



AGENDA

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
Council Chamber
440 Harcourt Avenue
Thursday, October 20, 2016
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

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

Ralph Rubio	Mayor
Ian N. Oglesby	Mayor Pro Tem
Dennis J. Alexander	Council Member
Jason Campbell	Council Member
David R. Pacheco	Council Member

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

4. **REVIEW OF AGENDA**

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

5. **PUBLIC COMMENT**

6. **PUBLIC AGENCY COMMUNICATIONS**

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

7. **CONSENT CALENDAR**

The Consent Calendar includes routine items that can be approved with a single motion and vote. A member of the City Council or a member of the public may request that any time be pulled from the Consent Calendar for separate consideration.

A. **APPROVE MINUTES OF OCTOBER 6, 2016 REGULAR MEETING**

RECOMMENDATION: It is recommended that the minutes be reviewed and approved.

B. APPROVE AND FILE CITY CHECKS

PURPOSE: It is requested that the City Council approve and file the accounts payable and wired payments made during the period of September 27, 2016 through October 10, 2016. In addition, approval of the payroll and benefits checks, direct deposits and wired payments related to the period of September 29, 2016 is requested. Total Account Payable and Payroll for the above referenced period is \$1,489,729.70.

RECOMMENDATION: It is recommended that the City Council approve and file the attached checks.

C. APPROVE RESOLUTION SUPPORTING A PARTNERSHIP GRANT APPLICATION WITH THE TRANSPORTATION AGENCY OF MONTEREY COUNTY AND DEL REY OAKS FOR THE CANYON DEL REY BOULEVARD (STATE ROUTE 218) CORRIDOR IMPROVEMENT PLAN.

PURPOSE: The purpose of this item is to have the City Council consider supporting a partnership for a grant application with the Transportation Agency for Monterey County and the City of Del Rey Oaks for the Canyon Del Rey Boulevard (State Route 218) Corridor Improvement Plan.

RECOMMENDATION: It is recommended for the City Council to adopt a Resolution supporting a partnership for a grant application with the Transportation Agency for Monterey County and the City of Del Rey Oaks for the Canyon Del Rey Boulevard (State Route 218) Corridor Improvement Plan.

D. APPROVE A FEE WAIVER REQUEST FROM THE PAN HELLENIC COUNCIL FOR COSTS ASSOCIATED WITH THE 2017 MARTIN LUTHER KING MARCH

PURPOSE: The purpose of this item is to consider the request from the Pan Hellenic Council for a waiver of the fees and costs associated with the 2017 annual Martin Luther King, Jr. March in the amount of Five Thousand Five Hundred Twenty Dollars (\$5,520.00).

RECOMMENDATION: Based on previous City Council actions to waive fees associated with the Martin Luther King event, it is recommended that the request be approved.

E. APPROVE RESOLUTION ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SEASIDE AND THE SEASIDE PUBLIC SAFETY MANAGERS' ASSOCIATION

PURPOSE: The purpose of this item is to request the City Council approve a resolution adopting the Memorandum of Understanding (MOU) with the Seaside Public Safety Managers' Association which has agreed to the terms of the proposed agreement.

RECOMMENDATION: It is recommended that the City Council approve the resolution adopting the Memorandum of Understanding with the Seaside Public Safety Managers' Association.

8. PUBLIC HEARING

A. CONSIDERATION OF MUNICIPAL CODE AMENDMENT 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.

PURPOSE: In accordance with Section 17.74.050.A of the Seaside Municipal Code (SMC), the purpose of this item is for the City Council to conduct a First Reading on proposed text amendments to Section 17.14.030.B: Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones) and Section 17.98 of the Seaside Municipal Code (SMC).

RECOMMENDATION: It is recommended that the City Council hold a public hearing to conduct the first reading of Seaside Municipal Code Amendment and after considering all evidence and testimony presented, pass to print the draft Ordinance.

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

This is a time specifically set aside for members of the City Council, the City Manager and City Attorney to make brief comments of general interest to the community, make requests that items be added to future City Council meeting agendas as necessary and report on committee assignments.

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
November 3, 2016
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://cyp.telvue.com/player?id=T01629&video=52314&noplaylists=1&width=400&height=300> Videos of past meetings are available on demand through the City's website: <http://www.ci.seaside.ca.us>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



DRAFT MINUTES

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
COUNCIL CHAMBER
Thursday, October 6, 2016
7:00 PM

1. **CALL TO ORDER**

Mayor Rubio called the meeting to order at 7:00 PM.

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

PRESENT: Campbell, Oglesby, Pacheco, Rubio

ABSENT: Alexander

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

Captain Paul Swain of the Salvation Army provided the invocation.

4. **REVIEW OF AGENDA**

No changes were requested.

5. **PUBLIC COMMENTS**

Mayor Rubio invited comments from the public.

- Carlos Ramos spoke to the forum coordinated by the Seaside Candidate's Coalition on September 29th. He spoke to the forum, to the participants, and encouraged citizens registering to vote. He apologized for not including the Council Member candidates in the forum. He thanked Nancy Town and the Oldemeyer team.
- Jazmine Quinterro, special events coordinator for the City invited the Council and the public to the City's birthday and City Hall's 50th birthday celebration on October 22nd from 1:00 to 5:00 PM.
- Ruthie Watts extended an invitation to the NAACP 27th annual Steven P. Ross Awards breakfast.
- Andy Gonzales expressed frustration with the RV prohibition ordinance, the lack of noticing and dissatisfaction for being able to find affordable, and available parking for RVs. Suggested to pay a permit fee to park in front of one's home.
- Reverend Murray, Only Way Outreach Ministry clarified on the Mayor's forum, the person who did not show up was Kay Cline and not Gertrude Smith as mentioned by Mr. Ramos.
- Nick Larson seconded Mr. Gonzales' comments regarding the trailer and RV prohibitions. Has requested revisiting the ordinances, as it was targeting homeless individuals and there should be a way that the homeowners can have a permit
- Citizen rebutted saying Homeless are people too and need a place to park. It's not easy being homeless. He requested consideration of using unoccupied buildings in the City.
- Paul Wolf spoke about the Monterey Downs projects sharing the following points; the negatives are specific and the positives are uncertain and vague; The economic imperative you have will be hard to defend under CEQA Law; tThe City has not

carefully analyzed the financials of the project and the outside limit of debt of the project is still unknown as well as the staffing levels or increase in municipal services; those in favor for the project are hobbyist and outsiders and those against the project are residents (unscientifically stated). He reminded the council that the specificity of the EIR, legal ramifications and environmental impacts are what is before you, not general sentiments about the desires of the uses.

- Sue Hawthorne expressed frustration with the Monterey Downs project applicant presentations adding comments to clarify the project site is a coastal live oak woodland, the trees remain would not be a viable functioning habitat, that the East Side Parkway will not be a significant mitigation to ease congestion in Seaside, HWY 68, Reservation Road. Finally she said the Base Reuse plan set aside this parcel and others for development but it does not have to be given to this developer.
- Ray Dandridge rebutted the last two speakers and disagreed with the traffic impacts, speaking in support of development to create jobs and to eliminate the existing blight.

Mayor Rubio requested staff revisit the RV ordinance to assess and measure the effectiveness. The determinations on the Monterey downs project will be considered during the October 13th City Council Special Meeting.

6. **PUBLIC AGENCY COMMUNICATIONS**

None.

7. **PRESENTATIONS**

A. **FIRE PREVENTION WEEK PROCLAMATION**

Action: Presented

Mayor Rubio resented Fire Chief Dempsey and Seaside Firefighters with the proclamation proclaiming this week as fire prevention week in the City of Seaside. Fire Fighter Johnny Subia also invited the Council and the Public to the Seaside Fire Department Open house on October 8th.

B. **PRESENTATION OF THE SEPTEMBER 2016 HOUSE OF THE MONTH AWARD**

Mayor Rubio acknowledged the House Month winners for September 2016 and thanked the residents for their efforts.

C. **PRESENTATION TO THE CITY COUNCIL FOR A CUTINO PARK IMPROVEMENT PLAN**

Dan Meewis, Recreation Supervisor presented continuing and expanding on a previous study session. He spoke to the primary improvement projects including playing surface, fencing, viewing area/retaining wall, ADA upgrades as well as potential alternate improvement projects. Mr. Meewis reiterated that the Parks and Recreation Master Plan, the City is drastically under the field need for a population our sizes. The plan outline is to increase the playing service with adding a synthetic turf expanding the playing field usage area and reducing the maintenance costs. He spoke to the pros and cons of the field conversion to artificial turf. The total cost of the project as proposed is \$1.3 million and the alternate projects costs would be an additional \$550,000. He spoke to possible capital

funding sources that could be used to finance the project including financing, public and private grants. Mr. Meewis answered questions from the Council. On questioned, Maintenance and Facilities Superintendent Fortune reported that he has identified other parks that could potentially have a skate park integrated into it. Council Member Campbell requested the possibility of a pump track. Council Member Pacheco questioned the field usages and existing sports available in Seaside as well as opportunities for off-site parking at Cutino Park. Mr. Meewis answered that there is a heavy need for soccer fields in our community and that there are opportunities for off-site parking, if other amenities are eliminated.

Council member Pacheco spoke in support of this action but questioned the true water savings and the the benefits and challenges of auto lights and locks. Council Member Campbell also supported the project but questioned the debt service on the loan to which Ms. Hodgson spoke to the turf life of 15 - 20 years, so the estimates are based on a 15 year life of debt service. Mayor Pro Tem Oglesby asked about possible CDBG funding that, concerned it would be taking funds way from other community programs. Mayor Rubio acknowledged that we need clean, safe accessible areas for kids and families and that this is a worth while project. He requested that the City Manager work with staff to prepare a financial funding plan to be discussed at the next strategic planning session.

D. PRESENTATION REGARDING ECONOMIC OPPORTUNITY PLAN FEEDBACK FROM DEVELOPERS

Economic Development Manager Overmeyer made the presentation speaking about the Economic Opportunity Plan and current staff outreach efforts and feedback from the development community and shared the overarching sentiments with the Council. Mr. Overmeyer shared the concerns expressed by the respondents with the Council. Suggestions offered to improve the certainty include; developing our City impact fee schedule, so the development community can tell them the fully burden costs; knowing FORA future existence impacts development; water availability and access to water and meters is crucial; Infrastructure financing; development of the vision - the strategic planning session being every 6 months is scary for developers that the vision could change very dramatically every six months.

