical environment. If adopted by the City Council the Ordinance requires that applications for any new small wireless facility or other infrastructure deployment be subject to additional environmental review on a case-by-case basis. Accordingly, the Planning Commission finds that this Resolution is not subject to CEQA or, in the alternative, is exempt from CEQA under the general rule.

PASSED, APPROVED, AND ADOPTED on the 26th day of August, 2020, by the Planning Commission of the City of Seaside, State of California.

John Owens, Chairperson

ATTEST:

Lesley Milton-Rerig, City Clerk

ORDINANCE NO. XXXX**AN ORDINANCE OF THE CITY OF SEASIDE****ADDING CHAPTER 17.55 OF THE SEASIDE MUNICIPAL CODE ESTABLISHING REGULATIONS FOR SMALL WIRELESS FACILITIES PURSUANT TO APPLICABLE FEDERAL LAWS AND ASSOCIATED UPDATES TO THE CITY'S FEE SCHEDULE****THE CITY COUNCIL OF THE CITY OF SEASIDE HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. Findings. On September 17, 2020, the City Council introduced an ordinance and waived its first reading of this Ordinance at a duly noticed public meeting. On September XXXX, 2020 the City Council returned for a second reading and considered the adoption of this Ordinance at a duly noticed public meeting and on the basis of the record thereof finds the following facts to be true.

a. Pursuant to Article XI, section 7 of the California Constitution and sections 36931 and following of the California Government Code, the City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

b. Significant changes in federal and State law that affect local authority over wireless communications facilities ("WCFs") have occurred, including but not limited to the following:

1. On August 2, 2018, the Federal Communications Commission ("FCC") adopted a declaratory ruling that prohibits state and local governments from adopting temporary moratoria on telecommunications infrastructure deployment; and
2. On September 26, 2018, the FCC adopted new rules that limit local authority to regulate "small wireless facilities" as that term is defined in 47 Code of Federal Regulations §1.6002(l); and
3. The FCC rules included a declaratory ruling and report and order, that, among other things, creates a new regulatory classification for small wireless facilities, requires State and local governments to process applications for small wireless facilities within 60 days or 90 days, establishes a national standard for an effective prohibition and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition; and
4. The FCC rules became partially effective on January 14, 2019, and fully effective on April 15, 2019, would require the City of Seaside ("City") to review small cell applications consistent with the FCC's national standard for permissible local regulations; and
5. The FCC rules provide that a local small cell regulation causes an effective prohibition in violation of federal law unless the regulation is 1) reasonable; 2) no more burdensome than regulations imposed on similar infrastructure deployments; and 3) objective and published in advance; and
6. The FCC regulations mean that the City may not prohibit placement of small cells within the public right-of-way or on publicly-owned and operated utility poles but can prescribe reasonable standards for their placement and design; and
7. On December 10, 2018, the FCC clarified the effective dates for the rule, stating that the shot clock and fee regulations would go into effect on January 14, 2019, and the aesthetic regulations go into effect on April 15, 2019.

- c. Given the rapid and significant changes in federal and State law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with federal and state law, the City Council desires to add Seaside Municipal Code section 17.55, to allow greater flexibility and responsiveness to new federal and state laws in order to preserve the City's traditional authority to the maximum extent practicable (collectively, the "Amendments"); and
- d. The City is adopting a permanent Ordinance to establish reasonable, uniform and comprehensive standards and procedures for small cell wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the City's jurisdictional boundaries consistent with and to the extent permitted under federal and California State law.
- e. The City of Seaside intends to establish reasonable, uniform and comprehensive standards and procedures for small cell wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the City's jurisdictional boundaries, consistent with and to the extent permitted under federal and California state law. Such standards and procedures are intended to, and should be applied to, protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the City's local values, which include without limitation the aesthetic character of the City, its neighborhoods and community. It is also intended to reflect and promote the community interest by (1) ensuring that the balance between public and private interests is maintained; (2) protecting the City's visual character from potential adverse impacts and/or visual blight created or exacerbated by small wireless facilities and related communications infrastructure; (3) protecting and preserving the City's environmental resources; (4) protecting and preserving the City's public rights-of-way and municipal infrastructure located within the City's public rights-of-way; and (5) promoting access to high-quality, advanced wireless services for the County's residents, businesses and visitors.
- f. The Policies are not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent personal wireless services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; (6) impose any unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the County to preempt any applicable federal or California law.

SECTION 2. Adding Seaside Municipal Code Chapter 17.55 and Associated Fee Schedule Changes. A new section Chapter 17.55 is added to the Seaside Municipal Code as shown in Exhibit A. Small Cell Permit Fees are added to the Planning Department section of the Seaside 2020-21 Fee Schedule as shown in Exhibit B.

SECTION 3. Term. This Ordinance shall take effect and be in force immediately upon the passage and adoption hereof and implementation by the Agency shall take place no sooner than thirty (30) days following the date of the adoption of this ordinance

SECTION 4. CEQA Finding. The City Council finds there is no possibility the adoption of this Ordinance will have a significant effect on the environment. This Ordinance merely amends the Seaside Municipal Code to authorize the adoption of regulations related to WCFs. This Ordinance does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new WCF or change to an existing WCF would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this Ordinance would be exempt from CEQA Guidelines at Title 14, Section 15061(b)(3) of the California Code of Regulations.

SECTION 5. Severability. 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. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

SECTION 6. Conflicts with Prior Ordinances. If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Ordinance will control.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

INTRODUCED, PASSED AND ADOPTED at a regular City Council meeting duly held on the XXth day of September, 2020 by the following vote:

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

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk

CHAPTER 17.55 SMALL CELL WIRELESS FACILITIES

SECTIONS:

17.55.010	PURPOSE AND INTENT
17.55.020	DEFINITIONS
17.55.030	APPLICABILITY; REQUIRED PERMITS AND APPROVALS
17.55.040	COSTS AND FEES
17.55.050	APPLICATION REQUIREMENTS
17.55.060	APPLICATION SUBMITTAL AND COMPLETENESS REVIEW
17.55.070	APPROVAL AND DENIALS; NOTICES
17.55.080	STANDARD CONDITIONS OF APPROVAL
17.55.090	LOCATION REQUIREMENTS
17.55.100	DESIGN STANDARDS

