



**AGENDA**  
CITY OF SEASIDE  
PLANNING COMMISSION

VIRTUAL ONLY  
REGULAR MEETING  
Wednesday, November 18, 2020  
7:00 PM

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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](mailto: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 Board 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. October 28, 2020**

**7. BUSINESS ITEMS**

- A. FENCE EXCEPTION APPLICATION No. FE-20-03: DURVASHI MORA, PROPERTY OWNER AND APPLICANT, IS REQUESTING A FENCE EXCEPTION TO ALLOW FOR AN EIGHT-FOOT HIGH FENCE WITHIN THE 15-FOOT REAR YARD SETBACK LOCATED AT 4205 PENINSULA POINT DRIVE (APN: 031-241-029) IN THE RS-8 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(e) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**RECOMMENDATION:** In accordance with Section 17.30.020.F of the Seaside Municipal Code (SMC), a fence or wall may exceed allowed height requirements subject to Planning Commission approval. City staff recommends approval of the fence exception based on the required findings listed in SMC Section 17.30.020.F.

**B. SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-06: THE CITY OF SEASIDE, APPLICANT, IS PROPOSING A TEXT AMENDMENT TO THE SEASIDE MUNICIPAL CODE (SMC) SECTION 17.98.020: DEFINITIONS OF SPECIALIZED TERMS AND PHRASES. THE AMENDMENT WOULD REMOVE TATTOO AND BODY PIERCING SERVICES FROM THE USE CATEGORY OF PERSONAL SERVICES – RESTRICTED AND WOULD ALLOW FOR TATTOO AND BODY PIERCING/BODY ART SERVICES TO BE ESTABLISHED BY-RIGHT IN THE CMX, CC, AND CRG ZONES UNDER THE USE CATEGORY OF PERSONAL SERVICES. IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, THE PROPOSED TEXT AMENDMENTS ARE EXEMPT PER 15061(B)(3).**

**RECOMMENDATION:** In accordance with Section 17.74.040 of the Seaside Municipal Code, the Planning Commission will conduct its review of the proposed text amendment and forward a recommendation regarding the text amendment to the City Council. It is recommended the Planning Commission open the public hearing, accept public testimony/comments, and act to recommend that the City Council adopt the proposed text amendments to the Seaside Municipal Code.

**8. REPORTS FROM COMMISSIONERS**

**9. REPORTS FROM STAFF**

**10. ADJOURNMENT**

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

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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.



## DRAFT MINUTES

CITY OF SEASIDE  
PLANNING COMMISSION

SPECIAL MEETING  
VIRTUAL ONLY

Wednesday, October 28, 2020  
7:00 PM

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### 1. **CALL TO ORDER**

The meeting was called to order at 7:00 PM

#### **A. VIRTUAL MEETING INFORMATION**

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

### 3. **PLANNING COMMISSION**

PRESENT: Evans, Owens Huynh, La Mica, Spalletta, Silva  
ABSENT:

### 4. **REVIEW OF AGENDA**

The Commission agreed to add a discussion of Community Development Block Grant-COVID-19 Funds for community benefit.

### 5. **PUBLIC COMMENT**

None.

### 6. **APPROVAL OF MINUTES**

#### **A. September 23, 2020**

*On motion by Commissioner Arlington La Mica and seconded by William Silva and passed by the following vote the Commission approved the minutes as amended.*

RESULT: ***Approved***

AYES: *John Owens, Michael Spalletta, Arlington La Mica, Dave Evans, William Silva, Danny Huynh*

NOES: *None*

ABSTAIN *Keith Dodson*

### 7. **BUSINESS ITEMS**

#### **A. SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-06: INTRODUCTION OF AN AMENDED 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**

Associate Planner Morrison spoke to the amended proposed ordinance that was previously approved by the Commission in August 2020 to amend small cell wireless application regulations, and was amended in response to public comments received. She detailed the changes that were made regarding notices, fees, consistency of definitions, language for application handling, language regarding approval of subjective aesthetics, payment of fees for landscaping, placement, mobility and height requirements, handling of batch applications, and additional requirements regarding infrastructure. Ms. Morrison answered questions from the Commission.

