



AGENDA

CITY OF SEASIDE
PLANNING COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, July 8, 2015
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

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

John Owens	Chair
Michael Lechman	Vice Chair
Keith Dodson	Commissioner
Paul Mugan	Commissioner
Margaret Leighton	Commissioner
Denise Ross	Commissioner

3. **PUBLIC COMMENT**

4. **APPROVAL OF MINUTES**

- A. REGULAR MEETING OF FEBRUARY 25, 2015
- B. REGULAR MEETING OF MARCH 11, 2015
- C. JOINT SPECIAL MEETING OF MARCH 25, 2015

5. **PUBLIC HEARING**

- A. ADOPTION OF MAJOR TEXT AMENDMENTS TO TITLE 17 (ZONING CODE) OF THE SEASIDE MUNICIPAL CODE (FILE NO. SMA-15-02).

6. **REPORTS FROM COMMISSIONERS**

7. **REPORTS FROM STAFF**

8. **ADJOURNMENT**

Next Regularly Scheduled Meeting:

Seaside City Hall

The City of Seaside is an ADA accessible facility and is committed to include the disabled in all of its services, programs and activities. Any person who requires accommodation to be able to participate in this meeting is asked to contact the office of the City Clerk at 899-6707, no fewer than two business days prior to the meeting to allow for reasonable arrangements.

The City Council Chambers is equipped with a portable microphone for anyone unable to come to the podium. Assisted listening devices are also available.

Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Meetings are also available through live streaming at:

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

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



MEETING MINUTES

CITY OF SEASIDE
PLANNING
COMMISSION

REGULAR MEETING
440 HARCOURT AVE
WEDNESDAY,
FEBRUARY 25, 2015
7:00 PM

1. **CALL TO ORDER AT 7:00pm**
Michael Lechman, facilitated the meeting in the absence of chairperson, John Owens.
2. **ROLL CALL – ESTABLISHMENT OF QUORUM**

MEMBERS	John Owens, Keith Dodson, Michael Lechman, Paul Mugan, Denise Ross, Margaret Leighton
PRESENT:	Keith Dodson, Michael Lechman, Paul Mugan, Denise Ross
ABSENT:	John Owens, Margaret Leighton
3. **PUBLIC COMMENT** – None from public. Staff did inform the Commission that John Owens notified in advance that he would not be present at the meeting. Also, Commission was informed that Margaret Leighton is a newly appointed member and has been added to the notification and email distribution list.
4. **NEW BUSINESS**
 - A. **USE PERMIT APPLICATION NO. UP-14-09.** ERASMO AIELLO, PROPERTY OWNER, AND PAT CORRIGAN, APPLICANT, REQUESTED APPROVAL OF A USE PERMIT TO ALLOW THE ON-SALE OF HARD LIQUOR (CLASS 47 ALCOHOLIC BEVERAGE CONTROL LICENSE) IN ADDITION TO THE EXISTING ON-SALE OF BEER AND WINE (CLASS 41 ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE RE-OPENING OF A 96 SEAT SIT DOWN FULL SERVICE RESTAURANT AT 1901 FREMONT BOULEVARD IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT. THE PROPOSED PROJECT IS CATEGORICALLY EXEMPT, SECTION 15301, EXISTING FACILITIES, FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.
Bob Larsen, Associate Planner, presented the application and project. The applicant requested the use permit to allow for the on-sale of hard liquor to be served with meals. City staff reported that no separate lounge area will be created within the restaurant and that the operating hours have been scheduled to be 11 AM to 11 PM weekdays and 11 AM to Midnight on the weekends. The application was provided to the Police, Fire and Building departments for review and from which none offered any objections to the request of the permit. The staff analysis and findings concluded that the proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and Municipal Code; and granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons,

property, or improvements in the vicinity and zone district in which the property is located.

Staff answered questions and concerns from the Commission regarding if a site analysis was conducted to provide information regarding what the surrounding businesses consisted of and how many businesses within the immediate of the area were selling alcohol. Staff provided the Commission with an assessment of the of the existing on-sale and off-sale alcohol sales within the immediate area and advised the Commission that a finding of “Public Convenience and Necessity” would only triggered by “off-sale” applications.

Pat Corrigan, applicant, represented the application and provided a brief overview of the restaurant. He stated that the new application to include spirits in addition to beer and wine was being requested as a means to enhance the business and in response to customer requests. No public comment was received on the item.

Commissioner Dodson made a motion to approve the item and it was seconded by Commissioner Lechman, however, the vote was spilt with two (2) Ayes and two (2) Noes. Without an affirmative vote, the Planning Commission acted to continue the item to the next meeting on March 11, 2015 in order to see if a full quorum was present to provide an affirmative to approve or deny the project.

B. USE PERMIT APPLICATION NO. UP-15-01. ALEX CHEHADA, PROPERTY OWNER, AND EDDIE HURT, APPLICANT, REQUESTED APPROVAL OF A USE PERMIT TO ALLOW THE EXPANSION OF BEER, AND WINE SALES WITHIN AN EXISTING RETAIL NEIGHBORHOOD MARKET (FOOD CORNER MARKET) LOCATED AT 1800 NOCHE BUENA STREET, IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT, CLASS 1, SECTION 15301 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

Rick Medina, Senior Planner presented the staff report. Mr. Medina stated that the applicant is requesting the use permit in order to expand the floor dedicated to the off-sale of beer and wine beverages being sold. The existing area dedicated to sale of spirits would remain the same.

Eddie Hurt, project architect, represented the application. Mr. Hurt explained that the applicant purchased the market less than two (2) years ago and has indicated that the area that was dedicated as a taqueria/delicatessen has not been a successful venture. It was explained that the existing taqueria/delicatessen counter would be replaced with an 11-door refrigerated cooler that would contain craft beers and wine products. As shown on the floor plan, an area of the cooler would be dedicated for grocery products.

Staff analysis concluded that the proposed use is allowed within the applicable zone subject to the issuance of a use permit and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code; the design, location, size, and operating characteristics of the proposed

activity are compatible with the existing and planned future land uses in the vicinity; the site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located. Staff also informed the Commission of the noticing efforts of adjacent property owners went above and beyond the required 300 foot radius. No public comment has been received in response to the noticing. Staff also highlighted the conditions of approval. Staff answered questions and concerns from the Commission regarding the hours of operation, and the percentage of floor space dedicated to alcoholic and non-alcoholic sales. Applicant representative & architect, Eddie Hurt spoke to the Commission about the business owners' business plan and how this application is part of their method to succeeding as a business.

The Commission voted 4-0 to continue the application to the next Planning Commission meeting on March 11, 2015 to provide the following information:

1. A map identifying the location of existing off-sale alcohol outlets;
2. Floor plan that was approved to allow the installation of the taqueria/deli;

Per the Commission's request, staff will re-notice the public hearing on the continued meeting to the residents within 500-foot radius of the project site and place another notice in the Monterey Weekly.

5. OLD BUSINESS – None

6. REPORTS FROM COMMISSIONERS

- A.** When will In-N-Out Burger be started? *Staff indicated there will be something to report on that during item number 7.*

7. REPORTS FROM STAFF

- A.** Notification via email sent out in regards to a Joint Meeting between the Board of Architectural Review, Planning Commission on March 25 to review the addendum to the Coastal Development Permit Application No. CDP-14-01 for the In-N-Out Burger Restaurant.
- B.** Elections of officers will occur on the March 11 agenda.
- C.** New member, Margaret Leighton will be present at the Joint Meeting on March 25, 2015
- D.** Staff will be coordinating with Lesley Milton, City Clerk on the efforts toward recruiting members for the Planning Commission.

8. ADJOURNMENT – At 8:05pm



MEETING MINUTES

CITY OF SEASIDE

PLANNING
COMMISSION

REGULAR MEETING
COUNCIL CHAMBER
440 HARCOURT AVE
WEDNESDAY, MARCH 11,
2015
7:00 PM

1. CALL TO ORDER AT 7:00 PM

2. ROLL CALL – ESTABLISHMENT OF QUORUM

MEMBERS	JOHN OWENS, KEITH DODSON, MICHAEL LECHMAN, MARGARET LEIGHTON, PAUL MUGAN, DENISE ROSS
PRESENT:	JOHN OWENS, KEITH DODSON, MICHAEL LECHMAN, PAUL MUGAN, DENISE ROSS
ABSENT:	MARGARET LEIGHTON
STAFF	DON FREEMAN, CITY ATTORNEY
PRESENT:	LISA BRINTON, C&ED SERVICE MANAGER LOUIS LUMPKIN, DEPUTY POLICE CHIEF

3. ELECTION OF OFFICERS

On motion by Member Dodson and Seconded by Member Lechman and carried by the following vote the Planning Commission nominated and elected John Owens as Chairperson of the Planning Commission.

AYES	5	COMMITTEE MEMBERS	JOHN OWENS, KEITH DODSON, MICHAEL LECHMAN, PAUL MUGAN, DENISE ROSS
NOES	0	COMMITTEE MEMBERS	
ABSENT	1	COMMITTEE MEMBERS	MARGARET LEIGHTON
RECUSED	0	COMMITTEE MEMBERS	

4. PUBLIC COMMENT – None

5. NEW BUSINESS

A. USE PERMIT APPLICATION NO. UP-14-10. MARK GEISREITER, REED GEISREITER, AND RICHARD GEISREITER, PROPERTY OWNERS AND WALGREENS CO., APPLICANT, REQUESTED USE PERMIT APPROVAL FOR THE OFF-SALE OF HARD LIQUOR WITHIN AN EXISTING RETAIL STORE/PHARMACY LOCATED AT 1055 FREMONT BLVD IN THE CC (COMMUNITY COMMERCIAL) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT, CLASS 1, SECTION 15301 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

Bob Larsen, Associate Planner presented the project and staff report. The use

permit approval is required to allow for the expansion of the retail sale of alcoholic beverage sales for off-site consumption in a portion of an existing Walgreens retail store/pharmacy. The applicant proposed to add approximately 30 square feet of liquor display for a total alcohol display area of approximately 75 square feet, or 0.8 percent of the retail floor area of the drugstore. Walgreens store is open for 24 hours. To ensure compliance with State Law on the sale of alcohol, the store's point of sales system is programmed to not allow the sale of liquor between the hours of 2AM and 6AM. Staff recommended approval of the use permit, subject to the Conditions of Approval provided as Exhibit A. Also, staff further recommended that the Planning Commission make a determination of Public Convenience or Necessity in accordance with State of California, Department of Alcoholic Beverage Control regulations.

Don Freeman, City Attorney, advised the Commission that conditions could not be placed on the approval of the use permit if it did not have a nexus related to the purpose of the permit.

On motion by Member Lechman and Seconded by Member Dodson and carried by the following vote the Planning Commission approved UP-14-10.

AYES	5	COMMITTEE MEMBERS	JOHN OWENS, KEITH DODSON, MICHAEL LECHMAN, PAUL MUGAN, DENISE ROSS
NOES	0	COMMITTEE MEMBERS	
ABSENT	1	COMMITTEE MEMBERS	MARGARET LEIGHTON
RECUSED	0	COMMITTEE MEMBERS	

B. USE PERMIT APPLICATION NO. UP-14-09. ERASMO AIELLO, PROPERTY OWNER, AND PAT CORRIGAN, APPLICANT, REQUESTED APPROVAL OF A USE PERMIT TO ALLOW THE ON-SALE OF HARD LIQUOR (CLASS 47 ALCHOLIC BEVERAGE CONTROL LICENSE) IN ADDITION TO THE EXISTING ON-SALE OF BEER AND WINE (CLASS 41 ALCHOLIC BEVERAGE CONTROL LICENSE) FOR THE RE-OPENING OF A 96 SEAT SIT DOWN FULL SERVICE RESTAURANT AT 1901 FREMONT BLVD IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT. THE PROPOSED PROJECT IS CATEGORICALLY EXEMPT, SECTION 15301, EXISTING FACILITIES, FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Bob Larsen, presented the project and staff report. Mr. Larsen explained that this is continued public hearing from the February 25, 2015 Planning Commission Meeting. The item was continued due a 2-2 vote on the use permit.

The applicant is the new owner of an existing restaurant that closed in December 2014. The change of ownership was processed in January 2015 and the new owner is now seeking to modify the menu to include a full service bar. The Commission was provided with the hours of operation (alcohol will be served

during their normal business hours), site plan, and a detail map that provided the alcohol retail license within 300-foot radius. Mr. Larsen provided the three (3) findings required to grant a use permit and indicated that City staff is recommending that the Planning Commission adopt the draft resolution and approve the use permit to allow the on-sale of spirits in conjunction with beer and wine under a Type 47 Alcohol License for a full service sit down restaurant located at 1901 Fremont Boulevard.

