



CITY OF SEASIDE
PLANNING COMMISSION

A G E N D A

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, May 23, 2018
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **FIELD TRIP**

The Planning Commission will conduct a field trip to 1536 Noche Buena Street, 1540 Kenneth Street and 1530 Kenneth Street, Seaside to review Agenda Item 7D from the 7:00p.m. Agenda. The Planning Commission will depart from the parking lot in front of City Hall at 6:00 PM. For information call 831-899-6707. The Regular Meeting will convene at 7:00 PM.

2. **CALL TO ORDER**

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

John Owens	Chair
Michael Spalletta	Vice Chair
Keith Dodson	Commissioner
Denise Ross	Commissioner
Arlington La Mica	Commissioner
Ian Oglesby	Commissioner
Alissa Kisperskey	Commissioner

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. **CONSENT AGENDA**

A. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING FENCE EXCEPTION APPLICATION NO. FE-18-01 TO ALLOW FOR A 5.5 FOOT HIGH FENCE WITHIN THE REQUIRED 15 FOOT FRONT YARD OF A RESIDENTIAL PARCEL LOCATED AT 1661 LUZERN STREET (APN 012-723-016).

PURPOSE & RECOMMENDATION: The purpose of this item is to adopt a Resolution approving Fence Exception application No. FE-18-01.

7. APPROVAL OF MINUTES

8. BUSINESS ITEMS

A. TEXT AMENDMENTS TO SEASIDE MUNICIPAL CODE CHAPTERS 10.32 AND 17.34

PURPOSE & RECOMMENDATION:

In accordance with Section 17.74.040.A of the Seaside Municipal Code (SMC), the purpose of this item is to consider and provide a recommendation to the City Council on proposed text amendments to Chapter 10.32 and 17.34 in order to amend regulations for the parking or placement of vehicles advertised for sale, hire, or rental citywide as defined in the Draft Ordinance.

B. PROPOSED MAP AMENDMENTS TO THE SEASIDE GENERAL PLAN AND TITLE 17 (ZONING CODE) OF THE SEASIDE MUNICIPAL CODE

PURPOSE & RECOMMENDATION:

In accordance with Section 17.74.040.A of the Seaside Municipal Code (SMC), the purpose of this item is to consider and provide a recommendation to the City Council on proposed map amendments to the Seaside General Plan and Title 17 (Zoning Code) of the Seaside Municipal Code for the five parcels (APNs: 011-552-008, 011-552-009, 011-552-010, 011-552-011, 011-552-012) shown in Attachment 3.

C. USE PERMIT APPLICATION NO. UP-18-03 MANGOLD PROPERTY MANAGEMENT, PROPERTY OWNER, AND MIKEY NGUYEN, APPLICANT, ARE REQUESTING THE APPROVAL OF A USE PERMIT TO ALLOW THE ON-SALE OF BEER AND WINE UNDER A TYPE 41 ALCOHOL FOR A SIT-DOWN RESTAURANT LOCATED AT 1988 FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301(A), THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW.

PURPOSE & RECOMMENDATION: In accordance with Section 17.14.030.B - Table 2.4 (Allowed Land Uses and Permit Requirements for Commercial Zones), the on-sale of alcoholic beverages is subject to the issuance of a Use Permit by the Planning Commission.

D. CONSIDER AN APPEAL REQUESTING TO OVERTURN THE BOARD OF ARCHITECTURAL REVIEW DECISION FOR A SECOND STORY ADDITION TO AN EXISTING TWO-STORY SINGLE FAMILY DWELLING LOCATED AT 1536 NOCHE BUENA STREET IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN: 012-201-012). THIS PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301.E.1, EXISTING FACILITIES, FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PURPOSE & RECOMMENDATION: The purpose of this item is to consider an appeal submitted by Julie Vogado and Marsheila DeVan, seeking to overturn the approval made by the Board of Architectural Review (BAR) for a second story addition to an existing two-story single family residence located at 1536 Noche Buena Street.

9. REPORTS FROM COMMISSIONERS

10. REPORTS FROM STAFF

A. ACCEPT AN INFORMATIONAL HANDOUT FROM STAFF REGARDING AN INTRODUCTION TO FORM BASED ZONING CODE. THIS IS INITIAL DOCUMENT IS JUST A GENERAL INTRODUCTION TO THE TOPIC, AND NOT SPECIFIC TO SEASIDE AT THIS TIME.

PURPOSE & RECOMMENDATION: To share information with the Planning Commissioners regarding an introduction to the concept of form based code.

11. ADJOURNMENT

Next Regularly Scheduled Meeting:

June 13, 2018
Seaside City Hall
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, 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://cyp.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.: 6.A.

TO: Planning Commission

BY: Bob Larsen, Associate Planner

DATE: May 23, 2018

SUBJECT: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING FENCE EXCEPTION APPLICATION NO. FE-18-01 TO ALLOW FOR A 5.5 FOOT HIGH FENCE WITHIN THE REQUIRED 15 FOOT FRONT YARD OF A RESIDENTIAL PARCEL LOCATED AT 1661 LUZERN STREET (APN 012-723-016).

PURPOSE & RECOMMENDATION

The purpose of this item is to adopt a Resolution approving Fence Exception application No. FE-18-01.

BACKGROUND

At the May 9, 2018 Planning Commission meeting, the Planning Commission approved Fence Exception application No. FE-18-01 and directed staff to return on May 23, 2018 with a Resolution approving FE-18-01.

-

ATTACHMENTS

1. FE-18-01 Resolution
-

Attachment 1

**PLANNING COMMISSION
RESOLUTION NO. 18-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING FENCE EXCEPTION APPLICATION NO. FE-18-01 TO ALLOW FOR A 5.5 FOOT HIGH FENCE WITHIN THE REQUIRED 15 FOOT FRONT YARD OF A RESIDENTIAL PARCEL LOCATED AT 1662 LUZERN STREET (APN 012-723-016).

WHEREAS, Natalie Gibson, applicant and property owner, has applied for approval of a Fence Exception permit to allow for a 5.5 foot high fence within the required 15 foot front yard of a residential parcel which exceeds the maximum height requirements of Zoning Code Section 17.30.020.B.2; and

WHEREAS, the proposed project requires approval by the Planning Commission, and based on the fact that the 5.5 foot fence has already been constructed; and

WHEREAS, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code in relation to the proposed Fence Exception; and

WHEREAS, the Planning Commission considered written information concerning the proposed exception at a duly noticed public hearing held on May 9, 2018; and

WHEREAS, the project is exempt from environmental review subject to Class 3, Section 15303(e): New Construction of Small Structures:

Evidence: Approval of the proposed fence would acknowledge the construction of a five-foot five-inch high masonry fence on Luzern Street. A fence consists of a minor improvement that is categorically exempt from CEQA.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings for the approval of Fence Exemption Application No. FE-18-01:

1. A general safety hazard to City residents and/or the general public would not be created.

Evidence: Based upon its design, the approval of the as-built fence will not create a general safety hazard to the City residents.

2. The approval of the as-built 5.5 foot high fence will not create a traffic-related safety hazard nor impair visibility at an intersection or adjoining driveway.

Evidence: The 5.5 foot high as-built fence has a scallop design and sight lines will be enhanced with a convex mirror placed on the south side of the driveway to aid in viewing pedestrian traffic on the sidewalk in front of the fence thereby reducing traffic hazards at the intersection with the adjoining driveway.

3. The wall is compatible with the surrounding neighborhood.

Evidence: The as-built fence is constructed of materials similar to those found in the surrounding neighborhood.

BE IT FURTHER RESOLVED, that the Planning Commission hereby grants Fence Exception No. FE-18-01 subject to the following terms and conditions:

Project Specific:

Planning:

1. Except as modified by required conditions of approval, plans submitted for a building permit shall substantially conform to the plans identified as “Fence Exception No. FE-18-01, 1662 Luzern Street”, stamped as received on “February 26, 2018” and approved on May 9, 2018. The project plans are attached as Exhibit “A”.
2. A convex mirror will be installed on the south side of the driveway to aid in viewing pedestrian traffic on the sidewalk in front of the fence.

Standard:

1. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul this approval. The applicant will reimburse the City for any court costs and attorney’s fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City Shall cooperate fully in the defense thereof.

2. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
3. This Fence Exception approval will become null and void if any required building permit is not obtained within one (1) year from the date of approval.

NOW BE IT FURTHER RESOLVED, the Planning Commission hereby approves Fence Exception Application No. FE-18-01.

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.A.

TO: Planning Commission

BY:

DATE: May 23, 2018

**SUBJECT: TEXT AMENDMENTS TO SEASIDE MUNICIPAL CODE CHAPTERS
10.32 AND 17.34**

PURPOSE & RECOMMENDATION

In accordance with Section 17.74.040.A of the Seaside Municipal Code (SMC), the purpose of this item is to consider and provide a recommendation to the City Council on proposed text amendments to Chapter 10.32 and 17.34 in order to amend regulations for the parking or placement of vehicles advertised for sale, hire, or rental citywide as defined in the Draft Ordinance.

BACKGROUND

The purpose of placing prohibitions on the parking of vehicles for hire, sale, or rental within the community is to address the following issues when vehicles are parked and/or stored within the public right-of-way and on private property:

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

On April 10, 2018, the Traffic Advisory Committee (TAC) recommended that based on the committee's review the City should proceed with presenting an Ordinance for the City Council's consideration to amend regulations for the parking or placement of vehicles advertised for sale, hire, or rental citywide as outlined in the Resolution for the Draft Ordinance provided as Attachment 2.

On April 19, 2018, the City Council reviewed the TAC's recommendations on the proposed Text Amendments and directed City staff to move forward with the preparation of an Initial Study to evaluate the environmental issues associated with the text amendments; and to have the Planning Commission provide its recommendation to the City Council on the adoption of an Ordinance for the proposed Text Amendments.

ENVIRONMENTAL REVIEW

The City of Seaside has prepared an Initial Study and Negative Declaration for the proposed text amendments to the Seaside Municipal Code pursuant to the requirements of the California Environmental Quality Act Section 21000 et seq. and State CEQA Guidelines Section 15070 through 15075. The Initial Study/Negative Declaration has been circulated for a 20-day public review period beginning on Friday, April 20, 2018 and ending on Wednesday, May 9, 2018 (See Attachment 3). Based on the analysis of the environmental checklist contained within the Initial Study, it has been determined that the proposed text amendments would not result in a direct or indirect physical change in the environment since the amendments would be solely a change in the City's Municipal Code regulations that would not result in any new development or physical change that would directly or indirectly affect the General Plan Land Uses or Zoning District designations or a parcel of land within the community.

The Initial Study/Negative Declaration has been circulated for a 20-day public review period beginning on Friday, April 20, 2018 and ending on Wednesday, May 9, 2018. To date, City staff has not received any comments on the proposed Initial Study/Negative Declaration.

STAFF ANALYSIS

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

CONCLUSION

City staff recommends the Planning Commission open the public hearing, accept public testimony/comments, and act to recommend that the City Council adopt the proposed text amendments under Chapter 10.32 and 17 of the SMC.

ATTACHMENTS

1. RESO1
 2. RESO2
 3. Exhibit A
-

RESOLUTION NO. 18-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, RECOMMENDING TO THE CIY COUNCIL THE ADOPTION OF A NEGATIVE DECLARATION FOR PROPOSED TEXT AMENDMENTS TO SECTION 10.32.070 AND SECTION 17.34.030 OF THE SEASIDE MUNICIPAL CODE IN ORDER TO AMEND REGULATIONS FOR THE PARKING OR PLACEMENT OF VEHICLES ADVERTISED FOR SALE, HIRE, OR RENTAL CITY WIDE.

WHEREAS, the City of Seaside has circulated a Notice of Intent to adopt a Negative Declaration for the adoption of proposed text amendments to the Chapter 10 and 17 of the Seaside Municipal Code as follows:

Proposed Text Amendments

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

1. Amend Title 10, Section 10.32.070 to read as follows:

SECTION 10.32.070 ADVERTISING VEHICLES FOR SALE PROHIBITED – IMPOUNDMENT OF VEHICLES.

- A. ~~It shall be lawful~~ **No person shall park or place a vehicle advertised for sale, or rental upon any street, alley, right-of-way or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public institutional.** ~~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 **in areas not explicitly identified in section A., above.**
- 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))

E. Display of vehicles for hire, sale, or rental on private property is regulated in 17.34.030.C (Vehicles for sale).

2. Amend Title 17, Section 17.34.030 to read as follows:

C. Vehicles for sale. ~~No vehicle, trailer, or other personal property shall~~ **A vehicle may** be parked or placed on private property for the purpose of displaying the vehicle, ~~trailer, or other personal property for hire, rental, or sale, unless the applicable zone allows the use, and the person or business at that location is licensed to sell vehicles, trailers, or other personal property, except as follows~~ **as follows**:

1. In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and

2. In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location.

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

WHEREAS, the Negative Declaration based on the revised language for the proposed text amendments was circulated for a 20-day public review period beginning on Friday, April 20, 2018 and ending on Wednesday, May 9, 2018; and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed Negative Declaration at a duly noticed public hearing held on May 23, 2018 and made a recommendation to the City Council to adopt the proposed Negative Declaration; and

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

1. The proposed text amendments will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or

wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

2. The proposed text amendments will not have any impacts that are individually limited but cumulatively considerable or cause substantial adverse effects on human beings, either directly or indirectly.
3. The proposed text amendments will not have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly.

Evidence: The proposed text amendments will consist of amending and adding new text to Chapter 10 and 17 of the Seaside Municipal Code in order to amend regulations for the parking or placement of vehicles advertised for sale, hire, or rental citywide. There is no development associated with the proposed text amendments. The proposed text amendments will not degrade the quality of the environment, reduce the habitat or population of fish and wildlife species, eliminate plant or animal community, or eliminate important examples of California history or prehistory. The proposed text amendments will not have any impacts that are individually limited but cumulatively considerable or cause substantial adverse effects on human beings, either directly or indirectly.

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

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 23rd of May, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

John Owens, Chairperson

Planning Commission Secretary

DRAFT RESOLUTION 18-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE FOR PROPOSED TEXT AMENDMENTS TO SECTION 10.32.070 AND SECTION 17.34.030 OF THE SEASIDE MUNICIPAL CODE IN ORDER TO AMEND REGULATIONS FOR THE PARKING OR PLACEMENT OF VEHICLES ADVERTISED FOR SALE, HIRE, OR RENTAL CITY WIDE.

WHEREAS, the Traffic Advisory Committee of the City of Seaside held a meeting on the parking conditions related to vehicles for sale being parked on City streets and determined that additional measures and regulations are necessary to prohibit the parking of vehicles for sale, hire, or rental within the community and citywide; and

WHEREAS, on April 20, 2018 the City Council directed City staff to prepare an Initial Study and proposed Ordinance for the City Council's consideration in order to amend regulations for the parking or placement of vehicles advertised for sale, hire, or rental citywide; and

WHEREAS, the City of Seaside is proposing text amendments to Section 10.32.070 (Advertising vehicles for sale prohibited – Impoundment of vehicles) and Section 17.34.03010.32 (General Parking Regulation) of the Seaside Municipal Code to provide and read as follows:

Proposed Text Amendments

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

1. Amend Title 10, Section 10.32.070 to read as follows:

SECTION 10.32.070 ADVERTISING VEHICLES FOR SALE PROHIBITED – IMPOUNDMENT OF VEHICLES.

A. ~~It shall be lawful~~ **No person shall park or place a vehicle advertised for sale, or rental upon any street, alley, right-of-way or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public institutional.** ~~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 **in areas not explicitly identified in section A., above.**

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))

E. Display of vehicles for hire, sale , or rental on private property is regulated in 17.34.030.C (Vehicles for sale).

2. Amend Title 17, Section 17.34.030 to read as follows:

C. Vehicles for sale. ~~No vehicle, trailer, or other personal property shall~~ **A vehicle may** be parked or placed on private property for the purpose of displaying the vehicle; ~~trailer, or other personal property for hire, rental, or sale, unless the applicable zone allows the use, and the person or business at that location is licensed to sell vehicles, trailers, or other personal property, except as follows~~ **as follows:**

1. In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and

2. In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location.

WHEREAS, pursuant to the requirements of the California Environmental Quality Act Section 21000 et seq. and State CEQA Guidelines Section 15070 through 15075, an Initial Study/Negative Declaration has been circulated for a 20-day public review beginning on Friday, April 20, 2018 and ending on Wednesday, May 9, 2018, and is made a part of the Resolution for the Draft Ordinance by reference; and.

WHEREAS, it is the responsibility of the Planning Commission to consider and weigh the merits of the text amendments in relation to the policies, standards and intent of

the Seaside General Plan and Seaside Municipal Code and provide a recommendation to the City Council on the proposed text amendments; and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed Negative Declaration and Initial Study at a duly noticed public hearing held on May 23, 2018 and made a recommendation to the City Council to adopt the proposed text amendments; and

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

1. The proposed text amendments to Chapter 10 and Chapter 17 of the Seaside Municipal Code are consistent with the goals and policies of all elements of the General Plan; and
2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. The proposed amendments are internally consistent with other applicable provisions of the Seaside Municipal Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission recommends to the City Council approval of the proposed text amendments to Chapter 10 and 17 of the Seaside Municipal Code as contained herein.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 23rd day of May, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary



CITY OF SEASIDE
**Notice of Availability and Intent to
Adopt a Negative Declaration**

Project Title: Seaside Municipal Code Amendment No SMC 18-01
Lead Agency: City of Seaside
Project Location: Citywide
APN#: Citywide
Permit Type: Municipal Code Amendments

Project Description: The City of Seaside is proposing text amendments to the Seaside Municipal Code (SMC) by amending Chapters 10.32 and 17.34 of the Seaside Municipal Code (SMC) in order to amend regulations for the parking or placement of vehicles advertised for sale, hire, or rental citywide.

Public Review Period: Friday, April 20, 2018 through Wednesday, May 9, 2018.

Written Comments or questions should be sent to:

Beth Rocha, Associate Planner
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

Any person wishing to comment on this matter must submit such comments, in writing, to the City prior to the closing date on May 9, 2018. Public comments may also be entered into the public record on the amendments at the duly noticed public hearing dates when considered by the Planning Commission and City Council.

Negative Declaration

Notice is hereby given that the project described above has been reviewed in accordance with State of California Public Resources Code, the California Environmental Quality Act, the City of Seaside General Plan, and Title 17 of City of Seaside Municipal Code. Based on this review, a Proposed Negative Declaration is hereby made on this project. The reason for this determination is that the project will not result in significant adverse impacts to the environment. The Proposed Negative Declaration and Initial Study are on file at the Seaside Community Development Department, 440 Harcourt Avenue, Seaside, CA, 93955 (831) 899-6726 and on the City's website at <https://www.ci.seaside.ca.us/DocumentCenter/View/5484>

Public Hearing

The first public hearing on the proposed amendments and Negative Declaration will be held by Planning Commission on Wednesday, May 9, 2018 at 7:00 PM in the Seaside City Hall Council Chambers located at 440 Harcourt Avenue, Seaside, CA 93955. Subsequent review by the City Council has not yet been determined.

A handwritten signature in black ink, appearing to read "Beth Rocha", is written over a horizontal line.

Beth Rocha
Associate Planner

April 20, 2018

Date

THIS PAGE LEFT INTENTIONALLY BLANK

A. PROJECT DATA

1.	Project title:	Municipal Code Amendment No. SMC 18-01
2.	Lead agency name and address:	City of Seaside 440 Harcourt Avenue Seaside, CA 93950
3.	Contact person and phone number:	Beth Rocha, Associate Planner (831) 899-6728
4.	Date Prepared	April 12, 2018
5.	Project location:	City of Seaside County of Monterey, California. Regional Location Map is provided as Figure 1. General Plan Land Use Map for the City is provided as Figure 2.
6.	Project sponsor's name and address:	City of Seaside 440 Harcourt Avenue Seaside, CA 93955 (831) 899-6825
7.	General plan designation:	Citywide
8.	Zoning:	Citywide
9.	Description of project:	Text amendments to Chapters 10.32 (Stopping, Standing, Parking) and 17.34 (Parking and Loading).
10.	Surrounding land uses and setting:	Citywide
11.	Other public agencies whose approval is required	None

B. PROJECT DESCRIPTION

This document has been prepared to present project information and to evaluate the potential environmental effects of text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) that would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit "A" of the Initial Study.

The purpose of placing prohibitions on the parking of vehicles for hire, sale, or rental within the community is to address the following issues when vehicles are parked and/or stored within the public right-of-way and on private property:

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

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

C. LEAD AGENCY

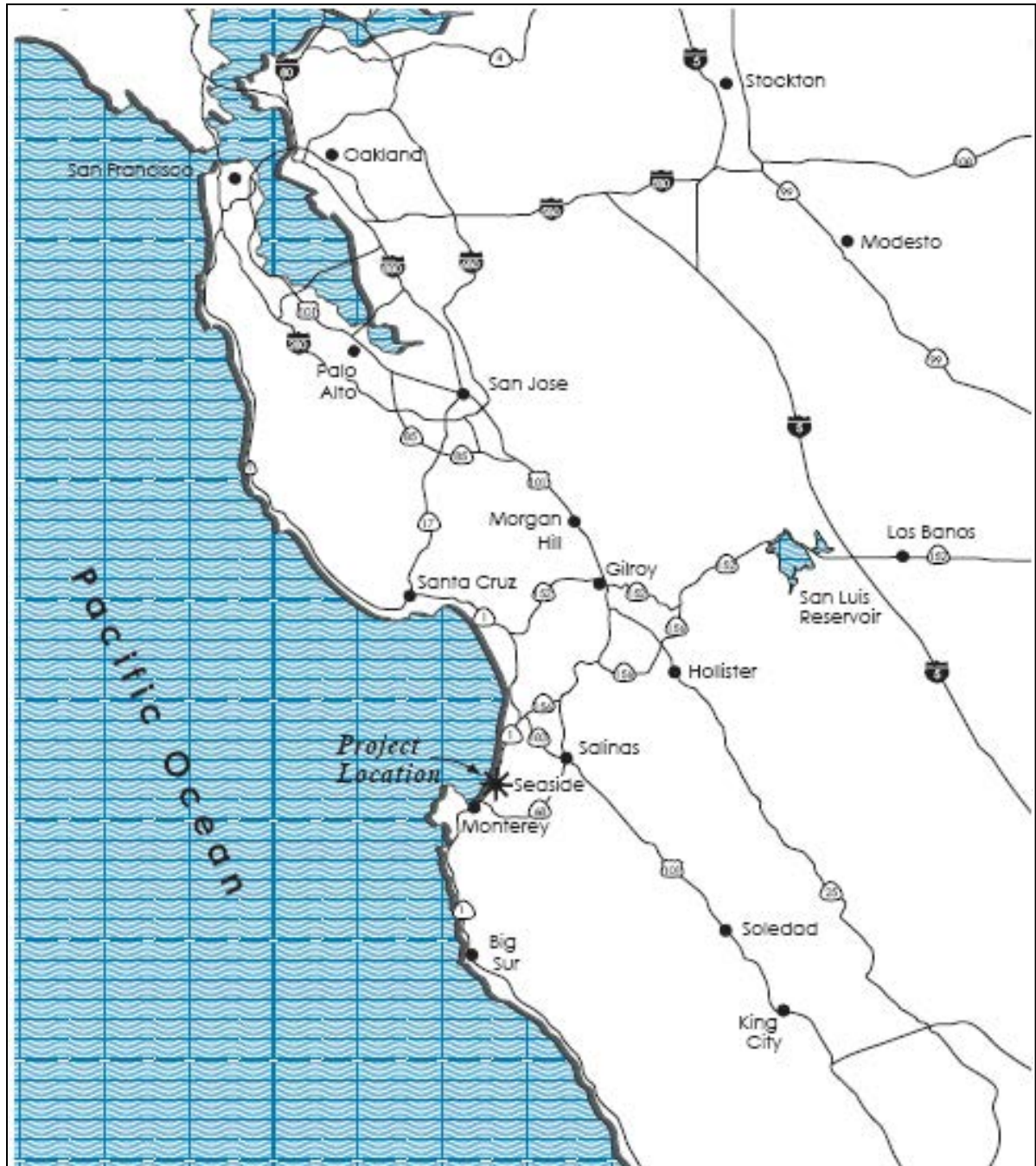
The Lead agency is the public agency with primary authority over a proposed project. The lead agency for the proposed text amendment is the City of Seaside. The contact person for the lead agency is:

Beth Rocha, Associate Planner
440 Harcourt Avenue
Seaside, CA 93955
Phone: (831) 899-6728
E-Mail: brocha@ci.seaside.ca.us

D. PROJECT LOCATION AND ENVIRONMENTAL SETTING

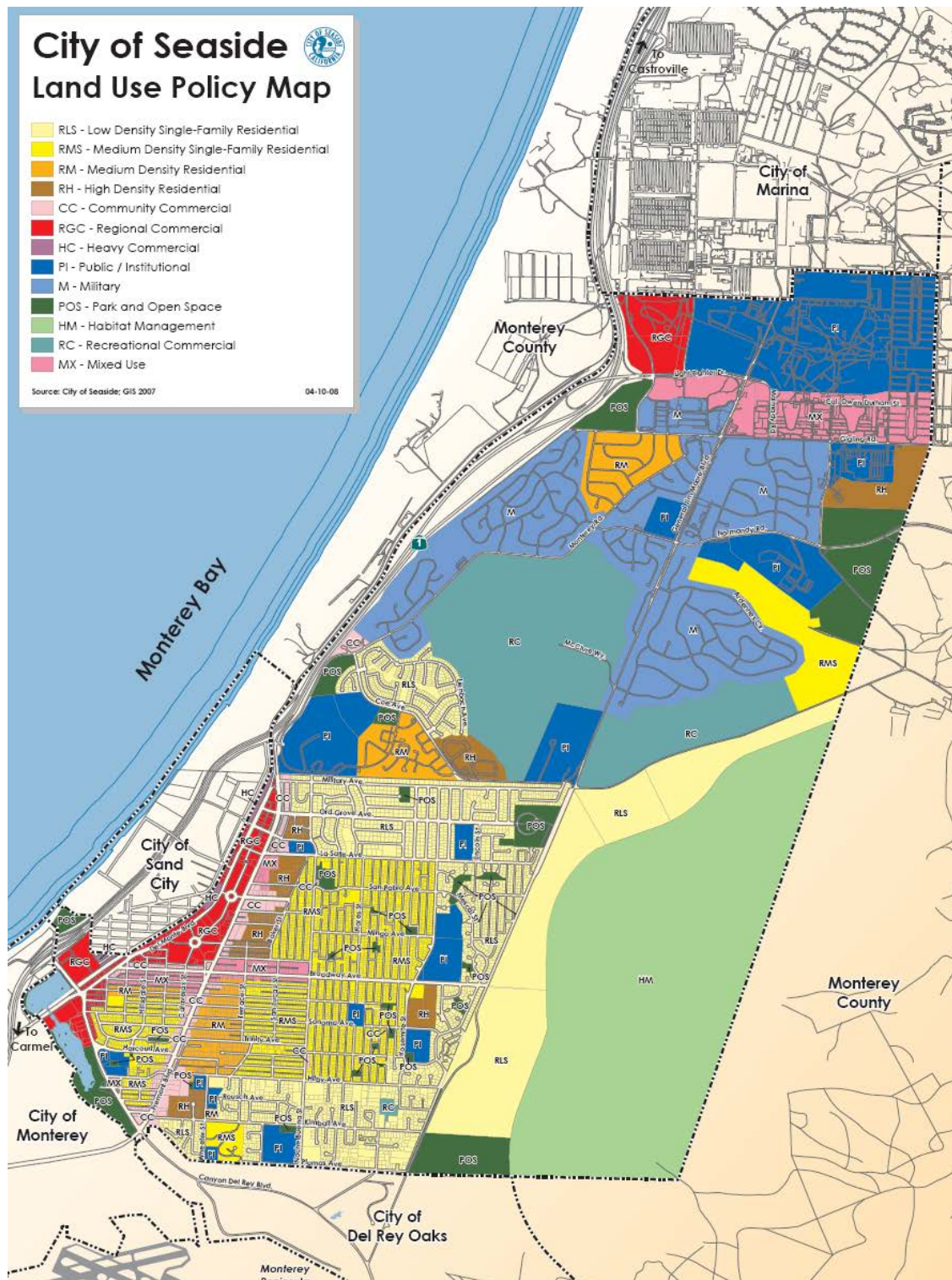
As shown on the Regional Location Map on Figure 1, the City of Seaside is situated on the Monterey Bay in western Monterey County in the northern portion of the Monterey Peninsula. The City's incorporated City Limit boundaries are surrounded by the cities of Monterey and Del Rey Oaks to the south, Sand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

Figure 1 – Regional Location Map



Regional Location Map

Figure 2 – General Plan Land Use Map



E. ENVIRONMENTAL CHECKLIST

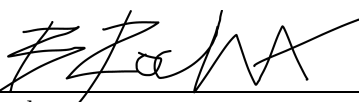
The Environmental Checklist is the analysis portion of this Negative Declaration. This section provides an evaluation of the potential environmental impacts of the project. The CEQA Guidelines require evaluation of the 17 environmental issues analyzed in this section, as well as the Mandatory Findings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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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



Beth Rocha
Associate Planner

April 20, 2018
Date

F. EVALUATION OF ENVIRONMENTAL IMPACTS:

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

- a) the significance criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significance

G. ENVIRONMENTAL CHECKLIST

1. AESTHETICS

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

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

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

Discussion – All Items 1(a-d)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

There is no development associated with the proposed text amendments. Therefore, the implementation of the proposed text amendments will not directly or indirectly have a substantial adverse effect on a scenic vista or

damage scenic resource, degrade the existing visual character or quality of the community and its surroundings, or create new substantial light and glare. The proposed amendments would have the potential to result in a direct benefit to the visual character and safety of the Community by enabling the Seaside Police Department and the Vehicle Abatement Officers to issue parking citations and subsequently remove the type of vehicles identified as being restricted in the proposed text amendments from City streets, alleys, public-right-ways, and public lots. The presence of vehicles advertised for sale, or rental on City streets, alleys, right-of-ways, and publicly owned lots has been determined to be considered as visual blight and a public safety issue by the community. Therefore, the implementation of the proposed text amendments would provide a direct visual benefit to the overall livability and character of the community. (Seaside General Plan 2004, Land Use Element and Urban Design Element, Final Environmental Impact Report, Chapter 5.1 Aesthetics and Chapter 5.8 Land Use)

2. AGRICULTURAL AND FOREST RESOURCES

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

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

Discussion – All Items 2(a-e)

*City of Seaside
April 2018*

*Text Amendment for Advertising Vehicles for Sale
Initial Study/Proposed Negative Declaration*

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

3. AIR QUALITY

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

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

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

- Conflict with or obstruct implementation of an air quality plan;
- Violate air quality standards;

*City of Seaside
April 2018*

*Text Amendment for Advertising Vehicles for Sale
Initial Study/Proposed Negative Declaration*

- Contribute a cumulatively considerable net increase of a criteria pollutant in a non-attainment area;
- Expose sensitive receptors to substantial pollutant concentrations;
- or Create odors affecting a substantial number of people.

Discussion – All items 3(a-e)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

4. BIOLOGICAL RESOURCES

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,2)	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1,2)	☐	☐	☐	☒

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

- Adversely affect endangered, threatened, or rare species;
- Adversely affect the habitat of such species;
- Adversely affect wetlands under the jurisdiction of Section 404 of the Clean Water Act;
- Interfere with the movement of native resident or migratory species;
- Conflict with policies or ordinances protecting biological resources; or biological habitat management plan.

Discussion – All items 4 (a-f)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit "A" of the Initial Study.

