



A G E N D A
CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
Oldemeyer Center
986 Hilby Avenue
Thursday, February 21, 2019
7:00 PM

1. CALL TO ORDER

2. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby	Mayor
David R. Pacheco	Mayor Pro Tem
Jason Campbell	Council Member
Jon Wizard	Council Member
Alissa Kispersky	Council Member

3. INVOCATION AND PLEDGE OF ALLEGIANCE

4. REVIEW OF AGENDA

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

5. PUBLIC COMMENT

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

6. PUBLIC AGENCY COMMUNICATIONS

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

7. PRESENTATIONS

A. PROCLAMATION DECLARING MARCH AS AMERICAN RED CROSS MONTH

B. PROCLAMATION DECLARING FEBRUARY 2018 AS BLACK HISTORY MONTH IN THE CITY OF SEASIDE

C. PRESENTATION OF THE FEBRUARY 2019 HOUSE OF THE MONTH

D. WEST BROADWAY REHABILITATION PROJECT EARNS AMERICAN PUBLIC

**WORKS ASSOCIATION 2019 PUBLIC WORKS PROJECT OF THE YEAR
AWARD AND TRANSPORTATION AGENCY OF MONTEREY COUNTY 2018
TRANSPORTATION EXCELLENCE AWARD**

8. CONSENT AGENDA

A. APPROVE MINUTES FROM FEBRUARY 7, 2019

B. APPROVE AND FILE CITY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of January 26, 2019 through February 11, 2019 including the payroll and benefits checks, direct deposits and wired payments related to the pay period of January 31, 2019. Total Accounts Payable and Payroll for the above referenced period is \$1,460,340.36.

**C. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM
SEASIDE HIGH SCHOOL CHEERLEADING TEAM**

RECOMMENDATION: Approve a Three Thousand Dollars (\$3,000.00) Mayor's Youth Fund request from the Seaside High School Cheerleading Team to help cover the cost for team uniforms and transportation to and from games and events.

**D. APPROVE CO-SPONSORSHIP AND WAIVE ALL FEES RELATED TO THE
2019 SUSTAINABLE SEASIDE 8TH ANNUAL SEASIDE EARTH DAY
CELEBRATION AT SEASIDE CITY HALL LAWN ON APRIL, 28 2019**

RECOMMENDATION: Approve Sustainable Seaside's request for co-sponsorship and to waive Two Thousand Six Hundred Fifteen Dollars (\$2,697.00) in fees for the Seaside Sustainable 8th Annual Seaside Earth Day Celebration at City Hall Lawn on April 28, 2019.

**E. APPROVE ANNUAL REPORTING TO THE CALIFORNIA DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT (HCD) AND THE OFFICE OF
PLANNING AND RESEARCH (OPR)**

RECOMMENDATION: Approve the annual reports to HCD and their Office of Planning and Research using the standards, forms and definitions adopted by HCD in accordance with California SB-35.

**F. ADOPT A RESOLUTION APPROVING A CONTRACT WITH RINCON
CONSULTANTS, INC. TO COMPLETE CEQA REVIEW OF THE FIFTH CYCLE
AND FOUR YEAR HOUSING ELEMENT UPDATES IN THE AMOUNT OF
\$39,589 WITH A 10% CONTINGENCY AND AUTHORIZE THE CITY
FINANCE DIRECTOR TO MAKE THE APPROPRIATE BUDGET
ADJUSTMENTS.**

RECOMMENDATION: Adopt a resolution approving a contract with Rincon Consultants, Inc. to complete CEQA review of the Fifth Cycle and Four Year Housing Element Updates in the amount of \$39,589 with a 10% contingency and authorize the City Finance Director to make the appropriate budget adjustments.

G. AUTHORIZE THE RELEASE OF A REQUEST FOR STATEMENTS OF QUALIFICATIONS FOR THE FACILITATION OF EXECUTIVE EVALUATION SERVICES

RECOMMENDATION: Authorize the release of a Request for Statements of Qualifications (RFQ) for the facilitation of the City Manager and / or City Attorney's performance evaluations.

H. AUTHORIZE EXPENDITURES FOR CITY COUNCIL MEMBERS TO ATTEND THE MONTEREY CHAMBER OF COMMERCE ANNUAL AWARDS DINNER

RECOMMENDATION: Authorize the expenditure for the registration for Council Members to attend the event representing the City of Seaside.

9. BUSINESS ITEMS

A. PROVIDE DIRECTION ON SHORT-TERM RENTAL ENFORCEMENT

RECOMMENDATION: Direct the City Attorney to initiate enforcement of suspected short-term rentals operating without a license, and authorize the City Attorney to establish payment plans for any past-due short-term rental transient occupancy taxes.

B. RECEIVE UPDATE AND DISCUSS POTENTIAL HEAP GRANT APPLICATIONS INCLUDING POTENTIAL HOMELESS SHELTER LOCATION(S)

RECOMMENDATION: Discuss and provide direction to staff regarding potential HEAP grant application and / or other actions related to homeless citizens and visitors.

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

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

11. ADJOURNMENT

Next Regularly Scheduled Meeting:

March 7, 2019
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, 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 PROCLAMATION



American Red Cross Month March 2019

WHEREAS, every year, the American Red Cross responds to an average of more than 62,000 disasters across the country, from small home fires to devastating massive disasters. Last year's large crises included mudslides in California, a volcano in Hawaii, wildfires in Colorado and California, destructive hurricanes in Florida and the Carolinas, and a devastating typhoon in U.S. territories. Thousands of American Red Cross volunteers provided around-the-clock shelter for disaster victims, served millions of meals and snacks with partners, and distributed millions of relief items; and

WHEREAS, in Seaside, the Red Cross has a long history of helping our neighbors in need. The Central Coast chapter assisted with 66 local disasters in the past year alone and helped save lives through our Home Fire Campaign. Since the campaign launched in October 2014, the Central Coast chapter has worked with community partners to install 1,795 smoke alarms and make 582 households safer. Meanwhile, in our area last year, the Red Cross handled 141 emergency military calls and collected 6,357 units of blood from our generous blood donors; and

WHEREAS, March is Red Cross Month, a special time to recognize and thank the Red Cross volunteers and donors who give their time and resources to help members of the community. The Red Cross depends on these local heroes to deliver help and hope during a disaster. We applaud our heroes here in Seaside who give themselves to assist their neighbors when they need a helping hand; and

WHEREAS, The American Red Cross shelters, feeds and provides emotional support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on volunteers and the generosity of the public to perform its mission.

NOW THEREFORE, BE IT PROCLAIMED that I, The Honorable Ian N. Oglesby, Mayor of the City of Seaside, on behalf of the City Council, do hereby proclaim the March 2019 as "**American Red Cross Month**" in the City of Seaside and encourage all Americans to support this organization and its noble humanitarian mission.

Ian N. Oglesby, Mayor
February 21, 2019

City of Seaside PROCLAMATION



Black History Month February 2019

WHEREAS, during Black History Month, we celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual and political development; and

WHEREAS, the City of Seaside embraces its diversity and acknowledges the invaluable contributions of its African American residents and visitors as we celebrate Black History Month; and

WHEREAS, the City of Seaside was incorporated on October 13, 1954 and, less than a month later, on November 12, 1954, Richard Joyce and Jack Simon formed the first African American political caucus named the Civic Voters League, and later Ewaller James and Morris McDaniel and others formed the Citizens League for Progress; and

WHEREAS, civic minded individuals served in city government in many different roles including as Mayor: Oscar Lawson, Stephen Ross, Lance McClair, Don Jordan, Jerry Smith our Current Mayor Ian Oglesby; as Councilmen: Monroe Jones, Oscar Lawson, Theron Polite, Ian Oglesby, Mel Mason, Darryl Choate and Jon Wizard; and Councilwomen: Pearl Carey, Ira Lively (after becoming the first female Seaside police officer), Helen Rucker and Kayla Jones; as City Managers: Stanley Hall, Charles McNeely, and Tim Brown; and numerous members of our Boards, Commissions and Committees through the years including a member of the Seaside Art Commission for 30 years, Walter Lee Avery for whom the City of Seaside Art Gallery is named; and

WHEREAS, Seaside, as a model of racial and ethnic accord within community with a reputation for championing civil and human rights, was visited by national civil rights leaders including Dr. Martin Luther King, Jr. as well as by Rosa Parks; and

WHEREAS, eighty-six years ago, the NAACP was established locally and over the years has advocated for the civil and human rights of the larger Peninsula community; and

WHEREAS, Seaside educator Dr. Charlie Mae Knight, who later became the first African American female California State Associate Superintendent of Instruction, spearheaded the 1966 to 1969 recruitment to the Monterey Peninsula Union School District of more than 70 African-American teachers and administrators including Henry Hutchins, Helen Rucker, Dr. Bettye Lusk, and Billie De Berry; along with the on-going

contributions of many educators including, but not limited to teachers Lucille Standifer, Willie McCain, Mattye Effie McNeal, Myrtle Duffel, and Dr. Marie Sweet; Principals Mae Johnson, Dr. Gwendolyn and Ty Laster; and the first African American MPUSD Superintendent, Billie De Berry. Those elected as MPUSD Board Trustees included Sam Brown, Helen Rucker, Dr. Bettye Lusk, and Ira Lively, the first African American female elected to the board in 1979 and who was also an adjunct professor at Monterey Peninsula College; and

WHEREAS, *Seasiders also have contributed to the field of sports by becoming professional athletes including but not limited to NFL Philadelphia Eagles footballers Ron Johnson, Anthony Toney, and M. L. Carter, as was Herman Edwards (played with the Eagles from 1977 to 1985) who then went on to become Head Coach for the Kansas City Chiefs, coach of the New York Jets, an ESPN analyst, and the newly named Head Coach for Arizona State University; and*

WHEREAS, *the National Pan Hellenic Council of Seaside, a coalition of African American sororities and fraternities, continues to organize events and provides scholarship money for youth throughout the Peninsula, and, beginning 1986, Delta Sigma Theta Sorority, Inc. under the leadership of Bobbie McDaniel, partnered with the City of Seaside to establish the 1st Dr. Martin Luther King, Jr. (annual) city-wide celebration, and which for the past 13 years has been supported by the NPHC Council with the coordination of Alice Jordan; and*

WHEREAS, *the Kiwanis Club of Seaside, formed in 1959, changed the face of Kiwanis by becoming the first predominately African American group, with Alice Jordan later serving as the first female African American Lt. Governor of Division 43 (the California, Nevada and Hawaii District); and*

WHEREAS, *after the founding of the Fort Ord Reuse Authority (FORA) in 1994, a group of community minded visionaries including Michael Houlemard, Executive Officer, Don Jordan, and Lance McClair, advocated for the creation of what is now California State University at Monterey Bay;*

NOW THEREFORE, BE IT PROCLAIMED, *that I, The Honorable Ian N. Oglesby, Mayor of the City of Seaside, on behalf of the City Council, do hereby proclaim February 2019 as Black History Month in the City of Seaside and recognize all the residents, including ones who are not listed here, that have made an impact in the community and who work and serve to make Seaside an inclusive, supportive community for all, known for its historic legacy and on-going contributions to our overall quality of life.*

*Ian N. Oglesby, Mayor
February 21, 2019*



DRAFT MINUTES

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
COUNCIL CHAMBER
Thursday, February 7, 2019
7:00 PM

1. CALL TO ORDER

Mayor Oglesby called the meeting to order at 7:05 PM.

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Campbell, Pacheco, Kispersky, Wizard, Oglesby

ABSENT: None

3. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Kaspersky led the Pledge of Allegiance and there was a moment of silence observed for the invocation.

4. REVIEW OF AGENDA

No changes were requested.

5. PUBLIC COMMENT

Mayor Oglesby invited comments from the public.

- Dennis Volk requested that the City Council consider adding to a City Council agenda to discuss issues with the Short Term Rental (STR) ordinance specifically citing issues with the longer than expected implementation process and the start date for collection of the Transient Occupancy Tax, as it relates to the application process.
- Mel Mason spoke to his disappointment about the appointment process and ultimate decision, citing he believes Regina Mason should have been selected and that we should review the process if this happens in the future.
- Ruthie Watts invited the Council to the NAACP Black History Event that will be hosted in City Hall at 3 PM on February 17th.
- Betty Lusk spoke in support of the great Police response to keep our children safe over the last two days. She invited the Council and the public to the 2019 free Health Fair Conference the first Saturday in March co-sponsored by the City of Seaside and the Monterey Chapter of the Delta Sigma sorority chapter.
- Ann Marie Pagan spoke to the STR tax dollars that are supposed to be allocated for affordable housing and neighborhood improvements, two vital components that the City needs, and discouraged changing the regulations. She also questioned the status of the financial audit.
- Kate Mulligan spoke about the STR permitting process expressing frustration about the lack of information, rumors and veiled threats if there is no compliance. She plans on checking the legality of the claim in small claims court.
- A resident expressed the same issue of the STRs citing a letter he received as vague or confusing.
- Martha Henry spoke to being diligently involved in the process, including contacting City Hall on numerous occasions. She indicated at no time was she told to collect

the taxes and requested consideration of adjusting the date of collection due to the extended implementation period.

- Liu Yuen thanked the City for all the assistance of jointly developing regulations for the STR ordinance but expressed that tax should not be collected until after the license was acquired. She spoke in support of Air B&B collecting taxes.
- Cookie Sienadro spoke to her participation in the STR public hearings and thanked the Council for the ability to have STR Regulations. She did say the implementation was confusing and was unclear when the TOT collection was to begin and cited the challenges to collect the TOT after the guest has stayed and encouraged the agreement with Air B&B to assist with those that are new to this.
- A resident spoke to the lack of information she received proactively, or when she called.
- Helen Rucker reminded the Council and the public of past meetings with discussions of possible homeless shelters located in Seaside. She announced there will be a meeting at the Oldemeyer Center on Wednesday at 6:00 PM sponsored by Council Members Pacheco and Wizard to be a community listening session. She encouraged anyone with questions or concerns or positions to come to the meeting and share their perspective.
- Bobby Maxwell, President of the Seaside Police Activities League encouraged people to attend the youth basketball games on Saturdays at Seaside High and also he spoke as chair of the Parks and Recreation Commission inviting the public to a meeting Monday at 5:30 PM to give their input regarding the future of Ellis Park.
- Peter Keiser spoke to his respect for an invocation at the start of the meeting and prayed for the meeting. He also suggested that we modify the waste management agreement to allow the waste collector drivers be allowed to add cards on the carts as Christmas greetings.
- Jim Orosco from Greenwaste said that the agreement says that they are not to solicit or accept demands directly to the customers. The way the franchise agreement was written he informed them they could put out Christmas cards, but with no request for funds.
- An STR operator spoke in support of previous comments about the TOT, and expressed concern about the language for a business license that there would also be a 3% tax on gross sales and does not think that was communicated until after the fact. She hoped the discussion would be placed on the agenda at a future meeting.
- Regina Mason expressed frustration regarding the appointment process, that she should have been selected due to her 30 years of social service and the lives she has changed.
- Susan Selex spoke to being Regina Mason's campaign manager and friend and wanted to make the Council aware of a conversation with a council member believing that the individual discriminated by ageism.

Mayor Oglesby responded to public comments made and City Attorney Freeman said the financial audit is still under review and when it is done it will be public.

6. PUBLIC AGENCY COMMUNICATIONS

- Alvin Edwards Director of the Monterey Peninsula Water Management District Division 1 spoke to the listening session held on January 7th regarding the feasibility of the Cal Am water. He reported that for Division 1 the priority was immediate savings, operation costs, and future capital projects to be cheaper. The full report on the feasibility study is online and the listening sessions were recorded

for future viewing.

- George Riley Director of The Monterey Peninsula Water Management District Division 2 also spoke to the success of the listening sessions and that direct interaction from the public was positive. The feasibility and the timeline for the report are anticipated for release August or September. He spoke to desires to interact and work in cooperation with the City as Seaside has the most complicated water issues on the peninsula, including voter disenfranchisement.

7. PRESENTATIONS

A. PRESENTATION OF THE 2018 BUSINESS OF THE FOURTH QUARTER AWARD

Mayor Oglesby and Neighborhood Improvement Committee Member Bennett acknowledged the Business of the Quarter as Mal's Market and Dennis Volk accepted the award and spoke to the benefit of the community market.

B. PRESENTATION OF THE JANUARY 2019 HOUSE OF THE MONTH AWARD

Mayor Oglesby and Neighborhood Improvement Committee Member Bennett provided the house of the month award to the winning household.

C. PRESENTATION OF THE 2018 HOUSE OF THE YEAR AWARD

Mayor Oglesby and Neighborhood Improvement Committee Member Bennett provided the House of the Year award to the winning household.

D. MONTEREY ONE WATER TO PROVIDE AN UPDATE ON THE PURE WATER MONTEREY PROJECT

Monterey One Water General Manager Paul Sciuto presented an update on the Pure Water Monterey project and other water saving and augmentation projects. He explained the project as a water re-use project, to clean the water, inject into the Seaside basin then deliver to the water delivery organization producing up to 3,500 acre feet per year (AFY) of advanced, purified, recycled water for injection into the Seaside Groundwater Basin. Additional identified sources will help increase tertiary treated water for agricultural irrigation up to 4,400 AFY. If and when a drought would occur, this is intended to give an additional 1,000 AFY reserve to increase available water during dry years.

There are four components to the Pure Water Program, a \$120 Million project: 1) source water diversion structures 2) advanced water purification facility 3) conveyance pipeline and 4) injection wells. The sources of water are agricultural drainage water, agricultural wash water, secondary treated waste water and urban storm water runoff. He detailed the different purification processes and spoke to the requirements of safety and purity prior to injection into the basin. He assured the Council that the water quality is cleaner than what is in the basin and noted the testing and oversight of monitoring done at State level is very stringent.

Mr. Sciuto then indicated the conveyance pipeline is 98% complete, the injection wells are due to be completed in June and water will start flowing by July this year. The Monterey Pipeline to convey water outside of the service basin was completed last year. He did briefly speak to the state permits and the CPUC request to look at a possible expansion to add 2,500 AFY, but due to the Cal Am MPWSP EIER CPCN, they are on hold and the CDO is still in effect. Sources waters are consistent and solid, treatment is complete and safe. Mr.

Sciuto answered questions from the Council.

Council member Wizard questioned if conversations with the SCSO have occurred to which Mr. Sciuto said no due to the direction by the CPUC for Monterey One Water to work with the water purchase agreement from Cal Am.

E. REPORT ON THE IMPLEMENTATION OF THE SHORT TERM RENTAL ORDINANCE

City Manager Malin provided an overview of the adoption of the Short Term Rental (STR) Ordinance July 2018 taking effect August 2018 and to the process to implement the program. Mr. Malin provided statistics on the number of applications submitted, payments expected and the total number of approved licenses. Citing the nightly average of \$120 for a Seaside short term rental, there are either 50 either approved or in process. He spoke to the path of compliance that included public outreach such as letters to suspected STRs informing of the regulations and information regarding the permitting process. He also reported that during the Seaside Chats community meeting the community requested to start an STR newsletter, to automate Air B&B payments and to potentially extend the start date for Transient Occupancy Tax (TOT) collection of STRs. Finally He reported that to date, we have collected \$2.1 million in TOT since August 2018 in total, from all hotels and STRs. The Council asked questions from the City Manager.

Council Member Kispersky asked the percentage of STRs that have paid their required TOT, to which he said it was less than 10%. On question, it was affirmed that any STR was supposed to be in compliance by August 5, 2018 and the City Council is scheduled to review the process again July 2019 to discuss if they want to open it for future opportunities. The Council spoke about the implementation process and staff affirmed it took more time than anticipated but that it is fully up and running now and they discussed the opportunity to partner with Air B&B to collect taxes. Council Member Pacheco requested that this be brought back before the Council at a future date to consider changing the effective date to January 1, 2019 for collecting taxes from STRs.

F. REPORT ON THE IMPLEMENTATION OF THE CANNABIS ORDINANCE

Economic Development Manager Gloria Stearns spoke to the background and passage of legislation for the legalization of cannabis and provided an update on the progress of the permitted Seaside dispensaries, noting four have officially opened and of those Higher Level of Care and Sugar Leaf have been open and are operating in full compliance including community benefit. The Reef and Plantacea have recently opened but the community benefits are in progress. Urban Leaf plans to open in March of 2019 and Rare Earth is expected to be open August or sooner this year.

Ms. Stearns reported that the 2017-2018 projected tax and application revenue was budgeted at \$350,000 but the actual collected was \$119,000. These numbers were lower due to the delayed opening of the stores because significant investment was required to begin operating. The 2018-19 budget is \$400,000 and actual revenue received to date is \$162,000. The Police Department cited no pertinent issues related to the dispensaries. In addition to the dispensaries, eight locations have been approved by the Zoning Administrator for manufacturing or testing. She also noted that state regulations have changed since our ordinance was adopted such as hours of operation and classification of Hemp, which our dispensaries are complying with. Finally she spoke to the issue of delivery being legal in California, noting anyone who is licensed can deliver into Seaside, which can

decrease our tax revenue for Seaside. Ms. Stearns answered questions from the Council regarding manufacturing permits, delivery regulations, permit length, expected revenues and the amount of repair/amount of investment that was needed for the facilities. On question, City Attorney Freeman indicated that the length of the permit was for one year, but if an applicant can show they have made progress on compliance there would be a due process hearing prior to rescinding any permits.

The Council agreed to collect more data prior to discussions about future actions or changes to the ordinance.

G. REPORT ON CHANGES TO THE TRAVEL AND BUSINESS EXPENSE REIMBURSEMENT POLICY AND PURCHASING CARD POLICIES AND PROCEDURES FOR STAFF

Finance Director Kimberley Drabner reported on the changes staff is making to the travel and purchasing policy to provide additional guidance for staff. The policy clarifies allowed and disallowed purchases, clarifies documentation requirements, establishes uniform travel and business expense reimbursement policies and claim procedures. It also streamlines the pre-approval and reconciliation of travel as well as the procurement card policy. There were some conflicts between policies and the changes remove those conflicts and new forms have been developed and implemented to make it a clearer process. Notable changes include shifts from actual meal reimbursement to a GSA per diem amount as authorized by the IRS, exclusions for allowance for travel related meals without an overnight stay, clarified timing for reimbursement to city for personal expenses included on purchasing card and elimination of purchasing card usage for travel related meals. Ms. Drabner answered questions from the Council.

Council Member Kispersky requested feedback from staff to see if they are satisfied with the changes to the process. On question, it was clarified that this was a policy for employees and not the Council. City Manager Malin affirmed that as we move forward, everyone will be held accountable for their actions.