17.55.010. PURPOSE AND INTENT

- a) On September 27, 2018, the Federal Communications Commission ("FCC") adopted a *Declaratory Ruling and Third Report and Order*, FCC 18-133 (the "*Small Cell Order*"), in connection with two informal rulemaking proceedings entitled *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, and *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84. The regulations adopted in the *Small Cell Order* significantly curtail the local authority over wireless and wireline communication facilities reserved to State and local governments under sections 253 and 704 in the federal Telecommunications Act.
- b) The City of Seaside intends this Chapter to establish reasonable, uniform and comprehensive standards and procedures for small cell wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the City's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this Chapter are intended to and should be applied to, protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the City's local values, which include without limitation the aesthetic character of the City, its neighborhoods and community. This Chapter is also intended to reflect and promote the community interest by the following:
- 1) ensuring that the balance between public and private interests is maintained;
 - 2) protecting the City's visual character from potential adverse impacts and/or visual blight created or exacerbated by small cell wireless facilities and related communications infrastructure;
 - 3) protecting and preserving the City's environmental resources;
 - 4) protecting and preserving the City's public rights-of-way and municipal infrastructure located within the City's public rights-of-way; and
 - 5) promoting access to high-quality, advanced wireless services for the City's

Residents and businesses and visitors.

c) This Chapter is not intended to, nor shall it be interpreted or applied to:

- 1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
- 2) prohibit or effectively prohibit any entity's ability to provide any telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management;
- 3) unreasonably discriminate among providers of functionally equivalent personal wireless services;
- 4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions;
- 5) prohibit any collocation or modification that the City may not deny under federal or California state law;
- 6) impose any unreasonable discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or
- 7) otherwise authorize the City to preempt any applicable federal or California law.

17.55.020. GENERAL DEFINITIONS

a) **Undefined Terms.** Undefined phrases, terms or words in this section will have the meanings assigned to them in 1 U.S.C. § 1, as may be amended or superseded, and, if not defined therein, will have their ordinary meanings. If any definition assigned to any phrase, term or word in this section conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.

b) **Defined Terms.**

1. "antenna" means the same as defined by the FCC in 47 C.F.R. § 1.6002(b), as may be amended or superseded.
2. "arterial street" means a street designed to feed through-traffic to freeways, provide access to adjacent land uses - mostly at intersections - and feature traffic control measures. The term "arterial street" as used in this Chapter is defined in the City of Seaside General Plan, Circulation Element.
3. "collector street" means a street designed to provide access to adjacent land uses and feed local traffic to arterials. The term "collector street" as used in this Chapter includes collectors and residential collectors as defined in the City of Seaside General Plan, Circulation Element.
4. "collocation" means the same as defined by the FCC in 47 C.F.R. § 1.6002(9), as may be amended or superseded.

5. "Community Development Director" means the Community Development Director or his/her designee and shall be the City official responsible for reviewing applications for small cell permits and after Zoning Administrator permit approval, vested with the authority to make modifications to permit conditions as provided in this Chapter.
6. "concealed" or "concealment" means concealing techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique. Camouflaging concealment techniques include but are not limited to:
 - i. antennas mounted within a radome above a streetlight;
 - ii. equipment cabinets in the public rights-of-way painted or wrapped to match the background; and
 - iii. cables and wiring concealed within a shroud and/or routed internally through the support structure.
7. "decorative pole" means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public rights-of-way in which the pole is located.
8. "FCC" means the Federal Communications Commission or its duly appointed successor agency.
9. "FCC Shot Clock" means the presumptively reasonable time frame within which the City generally must act on a given wireless application, as defined by the FCC and as may be amended and superseded.
10. "ministerial permit" means any City-issued non-discretionary permit required to commence or complete any construction or other activity subject to the City's jurisdiction. Ministerial permits may include, without limitation, any building permit, construction permit, electrical permit, encroachment permit, excavation permit, traffic control permit and/or any similar over-the-counter approval issued by the City's departments.
11. "personal wireless services" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded.
12. "personal wireless services facilities" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded.
13. "RF" means radio frequency or electromagnetic waves
14. "Section 6409" means Section 6409(a) of the Middle Class Tax Relief and Job

Creation Act 012012, Pub.- L No. 112-96, 126 Stat 156, codified as 47 U.S.C. '§ 1.455(a), as may be amended or superseded.

15. "small cell wireless facility" or "small cell wireless facilities" means the same as defined by the FCC in 47 C.F.R. § 1.6002 as may be amended or superseded.

16. "tower" means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(9), as may be amended or superseded.

17. "Zoning Administrator" means the Community Development Director or his/her designee and shall be the City official responsible for conducting the public hearing and other duties as provided in this Chapter

17.55.030. APPLICABILITY; REQUIRED PERMITS AND APPROVALS

- a) **Applicable Facilities.** Except as expressly provided otherwise in this Chapter, the provisions in this Chapter shall be applicable to all existing small cell wireless facilities and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate, remove or otherwise deploy small cell wireless facilities within the public rights-of-way or on private property within the City's jurisdictional and territorial boundaries.
- b) **Small Cell Permit.** A "small cell permit," **(assessed as a Minor Use Permit under the Planning Department Fee Schedule)** subject to the Community Development Director's prior review and approval, is required for any small cell wireless facility proposed on an existing, new or replacement structure.
- c) **Request for Approval Pursuant to Section 6409.** Notwithstanding anything in the Chapter to the contrary, requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 will be subject to the current FCC rules and regulations "eligible facilities requests" as defined by FCC and as may be amended or superseded.
- d) **Other Permits and Approvals.** In addition to a small cell permit, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any ministerial permits and/or other approvals issued by other City departments or divisions. All applications for ministerial permits submitted in connection with a proposed small wireless facility must contain a valid small cell permit issued by the City for the proposed facility. Any application for any ministerial permit(s) submitted without such small cell permit may be denied without prejudice. Furthermore, any small cell permit granted under this Chapter shall remain subject to all lawful conditions and/or legal requirements associated with such other permits or approvals.