Next Mr. Overmeyer discussed potential tools for community revitalization and gave examples of to include; Enhanced Infrastructure Financing Districts, Community Facilities Districts, Fixed Impact Fees or Form Based Codes. Mr. Overmeyer answered questions from the Council. Council Member Campbell spoke in support of the community buy in, the development community and the residential community to know what the community is involved in what they want the city to be. Encouraged community buy-in efforts most of all. Council Member Pacheco questioned if the same developers would be contacted again to see if sentiments have changed to which Mr. Overmeyer indicated it was helping to start an ongoing conversation and yes, they will reach out again at a future date. Mr. Pacheco then questioned if staff is working on a plan to remove red tape for developers to open businesses to which Mr. Overmeyer affirmed that is part of the plan, with the goal to make it easier for businesses to open in Seaside, and more business outreach and assistance can be done with the right amount of planning staff. Mayor Pro Tem Oglesby strong proponent for community development, requested not to talk about the past city actions, but to move forward. Mayor Rubio requested the City Manager to review the city policy documents and redevelopment agency law to ensure that we are taking advantage of the programs most effectively (local hire, etc). Adjustments for staff can be discussed at the next strategic

planning session. Mayor Rubio, with the agreement of the Council, requested that this topic be presented as a full study session item.

Expressed concern that if the claw-back provision is not in the agreement, that there is an obligation to complete the project and prevent land banking.

8. **CONSENT CALENDAR**

Items D, F and G were pulled for discussion.

On motion by Council Member Campbell and seconded by Council Member Pacheco and passed by the following vote the City Council approved the Consent Calendar with the exceptions of items D, F and G.

RESULT:	Adopted
MOVER:	Council Member Jason Campbell
SECONDER:	Council Member Dave Pacheco
AYES:	Ralph Rubio, Ian Oglesby, Jason Campbell, Dave Pacheco
NOES:	Dennis Alexander

A. **APPROVAL OF MINUTES FROM SEPTEMBER 15, 2016**

Action: Approved

B. **APPROVE AND FILE CITY CHECKS**

Action: Accepted & Filed

C. **APPROVE CONTRIBUTION REQUEST FROM MAYOR'S YOUTH FUND FOR GIRLS INC. OF THE CENTRAL COAST**

Action: Approved

D. **APPROVE CONTRIBUTION REQUEST FROM MAYOR'S YOUTH FUND FOR SEASIDE RAIDERS YOUTH FOOTBALL TEAM**

Two members of the Seaside Raiders spoke to the program operations that run July through November, with the banquet in December that provides services to 200 kids to the program. The City's support to the program is making a difference in people's lives. The coaches teach life lessons, sportsmanship, friendship and hard work. They requested approval of sustaining the program.

Mayor Rubio invited public comment and had no requests to speak.

On motion by Council Member Pacheco and seconded by Mayor Pro Tem Ian Oglesby and passed by the following vote the City Council approved the program as requested.

RESULT:	Approved
MOVER:	Council Member Dave Pacheco
SECONDER:	Mayor Pro Tem Ian Oglesby
AYES:	Ralph Rubio, Ian Oglesby, Jason Campbell, Dave Pacheco
NOES:	Dennis Alexander

E. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE MODIFYING THE POSITION ALLOCATION LIST TO ADD ONE BUILDING MAINTENANCE SPECIALIST AND DELETE ONE CUSTODIAN**

Action: Approved and passed Resolution 16-87

F. **CONSIDERATION OF TWO RESOLUTIONS CONSENTING TO THE**

INCLUSION OF CITY OF SEASIDE PROPERTIES IN THE CALIFORNIA HOME FINANCE AUTHORITY PACE PROGRAMS AND ASSOCIATE MEMBERSHIP IN CALIFORNIA HOME FINANCE AUTHORITY TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

Council Member Pacheco wanted the public to be aware of this outstanding program. Representative with the company spoke in support of the program and explained his affiliation of the program, speaking to the ability to operate within the City is the first step, step two is to bring it to the attention of the public to make property owners and constituents aware of the program.

Mayor Rubio invited public comment on the item.

- Felix Bachofner questioned if we are a "trail blazer" and it appears that this is a county only program and didn't see any city listed and if so, what are the risks and do we have to mitigate against them.

Ms. Hodgson indicated that there are other cities that do participate in this program. Salinas, Watsonville and Santa Cruz County have accepted the program in the recent past.

On motion by Council Member Campbell and seconded by Council Member Pacheco and passed by the following vote the City Council approved the item as presented adopting Resolutions 16-88 and 16-89

RESULT:	Approved
MOVER:	Council Member Jason Campbell
SECONDER:	Council Member Dave Pacheco
AYES:	Ralph Rubio, Ian Oglesby, Jason Campbell, Dave Pacheco
ABSENT:	Dennis Alexander

G. RESOLUTION ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SEASIDE AND THE SEASIDE POLICE OFFICERS' ASSOCIATION

Mayor Rubio invited comments from the public.

- Felix Bachofner expressed the overarching concern that when the new agreements move forward there will be budget impacts, and this agreement is retroactive to January and impacts more than 50% of the employees. He requested that the financial information be calculated and available for this item.

Mayor Rubio indicated the fiscal impact is included in the packet. Mayor Pro Tem Oglesby indicated that he would not vote on it without understanding the fiscal impacts.

On motion by Mayor Pro Tem Oglesby and seconded by Council Member Jason Campbell and passed by the following vote the City Council Approved the item as presented and passed Resolution 16-90.

RESULT:	Approved
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MOVER:	Mayor Pro Tem Ian Oglesby
SECONDER:	Council Member Jason Campbell
AYES:	Ralph Rubio, Ian Oglesby, Jason Campbell, Dave Pacheco
NOES:	Dennis Alexander

9. **PUBLIC HEARING**

A. **RESOLUTION OF INTENTION AND INTRODUCTION OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE SECTION 20516 (EMPLOYEES SHARING ADDITIONAL COST) FOR SEASIDE FIREFIGHTERS' ASSOCIATION MEMBERS**

Personnel Director Greathouse explained the purpose of the item when the Seaside Fire Fighter association MOU was approved and in order to implement the provisions of the MOU, the City has to amend the contract with the Board of Administration at Cal PERS.

Ms. Greathouse spoke to the implementation process and the annual costs if approved. Ms. Greathouse answered questions from the Council.

- Felix Bachofner spoke in support of this item, please don't misconstrue what is said during the previous item. He asked for a cumulative impact of staff raises and that was not answered.

Having no further requests to speak, the Public Hearing was closed.

On motion by Mayor Pro Tem Oglesby and seconded by Council Member Jason Campbell and passed by the following roll call vote, the City Council passed to print the draft ordinance authorizing an amendment to the contract with the board of Administration of the California Public Employees Retirement System to provide section 20516 for Seaside Firefighters Association Members

RESULT:	Adopted
MOVER:	Mayor Pro Tem Ian Oglesby
SECONDER:	Council Member Jason Campbell
AYES:	Ralph Rubio, Ian Oglesby, Jason Campbell, Dave Pacheco
NOES:	Dennis Alexander

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

11. **ADJOURNMENT**

On motion, the meeting was adjourned at 9:45 PM.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

Ralph Rubio, Mayor



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.B.

TO: City Council

FROM: Craig Malin, City Manager

BY: Daphne Hodgson, Deputy City Manager Administrative Services
Krista Oberholtzer, Accounting

DATE: October 20, 2016

SUBJECT: APPROVE AND FILE CITY CHECKS

PURPOSE

It is requested that the City Council approve and file the accounts payable and wired payments made during the period of September 27, 2016 through October 10, 2016. In addition, approval of the payroll and benefits checks, direct deposits and wired payments related to the period of September 29, 2016 is requested. Total Account Payable and Payroll for the above referenced period is \$1,489,729.70.

RECOMMENDATION

It is recommended that the City Council approve and file the attached checks.

BACKGROUND

In accordance with Government Code Section 37208, at each City Council meeting the Council is provided a listing of the payroll and general checks issued since the last report so that it can inspect and confirm these checks. Each purchase has been reviewed and approved by the department making the purchase at the time of procurement. The invoice has been reviewed by the Finance Department prior to payment to ensure that it conforms to the approved budget.

Therefore, in accordance with Government Code Section 37208, I hereby certify that the above referenced, and linked, list of checks conforms to the approved budget and has been paid. These checks are hereby submitted to the City Council for inspection and confirmation.

A description of the checks and wires exceeding \$10,000 are as follows:

- \$1,080,867.31 from the Council Report (Payroll/Benefits)
- \$12,428.76 to Access Monterey Peninsula for the 2nd quarter Actual expense;

- \$14,643.37 to Community Human Services for CDBG funds request #5;
- \$175,468.80 to Garland/DBS, Inc. for the City of Seaside Library improvements;
- \$24,326.79 to California-American Water for monthly utility services;
- \$20,013.28 to Monterey County Convention & Visitors Bureau for FY 16/17, Quarter 1, jurisdiction improvements;
- \$44,083.86 to Pacific Gas & Electric for monthly utility services;
- \$10,000.02 to Sun Street Centers for 2015 CalGrip services.

The remaining checks, totaling \$107,897.51 include payments to vendors for operating expenditures.

The Checks report is available on the City's Website here:

<http://www.ci.seaside.ca.us/194/Check-Draft-Register>

FISCAL IMPACT

The listed checks have been budgeted and paid from the various funds, as appropriate.

ATTACHMENTS

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.C.

TO: City Council

FROM: Craig Malin, City Manager

BY: Rick Riedl, City Engineer

DATE: October 20, 2016

SUBJECT: APPROVE RESOLUTION SUPPORTING A PARTNERSHIP GRANT APPLICATION WITH THE TRANSPORTATION AGENCY OF MONTEREY COUNTY AND DEL REY OAKS FOR THE CANYON DEL REY BOULEVARD (STATE ROUTE 218) CORRIDOR IMPROVEMENT PLAN.

PURPOSE

The purpose of this item is to have the City Council consider supporting a partnership for a grant application with the Transportation Agency for Monterey County and the City of Del Rey Oaks for the Canyon Del Rey Boulevard (State Route 218) Corridor Improvement Plan.

RECOMMENDATION

It is recommended for the City Council to adopt a Resolution supporting a partnership for a grant application with the Transportation Agency for Monterey County and the City of Del Rey Oaks for the Canyon Del Rey Boulevard (State Route 218) Corridor Improvement Plan.

BACKGROUND

Caltrans is accepting grant applications for the fiscal year 2017-2018 Sustainable Transportation Planning grant program. The grant program has two grant types. The Strategic Partnerships grant funds planning studies for multimodal improvements to the State highway system. The Sustainable Communities grant program funds multimodal transportation planning studies that have statewide, interregional, regional or local significance. These grants fund transportation planning projects that identify and address mobility deficiencies in the transportation system, encourage stakeholder collaboration, and involve active public engagement.

