A G E N D A

CITY OF SEASIDE CITY COUNCIL	REGULAR MEETING Council Chamber 440 Harcourt Avenue Thursday, September 21, 2017 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
Dennis Alexander	Council Member
Jason Campbell	Council Member
David R. Pacheco	Council Member
Kayla Jones	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

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

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. PRESENTATIONS

A. PRESENTATION OF HOUSE OF THE MONTH FOR SEPTEMBER 2017

PURPOSE: The purpose of this item is to recognize Elma Barnes, owner of 1688 Laguna Street for beautifying and maintaining her property.

RECOMMENDATION: It is recommended that the City Council present Elma Barnes with the September 2017 House of the Month award.

B. PROCLAMATION DECLARING SEPTEMBER AS CHILDHOOD CANCER AWARENESS MONTH IN THE CITY OF SEASIDE

PURPOSE: The purpose of this item is to present a proclamation to Jacob's Heart Children's Cancer Support Services Declaring September 2017 as Childhood Cancer Awareness Month in Seaside.

RECOMMENDATION: That the proclamation be presented.

C. PROCLAMATION DECLARING SEPTEMBER 2017 AS NATIONAL RECOVERY HAPPENS MONTH IN THE CITY OF SEASIDE

PURPOSE: Declaring September as Recovery Month will increase awareness and understanding of mental and substance use disorders and celebrate the people who recover. The annual theme for 2017 is Join the Voices for Recovery: Strengthen Families and Communities.

RECOMMENDATION: That the City Council proclaim September 2017 as Recovery Happens Month in the City of Seaside.

D. PRESENTATION REGARDING SEASIDE'S BEING AN INTERNATIONAL ECONOMIC DEVELOPMENT COUNCIL EXCELLENCE IN ECONOMIC DEVELOPMENT GOLD AWARD RECIPIENT FOR THE #SEASIDELOVE FOR #EDW2017, INNOVATION IN ECONOMIC DEVELOPMENT WEEK, POPULATION 25,000 - 200,000

PURPOSE: To Accept the International Economic Development Council Excellence in Economic Development Gold Award for the #SeasideLove for #EDW2017 Innovation in Economic Development Week campaign.

RECOMMENDATION: That the City Council receive the presentation regarding the international award.

E. UPDATE ON POTENTIAL COMMUNITY REVITALIZATION AND INVESTMENT AUTHORITY AND ENHANCED INFRASTRUCTURE FINANCE DISTRICT ANALYSIS.

PURPOSE: To hear a presentation on the potential for forming a Community Revitalization and Investment Authority or an Enhanced Infrastructure Financing District in eligible areas within Seaside.

RECOMMENDATION: That City Council hear a presentation on the potential to form special tax increment financing districts and provide staff direction for future efforts.

8. 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 SEPTEMBER 7, 2107**

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 August 26, 2017 through September 8, 2017. In addition, approval of the payroll and benefits checks, direct deposits and wired payments related to the period of August 31, 2017 is requested. Total Accounts Payable and Payroll for the above referenced period is $1,443,935.85.

RECOMMENDATION: It is recommended that the City Council approve and file the list of checks linked to this staff report.

C. **APPROVE A FEE WAIVER REQUEST FROM SEASIDE HIGH SCHOOL BLACK STUDENT ASSOCIATION FOR COSTS ASSOCIATED WITH THE SOLIDARITY-PEACE PARADE ON OCTOBER 14, 2017**

PURPOSE: The purpose of this item is for City Council to consider the request from the Seaside High School Black Student Association for a waiver of the costs associated with the Special Event Application request associated with the Solidarity-Peace Parade on Saturday, October 14, 2017. Costs associated with the request will include the Special Event Application Fee, Public Works overtime staff and Police overtime staff.

RECOMMENDATION: It is recommended that the City Council approve this request.

D. **APPROVE A RESOLUTION AUTHORIZING THE CLOSURE OF HARCOURT AVENUE TO THROUGH TRAFFIC AT CANYON DEL REY, ALLSTON AND HILLSDALE FOR THE CITY OF SEASIDE'S BIRTHDAY CELEBRATION ON OCTOBER 13, 2017 AND FOR THE TREE LIGHTING CEREMONY ON DECEMBER 8, 2017**

PURPOSE: The purpose of this item is to request that City Council approve a resolution permitting the closure of Harcourt Avenue to through traffic at Canyon Del Rey, Allston and Hillsdale to ensure public safety during the City of Seaside's Birthday event on Friday, October 13, 2017 and the Annual Tree Lighting Ceremony on Friday, December 08, 2017.

RECOMMENDATION: It is recommended that City Council approve the closure of Harcourt Avenue on Friday, October 13, 2017 and on Friday, December 08, 2017 between the hours of 10:00 a.m. to 10:00 p.m.

E. APPROVE SECOND READING OF AN ORDINANCE ADOPTING AMENDMENTS TO SEASIDE MUNICIPAL CODE UPDATING CHAPTERS 10, 12, 13 AND 15 CORRECTING ERRORS, OMISSIONS AND LEGAL CONFLICTS IDENTIFIED DURING MUNICPAL CODE CODIFICATION AND UPDATING INCONSISTENCIES WITH CURRENT LEGISLATION OR ORGANIZATIONAL BEST PRACTICES

PURPOSE: The purpose of this Ordinance is to amend Chapter 10, 12, 13 and 15 to incorporate recommended changes identified through the Municipal Code Codification process and legal review and to update sections correcting inconsistencies with current legislation and current business practices.

RECOMMENDATION: It is recommended that the City Council approve the second reading of the draft Oridnance approving the proposed updates to Municipal Code Chapters 10, 12, 13 and 15 as presented in the draft ordinance.

9. PUBLIC HEARING

A. SUBMISSION OF THE 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PURPOSE: The purpose of this item is for the City Council to receive the Consolidated Annual Performance Report (CAPER) for the City's Community Development Block Grant (CDBG) for Program Year 2016-2017 and to hear public comment prior to its submittal to the U.S. Department of Housing and Urban Development (HUD). The CAPER must be received by HUD no later than September 30, 2017.

RECOMMENDATION: It is recommended that the City Council receive the 2016-2017 CAPER and hear public comment prior to the document's submittal to HUD.

B. ADOPT THE DRAFT ORDINANCE AMENDING THE SEASIDE MUNICIPAL CODE ADDING CHAPTER 19 THAT SETS FORTH THE ESTABLISHMENT OF REGULATIONS GOVERNING COMMERCIAL AND ADULT USE CANNABIS ACTIVITIES, INCLUDING CULTIVATION, DISPENSARIES, MANUFACTURING, RESEARCH AND DEVELOPMENT, TESTING, TRANSPORTATION AND DISTRIBUTION WITHIN THE CITY OF SEASIDE AND UPDATING CHAPTER 17 AS PRESCRIBED. (SECOND READING)

PURPOSE: Adopt an ordinance adding Chapter 19 to the Seaside Municipal Code establishing regulations governing commercial and adult use cannabis activities, including cultivation, dispensaries, manufacturing, research and development, testing, transportation and distribution within the City of Seaside and updating Chapter 17 as presecribed.

RECOMMENDATION: Staff recommends that City Council approve the second reading and adopt the draft ordinance.

10. 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.

11. ADJOURNMENT

Next Regularly Scheduled Meeting:
October 5, 2017
7:00 p.m.

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, they are asked to contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings.

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

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

CITY OF SEASIDE
STAFF REPORT

Item No.: 7.A.

TO:	City Council
FROM:	Craig Malin, City Manager
BY:	David Little, Building Official
DATE:	September 21, 2017
SUBJECT:	**PRESENTATION OF HOUSE OF THE MONTH FOR SEPTEMBER 2017**

PURPOSE

The purpose of this item is to recognize Elma Barnes, owner of 1688 Laguna Street for beautifying and maintaining her property.

RECOMMENDATION

It is recommended that the City Council present Elma Barnes with the September 2017 House of the Month award.

BACKGROUND

The Neighborhood Improvement Program Commission's goals are to encourage citizens to beautify and upgrade their properties in order to positively influence property values and create a more liveable environment in the community. One of the ways the Commission accomplishes this goal is by recognizing outstanding examples of residential property maintenance and beautification through the House of the Month Award Program.

Each month the Neighborhood Improvement Program Commission selects an award recipient from a list of nominated homes. The home of Elma Barnes located at 1688 Laguna Street has been selected as the September 2017 House of the Month.

FISCAL IMPACT

The fiscal impact is $48.88 for the plaque and the $50 gift certificate from the NIPC 2017-2018 Budget.

ATTACHMENTS

1. Sept. 2017 House of the Month 1688 Laguna Street
2. September 2017 House of the Month

Reviewed for Submission to the
City Council by:

Craig Malin, City Manager


09/05/2017 12:09


688
09/05/2017 12:09

City of Seaside
PROCLAMATION

Honoring Jacob's Heart Children's Cancer Support Services and Declaring September as Childhood Cancer Awareness Month

WHEREAS, *each day 42 children in the United States are diagnosed with cancer and more than 40,000 children undergo treatment for cancer each year; and*

WHEREAS, *cancer remains the leading cause of death by disease among children, more than asthma, diabetes, cystic fibrosis, congenital anomalies, and AIDS combined; and*

WHEREAS, *families of children with cancer in the City of Seaside receive essential services from Jacob's Heart Children's Cancer Support Services, a local organization that has gained national awards and recognition for improving the quality of life for hundreds of local children with cancer and thousands of family members; and*

WHEREAS, *Jacob's Heart holds the memories and honors legacies of hundreds of children from our local community who have been lost to cancer, ensuring that their precious memories will never be forgotten; and*

WHEREAS, *the oncology department at Lucile Packard Children's Hospital at Stanford has worked closely with Jacob's Heart for the past 19 years as a trusted community partner in providing family-centered care that addresses the emotional, practical and financial struggles of families of children with cancer in Seaside; and*

WHEREAS, *it is important for all Seaside residents to recognize the impact of pediatric cancer on families within our community and honor the lives of children in our community whose lives have been cut short by cancer.*

NOW THEREFORE, BE IT PROCLAIMED, *that I, The Honorable Ralph Rubio, Mayor of the City of Seaside, California, on behalf of the City Council do hereby declare September as Childhood Cancer Awareness Month in the City of Seaside and do hereby honor Jacob's Heart Children's Cancer Support Services for 19 years of outstanding support to our community and acknowledge the organization's contributions to Childhood Cancer Awareness Month, honoring children with cancer in our community.*

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Ralph Rubio
Mayor

September 21, 2017

City of Seaside
PROCLAMATION

National Recovery Happens Month
September 2017

WHEREAS, *behavioral health is an essential part of health and one's overall wellness; and*

WHEREAS, *prevention of mental and substance use disorders works, treatment is effective, and people recover in our area and around the nation; and*

WHEREAS, *preventing and overcoming mental and substance use disorders is essential to achieving healthy lifestyle, both physically and emotionally; and*

WHEREAS, *we must encourage relatives and friends of people with mental and/or substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and*

WHEREAS, *in 2011, 2.3 million people aged 12 or older received specialty treatment for a substance use disorder and 31.6 million adults aged 18 or older received mental health services, according to the 2011 National Survey on Drug Use and Health. Given the serious nature of this public health problem, we must continue to reach the millions more who need help; and*

WHEREAS, *on October 1, 2013 as a result of the Affordable Care Act, more than 11 million uninsured individuals with behavioral health needs will become eligible for affordable insurance coverage for their treatment needs, according to the 2011 National Survey on Drug Use and Health. We must ensure that all of these individuals are successfully enrolled into coverage; and*

WHEREAS, *to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), Sun Street Centers and the City of Seaside invite all residents of Seaside to participate in* ***National Recovery Happens Month****.*

NOW THEREFORE, BE IT PROCLAIMED, *that I, The Honorable Ralph Rubio, Mayor of the City of Seaside, on behalf of the City Council, do hereby proclaim the month of September 2017 as* ***"National Recovery Happens Month"*** *in the City of Seaside and call upon the citizens of Seaside to observe this month with appropriate programs, activities, and ceremonies to support this year's* ***Recovery Month****.*

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Ralph Rubio
Mayor

September 21, 2017

DRAFT MINUTES

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
COUNCIL CHAMBER
Thursday, September 7, 2017
7:00 PM

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1. **CALL TO ORDER**
Mayor Pro Tem Alexander called the meeting order at 8:00 PM.

2. **ROLL CALL – ESTABLISHMENT OF QUORUM**
PRESENT Alexander, Campbell, Jones, Pacheco,
ABSENT: Rubio

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**
Pastor Sims provided the invocation and Council Member Campbell lead the Pledge.

4. **REVIEW OF AGENDA**
No changes were requested.

5. **PUBLIC COMMENT**
Mayor Pro Tem Alexander invited comments from the public.

- Dan Fernandez, Faculty Member at CSUMB explained that he started a program called the Sustainable Cities program. Where classes have worked with regional cities implementing sustainable practices. Last year 15 classes assisted with projects for sustainable goals for a City who could not implement them due to staffing and financial constraints. This year the City of Seaside was selected to be the next city partner. The students were in attendance in the audience, there are 8 classes slated for this year. These students will be attending the City Council meetings regularly to get a better understanding of the needs of the City.
- Kathy Rivera invited the Council and the public to the Sustainable Living tour for 2017 hosted by Sustainable Seaside on September 9th.
- Peter Keiser spoke to the possibility of increasing the minimum wage, and spoke to studies that when you raise the minimum wage, you will actually decrease the workforce. He also spoke against the Planned Parenthood clinic and encouraged the City to consider a better use at that land. He finally spoke against approving marijuana dispensaries and making money on that sale.
- Gertrude Smith said she is glad that we have a Planned Parenthood in the City of Seaside because a lot of under privileged people get their primary care services there, especially with the Seaside Family Health clinic in transition.

6. **PUBLIC AGENCY COMMUNICATIONS**
There were no requests to speak.

7. **PRESENTATIONS**

A. **PRESENTATION OF AUGUST 2017 HOUSE OF THE MONTH**

Neighborhood Improvement Program Commissioner Lanny Olis and Mayor Pro Tem Alexander presented the winner of the House of the Month for August 2017.

8. CONSENT CALENDAR

No items pulled from the Consent Calendar.

On motion by the Council Member Campbell and seconded by Council Member Pacheco and passed by the following vote, the City Council approved the Consent Calendar as presented.

RESULT:	**Approved**
MOVER:	Council Member Jason Campbell
SECONDER:	Council Member Dave Pacheco
AYES:	Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla Jones
NOES:	None
ABSENT:	Ralph Rubio

A. APPROVE MINUTES OF AUGUST 17, 2017

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Approved

C. A RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF SEASIDE TO APPROVE THE CLOSURE OF YOSEMITE STREET, BETWEEN BROADWAY AND MENDOCINO FOR THE SEASIDE FIRE DEPARTMENT OPEN HOUSE ON OCTOBER 7, 2017.

Action: Authorized and Passed Resolution 17-64

D. APPROVE A RESOLUTION AUTHORIZING THE REDUCTION OF TRAVEL LANES ON ECHO AVENUE FROM FREMONT BOULEVARD TO BAKER STREET FOR PARK(ING) DAY 2017 ON SEPTEMBER 23, 2017.

Action: Authorized & Passed Resolution 17-65

E. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM MARTIN LUTHER KING ELEMENTARY SCHOOL OF THE ARTS

Action: Approved

F. APPROVE CO-SPONSORSHIP AND WAIVE ALL FEES RELATED TO THE 2017 SUSTAINABLE SEASIDE LIVING TOUR AT SEASIDE CITY HALL LAWN ON SEPTEMBER 9, 2017

Action: Approved

G. A RESOLUTION MODIFYING THE CITY'S CLASSIFICATION PLAN TO ADD THE CLASSIFICATION OF PUBLIC AFFAIRS OFFICER / CITY CLERK TO THE CLASSIFICATION PLAN AND ESTABLISH THE SALARY FOR THE CLASSIFICATION

Action: Approved & Passed Resolution 17-66

H. RESOLUTION APPROVING A LEASE/PURCHASE FINANCING AGREEMENT WITH PNC EQUIPMENT FINANCE TO LEASE/PURCHASE FIVE VEHICLES, AS APPROVED IN THE 2017-2018 ADOPTED BUDGET, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

Action: Adopted & Passed Resolution 17-67

I. AUTHORIZE THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR THE DESIGNATION OF LEAD AGENCY BY AND AMONG THE CITIES OF MONTEREY, MARINA, SAND CITY AND SEASIDE FOR THE SAND COMPATIBILITY AND OPPORTUNISTIC USE PROGRAM (SCOUP) ENVIRONMENTAL REVIEW (EXEMPT FROM CEQA ARTICLE 19, SECTION 15306,

CLASS 6)
Action: Approved & Passed Resolution 17-68

9. PUBLIC HEARING

A. INTRODUCTION OF AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE UPDATING CHAPTERS 10, 12, 13 AND 15 CORRECTING ERRORS, OMISSIONS AND LEGAL CONFLICTS IDENTIFIED DURING MUNICPAL CODE CODIFICATION AND UPDATING INCONSISTENCIES WITH CURRENT LEGISLATION OR ORGANIZATIONAL BEST PRACTICES

City Clerk Milton-Rerig presented the report explaining this was the next grouping of chapters being updated as part of the Codification Project. Ms. Milton-Rerig outlined the uniform changes throughout the chapters and spoke to the chapters sections which were inadvertently, deleted, causing conflict with other areas of the code, or are being updated to current business practices. Ms. Milton-Rerig answered questions from the Council.

Mayor Pro Tem Alexander invited comments from the public and had no requests to speak.

On motion by the Council Member Campbell and seconded by Council Member Jones and passed by the following vote, the City Council approved the first reading of the draft ordinances unanimously.

RESULT:	**Approved**
MOVER:	Council Member Jason Campbell
SECONDER:	Kayla Jones
AYES:	Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla Jones
NOES:	None
ABSENT:	Ralph Rubio

B. SEASIDE MUNICIPAL CODE AMENDMENT NO. SMA-17-14: WAIVE FIRST READING AND PASS TO PRINT AN ORDINANCE AMENDING THE SEASIDE MUNICIPAL CODE ADDING CHAPTER 19 THAT SETS FORTH THE ESTABLISHMENT OF REGULATIONS GOVERNING COMMERCIAL AND ADULT USE CANNABIS ACTIVITIES, INCLUDING CULTIVATION, DISPENSARIES, MANUFACTURING, TESTING, TRANSPORTATION AND DISTRIBUTION WITHIN THE CITY OF SEASIDE.

Economic Development Manager Overmeyer presented the presentation and spoke to the public outreach process including conducting study sessions, Planning commission meetings, and public hearings that incorporated changes from the initial draft ordinances. He provided an overview of the draft Ordinance which would permit up to three dispensaries in three locations, allow cultivation in specific locations, R&D, manufacturing, processing in CRG, CMX and CH zones and testing in all commercial zones. He further stated that dispensaries are a lucrative business therefore he explained the qualitative and quantitative process to determine who will obtain the limited permits including required background checks, submission of a business plan, a security plan, a community benefit plan, proof of financial security, testing of knowledge and legal regulations. The applicants will come before the City Council for use permit and to city Council for final approval. He detailed the map that includes the CRG, CMG and the WBUV MX zoned areas and requested that the zone be modified to incorporate zones reflected in the proposed General Plan Update areas. Mr. Overmeyer then explained the proposed business license tax at 6% for dispensaries, 2% for all other cannabis uses, which the City can raise or lower later if required. He indicated that the dispensary. If approved, the second reading would be September 21st, becoming effective October 21st. The Application period would be October 21st through November 21st and the top candidates would be presented to the Planning Commission on December 13th with City Council Public hearing for approval of dispensary applications ON December 21st. The last day to be grandfathered in for a state license would be January 2nd.

Mr. Overmeyer restated that the staff recommendation is for the City Council to hold the public hearing and pass to print the draft ordinance and consider adding the future mixed use for high and low areas for dispensaries, to be consistent with the General Plan update. Mr. Overmeyer answered questions from the Council.

The City Council discussed the proposed locations allowed for dispensaries as well as the proposed tax rate questioning how it would be impacted by other Cities tax rates. They also discussed the schedule and the benefit of getting applications approved by December 21st. Mayor Pro Tem Alexander questioned the level of public to the public and to the customers to which Mr. Overmeyer spoke to state laws that require a comprehensive public education campaign. Council Member Campbell expressed concern that the Federal Government has different regulations for marijuana use and since Seaside has a lot of Federal property patrolled by Federal police and requested that each applicant include that in their public education.

Mayor Pro Tem Alexander invited comments from the public.

- Charles Anderson questioned why Seaside needs to open a dispensary and spoke to many of them that opening illegally. He thinks that this type of business brings crime and that not all money is good money.
- Sal Palma indicted he will be applying for a dispensary permit and applauds the staff involved with the draft ordinance and requested they move forward with the ordinance as drafted.
- Wes Clark, potential applicant, spoke to the comments of presentation, encouraged approving the ordinance as presented and requested more information on public outreach laws and regulations.
- Felix Bachofner expressed concern with the location for cultivation and questioned the policy action of the City to develop a library at that location.
- Reg Carter thanked the City for the transparency, and wanted to clarify that as part of the process, one of the partners would be required to pass the competency exam. We would like the council to consider that all partners, if they own 20% or more share, would be required to take the exam as a way to protect the city.
- Janice Steeple did speak to the need of the Fremont area for revitalization also and requested consideration of expanding to that area.

Mr. Overmeyer, answered questions from the Public and the Council. He did indicated that the Council does have the ability to modify the ordnance to require that all principal employees be tested, if the council wishes to change it. Council Member Pacheco requested to include the area that is part of the 2040 plan as discussed. Council Member Campbell said it would be too onerous to requires a co-op to test all of the principals, as an example and did not agree with making it a requirement to test all principals. The Council discussed this point.

On motion by Council Member Pacheco, Seconded by Council Member Jones and passed by the following vote, the City Council passed to print the draft ordinance establishing regulations for medical and adult use businesses and to include the addition of areas of Fremont discussed and to add future mixed use areas of the 2040 plan and requires testing all principles for each applicant.

RESULT:	Approved
MOVER:	Council Member Pacheco
SECONDER:	Council Member Jones
AYES:	Alexander, Campbell, Jones, Pacheco
NOES:	None
ABSENT:	Ralph Rubio

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

Council Member Pacheco thanked the CUSMB Sustainable Cities Students and hopes they gain effective experience from the process. He reported he attended the MPUSD Board Meeting with a lively discussion for the School Resource Officer contracts, where the Board directed staff to renegotiate the contract to work with Chiefs to develop a diversion program and to use any money saved for mental health issues. He Spoke in support of the fundraising for the Del Monte Manor Playground Equipment, and reported he spoke to Seaside Middle School students he visited, where kids were well behaved and were given ideas about the benefits of the Seaside community. Mayor Pro Tem Alexander indicated that the next SeaStars park clean-up will be September 16th from 10 to 11 am and encouraged anyone to participate for 1 hour. FOSPA will be partnering for this clean up.

11. ADJOURNMENT

Having no further business, the meeting was adjourned at 9:22 pm.

Respectfully submitted,

______________________________	______________________________
Lesley Milton-Rerig, City Clerk	**Ralph Rubio, Mayor**

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.B.

TO:	City Council
FROM:	Craig Malin, City Manager
BY:	Daphne Hodgson, Deputy City Manager Administrative Services Lori Merwin, Finance Assistant
DATE:	September 21, 2017
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 August 26, 2017 through September 8, 2017. In addition, approval of the payroll and benefits checks, direct deposits and wired payments related to the period of August 31, 2017 is requested. Total Accounts Payable and Payroll for the above referenced period is $1,443,935.85.

RECOMMENDATION

It is recommended that the City Council approve and file the list of checks linked to this staff report.

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, the above referenced, and linked list of checks conforms to the approved budget and has been paid. These checks are submitted to the City Council for inspection and confirmation.

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

$1,160,137.40 for payroll and benefits;

$32,524.50 to Boyd's Asphalt Services for basketball court improvements at Cutino Park & Metz Park.
$17,290.00 to Liebert Cassidy Whitmore for professional negotiation services for Jan 2017, Feb 2017, and July 2017.
$22,676.95 to PNC Equipment Finance for Library and City Hall energy project; Fire Admin energy project.
$28,484.22 to PNC Equipment Finance for 2014 PD leased vehicles; 2014 IT leased equipment.
$25,523.57 to California-American Water for August 2017 water consumption.
$46,937.51 to Pacific Gas & Electric for collective gas/electric consumption for August 2017.

The remaining checks, totaling $110,361.70 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.: 8.C.

TO: City Council

FROM: Craig Malin, City Manager

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

DATE: September 21, 2017

SUBJECT: **APPROVE A FEE WAIVER REQUEST FROM SEASIDE HIGH SCHOOL BLACK STUDENT ASSOCIATION FOR COSTS ASSOCIATED WITH THE SOLIDARITY-PEACE PARADE ON OCTOBER 14, 2017**

PURPOSE

The purpose of this item is for City Council to consider the request from the Seaside High School Black Student Association for a waiver of the costs associated with the Special Event Application request associated with the Solidarity-Peace Parade on Saturday, October 14, 2017. Costs associated with the request will include the Special Event Application Fee, Public Works overtime staff and Police overtime staff.

RECOMMENDATION

It is recommended that the City Council approve this request.

BACKGROUND

Seaside High School Black Student Association is planning to hold a Solidarity - Peace Parade and rally on Saturday, October 14, 2017 at 9:00 a.m. A Special Event Application was submitted for review by the Special Event Committee and they will be providing proof of insurance. They are requesting fees waived for costs associated with the event which will include the Special Event Application Fee, Public Works staff overtime and Police staff overtime.

This is the first time that the Seaside High School Black Student Association has requested a fee waiver.

FISCAL IMPACT

Fees which are applicable to the request are approximately:

Special Event Application Fee	$ 90.00
Police Fees	$ 585.00
Public Works Fees	$3,958.00
TOTAL	$4,633.00

ATTACHMENTS

1. Fee Waiver Request and Special Event Application

Reviewed for Submission to the
City Council by:

Craig Malin, City Manager

City of Seaside

FEE WAIVER REQUEST

Name of Applicant Rikee Ross Organization Black Student Association

Address 2200 Noche Buena Ave Seaside CA 93955
Street City State Zip

Home Phone ________ Cell Phone 8319152935 Email Address rross@mpusd.k12.ca.us

Room(s) Requested NONE

Day(s) and Date(s) Requested 9/23/17

Hours Requested (include set-up time) 9am - 12pm Estimated Attendance 300

Description of Event Solidarity - Peace Parade

Special Instructions or Equipment to Be Brought In NONE

Reason for Requesting Fee Waiver

This is an event organized by SHS students in the wake of ~~events~~ happening around the country in order to promote peace

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

If so, what was the date of your event? ________

Is your organization based in Seaside? Yes ☒ No ☐

What percentage of your members or participants resides in Seaside? 100

What is your organization's tax identification number? 77-0320712

Is organization able to provide liability insurance? yes

Will alcohol be served or sold at your event? Yes ☐ No ☒

Applicant Signature [signature] **Date** 8/25/17

FOR OFFICE USE ONLY

Approved: ________
Denied: ________
Appealed: ________

Security Required? Yes ☐ No ☐ **Notes:** ________
Staff Approval: ________
Date: ________

POLICY REGARDING ROOM RENTAL FEES AND WAIVERS

Fees may be waived for activities that benefit the majority of Seaside residents. Any new organizations requesting fee waivers are required to submit a letter of intent and complete the Fee Waiver Request form to the Recreation Services Department. The application will be submitted to the City Manager or his designee for review and approval. In the event that the fee waiver request is denied by the City Manager, the request can be appealed to the City Council. Applicants must demonstrate that the following criteria are satisfied:

1. At least 60% of the organization's membership must consist of Seaside residents. The organization must provide documentation verifying membership residency.
2. The organization must be a 501© 3 non-profit or public benefit organization and provide taxpayer identification number.
3. The organization must provide an in-kind service/donation to benefit and augment the City of Seaside. A written statement must be submitted with the application outlining specific donations and/or services provided by the organization to the City of Seaside.

FEE WAIVERS FOR MEETING ROOMS

1. Meetings are limited to four hours.
2. All organizations receiving fee waivers must give seven days notice of cancellation. If no notice is given of cancellation, the City reserves the right to deny further fee waiver requests.
3. Due to limited space, organizations may not request fee waivers for any more than one meeting room use per year; fee waivers are not intended to provide for ongoing weekly or monthly meeting use.
4. No faith based organizations may apply for fee waivers due to the separation of church and state.

AUDITORIUM RENTAL FEE WAIVER

Organizations requesting the use of the Auditorium must:

1. Pay the non-refundable portion of the deposit per event.
2. An organization requesting use of the auditorium for a special event or meeting may receive no more than one fee waiver request within a 90-day period.
3. Provide special event liability insurance. The following is required:
    a. Provide an "Occurrence Made" liability insurance policy, naming the city as additionally insured, with limits of $1 million per occurrence and $2 million aggregate. A copy of that policy must be provided to the Recreation Services Department.

    OR

    b. Purchase Special Event Liability insurance through the Recreation Services Department at the time of fee waiver request. This insurance covers not only the city, but also those renting the facility.
4. Fundraising activities of any nature do not qualify for fee waivers.
5. Special events may be required to provide security at renter's expense. A photocopy of the contract must be on file with the Recreation Services Department. The number of security guards required is determined by the nature of the event and the numbers in attendance.

***A City-sanctioned organization is defined as "any community based group or organization that in cooperation with the Recreation Services Department, provides an entertainment, recreation and/educational service benefiting the citizens of Seaside."**

****All deposits are placed in the maintenance and janitorial fund designated for the upkeep and repair of the Oldemeyer Center.**

Revised 6/2/16

SPECIAL EVENT APPLICATION

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

ORGANIZATION NAME SHS - Black Student Association
MAILING ADDRESS 2200 NOCHE BUENA AVE
CONTACT NAME Rikee Ross **PHONE#** 831 915 2935
PHONE# 831 392 3530
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: rross@mpusd.net

EVENT NAME: Solidarity & Peace Parade/Rally

Event Category ___ Athletic/Recreation ___ Concert/Performance ___ Circus
___ Celebration/Festival X Parade/Procession/March ___ Dance
___ Carnival ___ Other ___

Setup	Date	9/23	Time	900
Event Starts	Date	9/23	Time	930
Event Ends	Date	9/23	Time	1100
Dismantle	Date	9/23	Time	

SITE LOCATION Start @ SHS

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.
SHS → down Noche Buena → Right on San Pablo Ave → Right Fremont St → Right on Millitary Ave → Left into SHS

SAFETY/SECURITY/ACCESSIBILITY
Please describe your procedures for crowd control and internal security
community members & organizations

NAME OF SECURITY ORGANIZATION (If required)
Please attach security contract.

Date:

Dear Event Sponsor:

Welcome to the City of Seaside. The following pages include the City of Seaside's Special Events Application and accompanying instructions developed to guide you through the application process.

Effective February 6, 2014 a $90.00 permit fee was approved by the Seaside City Council. Please enclose a check made out to the City of Seaside with your completed application. Once the completed form is received it will be distributed to all City departments and agencies affected by your event. You will then be notified of the status of your request. On behalf of the City of Seaside we thank you for contributing to the spirit and vitality of our City through the staging of your event. **Best wishes for a successful event!**

Nancy Towne
Recreation Services Manager
City of Seaside
986 Hilby Avenue
Seaside, CA 93955
(831) 899-6800
(831) 899-6274
Email: towne.nancy@ci.seaside.ca.us

SIGNS POSTED at local business & organizations

\# OF PARTICIPANTS 300

IS THE EVENT OPEN TO THE PUBLIC? (X) 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? NONE

( ) NON-PROFIT 501 C(3) ( ) 501 C(6) ( ) COMMERCIAL-FOR PROFIT
( ) OTHER
Federal ID#

Event Benifting:

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

Police & Public works

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

Students & community mentorss

PARKING ARRANGEMENTS:
Public Parking Needs

NONE - They will park at SHS

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

NONE

( ) 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 (X) NO
If YES, please attach Health Department Food Vendor Certificate.

DO YOU INTEND TO SELL OTHER MERCHANDISE? ( ) YES (X) NO

# of Vendors__________

Describe the type of merchandise.

____

WILL ALCOHOL BE SERVED? ( ) YES (X) NO
WILL ALCOHOL BE SOLD? ( ) YES (X) NO
If yes, please attach ABC license.

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

HOW WILL EVENT BE ADVERTISED AND PROMOTED?

Social media, flyers

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

yes. SHS yearbook

OTHER PERTINENT INFORMATION OR SPECIAL REQUESTS

____

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   Date 8/25/17

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.

		8/25/17
Permit Holder's Signature	Title	Date

INDEMNIFICATION, DEFENSE, HOLD HARMLESS

<u>Applications must furnish the city with a certificate of insurance</u> 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.

8/25/17
Date

Signature of Permit Holder

Administrative Use Only

Sign Off

( ) Building ______________	( ) Recreation ____________________
( ) Planning ______________	( ) Finance ______________________
( ) Police ______________	( ) Public Works ______________
( ) Fire ______________	( ) County Health ______________

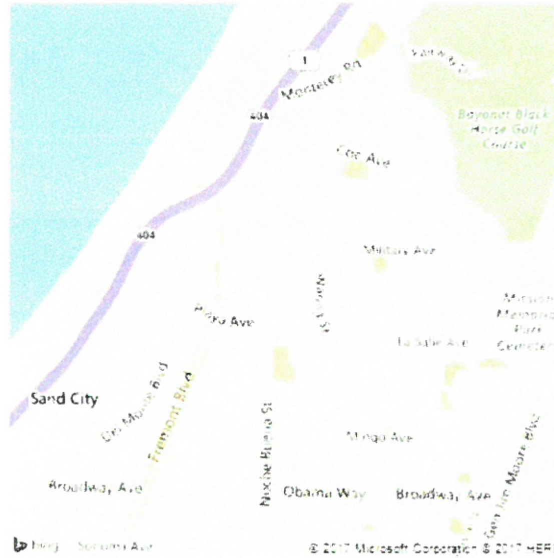
Department Comments

____
____
____
____

Special Event application form
Revised February 18, 2014

bing maps

Notes



CITY OF SEASIDE
STAFF REPORT

Item No.: 8.D.

TO: City Council

FROM: Craig Malin, City Manager

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

DATE: September 21, 2017

SUBJECT: **APPROVE A RESOLUTION AUTHORIZING THE CLOSURE OF HARCOURT AVENUE TO THROUGH TRAFFIC AT CANYON DEL REY, ALLSTON AND HILLSDALE FOR THE CITY OF SEASIDE'S BIRTHDAY CELEBRATION ON OCTOBER 13, 2017 AND FOR THE TREE LIGHTING CEREMONY ON DECEMBER 8, 2017**

PURPOSE

The purpose of this item is to request that City Council approve a resolution permitting the closure of Harcourt Avenue to through traffic at Canyon Del Rey, Allston and Hillsdale to ensure public safety during the City of Seaside's Birthday event on Friday, October 13, 2017 and the Annual Tree Lighting Ceremony on Friday, December 08, 2017.

RECOMMENDATION

It is recommended that City Council approve the closure of Harcourt Avenue on Friday, October 13, 2017 and on Friday, December 08, 2017 between the hours of 10:00 a.m. to 10:00 p.m.

BACKGROUND

The City of Seaside will be holding the City's Birthday on Friday October 13, 2017 from 5:30 p.m. to 9:00 p.m. and the Annual Tree Lighting Ceremony on Friday, December 08, 2017 from 6:00 p.m. to 9:00 p.m. on the lawn at Seaside City Hall and will need to utilize Harcourt Avenue for portion of the programs use. The closure of Harcourt Avenue will greatly enhance these event and will allow for greater safety for the participants and staff. Because staff anticipates a large turnout, extra space will be required for the City's Birthday and the Tree Lighting Ceremony. All the residents living on this portion of Harcourt will be contacted by department staff in advance of these events.

FISCAL IMPACT

There is no fiscal impact associated with the proposed action.

ATTACHMENTS

1. Draft 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

APPROVING THE CLOSURE OF HARCOURT AVENUE AT CANYON DEL REY TO THROUGH TRAFFIC AT ALLSTON AND HILLSDALE

WHEREAS, the City of Seaside sponsors the Birthday Celebration and the Annual Tree Lighting Ceremony on the lawn at Seaside City Hall that is open to the public;

WHEREAS, the closing of Harcourt Avenue at Canyon Del Rey, Allston and Hillsdale Avenue is necessary between the hours of 10:00 a.m. and 10:00 p.m. on October 13, 2017 and on December 08, 2017 to insure the safety of the public and staff;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Seaside hereby approves the closure of Harcourt Avenue at Canyon Del Rey, Allston and Hillsdale Avenue to ensure the safety of the public using this portion of roadway during the events.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 21st day of September 2017 by the following vote:

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

____
Ralph Rubio, Mayor

ATTEST:

____
Lesley Milton-Rerig, City Clerk

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.E.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton-Rerig, City Clerk
David Little, Building Official

DATE: September 21, 2017

SUBJECT: **APPROVE SECOND READING OF AN ORDINANCE ADOPTING AMENDMENTS TO SEASIDE MUNICIPAL CODE UPDATING CHAPTERS 10, 12, 13 AND 15 CORRECTING ERRORS, OMISSIONS AND LEGAL CONFLICTS IDENTIFIED DURING MUNICPAL CODE CODIFICATION AND UPDATING INCONSISTENCIES WITH CURRENT LEGISLATION OR ORGANIZATIONAL BEST PRACTICES**

PURPOSE

The purpose of this Ordinance is to amend Chapter 10, 12, 13 and 15 to incorporate recommended changes identified through the Municipal Code Codification process and legal review and to update sections correcting inconsistencies with current legislation and current business practices.

RECOMMENDATION

It is recommended that the City Council approve the second reading of the draft Oridnance approving the proposed updates to Municipal Code Chapters 10, 12, 13 and 15 as presented in the draft ordinance.

BACKGROUND

In 2015 the City Council authorized a contract to recodify the City Municipal Code. The contracted services included a review of all of the existing City ordinances to ensure the code was accurately codified to include all adopted regulations and to identify any legal conflicts or inconsistencies within the code due to adoption of new ordinances or changes to state or federal regulations. To finalize the codification, staff is bringing before you approvals to update the code to eliminate identified conflicts or inconsistencies as well as to update the code to reflect current organizational best practices or new legislation that has been enacted.

The proposed changes to update Chapters 10, 12, 13 and 15 of the Seaside Municipal Code are listed in red-line strike out in Attachments. A summary of the changes are included below. The draft Ordinance accepting the modifications is also attached for your review.

UNIFORM CHANGES THROUGHOUT THE CODE:

- Uniformly change the designation for "City Clerk" throughout the chapter to "City" as the City Clerk no longer accepts money.
- Uniformly modify instances of "Uniform Building Code" to "California Building Code" and update references from UBC to CBC as listed in attachment.

Chapter 10 Amendments

- Modify sections below; reinsertion of the following section accidentally deleted previous ordinances:
    - 10.08.040 Obedience to traffic regulations. (Duties of police to enforce the code) Reinserted, accidentally deleted during previous codification.
    - 10.20.020 Turning markers at intersections. Reinserted, accidentally deleted during previous codification.
- Modify sections below updating to current best practices:
    - 10.44.040 Permit – Parade Application. Time of filing is modified for a more reasonable response period, from 10 to 30 days.
    - 10.44.060 Permit – Notification of denial by City Manager. Modified for a more reasonable response period, from five to fifteen days.

Chapter 12 Amendments

- 12.04.030 Applicant to pay cost of resurfacing. Changing "application" to applicant, the responsible party.
- 12.20.030 Numbers on houses. Modification to indicate that failure to comply with this section is an infraction, not a misdermeanor
- 12.12.010 Public Right of Way obstructions prohibited. Amended from "Street Obstructions" to "Public Right of Way Obstructions" and clarification of what an obstruction in a public right of way is.

Chapter 13 Amendments

- Amend the following text sections:
    - 13.04.100 Violation – Penalty. Modification of the statement that violations are an infraction, not a misdemeanor
    - 13.14.030 Duration and effectiveness of grant. Amended to delete the franchise term, which has already expired and any new term will be listed in the agreement.
- Reinsert the following code section inadvertently deleted during previous codifications:
    - 13.12.060 Cross-connection protection requirements designated. This section maintains the numeric order eliminating confusion going forward.

Chapter 15 Amendments

- SMC 15.20 - Sign Code. Delete the section in its entirety, as the chapter was moved to SMC Chapter 17, adopted by Ordinance 1030
- 903.6 Existing buildings. Modify to clarify the total floor area that is required for sprinkler systems within buildings, consistent with CBC.
- 15.05.005 Development permit required. Add section A - Exemption of a permit deliniating when a building or structure may be exempt fromn a permit
- 15.05.010 Inspection required. Modified to increase the number of days required to arrange for an inspection, increase from 45 to 180 days.
- 15..8.160 Fences and Gates. Updated to reflect concurrent sizes with Chapter 17 zoning code on fence height.
- 15.08.155 and 15.08.180 Updated to require painting of new roofing materials to preserve the materials as well as blend to match existing roofing materials, consistent with other areas of the code that require painting of new roofing modifications.
- Additions of the followings sections to the code pertaining to Temporary Occupancy Permits:
  - 15.06.040 Temporary occupancy permits.
  - 15.06.050 Temporary utilities permits.
  - 15.06.060 Deposits.
  - 15.06.070 Violations and penalties.
  - 15.06.080 Severability.
  - 15.08.210 Handicapped accessibilit. Retitling the code section to "Accessiblity Standards"

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The recommended action does not constitute a "Project" as that term is defined under the California Environmental Quality Act (CEQA) Guideline Section 15378, as the modifications are organizational or administrative activities that will not result in direct or indirect physical changes in the environment.

RECOMMENDATION

Staff recommends the above changes to be authorized to update the code to be in compliance with current law, not in conflict of other city code sections and to reflect current organizational best practices. The City Council passed to print the draft ordinance at the September 7, 2017 meeting unanimously and Staff recommends adopting the draft ordinance.

FISCAL IMPACT

The fiscal impact associated with this item is for the cost of codifying the changes into the Municipal Code, which is included in the current Fiscal Year 2017-18 adopted budget.

ATTACHMENTS

1. Draft Ordinance
2. Chapter 10
3. Chapter 12
4. Chapter 13
5. Chapter 15

Reviewed for Submission to the
City Council by:

Craig Malin, City Manager

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

AMENDING SEASIDE MUNICIPAL CODE UPDATING CHAPTERS 10, 12, 13 AND 15 CORRECTING ERRORS, OMISSIONS AND LEGAL CONFLICTS IDENTIFIED DURING MUNICPAL CODE CODIFICATION AND UPDATING INCONSISTENCIES WITH CURRENT LEGISLATION OR ORGANIZATIONAL BEST PRACTICES

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

Section 1. FINDINGS AND PURPOSES.

A. The purpose of this Ordinance is to amend the Seaside Municipal Code Chapters 10, 12, 13, and 15 to update inconsistencies, errors identified during the recodification and compliance with new legislation or organizational best practices.

Section 2. AMENDMENT AND RESTATEMENT OF SECTIONS OF CHAPTERS 10, 12, 13 and 15 OF THE SEASIDE MUNICIPAL CODE AS FOLLOWS

The City of Seaside Municipal Code Sections below are hereby amended to incorporate the text amendments included in Attachment A for Chapters 10, Attachment B for Chapter 12 and Attachment C for Chapter 13 and Attachment D for Chapter 15 of the Seaside Municipal Code.

Additionally, the following changes are authorized to be made throughout the code and are amended to be as follows:

- Uniformly change the designation for “City Clerk” throughout the above chapter to “City” as the City Clerk no longer accepts money.
- Uniformly modify instances of "Uniform Building Code" to “California Building Code” and update references from UBC to CBC as listed in attachments.

Section 4. 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, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after its final passage and adoption.

INTRODUCED to the City Council of the City of Seaside during a duly held Regular Meeting on the 7th day of September, 2017.

PASSED AND ADOPTED by the City Council of the City of Seaside this ____ day of ____, 2017, by the following roll call vote:

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

Signed: ___________________________
Ralph Rubio, Mayor

Attest: ___________________________
Lesley Milton-Rerig, City Clerk

Title 10

VEHICLES AND TRAFFIC

Chapters:

Chapter 10.04

DEFINITIONS

Sections:

10.04.010 Generally.

A. Except as otherwise defined in this title, the definition of any term used in this title is the definition of such term as it is defined and described in the Vehicle Code of the state and amendments thereto.

B. Whenever any words or phrases used in this title are not defined in this chapter but are now defined in the Vehicle Code of the state, such definitions are incorporated in this chapter and shall be deemed to apply to such words and phrases used in this title. (Ord. 17, 1955; Ord. 1, 1954; prior code §§ 9-101 and 9-201)

10.04.020 Interpretation.

Whenever in this title the following words and phrases set forth in this chapter are used, they shall for the purpose of this title have the meanings respectively ascribed to them in this chapter. (Ord. 17, 1955; prior code § 9-202)

10.04.030 Alley.

"Alley" means any street less than twenty-five feet in width between property lines. (Ord. 17, 1955; prior code § 9-203)

10.04.040 Central business district.

The "central business district" shall consist of the streets described as follows: Fremont Boulevard, Broadway from the east side of the intersection of Noche Buena Street to the west side of the intersection of Del Monte Boulevard, and Del Monte Boulevard. (Ord. 126, 1957; prior code § 9-204.A)

10.04.050 Central traffic district.

The "central traffic district" shall consist of all streets and portions of streets within the area described as follows: Fremont Boulevard from the north side of the intersection of Military Avenue to the north side of the intersection of Portola Avenue; Del Monte Boulevard from the south city limit to the north city limit; Broadway from the east side of the intersection of Noche Buena Street to the west side of the intersection of Del Monte Boulevard; Palm Avenue from the west side of the intersection of Calaveras Street to the intersection of Del Monte Boulevard. (Ord. 1003A § 1(2), 2012; Ord. 17, 1955; prior code § 9-204)

10.04.055 Commercial vehicle.
A. "Commercial vehicle" means any of the following:

1. Any vehicle as defined in California Vehicle Code Section 260 having a gross vehicular weight of ten thousand pounds or more;

2. Any unattached commercially licensed tractor or truck capable of hauling a trailer or semitrailer resulting in a combined weight of ten thousand pounds or more;

3. Any unattached commercially licensed trailer or semitrailer over eighty inches in width or twenty feet in length.

B. "Commercial vehicle" shall not include a vehicle owned by a public entity or utility. (Ord. 808 § 2, 1992)

10.04.056 Trailer.
"Trailer" shall be as defined by California Vehicle Code Section 630, including trailers for vehicles, boats or personal watercrafts. (Ord. 1027 § 11(2), 2016; Ord. 1010 § 1(B), 2013)

10.04.057 Recreational vehicles.
"Recreational vehicle" shall mean any travel trailer or other vehicular portable structure designed to be used as a temporary occupancy for travel or recreation use, including, but not limited to, any motor home, and truck slide-in camper. Passenger vans which have been converted for use as a recreational vehicle and do not exceed nine feet in height are exempt from this section. (Ord. 1027 § 11(3), 2016)

10.04.058 Prohibited vehicles.
"Prohibited vehicle" shall mean any commercial vehicle, truck tractor, semi-trailer, independent trailer, walk-in van, box van, walk-in truck, trucks with sideboards exceeding the height of the cab, tow truck, any flatbed pickup, any vehicle designed to provide food or equipment sales or transport, any vehicle affixed with power attachments or tools, any vehicle which exceeds a gross vehicle weight rating (GVWR) of eleven thousand five hundred pounds, any school bus or passenger carrying vehicle which exceeds sixteen persons in capacity or twenty-two feet in length, and any vehicle exceeding nine and one-half feet in height. (Ord. 1027 § 11(4), 2016)

10.04.060 Council.
"Council" means the council of the city. (Ord. 17, 1955; prior code § 9-205)

10.04.070 Loading zone.
"Loading zone" means that space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (Ord. 17, 1955; prior code § 9-206)

10.04.075 Permit parking spaces on city-owned property.
The city council may establish, by resolution from time to time, permit parking spaces in the city off-street parking lots, streets or on other city-owned property. When authorized signs are in place giving notice thereof no person shall stop, stand or park a vehicle in any such space unless such person has displayed a valid, unexpired permit parking sticker. The resolution shall set the yearly or bi-yearly charge for such permit parking and permit parking receipts derived from parking permits shall be credited to the administration of the parking permit program. (Ord. 1009 § 1(2), 2013)

10.04.080 Official traffic-control devices.
"Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. (Ord. 17, 1955; prior code § 9-207)

10.04.090 Official traffic signals.
"Official traffic signals" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed, and which is erected by authority of a public body or official having jurisdiction. (Ord. 17, 1955; prior code § 9-208)

10.04.100 Parkway.
"Parkway" means any portion of a street other than a roadway or sidewalk. (Ord. 17, 1955; prior code § 9-209)

10.04.110 Passenger loading zone.
"Passenger loading zone" means that space adjacent to a curb reserved exclusively for the use of vehicles during the loading or unloading of passengers. (Ord. 17, 1955; prior code § 9-210)

10.04.120 Person.
"Person" means every natural person, firm, copartnership, association, or corporation. (Ord. 17, 1955; prior code § 9-211)

10.04.130 Police officer.
"Police officer" means every officer of the police department of the city. (Ord. 17, 1955; prior code § 9-212)

10.04.140 Shall and may.
"Shall" is mandatory and "may" is permissive. (Ord. 17, 1955; prior code § 9-213)

10.04.150 Stop – Stop or stand – Park.
A. "Stop," when required, means complete cessation of movement.

B. "Stop or stand," when prohibited, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or official traffic control.

C. "Park" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading, or unloading, passengers, or materials. (Ord. 17, 1955; prior code § 9-214)

10.04.160 Traffic.
"Traffic" means pedestrians and vehicles, either singly or together, while using any street for the purpose of travel. (Ord. 17, 1955; prior code § 9-215)

10.04.170 Traffic authority.
"Traffic authority" means the council of the city. (Ord. 17, 1955; prior code § 9-216)

Chapter 10.08

GENERAL PROVISIONS

Sections:

10.08.010 Title.
This title shall be known as, and whenever cited, referred to, or amended may be designated as, the "traffic code." (Ord. 510 § 1, 1978; Ord. 17, 1955; prior code § 9-280)

10.08.020 Obedience to traffic signs.
A. It is unlawful for the driver of any vehicle or any pedestrian to disobey the instructions of any signal, traffic sign, or mark upon any street, placed in accordance with the provisions of this title.

B. It is unlawful for the driver or operator of any vehicle to park the vehicle in disregard of any traffic sign or mark upon the street or curb.

C. No public utility or department in the city shall erect or place any barrier or sign unless of a type first approved by the chief of police or the Division of Highways. It is unlawful for any operator or pedestrian to disobey the instructions of any barrier or sign approved, as provided in this subsection, erected or placed by a public utility or by any department of the city. (Ord. 1, 1954; prior code § 9-105)

10.08.030 Display of unauthorized signs prohibited.
A. It is unlawful for any person to place or maintain or to display any device, other than an official warning or direction sign or signal erected under competent authority, upon or in view of a street, which purports to be, or is an imitation of, or resembles, an official warning or direction sign or signal, or which attempts to direct the movement of traffic or the action of operators, and any such prohibited device shall be a public nuisance.

B. It is unlawful for any person wilfully to deface, injure, move, or interfere with any official warning or direction sign or signal. (Ord. 1, 1954; prior code § 9-106)

10.08.040 Obedience to traffic regulations – Duties of police.
A. Officers of the police department, or persons deputized by the chief of police, shall have the power of enforcing the provisions of this title and the officers are authorized to direct all traffic by voice, hand, or signal in conformance with the traffic laws; provided, that in the event of fire or other emergency, police officers may direct traffic as conditions may require notwithstanding the provisions of the traffic laws. No person shall wilfully fail or refuse to comply with any lawful order, direction or signal of a police officer, and it is unlawful for any persons other than an officer of the police department, or persons deputized, to direct or attempt to direct traffic by voice, hand, or signal.

B. It shall be the duty of the officers of the police department of the city to enforce the provisions of this title. (Ord. 17, 1955; Ord. 1, 1954; prior code §§ 9-102 and 9-217)

Chapter 10.12

TRAFFIC-CONTROL DEVICES

Sections:

10.12.010 Placement and maintenance authorized.
The council shall have the exclusive power and duty to place and maintain or cause to be placed or maintained official traffic-control devices when and as required under this title to make effective the provisions of this title, and may place and maintain such additional traffic-control devices as it may deem necessary to regulate traffic under this title or under state law, or to guide or warn traffic. (Ord. 17, 1955; prior code § 9-224)

10.12.020 Installation of traffic signals, safety zones and traffic lanes authorized.
The council is authorized:

A. To install and maintain official traffic signals at such intersections and other places as it may deem necessary for the regulation of traffic;

B. To establish safety zones at such places as it may deem necessary for the protection of pedestrians; and

C. To mark lanes for traffic on street pavements at such places as it may deem advisable, consistent with the Vehicle Code of the state and traffic ordinances of the city. (Ord. 17, 1955; prior code § 9-225)

Chapter 10.16

STREET AND CURB MARKING

Sections:

10.16.010 Through highway and intersection stops and parking time limits.
The chief of police shall determine and designate the location of through highway and intersection stops, and parking time limit within any designated area within the city, and he is authorized and directed to place, paint and maintain and cause to be placed, painted and maintained the necessary signals, marking or painted curbing in accordance with the Vehicle Code of the state and amendments thereto. Appeal from the determination of the chief of police may be made to the city council. (Ord. 148, 1958; Ord. 1, 1954; prior code § 9-103)

10.16.020 Loading zones, bus zones and safety zones.
The chief of police shall determine and designate the location of loading zones, bus loading zones, and safety zones and/or the method of turning at intersections, and/or the location of mechanical signals, and he is authorized and directed to place, paint, and maintain, or cause to be placed, painted or maintained, the necessary signs, markers or painted curbing in accordance with the Vehicle Code of the state and amendments thereto. Appeal from the determination of the chief of police may be made to the city council. (Ord. 148, 1958; Ord. 1, 1954; prior code § 9-104)

Chapter 10.20

TURNING MOVEMENTS

Sections:

10.20.010 Left turns.

The council may erect and maintain signs at any intersection prohibiting the making of left turns by drivers of vehicles wherever the council determines that such left turn would cause traffic congestion or traffic hazard. The making of such left turns may be prohibited between certain hours of each day and permitted at other hours, in which event the same shall plainly be indicated on the signs erected by the council. (Ord. 17, 1955; prior code § 9-230)

10.20.020 Turning markers at intersections.

A. The council may place markers, buttons, or signs within or adjacent to intersections, indicating the course to be traveled by vehicles at such intersections.

B. When authorized markers, buttons, or other indicators are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indicators. (Ord. 17, 1955; prior code § 9-232)

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Chapter 10.24

SPEED LIMITS

Sections:

10.24.010 Engineering and traffic surveys adopted.
That document known as City of Seaside 2010 Citywide Engineering and Traffic Study (E&TS) dated May 2011, prepared by the consultant Sundaresh N. Begur, and the 2010 Citywide Engineering and Traffic Study Update, dated December 14, 2012, prepared by the consultant Keith B. Higgins, PE, TE of Hatch Mott MacDonald is hereby adopted by the city council as the engineering and traffic surveys of the city. (Ord. 1005 § 1, 2013; Ord. 1002 § 1, 2011; Res. 05-31, 2005; Ord. 883 § 2, 1999)

10.24.020 Greater than twenty-five miles per hour on certain streets.
It is determined, upon the basis of an engineering and traffic survey, that the following speed limits greater than twenty-five miles per hour on the following streets would facilitate the orderly movement of vehicular traffic, are reasonably safe and are declared the prima facie speed limit on these streets:

Broadway Avenue from Del Monte Avenue to Fremont Boulevard, thirty miles per hour;

Broadway Avenue from Fremont Boulevard to the easterly city limits, thirty miles per hour;

Coe Avenue from Buttercup Boulevard to General Jim Moore Boulevard, thirty-five miles per hour;

Coe Avenue from Monterey Road to Buttercup Boulevard, thirty miles per hour;

Del Monte Boulevard from the southerly city limits to the northerly city limits, thirty-five miles per hour;

Fremont Boulevard from Playa Avenue to the northerly city limits, thirty-five miles per hour;

Fremont Boulevard from the southerly city limits to Playa Avenue, thirty miles per hour;

General Jim Moore Boulevard from Broadway Avenue to Coe Avenue, forty miles per hour;

General Jim Moore Boulevard from Coe Avenue to McClure Way, forty miles per hour;

General Jim Moore Boulevard from south city limits to Broadway Avenue, forty miles per hour;

Harcourt Avenue from Canyon Del Rey Boulevard to Fremont Boulevard, thirty miles per hour;

Hilby Avenue from Fremont Boulevard to Mescal Street, thirty miles per hour;

Kimball Avenue from Fremont Boulevard to Mescal Street, thirty miles per hour;

La Salle Avenue from Del Monte to Lysette Court, thirty miles per hour;

Lightfighter Drive from Highway 1 to General Jim Moore Boulevard, forty miles per hour;

Mescal Street from Plumas Avenue to San Pablo Avenue, thirty miles per hour;

Military Avenue from Noche Buena to the easterly city limits, thirty miles per hour;

Monterey Road from Fremont Boulevard to 6th Division Road, thirty-five miles per hour;

San Pablo Avenue from Fremont Boulevard to Mescal Street, thirty miles per hour;

Sonoma Avenue from Canyon Del Rey Boulevard to Fremont Boulevard, thirty miles per hour. (Ord. 1005 § 2, 2013; Ord. 1002 § 2, 2011; Ord. 883 § 3, 1999; Ord. 809 § 3, 1992; Ord. 518 § 2, 1978; prior code § 9-117)

10.24.040 Fifteen miles per hour on certain streets.
The speed limit on the following streets or portions of streets is established at fifteen miles per hour:

A. The mall from Broadway to La Salle Avenue;

B. Clementina Avenue from Fremont Boulevard to Del Monte Boulevard;

C. Echo Avenue from Fremont Boulevard to Del Monte Boulevard;

D. The unnamed street lying between Lots 105 and 107 of the Gateway Auto Center from Heitzinger Plaza and Del Monte Boulevard;

E. Heitzinger Plaza and Geary Plaza. (Ord. 460 § 1, 1975)

Chapter 10.28

RESTRICTED STREETS

Sections:

10.28.010 Truck routes.

A. Whenever any ordinance of the city designates and describes any street or portion thereof as a street the use of which is permitted by any commercial vehicle or by any vehicle exceeding the maximum gross weight limit of three tons, the council is authorized to designate such streets by appropriate signs as “truck traffic routes” for the movement of commercial vehicles exceeding a maximum gross weight of three tons.

B. When any such truck traffic route or routes are established and designated by appropriate signs, the operator of any commercial vehicle or any vehicle exceeding a maximum gross weight limit of three tons shall drive on such route or routes and none other, except when necessary to traverse another street to a destination for the purpose of loading or unloading, but then only by such deviation from the nearest truck route as is reasonably necessary. The provisions of this section shall not apply to passenger buses under the jurisdiction of the Public Utilities Commission. (Ord. 17, 1955; prior code § 9-245)

10.28.020 Commercial vehicles prohibited from using certain streets.

Whenever any ordinance of the city designates and describes any street or portion thereof as a street the use of which is prohibited by any commercial vehicle or by any vehicle exceeding a maximum gross weight of three tons, the council shall erect and maintain appropriate signs on those streets affected by such ordinances. The provisions of this section shall not apply to passenger buses under the jurisdiction of the Public Utilities Commission. (Ord. 17, 1955; prior code § 9-246)

Chapter 10.30

ONE-WAY STREETS

10.30.010 Designated.

The following named streets are hereby designated as one-way streets and vehicular traffic flow thereon shall proceed only in the direction indicated. Appropriate signs shall be posted on these streets designating traffic flow direction.

A. The following streets shall operate one way in the northbound direction:

1. San Lucas Street between Olympia Avenue and Baker Street;

2. Hilton Street between Olympia Avenue and Baker Street;

3. Kenneth Street between Hilby Avenue and Broadway Avenue and between Kenneth Place and Mingo Avenue;

4. Luxton Street between Hilby Avenue and La Salle Avenue;

5. Waring Street between Hilby Avenue and La Salle Avenue;

6. Darwin Street between St. James and Darwin Place, and between Mingo Avenue and La Salle Avenue;

7. Luzern Street between Sonoma Avenue and St. Elmo and between Broadway Avenue and La Salle Avenue;

8. Mendocino Street between Yosemite Street and St. Helena;

9. Lincoln Street between San Pablo Avenue and La Salle Avenue;

10. Fernando Street between Mingo Avenue and San Pablo Avenue;

11. Juarez between Havana Street and La Salle Avenue;

12. Santa Barbara Street between Broadway Avenue and Olympia Avenue.

B. The following streets shall operate one way in the southbound direction:

1. Goodwin Street between Baker Street and Olympia Avenue;

2. Laguna Street between Baker Street/La Salle Avenue and Olympia Avenue;

3. Kenneth Street between San Pablo Avenue and Lowell Place;

4. Lowell Street between San Pablo Avenue and Hilby Avenue;

5. Judson Street between La Salle Avenue and San Pablo, between W. Place and Judson Place, and between Broadway Avenue and Hilby Avenue;

6. Harding Street between La Salle Avenue and Hilby Avenue;

7. Vallejo Street between La Salle Avenue and Vallejo Place and between Mingo Avenue and St. James;

8. Soto Street between La Salle Avenue and Wanda Avenue;

9. St. Helena between La Salle Avenue and Mingo Avenue;

10. Napa Street between San Pablo Avenue and Mingo Avenue;

11. Havana Street between La Salle Avenue and Granada Street;

12. Nadina Street between La Salle Avenue and San Pablo Avenue;

13. Santa Barbara Street between Broadway Avenue and Fremont Boulevard.

C. The following streets shall operate one way in the eastbound direction:

1. Elm Avenue between Harding Street and Darwin Street;

2. Flores Place between Waring Street and Flores Street;

3. Waring Place between Judson Street and Waring Street;

4. Vallejo Place between Vallejo Street and Luzern Street;

5. L Place between Lowell Street and Luxton Street;

6. Lowell Place between Kenneth Street and Lowell Street;

7. J Place between Luxton Street and Judson Street;

8. Olympia Avenue between Santa Barbara Street and Fremont Boulevard.

D. The following streets shall operate one way in the westbound direction:

1. St. James between Vallejo Street and Darwin Street;

2. St. Albans between Darwin Street and Harding Street;

3. St. Elmo between Luzern Street and Vallejo Street;

4. Elm Avenue between Vallejo Street and Darwin Street;

5. Darwin Place between Darwin Street and Harding Street;

6. Judson Place between Judson Street and Luxton Street;

7. Kenneth Place between Lowell Street and Kenneth Street;

8. Park Place between Luxton Street and Lowell Street;

9. H Place between Darwin Street and Harding Street;

10. Vallejo Place between Vallejo Street and Darwin Street;

11. Harding Place between Harding Street and Flores Street;

12. W Place between Waring Street and Judson Street;

13. Olympia Avenue between Del Monte Boulevard and Contra Costa Street;

14. Alleyway between Virginia Street and Siddall Street;

15. Harcourt Avenue between Siddall Street and Prospect Street. (Ord. 902 § 2, 2002; Ord. 434 § 1, 1973; prior code § 9-116(a) – (d))

Chapter 10.32

STOPPING, STANDING AND PARKING

Sections:

10.32.010 Parking time limited in central traffic district.
When authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle within the central traffic district between the hours of eight a.m. and six p.m. of any day except Sundays and holidays for a period longer than two hours. (Ord. 1003A § 1(1), 2012; Ord. 17, 1955; prior code § 9-266)

10.32.020 Parking time limited in other business districts.
When authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle within a business district outside of the central traffic district between the hours of eight a.m. and six p.m. of any day except Sundays and holidays for a period of time longer than two hours. (Ord. 17, 1955; prior code § 9-267)

10.32.030 All night parking prohibited in central traffic district.
When authorized signs are in place giving notice thereof, no person shall stop, stand, or park any vehicle on any street in the central traffic district for a period longer than five hours between the hours of ten p.m. and eight a.m. of any day except Sundays and holidays. (Ord. 1003A § 1(3), 2012; Ord. 17, 1955; prior code § 9-268)

10.32.031 Overnight parking at Laguna Grande, Roberts Lake and Seaside City Hall parking lots.
A. Unlawful. It is unlawful for the operator of any vehicle to park said vehicle in Laguna Grande Park, Roberts Lake Park and the Seaside City Hall parking lot between the hours of ten p.m. and five a.m. Mondays through Sundays.

B. Exemptions. Persons participating in activities sponsored by the city and Seaside city employees or officials who are working or are on official city business are exempt from the provisions of subsection A of this section. (Ord. 869 § 2, 1996; Ord. 675 § l, 1985)

10.32.040 Parking for more than seventy-two hours prohibited – Impoundment of vehicles.
Repealed by Ord. 589. (Ord. 577 § 2, 1981; prior code § 9-269)

10.32.050 Unlawful parking by peddlers and vendors.
Except as otherwise provided in this section and SMC 10.32.060 and 10.32.070, no person shall stand or park any vehicle, wagon, or pushcart from which goods, wares, merchandise, fruits, vegetables, or foodstuffs are sold, displayed, solicited or offered for sale, or bartered or exchanged, or any lunch wagon, or eating car, or vehicle, on any portion of any street within the city, except that such vehicles, wagons, or pushcarts may stand or park only at the request of a bona fide purchaser for a period not to exceed ten minutes at any one place. The provisions of this section shall not apply to persons delivering such articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution. (Ord. 17, 1955; prior code § 9-270(a))

10.32.060 Permission required to park vehicles used in transportation of property for hire.
No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining written permission to do so from the council, which shall designate the specific location where the vehicle may stand. (Ord. 17, 1955; prior code § 9-270(b))

10.32.070 Advertising vehicles for sale prohibited – Impoundment of vehicles.
A. It shall be lawful to display one sign advertising a vehicle for sale on the vehicle offered upon any street, subject to the following condition: no person may advertise any vehicle which they do not own and may advertise no more than one vehicle in this manner at any one time.

B. When authorized signs are in place giving notice thereof, no person shall park any vehicle displaying a sign indicating the vehicle is for sale on any street, alley, public parking lot or other public property.

C. Violation of this section shall be an infraction.

D. The chief of police may order the removal of any vehicle parked or left standing in violation of this section in accordance with Section 22651.9 of the California Vehicle Code. The chief of police shall cause all of the notices as provided in Section 22852 of the California Vehicle Code to be given. (Ord. 894 § 2, 2001; Ord. 891 § 2, 2001; Ord. 371, 1970; Ord. 17, 1955; prior code § 9-270(c))

10.32.080 Emergency parking signs.
A. Whenever the chief of police determines that an emergency traffic congestion is likely to result from the holding of private or public assemblages, gatherings or functions, or for other reasons, the chief of police shall have the power and authority to order temporary signs to be erected or posted with wording thereon indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the chief of police shall direct during the time such emergency exists. Such temporary signs shall remain in place only during the existence of such emergency and the chief of police shall cause such signs to be removed promptly thereafter.

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park, or stand any vehicle contrary to the directions and provisions of such signs. (Ord. 17, 1955; prior code § 9-272)

10.32.090 Limited parking during street sweeping.
Parking of vehicles on the public streets shall be limited as follows: in the central business district, ten minutes between three a.m. and six a.m., in all areas where signs or markings giving adequate notice of street sweeping are in place. (Ord. 589 § II(26), 1981; Ord. 122, 1957; prior code § 9-278)

10.32.095 Commercial vehicle parking – Prohibited on public property.
No registered owner shall leave, park or allow to be parked any commercial vehicle, as defined in this chapter, upon any street, alley, right-of-way or publicly owned lot in any district in the city except:

A. When such vehicle is parked while actually and continuously being loaded or unloaded or when such vehicle is parked in connection with the performance of a service and then only for such time as is reasonably necessary to accomplish the loading or unloading or the performance of the service; or

B. When such parking is permitted by virtue of signs posted between the length of public street or right-of-way which signs contain substantially the following language: "Commercial Vehicle Parking Permitted." (Ord. 808 § 3, 1992)

10.32.100 Commercial vehicle parking – Prohibited on private property in residential districts.
No registered owner shall leave, park or allow to be parked any commercial vehicle, as defined in this chapter, upon any private property in a residential district, as defined in accordance with the city's zoning ordinance as all zoning districts which include residential uses as permitted uses, except when such vehicle is parked while actually and continuously being loaded or unloaded, or when such vehicle is parked in connection with the performance of a service and then only for such time as is reasonably necessary to accomplish the loading or unloading or the performance of the service. (Ord. 808 § 3, 1992)

10.32.101 Trailer, recreation vehicle and prohibited vehicle parking – Prohibited on any street – Exception.
No person shall park any camper, boat, trailer, recreational vehicle or prohibited vehicle at any time upon any street, alley, right-of-way or publicly owned lot in the city except as follows:

A. Permitted by "construction related activity" or any landscape business in the vicinity between the hours of seven a.m. and five p.m. daily. For the purpose of this section, the term "construction related activity" includes any active loading and unloading of construction material for the purpose of construction work or landscape maintenance, in accordance with a valid development permit (e.g., use permit, encroachment permit, building permit). For landscape businesses or independent contractors to be exempt, a copy of a valid city business license must be attached to the trailer.

B. Trucks with sideboards extending above the cab will be permitted to park not longer than twenty-four hours.

C. If the registered owner of a recreational vehicle is a resident of a residence on the public street where the trailer, boat or recreational vehicle is parked for the purpose of loading, unloading, cleaning, or other activity preparatory or incident to travel.

D. One vehicle not exceeding a gross vehicle weight rating (GVWR) of five tons which is owned and operated by a water, gas, electric, or telephone public utility and used for emergency service to prevent injury or hazard to the general public may be parked in a residential district. One light-duty class A tow truck with a manufacturer's gross vehicle weight rating (GVWR) of ten thousand to nineteen thousand five hundred pounds and used for emergency service to prevent injury or hazard to the general public may be parked in a residential district. Such tow trucks must be registered with a city, county, or state agency to provide emergency towing services.

E. A trailer and/or prohibited vehicle within a residential zone shall be limited to a maximum of forty-eight hours in a seven-day period for the purpose of actively loading and unloading by the property owner or occupant of a dwelling or apartment.

After three parking violations, the trailer, recreational vehicle, or prohibited vehicle is subject to being towed at the owner's expense. (Ord. 1027 § 11(1), 2016; Ord. 1010 § 1(A), 2013)

10.32.105 Unlawful auxiliary motors – Parking or standing.
No registered owner shall leave, park or allow to be parked any commercial vehicle, as defined in this chapter, in any district in the city, whether on private or public property, between the hours of eight p.m. and seven a.m. of any day, within three hundred feet of any hotel, motel, or residence while said vehicle is equipped with an auxiliary, internal combustion or diesel motor actually in operation at said time and place. (Ord. 808 § 3, 1992)

10.32.110 Signs authorized.
A. Signs shall be conspicuously posted and maintained at all street entrances to the city in at least one-and-one-half-inch-high letters, containing substantially the following language:

> Commercial vehicle parking in the City of Seaside is prohibited on all public streets and in residential areas except as posted otherwise. Violators will be towed.

In addition thereto, the city manager or his designee is further authorized to place such signs throughout the territory of the city as he deems appropriate.

