



AGENDA

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, September 28, 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
Denise Ross	Commissioner
Arlington La Mica	Commissioner
Michael Spalletta	Commissioner
VACANT	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. **ORAL COMMUNICATIONS**

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

5. **APPROVAL OF MINUTES**

A. **SEPTEMBER 7, 14 AND 21, 2016 MEETINGS**

6. **BUSINESS ITEMS**

- A. SEASIDE MUNICIPAL CODE AMENDMENT APPLICATION NO. SMA-16-03: THE CITY OF SEASIDE (APPLICANT) IS REQUESTING TEXT AMENDMENTS TO SECTION 17.14.030.B: TABLE 2-4 AND CHAPTER 17.98 OF THE SEASIDE MUNICIPAL CODE TO ALLOW FOR A DRIVE-THROUGH RETAIL OR SERVICE FACILITIES TO BE LOCATED WITHIN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. PURSUANT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) SECTION 21000 ET SEQ. AND STATE CEQA GUIDELINES, IT HAS BEEN DETERMINED THAT THE PROPOSED TEXT AMENDMENT WOULD NOT HAVE AN ENVIRONMENTAL EFFECT AND THE TEXT AMENDMENT IS COVERED BY THE GENERAL RULE EXEMPTION (CEQA GUIDELINES 15061 (B)(3) (CONTINUED FROM SEPTEMBER 14TH AGENDA)**

PURPOSE: In accordance with Section 17.67.010 of the SMC, the purpose of this item is for the Planning Commission to provide the City Council with a recommendation on proposed text amendment to Section 17.14.030.B: Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones) of the Seaside Municipal Code (SMC).

RECOMMENDATION: It is recommended that the Commission adopt the Draft Resolution provided as Attachment 1 recommending that the City Council adopt the proposed text amendment subject to the findings and evidence contained therein.

- B. USE PERMIT APPLICATION NO. UP-16-04: EARLY DEVELOPMENT SERVICES, APPLICANT, AND FIRST BAPTIST CHURCH, PROPERTY OWNER, ARE REQUESTING USE PERMIT APPROVAL TO ALLOW FOR THE ESTABLISHMENT OF A CHILD DAY CARE CENTER FOR A MAXIMUM OF 160 STUDENTS LOCATED AT 1405 LA SALLE AVENUE IN THE RS-8 (SINGLE FAMILY RESIDENTIAL ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.**

PURPOSE: In accordance with Table 2-1, allowed land uses and use permit requirements for Residential zones, daycare centers with 15 or more children are permitted in the RS-8 zoning district subject to receiving use permit approval from the Planning Commission

RECOMMENDATION: City staff recommends that the Planning Commission approve this use permit application based on the findings and subject to the conditions of approval and project plans in the Resolution provided as Attachment 1.

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

Next Regularly Scheduled Meeting:
October 12, 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&noplaylistskin=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.

**FINAL
MINUTES**

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
Wednesday, September 14, 2016
7:00 PM

1. CALL TO ORDER

Chair Owens called the meeting to order at 7:00 PM.

2. ROLL CALL - ESTABLISHMENT OF QUORUM

PRESENT: Dodson, La Micha Owens, Ross, Spalletta

ABSENT: Lechman

PLANNING COMMISSION

3. REVIEW OF AGENDA

No changes were requested.

4. PUBLIC COMMENT

Public Comment was invited and there were no requests to speak.

5. APPROVAL OF MINUTES

A. APPROVE MINUTES FROM THE AUGUST 10, 2016 MEEITNG

On motion Commissioner Dodson by and seconded by Commissioner Ross and passed by the following vote the Planning Commission approved the minutes as presented.

RESULT: **Approved**

MOVER: Commissioner Keith Dodson

SECONDER: Commissioner Denise Ross

AYES: John Owens, Denise Ross, Arlington La Mica, Michael Spalletta

ABSENT: Mike Lechman

6. BUSINESS ITEMS

- A. Seaside Municipal Code Amendment Application No. SMA-16-03: The City of Seaside (Applicant) is requesting text amendments to Section 17.14.030.B: Table 2-4 of the Seaside Municipal Code to allow for a Drive-Through Retail or Service facilities to be located within the Community Commercial (CC) Zoning District. Pursuant to the requirements of the California Environmental Quality Act (CEQA) Section 21000 et seq. and State CEQA Guidelines, it has been determined that the proposed text amendment would not have an environmental effect and the text amendment is covered by the general rule exemption (CEQA Guidelines 15061(b)(3)**

Senior Planner Medina presented the report speaking to the purpose, background, environmental review and staff analysis and recommendation proposing a text amendment to the Section 17.14 of

the Municipal Code that would modify and allow new drive through capabilities, through use permit processing, within the community commercial zoning district. He noted that a coffee related business was proposed yet not allowed with the existing regulation triggering the modification. He reported that the General Plan land use policy LU-2.3 was to prevent over usage of specific types of usages and was geared at the fast food industry. Mr. Medina outlined the use permit process and land use compatibility checklist includes design objectives, limitation on location, on site circulation, stacking area, separation and screening and detailed the area that would be affected by this amendment, on Fremont Blvd. Staff recommended adoption in accordance with the findings provided. Mr. Medina answered questions from the Board.

The Board questioned how the distinction would be made between fast food to coffee places and discussed the difference about hot foods, and the impacts of drive-thrus for the entry and exit. Commissioner Dodson questioned the impacted locations and Mr. Medina clarified it does not include the West Broadway Urban Village area. Mr. Owens questioned the total required queuing for cars, expressing concern about total queuing to which Mr. Medina said there is a minimum of six but through the use permit process an applicant can be required to have additional queuing. Chair Owens invited comments from the public.

- Michael Groves from EMC Planning explained that he was approached from a customer looking to open a business on Fremont and that properties on Fremont could be redeveloped easier with modification to zoning law to allow for potential businesses to work. He thinks the modifications allow the Planning Commission the discretion to decide to allow if a drive through will work at each location through the use permit process and does not automatically allow it. He spoke in support of the amendment.

Chair Owens questioned that if it were to be approved it should be with the inclusion for fast food. Commissioner Dodson requested a definition. Mr. Medina read the distinction as written in the zoning code and noted the six different criteria used to establish a business category fast food. The board discussed the distinctions and requested that there be further clarification, including a recommendation excluding businesses that are primarily coffee related, based on revenue and with the emphasis of the business being selling coffee, while they may have accessory products such as pre-prepared food.

They opened the item to public comment again. Mr. Groves strongly recommended that it is taken off across the board. He said that it allows the PC the discretion the for each application because you can't predict who is going to propose to open a business and if modified it may deter business.

The Commission further discussed other locations that serve coffee, and their accessory options and to existing uses that could have benefited better if it had a drive through. Mr. Medina recommended to continue the item to September 28th and amend the proposal to define , address the definition of fast food to provide clarification that a drive through coffee would be excluded from a fast foot for not containing a full kitchen or contain any apparatus to cook food on the site, and to add a description of what would be included as an accessory item to a main product.

On motion by Commissioner Dodson and seconded by Commissioner La Mica and passed by the following vote the Planning Commission continued the item to the September 28, 2016 meeting for inclusion of further clarification on the definition of coffee shop as outlined above.

RESULT:	Approved
MOVER:	Commissioner Keith Dodson
SECONDER:	Commissioner Arlington La Mica
AYES:	John Owens, Denise Ross, Keith Dodson, Arlington La Mica, Michael Spalletta

7. REPORTS FROM COMMISSIONERS

Commissioner La Mica reported that he received an email about the Seaside Mayoral candidate forum on September 28th at 6:00 PM at the Oldemeyer center. Commissioner Dodson questioned a "caution; gravel" sign at the corner of Canyon Del Rey and requested staff to investigate and report back on what that is pertaining to. Chair Owens questioned the status and completion schedule of the Highway 1 improvements.

8. REPORTS FROM STAFF

Staff reported that the continuance of the agenda item for Monterey Downs project is scheduled for September 21st at 7:00 PM. There will be limited public comment.

9. ADJOURNMENT

On motion, the meeting was adjourned at 7:50 PM.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

DRAFT MINUTES

CITY OF SEASIDE
PLANNING COMMISSION

SPECIAL MEETING
COUNCIL CHAMBER
Wednesday, September 21, 2016
7:00 PM

1. **CALL TO ORDER**

Chair Owens called the meeting to order.

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

PRESENT: Dodson, La Mica, Owens, Ross, Spalletta

ABSENT: Lechman

PLANNING COMMISSION

3. **REVIEW OF AGENDA**

No changes were requested.

4. **ORAL COMMUNICATIONS**

Chair Owens invited comments from the public for items that were not on the agenda and had no requests to speak.

5. **APPROVAL OF MINUTES**

6. **BUSINESS ITEMS**

A. **RECOMMENDATION TO THE CITY COUNCIL REGARDING CERTIFICATION OF THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (EIR), AMENDMENT TO THE SEASIDE GENERAL PLAN (GPA 12-01), ADOPTION OF THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY SPECIFIC PLAN (SPL 12-01), AND AMENDMENT TO TITLE 17 OF THE SEASIDE MUNICIPAL CODE (Z 12-02)**

Chair Owens spoke to the need to respect everyone's opinion, setting the expectation for ancillary comments during this meeting. He reiterated that at the last meeting the Public Hearing was formally closed, but that there may be people who did not have a the opportunity to speak, and he opened the public comment period for only those that did not get a chance to speak at the previous meeting.

1. Ms. Kristofferson indicated she is in support of a horse park, but not of this project. She cannot support the racing portion due to industry issues that are cruel. She supports economic development, but in different areas that benefit in different ways and thinks there is a high degree of economic risk and environmental detriment.
2. Sarah Clifford spoke representing the Board of Directors for the Monterey Horse Park, indicating they did not repeat a showing of the supporters present at the last meeting. hoping that their comments were on the record. She reminded the Board of the supporting comments made at the last meeting.
3. A Citizen spoke to his experience repairing the trails out on the project site and

expressed concern they will be unusable if used by horses or with the increase of usage, and does not think that the terra forma can handle it with the increased usage. As a professional landscaper does not think the area can handle it and does not think that was adequately addressed in the EIR.

4. Julie Blue questioned if the Commissioners read the full EIR report, citing it as a large, complex document and urged them not to hurry through the project. Please take your time making your decision.
5. Paula Betran spoke in support of the bob cat and preserving it's habitat and that cutting down more than one tree is doing something detrimental to the air quality. She requested the Commission to take that into consideration.
6. Stephanie Booth spoke against the project as much to big for Seaside to handle and doesn't see direct benefit to the people in Seaside.
7. Derek Decrazzia spoke in support of the Monterey Horse Park citing in addition to being a competition venue, it will be a campground and trailhead access to the National Monument. He spoke to the amenities, social and educational benefits of the horse park.
8. Cameron Brinkley spoke in opposition to the project. Submitted his comments in writing.
9. Donna Pinwale requested the project be denied. There are so many more types of opportunities and this does not make any sense. She spoke to her personal usage and this development of size and magnitude do not fit the area and we should focus other. Molly Erickson spoke indicating the item is agendized not as a public hearing as a procedural objection.

Legal Counsel Freeman acknowledged that if a new topic comes up for the Commission that has not been discussed previously, it will be open to public comments again. Chair Owens spoke to the fact that every person at the last meeting was allowed to speak for four and a half hours and there was no one who was not allowed to speak. City Contract Staff Wissler-Adam then spoke to the presentation was made two weeks ago, with the applicant and invited comment from the Commission on the presentations. She outlined the recommendations before the Commission. The Commissioners asked questions from staff and consultants.

Mr. Dodson requested clarification if the proposal still contained a thorough bread horse training facility. Ms. Wissler Adam indicated that as outlined in the proposed draft specific plan, the allowed uses, are training facility and racing but the staff recommendation is to not allow horse racing. The Commission can chose which uses they will allow. Mr. Dodson also spoke to the affordable housing questioning when it will be phased in during the project. Ms. Wissler Adam spoke to the affordable housing requirements, and the ordinance requires a certain amount to be built throughout the development site but the implementation phase have not been decided. It is up to the City to approve the timing of construction of the housing elements. Senior Planner Medina indicated as the developer implements eat phase, they have to comply with the distribution as written for each phase.

Commissioner Ross questioned how much more involvement will the Commission have with this project if passed to the City Council to which Ms. Wissler Adam indicated that if the Specific Plan is approved, all applications and permits related to the project will come before the Commission, unless they are determined to be consistent with the SP, they can be approved administratively. Ms. Ross then questioned the development of the access roads and why the infrastructure was not done first to which Ms. Wissler spoke to the access ways that are under the control of FORA, who has a CIPs for the exact infrastructure improvements. The project fees will fund the CIP improvements and will be done simultaneously. Mr. La Mica questioned the implementation phases. Mr. Dodson, spoke to the economic impact analysis desiring a better understanding of the way the phases will actually proceed. City Attorney Freeman said, assuming the EIR is certified and the SP is adopted , there will be a development agreement and the negotiation of the phasing will take place during that period. Mr. Dodson questioned the job impacts to the project with the removal of the horse racing aspect to which Ms. Beth Palmer indicated that the training Facility projects 700

jobs while the racing itself supports 300 jobs. If the training facility was not built they would lose 1,000 total proposed jobs from the project.