The proposed Plan would look at ways to improve Canyon Del Rey Boulevard through the cities of Seaside and Del Rey Oaks. The ultimate goal of the study would be to create a more “complete” corridor — one that works better for different forms of transportation and for people

of all ages and abilities. The study corridor limits are from Highway 1 to Highway 68. In particular, the study would explore ways to improve conditions for pedestrians and cyclists, who are among the most vulnerable users of the transportation system and are not served adequately by the corridor.

The maximum funding available for Caltrans Strategic Partnerships planning grants is \$500,000; a total of \$1.5 million is available statewide. The Strategic Partnerships planning grant requires a 20% local match, which may be in the form of eligible in-kind contribution. The 20% match would be split between the Cities of Seaside, Del Rey Oaks and the Transportation Agency for Monterey County. City staff can contribute up to 37 hours for weekly conference calls and team meetings, site walks, public meetings, staff reports and document review and comments.

It is recommended to adopt a resolution to support the partnership grant application with the Transportation Agency for Monterey County and the City of Del Rey Oaks with in-kind contributions up to 37 hours of staff time for the Canyon Del Rey Boulevard (State Route 218) Corridor Improvement Plan.

FISCAL IMPACT

The fiscal impact associated with this item is approximately 37 hours of staff time over the course of the project. This amounts to approximately \$2,500.

ATTACHMENTS

1. Resolution
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**SUPPORTING A PARTNERSHIP GRANT APPLICATION WITH THE
TRANSPORTATION AGENCY FOR MONTEREY COUNTY AND THE CITY OF DEL
REY OAKS FOR THE CANYON DEL REY BOULEVARD (STATE ROUTE 218)
CORRIDOR IMPROVEMENT PLAN.**

WHEREAS, Caltrans is accepting grant applications for the fiscal year 2017-2018 for Sustainable Transportation Planning grant program; and

WHEREAS, this grant program fund transportation planning projects that identify and address mobility deficiencies in the transportation system, encourage stakeholder collaboration, and involve active public engagement; and

WHEREAS, the Transportation Agency for Monterey County and the City of Del Rey Oaks seek support from the City of Seaside for the Canyon Del Rey Boulevard (State Route 218) Corridor Improvement Plan; and

WHEREAS, the proposed Plan would look at ways to improve Canyon Del Rey Boulevard through the cities of Seaside and Del Rey Oaks, with the ultimate goal to create a more “complete” corridor from Highway 1 to Highway 68 and to improve conditions for pedestrian and cyclist, who are the most vulnerable users and underserved by the corridor; and

WHEREAS, the grant requires a 20% match which will be divided between the cities of Seaside, Del Rey Oaks and TAMC with the City of Seaside contributing 37 hours of staff time for weekly conference calls and team meetings, site walks, public meetings, staff reports, and document review and comments.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby support the partnership grant application with the Transportation Agency for Monterey County and the City of Del Rey Oaks for the Canyon Del Rey Boulevard (State Route 218) Corridor Improvement Plan.

PASSED AND ADOPTED at a regular City Council meeting of the City of Seaside duly held on the 20 day of October, 2016 by the following vote:

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

Ralph Rubio, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.D.

TO: City Council

FROM: Craig Malin, City Manager

BY: Nancy Towne, Recreation Services Director
Dan Meewis, Recreation Supervisor

DATE: October 20, 2016

SUBJECT: APPROVE A FEE WAIVER REQUEST FROM THE PAN HELLENIC COUNCIL FOR COSTS ASSOCIATED WITH THE 2017 MARTIN LUTHER KING MARCH

PURPOSE

The purpose of this item is to consider the request from the Pan Hellenic Council for a waiver of the fees and costs associated with the 2017 annual Martin Luther King, Jr. March in the amount of Five Thousand Five Hundred Twenty Dollars (\$5,520.00).

RECOMMENDATION

Based on previous City Council actions to waive fees associated with the Martin Luther King event, it is recommended that the request be approved.

BACKGROUND

The Pan Hellenic Council is planning to hold their annual march and post-march event honoring Martin Luther King, Jr. on Monday, January 16, 2017 from 8:00 a.m. to 4:00 p.m. Since this national holiday was established in 1986, the Pan Hellenic Council has been the primary sponsor and conducted a march each year in the City of Seaside. The City has waived all fees and charges related to the parade in previous years.

The Pan-Hellenic Council is requesting full fee waivers for costs associated with the 2017 march, including the use of the Oldemeyer Center auditorium and meeting rooms necessary for their post-march event. A Special Event Application was submitted for review. The attached information details the specifics of this event.

FISCAL IMPACT

Fees that would have been credited to the General Fund will not be collected if the fee waiver is granted.

The City's adopted fee schedule includes the following approximate fees, which are applicable to this request:

Auditorium	\$ 788.00
Fee Waiver Application Fee	\$ 90.00
Deposit (non-refundable portion)	\$ 148.00
Police Fees	\$ 336.00

Police fees are a direct cost and will be used to hire/pay and dedicate reserve officers to assist.

Public Works Fees	\$
3,958.00	

TOTAL	\$ 5,320.00
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ATTACHMENTS

1. MLK 2017 Attachments
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

Rec

10/4/16
pm

SPECIAL EVENT APPLICATION

Incomplete or illegible applications will not be processed. An application for a permit is NOT a permit.

ORGANIZATION NAME Pan Hellenic Council, Monterey Peninsula chapter
 *MAILING ADDRESS 1265 Mescal St., Seaside CA 93955
 CONTACT NAME Alice Jordan PHONE# 831-899-3391
 PHONE# 404-310-8985
 Names and phone numbers of person(s) in charge of the event who can be contacted on a 24-hour basis during the event
 EMAIL: Jordan @ sonic.net
 EVENT NAME Dr. Martin Luther King Annual March & Program

NAAAP
Krauss

Event Category ☐ Athletic/Recreation ☒ Concert/Performance ☐ Circus
☐ Celebration/Festival ☒ Parade/Procession/March ☐ Dance
☐ Carnival ☒ Other program

Setup Date 1/16/17 Time 8AM
 Event Starts Date _____ Time _____
 Event Ends Date _____ Time _____
 Dismantle Date _____ Time _____

SITE LOCATION Oldemeyer Center (program)

DESCRIPTION OF EVENT-PLEASE ATTACH SITE/ROUTE MAP

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

The march will consist of local residents and various civic organizations who wish to participate. The march will begin at Broadway (opposite way) and Noche Buena Street. The march will then head west to Fremont Street and south to Hilby Street turning east toward the Oldemeyer Center.

SAFETY/SECURITY/ACCESSIBILITY

Please describe your procedures for crowd control and internal security

There will be parade Marshalls consisting of Pan-Hellenic Council members

NAME OF SECURITY ORGANIZATION (If required)

Please attach security contract.

N/A

* Also P.O. Box 831 - Seaside, CA 93955

SIGNS POSTED

Yes

OF PARTICIPANTS

400+ (Plus)

IS THE EVENT OPEN TO THE PUBLIC? ☒ YES () NO

If no, please describe how the event will be restricted and indicate plan on detailed schematic.

IF ADMISSION IS TO BE CHARGED, WHAT IS THE PRICE OF TICKETS FOR THE EVENT?

☒ NON-PROFIT 501 C(3) () 501 C(6) () COMMERCIAL-FOR PROFIT

☒ OTHER

Federal ID#

Event Benefiting:

Seaside & The Seaside Community

WHAT CITY SERVICES DO YOU ANTICIPATE YOU WILL NEED? (IE., POLICE, FIRE, RECREATION, PUBLIC WORKS, ETC.)

1) Police, 2) Public works, 3) Recreation

METHOD OF TRASH COLLECTION/DISPOSAL AND PROVISION FOR ADDITIONAL SANITARY FACILITIES

Available Trash Bins around Oldemeyer Center for Trash Disposal

PARKING ARRANGEMENTS:

Public Parking Needs

Parking around Oldemeyer is adequate

SPECIAL EQUIPMENT TO BE USED FOR PROPOSED EVENT. LIST ALL ELECTRICAL NEEDS YOU MAY REQUIRE

☒ P.A. System

() Booths

() Tents

() Other

() Generator(s)

() Bleachers

() Banners

☒ Amplified sound/music

() Cooking fuel

() Barricades

DO YOU INTEND TO SELL FOOD OR BEVERAGE?

() YES ☒ NO

If YES, please attach Health Department Food Vendor Certificate.

DO YOU INTEND TO SELL OTHER MERCHANDISE?

() YES ☒ NO

of Vendors _____

Describe the type of merchandise.

WILL ALCOHOL BE SERVED? () YES ☒ NO

WILL ALCOHOL BE SOLD? () YES ☒ NO

If yes, please attach ABC license.

WILL EVENT INCLUDE MUSIC OR LIVE PERFORMANCES? ☒ YES () NO

HOW WILL EVENT BE ADVERTISED AND PROMOTED?

*Through local News media, letters
and flyers*

WILL FILM, VIDEO, OR PHOTOGRAPHY BE INVOLVED WITH THE PRODUCTION OF THE EVENT?

Yes

OTHER PERTINENT INFORMATION OR SPECIAL REQUESTS

*This event is under the Co-Sponsorship
of the City of Seaside*

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

Permit Holder's Signature *Eric Jordan* Date *10/4/16*

APPLICATION MUST INCLUDE:

Non-refundable Application Fee of \$90.00

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

Attach to application and mail to:

City of Seaside
Recreation Services
Attn: N. Towne
986 Hilby Avenue

Seaside, CA 93955
(831) 899-6801 (P)
(831) 899-6274 fax
email: towne.nancy@ci.seaside.ca.us

**Specific Event
Conditions of Approval**

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

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

PROVISIONS

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

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

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

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

Permit Holder's Signature

Title

Date

INDEMNIFICATION, DEFENSE, HOLD HARMLESS

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

For final event approval, you will need commercial general liability insurance that names "the City of Seaside, its officers, employees and agents" as an additional insured and any other public entities impacted by this event . Insurance coverage must be maintained for the duration of the event. To determine the a mount of insurance coverage necessary, please contact

Risk Manager. Please obtain the required insurance and mail an original insurance certificate to City of Seaside, Recreation and Community Activities Department, P.O. box 810, Seaside, CA 93955.