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

5. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------	--------------------------------	--	------------------------------	-----------

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

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

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

Discussion – All items 5 (a-d)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

6. GEOLOGY AND SOILS.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (1,2)				

*City of Seaside
April 2018*

*Text Amendment for Advertising Vehicles for Sale
Initial Study/Proposed Negative Declaration*

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

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

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

Discussion – All items 6(a-e)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

There is no development associated with the proposed text amendment. Therefore, the proposed text amendment will not expose people to or structures to potential substantial adverse effects, including the risk of injury or death.

The amendment will not result in substantial soil erosion, loss of top soil, landslide, and liquefaction or destroy unique paleontological resource. Seaside General Plan 2004, Safety Element, Final Environmental Impact Report, Chapter 5.5 Geology and Soils)

7. GREENHOUSE GAS EMISSIONS

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

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

Discussion – All items 7(a-b)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1,2)	☐	☐	☐	☒

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

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

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

Discussion – All items 8(a-h)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale,

or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (1,2)	☐	☐	☐	■
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (1,2)	☐	☐	☐	■
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site? (1,2)	☐	☐	☐	■
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? (1,2)	☐	☐	☐	■
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (1,2)	☐	☐	☐	■
f) Otherwise substantially degrade water quality? (1,2)	☐	☐	☐	■
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (1,2)	☐	☐	☐	■

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows? (1,2)	☐	☐	☐	■
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (1,2)	☐	☐	☐	■
j) Inundation from seiche, tsunami, or mudflow? (1,2)	☐	☐	☐	■

The project would significantly impact the environment if it would:

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

Discussion – All Items 9(a-j)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

10. LAND USE AND PLANNING

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

Land use impacts are considered significant if the project would:

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

Discussion – All items 10 (a-c)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

11. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

*City of Seaside
April 2018*

*Text Amendment for Advertising Vehicles for Sale
Initial Study/Proposed Negative Declaration*

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1,2)	☐	☐	☐	■
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (1,2)	☐	☐	☐	■

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

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

Discussion – All items 11(a-b)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

12. NOISE

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

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1,2)	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (1,2)	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (1,2)	☐	☐	☐	☒

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

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

Discussion – All items 12(a-f)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

13. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------	--------------------------------	--	------------------------------	-----------

City of Seaside

April 2018

20

Text Amendment for Advertising Vehicles for Sale

Initial Study/Proposed Negative Declaration

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

Population and housing impacts are considered significant if the project:

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

Discussion – All items 13(a-c)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

14. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				

*City of Seaside
April 2018*

*Text Amendment for Advertising Vehicles for Sale
Initial Study/Proposed Negative Declaration*

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

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

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

Discussion – All items 14(a-e)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

15. RECREATION

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1,2)	☐	☐	☐	■

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1,2)	☐	☐	☐	☒

Recreation impacts are considered significant if a project:

- Creates a “conflict with established recreational, educational, religious, or scientific uses of the area;”
- Increases the use of existing local and regional parks, resulting in physical deterioration;
- Results in substantial adverse physical effects from construction of new or altered recreational facilities.

Discussion – All items 15(a-b)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (1,2)	☐	☐	☐	☒

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads of highways? (1,2)	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (1,2)	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,2)	☐	☐	☐	☒
e) Result in inadequate emergency access? (1,2)	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (1,2)	☐	☐	☐	☒

A project results in a significant impact if it would:

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

Discussion – All items 16(a-f)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

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

17. UTILITIES AND SERVICE SYSTEMS

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

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

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

Discussion – All items 17(a-g)

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said

property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

There is no development associated with the proposed text amendments. Therefore, the proposed text amendments will not exceed wastewater treatment requirements, have cause for the construction of new storm water drainage facilities, produce solid waste, or have an adverse impact to utilities and service systems. (Seaside 2004 General Plan, Conservation Element; Final Environmental Impact Report, Chapter 511 Public Services and Utilities)

18. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

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

Discussion – All items

The proposed text amendments to the Seaside Municipal Code (SMC) amending Chapter 10.32 (Stopping, Standing, Parking) and Chapter 17.34 (Parking and Loading) would include text amendments to Section 10.32.070(A., B. and E.) that would serve to A.) prohibit the parking or placement of vehicles advertised for sale, or rental upon any street, alley, public right-of-way, or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public, B.) allow for the city to place signs restricting parking in zones not explicitly named in section A., and E.) refers the reader to 17.34.030.C for regulations pertaining to the display of vehicles for hire, sale, or rental on private property. Text amendments to SMC Chapter 17.34, Section 17.34.030 (C., C.1 and C.2) that would serve to: C.) allow for the parking or placement of vehicles for hire, rental or sale on private property as follows: C.1) In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and

C.2) In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location. The proposed text amendments are provided as Exhibit “A” of the Initial Study.

There is no development associated with the proposed text amendments. The proposed text amendments will not degrade the quality of the environment, reduce the habitat or population of fish and wildlife species, eliminate plant or animal community, or eliminate important examples of California history or prehistory. The amendments will not have any impacts that are individually limited but cumulatively considerable or cause substantial adverse effects on human beings, either directly or indirectly.

H. SOURCES

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

Exhibit "A"

Proposed Text Amendments

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

1. Amend Title 10, Section 10.32.070 to read as follows:

SECTION 10.32.070 ADVERTISING VEHICLES FOR SALE PROHIBITED – IMPOUNDMENT OF VEHICLES.

- A. ~~It shall be lawful~~ **No person shall park or place a vehicle advertised for sale, or rental upon any street, alley, right-of-way or publicly owned lot adjacent to any property zoned commercial, mixed use, park & open space or public institutional.** ~~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 **in areas not explicitly identified in section A., above.**
- 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))
- E. **Display of vehicles for hire, sale , or rental on private property is regulated in 17.34.030.C (Vehicles for sale).**

2. Amend Title 17, Section 17.34.030 to read as follows:

C. Vehicles for sale. ~~No vehicle, trailer, or other personal property shall~~ **A vehicle may** be parked or placed on private property for the purpose of displaying the vehicle, ~~trailer, or other personal property for hire, rental, or sale, unless the applicable zone allows the use, and the person or business at that location is licensed to sell vehicles, trailers, or other personal property, except as follows~~ **as follows**:

1. In residential zones (single-family and multi-family), up to two vehicles are permitted to be on the property provided the registered owner of the vehicle must occupy the dwelling unit as their principal residence; and

2. In nonresidential zones, a vendor may display vehicles for hire, sale, or rental on private property when said property is zoned and developed for such use and the vendor is licensed to transact such use at that location.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.B.

TO: Planning Commission

BY:

DATE: May 23, 2018

SUBJECT: PROPOSED MAP AMENDMENTS TO THE SEASIDE GENERAL PLAN AND TITLE 17
(ZONING CODE) OF THE SEASIDE MUNICIPAL CODE

PURPOSE & RECOMMENDATION

In accordance with Section 17.74.040.A of the Seaside Municipal Code (SMC), the purpose of this item is to consider and provide a recommendation to the City Council on proposed map amendments to the Seaside General Plan and Title 17 (Zoning Code) of the Seaside Municipal Code for the five parcels (APNs: 011-552-008, 011-552-009, 011-552-010, 011-552-011, 011-552-012) shown in Attachment 3.

BACKGROUND

On March 23, 2018 Frank and Laurel Conte filed an application for a map amendment to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX); and a map amendment to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX) as shown in Attachment 2, Exhibit A.

The subject parcels are currently located in the southwest portion of the CA zone adjacent to Seaside's Auto Center, which consists primarily of automotive auto repair and auto retail businesses. The subject parcels are bordered by Del Monte Boulevard, Olympia Avenue, Hillsdale Street, an alleyway to the south and an unimproved portion of Contra Costa Street to the east. The area of the West Broadway Urban Village Specific Plan (WBUV) is located immediately to the south and east of the subject parcels and is the planned center of Seaside's downtown.

The Conte's own three of the five subject parcels (Conte-owned APNs: 011-552-008, 011-552-009, 011-552-011; other APNs: 011-552-010 and 011-552-012). The Conte-owned parcels are developed with parking, landscaping, and a structure of approximately 9,600 square feet. Since the purchase of the property on October of 2017, many interior and exterior improvements have been made to the site, which most recently operated as K&H Auto Repair and Calderone Tire. Landscaping improvements are planned for the near future. The two parcels to the east and west of the Conte parcels are developed with parking and one structure per parcel and currently operate as Jack Fox Auto Service and Service Center Auto Repair and Monterey Radiator Auto

Service Center.

ENVIRONMENTAL REVIEW

The City of Seaside has prepared an Initial Study and Negative Declaration for the proposed map amendments to the Seaside Municipal Code pursuant to the requirements of the California Environmental Quality Act Section 21000 et seq. and State CEQA Guidelines Section 15070 through 15075. The Initial Study/Negative Declaration (IS/ND) was circulated for 20-day public review period between Thursday, May 1, 2018 through Monday, May 20, 2018. Based on the analysis of the environmental checklist contained within the Initial Study, it has been determined that the proposed map amendments would not result in a direct or indirect physical change in the environment since the map amendments would be solely changes to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC) and to the City of Seaside's General Plan and would not result in any new development. The IS/ND is provided as Exhibit B to Attachment 1.

DISCUSSION

The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will contribute to compatibility with the uses permitted in the adjacent WBUV Specific Plan, both of which prohibit automotive-related uses and encourage mixed-use, retail, and service-related uses. The proposed map amendments could further serve to accelerate the transformation of nearby Broadway Avenue and the WBUV into a resource that contributes to the identity, character and economic stability of Seaside as well as having the potential to increase city revenues and be an extension of the nearby dynamic downtown district. A comparison between the permitted uses of the CA and CMX zones is provided in Attachment 4.

The approval of the proposed map amendments would impact the status of the existing automotive businesses to the east and west of the Conte parcels, changing them from conforming to current code (CA zone standards) to nonconforming (CMX zone standards), as the uses were legally established and maintained before the potential adoption of this amendment. This map amendment would not impact the current business operations given continuous operation and to successors. Should the existing uses propose expansion, then the regulations of 17.72: Nonconforming Uses, Structure, and Parcels would regulate any proposed development to the existing automotive uses on the subject parcels.

Public Comments

As of the writing of this staff report, no comments have been received in response to the City's intent to issue a ND on the proposed map amendments. Comments received after the staff report has been distributed will be provided under separate copy and entered into the public record.

CONCLUSION

City staff recommends the Planning Commission open the public hearing, accept public testimony/comments, and act to recommend that the City Council adopt the proposed map amendments.

ATTACHMENTS

1. RESOLUTION ND
 2. RESOLUTIONMapAmend
 3. ParcelMap
 4. UseTable
-

RESOLUTION NO. 18-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, RECOMMENDING TO THE CIY COUNCIL THE ADOPTION OF A NEGATIVE DECLARATION FOR PROPOSED MAP AMENDMENTS TO TITLE 17 (ZONING CODE) OF THE SEASIDE MUNICIPAL CODE (SMC): FROM AUTOMOTIVE REGIONAL COMMERCIAL (CA) TO COMMERCIAL MIXED ZONE (CMX), AND TO THE GENERAL PLAN: FROM REGIONAL COMMERCIAL (RGC) TO MIXED-USE (MX) FOR THE FOLLOWING FIVE PARCELS: 011-552-008, 011-552-009, 011-552-010, 011-552-011, 011-552-012.

WHEREAS, the City of Seaside has circulated a Notice of Intent to adopt a Negative Declaration for the adoption of proposed map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC) and the Seaside General Plan.

Exhibit A: Proposed Title 17 Map Amendment

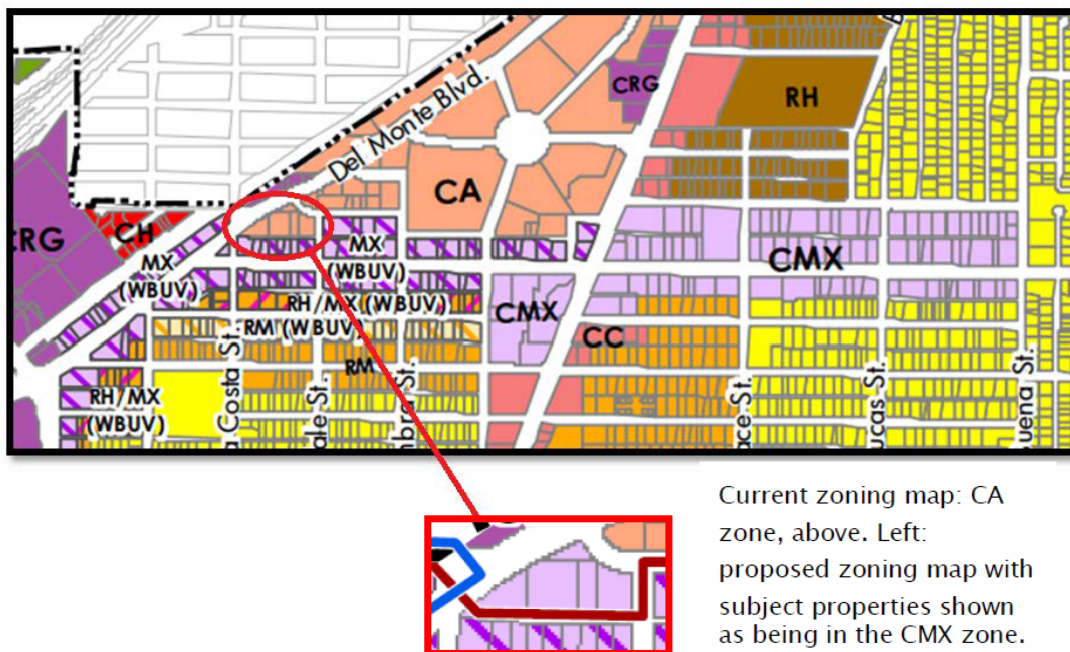
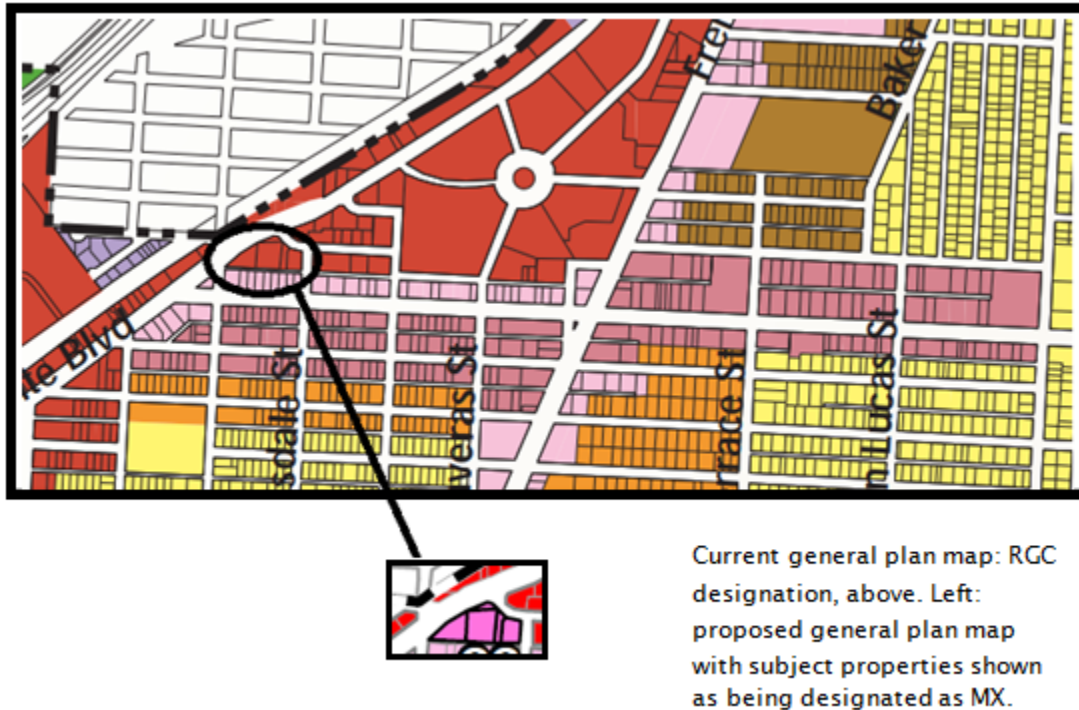


Exhibit A: Proposed General Plan Map Amendment



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

WHEREAS, the Negative Declaration based on the proposed map amendments was circulated for a 20-day public review period beginning Thursday, May 1, 2018 and ending on Monday, May 20, 2018; and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed Negative Declaration at a duly noticed public hearing held on May 23, 2018 and made a recommendation to the City Council to adopt the proposed Negative Declaration; and

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

1. The proposed map amendments will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

2. The proposed map amendments will not have any impacts that are individually limited but cumulatively considerable.
3. The proposed map amendments will not have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly.

Evidence: The proposed map amendments are limited to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) AND map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). No new construction would be authorized by the amendment. Therefore, the proposed map amendments will not have any impacts that would cause substantial adverse effects on human beings, either directly or indirectly.

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

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 23rd of May, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

John Owens, Chairperson

Planning Commission Secretary

Exhibit B: Initial Study, Negative Declaration



CITY OF SEASIDE Notice of Availability and Intent to Adopt a Negative Declaration

FILED

MAY 01 2018

STEPHEN L. VAGNINI
MONTEREY COUNTY CLERK
DEPUTY

Project Title: Seaside Municipal Code Amendment No. SMC 18-02
Lead Agency: City of Seaside
Project Location: City of Seaside, County of Monterey, California. Regional Location Map is provided as Figure 1. General Plan Land Use Map for the City is provided as Figure 2.
APN#: 011-552-008, 011-552-009, 011-552-010, 011-552-011, 011-552-012
Permit Type: Map Amendments
Project Description: Frank Conte, applicant and property owner of three of the five subject parcels (011-552-008, 011-552-009, 011-552-011), is proposing map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) AND map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX).

Public Review Period: Tuesday, May 1, 2018 through Monday, May 20, 2018.

Written Comments or questions should be sent to:

Beth Rocha, Associate Planner
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

Any person wishing to comment on this matter must submit such comments, in writing, to the City prior to the closing date on May 20, 2018. Public comments may also be entered into the public record on the amendments at the duly noticed public hearing dates when considered by the Planning Commission and City Council.

Negative Declaration

Notice is hereby given that the project described above has been reviewed in accordance with State of California Public Resources Code, the California Environmental Quality Act, the City of Seaside General Plan, and Title 17 of City of Seaside Municipal Code. Based on this review, a Proposed Negative Declaration is hereby made on this project. The reason for this determination is that the project will not result in significant adverse impacts to the environment. The Proposed Negative Declaration and Initial Study are on file at the Seaside Community Development Department, 440 Harcourt Avenue, Seaside, CA, 93955 (831) 899-6726 and on the City's website at <https://www.ci.seaside.ca.us/DocumentCenter/View/5511/NOA-to-Adopt-a-Negative-Declaration-General-Plan-Zoning-Changes>

Public Hearing

The first public hearing on the proposed amendments and Negative Declaration will be held by Planning Commission on Wednesday, May 23, 2018 at 7:00 PM in the Seaside City Hall Council Chambers located at 440 Harcourt Avenue, Seaside, CA 93955. Subsequent review by the City Council has not yet been determined.



Beth Rocha
Associate Planner

5.1.2018

Date

THIS PAGE INTENTIONALLY LEFT BLANK

Initial Study/Environmental Checklist

A. Project Data

1.	Project title:	Seaside General Plan Map Amendment and Seaside Municipal Code Map Amendment
2.	Lead agency name and address:	City of Seaside 440 Harcourt Avenue Seaside, CA 93950
3.	Contact person and phone number:	Beth Rocha, Associate Planner (831) 899-6728
4.	Date Prepared	May 1, 2018
5.	Project location:	City of Seaside County of Monterey, California. Regional Location Map is provided as Figure 1. General Plan Land Use Map for the City is provided as Figure 2. Zoning Map is provided as Figure 3.
6.	Project sponsor's name and address:	City of Seaside 440 Harcourt Avenue Seaside, CA 93955 (831) 899-6825
7.	General plan designation:	Current: Regional Commercial (RGC) Proposed: Mixed-Use (MX)
8.	Zoning:	Current Zoning: CA (Automotive Regional Commercial) Proposed Zoning: CMX (Commercial Mixed Use)
9.	Description of project:	Frank Conte, applicant and property owner of three of the five subject parcels (011-552-008, 011-552-009, 011-552-011), is proposing map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) AND map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV).
10.	Surrounding land uses and setting:	The subject parcels are currently located in the southwest portion of the CA zone within Seaside's Auto Center, which consists primarily of automotive auto repair and auto retail businesses. The subject parcels are bordered by Del Monte Boulevard, Olympia Avenue, Hillsdale Street, an alleyway to the south and an

		unimproved portion of Contra Costa Street to the east. The area of the West Broadway Urban Village Specific Plan (WBUV) is located immediately to the south and east of the subject parcels and is the planned center of Seaside's downtown.
11.	Other public agencies whose approval is required	None.

B. Project Description

This document has been prepared to present project information and to evaluate the potential environmental effects of map amendments to the Seaside General Plan and the Seaside Municipal Code (SMC) to five developed parcels in order to allow for more commercially viable and commercially inclusive uses. The proposed map amendments are provided as Exhibit “A” of the Initial Study. The adoption of the proposed map amendments will allow for the highest best use of the property as mixed-use. Furthermore, the property adjoins the WBUV and the map change will contribute to a continuity of activating mixed-use character and pedestrian activity.

C. Lead Agency

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

Beth Rocha, Associate Planner
440 Harcourt Avenue
Seaside, CA 93955
Phone: (831) 899-6728
E-Mail: brocha@ci.seaside.ca.us

D. Project Location and Environmental Setting

As shown on the Regional Location Map on Figure 1, the City of Seaside is situated on the Monterey Bay in western Monterey County in the northern portion of the Monterey Peninsula. The City’s incorporated City Limit boundaries are surrounded by the cities of Monterey and Del Rey Oaks to the south, Sand City to the west, Marina to the north, and Monterey County to the east. Figure 2 depicts the City limit and General Plan Land Use Map of the community that would be applicable to by the proposed map amendments. The community contains approximately 8 square miles of land. The incorporated lands are primarily developed with urban land uses (Residential, Commercial, Government/Quasi Public Uses) with no areas designated for agricultural uses. The proposed amendments to the Seaside General Plan and the Seaside Municipal Code will consist solely of map amendments to developed parcels. There is no development associated with the proposed map amendments.

Figure 1 – Regional Location Map

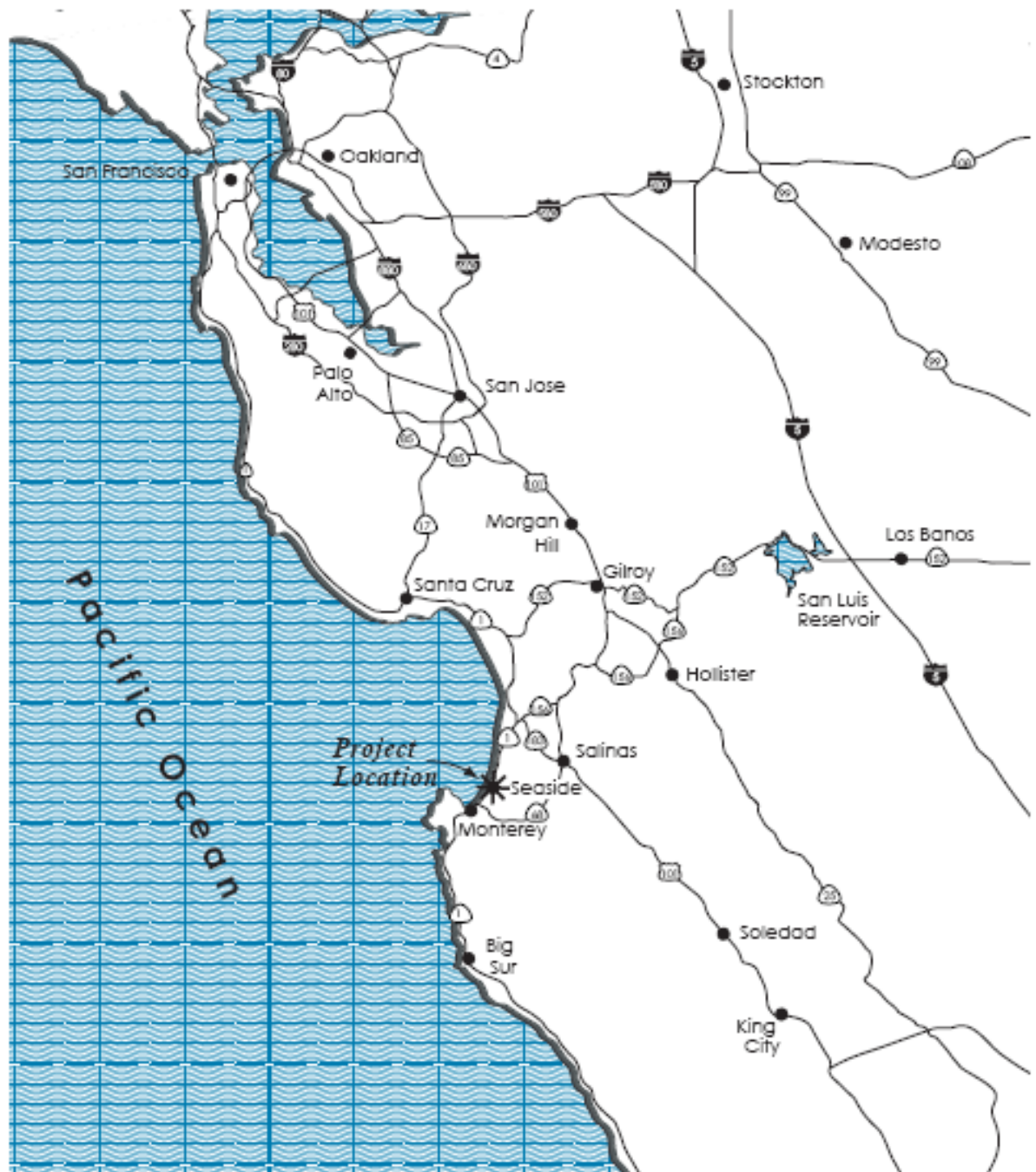
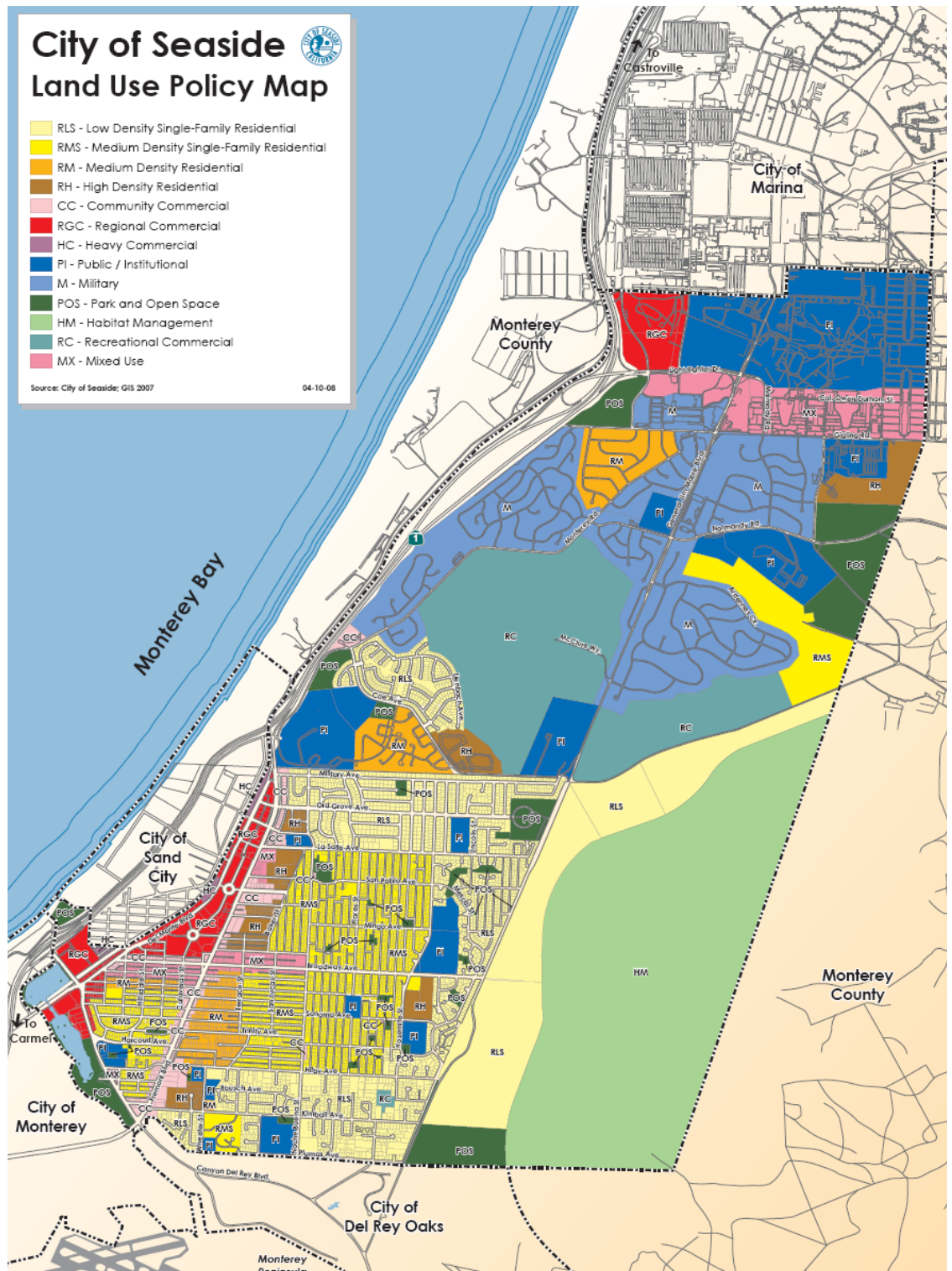


Figure 2 – General Plan Land Use Map



E. Environmental Factors Potentially Affected

E. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature

5.1.2018

Date

City of Seaside
May 2018

General Plan and Zoning Map Amendment
Initial Study/Proposed Negative Declaration

6

F. Evaluation of Environmental Impacts:

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

G. Environmental Checklist

1. Aesthetics

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				

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

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

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

Discussion – All Items 1(a-d)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX).

The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. The permitted structure height in the current CA zone is 50 feet and the permitted structure height in the proposed CMX zone is less, at 4 stories or 48 feet. Therefore, the implementation of the proposed map amendments will not directly or indirectly have a substantial adverse effect on a scenic vista or damage scenic resource, will not degrade the existing visual character or quality of the community and its surroundings, and will not create new substantial light and glare. No mitigation is required. (Seaside General Plan 2004, Land Use Element, Final Environmental Impact Report, Chapter 5.8)

2. Agricultural and Forest Resources

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

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

Discussion – All Items 2(a-e)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. Therefore, the implementation of the proposed map amendments will not directly or indirectly convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use nor will it directly or indirectly convert forest land to non-forest use. Additionally, there are no lands within the City of Seaside zoned for agricultural

uses. No mitigation is required. (Seaside General Plan 2004, Land Use Element, Final Environmental Impact Report, Chapter 5.8, Land Use; Seaside Municipal Code, Title 17)

3. Air Quality

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

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

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

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

Discussion – All items 3(a-e)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX).

The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. Additionally, the commercial use of the property would not result in an increase of vehicle trips or use of the property to impact air quality standards in that the commercial use of the property will be less intensive than its previous automotive repair business.

