



CITY OF SEASIDE
PLANNING COMMISSION

A G E N D A

REGULAR MEETING
COUNCIL CHAMBER
440 Harcourt Avenue
Wednesday, August 12, 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
Margaret Leighton	Vice Chair
Keith Dodson	Commissioner
Michael Lechman	Commissioner
Paul Mugan	Commissioner
Denise Ross	Commissioner

3. **APPROVAL OF MINUTES**

4. **NEW BUSINESS**

A. **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.

5. **PUBLIC COMMENT**

6. **OLD BUSINESS**

- A. **USE PERMIT APPLICATION NO. UP-15-04: Resolution denying proposal submitted by Faith Lutheran Church, property owner, and Verizon Wireless, applicant, for the approval of a use permit to install a telecommunication facility consisting of a 39'-6" tall tower configured as a church steeple that would be attached to the rear elevation of the church building on the premise of Faith Lutheran Church located at 1460 Hilby Avenue in the RS-8 Zoning District. The project is Categorically Exempt, Class 3 from the California Environmental Quality Act.**

PURPOSE: Verizon Wireless is proposing to establish a new telecommunication facility at the property located at 1460 Hilby Avenue by constructing a 39'-6"-foot tall telecommunication tower configured to resemble a church steeple at the rear elevation of an existing church building (Faith Lutheran Church). Section 17.54.040 of the Seaside Municipal Code (SMC) (Telecommunication Facilities) requires communication facilities to obtain a use permit.

RECOMMENDATION: Staff recommends that the Planning Commission approve the Use Permit application based on the findings and evidence contained in the Draft Resolution provided as Attachment 1.

- B. **USE PERMIT APPLICATION NO. UP-15-02: Resolution denying Use Permit application submitted by First Baptist Church, property owner, and Verizon Wireless, applicant, for the approval of a use permit to install a telecommunication facility consisting of a 55'-0" tall tower configured as a freestanding church steeple on the premise of First Baptist Church located at 1949 Waring Street in the RS-8 Zoning District. The project is Categorically Exempt, Class 3 from the California Environmental Quality Act.**

PURPOSE: Verizon Wireless is proposing to establish a new telecommunication facility at the property located at 1949 Waring Street by constructing a 55-foot tall tower configured to resemble a freestanding church steeple on an existing church site (First Baptist Church). Section 17.54.040 of the Seaside Municipal Code (SMC) (Telecommunication Facilities) requires communication facilities to obtain a use permit.

RECOMMENDATION: Staff recommends that the Planning Commission deny the Use Permit application based on the findings and evidence in the Draft Resolution provided as Attachment 1.

7. **REPORTS FROM COMMISSIONERS**

8. **REPORTS FROM STAFF**

9. **ADJOURNMENT**

Next Regularly Scheduled Meeting:
August 26, 2015
Seaside City Hall
7:00 PM

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

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

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



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 4.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: August 12, 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, July 30, 2015, a minimum of 10-days in advance of the scheduled public hearing on August 12, 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 August 12, 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).

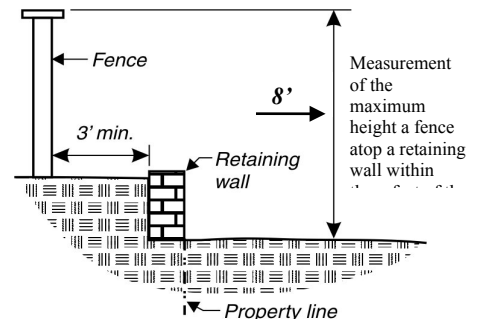


Figure 3-2 - Fence Height

- 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.

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.

JL. 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~~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:

YX. 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.

~~BBA~~. 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.

~~CCB~~. 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 12th day of August by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

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, July 30, 2015, a minimum of 10-days in advance of the scheduled public hearing on August 12, 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 August 12, 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).

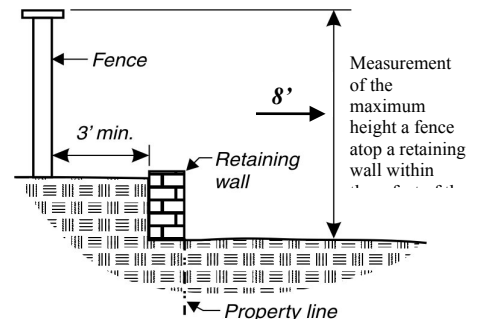


Figure 3-2 - Fence Height

- 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-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.

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~~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.

~~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.

- 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:

YX. 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 12th day of August by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

John Owens, Chairperson

ATTEST:

Planning Commission Secretary

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.