B. The city council by resolution may designate such areas in the city where commercial vehicles may be parked on public streets, rights-of-way or publicly owned lots, and shall cause the posting of signs at the beginning and end of such streets or rights-of-way, or the ingress and egress of such publicly owned lots authorizing such parking. (Ord. 808 § 3, 1992)

10.32.112 Removal authorized.*
On the condition that the signs authorized by SMC 10.32.110 have been posted prohibiting the parking of commercial vehicles, when any vehicle is parked in violation of this section, said vehicle may be removed and impounded in the manner permitted by law. Nothing in this chapter is intended to preclude the enforcement of this section by criminal prosecution, abatement, injunction as a nuisance, or such other manner as may be permitted by law. (Ord. 808 § 3, 1992)

* Code reviser's note: Ord. 808 added this section as 10.32.115. The section has been editorially renumbered to avoid duplication of numbering.

10.32.115 Parking on property under the direct control of the city.
When signs are in place giving notice thereof, it shall be unlawful for any person to drive any vehicle, or to stop, park or leave standing any vehicle, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any property under the direct control of the city, contrary to the directions and provisions of such signs. In addition to the penalties set forth in Chapter 1.16 SMC, vehicles driven, parked, stopped or left standing contrary to the provisions of such signs shall be subject to removal as authorized by Vehicle Code Sections 21113 and 22651(n). (Ord. 788 § 1, 1991)

10.32.120 Private parking lots – Unauthorized parking unlawful.
Whenever a private parking lot is posted and signed in accordance with SMC 10.32.130, it is unlawful for any person to stop, stand or park any motor vehicle in such parking lot without permission or authorization from the owner of such lot. For the purposes of this section, the term "owner" includes tenant, lessee, agent or other person having lawful control or possession of the premises. Violation of this section shall be an infraction. (Ord. 510 § 2, 1978; prior code § 9-273)

10.32.130 Private parking lots – Placement of signs by owners.
An owner of a premises on which motor vehicles may be parked may avail himself of the provisions of SMC 10.32.120 by placing signs on such property, giving notice that only certain persons or class of persons may park on such property. Such signs shall also clearly state that violators may be subject to the provisions of SMC 10.32.120. (Ord. 510 § 3, 1978; prior code § 9-274)

10.32.140 Washing vehicles in street.
No person shall dust, wipe, wash, or clean, use or employ any method of dusting, wiping, washing, or cleaning any vehicle, or portion thereof, while on any street unless such vehicle is owned by or under the direct supervision and control of the person doing any of the acts enumerated in this section. (Ord. 17, 1955; prior code § 9-271)

10.32.150 Repairing or rebuilding vehicles on streets.
A. Repairing, rebuilding, or constructing any vehicle on any public street, highway, or alley within the city, except to the extent that may be reasonably necessary temporarily to repair such vehicle in order to remove it from such street, highway, or alley, is prohibited.

B. Flares of approved design shall be used for the purpose of attracting attention to barriers or obstructions within the roadway. (Ord. 1, 1954; prior code § 9-114)

10.32.160 Weight limit of vehicles parking on La Salle Avenue.
No vehicle of an unladen weight exceeding seven thousand pounds shall be parked on La Salle Avenue between Fremont Boulevard and Del Monte Boulevard. (Ord. 465 § 1, 1975)

10.32.170 Establishment of loading zones.
A. The council is authorized to determine and to mark loading zones and passenger loading zones as follows:

1. At any place in the central traffic district or any business district;

2. Elsewhere in front of any place of business or in front of any hall or place used for the purpose of public assembly.

B. In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes, exclusive of the passenger zones at the entrances of public theaters.

C. Loading zones shall be indicated by yellow paint lines stenciled with black letters, "LOADING ONLY – 10 MINUTES," upon the tops of all curbs within such zone.

D. Passenger loading zones shall be indicated by white paint lines stenciled with black letters, "PASSENGER LOADING ONLY – 5 MINUTES," upon the tops of all curbs in the zone. (Ord. 17, 1955; prior code § 9-259)

10.32.175 Stopping, standing, or parking in permit parking spaces prohibited without permit.
Whenever permit parking spaces are established pursuant to resolution of the city, and when adequate signs are in place giving notice that said spaces are for permit parking only, it shall be unlawful for any person to stop, stand or park a vehicle in any such space unless such person possesses a valid, unexpired permit for parking issued by the city, and such permit is displayed or maintained in accordance with the conditions of issuance of said permit. (Ord. 1009 § 1(1), 2013)

10.32.180 Effect of permission to load and unload.
A. Permission granted in this chapter to stop or stand a vehicle for purposes of loading or unloading of materials shall not extend beyond the time necessary therefor, and in no event for more than ten minutes.

B. Permission granted in this chapter to stop for purposes of loading or unloading passengers in passenger loading zones shall include the loading or unloading of personal baggage but shall not extend beyond the time necessary therefor and in no event for more than five minutes.

C. Within the total time limits specified in subsections A and B of this section, the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading and unloading but without permitting abuse of the privileges granted by this section. (Ord. 17, 1955; prior code § 9-260)

10.32.190 Standing in any alley.
No person shall stop, stand, or park any vehicle for any purpose other than the loading or unloading of persons or materials in any alley. (Ord. 17, 1955; prior code § 9-261)

10.32.200 Standing for loading or unloading only.
When authorized signs or marks are in place giving notice thereof, no person shall stop, stand, or park a vehicle for any purpose other than loading or unloading passengers or materials for such time as permitted in this chapter, in any of the following places:

A. In any yellow loading zone;

B. Within fifty feet of any entrance to any school or any other building used for the transaction of governmental business. (Ord. 17, 1955; prior code § 9-262)

10.32.210 Standing in passenger loading zone.
No person shall stop, stand, or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such a time as is specified in SMC 10.32.180. (Ord. 17, 1955; prior code § 9-263)

10.32.220 Council to determine additional loading or unloading places.
Whenever the council has determined that parking shall be limited, and authorized signs or marks are in place giving notice thereof, no person shall stop, stand, or park a vehicle for any purpose other than loading or unloading passengers or materials in any of the following places:

A. On any part of a roadway having a width of not more than twenty-five feet;

B. In front of any hall or place used for public assemblage;

C. In front of the entrance to any place of business outside of the central traffic district;

D. At any other place where parking of vehicles would result in traffic congestion or particular hazard. (Ord. 17, 1955; prior code § 9-264)

10.32.230 Establishment of bus zones.
A. The council is authorized to establish bus zones opposite curb space for the loading or unloading of buses or common carriers of passengers engaged in local transportation, and to determine the location thereof.

B. No bus zone shall exceed fifty feet in length, except that, when satisfactory evidence has been presented to the council showing the necessity therefor, the council may extend bus zones in such places not to exceed one hundred twenty-five feet in length.

C. The council shall paint a red line stenciled with white letters, "NO PARKING," together with the words "BUS ZONE," upon the tops of all curbs and places specified as a bus zone. (Ord. 17, 1955; prior code § 9-265)

10.32.240 Curb markings to indicate no stopping and parking regulations.
A. The council is hereby authorized, subject to the provisions and limitations of this section, to place, and when required in this section shall place, the following curb markings to indicate standing or parking regulations, and said curb markings shall have the meanings set forth in this section:

1. Red shall mean no stopping, standing, or parking at any time, except that a bus may stop in a red zone marked or signed as a bus zone, and except in the vicinity of a fire hydrant when permitted by the state Vehicle Code.

2. Yellow shall mean no stopping, standing, or parking at any time, between the hours of eight a.m. and six p.m. of any day for any purpose other than loading or unloading of passengers or freight, which shall not exceed ten minutes.

3. White shall mean no stopping, standing, or parking at any time between the hours of eight a.m. and six p.m. of any day for any purpose other than loading or unloading of passengers, which shall not exceed five minutes.

a. When such zone is in front of a hotel, the restrictions shall apply at all times.

b. When the zone is in front of a theater, the restrictions shall apply at all times except when the theater is closed.

4. Green shall mean no standing or parking for longer than twenty minutes at any time between eight a.m. and six p.m. of any day except Sundays and holidays.

5. Blue indicates parking limited exclusively to the vehicles of physical handicapped persons.

B. When the council as authorized under this section has caused curb markings to be placed, no person shall stop, stand, or park a vehicle adjacent to any such legible curb markings in violation of any of the provisions of this section. (Ord. 619 § 1, 1982)

10.32.250 Angle parking.
The city council shall by resolution approve the location of angle parking in the city, based upon the recommendation of the traffic advisory committee. (Ord. 815 § 1, 1992)

10.32.260 Parking prohibited on certain streets.
When appropriate signs have been erected, parking shall be prohibited as follows:

1. Baker Street, east side, between Clementina Avenue and Birch Avenue and between Phoenix Avenue and La Salle Avenue;

2. Kenneth Street, west side, between Hilby Avenue and cul-de-sac north of Broadway Avenue, and east side, at cul-de-sac north of Mingo Avenue;

3. Lowell Street, east side, between La Salle Avenue and cul-de-sac south of La Salle Avenue and between Broadway Avenue and Hilby Avenue;

4. Luxton Street, west side, between Hilby Avenue and Broadway Avenue, and between San Pablo Avenue and La Salle Avenue;

5. Judson Street, east side, between cul-de-sac north of Broadway Avenue and Hilby Avenue;

6. Waring Street, west side, between Hilby Avenue and Broadway Avenue;

7. Flores Street, east side, between cul-de-sac south of Wanda Avenue and cul-de-sac north of Wanda Avenue;

8. Harding Street, east side, between St. Albans and Hilby Avenue;

9. Darwin Street, east side, between Hilby Avenue and cul-de-sac north of Hilby Avenue, and between Darwin Place and cul-de-sac north of Darwin Place;

10. Vallejo Street, east side, between Hilby Avenue and cul-de-sac north of Hilby Avenue;

11. Luzern Street, east side, between Hilby Avenue and Sonoma Avenue;

12. Soto Street, east side, between Mingo Avenue and Sonoma Avenue;

13. Mendocino Street, east side and west side, between Mingo Avenue and Highland Street;

14. St. James, south side, between Vallejo Street and Darwin Street;

15. St. Albans, north side and south side, between Darwin Street and Harding Street;

16. St. Elmo, north side and south side, between Luzern Street and Vallejo Street;

17. Park Place, south side, between Luxton Street and Lowell Street;

18. Flores Place, north side, between Waring Street and Flores Street;

19. Kenneth Place, North side, between Noche Buena Street and Kenneth Street;

20. Granada Street, east side, between Mescal Street and San Pablo Avenue;

21. Juarez Street, east side, between Havana Street and San Pablo Avenue;

22. Judson Place, south side, between Judson Street and Luxton Street;

23. Santa Barbara Street, east side, between Broadway Avenue and Olympia Avenue;

24. Olympia Avenue, north side, between Santa Barbara Street and Fremont Boulevard;

25. Olympia Avenue, north and south sides, between Del Monte Boulevard and Contra Costa Street;

26. East side of southbound Laguna and Goodwin; and

27. West side of northbound Hilton and San Lucas. (Ord. 879 § 2, 1998; Ord. 434 § 1, 1973; prior code § 9-116(e))

Chapter 10.36

MISCELLANEOUS DRIVING RULES

Sections:

10.36.010 Driving through funeral procession.
No driver of a vehicle shall drive between the vehicles comprising a funeral procession while such procession is in motion and when the vehicles therein are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by official traffic signals or police officers. (Ord. 17, 1955; prior code § 9-240)

10.36.020 Driving over new pavement.
No person shall ride or drive any animals or any vehicle over or across any newly paved street or freshly painted markings in any street where a barrier or sign is in place warning persons not to drive over or across such pavement or marking, or when a sign is in place stating that the street or any portion thereof is closed. (Ord. 17, 1955; prior code § 9-244)

10.36.030 Following fire apparatus.
It is unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet, or to park, stop, or stand any vehicle within five hundred feet where the fire apparatus has stopped in answer to a fire alarm. (Ord. 297, 1966; Ord. 1, 1954; prior code § 9-110)

Chapter 10.40

BICYCLES

Sections:

10.40.010 Riding on sidewalk.

No person shall ride a bicycle upon a sidewalk when so doing interferes with pedestrian traffic in any direction. (Ord. 589 § II(25), 1981; Ord. 297, 1966; Ord. 120, 1957; Ord. 1, 1954; prior code § 9-111)

Chapter 10.44

PARADES

Sections:

10.44.010 Definition.
As used in this chapter, "parade" means any parade, march, ceremony, exhibition, pageant, procession, demonstration, or assembly of any kind, or any similar display, in or upon any public street. (Ord. 417 § 2, 1972; prior code § 9-108(a))

10.44.020 Permit – Required.
No person shall engage in, participate in, aid, form, or start any parade unless a permit to do so has been obtained from the city manager, and unless such permit is carried by the person heading or leading such activity; provided, however, that the provisions of this chapter shall not apply to funeral processions, nor to students of schools going to and from classes or when constituting a part of their educational activities and under the immediate direction and supervision of the proper school authorities, nor to any governmental agency within the scope of its functions. (Ord. 417 § 2, 1972; prior code § 9-108(a))

10.44.030 Permit – Application – Fee – Information required.
Any person seeking issuance of a parade permit shall file an application, accompanied by a nonreturnable fee of thirty-five dollars, with the city manager on forms to be provided by said official, and setting forth the following information:

A. The name, address and telephone number of the person seeking to conduct the parade;

B. If to be held by an organization, the name, address and telephone number of the headquarters of same, and of the officers of the organization;

C. The name, address, and telephone number of the parade chairman, or the person otherwise responsible for its conduct;

D. The date on which the parade is to be held;

E. The parade route to be followed, including the starting and termination points;

F. The approximate number of persons and/or animals and vehicles, and the kinds and type thereof, who will take part in the parade;

G. The approximate hours at which the parade will start and terminate;

H. The location of streets of any assembly areas for the parade;

I. The maximum length of the components of the parade in miles, or fractions thereof;

J. Such additional information as the city manager shall deem reasonably necessary in determining whether or not the permit shall issue, under the standards set forth in SMC 10.44.050. (Ord. 417 § 2, 1972; prior code § 9-108(b))

10.44.040 Permit – Application – Time of filing.
An application for a parade permit shall be filed with the city manager not less than thirty days before the date on which it is proposed to conduct the parade. However, where good cause is shown, the city manager shall have the authority to consider an application under this chapter which has been filed less than ten days before the parade date. (Ord. 417 § 2, 1972; prior code § 9-108(c))

10.44.050 Permit – Standards for issuance.
The city manager shall issue the parade permit upon a finding that:

A. The conduct of the parade will not substantially interrupt the safe and orderly movement of traffic in the area of its route;

B. The conduct of the parade is not reasonably likely to cause injury to persons or property, provoke disorderly conduct or create a disturbance;

C. The conduct of the parade will not require the diversion of so great a number of police officers of the city as to prevent the normal police protection thereof; in the event that the anticipated crowds at the parade will reasonably require the use of extra police officers and/or firemen, the cost of hiring such persons shall be at the expense of the person or group applying for the permit. Payment shall be at the established rate of pay and a deposit covering such expenses shall be deposited with the city clerk not less than three days prior to the parade or assembly;

D. The concentration of persons and/or animals and vehicles in the parade will not unreasonably interfere with proper fire and police protection of areas in the vicinity of the parade, its assembly areas, or other areas of the city;

E. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

F. The parade is not to be held for the principal purpose of advertising any product, goods, or event, and is not designed to be held principally for private profit. (Ord. 417 § 2, 1972; prior code § 9-108(d))

10.44.060 Permit – Notification of denial by city manager.
The city manager shall act upon the application for a parade permit within five days after the filing thereof. If the city manager disapproves of the application, he shall mail to the applicant, within ~~five~~ fifteen days after the date on which the application was filed, a notice of his action, stating the reason for his denial of the permit. (Ord. 417 § 2, 1972; prior code § 9-108(e))

10.44.070 Permit – Appeal of denial.
Any person aggrieved by such action of the city manager shall have the right to appeal to the city council by filing with the city clerk, within five days from and after the date of denial, a written notice of appeal which shall set forth the grounds for such appeal. The city council shall act on such appeal as expeditiously as possible. (Ord. 417 § 2, 1972; prior code § 9-108(f))

10.44.080 Permit – Contents – Compliance with conditions required.
A. Each permit shall specify the following:

1. The assembly area and time therefor;

2. The starting time;

3. The minimum and maximum speeds;

4. The route of the parade or motorcade;

5. What portions of streets to be traversed may be occupied by such parade or motorcade;

6. The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such parade or motorcade;

7. The maximum length of such parade or motorcade in miles, or fractions thereof;

8. The disbanding area, and disbanding time;

9. The number of persons required to monitor the parade or motorcade;

10. The number and type of vehicles, if any;

11. The material and maximum size of any sign, banner, placard or carrying device therefor;

12. The materials used in the construction of floats used in the parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the fire chief;

13. That the permittee advise all participants in the parade or motorcade either orally or by written notice of the terms and conditions of the permit, prior to the commencement of such parade or motorcade;

14. That the amplification of sound permitted to be emitted from sound trucks, or bull horns, be fixed and not variable;

15. That the parade or motorcade continue to move at a fixed rate of speed and that any wilful delay or wilful stopping of the parade or motorcade, except when reasonably required for the safe and orderly conduct of the parade or motorcade, shall constitute a violation of the permit; and

16. Such other requirements as are found by the chief of police to be reasonably necessary for the protection of persons or property.

B. All conditions of the permit shall be complied with as far as reasonably practicable. (Ord. 417 § 2, 1972; prior ode § 9-108(g))

10.44.090 Permit – Revocation – Appeal.
The city manager shall have the authority to revoke a parade permit issued under this chapter in the event that he finds and determines that any term, condition, restriction or limitation of such permit has been violated or is being violated, or if he should find that, due to changed circumstances, any one or more of the standards specified in SMC 10.44.050 has not been satisfied. Appeal to the city council from any such revocation may be taken as specified in SMC 10.44.070. (Ord. 417 § 2, 1972; prior code § 9-108(h))

10.44.100 Persons not to obstruct street.
It is unlawful for any person to obstruct the free use of any street or sidewalk, except as provided for in this chapter. (Ord. 417 § 3, 1972; prior code § 9-109)

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

Chapter 12.04

STREET EXCAVATIONS

Sections:

12.04.010 Permit – Required – Bond – Prerequisites to installation – Liability.
A. It is unlawful for any person, firm, or corporation to make any excavation in or under the surface of any street, alley, sidewalk, public way or public place in the city without first obtaining a permit to do so from the city engineer or building inspector of the city and depositing with the city engineer or building inspector, upon receipt of such permit, a bond to defray the cost of restoring the surface to its former condition; provided, however, that any public utility company or licensed contractor need not make such deposit provided a bond in the amount of one thousand dollars, approved by the city attorney, shall be filed with the city clerk guaranteeing proper replacement and repair.

B. The following shall be prerequisite to installation under this chapter:

1. Installations must be in accordance with plans and specifications approved by the public works department of the city.

2. Approval must be endorsed in writing on the plans prior to issuance of the permit.

3. An application fee of five dollars plus one dollar for each parcel of land or one hundred feet abutting the proposed improvement, whichever amount is greater, shall be paid.

4. A bond must be posted in an amount as determined by the public works department to be sufficient to cover restoration of the area to its original condition if the work shall be unsatisfactory and not meet the specifications. This bond may be a surety bond, cash, cashier's check or money order in favor of the city.

5. Applicants shall execute a hold-harmless agreement guaranteeing that the city and/or its officers and employees shall not become liable for any injuries or damage occurring by reason of the installation of the permit and agreeing further to indemnify the city, its officers and employees for any liability which may be determined to exist. (Ord. 601 § II(5), 1982; Ord. 589 § II(28)(a), 1981; Ord. 158, 1958; Ord. 41, 1955; Ord. 1, 1954; prior code § 10-201)

12.04.020 Permit – Application.
A. The application for the permit required in this chapter shall be in writing and addressed to and filed with the city engineer or building inspector. It shall state clearly the nature, extent, and location of the excavation proposed to be made, and the purpose for which the same is to be made. When the applicant has complied with this chapter, the city engineer or building inspector shall issue the permit.

B. Such permit shall set forth the time for the completing of the work of refilling the same. The time for such commencement and such completion may be extended by the city council only upon good cause shown for such extension. (Ord. 601 § II(5), 1982; Ord. 589 § II(28)(b), 1981; Ord. 41, 1955; Ord. 1, 1954; prior code § 10-202)

12.04.030 Applicant to pay cost of resurfacing.
All ~~applicants~~applications for a street opening permit shall pay to the city, as provided in SMC 12.04.010, sufficient moneys to defray the cost of resurfacing such excavations in accordance with the schedule of prices on file at City Hall. (Ord. 1, 1954; prior code § 10-204)

12.04.040 Report of permits to street superintendent – Collection of resurfacing costs.
A. It shall be the duty of the city engineer and building inspector to report all street opening permits to the street superintendent and the collector daily, and to deposit with the collector within forty-eight hours all cash deposits made under this chapter.

B. It shall be the duty of the street superintendent to resurface such excavations and to report to the city clerk the exact amount due the city for the resurfacing. The city clerk shall thereupon make the adjustments in the amount of money deposited under this chapter, and shall bill the applicant for additional money to cover the cost of the resurfacing or cause to be remitted to the applicant any moneys due because of overpayment as the case may be. (Ord. 601 § II(5), 1982; Ord. 41, 1955; Ord. 1, 1954; prior code § 10-205)

12.04.050 Safety precautions and liability insurance.
It shall be the duty of the applicant for an excavation permit, on receipt of the same, to make such excavation in such manner as to provide free access to all fire hydrants and to provide safe and adequate crossings over such excavations for vehicular traffic and for pedestrians, should such crossings, in the judgment of the street superintendent, be necessary. Suitable barriers shall be constructed about the excavation for the prevention of accidents and adequate lights shall be continuously maintained thereon from the period of sunset to sunrise and, further, each applicant shall be required to file with the city a certificate of liability insurance, with minimum limits of two hundred fifty thousand dollars and five hundred thousand dollars property damage and five hundred thousand dollars and one million dollars personal injury liability holding the city harmless from any and all liability in connection with said excavation. (Ord. 601 § II(5), 1982; Ord. 589 § II(28)(c), 1981; Ord. 41, 1955; Ord. 1, 1954; prior code § 10-207)

12.04.060 Supervision by city engineer.
All excavations, refillings, and resurfacing shall be made under the supervision and to the satisfaction of the city engineer or building inspector of the city and shall be conducted in such manner as to do the least possible damage to contiguous lands and improvements. (Ord. 1, 1954; prior code § 10-203)

12.04.070 Refilling and resurfacing specifications.
All such excavations shall be refilled by the applicant to the specifications of the city and resurfaced by the street department of the city; provided, however, that public utilities, or contractor employed by such public utilities, may resurface such excavations, the work to be done to the satisfaction of the superintendent of streets. Specifications of the city for refilling excavations and repaving are as follows:

A. Open cut trenches may be backfilled with the materials excavated. No material which is deemed unsuitable by the superintendent of streets shall be made a part of the backfill, including broken pavement or earth which has a moisture content greater than optimum. Where materials excavated are deemed unsuitable for backfill, imported materials approved by the superintendent of streets shall be used.

B. Backfill of an open cut on a major city street shall be air tamped in lifts not exceeding six inches, or by such other equivalent tamping methods as may be approved by the superintendent of streets prior to issuance of the permit.

C. Backfill of an open cut on a nonmajor city street may be settled by jetting water to the bottom of the trench, or by air tamping.

D. All public utility excavations must be covered with a layer of plant mix surfacing at least one inch in thickness immediately upon completion of the backfill, and such surface maintained by the utility until permanent repair is made. At such time as the engineer may direct, the utility company shall remove the plant mix surface and repair to the specifications of the city.

E. All public utility companies shall be responsible for any settlement of their trenches for a period of one year following the date of final repaving and shall make repairs during this period as directed by the superintendent of streets. (Ord. 601 § II(5), 1982; Ord. 41, 1955; Ord. 1, 1954; prior code § 10-206)

12.04.080 Street access.

No city street shall be blocked or closed incident to street excavation or opening unless prior permission is obtained in writing from the city engineer on a form approved by the city engineer, accompanied by an application fee of ten dollars. Each separate day on which violation of this section shall exist shall be a separate misdemeanor. (Ord. 304, 1966; prior code § 10-405)

12.04.090 Precautions against damage to surrounding property.

No street surface shall be broken or excavated unless adequate precautions, acceptable to the city engineer, have been forwarded to ensure that there shall be no flying dust, dirt or debris arising from the excavation which shall lodge on properties or structures adjacent to or in the vicinity of such work and that there shall be minimal disruption of or danger to business or residential activities in the area. Each separate day on which violation of this section shall exist shall be a separate misdemeanor. (Ord. 304, 1966; prior code § 10-406)

Chapter 12.08

CONSTRUCTION SPECIFICATIONS FOR CURBS, GUTTERS, DRIVEWAYS AND SIDEWALKS

Sections:

12.08.010 Established – Plans on file – Conformance required.

A. There are established minimum specifications for:

1. Curbs and gutters;
2. Sidewalks;
3. Residential driveways (location and width);
4. Residential driveways (construction);
5. Commercial driveways (location and width);
6. Commercial driveways (construction);
7. Alley intersections;
8. Berms;
9. Sidewalk underdrains;
10. Cutting and removal of concrete in curbs, gutters and sidewalks.

B. Plans and specifications incorporating the minimum standards, designated as Appendix A and attached to the ordinance codified in this chapter, approved by the city engineer, shall be maintained on file at the City Hall. The plans shall be available for inspection by all persons.

C. All building plans and all construction involving any or all of the specified items listed in this section shall conform to the specifications set forth in said Appendix A, attached to the ordinance codified in this chapter. (Ord. 183 § 1, 1959; prior code § 12-402)

Chapter 12.12

~~STREET~~ PUBLIC RIGHT OF WAY OBSTRUCTIONS

Sections:

12.12.010 ~~Merchandise displays~~Public Right of Way obstructions prohibited.

Other than legally parked vehicles, ~~Signs, boxes, vehicles or any~~ items of private ownership, including but not limited to signs and boxes, shall not be placed on a public street, sidewalk, ~~sidewalk area~~ or public right-of-way without prior permission in writing from the city manager and/or the chief of police and/or the City Engineer. Such permission shall not ordinarily be granted in the absence of a showing of hardship or need. Privately owned fences or gates shall not encroach into the public right of way. Where gates and/or doors are provided, they shall not swing, open over, or onto, any city sidewalk or utilize any space designated as the public right of way in order to operate.(Ord. 175, 1959; prior code § 9-108A)

Chapter 12.16

STREET NAMES

Sections:

12.16.010 Major streets.

The city council may by resolution determine and designate, pursuant to Chapter 2, Division 3, of the Streets and Highways Code of the state, the major streets in the city. (Ord. 1, 1954; prior code § 10-101)

Chapter 12.20

NUMBERING BUILDINGS

12.20.010 House numbering plan.
All lots, buildings and structures in the city shall be numbered in accordance with the following plan:

A. North and south numbers shall commence at 1000 at Plumas Street;

B. East and west numbers shall commence at 100 at First Street;

C. Odd numbers shall be on the west and north sides of the street;

D. Even numbers shall be on the south and east sides of the street;

E. There shall be one hundred numbers to each block, unless otherwise provided on chart;

F. Each lot of record shall have at least one number. (Ord. 612 § 1 (Appx. A (28)), 1982; Ord. 112, 1957; prior code § 11-201)

12.20.020 Maintenance of chart of street numbers.
The city clerk shall keep a chart showing the proper street number of every lot in the city, which shall be open to inspection by anyone interested. Such numbers, as may not be definitely determined under SMC 12.20.010, shall be definitely determined by the chart. (Ord. 112, 1957; prior code § 11-202)

12.20.030 Numbers on houses.
It shall be the duty of the owners and occupants of every house and/or building in the city to have placed thereon, in a place visible from the street, figures at least two and one-half inches high, showing the number of the house. Any person, firm or corporation failing to so number any house, building, or other structure occupied by him, or if after receiving notice to do so from the city clerk shall fail to do so, shall be guilty of ~~a misdemeanor~~on infraction and each day during or on which a failure to so number continues, a separate offense shall be deemed to have been committed. (Ord. 112, 1957; prior code § 11-203)

Chapter 12.28

ADVERTISING ON LANDSCAPED FREEWAYS

Sections:

12.28.010 Definitions.
For the purpose of this chapter, the terms “advertising structure,” “signs,” “advertising display,” and “freeway” shall be defined herein as specifically set forth and defined in Division 3, Chapter 2, Article I of the Business and Professions Code of the state and the same are adopted by reference. (Ord. 196, 1960; prior code § 10-401)

12.28.020 Prohibition.
No advertising display shall be placed or maintained on property adjacent to a section of freeway which has been or hereafter may be landscaped, as defined in SMC 12.28.010 by reference, if the advertising display is designed to be viewed primarily by persons traveling on such landscaped section of a freeway. (Ord. 196, 1960; prior code § 10-402)

12.28.030 Removal required.
Any advertising structure or sign which is now, or hereafter shall be, in violation of the provisions of SMC 12.28.020 shall be removed within one year of the effective date of the ordinance codified in this chapter or within one year from the date when the project for the landscaping of the particular section or sections of a freeway shall have been completed or accepted, and the character of the section or sections shall have been changed from a freeway to a landscaped freeway, whichever is later. (Ord. 196, 1960; prior code § 10-403)

12.28.040 Exceptions.
The provisions of SMC 12.28.020 shall not apply to any advertising structure or sign if the same is used exclusively as follows:

A. To advertise the sale or lease of the property upon which such advertising display is placed;

B. To designate the name of the owner or occupant of the premises upon which such advertising display is placed, or to identify such premises;

C. To advertise goods manufactured or produced, or services rendered, on the property on which such advertising is placed. (Ord. 297, 1966; Ord. 196, 1960; prior code § 10-404)

Chapter 12.32

ADVERTISING BENCHES

12.32.010 Definitions.
For the purposes of this chapter the words set out in this section shall be defined as follows:

"Bench" means a seat located upon public property along any public way for the accommodation of passersby or persons awaiting transportation.

"Street" means any public thoroughfare or way including the sidewalk, the parkway, and any other public property bordering upon a public way. (Ord. 36, 1955; prior code §§ 12-701(a) and (b))

12.32.020 Permit – Required.
No person shall place, install, or maintain any bench on any street within the area of the city without first obtaining a written permit therefor from the city council. A separate permit must be obtained for each bench, which permit shall be valid only for the particular location specified therein. Each permit shall bear a separate number. (Ord. 36, 1955; prior code § 12-702)

12.32.030 Permit – Application – Fees – Renewal.
A. The city clerk shall prepare printed forms of application to be used under this chapter.

B. Applications must be made on said forms.

C. Each form shall be addressed to the city council and shall show:

1. Name and address of the applicant, who must be the owner of the bench;

2. Location of the bench;

3. The number of bench permits held by the applicant at time of making application and the respective numbers of such permits;

4. A description of the bench showing its type, general dimensions, and material of construction;

5. The written consent of the owner or person in lawful possession or control of any improved property abutting upon the public street at the place where the bench is proposed to be located, giving his consent to the installation and maintenance of the bench, or a statement that such property is unimproved;

6. A description or statement indicating the nature of the advertising, if any, to appear thereon, and the area or areas upon such bench where such advertising is to appear;

7. A statement by the applicant that the applicant is familiar with the provisions of this chapter as same exists at the date of the application, approves the same, and, if granted the permit applied for, will observe and abide and be bound by such provisions.

D. Each application must be accompanied by an inspection fee of three dollars for each bench.

E. Each permit and each renewal permit shall expire on July 1st, next following the date of its issuance, unless renewed. Each application for renewal must be accompanied by an inspection fee of three dollars for each bench.

F. Application for renewal must be made prior to the expiration date of the permit and must be accompanied by the required inspection fee.

G. Whenever a bench for which a permit has been issued has been sold, or title or control thereof is transferred, a new permit must be obtained by the new owner for its location and maintenance. (Ord. 311, 1967; Ord. 36, 1955; prior code § 12-703)

12.32.040 Permit – Granting or denial by city council.
The city council in its discretion may grant or refuse to grant any permit applied for under this chapter. (Ord. 36, 1955; prior code § 12-704)

12.32.050 Permit – Revocation.
All permits issued under this chapter shall be temporary only and shall be revocable at the pleasure of the city council at any time without notice and without liability, and must be accepted accordingly. No refund of any fee paid prior to such revocation will be made. (Ord. 36, 1955; prior code § 12-705)

12.32.060 Permit – Bond or insurance policy.
A. No permit shall be issued pursuant to this chapter unless the applicant posts and maintains with the city council a surety bond or policy of public liability insurance, approved by the city council and conditioned as provided in this section.

B. The bond or policy shall be conditioned that the permittee will indemnify and save the city, its officers and employees from any and all loss, costs, damages, expenses, or liability which may result from or arise out of the granting of the permit, or the installation or maintenance of the bench for which the permit is issued and that the permittee will pay any and all loss or damage that may be sustained by any person as a result of, or which may be caused by or arise out of, such installation or maintenance. The bond or policy of insurance shall be maintained in its original amount by the permittee at his expense at all times during the period for which the permit is in effect. In the event that two or more permits are issued to one permittee, one such bond or policy of insurance may be furnished to cover two or more benches, and each bond or policy shall be of such a type that its coverage shall be automatically restored immediately from and after the time of the reporting of any accident from which liability may thereafter accrue.

C. The limit of liability upon any bond or policy of insurance, posted pursuant to the requirements of this chapter, shall in no case be less than one hundred thousand dollars for bodily injuries to or death of one person, nor less than ten thousand dollars for property damage. The permissible limit of liability for bodily injuries or death of more than one person shall depend upon the number of bench permits covered thereby and shall not be less than the amount specified in the foregoing schedule.

Number of Bench Permits	Limits of Public Liability	Property Damage
1 to 100	$100,000	$10,000
101 or more	200,000	20,000

(Ord. 36, 1955; prior code § 12-709)

12.32.070 Permit – Index file.
The city clerk shall keep and maintain an index file of all permits granted or renewed under the provisions of this chapter. (Ord. 36, 1955; prior code § 12-710)

12.32.080 Number limited – Maintenance and inspection required.
No permittee shall locate, move, or maintain any number of benches or other similar structures other than that specified thereunder in the permit for such bench. It shall be the duty of the permittee to maintain each bench at all times in a safe condition and at its proper and lawful location, and to inspect each bench at frequent intervals. (Ord. 36, 1955; prior code § 12-706)

12.32.090 Display limitation.
No advertisement, sign, printing, or writing on any bench shall display the words “stop,” “look,” “drive-in,” “danger,” or any other word, phrase, symbol or character calculated to interfere with, mislead or distract traffic. (Ord. 36, 1955; prior code § 12-707)

12.32.100 Removal on revocation of permit.
A. After the revocation of any permit, the city council may remove and store the bench if the permittee fails to do so within ten days after notice.

B. The permittee may recover the bench if, within sixty days after the removal, he pays the cost of such removal and storage, which shall not exceed two dollars for removal and five dollars a month for storage for each such bench. After sixty days, the city council may sell, destroy or otherwise dispose of the bench at its discretion. All of the foregoing shall be at the sole risk of the permittee, and shall be in addition to any other remedy provided by law for the violation of this section. (Ord. 36, 1955; prior code § 12-708)

12.32.110 Nonadvertising benches exempt.
Nonadvertising benches provided for the convenience of patrons shall be exempt from the regulatory provisions of this chapter. (Ord. 146, 1958; prior code § 12-701(c))

12.32.120 Enforcement.
The city clerk and the chief of police of the city shall enforce the provisions of this chapter. (Ord. 36, 1955; prior code § 12-711)

Chapter 12.36

LITTER CANS

Sections:

12.36.010 Definitions.
For purposes of this chapter, the words set out in this section shall be defined as follows:

"Litter can" means any receptacle for litter, trash, garbage and/or refuse located on public property or so placed as to accommodate persons while traveling on a public right-of-way.

"Street" means any public thoroughfare or way including a sidewalk, the parkway, and any other public property bordering upon a public way. (Ord. 225, 1961; prior code § 12-901)

12.36.020 Permit – Required.
No person shall place, install, or maintain any litter can on any street within the area of the city without first obtaining a written permit therefor from the city council. A separate permit must be obtained for each litter can, which permit shall be valid only for the particular location specified therein. Each permit shall bear a separate number. (Ord. 225, 1961; prior code § 12-902)

12.36.030 Permit – Application – Fee – Renewal – Transferability.
A. The city clerk shall prepare printed forms of application to be used under this chapter.

B. Applications must be made on the forms.

C. Each form shall be addressed to the city council and shall show:

1. Name and address of the applicant, who must be the owner of the litter can;

2. Location of the litter can;

3. The number of litter can permits held by the applicant at the time of making application, and the respective numbers of such permits;

4. A description of the litter can showing its type, general dimensions, and material of construction;

5. The written consent of the owner or person in lawful possession or control of any improved property abutting upon the public street at the place where the litter can is proposed to be located, giving his consent to the installation and maintenance of the litter can, or a statement that such property is unimproved;

6. A description or statement indicating the nature of the advertising, if any, to appear thereon, and the area or areas upon such litter can where such advertising is to appear;

7. A statement by the applicant that the applicant is familiar with the provisions of this chapter as same exists at the date of the application, approves the same, and, if granted the permit applied for, will observe and abide and be bound by such provisions.

D. Each application must be accompanied by an inspection fee of one dollar for each litter can.

E. Each permit and each renewal permit shall expire on July 1st, next following the date of its issuance, unless renewed. Each application for renewal must be accompanied by an inspection fee of one dollar for each litter can.

F. Application for renewal must be made prior to the expiration date of permit, and must be accompanied by the required inspection fee.

G. Whenever a litter can for which a permit has been issued has been sold, or title or control thereof is transferred, a new permit must be obtained by the new owner for its location and maintenance. (Ord. 225, 1961; prior code § 12-903)

12.36.040 Permit – Granting or denial by city council.
The city council in its discretion may grant or refuse to grant any permit applied for under this chapter. (Ord. 225, 1961; prior code § 12-904)

12.36.050 Permit – Revocation.
All permits issued under this chapter shall be temporary only and shall be revocable at the pleasure of the city council at any time without notice and without liability, and must be accepted accordingly. No refund of any fee paid prior to such revocation will be made. (Ord. 225, 1961; prior code § 12-905)

12.36.060 Permit – Bond or insurance policy.
A. No permit shall be issued pursuant to this chapter unless the applicant posts and maintains with the city council a surety bond or policy of public liability insurance, approved by the city council and conditioned as provided in this section.

B. The bond or policy shall be conditioned that the permittee will indemnify and save the city, its officers, and employees from any and all loss, costs, damages, expenses, or liability which may result from or arise out of the granting of the permit, or the installation or maintenance of the litter can for which the permit is issued, and that the permittee will pay any and all loss or damage that may be sustained by any person as a result of, or which may be caused by or arise out of, such installation or maintenance. The bond or policy of insurance shall be maintained in its original amount by the permittee at his expense at all times during the period for which the permit is in effect. In the event that two or more permits are issued to one permittee, one such bond or policy of insurance may be furnished to cover two or more litter cans, and each bond or policy shall be of such a type that its coverage shall be automatically restored immediately from and after the time of the reporting of any accident from which liability may thereafter accrue.

C. The limit of liability upon any bond or policy of insurance, posted pursuant to the requirements of this chapter, shall in no case be less than one hundred thousand dollars for bodily injuries to or death of one person, and not less than ten thousand dollars for property damage. The permissible limit of liability for bodily injuries or death of more than one person shall depend upon the number of litter can permits covered thereby and shall not be less than the amount specified in the foregoing schedule.

Number of Litter Can Permits	Limits of Public Liability	Property Damage
1 to 100	$100,000	$10,000
101 or more	200,000	20,000

(Ord. 225, 1961; prior code § 12-909)

12.36.070 Permit – Index file.
The city clerk shall keep and maintain an index file of all permits granted or renewed under the provisions of this chapter. (Ord. 225, 1961; prior code § 12-910)

12.36.080 Number limited – Maintenance and inspection required.
No permittee shall locate, move, or maintain any number of litter cans or other similar structures other than that specified thereunder in the permit for such litter can. It shall be the duty of the permittee to maintain each litter can at all times in a safe condition and at its proper and lawful location, and to inspect each litter can at frequent intervals. (Ord. 225, 1961; prior code § 12-906)

12.36.090 Display limitation.
No advertisement, sign, printing, or writing on any litter can shall display the words “stop,” “look,” “drive-in,” “danger,” or any other word, phrase, symbol or character calculated to interfere with, mislead, or distract traffic. (Ord. 225, 1961; prior code § 12-907)

12.36.100 Removal on revocation of permit.
A. After the revocation of any permit, the city council may remove and store the litter can, if the permittee fails to do so within ten days after notice.

B. The permittee may recover the litter can if, within sixty days after the removal, he pays the cost of such removal and storage, which shall not exceed two dollars for removal and five dollars a month for storage, for each such litter can. After sixty days, the city council may sell, destroy, or otherwise dispose of the litter can at its discretion. All of the foregoing shall be at the sole risk of the permittee, and shall be in addition to any other remedy provided by law for the violation of this section. (Ord. 225, 1961; prior code § 12-908)

12.36.110 Temporary public interest advertising.
Provision shall be made by the licensee on all litter cans licensed under this chapter for temporary public service advertising for such items as civic events, clean-up campaigns, bond issues, and for other advertising as may be requested in the public interest by the city. Such space shall be located on two sides of the lids of such litter cans and made available without charge or cost to the city. (Ord. 225, 1961; prior code § 12-912)

12.36.120 Disposal of refuse.
The licensee shall have all litter cans emptied at regular intervals so that no litter, trash, or refuse accumulates in the area that the litter cans are located. The licensee shall also maintain the litter cans in a clean and sanitary condition. Litter cans must be securely fastened in concrete. In the event litter cans are removed, the concrete on which they are fastened must be restored in a workmanlike manner to its original condition. (Ord. 225, 1961; prior code § 12-913)

12.36.130 Enforcement.
The city clerk and the chief of police of the city shall enforce the provisions of this chapter. (Ord. 225, 1961; prior code § 12-911)

Chapter 12.40

UTILITY POLES

Sections:

12.40.010 Permit – Application – Required – Contents.

Whenever utility poles, towers or other structures are to be installed in or upon existing sidewalk areas, application for permit to make such installation shall be made to the city council. The application shall include a sketch showing the size of the items to be installed, their location and adequate dimensions, so that it can be determined therefrom fully how the installation will affect the use of the existing sidewalk or public way. Existing structures may be replaced with like structures at the same locations or within thirty-six inches thereof without a permit. (Ord. 292 § 1, 1965; Ord. 290 § 1, 1965)

12.40.020 Permit – Application – Action by city manager.

Upon receipt of such application, the city manager shall, within ten days thereafter, determine if such installation will adversely affect the public health and welfare with particular inquiry and determination into the use of the public sidewalk or public way thereafter, subject to appeal to the city council. (Ord. 292 § 2, 1965; Ord. 290 § 2, 1965)

12.40.030 Permit – Granting.

In the event that the installation will not adversely affect the public health and welfare, a permit shall be granted without charge. (Ord. 290 § 3, 1965)

12.40.040 Permit – Refusal.

In the event that the city manager determines that the public health and welfare will be adversely affected, he may refuse the permit. (Ord. 292 § 3, 1965; Ord. 290 § 4, 1965)

12.40.050 Permit – Exception in case of emergency.

In the event of a bona fide emergency, a structure may be installed without permit; provided, an application for permit is submitted within ninety-six hours thereafter. The application shall include the nature of the emergency. If the permit is denied, the applicant shall remove the structure forthwith. (Ord. 292 § 4, 1965)

12.40.060 Unauthorized installation prohibited.

The installation of any power line, telephone line or other utility fixture, upon any pole or line which has not received the permit, is prohibited and declared to be an infraction. (Ord. 623 § 2, 1982; Ord. 290 § 5, 1965)

Chapter 12.44

ADOPT-A-LIGHT PROGRAM

Sections:

12.44.010 Established.

An "adopt-a-light" program is established whereby citizens may request and obtain the installation of additional street lights over and above the city's established lighting standards if they agree to prepay the annual cost of the additional street light and if the city finds that the resulting street light level is acceptable. The additional street light may be installed and continued in operation as long as the annual cost of operation is prepaid. (Ord. 631 § 1, 1983)

12.44.020 Administrative authority.

The director of public works/city engineer is authorized to arrange for the installation and continued operation of any additional street lights when the annual cost of operation is prepaid and to otherwise administer the adopt-a-light program. (Ord. 631 § 2, 1983)

Title 13

PUBLIC SERVICES

Chapters:

Chapter 13.04

SEWER SYSTEM

Sections:

13.04.010 Applicability.
This chapter shall apply to all territory embraced within the limits of the city. (Ord. 24, 1955; prior code § 8-601)

13.04.020 Sewage disposal system required.
It is unlawful to maintain, or use, any residence, place of business, or other building or place where persons reside, congregate or are employed, which is not provided with means for the disposal of sewage, either by a flush toilet connected with a sewage system approved by the city or county director of public health or, when it is judged permissible by the director of public health, a privy which meets the requirements established by this department. (Ord. 24, 1955; prior code § 8-602)

13.04.030 Connections to public sanitary sewer required.
Every building where persons reside, congregate or are employed which abuts a street or alley in which there is an approved public sanitary sewer, or which is within two hundred feet of any approved public sanitary sewer, provided a right-of-way can be obtained, and if possible grade is present, shall be connected to the sewer, by the owner or agent of the premises, in the most direct manner possible. (Ord. 24, 1955; prior code § 8-603)

13.04.040 Restrictions on use of sewage treatment works.
It is unlawful for any person to construct or maintain any privy, cesspool, septic tank, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment of discharge of sewage or impure waters or any matter or substance offensive, injurious or dangerous to health, whereby they shall do any of the following:

A. Overflow any lands whatever;

B. Empty, flow, seep, drain into or affect any springs, streams, rivers, lakes, or other waters within the city; provided, however, if with respect to existing septic tanks, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage or impure waters, it would be exceptionally difficult if not impossible to comply with the provisions of this section, the director of public health shall have the power by special permit to allow such variations from the provisions contained in this section as will prevent unnecessary hardship or injustice and at the same time most nearly accomplish the general purpose and intent of this section. (Ord. 24, 1955; prior code § 8-604)

13.04.050 Private water-flush toilets.
Every residence, place of residence or other building or place where persons congregate, reside, or are employed and which does not abut a street or alley in which there is an approved public sanitary sewer, or which is not within two hundred feet of an approved public sanitary sewer, shall be provided with a private water-flush toilet or water-flush toilet system, to be built or rebuilt, constructed, altered, or reconstructed or maintained to meet the requirements of construction and maintenance as may be adopted by the director of public health. (Ord. 24, 1955; prior code § 8-605)

13.04.060 Permit required for disposal systems not connected to public sanitary sewer.
It is unlawful for any person, firm or corporation to construct, build or rebuild any residence, place of residence or other building or place where persons congregate, reside, or are employed which is not to be connected to an approved public sanitary sewer without first submitting plans of the means of sewage disposal to the director of public health, and obtaining a permit therefor as provided in this chapter. Such plans shall include the plot plan of the premises with sufficient elevations, the size and type of septic tank, and a plan of the absorption field, giving all the dimensions and other pertinent information. The director of public health shall cause a suitable inspection to be made and if he finds the conditions warrant the issuance of a permit, he shall issue such permit for each individual disposal system. (Ord. 24, 1955; prior code § 8-606)

13.04.070 Effect on existing privies.
The requirements set forth in this chapter are retroactive with respect to privies and all privies now in existence shall within thirty days of the effective date of the ordinance codified in this chapter be demolished or removed and the pits be filled in with earth at least up to ground level or higher if necessary to ensure that the pit contents are covered with earth to depth of at least twelve inches. (Ord. 24, 1955; prior code § 8-610)

13.04.080 Nonliability of city.
This chapter shall not be construed as imposing upon the city any liability or responsibility for damage or nuisance resulting from the defective construction of any sanitary disposal system as provided in this chapter, nor shall the city or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized thereunder. (Ord. 24, 1955; prior code § 8-612)

13.04.090 Enforcement authorized – Right of entry for inspection.
It shall be the duty of the director of public health to enforce the provisions of this chapter, and in the performance of this duty the director of public health or his duly authorized agent is authorized to enter at any reasonable hour any premises as may be necessary in the enforcement of this chapter. (Ord. 24, 1955; prior code § 8-607)

13.04.100 Violation – Penalty.
Any person, firm or corporation who violates or refuses or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished upon conviction by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment. (Ord. 24, 1955; prior code § 8-608) (UPDATE CHAPTER 13 TEXT ATTACHMENT TO REFLECT WHAT YOU CHANGE THIS TO)

Chapter 13.08

UNDERGROUND UTILITY DISTRICTS

Sections:

13.08.010 Definitions.
Whenever in this chapter the words or phrases defined in this section are used, they shall have the respective meanings assigned to them as follows:

"City" means the city of Seaside, a municipal corporation of the state.

"Commission" means the Public Utilities Commission of the state.

"Council" means the city council.

"Person" includes individuals, firms, corporations, partnerships, and their agents and employees.

"Poles and overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments, and appurtenances located above ground, upon, along, across, or over the public streets, alleys and ways of city, and used or useful in supplying electric, communication, or similar or associated service.

"Underground utility district" or "district" means that area in the city more particularly described as follows: all of the area presently within the city.

"Utility" includes all persons or entities supplying electric, communication, or similar or associated service by means of electrical materials or devices. (Ord. 318, 1967; prior code § 13-701)

13.08.020 Intent of council to adopt ordinances for removal of overhead structures.
In order to provide for the orderly removal of existing poles and overhead wires and associated overhead structures within the underground utility district, it is the intention of the council, insofar as may be practicable, to adopt resolutions pursuant to SMC 13.08.040 which will result in the removal of poles and wires and associated overhead structures as soon as possible. (Ord. 691, 1985; Ord. 318, 1967; prior code § 13-702)

13.08.030 Public hearing by council.
The council may, from time to time, call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles and overhead wires and associated overhead structures from any public streets, alleys, or ways within the underground utility district and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The city clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail and by publication of the time and place of such hearings at least fifteen calendar days prior to the date thereof, and shall provide said owners with a summary description of the proposed underground district. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. No such hearing shall be called unless the city council has determined that the city or a public utility has voluntarily agreed to pay over fifty percent of all costs of conversion, excluding users' connections to underground electric or communication facilities. (Ord. 691, 1985; Ord. 589 § II(30), 1981; Ord. 318, 1967; prior code § 13-703)

13.08.040 Resolution for removal of overhead structures and underground installation.
If after any such public hearing the council finds that the public necessity, health, safety or welfare requires removal and such underground installation within a designated area, the council shall by resolution declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall designate the public streets, alleys or ways or portions thereof comprising such district, and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of necessary labor, materials and equipment for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 691, 1985; Ord. 318, 1967; prior code § 13-704)

13.08.050 Unlawful acts.
Whenever the council orders the removal of poles and overhead wires and associated overhead structures as provided in SMC 13.08.040, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate any pole, overhead wire or associated overhead structure in any public street, alley, or way in the designated area after the overhead facilities are required to be removed, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in SMC 13.08.100, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this chapter. (Ord. 318, 1967; prior code § 13-705)

13.08.060 Exception in case of emergency or unusual circumstances.
The council may grant special permission, on such terms as the council may deem appropriate, in cases of emergency or unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use, or operate poles and overhead wires and associated overhead structures, notwithstanding any other provisions of this chapter. (Ord. 318, 1967; prior code § 13-706)

13.08.070 Exemptions.
This chapter shall not apply to the following types of facilities:

A. Poles used exclusively for police and fire alarm boxes or any similar municipal equipment installed under the supervision and to the satisfaction of the city engineer;

B. Poles and overhead wires and associated overhead structures used exclusively for street lighting;

C. Overhead wires, exclusive of supporting structures, crossing any portion of the district from which overhead wires have been prohibited, or connecting to buildings on the perimeter of such portion, when such wires originate in an area from which poles and overhead wires and associated overhead structures are not prohibited;

D. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;

E. Radio antennas, their associated equipment and supporting structures, used by a utility for furnishing communication services;

F. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;

G. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects; or

H. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred volts. (Ord. 691, 1985; Ord. 318, 1967; prior code § 13-707)

13.08.080 Notice to property owners and utility companies.
Within ten days after passage of a resolution pursuant to SMC 13.08.040, the city clerk shall notify all affected utilities and all persons owning real property within the area designated in the resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that if they or any person occupying such property desire to continue to receive electric, communication or other similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the representative utility or utilities on file with the commission. Notification by the city clerk shall be made by:

A. Publication in the Seaside News-Sentinel;

B. Posting notices at intervals not greater than three hundred feet in the affected area; and

C. By mailing a copy of the resolution adopted pursuant to SMC 13.08.040 to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. 691, 1985; Ord. 318, 1967; prior code § 13-708)

13.08.090 Responsibility of utility companies.
If underground construction is necessary to provide utility service within the area designated by any resolution adopted pursuant to SMC 13.08.040, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission. Underground construction by the utility shall be accomplished in accordance with established construction standards and in accordance with the rules and regulations authorized by the commission. (Ord. 691, 1985; Ord. 318, 1967; prior code § 13-709)

13.08.100 Responsibility of property owners.
A. All underground construction and conduits, conductors and associated equipment necessary to receive utility service between the service facilities referred to in SMC 13.08.090 and the service facilities in the building or structure being served shall be provided by the person owning, operating, leasing, or renting the property, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

B. In the event the person owning, operating, leasing or renting the property does not comply with the provisions of subsection A of this section within the time provided for in the resolution adopted pursuant to SMC 13.08.040, the city engineer shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to the property.

C. Noncompliance by any person owning, operating, leasing or renting the property with the provisions of this section shall constitute an infraction under SMC 13.08.190.

D. In addition to or as an alternative to the remedy prescribed in subsection B of this section, a lien may be impressed as an assessment against any parcel or parcels of real property upon notice and procedure as set forth in SMC 13.08.110 through 13.08.160. (Ord. 691, 1985; Ord. 623 § 2, 1982; Ord. 318, 1967; prior code §§ 13-710(a) – (d))

13.08.110 Lien on property – Notice – Service.
Notice pursuant to SMC 13.08.100 may be given either by personal service or by mail. In case of service by mail, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll of the county, and when no address appears, to General Delivery, city of Seaside, California 93955. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the city engineer shall, within forty-eight hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by ten inches in size, to be posted in a conspicuous place on the premises. (Ord. 318, 1967; prior code § 13-710(d)(1))

13.08.120 Lien on property – Notice – Contents.
The notice given pursuant to SMC 13.08.110 shall particularly specify what work is required to be done, and shall state that if the work is not completed within thirty days after receipt of such notice, the city engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property. (Ord. 691, 1985; Ord. 318, 1967; prior code § 13-710(d)(2))

13.08.130 Performance of work by city – Assessment.
If upon the expiration of the thirty-day period specified in SMC 13.08.120 the required underground facilities have not been provided, the city engineer shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communication services are being furnished thereto, the city engineer may, in lieu of providing the required underground facilities, order the disconnection of all existing connections used for furnishing electric and communication services to such premises. Upon completion of the work by the city engineer, he shall file a written report with the council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which time shall be not less than thirty days thereafter. (Ord. 691, 1985; Ord. 318, 1967; prior code § 13-710(d)(3))

13.08.140 Assessment – Notice to property owner.
The city engineer shall forthwith, upon the time for hearing such protests having been fixed, give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof, in the manner provided in SMC 13.08.110 for the giving of the notice to provide the required underground facilities, of the time and place that the council will pass upon the report of the city engineer and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment. (Ord. 318, 1967; prior code § 13-710(d)(4))

13.08.150 Assessment – Hearing and confirmation.
Upon the date and hour set for the hearing of protests, the council shall hear and consider the report and all protests, if there are any, and then proceed to affirm, modify or reject the assessment. (Ord. 318, 1967; prior code § 13-710(d)(5))

13.08.160 Assessment – Lien for nonpayment.
If any assessment is not paid within five days after its confirmation by the council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the city engineer, and the city engineer is directed to turn over to the assessor and tax collector for city a notice of lien on each of the properties on which the assessment has not been paid, and the assessor and tax collector shall add the amount of the assessment to the next regular bill for taxes levied against the premises upon which the assessment was not paid. The assessment shall be due and payable at the same time as the property taxes are due and payable, and if not paid when due and payable shall bear interest at the maximum rate permitted by law. (Ord. 691, 1985; Ord. 318, 1967; prior code § 13-710(d)(6))

13.08.170 Responsibility of city.
The city shall remove at its own expense all city-owned equipment from all poles required to be removed under this chapter in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution adopted pursuant to SMC 13.08.040. (Ord. 318, 1967; prior code § 13-711)

13.08.180 Extensions of time.

In the event that any act required by this chapter or by a resolution adopted pursuant to SMC 13.08.040 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 318, 1967; prior code § 13-712)

13.08.190 Violation – Infraction.

Violation of any of the requirements of this chapter shall constitute an infraction. (Ord. 623 § 2, 1982; Ord. 318, 1967; prior code § 13-713)

Chapter 13.10

MUNICIPAL WATER SYSTEM

Sections:

13.10.010 Definitions.
The following terms when used in this chapter shall have the following respective meanings:

"City" means the city of Seaside.

"Consumer" means any person, firm, company, corporation, partnership, association, any public corporation, political subdivision, city, county, district, the state of California or the United States of America, or any department or agency of any thereof, billed for water furnished by the municipal water system. The singular in each case shall include the plural.

"Municipal water system" means the city waterworks system for the production, transmission and distribution of water, including lands, easements, water rights, reservoirs, water mains, filtration works, wells, pumping station, water supply, storage and distribution facilities and equipment and other works, including the acquisition of any existing facilities used for or useful in obtaining, conserving, treating and disposing of water for the city.

"Premises" means any lot, piece or parcel of land, or any building or other structure or any part of any building or structure having a connection with the municipal water system.

"Water" means water furnished by the municipal water system.

"Water collector" means the person or department designated by the city manager to perform the services or make the determinations permitted or required under this chapter to be made by the water collector.

"Water service" means the services, facilities and water furnished or available to premises by the municipal water system. (Ord. 646, 1983)

13.10.020 Water rates and charges.
A. For the purpose of providing funds for the acquisition, construction, improving and financing of the municipal water system and for the purpose of defraying the cost of maintenance and operation of the municipal water system, there are levied and assessed upon all premises having any connections with the municipal water system monthly water rates and charges for the water furnished or available to such premises by the municipal water system. All water supplied to premises shall be measured by means of suitable standard water meters. A cubic foot shall be the unit of measurement. The water rates and charges, including monthly minimum charges and monthly quantity rates for water in excess of that furnished for the monthly minimum charges, shall be adopted by the city council in the annual schedule of fees and charges.

B. No water and no services or facilities of the municipal water system shall be furnished to any consumer except city parks, or to any person, free of charge.

C. The city shall determine the type and description of water services, including but not limited to size of service pipes, number of meters, and number of services per meter.

D. No consumer shall resell any water furnished by the city through the municipal water system without written prior approval of the city engineer. (Ord. 979 (Exh. A), 2009; Ord. 646, 1983)

13.10.030 Meter tests and adjustments of bills for meter error.
A. Each meter shall be tested by or under the direction of the city engineer prior to being installed, and no meter will be placed in service if found to register more than two percent fast or slow.

B. Bills will be adjusted for meter error as follows:

1. If, upon testing, the meter is found to be registering more than two percent fast, the city will refund to the consumer the amount of overcharge based upon corrected meter readings for the period the meter was in use, but not exceeding six months.

2. If, upon testing, the meter is found to be registering more than two percent slow, the city may bill the consumer for the amount of undercharge based upon corrected meter readings for the period the meter was in service, not exceeding a period of three months; provided, that if a meter is used for commercial or industrial service and the average monthly water charge exceeds ten dollars and the meter is found to be registering more than two percent slow, the city may bill the consumer for the amount of undercharge based upon corrected meter readings for the period the meter was in service not exceeding a period of three months.

3. The city may bill any consumer for water consumed while a meter was nonregistering, but for a period not exceeding three months, at the monthly minimum charge, or upon an estimate of water furnished based upon the consumer's prior use during the same season of the year if conditions were unchanged, or upon an estimate based upon a reasonable comparison with the use of other consumers during the same period under similar circumstances and conditions.

4. When it is found that an error in a meter is due to a cause, the date of which can be fixed, the overcharge or undercharge will be computed and the city will refund to or bill the consumer back to but not beyond such date. (Ord. 646, 1983)

13.10.040 Billing for and payment of water charges.
A. All water charges shall become due and payable at the office of the water collector within ten days after bills are rendered, and become delinquent on the tenth day after the date on which rendered. Bills shall be rendered by the city monthly. Meters will be read at regular intervals for the preparation of bills and as required for the preparation of opening bills, closing bills and special bills. Each meter will be read separately.

B. It may not always be possible for meters to be read regularly on the same day of each month. Should a monthly billing period contain less than twenty-seven or more than thirty-three days, a pro rata correction will be made for any minimum charge billed. (Ord. 979 (Exh. A), 2009; Ord. 646, 1983)

13.10.050 Person responsible for payment to pay security deposits.
A. All water charges shall be billed to the person who requested connection to the municipal water system or his successor in interest or to any person requesting that such bill be charged to him.

B. The person requesting one inch or smaller service shall pay to the city a security deposit in the amount specified in the annual schedule of fees and charges to be held until termination of service, at which time the deposit shall be used to pay any delinquency in service billings. Any remaining portion of the deposit shall then be refunded to the person making the deposit. The deposit may be returned at an earlier date approved by the city engineer. Any person who is the record owner of the property to which he requests service may be exempted from the deposit requirement upon his establishing such ownership to the satisfaction of the city engineer. (Ord. 979 (Exh. A), 2009; Ord. 646, 1983)

13.10.060 Enforcement measures – Delinquencies.

A. The city may refuse to furnish water and may discontinue service to any premises where apparatus, appliances or equipment using water is found by the city engineer to be dangerous or unsafe or where the use of water on the premises is found to be detrimental or injurious to the water service furnished by the city to other consumers, or where the city engineer finds that negligent or wasteful use of water exists on any premises which seriously affects the city's water service. The city shall have the right to refuse or discontinue water service to any premises if necessary to protect itself against fraud or abuse.

B. The city engineer and the water collector are charged with the enforcement of all of the provisions of this chapter. The chief of police and all police officers of the city shall be deputies of the city engineer and the water collector for such purposes.

C. In the event of a violation (other than nonpayment of water service charges) of any terms of this chapter, or any rule or regulation established pursuant to this chapter, the city engineer or the water collector, in writing, shall notify the person causing, allowing or committing such violation, specifying the violation and, if applicable, the time after which (upon the failure of such person to prevent or rectify the violation) the city engineer will exercise his authority to disconnect the premises from the municipal water system; provided, however, that such time shall not be less than five days after the deposit of such notice in the United States Post Office at Seaside, California, addressed to the person to whom notice is given; provided, that in the event such violation results in a public hazard or menace, then the city engineer may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate the hazard and the reasonable value of the things done and the amounts expended in so doing shall be a charge upon the person so in violation.

D. Upon failure of any consumer billed or the owner of a premises to pay any water service charge prior to delinquency, any one or more of the following actions may, or where required must, be taken by the city to enforce the payment:

1. To the extent now or hereafter authorized or permitted by law, and in the manner therein provided, each water charge levied by or pursuant to this chapter on any premises within the city limits of the city may be made or become a lien upon such premises and any steps authorized by law may be taken by the city to enforce payment of the lien, the city reserves the right to take advantage of any law now existing or hereafter enacted authorizing or permitting the establishment and enforcement of the lien authorized.

2. In each case where any bill for water service remains unpaid for thirty days after the bill becomes delinquent, the city engineer, upon notification of the delinquency by the water collector, may disconnect the premises from the municipal water system. Whenever a premises has been disconnected from the municipal water system for nonpayment of water charges, the premises shall not be reconnected to the municipal water system until all delinquent charges and penalties have been paid together with such reasonable charges for reconnection as may be ordered from time to time by the city council by resolution duly adopted.

3. Turn On Charge/Delinquency Shutoff. When water service is discontinued because of delinquency in payment of a water bill, the service shall not be turned on until all charges, together with a turn-on charge as established in the annual schedule of fees and charges, is paid. (Ord. 646, 1983)

13.10.070 Effective date of water charges.

Water charges shall become effective immediately upon the beginning of operation of the municipal water system as to all premises then connected to the municipal water system and thereafter such charges shall become effective against all premises not then connected to the municipal water system immediately upon connection. Any consumer may have his water service discontinued by giving notice requesting discontinuance not less than two days prior to the requested date of discontinuance. Each such consumer shall pay all water charges up to and including the date of discontinuance stated in the notice. In any case where such notice is not given, the consumer shall be required to pay for water service until two days after the city has knowledge that the consumer has vacated the premises or otherwise discontinued water service. (Ord. 646, 1983)

13.10.080 Connections – Permits to connect.
A. No person whose premises is not connected with the municipal water system upon the beginning of operation of the system shall connect any premises or cause any premises to be connected with the municipal water system without first obtaining a permit to do so from the city engineer.

B. The city engineer may require any person who applied for any such permit or any consumer to file a statement or affidavit for the guidance of the city engineer, the water collector, and the city council in ascertaining the amount of the monthly water charge payable by such person or consumer under this chapter. Each such statement or affidavit shall contain such information as may required by the city engineer. Failure by any person or consumer to file such statement or affidavit containing such required information constitutes a violation of this chapter. No statement or affidavit shall be conclusive as to the matters therein set forth nor shall the filing of any statement or affidavit preclude the city from collecting from the consumer responsible for payment (as provided in this chapter) by appropriate action such sum as is actually due and payable for water charges under the provisions of this chapter. Each such statement or affidavit, and each of the several items therein contained, shall be subject to verification by the city engineer.

C. Any consumer making any material change in the size, character, or extent of the utilizing equipment or operations for which water is furnished shall immediately give the city engineer written notice of the extent and nature of the change.

D. The city shall require a written contract with any consumer as a condition precedent to service in any case where unusual quantities of water or construction of special facilities is or will be required. No such contract shall exceed a term of three years.

E. The city will furnish and install a service connection of suitable capacity from its water main to the curbline of the property line of any premises for which a connection to the municipal water system is requested; provided, the premises abuts upon a public street or existing water main right-of-way. For service to any nonabutting premises, the person requesting connection must pay the cost of furnishing and installing that portion of the service connection from the curbline of nearest street or from the nearest existing water main right-of-way. Only duly authorized employees or agents of the city shall install a service connection from any water main to any consumer's premises.

The city shall collect connection service charges for the connection of new water services, as established in the annual schedule of fees and charges, prior to installation.

F. All meters shall be installed by the city. No rent or other charge shall be paid by the city for any meter or other facilities located on a consumer's premises. All meters shall be sealed by or under the supervision of the city engineer at the time of installation, and no seal shall be altered or broken except by an authorized employee or agent of the city.

G. No water pipe on any consumer's premises shall cross-connect the municipal water system with any other source of water supply.

H. All service connections, meters, and other facilities furnished by the city at its own expense and located wholly or partially upon any premises shall be and remain the property of the city, which shall have the right to repair, replace, and remove the same upon discontinuance of service.

I. The city shall not be responsible for the installation or maintenance of any water pipelines beyond the end of the city's service connection or beyond its meter.

J. The city engineer or any other duly authorized agent of the city shall have at all reasonable times the right of ingress to and egress from any consumer's premises for any purpose properly relating to the furnishing of water to the consumer.

K. The city shall not be responsible for any loss or damage caused by any negligence or unlawful act of any consumer or any other person in installing, maintaining, operating, or using any or all appliances, facilities or equipment for which water or water service is furnished by the city. Each consumer shall be held responsible for damage to the city's meters and other property comprising any part of the municipal water system resulting from the use or operation of any appliances or facilities on such consumer's premises including, without limiting the generality of the foregoing, damage caused by steam, hot water, or chemicals.

L. Change in Size. A change in the size of meter, service pipe or both of any existing service connection is at the expense of the customer. The expense shall be computed on the basis of the actual cost of the new installation less the value of any material salvaged.

M. Change in Location. When a customer requests relocation of an existing meter or service connection for the customer's convenience, the relocation is at the customer's expense on the basis of the actual cost of relocation. When relocation of an existing meter or service connection is done to protect the property of the water system or the city's interest, the city shall pay the cost of it.

N. Charges Payable in Advance. The estimated charge for new service connection or for change in size or location for customer's benefit shall be paid before work is started or material ordered. Upon completion of the work, the actual cost shall be computed and any difference between the actual and the estimated cost shall be billed or refunded for the customer's account, whichever the case may be.

O. Title to Water Service Connections. Title to the meter, service pipes and appurtenances used in providing a water service connection is in the water system. The charges prescribed in this chapter are for connection, and do not convey any right of title to the facilities. (Ord. 979 (Exh. A), 2009; Ord. 646, 1983)

13.10.090 Duties of city engineer and water collector.
It shall be the duty of the city engineer to supervise all connections to the municipal water system and to establish and administer such reasonable rules and regulations applicable to connections to and the use and operation of the municipal water system as may be deemed advisable or necessary, including, without limiting the generality of the foregoing, rules and regulations relative to:

A. The furnishing of temporary water service;

B. The establishment and reestablishment of credit and requirements for deposits by applicants for permits to connect with the municipal water system whose service has been previously discontinued and applicants for such permits who are not the owners of the premises for which water service is requested; and

C. Water main extensions, including general or ordinary extensions, to subdivisions or tracts;

provided, that each set of rules and regulations so established shall before becoming effective be approved by a resolution adopted by the city council; and provided further, that no such rules and regulations so established and approved shall be in conflict with any provision of this chapter, and shall at all times be subject to appeal to the city council whose decision shall be final. It shall be the duty of the water collector to collect all water charges. The water collector shall keep an accurate accounting and records showing the source, amount, and disposition of all funds received from water charges. (Ord. 646, 1983)

13.10.100 Shortage of supply and service interruptions.
A. The city shall exercise reasonable diligence to provide continuous and adequate water service to consumers and to avoid any shortage or interruption of delivery of water; provided, that the city shall have the right to suspend water service temporarily to make necessary repairs or improvements to the municipal water system. In each case of temporary suspension of service, the city shall notify the consumers affected as soon as circumstances permit and will prosecute the work of repair or improvements with due diligence and with the least possible inconvenience to consumers.

B. During any period of threatened or actual water shortage, the city shall have the right to apportion its available water supply among consumers in such manner as appears most equitable under the circumstances then prevailing and with due regard to public health and safety. (Ord. 646, 1983)

13.10.110 Appeals.
A. Any person who has a right to appeal as provided in any section of this chapter or who is dissatisfied with any determination hereafter made under the terms of this chapter by the city engineer or the water collector may, at any

time within thirty days after such determination, appeal to the city council by giving written notice to the city engineer or the water collector and to the city clerk, setting forth the determination with which the person is dissatisfied. The city council may at any time upon its own motion appeal from any determination made by the city engineer or the water collector under this chapter. In the event of any such appeal, the city engineer or water collector shall transmit to the city council a report upon the matter appealed. The city council shall cause notice to be given, at least ten days prior to the time fixed for such hearing, to all persons affected by the appeal, of the time and place fixed by the city council for hearing the appeal. The city council shall direct the city clerk to make a written notice, postage prepaid, to all such persons whose addresses are known to the city council.

