A G E N D A

CITY OF SEASIDE	REGULAR MEETING
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY	440 HARCOURT AVE (COUNCIL CHAMBER)
	Thursday, March 2, 2023
	5:00 PM

NOTICE: *The City Council 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://ci-seaside-ca-us.zoom.us/j/81936832059
WEBINAR ID: 819 3683 2059

3. To participate by phone: Please call (669) 900-9128
Enter the meeting ID 819 3683 2059 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 by 2:00 p.m. 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 City Council may approach the podium when the Chair calls for public comment.

1. CALL TO ORDER

2. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby	Mayor/Chair
David R. Pacheco	Mayor Pro Tem/Vice Chair
Alexis Garcia-Arrazola	Council/Agency Member
Rita Burks	Council/Agency Member
Alex Miller	Council/Agency Member

3. INVOCATION AND 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 AGENCY COMMUNICATIONS

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

7. PRESENTATIONS

A. PRESENTATION OF MAYOR'S KEY TO THE CITY AWARDED TO MELVIN T. MASON (MAYOR IAN N. OGLESBY)

B. CENTRAL COAST COMMUNITY ENERGY ANNUAL PRESENTATION (SOPHIA SCHWIRZKE, CUSTOMER ACCOUNTS MANAGER)

C. PRESENTATION OF THE FEBRUARY 2023 HOUSE OF THE MONTH (NEIGHBORHOOD IMPROVEMENT COMMISSION)

D. FAMILY AND COMMUNITY SUPPORT PROGRAM UPDATE (FAMILY & COMMUNITY SUPPORT PRACTITIONER DERRICK ELDER)

E. **PRESENTATION OF THE ANNUAL INDEPENDENT AUDITOR'S REPORT (FINANCE DIRECTOR VICTOR DAMIANI)**

F. **CITYWIDE EVENTS AND COMMUNITY ANNOUNCEMENTS**

8. CONSENT AGENDA

A. **APPROVE MINUTES FROM FEBRUARY 16, 2023**

RECOMMENDATION: Approve minutes as presented in the agenda packet.

B. **ACCEPT AND FILE THE CASH AND INVESTMENTS REPORT FOR THE CITY OF SEASIDE AND THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE FOR THE QUARTER ENDING DECEMBER 31, 2022**

RECOMMENDATION: Accept and file the City of Seaside and the Successor Agency to the Redevelopment Agency of the City of Seaside Cash and Investment Report for the quarter ending December 31, 2022.

C. **ACCEPT AND FILE THE FISCAL YEAR ENDING JUNE 30, 2022 ANNUAL COMPREHENSIVE FINANCIAL REPORT, THE GOVERNANCE LETTER AND THE GANN LIMIT REPORT**

RECOMMENDATION: Receive, and accept the June 30, 2022 Annual Comprehensive Financial Report, the Governance Letter and the Gann Limit Report for the City of Seaside.

D. **APPROVE A PROCLAMATION RECOGNIZING RAMADAN FROM MARCH 22, 2023, TO APRIL 21, 2023**

RECOMMENDATION: Approve a proclamation recognizing Ramadan in the City of Seaside, from sundown on March 22, 2023 to sundown on April 21, 2023.

E. **APPROVE A FEE WAIVER FROM COMMUNITY HUMAN SERVICES FOR THE "2023 RECOVERY RUN - MEMORIAL FLAG EVENT AND NARCAN DISTRIBUTION" ON THE SEASIDE CITY HALL LAWN ON MAY 6, 2023**

RECOMMENDATION: Approve the fee waiver request from Community Human Services to hold the "2023 Recovery Run - Memorial Flag Event/Narcan Distribution on the City Hall Lawn in the amount of $267.75.

F. **ADOPT A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR CUTINO PARK IMPROVEMENTS PART 2 PHASE 1 PROJECT, APPROPRIATING $495,000.00 FROM THE GENERAL FUND TO THE PROJECT, AWARDING A CONSTRUCTION AGREEMENT TO GRANITE ROCK COMPANY FOR AN AMOUNT NOT TO EXCEED $1,251,353.50 AND A TOTAL PROJECT CONSTRUCTION COST INCLUDING CONTINGENCY OF $1,376,488.30**

RECOMMENDATION: Adopt a resolution approving the plans and specifications for Cutino Park Improvements Part 2 Phase 1 Project, appropriating $495,000.00 from the General Fund to the project, awarding a construction agreement to Granite Rock Company for an amount not to exceed $1,251,353.50, establishing a 10% contingency for a total project project construction amount of $1,376,488.30, and authorizing the City Manager to execute the construction agreement and any amendments, extensions, and change orders until completion of the project in accordance with the plans and specifications up to the total project construction amount.

G. **ADOPT A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH RINCON CONSULTANTS, INC. TO PREPARE A CALIFORNIA ENVIRONMENTAL QUALITY ACT INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION FOR FIRE STATION NO. 2 PROJECT FOR AN AMOUNT NOT TO EXCEED $114,765.78, AND APPROPRIATING $126,242.36 TO THE PROJECT FROM THE GENERAL FUND**

RECOMMENDATION: Adopt a resolution authorizing a professional services agreement with Rincon Consultants, Inc. to prepare a California Environmental Quality Act Initial Study/ Mitigated Negative Declaration for the Seaside Fire Station No. 2 Project for an amount not to exceed $114,765.78, and appropriating $126,242.36 to the Project from the General Fund.

H. **ADOPT A RESOLUTION AUTHORIZING A BUDGET TRANSFER OF $90,000.00 FROM THE NEIGHBORHOOD IMPROVEMENT COMMISSION (NIC) BUDGET TO THE FERNANDO PARK IMPROVEMENT PROJECT AND $20,000.00 FROM THE NEIGHBORHOOD IMPROVEMENT COMMISSION TO PACHETTI DOG PARK AND MESCAL NEIL PARK**

RECOMMENDATION: Adopt a resolution allocating $90,000.00 from the Neighborhood Improvement Commission budget to the Fernando Park Improvement Project, and $20,000.00 from the Neighborhood Improvement Commission budget to Pachetti Dog Park and Mescal Neil Park.

I. **ADOPT A RESOLUTION AUTHORIZING THE AMENDMENT AND RESUBMITTAL OF THE 2020 HOUSING ELEMENT ANNUAL PROGRESS REPORT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH**

RECOMMENDATION: Adopt a resolution authorizing the amendment and resubmittal of the 2020 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research, as proposed.

J. **CONSIDER THE TRAFFIC ADVISORY COMMITTEE RECOMMENDATION TO DENY EXEMPTION TO 2-HOUR PARKING RULES ON SANTA BARBARA STREET FOR EMPLOYEES OF OTHER BROTHER BEER CO.**

RECOMMENDATION: Deny the request for exemption to 2-hour parking rules on Santa Barbara Street for employees of Other Brother Beer Co.

K. **<u>AUTHORIZE THE CITY ATTORNEY TO SUBMIT AN ONLINE PUBLIC COMMENT TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) ON BEHALF OF THE CITY OF SEASIDE IN CALIFORNIA PUBLIC UTILITIES COMMISSION PROCEEDING A-2111024 REQUESTING THAT THE CPUC COMPEL CALIFORNIA-AMERICAN WATER COMPANY (CAL- AM) TO EXECUTE THE AMENDED AND RESTATED WATER PURCHASE AGREEMENT WITH MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (NOT A PROJECT UNDER CEQA PER ARTICLE 20, SECTION 15378 AND GENERAL RULE ARTICLE 5 SECTION 15061)</u>**

RECOMMENDATION: Authorize the City Attorney to submit the attached letter as an online public comment to the California Public Utilities Commission (CPUC) Public Comment to the California Public Utilities Commission (CPUC) on Behalf of the City of Seaside in California Public Utilities Commission Proceeding A-2111024 Requesting that the CPUC Compel California-American Water Company (Cal- Am) to Execute the Amended and Restated Water Purchase Agreement with Monterey Peninsula Water Management District.

L. **<u>ADOPT A RESOLUTION TERMINATING THE PROCLAMATIONS OF LOCAL EMERGENCY AND RELATED COVID-19 RESOLUTIONS AND ORDINANCES</u>**

RECOMMENDATION: Adopt a resolution to terminate the local emergency and related COVID-19 resolutions and ordinances.

M. **<u>ADOPT A RESOLUTION ADDING THE CLASSIFICATION OF PROJECT MANAGER TO THE CLASSIFICATION PLAN AND MODIFYING THE POSITION ALLOCATION LIST</u>**

RECOMMENDATION: Adopt a resolution adding the classification of Project Manager to the Classification Plan and modifying the Position Allocation List.

9. <u>PUBLIC HEARING</u>

A. **<u>ADOPT AN ORDINANCE APPROVING THE PART-TIME (REGULAR, TEMPORARY, AND SEASONAL) DEFINITION AND CLASSIFICATION TO MONITOR THE ALLOWED NUMBER OF HOURS WORKED PER FISCAL YEAR (SECOND READING - ROLL CALL VOTE)</u>**

RECOMMENDATION: Second reading of an ordinance on defining part-time classifications (regular and temporary/seasonal part-time) and maximum hours worked, per fiscal year.

B. **<u>ADOPT AN ORDINANCE AMENDING TITLE 17 (ZONING ORDINANCE OF THE SEASIDE MUNICIPAL CODE MODIFYING SECTION 17.52.230 (ACCESSORY DWELLING UNITS) TO IMPLEMENT RECENT HOUSING BILLS - THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY (SECOND READING - ROLL CALL VOTE)</u>**

RECOMMENDATION: Second reading of an ordinance amending title 17 (Zoning Ordinance of the Seaside Municipal Code modifying Section 17.52.230 (Accessory

Dwelling Units) to implement recent housing bills. CEQA does not apply pursuant to Public Resources Code Section 21080.17.

C. ADOPT A RESOLUTION ADOPTING THE INITIAL STUDY AND NEGATIVE DECLARATION AND APPROVING THE BROADWAY AVENUE COMPLETE STREETS PROJECT

RECOMMENDATION: Open a public hearing to accept public comment on the Initial Study/ Negative Declaration prepared for the Broadway Avenue Complete Streets Project; adopt the Initial Study and Negative Declaration under the California Environmental Quality Act; and approve the Project.

10. BUSINESS ITEMS

A. ADOPT A RESOLUTION ACCEPTING THE ANNUAL MID-YEAR FINANCIAL REPORT AND ADOPTING PROPOSED CHANGES TO THE BUDGET OF THE CITY OF SEASIDE FOR THE FISCAL YEAR 2022-2023

RECOMMENDATION: Adopt a resolution accepting the annual mid-year financial report and adopting proposed changes to the budget for the Fiscal Year 2022-2023.

B. ADOPT A RESOLUTION AUTHORIZING THE SUBMITTAL OF THE 2022 HOUSING ELEMENT ANNUAL PROGRESS REPORT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH.

RECOMMENDATION: Adopt a resolution authorizing the submittal of the 2022 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research, satisfying the reporting requirements of Government Code section 65400.

11. COUNCIL MEMBER REQUESTS

A. NEW COUNCIL MEMBER REQUESTS

B. FOLLOW UP ON PREVIOUS COUNCIL MEMBER REQUESTS

1. Explore options for vacant buildings in the downtown area on Broadway Avenue; and 2. Discuss the option of establishing a new City Commission (Miller)

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

This is a time specifically set aside for members of the City Council, the City Manager and City Attorney to make brief comments of general interest to the community and report on committee assignments.

13. CLOSED SESSION

Pursuant to Government Code Section 54956 et seq., the City Council and Successor

Agency to Redevelopment Agency may adjourn to a Closed Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City Attorney. Public comments on these items are taken after being read by the City Attorney. For the public record, please state your name.

A. <u>CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9</u>

Potential Litigation (2 Matters)

14. <u>ADJOURNMENT</u>

Next Regularly Scheduled Meeting:
MARCH 16, 2023
5:00 PM

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

DRAFT MINUTES

CITY OF SEASIDE	REGULAR MEETING
CITY COUNCIL/ SUCCESSOR	440 HARCOURT AVE
AGENCY TO THE	Thursday, February 16, 2023
REDEVELOPMENT AGENCY	5:00 PM

1. CALL TO ORDER

Mayor/Chair Oglesby called the meeting to order at 5:00 p.m.

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Burks, Garcia-Arrazola, Miller, Oglesby, Pacheco
ABSENT: None

3. INVOCATION AND PLEDGE OF ALLEGIANCE

A moment of silence was held for the invocation. The pledge of allegiance was led by Mayor Pro Tem/Vice Chair Pacheco.

4. REVIEW OF AGENDA

No changes.

5. PUBLIC COMMENT

George Riley, Lynda Cunningham, Karla Lobo, Ann Marie Pagan, Ruthie Watts

6. PUBLIC AGENCY COMMUNICATIONS

Monterey Peninsula Water Management District Director (Division 2) George Riley – provided an update about upcoming action regarding a feasibility study for 2018's "Measure J".

A. DANIELLE PATTERSON, HEAD OF SCHOOL AT CHARTWELL SCHOOL

Ms. Patterson introduced herself to the Council and provided two introductory videos about Chartwell School.

View Video 1
View Video 2

B. BARBARA NITIS, PUBLIC INFORMATION OFFICER, U.S. SMALL BUSINESS ADMINISTRATION - OFFICE OF DISASTER RECOVERY AND RESILIENCE

Ms. Nitis provided information to the Council about the U.S. Small Business Administration disaster loans.

7. PRESENTATIONS

A. PRESENTATION RECOGNIZING THE FIRST WALK OF FAME AD-HOC COMMITTEE (ASSISTANT CITY MANAGER ASHLEY COLLICK)

City Clerk Dominique Davis introduced the item and Mayor Oglesby presented certificates to each of the Broadway Ave Walk of Fame Ad-Hoc Committee members. Chair Annalisa Mitchell provided remarks about the work of the Committee, and Franco Pacheco, Emerson Brown, Ruthie Watts, Jeanette Walton, Bobby Maxwell, Joy Anderson were present to accept their certificates. Francoise Avery and Gracie Rubio were honored in their absence.

B. PRESENT PROCLAMATION ACKNOWLEDGING FIREFIGHTER JOSH SISNEROS AS 2022 FIREFIGHTER OF THE YEAR AND KENDALL EMERICK AS 2022 RESERVE FIREFIGHTER OF THE YEAR (FIRE CHIEF MARY GUTIERREZ)

Chief Gutierrez presented the awards and Mayor Oglesby read the proclamations acknowledging each awardee.

C. PRESENT PROCLAMATION ACKNOWLEDGING DAVID DILLON AS 2022 POLICE OFFICER OF THE YEAR, AND CURTIS OLIVARES AS 2022 COMMUNITY SUPPORT SERVICES PERSONNEL OF THE YEAR (POLICE CHIEF NICHOLAS BORGES)

Chief Borges presented the awards and Mayor Oglesby read the proclamation acknowledging each awardee.

D. POLICE DEPARTMENT ANNUAL CRIME REPORT (POLICE CHIEF NICHOLAS BORGES)

Chief Borges provided the presentation and responded to questions from Council.

E. RECEIVE PRESENTATION REGARDING REQUESTED MODIFICATIONS TO THE CONCEPUTAL FIRE STATION MURAL DESIGNED BY LA NETA MURALS (RECREATION SUPERVISOR KEE HYON HIGGINS)

Mr. Higgins provided the presentation and responded to questions from Council with the artist group La Neta Murals.

F. UPCOMING CITYWIDE EVENTS AND COMMUNITY ANNOUNCEMENTS (ASSISTANT CITY MANAGER ASHLEY COLLICK)

Mr. Higgins provided a presentation of upcoming events and announcements.

G. REVIEW OF THE CITY COUNCIL PRIORITIES ESTABLISHED ON NOVEMBER 21, 2022, STRATEGIC PLANNING RETREAT, AND THE 2023-2025 STRATEGIC PLAN (CITY CLERK DOMINIQUE DAVIS)

City Manager Fontes introduced the item and Perla Rodriguez, Voler Strategic Advisors provided a consultants perspective of the work that was done, and Ms. Davis provided an overview of the work plan and next steps to the Council.

8. CONSENT AGENDA

Mayor/Chair Oglesby read the Consent Agenda items. There were no comments from the public.

On motion by Council/Agency Member Miller and second by Mayor Pro Tem/Vice Chair Member Pacheco, and carried by the following vote, the City Council/Successor Agency moved to approve the consent agenda as presented.

RESULT: 5-0-0-0
AYES: Burks, Garcia-Arrazola, Miller, Oglesby, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None

A. APPROVE MINUTES FROM JANUARY 30, 2023 SPECIAL MEETING

ACTION: Approved

B. APPROVE PROCLAMATION CELEBRATING MARCH AS WOMEN'S HISTORY MONTH

ACTION: Approved

C. APPROVE PROCLAMATION CELEBRATING MARCH AS IRISH AMERICAN HERITAGE MONTH

ACTION: Approved

D. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST OF $3,000.00 FROM THE SEASIDE HIGH SCHOOL GIRLS BASKETBALL PROGRAM

ACTION: Approved

E. ADOPT A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH WALLACE GROUP FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE CUTINO PARK IMPROVEMENTS PART 2 PHASE 1 PROJECT FOR AN AMOUNT NOT TO EXCEED $189,914.00

ACTION: Adopted Reso #23-31

F. ADOPT A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE CITY OF MONTEREY TO PROVIDE INSTALLATION SUPPORT SERVICES TO THE ARMY WITHIN SEASIDE CITY LIMITS, AND AUTHORIZING THE WITHDRAWAL FROM AND TERMINATION OF THE PRESIDIO PUBLIC

WORKS AGENCY

ACTION: Adopted Reso #23-32

G. **ADOPT A RESOLUTION AUTHORIZING A MAINTENANCE SERVICES AGREEMENT WITH HOPE SERVICES IN AN AMOUNT NOT TO EXCEED $137,046.00**

ACTION: Adopted Reso #23-33

H. **ADOPT A RESOLUTION ACCEPTING A DONATION OF PLAYGROUND EQUIPMENT FOR FERNANDO PARK FROM FRIENDS OF SEASIDE PARKS; AMENDING THE CAPITAL PROGRAM TO INCLUDE THE FERNANDO PARK IMPROVEMENT PROJECT; APPROPRIATING A BUDGET OF $80,000.00 TO THE PROJECT FROM GENERAL FUND; AND AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH WHITSON ENGINEERS FOR AN AMOUNT NOT TO EXCEED $42,770.00 FOR THE PROJECT**

ACTION: Adopted Reso #23-34

I. **ADOPT RESOLUTIONS INDUCTING COLONEL ALFRED P. GLOVER, SR, DR. BETTYE J. LUSK, MAYOR JERRY SMITH (POSTHUMOUSLY), CARLOS RAMOS (POSTHUMOUSLY), RUTHIE WATTS AND HELEN RUCKER INTO THE BROADWAY AVE WALK OF FAME**

ACTION: Adopted Reso #23-35, 23-36, 23-37, 23-38, 23-39, and 23-40

9. PUBLIC HEARING

A. **FIRST READING OF AN ORDINANCE APPROVING THE PART-TIME (REGULAR, TEMPORARY, AND SEASONAL) DEFINITION AND CLASSIFICATION TO MONITOR THE ALLOWED NUMBER OF HOURS WORKED PER FISCAL YEAR (FIRST READING - ROLL CALL VOTE)**

Human Resources Analyst, Samantha Alcaraz Sakhrani presented the item and reviewed the proposed amendments that would result in the ability to monitor hours work and assist the City in containing pension costs.

There were no comments from the public.

On motion by Mayor Pro Tem/Vice Chair Pacheco and second by Council/Agency Member Garcia-Arrazola the City Council/Successor Agency moved to adopt an ordinance defining part-time classifications (regular and temporary/seasonal part-time) and maximum hours worked, per fiscal year. A second reading of the ordinance is required and will be conducted at a subsequent meeting.

RESULT: 5-0-0-0
AYES: Burks, Garcia-Arrazola, Miller, Oglesby, Pacheco

NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ACTION: Second Reading to be held on March 2, 2023

B. <u>FIRST READING OF AN ORDINANCE AMENDING TITLE 17 (ZONING ORDINANCE OF THE SEASIDE MUNICIPAL CODE MODIFYING SECTION 17.52.230 (ACCESSORY DWELLING UNITS) TO IMPLEMENT RECENT HOUSING BILLS - THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY (FIRST READING - ROLL CALL VOTE)</u>

Economic Development and Community Planning Manager, Andrew Myrick presented the item and responded to questions from the Council. The significant changes noted by the amendment included Modified Height Limitations (Section 17.52.230(G)(2)); Added Definition of "Exempt ADU" (17.52.230(F)); Defines Projects which are not subject to most Zoning regulations; Implements Government Code Section 65852.2(e); Added Definition of "Utility ADU" (Multiple Sections); Clarifies applicability of various codes to ADUs; Implements Gov. Code Section 65852.2(c)(2)(C); and Added clarification that Codes are in addition to Building and Fire Codes for all ADU applications; Relocated language prohibiting short-term rentals and separate sales of ADUs to clarify applicability of requirements to Exempt ADUs.

On motion by Mayor Pro Tem/Vice Chair Pacheco and second by Council/Agency Member Garcia-Arrazola the City Council/Successor Agency moved to adopt an ordinance to amend Title 17 (Zoning Ordinance of the Seaside Municipal Code modifying Section 17.52.230 (Accessory Dwelling Units) to implement recent housing bills. A second reading of the ordinance is required and will be conducted at a subsequent meeting.

RESULT: 5-0-0-0
AYES: Burks, Garcia-Arrazola, Miller, Oglesby, Pacheco
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ACTION: Second Reading to be held on March 2, 2023

10. <u>BUSINESS ITEMS</u>

A. <u>APPROVE AND ACCEPT A BID NOT TO EXCEED $105,650.00 (YEAR 1) TO PURCHASE FLOCK SAFETY LICENSE PLATE READER CAMERAS AND SHOT DETECTION WITH AN ANNUAL RENEWAL COST OF $90,000.00 AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A TWO-YEAR RENEWAL AGREEMENT WITH FLOCK SAFETY</u>

Police Chief Nicholas Borges provided the presentation and responded to questions from the Council. The goals were noted as an increase response time, increase case solvability, deter violent crime, investigate in an objective manner (remove human bias), regional approach to crime solving, and be transparent through community dashboard and policy / police response & community engagement.

PUBLIC COMMENT: Robert Daniel, Ann Marie Pagan, Lynda Cunningham, unidentified speaker, Amir Chapel, Peter Kaiser, Karla Lobo

On motion by Council/Agency Member Miller and second by Council/Agency Member Burks and carried by the following vote, the City Council/Successor Agency moved to approve the purchase of Flock Safety License Plate Reader cameras and shot detection, not to exceed $105,650.00 and authorize the City Manager to enter into a two-year renewal agreement to maintain the program, not to exceed $90,000.00 (annually).

AYES: Burks, Garcia-Arrazola, Miller, Oglesby, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None

ACTION: Adopted Reso #23-41

B. RECEIVE UPDATE ON THE PAVEMENT MANAGEMENT PROGRAM REPORT, AND ADOPT A RESOLUTION APPROVING A 5 YEAR PAVEMENT REHABILITATION POLICY AND STREET LIST FOR THE FY 2022/23 PAVEMENT REHABILITATION PROJECT

Public Works Director/Engineer Nisha Patel introduced Joe Ririe, Pavement Engineering, Inc. whom provided the presentation and responded to questions from the Council.

PUBLIC COMMENT: Lynda Cunningham, LisAnne Sawhney, Peter Kaiser, Karla Lobo

On motion by Council/Agency Member Miller and second by Council/Agency Member Burks and carried by the following vote, the City Council/Successor Agency moved to approve a 5 Year Pavement Rehabilitation Policy and approve a street list for the FY 2022/23 Pavement Rehabilitation Project.

AYES: Burks, Garcia-Arrazola, Miller, Oglesby, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None

ACTION: Adopted Reso #23-42

C. ADOPT A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WALLACE GROUP TO EVALUATE ADDITIONAL LOCATIONS IN THE WELL SITING STUDY FOR AN AMOUNT NOT TO EXCEED $94,046.00

Public Works Director/Engineer Nisha Patel provided the presentation and responded to questions from the Council.

PUBLIC COMMENT: LisAnne Sawhney, Peter Kaiser

On motion by Council/Agency Member Miller and second by Council/Agency Member Burks and carried by the following vote, the City Council/Successor Agency moved to authorize the City Manager to execute an amendment to the professional services agreement with Wallace Group to evaluate additional locations in the well siting study for an amount not to exceed $94,046.00.

AYES: Burks, Garcia-Arrazola, Miller, Oglesby, Pacheco
NOES: None
ABSTAIN: None
ABSENT: None

ACTION: Adopted Reso #23-43

D. <u>CONSIDER ADOPTION OF A RESOLUTION GRANTING OR DENYING CONSENT TO THE CITY OF MONTEREY TO RENEW THE MONTEREY COUNTY TOURISM IMPROVEMENT DISTRICT (MCTID) AND INCLUDE THE CITY OF SEASIDE IN THE MCTID</u>

City Manager Fontes provided an introduction to the item and introduced Rob O'Keefe, President & CEO of Monterey County Convention & Visitors Bureau provided the presentation and responded to questions from the Council.

PUBLIC COMMENT: Todd Fisher, Kevi Ellis, LisAnne Sawhney, Amrish Patel, Mitchel Sawhney

On motion by Mayor Pro Tem/Vice-Chair Pacheco and second by Council/Agency Member Garcia-Arrazola and carried by the following vote, the City Council/Successor Agency moved to grant consent to the City of Monterey to renew the MCTID, and include the City of Seaside in the MCTID.

AYES: Burks, Garcia-Arrazola, Oglesby, Pacheco
NOES: Miller
ABSTAIN: None
ABSENT: None

ACTION: Adopted Reso #23-44

At 11:48 p.m. Mayor Oglesby called for a motion to extend the meeting in order to adjourn, and the remainder of the items would be addressed at a future meeting and the closed session items would be a one on one briefing with the City Attorney for each Council Member.

11. COUNCIL MEMBER REQUESTS

A. NEW COUNCIL MEMBER REQUESTS

B. FOLLOW UP ON PREVIOUS COUNCIL MEMBER REQUESTS

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

13. CLOSED SESSION

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

Committee for Sound Water and Land Development v. City of Seaside, et al.
Monterey County Superior Court
Case No. 20CV002326

B. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9

Potential Litigation (2 Matters)

14. ADJOURNMENT

The meeting adjourned at 12:02 a.m.

Respectfully submitted,

______________________________	______________________________
Dominique L. Davis, City Clerk	**Ian N. Oglesby, Mayor**

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.B.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Jessica Riley, Assistant Finance Director

DATE: March 2, 2023

SUBJECT: **ACCEPT AND FILE THE CASH AND INVESTMENTS REPORT FOR THE CITY OF SEASIDE AND THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE FOR THE QUARTER ENDING DECEMBER 31, 2022**

RECOMMENDATION

Accept and file the City of Seaside and the Successor Agency to the Redevelopment Agency of the City of Seaside Cash and Investment Report for the quarter ending December 31, 2022.

BACKGROUND

Section 53646 of the California State Government code requires the fiscal officer to prepare a quarterly report detailing the City's and the Agency's cash and investments. The City of Seaside's and the Successor Agency's Investment Policy requires a quarterly report. This report covers the Fiscal Year 2022-2023 2nd quarter beginning October 1, 2022, and ending December 31, 2022.

The December 31, 2022 report shows that approximately 99.5% of the portfolio is City of Seaside funds and 0.5% is Successor Agency Funds. 45% of the funds are invested in the Local Agency Investment Fund with the State of California.

FISCAL IMPACT

None.

ATTACHMENTS

1. LAIF Program Description

2. LAIF Quarterly Apportionment Rates
3. PMIA Performance Report 20221231
4. Quarterly Investment Exhibits - 2Q quarter ended 12-31-22

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

LOCAL AGENCY INVESTMENT FUND

Program Description

The Local Agency Investment Fund (LAIF), a voluntary program created by statute, began in 1977 as an investment alternative for California's local governments and special districts and it continues today under Treasurer Fiona Ma's administration. The enabling legislation for the LAIF is Section 16429.1 et seq. of the California Government Code.

This program offers local agencies the opportunity to participate in a major portfolio, which invests hundreds of millions of dollars, using the investment expertise of the State Treasurer's Office professional investment staff at no additional cost to the taxpayer.

The LAIF is part of the Pooled Money Investment Account (PMIA). The PMIA began in 1955 and oversight is provided by the Pooled Money Investment Board (PMIB) and an in-house Investment Committee. The PMIB members are the State Treasurer, Director of Finance, and State Controller.

The Local Investment Advisory Board (LIAB) provides oversight for LAIF. The Board consists of five members as designated by statute. The State Treasurer, as Chair, or her designated representative, appoints two members qualified by training and experience in the field of investment or finance, and two members who are treasurers, finance or fiscal officers or business managers employed by any county, city or local district or municipal corporation of this state. The term of each appointment is two years or at the pleasure of the Treasurer.

All securities are purchased under the authority of Government Code Section 16430 and 16480.4. The State Treasurer's Office takes delivery of all securities purchased on a delivery versus payment basis using a third party custodian. All investments are purchased at market and a market valuation is conducted monthly.

Additionally, the PMIA has Policies, Goals and Objectives for the portfolio to make certain that our goals of Safety, Liquidity and Yield are not jeopardized and that prudent management prevails. These policies are formulated by Investment Division staff and reviewed by both the PMIB and the LIAB on an annual basis.

The State Treasurer's Office is audited by the Bureau of State Audits on an annual basis and the resulting opinion is posted to the State Treasurer’s Office website following its publication. The Bureau of State Audits also has a continuing audit process throughout the year. All investments and LAIF claims are audited on a daily basis by the State Controller's Office as well as an internal audit process.

Under Federal Law, the State of California cannot declare bankruptcy, thereby allowing the Government Code Section 16429.3 to stand. This Section states that "moneys placed with the Treasurer for deposit in the LAIF by cities, counties, special districts, nonprofit corporations, or qualified quasi-governmental agencies shall not be subject to either of the following: (a) transfer or loan pursuant to Sections 16310, 16312, or 16313, or (b) impoundment or seizure by any state official or state agency."

During the 2002 legislative session, California Government Code Section 16429.4 was added to the LAIF's enabling legislation. This Section states that "the right of a city, county, city and county, special district, nonprofit corporation, or qualified quasi-governmental agency to withdraw its deposited moneys from the LAIF, upon demand, may not be altered, impaired, or denied in any way, by any state official or state agency based upon the state's failure to adopt a State Budget by July 1 of each new fiscal year."

The LAIF has grown from 293 participants and $468 million in 1977 to 2,362 participants and $26.7 billion at the end of December 2019.