*on motion by Commission Dodson and seconded by Commissioner Spalletta and passed by the following vote the Planning Commission approved the proposed ordinance as presented.*

**RESULT:**

***Approved***

**AYES:**

*John Owens, Michael Spalletta, Arlington La Mica, Dave Evans, William Silva, Danny Huynh*

**NOES:**

*None*

**ABSTAIN**

*Keith Dodson*

### **B. STUDY SESSION: COMMISSION STUDY SESSION REGARDING DRAFT CODE AMENDMENTS TO SEASIDE MUNICIPAL CODE SECTION 17.30.020: FENCES, WALLS, HEDGES AND SCREENING**

Associate Planner Rocha presented an open conversation regarding draft code amendments for fences. Ms. Rocha facilitated a conversation about preferences on fence rules including styles, materials, sizes and potential changes to the approval process. She noted that this item was an element of the approved work plan.

Direction was provided on each discussion category and staff will bring back to the Commission recommendations for code changes.

### **C. COMMUNITY DEVELOPMENT BLOCK GRANT- CV DISCUSSION**

Community Development Director Stearns, provided introductory information about CDBG-CV and detailed the uses for the first round of CDBG-CV funding, just over \$199,000, which included masks, food bank distribution, and a small administrative fee.

The Planning Commission discussion focused on the potential uses for the second round of funding, just over \$339,000. They discussed priorities such as food security, as well as testing and vaccine availability. Ms. Stearns noted that prior to COVID-19 that the Food Bank of Monterey County fed approximately 20% of Seaside. Currently the Food Bank is feeding 40% of the entire county. The Commission spoke in support of continued assistance for food distribution assistance and requested staff

explore possible partnership with Walgreens to ensure that when vaccines become available, that Seaside would have access. Additional public outreach will be conducted through social media and the City's web site.

### **8. REPORTS FROM COMMISSIONERS**

None.

### **9. REPORTS FROM STAFF**

Assistant City Manager Milton provided info on voting availability for the upcoming November 3, 2020 election and answered questions about the changes to voting for this election.

**10. ADJOURNMENT**

On motion, the meeting was adjourned at 8:29 pm.

**Respectfully submitted,**

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**Lesley Milton, City Clerk**

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**John Owens, Chair**



## CITY OF SEASIDE STAFF REPORT

Item No.: 7.A.

**TO:** Planning Commission

**BY:** Beth Rocha, Associate Planner

**DATE:** November 18, 2020

**SUBJECT:** **FENCE EXCEPTION APPLICATION No. FE-20-03: DURVASHI MORA, PROPERTY OWNER AND APPLICANT, IS REQUESTING A FENCE EXCEPTION TO ALLOW FOR AN EIGHT-FOOT HIGH FENCE WITHIN THE 15-FOOT REAR YARD SETBACK LOCATED AT 4205 PENINSULA POINT DRIVE (APN: 031-241-029) IN THE RS-8 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(e) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

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### **PURPOSE & RECOMMENDATION**

In accordance with Section 17.30.020.F of the Seaside Municipal Code (SMC), a fence or wall may exceed allowed height requirements subject to Planning Commission approval. City staff recommends approval of the fence exception based on the required findings listed in SMC Section 17.30.020.F.

### **BACKGROUND**

The project site is 7,207 square feet in area and is a corner property that is developed with a two-story single-family dwelling. The site is relatively flat in topography, with a 2' tall retaining wall in the rear yard from which the fence measures 6' tall. Once off the subject site, the slope continues downward from the rear property line and the fence measures 8' tall. The property is located in Seaside Highlands, which contains mostly two-story single-family residences (see Attachment 2: Location Map).

### **PROJECT DESCRIPTION**

The property owner is requesting a fence exception to permit a 2' height increase that was constructed in 2015, which resulted in an 8' tall fence in the rear yard. The proposed height increase would be 2' greater than the maximum allowed height of 6'

(see Attachment 3: Property Photos). According to the applicant, the height increase is due to a hardship caused by excessive wind that limits the use of the backyard space.

