



A G E N D A

CITY OF SEASIDE
CITY COUNCIL/SUCCESSOR
AGENCY TO THE
REDEVELOPMENT AGENCY

CONTINUED MEETING
VIRTUAL ONLY
Thursday, January 27, 2022
5:00 PM

Pursuant to California Government Code section 54953(e)(1)(A) and (C) and the Seaside City Council's resolution authorizing virtual participation in public meetings given the COVID-19 pandemic, meetings of the Seaside City Council and its Boards, Commissions and Committees are being conducted with a hybrid format providing both in person and virtual (electronic) participation in order to promote social distancing and protect the health and safety of attendees.

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 2:00 p.m. on the day of the meeting. All submitted comments will be provided to the City Council or the Board for consideration.
- 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 Clerk will call speaker names and unmute speaker microphones. You will have up to 3 minutes to provide your comments, with time set by the discretion of the Mayor.

VIRTUAL MEETING ACCESS

This meeting can be watched via the City of Seaside You Tube channel:

https://www.youtube.com/channel/UC1Cu7854Ohtjpr_XV1tDvRg

Or by joining the Zoom webinar link: <https://ci-seaside-ca-us.zoom.us/j/81936832059>

Or call in phone number: 669-900-9128

Zoom Meeting ID: 819 3683 2059

1. CALL TO ORDER

2. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby
David R. Pacheco
Jason Campbell
Jon Wizard
Alexis Garcia-Arrazola

Mayor/Chair
Mayor Pro Tem/Vice Chair
Council/Agency Member
Council/Agency Member
Council/Agency Member

3. PLEDGE OF ALLEGIANCE

4. REVIEW OF AGENDA

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

5. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three (3) minutes. Public Comments for "Presentations" on this agenda are also taken at this time; comments on specific agenda items are heard under that item. For the public record, please state your name.

6. PUBLIC HEARING

A. EXTEND URGENCY ORDINANCE 2011 TO IMPLEMENT NEW STATE LEGISLATION SENATE BILL 9 THAT PROVIDES FOR MINISTERIAL APPROVAL OF UP TO TWO UNITS AND/OR A LOT SPLIT IN RESIDENTIAL SINGLE-FAMILY ZONES.

RECOMMENDATION: Extend the Urgency Ordinance 2011 establishing regulations for the subdivision and development of qualified Senate Bill 9 properties within the City of Seaside.

7. ADJOURNMENT

Next Regularly Scheduled Meeting:
FEBRUARY 3, 2022
5:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:
<http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Governor Newsom's Executive Orders N-29-20 and N-33-20.



CITY OF SEASIDE STAFF REPORT

Item No.: 6.A.

TO: City Council

FROM: Roberta Greathouse, Acting City Manager

BY: Ben Nurse, Housing Program Manager

DATE: January 27, 2022

**SUBJECT: EXTEND URGENCY ORDINANCE 2011 TO IMPLEMENT NEW
STATE LEGISLATION SENATE BILL 9 THAT PROVIDES FOR
MINISTERIAL APPROVAL OF UP TO TWO UNITS AND/OR A
LOT SPLIT IN RESIDENTIAL SINGLE-FAMILY ZONES.**

RECOMMENDATION

Extend the Urgency Ordinance 2011 establishing regulations for the subdivision and development of qualified Senate Bill 9 properties within the City of Seaside.

BACKGROUND

At its December 16, 2021, meeting, the City Council adopted Urgency Ordinance 2011 to implement new state legislation Senate Bill 9 (SB 9). SB 9 allows for ministerial approval ("by right") for up to two dwelling units on a single-family zoned parcel. It also allows for ministerial approval of qualifying urban lot splits.

During the past 45 days, Staff have setup a process for Planning and Engineering department staff to begin receiving SB 9 related project applications, published *Seaside's Senate Bill 9 Duplex and Urban Lot Split Eligibility Checklist* and related guidelines on the City's website and advertised it to the public via social media sites. Staff have also scheduled workshops on SB 9 but given the holidays and other pandemic related issues, have not been able to hold public workshops prior to the expiration of the initial 45-day period of Urgency Ordinance 2011.

The Urgency Ordinance expires on January 30, 2022, which is forty-five (45) days from its date of adoption. Prior to its expiration, the City Council may hold a public hearing to extend the ordinance for an additional 10 months and 15 days.