Mr. Owens spoke to rumors that Seaside's funds will be used for this project to which Ms. Wissler explained the executed ENA requires the developer submit money into a fund that expenses are charged to for the project. The applicant is paying for all processes and fees. Mr. Owens clarified a rumor that Seaside does not have inspectors to which Mr. Wissler indicates that the building permit is paid for by fee and the City will have existing staff or contract for inspection services to provide the services. Mr. Owens questioned comments that the horses will ruin the trails and questioned if they are these trails for use by both horses and bikes. Ms. Palmer indicated the horses that are attracted to this project are not trail horses and the project does not propose boarding for trail horses. There are master trail plans under control of the Bureau of Land Management (BLM).

Ms. Ross questioned if any other developers approached the City to be a part of this project two which Mr. Freeman indicated that the City has entered into an ENA so that is not appropriate. Ms. Wisler Adam acknowledged that the City has other properties ripe for development on Fort Old, but there are still other parts that have no developer ENAs for certain parcels.

The Commissioners deliberated on the item. Commissioner Dodson understands it is a contentious issue and expressed concern that there is only enough allocated water for the first three phases. He disagreed with the planning process to go forward with a project without confirmation for full build out. He agreed the project will bring jobs into the city as we have an imbalance of housing to jobs, but the building phases and job creation of the first three guaranteed phases is not consistent with applicable general plan policies: encourage development that helps achieve the jobs to housing ratio. The ratio of 1:1 jobs to houses, will not increase the overall jobs to houses in the first three phases. He does not think this is the right project.

City Attorney Freeman requested the Commissioners consider the agendized actions, including certification of the EIR, the Specific Plan and the Zoning amendment, specifically asking they address if the EIR adequately address the environmental concerns to make it an adequate report.

Commissioner Ross indicated she does not believe it addresses the needs of the community, thus it is inadequate. She does not believe the submitted comment letters were adequately addressed, specifically referencing the Monterey County Regional Fire District letter as well as the. LAFCO letter citing the report does not analyze future applications from other agencies for other projects.

Chair Owens rebutted speaking in support of the total housing to be built and the portion that will be low cost housing, approximately 160 affordable units that will benefit Seaside residents who wish to become homeowners. The ability to provide affordable housing is such a needed element in our community. He spoke in support of the construction jobs that it will create, citing the temporary jobs were never considered in this project. He is in support of the project for the affordable houses, temporary and permanent jobs and thinks this is in the best interest of the City and it's residents.

Commissioner La Mica spoke understands both supporting and opposing perspectives, indicating he does not like specific aspects of the project but supports the fact that it will bring jobs into our community.

Commissioner Spalletta spoke to his tenure in Seaside, and to the changes in culture and reputation in the community and the sense of pride for the City. He spoke in support of growth, understanding the needs for jobs. He agreed that the guidelines presented in the documents will result in positive changes to our community. This land has be available for a long time and the developer has submitted tremendous effort for this project. He spoke in support of the project and the approval of the documents.

Commissioner Ross spoke personally to the fact her children are underemployed and that she does

not see the jobs created by this project being of the caliber to help those that are underemployed. Just because other developers have not come, does not mean they won't ever come. She thinks there should be five different projects and not just one.

On motion by Commissioner Spalletta and seconded by Commissioner La Mica and passed by the following vote the Planning Commission adopted Resolution No. 16-11 recommending that the City Council make findings pursuant to CEQA, certify the SEIR for the Project, adopt a Mitigation Monitoring and Reporting Program, and adopt a Statement of Overriding Considerations.

RESULT:	Approved
MOVER:	Vice Chair Michael Spalletta
SECONDER:	Chair Arlington La Mica
AYES:	John Owens, Arlington La Mica, Michael Spalletta
NOES:	Denise Ross, Keith Dodson
ABSENT	Mike Lechman

On motion by Commissioner Spalletta and seconded by Commissioner La Mica and passed by the following vote the Planning Commission Adopted Resolution No. 16-12 recommending that the City Council approve the General Plan Amendment and adopt the Specific Plan as presented by staff and the Board of Architectural Review.

RESULT:	Approved
MOVER:	Vice Chair Michael Spalletta
SECONDER:	Chair Arlington La Mica
AYES:	John Owens, Arlington La Mica, Michael Spalletta
NOES:	Denise Ross, Keith Dodson
ABSENT:	Mike Lechman

On motion by Commissioner Spalletta and seconded by Commissioner La Mica and passed by the following vote the Planning Commission Adopted Resolution 16-13 recommending that the City Council approve the Amendment to Title 17 of the Seaside Municipal Code as presented.

RESULT:	Approved
MOVER:	Vice Chair Michael Spalletta
SECONDER:	Chair Arlington La Mica
AYES:	John Owens, Arlington La Mica, Michael Spalletta
NOES:	Denise Ross, Keith Dodson
ABSENT:	Mike Lechman

7. **REPORTS FROM COMMISSIONERS**

No reports from Commissioners.

8. **REPORTS FROM STAFF**

No reports from staff.

9. **ADJOURNMENT**

On motion, the meeting was adjourned at 8:27 PM.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.A.

TO: Planning Commission

BY: Rick Medina, Senior Planner

DATE: September 28, 2016

SUBJECT: SEASIDE MUNICIPAL CODE AMENDMENT APPLICATION NO. SMA-16-03: THE CITY OF SEASIDE (APPLICANT) IS REQUESTING TEXT AMENDMENTS TO SECTION 17.14.030.B: TABLE 2-4 AND CHAPTER 17.98 OF THE SEASIDE MUNICIPAL CODE TO ALLOW FOR A DRIVE-THROUGH RETAIL OR SERVICE FACILITIES TO BE LOCATED WITHIN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. PURSUANT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) SECTION 21000 ET SEQ. AND STATE CEQA GUIDELINES, IT HAS BEEN DETERMINED THAT THE PROPOSED TEXT AMENDMENT WOULD NOT HAVE AN ENVIRONMENTAL EFFECT AND THE TEXT AMENDMENT IS COVERED BY THE GENERAL RULE EXEMPTION (CEQA GUIDELINES 15061 (B)(3) (CONTINUED FROM SEPTEMBER 14TH AGENDA)

PURPOSE

In accordance with Section 17.67.010 of the SMC, the purpose of this item is for the Planning Commission to provide the City Council with a recommendation on proposed text amendment to Section 17.14.030.B: Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones) of the Seaside Municipal Code (SMC).

RECOMMENDATION

It is recommended that the Commission adopt the Draft Resolution provided as Attachment 1 recommending that the City Council adopt the proposed text amendment subject to the findings and evidence contained therein.

BACKGROUND

ENVIRONMENTAL REVIEW

The City of Seaside has prepared an Initial Study 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 is provided as Attachment 1 - Exhibit "B". Pursuant to the requirements of the California Environmental Quality Act Section 21000 et seq. and State CEQA Guidelines, it has been determined that the proposed text amendment would not have an environmental effect and the text amendment is covered by the general rule exemption (CEQA Guidelines 15061 (b)(3) that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

BACKGROUND

The City of Seaside's Zoning Code Section 17.14.030.B – Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones) sets forth the permit requirements applicable to each zoning district where a specific land use is either allowed or not allowed within the City.

Drive-Through Retail or Service facilities are listed as being allowed with a Use Permit in the Commercial Mixed Use (CMX), Community Commercial (CC), and Regional Commercial (CRG) zoning districts. However, in accordance with Note #4 listed at the end of Table 2-4, the establishment of a new drive-through retail or service facility which did not exist in the City prior to December 4, 2006 is prohibited from being established. Note #4 was adopted on December 4, 2006 as part of a comprehensive update to the Zoning Code after the adoption of 2004 General Plan on August 5, 2004. The intent of this provision from City staff's standpoint was to discourage already over-represented commercial development in the community, such as fast food restaurants in accordance with General Plan Land Use Policy LU-2.3. A copy of General Plan Land Use Policy LU-2.3 is provided as Attachment 2. Fast food restaurants are currently prohibited from being established in the CC zoning district so the proposed text amendment would not enable any new fast food restaurants to be located in the CC zoning district. A Zoning Map is provided as Attachment 3 to identify the location of the City's CC Zoning District designations.

A drive thru retail or service use is defined as a facility where food or other products may be purchased, or where services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast food restaurants, drive-through coffee, dairy product, photo stores, and pharmacies. Examples of drive-through service facilities include drive-through bank teller windows, and dry cleaners, but do not include automated teller machines (ATMs), gas stations, or other vehicle services, which are separately.

The City's commercial areas are primarily developed with retail, automotive sales/repair and office land uses. The primary physical change associated with the text amendment would be to allow for the development of new drive-through retail or service land uses within the City's Community Commercial Zoning District.

On September 14, 2016, the Planning Commission opened its review of the proposed text amendment and acted to continue the public hearing on the text amendment to its September 28,

2016 Planning Commission meeting to address how a drive through retail facility for a coffee shop would not be classified as a fast food restaurant. The Planning Commission directed City staff to amend the definition for Fast Food Restaurants in Section 17.98 of the Seaside Municipal Code to clarify that a coffee shop which serves prepared foods and beverages would be excluded from being classified as a "Fast Food" restaurant subject to the coffee shop not including a full service kitchen that include an oven and/or cooking equipment requiring a fire extinguishing system. The use of microwave oven or small convection oven to heat food products would be the limited type of appliances that could be used within a coffee shop and use to maintain the food service as a minor, non-fast food restaurant.

PROJECT DESCRIPTION

The City of Seaside has initiated the proposed text amendment to Section 17.14.030.B, Table 2-4 and Chapter 17.98 of the SMC. Specifically, the City of Seaside is proposing eliminate Note (4) only from the column in the CC Zoning District for a drive-through retail or service facility in order to enable the processing of new drive-through retail or service uses and amending the definition for a Fast Food Restaurant to exempt a coffee shop from being classified as a fast food restaurant. The City's development standards requiring a use permit and design standards listed under Section 17.52.090 of the Zoning Code (See Attachment 4) for the design and location of a new drive-through component for a retail/service related land use would remain unchanged.

STAFF ANALYSIS

The proposed project would amend the zoning code to remove the current restriction precluding the establishment of new drive-through retail or service facilities from being processed under a use permit application in areas zoned CC that did not exist prior to December 4, 2006. As noted in the background section listed above, the Note (4) at the bottom of Table 2-4 under Section 17.14.030.B was made to the Zoning Code in 2006 as part of a comprehensive update to the Zoning Code. Note (4) was inserted primarily to reinforce the City's intent to discourage fast food restaurants in accordance with General Plan Land Use Policy LU-2.3

Recently, City staff has received development inquiries for the establishment of coffee shop businesses within the portions of the City's CC zoning district on Fremont Boulevard, both of which would include a drive-through window. In review of Note (4), City staff finds that the use permit process should be reinstated to allow for the establishment of new drive-through retail or service facilities which can be constructed in compliance with the City's adopted development standards for such facilities (See Attachment 4 for adopted Drive-Through Facility Standards). During the Use Permit application process the City will be required to consider and adopt findings on the following land use issues:

- 1, Design Objectives: Drive-Through facilities shall only be permitted if the design and operation avoids congestion, excessive pavement, litter, and noise
2. Limitation on Location: A drive-through facility shall only be located on a building wall away from a street.

3. On-Site Circulation: The entrance/exit of any drive aisle shall be a minimum of 50 feet from any street intersection and at least 25 feet from the any driveway on an adjoining parcel.
4. Stacking Area: A clearly identified area shall be provided for vehicles waiting for drive-up or drive-through service that is physically separated from other on-site traffic circulation and shall accommodate six cars for the drive-through window in addition to the vehicle receiving service.
5. Separation Separation of the stacking area from other traffic shall be by concrete curbing or paint striping.
6. Screening The stacking area for a drive-through aisle shall be screened from an adjacent street to blend with the characteristics of the site and surrounding properties.

Community Commercial Zoning District

City staff finds that the CC Zoning District is located along the Fremont Boulevard street frontage with direct access from Fremont Boulevard. Auto dominated characteristics of Fremont Boulevard would be compatible with the existing development patterns and would not detract from the predominant retail/office commercial development that is currently in place on the Fremont Boulevard corridor.

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 revised language for the proposed text amendments.

FISCAL IMPACT

There is no fiscal impact with the proposed text amendments.