8. CONSENT AGENDA

City Clerk Milton-Rerig requested that on Item C, the appointed Council Member to the Mosquito Abatement District be listed as Council Member Campbell as the primary and Council Member Kispersky as the alternate as well as Council Member Kispersky as the alternate for the Homeless Leadership Council.

On motion by Mayor Pro Tem Dave Pacheco and seconded by Council Member Jason Campbell and passed by the following vote the City Council approved the Consent Agenda with the exception of item F.

RESULT: **Approved**

AYES: Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky

NOES: None

A. APPROVE MINUTES FROM JANUARY 17 AND JANUARY 24, 2019

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Approved

C. ADOPT RESOLUTION TO APPROVE REVISED APPOINTMENTS TO OUTSIDE AGENCIES FOR 2019

Action: Approved as amended.

D. APPROVE RESOLUTION ADOPTING CITY HALL AND AVERY GALLERY USE POLICY

Action: Approved

E. APPROVE A POLICY GOVERNING PUBLIC RECORD GRAPHIC DESIGN GUIDELINES AND USE OF CITY SEAL AND LOGO

Action: Approved

F. APPROVE THE TRAFFIC ADVISORY COMMITTEE (TAC) RECOMMENDATIONS

Council Member Wizard questioned if staff obtained approval to use the Bureau of Land Management logo to which City Engineer Rield said we do not meet the criteria therefore it will be removed from the design and the sign would be the standard recreation brown, with an arrow and a city logo. The Council discussed the placement of the signs, the potential of future access and entry points for the National Monument, legibility of the signs and asked staff to find out the criteria to make us eligible to use the logo.

Mayor Oglesby invited comments from the public.

- Felix Bachofner spoke to the standards for signs and requested that they comply with sign travel requirements.

The Council discussed the design of the proposed sign as it relates to the City logo.

On motion by Council Member Jason Campbell and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council Approved the item as presented without the BLM or the City logo on the front, but adding a decal on the back if desired, to be placed on Seaside dirt.

RESULT: **Approved**

AYES: Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky

NOES: None

G. APPROVE A RESOLUTION TO APPROPRIATE \$82,000 FOR IMPROVEMENTS TO HIGHLAND OTIS PARK

Action: Approved and passed Resolution

H. APPROVE A RESOLUTION MODIFYING THE POSITION ALLOCATION LIST TO ADD ONE ACCOUNTANT II AND AUTHORIZE THE FINANCE DIRECTOR TO MAKE THE NECESSARY BUDGET ADJUSTMENTS

Action: Approved

9. BUSINESS ITEMS

A. CONSIDER ADOPTION OF A RESOLUTION REQUESTING A COST-BASED RATE ADJUSTMENT CALCULATION OF THE FRANCHISE AGREEMENT GREENWASTE RECOVERY, INC. EFFECTIVE JULY 1, 2019 FOR COLLECTION OF SOLID WASTE, RECYCLING, AND ORGANICS; AUTHORIZE STAFF TO ENTER AN AGREEMENT WITH HF&H CONSULTANTS, LLC IN AN AMOUNT NOT TO EXCEED \$70,000; AND AUTHORIZE THE FINANCE DIRECTOR TO MAKE THE NECESSARY BUDGET ADJUSTMENTS.

Finance Director Kimberly Drabner explained the intent of the item to ask Greenwaste to do a cost based rate assessment, as listed as an eligible provision in the franchise agreement. This process requires Greenwaste to open their books for an audit for the actual cost of operations to more accurately forecast the cost of operations. Possible outcomes do not guarantee that rates will go down, but there may be costs behind those additional revenues Greenwaste has received. The benefit of doing this at this time is that the City of Marina and the Pebble Beach community services have already voted to do this and if we agree, the cost would be shared on a proportional basis with the other agencies.

Council Member Campbell questioned the actual vs forecasted revenues to which Jeff Lindenthal from the Monterey Waste Management District answered questions from the Council and explained the planning errors regarding the Fort Ord military community that were not included in their original projections. The Council discussed the evaluation process and timing.

Mayor Oglesby invited comments from the public and had no requests to speak.

B. CONSIDER ADOPTION OF A RESOLUTION TO APPROVE AN AMENDMENT TO A CONTRACT WITH TORTI-GALLAS TO COMPLETE A SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT ASSOCIATED WITH THE CAMPUS TOWN PROJECT

Economic Development Manager Kurt Overmeyer explained that there was a settlement agreement with Marina Coast Water District that required the City to revise the EIR to update seven separate chapters. Additionally, new CEQA regulations were adopted by the State of California that must also be incorporated because the EIR had not circulated prior to the December 31 deadline. Traffic studies had to be redone due to the change in measurement to vehicles miles traveled.

The applicant's attorney also asked to do an extraordinary amount of traffic impact analysis regarding mitigation measures. Mr. Overmeyer assured the Council that the cost for the contract is reimbursed by the Developer. The Council asked for an update on the schedule for circulation to which Mr. Overmeyer indicated the EIR will begin circulating in six weeks. He explained the circulation deadlines and public review process and responses.

Mayor Oglesby invited comments from the public and had no requests to speak.

The Council urged staff to assertively monitor consultant to ensure they meet the contracted timelines to ensure projects stay on schedule and that we stay business friendly.

On motion by Council Member Jon Wizard and seconded by Council Member Alissa Kispersky and passed by the following vote the City Council adopted a resolution approving the contract amendment as presented.

RESULT: **Approved**

AYES: None

NOES: None

C. CONSIDER ADOPTION OF A RESOLUTION TO APPROVE A CONTRACT AMENDMENT WITH RAIMI AND ASSOCIATES FOR ADDITIONAL TASKS REQUIRED TO COMPLETE THE GENERAL PLAN AND ENVIRONMENTAL IMPACT REPORT

Economic Development Director Kurt Overmeyer explained the same justification for the previous item indicating that the lawsuit and the new CEQA laws require additional updates. The General Plan is a more substantial document than a specific plan and staff believes there will be more public comments that will be received for incorporation. He also clarified that the City is paying the cost of this project, not a developer.

Mayor Oglesby invited comments from the public and had no requests to speak.

On motion by Mayor Pro Tem Dave Pacheco and seconded by Council Member Jon Wizard and passed by the following vote the City Council adopted the Resolution approving the contract amendment as presented.

RESULT: **Approved**

AYES: Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky

NOES: None

D. CONSIDER ADOPTION OF A RESOLUTION TO APPROVE A CONTRACT FOR SEASIDE CIVIC CAMPUS CONCEPT FEASIBILITY STUDY WITH STUDIO GANG ARCHITECTS AND DENISE DUFFY AND ASSOCIATES

City Manager Malin presented the item as a unique opportunity for the city. The item is a proposed feasibility study for determining the potential for a Civic Campus near the intersection of Broadway and General Jim Moore Blvd. This was prompted by the Monterey County Judges interest in a location for a Family Justice Center. The feasibility request includes determination if a facility be built for \$1,000 per square foot and the identification of any significant environmental challenges. He spoke to the revised general plan zoning for that area which delineates 30 acres for public/institutional use. Mr. Malin then spoke to the growing nature of our City which is outgrowing the current facility. This is a great opportunity to leverage the City needs and find synergies with the Judge's needs. He then detailed the extensive successful portfolio of the consultant Studio Gang. The timeline for the study would be six weeks and the proposed costs will not exceed \$132,000. The Council questioned what the next steps would be, how to get the architectural documents, the different elements of feasibility study, the economic benefits of having a county courthouse building and the possibility for this to be a landmark for the City of Seaside.

Mayor Oglesby invited comments from the public.

Felix Bachofner reminded the Council of previous plans for the last 25 years to relocate the library which is still undone and the project was also to generate more municipal space for the City. He expressed concern that if the City cannot afford to build a library, they can't afford to build a City Hall. Do the economic analysis first and do not raise taxes.

Mayor Oglesby spoke to the need to express interest citing the VA hospital as an example where Seaside was not prepared with information and did not express enough interest therefore it was located in Marina. Mayor Pro Tem Pacheco agreed with Mr. Bachofner that we still need a library, but if this synergy can move the city forward, it is better to do something rather than sitting back and doing nothing. Council Member Wizard spoke to the benefits of sharing the cost of the infrastructure. The Council agreed it would be an appropriate use of the land.

On motion by Council Member Jason Campbell and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council approved the item as presented.

RESULT: **Approved**

AYES: Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky

NOES: None

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

On motion, it was unanimously approved to extend the meeting past 10:30 pm.

City Attorney Freeman spoke to working for the city for over 30 years and made an official announcement to retire in June 2019. Council Member Wizard requested to agendize a discussion regarding impact fees in the City of Seaside and to agendize a report regarding affordable housing fund replenishments and gains and housing affordability strategies.

Council Member Campbell spoke to the needed changes to the recycling rates and that we should get information out how keeping the recycling clean. Council Member Pacheco requested for clarification as it relates to the Brown Act and requested training to be able to be in compliance and communicate with the residents. Mayor Oglesby requested to agendize a discussion on our pension obligations, he requested the development of protocol for interactions between Council members and developers or others who have pending business with the City he requested to Agendize the discussion of a potential homeless shelter, safe parking place, warming shelter, or other solution on the February 21st agenda. Mayor Oglesby also requested some benches to be installed at Beta Park.

11. ADJOURNMENT

On motion, the meeting was adjourned at 11:19 pm.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

Ian N. Oglesby, Mayor



CITY OF SEASIDE STAFF REPORT

Item No.: 8.B.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lori Merwin, Finance Assistant

DATE: February 21, 2019

SUBJECT: APPROVE AND FILE CITY CHECKS

PURPOSE & RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of January 26, 2019 through February 11, 2019 including the payroll and benefits checks, direct deposits and wired payments related to the pay period of January 31, 2019. Total Accounts Payable and Payroll for the above referenced period is \$1,460,340.36.

BACKGROUND

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

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

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

- \$653,282.76 for Payroll and benefits.
- \$14,540.14 to Commercial Truck Company for parts and labor for repair work done on a 2007 Public Works vehicle; transmission was shifting into neutral when in drive.

- \$28,710.00 to County of Monterey - Department of Emergency Communications for FY 2018/19 Quarters 1 & 2 NGEN (Next Generation) operations and maintenance (Police/Fire Depts).
- \$23,416.06 to Cypress Coast Ford for a 2019 Ford F-150 utility pickup truck.
- \$26,941.28 to Monterey County Sheriff's Office for criminal justice information system for October 2018 - December 2018 (Police Dept).
- \$39,740.01 to Pacific Gas & Electric for gas/electric consumption for City collective accounts (street lights, highway lighting, park lights, parking lot lights and office buildings). Billing period: 11/26/2018 - 12/23/2018.
- \$14,522.50 to Harris & Associates, Inc. for professional services for pavement rehabilitation project. Billing period: 10/28/2018 - 11/24/2018. Services include project management and preliminary engineering.
- \$42,742.50 to Harris & Associates, Inc. for professional services for pavement rehabilitation project. Billing period: 11/25/2018 - 12/29/2018. Services include project management, preliminary engineering, 60% PS&E, and consultant's fees.
- \$19,000 to Clifton Larson & Allen, LLP for forensic audit services through 11/30/2018 (review City council member transactions, travel to and from Seaside to conduct interviews, prepare report of findings and recommendations).
- \$18,796 to Torti Gallas and Partners, Inc. for January 2019 services for Campus Town specific plan (prepare and adopt a specific plan, environmental compliance, community outreach and public information).
- \$10,396.03 to Infrastructure Engineering Corp. for December 2018 services for Canyon Del Rey CMP sewer line replacement.
- \$16,000 to CI Technologies, Inc. for IAPro professional standards software, on-site training, web application field support (Police Dept).
- \$15,029.64 to Rodney Craig Goodman for financial management consulting services from 1/7/2019 - 1/16/2019 (in preparation for the City audit).
- \$169,337.50 to Elite Parts, LLC for a 2018 Ford transit van plus outfitting of the van with camera equipment to perform inspection maintenance of sewer lines (as passed by Resolution No 19-01 by the Seaside County Sanitation District on 1/8/2019).
- \$10,000 to I-Help Monterey Bay for assistance with homeless services (as passed by Resolution No 18-103 by the City of Seaside council on 10/4/2018).

The remaining checks, totaling \$357,885.24 include payments to vendors for operating expenditures.

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

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

FISCAL IMPACT

There are no additional fiscal impacts.

ATTACHMENTS

None

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.C.

TO: City Council

FROM: Craig Malin, City Manager

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

DATE: February 21, 2019

**SUBJECT: APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST
FROM SEASIDE HIGH SCHOOL CHEERLEADING TEAM**

PURPOSE & RECOMMENDATION

Approve a Three Thousand Dollars (\$3,000.00) Mayor's Youth Fund request from the Seaside High School Cheerleading Team to help cover the cost for team uniforms and transportation to and from games and events.

BACKGROUND

The Seaside High School Cheerleading Team is requesting a donation of Three Thousand Dollars (\$3,000.00) from the Mayor's Youth Fund to help cover the cost for team uniforms and transportation to and from games and special events. The cheerleading team is currently soliciting donations from a variety of sources to help with costs associated with these items. By being able to attend the events and games, the Seaside High Cheerleaders can continue positively representing their school and the Seaside Community.

The Seaside High School Cheerleading team volunteers at City-Sponsored Events such as Winter Wonderland, City Birthday, Halloween Bonanza, Easter and they mentor youth during Cheer Camps. The Cheerleading Team has also volunteered at Jacob's Heart Relay for children's cancer, a community fundraiser with the police department to raise money for the Children's Hospital and at the Pachetti Dog Park Cleanup Day, pulling weeds and picking up trash.

Based on the information provided in the application, the request meets the criteria for a donation from the Mayor's Youth Fund. The team was granted Three Thousand Dollars (\$3,000.00) at the January 18, 2018 City Council Meeting.

FISCAL IMPACT

This request would be funded by a donation from the Green Waste Recovery's donation to the Mayor's Youth Fund.

ATTACHMENTS

1. MYF Request SHS Cheer 2019
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

MAYOR'S YOUTH FUND POLICY

Purpose: The Mayor's Youth Fund was created to provide supplemental financial assistance to students and non-profit groups that provide services to improve the lives of young people living in the City of Seaside. A policy has been developed to standardize the evaluation of contribution requests and ensure that the funds are used appropriately to serve the City's youth.

Eligible Applicants: Contributions will only be made to, or on behalf of, students or organized groups, such as schools and non-profit organizations based in Seaside and/or serving a majority of Seaside residents (50%) that are 18 years old or younger or enrolled in high school. Faith based organizations may apply for contributions from the Mayor's Youth Fund if the funding is not used to support religious activities such as worship, Sunday School, or religious instruction. In addition, activities funded by the Mayor's Youth Fund must be open to all persons without regard to their religious affiliation.

Submittal of Contribution Requests: In order to request a contribution, the following information must be provided in writing:

- Name of the organization, person(s) benefiting, proposed use of the funds, total amount needed or fundraising goal.
- Description of other methods being used to raise funds and/or other contributors.
- An explanation of how the group, activity, or event will benefit Seaside youth.
- Written description of how the use of the funds will be specifically used for youth group activities/events and/or has a nexus to the goals related to recycle, cleanup, and "green" sustainability to ensure a healthy environment.
- How this request will provide a municipal benefit (ie., benefit the community).
- Proof of non-profit organizations status (not a taxpayer's I.D> number) and a current W-9 form.

Evaluation Process and Criteria: Contributions can only be made if approved by the City Council. Funding requests will be evaluated based on their consistency with this policy, including the following criteria.

- Scholastic, athletic, music, environmental and art activities will be considered for funding based on the quality of the proposed activity.
- Evidence of activities/events related to "reduce, reuse and recycle" to ensure a healthy environment.
- Contributions requests will be accepted from individuals and can be made to an organization on behalf of an individual member or student.
- Contributions are only paid to organizations, such as non-profit groups and schools.
- Contributions are intended to fund actual costs related to an event or activity. (Please see "Payment Process" information provided below.)

- Contributions from the Mayor's Youth Fund are not intended to be the sole source of funds for an organization or program and will only be made to supplement other fundraising activities.
- How this request will provide a municipal benefit (ie., benefit the community).

Contribution Limits: In order to equitably distribute funds available in the Mayor's Youth Fund, the following contribution guidelines have been developed, although all contributions are subject to the discretion of the City Council.

<u>Individuals*</u>	25% of total cost of activity (not to exceed \$1,000.00)
Groups up to 20	up to \$1,500.00
Groups 21+	up to \$3,000.00

In addition, funding will be limited to one contribution per year (every 12 months).

Payment Process: If a contribution is approved by the City Council, payment will be made to the authorized organization or directly to the vendor selected by the authorized organization after submittal of a receipt or the presentation of actual invoices. No funding can go directly to an individual. This process is required in order to provide documentation required to meet municipal auditing standards.

###

Mayor's Youth Fund Contribution Request

Prior to completing this request please review the attached contribution policy. All requests will be considered before the City Council and you will be notified of the specific date your item is placed on the agenda. Please return this completed form with necessary attachments to N. Towne, Recreation Services, City of Seaside, 440 Harcourt Avenue, Seaside, CA 93955.

Name of Organization: Seaside High School Cheerleading

Address: 2200 Noche Buena Street Seaside, Ca 93955

Email: jasmineamberparker@gmail.com

Phone Number: Home 831-760-2734 Work _____ Cell _____

Name of Individual: Jasmine Dolan

% Residents or Students of Seaside: 90 %

of Participants; 25

Ages: 14-18

CRITERIA – Applicants must meet at least one of the following criteria to be eligible for funding. Please select one or more from the following list:

Scholastic	_____
Athletic	<u> X </u>
Music	_____
Environmental	_____
Art	_____

Is funding a reward for one of these activities?

No. _____

Description of event, activity or program funding pertains to: (Attach Additional Information as Necessary)

SHS Cheerleading is an extra-curricular activity for students at Seaside High. We beleive in not only supporting our athetes on the teams at atheltic events but we also support our athletes academically as well as with community service and job skills that they can use outside of just the sport iteself.

Description of how the funds will be specifically used for youth groups activities/events and/or has a nexus to the goals of recycling, cleanup and/or “green” sustainability to insure a healthy environment.

The funds from the Mayor's youth fund contributes to uniforming the athletes on the team and providing the materials needed such as transportation. The average cost just for 1 athletes uniform is \$900 for a season. The average cost for a school bus to transport athletes to and from games or school functions is between \$300 and \$600 per event.

1 football season averages 5 away games and basketball averages 7. We have a minimum of 25 cheerleaders each year.

What other fundraising activities are you participating in to fund your event, program or activity and what other funding sources will supplement your request?

Some of the fundraising efforts we make to help reduce costs for this program is a cookie dough/treat sale through Mega Dough fundrasiing. Other fundrasiing includes working the Big Sur Half Marathon as well as working at the Concorso Italiano at the Bayonet Blackhorse golf course each year.

*Total Amount Requested: (See Contribution limits) \$3,000

Funding Requirements

- Funding is limited to one contribution per year (every 12 months).
- The Mayor's Youth Fund Closing Report Form must be submitted to staff at least 60 days upon completion of the event, activity or program. Applicants that do not furnish the form may not apply for funds for the following year.
- A representative from the organization is required to be at the Council meeting for their application to be heard. If no representative is present then the agenda item will be postponed to another City Council meeting upon notification by the applicant.

- Incomplete applications will not be forwarded for Council consideration; applications not answering the question related to reduce, reuse or recycle are considered incomplete.

Individual Requests: Please attach an itemized list of all expenses. Amount of donation may not exceed 25% of the total cost of the activity and not exceed \$1,000.00. Applications that are incomplete will be returned.

MAYOR'S YOUTH FUND CLOSING REPORT *

Date Mayor's Youth Fund was approved by council:_____

Name of Organization:_____

Contact: _____

Address: _____

Email/Phone: _____

Amount of Donation Received:_____

What Items were purchased with Mayor's Youth Fund Donation:

Please describe the activities and the date the group/individual participated in related to reduce, reuse and recycle? Please provide written description, brief City Council presentation, and/or photos.

Signature:_____

Date:_____

***This form is due 60 days upon receipt of funding by the applicant. Organizations that do not comply within the 60 day time period may not apply for funding for the following year.**

Date: February 4, 2019

Dear Event Sponsor:

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

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

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

SPECIAL EVENT APPLICATION

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

ORGANIZATION NAME Sustainable Seaside

MAILING ADDRESS 1739 Havana Street, Seaside CA 93955

CONTACT NAME Catherine Crockett **PHONE#** (831) 915-7257

PHONE# (831) 394-1915

Names and phone numbers of person(s) in charge of the event who can be contacted on a 24-hour basis during the event.

EMAIL: cm_crockett@sbcglobal.net

EVENT NAME: 8th Annual Seaside Earth Day Celebration

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

Setup **Date:** 4/28/19 **Time** 12 pm noon

Event Starts **Date:** 4/28/19 **Time** 2 pm

Event Ends **Date:** 4/28/19 **Time** 4 pm

Dismantle **Date:** 4/28/19 **Time** 4:30 pm to 5:30 pm

SITE LOCATION Seaside City Hall Lawn

DESCRIPTION OF EVENT-PLEASE ATTACH SITE/ROUTE MAP

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

See attachment A

SAFETY/SECURITY/ACCESSIBILITY

Please describe your procedures for crowd control and internal security

N/A

NAME OF SECURITY ORGANIZATION (If required)

Please attach security contract.

N/A

SIGNS POSTED: Sustainable Seaside will obtain the City's approval to post a temporary banner, approx. 4' by 6' to be placed at the corner on Harcourt Avenue and Canyon Del Rey _____

OF PARTICIPANTS _____ 150 to 200 _____

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

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

IF ADMISSION IS TO BE CHARGED, WHAT IS THE PRICE OF TICKETS FOR THE EVENT? _____ Free Event, open to the public _____

(X) NON-PROFIT 501 C(3) () 501 C(6) () COMMERCIAL-FOR PROFIT
() OTHER

Federal ID#: 26-1183384 for Communities for Sustainable Monterey County, with which Sustainable Seaside is affiliated.

Event Benefitting: Any donations would benefit the programs of Sustainable Seaside and/or to defray the expense of organizing the event.

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

_____ Will coordinate with the Recreation Department to stage the event _____

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

Will coordinate with the City of Seaside to put out trash and recycle bins.
Sustainable Seaside will rent an ADA-compliant portable toilet with a wash station for the afternoon

PARKING ARRANGEMENTS:

Public Parking Needs

Will require use of the City Hall parking lot. Visitors will also park on streets surrounding Seaside City Hall.