This extension to the urgency ordinance is effective upon adoption by a four-fifths (4/5)

vote of the City Council. This urgency ordinance shall be of no further force and effect ten months (10) and fifteen (15) days from its date of adoption unless extended by the City Council.

Extending the Urgency Ordinance would allow Council time to schedule a study session to discuss policy options and receive feedback and recommendations from the Planning Commission on a more permanent ordinance to implement SB 9.

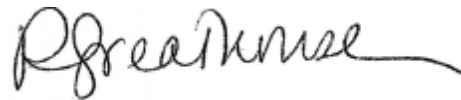
FISCAL IMPACT

No fiscal impact.

ATTACHMENTS

1. Ordinance
 2. Seaside_Senate Bill 9 Eligibility Checklist and Application
-

Reviewed for Submission to the City Council by:

A handwritten signature in dark ink, appearing to read "R Greathouse", with a long horizontal flourish extending to the right.

Roberta Greathouse, Acting City Manager

ORDINANCE XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

EXTENDING URGENCY ORDINANCE 2011 AMENDING TITLE 17 (ZONING ORDINANCE CODE) OF THE CITY OF SEASIDE MUNICIPAL CODE TO ADD CHAPTER 17.13 (SENATE BILL 9 DUPLEXES AND PARCEL MAPS FOR URBAN LOT SPLITS) TO IMPLEMENT RECENT HOUSING BILLS

WHEREAS, this Ordinance is adopted as an extension to Urgency Ordinance 2011 pursuant to Government Code Section 65858. The facts constituting the continued urgency are as follows:

- a) On or about September 16, 2021, Governor Newsom signed into law Senate Bill 9 ("SB 9"), entitled the "California Home Act", an act to amend Section 66452.6 of and to add Sections 65852.21 and 66411.7 to the Government Code relating to land use; and
- b) On or about December 16, 2021, the City Council adopted Urgency Ordinance 2011 to implement the new state legislation SB 9 pursuant to Government Code 65858; and
- c) On or about January 6, 2022, Urgency Ordinance 2011 was published in the Monterey County Weekly; and
- d) On or about January 13, 2022, notice of this public hearing to extend Urgency Ordinance 2011 was published in the Monterey County Weekly; and
- e) The findings set forth in Urgency Ordinance 2011 (herein attached as Exhibit A) remain true and correct and the City Council hereby finds that to be the case; and
- f) During the past 45 days, Staff have setup a process for Planning and Engineering department staff to begin receiving SB 9 related project applications, published *Seaside's Senate Bill 9 Duplex and Urban Lot Split Eligibility Checklist* and related guidelines on the City's website and advertised it to the public via social media sites. Staff have also scheduled workshops on SB 9 but given the holidays and other pandemic related issues, have not been able to hold public workshops prior to the expiration of the initial 45-day period of Urgency Ordinance 2011; and

- g) The City Council finds that the public health need of the community was met by the immediate adoption of Urgency Ordinance 2011 adding Chapter 17.13 of the Seaside Municipal Code (SMC) as objective standards, since rampant and unplanned development and lots splits will be aesthetically displeasing and out of harmony with the character of this community so as to constitute visual blight which reduces the quality of life within the community to the extent that the overall public health is detrimentally affected. Given the short time the City has prior to the State provisions going into effect and the limitations during the past 45-days, there is an immediate need for such policy.
- h) There is insufficient time for consideration of and recommendation on the vast amount of options for objective standards and related code amendments by the Planning Commission (Commission) prior to action by the City Council. The Council therefore declares that Urgency Ordinance 2011 be extending in accordance with the provisions of Section 65858.
- i) California Government Code Section 65858 authorizes the City to extend an urgency measure by a four-fifths (4/5ths) vote where necessary to protect the public health, safety, and welfare without following the procedures otherwise required prior to adoption of a zoning ordinance.
- j) During the effective term of the extension of the urgency ordinance, City staff intends to undertake further study and present its recommendations to the City Council regarding permanent revisions to the City's regulatory scheme pertaining to residential development and subdivision projects and consistent with the goals and policies of the City's General Plan, California Planning and Zoning Law, and the provisions of California Government Code Section 65858.

WHEREAS, The Council declares that this urgency ordinance, which is effective immediately, is necessary as an emergency measure to preserve the public peace, health, or safety, by adopting objective standards for the approval of two-unit development and urban lot splits on single-family zoned lots and related code amendments prior to SB 9 taking effect on January 1, 2022.

