



A G E N D A
CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
440 HARCOURT AVE (COUNCIL CHAMBER)
Wednesday, January 25, 2023
6:00 PM

NOTICE: *The City Council and the City's Boards, Commissions and Committees, will hold its public meetings in person, with a virtual option for public participation based on availability. The City of Seaside utilizes Zoom tele-conferencing technology for virtual public participation; however, we make no representation or warranty of any kind, regarding the adequacy, reliability, or availability of the use of this platform in this manner. Participation by members of public through this means is at their own risk.*

VIRTUAL PUBLIC PARTICIPATION INSTRUCTIONS

1. To view this meeting: Please click on the following link to the City of Seaside YouTube Channel: <https://www.youtube.com/c/CityofSeasideCalifornia>
2. To participate in this meeting: Using the Zoom application on your smart phone, laptop, tablet or desktop and click on this link: <https://us02web.zoom.us/j/81555467580>
WEBINAR ID: 815 5546 7580
3. To participate by phone: Please call (669) 900-9128
Enter the meeting ID 815 5546 7580 when prompted. There is no participate code – press the pound sign # after the recording prompts you.
4. To make 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 at least two (2) hours prior to the meeting time on the day of the meeting.
 - 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.

IN PERSON PARTICIPATION INSTRUCTIONS

Members of the public participating in person and wishing to address the Commission may approach the podium when the Chair calls for public comment.

1. CALL TO ORDER

2. ROLL CALL - ESTABLISHMENT OF QUORUM

William Silva	Chair
Keith Dodson	Commissioner
John Owens	Commissioner
Arlington La Mica	Commissioner
Dave Evans	Commissioner
Danny Huynh	Commissioner
Elizabeth Madrigal	Commissioner

3. 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).

4. PUBLIC COMMENT

Members of the public wishing to address the Commission 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. Comments on specific agenda items are heard under that item. For the public record, please state your name.

5. BUSINESS ITEMS

A. USE PERMIT APPLICATION NO. UP-22-05: FARIS NEMRI, PROPERTY OWNER, AND MOISES LLAMAS HERNANDEZ, APPLICANT, REQUEST APPROVAL OF A USE PERMIT TO ALLOW FOR ON-SALE BEER WITH A TYPE 41 ALCOHOL LICENSE FOR A COUNTER SERVICE FAST FOOD RESTAURANT (TACOS EL JALISCIENSE) LOCATED AT 1390 FREMONT BOULEVARD, APN 012-273-001, IN THE COMMUNITY COMMERCIAL ZONING DISTRICT. THIS PROJECT IS CATEGORICALLY EXEMPT CLASS 1 SECTION 15301 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECOMMENDATION: Review the project for a Type 41 On-Sale Beer & Wine – Eating Place license in accordance with the following applicable regulations of the Seaside Municipal Code (SMC).

B. ZONING ORDINANCE AMENDMENT NO. ZOA-23-01: A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE OF THE CITY OF SEASIDE AMENDING TITLE 17 (ZONING ORDINANCE) OF THE SEASIDE MUNICIPAL CODE TO MODIFY SECTION 17.52.230 (ACCESSORY DWELLING UNITS) TO IMPLEMENT RECENT HOUSING BILLS. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IS NOT APPLICABLE TO THIS ACTION PURSUANT TO SECTION 21080.17 OF THE CALIFORNIA PUBLIC RESOURCES CODE

RECOMMENDATION: Adopt a resolution recommending that the City Council approve an ordinance amending Title 17 of the Seaside Municipal Code, and receive a summary report of the proposed changes to Section 17.52.230 of the Seaside Zoning Ordinance.

6. REPORTS FROM COMMISSIONERS

7. REPORTS FROM STAFF

8. ADJOURNMENT

Next Regularly Scheduled Meeting:
February 8, 2023
6:00 p.m.

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.: 5.A.

TO: Planning Commission

BY: Eric Azriel, Assistant Planner

DATE: January 25, 2023

SUBJECT: USE PERMIT APPLICATION NO. UP-22-05: FARIS NEMRI, PROPERTY OWNER, AND MOISES LLAMAS HERNANDEZ, APPLICANT, REQUEST APPROVAL OF A USE PERMIT TO ALLOW FOR ON-SALE BEER WITH A TYPE 41 ALCOHOL LICENSE FOR A COUNTER SERVICE FAST FOOD RESTAURANT (TACOS EL JALISCIENSE) LOCATED AT 1390 FREMONT BOULEVARD, APN 012-273-001, IN THE COMMUNITY COMMERCIAL ZONING DISTRICT. THIS PROJECT IS CATEGORICALLY EXEMPT CLASS 1 SECTION 15301 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PURPOSE & RECOMMENDATION

Review the project for a Type 41 On-Sale Beer & Wine – Eating Place license in accordance with the following applicable regulations of the Seaside Municipal Code (SMC).

BACKGROUND

The proposed project would be located within a single-tenant building at 1390 Fremont Boulevard. The site consists of a 13,939 square-foot (sf) parcel located on the southeast intersection of Fremont Boulevard and Sonoma Avenue in the Community Commercial (CC) Zoning District. The property is currently developed with a 1,152 sf commercial building with drive-thru accommodations. Off-street parking consists of 10 parking spaces.

Neighboring uses include a liquor store to the north across Sonoma Ave, a convenience store across Fremont Blvd to the west, and an auto parts store to the northwest. A multi-tenant two-story commercial building exists to the south. To the east is a mix of single family residences and apartment buildings.

Use Permit (UP) No. 1289 from 1978 allows the counter service fast-food restaurant to operate at 1390 Fremont Boulevard. The restaurant must comply with the conditions of approval from UP No. 1289. No changes to the historical site plan, parking layout or site characteristics are planned. No expansion of the land use is planned.

PROJECT DESCRIPTION

The project will create an on-sale alcohol license Type 41 Beer & Wine – Eating Place for a new counter and fast-food restaurant on bustling Fremont Boulevard. Owned and operated regionally, by Moises Llamas Hernandez of Gilroy, the restaurant called Tacos El Jalisciense will sell food representative of cuisine from Jalisco, Mexico and will operate from 8AM to 10PM. Mr. Hernandez operates three other locations:

- Tacos El Jalisciense, 1070 N Davis Rd, Suite C, Salinas, CA 93907
- Tacos El Grullo, 314 West Lacey, Hanford, CA 932230
- Tacos El Grullo, 2520 South Mooney Blvd, Visalia, CA 93277

Beer and cerveza preparada will be available for patrons of the establishment for on-site consumption. Alcoholic beverages will not be available for takeout. The restaurant can serve 20 patrons on-site. Menus are included in Attachment 4 and Attachment 5.

ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1 Section 15301. Class 1 consists of projects involving negligible or no expansion of use, including licensing.

Evidence: The proposed alcohol license would not expand the use of the existing restaurant facility. The project would add an alcohol license to a permitted restaurant use.

STAFF ANALYSIS

A Use Permit is required based upon the following:

- SMC 17.14.030 Table 2-4 footnote (3) states: "Accessory 'Alcoholic Beverage Sales' for all land uses shall require the approval of a Use Permit in accordance

with Section 17.62.070.”

For the California Department of Alcoholic Beverage Control (ABC) to issue a license, the Use Permit must include findings whether undue concentration or a law enforcement problem exists. If undue concentration is found, additional findings of public necessity or public convenience may be used to allow the alcohol license.

- California Business and Professions Code (BPC) 23958 states: “The department further shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.”
- BPC 23958.4.(a) states: “For purposes of Section 23958, “undue concentration” means the case in which the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the following conditions exist:
 - (1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.
 - (2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.”
- BPC 23958.4.(b) states: “Notwithstanding Section 23958, the department may issue a license as follows:
 - (1) With respect to . . . a retail on-sale bona fide eating place license . . . if the applicant shows that public convenience or necessity would be served by the issuance.”

Use Permit 22-05:

The Use Permit requires determinations and findings as explained in the California Business and Professions Code (BPC) in addition to the findings required by Seaside Municipal Code.

Undue Concentration

BPC Section 23958.4 requires a finding of whether undue concentration exists, and it defines undue concentration as existing when either of the following are true:

(1) The applicant premises are located in a crime reporting district that has a 20 percent greater number of reported crimes, as defined in subdivision (c), than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency; or,

(2) As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.

(1) Reported Crimes

BPC Section 23958.4.(c).(2). defines reported crimes as:

...the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations.

The Seaside Police Department does not possess a yearly compilation of crimes. They created a compilation for this Use Permit analysis running from November 9th, 2021 through November 9th, 2022. The project at 1390 Fremont is located in the Terrace district. In this time period, 735 crimes were reported by Seaside Police Department in the whole City; 108 of those crimes were reported in the Terrace District. With 19 total districts, the reported crimes in Terrace are 279% of the mean of 39. Therefore, undue concentration exists regarding crime.

However, on a per capita basis, crime rates in the Terrace District are similar to crime rates in other districts, as shown in Attachment 6. Attachment 7 shows a map of the crime reporting districts with their populations.

