



A G E N D A
CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
440 HARCOURT AVE (COUNCIL CHAMBER)
Wednesday, December 13, 2023
6:00 PM

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4. To make public comment, the following options are available:
 - **Before the Meeting via Email:** Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item #___" (insert the agenda item number relevant to your comment). Written comments must be received at least two (2) hours prior to the meeting time on the day of the meeting.
 - **During the Meeting via Oral Comments:** When the Chair calls for public comment, members of the public participating in person and wishing to address the Planning Commission may approach the podium when the Chair calls for public comment.

1. **CALL TO ORDER**

2. **ROLL CALL**

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

3. **REVIEW OF AGENDA**

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

vote is required).

4. PUBLIC COMMENT FOR COMMISSIONS

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

5. APPROVAL OF MINUTES

A. APPROVE MINUTES FROM OCTOBER 25 AND NOVEMBER 21, 2023

6. BUSINESS ITEMS

A. USE PERMIT UP-23-07 AND ARCHITECTURAL REVIEW APPLICATION AR-23-21. DARRYL CHOATES, APPLICANT AND PROPERTY OWNER, REQUESTS USE PERMIT APPROVAL FOR AN EVENT CENTER, INCLUDING A MEETING FACILITY AND RECREATIONAL FACILITY-INDOOR, AT 510 BROADWAY AVENUE (APN 011-303-014) CONNECTED TO AN EXISTING NIGHTCLUB AT 500 BROADWAY (APN: 011-303-013), AND AN ARCHITECTURAL REVIEW FOR PROPOSED CHANGES TO THE EXTERIOR FAÇADE OF BOTH PROPERTIES, LOCATED IN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN AREA. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301(A) OF THE CEQA GUIDELINES

B. MASTER SIGN PROGRAM MSP-23-02. SIGNS BY VAN, INC., APPLICANT, AND STACEY DIAZ, PROPERTY OWNER, REQUEST APPROVAL OF A MASTER SIGN PROGRAM FOR THE TWO-TENANT SITE LOCATED AT 1020 ORD GROVE AVENUE (APN: 011-102-001) IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 11 UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15311(A)

C. ARCHITECTURAL REVIEW APPLICATION AR-23-20. SEASIDE ACQUISITION GROUP, APPLICANT, AND CITY OF SEASIDE, PROPERTY OWNER, ARE REQUESTING DESIGN REVIEW APPROVAL FOR A NEW GOLF COURSE MAINTENANCE COMPLEX ON THE BAYONET-BLACKHORSE GOLF COURSE LOCATED ON THE SOUTH SIDE OF MONTEREY ROAD APPROXIMATELY 440 FEET EAST OF LUZON ROAD (APN: 031-051-055) IN THE V-FO (FORT ORD VISITOR SERVING COMMERCIAL) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 2 UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15302

D. ARCHITECTURAL REVIEW APPLICATION AR-23-16. CHARLIE

HAZELBAKER OF KB BAKEWELL, APPLICANT, AND GREATER VICTORY TEMPLE CHURCH, OWNER, REQUEST ARCHITECTURAL REVIEW APPROVAL FOR A NEW THREE-STORY, 21-UNIT MULTIFAMILY AFFORDABLE HOUSING PROJECT LOCATED AT 1620 BROADWAY AVENUE (APN: 012-631-003) ON THE GREATER VICTORY TEMPLE CHURCH SITE IN THE HIGH-DENSITY RESIDENTIAL (RH) ZONING DISTRICT. THIS PROJECT IS EXEMPT CLASS 32 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332

E. MINOR USE PERMIT MUP-15-01. A HEARING TO CONSIDER THE REVOCATION OF MINOR USE PERMIT MUP-15-01 FOR A THERAPEUTIC MASSAGE BUSINESS LOCATED AT 885 BROADWAY AVENUE (APN: 011-545-001) DUE TO VIOLATIONS OF THE CONDITIONS OF APPROVAL. THIS ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTIONS 15061(d) AND 15270 OF THE CEQA GUIDELINES

F. MINOR USE PERMIT MUP-18-02. A HEARING TO CONSIDER THE REVOCATION OF MINOR USE PERMIT MUP-18-02 FOR A THERAPEUTIC MASSAGE BUSINESS LOCATED AT 704 BROADWAY AVENUE (APN: 011-292-020) DUE TO VIOLATIONS OF THE CONDITIONS OF APPROVAL. THIS ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTIONS 15061(d) AND 15270 OF THE CEQA GUIDELINES.

7. REPORTS FROM COMMISSIONERS

8. REPORTS FROM STAFF

This is a time specifically set aside for the Staff Liaison to provide updates on non-agendized requests from the Commission, and to provide brief information on topics under the purview of the Commission.

9. ADJOURNMENT

Next Regularly Scheduled Meeting:
December 27, 2023
6:00 PM

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DRAFT MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER

Wednesday, October 25, 2023
6:00 PM

1. CALL TO ORDER

Chair Silva called the meeting to order at 6:00 p.m.

2. ROLL CALL

PRESENT: Huynh, Evans, Dodson, Silva, Owens, La Mica

ABSENT: None

3. REVIEW OF AGENDA

No changes

4. PUBLIC COMMENT FOR COMMISSIONS

None

5. BUSINESS ITEMS

A. USE PERMIT APPLICATION NO. UP-23-06: DAVID FORNINE, APPLICANT, AND PACIFIC HEIGHTS PLAZA, LLC, REQUEST APPROVAL TO OPERATE A COUNTER SERVICE CAFÉ AS PART OF THE PACIFIC HEIGHTS SHOPPING CENTER. THE PROJECT SITE IS LOCATED AT 1159 FREMONT AVENUE (APN 011-352-011) IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT CLASS 1, SECTION 15301(A): EXISTING FACILITIES AND CLASS 3, SECTION 15303(C): NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES.

Eric Azriel, Associate Planner, presented the project and reviewed the project and the use permit to open and operate a counter service café at 1159 Fremont Blvd. The project would be in the Community Commercial (CC) zone and requires Use Permit per Seaside Municipal Code 17.14.030. The project is a counter service café, named "Lilikoi", and is 1,071 sq ft. The site proposes 6 table seats, and 5 counter seats; and the operating hours would be from 9 AM to 10 PM seven days per week, and will employ 1-3 people per shift.

There were no comments from the public (regarding this item).

On motion by Commissioner Owens and second by Commissioner La Mica, and carried by the following vote, the Planning Commission moved to approve UP-23-06 and adopt the resolution.

RESULT: 6-0-0-0

AYES: HUYNH, EVANS, DODSON, SILVA, OWENS, LA MICA

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

ACTION: ADOPTED RESO #23-20 & APPROVED UP-23-06

B. VARIANCE APPLICATION NO. VAR-23-02 AND ARCHITECTURAL REVIEW APPLICATION NO. AR-23-12:

JOHN TARANTINO, APPLICANT AND PROPERTY OWNER, IS REQUESTING A VARIANCE TO REDUCE THE PARKING REQUIREMENTS FROM TWO SPACES TO ONE PARKING SPACE WITHIN A GARAGE, AS ASSOCIATED WITH THE PROPOSED CONSTRUCTION OF A NEW TWO-STORY SINGLE-FAMILY DWELLING REVIEWED UNDER ARCHITECTURAL REVIEW. THE SUBECT PROPERTY IS A 2,500 SQUARE FOOT (SF) LOT LOCATED IN THE 1000 BLOCK OF HAMILTON AVENUE (APN: 012-274-019), BETWEEN 1064 AND 1084 HAMILTON AVENUE, IN THE MEDIUM-DENSITY RESIDENTIAL (RM) ZONING DISTRICT. THE VARIANCE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT CLASS 5, SECTION 15305: MINOR ALTERATIONS IN LAND USE LIMITATIONS. THE ARCHITECTURAL REVIEW IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(A), FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

Beth Rocha, Senior Planner, presented the project and variance application to reduce the parking requirements from two spaces to one parking space within a garage, as associated with the proposed construction of a new two-story single-family dwelling; and the architectural review application for an all new single family construction is subject to Architectural Review Approval (SMC 17.62.030.B.2). Architectural considerations include the character, quality, and scale of the design, architectural relationship with the site and other structures, building materials, colors, fencing, exterior lighting.

There are special circumstances that are applicable to the property, therefore its findings for the variance are detailed below:

a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and within the same zone.

Evidence: The special circumstance that applies to the site is the lot size: 25'w x

100'd or 2,500sf. The subject property's area is 1,250sf smaller than the current minimum lot area requirement of 3,750sf and is 25' (or 50%) less in width than the 50' minimum width requirement.

Parking Reduction: The narrow lot width and overall site area limits on-site amenities such as parking. The single-car garage space that is provided meets the intent of the code, in that it provides an off-street parking space that is not visible from the public right of way.

b. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone.

Evidence: Project conditions of approval are incorporated in the Resolution, but the adherence to the project plans in the Architectural Review application would be the main tool to ensure that the variance adjustments do not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity. SMC 17.62.080.C.1-2 contains regulations for both Variance and Minor Variance applications. The Variance application is for the reduction to the required two-car garage requirement. All other aspects of the project comply with the development regulations of the zone. The Variance to the parking standard does not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone when considering the request relative to the parcel size.

c. The Variance is consistent with the General Plan, and any applicable specific plan.

Evidence: The General Plan designation for the property is Medium Density Residential (RM) and the proposed Variance is supported by a variety of General Plan goals and policies:

Goal LU-1: Promote a mixture of land uses and a balance of jobs and housing to support a community in which people can live, work, shop, and play.

Policy LU-1.2: Encourage development that helps the City achieve a jobs/housing ratio of 1.5:1. Policy LU-1.4: Provide for a variety of housing that complements the employment opportunities in the community.

Goal LU-3: Revitalize existing residential areas.

Policy LU-3.2: Improve the physical appearance of residential neighborhoods.

Goal LU-4: Ensure that new development complements existing land uses and enhances the character of the community and its neighborhoods.

The proposed Variance is consistent with the General Plan, as approval of the project and subsequent discretionary permits would result in a new single-family housing unit in the RM zoning district. The proposed home would provide a housing type that is well-suited for the substandard lot in an area of the city where there are a mix of single-family homes and multi-family developments, revitalizing a once vacant parcel and improving the appearance of the residential neighborhood. The Variance to the development standards does not constitute a granting of special privileges

inconsistent with the limitations upon other properties in the vicinity and within the same zone nor does it deprive the subject property of privileges enjoyed by other property in the vicinity and within the same zone. Therefore, the new development would complement the existing land uses and would be a good example of how to build on small lots in the city while respecting the existing neighborhood.

PUBLIC COMMENT: Dinesh Pal

On motion by Commissioner Owens and second by Commissioner Huynh and carried by the following vote, the Planning Commission moved to approve VAR-23-02, and AR-23-12, and adopt the resolution.

The Commission recommended that the applicant

RESULT: 6-0-0-0

AYES: HUYNH, EVANS, DODSON, SILVA, OWENS, LA MICA

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

ACTION: ADOPTED RESO #23-21 & APPROVED VAR-23-02 & AR-23-12

6. REPORTS FROM COMMISSIONERS

None

7. REPORTS FROM STAFF

Andrew Myrick, Economic & Community Planning Manager announced that 3 items prepared for the November 8 meeting, including the 6th cycle Housing Element.

8. ADJOURNMENT

With no further business, the meeting adjourned at 6:41 p.m.

Respectfully submitted,

Dominique L. Davis, City Clerk

Will Silva, Chair



DRAFT MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

SPECIAL MEETING
COUNCIL CHAMBER

Tuesday, November 21, 2023
6:00 PM

1. CALL TO ORDER

Chair Silva called the meeting to order at 6:02 p.m.

2. ROLL CALL - ESTABLISHMENT OF QUORUM

PRESENT: Dodson, Silva, La Mica, Owens

ABSENT: Evans, Huynh

3. REVIEW OF AGENDA

No changes.

4. PUBLIC COMMENT

None.

5. BUSINESS ITEMS

A. USE PERMIT UP-23-05: MANUEL VILLALOBOS, PROPERTY OWNER, AND REGEENA R. LAL, APPLICANT, REQUEST APPROVAL OF USE PERMIT UP-23-05 FOR AN AMENDMENT TO AN EXISTING "VEHICLE SERVICES - MAJOR REPAIR/BODY WORK" USE PERMIT (NO.13-01) TO INCREASE THE NUMBER OF SERVICE BAYS FROM THREE TO SIX AND TO ALLOW FOR AN INTERIOR PAINT SPRAY BOOTH AT 1625 SANTA BARBARA STREET (APN: 011-543-009) IN THE AUTOMOTIVE COMMERCIAL (CA) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CLASS 1, SECTION 15301(A).

Senior Planner, Beth Rocha, provided the presentation and reviewed the project associated with use permit.

PUBLIC COMMENT: Otis Stevenson, Hap Plane

On motion by Commissioner Owens and second by Commissioner La Mica and carried by the following vote, the Planning Commission moved to amend use permit 13-01, to operate six bay vehicles services – major repair/body use with auto painting and auto body services, with a condition to install an exhaust fan to lessen the smell into

the atmosphere.

RESULT: 4-0-0-2

AYES: Dodson, Silva, La Mica, Owens

NOES: None

ABSTAIN: None

ABSENT: Evans, Huynh

ACTION: ADOPTED RESO #23-22PC

B. ARCHITECTURAL REVIEW APPLICATION AR-23-14: DUKE KELSO, APPLICANT, AND CHRIS WILSON, PROPERTY OWNER, REQUEST ARCHITECTURAL REVIEW APPROVAL OF A SECOND STORY BALCONY ASSOCIATED WITH AN ACCESSORY DWELLING UNIT. THE PROJECT SITE IS LOCATED AT 595 HILBY AVENUE (APN 011-355-032) IN THE SINGLE FAMILY RESIDENTIAL (RS-12) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT CLASS 3 SECTION 15303(A).

Associate Planner, Eric Azriel, provided the presentation and reviewed the project.

PUBLIC COMMENT: None

On motion by Commissioner Owens and second by Commissioner La Mica, and carried by the following vote, the Planning Commission moved to approve use permit 23-14 to construct a second story balcony as part of an accessory dwelling unit.

RESULT: 4-0-0-2

AYES: Dodson, Silva, La Mica, Owens

NOES: None

ABSTAIN: None

ABSENT: Evans, Huynh

ACTION: ADOPTED RESO #23-23PC

C. GENERAL PLAN AMENDMENT GPA-23-02: ADOPT A RESOLUTION RECOMMENDING ADOPTION OF THE CITY OF SEASIDE DRAFT 6TH CYCLE HOUSING ELEMENT (2023-2031). THIS ITEM IS NOT A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15061(b)(3) OF THE CEQA GUIDELINES.

Housing Program Manager, Alexia Rapoport introduced the item the consultants from Veronica Tam & Associates, Inc. Veronica Tam, principal consultant, and Alexis Bueno, provided the presentation and responded to questions from the Commission.

PUBLIC COMMENT: LandWatch Monterey County (received in writing)

On motion by Commissioner Owens and second by Commissioner La Mica, and carried by the following vote, the Planning Commission moved to recommend adoption of a resolution to the City Council to adopt the draft 6th cycle housing element (2023-2031).

RESULT: 4-0-0-2

AYES: Dodson, Silva, La Mica, Owens

NOES: None

ABSTAIN: None

ABSENT: Evans, Huynh

ACTION: ADOPTED RESO #23-24PC

6. REPORTS FROM COMMISSIONERS

None.

7. REPORTS FROM STAFF

6 items planned for the December 13, 2023, meeting.

8. ADJOURNMENT

With no further business, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Dominique L. Davis, City Clerk

Will Silva, Chair



CITY OF SEASIDE STAFF REPORT

Item No.: 6.A.

TO: Planning Commission

BY: Eric Azriel, Assistant Planner

DATE: December 13, 2023

SUBJECT: USE PERMIT UP-23-07 AND ARCHITECTURAL REVIEW APPLICATION AR-23-21. DARRYL CHOATES, APPLICANT AND PROPERTY OWNER, REQUESTS USE PERMIT APPROVAL FOR AN EVENT CENTER, INCLUDING A MEETING FACILITY AND RECREATIONAL FACILITY-INDOOR, AT 510 BROADWAY AVENUE (APN 011-303-014) CONNECTED TO AN EXISTING NIGHTCLUB AT 500 BROADWAY (APN: 011-303-013), AND AN ARCHITECTURAL REVIEW FOR PROPOSED CHANGES TO THE EXTERIOR FAÇADE OF BOTH PROPERTIES, LOCATED IN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN AREA. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301(A) OF THE CEQA GUIDELINES

PURPOSE & RECOMMENDATION

The purpose of this item is to consider a Use Permit application and Architectural Review application.

The Use Permit is required to allow an event center attached to an existing nightclub.

The proposed uses of the event center fall into the following categories: "Public Halls, clubs, lodges, meeting facilities," and "Recreational Facility - Indoor, excluding card rooms," as well as two uses not listed in the WBUV Specific Plan, but listed in Seaside Municipal Code (SMC) Section 17.98 as "Theater, Cinema or Performing Arts."

The Architectural Review would allow changes to the buildings' facade. West Broadway Urban Village (WBUV) Specific Plan requires Architectural Review for all remodeled exteriors.

Staff recommends the Commission approve Use Permit UP-23-07 amending UP-19-13, subject to Attachment 1: Use Permit Draft Resolution and Exhibit A: Project Plans.

Staff recommends the Commission approve Architectural Review AR-23-21 subject to Attachment 2: Architectural Review Draft Resolution and Exhibit B: Project Plans.

BACKGROUND

500 Broadway Avenue (APN 011-303-013) and 510 Broadway Avenue (APN 011-303-014) sit on the corner of Broadway Avenue and Contra Costa Street in the West Broadway Urban Village (WBUV) Specific Plan area. Nominally built in 1944, 500 Broadway Avenue was operated as a bar for a number of years before being turned into a nightclub in 2019. Also nominally built in 1944, 510 Broadway was less consistently occupied; its most recent occupation was for retail. The two buildings abut precisely against each other. Together, the two parcels are nominally 8,010 square feet. The building at 500 Broadway Avenue measures nominally 2,380 square feet and the building at 510 Broadway Avenue measures nominally 3,495 square feet. In total, the new project site (the combination of the two existing buildings) is 5,875 square feet.

Nearby uses include townhomes across the alley to the south, a municipal parking lot to the west across Contra Costa Street, a Chamber of Commerce and a car wash across Broadway Avenue to the north, and a vacant four-bay building to the east.

Architectural Review

Per SMC 17.62.030.E, Architectural Review evaluates architectural, landscape, and lighting considerations. Architectural considerations include the character, quality, and scale of the design, the architectural relationship with the site and other structures, the building materials, colors, fencing, trash enclosure and walkway improvements, exterior lighting and signs, and the screening of exterior appurtenances; lighting considerations include proposed outdoor lighting's placement, type of fixtures, and illumination levels; and landscape considerations include color, coverage, location, size, texture, type, irrigation, maintenance, and protection (SMC 17.62.030.E.1). Landscaping is omitted from the analysis below because this project proposes no changes to landscaping.

Project Description

The proposed facade update will cohere the buildings at 500 and 510 Broadway Avenue into a single entity. The existing stone facade of 500 Broadway Avenue will be extended across the front of 510 Broadway Avenue as shown in Exhibit B Architectural Review Project Plans. Per the applicant, the window shown on the existing elevation will be removed completely instead of replaced; the proposed drawing is inaccurate. The facade will be painted SW0044 Hubbard Squash and the trim will be painted a color equivalent to SW7681 Tea Light. Colors and materials for new awnings as proposed in the rendering will match the existing awnings. Per the applicant, where lights do not exist on 510 Broadway Ave., new lights will be installed to match the existing lights on 500 Broadway Ave.

Project Analysis

The proposed facade upgrade will provide a needed update to 510 Broadway Avenue and build a pleasing cohesive appearance. The removal of the window will create space for an attractive mural as the applicant has suggested. Per SMC 17.40.060.E.1.e awnings may extend a maximum of four feet over the public right of way. The awnings must also provide 8 feet of vertical clearance between the bottom of the awning and the sidewalk. Dimensions are not provided, therefore it is not known if the awnings as drawn would meet these requirements.

New exterior lights will match existing lights; existing lights can be seen in Attachment 3 Site Photographs.

No new landscaping is proposed therefore a landscaping review is not required.

Use Permit

The applicant proposes news uses in addition to the current nightclub and restaurant. The new uses require a Use Permit to allow them. The existing restaurant use is permitted by right while the nightclub was permitted under UP-19-13.

Project Description

Use Permit UP-23-07 would allow the creation of an event center available for rent to the public in addition to the existing nightclub; it would also expand the premises to include 510 Broadway Avenue in addition to the existing 500 Broadway Avenue. New allowed uses would include: Live Music Events, Plays and Theater Productions, Gospel Events, Weddings and Quinceañeras, Public Meetings, and Award Shows as shown in Attachment 4 Operational Statement.

Project Analysis

Table 1 shows the relevant category for each proposed new use. The uses that are considered "Meeting Facilities" or "Recreational Facility-Indoor" may be permitted in this location on the first floor with the granting of a Use Permit per WBUV Specific Plan Chapter 7.B Table 7-1. However the use "Theater, Cinema, or Performing Arts" is not mentioned in the WBUV Specific Plan; however, "Theater, Cinema, or Performing Arts" may be allowed by a Use Permit subject to findings that the use is similar and compatible to listed uses and possesses the potential to facilitate vitality, to contribute to pedestrian activity, to provide visual access for pedestrians into the first floor, and to substantially conform with the Vision and Goals (Chapter 2) and Specific Plan Policies (Chapter 4) of the Urban Village Specific Plan.

Table 1. Proposed new uses and their categories

Proposed New Use	Use Category Per Seaside Municipal Code (SMC) and West Broadway Urban Village (WBUV) Specific Plan
Gospel Events	Public Halls, Clubs, Lodges, Meeting Facilities (SMC & WBUV)

Weddings and Quinceañeras	Public Halls, Clubs, Lodges, Meeting Facilities / Recreational Facility-Indoor (SMC & WBUV)
Public Meetings	Public Halls, Clubs, Lodges, Meeting Facilities (SMC & WBUV)
Award Shows	Public Halls, Clubs, Lodges, Meeting Facilities (SMC & WBUV)
Live Music Events	Theater, Cinema, or Performing arts (SMC)
Plays and Theater Productions	Theater, Cinema, or Performing arts (SMC)

The uses "Public Halls, Clubs, Lodges, Meeting Facilities," and "Recreational Facility - Indoor, excluding card rooms," may be permitted on the first floor with a Use Permit per WBUV Specific Plan Section 7.B Table 7-1. However, the use category "Theater, cinema, or performing arts" does not exist in the WBUV Specific Plan. Instead, the Planning Commission has the authority to deem uses not specifically listed in Table 7-1 to be of similar and compatible use and to approve them with a Use Permit with findings that the proposed uses possess the potential to facilitate vitality, to contribute to pedestrian activity, to provide visual access for pedestrians into the ground floor use, and to substantially conform with the Vision and Goals (Chapter 2) and Specific Plan Policies (Chapter 4) of the WBUV Specific Plan.

The WBUV Specific Plan, as developed in Chapter 2 and Chapter 4, intends to create a hub of economic activity that is an attractive local and regional destination. It includes goals to balance community and visitor-serving businesses and to rehabilitate vacant lots. It seeks to generate more pedestrian traffic and to encourage the preservation of local businesses. The proposed "Theater, Cinema, or Performing Arts" use for this business performs exactly these functions. Deja Blue is an existing local business seeking to provide a community space to serve artists and performers among its other uses. Live music and theater productions generate pedestrian and street activity as patrons arrive and depart, creating the potential for neighboring businesses to benefit. Glass doors in the facade will provide a glimpse of the interior activity. Finally, the building at 510 Broadway Avenue is currently vacant; permitting this use will help revitalize the area.

Water

Any additional water required, as determined by Monterey Peninsula Water Management District, must be obtained by the applicant prior to operation of the new business.

Waste

Per SMC 17.30.110, because the site is more than 5,000 square feet, the site is required to provide a total of 48 square feet of space for solid waste and recyclables (24 square feet each). The site plan is inconclusive regarding the size of the waste enclosure.

FINDINGS

1. The project is Categorically Exempt, Class 1, under the California Environmental Quality Act (CEQA) Guidelines Section 15301.

Evidence: Approval of the Use Permit would allow the use of an existing building as a meeting facility and recreational facility-indoor, and require two existing buildings to be internally connected.

2. The proposed uses of Live Music Events and Plays and Theater Productions are similar and compatible to listed uses in the West Broadway Urban Village (WBUV) Specific Plan and possess the potential to facilitate vitality, to contribute to pedestrian activity, to provide visual access for pedestrians into the ground floor use, and to substantially conform with the Vision and Goals (Chapter 2) and Specific Plan Policies (Chapter 4) of the WBUV Specific Plan.

Evidence: Live music and theater productions create vibrant destinations in the West Broadway Urban Village area. These events draw crowds that are different to nightclubs, diversifying the draw of the area. Events generate pedestrian and street activity as patrons arrive and depart, creating the potential for neighboring businesses to benefit. The glass doors will provide a glimpse of the interior activity while providing sufficient privacy.

The WBUV Specific Plan Chapter 2 goals met by this project include:

- *"Establish the West Broadway Urban Village as an attractive local and regional destination that capitalizes on existing local businesses."*
- *"Encourage a hub of economic and civic activity in the West Broadway Urban Village, including a public gathering place, residences over retail and office uses, and live-work units."*
- *"Create a balance of community- and visitor-serving mix of uses in the West Broadway Urban Village."*
- *"Support and encourage the development of vacant and underutilized lots with uses that are efficient and compatible with the character of the West Broadway Urban Village."*

The WBUV Specific Plan Policies Chapter 4 goals met by this project include:

- *Policy LU-1. Develop the West Broadway Urban Village as the Central Business District of Seaside, with West Broadway Avenue as the "main street" and heart of Seaside's downtown.*
- *Policy LU-3. Encourage the development of high-quality community-serving and visitor-serving retail and office uses along West Broadway Avenue and Del Monte Boulevard. Discourage larger scale, auto-oriented businesses.*
- *Policy LU-6. Encourage parcel assembly to achieve the land use goals set out by this Specific Plan.*

- *Policy ECON-2. Seek destination commercial and institutional uses that encourage foot traffic along West Broadway Avenue and Del Monte Boulevard.*
- *Policy ECON-4. Support and encourage the preservation of existing, locally serving businesses in balance with regional and national retailers.*

3. The proposed uses are allowed within the applicable zone and comply with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Evidence: The site is located on a primary street in the West Broadway Urban Village (WBUV) Specific Plan Area which, with Use Permit approval, allows Nightclubs, Meeting Facilities, and Recreational Facilities-Indoor (excluding card rooms). The nightclub is already permitted at 500 Broadway by Use Permit UP-19-13. Approving the Use Permit UP-23-07 would allow for the creation and operation of a for-rent event center with uses including:

1. *Live Music Events*
2. *Plays and Theater Productions*
3. *Gospel Events*
4. *Weddings and Quinceañeras*
5. *Public Meetings*
6. *Award Shows.*

The proposed uses of Gospel Events, Weddings and Quinceañeras, Public Meetings, and Award Shows can be permitted under Meeting Facilities as allowed with a Use Permit by the WBUV Specific Plan Chapter 7.B, Table 7-1. The proposed uses of Weddings and Quinceañeras can also be permitted under Recreational Facility-Indoor as allowed with a Use Permit by the WBUV Specific Plan Chapter 7.B, Table 7-1.

Per WBUV Specific Plan B.4.1.2, the proposed uses of Live Music Events, and Plays and Theater Productions may be allowed by Use Permit subject to findings by Planning Commission that they are similar and compatible to listed uses and possess the potential to facilitate vitality, to contribute to pedestrian activity, to provide visual access for pedestrians into the ground floor use, and to substantially conform with the Vision and Goals (Chapter 2) and Specific Plan Policies (Chapter 4) of the Urban Village Specific Plan.

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

Evidence: The General Plan designates these two parcels as Mixed Use. Mixed Use is intended to promote pedestrian and transit oriented activity centers. The proposed uses are consistent with the WBUV Specific Plan as explained above in Finding 2 and Finding 3.

5. The design, location, size, and operating characteristics of the proposed

activity are compatible with the existing and planned future land uses in the vicinity.*Evidence:* Nearby uses include townhomes across the alley to the south, a municipal parking lot to the west across Contra Costa Street, a Chamber of Commerce and a car wash across Broadway Avenue to the north, and a vacant four-bay building to the east. As part of the intent of the West Broadway Urban Village Specific Plan is to create a vibrant pedestrian downtown, an event space in the heart of Broadway helps implement the vision.

The police department does not have operational concerns with the existing nightclub and rarely receives service calls for 500 Broadway Avenue. Code Enforcement has received no complaints regarding the operation of the nightclub since its opening.

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

Evidence: The project modifies existing buildings served by utilities. The density is below what is allowed in the WBUV Specific Plan.

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

Evidence: Granting the permit would allow expansion of premises and expansion of uses of an existing nightclub. One building directly adjacent would be added to the operation and the allowed uses would be expanded to include an event center serving the community. The creation of a for-rent event center benefits the community with available space for social and cultural activities. The lack of complaints in the history of the nightclub's operation indicates expanding operations would not cause detriment to the safety, convenience, or welfare of persons, property or improvements in the vicinity.

ATTACHMENTS

1. Attachment 1 Draft Resolution UP-23-07
 2. Exhibit A Use Permit Project Plans
 3. Attachment 2 Draft Resolution AR-23-21
 4. Exhibit B Architectural Review Project Plans
 5. Attachment 3 Site Photographs
 6. Attachment 4 Operational Statement
-

**PLANNING COMMISSION
RESOLUTION NO. 23-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT APPLICATION NO. UP-23-07 FOR AN EVENT CENTER, INCLUDING A MEETING FACILITY AND RECREATIONAL FACILITY-INDOOR, AT 510 BROADWAY AVENUE (APN 011-303-014) CONNECTED TO AN EXISTING NIGHTCLUB AT 500 BROADWAY (APN: 011-303-013) LOCATED IN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN AREA.

WHEREAS, Darryl Choates, applicant, and Choates Property Management LLC, property owner, applied for Use Permit No. UP-23-07 for an event center available for the public to rent and including the following uses: Live Music Events, Plays and Theater Productions, Gospel Events, Weddings and Quinceañeras, Public Meetings, and Award Shows; and

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

WHEREAS, the Planning Commission considered oral comments and written information concerning the Use Permit application No. UP-23-07 at a duly noticed public hearing that the Planning Commission held on December 13th, 2023; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following finding:

1. The project is Categorically Exempt, Class 1, under the California Environmental Quality Act (CEQA) Guidelines Section 15301:

Evidence: Approval of the Use Permit would allow the use of an existing building as a meeting facility and recreational facility-indoor, and require two existing buildings to be internally connected.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission adopts the following finding:

2. The proposed uses of Live Music Events and Plays and Theater Productions are similar and compatible to listed uses in the West Broadway Urban Village (WBUV) Specific Plan and possess the potential to facilitate vitality, to contribute to pedestrian activity, to provide visual access for pedestrians into the ground floor

use, and to substantially conform with the Vision and Goals (Chapter 2) and Specific Plan Policies (Chapter 4) of the WBUV Specific Plan.

Evidence: Live music and theater productions create vibrant destinations in the West Broadway Urban Village area. These events draw crowds that are different to nightclubs, diversifying the draw of the area. Events generate pedestrian and street activity as patrons arrive and depart, creating the potential for neighboring businesses to benefit. The glass doors will provide a glimpse of the interior activity while providing sufficient privacy.

The WBUV Specific Plan Chapter 2 goals met by this project include:

- *"Establish the West Broadway Urban Village as an attractive local and regional destination that capitalizes on existing local businesses."*
- *"Encourage a hub of economic and civic activity in the West Broadway Urban Village, including a public gathering place, residences over retail and office uses, and live-work units."*
- *"Create a balance of community- and visitor-serving mix of uses in the West Broadway Urban Village."*
- *"Support and encourage the development of vacant and underutilized lots with uses that are efficient and compatible with the character of the West Broadway Urban Village."*

The WBUV Specific Plan Policies Chapter 4 goals met by this project include:

- *Policy LU-1. Develop the West Broadway Urban Village as the Central Business District of Seaside, with West Broadway Avenue as the "main street" and heart of Seaside's downtown.*
- *Policy LU-3. Encourage the development of high-quality community-serving and visitor-serving retail and office uses along West Broadway Avenue and Del Monte Boulevard. Discourage larger scale, auto-oriented businesses.*
- *Policy LU-6. Encourage parcel assembly to achieve the land use goals set out by this Specific Plan.*
- *Policy ECON-2. Seek destination commercial and institutional uses that encourage foot traffic along West Broadway Avenue and Del Monte Boulevard.*
- *Policy ECON-4. Support and encourage the preservation of existing, locally serving businesses in balance with regional and national retailers.*

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission adopts the following findings for Use Permit No. UP-23-07:

3. The proposed uses are allowed within the applicable zone and comply with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

Evidence: The site is located on a primary street in the West Broadway Urban Village (WBUV) Specific Plan Area which, with Use Permit approval, allows Nightclubs, Meeting Facilities, and Recreational Facilities-Indoor (excluding card rooms). The nightclub is already permitted at 500 Broadway by Use Permit UP-19-13. Approving the Use Permit UP-23-07 would allow for the creation and operation of a for-rent event center with uses including:

1. Live Music Events
2. Plays and Theater Productions
3. Gospel Events
4. Weddings and Quinceañeras
5. Public Meetings
6. Award Shows.

The proposed uses of Gospel Events, Weddings and Quinceañeras, Public Meetings, and Award Shows can be permitted under Meeting Facilities as allowed with a Use Permit by the WBUV Specific Plan Chapter 7.B, Table 7-1. The proposed uses of Weddings and Quinceañeras can also be permitted under Recreational Facility-Indoor as allowed with a Use Permit by the WBUV Specific Plan Chapter 7.B, Table 7-1.

Per WBUV Specific Plan B.4.1.2, the proposed uses of Live Music Events, and Plays and Theater Productions may be allowed by Use Permit subject to findings by Planning Commission that they are similar and compatible to listed uses and possess the potential to facilitate vitality, to contribute to pedestrian activity, to provide visual access for pedestrians into the ground floor use, and to substantially conform with the Vision and Goals (Chapter 2) and Specific Plan Policies (Chapter 4) of the Urban Village Specific Plan.

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

Evidence: The General Plan designates these two parcels as Mixed Use. Mixed Use is intended to promote pedestrian and transit oriented activity centers. The proposed uses are consistent with the WBUV Specific Plan as explained above in Finding 2 and Finding 3.

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

Evidence: Nearby uses include townhomes across the alley to the south, a municipal parking lot to the west across Contra Costa Street, a Chamber of Commerce and a car wash across Broadway Avenue to the north, and a vacant four-bay building to the east. As part of the intent of the West Broadway Urban Village Specific Plan is to create a vibrant pedestrian downtown, an event space in the heart of Broadway helps implement the vision.

The police department does not have operational concerns with the existing nightclub and rarely receives service calls for 500 Broadway Avenue. Code Enforcement has received no complaints regarding the operation of the nightclub since its opening.

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

Evidence: The project modifies existing buildings served by utilities. The density is below what is allowed in the WBUV Specific Plan.

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

Evidence: Granting the permit would allow expansion of premises and expansion of uses of an existing nightclub. One building directly adjacent would be added to the operation and the allowed uses would be expanded to include an event center serving the community. The creation of a for-rent event center benefits the community with available space for social and cultural activities. The lack of complaints in the history of the nightclub's operation indicates expanding operations would not cause detriment to the safety, convenience, or welfare of persons, property or improvements in the vicinity.

BE IT FURTHER RESOLVED, the Planning Commission approves UP-23-07 subject to the following Conditions of Approval:

Building:

1. Construction must comply with all requirements of the California Building Code, as amended by the City of Seaside and in effect at the time of Building Permit Submittal.

Engineering and Public Works:

2. The project must implement storm water best management practices (BMPs) during construction. (SMC 8.46)
3. Prior to final inspection, any curb, gutter and sidewalk damaged during construction shall be replaced by a licensed concrete contractor in conformance with the most current applicable engineering standards, and upon the prior issuance of an Encroachment Permit from the Public Works Department.

Fire Department:

4. Construction must comply with all requirements of the California Fire Code, as amended by the City of Seaside and in effect at the time of Building Permit Submittal.

Planning:

5. Approval of this Use Permit UP-23-07 does not imply approval of any other applications which may be required for the project by the City of Seaside or any other governmental agency having jurisdiction over the project.
6. Parcels APN 011-303-013 and APN 011-303-014 shall be consolidated into a single parcel prior to the issuance of any Building Permit pursuant to UP-23-07 unless a legal alternative is approved by the Zoning Administrator and Building official.
7. The buildings at 500 and 510 Broadway Avenue shall be internally connected so as to operate the entire premises as a single whole.
8. The Zoning Administrator may approve adjustments to the site plan and floor plan as needed to accommodate requirements of the current California Building Code or current California Fire Code.
9. A Sign Permit (and a Building Permit if applicable) is required for all exterior and window signs.

10. The trash enclosure shall provide at least 24 square feet of area to store solid waste and an additional 24 square feet of area to store recyclables per SMC 17.30.110.
11. A grease trap at a size as determined by the Public Works Department shall be installed on-site.
12. Landscaped areas, including trees and other plantings, as well as paving, walls, and fences, shall be regularly maintained.
13. The applicant shall be responsible for obtaining a sufficient water allocation for the proposed use pursuant to the rules and regulations of the Monterey Peninsula Water Management District (MPWMD).
14. All activities shall be conducted within the interior of the building or outdoor patio as shown on the enclosed plans provided as Exhibit "A".
15. Nightclub activities, including live music, dancing, and comedy for the purpose of entertainment, are limited to the following days and hours, unless otherwise approved by the Zoning Administrator:
 - a. Monday through Wednesday from 6:00 PM to 11:00 PM,
 - b. Thursday from 6:00 PM to 1:30 AM,
 - c. Friday through Saturday from 9:00 AM to 1:30 AM, and
 - d. Sunday from 9:00 AM to 9:00 PM.
16. Event center activities encompassing the uses of Meeting Facilities, Recreational Facility-indoor, and Theater, Cinema, or Performing Arts are limited to the following days and hours, unless otherwise approved by the Zoning Administrator:
 - a. Monday through Wednesday, from 8:00 AM to 11:00 PM,
 - b. Thursday, Friday, and Saturday from 8:00 AM to 1:30 AM, and
 - c. Sunday from 8:00 AM to 11:00 PM.
17. These conditions do not place day and time restrictions on the operation of the restaurant.

18. All alcohol sales shall be "On-Sale" and the sale of alcohol for consumption off the premises ("Off-Sale") is prohibited. Prior to the sale and consumption of alcoholic beverages on the premises the applicant shall receive approval of a Type 47 Alcoholic Beverage License from the State Department of Alcohol Control. This Condition shall be inapplicable to the extent that it is preempted by State Law.
19. At any entertainment event where persons under the age of 18 are admitted and alcohol may be purchased, served, or otherwise acquired by attendees, the applicant shall provide security at the door to check identification for the purposes of verifying age and shall place wristbands on persons who are legally permitted to purchase and consume alcohol.
20. All sales of alcoholic beverages are required to be conducted within the confines of the enclosed building and exterior patio.
21. No exterior signs or other forms of advertising promoting or indicating availability of alcoholic beverage products are permitted. The applicant shall be required to comply with sound attenuation requirements and shall ensure that noise from attendees, microphones, and/or live music/DJ is not audible from adjoining residential uses.
22. The applicant shall comply with recommended security related practices based upon valid police investigations or reported incidents. All reports and incidents will be validated and conveyed to the applicant prior to any modifications or requirements being imposed by the Zoning Administrator or Planning Commission.

Standard:

23. Except as modified by the conditions of approval, plans submitted for Building Permits must be in compliance with Exhibit A: Use Permit Project Plans and Exhibit B: Architectural Review Project Plans.
24. The applicant agrees as a condition and in consideration of the approval of this permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action.

City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

25. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).

26. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within 15 days from the date of its approval.

27. This approval shall become null and void unless a Building Permit application is submitted within twelve (12) months of December 20th, 2023. Time extensions may be granted by the original approval body if a written request and associated fee are received by the Community Development Department within 30 days prior to the expiration. This approval shall also become null and void if the implementing Building Permit application expires.

28. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of December 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

Exhibits:

Exhibit A: Project Plans

**USE PERMIT APPLICATION No. UP-23-07
RESOLUTION No. 23-XX**

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

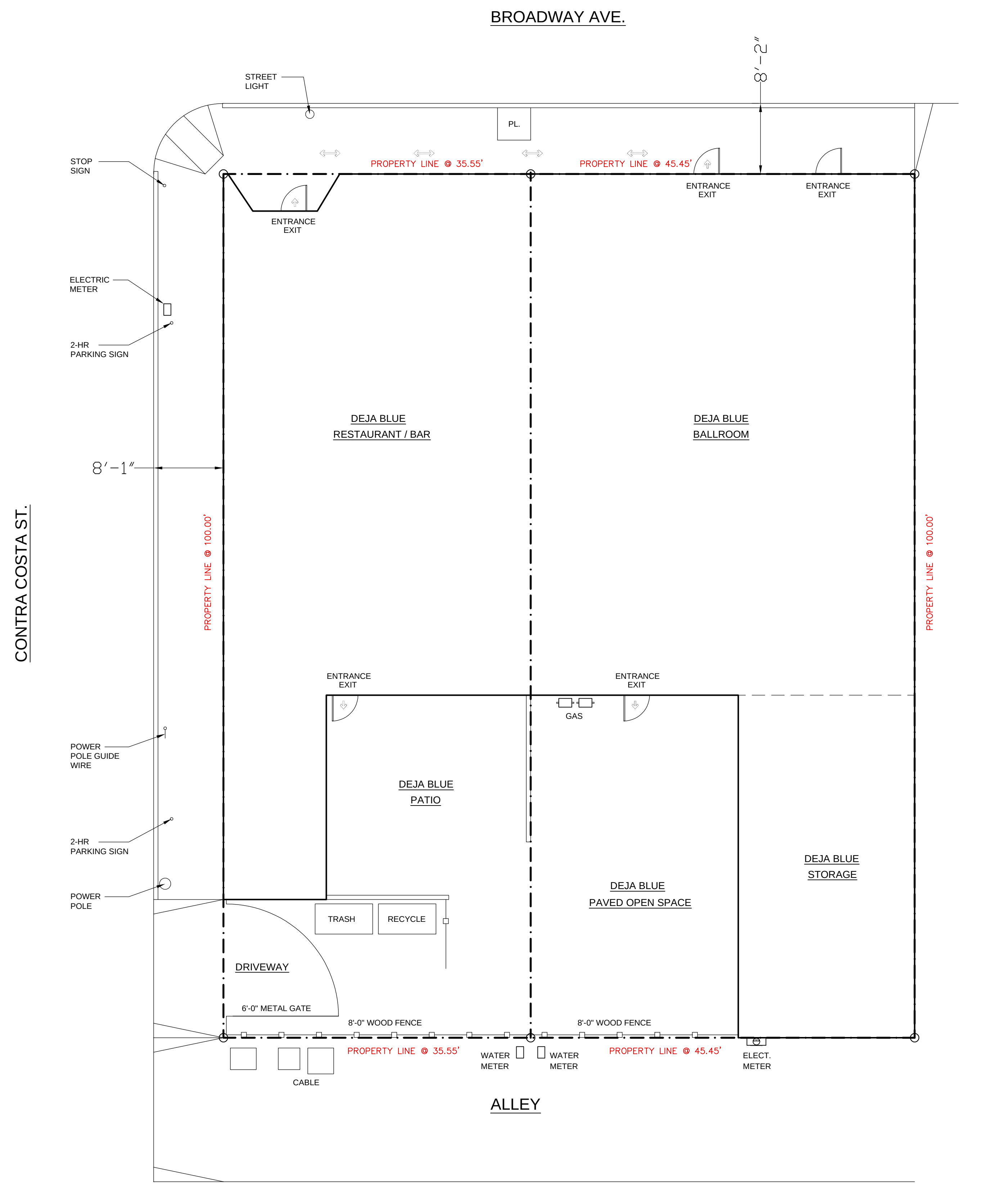
The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Planning Commission.

Applicant's Signature

Date

Property Owner's Signature

Date



NOTE:
NO CHANGES THAT REFLECT ON THE SITE PLAN.

SITE PLAN
SCALE: 1/8" = 1'-0"
0 2' 4' 8' 12'

North

MANDURRAGO
&
ASSOCIATES



P.O. BOX 1504 CARMEL, CA 93921
PHONE: 831 935-0709
EMAIL: CHARLES@MANDURRAGO.NET

DRAWN BY: MANDURRAGO
DRAWING DATE: 11-17-23

- REVISIONS:
- △
 - △
 - △
 - △

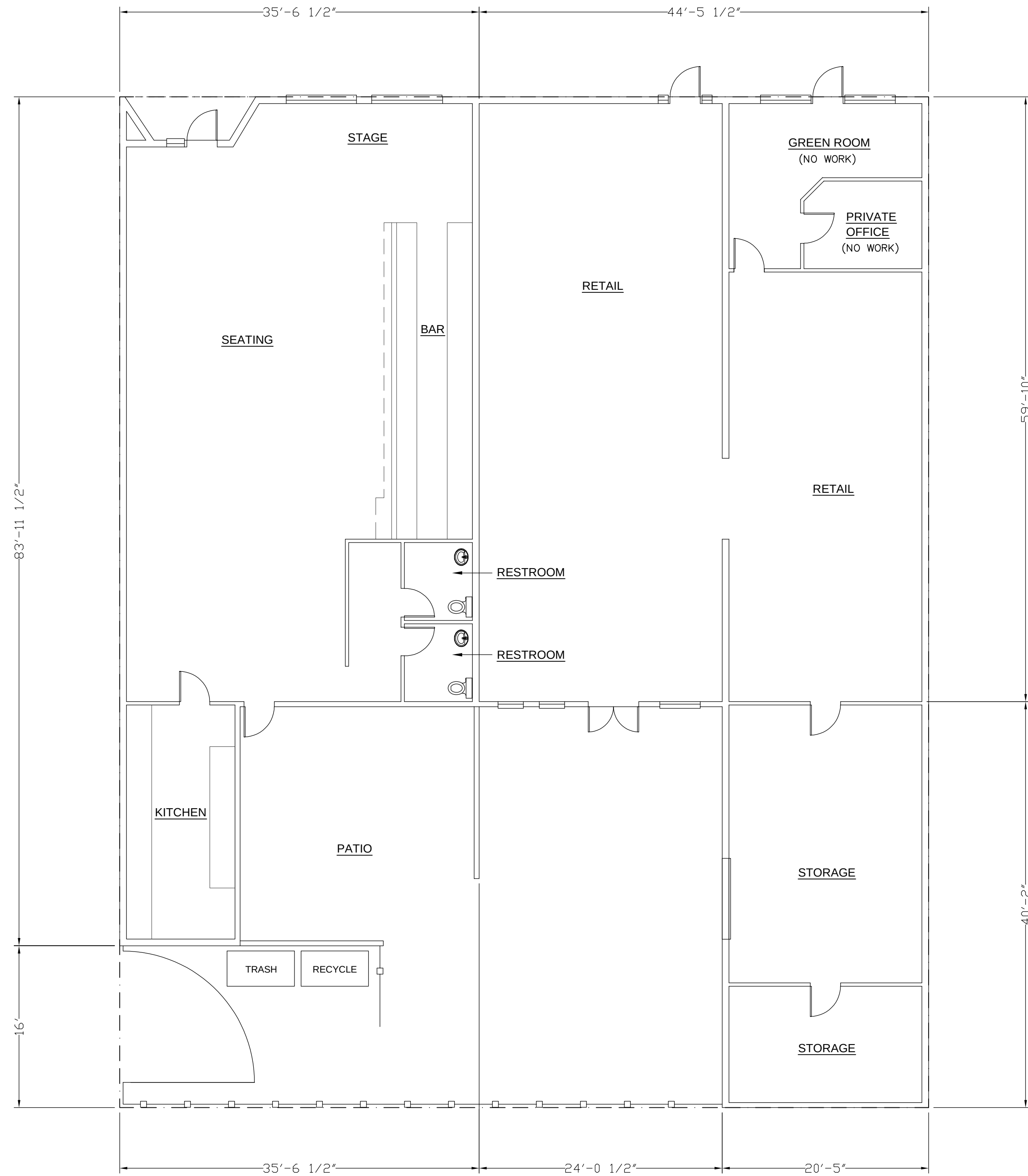
PROJECT:
DEJA BLUE
TENANT IMPROVEMENT

500 BROADWAY AVE.
SEASIDE, CA 93955

OWNER:
DARRYL CHOATES
500 BROADWAY AVE
SEASIDE, CA 93955

SHEET NUMBER:

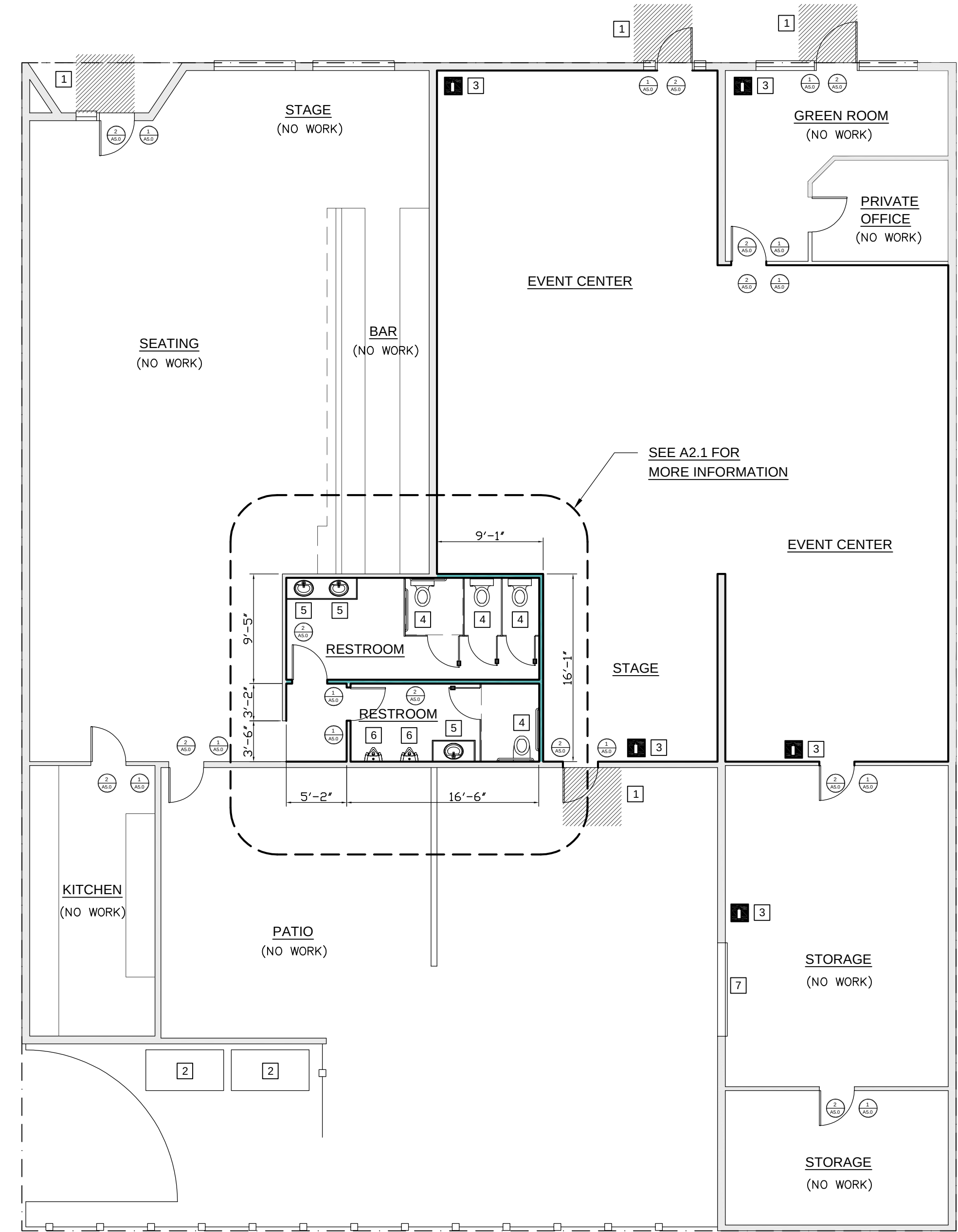
A1.0



**EXISTING
FLOOR PLAN**

SCALE: 1/8" = 1'-0"

0' 2' 4' 8' 12'



KEY

- | | | | |
|---|--|---|---------------------------------|
| 1 | 60"x60" UNOBSTRUCTED CLEARANCE w/ 1'-48 MIN. SLOPE IN ALL DIRECTIONS | 6 | URINAL WITH .125 PGF FLUSHMETER |
| 2 | TRASH & RECYCLE | 7 | EXISTING ROLL-UP DOOR |
| 3 | FIRE EXTINGUISHER | | |
| 4 | 1.28 GALLON TOILET (MIN REQ) | | |
| 5 | SINK & FAUCET @ 1.2 GPM-60 PSI (MIN. REQ) | | |

**PROPOSED
FLOOR PLAN**

SCALE: 1/8" = 1'-0"

0' 2' 4' 8' 12'



**MANDURRAGO
&
ASSOCIATES**

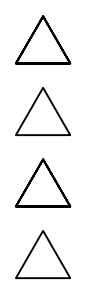


P.O. BOX 1504 CARMEL, CA 93921
PHONE: 831.935-0709
EMAIL: CHARLES@MANDURRAGO.NET

DRAWN BY: MANDURRAGO

DRAWING DATE: 11-17-23

REVISIONS:



PROJECT:

**DEJA BLUE
TENANT IMPROVEMENT**

**500 BROADWAY AVE.
SEASIDE, CA 93955**

**OWNER:
DARRYL CHOATES
500 BROADWAY AVE
SEASIDE, CA 93955**

SHEET NUMBER:

A2.0

**PLANNING COMMISSION
RESOLUTION NO. 23-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING ARCHITECTURAL REVIEW APPLICATION NO. AR-23-21 FOR PROPOSED CHANGES TO THE EXTERIOR FACADES OF 500 BROADWAY AVENUE (APN 011-303-013) AND 510 BROADWAY AVENUE (APN 011-303-014) LOCATED IN THE WEST BROADWAY URBAN VILLAGE SPECIFIC PLAN AREA.

WHEREAS, Darryl Choates, applicant, and Choates Property Management LLC, property owner, applied for Architectural Review No. AR-23-21; and

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

WHEREAS, the Planning Commission considered oral comments and written information concerning the Architectural Review application No. AR-23-21 at a duly noticed public hearing that the Planning Commission held on December 13th, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following finding:

The project is Categorically Exempt, Class 1, under the California Environmental Quality Act (CEQA) Guidelines Section 15301(a):

Evidence: Approval of the Architectural Review application would allow for the alteration of an existing exterior façade.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission approves AR-23-21 subject to the following Conditions of Approval:

Building:

1. Comply with all requirements of the California Building Code, as amended by the City of Seaside and in effect at the time of Building Permit submittal.

Fire Department:

2. Construction must comply with all requirements of the California Fire Code, as amended by the City of Seaside and in effect at the time of Building Permit submittal.

Planning:

3. Colors and materials shall be in compliance with Exhibit B: Materials, except as minor changes are approved by the Zoning Administrator utilizing Condition of Approval 9.
4. Awnings shall project a maximum of 4 feet into the public right of way and portions of awnings projecting over the public right of way shall have a minimum vertical clearance of eight feet between the bottom of the awning and the sidewalk in accordance with SMC 17.40.060.E.1.e.
5. The applicant may choose to remove one existing middle window instead of replacing it and instead paint a mural approved by the Art and History Commission in accordance with SMC 2.16.040.L. The application for a mural shall be submitted within 180 days of the façade work being finalized. If the proposed mural would constitute a "Sign" as defined in the Seaside Zoning Ordinance, then a new application must be submitted.
6. The applicant may adjust the locations and sizes of doorways and windows subject to approval by the Zoning Administrator. The Zoning Administrator may choose to refer any requested change to the original review authority for review and final action.
7. Landscaped areas, including trees and other plantings, as well as paving, walls, and fences, shall be regularly maintained.
8. Exterior lighting on 510 Broadway Avenue shall match the existing exterior lighting on 500 Broadway Avenue.
9. Compliance with SMC 17.30.070 Outdoor Lighting is to be illustrated in the lighting plans of the building permit plan set.

10. Area lighting shall be designed to minimize the negative effects of lighting the night sky and employ control features so as to avoid light being directed off-site. The light source for externally-illuminated signs must be positioned so that light does not shine directly on adjoining properties or cause glare or shine in the eyes of motorists or pedestrians. All outdoor lighting shall be downlit and fully shielded. No outdoor lights shall be permitted that blink, flash, or change intensity.
11. The Zoning Administrator has the authority to approve minor changes to the landscaping, lighting, and architectural finishes of this project, given changes are kept in a similar design style, the colors and materials are within the same design family (metal, wood, composite siding), and the juxtaposition of the materials and colors achieves a similar design balance and aesthetic.

Engineering and Public Works:

12. The project must implement storm water best management practices (BMPs) during construction. (SMC 8.46)
13. Prior to final inspection, any curb, gutter and sidewalk damaged during construction shall be replaced by a licensed concrete contractor in conformance with the most current applicable engineering standards, and upon the prior issuance of an Encroachment Permit from the Public Work Department.

Standard:

14. Except as modified by the conditions of approval, plans submitted for Building Permits must be in compliance with Exhibit A: Project Plans.
15. The applicant agrees as a condition and in consideration of the approval of this permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

16. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
17. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within 15 days from the date of its approval.
18. This approval shall become null and void unless a Building Permit application is submitted within twelve (12) months of December 20th, 2023. Time extensions may be granted by the original approval body if a written request and associated fee are received by the Community Development Department within 30 days prior to the expiration. This approval shall also become null and void if the implementing Building Permit application expires.
19. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of December 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

Exhibits:

Exhibit A: Project Plans

**ARCHITECTURAL REVIEW APPLICATION No. AR-23-21
RESOLUTION No. 23-XX**

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

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

Applicant's Signature

Date

Property Owner's Signature

Date



② EXISTING ELEVATION
1/4" = 1'-0"



① NEW ELEVATION OPT. 2
1/4" = 1'-0"

Attachment 2 Site Pictures





Picture 1: View of the Broadway Ave. frontage including both 500 and 510 Broadway Ave.





Picture 2: View of the Contra Costa St. frontage (west side).





Picture 3: View of 500 and 510 Broadway Ave. from the alley at the rear of the property.





Picture 4: View of 510 Broadway Ave. showing the east side of the building.





Picture 5: Close-up of 500 Broadway Ave.





Picture 6: View of existing lights on 500 Broadway Ave.



Day-to-Day Explanation of Uses and Their Locations at Deja Blue Event Center - 510 Broadway:

1. Rental Space to the Community and Monterey Peninsula:
 - Deja Blue Event Center, located at 510 Broadway, serves as a versatile rental space for various community and Monterey Peninsula events.
 - This space is open for the public to host a wide range of gatherings and functions, catering to the diverse needs of the local community.
2. Live Music Events:
 - Deja Blue Event Center hosts live music events, providing a platform for local and visiting artists to showcase their talent.
 - These events feature musical performances of various genres and aim to entertain the audience.
3. Plays and Theater Productions:
 - The venue is used for hosting theatrical productions, including plays and drama performances.
 - It provides a stage for actors and directors to present their artistic creations to the audience.
4. Gospel Events:
 - Deja Blue Event Center accommodates gospel events, offering a space for religious gatherings, gospel music concerts, and spiritual celebrations.
 - These events serve the spiritual and cultural needs of the community.
5. Weddings and Quinceañeras:
 - The venue is available for hosting weddings and quinceañeras, marking significant life milestones.
 - Couples and families can celebrate their special occasions in a memorable setting.
6. Public Meetings:
 - Deja Blue Event Center serves as a location for public meetings, enabling community organizations, government bodies, and other groups to convene and discuss important matters.
 - It promotes community engagement and dialogue.
7. Award Shows:
 - The venue is used for hosting award shows and ceremonies to recognize achievements and contributions of individuals or organizations.
 - These events showcase excellence in various fields.

Regarding Alcohol Sales and Consumption at 500 Broadway:

- At 500 Broadway, alcohol sales are currently permitted. However, there is a pending review by the Alcohol Beverage Control (ABC) authority to assess whether the building expansion complies with the required regulations.

RECEIVED

NOV 22 2022

**CITY OF SEASIDE
PLANNING DIVISION**

- Until the ABC review of the new building structure is completed and any necessary approvals are obtained, alcohol sales at 500 Broadway will continue as they have been.

RECEIVED

NOV 22 2023

**CITY OF SEASIDE
PLANNING DIVISION**



CITY OF SEASIDE STAFF REPORT

Item No.: 6.B.

TO: Planning Commission

BY: Eric Azriel, Assistant Planner

DATE: December 13, 2023

SUBJECT: MASTER SIGN PROGRAM MSP-23-02. SIGNS BY VAN, INC., APPLICANT, AND STACEY DIAZ, PROPERTY OWNER, REQUEST APPROVAL OF A MASTER SIGN PROGRAM FOR THE TWO-TENANT SITE LOCATED AT 1020 ORD GROVE AVENUE (APN: 011-102-001) IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 11 UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15311(A)

PURPOSE & RECOMMENDATION

The purpose of this item is to consider Master Sign Program MSP-23-02 for a two-tenant space.

Staff recommends the Commission approve Master Sign Program MSP-23-02 subject to Attached 1: Draft Resolution and Exhibit A: Project Plans.

BACKGROUND

The project proposes the allowance of five signs on the property: four wall signs and one pole sign. The proposed signs have already been installed; this application seeks to obtain an after-the-fact approval for the existing signs.

Site Description

The project is located at 1020 Ord Grove Avenue (APN 011-102-001) in the Regional Commercial (CRG) zoning district at the junction of Del Monte Boulevard and Ord Grove Avenue. The two-tenant site is occupied by Wayside Garage. The property maintains an approximately 80 foot setback from Del Monte Boulevard. Nearby uses include Seaside Inn to the south, World Market in the shopping center to the east, Gas n Save and PDQ Food Mart to the north, and Bill's Monterey Custom Motorcycles to the west across Del Monte Boulevard. Wayside Garage also operates a location on west side of Del Monte

Boulevard, approximately 150 feet to the northwest of the project site.

Project Description

The project proposes a Master Sign Program for Wayside Garage. The Master Sign Program would allow a total of five signs to be installed: two wall signs on each of two facades on Ord Grove Avenue and Del Monte Boulevard, and one pole sign near the corner. All five signs would be constructed from 15 lbs/ft³ High Density Polyurethane.

Project Analysis

Per SMC 17.40.030.B, a Master Sign Program is required for any new sign permit on a single project site with two or more tenants. The building at 1020 Ord Grove Ave is set up for two tenants, although a single tenant occupies both spaces. Because it is a two-tenant space, a Master Sign Program may be created.

Sign Number

Per SMC 17.40.030.B, a Master Sign Program may grant exceptions to the number of allowed signs. Per SMC 17.40.070.B Table 3-16, in structures with multiple tenants, the number and type of allowed signs is determined in accordance with a Master Sign Program.

Master Sign Program application MSP-23-02 proposes five signs:

1. A large graphic wall sign on the Ord Grove Ave. frontage (Sign Location #1)
2. A text-based wall sign on the Ord Grove Ave. frontage (Sign Location #1)
3. A large graphic wall sign on the Del Monte Blvd. frontage (Sign Location #2)
4. A text-based wall sign on the Del Monte Blvd. frontage (Sign Location #2)
5. A pole sign at the corner of Del Monte Blvd. and Ord Grove Ave. (Sign Location #3)

Note that Exhibit A: Project Plans describes the signs by location. Here in this staff report, signs are labeled by type of sign and location because the graphic and text on each facade's wall signs are significantly separated. Attempting to treat the graphics and text as a single sign would result in an inaccurate sign area measurement.

Sign Area

Per SMC 17.40.030.B, a Master Sign Program may grant exceptions to the maximum sign area. This must be based on design features including architectural style, proportion to landscaping, site visibility, and building mass (SMC 17.40.030.B).

If this was a single-tenant site, then 102 square feet (sf.) of sign area would be permitted based on the primary and secondary building frontages, as shown in Table 1 and in accordance with SMC 17.40.070.B Table 3-16. The proposed Master Sign Program extends beyond that limit at 271 sf. as shown in Table 2. However, along Del Monte Blvd., the building facade is set back approximately 80 ft. from the sidewalk. The

visual distance and general scale of buildings along Del Monte Blvd. lend themselves to larger signs. Pictures of this frontage can be seen in Attachment 2 Site Pictures. Along Ord Grove Ave., the distance from the property line to the building facade is smaller at approximately 25 ft. Photographs of the Ord Grove Ave. frontage are included in Attachment 2 Site Pictures.

Table 1. Sign area allowed on an equivalent single-tenant site without a Master Sign Program (MSP)

Frontage type	Frontage length (feet)	Contribution to allowed sign area	Allowed sign area
Primary frontage	68	1 sf. per linear foot	68 sf.
Secondary frontage	68	0.5 sf. per linear foot	34 sf.
Total allowed sign area (w/o MSP)			102 sf.

Table 2. Proposed sign area

Sign type & number (1)	Sign Location	Height of sign (feet)	Width of sign (feet)	Area of sign (square feet)
1. Graphic wall sign	Sign Location #1	15.80	6.25	98.75
2. Text-based wall sign	Sign Location #1	1.33	18.96	25.28
3. Graphic wall sign	Sign Location #2	15.80	6.25	98.75
4. Text-based wall sign	Sign Location #2	1.16	17.86	20.71
5. Pole sign	Sign Location #3	3.21	7.75	24.86
Total				268.35

Sign Height

Maximum height for signs is limited by SMC 17.40.060.C. Freestanding signs are generally limited to 14 ft., although a Master Sign Program may allow them to be taller (SMC 17.40.060.C.1). Signs on structures are limited to the top of the wall to which the sign is attached or as approved by a Master Sign Program (SMC 17.40.060.C.2). The leaf edges of the two graphic wall signs protrude above the top of the wall. This may be permitted by the Master Sign Program.

The pole sign's maximum height is 12 ft., or 2 ft. below the maximum height allowed by SMC 17.40.060.C.1. and SMC 17.40.070.B Table 3-16.

Signs also may not be located within the traffic safety visibility area per SMC 17.40.060.D.4 unless there is a clearance of at least six feet to the bottom of the sign cabinet. The height to the bottom of the pole sign's cabinet is 7.6 ft. and therefore it is outside of any potential traffic safety visibility area concerns.

Analysis

SMC 17.40.030.B states:

A Master Sign Program shall conform to and complement the architectural design and character of the structure erected or to be erected on the project site.

The proposed signs extend higher and are much larger than signs that would be allowed without a Master Sign Program. However, the signs fit the architectural character of the site and are suitable for the greater-than-usual distance from public rights of way.

ATTACHMENTS

1. Attachment 1 Draft Resolution
 2. Exhibit A Project Plans
 3. Attachment 2 Site Pictures
-

**PLANNING COMMISSION
RESOLUTION NO. <XX-XX>**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SEASIDE, STATE OF CALIFORNIA, APPROVING MASTER SIGN
PROGRAM APPLICATION NO. MSP-23-02 FOR THE TWO TENANT
SITE LOCATED AT 1020 ORD GROVE AVENUE (APN: 011-102-001)
IN THE REGIONAL COMMERCIAL DISTRICT.**

WHEREAS, Signs by Van, Inc., applicant, and Stacey Diaz, property owner, applied for Master Sign Program No. MSP-23-02; and

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

WHEREAS, the Planning Commission considered oral comments and written information concerning the Master Sign Program application No. MSP-23-02 at a duly noticed public hearing that the Planning Commission held on December 13th, 2023; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following finding:

1. The project is Categorically Exempt, Class 11, under the California Environmental Quality Act (CEQA) Guidelines Section 15311(a):

Evidence: Approving application MSP-23-02 would allow the placement of five on-premise signs.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission approves Master Sign Program MSP-23-02 subject to the following Conditions of Approval:

Building:

1. Comply with all requirements of the California Building Code, as amended by the City of Seaside and in effect at the time of Building Permit submittal.

Fire Department:

2. Construction must comply with all requirements of the California Fire Code, as amended by the City of Seaside and in effect at the time of Building Permit submittal.

Planning:

3. Landscaped areas, including trees and other plantings, as well as paving, walls, and fences, shall be regularly maintained.
4. Area lighting shall be designed to minimize the negative effects of lighting the night sky and employ control features so as to avoid light being directed off-site. The light source for externally-illuminated signs must be positioned so that light does not shine directly on adjoining properties or cause glare or shine in the eyes of motorists or pedestrians. All outdoor lighting shall be downlit and fully shielded. No outdoor lights shall be permitted that blink, flash, or change intensity.
5. The Director has the authority to approve minor changes to the landscaping, lighting, and architectural finishes of this project, given changes are kept in a similar design style, the colors and materials are within the same design family (metal, wood, composite siding), and the juxtaposition of the materials and colors achieves a similar design balance and aesthetic.

Standard:

6. Except as modified by the conditions of approval, plans submitted for Building Permits must be in compliance with Exhibit A: Project Plans.
7. The applicant agrees as a condition and in consideration of the approval of this permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
8. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
9. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within 15 days from the date of its approval.

10. This approval shall become null and void unless a Building Permit application is submitted within twelve (12) months of December 20th, 2023. Time extensions may be granted by the original approval body if a written request and associated fee are received by the Community Development Department within 30 days prior to the expiration. This approval shall also become null and void if the implementing Building Permit application expires.
11. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of December 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

Exhibits:

Exhibit A: Project Plans

MASTER SIGN PROGRAM APPLICATION No. MSP-23-02
RESOLUTION No. <XX-XX>

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

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

Applicant's Signature

Date

Property Owner's Signature

Date



16130 Highway 156, Salinas, CA 93907
(831) 200-9680
www.signsbyvan.com
License #: 866499

Client: **Wayside Garage**



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APPROVAL SIGNATURE _____

DATE _____



Material/Substrate: 15lb HDU/ Polyurethane

Logo Size: 190" x 75" (15.8' x 7.5')

Thickness: 3.0"

Letter Size: 16" H

Letter Thickness: 1.0"

Applicaton: CNC Routed

Font: Custom

3D: Logo and Letters

Attachment Method: Studs

Quantity: 1, Single-Sided

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DATE _____



Material/Substrate: 15lb HDU/ Polyurethane

Size: 96" x 53.75"

Thickness: 6.0"

Letter Thickness: 4"

Applicaton: CNC Routed

Font: Custom

Letter Thickness: 1.0"

3DLogo Size: 93" x 38.5" relief

Attachment Method: studs

Quantity: Double-sided

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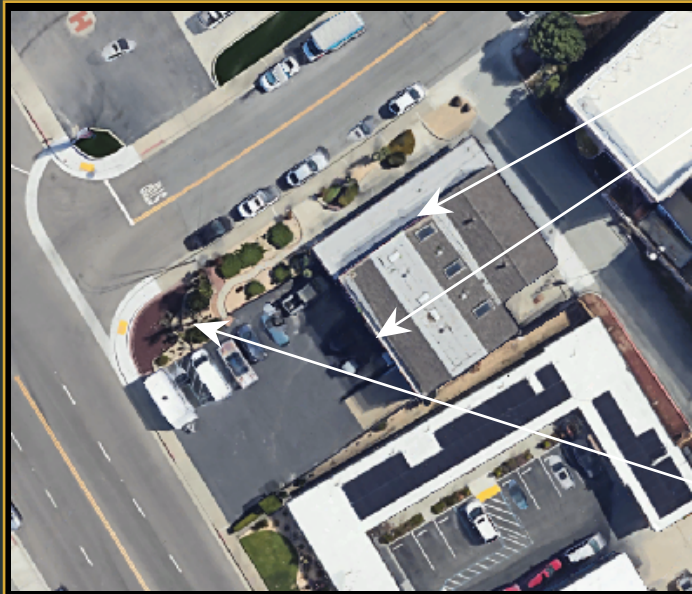


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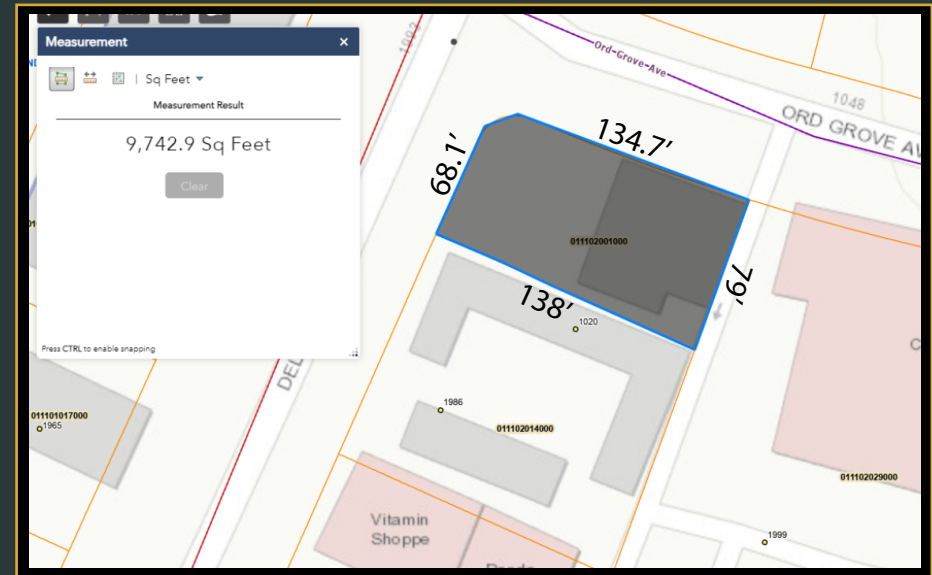
DATE _____



Sign Location #2

Sign Location #1

Sign Location #3



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Attachment 2 Site Pictures





Picture 1: View of Wayside Garage from the pedestrian corner of Ord Grove Ave. and Del Monte Blvd.





Picture 2: View of Wayside Garage from the sidewalk along Del Monte Blvd. The large wall signs appear proportional to the architecture at this distance.





Picture 3: View of Wayside Garage from sidewalk along Ord Grove Ave.





Picture 4: View of Wayside Garage from the opposite side of Ord Grove Ave.





Picture 5: View of Wayside Garage from the sidewalk along Ord Grove Ave.





CITY OF SEASIDE STAFF REPORT

Item No.: 6.C.

TO: Planning Commission

BY: Rick Medina, Senior Planner

DATE: December 13, 2023

SUBJECT: ARCHITECTURAL REVIEW APPLICATION AR-23-20. SEASIDE ACQUISITION GROUP, APPLICANT, AND CITY OF SEASIDE, PROPERTY OWNER, ARE REQUESTING DESIGN REVIEW APPROVAL FOR A NEW GOLF COURSE MAINTENANCE COMPLEX ON THE BAYONET-BLACKHORSE GOLF COURSE LOCATED ON THE SOUTH SIDE OF MONTEREY ROAD APPROXIMATELY 440 FEET EAST OF LUZON ROAD (APN: 031-051-055) IN THE V-FO (FORT ORD VISITOR SERVING COMMERCIAL) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 2 UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15302

PURPOSE & RECOMMENDATION

Architectural Review approval for the construction of a new golf course maintenance complex on the Bayonet and Blackhorse golf course located within the V-FO Zoning District. In accordance with SMC section 17.62.030.B.1., Architectural Review is required for all new construction of nonresidential projects.

BACKGROUND

The proposed project is located on the Bayonet and Blackhorse golf courses, which includes two 18-hole courses and ancillary uses (e.g. clubhouse, parking lot, and golf maintenance buildings). The golf course is owned by the City of Seaside and is currently managed by the applicant in accordance with a leasehold agreement. The Seaside Resort project is also included within the boundaries of the golf course lands. The Location Map is provided as Attachment 2. The Vicinity Map identifying the approved development sites on the Golf Course and Seaside Resort is provided as Attachment 3. In accordance with the terms of the Amended and Restated Development and Disposition Agreement (DDA) of the Resort Project, the Seaside Resort consists of the following components being constructed as a phased development:

1. 330 room Hotel
2. 125 Single Family Homes
3. 175 Time Shares Units

Currently, construction activity on the implementation of the Seaside Resort consists primarily of the subdivision and construction associated with Phases 1-3 of the 125 single family homes by Shea Homes. The site for the hotel project and the time share parcels have been purchased by the applicant, Seaside Acquisition Group. The applicant has received design approval for the construction of the hotel and is proceeding with the submission of a building permit for a proposed Grand Hyatt hotel.

As described in the Seaside Resort EIR, the existing golf course maintenance facility was slated to be relocated at a future date as the current site development is the location of Timeshare Parcel A. The EIR did not provide a specific timeline for the sequence of development. Based on the applicant's current interest as the leasehold for the golf course operations and owner of the timeshare parcels, the applicant is now electing to pursue making the necessary upgrades to the maintenance facilities, which would include the relocation of the maintenance facility complex to the north side of the golf course. The project site off Monterey Road east of Noumea Avenue was listed as the preferred location. It was specified in the EIR that the relocated maintenance facility complex would include similar uses as the existing facility, which includes indoor equipment and supply storage, and outdoor equipment and bulk storage, and a nursery area. The existing maintenance facility will be cleared of existing structures and remain vacant until the future development of time share/hotel/residential buildings.

The proposed site for the new maintenance facility is partly covered with oak woodland cover, and is bisected by a cart path. Military residential housing exists on land across Monterey Road to the north and east. Newly constructed residential housing units by Shea Homes located within Phase 2 of the residential project are located approximately 1,800 feet to the west and separated by open space and tree growth comprised of mature Monterey Cypress and Monterey Pines. The proposed Phase 4 of residential development is located approximately 500 feet to the southeast and separated by a golf course fairway and Oak woodland/Monterey Cypress growth. The new maintenance facility will be separated from the nearest golf course fairway located approximately 500 feet to the south by a dense Oak Woodland area consisting of 121 multi-trunk trees that will be preserved with the project. See Attachment 4 for site photos.

ENVIRONMENTAL REVIEW

In accordance with Section 15302 of the California Environmental Quality Act (CEQA), the proposed project consists of demolishing the existing maintenance facility structures and re-constructing the maintenance facility on a relocated area of the golf course parcel of substantially the same size, purpose and capacity of the existing maintenance facilities that would be demolished. In addition, in accordance with Section 15061(b)(3) of the CEQA Guidelines, based on evidence listed below, it can be seen with certainty that the proposed project is within the scope of the previous analysis in the Seaside Resort Final Environmental Impact Report (FEIR) and no additional environmental review is required.

Evidence: In accordance with Section 15302 CEQA Guidelines, the proposed project would include the demolition of the existing maintenance facilities:

- Outdoor open Fertilizer mixing area – 1,600 Sq./Ft
- Fertilizer and storage building - 2,400 Sq/Ft
- Employee rest and break area - 1,200 Sq./Ft
- Shop and office area - 4,000 Sq/Ft
- Equipment storage building - 1,500 Sq/Ft

Existing Square Footage 9,700 Sq. ft.

The proposed project square footage would include:

- Enclosed Employee office and Employee service area - 3,250 Sq/Ft
- Enclosed Maintenance shop area - 3,600 Sq/Ft
- Open air covered washout and fertilizer mix area - 3,280 Sq./Ft.
- Equipment Storage Building - 432 Sq./Ft.

Proposed Square Footage 10,532 Sq. Ft.

The newly configured land disturbance area with parking for the maintenance complex would be 51,700 Sq. Ft. The existing maintenance facility area is approximately 120,000 sq. ft. The new maintenance facility complex would reduce the footprint of the existing maintenance complex by 50% +-. Based on the consolidation of the new maintenance complex and upgrades to the facilities/structures to comply with current building codes and energy standards, the proposed project would be similar in size and result in reduced environmental impacts to qualify as a Categorical 2 Exemption.

Denise Duffy and Associates (DD&A) has prepared a CEQA Consistency Analysis report provided as Attachment 5. This document outlines the results of biological constraints that surround the project site and identifies the limits of disturbance necessary to avoid any disturbance that would result in a potential significant impact. The results of the analysis addressed the following topics:

- Natural Communities
- Sensitive habitats,
- Special-Status Plant Species, and
- Special-Status Wildlife Species

The review completed by DD&A finds that the area of disturbance for the proposed project is within the scope of the previous analysis in the Seaside FEIR and no additional discretionary actions are required. The proposed project would be required to implement the biological resources mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) (#5-7 and 9-19) of the Seaside Resort FEIR and project conditions associated with biological resources included in the approved Disposition Development Agreement (DDA) (Attachment 1-D, #40-45, 48, 49, 68, 69, and 82-87).

PROJECT DESCRIPTION

The subject site is an approximately 51,000 square foot area on an undeveloped area partly covered with oak woodland cover/remnant and bisected by a cart path. The new golf maintenance complex will consist of one detached structure, two attached structures, and an off-street parking lot on disturbed land area. The site abuts Monterey Road to the north and is adjacent to golf course fairways to south, west and east. Sensitive receptors consist of Military Housing across Monterey Road to the north and residential The new structures and parking lot will be used to contain grounds equipment, materials storage, containment of fertilization mixing and an administrative office/break room/locker room for golf maintenance staff. The project plans are provided as Exhibit "A" to Attachment 1.

A more specific description of the proposed improvements is as follows:

Golf Course Maintenance Structures:

Structure "A" will consist of a detached one-story building totaling 3,250 square feet and will be used as an enclosed administrative office for the golf course superintendent and operations staff. The building will be 18 feet in height and located 20 feet from the edge of the curb along Monterey Road. The exterior materials will consist of Pre-engineered Insulated Metal Panels (IMP) with stone veneer wainscot. Landscape strip and the placement of powder-coated aluminum trellis structures that can accommodate planting material will be featured on the north elevation. The entrance to the facility will face toward the interior driveway.

Structure "B" and Structure "C" will be attached. Structure "B" will have 3,600 square feet and will be used as an enclosed maintenance shop facility. The shop structure will consist of Pre-engineered Insulated Metal Panels (IMP), stone veneer wainscot with vertical ribbed siding on the parapet concealing the metal roof. The buildings will be 18 feet in height and located 20 feet from the edge of the curb along Monterey Road. Landscape strips and the placement of powder-coated aluminum trellis structures to accommodate landscape material will be featured on the northern elevation. Access to Building "B" will be provided via a 10-foot tall roll-up door facing the interior of the driveway for equipment/vehicle entry and three man-doors facing the interior driveway for pedestrian egress/ingress. Building "C" will have 3,280 square feet that will be partially enclosed with solid exterior walls on the north and east side to screen the interior from the public right-of-way on Monterey Road and residential community to the north. The west and south sides of the structure will remain open-air for visual appearance and vehicle access. The exterior siding on the north and east consists of IMP material.

Parking Lot

A surface parking lot with 30 spaces will be provided. 17 perpendicular spaces will be located on the east side of the site with access from a driveway onto Monterey Road. An additional 13 perpendicular spaces will be placed against the retaining wall on the north side of the site and a single van accessible disable space is located between Structure "A" and Structure "B." A 12-foot wide driveway will be provided from Monterey Road on the west side of Building "A."