17.55.040. FEES AND COSTS

- a) **Fees and Deposits Submitted with Application(s).** For all Small Cell Wireless Facility applications, application fee(s) shall be required to be submitted with any application, as established by City Council resolution and in accordance with California Government Code Section 50030. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a Small Cell Wireless Facility unless paid as a refundable deposit.
- b) **Costs.** Reasonable costs of city staff, consultant and attorney time (including that of the city attorney) pertaining to the review, processing, noticing and hearing procedures directly attributable to a Small Cell Wireless Facility shall be reimbursable to the City. To this end, the Community Development Director, as applicable, may require applicants to enter a trust/deposit reimbursement agreement, in a form approved by the city attorney, or other established trust/deposit accounting mechanism for purposes of obtaining an applicant deposit from which the direct costs of City processing of an application may be drawn-down.
- c) **Independent Expert.** The City Council authorizes the Community Development Director to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues satisfactory to the Community Development Director in connection with any permit application. The Community Development Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit application for wireless facilities which include without limitation:
- **permit application completeness and/or accuracy , including performing a drive test or other form of reception testing to determine whether the proposed facility is necessary to achieve the applicant's objectives as may be required in order to determine the necessity of an exception;**
 - **pre-construction planned compliance with applicable regulation human exposure to RF emissions;**
 - **post-construction actual compliance with applicable regulations for human exposure to RF emissions;**
 - **whether and to what extent a proposed project will comply with applicable laws;**
 - **the applicability, reliability, and/or sufficiency of any information analyses or methodologies used by the applicant to reach any conclusion about any issue with the City's discretion to review; and**
 - **any other issue identified by the Directory that requires expert or specialized knowledge, including without limitation any issues related to an exception requested by the applicant**

Until such a time as the City hires staff possessing specialized expertise described in this paragraph, the City generally may be required to hire an independent consultant in connection with any application. The Community Development Director may request that the independent consultant prepare written report, testify at public meetings, hearings and/or appeals and attend meetings with City staff and/or the applicant. Subject to applicable law, in the event that the Community Development Director elects to retain an independent consultant in connection with any permit application, the applicant shall be responsible for the reasonable costs in connection with the services provided, which may include without limitation any costs incurred by the independent consultant to attend and participate in any meetings or hearings. Before the independent consultant may perform any services, the applicant shall tender to the City a deposit in an amount equal to the estimated cost for the services to be provided. The Community Development Director may request additional deposits as reasonably necessary to ensure sufficient funds are available to cover the reasonable costs in connection with the independent consultant's services. In the event that the deposit exceeds the total costs for consultant's services the Community Development Director shall promptly return any unused funds to the applicant after the wireless facility has been installed and passes a final inspection by the Community Development Director or his/her designee. In the event that the reasonable costs for the independent consultant's services exceed the deposit, the Community Development Director shall invoice the applicant for the balance. The City shall not issue any construction or encroachment permit to any applicant with any unpaid deposit requests or invoices.

17.55.050. APPLICATION REQUIREMENTS

- a) **Small Cell Permit Application Contents.** All applications for a small cell permit must include all the information and materials required in this **Section 17.55.050(a)**.
- 1) **Application Form.** The applicant shall submit a complete, duly executed small cell permit application on the then-current form prepared by the Community Development Director.
 - 2) **Application Fee.** The applicant shall submit the applicable small cell permit application fee established **as equivalent to a Minor Use Permit** by City Council resolution. Batched applications must include the applicable small cell permit application fee for each small cell wireless facility in the batch. If no small cell permit application fee has been established, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to reimburse the City for its reasonable costs incurred in connection with the application within 10 days after the City issues a written demand for reimbursement.
 - 3) **Construction Drawings.** The applicant shall submit true and correct

construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholds, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features. The construction drawings must:

- i. contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions;
 - ii. identify all structures within 500 feet from the proposed project site and call out such structures' overall height above ground level;
 - iii. the weight of all structures, antennae and other equipment placed upon the poles;
 - iv. depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, hand-holes, junctions, transformers, meters, disconnect switches, and points of connection; and
 - v. demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
- 4) **Site Survey.** For any small cell wireless facility; the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments and other structures within 50.0 feet from the proposed project site, which includes without limitation all:
- i. traffic lanes;
 - ii. all private properties and property lines;
 - iii. above and below-grade utilities and related structures and encroachments;
 - iv. fire hydrants, roadside call boxes and other public safety infrastructure;
 - v. streetlights, decorative poles, traffic signals and permanent signage;
 - vi. sidewalks, driveways, parkways, curbs, gutters and storm drains;
 - vii. benches, trash cans, mailboxes, kiosks and other street furniture; and
 - viii. existing trees, planters and other landscaping features.
- 5) **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed small cell wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point. At least one simulation must depict the small cell wireless facility from a vantage point

approximately 50 feet from the proposed support structure or location.

- 6) **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility qualifies as a "small cell wireless facility" as defined by the FCC in 47 C.F.R. § 1.6002(/). A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met-bare conclusions not factually supported do not constitute complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a "structure" as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless facility meets each required finding for a small cell permit as provided in **Section 17.55.070(c).**
- 7) **RF Compliance Report.** The applicant shall submit an RF exposure compliance report that certifies that the proposed small cell wireless facility, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the City. The RF report must include the actual frequency and power levels (in watts effective radiated power) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
- 8) **Public Notices.** The applicant shall reimburse the City for the cost of preparing and mailing and posting public notices.
- 9) **Regulatory Authorization.** The applicant shall submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the small cell wireless facility proposed in the application.
- 10) **Pole License Agreement.** For any small cell wireless facility proposed to be installed on any structure owned or controlled by the City and located within the public rights-of-way, the applicant shall submit an executed Pole License Agreement on a form prepared by the City that states the terms and conditions for such non-exclusive use by the applicant. At a minimum, the Pole License Agreement shall address equipment loading maximums and other public and emergency safety requirements. No changes shall be permitted to the City's Pole License Agreement except as may be indicated on the form itself. Any unpermitted changes to the City's Agreement shall be deemed a basis to deem the application incomplete. Refusal to accept the terms and conditions in the City's Agreement shall be an independently sufficient basis to deny the application.

11) **Title Report and Property Owner's Authorization.** For any small cell wireless facility proposed to be installed on any private property not owned or controlled by the City, the applicant must submit:

- i. a title report issued within 30 days from the date the applicant filed the application; and
- ii. if the applicant is not the property owner, a written authorization signed by the property owner identified in the title report that authorizes the applicant to submit and accept a small cell permit in connection with the subject property. For any small cell wireless facility proposed to be installed on a support structure in the public right-of-way, the applicant must submit a written authorization from the support structure owner(s).