B. Pending decision upon any appeal relative to the amount of any charges under this chapter, the person making the appeal shall pay such charge. After the appeal is heard, the city council shall order refunded to the person making the appeal an amount, if any, as the city council shall determine. (Ord. 646, 1983)

Chapter 13.11

MUNICIPAL WATER SYSTEM WATER CONSERVATION PROGRAM

Sections:

13.11.010 Purpose.

The purpose of this chapter is to establish standards and procedures consistent with Regulation XV, "Expanded Water Conservation and Standby Rationing Plan," as adopted by the Monterey Peninsula Water Management District, herein referred to as the "MPWMD," to reduce or eliminate the waste of water in the municipal water system and to respond to present and potential water shortages. In support of water conservation, this chapter:

A. Specifies conservation measures to be implemented in three stages, with requirements consistent with Regulation XV, "Expanded Water Conservation and Standby Rationing Plan," stages 1 through 3 as specified in MPWMD's Rules 161 through 163.

B. Adopts by reference stages 4 through 7 of Regulation XV, "Expanded Water Conservation and Standby Rationing Plan."

C. As applicable to the requirements of this chapter, adopts by reference the following MPWMD Rules:

Rule 11: Definitions;

Rule 160: General Provisions;

Rule 161: Stage 1 Water Conservation;

Rule 162: Stage 2 Water Conservation;

Rule 163: Stage 3 Water Conservation;

Rule 164: Stage 4 Water Rationing;

Rule 165: Stage 5 Water Rationing;

Rule 166: Stage 6 Water Rationing;

Rule 167: Stage 7 Water Rationing;

Rule 168: Water Banks;

Rule 169: Water Rationing Variance;

Rule 170: Water Use Survey;

Rule 171: Water Waste and Non-Essential Water Use Enforcement;

Rule 172: Landscape Water Audits;

Rule 173: Regulation of Mobile Water Distribution Systems;

Rule 174: Regulation of Well Owners or Operators and Extractors;

Rule 175: Water Rationing Enforcement. (Ord. 976 § 2 (Exh. A), 2009)

13.11.012 Application.

A. This chapter shall apply within the municipal water system and compliance with the provisions of this chapter shall be a condition of water service within the municipal water system.

B. The city of Seaside shall work cooperatively with the Monterey Peninsula Water Management District and the county of Monterey to facilitate the adoption of ordinances and regulations to conserve water, including inspection of installations made pursuant to this chapter.

C. Notice of Exemption. The city council is authorized and directed to give due notice of exemption of this chapter from the provisions of CEQA, pursuant to Title 14, California Code of Regulations, Sections 15061(3)(b) and 15062.

D. All references to standard specifications contained in this chapter shall refer to the latest versions of the City of Seaside Standard Plans and Specifications. (Ord. 976 § 2 (Exh. A), 2009)

13.11.014 Definitions.

The terms used in the chapter shall have the following meanings:

A. Definitions previously stated within this title apply (SMC 13.10.010).

B. Refer to most current MPWMD Rule 11 for definitions contained within this chapter.

C. Water Conservation. See SMC 13.11.016(A), (B) and (C).

D. Water Waste. See MPWMD Rule 11 for a complete definition. Shall mean the indiscriminate, unreasonable, or excessive running or dissipation of water.

E. Nonessential Water Use. See MPWMD Rule 11 for a complete definition. Shall mean the indiscriminate or excessive dissipation of water which is unproductive, or does not reasonably sustain life or economic benefits.

F. Water Rationing. See MPWMD Rule 11. Shall mean a specific amount of water available to each water user during MPWMD Rules 165 through 167.

G. Landscape Water Audit. See MPWMD Rule 11. Shall mean an action taken by a landscape irrigation auditor certified by the Irrigation Association to determine seasonable outdoor water use. Refer to MPWMD Rule 172 for application of definition.

H. Water User. See MPWMD Rule 11. Shall mean users of water for domestic or other uses from Seaside municipal water system.

I. User. See MPWMD Rule 11. Shall mean a customer or consumer of water delivered by a water distribution system. Does not include any owner or operator of a water distribution system.

J. Wherever the MPWMD rules state “general manager,” it shall have the meaning “city engineer” of the city of Seaside.

K. Wherever the MPWMD rules state “enforcement officer,” it shall mean an employee or agent of the city of Seaside with the authority to enforce any provision of the city code.

L. Wherever the MPWMD Rules 161 through 163 state "California-American Water," it shall mean Seaside municipal water system.

M. Interpretation. Words and phrases used in this chapter shall be read conjunctively with and shall have the same meaning as in prior municipal ordinances and code, unless specifically changed by this chapter or unless the context requires some other construction. If there is any inconsistency between this chapter and prior provisions, this chapter shall control. (Ord. 976 § 2 (Exh. A), 2009)

13.11.016 Conservation regulations.

A. Stage 1 Water Conservation. Stage 1 water conservation shall be enforced in the municipal water system in conjunction with a stage 1 water conservation declaration by the MPWMD. Conservation requirements include:

1. All water users within the municipal water system shall comply with the MPWMD's "water waste" and "non-essential water use" prohibitions.

2. The municipal water system shall obtain and maintain water user survey information for its water users in compliance with MPWMD Rule 170.

3. All nonresidential new structures receiving a water permit after October 1, 2008, that include irrigated areas beyond ten feet of any building shall utilize a separate water meter to measure all exterior water uses.

4. All new structures receiving a water permit after October 1, 2008, shall have separate water meters for fire suppression systems.

5. The municipal water system, in coordination with the district, shall conduct landscape water audits and establish landscape water budgets for all water users subject to MPWMD Rule 172. Annually, at the beginning of the water year, the municipal water system will review its records to verify that all water users required by MPWMD Rule 172 to have a landscape water budget have met the requirement. Property owners/account holders that have not met this requirement shall be notified of this requirement within thirty days.

B. Stage 2 Water Conservation. Stage 2 water conservation shall be enforced in the municipal water system in conjunction with a stage 2 water conservation declaration when required by MPWMD Rule 162. Conservation requirements include:

1. Stage 1 Requirements Continue. Requirements imposed by subsection A of this section shall remain in force. Requirements may be modified or superseded by actions taken in future stages of the MPWMD's expanded water conservation and standby rationing plan.

2. Implementation of Landscape Water Budgets. All water users required to obtain a landscape water budget under MPWMD Rule 172 are required to manage outdoor irrigation within the landscape water budget assigned to the property.

3. Water Waste. Water use in excess of the established landscape water budget shall be considered water waste.

4. Notice. Municipal water system shall provide an annual reminder notice to municipal water system users with landscape water budgets to report modifications in landscaping which could alter an existing budget.

5. Without further action of the city council, the provisions of stage 2 water conservation shall be rescinded and revert to stage 1 water conservation as required by MPWMD Rule 162(G).

C. Stage 3 Water Conservation. Stage 3 water conservation shall be enforced in the municipal water system in conjunction with stage 3 water conservation declaration when required by MPWMD Rule 163. Stage 3 conservation requirements include:

1. Emergency Rate Notice. City of Seaside shall notify municipal water system users that emergency rates will be imposed upon the effective date of stage 3 water conservation.

2. Stage 1 and 2 Requirements Continue. Requirements imposed by subsections A and B of this section shall remain in force. Requirements may be modified or superseded by actions taken in future stages of the expanded water conservation and standby rationing plan.

3. Conservation Notice. City of Seaside shall provide notice of mandatory water conservation with each bill.

4. Seaside Municipal Water System Emergency Rates. City of Seaside shall implement emergency rate schedule to respond to stage 3 water reduction. Emergency rates shall be increased for each user class as follows:

a. Tiers 1 and 2 remain unchanged;

b. Tier 3 rates shall by increased by one hundred fifty percent;

c. Tier 4 rates shall be increased by two hundred percent;

d. Tier 5 rates shall be increased by three hundred percent;

e. Tier 6 rates shall be increased by four hundred percent.

5. Without further action by the city council, the provisions of stage 3 water conservation shall be rescinded and water users shall revert to stage 1 water conservation when required by MPWMD Rule 163(G). (Ord. 976 § 2 (Exh. A), 2009)

13.11.018 Enforcement and administration.
The city engineer and all officers and employees of the city of Seaside, including all ex officio officers and employees, shall enforce all the provisions of this chapter. The city engineer shall implement and administer this chapter. (Ord. 976 § 2 (Exh. A), 2009)

13.11.020 Violations and notices.
A. For violations of water waste or nonessential water use, see MPWMD Rule 171.

B. For violations of water rationing, see MPWMD Rule 175.

C. For all other violations of this chapter, the following apply:

D. Written Notice. If any person fails or refuses to comply with this chapter, the city engineer or his/her agent shall provide that person with written notice of the violation and an opportunity to correct the noncompliance. The written notice shall:

1. Be posted or presented at the site of the noncompliance;

2. State the time, date, and place of violation;

3. State a general description of the violation;

4. State the means to correct the violation;

5. State a date by which correction is required; and

6. State the possible consequences of failing to correct the violation.

7. A copy of the written notice shall be mailed to the address of the violation, to the party who is billed for the water, or to the owner of the property, as appropriate.

E. Administrative Fees. Each person who receives a written notice of violation shall pay to the city of Seaside an administrative fee of twenty-five dollars for the first notice and fifty dollars for each subsequent notice. To encourage cooperative water conservation, the city engineer may waive payment of the administrative fee for the first or second notice.

F. Penalties. If a person fails to correct the violation within the time specified in the written notice, the city engineer shall:

1. Follow the procedures as outlined in MPWMD Rule 175 if applicable;

2. May refuse to initiate water service to the site of the violation, if water service has not yet begun or has been discontinued;

3. May terminate water service to the site of the violation, in accordance with the municipal ordinances and procedures for terminating water service;

4. May install a flow restrictor to limit the rate of water consumption. The city of Seaside shall charge the customer for the amount expended to install and/or remove a flow restrictor;

5. May impose a use fee of four times the regular water rate for each user class and tier for each hundred cubic feet (ccf) of water consumed. (Ord. 976 § 2 (Exh. A), 2009)

13.11.022 Nuisances, abatement, and injunctive relief.

A. Any violation of this chapter is declared to be a public nuisance.

B. The city of Seaside may summarily abate the public nuisance and the city of Seaside's attorney may, upon order of the city council, bring civil suit or other action to enjoin or abate the nuisance.

C. In a civil proceeding brought to abate a nuisance or to obtain injunctive relief under this chapter, any person who creates or maintains a public nuisance in violation of this chapter shall be liable for the costs of abatement, including but not limited to the following:

1. Costs of investigation;

2. Costs of labor and parts to repair any affected water system or premises to bring such water system or premises into compliance with this chapter, or to install facilities necessary to assure compliance with this chapter;

3. Court costs;

4. Attorneys' fees and costs, including the fees and costs of experts employed by the attorney; and

5. Costs of monitoring compliance.

D. If any person causes, suffers, or permits a public nuisance to continue after written notice is given to such person by the city of Seaside directing such person to cease the nuisance, and such continuation goes beyond the time set for abatement in the notice, then such person shall be liable to the city of Seaside for the following:

1. The costs of abatement set forth above;

2. Any other costs of enforcement imposed by the court; and

3. A civil penalty of fifty percent of those costs (subsections (D)(1) and (2) of this section), payable to the city of Seaside.

E. Existing Charges. Existing fees and charges in effect when this chapter is adopted shall remain in effect unless specifically changed by this chapter. (Ord. 976 § 2 (Exh. A), 2009)

13.11.024 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter. (Ord. 976 § 2 (Exh. A), 2009)

13.11.026 Authority to inspect.

Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever the city engineer has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter, the city engineer may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 976 § 2 (Exh. A), 2009)

13.11.028 Fees and penalties to be deposited in the water utility fund.

Any administrative fees and civil penalties collected by the city as a result of violations of this chapter shall be deposited in the water utility fund. (Ord. 976 § 2 (Exh. A), 2009)

Chapter 13.12

CROSS-CONNECTION CONTROL PROGRAM

Sections:

13.12.010 Title.

The ordinance codified in this chapter shall be known and cited as the “cross-connection control program to protect the public water system.” (Ord. 752 § 1 (Exh. A), 1988)

13.12.020 Purpose.

The purpose of this chapter is (A) to protect the public water supply against actual or potential contamination through cross-connections by isolating sources of contamination that may occur within a water user’s premises because of some undiscovered or unauthorized cross-connection on the premises; (B) to eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; (C) to eliminate cross-connections between drinking water systems and sources of contamination; (D) to prevent the making of cross-connections in the future. (Ord. 752 § 1 (Exh. A), 1988)

13.12.030 Adoption.

These regulations are adopted pursuant to the State of California Code of Regulations, Title 17, Public Health, entitled “Regulations Relating to Cross-Connections.” (Ord. 752 § 1 (Exh. A), 1988)

13.12.040 Connections with noncity systems prohibited.

It is unlawful for any person, firm or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the city water department and any other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which, by reason of their construction, may cause or allow backflow of water or other substances into the water supply system of the city and/or the service of water pipes or fixtures of any consumer of the city. (Ord. 752 § 1 (Exh. A), 1988)

13.12.050 Definitions.

“Air-gap separation” means a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, in no case less than one inch.

“Approved backflow prevention device” means devices which have passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the California Department of Health Services.

"Approved water supply" means any water supply whose potability is regulated by state or local health agency.

"Auxiliary supply" means any water supply on or available to the premises other than the approved water supply.

"AWWA Standard" means an official standard developed and approved by the American Water Works Association (AWWA).

"Backflow" means a flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than an approved water supply source. Backsiphonage is one cause of backflow. Back pressure is the other cause.

"Contamination" means a degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health, or which may impair the usefulness or quality of the water.

"Cross-connection," as used in this chapter, means any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

"Double check valve assembly" means an assembly of at least two independently acting check valves including tightly closing shutoff valves on each side of the check valve assembly and test cocks available for testing the watertightness of each check valve.

"Health agency" means the California Department of Health Services, or the local health agency with respect to a small water system.

"Local health agency" means the county or city health authority.

"Person" means an individual, corporation, company, association, partnership, municipality, public utility or other public body or institution.

"Premises" means any and all areas on a water user's property which are served or have the potential to be served by the public water system.

"Public water system" means a system for the provision of piped water to the public for human consumption that has five or more service connections or regularly serves an average of twenty-five individuals daily at least sixty days out of the year.

"Reclaimed water" means a wastewater which, as a result of treatment, is suitable for uses other than potable use.

"Reduced pressure principle backflow prevention device" means a device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shutoff valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

"Service connection" refers to the point of connection of a user's piping to the water supplier's facilities.

"Water supplier" means the person who owns or operates the approved water supply system.

"Water user" means any person obtaining water from an approved water supply system. (Ord. 752 § 1 (Exh. A), 1988)

13.12.060 Cross-connection protection requirements designated.
The cross-connection protection requirements are as designated in SMC 13.12.070 through 13.12.090. (Ord. 752 § 1 (Exh. A), 1988)

13.12.070 Cross-connection protection – General provisions.
A. Unprotected cross-connections with the public water supply are prohibited.

B. Whenever backflow protection has been found necessary, the city will require the water user to install an approved backflow prevention device by and at his expense for continued services or before a new service will be granted.

C. Wherever backflow protection has been found necessary on a water supply line entering a water user's premises, then any and all water supply lines from the city's mains entering such premises, buildings or structures shall be protected by an approved backflow prevention device. The type of device to be installed will be in accordance with the requirements of this chapter. (Ord. 752 § 1 (Exh. A), 1988)

13.12.080 Where protection is required.
A. Each service connection from the city system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by the city and is approved by the public health agency having jurisdiction.

B. Each service connection from the city water system for supplying water to any premises on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the city water system which have been subjected to deterioration in sanitary quality.

C. Backflow prevention devices shall be installed on the service connection to any premises having: (1) internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the city, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist. (Ord. 752 § 1 (Exh. A), 1988)

13.12.090 Type of protection required.
A. The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective device that may be required (listing in an increasing level of the type of protection) includes: double check valve assembly (DC), reduced pressure principle backflow prevention device (RP) and air-gap separation (AG). The water user may choose a higher level of protection than required by the city. The minimum types of backflow protection required to protect the approved water supply at the user's water connection to premises with varying degrees of hazard are given in Table 1. Situations which are not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the city or health agency.

Table 1 – Type of Backflow Protection Required

	Degree of Hazard		Minimum Type of Backflow Prevention
A.	Sewage and Hazardous Substances		
	1.	Premises where the public water system is used to supplement the reclaimed water supply.	AG
	2.	Premises where there are wastewater pumping and/or treatment plants and there is no interconnection with the potable water system. This does not include a single-family residence that	AG

Table 1 – Type of Backflow Protection Required

	Degree of Hazard		**Minimum Type of Backflow Prevention**
		has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and the city.	
	3.	Premises where reclaimed water is used and there is no interconnection with the potable water system. A RP may be provided in lieu of an AG if approved by the health agency and the city.	AG
	4.	Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single-family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and the city.	AG
	5.	Premises where there are irrigation systems into which fertilizers, herbicides or pesticides are or can be injected.	RP
B.	Auxiliary Water Supplies		
	1.	Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. A RP or DC may be provided in lieu of an AG if approved by the health agency and the city.	AG
	2.	Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of a RP if approved by the health agency and city.	RP
C.	Fire Protection Systems		
	1.	Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply. A RP may be provided in lieu of an AG if approved by the health agency and city.	AG
	2.	Premises where the fire system is supplied from the public water system and	AG

Table 1 – Type of Backflow Protection Required

	Degree of Hazard		Minimum Type of Backflow Prevention
		interconnected with an unapproved auxiliary water supply. A RP may be provided in lieu of an AG if approved by the health agency and the city.	
	3.	Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used.	DC
D.	Dockside Watering Points and Marine Facilities		
	1.	Pier hydrants for supplying water to vessels for any purpose.	RP
	2.	Premises where there are marine facilities.	RP
E.	Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.		RP
F.	Premises where there is a repeated history of cross-connections being established or reestablished.		RP

B. Two or more services supplying water from different street mains to the same building, structure or premises through which an interstreet main flow may occur shall have at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. Such check valve shall not be considered adequate if backflow protection is deemed necessary to protect the city's mains from pollution or contamination; in such cases the installation of approved backflow devices at such service connections shall be required. (Ord. 752 § 1 (Exh. A), 1988)

13.12.100 Approved backflow prevention devices.

A. Only backflow prevention devices which have been approved by the city shall be acceptable for installation by a water user connected to the city's potable water system.

B. The city will provide, upon request, to any affected customer a list of approved backflow prevention devices. (Ord. 752 § 1 (Exh. A), 1988)

13.12.110 Backflow prevention device installation.

Backflow prevention devices shall be installed in a manner prescribed in Section 7603, Title 17, of the California Administrative Code. Location of the devices should be as close as practical to the user's connection. The city shall have the final authority in determining the required location of a backflow prevention device.

A. Air-Gap Separation (AG). The air-gap separation shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two pipe diameters of the supply inlet, but in no case less than one inch above the overflow rim of the receiving tank.

B. Reduced Pressure Principle Backflow Prevention Device (RP). The approved reduced pressure principle backflow prevention device shall be installed on the user's side of and as close to the service connection as is practical. The device shall be installed a minimum of twelve inches above grade and not more than thirty-six inches above grade measured from the bottom of the device and with a minimum of twelve inches side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the city.

C. Double Check Valve Assembly (DC). The approved double check valve assembly shall be located as close as practical to the user’s connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check valve assembly is put below grade it must be installed in a vault such that there is a minimum of six inches between the bottom of the vault and the bottom of the device, so that the top of the device is no more than a maximum of eight inches below grade, so there is a minimum of six inches of clearance between the side of the device with the test cocks and the side of the vault, and so there is a minimum of three inches of clearance between the other side of the device and the side of the vault. Special consideration must be given to double check valve assemblies of the “Y” type. These devices must be installed on their “side” with the test cocks in a vertical position so that either check valve may be removed for service without removing the device. Vaults which do not have an integrated bottom must be placed on a three-inch layer of gravel. (Ord. 752 § 1 (Exh. A), 1988)

13.12.120 Backflow prevention device testing and maintenance.

A. The owners of any premises on which, or on account of which, backflow prevention devices are installed shall have the devices tested by a person who had demonstrated his competency in testing of these devices to the city. Backflow prevention devices must be tested at least annually and immediately after installation, relocation or repair. The city may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the city shall be filed with the city each time a device is tested, relocated or repaired. These devices shall be serviced, overhauled or replaced whenever they are found to be defective and all costs of testing, repair and maintenance shall be borne by the water user.

B. The city will supply affected water users with a list of persons acceptable to the city to test backflow prevention devices. The city will notify affected customers by mail when annual testing of a device is needed and also supply users with the necessary forms which must be filled out each time a device is tested or repaired.

C. Upon request the city will test a water user’s backflow prevention device to fulfill the requirements of this chapter. The water user will be charged for the test and any maintenance found necessary to keep the device in working order on the next regular water bill. (Ord. 752 § 1 (Exh. A), 1988)

13.12.130 Backflow prevention device removal.

Approval must be obtained from the city before a backflow prevention device is removed, relocated or replaced.

A. Removal. The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the city to verify that a hazard no longer exists or is not likely to be created in the future.

B. Relocation. A device may be relocated following confirmation by the city that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device.

C. Repair. A device may be removed for repair; provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the city. A retest will be required following the repair of the device.

D. Replacement. A device may be removed and replaced; provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the city and must be commensurate with the degree of hazard involved. (Ord. 752 § 1 (Exh. A), 1988)

13.12.140 User supervisor.

At each premises where it is necessary, in the opinion of the city, a user supervisor shall be designated by and at the expense of the water user. This user supervisor shall be responsible for the monitoring of the backflow prevention devices and for avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the city shall be promptly notified by the user supervisor so that appropriate measures may be taken to overcome the contamination. The water user shall inform the city of the user supervisor's identity on, as a minimum, an annual basis and whenever a change occurs. (Ord. 752 § 1 (Exh. A), 1988)

13.12.150 Administrative procedures – Water system survey.
A. The city shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the city upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed before service will be granted.

B. The city may require an on-premises inspection to evaluate cross-connection hazards. The city will transmit a written notice requesting an inspection appointment to each affected water user. Any water user who cannot or will not allow an on-premises inspection of his piping system shall be required to install the backflow prevention device the city considers necessary.

C. The city may, at its discretion, require a reinspection for cross-connection hazards of any premises to which it serves water. The city will transmit a written notice requesting an inspection appointment to each affected water user. Any water user who cannot or will not allow an on-premises inspection of his piping shall be required to install the backflow prevention device the city considers necessary. (Ord. 752 § 1 (Exh. A), 1988)

13.12.160 Customer notification.
A. Device Installation.

1. The city will notify the water user of the survey findings, listing the corrective actions to be taken if any are required. A period of sixty days will be given to complete all corrective actions required, including installation of backflow prevention devices.

2. A second notice will be sent to each water user who does not take the required corrective actions prescribed in the first notice within the sixty-day period allowed. The second notice will give the water user a two-week period to take the required corrective action. If no action is taken within the two-week period, the city may terminate water service to the affected water user until the required corrective actions are taken.

B. Testing and Maintenance.

1. The city will notify each affected water user when it is time for the backflow prevention device installed on their service connection to be tested. This written notice shall give the water user thirty days to have the device tested and supply the water user with the necessary form to be completed and resubmitted to the city.

2. A second notice shall be sent to each water user which does not have his/her backflow prevention device tested as prescribed in the first notice within the thirty-day period allowed. The second notice will give the water user a two-week period to have his/her backflow prevention device tested. If no action is taken within the two-week period, the city may terminate water service to the affected water user until the subject device is tested. (Ord. 752 § 1 (Exh. A), 1988)

13.12.170 Water service termination.
A. General. When the city encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the city shall institute the procedure for discontinuing the city water service.

B. Basis for Termination. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following items:

1. Refusal to install a required backflow prevention device;

2. Refusal to test a backflow prevention device;

3. Refusal to repair a faulty backflow prevention device;

4. Refusal to replace a faulty backflow prevention device;

5. Direct or indirect connection between the public water system and a sewer line;

6. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;

7. Unprotected direct or indirect connection between the public water system and an auxiliary water system;

8. A situation which presents an immediate health hazard to the public water system.

C. Water Service Termination Procedures.

1. For conditions designated in subsection (B)(1), (2), (3) or (4) of this section, the city will terminate service to a customer’s premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period, water service may be terminated.

2. For conditions designated in subsection (B)(5), (6), (7) or (8) of this section, the city will take the following steps:

a. Make reasonable effort to advise water user of intent to terminate water service;

b. Terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the city. (Ord. 752 § 1 (Exh. A), 1988)

Chapter 13.14

CALIFORNIA-AMERICAN WATER COMPANY FRANCHISE

Sections:

13.14.010 Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this chapter. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. Provisions of this chapter shall be construed in accordance with the laws of the state of California.

"Franchise property" means all property retained by the grantee in a street under authority of the franchise.

"Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access.

"Grantee" means the person to whom the franchise is granted by the council, and the lawful successor or assignee thereof, and who or which has filed with the city an acceptance and bond, referred to in SMC 13.14.070.

"Person" means any individual, association, copartnership or corporation.

"Streets" means the surface of, and the space above and below, any public street, road, highway, freeway, lane, alley, court, sidewalk, parkway or drive, now or hereafter existing as such within the city. (Ord. 317, 1967; prior code § 2-211)

13.14.020 Franchise granted.

A franchise be and the same is granted to California-American Water Company to lay, construct, install, operate, alter, repair, replace, reconstruct, maintain and use a system of water pipes and pipelines, mains, tubes, conduits and all appliances, attachments, facilities and appurtenances for the purpose of distributing water for domestic, commercial, industrial and irrigation purposes, and for any and all purposes, for which water can be used on, along, in, under, over and/or across any street within the boundaries of the city as the same shall now or hereafter exist. (Ord. 317, 1967; prior code § 2-212)

13.14.030 Duration and effectiveness of grant.

The franchise shall become effective upon written acceptance thereof filed by the grantee with the city clerk accompanied by the performance bond and insurance policy required by SMC 13.14.070 and 13.14.080, provided such written acceptance shall have been filed within thirty days after the ordinance codified in this chapter granting the franchise becomes effective unless the time is extended by the council. ~~The term of the franchise shall be thirty years after the effective date thereof.~~ (Ord. 317, 1967; prior code § 2-213)

13.14.040 Franchise payments.

A. The grantee shall, during the life of the franchise, pay to the city a sum annually which shall be equivalent to two percent of the gross annual receipts of grantee arising from the use, operation or possession of the franchise; provided, however, that such payment shall in no event be less than one percent of the gross annual receipts of the grantee derived from the sale of water within the limits of the city under the franchise.

B. Such payments shall be made annually on or before the last day of March of each year for the preceding calendar year and shall be accompanied by a verified statement showing in detail the basis of computation thereof.

C. Such franchise payments shall further, during the initial year of the franchise, be based upon the operations of grantee for the entire calendar year during which the franchise codified in this chapter shall become effective.

D. The city shall have the right to inspect, audit and copy such of the grantee's books, records and maps as may be pertinent in connection with the operations of the grantee under the franchise. (Ord. 317, 1967; prior code § 2-214)

13.14.050 Removal and relocation of facilities.

The grantee of the franchise shall:

A. Construct, install and maintain all pipes and appurtenances in accordance with and in conformity with all of the ordinances, rules and regulations heretofore or hereafter adopted by the legislative body of the city in the exercise of its police powers and not in conflict with the paramount authority of the state of California, and, as to state highways, subject to the provisions of general laws relating to the location and maintenance of such facilities;

B. Pay to the city, on demand, the cost of all repairs to public property made necessary by any operations of the grantee under the franchise;

C. Indemnify and hold harmless the city and its officers from any and all liability for damages proximately resulting from any operations under the franchise, and be liable to the city for all damages proximately resulting from the failure of the grantee well and faithfully to observe and perform each and every provision of Division 3, Chapter 2 of the Public Utilities Code of the state of California;

D. Remove or relocate, without expense to the city, any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or viaduct by the city, and including the construction, location or relocation of sewers within the limits of the city by either the city or a sanitation district operating within the city; and

E. File with the legislative body of the city within thirty days after any sale, transfer, assignment or lease of the franchise, or any part thereof, or of any of the rights or privileges granted thereby, written evidence of the same, certified thereto by the grantee or its duly authorized officers. (Ord. 317, 1967; prior code § 2-215)

13.14.060 Forfeiture.

Any neglect, omission or refusal by the grantee to file such verified statements or to pay such percentage of its gross annual receipts at the times and in the manner hereinabove provided, and the continuance of such neglect, omission or refusal for a period of ten days after written notice thereof to the grantee, shall ipso facto work a forfeiture of the franchise and of all rights under this chapter to the city. (Ord. 317, 1967; prior code § 2-216)

13.14.070 Faithful performance bond.

A. The grantee shall, concurrently with the filing of an acceptance of award of the franchise, file with the council, and at all times thereafter maintain in full force and effect for the term of the franchise at its expense, a corporate surety bond, in a company approved by the finance officer and in a form satisfactory to the city attorney, in duplicate, in the amount of ten thousand dollars, and conditioned upon the faithful performance of grantee and that in the event the grantee shall fail to comply with any one or more of the provisions of the franchise, then there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the city as a result thereof, including the full amount of any compensation, indemnification or cost of removal or abandonment of property as prescribed by this chapter which may be in default, plus a reasonable allowance for attorneys' fees and costs, up to the full amount of the bond; such condition to be a continuing obligation for the duration of the franchise and thereafter until the grantee has liquidated all of its obligations with the city that may have arisen from the acceptance of the franchise by the grantee or from its exercise of any privilege granted in this chapter. The bond shall provide that thirty days' prior written notice of intention not to renew, cancellation or material change be given to the city.

B. Neither the provisions of this section, any bond accepted by the city pursuant thereto, nor any damages recovered by the city thereunder shall be construed to excuse faithful performance by the grantee or limit the liability of the grantee under the franchise or for damages, either to the full amount of the bond or otherwise.

C. The bond provided for in subsection A of this section shall be in lieu of and not in addition to any bond heretofore required by the city for encroachment permits. (Ord. 317, 1967; prior code § 2-217)

13.14.080 Indemnification to city.

A. The grantee agrees that at all times during the existence of the franchise, it will maintain in force, furnish to the city and file with the council, at its own expense, a general comprehensive liability insurance policy, in protection of city, its boards, commissions, officers, agents and employees, in a company approved by the finance officer and in form satisfactory to the city attorney, protecting the city and such persons against liability for loss or damages for personal injury, death and property damage occasioned by the operations of grantee under the franchise, with minimum liability limits of one hundred thousand dollars for personal injury or death to any one person and two hundred thousand dollars for personal injury or death of two or more persons in any one occurrence, and ten thousand dollars for damage to property resulting from any one occurrence.

B. A general public liability policy of grantee containing limits equal to or in excess of sums above set forth shall be sufficient for the purposes of this section and grantee shall furnish to city a certificate of insurance as to the same. (Ord. 317, 1967; prior code § 2-218)

13.14.090 Location of franchise properties.

Franchise property shall be constructed or installed in the streets within the city only at such locations and in such manner as may be approved by the city engineer acting in the exercise of reasonable discretion. Construction or installation of franchise property in all other public places within the city shall be subject to the approval of and regulation by the council. (Ord. 317, 1967; prior code § 2-219)

13.14.100 Abandonment of franchise property.

A. In the event that the use of any franchise property is discontinued for any reason for a continuous period of twelve months or that franchise property has been installed in any street without complying with the requirements of the franchise, the grantee may remove all such property from the street, and in the event of any such removal the grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the city engineer.

B. In the event franchise property to be abandoned be not so removed it shall be deemed to be abandoned in place. Upon permanent abandonment of any franchise property in place, such property shall automatically become property of the city. (Ord. 317, 1967; prior code § 2-220)

13.14.110 Rights reserved to city.

A. There is reserved to the city every right and power which is required to be reserved in this chapter or provided by any ordinance of the city, and the grantee by its acceptance of the franchise agrees to be bound thereby and to comply with any action or requirement to the city in its exercise of any such right or power, heretofore or hereafter enacted or established.

B. Neither the granting of the franchise nor any of the provisions contained in this chapter shall be construed to prevent the city from granting any identical, or similar, franchise to any person or corporation other than the grantee.

C. If, at any time during the existence of the franchise, city shall exercise its right to acquire the property of grantee to the extent that such acquisition is authorized or permitted by law, in fixing the price to be paid by the city for the acquisition of grantee's property, no allowance shall be made for the value of the franchise granted by this chapter, or for increased value of right-of-way, if any, resulting therefrom. (Ord. 317, 1967; prior code § 2-221)

13.14.120 Surrender of other franchises.

This grant is made in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee, to any rights under the franchise, for transmitting and distributing water within the limits of the city, as such limits now or may hereafter exist, and the acceptance of the franchise granted shall operate as an abandonment of all such franchises, rights and privileges within the limits of this city, as such limits now or may hereafter exist, in lieu of which this franchise is granted. (Ord. 317, 1967; prior code § 2-222)

13.14.130 Enforcement remedies.

A. If grantee shall fail or refuse to comply with any of the provisions, conditions, obligations or duties set out in the franchise, city may notify grantee in writing to perform such obligations or duties. In the event that grantee shall fail to comply with such notice within thirty days, the city may, at its option, proceed to perform the duties or obligations itself; provided, however, that in cases of emergency, the city may proceed without giving notice to grantee to perform the duties and obligations. All costs incurred by the city thereby shall charge against the grantee. If grantee fails or refuses to pay the amount of such costs within thirty days from the date that such costs are submitted to the grantee in writing, the city may proceed to collect such costs by an action at law.

B. As a separate and alternate remedy, if the grantee shall consistently fail or refuse to comply with any of the provisions set out in the franchise, the city may declare a forfeiture, and/or may sue such persons for damages for such noncompliance, and/or may exercise any other rights or remedies provided by law. (Ord. 317, 1967; prior code § 2-223)

13.14.140 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held illegal, invalid or unconstitutional, such invalidity shall not affect the validity of this chapter or any of the remaining portions thereof. The invalidity of any portion of this chapter shall not abate, reduce or otherwise affect any consideration or other obligation required of the grantee by the franchise. (Ord. 317, 1967; prior code § 2-224)

13.14.150 Publication expenses.

The grantee shall pay to the city a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting of the franchise, and such payment shall be a condition precedent to the vesting of the franchise in the grantee. (Ord. 317, 1967; prior code § 2-225)

Chapter 13.16

ALLOCATION OF SEWER CAPACITY AND WATER

Sections:

13.16.010 Findings and intent.

On April 24, 1989, the MRWPCA released the city’s final one-third allocation of housing units and sewer flow capacity. It is therefore appropriate to modify the restrictions on residential development imposed by Ordinances 730 and 748. It is the purpose and intent of this chapter to maintain compliance with the allocation plans of the MRWPCA and the MPWMD as they affect residential and commercial development in the city. In order to ensure the availability of sewer connection permits for the future development of vacant legal lots of record, as well as to ensure an adequate supply of sewer and water for existing and future development, it is necessary for the public health, safety and welfare to regulate project approvals as provided in this chapter. (Ord. 759 § 1, 1989)

13.16.020 Residential subdivisions.

Notwithstanding any other ordinance, regulation or policy of the city, no application for a permit or other applicable entitlement for use which has as its result the approval or allowance of a residential subdivision in excess of four lots or otherwise results in the creation of more than four lots, shall be accepted, processed, acted upon, granted or approved by any employee, department or commission of the city. Applications for a permit or other discretionary entitlement for use that would result directly or indirectly in a residential subdivision in excess of four lots or the creation of more than four lots are exempt from the provisions of this section if filed with the city on or before May 5, 1989. (Ord. 759 § 2, 1989)

13.16.030 Authorization for residential sewer connection permits.

MRWPCA Ordinance 87-6 provides that the agency will issue sewer connection permits only with the prior written approval (preapproval) of the affected city. Pursuant to said provision, the city adopts the following regulations with reference to the preapproval of residential sewer connection permits.

A. Permitted Projects. With the exception of those applications for residential projects pending in the city as of May 5, 1989, only dwellings of four units or less may be granted preapproval authorization for the issuance of a sewer connection permit.

B. Procedure. Concurrent with the filing of an application for a residential project, or within ten days from the effective date of the ordinance codified in this chapter, whichever date is later, the applicant may reserve with the community development department a preapproval for a sewer connection permit. Said preapproval reservation will be held for the applicant as follows: (1) For those residential projects requiring either a zoning or use permit, a reservation will be held for a period not to exceed ninety days; (2) For those residential projects which require extensive environmental review, and/or involve a proposed subdivision, a reservation will be held for a period not to exceed one year. Prior to the expiration of the above-stated time periods, the building official may grant an extension of time to the applicant upon a showing of good faith and factors beyond the control of the applicant.

C. Preapproval Authorization. Prior to obtaining city authorization (preapproval) for the issuance of a MRWPCA residential sewer connection permit, the applicant shall file a properly completed building permit application with the building division. If the building official finds that the work described in the building permit application and the plans, specifications and other data filed therewith conform to city standards and ordinances, and that the required fees have been paid, the official shall authorize issuance of the sewer connection permit. Following the issuance of a MRWPCA sewer connection permit, the city shall issue a building permit to the applicant.

D. Cancellation of Reservation. Failure to secure preapproval authorization or an extension thereto within the prescribed time shall result in the cancellation of said reservation.

E. Expiration of Building Permit. Within one hundred eighty days after the applicant has secured city preapproval, the applicant shall secure a MRWPCA sewer connection permit, a city building permit, and commence construction. Unless an extension has been granted as provided in subsection B of this section, applicant's failure to secure the required permits and commence construction, and/or suspension or abandonment of the work once commenced, shall result in one or all of the following: (1) revocation of preapproval authorization, (2) cancellation of the MRWPCA sewer connection permit, (3) expiration of the building permit, which shall become null and void. (Ord. 759 § 3, 1989)

13.16.040 Requests for residential projects after exhaustion of allocation.
Requests for residential projects received after the MRWPCA housing units allocation is depleted, and/or requests for projects unable to be accommodated under the present allocation and pursuant to this chapter, including applications for multifamily dwellings in excess of four units and/or residential subdivisions creating in excess of four lots, shall be maintained by the community development department and applicants shall have the right to any future allocation of sewer capacity in the order received. (Ord. 759 § 4, 1989)

13.16.050 Water intensive uses.
A. Swimming Pools. No permit shall issue during the term of the ordinance codified in this chapter for the construction, installation, or enlargement of any swimming pool whether for public or private use.

B. Commercial Projects. With the exception of water intensive uses, as defined herein, applications for commercial projects shall be considered on a first come, first served basis within the limits of the city's sewer allocation. No application for a permit, license or other entitlement for use which either directly or indirectly has as its result the approval or allowance of a commercial water intensive use shall be accepted, processed, acted upon or approved by an employee, department or commission of the city. As used herein, "commercial" means all uses permitted by the zoning ordinance, except residential uses. "Commercial water intensive uses" includes laundromats, restaurants, bars, and other commercial uses with a yearly water use factor, as defined by the WMD, greater than 0.0003 acre feet per square feet of building area. (Ord. 759 § 5, 1989)

13.16.060 Expansion or rehabilitation of existing commercial uses.
No application for a permit, license or other entitlement for use which has as its result the approval or allowance of an expansion or rehabilitation of an existing commercial use shall be accepted, processed, acted upon or approved by any employee, department or commission of the city, if it is determined that said expansion or rehabilitation will increase the use of water on the site by more than twenty-five percent over that level of use of water existing prior to the expansion of rehabilitation. (Ord. 759 § 6, 1989)

13.16.070 Sewer intensive commercial projects.
No application for a permit, license or other entitlement for use which either directly or indirectly has as its result the approval or allowance of a commercial use which represents ten percent or more of the city's total remaining commercial sewer flow allocation shall be accepted, processed, acted upon or approved by any employee, department or commission of the city. (Ord. 759 § 7, 1989)

13.16.080 Current remaining allocation.
Upon the issuance of each preapproval authorization for a MRWPCA commercial sewer connection permit, the community development department shall deduct the estimated sewer flow for the project from the allocation remaining. The amount of allocation remaining shall be public information. (Ord. 759 § 8, 1989)

13.16.090 Preapproval authorization – Commercial.

Preapproval authorization for a MRWPCA commercial sewer connection permit shall be in accordance with the provisions of SMC 13.16.030(C), entitled "Preapproval Authorization." (Ord. 759 § 9, 1989)

13.16.100 Redevelopment agency projects.

Redevelopment projects undertaken pursuant to a development agreement between the redevelopment agency of the city and a redeveloper are exempt from the provisions of this chapter as they relate to commercial development. (Ord. 759 § 10, 1989)

13.16.110 Determinations and appeals.

All determinations of sewer flow and water usage required under this chapter shall be made by the community development department using the same facts, figures, estimates and assumptions as those used by the MRWPCA and MPWMD in allocating sewer capacity and water in the city. Any applicant may appeal said determination by filing a written appeal within ten days after notice of the determination by the community development department. The chief of planning shall place said appeal on the planning commission agenda for hearing as soon as possible. Notice of said hearing shall be given to the applicant by mailing notice of the time and place of said hearing at least ten days before the hearing. No other notice need be given. (Ord. 759 § 11, 1989)

13.16.120 Exceptions.

Application of the strict terms of this chapter may be modified or waived when it is demonstrated that the intent and effect of the provisions hereof have been or shall be satisfied by use of equivalent measures or devices. (Ord. 759 § 12, 1989)

Chapter 13.18

RESIDENTIAL AND COMMERCIAL WATER CONSERVATION MEASURES

Sections:

13.18.010 Purpose.
It is the purpose and intent of this chapter to adopt a companion ordinance to that ordinance (No. 30) adopted by the Monterey Peninsula Water Management District, establishing water conservation standards in all areas of the district, including the city. In order to reduce the excessive use of water within the city, this chapter:

A. Requires the installation of low water-use plumbing fixtures, and low water-use landscape material as part of new construction, as defined herein; and

B. Requires the installation of low water-use plumbing fixtures in existing hotels and motels; and

C. Requires the retrofitting of plumbing fixtures in all existing residential buildings at the time of change of ownership or physical expansion, or, in the case of commercial property, at the time of change of ownership, or change or expansion of use. (Ord. 725 § 1, 1987)

13.18.020 Definitions.
"Bubblers" means any landscape irrigation system that disperses water, in a bubbling fashion as opposed to a spray fashion.

"Change of ownership" means a transfer of a present interest in real property, and a transfer of the right to beneficial use thereof, the value of which is substantially equal to the proportion of the ownership interest transferred. Every transfer of property shall qualify as a "change of ownership," except transfers of title from one spouse to another, or from parent to child, whether the transfer is voluntary, involuntary, by operation of law, by grant, gift, devise, inheritance, trust, contract of sale, addition or deletion of an owner, property settlement, or any other means. "Change of ownership" effected other than by a contract of sale shall be deemed to occur at the time of actual transfer of title. A "change of ownership" resulting from a contract of sale or similar instrument shall be so regarded only if escrow is opened or a contract of sale is executed, whichever occurs last, on or after the effective date of the ordinance codified in this chapter.

"Change of use" means, in the case of commercial, industrial or public authority structures, a change in the use to which the structure was previously devoted, to a substantially different use.

"Drip irrigation system" means any landscape irrigation system that disperses water in a controlled fashion to the extent necessary to provide sufficient water to sustain the growth of specific vegetation.

“Existing residential building” means any structure built and intended primarily for the shelter, or housing, of any person.

“Low precipitation sprinkler heads” means any landscape sprinkler head that disperses less than three-quarters inch of water per hour at any pipe pressure.

“Low water-use landscape material” means any California native or other plants that are identified on the plant list provided by the city entitled “A Drought-Tolerant Plant List for the Monterey Peninsula.”

“Low water-use plumbing fixtures” means any toilet using a maximum of one and one-half gallons per flush, and shower heads designed to emit a maximum of two and one-half gallons per minute of water.

“New construction” means any construction of a previously nonexistent structure requiring a discretionary or ministerial permit issued after the effective date of the ordinance codified in this chapter. “New construction” includes additions, modifications, or improvements to existing structures not physically separated from the structure added or improved upon. (Ord. 725 § 1, 1987)

13.18.030 Requirements for new construction.
A. All new construction, as defined herein, shall be exclusively equipped with low water-use plumbing fixtures as defined by this chapter, and shall further use faucet aerators with a maximum flow rate of two and one-half gallons per minute wherever practicable. These fixtures shall be installed and maintained, and shall not be replaced with fixtures which allow greater water use.

B. All new construction, where landscape approval is required by the BAR, shall include as part of the exterior landscape development, low water-use or native plant material, and low precipitation sprinkler heads, bubblers, and/or drip irrigation systems and timing devices. Before any permit may be issued for such new construction, the applicant shall submit a landscape plan for review and approval by the board of architectural review in conformity with this chapter and landscaping guidelines adopted by the BAR. (Ord. 725 § 1, 1987)

13.18.040 Existing hotels and motels.
All existing hotels and motels, within six months following the effective date of the ordinance codified in this chapter, shall retrofit all plumbing fixtures which are installed, but which do not meet low water-use plumbing fixture standards, with shower heads with a maximum flow capacity of two and one-half gallons per minute, toilet water-use reduction devices capable of reducing flow by at least one gallon per flush, and faucet aerators which limit the flow rate to a maximum of two and one-half gallons per minute. The building inspector of the city shall defer the retrofit requirement of this section for any plumbing fixture for which present technology is not available to cause the required flow reduction, such as in flushometer-style toilet fixtures, or where retrofitting is not otherwise practicable. (Ord. 725 § 1, 1987)

13.18.050 Requirements upon change of ownership or use.
A. Residential. All existing residential buildings shall, at the time of change of ownership, be retrofitted, if not already so, exclusively with low water-use plumbing fixtures as defined by this chapter. These fixtures shall be installed and maintained, and shall not be replaced with fixtures which allow greater water use.

B. Commercial. All existing commercial, industrial, and public authority structures shall, at the time of change of ownership or change of use, be retrofitted, if not already so, with low water-use plumbing fixtures as defined by this chapter. These fixtures shall be installed and maintained and shall not be replaced with fixtures which allow greater water use. (Ord. 725 § 1, 1987)

13.18.060 Requirements upon expansion of use.
All residential, commercial, public authority and industrial reconstruction, remodels or additions that add or change bathroom plumbing fixtures, and/or increase floor area by twenty-five percent or greater of the existing floor area, shall meet “new construction” low water-use plumbing fixture standards for the entire facility, including retrofitting of existing plumbing fixtures, as identified in SMC 13.18.030. (Ord. 725 § 1, 1987)

13.18.070 Conservation kits.

The city shall act in cooperation with the Monterey Peninsula Water Management District in the district's conservation kit distribution program. (Ord. 725 § 1, 1987)

13.18.080 Responsibility of transferor.

A. 1. Prior to a change of ownership or close of escrow, the transferor/seller shall comply with the retrofit requirements of this chapter. The transferor/seller shall submit proof of compliance to the building inspector, prior to obtaining a real property certification pursuant to Chapter 2.50 SMC.

2. The building inspector may waive the proof of retrofit before close of escrow requirement of this section where the seller and buyer certify that the structure will begin to be remodeled or modified within one hundred twenty days of the close of escrow, that the structure will be exclusively retrofitted with low water-use fixtures upon completion of construction, and the new owner shall allow inspection of the property by the city building inspector.

3. It shall be a violation of this chapter for any buyer or seller to instruct an escrow agent to close escrow for any sale of property in the city which does not comply with subsection (A)(1) of this section.

B. The usual fee charged for the issuance of plumbing permits shall be waived for those permits obtained in relation to fixture installation pursuant to the requirements of this chapter.

C. Prior to the change of use of any commercial, industrial, or public authority buildings, the owner of record shall certify in writing to the building inspector of the city about such change of use of the structure and compliance with this chapter, including compliance with all plumbing fixture retrofitting requirements. No change in use of such buildings shall be made prior to submission of such written certification to the building inspector. (Ord. 728 § 1, 1987; Ord. 725 § 1, 1987)

13.18.090 Notice of violation recordation.

Whenever the building inspector determines that there is an existing violation of this chapter, that low water-use plumbing fixtures have not been installed at the time of change of ownership or use, or have been removed since initial installation, the building inspector may record a notice of violation with the office of the county recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their address is known to the building inspector or is otherwise reasonably available. The building inspector shall cause a notice of correction to be recorded at such time as the property owner has established full compliance with the provisions of this chapter. (Ord. 725 § 1, 1987)

13.18.100 Discretionary exemptions.

The building inspector may, in his discretion, exempt facilities from the provisions of this chapter, or impose reasonable conditions in lieu of compliance therewith, if he determines that any of the following conditions exist:

A. The requirements herein would cause an unnecessary and undue hardship upon the owner or purchaser of the building or the public. Undue hardship may include:

1. Plumbing in an existing building or structure which does not match connections with low water-using plumbing fixtures and would, therefore, require partial replumbing of the building or structure, for example, different rough-in dimensions;

2. Unavailability of low water-using plumbing fixtures to match a well-defined historic architectural style (Victorian, Mission Revival), in an historic building (pre-1920);

B. The requirements in this chapter would create an emergency condition affecting the health, sanitation, fire protection or safety of the structure or the public;

C. The granting of the exemption or imposition of reasonable conditions in lieu of compliance with the requirements in this chapter would not increase the quantity of water consumed by the structure or otherwise adversely affect service to other existing water consumers. (Ord. 725 § 1, 1987)

13.18.110 Appeals.

A. Who May Appeal – Time for Appeal.

1. An appeal may be made to the city council by any public agency or person aggrieved by a decision of the building inspector pursuant to this chapter. Such appeal shall be in writing and shall be filed with the city clerk and with the building division within ten days after written notice of the decision has been mailed to the applicant.

2. Written notice of the decision shall be given promptly to the applicant and to those who have requested notice, in writing. No appeal shall be accepted until notice of the decision has been given to the applicant.

3. At the time of the filing of the appeal, the appellant shall pay to the city clerk the required filing fee as established by the city council.

B. Requirements for Contents of Appeal. The appellant must specifically state in the notice of appeal:

1. The identity of the appellant and his interest in the decision;

2. The identity of the decision appealed from and the conditions appealed from;

3. A clear, complete, but brief statement of the reasons why, in the opinion of the appellant, the decision of the conditions imposed were unjustified or inappropriate;

4. The specific reasons the appellant disagrees with the findings of the building inspector;

5. The specific facts of the matter in sufficient detail to notify interested persons of the nature of the proceedings, and to place the interested persons upon notice as to how any proposed action may affect their interest so that they may formulate their defense or opposition without being subjected to surprise. The city council will not accept an appeal stated in generalities, legal or otherwise.

C. Form. A form for giving notice of appeal shall be provided. The form need not be used if the contents of the notice of appeal is complete.

D. Acceptance of Appeal. An appeal shall not be accepted by the city council unless it is complete and complies with all requirements. The city clerk shall not accept a notice of appeal if it is obvious on the face of the notice that it is incomplete. (Ord. 725 § 1, 1987)

13.18.120 Penalties.

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, or any contractor who installs or removes plumbing fixtures contrary to the provisions of this chapter with the intent to defeat the purposes of this chapter, shall be guilty of a misdemeanor punishable as provided in municipal code SMC 1.16.030. Each separate day or portion thereof during which any violation occurs or continues without a good-faith effort by the responsible party to correct the violation shall be deemed to constitute a separate offense and, upon conviction thereof, shall be separately punishable. (Ord. 725 § 1, 1987)

13.18.130 Enforcement.

The director of community development or his designee shall be the officer primarily charged with enforcement of this chapter. All departments, officials, or public employees of the city who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter, and shall issue no such permits or licenses for uses, buildings or purposes where the same would be in conflict with the provisions of this chapter. Any such permits, licenses, or uses, if issued in conflict with the provisions of this chapter, shall be null and void. (Ord. 725 § 1, 1987)

13.18.140 Civil enforcement against nuisance.

A. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, maintained, sold, or the use of which is changed, contrary to the provisions of this chapter, and/or any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of the chapter, shall be, and the same is declared to be, a violation of this chapter and a public nuisance.

B. The city may summarily abate the public nuisance, and the city attorney, upon order of the city council, may bring civil suit or other action to enjoin or abate the nuisance.

C. Each day any violation of this chapter continues shall be regarded as a new and separate offense. The remedies provided in this chapter shall be cumulative and not exclusive.

D. Should any person, firm, or corporation violate the provisions of this chapter, and any action is authorized by the city council, or is in fact commenced by the city for said violation, no other action shall be taken on any application filed by or on behalf of said person, firm, or corporation until the action has been concluded or resolved. (Ord. 725 § 1, 1987)

13.18.150 Cost of enforcement.

A. Any person, firm, or corporation who creates or maintains a public nuisance in violation of this chapter, or upon whose property a notice of violation has been recorded, shall be liable for the costs of abatement and ratio of correction which shall include, but not be limited to:

1. Costs of investigation;

2. Court costs;

3. Attorney's fees;

4. Costs of monitoring compliance.

B. Upon a continuation of the public nuisance after notice from the city to cease the nuisance, any person, firm or corporation shall be liable for the costs of abatement set forth above plus a civil penalty of fifty percent of these costs payable to the city in addition to any other costs of enforcement imposed by the court. (Ord. 725 § 1, 1987)

13.18.160 Remedies cumulative.

The remedies available to the city to enforce this chapter are in addition to any other remedies available under the city's municipal code or zoning ordinance, or any other state statutes, and do not replace or supplant any other remedy but are cumulative thereto. (Ord. 725 § 1, 1987)

13.18.170 Severability.

If any subdivision, paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this chapter. It is the city's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses or phrases be declared invalid or unenforceable. (Ord. 725 § 1, 1987)

Chapter 13.24

WATER ALLOCATION PROGRAM

Sections:

13.24.010 Findings and declaration of intent.
Monterey Peninsula Water Management District (MPWMD) regulations allow for an intensification of water use. As a result, certain commercial and institutional projects which will result in an increase of water use continue to be eligible for permits from the MPWMD. The water used will be deducted from the city of Seaside's current water allocation. All applications for permits must have written approval of the affected jurisdiction.

The potential for new water sources on the Monterey Peninsula are extremely limited and that demand for water in the city of Seaside may well exceed capacity within a very short period of time. As a result of the limited availability of water, the need for planned development, and the continuing number of applications for commercial and institutional projects, the city finds it necessary to develop criteria for evaluation of water allocation release requests for commercial and institutional properties. (Ord. 892 § 1, 2001)

13.24.020 Adoption of water allocation program.
Notwithstanding any other ordinance, rule, or policy of the city of Seaside, no application for a commercial or institutional project which would result in an increase in water use shall be accepted, processed, acted upon, granted, or approved by any officer or employee of the city of Seaside except in conformance with this water allocation program, attached to the ordinance codified in this chapter as Exhibit "A" and incorporated herein by this reference thereto. Approval of the water allocation does not imply recommendations for or approval of any other applications which may be required for the project by the city of Seaside or any other governmental agency having jurisdiction over the project. Projects are required to obtain all other necessary approvals required by the city of Seaside and/or other governmental agencies. (Ord. 892 § 2, 2001)

13.24.030 Determinations.
All determinations of increased or intensified water usage required under this chapter shall be made by the committee referenced in Exhibit "A," using the same facts, figures, estimates, and assumptions as those used by the MPWMD in evaluating and issuing permits. (Ord. 892 § 3, 2001)

13.24.040 Appeals.
An applicant may appeal a determination of water usage or the denial of a permit by filing a written appeal within ten days after notice of the determination or denial by the committee on a form prescribed for that purpose by the city of Seaside. All required plans, drawings, photos, reductions and other information shall be submitted to the planning division before the appeal form is accepted as complete. A list of required information shall be available in the planning division. The filing fee for an appeal shall be five hundred twelve dollars.

A complete appeal application shall be filed at least three weeks prior to the proposed date of public hearing. Upon filing a complete written appeal application and payment of fees, the community development director or his/her designee shall place said appeal on the agenda of the city of Seaside city council for hearing. Notice of said hearing shall be given to the applicant by mail at least ten days prior to the hearing date. No other notice need be given.

At the scheduled public hearing, the city council shall affirm, reverse or modify the decision being appealed. The city council may also remand the matter for reconsideration and further hearings because of a desire for additional information, or due to the submission of new material or evidence not previously considered. (Ord. 892 § 4, 2001)

Chapter 13.30

STORM WATER MANAGEMENT UTILITY

Sections:

13.30.010 Title.
This chapter shall be known as the "storm water management utility ordinance" of the city of Seaside and may be so cited. (Ord. 915 § 2 (Exh. A), 2003)

13.30.020 Purpose and intent.
The purpose and intent of this chapter is to provide a management system that allows for the protection of the health, safety and general welfare of citizens, and protection and enhancement of the water quality of watercourses and water bodies in a manner pursuant to and consistent with the federal Clean Water Act (33 U.S.C. Section 1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system. (Ord. 915 § 2 (Exh. A), 2003)

13.30.030 Definitions.
The following terms when used in this chapter shall have the following respective meanings:

"City" means the city of Seaside, California.

"City council" means the city council of the city of Seaside.

"County" means the county of Monterey, California.

"Finance director" means the finance director of the city of Seaside.

"Government Code" means the Government Code of the state of California.

"Health and Safety Code" means the Health and Safety Code of the state of California.

"Public works director" means the public works director of the city of Seaside.

"Storm and surface drainage system" means the citywide system for the collection and disposal of storm water and surface water runoff including lands, easements, ditches, pipes, culverts, streamways, detention facilities, filtration and treatment works, pumping stations and equipment and other works, including the acquisition of any existing facilities used for or useful in collecting, treating and disposing of runoff and drainage water generated by storms or other events.

"User" means any person, firm, company, corporation, partnership, association, any public corporation, political subdivision, city, county, district, the state of California or the United States of America, or any department or agency of any thereof, directing storm water or surface water runoff into the storm and surface drainage system. The singular in each case shall include the plural. (Ord. 915 § 2 (Exh. A), 2003)

13.30.040 Utility created.
A storm water management utility is created as a city enterprise and utility to operate, maintain and fund the city's storm and surface drainage system in accordance with the authority granted to the city by Government Code Section 54725 et seq. The purpose of this utility includes, but is not limited to, permitting, maintenance, planning, design,

construction, regulation, surveying, water quality testing and inspection relating to storm and surface water management facilities. (Ord. 915 § 2 (Exh. A), 2003)

13.30.050 Management of the system.

A. The public works director shall act as director of the utility and shall be responsible for administering and managing the operations of the storm and surface water management system in accordance with the provisions of management programs adopted by the city council.

B. The city council may adopt a storm and surface water management program or regulations or agree to participate in regional storm and surface water management programs to facilitate operation of the utility. (Ord. 915 § 2 (Exh. A), 2003)

13.30.060 Fees and collection.

A. The city council may establish a storm water management utility fee to be imposed upon users of the storm drainage system, in accordance with the requirements of Article XIII D of the State Constitution (Proposition 218) and any associated legislation. The basis and the amount of the fee will be established by resolution. The purpose of the fee is to provide for the costs and expenses of improving the water quality of the storm and surface water control facilities, the costs of planning, permitting and designing, establishing, acquiring, developing, constructing or improving storm and surface water management facility or improvement, or to pay or secure the payment of any indebtedness incurred for such purpose.

B. Collection. The finance director in accordance with provisions set forth in the resolution establishing the basis and amount of the fee shall collect any fee imposed pursuant to this chapter. The city may collect fees directly from users, or may contract the collection to other public or private utilities in conjunction with their utility bills, or may contract the collection to the county in accordance with the provisions of the California Health and Safety Code. (Ord. 915 § 2 (Exh. A), 2003)

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

Chapter 15.04

BUILDING AND CALIFORNIA ~~UNIFORM~~ CODES ADOPTED

Sections:

15.04.010 Adoption of California Building Codes and related model codes.

There is hereby adopted by reference by the city council, for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair, improvement, removal, conversion, demolition, occupancy, equipment use, height, and area of buildings and structures, the following codes: the California Building Code, 2016 Edition, based on the 2015 International Building Code, as published by the International Code Council; the California Residential Code, 2016 Edition, based on the 2015 International Residential Code, as published by the International Code Council; the California Plumbing Code, 2016 Edition, based on the 2015 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, including the appendices; the California Mechanical Code, 2016 Edition, based on the 2015 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; the California Electrical Code, 2016 Edition, based on the 2016 National Electrical Code as published by the National Fire Protection Association; the California Green Building Standards Code, 2016 Edition, as published by the California Building Standards Commission; the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by the International

Conference of Building Officials; the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials; and the California Fire Code, 2016 Edition, based on the 2015 International Fire Code, as published by the International Code Council including the appendices, together with omissions, amendments, exceptions and additions thereto as set forth in this chapter.

The provisions of the foregoing codes, as amended by this chapter, shall constitute the building regulations of the city of Seaside. Where the California Code of Regulations and/or California Building Standards Code differ from any provisions of the building regulations of the city, said stricter state regulations shall govern. (Ord. 1037 § 2, 2017)

15.04.020 Adoption of the California Building Code.
A. Except as otherwise provided for in this chapter, the California Building Code, 2016 Edition, Volumes I and II, including appendices thereto, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24, Part 2 of the California Code of Regulations, are approved and adopted by reference, and made a part hereof as if fully set forth herein.

B. One copy of the California Building Code has been filed for use and examination by the public in the office of the building official of the city of Seaside. (Ord. 1037 § 2, 2017)

15.04.030 Portions of the California Building Code not approved, adopted or incorporated by reference.
The following portions of the California Building Code, 2016 Edition, and/or appendices thereto, are not approved or adopted or incorporated in this chapter by reference, and shall not be deemed to be a part of this chapter or a part of the building code of the city of Seaside: All of the appendices with the exception of the following appendices or portions thereof:

A. Appendix H, Signs.

B. Appendix I, Patio Covers.

C. Appendix J, Grading. (Ord. 1037 § 2, 2017)

15.04.031 Section 105.3.2 of Chapter 1 of the California Building Code amended.
Section 105.3.2 is hereby amended to read as follows:

> 105.3.2 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.
>
> If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing prior to the expiration date AND pays a fee as established by resolution of the City Council for each requested 90 day extension, provided a new code has not been adopted and the project has not changed in scope.
>
> Exception: If a project has been approved by the City pending an outside agency approval prior to expiration, written extensions will not be required.

(Ord. 1037 § 2, 2017)

15.04.032 Section 105.5 of Chapter 1 of the California Building Code amended.
Section 105.5 is hereby amended to read as follows:

> 105.5 Expiration of Permits. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such

permit has not achieved an approval for one of the required inspections identified in section 110.3 of the 2013 California Building Code within 180 days of issuance of such permit.

The building official may grant a one-time permit extension of 180 (one-hundred eighty) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of one hundred and eighty (180) days may be granted by the building official if the request is made in writing prior to the expiration date, the project has not changed in scope, the project has obtained at least one inspection approval AND the applicant pays a fee as established by resolution of the City Council for each one hundred and eighty (180) day extension provided a new code has not been adopted.

Before work can commence or recommence under an expired permit, a new permit application must be submitted and a permit obtained along with all applicable fees as a new project.

All existing projects are subject to this section and will be subject to the conditions listed above.

(Ord. 1037 § 2, 2017)

15.04.033 Section 1705.3 of Chapter 17 of the California Building Code amended.
Section 1705.3 is hereby amended to read as follows:

1705.3 Concrete construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

Exception: Special inspections shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

(Ord. 1037 § 2, 2017)

15.04.034 Section 1905.1.8 of Chapter 19 of the California Building Code amended.
Section 1905.1.8 is hereby amended to read as follows:

1905.1.8 ACI 318, section 22.10. Delete ACI 318, Section 22.10, and replace with the following:

22.10 - Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

22.10.1- Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

(a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one- and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

(b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception:

1. In detached one- and two-family dwellings three stories or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross–sectional area of the footing.

(Ord. 1037 § 2, 2017)

15.04.035 Adoption of the California Residential Code.
A. Except as otherwise provided for in this chapter, the California Residential Code, 2016 Edition, including the appendices thereto, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24, Part 2.5 of the California Code of Regulations, are approved and adopted by reference, and made a part hereof as if fully set forth herein.

B. One copy of the California Residential Code has been filed for use and examination by the public in the office of the building official of the city of Seaside. (Ord. 1037 § 2, 2017)

15.04.036 Portions of the California Residential Code not approved, adopted or incorporated by reference.
The following portions of the California Residential Code, 2016 Edition, and/or appendices thereto, are not approved or adopted or incorporated in this chapter by reference, and shall not be deemed to be a part of this chapter or a part of the building code of the city of Seaside: All of the appendices with the exception of the following appendices or portions thereof: Section R313 is deleted in its entirety, and all of the appendices with the exception of the following appendices or portions thereof:

A. Appendix G, Swimming Pools and Hot Tubs. (Ord. 1037 § 2, 2017)

15.04.037 Section R105.5, Expiration of Permit, amended.
Section R105.5 is hereby amended to read as follows:

R105.5 Expiration of Permit or Plan Review.

R105.5.1 Expiration of Permit. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in section 110.3 of the 2013 California Building Code within 180 days of issuance of such permit.

The building official may grant a one-time permit extension of 180 (one-hundred eighty) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of one hundred and eighty (180) days may be granted by the building official if the request is made in writing prior to the expiration date, the project has not changed in scope, the project has obtained at least one inspection approval AND the applicant pays a fee as established by resolution of the City Council for each one hundred and eighty (180) day extension provided a new code has not been adopted.

Before work can commence or recommence under an expired permit, a new permit application must be submitted and permit obtained along with all applicable fees as a new project.

All existing projects are subject to this section and will be subject to the conditions listed above.

R105.5.1 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing prior to the expiration date AND pays a fee as established by resolution of the City Council for each requested 90 day extension, provided a new code has not been adopted and the project has not changed in scope.

Exception: If a project has been approved by the City pending an outside agency approval prior to expiration, written extensions will not be required.

(Ord. 1037 § 2, 2017)

15.04.038 Table R302.6 of Chapter 3 of the California Residential Code amended.
Table R302.6 is hereby amended to read as follows:

"Not less than 5/8" type X" in all columns in the table.

(Ord. 1037 § 2, 2017)

15.04.039 Section R313.1 of the California Residential Code amended.
Section R313.1 is hereby amended as follows:

Delete Section R313.1 "exception" in its entirety. (Seaside's amended fire code is more restrictive.) (Ord. 1037 § 2, 2017)

15.04.040 Section R313.2 of the California Residential Code amended.
Section R313.2 is hereby amended as follows:

Delete Section R313.2 "exception" in its entirety. (Seaside's amended fire code is more restrictive.) (Ord. 1037 § 2, 2017)

15.04.041 Section R403.1.3 of the California Residential Code amended.
Section R403.1.3 is hereby amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

(Ord. 1037 § 2, 2017)

15.04.042 Section R602.10.4 and Table R602.10.3(3) of the California Residential Code amended.
Section R602.10.4 and Table R602.10.3(3) are hereby amended to read as follows:

2013 CRC Section R602.10.4 and Table R602.10.3(3)

Add a new footnote "e" to the end of CRC Table R602.10.3(3), to read:

e. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Add the "e" footnote notation in the title of Table R602.10.3(3) to read:

TABLE R602.10.3(3)e

Add a new subsection R602.10.4.4, to read:

R602.10.4.4 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

(Ord. 1037 § 2, 2017)

15.04.043 Section R902.1.1 of the California Residential Code amended.
Section R902.1.1 is hereby amended to read as follows:

R902.1.1 Roof coverings within ALL fire hazard severity zones. Any new roof on a new or existing structure, and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire retardant roof or class A roof.

(Ord. 1037 § 2, 2017)

15.04.045 Adoption of the California Plumbing Code.
A. Except as otherwise provided for in this chapter, the California Plumbing Code, 2016 Edition, including the appendices thereto, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24, Part 5 of the California Code of Regulations, are approved and adopted by reference, and made a part hereof as if fully set forth herein.

B. One copy of the California Plumbing Code has been filed for use and examination by the public in the office of the building official of the city of Seaside. (Ord. 1037 § 2, 2017)

15.04.050 Reserved.
(Ord. 1037 § 2, 2017)

15.04.060 Portions of the California Plumbing Code not approved, adopted or incorporated by reference.
The following portions of the California Plumbing Code, 2016 Edition, and/or appendices thereto, are not approved or adopted or incorporated in this chapter by reference, and shall not be deemed to be a part of this chapter or a part

of the plumbing code of the city of Seaside: All of the appendices with the exception of the following appendices or portion thereof:

A. Appendix G, Graywater Systems.

B. Appendix I, Installation Standards. (Ord. 1037 § 2, 2017)

15.04.070 Adoption of the California Mechanical Code.
A. Except as otherwise provided for in this chapter, the California Mechanical Code, 2016 Edition, including the appendices, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24, Part 4 of the California Code of Regulations, are approved and adopted by reference, and made a part hereof as if fully set forth herein.

B. One copy of the California Mechanical Code has been filed for use and examination by the public in the office of the building official of the city of Seaside. (Ord. 1037 § 2, 2017)

15.04.080 Reserved.
(Ord. 1037 § 2, 2017)

15.04.090 Adoption of the California Electrical Code.
A. Except as otherwise provided for in this chapter, the California Electrical Code, 2016 Edition, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24, Part 3 of the California Code of Regulations, are approved and adopted by reference, and are hereby incorporated in this chapter by reference and made a part hereof as if fully set forth herein.

B. One copy of the California Electrical Code has been filed for use and examination by the public in the office of the building official of the city of Seaside. (Ord. 1037 § 2, 2017)

15.04.100 Adoption of the California Green Building Standards.
A. Except as otherwise provided for in this chapter, the California Green Building Standards, 2016 Edition, including the appendices, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24, Part 4 of the California Code of Regulations, are approved and adopted by reference, and made a part hereof as if fully set forth herein.

B. One copy of the California Green Building Standards has been filed for use and examination by the public in the office of the building official of the city of Seaside. (Ord. 1037 § 2, 2017)

15.04.110 Portions of the California Green Building Standards not approved, adopted or incorporated by reference.
The following portions of the California Green Building Standards, 2016 Edition, and/or appendices thereto, are not approved or adopted or incorporated in this chapter by reference, and shall not be deemed to be a part of this chapter or a part of the green building standards of the city of Seaside: all of the appendices. (Ord. 1037 § 2, 2017)

15.04.120 Adoption of the California Energy Code.
A. Except as otherwise provided for in this chapter, the California Energy Code, 2016 Edition, including the appendices, together with those omissions, amendments, exceptions and additions thereto as set forth in Title 24, Part 4 of the California Code of Regulations, are approved and adopted by reference, and made a part hereof as if fully set forth herein.

B. One copy of the California Energy Code has been filed for use and examination by the public in the office of the building official of the city of Seaside. (Ord. 1037 § 2, 2017)

15.04.130 Adoption of the Uniform Housing Code.
A. The Uniform Housing Code, 1997 Edition, is hereby adopted by reference and made a part hereof as if fully set forth herein.

B. One copy of the Uniform Housing Code has been filed for use and examination by the public in the office of the building official of the city of Seaside. (Ord. 1037 § 2, 2017)

15.04.140 Portions of the Uniform Housing Code not approved, adopted or incorporated by reference.
A. Sections 203 and 204 are omitted. (Ord. 1037 § 2, 2017)

15.04.160 Adoption of the Uniform Code for the Abatement of Dangerous Buildings.
A. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is hereby adopted by reference and made part hereof as if fully set forth herein.

B. One copy of the Uniform Code for the Abatement of Dangerous Buildings has been filed for use and examination by the public in the office of the building official of the city of Seaside. (Ord. 1037 § 2, 2017)

15.04.170 Adoption of California Fire Code.
A. The California Fire Code, 2016 Edition, including all appendices, is hereby adopted by reference and made a part hereof as if fully set forth herein.

B. One copy of the California Fire Code has been filed for use and examination by the public in the office of the building official of the city of Seaside.