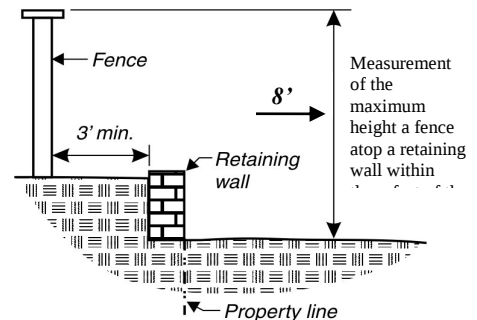
17.22.030.B **Applicability:** The provisions of this Section apply to proposed land uses and development.

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.



CITY OF SEASIDE STAFF REPORT

Item No.: 6.A.

TO: Planning Commission

BY: Lisa Brinton, Community and Economic Development Services Manager
Rick Medina, Senior Planner

DATE: August 12, 2015

SUBJECT: **USE PERMIT APPLICATION NO. UP-15-04: Resolution denying proposal submitted by Faith Lutheran Church, property owner, and Verizon Wireless, applicant, for the approval of a use permit to install a telecommunication facility consisting of a 39'-6" tall tower configured as a church steeple that would be attached to the rear elevation of the church building on the premise of Faith Lutheran Church located at 1460 Hilby Avenue in the RS-8 Zoning District. The project is Categorically Exempt, Class 3 from the California Environmental Quality Act.**

PURPOSE

Verizon Wireless is proposing to establish a new telecommunication facility at the property located at 1460 Hilby Avenue by constructing a 39'-6"-foot tall telecommunication tower configured to resemble a church steeple at the rear elevation of an existing church building (Faith Lutheran Church). Section 17.54.040 of the Seaside Municipal Code (SMC) (Telecommunication Facilities) requires communication facilities to obtain a use permit.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit application based on the findings and evidence contained in the Draft Resolution provided as Attachment 1.

BACKGROUND

SITE LOCATION AND DESCRIPTION

The project site is 91,330 square feet in area (2.09 acres) located at 1460 Hilby Avenue on the south side of Hilby Avenue. The project site contains an existing one-story 3,283 square-foot church building and a two-story 3,150 square foot multi-purpose building. Two driveways on each side of the site provide access to the site. A total of 28 off-street parking are currently provided.

Figure 1: Project Site Adjacent Land Uses				
NW		N		NE
	Single Family Dwellings	Single Family Dwellings	Single Family Dwellings	
W	Single Family Dwellings/ Condominium	Project Site	Single Family Dwellings	E
	Single Family Dwellings	Single Family Dwellings	Single Family Dwellings	

The properties adjacent to the project site consist of single family detached dwellings to the east, north and south and a mix of single family detached dwellings, a six-unit condominium, and a triplex unit to the west (See Figure 1). A location map is provided as Attachment 2. Site photographs are provided as Attachment 3. An aerial photo of the project vicinity is provided as Attachment 4.

PROJECT DESCRIPTION

Proposed Use

The proposed Verizon wireless facility consists of the following equipment which will be located within a 6'-0" x 6'-0" lease area for the telecommunication tower and 22'-0" by 35'-6" lease area for the ground equipment:

- The construction of a 39'-10" tall ground mounted tower, six-feet by six-feet in diameter, attached to the rear elevation of the church. The tower would be designed to appear as a church steeple;
- Twelve 6'-0" tall directional panel antennas would be mounted within the interior of the church steeple. Twelve radio remote units would be located below the antennas within the interior of the church steeple. Church steeple structure would be treated with material to match plaster finish on the church building support columns and painted to match the exterior siding on the church building;
- New Verizon Wireless outdoor equipment within a 22'-0" by 35'-6" lease area that would be screened with an eight-foot tall wood fence. The outdoor equipment would consist of intersect cabinets and an outdoor 30kw stand by generator; and
- Two GPS antennas mounted to platform within outdoor equipment area.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15303, New Construction or Conversion of Small Structures.

Evidence: Approval of the proposed project would allow for the construction of a

39'-6" tall church steeple which would contain an unmanned wireless personal telecommunication facility. The installation of the steeple and wireless telecommunication would consist of a minor addition to the existing church facility and would not result in any increased intensity of the existing land use.

SUMMARY

On July 22, 2015, the Planning Commission conducted a duly noticed public hearing regarding a proposed Use Permit application to allow the installation of a new unmanned wireless telecommunication facility within a church steeple structure that would be attached to the rear elevation of a church building on the premise of Faith Lutheran Church. The Planning Commission received public comments, discussed the matter, and voted 4-0 to direct staff to prepare a resolution to deny the request based on prescribed findings and evidence that the Planning Commission discussed and conveyed to City staff in their deliberation of the project after the closing of the public hearing.

The attached resolution contains the written findings and evidence for the denial of the requested use permit in accordance with the direction the Planning Commission provided to City staff on July 22, 2015. City staff recommends that the Planning Commission accept the resolution and adopt the findings and evidence for the denial of the application as presented. The Public hearing on the application has been closed. The only decision before the Planning Commission is to determine whether the findings and evidence contained therein accurately reflect the Planning Commission's determination made on July 22, 2015 to deny the requested Use Permit for the new unmanned wireless telecommunication facility at the project site.