12) **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by an engineer licensed by the State of California for the proposed small cell wireless facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the City's noise regulations. The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer(s) that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable noise limits.

b) **Additional Requirements.** The City Council authorizes the Community Development Director to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Community Development Director finds necessary, appropriate or useful for processing any application governed under this Chapter. All such requirements and materials must be in written form and publicly available to all interested parties.

17.55.060. APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

a) **Requirements for a Duly Filed Application.** Any application for a small cell permit will not be considered duly filed unless submitted in accordance with the requirements in **Section 17.55.060(a)**.

1) **Submittal Appointment.** All applications must be submitted to the City at a pre-scheduled appointment with the Community Development Director. Potential applicants may generally submit one application per appointment, or up to five individual applications per appointment for batched applications as provided in **Section 17.55.060(d)** Potential applicants may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants for any other development project. The Community Development Director shall use

reasonable efforts to offer an appointment within five working days after the Community Development Director receives a written request from a potential applicant. Any purported application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed, whether the City retains, returns or destroys the materials received.

- 2) **Pre-Submittal Conferences.** The City strongly encourages, but does not require, potential applicants to schedule and attend a pre-submittal conference with the Community Development Director for all proposed projects that involve small cell wireless facilities. A voluntary pre-submittal conference is intended to streamline the review process through informal discussion between the potential applicant and staff that includes, without limitation, the appropriate project classification and review process; any latent issues in connection with the proposed project, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, potential applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such draft applications or other materials may be incomplete or unacceptable. The Community Development Director shall use reasonable efforts to provide the potential applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-submittal conference.
- b) **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, and to mitigate unreasonable delays or barriers to entry caused by chronically incomplete applications, any application governed under this Chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Community Development Director within 60 calendar days after the Community Development Director deems the application incomplete in a written notice to the applicant. As used in this **Section 17.55.060(c)** a "substantive response" must include the materials identified as incomplete in the Community Development Director's notice.
- c) **Batched Applications.** Applicants may submit up to five individual applications for a small cell permit in a "batch" to be reviewed together at the same time; provided, however, that:
 - 1) all small cell wireless facilities in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type;
 - 2) each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each application in the batch;

- 3) if any individual application within a batch is deemed incomplete, the entire batch shall be automatically deemed incomplete;
- 4) if any application is withdrawn or deemed withdrawn from a batch, all other applications in the entire batch shall be automatically deemed withdrawn; and
- 5) if any application in a batch fails to meet the required findings for approval, the entire batch shall be denied in the manner described in **Section 17.55.070(e)**.

d) **Additional Procedures.** The City Council authorizes the Community Development Director to establish other reasonable rules and regulations for duly filed applications, which may include without limitation regular hours for appointments with applicants, as the Community Development Director deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide all interested parties with prior notice.

17.55.070. APPROVALS AND DENIALS; NOTICES

- a) **Public Notice.** Within approximately 10 days after an application is received and prior to any approval, conditional approval or denial, the City shall mail public notice to all properties and record owners of properties within 300 feet from the project site. The notice shall also be posted in a publicly accessible area in or within close proximity to the proposed physical location of any facility. The notice must contain:
- 1) a general project description;
 - 2) the applicant's identification and contact information as provided on the application submitted to the City;
 - 3) contact information for the Community Development Director for interested parties to submit comments;
 - 4) a statement that the Zoning Administrator will act on the application at a public hearing but that any interested person or entity may appeal the Zoning Administrator's decision directly to the City Council; and
 - 5) a general statement that the FCC requires the City to take final action on small cell applications within 60 days or 90 days, depending on the nature of the proposed facility.
- b) **Administrative Review.** Not less than 10 calendar days after the public notice required in **Section 17.55.070(a)** sent, and not more than 29 calendar days after the application has been deemed complete, the Zoning Administrator shall approve, conditionally approve or deny a complete and duly filed small cell permit application at a public hearing.
- c) **Required Findings.** The Zoning Administrator may approve or conditionally approve a complete and duly filed application for a small cell permit when the Zoning Administrator finds:
- 1) the proposed project meets the definition for a "small cell wireless facility" as defined by the FCC;
 - 2) the proposed project would be in the most preferred location within 750 feet from

the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location(s) within 750 feet would be technically infeasible;

- 3) the proposed project would not be located on a prohibited support structure identified in this Chapter;
- 4) the proposed project would be on the most preferred support structure within 750 feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred support structure(s) within 750 feet would be technically infeasible;
- 5) the proposed project complies with all applicable design standards in this Chapter;
- 6) the applicant has demonstrated that the proposed project will be in planned compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions; and
- 7) all public notices required for the application have been given.

- d) **Conditional Approvals; Denials without Prejudice.** Subject to any applicable federal or California laws, nothing in this Chapter is intended to limit the Zoning Administrator's ability to conditionally approve or deny without prejudice any small cell permit application as may be necessary or appropriate to ensure compliance with this Chapter.
- e) **Decision Notices.** Within five calendar days after the Zoning Administrator acts on a small cell permit application, the Zoning Administrator shall notify the applicant and all parties entitled to receive notice of the application by written notice. If the Zoning Administrator denies the application (with or without prejudice), the written notice must contain the reasons for the decision.
- f) **Appeals.** Any interested person or entity may appeal the decision by the Zoning Administrator to the City Council. Appeals must be filed within seven days after the date of the Zoning Administrator's decision; provided, however, that appeals from an approval shall not be permitted when based solely on the environmental effects from radio frequency emissions that are compliant with applicable FCC regulations and guidelines. The notice of appeal must contain a short and plain statement of the basis for the appeal, which may be supplemented after the notice period has expired but before the hearing. The City Council shall hear appeals *de novo* and issue the applicant a written decision within five (5) calendar days after the date of the public hearing.

17.55.080. STANDARD CONDITIONS OF APPROVAL

- a) **General Conditions.** In addition to all other conditions adopted by the Zoning Administrator for a small cell permit, all small cell permits issued under this Chapter shall be automatically subject to the conditions in this **Section 17.55.080(a)**.
 - 1) **Permit Term.** This permit will automatically expire 10 years and one day from its issuance unless California Government Code § 65964(b) authorizes the City to

establish a shorter term for public safety reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.