LOCAL AGENCY INVESTMENT FUND

Quarterly Apportionment Rates

	March	June	September	December
1977	5.68	5.78	5.84	6.45
1978	6.97	7.35	7.86	8.32
1979	8.81	9.10	9.26	10.06
1980	11.11	11.54	10.01	10.47
1981	11.23	11.68	12.40	11.91
1982	11.82	11.99	11.74	10.71
1983	9.87	9.64	10.04	10.18
1984	10.32	10.88	11.53	11.41
1985	10.32	9.98	9.54	9.43
1986	9.09	8.39	7.81	7.48
1987	7.24	7.21	7.54	7.97
1988	8.01	7.87	8.20	8.45
1989	8.76	9.13	8.87	8.68
1990	8.52	8.50	8.39	8.27
1991	7.97	7.38	7.00	6.52
1992	5.87	5.45	4.97	4.67
1993	4.64	4.51	4.44	4.36
1994	4.25	4.45	4.96	5.37
1995	5.76	5.98	5.89	5.76
1996	5.62	5.52	5.57	5.58
1997	5.56	5.63	5.68	5.71
1998	5.70	5.66	5.64	5.46
1999	5.19	5.08	5.21	5.49
2000	5.80	6.18	6.47	6.52
2001	6.16	5.32	4.47	3.52
2002	2.96	2.75	2.63	2.31
2003	1.98	1.77	1.63	1.56
2004	1.47	1.44	1.67	2.00
2005	2.38	2.85	3.18	3.63
2006	4.03	4.53	4.93	5.11
2007	5.17	5.23	5.24	4.96
2008	4.18	3.11	2.77	2.54
2009	1.91	1.51	0.90	0.60
2010	0.56	0.56	0.51	0.46
2011	0.51	0.48	0.38	0.38
2012	0.38	0.36	0.35	0.32
2013	0.28	0.24	0.26	0.26
2014	0.23	0.22	0.24	0.25
2015	0.26	0.28	0.32	0.37
2016	0.46	0.55	0.60	0.68

	March	June	September	December
2017	0.78	0.92	1.07	1.20
2018	1.51	1.90	2.16	2.40
2019	2.55	2.57	2.45	2.29
2020	2.03	1.47*	0.84	0.63
2021	0.44	0.33	0.24	0.23
2022	0.32	0.75	1.35	2.07

*Revised 7/21/2020 per State Controller's Office

PMIA/LAIF Performance Report
as of 02/15/23

PMIA Average Monthly Effective Yields[1]

January	**2.425**
December	2.173
November	2.007

Quarterly Performance
Quarter Ended 12/31/22

LAIF Apportionment Rate[2]:	2.07
LAIF Earnings Ratio[2]:	0.00005680946709337
LAIF Fair Value Factor[1]:	0.981389258
PMIA Daily[1]:	2.29
PMIA Quarter to Date[1]:	1.98
PMIA Average Life[1]:	287

Pooled Money Investment Account
Monthly Portfolio Composition [1]
01/31/23
$206.0 billion

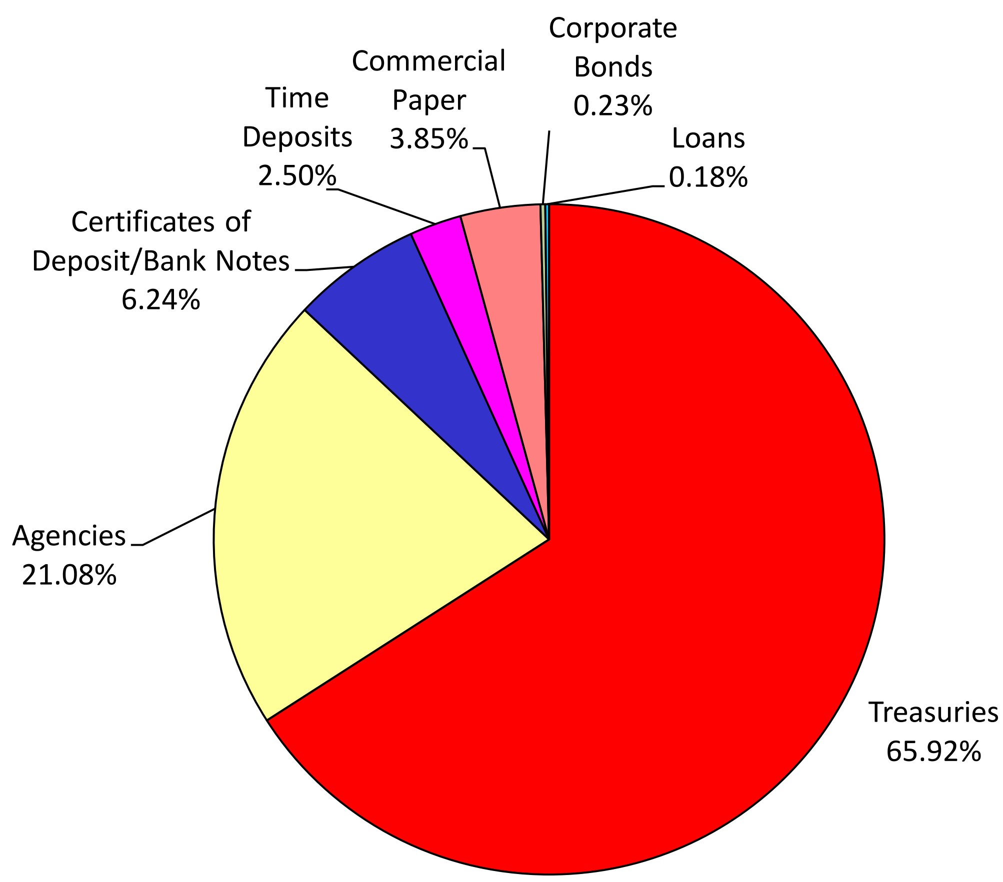

Chart does not include $3,323,000.00 in mortgages, which equates to 0.002%. Percentages may not total 100% due to rounding.

Daily rates are now available here. View PMIA Daily Rates

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

Source:
[1] State of California, Office of the Treasurer
[2] State of Calfiornia, Office of the Controller

Exhibit A

CITY OF SEASIDE and THE SUCCESSOR AGENCY
SUMMARY OF POOLED CASH AND INVESTMENTS
AS OF DECEMBER 31, 2022

DESCRIPTION	INSTITUTION	VALUATION	AMOUNT
LAIF - City Funds	State Treasurer	Market	$ 23,731,963.50
General Checking	Bank of West	Market	$ 18,418,132.83
Money Market	Bank of West	Market	$ 6,701,264.63
2022 Lease Escrow Account	Webster Bank	Market	$ 455,926.45
PARS Retirement Account	US Bank	Market	$ 17,072.64
York Tail Claims	Bank of America	Market	$ 29,809.20
Bond 2018 Cutino Reserve account	US Bank	Market	$ 1,028,732.84
Bond 2018 Measure X Reserve account	US Bank	Market	$ 1,238,860.68
Bond 2014 Reserve account	US Bank	Market	$ 46.52
Bond 2006 Reserve & Installment accounts	US Bank	Market	$ 443,938.70
Pension Obligation Bond Program Reserve account	Wells Fargo Bank	Market	$ 769,721.66
		Total	**$ 52,835,469.65**

I hereby certify that sufficient investment liquidity and anitcipated revenues are available to meet the City's and the Agency's aniticipated expenditure requirements for the next six months. (California Code Section 53646)

Investments in this report meet the requirements of the City of Seaside's and the Successor Agency's Investment Policy.

Respectfully submitted,

Jaime Fontes
City Manager

Exhibit B

CITY OF SEASIDE and THE SUCCESSOR AGENCY
SUMMARY OF POOLED CASH AND INVESTMENTS
AS OF DECEMBER 31, 2022

	Yield	Book Value	% of Total	Market Value
Investments				
State Treasurer LAIF - City Account	**0.68%**	**23,731,963.50**	**45.31%**	**23,731,963.50**
Checking Account				
Bank of West - General Checking	**0.00%**	**18,418,132.83**	**35.16%**	**18,418,132.83**
Bank of West - Money Market	**0.62%**	**6,701,264.63**	**12.79%**	**6,701,264.63**
Webster Bank - 2022 Lease	**0.18%**	**-**	**0.00%**	**455,926.45**
PARS Retirement Account	**1.59%**	**17,072.64**	**0.03%**	**17,072.64**
Bank of America-York Checking	**0.00%**	**29,809.20**	**0.06%**	**29,809.20**
US Bank - Cutino Revenue 2018 Bonds				
Installment Payment, Reserve	**0.00%**	**1,028,732.84**	**1.96%**	**1,028,732.84**
US Bank - Measure X Revenue 2018 Bonds				
Installment Payment, Reserve	**0.00%**	**1,238,860.68**	**2.37%**	**1,238,860.68**
US Bank - Redevelopment Agency Merged Area Refunding 2014 Bonds				
Installment Payment, Reserve	#####	**46.52**	**0.00%**	**46.52**
US Bank - Golf Course 2006 Bonds				
Installment Payment, Reserve	**0.00%**	**443,938.70**	**0.85%**	**443,938.70**
US Bank - PNC Equipment Lease Escrow Account	**0.00%**	**-**	**0.00%**	**-**
Wells Fargo Bank				
Pension Obligation Bond Program Reserve Account	**1.33%**	**769,721.66**	**1.47%**	**769,721.66**
Total Cash and Investments		**52,379,543.20**	**100.00%**	**52,835,469.65**

Exhibit C

CITY OF SEASIDE and THE SUCCESSOR AGENCY
CASH AND INVESTMENT ACTIVITY REPORT FOR THE PERIOD
OCTOBER 1, 2022 THROUGH DECEMBER 31, 2022

INSTITUTION	ACCOUNT STATUS	BEGINNING BALANCE	DEPOSITED	EXPENDED or TRANSFERRED	INTEREST EARNED	ENDING BALANCE
INVESTMENTS						
LAIF - City	OPEN	$ 23,651,486.19	-		80,477.31	$ 23,731,963.50
CHECKING ACCOUNT						
Bank of West - General Checking	OPEN	$ 20,155,638.87	14,905,713.75	16,643,219.79		$ 18,418,132.83
Bank of West - Payroll Checking	OPEN	$ -	7,018,928.95	7,018,928.95		$ -
Bank of West - Money Market	OPEN	$ 6,680,699.97	-	-	20,564.66	$ 6,701,264.63
Webster Bank - 2022 Lease	OPEN	$ -	483,566.25	27,841.75	201.95	$ 455,926.45
PARS Retirement Account	OPEN	$ 20,782.65	8,040.00	11,899.24	149.23	$ 17,072.64
York Tail Claims	OPEN	$ 20,021.90	16,170.03	6,382.73	-	$ 29,809.20
BOND RESERVE ACCOUNT - HELD BY TRUSTEES						
Bond 2018 Cutino Accounts - Reserve, Interest	OPEN	$ 1,028,721.02	87,183.05	87,184.39	13.16	$ 1,028,732.84
Bond 2018 Meas X Accounts - Reserve, Interest	OPEN	$ 1,238,846.52	197,347.97	197,350.01	16.20	$ 1,238,860.68
Bond 2014 Accounts - Reserve, Interest	OPEN	$ 46.24	36.11	36.11	0.28	$ 46.52
Bond 2006 Accounts - Reserve, Installment	OPEN	$ 339,564.52	104,369.61	-	4.57	$ 443,938.70
Wells F Pension Obligation Bond Prog-Reserve Acct.	OPEN	$ 822,477.84	57,993.30	115,986.60	5,237.12	$ 769,721.66
		$ 53,958,285.72	**22,879,349.02**	**24,108,829.57**	**106,664.48**	**$ 52,835,469.65**

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.C.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Victor Damiani, Finance Director

DATE: March 2, 2023

SUBJECT: **ACCEPT AND FILE THE FISCAL YEAR ENDING JUNE 30, 2022 ANNUAL COMPREHENSIVE FINANCIAL REPORT, THE GOVERNANCE LETTER AND THE GANN LIMIT REPORT**

RECOMMENDATION

Receive, and accept the June 30, 2022 Annual Comprehensive Financial Report, the Governance Letter and the Gann Limit Report for the City of Seaside.

BACKGROUND

The City of Seaside's Annual Comprehensive Financial Report for the year ending June 30, 2022 is complete and audited. The auditors have given the City a clean opinion on the financial statements.

A copy of the City's Report is attached to this agenda item. Also attached are the Gann Limit Report and the Governance Letter.

The firm of Maze and Associates, from Pleasant Hill, California performed the City's audit for the year ending June 30, 2022. They will make a presentation at the March 2, 2023 meeting and will be available to answer questions.

The City's Finance Director will provide a brief presentation on the financial results presented in the Annual Comprehensive Financial Report.

FISCAL IMPACT

The cost of the annual audit is included in the annual budget.

ATTACHMENTS

1. Seaside FY22 ACFR FINAL
2. Seaside GANN FY22
3. Governance Letter_FY22

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

March 2, 2023
City Council Regular Meeting

CLICK LINK TO ACCESS
Item 8C – Attachment 1

Annual Comprehensive Financial Report
For Fiscal Year Ended June 30, 2022

Hard Copy Available for Review at City Clerk's Office

MAZE & ASSOCIATES

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED UPON PROCEDURES FOR COMPLIANCE WITH THE PROPOSITION 111 2021-2022 APPROPRIATIONS LIMIT INCREMENT

Honorable Mayor and Members of the City Council
City of Seaside, California

We have performed the procedures enumerated below on the Appropriations Limit Worksheet (Worksheet) of the City of Seaside, California, for the year ended June 30, 2022. The City's management is responsible for the Worksheet.

The City has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of these procedures, which were suggested by the League of California Cities and presented in their Article XIIIB Appropriations Limitation Uniform Guidelines, were performed solely to assist you in meeting the requirements of Section 1.5 of Article XIIIB of the California Constitution. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

A. We obtained the Worksheet and determined that the 2021-2022 Appropriations Limit of $37,425,309 and annual adjustment factors were adopted by Resolution of the City Council. We also determined that the population and inflation options were selected by a recorded vote of the City Council.

B. We recomputed the 2021-2022 Appropriations Limit by multiplying the 2020-2021 Prior Year Appropriations Limit by the Total Growth Factor. We recomputed the Total Growth Factor by multiplying the population option by the inflation option.

C. For the Worksheet, we agreed the Per Capita Income Factor, City Population Factor and County Population Factor to California State Department of Finance Worksheets.

We were engaged by the City to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on the Worksheet. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

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This report is intended solely for the information and use of management and the City Council and is not intended to be and should not be used by anyone other than those specified parties; however, this restriction is not intended to limit the distribution of this report, which is a matter of public record.

Maze & Associates

Pleasant Hill, California
January 13, 2023

CITY OF SEASIDE, CALIFORNIA

REQUIRED COMMUNICATIONS

FOR THE YEAR ENDED JUNE 30, 2022

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CITY OF SEASIDE, CALIFORNIA
REQUIRED COMMUNICATIONS

For the Year Ended June 30, 2022

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REQUIRED COMMUNICATIONS

To the City Council of
the City of Seaside, California

We have audited the basic financial statements of the City of Seaside (City) for the year ended June 30, 2022. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards* and the Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our engagement letter to you dated August 1, 2022. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Accounting Policies - Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in Note 1 to the financial statements. No new accounting policies were adopted, and the application of existing policies was not changed during the year, except as follows:

GASB 87 – *Leases*

The objective of this Statement is to better meet the information needs of financial statement users by improving accounting and financial reporting for leases by governments. This Statement increases the usefulness of governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this Statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing activities.

A lease is defined as a contract that conveys control of the right to use another entity's nonfinancial asset (the underlying asset) as specified in the contract for a period of time in an exchange or exchange-like transaction. Examples of nonfinancial assets include buildings, land, vehicles, and equipment. Any contract that meets this definition should be accounted for under the leases guidance, unless specifically excluded in this Statement.

The pronouncement became effective, and as disclosed in Note 3G(4) to the financial statements.

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Unusual Transactions, Controversial or Emerging Areas - We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting Estimates - Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City's financial statements were:

Estimated Net Pension Liabilities and Pension-Related Deferred Outflows and Inflows of Resources: Management's estimate of the net pension assets and liabilities and deferred outflows/inflows of resources are disclosed in Note 4A to the financial statements and are based on accounting evaluations determined by the California Public Employees Retirement system and by actuarial studies determined by a consultant, which are based on the experience of the City. We evaluated the key factors and assumptions used to develop the estimate and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Estimated Total OPEB Liability and OPEB-Related Deferred Outflows and Inflows of Resources: Management's estimate of the total OPEB Liability is disclosed in Note 4B to the financial statements and is based on an actuarial study determined by a consultant, which is based on the experience of the City. We evaluated the key factors and assumptions used to develop the estimate and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Estimated Fair Value of Investments: As of June 30, 2022, the City held approximately $72.6 million of cash and investments as measured by fair value as disclosed in Note 3 to the financial statements. Fair value is essentially market pricing in effect as of June 30, 2022. These fair values are not required to be adjusted for changes in general market conditions occurring subsequent to June 30, 2022.

Estimate of Depreciation: Management's estimate of the depreciation is based on useful lives determined by management. These lives have been determined by management based on the expected useful life of assets as disclosed in Note 1D(3) to the financial statements. We evaluated the key factors and assumptions used to develop the depreciation estimate and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Estimate of Compensated Absences: Accrued compensated absences which are comprised of accrued vacation, holiday, and certain other compensating time is estimated using accumulated unpaid leave hours and hourly pay rates in effect at the end of the fiscal year as disclosed in Note 1D(4) to the financial statements. We evaluated the key factors and assumptions used to develop the accrued compensated absences and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Estimated Claims Liabilities: Management's estimate of the claims liabilities payable is disclosed in Note 4C to the financial statements and is based on the claims experience of the City. We evaluated the key factors and assumptions used to develop the estimate and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Disclosures - The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. We did not propose any audit adjustments that, in our judgment, could have a significant effect, either individually or in the aggregate, on the City's financial reporting process.

Professional standards require us to accumulate all known and likely uncorrected misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. We have no such misstatements to report to the City Council.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in a management representation letter dated January 13, 2023.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the required supplementary information that accompanies and supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the required supplementary information and do not express an opinion or provide any assurance on the required supplementary information.

We were engaged to report on the supplementary information that accompanies the financial statements, but is not required supplementary information. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the Introductory and Statistical sections which accompany the financial statements, but are not required supplementary information. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on them.

******

This information is intended solely for the use of City Council and management and is not intended to be, and should not be, used by anyone other than these specified parties.

Maze & Associates

Pleasant Hill, California
January 13, 2023

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.D.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dominique Davis, City Clerk

DATE: March 2, 2023

SUBJECT: **APPROVE A PROCLAMATION RECOGNIZING RAMADAN FROM MARCH 22, 2023, TO APRIL 21, 2023**

RECOMMENDATION

Approve a proclamation recognizing Ramadan in the City of Seaside, from sundown on March 22, 2023 to sundown on April 21, 2023.

BACKGROUND

The City of Seaside has a diverse, involved and active Muslim community with many cultural backgrounds.

Ramadan is a sacred month of fasting, praying, and reflecting, and is one of the Five Pillars of Islam, dating back to the seventeenth century.

Ramadan is a time to reflect spiritually, build communally, and aid those in need, and marks an annual spiritual renewal for each individual, a reason to celebrate and express gratitude this month.

FISCAL IMPACT

None

ATTACHMENTS

1. Ramadan Proclamation

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

City of Seaside
PROCLAMATION

RAMADAN
Commemorative Observance

WHEREAS, *The City of Seaside has a diverse, involved, and active Muslim community with many cultural backgrounds; and*

WHEREAS, *Muslims have a long history in the United States, spanning back to the transatlantic slave trade, in which 10 to 15 percent of the enslaved African people were said to be Muslim; and*

WHEREAS, *Muslims have been key and essential staff, from the medical field to the service industry, in helping Seaside move through the COVID-19 pandemic and have been key contributors to the social movement in order to work toward justice and fair inclusion for all; and*

WHEREAS, *Muslim residents of Seaside, with their hard work and contributions to medicine, science, information technology, education, police, military, and many other fields, have benefitted from and enriched the City's open, tolerant, and economically vibrant environment; and*

WHEREAS, *Ramadan is from sundown March 22nd, 2023, lasting 30 days and ending at sundown on Thursday, April 20th, 2023; and*

WHEREAS, *Ramadan is a time to reflect spiritually, build communally, and aid those in need and marks an annual spiritual renewal for each individual, a reason to celebrate and express gratitude in this month; and*

WHEREAS, *Ramadan is a sacred month of fasting, praying, and reflecting, and is one of the Five Pillars of Islam, dating back to the seventeenth century; and*

WHEREAS, *Our Seaside Muslim community is experiencing a month of spiritual purification; and*

WHEREAS, *Ramadan draws to a close with Eid al-Fitr (Festival of Breaking the Fast), a three-day celebration commemorating a month and spiritual growth.*

NOW THEREFORE, BE IT PROCLAIMED, *that I, The Honorable Ian N. Oglesby, Mayor of the City of Seaside, on behalf of the City Council, do hereby proclaim "The Holy Month of Ramadan" from sundown of Wednesday, March 22nd thru the sundown of Friday, April 21, 2023 in the City of Seaside.*

____

Ian N. Oglesby, Mayor
March 2, 2023

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.E.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dan Meewis, Recreation Director

DATE: March 2, 2023

SUBJECT: **APPROVE A FEE WAIVER FROM COMMUNITY HUMAN SERVICES FOR THE "2023 RECOVERY RUN - MEMORIAL FLAG EVENT AND NARCAN DISTRIBUTION" ON THE SEASIDE CITY HALL LAWN ON MAY 6, 2023**

RECOMMENDATION

Approve the fee waiver request from Community Human Services to hold the "2023 Recovery Run - Memorial Flag Event/Narcan Distribution on the City Hall Lawn in the amount of $267.75.

BACKGROUND

Community Human Services is requesting a fee waiver to help cover the cost associated with their "2023 Recovery Run, Memorial Flag Event, and Narcan Distribution" on Saturday, May 6, 2023, from 10:00 a.m. to 4:30 p.m. on the City Hall Lawn. The event will feature a traveling Flag Memorial. The memorial will include 1,000 flags of different colors representing opioid overdose, opioid death, person in recovery, etc. There will be a brief flag ceremony, which is free and open to the public. The Mayor will be invited to speak, and there will be a keynote from a member of the community who has been affected by opioid use/overdose and will share their experience. Information and Narcan will also be distributed to the public for free following the ceremony.

FISCAL IMPACT

Should the City Council approve the request for full fee waivers for the event, the approximate fiscal impact is as follows:

Special Event Application Fee	$110.00
City Hall Lawn Rental Fee	$112.00

Non-Refundable Deposit	$ 45.75
TOTAL	**$267.75**

ATTACHMENTS

1. Community Human Services - Fee Wavier & Special Event 2023
2. Community Human Services 501 (c)(3)
3. Community Human Services - Insurance - Recovery Run - Narcan Distribution 2023

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

SEASIDE CALIFORNIA

Fee Waiver Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

CONTACT INFORMATION:

Organization: Community Human Services

Name of Applicant: Jodi Litz

Address: 2511 Garden Rd. Ste 160 City: Monterey State: CA

Phone: 831.658.3811 Email: jlitz@chservices.org

EVENT INFORMATION:

Event Title: 2023 Recovery Run - Memorial Flag Event / Narcan Distribution

Event Description: Virtual run that will provide individuals and families with a healthy recreation opportunity AND raise awareness for opioid use, addition, overdose, and recovery.

Event Date: 5/16/23 Room(s) Requested: 0

Time (including set-up): 10:00 - 4:30 Approximate Number of Guests: 50

ADDITIONAL INFORMATION:

Reason for Requesting Fee Waiver: CHS is a nonprofit Joint Powers Agency in partnership with the city of Seaside

Have you received a Fee Waiver in the past? ☑ Yes, the event was on ____________ ☐ No

What is your organization's tax identification number? 94-6367167

What percentage of your members or participants resides in Seaside? Of the programs located in Seaside, more than half are Seaside residents

Is your organization based in Seaside? ☑ Yes ☑ No 5 of 16 CHS programs are based in Seaside

Is your organization able to provide liability insurance? ☐ Yes ☐ No

Will alcohol be served or sold at your event? ☐ Yes ☐ No

Applicant Signature: Jodi Litz Date: 2/2/2023

(For Office Use Only)

Fee Waiver Request: ☐ Approved ☐ Denied ☐ Appealed

Security Deposit Required? ☐ Yes ☐ No

Staff Signature: ____________ Date: ____________

Notes: ____________

SEASIDE CALIFORNIA

Fee Waiver Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

POLICY REGARDING ROOM RENTAL FEES AND WAIVERS

Fees may be waived for activities that benefit the majority of Seaside residents. Any new organizations requesting fee waivers are required to submit a letter of intent and complete the Fee Waiver Request form to the Recreation Services Department. The application will be submitted to the City Manager or his designee for review and approval. In the event that the fee waiver request is denied by the City Manager, the request can be appealed to the City Council. Applicants must demonstrate that the following criteria are satisfied:

1. At least 60% of the organization's membership must consist of Seaside residents. The organization must provide documentation verifying membership residency.
2. The organization must be a 501(C)3 non-profit or public benefit organization and provide taxpayer identification number.
3. The organization must provide an in-kind service/donation to benefit and augment the City of Seaside. A written statement must be submitted with the application outlining specific donations and/or services provided by the organization to the City of Seaside.

FEE WAIVERS FOR MEETING ROOMS

1. Meetings are limited to four hours.
2. All organizations receiving fee waivers must give seven days notice of cancellation. If no notice is given of cancellation, the City reserves the right to deny further fee waiver requests.
3. Due to limited space, organizations may not request fee waivers for any more than one meeting room use per year; fee waivers are not intended to provide for ongoing weekly or monthly meeting use.
4. No faith based organizations may apply for fee waivers due to the separation of church and state.

AUDITORIUM RENTAL FEE WAIVER

Organizations requesting the use of the Auditorium must:

1. Pay the non-refundable portion of the deposit per event.
2. An organization requesting use of the auditorium for a special event or meeting may receive no more than one fee waiver request within a 90-day period.
3. Provide special event liability insurance. The following is required:
   a. Provide an "Occurrence Made" liability insurance policy, naming the city as additionally insured, with limits of $1 million per occurrence and $2 million aggregate. A copy of that policy must be provided to the Recreation Services Department.

      OR

   b. Purchase Special Event Liability insurance through the Recreation Services Department at the time of fee waiver request. This insurance covers not only the city, but also those renting the facility.
4. Fundraising activities of any nature do not qualify for fee waivers.
5. Special events may be required to provide security at renter's expense. A photocopy of the contract must be on file with the Recreation Services Department. The number of security guards required is determined by the nature of the event and the numbers in attendance.

***A City-sanctioned organization is defined as "any community based group or organization that in cooperation with the Recreation Services Department, provides an entertainment, recreation and/educational service benefiting the citizens of Seaside."**

****All deposits are placed in the maintenance and janitorial fund designated for the upkeep and repair of the Oldemeyer Center.**

SEASIDE CALIFORNIA

Special Event Application

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

CONTACT INFORMATION:

Organization: Community Human Services

Name of Applicant: Jodi Litz

Address: 2511 Garden Rd. Ste. 160 City: Monterey State: CA

Phone: 831.658.3811 Email: jlitz@chservices.org

Day of Event Contact Name and Phone: Jodi Litz - 605.222.4277

EVENT INFORMATION:

Event Title: 2023 Recovery Run - Memorial Flag Event/Narcan Distribution

Event Category:

- ☐ Athletic / Recreation
- ☐ Celebration / Festival
- ☐ Carnival
- ☐ Concert / Performance
- ☐ Parade / March / Procession
- ■ Other: See Below
- ☐ Circus
- ☐ Dance

Event Date and Time: 5/6/23

Setup: 10:00 Event Start: 1:00 Event End: 3:00 Clean up: 4:30

Event Location: City Hall Lawn

EVENT DESCRIPTION:

Please provide detailed description of your event. Include details regarding any components of your event such as the use of vehicles, animals, rides, sanitation provisions or any other pertinent information about the event.

The event will include a traveling Flag Memorial that will go from Monterey to Seaside to King City to Salinas. The memorial will include over 1,000 flags of different colors representing opioid overdose, opioid death, person in recovery, etc. There will be a brief flag ceremony (half hour) at each location open to the public. The mayors of those cities will be invited to speak and there will be a keynote from someone in the community who has been affected by opioid use/overdose sharing their experience. We will also distribute information and Narcan to the public for free following the ceremony. The flags can then stay up as long as the City allows until we pull them up and take them to the next city where we do the same type of ceremony all over again, with different speakers. It should be a very impactful event!

Number of Participants: 50 Event Benefiting: Community Human Services

Federal ID # (if applicable): 94-6367167

■ 501 C(3) ☐ 501 C(6) ☐ Commercial-For Profit ☐ Other:

Will admission be charged? ☐ Yes, tickets cost: ■ No

SEASIDE CALIFORNIA

Special Event Application

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

Is the event open to the public? ■ Yes ☐ No

If no, how will the event be restricted? Indicate plan on detailed schematics:

How will the event be advertised and promoted? Email blasts, Targeted Social Media Ads, Radio advertising , Direct marketing on TV station web pages , Google Ads , Local events calendars

Signs posted:

Special equipment to be used for proposed event: *(List all electrical needs you may require)*

- ☐ P.A. System
- ☐ Generator(s)
- ■ Amplified sound / music
- ☐ Booths
- ☐ Bleachers
- ☐ Cooking fuel
- ☐ Tents
- ☐ Banners
- ☐ Barricades
- ☐ Other:

Will the event include music or live performances? ☐ Yes ☐ No
Will film, video, or photography be involved with the production of event? ■ Yes ☐ No
Do you intend to sell food or beverage? ☐ Yes ☐ No
(If yes, please attach Health Department Food Vendor Certificate)
Do you intend to sell other merchandise? ☐ Yes ■ No
Number of Vendors? ___________ *(For-profit vendors must have business license on file with the City)*

Vendor Name Vendor Address

Describe Merchandise

Will alcohol be served? ☐ Yes ☐ No
Will alcohol be sold? *(If yes, please attach ABC license)* ☐ Yes ■ No

Parking arrangements: City Hall parking lot

SEASIDE CALIFORNIA

Special Event Application

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

Safety / Security / Accessibility (*please describe your procedures for crowd control and internal security*):

Security Organization (*if required - please attach security contract*):

N/a

What City services do you anticipate you will need? *(i.e. Police, Fire, Public Works, etc.)*

N/a

Method of trash collection/disposal and provision for additional sanitary facilities:

Volunteer labor, will hand-collect and dispose individually

Other pertinent information or special requests:

APPLICANT AGREEMENT

All applicable fees must be paid 30 days prior to event date. No permit revisions will be accepted less than 14 days prior to the event date. The City of Seaside retains the right to terminate the event at any time should a responsible city official determine any activity related to the event is a threat to public safety and/or property. I (we) agree to abide by all laws, rules and regulations which may apply to this area. I (we) accept specific responsibility for other members of my group and for any damage done to city property and/or facilities, and agree to clean and restore the site to the condition in which it was found prior to the holding of the specific event. I certify under penalty of perjury that all the preceding information is true to the best of my knowledge. **Completed and signed special event form must be submitted to Recreation and Community Activities Director within seven working days of receipt of form.**

Applicant Signature: Jodi Litz

Date: 2/3/2023

Special Event Application

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

APPLICATION MUST INCLUDE: Detailed schematic of event location indicating specific activity sites. For non-profit organizations, a copy of non-profit status must be submitted.