The Police Department confirms that the neighborhood of 1390 Fremont is not the target of law enforcement activity and has not identified any issues of concern regarding the proposed on-site sale of alcoholic beverages in conjunction with bona fide meals.

(2) Ratio of On-Sale Licenses

From the California ABC, Monterey County's ratio of on-sale licenses to population is 1:556. The premises under consideration, 1390 Fremont Boulevard, exist in census tract 136. With seven on-sale alcohol licenses and a population of 4260, the ratio is 1:609. Therefore, the local ratio of on-sale licenses to population does not exceed that of Monterey County. Therefore, undue concentration does not exist as a result of the ratio of on-sale licenses.

Public Necessity or Convenience

A finding of public necessity or convenience is necessary for the alcohol license to be issued because crimes reported in district 19 are more than 20% higher than the rest of Seaside.

Public convenience is served by allowing this alcohol use. Alcoholic drinks accompanying bona fide meals are a common and expected convenience, particularly if the drinks are culturally appropriate to the food. Tacos El Jalisciense will serve cuisine from Jalisco, Mexico, in an accessible format, including birria and pozole on the weekends. With approval of this Use Permit, a variety of beer and relevant cerveza preparada would be available for patrons dining-in.

Furthermore, restaurants create vital economic activity for the City of Seaside. They generate employment, income, traffic, and cultural ballast. Seaside is well-served by the creation of a culturally appropriate restaurant that can serve related alcohols with its meals.

USE PERMIT FINDINGS

Finding 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: Accessory alcoholic beverage sales are allowed with the approval of a Use Permit per Seaside Municipal Code 17.14.030 Table 2-4, footnote (3). The fast-food restaurant is an allowed use per Use Permit #1289 approved May 10, 1978.

Finding 2

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

Evidence: The General Plan states: *ork with Alcoholic Beverage Control (ABC) to regulate the on-sale and off-sale of packaged alcoholic beverages (LU-2.2.2 Alcoholic Beverage Control). Assessing and confirming that the alcohol use is a public necessity or convenience is consistent with the ABC and therefore consistent with the General Plan.*

The on-site sale of alcoholic beverages is ancillary to the sit-down restaurant.

The parcel is not included within the boundaries of any Specific Plan.

Finding 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 operating characteristics of the proposed alcohol license keep impacts to regular business hours and on-site.*

Existing land uses include a liquor store to the north across Sonoma Ave; a convenience store and an auto parts store across Fremont Blvd to the west, a multitenant two-story commercial building to the south, , and a mix of single family residences and apartment buildings to the east.

A restaurant of this size serving on-sale alcoholic beverages with bona fide meals in the interior space is compatible with these existing uses.

For the 2040 General Plan, the Community Commercial Zone is planned to be broadened into the Mixed-Use zone which continues and expands the commercial and mixed-use nature of the area.

Finding 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 planned retail of on-sale alcohol would occur only with bona-fide meals and in a previously permitted restaurant. The restaurant utilizes an existing building and location that was operated by a similar restaurant for more than 30 years. No substantial changes are planned.*

Finding 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 on-sale of alcoholic beverages accessory to bona fide meals at the restaurant will not result in a detrimental impact on the property or the vicinity of the property because of the small volume of alcohol being sold.*

Finding 6

The on-sale alcohol license will serve the Public Convenience and Necessity.

Evidence: *The on-sale of alcoholic beverages, particularly those that complement the cuisine, is a typical component of restaurant use and serves the Public Convenience. Restaurants are a vital part of the City's social and built fabric and serve the City's goals to develop local businesses and attract new residents and visitors.*

ATTACHMENTS

1. Attachment 1 Draft Resolution
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2. Attachment 2 Use Permit No.1289
 3. Attachment 3 Use Permit Letter
 4. Attachment 4 Eat-in menu
 5. Attachment 5 Drive-thru menu
 6. Attachment 6 Crime report
 7. Attachment 7 Map of crime reporting districts
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RESOLUTION NO. 23-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT NO. UP-22-05 TO ALLOW FOR ON-SALE BEER WITH A TYPE 41 ALCOHOL LICENSE FOR A COUNTER SERVICE FAST FOOD RESTAURANT (TACOS EL JALISCIENSE) LOCATED AT 1390 FREMONT BOULEVARD, APN 012-273-001, IN THE COMMUNITY COMMERCIAL ZONING DISTRICT.

WHEREAS, Faris Nemri, property owner, and Moises Llamas Hernandez, applicant, are requesting approval of a Use Permit to allow for the on-site sale of beer under a type 41 alcohol license for a counter service fast-food restaurant (Tacos El Jalisciense) at 1390 Fremont Boulevard in the Community Commercial (CC) zoning district; and

WHEREAS, the proposed project requires Use Permit approval by the Planning Commission per Seaside Municipal Code 17.14.030 Table 2-4, footnote (3); 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 project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings approving Use Permit Application No. UP-22-05:

WHEREAS, 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:** Accessory alcoholic beverage sales are allowed with the approval of a Use Permit per Seaside Municipal Code 17.14.030 Table 2-4, footnote (3). The fast-food restaurant is an allowed use per Use Permit #1289 approved May 10, 1978.*

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

***Evidence:** The General Plan states: [W]ork with Alcoholic Beverage Control (ABC) to regulate the on-sale and off-sale of packaged alcoholic beverages (LU-2.2.2 Alcoholic Beverage Control). Assessing and confirming that the alcohol use is a public necessity or convenience is consistent with the ABC and therefore consistent with the General Plan.*

The on-site sale of alcoholic beverages is ancillary to the sit-down restaurant.

The parcel is not included within the boundaries of any Specific Plan.

WHEREAS, 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 operating characteristics of the proposed alcohol license keep impacts to regular business hours and on-site.*

Existing land uses include a liquor store to the north across Sonoma Ave; a convenience store and an auto parts store across Fremont Blvd to the west, a multitenant two-story commercial building to the south, , and a mix of single family residences and apartment buildings to the east.

A restaurant of this size serving on-sale alcoholic beverages with bona fide meals in the interior space is compatible with these existing uses.

For the 2040 General Plan, the Community Commercial Zone is planned to be broadened into the Mixed-Use zone which continues and expands the commercial and mixed-use nature of the area.

WHEREAS, 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 planned retail of on-sale alcohol would occur only with bona-fide meals and in a previously permitted restaurant. The restaurant utilizes an existing building and location that was operated by a similar restaurant for more than 30 years. No substantial changes are planned.*

WHEREAS, 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 on-sale of alcoholic beverages accessory to bona fide meals at the restaurant will not result in a detrimental impact on the property or the vicinity of the property because of the small volume of alcohol being sold.*

WHEREAS, the on-sale alcohol license will serve the Public Convenience and Necessity.

Evidence: *The on-sale of alcoholic beverages, particularly those that complement the cuisine, is a typical component of restaurant use and serves the Public Convenience. Restaurants are a vital part of the City's social and built fabric and serve the City's goals to develop local businesses and attract new residents and visitors.*

WHEREAS, The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1 Section 15301. Class 1 consists of projects involving negligible or no expansion of use, including licensing.

Evidence: *The proposed alcohol license would not expand the use of the existing restaurant facility. The project would add an alcohol license to a permitted restaurant use.*

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Use Permit Application No. 22-05 subject to the following terms and conditions:

Project Specific:

1. Prior to the sale of alcoholic beverages, the applicant shall receive approval of a Type 41 Alcoholic Beverage License from the State Department of Alcoholic Beverage Control (ABC).
2. Applicant shall abide by requirements set forth by the ABC.
3. Alcohol sales must be accompanied by a meal, as "meal" is defined by California Business and Professions Code Section 23038 as may be amended from time to time.
4. On-site consumption of alcohol shall only be permitted inside the building.

Standard:

1. 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.
2. Any proposed future development or change in use shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
3. 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.
4. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 25th day of January, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

USE PERMIT APPLICATION No. UP-22-05

PC RESOLUTION No. 23-__

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

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

Applicant's Signature

Date

Property Owner's Signature

Date

RESOLUTION NO. 2891

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE,
STATE OF CALIFORNIA, ALLOWING USE PERMIT NO. 1289

WHEREAS, DINING OF CALIFORNIA has made application to the Seaside Planning Commission for a use permit in accordance with Seaside Zoning Ordinance No. 289, Art. VII, Section 7.2 to allow: construction of drive-in restaurant (Church's Fried Chicken)

in the H-S District, known as Lot(s) 118, 119, 120, 125 & W. 1/2 of 127 Block(s) - Tract(s) Grey Eagle Terrace Assr's No(s) 11A-273-1 generally located at 1390 Fremont, City of Seaside, State of California, County of Monterey;

WHEREAS, the Seaside Planning Commission, at its regular meeting of May 10, 1978, has found and determined that the granting of said permit will not adversely affect the character of the neighborhood of said premises or be injurious or detrimental to adjoining property or the rights of any owners therein, and that said application ought to be granted and said permit be issued, upon the conditions hereinafter particularly set forth;

NOW, THEREFORE, the Commission hereby grants and issues USE PERMIT NO. 1289 to the applicant upon the following terms and agreements and not otherwise to wit:

1. Development shall be substantially in accordance with the plot plan stamped "approved by the Planning Commission this date".
2. Architectural design of building, sign design, site planning and landscaping shall be submitted to and approved by the B.A.R.
3. A Certificate of Survey shall be submitted prior to building permit issuance.
4. There shall be compliance with all requirements of the Building, Fire, and Health Departments.
5. The parking area shall be graded, drained, and surfaced in accordance with requirements of the Zoning Ordinance and the City Engineer.
6. No display, sale, or storage of merchandise shall be permitted outside the building.
7. All public utilities shall be installed underground.
8. Applicant shall install bus stop bench at the southwest property corner and right-turn exit only at northern exit onto Fremont.
9. Applicant shall install no less than five permanent waste barrels around perimeter of site. Applicant will be responsible for strict policing of site and clean up of all litter blown or carried off site.
10. Applicant shall construct trash bin in the southeast corner of the property and enclose same with slumpstone or other permanent enclosure; further, shield talk box with noise absorbent enclosure, redirect talk box away from single family residences to the rear; and limit hours of operation from 10:00 a.m. to 9:00 p.m.
11. Applicant will install six-foot solid fence along rear property line and use low-level lights directed away from residential uses and shielded to minimize any glare towards residential uses.
12. Applicant will install grease/silt traps in parking lot as per Public Works Department's standards.
13. The plan line for the corner radius shall be improved and dedicated to the City in accordance with the City Engineer's specifications.
14. All portions of subject property shall be maintained in a weed-free, litter-free manner and all landscaping in a healthy, growing condition, in accordance with requirements of the approved plan and as administered by the Planning Director. It shall be the responsibility of the owner to replace unhealthy or dead plant material as approved in the original landscaping plan.
15. Conditions of this permit shall run with the land and its provisions shall be considered conditions of any subsequent sale or lease of said property, and shall be binding upon the present and any subsequent owner of the subject property.
16. This permit will have no force or effect unless and until accepted and terms thereof agreed to, in writing, by the applicant.
17. This approval shall become null and void if the use is not implemented within one year.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside held on the 10th day of May, 1978, by the following vote:

AYES: Bassett, Clark, Dansby, McDaniel, and Yamanishi

NOES: None

ABSENT: Sabado and Young (excused)

ABSTAIN: None

James R. Clark
JAMES R. CLARK, Chairman

ATTEST:

John Carlson
JOHN CARLSON, Secretary

=====

This permit is hereby accepted upon the express terms and conditions hereof, and the undersigned agrees to strictly conform to and comply with each and all of the said terms and conditions. In accepting this permit at this time, the undersigned accepts the contents hereof.

DATED:

6-21-78

SIGNED:

Ray D. Collins



**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT:
PLANNING DIVISION**

656 Broadway Avenue
Seaside, CA 93955
www.ci.seaside.ca.us

Telephone 831-6723
Fax 831-899-6211

June 16, 2021

RE: 1390 Fremont Boulevard

To Whom It May Concern:

Seaside Municipal Code section 17.64.060 Permits to Run with the Land, specifies:

A Use Permit, Minor Use Permit, Variance, Minor Variance, or Planned Development Permit that is granted in compliance with Chapter 17.62 (Permit Review and Decisions) shall be deemed to run with the land from the effective date of the permit through any change of ownership of the site, except in the case where a permit expires and becomes void in compliance with Section 17.64.080 (Permit Time Limits, Extensions, and Expiration). All applicable conditions of approval shall continue to apply after a change in property ownership.

The currently discontinued drive-through restaurant appears to have been legally established with a Use Permit. Use Permits runs with the land and a counter service restaurant with a drive-through can be resumed. All conditions of approval associated with the Use Permit will apply to the new operation. Changes to the previously approved site plan, parking layout, or nature of the approved land use can be approved by the Director and other changes, such as expansion of the land use, require a Use Permit amendment. Although a new Use Permit will not be required for a new counter service restaurant, staff will still conduct a site plan review and address any site elements that need to be brought into compliance with the code requirements. Board of Architectural Review will be required for site and structure improvements, including landscaping, lighting, signage, and architectural design.

Sincerely,

Beth Rocha
Associate Planner



TACOS



Your choice of meat, \$2.50
Onions, cilantro and salsa

BREAKFAST BURRITO

Breakfast Super Burrito \$7.50

Breakfast Regular Burrito \$6.75

Veggie Super Burrito \$5.75

Veggie Regular Burrito \$6.00

BURRITOS

Super Burrito \$9.00

Regular Burrito \$8.00

Wet Burrito \$9.00

Beans and cheese Burrito \$5.50

QUESADILLAS

Quesadilla with meat \$8.50

With your choice of meat.

Quesadilla no meat \$5.00

SEAFOOD

Camarones a la Diabla \$15.99

Camarones Rancheros \$15.99

Mojarra Frita \$14.00

Shrimp Cocktail \$14.99

Tostada de Camarón \$6.50



Onions, cilantro
and salsa

Pollo

Onions, cilantro
and salsa



Asada

Onions, cilantro
and salsa



Tripa

Onions, cilantro
and salsa



ANTOJITOS



Asada Fries

\$8.00

Fries, meat, cheese, onions, cilantro, tomatoes, salsa and sour cream.

Super Nachos

\$7.00

Your choice of meat, cheese, onions, cilantro, tomatoes, salsa and sour cream.

Torta

\$8.00

Your choice of meat, mayonnaise, onions, cilantro, lettuce, tomatoes and salsa.

Tostada

\$5.50

Your choice of meat, cilantro, salsa, cheese, lettuce, tomatoes and sour cream.

Sope

\$3.00

Your choice of meat, cheese, onions, cilantro, sour cream, salsa and lettuce.

Salad

\$5.50

Your choice of meat, lettuce, tomatoes, onions, salsa, cheese, and sour cream.



Torta



Super Nachos



KIDD'S MENU

Nuggets

\$8.50

7 Nuggets and fries.

Fries

\$4.00

Rice & Beans

\$4.00

Arroz y Frijoles

EXTRAS

Zanahoria Chico 12oz

\$2.50

Aguacate

\$1.50

Cebolla Asada

\$1.00

Extra Salsa 1oz

\$.50

Tripa y Lengua

Tacos

\$3.00

Sopes

\$4.00

Burritos

\$9.50

Super Burrito

\$10.50

Tortas

\$9.00

Quesadillas

\$9.50

Weekends Only



Fines de semana Solamente

**Caldo
de Camarón \$14.00**



Menudo \$13.50



JARRITOS \$3.50

¡Qué buenos son!