Provided as Attachment 5, is a letter from the applicant's representative requesting a continuance on the application until the Planning Commission's Regular meeting on September 9, 2015. If the continuance is granted by the Planning Commission, the application would then be subject to being re-noticed in accordance with the City's legal notice requirements. Additionally, the public hearing on the application would be re-opened for the consideration of any new information entered into the public record by the applicant.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Attachment 2 - Location Map
 3. Attachment 3 - Site Photographs
-

4. Attachment 4 - Aerial Photo
 5. Attachment 5 - Applicant Request for Continuance
-

RESOLUTION NO. 15-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, DENYING CONDITIONAL USE PERMIT APPLICATION No. UP-15-04 TO ALLOW FOR THE ESTABLISH AN UNMANNED WIRELESS TELECOMMUNICATION FACILITY LOCATED AT 1460 HILBY AVENUE (APN 012-402-088).

WHEREAS, Verizon Wireless, Applicant, and Faith Lutheran Church, Property Owner, have applied for a Conditional Use Permit to establish a telecommunication facility located at 1460 Hilby Avenue, in the RS-8 (Single Family Residential) Zoning District; and

WHEREAS, the proposed project is a discretionary approval, and 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; and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing at public meeting held on July 22, 2015; and

WHEREAS, after consideration of the staff report and all of the information, testimony, and evidence presented at the public meeting on July 22, 2015, the Planning Commission voted 4-0 to direct City staff to prepare a Resolution denying the requested Use Permit application and continued the Use Permit application to its meeting on August 12, 2015 for its consideration of the Resolution denying the Use Permit application based on the prescribed findings and evidence which the Planning Commission entered into public record, and

WHEREAS, the project is Categorically Exempt, Section 15303 from the California Environmental Quality Act (CEQA) Guidelines.

Evidence: Evidence: Approval of the proposed project would allow for the construction of a 39'-6" tall church steeple which would contain an unmanned wireless personal telecommunication facility. The installation of the steeple and wireless telecommunication would consist of a minor addition to the existing church facility and would not result in any increased intensity of the existing land use.

NOW, THEREFORE, BE IT RESOLVED, that the Seaside Planning Commission does hereby find that it is unable to make the findings required by the Seaside Municipal Code Sections 17.52.62.070.F and 17.54.040.E for the approval of Use Permit Application No. 15-04 based on the following findings and evidence in its consideration of the staff report and all information, testimony, and evidence presented at the public hearing:

- 1) The proposed unmanned wireless telecommunication facility will be inconsistent with the General Plan and any applicable specific plan.

Seaside General Plan Conformance

The Seaside General Plan Land Use Designation for the project site is RS (Low Density Residential). The land use designation is intended for the development of detached single-family dwellings at densities up to eight dwelling units per acre. Ancillary public services (e.g. water, sewer, telephone, electricity) are permitted in all zones.

Land Use Element

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

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

Evidence: The overall height of the church steeple design and noise that would be generated from an outdoor generator are not located, designed, and screened to blend with the existing character and/or the built surroundings so as to blend with the surrounding low density single family residential neighborhood. In this case, erecting a 39-foot 10-inch telecommunication tower designed to appear as a church steeple would look awkward and out of scale in comparison with the existing height of the church building at 21-feet four-inches. Instead, the wireless facility will be readily apparent to the casual observer, and will not blend with the surroundings. Moreover, the ground mounted equipment area to the rear of the site would establish a commercial presence within a single-family neighborhood and the generation of an adverse noise source resulting from the weekly testing of a portable generator located within the ground mounted equipment area to the rear of the site, and therefore, would establish a land use that would significantly affect the public health, safety and welfare of the surrounding low density residential neighborhood. Thus, the proposed location of the wireless facility will be materially injurious to properties and improvements in the vicinity

- 2) *The design, location, size, and operating characteristics of the proposed activity are not compatible with the existing and planned future land uses in the vicinity.*

Evidence: The height of the proposed church steeple design within which the wireless facility will be contained is not designed to blend with the existing supporting church substantially and does alter the design characteristics of the church building and/or surrounding low density residential neighborhood, in that a 39-foot 10-inch by six-foot diameter tower mounted to the rear of the church building and that extends approximately 18 feet above the existing roofline of the church building, would look awkward and out of scale, resulting in a visually obtrusive design. Moreover, the church steeple at a height of 39-feet 10-inches would make the height of the tower at least 15 feet to 27 feet taller than most of the predominantly one-story single family structures in the area and thus disproportionate to its surroundings. These impacts are significant and

are directly related to the design of the facility and its visually prominent location on a 2.09 acre parcel.