Applicant/business owner, Pat Corrigan was present at the meeting and provided more background and the described the atmosphere that has been established at the restaurant. Public comment was received on the permit in support of the approval of the permit.

On motion by Member Lechman and Seconded by Member Dodson and carried by the following vote the Planning Commission approved UP-14-09.

AYES	4	COMMITTEE MEMBERS	JOHN OWENS, KEITH DODSON, MICHAEL LECHMAN, PAUL MUGAN, DENISE ROSS
NOES	1	COMMITTEE MEMBERS	
ABSENT	1	COMMITTEE MEMBERS	MARGARET LEIGHTON
RECUSED	0	COMMITTEE MEMBERS	

C. USE PERMIT APPLICATION NO. UP-15-01. ALEX CHEHADA, PROPERTY OWNER, AND EDDIE HURT, APPLICANT, REQUEST APPROVAL OF A USE PERMIT TO ALLOW THE EXPANSION OF LIQUOR, BEER AND WINE SALES WITHIN AN EXISTING RETAIL NEIGHBORHOOD MARKET (FOOD CORNER MARKET) LOCATED AT 1800 NOCHE BUENA STREET, IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. THE PROJECT IS CATEGORICALLY EXEMPT, CLASS 1, SECTION 15301 FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

Rick Medina, Senior Planner, presented the project and staff report. The item was continued from the February 25, 2015 meeting in order for the Commission to receive information regarding the public safety calls for service and incident reports; and map showing location of retail alcohol sales; and map identifying location of property owner which received the public notice. The applicant proposed to abandon the deli operation that was recently installed and to reconfigure the aisle widths to comply with ADA standards and install new beverage refrigerator and deli case. The land use issues were reviewed and the responses to the follow up items were provided. Staff recommended the approval of the Use Permit applicant and to grant approval to expand the floor area dedicated to the off-sale of liquor, beer and wine sold at the existing establishment. The City Attorney and Deputy Police Chief provided comments in regards to the permit.

On motion by Member Owens and Seconded by Member Lechman and carried by the following vote the Planning Commission approved UP-15-01.

AYES	5	COMMITTEE MEMBERS	JOHN OWENS, KEITH DODSON, MICHAEL LECHMAN, PAUL MUGAN, DENISE ROSS
NOES	0	COMMITTEE MEMBERS	
ABSENT	1	COMMITTEE MEMBERS	MARGARET LEIGHTON
RECUSED	0	COMMITTEE MEMBERS	

6. OLD BUSINESS – NONE

7. REPORTS FROM COMMISSIONERS – NONE

8. REPORTS FROM STAFF

A. FORM 700

B. PROPOSED JOINT MEETING W/ BAR ON MARCH 25 AT 6PM

9. ADJOURNMENT

On motion by Member Lechman and Seconded by Member Dodson and carried by the following vote the meeting adjourned at 8:26pm

AYES	5	COMMITTEE MEMBERS	JOHN OWENS, KEITH DODSON, MICHAEL LECHMAN, PAUL MUGAN, DENISE ROSS
NOES	0	COMMITTEE MEMBERS	
ABSENT	1	COMMITTEE MEMBERS	MARGARET LEIGHTON
RECUSED	0	COMMITTEE MEMBERS	



MEETING MINUTES
DRAFT

CITY OF SEASIDE

PLANNING
COMMISSION & BOARD
OF ARCHITECTURAL
REVIEW

JOINT SPECIAL
MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, March 25, 2015

6:00 PM

1. CALL TO ORDER AT 6:07 PM

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

PLANNING COMMISSION:

John Owens, Margaret Leighton, Keith Dodson, Michael
Lechman, Paul Mugan, Denise Ross

BOARD OF ARCHITECTURAL REVIEW:

Toby Keller, Kathleen Ventimiglia, Ken Rudisill,
Mitsugu Mori

PRESENT: John Owens (arrived at 6:12 pm), Margaret Leighton,
Keith Dodson, Michael Lechman, Denise Ross, Toby
Keller, Kathleen Ventimiglia, Ken Rudisill, Mitsugu
Mori

ABSENT: Paul Mugan, Wendell Montes

3. PUBLIC COMMENT – None

4. NEW BUSINESS

A. COASTAL DEVELOPMENT PERMIT APPLICATION NO. CDP-14-01. THE CITY OF SEASIDE SUCCESSOR AGENCY, PROPERTY OWNER, AND IN-N-OUT BURGER, APPLICANT, REQUESTED THE APPROVAL OF A COASTAL DEVELOPMENT PERMIT, DESIGN REVIEW APPROVAL, AND SIGN PERMIT APPROVAL FOR THE CONSTRUCTION OF A PROPOSED IN-N-OUT BURGER DRIVE-THROUGH RESTAURANT LOCATED WITHIN THE APPEALABLE AREA OF THE CITY'S LOCAL COASTAL PLAN AT 1350 DEL MONTE BOULEVARD IN THE COASTAL VISITOR SERVING COMMERCIAL (CVSC) ZONING DISTRICT. IN ACCORDANCE WITH SECTION 15164 OF THE STATE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES, AN ADDENDUM TO A FINAL ENVIRONMENTAL IMPACT REPORT THAT WAS CERTIFIED ON JULY 21, 2011 FOR A SIMILAR IN-N-OUT DRIVE-THROUGH RESTAURANT PROJECT ON THE SAME PROJECT SITE HAS BEEN PREPARED TO ADDRESS COMPLIANCE WITH THE CEQA GUIDELINES FOR

THE PROPOSED PROJECT DESIGN.

Pam Reading, Environmental Planner at LSA presented the project and staff report. The addendum to the FEIR is intended to augment the certified FEIR and assess whether the new project design or the existing setting has changed such that the new project would result in impacts not previously assessed by the certified FEIR. The addendum found that the revised project would remain consistent with the size and scope of the previous project design and no additional mitigation measures would be required. It was also determined that there have been no changes to the characteristics and setting of the project site and surrounding setting that would create new impacts not previously identified in the FEIR.

On motion by Member Lechman and Seconded by Member Dodson and carried by the following vote the Planning Commission approved CDP-14-01.

AYES	5	COMMITTEE MEMBERS	John Owens (arrived at 6:12 pm), Margaret Leighton, Keith Dodson, Michael Lechman, Denise Ross
NOES	0	COMMITTEE MEMBERS	
ABSENT	1	COMMITTEE MEMBERS	Paul Mugan
RECUSED	0	COMMITTEE MEMBERS	

B. BOARD OF ARCHITECTURAL REVIEW APPLICATION NO. BAR-15-06. CITY OF SEASIDE SUCCESSOR AGENCY, PROPERTY OWNER, AND IN-N-OUT BURGER RESTAURANT (MARK NOWAK), APPLICANT, REQUESTED DESIGN REVIEW AND SIGN PERMIT APPROVAL FOR THE CONSTRUCTION OF A NEW 3,750 SQUARE FOOT IN-N-OUT BURGER RESTAURANT WITH A DRIVE THROUGH AISLE LOCATED AT 1350 DEL MONTE BOULEVARD IN THE COASTAL VISITOR SERVING COMMERCIAL (CVSC) ZONING DISTRICT (APN: 011-401-023).

Rick Medina, Senior Planner, presented the project and staff report. The applicant requested design review and sign permit approval for the construction of a new one story, 3,750 square foot In-N-Out Burger restaurant with two drive entrances, drive through land with 14 vehicle stacking lane, 53 parking spaces, 5 reciprocating lake visitor parking spaces, indoor seating (83 seats), outdoor seating (18 tables with 76 seats), pedestrian path with coastal access signage, five park benches with trash receptacles, landscaping, on site lighting, sound wall, two drive-through directional signs, drive through menu board sign, trash enclosure, wetland delineation setback.

On motion by Member Rudisill and Seconded by Member Ventimiglia and carried by the following vote the BAR approved BAR-15-06.

AYES	4	COMMITTEE MEMBERS	Toby Keller, Kathleen Ventimiglia, Ken Rudisill, Mitsugu Mori
NOES	0	COMMITTEE MEMBERS	
ABSENT	1	COMMITTEE MEMBERS	Wendell Montes
RECUSED	0	COMMITTEE MEMBERS	

MEMBERS

6. REPORTS FROM COMMISSIONERS - None

7. REPORTS FROM STAFF - None

8. ADJOURNMENT

On motion by Member Rudisill and Seconded by Commissioner Owens and carried by the following vote the Planning Commission and BAR adjourned the meeting at 7:50pm

AYES	9	COMMITTEE MEMBERS	John Owens (arrived at 6:12 pm), Margaret Leighton, Keith Dodson, Michael Lechman, Denise Ross, Toby Keller, Kathleen Ventimiglia, Ken Rudisill, Mitsugu Mori
------	---	-------------------	---

NOES	0	COMMITTEE MEMBERS
------	---	-------------------

ABSENT	2	COMMITTEE MEMBERS
--------	---	-------------------

Paul Mugan, Wendell Montes

RECUSED	0	COMMITTEE MEMBERS
---------	---	-------------------



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 5.A.

TO: Planning Commission

BY: Lisa Brinton, Community and Economic Development Services Manager
Diana Ingersoll, Deputy City Manager Resource Management Services
Rick Medina, Senior Planner

DATE: July 8, 2015

SUBJECT: **ADOPTION OF MAJOR TEXT AMENDMENTS TO TITLE 17
(ZONING CODE) OF THE SEASIDE MUNICIPAL CODE (FILE NO.
SMA-15-02).**

PURPOSE

In accordance with Section 17.74.040.A of the Seaside Municipal Code (SMC), a public hearing is being conducted by the Planning Commission to provide the City Council with a recommendation on proposed text amendments to Title 17 (Zoning Code) of the Seaside Municipal Code.

RECOMMENDATION

It is recommended that the Planning Commission hold a public hearing to conduct its review of the proposed text amendments to the Zoning Code, and after considering all evidence and testimony presented, adopt the Draft Resolution provided as Attachment 1 recommending that the City Council adopt the proposed text amendments.

BACKGROUND

On February 20, 2014, the City Council adopted the 2013 Comprehensive Zoning Code Update. During the codification process it was discovered by the City's Code Publishing Company that there were code sections found to contain minor and major typos, incorrect cross references to other parts of the zoning code, sentences that needed to be restructured and missing definitions in the Zoning Code. The identified corrections were categorized into minor and major changes.

On February 5, 2015, the City Council considered modifications which were comprised solely of the items categorized as minor changes to the Zoning Code. The text amendments under the first modification were deemed as minor changes in that they only involved the correction of typos and insertion of the correct cross references which were found not to involve any substantive change to the applicability and purpose of the code section being amended. A copy

of Ordinance No. 1022 that was adopted on March 5, 2015 in support of the minor changes to the Zoning Code is provided as Attachment 2. As minor changes, the process did not require that the Planning Commission provide its review and recommendation on these revisions prior to the City Council taking its action. The City is now presenting a second modification to the Zoning Code to correct additional typos, incorrect cross references to other parts of the zoning code, sentences that need to be restructured, and missing definitions in the Zoning Code which have been deemed as major changes. As a major change, the Seaside Municipal Code requires that the Planning Commission provide its review and recommendation to the City Council on these changes prior to being considered the City Council. Table 1 below identifies each Section of the Code being amended for the second modification to the 2013 Comprehensive Zoning Code Update:

Table 1 – List of Zoning Code Corrections

Code Section to be Corrected

Correct Language

1.

Section 17.22.030 has no text following the subsection A and B headings.

The text to be added under subsections 17.22.030. A and B has been revised to show the new text with an underline on Item No. 1 of Attachment 3.

17.22.030.A Purpose: The purpose of this section is to identify lands within the former Fort Ord that have been designated for the removal of ordinances and additional clean-up of hazardous materials.

17.22.030.B Applicability: The provisions of this Section apply to proposed land uses and development

2.

Subsection 17.30.020.D.3.b reads, in part, “A fence placed directly atop a retaining wall on a side and rear property line that is proposed to retain an embankment of three feet or less shall conform to the maximum allowable height..”

Subsection 17.30.020.D.3.b has been revised to delete the text “may be” as shown with a strikethrough for deleted text as shown on Item No. 2 of Attachment 3.

3.

Subsection 17.30.030.E.1 reads, “height limit. No structure, sign, or landscape element shall exceed the maximum height within the traffic safety as established by Tables 3-1 or 3-2 under Section 17.30.020, unless approved by the Zoning Administrator, in consideration with the City Engineer.”