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Attachment 1 - Exhibit A Text Amendments
 3. Attachment 1 - Exhibit B Initial Study for General Rule Exemption
 4. Attachment 2 - General Plan Land Use Policy LU-2.3
 5. Attachment 3 - Zoning Map
 6. Attachment 4 - Section 17.52.090 SMC
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Meeting Date: September 28, 2016

RESOLUTION 16-10

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 17.14.030.B – Table 2-4 and Chapter 17.98 OF THE SEASIDE MUNICIPAL CODE.

WHEREAS, the City of Seaside has prepared an Initial Study 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 is provided as Exhibit “B”. Pursuant to the requirements of the California Environmental Quality Act Section 21000 et seq. and State CEQA Guidelines, it has been determined that the proposed project would not have an environmental effect and the text amendments are covered by the general rule exemption (CEQA Guidelines 15061 (b)(3) that CEQA applies only to projects that have the potential for causing a significant effect on the environment; 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 text amendments at a duly noticed public hearing held on September 14, 2016 and September 28, 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 Section 17.14.030.B-Table 2-4 is 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 Section 17.14.030.B – Table 2-4 of the Seaside Municipal Code to remove Note (4) from the Community Commercial: Zoning District column for a Drive-Through Retail or Service land use and the definition of “Restaurant, Fast Food” in Chapter 17.98 of the Seaside Municipal Code to exclude a Restaurant Café, Coffee Shop, from being classified as a Fast Food restaurant as shown on Exhibit A.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 14th day of September, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

Text Amendment to Table 2-4 – Allowed Land Uses and Permit Requirements to Commercial Zones

CITY OF SEASIDE MUNICIPAL CODE - TITLE 17 - ZONING ORDINANCE

Commercial Zones

TABLE 2-4 – Allowed Land Uses and Permit Requirements for Commercial Zones

LAND USE (1)	PERMIT REQUIRED BY ZONE						SPECIFIC USE REGS.
	CMX	CC	CRG	CA	CH		
Bar/avern	UP	UP	UP	—	—		
Big box retail	—	—	UP	—	—		
Building and landscape materials sales – Indoor	—	P	P	—	P		
Building and landscape materials sales – Outdoor	—	UP	UP	—	P		
Construction and heavy equipment sales and rental	—	—	—	—	UP		
Convenience or liquor store	UP(4)	UP(4)	UP(4)	—	—	17.52.090	
Drive-through retail or service	UP(4)	UP(4)	UP(4)	—	—	17.52.090	
Drug store	P	P	P	—	—		
Entertainment activities – not associated with night club	P	P	P	—	—		
Equipment rental - Indoor	—	P	P	—	P		
Equipment rental - With outdoor storage	—	—	—	—	UP		
Fuel dealer	—	—	—	—	UP		
Furniture, furnishings and appliance store	P	P	P	—	P		
General retail - 5,000 sf or larger (4)	MUP	P	P	—	—		
General retail - Less than 5,000 sf (4)	P	P	P	—	—		
Grocery or specialty food store - 5,000 sf or larger (4)	P	UP	P	—	—		
Grocery or specialty food store - Less than 5,000 sf (4)	P	P	P	—	—		
Medical marijuana dispensaries	—	—	—	—	—	17.52.150	
Mobile home, boat, or RV sales	—	—	—	—	UP		
Motorcycle sales, new, with accessory used sales	—	—	—	P	UP		
Night club	UP	UP	UP	—	—		
Outdoor retail sales and activities	P	P	P	—	—	17.52.190	
Restaurant, café, coffee shop - Table service (4)	P	P	P	—	P		
Restaurant, café, coffee shop - Counter service (4)	UP	UP	UP	—	—		
Restaurant - Fast food (4)	UP	—	UP	—	—		
Service station	—	UP	UP	—	UP	17.52.250	
Speculative retail building	UP	UP	UP	—	—		
Smoke shop	—	—	—	—	UP		
Shopping center	UP	UP	UP	—	—		
Second hand store	—	P	—	—	—		
Winery/wine tasting	MUP	MUP	MUP	—	—		

Remove Footnote #4 from CC column for Drive-through retail or service

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Automatic teller machine (ATM)	P	P	P	P	P	
Bank, financial services	P	P	P	—	—	
Business park	—	—	UP	—	—	
Business support service	P	P	P	—	—	

Article 2 - Zones, Allowed Uses, Zoning Standards

2-15

Adopted February 20, 2014

Text amendment to the definition of a Restaurant, Fast Food in Chapter 17.98 of the SMC, which would exclude a Coffee Shop from being classified as a fast food restaurant. Amended language is shown with an underline.

Restaurant, Fast Food.

A. A retail business that sells ready-to-consume food products for on or off-premise consumption and whose design or operation includes three or more of the following characteristics:

1. Foods are usually served in paper, plastic or disposable containers;
2. Foods can be served directly to the consumer in a motor vehicle either by a carhop or by other means which eliminate the need for a customer to exit the motor vehicle;
3. The consumption of food within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed or encouraged;
4. The facilities for on-premises consumption of food are insufficient for the volume of food sold in the restaurant;
5. Table service is not provided; and/or
6. A restaurant that has as its principal business the sale of prepared and/or ready-to-eat food or beverage for consumption on or off the premises, and that is affiliated with three or more other restaurants with a similar name, trademark, trade name, trade style or type of food service, by commonality of ownership, control or contract arrangement, or which is advertised to give the appearance of affiliation.

B. A Coffee shop which serves limited foods to customers that are prepared/heated without the use of an oven or other commercial cooking facility for consumption on or off the premises and is less than 3,000 square feet in area shall be exempt from being classified as a Fast Food restaurant which may meet three or more of the Restaurant Fast Food criteria listed above.

Drive-Through Zoning Text Amendment

SMA-16-03

A. BACKGROUND

Project Title	City of Seaside Zoning Ordinance Amendment for Drive Thru Retail or Service
Lead Agency Contact Person and Phone Number	Rick Medina, Senior Planner City of Seaside Resource Management Services, Planning Division, (831) 899-6825
Date Prepared	September 9, 2016
Study Prepared by	Rick Medina, Senior Planner
Project Location	City of Seaside (refer to Figure 1)
Project Sponsor Name and Address	City of Seaside Resource Management Services, Planning Division 440 Harcourt Avenue Seaside, California 93955
General Plan Designation	Community Commercial
Zoning	Community Commercial (refer to Figure 2)

Setting

The City of Seaside is a coastal community of approximately 35,000 residents on the south side of Monterey Bay. The City is within the County of Monterey and is located approximately 18 miles southwest of the City of Salinas and 3 miles east-northeast of City of Monterey. The proposed text amendment will affect the City's Community Commercial Zoning District (Refer to Figure 1 for Zoning Map).

The City of Seaside's Zoning Code Section 17.14.030.B – Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones) sets forth the permit requirements applicable to each zoning district where a specific land use is either allowed or not allowed within the City. In accordance with Note #4 listed at the end of Table 2-4, the establishment of a new drive-through retail or service facility which did not exist in the City prior to December 4, 2006 is prohibited from being located on an existing developed or undeveloped parcel. Note #4 was adopted on December 4, 2006 as part of a comprehensive update to the Zoning Code.

A drive thru retail or service use is defined as a facility where food or other products may be purchased, or where services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast food restaurants, drive-through coffee, dairy product, photo stores, and pharmacies. Examples of drive-through service facilities

include drive-through bank teller windows, and dry cleaners, but do not include automated teller machines (ATMs), gas stations, or other vehicle services, which are separately.

The City's commercial areas are primarily developed with retail, automotive sales/repair and office land uses. The primary physical change associated with the text amendment would be to allow for the development of new drive-through retail or service land uses within the City's Community Commercial Zoning District.

Description of Project

The City of Seaside is proposing the following text amendment to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC) to allow for the establishment of a drive thru retail or service facility in the City's Community Commercial (CC) Zoning District: 1) Amending Chapter 17.14.030.B, Table 2-4, to eliminate Note (4) from the Community Commercial (CC) Zoning District column. With the text amendment, the City would be able to process new drive through retail or service land uses with a use permit in compliance with the Drive-Through Facilities development standards listed under Section 17.52.090 of the Zoning Code.

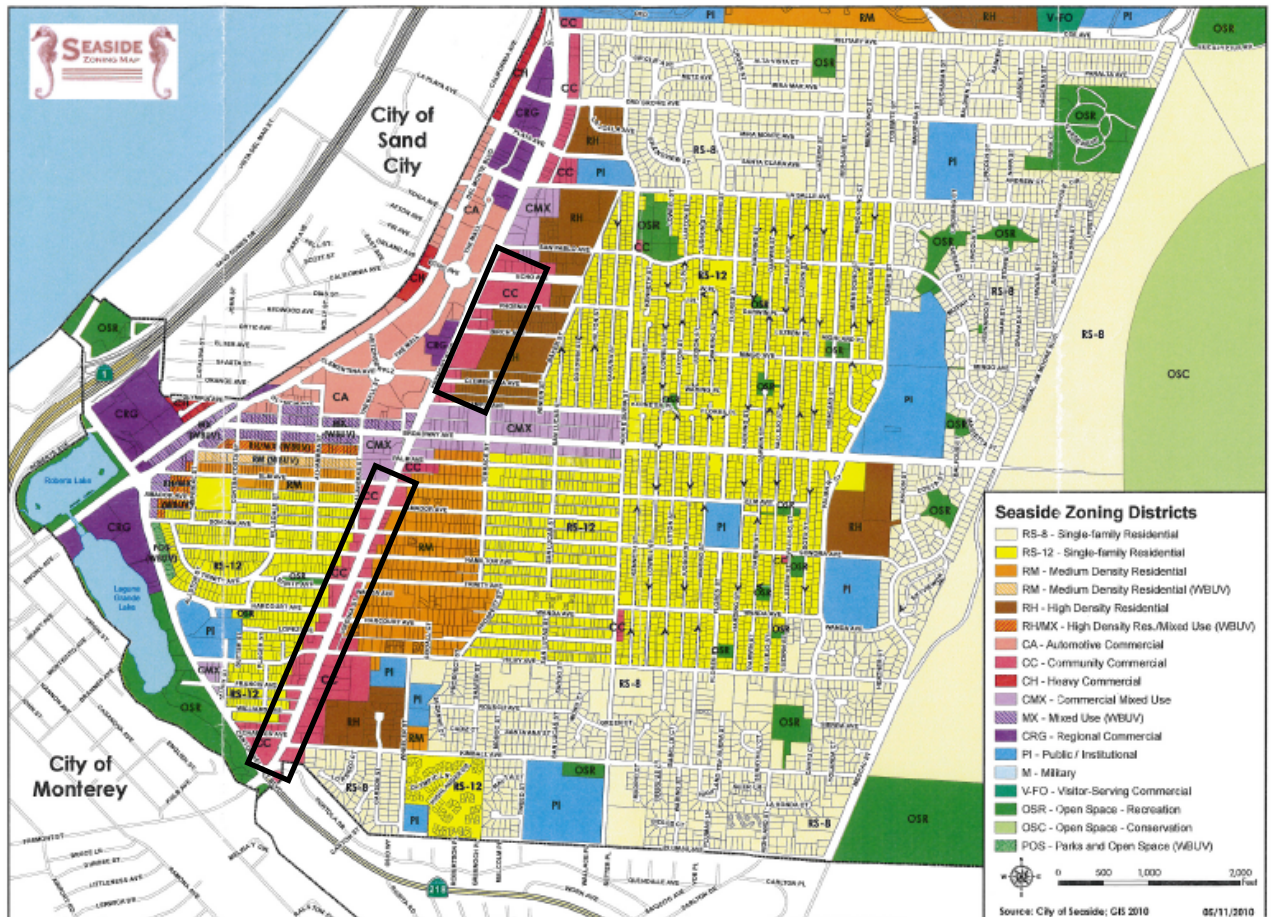
Analysis Methodology

This initial study evaluates only the environmental impacts resulting from the proposed changes to zoning code Section 17.14.030.B – Table 2-4, not the impacts associated with actual construction of a new drive-through retail or service facility. Thus, the analysis hinges on environmental impacts resulting from allowing future construction and operation of a Drive-Through Retail or Service within CC zoned areas that are distinct from the environmental impacts resulting from the construction and operation of drive-through retail or service facility on a designated project site which would then assess land use compatibility, noise, vehicle circulation, biotics, and air quality.

Other Public Agencies Whose Approval is Required

None

Figure 1 Seaside Zoning Map



- General Location of Community Commercial Zoning Districts

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

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

C. DETERMINATION

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 (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.
- ☒ I find that the proposed project would not have an environmental effect and is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA (CEQA Guidelines 15061 (b)(3)).

Rick Medina, Senior Planner

Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited 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 is 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 take account of the whole action involved, including off-site as well as on-site, cumulative as well as a project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers 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 Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.

- b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures”—For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
- 7. “Supporting Information Sources”—A source list is attached, and other sources used or individuals contacted are cited in the discussion.
- 8. This is the format recommended in the CEQA Guidelines as amended January 2011.
- 9. The explanation of each issue identifies:
 - 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 significant.