Therefore, the implementation of the proposed map amendments will not directly or indirectly affect or impact air quality. No mitigation is required. (Seaside General Plan 2004, Conservation Element, Final Environmental Impact Report, Chapter 5.2 Air Quality)

4. Biological Resources

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

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

- Adversely affect endangered, threatened, or rare species;

- Adversely affect the habitat of such species;
- Adversely affect wetlands under the jurisdiction of Section 404 of the Clean Water Act;
- Interfere with the movement of native resident or migratory species;
- Conflict with policies or ordinances protecting biological resources; or biological habitat management plan.

Discussion – All items 4 (a-f)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX).

The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. The map amendments will not have a substantial adverse effect on riparian habitats, native resident, migratory fish, wildlife species or federally protected wetlands. The map amendments will not conflict with any local policies or ordinance protecting biological resource or provisions of an adopted Habitat Conservation Plan. Therefore, the proposed map amendments will not have any direct or indirect substantial adverse effect on any species identified as a candidate, sensitive or special status species identified by the California Department of Fish and Wildlife Service. No mitigation is required. (Seaside General Plan 2004, Conservation/Open Space Element, Final Environmental Impact Report, Chapter 5.3 Biological Resources)

5. Cultural Resources

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

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

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

Discussion – All items 5 (a-d)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. Therefore, the proposed map amendments will not cause substantial direct or indirect adverse change in the significance of a historical resource or archaeological resource. The text amendment will not directly or indirectly destroy unique paleontological resource or disturb any human remains. No mitigation is required. (Seaside General Plan 2004, Land Use Element)

6. Geology And Soils.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (1,2)				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source:) Refer to Division of Mines and Geology Special Publication 42. (1,2)	☐	☐	☐	☒
ii) Strong seismic ground shaking? (1,2)	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction? (1,2)	☐	☐	☐	☒
iv) Landslides? (1,2)	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? (1,2)	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (1,2)	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (1,2)	☐	☐	☐	☒

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1,2)	☐	☐	☐	☒

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

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

Discussion – All items 6(a-e)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. Therefore, the proposed text amendment will not expose people to or structures to potential substantial adverse effects, including the risk of injury or death. The amendment will not result in substantial soil erosion, loss of top soil, landslide, and liquefaction or destroy unique paleontological resource. No mitigation is required. (Seaside General Plan 2004, Safety Element, Final Environmental Impact Report, Chapter 5.5 Geology and Soils)

7. Greenhouse Gas Emissions

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

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

Discussion – All items 7(a-b)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no

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

8. Hazards And Hazardous Materials

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

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

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

Discussion – All items 8(a-h)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. Therefore, the proposed text amendment to the Municipal Code will not create any direct or indirect hazard to the public or environment from hazardous materials, emit hazardous emissions, interfere with an adopted emergency response plan or expose people or structures to wildland fires. The amendment will not result in a safety hazard for people residing or working in a public airport or private airstrip. No mitigation is required. (Seaside General Plan 2004, Safety Element, Final Environmental Impact Report, Chapter 5.6 Hazards)

9. Hydrology And Water Quality

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? (1,2)	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (1,2)	☐	☐	☐	☒
f) Otherwise substantially degrade water quality? (1,2)	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (1,2)	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows? (1,2)	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (1,2)	☐	☐	☐	☒
j) Inundation from seiche, tsunami, or mudflow? (1,2)	☐	☐	☐	☒

The project would significantly impact the environment if it would:

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

Discussion – All Items 9(a-j)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the

uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. Therefore, the text amendment will not violate any water quality standards, substantially deplete groundwater supplies, alter any existing drainage pattern, create or contribute runoff water, or degrade water quality, place housing within a 100-year flood zone or expose people or structures to significant risk or injury or death involving flood. No mitigation is required. (Seaside General Plan 2004, and Use Element, Final Environmental Impact Report, Chapter 5.5 Geology Soils.

10. Land Use and Planning

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

Land use impacts are considered significant if the project would:

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

Discussion – All items 10 (a-c)

Seaside Municipal Code

The proposed map amendments will consist of amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX land use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. The map amendments would not result in significant physical impacts on the environment as discussed elsewhere in the Initial Study. No mitigation is required.

The Seaside General Plan provides a framework for future growth and development within the City and guidelines to ensure compatibility with adjacent properties and surrounding neighborhoods, General Plan land use policies relevant to the proposed project include the following:

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

The proposed amendments would not result in a substantial physical change in land use or authorize new development that is not already permitted by existing regulations. The amendments would not conflict with the goals and policies of the City's General Plan. The map amendments will not directly or indirectly divide an established community or conflict with any applicable land use plan or policy. No mitigation is required. (Seaside General Plan 2004, Land Use Element, Final Environmental Impact Report, Chapter 5.8 Land Use).

11. Mineral Resources

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

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

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

Discussion – All items 11(a-b)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. Therefore, no mineral resources would be removed as part of this project nor would any activities related to the project come in conflict with a known renewable or other resources conservation plan. No mitigation is required. (Seaside 2004 General Plan, Land Use Element)

12. Noise

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (1,2)	☐	☐	☐	☒

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (1,2)	☐	☐	☐	■
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (1,2)	☐	☐	☐	■
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1,2)	☐	☐	☐	■
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (1,2)	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (1,2)	☐	☐	☐	■

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

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

Discussion – All items 12(a-f)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. The proposed amendment would not authorize new development or change existing regulations regarding construction or mechanical equipment noise. No mitigation is required.

(e-f) No Impact. There are no private airstrips within vicinity of the City. Therefore, no noise impacts would occur and no mitigation is required,

13. Population and Housing

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------	--------------------------------	--	------------------------------	-----------

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

Population and housing impacts are considered significant if the project:

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

Discussion – 13(a-c)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. Therefore, no changes to any existing housing or population centers will occur upon implementation of the proposed map amendments, nor will the map amendments induce substantial population growth or displace existing housing or people. No mitigation is required. (Seaside General Plan 2004, Land Use and Housing Element; Final Environmental Impact Report, Chapter 5.2 Air Quality). Public Services)

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

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

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

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

Discussion – All items 14(a-e)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. The proposed regulations would not substantially reduce potential impacts on fire protection, police protection, parks and other public facilities to a level that is less than significant. No mitigation is required. Therefore, the proposed map amendments will not result in any direct or indirect adverse physical impacts associated with the need to provide any new or physically altered government facilities or services. No mitigation is required. (Final Environmental Impact Report, Chapter 5.11 Public Services and Utilities).

14. Recreation

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

Recreation impacts are considered significant if a project:

- Creates a “conflict with established recreational, educational, religious, or scientific uses of the area;”
- Increases the use of existing local and regional parks, resulting in physical deterioration;
- Results in substantial adverse physical effects from construction of new or altered recreational facilities.

Discussion – All items 15(a-b)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. Therefore, the proposed map amendments would not result in a direct or indirect need to expand or physically alter its recreational facilities and parks in the community. No mitigation is required (Seaside 2004 General Plan, Conservation/Open Space Element).

15. Transportation/Traffic

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

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

A project results in a significant impact if it would:

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

Discussion – All items, 16(a-f)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). The proposed amendment would not authorize new development. Therefore, the proposed map amendments would not result in a net increase in traffic or parking demand in the community, nor would it reduce the number of existing parking spaces within the study area. No mitigation is required. (Seaside 2004 General Plan, Circulation Element; Final Environmental Impact Report, Chapter 5.12 Transportation).

17. Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (1,2)	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1,2)	☐	☐	☐	☒
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (1,2)	☐	☐	☐	☒

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

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

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

Discussion – 17(a-g)

The proposed map amendments will consist of map amendments to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) and map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). The applicant is seeking a broader range of permitted use options beyond those of the current CA zone through the map change to CMX. CMX use options will further contribute to compatibility with the uses permitted in the adjacent West Broadway Urban Village Specific Plan (WBUV). There is no development associated with the proposed map amendments. No new development or increase in land use intensity would be authorized by the proposed amendment, therefore impacts to utilities and service systems would be less than significant. No mitigation is required (Seaside 2004 General Plan, Conservation Element; Final Environmental Impact Report, Chapter 511 Public Services and Utilities)

18. Mandatory Findings of Significance

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

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

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

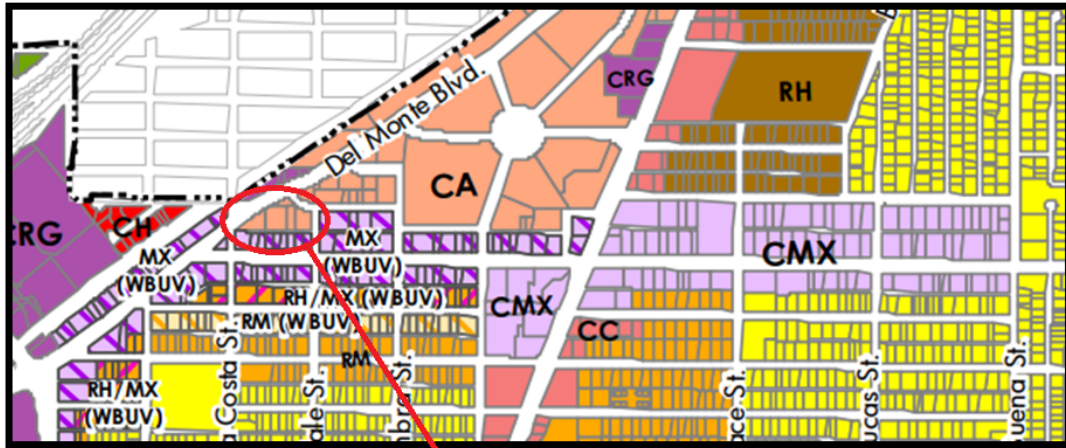
Discussion – All items

- (a) **No Impact**, The proposed map amendments are limited to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) AND map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). No new construction would be authorized by the amendment, no impacts to fish and/or wildlife species or historical resources would occur.
- (b) **Less Than Significant Impact** The proposed map amendments are limited to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) AND map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). No new construction would be authorized by the amendment. Therefore, these impacts would be less than significant.
- (c) **Less than Significant Impact**. The proposed map amendments are limited to the Seaside General Plan: from Regional Commercial (RGC) to Mixed-Use (MX) AND map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC): from Automotive Regional Commercial (CA) to Commercial Mixed zone (CMX). No new construction would be authorized by the amendment. Therefore, potential impacts on human beings, either direct or indirect would be less than significant.

H. Sources

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

EXHIBIT A – ZONING MAP AND GENERAL PLAN MAP



Current zoning map: CA zone, above. Left: proposed zoning map with subject properties shown as being in the CMX zone.



Current general plan map: RGC designation, above. Left: proposed general plan map with subject properties shown as being designated as MX.

DRAFT RESOLUTION 18-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE FOR PROPOSED MAP AMENDMENTS TO TITLE 17 (ZONING CODE) OF THE SEASIDE MUNICIPAL CODE (SMC): FROM AUTOMOTIVE REGIONAL COMMERCIAL (CA) TO COMMERCIAL MIXED ZONE (CMX), AND TO THE GENERAL PLAN: FROM REGIONAL COMMERCIAL (RGC) TO MIXED-USE (MX) FOR THE FOLLOWING FIVE PARCELS: 011-552-008, 011-552-009, 011-552-010, 011-552-011, 011-552-012.

Exhibit A: Proposed Title 17 Map Amendment

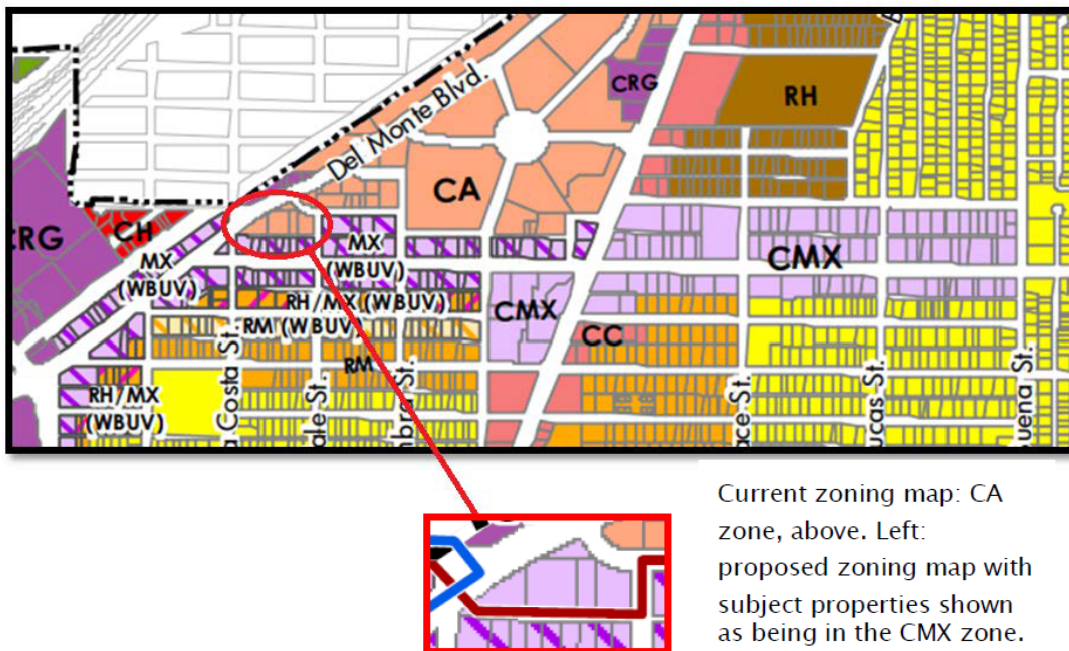
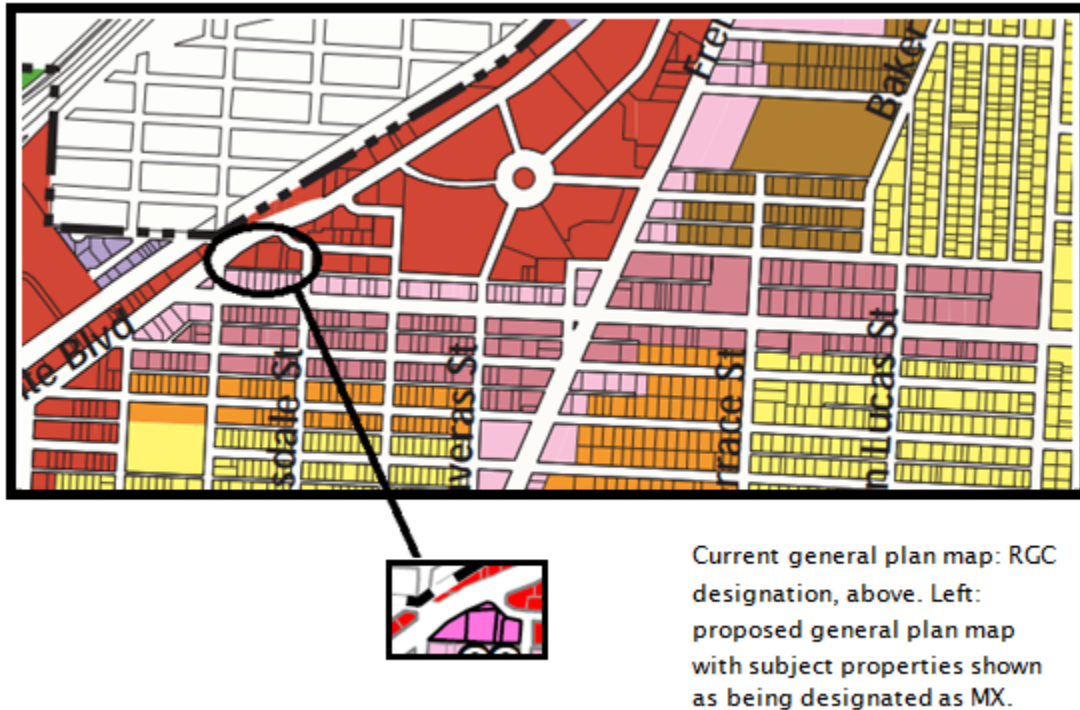


Exhibit A: Proposed General Plan Map Amendment



WHEREAS, pursuant to the requirements of the California Environmental Quality Act Section 21000 et seq. and State CEQA Guidelines Section 15070 through 15075, an Initial Study/Negative Declaration has been circulated for a 20-day public review beginning Thursday, May 1, 2018 and ending on Monday, May 20, 2018, and is made a part of the Resolution for the Draft Ordinance by reference; and

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

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed Negative Declaration and Initial Study at a duly noticed public hearing held on May 23, 2018 and made a recommendation to the City Council to adopt the proposed map amendments; and

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

1. The proposed map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC) and the Seaside General Plan are consistent with the following goals and policies of the General Plan:

Land Use Element Policy LU-1.2: The proposed map amendments will serve to provide additional jobs to improve the City's jobs/housing ratio.

Evidence: The map amendments will allow for a broader range of commercial uses that will result in increased opportunities for the employment of existing and future Seaside residents.

Land Use Element Policy LU-1.3: Encourage regional commercial and visitor-serving commercial development that will enhance the identity of Seaside and attract visitors to the community.

Evidence: The map amendments would impact three existing commercial sites by allowing for a wider-range of commercial uses (e.g. emerging industries, flex spaces, and makerspaces) and will allow for further site development that could attract visitors to the community by meeting the community's vision for the future, weaving new growth areas together with existing, adjacent neighborhoods.

Economic Development Element Policy Goal ED-5.1: Attract and support commercial and employment generating development that is consistent with the General Plan and City ordinances.

Evidence: The map amendments will allow for a broader range of commercial uses that will result in opportunities for the employment of existing and future Seaside residents in new industries.

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

Evidence: The map amendments do not involve any new construction and, therefore, the proposed map amendments will not have any impacts to public interest, health, safety, convenience, or welfare of the City.

3. The proposed map amendments are internally consistent with other applicable provisions of the Seaside Municipal Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission recommends to the City Council approval of the proposed map amendments to Title 17 (Zoning Code) of the Seaside Municipal Code (SMC) and the Seaside General Plan as contained herein.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 23rd day of May, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

Attachment 3: Parcel Map

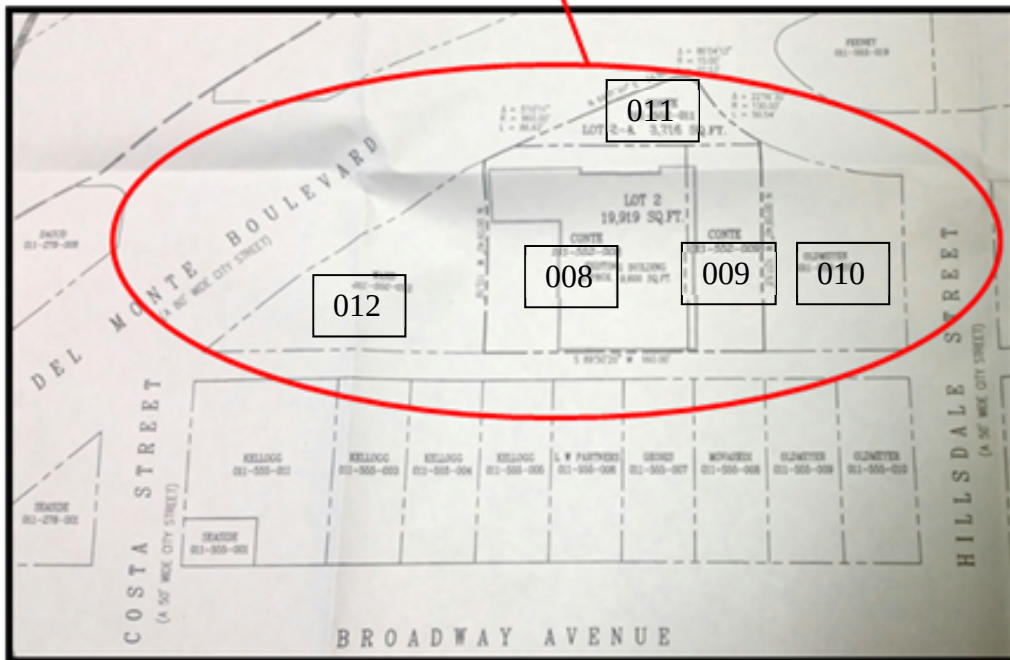
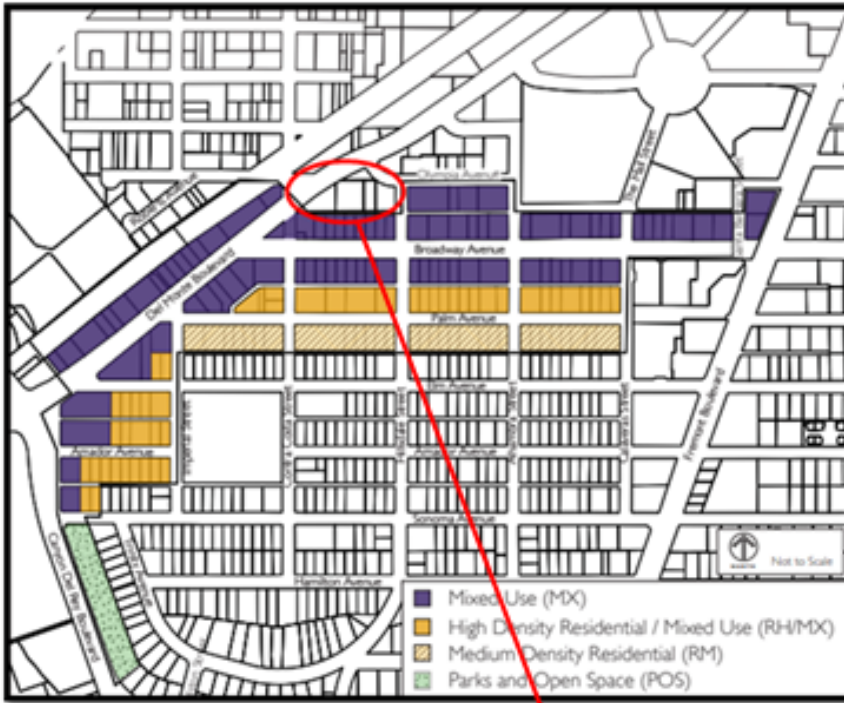


TABLE 2-4 – Allowed Land Uses and Permit Requirements for Commercial Zones

P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 17.62.070) UP Use Permit required (see Section 17.62.070) – Use not allowed	CMX – Commercial Mixed Use					
	CC – Community Commercial					
	CRG – Regional Commercial					
	CA – Automotive Regional Commercial					
	CH – Heavy Commercial					
	PERMIT REQUIRED BY ZONE					Specific Use Regs
	LAND USE ⁽¹⁾	CMX	CC	CRG	CA	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING						
Artisan/craft product manufacturing	UP	UP	–	–	P	
Cannabis cultivation	MUP*	–	–	–	–	
Cannabis manufacturing	MUP	MUP	–	–	MUP	
Cannabis related processing	MUP	MUP	–	–	MUP	
Cannabis research and development	MUP	MUP	–	–	MUP	
Cannabis testing	P	P	–	P	P	
Laboratory – Analysis, research and development, testing	–	–	–	–	P	
Laundry, dry cleaning plant	–	–	–	–	P	
Manufacturing/processing – Light	–	–	–	–	P	
Printing and publishing	–	–	–	–	P	
Recycling facility – Reverse vending machine	MUP	MUP	MUP	MUP	MUP	17.52.210

LAND USE ⁽¹⁾	PERMIT REQUIRED BY ZONE					Specific Use Regs
	CMX	CC	CRG	CA	CH	
Recycling facility – Small collection facility	–	MUP	MUP	–	MUP	17.52.210
Recycling facility – Large collection facility	–	–	–	–	MUP	17.52.210
Recycling facility – Processing facility	–	–	–	–	UP	17.52.210
Recycling facility – Scrap and dismantling yard	–	–	–	–	UP	17.52.210
Research and development (R&D)	–	–	UP	–	P	
Storage – Outdoor	–	–	–	–	UP	
Storage – Personal storage facility (mini-storage)	–	–	–	–	UP	
Storage – RVs, boats	–	–	–	–	UP	
Storage – Warehouse, indoor storage	–	–	–	–	UP	
Wholesaling and distribution	–	–	–	–	UP	
RECREATION, EDUCATION & PUBLIC ASSEMBLY						
Adult oriented business	–	–	–	–	UP	17.50
Commercial recreation facility – Indoor	MUP	UP	UP	–	–	17.52.060

LAND USE ⁽¹⁾	PERMIT REQUIRED BY ZONE					Specific Use Regs
	CMX MUP	CC P	CRG P	CA -	CH -	
Commercial recreation facility – Indoor	-	-	UP	-	-	
Commercial recreation facility – Outdoor	-	-	UP	-	-	
Conference/convention facility	-	-	UP	-	-	
Health/fitness facility	MUP	P	P	-	-	
Library or museum	MUP	MUP	P	-	-	
Mechanical and electronic games and game centers	UP	UP	UP	-	-	17.52.140
Club, church, community center, lodge, or meeting facility, public or private	UP	UP	UP	-	UP	
Public dance and entertainment ⁽³⁾ See Muni Code	UP	UP	UP	-	-	
School – Public or private	-	-	UP	-	-	
School – Specialized education/training	UP	UP	UP	-	-	
Sports and entertainment assembly	UP	UP	UP	-	-	
Studio – Art, dance, martial arts, music, etc.	P	P	P	-	-	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY ZONE					Specific Use Regs
	CMX	CC	CRG	CA	CH	
Theater, cinema or performing arts	UP	–	UP	–	–	
RESIDENTIAL						
Caretaker unit	MUP	–	–	–	MUP	
Emergency/transitional shelter	UP	P	–	–	–	17.52.100
Home occupation	P	P	P	–	–	17.52.120
Multi-family housing	UP	–	–	–	–	17.52.180
Mixed use project with a residential component	MUP	UP	UP	–	–	17.52.160
Residential care facility, 7 or more clients	–	UP	–	–	–	
Live/work unit	UP	UP	–	–	UP	17.52.130
RETAIL						
Alcoholic beverage sales ⁽³⁾	UP	UP	UP	–	–	
Art, antique, and collectables stores	P	P	P	–	–	
Art gallery	P	P	P	–	–	
Artisan shop	P	P	–	–	–	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY ZONE					Specific Use Regs
	CMX	CC	CRG	CA	CH	
Auto and vehicle rental	–	UP	UP	P	UP	
Auto and vehicle sales, new vehicles, w/ accessory used sales and/or Minor and Major Vehicle Service	–	–	–	p ⁽⁵⁾	UP	
Auto and vehicle sales, used vehicles only	–	–	–	–	UP	
Auto parts sales	–	–	UP	p ⁽⁵⁾	P	
Auto restoration and sale, collectible cars	–	–	–	P	UP	17.52.030
Bar/tavern	UP	UP	UP	–	–	
Big box retail	–	–	UP	–	–	
Building and landscape materials sales – Indoor	–	UP	P	–	P	
Building and landscape materials sales – Outdoor	–	UP	UP	–	P	
Cannabis dispensary	UP	–	UP	–	–	
Construction and heavy equipment sales and rental	–	–	–	–	UP	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY ZONE					Specific Use Regs
	CMX	CC	CRG	CA	CH	
Convenience or liquor store	UP ⁽⁴⁾	UP ⁽⁴⁾	UP ⁽⁴⁾	–	–	17.52.080
Drive-through retail or service	UP ⁽⁴⁾	UP	UP ⁽⁴⁾	–	–	17.52.090
Drug store	P	P	P	–	–	
Tobacco or electronic cigarette retailer	–	–	–	–	UP	8.39
Entertainment activities – not associated with night club	P	P				
Equipment rental – Indoor	–	P	P	–	P	
Equipment rental – With outdoor storage	–	–	–	–	UP	
Fuel dealer	–	–	–	–	UP	
Furniture, furnishings and appliance store	P	P	P	–	P	
General retail – 5,000 sf or larger ⁽³⁾	MUP	P	P	–	–	
General retail – Less than 5,000 sf ⁽³⁾	P	P	P	–	–	
Grocery or specialty food store – 5,000 sf or larger ⁽³⁾	P	UP	P	–	–	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY ZONE					Specific Use Regs
	CMX	CC	CRG	CA	CH	
Grocery or specialty food store – Less than 5,000 sf ⁽³⁾	P	P	P	–	–	
Medical cannabis and adult cannabis dispensaries	UP	UP	UP	–	–	19.02
Mobile home, boat, or RV sales	–	–	–	–	UP	
Motorcycle sales, new, with accessory used sales	–	–	–	P	UP	
Night club	UP	UP	UP	–	–	
Outdoor retail sales and activities	P	P	P	–	–	17.52.190
Restaurant, cafe, coffee shop – Table service ⁽³⁾	P	P	P	–	P	
Restaurant, cafe, coffee shop – Counter service ⁽³⁾	UP	UP	UP	–	–	
Restaurant – Fast food ⁽³⁾	UP	–	UP	–	–	
Service station	–	UP	UP	–	UP	17.52.250
Speculative retail building	UP	UP	UP	–	–	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY ZONE					Specific Use Regs
	CMX	CC	CRG	CA	CH	
Shopping center	UP	UP	UP	–	–	
Second hand store	–	P	–	–	–	
Vapor lounge	–	–	–	–	–	8.39.030
Winery/wine tasting	MUP	MUP	MUP	–	–	
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL						
Automatic teller machine (ATM)	P	P	P	P	P	
Bank, financial services	P	P	P	–	–	
Business park	–	–	UP	–	–	
Business support service	P	P	P	–	–	
Medical services – Clinic, urgent care	UP	P	UP	–	–	
Medical services – Doctor office	MUP ⁽²⁾	P	–	–	–	
Medical services – Extended care	UP	–	–	–	–	
Medical services – Laboratory	UP	P	UP	–	–	
Medical services – Hospital	–	–	UP	–	–	
Office – Accessory	P	P	P	P	P	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY ZONE					Specific Use Regs
	CMX	CC	CRG	CA	CH	
Office – Business/service	P	P	P	–	P	
Office – Government	P	UP	–	–	–	
Office – Processing	P	–	p ⁽³⁾	–	–	
Office – Professional/administrative	P	P	P	–	–	
Office – Temporary	MUP	MUP	MUP	MUP	MUP	
Office – Temporary real estate	MUP	MUP	MUP	–	–	
Veterinary clinic – Animal hospital, without boarding	–	UP	–	–	UP	
Veterinary clinic – Animal hospital, with boarding	–	–	–	–	UP	
SERVICES – GENERAL						
Brewery with Restaurant	UP	UP	UP	–	UP	
Catering service	–	MUP	MUP	–	P	
Day care facility, child – day care center	UP ⁽⁵⁾	UP	UP	–	–	
Construction contractor base	–	–	–	–	P	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY ZONE					Specific Use Regs
	CMX	CC	CRG	CA	CH	
Drive-through retail service	–	UP ⁽³⁾	UP ⁽³⁾	–	–	
Kennel, animal boarding	–	–	–	–	UP	
Lodging – Hotel or motel	UP	UP	UP	–	–	
Maintenance facility	–	–	–	–	UP	
Maintenance service – Client site services	–	–	–	–	P	
Mortuary, funeral home	–	UP	–	–	–	
Personal services	P	P	P	–	–	
Personal services – Restricted	–	–	–	–	UP	
Public facility	UP	UP	UP	UP	UP	
Public safety facility	UP	UP	UP	UP	UP	
Repair service – Equipment, large appliances, etc.	–	–	–	–	P	
Social service organization	UP	UP	–	–	–	
Therapeutic massage	UP	UP	–	–	–	
Vehicle services – Major repair/body work	–	–	–	UP	P	
LAND USE ⁽¹⁾	PERMIT REQUIRED BY ZONE					Specific Use Regs
	CMX	CC	CRG	CA	CH	
Vehicle services – Minor maintenance/repair	–	–	–	UP	P	
Youth Hostel	UP	–	–	–	–	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE						
Broadcasting studio	MUP ⁽²⁾	MUP	–	–	MUP	
Parking facility, public or commercial	UP	UP	UP	UP	UP	
Specialized transportation dispatch facility	–	–	–	–	UP	
Telecommunications facility	UP	UP	UP	UP	UP	17.54
Transit station or terminal	UP	–	UP	–	UP	
Utility facility	UP	UP	UP	UP	UP	
Vehicle storage	–	–	–	–	UP	



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.C.