Subsection 17.30.030.E.1 has been revised to include the new text “visibility area” as shown with an underline on Item No. 3 of Attachment 3.

brackets to read as follows: “height limit. No structure, sign, or landscape element shall exceed the maximum height within the traffic safety visibility area as established by Tables 3-1 or 3-2 under Section 17.30.020, unless approved by the Zoning Administrator, in consideration with

the City Engineer.”

4.

Section 17.30.040 skips from subsection C to subsection E.

The text after Section 17.30.040.C has been revised to identify the remaining subsections as D through L as shown with a strikethrough for deleted text and an underline for the new text on Item No. 4 of Attachment 3.

5.

Subsection 17.30.040.C.6 reads, ‘See Section 17.34.090.E (Landscaping Parking Lots). The correct cross-reference is Section 17.34.110

The text in subsection 17.30.040.C.6 has been revised to identify Section 17.34.110 as the correct cross-reference for the requirements of parking lot landscaping with a strikethrough for the deleted text and an underline for the new text on Item No. 5 of Attachment 3.

6.

Under Section 17.30.100.B, subsection b is repeated twice.

The text in subsection 17.30.100.B has been revised so that the subsections will be from a through e as shown with a strikethrough for the deleted text and an underline for the new text on Item No. 6 of Attachment 3.

7.

The first paragraph of Section 17.33.070 reads, in part, ‘The units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available..’.

The text has been revised to change “shall be continue to be” to “shall continue to be” as shown with a strikethrough for the deleted text and an underline for the new text on Item No. 7 of Attachment 3.

8.

In Section 17.34.050, Table 3-8, the cell across from the entry reading “Gas stations without repair services” reads, in part, “025 space for each gas pump..”.

The text has been revised to change “025” to “0.25” as shown with a strikethrough for the deleted text and an underline for the new text on Item No. 10 of Attachment 3:

9.

Subsection 17.34.080.A ends with a colon and is worded such that it seems an image was intended to follow.

The text has been revised to delete the existing text and include new text which makes reference to the installation of proper signs being installed to designate the space as a “Clean Air Vehicle” parking stall as shown with a strikethrough for the deleted text and an underline for the new text on Item No. 9 of Attachment 3.

10.

The second sentence of Section 17.36.210 reads, “No person shall obstruct, impede, or interfere with any representative of the City or with any person who owns or holds any estate or interest in the structure which has been ordered to be vacated, repaired, rehabilitated, or demolished and removed or with any person to whom the structure has been lawfully sold in compliance with the provisions of the Municipal Code whenever any [the} representative of the City, purchaser, or person having any interest or estate in the structure is engaged in vacating , repairing, rehabilitating, or demolishing and removing any structure in compliance with the provisions of this chapter or in performing any necessary act preliminary to or incidental to the work as authorized or directed in compliance with this chapter.” The word “the bracketed should be

deleted.

The text has been revised to delete word “the” as shown with a strikethrough for the deleted text on Item No. 10 of Attachment 3.

11.

Subsection 17.38.030.A reads, “Clear path of travel required. At least six feet clear should be provided to allow for unimpeded pedestrian traffic around any obstruction.”

The text has been revised to replace ‘six feet clear area” to “a minimum five-foot clear area” consistent with what appears in subsection 17.38.040.A.4 as shown with a strikethrough for the deleted text and an underline for the new text on Item No. 11 of Attachment 3.

12.

Section 17.52.180 skips from subsection W to subsection Y. Subsection X is missing. The subsections shall be renumbered to account for the missing subsection X.

The text has been revised to renumber the subsections to account for the missing subsection X as shown with a strikethrough for the deleted text and an underline for the new text on Item No. 12 of Attachment 3.

13.

Subsection 17.52.270.C ends with “evidence that the proposed height does not exceed the height requirements [of the] manufacturer or distributor or of the system.” The text should be amended to add “of the” as shown in brackets

The text shall be amended to add “of the” as the new text as shown with an underline on Item 13 of Attachment 3.

14..

Subsection 17.66.080 contains a reference to subsection 17.66.070.E.2 which does not exist.

The cross reference was intended to reference Section 17.66.050 (Amendment or Cancellation) of Chapter 17.66.

The text has been revised to delete the existing cross reference listed as 17.66.070.E.2 and add the new cross reference as Section 17.66.050 as shown with a strikethrough for the deleted text and an underline for the new text on Item No. 14 of Attachment 3.

15.

Section 17.68.060 skips from subsection C to subsection E.

The text has been revised to renumber the subsections as shown with a strikethrough for the deleted text and an underline for the new text on Item No. 15 of Attachment 3.

16.

Subsection 17.78.040.A contains language that consists of an incomplete sentence and duplicates language contained in subsection 17.78.040.B.

The text has been revised to delete the last two sentences of subsection 17.78.040.A as shown with a strikethrough for the deleted text on Item No. 16 of Attachment 3.

17.

Section 17.98.020 (Definition of Specialized Terms and Phrases) contains reference to nonexistent definitions.

The text has been revised to include reference to the nonexistent definitions as shown with an underline for the new text being added on Item No. 17 of Attachment 3.

On June 10, 2015, the Planning Commission conducted a public hearing on the second modification to the Zoning Code. In review of the proposed text amendments, the Planning Commission provided the following comments:

The change to Section 17.34.080.A of Chapter 17.34 needs to be updated to note that the striping should reference “Clean air vehicle parking space(s)” versus being listed as a “Clean air vehicle parking space.”

The definitions listed below on Item 17 of Attachment 3 have been restructured per the direction received from the Planning Commission to address sentence structure and to provide a concise clear meaning of each definition:

Art, Antique and Collectible Store
Art Gallery
Auto Restoration and Sake of Collectible Cars
Boating and related facilities
Business Park
Caretaker Unit
Drugstore
Ecological Restoration Activity
Habitat Management
Hiking/Riding Trail
Live/Work Units
Maintenance Facility
Sign Copy
Three-Dimensional sign objects
Sign Structure

City staff has provided new definitions for the following standards:

Density Bonus
Affordable and Inclusionary Housing”

Per the direction received from the Planning Commission, City staff has made the requested revisions to the text amendments as listed above and has re-noticed the Public Hearing for the Planning Commission’s action to provide the City Council with a final recommendation on the proposed text amendments.

ENVIRONMENTAL REVIEW

The proposed text amendments are exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 of the CEQA Guidelines. City staff finds that the proposed text amendments will consist of correcting typos/miss-numbered code sections and omissions by inserting the correct cross reference to the identified Zoning Code Section, correcting the structure of a sentence, and inserting missing definitions as noted in Table 1 above. It has been determined that the proposed text amendments will not alter and/or modify the purpose and context of the Zoning Code as adopted by the City Council on February 20, 2014 and it can be seen with certainty that there is no possibility that the text amendments in question would result in a significant effect on the environment.

FISCAL IMPACT

There will be no fiscal impact associated with the text amendments.

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Attachment 2 - Ordinance No. 1022
 3. Attachment 3 - Summary of Proposed Text Amendments
-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF THE CITY OF SEASIDE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF SEASIDE, CALIFORNIA, APPROVE ZONING ORDINANCE TEXT AMENDMENT 15-02 AMENDING VARIOUS PROVISIONS OF THE SEASIDE ZONING ORDINANCE (TITLE 17 OF THE SEASIDE MUNICIPAL CODE) FOR THE PURPOSE CORRECTING MAJOR TYPOS, MISNUMBERED CODE SECTIONS, SENTENCE STRUCTURE AND MISSING ZONING CODE DEFINITIONS FOUND WITHIN THE 2013 ZONING CODE COMPREHENSIVE UPDATE.

WHEREAS, pursuant to Section 65800 and 65850 of the Government Code, the City of Seaside has adopted a Zoning Ordinance which regulates the use of buildings, structures, and land uses between industry, business, residences, open space and other purposes; regulates signs and billboards; regulates the location, height, bulk, number of stories and size of buildings and structures, the size and use of lots, yards, courts and other open spaces, the percentage of a lot which may be occupied by a building or structure, and the intensity of land use; establishes requirements for off-street parking and loading; establishes building setback lines, as authorized by state law; and other matters.

WHEREAS, pursuant to Section 65853 of the government Code, Zoning Ordinance Amendment 15-02, as contemplated, proposes amending the text of the Seaside Zoning Ordinance (Title 17 of the City of Seaside Municipal Code) for the purpose of correcting typos, miss-numbered code sections, sentence structure, and missing Zoning Code definitions found within the 2013 Zoning Code Comprehensive Update that have been categorized as major changes to the Zoning Code. The proposed Zoning Ordinance text amendments apply to all properties city-wide.

WHEREAS, Title 17, Section 17.74.040 of the Seaside Municipal Code provides for the review and recommendation by the City's Planning Commission on all amendments to the Seaside Municipal Code, and

WHEREAS, a public notice describing the City's proposal to adopt proposed text amendments to be incorporate into Title 17 of the Seaside Municipal Code was published in the Monterey Weekly and posted at designated locations within the City of Seaside on Thursday, June 25, 2015, a minimum of 10-days in advance of the scheduled public hearing on July 8, 2015; and

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

WHEREAS, at a duly noticed public hearings held on June 10, 2015 and July 8, 2015, the Planning Commission has reviewed and accepted all written and oral testimony

on the proposed amendments to incorporate the text changes into Title 17 of the Seaside Municipal Code, and

WHEREAS, in accordance with Section 15061(b)(3) of the CEQA Guidelines, the proposed text amendments have been found to be exempt from the California Environmental Quality Act in that it can be seen with certainty that the proposed text amendments will only consist of correcting typos, incorrect cross references to various parts of the Zoning Code, sentence structure and Zoning Code definitions whereby the insertion of these text amendments will serve to maintain the same purpose and context of the standards that were incorporated into the 2013 Zoning Code Comprehensive Update on February 20, 2014; and

WHEREAS, the following text amendments are recommended:

- A. Section 17.22.030 is amended to include the text under subsections 17.22.030.A and B (new text is shown with an underline) as shown below:

17.22.030.A **Purpose:** The purpose of this section is to identify lands within the former Fort Ord that have been designated for the removal of ordinances and additional clean-up of hazardous materials.

17.22.030.B **Applicability:** The provisions of this Section apply to proposed land uses and development.

- B. Subsection 17.30.020.D.3.b of Section 17.30.020 has been revised to delete the text “may be” (deleted text is shown with a strikethrough) as shown below:

3. Retaining walls.

- a. Any embankment to be retained that is greater than 4 feet in height shall be benched so that no individual retaining wall exceeds a height of 3 feet, and each bench is a minimum width of 3 feet. Any fencing associated with a benched retaining wall shall be set back from the retaining wall a minimum of 3 feet (see Figure 3-2, Fence Height Measurement).

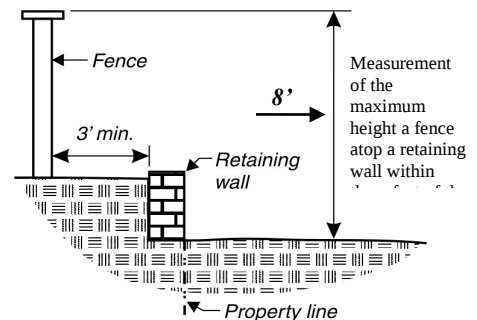


Figure 3-2 - Fence Height

- b. A fence ~~may be~~ placed directly atop a retaining wall on a side and rear property line that is proposed to retain an embankment of 3 feet or less shall conform to the maximum allowable height as identified under Table 3-1 or 3-2, measured from the base of the wall at the lowest grade to the top of the fence. Any fencing proposed to be placed directly atop a retaining wall that is proposed to retain an embankment of greater than 3 feet which exceeds a maximum height of 8

feet as measured from the lowest grade must receive the approval of a fence exception under Section 17.30.020.F.

- C. Subsection 17.30.030.E.1 of Section 17.30.030 has been revised to include the new text “visibility area” (new text is shown with an underline) as shown below:

1. Height limit. No structure, sign, or landscape element shall exceed the maximum height within the traffic safety visibility area as established by Tables 3-1 or 3-2 under Section 17.30.020, above, unless approved by the Zoning Administrator, in consultation with the City Engineer.

- D. Section 17.30.040 has been revised to renumber the subsections to account for missing subsection D (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

17.30.040 - LANDSCAPING STANDARDS

A. Purpose. The purpose of this Section is to improve the physical appearance of property within the City, and to provide appropriate landscape buffers where necessary.