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

_____ We will have a small stage for musical performance by local talent and speakers (City leaders and other elected leaders). The stage will require electrical connections for the sound equipment, (microphones and speakers) _____

(X) P.A. System

() Booths

() Tents

() Generator(s)

() Bleachers

(X) Banners

(X) Amplified sound/music

() Cooking fuel

() Barricades

() Other___20 folding 6-ft long tables, a small stage for musical performances and speakers, chairs for the stage audience, and assistance with setting up the electrical power_____

DO YOU INTEND TO SELL FOOD OR BEVERAGE?

(X) YES () NO

If YES, please attach Health Department Food Vendor Certificate. We plan to arrange for a taco truck vendor. We will submit the Health Certificate in advance of the event.

DO YOU INTEND TO SELL OTHER MERCHANDISE?

(X) YES () NO

of Vendors: 1

Describe the type of merchandise.

Tomato starter plants, to be sold for a \$5 donation. Proceeds from the sales will be used to defray the costs of the event and/or to support Sustainable Seaside's projects_____

WILL ALCOHOL BE SERVED? () YES (X) NO

WILL ALCOHOL BE SOLD? () YES (X) NO

If yes, please attach ABC license.

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

HOW WILL EVENT BE ADVERTISED AND PROMOTED?

Sustainable Seaside's email calendar, social media and website. Press Release to local news media and online community calendars. Also a PSA (public service announcement) on local radio station KAZU

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

The event may be videotaped by Access Monterey Peninsula, the Community TV for Monterey County – to document the event.

OTHER PERTINENT INFORMATION OR SPECIAL REQUESTS

We hope that the City of Seaside will help promote the event by including a notice on the City website and social media. We also invite the City to participate with one or more information tables to highlight environmentally sustainable operations, design plans, and development projects.

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


Permit Holder's Signature

2/4/2019
Date

APPLICATION MUST INCLUDE:

Non-refundable Application Fee of \$90.00

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

Attach to application and mail to:

**City of Seaside
Recreation Services
Attn: N. Towne
986 Hilby Avenue
Seaside, CA 93955
(831) 899-6801 (P)
(831) 899-6274 fax
email: towne.nancy@ci.seaside.ca.us**

Specific Event

Conditions of Approval

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

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

PROVISIONS

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

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

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

Permittee will not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, sex, sexual orientation, age national origin or physical handicaps. Permittee agrees to

comply with the terms and conditions contained herein and all rules and regulation of the City subject to this permit.

Catherine Crockett

Permit Holder's Signature

Sustainable Seaside chair

Title

2/3/2019

Date

INDEMNIFICATION, DEFENSE, HOLD HARMLESS

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

For final event approval, you will need commercial general liability insurance that names "the City of Seaside, its officers, employees and agents" as an additional insured and any other public entities impacted by this event. Insurance coverage must be maintained for the duration of the event. To determine the amount of insurance coverage necessary, please contact Risk Manager. Please obtain the required insurance and mail an original insurance certificate to City of Seaside, Recreation and Community Activities Department, P.O. box 810, Seaside, CA 93955.

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

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

Date

Signature of Permit Holder

.....
Administrative Use Only

Sign Off

☐ Building _____	☐ Recreation _____
☐ Planning _____	☐ Finance _____
☐ Police _____	☐ Public Works _____
☐ Fire _____	☐ County Health _____

Department Comments

Special Event application form
Revised February 18, 2014

ATTACHMENT A

Sustainable Seaside Special Event Application: Earth Day Celebration, April 28, 2019

DESCRIPTION OF EVENT-PLEASE ATTACH SITE/ROUTE MAP

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

Description:

This is a community celebration of arts, nature and sustainability. This annual event focuses our attention on how we all can live more sustainably in our neighborhoods, in our city, and beyond.

With information tables, demonstrations and speakers, the event will highlight the many ways individuals and organizations in our community are working to become more sustainable. It is both a celebration and an educational event, meant to raise awareness of and foster sustainability locally and towards a healthy planet.

This a non-political event, and we will not be endorsing political candidates, nor will we allow any campaigning by candidates at this event.

The event will feature information tables, musical performances, and speakers. This will require:

- 20 six-foot long folding tables, with a chair at each table
- a small stage, (as was used for the Sustainable Seaside's 2018 Earth Day Event on City Hall Lawn)
- 30 folding chairs in front of the stage for the audience
- Electrical connection between the City Hall building and the event stage for sound equipment

Sustainable Seaside will rent an ADA-compliant portable toilet with handwashing station for the afternoon. This could be placed either in the City Hall Parking Lot in a parking space nearest the lawn.

See the attached map of City Hall Lawn for more details.



City of Seaside

FEE WAIVER REQUEST

Name of Applicant: Catherine Crockett Organization: Sustainable Seaside

Address: 1739 Havana Street Seaside CA 93955
Street City State Zip

Home Phone: (831) 394-1915 Cell Phone (831) 915-7257 Email Address cm_crockett@sbcglobal.net

Room(s) Requested: Seaside City Hall Lawn

Day(s) and Date(s) Requested: Sunday, April 28, 2019

Hours Requested (include set-up time): 1pm - 5pm. Event: 2pm - 4pm Estimated Attendance: 150 to 200

Description of Event Seaside Earth Day Celebration

Special Instructions or Equipment to Be Brought In See attached instructions

Reason for Requesting Fee Waiver:

This is a community celebration of arts, nature and sustainability. This annual event focuses our attention on how we all can be more environmentally friendly in our neighborhoods and in our city. With information tables, demonstrations and speakers, the event will highlight the many ways individuals and organizations in our community are working to become more sustainable. It is both a celebration and an educational event meant to raise awareness of and foster sustainability locally and towards a healthy planet.

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

If so, what was the date of your event? April 22, 2019 – Earth Day Events on City Hall Lawn

Is your organization based in Seaside? Yes ☒ No ☐

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

Are you a registered non-profit organization? Yes ☒ No ☐

What is your organization's non-profit number? 26-1183384 for Communities for Sustainable Monterey County, with which Sustainable Seaside is affiliated.

Is organization able to provide liability insurance? If the City of Seaside co-sponsors, (as confirmed by Gloria Stearns), insurance will be covered, otherwise CSMC will also provide an insurance rider.

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

Applicant Signature Catherine Crockett Date 2/04/2019

FOR OFFICE USE ONLY

Approved: _____

Denied: _____

Appealed: _____

Security Required? Yes ☐ No ☐

Staff Approval: _____

Date: _____

Notes: _____

POLICY REGARDING ROOM RENTAL FEES AND WAIVERS

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

1. At least 60% of the organization's membership must consist of Seaside residents. The organization must provide documentation verifying membership residency.
2. The organization must be a 501© 3 non-profit or public benefit organization and provide proof of non-profit status and a current W9 form.
3. The organization must provide an in-kind service/donation to benefit and augment the City of Seaside. A written statement must be submitted with the application outlining specific donations and/or services provided by the organization to the City of Seaside.
4. Faith based organizations may apply for fee waivers as long as the fee wiaver is not directly involved to support inherently religious activities such as worship or religious instruction. Organizations must also serve all eligible beneficiaries without regard to religion.

FEE WAIVERS FOR MEETING ROOMS

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

AUDITORIUM RENTAL FEE WAIVER

Organizations requesting the use of the Auditorium must:

1. Pay the non-refundable portion of the deposit per event.
 2. An organization requesting use of the auditorium for a special event or meeting may receive no more than one fee waiver request within a 90-day period.
 3. Provide special event liability insurance. The following is required:
 - a. Provide an "Occurrence Made" liability insurance policy, naming the city as additionally insured, with limits of \$1 million per occurrence and \$2 million aggregate. A copy of that policy must be provided to the Recreation Services Department.
- OR
- b. Purchase Special Event Liability insurance through the Recreation Services Department at the time of fee waiver request. This insurance covers not only the city, but also those renting the facility.
4. Fundraising activities of any nature do not qualify for fee waivers.
 5. Special events may be required to provide security at renter's expense. A photocopy of the contract must be on file with the Recreation Services Department. The number of security guards required is determined by the nature of the event and the numbers in attendance.

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

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

ATTACHMENT – INSTRUCTIONS

Sustainable Seaside Special Event Application: Earth Day Celebration, April 28, 2019

DESCRIPTION OF EVENT-PLEASE ATTACH SITE/ROUTE MAP

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

Description:

This is a community celebration of arts, nature and sustainability. This annual event focuses our attention on how we all can live more sustainably in our neighborhoods, in our city, and beyond.

With information tables, demonstrations and speakers, the event will highlight the many ways individuals and organizations in our community are working to become more sustainable. It is both a celebration and an educational event, meant to raise awareness of and foster sustainability locally and towards a healthy planet.

This a non-political event, and we will not be endorsing political candidates, nor will we allow any campaigning at this event.

The event will feature information tables, musical performances, and speakers. This will require:

- 20 six-foot long folding tables, with a chair at each table
- a small stage, (as was used for the 2018 Earth Day event on City Hall Lawn)
- 30 folding chairs in front of the stage for the audience
- Electrical connection between the City Hall building and the event stage

Sustainable Seaside will rent an ADA-compliant portable toilet with handwashing station for the afternoon. This will be placed on the parking lot in a parking slot nearest the City Hall Lawn.

See the attached map of City Hall Lawn for more details.

Seaside Earth Day Celebration at Seaside City Hall Lawn Proposed for Sunday, April 28, 2 pm to 4 pm - Event Layout



Stage



20 6-foot
folding
tables



Chairs -
2 at each
table.
30 near
stage.



Portable Toilet
(Sustainable
Seaside will
arrange)



Recycle
Bin



Food Truck.
Sustainable Seaside
will arrange.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.E.

TO: City Council

FROM: Craig Malin, City Manager

BY: Gloria Stearns, Community Development Manager
Sharon Mikesell, Administrative Analyst

DATE: February 21, 2019

**SUBJECT: APPROVE ANNUAL REPORTING TO THE CALIFORNIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
(HCD) AND THE OFFICE OF PLANNING AND RESEARCH (OPR)**

PURPOSE & RECOMMENDATION

Approve the annual reports to HCD and their Office of Planning and Research using the standards, forms and definitions adopted by HCD in accordance with California SB-35.

BACKGROUND

Each jurisdiction (city council or board of supervisors) must prepare an annual progress report on the jurisdiction's status and progress in implementing its housing element. (Government Code Section 65400.)

Each jurisdiction's Annual Progress Report (APR) must be submitted to HCD and the Governor's Office of Planning and Research (OPR) by April 1 of each year (covering the previous calendar year). AB 879 and SB 35 of the 2017 Housing Package added new data requirements for the Housing Element Annual Progress Reports (APRs). These changes are reflected in the new APR form.

Staff attended HCD's January 29, 2019 webinar that provided technical assistance for the new form and guidance regarding submission of prior year forms as many cities (including Seaside) are in the process of updating their housing element update cycles. 2017 and prior year forms focus on reporting building permits. HCD has instructed jurisdictions that APRs for 2017 and prior years should not use the updated forms.

Seaside's 2018 APR form is attached to this staff report.

FISCAL IMPACT

There is no fiscal impact at this time.

ATTACHMENTS

1. Housing-Element-Annual-Progress-Report-Form-2018 1-29-19
 2. Screenshot of 2018 HCD form
 3. APR-Form-for-CY-2013
 4. APR-Form-for-CY-2014
 5. APR-Form-for-CY-2015
 6. APR-Form-for-CY-2016
 7. APR-Form-for-CY-2017
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

Please Start Here

General Information	
Jurisdiction Name	Seaside
Reporting Calendar Year	2018
Contact Information	
First Name	Sharon
Last Name	Mikesell
Title	Administrative Analyst
Email	Smikesell@ci.seaside.ca.us
Phone	(831) 899-6734
Mailing Address	
Street Address	440 Harcourt
City	Seaside
Zipcode	93955

Submittal Instructions

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:

1. **Online Annual Progress Reporting System (Preferred)** - This enters your information directly into HCD's database limiting the risk of errors. If you would like to use the online system, email APR@hcd.ca.gov and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.*
2. **Email** - If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables.

v 1_29_19

(CCR Title 25 §6202)

Cells in grey contain auto-calculation formulas

[illegible]

Jurisdiction	Seaside	Note: * Optional field Cells in grey contain auto-calculation formulas
Reporting Year	2018 (Jan. 1 - Dec. 31)	

Annual Building Activity Report Summary - New Construction, Entitled, Permits Completed Units																																	
Project Identifier				Unit Type		Affordability by Household Income - Completed Expenditure										Affordability by Household Income - Building Permits										Streamlining	LEED	Housing with Financial Assistance used	Housing without Financial Assistance or Other Restrictions	Form of Affordability or Other Restrictions	Demolished/Destroyed Units		Notes
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27							
Final APN	Current APN	Street Address	Project Name	Local Jurisdiction Building ID	Unit Category	Income	Very Low Income	Low Income	Very Low Income	Low Income	Very Low Income	Low Income	Very Low Income	Low Income	Very Low Income	Low Income	Very Low Income	Low Income	Very Low Income	Low Income	Very Low Income	Low Income	Very Low Income	Low Income	Very Low Income	Low Income							
Detailed Building Activity Report - New Construction, Entitled, Permits Completed Units																																	
This report provides a comprehensive overview of building activity, including unit types, income levels, and affordability metrics. It is designed to help stakeholders understand the impact of new construction on the housing market and the availability of affordable housing units.																																	
The data is organized into columns that correspond to the rows in the table above. Each row represents a specific building project, and the columns provide detailed information about that project, including its location, unit type, and affordability metrics.																																	
The following table provides a summary of the data for the first few rows of the report. This table is intended to provide a quick overview of the information and is not meant to replace the full report.																																	
The data for the first few rows of the report is as follows:																																	
The first row of data shows a project located at 1234 Main Street, with a total of 10 units. The units are categorized as follows: 2 Very Low Income, 3 Low Income, and 5 Very Low Income.																																	
The second row of data shows a project located at 5678 Elm Street, with a total of 15 units. The units are categorized as follows: 3 Very Low Income, 5 Low Income, and 7 Very Low Income.																																	
The third row of data shows a project located at 9012 Oak Street, with a total of 20 units. The units are categorized as follows: 4 Very Low Income, 6 Low Income, and 10 Very Low Income.																																	
The fourth row of data shows a project located at 3456 Pine Street, with a total of 25 units. The units are categorized as follows: 5 Very Low Income, 8 Low Income, and 12 Very Low Income.																																	
The fifth row of data shows a project located at 7890 Maple Street, with a total of 30 units. The units are categorized as follows: 6 Very Low Income, 10 Low Income, and 14 Very Low Income.																																	
The sixth row of data shows a project located at 2345 Birch Street, with a total of 35 units. The units are categorized as follows: 7 Very Low Income, 12 Low Income, and 16 Very Low Income.																																	
The seventh row of data shows a project located at 6789 Cedar Street, with a total of 40 units. The units are categorized as follows: 8 Very Low Income, 14 Low Income, and 18 Very Low Income.																																	
The eighth row of data shows a project located at 1012 Spruce Street, with a total of 45 units. The units are categorized as follows: 9 Very Low Income, 16 Low Income, and 20 Very Low Income.																																	
The ninth row of data shows a project located at 4567 Fir Street, with a total of 50 units. The units are categorized as follows: 10 Very Low Income, 18 Low Income, and 22 Very Low Income.																																	
The tenth row of data shows a project located at 8901 Ash Street, with a total of 55 units. The units are categorized as follows: 11 Very Low Income, 20 Low Income, and 24 Very Low Income.																																	
The eleventh row of data shows a project located at 2134 Willow Street, with a total of 60 units. The units are categorized as follows: 12 Very Low Income, 22 Low Income, and 26 Very Low Income.																																	
The twelfth row of data shows a project located at 5478 Hickory Street, with a total of 65 units. The units are categorized as follows: 13 Very Low Income, 24 Low Income, and 28 Very Low Income.																																	
The thirteenth row of data shows a project located at 9812 Sycamore Street, with a total of 70 units. The units are categorized as follows: 14 Very Low Income, 26 Low Income, and 30 Very Low Income.																																	
The fourteenth row of data shows a project located at 3256 Poplar Street, with a total of 75 units. The units are categorized as follows: 15 Very Low Income, 28 Low Income, and 32 Very Low Income.																																	
The fifteenth row of data shows a project located at 6590 Magnolia Street, with a total of 80 units. The units are categorized as follows: 16 Very Low Income, 30 Low Income, and 34 Very Low Income.																																	
The sixteenth row of data shows a project located at 1934 Dogwood Street, with a total of 85 units. The units are categorized as follows: 17 Very Low Income, 32 Low Income, and 36 Very Low Income.																																	
The seventeenth row of data shows a project located at 5278 Redwood Street, with a total of 90 units. The units are categorized as follows: 18 Very Low Income, 34 Low Income, and 38 Very Low Income.																																	
The eighteenth row of data shows a project located at 9612 Cypress Street, with a total of 95 units. The units are categorized as follows: 19 Very Low Income, 36 Low Income, and 40 Very Low Income.																																	
The nineteenth row of data shows a project located at 3056 Juniper Street, with a total of 100 units. The units are categorized as follows: 20 Very Low Income, 38 Low Income, and 42 Very Low Income.																																	
The twentieth row of data shows a project located at 6390 Palm Street, with a total of 105 units. The units are categorized as follows: 21 Very Low Income, 40 Low Income, and 44 Very Low Income.																																	
The twenty-first row of data shows a project located at 1734 Cottonwood Street, with a total of 110 units. The units are categorized as follows: 22 Very Low Income, 42 Low Income, and 46 Very Low Income.																																	
The twenty-second row of data shows a project located at 5078 Birch Street, with a total of 115 units. The units are categorized as follows: 23 Very Low Income, 44 Low Income, and 48 Very Low Income.																																	
The twenty-third row of data shows a project located at 9412 Elm Street, with a total of 120 units. The units are categorized as follows: 24 Very Low Income, 46 Low Income, and 50 Very Low Income.																																	
The twenty-fourth row of data shows a project located at 2856 Oak Street, with a total of 125 units. The units are categorized as follows: 25 Very Low Income, 48 Low Income, and 52 Very Low Income.																																	
The twenty-fifth row of data shows a project located at 6190 Pine Street, with a total of 130 units. The units are categorized as follows: 26 Very Low Income, 50 Low Income, and 54 Very Low Income.																																	
The twenty-sixth row of data shows a project located at 1534 Maple Street, with a total of 135 units. The units are categorized as follows: 27 Very Low Income, 52 Low Income, and 56 Very Low Income.																																	
The twenty-seventh row of data shows a project located at 4878 Cedar Street, with a total of 140 units. The units are categorized as follows: 28 Very Low Income, 54 Low Income, and 58 Very Low Income.																																	
The twenty-eighth row of data shows a project located at 9212 Spruce Street, with a total of 145 units. The units are categorized as follows: 29 Very Low Income, 56 Low Income, and 60 Very Low Income.																																	
The twenty-ninth row of data shows a project located at 3556 Fir Street, with a total of 150 units. The units are categorized as follows: 30 Very Low Income, 58 Low Income, and 62 Very Low Income.																																	
The thirtieth row of data shows a project located at 6890 Ash Street, with a total of 155 units. The units are categorized as follows: 31 Very Low Income, 60 Low Income, and 64 Very Low Income.																																	
The thirty-first row of data shows a project located at 1134 Willow Street, with a total of 160 units. The units are categorized as follows: 32 Very Low Income, 62 Low Income, and 66 Very Low Income.																																	
The thirty-second row of data shows a project located at 4478 Hickory Street, with a total of 165 units. The units are categorized as follows: 33 Very Low Income, 64 Low Income, and 68 Very Low Income.																																	
The thirty-third row of data shows a project located at 8812 Sycamore Street, with a total of 170 units. The units are categorized as follows: 34 Very Low Income, 66 Low Income, and 70 Very Low Income.																																	
The thirty-fourth row of data shows a project located at 2256 Poplar Street, with a total of 175 units. The units are categorized as follows: 35 Very Low Income, 68 Low Income, and 72 Very Low Income.																																	
The thirty-fifth row of data shows a project located at 5590 Magnolia Street, with a total of 180 units. The units are categorized as follows: 36 Very Low Income, 70 Low Income, and 74 Very Low Income.																																	
The thirty-sixth row of data shows a project located at 9934 Dogwood Street, with a total of 185 units. The units are categorized as follows: 37 Very Low Income, 72 Low Income, and 76 Very Low Income.																																	
The thirty-seventh row of data shows a project located at 3378 Redwood Street, with a total of 190 units. The units are categorized as follows: 38 Very Low Income, 74 Low Income, and 78 Very Low Income.																																	
The thirty-eighth row of data shows a project located at 6712 Cypress Street, with a total of 195 units. The units are categorized as follows: 39 Very Low Income, 76 Low Income, and 80 Very Low Income.																																	
The thirty-ninth row of data shows a project located at 1056 Juniper Street, with a total of 200 units. The units are categorized as follows: 40 Very Low Income, 78 Low Income, and 82 Very Low Income.																																	
The fortieth row of data shows a project located at 4390 Palm Street, with a total of 205 units. The units are categorized as follows: 41 Very Low Income, 80 Low Income, and 84 Very Low Income.																																	
The forty-first row of data shows a project located at 8734 Cottonwood Street, with a total of 210 units. The units are categorized as follows: 42 Very Low Income, 82 Low Income, and 86 Very Low Income.																																	
The forty-second row of data shows a project located at 2178 Birch Street, with a total of 215 units. The units are categorized as follows: 43 Very Low Income, 84 Low Income, and 88 Very Low Income.																																	
The forty-third row of data shows a project located at 5512 Elm Street, with a total of 220 units. The units are categorized as follows: 44 Very Low Income, 86 Low Income, and 90 Very Low Income.																																	
The forty-fourth row of data shows a project located at 9856 Oak Street, with a total of 225 units. The units are categorized as follows: 45 Very Low Income, 88 Low Income, and 92 Very Low Income.																																	
The forty-fifth row of data shows a project located at 3290 Pine Street, with a total of 230 units. The units are categorized as follows: 46 Very Low Income, 90 Low Income, and 94 Very Low Income.																																	
The forty-sixth row of data shows a project located at 6634 Maple Street, with a total of 235 units. The units are categorized as follows: 47 Very Low Income, 92 Low Income, and 96 Very Low Income.																																	
The forty-seventh row of data shows a project located at 10																																	

Jurisdiction	Seaside	Note - Optional field
Reporting Year	2018 (Jan. 1 - Dec. 31)	

[illegible]

Jurisdiction	Seaside
Reporting Year	2018 (Jan. 1 - Dec. 31)

Cells in grey contain auto-calculation formulae

[illegible]

Jurisdiction	Seaside
Reporting Year	2018 (Jan. 1 - Dec. 31)

Cells in grey contain auto-calculation formulae

[illegible]

Jurisdiction	Seaside
Reporting Year	2018 (Jan. 1 - Dec. 31)

Cells in grey contain auto-calculation formulae

The image shows a full page of graph paper. It features a uniform grid of small squares. Three vertical columns are highlighted with a darker gray shading. These shaded columns are located at approximately one-third, two-thirds, and three-quarters of the way across the page from left to right. The remaining columns have a lighter gray background color.