Tree Removal

A total of 28 trees that exist within the disturbed area of the golf maintenance site will be removed. Another 108 trees are located within the area on the perimeter of the maintenance area between the golf course fairway and the proposed structures/parking lot that will not be disturbed by the project. The trees being removed are listed below:

Oak Trees - 21
Monterey Cypress - 2
Monterey Pine - 5

Trees to remain between the disturbed area and the golf course fairway are listed below:

Oak Trees – 99
Monterey Cypress – 6
Monterey Pine - 3

Site plan identifying the area of disturbance for structures, drive aisles, parking areas and area of tree groves to remain is provided as Attachment 6.

Lighting

Exterior lighting will include the following:

1. Wall sconces mounted to the buildings above entry doors, roll-up doors and bay entrances on the south side of structures.
2. Four 12-foot high pole lights with cutoff fixtures within the parking lot.

Retaining Wall

Retaining walls are proposed, as noted on the project site plan. Retaining walls at the northern elevation will be installed on the property line the length of the structures on the street facing elevation and at the rear of the structures to the south to retain the soil of the undisturbed tree groves from the drive aisle and parking areas. The height of the walls would be 4-5 feet. The estimated grading for the project is 350 cubic yards of cut and 4.695 cubic yards of fill balanced on-site.

Operating Days/Hours

In general, golf course maintenance staff will generally be present between 6 am to 4 pm. Access to the site for golf maintenance employees will be provided by two driveways on Monterey Road. The existing golf maintenance facilities will remain until the new complex is completed.

STAFF ANALYSIS

The development intent is to provide adequate facilities to support future growth while minimizing disturbance to the existing site and visual impact to the course and neighboring home sites. While the administrative offices, locker rooms and employee support spaces will be slab-on-grade metal-clad wood frame construction, the most efficient approach for the clear span maintenance shop and adjoining wash and fertilizer building will be engineered steel. To lessen the impact along Monterey Road a powder-coated aluminum vine trellis structure will be paired with a stucco embossed insulated metal IMP panel. A complementing metal parapet wall is proposed to create visual interest.

Design Compatibility

The demolition and relocation of the existing golf maintenance facility complex is necessary to allow for the area of the existing maintenance facility to be available for the construction of future

housing/time shares/Hotel units on Timeshare Parcel "A" of the Seaside Resort. See Attachment 5 for location of existing maintenance facility and proposed maintenance facility. It was outlined in the Seaside Resort EIR that the relocated golf maintenance buildings and employee parking should be designed and sited to minimize visibility from passerby on Monterey Road as follows:

- Locating building and parking as far back from Monterey Road as possible; and
- Limiting building height to one-story; and
- Using exterior building colors with a LRV of not greater than 45 that blends with the colors of the background vegetation; and
- Siting that minimizes removal of coast live oak trees.

Primary issue with the siting of the structures and parking lot is the topography of site from the south to the north. See Attachment 6 for tree removal and topographic condition. Moving the structures and parking areas away from Monterey Road toward the south side of the site would require a substantial amount of cut and fill plus the removal of a majority of the existing 108 mature trees within this area identified on Attachment 6. It is estimated that a proposed layout placing the structures and parking lot to the south would require approximately 20,000 cubic yards of cut on the southern half of site. A retaining wall of significant height or series of stepped walls would be necessary on the south side. A total of 28 trees would be removed. The majority of the trees within the green shading are mature, multi-trunk and currently serve to screen the golf course from the proposed maintenance area and enhance the golfing experience. The trees to be removed consist of less dense growth and single trunk-coast live oaks.

City staff finds that the architectural and site design of the project on the northern half of site will be consistent with the following directives of the EIR:

1. Minimize tree removal; and
2. Reduce cut and fill which could result in unsightly retaining walls and open the maintenance facility to views from the golf course; and
3. The location of the structures and driveways are oriented away from the residential community to the south to minimize noise and visual impacts of open bay doors; and
4. The parking lot will be setback from the roadway by 20 feet and will have planting within an area in front of the parking lot consisting of Oak trees and Escallonia shrubs on the perimeter of the parking lot facing Monterey Road; and
5. The structures will be setback 17 feet from the face of curb on Monterey Road and include building elevations consisting of vertical siding with galvanized metal trellis to accommodate landscape material to break up building mass and provide visual interest. Additionally, a seven-foot landscape strip in front of the building will include a four-foot tall retaining wall with landscaping consisting of stipa coastal grass; and
6. Five 24-inch Coast Live oaks will be planted on the west side of the site adjacent to the driveway; and
7. Exterior lighting on the buildings and driveway will be placed on the north side of the building to minimize the lighting impact on the nearby residential communities; and
8. The parking lot lighting will consist of four 12-foot tall poles with rectangular cutoff fixture to minimize lighting in residential community; and
9. The architectural design and siting of improvements achieve the least divisive impact on the

biological nature of the disturbed and undisturbed tree groves and minimize both visual and noise impacts of maintenance complex on residential community and passersby. The exterior view from the north will consist of a combination of natural split face stone retaining walls and stone veneer; and embossed metal wall panel that features a flat exterior with embossed stucco texture to mirror the appearance of masonry stucco; metal ribbed roofing on Structure "A"; and a parapet wall system to screen low pitch roof on the metal vertical mounted on Structure "B" and "C" to screen low pitch roof.

10. The proposed layout would result in approximately 350 cubic yards of fill and 4,695 cubic yards of cut. Shifting the development to the southern half of site would result in approximately 20,000 cubic yards of fill and the preservation of a majority of the on-site tree growth.

Findings to support the approval of this project are included in the attached Resolution (Exhibit 1)

CONCLUSION

City staff recommends approval of Architectural Review AR-23-20 for the new golf maintenance facility.

ATTACHMENTS

1. Attachment 1 Draft Resolution Maintenance
2. Attachment 1 Exhibit A Project Plans
3. Attachment 2 Location Map
4. Attachment 3 Seaside Resort Vicinity Map
5. Attachment 4 Site Photos
6. Attachment 5 Biological Monitoring Report Attachment 5
7. Attachment 6 Tree Preservation Area

Reviewed for Submission to the City Council by:


Jaime M. Fontes, City Manager

**PLANNING COMMISSION
RESOLUTION NO. 23-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING ARCHITECTURAL REVIEW APPLICATION NO. AR-23-20 FOR A NEW GOLF COURSE MAINTENANCE COMPLEX ON THE BAYONET-BLACKHORSE GOLF COURSE LOCATED ON THE SOUTH SIDE OF MONTEREY ROAD APPROXIMATELY 440 FEET EAST OF LUZON ROAD (APN: 031-051-055) IN THE V-FO (FORT ORD VISITOR SERVING COMMERCIAL) ZONING DISTRICT.

WHEREAS, Seaside Acquisition Group, applicant, and City of Seaside, owner, applied for Architectural Review No. AR-23-20, and

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

WHEREAS, the Planning Commission considered oral comments and written information concerning the Architectural Review application No. AR-23-20 at a duly noticed public hearing that the Planning Commission held on December 13th, 2023; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following finding:

1. The project is Categorically Exempt, Class 2, under the California Environmental Quality Act (CEQA) Guidelines Section 15302. In accordance with Section 15302 of the California Environmental Quality Act (CEQA), the proposed will consist of demolishing the existing maintenance facility structures and re-constructing the maintenance facility on a relocated area of the golf course parcel of substantially the same size, purpose and capacity of the existing maintenance facilities that would be demolished. In addition, in accordance with Section 15061,b.3 of the CEQA Guidelines, based on evidence listed below, it can be seen with certainty that the proposed project is within the scope of the previous analysis in the Seaside Resort Final EIR (FEIR) and no additional discretionary actions are required.

Evidence: Evidence: In accordance with Section 15302 CEQA Guidelines, the proposed project would include the demolition of the existing maintenance facilities:

- Outdoor open Fertilizer mixing area 1,600 Sq./Ft
- Fertilizer and storage building 2,400 Sq/Ft
- Employee rest and break area 1,200 Sq./Ft

- Shop and office area 4,000 Sq/Ft
- Equipment storage building 1,500 Sq/Ft

Existing Square Footage 9,700 Sq. ft.

The proposed project square footage would include:

- Enclosed Employee office and Employee service area 3,250 Sq/Ft
- Enclosed Maintenance shop area 3,600 Sq/Ft
- Open air covered washout and fertilizer mix area 3,280 Sq./Ft.
- Equipment Storage Building 432 Sq./Ft.

Proposed Square Footage 10,532 Sq. Ft.

The newly configured land disturbance area with parking for the maintenance complex would be 51,700 Sq. Ft. The existing maintenance facility area is approximately 120,000 sq. ft. The new maintenance facility complex would reduce the footprint of the existing maintenance complex by 50% +/- . Based on the consolidation of the new maintenance complex and upgrades to the facilities/structures to comply with current building codes and energy standards, the proposed project would be similar in size and result in reduced environmental impacts to qualify as a Categorical 2 Exemption.

Denise Duffy and Associates (DD&A) has prepared a CEQA Consistency Analysis report provided as Attachment 4. This document outlines the results of biological constraints that surround the project site and identifies the limits of disturbance necessary to avoid any disturbance that would result in a potential significant impact. The results of the analysis addressed the following topics:

- Natural Communities
- Sensitive habitats,
- Special-Status Plant Species, and
- Special-Status Wildlife Species

The review completed by DD&A finds that the area of disturbance for the proposed project is within the scope of the previous analysis in the Seaside FEIR and no additional discretionary actions are required. The proposed project would be required to implement the biological resources mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) (#5-7 and 9-19) of the Seaside Resort FEIR and project conditions associated with biological resources included in the approved DDA (Attachment 1-D, #40-45, 48, 49, 68, 69, and 82-87).

BE IT FURTHER RESOLVED, that the Planning Commission adopts the following findings for Architectural Review Application AR-23-20:

Finding 1: The proposed use is consistent with the General Plan and any applicable specific plan.

The project site is designated Recreational Commercial in the Seaside General Plan. The Recreational Commercial (RGC) designation is primarily for outdoor recreational facilities including golf courses, equestrian centers, public swimming pools, and tennis clubs, with limited amount of residential, visitor accommodation units, and convenience retail uses; associated administrative office uses are allowed if integrated with the principal use. Additionally, the project site for the new golf maintenance facility conjunction of the specific plan was identified as the preferred location in the Seaside Resort project which includes a 330-unit hotel, 170 timeshare/hotel units, and 125 single family residential units to be constructed within the project boundaries of the golf course.

Evidence: The proposed Hotel improvements are consistent with the land uses allowed within the RGC land use designation and the Seaside Resort certified EIR. The proposed Hotel improvements will not exceed the number units planned for the RGC land use designation, and would be within the allowed density, height limits, vehicle circulation, and water allocation that was certified for the EIR. The development intent is to provide adequate facilities to support future growth while minimizing disturbance to the existing site and visual impact to the course and neighboring home sites. While the administrative offices, locker rooms and employee support spaces will be slab-on-grade metal clad wood frame construction, the most efficient approach for the clear span maintenance shop and adjoining wash and fertilizer building will be engineered steel. To lessen the impact along Monterey Road a vine trellis structure will be paired with a stucco embossed insulated metal panel. A complementing metal parapet wall is proposed to create visual interest.

Finding 2: The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code.

The project site is zoned V-FO – Fort Ord Visitor Serving Commercial. This district was established specifically for the former Fort Ord golf course area, to promote development of hotel and resort uses, along with associated commercial recreation uses such as golf courses and recreation-oriented residential uses. A golf maintenance facility to maintain the daily operations of the golf courses and uses appurtenant to these uses are principal allowed uses.

Evidence: Seaside Municipal Code Section 17.24.010 regulates the V-FO district and allows for golf courses as a principal use. The proposed golf maintenance improvements are consistent with the land uses allowed in the V-FO zoning district, as described above.

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

The Seaside Resort Project was approved by the City on July 7, 2005, including plans for a hotel, 125 lot residential subdivision, and timeshare structures within the existing golf courses. The Seaside Resort EIR analyzed environmental effects of the project, including the effects of 330 hotel units, 170 timeshare units (including lock-off units), and 125 single family houses on aesthetics, air quality, biological resources, noise, traffic, and water supply, among others. The proposed golf course maintenance complex will substantially be in compliance with the physical arrangement and location of the golf course fairways and adjoining residential and commercial development on the Seaside Resort project. The arrangement within the site and would not have a different effect on surrounding uses and adjacent lands.

Evidence: The proposed golf maintenance complex and parking lot will not adversely affect the surrounding natural communities, sensitive habitats and special status species on the former fort ord and remain compatible with the golf course area of play and natural setting.

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

Modifications to the design review of the golf course maintenance complex would allow for a design which reduces the overall site disturbance by 69,000 square feet, provides for a height that will not exceed 20-feet and will preserve the existing mature trees that surround the site on the eastern, southern and western boundaries. The proposed golf course maintenance complex improvements do not include any physical changes to already approved buildings or to their arrangement within the site that would either interfere or disrupt access to the hotel and other residential components of the Seaside resort and adjoining land uses. The site is suitable for the proposed development

Evidence: The proposed golf course maintenance complex would allow for architectural and site modifications within the similar boundaries of the Seaside Resort that would not substantially affect the physical arrangement for the development of the Seaside Resort.

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

The Seaside Resort is an approved project intended to utilize the Blackhorse and Bayonet Golf Courses synergistically as a catalyst for economic development within the former Fort Ord. The golf course maintenance complex is intended to further the achievement of that goal by facilitating development of the golf course component of the Seaside Resort. The architectural and site design of the golf course maintenance complex will realize both a higher status and synergistic development for its golf courses. Therefore, the proposed project will promote the public interest. The proposed golf course maintenance complex will not have detrimental effects on public health, safety, convenience, or welfare. The proposed modifications allow additional types of uses, and variations in the number of services to maintain the golf course operations, but these changes will not result in any physical difference in the approved buildings and arrangement of those buildings within the site. The proposed golf course maintenance complex will not be materially injurious to persons, property, or improvements.

Evidence: The proposed golf course maintenance complex will enhance the quality of the golf course in order to promote the City goal of developing synergistic uses within the Blackhorse and Bayonet golf courses with the proposed Seaside Resort. The modifications do not affect the physical designs of the Seaside Resort and would not be detrimental to public health, safety, welfare, convenience, or be materially injurious to persons, property, or improvements, as described above.

BE IT FURTHER RESOLVED, the Planning Commission approves AR-23-20 subject to the following Conditions of Approval:

Building:

1. Comply with all requirements of the 2022 California Building Code, as amended by the City of Seaside.

Fire Department:

2. Construction must comply with all requirements of the 2022 California Fire Code, as amended by the City of Seaside.
3. Construct on-site fire hydrant per timing and water pressure as required by Fire Marshal.

Planning:

4. Except as modified by the conditions of approval, plans submitted for Building Permits must be in compliance with Exhibit A: Project Plans.

5. The proposed project is required to implement the biological resources mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) (#5-7 and 9-18) of the Seaside Resort FEIR listed below:

MMRP #5 (Biological Resources) As part of Improvement Plans, subject to the review and approval of the Community Development Director, a tree removal and replacement plan shall be prepared for each phase of construction. The tree removal and replacement plan shall identify specific grading limits and building footprint siting that minimizes tree removal. Building, street, parking lot and other project facility locations shall be adjusted to the greatest extent feasible to reduce tree removal.

MMRP #6 (Biological Resources) All recommendations identified in the Forest Management Plan for the hotel, timeshare, and residential components of the project shall be included in construction documents and shall be implemented, including tree replacement recommendations, tree protection measures, and tree maintenance recommendations.

MMRP #7 (Aesthetics) The project proponent shall arrange for a registered forester to observe grading and foundation preparation operations, and to assist in field adjustments of building and street locations to minimize tree removal and ensure the health of remaining trees.

MMRP #9 (Biological Resources) Subject to the review and approval of the Public Works Director and Building Official, prior to any grading or site preparation activities, a grading plan for the project shall be prepared, demonstrating that construction grading will complement surrounding topography, minimize habitat disturbance, and utilize landform grading techniques to the greatest extent feasible.

MMRP #10 (Biological Resources) Prior to grading and construction activities, a revegetation plan shall be prepared that provides for revegetation of bare ground in order to minimize the spread of invasive exotics. The revegetation plan shall specify native plants as preferred landscaping materials.

MMRP #11 (Biological Resources) Prior to grading and construction activities, a lighting plan shall be prepared that identifies the location, design, and materials of all proposed exterior lights (permanent and construction period). Exterior lighting shall be minimized and carefully controlled, to the greatest extent feasible, to maintain habitat quality for wildlife in adjacent undeveloped areas. Lighting shall be as unobtrusive as

practical and shall be consistent in intensity throughout the development. Street and parking lot lighting shall be of low stature and of a full cutoff design or include opaque shields to reduce illumination of the surrounding landscape. Lighting shall be directed away from open space areas.

MMRP #11a (Biological Resources) During the appropriate timeframe in the Spring following project approval, in consultation with the Directorate of Environmental and Natural Resources Management, the project proponent shall have a survey for Monterey spineflower conducted by a qualified biologist, to confirm whether Monterey spineflower occurs on the southwestern portion of the project site. If Monterey spineflower is not observed on the project site, no further action shall be required. If Monterey spineflower is observed on the project site, a seedbank salvage program shall be prepared to address material retrieval, material storage, and timing and location of future use.

MMRP #12 (Biological Resources) To the greatest extent feasible, removal and/or substantial limbing of coast live oak trees and associated duff (accumulated organic material) and removal of understory native plant species within oak woodland habitat shall be avoided to minimize disturbance to Monterey dusky-footed woodrat habitat, and removal and/or disturbance to open sandy areas shall be avoided to minimize disturbance to potential black legless lizard and coast horned lizard habitat. Language to this effect shall be included in all construction documents. The project proponent shall arrange for a registered forester and/or biologist to observe grading and foundation preparation operations, and to assist in field adjustments of building locations to minimize habitat removal.

MMRP #13 (Biological Resources) In consultation with USFWS and CDFG, any special-status wildlife species occurring in the project area shall be salvaged and relocated from the project area. Special-status wildlife species potentially located in the project area include black legless lizard, coast horned lizard, and Monterey dusky-footed woodrat. A Memorandum of Understanding (MOU) with CDFG shall be obtained to provide for a wildlife biologist authorized to salvage and relocate special-status wildlife species from the construction zone that may be uncovered during earthmoving activities. Recovered individuals shall be placed in appropriate habitat outside of the project area.

MMRP #14 (Biological Resources) Prior to grading and construction, if these activities are scheduled during the raptor nesting and/or breeding season (generally March 1 through August 1), a qualified biologist shall conduct a pre-construction survey of trees located in and within 200 feet of the construction zone to determine if active raptor nests are present. If active nests are found within the survey area, clearing and construction within 200 feet of the active nest(s) shall be postponed or halted until the nest(s) are vacated and juveniles have fledged and there is no evidence of a second attempt at nesting, at the discretion of the biologist. Alternatively, tree removal and other

construction activities can be scheduled to avoid the nesting season. Language to this effect shall be included in all construction documents.

MMRP #15 (Biological Resources) Prior to commencement of construction activities, a qualified biologist shall be retained to conduct a contractor education program to inform workers of sensitive biological resources in the area, the potential presence of special-status species and their protected status, work boundaries, and measures to be implemented to avoid loss of these species during construction activities.

MMRP #16 (Biological Resources) Prior to grading and construction activities, the grading limits shall be temporarily delineated (e.g., staked or flagged) to avoid inadvertent removal of plants or habitat degradation of areas not proposed for grading and construction. No earthmoving, dumping of spoils, storage of construction materials, staging of equipment, or disposal of construction-related spoils shall be allowed outside the delineated area.

MMRP #17 (Biological Resources) During construction, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project area to avoid attracting wildlife to the project area. Language to this effect shall be included in all construction documents.

MMRP #18 (Biological Resources) During construction, pets on the construction site shall be confined to vehicles or building interiors, or leashed or tethered within areas disturbed by the construction. Language to this effect shall be included in all construction documents.

5. Landscaped areas, including trees and other plantings, as well as paving, walls, and fences, shall be regularly maintained.

6. Area lighting shall be designed to minimize the negative effects of lighting the night sky and employ control features so as to avoid light being directed off-site. The light source for externally-illuminated signs must be positioned so that light does not shine directly on adjoining properties or cause glare or shine in the eyes of motorists of pedestrians. All outdoor lighting shall be downlit and fully shielded. No outdoor lights shall be permitted that blink, flash, or change intensity.

7. Compliance with SMC 17.30.070 Outdoor Lighting is to be illustrated in the lighting plans of the building permit plan set.

8. The Director has the authority to approve minor changes to the landscaping, lighting, and architectural finishes of this project, given changes are kept in a similar design style, the colors and materials are within the same design family (metal, wood, composite siding), and the juxtaposition of the materials and colors achieves a similar design balance and aesthetic.

Engineering and Public Works:

9. The project must implement storm water best management practices (BMPs) during construction. (SMC 8.46)
 - a. Complete and submit the Storm Water Compliance Tracking Form, with signature with building permit application.
 - b. A project specific Erosion and Sediment Control Plan (ESCP) is required of the applicant as part of building permit application.
10. Post-development peak storm water runoff rates shall not exceed predevelopment rate. A pro rata share of the cost of offsite erosion sediment, and flood control improvements and/or for maintenance to the principal drainage way may be required by the City Engineer to handle the increase peak runoff and/or sediment generated by the project. (SMC 15.32.170)
 - a. As part of Building Permit application, develop civil grading and drainage plans to clearly show direction of storm water drainage from new or redeveloped impervious surfaces.
 - b. Drainage shall not be directed to adjacent properties.
11. Prior to final inspection, any curb, gutter and sidewalk damaged during construction shall be replaced by a licensed concrete contractor in conformance with the most current applicable engineering standards, and upon the prior issuance of an Encroachment Permit from the Public Work Department.

Standard:

12. The applicant agrees as a condition and in consideration of the approval of this permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.

13. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
14. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within 15 days from the date of its approval.
15. This approval shall become null and void unless a Building Permit application is submitted and construction begins within 12 months of architectural design approval. Time extensions may be granted by the original approval body if a written request and associated fee are received by the Community Development Department within 30 days prior to the expiration. This approval shall also become null and void if the implementing Building Permit application expires.
16. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of December, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

Exhibits:

Exhibit A: Project Plans

ARCHITECTURAL REVIEW APPLICATION No. AR-23-20
RESOLUTION No. <XX-XX>

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

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

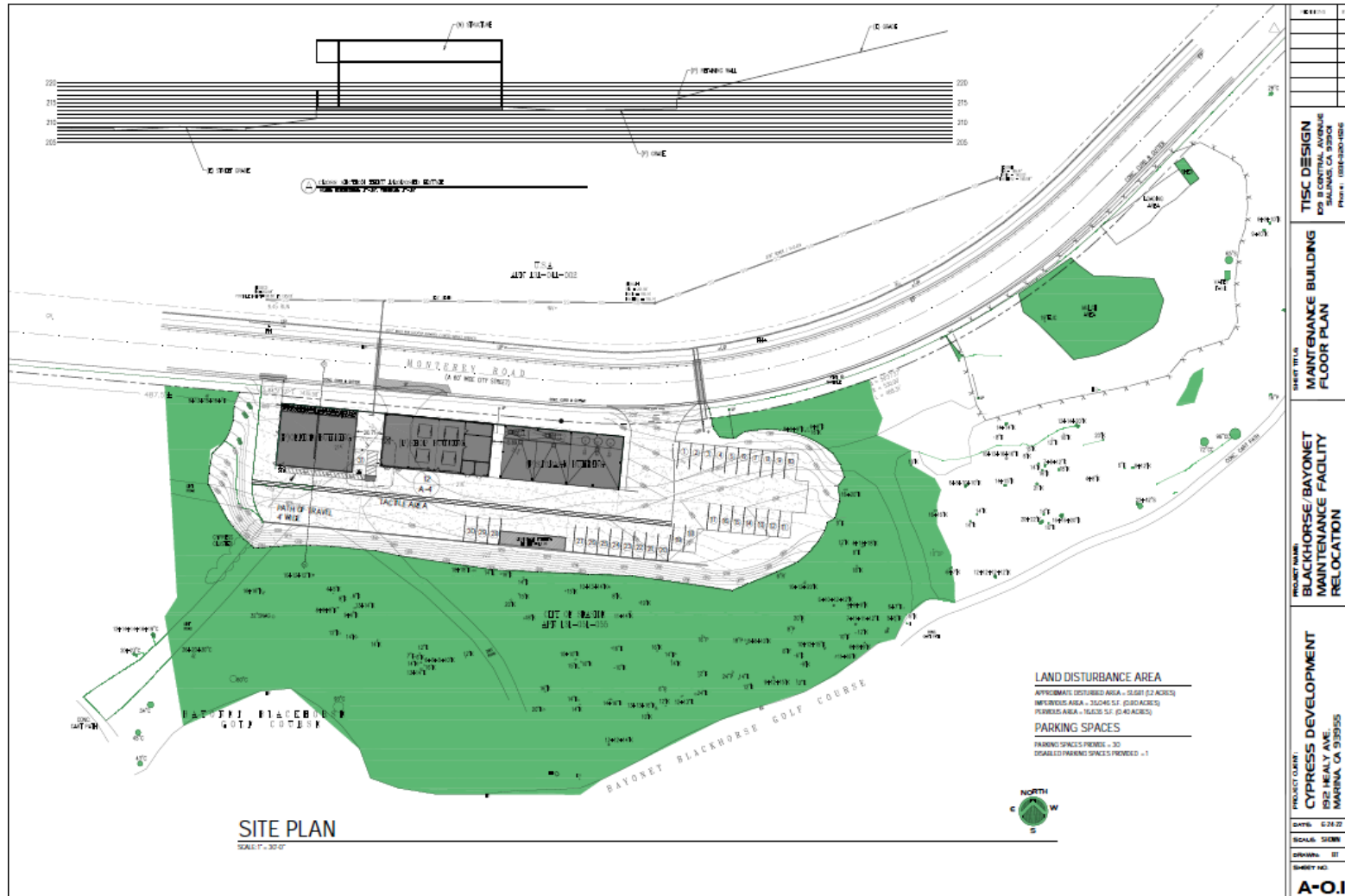
Applicant's Signature

Date

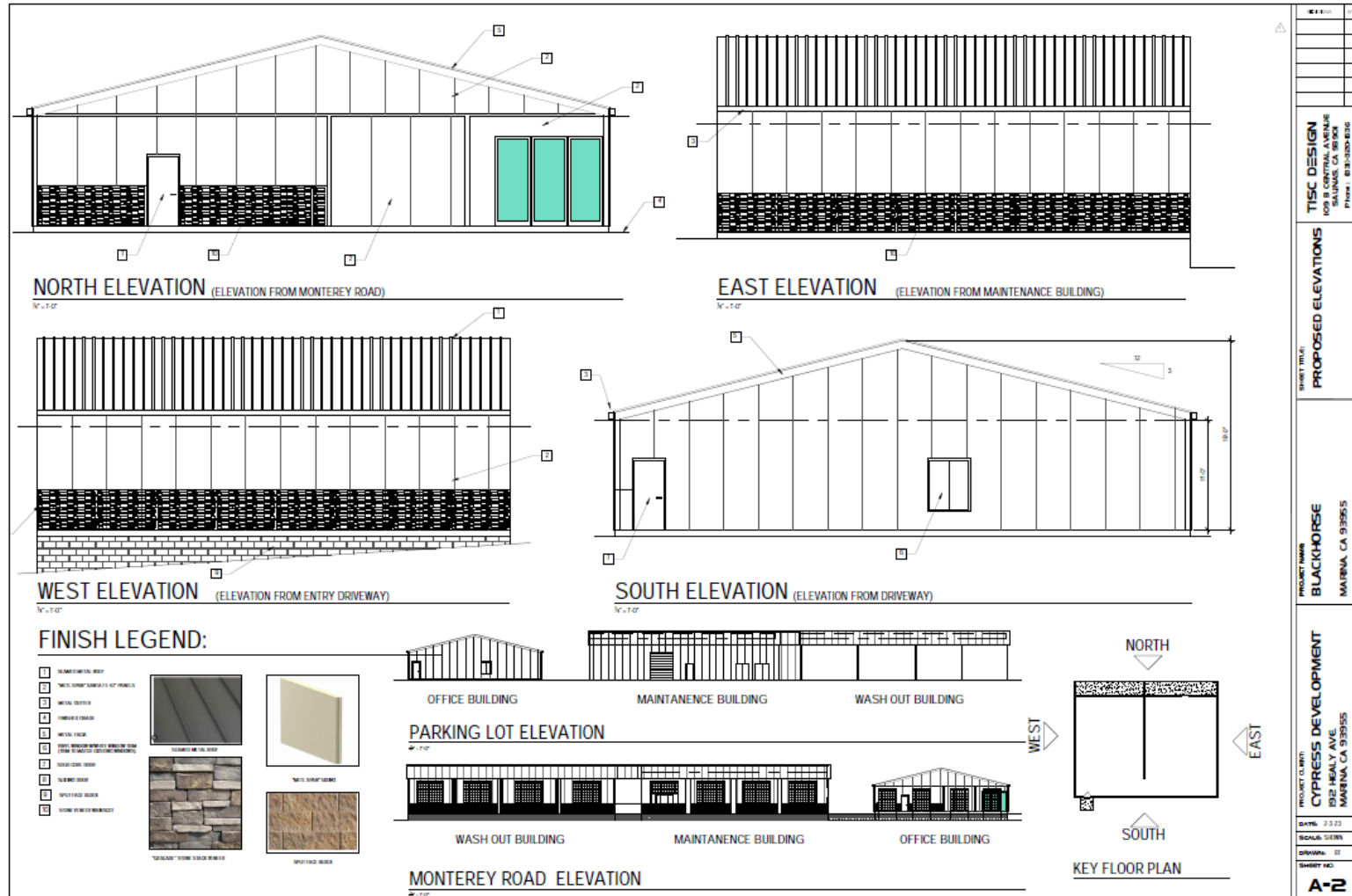
Property Owner's Signature

Date

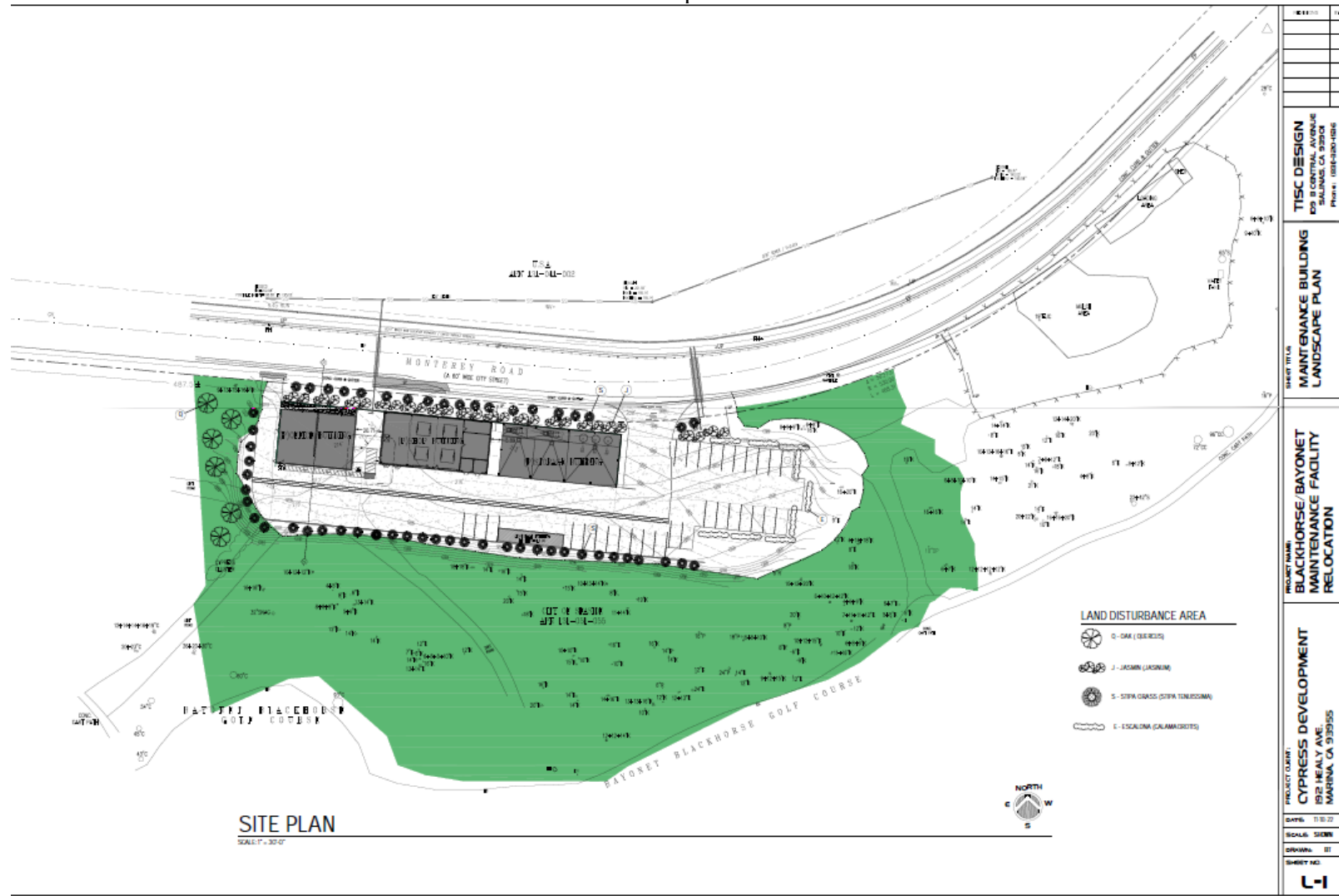
Site Plan



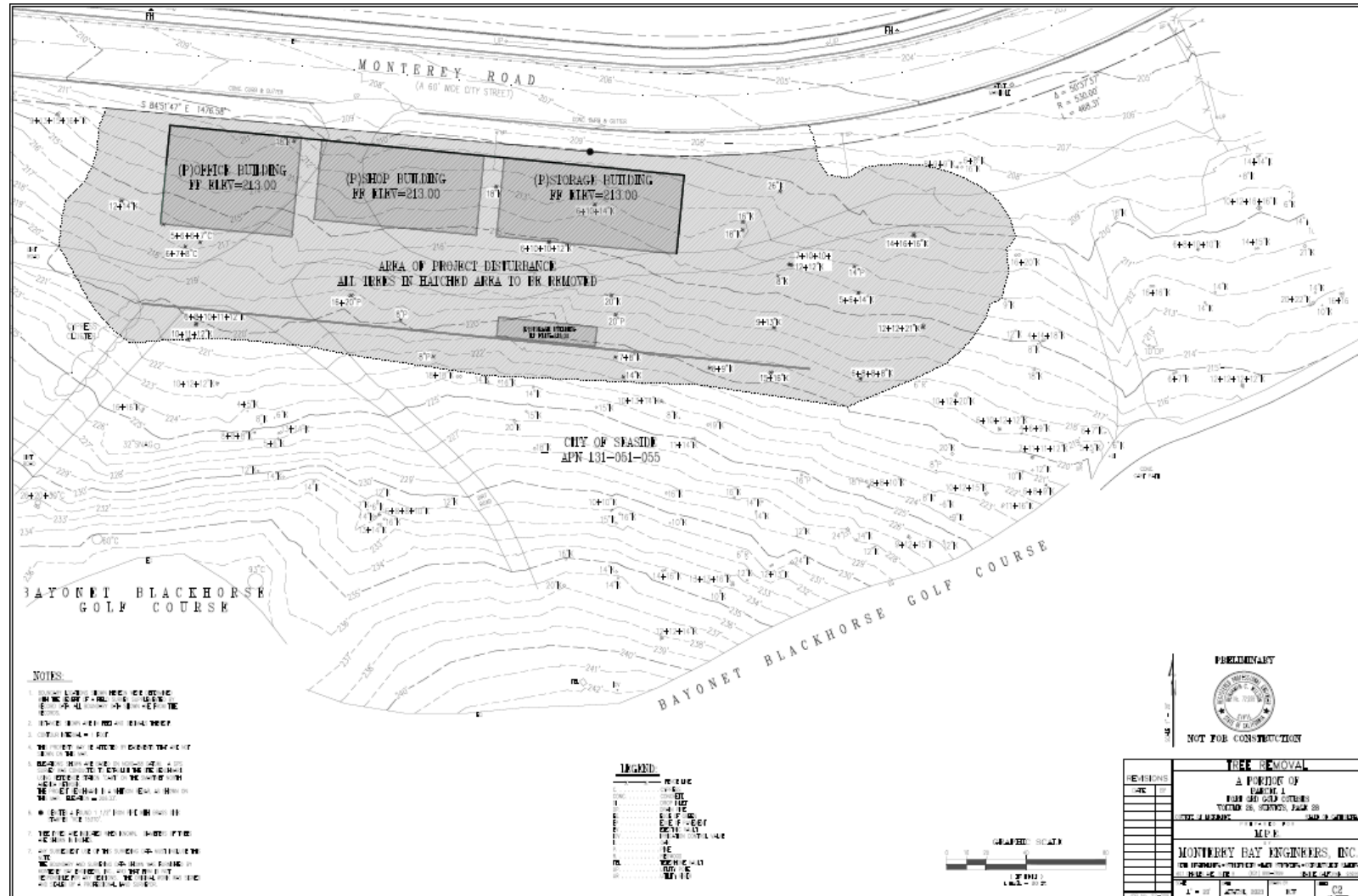
Elevations



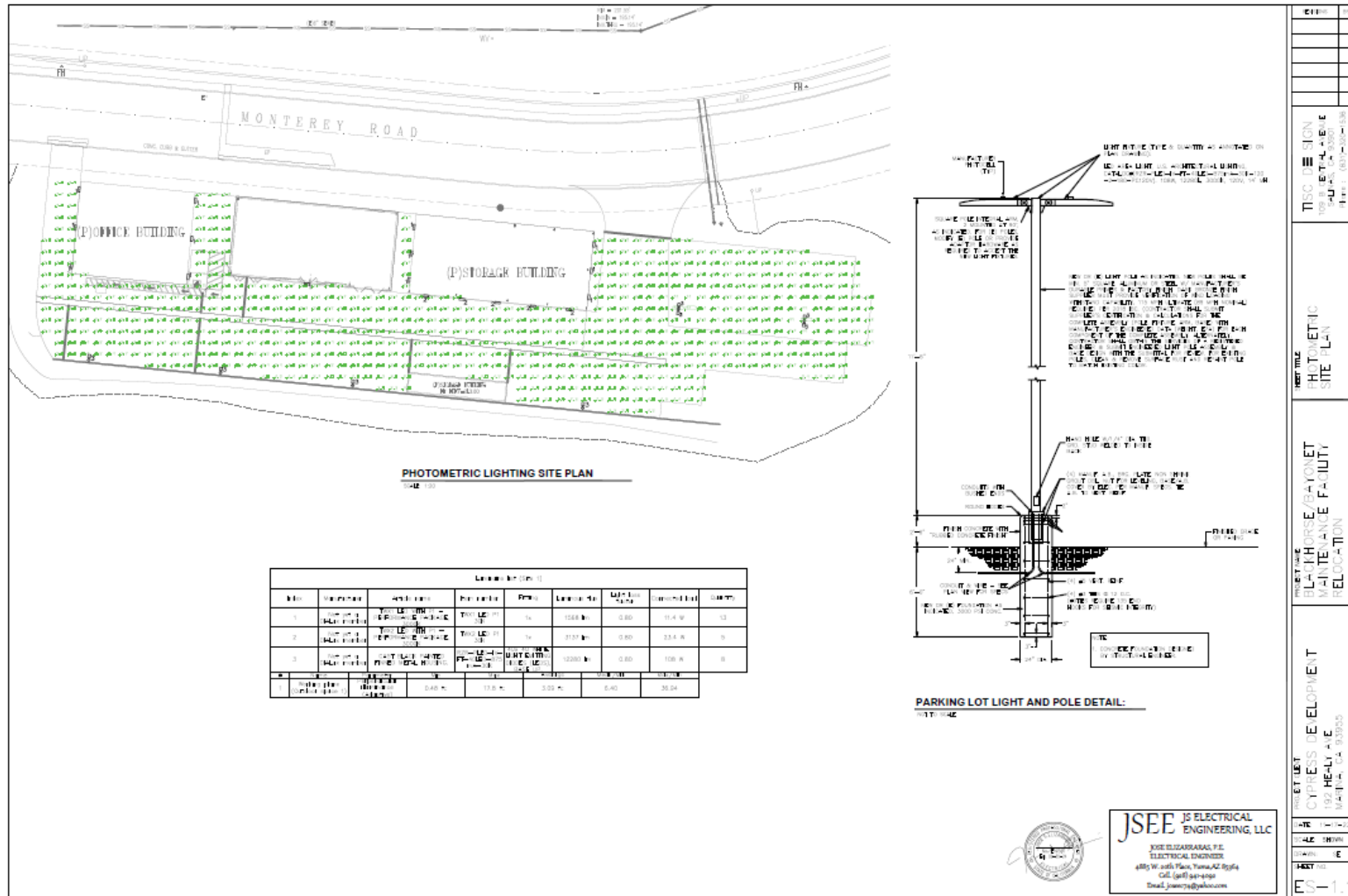
Landscape Plan



Tree Removal



Lighting Plan



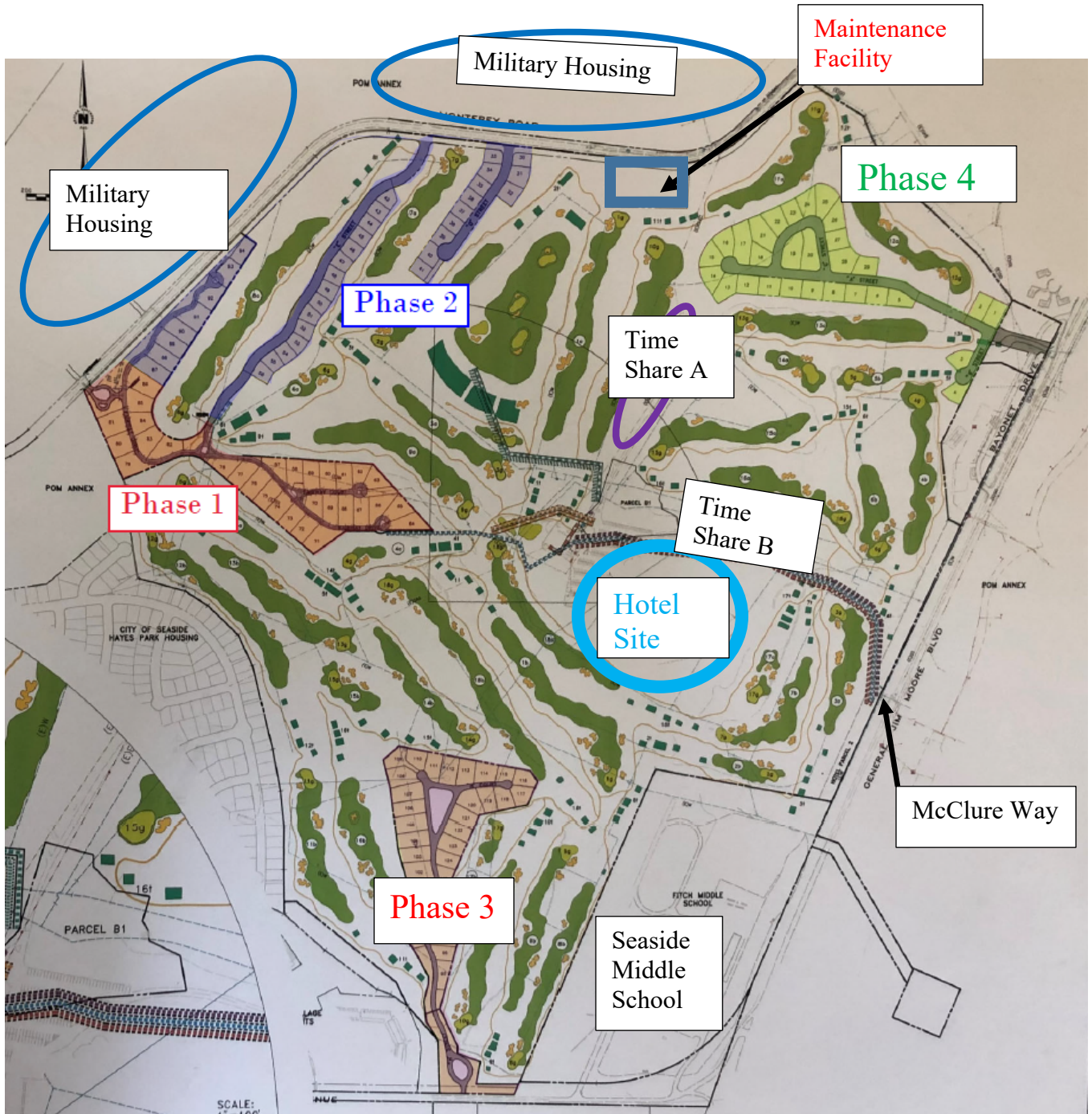
Attachment 2
Location Map



Proposed
Maintenance
Facility

Seaside
Resort and
Golf Courses

Attachment 3
Seaside Resort Vicinity Map



- Resort Residential Sites are listed as Phase 1 thru Phase 4

Attachment 4

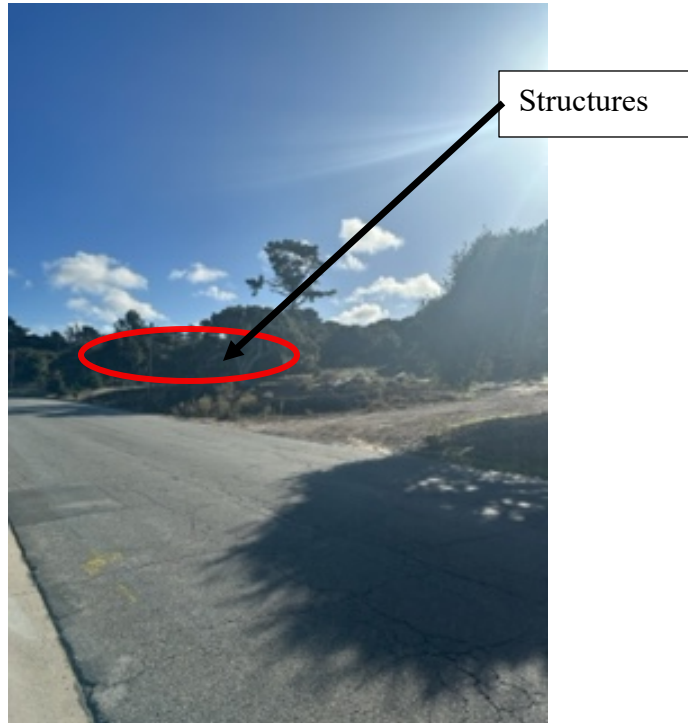
Site Photos



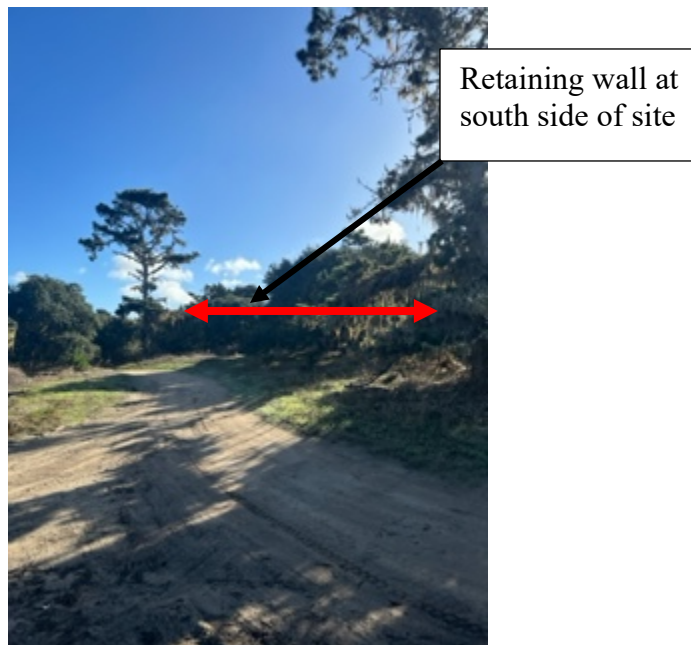
Monterey Road looking west



Monterey Road looking at middle of site



Monterey Road looking east



View of site looking east along perimeter of retaining wall location on south side



Looking at project site from Golf Course



Looking west toward Phase 2 House Area



Looking east on Monterey Road frontage with Military Housing in background



Looking south toward open space area for planting of five Coast Live Oak Trees



DENISE DUFFY & ASSOCIATES, INC.
PLANNING AND ENVIRONMENTAL CONSULTING

October 23, 2023

Rick Medina
Senior Planner
City of Seaside

SUBJECT: Proposal for Mitigation Monitoring and Condition Compliance for the Seaside Resort Hotel Project

Dear Mr. Medina,

Denise Duffy & Associates, Inc. (DD&A) is pleased to submit a proposal to provide mitigation monitoring and condition compliance for the Seaside Resort Hotel (proposed project), located in the City of Seaside (City) in Monterey County, California. In accordance with Mitigation Measures 5-7 and 12-19 from the project's Mitigation Monitoring and Reporting Program (MMRP) and Conditions 40, 42, 43, 69, 82-84, and 86-87 from Attachment No. 1-D of the project's Disposition and Development Agreement (DDA), DD&A will prepare a Tree Removal and Replacement Plan, conduct pre-construction nesting raptor surveys, prepare and implement a Contractor Education Program, conduct construction biological monitoring during grading and foundation preparation operations, relocate wildlife as needed during construction, and conduct multi-year tree monitoring. In accordance with the implementing actions identified in the MMRP, DD&A will also prepare letter reports documenting mitigation and condition compliance.

If the following scope of work and budget are acceptable, please sign and return the attached Authorization to Proceed form and DD&A will schedule the work accordingly. Please do not hesitate to contact me with any questions at (831) 373-4341 ext. 27 or at mjohnson@ddaplanning.com.

Sincerely,

Matt Johnson
Senior Environmental Scientist/Project Manager
DENISE DUFFY & ASSOCIATES, INC.

SCOPE OF WORK

Task 1. Implement Tree Removal and Replacement Plan

In accordance with Mitigation Measures 5 and 6 from the MMRP and Conditions 82 and 83 from Attachment No. 1-D of the DDA, DD&A's certified arborist will supervise the installation and implementation of the Tree Removal and Replacement Plan which reflects the recommendations of the Forest Management Plan from the project's Environmental Impact Report (EIR). The plan, which has been prepared by the project proponent, identifies specific grading limits and building footprint siting that minimizes tree removal for the Project. DD&A will identify the trees being preserved and/or not being affected and provide guidance on the protection of trees being preserved that are near the construction site. DD&A will also provide typical tree protection methodologies for deployment on the Project.

Deliverable(s): Recommended Tree Protection Methodologies

Task 2. Pre-Construction Raptor Surveys

In accordance with Mitigation Measure 14 from the MMRP and Condition 42 from Attachment No. 1-D of the DDA, if construction is scheduled during the raptor nesting and/or breeding season (generally March 1 through August 1) DD&A biologists will conduct a pre-construction survey of trees located in and within 200 feet of the construction zone to determine if active raptor nests are present. If active nests are found within the survey area, DD&A will identify a 200-foot buffer of the active nest(s) where project activities shall be postponed or halted until the nest(s) are vacated and juveniles have fledged and there is no evidence of a second attempt at nesting, at the discretion of the biologist.

Deliverable(s): Pre-Construction Raptor Survey Report

Task 3. Prepare and Implement Contractor Education Program

In accordance with Mitigation Measure 15 from the MMRP and Condition 43 from Attachment No. 1-D of the DDA, DD&A will prepare and conduct a contractor education program prior to commencement of construction to inform workers of sensitive biological resources in the area, the potential presence of special-status species and their protected status, work boundaries, and measures to be implemented to avoid loss of these species during construction. A project pamphlet or fact sheet conveying this information will be prepared for distribution. This task assumes that DD&A will be responsible for conducting the Contractor Education Program as part of initiation prior to the start of construction-related activities.

Deliverable(s): Contractor Education Program (Pamphlet or Fact Sheet)

Task 4. Construction Biological Monitoring

In accordance with Mitigation Measures 6, 7, and 12 from the MMRP and Condition 87 from Attachment No. 1-D of the DDA, DD&A's certified arborist/construction monitors will monitor grading and foundation preparation operations and assist in field adjustments of building and street locations to minimize tree removal and ensure the health of remaining trees and to minimize removal of habitat for Monterey dusky-footed woodrat habitat, black legless lizard, and coast horned lizard. As required by the implementing action in the MMRP for Mitigation Measure 13, DD&A will create a daily log documenting construction activity for the construction crew to maintain. Following grading and foundation preparation operations, DD&A

will train one member of the construction crew to act as the construction monitor and maintain the daily log of construction activities.

In accordance with Mitigation Measure 13 from the MMRP and Condition 40 from Attachment No. 1-D of the DDA, DD&A will be available on-call to salvage and relocate any Monterey dusky-footed woodrat, black legless lizard, or coast horned lizard that may be uncovered within the construction zone during earthmoving activities. DD&A will place any recovered individuals in appropriate habitat outside the Project area.

Monthly during construction, DD&A's certified arborist will prepare a Monthly Biological Monitoring Log with photographic documentation certifying that tree replacement measures and the oak woodland habitat protection measures required by Mitigation Measures 6 and 12, respectively, have been satisfactorily implemented. In addition, the letters will include documentation that the flagging or staking around the project grading limits are intact (per Mitigation Measure 16). If necessary, DD&A will identify any non-compliance issues and recommend actions to return the project to compliance.

Typically, construction monitoring and the presence of construction monitors/certified arborists is greater during the initial vegetation removal and grading portion of project construction and wanes as the project site is developed. Following the initial vegetation removal and grading phase of the project construction monitoring and the presence of construction monitors and certified arborists will be reduced to a weekly and on-call basis. This task assumes that construction monitoring will last up to 2 years. If the project exceeds this schedule, a contract amendment may be required. This task assumes that DD&A's existing scientific collecting permits, issued by CDFW, will function as the Memorandum of Understanding (MOU) required by Mitigation Measure 13 and Condition 40 to authorize salvage and relocation of special-status wildlife species. Therefore, additional coordination with CDFW to authorize salvage and relocation of special-status wildlife is not anticipated or included as part of this task. If requested, DD&A is available to provide this service; however, a contract amendment would be required.

Deliverable(s): Monthly Biological Monitoring Log

Task 5. Multi-Year Tree Monitoring

In accordance with Condition 84 from Attachment No. 1-D of the DDA, DD&A's qualified arborist will inspect replacement and/or salvaged and relocated trees two years and five years following planting to determine if the trees are in good health and vigor. DD&A will prepare and submit monitoring reports to the project proponent that identifies health conditions of each tree and recommends actions, if determined necessary, to ensure survival and health of replacement and/or salvaged and relocated trees.

This task assumes that tree replacement will be successful and additional tree planting and monitoring will not be required. If additional monitoring is required beyond the two- and five-year monitoring events, a contract amendment may be required.

Deliverable(s): Two Monitoring Reports (One [1] at Year 2 and One [1] at Year 5)

Task 6. Prepare Certification Letters and Documentation Reports

The MMRP requires that the project biologist and arborist prepare letter reports for submittal to the City's Public Works Department or Community Development Department certifying that the project is implementing the mitigation measures for biological resources identified in the MMRP. The following subtasks identify the certification letters and documentation reports which DD&A will prepare as part of this task.

Task 6.1. Pre-Development Permit Certification Letter

As required by the MMRP for Mitigation Measures 9, 10, and 11, DD&A will review the project's grading, revegetation, and lighting plans and prepare a letter certifying that the plans include satisfactory habitat protection. In addition, the letter will review construction documents and certify that they include satisfactory language (as identified in Mitigation Measures 6, 12, 14, 17, and 18) for tree and wildlife protection during construction. DD&A will respond to one round of comments from City on a draft letter and prepare a final letter for submittal to the City prior to issuance of development permits.

Deliverable(s): Draft and Final Certification Letter

Task 6.2. Pre-Construction Certification Letter

As required by the MMRP for Mitigation Measures 15 and 16, DD&A will prepare a letter verifying that the project's grading limits have been temporarily delineated (e.g., with stakes or flagging) and the educational program identified in Task 4 has been completed, noting date(s) subject(s) covered, material(s) distributed, and attendees and affiliation with the project. DD&A will respond to one round of comments from City on a draft letter and prepare a final letter for submittal to the City prior commencement of development activities.

Deliverable(s): Draft and Final Certification Letter

Task 6.3. Post-Construction and Tree Replacement Documentation Report

As required by the MMRP for Mitigation Measures 5 and 7, DD&A will prepare a letter report with photographic documentation describing the road or structure relocations made and the number of trees affected during the project and certifying that tree replacement has been satisfactorily implemented. DD&A will respond to one round of comments from the City on a draft report and prepare a final report for submittal to the City's Community Development Department.

Deliverable(s): Draft and Final Certification Report

Task 6.4. Pre-Construction Monterey Spineflower Survey Results Technical Memo

As required by the MMRP for Mitigation Measures 11a, DD&A will prepare a Technical Memo detailing the results of surveys that were conducted on the project property during the 2022 blooming period for Monterey spineflower. DD&A will respond to one round of comments from City on a draft Technical Memo and prepare a final Technical Memo for submittal to the City prior to issuance of development permits.

Deliverable(s): Draft and Final Technical Memo

BUDGET

The cost per task to complete tasks identified above is detailed in the attached spreadsheet. The project will be billed on a time and materials basis by task with a not to exceed amount of \$152,945.00.

SCHEDULE

DD&A is available to perform this work immediately after the attached Authorization to Proceed is signed by an authorized representative and all required project information has been received.

ASSUMPTIONS

Excepting certification or documentation letters from the project biologist or arborist (see Task 6 above), this scope of work and budget does not include the tasks identified in Mitigation Measures 9, 10, 11, 11a, 16, 17, 18 from the MMRP or Conditions 41, 44, 45, 48, 49, 68, 69, 85, 86 from Attachment No. 1-D of the DDA (i.e., preparing a revegetation plan, lighting plan, grading plan, or plant palette, conducting Monterey spineflower surveys, delineating the project grading limits, and enforcing construction-phase measures such as trash removal and pet restrictions). It is DD&A's understanding that these tasks have already been completed (i.e., Monterey spineflower surveys) or will be completed by the project proponents' engineer, landscaper, or contractor.

ATTACHMENTS

Attachment 1. Budget by Task.

Attachment 2. Authorization to Proceed.

Denise Duffy & Associates, Inc.
Budget for Mitigation and Condition Compliance
for
Seaside Resort Hotel

TASKS #	Tasks	Project Manager	Senior Env. Scientist	Arborist	Associate Env. Scientist	Assistant Env. Scientist	GIS/Graphics	Administrative Manager	Task Total
	Rate	\$ 159.00	\$ 148.00	\$ 148.00	\$ 121.00	\$ 112.00	\$ 115.00	\$ 94.00	
1	Prepare Tree Removal and Replacement Plan	2		24	24		4	2	\$ 7,422
2	Pre-Construction Raptor Surveys	2	4		6	6	2		\$ 2,538
3	Prepare and Implement Contractor Education Program	2	2			4	4	2	\$ 1,710
4	Construction Biological Monitoring	100		400		400		4	\$ 120,276
5	Multi-Year Tree Monitoring	10		24	24			4	\$ 8,422
6	Prepare Certification Letters and Documentation Reports	8	4	16	--	20	14	5	\$ 8,552
6.1	<i>Pre-Development Permit Certification Letter</i>	2	2	4		4	4	2	\$ 2,302
6.2	<i>Pre-Construction Certification Letter</i>	2	2	4		4	4	1	\$ 2,208
6.3	<i>Post-Construction and Tree Replacement Documentation Report</i>	2		8		4	4	1	\$ 2,504
6.4	<i>Pre-Construction Monterey Spineflower Survey Results Technical Memo</i>	2				8	2	1	\$ 1,538
Total DDA hours by person		124	10	464	54	430	24	17	
Total DDA cost by person		19,716	1,480	68,672	6,534	48,160	2,760	1,598	\$ 148,920

Expenses	
Misc (GPS equipment, supplies, production, etc.)	\$500.00
Mileage	\$3,000.00
Administrative Fee (15%)	\$525.00
Total	\$4,025.00

TOTAL	\$ 152,945
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AUTHORIZATION TO PROCEED



Note: If the scope and fee described in the Denise Duffy & Associates, Inc. attached proposal are acceptable, please sign and return a copy of this authorization form for our files. The signature below also serves as acceptance of Denise Duffy & Associates, Inc. Standard Terms and Conditions, attached. Thank you.

Project Name: Mitigation Monitoring and Condition Compliance for the Seaside Resort Hotel Project

Accepted by (signature): _____ **Dated:** _____

Print Name: _____

Title: _____

On Behalf of: _____

Mailing Address: _____

Phone: _____

Fee/Scope Confirmation: Not To Exceed \$152,945.00

Existing Contract Date, if applicable: _____

If invoice should be sent to a different person or location, please complete below:

Mailing Address: _____

Attention: _____

Return to: Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, CA 93940

Or email: mechevarria@ddaplanning.com

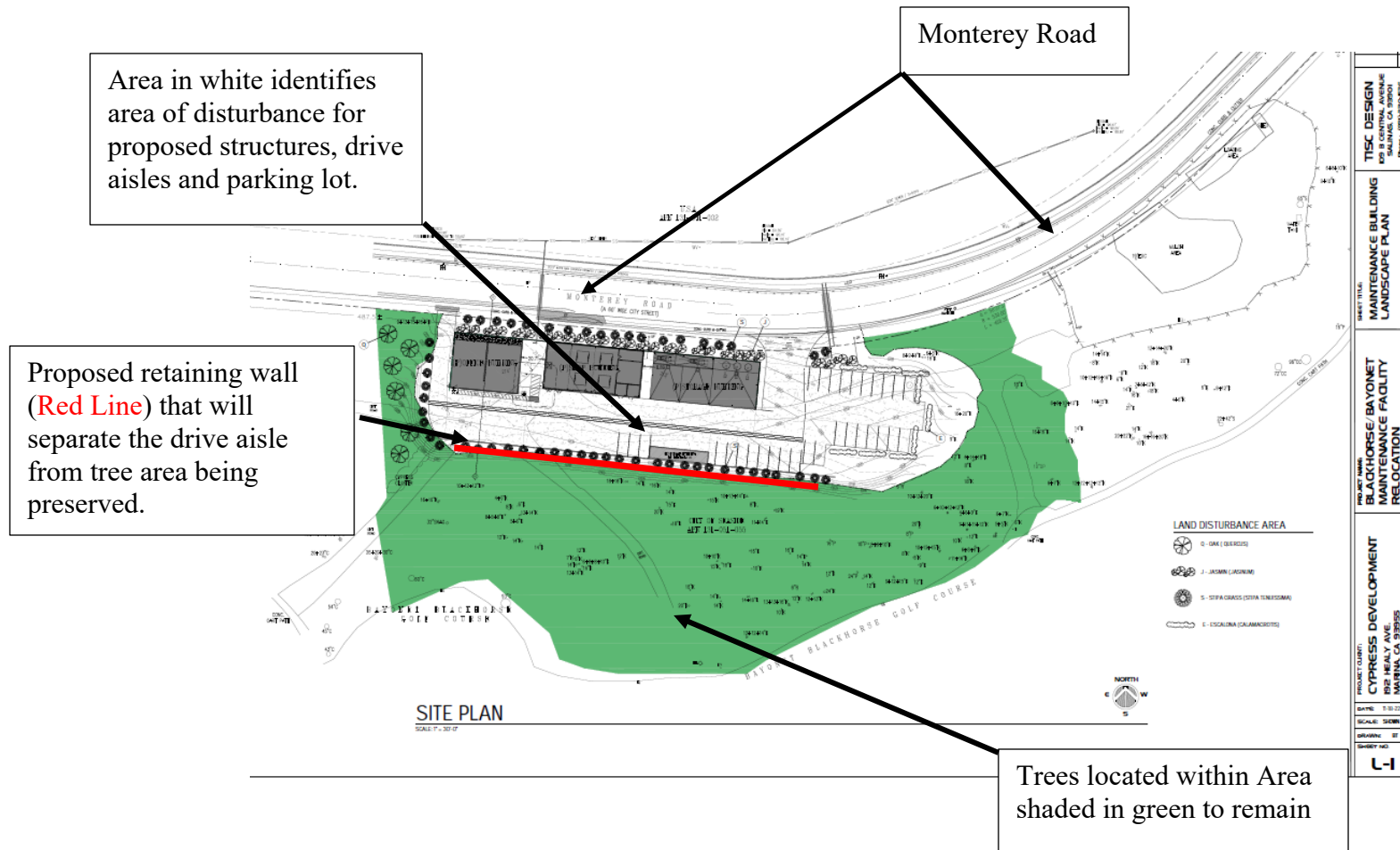
DENISE DUFFY & ASSOCIATES, Inc.
STANDARD TERMS AND CONDITIONS

Invoices	Denise Duffy & Associates, Inc. will submit progress invoices to Client at least as frequently as monthly and a final bill upon completion of services. Each invoice is due on presentation and is past due thirty (30) days from invoice date. Client agrees to pay a finance charge equal to 1.5% on undisputed past-due accounts.								
Workers' Compensation Insurance	Denise Duffy & Associates, Inc is protected by Worker's Compensation Insurance as required by applicable state law. Proof of insurance will be provided to Client upon request.								
General Liability Insurance and Limitation	Denise Duffy & Associates, Inc. is covered by, and agrees to maintain, general liability insurance for bodily injury and property damage arising directly from its negligent acts or omissions, with limits as specified below. Certificates of insurance shall be provided to Client upon request. Denise Duffy & Associates, Inc. shall not be responsible for any loss, damage or liability beyond the amounts, limits and conditions of such insurance as noted below. Denise Duffy & Associates, Inc. shall not be responsible for any loss, damage or liability arising from any act or omission by Client, its agents, staff; other consultants, independent contractors, third parties or others working on the project that have not been hired by Denise Duffy & Associates, Inc. and over which Denise Duffy & Associates, Inc. has no supervision or control. <table> <tr> <th><u>COVERAGES</u></th><th><u>LIMITS OF LIABILITY</u></th></tr> <tr> <td><u>General Liability</u> (Including Bodily Injury, Property Damage and Contractual Liability)</td><td>\$1,000,000 each Occurrence \$2,000,000 Aggregate</td></tr> <tr> <td><u>Automobile Liability</u> (Including Bodily Injury and Property Damage)</td><td>\$1,000,000 each Occurrence</td></tr> <tr> <td><u>Professional Liability</u></td><td>\$1,000,000 each Occurrence \$1,000,000 Aggregate</td></tr> </table>	<u>COVERAGES</u>	<u>LIMITS OF LIABILITY</u>	<u>General Liability</u> (Including Bodily Injury, Property Damage and Contractual Liability)	\$1,000,000 each Occurrence \$2,000,000 Aggregate	<u>Automobile Liability</u> (Including Bodily Injury and Property Damage)	\$1,000,000 each Occurrence	<u>Professional Liability</u>	\$1,000,000 each Occurrence \$1,000,000 Aggregate
<u>COVERAGES</u>	<u>LIMITS OF LIABILITY</u>								
<u>General Liability</u> (Including Bodily Injury, Property Damage and Contractual Liability)	\$1,000,000 each Occurrence \$2,000,000 Aggregate								
<u>Automobile Liability</u> (Including Bodily Injury and Property Damage)	\$1,000,000 each Occurrence								
<u>Professional Liability</u>	\$1,000,000 each Occurrence \$1,000,000 Aggregate								
Termination	This Agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure of performance by the other party or if the Client suspends the work for more than three months. In the event of termination, Denise Duffy & Associates, Inc. shall be paid for the services performed prior to the termination notice date plus reasonable termination expenses, including the cost of completing analysis, records and reports necessary to document job status at the time of termination.								
Fees	Denise Duffy & Associates, Inc. agrees to provide services covered by this Agreement on a time and material basis. If the project requirements expand beyond the scope of services covered by this Agreement, an additional Service Agreement or a written addendum to this Agreement shall be entered into to cover the revised scope and fee. Should Client authorize a revision in the scope of services without a revision to this								

	agreement, Denise Duffy & Associates, Inc. shall be compensated for the services actually performed.
Notices	Communications from the Client shall be to Denise Duffy & Associates, Inc. designated Project Manager or to the Denise Duffy & Associates, Inc. Principal-in-Charge of the project. Verbal communications shall be confirmed in writing.
Disputes	If a dispute arises regarding the performance of the services covered by this Agreement, and legal or other costs are incurred, it is agreed that the prevailing party shall be entitled to recover all reasonable costs incurred in the defense of the claim, including staff time at current billing rates, court costs, attorney's fees, and other claim-related expenses.
Indemnification	Client and Denise Duffy & Associates, Inc. each agrees to indemnify and hold harmless the other (Indemnitor and Indemnitee), and their respective officers, directors, partners, authorized agents and employees from and against any damages, losses, liabilities, judgments, settlements, expenses, and costs (including reasonable and necessary attorneys' fees, costs and expenses), arising out of the death or bodily injury to any person or destruction or damage to any property, to the extent caused by the Indemnitor's negligent acts, errors or omissions, or willful misconduct in the performance of services under this Agreement and anyone for whom the Indemnitor is legally liable. Indemnitor shall only be required to reimburse Indemnitee for its reasonable defense fees and costs, including reasonable attorney's fees, costs and expenses, in direct proportion to Indemnitor's negligence on a percentage basis as ultimately determined by a court of competent jurisdiction and further, only to the extent such fees and costs were directly attributable to Indemnitee's defense of a suit based on Indemnitor's actual negligence. The Indemnitor is not obligated to indemnify the Indemnitee for the Indemnitee's own negligence or willful misconduct
Entire Agreement	These General Conditions shall be used in combination with a Service Agreement, a proposal, or a contract. These combined documents shall be the entire Agreement and shall supersede any other agreement between Client and Denise Duffy & Associates, Inc. relating to the subject matter. In case of conflict or inconsistency between these General Conditions and any other contract documents, the stricter provisions shall control.

Attachment 6

Location of existing trees to remain





CITY OF SEASIDE STAFF REPORT

Item No.: 6.D.

TO: Planning Commission

BY: Beth Rocha, Senior Planner

DATE: December 13, 2023

SUBJECT: ARCHITECTURAL REVIEW APPLICATION AR-23-16. CHARLIE HAZELBAKER OF KB BAKEWELL, APPLICANT, AND GREATER VICTORY TEMPLE CHURCH, OWNER, REQUEST ARCHITECTURAL REVIEW APPROVAL FOR A NEW THREE-STORY, 21-UNIT MULTIFAMILY AFFORDABLE HOUSING PROJECT LOCATED AT 1620 BROADWAY AVENUE (APN: 012-631-003) ON THE GREATER VICTORY TEMPLE CHURCH SITE IN THE HIGH-DENSITY RESIDENTIAL (RH) ZONING DISTRICT. THIS PROJECT IS EXEMPT CLASS 32 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332

PURPOSE & RECOMMENDATION

The purpose of this item is for the Commission to consider AR-23-16 in accordance with SMC 17.62.030.

BACKGROUND

On June 1, 2023 the City Council adopted the second reading of the General Plan amendment to change the land use designation of the property from Medium-Density Single-Family Residential (RS-12) to High-Density Residential (RH). This Architectural Review application has been filed by KB Bakewell, the developer of Campus Town, to partially meet the Offsite Affordable Housing requirements of the Campus Town Affordable Housing Agreement. If approved, the proposed development will satisfy 21 of 45 offsite affordable housing units required for Phase I, or 21 of 225 affordable housing units for the entire development.

ENVIRONMENTAL DETERMINATION

This project is exempt from the California Environmental Quality Act pursuant to Class 32, Section 15332 – In-Fill Development. This section exempts projects that are consistent with general plan and zoning regulations, that are within city limits on sites less than 5 acres in size, can be served by all required utilities, do not have any habitat value, and do not result in any significant effects relating to traffic, noise, air quality, or water quality.

Evidence: The project and site meet these criteria as follows, the General Plan Designation for this site is High Density Residential (RH), which allows for multi-family residences at densities of up to 25 dwelling units per acre. Dwellings include apartments, townhomes, and condominiums and the proposed multifamily development is consistent with the General Plan; and the project is consistent with the regulations of the High Density Residential (RH) zoning district, with the exception of Affordable Housing Concessions; and the project site is 1.99 acres, can be served by all required utilities, does not have any habitat value, and does not result in any significant effects relating to traffic, due to being located within one-half mile of a major transit stop or along an existing high-quality transit corridor; the project will not result in any significant effects relating to noise, air quality, or water quality. The proposed project would not result in a significant increase in vehicle miles traveled (VMT) and as a result the proposed project would not have significant construction nor operation-related traffic impacts. Per CEQA Guidelines Section 15064.3(b)(1), traffic impacts are less than significant if the project is close to transit (i.e., "projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact"). Public Resources Code Section 21155 defines a high-quality transit corridor as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. The proposed project is located along the high-quality transit corridor of Broadway Avenue, as there are 3 transit stops with service intervals no longer than 15 minutes within one-half mile of the project site. As a result, transportation impacts are less than significant.

PROJECT DESCRIPTION

Site Description

The project site is 1.99 acres (86,684 square feet (sf)) and is currently occupied by Greater Victory Temple Church, which is approximately 25,000sf. The proposed multifamily building will be located on the southeast corner of the site, in an area occupied by a portion of an existing 78-space parking lot. The property also has an additional 31 parking spaces along the eastern boundary, bringing the total on-site parking spaces to 109. The project site is located within one-half mile of a stop along an existing high-quality transit corridor at the intersection of Broadway Avenue and Noche Buena Street.

Government Code Section 65913.6 (Attachment 2) prohibits a local agency from

requiring the replacement of religious-use parking spaces that a developer of a religious institution affiliated housing development project proposes to eliminate. The number of religious use parking spaces requested to be reduced can't exceed 50% of the number of religious-use parking spaces that are available at the time the request is made. The proposed multifamily building will result in the removal of 41 parking spaces from the 78-stall lower parking lot, with the 31-stall parking area on the eastern boundary unaffected (a total reduction of 38%). The total remaining parking spaces would be 68 spaces. SMC 17.34.040 would otherwise require two covered spaces for each unit or 42 spaces and one covered or uncovered space for each 2 units for guest parking for 11 spaces, or 53 spaces in total. However, Government Code section 65913.6(f)(3)(A), as amended by AB 2244, eliminates parking required for a multifamily housing development if the parcel is located within one-half mile walking distance of public transit, which this project does, as analyzed in the CEQA Exemption section above. Further, Government Code section 65863.2 (Attachment 3), as amended by AB 2097, specifies that a public agency shall not impose or enforce any minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of public transit and further limits parking requirements if the development dedicates a minimum of 20% of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities.

Building Design

The project is a three story, 21-unit affordable housing project consisting of studio, one bedroom and two bedroom units, all of which are provided with private balconies ranging in size from 60 sf to 152 sf. Covered stairways on the east and west ends of the building provide access to the corridors and unit entrances for all three floors.

The exterior design is influenced by the mission style of architecture and will feature a Villa "Salerno Clay" tile roof, arch-framed and rectangular-framed balconies with open metal railings painted in Sherwin Williams (SW) "Black Fox," with the building surface finished in SW "Antique White" painted stucco, and the trim, fascia, midline bands finished in SW "Foothills." Additionally, the exterior-facing unit doors will be finished in SW "Messenger Bag." The colors are all within the same family, with the body of the building being the lightest color and the others providing complementary darker shades on accent features.

Landscape Design

Ornamental, low water usage small shrubs and groundcovers are proposed in the narrow planting area along the north elevation, between the building and the walkway; and for the two landscaped areas on either side, and buffering the trash enclosure. Further, a "hydroseed mix" is proposed around the majority of the building. SMC 17.30.040.G.1 requires all landscaped area(s) shall include an automatic irrigation system except those approved for maintenance with intentionally unirrigated native plants. A condition of approval has been added that a list of the plant species in the hydroseed mix be provided prior to installation so staff can verify the species are

classified as California natives. Should it be found that not all species are California natives, then an irrigation system will be required. Lastly, a bio retention area is proposed adjacent to the western driveway entrance/exit and includes two evergreen grasses that do well in both wet and dry soils. Conditions of approval have been added regarding establishment and ongoing maintenance of the landscaping.

Lighting Design

The project proposes ceiling mounted recessed fixtures for the entrances, stairways, and balconies. Additionally, one existing parking lot fixture ("street light") is to remain.

Safety

Security lighting is required in new multifamily developments per SMC 15.24.080. A security light plan has not been submitted with this application. Therefore, staff is recommending that a Condition be included within the Architectural Review that enables staff to approve a security lighting plan in the future, subject to the direction provided in the Condition by the Planning Commission. Per Seaside Municipal Code Section 15.24.085, the Planning Commission has a wide latitude in the development of required security features. Seaside Police Chief Nicholas Borges provided the following input, as guided by Crime Prevention Through Environmental Design and based on SMC 15.24.080 Exterior Security Lighting:

- Provide motion sensors, where necessary
- Ensure there is sufficient lighting by all outdoor entrances
- Ensure there is sufficient lighting in areas with significant grade changes, and to be aware of possible shadows created by retaining walls and/or fences
- Ensure visibility in walking / pass through areas
- Use small convex mirrors at corners to provide visibility [and reduce hiding areas]
- Ensure that landscape areas are well-maintained to minimize hiding places, especially in the range of 3' – 6' above ground
- Ensure that dumpster enclosures have lighting and small convex mirrors to reduce hiding areas
- Provide visible cameras at corner and entry/exit points as reasonably possible

STAFF ANALYSIS

Zoning Compliance

With the exception of the proposed concessions outlined below in the *Development Concessions to be considered by the City Council* section, the proposed project complies with the development regulations outlined in SMC 17.12.050, Table 2-3 for the RH zone:

The building height is proposed at 42'-7", where the code allows for 48ft maximum for multifamily structures; and the proposed location of the building on the southeast portion of the parcel places it far from the surrounding side and front property lines,

greatly exceeding the minimum setback requirements

Development Concessions to be considered by the City Council

In order for a project to be eligible for a density bonus and other incentives or concessions, a housing development must include at least five percent of the total number of units for very low-income households (SMC 17.33.020.A.2). The proposed project is a 100% very low-income project. The number of concessions available to this project is three, as the project will include at least 15% of the total units for very low-income households (SMC 17.33.040.B.3). Lastly, the types of incentives are allowed to include a reduction in the site development standards of the Zoning Ordinance (SMC 17.33.C.1) and proposed are reductions to common and private open space requirements, reduced rear setback, and a waiver to the maximum floor area ratio, as follows:

1. A waiver and reduction to the Common and Private open space requirements of SMC 17.52.180.X.

SMC 17.52.180.X. requires each multi-family residential project include permanently maintained outdoor open space for each dwelling unit (private space), and for all residents (common space) and that all required open space be easily accessible, have continuous, usable site elements, be separated from parking areas, and be safe and secure. Also, each common open space area is required to have a minimum dimension of 20 feet for projects with five or more units.

SMC 17.52.180.X.a states: *Common open space. All required open space shall be easily accessible, have continuous, usable site elements, and be separated from parking areas and safe and secure. Each common open space area shall have a minimum dimension of 20 feet for projects with five or more units.*

Analysis: There are three landscaped areas, none of which are designed to meet the code requirements to be classified as common open space.

SMC 17.52.180.X.b states: *Private open space shall be at the same elevation as and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of eight feet, except that the review authority may authorize different minimum dimensions for upper-floor units where the private open space is provided as a balcony or upper floor court.*

Analysis: Most of the balconies meet the minimum dimension requirement of 8ft, but not all meet the minimum private open space area of 150 sf per unit. The square footage range of private open space balconies is 60sf to 152sf.

2. A waiver to the required rear yard setback of 20' required for structures greater than 24' in height, as outlined in SMC 17.12.050, Table 2-3.

Analysis: The proposed structure height is 42'-7" and is proposed to observe a 17' rear

setback, or three feet less than that required of the code. The area within the rear setback includes a sloped landscaped area and associated retaining wall, representing approximately a 6-8' decrease in grade from the adjacent property to the south. Further, the adjacent property to the south has approximately 90' of parking area and walkways separating the proposed footprint of the subject project from the nearest residential building. The sloped site and distance between the habitable structures negates the impact of the proposed project not observing the required 20' rear setback.

3. A waiver to the maximum floor area ratio (FAR) of 0.45 as outlined in SMC 17.12.050, Table 2-3. The Project site is 1.99 acres or 86,684 square feet (sf) and is currently occupied by Greater Victory Temple Church, a building of approximately 25,000sf. The proposed multifamily building is proposed at 15,433sf, which together with the church is 40,433sf or a FAR of 0.47.

Analysis: The maximum floor area ratio of 0.45 is 39,007.8sf. The proposed FAR is 0.47 or 40,433sf, a relatively insignificant increase of 1,426 square feet. Additionally, given the approximate square footage of the church, requesting this concession is a conservative approach given the lack of specificity of the existing conditions.

CONCLUSION

Staff recommends the Commission review the project, determine added project conditions, if any, and approve the project in accordance with the project plans and the conditions of approval provided in Attachment 1, Exhibit A and B.

ATTACHMENTS

1. Attachment 1: Draft Resolution
 2. Exhibit A to Attachment 1: Plans
 3. Exhibit B to Attachment 1: Hydroseed Technical Guide
 4. Attachment 2: Government Code 65913.6
 5. Attachment 3: Government Code 65863.2
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**PLANNING COMMISSION
RESOLUTION NO. 23-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING ARCHITECTURAL REVIEW APPLICATION AR-23-16 FOR A NEW THREE-STORY, 21-UNIT MULTIFAMILY AFFORDABLE HOUSING PROJECT LOCATED AT 1620 BROADWAY AVENUE (APN: 012-631-003) ON THE GREATER VICTORY TEMPLE CHURCH SITE IN THE HIGH-DENSITY RESIDENTIAL (RH) ZONING DISTRICT.

WHEREAS, Charlie Hazelbaker, applicant, and Greater Victory Temple Church, owner, applied for Architectural Review 23-16; and

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

WHEREAS, the Planning Commission considered oral comments and written information concerning the Architectural Review application No. 23-16 at a duly noticed public hearing that the Planning Commission held on December 13, 2023; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following finding:

The project is a Categorically Exempt, Class 32 from the California Environmental Quality Act Pursuant To CEQA Guidelines Section 15332.

Evidence: The project and site meet these criteria as follows, the General Plan Designation for this site is High Density Residential (RH), which allows for multi-family residences at densities of up to 25 dwelling units per acre. Dwellings include apartments, townhomes, and condominiums and the proposed multifamily development is consistent with the General Plan; and the project is consistent with the regulations of the High Density Residential (RH) zoning district, with the exception of Affordable Housing Concessions; and the project site is 1.99 acres, can be served by all required utilities, does not have any habitat value, and does not result in any significant effects relating to traffic, due to being located within one-half mile of a major transit stop or along an existing high-quality transit corridor; the project will not result in any significant effects relating to noise, air quality, or water quality. The proposed project would not result in a significant increase in vehicle miles traveled (VMT) and as a result the proposed project would not have significant construction nor operation-related traffic impacts. Per CEQA Guidelines Section 15064.3(b)(1), traffic impacts are less than significant if the project is close to transit (i.e., "projects within one-half mile of either

an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact”). Public Resources Code Section 21155 defines a high-quality transit corridor as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. The proposed project is located along the high-quality transit corridor of Broadway Avenue, as there are 3 transit stops with service intervals no longer than 15 minutes within one-half mile of the project site. As a result, transportation impacts are less than significant.

BE IT FURTHER RESOLVED, the Planning Commission approves AR-23-16 subject to the following Conditions of Approval:

Building:

1. Comply with all requirements of the California Building Code, as amended by the City of Seaside and in effect at the time of building permit submittal.

Fire Department:

2. Comply with all requirements of the California Fire Code, as amended by the City of Seaside and in effect at the time of building permit submittal.

Planning:

3. The new landscaping water shall be replaced by reclaimed water or a capture water system, if and when such water becomes available. Any unused water allocation is subject to recall or reallocation by the City.
4. All proposed landscaping and/or irrigation plans shall comply with the approved plans and with the Monterey Peninsula Water Management District (MPWMD) Water Model Efficiency Landscape Ordinance. Submittal of landscape plans to the district is the responsibility of the applicant. Prior to building permit issuance, proof of approval from the district shall be provided to the Building Department.
5. Prior to building permit issuance the applicant shall provide a list of all plant species in the proposed hydroseed mix for Planning staff to verify all species are native plants.
6. The establishment and ongoing maintenance of the landscape areas planted with the hydroseed mix shall be done in accordance with the manufacturer’s technical guide, “Establishment and care of wildflowers,” provided as Exhibit B.

7. Landscaped areas shall be maintained in a healthful and thriving condition at all times, and free of weeds, debris, and deceased plants.
8. Deceased plant materials must be removed and replaced within one month with the same species and size specified in the Architectural Review approved plans.
9. Trees that die three years or more after installation, or trees that are "topped," shall be replaced by a minimum 24-inch box size container of the same species specified on the approved plans. Other types of plants that die three years or more after installation shall be replaced with a specimen two container sizes larger than that specified on the approved plans (SMC 17.30.040.L.1.d).
10. Before final inspection or occupancy, the applicant shall enter into a landscape maintenance agreement with the City to guarantee proper maintenance in compliance with Subsection 17.30.040.L.1 of the Seaside Municipal Code. The form and content of the agreement shall be approved by the City Attorney and the Zoning Administrator.
11. All fences and walls which have been incorporated into an approved landscaping plan shall regularly be maintained in an attractive and safe manner. Trash Enclosure gates shall be constructed of a material consistent with the design of the development and designed to resist weathering without the need for regular maintenance (i.e. painted/sealed wood, painted/coated metal, or wood fiber-polymer composite material).
12. Security Lighting Plans shall be provided in compliance with SMC 15.24.080 to meet the following specifications:
 - a. Provide motion sensors, where necessary; and ensure there is sufficient lighting by all outdoor entrances; and
 - b. Ensure there is sufficient lighting in areas with significant grade changes, and to be aware of possible shadows created by retaining walls and/or fences; and
 - c. Ensure visibility in walking / pass through areas; and
 - d. Use small convex mirrors at corners to provide visibility and reduce hiding areas; and
 - e. Ensure that landscape areas are well-maintained to minimize hiding places, especially in the range of 3' – 6' above ground; and

- f. Ensure that dumpster enclosures have lighting and small convex mirrors to reduce hiding areas; and
- g. Provide visible cameras at corner and entry/exit points as reasonably possible.

Plan approval must be provided by both the Community Development and Police Departments.

13. Area lighting shall be designed to minimize the negative effects of lighting the night sky and employ control features so as to avoid light being directed off-site. The light source for externally-illuminated signs must be positioned so that light does not shine directly on adjoining properties or cause glare or shine in the eyes of motorists or pedestrians. All outdoor lighting shall be downlit and fully shielded. No outdoor lights shall be permitted that blink, flash, or change intensity.
14. The Director has the authority to approve minor changes to the landscaping, lighting, and architectural finishes of this project, given changes are kept in the same design style, the colors and materials are within the same design family, and the juxtaposition of the materials and colors achieves a similar design balance and aesthetic.
15. The applicant shall obtain approval from the Monterey Bay Air Pollution Control District (MBAPCD) prior to the issuance of the building or grading permit. The applicant shall comply with all District regulations during construction.
16. Compliance with SMC 17.30.070 Outdoor Lighting is to be illustrated in the lighting plans of the building permit plan set.
17. The project shall provide six cubic feet for the storage of solid waste and recyclable materials (3 cubic feet each) in each individual unit, as required of SMC 17.30.110.B.1
18. The project shall provide 48 square feet of common Solid Waste storage and 48 square feet of common Recyclable Storage, as required of SMC 17.30.110.B.2.
19. There shall be a minimum of one short-term bicycle parking space/rack with capacity for two bicycles provided within 200 feet of the entrance, designed in compliance with SMC 17.34.060.B.

20. There shall be a minimum of one long-term bicycle parking space. Acceptable parking facilities shall be convenient from the street and include one or a combination of the following: covered, lockable enclosures with permanently anchored racks for bicycles; lockable bicycle rooms with permanently anchored racks; and/or lockable, permanently anchored bicycle lockers.
21. The Director has the authority to approve minor changes to the landscaping, lighting, and architectural finishes of this project, given changes are kept in a similar design style, the colors and materials are within the same design family (metal, wood, composite siding), and the juxtaposition of the materials and colors achieves a similar design balance and aesthetic.

Standard:

22. Except as modified by the conditions of approval, plans submitted for Building Permits must be in compliance with Exhibit A: Project Plans.
23. The applicant agrees as a condition and in consideration of the approval of this permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
24. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
25. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within 15 days from the date of its approval.
26. This approval shall become null and void unless a Building Permit application is submitted within twelve (12) months of the December 20, 2023. Time extensions may be granted by the original approval body if a written request and associated fee are received by the Community Development Department within 30 days prior to the expiration.

27. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of December 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

Exhibits:

Exhibit A: Project Plans
Exhibit B: Hydroseed Technical Guide

ARCHITECTURAL REVIEW APPLICATION No. AR-23-16
RESOLUTION No. 23-XX

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

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

Applicant's Signature

Date

Property Owner's Signature

Date

SEASIDE APARTMENTS

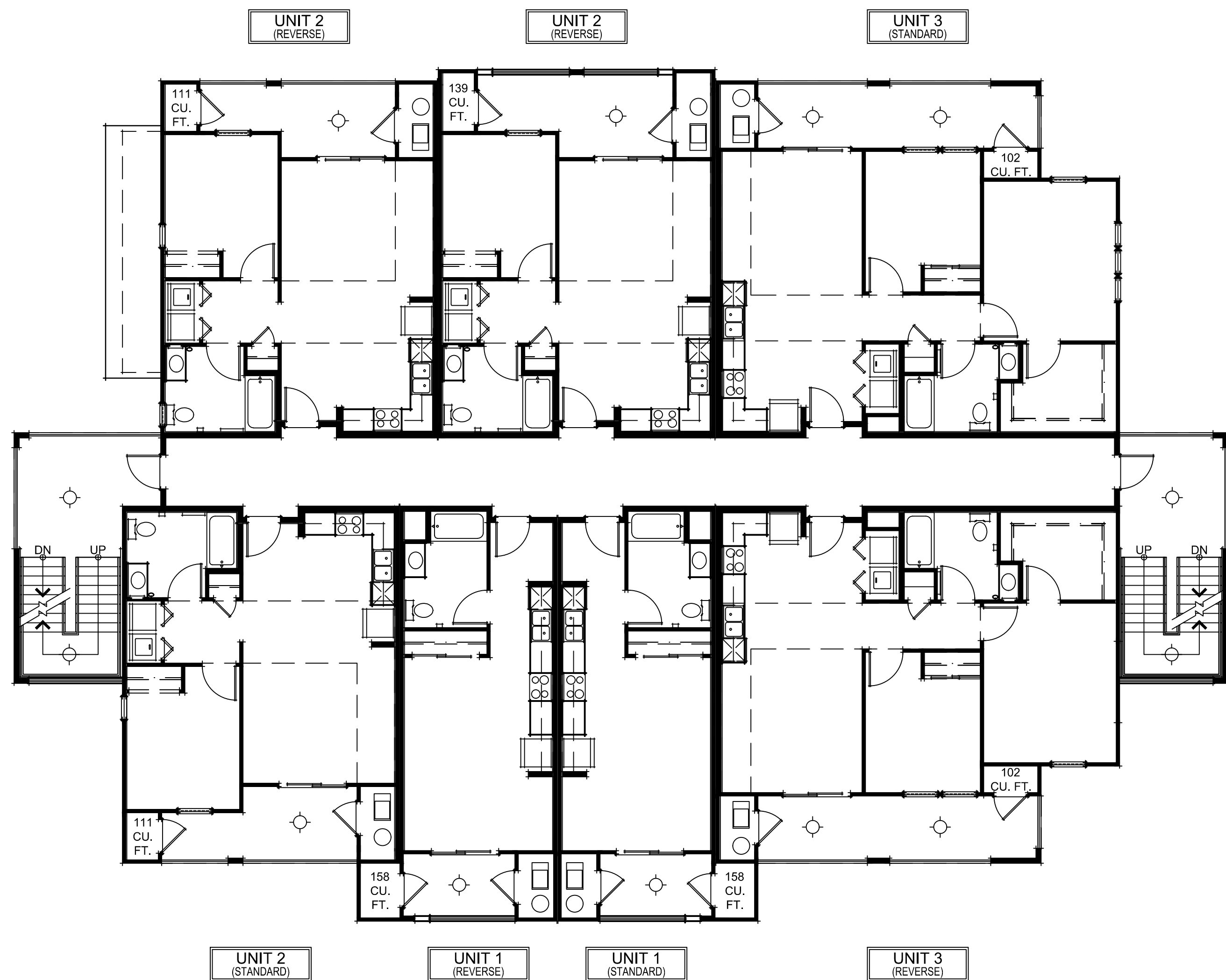
SEASIDE, CA | SEPTEMBER 19, 2023



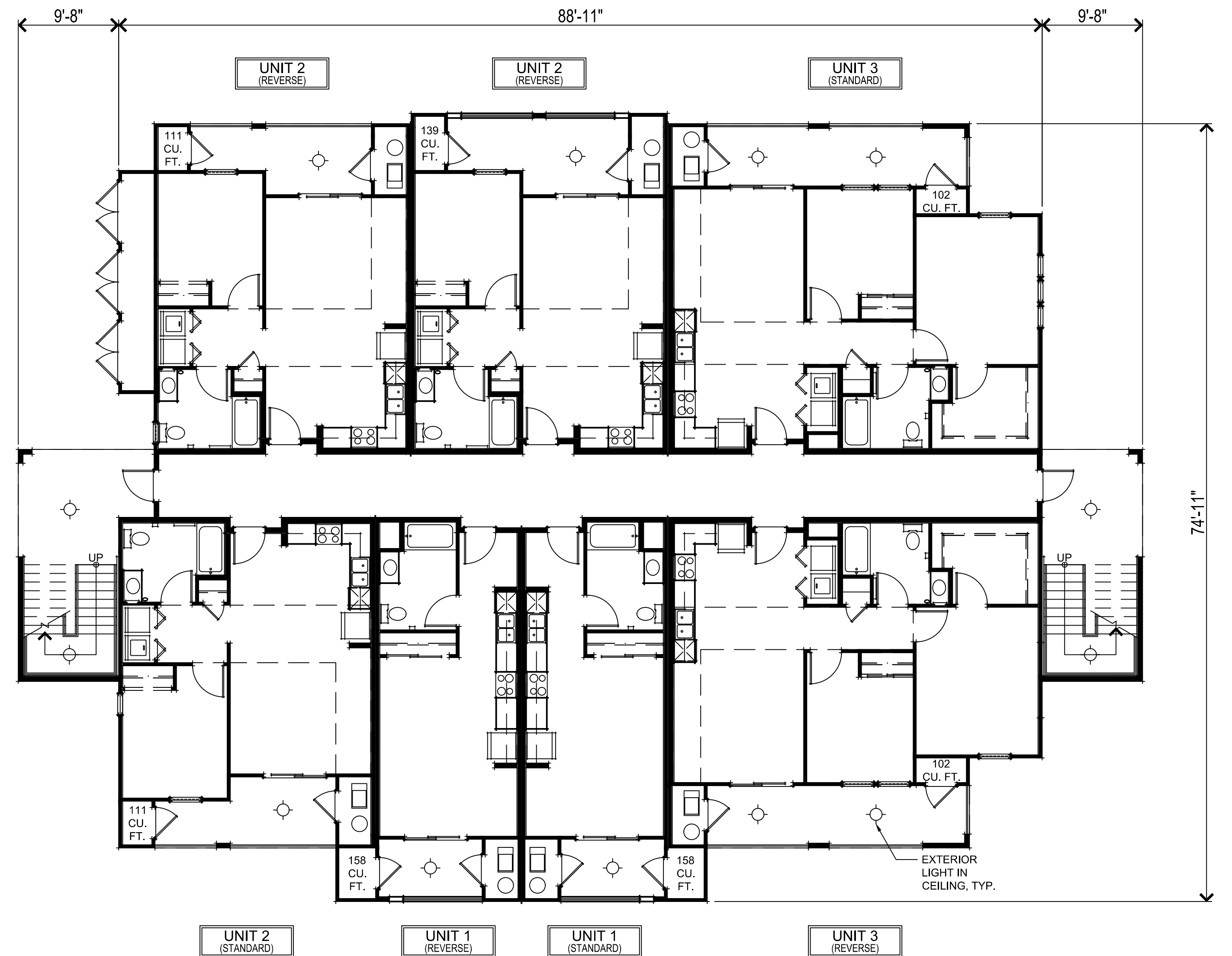
KB - BAKWELL SEASIDE VENTURES, LLC.

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com





SECOND FLOOR PLAN &
EXTERIOR LIGHTING PLAN



FIRST FLOOR PLAN &
EXTERIOR LIGHTING PLAN

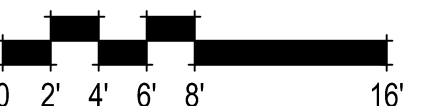


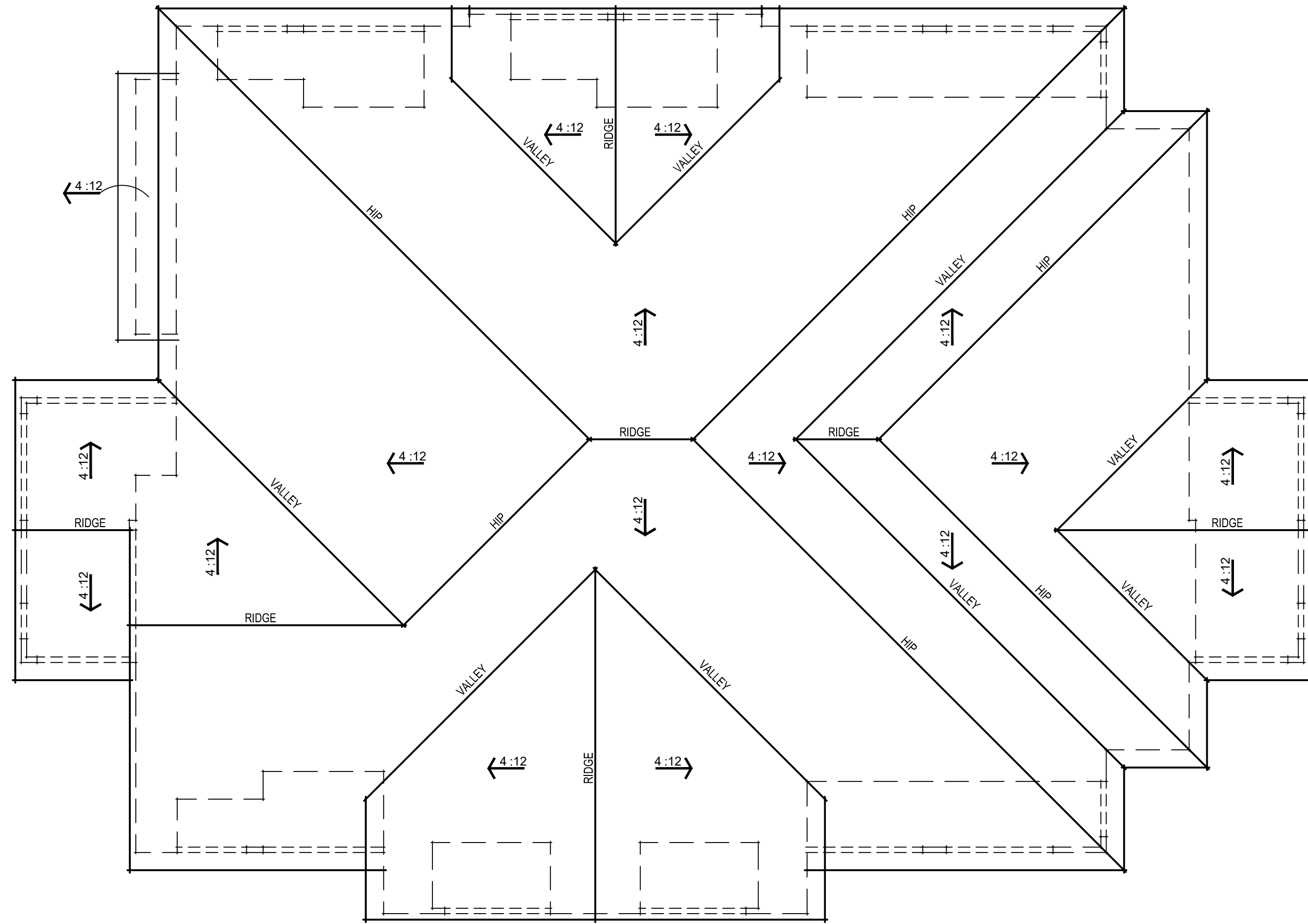
EXTERIOR DOWNLIGHT,
CEILING MOUNTED LIGHT



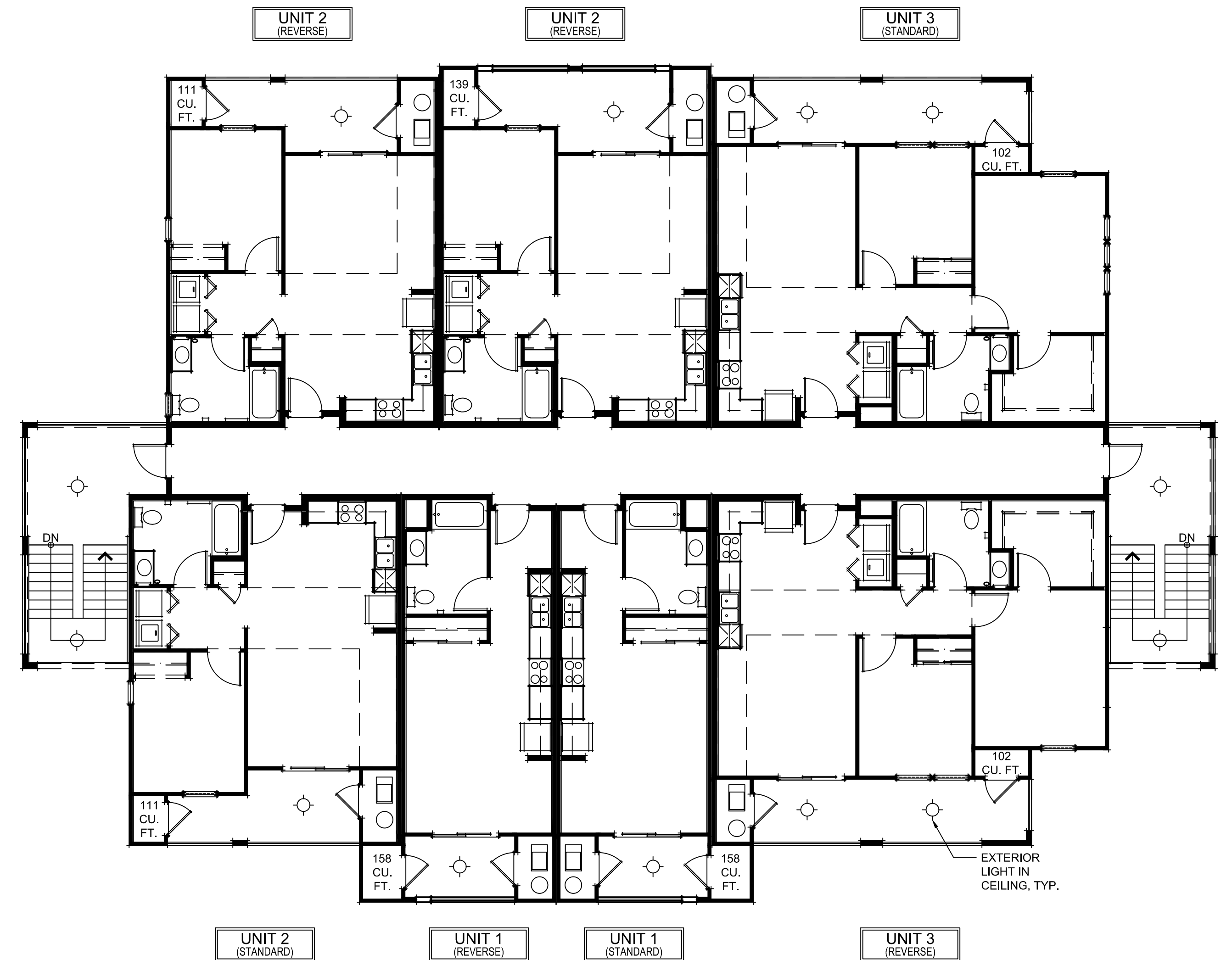
BUILDING SQUARE FOOTAGES	
FIRST FLOOR	5193 SQ. FT.
SECOND FLOOR	5120 SQ. FT.
THIRD FLOOR	5120 SQ. FT.
TOTAL LIVING	15433 SQ. FT.

UNIT 1 SQUARE FOOTAGES		UNIT 2 SQUARE FOOTAGES		UNIT 3 SQUARE FOOTAGES	
LIVING	428 SQ. FT.	LIVING	637 SQ. FT.	LIVING	893 SQ. FT.
DECK	60 SQ. FT.	DECK @ SOUTH ELEV.	102 SQ. FT.	DECK	152 SQ. FT.
		DECK @ NORTH ELEV.	120 SQ. FT.		

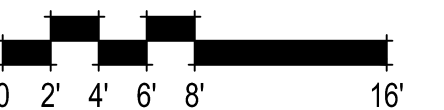




ROOF PLAN



THIRD FLOOR PLAN &
EXTERIOR LIGHTING PLAN



ROOFING
WESTLAKE
VILLA 900 SALERNO CLAY

STUCCO
SW 6119
ANTIQUE WHITE

TRIM / FASCIA
SW 7514
FOOTHILLS

ENTRY DOOR
SW 7740
MESSENGER BAG

RAILING
SW 7020
BLACK FOX



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

EXTERIOR MATERIALS

1. S-TILE ROOF
2. STUCCO WALL FINISH
3. STUCCO o/ 2x FOAM TRIM
4. ARCHED STUCCO SOFFIT
5. METAL RAILING



310.507 Seaside Apartments
Seaside, CA
September 19, 2023



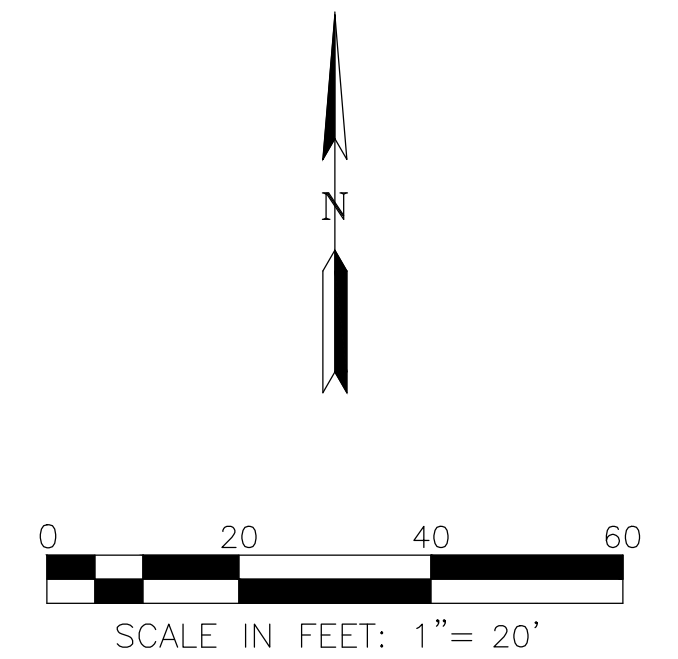
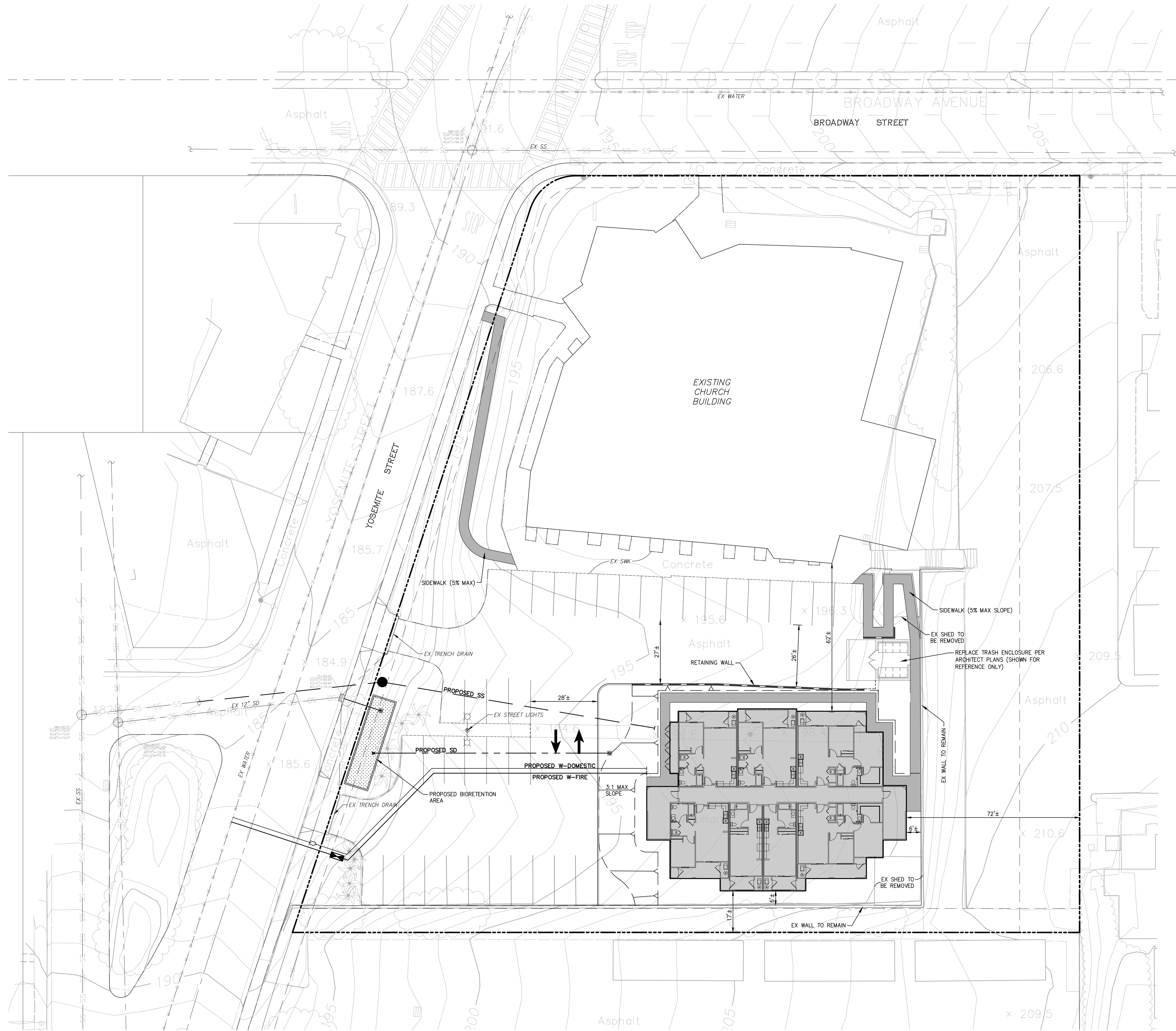
KB - BAKEWELL SEASIDE VENTURES, LLC.

EXTERIOR ELEVATIONS
A03

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



PLOT DATE: September 18, 2023
FILE PATH: W:\Users\13132018\OneDrive - Site Affordable Housing\Drawings\Exhibits\Site Plan\EXH-CT OFFSITE-VICTORY CHURCH SITE PLAN_2023-09-18.dwg



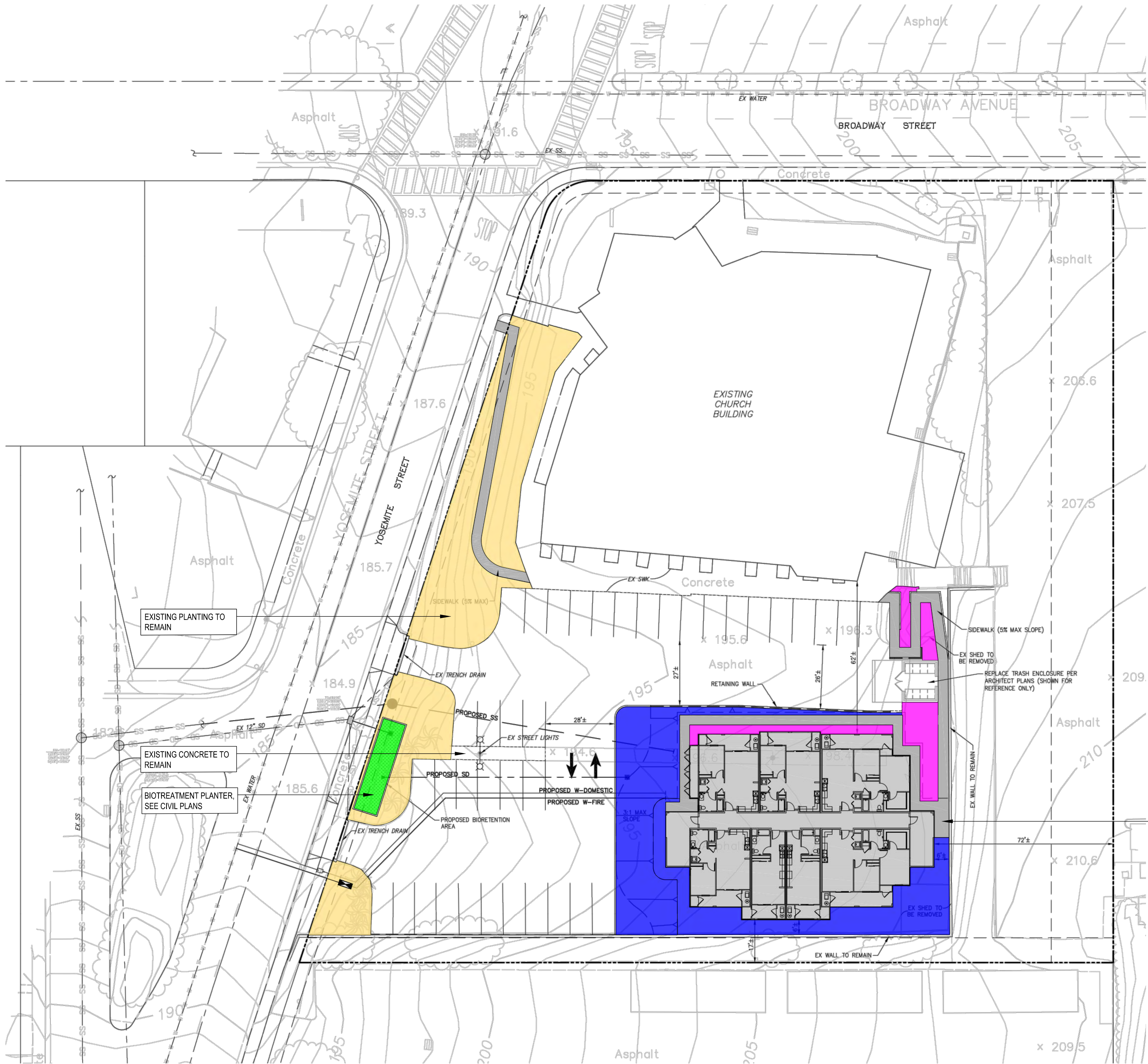
SITE PLAN EXHIBIT
AFFORDABLE HOUSING AT
VICTORY TEMPLE CHURCH
SEASIDE, CALIFORNIA
SEPTEMBER 18, 2023

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 848-0300 FAX: (408) 848-0302

JOB NUMBER: 132018

SHEET 1 OF 1

S:\PROJECTS\65600\LAND PLANNING\65600001.DWG



- NOTES:
1. SEE LANDSCAPE LEGEND ON SHEET L1.2 FOR MORE INFORMATION.
 2. THIS SHEET IS INTENDED TO BE PLOTTED IN **COLOR**.

PROPOSED PLANTING LEGEND

ITEM	SYMBOL
ORNAMENTAL PLANTING	
HYDROSEED PLANTING	
BIOTREATMENT PLANTING	
EXISTING PLANTING	



Land Use Entitlements
Land Planning
Landscape Architecture
Civil Engineering
Utility Design
Land Surveying
Stormwater Compliance

1570 Oakland Road
San Jose, CA 95131

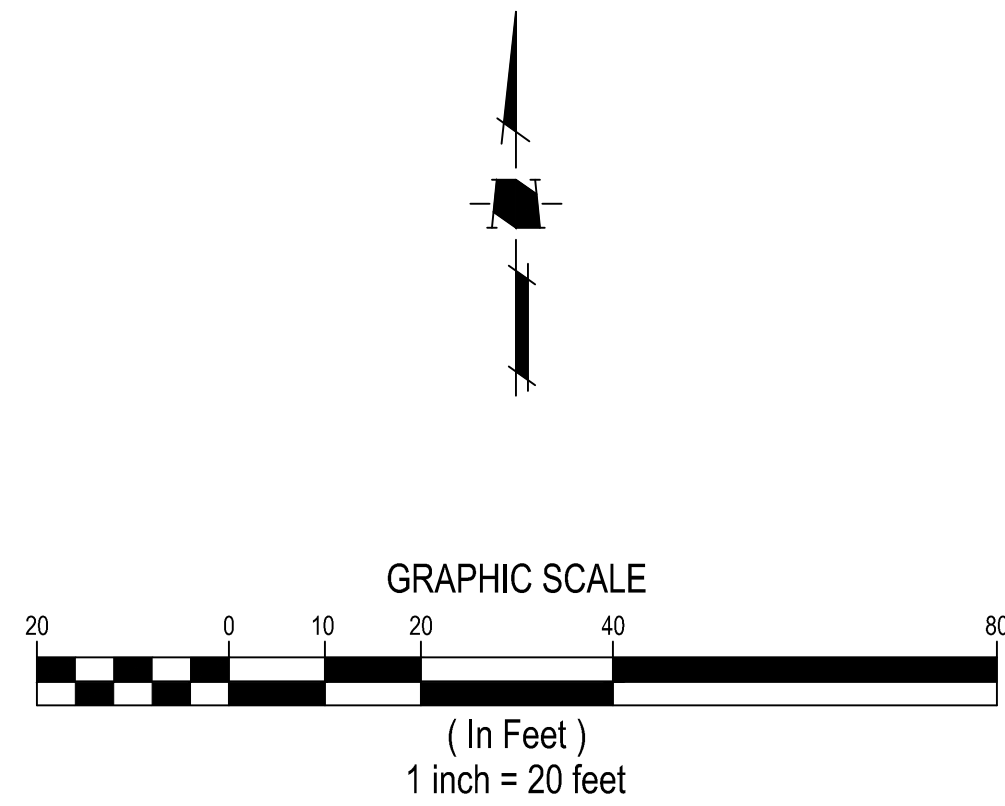
(408) 487-2200
HMHca.com

AFFORDABLE HOUSING AT
VICTORY TEMPLE CHURCH
KB HOME
SEASIDE, CA

NO	DATE	DESCRIPTION
PROJECT NO:	6556.00	
CAD DWG FILE:	655600CL.DWG	
DESIGNED BY:	KY	
DRAWN BY:	JW	
CHECKED BY:	CM	
DATE:	OCT. 20, 2023	
SCALE:	1" = 20'	
©	HMH	

LANDSCAPE PLAN

L1.1



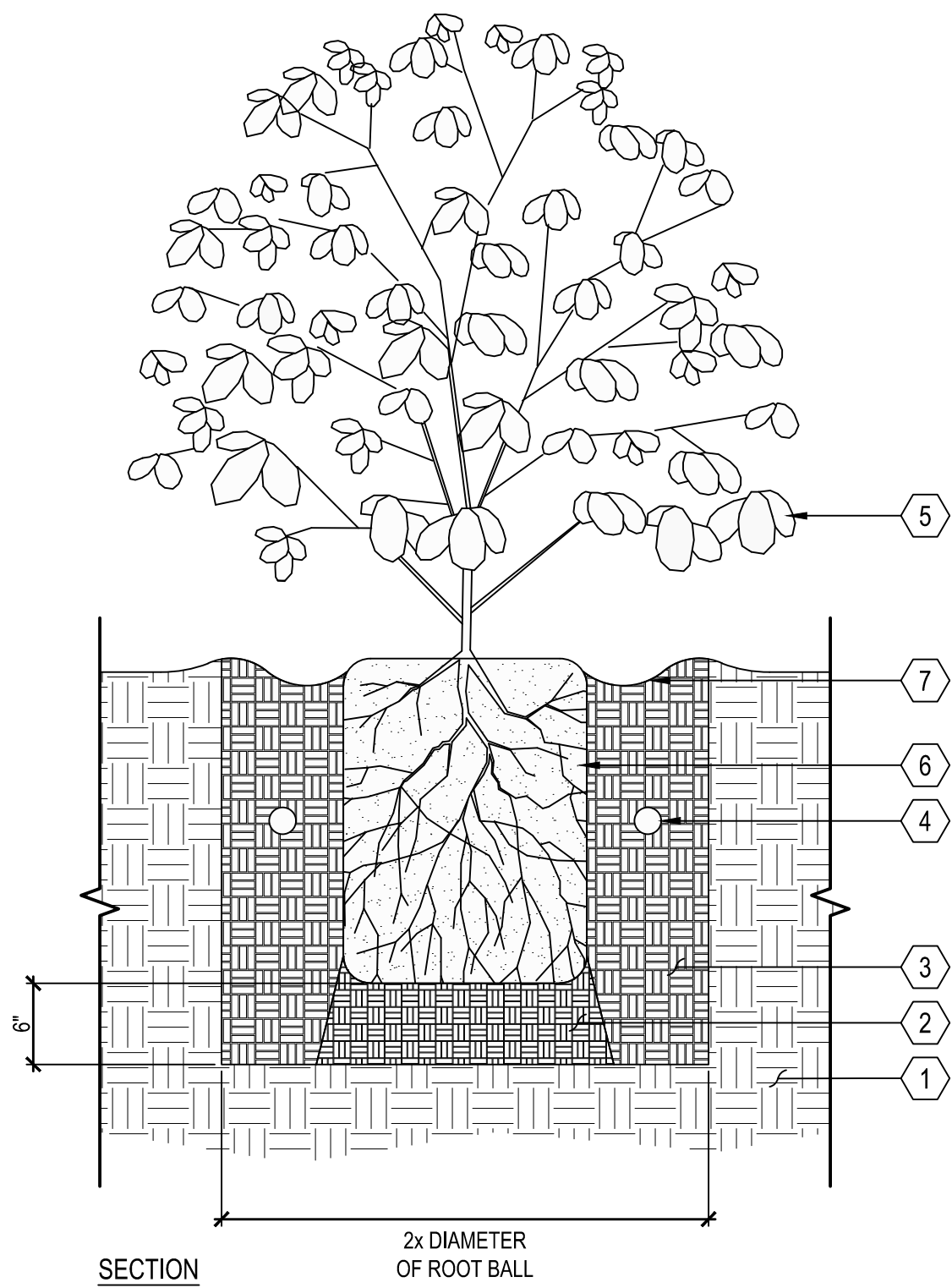
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NOTES:

- SEE PLANTING SPECIFICATIONS PRIOR TO INSTALLATION OF PLANT MATERIALS.
- ROOT BALL CROWN SHALL EXTEND 1" ABOVE FINNISH GRADE.

- NATIVE GRADE
- FOOT TAMP BASE
- BACKFILL, PUDDLE AND SETTLE PRIOR TO PLANTING SHRUB
- AGRIFORM PLANT TABLETS, 3 PER SHRUB
- SHRUB
- ROOT BALL
- 2" DEEP BASIN AROUND ROOT BALL

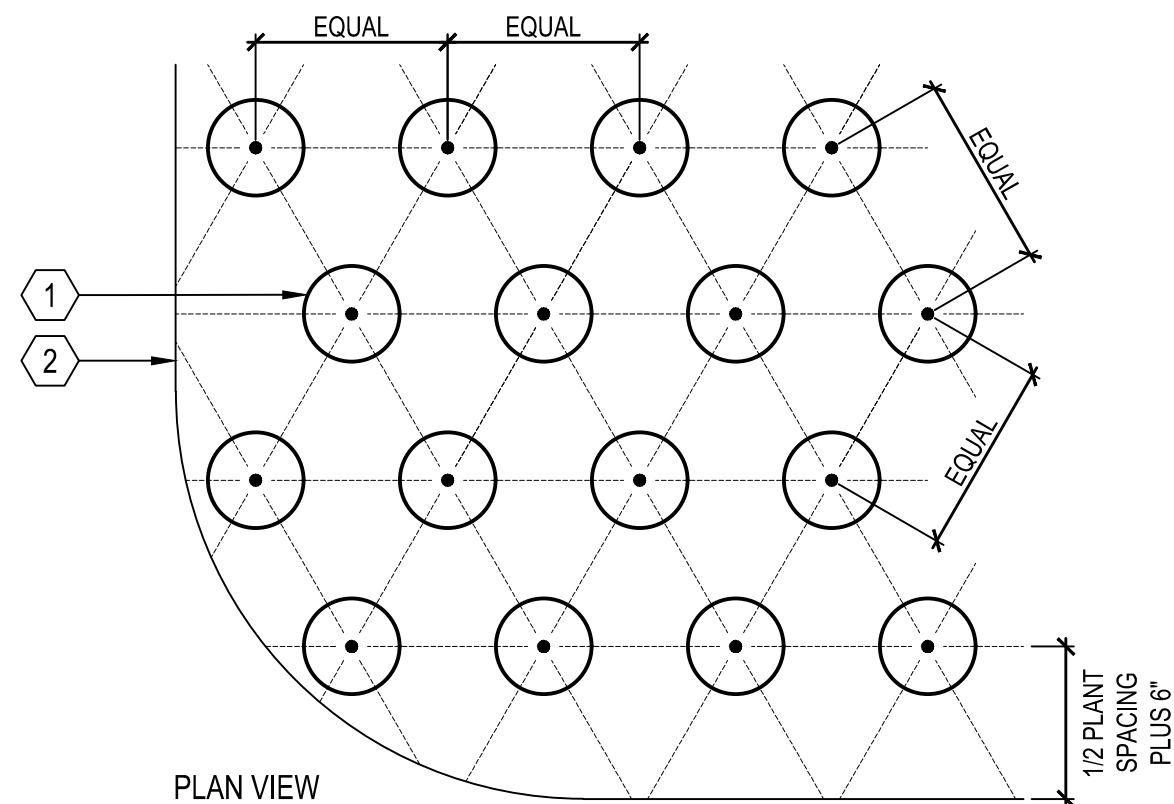


C SHRUB
SCALE: 1" = 1'-0"

NOTES:

- SEE PLANTING SPECIFICATIONS PRIOR TO INSTALLATION OF PLANT MATERIALS.
- SPACING SHALL BE TRIANGULATED UNLESS OTHERWISE NOTED.
- INFILL PLANTS AS REQUIRED TO MAINTAIN SPACING AT IRREGULAR EDGES.

- PLANT, SPACING VARIES, SEE PLANTING LEGEND
- EDGE OF PLANTING AREA

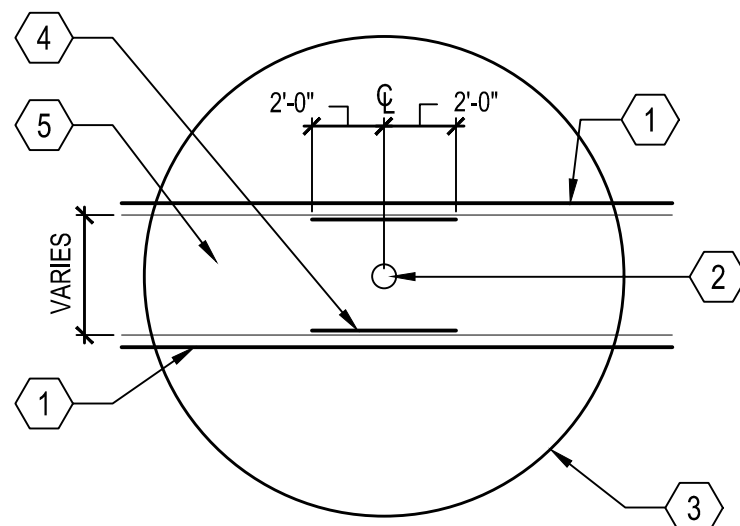


B GROUNDCOVER
SCALE: 1" = 1'-0"

NOTES:

- ROOT CONTROL BARRIER SHALL BE USED WHEN TREE IS LOCATED 10' OR LESS FROM WATER, STORM, AND SEWER UTILITIES.
- INSTALL AN 18" DEEP 'DEEP ROOT' CONTROL BARRIER AT EDGE OF SIDEWALK.
- INSTALL A 24" DEEP 'DEEP ROOT' CONTROL BARRIER AT BACK OF CURB OR INSTALL A 36" DEEP 'DEEP ROOT' CONTROL BARRIER AT BACK OF CURB WHEN WITHIN 6' FROM WATER AND SEWER LATERAL LINES.
- NO ROOT CONTROL BARRIERS SHALL BE WITHIN 5' FROM WATER AND SEWER LINES.

- HARDSCAPE EDGE. SEE PLANS.
- TREE TRUNK
- TREE CANOPY
- ROOT BARRIER
- PLANTER AREA



A ROOT BARRIER
SCALE: N.T.S.

PLANTING LEGEND

SYMBOL	SPACING	BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	H&W	WUCOLS WATER USE
--------	---------	----------------	-------------	----------------	-----	------------------

ORNAMENTAL PLANTING

		ACHILLEA FILIPENDULINA	FERN LEAF YARROW	1 GALLON	3' X 3'	LOW
		ERIOPHYLLUM LANATUM 'SISKIYOU'	WOOLLY SUNFLOWER	1 GALLON	1' X 3'	LOW
		LOMANDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH	1 GALLON	2' X 3'	LOW
		SALVIA SPATHACEA	HUMMINGBIRD SAGE	1 GALLON	3' X 4'	LOW
	36" O.C.	CEANOTHUS 'CENTENNIAL'	CALIFORNIA LILAC	1 GALLON	1' X 5'	LOW
	18" O.C.	ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	1 GALLON	18" X 36"	LOW

HYDROSEED

		HYDROSEED MIX - SHALL BE CALIFORNIA NATIVE WILDFLOWER SEED MIX OR OWNER APPROVED EQUAL			1 GALLON	LOW
--	--	--	--	--	----------	-----

SYMBOL	SPACING	BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	H&W	WUCOLS WATER USE
--------	---------	----------------	-------------	----------------	-----	------------------

BIOTREATMENT AREAS

	36" O.C.	CHONDROPETALUM TECTORUM 'EL CAMPO'	DWARF CAPE RUSH	5 GALLON	5' X 3'	LOW
	24" O.C.	JUNCUS PATENS 'ELKS BLUE'	GRAY RUSH	1 GALLON	2' X 2'	LOW

ALL BIO-TREATMENT CELLS WILL INCLUDE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER TREATMENT PLANTINGS.

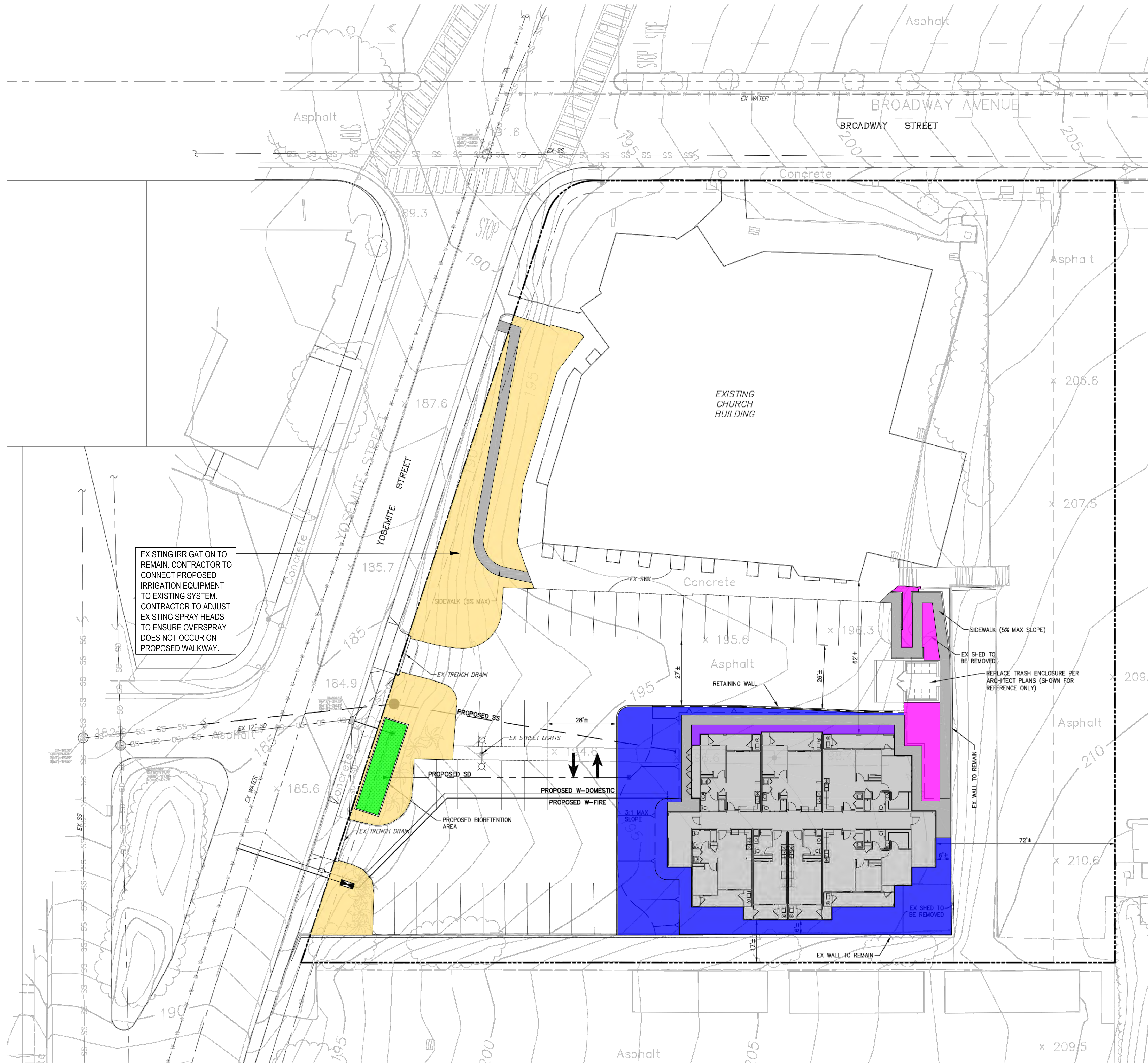
**AFFORDABLE HOUSING AT
VICTORY TEMPLE CHURCH
KB HOME
SEASIDE, CA**

▲		
▲		
▲		
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NO	DATE	DESCRIPTION
PROJECT NO:	6556.00	
CAD DWG FILE:	655600CL.DWG	
DESIGNED BY:	KY	
DRAWN BY:	JW	
CHECKED BY:	CM	
DATE:	OCT. 20, 2023	
SCALE:	AS NOTED	
© HMM		

**LANDSCAPE
LEGEND AND
DETAILS**

L1.2

S:\PROJECTS\65560\LAND PLANNING\65560001.DWG

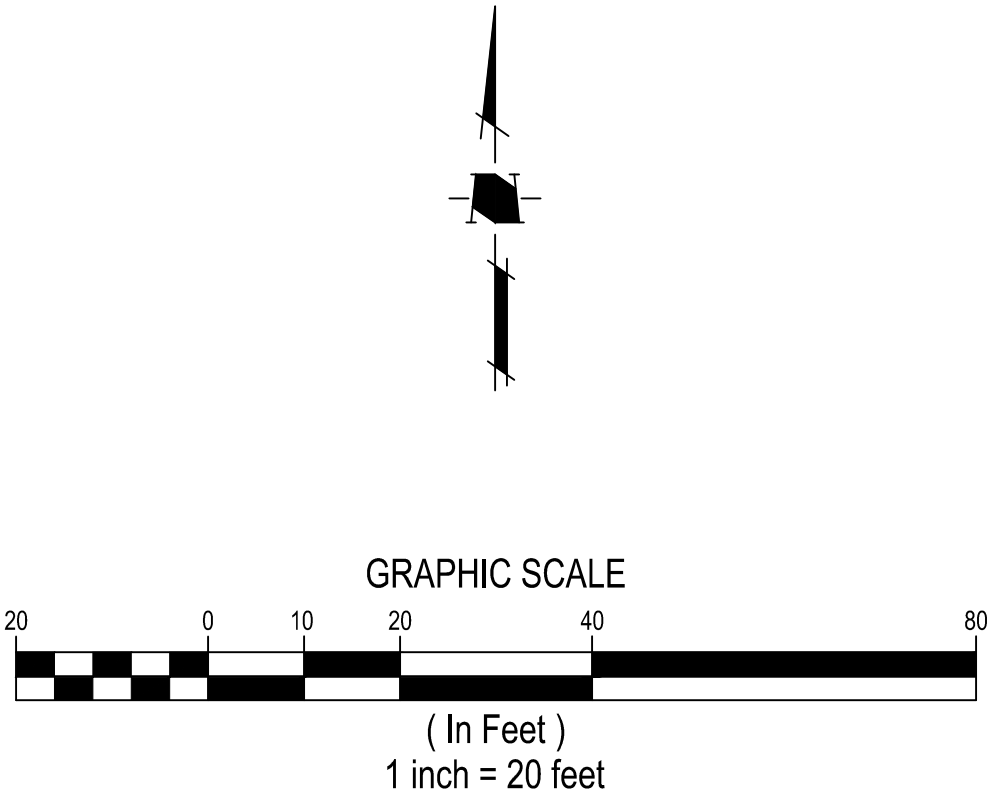


IRRIGATION ZONE LEGEND:

- DRIP IRRIGATION FOR ORNAMENTAL PLANTING. CONTRACTOR TO CONNECT TO EXISTING IRRIGATION SYSTEM.
- DRIP IRRIGATION FOR BIORETENTION AREAS
- HAND WATER BY OWNER (PLANTER BOXES)
- HYDROSEED. NO IRRIGATION NECESSARY
- EXISTING IRRIGATION TO REMAIN

IRRIGATION DESIGN CRITERIA:

- FINAL DESIGN SHALL CONFORM TO AB1881 OR CITY ADOPTED WATER EFFICIENT LANDSCAPE ORDINANCE.
- ALL PLANTING AREAS SHOWN WILL BE COMMONLY MAINTAINED BY THE OWNER AND IRRIGATED BY AN AUTOMATIC IRRIGATION SYSTEM UNLESS OTHERWISE NOTED.
- IRRIGATION SYSTEMS WILL BE PERMANENT BELOW GROUND AUTOMATED SYSTEMS ADEQUATE FOR THE ESTABLISHMENT AND MAINTENANCE OF ALL PLANT MATERIAL. THESE SYSTEMS WILL BE INSTALLED AS SOON AS PRACTICAL AFTER GRADING AND PRIOR TO PLANT MATERIAL INSTALLATION AND HYDROSEEDING.
- ALL TURF, SHRUB AND GROUND COVER AREAS WILL BE IRRIGATED BY A PERMANENT, AUTOMATIC, UNDERGROUND IRRIGATION SYSTEM UNLESS OTHERWISE NOTED. ALL SPRAY AREAS WILL BE IRRIGATED BY HIGH EFFICIENCY MATCHED PRECIPITATION RATE POP-UP SPRAY HEADS. TURF, SHRUB, AND GROUND COVER AREAS SHALL BE ON SEPARATE VALVES ACCORDING TO PLANT WATER REQUIREMENTS AND EXPOSURE.
- ALL IRRIGATION SYSTEMS SHALL BE DESIGNED, MAINTAINED AND MANAGED TO MEET OR EXCEED MINIMUM EFFICIENCY.
- ALL IRRIGATION EQUIPMENT SHALL BE SCREENED APPROPRIATELY FROM VIEW IN PUBLIC AREAS TO THE MAXIMUM EXTENT POSSIBLE.
- THE FINAL IRRIGATION PLAN SHALL ACCURATELY AND CLEARLY IDENTIFY:
 - LOCATIONS AND SIZES OF WATER POINTS OF CONNECTION.
 - LOCATION, TYPE AND SIZE OF ALL COMPONENTS OF THE IRRIGATION SYSTEM, INCLUDING AUTOMATIC CONTROLLERS, MAIN AND LATERAL LINES, VALVES, SPRINKLER HEADS, RAIN SWITCHES, AND QUICK COUPLERS.
 - STATIC WATER PRESSURE AT THE POINTS OF CONNECTION.
 - FLOW RATE (GALLONS PER MINUTE), REMOTE CONTROL VALVE SIZE, AND DESIGN OPERATING PRESSURE (PSI) FOR EACH STATION.
 - HYDROZONE INFORMATION TABLE.
 - WATER USE CALCULATIONS.
- CONTRACTOR SHALL ENSURE THAT ALL EXISTING IRRIGATION EQUIPMENT IS OPERABLE AND MEETS CURRENT STATE MWEO STANDARDS. IF SYSTEM COMPONENTS ARE NOT OPERABLE OR NEED TO BE UPDATED TO MEET STATE STANDARDS, CONTRACTOR SHALL REPLACE WITH SIMILAR AND INSTALL PER DETAILS SHOWN ON SHEET L1.4.
- THIS SHEET IS INTENDED TO BE PLOTTED IN **COLOR**.

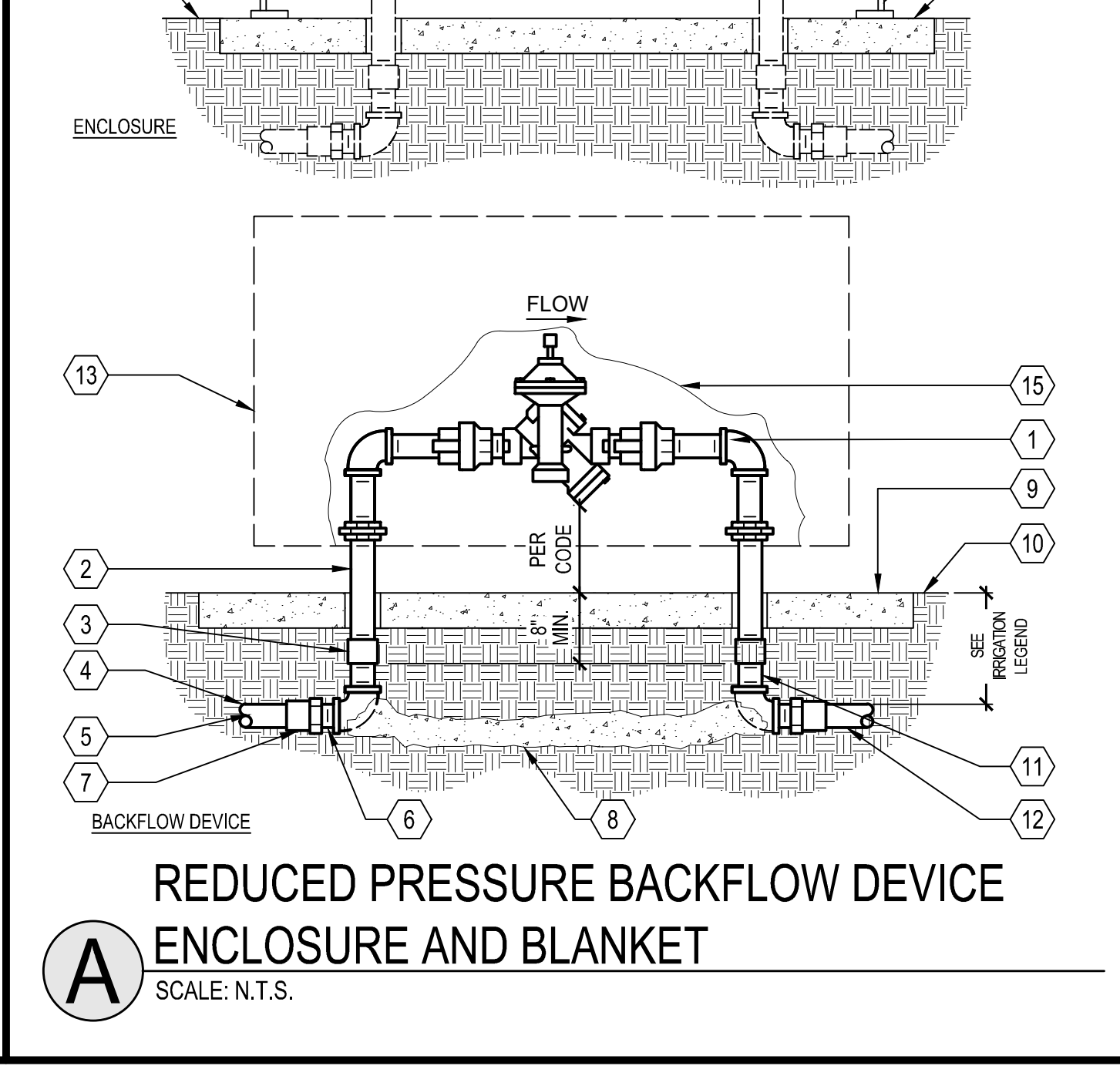
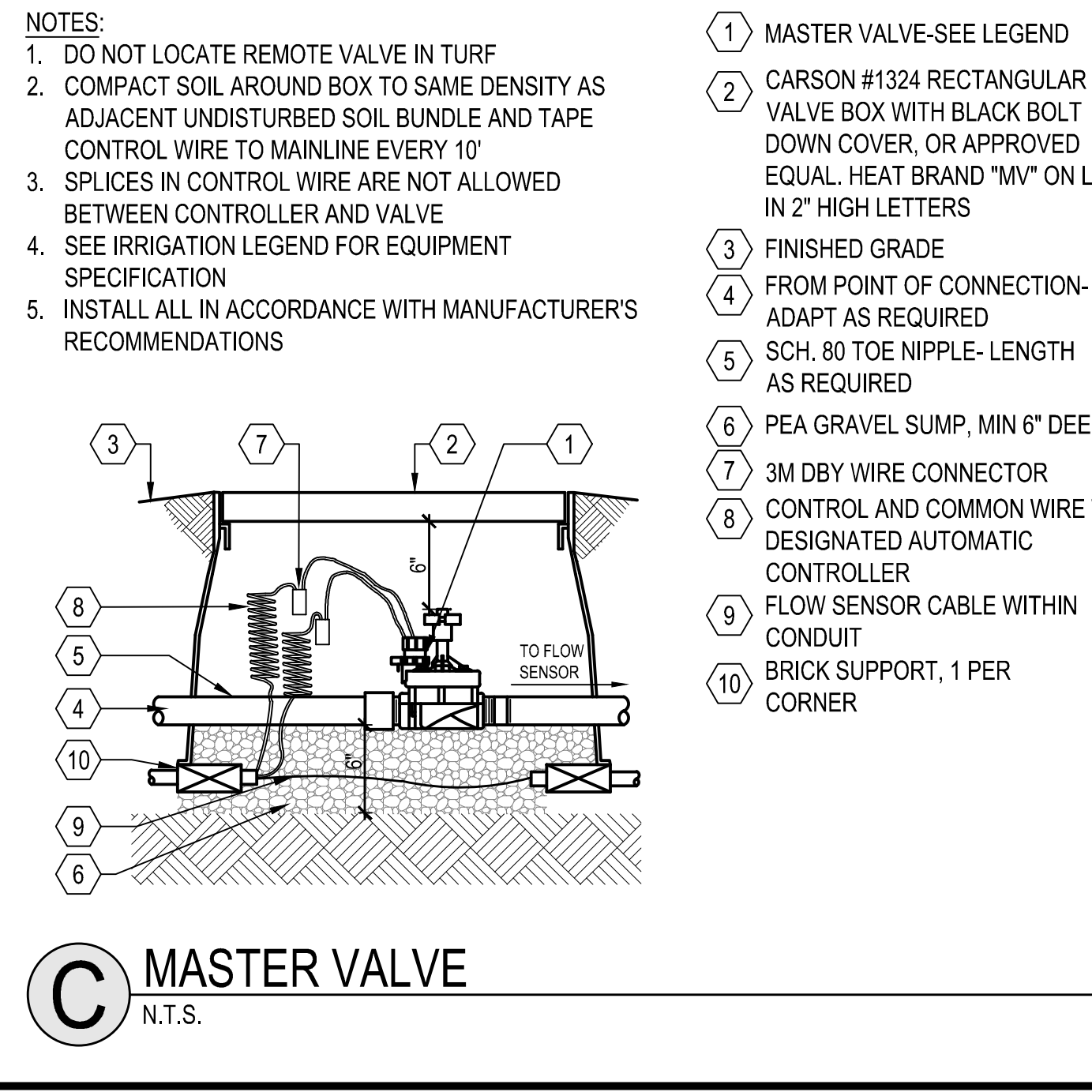
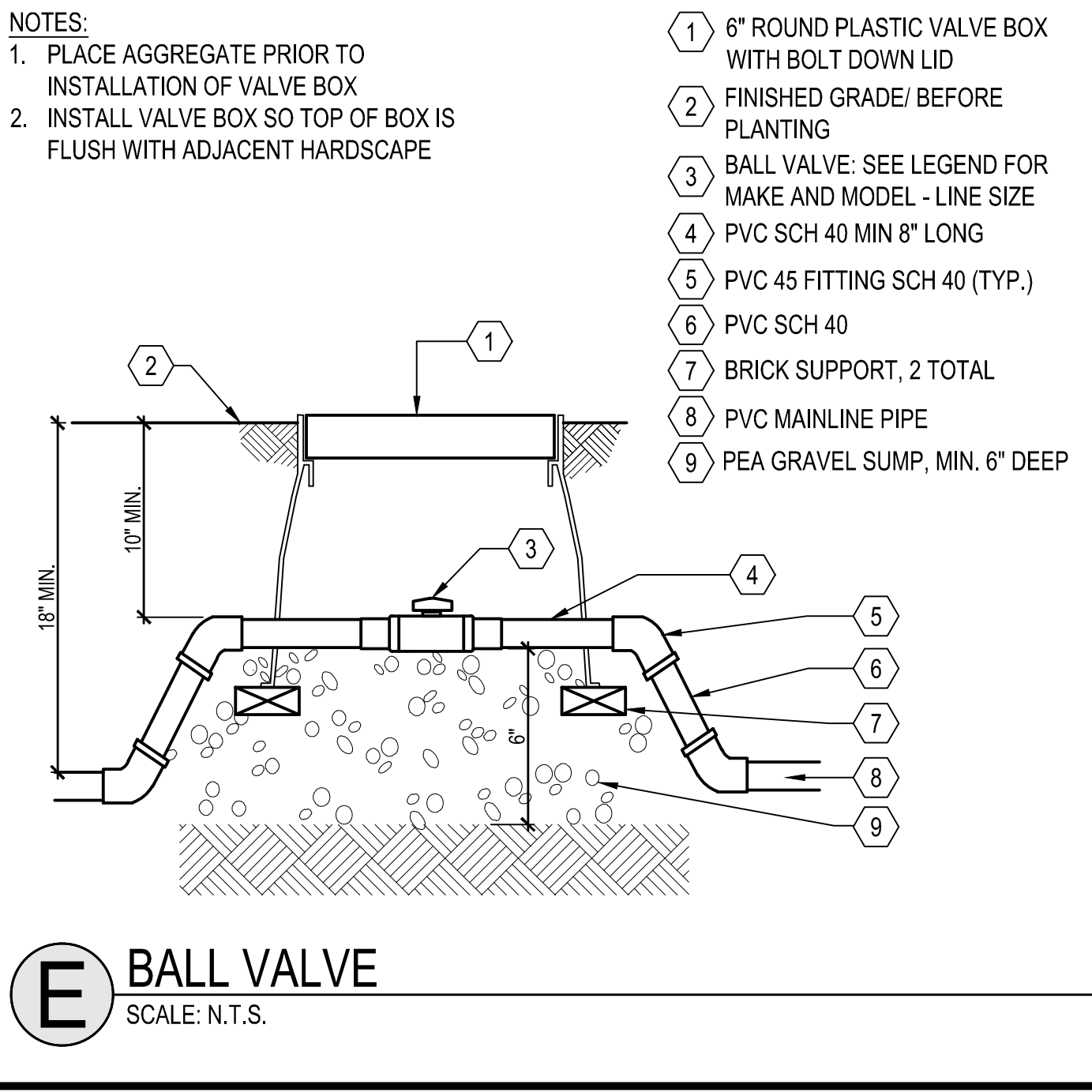
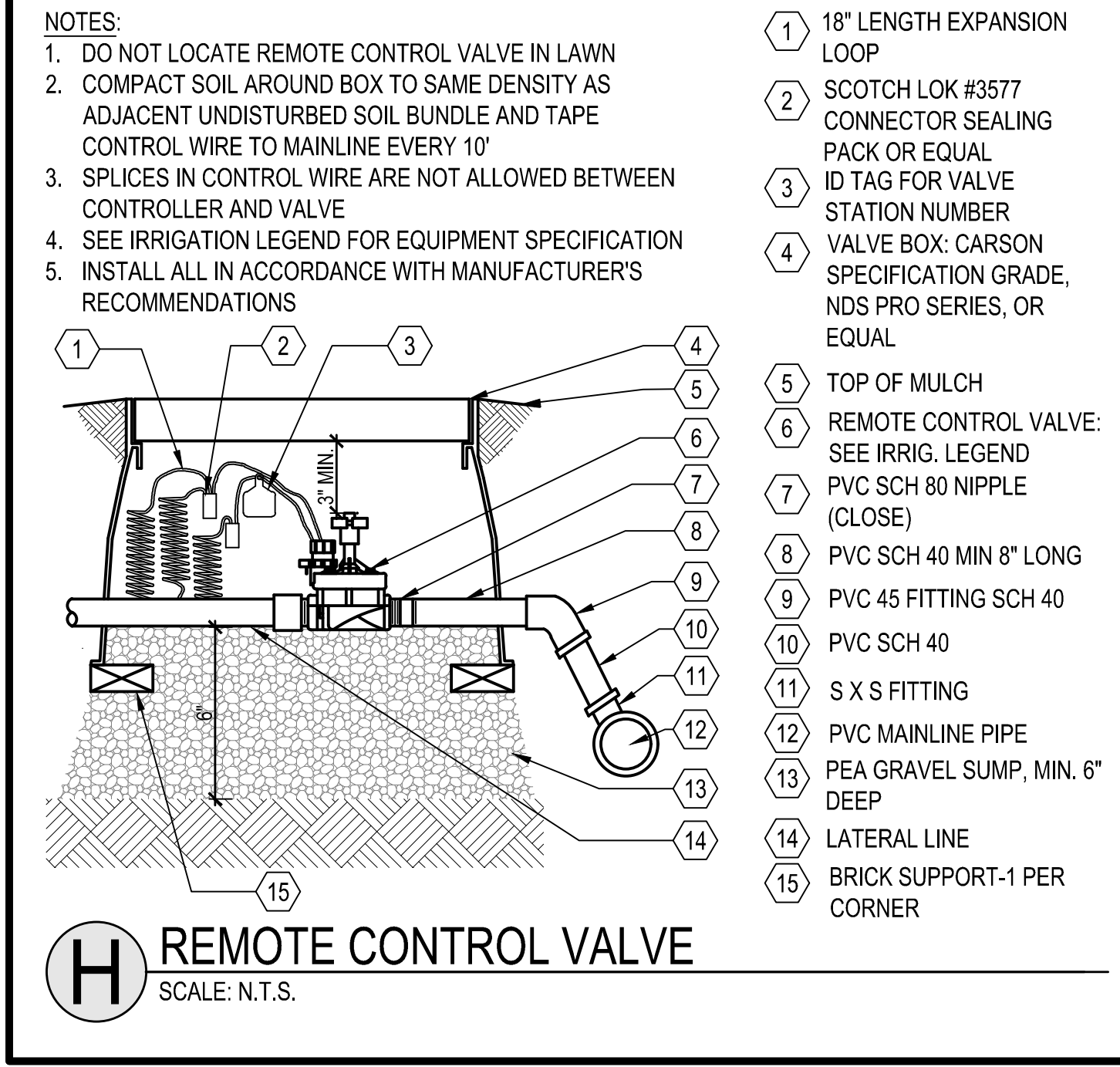
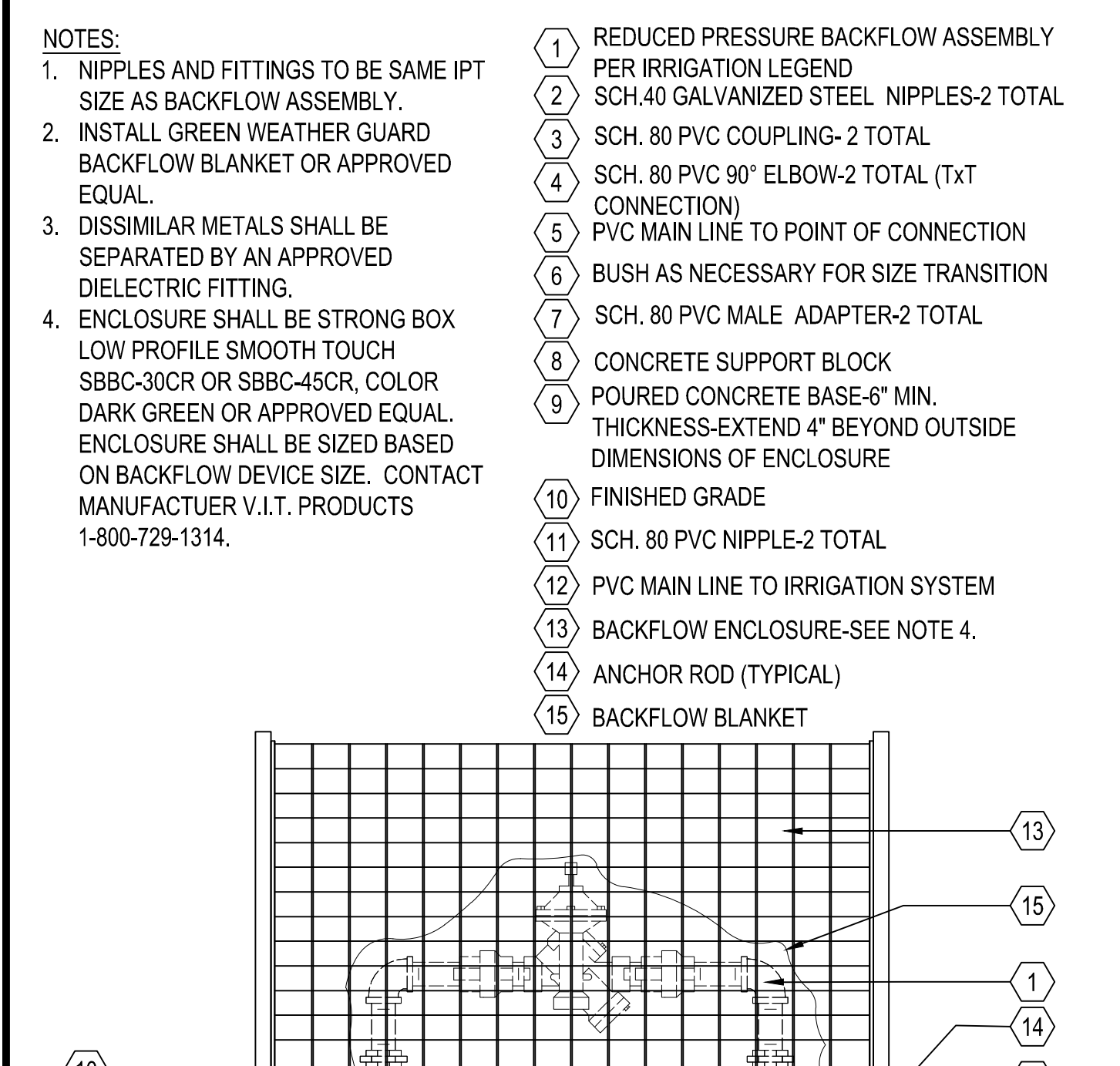
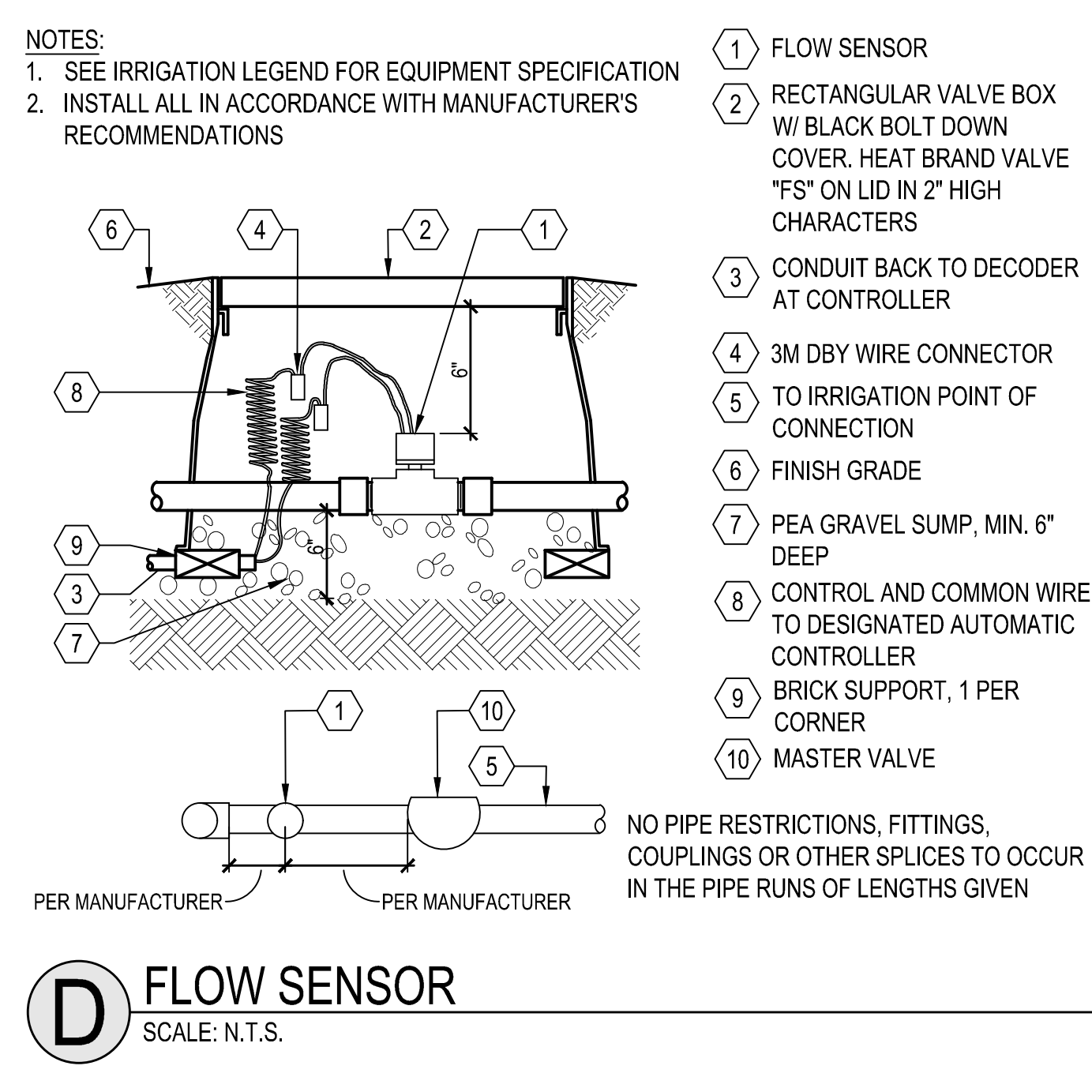
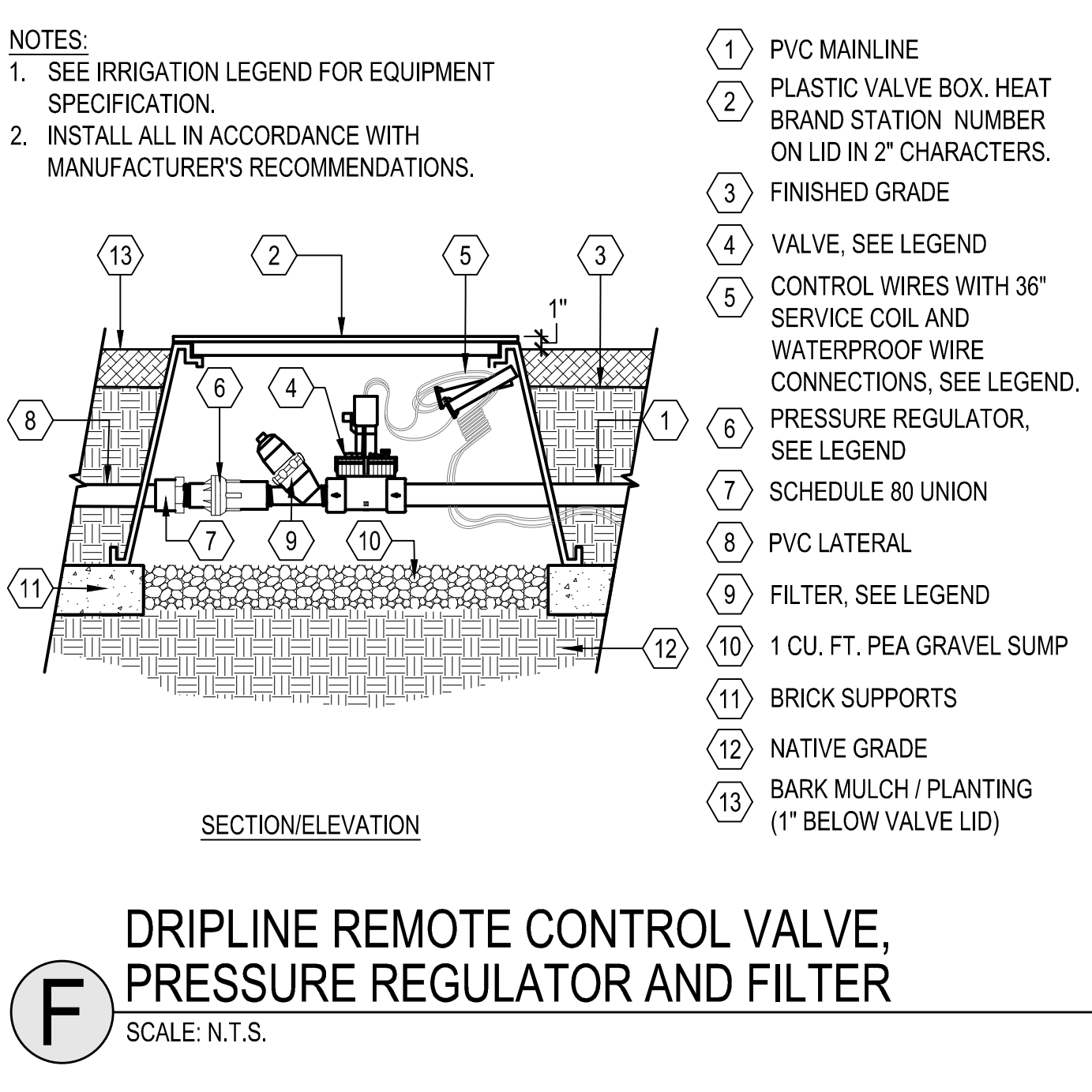
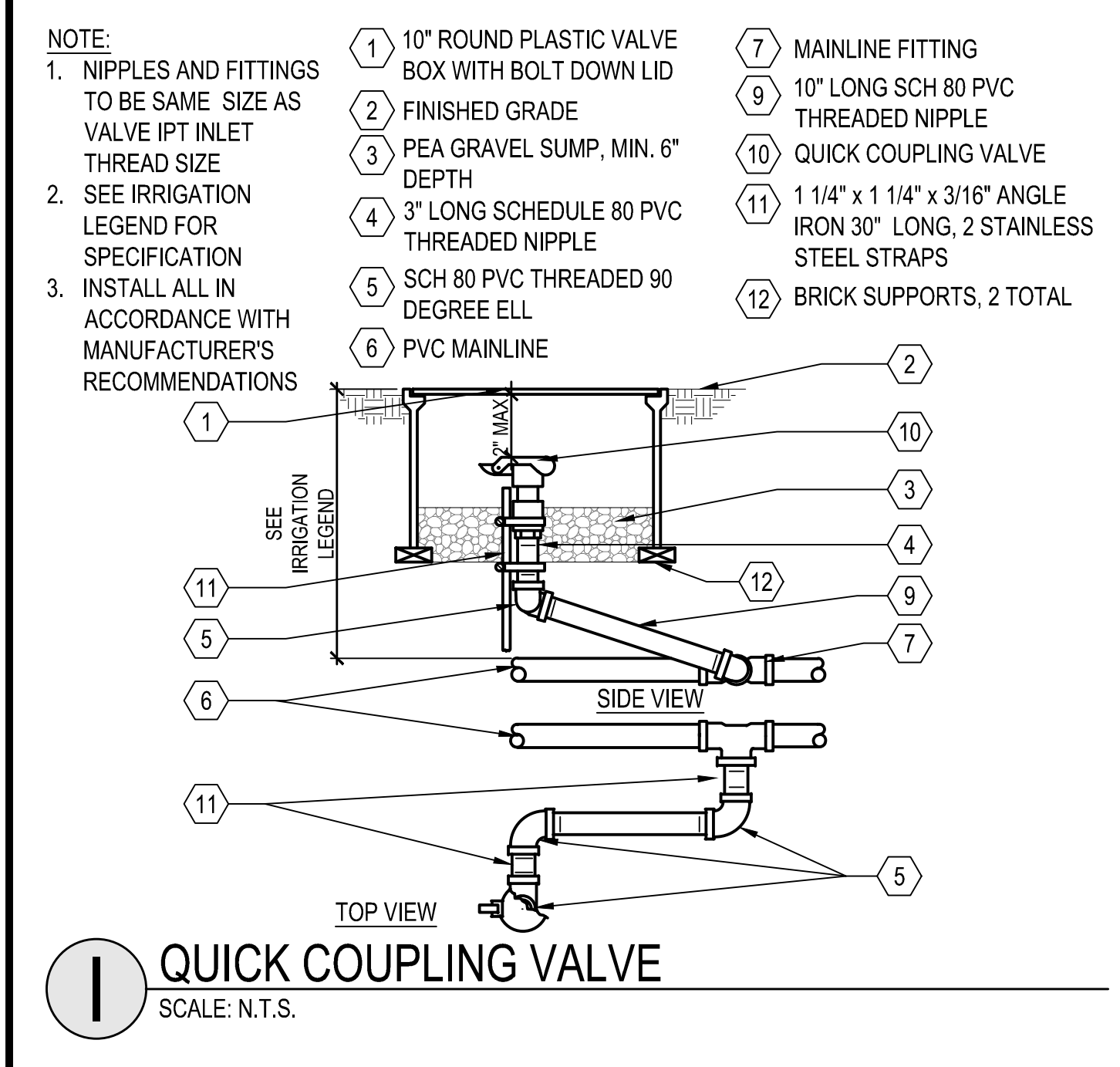
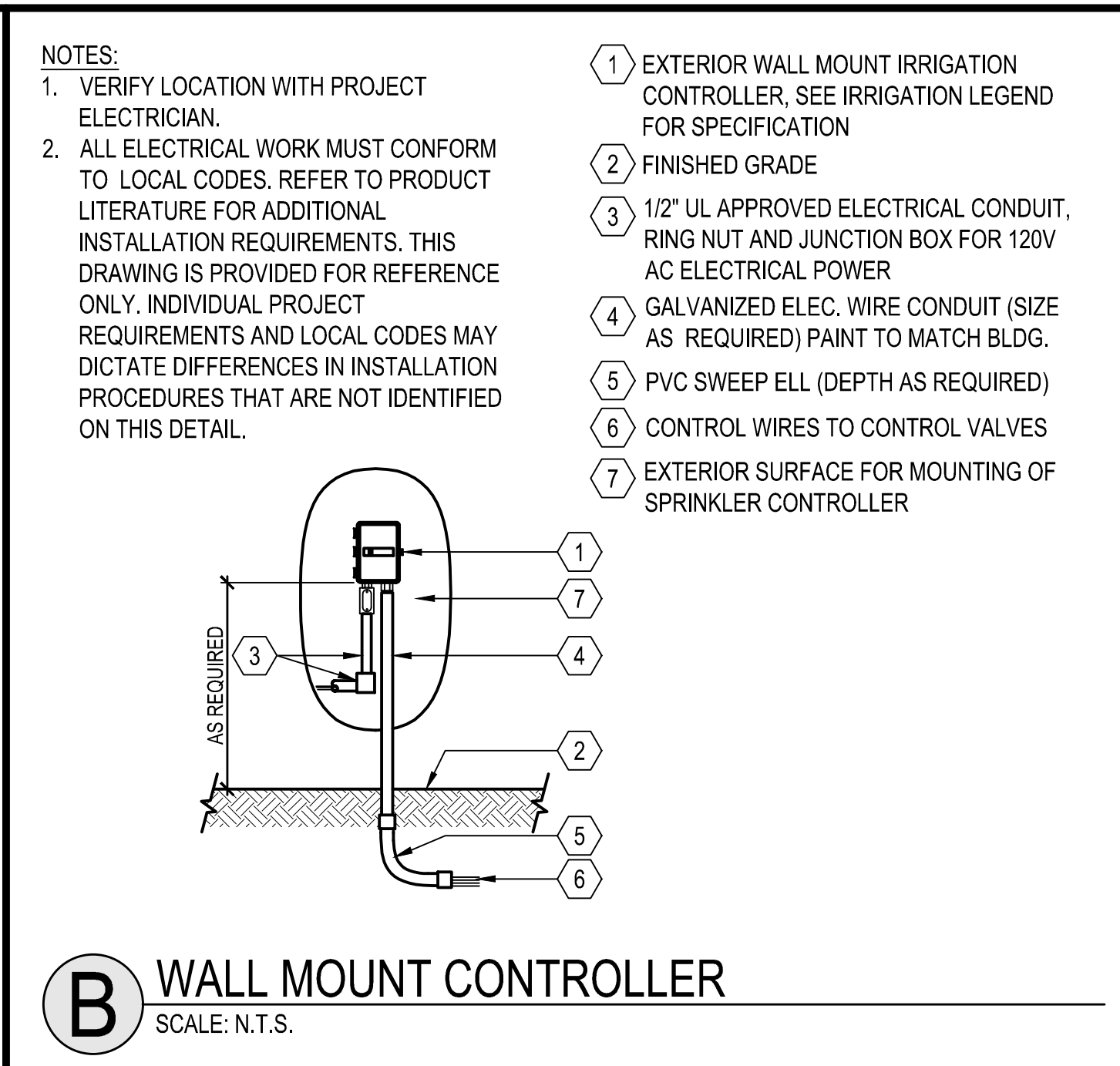
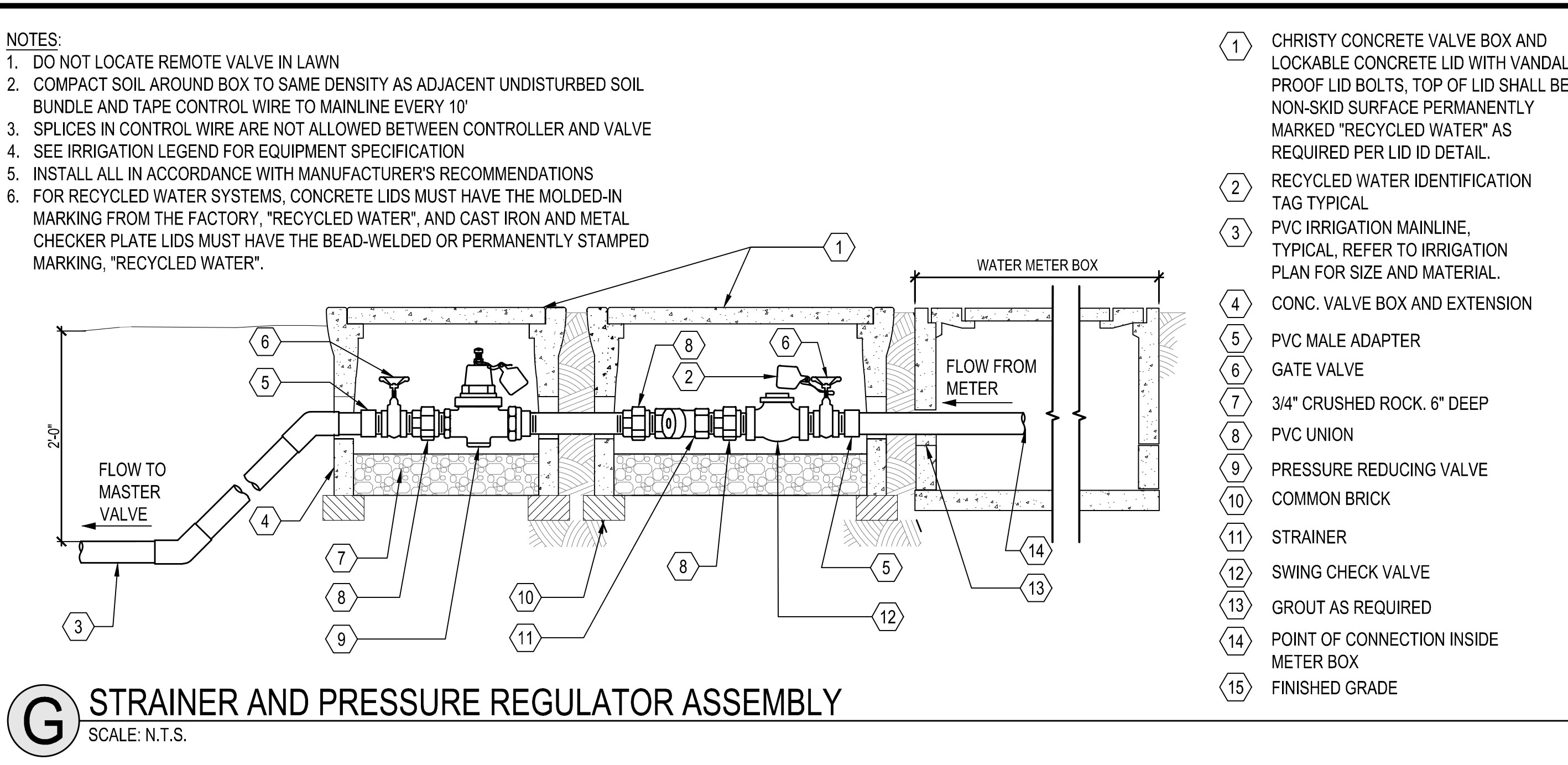
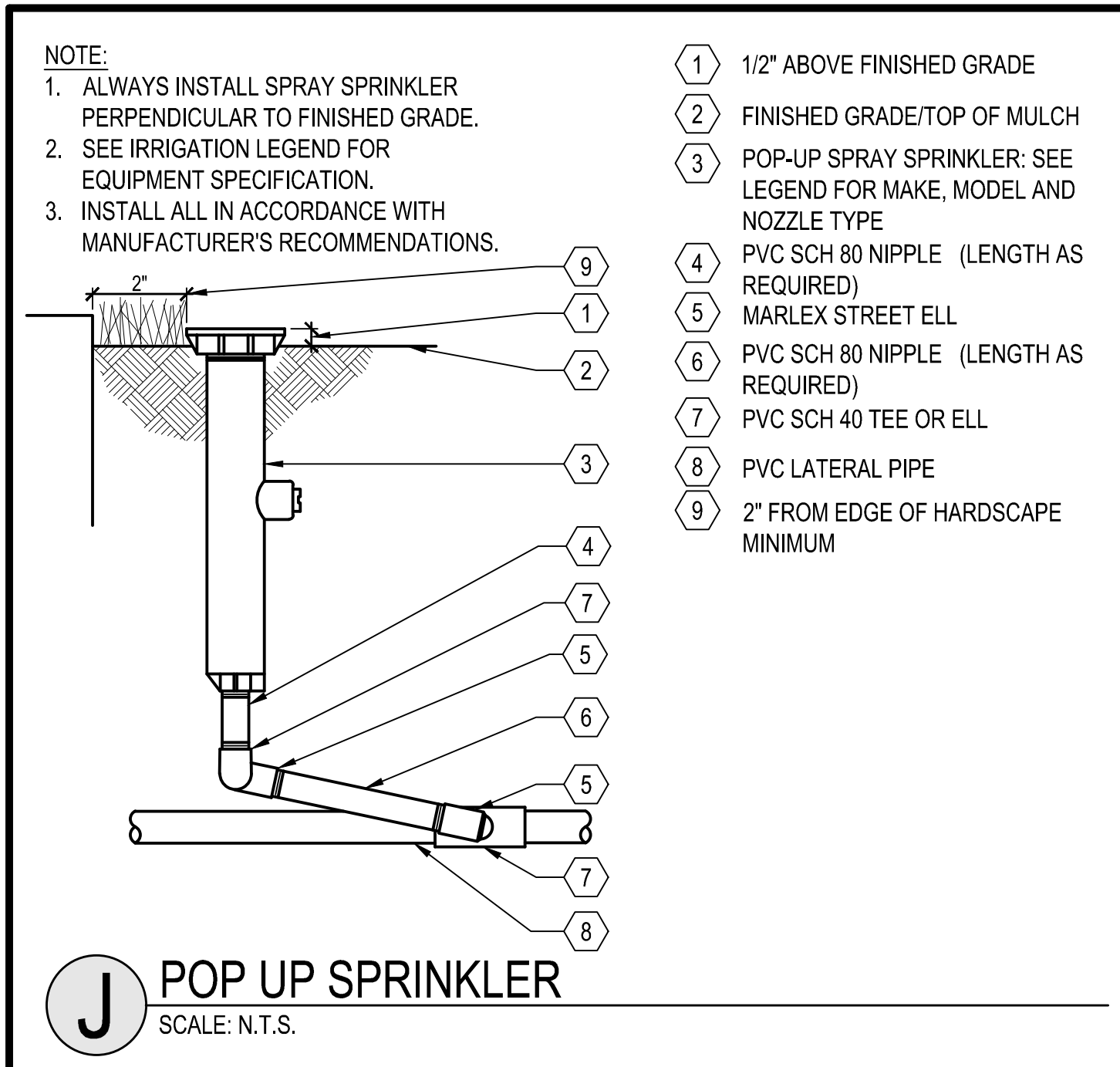


**AFFORDABLE HOUSING AT
VICTORY TEMPLE CHURCH**
KB HOME
SEASIDE, CA

NO	DATE	DESCRIPTION
PROJECT NO:	6556.00	
CAD DWG FILE:	655600CL.DWG	
DESIGNED BY:	KY	
DRAWN BY:	JW	
CHECKED BY:	CM	
DATE:	OCT. 20, 2023	
SCALE:	1" = 20'	
© HMM		

HYDROZONE PLAN

L1.3



Land Use Entitlements
Land Planning
Landscape Architecture
Civil Engineering
Utility Design
Land Surveying
Stormwater Compliance

1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMMca.com

**AFFORDABLE HOUSING AT
VICTORY TEMPLE CHURCH**

**KB HOME
SEASIDE, CA**

NO	DATE	DESCRIPTION
PROJECT NO:	6556.00	
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DATE:	OCT. 20, 2023	
SCALE:	AS NOTED	
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**IRRIGATION
DETAILS**

L1.4

Packet Page 123



Teaming confidence with nature since 1922

Technical Guide

ESTABLISHMENT AND CARE OF WILDFLOWERS

Wildflowers are beautiful, useful and inexpensive additions to any home landscape. Their colors span the rainbow, and their varying heights, forms and flower shapes will spark your imagination. Many are fast growing, hardy and drought tolerant once established. Furthermore, by using seeds instead of bedding plants, you'll get healthier, more robust plants at maturity-and save money too!

Use wildflowers for:

- Borders and edgings
- Beds in small spaces, such as courtyards and side yards
- Spot color in rock gardens
- Meadows
- Quick color near new shrubs
- Erosion control on slopes
- Replacement for thirsty lawns
- Containers, window boxes and hanging baskets
- Cut flower arrangements
- Wildlife habitats

The following information is designed to give you helpful tips for growing wildflowers.

When To Plant. The best time to plant depends upon watering and soil temperatures. Determine whether the area will be watered by a sprinkler system (irrigated) or other form of supplemental irrigation or whether it will be watered only by rainfall (non-irrigated). Irrigated sites can be established once the soil temperatures reach 65 to 70°F. Non-irrigated sites are best planted just before the rainy season. Generally, in southern and western portions of the U.S., planting should be done in the fall. In northern and eastern regions, planting should be done in the spring. Annual wildflowers develop leaves and stems during the cool periods and begin flowering during warmer temperatures. The longer plants are allowed to develop, the more substantial the root and leaf structures are and the longer and more spectacular the flowering period.

Where to plant. Most species of wildflowers require six to eight hours of sunlight. Less sunlight will produce

plants that are leggy, weak and without flowers. A few species, and one of our mixtures, will tolerate partial shade (at least four hours of sunlight). Do not attempt to seed areas that have dense shade.

Providing good drainage. Good drainage is essential for the best plant growth. If water doesn't soak in, runs off quickly or keeps the soil continually soggy, you may need to till the soil and add amendments to improve drainage. On slopes, use low-volume irrigation such as mini- or micro-sprinklers to minimize surface runoff and erosion of the seed and soil.

Controlling weeds. Weeds are a great threat to the success of your wildflowers. Weeds generally grow taller and faster than wildflowers, robbing the soil of moisture and nutrients and eventually sunlight. Therefore, it is important to remove weeds before seeding. For a non-chemical approach you can try soil solarization. Information can be found at: <http://ipm.ucanr.edu/PMG/PESTNOTES/pn74145.html> If tilling is necessary to improve soil structure, it should be done before weed control. If tilling is not necessary, move on to watering.

Tilling. It is best not to heavily till the area as it may bring dormant weed seeds to the surface where they will germinate and compete with the wildflowers. However, if there is soil compaction or poor drainage, you should till. When tilling, incorporate organic material, such as humus mulch or compost, and then grade the soil into a firm seed bed.

For large areas, it might be necessary to use a flail mower or tractor to rough up the soil surface and remove existing vegetation. It is important to remove enough vegetation to ensure that the seed is in firm contact with the soil. If the seed is not in direct contact with the soil, it will germinate and die because the root will be unable to obtain water and nutrients essential for growth.

For small areas, lightly rake to scalp or scarify the soil, loosening as much as two inches of the soil surface.

Practice weed germination and removal as described in "Controlling weeds."



STOVER SEED.

9180 San Fernando Rd. * P.O. Box 1579 * Sun Valley, CA 91353

213-626-9668 * 800-621-0315 * FAX 213-626-4920 * www.stoverseed.com

Watering. After weeds have been removed and the soil has been tilled, water the area frequently for two to three weeks to allow weed seeds to germinate. Once the weeds have germinated, apply the non-selective herbicide but do not disturb the soil any further as this could cause new weed growth. Seeding should take place about two weeks after applying the herbicide. Consult the instructions on the herbicide package for specific waiting periods.

Determine the seeding rates. Carefully measure the area to be seeded and check your seed package or product sheet for the seeding rate, such as ounces to square feet of area. Check each package or species you purchase as coverage can vary considerably. Be sure that you have enough seed to cover the entire area all at once.

Make good contact with soil. We can't overemphasize the importance of seed-to-soil contact. Be sure that the surface is clear of vegetation and that it is roughed up a bit so that seeds have direct contact with the soil.

Distribute seed evenly. It is important that you distribute the seed evenly over the planting area. It is often helpful to mix the seed with sand or vermiculite to help spread the seed more evenly. Usually a mixture of one part seed to two parts sand is best, although more sand is fine. Mixing with sand also helps to mark the area that you have seeded. Divide the seed/sand mixture into two equal parts and apply one half of the seed in one direction over the entire area and then the second half in the opposite direction over the entire area. For small areas, seeding by hand will work, however you'll need to use a hand-held rotary spreader for larger areas. For very large areas or slopes, hydroseeding or drill seeding is the best method. Consult a professional contractor for more information.

Cover the seed. Once the seed has been broadcast, press the seed into the soil either by foot, a sheet of plywood, or a roller in order to insure good contact with the soil. The seed should then be covered with no more than 1/8 to 1/4 inch of mulch which will hold moisture better than soil. Problems with germination are typically the result of burying seeds too deep.

Irrigating with sprinklers. Wildflower seeds usually need four to six weeks of ample, consistent moisture to germinate and begin establishment. A new seeding must not be allowed to dry out! The irrigation schedule for a new planting site should be light and frequent until the first signs of germination, which is usually two to four weeks after initial watering. In warmer arid regions, the frequency of light irrigation can be up to three times daily. Once plants reach one to two inches in height, the daily frequency of irrigation can be reduced. Established wildflowers will need supplemental

irrigation when they exhibit signs of wilting or during periods of high temperature and/or low rainfall. In arid regions of the country without consistent rainfall, supplemental irrigation of up to half an inch a week may be necessary for plants to perform their best.

Irrigating with rainfall. If you are relying solely on Mother Nature to provide irrigation, you'll need to time your planting to coincide with the rainy season. However, you'll have a better chance of germination and establishment if you can provide some supplemental irrigation, particularly during periods of high temperature.

Controlling weeds. Periodic weed control helps maintain a steady show of wildflowers. It is much easier to eliminate weeds when they are young, rather than fully grown plants. Weeds can be eliminated by pulling, hoeing or spot spraying with an herbicide. Be careful to keep spray away from desirable plants.

Mowing. After flowering and seed has been set, your wildflower garden can be mowed. Mow no lower than six inches. This technique will encourage any perennials that you may have.

Fertilizing. Wildflowers do best in soils with low fertility. High nitrogen soils only encourage the growth of weeds and vegetative growth at the expense of flowering. Fertilizing should be only done on soils with no nutrients. Use organic fertilizers with very low nitrogen (five percent or less) content.

Reseeding. To enable your wildflowers to reseed, leave the flowers on the plants after blooming and allow them to develop seeds. After seed development, wildflowers can be mowed or cut down which will help to scatter the new seed. If you have planted a wildflower mixture, you may want to reseed some of the annuals in the mixture. Although some will reseed, you will get a better show of flowers if you do some additional re-seeding yourself.

Enjoying. If you're new to wildflower gardening, you may not have realized that wildflowers are not a throw-and-grow proposition. Only the best seed combined with the proper choices, preparation, planting and maintenance will ensure a successful experience with wildflowers. You'll relish the experience and the resulting beauty wildflowers will bring to your gardens!

We guarantee that the seed we offer has been tested by a certified seed-testing laboratory and conforms to federal and state seed laws. We make no other guarantees, either express or implied. Because of varying factors beyond our control, there is no guarantee of establishment.



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GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

DIVISION 1. PLANNING AND ZONING [65000 - 66301] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

CHAPTER 4.2. Housing Development Approvals [65913 - 65914.7] (*Chapter 4.2 added by Stats. 1980, Ch. 1152.*)

(a) For purposes of this section, all of the following definitions shall apply:

65913.6. (1) “Housing development project” means a housing development project as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(2) “Local agency” means any county, city, or city and county, including a charter city, or city and county.

(3) “Place of worship” means a property owned or operated by a religious institution, that is used for the purpose of regular assembly by members of the institution.

(4) “Religious institution” means an institution owned, controlled, and operated and maintained by a bona fide church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation pursuant to Part 4 (commencing with Section 9110) of Division 2 of Title 1 of the Corporations Code.

(5) “Religious institution affiliated housing development project” means a housing development project that meets all of the following criteria:

(A) The housing development project is located on one or more contiguous parcels that are each owned entirely, whether directly or through a wholly owned company or corporation, by a religious institution.

(B) The housing development project qualifies as being near colocated religious-use parking spaces by being any of the following:

(i) Located on one or more parcels that collectively contain religious-use parking spaces.

(ii) Located adjacent to a parcel owned by the religious institution that contains religious-use parking spaces.

(iii) Located on one or more parcels separated by no more than 0.1 miles from a parcel owned by the religious institution that contains religious-use parking spaces.

(C) The housing development project qualifies for a density bonus under Section 65915.

(6) “Religious-use parking spaces” means parking spaces that are required under the local agency’s parking requirements for existing places of worship, or parking spaces that would be required in a proposed development for a new place of worship.

(b) (1) Notwithstanding any other law or ordinance, a local agency shall not require the replacement of religious-use parking spaces that a developer of a religious institution affiliated housing development project proposes to eliminate, or reduce in the case of a plan for a new development, as part of that housing development project pursuant to this

section.

(2) The number of religious-use parking spaces requested to be eliminated, or reduced in the case of a plan for a new development, by a developer of a religious institution affiliated housing development project pursuant to this section shall not exceed the following:

(A) In the case of an existing place of worship to be retained, 50 percent of the number of religious-use parking spaces that are available at the time the request is made.

(B) In the case of a newly constructed place of worship, 50 percent of the number of religious-use parking spaces that would be required for a newly constructed place of worship.

(3) The elimination of religious-use parking spaces pursuant to a religious institution affiliated housing development project that has been approved by a local agency does not constitute a concession pursuant to Section 65915.

(c) Notwithstanding any other law or ordinance, a local agency shall not require the curing of any preexisting deficit of the number of religious-use parking spaces as a condition of approval of a religious institution affiliated housing development project.

(d) Notwithstanding any other law or ordinance, a local agency shall allow the number of religious-use parking spaces that will be available after completion of a religious institution affiliated housing development project to count toward the number of parking spaces otherwise required for approval of the housing development project under any other law or ordinance.

(e) Notwithstanding any other law or ordinance, a local agency shall not deny a proposed religious institution affiliated housing development project solely on the basis that the project will reduce the total number of parking spaces available at the place of worship provided that the total reduction does not exceed 50 percent of existing parking spaces, or 50 percent of the parking spaces that would be required of a new development of a place of worship.

(f) (1) Notwithstanding any provision of this section, except as provided in paragraph (3), the reduction in parking spaces authorized in this section shall not reduce the minimum parking standards that a local agency may require of a religious institution affiliated housing development project below one space per unit.

(2) For the purposes of this subdivision, a local agency shall not be required to allow the remaining religious-use parking spaces to count toward the number of parking spaces otherwise required for approval of the housing development project as provided in subdivision (d) to the extent that the application of subdivision (d) would prohibit a local agency from requiring up to one parking space per unit.

(3) This subdivision shall not apply to a religious institution affiliated housing development project if either of the following is true:

(A) The parcel is located within one-half mile walking distance of public transit. For the purposes of this paragraph, “public transit” means either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(g) This section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that otherwise applies.

(h) The Legislature finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income levels in this state, is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution, and therefore this section applies to all cities, including

charter cities.

(Amended by Stats. 2022, Ch. 122, Sec. 1. (AB 2244) Effective January 1, 2023.)



GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

DIVISION 1. PLANNING AND ZONING [65000 - 66301] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

CHAPTER 4. Zoning Regulations [65800 - 65912] (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.*)

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] (*Article 2 added by Stats. 1965, Ch. 1880.*)

- 65863.2.** (a) A public agency shall not impose or enforce any minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of public transit.
- (b) Notwithstanding subdivision (a), a city, county, or city and county may impose or enforce minimum automobile parking requirements on a project that is located within one-half mile of public transit if the public agency makes written findings, within 30 days of the receipt of a completed application, that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact, supported by a preponderance of the evidence in the record, on any of the following:
- (1) The city's, county's, or city and county's ability to meet its share of the regional housing need in accordance with Section 65584 for low- and very low income households.
 - (2) The city's, county's, or city and county's ability to meet any special housing needs for the elderly or persons with disabilities identified in the analysis required pursuant to paragraph (7) of subdivision (a) of Section 65583.
 - (3) Existing residential or commercial parking within one-half mile of the housing development project.
- (c) For a housing development project, subdivision (b) shall not apply if the housing development project satisfies any of the following:
- (1) The development dedicates a minimum of 20 percent of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities.
 - (2) The development contains fewer than 20 housing units.
 - (3) The development is subject to parking reductions based on the provisions of any other applicable law.
- (d) Notwithstanding subdivision (a), an event center shall provide parking, as required by local ordinance, for employees and other workers.
- (e) For purposes of this section:
- (1) "Housing development project" means a housing development project as defined in paragraph (2) of subdivision (h) of Section 65589.5.
 - (2) "Low- and very low income households" means the same as "lower income households" as defined in Section 50079.5 of the Health and Safety Code.

(3) “Moderate-income households” means the same as “persons and families of moderate income,” as defined in Section 50093 of the Health and Safety Code.

(4) “Public agency” means the state or any state agency, board, or commission, any city, county, city and county, including charter cities, or special district, or any agency, board, or commission of the city, county, city and county, special district, joint powers authority, or other political subdivision.

(5) “Public transit” means a major transit stop as defined in Section 21155 of the Public Resources Code.

(6) “Project” does not include a project where any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except where a portion of a housing development project is designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(f) This section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential or nonresidential development that is located within one-half mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

(g) When a project provides parking voluntarily, a public agency may impose requirements on that voluntary parking to require spaces for car share vehicles, require spaces to be shared with the public, or require parking owners to charge for parking. A public agency may not require that voluntarily provided parking is provided to residents free of charge.

(h) (1) Subdivision (a) shall not apply to commercial parking requirements if it conflicts with an existing contractual agreement of the public agency that was executed before January 1, 2023, provided that all of the required commercial parking is shared with the public. This subdivision shall apply to an existing contractual agreement that is amended after January 1, 2023, provided that the amendments do not increase commercial parking requirements.

(2) A project may voluntarily build additional parking that is not shared with the public.

(i) The Legislature finds and declares that the imposition of mandatory parking minimums can increase the cost of housing, limit the number of available units, lead to an oversupply of parking spaces, and increased greenhouse gas emissions. Therefore, this section shall be interpreted in favor of the prohibition of the imposition of mandatory parking minimums as outlined in this section.

(Added by Stats. 2022, Ch. 459, Sec. 2. (AB 2097) Effective January 1, 2023.)



**CITY OF SEASIDE
STAFF REPORT**

Item No.:6.E.

TO: Planning Commission

BY: Andrew Myrick, Economic Development & Community
Planning Manager

DATE: December 13, 2023

SUBJECT:

**MINOR USE PERMIT MUP-15-01. A HEARING TO
CONSIDER THE REVOCATION OF MINOR USE
PERMIT MUP-15-01 FOR A THERAPEUTIC
MASSAGE BUSINESS LOCATED AT 885
BROADWAY AVENUE (APN: 011-545-001) DUE TO
VIOLATIONS OF THE CONDITIONS OF APPROVAL.
THIS ACTION IS EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA) PURSUANT TO SECTIONS 15061(d) AND
15270 OF THE CEQA GUIDELINES**

PURPOSE

The purpose of this item is to consider the revocation of MUP-15-01.

BACKGROUND

The City of Seaside allows Therapeutic Massage with a Minor Use Permit (MUP) within the West Broadway Urban Village Specific Plan (WBUVSP) area. The City of Seaside Zoning Ordinance Section 17.98.020 defines Therapeutic Massage as follows:

Therapeutic Massage. An establishment with a fixed place of business where any individual, firm, association, partnership, corporation, or combination of individuals engages in, conducts, carries on or permits to be engaged in, conducted or carried on, massage, baths, or health treatments involving massage or baths as the principal functions where the establishment adheres to the following criteria:

1. All individuals performing massage on the premises of the establishment are engaged in legitimate, therapeutic, nonsexual massage, have received certification by the California Massage Therapy Council (CAMTC), and are able to demonstrate current certification at the time of business

license issuance and annual business license renewal by the City; and

2. All individuals performing massage on the premises of the establishment maintain reasonable attire and personal hygienic practices, and the establishment maintains safe, clean, and hygienic facilities; and
3. The establishment shall be subject to reasonable inspections during regular business hours by duly authorized law enforcement officials, to ensure compliance with all applicable building, fire, and health and safety requirements.

Establishments whose principle function involves the methods of practice or the legitimate techniques of licensed physicians, chiropractors, physical health therapists, or athletic trainers are classified as "Medical Services – Doctor Office." Massage establishments that are engaged in sexual massage, or do not satisfy all of the above criteria, are classified as an "Adult-Oriented Business."

As noted in the definition, Therapeutic Massage specifically excludes sexual massage. Sexual massage is a prohibited use within the WBUVSP area.

On April 13, 2015, the Seaside Zoning Administrator held a public hearing to consider an application for a MUP (MUP-15-01) for Therapeutic Massage at 885 Broadway Avenue. As noted in the attached Resolution (Attachment 2), the Zoning Administrator approved the MUP with specific Conditions. Among these conditions were prohibitions against sexual massage; specifically, Planning Condition 5(i) prohibits the following:

It is a violation of this Minor Use Permit for a business proprietor or a certificate holder conducting massage services under the authority of the business proprietor to commit any of the following acts, the commission of which is grounds for the Zoning Administrator to revoke the Minor Use Permit or to impose discipline on a certificate holder:

(1) Unprofessional conduct related to massage services shall consist of the following activities:

- (A) Engaging in sexually suggestive advertising related to massage services.*
- (B) Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation.*
- (C) Engaging in sexual activity while providing massage services for compensation.*
- (D) Practicing massage on a suspended certificate or practicing outside of the conditions of a restricted certificate.*
- (E) Providing massage of the genitals or anal region.*

In September of 2023, in response to several anonymous reports that sexual massage was occurring at 704 and 885 Broadway Avenue, the City of Seaside Police Department launched an investigation into activities taking place at those two facilities. A summary of the investigation and its findings are included in the attached Memo (Attachment 3). Based on the contents of that Memo, there is cause to believe that the operator has advertised and provided sexual massage services at the subject location. This

represents a violation of Condition 5(i)(1)(A), (B), (C), and (E) noted above.

On September 19, 2023, the subject property was ordered to cease operations pursuant to Section 17.80.060.F. Section 17.80.060 also provides the process whereby a permit may be revoked. Given risks to public health associated with the activity, as well as the challenges associated with the resumption of compliant operations by the current operators, staff recommends that the MUP be revoked.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENTS

**PLANNING COMMISSION
RESOLUTION NO. 23-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SEASIDE REVOKING MINOR USE PERMIT MUP-15-01 FOR
THERAPEUTIC MASSAGE LOCATED AT 885 BROADWAY AVENUE
(APN 011-545-001) DUE TO VIOLATIONS OF THE CONDITIONS OF
APPROVAL.**

WHEREAS, Minor Use Permit MUP-15-01 for Therapeutic Massage was approved by the Seaside Zoning Administrator on April 13, 2015; and

WHEREAS, MUP-15-01 includes several conditions of approval, including conditions prohibiting sexually suggestive advertising, engaging in sexual activity, and/or providing massage of the genitals or anal region, and provides that violations of these conditions is grounds for revocation of the permit; and

WHEREAS, an investigation by the Seaside Police Department has determined that the business operating at 885 Broadway Avenue has violated all of the conditions referenced above; and

WHEREAS, the revocation of MUP-15-01 is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(d) and 15270 of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that the conditions of MUP-15-01 have not been complied with, and hereby revokes MUP-15-01 effective immediately.

PASSED AND ADOPTED at a meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of December 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

**ZONING ADMINISTRATOR
RESOLUTION No. ZA-15-01**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING MINOR USE PERMIT APPLICATION NO. MUP-15-01 TO ALLOW FOR THE ESTABLISHMENT OF A DAY SPA/THERAPEUTIC MASSAGE BUSINESS WITHIN A MULTI-TENANT COMMERCIAL BUILDING LOCATED AT 885 BROADWAY AVENUE (APN 011-545-001).

WHEREAS, John McEwan, Property Owner, and Chong Brown, applicant, have applied for a Minor Use Permit to establish a day spa/therapeutic located at 885 Broadway Avenue; and

WHEREAS, the Minor Use Permit has been reviewed by the Zoning Administrator in accordance with Section 17.62.070 and 17.62.070.F of the Seaside Zoning Code; and

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

WHEREAS, the Zoning Administrator considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing at public meeting held on April 13, 2015; and

WHEREAS, this project qualifies as a Class 1 Categorical Exemption under Section 15301(a) under the California Environmental Quality Act; and.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator adopts the following findings approving Minor Use Permit Application No. MUP-15-01:

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

Evidence: Under the off-street parking standards for the West Broadway Urban Village Specific Plan, the existing multi-tenant commercial building is required to provide a minimum of 15 parking spaces (one space per 500 sq. ft.). The project site will provide 10 parking spaces within the remote parking lot located off the alley to the rear and four on-street parking spaces on Santa Barbara Street directly in front and on the east side of the building. In accordance with Section B.8.1 of the WBUVSP, on-street parking along the street frontages of projects may be counted toward the parking requirement.

While the site has access to only 14 parking spaces, the proposed use would not result in an intensification of parking above the previous tax service business. Per the

City's off-street parking standards, the day spa/therapeutic massage business and a business professional office both are estimated to require a parking demand of one space per 300 square feet of floor area. In accordance with Section 17.72.030.C.2.b of the SMC, the new use will not result in an increase in parking demand. Only when a new use creates a higher parking demand than what had previously existed would additional off-street parking or a parking waiver be required.

The project will comply with the required off-street parking requirements and the provision of a van disable parking space being striped within the existing remote off-street parking lot located off the alley.

Evidence: *In accordance with Section B.1.2 of the WBUVSP, Minor Use Permits on primary streets must cite the potential for the use to contribute to pedestrian activity and to provide visual access for pedestrians into the ground floor use. The proposed project will serve to occupy a vacant, underutilized commercial building with a business that would enhance pedestrian activity and refurbish the storefront to enhance the overall appearance of the mixed-use building and improve the economic viability of the WBUVSP area. The storefront windows would remain open to public view from the street right-of-way and sidewalk.*

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

The project site is designated as the WBUVSP area in the General Plan Land Use Element. The project would be consistent with the following General Plan and WBUV Goals and Policies:

General Plan

- Goal LU-2 – Revitalize existing commercial areas.
- Policy LU-2.1 – Encourage consolidation of under-performing and under-utilized commercial properties.

Evidence: *The project would occupy an existing vacant commercial lease area on a primary street.*

- Goal ED-5 – Attract new regional and visitor serving businesses.
- Policy ED-5.1 – Attract and support commercial and employment generating development that is consistent with the General Plan and City Ordinances.

Evidence: *The proposed project will create additional employment opportunities and its hours of operation would provide opportunities for existing businesses to*

capitalize on the attraction of both local residents and visitors frequenting the WBUVSP area as a result of the new business who may not have otherwise frequented the WBUVSP area.

West Broadway Urban Village

- Goal: Create a balance of community and visitor serving mix of uses in the West Broadway Urban Village.

Evidence: *The proposed day spa/therapeutic massage business will provide a service oriented business in an area of the city that is predominantly occupied with retail serving businesses. The service aspect of the business will serve to attract both local residents and regional visitors to a location that fronts on a primary street within the urban core of the City and diversify the mix of businesses envisioned for the MX zoning district of the WBUVSP. The proposed business would be the second therapeutic massage business located within the MX zoning district of the WBUVSP.*

- Support and encourage the development of vacant and underutilized lots with uses that are efficient and compatible with the character of the West Broadway Urban Village.

Evidence: *The project would occupy an existing vacant commercial lease area on a primary street.*

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

Evidence: *The project proposed is consistent with location, size and use of the existing and planned future uses of the mixed use commercial area.*

Evidence: *The proposed day spa/therapeutic massage business will be compatible with the existing businesses surrounding the project site in that it will not detract from the character of mix of land uses envisioned for the WBUVSP and would encourage a pedestrian oriented atmosphere by occupying a storefront building on a primary street. The Minor Use Permit process will enable the City to place conditions on the land use which would regulate how the therapeutic aspects of the business would take place to remove any misconception of illegal adult business activities often associated with a massage practitioner business and ensure that visual access into the storefront window would be maintained to blend with the retail character of the WBUVSP area.*

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

Evidence: The project site is developed with a commercial building containing adequate off-street parking for the combined use of the multi-tenant commercial building, as well as the project lease area.