TO: Planning Commission

BY: Rick Medina, Senior Planner

DATE: May 23, 2018

SUBJECT: USE PERMIT APPLICATION NO. UP-18-03 MANGOLD PROPERTY MANAGEMENT, PROPERTY OWNER, AND MIKEY NGUYEN, APPLICANT, ARE REQUESTING THE APPROVAL OF A USE PERMIT TO ALLOW THE ON-SALE OF BEER AND WINE UNDER A TYPE 41 ALCOHOL FOR A SIT-DOWN RESTAURANT LOCATED AT 1988 FREMONT BOULEVARD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301(A), THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW.

PURPOSE & RECOMMENDATION

In accordance with Section 17.14.030.B - Table 2.4 (Allowed Land Uses and Permit Requirements for Commercial Zones), the on-sale of alcoholic beverages is subject to the issuance of a Use Permit by the Planning Commission.

BACKGROUND

The project site is developed with a one-story two-tenant commercial building consisting of a restaurant lease area and a commercial sign business lease area. The proposed beer and wine license is being requested by the new tenant of the restaurant space. The new tenant will be doing business as "Plates". The former restaurant was doing business as "Chopstix".

The adjacent land uses consist of the Veterans of Foreign Wars meeting facility to the north, a mixed-use building to the south, multi-family apartments to the east, and a commercial shopping center to the west. Location map is provided as Attachment 2 and Site Photos are provided as Attachment 3.

Project Description

The proposed project will consist of a new tenant taking over an existing restaurant space. The

restaurant space has been vacant for approximately 12 month. No changes to will occur to the seating arrangement and interior layout of the restaurant or the exterior façade/on-street parking spaces. Only change to the business operation will be to add the on-sale of alcoholic beverages consisting of beer and wine. The restaurant will be open daily, generally between 11 AM to 10 PM. The on-sale of alcoholic beverages will be limited to being served at the dining room tables in conjunction with a meal. The restaurant will not include a separate bar area for patrons.

STAFF ANALYSIS

General Plan

The City's General Plan contains the following Implementation Plan regarding the sale of alcoholic beverages.

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

The City's General Plan also includes a policy, LU-2-3, that discourages certain over-represented uses in the community including liquor and convenience stores, and mini-markets among other uses. Since the on-sale alcoholic beverage sales will consist of an ancillary sale for the restaurant and is considered to be an acceptable and customary use for a sit down restaurant, the alcoholic beverage sales will be in compliance with the Seaside General Plan.

Zone District

The property is located in the CC zone district. Alcoholic beverage sales are permitted in the CC zone district subject to use permit approval (SMCS 17.14.030; Table 2-4). The Zoning Ordinance includes the following definition that are relevant to this use permit application.

17.70 Definitions:

Alcoholic Beverage Sales: The on-sale of sale of beer, wine, and/or spirits will occur in conjunction with a sit down restaurant. City staff finds that the on-sale of alcoholic beverages will consist of an ancillary sale in relation to the bona fide meals being sold.

Public Safety

The Police Department has confirmed that the subject property is not in a high crime area and is not an area that is the target of law enforcement activity. The Police Department has not identified any issues of concern regarding the proposed sale of alcoholic beverages in conjunction with a sit down restaurant, subject to the recommended Conditions of Approval.

FINDINGS - USE PERMIT

In accordance with the requirements of SMCS 17.62.070.F, the Planning Commission is required to make all of the following findings in order to grant approval of the use permit application.

1. The Proposed use is allowed within the zone district and complies with all other applicable provisions of the Zoning Ordinance and Municipal Code.

Evidence: The property is located in the Community Commercial zoning district. The on-sale of sale of beer, wine, and/or spirits will occur in conjunction with a sit down restaurant. City staff finds that the on-sale of alcoholic beverages will consist of an ancillary sale in relation to the bona fide meals being sold.

2. The proposed use is consistent with the General Plan and any applicable Specific Plan.

Evidence: The proposed use is consistent with the City's General Plan Implementation Plan

LU-2.2.2 Alcoholic Beverage Control. The proposed use requires approval of a license from the State of California Department of Alcoholic Beverage Control (ABC). In accordance with ABC requirements, the City will make a determination of public convenience or necessity as part of this use permit application. The on-sale of beer, wine and spirits for the proposed restaurant will help to contribute to the livability and economic viability of the community by supporting and introducing a new restaurant that will attract visitors to Seaside and provide the residents of the with a high quality food outlet.

3. The design, location, size and operating characteristics of the activity in the use permit are compatible with the existing and planned future land uses in the vicinity.

Evidence: Subject to the recommended Conditions of Approval, the on-sale of alcoholic beverages in conjunction with a sit down restaurant is compatible with the commercial character of the commercial thoroughfare on Fremont Boulevard and the surrounding residential neighborhood to the east.

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

Evidence: The property is developed with an existing commercial building. Infrastructure is available for the proposed use.

5. Subject to compliance with the Conditions of Approval, granting the use permit will not be detrimental to the public interest, health safety, convenience, or welfare, or materially injurious to persons, property or improvements in the vicinity and zone district in which the property is located.

Evidence: Subject to the recommended conditions of approval, the on-sale of alcoholic beverages in conjunction with a sit down restaurant will not result in a detrimental impact on the property or in the vicinity of the property because the volume of alcohol being sold as part of the meals being sold will ensure that the on-sake of alcoholic beverages will remain as an ancillary sale to the restaurant.

PUBLIC CONVENIENCE OR NECESSITY

In order for the Planning Commission to approve the Type 41 license, the City is required to make a determination of public convenience or necessity. Staff recommends the Planning Commission support this determination based on the following findings.

FINDINGS

1. According to information received from the Seaside Police Department, the subject property is not located in an area that has excessive crime rates nor is it in an area of targeted law enforcement activities.
2. The subject property is located in a heavily developed, urbanized commercial area and is compatible with existing and planned land uses.
3. The on-sale of alcoholic beverage sales will be limited to being sold with meals which clearly demonstrates that the on-sale alcoholic beverages will remain as an ancillary retail sale of the restaurant and avoid a bar/cocktail lounge atmosphere.
4. The establishment of a sit down restaurant supports the City's efforts to improve its commercial thoroughfares and its economic development goals. The on-sale of beer and wine is a typical ancillary component of a sit down restaurant and the proposed restaurant is essential to the City's efforts to develop an urban streetscape as well as provide its residents and visitors with a quality food alternative to a fast-food and/or casual food use.

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Attachment 1 - Exhibit A Floor Plan
 3. Attachment 2 - Location Map
 4. Attachment 3 - Site photos
-

RESOLUTION NO. 18-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING USE PERMIT NO. UP-18-03 TO ALLOW ON-SALE OF ALCOHOLIC BEVERAGES TO INCLUDE BEER, WINE IN CONJUNCTION WITH A 54-SEAT SIT DOWN RESTAURANT LOCATED IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT LOCATED AT 1988 FREMONT BOULEVARD.

WHEREAS, Mangold Property Management,. Property Owner, and Mikey Ngyuen, Applicant, have filed an application for Use Permit approval, to allow for the on-sale beer and wine under a Type 41 Alcohol License issued by the State Department of Alcohol Beverage Control in conjunction with a 54-seat sit down restaurant located in the Community Commercial (CC) Zoning District at 1988 Fremont Boulevard; and,

WHEREAS, Section 17.14.030.B of the Seaside Zoning Code allows the sale of alcoholic beverages in the CC zoning district subject to use permit approval; and,

WHEREAS, a duly notice public hearing has been held on May 23, 2018 whereby the Planning Commission reviewed the staff report, received and considered oral comments concerning the proposed use and acted to grant approval of Use Permit Application No. 18-03 in accordance with Section 17.62.030 of the Seaside Municipal Code; and

WHEREAS, the proposed use is Categorically Exempt Class 1, Section 15301.a from the California Environmental Quality Act (CEQA); therefore,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings approving Use Permit Application No.18-03:

USE PERMIT FINDINGS

1. The Proposed use is allowed within the zone district and complies with all other applicable provisions of the Zoning Ordinance and Municipal Code.

Evidence: The on-sale of Alcoholic beverages are permitted in the CC zoning district subject to use permit approval (SMCS 17.14.030.B; Table 2-4).

2. The proposed use is consistent with the General Plan and any applicable Specific Plan.

Evidence: The proposed use is consistent with the City's General Plan Implementation Plan LU-2.2.2 Alcoholic Beverage Control. The proposed use requires approval of a license from the State of California Department of Alcoholic Beverage Control (ABC). In accordance with ABC requirements, the City will make a determination of public convenience or necessity as part of this use permit application. The on-sale of beer, wine for the proposed restaurant will help to contribute to the livability and economic viability of the community by

supporting and introducing a new restaurant that will attract visitors to Seaside and provide the residents of the with a high quality food outlet.

3. The design, location, size and operating characteristics of the activity in the use permit are compatible with the existing and planned future land uses in the vicinity.

Evidence: Subject to the recommended Conditions of Approval, the on-sale of alcoholic beverages in conjunction with a sit down restaurant is compatible with the commercial character of the commercial thoroughfare on Fremont Boulevard and the surrounding residential neighborhood to the east.

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

Evidence: The property is developed with an existing commercial building. Infrastructure is available for the proposed use.

5. Subject to compliance with the Conditions of Approval, granting the use permit will not be detrimental to the public interest, health safety, convenience, or welfare, or materially injurious to persons, property or improvements in the vicinity and zone district in which the property is located.

Evidence: Subject to the recommended conditions of approval, the on-sale of alcoholic beverages in conjunction with a sit down restaurant will not result in a detrimental impact on the property or in the vicinity of the property because the volume of alcohol being sold as part of the meals being sold will ensure that the on-sake of alcoholic beverages will remain as an ancillary sale to the restaurant.

FINDINGS FOR PUBLIC CONVENIENCE OR NECESSITY

1. According to information received from the Seaside Police Department, the subject property is not located in an area that has excessive crime rates nor is it in an area of targeted law enforcement activities.
2. The subject property is located in a heavily developed, urbanized commercial area and is compatible with existing and planned land uses.
3. The on-sale of alcoholic beverage sales will be limited to being sold with meals which clearly demonstrates that the on-sale alcoholic beverages will remain as an ancillary retail sale of the restaurant and avoid a bar/cocktail lounge atmosphere.
4. The establishment of a full service sit down restaurant supports the City's efforts to improve its commercial thoroughfares and its economic development goals. The on-sale of alcoholic beverages is a typical component of a sit down restaurant and the proposed restaurant is essential to the City's efforts to develop an urban streetscape as well as provide its residents and visitors with a quality food alternative to a fast-food and/or casual food use.

BE IT FURTHER RESOLVED, the Planning Commission hereby grants Use Permit Application No. 18-01 subject to the following terms and conditions:

Project Specific:

1. The sale of beer and wine shall be conducted and operated within the interior of the building as shown on the enclosed plans stamped "Received Community Development May 14, 2018" provided as Exhibit "A".
2. All sales of alcoholic beverages are required to be conducted within the confines of the enclosed building and enclosed exterior patio.
3. No exterior signs or other forms of advertising promoting or indicating availability of alcoholic beverage products are permitted.
4. Days and hours of operation are generally limited to 11:00 a.m. – 10:00 p.m.daily, unless otherwise approved by the City of Seaside, Resource Management Services Department.

Standard:

1. Except as modified by required conditions of approval, plans submitted for a building permit shall substantially conform to the plans approved for discretionary permits for this project.
2. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
3. Any proposed future development or change in use shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
4. The proposed project shall comply with the applicable requirements of the Monterey Peninsula Water Management District for the installation of new water fixtures and dining room seats.
5. The issuance of building permits involving the installation of new water shall be subject to the availability of an adequate supply of water and sewer capacity to serve the project.

6. Water conservation fixtures shall be provided in the proposed project.
7. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
8. Use permit approval will become null and void if a building permit is not obtained within one (1) year from the date of approval to begin construction on the project.
9. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

PASSED AND ADOPTED at the special meeting of the Planning Commission of the City of Seaside, State of California, on the 23rd day of May, 2018, by the following vote:

AYES:

NOES:

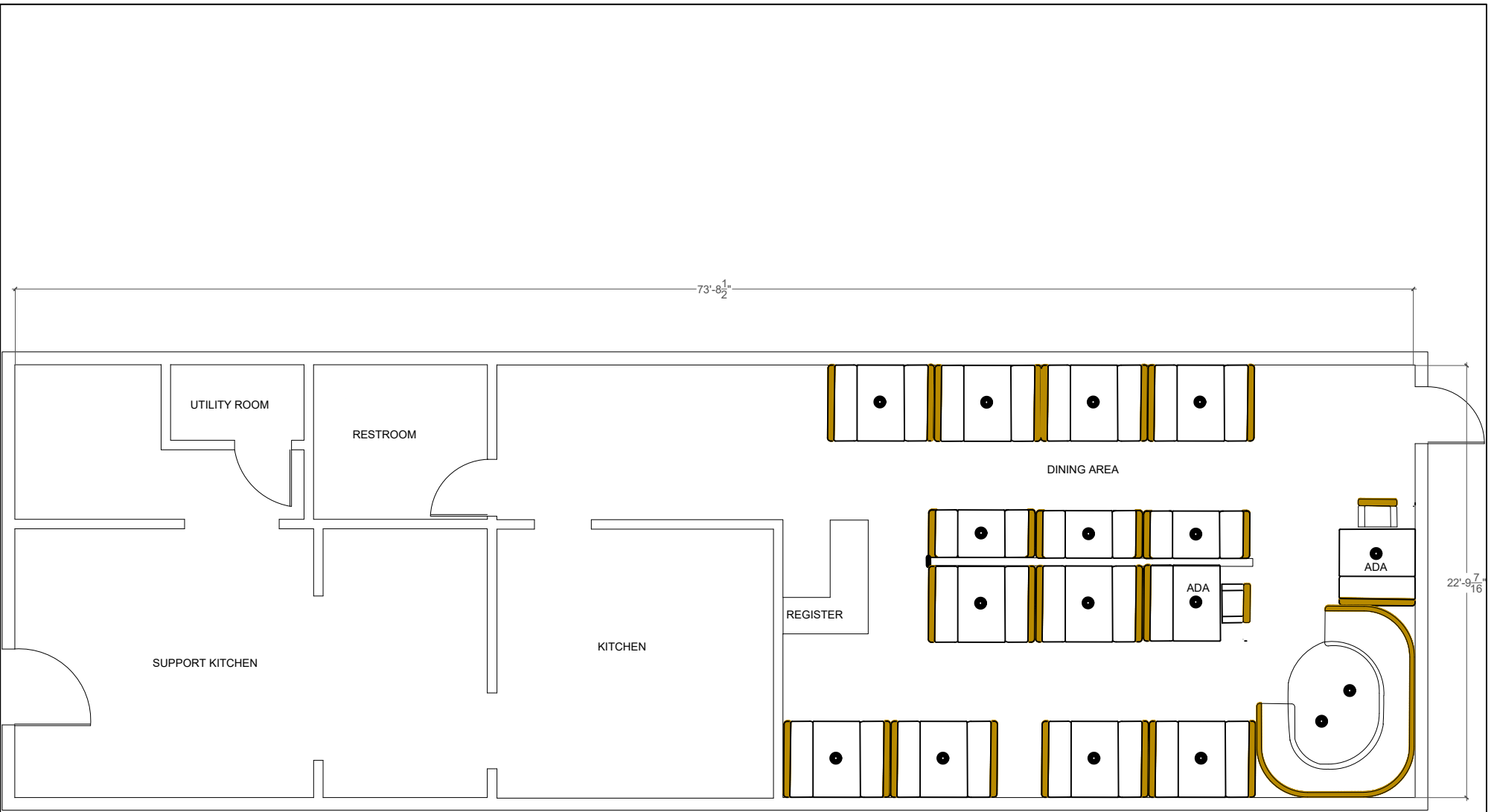
ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary



PLATES		
SCALE: 1/8" = 1'-0"	APPROVED BY:	DRAWN BY:
DATE: 5/5/2018		REVISED:
		DRAWING NUMBER A4

Attachment 2

Location Map: 1988 Fremont Boulevard



Attachment 3

Site Photos



View of front façade from Fremont Boulevard



View of the interior floor plan



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.D.

TO: Planning Commission

BY: Gloria Stearns, Economic Development Manager

DATE: May 23, 2018

SUBJECT: **CONSIDER AN APPEAL REQUESTING TO OVERTURN THE BOARD OF ARCHITECTURAL REVIEW DECISION FOR A SECOND STORY ADDITION TO AN EXISTING TWO-STORY SINGLE FAMILY DWELLING LOCATED AT 1536 NOCHE BUENA STREET IN THE RS-12 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN: 012-201-012). THIS PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301.E.1, EXISTING FACILITIES, FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

PURPOSE & RECOMMENDATION

The purpose of this item is to consider an appeal submitted by Julie Vogado and Marsheila DeVan, seeking to overturn the approval made by the Board of Architectural Review (BAR) for a second story addition to an existing two-story single family residence located at 1536 Noche Buena Street.

BACKGROUND

The subject property of the appeal is currently developed with a two-story, 1,431 square foot single family dwelling consisting of three bedrooms and two bathrooms with an attached two-car garage. The dwelling was constructed in 2009. The property owner has received approval for an addition on the second floor that has been appealed to the Planning Commission.

The BAR first reviewed the proposed addition, subject to the appeal on March 21, 2018. After receiving public input the BAR continued the hearing to April 4, 2018 in order for the individual BAR members to visit the project site. The minutes from the March 21, 2018 meeting are provided as Attachment 2. On April 4, 2018, the BAR conducted the continued public review of the application and acted to approve the project as submitted. The minutes from the April 4, 2018 meeting are provided as Attachment 3. The appellants residing at 1540 Kenneth Street and 1530 Kenneth Street, have filed an appeal of this decision to the Planning Commission. requesting that the Planning Commission overturn the decision based on the following points:

- Violates provision of the General Plan and Municipal Code, Title 17 (Zoning) and 18 (Local Coastal Plan)
- Violations of the Brown Act and Public Records Act.

The applicant's appeal statement is provided as Attachment 4. Prior to the meetings, staff received letters from the neighbor at 1540 Kenneth Street, and 1536 Kenneth Street. The Kenneth Street letters express concerns over potential loss of ocean view from their west facing front balconies. The Lowell Street letter states that when the two story houses were built on Kenneth Street (1540 and 1530), they lost most of their ocean views and that the proposed addition would take away any remaining ocean view from their house. The letters from the BAR meetings are provided as 7.

SITE LOCATION AND DESCRIPTION

The subject property is situated on the east side of Noche Buena Street, opposite the termination of Palm Avenue. The property is approximately 4,687 square feet in area and is currently developed with a 1,431 square foot two-story, single-family residence with an attached two car garage. Surrounding land uses are primarily single-family and multi-family dwellings of both one and two-stories. Commercial development on Broadway Avenue is located to the north. A Vicinity Map is provided as Attachment 5. An Aerial View is provided as Attachment 6.

PROJECT DESCRIPTION

Existing Conditions at 1536 Noche Buena Street

The first floor of the residence is composed of a kitchen, living room, dining area, two bedrooms, and a bathroom. The second floor of the two-story residence is composed of a master bedroom suite with a master bathroom. The master bedroom opens onto a rooftop deck located over the attached garage. An uncovered wooden trellis structure is built over the central portion of the deck. A 42 inch high metal railing is installed between low stucco columns around the perimeter of the deck. An uncovered stairway leads up to the deck on the north side of the garage. The Mediterranean style house has a hip roof with brown composition shingles.

Proposed Addition at 1536 Noche Buena Street

The applicant received BAR approval to create a 216 square foot sunroom addition off of the master bedroom. The existing open trellis located on the deck will be removed. The sunroom addition will extend nine feet ten inches from the bedroom wall onto the open deck. The exterior finish of the addition will match the stucco, dual pane vinyl windows, and 6 in 12 composition shingle hip roof of the existing structure. The exterior earth tone color scheme will continue on the proposed addition. The northerly half of the existing deck will remain open. A pair of French doors will open from the sunroom to the deck area. An open metal railing system will be incorporated into the perimeter of the open deck.

The BAR staff report from the March 21, 2018 meeting is listed below:

<https://seasideca.civicclerk.com/Admin/Agendas/EditAgendaObj.aspx?id=1206&caller=Agendas.aspx>

The BAR staff report from the April 4, 2018 meeting is listed below:

<https://seasideca.civicclerk.com/Admin/Agendas/EditAgendaObj.aspx?id=1214&caller=Agendas.aspx>

The Conditions of Approval and Project Plans/Materials are listed as Attachments to the April 4, 2018 staff report.

ENVIRONMENTAL DETERMINATION

This project is exempt from the California Environmental Quality Act pursuant to Class 1, Section 15301.e.1: Existing Facilities. Class 1 exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less.

Evidence: The proposed project would result in the addition of a 216 square foot sunroom which is 15 percent of the existing single family dwelling.

STAFF ANALYSIS

Appeal Process

In accordance with Section 17.76.030(D) of the Seaside Municipal Code, appeal hearings are considered as a “de novo” hearing whereby the Planning Commission may consider any issue involving the proposed second story addition in addition to the specific grounds for the appeal. (Appellant’s statement) In review of the appeal, the Planning Commission may, 1) affirm the BAR approval; 2) affirm the approval in part; 3) or reverse the decision that is the subject of the appeal, based upon findings of fact about the particular case. The Planning Commission may also adopt additional conditions of approval that address issues or concerns other than the request being made by the appellant. If new or different evidence is presented on the appeal, the Planning Commission may remand the matter to the BAR for further consideration. In the event of a tie vote, the BAR decision shall stand.

PROJECT ISSUES

An analysis of the appeal is as follows:

1. Title 17 Seaside Municipal Code (Zoning Ordinance)

Section 17.02.010

Provided as Attachment 8 are standards to be used in the evaluation of development permits for the protection of the general health, safety, and welfare of the community. In accordance with Section 17.62.030 of the SMC second story additions to a single family residence are subject to Board of Architectural Review approval. In addition to the review considerations listed under Section 17.62.030.E, second story additions are staked and flagged to demonstrate the dimensions and heights of the ridge lines at the highest peak of each roof line and perimeter and reviewed with the Single Family Residential Design Guidelines.

Residential Development Regulations

The proposed project conforms to all applicable residential development standards of the RS-12 (Single-Family Residential) Zoning District, including required property setbacks (no change), maximum floor area ratio (35% proposed, 45% allowed), site coverage (no change to existing 57%, 65% allowed), and height (the ridge remains at 24 feet which is the maximum allowed).

Design Criteria

Seaside Zoning Code section 17.62.030.E.1 states that Architectural Review approval shall consider the character, quality, scale of design, architectural relationships with the site, building materials, lighting, and other applicable aspects of the design.

The City of Seaside Single Family, Residential Design Guidelines (SFRDG), Attachment 5, are to assist the public and decision-makers through the architectural review process. The BAR found that this project includes the following design elements from the SFRDG:

II.A.i. The physical size and mass of the project should be proportional to the lot size.

Evidence: The proposed Floor Area Ratio (FAR) is 35% (45% is the maximum allowed). The height of the proposed addition continues the 24 foot ridge height of the existing building. The maximum allowed height is 24 feet. The Lot Coverage, including dwellings and paving is 57%. (65% is the maximum allowed).

II.A.iii. Architectural elements should be designed to eliminate the appearance of box like buildings.

Evidence: The second story addition continues the Mediterranean style architecture of the existing structure. The extension over the open deck helps balance the mass of the second story over the first story.

II.C.iii For some architectural styles, it may not be appropriate to step back the second floor or in some cases it may not be reasonably feasible for additions to existing homes.

Evidence: It is not appropriate to step back the second floor addition in this Mediterranean style home. The addition is in line with the existing residence.

III.A.iv The exterior treatment and overall design of additions to existing homes should respect the features and materials of the original structure, as appropriate.

Evidence: The second story addition continues the features and materials (composition shingle hip roof, stucco, vinyl windows) of the original structure throughout its design.

III.A.v. To the extent feasible, the architectural character established for the street facing elevations should continue on all elevations.

Evidence: The Mediterranean style architecture continues on all three elevations of the proposed

addition. The use of a hip roof, stucco exterior, stainless steel railings on the second story deck and vinyl frame windows will continue the street facing elevations on all elevations.

Title 18 Seaside Municipal Code (Coastal Implementation Plan)

In accordance with Section 18.01.010 of the Coastal Implementation Plan (CIP) of the Local Coastal Plan (LCP), it is noted that the City shall preserve and enhance coastal vistas, views, and view corridors while recognizing the rights of private property owners and the demands for visitor-serving facilities. See Attachment 10 for CIP standards. The view corridors of the Local Coastal Plan are listed as Figure XX of the Land Use Plan for the LCP which is provided as Attachment 10. The appellant's property is not located within the view corridor area. Furthermore, the BAR determined that the project would provide a balance of views for the surrounding properties while allowing the property owners to include a 216 square-foot addition to the dwelling.

Public Records Request Act

Staff has not received any information regarding the Public Records Act. Prior to final action being taken, Board member Mitchell declared that he had a potential conflict of interest from knowing a family member associated from an individual making public comment against the project. Mr. Mitchell was not a part of the motion or vote on the project.

2. General Plan

In this case, the proposed construction is adding to an existing single family residence that is in compliance with setback, height, Floor Area Ratio, and all other requirements of the Seaside Municipal Code (SMC).

The City of Seaside does not have an ordinance that strictly prohibits construction that could have a potential to block another property's view. Per the SMC, the project has been staked and flagged to identify the ridgeline and perimeter of the proposed construction. The appellants have submitted photographs showing their views as well as how the proposed addition would have an effect on their views. The appellant also highlighted sections of the General Plan which relate to views. Some highlighted sections of the Urban Design Element (pages UD-3, UD-12, and UD-13) refer to redevelopment projects and the protection of public views. The Land Use Element sections identified speak to substantial new development and redevelopment projects more than to additions to existing residences. Page UD-18 speaks to Streetscapes and Viewsheds. It reads:

- Goal UD-3: Provide and maintain a streetscape system that protects visual quality and continuity within the community.
- Policy UD-3.1: Protect private views of significant natural features, such as the Monterey Bay, Roberts Lake, the Pacific Ocean, the surrounding mountains, and other important viewsheds.
- Implementation Plan UD-3.1.1: View Protection and the BAR. Continue to require all additions that increase building heights and new developments to stake and flag development at least ten days prior to consideration by the BAR for design approval. When feasible, require project site redesign, modified landscaping, or reduced building heights to avoid obstruction of private views.

Additional General Plan Goals and Policies noted by the applicant are from Policy UD-2.1 and Land Use Compatibility chapter on Page LU-21 and LU-40.

The role of the BAR in the evaluation of private views is to discuss how private views can be balanced in relation to the scale and mass of the development. The BAR acted to approve the proposed addition as submitted citing that the project would continue to allow for a view corridor while maintaining an project that would be compatible with the scale and design of the existing dwelling. As a “de novo” hearing, the Planning Commission may Affirm, Reverse, or Affirm in Part (Modify) the BAR approval.

The General Plan Policies and sections of the General Plan are contained in the Appellants statement provided as Attachment 4.

FINDINGS

The following findings were adopted by the BAR for the approval of the project:

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of the Zoning Ordinance and the Municipal Code;

Evidence: The proposed addition complies with all applicable standards of development and provisions of the Zoning Ordinance and the Municipal Code. This Design Review Permit will allow the addition of a 216 square foot second story sunroom addition to the existing single family dwelling.

2. The proposed use is consistent with the General Plan and any applicable specific plan;

Evidence: The project site is designated as Medium Density Single-Family Residential (MLS) in the General Plan Land Use Element. This designation is applied to areas with existing detached single-family dwellings with a maximum density of 12 dwelling units per acre.

The General Plan requires all new development to complement and enhance existing land uses, as set forth in the following Land Use Goal and Policy:

Ø Goal LU-4 – Ensure that new development compliments existing land uses and enhances the character of the community and its neighbors.

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

Evidence: The project proposal is compatible with the surrounding residential land uses. The construction of a second-story sunroom addition to an existing two-story single-family residence will not detract from the character of the neighborhood due to the design of the addition, use of materials, and available infrastructure. The proposed addition will comply with all standards of development associated with the RS-12 zoning district.

Evidence: *The applicant has incorporated design features and architectural styles of the existing structure to have a contextual relationship with the existing neighborhood. As a result of the location of the second story addition to the single family dwelling, the residence has been designed to respect the existing residential patterns and scale in the neighborhood.*

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

Evidence: *The site is an existing residence in the RS-12 zoning district. Access would be provided from Noche Buena Street by a two car driveway. Extension of public utilities is not required for the proposed project. The completion of a second-story addition will not alter the location of existing utilities or access from the public right-of-way.*

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare or materially injurious to persons, property or improvements in the vicinity and zone district in which the property is located.

Evidence: *The City of Seaside's Fire Department, Building Department and Public Works Department have reviewed the conceptual project proposal. The Fire Department, Building Department and Public Works Department had no comments regarding the proposed addition.*

CONCLUSION

Staff has included a Resolution for upholding the BAR approval. The Planning Commission may affirm, deny, or amend the action taken by the BAR.

ATTACHMENTS

1. Attachment 1 - Resolution No. 18-XX
 2. Attachment 2 - Minutes from March 21, 2018 BAR meeting
 3. Attachment 3- Minutes from April 4, 2018 BAR meeting
 4. Attachment 4 - Appellant's Application
 5. Attachment 5 - Location Map
 6. Attachment 6 - Aerial View
 7. Attachment 7 - Letters from Neighbors
 8. Attachment 8 - Zoning Ord. Section 17.02.010
 9. Attachment 9 - General Plan Fig. UD-1
 10. Attachment 10 - Coastal Implementation Plan Sect. 18.01.010
 11. Attachment 11 - Photos from 1540 Kenneth St.
 12. Attachment 12 - Photos from 1530 Kenneth St.
 13. Attachment 13 - Project Plans
 14. Attachment 14 Applicant Letter
-

Meeting Date: May 23, 2018

RESOLUTION NO. 18-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, DENYING AN APPEAL TO OVERTURN THE BOARD OF ARCHITECTURAL REVIEW DECISION APPROVING A SECOND STORY ADDITION AT 1536 NOCHE BUENA STREET. (APN 012-201-012).

WHEREAS, the Board of Architectural Review met on March 21, 2018 and April 4, 2018 to review the application of Mr. Meuers and Mrs. Boyer, property owners, and Aaron Tollefson, applicant, for a second story addition to an existing two-story single family residence located at 1536 Noche Buena Street; and

WHEREAS, Marsheila DeVan and Julie Vogado, appellants, have filed an appeal to the Planning Commission to overturn the decision of the Board of Architectural Review action taken on April 4, 2018, approving Board of Architectural Review Application No. BAR-18-03; and

WHEREAS, the Seaside Planning Commission, at a duly noticed public hearing on May 23, 2018, considered oral comments and written information concerning the proposed second story addition; and

WHEREAS, the Planning Commission heard the appeal de novo, and it is the responsibility of the Planning Commission to consider and weigh the merits of the appeal and public input in relation to the policies, standards and intent of the Seaside General Plan and the Seaside Municipal Code for the proposed second story addition; and

WHEREAS, the proposed second story addition is Categorically Exempt, Class 1, Section 15301.e.1, pursuant to the California Environmental Quality Act (CEQA) Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission adopts the following findings denying the appeal and upholding the approval of Board of Architectural Review Application No. BAR-18-03 based on the following findings:

The proposed use is allowed within the applicable zone and complies with all other applicable provisions of the Zoning Ordinance and the Municipal Code;

Evidence: The proposed addition complies with all applicable standards of development and provisions of the Zoning Ordinance and the Municipal Code. This Design Review Permit will allow the addition of a 216 square foot second story addition to the existing single family dwelling.