Aguas Frescas
Small \$3.00 Med \$4.00

*Jamaica *Horchata *Tamarindo

Pozole \$12.00



Birria \$13.50



Chabelas Cervezas



Doble \$14.50

\$10.00



Domestic \$4.50

Budweiser
Bud Light

Imported \$5.50

Corona, Pacifico, Victoria
Modelo, Negra Modelo,
Estrella jalisco

Tacos

CHOICE OF MEAT, ONIONS, CILANTRO AND SALSA



\$2.50 EACH

Tortas

CHOICE OF MEAT, MAYONNAISE, ONIONS, CILANTRO, LETTUCE, TOMATOES, SALSA



\$8.00

Quesadilla

CHOICE OF MEAT, CHEESE, ONION, CILANTRO, SOURCREAM, SALSA, TOMATOES, LETTUCE



QUESO \$7.00

CARNE \$9.50

Breakfast Burrito

CHOICE OF BACON, HAM, CHORIZO, SAUSAGE



\$7.25

Burritos

CHOICE OF MEAT, RICE, BEANS, ONIONS, CILANTRO AND SALSA



REGULAR \$8.00

SUPER \$9.00

Burrito Mojado

CHOICE OF MEAT, RICE, BEANS, ONIONS, CILANTRO, CHEESE AND SALSA



\$8.50

Tacos El Jalisciense

Sat and Sunday



\$13.50

MENUDO



\$13.50

BIRRIA



\$12.00

POZOLE

Carne Asada Fries

CARNE ASADA, ONIONS, TOMATOES, JALAPENOS, SOUR CREAM, CILANTRO



\$8.00

Sopes



\$3.00

Arroz Frijoles



\$4.00

Nuggets

(7) - FRIES



\$8.50

Tostada de Carne

CHOICE OF MEAT, BEANS, CILANTRO, SALSA, CHEESE, LETTUCE, TOMATO, SOURCREAM



\$5.50

Fries



\$4.00

\$1.50

EACH * TAX



TACO TUESDAY

Aguas Frescas



TAMARINDO • HORCHATA • JAMAICA

S.....\$3.00

M.....\$4.00



\$3.50

LENGUA / TRIPA

TACOS.....\$3.00

SOPES.....\$4.00

BURRITOS.....\$9.50

SUPER BURRITOS..\$10.50

TORTAS.....\$9.00

QUESADILLAS.....\$9.50

Extras

ZANAHORIA (12oz container).....\$2.50

AGUACATE.....\$1.50

CEBOLLITA ASADA.....\$1.00

EXTRA SALSA (1/2oz container).....\$0.50

ASADA • PASTOR • LENGUA • CABEZA • POLLO • TRIPAS • CARNITAS • BUCHE

**Reported crimes by district from November 9th, 2021 through
November 9th, 2022**

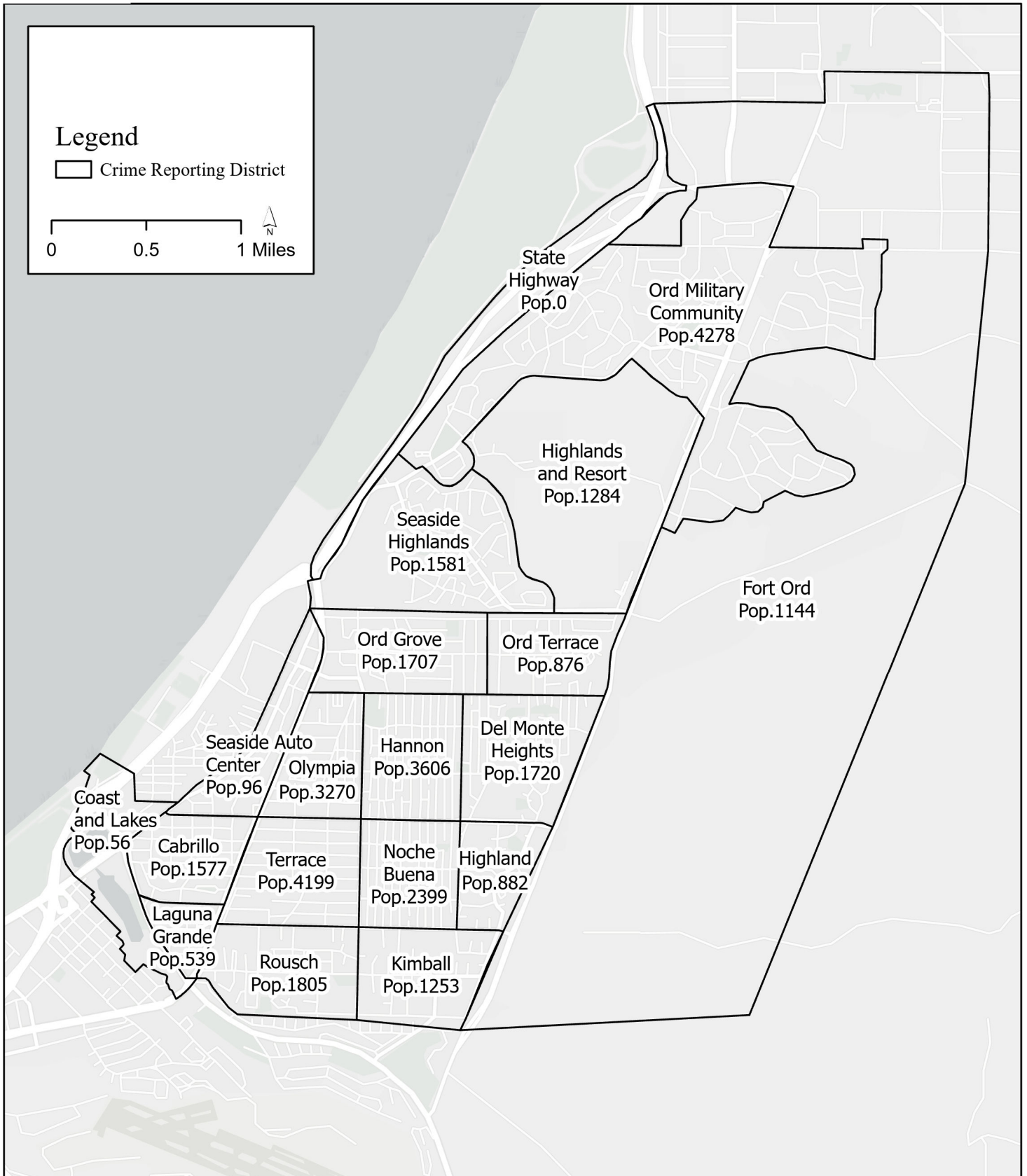
District Number	Reporting District	Reported Crimes ⁽¹⁾	Population ⁽²⁾	Reported Crimes per 1,000 population
1	Cabrillo	90	1577	57
2	Coast and Lakes	71	56	1268
3	Del Monte Heights	24	1720	14
4	Fort Ord	1	1144	1
5	Hannon	57	3606	16
6	Highland	24	882	27
7	Highlands and Resort	8	1284	6
8	Kimball	12	1253	10
9	Laguna Grande	29	539	54
10	Noche Buena	37	2399	15
11	Olympia	96	3270	29
12	Ord Grove	42	1707	25
13	Ord Military Community	2	4278	0
14	Ord Terrace	13	876	15
15	Rousch	29	1805	16
16	Seaside Auto Center	56	96	583
17	Seaside Highlands	35	1581	22
18	State Highway	1	0	-
19	Terrace	108	4199	26
	Total	735	32272	-
	Mean	39	1699	

(1) Commander Matthew Doza, Seaside Police Department, November 9, 2022. Reported crimes include only criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic citations, from November 9, 2021 to November 9, 2022.

(2) Associate Planner Jose Torres via ESRI, December 14, 2022, using 2020 Census Redistricting File (Public Law 94-171) Dataset.



City of Seaside Population Per Crime Reporting Districts





CITY OF SEASIDE STAFF REPORT

Item No.: 5.B.

TO: Planning Commission

BY: Andrew Myrick, Economic Development & Community Planning Manager

DATE: January 25, 2023

SUBJECT: ZONING ORDINANCE AMENDMENT NO. ZOA-23-01: A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE OF THE CITY OF SEASIDE AMENDING TITLE 17 (ZONING ORDINANCE) OF THE SEASIDE MUNICIPAL CODE TO MODIFY SECTION 17.52.230 (ACCESSORY DWELLING UNITS) TO IMPLEMENT RECENT HOUSING BILLS. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IS NOT APPLICABLE TO THIS ACTION PURSUANT TO SECTION 21080.17 OF THE CALIFORNIA PUBLIC RESOURCES CODE

PURPOSE & RECOMMENDATION

Adopt a resolution recommending that the City Council approve an ordinance amending Title 17 of the Seaside Municipal Code, and receive a summary report of the proposed changes to Section 17.52.230 of the Seaside Zoning Ordinance.

BACKGROUND

Chapter 17.74 of the Seaside Zoning Ordinance provides the process to be utilized when the Zoning Ordinance is amended. This Chapter specifies that the Planning Commission is to review all proposed Zoning Ordinance Amendments and provide a recommendation to the City Council to either approve, approve with modifications, or deny the Zoning Ordinance Amendment (ZOA).

The proposed ZOA 23-01 would repeal and replace the existing Section 17.52.230 of the Zoning Ordinance relating to Accessory Dwelling Units. An Accessory Dwelling Unit (ADU) is a residential unit that is built on the same site as another, principal dwelling unit. In addition, California Law (particularly Government Code Section 65852.2) includes a number of provisions that preempts much local regulation when it comes to

approving Accessory Dwelling Units. As a result, City discretion regarding ADUs is limited.

The City Council approved an update to the previous Zoning Ordinance on April 7, 2022 (see attached Ordinance No. 2013). Since then, the State of California has approved two additional bills, AB 2221 and SB 897, which have further modified the preemptions to the City's Code. The City's Zoning Ordinance is therefore proposed to be modified to reflect these changes. Further, additional modifications are proposed to provide additional clarity to particular provisions of the Code and facilitate the use of the Code as a "manual" for Planners and the public. This has resulted in a partial reorganization of Section 17.52.230.

Update Summary

Significant changes to the Code which have been included are summarized as follows (note that some Section numbers have changed):

Maximum Height of Structures – Under the current Ordinance, Section 17.52.230(E)(2) provides for a maximum height of 16 feet for detached ADUs and 22 feet if the ADU is located above a garage. Under the proposed ZOA, Section 17.52.230(G)(2) has been modified to reflect that detached ADUs may in certain situations be increased to 18 feet or more in height. Attached ADUs will be limited to the maximum height of the Zoning District or 25 feet, whichever is less. This change implements the recently adopted Government Code Section 65852.2(c)(2)(D).

Exempt ADUs – The proposed ZOA includes new language that establish a class of "Exempt ADUs." This implements Section 65852.2(e) of the Government Code. If a proposed ADU meets the criteria for an Exempt ADU, then the City is limited to reviewing only those criteria specified as being necessary for an Exempt ADU. For example, a detached ADU that is 800 square feet or less, meets minimum 4 foot side and rear yard setbacks, and meets the height maximums specified in the Government Code must be approved regardless of compliance with other provisions of the Zoning Ordinance. Exempt ADUs are not subject to the requirements of Subsections G and H (currently Subsections E and G) in the ZOA.