NOE, THEREFORE, BE IT FURTHER RESOLVED, that the Seaside Planning Commission does hereby deny Use Permit application No. UP-15-04.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 12th day of August 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

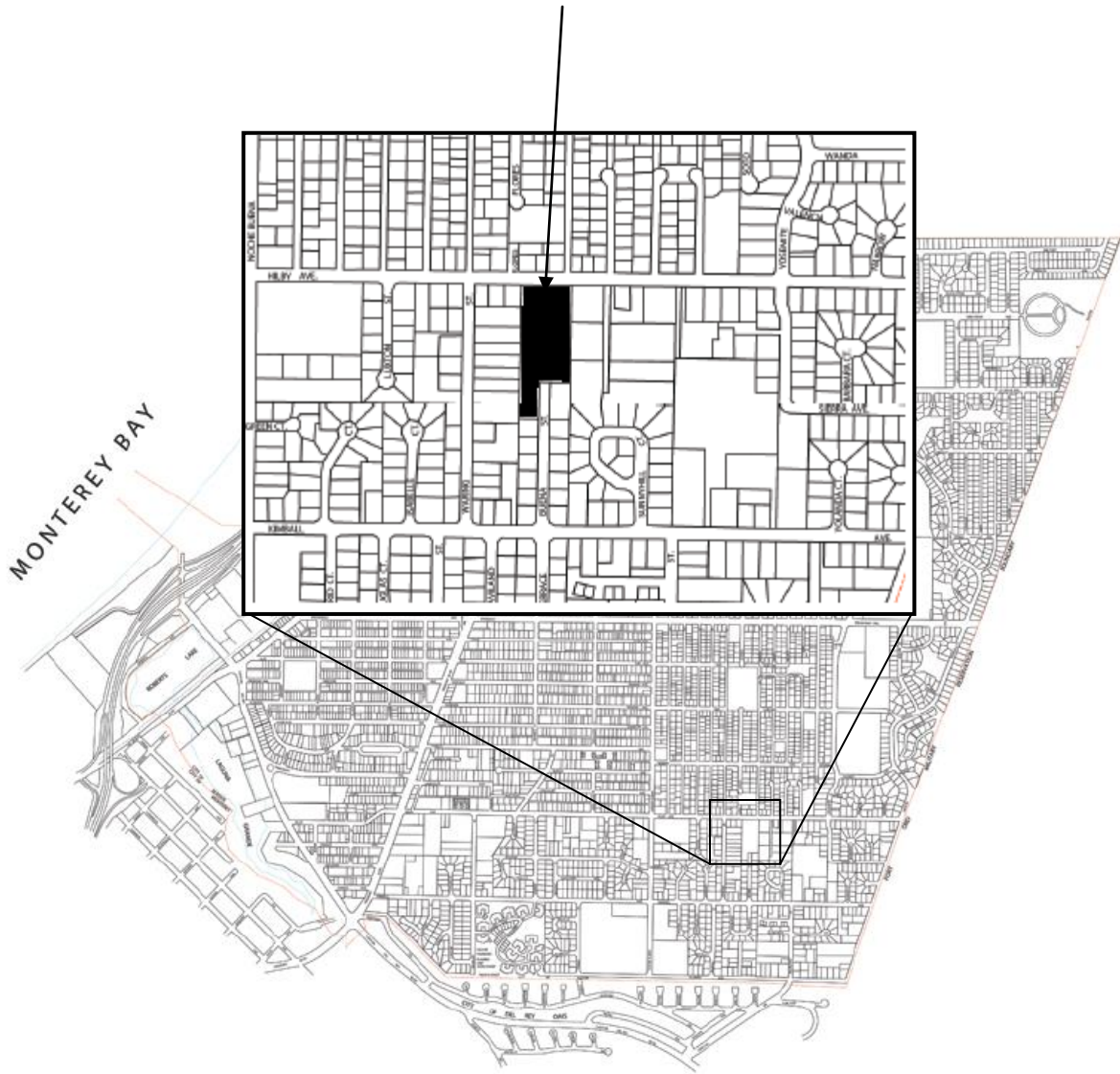
John Owens,
Planning Commission Chairperson

ATTEST:

Planning Commission Secretary

Location Map

Project Site: 1460 Hilby Avenue



**1460 Hilby Avenue
Site Photographs**



Location of Telecommunication
Tower

View from northeast corner from Hilby Avenue



Location of Telecommunication
Tower

View from parking lot on east side of site



View from rear of site looking north

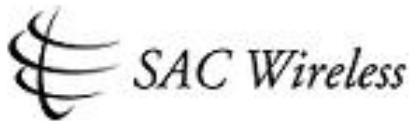


View from the rear parking lot on east side

Project Location: 1460 Hilby Avenue



Location of
Telecommunication
Tower



August 7, 2015

Rick Medina, Senior Planner
City of Seaside
Resource Management Services
Planning Services
440 Harcourt Av
Seaside, CA 93955

RE: Continuance request for UP-15-02, (1949 Waring Street) and UP-15-04 1460 Hilby Av., Seaside

Dear Rick:

As we discussed, the City is in receipt of our request for a continuance to the September 9th, 2015 meeting so that we have the opportunity to review the findings and evidence that would be included in each of the Resolutions for denial of both projects.