B. Landscaping required. All parts of a parcel not devoted to decks, patios, structures, and similar improvements, driveway and/or parking improvements, lighting, sidewalks, signs, and solid waste/recyclable materials collection and storage shall be landscaped in compliance with this Section and this Zoning Ordinance. For the purposes of this Chapter, landscaped area shall be defined under the “Landscaping Standards” definitions of Article 7 (Glossary).

1. To conserve water, the installation of water-efficient and/or drought-tolerant landscape materials is strongly encouraged. Where projects are subject to the State Model Water Efficient Landscape Ordinance (Title 23 California Code of Regulations Section 490 et seq.), drought-tolerant and water-efficient landscaping and irrigation systems shall be installed in compliance with the provisions of the model ordinance.

2. New hardscapes installed on a site as part of a development project not included as pervious site landscaping should be designed as semi-imperious hardscape or direct stormwater runoff to retention or infiltration points on the site.

C. Landscaping standards.

1. Minimum dimensions. Each area of landscaping shall have a minimum interior width of 5 feet within the residential and commercial zones.

a. These dimensions may be reduced where the review authority determines they are infeasible because of limited site area.

b. Wherever this Zoning Ordinance requires a landscaped area of a specified width, the width shall be measured within any curb or wall bordering the landscaping area.

2. Protective curbing. Required landscaping shall be protected with a minimum 6-inch-high concrete curb, except where adjacent to sidewalks, unimproved paths, bioswales or other low-impact development features, bicycle paths, or where otherwise deemed unnecessary by the Zoning Administrator to allow for stormwater discharge into landscaping areas.

3. Safety requirements. Landscape materials shall be located so that at maturity they do not:

a. Interfere with safe sight distances for bicycle, pedestrian, or vehicular traffic;

b. Conflict with overhead lights, utility lines, or walkway lights; or

c. Block bicycle or pedestrian ways.

4. Lawns. Lawns shall be limited to 50 percent of the total landscaped area on the site except where the applicant provides evidence, approved by the Board of Architectural Review, which demonstrates that the irrigation requirements of a larger lawn area will not exceed standard low water usage as established by the designated water district regulations for the site.

a. Lawns shall be prohibited:

(1). In any area of 5 feet or less in width; or

(2). On any slope exceeding 10 percent (25 percent, where other project water-saving techniques compensate for the increased runoff). A level buffer zone of 18 inches shall be provided between bermed lawn areas and any hardscape (e.g., any street, walkway, or similar feature).

b. The Board of Architectural Review may modify these requirements when it finds that water-saving techniques are applied or

modifications to these standards would not cause excessive water use or increased runoff.

5. Water features. Decorative water features (e.g., fountains, ponds, waterfalls) shall have recirculating water systems.

6. Parking lots. See Section 17.34.090.E (Landscaping of Parking Lots).

7. Trees.

a. All trees shall be adequately supported when planted. The supports shall be maintained until the trees are capable of withstanding the force of wind on their own and removed before damage could potentially occur to the tree trunk.

b. Tree root barriers shall be installed, as required by the City Engineer, where trees are placed within 5 feet of public improvements including walks, curbs, or street pavement or where new public improvements are placed adjacent to existing trees. The Board of Architectural Review may waive this requirement where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage public improvements.

ED. Screening requirements. See Section 17.30.020.G (Screening Requirements).

FE. Visual obstructions.

1. Landscaping that is primarily intended or designed for fencing purposes within a required front setback area or is located within a traffic safety visibility area (see Section 17.30.030.E, Height Limit Within Traffic Safety Visibility Areas) shall not be allowed to exceed the maximum height within the traffic safety visibility area as established under Tables 3-1 and 3-2, above, as measured from the top of the existing or proposed street curb. See also height limits for hedges and screening under Section 17.30.020 for additional standards.

GE. Street tree requirements. The installation of street trees in the public right-of-way or on private streets may be required as a condition of approval by the Planning Commission or Board of Architectural Review in compliance with the following standards.

1. Location.

a. Street trees shall be planted in the public right-of-way where street trees are planned for installation under the City's current Capital Improvement Program or an adopted Specific Plan or Master Plan on a private street between the street curb and abutting property line or as otherwise directed by the City Engineer.

b. Exception: Where site conditions do not allow the installation of the street trees as established by this Section, trees may be located on private property within 10 feet of the property line along the street frontage.

2. Quantity.

a. The number of required street trees shall be calculated at the rate of one 15-gallon tree for every 30 feet of street frontage.

b. The installed tree spacing may be varied to accommodate site conditions or design considerations; however, the number of trees required for each street frontage on a lot bounded by more than one street shall be planted along the corresponding street frontage.

c. Where palm trees are proposed to satisfy this requirement, they shall be planted at a rate of one 10-foot brown trunk height palm for each 20 feet of street frontage.

d. The City Engineer may modify the number of required street trees for a project on a case-by-case basis.

3. A tree proposed, or required, to replace an existing mature specimen tree shall be transplanted from a minimum 24-inch box.

4. Protection.

a. All trees shall be adequately supported when planted. The supports shall be maintained until the trees are capable of withstanding the force of wind on their own.

b. Where existing trees are required to be preserved, protective fencing shall be in place prior to the issuance of a Building Permit, and all new development shall be designed in a manner which respects the current drip lines.

5. Solar access. When trees are incorporated into an approved landscaping plan, they shall be planted in a manner which maximizes the provision of sunlight to nearby windows and/or solar collectors situated on-site or on an adjoining property.

HG. Irrigation system requirements.

1. All landscaped areas except those approved for maintenance with intentionally unirrigated native plants shall include an automatic irrigation system.
2. Water-efficient systems (e.g., bubbler-type, drip, mini-spray, or similar system) shall be used unless infeasible. Low-flow sprinkler heads with matched precipitation rates shall be used when spray or rotor-type heads are specified for watering shrubs and ground cover areas. Lawn areas shall be sized and shaped so they can be efficiently irrigated. Spray or runoff onto paved areas shall be avoided.
3. Dual or multi-program controllers with separated valves and circuits shall be used when the project contains more than one type of landscape treatment (e.g., ground cover, lawn, shrub, tree areas) or a variety of solar aspects. Soil moisture-sensing devices and rain sensors shall be used on larger projects (50,000 plus square feet of landscaped area) to minimize or eliminate overwatering.
4. Watering shall be scheduled at times of minimal wind conflict and evaporation loss.
5. Sprinkler heads shall have matched precipitation rates within each valve zone.
6. Check valves are required where elevation differential may cause low head drainage.

HI. Responsibility of the Board of Architectural Review.

1. The Board of Architectural Review shall be primarily responsible for the review and approval of landscape plans and improvements within the City in compliance with Section 17.62.030.B (Applicability).
2. Prior to Building Permit issuance, all projects that require approval of landscape and/or irrigation plans shall receive Board of Architectural Review approval.

II. Changes to approved landscape plans. The Director may authorize minor changes to Board of Architectural Review approved landscape and irrigation plans where the Director can make the findings outlined in Section 17.64.090 (Changes to an Approved Project).

1. For purposes of this Section, minor changes shall be defined as changes to the landscaping plans that are not visible and do not effect the theme or character established for the subject development project.

2. If the Director determines that a requested change does not comply with the definition of minor in Subsection J.1., the requested change may only be approved by the review authority that originally approved the landscaping plans, in accordance with Section 17.64.090 (Changes to an Approved Project).

KJ. Statement of surety. When required by the Zoning Administrator, security in the form of cash, performance bond, letter of credit, or instrument of credit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the City for a two-year period in compliance with Section 17.64.070 (Performance Guarantees). The Zoning Administrator may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions), and similar circumstances where it may not be advisable or desirable to install all approved landscaping before occupancy of the site.

LK. Installation and inspection before occupancy. All landscaping approved by the Board of Architectural Review, in accordance with the applicability of Section 17.62.030 (Architectural Review), shall be installed and inspected by a representative of the Planning Division before the City will allow occupancy of any structure or authorize the issuance of a Certificate of Occupancy.

ML. Maintenance.

1. **Landscape maintenance.**

a. All landscaping (e.g., ground cover, hedges, lawns, shrubs, and trees) shall be maintained in a healthful and thriving condition at all times, and free of weeds, debris, and deceased plants..

b. Landscaping located in a traffic safety visibility area shall be maintained in accordance with Section 17.30.030.E (Height Limit Within Traffic Safety Visibility Areas).

c. Trees required by this Section shall be maintained so that all branches over pedestrian walkways are 6 feet above the walkway grade and so that all branches over vehicular travel ways are 16 feet above the grade of the travelway. All pruning shall comply with the standards of the National Arborist Association.

- d. Deceased plant materials must be removed and replaced within one month with the same species and size specified in the Board of Architectural Review approved plans.

Exceptions: Trees that die three years or more after installation, or trees that are “topped,” shall be replaced by a minimum 24-inch box size container of the same species specified on the approved plans. Other types of plants that die three years or more after installation shall be replaced with a specimen two container sizes larger than that specified on the approved plans.

- e. All fences and walls which have been incorporated into an approved landscaping plan shall regularly be maintained in an attractive and safe manner.

2. Irrigation system maintenance.

- a. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Section.

b. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching lawn areas; adding/replenishing mulch, fertilizer, and soil amendments; and mowing, pruning, trimming, and watering all landscaped areas.

- c. Watering shall be scheduled at times of minimal wind conflict and evaporation loss.

- d. All fences and walls which have been incorporated into an approved landscaping plan shall regularly be maintained in an attractive and safe manner.

2. Maintenance agreement required. Before final inspection or occupancy, and before the recordation of a final subdivision map where applicable, the applicant shall enter into a landscape maintenance agreement with the City to guarantee proper maintenance in compliance with Subparagraph 1, above. The form and content of the agreement shall be approved by the City Attorney and the Zoning Administrator.

3. Water waste prohibited. Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water

flows onto adjacent property, nonirrigated areas, walks, roadways, or structures is prohibited.

4. Enforcement. Failure to maintain landscape areas in compliance with this Section shall be deemed a public nuisance, and shall be subject to abatement in compliance with the Municipal Code, and/or the applicable planning permit may be revoked in compliance with Chapter 17.80 (Enforcement and Penalties).

- E. The text in subsection 17.30.040.C.6 has been revised to identify Section 17.34.110 as the correct cross-reference for the requirements of parking lot landscaping (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

6. Parking lots. See Section 17.34.~~090.E.110~~E.110(Landscaping of Parking Lots).

- F. The text in subsection 17.30.100.B.2 has been revised so that the subsections will be from a through e (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

2. Exemptions from setback requirements. The minimum setback requirements of this Zoning Ordinance do not apply to the following.

a. An architectural projection into a required setback allowed by Subsection E. (Allowed Projections into Setbacks).

b. A fence or wall 6 feet or less in height, when located outside of a front, street side setback, or traffic safety visibility area.

~~bc.~~ Any detached deck, earthwork, step, terrace, patio or other site design element that is placed directly upon grade and does not exceed a height of 18 inches above the surrounding grade at any point, with the exception of encroachments into the front setback (see Section 17.30.100.F.2.a). See also Section 17.52.220 (Residential Accessory Buildings, Structures, and Uses) for accessory structure standards.

~~ed.~~ A sign in compliance with Chapter 17.40 (Signs).

~~de.~~ A retaining wall less than 30 inches in height above finished grade. Refer to Section 17.30.020.D.3 (Retaining Walls) for retaining wall height requirements.

- G. The text in the first paragraph of Section 17.33.070 has been revised to change “shall be continue to be” to “shall continue to be” (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

17.33.070 - CONTINUED AVAILABILITY

The units that qualified the housing development for a density bonus and other incentives and concessions shall be continue to be available as affordable units in compliance with the following requirements, as required by Government Code Section 65915(c). See also Section 17.33.110 (Control of Resale).

- H. In Section 17.34.050, Table 3-8, the text for “Gas Stations without Repair” has been revised to change “025” to “0.25” as shown with a strikethrough for the deleted text and an underline for the new text as shown below:

Gas stations without repair services

~~025~~ 0.25 space for each gas pump, plus 2 spaces for each gasoline pump island, plus spaces as required by this Section for convenience goods sales

- I. The text in subsection 17.34.080.A of Section 17.34 has been revised to delete the existing text and include new text which makes reference to the installation of proper signs being installed to designate the space as a “Clean Air Vehicle” parking stall as shown with a strikethrough for the deleted text and an underline for the new text as shown below:

- A. **Parking stall marking.** ~~Paint, in the paint used for stall striping, the following characters such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle~~ Clean air vehicle parking space shall be striped with cross hatching and signed identifying the parking stall as “Parking for clean emission vehicles only.”