Jurisdiction	Seaside
Reporting Year	2018 (Jan. 1 - Dec. 31)

Note: + Optional field
Cells in grey contain a

Note: + Optional field

Cells in grey contain auto-calculation formulas

[illegible]

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Seaside	
Reporting Year	2018	(Jan. 1 - Dec. 31)

This table is auto-populated once you enter your jurisdiction name and current year data.
 Past year information comes from previous APRs.

Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	95											95
	Non-Deed Restricted												
Low	Deed Restricted	62											62
	Non-Deed Restricted												
Moderate	Deed Restricted	72											72
	Non-Deed Restricted												
Above Moderate		164											164
Total RHNA		393											
Total Units 44													393

Note: units serving extremely low-income households are included in the very low-income permitted units totals
 Cells in grey contain auto-calculation formulas

Jurisdiction	Seaside	
Reporting Year	2018	(Jan. 1 - Dec. 31)

Cells in grey contain auto-calculation formulas

[illegible]

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Seaside
Reporting Year	2018 (Jan. 1 - Dec. 31)

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

[illegible]

Jurisdiction	Seaside		Note: + Optional field Cells in grey contain auto-calculation formulas
Reporting Period	2018	(Jan. 1 - Dec. 31)	

[illegible]

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction	Seaside	
Reporting Period	2018	(Jan. 1 - Dec. 31)

Note: + Optional field
Cells in grey contain auto-calculation formulas

Table F									
Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)(2)									
This table is optional. Jurisdictions may list (for informational purposes only) units that do not count toward RHNA, but were substantially rehabilitated, acquired or preserved. To enter units in this table as progress toward RHNA, please contact HCD at APR@hcd.ca.gov. HCD will provide a password to unlock the grey fields. Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in Government Code section 65583.1(c)(2).									
Activity Type	Units that Do Not Count Towards RHNA ⁺ Listed for Informational Purposes Only				Units that Count Towards RHNA ⁺ Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1 ⁺
	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Total Units by Income									

Jurisdiction	Seaside	
Reporting Year	2018	(Jan. 1 - Dec. 31)

Permitted Units Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		0
Total Units 44		0

Note: units serving extremely low-income households are included in the very low-income permitted units totals

Entitlement Summary	
Total Housing Applications Submitted:	0
Number of Proposed Units in All Applications Received:	0
Total Housing Units Approved:	0
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

4	Jurisdiction Seaside							
5	Reporting Year 2018 (Jan. 1 - Dec. 31)							
6								
7								
8						Annual Building Activity Report Summary		
9	Project Identifier					Unit Types		
10	1					2	3	4
	Prior APN	Current APN	Street Address	Project Name	Local Jurisdiction Tracking ID	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Verg Low-Income Deed Restricted
11								Verg Low-Income Non Deed Restricted
12	Summary Row: Start Data Entry Below							
13	012-381-070	012-381-070	1025 Kimball	Millette	17107	SFD	O	
14	011-481-007	011-481-007	1975 Military Ave	Silva O/B	17404	ADU	R	
15	011-325-002	011-325-002	710 Amador Avenue	Locke O/B	18781	ADU	O	
16								
Start Here Table A Table A2 Table B Table C Table D Table E Table F Summary								
Ready Page: 1 of 5								

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Seaside

Reporting Period 1/1/2013 - 12/31/2013

Table A

Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information						Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions			
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income			See Instructions	See Instructions	
(9) Total of Moderate and Above Moderate from Table A3 ▶ ▶			4	0	4						
(10) Total by income Table A/A3 ▶ ▶					4						
(11) Total Extremely Low-Income Units*											

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of Seaside
Reporting Period 1/1/2013 - 12/31/2013

Table A2

Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3

**Annual building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)**

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate	4					4	2
No. of Units Permitted for Above Moderate				N/A		0	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Seaside

Reporting Period 1/1/2013 - 12/31/2013

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.													
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed												
	Restricted Non-deed restricted												
Low	Deed												
	Restricted Non-deed restricted												
Moderate	Deed												
	Restricted Non-deed restricted												
Above Moderate													
Total RHNA by COG. Enter allocation number:													
Total Units ▶ ▶ ▶													
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶													

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of Seaside
Reporting Period 1/1/2013 - 12/31/2013

Table C
Program Implementation Status

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
	Name of Program	Objective	Timeframe in H.E.
N/A			

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction	City of Seaside
Reporting Period	<u>1/1/2013</u> - <u>12/31/2013</u>

General Comments:

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Seaside
Reporting Period 1/1/2014 - 12/31/2014

Table A

Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information						Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions			
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income			See Instructions	See Instructions	
(9) Total of Moderate and Above Moderate from Table A3 ▶▶			0	0	0						
(10) Total by income Table A/A3 ▶▶											
(11) Total Extremely Low-Income Units*											

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of Seaside
Reporting Period 1/1/2014 - 12/31/2014

Table A2

Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3

**Annual building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)**

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate						0	
No. of Units Permitted for Above Moderate						0	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Seaside

Reporting Period 1/1/2014 - 12/31/2014

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.													
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed												
	Restricted Non-deed restricted												
Low	Deed												
	Restricted Non-deed restricted												
Moderate	Deed												
	Restricted Non-deed restricted												
Above Moderate													
Total RHNA by COG. Enter allocation number:													
Total Units ▶ ▶ ▶													
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶													

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction	City of Seaside	
Reporting Period	1/1/2014	12/31/2014

Table C

Program Implementation Status

[illegible]

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction	City of Seaside
Reporting Period	1/1/2014 - 12/31/2014

General Comments:

no new construction

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Seaside
Reporting Period 1/1/2015 - 12/31/2015

Table A

Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information						Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions			
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income			See Instructions	See Instructions	
(9) Total of Moderate and Above Moderate from Table A3 ▶▶			1	0	1						
(10) Total by income Table A/A3 ▶▶					1						
(11) Total Extremely Low-Income Units*											

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of Seaside
Reporting Period 1/1/2015 - 12/31/2015

Table A2

Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3

**Annual building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)**

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate	1					1	1
No. of Units Permitted for Above Moderate						0	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Seaside

Reporting Period 1/1/2015 - 12/31/2015

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.													
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed												
	Restricted Non-deed restricted												
Low	Deed												
	Restricted Non-deed restricted												
Moderate	Deed												
	Restricted Non-deed restricted												
Above Moderate													
Total RHNA by COG. Enter allocation number:													
Total Units ► ► ►													
Remaining Need for RHNA Period ► ► ► ► ►													

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of Seaside
Reporting Period 1/1/2015 - 12/31/2015

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
	Name of Program	Objective	Timeframe in H.E.
N/A			

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction	City of Seaside
Reporting Period	1/1/2015 - 12/31/2015

General Comments:

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Seaside

Reporting Period 1/1/2016 - 12/31/2016

Table A

Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information						Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions			
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income			See Instructions	See Instructions	
(9) Total of Moderate and Above Moderate from Table A3 ▶ ▶					1	0	1				
(10) Total by income Table A/A3 ▶ ▶					1						
(11) Total Extremely Low-Income Units*											

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Seaside
Reporting Period 1/1/2016 - 12/31/2016

Table A2

Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3

Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate	1					1	
No. of Units Permitted for Above Moderate						0	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Seaside

Reporting Period 1/1/2016 - 12/31/2016

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.													
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Total Units to Date (all years)	Total Remaining RHNA by Income Level
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	Restricted Non-deed restricted												
Low	Deed												
	Restricted Non-deed restricted												
Moderate	Deed												
	Restricted Non-deed restricted												
Above Moderate													
Total RHNA by COG. Enter allocation number:													
Total Units ▶ ▶ ▶													
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶													

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction City of Seaside
Reporting Period 1/1/2016 - 12/31/2016

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)		Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
N/A			

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction	City of Seaside
Reporting Period	1/1/2016 - 12/31/2016

General Comments:

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Seaside

Reporting Period 1/1/2017 - 12/31/2017

Table A

Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information						Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions			
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			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income			See Instructions	See Instructions	
(9) Total of Moderate and Above Moderate from Table A3 ▶ ▶			1	0	1						
(10) Total by income Table A/A3 ▶ ▶					1						
(11) Total Extremely Low-Income Units*											

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of Seaside
Reporting Period 1/1/2017 - 12/31/2017

Table A2

Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3

**Annual building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)**

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate	1					1	
No. of Units Permitted for Above Moderate						0	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Seaside

Reporting Period 1/1/2017 - 12/31/2017

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.													
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed												
	Restricted Non-deed restricted												
Low	Deed												
	Restricted Non-deed restricted												
Moderate	Deed												
	Restricted Non-deed restricted												
Above Moderate													
Total RHNA by COG. Enter allocation number:													
Total Units ▶ ▶ ▶													
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶													

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of Seaside
Reporting Period 1/1/2017 - 12/31/2017

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
	Name of Program	Objective	Timeframe in H.E.
N/A			

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction	City of Seaside
Reporting Period	1/1/2017 - 12/31/2017

General Comments:



CITY OF SEASIDE STAFF REPORT

Item No.: 8.F.

TO: City Council

FROM: Craig Malin, City Manager

BY: Gloria Stearns, Community Development Manager
Sharon Mikesell, Administrative Analyst

DATE: February 21, 2019

SUBJECT: ADOPT A RESOLUTION APPROVING A CONTRACT WITH RINCON CONSULTANTS, INC. TO COMPLETE CEQA REVIEW OF THE FIFTH CYCLE AND FOUR YEAR HOUSING ELEMENT UPDATES IN THE AMOUNT OF \$39,589 WITH A 10% CONTINGENCY AND AUTHORIZE THE CITY FINANCE DIRECTOR TO MAKE THE APPROPRIATE BUDGET ADJUSTMENTS.

PURPOSE & RECOMMENDATION

Adopt a resolution approving a contract with Rincon Consultants, Inc. to complete CEQA review of the Fifth Cycle and Four Year Housing Element Updates in the amount of \$39,589 with a 10% contingency and authorize the City Finance Director to make the appropriate budget adjustments.

BACKGROUND

Since 1969, California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. California's local governments meet this requirement by adopting housing plans. Housing plans are part of their "general plan" and are expected to be updated in much shorter cycles (four years) than the overall general plan (twenty years).

The law mandating that housing be included as an element of each jurisdiction's general plan is known as "housing-element law."

Housing-Element Process:

- Update previous housing element
- Submit draft to the California Department of Housing and Community Development (HCD) for review/approval
- Revise and adopt (or adopt without changes)
- Submit adopted housing element to HCD

HCD has acknowledged that unexpected delays due to legal decisions involving outside agencies have delayed the adoption of Seaside's General Plan Update stating that Seaside should submit the past due fifth cycle Housing Element as soon as possible to get back on track with an update by December 15, 2019.

The City has taken the initiative of using the work already in progress by the General Plan subconsultants, contracting directly with them to fast track the progress of the Housing Element. This contract expands on the previously completed groundwork for the General Plan Update to address the HCD's accelerated timeline and specialized requirements.

FISCAL IMPACT

The proposed contract value with Rincon Consultants, Inc. is for an amount not to exceed \$39,589. It is customary to include a 10% contingency amount.

Sufficient line item funding in account 100-7310-1035 for use in preparation of the Housing Element was allocated in the 2017-2018 was unspent. It is recommended that the City Finance Director be directed to utilize the funds to sufficiently fund this item.

ATTACHMENTS

1. Resolution Rincon Housing Element Environmental
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 19-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE
APPROVING A CONTRACT WITH RINCON CONSULTANTS, INC. TO COMPLETE CEQA
REVIEW OF THE FIFTH CYCLE AND FOUR YEAR HOUSING ELEMENT UPDATES IN THE
AMOUNT OF \$39,589 WITH A 10% CONTINGENCY AND AUTHORIZE THE CITY
FINANCE DIRECTOR TO MAKE THE APPROPRIATE BUDGET ADJUSTMENTS.**

WHEREAS, Since 1969, California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community; and

WHEREAS, Housing plans are part of their "general plan" and are expected to be updated in much shorter cycles (four years) than the overall general plan (twenty years). and

WHEREAS, The law mandating that housing be included as an element of each jurisdiction's general plan is known as "housing-element law." and

WHEREAS, the Housing Element process includes updating the previous housing element, and the California Department of Housing and Community Development (HCD) has acknowledged that unexpected delays due to legal decisions involving outside agencies have delayed the adoption of Seaside's General Plan Update stating that Seaside should submit the past due fifth cycle Housing Element as soon as possible get back on track with an update by December 15, 2019.

WHEREAS, The City has taken the initiative of using the work already in progress by the General Plan subconsultants and contracting directly with them to fast track the progress of the Housing Element. This contract expands on the previously completed groundwork for the General Plan Update to address the HCD's accelerated timeline and specialized requirements.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Seaside enter into a contract with Rincon to complete CEQA review of the fifth cycle and four year housing element updates in the amount of \$39,589 with a 10% contingency and authorizing the City Finance Director to make the appropriate budget adjustments.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 21st day of February 2019, by the following vote:

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

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.G.

TO: City Council

FROM: Craig Malin, City Manager

BY: Roberta Greathouse, Human Resources Director/Risk Manager

DATE: February 21, 2019

**SUBJECT: AUTHORIZE THE RELEASE OF A REQUEST FOR STATEMENTS OF
QUALIFICATIONS FOR THE FACILITATION OF EXECUTIVE
EVALUATION SERVICES**

PURPOSE & RECOMMENDATION

Authorize the release of a Request for Statements of Qualifications (RFQ) for the facilitation of the City Manager and / or City Attorney's performance evaluations.

BACKGROUND

This item is being initiated at the request of Council Members and will authorize the release of a Request for Qualifications (RFQ) for professional services to assist the City Council with the evaluation process for the City Manager and/or City Attorney.

FISCAL IMPACT

There is no cost associated with the release of an RFQ.

ATTACHMENTS

None

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.H.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton-Rerig, Public Affairs Officer/City Clerk

DATE: February 21, 2019

**SUBJECT: AUTHORIZE EXPENDITURES FOR CITY COUNCIL MEMBERS TO
ATTEND THE MONTEREY CHAMBER OF COMMERCE ANNUAL
AWARDS DINNER**

PURPOSE & RECOMMENDATION

Authorize the expenditure for the registration for Council Members to attend the event representing the City of Seaside.

BACKGROUND

On October 18, 2018 the City Council authorized a freeze on City Council expenditures unless approved by the full City Council.

This item is requesting authorization for expenditure for any Council Member who wishes to attend the Monterey Chamber of Commerce Annual Awards Dinner on March 23rd, 2019.

FISCAL IMPACT

Total cost of admission for the event is \$175 per person.

ATTACHMENTS

None

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



CITY OF SEASIDE STAFF REPORT

Item No.: 9.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Craig Malin, City Manager

DATE: February 21, 2019

**SUBJECT: PROVIDE DIRECTION ON SHORT-TERM RENTAL
ENFORCEMENT**

PURPOSE & RECOMMENDATION

Direct the City Attorney to initiate enforcement of suspected short-term rentals operating without a license, and authorize the City Attorney to establish payment plans for any past-due short-term rental transient occupancy taxes.

BACKGROUND

After months of discussion, the City Council adopted an ordinance allowing and regulating short-term rentals of homes on July 5, 2018. The ordinance took effect in August. As the ordinance took effect, the City initiated a paper-based application and permitting system while working toward placing applications for short-term rental licenses on-line. Through use of the paper-based application process, the first short-term rental license was issued on September 1, 2018, and the first transient occupancy tax (TOT) payment was made on August 31, 2018.

Presently, applications for business and short-term licenses are online, and available by clicking a link on the City's homepage. The City also facilitates payment of TOT online via PayPal and is in process of contracting with AirBnB to automate TOT payments for licensees and their guests. Seventeen different short-term license holders presently operate twenty-nine short-term rental properties, with another twenty-one applicants in process of securing licenses for twenty-eight additional properties. The list of current licensees and applicants is attached.

To date, the City has received just under \$27,000 in TOT from short-term rentals, as part of approximately \$2.1 million in TOT collected since August of 2018. Some short-

term license holders and applicants have expressed concerns with the City's initial implementation of the short-term licensing process and have asked the City Council to establish a new effective date (Jan. 1, 2019 has been suggested) for TOT payments. Establishing a new date carries risk that others who have paid TOT since August of 2018 could have grounds to demand their taxes be repaid. Accordingly, staff recommends compliance with the existing ordinance and direction from the City Council to permit the City Attorney to establish payment plans for any yet unpaid TOT from current and future licensees, dating back to August of 2018. As the goal is compliance, the City Attorney should be granted latitude to arrive at payment plans that meet the individual operator's ability to pay.

In addition to the TOT payment concern, on any given day, approximately 120 short-term rentals within the city are advertised on websites, thus averaging nearly double the amount of current and pending permitted locations. The City and media have publicized the requirement for short-term rental licenses on multiple occasions, and the City has previously mailed multiple letters to suspected short-term rental operators, advising them of the need for licensure.

As the City passes the six-month anniversary of permitting short-term rentals, it is an appropriate time to dedicate legal resources to gaining compliance. Letters, staff and media attention can suggest and encourage compliance, but gaining compliance ultimately requires dedicating legal resources to the effort. Accordingly, it is recommended the City Attorney initiates a compliance program with certified letters and follow-up efforts to bring short-term rentals operating within the city into compliance with Seaside Code.

FISCAL IMPACT

ATTACHMENTS

1. STR Approvals by date
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

Short Term Rentals

Name	No. of Listings	Status	Date Approved
Murray Wagon	1	Inspected and Approved	9/1/2018
Emad Ibrahim	2	Inspected and Approved	10/4/2018
Pablo Oliva/Omar Jiminez	1	Inspected and Approved	10/15/2018
Cheri & Olga Collins	1	Inspected and Approved	10/18/2018
Grace Nguyen	2	Inspected and Approved	11/6/2018
Kenneth Jones	1	Inspected and Approved	11/7/2018
Wolfgang Maerker	3	Inspected and Approved	1/4/2019
Donna Kaufman	1	Inspected and Approved	1/10/2019
Daniel Hunt	2	(1) Approved (1) Pending Inspection	1/14/2019
Dennis Volk	4	Inspected and Approved	1/22/2019
Jasmine Alwill	3	(2) Approved/(1) pending corrections	1/25/2019
Alexandra Burks	1	Inspected and Approved	1/28/2019
Linda Natale/Linda Ciandro	3	Inspected and Approved	1/29/2019
Tarek Elgendy	1	Inspected and Approved	2/6/2019
Robert Booth	1	Inspected and Approved	2/7/2019
Tanya Tarantino	1	Inspected and Approved	2/11/2019
Mark Baerg	1	Inspected and Approved	2/12/2019
Joseph & JoseAnn Tringali	1	Inspection Scheduled 2.21.19	
Suzan Melehani	1	Tiling floor - Will call to schedule	
Wenhua Cao	1	Contacted 1/28 - will call back to schedule	
Yen Tran	1	Pending corrections from inspection	
JMA Residentials	4	Pending corrections from inspection	
Korrutai Yujaroen	1	Pending corrections from inspection	
Anthony & Martha Henry	1	Pending corrections from inspection	
Zyad Tabib	1	Pending corrections from inspection	
Yanmei Liu	1	Pending re-inspection	
Luyuan Zhao	3	Pending re-inspection	
Tanesia & Chimyere Paige	1	Pending corrections from inspection	
Pavel Aliotti	3	(2) Pending corrections (1) waiting to schedule inspection	
Jeremiah & Ashley Low	1	Pending corrections from inspection	
Juhan Jwaideh	1	Pending corrections from inspection	
Yaoliang Yan	1	Incomplete submittal -	
Patricia Muniain	1	Incomplete submittal -	
Clementine & Jesse Muson	1	Incomplete submittal -	
Susan Bradley	1	Incomplete submittal -	
Tammy Consoli	1	Incomplete submittal -	
Jenny Hwang	1	Incomplete submittal -	
Michael Garcia	1	Incomplete submittal -	



CITY OF SEASIDE STAFF REPORT

Item No.: 9.B.

TO: City Council

BY: Craig Malin, City Manager

DATE: February 21, 2019

SUBJECT: RECEIVE UPDATE AND DISCUSS POTENTIAL HEAP GRANT APPLICATIONS INCLUDING POTENTIAL HOMELESS SHELTER LOCATION(S)

PURPOSE & RECOMMENDATION

Discuss and provide direction to staff regarding potential HEAP grant application and / or other actions related to homeless citizens and visitors.

BACKGROUND

The most recent Monterey County Homeless Census and Survey found 2,837 homeless individuals in Monterey County, with 83% of homeless citizens surveyed indicating they were Monterey County residents prior to becoming homeless (see attached Monterey County Census and Survey Executive Summary). In an effort to ameliorate the homeless situation across the state, the California Homeless Coordinating and Financing Council has established the Homeless Emergency Aid Program (HEAP) (see attached HEAP faq). HEAP is administered locally by the Coalition of Homeless Service Providers, which has issued a call for HEAP applications, due on or before 5:00 PM, April 1.

Spurred by the HEAP funding opportunity, Monterey County indicated they would be willing to dedicate a vacant modular building, located at 1292 Broadway, for a homeless shelter operated by the City. The City Council reviewed a draft letter of interest related to the offer at the January 17 City Council meeting (draft letter attached) and, after removing the bracketed language in the draft letter, approved sending the letter to the County. On February 11, Community Human Services and the Gathering for Women delivered a letter (attached) to the City, expressing interest in operating a shelter at the location. The location is within an Emergency Shelter Overlay District and is thus permitted by right (see attached staff report related to the Emergency Shelter Overlay District).

On February 13, Councilmembers Pacheco and Wizard hosted a townhall discussion on homelessness and the potential use of the 1292 Broadway structure for a shelter. More than 100 people attended the discussion, and 32 people offered comments and questions during the public comment portion of the meeting. Eight people expressed concerns regarding the location, process of public participation and / or operations of a shelter at the location, another eight asked questions generally related to operations of a yet to be defined shelter at the location and sixteen people expressed general or specific support of a shelter at the location and / or improved homeless services.

Given the magnitude of the homeless population and their varied needs, any single shelter, in any single location, will be inadequate to the full range of challenges. Consequently, the City Council must engage in a full spectrum discussion of the issues related to homelessness and what any one City, with or without partners, may accomplish. Contrary to any notion that the use of the vacant County building at 1292 Broadway by the City for a shelter is a foregone conclusion, staff will look for initial direction from the City Council at the February 21 on how, or if, to craft a HEAP grant application, alone or with partners.