As we discussed further, it would then be necessary for City staff to place both applications on the August 12, 2015 PC Agenda where we would like this letter to be considered a formal request to continue the project until the Sept. 9th meeting for proper re-noticing and for the following reasons:

1. Verizon representatives are unable to attend this hearing; and
2. That we need additional time to review the findings and evidence with my client to decide whether there are viable alternate sites which can achieve the capacity needs to you cited at the July 22, 2015 P.C meeting. There is not enough time by the August 12th Planning Commission meeting as we will most likely not receive the findings until today.

We understand that the request for continuance is at the discretion of the Planning Commission. If the Planning Commission elects to adopt the findings for denial at the August 12th, 2015 meeting, we would then choose to appeal the project to the City Council.

Let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Tricia Knight".

Tricia Knight
123 Seacliff Dr.
Pismo Beach, Ca 93449
(805) 448-4221



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.B.

TO: Planning Commission

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

DATE: August 12, 2015

SUBJECT: **USE PERMIT APPLICATION NO. UP-15-02: Resolution denying Use Permit application submitted by First Baptist Church, property owner, and Verizon Wireless, applicant, for the approval of a use permit to install a telecommunication facility consisting of a 55'-0" tall tower configured as a freestanding church steeple on the premise of First Baptist Church located at 1949 Waring Street in the RS-8 Zoning District. The project is Categorically Exempt, Class 3 from the California Environmental Quality Act.**

PURPOSE

Verizon Wireless is proposing to establish a new telecommunication facility at the property located at 1949 Waring Street by constructing a 55-foot tall tower configured to resemble a freestanding church steeple on an existing church site (First Baptist Church). Section 17.54.040 of the Seaside Municipal Code (SMC) (Telecommunication Facilities) requires communication facilities to obtain a use permit.

RECOMMENDATION

Staff recommends that the Planning Commission deny the Use Permit application based on the findings and evidence in the Draft Resolution provided as Attachment 1.

BACKGROUND

SITE LOCATION AND DESCRIPTION

Figure 1: Project Site Adjacent Land Uses				
NW	N			NE
	Single Family Dwellings	Single Family Dwellings	Single Family Dwellings	
W	Single Family Dwellings	Project Site	Single Family Dwellings	E

Single Family Dwellings	Single Family Dwellings	Single Family Dwellings	
----------------------------	----------------------------	----------------------------	--

The project site is 148,000 square feet in area (3.4 acres) located at 1949 Waring Street on the west side of Waring Street. The project site contains an existing one-story 6,600 square-foot church building, a 3,000 square foot multi-purpose building on the upper north side of the site behind the existing church building, a 2,500 square foot multi-purpose building on the south end of the site, and parsonage for the church Pastor. Two driveways off Waring Street on each side of the church building provide access to the site. Unmarked off-street parking is located behind the existing church building and in front of the church building.

The properties adjacent to the project site consist of single family detached dwellings to the east, north, south and west (See Figure 1). A location map is provided as Attachment 2. Photographs of the project site are provided as Attachment 3. An aerial photo of the project vicinity is provided as Attachment 4.

PROJECT DESCRIPTION

Proposed Use

The proposed Verizon wireless facility consists of the following equipment which will be located within a 43 sq. ft. lease area for the antennas and a 752 sq. ft. lease area for the ground mounted equipment lease area:

- The construction of a freestanding 55'-0" tall 10'-foot sided triangular ground mounted telecommunication tower to replace existing church tower steeple;
- Twelve 6'-0" tall directional panel antennas would be mounted within the interior of the church steeple. Twelve radio remote units would be located below the antennas within the interior of the church steeple. Church steeple structure would be treated with material to match plaster finish on the church building support columns and painted to match the exterior siding on the church building;

New Verizon Wireless outdoor equipment within a 21'-6" by 35'-0" lease area that would be screened with an eight-foot tall chain link fence with slats. The outdoor equipment would consist of cabinets within a 195 sq. ft. 11-foot tall equipment shelter and an outdoor 30kw stand by generator; and

Two GPS antennas mounted to platform within the outdoor equipment area.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15303, New Construction or Conversion of Small Structures.

Evidence: Approval of the proposed project would allow for the construction of a 55'-0" tall church steeple which would contain an unmanned wireless personal

telecommunication facility. The installation of the steeple and wireless telecommunication tower would consist of a minor addition to the existing church facility and would not result in any increased intensity of the existing land use.