2. The proposed use is consistent with the General Plan and any applicable specific plan;

Evidence: The project site is designated as Medium Density Single-Family Residential (MLS) in the General Plan Land Use Element. This designation is applied to areas with existing detached single-family dwellings with a maximum density of 12 dwelling units per acre.

The General Plan requires all new development to complement and enhance existing land uses, as set forth in the following Land Use Goal and Policy:

- Goal LU-4 – Ensure that new development compliments existing land uses and enhances the character of the community and its neighbors.
- Policy LU-4.1 – Require that all new development is compatible with surrounding uses, the site, and available infrastructure.

Evidence: The proposed addition will comply with all standards of development associated with the RS-12 zoning district.

Evidence: The applicant has incorporated design features and architectural rhythms of the existing structure to have a contextual relationship with the existing neighborhood.

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

Evidence: The site is an existing residence in the RS-12 zoning district. Access would be provided from Noche Buena Street by a two car driveway. Extension of public utilities is not required for the proposed project. The completion of a second-story addition will not alter the location of existing utilities or access from the public right-of-way.

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare or materially injurious to persons, property or improvements in the vicinity and zone district in which the property is located.

Evidence: The City of Seaside's Fire Department, Building Department and Public Works Department have reviewed the conceptual project proposal. The Fire Department, Building Department and Public Works Department had general comments that are included as conditions of approval.

BE IT FURTHER RESOLVED, that the Planning Commission hereby upholds the Planning Commission approval of Board of Architectural Review Application No. BAR-18-03 subject to the following conditions:

Project Specific:

Planning:

1. Except as modified by required conditions of approval, plans submitted for a building permit shall substantially conform to the revised plans identified as “Meuers-Boyer Residence” stamped as received on February 6, 2018, and as approved on April 4, 2018 .

Standard:

1. Board of Architectural Review approval shall not be valid until the applicant has signed and accepted these conditions of approval. Failure to sign the conditions and return them to the Planning Division within fifteen (15) days from the date of approval will result in the Board of Architectural Review approval becoming null and void.
2. Board of Architectural Review approval shall be valid for a period of one (1) year from the date of approval of this project in accordance with S.M.C.S. 17.64.080. Project approval will become null and void if a building permit is not exercised within one (1) year from date of approval.
3. Proposed changes to the approved application(s) must receive approval from the Board of Architectural Review, unless approved by the Director as outlined in Seaside Zoning Code Section 17.64.090.C.
4. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney’s fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
5. Any proposed future development shall comply with the requirements of the Fire, Health, Planning, Code Enforcement, Building and Public Works Departments.
6. The project shall be responsible for all applicable local and/or regional development and/or impact fees including, but not limited to, sewer, water, and traffic fees, which shall be paid prior to building permit issuance.
7. Any work within the public right-of-way must conform to current engineering standards and shall require an encroachment permit from the Public Works Department.

8. All storm water runoff shall be contained and disposed of on site and the storm water retention system shall be reviewed and approved by the Public Works Department.
9. The proposed project shall comply with the applicable requirements of the Monterey Peninsula Water Management District for the installation of new water fixtures and landscape irrigation equipment.
10. The issuance of building permits involving the installation of new water shall be subject to the availability of an adequate supply of water and sewer capacity to serve the project.
11. Water conservation fixtures shall be provided in the proposed project.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Seaside, State of California, on the 23th day of May, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairman



FINAL MINUTES

CITY OF SEASIDE

REGULAR MEETING

BOARD OF
ARCHITECTURAL
REVIEW

COUNCIL CHAMBER
Wednesday, March 21, 2018
5:30 PM

1. **CALL TO ORDER**

The meeting was called to order at 5:33 p.m.

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

Present: Keller, Ventimiglia, Khalsa, Mitchell

Absent: Mori

BOARD OF ARCHITECTURAL REVIEW

3. **REVIEW OF AGENDA**

No changes were requested.

4. **PUBLIC COMMENT**

Chair Keller opened public comment. Paul Wolf spoke on Yosemite item and invited Board to go and look at the proposed addition in Yosemite. There were no further comments from the public; public comment was closed.

5. **APPROVAL OF MINUTES**

None

6. **BUSINESS ITEMS**

- A. **BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-18-03. MR. MEUERS AND MRS. BOYER, PROPERTY OWNERS, AND AARON TOLLEFSON, APPLICANT, ARE REQUESTING DESIGN APPROVAL FOR A 216 SQUARE FOOT SECOND STORY ADDITION TO A TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED AT 1536 NOCHE BUENA STREET IN THE SINGLE FAMILY RESIDENTIAL (RS-12) ZONING DISTRICT (APN: 012-201-012). THIS PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301.E.1, EXISTING FACILITIES, FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

Staff report presented by Associate Planner, Robert Larsen. Mr. Larsen went over presentation for the project requesting design approval for a 216 square foot second story addition to a two-story single-family residence located at 1536 Noche Buena Street in the single family residential (RS-12) Zoning District. Presentation included Location Map, Aerial View, Site Plan, Existing Floor Plan, Proposed Floor Plan, Proposed Elevations,

Colors, Site Photographs, Photo from 1540 Kenneth Street, Letter from neighbor at 1540 Kenneth Street; staff recommended approval. Board had questions that were answered by Mr. Larsen. Chair asked applicant to step forward. Aaron Tollefson stepped forward and went more into detail on the project. Mr. Tollefson answered questions from the Board. Chair Keller opened public comment; Vauncia Parker, spoke on behalf of her sister Marsheila DeVan, 1540 Kenneth Street, and reference letter that was sent by sister. Is concerned about losing current view and the effect on value of the home, invites Board to drive down Kenneth Street to see; encourages Board to read letter submitted by her sister and think about the people this project will be affecting. Julie Vogado, 1530 Kenneth Street, her concern is the view, the best asset of the house is to go outside on the balcony and enjoy the view. Martha Myszak, mother of resident on 1540 Kenneth Street, concern about her daughter losing her view, reduce value of her home. Gregory Meuers, 1536 Noche Buena, spoke on behalf of his project and sympathizes with the neighbors, but his project should be approved, spoke on property value and views. Steve Bradford, resident of Seaside, retired Real Estate Agent, spoke in regards to views particularly as a Real Estate Agent, and on behalf of 1540 Kenneth Street homeowner, taking away somebodies view is a big deal. Public comment was closed. Board members discussed among themselves and had questions for staff that were answered.

On motion by Board member Mitchell and seconded by Board member Ventimiglia and passed by the following vote the Board of Architectural Review continued item to the April 4th meeting to give the Board the opportunity for further review and site visit. Appeal may be submitted within 7 calendar days by the required fees.

RESULT:	Postponed
MOVER:	Board Member Keith Mitchell
SECONDER:	Board Member Kathleen Ventimiglia
AYES:	Kathleen Ventimiglia, Toby Keller, Bani Khalsa, Keith Mitchel
NOES:	None
ABSENT:	Mitsugu Mori

7. REPORTS FROM BOARD MEMBERS

Board requested an explanation on change of street signs. Workshop on legal opinion on view sheds.

8. REPORTS FROM STAFF

Mr. Medina spoke on the Board's work plan as the Municipal Plan requires it. He also reminded Board about the Brown Act training scheduled on April 22nd, 3-5 p.m.

9. ADJOURNMENT

On motion, the meeting was adjourned at 6:27 p.m.

Respectfully submitted,

Rosa Salcedo, Board Clerk

Toby Keller, Chair



CITY OF SEASIDE

FINAL MINUTES

REGULAR MEETING

BOARD OF
ARCHITECTURAL
REVIEW

COUNCIL CHAMBER
Wednesday, April 4, 2018
5:30 PM

1. **CALL TO ORDER**

The meeting was called to order at 5:42 p.m.

BOARD OF ARCHITECTURAL REVIEW

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

Present: Keller, Ventimiglia, Khalsa, Mitchell

Absent: Mori

3. **REVIEW OF AGENDA**

No changes were requested.

4. **PUBLIC COMMENT**

There were no comments from the public.

5. **APPROVAL OF MINUTES**

A. **APPROVAL OF MINUTES FROM THE FEBRUARY 21, 2018 AND MARCH 21, 2018 REGULAR MEETINGS.**

On motion by Board member Khalsa and seconded by Board member Ventimiglia the Board of Architectural Review approved the minutes from the February 21, 2018 and March 21, 2018 regular meetings.

RESULT:	Approved
MOVER:	Board Member Bani Khalsa
SECONDER:	Board Member Kathleen Ventimiglia
AYES:	Kathleen Ventimiglia, Toby Keller, Bani Khalsa, Keith Mitchell
NOES:	None
ABSENT:	Mitsugu Mori

6. **BUSINESS ITEMS**

A. **BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR -17-15.**

ARTHUR NOBIDA, PROPERTY OWNER AND APPLICANT, IS REQUESTING DESIGN REVIEW APPROVAL FOR A SECOND STORY ADDITION TO AN EXISTING ONE-STORY SINGLE FAMILY RESIDENCE LOCATED AT 1739 YOSEMITE STREET IN THE SINGLE FAMILY RESIDENCE LOCATED AT 1739 YOSEMITE STREET IN THE SINGLE FAMILY RESIDENTIAL (RS-8) ZONING DISTRICT (APN 012-101-065). THIS PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301.EA, EXISTING FACILITIES, FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THIS ITEM WAS CONTINUED FROM THE FEBRUARY 21, 2018 BOARD OF ARCHITECTURAL REVIEW MEETING.

Staff report presented by Associate Planner, Robert Larsen. Mr. Larsen stated that the item was a continuation from the February 21, 2018 meeting. Mr. Larsen provided overview of the second story addition to an existing one-story single-family residence located at 1739 Yosemite Street in the single family residence located at 1739 Yosemite Street in the single family residential (RS-8) Zoning District. Presentation included Location Map, Street View Showing Flagging, Rear Yard, Original Floor Plan, Original Elevations, Applicant's Statement, Revised Floor Plan, Revised Elevations, Color Board; staff recommended approval.

The project was continued from February 21, 2018 in order to allow the applicant to consider making revisions to the exterior façade and footprint of the second story to address the following concerns:

1. Amount of roof area being added,
2. Second story building offsets,
3. The lack of cohesive entry feature,
4. Provide a cohesive design to blend with the neighborhood.

There were concerns expressed by the neighbors about views towards Monterey Bay, inappropriate building mass and extension of the roof over the open deck. In response to the concerns, the applicant submitted a written statement and revised floor plan/elevations. Staff provided Board with the findings and conditions for approval and explained that staff could assist the Board with findings for denial if the Board elected to deny the project. Board had no questions for staff. Chair asked applicant to step forward. Arnold Nobida, property owner represented the application and informed the Board that he made the following changes that were requested by the Board

1. Lowered the height of the roof by reducing plate heights;
2. Added offset for the deck roof's offset, and
3. Changes to the front entry.

Chair Keller opened item for public comment; Felix Bachofner, Seaside resident, spoke on the item. Mr. Bachofner provided different photographs to illustrate what type of off-sets a second story should be from the first floor below to demonstrate the appropriate massing for a second story addition. Mr. Bachofner mentioned that he was pleased with the efforts made by the property owner to modify the second story addition; however, he felt the modifications did not go far enough. He reminded the Board that as was expressed at the previous meeting by the residents who were concerned with the view and also mentioned that this project has an impact on approximately 1,200 stakeholders at ISM and how they

were not provided with photo simulation showing the impact on those stakeholders. He stated that they recognize that you don't have the right to a perfect view but their concern is that this project does not meet the standards that the city has established for houses that are going through this sort of remodel; Mr. Bachofner went over and spoke on the photographs he provided to staff. He referenced that Page 33-34 of the staff report the design would violate the mass and scale guidelines that are set up by the city in the single family residence design guidelines. He continued through the pictures he provided. Mr. Bachofner referenced the design guidelines. He mentioned that there are significant findings for a denial but hoped the Board won't deny it and instead continue item again and ask applicant to make further improvements. Chair Keller closed public comment.

There was discussion by the Board. Board member Ventimiglia had question for staff in regards to front and rear setback questions. Mr. Larsen explained that there was room to the front and rear of the dwelling to expand the dwelling. There was further discussion by the Board. City Attorney Freeman reminded the Board that they are here to review the design not to design from the dais and it's up to the property owner to design the project and if they had concerns just express what the concerns are. If they have concerns that can't be addressed, he explained that the project can be denied and property owner can appeal this decision to the City Council or, with owner's permission, the item can be continued and request plans to be resubmitted no later than mid-May. Chair Keller asked the applicant to step forward. Chair Keller asked applicant if he would like the Board to give him a couple of additional suggestions on the changes and continue item or if applicant would like Board to deny his application so that he could appeal the decision to the Planning Commission. The property owner stated that he would prefer appealing to the Planning Commission since he feels he has already made enough modifications per the previous suggested changes. Board continued discussion amongst themselves. Chair Keller does not believe design is out of scale with the guidelines and does not believe it should be denied. There was further discussion amongst them. Chair Keller once again asked applicant to step forward and asked applicant if approved with minor suggestions if he is ok with making the small modifications rather than having the Board deny the project. The property owner agreed to make minor modifications as suggested by the Board. The modifications shall be brought before staff for approval seconded by Board member Mitchell. Appeal may be submitted in writing within seven calendar days accompanied by the required fees to the Planning Commission.

On motion by Chair Keller and seconded by Board member Mitchell and passed by the following vote the Board of Architectural Review approved project with the following modifications: 1. modify front entry to provide greater roof overhang and entry door feature; 2. add belly band on the north side elevation; and 3. incorporate a minor setback on the elevation with the three windows.

RESULT:	Approved
MOVER:	Chair Toby Keller
SECONDER:	Board Member Keith Mitchell
AYES:	Kathleen Ventimiglia, Toby Keller, Bani Khalsa, Keith Mitchell
NOES:	None
ABSENT:	Mitsugu Mori

B. BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-18-03. MR.

MEUERS AND MRS. BOYER, PROPERTY OWNERS, AND AARON TOLLEFSON, APPLICANT, ARE REQUESTING DESIGN APPROVAL FOR A 216 SQUARE FOOT SECOND STORY ADDITION TO A TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED AT 1536 NOCHE BUENA STREET IN THE SINGLE FAMILY RESIDENTIAL (RS-12) ZONING DISTRICT (APN: 012-201-012). THIS PROJECT IS CATEGORICALLY EXEMPT CLASS 1, SECTION 15301.E.1, EXISTING FACILITIES, FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THIS ITEM WAS CONTINUED FROM THE MEETING OF MARCH 21, 2018.

Staff report presented by Associate Planner, Robert Larsen as a continuation from the March 21, 2018 meeting. Mr. Larsen went over presentation for the project requesting design approval for a 216 square foot second story addition to a two-story single family residence located at 1536 Noche Buena Street in the single family residential (RS-12) Zoning District. Presentation included Location Map, Street Aerial View, Site Plan, Existing Floor Plan, Proposed Floor Plan, Proposed Elevations, Colors, Site Photographs, Photo from 1540 Kenneth Street, Photo from 1530 Kenneth Street, Letter from 1540 Kenneth Street, Letter from 1530 Kenneth Street. City staff recommended approval based on findings and conditions. Mr. Larsen pointed out that the General Plan includes a policy statement in the Urban Design Element identifying the need to consider the protection of public and private views. The City Attorney explained that this consideration asks the Board to balance the impact of view blockage in relation to the size and location of the proposed addition. There were no questions for staff.

Chair Keller asked applicant to step forward to make any additional comments. Aaron Tollefson, applicant, spoke regarding the netting as some portions were requested to be blacked out from the previous meeting. He explained to the Board that there was no need for blackout the framing or netting since netting was installed correctly. There were no additional comments from the applicant. Board had no further questions for applicant. Chair Keller open public comment.

Marsheila DeVan, owner of 1540 Kenneth Street, asked Board if anyone had a chance to come by their street. The Board members responded that they did. She stated that she was disappointed because there was an understanding from the previous meeting that Board would go inside property owners home and see the view impacts from there. She mentioned that she drove by there today and from a car you cannot get the gravity of what they are going to lose with this project. She mentioned that she understands that there is no guarantee of a view. She questioned what the role of the Board is if they are not looking at what they want Seaside to look in the future and she referenced the cities handbook. She pointed out the issue of the mass of the project and the fact that this is not the first time this property has expanded. Her concern is losing their view to someone who has a substantial view and spoke on the fairness to share views of the Monterey Bay. She asked the Board not to allow project to move forward as it stands. Julie Vogado, also spoke on her dissatisfaction with the Board not doing their due diligence in contacting residents and schedule a visit to their home to view project from their homes. Spoke on the flagging not being blacked out as was requested at the previous meeting and mentioned that photos were submitted by residents, She asked the Board to schedule a time and visit the different properties to view project from there. Residents. Residents from 1560 spoke to the Board looking at project from the street and not from inside the neighbors' homes. Taking away views will affect the values of homes. Resident spoke on behalf of Marsheila DeVan, she

was surprised that the view from their home was going to be taken away. Doing that will only benefit the applicant and felt that this was an unfair practice by the City. She stated that Martha Myszak, has been here since 1949, has seen a lot of changes, stressed that it is not fair for one homeowner to increase his/her value by taking away the value of property owners behind him. Marsheila DeVan read letter on behalf of Dana Goforth, copy was provided to Board. Letter expresses concern with lack of privacy and it would block the sun. Resident requested an explanation of why Board did not reach out to them for a scheduled house visit to view project from their properties. Chair Keller closed public comment.

City Attorney Freeman spoke on his understanding that the Board drove by and took a look at the properties, but mentioned that he prefers that Board go as a group so that everyone has the same information and sees the same views. He suggested that meeting be continued so that Board can go as a group to the different houses and see project from their views. Board would go as a group and that would be scheduled as a meeting and be published as a regular meeting and public can also join the Board during the visits. This is done to have full information just in case there is an appeal and everyone has seen same thing at the same time and everyone has the same information. Board member Ventimiglia pointed out that she went the next day after the meeting to the home of the resident who said that they were going to be available to have the Board go into their home and see the project from there. She stated that she walked the street and rang the doorbell and no one answered the door. Board member Mitchell also said he walked the street to see the project from three different areas, but did not knock on any doors; apologizes for not visiting any of their homes. City Attorney Freeman again spoke on noticing an official meeting for the Board to go to the homes as a group so that everyone can see the same thing at the same time and so that everyone understands the project and know what everyone is talking about.

Board member Mitchell asked to recuse himself from this item due to a conflict of interest he felt he would have once he understood that he was familiar with some of the families who had made public comment from the 1500 block of Kenneth Street. City Attorney Freeman spoke on when a person recuses themselves from a particular project for potential conflict of interest that means they cannot participate at all, can't speak to the staff can't do anything they then have to get up and leave the room because they can give a thumbs up or thumbs down or a wink or a nod in body language. Once Mr. Mitchell left the room, a Motion was made. Chair Keller announces that an appeal of this decision may be submitted in writing within seven calendar days accompanied by the required fees to the Planning Commission. Chair Keller asked Board member Mitchell to come back in to continue with next item.

On motion by Board member Khalsa and seconded by Board member Ventimiglia and passed by the following vote the Board of Architectural Review approved project as presented.

RESULT:	Approved
MOVER:	Board Member Bani Khalsa
SECONDER:	Board Member Kathleen Ventimiglia
AYES:	Kathleen Ventimiglia, Toby Keller, Bani Khalsa
NOES:	None
ABSENT:	Mitsugu Mori

C. ARCHITECTURAL REVIEW APPLICATION NO. BAR-17-10. FREDERICK M. BAKER, PROPERTY OWNER AND APPLICANT, IS REQUESTING APPROVAL OF A NEW EXTERIOR BRANDING UPGRADE AT 1175 FREMONT BOULEVARD (KFC), LOCATED IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. THIS PROJECT IS CATEGORICALLY EXEMPT CLASS 1, EXISTING FACILITIES, FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Staff report presented by Associate Planner, Robert Larsen Mr. Larsen went over presentation for the project requesting approval of a new exterior branding upgrade at 1175 Fremont Boulevard (KFC), located in the community commercial (CC) Zoning District. Presentation included Location Map, Aerial View, 2009 Approval – Hilby Avenue, 2009 Approval, Current KFC Application, Revised Plans, Site Photos; staff recommended denial of corporate image and approval of applicant’s application. Board had questions for staff that were answered by Mr. Larsen. Applicant was asked to step forward, Mike Baker, answered questions that were asked by the Board. There was discussion by the Board. Board asked further questions to the applicant. Board continued to discuss amongst themselves. Chair Keller open public comment, seeing none, public comment was closed. Board discussed amongst themselves. An appeal may be submitted in writing within 7 calendar days accompanied by the required fees to the Planning Commission.

On motion by Chair Keller and seconded by Board member Ventimiglia and passed by the following vote the Board of Architectural Review approved the submitted application a stated with the red and white fascia band, the red tower, the red awnings on everything but the Long Johns Silver tower keeping the Long Johns Silver tower as is.

RESULT:	Approved
MOVER:	Chair Toby Keller
SECONDER:	Board Member Kathleen Ventimiglia
AYES:	Kathleen Ventimiglia, Toby Keller, Bani Khalsa, Keith Mitchell
NOES:	None
ABSENT:	Mitsugu Mori

7. REPORTS FROM BOARD MEMBERS

None. Chair Keller asked staff if they have any information regards to street signs. Senior Planer, Rick Medina mentioned that he does not, but he did notice the new signs.

8. REPORTS FROM STAFF

None.

9. ADJOURNMENT

On motion, the meeting was adjourned at 7:08 p.m.

Respectfully submitted,

Rosa Salcedo, Board Clerk

Toby Keller, Chair

Appeal to the City Council of the City of Seaside

**Fee = 1/2 of the current application fee.
If no application fee applies, appeal fee is \$300.**

An application to appeal a Planning Commission action to the Seaside City Council is to be filed with the City Clerk within seven days of the Planning Commission action. If you have any questions regarding the Planning Commission action, planner counter hours are from 8 a.m. – 10:00 am and 3:00 p.m. – 5:00 p.m. in the Planning Division.

In addition to the appeal fee, a set(s) of pre-addressed stamped envelopes to be sent (no return address) to all persons within 300 feet of the subject property must be submitted to the Planning Division ten (10) days from the date of appeal.

In accordance with the provisions of the Municipal Code of the City of Seaside, State of California, I hereby appeal the action of the Planning Commission on
April 4th, 2018 regarding BAR 18-03
(Date) (Application Number)

Location of Project: 1536 NOCHE BUENA ST

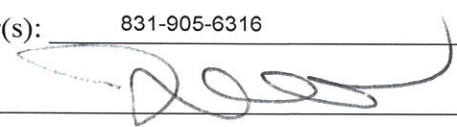
Action Being Appealed: BAR approval of proposed sun room and expansion of second story at 1536 Noche Buena

Reason for Appeal: Approval of project violates general plan (land use) and municipal plan (17 & 18) due to the significant impact on views of the bay area from the 1500 block of Kenneth. Violation of the PRA & Brown Act. Board member Keith Mitchell participated in full discussions on both 3/21 & 4/4, deliberated among members, gave input and right before the vote recused himself claiming he knew the family. We believe this action tainted the outcome and the family claims no personal relationship with Mitchell. Please see attached general plan references highlighted on views.

Name of Appellant: Julie Vogado Marsheila DeVan

Residing at: 1530 Kenneth 1540 Kenneth St

Phone Number(s): 831-905-6316 805-868-9269

Signed: 

Signed this 11 day of April 2018

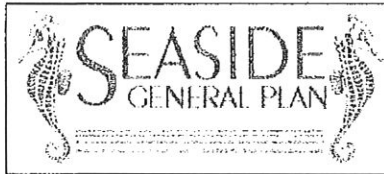
Administrative Use Only

Date Appeal Filed: _____

Receipt Number: _____

Received by: _____

7/9/2009



Responsible Agency/Department: Community Development, Public Works

Funding: General fund, Redevelopment funds

Time Frame: Ongoing

Implementation Plan UD-2.5.6 Neighborhood Improvement Program (NIP). Support the Neighborhood Improvement Program (NIP) Committee in its efforts to recognize homeowners and businesses who have improved the appearance of their properties and, thereby, enhancing the neighborhoods and business districts..

Responsible Agency/Department: Community Development, NIP Committee

Funding: General fund, Redevelopment funds, CDBG

Time Frame: Ongoing

Implementation Plan UD-2.5.7 Utility Undergrounding. Cooperate with utility providers to expedite the undergrounding of utility wires throughout the community.

Responsible Agency/Department: Community Development, utility provider

Funding: user fees, General fund

Time Frame: Ongoing

STREETSCAPES AND VIEWSHEDS

The City has a number of "gateways" and major roadways that could be substantially enhanced by additional landscaping, street right-of-way improvements, signing and attention to design. Additional landscaping and signing in public areas could be used to identify entry into specific neighborhoods or areas and could substantially improve the visual quality of the community.

GOAL UD-3: Provide and maintain a streetscape system that protects views and enhances visual quality and continuity within the community.

Policy UD-3.1: Protect private views of significant natural features, such as the Monterey Bay, Roberts Lake, the Pacific Ocean, the surrounding mountains, and other important viewsheds.

Implementation Plan UD-3.1.1 View Protection and the BAR. Continue to require all additions that increase building heights and new developments to stake and flag development at least ten days prior to consideration by the Board of Architectural Review (BAR) for design approval. When feasible, require project site redesign, modified landscaping, or reduced building heights to avoid obstruction of private views.

Responsible Agency/Department: Community Development, BAR

Funding: developer fees, General fund

Time Frame: Ongoing

Policy UD-3.2: Preserve the unique public views visible from the Highway 1 Corridor between Fremont Boulevard and the northern boundary of the City as identified in the Fort Ord Reuse Authority (FORA) Plan.

Implementation Plan UD-3.2.1 Viewshed Protection Standards. Establish and enforce design guidelines and standards to preserve and protect public and private viewsheds while still allowing development to occur.

Responsible Agency/Department: Community Development

Funding: General fund, developer fees

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



The revitalization activities and improvements in these areas will be funded through a variety of federal, State, and private programs. Redevelopment Agency funds will be used for the rehabilitation of physical development, infrastructure, and the undergrounding of utilities. Other public and private funds will also be used for landscaping, right-of-way, code enforcement, property maintenance, and circulation improvements.

LAND USE PATTERN AND COMPATIBILITY

Substantial new development and redevelopment activities will take place over the next 20 years. Much of this activity will occur in locations that are within close proximity to existing developed land uses. In order to ensure that compatible and complementary development and redevelopment will occur, the City will use a checklist during the review of all project proposals to determine if the project meets the following general goals:

- 1) The proposed use is compatible with surrounding development in terms of noise, safety, and other environmental and quality of life concerns.
- * 2) The project respects, complements, and enhances surrounding development in terms of size, scale, design, architectural features, and access to light and views.
- 3) The uses proposed complement surrounding existing and planned land uses (e.g., visitor serving uses adjacent to the Embassy Suites hotel, higher density affordable rental units near CSUMB, community-serving services and retail in the central core of the City.)
- * 4) The project design and proposed uses minimize impacts to natural resources

such as cultural and biological resources, natural landforms, and views.

- 5) The project will be able to either provide or fund its share of community services and facilities so that they are not negatively impacted by the development.
- 6) The project will allow the efficient use of the existing infrastructure system, will require only the minor improvement or expansion of utilities, or provide the improvements needed to ensure an adequate infrastructure system.
- 7) The project includes water and energy conservation features in its design and landscaping.

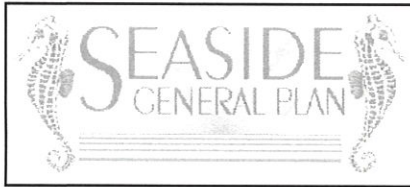
Through the development and environmental review process, projects will be encouraged to meet the above land use compatibility goals, whenever physically and financially feasible.

PUBLIC FACILITIES AND SERVICES

The City provides a range of public services to the community including water and sewer, solid waste, drainage, fire protection, law enforcement, schools, and library services. Other services are provided by a variety of other agencies, including school districts, the Marine Coast Water District (MPWMD), the Monterey Regional Water Pollution Control Agency (MRWPCA), the State of California, and the federal government.

WATER Supply, TREATMENT, AND DISTRIBUTION

The City of Seaside receives its primary potable water supply from the Salinas Valley Groundwater Basin, from the Seaside Basin,



Responsible Agency/Department: Community Development

Funding: State and federal funds, Redevelopment set-aside funds

Time Frame: Ongoing

Implementation Plan LU-3.2.3 Neighborhood Associations. Encourage the creation of Neighborhood Associations.

Responsible Agency/Department: Community Development

Funding: General fund

Time Frame: Ongoing outreach

Implementation Plan LU-3.2.4 Neighborhood Improvement Program. Support the Neighborhood Improvement Program (NIP) Commission's work, which includes Christmas in April, neighborhood clean-ups, and "House of the Month".

Responsible Agency/Department: Community Development

Funding: private funds, state and federal funds, General fund

Time Frame: Ongoing

Implementation Plan LU-3.2.5 Design Guidelines for Residential Development. Adopt and implement Design Guidelines for residential development.

Responsible Agency/Department: Community Development

Funding: private funds, state and federal funds, General fund

Time Frame: Adopt guidelines by the end of 2005; ongoing implementation

LAND USE PATTERN AND COMPATIBILITY

* Substantial new development and redevelopment activities are anticipated to occur in the community over the next twenty years.

New development and redevelopment activities throughout Seaside need to be consistent and compatible in design and theme, and should be connected in a way that promotes a unified community character. The community can plan and guide future development and land use so that it complements the existing community, and protects and enhances the character of Seaside and the desirable traits of its existing neighborhoods.

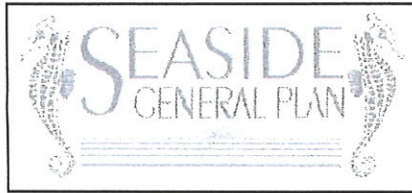
Goal LU-4: Ensure that new development complements existing land uses and enhances the character of the community and its neighborhoods.

Policy LU-4.1: Require that all new development: 1) funds its share of community services and facilities (e.g., parks, roads, trails, and utilities); 2) uses quality design and materials; and 3) is compatible with surrounding uses, the site, and available infrastructure.

IMPLEMENTATION PLANS

Implementation Plan LU-4.1.1 Land Use Compatibility Checklist. Create a checklist of findings for use during the development review process that will help staff determine if the project complements existing land uses, and enhances the character of the community and its neighborhoods. Example questions for the checklist include:

- 1) The proposed use is compatible with surrounding development in terms of noise, safety, and other environmental and quality of life concerns.
- * 2) The project respects, enhances, and complements surrounding development in terms of size, scale, design, architectural features, and access to light and views.
- 3) The proposed use complements the surrounding uses (e.g., visitor serving



uses adjacent to the Embassy Suites hotel).

- 4) The project design enhances and compliments the surrounding building and uses.

- 5) The project design and proposed uses minimize impacts to natural resources such as cultural and biological resources, natural landforms, and views.

- 6) The project will be able to either provide or fund its share of community services and facilities so that they are not negatively impacted by the development.

- 7) The project will allow the efficient use of the existing infrastructure system, or will require only the minor improvement or expansion of utilities.

- 8) The project includes water and energy conservation features in its design and landscaping.

If the answer is "no" to any of the above questions, identify appropriate site redesign or mitigation requirements so that the project is compatible with surrounding existing and planned development.