Utility ADUs – Utility ADUs are added as a definition to assist in the implementation of this Section. Government Code Section 65852.2(c)(2)(c) prohibits the application of most zoning criteria that would prevent the construction of an 800 square foot ADU meeting height and setback standards. The existing Code provides that many development regulations are applicable unless their applicability would prevent the construction of an ADU. The inclusion of the definition of a "Utility ADU" which corresponds to the language of Government Code 65852.2(c)(2)(c) will better define when these provisions are applicable and will help the City to ensure that development is consistent with the standards implemented by the community while not conflicting with State laws.

Other, less significant updates are summarized in the Table below:

Current Code	Proposed ZOA	Summary of Change
17.52.230(A)	17.52.230(A)	Added clarification that Codes are in addition to Building and Fire Codes.
17.52.230(F)	17.52.230(E)	Relocated language prohibiting short-term rentals and separate sales of ADUs to clarify applicability of requirements to Exempt ADUs.
17.52.230(E)(4)	17.52.230(G)(4)	Increased maximum floor area for one-bedroom ADU from 800 to 850 square feet pursuant to Government Code Section 65852.2(c)(2)(B). Increased maximum size from 40% of size of primary dwelling to 50% of the size of the primary dwelling. Eliminated two-bedroom limit.
	17.52.230(H)(4)	In order to mitigate the effects from the loss of on-site parking when garages and/or carports are converted to ADUs, added language specifying that it is not required to remove any on-site driveways that formerly served this parking.

CEQA Review

Section 21080.17 of the California Public Resources Code provides that the adoption of Ordinances implementing Government Code Section 65852.2 are not subject to the California Environmental Quality Act (CEQA). As this ZOA serves to implement Government Code Section 65852.2, no review is necessary under CEQA.

ATTACHMENTS

1. ZOA 23-01 PC Resolution
 2. Ord 2013 Repealing and Amending Section 17.52.230 of SMC
-

RESOLUTION NO. 23-XX PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE RECOMMENDING ADOPTION OF A ZONING ORDINANCE AMENDMENT REPEALING AND REPLACING SECTION 17.52.230 OF THE SEASIDE ZONING ORDINANCE REGARDING ACCESSORY DWELLING UNITS

WHEREAS, on April 7, 2022, the City Council passed and adopted Ordinance No. 2013 to set forth requirements for Accessory Dwelling Units within the City of Seaside; and

WHEREAS, in September 2022, Governor Newsom signed into law Assembly Bill (AB) 2221 and Senate Bill (SB) 897 amending California Government Code section 65852.2, related to ADUs; and

WHEREAS, due to these changes in State law regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), the City's ADU ordinance, Section 17.52.230 (Residential Second Units) of the Seaside Municipal Code (SMC) must be updated; and

WHEREAS, the proposed Zoning Ordinance Amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code; and

WHEREAS, Section 17.74.040 of the Seaside Zoning Ordinance provides that the Commission shall make a recommendation to the City Council to approve, approve with modifications, or deny any proposed Zoning Ordinance Amendment.

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

1. 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 (Section 17.52.230) 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. The Planning Commission hereby recommends that the City Council adopt an Ordinance repealing and replacing Section 17.52.230 to read as described in the attached Exhibit "A" and make the findings contained therein.

PASSED AND ADOPTED at a meeting of the Planning Commission of the City of Seaside, State of California, on the 25th day of January, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Will Silva, Chairperson

ATTEST:

Dominique L. Davis, City Clerk

Attach:

Exhibit "A" – Zoning Ordinance Amendment Text

Exhibit "A"

Zoning Ordinance Amendment Text

17.52.230 Accessory Dwelling Units

Sections:

- A. Purpose and intent.
- B. Definitions.
- C. Locations permitted.
- D. Effect of nonconforming.
- E. Legal use requirements.
- F. Exempt Projects
- G. ADU and JADU design standards.
- H. Off-street parking requirements.
- I. Processing.
- J. Contents of applications.

A. Purpose and intent. The purpose of this Chapter is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22, as may be amended. These regulations shall be in addition to any requirements imposed by any other applicable law, including, but not limited to, the Seaside Building Code and Seaside Fire Code.

B. Definitions. As used in this section, terms are defined as follows:

"Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit located on a parcel with a proposed or existing primary residence that provides a complete independent living facility containing separate kitchen, bath, sleeping, or living facilities. The term "attached accessory dwelling unit" means an accessory dwelling unit that is structurally attached to the main residence but which

has independent, direct access from the exterior. The term "detached accessory dwelling unit" means an accessory dwelling unit that is not structurally attached to the main residence. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined by Section 17858.1 of the California Health and Safety Code, as may be amended; and
2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code, as may be amended.

"Accessory structure" means a building or structure that is incidental to that of the main building on the same parcel.

"Efficiency kitchen" means a kitchen that includes each of the following:

1. A cooking facility with appliances. Appliances shall mean a range, or the combination of an oven and cooktop with a minimum of two burners;
2. A sink that facilitates hot and cold water;
3. A food preparation counter or counters that are adequate for the size of the unit;
4. Food storage cabinets adequate for the size of the unit.

"Junior accessory dwelling unit" or "JADU" means a residential unit that:

1. Is no more than 500 square feet in size;
2. Is contained entirely within an existing or proposed single-family structure;
3. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure; and
4. Includes an efficiency kitchen, as defined in this Chapter.

"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any other accessory structure, other than ADUs and JADUs.

"Multifamily ADU" means either:

1. ADUs established within the portions of multifamily structures previously used as livable space, not exceeding 25 percent of the existing multifamily structures; or
2. Detached single family ADUs on a lot that has existing multifamily dwellings being subject to height limits and 4-foot rear yard setbacks.

"Nonconforming zoning condition" means a physical improvement on a property that does not conform to current zoning standards.

"Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

"Public transit" means a location, including, but not limited to, any fixed-route bus stop or other transit stop with transportation that runs on fixed routes, and is available to the public.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a parcel, lined up behind one another.

"Tract housing" is a type of housing development in which multiple similar houses are built on a tract (area) that is subdivided into smaller lots.

"Utility ADU" means an ADU no larger than 800 square feet and meeting four-foot required side and rear yard setbacks.

C. Locations Permitted. Accessory dwelling units are permitted on parcels of any size in conjunction with a proposed or existing residential use in any zone that allows residential uses. Unless specifically stated otherwise, nothing in this Section shall be

interpreted to render any requirements applicable to the primary dwelling unit(s) on the site inapplicable.

D. Effect of Conforming. An ADU or JADU that conforms to the requirements in this section shall not be:

1. Deemed to be inconsistent with the General Plan and zoning designation for the parcel on which the ADU or JADU is located;
2. Deemed to exceed the allowable density for the parcel on which the ADU or JADU is located;
3. Considered in the application of any ordinance, policy, or program to limit residential growth; or
4. Required to correct a legally established nonconforming zoning condition. This does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

E. Legal use requirements. ADUs and JADUs shall comply with the following:

- 1. Short-term rental prohibited.** Any rental term of an ADU or JADU that was legally created on or after January 1, 2017 shall be longer than 30 days.
- 2. Sale of units.** The accessory dwelling unit may not be sold separately from the existing single-family home or multifamily dwelling except as provided in California Government Code Section 65852.26.

F. Exempt Projects. The following Exempt Projects shall not be subject to the requirements set forth in Subsections G and H, below, when said projects are located within a residential or mixed use zoning district; however, these Exempt Projects shall comply with all applicable requirements of the Seaside Building and Fire Codes, including requirements for separation between structures and fire-resistance ratings:

1. One Accessory Dwelling Unit and one Junior Accessory Dwelling Unit per lot with a proposed or existing Single-Family Dwelling if all of the following apply:
 - a. The Accessory Dwelling Unit or Junior Accessory Dwelling Unit is within the proposed space of a Single-Family Dwelling or is within the existing space of a Single-Family Dwelling or Accessory Structure. If within the space of an existing Accessory Structure, the structure may be expanded a maximum of 150 square feet beyond its existing physical dimensions solely for the purpose of accommodating ingress and egress.
 - b. The ADU or JADU has its own exterior access without need to travel through the existing or proposed Single-Family Dwelling.
 - c. The side and rear yard setbacks are sufficient for fire and safety, as determined by the City Building Official and Fire Chief.
 - d. Any JADU complies with the requirements of California Government Code 65852.22, as such may be amended from time to time.
2. One new construction Detached Accessory Dwelling Unit, which may also include a JADU within the same building, on a lot with an existing or proposed Single-Family Dwelling, if all of the following apply:
 - a. The structure shall be set back a minimum of four feet from the side and rear property lines.
 - b. The total floor area of the structure shall not exceed 800 square feet.
 - c. The height of the structure shall be limited to no more than the heights specified in Section 17.52.230(G)(2).
3. Multiple Accessory Dwelling Units within the portions of existing buildings used for Multifamily Dwelling Units that are not used as livable space, including, but not limited

to, storage rooms, boiler rooms, passageways, attics, basements, or garages. Spaces converted in this manner must meet applicable Building Code standards for dwelling units. The number of Accessory Dwelling Units created in this manner shall not exceed 25% of the originally existing Multifamily Dwelling Units, except that at least one Accessory Dwelling Unit shall be allowed.