- 2) **Permit Renewal.** Within one (1) year before the expiration date of this permit, the permittee may submit an application for permit renewal. To be eligible for administrative review and renewal, the permittee must demonstrate that (a) the subject wireless facility is in compliance; with all the conditions of approval associated with this permit and all applicable provisions in the Seaside Municipal Code and this Chapter that exist at the time the decision to renew the permit would be rendered. The Community Development Director shall have discretion to modify or amend the conditions of approval for permit renewal on a case-by-case basis as may be necessary or appropriate to protect and promote the public health, safety and welfare, allow for the proper operation of the approved wireless facility, maintain compliance with applicable laws and/or to advance the goals or policies in the General Plan and any specific plan, the Seaside Municipal Code and/or this Chapter. Upon renewal, this permit will automatically expire 10 years and one day from its issuance, except when California Government Code §65964 and (b), as may be amended or superseded in the future, authorizes the City to establish shorter term for public safety reasons.
- 3) **Post Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a small cell wireless facility approved or deemed-approved, the permittee shall provide the Community Development Director with documentation reasonably acceptable to the Community Development Director that the small cell wireless facility has been installed and/or constructed in strict compliance with the approved construction drawings and Photo simulations. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.
- 4) **Build-Out Period.** This small cell permit will automatically expire six (6) months from the approval date (the "build-out period") unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved small cell wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the small cell wireless facility or its use. If this build-out period expires, the City will not extend the build-out period but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project.
- 5) **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in

accordance with the approved construction drawings and all conditions in this small cell permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

- 6) **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("laws") applicable to the permittee, the subject property, the small cell wireless facility or any use or activities in connection with the use authorized in this small cell permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all laws. No failure or omission by the City to timely notice, prompt or enforce compliance with any applicable provision in the Seaside Municipal Code, this Chapter any permit, any permit condition or any applicable law or regulation, shall be deemed to relieve, waive or lessen the permittee's obligation to comply in all aspects with all applicable provisions in the Seaside Municipal Code, this Chapter, any permit, any permit condition or any applicable law or regulation.
- 7) **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not, perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Seaside Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The Community Development Director and/or the Public Works Director may issue a stop work order for any activities that violates this condition in whole or in part.
- 8) **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to

support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.

- 9) **Permittee's Contact Information.** Within 10 days from the final approval, the permittee shall furnish the City with accurate and up-to-date contact information for a person responsible for the small cell wireless facility, which includes without limitation such person's full name, title, direct telephone number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and promptly provide the City with updated contact information if either the responsible person or such person's contact information changes.
- 10) **Indemnification.** The permittee and, if applicable, the property owner upon which the small cell wireless facility is installed shall defend, indemnify and hold harmless the City, City Council and the City's boards, commissions, agents, officers, officials, employees and volunteers (collectively, the "indemnitees") from any and all
- i. damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void or annul the City's approval of this small cell permit, and
 - ii. other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this small cell permit or the small cell wireless facility.

In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this small cell permit, and that such indemnification obligations will survive the expiration, revocation or other termination of this small cell permit.

- 11) **Performance Bond.** Before the Building Division issues any permits required to commence construction in connection with this permit, the permittee shall post a performance bond from a surety and in a form acceptable to the Community Development Director in an amount reasonably necessary to cover the cost to

remove the improvements and restore all affected areas based on a written estimate from a qualified contract or with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, and in accordance with California government Code §65964(a), the Community Development Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility to a standard compliant with applicable laws. The performance bond shall expressly survive the duration of the permit term to the extent required to effectuate a complete removal of the subject wireless facility in accordance with this condition.

- 12) **Permit Revocation.** Any permit granted under this Chapter may be revoked in accordance with the provisions and procedures in this condition. The Community Development Director may initiate revocation proceedings when the Community Development Director has information that the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Before the Zoning Administrator may conduct a public hearing to revoke any permit granted under this Chapter, the Community Development Director must issue a written notice to the permittee that specifies the following:

- i. the facility;
- ii. the violation(s) to be corrected;
- iii. the timeframe in which the permittee must correct such violation(s); and
- iv. that, in addition to all other rights and remedies the City may pursue, the City may initiate revocation proceedings for failure to correct such violation(s).

The Zoning Administrator's decision may be appealed to the City Council after a duly noticed public hearing. The City Council may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision by the City Council to revoke or not revoke a permit shall be final and not subject to any further appeals. Within five business days after the City Council adopts a resolution to revoke a permit, the Community Development Director shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

- 13) **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the small cell permit application, small cell permit, the approved

plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the small cell permit (collectively, "records"). If the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing records will be construed against the permittee. The permittee shall protect all records from damage from fires, floods and other hazards that may cause deterioration. The permittee may keep records in an electronic format; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.

14)**Abandoned Wireless Facilities.** The small cell wireless facility authorized under this small cell permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a small cell wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the small cell wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Seaside Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligation under this condition within said 90-day period, the City shall have the right (but not the obligation) to perform such removal and restoration with, or without notice, and the permittee and property owner (where private property) shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities.

15)**Landscaping.** At the discretion of the Community Development Director, the permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the permittee or at the permittee's direction on or about the site, or pay a fee to the City's Urban Forestry Fund if replacement landscaping is not feasible or desired at the location. If any trees are damaged or displaced, the permittee shall replace landscaping as determined by the City's unless approved by the City's arborist. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree unless approved by the City's arborist. The permittee shall, at all times, be responsible to maintain any replacement landscape features.

16)**Cost Reimbursement.** The permittee acknowledges and agrees that:

- i. the permittee's request for authorization to construct, install and/or operate the wireless facility will cause the City to incur costs and expenses;
- ii. the permittee shall be responsible to reimburse the City for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility;
- iii. any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse City for all such costs 10 days after a written demand for reimbursement and reasonable documentation to support such costs; and
- iv. the City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City by the permittee.

b) **Conditions for Small Cell Wireless Facilities in the Public Rights-of-Way.** In addition to all conditions in subsection (a), all small cell permits for small cell wireless facilities in the public rights-of-way issued under this Chapter shall be automatically subject to the conditions in this **Section 17.55.080(b)**.

- 1) **Future Undergrounding Programs.** Notwithstanding any term remaining on any small cell permit, if other utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public rights-of-way where the permittee's small cell wireless facility is located, the permittee must also underground its equipment, except the antennas and any approved electric meter, at approximately the same time. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition. Small cell wireless facilities installed on utility poles that will be removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the City's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the state public utilities commission for undergrounding costs.
- 2) **Electric Meter Upgrades.** If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
- 3) **Rearrangement and Relocation.** The permittee acknowledges that the City, in its sole discretion and at any time, may:

- i. change any street grade, width or location;
- ii. add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or
- iii. perform any other work deemed necessary, useful or desirable by the City (collectively, "City work").