Responsible Agency/Department: Community Development

Funding: General fund, developer fees

Time Frame: Create checklist in 2004; ongoing application of checklist during development review process

Policy LU-4.2: Encourage redevelopment that brings non-conforming buildings and uses into compliance with the Seaside General Plan and Zoning Ordinance.

IMPLEMENTATION PLANS

Implementation Plan LU-4.2.1 Identify Non Conforming Uses. Use the code enforcement action plan and/or complete a windshield sur-

vey to identify non-conforming building and uses. Work with property owners to abate any identified non-conforming buildings and uses, and/or market the sites for new uses.

Responsible Agency/Department: Community Development, Code Enforcement

Funding: General fund, fees/fines

Time Frame: Ongoing code enforcement; complete a survey by the end of 2004 if determined necessary

Policy LU-4.3: Protect and preserve existing conforming and non-conforming multifamily residential buildings in order to continue to provide low cost and alternative housing options for Seaside residents.

IMPLEMENTATION PLANS

Implementation Plan LU 4.3.1 Preserve Non-Conforming Multifamily Residential Buildings. Include language in the Zoning Ordinance stating that the City will permit non-conforming multifamily residential buildings to be rebuilt, restored, or reconstructed in accordance with California Governmental Code Section 65852.25.

Responsible Agency/Department: Community Development

Funding: General Fund, Redevelopment Fund

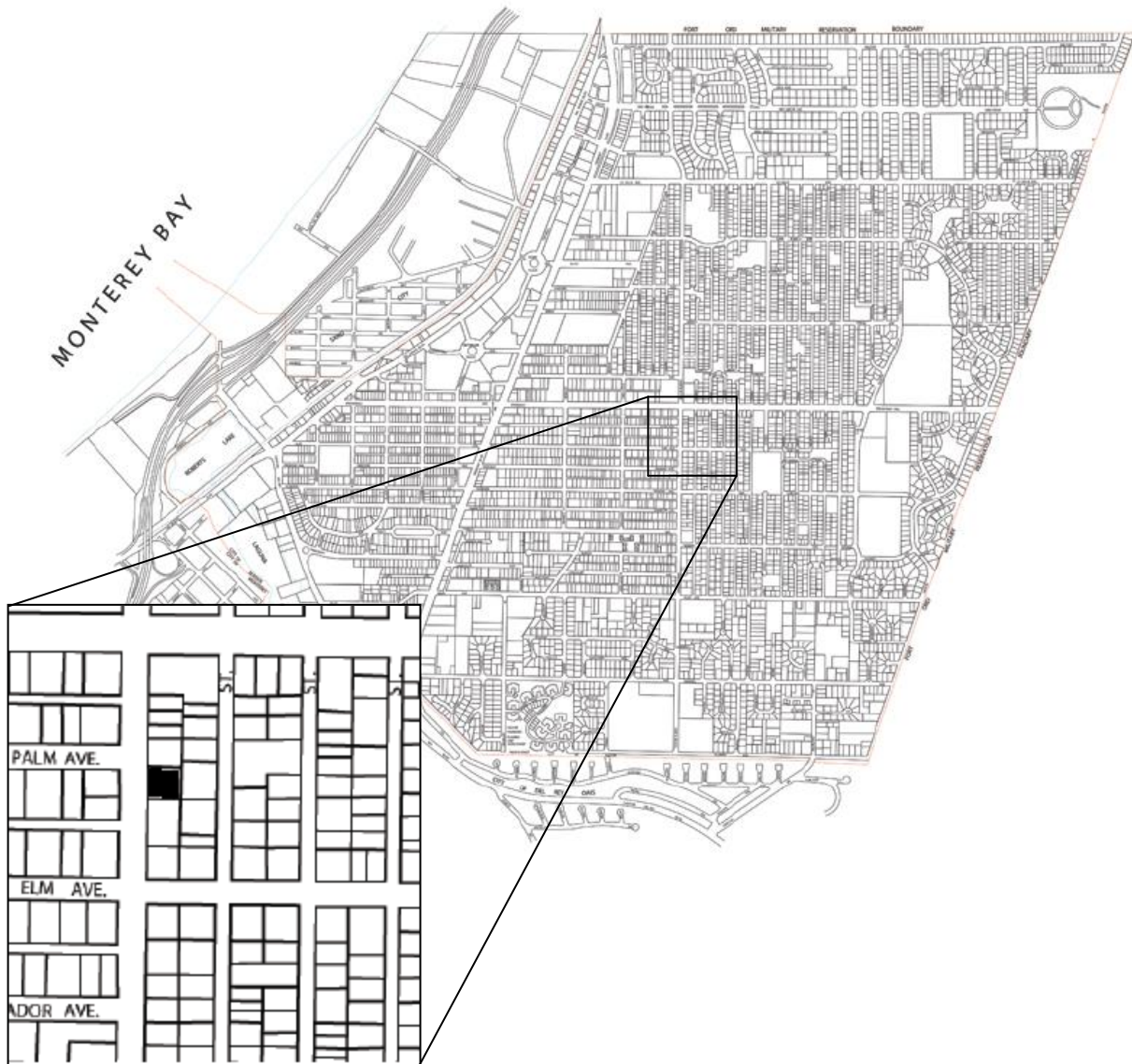
Time Frame: Complete draft Zoning Ordinance by end of December 2004

PUBLIC FACILITIES AND SERVICES

Public facilities and services, such as water and sewer, solid waste, drainage, fire protection and law enforcement, schools, and libraries supporting development in Seaside are provided by the City or other service entities.

Location Map

Project Site: 1536 Noche Buena St.



AERIAL VIEW



TWO STORY RESIDENCE

City of Seaside

Resource Management Services/Planning Division

440 Harcourt Avenue

Seaside, CA 93955

RECEIVED BY
CITY OF SEASIDE

APR 19 2018

April 14, 2018

COMMUNITY
DEVELOPMENT

Dianne L. Dampier

1537 Lowell Street

Seaside, CA 93955

RE: Board of Architectural Review Application No. BAR 18-03, second story addition to a single family residence located at 1536 Noche Buena.

To whom it may concern:

I am in receipt of the letter dated March 26, 2018 about a hearing on this proposed matter. Firstly, I must apologize for having not attended the April 4, 2018 BAR meeting due to a calendaring issue. I did telephone the architectural firm about my concern, and they referred me to you.

My concern is with the proposed addition to the residence on Noche Buena. Historically, and unrelated to the Noche Buena address, the construction of several two-story residences in the 1500 block of Kenneth behind my house some years ago greatly reduced my view from my property. Now with this addition to the 1536 Noche Buena address, positioned on what might be referred to as the north side of the 1536 Noche Buena address, obstructs my last peek at the Monterey Peninsula between the two story residences located on Kenneth. Unfortunately, such a project at this specific part of the Noche Buena building will obstruct my only remaining peek at the Peninsula and the night lights that accompany that view. While the current pergola on the second floor balcony of this Noche Buena residence already partially obstructs my peek at the Peninsula, the complete obstruction will occur with the proposed addition.

While I support the home owner's desire to add onto their residence, I ask if there is another solution that does not obstruct my last remaining view of the Peninsula? Is there a solution that meets the home owner's needs and goals that takes into consideration their needs and my last peek at the Peninsula?

Sincerely,


Dianne L. Dampier

Planning Commission
140 Harcourt Avenue
Seaside, CA 93955

March 13, 2018

Attention: John Owens (Chair)

Dear Committee Members,

I seek your assistance in reviewing an alternative plan to the 216 square foot second story sunroom addition at 1536 Noche Buena which would negatively impact the property value and bay view of our home at 1540 Kenneth and several other homeowners on Kenneth street behind the property owners' house.

The notice informing me of the project arrived today on March 13th even though the letter is dated March 7, 2018. As a result of the late notice, I'm unable to attend the March 21st meeting to contest the project. Family members will be in attendance to speak on my behalf.

I grew up in Seaside attended local schools and come from a family of four generations of service to the community starting with my grandfather Pope Leo McDonald, mother Martha Myszak and sister Vauncia Parker who currently resides at the Kenneth property. As a youth, I served on the City of Seaside Parks and Recreation Commission, Youth Commission, and Crime Abatement Committee and I'm a MPC Hall of Fame Lobos Awardee. My ultimate dream, which I achieved, was to purchase a family home in my hometown of Seaside with a bay view where I will soon retire. We have all enjoyed this magnificent gift over the years.

Seeing the ocean brings me a sense of contentment and solace. The property has been my family's sanctuary. Sitting on the deck and reflecting on what we've always known that Seaside is a great city. I'm not surprise that the Nocha Buena owners would want to expand their view. It is the same reason we want to keep ours. I compel you to stop or modify the project to protect preserving the canopy and integrity of the neighbor. If more people can share in the views a gift to all it elevates all the properties concerned increases property values.

I spoke with several realtors who agree once you lose your bay view, property values will declined and the resale amount is less compared to if you had a view. Why must only one owners benefit from an expanded view at the cost of pre-existing homes that was purchase with a view? Please help me protect my hard earned dream of what's now left of a "peek-a-boo" view from the last renovation at 1536 Noche Buena. Thanks for your consideration. I look forward to a "reasonable" solution to all of our concerns.

Best regards,
Marsheila DeVan,
Homeowner, 1540 Kenneth St.

RECEIVED BY
CITY OF SEASIDE

MAY 14 2018

COMMUNITY
DEVELOPMENT

RE: Proposed second story addition to residence at 1536 Noche Buena.

To Whom It May Concern,

Due to illness, I am not able to attend the meeting tonight. I've asked my neighbor to read this in my place.

My name is Dana Goforth and I live at 1543 Kenneth Street. I have rented this home for the past 5 months.

I was just informed this afternoon that an additional story to the house directly behind mine is being considered. I saw the orange flags go up but didn't realize the extent of the construction.

My backyard and theirs, have a common fence. As the house currently stands, the residents have an unobstructed view of my yard. At this time, my landlord and I are in discussion about ways to block that view with trees and other plants.

Not only would the proposed vertical extension of the house add to my lack of privacy, but it would also block the sun. The extension would cut off the sunlight to the back of my home and the small office space in back. The heat creating benefits from the sunlight includes inhibiting mold growth. If an additional portion is added on, this may present a severe health hazard.

Honestly, the house is already quite large, one of the tallest in the neighborhood. I recently moved out of Pacific Grove. For over 20 years, I saw the small town turn into a forest of mini-mansions. The impact not only to me and my neighbors but friends around town was significant. I was personally affected by the increased mold and moisture accumulation when a neighbor added a second story. Privacy gone, sunlight cut off, gardens devastated, and the increase of traffic occupying the additional spaces was significant.

I'd hate to see this happen in Seaside.

Thank you in advance for your time,

Dana Goforth

RECEIVED BY
CITY OF SEASIDE

MAY 14 2018

COMMUNITY
DEVELOPMENT

CHAPTER 17.02 - PURPOSE AND APPLICABILITY OF ZONING ORDINANCE

Sections:

- 17.02.010 - Purposes of Zoning Ordinance
- 17.02.020 - Authority, Relationship to General Plan
- 17.02.030 - Responsibility for Administration
- 17.02.040 - Applicability of the Zoning Ordinance

17.02.010 - Purposes of Zoning Ordinance

Title 17 of the Seaside Municipal Code constitutes the City of Seaside Zoning Ordinance, hereafter referred to as "this Zoning Ordinance." This Zoning Ordinance carries out the policies of the Seaside General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. This Zoning Ordinance is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the City. More specifically, the purposes of this Zoning Ordinance are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in protecting the character and community identity of Seaside;
- B. Conserve and protect the City's natural beauty and setting, including waterways, hills and trees, scenic vistas, and historic and environmental resources;
- C. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- D. Minimize automobile congestion by promoting pedestrian-oriented development, safe and effective traffic circulation, and adequate off-street parking facilities; and
- E. Insure compatibility between different types of development and land use.

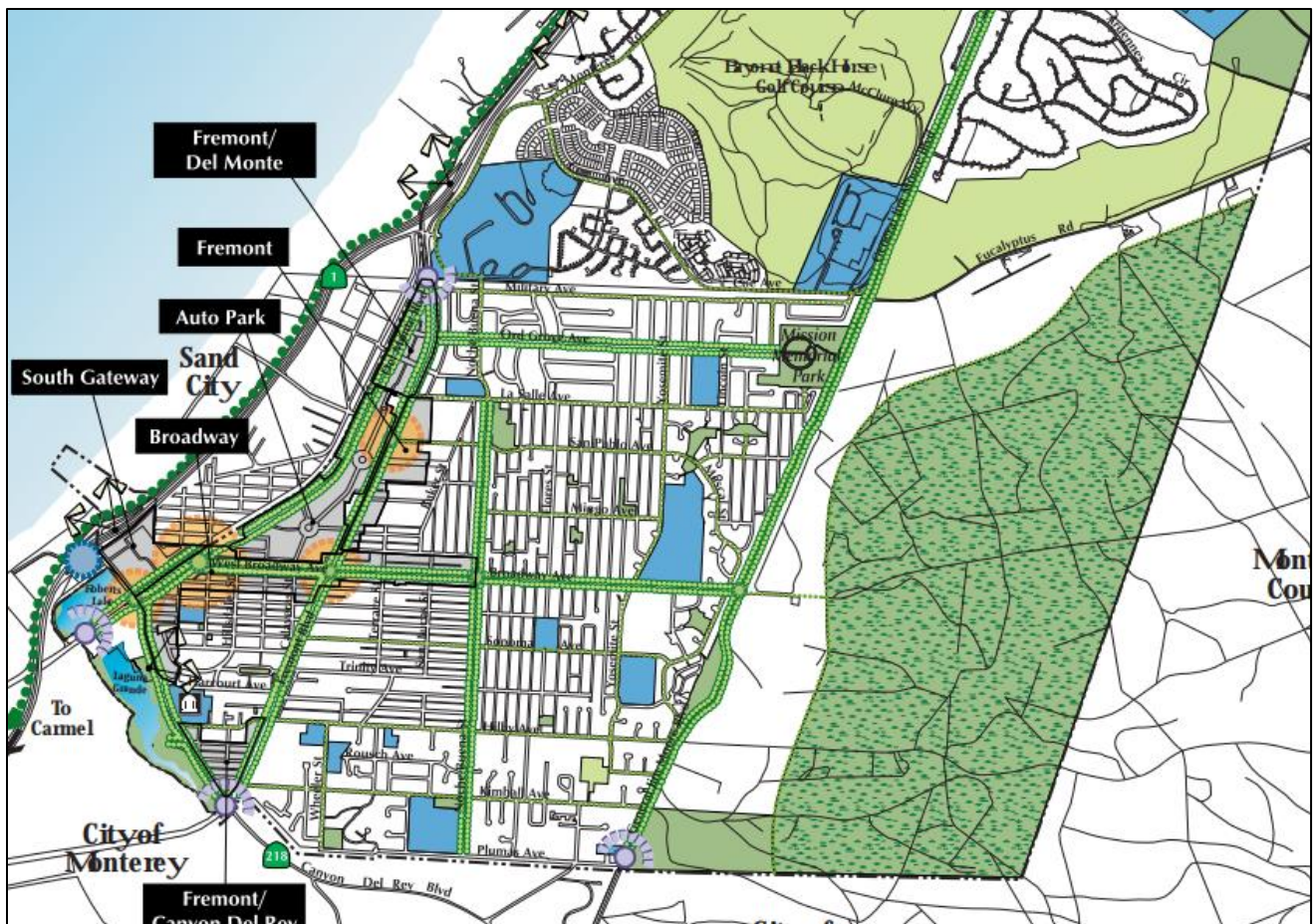
17.02.020 - AUTHORITY, RELATIONSHIP TO GENERAL PLAN

- A. **Authority.** The regulations within this Zoning Ordinance are enacted based on the authority vested in the City of Seaside by the State of California, including, but not limited to, the California Constitution, the Planning and Zoning Law (Government Code Section 65000 et seq.), the Subdivision Map Act (Government Code Section 66410 et seq.), and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
- B. **Consistency with General Plan.** This Zoning Ordinance is a primary tool used by the City to carry out the goals, objectives, and policies of the Seaside General Plan. The Seaside City Council intends that all provisions of this Zoning Ordinance be consistent with the General Plan, and that any land use, subdivision, or development approved in compliance with these regulations will also be consistent with the General Plan .

17.02.030 - RESPONSIBILITY FOR ADMINISTRATION

- A. **Responsible bodies and individuals.** This Zoning Ordinance shall be administered by the Seaside City Council, hereafter referred to as the "Council"; the Planning Commission, referred to as the "Commission"; the Resource Management Services Director, referred to as the "Director"; the Zoning Administrator, and the Resource Management Services Department, hereafter referred to as the "Department."
- B. **Exercise of discretion.** In the event that a provision of this Zoning Ordinance allows the review authority for a permit or other decision to exercise discretion in the application of a specific standard or requirement to a project, but does not identify specific criteria for a decision, discretion shall be based on the following criteria.

ATTACHMENT 9
SEASIDE GENERAL PLAN - FIGURE UD-1



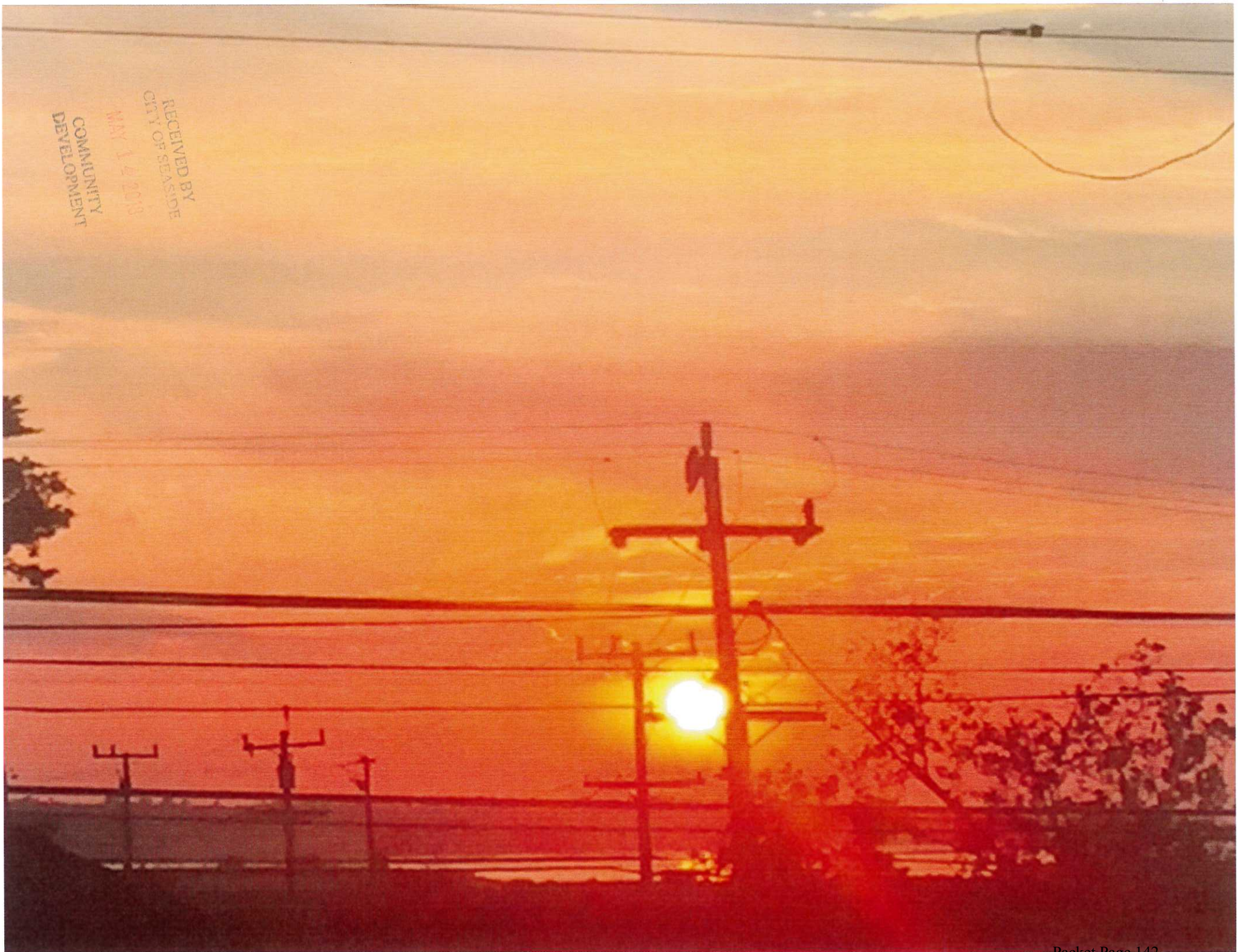
18.01.010 Purpose of the coastal implementation plan.

The document codified in this title establishes the city of Seaside coastal implementation plan representing the coastal zoning ordinance for the city of Seaside's local coastal program (LCP), prepared in accordance with the California Coastal Act (CCA) of 1976. As provided by the CCA, an LCP consists of two major components: the land use plan (LUP) and the coastal implementation plan (CIP). Whereas the LUP designates the kinds, location, and intensity of land and water uses and presents applicable resource protection and development policies, the CIP provides development regulations for specific coastal zone activities needed to carry out the LUP. Accordingly, the city of Seaside CIP describes the various implementation measures needed to carry out the city of Seaside LUP.

The purpose of this title is to implement the city's LUP and to protect and promote the public health, safety, peace, comfort, convenience, and general welfare of the city. More specifically, this title is intended:

- To encourage public access to the lake and beach shorelines, while minimizing adverse impacts on dune and marsh habitats and ensuring public safety from water run-up hazards.
- To maximize, to the extent feasible, the recreational potential of the Laguna Grande, Roberts Lake, Beach, and Del Monte subareas, while at the same time preventing damage to or minimizing the loss of major natural habitat areas.
- To minimize safety hazards and impacts from natural and man-induced hazards.
- To preserve and enhance coastal vistas, views, and view corridors while recognizing the rights of private property owners and the demands for visitor-serving facilities.
- To minimize dredging and filling unrelated to water quality considerations, while recognizing the recreational needs for open space.
- To provide coastal access, visitor-serving facilities, and public improvements within the funding constraints of the public sector.
- To allow land uses which respond to the institutional and natural constraints of the land and which minimize disturbance of the surrounding land area.
- To preserve and enhance the natural resources, environmental quality, and community character of the coastal zone.
- To promote the development of runoff control measures capable of minimizing water quality impacts, including from siltation and to Laguna Grande and the Monterey Bay.