4. Not more than two Detached Accessory Dwelling Units that are located on a lot that has existing Multifamily Dwelling Units, where the Detached Accessory Dwelling Units have a height that does not exceed the heights specified in Section 17-52.230 (G)(2) and are set back a minimum of four feet from all side and rear yard property lines.

G. ADU and JADU design standards. ADUs and JADUs shall comply with the following standards:

1. Maximum Number. One ADU and/or one JADU shall be allowed on each lot or parcel with a residential zoning designation. Multifamily ADUs shall comply with Government Code Section 65852.2.

2. Height limit. Accessory Dwelling Units shall comply with the following:

a. An attached accessory dwelling unit shall not exceed the maximum height specified for the Zoning District in which the ADU is located or 25 feet, whichever is less.

b. A newly constructed detached ADU shall be limited to one story and shall not exceed a maximum overall height of sixteen feet (16'), except that a detached ADU may be constructed to a height of 18 feet if:

- 1) The detached ADU is located on a lot with an existing multistory multifamily dwelling unit; or
- 2) The detached ADU is located within one-half mile of a major transit

stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code, in which case an additional two feet of height is permitted if necessary to align the roof pitch of the ADU with the roof pitch of the primary dwelling.

c. An attached ADU, accessory to a duplex or multifamily, shall be limited to a conversion of existing non-livable space and must maintain the existing height of the structure being converted.

3. Setbacks. ADUs and JADUs shall comply with the setback standards of the primary dwelling(s) for the applicable zone, except that minimum side and rear setbacks of four feet shall be required. A detached ADU shall be located behind the rear building line of the primary residence, and be clearly subordinate by location and size. This requirement shall not prevent the establishment of a Utility ADU that would otherwise comply with all other provisions of this Section.

a. Existing Garage. No setback shall be required for an existing, legal, attached or detached garage and/or other existing structure that is converted to an ADU or JADU, or that is demolished and reconstructed in the same location as an ADU.

4. Maximum unit size.

a. The maximum square footage of an ADU shall not exceed 850 square feet for a studio or one-bedroom, and 1000 square feet for units with two or more bedrooms. In no case shall a detached ADU exceed fifty percent of the floor area of the living area of the primary dwelling. This requirement shall not prevent the establishment of a Utility ADU that would otherwise comply with all other provisions of this Section.

- b. The floor area of a JADU shall not exceed a maximum of 500 square feet, and shall be contained within a proposed or existing single-family dwelling or within a converted garage, carport or covered patio.
- c. The floor area for multifamily ADUs shall comply with Government Code Section 65852.2.

5. Separate entrance required. An attached ADU and/or JADU shall provide a separate exterior access from the existing primary residence. Entry doors cannot be on the same facade as the primary entry/front door of the primary residence and exterior staircases or ramps shall be placed in the area furthest from any property lines if said staircase encroaches into a side or rear yard setback. This requirement shall not prevent the establishment of a Utility ADU that would otherwise comply with all other provisions of this Section.

6. Window placement. Windows facing an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping may be required to provide screening. This requirement shall not prevent the establishment of a Utility ADU that would otherwise comply with all other provisions of this Section.

7. Addressing. ADUs or JADUs constructed or established on the same parcel or lot as an existing or proposed single-family dwelling shall be distinguished by utilizing the same address numbers as the primary dwelling followed by the letter "B", then "C", and so forth. This requirement shall not prevent the establishment of a Utility ADU that would otherwise comply with all other provisions of this Section.

8. Exterior. ADUs or JADUs proposed in Master Planned Communities, areas regulated by Specific Plans, and any tract housing that obtained approval by the Board of Architectural Review shall substantially conform to the originally approved design elements, such as building materials, architectural style, roof pitch, height, scale, and exterior colors and finishes. This requirement shall not prevent the establishment of a Utility ADU that would otherwise comply with all other provisions of this Section.

9. Vehicular Door. A garage converted to an accessory dwelling unit shall include removal or exterior concealment of the garage door(s), which shall be replaced or concealed with a wall meeting Building Code requirements and including architectural treatment and features, including if appropriate walls, doors, windows, trim, and accent details, consistent with the primary dwelling. This requirement shall not prevent the establishment of a Utility ADU that would otherwise comply with all other provisions of this Section.

10. Lighting Restrictions. Any lighting associated with an ADU or JADU shall be shielded or down-lit and shall not shine onto adjoining properties, while meeting the minimum building code. This requirement shall not prevent the establishment of a Utility ADU that would otherwise comply with all other provisions of this Section.

11. Landscaping. No less than 20 percent of the lot shall be landscaped. All areas of the site that are not utilized for buildings, patios, parking, pedestrian, or vehicular access shall be landscaped and provided with a permanent irrigation system. The front yard shall be landscaped, exclusive of walkways and driveways. As site conditions allow, and concurrent with each newly established ADU or JADU, a minimum of one (1) tree of not less than (5) gallon size stock, shall be planted upon the same parcel or lot as the ADU or JADU. Upon request, the Zoning Administrator shall provide property owners with a pre-approved list of acceptable

tree species. The removal or loss of any tree in conjunction with an ADU or JADU shall be replaced with three (3) or more trees of the same species using at least (5) gallon size stock, as determined by the Zoning Administrator, and comply with the requirements of Chapter 8.54.040. All required yards and setback areas shall be attractively landscaped primarily with drought tolerant and native plant materials. This requirement shall not prevent the establishment of a Utility ADU that would otherwise comply with all other provisions of this section.

12. Private Open Space/Patios and Decks. Each ADU or JADU shall have a deck or a patio, directly adjoining individual units. The minimum private open space required for each unit shall be no less than 96 square feet with a minimum width of six feet (6') for a deck/patio and eight feet (8') for landscaped area. This requirement shall not prevent the establishment of a Utility ADU that would otherwise comply with all other provisions of this section.

H. Off-street parking requirements. At least one off-street paved parking space shall be provided for an accessory dwelling unit, and may be located within the required interior side or rear property setback areas, or as tandem parking in compliance with Chapter 17.34 (Off-Street Parking).

1. Notwithstanding the above, no additional parking shall be required if one or more of the following conditions applies to the ADU:
 - a. The ADU is located within one-half mile walking distance of public transit.
 - b. The accessory dwelling unit is located within an architecturally and historically significant historic district within which the parking requirement would be inconsistent.
 - c. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

- d. When on-street parking permits are required but have not been offered to the occupant of the accessory dwelling unit.
 - e. When there is a car share vehicle located within one block of the accessory dwelling unit.
 - f. When a permit application for an ADU is submitted at the same time as a permit application for a new single-family or multifamily dwelling or dwellings located upon the same lot and the ADU meets any of the criteria specified in this subsection.
- 2. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, those off-street parking spaces are not required to be replaced.
 - 3. A new driveway approach or curb cut for an ADU or JADU, if needed, may require a separate encroachment permit from the City's Engineering Department.
 - 4. Notwithstanding Section 17.34.120(A)(1)(d) of the Seaside Municipal Code, when an existing, legally constructed garage or carport is converted to an ADU or JADU, it is unnecessary to remove any existing driveway access or curb cut that formerly served said garage or carport, provided that the driveway is a minimum of 20 feet in length.

I. Processing. The City shall provide an approval or denial of ADU and/or JADU applications within (60) sixty days from the date such application is deemed complete, unless the applicant requests a processing delay, in which case the sixty-day period is tolled for the period of the requested delay, up to a maximum of 180 days. If a permit application for an ADU or JADU is submitted along with a permit application to create a new primary dwelling on the same parcel or lot, the City may delay acting on the ADU or JADU application until the City permits the new primary dwelling. The City shall deem ADU applications complete that include all of the information and materials required in the application submittal checklist, comply with the provisions of this chapter, and include full payment of applicable review fees.

J. Contents of Applications. An ADU and/or JADU application shall include the following:

- 1. Completed Residential Building Permit Application;

2. Completed Monterey Peninsula Water Management District (MPWMD) residential water release form and permit application.
3. Plan Set - Signed and Dated (If Required). A single PDF file containing all plan sheets, 24"x 36" minimum size, to include:
 - a. COVER SHEET: Project address; assessor parcel number; legal property owner's name, address, phone number; plan preparer's title and license number (If Applicable), address, phone number; scope of work identifying all work proposed, clearly showing existing and proposed work and descriptions, and demonstrating compliance with all applicable CA codes and regulations, California Building or Residential Code, Electrical, Mechanical, Plumbing, Energy, Fire, Green Building Codes and City of Seaside Municipal Code; project data, property type, type of construction, occupancy classification, square footage of existing/remodeled/new proposed structure(s) and addition(s), overall building height, fire sprinkler (Yes / No), number of stories; sheet index; deferred submittal list – trusses, sprinklers, etc. (If Applicable); special inspections noted (If Required);
 - b. SITE PLAN: North arrow; scale; setbacks; lot dimensions; property boundaries; street names; new and existing structures; building footprint and roofline with all projections dimensioned to property lines; gates; walls; fences; driveways; walks; easements; utilities; meter locations; Cal Green Mandatory Measures Checklist legibly reproduced on the plans; site improvements, including grading, drainage, and landscape irrigation;
 - c. DEMOLITION PLAN (if Applicable): Showing any existing structure(s), or portion(s) of a structure to be removed with floor plan(s) and framing details;
 - d. FLOOR PLAN (Existing/Proposed): Drawn to scale, dimensioned, rooms labeled, doors and window types, sizes, schedules; framing details;