The City reserves the rights to do any and all City work without any admission on its part that the City would not have such rights without the express reservation in this small cell permit. If the Public Works Director determines that any City work will require the permittee's small cell wireless facility located in the public rights-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's small cell wireless facility within a reasonable time after the Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's small cell wireless facility without prior notice to permittee when the Public Works Director determines that the City work is immediately necessary to protect public health or safety. The permittee shall reimburse the City for all costs and expenses in connection with such work within 10 days after a written demand for reimbursement and reasonable documentation to support such costs.

17.55.090. LOCATION REQUIREMENTS

- a) **Preface to Location Requirements.** This subsection (a) provides guidance as to how to interpret and apply the location requirements in this **Section 17.55.090**. To better assist applicants and decision makers understand and respond to the community's aesthetic preferences and values, subsections (b) (c), (d) and (e) set out listed preferences for locations and support structures to be used in connection with small cell wireless facilities in ordered hierarchies. Applications that involve lesser- preferred locations or structures may be approved so long as the applicant demonstrates that either (1) no more preferred locations or structures exist within 750 feet from the proposed site; or (2) any more preferred locations or structures within 750 feet from the proposed site would be technically infeasible as supported by clear and convincing evidence in the written record. Subsection (f) identifies "prohibited" support structures on which the City shall not approve any small cell permit application for any competitor or potential competitor.
- b) **Locations in the Public Rights-of-Way.** The City prefers small cell wireless facilities in the public rights-of-way to be installed in locations, ordered from most preferred to

least preferred, as follows:

- 1) locations within areas designated as any of the land use categories listed in the General Plan under the "Commercial," "Mixed Use," categories, on or along arterial streets as defined and mapped in the General Plan;
- 2) locations within areas designated as any of the land use categories listed in the General Plan under the "Commercial," "Mixed Use," or "Open Space Recreation" categories (except where in or adjacent to public parks and Open Space Recreation areas), on or along collector streets as defined and mapped in the General Plan; locations within areas designated as any of the land use categories listed in the General Plan under the "Commercial," "Mixed Use," or "Open Space Recreation" categories (except where in or adjacent to public parks and Open Space Recreation areas), on or along local streets as defined and mapped in the General Plan;
- 3) locations within or adjacent to public parks and Open Space Recreation areas, or areas designated "Institutional" in the General Plan, on or along arterial, collector or local streets as defined and mapped in the General Plan;
- 4) locations within the West Broadway Urban Village Specific Plan Area;
- 5) any location within any non-residential or mixed-use Specific Plan land use designation
- 6) locations within areas the General Plan Under the "Residential" category, on or along arterial streets as defined and mapped in the General Plan;
- 7) locations within areas designated as any of the land use categories listed in the General Plan under the "Residential" category, on or along collector streets defined and mapped in the General Plan; and
- 8) locations within areas designated as any of the land use categories listed in the General Plan under the "Residential" category, on or along local streets as defined and mapped in the General Plan.

- c) **Locations Outside the Public Rights-of-Way.** The City prefers small cell wireless facilities outside the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:

- 1) locations within areas designated as any of the land use categories listed in the General Plan under the "Commercial," "Mixed Use," or "Open Space Recreation" categories (except within any public park or Open Space Recreation areas);
- 2) locations within areas designated "Institutional" in the General Plan; within the West Broadway Urban Village Specific Plan Area, any location within any non-residential or mixed-use Specific Plan land use designation;
- 3) locations within areas designated as any of the land use categories listed in the General Plan under the "Residential" category;
- 4) locations within any public park or Open Space Recreation area;
- 5) locations within the West Broadway Urban Village Specific Plan Area; and
- 6) locations within residential Specific Plan land use designations.

- d) **Support Structures in the Public Rights-of-Way.** The City prefers small cell wireless facilities to be installed on support structures in the public rights-of-way, ordered from most preferred to least preferred, as follows:
- 1) existing or replacement metal or composite streetlight or utility poles;
 - 2) new, non-replacement metal or composite streetlight poles;
 - 3) new, non-replacement poles for small cell wireless facilities;
 - 4) existing or replacement wood utility or streetlight poles.
- e) **Support Structures Outside the Public Rights-of-Way.** The City prefers small cell wireless facilities to be installed on support structures outside of the public rights-of-way, ordered from most preferred to least preferred as follows:
- 1) existing, non-historic buildings, or other non-tower structures previously approved for use as a support structure for personal wireless service facilities;
 - 2) other existing, non-historic buildings, or other non-tower structures;
 - 3) existing or replacement utility poles or towers;
 - 4) new, non-replacement towers for small cell wireless facilities; and
 - 5) existing historic buildings.
- f) **Prohibited Support Structures.** The City prohibits small cell wireless facilities to be installed on the following support structures, whether located in the public rights-of-way or not: decorative poles and decorative streetlights; traffic signals, signs, poles, cabinets and related devices; new, non-replacement wood poles.

17.55.100. DESIGN STANDARDS

a) General Standards

- 1) **Noise.** Small cell wireless facilities and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in Seaside Municipal Code Chapter 17.30.060, as either may be amended or superseded, and shall not exceed, either on an individual or cumulative basis.
- 2) **Lights.** Small cell wireless facilities shall not include any lights that would be visible from publicly accessible areas, except as may be required under Federal Aviation Administration, FCC, other applicable regulations for health and safety. All equipment with lights (such as indicator or status lights) must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas. The provisions in this subsection shall not be interpreted or applied to prohibit installations on streetlights or luminaires installed on new or replacement poles as may be required under this Chapter.
- 3) **Landscape Features.** At the discretion of the Community Development Director, the permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance or other work performed by the

permittee or at the permittee's direction on or about the site, or pay a fee to the City's Urban Forestry Fund if replacement landscaping is not feasible or desired at the location. If any trees are damaged or displaced, the permittee shall replace landscaping as determined by the City's arborist. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree unless approved by the City's arborist. The permittee shall, at all times, be responsible to maintain any replacement landscape features.

