A G E N D A
CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
440 HARCOURT AVE (COUNCIL CHAMBER)
Wednesday, June 25, 2025
6:00 PM

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

1. To view this meeting: Please click on the following link to the City of Seaside YouTube Channel: https://www.youtube.com/c/CityofSeasideCalifornia

2. To view or participate in this meeting: Using the Zoom application on your smart phone, laptop, tablet or desktop and click on this link: https://us02web.zoom.us/j/81555467580 **WEBINAR ID:** 815 5546 7580

3. To listen or participate by phone: Please call (669) 900-9128
   Enter the **WEBINAR ID:** 815 5546 7580 when prompted. There is no participate code – press the pound sign # after the recording prompts you.

4. To make public comment, the following options are available:

   Before the Meeting via Email: Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item #___" (insert the agenda item number relevant to your comment). Written comments must be received by 2:00 p.m. on the day of the meeting.

   During the Meeting: When the Chair calls for public comment, members of the public participating in person and wishing to address the Commission may approach the podium when the Chair calls for public comment.

   When the Chair calls for public comment, members of the public participating on Zoom and wishing to address the City Council can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press *9 to "Raise Hand"; press *6 to unmute.

5. In accordance with the City's Remote Meeting Participation Policy for Public Comment: The City of Seaside reserves the right to refuse, limit, and/or revoke use of video conferencing technology and the option for virtual public participation. Granting use of the virtual participation in no way constitutes an endorsement of any person or group to display hateful conduct, including sending or posting hateful images, making violent threats, or targeting others with hateful or abusive speech. The City may remove any participate that violates its agreement or applicable policy with proper notice as outlined in the conditions of use/meeting access.

1. CALL TO ORDER

2. ROLL CALL - PLANNING COMMISSION

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

3. REVIEW OF AGENDA

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

4. PUBLIC COMMENT

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

5. APPROVAL OF MINUTES

A. APPROVE MINUTES FROM MAY 28, 2025

6. BUSINESS ITEMS

A. USE PERMIT APPLICATION NO. UP-2025-004. CHRISTINE WINGE OF MEALS ON WHEELS OF MONTEREY PENINSULA, APPLICANT, AND THE TAYLOR AND KERI LOESCH REVOCABLE TRUST, PROPERTY OWNER, ARE REQUESTING USE PERMIT APPROVAL FOR THE OPERATION OF A COMMUNITY CENTER AND FOR A REDUCTION TO REQUIRED PARKING AT 1020 AUTO CENTER PARKWAY (APN: 011-523-021) IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT.

B. ZONING ORDINANCE AMENDMENT ZOA-2025-001. A RESOLUTION RECOMMENDING APPROVAL OF AN AMENDMENT TO THE SEASIDE MUNICIPAL CODE TO CREATE A NEW USE CLASSIFICATION FOR THE SALES OF FIREARMS AND AMMUNITION, IDENTIFY ZONING DISTRICTS AND LOCATIONS WHERE THIS USE WOULD BE ALLOWED, AND ESTABLISH OPERATING STANDARDS FOR THE USE. THE PROPOSED ACTION CONSISTS OF A RECOMMENDATION ONLY AND IS THEREFORE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(b)(3) 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:
July 9, 2025
6:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:
http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas
Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.

FINAL
MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
Wednesday, May 28, 2025
6:00 PM

1. CALL TO ORDER

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

2. ROLL CALL – PLANNING COMMISSION

PRESENT: LAMICA, SILVA, DODSON, ALCARAZ
ABSENT: HUYNH, OWENS, EVANS

3. REVIEW OF AGENDA

No Changes.

4. PUBLIC COMMENT

None.

5. APPROVAL OF MINUTES

Approve Minutes from April 23, 2025

On motion by Commissioner LaMica, and second by Dodson, and carried by the following vote, the Planning Commission moved to approve the Minutes from April 23, 2025

RESULTS: 4, 0, 0, 3
AYES: LaMica, Dodson, Silva, Alcaraz
NOYES: None
ABSTAIN: None
ABSENT: Huynh, Owens, Evans

ACTION: APPROVED & ADOPTED RESOLUTION

6. BUSINESS ITEMS

A. USE PERMIT APPLICATION NO.UP-2023-012 AND ARCHITECTURAL

REVIEW APPLICATION NO. AR-2023-023. DUSTIN BOGUE, APPLICANT, AND DANIELLE PATTERSON ON BEHALF OF CHARTWELL SCHOOL, OWNER, ARE REQUESTING CERTIFICATION OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND), ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM, USE PERMIT APPROVAL FOR THE TWO-PHASE CHARTWELL SCHOOL EXPANSION PROJECT, AND ARCHITECTURAL REVIEW APPROVAL FOR THE ARCHITECTURAL DESIGN, LANDSCAPING AND LIGHTING, LOCATED AT THE EXISTING CHARTWELL SCHOOL CAMPUS AT 2511-2700 NUMA WATSON ROAD IN THE PUBLIC/INSTITUTIONAL (PI) ZONING DISTRICT

Beth Rocha, Senior Planner, provided a presentation that recommends the Commission adopt the proposed Resolution to certify an Initial Study/Mitigated Negative Declaration (IS/MND) and adopt a Mitigation Monitoring and Reporting Program, and then adopt the proposed Resolution to approve Use Permit Application No. UP-2023-012 for the Chartwell School Expansion project and approve Architectural Review application No. AR-2023-023 for the architectural design, landscaping and lighting.

Erin Harwayne, environmental consultant with Denise Duffy and Associates, joined the meeting and presented slides 31-34.

PUBLIC COMMENT:

Emails: Rob Owen, Pat Elder, David Hill, JoHanna Hill
Danielle Patterson, Jodi, Rachel Robbins, Aaron, Joseph Shannon, Forrest Cook, Nina B, a Gentleman, a Gentleman, Sarah Chavez, Brianna M., and PK on Zoom

On motion by Commissioner Silva, and second by Alcaraz, and carried by the following vote, the Planning Commission moved to adopt the draft resolution to approve Use Permit No. UP-2023-012 for the Chartwell school expansion project and approve Architectural Review Application No. AR-2023-023 for the Architectural Design, Landscaping, and Lighting.

RESULTS: 4, 0, 0, 3
AYES: LaMica, Dodson, Silva, Alcaraz
NOYES: None
ABSTAIN: None
ABSENT: Huynh, Owens, Evans

ACTION: APPROVED & ADOPTED RESOLUTION

7. REPORTS FROM COMMISSIONERS

None.

8. REPORTS FROM STAFF

Andrew Myrick, Planning Manager, conducted a quick poll to check availability for the June 25 and July 9 Planning Commission meetings

9. ADJOURNMENT

With no further business the meeting adjourned at 7:30 p.m.

Respectfully submitted,

Jennifer Hancock, Committee Clerk	**William Silva, Chair**

CITY OF SEASIDE
STAFF REPORT

Item No.: 6.A.

TO: Planning Commission

BY: Eric Azriel, Associate Planner
Beth Rocha, Senior Planner

DATE: June 25, 2025

SUBJECT: **USE PERMIT APPLICATION NO. UP-2025-004. CHRISTINE WINGE OF MEALS ON WHEELS OF MONTEREY PENINSULA, APPLICANT, AND THE TAYLOR AND KERI LOESCH REVOCABLE TRUST, PROPERTY OWNER, ARE REQUESTING USE PERMIT APPROVAL FOR THE OPERATION OF A COMMUNITY CENTER AND FOR A REDUCTION TO REQUIRED PARKING AT 1020 AUTO CENTER PARKWAY (APN: 011-523-021) IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT.**

RECOMMENDATION

N/A

BACKGROUND

This Item has been continued to the July 9, 2025 Planning Commission hearing.

FISCAL IMPACT

None.

ATTACHMENTS

None

CITY OF SEASIDE
STAFF REPORT

Item No.: 6.B.

TO: Planning Commission

BY: Andrew Myrick, Economic Development & Community Planning Manager

DATE: June 25, 2025

SUBJECT: **ZONING ORDINANCE AMENDMENT ZOA-2025-001. A RESOLUTION RECOMMENDING APPROVAL OF AN AMENDMENT TO THE SEASIDE MUNICIPAL CODE TO CREATE A NEW USE CLASSIFICATION FOR THE SALES OF FIREARMS AND AMMUNITION, IDENTIFY ZONING DISTRICTS AND LOCATIONS WHERE THIS USE WOULD BE ALLOWED, AND ESTABLISH OPERATING STANDARDS FOR THE USE. THE PROPOSED ACTION CONSISTS OF A RECOMMENDATION ONLY AND IS THEREFORE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(b)(3) OF THE CEQA GUIDELINES.**

RECOMMENDATION

Adopt the attached Resolution

BACKGROUND

At the Council meeting on March 20, 2025, the City Council expressed a desire for staff to review allowable locations for the sale of firearms and ammunition throughout the City of Seaside. Staff first returned with an amendment to the West Broadway Urban Village (WBUV) Specific Plan that would prohibit the sales of firearms and ammunition within the WBUV. The Planning Commission recommended approval of that amendment on April 23, 2025, followed by City Council approval on May 1, 2025. Since then staff has continued to develop an Ordinance to govern the remainder of the City.

Staff has proposed an Ordinance that amends both Title 5 and Title 17 of the Seaside Municipal Code. Under the Municipal Code, the Planning Commission is responsible for

providing a recommendation to the City Council for the portion of the Ordinance that would modify Title 17. However, although the Resolution's recommendation is limited to the language in Title 17, the entirety of the language of the proposed Ordinance is included as Attachment 2 to this Report. Planning Commission may provide feedback for consideration to any portion of the Ordinance, although it will only formally recommend approval of the Title 17 portion.

Background

Currently, the Zoning Ordinance does not distinguish between the sales of firearms and any other generic product. This means that the sales of firearms would be considered "General Retail" and would be a permitted use within the Commercial Mixed Use (CMX), Community Commercial (CC), and Regional Commercial (CRG) Zoning Districts (except that a retail use 5,000 square feet or larger would require a Minor Use Permit in the CMX District). In addition to zoning considerations, Title 5 includes provisions that require any entity that wishes to sell firearms to obtain a permit from the Chief of Police. However, it is not clear what specific the criteria the Chief of Police should use in evaluating such uses.

Locations

The proposed Ordinance would establish a new Use Classification entitled Firearms and Ammo Sales. This use would be allowed with a Use Permit in the CC, CRG, and Heavy Commercial (CH) Zoning Districts, and prohibited in the CMX and Automotive Regional Commercial (CA) Zoning Districts. A proposed use would need to maintain a minimum distance of 300 feet from Schools, Parks, and Day Cares. Sales would be prohibited to the east of Noche Buena Street and north of San Pablo Avenue.

Operations

Under the changes to Title 17, businesses would be required to implement specific practices with the intention of making it more difficult to steal firearms or ammunition from the business, such as storing guns in safes or vaults or running a locked cable through the guns during business hours.

Title 5 Changes

Although not included in the Ordinance, potential changes to Title 5 are attached to this Report as Attachment 2 to provide the Commission with the opportunity to comment. These changes focus on the responsibilities for establishing a secure facility and places responsibility for ensuring compliance on the Chief of Police. Businesses would be required to obtain an annual permit and pass annual inspections as deemed necessary by the Police Chief. A number of requirements specifying specific measures to address on-site security are also included.

This Ordinance was presented for feedback to the Public Safety Advisory Committee on June 18, 2025. The version of the Ordinance included here takes the comments of that Committee into account.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENTS

1. Attachment 1 - ZOA-2025-001 PC Resolution
2. Attachment 2 - Full Ordinance Language

RESOLUTION NO. 25-XX PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF SEASIDE APPROVE AN AMENDMENT TO THE SEASIDE MUNICIPAL CODE TO CREATE A NEW USE CLASSIFICATION FOR THE SALES OF FIREARMS AND AMMUNITION, IDENTIFY ZONING DISTRICTS AND LOCATIONS WHERE THIS USE WOULD BE ALLOWED, AND ESTABLISH OPERATING STANDARDS FOR THE USE. THE PROPOSED ACTION CONSISTS OF A RECOMMENDATION ONLY AND IS THEREFORE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(b)(3) OF THE CEQA GUIDELILNES.

WHEREAS, the City of Seaside has determined that the sale and storage of firearms and ammunition has the potential to create impacts which are not a factor for the sale or storage of most other goods and products; and

WHEREAS, City of Seaside staff has prepared amendments to the Seaside Zoning Ordinance to establish appropriate locations, permitting requirements, and operating standards for the sales of firearms and ammunition; and

WHEREAS, the proposed Zoning Ordinance Amendment would allow for the establishment of businesses involved in the sales of firearms and ammunition while protecting the public from potential negative impacts, particularly with relation to the theft of firearms or ammunition; and

WHEREAS, the proposed Zoning Ordinance Amendment does not, and shall not be interpreted to, impede on the rights of any individual to keep and bear arms, as stipulated in the Second Amendment to the Constitution of the United States; and

WHEREAS, since this action constitutes only a recommendation it is not subject to CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

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

1. The Planning Commission finds that: a) the facts set forth in the recitals in this Resolution are true and correct and incorporated by reference; b) the recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary

basis for the action taken in this Resolution; c) the provisions in this Resolution and the proposed Amendment are consistent with applicable federal and state law; and d) this Resolution will not be detrimental to the public interest, health, safety, convenience, or welfare.

2. The Planning Commission hereby recommends that the City Council adopt the attached Zoning Ordinance Amendment as described in the attached Exhibit "A."

PASSED AND ADOPTED at a meeting of the Planning Commission of the City of Seaside, State of California, on the 25th day of June, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

_____
Will Silva, Chairperson

ATTEST:

_____
Andrew Myrick, Secretary

Attach:

Exhibit "A" – Zoning Ordinance Amendment

Exhibit "A"

SECTION 1. Table 2-4 of Section 17.14.030.B of the Seaside Zoning Ordinance is hereby amended as follows:

Land Use	CMX	CC	CRG	CA	CH	Specific Use Regs
Equipment rental – With outdoor storage	-	-	-	-	UP	
Firearm and Ammo Sales	-	UP	UP	-	UP	17.52.105
Fuel Dealer	-	-	-	-	UP	

SECTION 2. Section 17.52.105 is hereby added to the Municipal Code to read as follows:

17.52.105 Sales of firearms and ammunition.

The sale of Firearms and Ammunition shall be established and conducted in accordance with this Section.

A. No sales of Firearms or Ammunition shall occur within 300 feet of any of the following uses, as measured from the property lines for each respective use, unless such use is established subsequent to the establishment of the sales of Firearms or Ammunition:

1. City-Owned Parks/Recreation Centers;
2. Day Care Facilities licensed by the California Department of Social Services (CDSS) Community Care Licensing Division, including Child Care Infant Centers, Child Care Center Preschools, and School Age Child Care Centers, but excluding Family Child Care Homes, as such terms are defined by CDSS; and
3. Schools (excluding Specialized Education/Training Schools and schools serving only adults).

B. Firearms and Ammo Sales shall be prohibited at all locations east of Noche Buena Street and north of San Pablo Avenue (including the area north of the space between Del Monte Boulevard and Fremont Boulevard where San Pablo Avenue would occur if it were continued in a straight line from its terminus at Fremont Boulevard).

C. Firearms and Ammo Sales uses shall operate in compliance with the following:

1. Any time a permittee is not open for business, every firearm shall be stored in one of the following ways:

a. In a locked fireproof safe or vault in the licensee's business premises that meets the standards for a gun safe implemented by the Attorney General pursuant to Penal Code section 23650 (as may be amended from time-to-time); or

b. Secured with a hardened steel rod or cable of at least one-quarter inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or

shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises. No more than five firearms may be affixed to any one rod or cable at any time.

2. Any time a permittee is open for business, every firearm shall be unloaded, inaccessible to the public and secured using one of the following three methods, except in the immediate presence of and under the direct supervision of an employee of the permittee:

a. Secured within a locked case so that a customer seeking access to the firearm must ask an employee of the permittee for assistance;

b. Secured behind a counter where only the permittee and the permittee's employees are allowed. During the absence of the permittee or a permittee's employee from the counter, the counter shall be secured with a locked, impenetrable barrier that extends from the floor or counter to the ceiling; or

c. Secured with a hardened steel rod or cable of at least one-quarter inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises. No more than five firearms may be affixed to any one rod or cable at any time.

SECTION 3. The following language is added to Section 17.98.020.A of the Municipal Code, to be inserted between the definitions of "Alteration" and "Ancillary Public Dance Facility":

Ammo. Has the same meaning as Ammunition.

Ammunition. Cartridge cases, primers, bullets, or propellant powder designed for use in any Firearm, or any component thereof, but excluding blank cartridges or ammunition that can be used solely in an "antique firearm" as that term is defined in Section 921(a)(16) of Title 18 of the United States Code (as may be amended from time-to-time).

SECTION 4. The following language is added to Section 17.98.020.F of the Municipal Code, to be inserted between the definitions of "Finished Grade" and "Floor Area Ratio (FAR)":

Firearm. A Firearm is any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of explosion or other means of combustion, provided that the term "firearm" shall not include an "antique firearm" as defined in Section 921 (a)(16) of Title 18 of the United States Code (as may be amended from time-to-time).

Firearm and Ammo Sales. Selling (retail or wholesale), leasing, or otherwise transferring ownership of Firearms and/or Ammunition.

Attachment 2

SECTION 1. Chapter 5.36 of the Seaside Municipal Code is hereby amended to read as follows:

Chapter 5.36

FIREARMS SALES

Sections:

5.36.010 Firearms defined.
5.36.020 Applicability.
5.36.030 ~~Requirements generally~~License Required.
5.36.040 ~~Permit – Fee~~License – Duration – Nontransferable.
5.36.050 ~~Permit – Duration – Nontransferable~~License – Requirements.
5.36.060 ~~Permit – Revocation~~License – Fee.
5.36.070 ~~Permit – Appeal of suspension or revocation.~~License - Revocation.
5.36.080 ~~Violation – Penalty~~Appeal of suspension or revocation.
5.36.090 Violation – Penalty.

5.36.010 Firearms defined.

For the purposes of this Chapter, ~~T~~the terms "F~~f~~irearms~~,~~" "Ammo" and "Ammunition" shall have the same meanings as defined in Section 17.98.020 of this Municipal Code.~~as used in this chapter, includes, but is not limited to, handguns, rifles, shotguns, gas or air guns, springloaded guns and other weapons coming under the definition of "firearms" as defined in the California Penal Code~~.

5.36.020 Applicability.

Private persons selling their own F~~f~~irearms shall be exempted from the purview of this chapter. For the purposes of this chapter, a person selling three or more ~~f~~Firearms in any calendar year shall be presumptively deemed to be engaged in the commercial sale of ~~f~~Firearms and shall be required to comply with the terms of this chapter.

5.36.030 ~~Requirements generally~~License Required.

No person shall engage in the business of selling, offering for sale, ~~or~~ displaying ~~for sale~~, repairing, or storing ~~preparatory for sale,~~ any ~~firearm~~Firearm within the city limits of Seaside, unless the person has ~~fully complied with all of the following conditions~~first obtained a Firearms Dealer License from the Chief of Police~~:~~.

5.36.040 License – Duration – Nontransferable.

A Firearms Dealer License issued by the Chief of Police shall be valid for a period of one year from the date of issuance and shall not be transferable from one person to another or from one location to another. The Chief of Police may require reinspection of the premises as a condition of renewal.

5.36.050 License – Requirements.

The Chief of Police shall review the application for a Firearms Dealer License and shall determine whether the issuance of the License would have any negative impacts upon public safety. At a minimum, an application must demonstrate to the satisfaction of the Chief of Police that all of the following conditions are met.

A. The seller shall hold a Ff~~f~~ederal ~~f~~Firearms ~~p~~Permit and shall meet all the provisions of the Gun Control Act of 1968 (as may be amended from time-to-time).

B. The seller shall comply with all applicable sections of the California Penal Code (as may be amended from time-to-time) relating to registration of sales of firearms.

C. The seller has obtained all discretionary land use approvals from the City of Seaside, including, but not necessarily limited to, a Planning Permit as required under Title 17 of this Municipal Code.

D. ~~The seller shall have obtained a permit from the chief of police authorizing the storage of firearms within the city of Seaside. The permit shall be renewable annually and shall be issued only upon a showing that the seller has a federal firearms permit and has taken steps to ensure the safety of his firearms from burglary, theft and fire.~~ The seller shall provide substantial evidence demonstrating that the proposed location is a secure facility as defined by Section 17110 of the California Penal Code. The C~~c~~hief of ~~p~~Police shall have the right, in conjunction with the Chief ~~b~~Building Official~~inspector~~, to require as a condition for the issuance of a ~~permit~~ Firearms Dealer License that structural changes be made to the building in which the firearms are sold or stored~~, with the structural changes, specifically including, but not limited to, the installation of burglar alarms and other warning devices, to be such as are reasonably related to the purpose of ensuring the safety of such firearms from burglary or theft~~.

E. All heating, ventilating, air-conditioning, and service openings shall be secured with steel bars or metal grating and shall meet the requirements of Title 15 of this Code.

F. If the proposed business location is street level, concrete or hardened steel bollards, or other barriers, such as security planters or other devices with a similar structural integrity to bollards, shall be installed to protect the location's front entrance, any floor-to-ceiling windows, and any other doors, that could be breached by a vehicle. Newly installed bollards must meet the following requirements:

1. Bollards must be a minimum of four inches in diameter and 36 inches in height;

2. Bollards shall be spaced so as not to obstruct accessible routes or accessible means of egress in compliance with Standard 206.8 of Chapter 2 of the Federal Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) (as may be amended from time-to-time), and have a clear width of not less than thirty-six inches but no more than sixty inches; and

3. Bollards shall be designed so as to be capable of stopping a five-thousand-pound vehicle traveling at 30 miles per hour, in accordance with ASTM International Standard Test Method F3016.

G. The business shall install a lockable safe or fireproof vault meeting the standards for a gun safe implemented by the California Attorney General pursuant to Section 23650 of the California Penal Code of sufficient size to simultaneously store all Firearms on-site.

H. The permitted business location shall be secured by a hard-wired alarm system that is installed and maintained by an alarm company operator licensed pursuant to the Alarm Company Act, Business & Professions Code sections 7590 et seq. The alarm system must be monitored by a central station listed by Underwriters Laboratories, Inc. and covered by an active Underwriters Laboratories, Inc. alarm system certificate with a #3 extent of protection. The alarm system must include a battery back-up system to provide a minimum of 24 continuous hours of operation immediately following a loss of power. The alarm system requirement under this subsection is waived if the video surveillance system provided for under subsection I notifies the permittee and police department of any unauthorized intrusions.

I. The permitted business location shall be monitored by a hard-wired video surveillance system that, at minimum, meets the requirements under Penal Code section 26806. The video surveillance system must be maintained in proper working order at all times. The video surveillance system must include a battery back-up system to provide a minimum of 24 continuous hours of operation immediately following a loss of power. If the system becomes inoperable, it must be repaired or replaced within fourteen calendar days. The permittee must inspect the system at least weekly to ensure that it is operational, and images are being recorded and retained as required.

J. Any other improvement or other activity which, in the opinion of the Chief of Police, would be necessary to eliminate any negative impacts on public safety.

5.36.0640 ~~Permit~~ License – Fee.

The fee for issuance of an annual ~~permit~~ Firearms Dealer License shall be ~~twenty-five dollars~~ set by the City Council. The annual fee shall be paid at the time the application is ~~obtained from~~ submitted to the ~~c~~Chief of ~~p~~Police and is nonrefundable.

~~**5.36.050 Permit – Duration – Nontransferable.**~~

~~Permits issued by the chief of police shall be valid for a period of one year from the date of issuance and shall not be transferable from one person to another or from one location to another.~~

5.36.0760 ~~Permit~~ License – Revocation.

A ~~permit~~ Firearms Dealer License issued under the provisions of this chapter shall be revoked by the ~~c~~Chief of ~~p~~Police upon proof to his or her satisfaction of a violation by the holder of such permit of this chapter, or any ordinance of the city or law of the state regulating or establishing standards for the commercial sale of ~~firearm~~Firearms. This action shall be in addition to any potential revocation of Planning Permits pursuant to Chapter 17.80 of the Municipal Code.

5.36.0870 ~~Permit~~ License – Appeal of suspension or revocation.

A. Any such person, whose application for a License is denied or whose ~~permit~~ License issued under the provisions of this chapter ~~having~~ has been ~~so~~ suspended or revoked, shall have the right to appeal to the ~~c~~City ~~c~~Council in writing within ~~three~~ seven days after notification of such denial, suspension, or revocation~~, or within thirty days after denial thereof~~, and to be heard by the ~~c~~City ~~c~~Council with relation thereto ~~at its next regular or regular adjourned meeting, or at a special meeting of the city council called for such purpose~~within 60 days of the submittal of such appeal.~~,~~ The appeal shall follow the same procedures as defined in Chapter 17.76 of the Municipal Code, and shall be subject to any applicable appeal fees. ~~and t~~The action of the city council upon such appeal shall be final and conclusive with respect to the denial, suspension, or revocation of such permit.

B. In the event that such appeal is taken as provided in subsection A of this section, such business or occupation, where such permit has already been granted, shall not be suspended or revoked until the final disposition of the appeal by the city council.

C. Approval by the City Council of a License under this Chapter shall not be deemed to constitute approval of any Planning Permits, which shall be approved separately as identified in Title 17 of this Municipal Code.

5.36.0~~8~~90 Violation – Penalty.

Any person violating any part of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punishable as provided in SMC 1.16.030.

SECTION 2. Section 15.24.070.I.j is hereby amended as follows:

j. ~~Gun and ammunition stores~~Firearms and/or Ammunition Sales or any other use (such as gun repair shops or shooting ranges) where firearms or ammunition are stored on-site;

SECTION 3. Table 2-4 of Section 17.14.030.B of the Seaside Zoning Ordinance is hereby amended as follows:

Land Use	CMX	CC	CRG	CA	CH	Specific Use Regs
Equipment rental – With outdoor storage	-	-	-	-	UP	
Firearm and Ammo Sales	-	UP	UP	-	UP	17.52.105
Fuel Dealer	-	-	-	-	UP	

SECTION 4. Section 17.52.105 is hereby added to the Municipal Code to read as follows:

17.52.105 Sales of firearms and ammunition.

The sale of Firearms and Ammunition shall be established and conducted in accordance with this Section.

A. No sales of Firearms or Ammunition shall occur within 300 feet of any of the following uses, as measured from the property lines for each respective use, unless such use is established subsequent to the establishment of the sales of Firearms or Ammunition:

1. City-Owned Parks/Recreation Centers;
2. Day Care Facilities licensed by the California Department of Social Services (CDSS) Community Care Licensing Division, including Child Care Infant Centers, Child Care Center Preschools, and School Age Child Care Centers, but excluding Family Child Care Homes, as such terms are defined by CDSS; and
3. Schools (excluding Specialized Education/Training Schools and schools serving only adults).

B. Firearms and Ammo Sales shall be prohibited at all locations east of Noche Buena Street and north of San Pablo Avenue (including the area north of the space between Del Monte Boulevard and Fremont Boulevard where San Pablo Avenue would occur if it were continued in a straight line from its terminus at Fremont Boulevard).

C. Firearms and Ammo Sales uses shall operate in compliance with the following:

1. Any time a permittee is not open for business, every firearm shall be stored in one of the following ways:

a. In a locked fireproof safe or vault in the licensee's business premises that meets the standards for a gun safe implemented by the Attorney General pursuant to Penal Code section 23650 (as may be amended from time-to-time); or

b. Secured with a hardened steel rod or cable of at least one-quarter inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises. No more than five firearms may be affixed to any one rod or cable at any time.

2. Any time a permittee is open for business, every firearm shall be unloaded, inaccessible to the public and secured using one of the following three methods, except in the immediate presence of and under the direct supervision of an employee of the permittee:

a. Secured within a locked case so that a customer seeking access to the firearm must ask an employee of the permittee for assistance;

b. Secured behind a counter where only the permittee and the permittee's employees are allowed. During the absence of the permittee or a permittee's employee from the counter, the counter shall be secured with a locked, impenetrable barrier that extends from the floor or counter to the ceiling; or

c. Secured with a hardened steel rod or cable of at least one-quarter inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner

that prevents the removal of the firearm from the premises. No more than five firearms may be affixed to any one rod or cable at any time.

SECTION 4. The following language is added to Section 17.98.020.A of the Municipal Code, to be inserted between the definitions of "Alteration" and "Ancillary Public Dance Facility":

Ammo. Has the same meaning as Ammunition.

Ammunition. Cartridge cases, primers, bullets, or propellant powder designed for use in any Firearm, or any component thereof, but excluding blank cartridges or ammunition that can be used solely in an "antique firearm" as that term is defined in Section 921(a)(16) of Title 18 of the United States Code (as may be amended from time-to-time).

SECTION 5. The following language is added to Section 17.98.020.F of the Municipal Code, to be inserted between the definitions of "Finished Grade" and "Floor Area Ratio (FAR)":

Firearm. A Firearm is any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of explosion or other means of combustion, provided that the term "firearm" shall not include an "antique firearm" as defined in Section 921 (a)(16) of Title 18 of the United States Code (as may be amended from time-to-time).

Firearm and Ammo Sales. Selling (retail or wholesale), leasing, or otherwise transferring ownership of Firearms and/or Ammunition.