WHEREAS, pursuant to Government Code Sections 66411.7(n) and 65852.21(j), an ordinance adopted to implement the requirements of SB 9 shall not be considered a project under CEQA. The proposed ordinance is therefore exempt from CEQA.

NOW, THEREFORE, the City of Seaside City Council hereby ordain as follows:

SECTION I. FINDINGS.

Based on the entirety of the record as described above, the City of Seaside City Council for the hereby makes the following findings:

1. All of the facts and recitals above are true, correct, incorporated herein and made a part hereof such that there exists a current and immediate threat to the public

health, safety, and welfare requiring immediate implementation of an urgency ordinance to regulate residential development projects, subdivisions and site developments in the City of Seaside.

2. The extension of Urgency Ordinance 2011 and its concomitant addition of Chapter 17.13 to the Seaside Municipal Code is necessary for the immediate preservation of the public peace, health, and safety because the subdivision of lots and design and construction of single- family residences, duplexes and accessory dwelling units pursuant to SB 9 without adequate standards can cause: land use and site development conflicts and incompatibilities including public safety, visual, privacy, acoustic and aesthetic impacts which would negatively impact the public welfare and the unique quality and character of the City. The City intends to study, within a reasonable period of time, the establishment of objective standards and to update its current codes.

3. Based on the recent amendments to state law with respect to the regulation of SB 9 units and lot subdivisions, there is a need for the City to update its current codes. The City intends to study, within a reasonable time, the adequacy of its existing ordinances and the potential need to adopt or amend its regulations establishing objective standards to address SB 9 units and lot subdivisions. The City Council and the people of Seaside require a sufficient and reasonably limited time to consider and study legally appropriate and reasonable policies regulating duplex development and urban lot splits.

4. This Ordinance is not subject to CEQA as it is not a project pursuant to Government Code section 66411.7(n) and 65852.21(j).

SECTION II. AMENDMENT.

This Ordinance extends Urgency Ordinance 2011 and the inclusion of Chapter 17.13 entitled Objective Standards for Qualified Senate Bill 9 Subdivisions and Development Projects is hereby added to Title 17 of the City of Seaside Municipal Code.

SECTION III. CONFLICTING PROVISIONS DEEMED INEFFECTIVE DURING ORDINANCE OPERATIVE PERIOD.

Any provision of the Municipal Code relating to residential development and lot subdivision standards which is in conflict with this ordinance is hereby deemed ineffective during the ordinance's operative period.

SECTION IV. SEVERABILITY.

If any provision of this ordinance or Urgency Ordinance 2011 or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this 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 of the City of Seaside 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 V. EFFECTIVE DATE AND PUBLICATION.

This ordinance is an extension to an urgency ordinance enacted under California Government Code 65858. This extension to the urgency ordinance is effective upon adoption by a four-fifths (4/5) vote of the City Council.

This urgency ordinance shall be of no further force and effect ten months (10) and fifteen (15) days from its date of adoption unless extended by the City Council.

INTRODUCED: January 27, 2022.

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Ian N. Oglesby, Mayor

ATTEST:

Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

Sheri L. Damon, City Attorney



PLANNING DEPARTMENT
440 HARCOURT AVENUE
SEASIDE, CA 93940
TEL: (831) 899-6728 FAX: (831) 718-8605
www.ci.seaside.ca.us

Senate Bill 9 Duplex and Urban Lot Split Eligibility Checklist
(Government Code §65852.21 & §66411.7)
(To Be Completed By Applicant)

California Senate Bill 9 (SB 9) created a "ministerial approval process" for "duplex" and "urban lot split" projects in single-family residential (RS-8 & RS-12) zones. To qualify for the "ministerial approval process," the project must satisfy the eligibility requirements listed in Government Code §65852.21 and/or §66411.7.

To apply for ministerial review pursuant to SB 9, the applicant must complete the following Senate Bill 9 Duplex and Urban Lot Split Eligibility Checklist. In addition to this checklist form, the applicant must also provide architectural plans, a Parcel Map (if proposing an "urban lot split"), and any other documents listed herein. Additionally, all projects must comply with the objective design standards, and standard conditions of approval ([See SB 9 Ordinance & Objective Standards](#)).