Attach to application and mail to:

City of Seaside Recreation Services
Attn: Recreation Director
986 Hilby Avenue
Seaside, CA 93955

SPECIFIC EVENT CONDITIONS OF APPROVAL

- ✓ Event organizers must clean up any event-related trash.
- ✓ All event noise or sound must be kept to a minimum, particularly before 9:00 a.m. and must not create an annoyance to co-existing events.
- ✓ Permittee is responsible for the actions of all vendors and participants during the event.
- ✓ No activities are permitted onsite that are not included on your permit application.
- ✓ All City ordinances will be strictly enforced (alcohol, dogs, etc.).
- ✓ Permit must be kept on location at all times.

Failure to comply with the above conditions may result in immediate closure of the event and a ban on future events by the organizer in the City of Seaside.

PROVISIONS

Permittee waives all claims against the City, its officers, agents and employees, for loss or damage caused by, arising out of, or in any way connected with, the exercise of this permit and permittee agrees to save harmless, indemnify and defend City, its officers, agents and employees, from any and all loss, damage or liability which may be suffered or incurred by City, its officers, agents and employees caused by, arising out of or in any way connected with exercise by permittee of the rights hereby granted, except those arising out of the sole negligence of the City.

City shall have the privilege of inspecting the premises covered by this permit any and all time. This permit shall not be assigned. City may terminate this permit at any time if permittee fails to perform and covenant herein contained at the time and in the manner herein provided. City agrees it will not unreasonably exercise this right of termination.

The parties hereto agree that the permittee, its officers, agents and employees, in the performance of this permit shall act in an independent capacity and not as officers, employees or agents of the City. No alteration or variation of the terms of this permit shall be valid unless made in writing and signed by the parties hereto.

Permittee will not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, sex, sexual orientation, age national origin or physical handicaps. Permittee agrees to comply with the terms and conditions contained herein and all rules and regulation of the City subject to this permit.

Applicant Signature: Jodi Litz Date: 2.3.2023

SEASIDE CALIFORNIA

Special Event Application

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

INDEMNIFICATION, DEFENSE, HOLD HARMLESS

Applications must furnish the city with a certificate of insurance in an amount no less than $1 million naming the City of Seaside as an additional insured. The amount of insurance is subject to increase at the discretion of the Finance Director who is the Risk Manager, depending upon the nature of the event. Such insurance must be primary to any city insurance and the city must have at least ten days' notice of cancellation.

For final event approval, you will need commercial general liability insurance that names "the City of Seaside, its officers, employees and agents" as an additional insured and any other public entities impacted by this event. Insurance coverage must be maintained for the duration of the event. To determine the amount of insurance coverage necessary, please contact Risk Manager. Please obtain the required insurance and mail an original insurance certificate to City of Seaside, Recreation and Community Activities Department, 986 Hilby Ave., Seaside, CA 93955.

Insurance Agency: MVP Insurance　Insurance Agent: Steve Mahlum

Phone Number: 559.324.7333　Policy Number: 2020-02599

PERMIT HOLDER hereby agrees to protect, defend, indemnify and hold and save harmless **CITY**, its officers, and employees against any and all liability, claims, judgements, costs and demands, however caused, including those resulting from death or injury to **PERMIT HOLDER'S** employees and damage to **PERMIT HOLDER'S** property, arising directly or indirectly out of the obligations or operations herein undertaken by **PERMIT HOLDER**, including those arising from the passive concurrent negligence of **CITY** but save and except those which arise out of the active concurrent negligence, sole negligence, or the sole willful misconduct of **CITY PERMIT HOLDER** will conduct all defense at its sole cost and expense. **CITY** shall be reimbursed by **PERMIT HOLDER** for all costs or attorney's fees incurred by **CITY** in enforcing this obligation.

Applicant Signature: Jodi Litz　Date: 2/2/2023

(For Office Use Only)

Authorization

- ☐ Building ______
- ☐ Planning ______
- ☐ Police ______
- ☐ Fire ______
- ☐ Finance ______
- ☐ Recreation ______
- ☐ Redevelopment ______
- ☐ Public Works ______
- ☐ County Health ______

Comments: ______

SEASIDE CALIFORNIA

Parks and Picnics Facility Use Request Form

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

CONTACT INFORMATION:

Name of Applicant: Community Human Services

Address: 2511 Garden Rd. Ste. 160 City: Monterey Zip: 93940

Phone: 831.658.3811 Email: jlitz@chservices.org

☑ Resident ☐ Non-Resident Organization: Community Human Services

FACILITY RESERVATION:

Intended Use/Activity: 4th annual Recovery Run in April-May, which will be a virtual run that will provide individuals and families with a healthy recreation opportunity AND raise awareness for opioid use, addition, overdose, and recovery

Reservation Date(s): 5/6/23 Times: (Available 8 AM-Dusk) 10:00 - 4:30

Location Requested: (All fees per current adopted fee schedule)

Soper
- ☐ BBQ Area 1
- ☐ BBQ Area 2
- ☐ BBQ Area 3
- ☐ Large BBQ Area
- ☐ Entire BBQ Areas

Laguna Grande Park
- ☐ Lakeside BBQ Area 1
- ☐ Lakeside BBQ Area 2
- ☐ Entire Lakeside BBQ Areas
- ☐ Eucalyptus BBQ Area
- ☐ Hillside BBQ Area 1
- ☐ Hillside BBQ Area 2
- ☐ Hillside BBQ Area 3
- ☐ Hillside BBQ Area 4
- ☐ Hillside BBQ Area 5
- ☐ Hillside BBQ Area 6

Other
- ☐ Metz BBQ Area
- ☐ Ellis Park BBQ Area
- ☐ Robert's Lake
- ☑ City Hall Lawn
- ☐ Sports Complex

Do you intend to play music? (No amplified, live music, or bands allowed) ☐ Yes ☐ No
Do you intend to use the BBQ pits? ☐ Yes ☐ No

☐ Bounce House (additional fee)

Estimated Attendance: 50

(For Office Use Only)

Permit Fee: ______________

Authorized Agent: ______________________________ Date: ______________

Note: - Original to Resource Management/Recreation Department
- Copy to Police Department - Copy to Parks Division

Updated 01/2023

Parks and Picnics Facility Use Request Form

SEASIDE CALIFORNIA

Parks and Recreation Division
986 Hilby Avenue, Seaside CA 93955
831-899-6800

I, the undersigned, hereby certify that I will be personally responsible for any damage sustained to the grounds, buildings, furniture, or equipment occurring through the occupancy of said facilities. I will also be responsible for the enforcement of the Department rules and regulations. City Ordinance 9.12020 makes it unlawful for any person to knowingly make, continue or cause to be made or continue any excessive, unnecessary or unusually loud noise. City Ordinance 9.08.060(B)(1) makes it unlawful forany person using a park to consume or have in his/her possession an open container of any alcoholic beverage. **Please be aware that the City does not provide electricity for any park reservation** other than a reservation made for a City Function.

*For rentals on Nights/Weekends or Holidays please call **831-394-6811** for police matters. For rental concerns or restroom issues, please call **831-760-2236**. If no one responds within 15 minutes, then call **831-860-2336**. It is also recommend that you have a copy of your receipt on hand during your rental.*

Initials: jll

Food Sales and Prohibited Goods & Materials:

- All food providers within the city utilizing disposable food service ware shall use certified compostable products, or recyclable non-plastic products. This includes but is not limited to plates, napkins, straws, cups, bottles, lids, utensils, bowls, stirrers, beverage plugs, trays and hinged or lidded containers. Non-plastic single-use products shall be allowed only if they are currently accepted for composting or recycling by the designated waste hauler and the Monterey Regional Waste Management District.
- Applicant is prohibited: to use any PLASTIC water bottles, use Styrofoam/polystyrene packaging, and provide plastic straws.
- The use of balloons is prohibited at all City of Seaside parks and facilities.

Initials: jll

IT IS DISTINCTLY UNDERSTOOD AND AGREE, that the applicant assumes all risk for loss, damage, liability, injury, and costs or expenses that may arise during or because of such use or occupancy of the facility of the city of Seaside and its Public Works Department. The applicant further agrees that in consideration of being permitted to use said facilities, he/she will save and hold the City of Seaside and said Public Works Department and/or its employees, free and harmless from any loss claims liability, damage and/or injuries to persons or property that in any way may be caused by applicants use or occupancy of said facilities.

NOTE: All Park Rental Fees Are Non-Refundable
75% of cleaning deposits will be refunded within 14 –21 working days after use of facility.
The remaining 25% of the deposit will be kept in the Janitorial/Maintenance account.

(Rental Area Must Be Clean In Order To Receive a Refund)

Signature of Applicant: Jodi Litz

Date: 2/2/2023

010493

'ATE OF CALIFORNIA
ɪANCHISE TAX BOARD
Ɔ. BOX 1286
ɩNCHO CORDOVA, CA. 95741-1286

December 29, 1992

In reply refer to
340:G :CCL

COMMUNITY HUMAN SERVICES
PO BX 3076
MONTEREY CA 93942

Purpose	:	CHARITABLE
Code Section	:	23701d
Form of Organization	:	Association
Accounting Period Ending	:	June 30
Organization Number	:	9787059 CH6SP

This letter confirms your previous exemption from state franchise and income tax under Section 23701d, Revenue and Taxation Code. In confirming your exempt status, we have made no examination of your current activities. If the organization has changed its operation, character, or purpose since exemption was originally granted, that change must be reported immediately to this office.

You may be required to file Form 199 (Exempt Organization Annual Information Return) on or before the 15th day of the 5th month (4 1/2 months) after the close of your accounting period. See annual instructions with forms for requirements.

You are not required to file state franchise or income tax returns unless you have income subject to the unrelated business income tax under Section 23731 of the Code. In this event, you are required to file Form 109 (Exempt Organization Business Income Tax Return) by the 15th day of the 5th month (4 1/2 months) after the close of your annual accounting period.

Contributions made to you are deductible by donors as provided by Sections 17214 through 17216.2 and 24357 through 24359 of the Code, unless your purpose is testing for Public Safety.

K SCHULTZ
EXEMPT ORGANIZATION UNIT
CORPORATION AUDIT SECTION
Telephone (916) 369-4171

RTF:

Internal Revenue Service | **Department of the Treasury**

District Director

P.O. Box 2350 Los Angeles, Calif. 90053

Person to Contact:
Barbara S. Cowans
Telephone Number:
(213) 894-2336
Refer Reply to:
EO(1102)92
Date:
May 18, 1993

Community Human Services
P O Box 3076
Monterey, CA 93942-3076

RE: Community Human Services
EIN: 94-6367167

Gentlemen:

This letter is in response to your request for a copy of the determination letter for the above named organization.

Our records indicate that this organization was recognized to be exempt from Federal Income Tax in June 1982, as described in Internal Revenue Code Section 501(c)(3). It is further classified as an organization that is not a private foundation as defined in Section 509(a) of the code, because it is an organization described in Section 170(b)(1)(A)(vi).

The exempt status for the determination letter issued in June 1982, continues to be in effect.

If you need further assistance, please contact our office at the above address or telephone number.

Sincerely,

Barbara S. Cowans

Barbara S. Cowans
Disclosure Assistant

OP ID: CO

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 02/15/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
MVP Premier Insurance Agency
1843 E. Fir Avenue Suite 102
Fresno, CA 93720
Steve Mahlum

CONTACT NAME: Steve Mahlum
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS: steve@insurancemvp.com
PRODUCER CUSTOMER ID #: COMMU-2

INSURED
Community Human Services
P.O. Box 3076
Monterey, CA 93942-3076

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : CAState Compensation Ins. Fund	35076
INSURER B : NIAC	
INSURER C : AXIS INS. CO	
INSURER D :	
INSURER E :	
INSURER F :	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
B	X COMMERCIAL GENERAL LIABILITY	X		2022-02599	07/07/2022	07/07/2023	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 500,000
	CLAIMS-MADE X OCCUR						MED EXP (Any one person)	$ 20,000
	X Sexual & Phys Abu			2022-02599	07/07/2022	07/07/2023	PERSONAL & ADV INJURY	$ 1,000,000
	X Prof liab			2022-02599	07/07/2022	07/07/2023	GENERAL AGGREGATE	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	$ 2,000,000
	POLICY PRO-JECT LOC						Other 1	$ 1,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
B	X ANY AUTO			2022-02599	07/07/2022	07/07/2023	BODILY INJURY (Per person)	$
	ALL OWNED AUTOS						BODILY INJURY (Per accident)	$
	SCHEDULED AUTOS						PROPERTY DAMAGE (PER ACCIDENT)	$
	HIRED AUTOS							$
	NON-OWNED AUTOS							$
	X UMBRELLA LIAB X OCCUR						EACH OCCURRENCE	$ 2,000,000
B	EXCESS LIAB CLAIMS-MADE			2022-02599	07/07/2022	07/07/2023	AGGREGATE	$ 2,000,000
	DEDUCTIBLE							$
	X RETENTION $ 10,000							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N						WC STATU-TORY LIMITS / OTH-ER	
A	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N / A		9078603	11/15/2022	11/15/2023	E.L. EACH ACCIDENT	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000
B	PROPERTY			2022-02599	07/07/2022	07/07/2023	Building	1,113,983
C	Cyber Ins			NAD110009/02	07/07/2022	07/07/2023	Cyber	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The City of Seaside, its officers and employees are included as additionally insured and free from any and all liability in connection with work performed in the public right of way.

Event type: Recovery Run/Narcan Disribution
Date of the event: May 06, 2023
Location: Seaside City Hall Lawn

CERTIFICATE HOLDER

CITYSEA

City of Seaside
440 Harcourt Ave
Seaside, CA 93955

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s): Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location(s) Of Covered Operations
Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.	All insured premises and operations.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or

2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance**:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – STATE OR GOVERNMENTAL AGENCY OR SUBDIVISION OR POLITICAL SUBDIVISION – PERMITS OR AUTHORIZATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

State Or Governmental Agency Or Subdivision Or Political Subdivision: Any state or political subdivision that issues a permit or authorization to the named insured.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. **Section II – Who Is An Insured** is amended to include as an additional insured any state or governmental agency or subdivision or political subdivision shown in the Schedule, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization.

However:

a. The insurance afforded to such additional insured only applies to the extent permitted by law; and

b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

2. This insurance does not apply to:

a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the federal government, state or municipality; or

b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS (WAIVER OF SUBROGATION)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
SOCIAL SERVICE PROFESSIONAL LIABILITY COVERAGE FORM

SCHEDULE

Name of Person or Organization:

Where you are so required in a written contract or agreement currently in effect or becoming effective during the term of this policy, we waive any right of recovery we may have against that person or organization, who may be named in the schedule above, because of payments we make for injury or damage.

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.F.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Nisha Patel, Public Works Director/City Engineer
Kirstin van Gend, Administrative Analyst II

DATE: March 2, 2023

SUBJECT: **ADOPT A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR CUTINO PARK IMPROVEMENTS PART 2 PHASE 1 PROJECT, APPROPRIATING $495,000.00 FROM THE GENERAL FUND TO THE PROJECT, AWARDING A CONSTRUCTION AGREEMENT TO GRANITE ROCK COMPANY FOR AN AMOUNT NOT TO EXCEED $1,251,353.50 AND A TOTAL PROJECT CONSTRUCTION COST INCLUDING CONTINGENCY OF $1,376,488.30**

RECOMMENDATION

Adopt a resolution approving the plans and specifications for Cutino Park Improvements Part 2 Phase 1 Project, appropriating $495,000.00 from the General Fund to the project, awarding a construction agreement to Granite Rock Company for an amount not to exceed $1,251,353.50, establishing a 10% contingency for a total project project construction amount of $1,376,488.30, and authorizing the City Manager to execute the construction agreement and any amendments, extensions, and change orders until completion of the project in accordance with the plans and specifications up to the total project construction amount.

BACKGROUND

Cutino Park is located at the corner of Noche Buena Street and San Pablo Avenue. Cutino Park Improvement Part 2 Phase 1 Project includes the demolition of existing concrete structures; removal and replacement of trees; installation of new lawn and irrigation, picnic tables and benches, and visitor bleachers and concrete pad (as a bid alternate); and construction of ADA-compliant pathways, a new parking lot with lighting, and playground with new equipment.

The design was completed and the project was released for construction bids on January 12, 2023, and bids were opened on February 16, 2023. Bids were received from three (3) contractors as follows:

Contractors	Base Bid	Alternative	Bid
Granite Rock Company	$1,170,158.50	$81,195.00	$1,251,353.50
Monterey Peninsula Engineering	$981,208.00	$100,000.00	$1,081,208.00
Kraemer Engineering	$814,557.61	$37,500.00	$852,057.61

The bid alternate consists of bleachers and pedestrian pavement. Based upon an evaluation of bid documents received, Granite Rock Company was the lowest responsive and responsible bidder, with a total base bid plus alternative work of $1,251,353.50. Granite Rock Company has satisfactorily completed similar work projects to the Cutino Park Improvement, Part 2 Phase 1 for other municipalities. Monterey Peninsula Engineering and Kraemer Engineering were missing required Community Development Block Grant (CDBG) documents in their submissions and were deemed non-responsive. Staff recommends a construction agreement for this project be awarded to Granite Rock Company.

ENVIRONMENTAL COMPLIANCE

Pursuant to preliminary review of the activities associated with this Council action in accordance with Section 15061 of the California Environmental Quality Act (CEQA) Guidelines. This project is Categorically Exempt (Class 1, Existing Facilities). The project repairs and performs minor upgrades to the existing park and involves negligible or no expansion of use.

FISCAL IMPACT

The proposed construction agreement with Granite Rock Company is a not to exceed amount of $1,251,353.50. In addition, a construction agreement contingency of 10%, or $125,135.30 is required for expenses from unforeseeable issues that arise during construction. The engineer's estimate, including the bid alternate without construction contingency for construction of the project, was $1,098,101.00.

On September 2, 2022, the FY 2022/23 Budget was amended to reallocate $250,000.00 from the Pump Track Project to the Cutino Park Improvement Part 2 Project (Account No. 348-8910-9570), resulting in a revised project budget of $1,218,658.00.

Other expenses that have already been approved for the Cutino Park Part 2 Phase 1 Improvements Project are a Professional Services Agreement (PSA) for an amount up to $121,000.00 with Whitson Engineers for design services, a PSA in the amount of

$5,000.00 with Michael Baker for CDBG compliance services, a PSA for an amount up to $208,905.00 with Wallace Group for construction management, inspection, and CDBG compliance services. Engineering will need $2,000.00 set aside for public notification and other project related outreach costs. With the mentioned costs and the construction cost, the additional budget required to deliver the project is $494,735.30.

Staff recommends adopting a resolution approving the plans and specifications for Cutino Park Improvements Part 2 Phase 1 Project, appropriating $495,000.00 from the General Fund to the project, awarding a construction agreement to Granite Rock Company for an amount not to exceed $1,251,353.50, establishing a 10% contingency for a total project project construction amount of $1,376,488.30, and authorizing the City Manager to execute the construction agreement and any amendments, extensions, and change orders until completion of the project in accordance with the plans and specifications up to the total project construction amount.

ATTACHMENTS

1. Resolution
2. Contract Agreement
3. Conform Specifications
4. Conform Plans

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

RESOLUTION NO. 23-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

APPROVING THE PLANS AND SPECIFICATIONS FOR CUTINO PARK IMPROVEMENTS PART 2 PHASE 1 PROJECT, APPROPRIATING $495,000.00 FROM THE GENERAL FUND TO THE PROJECT, AND AWARDING A CONSTRUCTION AGREEMENT TO GRANITE ROCK COMPANY FOR AN AMOUNT NOT TO EXCEED $1,251,353.50 AND TOTAL PROJECT CONSTRUCTION COST, INCLUDING A 10% CONTINGENCY OF $1,376,488.30

WHEREAS, the Cutino Park Improvements, Part 2, Phase 1 Project (Project) is an approved City Capital Improvement Project identified in the fiscal year 2022-2023 annual budget; and

WHEREAS, Whitson Engineers completed design of the project in January 2023; and

WHEREAS, the proposed improvements include the demolition of existing concrete structures; removal and replacement of trees; installation of new turf/ landscaping, irrigation, picnic benches, water fountain, bike racks, and visitor bleachers; and construction of ADA pathways, concrete pad for the bleachers, a parking lot with lighting, and a playground with new equipment.

WHEREAS, on January 12, 2023, the project was released for construction bids, and on February 2, 2023, three bids were received; and

WHEREAS, Granite Rock Company was determined to have the lowest responsive and responsible bid in the amount of $1,251,353.50; and

WHEREAS, an amount of $125,135.30 contingency, approximately 10% of the agreement value, should be authorized on an as required basis; and

WHEREAS, Granite Rock Company has successfully completed similar park improvement projects for cities; and

WHEREAS, the project is categorically exempt per Article 19, section 15301 of CEQA since the project repairs and performs minor upgrades to the existing park and involves negligible or no expansion of use.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside approves the conformed plans and specifications for the Cutino Park Improvements Part 2 Phase 1 Project dated February 23, 2023; and

BE IT FURTHER RESOLVED, that the City of Seaside City Council appropriates $495,000.00 from the General Fund to the Project; and

BE IT FURTHER RESOLVED, that the City of Seaside City Council authorizes the City Manager to execute a construction agreement with Granite Rock Company for an amount not to exceed of $1,251,353.50; and

BE IT FURTHER RESOLVED, that the City Council of the City of Seaside authorizes the City Manager to execute up to an additional 10% contingency for written amendments, extensions, and change orders to the construction agreement outlined above such that the full value may not exceed $1,376,488.30.

PASSED AND ADOPTED at a regular City Council meeting of the City of Seaside duly held on the 2nd March, 2023, by the following vote:

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

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

March 2, 2023
City Council Regular Meeting

CLICK LINK TO ACCESS
Item 8F – Attachment 2

Contract Agreement by and between Granite Rock Company and the City of Seaside

Hard Copy Available for Review at City Clerk's Office

March 2, 2023
City Council Regular Meeting

CLICK LINK TO ACCESS
Item 8F – Attachment 3

Project Manual for Cutino Park Improvements, Part 2, Phase 1 located at the Corner of Noche Buena Street and San Pablo Avenue

Hard Copy Available for Review at City Clerk's Office

March 2, 2023
City Council Regular Meeting

CLICK LINK TO ACCESS
Item 8F – Attachment 4

Cutino Park Improvements, Part 2 Conform Plans

Hard Copy Available for Review at City Clerk's Office

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.G.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Nisha Patel, Public Works Director/City Engineer

DATE: March 2, 2023

SUBJECT: **ADOPT A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH RINCON CONSULTANTS, INC. TO PREPARE A CALIFORNIA ENVIRONMENTAL QUALITY ACT INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION FOR FIRE STATION NO. 2 PROJECT FOR AN AMOUNT NOT TO EXCEED $114,765.78, AND APPROPRIATING $126,242.36 TO THE PROJECT FROM THE GENERAL FUND**

RECOMMENDATION

Adopt a resolution authorizing a professional services agreement with Rincon Consultants, Inc. to prepare a California Environmental Quality Act Initial Study/ Mitigated Negative Declaration for the Seaside Fire Station No. 2 Project for an amount not to exceed $114,765.78, and appropriating $126,242.36 to the Project from the General Fund.

BACKGROUND

The Fire Station No. 2 Project is a new City of Seaside Fire Station to be located at the corner of 1st Avenue and Gigling Road. The project site is approximately 4.56 acres in size. It includes a fire station, office and dormitory, storage buildings, parking, training area and related facilities. On November 3, 2022, the City entered into a Professional Services Agreement (PSA) with RRM Design Group to prepare the project design.

The project will convert the existing site from open space to a city Fire Station facility. A California Environmental Quality Act (CEQA) Initial Study/ Mitigated Negative Declaration is required due to the project size, traffic and construction impacts. A Request for Proposals was issued on January 19, 2023. Consultant proposals were received on February 10, 2023. Four proposals were received and reviewed by staff. The four firms which proposed for providing the services are:

- Denise Duffy & Associates (Monterey, CA)
- EMC Planning Group (Monterey, CA)
- Rincon Consultants (Monterey, CA)
- Precision Civil Engineering (Fresno, CA)

Based on the proposal reviews and ranking, staff recommends awarding the contract to Rincon Consultants. Rincon Consultants is familiar with projects on the former Fort Ord, having recently completed the CEQA Environmental Impact Report (EIR) for the Campus Town Specific Plan, which is located across the street from this site.

Staff recommends adopting a resolution authorizing a professional services agreement with Rincon Consultants for an amount not to exceed $114,765.78 to prepare a CEQA Initial Study/ Mitigated Negative Declaration for the Fire Station No. 2 Project.

FISCAL IMPACT

The adopted fiscal year 2022/2023 budget for the Fire Station No. 2 Improvements is $1,100,000.00. The Professional Services Agreement with Rincon Consultants to prepare a CEQA Initial Study/Mitigated Negative Declaration is for a not to exceed amount of $114,765.78. A 10% contingency adds $11,476.58 for a total of $126,242.36.

On November 3rd, the City Council approved a PSA with contingency with RRM Design Group for architectural and engineering design services in the amount of $1,085,044.40. The remaining amount in the project budget is $14,955.60 budget. Staff would like to hold that budget for other support services for the project such as plan review and plat/legal review. A project budget increase of $126,242.36 is needed to fund this PSA with Rincon Consultants Inc.

Staff recommends the City Council adopt a resolution authorizing the City Manager to execute a professional services agreement with Rincon Consultants Inc for an amount not to exceed $114,765.78 to prepare a CEQA Initial Study/ Mitigated Negative Declaration for the Fire Station No. 2 Project, and appropriating $126,242.36 to the Project from the General Fund.

ATTACHMENTS

1. Resolution
2. Professional Services Agreement

Reviewed for Submission to the City Council by:

Item

Jaime M. Fontes, City Manager

RESOLUTION NO. 23-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH RINCON CONSULTANTS, INC. TO PREPARE A TO PREPARE A CALIFORNIA ENVIRONMENTAL QUALITY ACT INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION FOR THE FIRE STATION NO. 2 PROJECT FOR AN AMOUNT NOT TO EXCEED $114,765.78, AND APPROPRIATING $126,242.36 TO THE PROJECT FROM THE GENERAL FUND

WHEREAS, the Fire Station No. 2 Design and Construction Project (Project) is adopted in the Fiscal Year 2022/2023 Capital Improvement Program (CIP) annual budget; and

WHEREAS, on September 16, 2021, the City approved the Fire Station Location Study; and

WHEREAS, on March 17, 2022, the City approved the Fire Station 2 conceptual architectural design, budget and space needs assessment; and

WHEREAS, on November 3, 2022, the City Council approved a professional services agreement with 10% contingency with RRM Design Group for architectural and design services of Fire Station No. 2 in the amount of $1,085,044.40; and

WHEREAS, the project design has progressed to the point where a California Environmental Quality Act (CEQA) impacts analysis is able be prepared; and

WHEREAS, the City issued a request for proposals on January 19, 2023, and received four proposals to prepare the Initial Study and Mitigated Negative Declaration for the Project; and

WHEREAS, City Staff reviewed the proposals and recommends Rincon Consultants, Inc. as the best qualified firm to prepare the CEQA Initial Study/ Mitigated Negative Declaration for the Project;

WHEREAS, Rincon Consultant's proposal to prepare the CEQA Initial Study/ Mitigated Negative Declaration for the Project was in the amount of $114,765.78; and

WHEREAS, Staff has determined the proposed scope of work and budget are reasonable; and

WHEREAS, an amount of $11,476.58 contingency, 10% of the contract value, should be authorized on an as required basis; and

WHEREAS, the adopted FY 2022/2023 budget for Fire Station No. 2 Design is $1,100,000.00; and

WHEREAS, staff is planning to use the $14,955.60 budget remaining for support services for the project such as plan review and plat/legal review; and

WHEREAS, a budget appropriation of $126,242.36 is required to fund the professional services agreement with Rincon Consultants, Inc.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside authorizes the Finance Director to a process an appropriation of $126,242.36 from the General Fund to the Fire Station No. 2 Project.

BE IT FURTHER RESOLVED, that the City Council of the City of Seaside authorizes the City Manager to execute a professional services agreement with Rincon Consultants, Inc. to prepare the CEQA Initial Study/ Mitigated Negative Declaration for the Fire Station No. 2 Project for an amount not to exceed $114,765.78 and written amendments such that the total professional services agreement does not exceed $126,242.36.

PASSED AND ADOPTED at a regular City Council meeting of the City of Seaside duly held on the 2nd day of March, 2023, by the following vote:

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

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

March 2, 2023
City Council Regular Meeting

CLICK LINK TO ACCESS
Item 8G – Attachment 2

Professional Service Agreement for Preparation
Of California Environmental Quality Act Initial
Study/Mitigated Negative Declaration

Hard Copy Available for Review at City Clerk's Office

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.H.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Nisha Patel, Public Works Director/City Engineer

DATE: March 2, 2023

SUBJECT: **ADOPT A RESOLUTION AUTHORIZING A BUDGET TRANSFER OF $90,000.00 FROM THE NEIGHBORHOOD IMPROVEMENT COMMISSION (NIC) BUDGET TO THE FERNANDO PARK IMPROVEMENT PROJECT AND $20,000.00 FROM THE NEIGHBORHOOD IMPROVEMENT COMMISSION TO PACHETTI DOG PARK AND MESCAL NEIL PARK**

RECOMMENDATION

Adopt a resolution allocating $90,000.00 from the Neighborhood Improvement Commission budget to the Fernando Park Improvement Project, and $20,000.00 from the Neighborhood Improvement Commission budget to Pachetti Dog Park and Mescal Neil Park.

BACKGROUND

Fernando Park is located on the 1700 block of Fernando Street, between San Pablo Avenue and Mingo Street. The park currently includes paths, low rock walls, a bench, and some landscaping. Friends of Seaside Parks Association (FOSPA) volunteers applied for and were granted $25,000.00 from Sunlight Giving to purchase play equipment for Fernando Park. The project also includes installation of a hand sanitizer station and playground equipment. Design services, site preparation, construction management, picnic table and bench installation, and inspections are also necessary to deliver this project.