At the February 21 meeting, staff will outline the range of decisions and options the City Council has to be responsive (or not) to the HEAP application and / or non-HEAP funded homeless programming or facilities. The Council has a full range of options open, including declining the County's offer of the 1292 Broadway building (which brings with it a risk that another entity could use the facility by right, without City involvement) or accepting the building and moving it to a different location. Any HEAP grant application would have to come back before the Council for final review and approval, prior to submittal.

On a related note, staff is in progress of revising departmental policies related to enforcement of no-camping / overnight sleeping ordinances on public property. Recent court rulings have found enforcement of no camping / overnight sleeping on public property ordinances to be unconstitutional in cases where communities have insufficient shelter space. A recent presentation on the topic sponsored by Cal JPIA, along with a draft of the Police Department's revised policy is attached. Regardless of any Council direction or decision related to an HEAP application, the Council will be asked to review the City's ordinances on camping and overnight sleeping on City property.

ATTACHMENTS

1. 2017 Monterey County Homeless Census & Survey Executive Summary
 2. HEAP FAQs
 3. Draft Letter From City to County, Reviewed at 1.17.19 Council Meeting
-

4. Community Human Services / Gathering for Women 2.11.19 Letter
 5. Emergency Shelter Overlay District Staff Report
 6. Cal JPIA Homeless Dilemma Presentation PDF
 7. Draft Police Department Policy
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

MONTEREY COUNTY

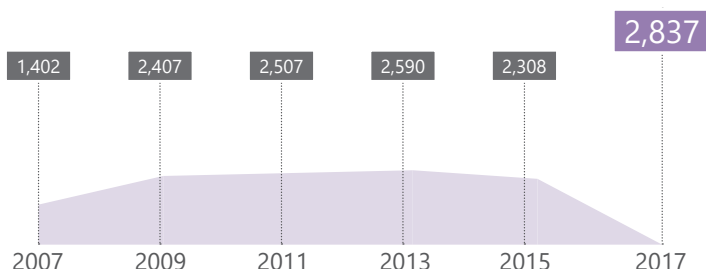
2017 HOMELESS CENSUS & SURVEY

EXECUTIVE SUMMARY

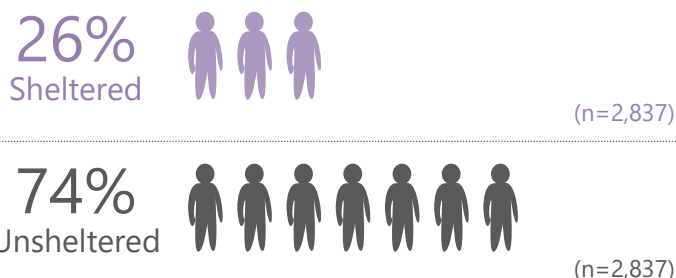
Every two years, during the last 10 days of January, communities across the country conduct comprehensive counts of the local homeless populations in order to measure the prevalence of homelessness in each local Continuum of Care.

The 2017 Monterey County Point-in-Time Count was a community-wide effort conducted on January 24, 2017. In the weeks following the street count, a survey was administered to 654 unsheltered and sheltered homeless individuals, in order to profile their experience and characteristics.

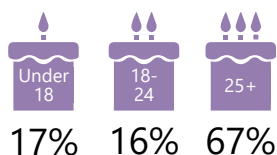
Census Population: Longitudinal Trend



2017 Sheltered/Unsheltered Population

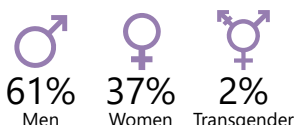


Age



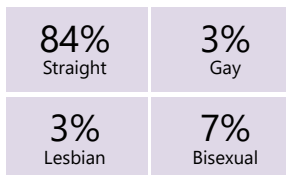
Gender

(Top 3 Responses)



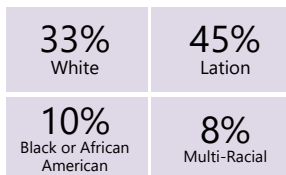
Sexual Orientation

(Top 4 Responses)

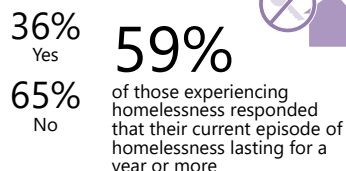


Race/Ethnicity

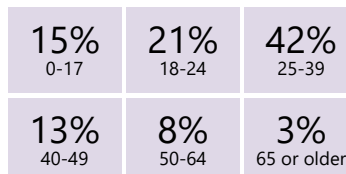
(Top 4 Responses)



First Homelessness Episode



Age at First Episode of Homelessness



Parents With Children Under Age 18



Foster Care



Subpopulation Data*

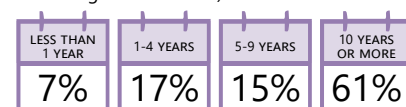


Residence Prior to Homelessness



Length of Time in Monterey County

(of those living in Monterey County prior to becoming homelessness)



Employment

Employment Status

25%
Employed
full-time

75%
Unemployed



If Unemployed, Currently...

28%
Unable
to work

47%
Looking
for work

25%
Not
looking
for work

Primary Event or Condition That Led to Homelessness

(Top 6 Responses)



43%
Financial issues

38%
Alcohol/drug use

24%
Fight or conflict

20%
Divorce/
separation

20%
Legal issues

15%
Mental issues

Interest in Permanent Housing

82%

of survey
respondents
said YES
when asked
if they would
want to move
into safe,
affordable
permanent
housing
were it
available



Obstacles to Permanent Housing

(Top 4 Responses)



68%
Couldn't
Afford Rent

55%
No Job/
Income

28%
No
Transportation

35%
No Money
for Moving Costs

What is a Disabling Condition?



36%

of survey
respondents
reported a
disabling
condition

A disabling condition is defined here as a physical disability, mental illness, chronic depression, alcohol or drug abuse, chronic health problems, HIV/AIDS, Post-Traumatic Stress Disorder (PTSD), or a developmental disability.

Health Conditions

Current health
conditions affecting
housing stability or
employment.

(Note: Multiple response
question, numbers will
not total to 100%)



28%

Other Emotional or
Mental Health Conditions



18%

Post-Traumatic
Stress Disorder



8%

Traumatic
Brain Injury



12%

Physical
Disability



14%

Chronic Health
Problems



2%

AIDS/HIV
Related



34%

Drug or
Alcohol Abuse

Current Accomodation

78%

Outdoors



24%

Shelter



14%

Vehicle



13%

Structure/Indoor
Area Not Meant for
Habitation



Services and Assistance



52%

of survey
respondents
reported
receiving
government
benefits

Reasons for Not Receiving Any Government Assistance

(Top 6 Responses)

46%
Free
Meals

20%
Bus Pass

18%
Shelter Day
Services

16%
Transitional
Housing

16%
Health Services

14%
Emergency Shelter

Services Currently Accessing

(Top 6 Responses)

33%
Don't Think They are
Eligible

23%
Don't Have ID

21%
No Permanent
Address

12%
Never Applied

11%
Don't Want It

9%
Immigration Issues

*Subpopulation Definitions

Chronically Homeless

An individual with a disabling condition or a family with a head of household with a disabling condition who:

- » Has been continuously homeless for 1 year or more and/or;
- » Has experienced 4 or more episodes of homelessness within the past 3 years.

Veterans

Persons who have served on active duty in the Armed Forces of the United States. This does not include inactive military reserves or the National Guard unless the person was called up to active duty.

Families

A household with at least one adult member (persons 18 or older) and at least one child member (persons under 18).

Unaccompanied Children

Children under the age of 18 who are homeless and living without a parent or legal guardian.

Transition- Age Youth

Young adults between the ages of 18 and 24 years old.

The complete comprehensive report includes a more detailed profile of the characteristics of those experiencing homelessness in Monterey County. It can be found at chspmontereycounty.org

Source: Applied Survey Research. (2017). Monterey County Homeless Census & Survey. Watsonville, CA.

HOMELESS EMERGENCY AID PROGRAM (HEAP)

Frequently Asked Questions



Edmund G. Brown Jr., Governor
Secretary Alexis Podesta, Council Chair
Ginny Puddefoot, Executive Officer

Updated September 1, 2018



Homeless Emergency Aid Program (HEAP)

Frequently Asked Questions

This document is a supplementary resource to the Homeless Emergency Aid Program (HEAP) Program Guidance document. Refer to the Homeless Coordinating and Financing Council (HCFC) website at [bcsb.ca.gov/hcfc](https://www.bcsb.ca.gov/hcfc) for more details or contact the Council for specific questions not answered here at hcfc@bcsb.ca.gov.

HEAP Applications

Q: Who is eligible to apply for HEAP funds?

A: The HEAP Program Guidance-Attachment B-Formula Funding Estimates identifies the 11 large cities and 43 Continuums of Care (CoC) that are eligible to apply for HEAP funds. Individual persons, cities (not identified as one of the 11 large cities), counties, and/or nonprofit organizations are not eligible to apply directly to HCFC for HEAP funds. Those interested in receiving HEAP funds will apply directly to their local CoC. HCFC encourages interested applicants to collaborate with their local CoC to determine the best use of funds and how funds will be disbursed.

Q: How do CoCs and large cities apply for HEAP funds?

A: There will be two separate applications. One for CoCs and another for the 11 large cities. The applications are scheduled to be released on September 5, 2018. All applications will be completed and submitted online. The application does not have a "save" feature to allow for partial completion of the application. Applications must be completed and submitted in one sitting. Once the application is successfully submitted, the applicant will receive a confirmation email that includes a copy of the application, a tracking number and a checklist of documents to be submitted to HCFC. The applicant **must** reply to the email and attach all items listed on the checklist for the application to be deemed complete.

An application map and instructions were released on August 17, 2018 and can be found on the HCFC website <https://www.bcsb.ca.gov/hcfc>. The application map is a tool designed to assist HEAP applicant entities collect the information necessary to complete the application ahead of the release of the official HEAP application. This should make completion of the actual application in one sitting easier.

- Q: As we are developing plans for use of HEAP funds, some of our jurisdictions will be ready to go sooner than others. Can we submit our application separately as the plans for each jurisdiction are completed up until the deadline?**
- A:** No. Only **one** application may be submitted by the CoC or large city per round. Upon approval of the application, there will be a single disbursement of the total distribution of funds allocated to each CoC or large city, as stated in HEAP Program Guidance Attachment B-Formula Funding Estimates.
- Q: Please define “local collaborative effort” and what type of supporting documentation is required.**
- A:** CoCs must demonstrate that a local collaborative effort has been conducted prior to application submission. A local collaborative process may include, but is not limited to, public meetings, regional homeless taskforce meetings, letters of support with signatures of endorsement and/or an adopted homelessness plan. Collaborative partners, at a minimum, should include representatives of local homeless service providers, homeless youth programs, law enforcement, behavioral health, and city and county public officials. Supporting documentation of collaboration may include, but is not limited to, sign-in sheets, agendas, meeting minutes and/or public comment logs.
- Q: Will we lose our allocation if we do not request it all in Round 1?**
- A:** Not completely, however, the allocations in Round 2 will be reduced to a proportional share of the HEAP funds remaining after Round 1. Funds not applied for in Round 1 will be redistributed between the 43 CoCs and 11 large cities in Round 2, using the same formula distribution methodology used in Round 1.
- Q: Will the 11 large cities share the \$150 million evenly?**
- A:** No. The 11 large cities’ funds are allocated in proportion to the percentage of homeless people in the large cities’ jurisdictions, based on the 2017 HUD PIT, as stated in the HEAP Program Guidance Attachment B-Formula Funding Estimates.
- Q: Are the 11 large cities also eligible to receive funds from the CoC?**
- A:** Yes. The 11 large cities may receive a share of HEAP funding through the CoC if they have declared a shelter crisis and the collaborative process results in an additional allocation for that city.
- Q: Will an AE be able to reprogram funds from one eligible activity and/or jurisdiction to another after the application is approved and funds are disbursed?**
- A:** Yes. There will be a change request document available to submit changes to the original application. These changes must be approved by HCFC prior to implementation. This document will be posted on the HCFC website at a later date. Please note that reprogrammed funds between jurisdictions can only be reallocated to jurisdictions that had a shelter crisis declaration in place at the time the funds were initially awarded.

Administrative Entity

Q: Who is the Administrative Entity (AE) for purposes of applying for HEAP funds?

A: For the allocations made to the 11 large cities pursuant to Health and Safety Code Section 50213(c), those cities are the AE.

For all other allocations made directly to a Continuum of Care (CoC) the AE means a unit of general purpose local government (city, county or a city that is also a county) or a nonprofit organization that has (1) **previously** administered federal Department of Housing and Urban Development (HUD) COC funds as the collaborative applicant pursuant to Section 578.3 of Title 24 of the Code of Federal Regulations, and (2) been designated by the CoC to administer program funds. For this application, COC and AE are used interchangeably.

Point-in-Time Count

Q: Can the jurisdiction use a homeless count different from the HUD Point-in-Time (PIT) count to apply for HEAP funding?

A: No. The statute specifically recognizes the 2017 HUD PIT count as the basis for determining the allocation structure for the program. Health and Safety Code Section 50210(f) states the “Homeless point-in-time count” means the 2017 homeless point-in-time counts pursuant to Section 578.3 of Title 24 of the Code of Federal Regulations.” The PIT numbers are identified in the HEAP Program Guidance Attachment B-Formula Funding Estimates.

Shelter Crisis Declaration

Q: Who has the authority to declare a shelter crisis?

A: The only entities that may declare a shelter crisis are cities, counties, and cities that are also counties, through their governing bodies, as defined in Government Code Section 8698. A CoC, or a Joint Powers Authority that acts as the CoC, may not declare a shelter crisis.

Q: Who qualifies for a waiver and what is the process to file a waiver?

A: Based on the 2017 HUD PIT, if a CoC has fewer than 1,000 homeless people, the cities and counties that are part of the CoC are exempt from declaring a shelter crisis [Health and Safety Code Section 50212(b)]. Once the on-line application is submitted, CoCs that qualify for a waiver will be required to submit, by email, the waiver form along with all other documents indicated.

Q: Can the county declare a shelter crisis that covers all jurisdictions within the county?

A: No. A county may not declare a shelter crisis that covers all jurisdictions within the county. The county **may** declare a shelter crisis for the unincorporated areas of the county.

- Q: Do all the counties or cities that the AE represents have to declare a shelter crisis in order for the AE to submit a HEAP application?**
- A:** No. Not all jurisdictions must declare a shelter crisis for an application to be submitted or to be awarded funds. However, only the jurisdictions that have declared a shelter crisis are eligible to receive HEAP funds from their CoC. As stated in Health and Safety Code Section 50212(a), "In order to be eligible for program funds, an [AE] shall demonstrate that ...the jurisdiction or jurisdictions that the [AE] represents for which funding is requested have, at the time of the award, declared a shelter crisis." As stated previously, CoCs that are eligible for a waiver will submit the waiver(s) during the application process.
- Q: Is the city or county, as the AE for the CoC, required to pass a Board or Council resolution for HEAP?**
- A:** No. The only Board or Council resolutions required are the shelter crisis declarations, if a city or county wants to be a direct recipient of HEAP funds through their CoC (or directly, in the case of the 11 large cities). CoCs that are eligible for a waiver are exempt from declaring a shelter crisis.
- Q: Will the CoC's allocation be reduced by a percentage for every city that does not declare a shelter crisis?**
- A:** No. The allocation is not based on the number of cities within a CoC that declare a shelter crisis. The allocations are based on the 2017 HUD PIT count for the CoC in its entirety and a formula distribution methodology was used to determine the allocation for each CoC and the 11 large cities.

Distribution of HEAP Funds

- Q: Can a jurisdiction that has not declared a shelter crisis be a direct recipient of HEAP funds from the CoC?**
- A:** No. CoCs cannot disburse HEAP funds directly to a jurisdiction that has not declared a shelter crisis. Each jurisdiction (city, county, or city that is also a county) within the area represented by an AE must declare a shelter crisis if the jurisdiction wishes to be a recipient of HEAP funding. Further clarity regarding the specific requirements surrounding declaration of a shelter crisis is available in Chapter 7.8 (commencing with Section 8698) of Division 1 of Title 2 of the Government Code.
- Q: How quickly will HEAP funds be disbursed?**
- A:** At this time, HCFC expects to disburse the HEAP funds within 60 days of the date the application is submitted and deemed complete. A completed application includes the supporting documentation requested in the application. The approval process may extend beyond 60 days if the supporting documentation is incomplete and/or if there is a delay in the AE returning the signed standard agreement.
- Q: Will we receive our HEAP fund allocation all at once?**
- A:** Yes. One hundred percent of the allocation will be disbursed once the standard agreement is executed. Funds will be issued directly to the AE.

Q: What happens if we do not spend all of the program funds?

A: As stated in Health and Safety Code Section 50215(b)(2), “One hundred percent of program funds shall be contractually obligated by June 30, 2021. Any funds not expended by that date shall be returned to the agency and revert to the General Fund.”

Eligible Uses of HEAP Funds

Q: Do the programs I administer using HEAP funds need to comply with California’s Housing First policy?

A: Yes. In compliance with the requirements established under SB 1380 (Chapter 6.5 of Division 8 of the Welfare and Institutions Code), HCFC will require in all standard agreements that any program paid for with HEAP funds shall align and comply with the core components of Housing First as defined in Welfare and Institutions Code Section 8255(b).

Q: What are some examples of allowable uses for the HEAP funds?

A: The parameters of the program are intentionally broad, and the examples provided are not exhaustive. CoCs and the 11 large cities are encouraged to be creative and craft programs that meet specific needs that have been identified in their communities. Applicants must include in the application how the proposed activity is directly related to providing immediate emergency assistance to people experiencing homelessness or at imminent risk of homelessness, and that those uses are aligned with California’s Housing First policy. Eligible uses include, but are not limited to:

Services: Street outreach, health and safety education, criminal justice diversion programs, prevention services, navigation services, and operating support for short-term or comprehensive homeless services.

Rental assistance or subsidies: Housing vouchers, rapid re-housing programs, and eviction prevention strategies.

Capital improvements: Emergency shelter, transitional housing, drop-in centers, permanent supportive housing, small/tiny houses, and improvements to current structures that serve homeless individuals and families. Some communities are discussing solutions to address homelessness and the public health crisis by using funds for handwashing stations or public toilet and shower facilities.

Q: Can HEAP funds be used for capital projects such as construction of interim shelters or permanent supportive housing?

A: In general, HEAP funds can be used for capital projects. However, the HEAP funds are intended to provide immediate emergency assistance to people experiencing homelessness or at imminent risk of homelessness. In addition, there are expenditure deadlines and other requirements such as:

1. Fifty percent of funds must be contractually obligated by January 1, 2020 and one hundred percent of funds must be expended by June 30, 2021 [Health and Safety Code Section 50215(b)(1-2)].
2. HEAP funds cannot be used for capital projects in jurisdictions that **have not** declared a shelter crisis.

3. Shelter or housing projects must follow Housing First policies as stated in SB 1380 (Chapter 6.5 of Division 8 of the Welfare and Institutions Code).

Q: Are building projects, including new or renovation construction, paid for with HEAP funds subject to state prevailing wage?

A: HCFC considers HEAP funds to be “public funds” as that term is used in Labor Code § 1720. Nevertheless, there are a variety of factors that may affect whether a project will be required to pay state prevailing wage. It is recommended that applicants consult with an attorney and/or the Department of Industrial Relations to determine whether a planned building project will be required to pay state prevailing wage.

Q: Can HEAP funds be used to provide services in jurisdictions that do not declare a shelter crisis?

A: Yes. CoCs, cities, counties, and nonprofit organizations **may** expend HEAP funds for services that serve homeless individuals and families across jurisdictional lines. Counties **may** use HEAP funds allocated by the CoC to fund county activities that serve all county residents. HEAP funds **cannot** be used for rental assistance, rental subsidies or capital projects in jurisdictions that have not declared a shelter crisis.

Ineligible uses of HEAP Funds

Q: What are the restrictions or ineligible uses of HEAP funds?

A: Generally, if HEAP funds are used to pay for activities that serve homeless individuals or families or those at imminent risk of homelessness, the uses are allowed, with the following restrictions:

1. Jurisdictions that have not declared a shelter crisis **may not** be the direct recipient of HEAP funding.
2. CoCs, cities, counties, and nonprofit organizations **may not** use HEAP funds for capital projects, such as building or expanding a shelter or navigation center, or for rental assistance, within a jurisdiction that has not declared a shelter crisis.
3. HEAP funds **cannot** be used to fund HMIS infrastructure or improvements.
4. At least five percent of HEAP funds must be used to establish or expand services meeting the needs of homeless youth or youth at risk of homelessness [Health and Safety Code Section 50214(c)].
5. Administrative costs are capped at five percent of program funds. This does not include staff costs directly related to carrying out program activities [Health and Safety Code 50214(b)].
6. HEAP funds **cannot** be used to create a strategic plan for addressing homelessness.
7. HEAP funds **cannot** be expended after June 30, 2021. Any long-term projects that would require payment after that date are not appropriate uses of HEAP funds.
8. Expenditures not intended for the purposes of providing aid for persons who are homeless or at imminent risk of homelessness are not appropriate uses of HEAP funds.

This is not an exhaustive list of examples of ineligible uses. Contact the Homeless Coordinating and Financing Council with any questions about use eligibility for HEAP funds: hcfc@bcsh.ca.gov.

Homeless Youth Set-Aside

Q: What is the definition of “Homeless Youth”?

A: Consistent with other state and federal definitions, HCFC considers “homeless youth” to mean an unaccompanied homeless individual who is not older than 24, for purposes of HEAP. Homeless individuals not older than 24 who are parents are included in this definition.

Q: Can we use more than five percent of our allocation for homeless youth?

A: Yes. The five percent set-aside is a minimum amount. The CoCs and 11 large cities may choose to spend additional funds for this target population. It will be important for CoCs and the 11 large cities to collaborate with youth advocates and service providers to determine the most appropriate activities to address youth homelessness.

Q: Are we required to use the homeless youth set-aside for separate programs for homeless youth or can we incorporate it into other homelessness programs?

A: No, it does not have to be used for separate programs. However, the services provided for adults who are homeless may not be appropriate interventions or services for youth. HCFC strongly encourages the CoCs and 11 large cities to collaborate with those who work directly with this population, such as schools and educators, youth program providers, after school programs, and community centers to determine the best use of funds.

Reporting Requirements

Q: What are the program reporting requirements?