Name of insurance agent _____ Agent's Name _____
Business Phone _____ Policy Number _____

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

Date

Signature of Permit Holder

Insurance is provided by the city of Seaside

.....
Administrative Use Only

Sign Off

☐ Building _____
☐ Planning _____

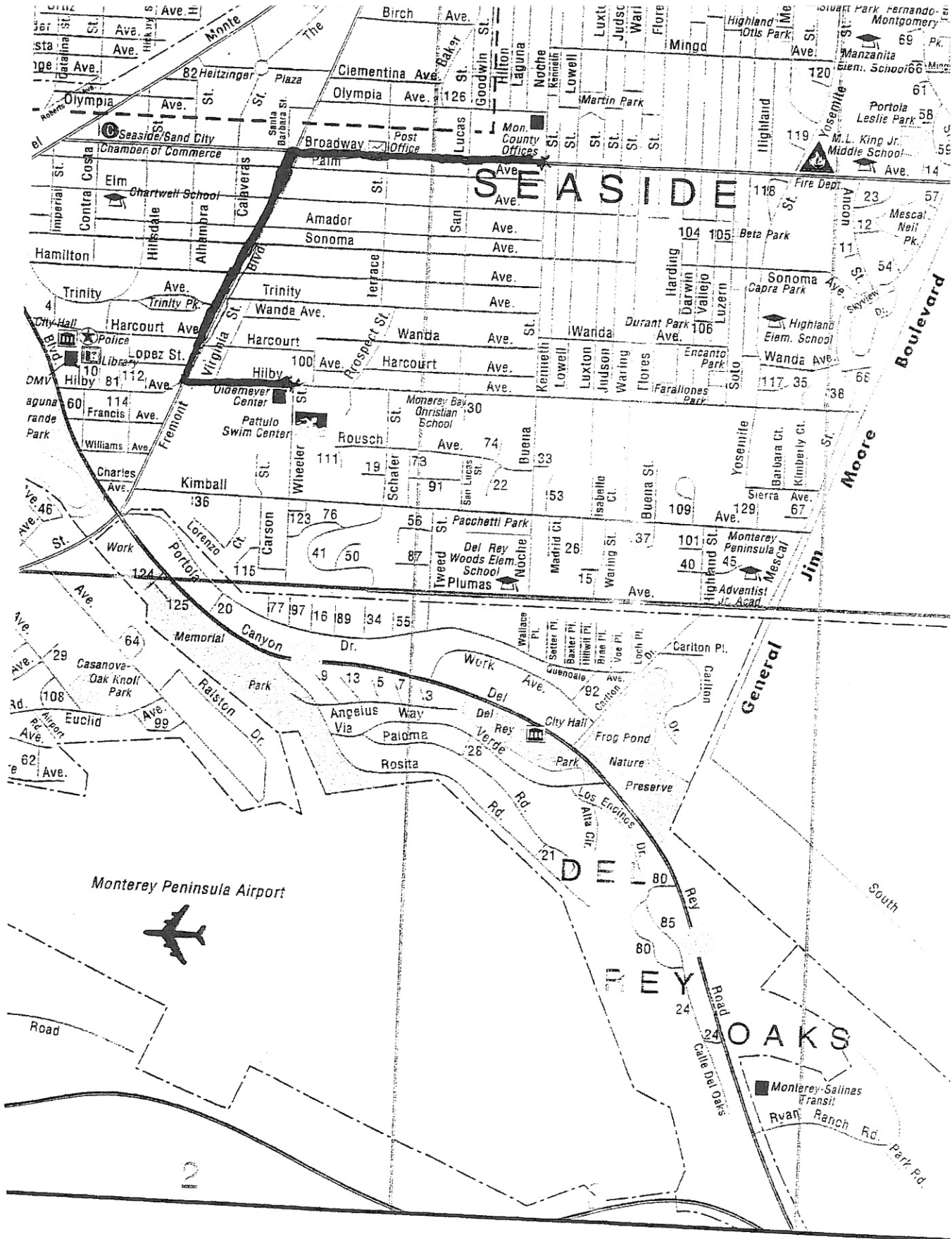
☐ Recreation _____
☐ Finance _____

☐ Police _____
☐ Fire _____

☐ Public Works _____
☐ County Health _____

Department Comments

Special Event application form
Revised February 18, 2014





City of Seaside

2017

FEE WAIVER REQUEST

Name of Applicant Alice Jordan Organization Pan-Hellenic Council
Address 1265 Mesquite St Seaside, CA 93955
Street City State Zip
Home Phone 831-890-3391 Cell Phone 404-310-8485 Email Address ajordan@mbay.net

Room(s) Requested Laguna Grande Dance Bayonet, Black Horse,
Seaside Seahorse

Day(s) and Date(s) Requested Monday, January 18, 2016

Hours Requested (include set-up time) 8 AM - 4 PM Estimated Attendance 400-500

Description of Event MLK Event (March and Program)

Special Instructions or Equipment to Be Brought In Podium, Microphone, U.S. and

Reason for Requesting Fee Waiver – Fundraising activities do not qualify for fee waivers. CA Flags

This is a joint partnership with the NAACP and City of
Seaside. The entire Community of Seaside is invited
to participate in Dr. King Day Celebration

Have you received a Fee Waiver in the past? Yes ☒ No ☐

If so, what was the date of your event? Monday Jan 16, 2017

Is your organization based in Seaside? Yes ☒ No ☐

What percentage of your members or participants resides in Seaside? 80-90%

What is your organization's tax identification number? ID # 11-3693881

Is organization able to provide liability insurance? No - In the past the City of Seaside

Will alcohol be served or sold at your event? Yes ☐ No ☒ Provided Insurance for this event.

Applicant Signature Alice Jordan Date 9/30/16
for Pan Hellenic Council

FOR OFFICE/USE ONLY

Approved: _____
Denied: _____
Appealed: _____

Security Required? Yes ☐ No ☐
Meets Criteria Yes ☐ No ☐
Date: _____

Notes: _____



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.E.

TO: City Council

FROM: Craig Malin, City Manager

BY: Roberta Greathouse, Human Resources Director

DATE: October 20, 2016

SUBJECT: APPROVE RESOLUTION ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SEASIDE AND THE SEASIDE PUBLIC SAFETY MANAGERS' ASSOCIATION

PURPOSE

The purpose of this item is to request the City Council approve a resolution adopting the Memorandum of Understanding (MOU) with the Seaside Public Safety Managers' Association which has agreed to the terms of the proposed agreement.

RECOMMENDATION

It is recommended that the City Council approve the resolution adopting the Memorandum of Understanding with the Seaside Public Safety Managers' Association.

BACKGROUND

The Seaside Public Safety Managers' Association represents seven management employees including the Deputy Police Chief, Police Commanders, and the Fire Battalion Chiefs. The City and the Association had several meetings to discuss items for the MOU that expired June 30, 2016. From the start, the tone of the negotiations was positive and professional as the parties discussed matters of mutual interest including reasonable salary adjustments, the classification and compensation study, contributions to CalPERS, and various MOU clean up items.

The City and the Public Safety Managers' Association have reached a comprehensive agreement. The success of these negotiations was based on the approach the parties agreed upon at the outset, which was a commitment to negotiate in good faith and to have open, honest, and productive discussions.

The key provisions of the agreement between the City Manager's and SPSMA's representatives are:

1. Term: 12 months expiring June 30, 2017.
2. Salary:
 - a. 4% base salary increase for all positions effective the first pay period in July 2016.
 - b. 3% base salary increase for all positions coinciding with the member contributing 3% of the City's contribution to CalPERS.
3. CalPERS Contribution: All members of the association will pay 3% of the City's contribution to CalPERS as soon as CalPERS will accept the contract amendment.
4. Reclassification: The Battalion Chiefs will be reclassified to Division Chief at the same salary schedule as the current Battalion Chief classification. This results in City job class code E12 being retitled to "Fire Division Chief" and the elimination of City job class code E16.
5. Hazardous Materials Pay: The City will provide 5% HazMat pay consistent with the current City program to Division Chiefs who are on the HazMat Team subject to amendment of the HazMat contract between the City of Seaside and Monterey County to provide reimbursement from the County to the City of Seaside for an additional three HazMat Team members and approval of the Chief.

FISCAL IMPACT

The cost of this package in Fiscal Year 2016/2017 is approximately \$59,000. In preparing the Adopted Budgeted, staff anticipated and included \$53,000 for salary adjustments. It is anticipated the additional \$6,000 will be absorbed by other budget savings during the year.

ATTACHMENTS

1. Resolution
2. MOU

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF SEASIDE AND THE SEASIDE PUBLIC SAFETY MANAGERS' ASSOCIATION**

WHEREAS, pursuant to the provisions of the Meyers-Milias-Brown Act (Section 3500 et. seq., Government Code), representatives of the City Manager of the City of Seaside and the Seaside Public Safety Managers' Association, have met and conferred in good faith regarding wages, and other terms and conditions of employment; in an attempt to reach a Memorandum of Understanding (MOU); and

WHEREAS, the Seaside Public Safety Managers' Association, and the representatives of the City Manager of the City of Seaside have reached agreement with respect to matters herewith jointly set forth, and have developed a written understanding of such matters for the purpose of presenting it to the City Council of the City of Seaside for its determination.

NOW, THEREFORE, BE IT RESOLVED, that the attached Memorandum of Understanding shall be effective as stated therein; and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 20th day of October, 2016, by the following vote:

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

Ralph Rubio, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk

**Memorandum of Understanding
Between the City of Seaside
And
The Seaside Public Safety
Management Association**

July 1, 2016 – June 30, 2017

**Memorandum of Understanding Between the City of Seaside and the
Seaside Public Safety Management Association**
July 1, 2016 – June 30, 2017

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**Memorandum of Understanding between the City of Seaside and the
Seaside Public Safety Management Association
July 1, 2016 – June 30, 2017**

We the undersigned duly appointed representatives of the City of Seaside and of the Seaside Public Safety Management Association (SPSMA), a recognized employee organization, hereinafter referred to as "City" and "Association," having met and conferred in good faith in accordance with the Meyers-Millias-Brown Act, (Government Code Section 3500 et. seq.) do hereby prepare and execute the following written amendment to the Memorandum of Understanding. It is understood that the provisions herein set forth supersede previous Memorandum of Understanding between the City and Association, all items not expressly modified or changed by the MOU shall remain in effect during the term of the MOU except those items that no longer apply. All provisions of the MOU as stated within and other benefits enjoyed by the membership shall remain in effect until this MOU is modified through meet and confer.

SECTION 1: TERM

The provisions of the Memorandum of Understanding shall become effective July 1, 2016, and shall remain in effect for a period, terminating on June 30, 2017.