At their February 7, 2023 meeting, the NIC approved recommending the City Council allocate $90,000.00 of NIC funds for construction of the Fernando Park Project and $20,000.00 of NIC funds for the installation of a bench at Pachetti Dog Park and a picnic table and bench at Neil Park. The rough engineer's cost estimate for construction of the Fernando Park Project is $90,000.00. It is expected that $20,000.00 will be sufficient to purchase and install the picnic table and benches at Pachetti Dog Park and Neil Park.

At their meeting of February 16, 2022, the City Council approved: a donation of playground equipment for Fernando Park from the Friends of Seaside Parks; amending the Capital Improvement Program to include the Fernando Park Improvement Project; and appropriating a budget of $80,000.00 to the Project from the General Fund; and authorizing a Professional Services Agreement with Whitson Engineers for an amount not to exceed $42,770.00 for the Project.

ENVIRONMENTAL REVIEW

Pursuant to the preliminary review of the activities associated with Council action, in accordance with Section 15061 of the California Environmental Quality Act (CEQA) Guidelines, the project is Categorically Exempt (Class 1, Section 15301, Existing Facilities). Existing Facilities Class 1 exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use.

The proposed Fernando Park Project would consist of site grading, installation of playground equipment, hand sanitizer station, and a picnic bench and table which would not result in an expansion or significant modification of Fernando Park. There is no significant expansion of use associated with the Project.

The proposed improvements at the Pachetti Dog and Mescal Neil Parks include installation of a picnic bench, and a picnic bench and table, resp. Therefore, there is no significant expansion of use associated with the improvements.

FISCAL IMPACT

The budget approved for the Fernando Park Improvement Project is $80,000.00. The Whitson Engineers professional services agreement amount including contingency for the design of the project is $50,000.00. The estimated amount for construction management, inspection, and materials testing is $30,000.00. Construction of the project not including the playground equipment is estimated at $90,000.00. The playground equipment is being purchased directly by FOSPA and being donated to the City. The total cost of the project is $170,000.00. The additional budget needed to deliver the project is $90,000.00.

Staff recommends adopting a resolution authorizing a budget transfer of $90,000.00 from the Neighborhood Improvement Commission Budget (100-1350-7169) to the Fernando Park Project and $20,000.00 from the Neighborhood Improvement Commission Budget (100-1350-7169) to Pachetti Dog and Neil Parks (100-8910-1030).

ATTACHMENTS

1. Resolution

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

RESOLUTION NO. XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

AUTHORIZING A BUDGET TRANSFER OF $90,000.00 FROM THE NEIGHBORHOOD IMPROVEMENT COMMISSION BUDGET TO THE FERNANDO PARK, AND $20,000.00 FROM THE NEIGHBORHOOD IMPROVEMENT COMMISSION BUDGET TO PACHETTI DOG PARK AND MESCAL NEIL PARK

WHEREAS, on February 7, 2022, City Council approved the Neighborhood Improvement Commission (NIC) recommendation of allocating $90,000.00 of their fiscal year 2022/23 allocation for the Fernando Park Improvement Project, and $20,000.00 to the Pachetti Dog Park and Mescal Neil Park; and

WHEREAS, the Fernando Park Improvements Project includes the addition of a swing sea horse coil swing rider, artificial rock for climbing, hand sanitizer station, and picnic table at the park; and

WHEREAS, on October 20¸2022, Friends of Seaside Parks (FOSPA) was awarded a Sunlight Giving Grant in the amount of $25,000.00 for park equipment for Fernando Park; and

WHEREAS, the Fernando Park Improvement Project also requires design services, site preparation, construction, construction management, testing, and inspections are to deliver this project; and

WHEREAS, on February 16, 2023 the City Council approved accepting a donation for park equipment at Fernando Park from Friends of Seaside Parks; amending the Capital Program to include the Fernando Park Improvement Project; appropriating $80,000.00 for design and construction of the project from the General Fund; and authorizing the City Manager to execute a professional services agreement with Whitson Engineers for an amount not to exceed $42,770.00 to provide design and construction support services for the project; and

WHEREAS, the total cost with contingency for design of the Fernando Park

Improvement Project is $50,000.00; and

WHEREAS, the total rough cost estimate for construction of the project is $90,000.00; and

WHEREAS, construction management, testing, and inspection is estimated to cost $30,000.00; and

WHEREAS, the cost for the design, construction, construction management, inspection, and testing for the project is roughly estimated to cost $170,000.00; and

WHEREAS, an additional $90,000.00 is needed to deliver the Fernando Park Improvement Project;

WHEREAS, Pachetti Dog Park could use an additional bench because there are many visitors of the Park that there is not enough seating for all of them;

WHEREAS, Mescal Neil Park needs another bench and picnic table;

NOW, THEREFORE BE IT RESOLVED, that the City of Seaside City Council appropriates $90,000.00 from the Neighborhood Improvement Commission fund balance (account No. 100-1350-7169) to the Fernando Park Improvement Project and $20,000.00 from the Neighborhood Improvement Commission fund balance (account No. 100-1350-7169) to the Pachetti Dog Park and Mescal Neil Park (100-8910-1030), and directs the Finance Director to make appropriate budget adjustments to the Fiscal Year 2022-2023 Capital Improvement Program budget.

PASSED AND ADOPTED at a regular meeting of the City of Seaside City Council duly held on the 2nd day of March, 2023 by the following vote:

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

Ian N. Oglesby, Mayor

ATTEST:

Dominique L. Davis, City Clerk

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.I.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Alexia Garcia, Housing Program Manager

DATE: March 2, 2023

SUBJECT: **ADOPT A RESOLUTION AUTHORIZING THE AMENDMENT AND RESUBMITTAL OF THE 2020 HOUSING ELEMENT ANNUAL PROGRESS REPORT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH**

RECOMMENDATION

Adopt a resolution authorizing the amendment and resubmittal of the 2020 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research, as proposed.

BACKGROUND

California Government Code Section 64500 requires that the City submit a Housing Element Progress Report (HE APR) to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR) annually by April 1st. HCD allows local jurisdictions to propose amendments to previously submitted HE APRs. Proposed amendments are received for consideration by an HCD representative.

On March 21, 2021, the 2020 City of Seaside HE APR was submitted to HCD and OPR. Upon further review, City Staff has identified technical errors in Table A2, Row 13 (Attachment 1) and has determined that the resubmission of a 2020 HE APR containing a revised Table A2, Row 13 (Attachment 2) to be appropriate. The proposed correction deletes data from Table A2, Row 13 which was erroneously reported as having been issued building permits.

FISCAL IMPACT

None

ATTACHMENTS

1. Resolution
2. Table A2
3. Table A2 Proposed Revision

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

RESOLUTION NO. XX-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

AUTHORIZING THE AMENDMENT AND RESUBMITTAL OF THE 2020 HOUSING

ELEMENT ANNUAL PROGRESS REPORT

WHEREAS, Government Code sections 65400 and 65700 mandates that all cities and counties submit an annual report on the status of the Housing Element portion of its General Plan and progress to their legislative bodies, the Governor's Office of Planning and Research (OPR) and the Housing and Community Development (HCD) each year; and

WHEREAS, the annual progress report provides local legislative bodies and the public with progress of implementation of the Housing Element and progress in meeting its Regional Housing Needs Allocation (RHNA) goals; and

WHEREAS, annual progress reports must be presented to the local legislative body, usually as a consent or discussion item on a regular meeting agenda for review and acceptance; and

WHEREAS, HCD allows local jurisdictions to propose amendments to previously submitted Housing Element Annual Progress Reports; and

WHEREAS, City Staff have identified a technical error in the 2020 Seaside Housing Element Annual Progress Report; and

NOW, THEREFORE, BE IT RESOLVED, that the Seaside City Council hereby accepts the proposed amendment and authorizes City Staff to resubmit the 2020 Housing Element Annual Progress Report to HCD for consideration.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, on the 2nd day of March 2023, by the following vote:

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

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique Davis, City Clerk

AS TO FORM:

____
Sheri L. Damon

Seaside	
2020	(Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table A2
Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier				Unit Types		Affordability by Household Incomes - Completed Entitlement									Affordability by Household Incomes - Building Permits								
1				2	3	4							5	6	7							8	9
Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low- Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Entitlement Date Approved	# of Units issued Entitlements	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits Date Issued	# of Units Issued Building Permits
art Data Entry Below						0	0	0	0	0	0	0		0	74	0	78	0	73	0	13		238
031-151-029	85 Acres between Gigling Road and Lightfighter Drive/Colonel Durham	Campus Town		5+	R									0	74		78		73			3/20/2020	225
012-414-048	1538 Hilby Ave		20239	ADU	O									0							1	2/13/2020	1
011-354-005	475 Francis Ave		20309	ADU	O									0							1	2/21/2020	1
011-056-012	2000 Buchanan Street		20420	ADU	O									0							1	2/7/2020	1
011-482-009	1978 Lincoln St		20421	ADU	O									0							1	2/7/2020	1
011-492-028	2095 Paralta Ave		20557	ADU	O									0							1	3/5/2020	1
012-652-042	1624 Highland St		20477	ADU	O									0							1	6/9/2020	1
012-621-011	1774 La Salle Ave		20423	ADU	O									0							1	6/9/2020	1
012-621-012	1782 La Salle Ave		20422	ADU	O									0							1	7/7/2020	1
012-711-010	1608 Harding St.		20651	ADU	O									0							1	7/7/2020	1
011-344-014	585 Harcourt Ave.		20556	ADU	O									0							1	7/23/2020	1
011-036-017	1357 Circle Ave.		20728	ADU	O									0							1	8/5/2020	1
012-414-006	1660 Sierra Ave.		20953	ADU	O									0							1	8/27/2020	1
012-108-027	9 Miguel Ct.		20769	ADU	O									0							1	9/24/2020	1

Seaside

2020 (Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table A2

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1				2	3	4							5	6	7							8	9
Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Entitlement Date Approved	# of Units issued Entitlements	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits Date Issued	# of Units Issued Building Permits
art Data Entry Below						0	0	0	0	0	0	0		0	0	0	0	0	0	0	13		13
														0									0
012-414-048	1538 Hilby Ave		20239	ADU	O									0							1	2/13/2020	1
011-354-005	475 Francis Ave		20309	ADU	O									0							1	2/21/2020	1
011-056-012	2000 Buchanan Street		20420	ADU	O									0							1	2/7/2020	1
011-482-009	1978 Lincoln St		20421	ADU	O									0							1	2/7/2020	1
011-492-028	2095 Paralta Ave		20557	ADU	O									0							1	3/5/2020	1
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011-344-014	585 Harcourt Ave.		20556	ADU	O									0							1	7/23/2020	1
011-036-017	1357 Circle Ave.		20728	ADU	O									0							1	8/5/2020	1
012-414-006	1660 Sierra Ave.		20953	ADU	O									0							1	8/27/2020	1
012-108-027	9 Miguel Ct.		20769	ADU	O									0							1	9/24/2020	1

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.J.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Nisha Patel, Public Works Director/City Engineer
Kirstin van Gend, Administrative Analyst II

DATE: March 2, 2023

SUBJECT: **CONSIDER THE TRAFFIC ADVISORY COMMITTEE RECOMMENDATION TO DENY EXEMPTION TO 2-HOUR PARKING RULES ON SANTA BARBARA STREET FOR EMPLOYEES OF OTHER BROTHER BEER CO.**

RECOMMENDATION

Deny the request for exemption to 2-hour parking rules on Santa Barbara Street for employees of Other Brother Beer Co.

BACKGROUND

The Traffic Advisory Committee reviewed and provided recommendation on the application from Other Brother Co. at the January 17, 2023.

Other Brother Beer Co. (Other Brother) is requesting exemption to the 2-hour parking rules on Santa Barbara Street for their employees. Other Brother Beer Co. is an industrial brewpub with beer garden seating plus pizza slices, pretzels and snacks. Other Brother is open daily at 12:00 pm, and closes at 10 pm on Monday through Thursday, at 11:00 pm on Friday and Saturday, and at 8:00 pm on Sunday.

Per the Seaside Municipal Code Section 10.32.010, when authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle within the central traffic district between the hours of eight a.m. and six p.m. of any day except Sundays and holidays for a period longer than two hours.

Per the Seaside Municipal Code Section 10.32.175, the city can establish, by resolution, parking permits and would require parking spaces have adequate signs in place giving notice that said spaces are for permit parking only, it shall be unlawful for any person to stop, stand or park a vehicle in any such space unless such person possesses a valid, unexpired permit for parking issued by the city, and such permit is displayed or maintained in accordance with the conditions of issuance of said permit.

STAFF ANALYSIS

Other Brother is located at 877 Broadway Avenue, along the north side of Broadway Avenue, between Calaveras Street and Santa Barbara Street. Nearby parking areas include:

- Nine (9) parking spaces on Broadway Avenue (north side), property frontage, between Calaveras Street and Santa Barbara Street. Walking distance from Other Brother ranges from 50-200 feet. Three (3) of the spaces are occupied by temporary outdoor seating for Other Brother.
- Nineteen (19) parking spaces on Santa Barbara Street between Broadway Avenue and Fremont Boulevard. Walking distance from Other Brother ranges from 150-500 feet.
- One (1) parking space on Calaveras Street (east side) between Broadway Avenue and the alley. Walking distance from Other Brother is 325 feet.

All parking spaces are subject to the 2-hour parking restriction between the hours of 8 am (7 am on Calaveras Street) and 6 pm, with no time restrictions after 6 pm, on Sundays, or on holidays. In November 2019, City Council approved a request from Broadway businesses for 2-hour parking signs in order to help make more parking available for business customers.

Additionally, staff assessed business parking spaces behind the business in the alley. The designated business parking for Other Brother, approximately 3-5 spaces, has been used to house their brewing machinery and an outdoor dining area.

A parking study of the three above listed parking areas was conducted on various days of the week and hours of the day. The results of the study were evaluated, and for each parking area an average was calculated of the percent of parking spaces being occupied. An average of 85% is considered a high parking occupancy rate. The parking area of Santa Barbara Street does not meet the definition of high parking occupancy. The table below shows the averages for all three parking areas assessed, with only Calaveras reaching the high parking occupancy rate in the evening hours.

PARKING AREA	TOTAL SPACES	AVERAGE OCCUPANCY RATE 12PM - 2PM	AVERAGE OCCUPANCY RATE 2PM - 5PM	AVERAGE OCCUPANCY RATE 5PM - 7PM
Santa Barbara St.	19	42%	28%	74%
Broadway Ave.	6	50%	61%	83%
Calaveras St.	1	33%	33%	100%

Exemption to the 2-hour parking restriction would mean removal of the 2-hour parking restriction signs on Santa Barbara Street which would affect availability of parking for customers of Broadway businesses. Alternatively, the City can establish a parking permit program for employees of businesses in the City.

The Traffic Advisory Committee recommends denying the request for exemption to 2-hour parking rules on Santa Barbara Street for employees of Other Brother Beer Co. as it would require the City to remove the parking restriction signs which could negatively impact Broadway businesses and there is currently no parking permit program.

FISCAL IMPACT

There are costs associated with the approval of the exemption request. Costs associated with the removal of the 2-hour parking signs and striping would be covered by the applicant. Development of an employee parking permit program would include the cost of establishing a program and staffing the management of the program moving forward.

ATTACHMENTS

1. Application
2. Aerial

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

APPLICATION FEE PER THE CURRENT ADOPTED FEE SCHEDULE

Traffic Advisory Committee Request Application

The following information is required to process all Traffic Advisory Committee requests. This information will be used to contact the applicant should staff have questions or needs clarification on the request. This information will also appear in the staff report presented to the Traffic Advisory Committee and/or City Council.

The Traffic Advisory Committee meets the 3rd Tuesday of every month at 5:00 PM in the City of Seaside's City Hall Conference room. This meeting is open to the public and applicants are encouraged to attend.

Name: Michael Nevares c/o Other Brother Beer Co Date: 8/26/2022

Address: REDACTED Phone: REDACTED

Type of Request (check all that apply):

☐ Parking Designations ☐ Crosswalk ☐ Curb Markings (White, Yellow, etc.)

☐ Warning Sign ☐ Traffic Signal/Stop Sign ☐ Signing/Striping

☑ Other Exemptions to 2-hour parking rules on Santa Barbara for employees

FEES WILL APPLY FOR PARKING AND CURB MARKING REQUESTS

Request: Please see attached.

Request Procedures are outlined on the back of this form. For any questions regarding the Traffic Advisory Committee (TAC) please contact 899-6825.

TAC REQUEST PROCEDURE

The Traffic Advisory Committee (TAC) acts as an advisory board to the City Council per Chapter 2.37 of the Municipal Code. Recommendations made by the TAC are to be ratified by the City Council prior to implementation. The TAC consists of five members: a Council Member; Director of Public Works; Chief of Police; Director of Community Development; and the Fire Chief. The TAC reviews all requests for traffic safety regulatory or control devices, signs and markings, and conducts studies as well as offers recommendations to the City Council, Planning Commission or appropriate City department.

Upon submittal of a request, staff will place the request on the next available TAC agenda for a future scheduled meeting. All TAC's action will be forwarded for City Council consideration at their next available scheduled meeting.

Fees

Fees will be collected prior to installation of any approved requests that directly benefits the applicant, such as limited timed parking, white zones, etc. Prior to any required maintenance of the improvement, the same fee will apply and be billed to the applicant. The following fees have been determined based upon the cost of staff time and material for installation:

Description	**Fee***
Marking curb – per curb (20' maximum length)	Per current adopted fee schedule
Installation of one sign	

* Fees subject to change per City Council approved fee schedule. Fee determined by date of application.

PLEASE COMPLETE FOR PARKING AND CURB MARKING REQUESTS

TAC REQUEST ACKNOWLEDGEMENT STATEMENT

I, Michael Nevares understand that should my request be approved by the Traffic Advisory Committee and City Council, I will be responsible for the fee prior to the installation of my request. I also understand that if approved by City Council the improvements will be reviewed annually or whenever deemed appropriate by the Public Works Department for any required maintenance and I will be charged the corresponding fee.

Michael Nevares — Applicant Signature

8/26/2022 — Date

In an exceptionally unfortunate turn of events, one of our bartenders was assaulted on the evening of 8/16 as she walked to her car after closing our business for the day. She was able to ward off the assailant, and, luckily, was not injured during the incident. She has filed a police report with Seaside PD.

The risk of this type of occurrence is our primary argument against requiring our employees to move their cars every two hours. The safety of our employees is threatened when they don't have a consolidated, proximal place to park legally for the duration of their shift, which requires them to walk alone to dispersed, tucked-away areas at night after the business closes. Furthermore, the time it takes to move a car during state-mandated breaks occupies a significant portion of that allotted break time.

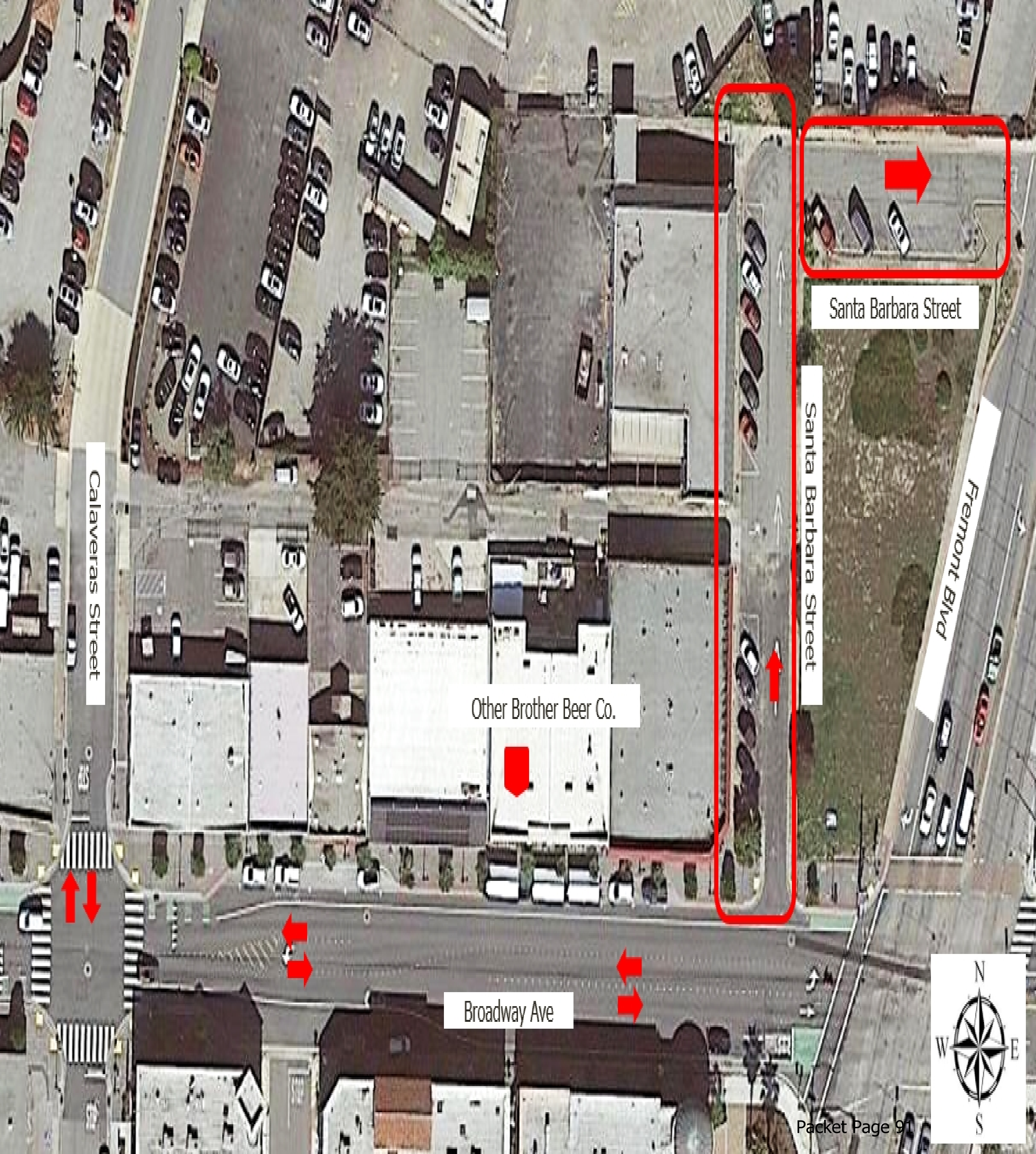
The solution I propose is an exemption that protects designated parties from enforcement of 2-hour parking restrictions on Santa Barbara St, and that eligibility for this exemption be granted to employees of our business. This would allow for our employees to utilize a buddy system to return to their cars at the end of the night, improving safety, and would enable the employees to take full advantage of their work breaks, aligning with the intent of labor law.

Parking will likely remain a problem as Broadway develops economically until such a time as public or private resources are available to build infrastructure that accommodates the demand on parking that businesses like ours generate. The 2-hour parking restriction negatively impacts the people who are the face of this development activity. The safety and well-being of our employees and community is paramount to our business, and we will do everything in our power to support them.

I humbly request that you strongly consider enacting this proposal or that you provide some alternative remedy to this public safety issue. Thank you for your time.

Respectfully,

Michael Nevares
Co-Founder
Operations Manager
Other Brother Beer Co.
(831) 225-2901


Santa Barbara Street
Santa Barbara Street
Calaveras Street
Fremont Blvd
Other Brother Beer Co.
Broadway Ave
N
W
E
S

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.K.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Sheri Damon, City Attorney

DATE: March 2, 2023

SUBJECT: **AUTHORIZE THE CITY ATTORNEY TO SUBMIT AN ONLINE PUBLIC COMMENT TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) ON BEHALF OF THE CITY OF SEASIDE IN CALIFORNIA PUBLIC UTILITIES COMMISSION PROCEEDING A-2111024 REQUESTING THAT THE CPUC COMPEL CALIFORNIA-AMERICAN WATER COMPANY (CAL- AM) TO EXECUTE THE AMENDED AND RESTATED WATER PURCHASE AGREEMENT WITH MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (NOT A PROJECT UNDER CEQA PER ARTICLE 20, SECTION 15378 AND GENERAL RULE ARTICLE 5 SECTION 15061)**

RECOMMENDATION

Authorize the City Attorney to submit the attached letter as an online public comment to the California Public Utilities Commission (CPUC) Public Comment to the California Public Utilities Commission (CPUC) on Behalf of the City of Seaside in California Public Utilities Commission Proceeding A-2111024 Requesting that the CPUC Compel California-American Water Company (Cal- Am) to Execute the Amended and Restated Water Purchase Agreement with Monterey Peninsula Water Management District.

BACKGROUND

The CPUC unanimously authorized Cal-Am to enter into the Amended and Restated Water Purchase Agreement at its Dec. 1, 2022, virtual meeting as reflected in Decision 22-12-001 in Application 21-11-024. The approval cleared the way for the expansion of the Pure Water Monterey Project. The amount of water created from the expanded Pure Water Monterey Project would potentially lift the Cease-and-Desist Order imposed upon the Monterey Peninsula by the State Water Resources Control Board.

The Monterey Peninsula region is in desperate need of the additional water as the

Regional Housing Needs Assessment units are not being implemented because of the lack of water availability. As of February 16, 2023, two of the three parties needed to execute the Amended Water Purchase Agreement, Monterey One Water and the Monterey Peninsula Water Management District, have already signed the document. The third party, Cal-Am has not yet signed the Agreement. Cal-Am indicates that it has not signed the agreement because Cal-Am can only move forward with the Amended and Restated Water Purchase Agreement if the CPUC approved its request for recovery of the costs related to the purchase of supplemental water pursuant to the Amended WPA, the additional facilities necessary to optimize the system and take advantage of water from the PWM expansion, and the pro-rated portion of the pre-construction costs for the California American Water facilities associated with the PWM project. However, it is the city's view that once the Agreement is fully executed, the financing to construct the Pure Water Monterey Expansion Project can be secured and bidding the various components of the Project can begin. The delays caused by not executing the Agreement are delaying efforts to provide water security for the residents and businesses in our communities.

Seaside would benefit from the implementation of the Pure Water Monterey Expansion Project and the lifting of the water moratorium that precludes and limits CalAm's ability to serve the projects in Seaside. These two actions are dependent upon CalAm executing the Amended Water Purchase Agreement. Accordingly, it is respectfully requested that the City Council authorize the City Attorney to submit the draft letter as an online public comment to the CPUC in support of compelling Cal-Am to sign the Amended and Restated Water Purchase Agreement in order for the Pure Water Monterey Expansion Project to move forward.

FISCAL IMPACT

No immediate costs to submit. Potential long term benefit to the City in terms of lifting water moratorium allowing projects to proceed more expeditiously.

ATTACHMENTS

1. Letter

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

OFFICE OF THE MAYOR
440 Harcourt Avenue
Seaside, CA 93955
www.ci.seaside.ca.us
Telephone 831-899-6703
Fax 831-624-5839

March 3, 2023

President Alice Busching Reynolds
Commissioner Genevieve Shiroma
Commissioner Darcie L. Houck
Commissioner John Reynolds
Commissioner Karen Douglas
Commissioners of the California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: Application 21-11-024 Request to Compel Execution of the Amended Water Purchase Agreement Authorized in D. 22-12-001

Dear President Reynolds and Commissioners:

As the elected body representing the City of Seaside, we want to thank you for your unanimous approval of the amended Water Purchase Agreement at the Dec. 1, 2022, virtual meeting by the issuance of D.22-12-001 in A. 21-11-024. The approval cleared the way for the expansion of the Pure Water Monterey Project. The amount of water created from the expanded Pure Water Monterey Project would potentially lift the Cease-and-Desist Order imposed upon the area by the State Water Resources Control Board.

The area is in desperate need of the additional water as the Regional Housing Needs Assessment units are not being implemented because of the lack of water availability. Our council is eager to move forward with the construction of much-needed housing and this project is essential in our ability to lift barriers towards that end.

It is our understanding that two of the three parties needed to execute the Amended Water Purchase Agreement -- Monterey One Water and the Monterey Peninsula Water Management District -- have already signed the document. The third party, California American Water, has not yet signed the Agreement. Once the Agreement is fully executed, the financing to construct the Project can be secured and bidding the various components of the Project can begin. The delays caused by not executing the Agreement are delaying efforts to provide water security for the residents and businesses in our communities.

As requested by the Water Management District in its December 16, 2022 Petition for Modification, we also respectfully request that the California Public Utilities Commission compel California American Water to sign the Amended Water Purchase Agreement in order for the Pure Water Monterey Expansion Project to move forward. California American Water can continue to work through the issues related to cost recovery at a later time without delaying the expansion of the Pure Water Monterey Expansion Project.

The delay in signing the Water Purchase Agreement is costing an estimated $14 million. Further delays will add to the cost of construction and financing, putting a great burden on our ratepayers. M1W staff have secured over half of the project cost (~$40 million) in grant funding, that are at risk of being lost if not utilized in a timely manner.

We appreciate your consideration of our community's request.

Sincerely,

Ian N. Oglesby
Mayor

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.L.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dominique Davis, City Clerk

DATE: March 2, 2023

SUBJECT: **ADOPT A RESOLUTION TERMINATING THE PROCLAMATIONS OF LOCAL EMERGENCY AND RELATED COVID-19 RESOLUTIONS AND ORDINANCES**

RECOMMENDATION

Adopt a resolution to terminate the local emergency and related COVID-19 resolutions and ordinances.

BACKGROUND

Pursuant to Government Code section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or other disaster. The purpose of a local emergency is to provide extraordinary policy power, immunity for emergency actions, to authorize the issuance of orders and regulations, and activate pre-established emergency provisions.

Seaside Municipal Code section 2.40.060 requires the City Council to ratify the Director of Emergency Services (City Manager) proclamation of a local emergency.

Government Code section 8630(d) requires the City to terminate the local emergency at the earliest possible date that conditions warrant. On October 17, 2022, Governor Gavin Newsom announced that he intends to end the COVID-19 State of Emergency on February 28, 2023.

FISCAL IMPACT

None.