### **CEQA**

The project is exempt from environmental review subject to Class 3, Section 15303(e): New Construction of Small Structures: Approval of the proposed fence exception would result in the approval of a 8' high wood fence, which is a minor improvement that would clearly not result in any impact on the environment.

### **STAFF ANALYSIS**

The property is located in the Seaside Highlands neighborhood, a Planned Residential Development that was constructed in the early 2000's.

Surrounding fence and wall photographs are provided (Attachment 4) and illustrate a variety of fence and retaining wall heights of the residential properties located along Peninsula Point Drive, which slopes upwards as one travels from west to east. The majority of fences and retaining walls are not compliant with the regulations of the Seaside Municipal Code (SMC). However, as stated in SMC 17.62.050.A., the Planned Development Permit process exists to: "provide for flexibility in the application of Zoning Ordinance standards to proposed development under limited and unique circumstances. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Zoning Ordinance standards would produce without adjustment." The proposed two foot increase in height is compatible with the variable fence and retaining wall heights found throughout the neighborhood. Additionally, from within the subject property boundaries the fence measures 6' tall from the finished grade and 8' tall when measured from the exterior where the grade is lower and slopes towards the adjacent property on Pacific Crest Drive.

### **FINDINGS**

In accordance with Section 17.30.020.F.2, the following findings shall be considered for a fence exception:

1. A general safety hazard to City residents and/or the general public would not be created.

*Evidence: The proposed fence exception would not result in a general safety hazard to the general public, adjacent property owners, or the occupants residing in the subject residence. The proposed fence height and design does not impair visibility from the street to the front door and windows of the home.*

2. A traffic-related safety hazard would not be created.

*Evidence: The proposed fence is not located within a traffic safety visibility area and is located approximately 40' from the nearest residential driveway on Pacific Crest Drive and more than 100' from the intersection of Pacific Crest Drive and Peninsula Point Drive.*

3. The fence will not impair visibility at an intersection or traffic safety visibility area.

*Evidence: The project site is a corner lot, but the proposed rear yard fence is more than 100' from the intersection of Pacific Crest Drive and Peninsula Point Drive.*

*Therefore, the fence will not impair visibility at an intersection or traffic safety visibility area.*

4. The fence or wall will not obstruct vision from an adjoining driveway.

*Evidence: The proposed fence (height increase) is located approximately 40' from the nearest residential driveway on Pacific Crest Drive and would not obstruct vision from the adjoining driveway.*

5. The fence is compatible with the surrounding neighborhood.

*Evidence: There are a variety of fence, wall, and combination wall-fence designs, materials, and heights in the Seaside Highlands neighborhood, with which the proposed fence is compatible.*

### **PUBLIC COMMENT**

Two public comments in support of the project were received prior to agenda publication and are provided as Attachment 5.

### **ATTACHMENTS**

1. Attachment 1: Draft Resolution
  2. Attachment 2: Location Map
  3. Attachment 3: Property Photos
  4. Attachment 4: Surrounding Fence and Wall Photos
  5. Attachment 5: Public Comment
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## RESOLUTION NO. 20-XX

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

#### APPROVING FENCE EXCEPTION APPLICATION NO. FE-20-03 TO ALLOW FOR AN EIGHT-FOOT FENCE WITHIN THE REAR SETBACK LOCATED AT 4205 PENINSULA POINT DRIVE (APN: 031-241-029).