C. The following are definitions as used in this chapter or in any other California~~uniform~~ codes or other nationally recognized fire safety standard, made a part of this chapter, unless otherwise apparent from the context:

"City" means the city of Seaside when it refers to a political entity, and means the incorporated area of the city of Seaside when it refers to an area.

"City council" means the city council of Seaside.

"Fire chief" means the chief of the fire department serving the city of Seaside.

"Mayor" means the mayor of the city of Seaside.

"Municipality" means the city of Seaside. (Ord. 1037 § 2, 2017)

15.04.180 Bureau of fire prevention established.
The city of Seaside bureau of fire prevention is hereby established to enforce the California Fire Code and shall be presided over by the fire chief or his/her designee. (Ord. 1037 § 2, 2017)

15.04.190 Reserved.
15.04.200 Section 307.3 of Chapter 3 of the California Fire Code amended.
Section 307.3 of Chapter 3 of the California Fire Code is amended by adding subsection 307.3.1 to read as follows:

> Except as otherwise provided in this Section, all outdoor rubbish fires are prohibited. No waste matter shall be disposed of by burning within the City of Seaside.

(Ord. 1037 § 2, 2017)

15.04.210 Section 307.4.3 of Chapter 3 of the California Fire Code added.
Chapter 3 of the California Fire Code is amended by adding Section 307.4.3 to read as follows:

> Permit Required. No person shall kindle or maintain any open pit fire or authorize any such open pit fire to be kindled or maintained for the purpose of preparation of food, such as in the case of a Luau or barbecue or recreational fire without a permit from the Seaside Fire Department.

(Ord. 1037 § 2, 2017)

15.04.220 Sections 903.2, 903.3.1.3 and 903.6 of Chapter 9 of the California Fire Code amended.
Sections 903.2, 903.3.1.3 and 903.6 of Chapter 9 of the California Fire Code are amended to read as follows:

> Section 903.2 All Non-Residential Occupancies 5000 sq. ft. or more.

1. An automatic sprinkler system shall be installed and maintained in all new construction in accordance with this section as amended, the California Building Code, and California Fire Code.

Exceptions:

a. When sprinklers are considered undesirable because of the nature of the contents or in rooms or areas which are of noncombustible construction with wholly noncombustible contents and which are not exposed by other areas. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistive construction or contains electrical equipment.

b. Temporary Buildings under 1,000 sq. ft.

c. Airport control towers.

d. One story detached accessory buildings to a group R-3 dwelling units.

e. ~~Open~~ Unenclosed single level parking structures.

f. Sprinklers shall not be installed when the application of water or flame and water to the contents may constitute a serious life or fire hazard, as in the manufacture or storage of quantities of aluminum powder, calcium carbide, calcium phosphide, metallic sodium and potassium, quicklime, magnesium powder and sodium peroxide.

g. Existing mobile home parks within the City regulated by the Department of Housing and Community Development are exempt: Health and Safety Code, Mobile Home Parks Act, Section 18300.

Section 903.3.1.3

903.3.1.3 NFPA 13D Sprinkler Systems. Where allowed, automatic sprinkler systems installed in one-and two-family dwellings shall be installed throughout in accordance with NFPA 13D.

903.3.1.3.1 All fire sprinkler systems installed in one-and two-family dwellings shall be tested for leakage by undergoing a hydrostatic test made at 200 psi for a two-hour duration.

903.3.1.3.2 Each water system supplying both domestic and fire protection systems shall have a single indicating-type control valve, arranged to shut off both the domestic and sprinkler systems. A separate shut-off valve for the domestic system only shall be permitted to be installed. The location of the control valve shall be approved by the fire code official.

903.3.1.3.3 Local water flow alarms shall be provided on all sprinkler systems. Local water flow alarms shall be powered from the main kitchen refrigerator circuit. The local water flow alarm shall be clearly audible from within the master bedroom at an audibility level of not less than 75 dBa. Where no kitchen exists in the building, the water flow alarm shall be powered from the bathroom lighting circuit.

Section 903.6

903.6 Existing buildings ~~-~~ – Where ~~R~~repairs, ~~A~~alterations, and/or ~~A~~additions intensify and/or change the use of an existing building,~~. In all buildings, except where otherwise provided herein in this Section,~~ where the total floor area ~~exceeds~~ is five thousand square feet (5000sf), or more, or ~~which are~~ the building is forty feet (40') or more in height, or ~~which are~~ is three or more stories in height, ~~they~~ it shall be equipped with an automatic sprinkler system and made to comply with the provisions of this Section.

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In all buildings where the total floor area ~~exceeds~~ is five thousand square feet (5000sf) or more, or which are forty feet (40') or more in height, or which are three or more stories in height, if the repairs or alterations ~~are~~ made exceed~~ing~~ twenty-five percent of the current market value of the building and twenty-five percent of the property value as shown in the records of the County Assessor within any three hundred sixty (360) day period, an automatic sprinkler system shall be required and the building made to comply with the provisions of this section.

Exception:

(1) Valuation may also be determined by the replacement costs of the existing structure based upon the most recent "Building Valuation Data" contained in the "Building Standards" magazine published by the International Conference of Building Officials. The intent of this exception is to allow the use of a less restrictive application (if applicable) to determine if repair, alterations or additions are twenty-five percent (25%) or more of the value of the building.

Definitions

Repair. It is the reconstruction or renewal of any part of an existing building or structure for the purpose of its maintenance.

Alteration. It is any change, addition, or modification in construction or occupancy.

Exception: Projects where the sole purpose is for seismic upgrade.

Existing Group R, Division 3 buildings to which additions, alterations, or repairs are made that involve the removal or replacement ~~to~~ of 50 percent or ~~greater~~ more of the linear length of exterior walls of the building ~~(exterior plus interior)~~ within a one-year period, shall ~~meet the~~ require~~ments~~ the installation of an automatic sprinkler system as specified in the California Residential for new construction ~~or this code~~.

(Ord. 1037 § 2, 2017)

15.04.230 Appendices of the California Fire Code adopted and amended.
Add the following appendix to read as follows:

APPENDIX AE – ALTERNATIVE ENERGY SYSTEMS

AE101.1 Scope. Applications for the installation, additions or remodel of alternative energy system, including but not limited to photovoltaic and wind generation systems, shall be subject to this appendix when conditioned by the fire code official.

AE101.2 Conflicting Sections. Where provisions in this appendix conflict with other sections of this code or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the fire code official.

AE102 SIGNING AND MARKING: All photovoltaic systems shall be permanently marked as specified in this section.

AE102.1 Main Service Disconnect

a. Main Panel Exterior Marking. A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 3/4" in height and in a non-serif font, to read "SOLAR DISCONNECT INSIDE PANEL." The placard shall be constructed of weather-resistant, durable plastic with engraved letters, or other approved material.

b. Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8” in height and in a non-serif font, to read “SOLAR DISCONNECT.” The label shall be constructed of durable adhesive material or other approved material.

AE102.2 Direct Current (DC) Conduits, Raceways, Enclosures, Cable Assemblies, and Junction Boxes.

a. Marking is required on all interior and exterior direct current (DC) conduits, raceways, enclosures, cable assemblies, and junction boxes.

b. Marking Locations. Marking shall be placed on all DC conduits, raceways, enclosures, and cable assemblies every ten feet (10’), at turns and above and below penetrations. Marking shall also be placed on all DC combiner and junction boxes.

c. Marking Content and Format. Marking for DC conduits, raceways, enclosures, cable assemblies and junction boxes shall be red with white lettering with minimum 3/8” capital letters in a non-serif font, to read “WARNING: SOLAR CIRCUIT”. Marking shall be reflective, weather resistant, and suitable for the environment. Materials used should be in compliance with UL Standard 969.

AE102.3. Secondary Power Sources. Where photovoltaic systems are interconnected to battery systems, generator backup systems, or other secondary power systems, additional signage acceptable to the fire code official shall be required indicating the location of the secondary power source shutoff switch.

AE102.4. Installer Information. Signage acceptable to the fire code official indicating the name and emergency telephone number of the installing contractor shall be required to be installed adjacent to the man disconnect.

AE102.5 Inverters. No markings are required for inverters.

AE102.6 AC Photovoltaic Systems. AC Photovoltaic Systems shall be marked as specified in this section.

a. Main Panel Exterior Marking. A placard is required to be permanently affixed to the car service disconnect panel. The placard shall be red in color with white capital letters at least 3/4” in height and in a non—serif font, to read “SOLAR DISCONNECT INSIDE PANEL.” The placard shall be constructed of weather resistant, durable plastic with engraved letters, or other approved material.

b. Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to tne circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8” in height and in a non-serif font, to read “SOLAR DISCONNECT.” The label shall be constructed of durable adhesive material or other approved material.

AE103 BUILDING MOUNTED PHOTOVOLTAIC SYSTEMS.

AE103.1. All building- or roof—mounted photovoltaic systems shall be installed as specified in this section.

a. Access, Pathways, and Smoke Ventilation. Access and spacing requirements shall be observed to ensure emergency access to the roof, provide pathways for specific areas of the roof, provide for smoke ventilation opportunity areas, and to provide emergency egress from the roof.

b. Exceptions. Exceptions to the requirements in this section shall be permitted to be granted by the fire code official where access, pathway or ventilation requirements are reduced due to any of the following circumstances:

(1). Proximity and type of adjacent exposures.

(2). Alternative access opportunities, as from adjoining roofs.

(3). Ground level access to the roof.

(4). Adequate ventilation opportunities below solar arrays.

(5). Adequate ventilation opportunities afforded by module set back fro other rooftop equipment.

(6). Automatic ventilation devices.

(7). New technologies, methods, or other innovations that ensure adequate fire department access, pathways, and ventilation opportunities.

c. Designation of ridge, hip, and valley does not apply to roofs with 2-in-12 or less pitch.

d. Measurement Conventions. All roof dimensions shall be measured to centerlines.

e. Roof Access Points. Roof access points shall be defined as areas where ladders are not placed over openings (windows or doors) and are located at strong points of building construction and in locations where they will not conflict with overhead obstructions (tree limbs, wires, or signs).

AE103.2 Household Systems (One- and Two-Family Dwellings)

a. Access and Pathways.

(1). Hip Roof Layouts. Modules shall be located in a manner that provides one (1) three foot (3') wide clear access pathway from the eave to the ridge of each roof slope where the modules are located. The access pathway shall be located at a structurally sound location on the building, such as a bearing wall. EXCEPTION: Where adjoining roof planes provide a three foot (3') wide clear access pathway.

(2). Single Ridge Layouts. Modules shall be located in a manner that provides two (2) three-foot (3') wide access pathways from the eave to the ridge on each roof slope where the modules are located.

(3). Hip and Valley Layouts. Modules shall be located no closer than one and one-half feet (1-1/2') to a hip or valley if modules are to be placed on both sides of a hip or valley. Where modules are located on only one side of a hip or valley that is of equal length, the modules shall be permitted to be placed directly adjacent to the hip or valley.

b. Ridge Setback. The modules shall be located no higher than one and one—half feet (1—1/2') below the ridge.

AE103.3. Commercial Systems.

a. Definition. Commercial Systems shall be defined as all photovoltaic systems installed in any occupancy other than a one and two family dwelling.

b. Alternative Requirements. Where the fire code official determines that the roof configuration is similar to residential (i.e., townhouses, condominiums, or single-family attached buildings) the fire code official shall be permitted to make a determination to apply the requirements under Section AE103.2, above.

c. Access. There shall be a minimum six—foot (6’) wide clear perimeter around the edges of the roof. EXCEPTION: If either access to the building is 250’ or less, there shall be a minimum four foot (4’) wide clear perimeter around the edges of the roof.

d. Pathways. Pathways shall be established as follows:

(1). Pathways shall be over structural members.

(2). Centerline axis pathways shall be provided in both axes of the roof.

(3). Centerline axis pathways shall run on structural members or Over the next closest structural member nearest to the center lines of the roof.

(4). Pathways shall be straight line not less than four feet (4’) clear to skylights, ventilation hatches, and/or roof standpipes.

(5). Pathways shall provide not less than four feet (4’) clear around roof access hatches with at least one not less than four foot (4’) clear pathway to the parapet or roof edge.

e. Smoke Ventilation.

(1). Solar arrays shall be no greater than 150 feet by 150 feet in distance in either axis.

(2). Ventilator options between array sections shall be (a) a pathway eight feet (8’) or greater in width; (b) a pathway four feet (4’) or greater in width and bordering on existing roof skylights or ventilation hatches; or (c) a pathway four feet (4’) or greater in width and bordering four foot by eight foot (4’ X 8) “venting cutouts” every twenty feet (20’) on alternating sides of the pathway.

AE104. Location of Direct Current (DC) Conductors.

a. Exterior mounted Direct Current conduits, wiring systems and raceways for photovoltaic circuits shall be located as close as possible to the ridge, hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities.

b. Conduit runs between sub—arrays and to DC combiner boxes shall use design guidelines that minimize the total amount of conduit by taking the shortest path from the array to the DC combiner box.

c. DC combiner boxes shall be located so that conduit runs are minimized in the pathways between arrays.

d. DC wiring shall be run in metallic conduit or raceways when located within enclosed spaces in a building and shall be run as follows:

(1). When run perpendicular or parallel to load bearing members, a minimum ten-inch (10”) space below roof decking or sheathing shall be maintained.

(2). Where flexible metal conduit (FMC) or metal clad cable (MC) containing PV power circuit conductors is installed across ceilings or floor joists, the raceway or cable shall be protected by guard strips.

AE105 GROUND MOUNTED PHOTOVOLTAIC SYSTEMS

AE105.1 Marking shall be in accordance with Section AE102, above.

AE105.2 Setbacks. Special setback requirements do not apply to ground-mounted, freestanding photovoltaic arrays. NOTE: The zoning regulations of the jurisdiction regulate setbacks between buildings, accessory structures (possibly including ground-mounted photovoltaic arrays) and property lines.

AE105.3 Clearances. A clear area of ten feet (10') around ground-mounted photovoltaic installations shall be provided.

AE105.4 Non-Combustible Base. A gravel base or other non-combustible base acceptable to the fire code official shall be installed and maintained under and around the installation.

AE105.5 Protection. Fencing, skirting, or other suitable security barrier shall be installed when required by the fire code official. NOTE: Security barriers are intended to protect individuals and animals from contact with energized conductors or other components.

AE105.6 Fire Sprinkler Protection. Fire sprinkler protection is not required for ground-mounted photovoltaic installations.

(Ord. 1037 § 2, 2017)

Chapter 15.05

DEVELOPMENT PERMITS AND INSPECTIONS

Sections:

15.05.005 Development permit required.
No building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, or changed from one use to another use, unless and until a development permit has been secured from the building official. The building official is responsible for issuing development permits and is authorized, in consultation with affected departments or divisions, to attach any conditions to the permit consistent with the nature of the development or use and in the interests of health, safety and welfare. (Ord. 827 § 1, 1993)

A. Exempt from a permit

(a.) Small residential accessory structures. Portable storage sheds and other small structures accessory to single-family dwellings are exempt from building permit requirements when less than one hundred twenty (120) square feet in gross floor area. These structures shall comply with the front, side, and rear setback requirements, lot coverage, maximum height and minimum clearances from the main residence and other structures. Unpermitted accessory structures shall not be equipped with electrical, plumbing or mechanical features that would otherwise require a permit. Land/Sea cargo containers do not qualify as residential accessory structures.

(b.) Residential decks, platforms, on-site paths, and driveways that are not required to have a building permit or grading permit and are not over eighteen inches (18") above natural grade, which do not exceed the lot coverage standard and comply with front, side and rear setback requirements.

(c.) Residential painting, papering, tiling, carpeting, cabinets and countertops (other than countertops with sinks and/or kitchen countertops with electrical receptacle spacing requirements).

(d.) Residential retaining walls not exceeding four feet (4') in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

15.05.010 Inspection required.
Following issuance of development permit, it shall be the duty of the permit holder to arrange for an inspection within ~~forty-five~~ one hundred and eighty days after issuance of the permit. No more than ~~forty-five~~ one hundred and eighty days shall elapse between each subsequent inspection. (Ord. 827 § 1, 1993; Ord. 758 § 2, 1989)

15.05.020 Substantial progress required.
Unless in the opinion of the building official a permit holder has made substantial progress in completing the work authorized by such permit, the development permit shall expire and become null and void. The building official shall so notify the permit holder in writing. Before such work can be recommenced, a new permit shall first be obtained. (Ord. 827 § 1, 1993; Ord. 758 § 2, 1989)

15.05.030 Final inspection.
If an applicant applies for a development permit, or if the building official determines that a structure or building or use thereof is in violation of any of the California~~uniform~~ codes or the municipal code, and the owner and/or occupant is ordered to secure a development permit to correct the violation(s), all work must be completed and final inspection passed within sixty days of issuance of the permit. (Ord. 827 § 1, 1993; Ord. 758 § 2, 1989)

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15.05.040 Extension of time.

Nothing herein shall preclude the building official from granting a permit holder an extension of time, upon good cause shown, to comply with the provisions of this chapter. (Ord. 758 § 2, 1989)

15.05.050 Effect of chapter.

This chapter shall supersede any provisions of the California ~~uniform~~ codes which may be in conflict herewith. (Ord. 827 § 1, 1993; Ord. 758 § 2, 1989)

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Chapter 15.06

CERTIFICATE OF OCCUPANCY

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15.06.010 Certificate required for occupancy.
No building or structure shall be occupied or used until a certificate of occupancy is issued by the building official. (Ord. 756 § 1, 1989)

15.06.020 Certificate required when.
Certificates of occupancy shall be required for development permits involving:

A. Newly constructed residential and commercial buildings or structures;

B. Alteration, repair, modification or conversion of buildings or structures;

C. Any change of occupants or tenants of any structure or building or portion thereof used for other than residential purposes;

D. Any change of use of any building or portion thereof. (Ord. 827 § 1, 1993; Ord. 756 § 1, 1989)

15.06.030 Issuance conditions.
When it is determined that a building or structure, or use thereof, complies with the provisions of all applicable codes and regulations, and with the conditions of any permits or approvals issued to the applicant, and following final inspection, the building official shall issue a certificate of occupancy. (Ord. 756 § 1, 1989)

15.06.040 Temporary occupancy permits.

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The occupancy of a building, or portion of a building, may be permitted before the certificate of occupancy is issued, provided a temporary occupancy permit is obtained from the Building Official. The permittee shall agree to complete the work within the agreed time after the date of the permit. The Building Official may extend the completion date for an additional period upon the written request of the permittee showing good cause. If the work is not complied with within the time specified, the temporary occupancy permit shall become void. Such permit shall be issued only in cases where the owner can demonstrate a need to move into a building before the building is complete.

A deposit shall be required for each temporary occupancy permit. Such deposit shall be equal to an estimate by the Building Official of the labor and materials remaining to complete the construction. Such deposits shall be refundable at the time the construction is completed and the certificate of occupancy is issued for the building. If the permit becomes void or is violated, the deposit shall be forfeited.

15.06.050 Temporary utilities permits.

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A temporary utilities permit may be issued at the discretion of the Building Official. The owner, contractor, or building permit holder(s) shall not occupy a structure that has been granted a temporary utilities permit until such time as all final inspections are complete and a certificate of occupancy has been issued for the building. A temporary utilities permit is issued upon the execution of a Temporary Utilities Agreement and is required for each utility meter set issued.

Family Dwellings. A deposit of five hundred and no/100ths dollars ($500.00) per one thousand five hundred (1,500) square feet of building space, or portion thereof, shall be required for each temporary gas meter issued during the months of November through February. The deposit for a single building shall not exceed six thousand and no/100ths dollars ($6,000.00). Such deposit(s) shall be refundable after final inspections are complete and the certificate of occupancy is issued for the building. A nonrefundable processing fee of one hundred twenty-five and no/100ths dollars ($125.00) is required for each temporary gas meter issued. If the building is occupied before the certificate of occupancy is issued, the temporary utilities permit shall be void and the deposit forfeited. Temporary gas meter sets for one and two family dwellings and multifamily dwelling may not be obtained during the months of March through October.

Other Occupancies. Temporary gas and electric meter sets for all other occupancies require a deposit of five hundred and no/100ths dollars ($500.00) per one thousand five hundred (1,500) square feet of building space, or portion thereof. The deposit for a single building shall not exceed six thousand and no/100ths dollars ($6,000.00). Such deposit(s) shall be refundable after final inspections are complete and the certificate of occupancy is issued for the building. A nonrefundable processing fee of one hundred twenty-five and no/100ths dollars ($125.00) is required for each temporary gas or electric meter issued. If the building is occupied before the certificate of occupancy is issued, the temporary utilities permit shall be void and the deposit forfeited.

15.06.060 Deposits.

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The deposits required by this chapter shall be in cash, or a time certificate of deposit shall be deposited with the Director of Finance. The time certificate of deposit shall be made payable to the city as the sole payee and be in a form acceptable to the Director of Finance.

15.06.070 Violations and penalties.

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(a) Any person who sells, leases, or otherwise transfers a building before a certificate of occupancy is issued and represents that such building is ready for occupancy shall be deemed to be in violation of the provisions of this chapter, and permits issued pursuant to this chapter shall be void.

(b) If the permits authorized by this chapter are not obtained or become void, the Building Official shall order the utilities to be disconnected.

(c) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable as provided in Section 15.10.190 (C) of this Code. Each separate day, or any portion thereof, during which any violation of this chapter occurs or continues shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as provided in this section.

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15.06.080 Severability.

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The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter.

Chapter 15.08

HOUSING REHABILITATION STANDARDS

Sections:

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15.08.010 Intent – Application.
A. It is the intent of the property rehabilitation standards of the city, SMC 15.08.010 through 15.08.030, to specify comprehensive standards for the rehabilitation of residential property within the city. New structures or additions to existing structures which are not included in the city rehabilitation program shall comply with all pertinent standards relating to, but not limited to, electrical, plumbing, structural and zoning ordinances.

B. Rehabilitation standards set forth in this chapter shall apply to all existing residential properties. These standards are confined in their application to the individual properties within their respective property lines. The standards exclude improvements off site, except for the provision of streets for access and circulation, and for essential services and facilities (as per ~~U~~CBC, UHC and all applicable codes, city ordinances and regulations). (Ord. 796 § 1 (Exh. A), 1991)

15.08.020 Definitions.
Abbreviations, terms, phrases, and words and their derivatives used in these property rehabilitation standards shall have the meanings as set out in this section.

"Accessory building" means a secondary building, the use of which is incidental to that of the main building and which is located on the same plot.

"Addition" means any construction which increases the size of a building or adds to the building, such as a porch or an attached garage or carport.

"Alley" means a service way providing a secondary public means of access to abutting properties.

"Alteration" means construction which may change the floor plan, structural parts, mechanical equipment or location of openings but which does not increase the size of the building.

Area.

1. “Building area” means the total ground area of each building and accessory building but not including uncovered entrance platforms, terraces and steps.

2. “Floor area” means the area included within the surrounding exterior walls of a building, or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

“Attic” means accessible space between top of uppermost ceiling and underside of roof. Inaccessible spaces are considered structural cavities.

“Basement” means that portion of a building between floor and ceiling, which is partly below and partly above grade, as defined in this chapter, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (See “Story.”)

“Basementless space (crawl space)” means an unfinished accessible space below the first floor which is usually less than full story height.

“Bearing” means that portion of a beam, truss or other structural member that rests on the supports.

“Building line” means a line established by law or agreement usually parallel to the property line beyond which a structure may not extend. This generally does not apply to uncovered entrance platforms, terraces and steps.

“Carport” means a roofed space having at least two sides open to the weather, primarily designed or used for motor vehicles.

“Cellar” means that portion of a building between floor and ceiling which is wholly or partly below grade, as defined in this chapter, and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See “Story.”)

“Construction classifications” means a classification of buildings into types of construction which are based upon the fire resistance of walls, floors, roofs, ceilings and other elements as defined in the California~~Uniform~~ Building Code.

“Court” means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

Crawl Space. For the meaning of “crawl space,” see “basementless space (crawl space).”

“Dampproofing” means a treatment of a surface or structure which retards the passage of moisture or water. (Also “waterproofing.”)

“Driveway” means a private way for the use of vehicles and pedestrians.

“Dwelling” means a building designed or used as the living quarters for one or more families.

Dwelling, Detached. “Detached dwelling” means a dwelling which is completely surrounded by permanent open spaces.

Dwelling, End-Row. “End-row dwelling” means the same as semidetached dwelling.

Dwelling, Row. “Row dwelling” means a dwelling, the walls on two sides of which are party or lot-line walls.

Dwelling, Semidetached. “Semidetached dwelling” means a dwelling, one side wall of which is a party or lot-line wall.

“Easement” means a vested or acquired right to use land other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.

“Fire door” means a door, including its frame, so constructed and assembled in place to prevent or retard passage of flame or hot gases.

“Fire resistance” means that property of construction assemblies which under fire conditions prevents or retards the passage of excessive heat, hot gases or flames.

“Fire resistance ratings” means the time in hours, or fractional parts thereof, that a material, construction or assembly will withstand fire exposure, as determined in a fire test in accordance with the California~~Uniform~~ Building Code.

“Fire separation” means a construction of specified fire resistance separating parts of a building horizontally or vertically, as required.

“Firestopping” means a barrier within concealed spaces which is effective against spread of flames or hot gases.

“Flame resistant” means that property of a material which is flame resistant by nature or has been made so by an accepted method.

“Flame spread” means the propagation of flame over a surface.

“Flashing” means sheet metal or other impervious material used in roof and wall construction to protect a building from seepage of water or moisture.

“Foundation” means construction, below or partly below grade, which provides support for exterior walls or other structural parts of a building.

“Garage” means a building, or portion thereof, in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.

Garage, Attached. “Attached garage” means a garage having all or part of one or more walls common to the dwelling or to a covered porch or breezeway attached to the dwelling.

Garage, Built-in. “Built-in garage” means a garage located within the exterior walls of a dwelling.

Garage, Detached. “Detached garage” means a garage which is completely surrounded by open space; or a garage connected to the dwelling by an uncovered terrace.

Garage, Private. “Private garage” means a building, or a portion of a building, not more than one thousand square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

Garage, Public. “Public garage” means any garage other than a private garage.

Grade, Finish. “Finish grade” means the top surface elevation of lawns, walks, drives, or other improved surfaces after completion of construction or grading operations.

“Gradient” means the slope or rate of increase or decrease in elevation of a surface, road or pipe, usually expressed in percent.

Habitable Room. For the meaning of “habitable room,” see subsection (1) under “Rooms.”

Height, Building. “Building height” has the meaning as defined in the California~~Uniform~~ Building Code or zoning ordinance.

"Joist" means any of the parallel timbers that hold up the floor or the ceiling, or to provide with joists. Joist is not a beam or beams.

"Kitchen" means space used for cooking and preparation of food.

"Loads" has the meaning as defined in the California~~Uniform~~ Building Code.

"Lot" means a parcel of land that is described by reference to a recorded plat or by metes and bounds.

Lot, Corner. "Corner lot" means a lot abutting upon two or more streets at their intersections.

"Lot coverage" means that percentage of the plot area covered by the building area.

Lot, Double-fronted. "Double-fronted lot" means an interior lot bounded by a street on front and back.

Lot, Interior. "Interior lot" means a lot bounded by a street on one side only.

"Lot line" means a line bounding a lot as described in the title to the property.

"Noncombustible" has the meaning as defined in the California~~Uniform~~ Building Code~~, Section 415~~.

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"Rafters" means a series of ~~roof-~~-framing members, spaced not more than thirty inches o.c. in roofs having slopes over 3:12. Members supporting roofs having slopes 3:12 or less are defined as roof joists.

"Rehabilitation" means the restoration of one or more dwellings to a satisfactory improved physical condition and which overcomes the deterioration of a property or properties, and aids in the improvement of its neighborhood.

"Repair" means to restore to a sound and acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately as long as would the replacement by new items.

"Replace" means to remove an existing item or portion of a system and to construct or install a new item of similar or improved quality as the existing item when new. Replacement will ordinarily take place where the item is incapable of repair or where repair would be more costly.

Rooms.

1. "Habitable room" means a space used for living, sleeping, eating or cooking, or combinations thereof, but not including bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility rooms, basement rooms and similar spaces.

2. "Combined rooms" means two or more adjacent habitable spaces which by their relationship, planning and openness permit their common use.

"Shaft" means a vertical opening through a building for elevators, dumbwaiters, mechanical equipment, ventilation, or similar purposes.

"Space heater (room heater)" means a self-contained above-the-floor device for furnishing heated air, through openings in its casing, directly into the space in which the device is located or immediately adjacent to it. The device may be freestanding or recessed in a wall or partition.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter, or is more than twelve feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.

"Street" means a public or private way which affords principal means of vehicular access to properties which abut thereon.

Ventilation.

1. "Mechanical ventilation" means the supply and removal of air by power-driven devices.

2. "Natural ventilation" means ventilation by openings to outside air through windows, doors and other openings.

"Walls (bearing wall)" means a wall which supports any vertical load in addition to its own weight. (See California~~Uniform~~ Building Code.) (Ord. 796 § 1 (Exh. A), 1991)

15.08.030 General acceptability criteria.
A. General. These general acceptability criteria apply to all existing living unit properties.

B. Local Codes and Regulations. The minimum standards set forth herein have been established to accomplish certain basic objectives for rehabilitation purposes and shall not be construed as relieving the property owner or his agent of responsibility for compliance with any other local ordinances, codes and regulations.

C. Service and Facilities.

1. Utilities shall be independent for each property without dependence upon other properties.

2. Independent facilities shall be provided for each living unit except that common facilities such as laundry and storage space or heating may be provided for each property upon the approval of the building official.

3. Each building and each living unit within the building shall contain provisions for each of the following:

a. A continuing supply of safe potable water;

b. Sanitary facilities and a safe method of sewage disposal;

c. Heating adequate for healthful and comfortable living conditions;

d. Domestic hot water;

e. Electricity for lighting and for electrical equipment used in the dwelling;

f. Provisions for the removal of trash and garbage and its sanitary storage pending removal.

D. Access.

1. Access to the Property. Each property shall be provided with vehicular access to and from the property at all times by an abutting public or private street. Private streets shall be protected by a permanent easement.

2. Access to the Building. Walks and steps shall be provided for all weather access to the building and constructed so as to provide safety and durability.

E. Dilapidated or Blighted Structures. All dilapidated portions of existing properties or blighted structures which are not economically repairable shall be removed. (Ord. 796 § 1 (Exh. A), 1991)

15.08.040 Site criteria.
A. Site Criteria. To rehabilitate the individual building so that obsolescence is overcome and the rehabilitation is appropriate and an asset to the neighborhood in which it is located. (UHC 102, 201-C, 502 and 1001-K and -L.)

B. Site Improvements. The open space of each property shall provide for:

a. The immediate diversion of water away from buildings and disposal from the lot;

b. Prevention of soil saturation detrimental to structures and lot use; and

c. Where needed, appropriate paved walks, parking areas, driveways, exterior steps and landscaping.

C. Objective. To assure a living unit which provides for a healthful environment and complete living facilities arranged and equipped for suitable and desirable living conditions commensurate with the type and quality of the property under consideration; and to provide each living unit with space necessary for suitable living, sleeping, cooking and dining accommodations, laundry and sanitary facilities.

D. Room Sizes. Variations to these areas and dimensions may be permitted when existing partitions or extensive structural alterations would be prohibitive in prescribing precise compliance (see Uniform Housing Code, Sections 201-A, -B and -C).

E. Attic. Attics and underfloor areas shall have proper access. (As per ~~U~~CBC.) (Ord. 796 § 1 (Exh. A), 1991)

15.08.050 Grading.
Any deficiencies in proper grading or paving adjacent to the building shall be corrected to assure surface drainage away from foundations or basement walls. (~~U~~CBC Chapter 70.) (Ord. 796 § 1 (Exh. A), 1991)

15.08.060 Unacceptable conditions.
Conditions noted which are not acceptable in any property (as per city ordinances, codes and regulations):

A. Buildings in which adequate attic or roof and/or basementless space ventilation has not been provided to prevent conditions conducive to dampness, decay, fungi and/or insect infestation and deterioration of the structure;

B. Buildings constructed on wood mud sills resting directly on the ground;

C. Crawl space vents with vent bottom less than six inches above the finish grade. Minimum clearance between bottom of floor joists or bottom of floors without joists and the ground beneath shall be eighteen inches. Minimum clearance under girders shall be twelve inches;

D. Foundations with top of wall less than six inches above ground;

E. Wood, siding, floors, and/or door casings or sills in contact with ground or outside paving. (Ord. 796 § 1 (Exh. A), 1991)

15.08.070 Retaining walls.
A. Retaining walls shall be maintained in adequate repair. (As per California~~Uniform~~ Building Code.)

B. Retaining walls must be provided where necessary to protect the structure and paved driveway and walks and prevent soil erosion.

C. Retaining walls must be provided where the finish grade adjoining a structure or property line exceeds a slope of one foot measured vertically or two feet measured horizontally (1:2 slope).

D. Retaining walls over two feet in height shall require a building permit.

E. Property owners changing the grade adjoining the property line shall be responsible for the same.

F. Retaining walls over two feet in height shall be of masonry or concrete construction and shall be an approved engineered design. (Ord. 796 § 1 (Exh. A), 1991)

15.08.080 Standards for materials and products.
For specific requirements of new materials and products used as replacements or additions to dwellings being rehabilitated, reference shall be made to the applicable building codes as adopted by the city. (As per ~~U~~CBC standards.) (Ord. 796 § 1 (Exh. A), 1991)

15.08.090 Structural soundness.
All structural components of the dwelling shall be in sound condition and considered serviceable for the expected useful life of the rehabilitated building. (See California~~Uniform~~ Building Code as adopted by the city.) (Ord. 796 § 1 (Exh. A), 1991)

15.08.100 Inspection for and correction of infestation or structural decay.
A. Inspection and Correction of Infestation. A careful inspection by qualified persons shall be made of each building and accessory structure on each property for evidence of actual or potential infestation or access channels. Existing buildings where found to have defects that will permit the entrance of rodents, termites or other vermin shall be corrected by appropriate preventive measures as directed by the rehabilitation counselor. All work will be in accordance with the California~~Uniform~~ Building Code as adopted by the city. (Also, as per UHC Section 201-C.) (Ord. 796 § 1 (Exh. A), 1991)

15.08.110 Code compliance items.
The following items shall comply with all applicable codes, city ordinances and regulations:

A. Exterior and interior finishes;

B. Exterior appurtenances;

C. Foundations;

D. Exterior walls;

E. Siding materials;

F. Interior walls and ceilings;

G. Roof drainage;

H. Gutters, cornices and exterior details;

I. Chimneys;

J. Electrical wiring;

K. Electrical repairs;

L. Electrical equipment;

M. Plumbing;

N. Domestic water heating and storage;

O. Heating and ventilation – water heating;

P. Mechanical equipment. (Ord. 796 § 1 (Exh. A), 1991)

15.08.120 Kitchen countertops and cabinets.
A. Kitchen cabinets which show excessive wear or deterioration beyond repair shall be replaced. (UHC Sections 102 and 202.)

B. Countertop and backsplash shall be of durable and water-resistant approved materials. Where required, new sink and fittings properly connected to hot and cold water supply and waste lines shall be installed. (UHC Sections 102, 202 and 505.)

C. Cabinets or vanities which show excessive wear or deterioration shall be repaired or replaced. All alterations and/or repairs shall conform to that required for a new building or structure as per the UHC, ~~U~~CBC, ~~U~~CPC, ~~U~~CMC and ~~N~~CEC. (Ord. 796 § 1 (Exh. A), 1991)

15.08.130 Floors.

A. All subflooring (sheathing) which shows excessive wear and/or deterioration shall be replaced in accordance with ~~U~~CBC. ~~Section 2516(h).~~

B. Finished Floors. Bathroom, toilet compartment and kitchen floors shall be provided with acceptable resilient floor covering materials over proper underlayments, and shall be of durable, waterproof, nonabsorbent material, such as asphalt, asbestos, vinyl-plastic, rubber, ceramic tile or linoleum. (UHC Sections 102 and 201.)

C. Wood floors in all other areas of the living unit which show excessive wear, shrinkage, cupping or other similar damage shall be replaced or covered with acceptable finished floor material properly installed. (UHC Sections 102 and 201.)

D. Finished floors and floor covering shall be appropriate to the use of the space, be in good condition, provide reasonable ease of maintenance, and an extended service life. (UHC Sections 102 and 201(a) and (c).)

E. All alterations and/or repairs shall conform to that required for a new building or structure as per the ~~U~~CBC. (Ord. 796 § 1 (Exh. A), 1991)

15.08.140 Windows, doors and other openings.

Existing windows and doors, including their hardware, shall operate satisfactorily and give evidence of continuing acceptable service. Defective glass or locking mechanisms shall be replaced or repaired to an acceptable weather-excluding operable condition and adequately protected with paint and flashing against further deterioration. (UHC Sections 102 and 504.) (Ord. 796 § 1 (Exh. A), 1991)

15.08.150 Porches, walks and steps.

All sagging, unsound, worn or deteriorating porches and steps shall be removed and replaced or rebuilt with suitable materials which will give adequate protection against wear, weather and decay. Wood porch floors which show excessive wear, shrinkage, cupping or other similar damage shall be replaced or covered with acceptable finish floor materials properly installed and protected from deterioration with paint or other acceptable finish. Where required, porch floors four or more risers above finish grade shall be provided with proper handrails in accordance with the ~~Uniform~~ CaliforniaBuilding Code and protected from deterioration with paint or other acceptable finish. (As per ~~U~~CBC and UHC.) (Ord. 796 § 1 (Exh. A), 1991)

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15.08.155 Roofing materials.

All new roofs, including roof deck, underlayment, interlayment, insulation and covering, installed on any structure in the city, or reroofs which replace twenty-five percent or more of an existing roof, must use Class A or Class B materials, as defined in the current edition of the ~~Uniform~~ California Building Code (~~U~~CBC). Materials used for Class A or B roofs must conform to ~~U~~CBC requirements or be listed by an approved testing agency. All roof projectsions, plumpbing vents and roof jacks visible from the ground level must be painted a blending color to match the roofing materials. (Ord. 823 § 1, 1993)

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15.08.160 Fences and gates.

All wood fences which have missing pickets, boards, panels or which lean shall have missing parts replaced and be braced true upright. Damaged or decayed wood posts shall be replaced with suitable materials of appropriate design. All sagging gates shall be braced true and those dragging on the ground shall be rehung to clear and all missing necessary hardware replaced. All fences shall be limited to no higher than six feet above property elevation for side and rear yards and no higher than ~~thirty-six~~Forty Eight inches above property elevation for front yards. The heigh and location of all new and/or replaced fences shall be verified through a permit processFence height shall be in accordance with the zoning ordinance. (Ord. 796 § 1 (Exh. A), 1991)

15.08.170 Landscaping.

A. All overgrown shrubs, trees, and plantings which are detrimental to the structure shall be removed. All debris, lumber and trash shall be removed. (UHC Sections 201-C and 1001-K.)

B. Covered parking spaces (garage, carport or combination thereof) shall be provided in accordance with the zoning ordinance. (Ord. 796 § 1 (Exh. A), 1991)

15.08.180 Painting and ~~decoration~~weather protection.
A. Where necessary, a protective and decorative finish coating shall be provided to maintain adequate resistance to weathering, and protection of finish surfaces from moisture or corrosion, and reasonable durability. Untreated (raw wood) shall not be permitted on structures when exposed to weather, unless the product contains weather resistive properties such as, redwood, cedar or pressure treated.(UHC Sections 102 and 201-C.)

B. Where painted surfaces are in good condition and it is apparent that painting maintenance has taken place and the property is between such painting periods, and where the rehabilitation will not disturb that part of the building, painting is not required. (Ord. 796 § 1 (Exh. A), 1991)

15.08.190 Lead-based paint.
A. Applicable Statutes and Regulations. Applicable statutes and regulations are the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801, et seq.) and HUD Lead-Based Paint Regulations, 24 C.F.R. Part 35.

B. Requirements. Rehabilitation financed in whole or in part by a Section 312 loan must comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801) and 24 C.F.R. Part 35, as amended. The LPA must ensure that immediate lead-based paint hazards are identified and treated as part of the required work under an approved Section 312 loan. Specifically, the applicable lead-based paint rules require:

1. That the treatment of identified immediate lead-based paint hazards in residential structures will be in accordance with 24 C.F.R. 35.24(b)(3);

2. That the LPA notify all owners and tenants of pre-1950 residential structures of the possible existence and potential hazards of lead-based paint poisoning, and of the precautions to be taken to avoid lead-based paint poisoning;

3. That the borrower's agreement to comply with this section will be a condition of receiving a Section 312 loan. The locality is responsible for identifying and assuring the treatment of immediate lead-based paint hazards as part of the required work under an approved Section 312 loan.

C. Rehabilitation Contract – Lead-Based Paint Requirements. The LPA must require that all rehabilitation contracts and subcontracts between contractors and the borrowers, and all self-help agreements, include provisions for work necessary to eliminate existing lead-based paint hazards on applicable surfaces and for the prohibition of the use of lead-based paint on applicable surfaces, as required by the department's final lead-based paint regulations. The construction contract between the contractor and the borrower or, if applicable, the self-help agreement between LPA and the borrower must contain the necessary provisions.

D. Information Available. Brochures on the hazards of lead-based paint and methods for eliminating such hazards are available from the HUD Field Office for distribution to applicants. (Ord. 796 § 1 (Exh. A), 1991)

15.08.200 Asbestos.
A. Applicable Statutes and Regulations. The applicable federal regulations are United States Environmental Protection Agency (USEPA) Standards for Hazardous Air Pollutants (NESHAPS); Asbestos Regulation (40 C.F.R. 61, Subpart M); and the U.S. Department of Labor Occupational Health and Safety (OSHA) Asbestos Regulations (29 C.F.R. 1910.1001). In addition, state and local authorities may have asbestos regulations and codes.

B. Requirements.

1. Federal.

a. OSHA. OSHA regulations apply to all private sector workplaces where there is an employee/employer relationship (for example, between a contractor and his workers), where asbestos is present.

b. USEPA. USEPA standards and NESHAPS regulations apply to all commercial, institutional and industrial structures, and residential properties of five or more units. EPC regulations and standards apply in two cases:

i. Renovation, where two hundred sixty linear feet of pipe wrap or one hundred sixty square feet of asbestos materials from other surfaces are to be removed from the premises; and

ii. Demolition, where any asbestos is to be removed. "Demolition" is defined as the wrecking or taking out of any load supporting structural member of a facility together with any related handling operations. In such cases, EPA must be notified immediately and removal regulations apply.

2. State and Local. States, counties and cities may also have asbestos regulations and codes. These codes may be different or more stringent than the federal regulations, and the LPA should also check with the various appropriate local and state authorities regarding rules and regulations relative to the identification and removal of such asbestos materials.

C. Identification of Asbestos and LPA Training. Asbestos is found frequently in older buildings which are to undergo rehabilitation. The LPA should provide training to its personnel in the identification and hazards of asbestos, and/or the LPA should obtain an independent inspection if asbestos is suspected. The cost of such and independent inspection is an eligible loan cost.

D. Notification to Borrowers. Where asbestos materials are identified by LPA personnel, or LPA personnel suspect the presence of asbestos materials, they should so notify the borrower and inform the borrower of the potential hazards, of the borrower's responsibilities, and of the responsibilities of the contractor. Care should be taken that only qualified contractors experienced in asbestos removal be allowed to work on the project.

E. LPA Contract with OSHA and EPA. The LPA should contact the regional OSHA Office and the regional EPA Office for complete information regarding OSHA and EPA standards and regulations and requirements with regard to asbestos.

F. Information and Guidance. The Environmental Protection Agency publication, Guidance for Controlling Asbestos-Containing Materials in Buildings, contains the USEPA standards, NESHAPS regulations and OSHA regulations, and lists the regional NESHAPS contacts and regional asbestos coordinators. The document also contains a checklist for hiring experienced contractors, and contains information on asbestos. Copies are available from the Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, Washington, D.C. 20460. The OSHA publication, No. 3040, Health Hazards of Asbestos, provides a summary of OSHA regulations and requirements. The EPA publication, Asbestos Fact Book, is a useful booklet for public distribution. Copies can be secured from the Office of Public Affairs (A-107), Environmental Protection Agency, Washington, D.C. 20460. Tel: (800) 424-9065 or (202) 554-1404. (Ord. 796 § 1 (Exh. A), 1991)

15.08.210 ~~Handicapped accessibility.~~ ~~Accessibility Standards.~~

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A. Applicable Statutes and Regulations. The applicable statute and regulations are the Architectural Barriers Act of 1968 (42 U.S.C. 4151 and 24 C.F.R. Part 41).

B. Requirements. The Architectural Barriers Act of 1968 (42 U.S.C. 4151) requires that certain buildings financed with federal funds be designed and constructed so as to be accessible to persons with disabilities. ~~the physically handicapped.~~ Since Section 312 loans are made only on privately owned properties, only nonresidential and the nonresidential portions of mixed-use properties assisted under Section 312 are directly subject to Architectural Barriers Act requirements.

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C. Information. For further information contact the HUD Field Office Rehabilitation Management Specialist. (Ord. 796 § 1 (Exh. A), 1991)

15.08.220 Cost effective energy standards.

A. Applicable Statutes and Regulations. The applicable statutes and regulations are Section 312(i) of the Housing and Urban Development Act of 1964, as amended in 1978 (42 U.S.C. 1452b) and 24 C.F.R. 39, Cost Effective Energy Conservation and Efficiency Standards for Rehabilitation of Residential Properties (42 U.S.C. 1425b), et seq., Pub. L. 95-557.

B. Requirements. Residential rehabilitation work financed by a Section 312 loan must meet the cost effective energy conservation and efficiency standards. In determining the kind and extent of energy conservation measures required for any particular property or element, the LPA should, as a general rule, follow a common sense cost effectiveness approach. At a minimum, caulking and weatherstripping of all openings to the exterior must be accomplished. For mid-rise, high-rise and many low-rise multifamily projects, an energy audit must be carried out to identify and specify the energy and cost savings which are estimated to result from installing energy conservation measures. The energy audit can be completed by trained LPA staff or a private firm, in which case the fee for the service is an eligible loan cost.

C. Additional Information. The implementation of cost effective energy conservation and efficiency measures is discussed in detail in the publication entitled Applying the Cost Effective Energy Standards in Rehabilitation, Office of Urban Rehabilitation, Community Planning and Development, HUD. Copies are available from the Field Area Office. (Ord. 796 § 1 (Exh. A), 1991)

15.08.380 Smoke detectors.
All residential construction work which exceeds one thousand dollars, materials and labor, requires the installation of approved smoke detectors in each bedroom of the structure. (Ord. 823 § 2, 1993)

Chapter 15.10

EARTHQUAKE HAZARD REDUCTION IN EXISTING BUILDINGS

Sections:

Article I. General Standards

15.10.010 Purpose.

A. The purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on unreinforced masonry bearing wall buildings. Such buildings have been widely recognized for sustaining life-hazardous damage, including partial or complete collapse during moderate to strong earthquakes.

B. The provisions of this chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings. This chapter does not require analysis or alteration of existing electrical, plumbing, mechanical or fire safety systems unless they constitute a hazard to life or property.

C. This chapter provides systematic procedures and standards for identification and classification of unreinforced masonry bearing wall buildings based on their present use. Priorities, time periods and standards are also established under which these buildings are required to be structurally analyzed. (Ord. 772 § 1 (Exh. A), 1990)

15.10.020 Scope of chapter.

The provisions of this chapter shall apply to all buildings which have been inspected by the building official and are presumed to have unreinforced masonry bearing walls, and/or present external hazards as defined herein. Said buildings are identified in Appendix A, attached to the ordinance codified in this chapter and kept on file in the office of the city clerk, and/or are the subject of an order by the building official issued pursuant to this chapter. This chapter shall not apply to detached one-family or two-family dwellings and detached multifamily dwellings containing less than five dwelling units and used solely for residential purposes. (Ord. 772 § 1 (Exh. A), 1990)

15.10.030 Definitions.

For the purposes of this chapter, the applicable definitions set forth in Sections 2302 and 2312 of the ~~Uniform~~ California Building Code, ~~1988~~ Current Edition ("~~UBC~~CBC"), and the following definitions, shall apply:

"Building," for the purpose of determining occupant load, means any contiguous or interconnected structure; for purposes of engineering valuation, means the entire structure or a portion thereof which will respond to seismic forces as a unit.

"Capacity for transfer" means the maximum allowable capacity of a structural system or connection to resist in a ductile manner the lateral forces it would encounter due to earthquake forces.

"Essential building" means any building housing a hospital or other medical facility having surgery or emergency treatment areas; fire or police stations; municipal government disaster operations and communication centers.

"External hazard" means an object attached to or forming the exterior facade of a building which may fall onto pedestrians or occupants of adjacent buildings. Examples of this type of hazard include, but are not limited to, the following:

1. Nonstructural exterior wall panels, such as masonry infill or decorative precast concrete;
2. Parapets;
3. Marquees, awnings or other roof-like projections from a building;
4. Unreinforced concrete walls;
5. Masonry or stone wall veneer and wall ornamentation, including cornices or other decorative appendages;
6. Masonry chimneys;
7. Tile roofing;
8. Wall signs and exterior lighting fixtures hung from a building exterior;
9. Fire escapes or balconies.

"Geometry" means a building's shape or configuration, including setbacks of wall/column lines, reentrant corners, discontinuities in vertical and horizontal lateral force diaphragms, open storefront and building stiffness variations due to the distribution of resisting elements or the use of materials of differing properties within the same structural element, or other irregularities in plan or elevation.

"High risk building" means any building, not classified as an essential building, having an occupant load of fifty or more, as determined by ~~U~~CBC Section 3302(a), or the building official, where applicable. Exceptions to this category shall include the following:

1. Any building having exterior walls braced with masonry crosswalls or wood frame crosswalls spaced less than forty feet apart in each story. Crosswalls shall be full story height with a minimum length one and one-half times the story height; or

2. Any building used for its intended purpose, as determined by the building official, for less than twenty hours per week.

"Historical building" means any building designated as a historical building by an appropriate federal, state or city jurisdiction.

"Low risk building" shall mean any building, not classified as an essential building, having an occupant load of fewer than ten occupants, as determined by ~~U~~CBC Section 3302(a), or the building official, where applicable.

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"Medium risk building" shall mean any building, not classified as a high risk building or an essential building, having an occupant load of at least ten but fewer than fifty occupants, as determined by U.S.C. Section 3302(a), or the building official, where applicable.

"Occupant load" means the total occupant load of a building as determined by ~~U~~CBC Section 3302(a), or the actual maximum number of occupants in a building if that number is less than seventy-five percent of the number determined by reference to the ~~U~~CBC. The number of actual occupants may be documented by counting actual seating capacity if permanent seating is provided in the occupancy, or by employee and client counts which can be substantiated as a practical maximum use of the space in the building. The building official shall be responsible for determining occupancy loads.

"Solution" means any justifiable method that will provide for the transfer of lateral forces through a system or connection to a degree which will substantially eliminate a potential collapse failure. A general description of the methods and materials proposed to be used shall be included in sufficient detail to allow for a cost estimate of the solution to be made (i.e., adding shear walls, overlaying horizontal diaphragms, strengthening critical connections, etc.).

"Unreinforced masonry bearing wall" means any wall supporting a floor or roof where the total superimposed load exceeds one hundred pounds per linear foot and the area of reinforcing steel is less than fifty percent of that required by U.S.C. Section 2407(h), or any unreinforced masonry wall supporting its own weight when over six feet in height.

"Unreinforced masonry (URM) building" means any building containing walls constructed wholly or partially with any of the following materials:

1. Unreinforced brick masonry;

2. Unreinforced concrete masonry;

3. Hollow clay tile;

4. Adobe or unburned clay masonry;

5. External hazards. (Ord. 772 § 1 (Exh. A), 1990)

15.10.040 Rating classifications.
The rating classifications, Essential Building (I), High Risk Building (II), Medium Risk Building (III) and Low Risk Building (IV), as exhibited in Table No. 15.10-A, attached to the ordinance codified in this chapter and kept on file in the office of the city clerk, are hereby established, and each building within the scope of this chapter shall be placed in one such rating classification by the building official. The total occupant load of the entire building shall be used to determine the rating classification.

Exception: For the purposes of this chapter, portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications. (Ord. 772 § 1 (Exh. A), 1990)

15.10.050 General requirements.
The owner of each building within the scope of this chapter shall cause a structural analysis to be made of the building by a licensed civil or structural engineer or architect licensed by the state, and shall be responsible for submitting said structural analysis to the building official in the form of an engineering report within two hundred seventy days after the service of an order. Such analysis, which shall be subject to approval by the building official, shall demonstrate that the building meets the minimum requirements of this chapter, or shall recommend an appropriate solution as specified in SMC 15.10.070. Adequate plans or drawings appropriate to the calculations shall be prepared and provided to the building official along with the engineering report. (Ord. 772 § 1 (Exh. A), 1990)

15.10.060 Administration.
A. Service of Order. The building official shall issue an order, as provided in subsection B of this section, to the owner of each URM building within sixty days after the effective date of this section. This order shall be final after

the period allowed for objection if no such objection shall be filed, or on the date of final determination by the building official in the event a timely objection is filed.

B. Contents of Orders. The order of the building official shall be in writing and shall be served either personally or by certified or registered mail upon the owner, as shown on the last equalized assessment roll, or upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the building official to be an unreinforced masonry building subject to the provisions of this chapter. The order shall specify the rating classification of the building and shall be accompanied by a copy of this chapter.

C. Objection to Order. The owner or person in charge or control of the building may object to the building official's initial determination that the building is within the scope of this chapter. Such objection shall be filed in writing with the building official within thirty days from the service date of the order and set forth the grounds for consideration. Any such objection shall be reviewed and decided by the building official within sixty days of its receipt.

D. Recordation and Posting. Once the order is final, the building official shall file with the office of the county recorder a certificate stating that the subject building is within the scope of this chapter. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building. Notice shall also be posted on the premises in a form to be provided by the building official.

If the building is subsequently found not to be within the scope of this chapter, or as a result of structural alterations or an analysis is found to be structurally capable of resisting minimum seismic forces required by this chapter, or is demolished, the building official shall file with the office of the county recorder a certificate terminating the status of the subject building as being classified within the scope of this chapter.

E. Unoccupied Buildings. Notwithstanding any other provision of this chapter or this code, no certificate of occupancy shall be issued to any unoccupied building or part thereof until the building official determines that the building is in compliance with the provisions of this chapter. (Ord. 772 § 1 (Exh. A), 1990)

15.10.070 Structural analysis – Engineering reports.

A. General. Each building shall be evaluated on an individual basis without prejudice or comparison to similar type or age buildings which may have greater or lesser earthquake resistance. Generalities or stereotypes are to be avoided in the evaluation process by focusing on the specifics of the structural systems of the building in question and the local geology of the land on which the building is constructed.

B. Level of Investigation. Some buildings will require extensive testing and field investigation to uncover potential structural deficiencies while others will allow the same level of overall evaluation by a less complicated process due to simplicity of design or the availability of original or subsequent alteration design and construction documents. It is the responsibility of the engineer performing the evaluation to choose the appropriate level of investigation which will produce a report that is complete and can serve as a sound basis for a conclusion on the collapse hazard the building may present.

C. Format for the Report. The following is a basic outline of the format each engineering report should follow. This outline is not to be construed as a constraint on the professional preparing the report, but rather as a skeletal framework within which individual approaches to assembling the information required by this chapter may be accomplished. It also will serve as a means for the building official to evaluate the completeness of each report. No report shall be deemed complete without a recommendation addressing an appropriate solution to identified deficiencies. All reports shall be accompanied by adequate plans or drawings appropriate to the required calculations and recommendations.

1. General Information. A description of the building including: (a) the street address; (b) the type of occupancy use within the building, with separate uses that generate different occupant loads indicated on a plan showing the square footage of each different use; (c) plans and elevations showing the location, type and extent of lateral force resisting elements in the building (both horizontal and vertical elements); (d) a description of the construction materials used in the structural elements and information regarding their present condition; (e) the date of original construction, if known, and the date, if known, of any subsequent additions or substantial structural alterations of the building; and (f) the name and address of the original designer and contractor, if

known, and the name and address of the designer and contractor, if known, for any subsequent additions or substantial structural alterations.

2. Investigation and Evaluation of Structural Systems. The report shall refer to the information contained in the URM Building Standards, on file in the building division, with respect to all items to be investigated and the methods of investigation for each type of building.

3. Test Reports. All field and laboratory test results shall be included in the report. Evaluation of the significance of these test results shall be made with regard to each structural system or typical connection being evaluated. This evaluation may be limited to a statement of the adequacy or inadequacy of the system or connection based on the lateral load demand it would be required to resist by calculation. If tests reveal inadequacy, a conceptual solution must be included in the report.

4. Conclusions. Based on the demand/capacity ratio and the specific evaluation items contained in the URM Building Standards, on file in the building division, a statement shall be provided explaining the overall significance of the deficiencies found to exist in the building's lateral force resisting system regarding potential collapse or partial collapse failure.

5. Recommendations. An appropriate solution, which could be used to strengthen the structure to alleviate any collapse or partial collapse threat, shall be specified.

D. Exceptions and Alternatives. Exceptions to the specific items required to be included in an engineering report may be granted by the building official upon review of a written request from the engineer preparing the report. Such a request shall provide evidence that adequate information concerning the required item(s) can be determined by alternate means or that a conclusion can be made about the item(s) without following the solution called for in the appropriate section of this chapter. The purpose of granting such exceptions shall be to reduce the costs or disruption that would result from taking required actions, when it can be shown that they are unnecessary to provide information available by other equivalent means. In no case will an exception be granted which would result in an item not being completely evaluated. The decision of the building official in granting exceptions is final. (Ord. 772 § 1 (Exh. A), 1990)

15.10.080 Review of reports.
A. The building official shall utilize the services of civil or structural engineers to assist in determining if the submitted engineering reports conform to the requirements of this chapter.

B. The cost of this review shall be recovered by a fee paid by the building owner, based on the time required for the review. This fee amount shall be deducted from the plan checking fee collected for any future construction work that deals directly with correcting any of the structural inadequacies specified in the engineering report.

C. Copies of the engineering reports shall be available to interested individuals for a standard copying fee or may be reviewed at the building division office. (Ord. 772 § 1 (Exh. A), 1990)

15.10.090 Responsibilities of building owners – Notification of building tenants.
A building owner shall notify all tenants, in writing, that a structural investigation has been performed and that the report is available at the building division office. This notice must be sent within thirty days of the date the report is submitted to the building official. (Ord. 772 § 1 (Exh. A), 1990)

15.10.100 Adoption of standards.
The building official shall promulgate standards relating to analysis and design, and materials of construction, which shall be kept on file in the building division. These standards shall govern and regulate the contents of engineering reports and the implementation of this chapter. (Ord. 772 § 1 (Exh. A), 1990)

Article II. Phase II

15.10.110 Phase II – Earthquake hazard reduction.
SMC 15.10.110 through 15.10.190 shall constitute Phase II of the regulations governing earthquake hazard reduction in existing buildings. Ordinance 772, adopted on May 3, 1990, shall remain in full force and effect unless

provided otherwise. In the event of a conflict, Phase II shall supersede previously adopted provisions of Ordinance 772, set out in Article I of this chapter. (Ord. 826 § 1 (Exh. A), 1993)

15.10.120 Administrative provisions.
A. The owner of each building within the scope of this chapter shall, upon service of an order from the building official and within the time limits specified herein, cause such building to be structurally altered to conform to city standards or cause the building to be demolished.

B. The owner of a building within the scope of this chapter shall comply with the requirements set forth above by submitting the following to the building official for review within the stated time limits:

1. Within two hundred seventy days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this chapter; or

2. Within one hundred eighty days after service of the order, plans for the installation of wall anchors in accordance with city requirements; or

3. Within two hundred seventy days after service of the order, plans for the demolition of the building.

C. After plans are submitted to the building division and approved by the building official, the owner shall obtain a building permit and thereafter commence and complete the required construction or demolition within the time limits set forth herein. (Ord. 826 § 1 (Exh. A), 1993)

15.10.130 Installation of wall anchors.
Wall anchors may be installed as a temporary measure and shall extend for a period of five years, the time within which a structure must be structurally altered or demolished. Following the submission of plans as required by SMC 15.10.120, the owner shall obtain a building permit for installation of wall anchors no later than two months after the submission of plans. Construction must commence no later than ninety days after a building permit is issued. Construction shall be completed and the structure ready for final inspection no later than ninety days after the commencement of construction. (Ord. 826 § 1 (Exh. A), 1993)

15.10.140 Structural alteration of unreinforced masonry buildings.
A. Following the submission of plans as required by SMC 15.10.120, the owner shall obtain a building permit for structural alteration of the building no later than three months after the submission of plans. Construction must commence no later than one hundred eighty days after a building permit is issued. Construction shall be completed and the structure ready for final inspection no later than eighteen months after the commencement of construction.

B. This chapter does not require alteration of original existing electrical, plumbing, mechanical or fire safety systems which are in good repair and have not been altered without permits and inspections. (Ord. 826 § 1 (Exh. A), 1993)

15.10.150 Demolition of unreinforced masonry buildings.
Following the submission of plans for demolition of the building as required by SMC 15.10.120, the owner shall obtain a demolition permit no later than three months after the submission of plans. Demolition shall be completed no later than two years after the permit is issued. (Ord. 826 § 1 (Exh. A), 1993)

15.10.160 Extensions of time.
Following the issuance of a permit for structural alteration, installation of wall anchors or demolition, the building official may grant a one-year extension for the commencement of construction upon good cause shown. (Ord. 826 § 1 (Exh. A), 1993)

15.10.170 Adoption of standards.
The building official shall adopt standards relating to analysis and design, and materials of construction, which shall be kept on file in the building division. These standards shall govern and regulate the implementation of this chapter. (Ord. 826 § 1 (Exh. A), 1993)

15.10.180 Order – Contents.
The order prepared by the building official shall be in writing and shall be served either personally or by certified mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge

or control of the building. The order shall specify that the building has been determined by the building official to be within the scope of this chapter and, therefore, is required to meet the minimum seismic standards of this chapter. The order shall also specify that the dates for compliance will not be extended due to the transfer or sale of the property. The order shall be accompanied by a copy of Phase II of the regulations governing earthquake hazard reduction in existing buildings, which sets forth the owner's alternatives and time limits for compliance. (Ord. 826 § 1 (Exh. A), 1993)

15.10.190 Enforcement.

A. Vacating of Building. If the owner or other person in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this chapter and within the required time limits of this chapter, the building official may order the entire building vacated and the building shall remain vacant until such order has been complied with. If compliance with such order has not been accomplished within ninety days after the date the building has been ordered vacated, or such additional time as may have been granted by the building official, the building official may order its demolition in accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings, current edition, or other applicable law.

B. Injunctive Relief. The city may seek injunctive relief on behalf of the public to enjoin a violation of this chapter.

C. Misdemeanor. A building owner violating this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Such building owner is guilty of a separate offense for each and every day during any portion of which such violation of this chapter is committed, continued or permitted by such building owner.

D. Chapter 1.16 SMC. The general penalties specified in Chapter 1.16 SMC shall be applicable to violations of this chapter. (Ord. 826 § 1 (Exh. A), 1993)

Chapter 15.12

MOVING BUILDINGS

Sections:

15.12.010 Definitions.
For the purposes of this chapter, certain words and phrases shall be construed as set forth in this section, unless it is apparent from the context that a different meaning is intended. A “structure” or “building” is any house or other building or structure erected or constructed or in existence prior to the moving hereinafter referred to. (Ord. 53, 1955; prior code § 12-101)

15.12.020 Permit – Required.
No person shall move any building or structure, or a portion thereof, to any location thereof, to any location within the city from any location outside the city, or from one location to another within the city, unless and until the building department of the city has first issued to the owner of the premises to which the building is to be moved, a permit to relocate the particular building upon those premises. Such permit shall be called a “relocation permit.” (Ord. 171, 1959; Ord. 53, 1955; prior code § 12-102)

15.12.030 Permit – Application – Contents.
A separate application must be made for each building or structure, or portion of a building or structure. No permit shall be issued until an application has been filed as provided in this chapter. Every application to the city council for a relocation permit shall be in writing upon a form furnished by the city clerk, and shall set forth such information as may reasonably be required in order to carry out the purposes of this chapter, including the following:

A. A complete description of the building or structure to be moved;

B. A recent photograph of the building or structure;

C. The present location of the building or structure;

D. The street location or other identifying description of the location to which the building or structure is to be moved;

E. A description of the route over, along, across, or upon which such building or structure, section, or portion thereof, is to be moved, and the date and time it is proposed to be moved;

F. A complete description of any proposed additions, alterations, repairs or improvements to be made to the building or structure, either before or after it is moved, and a statement of the approximate time when the same will be made;

G. The proposed use to which such building or structure will be put;

H. Such other relevant information as the city council may require. (Ord. 53, 1955; prior code § 12-104)

15.12.040 Permit – Application – Fee.
A. Before any application for a relocation permit is accepted, a fee in accordance with the fee schedule on file in the City Hall shall be paid by the applicant to cover the cost to the city of the investigation of the conditions of the building to be moved and the inspection of the proposed new site.

B. An additional fee of fifteen cents per mile for all mileage over twenty-five miles shall be added. This application fee shall be in addition to the regular building permit fee. No part of the application fee shall be refunded. (Ord. 334, 1968; Ord. 53, 1955; prior code § 12-103)

15.12.050 Permit – Application – Approval or rejection – Appeal procedure.
The city clerk, immediately upon receipt of any such application, shall deliver the same to the building inspector, who shall have the duty to consider the application and approve or reject the same based upon the requirements of the municipal code. In the event the application is approved, it shall not be placed on the agenda of the city council. In the event the application is not approved and the permit required in this chapter is not issued, notice in writing shall be given to the applicant and the applicant shall have the right to appeal to the city council for the permit; provided, such appeal is made within ten days after denial or rejection by the building inspector. All standards to be used by the city council in consideration of such appeal, as set out elsewhere in this code, shall be used and applied by the building inspector in making his initial determination. (Ord. 171, 1959; Ord. 53, 1955; prior code § 12-105)

15.12.060 Permit – Issuance.
No permit shall be issued to relocate any building or structure which is so constructed or in such condition as to be dangerous; or which is infested with pests or unsanitary; or which, if it is a dwelling or habitation, is so dilapidated, defective, unsightly or in such condition of deterioration or disrepair that its location at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of one thousand feet from the proposed site; or if the proposed use is prohibited by the zoning laws of the city; or if the structure is of a type prohibited, at the proposed location, by any fire district regulations, or by any other law or ordinance; provided, however, that if the condition of the building or structure, in the judgment of the city council, admits of practicable and effective repair, the permit may be issued upon condition as provided in SMC 15.12.080. (Ord. 53, 1955; prior code § 12-106)

15.12.070 Permit – Denial.
If the unlawful, dangerous, or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the permit shall be denied. In order to determine any of the matters presented by the application, the city council may cause to be made any investigation required in its discretion. (Ord. 53, 1955; prior code § 12-107)

15.12.080 Permit – Issuance subject to conditions.
A. If the city council deems it necessary or expedient so to do, it may, in granting any relocation permit, impose thereon such terms and conditions as it may deem reasonable and proper, including, but not limited to, the requirement of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the district, as hereinabove limited, to which it is to be moved. The terms and conditions upon which each permit is granted shall be written upon the permit or appended in writing thereto.

B. The building inspector, in granting any relocation permit, shall permit the retention of existing materials and methods of construction so long as the building complies with the provisions published in the State Building Standards Code and other rules and regulations of the commission, and also complies with the building standards for foundation applicable to new construction. (Ord. 589 § II(32), 1981; Ord. 53, 1955; prior code § 12-108)

15.12.090 Permit – Bond – Required.
No relocation permit shall be issued unless the applicant therefor shall first post with the city council a bond executed by the owner of the premises where the building or structure is to be located, as principal, and by surety

company authorized to do business in the state, as surety. The bond, which shall be in form joint and several, shall name the city as obligee, and shall be in an amount equal to the cost, plus ten percent of the work required to be done in order to comply with all of the conditions of such relocation permit, as estimated by the building inspector. In lieu of a surety bond, the applicant may post a bond executed by the owner, as principal, and which is secured by a deposit of cash in the amount named above and conditioned as required in the case of a surety bond; such a bond, as so secured, is hereinafter called a "cash bond" for the purposes of this chapter. (Ord. 53, 1955; prior code § 12-109)

15.12.100 Permit – Bond – Exceptions.
No bond, however, need be posted in any case where the city council determines that the only relocation involved is that of moving a building temporarily to the regularly occupied business premises of a housemover, or that of moving a building to adjacent property of the same owner; but the exceptions made in this chapter shall not apply unless the council further finds that no such security is necessary in order to assure compliance with the requirements of this chapter. (Ord. 612 § 1 (Appx. A (35)), 1982; Ord. 53, 1955; prior code § 12-110)

15.12.110 Permit – Bond – Conditions.
Every bond posted pursuant to this chapter shall be conditioned as follows:

A. That each and all of the terms and conditions of the relocation permit shall be complied with to the satisfaction of the city council;

B. That all of the work required to be done pursuant to the conditions of the relocation permit shall be fully performed and completed within the time limit specified in the relocation permit; or, if no time limit is specified, within ninety days after the date of its issuance. The time limit specified in this section, or the time limit specified in any permit, may be extended for good and sufficient cause by the city council. No such extension of time shall be valid unless written, and no such extension shall release any surety upon any bond. (Ord. 53, 1955; prior code § 12-111)

15.12.120 Permit – Bond – Term – Completion.
The term of each bond posted pursuant to this chapter shall begin upon the date of the posting thereof and shall end upon the completion, to the satisfaction of the city council, of the performance of all the terms and conditions of the relocation permit. Such completion shall be evidenced by a statement thereof, signed by the building inspector, a copy of which will be sent to any surety or principal upon request. When a cash bond has been posted, the cash shall be returned to the depositor, or to his successors or assigns, upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere in this chapter provided. (Ord. 53, 1955; prior code § 12-116)

15.12.130 Permit – Default in performance – Notice.
Whenever the city council finds that a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the principal and to the surety of the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the city council to be reasonably necessary for the completion of such work. (Ord. 53, 1955; prior code § 12-112)

15.12.140 Permit – Default in performance – Duty of surety.
After receipt of such notice the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, must pay over to the city council the estimated cost of doing the work, as set forth in the notice, plus an additional equal to ten percent of said estimated cost. Upon the receipt of such moneys, the city council shall proceed, by such mode as it deems convenient, to cause the required work to be performed and completed, but no liability shall be incurred therein other than for the expenditure of the sum in hand therefor. (Ord. 53, 1955; prior code § 12-113)

15.12.150 Permit – Default in performance – Use of bond by city council.
If a cash bond has been posted, notice of default, as provided in SMC 15.12.130, shall be given to the principal and, if compliance is not had within the time specified, the city council shall proceed without delay, and without further notice of proceedings whatever, to use the cash deposit, or any portion of such deposit, to cause the required work to be done, by contract, or otherwise, in the discretion of the city council. The balance, if any, of such cash deposit

shall, upon completion of the work, be returned to the depositor, or to his successors or assigns, after deducting the cost of the work plus ten percent thereof. (Ord. 53, 1955; prior code § 12-114)

15.12.160 Permit – Default in performance – Option to complete structure or clear site.
When any default has occurred, on the part of the principal under the preceding provisions, the surety shall have the option, in lieu of completing the work required, to demolish the building or structure, and to clear, clean, and restore the site. If the surety fails to complete the work or demolish the building or structure and to clear, clean, and restore the site as provided in this section, the city council shall have the same option. (Ord. 53, 1955; prior code § 12-115)

15.12.170 Right of entry upon premises.
The city council, the surety, and the duly authorized representatives of either shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work. In the event of any default in the performance of any term or condition of the relocation permit, the surety, or any person employed or engaged on its behalf, shall have the right to go upon the premises to complete the required work or to remove or demolish the building or structure. No person shall interfere with or obstruct the ingress to or from any such premises of any authorized representative or agent of any surety or of the city engaged in the work of completing, demolishing, or removing any building or structure for which a relocation permit has been issued, after a default has occurred in the performance of the terms or conditions thereof. (Ord. 53, 1955; prior code § 12-117)

Chapter 15.14

SAFETY ASSESSMENT PLACARDS

Sections:

15.14.010 Intent.
This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The chapter further authorizes the building official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment. (Ord. 981 (Exh. A), 2009)

15.14.020 Application of provisions.
The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the city of Seaside. The city council of the city of Seaside may extend the provisions as necessary. (Ord. 981 (Exh. A), 2009)

15.14.030 Definitions.
"Safety assessment" is a visual, nondestructive examination of a building or structure for the purpose of determining the condition for continued occupancy. (Ord. 981 (Exh. A), 2009)

15.14.040 Placards.
A. The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached.

1. "INSPECTED – Lawful Occupancy Permitted" is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

2. "RESTRICTED USE" is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

3. "UNSAFE – Do Not Enter or Occupy" is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the building official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

B. The number of the ordinance codified in this chapter (Ord. 981), the name of the jurisdiction, its address, and phone number shall be permanently affixed to each placard.

C. Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the building official. It shall be an infraction/misdemeanor for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to SMC 1.16.030, Punishment – Penalties. (Ord. 981 (Exh. A), 2009)

Chapter 15.16

UNSAFE BUILDINGS

Sections:

15.16.010 Nuisance declared.

Every building or structure which has become so dilapidated from old age or neglect as to be a fire menace, a breeding place for rodents or a likely resort for vagrant or dissolute persons is declared to be a public nuisance. (Ord. 111, 1957; prior code § 12-801)

15.16.020 Notice to appear before council.

A. Whenever the building inspector finds any building or structure dilapidated as provided by SMC 15.16.010, he shall give notice directing the owner thereof to appear before the city council at a stated time and show cause why such building or structure should not be condemned as a public nuisance and such nuisance shall be abated as provided by this chapter. Such notice shall be headed "NOTICE TO ABATE NUISANCE," in letters of not less than three-fourths of an inch in height, and shall be substantially in the following form:

NOTICE TO ABATE NUISANCE

The owner of the dilapidated building or buildings situated at ____________ in the City of Seaside is hereby notified to appear before the City Council at its meeting to be held _______, 20___, at the Council Chambers in the City Hall in the City of Seaside, at the hour of 7:30 P.M., or as soon thereafter as he may be heard, and show cause, if any he has, why such building or structure should not be condemned as a public nuisance and such nuisance shall be abated by reconstructing or properly repairing such building or structure, or by razing or removing the same.

Dated, Seaside, California.

_______________, 20__

____

Building Inspector

B. The building inspector shall post conspicuously at least one copy of such notice on the building or structure sought to be so condemned. He shall also send another copy by registered mail, postage prepaid, addressed to the person who is named as the owner thereof on the books of the county assessor, in case the address of such person is known to him, but the failure to mail such notice or the failure of any owner to receive the same shall not affect in any manner the validity of any proceedings taken under this chapter, provided such notice has been posted as mentioned in this subsection. Such notice must be posted as aforesaid at least ten days before the time fixed for the hearing before the city council.

C. Upon giving notice as aforesaid, the building inspector shall file an affidavit with the city clerk, certifying to the time and manner in which the same was done. He shall also file therewith any receipt card which may have been mailed back to him in acknowledgment of the receipt of such notice by registered mail; provided, that he mailed such notice in addition to posting the same. (Ord. 612 § 1 (Appx. A(36)), 1982; Ord. 111, 1957; prior code § 12-802)

15.16.030 Hearing by council.
At the time fixed in the notice as provided by SMC 15.16.020, the city council shall proceed to hear the testimony of the building inspector and the testimony of the owner and other competent persons respecting the condition of the building or structure sought to be condemned and the estimated cost of its reconstruction, repair, or removal, after which the council may condemn the same and order its razing or removal, or take such other action in the premises as it may deem advisable. The council may continue the hearing from time to time. (Ord. 111, 1957; prior code § 12-803)

15.16.040 Resolution ordering abatement.
If the owner fails to appear at the time fixed for the hearing provided by SMC 15.16.020 and 15.16.030, or the time to which the hearing may have been continued, the city council shall proceed to hear the testimony of the building inspector and other competent persons respecting the condition of such building or structure, after which the council may pass a resolution declaring the building or structure to be a public nuisance and directing the owner to abate the nuisance within thirty days from the passage of such resolution, by having the building or structure properly reconstructed or repaired, or by having the same razed or removed, and notifying him that if the nuisance is not so abated, the building or structure shall be razed or removed by the building inspector and the expense thereof made a lien on the lot or parcel of land from which it was removed. (Ord. 111, 1957; prior code § 12-804)

15.16.050 Posting and mailing notice of resolution.
Upon the passage of the resolution provided for by SMC 15.16.040, the building inspector shall post a copy thereof conspicuously on the building or structure so condemned and mail another copy to the person named as the owner on the books of the county assessor, if his address is known to him, after which he shall file his affidavit with the city clerk certifying to the time and manner of posting a copy of the resolution and also as to the mailing of a copy, in case a copy was mailed. (Ord. 111, 1957; prior code § 12-805)

15.16.060 Court action contesting validity of proceedings.
Any owner or other interested person having any objections, or feeling aggrieved at any proceeding taken by the city council in condemning any building or structure, must bring an action in a court of competent jurisdiction within thirty days after passage of the resolution, provided for by SMC 15.16.040 and 15.16.050, to contest the validity of the proceedings taken by the council; otherwise, all objections will be deemed waived. (Ord. 111, 1957; prior code § 12-806)

15.16.070 Abatement by building inspector.
Thirty days after posting a copy of the resolution declaring a building or structure a public nuisance, the building inspector shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building or structure so condemned and, unless the nuisance is abated by the owner or his agent in the meantime, the building inspector shall thereupon raze and remove the condemned building or structure or have the same done under his direction and supervision. (Ord. 111, 1957; prior code § 12-807)

15.16.080 Sale of lumber and materials from removed buildings.
The lumber and any other materials contained in any condemned building or structure removed as provided by SMC 15.16.070 shall be sold by the building inspector at public auction, after not less than five days' notice thereof published in a newspaper of general circulation printed, published, and circulated in the city, either before or after the building or structure has been razed or removed, and the amount received from the sale of such lumber and materials shall be deducted from the expense of razing or removing the same. (Ord. 111, 1957; prior code § 12-808)

15.16.090 Statement of city expense – Notice of hearing.
The building inspector shall keep an itemized account of the expenses involved in the razing or removal of the condemned building or structure and deduct therefrom the amount received from the lumber and materials sold as provided by SMC 15.16.080. He shall then post conspicuously on the property from which the building or structure was removed a verified statement of the gross and net expense of razing or removing the building or structure,

together with a notice of the time and place when and where such statement shall be submitted to the city council for approval and confirmation. He shall mail another copy of the statement and notice to the person named as the owner on the books of the county assessor, if his address is known to him, after which he shall file his affidavit with the city clerk, certifying to the time and manner of posting such statement and notice, and also as to the mailing of a copy, in case a copy was mailed. The time for submitting the statement to the council for confirmation shall not be less than five days from the posting of the statement and notice aforementioned. (Ord. 111, 1957; prior code § 12-809)

15.16.100 Statement of city expense – Hearing – Confirmation.
At the time fixed for the hearing on the statement of expense required by SMC 15.16.090, the city council shall consider the statement and such objections as may be offered against it, whereupon it shall modify, amend, or confirm the same as submitted; provided, that it may continue the hearing from time to time. When finally confirmed, the city clerk shall transmit a certified copy to the city and/or county assessor and another to the city and/or county tax collector. (Ord. 111, 1957; prior code § 12-810)

15.16.110 City expense to constitute lien – Collection with taxes – Credit for excess.
Upon final confirmation of the statement as provided by SMC 15.10.100, the expense of abating such nuisance, less any money received from lumber or other materials as mentioned in SMC 15.16.090, shall constitute a lien on the real property upon which the same was abated or removed, and the amount thereof shall be added to the next succeeding tax bill against the property and shall be collectible at the same time and in the same manner as general municipal taxes are collected and shall be subject to the same penalties and procedure in case of delinquency; provided, that if the amount received from lumber or other materials should in any case exceed the expense of razing or removing such building or structure, then, and in that event, such excess shall be deposited with the city treasurer to the credit of the owner and be payable to him on demand. (Ord. 111, 1957; prior code § 12-811)

~~Chapter 15.20~~

~~SIGN CODE~~

~~Sections:~~

~~* Prior legislation: Ords. 640, 655, 672, 708 and 724.~~

~~Article I. General~~

~~15.20.010 Title.~~
~~The ordinance codified in this chapter shall be known and cited as the "Seaside sign ordinance." (Ord. 751 § 1 (Exh. A (15.20.101)), 1988)~~

~~15.20.020 Intent.~~
~~The purpose of this chapter in regulating outdoor advertising, outdoor advertising signs, and outdoor signs of all types is to preserve and protect the public health, the public welfare, and the public safety. It is intended to enhance the physical appearance of the city, preserve the scenic and natural beauty of designated areas, make the city a more enjoyable and pleasing community, and to create a more attractive economic and business climate. It is intended by the provisions of this chapter to reduce sign or advertising distractions that may increase traffic accidents, to reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, relieve pedestrian and traffic congestion, provide more open space, and avoid the canceling out effect of conflicting adjacent signs. (Ord. 751 § 1 (Exh. A (15.20.102)), 1988)~~

~~Article II. Definitions~~

~~15.20.030 Definitions.~~
~~The following words and phrases whenever used in this chapter shall be construed as defined in this section:~~

~~"Building face" means and includes the general outer surface of a main exterior wall of a building. For example, a building whose plan is rectangular has four main exterior walls and four building faces.~~

~~"Erect" means and includes erect, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, maintain and display.~~

~~"Freestanding sign" means and includes any sign standing on the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts or similar uprights, with or without braces.~~

~~"Frontage" means and includes lot frontage on a public street.~~

~~"Marquee" means and includes any permanent roofed structure attached to and supported by a building and projecting over public property.~~

~~"Master signing program" means and includes the location of sign or signs, size, type, method of mounting, colors, the distinction between overall building complex or building identification, individual business signs, and the relation between all signs in size, shape, type, color, etc. A master signing program shall be required on all buildings containing two or more individual businesses.~~

~~"Projecting sign" means and includes any sign, other than a wall sign, which is suspended from or supported by a building or wall and which projects outward therefrom. Any sign suspended under a marquee, porch, walkway covering or similar covering structure and in a place approximately perpendicular to the wall of the adjoining building shall be deemed to be a projecting sign.~~

~~"Roof sign" means and includes any sign erected upon or over the roof or parapet of any building, including the roof of any porch, walkway covering or similar covering structure, and supported by or connected to the building or roof.~~

~~"Sign" means any object or device or part thereof situated or visible outdoors, and which object or device or the effect produced by it may be seen by persons upon public rights-of-way or in public areas and which is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct, or attract attention by any means,~~

~~including words, letters, figures, designs, fixtures, colors, motion or illumination. A sign includes window signs, cloth banners, balloons, festoon lighting, painted signs, vehicle advertising signs, vehicle business signs, and also includes the advertising structure when the context so requires. The United States flag, or any governmental flag, properly displayed in an approved manner, patriotic bunting, and donor or memorial plaques are not included in this definition, or controlled by this chapter.~~

~~"Sign area" means and shall be determined as follows:~~

~~1. Where the lettered or illustrative material of a sign is placed upon a signboard or other sign structure having a continuous or essentially continuous surface or face (whether plane, curved, angulated or otherwise), the exposed surface or face area of such signboard or sign structure shall be the sign area.~~

~~2. Where the lettered or illustrative material of a sign is not placed as described in subsection (1) of this definition, but is framed either mechanically or visually by the design or layout of the sign itself, then the area so framed shall be the sign area.~~

~~3. Where the lettered or illustrative material is not placed or framed in the manner described in subsection (1) or (2) of this definition, but is composed either vertically, horizontally, diagonally or otherwise, essentially in the form of a rectangle, parallelogram, pyramid or similar geometric figure, the area of the geometric figure within which such material could be enclosed shall be the sign area; except that when the space between the elements comprising the sign exceeds one and one-half times the average size of the elements themselves, the area of the elements may be measured separately as provided in subsection (4) of this definition.~~

~~4. Where the lettered or illustrative material is not placed, framed or composed as described in subsection (1), (2) or (3) of this definition, the total area of the rectangles or other simple geometric shapes within which the individual words, letters, illustrations, or other elements comprising the sign could be enclosed shall be the sign area.~~

~~"Special, temporary or promotional sign" means and includes any sign constructed on paper, cloth, canvas, light fabric, cardboard, wallboard or other light material, with or without frames, and which is intended to be displayed outside on the premises of the business.~~

~~Special Treatment Identification Structures. Special treatment identification structures installed as part of a city-approved development area and located on city property, such as malls and community complexes, shall not for the intention of this chapter be determined to be signs.~~

~~Standardized Commercial Outdoor Advertising Structures. Replacement of nonappurtenant advertising structures shall not be permitted except as provided in Sections 5230, 5412, 5412.1, 5412.3, and 5412.4 of the Business and Professions Code. Prior to construction of a nonappurtenant advertising structure, a zoning permit, BAR approval, a building permit, and a business license shall be obtained. No other new nonappurtenant advertising structures are permitted.~~

~~"Wall sign" means and includes any sign posted or painted on, suspended from or otherwise affixed to the wall of any building or structure in an essentially flat position, or with the exposed face of the sign in a place approximately parallel to the plane of such wall. Any sign suspended from and placed approximately parallel to the front of a canopy, porch, or similar covering structure shall be deemed to be a wall sign. (Ord. 751 § 1 (Exh. A (15.20.201)), 1988)~~

~~Article III. Administration and Procedure~~

~~15.20.040 Requirement of sign permit.~~

~~Unless otherwise exempt as provided in this chapter, no sign shall be placed without filing an application therefor with the community development department and without a permit therefor approved by the chief of planning and issued by the building official. No building or sign permit shall be issued until sign approval has been issued by the chief of planning. (Ord. 751 § 1 (Exh. A (15.20.301)), 1988)~~

~~**15.20.050 Application for permit.**~~
~~Application for a permanent sign permit shall be initiated and made upon forms provided by the community development department, and shall contain the following information:~~

~~A. Name, address and telephone number of the applicant and property owner;~~

~~B. Street address and assessor's parcel number of property, building, or advertising structure upon which the sign is to be placed, attached, or erected;~~

~~C. Copies of a site plan as required by the chief of planning and the building official with elevations drawn to scale indicating the position of the proposed sign or advertising structure in relation to buildings and other signs or advertising structures at the same location or land parcel and the precise location of the sign on the property upon which it is to be placed. In addition, the plan and elevations shall contain or have attached the following information:~~

~~1. Sign attachment specification, if any,~~

~~2. Engineering specifications for freestanding signs,~~

~~3. Colors,~~

~~4. Type and texture of materials,~~

~~5. Letter style and size,~~

~~6. Electrical specifications, illumination and intensity, if appropriate,~~

~~7. Any other details or information required by the chief of planning or the building official to understand the specific sign proposal. (Ord. 751 § 1 (Exh. A (15.20.302)), 1988)~~

~~**15.20.060 Consent of property owner required for erection.**~~
~~No person shall erect any sign without first obtaining and filing with the chief of planning the written consent of the owner, lessee, or person having possession of the property upon which such sign is situated. (Ord. 751 § 1 (Exh. A (15.20.303)), 1988)~~

~~**15.20.070 Processing and building permit fee.**~~
~~Upon filing an application for a sign permit with the community development department, a fee for each sign permit shall be paid to the cashier in accordance with the schedule for user fee and charges as incorporated in this code. (Ord. 751 § 1 (Exh. A (15.20.304)), 1988)~~

~~**15.20.080 Board of architectural review.**~~
~~No sign approval shall be issued by the chief of planning until the sign application has been reviewed and approved by the board of architectural review, unless the application is for minor modifications within an existing and approved sign frame. The chief of planning shall make the determination, in such a case, as to whether a sign should be reviewed by the board of architectural review. The board shall determine that any signing requested be in keeping with the building design, location and good sign design. (Ord. 751 § 1 (Exh. A (15.20.305)), 1988)~~

~~**15.20.090 Issuance of sign approval.**~~
~~The chief of planning shall, upon receiving a complete application for a sign permit, review information provided by the applicant and may inspect the premises upon which the sign or other advertising structure is proposed. If the proposed sign or advertising structure involves solely a sign face change within an existing and approved sign frame and complies with requirements of this chapter and all other laws of the city, the chief of planning may issue a sign permit, or determine that the board of architectural review's approval is required. Every sign erected or proposed to be erected shall be classified by the chief of planning in accordance with the provisions of this chapter. Any sign which does not clearly fall within one of the classifications provided in this chapter shall be placed in the classification which the sign, in view of its design, location and purpose, most nearly approximates. Such classification by the chief of planning when made in good faith shall be final. (Ord. 751 § 1 (Exh. A (15.20.306)), 1988)~~

~~**15.20.100 Issuance of building permit.**~~
~~Upon receiving sign approval by the chief of planning, the building official shall issue a building permit for the approved sign upon finding that the sign application conforms with appropriate requirements of the Uniform Building Code. (Ord. 751 § 1 (Exh. A (15.20.307)), 1988)~~

~~**15.20.110 Revocation of permit.**~~
~~The chief of planning is authorized and empowered to revoke any sign permit upon failure of the permittee to comply with any provision of this chapter. Upon revocation of a permit, the sign for which the permit was issued shall be removed immediately. (Ord. 751 § 1 (Exh. A (15.20.308)), 1988)~~

~~**15.20.120 Variances – Generally.**~~
~~A. When practical difficulties, unnecessary hardships, or results inconsistent with the purpose and intent of this chapter result from the strict application of the standards set forth in Article V of this chapter, variances may be granted.~~

~~B. The nature of the variance and the procedure involved in applying for and obtaining the same shall be as prescribed in Section 23.05 of Official Zoning Ordinance No. 591, except that action on a sign variance shall be made by the board of architectural review. (Ord. 751 § 1 (Exh. A (15.20.309)), 1988)~~

~~**15.20.130 Variances – Conditions or circumstances under which allowed.**~~
~~A. The board of architectural review may grant a one-time variance from the sign standards if each of the following criteria is found applicable, except that no variance shall be given for enlarging sign area:~~

~~1. Special conditions and extraordinary circumstances applicable to the property involved or its intended uses and which were not created by the property owner or the owner's tenant and which do not apply generally to other properties with the same land use; and~~

~~2. The literal enforcement of the sign standards would result in unnecessary hardships inconsistent with the spirit and intent of this chapter; and~~

~~3. The variance of the sign use corresponds with the land use as set forth in Article V of this chapter and will not be contrary to or materially detrimental to the public interest and welfare or injurious to conforming signs in the city.~~

~~B. The variance to be granted may set forth conditions and shall be one that will require the least modification of the prescribed regulation and the minimum variance that will accomplish that purpose. (Ord. 751 § 1 (Exh. A (15.20.310)), 1988)~~

~~**15.20.140 Variances – Revocation.**~~
~~In any case where the conditions to the variance granted have not been complied with, the planning director shall give notice to the permittee that the variance will be revoked.~~

~~In any case where a building permit has not been issued within six months from the date of variance approval, such variance shall be null and void. (Ord. 751 § 1 (Exh. A (15.20.311)), 1988)~~

~~**15.20.150 Appeals.**~~
~~A. The applicant, permittee, or any interested person shall have the right to appeal any ruling, order, or action under this chapter to the planning commission except that decisions of the chief of planning shall be first appealed to the board of architectural review. The decision of the planning commission may be appealed to the city council.~~

~~B. All appeals shall be made in writing within ten days following a decision of the chief of planning, board of architectural review, or planning commission to the secretary or clerk of the appellate body. The fee for such appeals shall be established by the city council.~~

~~C. The appellate body (BAR, planning commission, city council) shall consider the appeal at a duly noticed public hearing within thirty days after date of filing of the appeal, unless the appellant consents to a continuance. At the scheduled public meeting, the appellate body shall either affirm, reverse, or modify the appellee's decision. (Ord. 751 § 1 (Exh. A (15.20.312)), 1988)~~

~~**15.20.160 Waivers.**~~

~~The city council may waive any section of this chapter if it determines after public hearing and adoption of findings that approval of the proposed sign including, but not limited to, its design, quality of materials, construction, location, illumination and maintenance will not conflict with the purpose of this chapter or protection of the public welfare. (Ord. 751 § 1 (Exh. A (15.20.313)), 1988)~~

~~**Article IV. Prohibitions, Exemptions, and Special Provisions**~~

~~**15.20.170 Prohibited signs.**~~

~~All signs described and designated in this section shall be prohibited in all districts within the city and shall not be placed on any parcel:~~

~~A. Any sign off the premises or property, other than exempt signs, installed for the purpose of advertising a project, event, business or subject which is not on the premises upon which the sign is located;~~

~~B. Any sign on the roof of a building;~~

~~C. Any pennants, display flags, spinners, banners, balloons, or other attention-getting devices, except as provided in SMC 15.20.335;~~

~~D. Any illuminated and lighted sign that flashes on and off, or any sign feature which moves or is designed to move;~~

~~E. Any sign which has a design or lighting such that it reasonably may be mistaken for a traffic light or signal;~~

~~F. Any sign which because of its location would prevent free ingress to or egress from any door, window or fire escape, driveway, sidewalk or bike path or would obstruct an outward view from any living area;~~

~~G. Any sign attached to a public utility pole or structure, light pole, lamp, lamp post or tree;~~

~~H. Any freestanding, ground, pole, monument or projecting sign erected so as to interfere with clear site distance or movement of vehicles, unless otherwise regulated by SMC 15.20.270;~~

~~I. Any sign projecting into any public street or other public right-of-way except in those areas where the building setback line and property line are the same, and as permitted by this chapter;~~

~~J. Any wall sign painted or existing sign repainted directly on any building or structure unless otherwise permitted by this chapter;~~

~~K. Any advertising sign, placard, poster, announcement and similar sign posted or attached to any fence, pole, tree, bench, or any other object unless otherwise permitted by this chapter;~~

~~L. Any portable sign, mobile sign, sandwich board or moveable freestanding sign, "A" board, or structure placed on private property or any portion of a street, sidewalk or right-of-way, including portable signs placed on parked vehicles or trailers; but excluding newspaper vending machines which otherwise may be regulated by this code;~~

~~M. Any posters announcing special events unless otherwise permitted by this chapter;~~

~~N. Billboards;~~

~~O. Signs projecting into a public right-of-way having less than eight feet clearance between the lowest edge of the sign and the sidewalk grade;~~

~~P. Signs advertising incidental or minor products combined with a business identification;~~

~~Q. Any sign structure located which would block another sign or block, screen, or interfere with walkways, access or structure on adjacent properties;~~

~~R. Abandoned signs or signs which no longer identify a bona fide business entity;~~

~~S. Signs with exposed bracing, guy wires or cables;~~

~~T. Crudely painted, chalked or other poorly executed “craftsmanship” on any sign;~~

~~U. Signs placed on any portion of a street, sidewalk, or public right-of-way, excluding signs on newspaper vending machines, which may be permitted;~~

~~V. No permit for any sign shall be issued and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the law of the state or rules and regulations duly promulgated by agencies thereof;~~

~~W. There shall be no commercial signs located so as to face any residential district or use, other than nonilluminated directional signs as described in this chapter; except when the commercial use has no other frontage for identification, then by use permit from the planning commission. This section shall not apply to identification signs located within the N neighborhood retail district and identifying only the business itself;~~

~~X. No person shall paint a sign on or attach a sign, except an identification sign, to the outside of a property line fence or wall whether or not on the property line. (Ord. 836 § 1, 1993; Ord. 751 § 1 (Exh. A (15.20.401)), 1988)~~

~~15.20.180 On-premises exempt signs.~~
~~The following types of signs shall be exempt from the provisions of this chapter:~~

~~A. A bulletin board not exceeding sixteen square feet in area for a public, educational, charitable, or religious institution when located on the premises of such institution;~~

~~B. Memorial signs or tablets denoting names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials not exceeding eight square feet in area;~~

~~C. Federal, state, county, traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or nonadvertising signs as to provide notice to the general public;~~

~~D. Holiday decorations and displays not exceeding forty days except those requiring a building, electrical or other permit;~~

~~E. Signs used exclusively for regulating on-premises traffic and parking not exceeding six square feet each in area;~~

~~F. Temporary signs placed behind, attached to, or lettered on the exterior or interior of a window in a commercial or industrial district; provided, that the aggregate area of such signs shall not exceed twenty-five percent of the total window area of such business establishment, unless otherwise permitted by this chapter;~~

~~G. “No Trespassing” signs, prohibited or restricting access to property, each not exceeding one square foot in size placed at each corner and each entrance to the property and at intervals of not less than fifty feet or in compliance with the requirements of law. (Ord. 751 § 1 (Exh. A (15.20.402)), 1988)~~

~~15.20.190 Off-premises exempt signs.~~
~~The following types of signs shall be exempt from the provisions of this chapter:~~

~~A. Any sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, code or governmental regulation;~~

~~B. Bench signs located at designated public transit bus stops;~~

~~C. Signs being manufactured, transported and/or stored within the city; provided, however, that such signs are not used, in any manner or form, for purposes of advertising at the place or places of manufacture or storage;~~

~~D. Commemorative plaques of recognized historical societies and organizations;~~

~~E. Religious symbols, legal holiday decorations and identification emblems of religious sects, orders or historical societies and service organizations;~~

~~F. Signs located within malls, courts, arcades, city-owned property, porches, patios, and similar areas where such signs are not visible from any point on the boundary of the premises;~~

~~G. Temporary open house signs, advertising real estate open for inspection for prospective sale, may be placed off the site of the open house, on private property only, in all districts, with the written consent of the owner, lessee, or occupant of the property in which the sign is to be placed. Such signs shall contain only the words "Open House," the name, address and telephone number of the seller or seller's agent, and the address of the open house. Such signs shall not exceed nine feet in area, or three in number for any one sale. Such signs shall be placed only during the actual time the public is invited into the open house, and shall be removed during all other times;~~

~~H. Signs on vehicles regulated by the city or state that provide public transportation including, but not limited to, buses, and taxicabs;~~

~~I. Signs on licensed commercial vehicles, including trailers; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs;~~

~~J. Temporary signs on behalf of candidates for public office and for or against ballot measures if not otherwise regulated by this code;~~

~~K. Signs protected by the free speech provisions of the United States and California Constitutions, on private property, not larger than six square feet for a period not to exceed two weeks. (Ord. 751 § 1 (Exh. A (15.20.403)), 1988)~~

~~15.20.200 Roof signs.~~
~~There shall be no sign or sign structures permitted above the roofline of any structure. When a sign designed to be an integral part of a mansard roof is requested, the board of architectural review shall ascertain the effect and classification of the proposed sign and may then permit its use. (Ord. 751 § 1 (Exh. A (15.20.404)), 1988)~~

~~15.20.210 Special purpose signs.~~
~~Signs for the special purpose set forth in this section shall be permitted without fee except as provided in this chapter:~~

~~A. Street Banners. The chief of planning may issue permits allowing the display of banners over public rights-of-way according to the following procedures:~~

~~1. All requests for display of banners must be received by the chief of planning in writing at least ten working days prior to the requested installation date. The request must outline the proposed dates for display, description of the sponsoring organization, and a photo or other illustration showing all wording and graphics on the banner.~~

~~2. Placement of banners shall be on a first come, first served basis, except by mutual agreement among the parties involved and with the approval of the chief of planning.~~

~~3. The city may refuse the display of any banner if language or graphics are obscene.~~

~~4. A banner will be displayed for a period of seven days in duration, beginning and ending on Monday. For four-day events or longer, a banner may be displayed from a Monday to Monday for a period of fourteen days; provided, that the proposed display dates are available.~~

~~5. Display of banners shall be limited to activities or events sponsored by nonprofit organizations or activities or events sponsored by a government entity and are open to the general public. Banners will not be displayed for purposes of welcoming groups or conferences to the city.~~

~~6. All banners shall be constructed in accordance with the standard specifications of the department of public works. No banner will be installed which does not meet these specifications.~~

~~7. Banners approved for installation must be delivered to the public works department, by no later than four p.m. on the Friday preceding the proposed Monday installation date.~~

~~8. The city may limit the frequency of displaying banners from the same applicant(s) and/or featuring the same or related events.~~

~~9. No persons other than authorized city employees may install, maintain (while displayed), or remove banners.~~

~~10. The city will charge a minimum fee of one hundred fifty dollars or the city costs involved in the installation and removal of banners.~~

~~11. The city shall not be responsible and the applicant(s) shall hold the city harmless for any damage or loss resulting from storage, transportation, or handling of banners.~~

~~B. For Sale or Lease Signs. In all districts, signs may be erected on real estate advertising such as real estate for sale or lease. Not more than two signs and not more than a total sign area of thirty square feet for commercial property and fifteen square feet for residential property shall be permitted on the property unless a special permit is obtained from the planning director.~~

~~C. Construction Project Signs. Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building or the architects, engineers and construction organizations participating in the project. In residential districts, no such sign shall exceed twelve square feet in area and no freestanding sign shall exceed ten feet in height, with the exception of large project signs. Large project signs shall be constructed in compliance with the provisions of this section. In other districts no sign shall exceed the area for the applicable frontage set forth in Table 1, attached to the ordinance codified in this chapter and on file in the office of the city clerk, and no freestanding sign shall exceed ten feet in height. All such signs shall be removed before a final release on the construction is given by the building official.~~

~~D. Directional Signs. Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on private property. Such signs shall not be used for advertising purposes and particularly shall not include the name of any person, firm, company, organization or product or service. Such signs shall be located on the property to which they pertain, shall not exceed an area of six square feet nor a height of three feet, and shall be located at least twenty feet within any front property lines. Directional signs of not more than three square feet in area may be located not less than ten feet within any front property lines.~~

~~E. Open House Signs. Open house signs, advertising real estate open for inspection for prospective sale, may be placed on public or private property in all districts with the consent of the owner, lessee or occupant. Such signs may state the name of the person or firm sponsoring the open house. Each such sign shall not exceed four square feet in area, nor two in number for any one sale.~~

~~F. Large Project Signs. Large projects, those projects located on a minimum of four net acres of land, may erect signs in conjunction with construction projects or subdivision projects.~~

~~1. Subdivision or construction signs shall not be erected until after the subdivision or project has been approved by the city and a master sign program showing the type and location of all temporary signs has been approved by the board of architectural review.~~

~~2. All large project signs shall be removed or replaced when damaged or in disrepair.~~

~~3. All large project signs shall be removed prior to issuance of a final occupancy permit for the project.~~

~~4. Temporary on-site signs may be permitted as follows:~~

~~a. Subdivision or construction signs shall not be erected until after a sign permit has been issued.~~

~~b. Signs shall be installed for a period of no more than two years from the date the sign permit for the subdivision sign is issued. If subdivision sales are not completed within two years after the sign is erected, the sign shall be removed unless a new permit is issued.~~

~~c. Signs shall be erected in compliance with SMC 15.20.230 and 15.20.270.~~

~~d. One primary sign shall be permitted with a maximum area of forty-eight square feet and shall not exceed ten feet in height. The primary sign may be either a construction sign or a subdivision sign.~~

~~e. In addition to the allowed primary freestanding sign, one additional directional sign, not to exceed three feet by four feet, shall be allowed for every twenty acres encompassing the project, up to a maximum of five signs. The directional signs shall be allowed at street entrances to, or within, the subdivision. The directional signs shall not exceed five feet in height.~~

~~f. For a single ten-day grand opening period, up to five flags and additional temporary signing shall be allowed on site, as long as they do not create a traffic safety hazard. A written letter of request, accompanied with proposed site and elevation plans, shall be submitted to the planning division of the city at least seven days prior to the grand opening. The developer shall secure a temporary sign permit prior to erection of the temporary signs for the grand opening period.~~

~~g. Model home signs may be allowed subject to the following standards:~~

~~i. One per model home.~~

~~ii. Maximum size is twelve square feet, each.~~

~~h. Flagpoles and flags may be allowed only within residential subdivisions subject to the following standards:~~

~~i. Flags and poles shall be installed for a period of no more than two years from the date the sign permit for the master sign program for the subdivision is issued. If subdivision sales are not completed within two years after the sign is erected, the sign shall be removed unless a new permit is issued.~~

~~ii. Flags and poles shall be immediately removed when flags are no longer displayed.~~

~~iii. Flags shall be removed or replaced when faded or tattered.~~

~~iv. Flagpole heights shall not exceed twenty feet.~~

~~v. A total number of flagpoles for a residential subdivision shall not exceed one flagpole per thirty-five units, with a maximum of ten flagpoles being permitted. The flagpoles are permitted only within the model home area of the subdivision.~~

~~vi. Flags shall not exceed twelve square feet in area.~~

~~vii. Flagpoles shall not be located in the public right-of-way.~~

~~viii. No flags or flagpoles shall be permitted on nonresidential construction sites.~~

~~5. Temporary off-site signs shall be allowed; provided, that:~~

~~a. Subdivision signs shall not be erected until after the subdivision has been approved by the city and a sign permit issued.~~

~~b. Signs shall be immediately removed when the subdivision is no longer being actively marketed.~~

~~c. Signs shall identify and market specific individual subdivision projects.~~

~~d. Signs shall be located within a one-mile radius from the project.~~

~~e. Signs shall not be located in the public right-of-way or public easements.~~

~~f. Signs shall not exceed twenty-four square feet in area.~~

~~g. Signs shall not exceed ten feet in height.~~

~~h. Not more than two off-site signs shall be allowed in any geographical direction (north, south, east, west), up to four signs total.~~

~~i. Signs shall not be located closer than one hundred feet to other temporary off-site subdivision signs.~~

~~G. Civic and Religious Signs. Signing of this type shall be permitted when in conformity with all provisions of this chapter and the zoning ordinance.~~

~~H. Political Signs. Political signs may be displayed during the sixty-day period immediately preceding any election provided they meet the following conditions:~~

~~1. No sign shall be placed on public property;~~

~~2. Signs must not violate state laws as to form and content;~~

~~3. Signs may be displayed on real property only with the consent of the property owner;~~

~~4. Signs must relate to candidates or issues in the election;~~

~~5. Signs must be removed within ten days after the election. The committee or candidate responsible for installation shall be responsible for removal. (Ord. 914, 2003; Ord. 751 § 1 (Exh. A (15.20.405)), 1988)~~

~~Article V. Regulation of Districts~~

~~15.20.220 All districts.~~
~~The following signs, if nonilluminated, shall be allowed in all districts when relating directly to the parcel upon which the sign is located, without a permit:~~

~~A. Signs otherwise exempt in this chapter;~~

~~B. Contractor's signs in accordance with SMC 15.20.210(C);~~

~~C. Any address numbers or letters occupying an area not greater than one square foot. (Ord. 751 § 1 (Exh. A (15.20.501)), 1988)~~

~~15.20.230 Residential districts.~~
~~No sign shall be erected in any residential district except as provided in this section.~~

~~A. Churches and Quasi-Public Organizations. In all residential districts, churches and quasi-public organizations may erect signs, as permitted by this chapter, on the premises identifying the premises or announcing activities thereon.~~

~~B. Special Purpose Signs. Certain special purpose signs may be erected in residential districts in compliance with the provisions of SMC 15.20.210.~~

~~C. Number. In residential districts there shall be no more than one primary freestanding sign to be used for special purpose advertising in compliance with SMC 15.20.210 and 15.20.270 and with the zoning ordinance for each frontage. No projecting signs or roof signs shall be erected in residential districts.~~

~~D. Lighting of Signs. No sign in a residential district shall be constructed in such a way that any light bulb, light filament, neon tubing or similar material is visible from the front of the sign or from beyond the property line. (Ord. 914, 2003; Ord. 751 § 1 (Exh. A (15.20.502)), 1988)~~

~~15.20.240 Signs allowed without a permit in commercial districts, public buildings and lands.~~
~~The following signs are allowed in districts V, P, H, A, SC, PO and in special treatment areas where a commercial use is permitted:~~

~~A. Political signs not to exceed thirty-two square feet posted or taped to the interior surface of plate glass windows or connected to the building for display not more than thirty days prior to the date of election and to be removed within five days after date of election. Such sign or signs shall not cover more than twenty-five percent of the total window area of the building used for display purposes;~~

~~B. Temporary signs for the display and advertisement of grand openings, special sales and special events. Such sign may be pasted or taped to the interior surface of plate glass display windows or connected to the building; and shall not be on display for more than sixty days in one calendar year. (Ord. 751 § 1 (Exh. A (15.20.503)), 1988)~~

~~15.20.250 Signs allowed with a permit in the V, P, N, H, A, SC, PO and STA districts.~~
~~A. The following signs are allowed in V, P, H, A, SC, PO, N and STA districts with a permit:~~

~~1. Freestanding sign;~~

~~2. Either wall or projecting sign;~~

~~3. In the absence of freestanding sign, both wall and projecting may be allowed;~~

~~4. Subdivision signs in compliance with SMC 15.20.210(F).~~

~~B. All signs shall be designed and constructed in harmony with the architectural "theme" or "mood" of the subject building.~~

~~C. All permanent building signs shall be calculated as being a part of the total permitted sign area, except that freestanding signs pursuant to SMC 15.20.270 are permitted in addition to permitted building signs. A freestanding sign shall not be counted as part of the total building sign area. (Ord. 914, 2003; Ord. 751 § 1 (Exh. A (15.20.504)), 1988)~~

~~15.20.260 Sign area restrictions in V, P, H, A, SC, N, PO districts, and special treatment areas where a commercial use is permitted—Wall signs.~~
~~Except as otherwise provided in this chapter, every wall sign shall comply with the requirements of this section.~~

~~A. Area. The maximum wall sign area for each building face shall be as indicated on Figure 3, attached to the ordinance codified in this chapter and on file in the office of the city clerk, except for shopping centers and other multiple occupancies having a common building frontage of ninety feet and over. In the case of shopping centers and other multiple occupancies having a common building frontage with a linear front footage of ninety feet and over, each tenant space shall be permitted one square foot of sign area for each linear front foot with a maximum area of three hundred square feet. In addition, one nonilluminated wall sign per building or occupancy not to exceed one square foot in area may be placed on the rear of the building for service and delivery identification in addition to the maximum permitted total building sign area.~~

~~B. Height. No part of any such sign shall extend above the top level of the wall upon or in front of which it is situated.~~

~~C. Thickness or Projection. No such sign, including any light box or other structural part, shall exceed a thickness of ten inches. In any sign consisting of cut-out or raised characters, the characters shall project no more than six inches from the mounting surface, except that when the average area of the individual characters exceeds six square feet, the projection may be increased by one-half inch for each additional square foot of average area over six feet, in no case to exceed fifteen inches.~~

~~D. Number. Subject to the provisions of SMC 15.20.250, there may be any number of such signs for each building face, but in no case shall the total wall sign area for each face exceed that shown in Table 3, attached to the ordinance codified in this chapter and on file in the office of the city clerk. No building shall be deemed to have more than four building faces.~~

~~E. Lighting. No wall sign shall be constructed in such a way that any light bulb or filament is visible from the front of the sign or from beyond the property line or utilizes any type of blinking or flashing light or beacon. (Ord. 855 § 1 (Exh. A), 1995; Ord. 751 § 1 (Exh. A (15.20.505)), 1988)~~

~~**15.20.270 Freestanding signs.**~~

~~Except as otherwise provided in this chapter, every freestanding sign shall comply with the requirements of this section. No freestanding sign shall be erected to interfere with clear site distance or movement of vehicles, unless a building permitted by ordinance of the city is constructed in such location. No part of any sign or sign structure or any other visual obstruction which exceeds two and one-half feet in height above the adjacent street curb, and is less than twelve feet in height above the adjacent street curb, shall have an aggregate horizontal cross-section viewed from any point in excess of one foot when such part of such sign structure, or other visual obstruction, is located within that triangular area between the property lines adjacent to the corner and a diagonal line joining points on the property line twenty-five feet from the point of their intersection or the intersection of the extension of such property lines.~~

~~A. Over Five Feet. Freestanding signs over five feet in height shall be permitted only on properties in zones V, P, H, A, SC, PO and in special treatment areas where a commercial use is permitted.~~

~~1. Area and Height. The maximum area and height of freestanding signs over five feet in height shall be as indicated on Figure 2, attached to the ordinance codified in this chapter and on file in the office of the city clerk, except that the following dimensions shall apply to freestanding signs which advertise more than one business and which are located within one thousand five hundred feet of State Highway 1, in order to be more visible from the highway:~~

~~a. Height. Fifty-five feet for a sign of three or more businesses.~~

~~b. Area. A maximum of eighty-four square feet per business. All businesses advertising on one sign, combined together, shall not exceed three hundred square feet of sign area.~~

~~c. Eligibility. Such sign poles or pylons may only advertise businesses which are either freeway-dependent such as retail shopping centers, restaurants and motels; commercial planned unit developments; or businesses which contain at least fifteen thousand square feet under one roof and are located on properties zoned shopping center commercial (SC), primary retail (P), visitor serving commercial (V) or automotive retail district (A).~~

~~d. Location. On-site signs: one pole or pylon sign per project or development may be located in that project or development in a SC, P or V zone. Off-site signs: sign poles or pylons may be located off site in a SC, P or V zoned parcel which is adjacent to State Highway 1, subject to approval of a conditional use permit. Pole or pylon signs shall be spaced at least three hundred feet apart.~~

~~e. Allowable Sign Message. Signs may advertise the names of businesses which are located in the same project or development as the shared freeway-oriented sign and/or may advertise other eligible businesses subject to the other provisions of this section and the following:~~

~~i. If a project or development contains an on-site pole or pylon sign, no business within that project or development may advertise on an off-site sign.~~

~~ii. If a project or development has an off-site pole or pylon sign, businesses within that project or development may only advertise on that off-site sign.~~

~~f. Provision of Additional Sign Messages. All new pole or pylon signs approved pursuant to the provisions of this section shall provide for the identification of future eligible off-site businesses unless it is determined by the zoning administrator that:~~

~~i. There is no future need for pole or pylon signage in the vicinity;~~

~~ii. The capacity of the new sign for identification of future uses would be inadequate for any projected future off-site business in the vicinity; or~~

~~iii. Future businesses would not be compatible with the businesses to be advertised on the new sign.~~

~~The owner of new signs which provide for identification of future businesses shall covenant with the city to develop and to offer additional panels on the sign to other eligible businesses pursuant to this section, for the purpose of establishing a shared use sign. The owner of the new pole or pylon sign may charge a proportional share of the cost of installing and maintaining the sign to any business which subsequently shares the sign.~~

~~2. Location. Every such sign shall be wholly on the owner's property.~~

~~3. Number. Subject to the provisions of SMC 15.20.250, there may be one such sign for each frontage, and one additional sign for any portion of frontage in excess of two hundred feet. The size of any such additional sign shall be determined from Table 2, attached to the ordinance codified in this chapter and on file in the office of the city clerk, by counting as frontage that portion thereof which is in excess of two hundred feet. In the case of shopping centers and other multiple occupancies having a common frontage, the frontage shall be deemed to be that of the shopping center or commonly used parcel and not the frontage of the individual businesses or occupancies.~~

~~B. Five Feet or Under. Freestanding signs five feet or less in height shall be permitted in all commercial and residential districts, within the limitations set forth in this chapter.~~

~~1. Area. The maximum area of such signs shall be as indicated on Table 1, attached to the ordinance codified in this chapter and on file in the office of the city clerk, with the exception of large project signs. Large project signs shall be constructed in compliance with the provisions of SMC 15.20.210.~~

~~2. Location. Every such sign shall be wholly on the owner's property.~~

~~3. Number. Subject to the provisions of SMC 15.20.250, there may be no more than one such sign for each frontage. In the case of shopping centers and other multiple occupancies having a common frontage, the frontage shall be deemed to be that of the shopping center or commonly used parcel and not the frontages of the individual businesses or occupancies.~~

~~C. Multisided Freestanding Signs. Freestanding signs constructed back to back, with faces in approximately parallel planes, such as on both sides of a single panel, and nonrotating signs shall count as only one sign both as to number and area (i.e., only one side needs to be counted). All signs shall be permanently affixed. Every other freestanding sign having multiple sides or faces, including a sign constructed in the form of a cylinder or sphere or similar figure, shall be computed as sixty percent of its total surface area and limited in total area to be shown on Table 1 or Table 2, attached to the ordinance codified in this chapter and on file in the office of the city clerk, whichever is applicable.~~

~~D. Lighting. No freestanding sign shall be constructed in such a way that any light bulb or filament is visible from the front of the sign or from beyond the property line. (Ord. 914, 2003; Ord. 855 § 1 (Exh. A), 1995; Ord. 751 § 1 (Exh. A (15.20.506)), 1988)~~

~~15.20.280 Projecting signs.~~
~~Every projecting sign shall comply with the requirements of this section.~~

~~A. Zones A, P, SC, and H.~~

~~1. Area. No such sign shall exceed twenty-five square feet in area.~~

~~2. Height. No such sign shall extend above the top level of the wall upon or in front of which it is situated, or in the case of building having sloping roofs, above the roof ridge.~~

~~3. Location. No such sign shall project more than twelve inches over public property.~~

~~B. Other Commercial Zones.~~

~~1. Area. No such sign shall exceed five square feet in area.~~

~~2. Height. No part of any projecting sign shall exceed a height of twelve feet, nor shall any part of such sign extend above the top level of the wall upon or in front of which it is situated.~~

~~3. Location. No such sign shall be placed over or above any public sidewalk or other public place unless the same is situated under a marquee, porch, walkway covering or similar covering structure.~~

~~C. Number. Subject to the provisions of SMC 15.20.250, there may be no more than one projecting sign for each place of business for each building face.~~

~~D. Multisided Projecting Signs. Projecting signs constructed back to back, with faces in approximately parallel planes, such as on both sides of a single panel, shall count as only one sign both as to number and area (i.e., only one side need be counted). Every other projecting sign having multiple sides or faces, including a sign constructed in the form of a cylinder or sphere or similar figure, shall be limited in total area to that set forth in this section. (Ord. 751 § 1 (Exh. A (15.20.507)), 1988)~~

~~15.20.290 Directory signs.~~

~~In all districts where group occupancies in office buildings are permitted, directory signs may be erected displaying the names of the occupants of a building who are engaged in a particular profession, business or the like. Such signs shall be situated at least two feet inside the property line and shall not exceed eight feet in height. Such signs shall be included within the maximum sign area permitted. (Ord. 751 § 1 (Exh. A (15.20.508)), 1988)~~

~~15.20.300 Signs on awnings.~~

~~Subject to the board of architectural review, signs that are an integral part of awnings are permitted in addition to signs otherwise permitted on the property. Awning signs shall occupy no more than twenty percent of the surface area of the awning, and which are printed, painted, marked, stamped or otherwise impressed upon the surface of an awning so that it is an integral part of the fabric, and which are on a surface of the awning which is vertical or within ten degrees of vertical, and is parallel to the front of the building. (Ord. 751 § 1 (Exh. A (15.20.509)), 1988).~~

~~15.20.310 Permanent window signs.~~

~~Window signs of a building shall be only those signs of professional quality and shall not obstruct more than twenty-five percent of any window area. The area of window signs shall be as defined in SMC 15.20.030. (Ord. 751 § 1 (Exh. A (15.20.510)), 1988)~~

~~15.20.320 Signs and lighting within the coastal zone.~~

~~Outdoor lighting and signing shall be designed to protect habitat and public recreation areas, as well as public views, from intrusion. As such, glare is to be minimized. Also, all lighting is to be directed within the development area, as opposed to extending onto adjacent properties or into valued habitat areas. (Ord. 751 § 1 (Exh. A (15.20.511)), 1988)~~

~~Article VI. Enforcement~~

~~15.20.330 Illegal advertising displays.~~

~~A. City procedures for defining and abating illegal on-premises advertising displays shall be governed by Business and Professions Code Sections 5499.1 through 5499.16, inclusive, which sections are adopted by reference as fully as if set forth verbatim.~~

~~B. Inventorying and identification of illegal or abandoned on-premises advertising displays, as defined by Business and Professions Code Section 5499.1, shall commence within six months from the date of adoption of this section. Within sixty days thereafter, abatement of identified preexisting illegal and abandoned on-premises advertising displays shall be commenced. (Ord. 751 § 1 (Exh. A (15.20.601)), 1988)~~

~~15.20.335 Attention-getting devices – New automobile dealerships.~~

~~A. Attention-getting devices may be displayed only on the premises of new automobile dealerships, and only in the following manner:~~

~~1. Balloons. No more than three balloons may be displayed on each new automobile. Balloons shall not exceed twelve inches in diameter, and must remain fully inflated at all times.~~

~~2. Pennants. Triangular shape pennants may be used or displayed as stringers or on new automobiles. Pennants shall not exceed eighteen inches in length measuring from the tip of the pennant to the center of the opposite end.~~

~~3. Banners. Banners may be displayed only on a temporary basis as a promotional device. Banners shall not exceed four feet by seventeen feet in size. Banners must be kept clean and in good condition. Their display shall not obstruct the visibility of other dealerships, and they may not be displayed above the roof line of any building.~~

~~4. Flags. Flags shall not exceed four feet by six feet in size.~~

~~B. Enforcement. In addition to any other remedy provided by Chapter 1.16 SMC, this section may be enforced by the chief of planning or his designee. (Ord. 836 § 2, 1993)~~

~~15.20.340 Enforcement.~~

~~It shall be the duty of the building official and of the chief of planning to enforce the provisions of this chapter pertaining to the placement, erection, construction, maintenance, alteration, or addition to any sign or sign structure and the use of any land, building, or premises upon which a sign is placed or maintained, any such permit issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be null and void. (Ord. 751 § 1 (Exh. A (15.20.602)), 1988)~~

~~15.20.350 Declaration of nuisances.~~

~~Any sign or sign structure placed, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this chapter, and any use of land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this chapter, shall be, and the same is declared to be, unlawful and a public nuisance. The city attorney, upon the written request of the building official, chief of planning, or upon an order of the city council, is authorized and directed to commence legal action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law and shall take such necessary steps, and shall apply to such court or courts as may have jurisdiction, to obtain such relief as will abate and remove such sign or sign structure and to restrain and enjoin any person, firm or corporation from placing, erecting, building, maintaining, or using any such sign or sign structure or using any land contrary to the provisions of this chapter. (Ord. 751 § 1 (Exh. A (15.20.603)), 1988)~~

~~15.20.360 Violation – Penalty.~~

~~Any person who violates any provision of this chapter or fails to comply herewith shall be subject to the penalties provided in Chapter 1.16 SMC. (Ord. 751 § 1 (Exh. A (15.20.604)), 1988)~~

~~15.20.370 Application of the provisions of this chapter.~~

~~The conditions and requirements for signs shall apply to all new signs. All existing legally authorized permanent signs and sign structures may continue to be used.~~

~~A. Modification of Nonconforming Signs. Nonconforming signs shall not be moved without being made to comply in all respects with the provisions of this chapter; provided, however, that nothing herein shall prohibit the normal maintenance or repair of any nonconforming sign nor the painting or repainting of the face thereof.~~

~~B. Removing Obsolete Signs. All signs relating to a product no longer available for purchase by the public and all signs relating to a business which is closed or moved away shall be removed. Businesses closed for change of management, but whose use remains unchanged, shall not be determined to be vacated for the intent of this section unless major operating equipment is removed. If the use is not reinstated within six months, this section shall apply. Wall signs shall be painted over with a color that resembles or matches the wall. If the owner of or person responsible for the sign, or if the tenant closing the business, fails to remove or paint over the sign, the owner of the premises shall be responsible and the work shall be done within sixty days following the date of obsolescence. (Ord. 751 § 1 (Exh. A (15.20.605)), 1988)~~

Chapter 15.22

SMOKE DETECTORS REQUIRED FOR PROPERTY SALE

Sections:

15.22.010 Compliance required – Responsibility of costs.

No residential dwelling unit within the city, including single-family residences, condominiums, apartment buildings, mobile homes, motels or hotels shall be sold or released from escrow until a smoke detector or detectors have been installed therein in conformance with the requirements of the current edition of the ~~Section 1210(a) of the 1979 Uniform~~ California Building Code. It shall be the responsibility of the seller of such residential property to comply, at his or her own expense, with the requirements of this section prior to such sale. (Ord. 607 § 1, 1982; prior code § 8-1200)

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Chapter 15.24

MINIMUM BUILDING SECURITY STANDARDS

Sections:

15.24.010 Short title.
This chapter shall be known and cited as the “minimum building security standards ordinance of the city of Seaside.” (Ord. 765 § 1 (Exh. A), 1989)

15.24.020 Definitions.
For the purpose of this chapter, the following terms, words, phrases, and their derivations shall have the meanings given in this section:

“Approved” means certified as meeting the requirements of this chapter by the enforcing authority or its authorized agents, or by other officials designated by law to give approval on a particular matter dealt with by the provisions of this chapter with regard to a given material, mode of construction, piece of equipment or device.

“Auxiliary locking device” means a secondary locking system added to the primary locking system to provide additional security.

“Bolt” means a metal bar or hook which, when actuated, is projected or thrown either horizontally or vertically into a retaining member such as a strike plate, to prevent a door or window from moving or opening.

“Bolt projection or bolt throw” means the distance from the edge of the door, at the bolt center line, to the farthest point on the bolt in the projected position.

“Burglary-resistant glazing” means seven-thirty-seconds-inch laminated glass, one-fourth-inch polycarbonate or security film treatment approved by the police department.

“City” means the city of Seaside.

“Commercial building” means a building, or portion thereof, used for a purpose other than a dwelling.

“Component,” as distinguished from a part, means a subassembly which combines with other components to make up a total door or window assembly. For example, the primary components of a door assembly include: door, lock, hinges, jamb/wall, jamb/strike and wall.

"Cylinder" means the subassembly of a lock containing the cylinder core, tumbler mechanism and the keyway. A double cylinder lock is one which has a key-actuated cylinder on both the exterior and interior of the door.

"Cylinder core or cylinder plug" means the central part of a cylinder containing the keyway, which is rotated by the key to operate the lock mechanism.

"Cylinder guard" means a tapered or flush metal ring or plate surrounding the otherwise exposed portion of a cylinder lock to resist cutting, drilling, prying, pulling or wrenching with common tools.

"Deadbolt" means a lock bolt which does not have a spring action as opposed to a latch bolt which does. The bolt must be actuated by a key or a key and knob or thumb-turn and when projected becomes locked against return by end pressure.

"Deadlatch or deadlocking latch bolt" means a spring-actuated latch bolt having a beveled end and incorporating a plunger which, when depressed automatically, locks the projected latch bolt against return by end pressure.

Direct Connect. See "Silent alarm – direct connect."

"Door assembly" means a unit composed of a group of parts or components which make up a closure for an opening to control passageway through a wall. For the purposes of this chapter, a door assembly consists of the following parts: door, hinges, locking device or devices, operation contacts (such as handles, knobs, push plates), miscellaneous hardware and closures; the frame, including the head, threshold and jambs plus the anchorage devices to the surrounding wall; and a portion of the surrounding wall extending thirty-six inches from each side of the jambs and sixteen inches above the head.

1. "Exterior wood door" means either a one-and-three-fourths-inch solid core door with a minimum five-and-three-eighths-inch stiles and rails or a door meeting the same requirements with minimum one-and-seven-sixteenths-inch raised panels.

"Door stop" means that projection along the top and sides of a door jamb which checks the door's swinging action.

"Double cylinder deadbolt" means a deadbolt lock which can be activated only by a key on both the interior and the exterior.

"Dwelling" means a building or portion thereof designed exclusively for residential occupancy, including single-family and multiple-family dwellings.

"Enforcing authority" means the building official of the city with the assistance of the authorized representative of the police department.

"Flushbolt" means a manual, key or turn-operated metal bolt normally used on inactive door(s) and is attached to the top and bottom of the door and engages in the head and threshold of the frame.

"Fully tempered glass" means those materials meeting or exceeding ANSI Standard Z97.1 – Safety Glazing.

"Jamb" means the vertical members of a door frame to which the door is secured.

"Jamb/wall" means that component of a door assembly to which a door is attached and secured; the wall and jamb used together are considered a unit.

"Key-in-knob" means a lockset having the key cylinder and other lock mechanism contained in the knob.

"Latch or latch bolt" means a beveled, spring-actuated bolt which may or may not have a deadlocking device.

"Local alarm system" means an intrusion alarm system that signals by means of one or more bells or other loud, audible devices located on the premises where the system is installed.

"Lock or lockset" means a keyed device (complete with cylinder latch or deadbolt mechanism, and trim such as knobs, lever, thumb-turns, escutcheons, etc.) for securing a door in a closed position against forced entry. For the purposes of this chapter, a lock does not include the strike plate.

"Locking device" means a part of a window assembly which is intended to prevent movement of the movable sash, which may be the sash lock or sash operator.

"Multiple-family dwelling" means a building or portion thereof designed for occupancy by two or more families living independently of each other, including hotels, motels, apartments, duplexes and townhouses, and condominiums.

"Panic hardware" means a latching device on a door assembly for use when emergency egress is required due to fire or other threats to life safety. Such devices operate when a pressure not to exceed fifteen pounds is applied to the releasing device in the direction of exit travel. Such releasing devices are bars or panels extending not less than two-thirds of the width of the door and placed at heights suitable for the service required, not less than thirty inches nor more than forty-four inches above the floor.

"Part," as distinguished from component, means a unit or subassembly which combines with other units to make up a component.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Primary locking device" means the single locking system on a door or window unit with the primary function of preventing unauthorized intrusion.

"Rabbeted door jamb" means the jamb of a door which is constructed of one solid piece of material.

"Rail" means the horizontal member of a window or door. A meeting rail is one which mates with a rail of another sash or a framing member of the door or window frame when the sash is in the closed position.

"Sash" means an assembly of stile, rails, and sometimes mullions assembled into a single frame which supports the glazing material. A fixed sash is one which is not intended to be opened. A movable sash is intended to be opened.

Shall, May, Should. The word "shall" is mandatory, the word "may" is permissive and the word "should" is suggestive.

"Silent alarm – direct connect" means an intrusion or robbery alarm system, or both, that signals an alarm company without giving warning of its actuation at the location of the protected premises.

"Sill" means the lowest horizontal member of a window frame.

"Single cylinder deadbolt" means a deadbolt lock which is activated from the outside by a key and from the inside by a knob, thumb-turn, lever, or similar mechanism, or has no turnpiece on the inside.

"Single-family dwelling" means a building designed exclusively for residential occupancy by one family.

"Solid core door" means a door composed of solid wood or composed of compressed wood or other materials approved for the purpose, equal in strength to a solid wood construction.

"Stile" means a vertical framing member of a window or door.

"Strike" means a metal plate attached to or mortised into a door or door jamb to receive and to hold a projected latch bolt and/or deadbolt in order to secure the door to the jamb.

"Swinging door" means a door hinged at the stile or at the head and threshold.

"Window assembly" means a unit which includes a window and the anchorage between the window and the wall.

"Window frame" means that part of a window which surrounds and supports the sashes and is attached to the surrounding wall. The members include side jambs (vertical), head jamb (upper, horizontal), sill, and mullions. (Ord. 765 § 1 (Exh. A), 1989)

15.24.030 Purpose.

The purpose of this chapter is to safeguard property and to promote public welfare and safety by providing minimum security standards to be used in the design, construction, and maintenance of buildings and the quality of materials used therein. (Ord. 765 § 1 (Exh. A), 1989)

15.24.040 Scope.

A. The provisions of this chapter shall apply to new construction and to buildings or structures to which additions or alterations are made except as specifically provided by this chapter. When additions or alterations made within any twelve-month period include work covered by this chapter, such additions or alterations shall be made to conform to the security requirements for new buildings and structures. If the addition or alteration exceeds fifty percent of the existing value of the structure or structures, then the entire structure or building shall be made to conform to the security requirements for new buildings and structures.

B. Existing multiple-family dwelling units which are converted to privately owned family units (condominiums, stock cooperatives, etc.) shall comply with the provisions governing multiple-family residential buildings.

C. Any existing commercial structure which converts from a primary single tenant building to a multiple tenant structure, with walls separating tenant spaces, shall comply with the provisions of this chapter.

D. Any existing structure which converts from its original occupancy group as designed in the ~~Uniform~~ California Building Code ~~(UBC)~~ (CBC) shall comply with the provisions of this chapter.

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E. Any building as defined in ~~U~~CBC and Title 19 of the California Administrative Code requiring special type releasing, latching, or locking devices, other than described in the chapter, shall be exempt from the provision of this chapter relating to locking devices of interior and/or exterior doors. (Ord. 765 § 1 (Exh. A), 1989)

15.24.050 Minimum security standards for multiple-family dwellings.

A. Exterior doors shall comply with the following:

1. Exterior doors (excluding individual unit entry doors) and doors leading from the garage areas into multiple-dwelling buildings and doors leading into stairwells shall be equipped with self-closing devices, if not already required by other regulations, ordinances, or codes.

B. Hinged entrance doors to individual motel, hotel, and multiple-family dwelling units shall comply with the following:

1. All wood doors shall be of solid core with a minimum thickness of one and three-fourths inches.

2. Hinged entrance doors to individual units shall have deadbolts with one-inch minimum throw and hardened steel inserts in addition to door deadlatches with one-half-inch minimum throw. The locks shall be so constructed that both deadbolt and deadlatch can be retracted by a single action of the inside doorknob. Alternate devices to equally resist illegal entry may be substituted subject to prior approval of the enforcing authority. Strike plates shall be secured to wooden jambs with two-inch wood screws. (Refer to SMC 15.24.060(A)(1)(h).)

3. An interviewer or peephole shall be provided in each individual unit entrance door and shall allow for one-hundred-eighty-degree vision.

4. Doors swinging out shall have nonremovable hinge pins or hinge studs to prevent removal of the door.

5. In-swinging exterior doors shall have rabbeted jambs.

6. Jambs for all entry doors shall be constructed or protected to prevent violation of the function of the strike and shall meet the framing requirements of SMC 15.24.060(A)(1)(h).

C. Sliding patio-type doors opening onto patios or balconies which are accessible from the outside shall comply with the following (this includes accessibility from adjacent balconies):

1. The movable section of single sliding patio door(s) shall be adjusted in such a manner that the vertical play is taken up to prevent lifting with a pry tool to defeat the locking mechanism.

2. Deadlocks shall be provided on all single sliding patio doors. Mounting screws for lock cases shall be inaccessible from the outside. Lock or hook bolts shall be of hardened material or have hardened steel inserts. The lock or hook bolts shall engage the strike sufficiently to prevent its being disengaged by any movement of the door within the space or clearances provided for installation and operation. The strike area shall be reinforced to maintain effectiveness of bolt strength.

3. In addition to the primary locking device, auxiliary locking devices shall be provided on all accessible sliding glass doors.

4. Double sliding patio doors must be locked at the meeting rail and meet the locking requirements of subsection (C)(2) of this section.

D. Windows.

1. A window, skylight, or other natural light source forming a part of the enclosure of a dwelling unit shall be constructed, installed, and secured as set forth in subsection (D)(2) of this section, when such window, skylight or light source is not more than twelve feet above the ground of a street, highway, yard, court, passageway corridor, balcony, patio, breezeway portion of the building which is available for use by the public or other tenants, or similar area. A window enclosing a private garage with an interior opening leading directly to a dwelling unit shall also comply with subsection (D)(2) of this section.

2. Window Protection.

a. Windows shall be so constructed that when a window is locked it cannot be lifted from the frame and the sliding portion of a window shall be on the inside track. The vertical play shall be taken up to prevent lifting of the movable section to defeat the locking mechanism.

E. Garages. Those multiple-family dwelling complexes providing individual enclosed garage spaces shall meet the same requirements for garages as single-family dwellings as required by SMC 15.24.060(C). Floor-to-ceiling walls shall separate individual garage areas having their own entrance.

F. Keying Requirements. Upon occupancy by the owner or proprietor, each single unit in a tract or commercial development, constructed under the same general plan, shall have locks using combinations which are interchange free from locks used in all other separate dwellings, proprietorships or similar distinct occupancies.

G. Numbering of Buildings. There shall be positioned at each entrance of multiple-family dwelling complexes consisting of eight units or more an illuminated diagrammatic representation of the complex which shows the location of the viewer and the unit designations within the complex. The illuminated diagrammatic representation shall be protected by the use of vandal-resistant covers. (Ord. 765 § 1 (Exh. A), 1989)

15.24.060 Minimum security standards for single-family dwellings.

A. Doors.

1. Exterior Doors.

a. Exterior doors and doors leading from garage areas into single-family dwelling shall be of solid core with a minimum thickness of one and three-fourths inches.

b. Exterior doors for single-family dwellings and garages shall have deadbolt locks with a one-inch minimum throw in addition to deadlatches. The locks shall be so constructed that both deadbolt and deadlatch can be retracted by a single action of the inside doorknob. Alternate devices equally resistant to illegal entry may be substituted subject to prior approval of the enforcing authority. Strike plates for deadbolts shall be secured to wooden jambs with two-inch wood screws. (Refer to subsection (A)(1)(h) of this section.)

c. Doors leading from enclosed garage areas into single-family dwellings shall have deadbolts in addition to deadlatches.

d. Vision panels in exterior doors or within reach of the inside activating device must be of burglary-resistant glazing or equivalent as approved by the enforcing authority.

e. Openings for delivery of mail will be allowed, and those openings shall be no larger than twenty-four square inches. Openings located within three feet of any locking device shall be constructed to prohibit access to the interior doorknob.

f. Exterior doors swinging out shall have nonremovable hinge pins or hinges with studs.

g. Exterior doors swinging in shall have rabbeted jambs.

h. Door frames shall be installed or protected to prevent violation of the function of the strike.

i. Door jambs shall be installed with solid backings in such a manner that no voids exist between the strike side of the jamb and the frame opening for a vertical distance of six inches each side of the strike.

ii. In wood framing, trimmers shall be full length from the header to the floor with solid backing against sole plates.

iii. The strike plate for deadbolts on all wood framed doors shall be constructed of minimum 16 U.S. gauge steel, bronze, or brass and secured to the jamb by a minimum of two screws which must penetrate at least two inches into solid backing beyond the surface to which the strike is attached.

i. On pairs of doors, the active leaf shall be secured with the type lock required for single doors in subsection (A)(1)(b) of this section. The inactive leaf shall be equipped with flushbolts or equivalent, protected by hardened material with a throw of three-fourths inches at head and foot. Multiple point locks, cylinder activated from the active leaf and satisfying the requirements above may be used in lieu of flushbolts.

j. An interviewer or peephole shall be provided in each main entry door and shall allow for one-hundred-eighty-degree vision.

2. Sliding patio type doors opening onto patios or balconies which are otherwise accessible from the outside (this includes accessibility from adjacent balconies) shall comply with the following:

a. The movable section of a single sliding patio door shall be adjusted in such a manner that the vertical play is taken up to prevent lifting with a pry tool to defeat the locking mechanism.

b. Deadlocks shall be provided on all single sliding patio doors. Mounting screws for the lock cases shall be inaccessible from the outside. Lock or hook bolts shall be hardened steel or have hardened steel inserts. The lock or hook bolt shall engage the strike sufficiently to prevent its being disengaged by any possible movement of the door within the space or clearances necessary for the installation and operation. The strike area shall be reinforced to maintain effectiveness of bolt strength.

c. In addition to the primary locking device, auxiliary locking devices shall be provided on all accessible sliding-glass doors.

d. Double sliding patio doors must be locked at the meeting rail and meet the locking requirements of subsection (A)(2)(b) of this section.

B. Windows.

1. A window, skylight, or other natural light source forming a part of the enclosure of a dwelling unit shall be constructed, installed and secured as set forth in subsection (B)(2) of this section, when such window, skylight, or light source is not more than twelve feet above the ground of a street, highway, yard, court, passageway, corridor, balcony, patio, breezeway or any portion of the building which is available for use by the public or other tenants, or similar area. A window enclosing a private garage, with an interior opening leading directly to a dwelling unit, shall also comply with subsection (B)(2) of this section.

2. Window Protection.

a. Windows shall be constructed so that when the window is locked it cannot be lifted from the frame, and the sliding portion of a window shall be on the inside track. The vertical play shall be taken up to prevent lifting of the movable section to defeat the locking mechanism.

b. Louvered glass windows shall not be used without prior approval from the enforcing authority.

c. Accessible windows that open shall be equipped with secondary locking devices.

C. Garages. Overhead garage doors shall be provided with a locking device and shall not have bottom vents except those doors having double louvered or shielded vents or approved alternate devices to protect the locking mechanism.

D. Keying Requirements. Upon occupancy by the owner each single unit in a tract constructed under the same general plan shall have locks using combinations which are interchange free from locks used in all other separate dwellings. (Ord. 765 § 1 (Exh. A), 1989)

15.24.070 Minimum security standards for nonresidential buildings.

A. Doors.

1. All exterior doors shall be secured as follows:

a. A single metal-frame door shall be secured with either a double cylinder deadbolt or a single cylinder deadbolt without a turn-piece. A lock or expanding bolt shall have a throw of one inch minimum.

b. Single solid core wood doors or sheet metal doors shall be a minimum of one and three-fourths inches thick and shall be secured with a deadbolt lock with a minimum throw of one inch. When wooden jambs are used, strike plates shall be secured to wooden jambs with two-inch wood screws. (Refer to SMC 15.24.060(A)(1)(h).) On pairs of doors, the active leaf shall be secured with the type of lock required for single doors in this subsection. The inactive leaf shall be equipped with flushbolts protected by hardened material with a minimum throw of three-fourths inch at head and foot and shall have no exterior doorknob or surface-mounted hardware. Multiple point locks, cylinder activated from the active leaf and satisfying the requirements, may be used in lieu of flushbolts.

c. Any single or pair of doors requiring locking at the bottom or top rail shall have locks with a minimum of one throw bolt at both the top and bottom rails.

d. Exterior sliding commercial entrances shall be secured as in subsections (A)(1)(b) and (A)(1)(c) of this section and shall comply with fire and safety regulations.

e. Exterior rolling overhead doors, solid overhead swinging doors, sliding or accordion doors shall be secured with a cylinder lock and/or padlock on the inside, when not otherwise controlled or locked by electric power operation. Masonite panels in such doors shall not exceed eight inches by twelve inches and shall be located so that they are not closer than three feet to any locking device.

f. Metal accordion grate or grill-type doors shall be equipped with metal guide tracks at top and bottom, and a cylinder lock and/or padlock. The bottom track shall be so designed that the door cannot be lifted from the tract when the door is in a locked position.

g. Outside hinges on all exterior doors shall be provided with nonremovable pins when using pin-type hinges or shall be provided with hinge studs.

h. Doors with glass panels, including solid glass doors or all glass doors with wood or metal frames, and doors that have glass panels adjacent to the door frame shall be secured as follows:

i. Rated burglary-resistant glass or glass-like material; or

ii. Shall be protected by a silent or local alarm system.

i. Wood doors swinging in shall have rabbeted jambs.

j. Jambs for all doors shall be constructed or protected to prevent violation of the function of the strike.

k. All exterior doors shall be adequately illuminated at all hours to make clearly visible the presence of any person on or about the premises and provide adequate illumination for persons exiting the building. Lights shall be equipped with vandal-resistant covers/lenses.

l. A double cylinder deadbolt lock or a single cylinder deadbolt lock without a turnpiece may be used in "Group B" occupancies as defined by the ~~Uniform~~ California Building Code. When used, there must be a readily visible durable sign on or adjacent to the door stating "This door is to remain unlocked during business hours," employing letters not less than one inch high on a contrasting background. The locking device must be of a type that will be readily distinguishable as locked, and its use may be revoked by the building official for due cause.