ATTACHMENTS

1. Resolution

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

RESOLUTION NO. 23-XX

A RESOLUTION OF THE CIY COUNCIL OF THE CITY OF SEASIDE

TERMINATING THE LOCAL EMERGENCY AND RELATED COVID-19 RESOLUTIONS AND ORDINANCES

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak a public health emergency of international concern; and

WHEREAS, on January 31, 2020, the U.S. Department of Health and Human Services declared a Public Health Emergency in the United States; and

WHEREAS, on March 3, 2020, the City Council appropriated $35,000 to prepare and respond to COVID-19; and

WHEREAS, the State of California proclaimed a state of emergency on March 4, 2020; and

WHEREAS, the County of Monterey declared a local emergency on March 10, 2020; and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, as of February 2, 2023, Monterey County has experienced 97,259 confirmed cases of COVID-19, resulting in 790 confirmed deaths; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has determined that vaccines widely available in the United States significantly lowers the risk of getting very sick, being hospitalized, or dying from COVID-19; and

WHEREAS, there have been confirmed cases of COVID-19 in the counties neighboring Monterey County, including Santa Clara, Santa Cruz, San Benito, and Fresno; and

WHEREAS, on March 12, 2020, Governor Newsom enacted Executive Order N-25-20 to mitigate the effects of the COVID-19 pandemic because "despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed."; and

WHEREAS, on March 13, 2020, the City Manager, in his capacity as the Director of Emergency Services, proclaimed a local emergency related to COVID-19; and

WHEREAS, on March 19, 2020, and at multiple times thereafter, the City Council of the City of Seaside ratified the City Manager's proclamations, which allowed the City to adequately plan, prepare, and deploy resources to effectively respond to the threat posed by COVID-19; and

WHEREAS, on October 17, 2022, Governor Gavin Newsom announced that he intends to end the COVID-19 State of Emergency on February 28, 2023; and

WHEREAS, Monterey County has not seen significant rates of COVID-19 hospitalized patients since the two largest peaks of 217 hospitalized patients on January 15, 2021 and 114 hospitalized patients on January 26, 2022. Over the past 90 days, the peak number of hospitalized patients was 27 on December 9, 2022 and a low of 8 on February 1, 2023. 72.7% of eligible Monterey County residents are vaccinated as of February 1, 2023; and

WHEREAS, the City of Seaside continues to work with other local entities to diligently implement CDC guidelines, provide vaccination clinics when possible, and protect the public; and

WHEREAS, the City of Seaside determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Seaside does hereby resolve, that the current conditions do not warrant the need for emergency declaration to continue and hereby terminates the local emergency related to COVID-19 pursuant to Government Code section 8630(d).

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Seaside does hereby terminate all COVID-19 related resolutions and ordinances set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 2nd day of March, 2023 by the following vote:

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

APPROVED:

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

____
Sheri L. Damon, City Attorney

EXHIBIT A TO RESOLUTION NO. 23-XX

SUMMARY OF LEGISLATIVE ACTIONS RELATED TO COVID-19		
March 19, 2020	Reso. No. 20-13	Ratifying the Proclamation of Local Emergency
March 19, 2020	Ordinance No. 1079	Enacting a Temporary Moratorium on Evictions Due to Nonpayment of Rent for Residential and Commercial Tenants Where the Failure to Pay Rent Results from Income Loss Resulting from the Novel Coronavirus (COVID-19), and Setting Forth the Facts Constituting Such Urgency
April 2, 2020	Reso No. 20-16	Ratifying the First and Revised Second Supplement to Proclamation of Local Emergency
April 2, 2020	Ordinance No. 1083	Enacting a Temporary Moratorium on Foreclosures Due to Nonpayment of Homeowner Association Assessments Which Result From Income Loss Resulting from the Novel Coronavirus (COVID-19), and Setting Forth the Facts Constituting Such Urgency
April 2, 2020	Ordinance No. 1088	Enacting a Temporary Moratorium on Foreclosures Due to Nonpayment of Homeowner Association Assessments Which Result From Income Loss Resulting from the Novel Coronavirus (COVID-19), and Setting Forth the Facts Constituting Such Urgency
April 16, 2020	Reso. No. 20-21	Ratifying the Third Supplement to Proclamation of Local Emergency
May 7, 2020	Reso. No. 20-26	Ratifying the Fourth Supplement to Proclamation of Local Emergency and Providing Additional Direction
May 21, 2020	Reso. No. 20-31	Modifying the Compensation Plan for Unclassified Positions
May 21, 2020	Reso. No. 20-33	Modifying Existing Labor and Employment Agreements to Reduce Compensation by 10% Through Furloughs and Salary Reductions and Defer Scheduled Salary Increases
June 4, 2020	Reso. No. 20-38	Ratifying the Fourth Supplement to Proclamation of Local Emergency and Providing Additional Direction

July 2, 2020	Ordinance No. 1090	An Urgency Ordinance of the City of Seaside Extending Ordinance 1083 Relating to Residential and Commercial Evictions Caused by a Failure to Pay Rent and Ordinance 1088 Relating to Foreclosure Due to Nonpayment of Homeowner Association Assessments When Such Failure to Pay Results from Income Loss Resulting from the Novel Coronavirus (COVID-19)
July 16, 2020	Reso. No. 20-63	Ratifying the Fourth Supplement to Proclamation of Local Emergency and Providing Additional Direction
August 20, 2020	Reso. No. 20-73	Ratifying the Sixth Supplement to Proclamation of Local Emergency
September 17, 2020	Reso. No. 20-83	Ratifying the Seventh Supplement to Proclamation of Local Emergency
October 15, 2020	Reso. No. 20-90	Ratifying the Eighth Supplement to Proclamation of Local Emergency
February 4, 2021	Reso. No. 21-10	Modifying Existing Labor and Employment Agreements to Restore a Portion of Agreed Upon Concessions on January 23, 2021, and April 3, 2021
January 20, 2022	Reso. No. 22-14	Ratifying the Ninth Supplement to Proclamation of Local Emergency

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.M.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Samantha Alcaraz, Human Resources Analyst

DATE: March 2, 2023

SUBJECT: **ADOPT A RESOLUTION ADDING THE CLASSIFICATION OF PROJECT MANAGER TO THE CLASSIFICATION PLAN AND MODIFYING THE POSITION ALLOCATION LIST**

RECOMMENDATION

Adopt a resolution adding the classification of Project Manager to the Classification Plan and modifying the Position Allocation List.

BACKGROUND

In order to provide greater efficiency in the operation of the City, the Project Manager will be responsible for planning, organizing, directing and controlling all highly complex projects from concept to closeout of the projects. The Fiscal Year 2022/23 Adopted Budget does not include funding for this position. The Project Manager will be an FLSA Exempt position assigned to the Unclassified Compensation Plan, with a top estimated annual salary rate of $143,869.00.

FISCAL IMPACT

The Finance Department is authorized to make any budget adjustments that are necessary as a result of this change.

ATTACHMENTS

1. Program Manager Job Description
2. Resolution
3. Unclassified Positions 2022

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

PROJECT MANAGER
FSLA: Exempt
Salary: $143,869 Annually
Bargaining Unit: Unclassified Compensation Plan

DEFINITION

Under general direction of the City Attorney and the City Manager and or designee, performs work in planning, managing, organizing, coordinating, and overseeing comprehensive project development programs. This position will be responsible for all highly complex projects from concept to close-out of the project. Perform related work as required.

The Ideal Candidate is someone with:

- Experience in public agency or related private organization with project management, engineering, design, and public relations skills to concurrently manage a wide range of City developing projects and programs.
- Experience establishing, monitoring, and tracking project budgets and schedules; preparing reports.
- Knowledge of applicable federal, state and local regulatory and legal statutes.
- Excellent communication and interpersonal skills, strong decision making and strategic thinking ability, and a commitment to customer service.
- Strong organizational skills, attention to detail and self-motivated.

DISTINGUISHED CHARACTERISTICS

This class may be responsible for a number of projects, but a significant portion of the position's time will be spent in management of projects. The Project Manager is distinguished from engineers and planning professionals in that the latter are typically responsible for the technical aspects of a project, but not usually involved in the oversight, administration, presentation, public information and management functions of the Project Manager. This classification requires strong management skills, as well as strong administrative, and policy implementation skills. The Project Manager performs a key leadership role in coordinating and administering the City's sensitive projects that affect the economic well-being of the City; completion on schedule is crucial.

The Project Manager should demonstrate competence in the following:

- Behave Ethically: Understand ethical behavior and business practices, and ensure that their own behavior and the behavior of others is consistent with these standards and aligns with the values of the City of Seaside.
- Build Relationships: Establish and maintain positive working relationships with others, both internally and externally, to achieve the established goals.
- Communicate Effectively: Speak, listen and write in a clear, thorough and timely manner using appropriate and effective communication tools and techniques.
- Focus on Client Needs: Anticipate, understand, and respond to the needs of internal and external clients to meet or exceed their expectations.
- Foster Teamwork: Work cooperatively and effectively with others to help set goals, resolve problems, and make decisions that enhance organizational effectiveness.
- Lead: Positively influence others to achieve results.
- Make Decisions: Assess situations to determine the importance, urgency and risks, and make clear decisions which are timely and in the best interest of the organization.
- Organize: Establish priorities, develop a work schedule, monitor progress toward goals, and track details, data, information and activities.
- Plan: Determine strategies to move the organization forward, set goals, create and implement actions plans, and evaluate the process and results.
- Solve Problems: Assess problematic situations to identify causes, gather and process relevant information, generate possible solutions, and make recommendations and/or resolve the problem.
- Ability to be effective in an extremely politically sensitive, in a highly volatile, complicated funding and permitting process; reports to City Manager and City Attorney.

PRIMARY DUTIES AND RESPONSIBILITIES:

The Project Manager performs a wide range of duties including some or all of the following:

1. Assists in the ongoing responsibility for monitoring and updating the City of Seaside Strategic Planning processes.
2. Manages programs, projects, and functions.
3. Assigns, reviews, and evaluates the work and performance of staff in accordance with the City Council’s strategic plan.
4. Assists in planning, developing, implementing, coordinating, and monitoring projects, programs, policies and procedures in area of assignment with other departments, agencies, and other community agencies.

5. Consults with the City Attorney and/or City Manager on problems related to complex or high profile projects, and legal issues.
6. Provides instruction and guidance to staff and/or consultants in preparation of reports; ensuring timely collection of data necessary for evaluation of the project(s) and submit project reports.
7. Identify, evaluate and timely communication of risks or issues associated with projects and make recommendations to control the risks.
8. Reports evaluation findings and recommend changes in assigned areas, as appropriate.
9. Communicates frequently with City Manager and City Attorney to achieve division-wide goals.
10. Maintain and expand knowledge and skills through continuing education and professional interaction.
11. Plan, prepare and schedule meetings with staff and developers as needed.
12. Maintain confidentiality of work-related issues and City information.
13. Expected to facilitate effective communication between stakeholders; responsible for continued communication with City departments, boards and/or external agencies.
14. Perform other duties as assigned.

Minimum Qualifications:

Education: Equivalent to graduation from a four-year college or university with major coursework in project management, public administration, engineering, business, or equivalent, plus six (6) years of increasingly responsible experience of project coordination.

Licenses and Certifications:

- Must possess a valid California class C driver's license and a satisfactory driving record.
- Project Management Professional Certification from the Project Management is desirable and may substitute for 2 years of experience.

Knowledge of:

- The methods, techniques, and practices utilized to oversee the operations and project management of related assignments.
- Technical aspects of architectural, civil, mechanical, electrical, structural, and geotechnical engineering design and specifications.
- Working knowledge of various funding sources and restrictions.
- Legal requirements for City projects, regulations and regulatory agencies and commissions affective planning, zoning, design and construction.

- Construction management techniques and practices.
- Effective written and oral communications techniques used in working with individuals from a diverse ethnic and socio-economic background.
- Strong organization and time management skills.
- Principles and practices of establishing, monitoring, and tracking projects and schedules.
- Effective written communication in preparing reports, reviewing contracts, and recommendations.
- Excellent communication and interpersonal skills, strong decision making and strategic thinking ability.
- Ability to identify, prioritize, and recommend projects with estimates of completion for Improvement Programs.
- Prepare, evaluate and manage proposals for professional consultant services; lead and prepare scope of work, fees, and schedules for professional services agreements, and process amendments.
- Conduct meetings regarding projects, compile data, and make recommendations.
- Manage and assist in compliance and progress of projects.
- Proficient in Excel, Power Point, Microsoft Project Management and Word.
- Create, establish, and maintain effective working relationships.

Skills and Abilities In:

- Planning, organizing, directing, and appraising the work of professional, technical, administrative support, and assigned personnel.
- Making decisions recognizing established precedents and practices and to use resourcefulness and tact in solving problems.
- Assessing processes and operational performance and to make appropriate adjustments to maximize efficiencies, quality of output and operational performance.
- Managing consultants, contractors, and vendors in their performance of their obligations on multiple projects.
- Monitoring work, maintaining records to ensure quality control and achieve compliance with contracts and deadlines.
- Communicating effectively orally and in writing.
- Communicating effectively and efficiently with diverse audiences, internal and external.
- Accurately and efficiently estimating project completion.
- Working collaboratively in a team environment; may work independently or on a team.
- Managing multiple, complex, comprehensive requirements to accomplish goals and objectives.
- Interpreting and enforce applicable laws and ordinances.

- Working collaboratively in a team environment; may work independently or on a team.
- Preparing and summarizing statistical and technical data for assigned projects and recommendations.

Physical Demands

- Standing & Walking – Standing for extended periods of time and/or walking distances (1 or more miles).
- Sitting – Ability to work in a seated position at a computer station for extended periods of time.
- Manual Dexterity - The ability to perform multiple work activities requiring a significant level of physical and mental coordination, such as accurate field measuring; repair and calibration of instruments; computer keyboard; writing.
- Visual - Acuity for driving long periods; reading literature for long periods; industry warning signs and instruments; reading maps and diagrams, computer screen.
- Hearing and Speech - Ability to communicate in person and over the telephone.
- Mobility - Ability to operate a motor vehicle, and reach, push, pull, stoop, bend, and squat.
- Reflexes - Ability to quickly and automatically respond to emergency situations.

Working Conditions:

Work is performed in an office environment as well as any city building and outdoors with exposure to inclement weather and exposure to noise. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures. This position requires the ability to work a flexible schedule including weekends, evenings, and holidays and be available for work on an emergency basis.

RESOLUTION NO. 21-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

APPROVING THE MODIFICATION OF THE CITY'S POSITION ALLOCATION LIST TO ADD ONE PROJECT MANAGER AND TO ESTABLISH THE SALARY AND BENEFITS FOR THE POSITION

WHEREAS, the City's Position Allocation List may be amended on recommendation of the City Manager and approval by the City Council; and

WHEREAS, in order to provide greater efficiency in the operation of the City and enhance service levels, certain job classification have been prepared; and

WHEREAS, the Project Manager will plan, organize, direct and control all highly complex projects and perform related duties; and

WHEREAS, the Project Manager will be an unclassified, exempt, and at-will employee; and

WHEREAS, the top step salary for the Project Manager will be $143,869; and

WHEREAS, the Compensation Plan for Unclassified Positions describes the benefits for the position; and

WHEREAS, the Finance Department is authorized to make any budget adjustments that are necessary as a result of this change.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside hereby approves the Compensation Plan for Unclassified Positions and the modifications to the Position Allocation List and the Salary Schedule.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 2nd day of March, 2023, by the following vote:

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

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

City of Seaside
Compensation Plan for Unclassified Positions
Effective July 1, 2022

A. APPLICATION: This Compensation Plan applies to the position of ESCA Program Director. Due to the unique nature of these positions, when established by the City Council, they were determined to be exempt from the classified service.

B. EMPLOYMENT STATUS: In accordance with Municipal Code Section 2.44.030, employees not included in the classified service shall serve at the pleasure of the City Manager and they may be terminated or disciplined at will by the City Manager at any time, without any right of appeal.

C. ANNUAL SALARY: The following position is exempt from the overtime provisions of the FLSA.

a. ESCA Program Director

D. SALARY ADJUSTMENTS:

a. General Salary Adjustments:
   i. Effective the pay period beginning July 9, 2022, all members will receive a 4% salary increase.
   ii. Effective the first day of the first pay period in January 2023, all members will receive a 3% salary increase. This salary increase is contingent on bargaining unit members agreeing to pick up 3% of the City's CalPERS contribution.
   iii. Effective the first day of the pay period in July of 2023, all members will receive a 4% salary increase.
   iv. Effective the first day of the pay period in July of 2024, all members will receive a 4% salary increase.

b. Longevity Pay:
   i. Unclassified employees with five or more years of service shall receive longevity pay in the amount of 2.5% of the member's Base Salary Rate.
   ii. Unclassified employees with ten or more years of service shall receive longevity pay in the amount of an additional 2.5% of the member's Base Salary Rate (total of 5%).
   iii. Unclassified employees with fifteen or more years of service shall receive longevity pay in the amount of an additional 2.5% of the member's Base Salary Rate (total of 7.5%).

c. Performance Pay: The City Manager is authorized to grant up to a 7.5% increase to Unclassified employees who exceed expectations in the achievement of established performance goals and objectives. This gives the City Manager flexibility in setting salaries consistent with performance.

E. RETIREMENT:

a. Miscellaneous Classifications:

i. Tier 1 - CalPERS 2% @ 55
   1. Eligibility: Employees determined by CalPERS to be “classic members.”
   2. Employee Contribution: Employees will pay the 7.0% employee contribution to PERS.
   3. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer’s contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

ii. Tier 2 - CalPERS 2% @ 62 Plan
   1. Eligibility: Employees determined by CalPERS to be “new members.”
   2. Employee Contribution: Employees will pay 50% of the normal cost as determined annually by CalPERS.
   3. Additional Employee Contribution: Effective the first full pay period after January 1, 2023, all bargaining unit members shall pay 3% of the employer’s contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost). Note: Timing is subject to any administrative processing time required by CalPERS.

b. The City provides the PERS 1959 Survivors Benefit Level Four. The employee cost is $2 per month.

c. Deferred Compensation: The City will pay up to $200 per month to the ICMA deferred compensation program for each employee who makes a matching contribution.

F. MEDICAL, DENTAL, VISION INSURANCE

a. Medical Contributions:

i. MCSIG PPO $40 (70/30 Plan).
The City will pay 100% of the employee only premium and 90% of the dependent premium. This will be the base contribution amount for all plans except the Grandfathered PACE Plan.

ii. MCISG PPO $25 (80/20 Plan).
Employees electing to participate in the MCSIG PPO $25 (80/20 Plan)

will pay the difference between the City's contribution for the PPO $40 Plan and the PPO $25 Plan premium.

iii. PACE Plan (90/10 Plan) – Employees hired after October 15, 2015. New employees enrolling in the PACE 90/10 Plan will pay the difference between the City's contribution for the PPO $40 plan and the PACE Plan premium.

iv. PACE Plan (90/10 Plan) – Grandfathered Tier – open to employees hired before October 15, 2015.
The City will pay 81% of the employee only premium; 70% of the employee + 1 premium; and 73% of the family premium.

b. Dental and Vision Contributions: The City will contribute towards the cost of the employee's dental and vision insurance as follows:

Dental

Employee Only:	$44.80
Employee + Spouse:	$92.90
Employee + Children:	$102.74
Employee + Family:	$150.85

Vision

Employee Only:	$5.35
Employee + 1:	$5.78
Employee + Family:	$13.12

i. Annual Premium Adjustments: The City and the employee will split the cost of any increase or decrease to the premium on a 50/50 basis.

c. Life Insurance: The City will provide term life insurance for all Employees in the amount of two times the employee's annual salary.

d. Long-Term Disability: The City shall pay the cost of a long-term disability program.

e. IRS Section 125 Plan: The City shall make available an Internal Revenue Service Code Section 125 Plan for unreimbursed medical and dependent care expenses. The annual maximum is set by the IRS.

f. Wellness Program:

i. Health Club Membership: The City will pay up to $45 per month towards an employee membership at a health club upon submission of receipt of contract to the Finance Division. The City will process dues by payroll deduction if administratively feasible.

ii. City Recreation Facilities: Employees and their families will have use of City Recreation facilities at no cost.

G. LEAVE BENEFITS:

a. Vacation: the City Manager has the authority to start a new employee covered under this compensation plan anywhere within the accrual schedule and provide them with a starting leave bank of vacation.

i. Accrual Rates: The regular accrual rate shall be:

Years of City Service	Accrual Rate per year
Up to 4	10 days
5 – 9	15 days
10 – 14	17 days
15 – 19	20 days
20 – 24	21 days
25 +	25 days

ii. Vacation Upon Termination: Any employee, upon termination of City employment for any reason, who is entitled to vacation time and who has not had the same, shall be paid at his/her current salary rate for such vacation time on the effective date of such termination. If such person works over one-half (1/2) of the month, they shall be entitled to accumulate vacation for that month.

iii. Maximum Accumulation: Employees will be allowed to have no more than two years earned vacation accumulated as of the end of the 2nd pay period of January of any year. Payout for leave in excess of maximum will occur on the 1st pay period of March.

iv. The City will allow employees to cash out 40 hours of accumulated vacation time as set forth in this section. On or before the pay period which includes December 15 of each calendar year, an employee may make an irrevocable election to cash out up to forty (40) hours of accrued vacation (in whole hour increments) which will be earned in the following calendar year at the employee's base rate of pay. On the pay day of the first pay period in November of the calendar year following election of the cash out, the employee will receive cash for the amount of vacation the employee irrevocably elected to cash out in the prior year. However, if the employee's vacation leave balance is less than the amount the employee elected to cash out (in the prior calendar year) the employee will receive cash for the amount of leave the employee has accrued at the time of the cash out. This cash out provision is voluntary on the part of each employee, and does not change the practice of maintaining a maximum of two years of vacation accumulation at the end of any calendar year.

v. Accumulation during OJI Leave: An employee being paid because of an injury on-the-job will accumulate vacation time and sick leave.

vi. No Interruption of Accumulation: No interruption in the accumulation of vacation time shall result when an employee takes sick leave, vacation, temporary military leave, or paid leave because of an on-the-job incurred illness or injury.

b. Sick Leave with Pay for Non-Job Related Illness, Injury or Disability

i. Accrual: Each employee shall earn eight (8) hours sick leave with pay for each calendar month or major fraction thereof served. At his / her discretion, the City Manager may provide a new employee with a starting leave bank.

ii. Sick Leave Use: Sick leave may be used for the illness/injury of family members and all other permissible uses under state law.

iii. Bereavement Leave: Bereavement leave, to a maximum of three (3) working days, will be permitted, without charging such leave against sick leave, upon the death of a member of the employee's immediate family. Immediate family is defined as a parent, child, spouse or domestic partner, brother, sister, grandparents, father-in-law, and mother-in-law of the employee. Employee may use an additional 16 hours of sick leave to extend said leave.

c. Management Leave

i. Annual Accrual: Employees shall earn 40 hours of management leave per calendar year.

ii. Initial Accrual: For newly hired employees, the initial management leave bank shall be prorated according to the following schedule:

Hired January 1 – March 31:	40 Hours
Hired April 1 – June 30:	30 Hours
Hired July 1 – September 30	20 Hours

Hired October 1 – November 30	10 Hours
Hired December 1 – December 31	0 Hours

iii. Additional Leave: The City Manager shall have the authority to grant sixteen (16) hours of management time leave to Employees at his/her discretion.

iv. Management Leave Payoff: Employees shall be permitted to sell back their unused annual management leave (up to five days) as of December 1st of each year.

d. Administrative Leave

i. Employees shall earn forty (40) hours, non-cumulative, non-reimbursable administrative leave per calendar year.

ii. Initial Accrual: For newly hired employees, the initial management leave bank shall be prorated according to the following schedule:

Hired January 1 – March 31:	40 Hours
Hired April 1 – June 30:	30 Hours
Hired July 1 – September 30	20 Hours
Hired October 1 – November 30	10 Hours
Hired December 1 – December 31	0 Hours

e. Holidays: All employees in a pay status for the majority of a pay period shall be entitled to the following holidays:

- First day of January (New Year's Day)
- Third Monday in January (Martin Luther King Observance)
- Third Monday in February (President's Day)
- Thirty-first day of March (Cesar Chavez Day)
- Last Monday in May (Memorial Day)
- Nineteenth day of June (Juneteenth)
- Fourth day of July (Independence Day)
- First Monday in September (Labor Day)
- Eleventh day of November (Veteran's Day)
- Fourth Thursday of November (Thanksgiving Day)
- Day following Thanksgiving Day
- Working day immediately preceding Christmas Day (Christmas Eve)
- Twenty-fifth day of December (Christmas Day)

f. Jury Duty:

i. Jury Duty: The City will grant an employee leave with pay for jury duty. Any checks received from the courts must be submitted to Finance. Travel pay which is included in the check, will be returned to the employee. This rule also applicable to those employees serving on the Grand Jury.

CITY OF SEASIDE
STAFF REPORT

Item No.: 9.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Samantha Alcaraz, Human Resources Analyst
Victor Damiani, Finance Director
Dan Meewis, Recreation Director

DATE: March 2, 2023

SUBJECT: **ADOPT AN ORDINANCE APPROVING THE PART-TIME (REGULAR, TEMPORARY, AND SEASONAL) DEFINITION AND CLASSIFICATION TO MONITOR THE ALLOWED NUMBER OF HOURS WORKED PER FISCAL YEAR (SECOND READING - ROLL CALL VOTE)**

RECOMMENDATION

Second reading of an ordinance on defining part-time classifications (regular and temporary/seasonal part-time) and maximum hours worked, per fiscal year.

BACKGROUND

A temporary/seasonal part-time employee is defined as working no more than 999 hours in a fiscal year and a classified regular part-time employee will work between 1,000 and no more than1,560 hours per fiscal year. Upon written approval of the City Manager, or his/her designee, the maximum hours worked by a regular part-time employee in a fiscal year may be increased to 1800 hours. For temporary/seasonal employees, they will be released and re-hired, if applicable, once the 999 hours are reached within a fiscal year. Written approvals shall automatically expire at the end of the fiscal year within which the original approval is granted. Regular part-time employees shall be eligible for those benefits required by applicable state and federal law and to participate in the appropriate City CalPERS Retirement System. Regular part-time employee classifications shall be eligible for those salary increases adopted by the City Resolutions.

FISCAL IMPACT

The City's pension costs are expected to increase significantly in the coming years and reach as high as $7.5 million to $9.6 million per year. Pension cost is one of the most significant budget headwinds that the City faces. Having a well defined policy regarding temporary & seasonal workers will assist the City in containing pension costs.

ATTACHMENTS

1. Draft Ordinance

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

PROVIDING A TEXT AMENDMENT TO SEASIDE MUNICIPAL CODE CHAPTER 2.44 PERSONNEL SYSTEM, UPDATING SECTION 2.44.060 AUTHORIZING THE PART-TIME (REGULAR, TEMPORARY, AND SEASONAL) DEFINITION, CLASSIFICATION, AND NUMBER OF HOURS ALLOWED TO WORK PER FISCAL YEAR

WHEREAS, the City's need to establish an ordinance for Part-Time classification, definition, and allotted hours per fiscal year, and benefits on recommendation of the City Manager and approval by the City Council; and

WHEREAS, in order to provide the City's cost savings, the maximum amount of hours of part-time temporary/seasonal employees will not exceed 1,000 hours in a fiscal year and will be eligible for benefits required by applicable state and federal law; and

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

SECTION 1. GENERAL PURPOSE AND FINDINGS.

The purpose of this Ordinance is to consider the following text amendments to the Seaside Municipal Code:

Text amendment to Seaside Municipal Code Chapter 2.44 Personnel System, and to update Section 2.44.060 Appointments and probation.

SECTION 2. ENVIRONMENTAL COMPLIANCE.

The proposed changes to the Ordinance will not result in direct or indirect changes to the environment and do not meet the definition of project under California Environmental Quality Act (CEQA). (14 CCR 15378(b)).

SECTION 3. TEXT AMENDMENT

The ordinance revises section 2.44.060. Additions are show in <u>underline</u> as follows:

Appointments to vacant positions in the classified service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examination. All appointments and promotions in the city service shall be made without regard to race, religious creed, color, national origin, ancestry, sex, age, physical or mental disability, medical condition, sexual orientation, marital status, gender identity, gender expression, genetic characteristics or information, military or veteran's status, and/or any other category protected by federal, state, or local law.

All full-time appointments shall be for a probationary period of not less than twelve months. Appointments will not be considered regular until successful completion of the probationary period, which may be extended in accordance with the personnel rules. Probation for promotional appointments shall be for a period of not less than six months except members of police and fire service associations which are subject to twelve-month probationary periods. (Ord. 1042 § 2 (Att. A), 2017; Ord. 442 § 1, 1974; prior code § 1-409. Formerly 2.44.030)

The regular part-time will be defined as hours works between 1,000 and no more than 1560 per fiscal year. With written approval from the City Manager, or his/her designee, the maximum hours worked in a fiscal year may be increased to 1800 hours. Such approval shall automatically expire at the end of the fiscal year within which the original approval is granted.

The regular part-time employees shall be eligible for those benefits required by applicable state and federal law and to participate in the appropriate City retirement system. The regular part-time employees shall also be eligible for those salary adjustments as adopted by City Council Resolutions.

SECTION 4. FINDINGS.
The City Council hereby finds that the part-time established definitions, classifications, benefits, and number of hours allowed to work per fiscal year.

SECTION 5. SEVERABILITY.

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other person or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.
B. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that nay one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phases be held unconstitutional, invalid or unenforceable.

SECTION 6. EFFECTIVE DATE.

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

INTRODUCED AND PASSED TO PRINT at a regular meeting of the City Council of the City of Seaside, State of California, on the 16th day of February 2023.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, on the 2nd day of March 2023, by the following vote:

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

APPROVED:

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

____
Sheri L. Damon, City Attorney

CITY OF SEASIDE
STAFF REPORT

Item No.: 9.B.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Andrew Myrick, Economic Development & Community Planning Manager

DATE: March 2, 2023

SUBJECT: **ADOPT AN ORDINANCE AMENDING TITLE 17 (ZONING ORDINANCE OF THE SEASIDE MUNICIPAL CODE MODIFYING SECTION 17.52.230 (ACCESSORY DWELLING UNITS) TO IMPLEMENT RECENT HOUSING BILLS - THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY (SECOND READING - ROLL CALL VOTE)**

RECOMMENDATION

Second reading of an ordinance amending title 17 (Zoning Ordinance of the Seaside Municipal Code modifying Section 17.52.230 (Accessory Dwelling Units) to implement recent housing bills. CEQA does not apply pursuant to Public Resources Code Section 21080.17.

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. 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 from the current Code):

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 establishes 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(E)(3)	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 Utility 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.

Due to the significant reorganization of the existing Ordinance, the use of "redlines" is unfortunately impractical. Therefore, the Ordinance proposes to repeal and replace the entirety of 17.52.230, rather than amending through a strikethrough/underline format.

The Planning Commission reviewed this language at its meeting of January 25, 2023, and recommended that the City Council adopt the language as presented. A copy of the Resolution is attached.

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.

FISCAL IMPACT

This item is not expected to have any fiscal impact upon the City.

ATTACHMENTS

1. Draft Ordinance
2. Ord 2013 Repealing and Amending Section 17.52.230 of SMC
3. PC Resolution 23-02

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

ADOPTING 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, on January 25, 2023, the Planning Commission held a duly noticed public hearing and adopted Resolution 23-02 recommending that the City Council adopt ZOA 23-01 as presented by staff.

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

SECTION 1. The City Council hereby finds and determines the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. Section 17.52.230 of the Seaside Municipal Code is hereby amended in its entirety to read as provided in Exhibit A.

SECTION 3. The City Council hereby finds that this Ordinance implements Section 65852.2 of the California Government Code and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code.

SECTION 4. If any provision, section, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall become effective thirty days following adoption of its second reading.

INTRODUCED, at a regular meeting of the City Council of the City of Seaside, State of California, duly held on the 16th day of February 2023.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, held on the 2nd day of March 2023, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

____
Sheri L. Damon, City Attorney

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 potions 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. 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.