**WHEREAS**, Durvashi Mora, property owner and applicant, has applied for approval of a Fence Exception permit to allow for an eight-foot tall fence in the rear setback thereby exceeding the maximum height requirements of Zoning Code Section 17.30.020.B.1 within the rear setback by two feet; and

**WHEREAS**, 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 in relation to the proposed Fence Exception; and

**WHEREAS**, the Planning Commission considered written information concerning the proposed exception at a duly noticed public hearing held on November 10<sup>th</sup>, 2020; and

**WHEREAS**, the project is exempt from environmental review subject to Class 3, Section 15303(e): New Construction of Small Structures:

*Evidence: Approval of the proposed fence exception would result in the approval of an eight-foot high wood fence, which is a minor improvement that would clearly not result in any impact on the environment.*

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission adopt the following findings for the approval of Fence Exemption Application No. FE-20-03:

1. A general safety hazard to City residents and/or the general public would not be created.

**Evidence:** *The proposed fence exception would not result in a general safety hazard to the general public, adjacent property owners, or the occupants residing in the subject residence. The proposed fence height and design does not impair visibility from the street to the front door and windows of the home.*

2. A traffic-related safety hazard would not be created.

**Evidence:** *The proposed fence is not located within a traffic safety visibility area and is located approximately 40' from the nearest residential driveway on Pacific Crest Drive and more than 100' from the intersection of Pacific Crest Drive and Peninsula Point Drive.*

3. The fence will not impair visibility at an intersection or traffic safety visibility area.

**Evidence:** *The project site is a corner lot, but the proposed rear yard fence is more than 100' from the intersection of Pacific Crest Drive and Peninsula Point Drive. Therefore, the fence will not impair visibility at an intersection or traffic safety visibility*

area.

4. The fence or wall will not obstruct vision from an adjoining driveway.

**Evidence:** *The proposed fence (height increase) is located approximately 40' from the nearest residential driveway on Pacific Crest Drive and would not obstruct vision from the adjoining driveway.*

5. The fence is compatible with the surrounding neighborhood.

**Evidence:** *There are a variety of fence, wall, and combination wall-fence designs, materials, and heights in the Seaside Highlands neighborhood, with which the proposed fence is compatible.*

**NOW BE IT FURTHER RESOLVED**, the Planning Commission hereby approves Fence Exception Application No. FE-20-03 on the 10<sup>th</sup> day of November 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

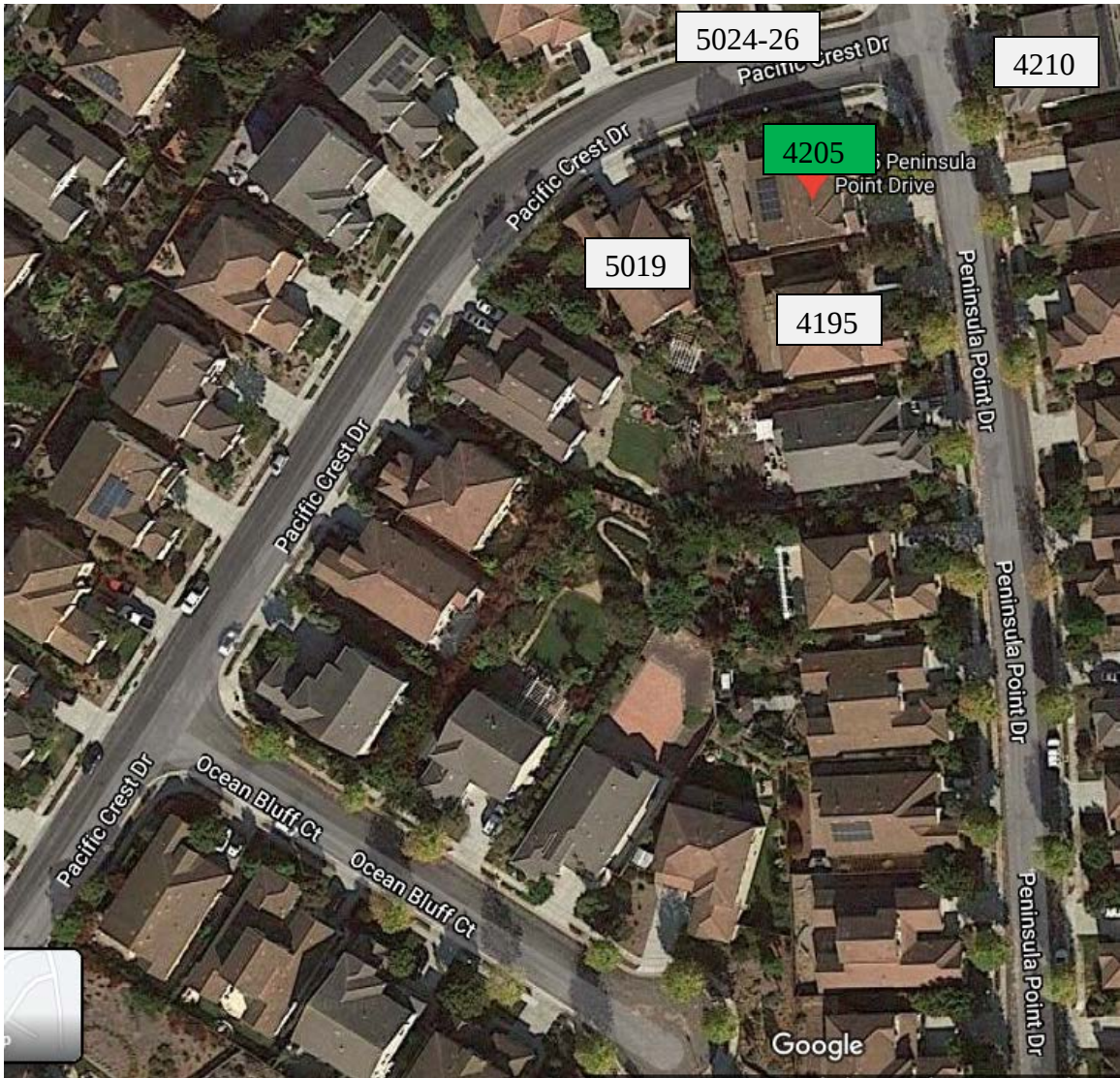
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John Owens, Chairperson