SUMMARY

On July 22, 2015, the Planning Commission conducted a duly noticed public hearing regarding a proposed Use Permit application to allow the installation of a new unmanned wireless telecommunication facility to be located within a freestanding church steeple on the premise of First Baptist Church. The Planning Commission received public comments, discussed the matter, and voted 4-0 to direct staff to prepare a resolution to deny the request based on prescribed findings and evidence that the Planning Commission discussed and conveyed to City staff during their deliberation of the project after the closing of the public hearing.

The attached resolution contains the written findings and evidence for the denial of the requested use permit in accordance with the direction the Planning Commission provided to City staff on July 22, 2015. City staff recommends that the Planning Commission accept the resolution and adopt the findings and evidence for the denial of the application as presented. The Public hearing on the application has been closed. The only decision before the Planning Commission is whether the findings and evidence accurately reflect the Planning Commission's determination made on July 22, 2015 to deny the requested Use Permit for the new unmanned wireless telecommunication facility at the project site.

Provided as Attachment 5, is a letter from the applicant's representative requesting a continuance on the application until the Planning Commission's regular meeting on September 9, 2015. If the continuance is granted the application would then be subject to being re-noticed in accordance with the City's legal notice requirements. Additionally, the public hearing on the application would be re-opened for the consideration of any new information entered into the public record by the applicant.

FISCAL IMPACT

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Attachment 2 - Location Map
 3. Attachment 3 - Site Photographs
 4. Attachment 4 - Aerial Photograph
 5. Attachment 5 - Applicant's Request for Continuance
-

RESOLUTION NO. 15-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE, STATE OF CALIFORNIA, DENYING CONDITIONAL USE PERMIT APPLICATION No. UP-15-04 TO ALLOW FOR AN UNMANNED WIRELESS TELECOMMUNICATION FACILITY LOCATED AT 1949 WARING STREET (APN 011-081-003).

WHEREAS, Verizon Wireless, Applicant, and First Baptist Church, Property Owner, have applied for a Conditional Use Permit to establish a telecommunication facility located at 1949 Waring Street, in the RS-8 (Single Family Residential) Zoning District; and

WHEREAS, the proposed project is a discretionary approval, and 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; and

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed amendment at a duly noticed public hearing at public meeting held on July 22, 2015; and

WHEREAS, after consideration of the staff report and all of the information, testimony, and evidence presented at the public meeting on July 22, 2015, the Planning Commission voted 4-0 to direct City staff to prepare a Resolution denying the requested Use Permit application and continued the Use Permit application to its meeting on August 12, 2015 for its consideration of the Resolution denying the Use Permit application based on the prescribed findings and evidence which the Planning Commission entered into public record, and

WHEREAS, the project is Categorically Exempt, Section 15303 from the California Environmental Quality Act (CEQA) Guidelines.

Evidence: Approval of the proposed project would allow for the construction of a 55'-0" tall church steeple which would contain an unmanned wireless personal telecommunication facility. The installation of the steeple and wireless telecommunication tower would consist of a minor addition to the existing church facility and would not result in any increased intensity of the existing land use.

NOW, THEREFORE, BE IT RESOLVED, that the Seaside Planning Commission does hereby find that it is unable to make the findings required by the Seaside Municipal Code Sections 17.52.62.070.F and 17.54.040.E for the approval of Use Permit Application No. 15-04 based on the following findings and evidence in its consideration of the staff report and all information, testimony, and evidence presented at the public hearing:

- 1) The proposed unmanned wireless telecommunication facility will be inconsistent with the General Plan and any applicable specific plan.

Seaside General Plan Conformance

The Seaside General Plan Land Use Designation for the project site is RS (Low Density Residential). The land use designation is intended for the development of detached single-family dwellings at densities up to eight dwelling units per acre. Ancillary public services (e.g. water, sewer, telephone, electricity) are permitted in all zones.

Land Use Element

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

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

Evidence: The overall height of the church steeple design and noise that would be generated from an outdoor generator are not located, designed, and screened to blend with the existing character and/or the built surroundings so as to blend with the surrounding low density single family residential neighborhood. In this case, erecting a 55-foot tall freestanding telecommunication tower designed to appear as a church steeple would look awkward and out of scale in comparison with the predominant single-story low density residential neighborhood. Instead, the wireless facility will be readily apparent to the casual observer, and will not blend with the surroundings. Moreover, the ground mounted equipment area to the rear of the site would establish a commercial presence within a single-family neighborhood and the generation of an adverse noise source resulting from the weekly testing of a portable generator located within the ground mounted equipment area to the rear of the site, and therefore, would establish a land use that would significantly affect the public health, safety and welfare of the surrounding low density residential neighborhood. Thus, the proposed location of the wireless facility will be materially injurious to properties and improvements in the vicinity

- 2) *The design, location, size, and operating characteristics of the proposed activity are not compatible with the existing and planned future land uses in the vicinity.*