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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. <u>SEVERABILITY</u>.

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

RESOLUTION NO. 23-02

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. 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 potions 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.

CITY OF SEASIDE
STAFF REPORT

Item No.: 9.C.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Nisha Patel, Public Works Director/City Engineer
Leslie Llantero, Assistant Engineer

DATE: March 2, 2023

SUBJECT: **ADOPT A RESOLUTION ADOPTING THE INITIAL STUDY AND NEGATIVE DECLARATION AND APPROVING THE BROADWAY AVENUE COMPLETE STREETS PROJECT**

RECOMMENDATION

Open a public hearing to accept public comment on the Initial Study/ Negative Declaration prepared for the Broadway Avenue Complete Streets Project; adopt the Initial Study and Negative Declaration under the California Environmental Quality Act; and approve the Project.

BACKGROUND

In 2020, the City applied for and received grant funds from the Active Transportation Program (ATP) and the Regional Surface Transportation Program (RSTP) for the design and construction of the Broadway Complete Street Corridor Improvements Project. The Broadway Avenue Complete Streets Project (Project) will implement a road diet on Broadway Avenue from Fremont Boulevard to General Jim Bouldevard, reducing Broadway Avenue from a 4 lane roadway into a 2 lane roadway with curb extensions, bike lanes, roundabouts, and crosswalks. Project conceptual design plans are attached as Attachment 3.

SITE LOCATION AND DESCRIPTION

The Broadway Avenue Complete Street Corridor Improvements Project (Project) is located within the public right of way of Broadway Avenue between Fremont Boulevard and General Jim Moore Boulevard, and along Yosemite Street between San Pablo Avenue and Wanda Avenue.

PROJECT DESCRIPTION

The Project includes the design and construction of a 1.3-mile road diet on Broadway Avenue from Fremont Boulevard to General Jim Moore Boulevard and safe routes to school improvements on Yosemite Street from San Pablo Avenue to Wanda Avenue. The road diet will transform the 4- lane roadway to a 2-lane roadway with curb extensions, buffered and protected bike facilities, roundabouts, and Safe Routes to School improvements including crosswalks, rectangular rapid flashing beacons, and accessible design. Improvements on Yosemite Street will include bicycle pavement markings and signage.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA) Guidelines 15074, an Initial Study and Negative Declaration (IS/ND) has been prepared for the Broadway Avenue Complete Streets Project. The IS/ND is provided as Exhibit A to Draft Resolution provided as Attachment 1 recommending the adoption of a Negative Declaration for the Broadway Avenue Complete Streets Project. The Initial Study/Negative Declaration document was available for public review between January 19 and February 17, 2023.

Notification to responsible agencies for the review period and public hearing was completed via mailings to the State Clearinghouse, community and regional interest groups, noticed in the Monterey County Weekly, posted at the Monterey County Clerk's office, and posted on the City's website. No comments were received during the 30-day public review period or in response to the legal notice that was published in the Monterey Weekly on January 19, 2023.

STAFF ANALYSIS/FINDINGS

The Initial Study examined any potentially significant impacts based on CEQA thresholds of significance and concluded that there is no substantial evidence to suggest that the project would have a significant effect on the environment. The following reasons support these findings:

1. The proposal is a logical component of the existing land use pattern and circulation system of this area.
2. Potentially adverse construction effects will be addressed by implementation of construction best practices and/or standard conditions of approval.
3. The project will yield beneficial impacts with respect to bicycle and pedestrian safety.
4. The project is contained within the existing street rights of way on previously disturbed lands
5. No significance thresholds under CEQA will be exceeded.
6. The proposed project is consistent with the adopted goals, policies and land uses of the City of Seaside General Plan and Municipal Code.
7. The proposed project is consistent with the West Broadway Urban Village Specific Plan.

Specifically, environmental issues that could have effects requiring mitigation or standard conditions of approval include air quality (construction emissions) and tribal and cultural resources (protection of inadvertently discovered resources). Overall, the project has very minor environmental consequences, compared to the benefits that would be achieved with its implementation.

CONCLUSION

Based on the analysis, staff recommends the City Council, as a Responsible Agency, adopt the Initial Study/Negative Declaration for the Broadway Avenue Complete Street Project and approve the Project for future funding consideration. Completion of this action by the City Council is a requirement of the project's grant obligations.

FISCAL IMPACT

There is no impact to the General Fund. The project is paid for with grant funds from the Regional Surface Transportation Program (RSTP) and the Active Transportation Program (ATP) Cycle 10.

ATTACHMENTS

1. Resolution
2. Exhibit A - Initial Study/Negative Declaration
3. Conceptual Design Plan

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

RESOLUTION NO. 23-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

APPROVING THE BROADWAY AVENUE COMPLETE STREET CORRIDOR IMPROVEMENTS PROJECT AND ADOPTING THE INITIAL STUDY AND NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Seaside has a Capital Improvement Program (CIP) that included the Broadway Avenue Complete Streets Corridor Improvements Project (Project); and

WHEREAS, the Project is located within the public right of way on Broadway Avenue between Fremont Boulevard and General Jim Moore Boulevard, and along Yosemite Street between San Pablo Avenue and Wanda Avenue; and

WHEREAS, the Project includes the design and construction of a 1.3-mile road diet on Broadway Avenue from Fremont Boulevard to General Jim Moore Boulevard and Safe Routes to School improvements on Yosemite Street from San Pablo Avenue to Wanda Avenue. The road diet will transform the 4- lane roadway to a 2-lane roadway with curb extensions, buffered and protected bike facilities, roundabouts, and Safe Routes to School improvements including crosswalks, rectangular rapid flashing beacons, and accessible design; and

WHEREAS, pursuant to Public Resources Code Section 21067 of the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.) ("CEQA") and Section 15367 of the State CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.), the City of Seaside (City) is the lead agency for the proposed Project; and

WHEREAS, an Initial Study and Negative Declaration was prepared for the Project, to determine the potential environmental impacts, and is provided as Exhibit A attached hereto; and

WHEREAS, the City circulated a Notice of Intent to adopt a Negative Declaration for the proposed Project; and

WHEREAS, the Notice of Intent to Adopt a Negative Declaration was circulated for a 30-day public review period beginning Thursday, January 19, 2023 and ending on Friday, February 17, 2023; and

WHEREAS, no written comments were received during the public review period; and

WHEREAS, the Seaside City Council, at a duly noticed public hearing on March 2, 2023 considered public comments and written information concerning the Initial Study and Notice of Intent to Adopt a Negative Declaration for the proposed Project.

NOW, THEREFORE, BE IT RESOLVED, that the Seaside City Council in its independent judgement adopts the following findings in support of its adoption of the proposed Negative Declaration for the Broadway Avenue Complete Streets Improvements Project (Project):

1. The proposed Project will not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

2. The proposed Project will not have any impacts that are individually limited but cumulatively considerable.

3. The proposed Project will not have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly.

4. Construction effects will be addressed by implementation of construction best practices and/or standard conditions of approval.

5. The Project will yield beneficial impacts with respect to bicycle and pedestrian safety.

6. No significance thresholds under CEQA will be exceeded.

Evidence: The proposed Project and limits of construction are located in an urbanized area void of riparian habitat, wetlands, fisheries, or otherwise biologically sensitive habitat. The Project will not impact or alter any historic structures or examples of the area's history or pre-history. Therefore, the Project will not have any impacts that would cause substantial adverse effects on human beings, either directly or indirectly. Improvements will be implemented within the existing public right of way with no expansion of the existing roadway.

BE IT FURTHER RESOLVED THAT the City of Seaside, State of California, in its independent judgement, hereby approves the Broadway Avenue Complete Street Corridor Improvements Project Initial Study/Negative Declaration; and

BE IT FURTHER RESOLVED THAT, the City of Seaside, State of California approves the Project and directs the Public Works Director to complete the associated project development activities including but not limited to preparation of the final plans and specifications, preparation of ready-to-advertise contract documents, and public advertisement and bidding of the project.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, on the 2nd of March, 2023 by the following vote:

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

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

March 2, 2023
City Council Regular Meeting

CLICK LINK TO ACCESS
Item 9C – Attachment 2, Exhibit A

Broadway Avenue Complete Streets Corridor Project
Environmental Initial Study

Hard Copy Available for Review at City Clerk's Office

March 2, 2023
City Council Regular Meeting

CLICK LINK TO ACCESS
Item 9C – Attachment 3

Broadway Avenue Complete Streets Corridor Project
Conceptual Design Plan

Hard Copy Available for Review at City Clerk's Office

CITY OF SEASIDE
STAFF REPORT

Item No.: 10.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Victor Damiani, Finance Director

DATE: March 2, 2023

SUBJECT: **ADOPT A RESOLUTION ACCEPTING THE ANNUAL MID-YEAR FINANCIAL REPORT AND ADOPTING PROPOSED CHANGES TO THE BUDGET OF THE CITY OF SEASIDE FOR THE FISCAL YEAR 2022-2023**

RECOMMENDATION

Adopt a resolution accepting the annual mid-year financial report and adopting proposed changes to the budget for the Fiscal Year 2022-2023.

BACKGROUND

This item provides the City Council with an opportunity to review the Annual Operating and Capital Budgets as of mid-year and amend the budget as deemed necessary. The City's Finance Director will provide a presentation summarizing the mid-year financial report which is attached to the agenda item.

FISCAL IMPACT

The City's general fund fiscal year operating budget is projected to produce a surplus of approximately $2.5 million. Staff are requesting budget revisions of approximately $2.7 million. Of the requested revisions, $2.4 million is requested as new appropriations from the general fund, $80k is requested from existing special revenue funds, $25k is requested as a new appropriation from the Muni Water enterprise fund, and $200k is requested to be repurposed from existing general fund appropriations.

ATTACHMENTS

1. Resolution
2. Mid-Year FY 23 Financial Report

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

RESOLUTION NO. 23- XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

ACCEPTING THE ANNUAL MID YEAR FINANCIAL REPORT AND ADOPTING PROPOSED CHANGES TO THE BUDGET OF THE CITY OF SEASIDE FOR THE FISCAL YEAR 2022-2023

WHEREAS, The City Council of the City of Seaside reviewed and adopted the 2022-2023 Annual Operating Budget in June of 2022; and

WHEREAS, the City Council conducts an annual mid-year review of the Operating Budget; and

WHEREAS, the City Council of the City of Seaside has conducted the mid-year review and the proposed changes to the FY 2022-2023 Annual Budget; and

WHEREAS, the City Council is required to approve changes to the 2022-2023 Operating Budget by resolution.

NOW THEREFORE BE IT RESOLVED,

1. The City Council of the City of Seaside accepts the annual Mid-year Financial Report and adopts the proposed modifications to the 2022-2023 Annual Operating Budget, as detailed in the Mid-year Financial Report, attached, as may be modified and incorporated by staff, as authorized.

2. The City Council of the City of Seaside authorizes the City Manager to execute any contracts or contract amendments associated with any of the budget modifications approved by this resolution.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Seaside duly held on the 2nd day of March 2022 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

APPROVED:

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique L. Davis, City Clerk

APPROVED TO FORM:

____
Sheri L. Damon, City Attorney

Mid-Year FY 2022-23 Financial Report

(Unaudited)

TABLE OF CONTENTS

INTRODUCTION

This is the second quarterly report for Fiscal Year 2022-23, and comprises results for the six month period ending December 31, 2022. While a few other notable funds are reviewed, this report focuses primarily on the City's general fund. General Fund operating revenues and expenditures as compared to previous years and/or budget are presented, and any notable changes or trends in these numbers are explained. The report is presented on a cash basis, which means that revenues are recognized at the time revenues are received and expenditures are recognized at the time payment is processed. The City does not accrue any revenues or expenditures in the first quarter.

The purpose of this report is twofold. First, it ensures that the City is consistently monitoring its revenues and expenditures so that it may proactively respond to unanticipated changes or emerging trends. Second, and equally important, consistent reporting increases the transparency of the City's finances. Quarterly reporting provides the City Council, City Administration, taxpayers and ratepayers with information that demonstrates the City is meeting this standard.

The information in this report is the most accurate and up-to-date information available at the time of publication. It is not meant to be inclusive of all financial and accounting transactions. It is intended only to provide the Council, Management and the public with an overview of the state of the City's general fiscal condition. It should be noted that this report is not an audited financial statement, and the numbers provided herein are preliminary and subject to change as the year progresses. No data on revenues and expenditures is final until the City has completed its annual audit and finalized its Annual Comprehensive Financial Report (ACFR), which is released in the winter of each year for the prior fiscal year.

ECONOMIC OUTLOOK

In March of 2020, the City declared a local emergency in response to the COVID-19 worldwide pandemic. The ensuing statewide shelter in place orders coupled with various levels of "reopening" created financial turmoil in the fourth quarter of FY 2019-20 and throughout FY 2021-22.

Till now, the economy has recovered surprisingly well due to two prime factors; the development and distribution of a vaccine for the virus and federal stimulus dollars. As 2022 has progressed, infection, hospitalization, and death rates have fluctuated. As of October, rates appear to have stabilized at a relatively low level (in relation to previous spikes) which has led California Governor, Gavin Newsom, to announce that he will end the California COVID-19 State of Emergency on February 28, 2023.

NATIONAL & STATE ECONOMIC OUTLOOK

Hdl (The City's revenue enhancement consultant) reports the national economy grew 4.1% in FY21-22, and projects it will remain flat in FY 22-23. The flat growth rate is in comparison to FY19-20 and FY 20-21 which saw very robust growth rates.

- California's unemployment rate is expected to continue declining from 5.7% in FY 21-22 to 3.7% in FY 22-23.
- Sales & Use Tax growth is expected to decrease from 14.8% in FY 21-22 to 3.8% in FY 22-23.
- California's median existing home price is expected to decrease from $669k in FY 21-22 to $652k in FY 22-23.

Source: Hdl

Since the start of the pandemic the Federal Government has passed and implemented five economic stimulus packages totaling approximately $6 trillion. The Federal Reserve also lowered the Federal Funds rate to between 0% and .25%. In many ways the federal stimulus may have slowed the economic damage caused by the health and safety response to the pandemic and stabilized the economy. On the other hand, the vigorous amounts of stimulus coupled with supply chain bottle necks appear to have contributed to rising inflation. Late in 2021 and early in 2022, many economists believed inflation would be short lived and come as a result of supply chain bottle necks and staffing shortages which would recede with time. That prediction has not proven correct as inflation has remained unsustainably high as the year has progressed. The 12-month increase in CPI as of December, 2022, as reported by the U.S. Bureau of

Labor Statistics stands at 6.5%. Faced with sustained inflation, the Federal Reserve has responded with increases to the Federal Funds Rate. Beginning March 17, 2022 the Federal Reserves has raised rates eight times; from .25% to 4.75%. Rate hikes in December of 2022 and January of 2023 were .50% and .25% respectively, indicating that the Federal Reserve has begun slowing the rate of increases. The hope is that the increased cost of borrowing will lead to reduced demand and more saving. These two outcomes generally lead to reduced inflation.

Many economists have diverged on whether or not they believe the economy will fall into recession in 2023. Many believe a recession is more likely than not, while some believe we will only see an economic slow-down. It remains to be seen, if, how long, and how severe a potential recession will be.

Economic Indicators:

Indicator	Period	Reported	Grade
GDP	Q4 2022	+2.9%	Good
CPI	December 2022	+6.5%	Bad
ISM Manufacturing Index	December 2022	48.4	Bad
Industrial Production	December 2022	+1.6%	Neutral
Retail Sales	December 2022	-1.1%	Bad
Conference Board Leading Indicators	December 2022	-1%	Bad
Markets Data	YTD as of 2/2023	+6.5%	Neutral
Treasury Yield Curve 10/2 Year Spread	January 24, 2023	-0.66%	Bad
Unemployment Rate	January 2023	3.4%	Good
Initial Jobless Claims	January 19, 2023	183,000	Good
Job Openings and Labor Turnover	December 2022	11 million	Good
Consumer Confidence	January 2023	64.6	Good
NFIB Small Business Optimism Index	December 2022	89.8	Bad
Housing Starts	December 2022	-1.4%	Bad
NAHB Home Builders Index	January 2023	35	Bad

Source; Forbes Advisor

LOCAL ECONOMIC OUTLOOK

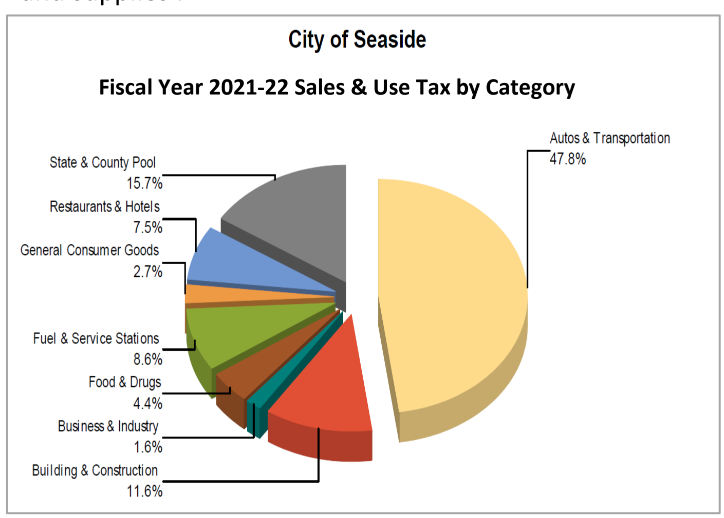
At the local level, the City of Seaside unemployment rate increased from 3.1% in March of 2020 to 19.0% in April of 2020 and currently stands at 2.0%

The City of Seaside unexpectedly experienced strong results in several business sectors thoughout the pandemic, including Auto Sales, Online Sales, and Building and Construction Materials. Historically, sales tax from Auto Sales have accounted for approximately 41% of the City's Sales Tax total and 16% of the General Fund revenue total. In a potential recession, revenue losses in this sector could have a substantial impact on the City's finances.

Not all sectors of the local economy, however, fared as well. One major sector of Seaside's local economy is based on tourism. Early in the pandemic the local Hotel Tax (Transient Occupancy Tax) dropped off severly and served as a clear indicator of just how hard that sector was hit. With the lifting of many travel restrictions beginning in June of 2021, however, this sector experienced some much needed relief. TOT collections showed strong signs of recovery throughout the 2021 Summer months and again in the 2022 Summer months. From a pandemic era low of $2.1 million in fiscal year 20-21, this sector ended the first half of they year at approximately $2.3 million. By way of comparison, fiscal year 21-22 generated $1.9 million in hotel tax in the first half of the year.

While entire sectors and larger businesses have performed strongly throughout the pandemic, many smaller businesses have struggled. Staffing shortages have been particulaly difficult and rising pay rates are likely to prove challenging as well.

City staff will continue to monitor and report City financial health to the City Administration, City Council and Public, as well as monitoring the Federal Reserve 's and the Federal Government's efforts to reduce inflation and avoid or lessen the impacts of a potential recession. Staff recommends that the City remain flexible should conditions require action as the year progresses. As of now the City's finances appear to be on solid ground but recession persists as a potential headwind and the City is already seeing increased costs from labor to materials and supplies .



Source; Hdl

GENERAL FUND

FY 2022-23 BUDGET RECAP:

General Fund Changes in Fund Balance:	Operating FY23	Capital FY23	Total Budget FY23
Revenues	$ 44,092,396	$ 9,000,000	$ 53,092,396
Expenditures	(44,031,865)	(4,306,113)	(48,337,978)
Surplus (Deficit)	**$ 60,531**	**$ 4,693,887**	**$ 4,754,418**

In June of 2022, the City of Seaside City Council adopted the FY 2022-23 annual budget. Due to a projection of significant revenue recovery and growth, a surplus budget was adopted including an operating surplus of $61k and a capital budget surplus of $4.7M.

The operating budget showed a surplus even while continuing to re-staff the City's workforce, and provide for a substantial cost of living adjustment. Personnel costs, the City's largest cost, were budgeted to increase by approximately $3.8M over the previous fiscal year budget. The staffing plan included the addition of 16 new positions which were approved at the fiscal year 2021-22 mid-year budget review. The majority of the positions approved are funded by the general fund.

Budget line items such as equipment, supplies and vehicles were increased to coincide with the staffing ramp up. For a third year running, the City appropriated funds ($500k) (subsequently increased by $110k) for grants to support community non-profits and also funded the Family and Community Support Program with an additional allocation of $540k.

The capital budget likewise showed a surplus. The City expected to receive a one-time land sale revenue of $9M and will provide funding for the City's CIP (Capital Improvement Program) in the amount of $4.3M (subsequently increased) from the City's general fund. At the mid-point of the year it appears unlikely that the City will receive the one-time land sale revenue of $9M in the current fiscal year. Projects in the CIP include government buildings, parks, water infrastructure, and stormwater.

RESERVES:

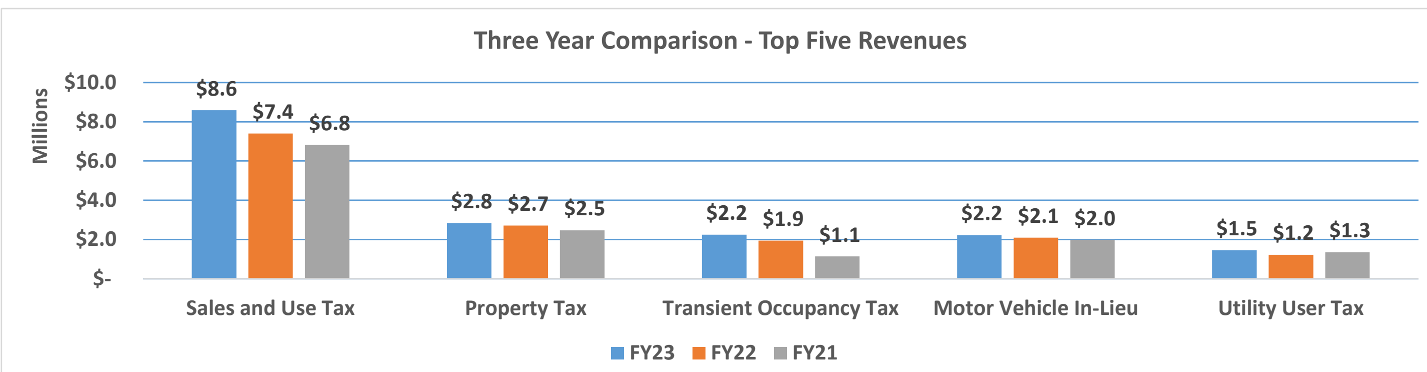
The City's reserve accounts are fully funded in the fiscal year 2022-23 budget at the following amounts:

Emergency Reserve - 15%	$ 6,604,780
Special Reserve - 10%	4,403,186
Capital Reserve - 5%	2,201,593
	$ 13,209,559

Q2 GENERAL FUND REVENUES:

Total budgeted revenue for FY 2022-23 including one-time sales and transfers is $53.1M. Excluding the one-time sales the budget is $44.1M. This compares to a FY 2021-22 budget of $39.6M; a budgeted revenue increase of nearly $4.5M.

General Fund Revenues:	Budget	Results:	Variances:				Projection	
	Q2 - 50%	Q2	Year over Year Vs. FY22		Year over Year Vs. FY21		Year-End	Vaiance vs. Budget
	FY23	FY23	$	%	$	%	FY23	$
Sales and Use Tax	$ 9,759,779	$ 8,588,266	$ 1,186,307	16%	$ 1,771,667	26%	$ 20,354,526	$ 834,969
Property Tax	3,022,952	2,839,345	129,065	5%	369,696	15%	6,096,036	50,133
Transient Occupancy Tax	2,082,319	2,246,645	301,560	16%	1,112,268	98%	4,438,457	273,818
Motor Vehicle In-Lieu	2,219,604	2,217,279	128,240	6%	233,615	12%	4,434,557	(4,650)
Utility User Tax	1,416,408	1,456,876	234,001	19%	107,162	8%	2,933,061	100,245
Business License Tax	410,000	758,435	90,186	13%	156,346	26%	839,661	19,661
Franchise Fees	776,054	638,248	(38,067)	-6%	382,742	150%	1,552,108	-
Marijuana Receipts Tax	722,150	550,494	(97,735)	-15%	(139,377)	-20%	1,184,326	(259,974)
Miscellanous-Other Revenue	425,978	523,266	112,179	27%	368,664	238%	878,332	26,376
Licenses & Permits	354,101	429,723	(27,834)	-6%	205,719	92%	775,255	67,052
Fees & Charges	375,902	382,755	3,401	1%	222,235	138%	741,119	(10,684)
Grant Revenue	107,813	315,942	(171,448)	-35%	(311,125)	-50%	107,813	(107,813)
Income from Investments	77,245	239,900	82,067	52%	180,079	301%	531,860	377,370
Other Agency Revenue	230,662	110,036	25,804	31%	(465,522)	-81%	319,581	(141,743)
Fines & Forfeitures	65,232	88,689	24,175	37%	24,427	38%	153,922	23,457
Transfer In	25,000	-	(983,684)	n/a	-	n/a	50,000	-
Revenues by Source	$ 22,071,198	$ 21,385,898	$ 998,219	5%	$ 4,218,596	25%	$ 45,390,613	$ 1,248,218



The following table and chart compares Q2 results for FY23 with Q2 results for FY21 and FY22. FY21 and FY22 are considered pandemic years while FY20 may be considered pre-pandemic. As can be seen in the table, revenues through the second quarter totaled $21.4M which is 5% or $998k higher than the second quarter of the previous year and 25% or $4.2M higher than FY21. The $21.4M equals 48% of total budgeted revenue. Similarly, though the second quarter of the previous year the City had realized 51% of total budgeted revenue. This indicates that the City’s revenues are on target with the budget.

DISCUSSION OF SIGNIFICANT REVENUE VARIANCES:

- **Sales and Use Tax**

Through the second quarter of the fiscal year $8.6M of sales and use taxes were collected. This equates to a $1.2M or 16% increase over the same quarter in the previous year. Sales and Use Tax projections are provided to the City by Hdl, which is a revenue enhancement consultant used widely by Cities throughout California.

After two years of very strong growth, the City's sales and use tax growth rate appears to be slowing somewhat. Throughout the pandemic years, this category performed quite well particularly in the areas of auto sales, cannabis retail and online sales. Demand for and sales of new and used vehicles remained high despite rising prices related to supply shortages. It is notable that in the first of fiscal year 2022-23 (the most recent report available), sales taxes from auto sales were down approximately 5.5% as compared to the same period a year earlier. As the year progresses it is expected that sales and use tax will remain strong but essentially flat compared to fiscal year 2021-22.

- **Property Tax**

The majority of the City's property tax receipts do not arrive until December and April each year. FY 2022-23 is showing receipts of $2.9M, an increase in this revenue source of $129k or 5% over the previous fiscal year. Similar to auto sales, demand for and sales of homes has been high the last two years. High levels of demand coupled with low interest rates and low inventory pushed home prices significantly higher. With the Federal Reserve raising interest rates, however, mortgage rates have climbed and demand has begun to diminish. Hdl is forecasting a small increase in median home prices for the year and a corresponding increase in property tax of 5%.

Additionally, as the recognized obligations of the previous Redevelopment Agency are paid down or settled, more property tax becomes available for pass through distribution.

- **Transient Occupancy Tax (TOT)**

Through the second quarter of the fiscal year $2.3M of TOTs were collected. This equates to a $302k or 16% increase over the same quarter in the previous year. It is important to note that this increase is in comparison to a time of imposed capacity restrictions as well as a high level of caution (related to perceived level of trust) on the part of potential tourists. As of the end of FY 2021-22, the travel and hospitality sector had recovered swifter than expected from the lows of FY21 and are trending higher than the pre-pandemic fiscal year 2018-19.

- **Business License Tax**

Through the second quarter of the fiscal year $758k of Business License Taxes were collected. This represents an increase of $90k or 13% over the previous fiscal year and 156k or 26% over fiscal year 2020-21. This indicates that local businesses on the whole are recovering to pre-pandemic levels of gross receipts.

- **Utility User Tax (UUT)**

Through the second quarter of the fiscal year $1.5M of Utility User Taxes were collected. This represents an increase of 234k or 19% over the previous year. This rate of collection indicates that this revenue source will likely exceed budget by approximately $100k by year end.

Recently the City's Finance department has taken steps to improve processes and procedures related to administration of the UUT tax program. This has resulted in timelier receipting of UUTs which is reflected in the second results. A clearer trend for this category is beginning to emerge after the change of process.

- **Marijuana Receipts Tax**

Through the second quarter of the fiscal year $551k of Marijuana Receipts Taxes were collected. This represents a decrease of $98k or 15% over the previous year. This rate of collection is lower than expected as compared to budget.

The Marijuana Receipts Tax was a new tax revenue for the City beginning in FY 2019-20. The first quarter of FY 2019-20 showed a relatively modest $140k in receipts as operations got under way. The following three quarters ballooned significantly so that the fiscal year total was $1.2M. Fiscal year 2020-21 then increased to $1.4M. Subsequently, however, this revenue source decreased in fiscal year 2021-22 to $1.2M, indicating a leveling out. Based on first two quarterly results, staff believes this revenue source is likely to end the year lower than budget by about $260k.

- **Licenses and Permits**

Through the second quarter of the fiscal year $430k of Licenses and Permits were collected. This equates to a $28k or 6% decrease over the same quarter in the previous year and $206k or 92% as compared to the period two years prior. Much of this revenue recovery is due to an increase in building projects generally. More specifically a portion of the increase is attributable to the Enclave housing development, which generated permit revenue in fiscal year 2021-22 and again in the first quarter of fiscal year 2022-23. Revenue from Enclave building permits is now slowing.

- **Fines and Forfeitures**

Through the second quarter of the fiscal year $89k of Fines and Forfeitures were collected. This equates to a $24k or 37% increase over the same quarter in the previous year. While this category is not generally considered a significant revenue source for the City, it is noted particularly in light of the City's new parking enforcement program.

In fiscal year 2021-22, the City implemented a parking enforcement program, which consisted of two parking enforcement officers, associated vehicles and other equipment. The program only got under way in earnest during the first quarter of the fiscal year and is expected to generate $55k in revenue by year end. This is more than double the amount generated in the same period one year earlier. While the early results are modest, the program is expected to generate more revenue as it becomes better established.