1. AESTHETICS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Have a substantial adverse effect on a scenic vista? (1, 2, 3)	☐	☐	☐	✓
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (1, 2, 3)	☐	☐	☐	✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings? (1, 2, 3)	☐	☐	☐	✓
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1, 2, 3)	☐	☐	☐	✓

Comments:

- a-d. The proposed text amendments would amend zoning code Section 17.14.030.B – Table 2-4, to allow Drive-Through Retail or Service facilities within a CC zoning district which did not exist prior to December 4, 2006. Any future development of a Drive-Through Retail or Service facility within the CC zoning district would be subject to compliance with the same CC zone district standards (e.g. setbacks, parking, landscaping), City's design review application process, and Drive-Through Facilities standards currently in place. The zoning amendment would not result in the future development of uses that would result in distinct aesthetic impacts from those resulting from uses currently allowed by the zoning code. Therefore, no impacts to scenic vistas, scenic resources within a state scenic highway, degradation of existing visual character, or impacts related to light and glare would occur as a result of the project.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department 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 project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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 nonagricultural use? (2,5)	☐	☐	☐	✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (2,5)	☐	☐	☐	✓
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))? (2,5)	☐	☐	☐	✓
d. Result in the loss of forest land or conversion of forest land to non-forest use? (2,5)	☐	☐	☐	✓
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (2,5)	☐	☐	☐	✓

Comments:

- a.-e. The City of Seaside does not contain farmland or forest land. Therefore, the proposed amendments to zoning code Section 17.14.030.B- Table 2-4, would not result in conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, conflict with existing zoning for agricultural use or a Williamson Act contract, conflict with existing zoning for, or cause rezoning of, forest land or timberland, result in the loss of forest land to non-forest use, or involve other changes in the existing environment which could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use.

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:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than-Significant Impact</i>	<i>No Impact</i>
a. Conflict with or obstruct implementation of the applicable air quality plan? (1, 2, 3)	☐	☐	✓	☐
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (1, 2, 3)	☐	☐	✓	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)? (1, 2, 3)	☐	☐	✓	☐
d. Expose sensitive receptors to substantial pollutant concentrations? (1, 2, 3)	☐	☐	✓	☐
e. Create objectionable odors affecting a substantial number of people? (1, 2, 3)	☐	☐	☐	✓

Comments:

- a.-e. The proposed text amendments would amend zoning code Section 17.14.030.B- Table 2-4, to allow Drive-Through Retail or Service within the CC zoning district. According to the Monterey Bay Unified Air Pollution Control District 2008 CEQA Air Quality Guidelines, the threshold of significance for emissions associated with traffic trips from Drive-Through Facility that would exceed air quality standards is trips generated from a facility of 15,600 square feet. While a new Drive-Through facility may result in an increase in traffic, the zoning amendment would not result in traffic trips that would exceed the 15,600 square-foot threshold. Further, each new Drive-Through Retail or Service facility will be required to obtain a Use Permit prior to operation. During the Use Permit application process the City will consider potential impacts of individual projects prior to approval to ensure that the increase in traffic trips would not rise to a level such that significant impacts would occur related to obstruction of implementation of the applicable air quality plan, violation or contribution to an existing or projected air

quality violation, a considerable increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard, or exposure of sensitive receptors to substantial pollutant concentrations.

- e. While operation of a Drive-Through retail or service facility is not a use that would produce objectionable odors, future development of a Drive-Through retail or service facility within the CC zoning district could result in exposure of residents to objectionable odors in the CC districts during construction activities such as paving. However, these impacts would not be distinct from those produced by construction of currently permissible uses in these districts. Thus, there would be no impacts from objectionable odors related to the zoning amendment.

4. BIOLOGICAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (1, 2, 3)	☐	☐	☐	✓
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 Wildlife or US Fish and Wildlife Service? (1, 2, 3)	☐	☐	☐	✓
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, 3)	☐	☐	☐	✓
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, 3)	☐	☐	☐	✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1, 2, 3)	☐	☐	☐	✓
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, 3)	☐	☐	☐	✓

Comments:

- a.-d. The proposed text amendments would amend zoning code Section 17.14.030.B- Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. The zoning amendment would not result in the future development of uses that would result in distinct biological impacts from those resulting from uses currently allowed by the zoning code. Therefore, the zoning text amendment would not result in a substantial adverse effect on any species identified as a candidate, sensitive, or special status species, riparian habitat or other sensitive natural community, federally protected wetlands, 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.
- e.-f. As discussed above, the project would amend zoning code Section 17.14.030.B – Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006 and would not result in unique impacts to any important habitat or wetland areas than currently permissible uses. Therefore, the zoning text amendment would not result in conflicts with any local policies or ordinances protecting biological resources or conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

5. CULTURAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? (1, 2, 3)	☐	☐	☐	✓
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (1, 2, 3)	☐	☐	☐	✓
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1, 2, 3)	☐	☐	☐	✓
d. Disturb any human remains, including those interred outside of formal cemeteries? (1, 2, 3)	☐	☐	☐	✓
e. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074? (1, 2, 3)	☐	☐	☐	✓

Comments:

- a.-e. The proposed project would amend zoning code Section 17.14.030.B – Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. Any future development of a drive-through retail or service facility within the CC zoning district would be subject to compliance with the same municipal code and general plan policies and programs for the protection of cultural resources as currently permissible uses. The zoning text amendment would not result in future development of uses that would result in distinct impacts to cultural resources from those resulting from uses currently allowed by the zoning code. Therefore, the proposed project would not result in a substantial adverse change in the significance of a historical, archaeological, paleontological, or tribal resource, or result in the disturbance of human remains.

6. GEOLOGY AND SOILS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) 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? Refer to Division of Mines and Geology Special Publication 42? (1, 2, 3)	☐	☐	☐	✓
(2) Strong seismic ground shaking? (1, 2, 3)	☐	☐	☐	✓
(3) Seismic-related ground failure, including liquefaction? (1, 2, 3)	☐	☐	☐	✓
(4) Landslides? (1, 2, 3)	☐	☐	☐	✓
b. Result in substantial soil erosion or the loss of topsoil? (1, 2, 3)	☐	☐	☐	✓
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, 3)	☐	☐	☐	✓
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, 3)	☐	☐	☐	✓
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, 3)	☐	☐	☐	✓

Comments:

- a.-e. The proposed project would amend the zoning code Section 17.14.030.B – Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. Any future development of a Drive-Through Retail or Service facility within the CC zoning district would be subject to compliance with the same CC zone district standards, City's Drive-Through Facilities guidelines and design review application process as currently allowed uses. The zoning text amendment would not result in future development of uses that would result in distinct geological impacts from those resulting from uses currently allowed by the zoning code. Therefore, the proposed zoning text amendment would not result in exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic groundshaking, seismic-related ground failure, expansive soils, result in substantial erosions or the loss of topsoil, or have soils inadequate of supporting the use of septic tanks or other wastewater disposal systems.

7. GREENHOUSE GAS EMISSIONS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1, 2, 3, 10)	☐	☐	✓	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1, 2, 3, 10)	☐	☐	✓	☐

Comments:

- a.-b. The proposed project would amend zoning code Section 17.14.030.B – Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. According to the Monterey Bay Unified Air Pollution Control District 2008 CEQA Air Quality Guidelines, the threshold of significance for emissions associated with traffic trips from a fast food drive-through facility that would exceed emissions standards is trips generated from a 15,600 square-foot building. While a new drive-through retail or service facility may result in an increase in traffic, the zoning text amendment would not result in traffic trips that would exceed the threshold of a 15,600 square-foot fast food building. Any future development and operation of Drive-Through Retail or Service facilities within the CC zoning district would be subject to compliance with the same Air District standards as currently allowed uses and will be required to obtain a Use Permit prior to operation. During the Use Permit application process the City will consider potential impacts of individual projects prior to approval to ensure that the project would not generate GHG emissions that would have as significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1, 2, 3)	☐	☐	☐	✓
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, 3)	☐	☐	☐	✓
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, 3)	☐	☐	☐	✓
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, create a significant hazard to the public or the environment? (1, 2, 3)	☐	☐	☐	✓
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 a public-use airport, result in a safety hazard for people residing or working in the project area? (1, 2, 3)	☐	☐	☐	✓
f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? (1, 2, 3)	☐	☐	☐	✓
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1, 2, 3)	☐	☐	☐	✓

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands area adjacent to urbanized areas or where residences are intermixed with wildlands? (1, 2, 3)	☐	☐	☐	✓

Comments:

- a.-h. The proposed project would amend zoning code Section 17.14.030.B – Table 2-4 to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. The zoning text amendment would not result in future development of uses that would result in impacts related to hazards distinct from those resulting from uses currently allowed by the zoning code. Therefore, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, result in the release of hazardous materials into the environment, is not 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, create a significant hazard to the public or the environment, result in safety hazards for people residing or working within a project area that is within two miles of a public or private airport, physically interfere with an adopted emergency response plan or emergency evacuation plan, or result in expose of people or structures to a significant risk of loss, injury, or death involving wildland fires.

9. HYDROLOGY AND WATER QUALITY

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Violate any water quality standards or waste discharge requirements? (1, 2, 3)	☐	☐	☐	✓
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., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted? (1, 2, 3)	☐	☐	☐	✓
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 <i>substantial erosion or siltation on- or off-site?</i> (1, 2,3)	☐	☐	☐	✓
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 run-off in a manner which would result in <i>flooding on- or off-site?</i> (1, 2, 3)	☐	☐	☐	✓
e. Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off? (1, 2, 3)	☐	☐	☐	✓
f. Otherwise substantially degrade water quality? (1, 2, 3)	☐	☐	☐	✓
g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (1, 2 3)	☐	☐	☐	✓

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (1, 2, 3)	☐	☐	☐	✓
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, 3)	☐	☐	☐	✓
j. Be subject to inundation by seiche, tsunami, or mudflow? (1, 2, 3)	☐	☐	☐	✓

Comments:

- a. The proposed project would amend zoning code Section 17.14.030.B – Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. Any future development of Drive-Through Retail or Service facility within the CC zoning district would be subject to compliance with the same CC zone district standards, City's design review application process, and design guidelines as currently allowed uses. The zoning text amendment would not result in future development of uses that would result in distinct hydrological impacts from those resulting from uses currently allowed by the zoning code. Therefore, the proposed project would not result in violation of water quality or waste discharge requirements, a substantial depletion of groundwater supplies or interfere substantially with groundwater recharge, the substantial alteration of 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 or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site, result in a contribution of run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off, result in substantial degradation of water quality, be placed within a 100-year flood hazard area, 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, or be subject to inundation by seiche, tsunami, or mudflow.

10. LAND USE AND PLANNING

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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, 3)	☐	☐	☐	✓

Comments:

- a. The proposed project would amend zoning code Section 17.14.030.B – Tale 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. The development of Drive-Through Retail or Service facilities within a CC zoning district would be a compatible use to incorporate into the community and would not divide established communities.
- b. The proposed project would amend zoning code Section 17.14.030.B – Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. This zoning text amendment would be consistent with all other portions of the zoning code and general plan. Any new development of Drive-Through Retail or Service facilities in CC zoned areas would comply with CC zoning district standards and any applicable general plan policies and programs.
- c. As previously discussed, the zoning text amendment would not result in conflicts with any habitat conservation or natural community conservation plans.

11. MINERAL RESOURCES

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (2, 9)	☐	☐	☐	✓
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (2, 9)	☐	☐	☐	✓

Comments:

- a.-b. The proposed text amendments would amend zoning code Section 17.14.030.B, Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. The proposed zoning text amendment would not result in the loss of availability of mineral resources as no regionally or locally significant minerals are known to exist within Seaside.

12. NOISE

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1, 2, 3)	☐	☐	✓	☐
b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels? (1, 2, 3)	☐	☐	☐	✓
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (1, 2, 3)	☐	☐	✓	☐
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1, 2, 3)	☐	☐	✓	☐
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, expose people residing or working in the project area to excessive noise levels? (1, 2, 3, 7)	☐	☐	☐	✓
f. For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels? (1, 2, 3, 7)	☐	☐	☐	✓

Comments:

- a,c,d. The proposed project would amend zoning code Section 17.14.030.B, Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. The future operation of Drive-Through Retail or Service facilities within CC zoning districts may result in increased exposure of persons to heightened noise levels and an increase in ambient noise levels in the vicinity above existing levels. Any future development of Drive-Through Retail or Service

facilities within the CC zoning district would be subject to compliance with the same CC zone district standards, zoning standards for Drive-Through Facilities, City's design review application process, and design guidelines as currently allowed uses. Future Drive-Through Facilities would be required to comply with Seaside's Noise Ordinance (Seaside Municipal Code Chapter 19.12), which requires that ambient noise levels remain below established standards.