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

Evidence: The City of Seaside's Fire Department, Building Department and Public Works Department have reviewed the conceptual project proposal and have no comments or concerns relating to any impacts that would be detrimental to the public health and safety.

BE IT FURTHER RESOLVED, the Zoning Administrator hereby grants Minor Use Permit Application No. MUP-15-01 subject to the following terms and agreements:

Project Specific

Planning:

1. Except as modified by required conditions of approval, plans submitted for a Certificate of Occupancy shall substantially conform to the plans identified as "Chong Brown" stamped as Received on March 30, 2015 (Exhibit "A"), and approved on April 13, 2015.
2. Prior to installing a permanent wall sign or window sign, applicant must receive sign permit approval from the Planning Division.
3. The storefront windows must remain open to public view from the street right-of-way and sidewalk.
4. Prior to the issuance of a Certificate of Occupancy, the off-street parking area located within the rear parking lot must be cleared and remain free of any storage containers, trash enclosures, trash/debris/materials, and commercial vehicles not associated with the existing located within the multi-tenant commercial building where the therapeutic massage business is located.
5. The operation of the day spa/massage therapeutic massage business must be operated in compliance with the following standards:
 - a. All employees and independent contractors engaged in conducting massage practices at the premise must possess a valid Certified Massage Therapist Certificate issued by the California Massage Therapy Council. Each massage practitioner must display his or her original certificate issued by the California Massage Therapy Council while providing massage services for compensation.

- b. Provide his or her full name and certificate number upon the request of a member of the public, the council, or a member of law enforcement, or a local government agency charged with regulating massage or massage establishments, at the location where he or she is providing massage services for compensation.
- c. “Massage” means the scientific manipulation of the soft tissues. For purposes of this chapter, the terms “massage” and “bodywork” shall have the same meaning.
- d. “Massage establishment” or “establishment” means a fixed location where massage is performed for compensation, excluding those locations where massage is only provided on an out-call basis.
- e. “Massage practitioner” means a person who is certified by the California Massage Therapy Council pursuant to Section 4604.2 of the California Government Code and who administers massage for compensation.
- f. “Massage therapist” means a person who is certified by the California Massage Therapy Council under Section 4604 of the California Government Code.
- g. The applicant shall require each massage practitioner to undergo a background check with the Seaside Police Department as a condition of their employment, formation of a contractual relationship, or participation in massage related activities. Fees related to the processing of the background check by the Police Department shall be paid as listed in the City’s adopted fees and charges.
- h. All massage practitioners must be at least 18 years of age.
- i. It is a violation of this Minor Use Permit for a business proprietor or a certificate holder conducting massage services under the authority of the business proprietor to commit any of the following acts, the commission of which is grounds for the Zoning Administrator to revoke the Minor Use Permit or to impose discipline on a certificate holder:
 - (1) Unprofessional conduct related to massage services shall consist of the following activities:
 - (A) Engaging in sexually suggestive advertising related to massage services.
 - (B) Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation.

- (C) Engaging in sexual activity while providing massage services for compensation.
 - (D) Practicing massage on a suspended certificate or practicing outside of the conditions of a restricted certificate.
 - (E) Providing massage of the genitals or anal region.
- (2) Procuring or attempting to procure a Massage Practitioner certificate by fraud, misrepresentation, or mistake.
- (3) Failing to fully disclose all information requested on the background application completed by the Seaside Police Department.
- (4) Impersonating a Massage Practitioner certificate holder, or permitting or allowing a noncertified person to use a Massage certificate issued by the California Massage Therapy Council.
- (5) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a Massage certificate holder.
- (8) Dressing while engaged in the practice of massage for compensation or while visible to clients in a massage establishment, in any of the following:
- (A) Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
 - (B) Swim attire, if not providing a water-based massage modality approved by the council.
 - (C) Attire displayed in a manner that exposes the certificate holder's breasts, buttocks, or genitals.
 - (D) Attire displayed in a manner that constitutes a violation of Section 314 of the Penal Code.
 - (E) Attire in a manner that is otherwise deemed to constitute unprofessional attire based on the custom and practice of the massage practitioner profession as deemed inappropriate in the State of California by the California Massage Therapy Council.
- (9) Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.

(10)The Zoning Administrator shall deny an application for a Massage Certificate, or revoke the Massage Certificate, if the applicant or certificate holder is required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is required to register as a sex offender in another state.

(11) It is an unfair business practice for a person to do any of the following:

(A) To hold himself or herself out or to use the title of “certified massage therapist” or “certified massage practitioner,” or any other term, such as “licensed,” “certified,” “CMT,” or “CMP,” in any manner whatsoever that implies or suggests that the person is certified as a massage therapist or massage practitioner, unless that person currently holds an active and valid massage practitioner certificate issued by the California Massage Therapy Council.

(B) To falsely state or advertise or put out any sign or card or other device, or to falsely represent to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or massage practitioner.

6. The business owner shall be required to provide the Planning Division and Seaside Police Department with copies of the massage certificates held by each person licensed to conduct massage therapy on the anniversary of the Minor Use Permit (April 13th) each year or the following Monday if the anniversary date falls on a weekend.

Building:

1. All proposed improvements within the interior of the building shall comply with the 2013 California Building Code for the issuance of a Certificate of Occupancy.

Fire Department:

1. All proposed improvements within the interior of the building shall comply with the 2013 California Fire Code for the issuance of a Certificate of Occupancy.

Standard:

1. The Minor Use Permit approval is subject to revocation procedures contained in S.M.C. Section 17.69.060 in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.

2. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
3. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
4. The project shall comply with all requirements of the Monterey Regional Water Pollution Control Agency for the installation of plumbing fixtures and drains.
5. The project shall comply with all requirements of the Monterey County Health Department for the massage services and the overall operations of the business
6. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner.
7. Project approval will become null and void if a building permit is not obtained within one (1) year from the date of approval to begin construction on the project.
8. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED by the Zoning Administrator of the City of Seaside, State of California, on the 13th day of April, 2015.

Lisa Brinton
Acting Zoning Administrator

Minor Use Permit Application. MUP-15-01

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

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

Applicant's Signature

Date

Property Owner's Signature (if different from above)

Date

MEMORANDUM

DATE: November 7, 2023

TO: Seaside Planning Commission

FROM: Detective Hector Huizar, Seaside Police Department

RE: Seaside Police Department Investigation of Sexual Massage Activities at 704 Broadway Avenue and 885 Broadway Avenue

In the past year, dispatch has received about three reports from anonymous callers, stating they received a massage at a massage parlor in Seaside and were solicited for sex acts. About 7 months ago, Officer A was dispatched to a report from an anonymous caller who stated they received a massage at a massage parlor in Seaside, and the therapist touched his genitals.

About two months ago, a police officer knocked on the back door at Sunny Spa, located at 704 Broadway Avenue, unit C in Seaside. He did so while on duty, in preparation for this operation. An Asian female adult opened the door and he asked for a massage from a pretty young girl. She directed him to Perfect Spa, located at 885 Broadway Avenue and told him to ask for "CC".

About one month ago, Officer A met with an investigator from the Monterey County District Attorney's Office and asked him to search for sex ads being published from Sunny Spa and Perfect Spa. The investigator located sexual ads for both locations. The sexual ads were posted to skipthegames.com and advertised Asian female adults who are about 25 years old. The advertisements described them as pretty, friendly and included pictures of them wearing clothing that shows cleavage, night gowns or short dresses.

On 9/13/23, Officer A asked the investigator to conduct another search for Sunny Spa and Perfect Spa. The investigator sent Officer A the results. The results showed Sunny Spa and Perfect Spa posted sexual ads from 12/06/22-9/13/23.

From 12/6/22-5/2/23, the sexual ads advertised the following:

- Asian Massage Spa
- 24 years old
- Massage techniques for overworked muscles
- Breasts: large
- Grooming down under: Natural
- Discreet, sexy, passionate Asian girls

From 5/3/23-6/15/23, the sexual ads advertised the following:

- Asian Massage
- 23 years old
- Sweetheart therapists who listen to you and treat you like a king

- *Breast relief / Russian*
- *Deep throat*
- *Domination - mild (BDSM)*
- *Domination - severe*
- *Face sitting*
- *Fantasy outfits (on request)*
- *Girlfriend experience (GFE)*
- *Intercourse - Anal (Greek)*
- *Intercourse - Oral*
- *Intercourse - Vaginal (FS)*
- *Kissing - closed lips*
- *Kissing - deep (DFK)*
- *Lunch / dinner dates*
- *Massage - sensual*
- *Massage - therapeutic*
- *Multiple sessions within date time (MSOG)*
- *Oral - CIM*
- *Oral - receiving (DATY)*
- *Oral - without condom (BBBJ)*
- *Pornstar experience (PSE)*
- *Prostate massage*
- *Rimming - receiving*
- *Role-playing*
- *Service by two providers*
- *Striptease*
- *Submission*
- *Toy show*
- *Travel / extended dates*
- *Water sports - giving*
- *Water sports - receiving*
- *Will entertain couples*
- *Will entertain women*
- *Sweet and lovely Asian girls*
- *Photos of Asian female adults, wearing clothing that shows cleavage, night gowns or short dresses*

From 6/16/23-9/13/23, the sexual ads advertised the following:

- *Asian Massage*
- *23 years old*
- *Sweetheart therapists who listen to you and treat you like a king*
- *Sweet and lovely Asian girls*
- *Photos of Asian female adults, wearing clothing that shows cleavage, night gowns or short dresses*

Officer A inquired about the business licenses for Perfect Spa and Sunny Spa with City of Seaside Code Enforcement. Officer A was advised the tenant and owner of Perfect Spa and Sunny Spa is Sun Jung Te.

On 9/14/23, Officer A went in to Perfect Spa, undercover, posing as a customer. He entered the business at about 1200 hours. An employee escorted him to a room and asked if he wanted a 30 minute massage. He told her he did and she asked for payment before the massage began. He provided her 40 dollars in cash and proceeded to undress. He was only wearing underwear and laid on the massage table face down. There was a towel on the massage bed and he used it to cover himself in the area of his buttocks. The towel was about 4 feet long by 2 feet wide. As soon as the employee re-entered the room, she told him he had a nice body. When she started massaging his legs, she told him he had nice legs. While she massaged his left leg, she moved to the left side of his body. His arms were lying on the table, down at his sides. As she applied pressure on his legs, she leaned her upper body downwards and placed her clothed breast in his left hand. She repeated this about five times.

She massaged his buttocks repeatedly before asking him to turn over. When he turned over, she lifted the towel and looked at his genital area. She massaged his stomach and legs. When she was done, he asked her if she did other types of massage and asked for a happy ending. She immediately began to massage his genitals over his underwear continuously, and asked if he meant "hand job". She looked at him and gestured with her hands as if she was holding a cylindrical object and moved her hand up and down. He asked her if she performed oral sex and gestured with his hands as she did for "hand job", but gestured close to his mouth with his mouth open. She said she did not, but massage therapists at Sunny Spa did.

He asked her how much they charged and she asked him how much he would pay. He told her he did not know how much. He asked her who to ask for at Sunny Spa and she told him just to go. She left the room for about two minutes and returned with a business card for 365 Day Spa (previous name for business, now Sunny Spa), with an address of 704 Broadway Avenue, unit C. He asked her how much money to take and she stated she did not know. He asked her if everyone at Sunny Spa offered those services and she stated yes. He told her he wanted a "hand job" from her. She began to massage his genitals again, over his underwear. He asked her how much she charged and she stated 60 dollars for a "hand job". He told her he did not have money and he would return another day. She asked if he had a credit card with him and he told her he did not. He clothed himself and left the business.

Earlier that day, Officer A called Sunny Spa and scheduled an appointment for Officer B. The appointment was set for 1330 hours and the employee who answered stated they only offered 30 minute and 60 minute massages. Officer A asked for the 30 minute and she stated it was 40 dollars. At about 1330 hours, Officer B entered Sunny Spa, undercover, posing as a customer. The employee immediately grabbed his arms and commented on how strong he is. She rubbed his arm near his bicep. She felt his chest over his clothing and walked him over to a room.

She asked him to pay for the massage beforehand, and he provided her 40 dollars in cash. Before they entered the room, she gave him a kiss on his cheek and instructed him to undress completely. He undressed, but kept his underwear and socks on. She asked him to undress completely and he told her he was cold. She brought in a heater and covered him with a towel. She began to massage his back as he laid face down on the table and repeatedly slapped his buttocks. Eventually, she pulled his underwear down, exposing his bare buttocks and slapped his bare buttock repeatedly. She asked him several times to undress completely.

She asked him to flip over onto his back, put his right arm around her waist and his right hand on her buttocks. She looked at him and gestured with her hands as if she was holding a cylindrical object and moved her hand up and down. She whispered "hand job" and he asked, "hand job?" questioning her solicitation. She told him to keep his voice down and pointed at the neighboring wall. He asked her how much and she told him to set the price. He asked her if she performed full sex and oral sex and she nodded her head up and down, answering yes. She asked him to leave in a hurry after someone called her. He asked her if he could come back for sex with her and she nodded her head up and down, answering yes. That concluded his visit.

On 9/19/23, several law enforcement officers assisted with the service of a search warrant at Sunny Spa and Perfect Spa. When Officer A entered Perfect Spa, he was greeted by the same employee who performed the massage on 9/14/23. A search of the business was conducted. Officers located cash, a cellular telephone, two tablets, pay owe sheets, several different medications, to include ones for vaginal infections, and latex covers for fingers.

The employee primarily spoke Mandarin. Officer A called the language line contracted with the City of Seaside and used an interpreter to speak with her. The following is a summary of what she stated:

Officer A asked her if she recognized him and she stated she did not. He asked her if she was being forced to do anything she did not want to at work and she stated no. He asked her if she is allowed to take time off work and she stated yes. He asked her if she possessed her driver's license and passport and she stated she did. He asked her if she had to pay anyone after providing a service at the business and she stated she had to pay her boss. He asked her who her boss was and she stated her name was on a business license in the same room. He pointed to the name and she confirmed it was that person.

He asked her how much she had to pay her boss and she stated 30 dollars. He asked her how often she had to pay 30 dollars and she stated after every service. He asked her how she paid her boss and she stated she gave her cash. He asked her how often she performs sex acts at the business and she stated she does not. He reminded her that she offered him a hand job and asked her who else she offers that to. She stated she rarely offers that and focuses on massages. He asked her if she remembered

telling him they performed oral sex at Sunny Spa and she stated she never said that. He asked her who posts the ads for both businesses online and she stated she did not know.

He asked her who receives the calls when customers call the business number (831-747-1998) and she stated her boss does. He asked her if she worked at Sunny Spa as well and she stated no. He asked her how long she's worked at Perfect Spa and she stated one year. He asked her where she lived before living in Seaside and she stated Oakland. He asked her what she did for work in Oakland and she stated she was a caretaker. He asked her where she was born and she stated China. He asked her when she moved to the US and she stated in 2014. He asked her if anyone paid for her to move to the US and she stated no. He asked her if she felt safe working at Perfect Spa and she stated she did. He asked her if she needed help from police and she stated no. He asked her how often customers ask her to perform sex acts and she stated about every 1-2 days. He asked her how she was able to support herself financially if she gives 30 dollars to her boss and 30 minute massages only cost 40 dollars. She stated she gets tips and sells medicated oils and other products at additional costs. She told him she only had a massage therapist license out of Texas and not California.

Officer B entered Sunny Spa on 9/19/23 to serve the search warrant, and he was greeted by the same employee who performed the massage on 9/14/23. A search of the business was conducted. Officers located cash, two hard drives, several cellular telephones, a laptop, several different medications, to include ones for vaginal infections, and an SD card.

On 9/22/23, Officer A returned to Sunny Spa and spoke with the employee about the city's order to cease business immediately. While standing next to her, Officer A called the number listed on the sexual ads for 704 Broadway Avenue, Unit C and a phone in the employee's possession rang. Officer A called private and the employee's phone displayed No Caller ID as the phone rang.

End of report.



**CITY OF SEASIDE
STAFF REPORT**

Item No.:6.F.

TO: Planning Commission

BY: Andrew Myrick, Economic Development & Community
Planning Manager

DATE: December 13, 2023

SUBJECT:

**MINOR USE PERMIT MUP-18-02. A HEARING TO
CONSIDER THE REVOCATION OF MINOR USE
PERMIT MUP-18-02 FOR A THERAPEUTIC
MASSAGE BUSINESS LOCATED AT 704
BROADWAY AVENUE (APN: 011-292-020) DUE TO
VIOLATIONS OF THE CONDITIONS OF APPROVAL.
THIS ACTION IS EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA) PURSUANT TO SECTIONS 15061(d) AND
15270 OF THE CEQA GUIDELINES.**

PURPOSE

The purpose of this item is to consider the revocation of MUP-18-02.

BACKGROUND

The City of Seaside allows Therapeutic Massage with a Minor Use Permit (MUP) within the West Broadway Urban Village Specific Plan (WBUVSP) area. The City of Seaside Zoning Ordinance Section 17.98.020 defines Therapeutic Massage as follows:

Therapeutic Massage. An establishment with a fixed place of business where any individual, firm, association, partnership, corporation, or combination of individuals engages in, conducts, carries on or permits to be engaged in, conducted or carried on, massage, baths, or health treatments involving massage or baths as the principal functions where the establishment adheres to the following criteria:

1. All individuals performing massage on the premises of the establishment are engaged in legitimate, therapeutic, nonsexual massage, have received certification by the California Massage Therapy Council (CAMTC), and are able to demonstrate current certification at the time of business

license issuance and annual business license renewal by the City; and

2. All individuals performing massage on the premises of the establishment maintain reasonable attire and personal hygienic practices, and the establishment maintains safe, clean, and hygienic facilities; and
3. The establishment shall be subject to reasonable inspections during regular business hours by duly authorized law enforcement officials, to ensure compliance with all applicable building, fire, and health and safety requirements.

Establishments whose principle function involves the methods of practice or the legitimate techniques of licensed physicians, chiropractors, physical health therapists, or athletic trainers are classified as "Medical Services – Doctor Office." Massage establishments that are engaged in sexual massage, or do not satisfy all of the above criteria, are classified as an "Adult-Oriented Business."

As noted in the definition, Therapeutic Massage specifically excludes sexual massage. Sexual massage is a prohibited use within the WBUVSP area.

On February 12, 2018, the Seaside Zoning Administrator held a public hearing to consider an application for a MUP (MUP-18-02) for Therapeutic Massage at 704 Broadway Avenue. As noted in the attached Resolution (Attachment 2), the Zoning Administrator approved the MUP with specific Conditions. Among these conditions were prohibitions against sexual massage; specifically, Planning Condition 5(i) prohibits the following:

It is a violation of this Minor Use Permit for a business proprietor or a certificate holder conducting massage services under the authority of the business proprietor to commit any of the following acts, the commission of which is grounds for the Zoning Administrator to revoke the Minor Use Permit or to impose discipline on a certificate holder:

(1) Unprofessional conduct related to massage services shall consist of the following activities:

- (A) Engaging in sexually suggestive advertising related to massage services.*
- (B) Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation.*
- (C) Engaging in sexual activity while providing massage services for compensation.*
- (D) Practicing massage on a suspended certificate or practicing outside of the conditions of a restricted certificate.*
- (E) Providing massage of the genitals or anal region.*

In September of 2023, in response to several anonymous reports that sexual massage was occurring at 704 and 885 Broadway Avenue, the City of Seaside Police Department launched an investigation into activities taking place at those two facilities. A summary of the investigation and its findings are included in the attached Memo (Attachment 3). Based on the contents of that Memo, there is cause to believe that the operator has

advertised and provided sexual massage services at the subject location. This represents a violation of Condition 5(i)(1)(A), (B), (C), and (E) noted above.

On September 19, 2023, the subject property was ordered to cease operations pursuant to Section 17.80.060.F. Section 17.80.060 also provides the process whereby a permit may be revoked. Given risks to public health associated with the activity, as well as the challenges associated with the resumption of compliant operations by the current operators, staff recommends that the MUP be revoked.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENTS

Reviewed for Submission to the City Council by:

A handwritten signature in blue ink, reading "Jaime M. Fontes", is written over a horizontal line. Below the line, the name "Jaime M. Fontes, City Manager" is printed in a black, sans-serif font.

Jaime M. Fontes, City Manager

**PLANNING COMMISSION
RESOLUTION NO. 23-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SEASIDE REVOKING MINOR USE PERMIT MUP-18-02 FOR
THERAPEUTIC MASSAGE LOCATED AT 704-C BROADWAY AVENUE
(APN 011-292-020) DUE TO VIOLATIONS OF THE CONDITIONS OF
APPROVAL.**

WHEREAS, Minor Use Permit MUP-18-02 for Therapeutic Massage was approved by the Seaside Zoning Administrator on February 12, 2018; and

WHEREAS, MUP-18-02 includes several conditions of approval, including conditions prohibiting sexually suggestive advertising, engaging in sexual activity, and/or providing massage of the genitals or anal region, and provides that violations of these conditions is grounds for revocation of the permit; and

WHEREAS, an investigation by the Seaside Police Department has determined that the business operating at 704-C Broadway Avenue has violated all of the conditions referenced above; and

WHEREAS, the revocation of MUP-18-02 is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(d) and 15270 of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that the conditions of MUP-18-02 have not been complied with, and hereby revokes MUP-18-02 effective immediately.

PASSED AND ADOPTED at a meeting of the Planning Commission of the City of Seaside, State of California, on the 13th day of December 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Silva, Chairperson

ATTEST:

Planning Commission Secretary

**ZONING ADMINISTRATOR
RESOLUTION No. 18-04**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING MINOR USE PERMIT APPLICATION NO. MUP-18-02 TO ALLOW FOR THE ESTABLISHMENT OF A THERAPEUTIC MASSAGE BUSINESS LOCATED AT 704-C BROADWAY AVENUE (APN 011-292-020).

WHEREAS, Stefan Georis, Property Owner, and Cindy Chen, applicant, have applied for a Minor Use Permit to establish a therapeutic located at 704-C Broadway Avenue; and

WHEREAS, the Minor Use Permit has been reviewed by the Zoning Administrator in accordance with Section 17.62.070 and 17.62.070.F of the Seaside Zoning Code; and

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

WHEREAS, the Zoning Administrator considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing at public meeting held on February 12, 2017; and

WHEREAS, this project qualifies as a Class 1 Categorical Exemption under Section 15301(a) under the California Environmental Quality Act; and.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator adopts the following findings approving Minor Use Permit Application No. MUP-18-02:

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

Evidence: Under the off-street parking standards for the West Broadway Urban Village Specific Plan, the existing commercial building is required to provide a minimum of six (6) parking spaces (one space per 500 sq. ft.). The project site will provide eight parking spaces at the rear of the site and four on-street parking space on Alhambra Street directly on the west side of the building. In accordance with Section B.8.1 of the WBUVSP, on-street parking along the street frontages of projects may be counted toward the parking requirement.

The project will comply with the required off-street parking requirements and the provision of a van disable parking space being striped within the existing off-street parking area at the rear of the site. A security bell will be located at the rear entry in order for the rear entry door to be accessible during business hours

Evidence: In accordance with Section B.1.2 of the WBUVSP, Minor Use Permits on primary streets must cite the potential for the use to contribute to pedestrian activity

and to provide visual access for pedestrians into the ground floor use. The proposed project will serve to occupy a vacant, underutilized commercial building with a business that would enhance pedestrian activity and refurbish the storefront to enhance the overall appearance of the mixed-use building and improve the economic viability of the WBUVSP area. The storefront windows would remain open to public view from the street right-of-way and sidewalk.

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

The project site is designated as the WBUVSP area in the General Plan Land Use Element. The project would be consistent with the following General Plan and WBUV Goals and Policies:

General Plan

- Goal LU-2 – Revitalize existing commercial areas.
- Policy LU-2.1 – Encourage consolidation of under-performing and under-utilized commercial properties.

Evidence: The project would occupy an existing vacant commercial lease area on a primary street.

- Goal ED-5 – Attract new regional and visitor serving businesses.
- Policy ED-5.1 – Attract and support commercial and employment generating development that is consistent with the General Plan and City Ordinances.

Evidence: The proposed project will create additional employment opportunities and its hours of operation would provide opportunities for existing businesses to capitalize on the attraction of both local residents and visitors frequenting the WBUVSP area as a result of the new business who may not have otherwise frequented the WBUVSP area.

West Broadway Urban Village

- Goal: Create a balance of community and visitor serving mix of uses in the West Broadway Urban Village.

Evidence: The proposed therapeutic massage business will provide a service oriented business in an area of the city that is predominantly occupied with retail serving businesses. The service aspect of the business will serve to attract both local residents and regional visitors to a location that fronts on a primary street within the urban core of the City and diversify the mix of businesses envisioned for the MX zoning district of the WBUVSP. The proposed business would be the second therapeutic massage business located within the MX zoning district of the WBUVSP.

- Support and encourage the development of vacant and underutilized lots with uses that are efficient and compatible with the character of the West Broadway Urban Village.

Evidence: The project would occupy an existing vacant commercial lease area on a primary street.

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

Evidence: The project proposed is consistent with location, size and use of the existing and planned future uses of the mixed use commercial area.

Evidence: The proposed therapeutic massage business will be compatible with the existing businesses surrounding the project site in that it will not detract from the character of mix of land uses envisioned for the WBUVSP and would encourage a pedestrian oriented atmosphere by occupying a storefront building on a primary street. The Minor Use Permit process will enable the City to place conditions on the land use which would regulate how the therapeutic aspects of the business would take place to remove any misconception of illegal adult business activities often associated with a massage practitioner business and ensure that visual access into the storefront window would be maintained to blend with the retail character of the WBUVSP area.

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

Evidence: The project site is developed with a commercial building containing adequate utilities and off and on-street parking.

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

Evidence: The City of Seaside's Fire Department, Building Department and Public Works Department have reviewed the conceptual project proposal and have no comments or concerns relating to any impacts that would be detrimental to the public health and safety.

BE IT FURTHER RESOLVED, the Zoning Administrator hereby grants Minor Use Permit Application No. MUP-18-02 subject to the following terms and agreements:

Project Specific

Planning:

1. Except as modified by required conditions of approval, plans submitted for a Certificate of Occupancy shall substantially conform to the plans identified as "Cindy Chen" stamped as Received on January 24, 2018 (Attachment 1 - Exhibit "A") and approved on February 12, 2018,

2. Prior to installing a permanent wall sign or window sign, applicant must receive sign permit approval from the Planning Division.
3. The storefront windows must remain open to public view from the street right-of-way and sidewalk.
4. Loading and unloading activity shall be restricted to the off-street parking area at the rear of the building.
5. The operation of the therapeutic massage business must be operated in compliance with the following standards:
 - a. All employees and independent contractors engaged in conducting massage practices at the premise must possess a valid Certified Massage Therapist Certificate issued by the California Massage Therapy Council. Each massage practitioner must display his or her original certificate issued by the California Massage Therapy Council while providing massage services for compensation.
 - b. Provide his or her full name and certificate number upon the request of a member of the public, the council, or a member of law enforcement, or a local government agency charged with regulating massage or massage establishments, at the location where he or she is providing massage services for compensation.
 - c. "Massage" means the scientific manipulation of the soft tissues. For purposes of this chapter, the terms "massage" and "bodywork" shall have the same meaning.
 - d. "Massage establishment" or "establishment" means a fixed location where massage is performed for compensation, excluding those locations where massage is only provided on an out-call basis.
 - e. "Massage practitioner" means a person who is certified by the California Massage Therapy Council pursuant to Section 4604.2 of the California Government Code and who administers massage for compensation.
 - f. "Massage therapist" means a person who is certified by the California Massage Therapy Council under Section 4604 of the California Government Code.
 - g. The applicant shall require each massage practitioner to undergo a background check with the Seaside Police Department as a condition of their employment, formation of a contractual relationship, or participation in massage related activities. Fees related to the processing of the background check by the Police Department shall be paid as listed in the City's adopted fees and charges.
 - h. All massage practitioners must be at least 18 years of age.

- i. It is a violation of this Minor Use Permit for a business proprietor or a certificate holder conducting massage services under the authority of the business proprietor to commit any of the following acts, the commission of which is grounds for the Zoning Administrator to revoke the Minor Use Permit or to impose discipline on a certificate holder:
 - (1) Unprofessional conduct related to massage services shall consist of the following activities:
 - (A) Engaging in sexually suggestive advertising related to massage services.
 - (B) Engaging in any form of sexual activity on the premises of a massage establishment where massage is provided for compensation.
 - (C) Engaging in sexual activity while providing massage services for compensation.
 - (D) Practicing massage on a suspended certificate or practicing outside of the conditions of a restricted certificate.
 - (E) Providing massage of the genitals or anal region.
 - (2) Procuring or attempting to procure a Massage Practitioner certificate by fraud, misrepresentation, or mistake.
 - (3) Failing to fully disclose all information requested on the background application completed by the Seaside Police Department.
 - (4) Impersonating a Massage Practitioner certificate holder, or permitting or allowing a noncertified person to use a Massage certificate issued by the California Massage Therapy Council.
 - (5) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications or duties of a Massage certificate holder.
 - (8) Dressing while engaged in the practice of massage for compensation or while visible to clients in a massage establishment, in any of the following:
 - (A) Attire that is transparent, see-through, or substantially exposes the certificate holder's undergarments.
 - (B) Swim attire, if not providing a water-based massage modality approved by the council.
 - (C) Attire displayed in a manner that exposes the certificate holder's breasts, buttocks, or genitals.

- (D) Attire displayed in a manner that constitutes a violation of Section 314 of the Penal Code.
 - (E) Attire in a manner that is otherwise deemed to constitute unprofessional attire based on the custom and practice of the massage practitioner profession as deemed inappropriate in the State of California by the California Massage Therapy Council.
- (9) Committing any act punishable as a sexually related crime or being required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or being required to register as a sex offender in another state.
- (10) The Zoning Administrator shall deny an application for a Massage Certificate, or revoke the Massage Certificate, if the applicant or certificate holder is required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 of the Penal Code), or is required to register as a sex offender in another state.
- (11) It is an unfair business practice for a person to do any of the following:
- (A) To hold himself or herself out or to use the title of “certified massage therapist” or “certified massage practitioner,” or any other term, such as “licensed,” “certified,” “CMT,” or “CMP,” in any manner whatsoever that implies or suggests that the person is certified as a massage therapist or massage practitioner, unless that person currently holds an active and valid massage practitioner certificate issued by the California Massage Therapy Council.
 - (B) To falsely state or advertise or put out any sign or card or other device, or to falsely represent to the public through any print or electronic media, that he or she or any other individual is licensed, certified, or registered by a governmental agency as a massage therapist or massage practitioner.

Building:

1. All proposed improvements within the interior of the building shall comply with the 2016 California Building Code for the issuance of a Certificate of Occupancy.

Fire Department:

1. All proposed improvements within the interior of the building shall comply with the 2016 California Fire Code for the issuance of a Certificate of Occupancy.

Standard:

1. The Minor Use Permit approval is subject to revocation procedures contained in S.M.C. Section 17.69.060 in the event any of the terms of this approval are violated or if the uses are conducted or carried out in a manner so as to adversely affect the health, welfare or safety of persons residing or working in the neighborhood.
2. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
3. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
4. The project shall comply with all requirements of the Monterey Regional Water Pollution Control Agency for the installation of plumbing fixtures and drains.
5. The project shall comply with all requirements of the Monterey County Health Department for the massage services and the overall operations of the business
6. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within 15 days from the date of its approval.
7. Project approval will become null and void if a building permit is not obtained within one (1) year from the date of approval to begin construction on the project.
8. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED by the Zoning Administrator of the City of Seaside, State of California, on the 12th day of February, 2018.

Rick Medina,
Acting Zoning Administrator

MINOR USE PERMIT APPLICATION NO. MUP-18-02
RESOLUTION NO. 18-04

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

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

Applicant's Signature

Date

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

Date

MEMORANDUM

DATE: November 7, 2023

TO: Seaside Planning Commission

FROM: Detective Hector Huizar, Seaside Police Department

RE: Seaside Police Department Investigation of Sexual Massage Activities at 704 Broadway Avenue and 885 Broadway Avenue

In the past year, dispatch has received about three reports from anonymous callers, stating they received a massage at a massage parlor in Seaside and were solicited for sex acts. About 7 months ago, Officer A was dispatched to a report from an anonymous caller who stated they received a massage at a massage parlor in Seaside, and the therapist touched his genitals.

About two months ago, a police officer knocked on the back door at Sunny Spa, located at 704 Broadway Avenue, unit C in Seaside. He did so while on duty, in preparation for this operation. An Asian female adult opened the door and he asked for a massage from a pretty young girl. She directed him to Perfect Spa, located at 885 Broadway Avenue and told him to ask for "CC".

About one month ago, Officer A met with an investigator from the Monterey County District Attorney's Office and asked him to search for sex ads being published from Sunny Spa and Perfect Spa. The investigator located sexual ads for both locations. The sexual ads were posted to skipthegames.com and advertised Asian female adults who are about 25 years old. The advertisements described them as pretty, friendly and included pictures of them wearing clothing that shows cleavage, night gowns or short dresses.

On 9/13/23, Officer A asked the investigator to conduct another search for Sunny Spa and Perfect Spa. The investigator sent Officer A the results. The results showed Sunny Spa and Perfect Spa posted sexual ads from 12/06/22-9/13/23.

From 12/6/22-5/2/23, the sexual ads advertised the following:

- Asian Massage Spa
- 24 years old
- Massage techniques for overworked muscles
- Breasts: large
- Grooming down under: Natural
- Discreet, sexy, passionate Asian girls

From 5/3/23-6/15/23, the sexual ads advertised the following:

- Asian Massage
- 23 years old
- Sweetheart therapists who listen to you and treat you like a king

- *Breast relief / Russian*
- *Deep throat*
- *Domination - mild (BDSM)*
- *Domination - severe*
- *Face sitting*
- *Fantasy outfits (on request)*
- *Girlfriend experience (GFE)*
- *Intercourse - Anal (Greek)*
- *Intercourse - Oral*
- *Intercourse - Vaginal (FS)*
- *Kissing - closed lips*
- *Kissing - deep (DFK)*
- *Lunch / dinner dates*
- *Massage - sensual*
- *Massage - therapeutic*
- *Multiple sessions within date time (MSOG)*
- *Oral - CIM*
- *Oral - receiving (DATY)*
- *Oral - without condom (BBBJ)*
- *Pornstar experience (PSE)*
- *Prostate massage*
- *Rimming - receiving*
- *Role-playing*
- *Service by two providers*
- *Striptease*
- *Submission*
- *Toy show*
- *Travel / extended dates*
- *Water sports - giving*
- *Water sports - receiving*
- *Will entertain couples*
- *Will entertain women*
- *Sweet and lovely Asian girls*
- *Photos of Asian female adults, wearing clothing that shows cleavage, night gowns or short dresses*

From 6/16/23-9/13/23, the sexual ads advertised the following:

- *Asian Massage*
- *23 years old*
- *Sweetheart therapists who listen to you and treat you like a king*
- *Sweet and lovely Asian girls*
- *Photos of Asian female adults, wearing clothing that shows cleavage, night gowns or short dresses*

Officer A inquired about the business licenses for Perfect Spa and Sunny Spa with City of Seaside Code Enforcement. Officer A was advised the tenant and owner of Perfect Spa and Sunny Spa is Sun Jung Te.

On 9/14/23, Officer A went in to Perfect Spa, undercover, posing as a customer. He entered the business at about 1200 hours. An employee escorted him to a room and asked if he wanted a 30 minute massage. He told her he did and she asked for payment before the massage began. He provided her 40 dollars in cash and proceeded to undress. He was only wearing underwear and laid on the massage table face down. There was a towel on the massage bed and he used it to cover himself in the area of his buttocks. The towel was about 4 feet long by 2 feet wide. As soon as the employee re-entered the room, she told him he had a nice body. When she started massaging his legs, she told him he had nice legs. While she massaged his left leg, she moved to the left side of his body. His arms were lying on the table, down at his sides. As she applied pressure on his legs, she leaned her upper body downwards and placed her clothed breast in his left hand. She repeated this about five times.

She massaged his buttocks repeatedly before asking him to turn over. When he turned over, she lifted the towel and looked at his genital area. She massaged his stomach and legs. When she was done, he asked her if she did other types of massage and asked for a happy ending. She immediately began to massage his genitals over his underwear continuously, and asked if he meant "hand job". She looked at him and gestured with her hands as if she was holding a cylindrical object and moved her hand up and down. He asked her if she performed oral sex and gestured with his hands as she did for "hand job", but gestured close to his mouth with his mouth open. She said she did not, but massage therapists at Sunny Spa did.

He asked her how much they charged and she asked him how much he would pay. He told her he did not know how much. He asked her who to ask for at Sunny Spa and she told him just to go. She left the room for about two minutes and returned with a business card for 365 Day Spa (previous name for business, now Sunny Spa), with an address of 704 Broadway Avenue, unit C. He asked her how much money to take and she stated she did not know. He asked her if everyone at Sunny Spa offered those services and she stated yes. He told her he wanted a "hand job" from her. She began to massage his genitals again, over his underwear. He asked her how much she charged and she stated 60 dollars for a "hand job". He told her he did not have money and he would return another day. She asked if he had a credit card with him and he told her he did not. He clothed himself and left the business.

Earlier that day, Officer A called Sunny Spa and scheduled an appointment for Officer B. The appointment was set for 1330 hours and the employee who answered stated they only offered 30 minute and 60 minute massages. Officer A asked for the 30 minute and she stated it was 40 dollars. At about 1330 hours, Officer B entered Sunny Spa, undercover, posing as a customer. The employee immediately grabbed his arms and commented on how strong he is. She rubbed his arm near his bicep. She felt his chest over his clothing and walked him over to a room.

She asked him to pay for the massage beforehand, and he provided her 40 dollars in cash. Before they entered the room, she gave him a kiss on his cheek and instructed him to undress completely. He undressed, but kept his underwear and socks on. She asked him to undress completely and he told her he was cold. She brought in a heater and covered him with a towel. She began to massage his back as he laid face down on the table and repeatedly slapped his buttocks. Eventually, she pulled his underwear down, exposing his bare buttocks and slapped his bare buttock repeatedly. She asked him several times to undress completely.

She asked him to flip over onto his back, put his right arm around her waist and his right hand on her buttocks. She looked at him and gestured with her hands as if she was holding a cylindrical object and moved her hand up and down. She whispered "hand job" and he asked, "hand job?" questioning her solicitation. She told him to keep his voice down and pointed at the neighboring wall. He asked her how much and she told him to set the price. He asked her if she performed full sex and oral sex and she nodded her head up and down, answering yes. She asked him to leave in a hurry after someone called her. He asked her if he could come back for sex with her and she nodded her head up and down, answering yes. That concluded his visit.

On 9/19/23, several law enforcement officers assisted with the service of a search warrant at Sunny Spa and Perfect Spa. When Officer A entered Perfect Spa, he was greeted by the same employee who performed the massage on 9/14/23. A search of the business was conducted. Officers located cash, a cellular telephone, two tablets, pay owe sheets, several different medications, to include ones for vaginal infections, and latex covers for fingers.

The employee primarily spoke Mandarin. Officer A called the language line contracted with the City of Seaside and used an interpreter to speak with her. The following is a summary of what she stated:

Officer A asked her if she recognized him and she stated she did not. He asked her if she was being forced to do anything she did not want to at work and she stated no. He asked her if she is allowed to take time off work and she stated yes. He asked her if she possessed her driver's license and passport and she stated she did. He asked her if she had to pay anyone after providing a service at the business and she stated she had to pay her boss. He asked her who her boss was and she stated her name was on a business license in the same room. He pointed to the name and she confirmed it was that person.

He asked her how much she had to pay her boss and she stated 30 dollars. He asked her how often she had to pay 30 dollars and she stated after every service. He asked her how she paid her boss and she stated she gave her cash. He asked her how often she performs sex acts at the business and she stated she does not. He reminded her that she offered him a hand job and asked her who else she offers that to. She stated she rarely offers that and focuses on massages. He asked her if she remembered

telling him they performed oral sex at Sunny Spa and she stated she never said that. He asked her who posts the ads for both businesses online and she stated she did not know.

He asked her who receives the calls when customers call the business number (831-747-1998) and she stated her boss does. He asked her if she worked at Sunny Spa as well and she stated no. He asked her how long she's worked at Perfect Spa and she stated one year. He asked her where she lived before living in Seaside and she stated Oakland. He asked her what she did for work in Oakland and she stated she was a caretaker. He asked her where she was born and she stated China. He asked her when she moved to the US and she stated in 2014. He asked her if anyone paid for her to move to the US and she stated no. He asked her if she felt safe working at Perfect Spa and she stated she did. He asked her if she needed help from police and she stated no. He asked her how often customers ask her to perform sex acts and she stated about every 1-2 days. He asked her how she was able to support herself financially if she gives 30 dollars to her boss and 30 minute massages only cost 40 dollars. She stated she gets tips and sells medicated oils and other products at additional costs. She told him she only had a massage therapist license out of Texas and not California.

Officer B entered Sunny Spa on 9/19/23 to serve the search warrant, and he was greeted by the same employee who performed the massage on 9/14/23. A search of the business was conducted. Officers located cash, two hard drives, several cellular telephones, a laptop, several different medications, to include ones for vaginal infections, and an SD card.

On 9/22/23, Officer A returned to Sunny Spa and spoke with the employee about the city's order to cease business immediately. While standing next to her, Officer A called the number listed on the sexual ads for 704 Broadway Avenue, Unit C and a phone in the employee's possession rang. Officer A called private and the employee's phone displayed No Caller ID as the phone rang.

End of report.