Q2 GENERAL FUND EXPENDITURES:

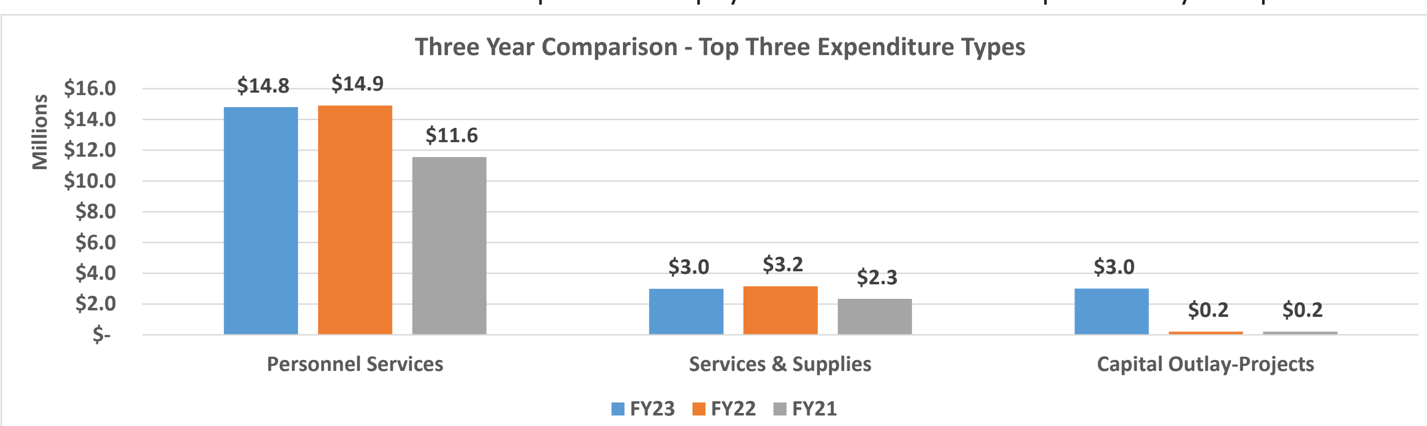
Total budgeted expenditures for FY 2022-23 including transfers are $54.3M. This compares to a FY 2021-22 budget of $51.0; a budgeted expenditure increase of nearly $3.3M. As mentioned previously personnel cost were increased by approximately $3.8M on a year over year basis, which accounts for substantially all of the year over year increase.

Expenditures through the second quarter were $23.1M or 43% of the total fiscal year 2022-23 budget. For comparison, expenditures through the second quarter in the prior year were 44% of the fiscal year 2021-22 budget. This indicates that the City is trending very similar on a year over year basis as compared to the prior year.

	Budget		Results:	Variances:				Projection	
	Annual	Q2 - 50%	Q2	Year over Year Vs. FY22		Year over Year Vs. FY21		Year-End	Vaiance vs. Budget
General Fund Expenditures by Type:	FY23	FY23	FY23	$	%	$	%	FY23	$
Personnel Services	$ 33,053,871	$ 16,526,936	$ 14,803,605	$ (108,827)	-1%	$ 3,245,432	28%	$ 32,619,311	$ 434,561
Services & Supplies	7,843,002	3,921,501	2,998,177	(162,200)	-5%	659,433	28%	7,328,915	514,088
Capital Outlay-Projects	3,973,751	1,986,876	3,007,737	2,794,849	1313%	2,803,817	1375%	3,997,721	(23,970)
Debt Service	503,848	251,924	189,759	7,865	4%	48,743	35%	503,848	-
Internal Service Charge	2,526,484	1,263,242	1,263,242	199,736	n/a	55,810	n/a	2,526,484	-
Transfer Out	7,855,018	3,927,509	1,587,183	(2,191,035)	n/a	1,452,183	n/a	7,855,018	-
Administrative Allocation	(1,422,090)	(711,045)	(711,045)	(45,309)	n/a	(711,045)	n/a	(1,422,090)	-
Expenditures by Type	$ 54,333,884	$ 27,166,942	$ 23,138,657	$ 495,080	2%	$ 7,554,372	48%	$ 53,409,206	$ 924,678

EXPENDITURES BY TYPE:

It should be noted that Debt Service is dependent on payment schedules and Capital Outlay is dependent on



project schedules.

DISCUSSION OF SIGNIFICANT EXPENDITURE VARIANCES BY TYPE:

General Fund Personnel Costs by Department:	Budget: Q2 FY23	Results: Q2 FY23	Variances: Q2 vs. Budget $	Variances: Q2 vs. Budget %	Primary Cause of Variance:
Legislative Body	$ 44,940	$ 33,191	$ (11,749)	-26%	Immaterial
Administration	460,768	478,868	18,101	4%	
City Clerk	87,767	75,543	(12,224)	-14%	Immaterial
City Attorney	222,583	215,815	(6,768)	-3%	
Human Resources	381,501	315,080	(66,421)	-17%	Staffing Vacancies
Finance Department	470,536	413,015	(57,521)	-12%	Lower benefits participation
Police Department	6,298,772	5,512,519	(786,253)	-12%	Staffing Vacancies
Fire Department	4,018,702	4,071,969	53,267	1%	
Building and Code Enforcement	514,754	371,655	(143,099)	-28%	Staffing Vacancies
Community Development Administration	159,659	115,326	(44,333)	-28%	Staffing Vacancies
Planning	362,472	256,055	(106,417)	-29%	Staffing Vacancies
Economic Development	260,450	239,591	(20,860)	-8%	Immaterial
Public Works/Engineering	1,558,995	1,251,171	(307,823)	-20%	Staffing Vacancies
Recreation	1,685,038	1,453,809	(231,230)	-14%	PT Summer Employees
	$ 16,526,936	$ 14,803,605	$ (1,723,331)	-10%	

- **Personnel Services**

  Personnel Services were similar to results at mid-year in the previous fiscal year. Total cost was $14.8M compared to $14.9M a year earlier. Considering the City's efforts to rebuild its workforce and cost of living adjustments agreed to during labor negotiations, staff believes personnel costs will trend closer to budget by year end. Still, staff believes year-end results will be about $435k below budget

- **Services & Supplies**

  Services and supplies were down 5% on a year over year basis and under budget by 24%.

- **Capital Outlay – Projects**

  Capital outlay and projects were up $2.8M over the previous fiscal year almost entirely due to the purchase of two parcels of land – on Del Monte Avenue and Canyon Del Rey Boulevard.

EXPENDITURES BY DEPARTMENT:

General Fund Expenditures by Department:	Budget		Results:	Variances:				Projection	
	Annual	Q2 - 50%	Q2	Year over Year Vs. FY22		Year over Year Vs. FY21		Year-End	Vaiance vs. Budget
	FY23	FY23	FY23	$	%	$	%	FY23	$
Legislative Body	$ 427,723	$ 213,861	$ 176,668	$ 91,118	107%	$ 33,918	24%	$ 403,749	$ 23,973
Administration	857,851	428,925	389,386	200,440	106%	176,728	83%	770,719	87,132
City Clerk	153,969	76,984	52,398	(29,221)	-36%	(119,041)	-69%	72,314	81,654
City Attorney	707,780	353,890	189,445	45,374	31%	(26,312)	-12%	698,843	8,937
Human Resources	955,881	477,940	308,572	221,288	254%	8,857	3%	838,713	117,167
Finance Department	375,881	187,941	92,141	109,197	-640%	(407,316)	-82%	361,731	14,150
Police Department	16,199,682	8,099,841	7,424,026	(229,935)	-3%	1,599,157	27%	16,026,939	172,743
Fire Department	10,495,739	5,247,869	5,022,843	(268,097)	-5%	1,184,302	31%	10,372,693	123,046
Building and Code Enforcement	1,354,818	677,409	477,869	(60,833)	-11%	176,004	58%	1,336,866	17,952
Community, Housing & Economic Developm	4,723,911	2,361,955	3,351,742	2,102,934	168%	2,725,182	435%	4,601,406	122,505
Community Development Administration	(125,465)	(62,733)	(136,891)	(130,832)		(217,699)		(135,491)	10,025
Planning	1,193,022	596,511	369,191	139,851		174,376		1,176,766	16,256
Economic Development	3,656,354	1,828,177	3,119,442	2,093,916		2,768,505		3,560,131	96,224
Public Works/Engineering	5,028,967	2,514,483	1,808,712	294,214	19%	(567,087)	-24%	4,954,763	74,203
Public Works/Engineering (Transfers)	5,978,495	3,739,248	1,500,058	(2,278,159)	-60%	1,328,955	n/a	5,978,553	(58)
Recreation	5,573,189	2,786,594	2,344,798	296,760	14%	1,441,025	159%	5,491,915	81,273
Expenditures by Department	$ 54,333,884	$ 27,166,942	$23,138,657	$ 495,080	2%	$ 7,554,372	48%	$ 53,409,206	$ 924,678

As can be seen in the table above, nearly all departments were under budget through the second quarter of the year.

DISCUSSION OF SIGNIFICANT EXPENDITURE VARIANCES BY DEPARTMENT:

- **Legislative Body**

  The Legislative Body is approximately $37k under the amount that would be expected as of the second quarter of the year. This is largely due to the planned improvements to the Council Chambers. Improvements have been made and have come in approximately $35k lower than budgeted.

- **Administration**

  The Administration department is approximately $40k under the amount that would be expected as of the second quarter of the year. The variance is largely due to consulting services. Consulting services for a Diversity, Equity and Inclusion program as well as for SB1383 costs are yet to be expended.

- **City Clerk**

  The City Clerk's department is approximately $25k under the amount that would be expected as of the second quarter of the year. The department is expected to end the year approximately $89k under budget largely due to elections cost savings.

- **Human Resources**

  The Human Resources department is approximately $170k under the amount that would be expected as of the second quarter of the year. The department is expected to end the year approximately $117k under budget due to tapering costs for personnel recruitment.

- **Police Department**

  The Police department is approximately $676k under the amount that would be expected as of the second quarter of the year. The department is expected to end the year approximately $173k under budget largely due to vacant positions in the department. The department has had some recent success in recruiting officers and staff is hopeful that this success will continue.

- **Fire Department**

  The Fire Department is $225k under budget through the second quarter of the year due largely to services and supplies costs. Services and Supplies for the department are under budget at the mid-year by $270k largely due scheduled equipment purchases that did not occur in the first half of the year. The department is expected to end the year approximately $123k under budget again due to service and supplies costs – various accounts are expected to come in under budget. The department is experiencing high overtime and is requesting additional overtime funds at the mid-year.

- **Community, Housing & Economic Development**

  The Community, Housing & Economic Development department is $990k over budget through the second quarter of the year due largely to the purchase of two real estate properties. These were one-time costs that were expended in the first half of the year. By year-end, the department is expected to be under budget by approximately $123k. The year-end variance is due to some programs running behind budget due to staff turnover.

- **Public Works & Engineering**

  The Public Works & Engineering department is $705k over budget through the second quarter of the year. $300k of the variance is due to staffing shortages. The remaining variance is due to project timing and comprised mainly of consulting services and sub contracted work budgets that have yet to be expended. By year-end the department is expected to come closer in line with budget and show a $74k surplus.

- **Recreation Department**

  The Recreation department is approximately $442k above the amount that would be expected as of the first two quarters of the year when compared to the adopted budget. $231k of the variance is largely due to the youth Summer Intern program. This program has higher expenditures in the summer months, which includes the first quarter and fourth quarters of the fiscal year. Additionally, many of the events hosted by the Recreation department occur in the spring and summer months – pushing costs up in the first quarter and fourth quarter of the fiscal year. The Community Social Services grant was increased by $110k early in 2023. Those funds have yet to be dispersed. By year-end the department is expected to come closer in line with budget and show an $81k surplus.

BUDGET AMENDMENTS:

Below is a summary of budget amendments appropriated or committed by the City Council in the first two quarters of the year:

Operating Budget Amendments	
Laguna Grande Trail Maintenance	$ 6,200
On Call Transportation Contract	$ 50,000
Roll Over FLIP Program	$ 70,208
Move Sr. Maint. Worker from Water fund to General fund	$ 103,625
Total	$ 230,033

Capital Budget Amendments	
Fire Station Upgrades	$ 103,713
San Pablo Bridge	$ 39,960
Emergency Storm Drain Repairs	$ 463,744
Real Property - Del Monte Blvd	$ 1,150,000
Real Property - Canyon Del Rey	$ 1,590,000
Fernando Park	$ 80,000
Total	$ 3,427,417

Committed Funds	
Loan to Muni Water Seaside	$ 7,522,232
115 Pension Trust	$ 3,000,000
Total	$ 10,522,232

As may be seen, the City Council has approved $14.2M in funds through the first two quarters of the year. Operating budget amendments will affect the operating budget/surplus calculation. Capital Budget amendments will result in an expenditure of fund balance. Commitments will shift funds from the “unallocated” fund balance category to the “committed” fund balance category. While this does not decrease fund balance overall, it does reduce Council’s discretionary balance.

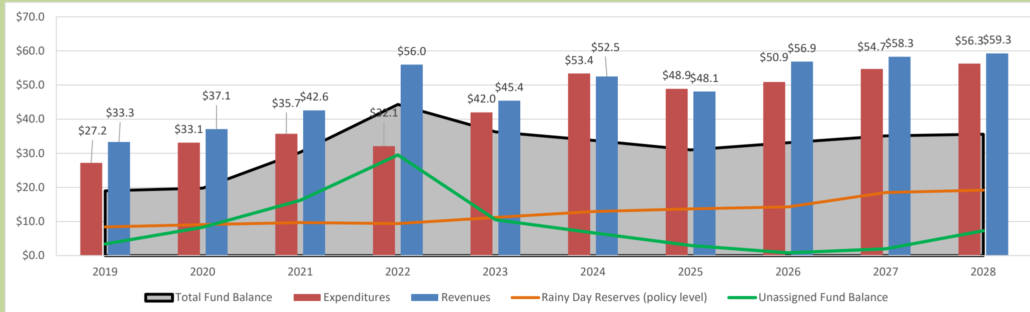
LONG TERM FORECAST

On the following page may be found the City’s five year long-term forecast (LTF). The forecast provides 5 years of historical data as context, the amended budget for FY 2022-23 and five years of forward looking projections. The LTF was developed at a high level (low level of detail). The City’s major sources of revenue were grouped into categories and projected. Likewise, the City’s major expenditures were grouped into categories and projected. The majority of the assumptions used in the report were based on a five-year historical trend or provided by outside consultants. Some projections however are based on known payment or increase percentages. The City’s capital costs, for example, were input according to the five-year CIP.

The following updates were made to the LTF for the Q2 report:

- FY2021-22 projections were updated with audited year-end results
- FY2022-23 budget amendments were added
- CalPERS pension costs were updated to include projections provided by NHA advisors in September of 2022.

Long Term Forecast



	Actual	Actual	Actual	Audited Results	Adjusted Budget	Projected	Projected	Projected	Projected	Projected
	2019	**2020**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**
REVENUES										
Sales, Use & Transaction Tax	14,834,786	13,751,243	17,794,977	19,903,626	20,354,526	20,435,944	20,742,483	21,364,758	22,005,700	22,665,872
Property Tax	7,118,845	8,493,623	9,407,980	10,030,828	10,530,593	11,133,632	11,664,707	12,209,448	12,773,525	13,354,720
Transient Occupancy Tax	3,424,302	3,038,525	2,662,172	4,121,251	4,438,457	4,527,226	4,617,771	4,710,126	4,804,329	4,900,415
Sales of Real/Personal Property	-	-	-	-	-	-	-	-	-	-
Utility User Tax	2,415,132	2,405,125	2,803,550	2,744,471	2,933,061	3,050,383	3,172,398	3,235,846	3,300,563	3,366,574
Franchise Fees	1,725,050	1,288,511	1,764,355	1,899,159	1,552,108	1,579,270	1,610,856	1,643,073	1,675,934	1,709,453
Marijuana Receipts Tax	514,565	1,209,596	1,416,668	1,198,045	1,184,326	1,255,386	1,305,601	1,344,769	1,385,112	1,426,665
Other Revenues	3,219,237	6,878,513	6,618,636	6,010,683	4,347,542	4,479,286	4,612,821	4,717,535	4,825,391	4,936,483
Developer Deposits	-	-	-	959,369	-	-	-	-	-	-
Transfer In	135	-	118,983	9,175,575	50,000	-	-	-	-	-
Water Fund Loan Repayment	-	-	-	-	-	-	394,838	394,838	394,838	394,838
Campus Town Land Sale	-	-	-	-	-	6,000,000	-	-	-	-
Projected SRD; net revenue	-	-	-	-	-	-	-	3,134,478	3,169,783.32	3,120,475.71
Proected Maingate/Campus Town; net revenue	-	-	-	-	-	-	-	4,110,910	3,933,114.57	3,464,938.36
Total Revenues	33,252,052	37,065,136	42,587,320	56,043,006	45,390,613	52,461,127	48,121,474	56,865,782	58,268,291	59,340,435
EXPENDITURES BY TYPE										
Personnel Services										
Salaries & Overtime	15,138,471	15,949,592	13,659,269	16,236,861	19,402,733	20,177,615	20,984,720	23,506,982	24,212,192	24,938,557
Benefits	7,992,470	9,192,128	9,574,493	10,915,815	5,996,621	6,337,463	6,669,676	7,177,985	7,473,505	7,738,399
Retirement	4,486,506	5,098,131	5,113,279	5,903,103	7,253,877	7,335,852	7,890,202	7,542,310	7,919,426	8,236,203
Total Personnel Services	**23,130,940**	**25,141,720**	**23,233,762**	**27,152,676**	**32,653,231**	**33,850,930**	**35,544,598**	**38,227,278**	**39,605,122**	**40,913,159**
Services & Supplies	4,506,135	4,532,224	5,591,424	7,913,532	4,801,265	8,400,001	8,568,001	8,739,361	8,914,149	9,092,432
Internal Service Charge	2,387,516	2,024,982	2,414,863	2,135,415	2,526,484	2,785,196	2,840,899	2,897,717	2,955,672	3,014,785
Operating Transfer Out	1,281,860	2,517,092	810,540	1,426,159	3,872,939	1,510,647	1,535,878	1,566,862	1,596,262	2,560,101
Debt Service	318,773	710,915	189,914	237,888	503,848	674,301	716,806	741,985	731,987	704,612
Debt Service Fire Station #2	-	-	-	-	-	-	-	825,000	825,000	825,000
Administrative Allocation	(1,004,152)	(1,304,327)	(1,344,047)	(1,331,538)	(1,422,090)	(1,538,133)	(1,584,277)	(1,631,805)	(1,680,759)	(1,731,182)
Total Operating Expenditures	**30,621,072**	**33,622,607**	**30,896,457**	**37,534,132**	**42,935,676**	**45,682,942**	**47,621,906**	**51,366,399**	**52,947,432**	**55,378,907**
Operating Surplus/(Deficit)	2,630,980	3,442,530	11,690,863	18,508,874	2,454,938	6,778,185	499,568	5,499,383	5,320,859	3,961,528
Capital Outlay	2,524,156	2,108,745	1,223,053	4,487,472	10,473,530	3,246,774	3,316,645	3,352,978	3,390,038	3,427,839
Phase II Campus Town Demolition	-	-	-	-	-	6,000,000	-	-	-	-
Net Change in Fund Balance	106,824	1,333,784	10,467,810	14,021,402	(8,018,593)	(2,468,589)	(2,817,077)	2,146,404	1,930,821	533,689
End of Year Fund Balance	18,974,801	19,815,169	30,282,979	44,304,381	36,285,787	33,817,198	31,000,121	33,146,526	35,077,347	35,611,036
Less Rainy Day Reserves	12,340,000	9,045,764	11,459,000	11,231,853	15,880,703	17,213,128	18,301,091	23,026,295	24,154,628	19,765,291
Less Restricted Balances	3,221,633	2,425,725	2,655,428	3,614,797	9,947,957	9,947,957	9,656,401	9,288,390	8,919,013	8,548,265
Unassigned Fund Balance	3,413,168	8,343,680	16,168,551	29,457,731	10,457,128	6,656,113	3,042,629	831,841	2,003,706	7,297,480

OPERATING OUTLOOK

Late in fiscal year 2021-22, the City agreed to three year labor agreements with all labor groups. This provides more accurate long term forecasting in the area of personnel costs, which is the City's largest cost. Personnel costs are expected to increase steadily over the next several years, particularly pension costs. One mitigation effort the City has adopted to offset rising pension costs, was establishment of a Section 115 Trust on December 1 of 2022. The initial Trust funding and investment returns are expected to provide a modest $2.86M in pension saving over the next 23 years.

Fire Department personnel costs are expected to push personnel costs up significantly in FY 2026 as Fire Station #2 is anticipated to come online. Overall, operating results are expected to produce small increases or decreases over the next few years. Surpluses may increase in FY 2026 and 2027 as certain development project progress.

The City Council has appropriated or committed various and significant amounts of fund balance in the first half of fiscal year 2022-23. Those amounts will be reflected in the long term forecast in terms of decreasing “unassigned” fund balance.

DEVELOPMENT OUTLOOK

Three notable development projects are expected to increase City costs for services and infrastructure, as well as generating revenue; Seaside Resort Development, Campus Town and Main Gate. All three of the projects are expected to increase sales tax and property tax. The Seaside Resort Development and Campus Town Project will also generate significant transient occupancy taxes. The long term forecast uses results of Fiscal Impact Analyses (prepared by outside consultants) where possible and nets revenue and expense so as to make the net effect easier to discern. The City is committed to seeing these project through and the fiscal impact for the City’s operations is likely to be a net positive.

OVERALL OUTLOOK

The LTF indicates that the City is in a good financial position for the next five years. Due to the exceptionally strong results for FY2020-21 and again for FY 2021-22, the long term forecast has improved since it was first presented to the City Council. This is true even with the $1.2M appropriation in FY2021-22 for the downtown parking lot, another $2.7M for two properties on Del Monte Blvd and Canyon Del Rey Blvd., and the $7.5M capacity fees required to acquire recycled water to water the golf course. Overall unassigned fund balance has decreased, but on the current trajectory it is not likely to drop below rainy day reserve levels. With many headwinds on the horizon, this forecast is subject to change. Staff will continue to update the forecast and present it to Council as specific information becomes available.

PROPOSED STREETS PAVEMENT REHABILITATION FUNDING POLICY

At the February 16, 2023 City Council meeting, the Council reviewed and adopted a 5 year Pavement Rehabilitation Policy. The adopted 5 year plan identified $2.4M of available funding in year one and $1M of available funding in years two through five. It was shown that at this level of funding, the City’s streets will decrease from the current Pavement Condition Index (PCI) of 59 to a PCI of 49. The 5 year pavement rehabilitation policy and plan clearly showed that the City must find additional funding sources for street maintenance and rehabilitation. In addition to seeking other funding sources, city staff proposes the following funding policy to compliment the 5 year Pavement Rehabilitation Policy recently adopted:

Each year, at the mid-year budget review a projected year-end operating surplus or deficit will be calculated for the City’s general fund. Twenty five percent (25%) of any projected surplus will be committed to the following year pavement rehabilitation project. This amount will be in addition to any Maintenance of Effort (MOE) imposed upon the City by any outside agency.

By way of example, the FY2022-23 projected year-end operating surplus is $2.5M. If the proposed policy is adopted by the City Council, then approximately $614K would be committed to the FY2023-24 pavement rehabilitation project.

GENERAL FUND NET RESULTS & BUDGET OUTLOOK:

Overall, the first half of the year showed expenditures of $23.1M (43% of the annual budget) in comparison with revenues of $21.4M (48.4% of the annual budget). This is not a cause for concern in light of the fact that certain revenues run two months in arears (Sales, Use & Transaction Taxes). Additionally, the Council has opted to use fund balance to pay for capital expenditures. Some insights may be gained at the mid-year budget review:

- Revenues remain strong but have **begun to flatten out** after surprising pandemic era highs.
- Sales and Use Tax is **beginning to flatten** (auto sales in particular).
- Property Taxes are **beginning to flatten.**
- Marijuana Receipts tax **are likely to decrease**.
- Personnel **costs are up** as expected with the City rebuilding its workforce and providing robust cost of living adjustments.
- Multiple **sizeable one-time transactions** have recently been completed.

General Fund Changes in Fund Balance:	Operating FY23	Capital FY23	Total Budget FY23
Beginning Fund Balance (Audited)			$ 44,304,380
Revenues	45,390,613	-	45,390,613
Expenditures	(42,935,676)	(10,473,530)	(53,409,206)
Surplus (Deficit/Fund Balance)	2,454,938	(10,473,530)	(8,018,593)
Ending Fund Balance			$ 36,285,787

Fund Balance	Projected Results FY2023
Projected Fund Balance	$ 36,285,787
Unspendable	(2,425,725)
Loan to Muni Water Seaside	(7,522,232)
Pension Trust	(3,000,000)
Emergency Reserve - 15%	(6,440,351)
Special Reserve - 10%	(4,293,568)
Capital Reserve - 5%	(2,146,784)
Unassigned Fund Balance	$ 10,457,128

As can be seen, results at the mid-year indicate that the ongoing operations of the City are expected to continue producing positive financial results. Multiple one-time transactions are expected to decrease fund balance and shift funds from the "unallocated" category to the "committed category.

Headwinds:

- The nation is currently experiencing high inflation rates. Economists are now split on whether a recession is likely to hit in 2023 or if we will only see a slowdown.
- Expenses are likely to increase (due to inflation as well as increased cost of labor) and revenues are likely to flatten out.
- PERS unfunded liabilities continue to grow.

BUDGET AMENDMENT REQUESTS:

Following is a list of staff budget requests at the mid-year:

Description	Fund	Funding Source	Amount
Police Department - 2x part-time Police Reserves	General Fund	Projected General Fund operating surplus	19,000
Fire Department- Utility truck for emegergency incidents and training	General Fund	Projected General Fund operating surplus	100,000
Fire Department - Overtime	General Fund	Projected General Fund operating surplus	182,000
Fire Department - Personal safety equipment	General Fund	Projected General Fund operating surplus	25,000
Fire Department - Increase budget for Fire Station Alert System	General Fund	Projected General Fund operating surplus	60,000
Fire Department - Turnout storage room remodel	General Fund	Projected General Fund operating surplus	10,000
Fire Department - repurpose funding for Fire Station interior remodel to Fire Station reroof	General Fund	Existing budget	200,000
Fire Department - increase in state contract amount for Type III engine already on order	General Fund	Projected General Fund operating surplus	34,818
Public Works - Fire Station #2 (Agenda Item 8.G)	General Fund	Projected General Fund operating surplus	126,242
Public Works - Cutino Park (Agenda Item 8.F)	General Fund	Projected General Fund operating surplus	495,000
Public Works - Committ surplus to roads rehabilitation per proposed fiscal policy	General Fund	Projected General Fund operating surplus	613,734
Public Works Maintenace - re-budget FOSPA match from FY21-22	General Fund	Projected General Fund operating surplus	50,000
Public Works Maintenace - Cost of recycled water from MCWD for the Golf course	General Fund	Projected General Fund operating surplus	541,633
Public Works Maintenance - Increase Disaster Kleenup Contract	General Fund	Projected General Fund operating surplus	100,000
Rec; Athletic Services - Increase personnel costs for PT EE converted to FT EE	General Fund	Projected General Fund operating surplus	15,000
Rec; 4th of July Red, White and Blues event	General Fund	Projected General Fund operating surplus	15,000
Consulting for Cal Home ADU program	Housing Fund	Special Revenue	80,000
Muni Water - Increase personnel budget to accommodate Water System Operator	Water Enterprise	Water User fees	25,000
		Total	$2,692,427

Funding Source	Request
Projected General Fund operating surplus	$ 2,387,427
Special Revenue	80,000
Water User fees	25,000
Existing budget	200,000
Total	$ 2,692,427

Fiscal Impact of Staff Budget Requests	
Projected General Fund operating surplus	$ 2,454,938
Staff budget requests	$ (2,387,427)
Remaining Surplus	$ 67,510

$2.4 million is requested from the projected operating surplus. If all requests are approved, the remaining projected operating surplus would be $67.5k.

OTHER FUNDS

In addition to the General Fund, the budget includes funds from a range of restricted sources as well as business-type activities that are used to provide specific services, including:

WATER FUND:

Water Enterprise Q2 Results	Budget Q2 FY23	Results: Q2 FY23	Results: Q2 FY22	Variances: Year over Year $	Variances: Year over Year %
Revenues	$ 656,288	$ 538,436	$579,705	$ (41,269)	-7%
Expenditures	(657,520)	(577,337)	(265,699)	311,638	117%
Net Revenues	$ (1,232)	(38,901)	$314,006	$ (352,907)	-112%

The Water Enterprise Fund appears to be functioning as designed. Recent rate increases have greatly increased revenues putting the enterprise in a much better position. Per the City's approved rate structure, rates increased 15% on January 1, 2022. Year over year, expenditures were somewhat higher in FY 23 as compared to FY22. This is due to some project work getting under way in the first quarter. Design work for a new well is programmed for this fiscal year, but just recently got under way. Second quarter results indicate the fund is on track to collect revenues in line with budget and expenditures are within budget as well.

STORM WATER FUND:
The Storm Water fund expenditures through the first two quarters were $688k. Storm Water costs were $2527k higher than the same quarter of the previous year, mainly due to work on the Del Monte Manor Storm Drain Improvement project. Capital projects for the year are budgeted at $1.3M. The fund appears to be trending within budget for both capital and operating.

Currently the primary source of funding for the Storm Water fund is the City's General Fund. City staff continues to seek grant funding when available as well.

CITY OF SEASIDE
STAFF REPORT

Item No.: 10.B.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Alexia Garcia, Housing Program Manager

DATE: March 2, 2023

SUBJECT: **ADOPT A RESOLUTION AUTHORIZING THE SUBMITTAL OF THE 2022 HOUSING ELEMENT ANNUAL PROGRESS REPORT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH**

RECOMMENDATION

Adopt a resolution authorizing the submittal of the 2022 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research, satisfying the reporting requirements of Government Code section 65400.

BACKGROUND

State planning law (California Government Code Section 64500) requires that the City submit a Housing Element Annual Progress Report (HE APR) to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR) annually by April 1st. The 2022 HE APR (Attachment 1) addresses the City's Housing Element status, implementation of housing-related policies and programs, and annual housing production for calendar year 2022.

HCD has specific reporting requirements for the annual HE APR. The 2022 HE APR form consists of 14 data tables as follows:

1. Table A: Housing Development Applications Submitted
2. Table A2: Annual Building Activity Report Summary- New Construction, Entitled, Permits, and Completed Units
3. Table B: Regional Housing Need Allocation Progress, Permitted Units by Affordability

4. Table C: Sites Identified or Rezoned to Accommodate Shortfall Housing Need and No Net-Loss Law
5. Table D: Program Implementation Status pursuant to GC Section 65583
6. Table E: Commercial Development Bonus Approved pursuant to GV Section 65915.7
7. Table F: Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to GC section 65583.1(c)
8. Table F2: Above Moderate Income Units Converted to Moderate Income Pursuant to GC section 65400.2
9. Table G: Locally Owned Lands Included in the Housing Element Sites Inventory that have been Sold, Leased, or Otherwise Disposed of.
10. Table H: Locally Owned Surplus Sites
11. Table I: Units Constructed Pursuant to GC section 65852.21 and Applications for Lot Splits Pursuant to GC section 66411.7 (SB 9).
12. Table J: Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915
13. Summary
14. (Local Early Action Planning) LEAP Reporting

<u>2022 HE APR Highlights:</u>
In 2022, the City issued building permits for 54 Accessory Dwelling Units (ADUs) and 9 Single Family Units (SFDs). The City also continued the implementation of key housing programs aimed at addressing not only production, but also stabilization and affordability. Such programs included, but are not limited to, winding down the Covid Emergency Rent & Utility Assistance Program, moving forward with Seaside Housing Collaborative, and partnering with ECHO Housing to provide tenant and landlord fair housing services.