- J. The text of the second sentence of Section 17.36.210 has been revised to delete word “the” as shown (deleted text is shown with a strikethrough) as shown below:

17.36.210 - VIOLATIONS

No person shall remove any notice or order posted as required in this Chapter. No person shall obstruct, impede, or interfere with any representative of the City or with any person who owns or holds any estate or interest in the structure which has been ordered to be vacated, repaired, rehabilitated, or demolished and removed or with any person to whom the structure has been lawfully sold in compliance with the provisions of the Municipal Code whenever any ~~the~~ representative of the City, purchaser, or person having any interest or estate in the structure is engaged in vacating, repairing, rehabilitating, or demolishing and removing any structure in compliance with the provisions of this Chapter or in performing any necessary act preliminary to or incidental to the work as authorized or directed in compliance with this Chapter

- K. The text of subsection 17.38.030.A of Section 17.38 has been revised to replace ‘six feet clear area’ to “a minimum five-foot clear area” consistent with what appears in subsection 17.38.040.A.4 (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

A. Clear path of travel required. At least five (5) ~~6~~ feet clear should be provided to allow for unimpeded pedestrian traffic around any obstruction.

- L. The text of Section 17.52.180 has been revised to renumber the subsections to account for the missing subsection X (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

~~Y~~X. Open space. Each multi-family residential project shall include permanently maintained outdoor open space for each dwelling unit (private space), and for all residents (common space), except where the review authority determines that an existing public park or other usable public open space is within convenient walking distance, or that the residential units are part of a mixed-use project and/or located in a commercial zoning district.

1. Area required. Private and common open space shall be provided as required by Table 4-1.

TABLE 4-1 - MULTI-FAMILY PROJECT OPEN SPACE REQUIREMENTS

Project Size	Minimum Common Open Space Required	Minimum Private Open Space Required
2 to 4 units	200 sf	150 sf for each unit
5 to 10 units	500 sf	
11 and more units	100 per unit	

2. **Configuration of open space.** Required open space areas shall be designed and located as follows. Landscaping shall comply with the requirements of Section 17.30.040 (Landscaping Standards).
 - a. **Common open space.** All required open space shall be easily accessible, have continuous, usable site elements, and be separated from parking areas and safe and secure. Each common open space area shall have a minimum dimension of 12 feet for two- to four-unit projects, and 20 feet for projects with five or more units.
 - b. **Private open space.** Private open space shall be at the same elevation as and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of 8 feet, except that the review authority may authorize different minimum dimensions for upper-floor units where the private open space is provided as a balcony or upper floor court.

The review authority may allow required open space to be in different locations and/or with different dimensions where it determines that the alternative approach will provide open space of equivalent utility and aesthetic quality.

ZY. Outdoor lighting. Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with Section 17.30.070 (Outdoor Lighting). The lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. Lighting of at least 1 foot-candle shall also be installed and maintained within all covered and enclosed parking areas and shall be screened to minimize glare onto public sidewalks. Lighting fixtures/lamps shall be the most energy efficient available. All proposed lighting shall be shown on the required landscape plan.

~~AAZ~~. Storage. A minimum of 100 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit, with no dimension less than 30 inches.

~~BBAA~~. Television antennas. Exterior television antennas, other than satellite dishes less than 39 inches in diameter, are not allowed, except for a single common, central antenna, with underground cable service to each dwelling unit. This restriction shall be included in any property covenants of a common interest development.

~~CCBB~~. Window orientation. Where one or more windows are proposed 10 feet or less from a side lot line, or 10 feet from another residential structure on the same site, the review authority shall ensure, to the extent feasible, that the windows are located and/or screened to provide privacy for residents of both structures.

- M. The text of subsection 17.52.270.C of Section 17.52 shall be amended to add “of the” (new text is shown with an underline) as shown below:

C. Tower heights of not more than 65 feet shall be allowed on parcels between 1 and 5 acres and tower heights of not more than 80 feet shall be allowed on parcels of 5 acres or more, provided that the application includes evidence that the proposed height does not exceed the height requirements of the manufacturer or distributor or of the system.

- N. The text of subsection 17.66.080 of Section 17.66 has been revised to delete the existing cross reference listed as 17.66.070.E.2 and add the new cross reference as Section 17.66.050 (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

17.66.080 - MODIFICATION OR TERMINATION

A. **Proceedings upon modification or termination.** If, upon a finding under Section ~~17.66.070.E.2~~ 17.66.050, the City determines to proceed with modification or termination of the agreement, the City shall give notice to the property owner of its intention to do so. The notice shall contain:

- O. The text of Section 17.68.060 has been revised to renumber the subsections (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

~~ED~~. Effect of demolition. If approval of a COA will result in the demolition of a cultural resource, the applicant shall be required to memorialize the resource proposed for demolition in compliance with the standards of the Historic American Building Survey (HABS). The documentation may include an archaeological survey, floor plans,

measured drawings, photographs, or other documentation specified by the Commission.

When appropriate, the Commission may require that a memorialization of the resource be incorporated into the proposed redevelopment of the site including the following.

1. Book or pamphlet;
2. Photographic display;
3. Small museum or exhibit;
4. Use of original fixtures; and/or
5. Other methods deemed appropriate by the Commission.

- P. The text of subsection 17.78.040.A has been revised to delete the last two sentences of this subsection (deleted text is shown with a strikethrough) as shown below:

17.78.040 - HEARING PROCEDURES

A. Time and place of hearing. A hearing shall be held at the date, time, and place for which notice was given. ~~Department a written statement either supporting or objecting to the application. Any person may also appear at the hearing to present oral testimony.~~

- Q. The text of Section 17.98.020 has been revised to include reference to the nonexistent definitions (new Text identified with an underline) as shown below

1. **Affordable and Inclusionary Housing Requirements:** For each residential development, including condominium conversions, at least 20 percent of the total units shall be restricted for occupancy by moderate-low, and very low-income households. The income limits for moderate, low, and very-low households shall be in accordance with the income limits that are established by the State of California.

2. **Agricultural accessory structure:** A building used for the shelter of livestock stored/raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises.

3. **Art, Antique, and Collectible Store:** A retail store which sells or consigns to sell items which are by their style, design or use commonly

considered to be of another era or age, a collectible, or of heirloom quality. These items shall be in proper working order or restorable to working condition. Secondhand or thrift items are not considered antiques (See Secondhand Stores).

4. **Art Gallery:** A commercial establishment engaged in the sale, loan, and exhibition of paintings, sculpture, photography, video art, or other works of art. An art gallery does not include a cultural facility, such as a library, museum, or non-commercial gallery that may also display paintings, sculpture, photography, video art, or other works of art. This includes a permanent outdoor art market on private property where artists display and sell hand-crafted or personally produced art directly to retail customers at stalls, booths, tables, platforms, or similar display areas, under the supervision of a proprietor that rents or otherwise arranges for assigned spaces for each vendor.

5. **Auto Restoration and Sale of Collectible Cars:** The repair, servicing, alteration, and restoration of classic collectible automobiles that are completely restored on the premises. All classic collectible automobiles may be made available for sale on the premises. To be classified as a classic collectible automobile, the vehicle must be at least 20 years old and recognized by at least one periodical or car industry publication as a collectible car.

6. **Bakery, Retail:** An establishment primarily engaged in preparing, baking, or cooking baked products for on-site retail sales and/or on-site or off-site consumption. Said use may include an incidental wholesale component for distribution to local businesses (e.g. grocery stores, restaurants, schools, hospitals) subject to the business providing a retail floor area of at least 25% of the total floor area of the building.

7. **Boating and related facilities:** Structures which now exist or may be built at the edge of a body of water or waterway or over a body of water which are intended to house a boat or its components for service work, including the service facilities, or to secure and protect boats from the weather. Such facilities may include piers and docks.

8. **Business Park:** A commercial development area specially designated and landscaped to accommodate business offices, warehouses, light industry, etc, containing at least four commercial tenants.

9. **Caretaker Unit:** A permanent residence, secondary and accessory to an existing commercial use that is designed to be occupied principally for persons employed on-site for purposes of care and protection of persons, property, plants, animals, equipment or other circumstances on site or on contiguous lots under the same ownership.

10. **Crop/Greenhouse Production:** Agricultural uses including production of grains, field crops, vegetables, melons, fruits, grapes, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure.

11. **Density Bonus:** The allowance of additional residential units beyond the maximum for which the parcel is otherwise permitted usually in exchange for the provision or preservation of affordable housing units at the same site or at another location.

12. **Drugstore:** A retail store primarily engaged in the sale of prescription drugs and patent medicines, carrying related items such as cosmetics and toiletries and such unrelated items as tobacco and novelty merchandise. Such use may also include a soda fountain or lunch counter.

13. **Ecological Restoration Activities:** Ecological restoration activities include the following projects and activities resulting in habitat enhancement: invasive exotic species removal, barrier removal or modification, creek/draining day-lighting, culvert replacement or modification, native habitat (e.g., wetland) expansion, enhancement, creation or restoration, re-vegetation with ecologically appropriate native species, water quality improvements, or other similar habitat restoration projects where habitat restoration is the primary purpose of the project; and where there are no significant, unmitigated adverse impacts on biological resources.

14. **Freight Terminals:** A building and adjacent loading area where cargo is stored and where commercial vehicles load and unload cargo on a regular basis, which may or may not include facilities for maintenance, fueling, storage or dispatching or the vehicles.

15. **Habitat Management:** An activity proposed by a public agency or private entity designed to preserve, protect or enhance the fish and wildlife habitat of a designated open space/conservation area.

16. **Hiking/Riding Trail:** A pervious and/or impervious path/walkway designed to facilitate pedestrian, bicycle and equestrian activities.

17. **Interpretive Center or Environmental Education Center:** A public, quasi-public or non-profit institution that procures, cares for, studies, and displays objects of lasting interest or value. Examples of

museums include art and historical museums, aquariums, planetariums, botanical gardens, arboretums, and historical sites.

18. **Live/Work Units:** A building or spaces within a building that is used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary commercial use and is occupied by the business owner or employee(s) of the primary commercial use.

19. **Maintenance Facility:** A facility providing maintenance and repair services for vehicles and storage areas for a commercial business. This use includes corporation yards, equipment service centers, and similar facilities.

20. **Manufacturing – Heavy:** The manufacture, processing, and assembling of products by mechanical or chemical processes. Typically includes the manufacturing of commercial products (including concrete/asphalt plants); metal products; wood products (including saw mills and pulp factories), plastic components and the commercial processing of animal products (meat, dairy, eggs, etc.).

21. **Manufacturing – Heavy Textile and Leather Products:** Manufacturing of products consisting primarily of leather, textiles and clothing products.

22. **Manufacturing – Heavy Pulp and Pulp Manufacturing:** The manufacture, processing, and assembling of products primarily consisting of wood products (including saw mills and pulp factories).

23. **Military Housing:** Housing units constructed by the U.S Armed Forces/Federal Government for the use and occupancy by designated military personnel or civilians as authorized by the U.S Armed Forces/Federal Government.

24. **Motorcycles Sales, new with accessory used sales:** A retail establishment selling new and used motorcycles with accessory used sales. Motorcycles for sale may be displayed outdoors or indoors in accordance with the Automotive Regional Commercial (CA) Zoning Standards.

25. **Nature Preserve:** An open space/park area consisting of natural vegetation that is generally undisturbed, un-maintained, and is self-perpetuating. It includes not only trees, but also native shrubs, ground covers, wildflowers, vines, and grasses.

26. **Crop Production, horticulture, orchard, vineyard:** Land used to grow horticultural and floricultural specialties (such as flowers, shrubs,

or trees intended for ornamental or landscaping purposes) for wholesale or retail sale in order to be transplanted to a different location. This definition excludes crop and greenhouse production that have been identified elsewhere in Title 17 of the Seaside Municipal Code.

27. **Public Amphitheater:** Outdoor entertainment venue with fixed and non-fixed seating design to accommodate both musical and non-musical entertainment activities within a designated public open space.

28. **Public Parking Garage:** A structure or part thereof used for the storage, or parking of motor vehicles, but not for the repair or servicing thereof. The parking garage can be the primary structure for a Commercial Parking facility or can be accessory to a multi-family-residential dwelling, common interest subdivision commercial, employment, industrial, institutional, or other structures.

29. **Sign Copy:** The sign text/logo/symbol contained within the perimeter of a sign board, cabinet or three dimensional figure defined by a continuous line composed of either right angles which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed.

30. **Three-dimensional sign objects:** The area of a sign consisting of one or more three-dimensional objects (e.g. balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall be measured on the perimeter of the three-dimensional object.

31. **Sign Structure:** Supporting bracing or framework which is used to attach a sign to a building, awning, or ground.

32. **Winery/Wine Tasting:** Facility allowing beer/wine tasting with on-site and off-site retail sales directly to the public (or shipped). The tasting room facility must be directly affiliated with a minimum of one brewery/winery (meeting the requirements of the Alcoholic Beverage Control (ABC) appropriate license type such as: Type 2 Winegrower license or Type 23 Microbrewery license). The Tasting Room may be operated within a brewery/winery facility or as a stand-alone retail use.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Seaside hereby recommends that the City Council of the City of Seaside adopt the draft Zoning Code Update based on the following findings:

1. The proposed text amendments are consistent with the 2004 Seaside General Plan.

Evidence: The Zoning Map is consistent with the General Plan Land Use Element and Land Use Map.

Evidence: The proposed text amendments will serve to clarify existing development standards of the Zoning Code and provide guidance with the implementation of the Zoning Code in accordance with the goals and policies of the 2004 Seaside General Plan.

2. An Initial Study/draft Negative Declaration has been processed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Study and draft Negative Declaration was prepared and circulated in accordance with the State Guidelines for the adoption of the 2013 Zoning Code Comprehensive Update and it has been determined that the proposed text amendments to the Zoning Code are minor in nature and that they would not have any substantive adverse effect on the environment either directly, indirectly or cumulatively.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission of the City of Seaside does hereby recommend to the City Council the approval of an Ordinance adopting the proposed text amendments to the existing Zoning Code as outlined in the recitals above.

PASSED AND ADOPTED at a regular meeting held on the 8th day of July by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

ORDINANCE NO. 1022

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

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

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

Section 2. On February 19, 2015, the Seaside City Council considered oral comments and written information concerning this Ordinance at a duly noticed public hearing (First Reading), and on the basis of the record thereof finds the following facts to be true;

Findings:

1. The purpose of this Ordinance is to adopt minor amendments correcting incorrect cross references that were incorporated into the comprehensive Zoning Code Update adopted for text amendments to Title 17 of the Seaside Municipal Code on February 20, 2014.

Evidence: It has been identified under the list of zoning code corrections on Table 1 of the February 19, 2015 City Council Staff Report for Application No. SMA-15-01 that the proposed text amendments will consist solely of making corrections of typos and/or mis-numbered code sections.

2. The proposed text amendments are in compliance with the 2004 Seaside General Plan.

Evidence: The proposed text amendments are minor text amendments and will only consist of correcting typos and or mis-numbered code sections to the Zoning Code and it can be seen with certainty that the proposed text amendments will maintain the same purpose and context of the standards that were incorporated into the comprehensive Zoning Code Update adopted for text amendments to Title 17 of the Seaside Municipal Code on February 20, 2014.

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

Evidence: In accordance with Section 15061(b)(3) of the CEQA Guidelines, it can

be seen with certainty that the proposed text amendments will only consist of correcting the incorrect cross reference to various parts of the Zoning Code and that the insertion of the correct cross reference will maintain the same purpose and context of the standards that were incorporated into the comprehensive Zoning Code Update adopted for text amendments to Title 17 of the Seaside Municipal Code on February 20, 2014.

Section 3. The proposed amendments to Title 17 of the Seaside Municipal Code consist of the following:

1. Chapter 17, Section 17.14.050.A, Table 2-6, the Regional Commercial (CRG) Site Coverage standards is hereby amended to delete reference to Section 17.30.040. C and D and replace this deleted Section with Section 17.34.110.E.4.

Section 4. Chapter 17, Section 17.16.050.A is hereby amended to include the following text amendments with the new language identified with an underline (underline) and deleted language identified with a strikethrough (strikethrough).

17.16.050 - SIGN REQUIREMENTS

- A. Purpose. The purpose of these regulations is to improve the appearance of the CA zone. Providing limitations regarding specific types of signs promotes compatible signage and avoids visual clutter. These standards will help promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the City as a place to live, work, and shop, and provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned in relation to adjacent structures and the structures to which they are attached. The Board of Architectural Review may grant exceptions to the requirements of this section that are not otherwise subject to Zoning Code Section ~~17.16.080.C.2~~ 17.62.080.C.2 (Minor Variance) through the Master Sign Program entitlement required for signs within the CA zone.

Section 5. Chapter 17, Section 17.40.050.D is hereby amended to include the following text amendments with the new language identified with an underline (underline) and deleted language identified with a strikethrough (strikethrough).

- D. Billboards and any other off-premise signs, except as allowed by Civil Code Section 713 (Section ~~17.40.040.E.D1.b.(2)~~ – Off-Site Directional Signs, Section 17.40.040.F.7 – Miscellaneous signs);

Section 6. Chapter 17, Section 17.52.070.2 is hereby amended to include the following text amendments with the new language identified with an underline (underline) and deleted language identified with a strikethrough (strikethrough).

2. Supplemental submittal requirements. If, after holding a public hearing, the Commission finds that the proposed conversion will not adversely affect, and is

consistent with Section 17.52.180 Multi-family standards, subsections ~~B.1 through B.3~~ A through CC, it shall advise the applicant to file, at their expense, all of the following:

Section 7. Chapter 17, Section 17.66.080.A is hereby amended to include the following text amendments with the new language identified with an underline (underline) and deleted language identified with a strikethrough (strikethrough).

- A. Proceedings upon modification or termination. If, upon a finding under Section 17.66.070.~~E.2D~~, the City determines to proceed with modification or termination of the agreement, the City shall give notice to the property owner of its intention to do so.

Section 8. Chapter 17, Section 17.72.030.A.2 is hereby amended to include the following text amendments with the new language identified with an underline (underline) and deleted language identified with a strikethrough (strikethrough).

2. Residential exception. The substantial rehabilitation or renovation of, and additions to an existing nonconforming multi-family and single-family residential use may be allowed with Minor Use Permit and Board of Architectural Review approval, in compliance with Section 17.~~72.060~~62.030.

Section 9. Chapter 17.98 is hereby amended to include the following text amendments with the new language identified with an underline (underline) and deleted language identified with a strikethrough (strikethrough).

Recycling Facility. This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. Small Collection Facility. A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:
 - a. Reverse vending machines or a grouping of reverse vending machines which occupy an area of 350 square feet or less;
 - b. Small collection facilities which occupy an area of 350 square feet or less and may include a mobile unit;
 - c. A kiosk recycling unit.
- ~~32.~~ Large Collection Facility. Large collection facilities which occupy an area of more than 350 square feet and/or include permanent structures.
- ~~43~~ Mobile Recycling Unit. An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.

54. Processing Facility. A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards," below:
- a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and
 - b. A heavy processing facility is any processing facility other than a light processing facility.
- 6-5. Recycling Facility. A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1786. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.
76. Recycling or Recyclable Material. Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.
87. Reverse Vending Machine. An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.
- A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.
98. Scrap and Dismantling Yards. Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling

(see the definitions above). Does not include: places where these activities are conducted entirely within buildings; pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

Section 10. 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 11. 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 12. 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 13. The City Clerk shall certify to the adoption of this Ordinance and shall, within fifteen (15) days after passage, publish a summary of this Ordinance in accordance with Section 36933 of the Government Code of State of California with the names of City Council members voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Seaside on the 19th day of February, 2015, and

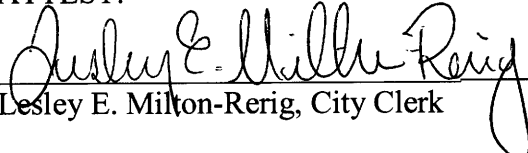
PASSED AND ADOPTED by the City Council of the City of Seaside at a regular meeting of the City Council on the 5th day of March, 2015, by the following roll call vote:

AYES:	5	COUNCIL MEMBERS:	Alexander, Campbell, Oglesby, Pacheco, Rubio
NOES:	0	COUNCIL MEMBERS:	None
ABSENT:	0	COUNCIL MEMBERS:	None
ABSTAIN:	0	COUNCIL MEMBERS:	None



Ralph Rubio, Mayor

ATTEST:



Lesley E. Milton-Rerig, City Clerk

Summary of proposed Text Amendments

Text Amendment No.1

Section 17.22.030 is amended to include the text under subsections 17.22.030.A and B (new text is shown with an underline) as shown below:

17.22.030.A **Purpose:** The purpose of this section is to identify lands within the former Fort Ord that have been designated for the removal of ordinances and additional clean-up of hazardous materials.

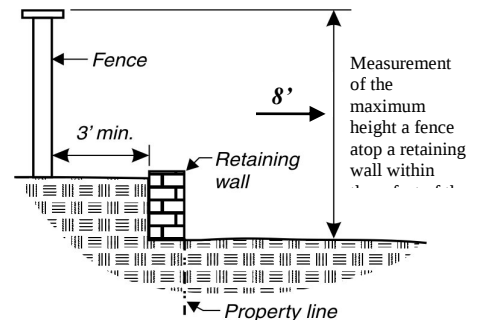
17.22.030.B **Applicability:** The provisions of this Section apply to proposed land uses and development.

Text Amendment No. 2

Subsection 17.30.020.D.3.b of Section 17.30.020 has been revised to delete the text “may be” (deleted text is shown with a strikethrough) as shown below:

3. Retaining walls.

- a. Any embankment to be retained that is greater than 4 feet in height shall be benched so that no individual retaining wall exceeds a height of 3 feet, and each bench is a minimum width of 3 feet. Any fencing associated with a benched retaining wall shall be set back from the retaining wall a minimum of 3 feet (see Figure 3-2, Fence Height Measurement).



- b. A fence ~~may be~~ placed directly atop a retaining wall on a side and rear property line that is proposed to retain an embankment of 3 feet or less shall conform to the maximum allowable height as identified under Table 3-1 or 3-2, measured from the base of the wall at the lowest grade to the top of the fence. Any fencing proposed to be placed directly atop a retaining wall that is proposed to retain an embankment of greater than 3 feet which exceeds a maximum height of 8 feet as measured from the lowest grade must receive the approval of a fence exception under Section 17.30.020.F.

Figure 3-2 - Fence Height

Text Amendment No. 3

Subsection 17.30.030.E.1 of Section 17.30.030 has been revised to include the new text “visibility area” (new text is shown with an underline) as shown below:

1. **Height limit.** No structure, sign, or landscape element shall exceed the maximum height within the traffic safety visibility area as established

Summary of proposed Text Amendments

by Tables 3-1 or 3-2 under Section 17.30.020, above, unless approved by the Zoning Administrator, in consultation with the City Engineer.

Text Amendment No. 4

Section 17.30.040 has been revised to renumber the subsections to account for missing subsection D (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

17.30.040 - LANDSCAPING STANDARDS

A. Purpose. The purpose of this Section is to improve the physical appearance of property within the City, and to provide appropriate landscape buffers where necessary.

B. Landscaping required. All parts of a parcel not devoted to decks, patios, structures, and similar improvements, driveway and/or parking improvements, lighting, sidewalks, signs, and solid waste/recyclable materials collection and storage shall be landscaped in compliance with this Section and this Zoning Ordinance. For the purposes of this Chapter, landscaped area shall be defined under the “Landscaping Standards” definitions of Article 7 (Glossary).

1. To conserve water, the installation of water-efficient and/or drought-tolerant landscape materials is strongly encouraged. Where projects are subject to the State Model Water Efficient Landscape Ordinance (Title 23 California Code of Regulations Section 490 et seq.), drought-tolerant and water-efficient landscaping and irrigation systems shall be installed in compliance with the provisions of the model ordinance.

2. New hardscapes installed on a site as part of a development project not included as pervious site landscaping should be designed as semi-impervious hardscape or direct stormwater runoff to retention or infiltration points on the site.

C. Landscaping standards.

1. Minimum dimensions. Each area of landscaping shall have a minimum interior width of 5 feet within the residential and commercial zones.

a. These dimensions may be reduced where the review authority determines they are infeasible because of limited site area.

Summary of proposed Text Amendments

b. Wherever this Zoning Ordinance requires a landscaped area of a specified width, the width shall be measured within any curb or wall bordering the landscaping area.

2. Protective curbing. Required landscaping shall be protected with a minimum 6-inch-high concrete curb, except where adjacent to sidewalks, unimproved paths, bioswales or other low-impact development features, bicycle paths, or where otherwise deemed unnecessary by the Zoning Administrator to allow for stormwater discharge into landscaping areas.

3. Safety requirements. Landscape materials shall be located so that at maturity they do not:

a. Interfere with safe sight distances for bicycle, pedestrian, or vehicular traffic;

b. Conflict with overhead lights, utility lines, or walkway lights; or

c. Block bicycle or pedestrian ways.