SECTION 2: SALARY AND ADMINISTRATION OF PAY PLAN

A. Direct Pay for Services:

1. Salary Adjustments:

- a. Effective the first full pay period in July 2016, base salaries for bargaining unit members will be increased by 4%.
- b. Bargaining unit members base salary will be increased by 3% effective the same pay period as the members begin contributing 3% towards the City's PERS contribution.

2. Longevity Pay:

- a. Bargaining unit members with 15 years of continuous City service will receive 2.5% longevity pay.
- b. Bargaining unit members with 20 years of continuous City service will receive 5% longevity pay (maximum of 5%). (Note: The 15-year longevity pay would not compound or stack and therefore the maximum possible total for longevity pay is 5%.)
- c. Current bargaining unit members with more than 10 years of City service, but less than 15, will continue to receive the 2.5% longevity pay they are receiving now. Employees receiving longevity pay under this paragraph are not eligible for additional longevity pay until 20 years of continuous City service.

B. Fire Management Compensation:

Fire Management personnel are designated as FLSA exempt and are not entitled to compensation for hours worked outside of their normal schedule with the exception of:

1. Operational Compensation:

Division Chiefs shall be compensated, at straight time, for working as the Operational Division Chief when they are not regularly scheduled for duty.

2. OES Strike Team Compensation:

Division Chiefs shall be compensated, at straight time, when assigned by the Fire Chief to respond to an emergency incident under the State Mutual Aid Program

C. Special Pay

1. Spanish Bilingual Pay:

- a. 2 ½% pay adjustment will be made to employee's base pay for a bilingual skill as tested by the City using Language Testing International (LTI) or other suitable and appropriately certified testing organization.
- b. Employee must pass both the listening and reading comprehension tests or the speaking test to be eligible for bilingual pay.
- c. This program is subject to administrative direction and to City established procedures.

2. Additional Pay for Additional Duties

When a management employee assumes duties and responsibilities beyond existing job classification, City Manager may institute performance pay equivalent to one-half (1/2) or one (1) full step.

3. Additional Pay for Temporarily Assuming Supervisor's Position

- a. A pay increase not to exceed one step may be paid to an employee temporarily filling a supervisor's position while the supervisor's position is vacant. The determination of vacancy will be based upon recommendation by the Department Head to the City Manager.
- b. The increased pay will not be paid in any case unless a supervisor vacancy is the result of sickness, resignation, or termination.
- c. The increased pay will not be paid when the supervisor is on vacation.
- d. The increased pay will not be paid for the first thirty calendar days of the vacancy as determined above.
- e. "Supervisor" is defined narrowly and means only the person to whom the employee is responsible on a continuing basis.

4. *Performance Pay*

The City Manager is authorized to grant annual step increases ranging from zero to one full step increase, depending upon the performance of the employee under consideration for salary increase. This will give the City Manager flexibility in setting salaries consistent with performance.

5. *Education Incentive Pay (EIP)*

The City will provide education incentive pay to bargaining unit members as follows:

- a. Fire Division Chiefs: 2.5% EIP for a BA/BS.
- b. Police Deputy Chief and Police Commander: 2.5% EIP for a MA/MS.

6. *Hazardous Materials Pay – Fire Division Chief*

This program is contingent upon the contract between the City of Seaside and Monterey County being amended to provide reimbursement from the County to the City of Seaside for three additional HazMat Team members.

- a. A differential of 5% will be paid to an employee assigned to the Hazardous Materials Team by the Fire Chief.
- b. Removal from the team or the removal of the pay differential will not be considered disciplinary action.
- c. Continuation of Hazardous Materials Differential Pay is contingent on reimbursement for the cost of Hazardous Materials Response services from Monterey County. Termination of the agreement between the City of Seaside, Monterey County, and the City of Salinas will terminate this differential pay.
- d. Hazardous Materials Differential Pay will end on June 30, 2017, unless extended or terminated earlier per item (c) above.

D. *Administration of Pay Plan:*

1. *Anniversary Date*

- a. The anniversary date for each employee is the date he/she is hired, reclassified, or promoted.
- b. The anniversary date of any employee shall be adjusted, or changed, in the case of a leave of absence, by moving said anniversary date forward a time equal to the length of such leave of absence, except family care or medical leave, according to the California Family Rights Act and military leaves of absence in accordance with the California Military and Veterans Code and Title 38, chapter 43, U.S. Code. Whenever any employee is absent from work without pay for any period of exceeding thirty (30) continuous days, the anniversary date of said employee shall be adjusted by moving said anniversary date forward a time equal to the length of absence from work.

- c. Any employee who has served for one (1) year or more and takes leave of absence for purposes of military service in excess of the time defined as "temporary military leave," as defined by the Military and Veterans' Code, shall upon return to employment with the City have their anniversary date adjusted by moving said date forward a length of time equal to the number of days absent from employment due to military service, provided, however, said employee returns to work for the City within ninety (90) days of his/her discharge from military service.
- d. The anniversary date of any employee shall be adjusted by moving said date forward a time equal to any delay in movement through the steps of the salary range put forth below.

2. *Salary Ranges*

The five (5) steps of each salary range shall be interpreted and applied as follows:

- a. The first step is the minimum rate and shall normally be the hiring rate for the class. In cases where it is difficult to secure qualified personnel, or if a person of unusual qualifications is engaged, the City Manager may hire at a higher step.
- b. The second step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance to following the completion of six (6) months satisfactory service in the first step and upon written recommendation of the Department Head and approval by the City Manager.
- c. The third step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance to following the completion of twelve (12) months satisfactory service in the second step and upon written recommendation of the Department Head and approval by the City Manager.
- d. The fourth step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance to following the completion of twelve (12) months satisfactory service in the third step and upon written recommendation of the Department Head and approval by the City Manager.
- e. The fifth step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance to following the completion of twelve (12) months satisfactory service in the fourth step and upon the written recommendation of the Department Head and approval of the City Manager.
- f. Notwithstanding the foregoing provisions of this Section, an employee who is promoted or reclassified from one classification to a higher

classification, or from a flat salary to classification having a higher overlapping salary range, shall be adjusted:

- i. To the step in their new range, which shall provide an increase in his/her salary, except that they shall not retain credit for the time served in his/her former step. If the step in the new range is the first step, the employee shall remain in that step for six (6) months before becoming eligible for advancement to the second step.
 - ii. If from a flat salary to a range, to the lowest step in his/her new range or classification that exceeds his flat salary.
- g. General adjustments in salary ranges made by general increases or decreases shall be made by adjusting all classes upward or downward to the appropriate salary range herein provided. Where the salary range for a given class or for several classes is revised upward or downward the employees shall have their existing salary adjusted to the same step in the new range.
- h. In any case where, by reason of unusual circumstances, rigid adherence to the forgoing principles related to salary adjustments would cause a manifest injustice, the City Manager may make such order relating thereto as in his/her discretion is proper.
- i. Rates of compensation provided for by resolution are fixed on the basis of full-time service in full-time positions for the schedule of hours indicated. If any position provided for in the budget is by appropriate language specified or indicated as being for less than full-time services, the rate of compensation provided for such positions shall be adjusted accordingly, except those employees indicated in this resolution as working part-time or on a retainer, in which case they shall draw the full salary indicated. If the present adjustments shall be made in the rates, the step plan shall apply to part-time salaried as well as full-time salaried employees.
- j. Changes in pay rates shall be made on the first day on the pay period next following the date of eligibility and authorization.

SECTION 3: BENEFITS

E. PERS Retirement System:

1. Retirement Plans

- a. Tier 1: Bargaining unit members hired by the City prior to July 1, 2010 shall be enrolled in the CalPERS 3% @ 50 plan.
- b. Tier 2: Bargaining unit members hired by the City on or after July 1, 2010 will be enrolled in the same CalPERS formula as the subordinate association (i.e. – Police Commanders and Deputy Chief will follow

POA and Fire Division Chiefs will follow the Firefighters' Association).

- c. Tier 3: The CalPERS 2.7% @ 57 plan will be provided to all sworn safety members hired on or after January 1, 2013 who are "new members" as defined under the PEPRA.

2. Contribution

- a. Bargaining unit members enrolled in Tier 1 and Tier 2 will pay the 9% employee contribution to PERS.
- b. Tier 3 bargaining unit members shall pay 50% of the normal cost of the retirement plan as identified annually by CalPERS. This contribution may change annually as required by the PEPRA.
- c. Effective as soon as CalPERS will allow the contract amendment to occur, members shall pay an additional 3% to CalPERS in accordance with Government Code Section 20516 (Employees Sharing Additional Cost).

3. Survivor Benefits:

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

F. Deferred Compensation:

The City will pay up to one hundred dollars (\$100) per month to the ICMA deferred compensation program for each employee who makes a matching contribution.

G. Medical, Dental, and Vision Insurance:

Eligible employees will be provided with medical, dental, and vision insurance as specified in this section. Benefits to eligible family members will be made available under the health insurance plan.

1. Contributions:

The City's contributions for medical, dental, and vision coverage shall be as follows:

- a. Medical Plan Contributions for association members hired before October 15, 2015, for the period of January 1 – December 31, 2016:
 - i. MCSIG PPO \$25 (80/20 Plan) and MCSIG PPO \$40 (70/30 Plan) – for the 2016 calendar year only.
SPSMA Members electing to participate in the MCSIG PPO \$25 (80/20 Plan) or the MCSIG PPO \$40 (70/30 Plan) will contribute an amount equal to the current employee contribution less the

difference between the premium for the City's 2016 Anthem PPO (90/10 Plan) and the MCSIG PPO Plan premium.

Starting January 1, 2017, the contribution rates for this plan will follow the formula outlined in "b" below.

- ii. PACE Plan (90/10 Plan) Grandfathered Tier – open to employees hired before October 15, 2015. The City will pay 81% of the employee only premium; 70% of the employee + 1 premium; and 73% of the family premium.
- b. Medical Plan contributions for all new members hired after October 15, 2015, and for all members beginning January 1, 2017:
 - i. MCSIG PPO \$40 (70/30 Plan).
The City will pay 100% of the employee only premium and 90% of the dependent premium. This will be the base contribution amount for all plans except the Grandfathered PACE Plan.
 - ii. MCSIG PPO \$25 (80/20 Plan).
SPSMA Members electing to participate in the MCSIG PPO \$25 (80/20 Plan) will pay the difference between the City's contribution for the PPO \$40 Plan and the PPO \$25 Plan premium.
 - iii. PACE Plan (90/10 Plan) – Employees hired after October 15, 2015.
New employees enrolling in the PACE 90/10 Plan will pay the difference between the City's contribution for the PPO \$40 plan and the PACE Plan premium.
 - iv. PACE Plan (90/10 Plan) – Grandfathered Tier – open to employees hired before October 15, 2015.
The City will pay 81% of the employee only premium; 70% of the employee + 1 premium; and 73% of the family premium.
- c. The City and the employee will split the cost of any increase or decrease in dental, and vision premiums with the employee on a 50/50 basis.