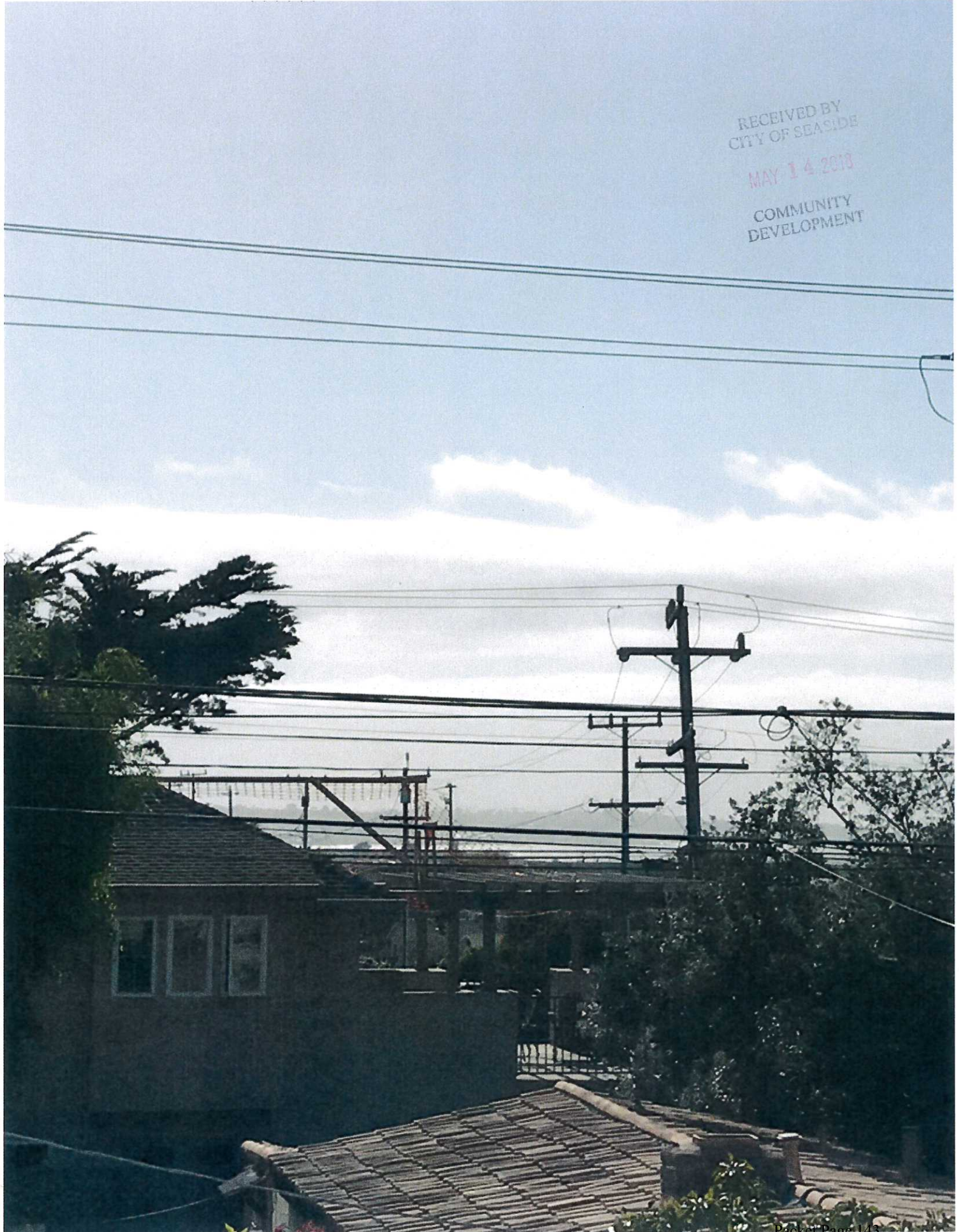
RECEIVED BY
CITY OF SEASIDE
MAY 14 2013
COMMUNITY
DEVELOPMENT

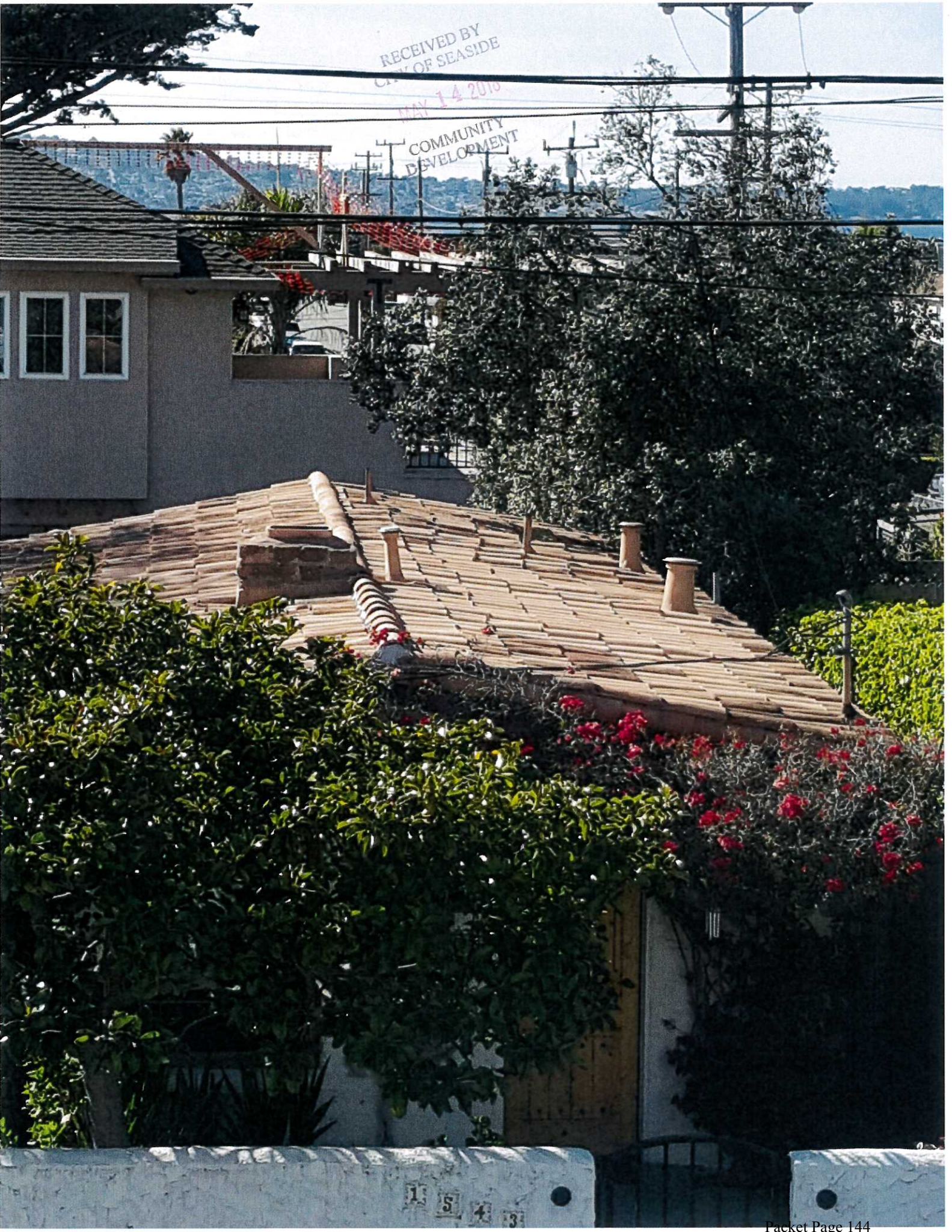


RECEIVED BY
CITY OF SEASIDE

MAY 14 2013

COMMUNITY
DEVELOPMENT





RECEIVED BY
CITY OF SEASIDE

MAY 14 2015

COMMUNITY
DEVELOPMENT

RECEIVED BY
CITY OF SEASIDE
MAY 1 1994
COMMUNITY
DEVELOPMENT



RECEIVED BY
CITY OF SEASIDE

MAY 14 2013

COMMUNITY
DEVELOPMENT



1530-1

RECEIVED
CITY OF SE

MAY 14

COMM



RECEIVED BY
CITY OF SEASIDE

MAY 14 2012

COMMUNITY
DEVELOPMENT



1530_2

RECEIVED BY
CITY OF SEASIDE

MAY 14 2018

COMMUNITY
DEVELOPMENT



RECEIVED BY
CITY OF SEASIDE

MAY 14

COMMUNITY
DEVELOPMENT





RECEIVED BY
CITY OF SEASIDE

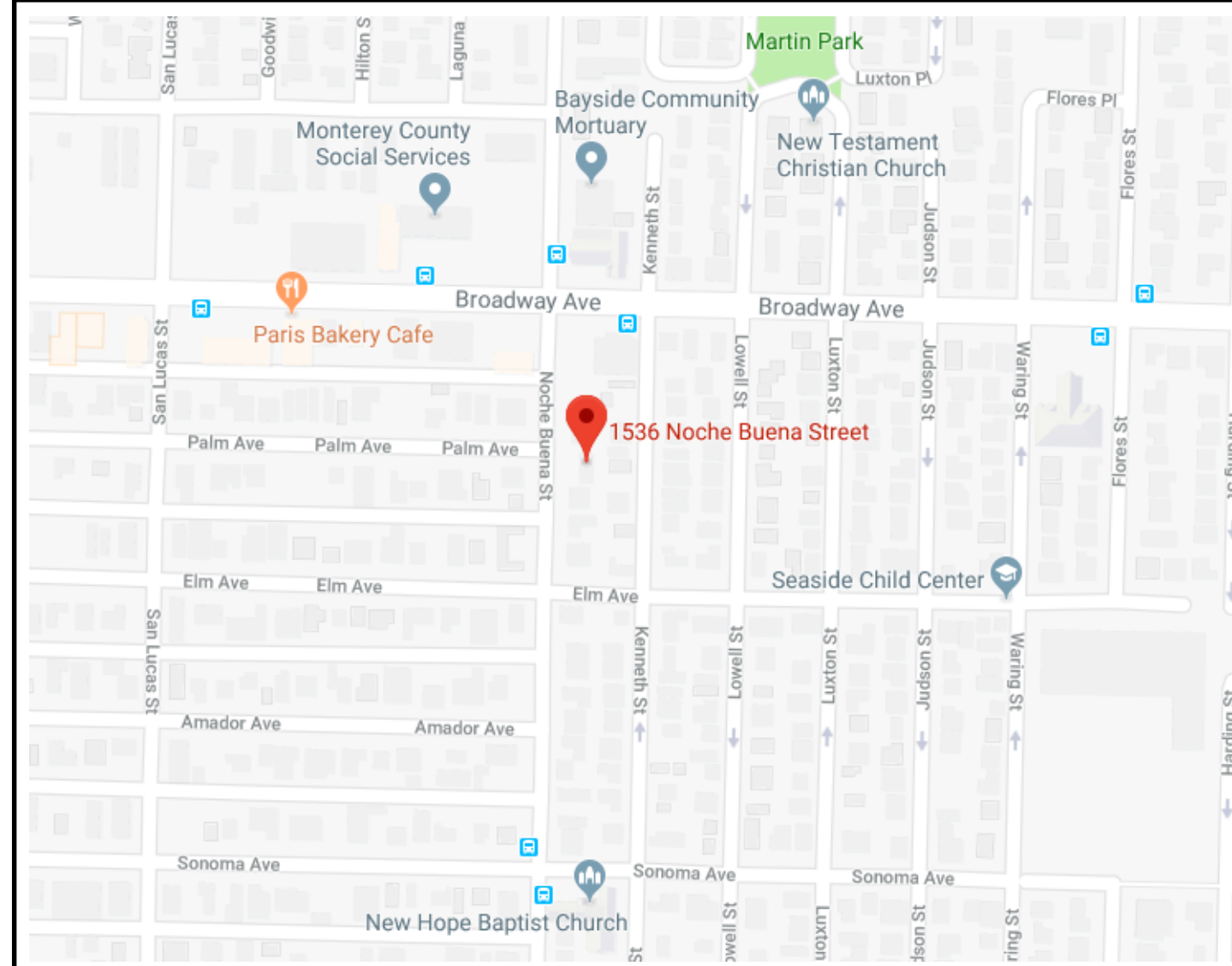
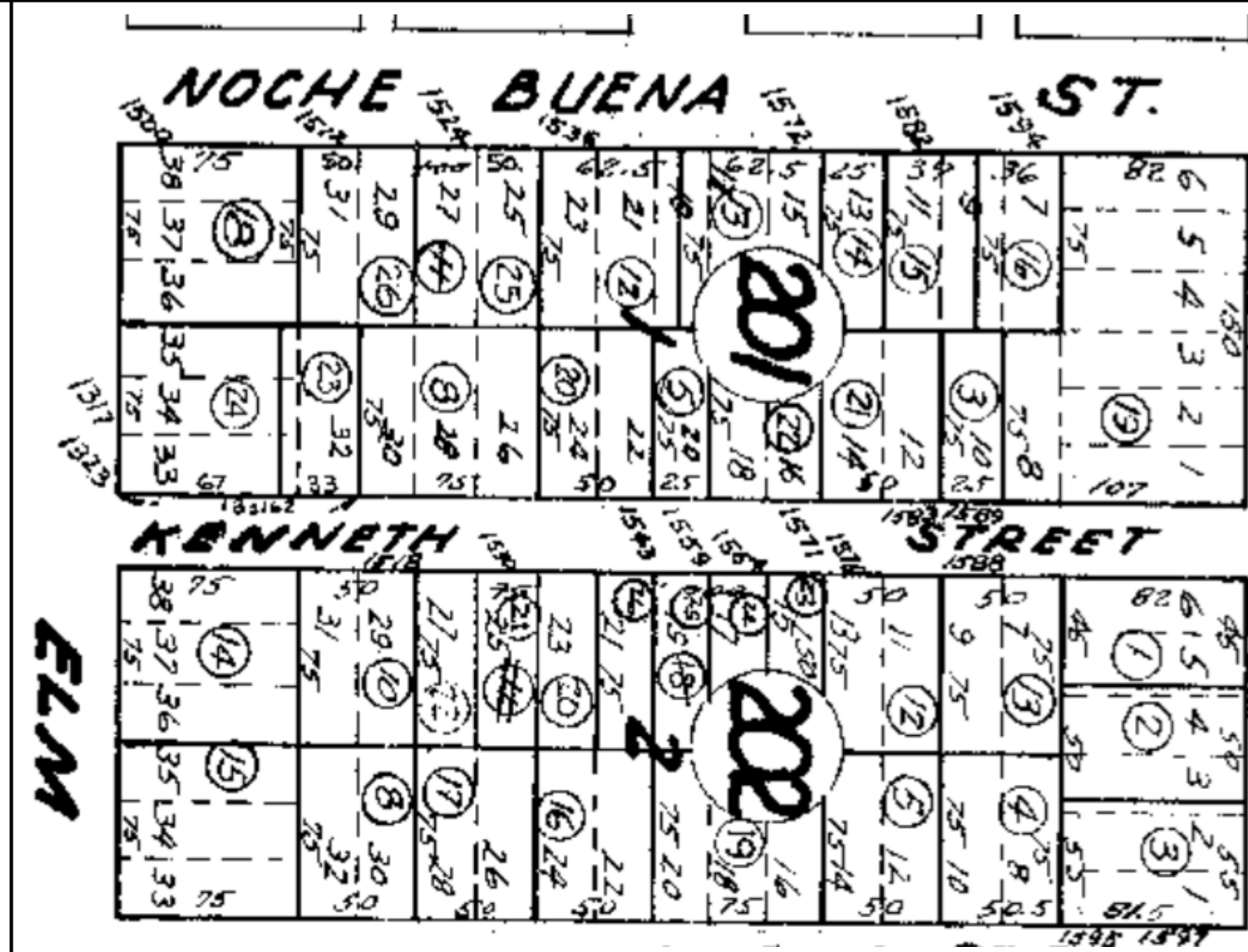
MAY 14

COMMUNITY
DEVELOPMENT

NEW ADDITION FOR MEUERS-BOYER RESIDENCE

1536 NOCHE BUENA STREET
SEASIDE, CALIFORNIA 93955

AST
DESIGN GROUP
957 ANGELUS WAY
DEL REY OAKS, CA 93940
PHONE: (831) 578-3450

VICINITY MAP		ASSESSORS MAP		SHEET INDEX		PROJECT DATA	
				A1.0 COVER SHEET, PROJECT DATA, NOTES, ASSESSORS MAP A1.1 ENTIRE SITE PLAN, NOTES A1.2 EXISTING FLOOR PLANS (LOWER & UPPER) A1.3 NEW FLOOR PLAN (UPPER), NOTES A1.4 NEW FLOOR FRAMING PLAN, NEW ROOF FRAMING PLAN A1.5 EXTERIOR ELEVATIONS, WINDOW FLASHING DETAILS A1.6 ELECTRICAL PLAN, ELECTRICAL NOTES S1.0 STRUCTURAL DETAILS S1.1 STRUCTURAL DETAILS S1.2 STRUCTURAL DETAILS S1.3 STRUCTURAL DETAILS S1.4 STRUCTURAL DETAILS S1.5 STRUCTURAL DETAILS		PROJECT ADDRESS 1536 NOCHE BUENA STREET SEASIDE, CALIFORNIA 93955 PARCEL NUMBER: 012-201-012 SEASIDE CITY ZONING: RS-12 SITE AREA: 4,687 S.F. CONSTRUCTION TYPE: V-B OCCUPANCY TYPE: R-3 STORIES: (2) STORY (EXISTING) SEWER SYSTEM: EXISTING SEASIDE SEWER SYSTEM SQUARE FOOTAGE: (E) RESIDENCE LOWER LEVEL: 981 S.F. (E) RESIDENCE UPPER LEVEL: 450 S.F. (E) GARAGE: 462 S.F. (N) SUNROOM ADDITION: 216 S.F. TOTAL: 2,109 S.F. (45% ALLOWED = 2,109 S.F.) SITE COVERAGE: (E) RESIDENCE: 981 S.F. (E) GARAGE: 462 S.F. TOTAL SITE COVERAGE: 1,443 S.F. (65% ALLOWED = 3,046 S.F.) FIRE SPRINKLER REQUIREMENT: REQUIRED FOR SUNROOM TREES TO BE REMOVED: NONE MAXIMUM HEIGHT ALLOWED: 24'-0" MAXIMUM HEIGHT GRADING: NONE	
GENERAL NOTES		FIRE DEPARTMENT NOTES		BEST MANAGEMENT PRACTICES (BMP'S)			
TYPICAL CONSTRUCTION REQUIREMENTS OF THE 2016 CRC SHALL APPLY WHERE APPLICABLE AND WHEN NOT SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS. SITE FAMILIARIZATION: CONTRACTOR IS RESPONSIBLE TO ACQUAINT HIMSELF WITH THE SITE PRIOR TO SUBMITTING A PROPOSAL. IF THE CONTRACTOR DISCOVERS ANY CONDITIONS DURING HIS SITE VISIT FAMILIARIZATION WHICH HE FEELS WILL ADVERSELY AFFECT THE WORK, OR WHICH HE FEELS HAVE NOT BEEN ADEQUATELY ADDRESSED BY THE CONSTRUCTION DOCUMENTS, HE IS TO NOTIFY THE DESIGNER IN WRITING. CONSTRUCTION DETAILS: NOT SPECIFICALLY SHOWN ON THE DRAWINGS SHALL BE CARRIED OUT BY RESPECTIVE CONTRACTORS IN ACCORDANCE WITH THE BEST COMMON PRACTICE AND/OR WITH MANUFACTURERS SPECIFICATIONS FOR INSTALLATION FOR THEIR MATERIALS OR ITEMS. DEMOLITION: COORDINATE ALL DEMOLITION REQUIREMENTS WITH THE OWNER. VERIFY WITH OWNER WHICH ITEMS, IF ANY, HE WISHES TO RETAIN FOR HIS USAGE. ALL OTHER ITEMS BECOME PROPERTY OF THE CONTRACTOR AND ARE TO BE PROPERLY REMOVED FROM THE PREMISES. UTILIZE DUST CONTROL MEASURES DURING DEMOLITION. GLAZING: ALL DOORS ARE TO HAVE TEMPERED GLAZING. ALL GLAZING IN ANY AREAS SUBJECT TO HUMAN IMPACT SHALL BE TEMPERED GLASS. GLAZING WITHIN 24" OF ANY EDGE OF DOOR OR WITHIN 18" OF THE FLOOR MUST COMPLY. MECHANICAL AND PLUMBING: IT IS THE ESSENCE OF THE CONTRACTOR THAT ALL SYSTEMS SHALL FUNCTION WELL INDIVIDUALLY AND IN COMBINATION WITH OTHER SYSTEMS. THE CONTRACTOR IS RESPONSIBLE FOR THE PLUMBING LAYOUT FOR ALL FIXTURES AND EQUIPMENT. GFI PROTECTION: ALL 125 VOLT, SINGLE PHASE 15 AND 20 AMP RECEPTACLE OUTLETS INSTALLED OUTDOORS, IN GARAGES, IN BATHROOMS AND WITHIN 6 FEET OF KITCHEN SINKS ABOVE COUNTERTOP SURFACE SHALL HAVE GROUND FAULT CIRCUIT PROTECTION. ALL KITCHEN RECEPTACLES TO BE GFCI. SMOKE DETECTORS: AN APPROVED SMOKE DETECTOR SHALL BE CENTRALLY LOCATED IN THE CORRIDOR OR AREA GIVING ACCESS TO BEDROOMS. SMOKE DETECTORS ARE REQUIRED TO BE INSTALLED IN EACH SLEEPING AND EACH STORY AND IN THE BASEMENT (WHERE APPLICABLE). REQUIRED SMOKE DETECTORS SHALL RECEIVE PRIMARY POWER FROM BUILDING WIRE. ADDITIONS OR REPAIRS WITH A VALUATION OF \$1,000 OR MORE REQUIRE THAT SMOKE DETECTORS BE INSTALLED. IN DWELLING UNITS WHERE THE CEILING HEIGHT OF A ROOM OPEN TO THE HALLWAY BY 24" OR MORE, SMOKE DETECTORS SHALL BE INSTALLED IN THE HALLWAY AND IN THE ADJACENT ROOM. DETECTORS SHALL SOUND AN ALARM IN ALL SLEEPING AREAS. (REFER TO 2013 RESIDENTIAL CODE FOR SMOKE DETECTORS). NAILING TO BE IN COMPLIANCE WITH 2016 CALIFORNIA RESIDENTIAL CODE TABLE. ALL HOT WATER FAUCETS THAT HAVE MORE THAN 10 FEET OF PIPE BETWEEN THE FAUCET AND THE HOT WATER HEATER SERVING SUCH FAUCET SHALL BE EQUIPPED WITH A HOT WATER RECIRCULATING SYSTEM. (SECTION 6 (Q), ORD. 3522). NO PERSON MAY TAP INTO ANY FIRE HYDRANT FOR ANY PURPOSE OTHER THAN FIRE SUPPRESSION OR EMERGENCY AID, WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM THE WATER PURVEYOR SUPPLYING WATER TO THE HYDRANT AND FROM THE MONTEREY COUNTY HEALTH DEPARTMENT. ALL HOSES USED IN CONNECTION WITH ANY CONSTRUCTION ACTIVITIES SHALL BE EQUIPPED WITH A SHUT-OFF NOZZLE. WHEN AN AUTOMATIC SHUT-OFF NOZZLE CAN BE PURCHASED OR OTHERWISE OBTAINED FOR THE SIZE OR TYPE OF HOSE IN USE, THE NOZZLE SHALL BE AN AUTOMATIC SHUT-OFF NOZZLE. ALL MANUFACTURERS INSTALLATION GUIDES TO BE PROVIDED TO INSPECTOR AT TIME OF FIELD INSPECTION. THE HOT WATER PLUMBING SYSTEM SHALL BE RECIRCULATING HOT WATER SYSTEM. CARBON MONOXIDE DETECTORS: AN APPROVED CARBON MONOXIDE DETECTOR SHALL BE CENTRALLY LOCATED IN THE CORRIDOR OR AREA GIVING ACCESS TO BEDROOMS. CARBON MONOXIDE DETECTORS ARE REQUIRED TO BE INSTALLED IN EACH STORY AND IN THE BASEMENT (WHERE APPLICABLE). REQUIRED CARBON MONOXIDE DETECTORS SHALL RECEIVE PRIMARY POWER FROM BUILDING WIRE. CARBON MONOXIDE DETECTORS SHALL BE INSTALLED IN THE HALLWAY. DETECTORS SHALL SOUND AND ALARM IN AREAS LOCATED NEAR SLEEPING AREAS. (REFER TO 2013 CALIFORNIA RESIDENTIAL CODE FOR CARBON MONOXIDE DETECTORS, SECTION R315).		FIRE007 - DRIVEWAYS DRIVEWAYS SHALL NOT BE LESS THAN 12 FEET WIDE UNOBSTRUCTED, WITH AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 15 FEET. THE GRADE FOR ALL DRIVEWAYS SHALL NOT EXCEED 15 PERCENT. WHERE THE GRADE EXCEEDS 8 PERCENT, A MINIMUM STRUCTURAL ROADWAY SURFACE OF 0.17 FEET OF ASPHALTIC CONCRETE ON 0.34 FEET OF AGGREGATE BASS SHALL BE REQUIRED. THE DRIVEWAY SURFACE SHALL BE CAPABLE OF SUPPORTING THE IMPOSED LOAD OF FIRE APPARATUS (22 TONS), AND BE ACCESSIBLE BY CONVENTIONAL DRIVE VEHICLES, INCLUDING SEDANS. FOR DRIVEWAYS WITH TURNS 90 DEGREES AND LESS, THE MINIMUM HORIZONTAL INSIDE RADIUS OF CURVATURE SHALL BE 28 FEET. FOR ALL DRIVEWAY TRUNS, AND ADDITIONAL SURFACE OF 4 FEET SHALL BE ADDED. ALL DRIVEWAYS EXCEEDING 150 FEET IN LENGTH, BUT LESS THAN 800 FEET IN LENGTH, SHALL PROVIDE A TURNOUT NEAR THE MIDPOINT OF THE DRIVEWAY. WHERE THE DRIVEWAY EXCEEDS 800 FEET, TURNOUTS SHALL BE PROVIDED AT NO GREATER THAN 400-FOOT INTERVALS. TURNOUTS SHALL BE A MINIMUM OF 12 FEET WIDE AND 30 FEET LONG WITH A MINIMUM OF 25-FOOT TAPRE AT BOTH ENDS. TURNAROUNDS SHALL BE REQUIRED ON DRIVEWAYS IN EXCESS OF 150 FEET OF SURFACE LENGTH AND SHALL BE LOCATED WITHIN 50 FEET OF THE PRIMARY BUILDING. THE MINIMUM TURNING RADIUS FOR A TURNAROUND SHALL BE 40 FEET FROM THE CENTER LINE OF THE DRIVEWAY. IF A HAMMERHEAD / T IS USED, THE TOP OF THE "T" SHALL BE A MINIMUM OF 60 FEET IN LENGTH. FIRE011 - ADDRESSES FOR BUILDINGS ALL BUILDINGS SHALL BE ISSUED AN ADDRESS IN ACCORDANCE WITH MONTEREY COUNTY ORDINANCE NO. 1241. EACH OCCUPANCY, EXCEPT ACCESSORY BUILDINGS, SHALL HAVE ITS OWN PERMANENTLY POSTED ADDRESS. WHEN MULTIPLE OCCUPANCIES EXIST WITHIN A SINGLE BUILDING, EACH INDIVIDUAL OCCUPANCY SHALL BE SEPARATELY IDENTIFIED BY ITS OWN ADDRESS. LETTERS, NUMBERS AND SYMBOLS FOR ADDRESSES SHALL BE MINIMUM OF 4 INCH HEIGHT, 1/2 INCH STROKE, CONTRASTING WITH THE BACKGROUND COLOR OF THE SIGN, AND SHALL BE ARABIC. THE SIGN AND NUMBERS SHALL BE PLACED AT EACH DRIVEWAY ENTRANCE AND AT EACH DRIVEWAY SPLIT. ADDRESS SIGNS SHALL BE VISIBLE AND LEGIBLE FROM BOTH DIRECTIONS OF TRAVEL ALONG THE ROAD. IN ALL CASES, THE ADDRESS SHALL BE POSTED AT THE BEGINNING OF CONSTRUCTION AND SHALL BE MAINTAINED THEREAFTER. ADDRESS SIGNS ALONG ONE-WAY ROADS SHALL BE VISIBLE FROM BOTH DIRECTIONS OF TRAVEL. WHERE MULTIPLE ADDRESSES ARE REQUIRED AT A SINGLE DRIVEWAY, THEY SHALL BE MOUNTED ON A SINGLE SIGN. WHERE A ROADWAY PROVIDES ACCESS SOLELY TO SINGLE COMMERCIAL OCCUPANCY, THE ADDRESS SIGN SHALL BE PLACED AT THE NEAREST ROAD INTERSECTION PROVIDING ACCESS TO THAT SITE. PERMANENT ADDRESS NUMBERS SHALL BE POSTED PRIOR TO REQUESTING FINAL CLEARANCE. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS (STANDARD) MANAGE COMBUSTIBLE VEGETATION FROM WITHIN A MINIMUM OF 100 FEET OF STRUCTURES, OR TO THE PROPERTY LINE, WHICHEVER IS CLOSER. TRIM TREE LIMBS TO A MINIMUM HEIGHT OF 6 FEET FROM THE GROUND. REMOVE LIMBS WITHIN 10 FEET OF CHIMNEYS. ADDITIONAL AND/OR ALTERNATE FIRE PROTECTION OR FIREBREAKS APPROVED BY THE FIRE AUTHORITY MAY BE REQUIRED TO PROVIDE REASONABLE FIRE SAFETY. ENVIRONMENTALLY SENSITIVE AREAS MAY REQUIRE ALTERNATIVE FIRE PROTECTION, TO BE DETERMINED BY REVIEWING AUTHORITY AND THE DIRECTOR OF PLANNING AND BUILDING INSPECTION. FIRE029 - ROOF CONSTRUCTION ALL NEW STRUCTURES AND ALL EXISTING STRUCTURES RECEIVING NEW ROOFING OVER 25 PERCENT OR MORE OF THE EXISTING ROOF SURFACE WITHIN A ONE-YEAR PERIOD, SHALL REQUIRE A MINIMUM OF ICBO CLASS "A" ROOF CONSTRUCTION.		EXISTING VEGETATION: PROTECT EXISTING VEGETATION AND AVOID REMOVAL AS REQUIRED AND WHEREVER POSSIBLE. INSTALL APPROPRIATE / PROTECTIVE FENCING / PERIMETER CONTROLS PRIOR TO WORK. SWEEPING: ALL IMPERVIOUS SURFACES SHALL BE SWEPT (NOT WASHED OR HOSED DOWN), AND MAINTAIN FREE OF DEBRIS AND ACCUMULATION OF DIRT. WASTE MANAGEMENT: ALL CONSTRUCTION WASTE SHALL BE CONTAINED ON SITE AND COVERED, INCLUDING TRASH, PAINT, GROUT, CONCRETE, ETC. ANY WASH OUT FACILITY SHALL BE CONTAINED, MAINTAINED, AND ITS CONTENTS DISPOSED OF PROPERLY; NO MATERIAL SHALL BE WASHED INTO THE STREET. CATCH BASIN / INLET PROTECTION: CATCH BASINS AND / OR DROP INLETS THAT RECEIVE STORM WATER MUST BE COVERED OR OTHERWISE PROTECTED FROM RECEIVING SEDIMENTS, MUD, DIRT, OR ANY DEBRIS, INCLUDING PRIOR GUTTER FILTRATION AS APPROPRIATE AND IN A MANNER NOT IMPEDING TRAFFIC SAFETY. PERIMETER CONTROL / EROSION AND SEDIMENT CONTROL: PROPERLY INSTALLED SILT FENCE OR EQUIVALENT CONTROL SHALL BE SHOWN ALONG THE SITE PERIMETER TO PREVENT MOVEMENT OF SEDIMENT AND DEBRIS OFF-SITE. NO SEDIMENT MAY LEAVE OR RUNOFF THE SITE. STOCKPILE MANAGEMENT: ALL STOCKPILES SHALL BE CONTAINED AND COVERED WHEN NOT ACTIVE, AND SECURED AT THE END OF EACH DAY. STOCKPILES SHALL BE COVERED OVERNIGHT, AND PRIOR TO, DURING AND AFTER RAIN EVENTS. NO MATERIALS SHALL LEAVE THE SITE OR MOVE INTO THE STREET. VEHICLES AND EQUIPMENT: RESPONSIBLE PARTIES MUST ENSURE ALL CONSTRUCTION VEHICLES AND EQUIPMENT ARE MAINTAINED IN GOOD WORKING ORDER, AND WILL NOT CAUSE DIRT, MUD, OIL, GREASE, OR FUEL TO BE DISCHARGED OR TRACKED OFF-SITE INTO THE STREET.			
		SCOPE OF WORK					
		1. NEW 216 S.F. SUNROOM ADDED TO THE UPPER LEVEL OF AN EXISTING 1,431 S.F. SINGLE FAMILY DWELLING WITH EXISTING ATTACHED 462 S.F. GARAGE					
		APPLICABLE CODES					
		THIS PROJECT SHALL COMPLY WITH ALL CURRENT CODES LISTED AS FOLLOWS: 2016 CALIFORNIA BUILDING CODE 2016 CALIFORNIA RESIDENTIAL CODE 2016 CALIFORNIA FIRE CODE 2016 CALIFORNIA MECHANICAL CODE 2016 CALIFORNIA PLUMBING CODE 2016 CALIFORNIA ELECTRICAL CODE 2016 TITLE 24 ENERGY COMPLIANCE					

THE USE OF THESE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT OR DESIGNER AND VISUAL CONTRACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

AARON S. TOLLEFSON, DESIGNER

NEW ADDITION
FOR:

MEUERS-BOYER
RESIDENCE

1536 NOCHE BUENA STREET
SEASIDE, CALIFORNIA
A.P.N.: 012-201-012

DRAWINGS:
PROJECT DATA
SHEET INDEX
SCOPE OF WORK
CODES
ASSESSORS MAP
VICINITY MAP
NOTES

DRAWN BY: AST
DRAWING DATE: Feb. 2, 2018
REVISION DATES:

SHEET

A1.0

NEW ADDITION
FOR:

**MEUERS-BOYER
RESIDENCE**

1536 NOCHE BUENA STREET
SEASIDE, CALIFORNIA
A.P.N.: 012-201-012

DRAWINGS:
PROJECT DATA
SHEET INDEX
SCOPE OF WORK
CODES
ASSESSORS MAP
VICINITY MAP
NOTES

DRAWN BY: AST
DRAWING DATE: Feb. 2, 2018
REVISION DATES:

THE USE OF THESE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT OR DESIGNER AND VISUAL CONTRACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

SHEET
A1.0

NEW ADDITION
FOR:

**MEUERS-BOYER
RESIDENCE**

1536 NOCHE BUENA STREET
SEASIDE, CALIFORNIA
A.P.N.: 012-201-012

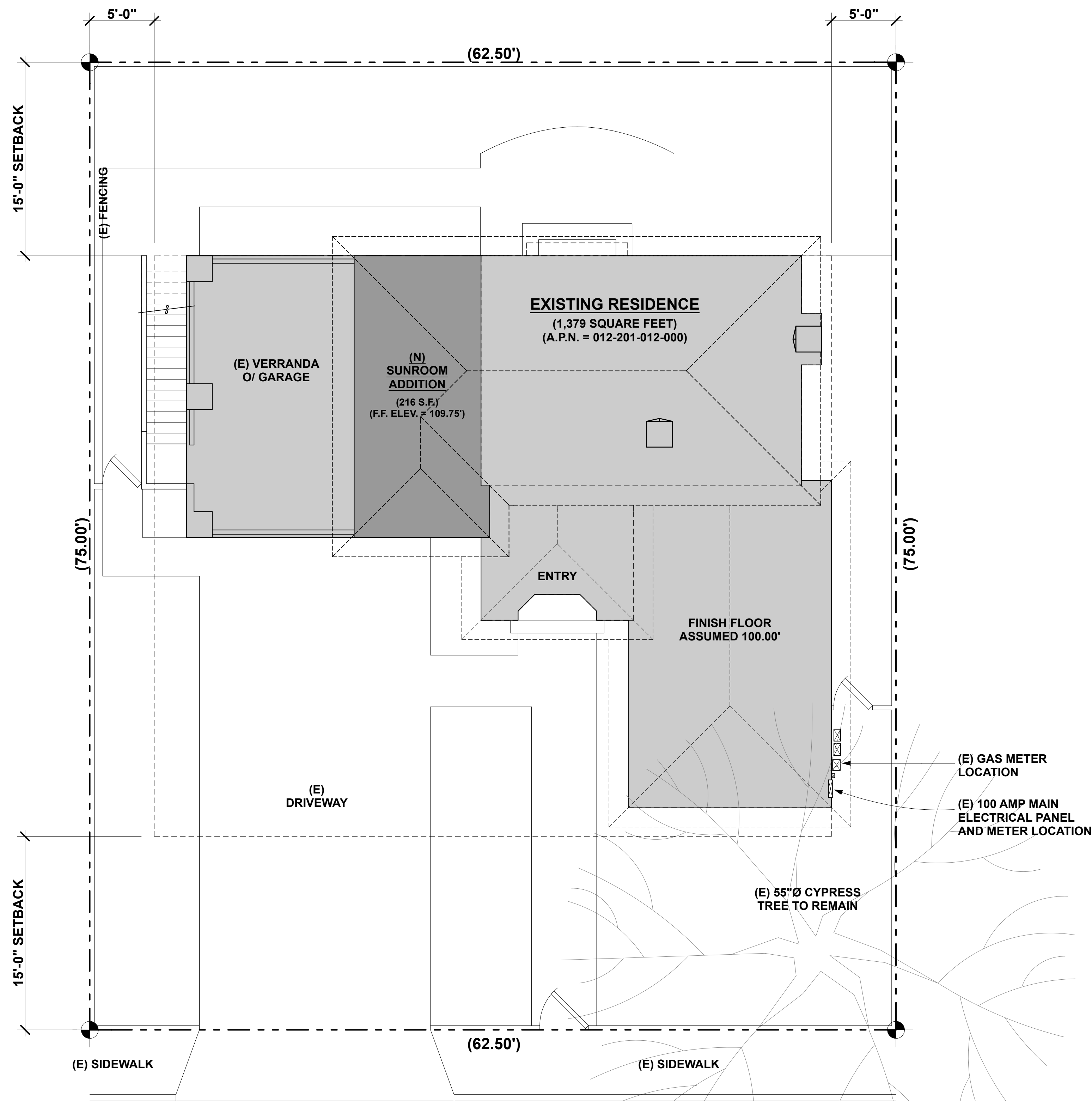
DRAWINGS:
ENTIRE SITE PLAN
NOTES

DRAWN BY: AST
DRAWING DATE: Feb. 2, 2018
REVISION DATES:

THE USE OF THESE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT OR DESIGNER AND VISUAL CONTRACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

SHEET

A1.1



NORTH

Entire Site Plan
3/16" = 1'-0"

NEW ADDITION
FOR:

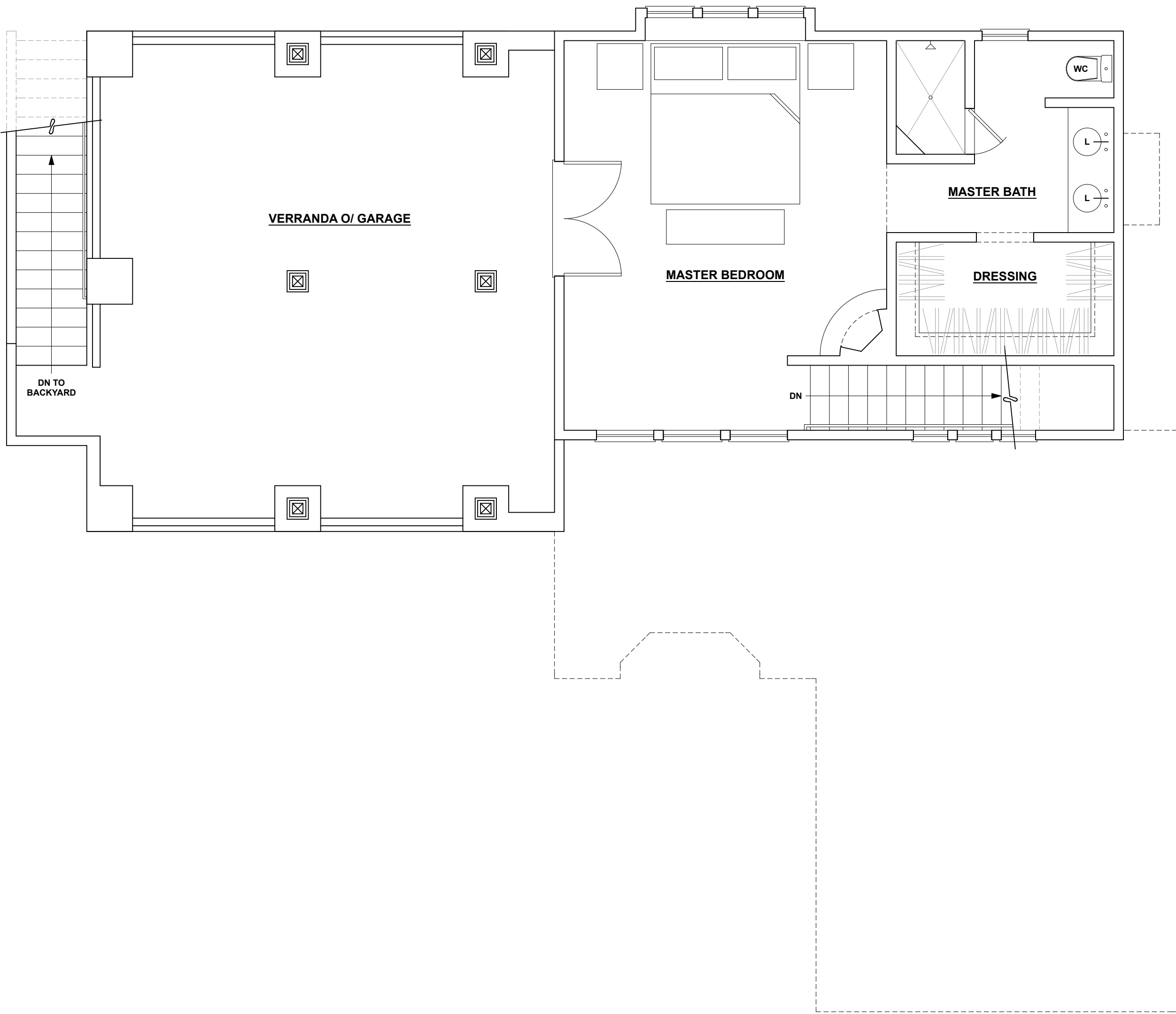
**MEUERS-BOYER
RESIDENCE**

1536 NOCHE BUENA STREET
SEASIDE, CALIFORNIA
A.P.N.: 012-201-012

DRAWINGS:
EXISTING LOWER FLOOR PLAN
EXISTING UPPER FLOOR PLAN

DRAWN BY: AST
DRAWING DATE: Feb. 2, 2018
REVISION DATES:

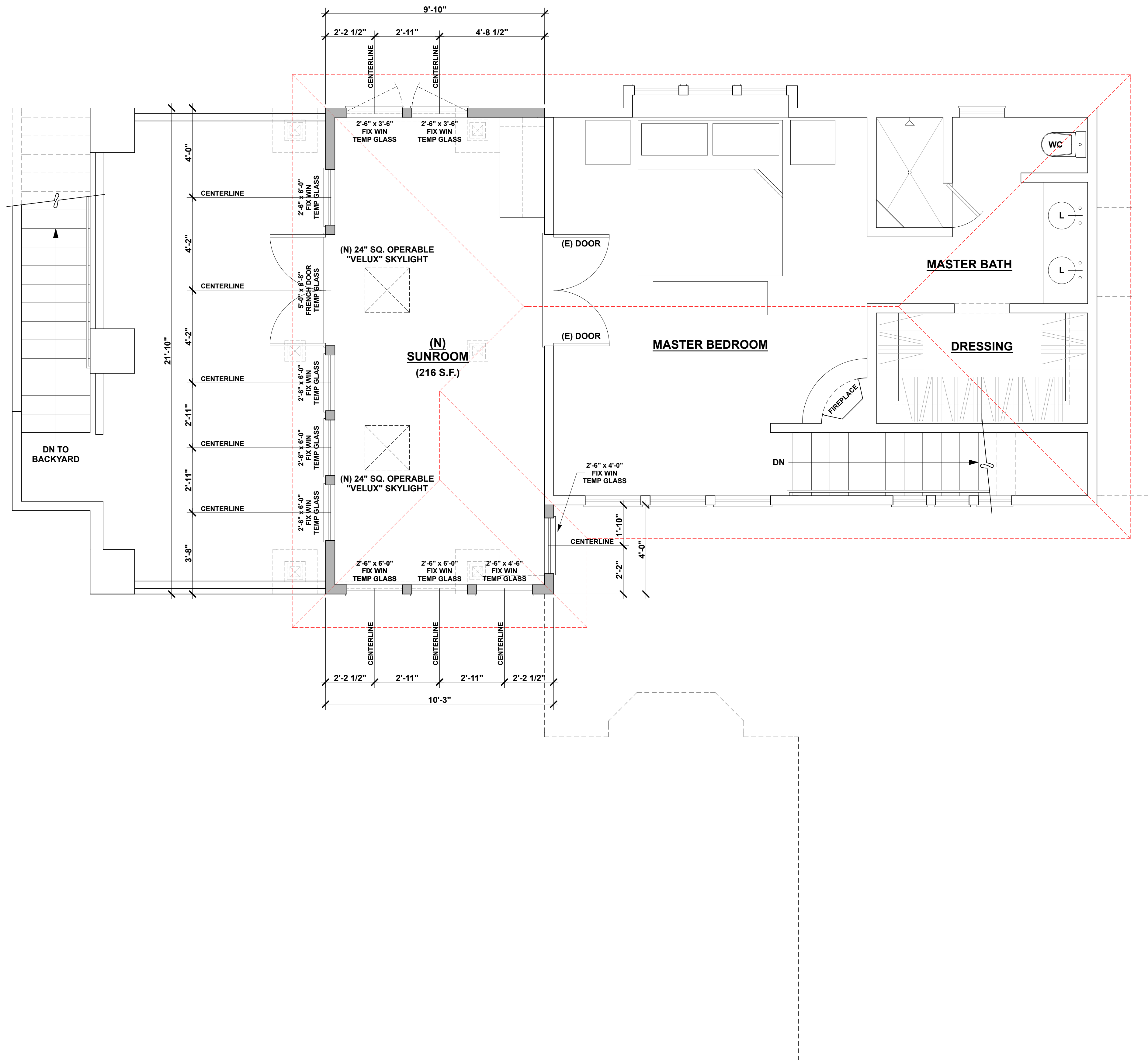
THE USE OF THESE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT OR DESIGNER AND VISUAL CONTRACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.



Existing Floor Plan (Upper Level)
1/4" = 1'-0"



Existing Floor Plan (Lower Level)
1/4" = 1'-0"



New Floor Plan (Upper Level)
3/8" = 1'-0"

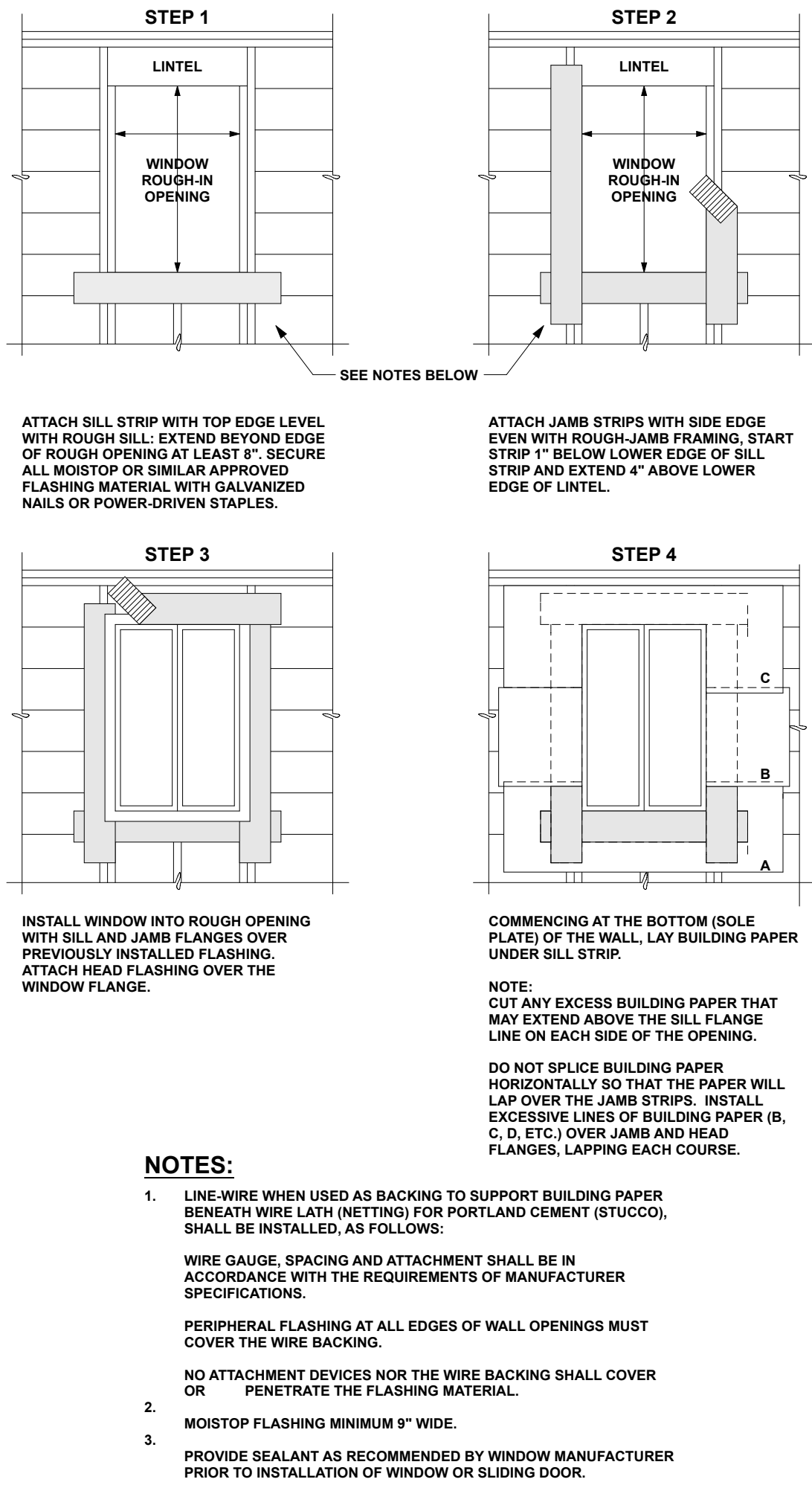
**MEUERS-BOYER
RESIDENCE**

DRAWN BY: AST
DRAWING DATE: Feb. 2, 2018
REVISION DATES:

SHEET

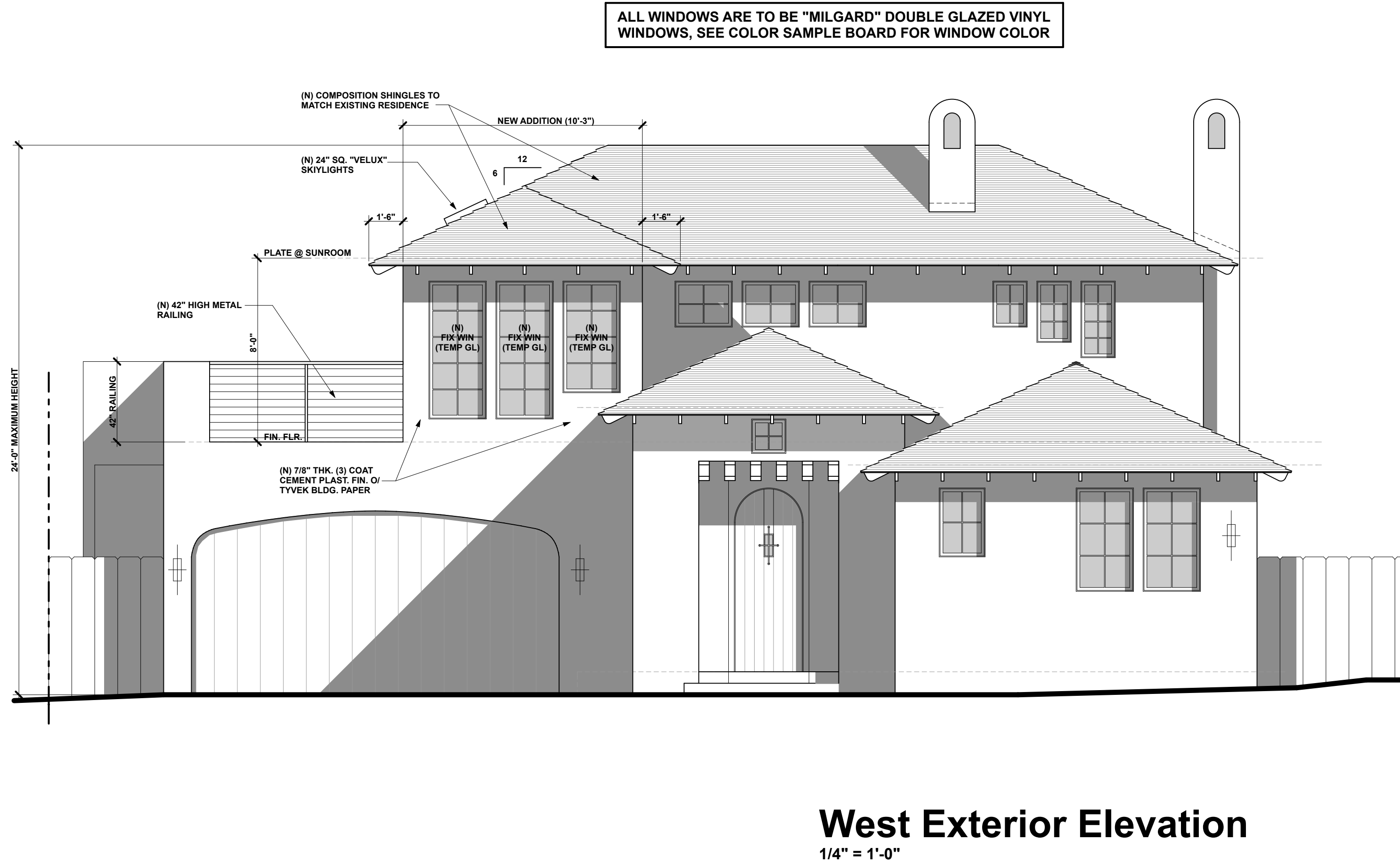
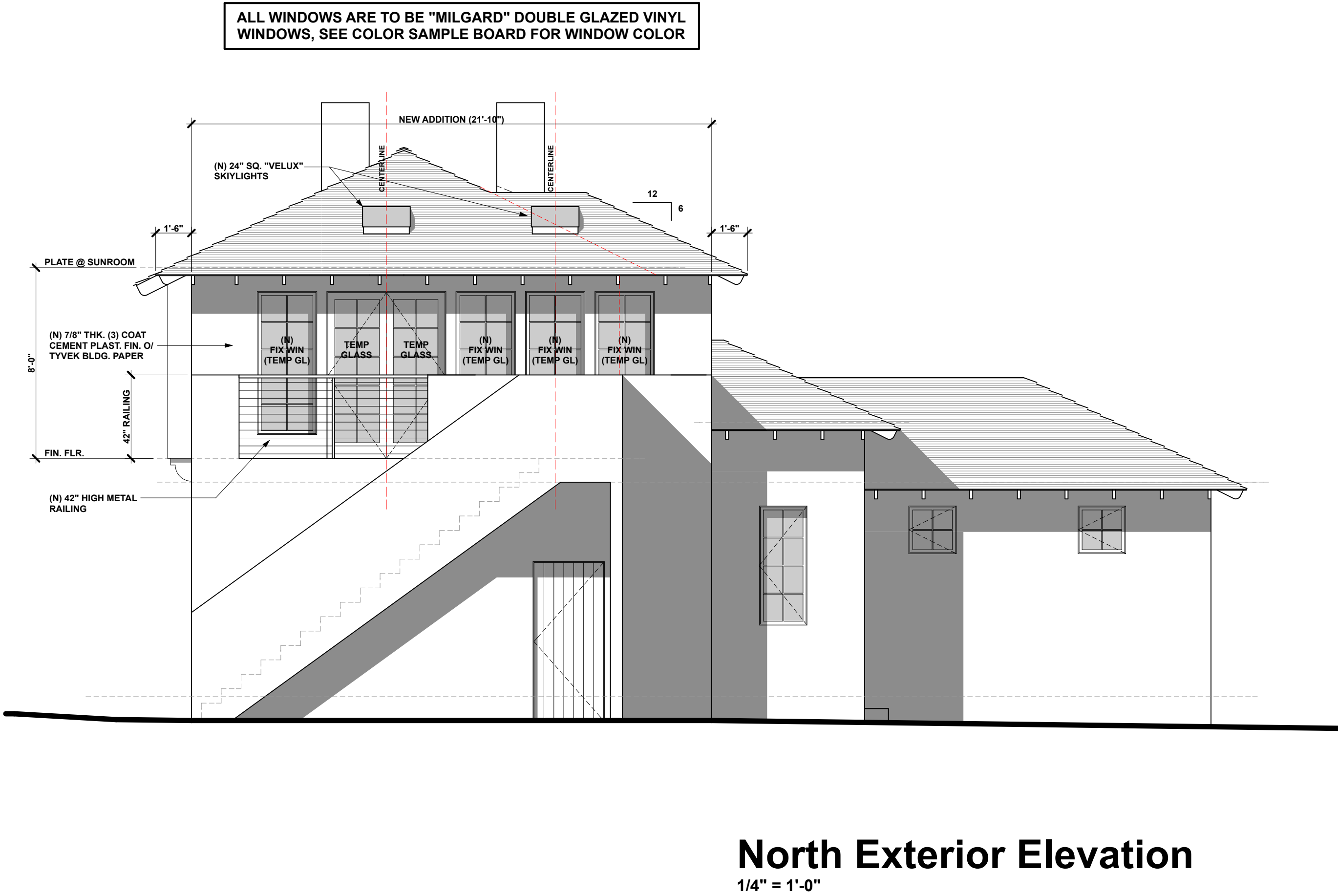
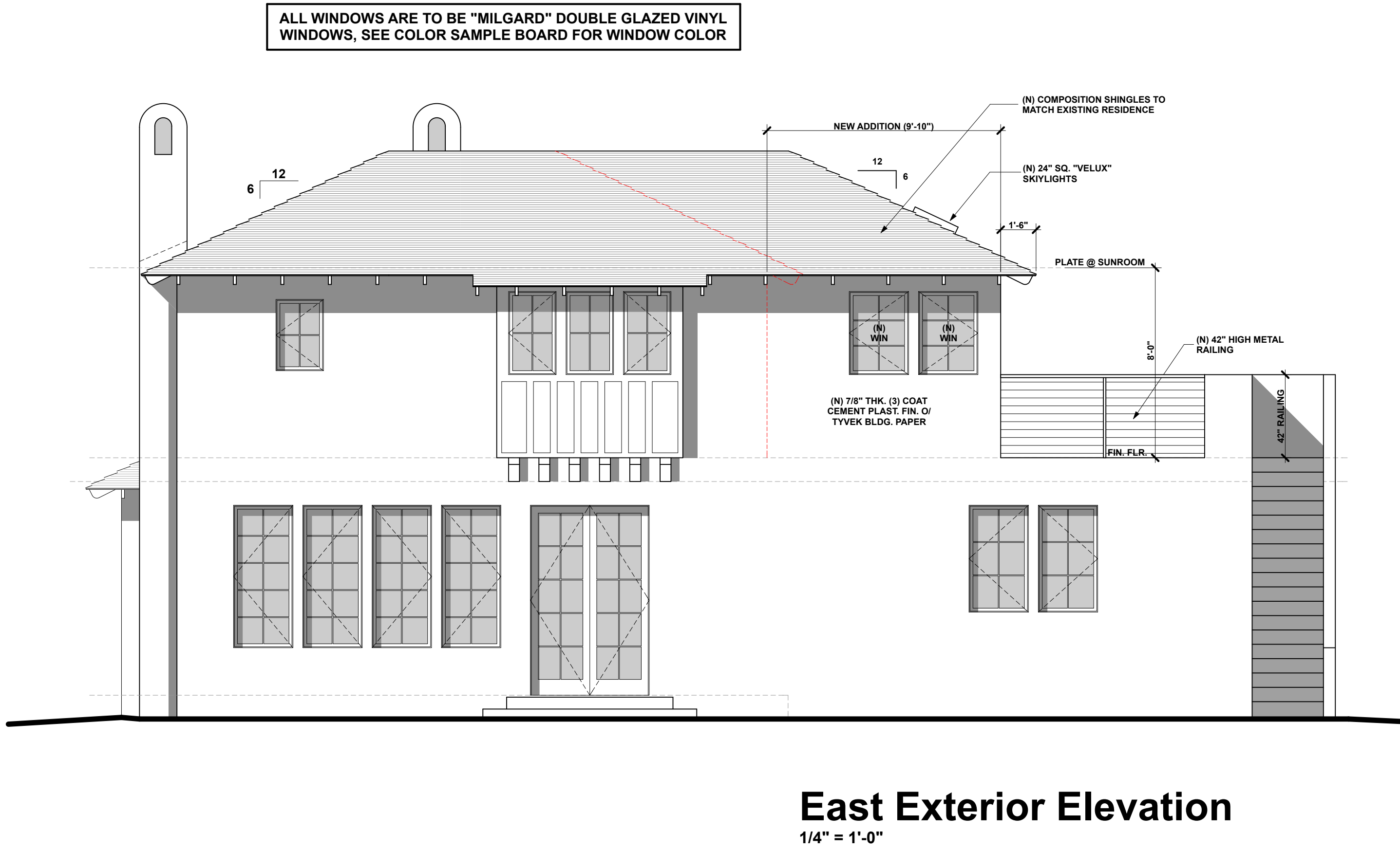
A1.4





1 Window Flashing Details

2



City of Seaside
Planning Commission
Resource management Services/Planning Division
440 Harcourt Avenue
Seaside, CA 93955

May 17, 2018

Re: Application No. BAR 18-03

Dear Sirs and/or Madams,

We are the owners of 1536 Noche Buena Street. We understand the concerns of our Kenneth Street neighbors about our addition, but we also take issue with them.

We've owned the property since 1997. We razed the original one-story structure, then built our existing home in 2010. We feel we've enhanced the neighborhood by constructing a house of visual quality. In our opinion, it is not out of scale nor of incompatible design with our surroundings.

As the plans show, there is an existing flat roof garage. It was built specifically so we could do something with the space eventually. We use, what we call the veranda, when weather permits. This is where we see our peek of the bay. An enclosed room will allow us the opportunity to enjoy the view in all kinds of weather, such as when it's rainy, windy or cool.

In many Seaside neighborhoods, newer houses have replaced old structures. With some, ocean views behind them were probably compromised. Yet, obviously, the builders weren't denied permits. Actually, Robert Larsen, city planner, has told me, during his tenure, no building permit has been approved or denied based on view shed alone. He also stated that there were no Kenneth Street objections to the view shed changes that occurred when our current 2- story house was constructed.

It is not reasonably then, that the Kenneth Street home owners have an expectation that their existing view would never change. The Seaside general plan has goals to "protect views" if possible, not preserve them. We've tried to protect their views.

Their personal opinion on their view shed should not override our plans. The city planning department said our addition should be approved and so did the Architecture Review Board. Ironically, the Kenneth Street houses, built in 1995, substantially block views from Lowell Street, directly behind them. So much so, there is a letter of record from 1537 Lowell Street stating that fact. Their view was, we quote, "greatly reduced" by the Kenneth Street houses. They say their 'peek' view will be lost if we build our addition, but also that our trellis "partially obstructs" their view. That trellis will be gone, so we hope 1537 Lowell Street will still have a peek view. The Kenneth Street houses were built even though Lowell

Street lost views. Why should our addition be singled out, denied, when their houses were approved?

Our garage roof is 23 feet wide. The 17 feet wide, 8 and a half feet tall trellis, as said before, will come down. The addition will be about 10 feet wide. In reality, one can see from their own photographs that there still will be views from Kenneth Street when our addition is built (see accompanying photos). Under city site coverage/square footage guidelines, we're entitled to build a larger room that would encompass the entire garage roof. But that definitely would take away Kenneth Street views, which we don't want to do. Because of that, we've already compromised our design from what it could be. As an aside, if our backyard neighbors trimmed the olive trees that one can see in the Kenneth Street photos, they'd gain about as much view that our addition would block.

Property value is always a concern of owners. However, a house's selling price is determined by multiple factors, a view being only one. There's many houses in Seaside. Some have views and others that don't; some will sell for the asking price others won't. It is pure speculation on how much impact our addition will have on their resale value in the future. When we checked realty web sites about the house at 1560 Kenneth, next door to 1540, we saw that it is pending, at its asking price.

Our architect designed the addition to be compatible with the existing house and roof line. This what the city wants in newer construction. We also wanted to protect our neighbors' views as much as feasibly possible, by limiting the addition to 10 feet and tearing down the existing trellis. Our addition is minimal, not oversized in any respect. Our neighbors have not come forward with any alternative or compromise that might satisfy them.

In closing, we feel our neighbors should not have veto power over what we can do with own property. We think the facts show we're compliant with all guidelines, codes and regulations set forth by the City. Their existing view shed will be altered, but they will still have a view of the bay. Skylines change in an evolving city.

We believe the Planning Commission should allow our project to proceed as designed.

Thank you.

The block contains two handwritten signatures in black ink. The signature on the left is 'Lizette Boyer' and the signature on the right is 'Gregory Meuers'. Both are written in a cursive, flowing style.

Lizette Boyer and Gregory Meuers
1536 Noche Buena Street
Seaside, CA 93955

PHOTO FROM 1530 KENNETH



PHOTO FROM
1540 KENNETH STREET





**CITY OF SEASIDE
STAFF REPORT**

Item No.: 10.A.

TO: Planning Commission

BY:

DATE: May 23, 2018

**SUBJECT: ACCEPT AN INFORMATIONAL HANDOUT FROM STAFF
REGARDING AN INTRODUCTION TO FORM BASED ZONING
CODE. THIS IS INITIAL DOCUMENT IS JUST A GENERAL
INTRODUCTION TO THE TOPIC, AND NOT SPECIFIC TO
SEASIDE AT THIS TIME.**

PURPOSE & RECOMMENDATION

To share information with the Planning Commissioners regarding an introduction to the concept of form based code.

BACKGROUND

ATTACHMENTS

1. INTRO FORM BASED CODE
-

[WHAT ARE FORM-BASED CODES?](#)[PROFESSIONAL RESOURCES](#)[CONTACT](#)[HOME](#)[RESOURCES](#)[COURSES & WEBINARS](#)[NEWS](#)[ABOUT](#)[DONATE](#)[DRIEHAUS AWARD](#)[enter search terms](#)[search](#)

Form-Based Codes Defined

Form-Based Code

/fôrm-bāsed kōd/

noun

1. A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.

Visualizing Better Rules

01:29



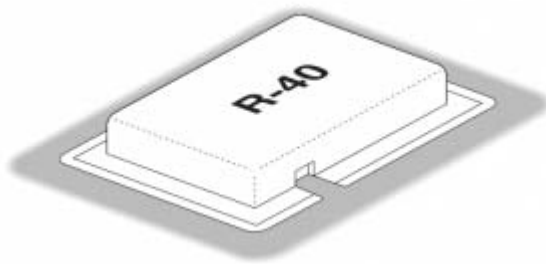
Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and

clearly drawn diagrams and other visuals. They are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.

This approach contrasts with conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., FAR, dwellings per acre, setbacks, parking ratios, traffic LOS), to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory. They are drafted to implement a community plan. They try to achieve a community vision based on time-tested form: of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes depends on the quality and objectives of the community plan that a code implements.

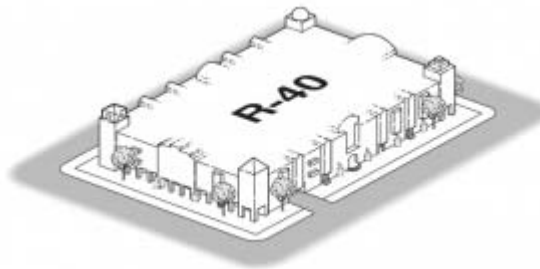
Conventional Zoning

Density use, FAR (floor area ratio), setbacks, parking requirements, maximum building heights specified



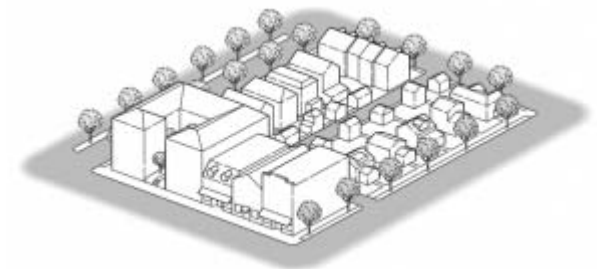
Zoning Design Guidelines

Conventional zoning requirements, plus frequency of openings and surface articulation specified



Form-Based Codes

Street and building types (or mix of types), build-to lines, number of floors, and percentage of built site frontage specified.



Five Main Elements of Form-Based Codes

1. Regulating Plan

2. Public Standards

3. Building Standards

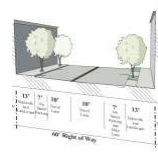
4. Administration

5. Definitions

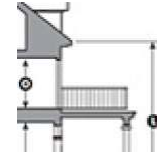
A plan or map of the regulated area designating the locations where different building form standards apply.



Specifies elements in the public realm: sidewalk, travel lanes, on-street parking, street trees and furniture, etc.



Regulations controlling the features, configurations, and functions of buildings that define and shape the public realm.



A clearly defined and streamlined application and project review process.



A glossary to ensure the precise use of technical terms.

Building Elements	
Encroachments	
Front, Areas II, III, IV	To ROW
Front, Areas V, VI	10' beyond
Front, recessed	3'
Side	3'
Notes	
Bay windows, balconies, stoops and the encroachment areas.	

Additional Optional Elements



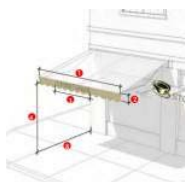
Architectural Standards

Regulations controlling external architectural materials and quality.



Landscaping Standards

Regulations controlling landscape design and plant materials on private property as they impact public spaces.



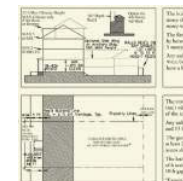
Signage Standards

Regulations controlling allowable signage sizes, materials, illumination, and placement.



Environment Resource Standards

Regulations controlling issues such as storm water drainage and infiltration, development on slopes, tree protection, solar access, etc.



Annotation

Text illustrations explaining the intentions of specific code provisions.

Examples

FBCI gathers examples of well-designed form-based codes from communities across the U.S. and abroad to aid research and plan making. Selections such as the [Regulating Plan of Peoria](#), and the [Building Envelope Standards of Pleasant Hill Bart Station](#) offer a glimpse of best practices in the design and implementation of form-based codes.

Please also browse the [Library of Codes](#) and the [Driehaus Award](#) page for further examples. Or watch Bill Spikowski’s video presentation “Creating Urban Form” for an in-depth look at history and practice of form-based coding.

1:22:57



CONTACT FBCI

Marta Goldsmith, Executive Director

202-644-8224

info@formbasedcodes.org

Form-Based Codes Institute at Smart Growth America

1152 15th Street NW Ste. 450

Washington, DC 20005

LATEST NEWS



Form-Based Codes at CNU26

If you are going to CNU26 in Savannah, GA later this month, you



City of Covington Seeks Neighborhood Development Code

RESOURCES

- Library of Codes
- Articles
- Books
- Sample RFQ
- Organizations

COURSES & WEBINARS

- FBC101
- FBC101 Online
- FBC201
- FBC301
- Webinars

STAY CONNECTED

Enter your email address below to receive updates each time we publish new content.



City of Detroit Seeks Zoning Ordinance Update

The City of Detroit, Michigan, City