PROJECT TYPE

Which type of SB 9 Project is being applied for? ☐ Duplex ☐ Urban Lot Split

To qualify as an SB 9 ministerial approval project, the applicant must check "yes" for all the following general requirements, and all of the requirements for one or both of the project types:

GENERAL REQUIREMENTS

☐ Yes	☐ No	Is the subject property zoned RS-8 or RS-12?
☐ Yes	☐ No	Is the property owned solely by an individual property owner(s)?
☐ Yes	☐ No	Does the project comply with all provisions of Seaside Municipal Code Chapter (SMC) 17.13?
☐ Yes	☐ No	Are all existing improvements to remain on the property permitted?
☐ Yes	☐ No	Will the proposed project be used for residential purposes only?
☐ Yes ☐ N/A	☐ No	Will at least one (1) off-street parking space per unit be provided? If the property is within ½ mile of a High-Quality Transit Corridor of Major Transit Stop, or within one (1) block of a car share, select N/A.
☐ Yes	☐ No	Will the proposed project require the demolition, or alteration, of any of the following: -Housing restricted for moderate, low, or very-low income -Housing subject to rent or price control -Housing occupied by a tenant in the last three (3) years
☐ Yes	☐ No	If the property contains a rental unit within the last three (3) years, will the project demolish 25% or more of the existing exterior structural walls?
☐ Yes	☐ No	Will the proposed project be rented for periods of more than thirty (30) consecutive days at a time?

DUPLEX PROJECT REQUIREMENTS

☐ Yes	☐ No	Does the project propose a maximum total of two (2) units on a single parcel, excluding ADUs or JADUs?
☐ Yes	☐ No	Has an ADU building permit been issued for this site? ADU Type: ☐ Attached/Detached ADU or ☐ JADU?

SUBMITTAL DOCUMENTS, DUPLEX PROJECT:

☐ Building Permit Application	☐ Stormwater Requirements Applicability Checklist
☐ Full Set of Architectural Plans & Structural Calculations	☐ Inspection Fee
☐ MPWMD Water Release Form & Water Permit Application	☐ Plan Check Fee
☐ Water Release Permit from MPWMD	☐ School Impact Fee Payment Receipt

URBAN LOT SPLIT PROJECT REQUIREMENTS

☐ Yes	☐ No	Will the lot split result in two (2) lots?
☐ Yes	☐ No	Will the resulting lots be at least 40% the size of the existing lot?
☐ Yes	☐ No	Will the resulting lots be at least 1,200 sq. ft. in size?
☐ Yes	☐ No	Has a Parcel Map been submitted to the County of Seaside?
☐ Yes	☐ No	Has the property previously been split through an Urban Lot Split?
☐ Yes	☐ No	Has the property owner previously subdivided an adjacent property pursuant to an SB 9 urban lot split?
☐ Yes	☐ No	Will the resulting lot split contain two (2) housing units, or less, on each property?
☐ Yes	☐ No	Will the individual property owner(s) occupy any of the housing units as a result of the lot split for a minimum of three (3) years after the approval date?

SUBMITTAL DOCUMENTS, URBAN LOT SPLIT PROJECT:

☐ Application for Final or Parcel Map	☐ Engineering Parcel Map Review Deposit
☐ Parcel Map (See Final Map Checklist)	☐ Building Dept. Parcel Map Review Fee
☐ Legal Description	☐ Copies of any easement documents as applicable
☐ An exhibit showing the existing and proposed lot lines, any proposed improvements, easements and utilities.	☐ Preliminary Title Report (Less than 90 days old)

PROJECT INFORMATION:
Project Address:
APN(s):
Zoning & General Plan Land Use:
Number of Proposed Units:
Square Footage of Each Proposed Unit:
PRIMARY CONTACT INFORMATION:
Name:
Contact Type: ☐ Architect ☐ Engineer ☐ Property Owner ☐ Representative ☐ Other
Mailing Address:
City, State, Zip Code:
Phone No.:
E-mail:
PROPERTY OWNER CONTACT INFORMATION: (If different than Primary Contact)
Name:
Mailing Address:
City, State, Zip Code:
Phone No.:
E-mail:

CERTIFICATION:

I certify and declare under penalty of perjury under the laws of the State of California that the answers furnished above, and in the attached exhibits, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. I further understand that additional information may be required to be submitted to the City of Seaside to complete my review.

Applicant Signature

Date

Property Owner Signature

Date

FOR OFFICE USE ONLY	
Date Received:	Received By:
	Determination: