



AGENDA

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, February 24, 2016
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

2. **ROLL CALL - ESTABLISHMENT OF QUORUM**

John Owens	Chair
Michael Lechman	Vice Chair
Keith Dodson	Commissioner
Margaret Leighton	Commissioner
Arlington La Mica	Commissioner
Denise Ross	Commissioner
Michael Spalletta	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**

5. **APPROVAL OF MINUTES**

A. **REGULAR MEETING MINUTES OF SEPTEMBER 9, 2015**

B. **REGULAR MEETING MINUTES OF SEPTEMBER 23, 2015**

6. **BUSINESS ITEMS**

- A. **Seaside Municipal Code Amendment Application No. SMA-16-01: The City of Seaside (Applicant) is requesting text amendments to Chapter 10 of the Seaside Municipal Code. A Negative Declaration has been prepared for the project in accordance with the California Environmental Quality Act (CEQA) Guidelines.**

PURPOSE:

In accordance with Section 17.74.040.A of the Seaside Municipal Code (SMC), the purpose of this item is to consider and provide a recommendation to the City Council on proposed text amendments to Chapter 10 prohibit the parking of recreational vehicles, trailers, and prohibited vehicles as defined in the Draft Ordinance.

RECOMMENDATION:

It is recommended that the Commission adopt the following Resolutions:

1. Draft Resolution recommending that the City Council adopt a Negative Declaration for the proposed text amendments to Section 10.04 and 10.32 of the Seaside Municipal Code to prohibit the parking of recreational vehicles, trailers, and prohibited vehicles on City streets, alleys, public right-of-ways, and publicly owned lots.
2. Draft Resolution recommending that the City Council adopts an Ordinance approving the proposed text amendments subject to the findings and evidence contained therein to prohibit the parking of recreational vehicles, trailers, and prohibited vehicles on City streets, alleys, public right-of-ways, and publicly owned lots.

B. USE PERMIT APPLICATION NO. UP-15-08: CONGDON LIVING TRUST, PROPERTY OWNER, AND LILY YANG, APPLICANT, ARE REQUESTING USE PERMIT APPROVAL TO MODIFY THE INTERIOR HEIGHT OF PROPOSED WALLS THAT WOULD ENCLOSE THREE BODY MASSAGE ROOMS FROM SIX FEET IN HEIGHT TO SEVEN FEET FOUR-INCHES IN HEIGHT FOR THE THE EXISTING SUN MASSAGE SPA BUSINESS. THE PROJECT SITE IS LOCATED AT 1173-A FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.

PURPOSE:

The applicant is requesting use permit approval to modify the interior floor plan to increase the height of the interior walls enclosing the massage rooms from six feet to seven feet, four inches.

RECOMMENDATION:

City staff recommends that the Planning Commission adopt the Resolution to allow the height of the interior walls for the massage rooms to be at seven-foot four-inches in height in accordance with the findings, evidence and conditions contained in the Resolution.

7. **REPORTS FROM COMMISSIONERS**
8. **REPORTS FROM STAFF**
9. **ADJOURNMENT**

Next Regularly Scheduled Meeting:
WEDNESDAY, MARCH 9, 2016
Seaside City Hall
7:00 PM

The City of Seaside is an ADA accessible facility and is committed to include the disabled in all of its services, programs and activities. Any person who requires accommodation to be able to participate in this meeting is asked to contact the office of the City Clerk at 899-6707, no fewer than two business days prior to the meeting to allow for reasonable arrangements.

The City Council Chambers is equipped with a portable microphone for anyone unable to come to the podium. Assisted listening devices are also available.

Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Meetings are also available through live streaming at: <http://cvp.telvue.com/player?id=T01629&video=52314&noplaylists=1&width=400&height=300> Videos of past meetings are available on demand through the City's website: <http://www.ci.seaside.ca.us>

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.



MEETING MINUTES
DRAFT

CITY OF SEASIDE

PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, September 9,
2015
7:00 PM

1. CALL TO ORDER AT 7:00 PM

2. ROLL CALL – ESTABLISHMENT OF QUORUM

MEMBERS

John Owens, Keith Dodson, Michael Lechman,
Arlington LaMica, Denise Ross, Margaret Leighton

PRESENT:

John Owens, Keith Dodson, Michael Lechman,
Arlington LaMica, Denise Ross, Margaret Leighton

ABSENT:

3. PUBLIC COMMENT

Nina Beatty (Seaside Resident) – Brought to the attention of the commission as she has previously done with the City Council in regards to discussion that is underway on the County level regarding the Laguna Seca Raceway. The comment was in regards to the impact that sound has on the surrounding Seaside and fairgrounds community and in this particular case in relation to NASCAR races and the volume of sound that is produced that is much greater than a motorcycle race and wanted to know if there is anything the Planning Commission can do about the two days of racing and can recommend anything to the City to enter into some sort of public hearing to discuss the sound that carries from a NASCAR race.

4. APPROVAL OF MINUTES

None

5. OLD BUSINESS

A. USE PERMIT APPLICATION NO. UP-15-04: RESOLUTION ADOPTING FINDINGS FOR DENIAL OF PROPOSAL SUBMITTED BY FAITH LUTHERAN CHURCH, PROPERTY OWNER, AND VERIZON WIRELESS, APPLICANT, FOR THE APPROVAL OF A USE PERMIT TO INSTALL A TELECOMMUNICATION FACILITY CONSISTING OF A 39'-6" TALL TOWER CONFIGURED AS A CHURCH STEEPLE THAT WOULD BE ATTACHED TO THE REAR ELEVATION OF THE CHURCH BUILDING ON THE PREMISE OF FAITH LUTHERAN CHURCH LOCATED AT 1460 HILBY AVENUE IN THE RS-8 ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT, CLASS 3 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Rick Medina, Senior Planner, presented the project and staff report in which the applicant proposed to install a Verizon Wireless facility consisting of equipment which will be located within a 6'-0" x 6'-0" lease area for the telecommunication tower and 22'-0" by 35'-6" lease area for the ground equipment. Staff recommended that the Planning Commission adopt the findings for the denial of the Use Permit. The item was originally heard on July 22, 2015 and the Commission conducted a public hearing and made a motion to deny the project, staff did not have conditions at the time for the denial and the item was continued to the August 12, 2015 agenda in which the applicant made a request to postpone the hearing to the September 9 meeting to allow them more time to study the findings and evidence. The following findings were the basis of the denial of the project:

- 1) The proposed unmanned wireless telecommunication facility will be inconsistent with the General Plan and any applicable specific plan.
- 2) The design, location, size, and operating characteristics of the proposed activity are not compatible with the existing and planned future land uses in the vicinity.

Public Comment was opened.

Trisha Knight, representative of Verizon Wireless – advised Commission and to be on the record that after careful consideration of the findings, that the design of the facility could be altered to be reduced in size and also that the generator could be sound proofed.

RJ Knapp, Faith Lutheran Church, provided letter for the record/file from the President of the Board.

Kay Kline, Seaside Resident, agrees with the Planning Commission, findings and decision made regarding the project. Also indicated the importance of being in alignment with the General Plan and protect the residential areas and that residential areas in Seaside are low and typically a maximum of two (2) stories. Appreciates the decision made.

Nina Beatty, Seaside Resident, supports Planning Commission decision and finding.

Mary, Seaside Resident, supports Planning Commission decision based on evidence and findings.

Amy Kirstensen, Seaside Resident, grateful that Planning Commission has decided to deny the towers in both locations.

Ebony Green, Seaside Resident, agrees with the Planning Commission decision.

Mellie Talbort, Seaside Resident, agrees with decision, also a Verizon Wireless customer and plans to change her service provider.

Lisa Torrey, Seaside Resident, fully supports the decision to deny the towers

and experiences no issues using her cell phone service.

Seaside Resident, supports decision to deny the tower.

Sharon Lincoln, Seaside Resident, lowering the tower would not make her happy and fully supports the Planning Commission decision to deny the cell tower.

Diane Neilson, Seaside Resident, supports PC decision to follow the general plan and deny the cell towers.

Public Comment closed.

On motion by Member Lechman and Seconded by Member Ross and carried by the following vote the Planning Commission adopted the findings for the denial of the Use Permit 15-04.

AYES	5	COMMITTEE MEMBERS	John Owens, Keith Dodson, Michael Lechman, Denise Ross, Margaret Leighton
NOES	0	COMMITTEE MEMBERS	
ABSENT	0	COMMITTEE MEMBERS	
RECUSED	1	COMMITTEE MEMBERS	Arlington LaMica

B. USE PERMIT APPLICATION NO. UP-15-02: RESOLUTION ADOPTING FINDINGS FOR THE DENIAL OF USE PERMIT APPLICATION BY FIRST BAPTIST CHURCH, PROPERTY OWNER, AND VERIZON WIRELESS, APPLICANT, FOR THE APPROVAL OF A USE PERMIT TO INSTALL A TELECOMMUNICATION FACILITY CONSISTING OF A 55'-0" TALL TOWER CONFIGURED AS A FREESTANDING CHURCH STEEPLE ON THE PREMISE OF FIRST BAPTIST CHURCH LOCATED AT 1949 WARING STREET IN THE RS-8 ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT, CLASS 3 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Rick Medina, Senior Planner presented the project and staff report in which the applicant proposed to install a Verizon Wireless facility consisting of equipment that would be located within a 43 sq. ft. lease area for the antennas and a 752 sq. ft. lease area for the ground mounted equipment lease area. Staff recommended that the Planning Commission adopt the findings for the denial of the Use Permit. The item was originally heard on July 22, 2015 and the Commission conducted a public hearing and made a motion to deny the project, staff did not have conditions at the time for the denial and the item was continued to the August 12, 2015 agenda in which the applicant made a request to postpone the hearing to the September 9 meeting to allow them more time to study the findings and evidence. The following findings were the basis of the denial of the project:

- 1) The proposed unmanned wireless telecommunication facility will be inconsistent with the General Plan and any applicable specific plan.
- 2) The design, location, size, and operating characteristics of the proposed activity are not compatible with the existing and planned future land uses in the vicinity.

Public Comment was opened.

Trisha Knight, representative of Verizon Wireless – advised Commission and to be on the record that after careful consideration of the findings, that the design of the facility could be altered to be reduced in size and also that the generator could be sound proofed.

The public comment consisted of support of the Planning Commission decision to deny the application.

On motion by Member Lechman and Seconded by Member Ross and carried by the following vote the Planning Commission adopted the findings for denial of Use Permit 15-02.

AYES	5	COMMITTEE MEMBERS	John Owens, Keith Dodson, Michael Lechman, Denise Ross, Margaret Leighton
NOES	0	COMMITTEE MEMBERS	
ABSENT	1	COMMITTEE MEMBERS	Arlington LaMica
RECUSED	0	COMMITTEE MEMBERS	

6. NEW BUSINESS
None

7. REPORTS FROM COMMISSIONERS
None

8. REPORTS FROM STAFF

A. FOLLOW UP INFORMATION ON CODE ENFORCEMENT COMMENTS RECEIVED FROM THE COMMISSION ON THE WEDNESDAY, AUGUST 26, 2015 REGULAR PLANNING COMMISSION MEETING.

8. ADJOURNMENT AT 8:03PM

On motion by Member Lechman and Seconded by Member Ross and carried by the following vote the Planning Commission adjourned 8:03 PM

AYES	6	COMMITTEE MEMBERS	John Owens, Keith Dodson, Michael Lechman, Denise Ross, Margaret Leighton,
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NOES	0	COMMITTEE MEMBERS
ABSENT	0	COMMITTEE MEMBERS
RECUSED	0	COMMITTEE MEMBERS

DRAFT



MEETING MINUTES
DRAFT

CITY OF SEASIDE

PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, September 23,
2015
7:00 PM

1. **CALL TO ORDER AT**

2. **ROLL CALL – ESTABLISHMENT OF QUORUM**

MEMBERS John Owens, Keith Dodson, Michael Lechman, Alington
LaMica, Denise Ross, Margaret Leighton

PRESENT: John Owens, Keith Dodson, Michael Lechman, Alington
LaMica, Margaret Leighton

ABSENT: Denise Ross

3. **PUBLIC COMMENT**

None

4. **APPROVAL OF MINUTES**

A. REGULAR MEETING MINUTES OF AUGUST 12, 2015

B. REGULAR MEETING MINUTES OF AUGUST 22, 2015

On motion by Member Lechman and Seconded by Member Leighton and carried by the following vote the Planning Commission approved the regular meeting minutes for August 12 and August 22, 2015.

AYES	5	COMMITTEE MEMBERS	John Owens, Keith Dodson, Michael Lechman, Alington LaMica, Margaret Leighton
NOES	0	COMMITTEE MEMBERS	
ABSENT	1	COMMITTEE MEMBERS	Denise Ross
RECUSED	0	COMMITTEE MEMBERS	

5. **A. USE PERMIT APPLICATION NO. UP-13-04: ACCEPTANCE OF SIX-MONTH PERIODIC REVIEW OF AMENDMENT TO USE PERMIT APPLICATION NO. UP-13-04 ALLOWING FOR THE USE OF AMPLIFIED SOUND AS PART OF ANCILLARY ENTERTAINMENT ACTS WITHIN AN EXISTING CAFÉ/COFFEE HOUSE (THE PRESS CLUB). THE PROJECT SITE IS LOCATED AT 1123 FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT (APN#: 011-364-027). THE PROJECT IS CATEGORICALLY**

EXEMPT CLASS 1, SECTION 15301(a) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

Rick Medina, Senior Planner presented the project and staff report in which the Commission received a report that was mandated to be conducted at the April 22, 2015 in which the Commission acted to approve the requested a six month periodic review of amendment to Use Permit No. UP-13-04 which allowed for amplified sound as part of ancillary entertainment acts within an existing café/coffee house. There has only been one musical event which was held on July 11, 2015 and staff did do a site visit during the event time frame. A perimeter walk around inspection during the sound portion of the program and staff reported that there were not any substantial noise issues and also no noise complaints were logged for the area as well. Staff also confirmed that the event did include use of the amplifier. We were in the building and walked outside, and the doors and windows were shut, as the commission had asked, at the time that the approved in April.

The applicant representative, Eric Cushman, publisher at the Weekly was available to the Board to answer questions and also provided information in regards to the building history and how the business works to be a good neighbor.

Public Comment was opened:

Ray Patel, Discovery Inn (adjacent property) – concerns about the noise and would be ok if they go on a little early; no other concerns were raised.

Public Comment closed.

Staff advised the staff that the item was just a report and that there is no action that is being adopted.

The commission accepted the report.

6. REPORTS FROM STAFF

A. Meeting with Chair and Vice-Chair addressing reports from Commissioners with staff

7. REPORTS FROM COMMISSIONERS

8. ADJOURNMENT AT 7:15 PM

On motion by Member Lechman and Seconded by Member Leighton and carried by the following vote the Planning Commission adjourned at 7:15pm

AYES	5	COMMITTEE MEMBERS	John Owens, Keith Dodson, Michael Lechman, Alington LaMica, Margaret Leighton
NOES	0	COMMITTEE MEMBERS	
ABSENT	1	COMMITTEE MEMBERS	Denise Ross
RECUSED	0	COMMITTEE	

MEMBERS

DRAFT



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.A.

TO: Planning Commission

BY: Diana Ingersoll, Deputy City Manager Resource Management Services
Rick Medina, Senior Planner

DATE: February 24, 2016

SUBJECT: **Seaside Municipal Code Amendment Application No. SMA-16-01: The City of Seaside (Applicant) is requesting text amendments to Chapter 10 of the Seaside Municipal Code. A Negative Declaration has been prepared for the project in accordance with the California Environmental Quality Act (CEQA) Guidelines.**

PURPOSE

In accordance with Section 17.74.040.A of the Seaside Municipal Code (SMC), the purpose of this item is to consider and provide a recommendation to the City Council on proposed text amendments to Chapter 10 prohibit the parking of recreational vehicles, trailers, and prohibited vehicles as defined in the Draft Ordinance.

RECOMMENDATION

It is recommended that the Commission adopt the following Resolutions:

1. Draft Resolution recommending that the City Council adopt a Negative Declaration for the proposed text amendments to Section 10.04 and 10.32 of the Seaside Municipal Code to prohibit the parking of recreational vehicles, trailers, and prohibited vehicles on City streets, alleys, public right-of-ways, and publicly owned lots.
2. Draft Resolution recommending that the City Council adopts an Ordinance approving the proposed text amendments subject to the findings and evidence contained therein to prohibit the parking of recreational vehicles, trailers, and prohibited vehicles on City streets, alleys, public right-of-ways, and publicly owned lots.

BACKGROUND

Environmental Review

The City of Seaside has prepared an Initial Study and Negative Declaration for the proposed text amendments to the Seaside Municipal Code pursuant to the requirements of the California Environmental Quality Act Section 21000 et seq. and State CEQA Guidelines Section 15070 through 15075. The Initial Study/Negative Declaration has been circulated for a 20-day public review period beginning on Thursday, January 28, 2016 and ending on Tuesday, February 16, 2016 (See Attachment 1). Based on the analysis of the environmental checklist contained within the Initial Study, it has been determined that the proposed text amendments would not result in a direct or indirect physical change in the environment since the amendments would be solely a change in the City's Municipal Code regulations that would not result in any new development or physical change that would directly or indirectly affect the General Plan Land Uses or Zoning District designations or a parcel of land within the community.

Background

The on-street parking of recreational vehicles, trailers, and large commercial vehicles on city streets, alleys, and city owned parking lots has been an ongoing topic of concern since 2009 with respect to the following issues:

- Reduction in on-street parking these vehicles present for standard passenger vehicles; and
- Intrusion of these vehicles, specifically large commercial vehicles, within residential neighborhoods resulting in visual blight; and
- Creation of public safety hazards the parking of these vehicles cause as it relates to the lack of adequate visibility of other motor vehicles and pedestrians and bicyclists.

In 2009, the City of Seaside retained DKS and Associates to perform a citywide parking study and implementation plan. This plan was developed based upon the need to obtain a comprehensive assessment of existing parking conditions citywide and develop alternative parking restrictions on certain vehicles (e.g. recreational vehicles, trailers, boats, large commercial vehicles) as well as a program for enforcement. On November 4, 2010, the City Council accepted the Citywide Parking Study and Implementation Plan (Study) and directed City to return with prioritized recommendations to improve the availability of on-street parking and reduce parking conflicts within residential and commercial neighborhoods.

On November 21, 2013, the City Council took its first step toward regulating on-street parking with the adoption of Ordinance No. 1010, which prohibited on-street parking of unhitched trailers, campers, and boats by amending the text of Chapter 10.04 and Chapter 10.32 of the SMC as follows:

1. Added new Section 10.32.101 to prohibit the parking of unhitched trailers, campers; and boats upon any City street, alley, public right-of-way, or publicly owned parking lot in any Zoning District Citywide except as permitted by construction related activity landscape businesses with valid business licenses; and
2. Added new Section 10.04.056 to provide a definition of an unhitched trailer, camper, and boat when located on a City street, alley, public right-of-way, or publicly

owned parking lot.

Since the implementation of Ordinance No. 1010, the Public Works Department has continued to receive comments and complaints on the parking of all types of recreational vehicles, trailers, campers, boats and large commercial vehicles, hitched and unhitched. Additionally, in 2014-2015, the City has also experienced an increase in the parking of recreational vehicles on city streets due to their use as transient housing alternatives.

In response to the continued comments and complaints that the City has continued to receive on the parking of recreational vehicles, campers, boats and large commercial vehicles on city streets since the adoption of Ordinance No. 1010, the Traffic Advisory Committee (TAC) met on several occasions in 2015 to evaluate the parking and safety issues associated with these vehicles and to determine if additional regulations should be considered to further regulate the parking of recreational vehicles, trailers, campers, boats and large commercial vehicles. At the October 20, 2015 TAC meeting, the committee requested changes to the proposed ordinance that would permit a registered owner of a recreational vehicle to park on the block where the recreational vehicle was registered and explicitly disallow the parking of boats and recreational trailers with four identified exceptions. The Vehicle Abatement Officer stated that by providing the wording “active” when describing loading and unloading under the first exception that the Ordinance would be enforceable. With this added language the Ordinance would also be strong enough to cite recreational vehicle owners who consistently move their recreational vehicles every 72 hours to avoid being cited under the California Vehicle Code when parked at one location on a public street. The TAC further discussed the need to include language that allows the City to tow recreational vehicles, trailers or prohibited vehicles after three citations and to provide a category and definition for prohibited vehicles currently not regulated by the SMC.

On November 17, 2015, the TAC recommended that based on the committee’s review and the acceptance of public comment on the proposed Ordinance that the City should proceed with presenting an Ordinance for the City Council’s consideration to prohibit the parking of recreational vehicles, trailers and defined prohibited vehicles on city streets as outlined in the Resolution for the Draft Ordinance provided as Attachment 2.

On December 3, 2015, the City Council reviewed the public record related to the TAC’s recommendations on the proposed Text Amendments and directed City staff to move forward with the preparation of an Initial Study to evaluate the environmental issues associated with the text amendments; and to have the Planning Commission provide its recommendation to the City Council on the adoption of an Ordinance for the proposed Text Amendments.

The Initial Study/Negative Declaration has been circulated for a 20-day public review period beginning on Thursday, January 28, 2016 and ending on Tuesday, February 16, 2016. To date, City staff has not received any comments on the proposed Initial Study/Negative Declaration.

Staff Analysis

The adoption of the proposed text amendments would serve to enhance the visual character and quality of life within the community and to provide a safe, livable environment for both the

citizens of Seaside and its visitors alike. The Draft

CONCLUSION

City staff recommends the Planning Commission open the public hearing, accept public testimony/comments, and act to recommend that the City Council adopt the proposed text amendments under Chapter 10.04 and Chapter 10.32 of the SMC.

FISCAL IMPACT

There are no Fiscal Impact for this item.

ATTACHMENTS

1. Attachment 1 Draft Resolution Negative Declaration
 2. Attachment 1 - Exhibit A Initial Study/Negative Declaration
 3. Attachment 2 - Draft Resolution for Ordinance
-

RESOLUTION NO. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, RECOMMENDING TO THE CIY COUNCIL THE ADOPTION OF A NEGATIVE DECLARATION FOR PROPOSED TEXT AMENDMENTS TO SECTION 10.04 AND SECTION 10.32 OF THE SEASIDE MUNICIPAL CODE TO PROHIBIT THE PARKING OF RECREATIONAL VEHICLES, TRAILERS, AND PROHIBITED VEHICLES ON THE STREETS, ALLEYS, PUBLIC RIGHT-OF-WAYS, AND PUBLICLY OWNED LOTS.

WHEREAS, the City of Seaside has circulated a Notice of Intent to adopt a Negative Declaration for the adoption of proposed text amendments to the Chapter 10 of the Seaside Municipal Code as follows:

Proposed Text Amendments

- (Text proposed to be deleted is listed with strikethrough (~~Strikethrough~~) and text proposed to be added is listed in **bold** with an underline (Underline)

1. Amend Chapter 10 to amend Section 10.32.101 to read as follows:

Section 10.32.101 ~~Unhitched trailer, camper, and boat parking~~ **Trailer, Recreation Vehicle and Prohibited Vehicle parking – prohibited on any street;** prohibited on any street; Exception No person shall park any “unhitched trailer, camper, and boat **trailer, recreational vehicle or prohibited vehicle** at any time upon any street, alley, right-of-way or publicly owned lot in the city except as follows: ~~permitted by “construction related activity” or any landscape business in the vicinity between the hours of seven a.m. and five p.m. For the purpose of this section, the term “construction related activity” includes any construction work in accordance with a valid development permit (e.g. use permit, encroachment permit, building permit), For landscape businesses to exempt, a copy of a valid city business license must be attached to the unhitched trailer.~~

1. Permitted by “construction related activity” or any landscape business in the vicinity between the hours of 7 am and 5 pm **daily.** For the purpose of this section, the term “construction related activity” includes any **active loading and unloading of construction material for the purpose of** construction work **or landscape maintenance,** in accordance with valid development permit (e.g. use permit, encroachment permit, building permit). For landscape businesses **or independent contractors** to be exempt, a copy of a valid City Business License must be attached to the ~~unhitched~~ trailer.
2. **Trucks with sideboards extending above the cab will be permitted to park not longer than 24 hours.**

3. If the registered owner of a recreational vehicle is a resident of a residence on the public street where the trailer, boat or recreational vehicle is parked for the purpose of loading, unloading, cleaning, or other activity preparatory or incident to travel.
4. One vehicle not exceeding a gross vehicle weight rating (GVWR) of five tons which is owned and operated by a water, gas, electric, or telephone public utility and used for emergency service to prevent injury or hazard to the general public may be parked in a residential district. One light-duty class A tow truck with a manufacturer's gross vehicle weight rating (GVWR) of ten thousand to nineteen thousand five hundred pounds, and used for emergency service to prevent injury or hazard to the general public may be parked in a residential district. Such tow trucks must be registered with a city, county, or state agency to provide emergency towing services.

After three parking violations, the trailer, recreational vehicle, or prohibited vehicle is subject to being towed at the owner's expense.

2. Amend Chapter 10 to add new Section 10.04.056 to read as follows:

10.04.056 ~~Unhitched trailer, camper, and boat~~ **Trailer**

~~"Unhitched trailer, camper, and boat" shall mean any trailer, camper, and boat as defined by the California Vehicle Code that is without motive power and is not mounted to a properly licensed motor vehicle capable of towing said trailer, camper or boat.~~ **"trailer" shall be as defined by California Vehicle Code Section 630, including trailers for vehicles, boats or personal watercrafts.**

3. Amend Chapter 10 to add new Section 10.04.057 to read as follows:

Section 10.04.057 Recreational Vehicles

"Recreational vehicle" shall mean any travel trailer or other vehicular portable structure designed to be used as a temporary occupancy for travel or recreation use, including, but not limited to, any motor home, and truck slide-in camper. Passenger vans which have been converted for use as a recreational vehicle and do not exceed nine feet in height are exempt from this section.

4. Amend Chapter 10 to add new Section 10.04.058

10.04.058 Prohibited Vehicles

"prohibited vehicle" shall mean any commercial vehicle, truck tractor, semi-trailer, independent trailer, walk-in van, box van, walk-in truck, trucks with sideboards exceeding the height of the cab, tow truck, any flatbed pickup, any vehicle designed to provide food or equipment sales or transport, any vehicle affixed with power attachments or tools, any vehicle which exceeds a gross vehicle weight rating (GVWR) of eleven thousand five hundred (11,500) pounds, any school bus or passenger carrying vehicle which exceeds sixteen persons in capacity or twenty-two feet in length, and any vehicle exceeding 9 ½ feet in height.

WHEREAS, it is the responsibility of the Planning Commission to consider and weigh the merits of the Negative Declaration and text amendments in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code in making its determination and recommendations to the City Council on the proposed Negative Declaration; and

WHEREAS, the Negative Declaration based on the revised language for the proposed text amendments was circulated for a 20-day public review period beginning on Thursday, January 28, 2016 and ending on Tuesday, February 16, 2016; and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed Negative Declaration at a duly noticed public hearing held on February 24, 2016 and made a recommendation to the City Council to adopt the proposed Negative Declaration; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings in support of its recommendation to the City Council on the adoption of the proposed Negative Declaration:

1. The proposed text amendments will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
2. The proposed text amendments will not have any impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).
3. The proposed text amendments will not have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly.

Evidence: The proposed text amendments will consist of amending and adding new text to Chapter 10 of the Seaside Municipal Code in order to restrict the on-street parking of recreational vehicles, trailers, campers, boats and defined prohibited vehicles upon any City street, alley, right-of-way, or publicly owned lot in any district. There is no development associated with the proposed text amendments. The proposed text amendments will not degrade the quality of the environment, reduce the habitat or population of fish and wildlife species, eliminate plant or animal community, or eliminate important examples of California history or prehistory. The proposed text amendments will not have any impacts that are individually limited but cumulatively considerable or cause substantial adverse effects on human beings, either directly or indirectly.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Negative Declaration and Initial Study prepared to evaluate the potential environmental effects associated with the revised language for the proposed text amendments is provided as Exhibit “A to this resolution.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 24th of February, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary



CITY OF SEASIDE NEGATIVE DECLARATION

PROJECT TITLE:

Seaside Municipal Code Amendment No SMC 16-01

PROJECT DESCRIPTION:

Text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 10.04 (Definitions) as listed below:

- A) Amendment to Section 10.32.101 that would serve to retitle this section from referencing “unhitched trailers, campers and boats” to now reference “Trailer, Recreation Vehicle or Prohibited Vehicle Parking.” The text amendments would prohibit the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any Zoning District citywide except as follows:
1. Permitted by construction related activity or any landscape business in the vicinity between the hours of 7 am and 5 pm. For the purpose of this section, the term “construction related activity” includes any active loading and unloading of construction material for the purpose of construction work or landscape maintenance, in accordance with a valid development permit (e.g. use permit, encroachment permit, building permit). For landscape businesses or independent contractors to be exempt, a copy of a valid City Business License must be attached to the trailer.
 2. Trucks with sideboards extending above the cab will be permitted to park not longer than 24 hours.
 3. If the registered owner of a trailer, boat or recreational vehicle is a resident of a residence on the public street where the trailer, boat or recreational vehicle is parked for the purpose of loading, unloading, cleaning, or other activity preparatory or incident to travel, parking shall be limited to 24 hours within a 7 day period.
 4. One vehicle not exceeding a gross vehicle weight rating (GVWR) of five tons which is owned and operated by a water, gas, electric, or telephone public utility and used for emergency service to prevent injury or hazard to the general public may be parked in a residential district. One light-duty class A tow truck with a manufacturer’s gross vehicle weight rating (GVWR) of ten thousand to nineteen thousand five hundred pounds, and used for emergency service to prevent injury or hazard to the general public may be parked in a residential district. Such tow trucks must be registered with a city, county, or state agency to provide emergency towing services.
- B) Amendment to Section 10.04.056 to retitle this Section from “Unhitched trailer, camper, and boat” to “Trailer” and to provide new definition regarding the on-street parking prohibition related to trailers, and.
- C) Amendment to add new Section 10.04.057 to provide definition regarding the on-street parking prohibitions related to the parking of recreational vehicles upon any street, alley, right-of-way, and publicly owned lot in the City, and

- D) Amendment to add new Section 10.04.058 titled “Prohibited Vehicles” to provide definition regarding the meaning and type of vehicles that would be classified as a prohibited vehicle and what on-street parking restrictions apply to a prohibited vehicle on any street or publicly owned lot in the City.

LOCATION: Citywide

ADOPTED:

X	The INITIAL STUDY conducted by the City of Seaside (attached) shows that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is herein affirmed.
	The INITIAL STUDY conducted by the City of Seaside (attached) shows that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	The INITIAL STUDY conducted by the City of Seaside (attached) shows that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	The INITIAL STUDY conducted by the City of Seaside (attached) shows that that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	The INITIAL STUDY conducted by the City of Seaside (attached) shows that although the proposed project could have a significant effect on the environment, that because all potentially significant effects 1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and 2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date:

Signature:

A. PROJECT DATA

1.	Project title:	Municipal Code Amendment No. SMC 16.01
2.	Lead agency name and address:	City of Seaside 440 Harcourt Avenue Seaside, CA 93950
3.	Contact person and phone number:	Leslie Llantero, Assistant Engineer (831) 899-6832
4.	Date Prepared	January 5, 2016
5.	Project location:	City of Seaside County of Monterey, California. Regional Location Map is provided as Figure 1. General Plan Land Use Map for the City is provided as Figure 2.
6.	Project sponsor's name and address:	City of Seaside 440 Harcourt Avenue Seaside, CA 93955 (831) 899-6825
7.	General plan designation:	Residential Streets Collector Streets Arterial Streets
8.	Zoning:	Citywide
9.	Description of project:	Text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 10.04 (Definitions) to provide amendment under Section 10.32.101 that would serve to prohibit the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit); 2) trucks with sideboards no longer than 24 hours; 3) resident owned recreational vehicles for a limited time; and 4) emergency vehicles and to amend and provide definitions under Section 10.04.056 for trailers, Section 10.04.057 for recreational vehicles, and Section 10.04.058 for prohibited vehicles. Proposed text amendments are provided as Exhibit "A".
10.	Surrounding land uses and setting:	Citywide.
11.	Other public agencies whose approval is required	None.

B. PROJECT DESCRIPTION

This document has been prepared to present project information and to evaluate the potential environmental effects of text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 10.04 (Definitions) that would include an amendment to Section 10.32.101 SMC to prohibit the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm daily (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles, and 4) emergency vehicles; and to amend the definition under Section 10.04.056 SMC for a Trailer, provide definition under Section 10.04.057 for recreational vehicle, and provide definition under Section 10.04.058 for the meaning and type vehicles that would be classified as prohibited vehicles. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

The purpose of placing prohibitions on the parking of recreational vehicles, trailers, and prohibited vehicles within the community is to address the following issues that these devices pose when parked and/or stored within the public right-of-way:

1. The reduction in the amount of on-street parking for standard passenger vehicles in all zones,
2. The removal of visual blight, and
3. The removal of safety hazards that the parking of recreational vehicles, trailers, and prohibited vehicles has established with respect to the lack of visibility on vehicular traffic and pedestrian accessibility.

The adoption of the proposed text amendments would also serve to enhance the visual character and quality of life within the community and to provide a safe, livable environment for both the citizens of Seaside and its visitors alike.

C. LEAD AGENCY

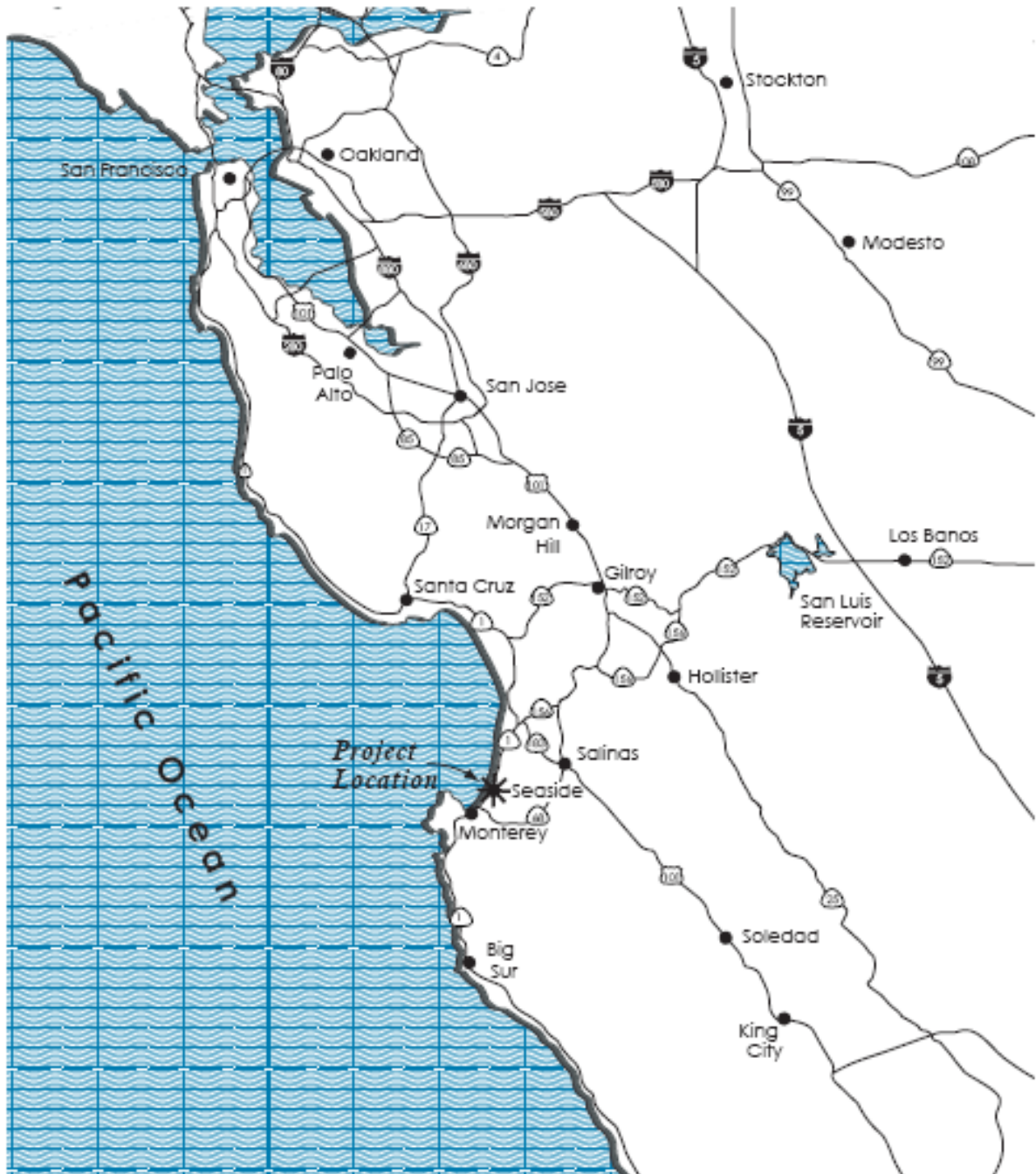
The Lead agency is the public agency with primary authority over a proposed project. The lead agency for the proposed text amendment is the City of Seaside. The contact person for the lead agency is:

Rick Medina, Senior Planner
440 Harcourt Avenue
Seaside, CA 93955
Phone: (831) 899-6736
E-Mail: rmedina@ci.seaside.ca.us

D. PROJECT LOCATION AND ENVIRONMENTAL SETTING

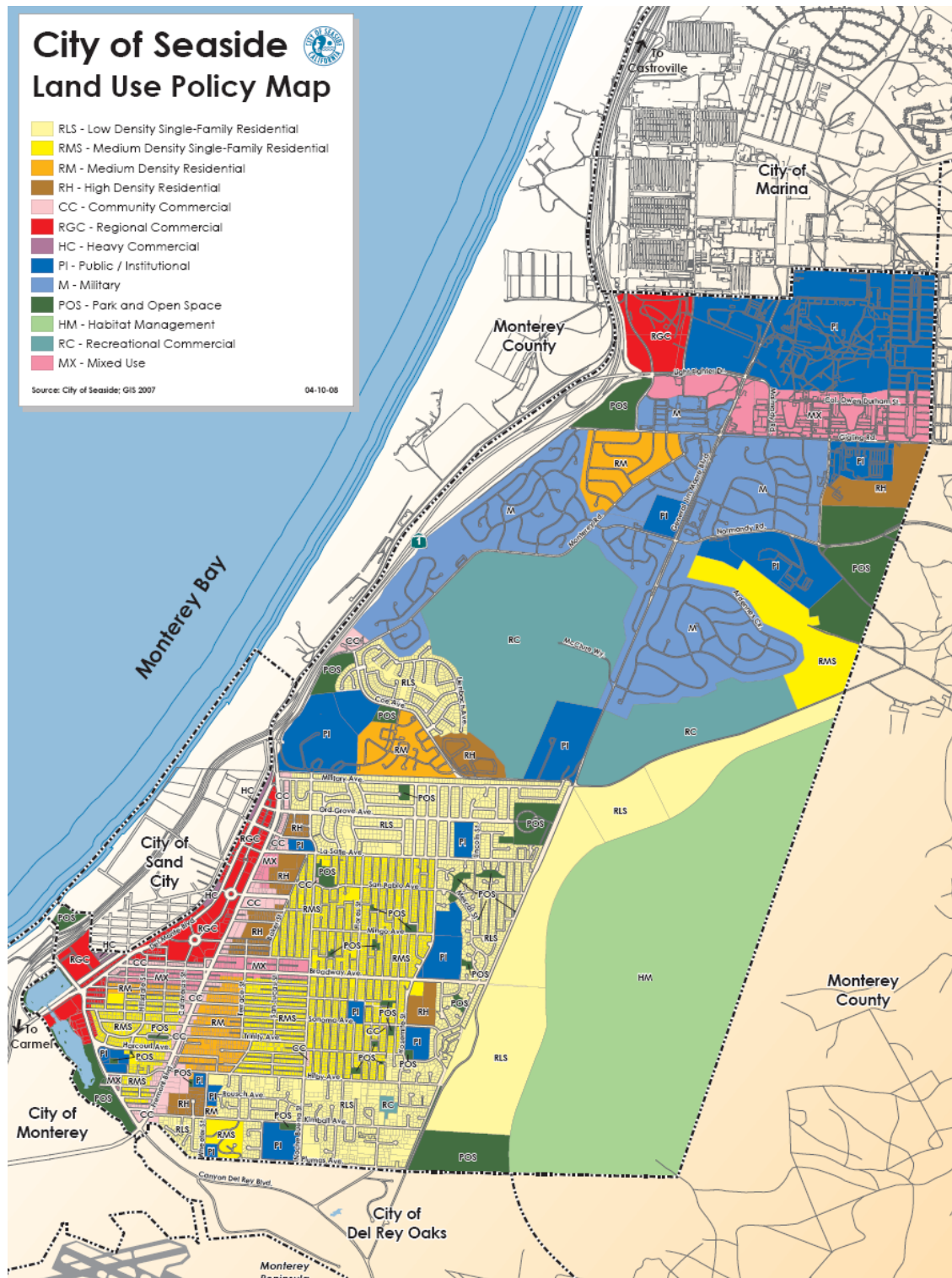
As shown on the Regional Location Map on Figure 1, the City of Seaside is situated on the Monterey Bay in western Monterey County in the northern portion of the Monterey Peninsula. The City’s incorporated City Limit boundaries are surrounded by the cities of Monterey and Del Rey Oaks to the south, Sand City to the west, Marina to the north, and Monterey County to the east. Figure 2 depicts the City limit and General Plan Land Use Map of the community that would be applicable to by the proposed Text amendments. The community contains approximately 8 square miles of land. The incorporated lands are primarily developed with urban land uses (Residential, Commercial, Government/Quasi Public Uses) with no areas designated for agricultural uses. The proposed amendments will consist solely of text amendments and would not have any development proposed which would alter or modify the existing environmental setting of the City’s municipal boundaries or that of a neighboring jurisdiction.

Figure 1 – Regional Location Map



Regional Location Map

Figure 2 – General Plan Land Use Map



E. ENVIRONMENTAL CHECKLIST

The Environmental Checklist is the analysis portion of this Negative Declaration. This section provides an evaluation of the potential environmental impacts of the project. The CEQA Guidelines require evaluation of the 17 environmental issues analyzed in this section, as well as the Mandatory Findings of Significance in Section 3.17. The environmental issues evaluated include the following:

- | | |
|--|--|
| ☐ Aesthetics | ☐ Land Use and Planning |
| ☐ Agricultural Resources | ☐ Mineral Resources |
| ☐ Air Quality | ☐ Noise |
| ☐ Biological Resources | ☐ Population and Housing |
| ☐ Cultural Resources | ☐ Public Services |
| ☐ Geology and Soils | ☐ Recreation |
| ☐ Greenhouse Gas Emissions | ☐ Transportation/Traffic |
| ☐ Hazards and Hazardous Materials | ☐ Utilities and Service Systems |
| ☐ Hydrology and Water Quality | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

F. EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

G. ENVIRONMENTAL CHECKLIST

1. AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista? (1,2)	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (1,2)	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (1,2)	☐	☐	☐	☒
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1,2)	☐	☐	☐	☒

Visual resource impacts are considered significant if a project has a “substantial demonstrable negative aesthetic effect.” Based on professional standards and practices, a project would normally be considered to have a significant impact if it would:

- Adversely affect a scenic vista;
- Damage scenic resources; or
- Degrade existing visual character; or
- Create a new source of light or glare.

Discussion – All Items 1(a-d)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendments. Therefore, the implementation of the proposed text amendments will not directly or indirectly have a substantial adverse effect on a scenic vista or damage scenic resource, degrade the existing visual character or quality of the community and its surroundings, or create new substantial light and glare. The proposed amendments would have the potential to result in a direct benefit to the visual character and safety of the Community by enabling the Seaside Police Department and the Vehicle Abatement Officers to issue parking citations and subsequently remove the type of vehicles identified as being restricted in the proposed text amendments from City streets, alleys, public-right-ways, and public lots. The presence of recreational vehicles, trailers and prohibited vehicles on City streets, alleys, right-of-ways, and publicly owned lots has been determined to be considered as visual blight and a public safety issue by the community. Therefore, the implementation of the proposed text amendments would provide a direct visual benefit to the overall livability and character of the community and the elimination of hazards related to the placement of the identified recreational vehicles, trailers and prohibited vehicles upon a City street, alley, right-of-way, or publicly owned lot.

(Seaside General Plan 2004, Land Use Element and Urban Design Element, Final Environmental Impact Report, Chapter 5.1 Aesthetics and Chapter 5.8 Land Use)

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Projects; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (1,2)	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?(1)	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in public resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (3)	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use? (1)	☐	☐	☐	☒
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (1)	☐	☐	☐	☒

Discussion – All Items 2(a-e)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendment. Therefore, the implementation of the proposed text amendments will not directly or indirectly convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use. Additionally, there are no lands within the City of Seaside zoned for agricultural uses. (Seaside General Plan 2004, Land Use Element, Final Environmental Impact Report, Chapter 5.8, Land Use; Seaside Municipal Code, Title 17)).

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (1,2)	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (1,2)	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (1,2)	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations? (Source: MBUAPCD 2008a, 2008b; Ambient 2010) (1,2)	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people? (1,2)	☐	☐	☐	☒

The State CEQA Guidelines state that a project will result in a significant impact if it would:

- Conflict with or obstruct implementation of an air quality plan;
- Violate air quality standards;
- Contribute a cumulatively considerable net increase of a criteria pollutant in a non-attainment area;
- Expose sensitive receptors to substantial pollutant concentrations;
- or Create odors affecting a substantial number of people.

Discussion – All items 3(a-e)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions

under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendment. Therefore, the implementation of the proposed text amendments will not have any direct or indirect impact to air quality nor have any conflict or obstruct the implementation of an applicable air quality plan, violate any air quality standard, result in considerable net increase of any criteria pollutant concentrations, or create objectionable odors affecting substantial number of people. (Seaside General Plan 2004, Conservation Element, Final Environmental Impact Report, Chapter 5.2 Air Quality)

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (1,2)	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (1,2)	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (1,2)	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1,2)	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,2)	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1,2)	☐	☐	☐	☒

The criteria used to evaluate the proposed project's impacts on wildlife resources were based on federal, state, and local requirements, regulations, and policies (including the federal Endangered Species Act, California Endangered Species Act, CEQA, and the California Fish and Game Code) along with records of resource scarcity and sensitivity. An impact is considered significant if it would:

- Adversely affect endangered, threatened, or rare species;
- Adversely affect the habitat of such species;
- Adversely affect wetlands under the jurisdiction of Section 404 of the Clean Water Act;

- Interfere with the movement of native resident or migratory species;
- Conflict with policies or ordinances protecting biological resources; or biological habitat management plan.

Discussion – All items 4 (a-f)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

Therefore, the implementation of the proposed text amendments will not have direct or indirect substantial adverse effect on any species identified as a candidate, sensitive or special status species identified by the California Department of Fish and Wildlife Service. The text amendments will not have substantial adverse effect on riparian habitats, native resident, migratory fish, wildlife species or federally protected wetlands. The text amendments will not conflict with any local policies or ordinance protecting biological resource or provisions of an adopted Habitat Conservation Plan. (Seaside General Plan 2004, Conservation/Open Space Element, Final Environmental Impact Report, Chapter 5.3 Biological Resources)

5. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (1,2)	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (1,2)	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1,2)	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries? (1,2)	☐	☐	☐	☒

A project is considered to result in a significant impact on cultural resources if it would:

- Adversely affect the significance of a historic resource;
- Adversely affect the significance of an archaeological resource;
- Destroy an unique paleontological resource or geological feature;
- Disturb any human remains.

Discussion – All items 5 (a-d)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with

sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendment. Therefore, the proposed text amendment will not cause substantial direct or indirect adverse change in the significance of a historical resource or archaeological resource. The text amendment will not directly or indirectly destroy unique paleontological resource or disturb any human remains. (Seaside General Plan 2004, Land Use Element)

6. GEOLOGY AND SOILS.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (1,2)				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source:) Refer to Division of Mines and Geology Special Publication 42. (1,2)	☐	☐	☐	■
ii) Strong seismic ground shaking? (1,2)	☐	☐	☐	■
iii) Seismic-related ground failure, including liquefaction? (1,2)	☐	☐	☐	■
iv) Landslides? (1,2)	☐	☐	☐	■
b) Result in substantial soil erosion or the loss of topsoil? (1,2)	☐	☐	☐	■
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (1,2)	☐	☐	☐	■
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (1,2)	☐	☐	☐	■
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1,2)	☐	☐	☐	■

The proposed project would have a significant impact to the environment if it would:

- Expose people or structures to risk of loss, injury, or death from (1) earthquake, (2) strong seismic ground shaking, (3) seismic-related ground failure including liquefaction or (4) landslides;
- Result in substantial soil erosion or loss of topsoil;
- Be located on unstable soil; or
- Have soils incapable of supporting septic system use.

Discussion – All items 6(a-e)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendment. Therefore, the proposed text amendment will not expose people to or structures to potential substantial adverse effects, including the risk of injury or death. The amendment will not result in substantial soil erosion, loss of top soil, landslide, and liquefaction or destroy unique paleontological resource. Seaside General Plan 2004, Safety Element, Final Environmental Impact Report, Chapter 5.5 Geology and Soils)

7. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1,2)	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1,2)	☐	☐	☐	☒

The proposed project would have a significant impact to the environment if it would:

Discussion – All items 7(a-b)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to restricting the on-street parking of unhitched trailers, campers, and boats upon any City streets, alley, right-of-way, or publicly owned lot in any District except as permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit)to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendment. Therefore, the proposed text amendment will not generate any greenhouse gases and will not conflict with an applicable plan policy or regulation adopted to reduce greenhouse gases. (Seaside General Plan 2004, Conservation Element, Final Environmental Impact Report, Chapter 5.2 Air Quality)

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1,2)	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1,2)	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school? (1,2)	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (1,2)	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (1,2)	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (1,2)	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1,2)	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (1,2)	☐	☐	☐	☒

A project is considered to result in a significant impact if it would:

- Create a public health hazard through the transport, use or disposal of hazardous materials;
- Create a public hazard through upset or accident involving release of hazardous materials;
- Emit hazardous emissions or involve handling hazardous materials within on-quarter mile of an existing or proposed school;
- Be located on a site that is listed as hazardous by CAL-EPA;
- Result in safety hazards near a public or public-use airport or private airstrip;
- Impair implementation of an adopted emergency response or evacuation plan;
- Expose people or structures to risk, loss, injury, or death involving wildland fires.

Discussion – All items 8(a-h)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to restricting the on-street parking of unhitched trailers, campers, and boats upon any City streets, alley, right-of-way, or publicly owned lot in any District except as permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit) to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendment. Therefore, the proposed text amendment to the Municipal Code will not create any direct or indirect hazard to the public or environment from hazardous materials, emit hazardous emissions, interfere with an adopted emergency response plan or expose people or structures to wildland fires. The amendment will not result in a safety hazard for people residing or working in a public airport or private airstrip. (Seaside General Plan 2004, Safety Element, Final Environmental Impact Report, Chapter 5.6 Hazards)

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (1,2)	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (1,2)	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site? (1,2)	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? (1,2)	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (1,2)	☐	☐	☐	☒
f) Otherwise substantially degrade water quality? (1,2)	☐	☐	☐	☒

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (1,2)	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows? (1,2)	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (1,2)	☐	☐	☐	☒
j) Inundation from seiche, tsunami, or mudflow? (1,2)	☐	☐	☐	☒

The project would significantly impact the environment if it would:

- Violate any water quality standards or water discharge requirements;
- Substantially deplete groundwater supplies or interfere groundwater recharge;
- Substantially alter the existing drainage patterns resulting in a substantial increase in erosion or surface runoff and causing flooding;
- Create or contribute to runoff that exceeds drainage system capacity;
- Otherwise substantially degrade water quality;
- Place housing within a 100-year flood hazard area;
- Impeded or redirect food flows within a 100-year flood hazard area;
- Expose people or structures to a significant risk of loss, injury or death from flooding;
- Result in inundation by seiche, tsunami, or mudflow;

Discussion – All Items 9(a-j)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to restricting the on-street parking of unhitched trailers, campers, and boats upon any City streets, alley, right-of-way, or publicly owned lot in any District except as permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit) to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendment. Therefore, the text amendment will not violate any water quality standards, substantially deplete groundwater supplies, alter any existing drainage pattern, create or contribute runoff water, or degrade water quality, place housing within a 100-year flood zone or expose people or structures to significant risk or injury or death involving flood. Seaside General Plan 2004, and Use Element, Final Environmental Impact Report, Chapter 5.5 Geology Soils.

10. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (1,2,3)	☐	☐	☐	■
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (1,2,3)	☐	☐	☐	■
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (1,2)	☐	☐	☐	■

Land use impacts are considered significant if the project would:

- Physically divided an established community or be incompatible with existing land uses;
- Conflict with land use plans, policies, or regulations;
- Conflict with Habitat Conservation Plans or other types of approved biological habitat management plans.
-

Discussion – All items 10 (a-c)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to restricting the on-street parking of unhitched trailers, campers, and boats upon any City streets, alley, right-of-way, or publicly owned lot in any District except as permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit) to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendments. The proposed text amendments will result in providing additional parking for residents, consumers, and visitors to the City and would not result in the alteration of the existing roadways and associated roadway classifications identified within the current 2004 General Plan for the City of Seaside. If approved, the text amendments will be consistent with the City's General Plan and Municipal Code. Therefore, the text amendments will not directly or indirectly divide an established community or conflict with any applicable habitat conservation plan. (Seaside General Plan 2004, Land Use Element, Final Environmental Impact Report, Chapter 5.8 Land Use)

11. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,2)	☐	☐	☐	■

*City of Seaside
January 2016*

*Text Amendment for Recreational Vehicles, trailers, & prohibited vehicles
Initial Study/Proposed Negative Declaration*

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (1,2)	☐	☐	☐	☒

A project will normally have a significant effect on the environment if it will:

- Result in the loss of a known mineral resource;
- Result in the loss of availability of a locally important mineral resource identified in an approved land use plan.

Discussion – All items 11(a-b)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to restricting the on-street parking of unhitched trailers, campers, and boats upon any City streets, alley, right-of-way, or publicly owned lot in any District except as permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit) to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendments. Therefore, no mineral resources would be removed as part of this project nor would any activities related to the project come in conflict with a known renewable or other resources conservation plan. (Seaside 2004 General Plan, Land Use Element)

12. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (1,2)	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (1,2)	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (1,2)	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1,2)	☐	☐	☐	☒

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (1,2)	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (1,2)	☐	☐	☐	☒

A project is considered to result in a significant impact if it would:

- Expose persons to noise levels exceeding established standards;
- Expose persons to excessive ground borne vibration;
- Substantially increase ambient noise (temporary, periodic, or permanent);
- Expose people to excessive noise near a public-use airport or private airstrip.

Discussion – All items 12(a-f)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to restricting the on-street parking of unhitched trailers, campers, and boats upon any City streets, alley, right-of-way, or publicly owned lot in any District except as permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit) to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendments. Therefore, the text amendments will not expose the public to any noise levels in excess of standards established in the City's Noise Ordinance (Seaside General Plan 2004, Noise Element; Final Environmental Impact Report, Chapter 5.9 Noise)

13. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (1,2)	☐	☐	☐	☒

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1,2)	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (1,2)	☐	☐	☐	☒

Population and housing impacts are considered significant if the project:

- Induces substantial growth; or
- Expose persons to excessive ground borne vibration;
- Displaces a substantial number of existing housing units or people, necessitating construction of replacement housing.

Discussion – All items 13(a-c)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to restricting the on-street parking of unhitched trailers, campers, and boats upon any City streets, alley, right-of-way, or publicly owned lot in any District except as permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit) to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendments. Therefore, no changes to any existing housing or population centers will occur upon implementation of the proposed text amendments, nor will the text amendments induce substantial population growth or displace existing housing or people. (Seaside General Plan 2004, Land Use and Housing Element; Final Environmental Impact Report, Chapter 5.2 Air Quality)

14. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (1,2)	☐	☐	☐	☒
b) Police protection? (1,2)	☐	☐	☐	☒
c) Schools? (1,2)	☐	☐	☐	☒

Would the project result in:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d)	Parks? (1,2)	☐	☐	☐	■
e)	Other public facilities? (1,2)	☐	☐	☐	■

A project will normally have a significant impact on the environment if it will:

- Result in substantial adverse physical effects from the construction of new or altered governmental facilities needed to maintain acceptable service ratios, response times or other performance objectives for: (1) fire protection, (2) police protection, (3) schools, (4) parks, or (5) other public services.

Discussion – All items 14(a-e)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to restricting the on-street parking of unhitched trailers, campers, and boats upon any City streets, alley, right-of-way, or publicly owned lot in any District except as permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit) to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendments. Therefore, the proposed text amendments will not result in any direct or indirect adverse physical impacts associated with the need to provide any new or physically altered government facilities or services. (Final Environmental Impact Report, Chapter 5.11 Public Services and Utilities)

15. RECREATION

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1,2)	☐	☐	☐	■
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1,2)	☐	☐	☐	■

Recreation impacts are considered significant if a project:

- Creates a “conflict with established recreational, educational, religious, or scientific uses of the area;”

- Increases the use of existing local and regional parks, resulting in physical deterioration;
- Results in substantial adverse physical effects from construction of new or altered recreational facilities.

Discussion – All items 15(a-b)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to restricting the on-street parking of unhitched trailers, campers, and boats upon any City streets, alley, right-of-way, or publicly owned lot in any District except as permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit) to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendments. Therefore, the proposed text amendments would not result in a direct or indirect need to expand or physically alter its recreational facilities and parks in the community, (Seaside 2004 General Plan, Conservation/Open Space Element)

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (1,2)	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads of highways? (1,2)	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (1,2)	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,2)	☐	☐	☐	☒

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access? (1,2)	☐	☐	☐	■
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (1,2)	☐	☐	☐	■

A project results in a significant impact if it would:

- Substantially increase traffic relative to existing load capacity;
- Exceed an established level-of-service standard;
- Result in a change of air traffic patterns;
- Substantially increase hazards due to design or incompatible uses;
- Result in inadequate emergency access;
- Result in inadequate parking capacity;
- Conflict with adopted alternative transportation policies, plans or programs.

Discussion – All items 16(a-f)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to restricting the on-street parking of unhitched trailers, campers, and boats upon any City streets, alley, right-of-way, or publicly owned lot in any District except as permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit) to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendments. Therefore, the proposed text amendments would not result in a net increase in traffic or parking demand in the community, nor would it reduce the number of existing parking spaces within the study area. (Seaside 2004 General Plan, Circulation Element; Final Environmental Impact Report, Chapter 5.12 Transportation)

17. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (1,2)	☐	☐	☐	■

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1,2)	☐	☐	☐	☒
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1,2)	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (1,2)	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1,2)	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (1,2)	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste? (1,2)	☐	☐	☐	☒

A project will normally have a significant effect on the environment if it will:

- Fail to comply with wastewater treatment requirements of a Regional Water Quality Control Board;
- Require or result in the construction of new or expanded water or wastewater treatment facilities;
- Require or result in the construction of new or expanded storm water drainage facilities;
- Exceed existing water supplies;
- Exceed existing wastewater capacity;
- Exceed existing landfill capacity;
- Conflict with federal, state, and local statutes and regulations related to solid waste.

Discussion – All items 17(a-g)

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to restricting the on-street parking of unhitched trailers, campers, and boats upon any City streets, alley, right-of-way, or publicly owned lot in any District except as permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit) to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendments. Therefore, the proposed text amendments will not exceed wastewater treatment requirements, have cause for the construction of new storm water drainage

facilities, produce solid waste, or have an adverse impact to utilities and service systems. (Seaside 2004 General Plan, Conservation Element; Final Environmental Impact Report, Chapter 511 Public Services and Utilities)

18. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Impacts are considered significant if a project has the potential to:

- Degrade the quality of the environment;
- Substantially reduce, restrict or threaten to eliminate wildlife habitat;
- Eliminate important examples of major California history or prehistory;
- Introduce "Cumulatively Considerable" impacts; or
- Cause environmental effects that cause substantial adverse effects on human beings, directly or indirectly.

Discussion – All items

The proposed text amendments will consist of retitling Section 10.32.101 of Chapter 10 of the Seaside Municipal Code (SMC) by deleting existing text and adding new text related to restricting the on-street parking of unhitched trailers, campers, and boats upon any City streets, alley, right-of-way, or publicly owned lot in any District except as permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit) to prohibiting the parking of recreational vehicles, trailers, and prohibited vehicles upon any City street, alley, public right-of-way, or publicly owned lot in any District citywide except as follows: 1) permitted by a development permit for construction related activity in the vicinity between the hours of 7 am to 5 pm (e.g. use permit, building permit, encroachment permit), 2) trucks with sideboards parking no longer than 24 hours, 3) residential owners of recreational vehicles which parking is limited to 24 hours, and 4) emergency vehicles. The proposed text amendments will also include updating the definitions under Section 10.04 of Chapter 10 of the SMC with the inclusion of definitions for trailers, recreational vehicles, and prohibited vehicles.

There is no development associated with the proposed text amendments. The proposed text amendments will not degrade the quality of the environment, reduce the habitat or population of fish and wildlife species, eliminate plant or animal community, or eliminate important examples of California history or prehistory. The amendments will

not have any impacts that are individually limited but cumulatively considerable or cause substantial adverse effects on human beings, either directly or indirectly.

H. SOURCES

1. City of Seaside 2004 General Plan
<http://www.ci.seaside.ca.us/index.aspx?page=191#GeneralPlan>
2. City of Seaside Final Environmental Impact Report
<http://www.ci.seaside.ca.us/Modules/ShowDocument.aspx?documentid=592>
3. City of Seaside, 2012 Municipal Code
<http://www.municode.com/library/CA/Seaside>

Exhibit “A”

Proposed Text Amendments

- (Text proposed to be deleted is listed with strikethrough (~~Strikethrough~~) and text proposed to be added is listed in **bold** with an underline (Underline)

1. Amend Chapter 10 to amend Section 10.32.101 to read as follows:

Section 10.32.101 ~~Unhitched trailer, camper, and boat parking~~ **Trailer, Recreation Vehicle and Prohibited Vehicle parking – prohibited on any street;** prohibited on any street; Exception

No person shall park any “unhitched trailer, camper, and boat **trailer, recreational vehicle or prohibited vehicle** at any time upon any street, alley, right-of-way or publicly owned lot in the city except as follows: ~~permitted by “construction related activity” or any landscape business in the vicinity between the hours of seven a.m. and five p.m. For the purpose of this section, the term “construction related activity” includes any construction work in accordance with a valid development permit (e.g. use permit, encroachment permit, building permit). For landscape businesses to exempt, a copy of a valid city business license must be attached to the unhitched trailer.~~

1. Permitted by “construction related activity” or any landscape business in the vicinity between the hours of 7 am and 5 pm **daily.** For the purpose of this section, the term “construction related activity” includes any **active loading and unloading of construction material for the purpose of** construction work **or landscape maintenance,** in accordance with valid development permit (e.g. use permit, encroachment permit, building permit). For landscape businesses **or independent contractors** to be exempt, a copy of a valid City Business License must be attached to the ~~unhitched~~ trailer.
2. **Trucks with sideboards extending above the cab will be permitted to park not longer than 24 hours.**
3. **If the registered owner of a recreational vehicle is a resident of a residence on the public street where the trailer, boat or recreational vehicle is parked for the purpose of loading, unloading, cleaning, or other activity preparatory or incident to travel.**
4. **One vehicle not exceeding a gross vehicle weight rating (GVWR) of five tons which is owned and operated by a water, gas, electric, or telephone public utility and used for emergency service to prevent injury or hazard to the general public may be parked in a residential district. One light-duty class A tow truck with a manufacturer’s gross vehicle weight rating (GVWR) of ten thousand to nineteen thousand five hundred pounds, and used for emergency service to prevent injury or hazard to the general public may be parked in a residential district. Such tow trucks must be registered with a city, county, or state agency to provide emergency towing services.**

After three parking violations, the trailer, recreational vehicle, or prohibited vehicle is subject to being towed at the owner's expense.

2. Amend Chapter 10 to add new Section 10.04.056 to read as follows:

10.04.056 Unhitched trailer, camper, and boat ~~Trailer~~

~~“Unhitched trailer, camper, and boat” shall mean any trailer, camper, and boat as defined by the California Vehicle Code that is without motive power and is not mounted to a properly licensed motor vehicle capable of towing said trailer, camper or boat.~~“trailer” shall be as defined by California Vehicle Code Section 630, including trailers for vehicles, boats or personal watercrafts.

3. Amend Chapter 10 to add new Section 10.04.057 to read as follows:

Section 10.04.057 Recreational Vehicles

“Recreational vehicle” shall mean any travel trailer or other vehicular portable structure designed to be used as a temporary occupancy for travel or recreation use, including, but not limited to, any motor home, and truck slide-in camper. Passenger vans which have been converted for use as a recreational vehicle and do not exceed nine feet in height are exempt from this section.

4. Amend Chapter 10 to add new Section 10.04.058

10.04.058 Prohibited Vehicles

“prohibited vehicle” shall mean any commercial vehicle, truck tractor, semi-trailer, independent trailer, walk-in van, box van, walk-in truck, trucks with sideboards exceeding the height of the cab, tow truck, any flatbed pickup, any vehicle designed to provide food or equipment sales or transport, any vehicle affixed with power attachments or tools, any vehicle which exceeds a gross vehicle weight rating (GVWR) of eleven thousand five hundred (11,500) pounds, any school bus or passenger carrying vehicle which exceeds sixteen persons in capacity or twenty-two feet in length, and any vehicle exceeding 9 ½ feet in height.

DRAFT RESOLUTION 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE FOR PROPOSED TEXT AMENDMENTS TO SECTION 10.04 AND SECTION 10.32 OF THE SEASIDE MUNICIPAL CODE WHICH WOULD PROHIBIT THE PARKING OF RECREATIONAL VEHICLES, TRAILERS, AND PROHIBITED VEHICLES ON CITY STREETS, ALLEYS, PUBLIC RIGHT-OF-WAYS, AND PUBLICLY OWNED LOTS.

WHEREAS, in 2009 the City of Seaside conducted a Citywide Parking Study and Implementation Plan (Plan) that was developed based upon the need to obtain a comprehensive assessment of the existing parking conditions citywide and to develop alternative parking restrictions including implementation procedures and a program for enforcement; and

WHEREAS, the Plan provided recommendations based upon public comments received from community meetings, field visits by City staff and consultants, survey results, and analysis of existing City policies; and

WHEREAS, the City Council approved and prioritized the recommendations of the Parking Study on June 2, 2011, which included a recommendation to prohibit the on-street parking of commercially or privately owned unhitched trailers, campers, and boats; and

WHEREAS, in 2015 it was observed by City staff that the presence of recreational vehicles, trailers, campers, boats and large commercial vehicles were creating visual blight and a public hazard for vehicles, pedestrians, bicyclists when parked on City streets; and

WHEREAS, the Traffic Advisory Committee of the City of Seaside the City of Seaside held several meetings on the parking conditions related recreational vehicles, trailers, and large commercial vehicles being parked on City streets and determined that additional measures and regulations are necessary to prohibit the parking of recreational vehicles, trailers, and defined prohibited vehicles on City streets; and

WHEREAS, on December 3, 2015 the City Council directed City staff to prepare an Initial Study and proposed Ordinance for the City Council's consideration on the prohibition of parking of recreational vehicles, trailers, campers, boats, and defined prohibited vehicles on City streets; and

WHEREAS, the City of Seaside is proposing text amendments to Section 10.32 (Stopping, Standing, Parking) and Section 10.04 (Definitions) of the Seaside Municipal Code to provide and read as follows:

WHEREAS, pursuant to the requirements of the California Environmental Quality Act Section 21000 et seq. and State CEQA Guidelines Section 15070 through 15075, an Initial Study/Negative Declaration has been circulated for a 20-day public review beginning on Thursday, January 28, 2016 and ending on Tuesday, February 16, 2016, and is made a part of the Resolution for the Draft Ordinance by reference; and.

WHEREAS, it is the responsibility of the Planning Commission to consider and weigh the merits of the text amendments in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code and provide a recommendation to the City Council on the proposed text amendments; and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed Negative Declaration and Initial Study at a duly noticed public hearing held on February 24, 2016 and made a recommendation to the City Council to adopt the proposed text amendments; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby finds and determines:

1. The proposed text amendments to Chapter 10 of the Seaside Municipal Code are consistent with the goals and policies of all elements of the General Plan; and
2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. The proposed amendments are internally consistent with other applicable provisions of the Seaside Municipal Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission recommends to the City Council approval of the proposed text amendments to Chapter 10 of the Seaside Municipal Code follows:

Proposed Text Amendments

- (Text proposed to be deleted is listed with strikethrough (~~Strikethrough~~) and text proposed to be added is listed in **bold** with an underline (Underline)

1. Amend Chapter 10 to amend Section 10.32.101 to read as follows:

Section 10.32.101 ~~Unhitched trailer, camper, and boat parking~~ **Trailer, Recreation Vehicle and Prohibited Vehicle parking – prohibited on any street;** prohibited on any street; Exception No person shall park any “unhitched trailer, camper, and boat **trailer, recreational vehicle or prohibited vehicle** at any time upon any street, alley, right-of-way or publicly owned lot in the city except as follows: ~~permitted by “construction related activity” or any landscape business in the vicinity between the hours of seven a.m. and five p.m. For the purpose of this section, the term “construction related activity” includes any construction work in accordance with a valid development permit (e.g. use permit, encroachment permit, building permit). For landscape businesses to exempt, a copy of a valid city business license must be attached to the unhitched trailer.~~

1. Permitted by “construction related activity” or any landscape business in the vicinity between the hours of 7 am and 5 pm **daily.** For the purpose of this section, the term “construction related activity” includes any **active loading and unloading of**

construction material for the purpose of construction work or landscape maintenance, in accordance with valid development permit (e.g. use permit, encroachment permit, building permit). For landscape businesses or independent contractors to be exempt, a copy of a valid City Business License must be attached to the ~~unhitched~~ trailer.

2. Trucks with sideboards extending above the cab will be permitted to park not longer than 24 hours.
3. If the registered owner of a recreational vehicle is a resident of a residence on the public street where the trailer, boat or recreational vehicle is parked for the purpose of loading, unloading, cleaning, or other activity preparatory or incident to travel.
4. One vehicle not exceeding a gross vehicle weight rating (GVWR) of five tons which is owned and operated by a water, gas, electric, or telephone public utility and used for emergency service to prevent injury or hazard to the general public may be parked in a residential district. One light-duty class A tow truck with a manufacturer's gross vehicle weight rating (GVWR) of ten thousand to nineteen thousand five hundred pounds, and used for emergency service to prevent injury or hazard to the general public may be parked in a residential district. Such tow trucks must be registered with a city, county, or state agency to provide emergency towing services.

After three parking violations, the trailer, recreational vehicle, or prohibited vehicle is subject to being towed at the owner's expense.

2. Amend Chapter 10 to add new Section 10.04.056 to read as follows:

10.04.056 ~~Unhitched trailer, camper, and boat~~ **Trailer**

~~"Unhitched trailer, camper, and boat" shall mean any trailer, camper, and boat as defined by the California Vehicle Code that is without motive power and is not mounted to a properly licensed motor vehicle capable of towing said trailer, camper or boat.~~ **"trailer" shall be as defined by California Vehicle Code Section 630, including trailers for vehicles, boats or personal watercrafts.**

3. Amend Chapter 10 to add new Section 10.04.057 to read as follows:

Section 10.04.057 Recreational Vehicles

"Recreational vehicle" shall mean any travel trailer or other vehicular portable structure designed to be used as a temporary occupancy for travel or recreation use, including, but not limited to, any motor home, and truck slide-in camper. Passenger vans which have been converted for use as a recreational vehicle and do not exceed nine feet in height are exempt from this section.

4. Amend Chapter 10 to add new Section 10.04.058

10.04.058 Prohibited Vehicles

“prohibited vehicle” shall mean any commercial vehicle, truck tractor, semi-trailer, independent trailer, walk-in van, box van, walk-in truck, trucks with sideboards exceeding the height of the cab, tow truck, any flatbed pickup, any vehicle designed to provide food or equipment sales or transport, any vehicle affixed with power attachments or tools, any vehicle which exceeds a gross vehicle weight rating (GVWR) of eleven thousand five hundred (11,500) pounds, any school bus or passenger carrying vehicle which exceeds sixteen persons in capacity or twenty-two feet in length, and any vehicle exceeding 9 ½ feet in height.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 24th day of February, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.B.

TO: Planning Commission

BY: Diana Ingersoll, Deputy City Manager Resource Management Services
Rick Medina, Senior Planner

DATE: February 24, 2016

SUBJECT: **USE PERMIT APPLICATION NO. UP-15-08: CONGDON LIVING TRUST, PROPERTY OWNER, AND LILY YANG, APPLICANT, ARE REQUESTING USE PERMIT APPROVAL TO MODIFY THE INTERIOR HEIGHT OF PROPOSED WALLS THAT WOULD ENCLOSE THREE BODY MASSAGE ROOMS FROM SIX FEET IN HEIGHT TO SEVEN FEET FOUR-INCHES IN HEIGHT FOR THE THE EXISTING SUN MASSAGE SPA BUSINESS. THE PROJECT SITE IS LOCATED AT 1173-A FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.**

PURPOSE

The applicant is requesting use permit approval to modify the interior floor plan to increase the height of the interior walls enclosing the massage rooms from six feet to seven feet, four inches.

RECOMMENDATION

City staff recommends that the Planning Commission adopt the Resolution to allow the height of the interior walls for the massage rooms to be at seven-foot four-inches in height in accordance with the findings, evidence and conditions contained in the Resolution.

BACKGROUND

On January 27, 2016, the Seaside Planning Commission acted to grant a new Use Permit for the existing therapeutic massage business to allow for the following changes to the interior floor plan:

1. An increase in the number of body massage tables from two to three; and
2. To allow for the three body massage tables to each be placed within separate rooms with a maximum wall height of six-feet.

The following Monday after the January 27, 2016 public hearing, the applicant contacted City staff to explain that they would be unable to install a standard height six-foot eight-inch door within a six-foot wall. Letter from the applicant explaining this issue and the request to have the Planning Commission reconsider the Use Permit for the interior modifications to the interior wall height of seven-foot four-inches is provided as Attachment 4. A copy of the Resolution approved by the Planning Commission is provided as Attachment 5.

SITE LOCATION AND DESCRIPTION

The project is located at Pacific Heights Plaza, a 14,403 square-foot shopping center on a 1.1 acre site that was constructed in 1988. The center contains 11 tenant spaces in two main structures, with suites ranging in size from 1,071 to 1,650 square feet. A total of 61 common parking spaces are provided in both front and to the side of the plaza, with vehicular access provided from Fremont Boulevard, Hilby Avenue, and Francis Avenue. The ten existing tenant spaces unaffected by the proposed project contain the land uses listed in Table 1 below:

Table 1

Space	Tenant	Area
1	Sushi Time Restaurant	43 Seats/Seats
2	Lee's Video and Liquor	1,449 Square Feet
3	Gonzales Insurance	1,071 Square Feet
4	Metro PCS Phone Store	1,071 Square Feet
5	Royal Nail Salon	1,169 Square Feet
6	A New Image Dental	1,380 Square Feet
7	H&R Block	1,380 Square Feet
8	Seaside Cleaners	1,520 Square Feet
9	Check 'n' Go	1,650 Square Feet
10	Sun Foot and Therapeutic Massage	1,200 Square Feet
11	Lab Corp	1,650 Square Feet

The adjoining land uses along Fremont Boulevard to the east are commercial in nature, with a fast food restaurant (Kentucky Fried Chicken) and paint store (Kelly Moore) to the north, a home appliance store (Ferguson's) to the east and motel to the south. Adjacent land uses along Francis Boulevard to north include a plumbing business and single family dwellings. Adjacent land uses on Hilby Avenue to the south include a Planned Parenthood Medical Clinic and single family dwellings. Location map is provided as Attachment 2. Site photographs are provided as Attachment 3.

PROJECT DESCRIPTION

The applicant's proposed floor plan features a reception area at the entrance, a foot massage area consisting of six foot massage sofas in the middle of the tenant space, and a general back and body massage area to the rear within three enclosed rooms. A single unisex rest room and office is located at the far end of the tenant space. The business will be open seven days a week from

10:00 AM to 10:00 PM.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, Section 15301 (Existing Facilities). Class 1 consists of minor interior alterations involving such things as interior partitions, plumbing and electrical conveyances.

Evidence: The proposed project would involve remodeling the interior of an existing commercial tenant space located within a multiple-tenant commercial shopping center to operate a therapeutic massage business. Interior improvements will include minor wall and electrical improvements to set-up the reception area, massage therapy area, and office. Proposed improvements would be exempt from further CEQA review.

STAFF ANALYSIS AND FINDINGS

City staff finds that the requested modification to the height of the interior walls from six-feet tall to seven-foot four-inches tall would not alter or significantly change the operation and intensity of the business as described in the Use Permit findings listed below that were introduced into the record at the January 27, 2016 Planning Commission meeting. It is at the discretion of the Planning Commission whether to approve or deny the requested modification to the interior wall heights. The Resolution provided as Attachment 1 shows in strikethrough under Condition No. 2 the height of the interior wall (6'-0") as conditioned by the Planning Commission and in underline and bold text (7'-4") what the wall height would be changed to if the Commission approves the modification.

USE PERMIT FINDINGS

In accordance with S.M.C. Section 17.24.030.B (Table 2-4 Commercial Zone Land Use and Requirements), an application for a therapeutic massage business shall be filed under the use permit process to determine whether the following findings prescribed under S.M.C Section 17.52.070.F can be made concerning the proposed project:

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

Seaside General Plan Conformance

The Seaside General Plan Land Use Designation for the project site is Community Commercial. The land use classification is intended for retail and service oriented business activities primarily serving the local community or neighborhood. Uses may include restaurants, supermarkets, health clubs, retail goods and services, personal services, neighborhood-oriented retail uses. The proposed project would consist of a personal service oriented land use consistent with the Community Commercial General Plan Land Use designation. The project would be consistent with the following General Plan Goals and Policies:

Land Use Element

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

Policy LU-4.1: Require that all new development is compatible with surrounding uses, the site, and available infrastructure

***Evidence:** The Pacific Heights Plaza shopping center offers a wide variety of retail services, professional offices, and personal services; allowing the therapeutic massage business to locate in the subject site provides a convenient personal service for those shoppers/customers who wish to treat themselves to massage treatment and enhances the commercial viability and opportunities of the shopping center. The interior modifications to the business would not alter or impact the character of the shopping center or introduce any traffic impacts.*

Economic Element

Goal ED-1: Establish a diverse and balanced mix of businesses that will generate a stable, long-term stream of revenue to fund city services.

Policy ED-1.2: Diversify the local economy by targeting business development and attraction efforts toward businesses whose economic cycles are less likely to correspond to those of major retailers in the city.

***Evidence:** The modifications to the existing business would introduce a new business opportunity to the city that would diversify the city's personal services and serve to capitalize on the adjacency of the surrounding retail sales/services at the existing shopping center. The proposed use also has the potential to attract visitors from outside the city that would further enhance economic viability of the shopping center and support business expansion and growth in the City of Seaside.*

- 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.**

Zoning Ordinance Conformance

This project is located within the Community Commercial Zoning District. This zoning district is intended for retail and service oriented businesses activities primarily serving the local community and neighborhood. Seaside Municipal Code Section 17.24.030.B (Table 2-4) requires approval of a use permit by the Planning Commission for all therapeutic massage establishments. The definition for "Therapeutic Massage" as contained under Section 17.70 of the SMC (See Attachment 6) outlines the practices and methods that the applicant must adhere to ensure that all massage activity is taking place within the establishment is

legitimate and all conduct is of an appropriate nature. The definition also requires that the operator and all individuals performing massage have received certification by the California Massage Therapy Council (CAMTC). The applicant will offer foot massage as the primary service on six foot massage sofas and back and body massage as a secondary service on three standard massage tables. Applicant's current California Massage Therapy Council certification is provided as Attachment 7.

Parking

In accordance with Section 17.34.040.C.1 of the SMC, the city computes parking requirements for tenants in a shopping center based on the aggregate number spaces required for use. The parking requirements for this project are summarized in Table 2, below, which includes the existing and proposed use within the shopping center.

Table 2

Space	Tenant	Area/Seats	Ratio	Spaces Required	
1	Sushi Time Restaurant	43 Seats/Seats	1/3 seats	14	
2	Lee's Video and Liquor	1,449 Square Feet	1/300 sq. ft.	5	
3	Gonzales Insurance	1,071 Square Feet	1/300 sq. ft.	5	
4	Metro PCS Phone Store	1,071 Square Feet	1/500 sq. ft.	2	
5	Royal Nail Salon	1,169 Square Feet	1/200 sq. ft.	6	
6	A New Image Dental	1,380 Square Feet	1/200 sq. ft.	6	
7	H&R Block	1,380 Square Feet	1/300 sq. ft.	5	
8	Seaside Cleaners	1,520 Square Feet	1/500 sq. ft.	3	
9	Check 'n' Go	1,650 Square Feet	1/500 sq. ft.	2	
10	Proposed Therapeutic Massage	1,200 Square Feet	1/300 sq. ft.	4	
11	Lab Corp	1,650 Square Feet	1/200 sq. ft.	8	
Total Required: 60 Total Existing: 61					

Per the City's parking requirements, the number of spaces needed for the two buildings is 60 spaces, a surplus of one parking space exists on-site.

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 proposed improvements for the use will consist of interior improvements only. No changes are proposed to the exterior façade or site. Per Condition # 2, the front windows will remain clear of any window covering, curtains, or blinds; except for window signs installed in compliance with Section 17.38.080.H of the SMC. With the windows remaining clear for visibility into the tenant space, the design of the business would be compatible with the adjoining tenant spaces and overall appearance of the shopping center from the public right-of-way.

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.

The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.

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 granting of a use permit will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

CONCLUSION

Based on staff's analysis of the application, all of the findings prescribed by S.M.C Section 17.52.070.F can be made to support the requested modification.

FISCAL IMPACT

There is no Fiscal Impact for this item.

ATTACHMENTS

1. Attachment 1: Resolution approving requested modification to Floor Plan Exhibit "A": Project Plans
 2. Attachment 2: Location Map
 3. Attachment 3: Property Photographs
 4. Attachment 4: Applicant's Letter of Explanation for the modification to the interior wall heights
 5. Attachment 5: Resolution granted by the Planning Commission at the January, 2016 PC
-

Meeting

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

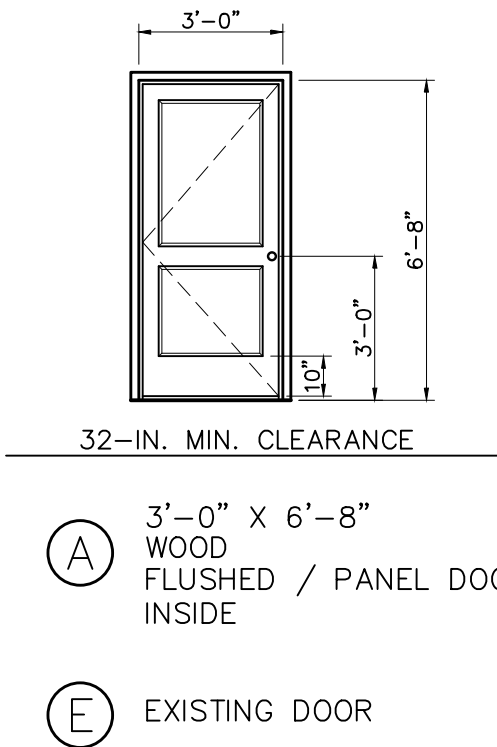
DOOR WIDTH AND HEIGHT

1133B.2.2 Width and height. Every required exit doorway shall be of a size as to permit the installation of a door not less than 3 feet (914 mm) in width and not less than 6 feet 8 inches (2032 mm) in height.

When installed in exit doorways, exit doors shall be capable of opening at least 90 degrees and shall be so mounted that the clear width of the exitway is not less than 32 inches (813 mm) measured between the face of the door and the opposite stop (see Figure 11B-5B). In computing the exit width the net dimension of the exitway shall be used.

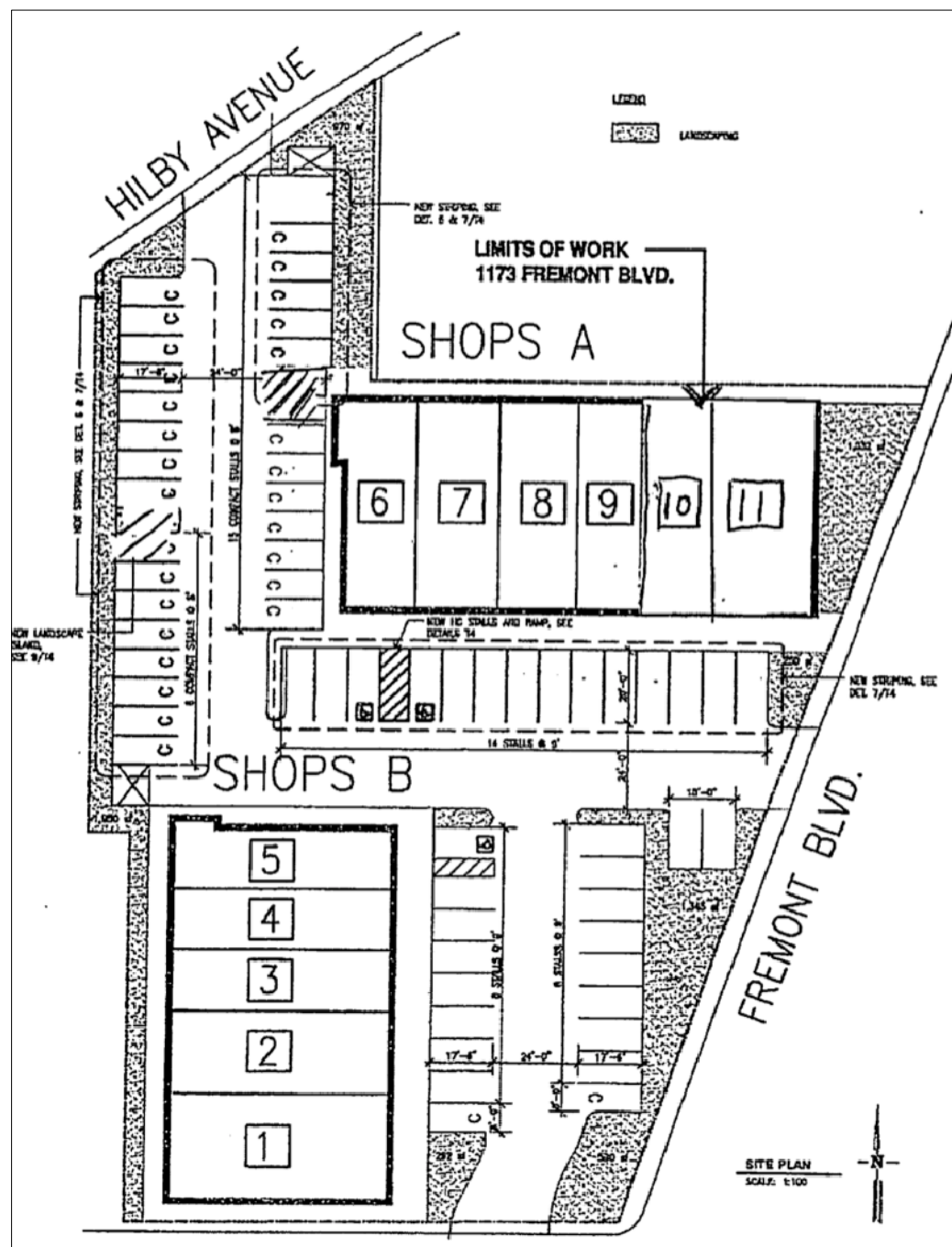
Exception: Doors not requiring full user passage, such as shallow closets, may have the clear opening reduced to 20 inches (510 mm) minimum.

ALL ROOMS TO HAVE A 1-INCH SPACE BENEATH DOOR FOR RETURN AIR FLOW



DOOR DETAILS

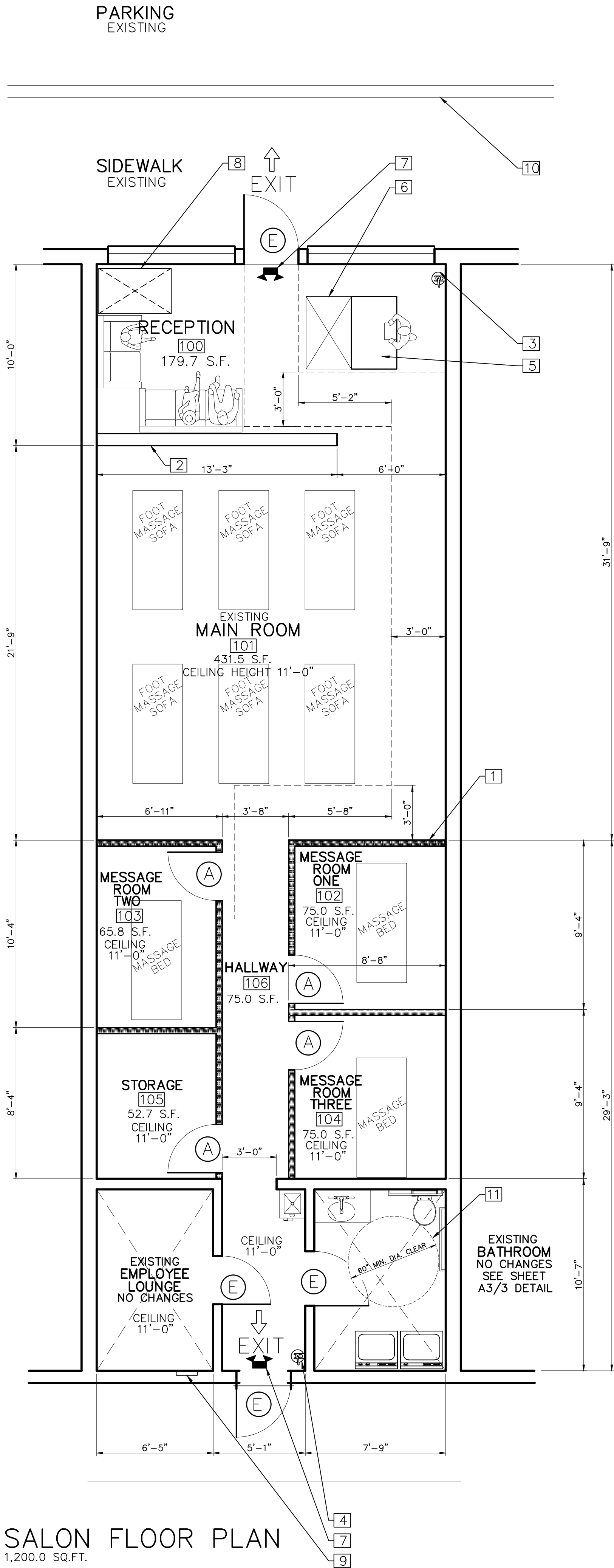
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SITE PLAN N.T.S.

SALON FLOOR PLAN

1,200.0 SQ.FT.

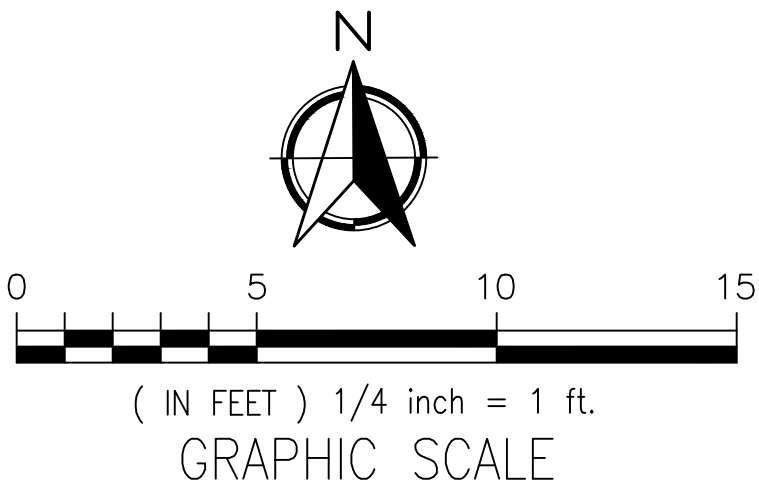


KEY NOTES

- | | |
|----------------------------------|-----------------------------------|
| 100 RECEPTION
19'-3" X 19'-4" | 103 ROOM TWO
9'-7" X 10'-0" |
| 101 MAIN ROOM
19'-3" X 21'-9" | 104 ROOM THREE
8'-4" X 9'-0" |
| 102 ROOM ONE
8'-4" X 9'-0" | 105 STORAGE ROOM
8'-7" X 8'-0" |

GENERAL

- 1 NEW WALL: 8-FOOT 2X4 D.F.#2
- 2 NEW WALL: 8-FOOT 2X4 D.F.#2
- 3 PROVIDE A 2-A 10-BC FIRE EXTINGUISHER MOUNT ON WALL
- 4 EXISTING A 2-A 10-BC FIRE EXTINGUISHER MOUNT ON WALL
- 5 EXISTING 30"x48" DESK
- 6 30"x48" CLEAR FLOOR OR GROUND SPACE
- 7 EXISTING EMERGENCY ILLUMINATED EXIT SIGN WITH BATTERY BACKUP
- 8 30"min. X 48"min. CLEARANCE FLOOR SPACE FOR SIDE ACCESS WHEELCHAIR SEATING SPACE.
- 9 EXISTING 200 AMP ELECTRICAL SUB-PANEL
- 10 EXISTING CURB
- 11 30"min. X 48"min. CLEARANCE FLOOR SPACE FOR SIDE ACCESS WHEELCHAIR SEATING SPACE.