ATTEST:

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Lesley Milton, City Clerk

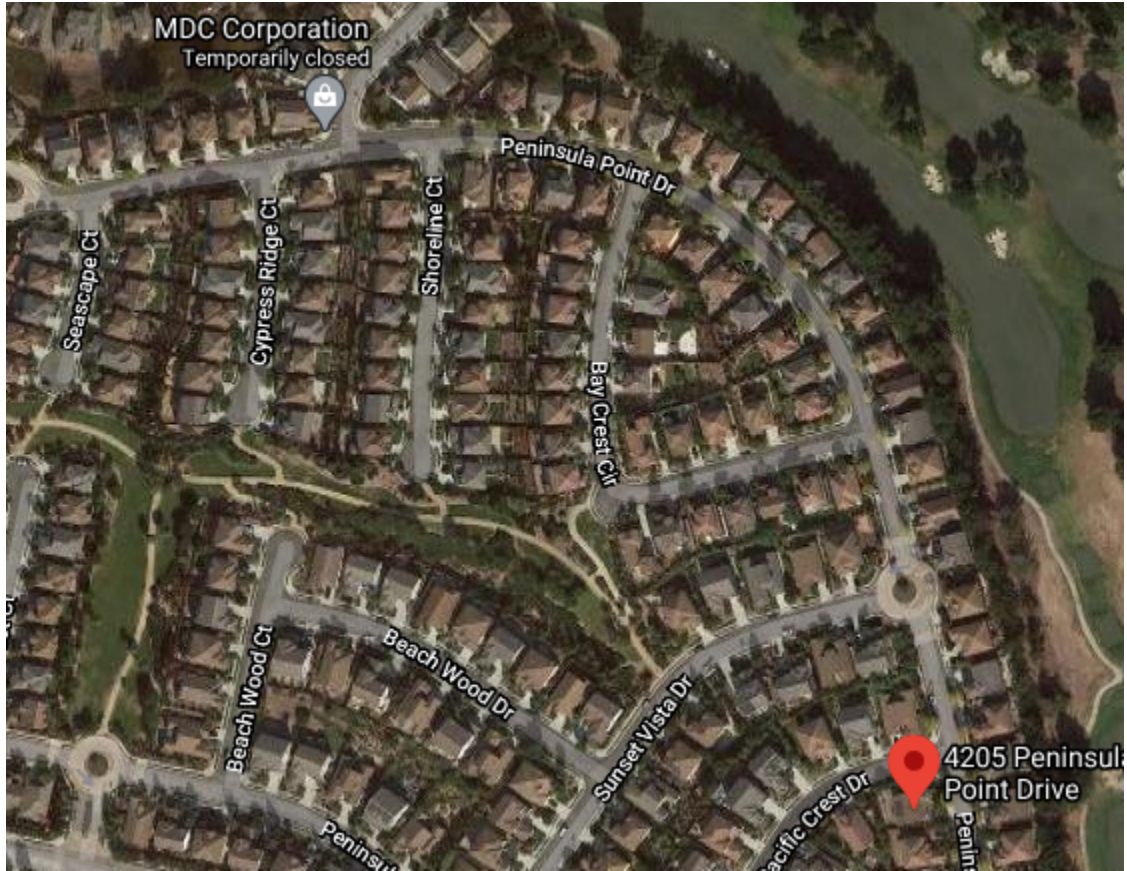


















David Gould  
4195 Peninsula Point Drive  
Seaside, CA 93955  
[dcgoulder@gmail.com](mailto:dcgoulder@gmail.com)  
(703) 915-1580  
October 22, 2020

Ms. Beth Rocha  
Seaside Planning Department

Ms. Rocha,

My wife and I reside at 4195 Peninsula Point Drive in Seaside and are the next-door neighbors to Durvashi and Prashant Mora who reside at 4205 Peninsula Point Drive. We support the extension that was made to the Mora's fencing between our two properties. It does not detract from the properties or neighborhood in any way and only compliments our closely spaced homes.

Feel free to contact me if you have any further questions.

A handwritten signature in dark ink, reading "David C. Gould II". The signature is written in a cursive, flowing style.

David C. Gould II

October 23, 2020

To: Beth Rocha, Seaside Planning Department

I support our neighbors Durvashi and Prashant Mora's fence extension located at 4205 Peninsula Point Dr, Seaside, CA. The fence extension divides our backyards with a taller division.

Thank you,

Hillary Ekberg

5019 Pacific Crest Dr, Seaside, CA.

A handwritten signature in black ink, appearing to read "Hillary Ekberg", written in a cursive style.



## CITY OF SEASIDE STAFF REPORT

Item No.: 7.B.

**TO:** Planning Commission

**BY:** Beth Rocha, Associate Planner

**DATE:** November 18, 2020

**SUBJECT: SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-06: THE CITY OF SEASIDE, APPLICANT, IS PROPOSING A TEXT AMENDMENT TO THE SEASIDE MUNICIPAL CODE (SMC) SECTION 17.98.020: DEFINITIONS OF SPECIALIZED TERMS AND PHRASES. THE AMENDMENT WOULD REMOVE TATTOO AND BODY PIERCING SERVICES FROM THE USE CATEGORY OF PERSONAL SERVICES – RESTRICTED AND WOULD ALLOW FOR TATTOO AND BODY PIERCING/BODY ART SERVICES TO BE ESTABLISHED BY-RIGHT IN THE CMX, CC, AND CRG ZONES UNDER THE USE CATEGORY OF PERSONAL SERVICES. IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, THE PROPOSED TEXT AMENDMENTS ARE EXEMPT PER 15061(B)(3).**

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### **PURPOSE & RECOMMENDATION**

In accordance with Section 17.74.040 of the Seaside Municipal Code, the Planning Commission will conduct its review of the proposed text amendment and forward a recommendation regarding the text amendment to the City Council. It is recommended the Planning Commission open the public hearing, accept public testimony/comments, and act to recommend that the City Council adopt the proposed text amendments to the Seaside Municipal Code.