- b. The proposed zoning text amendment would not result in future development of uses that would result in impacts related to exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels distinct from those resulting from uses currently allowed by the zoning code.
- e., f. There are areas zoned CC that are within two miles of the Monterey Peninsula Airport and within the Monterey County Airport Land Use Plan. The proposed project would amend zoning code Section 17.52.050 to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. However, the zoning text amendment would not result in future development of uses that would result in distinct impacts from those resulting from uses currently allowed by the zoning code. Thus, there would be no impacts associated with airport noise.

13. POPULATION AND HOUSING

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1, 2, 3)	☐	☐	✓	☐
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1, 2, 3)	☐	☐	✓	☐
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (1, 2, 3)	☐	☐	✓	☐

Comments:

- a.-c. The proposed text amendments would amend zoning code Section 17.14.030.B- Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. Although allowing Drive-Through Retail or Service facilities in CC zoning district areas may nominally increase the population of these districts from new employees, the zoning text amendment would not induce significant population growth in the area, either directly or indirectly, or displace substantial numbers of housing or people.

14. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or 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 following public services:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Fire protection? (1, 2, 3)	☐	☐	☐	✓
b. Police protection? (1, 2, 3)	☐	☐	☐	✓
c. Schools? (1, 2, 3)	☐	☐	☐	✓
d. Parks? (1, 2, 3)	☐	☐	☐	✓
e. Other public facilities? (1, 2, 3)	☐	☐	☐	✓

Comments:

- a.-e. The proposed text amendments would amend zoning code Section 17.14.030.B – Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. Although allowing Drive-Through Retail or Service facilities in the CC zoning district areas may nominally increase the population of these districts from new employees this zoning text amendment would not result an increase in population such that there would be a need for new or physically altered fire, police, school, park, or other public facilities, construction of which would result in environmental impacts.

15. RECREATION

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Would the project 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, 3)	☐	☐	☐	✓
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, 3)	☐	☐	☐	✓

Comments:

- a.-b. The proposed text amendments would amend zoning code Section 17.14.030.B – Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. Although allowing Drive-Through Retail or Service facilities in CC zoning district areas may slightly increase the population of these districts due to new employees this zoning text amendment would not result an increase in population such that there would be a deterioration of existing parks or require the construction of new recreational facilities.

16. TRANSPORTATION/TRAFFIC

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
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, 3, 6)	☐	☐	✓	☐
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 or highways? (1, 2, 3, 6)	☐	☐	✓	☐
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, 3, 8)	☐	☐	☐	✓
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, 3)	☐	☐	✓	☐
e. Result in inadequate emergency access? (1, 2, 3)	☐	☐	☐	✓
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities? (1, 2, 3)	☐	☐	☐	✓

Comments:

- a.-b. The proposed project text amendments would amend the zoning code to allow for Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. Although the establishment of new Drive-Through Retail or Service facilities of in CC zoned areas would result in the addition of new daily trips to the local road network, the number of trips generated would not be an exceedance of the expected trip volumes on main roadway segments within CC zoned areas to adversely affect the overall level of service on the City's arterial roadways. Furthermore, each new Drive-Through Retail or Service facility will be required to obtain a Use Permit prior to operation. During the Use Permit application process the City will consider potential traffic impacts of individual projects prior to approval to ensure impacts to circulation would be less than significant. Therefore, the proposed zoning text amendment would result in less than significant impacts to circulation.
- c. The proposed zoning text amendment would not result in a change in air traffic patterns or create a safety risk associated with air traffic.
- d. Any future development of Drive-Through Retail or Service facilities within the CC zoning district would be subject to compliance with the Drive-Through Facility zone district standards (Section 17.52.090 of the SMC), City's design review application process, and design guidelines to prevent design related circulation hazards. Impacts associated with design related circulation hazards would be less than significant.
- e. Any future development of Drive-Through Retail or Service facilities within the CC zoning district would be subject to compliance with the Drive-Through Facility zone district standards (Section 17.52.090 of the SMC), City's design review application process, and design guidelines to ensure adequate emergency access. Thus, the proposed project would have no related impacts.
- f. Any future development of Drive-Through Retail or Service facilities within the CC zoning district would be subject to compliance with the same Drive-Through Facility zone district standards (Section 17.52.090 of the SMC), City's design review application process, and design guidelines as currently permissible for a drive-through facility. The zoning text amendment would not result in the future development of uses that would result in distinct impacts related to public transit, bicycle, or pedestrian facilities from those resulting from uses currently allowed by the zoning code. Thus, the proposed project would not conflict with adopted policies, plans, or programs regarding public transit or otherwise decreased the performance or safety of such facilities; therefore, there is no impact.

17. UTILITIES AND SERVICE SYSTEMS

Would the project:

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (1, 2, 3)	☐	☐	☐	✓
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, 3)	☐	☐	☐	✓
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1, 2, 3)	☐	☐	☐	✓
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (1, 2, 3)	☐	☐	☐	✓
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1, 2, 3)	☐	☐	☐	✓
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid-waste disposal needs? (1, 2, 3)	☐	☐	☐	✓
g. Comply with federal, state, and local statutes and regulations related to solid waste? (1, 2, 3)	☐	☐	☐	✓

Comments:

- a.-g. The proposed text amendment would amend zoning code Section 17.14.030.B – Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. The zoning amendment would not result in the future development of uses that would result in distinct environmental impacts from those resulting from uses currently allowed by the zoning code. Therefore, no impacts to water, wastewater, or solid waste would occur as a result of the project.

18. MANDATORY FINDINGS OF SIGNIFICANCE

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant Impact with Mitigation Measures Incorporated</i>	<i>Less-Than- Significant Impact</i>	<i>No Impact</i>
a. Does the project 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; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1, 2, 3, 4, 5, 6, 7, 8)	☐	☐	☐	✓
b. Does the project 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) (1, 2, 3, 4, 5, 6, 7, 8)	☐	☐	☐	✓
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (1, 2, 3, 4, 5, 6, 7, 8)	☐	☐	☐	✓

Comments:

- a.-c. The proposed text amendment would amend zoning code Section 17.14.030.B – Table 2-4, to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. Any future development of Drive-Through Retail or Service facilities within the CC zoning district would be subject to compliance with the same Drive-Through Facility zone district standards (Section 17.52.090 of the SMC), City’s design review application process, and design guidelines as currently permissible uses. with the same zone district standards, City’s design review application process, and design guidelines as currently. The zoning amendment would not result in the future development of uses that would result in distinct impacts from those resulting from uses currently allowed by the zoning code that would rise to a level of significance.

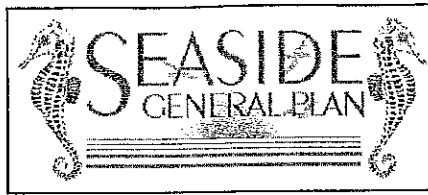
Therefore, the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory. It does not have impacts that are individually limited, but cumulatively considerable and it does not have the potential to result in environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

E. SOURCES

1. City of Seaside. *Seaside Municipal Code*. February 4, 2016.
<http://www.codepublishing.com/CA/Seaside/>
2. Cotton/Bridges/Associates, a Division of P&D Consultants. *City of Seaside General Plan*. August 5, 2004. <http://www.ci.seaside.ca.us/269/Seaside-General-Plan>
3. City of Seaside Zoning Code – Title 17. December 4, 2006, with adopted amendments through February 20, 2014.
<http://www.ci.seaside.ca.us/DocumentCenter/View/376>
4. City of Seaside. *Zoning District Map*. May 11, 2010
<http://www.ci.seaside.ca.us/DocumentCenter/View/375>
5. California Department of Conservation. *Monterey County Important Farmland Map*. 2012.
6. Monterey County Planning Department. *Comprehensive Land Use Plan for the Monterey Peninsula Airport*. March 23, 1987.
http://www.co.monterey.ca.us/planning/docs/plans/Monterey_Peninsula_Airport_LUP.pdf
7. Cotton/Bridges/Associates, a Division of P&D Consultants. *City of Seaside General Plan Environmental Impact Report*. January 2004.
8. Monterey Bay Unified Air Pollution Control District. *CEQA Air Quality Guidelines*. 2008.

All documents indicated with bold numbers are available for review at the **City of Seaside, 440 Harcourt Avenue, (831) 899-6211** during normal business hours.

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.



Responsible Agency/Department: Community Development

Funding: General fund, Developer fees

Time Frame: Adopt a streamlined process with the adoption of the updated Zoning Ordinance by the end of 2005

stores, beauty and nail salons, fast food restaurants, gas stations, used car sales, car washes, mattress stores, mini-markets, and automotive repair shops.

IMPLEMENTATION PLANS

Policy LU-2.2: Use expanded code enforcement and property maintenance programs to improve the appearance of commercial areas.

IMPLEMENTATION PLANS

Implementation Plan LU-2.2.1 Code Enforcement Action Plan. Adopt and implement an Action Plan for comprehensive code enforcement of commercial areas. As part of the expanded program, revoke conditionally approved uses that experience repeated disturbances, crime related calls for service, and other services as identified by Police. (See also UD-2.5.1)

Responsible Agency/Department: Community Development, Code Enforcement

Funding: General fund, fees

Time Frame: Adopt and implement an expanded code enforcement program by the end of 2005

Implementation Plan LU-2.2.2 Alcohol Beverage Control. Work with Alcohol Beverage Control (ABC) to regulate the on-sale and off-sale of packaged alcoholic beverages.

Responsible Agency/Department: Police, Community Development, Code Enforcement, ABC

Funding: General fund, fees/fines

Time Frame: Ongoing

Policy LU-2.3: Discourage commercial development that is already over-represented in the community, such as liquor stores, convenience stores, bars, thrift/discount merchandise

Implementation Plan LU-2.3.1 Overrepresented Uses. Survey and map locations of over-represented uses.

Responsible Agency/Department: Community Development

Funding: General fund

Time Frame: Complete survey by the end of 2004; update bi-annually

Implementation Plan LU-2.3.2 Designation of Inappropriate Land Uses. Amend the Zoning Ordinance to ensure inappropriate land uses are not represented in the City's zoning districts.

Responsible Agency/Department: Community Development

Funding: General fund, State funds

Time Frame: Adopt and implement an updated Zoning Ordinance by the end of 2005

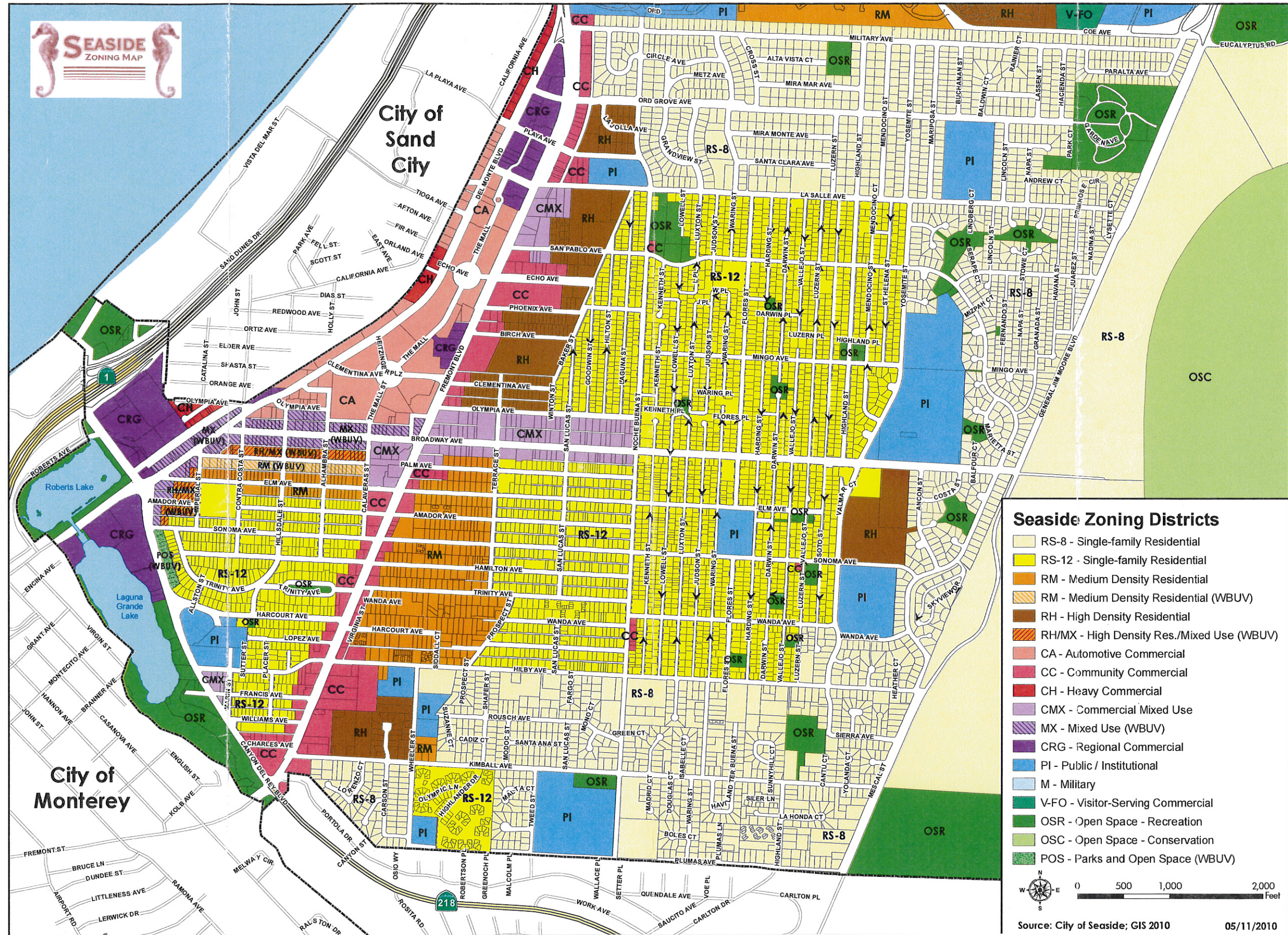
Policy LU-2.4: During redevelopment and revitalization activities, ensure quality architectural and design themes.