PROJECT DATA

LOT SIZE	UNKNOWN
A.P.N.	011-352-021-000
CONSTRUCTION	5B
OCCUPANCY	GROUP B
FIRE SPRINKLERS	NO
FLOOR AREA	1,200.0 SQ.FT.

OCCUPANT LOAD

GROUP B			
SPACE	OCCUPANT LOAD FACTOR	FLOOR AREA	OCCUPANT LOAD ALLOWED
SALON	100 GROSS	1,200.0	12

SCOPE OF WORK

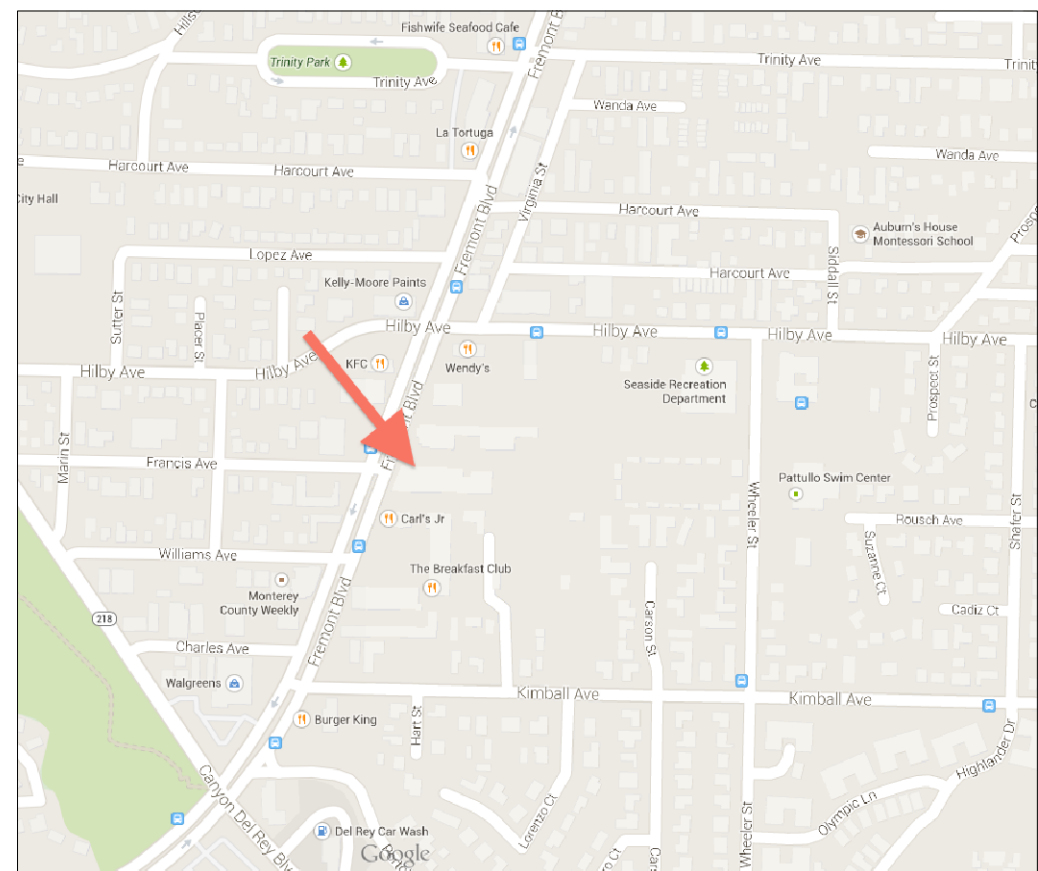
1. INTERIOR WORK ONLY. ADDING 8 FT TALL INTERIOR WALLS.
2. NO MODIFICATIONS TO EXISTING BATHROOM AND EMPLOYEE LOUNGE.
3. NO ELECTRICAL WORK, NO PLUMBING WORK.

SHEET INDEX

- 1 PROPOSED FLOOR PLAN

VICINITY MAP

NOT TO SCALE

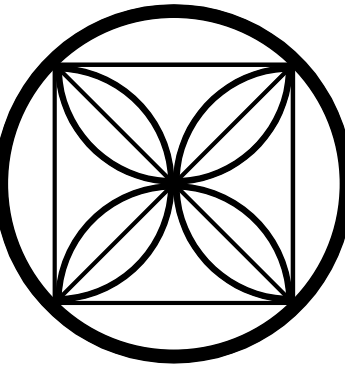


OWNER

LILY YANG
500 Polk Street
Monterey, Ca. 93940
(831) 655-3132

WALL LEGEND

- | | |
|-----------------------|--------------|
| 2x ALL INTERIOR WALLS | 2x NEW WALLS |
|-----------------------|--------------|



C.O.D.G.
CLAUDIO ORTIZ DESIGN GROUP, INC
P.O. BOX 3775 Carmel, CA 93921
OFFICE: 831.626.4146
WWW.CODGNC.COM

CLIENT:
Lily Yang
500 Polk Street
Monterey, Ca. 93940
(831) 655-3132

PROJECT:
Sun Massage Spa
1173-A Fremont Blvd.
Seaside Ca. 93955
APN: 011-352-021-000
PROJECT NO.
14-08

ISSUE:
01-14-16

DRAWN BY:
C.O.

PROPOSED
FLOOR PLAN
& NOTES

SCALE: 1/4" = 1'

1

Location Map

Project Site: 1173 Fremont Boulevard



Site Photos

Project Tenant Space



Front Façade of Tenant Space

Project Tenant Space



View of Shopping Center looking northwest at Fremont Blvd. and Franis Ave.



View of shopping center from Francis Avenue



View of interior massage area

To the City of Seaside Planning Department.

From Li Yang applicant for Sunfoot Spa 1173 Freemont Ave Seaside use permit.

The Planning Commission last week approved the application for three massage rooms at the above location. This approval had the condition that the enclosed walls should be 6ft high. After reviewing the plans it was found that a standard height 6"-8" door will not fit in a 6' wall. We would like to request the condition of 6' walls to be changed to 7'4" to accommodate the door plus door jamb and 4"x4" bond beam that ties the walls together. We explored other ways to resolve this situation but owing to the suspended ceiling construction and different problems other options were not available.

We would like to go back to the Planning Commission to approve this change so that the renovation will look professional and be safe for our customers,

Thank You,



Date:

2/2/16

RECEIVED
CITY OF SEASIDE

FEB 02 2016

831-224-7549

RESOLUTION NO. 16-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A USE PERMIT TO ALLOW FOR INTERIOR MODIFICATIONS TO AN EXISTING THERAPEUTIC MASSAGE BUSINESS AT 1173-A FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL ZONING DISTRICT.

WHEREAS, Congdon Family Trust, property owner, and Lily Yang, applicant have applied for a use permit to allow:

- A. Interior renovations within an existing therapeutic massage business to consist of six foot massage sofas and three general massage tables in a 1,200 square-foot tenant space located in the Pacific Heights Shopping Center at 1173-A Fremont Boulevard in the Community Commercial Zoning District.

WHEREAS, the proposed project requires discretionary approval, 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 Seaside Planning Commission considered oral comments and written information concerning the proposed use permit at a duly noticed public hearing at public meeting held on January 27, 2016, and

WHEREAS, the project is a Categorically Exempt, Class 1, Section 15301 meeting the following conditions:

- a) The proposed project would involve remodeling the interior of an existing commercial tenant space located within a multiple-tenant commercial shopping center to operate a therapeutic massage business. Interior improvements will include minor wall and electrical improvements to set-up the reception area, massage therapy area, and office. Proposed improvements would be exempt from further CEQA review.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for Use Permit Application No. UP-15-08:

- 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: The proposed project is a permitted use in the Community Commercial Zoning District as a therapeutic massage business, subject to a Use Permit under Seaside Municipal Code Section (SMCS) 17.24.030, Table 2-4: Allowed Land Uses and Permit Requirements.

Evidence: The proposed development would be subject to the regulations set forth in the Seaside General Plan and Zoning Ordinance and would result in an improved site that would enhance the character of the community and surrounding commercial businesses.

- 2. 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 location, size, and operating characteristics of the project will be compatible with the character of the site, and the land uses and development intended for the Pacific Heights shopping center and the surrounding neighborhood by the Seaside General Plan.

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

Evidence: The proposed project is consistent with the underlying Community Commercial General Plan land use designation as a personal service land use.

Evidence: In accordance with General Plan Land Use Policy LU-4.1, the Pacific Plaza shopping center offers a wide variety of retail services, professional offices, and personal services; allowing the proposed therapeutic massage business to compete the proposed interior renovations would provide a convenient and enhanced personal service for those shoppers/customers who wish to treat themselves to massage treatment and would enhance the commercial viability and opportunities of the shopping center.

Economic Element

Goal ED-1: Establish a diverse and balanced mix of businesses that will generate a stable, long-term stream of revenue to fund city services.

Policy ED-1.2: Diversify the local economy by targeting business development and attraction efforts toward businesses whose economic cycles are less likely to correspond to those of major retailers in the city.

Evidence: In accordance with Economic Development Policy ED-1.2, the proposed interior improvements for the therapeutic massage business would serve to enhance and diversify the city's personal services and serve to capitalize on the adjacency of the surrounding retail sales/services at the existing shopping center. The proposed use also has the potential to attract visitors from outside the city that would further enhance economic viability of the shopping center and support business expansion and growth in the City of Seaside.

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

Evidence: The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project.

- 4. 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 granting of a Use Permit will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

BE IT FURTHER RESOLVED, that the Planning Commission approves Use Permit Application No. UP-15-08 subject to the following conditions:

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 “Sun Foot and Body Therapeutic Massage” stamped as received on January 15, 2016, and approved on January 27, 2016. The use permit is approved to allow the establishment of a therapeutic massage business in accordance with the project plans provided as Exhibit “A”, subject to the floor plan modifications on the height of the new walls that would be enclosing the three massage tables as noted in Condition #2 below.
2. Prior to the issuance of a Building Permit, General Note #1 on the floor plan shall be amended to specify that the new walls being constructed to enclose the three body massage rooms shall not exceed six feet in height.
3. Minor modifications to the use permit consistent with Seaside Municipal Code Section 17.54.090.C may be made subject to the review and approval by the Zoning Administrator and the Planning Commission if such modifications are in keeping with the intent of the original approval,
4. Signage is not a part of this review. The applicant shall apply for a separate sign permit for the installation of any permanent exterior or window signs. All signage shall conform to the regulations contained in Master Sign Program for Pacific Heights Plaza.
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 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 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.
 - (6) 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.
 - (7) 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.

- (8) 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.
 - (9) 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 applicant shall display the certification from the CAMTC for each massage technician employed in the establishment in a conspicuous place in the facility in such a manner that it can be easily seen by any person entering the establishment.
7. The hours of operation for the massage establishment shall generally be limited to the hours of 10:00 AM to 10:00 PM, daily. The use permit may not permit anyone to engage in massage therapy outside of the permitted hours of operation.
8. The storefront windows shall remain clear without any type of window covering, blinds, walls, or other solid, opaque materials, except for window signs designed in accordance with Seaside Municipal Code Section 17.38.080.H.

Fire Department:

1. Prior to the issuance of a Certificate of Occupancy, applicant shall comply with the requirements of the Seaside Fire Marshall for the placement and spacing of the foot sofa massage chairs and standard massage tables.

Building Department:

1. Prior to commencing business, the applicant must receive a Certificate of Occupancy from the Building Division.

Standard:

1. Use Permit approval is subject to revocation procedures contained in S.M.C.S. 17.69.060 in the event any of the conditions of this approval are violated, this discretionary permit was granted on the basis of false or misleading information, written or oral, given willingly or

negligently by the applicant or property owner, and/or there has been a discontinuance of the use, or purposed for which the permit was issued, for a period of 180 days or more.

2. This Use Permit is subject to procedures and requirements of Chapter 17.54 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 6 (Zoning Ordinance Administration) of Title 17 of the Municipal.
3. 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.
4. These conditions shall be binding on the applicant and all successors in interest, subject to the business operations not lapsing for a period 180 consecutive days. In the case of a transfer of ownership, the new owner of the establishment shall sign the adopted Resolution acknowledging these conditions of approval. Failure to comply with this requirement may result in revocation of this use permit.
5. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
6. The project shall comply with the requirements and the applicable ordinances of the Monterey Peninsula Water Management District (MPWMD).
7. The project shall be responsible for all applicable local and/or regional development and/or impact fees including, but not limited to, sewer, water, and traffic fees, which shall be paid prior to building permit issuance.
8. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
9. This Use Permit shall expire and become void 12 months from the date of approval, or upon the expiration of another time limit established by the review authority, unless use has commenced within the required time limit or the Zoning Administrator has granted an extension of time. In accordance with Section 17.54.080.B.1.a of the Zoning Code, the applicant must file request for time extension at least 30 days prior to expiration date in order to receive consideration of time extension by the Commission.

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

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 27th of January, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Dominique L Jones, Planning Commission Secretary

Resolution No. 16-01

Use Permit Application No. UP-15-08

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 (if different from above)

Date