4. Lawns. Lawns shall be limited to 50 percent of the total landscaped area on the site except where the applicant provides evidence, approved by the Board of Architectural Review, which demonstrates that the irrigation requirements of a larger lawn area will not exceed standard low water usage as established by the designated water district regulations for the site.

a. Lawns shall be prohibited:

(1). In any area of 5 feet or less in width; or

(2). On any slope exceeding 10 percent (25 percent, where other project water-saving techniques compensate for the increased runoff). A level buffer zone of 18 inches shall be provided between bermed lawn areas and any hardscape (e.g., any street, walkway, or similar feature).

b. The Board of Architectural Review may modify these requirements when it finds that water-saving techniques are applied or modifications to these standards would not cause excessive water use or increased runoff.

5. Water features. Decorative water features (e.g., fountains, ponds, waterfalls) shall have recirculating water systems.

Summary of proposed Text Amendments

6. Parking lots. See Section 17.34.090.E (Landscaping of Parking Lots).

7. Trees.

a. All trees shall be adequately supported when planted. The supports shall be maintained until the trees are capable of withstanding the force of wind on their own and removed before damage could potentially occur to the tree trunk.

b. Tree root barriers shall be installed, as required by the City Engineer, where trees are placed within 5 feet of public improvements including walks, curbs, or street pavement or where new public improvements are placed adjacent to existing trees. The Board of Architectural Review may waive this requirement where the combination of soil conditions, root zone area, adjacent improvements, and selected tree species can be demonstrated to provide conditions for healthy tree growth that will not damage public improvements.

ED. Screening requirements. See Section 17.30.020.G (Screening Requirements).

FE. Visual obstructions.

1. Landscaping that is primarily intended or designed for fencing purposes within a required front setback area or is located within a traffic safety visibility area (see Section 17.30.030.E, Height Limit Within Traffic Safety Visibility Areas) shall not be allowed to exceed the maximum height within the traffic safety visibility area as established under Tables 3-1 and 3-2, above, as measured from the top of the existing or proposed street curb. See also height limits for hedges and screening under Section 17.30.020 for additional standards.

GE. Street tree requirements. The installation of street trees in the public right-of-way or on private streets may be required as a condition of approval by the Planning Commission or Board of Architectural Review in compliance with the following standards.

1. Location.

a. Street trees shall be planted in the public right-of-way where street trees are planned for installation under the City's current Capital Improvement Program or an adopted Specific Plan or Master Plan on a private street between the street curb and abutting property line or as otherwise directed by the City Engineer.

Summary of proposed Text Amendments

b. Exception: Where site conditions do not allow the installation of the street trees as established by this Section, trees may be located on private property within 10 feet of the property line along the street frontage.

2. Quantity.

a. The number of required street trees shall be calculated at the rate of one 15-gallon tree for every 30 feet of street frontage.

b. The installed tree spacing may be varied to accommodate site conditions or design considerations; however, the number of trees required for each street frontage on a lot bounded by more than one street shall be planted along the corresponding street frontage.

c. Where palm trees are proposed to satisfy this requirement, they shall be planted at a rate of one 10-foot brown trunk height palm for each 20 feet of street frontage.

d. The City Engineer may modify the number of required street trees for a project on a case-by-case basis.

3. A tree proposed, or required, to replace an existing mature specimen tree shall be transplanted from a minimum 24-inch box.

4. Protection.

a. All trees shall be adequately supported when planted. The supports shall be maintained until the trees are capable of withstanding the force of wind on their own.

b. Where existing trees are required to be preserved, protective fencing shall be in place prior to the issuance of a Building Permit, and all new development shall be designed in a manner which respects the current drip lines.

5. Solar access. When trees are incorporated into an approved landscaping plan, they shall be planted in a manner which maximizes the provision of sunlight to nearby windows and/or solar collectors situated on-site or on an adjoining property.

Summary of proposed Text Amendments

HG. Irrigation system requirements.

1. All landscaped areas except those approved for maintenance with intentionally unirrigated native plants shall include an automatic irrigation system.
2. Water-efficient systems (e.g., bubbler-type, drip, mini-spray, or similar system) shall be used unless infeasible. Low-flow sprinkler heads with matched precipitation rates shall be used when spray or rotor-type heads are specified for watering shrubs and ground cover areas. Lawn areas shall be sized and shaped so they can be efficiently irrigated. Spray or runoff onto paved areas shall be avoided.
3. Dual or multi-program controllers with separated valves and circuits shall be used when the project contains more than one type of landscape treatment (e.g., ground cover, lawn, shrub, tree areas) or a variety of solar aspects. Soil moisture-sensing devices and rain sensors shall be used on larger projects (50,000 plus square feet of landscaped area) to minimize or eliminate overwatering.
4. Watering shall be scheduled at times of minimal wind conflict and evaporation loss.
5. Sprinkler heads shall have matched precipitation rates within each valve zone.
6. Check valves are required where elevation differential may cause low head drainage.

IH. Responsibility of the Board of Architectural Review.

1. The Board of Architectural Review shall be primarily responsible for the review and approval of landscape plans and improvements within the City in compliance with Section 17.62.030.B (Applicability).
2. Prior to Building Permit issuance, all projects that require approval of landscape and/or irrigation plans shall receive Board of Architectural Review approval.

JI. Changes to approved landscape plans. The Director may authorize minor changes to Board of Architectural Review approved landscape and irrigation plans where the Director can make the findings outlined in Section 17.64.090 (Changes to an Approved Project).

Summary of proposed Text Amendments

1. For purposes of this Section, minor changes shall be defined as changes to the landscaping plans that are not visible and do not effect the theme or character established for the subject development project.

2. If the Director determines that a requested change does not comply with the definition of minor in Subsection J.1., the requested change may only be approved by the review authority that originally approved the landscaping plans, in accordance with Section 17.64.090 (Changes to an Approved Project).

KJ. **Statement of surety.** When required by the Zoning Administrator, security in the form of cash, performance bond, letter of credit, or instrument of credit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the City for a two-year period in compliance with Section 17.64.070 (Performance Guarantees). The Zoning Administrator may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions), and similar circumstances where it may not be advisable or desirable to install all approved landscaping before occupancy of the site.

LK. **Installation and inspection before occupancy.** All landscaping approved by the Board of Architectural Review, in accordance with the applicability of Section 17.62.030 (Architectural Review), shall be installed and inspected by a representative of the Planning Division before the City will allow occupancy of any structure or authorize the issuance of a Certificate of Occupancy.

ML. **Maintenance.**

1. **Landscape maintenance.**

a. All landscaping (e.g., ground cover, hedges, lawns, shrubs, and trees) shall be maintained in a healthful and thriving condition at all times, and free of weeds, debris, and deceased plants..

b. Landscaping located in a traffic safety visibility area shall be maintained in accordance with Section 17.30.030.E (Height Limit Within Traffic Safety Visibility Areas).

c. Trees required by this Section shall be maintained so that all branches over pedestrian walkways are 6 feet above the walkway grade and so that all branches over vehicular travel ways are 16 feet above the grade of the travelway. All pruning shall comply with the standards of the National Arborist Association.

Summary of proposed Text Amendments

- d.** Deceased plant materials must be removed and replaced within one month with the same species and size specified in the Board of Architectural Review approved plans.

Exceptions: Trees that die three years or more after installation, or trees that are “topped,” shall be replaced by a minimum 24-inch box size container of the same species specified on the approved plans. Other types of plants that die three years or more after installation shall be replaced with a specimen two container sizes larger than that specified on the approved plans.

- e.** All fences and walls which have been incorporated into an approved landscaping plan shall regularly be maintained in an attractive and safe manner.

2. Irrigation system maintenance.

- a.** Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Section.

b. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching lawn areas; adding/replenishing mulch, fertilizer, and soil amendments; and mowing, pruning, trimming, and watering all landscaped areas.

- c.** Watering shall be scheduled at times of minimal wind conflict and evaporation loss.

- d.** All fences and walls which have been incorporated into an approved landscaping plan shall regularly be maintained in an attractive and safe manner.

2. Maintenance agreement required. Before final inspection or occupancy, and before the recordation of a final subdivision map where applicable, the applicant shall enter into a landscape maintenance agreement with the City to guarantee proper maintenance in compliance with Subparagraph 1, above. The form and content of the agreement shall be approved by the City Attorney and the Zoning Administrator.

3. Water waste prohibited. Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water

Summary of proposed Text Amendments

flows onto adjacent property, nonirrigated areas, walks, roadways, or structures is prohibited.

4. Enforcement. Failure to maintain landscape areas in compliance with this Section shall be deemed a public nuisance, and shall be subject to abatement in compliance with the Municipal Code, and/or the applicable planning permit may be revoked in compliance with Chapter 17.80 (Enforcement and Penalties).

Text Amendment No. 5

The text in subsection 17.30.040.C.6 has been revised to identify Section 17.34.110 as the correct cross-reference for the requirements of parking lot landscaping (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

6. Parking lots. See Section 17.34.~~090.E.110~~E.110(Landscaping of Parking Lots).

Text Amendment No. 6

The text in subsection 17.30.100.B.2 has been revised so that the subsections will be from a through e (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

2. Exemptions from setback requirements. The minimum setback requirements of this Zoning Ordinance do not apply to the following.

a. An architectural projection into a required setback allowed by Subsection E. (Allowed Projections into Setbacks).

b. A fence or wall 6 feet or less in height, when located outside of a front, street side setback, or traffic safety visibility area.

~~b~~c. Any detached deck, earthwork, step, terrace, patio or other site design element that is placed directly upon grade and does not exceed a height of 18 inches above the surrounding grade at any point, with the exception of encroachments into the front setback (see Section 17.30.100.F.2.a). See also Section 17.52.220 (Residential Accessory Buildings, Structures, and Uses) for accessory structure standards.

~~e~~d. A sign in compliance with Chapter 17.40 (Signs).

~~d~~e. A retaining wall less than 30 inches in height above finished grade. Refer to Section 17.30.020.D.3 (Retaining Walls) for retaining wall height requirements.

Summary of proposed Text Amendments

Text Amendment No. 7

The text in the first paragraph of Section 17.33.070 has been revised to change “shall be continue to be” to “shall continue to be” (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

17.33.070 - CONTINUED AVAILABILITY

The units that qualified the housing development for a density bonus and other incentives and concessions shall ~~be~~ continue to be available as affordable units in compliance with the following requirements, as required by Government Code Section 65915(c). See also Section 17.33.110 (Control of Resale).

Text Amendment No. 8

In Section 17.34.050, Table 3-8, the text for “Gas Stations without Repair” has been revised to change “025” to “0.25” as shown with a strikethrough for the deleted text and an underline for the new text as shown below:

Gas stations without repair services

~~025~~ 0.25 space for each gas pump, plus 2 spaces for each gasoline pump island, plus spaces as required by this Section for convenience goods sales

Text Amendment No. 9

The text in subsection 17.34.080.A of Section 17.34 has been revised to delete the existing text and include new text which makes reference to the installation of proper signs being installed to designate the space as a “Clean Air Vehicle” parking stall as shown with a strikethrough for the deleted text and an underline for the new text as shown below:

- A. Parking stall marking.** ~~Paint, in the paint used for stall striping, the following characters such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle~~ Clean air vehicle parking space shall be striped with cross hatching and signed identifying the parking stall as “Parking for clean emission vehicles only.”

Summary of proposed Text Amendments

Text Amendment No. 10

The text of the second sentence of Section 17.36.210 has been revised to delete word “the” as shown (deleted text is shown with a strikethrough) as shown below:

17.36.210 - VIOLATIONS

No person shall remove any notice or order posted as required in this Chapter. No person shall obstruct, impede, or interfere with any representative of the City or with any person who owns or holds any estate or interest in the structure which has been ordered to be vacated, repaired, rehabilitated, or demolished and removed or with any person to whom the structure has been lawfully sold in compliance with the provisions of the Municipal Code whenever any ~~the~~ representative of the City, purchaser, or person having any interest or estate in the structure is engaged in vacating, repairing, rehabilitating, or demolishing and removing any structure in compliance with the provisions of this Chapter or in performing any necessary act preliminary to or incidental to the work as authorized or directed in compliance with this Chapter

Text Amendment No. 11

The text of subsection 17.38.030.A of Section 17.38 has been revised to replace “six feet clear area” to “a minimum five-foot clear area” consistent with what appears in subsection 17.38.040.A.4 (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

A. Clear path of travel required. At least five (5) ~~6~~ feet clear should be provided to allow for unimpeded pedestrian traffic around any obstruction.