IMPLEMENTATION PLANS

Implementation Plan LU-2.4.1 Design Guidelines. Develop design guidelines that address signage, building facades, lighting, landscaping, and building color. (See also Urban Design Implementation Plan UD-1.1.2)

Responsible Agency/Department: Community Development

Funding: State funds, General fund



5. **Alcohol sales.** The sale of beer and wine products on premises is prohibited.
- E. **Hours of operation.** The store shall be open to the public for business only between the hours of 6:00 a.m. and midnight, unless otherwise authorized by an existing permit, or by Commission approval, based on a report of the Crime Prevention Officer.
- F. **Property maintenance.**
 1. The applicant shall at all times maintain the site and abutting public sidewalk areas in a litter-free, weed-free condition at all times;
 2. The property shall comply with all applicable provisions of Municipal Code Chapter 8.30 (Property Maintenance Ordinance), including the requirement in Municipal Code Section 8.30.145 that all graffiti shall be removed immediately.
- G. **Security.**
 1. The lease area for the store shall comply with the applicable provisions of the minimum building security standards ordinance.
 2. Each store shall comply with security-related conditions of the Commission based on a report of the Crime Prevention Officer.
 3. Notwithstanding the requirements of Chapter 17.40 (Sign Regulations), the portions of windows providing a view of the cash registers shall be maintained free of all signs, banners, product displays, etc., at all times, to provide a clear and unobstructed view of the sales counter from outside the store. Signs in the remaining windows shall not exceed 25 percent of the remaining window area.

17.52.090 - DRIVE-THROUGH FACILITIES

- A. **Applicability.** The development and operation of a drive-through facility shall comply with the requirements of this Section, where allowed by Article 2 (Zones, Permitted Land Uses, and Zoning Standards).
- B. **General standards.**
 1. **Design objectives.** Drive-through facilities shall only be permitted if the design and operation avoids congestion, excessive pavement, litter, and noise.
 2. **Limitation on location.** A drive-through facility shall only be located on a building wall away from a street. A drive-through facility shall be located within the CC zone only if the review authority determines that the facility is accessory to a use that is primarily pedestrian oriented.
- C. **On-site circulation.** A drive-through facility shall be provided internal circulation and traffic control as follows.
 1. **Aisle design.**
 - a. The entrance/exit of any drive aisle shall be a minimum of 50 feet from a street intersection (measured at the closest intersecting curbs) and at least 25 feet from the edge of any driveway on an adjoining parcel.
 - b. Each drive aisle shall be at least 10 feet wide and provide curves with minimum interior radii of 10 feet.
 2. **Stacking area.** A clearly identified area shall be provided for vehicles waiting for drive-up or drive-through service that is physically separated from other on-site traffic circulation.

- a. The stacking area shall accommodate a minimum of six cars for each drive-through window in addition to the vehicle receiving service.
 - b. The stacking area shall be located at and before the service window (e.g., pharmacy, teller).
 - c. Separation of the stacking area from other traffic shall be by concrete curbing or paint striping on at least one side of the lane.
 - d. No stacking area shall be located adjacent to and/or parallel to a street or other public right-of-way.
3. **Walkways.** No on-site pedestrian walkway may intersect a drive-through aisle.
 4. **Exceptions.** The review authority may approve alternatives to the requirements of Subsections C.1 through C.3 where it first finds that the alternate design will, given the characteristics of the site, be equally effective in ensuring on- and off-site pedestrian and vehicular traffic safety and minimizing traffic congestion.
- D. **Signs.** Each entrance to, and exit from, a drive-through aisle shall be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs. Signage shall also be provided to indicate whether the drive-through facility is open or closed.

17.52.100 - EMERGENCY SHELTERS

- A. **Applicability.** Emergency shelters shall comply with the requirements of this Section, where allowed by Article 2 (Zones, Permitted Land Uses, and Zoning Standards).
- B. **Limitations on location.**
1. **Category 1 shelter.** A shelter for families and/or single women with children may be established in the RS-8 and RS-12 zones.
 2. **Category 2 shelter.** A shelter for single men and single women may be approved in the RM zone.
 3. **Flexibility.** The Commission may allow temporary emergency shelters for the homeless in zones other than those listed in Subsections B.1 and B.2 if the site meets all applicable criteria, and the proposal is deemed an "exceptional project" as determined by the Commission.
- C. **Application processing and monitoring.** A Use Permit application for a temporary emergency shelter for the homeless shall be processed in compliance with Section 17.62.070 (Use Permits and Minor Use Permits). A pre-application conference shall be held to:
1. Determine the nature of the proposal;
 2. Ensure that it complies with the intent of this Chapter; and
 3. Offer specific comments and direction.
- D. **Development and operating standards.**
1. A family shelter or shelter for single women with children should be located near public facilities and transportation facilities.
 2. Shelters for single persons should be located near transportation facilities.
 3. Each shelter shall have an on-site resident manager.



CITY OF SEASIDE STAFF REPORT

Item No.: 6.B.

TO: Planning Commission

BY: Rick Medina, Senior Planner

DATE: September 28, 2016

SUBJECT: USE PERMIT APPLICATION NO. UP-16-04: EARLY DEVELOPMENT SERVICES, APPLICANT, AND FIRST BAPTIST CHURCH, PROPERTY OWNER, ARE REQUESTING USE PERMIT APPROVAL TO ALLOW FOR THE ESTABLISHMENT OF A CHILD DAY CARE CENTER FOR A MAXIMUM OF 160 STUDENTS LOCATED AT 1405 LA SALLE AVENUE IN THE RS-8 (SINGLE FAMILY RESIDENTIAL ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301(A) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.

PURPOSE

In accordance with Table 2-1, allowed land uses and use permit requirements for Residential zones, daycare centers with 15 or more children are permitted in the RS-8 zoning district subject to receiving use permit approval from the Planning Commission

RECOMMENDATION

City staff recommends that the Planning Commission approve this use permit application based on the findings and subject to the conditions of approval and project plans in the Resolution provided as Attachment 1.

BACKGROUND

SITE LOCATION AND DESCRIPTION

The project site is currently comprised of three parcels totaling 150,071 (3.44 ac.) square feet in area that is entirely owned and occupied by First Baptist Church. As part of the project approval, a Lot Line Adjustment will be completed to reconfigure the three parcels to establish a 94,890 (2.17 ac.) parcel for the existing church buildings and parsonage on the north side of the site and a 29,941 (0.68 ac.) parcel and a 25,240 (0.57 ac.) parcel on the south side for the proposed daycare center. The proposed daycare center site will total 55,181 square feet in area (1.26 acres) and is developed with an existing one-story 8,357 square-foot classroom building. The church site to the north is developed with an existing church sanctuary, an accessory

office/classroom building, and a parsonage. No changes to the existing buildings and drive approaches on the church site and proposed daycare center site will be made as part of the lot line adjustment or proposed use permit for the approval of the daycare center.

The adjacent properties consist of single family detached dwellings to the east, north, south, and west. A location map is provided as Attachment 2. Photographs of the project site are provided as Attachment 3. An aerial photograph of the project vicinity is provided as Attachment 4.

HISTORY

The existing church facility and parsonage on the northern half of the site was constructed in the late 1940's prior to the incorporation of the City on October 13, 1956. The classroom buildings for the proposed daycare center on the southern half of the site were constructed in 1955. The most recent use of the classroom buildings was for a 225 student private middle school operated by the Monterey Bay Christian School for which a use permit was granted. The middle school operation was abandoned in 2013. The classroom buildings have remained vacant since the abandonment of the use permit.

As part of the proposed use permit to establish the new daycare center within the former classroom buildings, the property owner (First Baptist Church) will be submitting a lot line adjustment in order to sell the two reconfigured parcels on the southern half of the site to the applicant (Early Development Services) and business owner of the daycare center. The change to the lot lines will not affect or modify the location of the existing structures/driveway access on the church site or daycare center parcels.

PROJECT DESCRIPTION

The applicant is proposing to complete the following renovations to establish the new daycare center on the project site:

1. Recondition the existing building to provide offices, classrooms, and assembly area as needed to conform to latest code requirements per the State of California Department of Social Services for the operation of a 160 child daycare center. The daycare center will serve children from pre-school age to 5th grade.
2. Recondition of the open space area on the east side of the classroom buildings to establish a moveable playground equipment area within a 12,354 square-foot sand lot on the north side of the open space and a 14,992 square-foot artificial turf area on the south side of the open space area. A new 8-foot tall cyclone fence will be constructed to separate the open space area from the parking lot.
3. Stripe parking lot in front of the classroom building to provide 20 standard parking stalls and two disable parking stalls.
4. Install an eight-foot tall fence on the west side to replace an existing six-foot wood fence along this side property line separating the project site from the single family residential

properties to the west to enhance the appearance of the site and provide sound mitigation for the adjacent residential properties. A T1-11 panel will be applied to the interior of the fence facing the parking lot to further diffuse sound.

5. Installation of a disable accessible ramp in front of the site on La Salle to provide for pedestrian/disable access to the site from the public sidewalk.

6. Installation of trash enclosure at the southwest corner of the building.

The daycare center would be open from 7 AM and to 5:30 PM Monday-Friday. A maximum of seven staff will be on-site. The operation of the daycare center will typically provide care for an average of 75 pre-school age children between 7 AM and 2:30 PM with an additional 85 school age (Grades 1-5) in the afternoon after 2:30 PM. The daycare center will provide van for shuttle service pick-up of grade school children. A kitchen facility will be provided for snacks and hot meals.

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 to operate a. Interior improvements will include minor wall, plumbing and electrical improvements to set-up the reception area, office, classrooms and kitchen. Exterior improvements will be limited to installation of landscaping, small play structures, and installation of disable ramp. The proposed improvements would be exempt from further CEQA review.

STAFF ANALYSIS AND FINDINGS

Use Permit Findings

In accordance with S.M.C. Section 17.12.030.C (Table 2-1 Commercial Zone Land Use and Requirements), an application for a daycare center 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:

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 Low Density Residential. The land use classification is intended for detached single family dwellings at a density of eight units per acre. Accessory uses may include meeting facilities, churches, schools (Public and Private) and daycare facilities. The proposed project would consist of a daycare center serving

more than 15 children which would be consistent with the Low Density Residential Land Use designation with the issuance of a use permit. 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 project site consists of a parcel over 1 acre in size which includes an enclosed building and outdoor open space to adequately accommodate a licensed daycare center for 160 children.

Evidence: The proposed project will include façade and the open space area improvements consisting of new doors, windows, and paint on the building and new fencing, play equipment and landscaping within the open space area to improve the physical appearance of the site.

Evidence: The new fence on the west side of the site that would be adjacent to the single family dwellings bordering the site on this side will be constructed with a T1-11 panel on the interior side of the fence facing the daycare center to provide added sound attenuation for these residences.

Evidence: The project will allow for the efficient use of an existing infrastructure system with minor improvements to accommodate a new daycare center for pre-school and school age children.

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: Encourage the full and efficient use of vacant and underutilized parcels in appropriately designated areas to support the development and expansion of targeted commercial facilities.

Evidence: The conversion of the existing classroom building and open space recreation area into a daycare center would allow for the full and efficient use of the entire site on an abandoned portion of an existing church site and would diversify the city's childcare services and childcare job opportunities for both pre-school and school age children.

Evidence: 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 RS-8 (Single Family Residential) Zoning District. In accordance with Seaside Municipal Code Section 17.52.050.D, the following standards are used to assess the establishment of daycare centers that include more than 15 children.