### **BACKGROUND**

Seaside Municipal Code chapter 17.98 Definitions contains Definitions of Specialized Terms and Phrases in section 17.98.020. The definition for Personal Services – Restricted is:

*Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include: check cashing stores, fortune*

*tellers, palm and cara readers, pawn shops, psychics, spas and hot tubs for hourly rental, tattoo and body piercing services.*

Personal Services – Restricted uses are allowed in the Heavy Commercial (CH) zoning district with the issuance of a Use Permit and are prohibited in all other commercial zones. Currently, there is not a tattoo or body piercing business in Seaside. However, in July of 2018 the city initiated code amendments in the West Broadway Urban Village (WBUV) Specific Plan to allow for tattoo and body piercing businesses to establish in the Urban Village. The proposed amendments would remove tattoo and body piercing services from the Personal Services – Restricted definition and include it, in a slightly modified version, as “tattoo and body piercing/body art services” in the definition of Personal Services. Personal Services is defined as:

*Establishments providing nonmedical services to individuals as a primary use. Examples of these uses include: barber and beauty shops, clothing rental, home electronics and small appliance repair, dry cleaning pick-up stores with limited equipment, laundromat (self-service laundries, locksmiths, pet grooming with no boarding, shoe repair shops, tailors, and tanning salons.*

The proposed change would make tattoo and body piercing/body art services a by-right use in the CMX, CC, and CRG zoning districts, just as it is in the WBUV.

The popularity of tattoos and body piercing over the past 20 years has made the use more socially accepted and more mainstream. Earlier negative societal associations with tattoos and body piercing are no longer prevalent nor do they present an issue regarding public health, safety and welfare of the city and its inhabitants. Additionally, specific regulations exist in the SMC for issues that could present issues to the community, such as: Curfew for Minors (9.24), Noise Regulations (9.12), and Public Nuisances (8.30). Furthermore, it is the intent of the City of Seaside to support new business models in the community that are consistent with the General Plan, attract a diverse and balanced mix of business types that will generate a stable, long-term stream of revenue to the city, and support uses that will attract visitors from outside of the city.

### **PROPOSED TEXT AMENDMENTS**

The text amendment to the Seaside Municipal Code (SMC) section 17.98.020: Definitions of Specialized Terms and Phrases would remove “tattoo and body piercing services” from the use category of Personal Services – Restricted and would allow for “tattoo and body piercing/body art services” under the use category of Personal Services. The amendment would allow for “tattoo and body piercing/body art services” to be established by right in the CMX, CC, and CRG zones.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

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

## **FINDINGS**

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

***Evidence:*** *The popularity of tattoos and body piercing over the past 20 years has made the use more socially accepted and more mainstream. Earlier negative societal associations with tattoos and body piercing are no longer prevalent nor do they present an issue regarding public health, safety and welfare of the city and its inhabitants. Additionally, specific regulations exist in the SMC for issues that could present issues to the community, such as: Curfew for Minors (9.24), Noise Regulations (9.12), and Public Nuisances (8.30). Furthermore, it is the intent of the City of Seaside to support new business models in the community that are consistent with the General Plan, attract a diverse and balanced mix of business types that will generate a stable, long-term stream of revenue to the city, and support uses that will attract visitors from outside of the city.*

### **2. The proposed amendments to 17.98.020 are consistent with the General Plan.**

***Evidence:*** *The proposed changes to the use definitions and, therefore, permitting requirements for tattoo and body piercing/body art services from being prohibited in the CMX, CC and CRG zones to permitted by right in the CMX, CC and CRG zones is consistent with the General Plan.*

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

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

*The Regional Commercial (CRG) zone implements and is consistent with the Regional Commercial (RGC) land use designation of the General Plan, which is applied to areas*

*of the City that are appropriate for large-scale commercial development with retail, entertainment, and/or service uses, or business parks of a scale and function to serve a regional market. Permitted land uses may include hotels, "big-box" retail, movie theaters, and business parks in the North Seaside area only. Regional Commercial uses are defined as large scale 1.0:1 FAR commercial development with retail, entertainment, and or service uses of a scale and function to serve a regional market. Includes hotels, auto sales, auto repair, auto repair related uses, "big box" retail, and movie theaters.*

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

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

**RECOMMENDATION**

It is recommended the Planning Commission open the public hearing, accept public testimony/comments, and act to recommend that the City Council adopt the proposed text amendments to the Seaside Municipal Code.