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B. Windows.

1. Accessible rear and side windows not visible from the street shall consist of rated burglary-resistant glazing or its equivalent, or shall be protected by a silent or local alarm system.

2. All accessible windows, capable of being opened, shall be equipped with secondary locking devices.

3. Louvered windows shall not be used without prior approval of the enforcing authority.

4. Outside hinges on all accessible side and rear glass windows shall be provided with nonremovable pins. If the hinge screws are accessible, the screws shall be of the nonremovable type.

5. There shall be no outside iron or steel grills, bars or barriers of any kind on windows visible from a public street.

C. Transoms and Awning Windows. All exterior transoms and awning windows exceeding sixty square inches on the side and rear of any building shall be protected by rated burglary-resistant glass or glass-like material.

D. Roof Openings.

1. All glass or glass-like skylights on the roof of any building shall be provided with:

a. Rated burglary-resistant glass or glass-like acrylic material; or

b. Iron bars of at least one-half-inch round or one-by-one-fourth-inch flat steel material spaced no more than five inches apart under the skylight and securely fastened; or

c. A steel grill of at least one-eighth-inch material of not more than two-inch mesh under the skylight and securely fastened.

2. All hatchway openings on the roof of any building shall be secured as follows:

a. If the hatchway is of wooden material, it shall be covered on the outside with at least 16 gauge sheet steel or its equivalent attached with screws.

b. The hatchway shall be secured from the inside with a slide bar or slide bolts. The use of crossbar or padlock must be approved by the fire marshal.

c. Outside hinges on all hatchway openings shall be provided with nonremovable pins when using pin-type hinges.

3. All air duct or air vent openings exceeding eight inches by twelve inches on the roof or exterior walls of any buildings shall be secured by covering the same with either of the following:

a. Iron bars of at least one-half-inch round or one-by-one-fourth-inch flat steel material, spaced no more than five inches apart and securely fastened; or

b. A steel grill of at least one-eighth-inch material or two-inch mesh and securely fastened; and

c. If the barrier is on the outside, it shall be secured with galvanized rounded head flushbolts of at least three-eighths-inch diameter on the outside.

E. Ladders.

1. Any ladder, excluding fire escapes, located on the exterior of any building which could provide access to the roof shall be not less than ten feet from any accessible ground area.

2. Ladders accessible from ground level shall be fully enclosed with sheet metal in an approved manner to a height of ten feet. This covering shall be locked against the ladder with a case hardened hasp, secured with nonremovable screws or bolts. Hinges on the cover will be provided with nonremovable pins when using pin-type hinges. If a padlock is used, it shall have a hardened steel shackle, locking at both heel and toe, and a minimum five-pin tumbler operation with nonremovable key when in an unlocked position.

3. A building located within eight feet of utility poles or similar structures which can be used to gain access to the building's roof, windows or other openings shall have such access area barricaded or fenced with materials to deter human climbing.

F. Special Security Measures.

1. All entrance doors to individual office suites, in multiple occupancy office buildings, shall have deadlock locks.

2. Multiple tenant office and commercial buildings shall have floor-to-floor devising walls or security barriers separating individual tenant areas to prevent entry to adjacent space over the top of the divider.

3. The interior of the premises, while closed for business after dark, should be sufficiently lighted by use of interior night light(s) to make clearly visible the presence of any person on or about the premises.

4. The exterior of the premises, while closed for business after dark, must be sufficiently lighted to make clearly visible the presence of any person on or about the premises.

a. All exterior doors shall be adequately illuminated at all hours. Lights shall be equipped with vandal-resistant covers/lenses.

b. Exterior doors, perimeter, and canopy lights should be controlled by photocell or timer and be left on during hours of darkness or diminished lighting.

c. During darkness, parking lot lights shall remain on any time there are employees or visitors in the building.

G. Keying Requirements. Upon occupancy by the owner or proprietor, each single unit in a commercial development, constructed under the same general plan, shall have locks using combinations which are interchange free from locks used in all other separate proprietorships or similar distinct occupancies. Tenants shall have direct access to any room or enclosure which is used to contain metering and/or switching devices for the respective tenant.

H. Number of Buildings. The address number of every commercial building shall be illuminated during the hours of darkness so that it shall be easily visible from the street. The numerals in these numbers shall be no less than four inches in height and of a color contrasting with the background. In addition, any business in a location which affords vehicular access to the rear through any driveway, alleyway or parking lot shall also display the same numbers on the rear of the building. Each different unit within a multiple tenant building shall have its address prominently displayed on or adjacent to its front and rear doors.

I. Alarm Systems – Tenant Requirements.

1. Establishments listed in this subsection and those businesses reasonably similar in nature should be protected by a silent robbery and intrusion alarm, direct connect, unless otherwise specified by the police department prior to occupancy.

a. Banks, savings and loans, and check cashing establishments;

b. Liquor stores and distributors;

c. Pharmacies, medical/dental offices, and immediate care facilities;

d. Jewelry stores and manufacturers;

e. Pawn shops;

f. Coin and stamp shops;

g. Restaurants and bars;

h. Hotels and motels;

i. Theaters;

j. Gun and ammunition stores;

k. Food markets and convenience stores;

l. Electronic and computer equipment stores, warehouses, and distributors;

m. Auto and truck repair shops;

n. Clothing (new) stores and dry cleaners;

o. Industrial tool supply houses;

p. Camera stores;

q. Industrial, warehouse, and office buildings;

r. Video equipment and tape rental stores;

s. School facilities (educational and lease uses);

t. Other similar businesses designated by the police department as being highly susceptible to intrusions.

2. Establishments listed in this subsection and those businesses reasonably similar should be protected at minimum by a local alarm system.

a. Antique dealers;

b. Art galleries;

c. Service stations;

d. Construction trailers;

e. Other miscellaneous businesses with special circumstances, as approved by the police department.

3. Alarms in multiple occupancy nonresidential buildings meeting the scope of SMC 15.24.040.

a. Each individual business, with its own exterior entrances and exits, within a complex or building should be required to have a silent intrusion alarm system prior to occupancy. The specific type of alarm is dependent upon the nature of the individual business.

b. Multiple tenant, commercial and office buildings using a common entrance should be equipped with a silent intrusion alarm system covering all entrances and exits, or each individual tenant should be required to install his own alarm system.

4. Establishments which install alarm systems under this chapter shall utilize acceptable materials and assure that the system is maintained in proper working order, with attention given to preventing false alarms through human error or equipment malfunction. Alarm installers and alarm companies shall possess all required state and city licenses to operate. (Ord. 765 § 1 (Exh. A), 1989)

15.24.075 Minimum security standards for change of tenants in nonresidential buildings.

A. Exterior doors shall meet the deadbolt locking requirements of SMC 15.24.070(A).

B. Numbering of buildings shall comply with the requirements of SMC 15.24.070(H).

C. All exterior doors shall meet the illumination requirements of SMC 15.24.070(F)(4).

D. Roof openings shall meet the security requirements of SMC 15.24.070(D).

E. Alarm systems shall be installed per the requirements of SMC 15.24.070(I). (Ord. 765 § 1 (Exh. A), 1989)

15.24.080 Exterior security lighting.

A. Parking lots, including parking lots with carports, aisles, passageways, recesses and grounds contiguous to buildings within multiple-family, commercial and industrial complexes, shall be provided with lighting of sufficient wattage to provide adequate illumination to provide a safe environment for persons using the complex and make clearly visible the presence of any person on or about the premises during the hours of darkness. Such lighting shall be equipped with vandal-resistant covers/lenses.

B. The lighting required in subsection A of this section shall be installed according to a lighting plan reviewed and approved by the board of architectural review. Review and approval will be based upon criteria including but not limited to:

1. The nature and use of the area within the development;

2. The type of area in which the development is located;

3. The hours of use of the area to be lighted;

4. The frequency of use of the area to be lighted;

5. Existing lighting in the area;

6. Past criminal or crime related incidents in the area;

7. Physical characteristics of the structure and/or development under proposed construction.

C. Nothing contained in this section is to be construed as prohibiting additional lighting from being used for purposes such as enhancing the beauty of the structure or landscaping, marking locations of stairways and other similar uses. Such lighting shall not be used in lieu of lights for security purposes. (Ord. 765 § 1 (Exh. A), 1989)

15.24.085 Additional measures may be required.
A. Additional security measures more stringent than those stated elsewhere in this chapter may be required by the planning commission or city council as conditions of approval of a use permit, specific plan, or design review approval, in projects of a more complex nature than the normal residential, commercial, or industrial developments. Prior to requiring such additional security measures, the planning commission or city council shall make findings that the project is of a highly complicated nature which may significantly and adversely affect the city’s ability to respond to security and/or other emergency situations within the project.

B. Such additional security requirements shall be determined by considering recommendations of city staff of specific individual characteristics of a project and the needs dictated by such characteristics. Security measures required under this section may include, but shall not be limited to:

1. Security guard system;

2. Video monitoring system;

3. Card access systems;

4. Site circulation, parking, and lighting systems.

C. Systems required under this section shall be maintained for the life of a given project as a condition to the continuing validity of a use permit, specific plan or design review approval. Projects which remove security devices or fail to maintain systems (including security guard services) required as a condition to the permit or approval shall have their permits or approvals revoked upon findings of such failure made by the planning commission after a public hearing held before them. (Ord. 765 § 1 (Exh. A), 1989)

15.24.090 Alternative materials and methods of construction.
The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided any such alternate has been approved by the enforcing authority as affording the same measure of protection as those prescribed by this chapter. Nor is it the intention of this chapter to exclude any such method of structural design or analysis not specifically provided for in this chapter. (Ord. 765 § 1 (Exh. A), 1989)

15.24.100 Tests.
Whenever there is evidence of insufficient compliance with the provisions of this chapter or evidence that any material or any construction does not conform to the requirements of this chapter or where it is necessary in order to substantiate claims for alternate materials or methods of construction, the enforcing authority may require tests as proof of compliance to be made at the expense of the owner or owner’s agent by an approved agency. All tests will be made as set forth in the International Conference of Building Officials Reports and Underwriters Laboratories Publications. (Ord. 765 § 1 (Exh. A), 1989)

15.24.110 Enforcement.
The enforcement officer shall be the building official with the assistance of the authorized representative of the police department and other appropriate departments in accordance with administrative procedures adopted with the approval of the city manager. (Ord. 765 § 1 (Exh. A), 1989)

15.24.120 Responsibility for security in nonresidential buildings.
The person owning the property, his designated agent, tenant, and the general contractor for the project in question shall be jointly and severally responsible for compliance with this chapter. Security items that will remain on the premises after a tenant moves out are typically the responsibility of the property owner; systems that are removed

upon the vacating of the premises, such as an alarm system, are generally the responsibility of the tenant. (Ord. 765 § 1 (Exh. A), 1989)

15.24.130 Occupancy.

No persons shall occupy buildings or portions of buildings covered by this chapter until occupancy inspection and approval has been provided by the enforcing authority. (Ord. 765 § 1 (Exh. A), 1989)

15.24.140 Violation – Penalties.

Any person constructing, enlarging or maintaining any building or structure in this city or who causes the same to be done in violation of this chapter shall be guilty of an infraction. (Ord. 765 § 1 (Exh. A), 1989)

15.24.150 Nuisances declared – Abatement and injunctions.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter is declared to be unlawful and a public nuisance, and in addition to any other remedy available, including criminal prosecution as an infraction, the city attorney shall immediately commence action for the abatement and removal and enjoinment thereof in the manner prescribed by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building or structure contrary to the provisions of this title. (Ord. 765 § 1 (Exh. A), 1989)

Chapter 15.28

FLOOD CONTROL

Sections:

Article I. Purpose and Methods

15.28.010 Statutory authorization.
The Legislature of the state of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the city council ordains the provisions set out in this chapter. (Ord. 744 § 2 (Exh. A (§ 1.1)), 1988)

15.28.020 Findings of fact.
A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 744 § 2 (Exh. A (§ 1.2)), 1988)

15.28.030 Statement of purpose.
It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 744 § 2 (Exh. A (§ 1.3)), 1988)

15.28.040 Methods of reducing flood losses.
In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood-waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 744 § 2 (Exh. A (§ 1.4)), 1988)

Article II. Definitions

15.28.050 Definitions.
Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter or a request for a variance.

“Area of shallow flooding” means a designated AO, AH or VO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

“Area of special flood-related erosion hazard” is the area subject to severe flood-related erosion losses. The area is designated as Zone E on the Flood Insurance Rate Map (FIRM).

“Area of special mudslide (i.e., mudflow) hazard” means and is the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).

Areas of Special Flood Hazard. See “Special flood hazard area.”

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also called the “one-hundred-year flood”).

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Breakaway walls” are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

“Coastal high hazard area” means and is the area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1 – V30 (VE or V).

“Development” means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of flood waters, (2) the unusual and rapid accumulation of runoff or surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated similarly unusual and unforeseeable event which results in flooding as defined in this definition.

“Flood Boundary and Floodway Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

“Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“New construction” means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by this community.

“One-hundred-year flood” or “100-year flood” means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the “base flood,” which will be the term used throughout this chapter.

“Person” means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

“Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Sand dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

“Special flood hazard area (SFHA)” means an area having special flood or flood-related erosion hazards, and shown on an FHEM or FIRM as Zone A, AO, A1 – 30, AE, A99, AH, VO, V1 – V3, VE or V.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include the installation of streets and/or walkways nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

“Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. (Ord. 744 § 2 (Exh. A (§ 2.0)), 1988)

Article III. General Provisions

15.28.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards, areas of flood-related erosion hazards and areas of mudslide (i.e., mudflow) hazards within the jurisdiction of the city. (Ord. 744 § 2 (Exh. A (§ 3.1)), 1988)

15.28.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard, areas of flood-related erosion hazards and areas of mudslide (i.e., mudflow) hazards identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled “Flood Insurance Study for the City of Seaside” dated August 19, 1988, with an accompanying Flood Insurance Rate Map and all subsequent revisions or updates to these documents, are adopted by reference and declared to be a part of this chapter. This Flood Insurance Study is on file at City Hall, 440 Harcourt Avenue, Seaside, CA. This Flood Insurance Study is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city by the floodplain administrator. (Ord. 744 § 2 (Exh. A (§ 3.2)), 1988)

15.28.080 Compliance required.
No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 744 § 2 (Exh. A (§ 3.3)), 1988)

15.28.090 Abrogation and greater restrictions.
This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 744 § 2 (Exh. A (§ 3.4)), 1988)

15.28.100 Interpretation.
In the interpretation of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 744 § 2 (Exh. A (§ 3.5)), 1988)

15.28.110 Warning and disclaimer of liability.
The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards, areas of flood-related erosion hazards and areas of mudslide (i.e., mudflow) hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 744 § 2 (Exh. A (§ 3.6)), 1988)

Article IV. Administration

15.28.120 Establishment of development permit.
A development permit shall be obtained before construction or development begins within any area of special flood hazards, areas of flood-related erosion hazards or areas of mudslide (i.e., mudflow) established in SMC 15.28.070. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO or VO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;

B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;

C. All appropriate certifications listed in SMC 15.28.140(D); and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 744 § 2 (Exh. A (§ 4.1)), 1988)

15.28.130 Floodplain administrator – Designated.
The public works director is appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions. (Ord. 744 § 2 (Exh. A (§ 4.2)), 1988)

15.28.140 Floodplain administrator – Duties and responsibilities.
The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

2. To assure that all other required state and federal permits have been obtained;

3. That the site is reasonably safe from flooding;

4. That the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with SMC 15.28.070, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Article V of this chapter. Any such information shall be submitted to the city council for adoption.

C. Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the California Department of Water Resources prior to such alterations or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

2. Require that the flood-carrying capacity of the altered or relocated portion of the watercourse is maintained.

D. Obtain and maintain for public inspection and make available as needed:

1. The certification required in SMC 15.28.150(C)(1) (floor elevations);

2. The certification required in SMC 15.28.150(C)(2) (elevations in areas of shallow flooding);

3. The certification required in SMC 15.28.150(C)(3)(c) (elevation or floodproofing of nonresidential structures);

4. The certification required in SMC 15.28.150(C)(4)(a) or (b) (wet floodproofing standard);

5. The certified elevation required in SMC 15.28.170(B) (subdivision standards);

6. The certification required in SMC 15.28.190(A) (floodway encroachments);

7. The information required in SMC 15.28.200(F) (coastal construction standards); and

8. The reports required in SMC 15.28.210(D) (mudflow standards).

E. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, areas of flood-related erosion hazards or areas of mudslide (i.e., mudflow) (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article VI of this chapter.

F. Take action to remedy violations of this chapter as specified in SMC 15.28.080. (Ord. 744 § 2 (Exh. A (§ 4.3)), 1988)

Article V. Provisions for Flood Hazard Reduction

15.28.150 Standards of construction.
In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of SMC 15.28.180.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Required within Zones AH, AO or VO, adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Flooding.

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in subsection (C)(3) of this section. Upon the completion of the structure the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

2. New construction and substantial improvement of any structure in Zone AO or VO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least two feet if no depth number is specified. Nonresidential structures may meet the standards in subsection (C)(3) of this section. Upon the completion of the structure the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

3. Nonresidential construction shall either be elevated in conformance with subsection (C)(1) or (2) of this section or together with attendant utility and sanitary facilities:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.

4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters; or

b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration. (Ord. 744 § 2 (Exh. A (§ 5.1)), 1988)

15.28.160 Standards for utilities.
A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 744 § 2 (Exh. A (§ 5.2)), 1988)

15.28.170 Standards for subdivisions.
A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

B. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 744 § 2 (Exh. A (§ 5.3)), 1988)

15.28.180 Standards for manufactured homes.
All new and replacement manufactured homes and additions to manufactured homes shall:

A. Be elevated so that the lowest floor is at or above the base flood elevation; and

B. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. (Ord. 744 § 2 (Exh. A (§ 5.4)), 1988)

15.28.190 Floodways.
Located within areas of special flood hazard established in SMC 15.28.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this article. (Ord. 744 § 2 (Exh. A (§ 5.5)), 1988)

15.28.200 Coastal high hazard areas.
Within coastal high hazard areas established in SMC 15.28.070, the following standards shall apply:

A. All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation.

B. All new construction shall be located on the landward side of the reach of mean high tide.

C. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such temporarily enclosed space shall not be used for human habitation.

D. Fill shall not be used for structural support of buildings.

E. Manmade alteration of sand dunes which would increase potential flood damage is prohibited.

F. The floodplain administrator shall obtain and maintain the following records:

1. Certification by a registered engineer or architect that a proposed structure complies with subsection A of this section;

2. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement. (Ord. 744 § 2 (Exh. A (§ 5.6)), 1988)

15.28.210 Mudslide (i.e., mudflow)-prone areas.
A. The floodplain administrator shall review permits for proposed construction or other development to determine if it is proposed within a mudslide area.

B. Permits shall be reviewed to determine that the proposed development is reasonably safe from mudslide hazards. Factors to be considered in making this determination include, but are not limited to:

1. The type and quality of soils;

2. Evidence of groundwater or surface water problems;

3. The depth and quality of any fill;

4. The overall slope of the site; and

5. The weight that any proposed development will impose on the slope.

C. Within areas which have mudslide hazards, the following requirements apply:

1. A site investigation and further review shall be made by persons qualified in geology and soils engineering;

2. The proposed grading, excavation, new construction and substantial improvements shall be adequately designed and protected against mudslide damages;

3. The proposed grading, excavations, new construction and substantial improvements do not aggravate the existing hazard by creating either on-site or off-site disturbances; and

4. Drainage, planting, watering and maintenance shall not endanger slope stability.

D. Within Zone M on the Flood Insurance Rate Map, the community shall adopt a drainage ordinance which at least complies with the standards of ~~Sections 7001 through 7006 and 7008 through 7015 of~~ the most recent amendment of the ~~1973 Uniform~~ California Building Code:

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1. The location of foundation and utility systems of new construction and substantial improvements;

2. The location, drainage and maintenance of all excavations, cuts and fills and planted slopes;

3. Protective measures including, but not limited to, retaining walls, buttress fills, subdrains, diverter terraces, benching, etc.; and

4. Engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering and geology reports. (Ord. 744 § 2 (Exh. A (§ 5.7)), 1988)

15.28.220 Flood-related erosion-prone areas.
A. The floodplain administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the community.

B. Such permits shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

C. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

D. Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated “useful life” of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only. (Ord. 744 § 2 (Exh. A (§ 5.8)), 1988)

Article VI. Variance Procedure

15.28.230 Appeal board.
A. The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this chapter.

C. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in time of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (C)(1) through (C)(11) of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

E. Upon consideration of the factors of subsection C of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

F. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 744 § 2 (Exh. A (§ 6.1)), 1988)

15.28.240 Conditions for variances.

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that the provisions of subsections A through D of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain administrator in the office of the Monterey County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. 744 § 2 (Exh. A (§ 6.2)), 1988)

Chapter 15.32

STANDARDS TO CONTROL EXCAVATION, GRADING, CLEARING AND EROSION

Sections:

15.32.010 Scope and intent.

This chapter sets forth guidelines, rules, regulations and minimum standards to control excavation, grading, clearing, erosion control and maintenance, including cut and fill embankments; requires control of all existing and potential conditions of accelerated erosion; establishes administrative procedures for issuance of permits; and provides for approval of plans and inspections during construction and maintenance. (Ord. 595 § 1, 1981)

15.32.020 Definitions.

For the purpose of this chapter, the following terms shall have the meanings set forth as follows:

"Accelerated erosion" means rapid erosion caused by human induced alteration of the vegetation, land surface topography or runoff patterns. Evidence of accelerated erosion is indicated by exposed soils, active gullies, rills, sediment deposits, or slope failures caused by human activities.

"Access and building envelope" means an area delineated on the site plan within which all grading, land clearing, and other disturbances for construction of access and/or building will be combined.

"Approved erosion controls specialist" means a person who has a certificate of qualifications and is recognized by the city engineer as capable of preparing erosion control and grading plans.

"Bedrock" means in place, solid, undisturbed rock.

"Bench" means a relatively level step excavated into earth material on which fill is to be placed.

"Borrow" means earth material acquired from an off-site location for use in grading on a site.

“City engineer” means the city engineer or his designated representative responsible for the administration and enforcement of this chapter.

“Civil engineer” means a professional engineer registered in California to practice civil engineering works.

“Clearing” means the removal of vegetation and debris down to bare soil by any method.

“Compaction” means the densification of earth and solids or fill by mechanical means.

“Development permit” means a permit issued for new land use activities, minor land division, building, grading, land clearing, subdivision, planned unit development, and major plan development.

“Drainage course” means a well-defined, natural or manmade channel which conveys storm water runoff either year round or intermittently.

“Earth material” means rock, natural soil, or any combination thereof.

“Engineering geologist” means a professional geologist registered in California to practice engineering geology.

“Erosion” means the wearing away of the ground surface by the actions of water, wind, ice, gravity, or a combination thereof.

“Erosion hazards” means the susceptibility of a site to erode based on soils, condition and steepness of a slope, rock type, vegetation, and other site factors.

“Excavation” means the mechanical removal of earth materials.

“Fill” means the deposit of earth materials by artificial means.

“Grade” means the vertical location of the ground surface or the degree of rise or descent of a slope.

1. “Existing grade” means the grade prior to any land disturbance or grading.

2. “Rough grade” means an approximate elevation of the ground surface conforming to the proposed design.

3. “As graded” or “finished grade” means the final grade which conforms to the approved plan.

“Grading” means any excavation, filling, leveling, or combination thereof.

“Key” means a designed, compacted fill placed in a trench excavated in undisturbed earth material beneath the toe of a proposed fill slope to develop shearing resistance (see Figure 1).

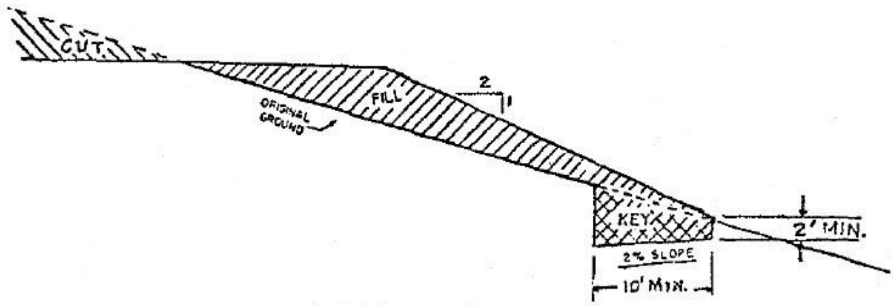

FIGURE 1

"Land disturbance" means clearing, excavating, grading, or other manipulation of the natural terrain.

"One-hundred-year storm" means a storm with such intensity and duration that its magnitude would only be exceeded on the average once every one hundred years.

"Owner" means the person or persons shown in the county recorder's office as owner of property.

"Permittee" means the owner, contractor, or any person undertaking land disturbance activities upon a site pursuant to a permit granted by the city.

"Riparian corridor" means those areas which fall into one of the following three categories:

1. An area extending fifty feet (measured horizontally) from each side of a perennial stream. Distance shall be measured from the one-hundred-year storm flowline.

2. An area extending thirty feet (measured horizontally) from each side of an intermittent stream. Distance shall be measured from the one-hundred-year storm flowline.

3. An area extending thirty feet from the one-hundred-year flood high water mark of a marsh or a natural body of standing water.

"Road gradient" means vertical rise or distance multiplied by one hundred and divided by horizontal run or distance.

"Runoff" means the movement of surface water over ground surface.

"Sediment" means eroded earth material that is carried by water, wind, gravity or ice and deposited into channels, lakes, rivers or other areas.

"Site" means a parcel of land or contiguous parcels where land disturbance including erosion control, clearing, grading, or construction are performed or proposed.

"Slope" means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

"Soil" means naturally occurring mineral and organic earth materials on the immediate surface overlying bedrock or parent material.

"Stream" means any watercourse as designated by a solid line or dash and three dots symbol shown on the largest scale of United States Geological Survey map most recently published.

"Ten-year storm" means a storm with such intensity and duration that its magnitude would only be exceeded on the average once every ten years.

"Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

"Topsoil" means eight to sixteen inches of loose, friable, organic, and fertile earth materials on top of a soil profile, usually the A-horizon.

"Waterbreak" means a ditch, dike, dip, or combination thereof, constructed to effectively divert water as an aid to erosion control. (Ord. 595 § 2, 1981)

15.32.030 Control of accelerated erosion required.

No person shall cause or allow the persistence of a condition on any site that could cause accelerated erosion. Accelerated erosion shall be controlled and/or prevented by the responsible person or the property owner by using measures outlined in subsequent sections as applicable. Additional measures may be necessary, and may be specifically required by the city engineer. (Ord. 595 § 3, 1981)

15.32.040 Abatement of hazardous conditions required.

Whenever the city engineer determines that an existing excavation or embankment or cut or fill has become a hazard to life or limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel or causes significant impact on the natural resources of the area, the owner of the property upon which the excavation, cut, or fill is located, or other person or agent in control of the property, upon receipt of notice in writing from the city engineer shall, within the period specified therein, repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this chapter. Where feasible, erosion problems shall be controlled no later than the beginning of the next rainy season (approximately October 15th). (Ord. 595 § 4, 1981)

15.32.050 Permit – Exemptions.

Excavation, grading, filling, clearing, and/or erosion control work requires a permit from the city except for the following exemptions:

A. Subdivisions. When erosion control and grading plans comply with this chapter and have been approved at the time a subdivision map was approved;

B. Building Pads and Driveways. Grading, when done with a valid building permit;

C. Emergency Work. Work necessary to preserve life or property; provided, however, that when emergency work is performed under this section, the person performing it shall report the pertinent facts relating to the work to the city engineer within fifteen days after commencement of the work. Thereafter the person shall obtain a permit pursuant to SMC 15.32.060 through 15.32.110 and perform such work as may be determined by the city engineer to be reasonably necessary to correct any erosion or conditions with a potential to cause erosion as a result of the emergency work;

D. Excavations. An excavation which does not exceed seventy-five cubic yards and is less than two feet in depth, or which does not create a cut slope greater than five feet in height and steeper than two horizontal to one vertical;

E. Fill. A fill, except when in a riparian zone, containing earth materials only which is less than two feet in depth, is placed on natural terrain with a slope flatter than five horizontal to one vertical, does not exceed one hundred cubic yards on any one site, does not alter or obstruct a drainage course, and will not be used for structural support or roadways;

F. Basements and Footings. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill except as provided under subsection E of this section, made with the material from such excavation, nor exempt any excavation having an unsupported height greater than five feet after the completion of such structures;

G. Cemeteries. Cemetery graves;

H. Refuse Disposal. Refuse disposal sites which are permitted and actually being controlled pursuant to other city regulations, and excavations for individual and community sewage disposal systems made pursuant to other city permits;

I. Wells. Excavations for wells;

J. Soil Investigations. Exploratory excavations under the direction of a soils engineer or engineering geologist where such excavation is to be returned to the original condition under the direction of such engineer or geologist within forty-five days after the start of work;

K. Agricultural Work. Use of land operated under a conservation plan by a resource conservation district. Routine plowing, harrowing, discing, listing, leveling, and similar operations necessary to prepare a field for a crop. Not exempted shall be initial grading to convert land from nonproductive to crop producing use;

L. Public Works. Work in connection with public improvement projects for which inspection is provided by the city or other public agency. (Ord. 595 § 5, 1981)

15.32.060 Permit – Required.
Except as exempted in SMC 15.32.050, a permit shall be obtained from the city by the owner(s) of the property, or agent when authorized in writing, for each site. Approval of a permit for a new development shall require the abatement of any existing human-induced or accelerated erosion problems on the property. (Ord. 595 § 6(1), 1981)

15.32.070 Permit – Application – Plans and specifications required.
Two sets of plans, plus supporting data, shall be required for each application when required by the city engineer. Plans shall be drawn to scale upon substantial material, minimum size eighteen inches by twenty-four inches, and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and all relevant laws and regulations. The first sheet of each set of plans shall include the location and assessor's parcel number(s) of work, the name, telephone number, and address of the owner(s), and the name, telephone number, and address of person by whom they were prepared. The plans shall include the following information in writing, diagrams, and/or scale drawings:

A. Statements as to the specific intention or ultimate purpose for which the grading is being done;

B. General location and vicinity of the proposed site;

C. Property lines and accurate contours of the existing ground and details of terrain and area drainage without existing vegetation. Contour intervals shall be one foot when the natural ground slope is less than five percent; two feet when five to ten percent; and five feet when slope is more than ten percent. Contours shall overlap fifteen feet onto adjacent properties;

D. Limiting dimensions, elevations or finished contours to be achieved by the grading and proposed drainage channels and related construction, including proposed vegetation, landscaping, and comparison of runoff without project and with project. Finished grade contours will be shown as they relate to surrounding property contours;

E. Detailed plans and location of all temporary and permanent structure and nonstructure erosion and sediment control devices, and of all surface and subsurface drainage devices, walls, cribbing, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area with the complete drainage network and the estimated runoff of the area served by any drains. The location, capacity and condition of any ravines and drainage courses in the pathway of off-site runoff or drainage shall be indicated;

F. The planned direction and disposition of all storm drainage flow (with approximate grade) from all buildings, yards, lots, driveways, parking areas, and streets;

G. Vegetative erosion control and revegetation measures for all surfaces exposed or expected to be exposed during grading activities as a part of overall erosion and sediment control plans;

H. Locations of buildings or structures on the property where the work is to be performed and the approximate location of buildings or structures on adjacent lands owned by other owners which is within fifteen feet of the property line, or which may be affected by the proposed operations;

I. A statement of the quantity of excavation and fill;

J. Specifications, when required, shall contain information covering construction and material requirements;

K. Estimated starting and completion dates;

L. Soil description, including soil types, depth, erodibility, and vegetative establishment and growing capabilities;

M. Extent and manner of tree cutting and/or vegetative clearing, including a disposal plan;

N. A provision for stock piling topsoil when necessary for erosion control or landscaping;

O. North arrow, written and graphic scales. (Ord. 595 § 6(2), 1981)

15.32.080 Permit – Application – Engineering requirements.

A civil engineer or other licensed professional authorized by state law shall prepare and sign the plans and specifications and be coordinator and liaison between other professionals, owners, contractors and the city engineer of:

A. Subdivisions of more than four lots;

B. Grading in excess of two thousand cubic yards;

C. Planned unit developments, major planned developments, and major use permits;

D. Other projects and/or developments likely to cause major land disturbances, as determined by the city engineer. (Ord. 595 § 6(3), 1981)

15.32.090 Permit – Application – Engineering reports required.

When required by the city engineer, each application for a permit shall be accompanied by two sets of supporting data consisting of a soil and/or civil engineering report and/or engineering geology report, and/or any other reports necessary.

A. The soil engineering report shall include data regarding feasibility of the site for the proposed uses; recommendations for grading, including site preparation and placement of fill; nature, distribution, erosion hazards and strength of existing surface and subsurface soils; foundation recommendations; finished slope stability; design of buttress fills; recommendations for seismic and erosion control; and surface and subsurface drainage;

B. The civil engineering report shall include hydrological calculations of runoff for ten-year and one-hundred-year storm frequencies; conclusions and recommendations for adequate erosion control and grading procedures; comparison of runoff without and with project; design criteria for corrective measures, including the existing and/or required safe storm drainage capacity outlet of channels both on site and off site; and opinions and recommendations covering adequacy of the site to be developed by the proposed grading.

C. The engineering geology report shall include an adequate description of the geology of the site, potential geologic hazard and conclusions and recommendations regarding the effects of geologic conditions on the proposed development, plus opinions and recommendations covering the adequacy and stability of the geologic subsurface for cuts and fill loads to be developed by the proposed grading.

D. Recommendations included in the reports when approved by the city engineer shall be incorporated in the plans and specifications. (Ord. 595 § 6(4), 1981)

15.32.100 Variances.
A request for variance from the provisions of this chapter, the permit conditions, or the plan specifications may be approved, conditionally approved, or denied by the city engineer. A request for a variance must state in writing the provision to be varied, the proposed substitute provision, when it would apply and its advantages. (Ord. 595 § 6(5), 1981)

15.32.110 Work time limits.
A. The permittee shall fully perform and complete all the work required to be done within the time limits specified. If no time limit is specified, the permittee shall complete the work within one hundred eighty working days after the date of the issuance of the permit. If work has not started within one hundred eighty days after the permit is issued, it expires. If work authorized is started and suspended or abandoned for one hundred eighty calendar days, the permit also expires unless stoppage has been authorized in advance by the city engineer.

B. If the permittee is unable to complete the work within the specified time, he shall, prior to the expiration of the permit, present in writing a request for an extension of time, setting forth the reasons for the requested extension. If, in the opinion of the city engineer, an extension is warranted, additional time may be granted for the completion of the work. (Ord. 595 § 6(6), 1981)

15.32.120 Fees.
Fees, if any, necessary to implement this chapter shall be as set forth in Tables 3E and 3F, page 34 of the 1979 Edition of the ~~Uniform~~ California Administrative Code. (Ord. 595 § 7, 1981)

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15.32.130 Bonds.
The city engineer may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be done.

In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the city engineer in an amount equal to that which would be required in the surety bond. (Ord. 595 § 8, 1981)

15.32.140 Design standards – Cut and excavation.
A. General. Unless otherwise recommended in the soil engineering and/or engineering geology reports approved by the city engineer, cuts and excavations shall conform to the provisions of this section.

B. Slope. The slope of cut surface shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than two horizontal to one vertical, and shall not exceed twenty feet in vertical height or exceed seventy-five feet slope (horizontal) distance without a bench or terrace break. Due to individual site soils and geology, flatter and shorter slope lengths may be required, or steeper and longer slope lengths may be allowed upon review by the city engineer when he finds this consistent with the building and safety. Cut slopes shall be rounded off so as to blend in with natural terrain (see Figure 2).

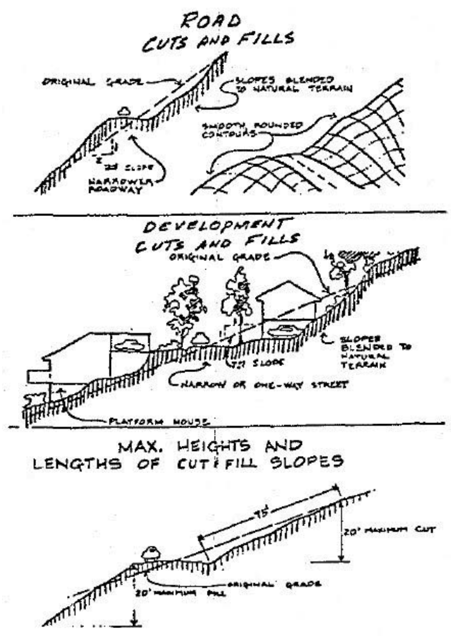


FIGURE 2

C. Stockpiles. Stockpile material for trenches and pits will be put upslope of the excavation to be promptly backfilled and compacted into trenches and pits. Excavated material not needed at the site will be removed or disposed of at a location approved by the city engineer.

D. Vegetative Protection. All earth cuts shall be planted or otherwise protected from the storm runoff erosion within thirty days of the completion of final erosion control and grading work. Planting shall be irrigated to establish a root system before the rainy season, if necessary in the opinion of the city engineer. (Ord. 595 § 9, 1981)

15.32.150 Design standards – Fill.

A. General. Unless otherwise recommended in the soil engineering and/or engineering geology reports approved by the city engineer, fill shall conform to the provisions of this section.

B. Fill Location. Fill shall not be constructed on natural slopes steeper than 2:1 unless an engineer devises a method of placement which will ensure the fill will remain in place. The toe of the fill shall be no closer than twelve feet horizontally to the top of existing or planned cut slopes. The area beyond the toe of the fill shall be sloped for sheet overflow or a drain shall be provided (see Figure 3).

C. Fill Slopes. The slope of fill surfaces can be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 2:1 and shall not exceed twenty feet vertical height or seventy-five feet slope (horizontal) distance without a terrace break. Due to individual soil properties, shorter and flatter slopes may be required or steeper and longer slopes may be allowed upon review by the city engineer if he finds the deviations consistent with stability and safety. Fill slopes shall be rounded off so as to blend with the natural terrain (see Figure 3).

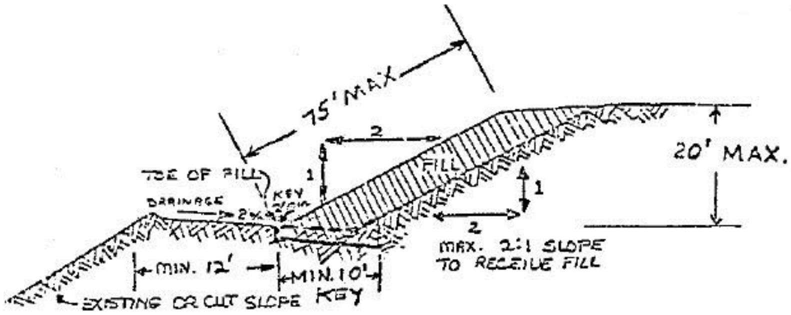


Figure 3

D. Ground Preparation. Natural ground surface over which fills are planned shall first be cleaned of all trash, vegetation, stumps, debris, noncomplying fill, top soil and other unsuitable materials and shall be scarified prior to the placement of the fill. Where slopes are 5:1 or steeper, a key, ten feet wide minimum, shall be dug into undisturbed, solid competent soil or bedrock beneath the toe of the proposed fill. The key must be cut and approved as a suitable foundation for fill before placing any fill (see Figures 1 and 3).

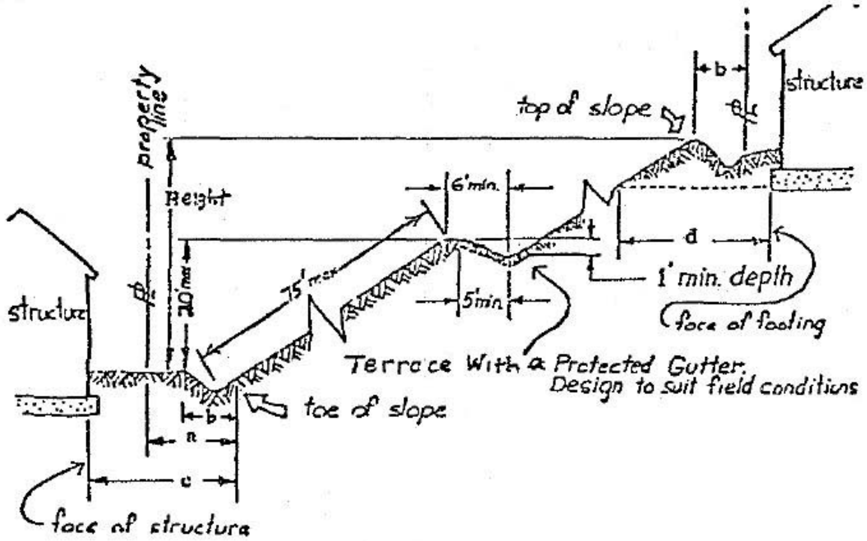
E. Materials Permitted. Only earth material free from tree stumps, detrimental amounts of organic matter, trash, garbage, sod, peat and/or similar materials shall be used. Rocks and/or broken concrete larger than six inches in greatest dimension shall not be used unless the method of placement is approved by the city engineer. Topsoil may be used in the top twelve-inch surface layer to aid in planting and landscaping.

F. Compaction of Fill. All fills shall be compacted to a minimum relative dry density of ninety-five percent as determined by ASTM D-1557-78 or CALTRANS test method under California 216. Field density verification must be submitted for any fill twelve inches or more in depth where such fill may support the foundation for a structure. A higher relative dry density and/or additional compaction tests may be required at any time by the city engineer.

G. Vegetative Protection. All earth fill shall be planted or otherwise protected from the effects of storm runoff within thirty days of the completion of final grading, and planting shall be irrigated to establish a root system, if necessary in the opinion of the city engineer. (Ord. 595 § 10, 1981)

15.32.160 Design standards – Cut and fill setbacks.

A. General. Unless otherwise recommended in the approved soil engineering and/or engineering geology reports and shown on the approved grading plan, setbacks shall conform to this section and be no less than as shown in Figure 4.



Height In Feet	a	b	c	d
0–10'	3'	2'	5'	5'
11–30'	(H/2)'	3'	(H/2)'	7'
31' and over	15'	3'	15'	10'

FIGURE 4

B. Minimum Setbacks. Tops and toes of cut and filled slopes shall be set back from property boundaries and structures as far as necessary for the safety of the adjacent properties and to prevent damage resulting from water runoff, by flooding, erosion of the slopes, or by sediment deposition (see Figure 4).

C. Stream and Riparian Setbacks. Tops and toes of cut and/or filled slopes shall be set back far enough to prevent encroachment upon streams, floodplains, channels, or bodies of standing water and to provide and maintain an undisturbed protective strip between the grading and the riparian corridor. This strip shall have sufficient filter capacity as determined by the city engineer to prevent degradation of water quality. If it is determined that the filter capacity of the protective strip is insufficient, additional erosion control may be required by increasing the width of the protective strip or with structural measures and/or by seeding, planting, mulching of bare soil areas.

D. Retaining Walls. Retaining walls, when keyed into stable foundations and capable of sustaining the design loads, may be used to reduce the required cut and fill setbacks when recommended by the civil or soil engineers, or geologist and approved by the city engineer. Other restrictions and/or minimums may be increased or related upon review by the city engineer if he finds the deviations consistent with safety and stability and to provide access for slope maintenance and drainageways. (Ord. 595 § 11, 1981)

15.32.170 Design standards – Drainage and terraces.
A. General. Drainage facilities and terraces shall conform to the provisions of this section unless otherwise indicated on the approved permit and plans. To the greatest extent possible, peak storm drainage runoff and sediment rates may not exceed predevelopment rates. A pro rata share of the cost of off-site erosion sediment, and flood control improvements and/or for maintenance to the principal drainageway, may be required by the city engineer to handle the increased peak runoff and/or sediment generated by the development if greater than predevelopment rates.

B. Runoff Calculations. Plans and specifications prepared for subdivisions, projects and/or developments, shall show, by table and/or calculations, the peak rates of storm runoff both before and after development. A combination of storage and controlled release of storm water runoff may be required.

C. Drainage Facilities.

1. Disturbance of natural drainageways shall be kept to a minimum and existing drainage courses shall not be obstructed or obliterated without mitigating measures installed that have been approved by the city engineer.

2. Whenever a grading operation obstructs or impairs the flow of runoff in an existing drainage course, a culvert, bridge or other suitable drainage facility designed and acceptable to the city engineer shall be installed to convey the flow past the point of impairment. No construction materials or construction byproducts shall be discarded in any drainageway or riparian zone.

3. Drainage facilities shall be culverts, pipe drains, paved, rock, or vegetative channels designed to safely carry existing and potential off-site runoff from a fully developed area upstream as well as local on-site surface and subsurface waters to the nearest adequate drainage course designated for such purposes by the city engineer. Properly designed energy dissipators are required at the point of discharge.

4. Culvert size and industry standard materials shall be used in accordance with city standard design criteria and as approved by the city engineer. Minimum diameter shall be twelve inches.

5. Cuts, fills, and retaining walls shall have subsurface drainage facilities as necessary for stability.

6. Berms, ditches, interceptor drains, or swales, may be constructed at the top of cut and fill slopes when necessary for protection against water runoff. Minimum size interceptor drains above cut slopes with a tributary drainage area greater than forty feet measured horizontally or an area larger than one-third acre shall be paved with three inches of reinforced concrete or gunite and shall be twelve inches deep with thirty-six-inch paved width and discharge into downdrain. Energy dissipators may be required by the city engineer.

7. At least a one percent grade will be required toward an improved storm drainage facility, either existing or planned, from all building sites, pads, yards, roof drains, driveways, etc.

8. Grading equipment shall not disturb or cross flowing streams unless absolutely necessary and only with prior approval from the city engineer.

D. Terraces.

1. Terraces at least six feet in width shall be established at not more than twenty-foot vertical intervals or seventy-five-foot slope horizontal intervals. Suitable access shall be provided to permit proper grading and maintenance of these terraces. Where only one terrace is required, it shall be at mid height (see Figure 4).

2. Swales or interceptor pipes or drains, ditches, on terraces and on the top of cut slopes, shall be designed to carry water and sediment to safe disposal structures and areas and shall have a minimum gradient of one percent and must be paved with concrete or gunite not less than three inches in thickness or other paved or vegetative approved nonerodible surface. They shall have a minimum depth of one foot and a minimum paved or protected area of five feet (see Figure 4). A revegetation and maintenance plan may be required by the city engineer. (Ord. 595 § 12, 1981)

15.32.180 Design standards – Erosion and sediment control.

A. General. Buildings and access envelopes shall be delineated on the development plans when necessary to keep disturbance out of particularly erodible areas. New lots shall not be created which will require access road and driveways to cross slopes exceeding fifty percent (2:1) for distances greater than fifty feet. Exposed soil shall be protected from erosion by temporary and/or permanent measures. Such protection may consist of mulching, plastic sheeting, and/or vegetation.

B. Slope. Structures on existing slopes exceeding thirty percent shall utilize pole, step or other such foundation that does not require major excavations or fillings (see Figure 3), unless otherwise approved by the city engineer.

C. Runoff Control. Where concentrated runoff will occur, it will be carried in pipe or culvert conduits or over a nonerodible surface (paved, rocked, or vegetated) with discharge points clearly shown on the development plans. All conduits must have proper energy dissipators at the point of discharge when necessary to prevent erosion.

D. Building Site Runoff. Runoff from buildings, roads, driveways and the total site area shall be controlled by berms, swales, ditches, structures, vegetative filter strips and/or catch basins to prevent the escape of sediment from the site.

E. Vegetative Removal. Development plans shall indicate the areas where vegetation is to be removed and replaced within the building and access envelopes. Vegetation removal shall be limited to that amount necessary and as indicated on the approved development plan. The method and time shall be such that the erosive effects are minimized.

F. Vegetative Disposal. Vegetation removed during clearing operations shall be disposed of by chipping, used as mulch, compost, and/or by burning. Burning shall comply with local air quality standards and no long branches or charred pieces shall be permitted to remain.

G. Topsoil. To promote regrowth of vegetation, the topsoil shall be stockpiled and reapplied upon completion of grading on slopes of less than 5:1 (twenty percent). Soil stockpiles and exposed soil shall be protected from erosion at all times.

H. Temporary Vegetation. Temporary vegetation sufficient to stabilize the soil as permanent vegetation cover is maturing shall be established on all disturbed areas as needed and as each stage of grade is completed.

I. Winter Operations. (October 15th to April 15th).

1. Land disturbance or development operations may be restricted or temporarily halted between October 15th and April 15th (the normal rainy season), and/or other times whenever the city engineer determines that the weather, soil, slope and general site conditions may cause serious accelerated erosion or sediment damage either on site or downstream. When work is allowed, native ground cover shall not be cleared, destroyed, burned or disturbed more than fifteen days prior to grading or construction work unless approved in advance by the city engineer.

2. When land development work is allowed during the normal, rainy winter season, adequate erosion and sediment control measures must be in place during any land disturbance, and temporary erosion control measures must be applied to all soils bared at the end of each day.

3. During winter, sufficient erosion control materials of straw, plastic, netting, etc., shall be kept on the site at all times to be installed immediately by the permittee upon advent of any rainfall or wind that may be expected to cause accelerated erosion.

4. All cut and fill slopes without established vegetation between October 15th and April 15th shall be mulched. The mulching shall be anchored by punching or tacking into the soil or by the use of netting. A minimum of one thousand pounds of straw, or equivalent, per each ten thousand square feet of slope surface will be required to be anchored. An additional amount may be required by the city engineer.

5. Within ten working days after seeding, fertilizing and/or mulching, the permittee will commence irrigation of the seeded areas or slopes and shall continue until the rains come and/or the ground cover is fully developed. Berms, diversion catch basins, etc., shall be installed prior to seeding and mulching.

6. All erosion control plantings and mulching shall be closely monitored throughout the winter and runoff problems corrected promptly. All erosion and/or slippage of banks shall be repaired by the permittee at his expense.

J. Dust. Dust from grading operations must be controlled. The permittee may be required to keep adequate equipment on the grading site to prevent dust problems.

K. Erosion Control Coordination with Project Installation.

1. All vegetative and/or structural measures required to safely discharge any accelerated runoff generated by the project shall be installed during the first or initial construction phase of the project.

2. Land shall be developed in increments of workable size which can be completed in a single construction season. Erosion and sediment control measures shall be coordinated with a sequence of grading, development, and construction operations and all necessary erosion control measures shall be put in effect prior to the commencement of the next work increment and/or winter rainy season.

3. Prior to completion and final acceptance of the project, all erosion control measures must be in place and all exposed bare soil shall be mulched, fertilized and otherwise prepared so that it is planted to a permanent vegetative cover. Native or naturalized vegetation should be used. The city engineer may require watering of planted areas to initiate and assure growth.

L. Livestock. Where necessary to assure that water quality is not affected by the keeping of livestock, vegetative buffer and/or filter strips shall be established on all downhill sides of areas where livestock are kept. The width of the buffer strip shall be determined by the city engineer. Also, additional erosion control measures, such as diversion, dissipators and sediment basins may be required to control runoff from these areas where livestock have destroyed and torn up protective vegetation.

M. Maintenance. All on-site erosion control facilities shall be properly maintained by the owners for the life of the project so that they do not become nuisances with stagnant water, heavy algae growth, insect breeding, odors, discarded debris, and/or safety hazards. Vegetative maintenance required may include mowing, fertilization, irrigation and/or reseeding. (Ord. 595 § 13, 1981)

15.32.190 Inspections and compliance required.

Excavation, grading, filling, clearing and erosion control work requiring a permit shall be subject to inspection by the city engineer. In lieu of inspection by city staff employees, the city engineer may require supervision, regular inspection, and special testing be performed and certified by the licensed professional who prepared the approved plan, or the city engineer may require supervision, inspection, and testing be done by an independent approved testing agency to ensure compliance with this chapter and the permittee’s permit conditions. (Ord. 595 § 14(1), 1981)

15.32.200 Required inspections.

The following inspections shall be required, but not limited to:

A. Presite inspection to determine the suitability of the proposed project and the existing and potential erosion and sediment hazards;

B. Periodic ongoing inspection during project progress, including compaction and special testing as may be required by the approved plan;

C. Final inspection determining compliance with terms and conditions of this chapter and permit. (Ord. 595 § 14(2), 1981)

15.32.210 Notification of city engineer by permittee.

The permittee shall notify the city engineer two working days prior to the beginning of the operation authorized by the permit, and one complete working day prior to any inspection or testing requested by the permittee. (Ord. 595 § 14(3), 1981)

15.32.220 Right of entry of city.

Filing of an application for a permit under this chapter constitutes a grant of permission for the city to enter the permit area for the purpose of administering this chapter from the date of the application to the termination of the erosion control maintenance period. If necessary, the city engineer shall be supplied with a key or lock combination, or permitted to install a city lock. (Ord. 595 § 14(4), 1981)

15.32.230 Conflict with other codes.

All previous codes are superseded by this chapter and repealed insofar as they conflict with this chapter. The city engineer shall have the authority to make interpretations of the sections of this chapter, and shall have the authority to determine which of the conflicting requirements shall govern. (Ord. 595 § 15, 1981)

Chapter 15.34

DIGGING AND EXCAVATION ON THE FORMER FORT ORD

Sections:

15.34.010 Citation and authority.
The ordinance codified in this chapter is adopted to establish a regulatory framework for subsequent agreements between the city of Seaside ("city"), the redevelopment agency of the city of Seaside ("city RDA"), the Fort Ord Reuse Authority ("FORA") and the California Environmental Protection Agency, Department of Toxic Substances Control ("DTSC"), related to digging and excavation on approximately one thousand five hundred eighty-one acres of the former Fort Ord military installation ("Fort Ord") that are known or suspected to be contaminated with ordnance and explosives ("OE") (Exhibit "A" attached to the ordinance codified in this chapter). This chapter may be cited as the "ordnance remediation district regulations of the city." (Ord. 924 (Exh. A), 2004)

15.34.020 Purpose and intent.
The United States Army ("Army") is in the process of transferring portions of the former Fort Ord to the city. Some parcels of the former Fort Ord were contaminated with OE, which is a hazardous waste. The Army will not transfer those parcels until it has cleared those parcels of OE to its standard. Even following the Army's completion of OE response activities, it is possible that some OE materials may remain on those parcels. The DTSC has statutory responsibility to oversee cleanup of releases of hazardous substances, which includes hazardous waste. DTSC cannot certify that all OE has been cleared and it will require a land use covenant to be recorded with the Monterey County recorder on these parcels to provide additional controls and restrictions to protect the public health and safety. The city will also enter into an agreement with DTSC to provide additional safety measures, reporting, etc. (Ord. 924 (Exh. A), 2004)

15.34.030 General.
The city council finds and determines that those properties formerly included within the Fort Ord military installation which are suspected of containing OE require special standards and procedures for digging and excavation in addition to those contained in the Building and Construction Code, to ensure that:

A. Neither digging or excavation nor development of such properties occurs until ordnance or explosive remediation thereon is completed;

B. Potential purchasers or developers of sites which may contain OE and those persons whose work at such sites includes disturbing soil are aware of the potential that OE may be located on these properties and are aware of the requirements for OE precautions prior to any digging, excavation or ground disturbance thereon; and

C. DTSC should be continuously involved in the establishment of controls for those properties because it has statutory oversight responsibility with respect to hazardous substance response actions. (Ord. 924 (Exh. A), 2004)

15.34.040 Designation and applicability.
The city council, with the concurrence of DTSC, designates all real property within the city's land use jurisdiction which was formerly part of Fort Ord and which has been identified in the archives search report and supplement, dated 1997, or otherwise identified, as the possible location of unexploded ordnance or explosives as an "ordnance remediation district" ("district"). Such district is depicted on the map included as Exhibit "A" to the ordinance codified in this chapter and includes all areas on the map that are within map legend designations "OE sites in Seaside" and "first tee boundary," except those OE areas located within map legend designation "parcels retained by DOD."

A. Such district shall be depicted on the city zoning map by an "ORD" suffix to indicate the existence of ordnance precaution remediation obligations on such property. The city shall notify DTSC of any change in the permitted land uses in the district within thirty days after it adopts any change.

B. The regulations in this chapter shall apply throughout the district and shall be in addition and subject to all provisions of the municipal code including SMC Title 17, Zoning, SMC Title 15, Buildings and Construction, and Chapter 15.32 SMC, Standards to Control Excavation, Grading, Clearing and Erosion. (Ord. 924 (Exh. A), 2004)

15.34.050 Excavation and digging restrictions.
It is unlawful for any person, including utilities, to engage in any of the following activities on any property located within a district unless that person is acting pursuant to a valid permit issued pursuant to this chapter: excavation, digging, development or ground disturbance of any type involving the displacement of ten cubic yards or more of soil. (Ord. 924 (Exh. A), 2004)

15.34.060 Permit requirements.
An owner or user of real property located within the district who desires to conduct the activities described in SMC 15.34.050 shall apply to the director of community development for a permit. The application shall be on a form approved by the city, may be combined with an application for grading pursuant to Chapter 15.32 SMC, shall be signed by the permit applicant, and shall contain the following information:

A. A description of any previous OE excavation or removal activity conducted other than by the Army on the property whose soil is proposed to be excavated, moved or graded;

B. A description of the property, whose soil is proposed to be excavated, moved or graded. The description shall include a drawing with dimensions to a scale which sets forth the size and details of all proposed excavation activity, including any proposed cut and fill, trenching, well drilling, mineral excavation, post hole drilling, or other activity of any sort whenever the applicant proposes to disturb ten cubic yards or more of soil;

C. A statement that the person submitting the application acknowledges liability if the person removes any detected unexploded ordnance or otherwise violates this chapter and/or the permit. The Army will continue to have the liability to remove any ordnance items found. The person submitting the application is responsible to follow the procedures for notification of DTSC and the Army upon finding an ordnance item set out in SMC 15.34.070;

D. A statement by the person submitting the application that he or she has, within the preceding twelve months, delivered a copy of the safety alert required by SMC 15.34.130 to everyone whose work at the property described in subsection B of this section includes disturbing soil;

E. Any other information which the director of community development may require as pertinent to the determination of the adequacy of the proposed plan;

F. Payment of the permit fee, as established by the city council, at the time of filing the application for the permit. (Ord. 924 (Exh. A), 2004)

15.34.070 Permit procedure.
The director of community development shall review the permit application and shall approve the permit unless evidence is available which indicates that the proposed grading or excavation will create an undue risk to the health and safety of the public at large. Prior to acting on any such permit, the director of community development, in his

or her sole discretion, may set and conduct a public hearing for the purpose of receiving comments on the proposed grading and excavation. Any permit issued hereunder shall be subject to the following conditions:

A. All excavation and grading shall be performed solely in accordance with the permit approved by the city and in accordance with the permit as issued by the city;

B. Prior to movement of any soil on any property located within the district, the permittee or designee shall personally deliver to each person who intends to work on the property described in the permit the Safety Alert – Ordnance and Explosives at former Fort Ord which is referenced as Exhibit "C," attached to the ordinance codified in this chapter, and explain to each such person the information set forth in that notice;

C. The permittee may not move or disturb any soil unless the permittee is in compliance with the requirements placed on the property by an agreement executed between the city, the city RDA, FORA and DTSC. The agreement shall, as a minimum, include OE construction support ("construction support") and shall be attached to and become a part of any permit issued pursuant to this chapter;

D. The permittee shall cease soil disturbance activities upon discovery of any suspected unexploded ordnance. The permittee shall notify the Seaside police department, the Directorate of Law Enforcement at the Presidio of Monterey, the Army and DTSC of any suspected unexploded ordnance discovered during any excavation or soil removal immediately upon discovery. The permittee shall coordinate appropriate response actions with the Army and DTSC;

E. No later than thirty days following the completion of the permitted soil disturbance activity, the permittee shall prepare and file with the director of community development, the Army and DTSC an after action report that shall state whether and where OE was detected and the extent and depth of OE response actions undertaken and completed on the property that is the subject of the permit. The after action report shall be in the form provided as referenced in Exhibit "B," attached to the ordinance codified in this chapter, and shall include site maps to illustrate the information contained in the report. All after action reports prepared and filed in accordance with this chapter shall be deemed public records;

F. The permittee agrees that as a condition of issuance of a permit to defend at its sole expense, indemnify and hold harmless from any liability the city, and reimburse the city for any expenses incurred resulting from or in connection with the approval of the project including any claim, suit or legal proceeding. The city may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the permittee of its obligations under this subsection. (Ord. 924 (Exh. A), 2004)

15.34.080 Term of permit.
The permit shall be valid for one year from the date it is issued. (Ord. 924 (Exh. A), 2004)

15.34.090 Exceptions.
Following consultation with and approval by DTSC, the city council may, upon a finding that the requirements of SMC 15.34.070(C) are no longer necessary, designate by resolution any portion of the district as a "limited control district" and/or no longer subject to the provisions of this chapter. The holder of any permit issued for any limited control district shall not be subject to SMC 15.34.070(C). (Ord. 924 (Exh. A), 2004)

15.34.100 Performance bond.
Upon a finding by the director of community development that a permit should issue for excavation or grading on the proposed site, the director of community development may require that a surety bond, lien or other security guarantee conditioned upon the faithful performance and completion of the permitted excavation activity be filed with the city. Such surety shall be executed in favor of the city and shall be maintained in an amount prescribed by the director of community development sufficient to ensure the completion of the excavation of the site as prescribed in the approved permit. (Ord. 924 (Exh. A), 2004)

15.34.110 Amendments to permits.
Request for amendments to an approved excavation permit may be submitted to the director of community development at any time, detailing proposed changes from the original permit. Deviations from the original permit shall not be undertaken until such amendment has been approved by the city in writing. Amendments to an approved

permit shall be approved by the same procedure as prescribed for the approval of the original excavation permit. (Ord. 924 (Exh. A), 2004)

15.34.120 Appeals.

Any person aggrieved by any determination of the director of community development in exercise of the authority granted in this chapter shall have the right to appeal to the city council. Any appeal setting forth the contested decision and the reasons for contesting same must be filed within ten working days after the posting of the director of community development’s decision at the places designated by SMC 1.08.020. The city council shall render its decision within sixty days following the filing of the notice of appeal. The council may affirm, reverse or modify the decision of the director of community development. The council action shall be final upon issuance of its decision. (Ord. 924 (Exh. A), 2004)

15.34.130 Notification to property owners and other land users.

A. The city shall notify the owners of property designated as ordnance remediation districts and those utilities known to be providing service within the city of the requirements of this chapter, and provide those persons with the Safety Alert – Ordnance and Explosives at Former Fort Ord, which is referenced as Exhibit “C,” attached to the ordinance codified in this chapter. The city shall annually notify the owners of the property as shown on the equalized tax rolls of the requirements of this chapter and provide those persons with a copy of the notice. Failure of any owner, occupant or user of such land to receive the notification shall not relieve that person from responsibility for compliance with this chapter.

B. All owners, occupants or users of land subject to this chapter, including utilities, shall notify any subsequent owners, assigns, lessees or users of such land of the requirements of this chapter. Notification shall be made prior to transfer of the property in question.

C. All persons identified in subsection A of this section shall deliver, at least annually, a copy of the safety alert to everyone whose work at OE sites includes disturbing soil and shall explain the contents thereof to those persons. (Ord. 924 (Exh. A), 2004)

15.34.140 Revision of chapter.

This chapter shall not be revised without prior written notice to the DTSC. (Ord. 924 (Exh. A), 2004)

Chapter 15.36

WATER CONSERVATION IN THE COASTAL ZONE

Sections:

15.36.010 Purpose.

The primary purpose of this chapter is to influence the use of water as it applies to landscape improvements within the coastal zone. A secondary purpose of this chapter is to require that certain new building code standards be followed for new construction within the coastal zone. (Ord. 655 § 3 (Part A § 1), 1984)

15.36.020 Landscape requirements.

No building permit shall be issued for any project, whether public or private, which is proposed to be constructed within the coastal zone until the board of architectural review has approved a landscape plan which incorporates the use of a sprinkler and/or drip irrigation system in each of those areas where native and/or drought-tolerant landscape materials will not be planted. In order to conserve water, the board of architectural review shall discourage the planting of numerous exotic plants, as well as the planting or placement of large expanses of grass. Also, in order to improve the water-holding capacity of the soil, the board of architectural review shall encourage the widespread use of mulches, and, where feasible, the addition of topsoil. (Ord. 655 § 3 (Part A § 2), 1984)

15.36.030 Construction requirements.

Where construction is proposed to occur within the coastal zone, all hot water pipes within a building shall be insulated. In addition, all newly constructed or substantially reconstructed commercial laundry facilities shall employ recirculating systems. Furthermore, all drinking fountains shall be equipped with a self-closing valve. (Ord. 655 § 3 (Part A § 3), 1984)

Chapter 15.38

SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM REVIEW PROCESS

Sections:

15.38.010 Definitions.
The following words and phrases as used in this chapter are defined as follows:

"Electronic submittal" means the utilization of one or more of the following:

1. E-mail;

2. The Internet;

3. Facsimile.

"Small residential rooftop solar energy system" means all of the following:

1. A solar energy system that is no larger than ten kilowatts alternating current nameplate rating or thirty kilowatts thermal.

2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

3. A solar energy system that is installed on a single- or duplex-family dwelling.

4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

"Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or re-designated from time to time. (Ord. 1024 § 1, 2015)

15.38.020 Permitting process required.
Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. (Ord. 1024 § 1, 2015)

15.38.030 Requirement checklist.
Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop, adopt and maintain such checklist to remain in substantial conformance with the latest edition of the California Solar Permitting Guidebook developed by the Governor's Office of Planning and Research. (Ord. 1024 § 1, 2015)

15.38.040 Application.

A. The checklist shall be published on the city's Internet website. The applicant may submit the permit application and associated documentation to the city's building division by personal, mailed, or electronic submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature.

B. Prior to submitting an application, the applicant shall:

1. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

2. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads. (Ord. 1024 § 1, 2015)

15.38.050 Inspection.

For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the building official and fire chief. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however, the subsequent inspection need not conform to the requirements of this section. (Ord. 1024 § 1, 2015)

15.38.060 Application approval and permit issuance.

A. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

B. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider. (Ord. 1024 § 1, 2015)

CITY OF SEASIDE
STAFF REPORT

Item No.: 9.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Sharon Mikesell, Administrative Analyst

DATE: September 21, 2017

SUBJECT: **SUBMISSION OF THE 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

PURPOSE

The purpose of this item is for the City Council to receive the Consolidated Annual Performance Report (CAPER) for the City's Community Development Block Grant (CDBG) for Program Year 2016-2017 and to hear public comment prior to its submittal to the U.S. Department of Housing and Urban Development (HUD). The CAPER must be received by HUD no later than September 30, 2017.

RECOMMENDATION

It is recommended that the City Council receive the 2016-2017 CAPER and hear public comment prior to the document's submittal to HUD.

BACKGROUND

The CAPER is a performance report mandated by HUD for all entitlement agencies that receive CDBG funds. The CAPER allows HUD, local officials and the public an opportunity to assess the City's overall CDBG program performance during the preceding year.

During FY 2016-2017, CDBG funding assisted five public service agencies, two non-profit subrecipients performed capital improvements to facilities and the City of Seaside moved forward with the process of providing additional accessibility improvements to the Seaside Library. The program served over 1100 persons with 56% reported as Hispanic.

The largest single expenditure was the $304,427 repayment to the City's Section 108 loan. The full HUD-generated PR-26 Financial Summary Report is included as an appendix to the CAPER document, attached to this report.

In compliance with HUD's required fifteen (15) day public review of the CAPER, prior to submission, a public notice in both English and Spanish was published on August 31, 2017 in the Monterey County Weekly, inviting the public to view the document. The CAPER was available on the City website, the Seaside branch library, the Seaside Fire Station, Oldemeyer Center and the Seaside City Hall customer service counter.

Public participation in the CDBG program process is led by the Community Development Advisory Committee, meeting monthly at the Oldemeyer Center and monitoring many aspects of the program including, the progress of the program nationally as well as regionally with the Affirmatively Furthering Fair Housing requirements as well as local needs including selection and monitoring of subrecipient activities and projects. General Plan Update community feedback complemented the CDAC activities during 2016-2017 as the topics included housing and land use.

FISCAL IMPACT

There is no fiscal impact to the General Fund. This item reflects the positive benefit associated with CDBG program funding.

ATTACHMENTS

1. 2016-2017 Consolidated Annual Performance and Evaluation Report (CAPER)

Reviewed for Submission to the
City Council by:

Craig Malin, City Manager

2016-2017 Consolidated Annual Performance and Evaluation Report (CAPER)

City of Seaside

Monterey County, CA

September 2017

This document Is a review of the Community Development Block Grant activities undertaken by the City of Seaside during Fiscal Year 2016-2017 and is required to be submitted to the US Department of Housing and Urban Development (HUD) on or before September 30, 2017

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

During FY 2016-2017, the purchase of skylights to accomplish energy efficiency upgrades were completed to the Boys and Girls Club clubhouse, five non-profit organizations conducted public service activities and exterior facility improvements for an substance abuse treatment facility (Community Human Services-Genesis House) were completed and kitchen upgrades for the facility entered the construction phase with completion expected in the late summer of 2017.

In 2012, the Community Development Advisory Committee (CDAC) was formed as part of the City's Citizen Participation Plan. The CDAC has regularly scheduled monthly meetings, and is an active and viable part of the planning and management for CDBG funds. The CDAC provides valuable feedback to staff and ensures citizen participation. The CDAC held the annual community assessment workshop on September 21, 2016, to review CDBG program accomplishments and discuss program performance and needs. Since this was the first year of a two year program cycle, applications were received and reviewed for grantee's projects for 2017-2018 during this fiscal year (two subrecipient projects and five public service subrecipient programs were already approved by the CDAC for 2017-2018). The need for park improvements in Seaside led to the grantee project approved for CDBG funding (Cutino Park accessibility improvments). The need for this project was discussed at length during the September 21 community needs workshop. Accessibility improvements for Cutino Park will begin in the 2017-2018 cycle as part of a larger remodeling project for the facility.

Staff provided guidance and assistance to public service providers in the form of improving the collection of data on persons served and documenting services provided. Staff has implemented tracking of grant budgets and expenditures within City accounting systems that mirror the Integrated Disbursement and Information System (IDIS) and are regularly reconciled to IDIS. Staff provides quarterly reports to the CDAC that describe program progress.