Evidence: The height of the proposed church steeple design within which the wireless facility will be contained is not designed to blend with the existing supporting church substantially and does alter the design characteristics of the church building and/or surrounding low density residential neighborhood, in that a 55-foot by ten-foot diameter freestanding that would extend approximately 24 feet above the existing roofline of the church building located near the proposed telecommunication tower, would look awkward and out of scale, resulting in a visually obtrusive design. Moreover, the church steeple at a height of 55 feet would make the height of the tower at least 31 feet to 42 feet taller than most of the predominantly one-story single family structures in the area and thus disproportionate to its surroundings. These impacts are significant and are directly

related to the design of the facility and its visually prominent location on a 3.4 acre parcel.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Seaside Planning Commission does hereby deny Use Permit application No. UP-15-02.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 12th day of August 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

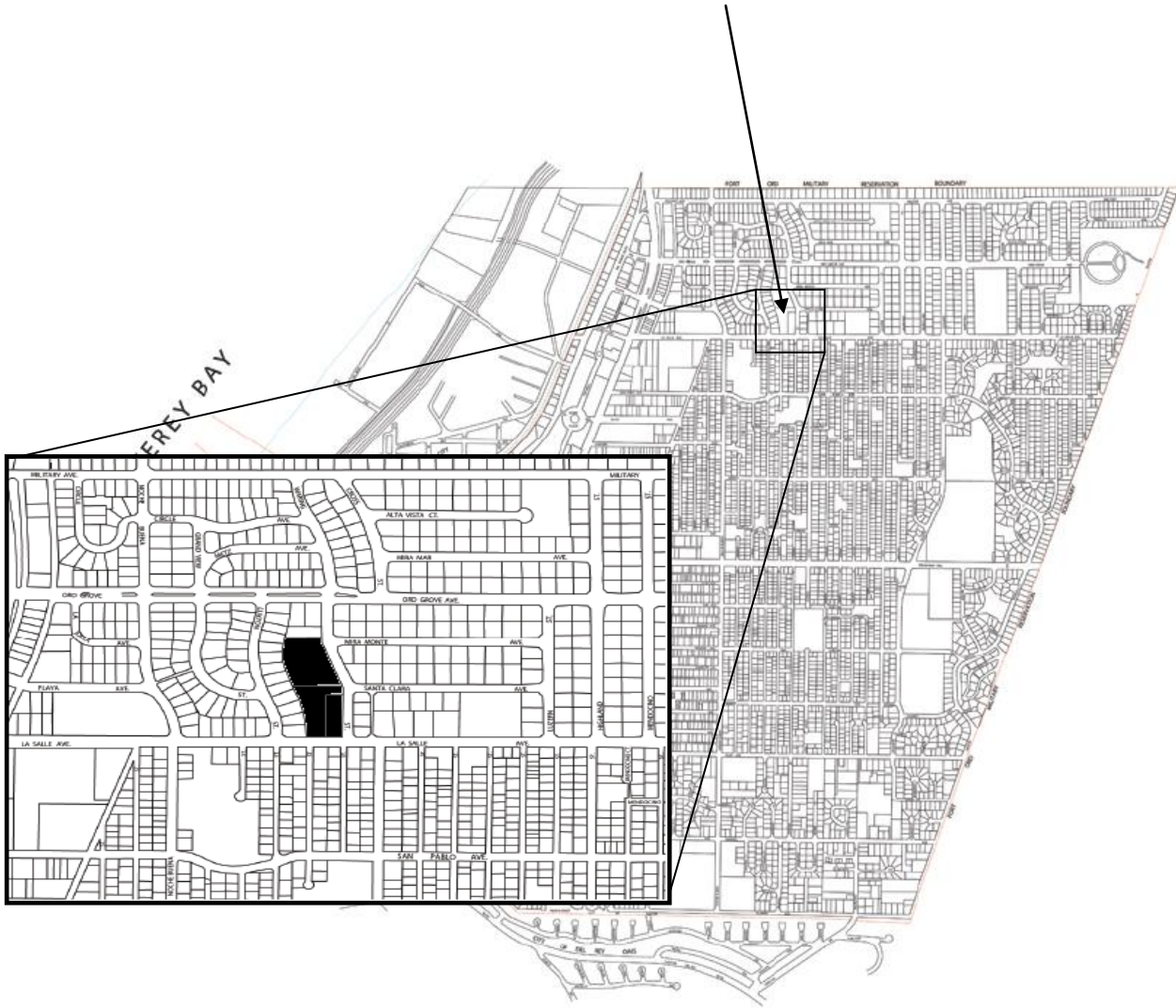
John Owens,
Planning Commission Chairperson

ATTEST:

Planning Commission Secretary

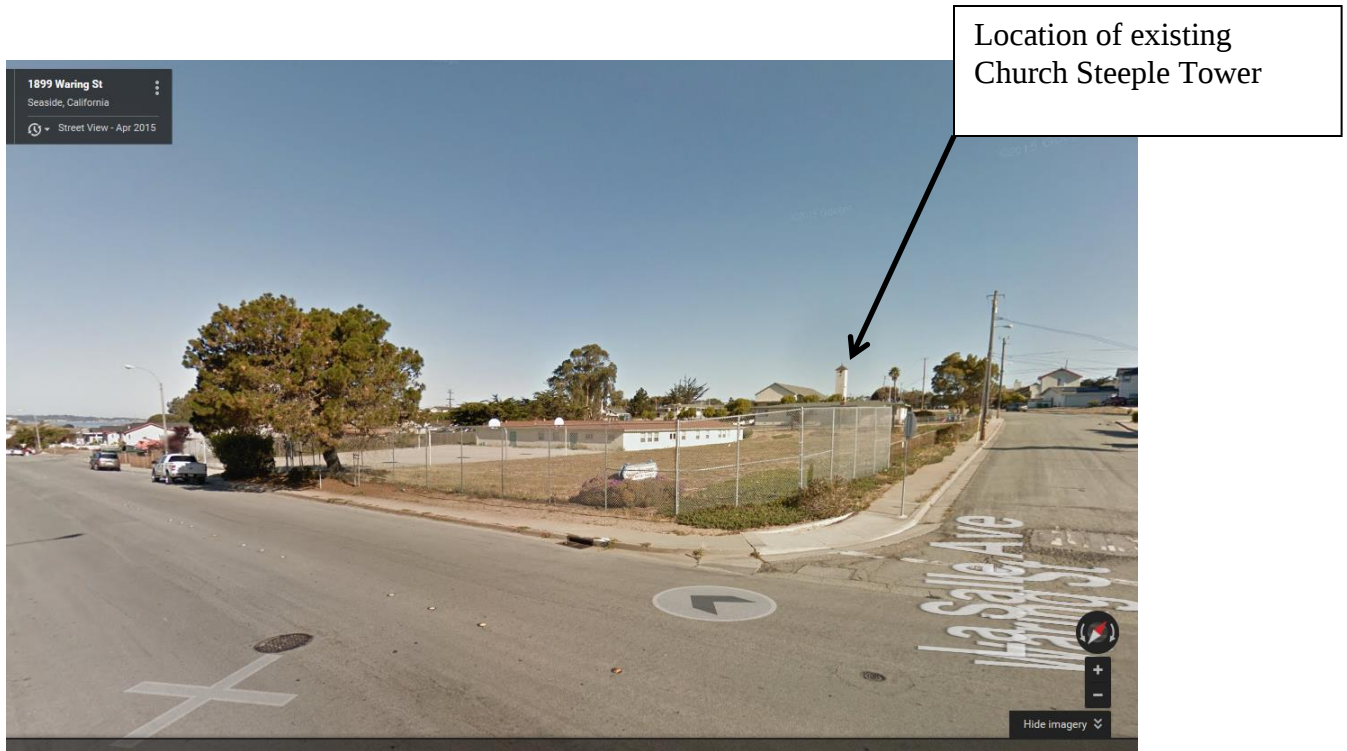
Location Map

Project Site: 1949 Waring Street



First Baptist Church – Telecommunication Facility Proposal

File UP-15-02



View from the Southeast corner of Waring Street and La Salle Avenue



View from Waring Street



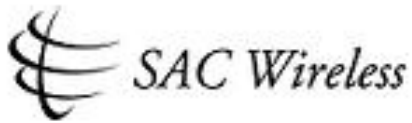
View from the southwest corner on La Salle Avenue



View from the northeast corner on Waring Street

Project Location: 1949 Waring Street





August 7, 2015

Rick Medina, Senior Planner
City of Seaside
Resource Management Services
Planning Services
440 Harcourt Av
Seaside, CA 93955

RE: Continuance request for UP-15-02, (1949 Waring Street) and UP-15-04 1460 Hilby Av., Seaside

Dear Rick:

As we discussed, the City is in receipt of our request for a continuance to the September 9th, 2015 meeting so that we have the opportunity to review the findings and evidence that would be included in each of the Resolutions for denial of both projects.

As we discussed further, it would then be necessary for City staff to place both applications on the August 12, 2015 PC Agenda where we would like this letter to be considered a formal request to continue the project until the Sept. 9th meeting for proper re-noticing and for the following reasons:

1. Verizon representatives are unable to attend this hearing; and
2. That we need additional time to review the findings and evidence with my client to decide whether there are viable alternate sites which can achieve the capacity needs to you cited at the July 22, 2015 P.C meeting. There is not enough time by the August 12th Planning Commission meeting as we will most likely not receive the findings until today.

We understand that the request for continuance is at the discretion of the Planning Commission. If the Planning Commission elects to adopt the findings for denial at the August 12th, 2015 meeting, we would then choose to appeal the project to the City Council.

Let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Tricia Knight".

Tricia Knight
123 Seacliff Dr.
Pismo Beach, Ca 93449
(805) 448-4221