- 4) **Site Security Measures.** Small cell wireless facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft or vandalism. The Community Development Director shall not approve any barbed wire, razor ribbon, electrified fences or any similarly dangerous security measures. All exterior surfaces on small cell wireless facilities shall be constructed from or coated with graffiti-resistant materials.
- 5) **Signage Advertisements.** All small cell wireless facilities must include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number and a toll free number to the owner/operator's network operations center. Small cell wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under FCC, Occupational Safety and Health Administration or other United States governmental agencies for compliance with RF emissions regulations.
- 6) **Compliance with Health and Safety Regulations.** All small cell wireless facilities shall be designed, constructed, operated and maintained with all generally applicable health and safety regulations which includes without limitation all applicable regulations for human exposure to RF emissions and compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*).

b) **Small Cell Wireless Facilities in the Public Right-of-Way.**

- 1) **Overall Height.** Small cell wireless facilities may not exceed either (A) the minimum separation from electrical lines required by applicable safety regulations, plus four feet or (B) four feet above the existing support structure.
- 2) **Antennas.**
 - i. **Concealment.** All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure.

- ii. **Antenna Volume.** Each individual antenna may not exceed three cubic feet in volume and all antennas may not exceed six cubic feet in volume.

3) **Accessory Equipment.**

- i. **Installation Preferences.** All non-antenna accessory equipment shall be installed in accordance with the following preferences, ordered from most preferred to least preferred:
 - 1. underground in any area in which the existing utilities are primarily located underground;
 - 2. on the pole or support structure; or
 - 3. integrated into the base of the pole or support structure.

Applications that involve lesser-preferred installation locations may be approved so long as the applicant demonstrates that no more preferred installation location would be technically feasible as supported by clear and convincing evidence in the written record.
- ii. **Undergrounded Accessory Equipment.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the City's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk. Applicants shall not be permitted to install an underground vault in a location that would cause any existing tree to be materially damaged or displaced, unless approved by the Community Development Director.
- iii. **Pole-Mounted Accessory Equipment.** All pole-mounted accessory equipment must be installed in a single equipment shroud unless the applicant demonstrates that a single shroud would be technically infeasible as supported by clear and convincing evidence in the written record. All pole-mounted accessory equipment must be installed flush to the pole to minimize the overall visual profile. If any applicable health and safety regulations prohibit flush-mounted equipment, the maximum separation permitted between the accessory equipment and the pole shall be the minimum separation required by such regulations. All pole-mounted equipment and required or permitted signage must be placed and oriented away from public view. Pole-mounted equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations. All cables, wires and other connectors must be routed through conduits within the pole, and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the

extent that cables, wires and other connectors cannot be routed through the pole, applicants shall route them through a single external conduit or shroud that has been finished to match the underlying support structure.

- iv. **Base-Mounted Accessory Equipment.** All base-mounted accessory equipment must be installed within a shroud, enclosure or pedestal integrated into the base of the support structure. All cables, wires and other connectors routed between the antenna and base-mounted equipment must be concealed from public view.
- v. **Ground-Mounted Accessory Equipment.** The Community Development Director shall not approve any ground-mounted accessory equipment including, but not limited to, any utility or transmission equipment, pedestals, cabinets, panels or electric meters.
- vi. **Accessory Equipment Volume.** All accessory equipment associated with a small cell wireless facility installed above ground level shall not cumulatively exceed:
 - 1. nine (9) cubic feet in volume if installed in a residential district; or
 - 2. seventeen (17) cubic feet in volume if installed in a non-residential district.

The volume calculation shall include any shroud, cabinet or other concealment device used in connection with the non-antenna accessory equipment. The volume calculation shall not include any equipment or other improvements placed underground.

- 4) **Streetlights.** Applicants that propose to install small cell wireless facilities on an existing streetlight must remove and replace the existing streetlight with one substantially similar to and which meets the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment. To mitigate any material changes in the streetlighting patterns, the replacement pole must:
 - i. be located as close to the removed pole's possible;
 - ii. be aligned with the other existing streetlights and
 - iii. include a luminaire at substantially the same height and distance from the pole as the luminaire on the removed pole. All antennas must be installed above the pole within a single, canister style shroud or radome that tapers for the pole.
- 5) **Wood Utility Poles.** Applicants that propose to install small cell wireless facilities on an existing wood utility pole must install all antennas above the

pole unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible as supported by clear and convincing evidence in the written record. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. All cables, wires and other connectors must be concealed within the side-arm mount or extension arm. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations. Applicants that propose to install small cell wireless facilities on a replacement wood utility pole must remove and replace the existing wood utility pole with one that is substantially similar in height and diameter unless the applicant demonstrates that a substantially familiar replacement pole would be technically infeasible as supported by clear and convincing evidence in the written record.

- 6) **New, Non-Replacement Poles.** Applicants that propose to install small cell wireless facilities on a new, non-replacement pole must install a new streetlight in accordance with the City's standards, specifications and spacing requirements but designed to accommodate wireless antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights in the immediate vicinity, the applicant may install a metal or composite pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at the base of the pole. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister style shroud or radome.
- 7) **Strand-Mounted Wireless Facilities.** No more than one strand-mounted wireless facility may be installed on any single span between two poles. The Community Development Director shall not approve any ground-mounted equipment in connection with any strand-mounted wireless facility. All equipment and other improvements associated with a strand-mounted wireless facility must comply with all applicable health and safety regulations. Strand-mounted wireless facilities shall not exceed one cubic foot in total volume. All strand-mounted equipment shall be finished in a non-reflective grey color. Any accessory equipment mounted on the pole shall be painted and textured to match the underlying pole. "Snow shoes" and other spooled fiber or cables are prohibited.
- 8) **Encroachments over Private Property.** Small cell wireless facilities may not encroach onto or over any private or other property outside the public rights-of-way without the property owner's express written consent.
- 9) **Backup Power Sources.** Fossil-fuel based backup power sources shall not be permitted within the public rights-of-way; provided, however, that connectors or receptacles may be installed for temporary backup power

generators used in an emergency declared by federal, state or local officials.

10) **Obstructions; Public Safety.** Small cell wireless facilities and any associated equipment or improvements shall not physically interfere with or impede:

- i. worker access to any above ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, or barricade reflectors;
- ii. access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop;
- iii. worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency;
- iv. access to any fire hydrant or water valve;
- v. access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the rights-of-way; or
- vi. access to any fire escape.