Goal	Category	Indicator	Unit of Measure	Expected Strategic Plan	Actual Strategic Plan	Percent complete	Expected in program year	Actual Program Year	Percent Complete
Address Blight and Nuisance	Affordable Housing Non-Housing Community Development	Public Facility or Infrastructure Activities other than low/Moderate Income Housing Benefit	Persons Assisted	500		0%			
Address Blight and Nuisance	Affordable Housing Non-Housing Community Development	Façade Treatment, Business Building Rehabilitation	Business	10		0%			
Address Blight and Nuisance	Affordable Housing Non-Housing Community Development	Businesses Assisted	Businesses Assisted	0					
Construct or Upgrade Public Facilities	Non-Housing Community Development	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	2500	714	28.56%	1200	214	17.83%
Construct or Upgrade	Non Housing Community	Public Facility for Infrastructure	Households				130	0	

Public Facilities	Development	Activities for Low/Moderate Housing Benefit	Assisted						
Enhance Access to Social Services	Homeless Non – Housing Community Development	Public Service Activities other than Low Moderate Income Housing Benefit	Persons Assisted	6625	3276	49.45%	702	1063	151.42%
Enhance Access to Social Services	Homeless Non – Housing Community Development	Public Service Activities for Low Moderate Income Housing Benefit	Households Assisted	0	0		38	0	
Enhance Access to Social Services	Homeless Non-Housing Community Development	Homeless Person Overnight Shelter	Persons Assisted	0	115			115	
Enhance Access to Social Services	Homeless Non-Housing Community Development	Overnight/Emergency Shelter Transitional Housing Beds added	Beds						
Improve Accessibility for Persons	Non-Housing Community	Public Facility or Infrastructure Activities other than	Persons Assisted	5000	500	10%	500		

with Disabilities	Development	Low/Moderate Income Housing Benefit				
Provide Quality Infrastructure	Non-Housing Community Development	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	52,500	500	0.95%
Rehabilitate Existing Housing	Affordable Housing	Homeowner Housing Rehabilitated	15			

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

As an entitlement grantee for the US Department of Housing and Urban Development (HUD) formula CDBG program, the City of Seaside is required to prepare a CAPER to analyze and summarize program accomplishments of the preceding program year.

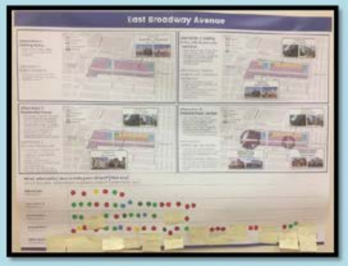
This CAPER assesses the City's progress toward completing activities identified in the 2016-2017 Action Plan, which covers the period from July 1, 2016, through June 30, 2017. The CAPER also reports progress in meeting overall five-year Consolidated Plan goals and priorities (July 1, 2015-June 30, 2020), and identifies areas for improvement as a result of annual self-evaluations and HUD performance reviews.

Since 1975, the City of Seaside has been an entitlement recipient of CDBG funds. Since the City is in the final years of substantial Section 108 loan repayments, funding for projects was minimal.

During 2016-2017, in accordance with the City's Citizen Participation Plan, the limited amount of CDBG funds available were allocated to a variety of public service activities critical needs of low income youth (after school programs and counseling), seniors (legal services),facility improvements to a residential substance abuse recovery facility and to the Boys and Girls Club's Clubhouse. Accessibility improvements to the Seaside library have completed the design phase for Increment 1 including ADA improvments to the exterior front entrance, interior vestibule and public restrooms, as well as 50% design for Increment 2, which includes ADA improvements to the emergency exit-including an ADA path of travel. Increment 2 will be included as a bid alternative, to be constructed only if there is remaining budget from construction of Increment 1. Because the project includes concrete work to the front entrance, construction work is scheduled for the December shutdown period to minimize impact to Library operations.

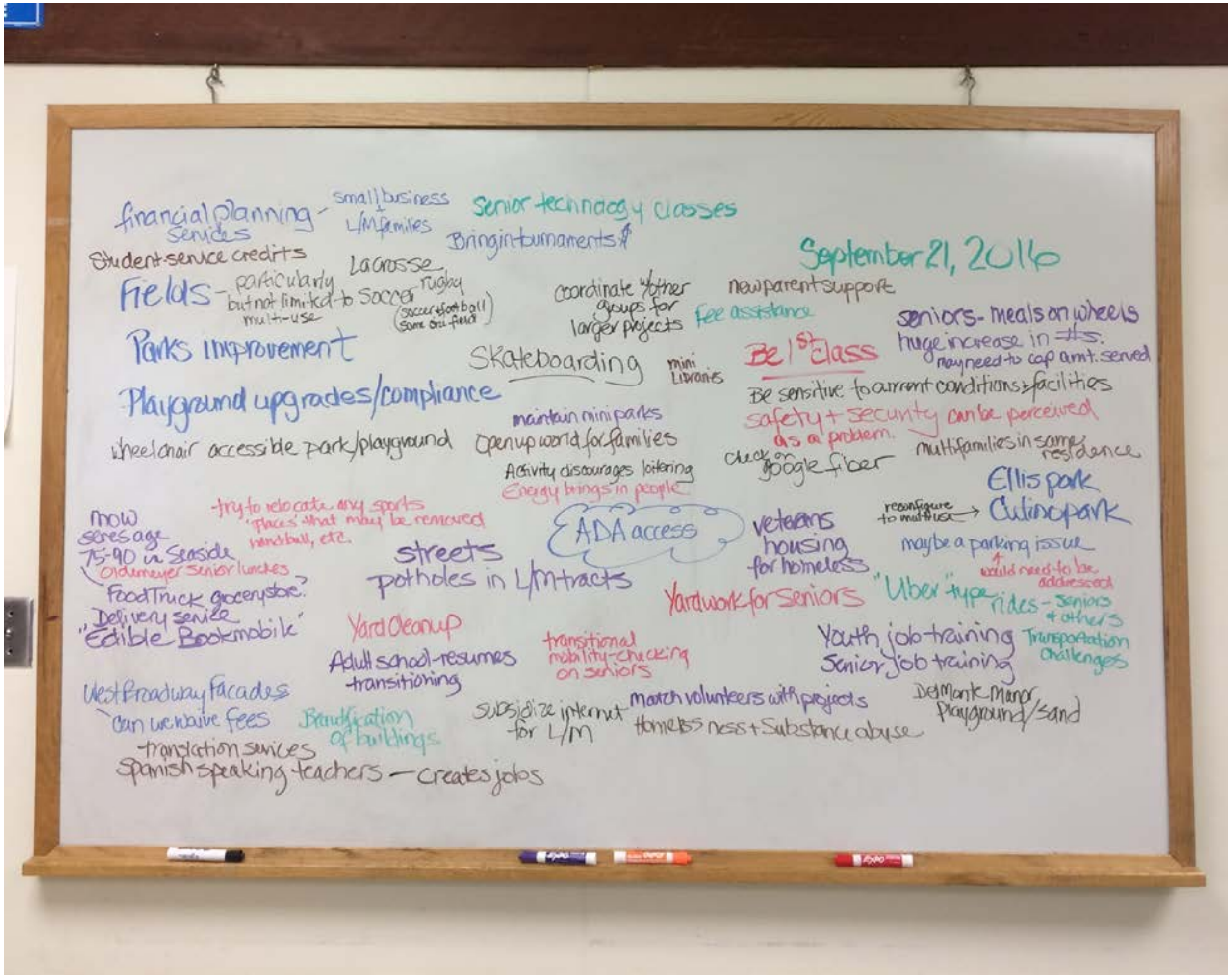
CDBG funding helps many agencies

General Plan Update Workshop-December 5, 2016



Community Engagement

Involved Citizens plan the future in the 12-6-16 general plan update workshop



September 2016 Brainstorming during Community Needs Workshop

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG
White	878
Black or African American	178
Asian	52
American Indian or American Native	9
Native Hawaiian or Other Pacific Islander	13
Total	**1,130**
Hispanic	637
Not Hispanic	493

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The City of Seaside has been able to assist well over one thousand people through the CDBG program during 2016-2017. There is a significant mix of racial and ethnic families assisted by the program with 56% noted as Hispanic.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	883,860	554,493
HOME	HOME		
HOPWA	HOPWA		
ESG	ESG		
Other	Other		

Table 3 - Resources Made Available

Narrative

During Fiscal Year 2016-2017, the City of Seaside's entitlement award was $363,306, Program Income from the ground lease at Embassy Suites was slighly over one-hundred thousand dollars, the city paid a third and final installment of $136,216 of CDBG funds back into the program. There were some funds carried forward from projects that were underway, but not yet completed at the close of the prior fiscal year. See the PR 26 Activity Summary by Selected Grant report in the appendices for a breakdown of grant funds and drawn amounts.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Seaside	100%	100%	See below

Table 4 – Identify the geographic distribution and location of investments

Narrative

The CDBG program had obligatory expenditures of $304,427 as a repayment to the City’s Section108 Loan. $92,661 was allocated for program administration (20% per HUD cap), $69,885 was allocated and fully spent for public services (15% per HUD cap) .

The City provided public services on a citywide basis. Most public facilities improvements and parks improvements conducted on an area basis were completed in 2015-2016. During 2016-2017, Boys and Girls Club completed the purchase of skylights to increase energy efficiency and improvements to the exterior of Community Human Services' Genesis House finished construction. A new project for Community Human Services to fund kitchen upgrades began in 2016-2017 with expected completion in

August 2017.

Substantial Amendment #1 in the 2015-2016 year reallocated funds previously allocated to Seaside Library roof replacement (found to be ineligible) to additional Seaside Library accessiblity improvements . The amendment was approved by the City Council in April 2016 and submitted to HUD. The substantial amendment was approved in 2016-2017 by HUD. In order to coordinate with the library staff for minimal disruption, the construction on the library accessibility improvements is currently scheduled for late 2017 and is expected to be completed in early 2018.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The City of Seaside's CDBG Program Policies and Procedures requires entities applying for CDBG program funds to identify leveraging resources and contributions of matching funds for all proposed projects, programs and activities as part of their CDBG funding application reviewed by the Community Development Advisory Committee during the process in accordance with the City of Seaside Citizen Participation Plan.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	0	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	**0**	**0**

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	0	0
Number of households supported through Acquisition of Existing Units	0	0
Total	**0**	**0**

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The Community and Economic Development Services staff is responsible for the administration of the housing rehabilitation program, along with the administration of public service activities. Staff is charged with the continuing responsibility to forge new partnerships with other public agencies at the federal, state, and local level as well as with private housing developers and nonprofit organizations. The successes of many strategies and objectives detailed within the CAPER are the result of energy and creative efforts.

The City works regularly with the U.S. Department of Housing and Urban Development's programs to help meet its housing and community development priorities. Additionally, the City works closely with a diverse group of nonprofit organizations to provide CDBG public service subrecipient funding. .

The City's affordable housing efforts have centered on implementing a modified housing rehabilitation program that focuses on assistance to the city's low- to moderate-income residents. The City previously contracted with Rebuilding Together Monterey/Salinas (RTMS), a nonprofit organization, to implement a residential façade improvement program., RTMS identified several homes as potential projects. Two projects were completed in 2013–14. The contract for funding RTMS expired in June 2014. Subsequently,creative partnerships have and will continue to yield the City access to resources, which may not otherwise be available. The City of Seaside did not obtain any other grant funding sources for housing activities in 2016-2017.

Discuss how these outcomes will impact future annual action plans.

Seaside will be continuing its association with the regional agencies and their projects, which include services serving Seaside. The primary public organization for affordable housing and supportive services in the City and County is the Housing Authority of Monterey County, a public housing authority whose mission is to develop and operate affordable public housing and implement supportive programs. The Housing Authority manages the Section 8 Housing and Family Self-Sufficiency Programs, essential to meet the City of Seaside's low income housing needs. The Housing Authority partners with a broad spectrum of community non-profits, city and county agencies, and state organizations to address affordable housing and housing shortage issues.

The capital development authority for the Monterey County Housing Authority is the Housing Authority Development Corporation. The Development Corporation works with a broad network of partners to facilitate local zoning agreements and finance affordable housing projects.

The City has always been concerned about poverty and has recognized the need of its citizens to live in safe and sanitary housing in decent neighborhoods. The City's first three redevelopment projects, Noche Buena, Del Monte Heights, and Hannon redevelopment projects, were exclusively residential projects providing decent housing in an urban environment.

In prior years, the City of Seaside was able to rely on funding from the Redevelopment Agency to construct and support housing programs including housing rehabilitation, down payment assistance and emergency repairs. Because redevelopment agencies were dissolved, this funding is no longer available. Without the support provided by redevelopment, and specifically without housing set-aside funds, funding for housing programs is very limited. Moving forward, the City will focus on the highest priority needs with the limited funds available.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	0	0
Low-income	0	0
Moderate-income	0	0
Total	**0**	**0**

Table 7 – Number of Households Served

Narrative Information

Seaside is not a participant in HOME funding. Seaside is sensitive to the needs of residents with physical disabilities. Even though the City is not currently funding affordable housing activity, the Community Development Advisory Committee has noted that accessibility issues are important to receive project funding priority. Accessibility to the Seaside library is also of primary importance as the library provides a variety of services including internet access to persons of limited income and the homeless who may have "worst case needs" Project funding for Community Human Services' Genesis House substance abuse housing and the Boys and Girls club has also helped provide services to their targeted L/M income and L/M limited clientele populations, which include homeless individuals. Public service funding was provided to the Salvation Army for administration of their transitional housing program in Seaside.

The City of Seaside participated in the City of Monterey's Affordable Housing/Shelter Project Round Table on November 16, 2016 where regional agencies discussed the challenges faced around the area and status of current and possible projects.

The Housing Authority joined in an MOU executed April 27, 2017 with the County of Monterey as well as the Cities of Salinas, Seaside and Monterey to jointly prepare an Assessment of Fair Housing as part of the HUD manadated Affirmatively Furthering Fiar Housing requirement prior to processing the next round of Consolidated Plans.

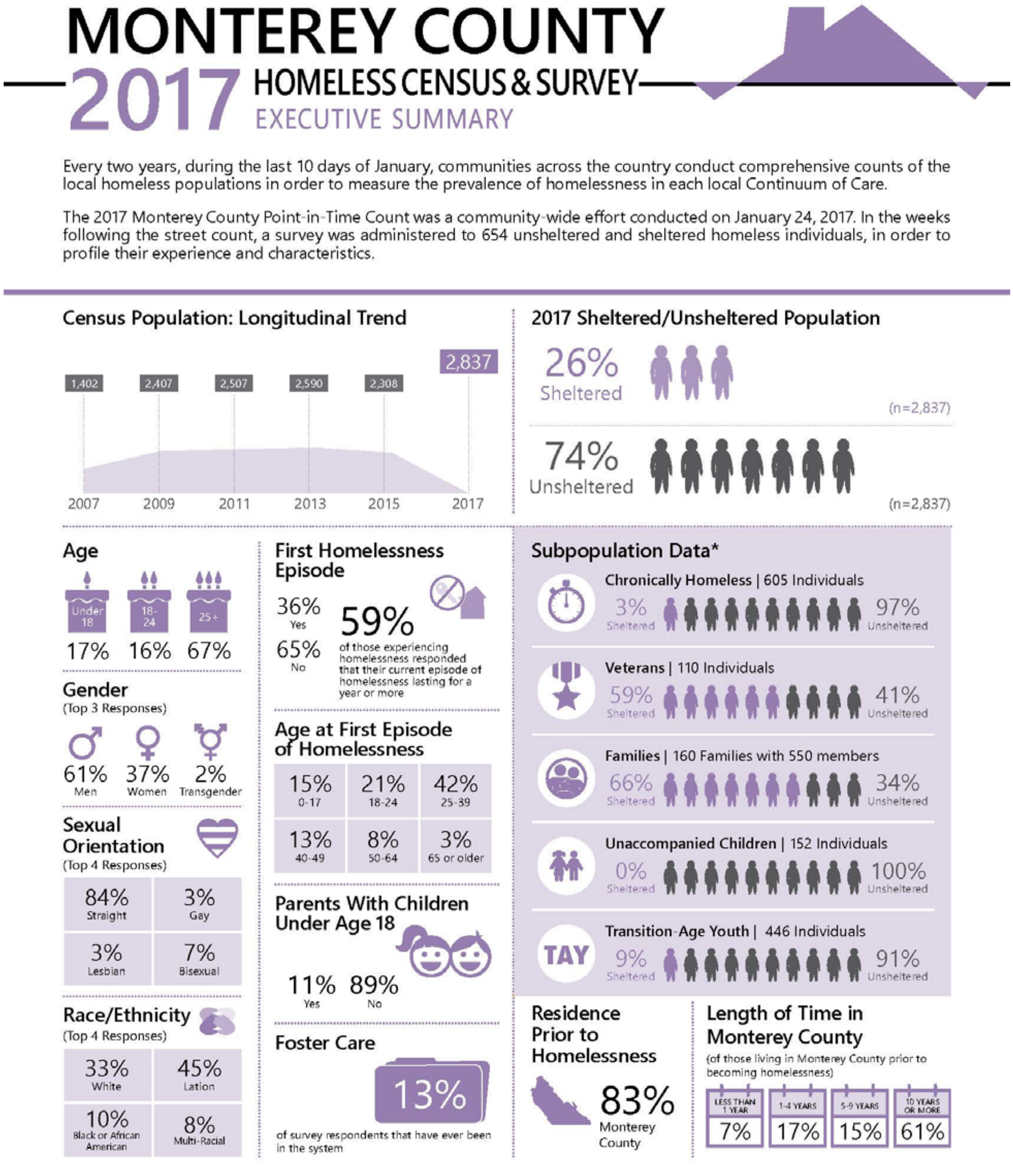
CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The primary nonprofit organization for homeless support in Monterey and San Benito counties is the Coalition of Homeless Services Providers, a coalition of 11 service provider agencies for homeless persons, persons with AIDS/HIV, and other persons with special needs. The Coalition is the County's designated Continuum of Care (CoC) Coordinator.

The Monterey County 2017 Homeless Census and Survey was conducted on January 24, 2017. A survey was administered to 654 unsheltered and sheltered homeless individuals. The executive summary is attached.



2017 Monterey County Homeless Exec Rept-1

Addressing the emergency shelter and transitional housing needs of homeless persons

The Coalition of Homeless Services Providers reviewed applications which represented transitional housing programs, rental assistance programs and permanent housing programs. The Coalition identified application deficiencies and worked with applicants to perform corrective action to ensure proposals met HUD guidelines and thresholds. The Coalition received and validated documentation of Certification of Consistency with Consolidated Plans and as submitted by various jurisdictions. The Coalition worked extensively with the regional HUD field office to transfer a permanent housing program from an agency going out of business to another homeless service agency. Contract transfer was found to be a complicated and time consuming activity.

Technical assistance from HUD helped the continuum assess current homeless program inventory, examine Housing First models and position the community to implement Coordinated Entry. The Coalition worked with HPRP Committee and Supportive Services for Veterans Families (SSVF) grantees to implement a manual pilot Coordinated Entry system.

Like most agencies around the nation, our community lacks the resources needed to meet all of the needs of people experiencing homelessness. Coordinated Entry will help prioritize assistance based upon vulnerability and severity of service needs to ensure that people who need assistance the most can receive it in a timely manner.

Employment

Employment Status

25%
Employed full-time

75%
Unemployed

If Unemployed, Currently...

28% Unable to work
47% Looking for work
25% Not looking for work

Primary Event or Condition That Led to Homelessness

(Top 6 Responses)

43% Financial issues	38% Alcohol/drug use	24% Fight or conflict
20% Divorce/ separation	20% Legal issues	15% Mental issues

Interest in Permanent Housing

82%
of survey respondents said YES when asked if they would want to move into safe, affordable permanent housing were it available

Obstacles to Permanent Housing

(Top 4 Responses)

68% Couldn't Afford Rent	55% No Job/ Income
28% No Trasnportation	35% No Money for Moving Costs

What is a Disabling Condition?

36%
of survey respondents reported a disabling condition

A disabling condition is defined here as a physical disability, mental illness, chronic depression, alcohol or drug abuse, chronic health problems, HIV/AIDS, Post-Traumatic Stress Disorder (PTSD), or a developmental disability.

Health Conditions

Current health conditions affecting housing stability or employment.

(Note: Multiple response question, numbers will not total to 100%)

PTSD

28%	Other Emotional or Mental Health Conditions
18%	Post-Traumatic Stress Disorder
8%	Traumatic Brain Injury
12%	Physical Disability
14%	Chronic Health Problems
2%	AIDS/HIV Related
34%	Drug or Alcohol Abuse

Current Accomodation

78% Outdoors
24% Shelter
14% Vehicle
13% Structure/Indoor Area Not Meant for Habitation

Services and Assistance

52%
of survey respondents reported receiving government benefits

Reasons for Not Receiving Any Government Assistance

(Top 6 Responses)

46% Free Meals	20% Bus Pass
18% Shelter Day Services	16% Transitional Housing
16% Health Services	14% Emergency Shelter

Services Currently Accessing

(Top 6 Responses)

33% Don't Think They are Eligible	23% Don't Have ID
21% No Permanent Address	12% Never Applied
11% Don't Want It	9% Immigration Issues

*Subpopulation Definitions

Chronically Homeless

An individual with a disabling condition or a family with a head of household with a disabling condition who:

- Has been continuously homeless for 1 year or more and/or;
- Has experienced 4 or more episodes of homelessness within the past 3 years.

Veterans

Persons who have served on active duty in the Armed Forces of the United States. This does not include inactive military reserves or the National Guard unless the person was called up to active duty.

Families

A household with at least one adult member (persons 18 or older) and at least one child member (persons under 18).

Unaccompanied Children

Children under the age of 18 who are homeless and living without a parent or legal guardian.

Transition-Age Youth

Young adults between the ages of 18 and 24 years old.

The complete comprehensive report includes a more detailed profile of the characteristics of those experiencing homelessness in Monterey County. It can be found at chspmontereycounty.org

Source: Applied Survey Research. (2017). Monterey County Homeless Census & Survey. Watsonville, CA.

Homeless Survey Summary Pg=2

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City of Seaside certified that The Coalition of Homeless Services Providers' application to HUD's Homeless Assistance Programs for 2016 was consistent with Seaside's Consolidated Plan: (full list in the attachments to this document)

1. MidPen Housing Corporation-New Project Funding for Soledad Street Housing Community

All others are renewal funding:

1. Community Human Services-Safe Passage
2. Community Homeless Solutions (aka Shelter Outreach Plus)-Homeward Bound, MOST/Lexington Court, Men in Transition and Casa de Paz
3. Housing Authority of the County of Monterey (HACM)-Pueblo del Mar, Shelter Plus Care
4. Interim, Inc.-Shelter Cove, Sandy Shores, MCHOPE
5. San Benito Health and Human Services-Helping Hands
6. Veterans Transition Center of Monterey County (VTC)-Coming Home

CA-506 Planning Grant
Coaltion of Homeless Services Providers (CHSP)

OMB Approval No. 2506-0112 (Exp. 7/31/2012)

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Con solidated Plan.

(Type or clearly print the following information:)

Applicant Name: Salinas/Monterey, San Benito Counties CoC CA-506

Project Name: Multiple Projects (see attached list)

Location of the Project: Projects provide services county-wide

Name of the Federal Program to which the applicant is applying: U.S. Department of HUD, Continuum of Care Program

Name of Certifying Jurisdiction: City of Seaside

Certifying Official of the Jurisdiction Name: Kurt Overmeyer

Title: Economic Development Program Manager

Signature: Kurt T. Overmeyer

Date: 8/8/16

Page 1 of 1 form HUD-2991 (3/98)

Certification of Consistency with CoC

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

During 2016-2017 The Salvation Army was a Public Service subrecipient of Seaside's CDBG funding, using the funding for management services at their transitional housing facility mentioned above.

The Coalition's funding application for the HUD's Homeless Assistance Programs will pay for the development, rehabilitation, or leasing of housing for homeless persons and also for supportive services for those persons. In addition to applying for funding for the previously listed emergency and transitional housing, most all of which offer supportive services, the Coalition also assisted numerous non-profit and other agencies in applying for funding through the Homeless Assistance portion of HUD's program to provide supportive and self-sufficiency services.

These supportive and self-sufficiency services include educational and vocational services which focus on social, living, interpersonal, study and job skills. Linkage to other services and services providers is also provided. In many of the housing projects, Monterey County Behavioral Health provides case coordination and representative payees. Additional services provided in some facilities include reintegration, full case management, life skills, and substance abuse counseling.

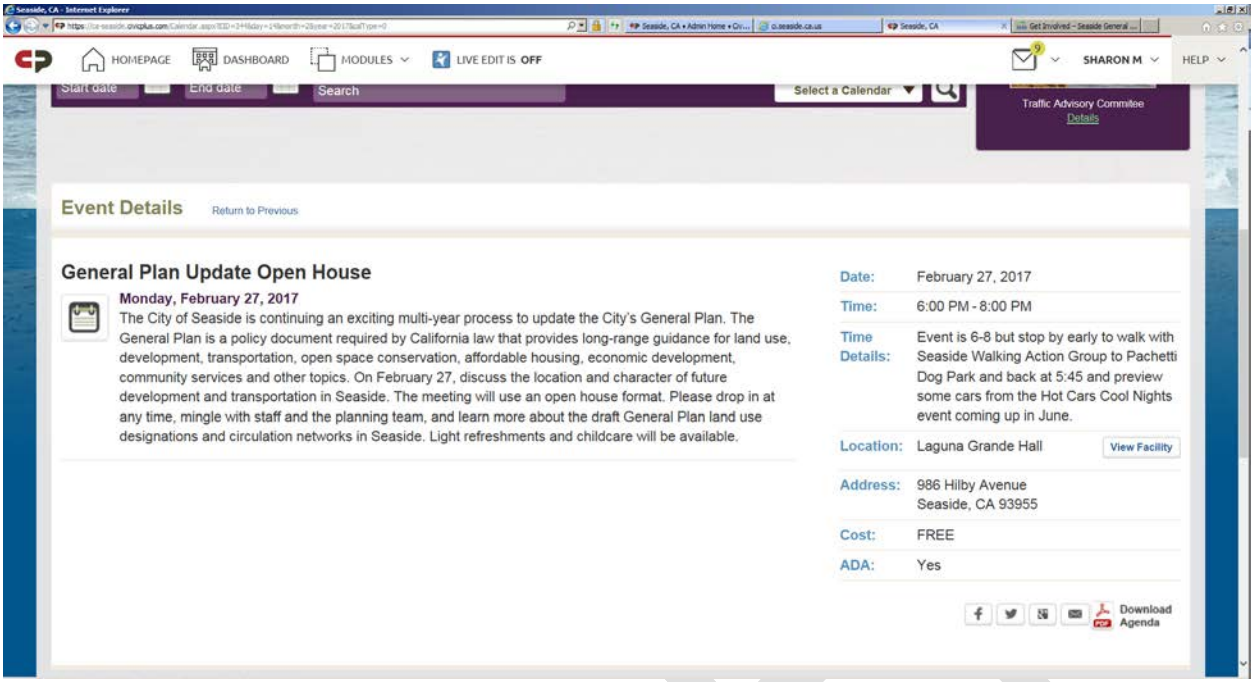
The City of Seaside will continue to support public and non-profit agencies in utilizing programs that assist homeless persons to make the transition to permanent housing and independent living through maintaining these existing supportive services, supportive housing, and affordable housing units.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The Community and Economic Development Services staff is also responsible for the administration of the housing rehabilitation program, along with the administration of public service activities. Staff is charged with the continuing responsibility to forge new partnerships with other public agencies at the federal, state, and local level as well as with private housing developers and nonprofit organizations. The successes of many strategies and objectives detailed within the CAPER are the result of the energy and creative efforts of these staff members. Seaside works regularly with the U.S. Department of Housing and Urban Development's programs to help meet its housing and community development priorities. Additionally, the City works closely with a variety nonprofit organizations through CSBG public service activity funding.

As available funding decreased, Seaside's affordable housing efforts centered on implementing a modified housing rehabilitation program focused on assistance to the city's low- to moderate-income residents. Rebuilding Together Monterey/Salinas (RTMS), a nonprofit organization, was contracted to implement a residential façade improvement program. RTMS identified several homes as potential projects. The contract for funding with RTMS expired in June 2014. Creative partnerships have and will continue to yield the City access to resources, which may not otherwise be available. The City of Seaside did not obtain any other grant funding sources for housing activities in 2016-2017.

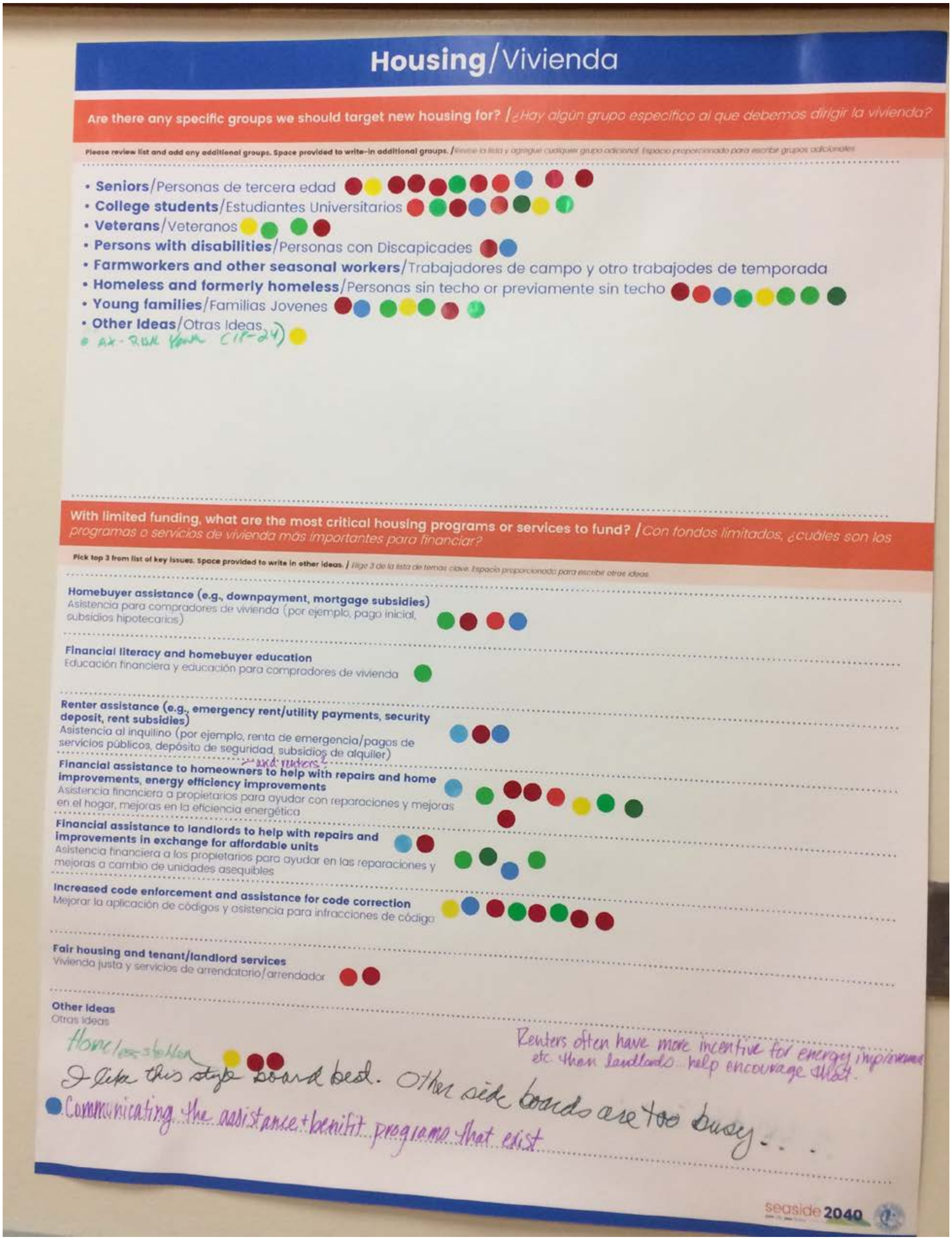


General Plan Update Open House addresses housing 2-27-17

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The City's Housing Element is part of the General Plan Update currently in process. Many meetings have been and will be continue to be scheduled during the course of the General Plan Update process. During the 2016-2017 time period covered by this document, two Open House events were held: August 2, 2016 at City Hall and February 27, 2017 at the Oldemeyer Center. Also, a workshop was held on December 5, 2016 at the Oldemeyer Center gathering public input on land use, including housing.

The Family Self Sufficiency Program is designed to help families become financially independent of cash aid assistance by obtaining employment. Successful participating families are rewarded with a savings account that is established by the HACM. Additionally, the HACM's commitment to its program participants is solidified by the HACM partnering and collaborating with a variety of local service providers that are equally interested in helping families reach their goal of self sufficiency. Services may include career counseling, education (GED and beyond), financial literacy, job training and parenting skills.



The public indicates opinions on Housing

Actions taken to provide assistance to troubled PHAs

The Housing Authority of Monterey County (HAMC) is a public housing authority whose mission is to develop and operate affordable public housing and implement supportive programs. HAMC is the primary public organization for affordable housing and supportive services in the area and manages the Section 8 Housing and Family Self-Sufficiency Programs. Both programs are essential to meeting the City of Seaside's low income housing needs. The Housing Authority partners with a broad spectrum of community non-profits, city and county agencies as well as state organizations to address affordable housing and housing shortage issues.

The capital development authority for the Monterey County Housing Authority is the Housing Authority Development Corporation which relies upon a broad network of partners to complete all of its developments. The Development Corporation works to facilitate local zoning agreements and finance affordable housing projects.

The City's first three redevelopment projects, Noche Buena, Del Monte Heights, and Hannon redevelopment projects, were exclusively residential projects providing decent housing in an urban environment. Seaside residents are concerned about poverty and the City of Seaside has recognized the need for its citizens to live in safe and sanitary neighborhood housing.

In prior years, the City of Seaside was able to rely on funding from the Redevelopment Agency to construct and support housing programs including housing rehabilitation, down payment assistance and emergency repairs. Because redevelopment agencies were dissolved, this funding is no longer available. Without the support provided by redevelopment, and specifically without housing set-aside funds, funding for housing programs is very limited. Moving forward, the City will focus on the highest priority needs with the limited funds available.

The City has not directly received any housing discrimination complaints in 2016-2017 nor has it received court orders or HUD-imposed or state-imposed sanctions affecting the provisions of fair housing laws. The City's priorities in affirmatively furthering fair housing remain focused on educating the general public on fair housing issues and policies to keep individuals aware of their rights and remedies under state and federal laws, and keeping housing providers and real estate persons knowledgeable on housing discriminatory practices and consequences. Seaside did not allocate CDBG funds to directly to housing activities. As a result of the lack of resources available to the City, and the lack of staffing to oversee or implement housing programs, there are no non-CDBG housing activities to report.

Likewise, Seaside took no actions to produce affordable housing (for special needs or otherwise) through activities that provide rental assistance, the production of new units, the rehabilitation of existing units, or the acquisition of existing units. There are no such actions to report during 2016-2017.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The city of Seaside is in the process of updating the General Plan and conducted community workshops, task force meetings, bi-weekly staff meetings and City Advisory team meetings as needed to keep the project on schedule for completion in early 2018. As a result of the updating process, Zoning ordinance changes and review of all policies and procedures will be necessary to determine items that should be updated, removed or otherwise amended. During 2016-2017, General Plan update public outreach was held August 2, 2016 at City Hall during National Night out as well as December 5, 2016 and February 27, 2017 at the Oldemeyer community center. Breakout sessions and informational stations were set up to collect information from attendees.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The Community Development Advisory Committee hosted it's annual Community Needs Workshop on September 21, 2016 which included a brainstorming session including the topics of what do we have? What do we need? What are our problems? Are these things that can be addressed? The feedback shaped the Annual Action plan and also was used to encourage neighborhood groups to start their own efforts for projects that may or may not eventually receive CDBG funds.

Also, the City of Seaside held a existing conditions workshop on June 6, 2016 as part of the general plan update process. Over 75 community members gave their imput regarding where the city is now and what they would like to see in 20 years. The community indicated the vision for the next 20 years during National Night Out on August 2, 2016. The information will be useful for the planning process and the updated General Plan, expected to be completed in early 2018.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City did not conduct any activities for which lead-based paint clearance was necessary in 2015-2016.

However, the City does conduct a visual assessment to identify lead-based paint hazards when necessary and contracts with certified lead-based paint inspectors as required by state law. The brochure published by the US Environmental Protection Agency entitled "Protect Your Family from Lead in Your Home" is linked on the City website. This brochure is also available at the Seaside Library. The brochure and others are available on the US EPA website https://www.epa.gov/lead/documents-and-outreach-materials.

The City encourages contractors for CDBG project to use Section 3 contractors and/or employees. All subrecipients undertaking construction projects are encouraged to specifically invite Disadvantaged Business Enterprises (including women owned) to bid.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

During the program year, the City worked with several organizations that focus on increasing self-sufficiency among lower-income populations. These organizations included the Legal Services for Seniors, which provides a legal services pertaining to housing, health, and finances for elderly residents; drug rehabilitation provided by Community Human Services. Services to help youth start off on the right path include Community Partnership for Youth, The Village Project and Girls, Inc. Transitional housing, including financial counseling and homework assistance stations for youth are available through the Salvation Army's Casa De Las Palmas site in Seaside. CDBG funded projects include Section 3 policies to help reduce the number of poverty level families as well.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

In 2012, the Community Development Advisory Committee (CDAC) was formed as part of the City's Citizen Participation Plan. The CDAC has regularly scheduled monthly meetings, and is an active and viable part of the planning and management for CDBG funds. The CDAC provides valuable feedback to staff and ensures citizen participation. The CDAC held the annual community assessment workshop on September 21, 2016, to review CDBG program accomplishments and discuss program performance. Although two CDAC members resigned during the year, interest was high for qualified applicants for the City Council to consider when filling the positions. CDAC wrapped up the year with no vacancies.

Staff provided guidance and assistance to public service providers in the form of improving the collection of data on persons served and documenting services provided. Staff has implemented tracking of grant budgets and expenditures within City accounting systems that mirror the Integrated Disbursement and Information System (IDIS) and are regularly reconciled to IDIS. Staff provides quarterly reports to the CDAC that describe program progress.

The 2015-2020 Consolidated Plan and 2015-2016 and 2016-2017 Annual Action plans were submitted to HUD using the IDIS system. This 2016-2017 CAPER is the second year that the City of Seaside has prepared the document entirely through the IDIS online process.

Outreach meetings for the City's general plan update include task force meetings, workshops and City advisory team meetings. Baseline data received from the meetings, including where participants live, work and shop are valuable to determine the current action patterns of the community and what may be missing.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Housing and economic development/blight removal programs had to reinvent and restart after the loss of staff and redevelopment funding. The goals associated with those activity types have not kept pace. These programs have proven challenging to implement on a small scale with limited staffing.

The City had no plans in the 2016-2017 program year to produce affordable housing through activities that provide rental assistance, production of new units, rehabilitation of existing units, or acquisition of existing units. This includes housing for homeless, non-homeless, and special needs households. Once again, during 2016-2017 loan monitoring of the recipients of CDBG home improvement loans issued in previous years were monitored for compliance in the program (residency, insurance, etc).

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City is aligning with other agencies in Monterey County to proceed with Affirmatively Furthering Fair Housing requeirements including public outreach and has entered into an MOU with Monterey County and the Cities of Salinas and Monterey as well as the Housing Authority of Monterey County to complete the task by the next writing of our Consolidated Plans.

The City displays fair housing materials at City Hall, and copies of these materials are free to the public. Fair housing information is sent free of charge to those who request it. In addition, the City promotes fair housing awareness in its housing programs and works with housing providers in the city to ensure the fair and equitable treatment of persons and households seeking housing in Seaside.

The City last updated its Fair Housing Plan on August 7, 2003. The City also makes available to the public at City Hall and Seaside Library copies of the HUD brochure entitled "Are You a Victim of Housing Discrimination?" that lists illegal housing discrimination actions under the Fair Housing Act and a complaint form for mailing to HUD Fair Housing Hub in San Francisco.

The primary public organization for affordable housing and supportive services in the City and County is the Housing Authority of Monterey County, a public housing authority whose mission is to develop and operate affordable public housing and implement supportive programs. The Housing Authority manages the Section 8 Housing and Family Self-Sufficiency Programs. Both programs are essential to meeting the City of Seaside's low income housing needs. The Housing Authority partners with a broad spectrum of community non-profits, city and county agencies, and state organizations to address affordable housing and housing shortage issues.

The capital development authority for the Monterey County Housing Authority is the Housing Authority Development Corporation which relies upon a broad network of partners to complete all of its developments. The Development Corporation works to facilitate local zoning agreements and finance affordable housing projects.

The City has always been concerned about poverty and has recognized the need of its citizens to live in safe and sanitary housing in decent neighborhoods. The City's first three redevelopment projects, Noche Buena, Del Monte Heights, and Hannon redevelopment projects, were exclusively residential projects providing decent housing in an urban environment.

In prior years, the City of Seaside was able to rely on funding from the Redevelopment Agency to construct and support housing programs including housing rehabilitation, down payment assistance and emergency repairs. Because redevelopment agencies were dissolved, this funding is no longer available. Without the support provided by redevelopment, and specifically without housing set-aside funds, funding for housing programs is very limited. Moving forward, the City will focus on the highest priority needs with the limited funds available.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

City staff met with the subrecipient staff responsible for each activity prior to the beginning of the program year. All subrecipients were informed of the obligations to collect the required information on income, household composition, and race and ethnicity. The City also provided information on subrecipient agreement policies, data collection, and financial management. The City recommended that each subrecipient and the facilities project sponsors read the "Playing by the Rules" guide produced by HUD. Staff provided guidance and assistance to public service providers in the form of improving the collection of data on persons served and documenting services provided. Staff has implemented tracking of grant budgets and expenditures within City accounting systems that mirror IDIS and are regularly reconciled to IDIS. Staff provides quarterly reports to the CDAC that describe program progress.

Each quarter, staff examined the progress each subrecipient was making toward performance targets. Public services subrecipients must report their service population with each billing. Billings must be at least quarterly. Each subrecipient agreement contains provisions for reductions to or suspensions of payments in the event that targets are not being met (without valid reason) or when past performance issues have not been resolved.

The City has placed a strong emphasis on its subrecipients gathering complete and accurate information on the persons and/or households they serve, and regularly reporting on progress. Quarterly reports were reviewed by CDAC.

In response to HUD monitoring, the City revised its CDBG program manual to describe more specifically how it will monitor CDBG subrecipients and adopt a policy to regularly conduct on-site monitoring. During 2016-2017, Subrecipient Monitoring visits were conducted at the Food Bank of Monterey County, Meals on Wheels of the Monterey Peninsula, Girls, Inc and Community Human Services.

Long term compliance with comprehensive planning requirements included establishing a partnership with neighboring agencies to complete upcoming Affirmatively Furthering Fair Housing outreach requirements. An MOU has been entered between Monterey County and the Cities of Salinas, Seaside and Monterey as well as the Housing Authority of Monterey County, with the City of Salinas acting as lead agency. Salinas issued an RFP for consultant services for this undertaking with proposals due August 7, 2017. In addition, outreach efforts involved with Seaside's general plan update processes, including the housing and economic development elements as well as the City of Seaside's outreach in conjunction with the Ecomomic Opportunity Plan help to ensure compliance as these activities address the topics of housing, homelessness and improving the quality of life for our residents. By including interactive activities during our outreach, the public has found that participating in the process can be fun! In addition, the general plan update process has included open houses and workshops reaching out to the Hispanic community with translation services available and to our lower income families by the provison of free childcare at the events.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The Community Development Advisory Committee holds regular meetings throughout the year on the 3rd Wednesday of each month in the Blackhorse Room at the Oldemeyer Community Center in Seaside. Special meetings are held as needed and are noticed on the city's website and various locations around the city.

On August 16, 2017, the CDAC met and was updated on the progress of this CAPER report and was advised that a draft was scheduled to be posted for public review on or before September 6, 2017. A notice was placed in the Monterey County Weekly on August 31, 2017.

A draft CAPER was downloaded from the IDIS software during the public comment period and made available on the City website, the Seaside public library, the Seaside Fire Station, the City Clerk's office and the City Hall customer service counter.

The City took public comment from September 6 through September 21. A Public Comment item was opened for this CAPER as part of the Community Assessment workshop to kick off the 2017-18 and

2018-2019 application cycle on September 10, 2017. A public hearing on this CAPER was held on September 21, 2017 by the Seaside City Council.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City of Seaside has very limited CDBG funding and is in the final years of large Section 108 Loan Repayments. The Section 108 Loan will be paid in full during the 2017-2018 fiscal year. There have been no changes in the program objectives or plans to change the programs at this time.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

Attachment

Subrecipient Monitoring Results 2016-2017

CITY OF SEASIDE
440 Harcourt Avenue
Seaside, CA 93955
Telephone (831) 899-6825
FAX (831) 899-6211

September 15, 2016

Ms. Melissa Kendrick
Executive Director
Food Bank of Monterey County, Inc.
815 West Market Street, #5
Salinas, CA 93901

RE: Monitoring of Food Bank of Monterey County Inc.'s CDBG Activities for FY 2015-2016

Dear Ms. Kendrick:

On September 8, 2016, Rosa Camacho-Chavez, consultant for the City of Seaside, and I monitored the Food Bank of Monterey County Inc.'s CDBG activities. The Food Bank of Monterey County Inc. is a 2015-16 City subrecipient and carried out one CDBG-funded program: Emergency Food Assistance Program. The program provided free nutritious staple foods to low and moderate income residents in Seaside. The CDBG funds provided operational support for the program.

The period under review spanned July 1, 2015, to June 30, 2016. In addition to examining relevant files in the course of the review, the consultant and I met with Programs Manager Kathy Montero, Director of Accounting, Finance & Human Resources Lyall McKeever, Accounting Coordinator Mu Skow, and you. An exit conference was held with your staff following the visit to discuss the results of the monitoring.

The purpose of a monitoring visit is to determine whether the subrecipient has implemented and administered CDBG-funded activities according to applicable federal requirements. In this review, particular attention was paid to compliance with eligibility and National Objective requirements. Other areas emphasized were financial management systems, procurement practices, compliance with civil rights requirements, and use of program income.

Overall, we found that the Food Bank of Monterey County Inc.is making diligent efforts to comply with applicable federal requirements and achieving its program goals and measurements.

As a result of this most recent review, we have no findings and/or concerns regarding the use of CDBG funds. A *finding* is defined as a program element that does not comply with a federal statute or regulation, whereas a *concern* is either a potential finding or a program weakness that should be improved to avoid future problems.

We should add that we greatly appreciate finding the program files organized in an orderly manner, and we commend your staff's dedication to ensuring the success of the referenced program. Also, as previously mentioned, we saw ample evidence of proper activity delivery by the Food Bank of Monterey County Inc. over the last year in the operations of its CDBG-funded program.

We also appreciated your staff's continued assistance throughout the monitoring visit, and we hope to have the opportunity to work with the Food Bank of Monterey County Inc. in the future.

If you have any questions, please do not hesitate to contact me at (831) 899-6734 or at smikesell@ci.seaside.ca.us.

Sincerely,

Sharon Mikesell

Sharon Mikesell
Administrative Analyst

CITY OF SEASIDE
440 Harcourt Avenue
Seaside, CA 93955
Telephone (831) 899-6825
FAX (831) 899-6211

September 26, 2016

Ms. Robin McCrae
Chief Executive Officer
Community Human Services
P.O Box 3076
Monterey, CA 93942

RE: Monitoring of Community Human Services' CDBG Activities for FY 2015–2016

Dear Ms. McCrae:

On September 23, 2016, Rosa Camacho-Chavez, consultant for the City of Seaside, and I monitored Community Human Services' CDBG activities. Community Human Services is a 2015-16 City subrecipient and carried out one CDBG-funded project: Genesis House Improvements. The CDBG funding was specifically used for asphalt paving improvements at the facility. Genesis House is a state-licensed, residential substance abuse treatment program for adults 18 years of age and older.

The period under review spanned July 1, 2015, to June 30, 2016. In addition to examining relevant files in the course of the review, the consultant and I met with Development Director Rob Rapp and you. An exit conference was held with Rob Rapp following the visit to discuss the results of the monitoring.

The purpose of a monitoring visit is to determine whether the subrecipient has implemented and administered CDBG-funded activities according to applicable federal requirements. In this review, particular attention was paid to compliance with eligibility and National Objective requirements. Other areas emphasized were financial management systems, procurement practices, compliance with civil rights requirements, and use of program income.

Overall, we found that Community Human Services is making diligent efforts to comply with applicable federal requirements and achieving its project goals and measurements.

As a result of this most recent review, we have no findings and/or concerns regarding the use of CDBG funds. A *finding* is defined as a program element that does not comply with a federal statute or regulation, whereas a *concern* is either a potential finding or a program weakness that should be improved to avoid future problems.

We should add that we greatly appreciate finding the project files organized in an extraordinary and orderly manner, and we commend your staff's dedication to ensuring the success of the referenced project. Also, as previously mentioned, we saw ample evidence of proper activity delivery by Community Human Services over the last year in the completion of its CDBG-funded project.

We also appreciated your staff's continued assistance throughout the monitoring visit.

If you have any questions, please do not hesitate to contact me at (831) 899-6734 or at smikesell@ci.seaside.ca.us.

Sincerely,

Sharon Mikesell

Sharon Mikesell
Administrative Analyst

CITY OF SEASIDE
440 Harcourt Avenue
Seaside, CA 93955

Telephone (831) 899-6825
FAX (831) 899-6211

October 7, 2016

Ms. Patricia Fernandez-Torres
Executive Director
Girls Incorporated of the Central Coast
318 Cayuga Street, Ste. 101A
Salinas, CA 93901

RE: Monitoring of Girls Inc. of the Central Coast's CDBG Activities for FY 2015–2016

Dear Ms. Fernandez-Torres:

On October 3, 2016, Rosa Camacho-Chavez, consultant for the City of Seaside, and I monitored Girls Inc.'s CDBG activities. Girls Incorporated of the Central Coast is a 2015-16 City subrecipient and carried out one CDBG-funded program: After School Leadership Mentoring Program. The program provides workshop and learning experiences for girls ages 8-18 in the community. The program focuses on leadership development, goal setting, decision-making, avoiding risky behaviors, and developing resiliency skills. CDBG funds were used to fund salaries of the persons who implemented the program.

The period under review spanned July 1, 2015, to June 30, 2016. In addition to examining relevant files in the course of the review, the consultant and I met with Office Manager, Marina Guzman and you. An exit conference was held with both as well following the visit to discuss the results of the monitoring.

The purpose of a monitoring visit is to determine whether the subrecipient has implemented and administered CDBG-funded activities according to applicable federal requirements. In this review, particular attention was paid to compliance with eligibility and National Objective requirements. Other areas emphasized were financial management systems, procurement practices, compliance with civil rights requirements, and use of program income.

Overall, we found that Girls Incorporated of the Central Coast is making diligent efforts to comply with applicable federal requirements and achieving its program goals and measurements.

As a result of this most recent review, we have no findings and/or concerns regarding the use of CDBG funds. A *finding* is defined as a program element that does not comply with a federal statute or regulation, whereas a *concern* is either a potential finding or a program weakness that should be improved to avoid future problems.

We should add that we greatly appreciate finding the program files organized in an orderly manner, and we commend your staff's dedication to ensuring the success of the referenced program. Also, as previously mentioned, we saw ample evidence of proper activity delivery by Girls Incorporated of the Central Coast over the last year in the operations of its CDBG-funded program.

We also appreciated your continued assistance throughout the monitoring visit.

If you have any questions, please do not hesitate to contact me at (831) 899-6734 or at smikesell@ci.seaside.ca.us.

Sincerely,

Sharon Mikesell

Sharon Mikesell
Administrative Analyst

CITY OF SEASIDE
440 Harcourt Avenue
Seaside, CA 93955

Telephone (831) 899-6825
FAX (831) 899-6211

September 23, 2016

Ms. Vivcca Lohr
Executive Director
Meals on Wheels of the Monterey Peninsula, Inc.
700 Jewell Avenue
Pacific Grove, CA 93950

RE: Monitoring of Meals on Wheels of the Monterey Peninsula Inc.'s CDBG Activities for FY 2015–2016

Dear Ms. Lohr:

On September 22, 2016, Rosa Camacho-Chavez, consultant for the City of Seaside, and I monitored Meals on Wheels of the Monterey Peninsula Inc.'s CDBG activities. Meals on Wheels of the Monterey Peninsula Inc. is a 2015-16 City subrecipient and carried out one CDBG-funded program: Home Delivered Meals Program. The program distributed 2.5 meals per day, five days a week, with an extra meal on Friday for the weekend to frail, elderly, and disabled home-bound low-income adults in Seaside. CDBG funds were used to fund food costs for clients who participated in the program.

The period under review spanned July 1, 2015, to June 30, 2016. In addition to examining relevant files in the course of the review, the consultant and I met with Development Director, Marketing and Pub. Editor Christine Capen-Frederick and you. An exit conference was held with both as well following the visit to discuss the results of the monitoring.

The purpose of a monitoring visit is to determine whether the subrecipient has implemented and administered CDBG-funded activities according to applicable federal requirements. In this review, particular attention was paid to compliance with eligibility and National Objective requirements. Other areas emphasized were financial management systems, procurement practices, compliance with civil rights requirements, and use of program income.

Overall, we found that Meals on Wheels of the Monterey Peninsula Inc.is making diligent efforts to comply with applicable federal requirements and achieving its program goals and measurements.

As a result of this most recent review, we have no findings and/or concerns regarding the use of CDBG funds. A *finding* is defined as a program element that does not comply with a federal statute or regulation, whereas a *concern* is either a potential finding or a program weakness that should be improved to avoid future problems.

We should add that we greatly appreciate finding the program files organized in an orderly manner, and we commend your staff's dedication to ensuring the success of the referenced program. Also, as previously mentioned, we saw ample evidence of proper activity delivery by Meals on Wheels of the Monterey Peninsula Inc. over the last year in the operations of its CDBG-funded program.

We also appreciated your staff's continued assistance throughout the monitoring visit, and we hope to have the opportunity to work with Meals on Wheels of the Monterey Peninsula Inc. in the near future.

If you have any questions, please do not hesitate to contact me at (831) 899-6734 or at smikesell@ci.seaside.ca.us.

Sincerely,

Sharon Mikesell

Sharon Mikesell
Administrative Analyst

Subrecipient Year End Reports

City of Seaside
Community Development Block Grant (CDBG) Program
Subrecipient Year-End Narrative Form
FY 2016 - 2017

Agency Name:	Community Partnership for Youth
Preparer's Name and Phone Number:	Shari Hastey
Contract Amount:	$16,177
Indicate Source of Funding:	CDBG

Number Disabled Assisted:	0
Number Seniors Assisted:	0
Number of Single Female Head of Household Assisted:	0
Number Total Persons Assisted.	558 in Seaside

Brief Narrative of Program Funded: (Address the Objective, Applicable HUD Objective/Outcome Statement and Activity in the Scope of Work) Maximum 4,000 characters.
CPY's objective is to directly address the problems of violence and gang activity, by competently seeking to reduce the less than optimum conditions in a child's home and social environment by giving children the tools they need to rise above those conditions and succeed. CPY offers a positive alternative to children that so desperately need one. Gangs can promote inclusion by offering mentorship and a place to belong; CPY directly competes and succeeds by offering to children the genuine attributes of mentorship, confidence building, self-esteem, and positive "family" systems. As the founding members of CPY so long ago knew, empowerment of the county's most vulnerable population, the at-risk youth, is critical to our community's strength. Students learn to internalize the CPY Standards, and are provided homework and reading assistance. They develop critical one on one mentor and peer to peer relationships. They practice and model behaviors that lead to success. High School young people who do not have a voice – gain confidence and discover that they are needed and wanted, through their interaction with younger students.

Agency Name: <u>Community Partnership for Youth</u>

Students who have tragic circumstances such as abuse or parents/family members in jail or prison – are discovering that - it is not what life gives you it is what you do with it. Several of our young leaders have had family members dealing with addiction problems and are victims of crime. One had a brother who was shot while his friend was killed. She has struggled tremendously as the family found themselves homeless after they were evicted from their Section 8 housing. Her grades suffered but she had a safety net with CPY while going through the difficult changes.

When young people are given the opportunity to have adults who care for them through their hardships it gives them strength and they in turn can be mentors to younger students.

So often our society turns our back on young people who are challenged and do not fit into what is easy for us to understand. CPY has very high standards, however we endeavor to be with our students helping them to discovery answers to their many questions.

The importance of CPY's High school Leadership / Life Skills / Job Preparation Skills cannot be understated. The young High school leaders learn to reverse negative behaviors, as well as develop skills to succeed in life and in the working world.

Address each Outcome in the Scope of Work (refer to Attachment A of your CDBG Funding Agreement)

Outcome #1 – Enroll 10 high school students in the High School Leadership, Life Skills, Job Preparation Program.	Students & parents fill out a contract that says: youth needs to volunteer for a quarter/summer; maintain a 2.5 GPA, volunteer in at least 2 community events and then receive basic wage
Outcome #2 – Train high school students to serve as mentors/tutors to the younger children.	Students receive on the job training as well as a 2 day training in June. Opportunity for life skills and other skills are offered all year long. They are encouraged to give back by volunteering in the community.
Outcome #3 – Mentor Tutor placement for the high school students who went through CPY mentor/tutor training.	Once all requirements are met, students receive their first paycheck at basic wage. ($10.50 an hour)

Agency Name: Community Partnership for Youth

Outcome #4 – Maximize collaboration with other local community public service agencies.	CPY is blessed to have many partner-ships.
Address each Measure in the Scope of Work (refer to Attachment A of your CDBG Funding Agreement)	
Measure #1 – Document the number of students who completed the program.	CPY had 31 high school students enrolled this year. 7 dropped due to grades, sports or other activities. 5 only worked the Summer Intersession. 19 completed the program.
Measure #2 – Document the number of students trained to become a tutor and document the number of students who received the benefit of a tutor. Document the types of benefit received.	All are trained as mentor/tutors. All are given the opportunity to give back to the community in a variety of events. This has been a year of personal growth for our young leaders. Some have "found their voice"; are more consistent; have improved their grades; take responsibility for their actions; and are learning how to be successful in a job situation.
Measure #3 – Document the number of high school students who are now on the payroll of CPY. For high school seniors document what their next step is after high school, i.e. college, jobs, vocational training, etc.	16 high school students have been on payroll this year. 9 students graduated in June and all are planning on furthering their education. 1 young lady graduated in the top 10 of her class.
Measure #4 – Document referral program and or collaboration efforts with community agencies.	Our high school mentors were able to go backpacking with MEarth, learn leadership through surfing with The Wahine Project, as well as partake in volunteering at the Big Sur International Marathon and other community events.
Description of Outreach Efforts to Residents by Census Tracts	We work in Title 1 Schools that service the census tracts.

Agency Name: Community Partnership for Youth

Description of Successes in Program Delivery	Students are learning to take responsibility for their actions, increasing in their self-esteem and learning job skills as well as life skills. Several high school students have been recognized by United Way, Big Sur Marathon and Rotary for their volunteer work in the community. Many have maintained and improved in their academic standing. 9 high school graduates have enrolled in college for the Fall.

Signature of Executive Director:
Shari Hastey, Executive Director:

Date Submitted: August 2, 2017

City of Seaside
Community Development Block Grant (CDBG) Program
Subrecipient Year-End Narrative Form
FY 2016-2017

Agency Name:	Girls Incorporated of the Central Coast
Preparer's Name and Phone Number:	Patricia Fernandez-Torres 831-772-0882
Contract Amount: **Indicate Source of Funding:**	$9,177 CDBG

Number Disabled Assisted:	0
Number Seniors Assisted:	0
Number of Single Female Head of Household Assisted:	0
Number Total Persons Assisted.	61

Brief Narrative of Program Funded: (Address the Objective, Applicable HUD Objective/Outcome Statement and Activity in the Scope of Work) Maximum 4,000 characters.

We served 61 girls ages 9-18 across three school sites in Seaside: Seaside High School, Seaside Middle School, and Ord Terrace Elementary School. We trained and employed two Youth Leaders to participate in our Youth Leader Internship Program. We also trained and worked with two adult volunteer Mentors who helped implement and facilitate the ECHO Leadership program alongside our Youth Leaders.

ECHO Leadership program:

- In August, we implemented the ECHO program at Seaside High School.
- The participants met once every other week in the evenings from August through May.
- ECHO program participants took part in 15 interactive workshops covering a wide range of topics, such as: goal setting, celebrating their cultures and families, honoring the women who inspire them, basic health care, healthy relationships, requirements for college, nutrition, public speaking, civic engagement, career readiness, and resume writing. They also participated in two field trips in which they had the opportunity to visit at least three Colleges and the State Capitol in Sacramento.

ECHO participants:

- Learned basic information about women's health and anatomy, contraception, HIV and other STI's
- Developed goal setting, decision-making and leadership skills
- Obtained job interviewing skills and practiced filling out applications for jobs, college and

financial aid

- 69% of participants visited at least 3 college campuses
- 73% of participants attended a workshop on *Planning for Higher Education* in which they received information on college requirements
- 75% of participants reported increased knowledge of the legislative process
- 75% of participants reported increased self-confidence to voice concerns to Legislators

Will Power/Won't Power:

- In September, we implemented the Will Power/Won't Power at Seaside Middle School
- The participants met once a week after school from September to November
- The girls participated in eight interactive, two-hour sessions that included the following information: how to manage different types of relationships, reproductive health and values, the effects of media messages, bullying, resisting negative peer pressure, and avoiding risky situations. This year we revised our curriculum and included a session on "Dreams and Goals" in which girls learned the differences between dreams and goals and the steps it takes to achieve them. Girls also had the opportunity to create dream collages to keep them motivated as they continue to strive toward success in their lives. In addition, we added a new session on voting that illustrated the importance of voting and the struggle different groups of people have gone through to gain the right to vote. The session was facilitated as a mock election in which girls voted on candidates and propositions from the 2016 U.S. elections. The girls were also encouraged to take home information to their parents and discuss what they had learned.

Will Power/Won't Power participants learned about:

- Relationships and how to be assertive in refusing things that are not good for them
- Their body parts and how their reproductive organs work
- Values and their importance
- Resisting pressure from the media and other sources
- Risky behavior and how to make decisions for themselves
- Positive body image and self-esteem
- Sisterhood and how to support each other

Friendly PEERsuasion 1st phase:

- In December, we implemented the 1st phase of the Friendly PEERsuasion Program at Seaside Middle School
- During Phase 1 of the program, the girls participated in 12 weekly sessions after school from December through March. Topics included: communication, stress management, teambuilding & bullying, resisting negative peer & media pressure, tobacco & alcohol awareness, practicing leadership skills and communication, and setting goals for their future. The last three sessions consisted of the 6th graders (PEERsuaders) preparing for Phase 2 in which they would need to facilitate activities with 4th and 5th graders at Ord Terrace Elementary School. The 6th graders spent time dividing activities, preparing scripts, making agendas, and practicing their activities in teams.

Friendly PEERsuasion program participants learned:

- How to resist peer and media pressure
- How to communicate with others and how to refuse things they do not want to do
- About substance awareness and why substances are harmful to our bodies
- How to manage stress in healthy ways
- How to be leaders and facilitate a variety of activities to their younger peers

Friendly PEERsuasion 2nd phase:

- In April, we implemented the 2nd phase of the Friendly PEERsuasion program at Ord Terrace Elementary School.
- During Phase 2, the PEERsuaders had the opportunity to demonstrate what they had learned during Phase 1. With the support of Youth Leaders, the PEERsuaders facilitated six weekly sessions after school. Topics included: the importance of communication, stress management, bullying, tobacco and alcohol awareness, and peer & media pressure.

Address each Outcome in the Scope of Work (refer to Attachment A of your CDBG Funding Agreement)

Outcome #1 – Provide developmentally appropriate workshops and learning experiences	**ECHO**, consisting of 15 modules and two field trips, was offered at Seaside High School, from 8/16-5/17, serving 12 girls. **Will Power/Won't Power**, consisting of eight sessions, was offered at Seaside Middle School from 9/16-11/16, serving 13 girls. **Friendly PEERsuasion**, a 2-phase program, was offered at Seaside Middle School and Ord Terrace Elementary School, serving 17 6th graders (12 workshops) and 19 4th and 5th graders (6 workshops) from 12/16-5/17
Outcome #2 – Training for facilitation skills, program planning, participant recruiting, youth-adult partnerships, and public speaking	Programs were facilitated by **Youth Leaders,** who received training in July 2016 for ECHO, and later in July for Will Power/Won't Power. They received further training for Friendly PEERsuasion in November 2016, which also included instruction on how to mentor the 6th graders to be facilitators of Phase 2 of the program.
Outcome #3 – Emphasize the value of staying in school	Girls across all three programs attended workshops on goal-setting and decision-making, and were provided with the skills needed to navigate all levels of their academic journey. Additionally, girls in the **ECHO** program learned to plan for higher education, to fill out college and job applications, and about UC/CSU admission requirements. They visited three college campuses to view college life, talk to current students, and learn about college majors.
Outcome #4	*(Narrative)*

Agency Name: <u>Girls Inc. of the Central Coast</u>

Address each Measure in the Scope of Work (refer to Attachment A of your CDBG Funding Agreement)

Measure #1 – ECHO: 60-70% will visit at least 2 college campuses 60-70% will attend a workshop on Planning for Higher Education 70-74% will report increased knowledge of the legislative process 70-76% will report increased self-confidence to voice concerns to legislators	*Actual Results* 69% visited at least 3 college campuses 73%% attended the Planning for Higher Education workshop 75% reported increased knowledge of the legislative process 75% reported increased self-confidence in voicing concerns to legislators
Measure #2 – Youth Leaders 90% will increase confidence in public speaking skills 98% will participate in CPR and Child Abuse Reporting training 97% will plan each session, contact guest speakers, attend monthly meetings, communicate with participants, and co-facilitate ECHO with mentors 90-100% who are seniors will apply to college	*Actual Results* 93% report increased confidence in public speaking skills 100% participated in CPR and Child Abuse Reporting training 95% planned each session, contacted guest speakers, attended monthly meetings, communicated with participants and co-facilitated ECHO with adult mentors We didn't have any seniors this year
Measure #3 – Will Power/Won't Power 60-70% will learn about their body parts and how our reproductive organs work 70% will learn about values and how important it is to have them 70% will learn about media pressure and how to resist negative pressures Measure #4 – Friendly PEERsuasion *65-75% of middle school girls will:* Learn about peer and media pressures Learn how to communicate with others Learn refusal skills Learn how to be leaders and facilitate activities Learn about substance awareness and harmful substances How to manage stress Description of Outreach Efforts to Residents by Census Tracts	*Actual Results* 88% learned about health, hygiene and reproductive health 75% learned about the importance of having values 89% (averaged) reported that they learned about pressures to have intercourse, felt more confident saying "no" to pressure to have sex, and felt they could resist pressure to do things they didn't want to do *Actual Results* 64-80% reported: 78% learned how to communicate more effectively 68% reported that they felt more confident with public speaking 66% reported that their facilitation skills had improved 69% reported that they felt more confident expressing their opinions 88% said they had the ability to make good choices for themselves ECHO participants were recruited from Seaside High School sophomores & juniors. All girls were eligible to apply. Youth Leaders were recruited from the previous year's ECHO graduates at Seaside High.

	Will Power/Won't Power participants were recruited from 8th graders at Seaside Middle School. All girls were eligible to participate. Friendly PEERsuation (phase 1) participants were recruited from 6th graders at Seaside Middle School. All girls were eligible to participate. Friendly PEERsuasion (phase 2) participants were recruited from 4th and 5th graders at Ord Terrace Elementary School. All girls were eligible to participate.
Description of Successes in Program Delivery	All programs were successfully delivered at their respective school sites. This year, we had a difficult time recruiting participants due to a lack of support from certain school sites. Faculty support plays a significant role in the success of our outreach at school sites. Therefore, we hope to mediate this issue in future years by giving presentations to school faculty prior to conducting recruitment in order to create better understanding among faculty about our programs and gain their support. Additionally, it would be of great benefit to our outreach efforts if we had the opportunity to meet directly with students in order to properly explain our program at certain school sites. Participants who began the program but eventually dropped listed the following as reasons for dropping: conflicts with other activities or sports they were involved in, obtaining a recent job, family issues, and/or taking care of siblings at home while parents work.

Signature of Executive Director: *Patty Fernandez-Torres*

Printed Name of Executive Director: Patty Fernandez-Torres

Date Submitted: July 6, 2017


girls
inc.®
Girls Inc. of the Central Coast
Seaside

City of Seaside
Community Development Block Grant (CDBG) Program
Subrecipient Year-End Narrative Form
FY 2016 - 2017

Agency Name:	Legal Services for Seniors
Preparer's Name and Phone Number:	Kellie D. Morgantini, ED, 831-899-0492
Contract Amount:	$16,177
Indicate Source of Funding:	CDBG

Number Disabled Assisted:	6
Number Seniors Assisted:	314 (direct service); 66 seminar attendees
Number of Single Female Head of Household Assisted:	187
Number Total Persons Assisted.	314 (direct service); 66 seminar attendees

Brief Narrative of Program Funded: (Address the Objective, Applicable HUD Objective/Outcome Statement and Activity in the Scope of Work) Maximum 4,000 characters.

Legal Services for Seniors (LSS) used CDBG funds to help provide no-cost legal services up to and including court representation to 314 Seaside residents age 60 and above, helping to meet the HUD objective of creating a suitable living environment for Seaside seniors, exceeding our performance goal by almost 75 percent. We worked to resolve legal challenges for seniors in crisis with services ranging from simple legal advice, brief consultations, and full legal representation in six main areas: physical abuse, financial abuse, housing, benefits/income, health care/insurance/wills, and probate law.

Our permanent Seaside office on Hilby St. is open 9am-5pm to accommodate walk-in clients, and the site is handicapped accessible via public transportation.

We presented three seminars in Seaside for 66 seniors, veterans, caregivers and professionals in 2016-17 highlighting ways the community can prevent seniors from being targeted by dishonest individuals. All our programs were provided at no cost for participants.

Address each Outcome in the Scope of Work (refer to Attachment A of your CDBG Funding Agreement)

Outcome #1 – *(Write in Outcome)* Provide legal services to seniors who reside in Seaside	*(Narrative)* Between July 1, 2016 and June 30, 2017, LSS services helped 314 Seaside seniors exceeding our 2016-17 goal by 75 percent.

Agency Name: Legal Services for Seniors

Outcome #2 – *(Write in Outcome)* Prevent seniors from being targeted by dishonest individuals	*(Narrative)* 2.1% of cases countywide involved senior abuse or neglect; 5% of cases involved financial abuse; and 20% involved housing. 100% of clients received an appropriate legal outcome.
Outcome #3 – *(Write in Outcome)* *Help enable seniors to live independently by providing legal services at no cost*	*(Narrative)* All services in Seaside (314 cases) and countywide (2,264 cases) were provided at no cost enabling seniors to live independently. We estimate our clients were able to recoup more than $900,000 they were due in benefits and settlements in 2016-17.

Agency Name: Legal Services for Seniors

Address each Measure in the Scope of Work (refer to Attachment A of your CDBG Funding Agreement)	
Measure #1 – *(Write in Measure)* Document all CDBG funded cases and services rendered.	*(Narrative)* LSS maintains its confidential client data in a secure legal database program called "PIKA." PIKA follows the legal services-wide standard for compilation and maintenance of confidential client data. Clients are tracked by age, gender, ethnicity, race, city of residence, financial information and other statistical data, as well as the number of seniors we serve in a 12-month period, type of legal issue for each case, number of office visits to our outreach sites, number of hours of legal services to estimate how much money the client saved, the number of elder abuse prevention/caregiver legal assistance sessions conducted and the number of attendees.
Measure #2 – *(Write in Measure)* Document all CDBG funded cases and services rendered.	*(Narrative)* See above.
Measure #3 – *(Write in Measure)* Document all CDBG funded cases and services rendered. Description of Outreach Efforts to Residents by Census Tracts	*(Narrative)* See above. Legal Services for Seniors reaches out with public notices & presentations to all seniors in the City of Seaside.
Description of Successes in Program Delivery	Between July 1, 2016 and June 30, 2017, LSS services helped 314 Seaside seniors exceeding our 2016-17 goal by 75 percent.