1. Parking

In accordance with Section 17.52.080.C.1 of the SMC, a minimum of one space per employee on largest shift plus one space for each 10 children authorized by the state license is required. The applicant has indicated that she would have four staff members from 7 AM to 2:30 PM and seven staff members from 2:30 PM to 5:30 PM. Per the Zoning Code 23 parking spaces are required. A total of 22 parking spaces will be provided. Per the Zoning Code, an exception for the single parking space can be provided if the facility complies with the following criteria:

A. The exception shall be granted only for uses in an existing building, and shall not be granted for any expansion of gross leasable area floor area or new construction

Evidence: The proposed daycare center will not include any increase in floor area.

B. Off-street parking shall be provided on the site in the maximum amount feasible.

Evidence: The parking lot has been designed to provide the maximum amount of 22 perpendicular parking stalls.

C. The exception shall only be granted in a situation where the City Engineer has determined that the exception will not result in potentially unsafe conditions for vehicles or pedestrians.

Evidence: The parking lot will be accessed from La Salle Avenue which is classified as a collector street. The City Engineer has determined that the set-up of the parking lot will provide the necessary drop-off and pick-up locations for students and that the depth of the driveway aisle from the drive approach to the front entrance of the building will provide the necessary stacking for vehicles queuing on-site during the peak AM and peak PM loading/unloading periods to avoid any back-ups onto La Salle Avenue. Furthermore, the on-site circulation and parking is sufficient to allow for the loading/unloading of children completely on-site in order to avoid any impacts with traffic circulation and on-street parking on the adjoining local streets.

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 proposed improvements for the use will consist of minor interior improvements and exterior improvements consisting of new fencing, new outdoor play equipment, parking lot striping, and pedestrian access requirements. The size of the project site will be in compliance with the maximum limits set by the State of California of one student per 35 square feet of net building area (Net building area excludes bathrooms, hallways, storage rooms and offices) and 75 square feet per student for net exterior play area. The net building area for classroom

instruction is 5,669 square feet which would allow for a maximum of students of 161 students. The net play area is 25,240 square feet which would allow for a maximum of 336 students. The project site would be designed to meet maximum occupancy requirements as required for the establishment of a licensed 160 student daycare center.

3. 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. As a condition of approval, a water allocation of 0.653 acre feet to allow for the change in use from a private school to a child care land use per the regulations of the Monterey Peninsula Water Management District.

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.

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. As such, staff recommends that the Planning Commission approve the application based on the findings and subject to the conditions of approval contained in the Draft Resolution provided as Attachment 1.

FISCAL IMPACT

There will be no fiscal impact associated with the proposed use permit.

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Exhibit A - Site Plan
 3. Exhibit A - Floor Plan
 4. Attachment 2 - Location Map
 5. Attachment 3 - Site Photos
 6. Attachment 4 - Aerial Map
-

Meeting Date: September 28, 2016

RESOLUTION NO. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING A USE PERMIT TO ALLOW FOR ESTABLISHMENT OF 160 STUDENT DAYCARE CENTER AT 1405 LA SALLE AVENUE IN THE RS-8 ZONING DISTRICT.

WHEREAS, First Baptist Church, property owner, and Early Development Services, applicant have applied for a use permit to allow:

- A. The establishment of a child day care center for up to a maximum of 160 students within an existing 5,846 square-foot classroom building on the southern half of the First Baptist Church site located at 1405 La Salle Avenue.

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 September 28, 2016, and

WHEREAS, 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 meeting the following conditions:

Evidence: The proposed project would involve remodeling the interior of an existing commercial tenant space to operate a. Interior improvements will include minor wall, plumbing and electrical improvements to set-up the reception area, office, classrooms and kitchen. Exterior improvements will be limited to installation of landscaping, small play structures, and installation of disable ramp. The 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-16-04:

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 Low Density Residential. The land use classification is intended for detached single family dwellings at a density of eight units per acre. Accessory uses may include meeting facilities, churches, schools (Public and Private) and daycare facilities. The proposed project would consist of a

daycare center serving more than 15 children which would be consistent with the Low Density Residential Land Use designation with the issuance of a use permit. 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 project site consists of a parcel over 1 acre in size which includes an enclosed building and outdoor open space to adequately accommodate a licensed daycare center for 160 children.

Evidence: The proposed project will include façade and the open space area improvements consisting of new doors, windows, and paint on the building and new fencing, play equipment and landscaping within the open space area to improve the physical appearance of the site.

Evidence: The new fence on the west side of the site that would be adjacent to the single family dwellings bordering the site on this side will be constructed with a T1-11 panel on the interior side of the fence facing the daycare center to provide added sound attenuation for these residences.

Evidence: The project will allow for the efficient use of an existing infrastructure system with minor improvements to accommodate a new daycare center for pre-school and school age children.

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: Encourage the full and efficient use of vacant and underutilized parcels in appropriately designated areas to support the development and expansion of targeted commercial facilities.

Evidence: The conversion of the existing classroom building and open space recreation area into a daycare center would allow for the full and efficient use of the entire site on an abandoned portion of an existing church site and would diversify the city's childcare services and childcare job opportunities for both pre-school and school age children.

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 RS-8 (Single Family Residential) Zoning District. In accordance with Seaside Municipal Code Section 17.52.050.D, the following standards are used to assess the establishment of daycare centers that include more than 15 children.

Parking

In accordance with Section 17.52.080.C.1 of the SMC, a minimum of one space per employee on largest shift plus one space for each 10 children authorized by the state license is required. The applicant has indicated that she would have four staff members from 7 AM to 2:30 PM and seven staff members from 2:30 PM to 5:30 PM. Per the Zoning Code 23 parking spaces are required. A total of 22 parking spaces will be provided. Per the Zoning Code, an exception for the single parking space can be provided if the facility complies with the following criteria:

1. The exception shall be granted only for uses in an existing building, and shall not be granted for any expansion of gross leasable area floor area or new construction

Evidence: The proposed daycare center will not include any increase in floor area.

2. Off-street parking shall be provided on the site in the maximum amount feasible.

Evidence: The parking lot has been designed to provide the maximum amount of 22 perpendicular parking stalls.

3. The exception shall only be granted in a situation where the City Engineer has determined that the exception will not result in potentially unsafe conditions for vehicles or pedestrians.

Evidence: The parking lot will be accessed from La Salle Avenue which is classified as a collector street. The City Engineer has determined that the set-up of the parking lot will provide the necessary drop-off and pick-up locations for students and that the depth of the driveway aisle from the drive approach to the front entrance of the building will provide the necessary stacking for vehicles queuing on-site during the peak AM and peak PM loading/unloading periods to avoid any back-ups onto La Salle Avenue. Furthermore, the on-site circulation and parking is sufficient to allow for the loading/unloading of children completely on-site in order to avoid any impacts with traffic circulation and on-street parking on the adjoining local streets.

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 minor interior improvements and exterior improvements consisting of new fencing, new outdoor play equipment, parking lot striping, and pedestrian access requirements. The size of the project site will be in compliance with the maximum limits set by the State of California of one student per 35 square feet of net building area (Net building area excludes bathrooms, hallways, storage rooms and offices) and 75 square feet per student for net exterior play area. The net building area for classroom instruction is 5,669 square feet which would allow for a maximum of students of 161 students. The net play area is 25,240 square feet which would allow for a maximum of 336 students. The project site would be designed to meet maximum occupancy requirements as required for the establishment of a licensed 160 student daycare center.

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. As a condition of approval, a water allocation of

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.

BE IT FURTHER RESOLVED, that the Planning Commission approves Use Permit Application No. UP-16-04 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 “Early Development Services” stamped as received on September 23, 2016, and approved on September 28, 2016. The project plans are provided as Exhibit “A”.
2. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a traffic control plan to the City Engineer for review and approval. The traffic control plan shall describe how the unloading and loading activity of students will be monitored at the peak AM (7:00 AM to 9:00 AM) and Peak PM (3:00 PM to 5:30 PM) periods.

3. The exception granted for one parking stall shall be reviewed annually, and if it is found that the use of on-street parking spaces by the facility is creating a nuisance, the City may initiate proceedings re-open the use permit to examine if any modifications to the project enrollment or traffic control plan would be warranted to address the on-street parking issues.
4. The height of the cyclone fence on the west side adjacent to the parking lot shall be reduced to eight feet.
5. 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,
6. 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 Section 17.40 of the Seaside Municipal Code.
7. The operation of the daycare center must be operated in compliance with the child daycare licensing requirements regulated by the Department of Community Care Licensing with the State of California.
8. The hours of operation for the daycare center shall generally be limited to the hours of 7:00 AM to 5:30 PM, Monday through Friday. The use of the outdoor play area would be used from 8:30 am to 5:30 pm. Special events may be allowed infrequently on weekends. The use of amplified sound or music shall be prohibited unless a Limited Term Permit has been issued by the Zoning Administrator for the amplified sound or music.
9. Prior to the issuance of a Building Permit, the applicant shall submit an application to the Board of Architectural Review to receive design approval for all exterior modifications to the classroom building (e.g. windows, doors, gutters, exterior paint), perimeter fencing, and landscape improvements around the building and open space play area.
10. The existing curb return located at the northwest corner of La Salle Avenue and Waring Street shall be re-constructed to comply with the current disabled access requirements of Title 24 of the California Code of Regulations.
11. Prior to the issuance of a Certificate of Occupancy for the daycare center, the parking area for the church facility shall be striped to provide the maximum amount parking available. The site plan showing the striping plan shall be submitted to the Zoning Administrator for the issuance of a Zoning Clearance for the verification that the parking lot has been striped to provide the maximum amount of parking that would be available to the church.

Fire Department:

1. Prior to the issuance of a building permit and/or Certificate of Occupancy, the applicant shall comply with the requirements of the Seaside Fire Marshall for the daycare facility in accordance with the 2013 California Building Code and 2013 California Fire Code of the California Code of Regulations.

Building Department:

1. Prior to the issuance of a building permit and/or Certificate Occupancy, the applicant shall comply with the requirements of the Seaside Fire Marshall for the daycare facility in accordance with the 2013 California Building Code and 2013 California Fire Code of the California Code of Regulations.
2. The pedestrian ramp and pedestrian pathway from the sidewalk to the main entrance must be in compliance with the current disable access requirements of Title 24 of the California Code of Regulations.

Public Works:

1. Prior to the issuance of a Certificate of Occupancy for the daycare center, the property owner shall be responsible for the replacement and repair of all cracked and broken sidewalk as deemed necessary by the City Engineer. The assessment of broken and cracked sidewalk will be completed by the Public Works Department within 30-days of submission for the Building Permit for the occupancy of the proposed daycare center.
2. An encroachment permit must be issued by the Public Works Department for any work conducted within the public right-of-way.
3. Prior to the issuance of a Certificate of Occupancy, a grease trap shall be installed for the existing kitchen. The size of the of the grease trap shall be determined by the City Engineer.
- 4.

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.

Resolution No. 16-XX

File No. UP-16-04

Page 8 of 8

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 28th of September, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

000	ROOM USE	WIDTH x LENGTH	AREA
001	OFFICE 1	11'-3" x 8'-4"	94
002	UTILTITY 1	11'-7" x 8'-4"	96
003	CLASS ROOM 1	23'-3" x 33'-9"	785
004	CLASS ROOM 2	23'-3" x 33'-2"	771
005	CLASS ROOM 3	23'-3" x 37'-7"	874
006	KITCHEN	14'-4" x 23'-5"	394
007	PANTRY	8'-0" x 5'-1"	41
008	SERVICE AREA	6'-4" x 17'-11"	113
009	DINNING ROOM	41'-6" x 23'-5"	971
010	ASSEMBLY	23'-5" x 29'-4"	687
011	CLASS ROOM 4	23'-5" x 37'-6"	877
013	OFFICE 2	19'-0" x 11'-11"	226
014	OFFICE 3	19'-0" x 10'-6"	203
015	CLASS ROOM 5	29'-7" x 23'-3"	688
016	UTILTITY 2	4'-0" x 9'-2"	37
017	TRASH ENCLOSURE 1	4'-0" x 9'-2"	37
018	UTILTITY 3	4'-0" x 13'-8"	55
019	STORAGE 1	6'-8" x 7'-5"	49
020	WATER CLOSET 6	6'-5" x 7'-7"	49
021	WATER CLOSET 7	6'-5" x 7'-3"	46
022	CIRCULATION	VARIES	1271
023	COURTYARD	29'-8" x 54'-8"	1621
024	WATER CLOSETS 1-5	6'-5" x 7'-0"	42