2. *Retiree Medical:*

- a. For employees hired by the City prior to July 1, 2010, the City shall pay the employees (not dependents) cost of medical insurance in an amount not to exceed the month premium for the City's insurance plan for retirees who retire on regular service or disability retirement until age 65 or until the retiree becomes eligible for Medicare, which ever comes first.
- b. Fire management employees who retire on an industrial disability retirement must have ten (10) years of continuous service must have

been hired by the City prior to July 1, 2010, but do not need to be 50 years of age to receive this benefit.

- c. Employee may cover spouse by paying the monthly premium.
- d. In the event that coverage is not available under the City's plan, and where an eligible employee elects to continue health coverage under COBRA, the City shall contribute to that COBRA payment an amount not to exceed the monthly premium for the City's health insurance plan for the period of time of COBRA eligibility or up to age 65, whichever is less.
- e. Employees must have ten years of continuous service with the City and be at least 50 years of age to receive this benefit.
- f. The City complies with all Federal and State guidelines regarding medical and dental insurance. This compliance includes continuation of benefits under COBRA.

H. Life Insurance:

The City will provide term life insurance for all represented employees in the amount of two times the employee's annual salary (minimum of \$150,000.)

I. Long-Term Disability:

The City shall pay the cost of a long-term disability program.

J. Employee Assistance Program:

The City shall pay the cost of an employee assistance program.

K. IRS Section 125 Plan:

The City will provide an Internal Revenue Code Section 125 Plan for medical care and dependent care expense reimbursement for all employees in the bargaining unit, up to the IRS maximum.

L. Mileage Reimbursement:

With the approval of the Department Head, the City shall reimburse employees required to use their personal vehicles for the purpose of conducting City business for mileage based on the Standard Internal Revenue Service mileage rate.

M. Wellness Program:

1. Health Club Membership:

The City will pay up to \$45 per month towards an employee membership at a health club upon submission of receipt of contract and payment to the Finance Division. To be eligible for reimbursement, requests for reimbursement must be received by Finance no later than 90 days from the date of service.

2. City Recreation Facilities:

Management employees and their families will have use of City recreation facilities at no cost to the employee. Employees may have resident's fee and early-bird sign up for recreation classes.

3. Annual Exam:

Sworn Fire Management personnel shall be entitled to Department paid annual physicals, including option to have a treadmill test as part of their annual physical every other year paid for by the City of Seaside. Additionally, the annual physical will include the prostate specific antigen (PSA) test as part of the lab analysis.

N. Uniform Allowance:

- a. Sworn Fire Management personnel shall receive a uniform allowance of \$75 per month.
- b. All sworn Police Management personnel will have the same uniform allowance as the other non-executive management personnel in their respective department.

O. Safety Boot Reimbursement:

Represented employees who are required to wear safety boots on the job shall be reimbursed up to \$125 per year for the purchase of safety boots.

SECTION 4: LEAVE PROVISIONS

A. Vacations

1. Accrual (40 Hour Employees):

All employees who work 40-hours per week, shall earn vacation as follows:

- a. During the first, second, third, and fourth years of employment, vacation will be earned at the rate of six and two thirds ($6 \frac{2}{3}$) hours per month or ten (10) days per year.
- b. During the fifth, sixth, seventh, eighth, and ninth years of employment, vacation will be earned at the rate of ten (10) hours per month or fifteen (15) days per year.
- c. During the tenth, eleventh, twelfth, thirteenth, and fourteenth years of employment, vacation will be earned at the rate of eleven and one third ($11 \frac{1}{3}$) hours per month or seventeen (17) days per year.
- d. During the fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth years of employment, vacation will be earned at the rate of thirteen and one third ($13 \frac{1}{3}$) hours per month or twenty (20) days per year.
- e. During the twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth years of employment, vacation will be earned at the rate of fourteen (14) hours per month or twenty-one (21) days per year.

- f. During the twenty-fifth year and thereafter vacation will be earned at the rate of sixteen and two-thirds (16.667) hours per month or twenty-five (25) days per year.

2. *Accrual (56-hours per week):*

Fire Managers working a 56-hour schedule shall accumulate leave as follows.

- a. During the first, second, third, and fourth years of employment, vacation will be earned at the rate of 13 hours per month.
- b. During the fifth, sixth, seventh, eighth, and ninth years, vacation will be earned at the rate of 19 hours per month.
- c. During the tenth, eleventh, twelfth, thirteenth, and fourteenth years, vacation will be earned at the rate of 22 hours per month.
- d. During the fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth years, vacation will be earned at the rate of 25 hours per month.
- e. During the twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth year, vacation will be earned at the rate of 26 hours per month.
- f. During the twenty-fifth year, vacation will be earned at the rate of 28 hours per month.

3. *Vacation Use:*

Vacation shall be at a time fixed by the employee's Department Head and shall be without loss in pay.

4. *Vacation and Holidays:*

For regular employees, if a holiday falls within a scheduled vacation period, on a day that the employee would normally work, that day shall not be counted a vacation day.

5. *Vacation Upon Termination:*

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

- a. Calculation of Hourly Pay for Payout: For employees working a five (5) day or modified schedule, the method for computing hourly pay for accumulated vacation time shall be as follows:
 - i. $\frac{\text{Monthly salary} \times \text{twelve (12) months}}{52 \text{ weeks} \times 40 \text{ hours}} = \text{hourly pay rate}$

b. Method for Computing Hourly Pay for 56-hour employees: For Fire Managers working 56 hour work weeks, the method of computing hourly pay for accumulated vacation shall be as follows:

i. $\frac{\text{Monthly salary} \times \text{twelve (12) months}}{52 \text{ weeks} \times 56 \text{ hours}} = \text{hourly pay rate}$

6. *Maximum Accumulation:*

Employees will be allowed to have no more than two years earned vacation accumulated as of the end of the 2nd pay period of January of any year. Payout for leave in excess of maximum will occur on the 1st pay period of March. It shall be management's right and responsibility to see that the employee does not exceed the maximum.

7. *Vacation Cash-Out:*

The City will allow association members to cash out 40 hours of accumulated vacation time before the end of the calendar year. Employees wishing to utilize this option must notify the City no later than September 15 of the calendar year in which the cash out is being utilized. The cash out payment will be made in the first paycheck of November of the calendar year following the notice of election of the cash out. This cash out provision is voluntary on the part of each bargaining employee, and does not change the practice of maintaining a maximum of two years of vacation accumulation at the end of any calendar year.

8. *Compensation in Lieu of Time Off:*

The City Manager may, in instances where the needs of the City require, authorize compensation in lieu of time off for accrued vacation.

9. *Accumulation during OJI Leave:*

An employee being paid because of an on-the-job injury will accumulate vacation time and sick leave.

10. *No Interruption of Accumulation:*

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

11. *Vacation during Probation:*

Newly hired management employees may use vacation leave during probation.

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

1. *Accrual:*

Each represented employee who works a 40 hour work week shall earn eight (8) hours sick leave with pay for each calendar month or major fraction thereof served. Fire Managers working a 56 hour work week shall earn twenty-four (24) hours per month.

2. *Use of Leave:*

Sick leave with pay will be granted only upon the approval of the Department Head in case of bonafide illness of an employee, including the diagnosis, care, or treatment of an existing health condition of, or preventive care. If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable. Evidence may be required in the form of a physician's certificate or otherwise to verify an employee's absence during the time for which sick leave is requested.

Sick leave may also be used by an employee who is a victim of domestic violence, sexual assault, or stalking, to obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking with appropriate certification of the need for such services.

3. *Sick Leave Upon Rehire*

If an employee separates from City employment and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law.

4. *Illness/Injury During Vacation:*

When an illness or injury requiring doctors treatment, and/or hospitalization occurs during an employee's vacation or approved leave of absence with pay, and the injury or illness is a nature that would prohibit the employee from performing his/her duties, the employee shall submit a memorandum giving full and complete information as well as a doctor's verification to their respective department head for a determination that such time off will be charged to sick time rather than to vacation time.

5. *Family Sick Leave:*

Sick leave may be used for the illness or injury of an employee's family member. A family member shall be defined as parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), spouse or domestic partner, grandparent, grandchild, and sibling.

6. *Bereavement Leave:*

Bereavement leave, to a maximum of three (3) working days, will be permitted, without charging such leave against sick leave, upon the death of a member of the employee's immediate family. Immediate family is defined as a parent, child, spouse or domestic partner, brother, sister, grandparents, father-in-law, and mother-in-law of the employee. Employee may use accrued sick leave to extend bereavement leave to a total of one work week.

C. On-The-Job Injury Leave:

1. Labor Code 4850

Employees covered under Section 4850 of the California Labor Code shall become entitled to on-the-job injury leave in accordance with its provisions.

- a. An employee on leave of absence under this Section will continue to accumulate sick leave and vacation leave.
- b. An employee on leave without pay would be entitled to temporary disability in accordance with State Worker's Compensation law.
- c. Once OJI leave has been exhausted, accumulated leaves may be used to supplement temporary disability payments.

D. Management Leave

1. Annual Accrual:

Management employees working a 40 hour work week shall earn 40 hours of management leave per calendar year. Fire Managers working a 56 hour work week shall earn fifty-six (56) hours per calendar year.

2. Initial Accrual:

For newly hired employees (or employees promoted into the Association), the initial management leave bank shall be prorated according to the following schedule (based on weekly scheduled hours):

<u>Date of Hire/Promotion Between:</u>	<u>Accrual (40 hr)</u>	<u>Accrual (56 Hr)</u>
January 1 – March 31:	40 Hours	56 Hours
April 1 – June 30:	30 Hours	42 Hours
July 1 – September 30	20 Hours	28 Hours
October 1 – November 30	10 Hours	14 Hours
December 1 – December 31	0 Hours	0 Hours

3. Additional Leave:

The City Manager shall have the authority to grant an additional sixteen (16) hours of management leave to represented employees who work an excessive amount of hours based upon the recommendation of their Department Head. This leave must be used within one year from the date it is granted and no management employee shall receive more than two days per fiscal year. Time worked may be considered excessive if it is beyond regularly assigned duties and exceeds 20 hours in one month.