11) **Utility Connections.** All cables and connectors for telephone, data backhaul, primary electric and other similar utilities must be routed underground in conduits large enough to accommodate future collocated wireless facilities. Undergrounded cables and wires must transition directly into the pole base without any external doghouse. All cables, wires and connectors between the underground conduits and the antennas and other accessory equipment shall be routed through and concealed from view within:

- i. internal risers or conduits if on a concrete, composite or similar pole; or
- ii. a cable shroud or conduit mounted as flush to the pole as possible if on a wood pole or other pole without internal cable space. The Community Development Director shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.

12) **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds.

13) **Electric Meters.** Small cell wireless facilities shall: set flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicants may install a shrouded smart meter. The Community Development Director shall not approve a separate ground-mounted electric meter pedestal.

14) **Street Trees.** To preserve existing landscaping in the public rights-of-way, all

work performed in connection with small cell wireless facilities shall not cause any street trees to be trimmed, damaged or displaced. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain replacement trees at the site for the duration of the permit term.

c) **Small Cell Wireless Outside of the Public Right-of-Way**

- 1) **Overall Height.** Small cell wireless facilities on private property may not exceed the applicable height limit for primary structures in the applicable zoning district or overlay zone, except as follows:
 - i. Residential or Open Space Recreation land use districts as designated in the General Plan: 30 feet
 - ii. Non-Residential. General Plan land use designations (including designations listed under Commercial; Open Space Recreation; Mixed-Use and Institutional categories: 40 feet
 - iii. Where the facility would be mounted on an existing building or structure, the height of the wireless facility shall not exceed the maximum height of the building or structure, including any existing parapet or roof-mounted screen, by more than five feet.
 - iv. Exceptions to height limits that are otherwise allowed by SMC Section 17.54.060 (B) for antennas, transmission towers and similar appurtenances shall not apply to small cell wireless facilities in any zoning district or PUD.
- 2) **Setbacks.** Small cell wireless facilities on private property may not encroach into any applicable setback for Class I or Class II accessory structures in the subject zoning district.
- 3) **Backup Power Sources.**
 - i. The Community Development Director shall not approve any fossil fuel generators or other similarly noisy or fume-emitting generators in or within 250 feet from any residence; provided, however, the Community Development Director may approve sockets or other connections used for temporary backup generators used in an emergency declared by federal, state or local officials.
 - ii. **As required by California Public Utilities Commission (CPUC) Order (D.20-07-011), any new or existing wireless facilities located in Tier 2 and Tier 3 High Fire Threat Districts within the City's jurisdiction shall be required to implement a 72-hour backup power requirements in accordance with the aforementioned CPUC Order.**
- 4) **Parking; Access.** Any equipment or improvements constructed or installed in

connection with any small cell wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, small cell wireless facilities must use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements must meet City standards.

5) **Towers, Poles and Other Freestanding Small Cell Wireless Facilities.**

All new towers, poles or other freestanding structures that support small cell wireless facilities must be made from a metal or composite material capable of concealing all the accessory equipment, including cables, mounting brackets, radios, and utilities, either within the support structure or within an integrated enclosure located at the base of the support structure. All antennas must be installed above the pole in a single, canister-style shroud or radome. The support structure and all transmission equipment must be painted with flat/neutral colors that match the support structure. The pole height shall not exceed thirty-five (35) feet or the applicable height limit listed in Section (c)(i) whichever is less. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches.

6) **Building-Mounted Small Cell Wireless Facilities**

i. **Preferred Concealment Techniques.** All applicants must propose new non-tower small cell wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, if the applicant demonstrates with clear and convincing evidence that integration with existing features is technically infeasible, the applicant may propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, steeples and chimneys).

ii. **Facade-Mounted Equipment.** When small cell wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the Community Development Director may approve facade-mounted antenna equipment in accordance with this **Section 17.55.100(c)(6)(ii)**. All facade mounted equipment must be concealed behind screen walls and mounted flush to the facade. The Community Development Director may not approve "pop-out" screen boxes. The Community Development Director may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the façade.

Proposed Changes to Seaside Planning Department Fee Schedule

CITY OF SEASIDE
 MASTER FEE SCHEDULE
 SCHEDULE OF PLANNING DEPARTMENT FEES

		19/20 Adopted (3.7%)	20/21 Proposed (2.3%)
PLANNING DEPARTMENT FEES			
SMALL CELL PERMIT			
	Small Cell Permit (assessed as a Minor Use Permit)	\$ —	\$ see Minor Use Permit
	City Attorney's Review of Projects and Permits (if necessary, an additional deposit amount will be required for City Attorney review of Projects)	\$ —	\$ Deposit - estimated # of attorney hours
	Consultant Fee: Including, but not limited to, Geologist, Engineering, and Arborist Services	\$ —	\$ Consultant Fee
OTHER FEES			
	Affordable Housing Agreement	\$ 1,730	\$ 1,770
	Mobilhome Park Conversions, Closures, and Cessation of Use Fee	\$ 1,730	\$ 1,770
	Deferred Completion Agreement	\$ 865	\$ 885
	Floodplain Development Permit	\$ 865	\$ 885
	Tentative Parcel Map Waiver	\$ 1,730	\$ 1,770
	99	\$ 1,730	\$ 1,770
	Real Property Disclosure Report	\$ 150	\$ 153
LAND USE APPEALS			
	Non-Applicant	\$ 3,243	\$ 3,318
	Applicant	\$ 3,458	\$ 3,538
	Administrative Review for Radio, Satellite and Dish Antennas	\$ 865	\$ 885
	Grand Opening and Promotional Banner / Temporary Sign	\$ 108	\$ 110
	Sign Permit (Over-the-counter)	\$ 217	\$ 222
ZONING COMPLIANCE PLAN CHECK:			
	Over the Counter (Replacement In Kind)	\$ 108	\$ 110
	Over the Counter (Minor)	\$ 108	\$ 110
	Zoning Confirmation Letter	\$ 865	\$ 885
	Advanced Planning Surcharge:		
	(Charged on all new construction for building plans (e.g. additions, new buildings), pw/eng, fire permits, and development applications)	0.3% of building valuation	0.3% of building valuation
HOURLY RATES			
	Planning Services	\$ 217	\$ 222
	For services requested of City staff which have no fee listed in this fee schedule, the City Manager of the City Manager's designee shall determine the appropriate fee based on the established hourly rates for this department/division. Additionally, the City will pass-through to the applicant any discrete costs incurred from the use of external service providers (e.g. Consultants) if required to process the specific application.		