- e. EXTERIOR ELEVATIONS: All sides of the exterior of the building; existing & proposed exterior wall finishes and special finishes; roof materials and roof pitches; door, window, skylight, and other openings, locations, materials, and configurations; vertical dimensions showing the height of structure(s) and heights of finished floors; locations and extent of shear walls, let-in bracing, or other methods of shear transfer;
- f. FOUNDATION PLAN: Detailed and dimensioned plans showing slabs and foundations for garages, patios, breezeways, driveways, walks; footings, piers, slabs, grade beams, retaining walls (sizes and locations); hold-downs, connections of new foundations to existing foundations; any special construction required by structure, site conditions, or expansive soils; required compressive strength of concrete; crawl access openings and screened vents under raised wood floors; North arrow;
- g. ROOF FRAMING PLAN: Size and spacing of beams, rafters, headers, trusses, roof openings; layout of roof sheathing; nailing; North arrow;
- h. STRUCTURAL CALCULATIONS: Signed and dated; CRC Braced Walls or CBC Shear Walls; schedule (If Modified); Soils Report (If Applicable), signed and dated;
- i. PLUMBING, MECHANICAL, ELECTRICAL PLANS: Location of new or existing mechanical equipment serving the added or altered area; electrical plan with receptacles, lighting, and panel schedule (If Modified); gas line diagram and calculations (If Modified); Energy Certificate of Compliance Forms reproduced on plan sheets; and
- j. Monterey Peninsula Unified School District (MPUSD): Release for any payment of school district fees.

ORDINANCE NO. 2013

AN ORDINANCE OF THE CITY OF SEASIDE

REPEALING AND AMENDING SECTION 17.52.230 OF THE SEASIDE MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS

WHEREAS, Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are a form of housing in the State of California and in the City of Seaside (City); and

WHEREAS, the City has regulated ADUs as "Residential Second units" since 1983 and historically as "Accessory Residential Units" as also set forth in the Seaside Municipal Code (SMC) Chapter 17.52.230; and

WHEREAS, the California State Legislature has brought forth several bills relating to the planning and permitting of ADUs and JADUs; and

WHEREAS, In October 2019, Governor Newsom signed into law Assembly Bill (AB) 881, and Senate Bill (SB) 13 amending California Government Code section 65852.2, related to ADUs; and

WHEREAS, the new laws took effect on January 1, 2020, and contain a clause providing that a local government's ordinance that does not comply with all provisions of the State law shall become null and void; and

WHEREAS, the new standards will facilitate the development of ADUs and JADUs within the City, and are necessary for maintaining orderly growth and development patterns; and

WHEREAS, the City has determined that it is appropriate to repeal and reenact SMC Section 17.52.230 to comply with State law and to provide a more streamlined process for the development of ADUs and JADUs in an effort to provide additional affordable housing opportunities; and

WHEREAS, this Ordinance repeals and reenacts SMC Section 17.52.230, entitled "Residential Second Units"; and

WHEREAS, in the enactment of this Ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.; and

WHEREAS, repeal and amendment of SMC Section 17.52.230 pertaining to ADUs is statutorily exempt from review under the California Environmental Quality Act (CEQA) per Section 15282(h) of the CEQA Guidelines as it implements Government

Code Sections 65852.1 and 65852.2 as set forth in Section 21080.17 of the Public Resources Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Seaside Municipal Code Section 17.52.230 is hereby repealed, and amended to read as follows:

17.52.230 Accessory Dwelling Units

Sections:

- A. Purpose and intent.
- B. Definitions.
- C. Locations permitted.
- D. Effect of nonconforming.
- E. ADU and JADU design standards.
- F. Legal use requirements.
- G. Off-street parking requirements.
- H. Processing.
- I. Contents of applications.

A. Purpose and intent. The purpose of this Chapter is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22, as may be amended.

B. Definitions. As used in this section, terms are defined as follows:

"Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit located on a parcel with a proposed or existing primary residence or existing multifamily dwelling that provides a complete independent living facility containing separate kitchen, bath, sleeping, or living facilities. The term "attached accessory

dwelling unit" means an accessory dwelling unit that is structurally attached to the main residence but which has independent, direct access from the exterior. The term "detached accessory dwelling unit" means an accessory dwelling unit that is not structurally attached to the main residence. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code, as may be amended; and
2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code, as may be amended.
3. "Accessory structure" means a building or structure that is incidental to that of the main building on the same parcel.

"Complete independent living facilities" means permanent provisions for cooking, eating, sleeping living, and sanitation on the same parcel as the single-family or multifamily dwelling is, or will be, situated.

"Efficiency kitchen" means a kitchen that includes each of the following:

1. A cooking facility with appliances. Appliances shall mean a range, or the combination of an oven and a cooktop with a minimum of two burners;
2. A sink that facilitates hot and cold water;
3. A food preparation counter or counters that are adequate for the size of the unit;
4. Food storage cabinets adequate for the size of the unit.

"Junior accessory dwelling unit" or "JADU" means a residential unit that:

1. Is no more than 500 square feet in size;
2. Is contained entirely within an existing or proposed single-family structure;
3. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure; and
4. Includes an efficiency kitchen, as defined in this Chapter.

"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any other accessory structure, other than ADUs and JADUs.

"Multi-family ADU" means:

1. ADUs established within the portions of multifamily structures not previously used as livable space, not exceeding 25 percent of the existing multifamily structures.
2. Detached single family ADUs on a lot that has existing multifamily dwellings being subject to height limits of 16 feet and 4-foot rear and side yard setbacks.

"Nonconforming zoning condition" means a physical improvement on a property that does not conform to current zoning standards.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one exterior entrance of the ADU or JADU.

"Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

"Public transit" means a location, including, but not limited to, any fixed-route bus stop or other transit stop with transportation that runs on fixed routes, and is available to the public.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a parcel, lined up behind one another.

"Tract housing" is a type of housing development in which multiple similar houses are built on a tract (area) that is subdivided into smaller lots."

C. Locations Permitted. Accessory dwelling units are permitted on parcels of any size in conjunction with a proposed or existing residential use in any zone that allows residential uses.

D. Effect of Conforming. An ADU or JADU that conforms to the requirements in this section shall not be:

1. Deemed to be inconsistent with the General Plan and zoning designation for the parcel on which the ADU or JADU is located;
2. Deemed to exceed the allowable density for the parcel on which the ADU or JADU is located;
3. Considered in the application of any ordinance, policy, or program to limit residential growth; or
4. Required to correct a legally established nonconforming zoning condition. This does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

E. ADU and JADU design standards. ADUs and JADUs shall comply with the following standards:

1. **Maximum Number.** Only one ADU and one JADU shall be allowed on each lot or parcel with a zoning designation of single-family residential. Multifamily ADUs shall comply with Government Code Section 65852.2.

2. Height limit.

- a. A detached ADU, accessory to a single-family dwelling, shall be limited to one story and shall not exceed a maximum overall height of sixteen feet (16') to the highest ridgeline.
- b. An attached ADU, accessory to a single-family dwelling, shall have the same height limitations that apply to the main dwelling.
- c. A detached ADU, accessory to a duplex or multifamily, shall be limited to one story and shall not exceed a maximum overall height of sixteen feet (16') to the highest ridgeline.

d. An attached ADU, accessory to a duplex or multifamily, shall be limited to a conversion of existing non-livable space and must maintain existing height.

e. An ADU located over a garage may be allowed to exceed the height limitations of sixteen feet (16') to a maximum height of twenty-two feet (22') with Minor Use Permit approval.

3. **Setbacks.** ADUs and JADUs shall comply with the following setback standards:

a. Site planning. A detached ADU shall be located behind the rear building line of the primary residence, and be clearly subordinate by location and size. This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.

b. Rear and/or side setbacks. A minimum of four feet (4') shall be required.

c. Building separation. A minimum building separation of six feet (6') shall be maintained (wall to wall) between the primary residence and a detached ADU.

d. Fire-resistance. Exterior walls shall comply with the minimum fire-resistance ratings in relation to proximity to property lines, and building separation distance, as required by the California Building Code, and/or California Residential Code, in effect when a completed permit application has been submitted the City.

e. Existing Garage. No setback shall be required for an existing, legal, attached or detached garage and/or other existing structure that is converted to an ADU or JADU.