4. Management Leave Payoff

All represented employees shall be permitted to sell back their unused annual management leave (up to five days) as of December 1st of each year.

E. Administrative Leave

Management employees working a 40 hour work week shall earn forty (40) hours, non-cumulative, non-reimbursable administrative leave per calendar year. Fire Managers working a 56 hour work week shall earn fifty-six (56) hours per calendar year.

1. Initial Accrual:

For newly hired employees (or employees promoted into the Association), the initial management leave bank shall be prorated according to the following schedule (based on weekly scheduled hours):

<u>Date of Hire/Promotion Between:</u>	<u>Accrual (40 hr)</u>	<u>Accrual (56 Hr)</u>
January 1 – March 31:	40 Hours	56 Hours
April 1 – June 30:	30 Hours	42 Hours
July 1 – September 30	20 Hours	28 Hours
October 1 – November 30	10 Hours	14 Hours
December 1 – December 31	0 Hours	0 Hours

F. Holidays

1. Regular Holidays:

All employees shall be entitled to the following holidays:

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

It is the intent of this resolution that all regular City employees shall observe the holidays set forth above.

2. Memorials:

Upon Council approval, every day appointed by the Governor of the State, the President of the United States, or the City Council as a memorial, public fast, thanksgiving, or holiday.

3. Holidays on Sunday

When a holiday falls on a Sunday, the following Monday shall be recognized as that holiday.

4. *Holidays on Saturday:*

When a holiday falls on a Saturday, the preceding Friday shall be recognized as that holiday.

5. *Holiday Hours:*

Holidays shall be calculated on an eight (8) hour workday.

6. *Fire Management Compensation:*

Fire Management personnel assigned to shifts will be compensated for holidays by receiving 11.2 hours of straight time based on 56-hour workweek.

G. *Jury Duty:*

1. *Jury Duty:*

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

SECTION 5: WORKING CONDITIONS

A. *Continuing Education and Professional Growth:*

All association members shall be eligible for the City's Educational Incentive Programs.

1. *Tuition Reimbursement:*

- a. Employees wishing to receive reimbursement for tuition and book expenses must request prior approval from their Department Head. Classes will be approved for reimbursement so long as they are determined to be job related or professional development. Courses taken to satisfy requirements degree requirements (including general education) at accredited educational institutions will be considered job related under this section.
- b. The City will encourage enrollment through a tuition and book reimbursement with a maximum of \$3000 per fiscal year to be approved as follows:
 - i. Reimbursement for professional development classes and community college level classes shall be capped at \$2000.
 - ii. Reimbursement for undergraduate and postgraduate level classes (BA, MA, Professional degrees) shall be capped at \$3000.
- c. After completing the course with a grade of "C" or better ("Pass" or certificate of achievement for classes that are not graded), proof of completion of course work requirements shall be submitted to the employee's department head indicating the specific courses and credits completed, together with transcripts or other documentation as may be

required by the Human Resources Director. This information shall be submitted on forms provided by the Human Resources Department.

- c. An employee who wishes to enroll in a school, college, or university for the purpose of fulfilling the educational requirement shall do so on his/her own time.

B. Service Awards:

A service award program shall be provided that, at a minimum, shall include service awards presented to employees after every 5 years of full-time service with the City. If desired by the employee, recipients of service awards will be recognized by the City Council.

C. Probationary Period:

Probation shall be 1 year for all new employees.

D. Work Schedule and Staffing:

1. Flexible Work Schedule:

The City will develop and implement a policy providing flexibility in work schedules for those represented employees whose responsibilities regularly require them to work an excessive amount of hours per week.

2. Shift Staffing:

The Fire Department intends to continue its current minimum staffing level of seven (7), including the Division Chief, unless otherwise directed by the City Council.

3. Work Schedule:

The City and association agree to the 48/96 schedule for Fire Management personnel assigned to the Fire Operations Division of the Fire Department. The 48/96 work schedule shall result in a change from a twenty-seven (27) day Fair Labor Standards Act (FLSA) work period to a twenty-four (24) day FLSA work period.

4. Exchange Hours:

The City agrees to allow Fire Management personnel to exchange hours or shifts an unlimited number of times per year. Under no circumstances shall overtime (Operational Compensation) be incurred as a result of a shift exchange unless the employee scheduled to work pursuant to the shift exchange is sick.

SECTION 5: MISCELLANEOUS

A. City's Right to Discovery:

All discoveries, inventions, improvements, formulas, ideas, devices, writings or other intellectual property, whether or not subject to patent or copyright laws, which employees shall conceive solely or jointly with others, in the course or

scope of his/her employment, or with the City's materials or facilities, shall be the sole and exclusive property of the City without further compensation.

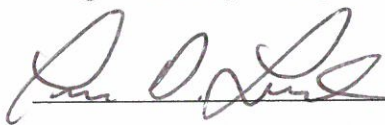
B. Savings Clause:

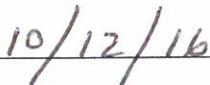
It is mutually agreed by the parties to this agreement that the above represents the full and complete understanding which has been reached after numerous discussions held in conformance with the Meyers-Millias-Brown Act. All other proposals, counteroffers, or other matters discussed during the meet and confer process are deemed rejected by both parties. Should circumstances call for a change, the City shall give notice of such proposed change to the Association and the items shall be subject to meet and confer process if so required by law.

If any section or subsection of the Memorandum of Understanding should be found invalid, unlawful or unenforceable by reason of any existing or subsequent enacted legislation or by judicial authority, all other sections and subsections of this memorandum shall remain in full force and effect for the duration of this memorandum.

Craig Malin, City Manager

Date

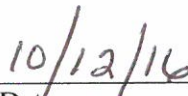




Troy Leist, Lead Negotiator SPSMA

Date





Judy Stradan, Secretary-Treasurer, SPSMA

Date



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.A.

TO: City Council

BY: Rick Medina, Senior Planner

DATE: October 20, 2016

SUBJECT: **CONSIDERATION OF MUNICIPAL CODE AMENDMENT 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.**

PURPOSE

In accordance with Section 17.74.050.A of the Seaside Municipal Code (SMC), the purpose of this item is for the City Council to conduct a First Reading on proposed text amendments to Section 17.14.030.B: Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones) and Section 17.98 of the Seaside Municipal Code (SMC).

RECOMMENDATION

It is recommended that the City Council hold a public hearing to conduct the first reading of Seaside Municipal Code Amendment and after considering all evidence and testimony presented, pass to print the draft Ordinance.

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 land use to maintain the food service as a minor, non-fast food restaurant. On September 28, 2016, the Planning Commission acted to recommend the proposed text amendments with the changes made to the definition of fast food to exclude coffee shops as a fast food land use.

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

4. Stacking Area: from the any driveway on an adjoining parcel.
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 City Council open the public hearing to conduct the first reading on the text amendments, accept public testimony/comments, and pass to print the Draft Ordinance for adoption at a second reading on November 4, 2016.

FISCAL IMPACT

There is no fiscal impact with the proposed text amendments.

ATTACHMENTS

1. Attsachment 1 - Draft Ordinance
 2. Attachment 1 - Exhibit A Text Amendments
 3. Attachment 1 Exhibit B - Inityial Study for Genersal Rulre Exemption
 4. Exhibit A to Initial Study
 5. Atachment 2 - General Plan Land Use Policy LU-2.3
 6. Attachment 3 - Zoning Map
 7. Attachment 4 - Section 17.52.090 SMC
-

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

APPROVING TEXT AMENDMENTS TO TITLE 17 OF THE SEASIDE MUNICIPAL CODE AND MAKING AN ENVIRONMENTAL DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. In accordance with Section 17.74.050 of the Seaside Municipal Code, it is the responsibility of the City Council to consider and weigh the merits of proposed text amendments to the Seaside Municipal Code and the public input received on the proposed text amendments in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

Section 2. On September 14, 2016 and September 28, the Seaside Planning Commission held a public hearings to provide the City Council with a recommendation on the proposed text amendments and considered all oral comments and written information concerning the proposed Ordinance in making its recommendation to the City Council; and

Section 3. On October 20, 2016, the Seaside City Council introduced the first reading of the draft Ordinance and considered oral comments and written information concerning this Ordinance at a duly noticed public hearing; and on the basis of the record thereof finds the following facts to be true;

Findings:

1. The proposed text amendments to Section 17.14.030.B-Table 2-4 and Section 17.98 to Title 17 of the Seaside Municipal Code are consistent with the goals and policies of all elements of the General Plan.

Evidence: The proposed text amendments will continue to ensure that all new development will fund its share of community services and facilities (e.g. parks, roads, trails, and utilities); uses quality design and materials; and is compatible with surrounding uses, the site, and available infrastructure in that each drive-through proposal would be subject to the review and approval of a use permit

2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Evidence: The approval of a drive through retail service would be subject to the review and approval of a Use Permit Application to ensure that the location and operation of a drive through facility would complement existing land use, and enhances the character of the community and its neighborhoods.

3. The exemption from the California Environmental Quality Act (CEQA) has been CEQA Guidelines

Evidence: 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 "A" to the Ordinance. 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 amendments would not have an environmental effect on the environment and that the text amendments are covered by the general rule exemption CEQA Guidelines 15061 (b)(3) in that CEQA applies only to projects that have the potential for causing a significant effect on the environment

Section 4. The proposed amendments to Title 17 of the Seaside Municipal Code consist of the 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 to add new language to 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.

*** Proposed Deleted text is shown with bold strikethrough (~~Strikethrough~~)**

*** Proposed added text is shown with bold underline (Underline)**

Section 5. Severability.

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

B. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentences, clauses or phrases even if certain parts are held to be unconstitutional, invalid or unenforceable.

Section 6 Legal Construction. The provisions of this Ordinance shall be construed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of public health, safety, and welfare.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after its final passage and adoption at a duly noticed public hearing for the second reading of the proposed text amendments.

Section 8. The City Clerk shall certify to the adoption of this Ordinance and shall, within fifteen (15) days after passage, publish a summary of this Ordinance in accordance with Section 36933 of the Government Code of State of California with the names of City Council members voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Seaside on the 20th day of October, 2016, and

PASSED AND ADOPTED by the City Council of the City of Seaside on the 4th day of November, 2016, by the following roll call vote:

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

APPROVED:

Ralph Rubio, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk

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		
Beer/liquor	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	—	—	

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 proposed project would amend the text of Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.9817.14.030.B, Table 2-4 and Section 17.98 (Restaurant, fast food definition). 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 text amendment to the definition of Restaurant, fast food, would exclude a coffee shop not exceeding 3,00 square feet in area and not including a full service commercial kitchen from being classified as a fast food land use.