Text Amendment No. 12

The text of Section 17.52.180 has been revised to renumber the subsections to account for the missing subsection X (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

~~Y~~X. Open space. Each multi-family residential project shall include permanently maintained outdoor open space for each dwelling unit (private space), and for all residents (common space), except where the review authority determines that an existing public park or other usable public open space is within convenient walking distance, or that the residential units are part of a mixed-use project and/or located in a commercial zoning district.

- 1. Area required.** Private and common open space shall be provided as required by Table 4-1.

Summary of proposed Text Amendments

TABLE 4-1 - MULTI-FAMILY PROJECT OPEN SPACE REQUIREMENTS

Project Size	Minimum Common Open Space Required	Minimum Private Open Space Required
2 to 4 units	200 sf	150 sf for each unit
5 to 10 units	500 sf	
11 and more units	100 sf per unit	

2. **Configuration of open space.** Required open space areas shall be designed and located as follows. Landscaping shall comply with the requirements of Section 17.30.040 (Landscaping Standards).
 - a. **Common open space.** All required open space shall be easily accessible, have continuous, usable site elements, and be separated from parking areas and safe and secure. Each common open space area shall have a minimum dimension of 12 feet for two- to four-unit projects, and 20 feet for projects with five or more units.
 - b. **Private open space.** Private open space shall be at the same elevation as and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of 8 feet, except that the review authority may authorize different minimum dimensions for upper-floor units where the private open space is provided as a balcony or upper floor court.

The review authority may allow required open space to be in different locations and/or with different dimensions where it determines that the alternative approach will provide open space of equivalent utility and aesthetic quality.

ZY. Outdoor lighting. Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with Section 17.30.070 (Outdoor Lighting). The lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. Lighting of at least 1 foot-candle shall also be installed and maintained within all covered and enclosed parking areas and shall be screened to minimize glare onto public sidewalks. Lighting fixtures/lamps shall be the most energy efficient available. All proposed lighting shall be shown on the required landscape plan.

Summary of proposed Text Amendments

~~AAZ~~. Storage. A minimum of 100 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit, with no dimension less than 30 inches.

~~BBAA~~. Television antennas. Exterior television antennas, other than satellite dishes less than 39 inches in diameter, are not allowed, except for a single common, central antenna, with underground cable service to each dwelling unit. This restriction shall be included in any property covenants of a common interest development.

~~CCBB~~. Window orientation. Where one or more windows are proposed 10 feet or less from a side lot line, or 10 feet from another residential structure on the same site, the review authority shall ensure, to the extent feasible, that the windows are located and/or screened to provide privacy for residents of both structures.

Text Amendment No. 13

The text of subsection 17.52.270.C of Section 17.52 shall be amended to add “of the” (new text is shown with an underline) as shown below:

C. Tower heights of not more than 65 feet shall be allowed on parcels between 1 and 5 acres and tower heights of not more than 80 feet shall be allowed on parcels of 5 acres or more, provided that the application includes evidence that the proposed height does not exceed the height requirements of the manufacturer or distributor or of the system.

Text Amendment No. 14

The text of subsection 17.66.080 of Section 17.66 has been revised to delete the existing cross reference listed as 17.66.070.E.2 and add the new cross reference as Section 17.66.050 (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

17.66.080 - MODIFICATION OR TERMINATION

A. **Proceedings upon modification or termination.** If, upon a finding under Section ~~17.66.070.E.2~~ 17.66.050, the City determines to proceed with modification or termination of the agreement, the City shall give notice to the property owner of its intention to do so. The notice shall contain:

Text Amendment No. 15

The text of Section 17.68.060 has been revised to renumber the subsections (deleted text is shown with a strikethrough and new text is shown with an underline) as shown below:

Summary of proposed Text Amendments

ED. Effect of demolition. If approval of a COA will result in the demolition of a cultural resource, the applicant shall be required to memorialize the resource proposed for demolition in compliance with the standards of the Historic American Building Survey (HABS). The documentation may include an archaeological survey, floor plans, measured drawings, photographs, or other documentation specified by the Commission.

When appropriate, the Commission may require that a memorialization of the resource be incorporated into the proposed redevelopment of the site including the following.

1. Book or pamphlet;
2. Photographic display;
3. Small museum or exhibit;
4. Use of original fixtures; and/or
5. Other methods deemed appropriate by the Commission.

Text Amendment No. 16

The text of subsection 17.78.040.A has been revised to delete the last two sentences of this subsection (deleted text is shown with a strikethrough) as shown below:

17.78.040 - HEARING PROCEDURES

A. Time and place of hearing. A hearing shall be held at the date, time, and place for which notice was given. ~~Department a written statement either supporting or objecting to the application. Any person may also appear at the hearing to present oral testimony.~~

Text Amendment No. 17

The text of Section 17.98.020 has been revised to include reference to the nonexistent definitions (new Text identified with an underline) as shown below

1. **Affordable and Inclusionary Housing Requirements:** For each residential development, including condominium conversions, at least 20 percent of the total units shall be restricted for occupancy by moderate-low, and very low-income households. The income limits for moderate-low, and very-low households shall be in accordance with the income limits that are established by the State of California.

Summary of proposed Text Amendments

2. **Agricultural accessory structure:** A building used for the shelter of livestock stored/raised on the premises, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises.

3. **Art, Antique, and Collectible Store:** A retail store which sells or consigns to sell items which are by their style, design or use commonly considered to be of another era or age, a collectible, or of heirloom quality. These items shall be in proper working order or restorable to working condition. Secondhand or thrift items are not considered antiques (See Secondhand Stores).

4. **Art Gallery:** A commercial establishment engaged in the sale, loan, and exhibition of paintings, sculpture, photography, video art, or other works of art. An art gallery does not include a cultural facility, such as a library, museum, or non-commercial gallery that may also display paintings, sculpture, photography, video art, or other works of art. This includes a permanent outdoor art market on private property where artists display and sell hand-crafted or personally produced art directly to retail customers at stalls, booths, tables, platforms, or similar display areas, under the supervision of a proprietor that rents or otherwise arranges for assigned spaces for each vendor.

5. **Auto Restoration and Sale of Collectible Cars:** The repair, servicing, alteration, and restoration of classic collectible automobiles that are completely restored on the premises. All classic collectible automobiles may be made available for sale on the premises. To be classified as a classic collectible automobile, the vehicle must be at least 20 years old and recognized by at least one periodical or car industry publication as a collectible car.

6. **Bakery, Retail:** An establishment primarily engaged in preparing, baking, or cooking baked products for on-site retail sales and/or on-site or off-site consumption. Said use may include an incidental wholesale component for distribution to local businesses (e.g. grocery stores, restaurants, schools, hospitals) subject to the business providing a retail floor area of at least 25% of the total floor area of the building.

7. **Boating and related facilities:** Structures which now exist or may be built at the edge of a body of water or waterway or over a body of water which are intended to house a boat or its components for service work, including the service facilities, or to secure and protect boats from the weather. Such facilities may include piers and docks.

Summary of proposed Text Amendments

8. **Business Park:** A commercial development area specially designated and landscaped to accommodate business offices, warehouses, light industry, etc, containing at least four commercial tenants.

9. **Caretaker Unit:** A permanent residence, secondary and accessory to an existing commercial use that is designed to be occupied principally for persons employed on-site for purposes of care and protection of persons, property, plants, animals, equipment or other circumstances on site or on contiguous lots under the same ownership.

10. **Crop/Greenhouse Production:** Agricultural uses including production of grains, field crops, vegetables, melons, fruits, grapes, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms, associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field not involving a permanent structure.

11. **Density Bonus:** The allowance of additional residential units beyond the maximum for which the parcel is otherwise permitted usually in exchange for the provision or preservation of affordable housing units at the same site or at another location.

12. **Drugstore:** A retail store primarily engaged in the sale of prescription drugs and patent medicines, carrying related items such as cosmetics and toiletries and such unrelated items as tobacco and novelty merchandise. Such use may also include a soda fountain or lunch counter.

13. **Ecological Restoration Activities:** Ecological restoration activities include the following projects and activities resulting in habitat enhancement: invasive exotic species removal, barrier removal or modification, creek/draining day-lighting, culvert replacement or modification, native habitat (e.g., wetland) expansion, enhancement, creation or restoration, re-vegetation with ecologically appropriate native species, water quality improvements, or other similar habitat restoration projects where habitat restoration is the primary purpose of the project; and where there are no significant, unmitigated adverse impacts on biological resources.

14. **Freight Terminals:** A building and adjacent loading area where cargo is stored and where commercial vehicles load and unload cargo on a regular basis, which may or may not include facilities for maintenance, fueling, storage or dispatching or the vehicles.

Summary of proposed Text Amendments

15. **Habitat Management:** An activity proposed by a public agency or private entity designed to preserve, protect or enhance the fish and wildlife habitat of a designated open space/conservation area.

16. **Hiking/Riding Trail:** A pervious and/or impervious path/walkway designed to facilitate pedestrian, bicycle and equestrian activities.

17. **Interpretive Center or Environmental Education Center:** A public, quasi-public or non-profit institution that procures, cares for, studies, and displays objects of lasting interest or value. Examples of museums include art and historical museums, aquariums, planetariums, botanical gardens, arboretums, and historical sites.

18. **Live/Work Units:** A building or spaces within a building that is used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary commercial use and is occupied by the business owner or employee(s) of the primary commercial use.

19. **Maintenance Facility:** A facility providing maintenance and repair services for vehicles and storage areas for a commercial business. This use includes corporation yards, equipment service centers, and similar facilities.

20. **Manufacturing – Heavy:** The manufacture, processing, and assembling of products by mechanical or chemical processes. Typically includes the manufacturing of commercial products (including concrete/asphalt plants); metal products; wood products (including saw mills and pulp factories), plastic components and the commercial processing of animal products (meat, dairy, eggs, etc.).

21. **Manufacturing – Heavy Textile and Leather Products:** Manufacturing of products consisting primarily of leather, textiles and clothing products.

22. **Manufacturing – Heavy Pulp and Pulp Manufacturing:** The manufacture, processing, and assembling of products primarily consisting of wood products (including saw mills and pulp factories).

23. **Military Housing:** Housing units constructed by the U.S Armed Forces/Federal Government for the use and occupancy by designated military personnel or civilians as authorized by the U.S Armed Forces/Federal Government.

Summary of proposed Text Amendments

24. **Motorcycles Sales, new with accessory used sales:** A retail establishment selling new and used motorcycles with accessory used sales. Motorcycles for sale may be displayed outdoors or indoors in accordance with the Automotive Regional Commercial (CA) Zoning Standards.

25. **Nature Preserve:** An open space/park area consisting of natural vegetation that is generally undisturbed, un-maintained, and is self-perpetuating. It includes not only trees, but also native shrubs, ground covers, wildflowers, vines, and grasses.

26. **Crop Production, horticulture, orchard, vineyard:** Land used to grow horticultural and floricultural specialties (such as flowers, shrubs, or trees intended for ornamental or landscaping purposes) for wholesale or retail sale in order to be transplanted to a different location. This definition excludes crop and greenhouse production that have been identified elsewhere in Title 17 of the Seaside Municipal Code.

27. **Public Amphitheater:** Outdoor entertainment venue with fixed and non-fixed seating design to accommodate both musical and non-musical entertainment activities within a designated public open space.

28. **Public Parking Garage:** A structure or part thereof used for the storage, or parking of motor vehicles, but not for the repair or servicing thereof. The parking garage can be the primary structure for a Commercial Parking facility or can be accessory to a multi-family-residential dwelling, common interest subdivision commercial, employment, industrial, institutional, or other structures.

29. **Sign Copy:** The sign text/logo/symbol contained within the perimeter of a sign board, cabinet or three dimensional figure defined by a continuous line composed of either right angles which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed.

30. **Three-dimensional sign objects:** The area of a sign consisting of one or more three-dimensional objects (e.g. balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall be measured on the perimeter of the three-dimensional object.

31. **Sign Structure:** Supporting bracing or framework which is used to attach a sign to a building, awning, or ground.

Summary of proposed Text Amendments

32. **Winery/Wine Tasting:** Facility allowing beer/wine tasting with on-site and off-site retail sales directly to the public (or shipped). The tasting room facility must be directly affiliated with a minimum of one brewery/winery (meeting the requirements of the Alcoholic Beverage Control (ABC) appropriate license type such as: Type 2 Winegrower license or Type 23 Microbrewery license). The Tasting Room may be operated within a brewery/winery facility or as a stand-alone retail use.