A: As stated in Health and Safety Code Section 50215(a)(1), “No later than January 1, 2020, each recipient of program funds shall submit to the agency a report.” HCFC will include reporting requirements in the standard agreement executed prior to distribution of HEAP funds to each large city or CoC. At this time, the reporting requirements include contract expenditures, the number of homeless individuals served by program funds, and the progress toward state and local homelessness goals. An additional report will be due no later than January 1, 2021, with a final report due shortly after June 30, 2021. AEs will need to submit confirmation that no less than 50 percent of program funds have been contractually obligated by January 1, 2020.

Q: How will the State monitor the program?

A: HCFC will use the report submitted on or before January 1, 2020 to ensure that AEs are on track to expend 100 percent of program funds by June 30, 2021. In addition to the reporting requirements above, it is expected that CoCs and large cities will provide direct oversight to recipients of HEAP funds.

Draft

The Honorable John M. Phillips
Chair, Monterey County Board of Supervisors
168 W. Alisal Street
Salinas, CA. 93901

Dear Chairman Phillips:

The City of Seaside has an interest in partnering with Monterey County, other peninsula cities and regional non-profits to contribute to solutions for homeless individuals.

The City understands Monterey County has a vacant building of approximately 4,300 square feet at 1292 Broadway which the County may dedicate to a homeless shelter, pursuant to a future agreement with the City, should the City, County and other partners find agreement on terms related to the renovation of the structure and operation of a shelter within the renovated structure. The parcel on which the building rests is appropriately zoned for an emergency shelter.

Given the City's present needs, challenges and resources, the City's ability to move forward with the planning and operation of a shelter at the location is predicated on two principal factors; one procedural and another practical. The first is an opportunity for community input on the potential operation of a shelter at the location. City officials are planning a community input session on the topic next month, and any final commitment to a grant application for renovation of the structure is dependent upon Council action which would follow that session.

The second, practical, factor that requires resolution is formulating a coalition of funding partners and building operational capacity. The City of Seaside, at present, has neither the operational nor budget capacity, on its own, to fund the operation of a 4,300 square foot homeless shelter. We are more than willing to work with the County, other cities and non-profits to share the expense of doing so, within our budgetary framework. To this end, we propose a 33.3% / 33.3% / 33.3% operational funding split between the

County, peninsula cities and a non-profit funding partner [to an annual limit of _____ for Seaside].

With recognition of the preceding matters to be resolved in advance of any final Council decision, should the County be interested in moving forward with a joint HEAP application, or other such funding support to help alleviate homelessness, Seaside stands ready to assist.

Sincerely,

Seaside City Council



Gathering for Women · Monterey
Providing homeless women with supportive resources and a caring community

February 11, 2019

To: Seaside City Council Members
Re: Homeless Shelter in Seaside

As you may be aware, Monterey County recently received \$10M in Homeless Emergency Aid Program (HEAP) funding to provide immediate and direct assistance to those impacted by the homeless crisis in Monterey County. A Notice of Funding Availability (NOFA) was released on February 8, 2019. Applications for this one-time funding are due on April 1, 2019.

In response to this opportunity, Community Human Services, in partnership with The Gathering for Women, is planning to establish and operate a homeless shelter on the Monterey Peninsula. The site we have tentatively chosen is the vacant County building on the corner of Broadway Avenue and Noche Buena Street. The reasons for selecting this site are location, proximity to transportation, proximity to services, low cost lease with the County and relatively low cost to rehabilitate the facility.

We plan to rehabilitate the facility with private donations and apply for HEAP funding for operating expenses for the first two years. After that, we plan to conduct an annual campaign to elicit operating funds from peninsula municipalities and private individuals, business and the community at large. We have discussed establishing a Peninsula Homeless Shelter Fund with Community Foundation for Monterey County for this purpose. In addition, all of the peninsula cities are members of the Community Human Services Joint Powers Agency, which may help to facilitate this process.

We also plan to offer case management services to men and families during the day at the shelter site and to women at The Gathering for Women's day facility on El Dorado Street in Monterey. Case management would address housing, employment, and connections to medical, mental health and substance abuse services. Other amenities/services would include showers, laundry tokens, mail service, enrollment in mainstream benefits, dinner and breakfast, and afterschool activities and academic support for children. We are in discussion with several nonprofits about potentially partnering with us to provide daily transportation to and from the shelter from other Peninsula locations.

The benefits of a homeless shelter to the City of Seaside include: 1) getting the homeless safely off the streets at night, 2) providing the homeless with access to assistance and services, and 3) using valuable local resources efficiently through a proactive, holistic community approach to homelessness that will ultimately reduce the City's financial burden and improve impacted neighborhoods and businesses.

HEAP funding presents a rare, one-time opportunity for our community to address the burgeoning problem of homelessness. It also presents the City of Seaside with a unique opportunity to lead the way for the peninsula in these efforts. We hope you will support this plan to establish a shelter in Seaside.

Thank you,

Alan Cohen

Alan Cohen
Community Human Services, Board Chair

Amy Sands

Amy Sands
The Gathering for Women, Board Chair

C: Craig Malin, City Manager
Robin McCrae, CHS CEO
Kate Daniel Kurz, GFW Interim Ex. Dir.



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 9.A.

TO: City Council

FROM: Craig Malin, City Manager

BY: Craig Malin, City Manager

DATE: March 1, 2018

SUBJECT: **AN ORDINANCE AMENDING CERTAIN PROVISIONS WITHIN TITLE 17 OF THE ZONING CODE TO ADD EMERGENCY SHELTERS AS A PERMITTED BY RIGHT LAND USE IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT AND ON LANDS LOCATED WITHIN CENSUS TRACT 137 AND CERTAIN DEVELOPMENT STANDARDS APPLICABLE TO ALLOWING AN EMERGENCY SHELTER AS A PERMITTED USE. (SECOND READING, ROLL CALL VOTE)**

PURPOSE

A request to amend Title 17 (Zoning Code) of the Seaside Municipal Code to allow emergency shelters as a permitted by right land use in the Community Commercial Zoning District and within Census Tract 137 to be compliant with Senate Bill No. 2 (SB2) Cadillo.

RECOMMENDATION

City staff recommends the City Council conduct the second reading of the proposed emergency shelter text amendments and adopt the draft ordinance as presented to list "Emergency Shelters" as a permitted use in the Community Commercial Zone and a newly established "Emergency Shelter" Overlay District in Census Tract 137 and establish development/use and performance standards for an Emergency Shelter listed as a permitted by right land use. The Ordinance is provided as Attachment 1 to the staff report.

BACKGROUND

The Seaside City Council introduced the Emergency Shelter Ordinance for first reading at its duly noticed Public Hearing on February 15, 2018. The second reading is required for Ordinance adoption. No public testimony was received at either the Planning Commission or City Council on this ordinance. The City Council voted 5-0 recommending that the Ordinance proceed for adoption at a second reading on March 1, 2018

SUMMARY OF PROPOSED ORDINANCE

In 2007, the State of California passed Senate Bill 2 (SB 2), also known as the Housing Authority Act. SB 2 became effective January 1, 2008, and codified in California Government Code Section 65583, requires that local jurisdictions include within their Housing Element updates policies to facilitate opportunities for emergency shelters. This new law further seeks to lessen government constraints by establishing in the Housing Element and Zoning Code where this use is allowed by right in either a Zoning District and/or Overlay District. Being allowed by right would not require any type of discretionary use permit. This step would reduce local barrier that private emergency shelter developers/providers must typically deal with in order to provide such facility in the community. The identified zone(s) and/or Overlay District for emergency shelters shall include sufficient capacity to accommodate the need for emergency shelters identified in paragraph, except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

- (i) The maximum number of beds or persons permitted to be served nightly by the facility.
- (ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- (iii) The size and location of exterior and interior onsite waiting and client intake areas.
- (iv) The provision of onsite management.
- (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.
- (vi) The length of stay.
- (vii) Lighting.
- (viii) Security during hours that the emergency shelter is in operation.

The City is currently coordinating with the State Housing and Community Development (HCD) on the City's 2014-2019 Housing Element Update, as required by State Law. The Draft 2014-2019 Housing Element will be included as part of the 2040 Seaside General Plan Update. In review of the Draft Housing Element, HCD has provided a letter dated November 9, 2017 (See Attachment 2) indicating in Paragraph 2 that the Draft Housing Element meets most of the statutory requirements of State housing element law (GC, Article 10.6) except for the establishment of a zoning process to permit year-round emergency shelters without discretionary action pursuant to Government Code (GC) Section 65583(a)(4)(A). The following policy has been included as Program 8 in the updated Housing Element to address Emergency Shelters mandates:

Housing Opportunities for Special Needs Residents
Emergency Shelters: Define emergency shelters consistent with State law. Permit

emergency shelters by right in the Mixed Use Low, Mixed Use High, and Residential High, and/or Employment areas via a non-discretionary administrative procedure. Establish development and performance standards for emergency shelters that will be equivalent to similar uses in the same zone.

The areas currently designated as Community Commercial would be designated as Mixed Use Low and High in the updated General Plan. Census Tract 137 would include a mixture of Mixed Use Low and High, Neighborhood High, and Neighborhood General. Map showing location of the Community Commercial and Census Tract 137 Overlay District is provided as Attachment 3. The range of densities within the Neighborhood High and Neighborhood General would be consistent with a shelter use. Furthermore, Census Tract 137 is an area of the City that can provide a transition between the cities commercial, higher density core and its single family residential neighborhoods. The letter from HCD indicates that the Housing Element will comply with housing element law once the City has completed the zoning amendment to add emergency shelters as a permitted by right land use in the Ordinance provided as Attachment 1. As noted, above both the CC zone and Census Tract 137 would be consistent with the subsequent change in the land use designation to Mixed Use Low and High, Neighborhood High, and Neighborhood General that would occur under the 2040 General Plan Update.

PROPOSED CHANGES

The proposed refinements to support Emergency Shelters as a permitted use in the Community Commercial Zoning District and Census Tract 137 to ensure compliance with SB 2 are outlined below. The proposed changes are denoted by ~~striketrough type~~ for language that is deleted and underline type for new language.

1. Table 2-4 Uses Allowed Uses and Permit Requirements for Commercial Uses

*** Change made to include Emergency Shelters as Permitted (P) in CC Zone**

TABLE 2-4 (continued)		P	Permitted Use, Zoning Clearance required					
Allowed Land Uses and Permit Requirements for Commercial Zones		MUP	Minor Use Permit required (see Section 17.52.070)					
		UP	Use Permit required (see Section 17.52.070)					
		S	See cited Section for permit requirement					
		—	Use not allowed					
		PERMIT REQUIRED BY ZONE						Specific Use Regulations
LAND USE (1)		CD	CMX	CC	CRG	CA	CH	
RESIDENTIAL								
	Emergency/transitional shelter	—	UP	<u>P</u>	—	—	—	17.42.090
	Home occupation	P	P	P	P	—	—	17.42.110
	Mixed use project residential component	MUP(2)	MUP(2)	UP(2)	UP(2)	—	—	17.42.120
	Residential care facility, 7 or more clients	—	—	UP	—	—	—	
	<u>Live Work</u>		<u>UP</u>	<u>UP</u>	<u>—</u>	<u>—</u>	<u>UP</u>	

2. CHAPTER 17.22 – OVERLAY ZONES

*** Add new language listed below:**

17.22.050 – EMERGENCY SHELTER OVERLAY

- A. Purpose. This Section provides zoning designation where an emergency shelter can be permitted without a discretionary permit.
- B. Applicability. The Emergency Shelter overlay is applied to areas of Census tract 137.
- C. Development standards. Proposed development standards for an Emergency Shelter that is permitted within the Emergency Shelter Overlay Zone is listed under Section 17.52.100.D

3. CHAPTER 17.52.100 – EMERGENCY SHELTERS

- A. **Applicability.** Emergency shelters shall comply with the requirements of this Section, where allowed by Article 2 (Zones, Permitted Land Uses, and Zoning Standards).
- B. **Limitations on location.**
 - 1. **Category 1 shelter.** A shelter for families and/or single women with children may be established with a Use Permit in the RS-8 and RS-12 zones.
 - 2. **Category 2 shelter.** A shelter for single men and single women may be approved with a Use Permit in the RM zone.
 - 3. **Category 3 Shelter.** An emergency shelter shall be a permitted use in the Community Commercial Zone and Census Tract 137.
 - 4. **Flexibility.** The Commission may allow temporary emergency shelters for the homeless in zones other than those listed in Subsections B.1 and B.2 if the site meets all applicable criteria, and the proposal is deemed an "exceptional project" as determined by the Commission.
- C. **Application processing and monitoring.** A Use Permit application for a temporary emergency shelter for the homeless shall be processed in compliance with Section 17.62.070 (Use Permits and Minor Use Permits). A pre-application conference shall be held to:
 - 1. Determine the nature of the proposal;
 - 2. Ensure that it complies with the intent of this Chapter; and
 - 3. Offer specific comments and direction.

D. Development and operating standards for Category 1 and Category 2 Shelters

1. A family shelter or shelter for single women with children should be located near public facilities and transportation facilities.
2. Shelters for single persons should be located near transportation facilities.
3. Each shelter shall have an on-site resident manager.
4. Residents shall not be required to participate in any religious or philosophical ritual, service, meetings, or rites as a condition of eligibility for being housed in a shelter.
5. The exteriors of the shelter shall be upgraded, fenced and landscaped, and maintained as required by the Commission.
6. No more than 16 persons shall be allowed at any shelter location, including the on-site manager.
7. Single women may be housed in a shelter for single women with children.
8. Each shelter shall comply with Title 24 of the State Code, all state building regulations, the Uniform Building Code and all related codes (per pages IV, V, and VI of the UBC), and the Uniform Housing Code.

E. Emergency shelters permitted by right for homeless in the CC Zone and Census Tract 137.

Any application for an emergency shelter facility located in the Census Tract 137, that meets the following performance, development, design and managerial standards shall not require a discretionary permit, per Section 65583(a)(4) of the California Government Code:

- a. Emergency shelters shall obtain and maintain in good standing all required licenses, permits and approvals from City, County, State and Federal agencies or departments and demonstrate compliance with all appliance building and fire codes.
- b. The emergency shelter shall conform to all property development standards of the zoning

district in which it is located, except as modified by these performance standards.

- c. The length of stay of an individual client shall not exceed six (6) months within a twelve (12) month period.
- d. The maximum number of beds for emergency shelters shall be fifty (50) unless a major conditional use permit approved to permit additional beds.
- e. External lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and the public right-of way.
- f. No more than one emergency shelter shall be permitted within a radius of 300 feet from another such shelter when measured from the closest property lines. An exception to this separation requirement may be granted if significant physical features act as barriers from said sensitive uses, such as a freeway, railroad right-of-way.
- g. Parking facilities shall be designed to provide one space per staff member. A secured area for bicycle parking shall be provided for use by staff and client, commensurate with demonstrated need, but no less than a minimum of four (4) bicycle spaces.
- h. A client waiting and intake area shall be provided as interior space and contain a minimum of ten (10) square feet per bed provided at the facility, and a minimum size of 100 square feet of floor area.
- i. Outdoor charitable food distribution shall be conducted entirely on private property in a covered area, during times that are approved by the City, and shall not block accessible pathways.
- j. No signs are present on the property relating to its use as a shelter for the homeless.
- k. Donation/collection bins and areas shall be screened from public view and shall be open to the public between the hours of 9:00 a.m. to 6:00 p.m. A sign stating hours of operation shall be placed in a clear, visible location and shall be no larger than 15 square feet.
- l. Adequate storage for personal belongings shall be provided.
- m. The city may inspect the facilities during business hours for compliance with the

management plan and any other applicable regulations and standards.

- n. A minimum of one-staff person or agent shall be on-duty and awake when the facility is in operation.
- o. Management Plan: The applicant or operator shall submit a management and operation plan for the Emergency Shelter review and approval by the Planning Manager prior to approval of a business license. The Plan shall include, but not be limited to, the following:
 - 1.Security
 - 2.Staff training
 - 3.Neighborhood relations
 - 4.Pet Policy
 - 5.Client intake process
 - 6.List of services provided
 - 7.Facility maintenance
 - 8.Refuse control
 - 9. Amenities, such as hours of operation, cooking/dining facilities, laundry facilities and activity policies.
 - 10. Anti-discrimination policies

The plan may be reviewed as needed by the City with revisions made by the operator.

- F. Findings required for approval.** Use Permit approval for a Category 1 and Category 2 shall require that the Commission first make the following findings, in addition to those required for Use

Permits by Section 17.62.070:

1. Adequate parking is available for the type of shelter proposed;
2. The project will have no adverse impact on the surrounding neighborhood;
3. There is not an overconcentration of shelters for the homeless in the surrounding areas in that neighborhood and in the City; and
4. The proposed homeless shelter is consistent with the Housing Element of the General Plan.

G. Conditions of approval. The approval of a Use Permit for a Category 1 and Category 2 temporary emergency shelter for the homeless shall include the following conditions of approval, in addition to any other conditions deemed necessary by the Commission based on the specific proposal.

1. All plans for modifications to existing structures or proposed additions shall be submitted to the Building Official, the Fire Marshal, and the Health Officer for review and approval.
2. The applicant shall meet with the Crime Prevention Officer for recommendations regarding the safety of the tenants.
3. The applicant shall comply with all applicable federal, state, and county regulations relating to the operation of the shelter.
4. The maximum number of persons allowed in the existing shelter, following any modifications or additions, shall be established by the Building Official and the Fire Marshal. The maximum occupancy of a single person or dormitory facility shall be based on a minimum 100 square feet of superficial floor area per person.
5. The applicant shall file with the Director, for review and approval, a list of house rules relating to the operation of the shelter.
6. The Use Permit is subject to continuing jurisdiction of the Commission and subject to review in six months and as determined thereafter.

H. Inspections and monitoring.

1. **Inspections.** Prior to opening, the facility shall be inspected by the following persons or their representatives:
 - a. Health Officer;
 - b. Building Official;
 - c. Fire Marshal; and
 - d. Crime Prevention Officer.
2. **Monitoring.** The Commission shall review the operation of the shelter and its compliance with the Use Permit at the end of the first six months of operation and as determined thereafter, and upon receipt of continuing complaints from the neighborhood where the facility is located.

- I. **Facility additions.** Except for shelters that do not require a discretionary permit, Board of Architectural Review approval is required for any proposed addition to a shelter, subject to Section 17.62.030 (Architectural Review).

ENVIRONMENTAL REVIEW

The proposal is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Pursuant to Section 15061(b)(3) of Division 6 of Title 14 of said act.

CONCLUSION

This Ordinance brings the City brings the Zoning Code into compliance with state law (SB2) and completes the Seaside General Housing Element Program 8 by amending Title 17 of the Seaside Municipal Code to list "Emergency Shelter" as a permitted by right land use within the CC Zone and the newly established "Emergency Shelter" Overlay zone within Census Tract 137.

FISCAL IMPACT

There is no fiscal impact with the proposed Ordinance.

ATTACHMENTS

1. Attachment 1 - Final Ordinance
 2. Attachment 1 Exhibit A - Emergency Shelter Map
 3. Attachment 2 - Department of Housing and Urban Development Letter
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4. Attachment 3 - Emergency Shelter Permitted Use Map

**Reviewed for Submission to the
City Council by:**



Craig Malin, City Manager

ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY OF SEASIDE

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

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

WHEREAS, in 2007, the State of California passed Senate Bill 2 (SB2), the “Emergency Shelter Act,” to clarify and strengthen housing element law to ensure local zoning facilitates emergency in accordance with Government Code Sections 65580 – 65589.8; and

WHEREAS, SB2 became effective January 1, 2008 and requires all California cities to address their local homeless needs by designating a zone/zones and/or overlay district where emergency shelters are allowed by right; and

WHEREAS, the 2015-2019 Draft Housing Element Program 8 proposes to amend the Zoning Code to permit emergency shelters without discretionary action in the Community Commercial zoned areas; and

WHEREAS, a site analysis in the 2015-2019 Housing Element concludes that there is sufficient capacity in the Community Commercial Zoning District and within Census Tract 137 to accommodate the need for emergency shelters by right in the City of Seaside, and

WHEREAS, the City of Seaside has evaluated land uses and zoning opportunities and constraints within the Community Commercial zone and Census Tract 137 to determine that sufficient capacity is available to provide an emergency shelter in compliance with SB2 while ensuring that adequate development standards are in place to best meet the necessary requirements of SB2 while balancing community safety needs and resources; and

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

WHEREAS, on December 13, 2017, the Seaside Planning Commission held a public hearings to provide the City Council with a recommendation on the proposed text amendments and considered all oral comments and written information concerning the proposed Ordinance in making its recommendation to the City Council; and

WHEREAS, on February 15, 2018, the Seaside City Council introduced the first reading of the draft Ordinance and considered oral comments and written information concerning this Ordinance at a duly noticed public hearing; and

WHEREAS, on March 1, 2018, the Seaside City Council conducted a second reading of the proposed ordinance, and

WHEREAS, the adoption of a Emergency Shelter Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061.b.3 of the CEQA Guidelines because adoption of this zoning ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and this project does not have the potential for causing a significant effect on the environment; and

NOW, THEREFORE, on the basis of the record thereof the City Council hereby ordains as follows:

SECTION 1. With respect to the amendment to the Seaside Municipal Code the City Council finds as follows:

1. The proposed text amendments are necessary and appropriate to comply with the requirements of State Law (California Government Code Section 65583). The proposed text amendments are internally consistent with the General Plan and will implement Housing Element Program 8 and bring the City into compliance with the State's housing element law, Government Code Section 65580- 65589.8. Since the General Plan identifies the need to facilitate emergency shelters in the Community Commercial zoning district and other compatible locations in the City, the addition of the SB2 emergency shelter overlay within Census Tract 137 is also consistent with the General Plan.
2. The proposed text amendments will not adversely affect the public health, safety, and welfare in that the proposed development standards and the Census Tract 137 Overlay District are designed to locate emergency shelters near services and compatible uses, public transportation, and to ensure emergency shelters are operated and managed so they are safe and compatible with adjacent uses.

SECTION 2. SB2 Overlay Zone. The City Council hereby amends Section 17.14.B – Table 2-4, adds new Section 17.22.050, and amends Section 17.52.100 of Title 17 of the Seaside Municipal Code to support Emergency Shelters as a permitted use in the Community Commercial Zoning District and Census Tract 137 as outlined below to ensure compliance with SB 2. The proposed changes are denoted by ~~strikethrough type~~ for language that is deleted and underline type for new language.