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 amendments 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; and 2) Amending 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. 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. The proposed text amendments are provided as Exhibit "A".

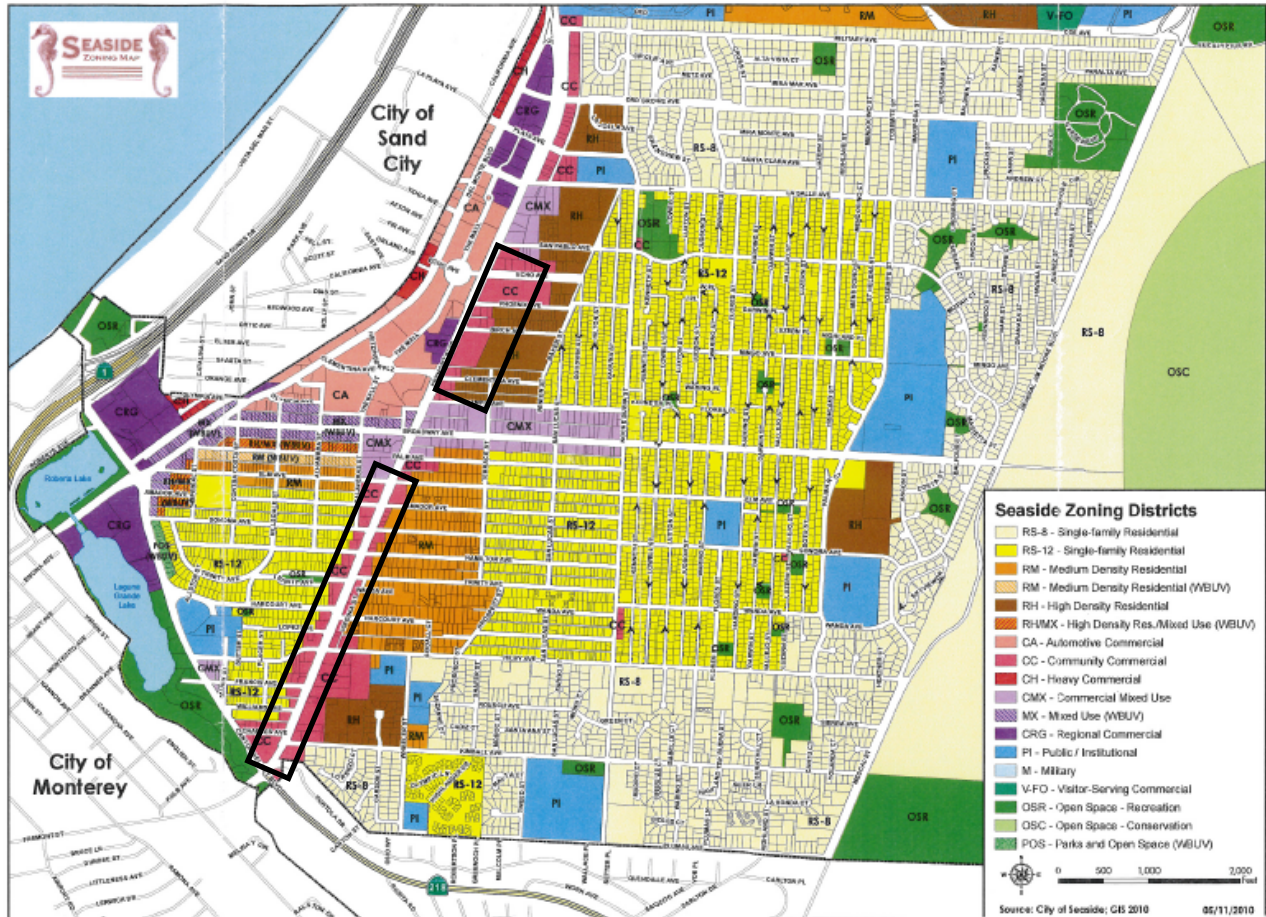
Analysis Methodology

This initial study evaluates only the environmental impacts resulting from the proposed text amendments to Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.98, 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 project would amend the text of Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 code text amendments 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 text amendments to Zoning Code Section 17.14.030.B- Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 project would amend the text of Zoning Code Section 17.14.030.B- Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 code text amendments 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 code text amendments.

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 project would amend the text of Zoning Code Section 17.14.030.B- Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 code text amendments 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 code text amendments 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 the text of Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 code text amendments 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 the text of Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 code text amendments 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 text of Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 code text amendments 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 code text amendments 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 ground shaking, 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 the text of Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 code text amendments 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 the text of Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.98 (Restaurant, fast food definition) 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 code text amendments 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 the text of Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 code text amendments 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 ground water 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 the text of Zoning Code Section 17.14.030.B – Tale 2-4 and Section 17.98 (Restaurant, fast food definition), 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 the text of Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.98 (Restaurant, fast food definition), to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. These Zoning Code text amendments 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 code text amendments 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 to Zoning Code Section 17.14.030.B, Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 the text of Zoning Code Section 17.14.030.B, Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 Code text amendments 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 Section 17.14.030.B, Table 2-4 and Section 17.98 (Restaurant, fast food definition) 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 amendments 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 project would amend the text of Zoning Code Section 17.14.030.B- Table 2-4 and Section 17.98 17.14.030.B, Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 code text amendments 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 project would amend the text of Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.98 17.14.030.B, Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 these zoning code text amendments 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 project would the text of Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.98 17.14.030.B, Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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 these zoning code text amendments 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 would amend the text of 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 code text amendments would result in less than significant impacts to circulation.
- c. The proposed zoning text amendments 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 code text amendments 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 project would amend the text of Zoning Code Section 17.14.030.B – Table 2-4 and Section 17.98 17.14.030.B, Table 2-4 and Section 17.98 (Restaurant, fast food definition), to allow Drive-Through Retail or Service facilities within the CC zoning district which had not been established prior to December 4, 2006. The text amendments 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 amendments would amend zoning code Section 17.14.030.B – Table 2-4 and Section 17.9817.14.030.B, Table 2-4 and Section 17.98 (Restaurant, fast food definition), 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. The zoning code text amendments 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.

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		
Beer/liquor	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

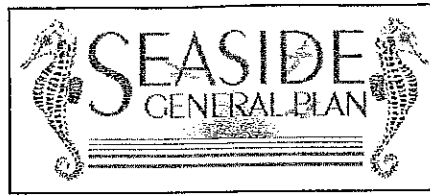
Text amendment to the definition of a Restaurant, Fast Food in Chapter 17.98 of the SMC, which would exclude a Coffee Shop from being classified as a fast food restaurant. Amended language is shown with an underline.

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.



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

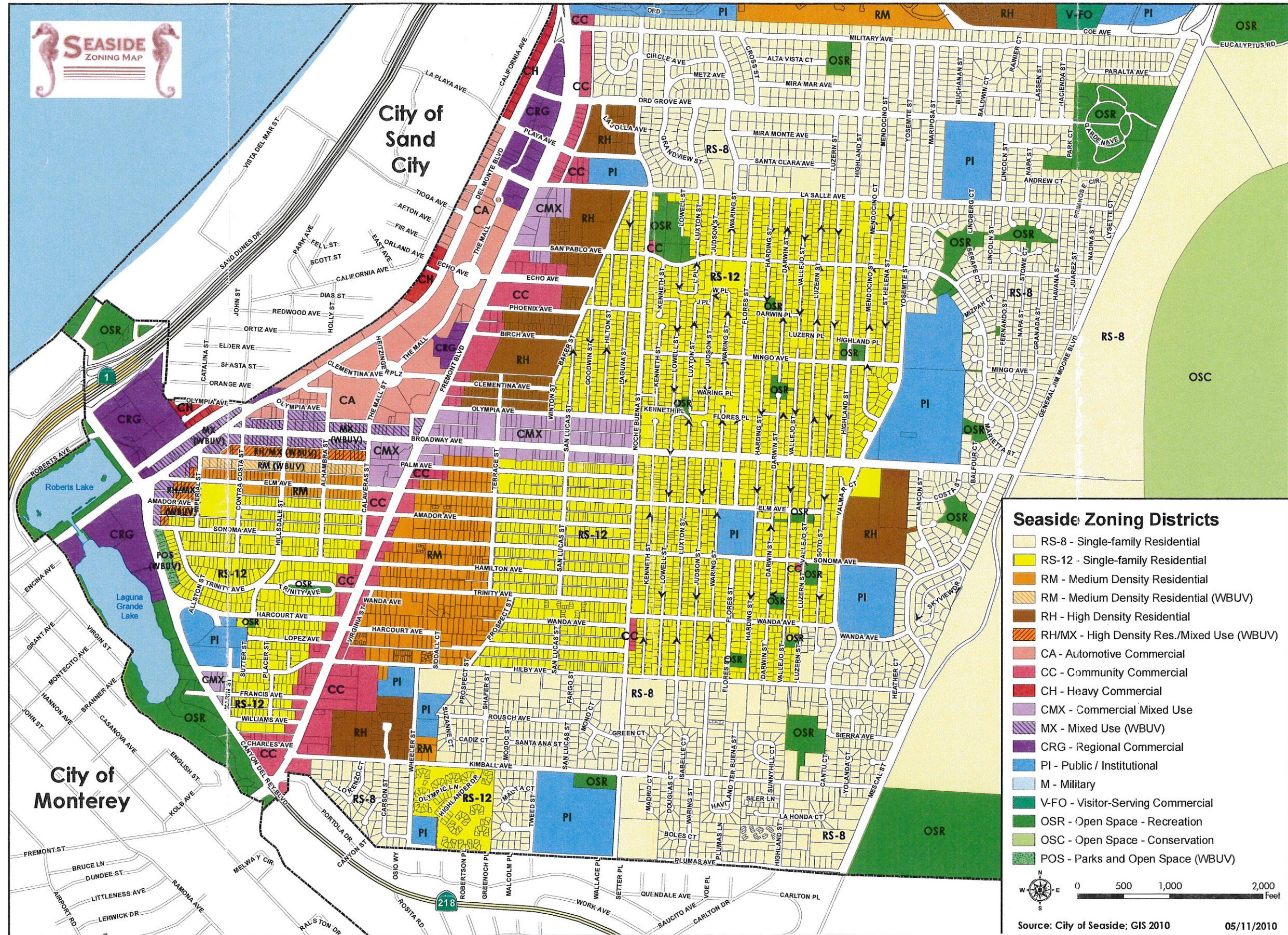
Policy LU-2.4: During redevelopment and revitalization activities, ensure quality architectural and design themes.

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.