WINDOWS: NEW WHITE VINYL SASH AND FRAMES

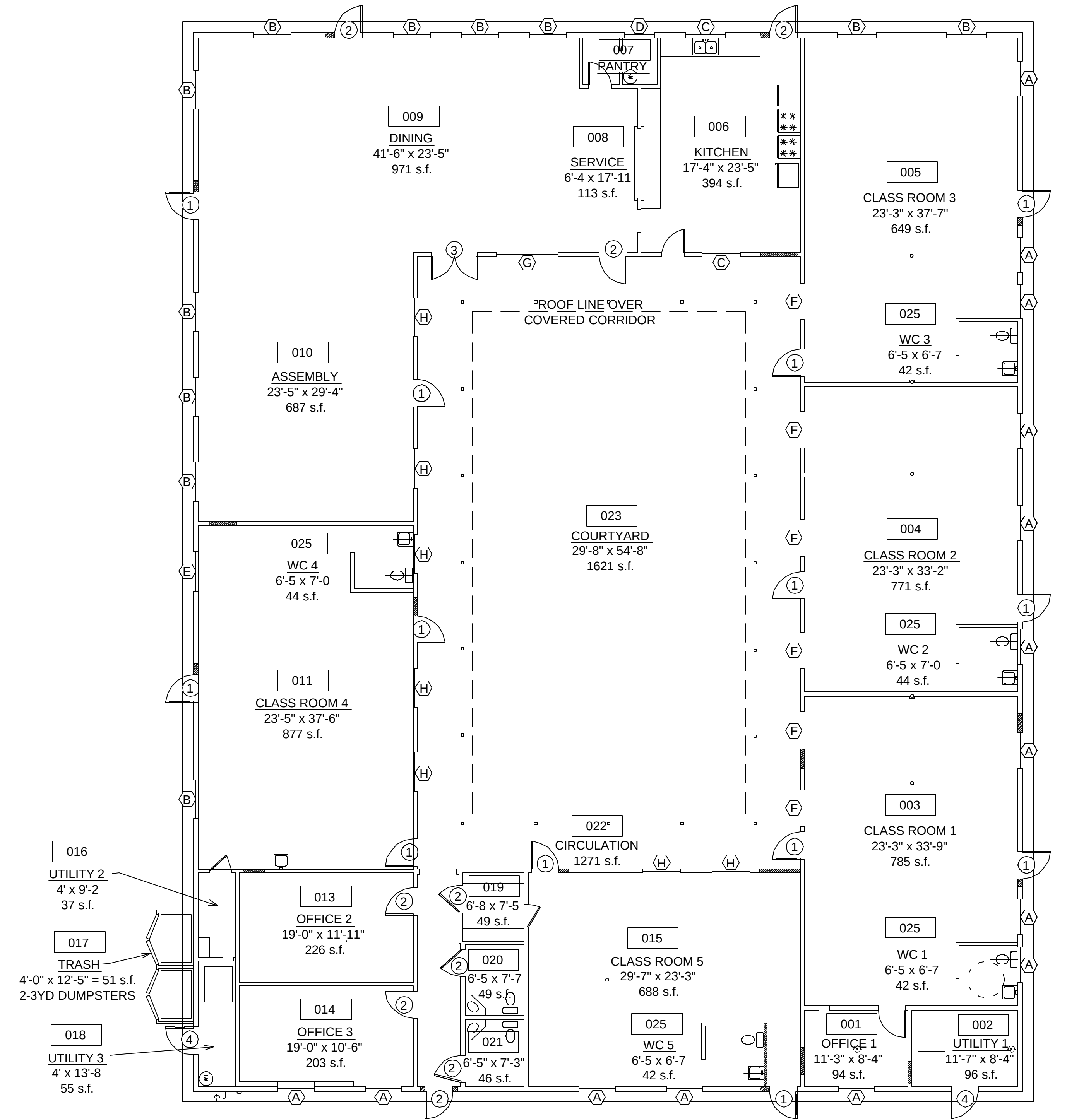
Item	Wth x Ht	Type	No.
A	3'10 x 4'0	Double Hung	13
B	4'3 x 2'3	Awning	11
C	4'3 x 3'3	Fixed	2
D	3'3 x 2'3	Fixed	1
E	4'3 x 2'3	Slider	1
F	4'0 x 4'0	Double Hung	6
G	6'10 x 3'10	Fixed	1
H	4'3 x 4'2	Awning/Fixed	5

DOORS: EXISTING & NEW REPLACEMENTS

Item	Wth x Ht	Type	No.
1	3'0 x 6'10	Upper Glass Temp	13
2	3'0 x 6'10	Solid	9
3	5'0 x 6'10	Solid Pair	1
4	3'0 x 6'10	Vent top & bottom	3
5	3'0 x 8'0	Cyclone Fence Gate	2
6	3'0'0 x 8'0	Cyclone Gate Pair (E)	1

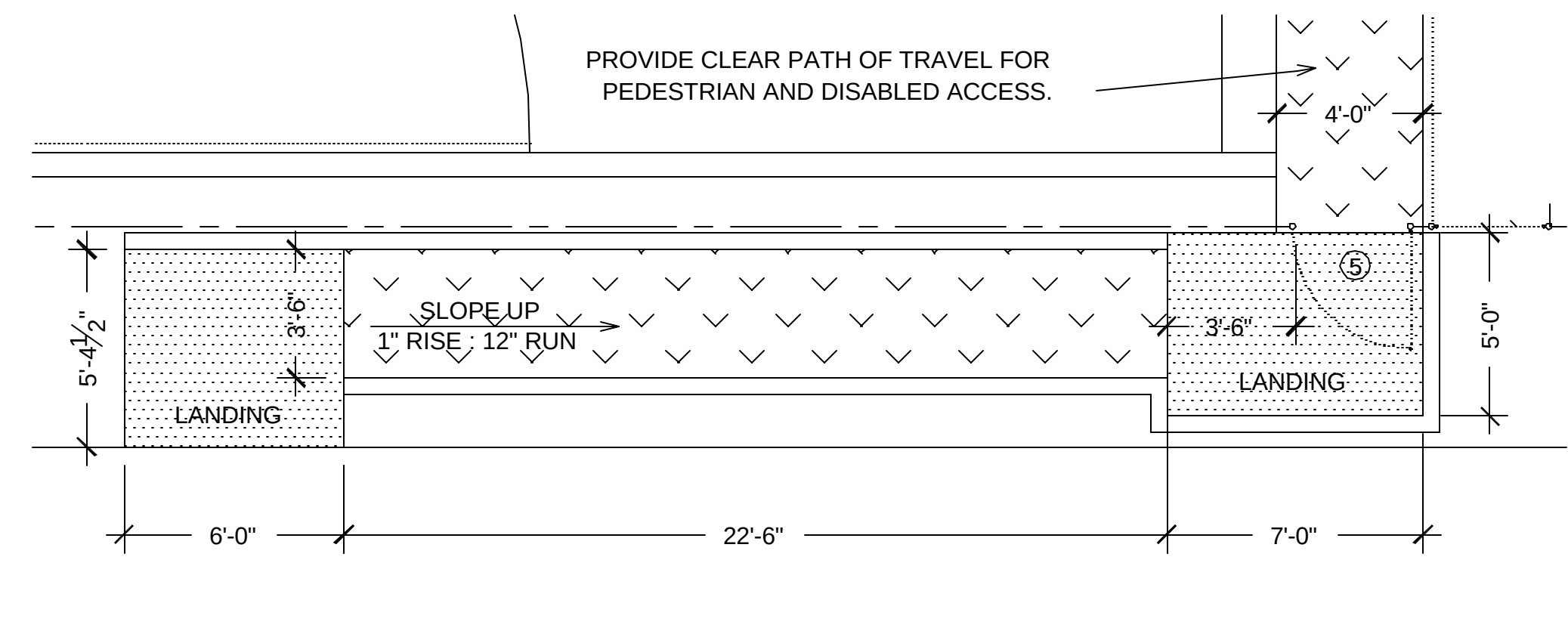
WALL TYPE LEGEND

- NEW WALLS WHERE NO WALLS EXIST.
- EXISTING WALLS THAT ARE TO REMAIN UNCHANGED.



FLOOR PLAN

1/8" = 1'-0"



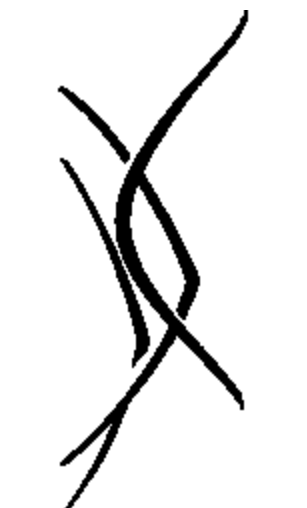
RAMP PLAN

1/4" = 1'-0"

REVISIONS	BY

FLOOR & RAMP PLAN,
ROOM, WINDOW & DOOR SCHEDULES.

A to Z DESIGN
580 - H BELDEN ST.
MONTEREY, CALIFORNIA 93940
(831) 373-7873



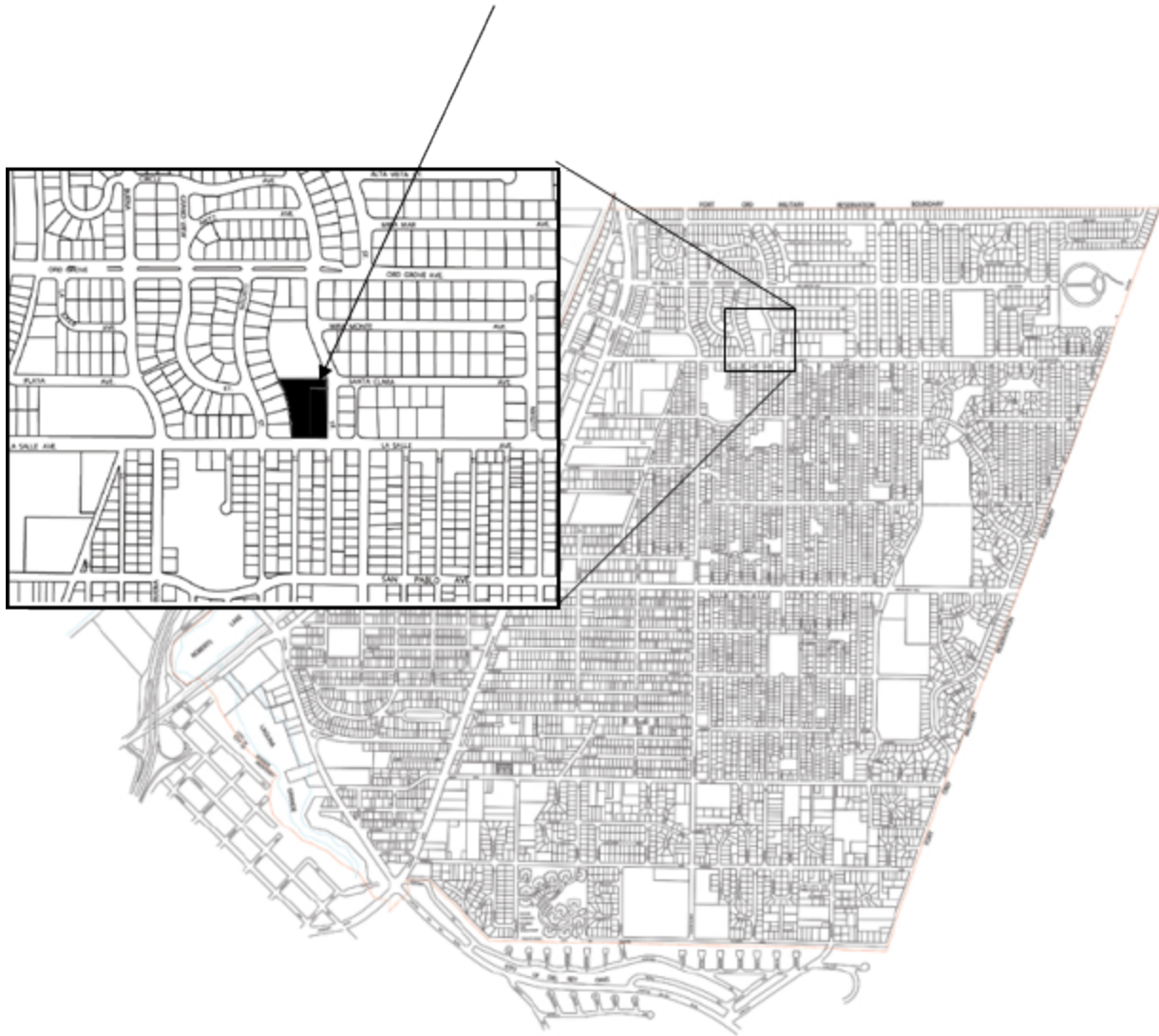
EARLY DEVELOPMENT SERVICES
1405 LA SALLE AVENUE
SEASIDE, CA. 93955
(831) 229-9969 A.P.N.: 011-081-021, 011-081-022

DATE	9/22/16
SCALE	NOTED
DRAWN	AZ
JOB	160706
SHEET	

2
OF 2 SHEETS

Location Map

Project Site: 1405 La Salle





View of Classroom Building from Southeast corner



View of Play area from northeast corner



View of Classroom building from east side



View of Classroom Building from northwest corner



View of west side adjacent to residential neighborhood looking north



View of west side adjacent to the residential neighborhood looking south



View of rear area of the site looking east

Project Site
1405 La Salle Avenue



Church Site



Daycare Center