1. **Table 2-4 Uses Allowed Uses and Permit Requirements for Commercial Uses**
* Change made to include Emergency Shelters as Permitted (P) in CC Zone

TABLE 2-4 <i>(continued)</i> Allowed Land Uses and Permit Requirements for Commercial Zones	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 17.52.070) UP Use Permit required (see Section 17.52.070) S See cited Section for permit requirement — Use not allowed	
	PERMIT REQUIRED BY ZONE	Specific Use Regulations

LAND USE (1)	CD	CMX	CC	CRG	CA	CH	
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RESIDENTIAL

Emergency/transitional shelter	—	UP	P	—	—	—	17.42.090
Home occupation	P	P	P	P	—	—	17.42.110
Mixed use project residential component	MUP(2)	MUP(2)	UP(2)	UP(2)	—	—	17.42.120
Residential care facility, 7 or more clients	—	—	UP	—	—	—	
Live Work		UP	UP	---	---	UP	

2. CHAPTER 17.22 – OVERLAY ZONES

* Add new language listed below to establish SB2 Overlay zone where emergency shelters can be established without a discretionary permit.

17.22.050 – EMERGENCY SHELTER OVERLAY

- A. Purpose. This Section provides zoning designation where an emergency shelter can be permitted without a discretionary permit.
- B. Applicability. The Emergency Shelter overlay is applied to areas of Census tract 137.
- C. Development standards. Proposed development standards for an Emergency Shelter that is permitted within the Emergency Shelter Overlay Zone is listed under Section 17.52.100.D

3. CHAPTER 17.52.100 – EMERGENCY SHELTERS

* Amend text to provide development standards for emergency shelters in compliance with State Law.

- A. **Applicability.** Emergency shelters shall comply with the requirements of this Section, where allowed by Article 2 (Zones, Permitted Land Uses, and Zoning Standards).
- B. **Limitations on location.**
- Category 1 shelter.** A shelter for families and/or single women with children may be established with a Use Permit in the RS-8 and RS-12 zones.
 - Category 2 shelter.** A shelter for single men and single women may be approved with a Use Permit in the RM zone.
 - Category 3 Shelter.** An emergency shelter shall be a permitted use in the community commercial zone and Census Track 137.
 - Flexibility.** The Commission may allow temporary emergency shelters for the homeless in zones other than those listed in Subsections B.1 and B.2 if the site meets all applicable criteria, and the proposal is deemed an "exceptional project" as determined by the Commission.
- C. **Application processing and monitoring.** A Use Permit application for a temporary emergency shelter for the homeless shall be processed in compliance with Section 17.62.070 (Use Permits and Minor Use Permits). A pre-application conference shall be held to:
- Determine the nature of the proposal;

2. Ensure that it complies with the intent of this Chapter; and
3. Offer specific comments and direction.

D. Development and operating standards for Category 1 and Category 2 Shelters

1. A family shelter or shelter for single women with children should be located near public facilities and transportation facilities.
2. Shelters for single persons should be located near transportation facilities.
3. Each shelter shall have an on-site resident manager.
4. Residents shall not be required to participate in any religious or philosophical ritual, service, meetings, or rites as a condition of eligibility for being housed in a shelter.
5. The exteriors of the shelter shall be upgraded, fenced and landscaped, and maintained as required by the Commission.
6. No more than 16 persons shall be allowed at any shelter location, including the on-site manager.
7. Single women may be housed in a shelter for single women with children.
8. Each shelter shall comply with Title 24 of the State Code, all state building regulations, the Uniform Building Code and all related codes (per pages IV, V, and VI of the UBC), and the Uniform Housing Code.

E. Emergency shelters permitted by right for homeless in the CC Zone and Census Tract 137.

Any application for an emergency shelter facility located in the Census Tract 137, that meets the following performance, development, design and managerial standards shall not require a discretionary permit, per Section 65583(a)(4) of the California Government Code:

- a. Emergency shelters shall obtain and maintain in good standing all required licenses, permits and approvals from City, County, State and Federal agencies or departments and demonstrate compliance with all applicable building and fire codes.
- b. The emergency shelter shall conform to all property development standards of the zoning district in which it is located, except as modified by these performance standards.
- c. The length of stay of an individual client shall not exceed six (6) months within a twelve (12) month period.
- d. The maximum number of beds for emergency shelters shall be fifty (50) unless a major conditional use permit approved to permit additional beds.
- e. External lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and the public right-of-way.
- f. No more than one emergency shelter shall be permitted within a radius of 300 feet from another such shelter when measured from the closest property lines. An exception to this separation requirement may be granted if significant physical features act as barriers from said sensitive uses, such as a freeway, railroad right-of-way.
- g. Parking facilities shall be designed to provide one space per staff member. A secured area for bicycle parking shall be provided for use by staff and client, commensurate with demonstrated need, but no less than a minimum of four (4) bicycle spaces.

- h. A client waiting and intake area shall be provided as interior space and contain a minimum of ten (10) square feet per bed provided at the facility, and a minimum size of 100 square feet of floor area.
 - i. Outdoor charitable food distribution shall be conducted entirely on private property in a covered area, during times that are approved by the City, and shall not block accessible pathways.
 - j. No signs are present on the property relating to its use as a shelter for the homeless.
 - k. Donation/collection bins and areas shall be screened from public view and shall be open to the public between the hours of 9:00 a.m. to 6:00 p.m. A sign stating hours of operation shall be placed in a clear, visible location and shall be no larger than 15 square feet.
 - l. Adequate storage for personal belongings shall be provided.
 - m. The city may inspect the facilities during business hours for compliance with the management plan and any other applicable regulations and standards.
 - n. A minimum of one-staff person or agent shall be on-duty and awake when the facility is in operation.
 - o. Management Plan: The applicant or operator shall submit a management and operation plan for the Emergency Shelter review and approval by the Planning Manager prior to approval of a business license. The Plan shall include, but not be limited to, the following:
 - 1. Security
 - 2. Staff training
 - 3. Neighborhood relations
 - 4. Pet Policy
 - 5. Client intake process
 - 6. List of services provided
 - 7. Facility maintenance
 - 8. Refuse control
 - 9. Amenities, such as hours of operation, cooking/dining facilities, laundry facilities and activity policies.
 - 10. Anti-discrimination policies
- The plan may be reviewed as needed by the City with revisions made by the operator.

F. Findings required for approval. Use Permit approval for a Category 1 and Category 2 shall require that the Commission first make the following findings, in addition to those required for Use Permits by Section 17.62.070:

- 1. Adequate parking is available for the type of shelter proposed;
- 2. The project will have no adverse impact on the surrounding neighborhood;
- 3. There is not an overconcentration of shelters for the homeless in the surrounding areas in that neighborhood and in the City; and
- 4. The proposed homeless shelter is consistent with the Housing Element of the General Plan.

G. Conditions of approval. The approval of a Use Permit for a Category 1 and Category 2 temporary emergency shelter for the homeless shall include the following conditions of approval, in addition to any other conditions deemed necessary by the Commission based on

the specific proposal.

1. All plans for modifications to existing structures or proposed additions shall be submitted to the Building Official, the Fire Marshal, and the Health Officer for review and approval.
2. The applicant shall meet with the Crime Prevention Officer for recommendations regarding the safety of the tenants.
3. The applicant shall comply with all applicable federal, state, and county regulations relating to the operation of the shelter.
4. The maximum number of persons allowed in the existing shelter, following any modifications or additions, shall be established by the Building Official and the Fire Marshal. The maximum occupancy of a single person or dormitory facility shall be based on a minimum 100 square feet of superficial floor area per person.
5. The applicant shall file with the Director, for review and approval, a list of house rules relating to the operation of the shelter.
6. The Use Permit is subject to continuing jurisdiction of the Commission and subject to review in six months and as determined thereafter.

H. Inspections and monitoring.

1. **Inspections.** Prior to opening, the facility shall be inspected by the following persons or their representatives:
 - a. Health Officer;
 - b. Building Official;
 - c. Fire Marshal; and
 - d. Crime Prevention Officer.
2. **Monitoring.** The Commission shall review the operation of the shelter and its compliance with the Use Permit at the end of the first six months of operation and as determined thereafter, and upon receipt of continuing complaints from the neighborhood where the facility is located.

- I. Facility additions.** Except for shelters that do not require a discretionary permit, Board of Architectural Review approval is required for any proposed addition to a shelter, subject to Section 17.62.030 (Architectural Review).

SECTION 5. SB2 Overlay Zone. The City Council hereby amends is Zoning Code and Official Map to establish the SB2 Overlay Zone, as shown in Exhibit A.

SECTION 6. Severability.

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

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

SECTION 7. Legal Construction. The provisions of this Ordinance shall be construed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of public health, safety, and welfare.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its final passage and adoption at a duly noticed public hearing for the second reading of the proposed text amendments.

SECTION 9. Certification of Passage. The City Clerk shall certify to the adoption of this Ordinance and shall, within thirty (30) days after passage, publish a summary of this Ordinance in accordance with Section 36933 of the Government Code of State of California with the names of City Council members voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Seaside on the 15th day of February, 2018, and

PASSED AND ADOPTED by the City Council of the City of Seaside on the 1st day of March, 2018, by the following roll call vote:

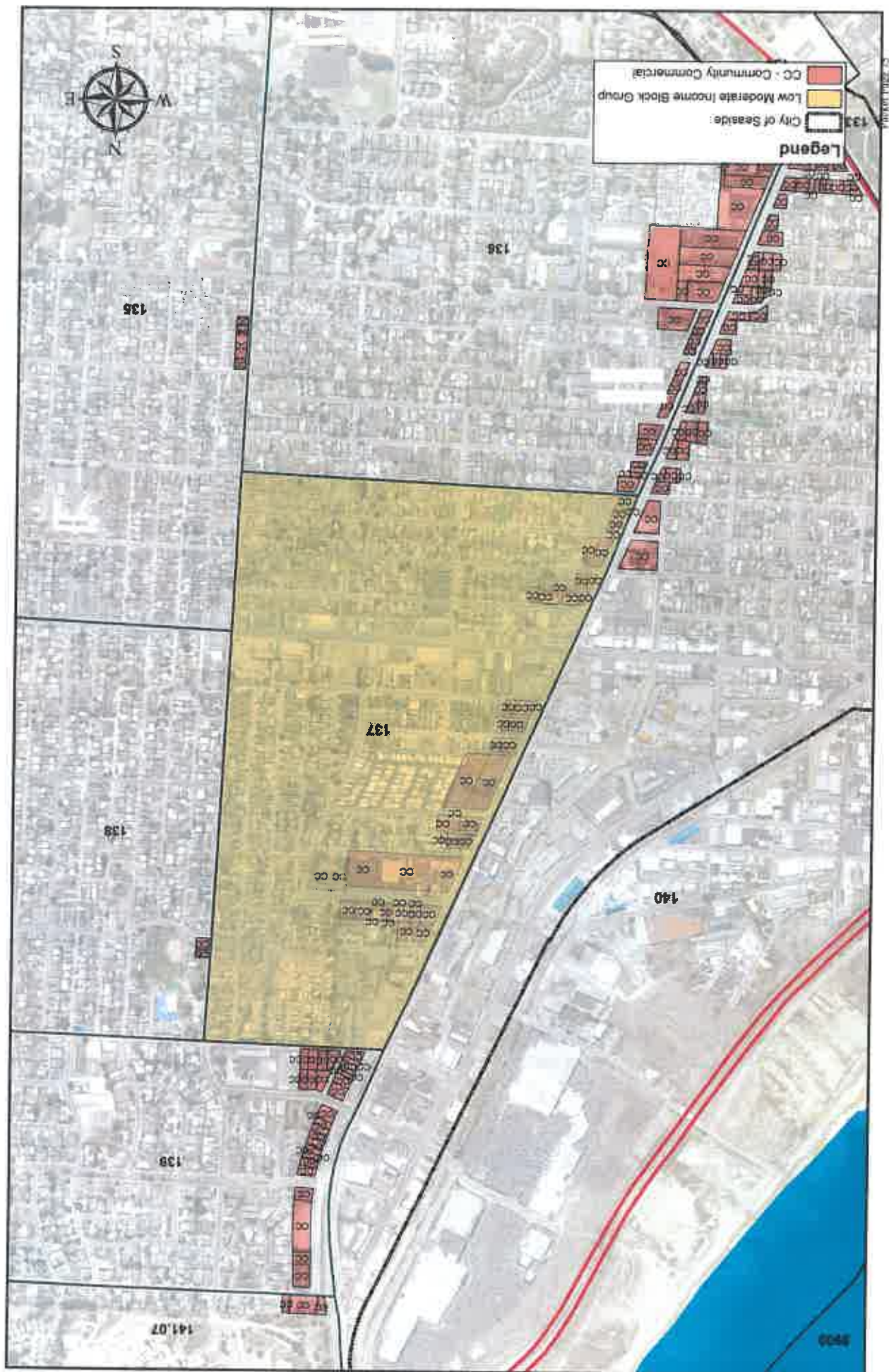
AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

APPROVED:

Ralph Rubio, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



November 9, 2017

Mr. Craig Malin, City Manager
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

Dear Mr. Malin:

RE: Review of the City of Seaside's 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting the City of Seaside's draft housing element update received for review on September 11, 2017, along with revisions to the draft received on November 2, 6, 7 and 8, 2017. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on October 12, 2017 with Ms. Gloria Stearns, Economic Development Program Manager, Mr. Rick Medina, Senior Planner, Ms. Sharon Mikesell, Administrative Analyst, and Ms. Veronica Tam, the City's consultant.

The draft element meets most of the statutory requirements of State housing element law (GC, Article 10.6). However, the Department cannot find the element in full compliance until the City amends zoning to permit year-round emergency shelters without discretionary action pursuant to GC Section 65583(a)(4)(A). Program 8, identified in the previous element, committed the City to amend the zoning ordinance to permit emergency shelters in the CC zone without discretionary action within one year from adoption of the 4th cycle housing element. As noted in the current element on page 106, Program 8 has not been implemented. The element will comply with housing element law once the City has completed the zoning amendment and submitted the adopted element to the Department pursuant to GC Section 65585(g).

Senate Bill 375 (Chapter 728, Statutes of 2008) amended GC Section 65588(e)(4) to require a jurisdiction that failed to adopt its housing element within 120 calendar days from the statutory due date to revise its element every four years until adopting at least two consecutive revisions by the applicable due dates. The City of Seaside did not meet the deadline; therefore, it is subject to the four-year revision requirement until the City has adopted at least two consecutive updated revisions by the applicable due dates.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

For your information, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established legacy communities). Additional information can be obtained from these two Technical Advisories issued by the Governor's Office of Planning and Research at:
http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf
http://opr.ca.gov/docs/Final_6.26.15.pdf.

Also, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRROP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new program are to loan funds to facilitate converting mobilehome park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria. This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through June 30, 2018. Further information is available on the Department's website at:
<http://www.hcd.ca.gov/grants-funding/active-funding/mprop.shtml#application>.

The Department appreciates the hard work and dedication of Gloria Sterns, Rick Medina, Sharon Mikesell, and Veronica Tam, the City's consultant, in preparation of the housing element and looks forward to receiving Seaside's adopted housing element. If you have any questions or need additional technical assistance, please contact Tom Brinkhuis, of our staff, at (916) 263-6651.

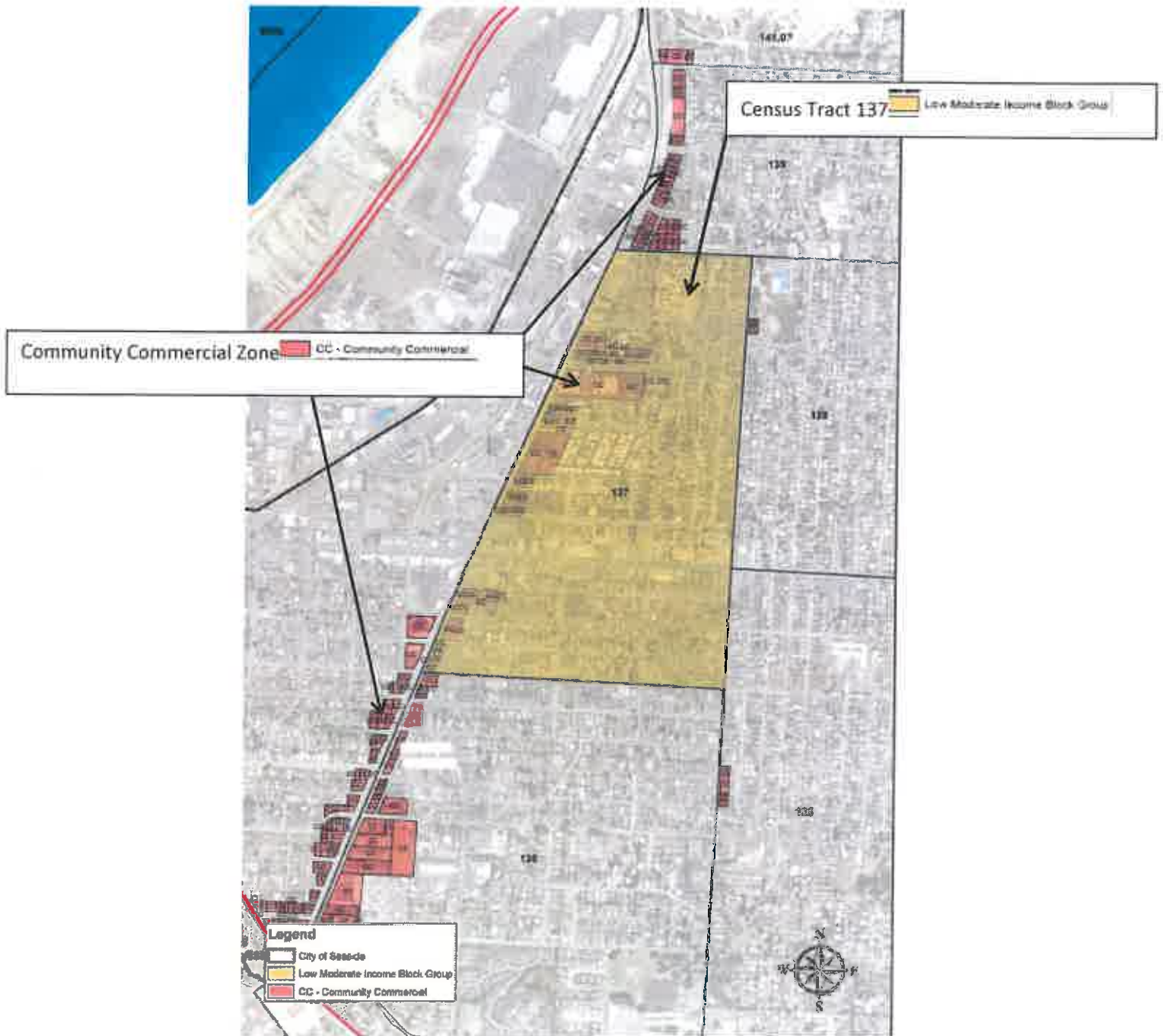
Sincerely,



Jennifer Seeger
Assistant Deputy Director

Attachment 3

Community Commercial and Census Tract 137 Overlay Map



The Great Urban Race: The Homeless Dilemma



23rd Annual California JPIA
Risk Management Educational Forum



Speakers:
Kimberly Chin, Mark Hazelwood

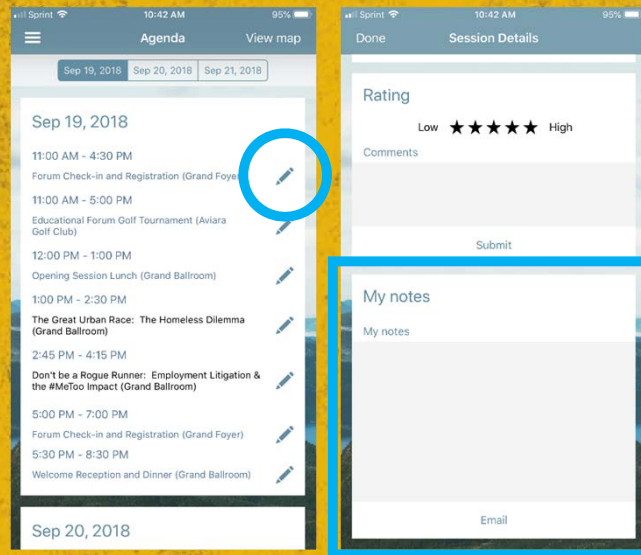
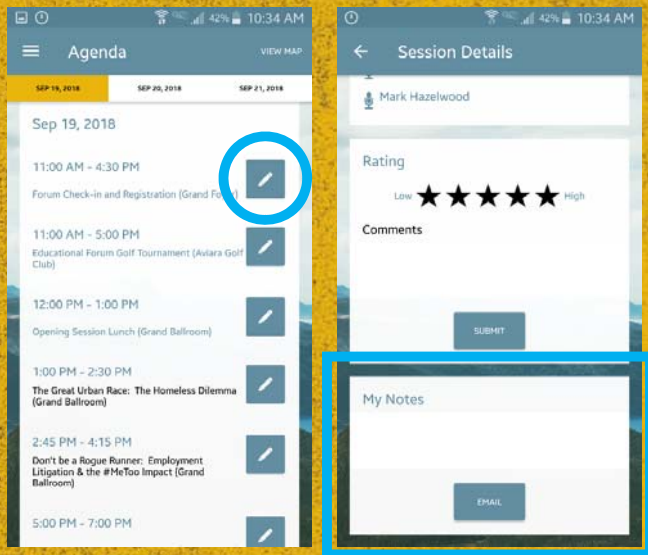


TAKE NOTES & EMAIL THEM

Click on the pencil icon to take notes

Android

Apple iOS



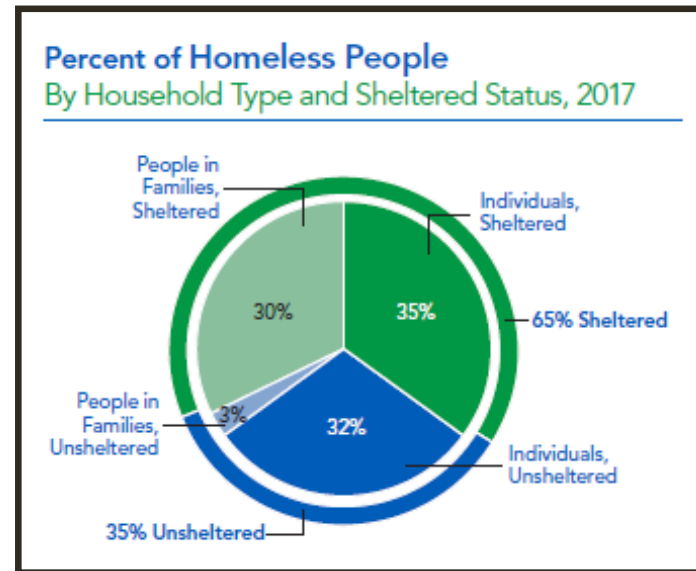
23rd Annual California JPIA
Risk Management Educational Forum

**THE AMAZING
RACE**
TO RISK MANAGEMENT SUCCESS



Introduction

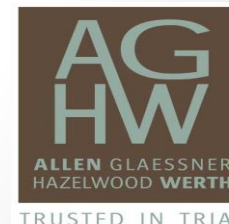
- On a single night in 2017, **553,742 people** in the United States were experiencing homelessness in the United States
 - 65% were staying in emergency shelters or transitional housing
 - 35% were staying in unsheltered locations
- **Homelessness increased for the first time in seven years nationwide**
- **Homelessness in California has been increasing.**
 - **21%** of all homeless people were children (under the age of 18)
 - **10%** were between the ages of 18 and 24
 - **70%** were 25 years or older
- **25%** of the homeless population in the United States were in California
- California accounted for **49%** of unsheltered people in the country



Source: U.S. Department of Housing and Urban Development, The 2017 Annual Homeless Assessment Report (AHAR) to Congress

The Cost of Addressing Homelessness

- In fiscal year 2016-2017, **San Francisco** spent \$275 million on homelessness and supporting housing. Annual spending for 2017-2018 is projected to hit \$305 million.
 - Source: San Francisco Chronicle, *Despite money and effort, homelessness in SF as bad as ever*, June 26, 2017 (updated September 7, 2017)
- In May 2017, the **Los Angeles** City Council approved **\$176 million** for homelessness programs.
 - Source: Los Angeles Times, *L.A. lawmakers sign off on \$9.2-billion budget*, May 18, 2017
- In October 2017, the Mayor of **Sacramento** asked for **\$53 million** to provide homeless services.
 - Source: The Sacramento Bee, *Sacramento mayor asks county to divert \$53 million toward homeless services*, October 18, 2017 (updated October 28, 2017)
- **Assembly Bill 3171** would pay for homeless shelters, rental assistance, permanent housing and other efforts
 - Mayors of California's 11 largest cities are seeking a total of **\$1.5 billion**
 - Source: Los Angeles Times, *Garcetti pushes for state bill to fund homeless housing*, February 26, 2018



Current Litigation

The following jurisdictions are currently involved in litigation arising out of clearing homeless encampments:

- City of Eureka
- City of Berkeley
- City of Santa Ana & Orange County
 - Santa Ana voted to sue Orange County, Irvine, Laguna Niguel, and Huntington Beach



Federal Definition of Homeless

42 U.S.C. § 11302

- (1) an individual who lacks a fixed, regular, and adequate nighttime residence;
- (2) an individual with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- (3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);
- (4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided; and
- (5) an individual who will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations.