**ATTACHMENTS**

1. Attachment 1: Resolution
  2. Exhibit A to Attachment 1
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## **DRAFT RESOLUTION 20-XX**

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

#### **RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE FOR PROPOSED TEXT AMENDMENTS TO THE SEASIDE MUNICIPAL CODE SECTION 17.98.020: DEFINITIONS OF SPECIALIZED TERMS AND PHRASES TO ALLOW FOR TATTOO AND BODY PIERCING/BODY ART SERVICES TO BE ESTABLISHED BY-RIGHT IN THE CMX, CC, AND CRG ZONES UNDER THE USE CATEGORY OF PERSONAL SERVICES.**

**WHEREAS**, the City of Seaside is proposing text amendments to Chapter 17.98 of Seaside Municipal Code, as shown in Exhibit A to Attachment 1.

**WHEREAS**, it is the responsibility of the Planning Commission to consider and weigh the merits of the text amendments in relation to the policies, standards and intent of the Seaside Municipal Code and General Plan and provide a recommendation to the City Council on the proposed text amendments; and

**WHEREAS**, the Seaside Planning Commission considered oral comments and written information concerning the proposed amendments at a duly noticed public hearing held on November 10<sup>th</sup>, 2020 and made a recommendation to the City Council to adopt the proposed text amendments; and

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission hereby finds and determines:

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

**Evidence:** *The popularity of tattoos and body piercing over the past 20 years has made the use more socially accepted and more mainstream. Earlier negative societal associations with tattoos and body piercing are no longer prevalent nor do they present an issue regarding public health, safety and welfare of the city and its inhabitants. Additionally, specific regulations exist in the SMC for issues that could present issues to the community, such as: Curfew for Minors (9.24), Noise Regulations (9.12), and Public Nuisances (8.30). Furthermore, it is the intent of the City of Seaside to support new business models in the community that are consistent with the General Plan, attract a diverse and balanced mix of business types that will generate a stable, long-term stream of revenue to the city, and support uses that will attract visitors from outside of the city.*

- 2. The proposed amendments to 17.98.020 are consistent with the General Plan.**

**Evidence:** *The proposed changes to the use definitions and, therefore,*

*permitting requirements for tattoo and body piercing/body art services from being prohibited in the CMX, CC and CRG zones to permitted by right in the CMX, CC and CRG zones is consistent with the General Plan.*

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

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

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

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

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

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** that the Planning Commission recommends to the City Council approval of the proposed text amendments to The West Broadway Urban Village Specific Plan and The Specific Plan Development Standards User Guide as contained in 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 10th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John Owens, Chairperson

ATTEST:

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Lesley Milton, City Clerk

## **Exhibit A to Attachment 1 Proposed Text Amendments**

(Text proposed to be deleted is listed with strikethrough (~~Strikethrough~~) and text proposed to be added is listed in **bold** with an underline (Underline)

### 17.98.020 Definitions of Specialized Terms and Phrases

Personal Services. Establishments providing nonmedical services to individuals as a primary use.

Examples of these uses include:

- barber and beauty shops
- clothing rental
- home electronics and small appliance repair
- dry cleaning pick-up stores with limited equipment
- laundromat (self-service laundries)
- locksmiths
- pet grooming with no boarding
- shoe repair shops
- tailors
- tanning salons
- **tattoo and body piercing/body art services**

These uses may also include accessory retail sales of products related to the services provided.

Personal Services – Restricted. Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts.

Examples of these uses include:

- check cashing stores
- fortune tellers
- palm and card readers
- pawnshops
- psychics
- spas and hot tubs for hourly rental
- ~~tattoo and body piercing services~~