<u>Progress Towards Meeting City's RHNA Allocation</u>
The City's Housing Element outlines how it will meet its current and future housing needs within an eight-year period. As part of this process, the state allocates a target number of units to be built and/or accommodated across five income brackets. This numerical housing allocation is called the Regional Housing Needs Allocation (RHNA, pronounced "ree-nah"). Local jurisdictions are not required to build their RHNA units themselves; they are, however, required to accommodate the units within their housing element and zoning code.

The City of Seaside's 5th Cycle RHNA allocation for 2015-2023 is as follows:

Income Level	**Number of Units**	**Percent Area Median Income (AMI)**
Extremely Low Income	48	15-30% AMI

Very Low Income	95	30-50% AMI
Low Income	62	50-80% AMI
Moderate Income	72	80-120% AMI
Above Moderate Income	164	120% AMI <
TOTAL RHNA:	**393 Housing Units**	

The City of Seaside's 5th Cycle RHNA Progress To-Date:

Income Level	Number of Units	Units Approved and/or Constructed
Extremely Low Income	48	0
Very Low Income	95	74
Low Income	62	78
Moderate Income	72	76
Above Moderate Income	164	155
TOTAL UNITS APPROVED/CONSTRUCTED:		**383 Housing Units**

FISCAL IMPACT

None

ATTACHMENTS

1. 2022 HE APR
2. 2022 HE APR Resolution

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

Please Start Here

General Information	
Jurisidiction Name	Seaside
Reporting Calendar Year	2022
Contact Information	
First Name	Alexia
Last Name	Garcia
Title	Housing Program Manager
Email	algarcia@ci.seaside.ca.us
Phone	8317187766
Mailing Address	
Street Address	440 Harcourt Ave
City	Seaside
Zipcode	93955

Optional: Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated. If a project is no longer has any reportable activity, you may delete the project by selecting a cell in the row and typing ctrl + d.

Click here to download APR Instructions

1_23_23

Optional: This runs a macro which checks to ensure all required fields are filled out. The macro will create two files saved in the same directory this APR file is saved in. One file will be a copy of the APR with highlighted cells which require information. The other file will be list of the problematic cells, along with a description of the nature of the error.

Optional: Save before running. This copies data on Table A2, and creates another workbook with the table split across 4 tabs, each of which can fit onto a single page for easier printing. Running this macro will remove the comments on the column headers, which contain the instructions. Do not save the APR file after running in order to preserve comments once it is reopened.

Optional: This macro identifies dates entered that occurred outside of the reporting year. RHNA credit is only given for building permits issued during the reporting year.

Link to the online system: https://apr.hcd.ca.gov/APR/login.do

Submittal Instructions

Please save your file as Jurisdictionname2022 (no spaces). Example: the city of San Luis Obispo would save their file as SanLuisObispo2022

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:

1. **Online Annual Progress Reporting System - Please see the link to the online system to the left.** This allows you to upload the completed APR form into directly into HCD's database limiting the risk of errors. If you would like to use the online system, email APR@hcd.ca.gov and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.*

2. **Email -** If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables.

Jurisdiction	Seaside	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table A
Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes								Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bo Applica
1					2	3	4	5							6	7	8	9	10
Prior APN+	Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted+ (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Ddi the housing development application seek incentives or concessions pursuant to Government Code section 65915?
Summary Row: Start Data Entry Below								0	0	0	0	0	0	0	0	0	0		
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Jurisdiction	Seaside	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	[illegible]

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table A2
Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier (1)					Unit Types (2)	(3)	Affordability by Household Incomes - Completed Entitlement (4)							(5)	(6)	Affordability by Household Incomes - Building Permits (7)							(8)	(9)	Affordability by Household Incomes - Certificates of Occupancy (10)							(11)	(12)	(13)	Streamlining (14)
Prior APN+	Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Entitlement Date Approved	# of Units issued Entitlements	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits Date Issued	# of Units Issued Building Permits	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Certificates of Occupancy or other forms of readiness (see instructions) Date Issued	# of Units issued Certificates of Occupancy or other forms of readiness	How many of the units were Extremely Low Income?+	Was Project APPROVED using GC 65913.4(b)? (SB 35 Streamlining) Y/N
Summary Row: Start Data Entry Below							0	0	0	0	0	0	0			0	0	0	0	0	0	63		63	0	0	0	0	0	0	0		0	0	0
	012-263-019	1221 Sonoma		23312	ADU	O									0							1	1/7/2022	1									0	0	N
	011-315-022	265 Sonoma		23942	ADU	O									0							1	1/12/2022	1									0	0	N
	012-732-047	4656 Marina		24626	ADU	O									0							1	1/20/2022	1									0	0	N
	012-361-016	907 Harcourt		23566	ADU	O									0							1	1/20/2022	1									0	0	N
	012-362-025	988 Harcourt		23948	ADU	O									0							1	2/7/2022	1									0	0	N
	012-274-034	1026 Trinity		23077	ADU	O									0							1	2/17/2022	1									0	0	N
	011-344-042	505 Harcourt		23508	ADU	O									0							1	3/17/2022	1									0	0	N
	012-465-002	4673 San Lucas		23207	ADU	O									0							1	3/25/2022	1									0	0	N
	012-323-024	1542 Wanda		23351	ADU	O									0							1	3/25/2022	1									0	0	N
	012-274-027	990 Trinity		23470	ADU	O									0							1	4/4/2022	1									0	0	N
	012-242-020	1510 Broadway		22858	ADU	O									0							1	4/12/2022	1									0	0	N
	011-094-004	1985 Luxton		23486	ADU	O									0							1	4/28/2022	1									0	0	N
	012-252-040	1426 Kenneth		23446	ADU	O									0							1	5/10/2022	1									0	0	N
	012-422-020	1476-1478 Marina		22837	ADU	O									0							1	[illegible]	1									0	0	N
	012-266-012	1198 Hamilton		23354	ADU	O									0							1	5/26/2022	1									0	0	N
	011-342-005	440 Hamilton		24230	ADU	O									0							1	6/24/2022	1									0	0	N
	012-382-022	1743 Lowell		[illegible]	ADU	O									0							1	6/24/2022	1									0	0	N
	012-274-044	933 Trinity		23109	ADU	O									0							1	6/23/2022	1									0	0	N
	011-042-040	[illegible]		24047	ADU	O									0							1	6/27/2022	1									0	0	N
	012-242-046	[illegible]		22353	ADU	O									0							1	6/24/2022	1									0	0	N
	012-856-008	1940 Luzern		24037	ADU	O									0							1	7/6/2022	1									0	0	N
	012-342-026	1250 San Lucas		23737	ADU	O									0							1	7/11/2022	1									0	0	N
	012-351-071	1090 Wanda		23806	ADU	O									0							1	7/22/2022	1									0	0	N
	012-372-032	1059 Sonoma		23707	ADU	O									0							1	7/26/2022	1									0	0	N
	012-352-030	1425 Harcourt		23074	ADU	O									0							1	7/29/2022	1									0	0	N
	012-762-039	1739 Vallejo		23342	ADU	O									0							1	8/1/2022	1									0	0	N
	012-382-008	1545 Lowell		22840	ADU	O									0							1	8/3/2022	1									0	0	N
	012-424-020	1405 Highland		23500	ADU	O									0							1	8/4/2022	1									0	0	N
	011-094-009	1945 Luzern		23327	ADU	O									0							1	8/10/2022	1									0	0	N
	012-472-006	1040 Clementine		23092	ADU	O									0							1	8/11/2022	1									0	0	N
	012-694-007	1884 Luxton		22946	ADU	O									0							1	8/22/2022	1									0	0	N
	012-631043	12 Yerba Buena		23630	ADU	O									0							1	8/22/2022	1									0	0	N
	012-752-027	1744 Kenneth		23446	ADU	O									0							1	9/2/2022	1									0	0	N
	012-564-006	[illegible]		24022	ADU	O									0							1	9/12/2022	1									0	0	N
	012-803-028	1797 Judson		23550	ADU	O									0							1	9/9/2022	1									0	0	N
	011-321-009	480 Elm		233666	ADU	O									0							1	9/19/2022	1									0	0	N
	012-342-018	1265 Harcourt		23739	ADU	O									0							1	9/22/2022	1									0	0	N
	012-331-003	1273 Kenneth		23741	ADU	O									0							1	9/29/2022	1									0	0	N
	012-796-006	1770 Harding		24053	ADU	O									0							1	9/30/2022	1									0	0	N
	012-352-022	1360 Prospect		23380	ADU	O									0							1	10/4/2022	1									0	0	N
	012-682-057	1801 Hilby		23578	ADU	O									0							1	10/6/2022	1									0	0	N
	012-404-025	1340 Elm		23773	ADU	O									0							1	10/11/2022	1									0	0	N
	012-265-035	1248 Hamilton		23215	ADU	O									0							1	10/11/2022	1									0	0	N
	012-302-012	1599 Kenneth		23304	ADU	O									0							1	10/18/2022	1									0	0	N
	012-673-003	[illegible]		23359	ADU	O									0							1	10/24/2022	1									0	0	N
	012-334-019	1206 Luxton		23636	ADU	O									0							1	10/27/2022	1									0	0	N
	012-109-046	[illegible]		24269	ADU	O									0							1	11/2/2022	1									0	0	N
	[illegible]	705 Trinity		[illegible]	ADU	O									0							1	[illegible]	1									0	0	N
	[illegible]	[illegible]		[illegible]	ADU	O									0							1	[illegible]	1									0	0	N
	[illegible]	[illegible]		[illegible]	ADU	O									0							1	[illegible]	1									0	0	N
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	[illegible]	[illegible]		[illegible]	ADU	O									0							1	[illegible]	1									0	0	N
	012-361-024	387 Harcourt Ave		23626	ADU	O									0							2	11/8/2022	2									0	0	N
	[illegible]	[illegible]		[illegible]	ADU	O									0							1	[illegible]	1									0	0	N
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Infill (15)	Housing with Financial Assistance and/or Deed Restrictions (16)	(17)	Housing without Financial Assistance or Deed Restrictions (18)	Term of Affordability or Deed Restriction (19)	Demolished/Destroyed Units (20)			Density Bonus (21)	(22)	(23)	(24)	Notes (25)
Infill Units? Y/N+	Assistance Programs for Each Development (may select multiple - see instructions)	Deed Restriction Type (may select multiple - see instructions)	For units affordable without financial assistance or deed restrictions, explain how the locality determined the units were affordable (see instructions)	Term of Affordability or Deed Restriction (years) (if affordable in perpetuity enter 1000)+	Number of Demolished/Destroyed Units	Demolished or Destroyed Units	Demolished/Destroyed Units Owner or Renter	Total Density Bonus Applied to the Project (Percentage Increase in Total Allowable Units or Total Maximum Allowable Residential Gross Floor Area)	Number of Other Incentives, Concessions, Waivers, or Other Modifications Given to the Project (Excluding Parking Waivers or Parking Modifications)	List the incentives, concessions, waivers, and modifications (Excluding Parking Waivers or Parking Modifications)	Did the project receive a reduction or waiver of parking standards? (Y/N)	Notes+
					0							

Jurisdiction	Seaside	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Reporting Period	6th Cycle	

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Jurisdiction	Seaside	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	

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Cells in grey contain auto-calculation formulas

Jurisdiction	Seaside	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	

ANNUAL ELEMENT PROGRESS REPORT
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Jurisdiction	Seaside	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

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Jurisdiction	Seaside	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
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This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.

Please contact HCD if your data is different than the material supplied here

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

		1		2									3	4
Income Level		**RHNA Allocation by Income Level**		**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**Total Units to Date (all years)**	**Total Remaining RHNA by Income Level**
Very Low	Deed Restricted	95	-	-	-	-	-	-	74	-	-	-	74	21
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Low	Deed Restricted	62	-	-	-	-	-	-	78	-	-	-	78	-
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Moderate	Deed Restricted	72	-	-	-	-	-	-	73	-	-	-	76	-
	Non-Deed Restricted		-	1	1	1	-	-	-	-	-	-		
Above Moderate		164	-	-	-	-	3	5	13	71	63	-	155	9
Total RHNA		393												
Total Units			-	1	1	1	3	5	238	71	63	-	383	30

Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).

	5											6	7
	Extremely low-Income Need		**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**Total Units to Date**	**Total Units Remaining**
Extremely Low-Income Units*	48		-	-	-	-	-	-	-	-	-	-	48

*Extremely low-income houisng need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

Jurisdiction	Seaside	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table C

Sites Identified or Rezoned to Accommodate Shortfall Housing Need and No Net-Loss Law

Project Identifier				Date of Rezone	RHNA Shortfall by Household Income Category				Rezone Type	Sites Description							
1				2	3				4	5	6	7	8		9	10	11
APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Date of Rezone	Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income	Rezone Type	Parcel Size (Acres)	General Plan Designation	Zoning	Minimum Density Allowed	Maximum Density Allowed	Realistic Capacity	Vacant/Nonvacant	Description of Existing Uses
Summary Row: Start Data Entry Below																	

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Jurisdiction	Seaside	
Reporting Year	2022	(Jan. 1 - Dec. 31)

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	**Objective**	**Timeframe in H.E**	**Status of Program Implementation**
Code Enforcement/Neighborhood Improvement Commission (NIC):	Continue to convene and implement the Neighborhood Improvement Commission and focus code enforcement efforts in areas with a concentration of code violations. Conduct periodic housing conditions surveys in targeted neighborhoods. Promote the "See Click Fix" app which allows community members to report issues to the City via their smartphone. Pursue funding available at the state and federal levels ot assist in code corrections and rehabilitation. Ensure Code Enforcement Officers provide information on resources available for making code corrections.	2019-2023	The Neighborhood Improvement Commission continues to convene regularly, producing recommendations to City Council and identifying
Abandoned Residential Property Registration	The City adopted Ordinance No. 996, establishing an Abandoned Residential Property Registration Program as a mechanism to protect residential neighborhoods from blight.	2019-2023	This program is ongoing and residents continue to participate using the "See Click Fix" app.

Acquisition/Rehabilitation	Partner with non-profit organizations to acquire and rehabilitate deteriorating multifamily housing units. Annually explore and pursue appropriate funding resources available at all levels of government to assist with rental and owner-occupied housing.	2019-2023	This program is ongoing.
Adequate Sites for RHNA	Monitor and update the City's suitable sites inventory annually to ensure that adequate capacity is available to accommodate future housing developments and meet the City's RHNA allocation. Review the City's sites inventory with interested developers.	2019-2023	This program is ongoing.
Replacement Housing	Seaside will require replacement housing units on sited identified in the sites inventory when any new development occurs on a site that has been occupied by or restricted for the use of lower income households at any time in the previous five years, pursuant to Government Code, Section 65915, subdivision (c)(3).	2015-2023	This program is ongoing.
Monitoring of Residential Capacity (No Net Loss)	Should a housing development result in a reduction of capcity below the residential capacity needed to accommodate the remaining RHNA by income level, the City will ensure adequate capacity is provided in existing Seaside neighborhoods and future development areas.	2015-2023	This program is ongoing and the City has adhered to Assembly Bill 35 and Assembly Bill 879, submitting Housing Element Annual Progress Reports tracking progress by income level and development progression.

Lot Consolidation	Encourage lot consolidation by assisting interested developers in identifying sites with consolidation potential. As part of the comprehensive update to the Zoning Ordinance to implement the General Plan, modify the lot consolidation requirements and establihs incentives for consolidation.	2019-2023	This program is ongoing.
Accessory Dwelling Units (ADUs)	Maintain a variety of housing types, sizes, and prices throughout the City to increase housing choice and ensure that households of all types and income levels have the opportunity to find suitable ownership or rental housing. Updated the City website with ADU development information. Adopt policies and activities to facilitate the development of ADUs.	2019-2023	This program is ongoing. Updated the City website with ADU development information including pre-approved ADU plans. The City also began the process of implementing its $1,000,000 CalHome ADU Loan Program grant.
CA Senate Bill 9	CA Senate Bill 9 allows for ministerial approval of at least two units on a single-family zoned parcel. The bill also provides for ministerial approval of qualifying urban lot splits.	2021-2023	The City adopted Urgency Ordinance 2011 to implement Senate Bill 9.
Homebuyer Assistance	Update the City website on a regular basis, promoting resources available to first-time homebuyers.	2019-2023	The City maintain's a dedicated housing page on its website to provide links to available housing resources.
Housing Assistance	Utilize public-private partnerships to ensure that all community members have access to safe and dignified housing.	2019-2023	The City partnered with United Way Monterey County and the County of Monterey to implement the Emergency Rent and Utility Assistance Relief Program and provided $1.5 million in assitance to residents impacted by the COVID-19 pandemic.

Preservation of Publicly Assisted Low Income Housing	Monitor units at risk to ensure that no affordable rental unit is allowed to convert to a condominium without meeting the requirements of the City's adopted condominium conversion ordinance in Cahpter 17.42 of the Zoning Ordinance.	2019-2023	This program is ongoing. The City created an affordable housing development non-profit called Seaside Housing Collaborative to design, produce, and maintain affordable housing within the City of Seaside.
Provide and Conserve Affordable Housing	Provide First-Time Homebuyer Downpayment Assistance loans of up to $100,000 to moderate, low, and very low income households at 3% simple interest, and deed-restrict the purchased units for long-term affordability. Provide Homeowner Rehabilitation Loans for owner-occupied, low and moderate income households for major repairs up to $60,000 at zero to 3% simple interest with deed restriction. Promote the repair, improvement, and rehabilitation of housing in order to enahnce the quality of life in neighborhoods and promote community identity and pride.	2019-2023	The City has continued its contract with AmeriNat, professional loan servicing company, to support the City's First-Time Homebuyer Downpayment Assistance and Home rehabilitation loan programs.

Affordable Housing Development	State-mandated density bonus, the City may consider other incentives and concessions, such as increased lot coverage, reduced setback requirements, reduced parking requirements, increased permissible building heights, increased FAR, and reduced impact fees. As part of the comprehensive update to the Zoning Ordinance, establish objective standards to accomodate SB 35 streamlining of affordable housing projects. Annually contact affordable housing developers to promote new opportunities and incentives for affordable housing development in the City. Facilitate the development of 50 affordable housing units for lower income households, including extremely low income and those with special housing needs. Support funding applications for affordable housing by private developers provided the proposed projects are consistent with the City's General Plan and other specific plans. As funding permits, provide financial assistance to affordable housing development using the City's Inclusionary Housing In-Lieu fee and Transient Occupancy Tax collected from short-term rentals within	2019-2023	This program is ongoing. The City established the Seaside Housing Collaborative, an aligned non-profit affordable housing developer, expanding its capacity to conceptualize, develop, and maintain affordable housing.
Density Bonus Ordinance	As part of the comprehensive update to the Zoning Ordinance, the City will update its density bonus provisions to be consistent with State law.	2019-2023	The Comprehensive Zoning Ordinance Update is underway.

Inclusionary Housing Program	**Continue to implement the Inclusionary Housing program. Review the Inclusionary Housing Program with the Density Bonus Ordinance (Program 13) to ensure consistency with State Law. If inconsistencies are identified, initiate Zoning Ordinance revisions. Annually monitor development trends and market conditions to assess the effectiveness of the Inclusionary Housing program.**	**2019-2023**	**The program is ongoing and has continued to be leveraged as developers propose new housing developments.**
Multifamily and Mixed-Use Design Guidelines	**Establish design guidelines regarding site planning, massing, and scale, and architecture features for multifamily and mixed use development. Adopt a form based code to address site planning.**	**2019-2023**	**This program is ongoing.**
Affordable Attached Single Family Unit	**As part of the comprehensive update to the Zoning Ordinance, provide consistent treatement for market-rate and affordable attached single family homes.**	**2019-2023**	**This program is ongoing.**

Adequate Water Supply for the Development of New Housing	**Support efforts by the MPWMD to expand the water supply with the new water sources being earmarked for development. Continue to work to have the MPWMD and MCWD reverse its policy decision of prohibiting the transfer of water credits from one property to another. Continue to work with MPWMP and MCWD to develop water conservation methods to augment water for new development projects. Seek to provide water for affordable housing within larger, mixed use developments and larger residential subdivisions and provide water as an incentive for development whihc includes additional affordable housing as a density bonus request. Upon adoption of the Housing Element, provide a copy of the Element to MPWMD and MCWD for greater awarenes of affordable housing priorities and collaboration in compliance with AB 1087. Pursue various strategies to secure water for Seaside's future development starting in 2019, including.**	**2019-2023**	**These efforts are ongoing. Stormwater reclamation and other conservation methods are being pursued to increase the availability of water for housing in Seaside. The City contracted the Wallace Group to conduct a feasibility study of groundwater recharge to potentially increase water supply. The City approved a water storage project to bring recycled water into the Seaside Basin.**
Childcare Costs	**Following housing costs, single female-headed families must allocate a large portion of their incomes towards childcare costs as reliable child care is often necessary to retain stable employment.**	**2019-2023**	**Amended the Municipal Code to reduce discretion for both small and large family daycare homes, allowing them by-right in all residential and commercial zones.**

Housing for Extremely Low Income and Special Needs Households	**As part of the comprehensive updat to the Zoning Ordinance, address the following housing-related code amendments: transitional and supportive housing, reasonable accommodations, single-room occupancy (SRO), Employee Housing, Low Barrier Navigation Center (LBNC)**	**2019-2023**	**This work is ongoing.**
Housing Facilities and Services for the Homeless	**Annually, evaluate the homeless needs and gaps in services and facilities and allocate funding via the homelessness subcommittee and CDBG program.**	**2019-2023**	**These activities are ongoing with annual review and budgeting.**

Affirmatively Furthering Fair Housing	Coordinate with the Housing Authority of Monterery County to provide brochures and other pertinent fair housing materials bilingually at City Hall, the librarcy, Oldemeyer Center, and at the public counter. Annually allocate CDBG funds to public and supportive service programs that benefit the geographically underserved communities. Implement the Economic Development policies of the Generla Plan to promote economic development activities to improve dmployment skills and create high-paying jobs throughout the County. Work with MST to expand transit services in areas with limited public transit services, especially the frequency of services. Annually promote the portability of Housing Choice Vouchers to help tenants move to communities of opportunity. Annually promote the benefits fo the HCV program to landlords to expand the inventory of rental properties accepting HCVs. Through the fiar hosuing servie providers, connect residents with financial literacy and homebuyer education. Annually monitor lending patterns and potentially discriminatory practices and work with lenders to address identified issues. On an	2019-2023	The City continues to partner with ECHO Housing to provide fair housing services for residents, landlords, property managers, and housing professionals, as well as first-time homebuyer counseling for residents.
Land Use Pattern and Compatibility	Policy LU-4.1: Require that all new development funds its share of community services and facilities and is compatible with surrounding uses, the site, and available infrastructure.	2019-2023	Contracted with NBS to assist in the creation of a Community Facilities District (CFD).

	r		

General Comments			

Jurisdiction	Seaside
Reporting Period	2022 (Jan. 1 - Dec. 31)
Planning Period	5th Cycle 12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table E
Commercial Development Bonus Approved pursuant to GC Section 65915.7

Project Identifier				Units Constructed as Part of Agreement				Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
1				2				3	4
APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
Summary Row: Start Data Entry Below									

Jurisdiction	Seaside	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
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Table F
Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

Activity Type	Units that Do Not Count Towards RHNA+ Listed for Informational Purposes Only				Units that Count Towards RHNA + Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1+. For detailed reporting requirements, see the chcklist here:
	Extremely Low-Income+	Very Low-Income+	Low-Income+	TOTAL UNITS+	Extremely Low-Income+	Very Low-Income+	Low-Income+	TOTAL UNITS+	https://www.hcd.ca.gov/community-development/docs/adequate-sites-checklist.pdf
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Mobilehome Park Preservation									
Total Units by Income									

Jurisdiction	Seaside	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

For up to 25 percent of a jurisdiction's moderate-income regional housing need allocation, the plar

Project Identifier			
1			
Prior APN+	**Current APN**	**Street Address**	**Project Name+**
Summary Row: Start Data Entry Below			

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

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Table F2
Above Moderate Income Units Converted to Moderate Income Pursua

ınning agency may include the number of units in an existing multifamily building that were converted to d
this table, please ensure housing developments meet the requirements descr

	Unit Types		Affordability by Hou		
	2	3			
Local Jurisdiction Tracking ID+	Unit Category (2 to 4,5+)	Tenure R=Renter	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low- Income Deed Restricted

auto-calculation formulas

nt to Government Code section 65400.2

eed-restricted rental housing for moderate-income households by the imposition of affordability covenants a
ribed in Government Code 65400.2(b).

sehold Incomes After Conversion				Units credited toward Ab RHNA
4				5
Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income	Total Moderate Income Units Converted from Above Moderate

ınd restrictions for the unit. Before adding information to

ove Moderate	Notes
	6
Date Converted	**Notes**

Jurisdiction	Seaside	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

NOTE: This table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting jurisdiction, and has been sold, leased, or otherwise disposed of during the reporting year.

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Table G

Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of

Project Identifier						
1				2	3	4
APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Realistic Capacity Identified in the Housing Element	Entity to whom the site transferred	Intended Use for Site
Summary Row: Start Data Entry Below						

Jurisdiction	Seaside	
Reporting Period	2022	(Jan. 1 - Dec. 31)

NOTE: This tab
ALL surplus/ex

ANNUAL ELEMENT PROGRESS
Housing Element Implemen

For Monterey County jurisdictions, please format the APN

Table H			
Locally Owned Surplus Sit			
Parcel Identifier			
1	**2**	**3**	**4**
APN	**Street Address/Intersection**	**Existing Use**	**Number of Units**
Summary Row: Start Data Entry Below			

ɔle is meant to contain an invenory of
ccess lands the reporting jurisdiction
owns

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

S REPORT
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I's as follows:999-999-999-999

es

Designation	Size	Notes
5	6	7
Surplus Designation	Parcel Size (in acres)	Notes

Jurisdiction	Seaside
Reporting Period	2022 (Jan. 1 - Dec. 31)
Planning Period	5th Cycle 12/31/2015 - 12/31/2023

NOTE: SB 9 PROJECTS ONLY. This table only needs to be completed if there were lot splits applied for pursuant to Government Code 66411.7 OR units constructed pursuant to 65852.21.
Units entitled/permitted/constructed must also be reported in Table A2. Applications for these units must be reported in Table A.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: + indicates an optional field

Cells in grey contain auto-calculation formulas

Table I

Units Constructed Pursuant to Government Code 65852.21 and Applications for Lot Splits Pursuant to Government Code 66411.7 (SB9)

Project Identifier				Project Type	Date	Unit Constructed			
1				2	3	4			
APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Activity	Date	Very Low Income	Low Income	Moderate Income	Above Moderate Income
Summary Row: Start Data Entry Below									

Jurisdiction	Seaside	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

NOTE: STUDENT HOUSING WITH DENSITY BONUS ONLY. This table only needs to be completed if there were student housing projects WITH a density bonus approved pursuant to Government Code65915(b)(1)(F)

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Not
Cells in g

Table J													
Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915													
Project Identifier				Project Type	Date	Units (Beds/Student Capacity) Approved							
1				2	3	4							
APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Unit Category (SH - Student Housing)	Date	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income
Summary Row: Start Data Entry Below													

Jurisdiction	Seaside	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

Building Permits Issued by Affordability Summary		
Income Level		**Current Year**
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		63
Total Units		**63**

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	0	0
SFD	0	9	0
2 to 4	0	0	0
5+	0	0	0
ADU	0	54	0
MH	0	0	0
Total	**0**	**63**	**0**

Housing Applications Summary	
Total Housing Applications Submitted:	0
Number of Proposed Units in All Applications Received:	0
Total Housing Units Approved:	0
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	**Rental**	**Ownership**	**Total**
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

Jurisdiction	Seaside	
Reporting Year	2022	(Jan. 1 - Dec. 31)

Please update the status of the proposed uses listed in the entity's application for funding and the c
50515.02 or 50515.03, as applicable.

Total Award Amount	$

Task	$ Amount Awarded	$ Cumulative Reimbursement Requested

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Tab

Completed Entitlement Issued by Affordability Summary	
Income Level	
Very Low	Deed Restricted
	Non-Deed Restricted
Low	Deed Restricted
	Non-Deed Restricted
Moderate	Deed Restricted
	Non-Deed Restricted
Above Moderate	
Total Units	

Building Permits Issued by Affordability Summary	
Income Level	
Very Low	Deed Restricted
	Non-Deed Restricted
Low	Deed Restricted
	Non-Deed Restricted

Moderate	Deed Restricted	
	Non-Deed Restricted	
Above Moderate		
Total Units		

Certificate of Occupancy Issued by Affordability Summary		
Income Level		
Very Low	Deed Restricted	
	Non-Deed Restricted	
Low	Deed Restricted	
	Non-Deed Restricted	
Moderate	Deed Restricted	
	Non-Deed Restricted	
Above Moderate		
Total Units		

ANNUAL ELEMENT PROGRESS REPORT

Local Early Action Planning (LEAP) Reporting

(CCR Title 25 §6202)

orresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the

-

Total award amount is auto-populated based on amounts entered in rows 15-26.

Task Status

ole A2)

Current Year
0
0
0
0
0
0
0
0

Current Year
0
0
0
0

0
0
63
63

Current Year
0
0
0
0
0
0
0
0

eligible uses specified in Section

Other Funding	Notes

RESOLUTION NO. XX-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

ACCEPTING AND AUTHORIZING THE SUBMITTAL OF THE 2022 HOUSING ELEMENT

ANNUAL PROGRESS REPORT

WHEREAS, Government Code sections 65400 and 65700 mandates that all cities and counties submit an annual report on the status of the Housing Element portion of its General Plan and progress to their legislative bodies, the Governor's Office of Planning and Research (OPR) and the Housing and Community Development (HCD) each year; and

WHEREAS, the annual progress report provides local legislative bodies and the public with progress of implementation of the Housing Element and progress in meeting its Regional Housing Needs Allocation (RHNA) goals; and

WHEREAS, annual progress reports must be presented to the local legislative body, usually as a consent or discussion item on a regular meeting agenda for review and acceptance; and

NOW, THEREFORE, BE IT RESOLVED, that the Seaside City Council hereby accepts and authorizes City Staff to submit the 2022 Housing Element Annual Progress Report to HCD and OPR.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, State of California, on the 2nd day of March 2023, by the following vote:

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

____
Ian N. Oglesby, Mayor

ATTEST:

____
Dominique Davis, City Clerk

AS TO FORM:

____
Sheri L. Damon