TRUSTED IN TRIAL

Glossary of Legal Terms

- Facial challenge – Allegation that the text of an ordinance violates a protected right (“on its face”)
- As applied – Allegation that the way an ordinance is enforced on an individual violates a protected right



TRUSTED IN TRIAL

Public Entity Actions that May Impact Homeless Individuals

- Enforcing Panhandling Ordinances
- Enforcing Sleeping/Camping Ordinances
- Enforcing Ordinances Prohibiting Living in Cars
- Seizing Property on Public Property
 - Enforcing Storage of Personal Property Ordinances
 - Confiscating Unattended Property
 - Cleaning or Clearing Homeless Encampments

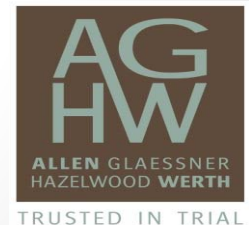
Potential Constitutional Violations for Public Entity Actions

- Claims under 42 U.S.C. § 1983
 - Violation of **Eighth Amendment** – Cruel and Unusual Punishment
 - Violation of **Fourteenth Amendment** – Equal Protection and Due Process
 - Vagueness
 - Selective Enforcement
 - Violation of the **First Amendment** – Free Speech
 - Violation of **Fourth Amendment** – Unlawful Search and Seizure
- Corresponding State Claims



Panhandling Ordinance

- Generally prohibits “aggressive solicitation”, regulates activity on public property or private property that is open to the public, and prohibits solicitation in specific locations
- Example: **Berkeley Municipal Code Section 13.37.020**
 - A. It is unlawful for any person to solicit another in any public place at the times, locations and in the manner specified below:
 1. In any manner which coerces, threatens, hounds, or intimidates the person solicited;
 2. Within ten feet of any automatic teller machine in the City.
- Possible Constitutional Challenges
 - Violation of the **First Amendment** (Free Speech)
 - Violation of the **Fourteenth Amendment** (Due Process)



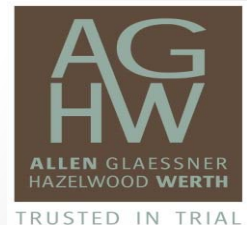
State of the Law

- 2000: *Los Angeles Alliance For Survival v. City of Los Angeles*, 22 Cal. 4th 352 (Cal. Sup. Ct. 2000) / 224 F.3d 1076 (9th Cir.)
 - Federal challenge to Los Angeles' "aggressive solicitation" ordinance, alleging that it violated First and Fourteenth Amendments and corresponding state claims
 - Findings:
 - California Supreme Court ruled that public solicitation for the immediate donation or payment of funds are content neutral
 - Ordinances that regulate such public solicitation should be evaluated under intermediate scrutiny
 - Holding: Ordinance will be found constitutional as a reasonable time, place, and manner regulation so long as it is (1) narrowly tailored, (2) serves a significant government interest, and (3) leaves open ample alternative avenues of communication



The Takeaways

- **CONSTITUTIONAL**, if can pass intermediate scrutiny
- Have a government interest based on facts to justify the restriction
 - Safety hazard
 - Preventing harassment and intimidation
 - Traffic flow alone may not be enough
- Tailor the restriction to address the government interest
 - Roadways
 - ATMs
 - Bus stops
 - Outdoor dining areas
- Leave open other ample channels of communication
 - Other opportunities/places for solicitation that are not subject to regulation



Sleeping/Camping Ordinances

- Generally prohibit sitting, lying, sleeping, and camping on public property
- Example: **Sacramento City Code 12.52.030**

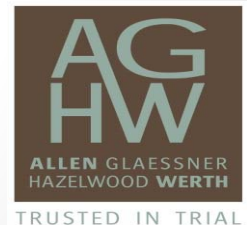
“It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:

 - A. Any public property; or
 - B. Any private property. . . .”
- Potential Constitutional Challenges:
 - Violation of **First Amendment** (Free Speech)
 - Violation of **Eighth Amendment** (Cruel and Unusual Punishment)
 - Violation of **Fourteenth Amendment** (Equal Protection & Due Process)



State of the Law

- 1995: *Tobe v. City of Santa Ana*, 9 Cal.4th 1069 (Cal. Sup. Ct.)
 - State constitutional facial challenge to a Santa Ana ordinance that banned camping and storage of personal property in designated public areas
 - Findings:
 - No fundamental right to camp on public property
 - Ordinance rationally related to clean streets and maintenance
 - Homelessness was not a suspect class
 - Holding:
 - Ordinance did not violate homeless individuals' constitutional rights, including the right to inter/intra state travel and the right against cruel and unusual punishment
 - Ordinance was not vague, overbroad, or discriminatory



State of the Law Cont'd

- 1998: *In re Eichorn*, 69 Cal.App.4th 382 (Cal. App. Ct.)
 - State petition for writ of habeas corpus challenging a homeless man's conviction for violating the same Santa Ana ordinance
 - Considered whether the "necessity" defense applied to violations of the ordinance
 - Necessity defense: Act cannot be punished if it is, in some sense, involuntary; rooted in Eighth Amendment
 - Holding: If a homeless individual truly had nowhere else to go, enforcing the ordinance would violate that individual's constitutional rights because it would punish the homeless individual's attempt to sleep, eat, and survive
 - Defendant had sufficient evidence to present the necessity defense at trial

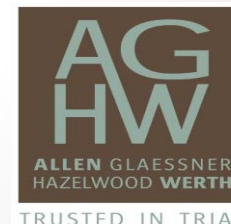
State of the Law Cont'd

- 2006: *Jones v. City of Los Angeles*, 444 F.3d 1118 (9th Cir.)
 - Federal as-applied constitutional challenge to Los Angeles' ordinances regulating sitting, lying, or sleeping on streets, sidewalk, or other public way, alleging violation of the Eighth Amendment
 - Holding: Necessity defense applied – cannot enforce ordinance when homeless individual had no where to go
 - “Appellants are entitled at a minimum to a narrowly tailored injunction against the City’s enforcement . . . at certain times and/or places.”
 - **BUT: Decision vacated when case settled**
- 2009: *Lehr v. City of Sacramento*, 624 F.Supp.2d 1218 (E.D. Cal.)
 - Federal as-applied constitutional challenge to Sacramento’s camping ordinance, alleging violations of the Eighth Amendment
 - Holding: Declined to extend *Jones*
 - “A decision in Plaintiffs’ favor would set precedent for an onslaught of challenges to criminal convictions by those who seek to rely on the involuntariness of their actions. It would potentially provide constitutional recourse to anyone convicted on the basis of conduct derivative of a condition he is allegedly ‘powerless to change.’ While this Court is sympathetic to the plight of Plaintiffs in this case, as well as to that of all individuals who are without shelter, a decision in favor of Plaintiffs today would be dangerous bordering on irresponsible.”



State of the Law Cont'd

- 2013: ***Bell v. City of Boise***, 709 F.3d 890 (9th Cir.)
 - Federal as-applied challenge to the City of Boise's camping ordinances, alleging that they violated Plaintiffs' Eighth Amendment rights
 - Holding: Plaintiffs had standing to sue for violation of their Eighth Amendment right against cruel and unusual punishment when municipality did not have sufficient available shelter space
 - Did not determine whether the enforcement of the ordinances actually violated Plaintiffs' rights
- **BUT: United States filed a Statement of Interest**
 - Encouraged the court to adopt the analysis in *Jones* when evaluating Boise's ordinances



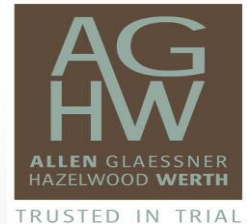
State of the Law Cont'd

- 2018: *Martin v. City of Boise*, 2018 WL 4201159 (9th Cir.)
 - Federal as applied challenge to City of Boise's camping and disorderly conduct ordinances, alleging that they violated Plaintiffs' Eighth Amendment rights
 - Holding: "So long as there is a greater number of homeless individuals in [a jurisdiction] than the number of available beds [in shelters]," the jurisdiction cannot prosecute homeless individuals for 'involuntarily sitting, lying, and sleeping in public.'"
 - BUT: "We in no way dictate to the City that it must provide sufficient shelter for the homeless, or allow anyone who wishes to sit, lie, or sleep on the streets . . . At any time and at any place."
 - FOOTNOTE 8:
 - Holding does not cover individuals who *do* have access to shelter but choose not to use it
 - An ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible
 - Whether an ordinance is consistent with the Eighth Amendment will depend on whether it punishes a person for lacking the means to live out the 'universal and unavoidable consequences of being human' in the way the ordinance prescribes.



The Takeaways

- **CONSTITUTIONAL** under certain circumstances
 - Whether there are shelter services available
- If no or limited shelter services available, amend ordinance to ensure constitutional enforcement
 1. Time Limit on Enforcement
 - Example: **Seattle Municipal Code Section 15.48.040**
 “A. Prohibition. A person shall not sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between 7 a.m. and 9 p.m. in the following zones”
 2. Location Limit on Enforcement
 - Example: **Reno Municipal Code Section 8.12.015**
 “. . . no person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk in the Downtown Reno Regional Center, which shall be defined as the area within the exterior boundary bounded by the following named streets”
 3. Conditional Enforcement
 - Example: **Richmond Municipal Code Section 11.96.030**
 “It shall be unlawful for any person to camp, sleep in or occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise provided: (1) Any street; (2) Any parking lot, public area or open spaces, improved or unimproved; provided, however, that no person shall be in violation of this section unless (A) The person is informed of the whereabouts of homeless shelters in the City of Richmond; (B) Such shelter is actually available to such person; and (C) Such person willingly refuses to stay in such shelter.”
 4. Or combination of the above



Ordinances Prohibiting Living in Cars

- Generally prohibits using a vehicle as a living quarter
- Example: **Los Angeles Municipal Code § 85.02**
No person shall use a vehicle parked or standing upon any City street, or upon any parking lot owned by the City of Los Angeles and under the control of the City of Los Angeles or under control of the Los Angeles County Department of Beaches and Harbors, as living quarters either overnight, day-by-day, or otherwise.
- Possible Constitutional Challenges
 - Violation of the **Fourteenth Amendment** (Equal Protection and Due Process)
 - Violation of the **Eighth Amendment** (Cruel and Unusual Punishment)



State of the Law

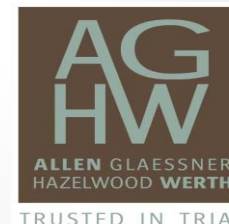
- 2015: *Desertrain v. City of Los Angeles*, 754 F.3d 1147 (9th Cir. 2014)
 - Federal facial challenge to Los Angeles' ordinance prohibiting using vehicles as living quarters
 - Findings:
 - Ordinance does not define "living quarters" or "otherwise"
 - Police officers not provided with limiting instructions
 - Holding: Ordinance vague as written
 - Provides insufficient notice of the conduct it penalizes
 - Promotes arbitrary and discriminatory enforcement



The Takeaways

- **CONSTITUTIONAL** if clearly written and/or limiting instructions provided to and followed by enforcing agency
- Clearly define the conduct or activities prohibited
- If including a time period, be clear on the time period
- If any part of the ordinance could be considered vague, provide enforcing agency with clear instructions for enforcement and ensure those instructions are followed
 - Written policy or memo
 - Training

UNCLEAR: WHETHER NECESSITY DEFENSE APPLIES



Seizing Property on Public Property

- Generally arises in three scenarios:
 - Enforcing a storage of personal property ordinance
 - Confiscating unattended property
 - Clearing or cleaning homeless encampments
- Example: **Sacramento City Code 12.52.040**

It is unlawful and a public nuisance for any person to store personal property, including camp paraphernalia, in the following areas, except as otherwise provided by resolution of the city council:

 - A. Any public property; or
 - B. Any private property without the written consent of the owner.

A violation of this section is a misdemeanor. In addition to the remedies set forth in Penal Code Section 370 the city attorney may institute civil actions to abate a public nuisance under this chapter.
- Potential Constitutional Challenges
 - Violation of the **Fourth Amendment** (Search and Seizure)
 - Violation of the **Fourteenth Amendment** (Due Process)



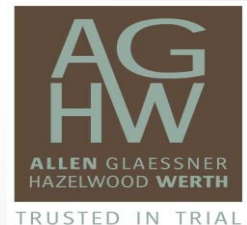
State of the Law

- 2012: *Lavan v. City of Los Angeles*, 693 F.3d 1022 (9th Cir.)
 - Federal class action brought against the city, alleging that its police department and bureau of street services confiscated and destroyed homeless individuals' unattended but unabandoned personal possessions in violation of the Fourth and Fourteenth Amendments
 - Findings:
 - City seized and destroyed homeless individuals' unattended property while they were attending to "necessary tasks" (showering, eating, using restrooms, attending court)
 - Homeless individuals have possessory interests in their unattended but unabandoned property on public property
 - Holding: Must provide notice and opportunity to be heard (due process) before seizing and destroying homeless individuals' unabandoned personal possessions left unattended on public property



The Takeaways

- **CONSTITUTIONAL**, if notice and opportunity to be heard are provided prior to confiscation and destruction of property
- Review police procedures relating to seizing, confiscating, or destroying homeless individuals' property
- Amend the ordinance to clearly reflect the police procedures
- Suggested Procedures
 - Provide written notice that the property is going to be seized/confiscated (example: 24-72 hours)
 - Public entity can elect to follow California Civil Code section 2080 et seq.
 - A shorter notice period may be permissible if the unattended/abandoned property poses a health or safety hazard
 - Document the property seized/confiscated
 - Provide opportunity to reclaim seized/confiscated property (this information can be included on the notice)
 - Provide the time period for how long property will be held
 - Provide a telephone number or address where property can be claimed
 - Consider a policy of not destroying government-issued IDs and papers



Don't Forget About Existing Laws

- Regulating Traffic Flow in Roadways and Sidewalks
 - Vehicle Code Section 21950(b)
 - Penal Code Section 647c
- Disorderly Conduct (begging, lodges in property without permission of the owner, intoxication, etc.)
 - Penal Code Section 647
- Disturbing the Peace
 - Penal Code Section 415
- Trespass
 - Penal Code Section 602
- Public Nuisance
 - Penal Code Section 372
- Park Regulations



Enforcement Reminders

- Attempt to provide assistance/resources with enforcement
- Document each encounter
- Utilize progressive enforcement
- Consider whether ADA accommodations should/need to be provided

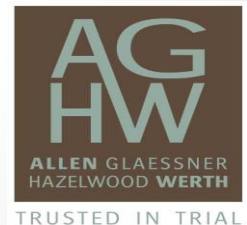
Other Possible Solutions

- Declare a homeless shelter crisis pursuant to Government Code section 8698
 - Allows a political subdivision to declare a shelter crisis so that persons unable to obtain housing can occupy designated public facilities during the state of emergency
 - Immunes the political subdivision from ordinary negligence in the provision of emergency housing
 - Suspends state and local statutes, regulations, and ordinances proscribing standards of housing, health, or safety to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of a shelter crisis
 - Allows political subdivisions to enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety
 - Special provisions for the Cities of San Jose, Berkeley, Emeryville, Los Angeles, Oakland, and San Diego, the County of Santa Clara, and the City and County of San Francisco



Other Possible Solutions

- Allow Encampments (Seattle model)
 - Permit encampments on city or private land through modification to land use code
 - Partner with private groups to operate the encampment with City funding
 - Restrict number of persons
 - Restrict length of permitted use
 - Create a code of conduct
 - Create advisory committees that meet regularly to review camp operations
 - Indemnity provision



Litigation Strategies

- Understand the legal landscape
 - Know the ordinances your City has and their history
 - Know how those ordinances are enforced
- Develop good working relations
 - Between City departments
 - With the community
 - With opposing counsel
- Be prepared for quick response
 - Lawsuits may start with motions for temporary restraining orders and/or preliminary injunctions which call for shortened briefing schedule
- Preview defense strategy early
 - Stay of enforcement
 - Gather information/documents
 - Amendment or repeal of ordinances
- Think outside to “legal” box to resolve cases
- Recognize there is not a legal solution to homelessness
 - Consistently engage your police department, City council, community groups, religious organizations, and citizens in an ongoing dialogue to share information, concerns, and resources even after the litigation is over



PLEASE RATE THIS SESSION

Android

The screenshot shows the 'Session Details' screen on an Android device. At the top, it says 'Session Details' with a back arrow. Below that, the speaker 'Mark Hazelwood' is listed. A rating section is highlighted with a blue box, showing a five-star rating with the words 'Low' and 'High' on either side. Below the rating is a 'Comments' text area. At the bottom, there is a 'SUBMIT' button and a 'My Notes' section with an 'EMAIL' button.

Apple iOS

The screenshot shows the 'Session Details' screen on an Apple iOS device. At the top, it says 'Session Details' with a 'Done' button. Below that, the speakers 'Kimberly Chin' and 'Mark Hazelwood' are listed. A rating section is highlighted with a blue box, showing a five-star rating with the words 'Low' and 'High' on either side. Below the rating is a 'Comments' text area. At the bottom, there is a 'Submit' button and a 'My notes' section.



23rd Annual California JPIA
Risk Management Educational Forum

**THE AMAZING
RACE**
TO RISK MANAGEMENT SUCCESS



QUESTIONS?

KIMBERLY Y. CHIN, ESQ.

kchin@aghwlaw.com

MARK F. HAZELWOOD, ESQ.

mhazelwood@aghwlaw.com



TRUSTED IN TRIAL

Homeless Persons

464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Seaside Police Department recognizes that members of the homeless community are often in need of special protection and services. The Seaside Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

464.1.1 POLICY

It is the policy of the Seaside Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

464.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer, preferably a corporal or sergeant that is assigned to patrol duties. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 - 1. Proper posting of notices of trespass and clean-up operations.
 - 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

464.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer

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from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

Officers are to be considerate when enforcing municipal and state laws related to camping, sitting, lying and sleeping on public property. Officers need to be compassionate and evaluate all aspects of an individual's situation and honor the individual's constitutional rights. Members of our homeless community often have limited options as it relates to sleeping and resting upon public property. Efforts should be made to provide such individual's with local resources at the earliest stages of police contacts. Officers are encouraged to document such encounters to establish proper record keeping of the departments efforts in provide resources and partnership with members of our homeless community.

Notwithstanding, nothing in this policy discourages or prohibits officers from enforcing existing laws that include, but are not limited to:

- Regulating traffic flow in roadways and sidewalks (CA Vehicle Code 21950(b) & CA Penal Code 647c
- Disorderly conduct (begging, lodges in property without permission of the owner, intoxication, etc. (CA Penal Code 647)
- Disturbing the peace (CA Penal Code 415)
- Trespass (CA Penal Code 602)
- Public Nuisance (CA Penal Code 372)

464.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

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- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

464.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person. Officers should make a reasonable effort to distinguish debris versus personal property. As with all other property collected, liquids, foods or other perishable consumables should not be collected.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer or the on duty supervisor.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer or the on duty supervisor to address the matter in a timely fashion.

All encampment and/or property clean-up operations will be coordinated with the Public Works Department. Officers will provide written notices to the property owner(s) indicating the property will be removed in 72 hours from public property. All reasonable efforts shall be made to attempt to locate the owner of encampments and/or property. If an owner cannot be located, officers will coordinate with Public Works to post signs advising the property will be removed in 72 hours. Once encampments and/or property is removed, it will be held at the Seaside Police Department for an additional 90 days. Officers shall video record all encampment removals to maintain a proper chain

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of custody and overall accountability. Officers will make every effort to provide the property owner with a written notice that provides information on why their property is being removed, where it will be going and address and contact information to arrange reunification of the property. Government Identification cards shall be booked in at the Seaside Police Department as safekeeping and not be destroyed for at least one (1) year. The assigned officer will be responsible for providing contact information for the property owner so arrangements can be made to reclaim property. Officers shall document all encounters in which encampments/property is removed from public property and include the following information in their reports:

1. The reasons for requesting property removal
2. Copy of written notice to property owner
3. Efforts made to locate property owner if property appears abandoned
4. Arrangements made on disposition of the property removed with the Public Works Department
5. Photographs of encampment/property removed

464.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

464.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.