4. **Maximum floor area.**

a. The floor area of a newly constructed detached ADU shall not exceed 800 square feet for a studio, or one-bedroom, and 1000 square feet for units with two

bedrooms. No more than two bedrooms are allowed. In no case shall a detached ADU exceed 40 percent of the floor area of the living area of the primary dwelling.

b. The floor area of an attached ADU shall not exceed 800 square feet for a studio, or one-bedroom, and 1000 square feet for units with two bedrooms. No more than two bedrooms are allowed. In no case shall an attached ADU exceed 50% of the floor area of the proposed or existing single-family dwelling.

c. The floor area of a JADU shall be a maximum of 500 square feet, and shall be contained within a proposed, existing single-family dwelling, or converted garage, carport or patio.

d. The conversion of an existing detached accessory structure to an ADU shall not be subject to the floor area square footage requirements of this section, except that no such conversion shall exceed 1200 square feet.

e. The floor area for multifamily ADUs shall comply with Government Code Section 65852.2.

5. **Separate entrance required.** An ADU and JADU shall provide a separate exterior access from the existing primary residence. Entry doors cannot be on the same facade as the entry door of the primary residence, unless this requirement prevents creation of the accessory dwelling unit.

6. **Window placement.** Windows facing an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping may be required to provide screening. This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.

7. **Addressing.** ADUs or JADUs constructed or established on the same parcel or lot as an existing or proposed single-family dwelling shall be distinguished by utilizing the

same address numbers as the primary dwelling followed by the letter "B", then "C", and so forth. This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.

8. **Exterior.** ADUs or JADUs proposed in Master Planned Communities, areas regulated by Specific Plans, and any tract housing that obtained approval by the Board of Architectural Review shall substantially conform to the originally approved design elements, such as building materials, architectural style, roof pitch, height, scale, exterior colors and finishes. This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.
9. **Vehicular Door.** A garage converted to an accessory dwelling unit shall include removal of garage door(s), which shall be replaced with architectural features, including walls, doors, windows, trim, and accent details. This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.
10. **Lighting Restrictions.** Any lighting associated with an ADU or JADU shall be shielded or down-lit and shall not shine onto adjoining properties, while meeting the minimum building code. This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.
11. **Landscaping.** No less than 20 percent of the lot shall be landscaped. All areas of the site that are not utilized for buildings, patios, parking, pedestrian or vehicular access shall be landscaped and provided with a permanent irrigation system. The front yard shall be landscaped, exclusive of walkways and driveways. As site conditions allow, and concurrent with each newly established ADU or JADU, a minimum of one (1) tree of not less than (5) gallon size stock, shall be planted upon the same parcel or lot as the ADU or JADU. Upon request, the Zoning Administrator shall provide property owners with a pre-approved list of acceptable tree species. The removal or loss of any tree in conjunction with an ADU or JADU shall be replaced with three (3)

or more trees of the same species using at least (5) gallon size stock, as determined by the Zoning Administrator, and comply with the requirements of Chapter 8.54.040. All required yards and setback areas shall be attractively landscaped primarily with drought tolerant and native plant materials. This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.

12. Private Open Space/Patios and Decks. Each ADU or JADU shall have a deck or a patio, directly adjoining individual units. The minimum private open space required for each unit shall be no less than 96 square feet with a minimum width of six feet (6') for a deck/patio and eight feet (8') for landscaped area. This requirement shall not prevent the establishment of an ADU that would otherwise comply with all other provisions of this section.

F. Use requirements. ADUs and JADUs shall comply with the following:

1. Short-term rental prohibited. Any rental term of an ADU or JADU that was legally created on or after January 1, 2017 shall be longer than 30 days.
2. Sale of units. The accessory dwelling unit may not be sold separately from the existing single-family home or multifamily dwelling.
3. Driveway. A new driveway approach or curb cut, if needed, for an ADU or JADU, may require a separate encroachment permit from the Engineering Dept.

G. Off-street parking requirements. At least one off-street paved parking space shall be provided for an accessory dwelling unit, and may be located within the required interior side or rear property setback areas, or as tandem parking in compliance with Chapter 17.34 (Off-Street Parking), unless one or more of the following conditions apply:

1. ADU is located within one-half mile walking distance of public transit.
2. The accessory dwelling unit is located within an architecturally and historically

significant historic district.

3. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
5. When there is a car share vehicle located within one block of the accessory dwelling unit.
6. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, those off-street parking spaces are not required to be replaced.

H. Processing. The City shall provide an approval or denial of ADU and/or JADU applications within (60) sixty-days from the date such application is deemed complete. The City shall deem ADU applications complete that include all of the information and materials required in the application submittal checklist, comply with the provisions of this chapter, and include full payment of applicable review fees. Complete applications shall be considered ministerial, without discretionary review or a hearing, unless:

1. The applicant requests a processing delay, in which case the (60) sixty-day time period is tolled for the period of the requested delay; or
2. The permit application for an ADU or JADU is submitted along with a permit application to create a new primary dwelling on the same parcel or lot, the City may delay acting on the ADU or JADU application until the City permits the new primary dwelling.

I. Contents of Applications. An ADU and/or JADU application shall include the following:

1. Completed Residential Building Permit Application;
2. Completed Monterey Peninsula Water Management District (MPWMD)

residential water release form and permit application.

3. Plan Set - Signed and Dated (If Required). A Single PDF file containing all plan sheets, 24"x 36" minimum size, to include:
 - a. COVER SHEET: Project address; assessor parcel number; legal property owner's name, address, phone Number; plan preparer's title and license number (If Applicable), address, phone number; scope of work identifying all work proposed, clearly showing existing and proposed work and descriptions; applicable CA codes and regulations, California Building or Residential Code, Electrical, Mechanical, Plumbing, Energy, Fire, Green Building Codes and City of Seaside Municipal Code; project data, property type, type of construction, occupancy classification, square footage of existing/remodeled/new proposed structure(s) and addition(s), overall building height, fire sprinkler (Yes / No), number of stories; sheet index; deferred submittal list – trusses, sprinklers, etc. (If Applicable); special inspections noted (If Required);
 - b. SITE PLAN: North arrow; scale; setbacks; lot dimensions; property boundaries; street names; new and existing structures; building footprint and roofline with all projections dimensioned to property lines; gates; walls; fences; driveways; walks; easements; utilities; meter locations; Cal Green Mandatory Measures Checklist legibly reproduced on the plans; site improvements, including grading, drainage, and landscape irrigation;
 - c. DEMOLITION PLAN (if Applicable): Showing any existing structure(s), or portion(s) of a structure to be removed with floor plan(s) and framing details;
 - d. FLOOR PLAN (Existing/Proposed): Drawn to scale, dimensioned, rooms labeled, doors and window types, sizes, schedules; framing details;
 - e. EXTERIOR ELEVATIONS: All sides of the exterior of the building; existing & proposed exterior wall finishes and special finishes; roof materials and roof pitches; door, window, skylight, and other openings, locations, materials, and configurations; vertical dimensions showing the height of structure(s) and heights of finished floors; locations and extent of shear walls, let-in bracing, or other methods of shear transfer;

- f. FOUNDATION PLAN: Detailed and dimensioned, slabs and foundations for garages, patios, breezeways, driveways, walks; footings, piers, slabs, grade beams, retaining walls (sizes and locations); hold-downs, connections of new foundations to existing foundations; any special construction required by structure, site conditions, or expansive soils; required compressive strength of concrete; crawl access openings and screened vents under raised wood floors; North arrow;
- g. ROOF FRAMING PLAN: Size and spacing of beams, rafters, headers, trusses, roof openings; layout of roof sheathing; nailing; North arrow;
- h. STRUCTURAL CALCULATIONS: Signed and dated; CRC Braced Walls or CBC Shear Walls; schedule (If Modified); Soils Report (If Applicable), signed and dated;
- i. PLUMBING, MECHANICAL, ELECTRICAL PLANS: Location of new or existing mechanical equipment serving the added or altered area; electrical plan with receptacles, lighting and panel schedule (If Modified); gas line diagram and calculations (If Modified); Energy Certificate of Compliance Forms reproduced on plan sheets; and
- j. MPUSD (Monterey Peninsula Unified School District): Release for any payment of school district fees.

SECTION 3.

The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 4. SEVERABILITY.

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

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

SECTION 5. EFFECTIVE DATE.

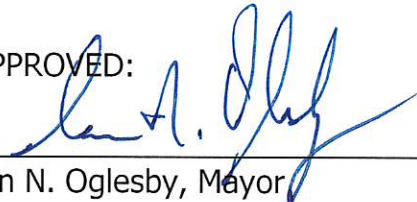
This Ordinance shall become effective thirty (30) days after its final passage and adoption.

INTRODUCED at a regular meeting of the City Council of the City of Seaside duly held on the 17th day of March 2022 and passed to print.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 7th day of April 2022 by the following roll call vote:

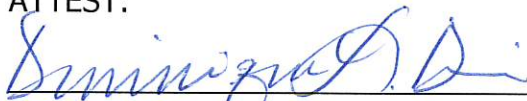
AYES: 4	COUNCIL MEMBERS	Campbell, Garcia-Arrazola, Oglesby, Pacheco
NOES: 1	COUNCIL MEMBERS	Wizard
ABSENT: 0	COUNCIL MEMBERS	None
ABSTAIN: 0	COUNCIL MEMBERS	None

APPROVED:



Ian N. Oglesby, Mayor

ATTEST:



Dominique L. Davis, City Clerk

APPROVED AS TO FORM:



Sheri L. Damon, City Attorney