Agency Name: Legal Services for Seniors

Signature of Executive Director:

Printed Name of Executive Director: Kellie D. Morgantini

Date Submitted: July 14, 2017

City of Seaside
Community Development Block Grant (CDBG) Program
Subrecipient Year-End Narrative Form
FY 2015 - 2016

Agency Name:	**The Salvation Army Monterey Peninsula Corps**
Preparer's Name and Phone Number:	**Jenifer Miller, Director 831-899-1335 ext. 2713**
Contract Amount:	$15,177
Indicate Source of Funding:	CDBG

Number Disabled Assisted:	1
Number Seniors Assisted:	0
Number of Single Female Head of Household Assisted:	30
Number Total Persons Assisted.	115

Brief Narrative of Program Funded: (Address the Objective, Applicable HUD Objective/Outcome Statement and Activity in the Scope of Work) Maximum 4,000 characters.
The programs funded include one 90-day emergency program and one 6-24 month transitional housing program, designed to help homeless families transition into permanent housing. These programs provide residential and educational services to families who are committed to improving their lifestyle, such as intensive case management and workshops focused on financial management, tenant landlord education, employment acquisition skills, work ethics, and more. The ultimate objectives for each program is to break the cycle of homelessness and reduce the number of homeless individuals in the community, and to build important life-skills through intensive one-on-one case management and group workshops.

Address each Outcome in the Scope of Work (refer to Attachment A of your CDBG Funding Agreement)

Agency Name: The Salvation Army Monterey Peninsula Corps

Outcome #1 – Reduce the number of unsheltered individuals through significant and planned intervention by case management and wrap around services.	Within the funding year, our programs were able to serve an increased number of individuals, providing safe housing and shelter for their families. All participants of our shelter program received intensive weekly case management focused on crisis management, securing employment, and establishing housing. For the participants in the Transitional Housing program, they received bi-weekly case management services focused on an individual service plan outlining their goals and priorities. All program participants engage in monthly skill-building workshops focused on such topics as financial management tenant/landlord education, and family management. As participants graduate from the programs, they continue to receive follow up case management services for 6 months and beyond.
Outcome #2 – Counseling services while sheltered enables clients to concentrate on creating budgets, gaining employment and increasing savings.	Based on each family's case plan, participants' case management includes: weekly tracking of expenses, the creation of a monthly household budget, and the creation of savings goals. Participants regularly turn in monthly budgets as well as copies of paystubs and savings account balances to monitor and track their progress. Case management services focused on gaining or increasing employment include: creation of resume and cover letter, assistance with on-line job searches, and mock interview prep.
Address each Measure in the Scope of Work (refer to Attachment A of your CDBG Funding Agreement)	
Measure #1 – Provide a safe environment including fully furnished apartments and access to a Community Center. Intensive counseling service and data collection for feedback from	*-Number of participants served: 115* *-Number of individual bed nights in stable program housing: 14,552* *-Number of case management sessions: 491*

Agency Name: **The Salvation Army Monterey Peninsula Corps**

clients.	*-Number of workshops and house meetings:36*
Measure #2 – Monitoring of clients' income throughout the program and after completion.	*-Number of families who saved +$500: 24* *-Number of families who increased or maintained income: 29* *-Number of alumni families who exited and maintained stable income: 18*
Description of Outreach Efforts to Residents by Census Tracts	
Description of Successes in Program Delivery	*See attached success stories

Note: The objectives and measurements detailed in the HUD Performance Measurement section of Attachment A are incorrect and are not addressed by our programs. This was an unfortunate oversight. The correct objectives and measurements can be found in the Program Outcomes and Measurements section of Attachment A.

Signature of Executive Director:
Printed Name of Executive Director: JENNIFER SWAIN

Date Submitted: July 11, 2017

Casa de Las Palmas Success Story

A single mother of three small children had a successful early exit from the Casa de Las Palmas Transition Housing program in June. After leaving a domestically violent relationship after years of housing instability and termination from shelter, this young mom entered our program. Her individual case plan focused on creating goals and priorities for her family that included maximizing employment, creating savings, building her credit, and creating emotional stability for her children.

After years of abuse, this woman's confidence and self-esteem had been significantly affected. At the time of intake, this mom was working but had just enough money to pay the program deposit and almost no credit history. Additionally, she had a vehicle with headlights that did not work. She found herself racing the clock each night after work trying to pick up her kids from childcare and get home safely. In bi-weekly case management, she focused intensively on budgeting and building her financial management skills in the hopes of being able to purchase a safer vehicle for her family. She tracked weekly expenses, created projected monthly budgets with savings goals, and monitored her growing savings account balance. Within several months this dream became a reality and her belief in herself and in her ability to achieve her goals blossomed.

While this participant did experience some challenges to employment during her time in the program, at the time of her exit she was working steadily. Throughout it all, she did not waiver in her focus on savings. This perseverance is what enabled her to save not only money for her deposit and first month's rent for an apartment, but also to save an emergency fund of $5,000. She actively participated in case management, readily accepting new information, resources and tools. Upon the advice and encouragement of her case manager, she created a tenant resume that ultimately secured her housing as the landlord was so impressed with her initiative. In fact, she convinced the landlord to accept a housing voucher which he had never accepted before! This was quite a feat considering the challenging housing market in our community.

With much pride and confidence, this family was able to make an early successful transition from the program. This mother has maintained employment stability and continues to focus on savings. She continues to participate in follow up case management services where she receives ongoing financial management support and has created an adjusted household budget accounting for her increased household expenses now that she is independent. In addition, she has stayed connected and engaged in our family events and activities such as Family Night and BBQs.

It was a great joy to watch this family's growth and success within the program and we are privileged to have the opportunity to stay connected through after care. It is our great hope in the Housing Department that all families will enjoy this level of success and this family continues to inspire us in our work.

Frederiksen House Success Story

Jane and John and their son entered the Frederiksen House Program after a period of homelessness. The family had relocated from the Phoenix area when John was offered employment in the Monterey County. Upon arriving, they discovered that the offer was no longer available. Jane and John found themselves both unemployed and their only financial support was from Cash Aid. It was at that point that the family found themselves living in their vehicle.

The family accessed services from the Good Samaritan Center, where they were able to use the shower, receive a hot meal, and use the mail services. It was there that they received information about local housing services and were referred to the Housing Department. The family applied and entered the Frederiksen House Program soon after. Shortly after entering, both adults were able to find temporary employment which then lead to permanent employment with a significant wage increase. The family participated in intensive weekly case management sessions, where they created an individual service plan outlining their goals. Wrap around services for the program also included monthly workshops and house meetings with additional life-skill building.

With hard work and focus on budget, the family reached their savings goal of $2000. In addition, they were able to pay off small overdue account balances and create payment plan arrangements for larger outstanding debts. These efforts along with paying their bills on-time each month, resulted in the family seeing an increase in their credit score.

In preparation for their transition out of the program, the family was referred to other local agencies for move in assistance. As a result, the family was able to successfully transition out of the Frederiksen House before their 90 days and were able to secure permanent housing in the Monterey Peninsula. After their exit from the program, the family continues to follow up with Housing staff and is engaged in Salvation Army social activities. The family is no longer receiving Cash Aid, has maintained employment, and remains permanently housed.

City of Seaside
Community Development Block Grant (CDBG) Program
Subrecipient Year-End Narrative Form
FY 2015 - 2016

Agency Name:	The Village Project, Inc.
Preparer's Name and Phone Number:	Mel Mason, (831) 392-1500
Contract Amount:	$13,177.00
Indicate Source of Funding:	CDBG

Number Disabled Assisted:	0
Number Seniors Assisted:	0
Number of Single Female Head of Household Assisted:	16
Number Total Persons Assisted.	45

Brief Narrative of Program Funded: (Address the Objective, Applicable HUD Objective/Outcome Statement and Activity in the Scope of Work) Maximum 4,000 characters.

The project for which funding was approved is The Village Project, Inc.'s Mae C. Johnson Education and Cultural Enrichment Program, commonly known as the Afterschool Academy. This Academy just completed its seventh year as a program. It provides tutoring and other learning activities and strategies as well as counseling to meet the social and emotional developmental needs of students grades 1-12, many of whom have been classified as at-risk or high risk.

Address each Outcome in the Scope of Work (refer to Attachment A of your CDBG Funding Agreement)

Outcome #1 – *(Write in Outcome)* Reduce the number of children at high risk for failure and possible involvement In the Juvenile Justice System by improving academically.	*(Narrative)* *There were no failures this school year. There were 15 students who came into the program who had numerous F's and D's. These same students had at least*

Agency Name: ____________________

	one suspension the previous year and others had multiple suspensions. There were two suspensions by two different students the first semester. There were no suspensions in the Spring Semester. No student received an F. Two students received one D+ a piece. All students received grades ranging in a mix from C+'s to A-'s. No students were arrested for any crimes and there were no involvements by any students in the Juvenile Justice System.
Outcome #2 – *(Write in Outcome)* Reduce suspensions by developing pride in themselves and creating a culture of excellence.	*(Narrative)* As mentioned above, suspensions were greatly reduced and no students had failing grades. A former Stanford Professor and Seaside native, Dr. Grace Carroll, helped develop and lead a program called "Read Loud, Read Proud" that inspired students in lower grades to enjoy reading. Older students were enlisted to be teacher aides and readers to younger children. As a result of this program and other program components, students began taking pride in their scholastic achievements, which resulted in a number of students receiving A's and B's for the first time.
Outcome #3 – *(Write in Outcome)*	*(Narrative)*
Outcome #4	*(Narrative)*
Address each Measure in the Scope of Work (refer to Attachment A of your CDBG Funding Agreement)	
Measure #1 – *(Write in Measure)* Measure used was student progress reports	*(Narrative)* These reports were used weekly and sometimes daily depending on the difficulties students were having academically and behaviorally.

Agency Name: ____________________

Measure #2 – *(Write in Measure)* Measures used were reports from teachers, self reports from students, reports from parents and report cards.	*(Narrative)* The frequency of the gathering of these reports varied per student and the level of difficulties they were experiencing.
Measure #3 – *(Write in Measure)*	*(Narrative)*
Measure #4 – *(Write in Measure)*	*(Narrative)*
Description of Outreach Efforts to Residents by Census Tracts	As we perennially do, we carried out outreach to residents and schools in all of the City's Census tracts through community meetings, parents gatherings, meetings of parents in our Afterschool Academy's Parents Advisory council which is made up of parents from throughout the Seaside community, churches and civic groups.
Description of Successes in Program Delivery	In the seven years of the existence of our Afterschool Academy, the reputation of excellence of the Academy has resulted in a long backlog of referrals of students for our program. This backlog far exceeds our staffing capacity to bring them into the Academy. This is a testament to the success students and parents have experienced in this program.

Signature of Executive Director: Melvin T. Mason, LCSW
Printed Name of Executive Director: MELVIN T. MASON

Date Submitted: July 31, 2017

Continuum of Care 2016 Certification of Consistency with Seaside CON Plan

List of New and Renewal Projects-Salinas/Monterey, San Benito Counties CoC CA-506

2016 Certification of Consistency with Consolidated Plan Request

This document attached to HUD Form 2991, Certification of Consistency with the Consolidated Plan for the following five (5) jurisdictions:
*City of Salinas
*City of Seaside
*City of Monterey
*Monterey Urban County (unincorporated Mty Co. Del Rey Oaks, Gonzales), and
*Department of Housing and Community Development

New Projects (through Bonus):

MidPen Housing Corporation

1) Permanent Supportive Housing Program, **New Project Funding** – Soledad Street Housing Community is an 81 studio units, 4 one-bedroom, and 5 two-bedroom units of affordable housing. Through bonus funding, five (5) studio units will be utilized to serve chronically homeless households and will support those with mental illness or physical disability. MidPenn Resident Services will offer Strength Based Case/Care management services onsite. Project located in the City of Salinas and is available county-wide. Approximately 5 individuals served annually.

Renewal Projects:

Community Human Services (CHS)

2) Transitional Housing Program, **Renewal** Funding - ***Safe Passage*** is a six-bed transitional supportive housing program serving homeless youth, ages 18-21. Supportive Services include self-sufficiency planning, case management, life skills education, financial literacy & job/educational readiness, and community-wide Information & Referral. Project located in the City of Monterey and is available county-wide. Approximately 10 individuals served annually.

Community Homeless Solutions (aka Shelter Outreach Plus)

3) Transitional Housing Renewal Funding, ***Homeward Bound*** is a transitional housing program with 25 2-bedroom units serving homeless or single women with children or

who are victims of domestic violence. Located in Marina, services are provided to families countywide. Services available include case management, financial literacy training, clothing closet, individual and group therapy, and recovery classes. Located in Marina, the program is county-wide. 75 beds available, serving approximately 35 women and 50 children annually.

4) Transitional Housing **Renewal** Funding, ***MOST/Lexington Court***, - Lexington Court is a transitional housing program comprised of six 2-bedroom units for homeless families. Supportive Services include self-sufficiency planning, case management, life skills education, financial literacy & job/educational readiness, and community-wide Information & Referral. Located in Marina, this is a county-wide program. Serves approximately 18 individuals annually. The Mobile Outreach Services Team (M.O.S.T.), the outreach component, provides harm reduction services to approximately 1,250 homeless individuals annually.

5) Transitional Housing **Renewal** Funding, ***Men in Transition*** operates a 24 bed, 8 unit transitional housing project serving single homeless men. Supportive services include case management, group counseling, financial literacy, job readiness & life skills and community-wide information and referral. Located in Marina, services are provided countywide. Serves approximately 24 individuals annually.

6) Permanent Supportive Housing Program **Renewal** Funding, ***Casa de Paz***, provides permanent supportive housing to individuals and families living with HIV/AIDS for 12 households through long-term rental assistance. Total year-round beds is 14. Supportive services include food, transportation and comprehensive case management, life skills training, etc. Program available countywide. 14 people served annually.

Housing Authority of the County of Monterey (HACM)

7) Transitional Housing Program - **Renewal** Funding for ***Pueblo Del Mar*** – A 54-household (2 bedrooms each), 216-bed transitional supportive housing program for homeless families with children in recovery from substance abuse. Supportive services include addiction recovery groups. Case management, employment/education counseling, etc. Located in Marina, this is a county-wide program. Approximately 216 served annually.

8) Permanent Supportive Housing Program - **Renewal** Funding for ***Shelter Plus Care*** (S+C) Vouchers – for 14 tenant-based rental assistance vouchers administered by Housing Authority of the County of Monterey in partnership with Interim, Inc. to serve homeless persons with mental disabilities. This is a county-wide program. Approximately 14-16 served annually.

Interim, Inc.

9) Transitional Housing Program, **Renewal** Funding for ***Shelter Cove*** provides transitional housing to very low-income adults with a serious mental illness. This program offers a variety of services aimed at increasing self-sufficiency including case management,

counseling and crisis intervention, and medication education and management. Educational and vocational services focus on social, living, interpersonal, study and job skills. Linkage to other services and service providers is also offered. Shelter Cove is a sober living model, with an emphasis on a Dual Diagnosis population. Monterey County Behavioral Health provides case coordination and representative payees. Located in Marina serving individuals county-wide. Approximately 60 clients are served annually.

10) Permanent Supportive Housing Program, **Renewal** Funding for ***Sandy Shores*** – Provides 28 units of permanent affordable and supportive group housing for homeless adults with a serious mental illness.. Offers a variety of services aimed at increasing self-sufficiency. Educational and vocational services focus on social, living interpersonal, study and job skills. Linkage to other services and service providers is also offered. Monterey County Behavioral Health provides case coordination and representative payees. Located in Marina, this is a county-wide program. Serves approximately 35-40 individuals annually.

11) Permanent Supportive Housing Program, **Renewal** Funding for **MCHOPE** – Master leasing of 7 to 8 units serving eight individuals annually. Supportive services include a full array of case management and other wrap around services. Located in Marina, this is a county-wide program. Serves approximately 8 individuals annually.

<u>San Benito Health and Human Services</u>

12) Permanent Supportive Housing **Renewal** Funding, **Helping Hands** operates 11 one-, two-, and three-bedroom apartments leased by Health and Human Services and subleased to qualified families & individuals. Services include case management based on specific disability, mental & substance abuse counseling, medical/dental assistance, and job training. This program is scattered-site throughout San Benito County. Serves approximately 20 individuals annually.

<u>Veterans Transition Center of Monterey County (VTC)</u>

13) Transitional Housing Program, **Renewal** Funding for ***Coming Home*** – a transitional supportive housing project with 40 units for homeless veterans and their families. Services include reintegration, full case management, life skills, substance abuse counseling. Located in Marina, this program is Monterey & San Benito county-wide. Approximately 102 single men & women veterans, 10 couples and up to 25 children served annually.

Continuum of Care Planning Project:

CA-506 Planning Grant

1) **Coalition of Homeless Services Providers (CHSP)**
   Funding for the CHSP's CoC Planning Grant focuses on key HEARTH Act priorities such as our Coordinated Assessment & Referral Project (CARS), Project Evaluation, Project Monitoring, Coordination Activities, Participation in local Consolidated Plans, CoC Application Activities, and other HUD Compliance Activities.

OMB Approval No. 2506-0112 (Exp. 7/31/2012)

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: Salinas/Monterey, San Benito Counties CoC CA-506

Project Name: Multiple Projects (see attached list)

Location of the Project: Projects provide services county-wide

Name of the Federal Program to which the applicant is applying: U.S. Department of HUD, Continuum of Care Program

Name of Certifying Jurisdiction: City of Seaside

Certifying Official of the Jurisdiction Name: Kurt Overmeyer

Title: Economic Development Program Manager

Signature: Kurt T. Overmeyer

Date: 8/8/16

PR-26 Financial Summary Report

Office of Community Planning and Development	DATE:	08-21-17
U.S. Department of Housing and Urban Development	TIME:	13:28
Integrated Disbursement and Information System	PAGE:	1
PR26 - CDBG Financial Summary Report		
Program Year 2016		
SEASIDE , CA		

PART I: SUMMARY OF CDBG RESOURCES	
01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR	273,167.74
02 ENTITLEMENT GRANT	363,306.00
03 SURPLUS URBAN RENEWAL	0.00
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00
05 CURRENT YEAR PROGRAM INCOME	146,878.89
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00
06 FUNDS RETURNED TO THE LINE-OF-CREDIT	0.00
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	100,507.45
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	0.00
08 TOTAL AVAILABLE (SUM, LINES 01-07)	883,860.08
PART II: SUMMARY OF CDBG EXPENDITURES	
09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	168,516.90
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	168,516.90
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	81,549.28
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	304,427.00
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	0.00
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	554,493.18
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	329,366.90
PART III: LOWMOD BENEFIT THIS REPORTING PERIOD	
17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	168,516.90
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	168,516.90
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	100.00%
LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS	
23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: PY: PY:
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	0.00
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	0.00
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	0.00%
PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS	
27 DISBURSED IN IDIS FOR PUBLIC SERVICES	81,572.00
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	11,687.00
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	0.00
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	69,885.00
32 ENTITLEMENT GRANT	363,306.00
33 PRIOR YEAR PROGRAM INCOME	102,600.00
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	0.00
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	465,906.00
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	15.00%
PART V: PLANNING AND ADMINISTRATION (PA) CAP	
37 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	81,549.28
38 PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
39 PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	3,815.87
40 ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	0.00
41 TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 +LINE 40)	77,733.41
42 ENTITLEMENT GRANT	363,306.00
43 CURRENT YEAR PROGRAM INCOME	146,878.89
44 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	0.00
45 TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	510,184.89
46 PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	15.24%

LINE 17 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 17

Report returned no data.

LINE 18 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 18

Report returned no data.

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2016	3	1292	6023422	Boys and Girls Club Improvements	03D	LMC	$1,970.44
2016	3	1292	6047432	Boys and Girls Club Improvements	03D	LMC	$18,693.16
					03D	Matrix Code	$20,663.60
2014	21	1274	6015256	SEASIDE LIBRARY ADA PROJECT	03E	LMC	$19,747.43
					03E	Matrix Code	$19,747.43
2014	17	1270	5995083	COMMUNITY HUMAN SERVICES	03P	LMC	$26,723.62
2016	1	1299	5999150	16B-CHS Kitchen	03P	LMC	$1,663.75
2016	1	1299	6047432	16B-CHS Kitchen	03P	LMC	$682.50
2016	1	1299	6062986	16B-CHS Kitchen	03P	LMC	$17,464.00
					03P	Matrix Code	$46,533.87
2016	4	1297	5995083	16B-Salvation Army Housing Pgm Spt	03T	LMC	$3,794.25
2016	4	1297	6013463	16B-Salvation Army Housing Pgm Spt	03T	LMC	$3,794.25
2016	4	1297	6047432	16B-Salvation Army Housing Pgm Spt	03T	LMC	$3,794.25
2016	4	1297	6066709	16B-Salvation Army Housing Pgm Spt	03T	LMC	$3,794.25
					03T	Matrix Code	$15,177.00
2015	12	1282	5956847	Legal Services for Seniors	05A	LMC	$3,750.00
2015	13	1283	5956847	Senior Meal Delivery Program	05A	LMC	$2,500.00
2016	9	1293	5995083	16B-Legal Services For Seniors	05A	LMC	$4,044.25
2016	9	1293	6013463	16B-Legal Services For Seniors	05A	LMC	$4,044.25
2016	9	1293	6047432	16B-Legal Services For Seniors	05A	LMC	$4,044.25
2016	9	1293	6062986	16B-Legal Services For Seniors	05A	LMC	$4,044.25
					05A	Matrix Code	$22,427.00
2015	14	1284	5956847	TVP - Education and Cultural Enrichment Academy	05D	LMC	$2,853.00
2016	7	1295	5999150	16B-Girls Inc	05D	LMC	$3,269.50
2016	7	1295	6013463	16B-Girls Inc	05D	LMC	$2,324.33
2016	7	1295	6047432	16B-Girls Inc	05D	LMC	$3,583.17
2016	8	1296	5995083	16B-Village Project	05D	LMC	$3,294.25
2016	8	1296	6013463	16B-Village Project	05D	LMC	$3,294.25
2016	8	1296	6047432	16B-Village Project	05D	LMC	$3,294.25
2016	8	1296	6066709	16B-Village Project	05D	LMC	$3,294.25
2016	10	1294	5995083	16B-Community Partnership for Youth	05D	LMC	$16,177.00
					05D	Matrix Code	$41,384.00
2015	15	1285	5956847	2015-EFAP- FOOD BANK	05W	LMC	$2,584.00
					05W	Matrix Code	$2,584.00
Total							$168,516.90

LINE 27 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 27

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2016	4	1297	5995083	16B-Salvation Army Housing Pgm Spt	03T	LMC	$3,794.25
2016	4	1297	6013463	16B-Salvation Army Housing Pgm Spt	03T	LMC	$3,794.25
2016	4	1297	6047432	16B-Salvation Army Housing Pgm Spt	03T	LMC	$3,794.25
2016	4	1297	6066709	16B-Salvation Army Housing Pgm Spt	03T	LMC	$3,794.25
					03T	Matrix Code	$15,177.00
2015	12	1282	5956847	Legal Services for Seniors	05A	LMC	$3,750.00

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2015	13	1283	5956847	Senior Meal Delivery Program	05A	LMC	$2,500.00
2016	9	1293	5995083	16B-Legal Services For Seniors	05A	LMC	$4,044.25
2016	9	1293	6013463	16B-Legal Services For Seniors	05A	LMC	$4,044.25
2016	9	1293	6047432	16B-Legal Services For Seniors	05A	LMC	$4,044.25
2016	9	1293	6062986	16B-Legal Services For Seniors	05A	LMC	$4,044.25
					05A	Matrix Code	$22,427.00
2015	14	1284	5956847	TVP - Education and Cultural Enrichment Academy	05D	LMC	$2,853.00
2016	7	1295	5999150	16B-Girls Inc	05D	LMC	$3,269.50
2016	7	1295	6013463	16B-Girls Inc	05D	LMC	$2,324.33
2016	7	1295	6047432	16B-Girls Inc	05D	LMC	$3,583.17
2016	8	1296	5995083	16B-Village Project	05D	LMC	$3,294.25
2016	8	1296	6013463	16B-Village Project	05D	LMC	$3,294.25
2016	8	1296	6047432	16B-Village Project	05D	LMC	$3,294.25
2016	8	1296	6066709	16B-Village Project	05D	LMC	$3,294.25
2016	10	1294	5995083	16B-Community Partnership for Youth	05D	LMC	$16,177.00
					05D	Matrix Code	$41,384.00
2015	15	1285	5956847	2015-EFAP- FOOD BANK	05W	LMC	$2,584.00
					05W	Matrix Code	$2,584.00
Total							$81,572.00

LINE 37 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 37

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2015	9	1279	5956850	Administrative Costs for the City of Seaside CDBG Program	21A		$3,815.87
2016	5	1289	5999150	CDBG Program Administration	21A		$11,733.77
2016	5	1289	6013463	CDBG Program Administration	21A		$6,787.50
2016	5	1289	6023422	CDBG Program Administration	21A		$25,038.99
2016	5	1289	6047432	CDBG Program Administration	21A		$11,989.28
2016	5	1289	6062986	CDBG Program Administration	21A		$22,183.87
					21A	Matrix Code	$81,549.28
Total							$81,549.28

CITY OF SEASIDE
STAFF REPORT

Item No.: 9.B.

TO: City Council

FROM: Craig Malin, City Manager

BY: Kurt Overmeyer, Economic Development Manager

DATE: September 21, 2017

SUBJECT: **ADOPT THE DRAFT ORDINANCE AMENDING THE SEASIDE MUNICIPAL CODE ADDING CHAPTER 19 THAT SETS FORTH THE ESTABLISHMENT OF REGULATIONS GOVERNING COMMERCIAL AND ADULT USE CANNABIS ACTIVITIES, INCLUDING CULTIVATION, DISPENSARIES, MANUFACTURING, RESEARCH AND DEVELOPMENT, TESTING, TRANSPORTATION AND DISTRIBUTION WITHIN THE CITY OF SEASIDE AND UPDATING CHAPTER 17 AS PRESCRIBED. (SECOND READING)**

PURPOSE

Adopt an ordinance adding Chapter 19 to the Seaside Municipal Code establishing regulations governing commercial and adult use cannabis activities, including cultivation, dispensaries, manufacturing, research and development, testing, transportation and distribution within the City of Seaside and updating Chapter 17 as presecribed.

RECOMMENDATION

Staff recommends that City Council approve the second reading and adopt the draft ordinance.

BACKGROUND

In June 2017, Seaside held a special election to determine if voters would support a business license tax on cannabis and cannabis related products. This ballot measure passed by approximately 83%. On July 26, 2017 there was a City Council/Planning Commission Joint Special meeting to discuss the draft ordinance that would rescind previous regulations and would establish new regulations allowing commercial and adult use cannabis activities including cultivation, dispensaries, manufacturing, testing transportation and distribution within the City of Seaside. During the Special Meeting, minor modifications were requested to be made to the draft ordinance and the attached ordinance has incorporated the feedback received during that meeting.

On August 23, the Planning Commission unanimously recommended that City Council adopt the draft ordinance as presented.

City Council and Planning Commission requested that cannabis and cannabis related uses be allowed, subject to various levels of review. In order to allow cannabis testing, sales, cultivation and manufacturing in Seaside, several elements of the existing Zoning Ordinance must be revised. Additionally, a new Title (19) must be added to the the Seaside Municipal Code providing for the regulation of cannabis and cannabis related uses. The zoning districts modifications which are required to accomplish the changes requested at the July Study Session are as follows:

The following changes shall be made to Chapter 17.14.030, 17.20.30 and 17.52.150 of the Municipal Code.

1. Section 17.14.030 (B) – The CRG, MX and CMX zones shall have Cannabis Dispensary added as land uses with a requirement of a Use Permit.
2. Section 17.14.030 (B) – The CMX Zone shall have Cannabis Research and Development, Cannabis Manufacturing, and Cannabis Related Processing added to the land use table with the requirement of a Minor Use Permit.
3. Section 17.14.030 (B) – All Commercial Zones shall have Cannabis Testing added to the land use table.
4. Section 17.20.030 – The West Broadway Urban Village Specific Plan shall be modified to allow Cannabis Cultivation with a mature canopy of 10,000 square feet or less in structures that face Olympic Avenue.
5. Section 17.52.150 – This section of the code shall be deleted.

The draft oridnance as attached includes the proposed addition of Title 19 as well as the above changes to Title 17 as listed above.

In addition, the following changes have been made to the ordinance that was discussed at the July Study Session and the Planning Commission meeting.

- On-Site consumption permits have been removed.
- Business License Tax payments have been changed from annual to quarterly.
- The CH zone was added to R&D and Manufacturing uses.

These final changes were made as part of the motion that waived the first reading of the ordinance:

- The word "One" in 19.07 item 5 regarding the cannabis expertise test to the word "All" which will require that all principal employees listed in the application take the test.
- The future Mixed-Use High and Mixed-Use low areas in the 2040 General Plan were added as allowable areas for Dispensaries.

Since the Planning Commission Meeting, the ordinance was also changed to clarify the formula for intial payments of the business license tax.

The draft 2040 General Plan envisions changing the landuse designations along certian areas of

Fremont Street to include Mixed Use Low and Mixed Use High designations. A number of structures in this area are vacant, under utilized or otherwise poorly performing. City Council could, for the purposes of cannabis related uses only, allow these new uses based upon the proposed new land use designations in the draft 2040 General Plan. Staff recommends making this change as part of the motion to adopt this ordinance as it will encourage the reuse of currently poorly utilized buildings to a higher and better use. This change would not substantively impact the areas where dispensaries are allowed, but would allow some areas currently zoned CC to be eligible for a Use Permit and Licenses for dispensary use.

Staff recommends that City Council hold a public hearing, waive first reading and pass to print Seaside Municipal Code Amendment NO. SMA 17-14.

FISCAL IMPACT

The adoption of this ordinance should have a positive impact of at least $150,000

ATTACHMENTS

1. Final Ordinance Draft

Reviewed for Submission to the
City Council by:

Craig Malin, City Manager

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

SEASIDE AMENDING TITLE AND CHAPTER ESTABLISHING CANNABIS ACTIVITIES AS A USE ALLOWED SUBJECT TO A USE PERMIT IN SPECIFIED ZONES AND ESTABLISHING USES TO PROTECT PUBLIC HEALTH, SAFETY & WELFARE.

RECITALS:

This ordinance also defines terms and adds Chapter 19 to the City of Seaside to establish regulations governing the issuance of use permits for commercial medical cannabis activities, including cultivation, dispensaries, manufacturing, testing, transportation, and distribution. The ordinance also contains provisions for enforcement of the ordinance.

WHEREAS, in 1996, California voters approved Proposition 215 (codified at Health and Safety Code section 11362.5 and titled the "Compassionate Use Act of 1996"), which provides criminal immunity for patients and primary caregivers for the cultivation and possession of cannabis if a doctor has recommended the cannabis for medical purposes; and

WHEREAS, in 2004, Senate Bill 420 was enacted (codified at Health and Safety Code section 11362.7 *et seq.* and titled the "Medical Marijuana Program Act") to clarify the scope of the Compassionate Use Act of 1996. The Medical Marijuana Program Act allows cities and other governing bodies to adopt and enforce laws consistent with its provisions; and

WHEREAS, neither the Compassionate Use Act of 1996 nor the Medical Marijuana Program Act provided an effective statewide regulatory system for the medical cannabis industry, and this lack of uniform regulation created uncertainty about the legality of medical cannabis activities and endangered the safety of end users, who have not had the benefit of a monitored supply chain for medical cannabis, quality control, testing or labeling requirements; and

WHEREAS, the purpose of citywide regulation of medical cannabis dispensaries is to regulate the cultivation, manufacturing, research, testing, and sale and distribution of cannabis in the interest of patients who qualify to obtain, possess and use cannabis for medical purposes under state law, and to provide safe medical cannabis product and inventory; and

WHEREAS, in 2011, Assembly Bill 2650 was enacted (codified at Health and Safety Code section 11362.768). This law affirms that cities can adopt ordinances that restrict the location and establishment of medical marijuana collectives, cooperatives, and dispensaries; and

WHEREAS, in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, the California Supreme Court concluded that nothing in the Compassionate Use Act or the Medical Marijuana Program Act precludes a local jurisdiction from regulating or prohibiting facilities that distribute medical marijuana; and

WHEREAS, in 2015, Assembly Bills 243 and 266 and Senate Bill 643 were enacted (codified at Business and Professions Code section 19300 *et seq.* and titled the "Medical Marijuana Regulation and Safety Act"). These bills also amended provisions of the Medical Marijuana Program Act related to the cultivation of medical marijuana; and

WHEREAS, the Medical Marijuana Regulation and Safety Act establishes a long- overdue comprehensive regulatory framework for medical cannabis in California (including production, transportation and sale of medical cannabis), requires establishment of uniform state minimum health and safety standards, testing standards, mandatory product testing, and security requirements at dispensaries and during transport of the product, and provides criminal immunity for licensees; and

WHEREAS, the Medical Marijuana Regulation and Safety Act preserves local control in a number of ways: (1) by requiring medical cannabis businesses to obtain both a state license and a local license or permit to operate legally in California, (2) by terminating the ability of a medical cannabis business to operate if its local license or permit is terminated, (3) by authorizing local governments to enforce state law in addition to local ordinances, if they request that authority and it is granted by the relevant state agency, (4) by providing for civil penalties for unlicensed activities, and continuing to apply applicable criminal penalties under existing law, and (5) by expressly protecting local licensing practices, zoning ordinances, and local actions taken under the constitutional police power; and

WHEREAS, the Proposition 64, The Adult Use of Marijuana Act was passed by the voters November 8th, 2016 and

WHEREAS, the Adult Use of Marijuana act provides local authority to reasonably regulate the cultivation, testing, sale and research and development of cannabis, and

WHEREAS, the City of Seaside wishes to amend the Seaside Municipal Code to regulate cannabis activities in a manner that protects the public health, safety and general welfare of the community, and in the interest of patients who qualify to obtain, possess and use marijuana for medical purposes, consistent with the Compassionate Use Act of 1996, the Medical Marijuana Program Act, Medical Marijuana Regulation and Safety Act and Proposition 64; and

WHEREAS, the City of Seaside has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses by developing and implementing strict performance and operating standards for cannabis businesses; and

WHEREAS, nothing in this Ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. § 841 or to license any activity that is prohibited under said Act except as mandated by State law; and

WHEREAS, nothing in this Ordinance shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity relating to the sale, distribution, possession or use of cannabis that is illegal under state law; and compliance with the requirements of this Ordinance shall not provide a defense to criminal prosecution under any applicable law;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

SECTION 2. Purpose and Intent. It is the purpose and intent of this Ordinance to clarify and expressly authorize cannabis businesses including dispensaries and cannabis cultivation, research, testing, processing and sales, in order to preserve the public peace, health, safety, and general welfare of the citizens and residents of, and travelers through the City of Seaside as authorized by the Medical Marijuana Regulation and Safety Act, and Proposition 64.

SECTION 3. Zoning. The following changes shall be made to Chapter 17.14.030, 17.20.30 and 17.52.150 of the Municipal Code.

1. Section 17.14.030 (B) – The CRG, MX, CMX and future Mixed-Use High and Mixed-Use Low (current 2040 Draft General Plan) zones shall have Cannabis Dispensary added as land uses with a requirement of a Use Permit.
2. Section 17.14.030 (B) – The CMX and CH zones shall have Cannabis Research and Development, Cannabis Manufacturing, and Cannabis Related Processing added to the land use table with the requirement of a Minor Use Permit.
3. Section 17.14.030 (B) – All Commercial Zones shall have Cannabis Testing added to the land use table.

4. Section 17.20.030 – The West Broadway Urban Village Specific Plan shall be modified to allow Cannabis Cultivation with a mature canopy of 10,000 square feet or less in structures that face Olympia Avenue or the alleyway immediately to the North of Broadway.
5. Section 17.52.150 – This section of the code shall be deleted.

SECTION 4: Use Permit. Use permits and Administrative Use Permits for cannabis and cannabis related uses are for one year. No property interest, vested right, or entitlement to receive a future license to operate a medical marijuana business shall ever inure to the benefit of such permit holder as such permits are revocable at any time with our without cause by the City Manager or designee subject to Section 19.09. All Use Permit and Administrative Use Permit holders shall also execute a Development/Operating Agreement annually agreeing to abide to all conditions of approval at all times. The City Manager or designee can terminate a Development/Operating at any time with or without reason.

SECTION 5: Business License.

1. Add Section 5.04.401 Retail Cannabis Dispensary: All establishments selling Cannabis or Cannabis Related Products for adult use shall pay a business operations tax equal to 6% of annual gross receipts. New Cannabis Dispensaries shall pay an initial tax for the first quarterly payment based on 6% of Two-Thousand Dollars ($2,000) of annual sales per square foot of the dispensary's floor area. [Example: 300 square feet of floor area times $2,000 equals $600,000 of gross receipts times 6% equals $36,000 divided by 4 equals $9,000.] Payments are due quarterly on July 1, October 1, January 1 and April 1 each year.
2. Add Section 5.04.401: Non-Retail Cannabis Uses: All establishments selling wholesale cannabis and cannabis related products, manufacturing cannabis related products, processing cannabis related products, researching cannabis related products, and testing cannabis related products shall pay a business operations tax equal to 2% of annual gross receipts. New non-retail cannabis uses shall pay an initial tax for the first quarterly tax payment based on 2% of One-Thousand Dollars ($1,000) of annual sales per square foot of the use's floor area. [Example: 300 square feet of floor area times $1,000 equals $300,000 of gross receipts times 2% equals $6,000 divided by 4 equals $1,500.] Payments are due quarterly on July 1, October 1, January 1 and April 1 each year.

SECTION 6: Development/Operating Agreement. Prior to operating in the City and as a condition of issuance of a Use Permit or Administrative Use Permit, each cannabis facility shall enter into an annual development/operating agreement with the City setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this chapter, including, but not limited to payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

SECTION 7: Fees.

1. Amend the City Fee Schedule to include “Cannabis Dispensary Application Use Permit Fee” of $7,000.
2. Amend the City Fee Schedule to include “Non-Dispensary Cannabis Application Use Permit Fee” of $3,000.

CHAPTER19

COMMERCIAL CANNABIS ACTIVITIES

SECTIONS:

19.01 DEFINITIONS

The following words or phrases, whenever used in this Chapter, shall be given the following definitions:

A. "Bureau" means the Bureau of Medical Marijuana Regulation within the California Department of Consumer Affairs.

B. "Cannabinoid" or "phytocannabinoid" means a chemical compound that is unique to and derived from cannabis.

C. "Medical cannabis" or "Medical cannabis product" means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this Title, “medical cannabis” does not include “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

D. “Adult cannabis” or “Adult cannabis product” ” means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by adults in California pursuant to the Adult Use of Marijuana Act of 2016 (Proposition 64), found at Section 11362.1 of the Health and Safety Code. For the purposes of this Title, “medical cannabis” does not include “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

E. “Commercial medical cannabis activity” means the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, on-site consumption or sale of medical cannabis or a medical cannabis product.

F. “Cannabis concentrate” means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product’s potency.

G. “Canopy” means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.

H. “Certificate of accreditation” means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.

I. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of medical or Adult cannabis. Within the definition of cultivation, the following specific License Types, corresponding to state cultivator license types set forth in California Business and Professions Code section 19332(g).

J. “Delivery” means the commercial transfer of medical or Adult cannabis, or medical or Adult cannabis products from a dispensary, up to an amount allowed by the Bureau, to a primary caregiver, qualified patient or adult as defined in Section 11362.7 of the California Health and Safety Code, or a testing laboratory.

K. “Dispensary” means a facility where medical cannabis, medical cannabis products, Adult cannabis, Adult cannabis products or devices for the use of medical or Adult cannabis or medical or Adult cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale.

L. “Distribution” means the procurement, sale, and transport of medical or Adult cannabis and medical or Adult cannabis products between entities licensed pursuant to this chapter.

M. “Edible cannabis product” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.

N. “Greenhouse” means a fully enclosed permanent structure with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental artificial lighting for cultivation.

O. “Identification card” has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.

P. “Licensee” means a person issued a state license under Chapter 3.5 (commencing with Section 19300) of the California Business and Professions Code, to engage in a commercial medical or Adult cannabis activity.

Q. “Licensing authority” means the state agency responsible for the issuance, renewal, or reinstatement of a license for commercial medical or Adult cannabis activities, or the state agency authorized to take disciplinary action against the license.

R. “Manufactured cannabis” or “cannabis product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

S. “Manufacturing site” means a location that produces, prepares, propagates, or compounds manufactured medical or Adult cannabis or medical or Adult cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

T. “Nursery” means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical or Adult cannabis.

U. “One ownership” and “owner” have the same definition as set forth in Chapter 21.06 of this Title.

V. “Permittee” means a person issued a commercial cannabis permit under Chapter 7.90.

W. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

X. “Primary caregiver” has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.

Y. “Public park” means an area created, established, designated, or maintained by the a special district, a County, the State, or the Federal government for public play, recreation, or enjoyment or for the protection of natural resources and features at the site.

Z. “Qualified patient” has the same definition as in Section 11362.7 of the California Health and Safety Code, as it may be amended.

AA. “State” means the State of California.

BB. “State license,” “license,” or “registration” means a state license issued pursuant to California Business & Professions Code Sections 19300, *et seq*.

CC. “Testing laboratory” means a facility, entity, or site in the state that offers or performs test of medical cannabis or medical cannabis products and that is both of the following:

1. Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state; and

2. Registered with the California State Department of Public Health.

DD. “Transport” means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial medical cannabis activity authorized pursuant to the California Business & Professions Code Sections 19300, *et seq*.

19.02 CANNABIS DISPENSARIES AND OPERATING STANDARD

19.02.010 CANNABIS DISPENSARIES

Pursuant to Section 5.04, it is unlawful for any owner, operator, or association to own, conduct, operate or maintain, or to participate therein, or to cause or to allow to be conducted, operated, or maintained, any dispensary, delivery or delivery only dispensary in or into the City unless there exists a valid business permit in compliance with the provisions of Chapter 15.04 and a permit issued under this Chapter. However, entities authorized under SMC Section 19.02.010 must abide by the same requirements imposed herein on dispensaries.

This Chapter, and the requirement to obtain a business permit, does not apply to the individual possession or cultivation of medical or Adult marijuana for personal use, nor does this Chapter apply to the usage, distribution, cultivation or processing of medical or Adult marijuana by qualified patients or primary caregivers or qualified adults when such group is of three or less individuals, and distributing, cultivating or processing the marijuana from a residential unit or a single non-residential parcel of land. Associations of three or less qualified patients or primary caregivers shall not be required to obtain a permit under Chapter 17.62, but must comply with applicable State law.

The City Manager shall issue no more than three (3) valid permits for the operation of medical cannabis dispensaries in the City of Seaside at any one time.

The City Manager shall issue no more than three (3) valid permits for the operation of Adult cannabis dispensaries in the City of Seaside at any one time.

Wherever possible, adult cannabis dispensaries shall have locations adjacent to medical cannabis dispensaries.

No proposed facilities under this Chapter shall be located within a 600 foot radius of any public or private school providing instruction in Kindergarten or grades 1-12, inclusive (but not including any private school in which education is primarily conducted in private homes). The proposed dispensary must be located in a commercial or industrial zone, or its equivalent as may be amended, by the City.

Dispensaries shall not be located within one thousand five hundred (1,000) feet of another dispensary, unless the adjacent dispensary is a medical dispensary locating next to an adult dispensary or the opposite.

19.02.020 ELIGIBILITY REQUIREMENT

A. No person may be allowed to have any position with a Dispensary other than that of Member if he or she has been convicted of:

1. Homicide;

2. Within the preceding 10 years, any serious or violent felony listed in Penal Code Section 1192.7(c) or Section 667.5(c);

3. Within the preceding 10 years, any violation of Penal Code Sections 243 through 247, except for subdivision (a) of Section 243;

4. Within the preceding 10 years, any offense under subdivisions (d) or (e) of Section 11357 or Section 11361, or Articles 1, 3, 5, 6, or 7 of Chapter 6 of Division 10 of the Health and Safety Code; or

5. Within the preceding 3 years any felony violation of Health and Safety Code Section 11358, Section 11359 or Section 11360.

B. Such other information deemed necessary to conduct any investigation or LiveScan Background check of the applicant, and for the City Manager to determine compliance with this Chapter, the City's Municipal Code and Zoning Code.

C. All applicants shall pay an application fee, a permit fee, and all inspection fees that may be required as part of the application process, as specified in the City's Master Fee Schedule.

D. At the time of submission of dispensary permit application, the applicant shall pay a dispensary permit application fee. The fee amount shall be set by City Council resolution per the City's Master Fee Schedule.

E. Notarized, written authorization from the property owner(s) that a Commercial Cannabis Business may be operated at the site.

F. The name and address of Managers or responsible agents of the Commercial Cannabis Business, which shall be updated not less frequently than annually.

19.02.030 OPERATION PLAN

All applicants must provide a plan of operations that will describe how the dispensary will operate consistent with State Law and the provisions of this Chapter including but not limited controls to ensure medical or Adult marijuana will be dispensed only to qualified adults, qualified patients and primary caregivers. Dispensaries shall comply with Health and Safety Code Sections 11362.7 et seq. and any other state laws that may be adopted concerning Medical or Adult Cannabis, California's Medical Marijuana Regulation and Safety Act, the Adult Use of Marijuana Act, the Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, and any other applicable City laws or regulations, and shall pay all applicable state or local taxes. Dispensaries shall also comply with the operating standards set forth in this Section.

19.02.030 MEMBERSHIP.

A. Medical Dispensaries may consist only of Members.

B. Medical Dispensaries may only obtain Medical Cannabis from, and supply Medical Cannabis to, their Members.

C. No person other than a Member may Cultivate Medical Cannabis on behalf of a Dispensary.

D. The scale of Cultivation by or on behalf of a Dispensary shall be proportional to its Member load as defined by the State of California.

E. Dispensaries may not admit any person as a Member without first verifying his or her status as a qualified patient or primary caregiver as defined by state law, and shall immediately cancel the membership of any person who diverts Medical Cannabis for non-medical use or in any manner not permitted by this Chapter or State law.

F. Physicians' recommendations shall be verified prior to granting membership and at least every twelve (12) months thereafter, and a physical or digital record shall be kept of such verification. No Medical Cannabis may be dispensed except to a Member and pursuant to a recommendation that is no more than twelve (12) months old, unless the recommendation expressly states that it has a longer term or does not expire.

G. Adult Dispensaries must comply with all aspects of the Adult Use of Marijuana Act and must receive a license from the State prior to start of operations, and shall maintain license throughout operations.

H. Non-Diversion. Medical dispensaries shall take all practicable steps necessary to prevent and deter diversion of Medical Cannabis to non-Members. Dispensaries must limit access to Medical Cannabis, Medical Cannabis Products and Edibles to authorized personnel only, and must maintain an inventory management system that accounts for all Medical Cannabis, Medical Cannabis Products and Edibles.

19.02.040 DISPENSING.

A. Medical Dispensary may not dispense to any person who is not a Member, and may not dispense without first verifying membership.

B. Medical Dispensary may not provide more Medical Cannabis to an Individual than is necessary for that person's personal medical use.

C. Dispensary may not distribute free samples for promotional purposes outside of the Dispensary premises.

D. No dispensary shall dispense Medical Marijuana from more than one (1) location in the City of Seaside.

E. No owner of dispensary in the City shall open a second dispensary in the City; except that medical dispensaries and co-located or adjacent Adult dispensaries may have the same ownership.

19.02.050 MEMBERS AND EMPLOYEES.

A. All employees and volunteers must be Members who are at least 18 years of age.

B. Medical Dispensaries may not admit any person under 18 years of age to membership without written authorization of a parent or legal guardian. Any Member under 18 years of age shall be accompanied by a parent or legal guardian at all times that such person is at the Dispensary.

19.02.060 ADULT DISPENSARIES

All Adult Dispensaries must comply with all state law and shall comply with the following conditions:

A. Dispensary may not dispense to any person who is not 21 years of age or older.

B. Dispensary may not distribute free samples for promotional purposes outside of the Dispensary premises.

C. No dispensary shall dispense Adult Marijuana from more than one (1) location in the City of Seaside, however, subject to State requirements, may have a co-located or adjacent Medical and Adult location.

D. No owner of dispensary in the City shall open a second Adult dispensary in the City, however the owner of an Adult dispensary may also own a co-located or adjacent Medical dispensary.

E. All adult dispensaries must hold a valid and current Use Permit from the City of Seaside pursuant section 19.08.010 (d) of this chapter.

19.02.070 SECURITY.

A security plan, as a separate document, outlining the proposed security arrangements to deter and prevent unauthorized entrance into areas containing medical or Adult cannabis or medical or Adult cannabis products and theft of medical or Adult cannabis or medical or Adult cannabis products at the dispensary, in accordance with minimum security measures required by State law and the requirements herein. The security plan shall be reviewed and approved by the Police Department and the Office of the City Manager and shall be exempt from disclosure as a public record pursuant to Government Code Section 6255(a).

A. Dispensaries shall provide adequate security and lighting on-site to ensure the safety of persons and protect the premises from theft at all times. Lighting shall be of sufficient intensity to illuminate all areas of the parking lot, if any. Lighting shall comply with SMC17.30.070.

B. Dispensaries must maintain security guards and camera coverage of their entire grounds to an extent sufficient to ensure the safety of persons and deter crime. Cameras must be maintained in good condition, and use a format approved by the City Manager or his/her designee, which is of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime. The cameras shall be in use 24 hours per day, seven (7) days per week. The areas to be covered by the security cameras include, but are not limited to, dispensing areas, storage areas, cultivation areas, all doors, parking lots, anyplace where new product is delivered and any other area determined by the City Manager or his/her designee. Surveillance footage must be retained for a period of 90 days and made available to the Seaside Police Department for purposes of investigation of alleged crimes, promptly upon request without the necessity of a warrant or subpoena.

C. Dispensaries must be equipped with an alarm system that is operated and monitored by a security company licensed by and in good standing with the California Department of Consumer Affairs. Alarms shall be maintained and in good working condition at all times.

D. In order to prevent unauthorized entry during non-business hours, a Dispensary shall either secure all points of entry with bars, retractable, folding or sliding metal gates, or metal rollup or accordion doors, none of which may be visible from the exterior, or provide at least one security guard during those hours.

E. Any security guards employed by Dispensaries shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security personnel may not be armed.

F. All Medical or Adult Cannabis, Medical or Adult Cannabis Products and Edibles, except for limited amounts used for display purposes, samples or immediate sale, shall be securely stored at all times, and the entrance to all storage areas shall be locked and under the control of staff.

G. Dispensaries shall make transactions with payment methods other than cash when feasible. All cash received, except that needed for retail customer transactions shall be kept in a secure receptacle such as a drop safe or other type of safe.

H. Dispensaries shall notify the Seaside Police Department and the licensing authority within 24 hours after discovering any of the following:

1. Significant discrepancies identified during inventory;
2. Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary;
3. The loss or unauthorized alteration of records related to medical or Adult cannabis, registered qualifying patients, primary caregivers, or dispensary employees or agents; or
4. Any other breach of security.

19.02.080 SIGNAGE

A. Sign shall be posted at the entrance to any Dispensary that includes the following language. The required text shall be of sufficient size to be easily read from a distance of five feet.

FOR MEDICAL:
This Dispensary only provides medical cannabis to its members, who must have legally recognized California Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis.

FOR ADULT:

This Dispensary only provides cannabis to adults who qualify under the Adult Use of Marijuana Act and applicable state law. No person under the age of 21 may enter this facility. Providing cannabis products to those under 21 is illegal and shall be prosecuted to the fullest extent of the law.

B. A sign shall be posted in a conspicuous location inside the structure at the location advising:

FOR MEDICAL:
This Dispensary is registered in accordance with the laws of the City of Seaside. The sale of marijuana and the diversion of marijuana for non-medical purposes are violations of State law. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery.

FOR ADULT:
This Dispensary is registered in accordance with the laws of the City of Seaside. The sale of marijuana and the diversion of marijuana to persons under the age of 21 are violations of State law. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery.

C. No Cannabis products or graphics describing cannabis shall be visible from the exterior of the property.

D. Signage for a dispensary shall comply with Seaside Municipal Code 17.40.

19.02.090 DELIVERY

If the dispensary operations are proposed to include delivery, all employees of a dispensary delivering medical or Adult cannabis or medical or Adult cannabis products shall carry a copy of the documentation listed below when making deliveries. This information shall be provided upon request to law enforcement officers and to employees of state and local agencies enforcing this Chapter.

A. A copy of the dispensary's current permits, licenses, and entitlements authorizing them to provide delivery services;

B. The employee's government-issued identification;

A copy of the delivery request; and

C. Chain of custody records for all goods being delivered.

D. All onsite consumption permits shall be special business permits and shall be issued for a term of one year. No property interest, vested right, or entitlement to receive a future license to operate a medical marijuana business shall ever inure to the benefit of such permit holder as such permits are revocable at any time with or without cause by the City Manager subject to Section 19.09.

19.02.100 NEIGHBORHOOD COMPATIBILITY.

A. Dispensaries shall be operated to ensure neighborhood compatibility, and shall take all steps necessary to ensure that customers do not create neighborhood disturbances.

B. Dispensaries shall provide the Police Department and all residents and property owners within 100 feet with the current name, phone number, secondary phone number and e-mail address of an on-site community relations staff person to whom notice of any operating problems associated with the establishment may be reported. This information shall be updated as necessary to keep it current. Dispensaries shall encourage neighbors to call this person to try to solve any operating problems.

C. All Dispensaries shall have an on-site manager responsible for overall operation at all times they are open, and shall provide the Police Department with contact information for all such persons, including telephone number, street address and e-mail address. Dispensaries shall also provide the Police Department with the current name and phone numbers of at least one 24-hour-on-call manager. This information shall be updated as necessary to keep it current.

D. Dispensaries shall take all reasonable steps to discourage and correct objectionable conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties. Such conditions include, but are not limited to: smoking; creating a noise disturbance; drinking; loitering; littering; and graffiti.

E. Dispensary will be of an architectural and visual quality and character which harmonizes with, and enhances, the surrounding area and that the design will avoid unduly large or obtrusive signs, un-landscaped parking areas, unduly bright or garish lighting, or design features which encourage loitering as determined by the Zoning Administrator.

F. That adequate litter receptacles will be provided where appropriate:

G. Where the dispensary or delivery only dispensary is in proximity to residential uses, it will be limited in hours of operation, and designed and operated, so as to avoid disruption of residents' sleep.

H. No cannabis or cannabis odors shall be detectable by sight or smell outside of a permitted facility.

I. Dispensaries shall ensure all graffiti is removed from property and parking lots under their control within 24 hours of its appearance.

J. Dispensaries shall operate only between the hours of 9:00 a.m. and 11:59 p.m.

19.02.110 CONSUMPTION OF MEDICAL CANNABIS, TOBACCO AND ALCOHOL.

A. Smoking of Medical Cannabis is prohibited at Dispensaries.

B. Sale or consumption of tobacco is prohibited at Dispensaries.

C. Sale, service and consumption of alcoholic beverages at Dispensaries is prohibited, and Dispensaries shall prohibit any person in possession of an alcoholic beverage from entering or remaining on the premises.

D. This subdivision does not prohibit the testing of Medical or Adult Cannabis Products by staff of a Dispensary or the use of tinctures or topical Medical Cannabis Products that do not have intoxicating effects.

19.02.120 REGULATORY FEES; SELLER'S PERMIT

In addition to any other required conditions and mitigation measures approved by the Appropriate Authority, all of the following conditions shall apply to all permits for a medical or Adult cannabis dispensary:

A. The cannabis dispensary shall allow access to dispensary facilities and records if requested by the City, its officers, or agents, and shall pay for an annual inspection and submit to inspections from the City or its officers to verify compliance with all relevant rules, regulations, and conditions.

B. The applicant, owner, and all permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the City or their designee.

C. Any person operating a medical or Adult cannabis dispensary shall obtain a valid and fully executed commercial medical or Adult cannabis permit pursuant to 19.02 of the Seaside Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.

D. Upon implementation of state regulations pursuant to California Business and Professions Code Section 19320, a valid license from the State shall be required to operate any commercial medical cannabis activity.

E. The owner shall post or cause to be posted on site the Use Permit and all required City, County and state permits and licenses required to operate. Such posting shall be in a central location, visible to the patrons, at the operating site, and in all vehicles that deliver or transport marijuana.

F. The owner shall be responsible for ensuring that all commercial medical cannabis activities at the site operate in good standing with all permits and licenses required by the Seaside Municipal Code and State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial medical cannabis activities at the site who do not maintain permits or licenses in good standing with the City or State shall be grounds for the suspension or revocation of a Use Permit pursuant to Section 17.80 of the Seaside Municipal Code.

G. Dispensaries shall comply with all physical accessibility requirements pursuant to American Disability Act.

19.03 COMMERCIAL CANNABIS CULTIVATION AND OPERATING STANDARD

It is hereby declared to be unlawful and a public nuisance for any person or persons owning, leasing, occupying, or having charge of possession of any legal parcel or premises within any zoning district in the City of Seaside to cultivate marijuana except as provided for in this chapter.

No cultivation of Medical or Adult Marijuana at the premises or location shall be visible with the naked eye from any public or other private property, nor shall medical marijuana or any product containing medical marijuana be visible from the exterior of any premises.

No Medical or Adult Marijuana shall be dispensed from a cultivation site and shall not be open to the public.

In no case shall a building intended for residential use be used for the cultivation of cannabis.

The maximum size of any areas of cultivation shall not exceed any restrictions outlined in State law.

Security measures sufficient to restrict access to only those intended and to deter trespass and theft of medical or Adult cannabis or medical or Adult cannabis products shall be provided and maintained. If on-site security is utilized, Security shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times.

Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.

Water conservation measures, water capture systems, or grey water systems shall be incorporated in medical cannabis cultivation operations in order to minimize use of water where feasible.

A. An Administrative Use Permit for medical cannabis cultivation shall not be granted by the Appropriate Authority unless all of the following findings are made based on substantial evidence:

1. The cultivation, as proposed, will comply with all of the requirements of the State and City, and any additional conditions of license for the cultivation of medical or Adult cannabis.

2. The cultivation, as approved and conditioned, will not result in significant unavoidable impacts on the environment.

3. The cultivation includes adequate measures that minimize use of water for cannabis cultivation at the site.

4. The cultivation includes adequate measures to address the projected energy demand for cannabis cultivation at the site.

5. The cultivation includes adequate quality control measures to ensure cannabis cultivated at the site meets industry standards.

6. The cultivation includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are not supplied to

unlicensed and unpermitted persons within the State and not distributed out of state.

7. The applicant, property owner, and permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the City of Seaside or their designee.

8. Any person cultivating cannabis shall obtain a valid and fully executed commercial cannabis permit pursuant to Chapter 5.04 of the Seaside Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.

9. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits or licenses in good standing with the City, County or State shall be grounds for the suspension or revocation of a Use Permit pursuant to Section 19.09 of the City Code.

19.04 COMMERCIAL CANNABIS TESTING, MANUFACTURING, RESEARCH AND DEVELOPMENT, AND OPERATING STANDARD

It is hereby declared to be unlawful and a public nuisance for any person or persons owning, leasing, occupying, or having charge of possession of any legal parcel or premises within any zoning district in the City of Seaside to test, manufacture cannabis products, or to engage in research and development of cannabis except as provided for in this chapter.

No cannabis or cannabis products at the premises or location shall be visible with the naked eye from any public or other private property, nor shall medical marijuana or any product containing medical marijuana be visible from the exterior of any premises.

No Medical or Adult Marijuana shall be dispensed from a testing, manufacturing or research and development site and shall not be open to the public.

Security measures sufficient to restrict access to only those intended and to deter trespass and theft of medical or Adult cannabis or medical or Adult cannabis products shall be provided and maintained. If on-site security is utilized, Security shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times.

Hazardous materials shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.

A Use Permit for testing, manufacturing and research and development of cannabis and cannabis products shall not be granted by the Appropriate Authority or City unless all of the following findings are made based on substantial evidence:

1. The activity, as proposed, will comply with all of the requirements of the State and City, and any additional conditions of license for the testing, manufacturing, or research and development of cannabis or cannabis products.

2. The use, as approved and conditioned, will not result in significant unavoidable impacts on the environment.

3. The use includes adequate measures that minimize use of water at the site.

4. The cultivation includes adequate quality control measures to ensure cannabis cultivated at the site meets industry standards.

5. The use shall include adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors, and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the State and not distributed out of state.

6. The applicant, owner, and permittees agree to submit to, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any enforcement officer of the City of Seaside or their designee.

7. Any person testing, manufacturing or performing research and development operations using cannabis shall obtain a valid and fully executed commercial cannabis business license pursuant to Chapter 5.04 of the Seaside Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.

8. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits or licenses in good standing with the City, County or State shall be grounds for the suspension or revocation of a Use Permit pursuant to Section 19.09 of the City Code.

19.05 CANNABIS TRANSPORT AND DISTRIBUTION

Cannabis transportation and distribution facilities shall comply with all of the following requirements.

A. Cannabis transportation and distribution facilities shall be located only in zoning districts that specifically provide for this use.

B. Cannabis and cannabis products shall only be transported between permitted and licensed commercial cannabis operations.

C. Prior to transporting cannabis or cannabis products, the transporter shall complete an electronic shipping manifest. The shipping manifest shall include the unique identifier information from the cultivation source.

D. A physical copy of the shipping manifest shall be maintained during transportation and shall be made available upon request to law enforcement or any agents of the State or County charged with enforcement of this Chapter.

E. All cannabis uses that require transport licenses under SB94 but that are not Transport and Distribution Only Businesses shall receive a license for transport.

F. Distribution facilities shall maintain appropriate records of transactions and shipping manifests. An organized and clean method of storing and transporting cannabis and cannabis products shall be provided to maintain a clear chain of custody.

G. Security measures sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products shall be provided and maintained. Security measures at distribution facilities shall include, but are not limited to, the following:

> 1. Prevent individuals from loitering on the premises of the distribution facility if they are not engaging in activity expressly related to the operations of the distribution facility;
>
> 2. Store all cannabis and cannabis products in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss;
>
> 3. Install security cameras on site; and
>
> 4. Provide for on-site security personnel meeting the requirements and standards contained within Chapter19.02.070 of the Seaside Municipal Code and approval by the Chief of Police.

H. The owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by the Seaside Municipal Code and State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial medical cannabis activities at the site who do not maintain permits or licenses in good standing with the City, County or

State shall be grounds for the modification or revocation of a Use Permit pursuant to Section 19.09 of The City of Seaside Code.

I. The transportation and distribution facilities and activities shall be maintained in accordance with the operating plans approved by the City.

19.06 Public Hearing

Applications for dispensaries shall be subject to a hearing and must provide Public notice of the hearing in accordance with on the application shall be given as provided in Section 17.78.020. The City Manager or designee shall be the investigating official referred to in Section 17.78.020 to whom the application shall be referred. In recommending the granting or denying of such permit and in granting or denying the same, the City Manager shall give particular consideration to the capacity, capitalization, and complaint history of the applicant and any other factors that in the City Manager's discretion he/she deems necessary to the peace, order and welfare of the public.

19.07 Ranking and Allocation Procedure and Criteria

In the event that multiple applications are submitted for any Cannabis use that is restricted in number, the City Manager or designee shall use the following criteria for recommending to the City Council what applicant shall receive approval to operate.

Businesses seeking a license to operate a dispensary or cultivation operation must submit the following for evaluation:

1. Business Plan: Applicants shall submit a Business Plan to the City that outlines an operational and financial plan. The Business Plan should include the names and resumes of key staff, operations plan, financial plan, sales projections and market study. Applicants are encouraged to provide a specific, written plan for how their operation will benefit the community.
2. Security Plan: All applicants shall submit a Security Plan outlining how the business expects to address security issues at their location.
3. Property Owner Approval: Applicants shall submit proof of approval of the owner of the real property where the proposed dispensary will be located if approved. Applicants are not required to have a signed lease, but a letter from the property owner indicating that:
    a. The property owner is aware of and approves the use being proposed.
    b. The property owner will lease the property to the cannabis related use upon approval of application.

   c. The property owner understands that licenses for cannabis related uses are for <u>one year</u> and can be revoked at the City's sole discretion with or without reason.
4. Live Scan: All principle employees of any cannabis related use must obtain a Live Scan and submit the results with their application.
5. Cannabis Expertise Test: All principal employee of the cannabis related use must take a cannabis expertise test. This test will be administered at the City and will measure the applicant's knowledge of State regulations regarding their use and general knowledge of the cannabis business.

19.08.010 SELECTION CRITERIA:

A. General Eligibility Review: In the event that an applicant is unable to meet the minimum eligibility criteria, their application shall be denied. Applicants will be evaluated on the following:
   1. Live Scan Results: Applicant must not have any criminal convictions that would result in ineligibility as defined in section 19.02.020.
   2. Application must be complete to be evaluated. Incomplete applications will be denied and must be resubmitted. Application fees must be paid for resubmittal.
   3. Proposed location of business and proof of property owner's approval of use.
   4. Indemnification agreement with the City.

B. Initial Ranking – The City shall open an application period of not less than 30 days to allow prospective Permittees to submit applications.
   1. Applicants will be evaluated on the following criteria:
      a. Location of business
         i. Locations north of Gigling Road, within the Broadway Urban Village plan area and / or within 2,500 feet of Highway 1 will receive 10 points. Locations outside these areas will receive 1 point.
      b. Business Plan
         i. A business plan that demonstrates prior successful business operations (which need not be cannabis business related) at a similar scale of annual revenue for at least two years and / or capitalization sufficient to insure at least one year of operation will receive five points as a base, with one additional point for every $250,000 of projected annual revenue. A business plan without such demonstration will receive 1 point.
      c. Local Enterprise & Community Benefits

i. Community benefits may include commitment to employing Seaside residents, commitment to working with Seaside-located businesses (including capital), commitment to sponsoring non-profits and / or other similar specific commitments within the Seaside community. A maximum of eight points will be awarded, with one point for every Seaside resident employee or specified annual commitment to of the applicant's choice to any non-profit or business within the community.

d. Neighborhood Compatibility
   i. Applicants which demonstrate neighborhood support with a majority of property owners within 250 feet will receive five points. Applicants which do not demonstrate neighborhood support with a majority of property owners within 250 feet will receive zero points.

e. Safety and Security Plan
   i. The Seaside Police Department will review the Safety and Security Plan and classify the Plan as inadequate, adequate or exemplary. Plans classified as inadequate will not be permitted to proceed. Plans classified as adequate will receive ten points. Plans classified as exemplary will receive twenty points.

f. From the initial ranking, up to twice as many qualified applicants as there are available licenses will be eligible for final testing and ranking, as determined by the aggregate scores of the initial ranking.

C. Final Ranking
   1. Cannabis Expertise Test: One principle employee of the cannabis related use must take a cannabis expertise test to demonstrate knowledge of state and local compliance standards.
   2. The top applicants equal to the number of licenses available will be eligible to apply for a Conditional Use Permit and license to engage in a commercial cannabis business. Qualified applicants from the initial ranking may amend and combine their applications to optimize their scores. If following the opportunity to optimize scores, two or more applicants are tied, both applicants will proceed to the next step.

D. Use Permit:
   1. Applicants shall complete phases 1-3 prior to applying for a Conditional Use Permit and license.

2. At the next available Planning Commission meeting, allowing time for Staff review, a public hearing for each top application shall be held.
3. Members of the public, adjacent property owners and other interested parties will be given the opportunity to present concerns or support, and provide additional consideration for potential permit conditions.
4. Planning Commission will make a recommendation to City Council, including any conditions requested for final decision on awarding Use Permits and License.
5. At the next available City Council meeting, Planning Commission and Staff recommendations will be presented to City Council for final decision.
6. If an available license is not filled for any reason and a business that qualified under phases 1-3 but was not selected to move forward in the process requests consideration for phase 4, consideration shall be granted in order of ranking.

E. Use Permits for Cannabis Uses are for one year and do not run with land. No vesting of any land use rights are conveyed with any Use Permit for a Cannabis related use. Holders of use permits shall have the opportunity administratively renew as long as the business has complied with all state and local ordinances and with Conditions of Approval, including the timely payment of all fees and taxes.

F. Cannabis Licenses are for one year and may be revoked at any time for failure to comply with all state and local ordinances, or for failure to comply with Conditions of Approval. Licenses shall have the opportunity to automatically renew as long as the business has complied with all state and local ordinances and with Conditions of Approval, including the timely payment of all fees and taxes.

19.09 ENFORCEMENT

Violations of this Chapter shall constitute a public nuisance and may be enforced pursuant to the provisions of Chapter 17.80 of the Municipal Code any other law or ordinances it deems appropriate.

A. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.

B. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of City, create a cause of action for penalty pursuant to Chapters 17.80 of this Code, and any other action authorized by law.

C. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Seaside or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter shall be subject to injunctive relief, disgorgement of any payment to the City of Seaside of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Seaside may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial medical or Adult cannabis activity or persons related thereto, or associated with, the commercial medical or Adult cannabis activity.

19.10 APPEALS PROCESS

A. If the City Manager or his / her designee determines that grounds for suspension or revocation of the Use Permit exist pursuant to section 19.09, the City Manager or his / her designee shall issue a written Notice of Intention to revoke or suspend the Use Permit, as the case may be. The Notice of Intention shall be served on the property owner, as reported on the latest equalized assessment roll, and shall also be served on permittees on the property, as reported on the commercial medical cannabis permits issued pursuant to Chapter19.02. The Notice of Intention shall be served by either personal delivery or by certified U.S. Mail, postage prepaid, return receipt requested. The Notice of Intention shall describe the property, the intention to revoke or suspend the Use Permit, the grounds for revocation or suspension, the action necessary to abate the violation, the time limit for compliance, and the right to a hearing. The Notice of Intention shall notify the owner and permittees of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the Use Permit should not be suspended or revoked and shall notify them of the 10-day deadline to submit a written request for a hearing.

B. The owner and permittees shall have ten (10) calendar days from the service of the Notice of Intention to submit a written request for a hearing before the Hearing Officer. Failure to submit the written request for a hearing shall be deemed a waiver of the right to challenge the suspension or revocation of the Use Permit and a failure to exhaust administrative remedies. If the hearing is not timely requested, the City Manager or his / her designee may suspend or revoke the Use Permit in accordance with the Notice of Intention.

C. Upon receipt of a timely written request for a hearing, the City Manager or his / her designee shall appoint a hearing officer and set a date for a hearing to be held within 60 days of receipt of the request, unless an immediate threat to the public health, safety and welfare necessitates an earlier hearing date. Notice of the hearing, including the time, date, and location of the hearing, shall be served on the owner and permittees, such service to be accomplished by either personal delivery or by certified U.S. Mail, postage prepaid, return receipt requested.

D. Hearing by the Hearing Officer:

1. The Hearing Officer is authorized to conduct hearings, issue subpoenas, receive evidence, administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and render decisions on the suspension or revocation of the Use Permit.

2. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations and to certify to official acts.

3. All parties to the hearing shall have the opportunity to testify, introduce exhibits, call and examine witnesses, and cross examine opposing witnesses on any matter relevant to the issues.

4. Within thirty (30) calendar days after the close of the hearing, the Hearing Officer shall issue a written decision, including a statement of the basis for the decision. The Hearing Officer's written decision shall constitute the final administrative decision of the City of Seaside.

5. In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the City's total costs of enforcement, including reasonable attorney fees.

6. If neither owner nor any permittee nor their authorized representatives appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.

19.11 SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.