



AGENDA
CITY OF SEASIDE
PLANNING COMMISSION

VIRTUAL MEETING
City Hall
440 Harcourt Avenue
Wednesday, April 22, 2020
7:00 PM

Pursuant to Governor Newsom's Executive Orders [N-29-20](#) and [N-33-20](#), and to do all we can to help slow the spread of COVID-19 (coronavirus) City of Seaside meetings will be adapted in the following ways:

- Meetings of the Seaside City Council and its Boards and Commissions will be conducted with virtual (electronic) participation only. Members of the public may watch the live stream of the City Council and Boards and Commission meetings at <https://bit.ly/SeasideYouTube>
- Members of the public may participate before and during each meeting by submitting comment(s) to cityclerk@ci.seaside.ca.us. The clerk will read each received public comment aloud into the record at the designated time, subject to time limits that may be imposed pursuant to the Brown Act. In the subject line of a public comment email, please specify the meeting body and date and indicate the relevant item number or "general" to help staff easily receive and organize public comments.

1. CALL TO ORDER

2. ROLL CALL - ESTABLISHMENT OF QUORUM

3. PLANNING COMMISSION

John Owens	Chair
Michael Spalletta	Vice Chair
Keith Dodson	Commissioner
Arlington La Mica	Commissioner
Dave Evans	Commissioner
William Silva	Commissioner

4. REVIEW OF AGENDA

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

5. PUBLIC COMMENT

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

6. **APPROVAL OF MINUTES**

A. **APRIL 1, 2020**

7. **BUSINESS ITEMS**

- A. **SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-02: THE CITY OF SEASIDE, APPLICANT, IS PROPOSING TEXT AMENDMENTS TO THE SEASIDE MUNICIPAL CODE (SMC) CHAPTERS 17.52, 17.98, AND 17.14, TABLE 2-4. THE AMENDMENTS WOULD REPEAL SPECIFIC STANDARDS FOR MECHANICAL AND ELECTRONIC GAMES AND GAME CENTERS (SMC 17.52), ADD LAND USE DEFINITIONS (SMC 17.98), AND MODIFY THE PERMITTING REQUIREMENTS FOR MECHANICAL AND ELECTRONIC GAMES AND GAME CENTERS IN THE CMX, CC, AND CRG ZONES (SMC 17.14.030.B – TABLE 2-4: ALLOWED LAND USES AND PERMITTED USES). IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES THE PROPOSED TEXT AMENDMENTS ARE EXEMPT PER 15061(B)(3)**

RECOMMENDATION: In accordance with Section 17.74.040.A of the Seaside Municipal Code (SMC), the purpose of this item is for the Planning Commission to consider and provide a recommendation to the City Council on proposed text amendments to: repeal specific standards for Mechanical and Electronic Games and Game Centers (SMC 17.52), add use definitions (SMC 17.98), and modify the permitting requirements for Mechanical and Electronic Games and Game Centers in the CMX, CC, and CRG Zones (SMC 17.14.030.B – Table 2-4: Allowed Land Uses and Permitted Uses) as outlined in the Draft Resolution (Attachment 2).

It is recommended the Planning Commission adopt the resolution (Attachment 2) recommending the City Council adopts an Ordinance to: repeal in its entirety section 17.52.140 of the Seaside Municipal Code (Exhibit A to Attachment 2), approve text amendments adding land use definitions to 17.98 (Exhibit B to Attachment 2), and approve text amendments to section 17.14.030, Table 2-4 – Allowed Land Uses and Permit Requirements for Commercial Zones (Exhibit C to Attachment 2) to modify the permit requirements of Mechanical and Electronic Games and Game Centers from requiring a Use Permit to being permitted outright in the CMX, CC and CRG zones.

B. USE PERMIT APPLICATION NO. UP-20-02 AND SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-01: AUG, LLC., PROPERTY OWNER, AND. BARGHAUSEN CONSULTING ENGINEERS, INC., APPLICANT, ARE REQUESTING A USE PERMIT AND A TEXT AMENDMENT TO CHAPTER 17 OF THE SEASIDE MUNICIPAL CODE TO ALLOW FOR THE CONSTRUCTION OF A 24-PUMP GASOLINE FUELING STATION ON A 0.98-ACRE SITE. THE TEXT AMENDMENT WOULD CONSIST OF ADDING A GASOLINE-FUELING STATION AS A USE PERMIT UNDER SECTION 17.14.030.B – TABLE 2-4 (ALLOWED LAND USES AND PERMITTED USES) IN THE AUTOMOTIVE REGIONAL COMMERCIAL (CA) ZONING DISTRICT. THE PROJECT SITE IS LOCATED AT THE NORTHEASTERN CORNER OF DEL MONTE BOULEVARD AND AUTOCENTER PARKWAY, GENERALLY LOCATED AS PART OF THE CYPRESS COAST FORD NEW CAR DEALERSHIP LOCATED AT 4 GEARY PLAZA (APN# 011-523-018) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES 15072, A MITIGATED NEGATIVE DECLARATION HAS BEEN PREPARED FOR THE PROJECT AND TEXT AMENDMENT.

RECOMMENDATION:

1. Adopt a draft Resolution recommending that the City Council adopt a Mitigated Negative Declaration for proposed text amendments and use permit.
2. Adopt a draft Resolution recommending that the City Council approve Text Amendments Application SMA-20-01, and
3. Adopt a draft Resolution recommending that the City Council approve Use Permit Application UP-20-01 for the construction of a 24-pump service station in the Automotive Regional Commercial Zoning District.

8. REPORTS FROM COMMISSIONERS

9. REPORTS FROM STAFF

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
May 13, 2020
Seaside City Hall
7:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:
<http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

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



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.A.

TO: Planning Commission

BY: Beth Rocha, Associate Planner

DATE: April 22, 2020

SUBJECT: SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-02: THE CITY OF SEASIDE, APPLICANT, IS PROPOSING TEXT AMENDMENTS TO THE SEASIDE MUNICIPAL CODE (SMC) CHAPTERS 17.52, 17.98, AND 17.14, TABLE 2-4. THE AMENDMENTS WOULD REPEAL SPECIFIC STANDARDS FOR MECHANICAL AND ELECTRONIC GAMES AND GAME CENTERS (SMC 17.52), ADD LAND USE DEFINITIONS (SMC 17.98), AND MODIFY THE PERMITTING REQUIREMENTS FOR MECHANICAL AND ELECTRONIC GAMES AND GAME CENTERS IN THE CMX, CC, AND CRG ZONES (SMC 17.14.030.B – TABLE 2-4: ALLOWED LAND USES AND PERMITTED USES). IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES THE PROPOSED TEXT AMENDMENTS ARE EXEMPT PER 15061(B)(3)

PURPOSE & RECOMMENDATION

In accordance with Section 17.74.040.A of the Seaside Municipal Code (SMC), the purpose of this item is for the Planning Commission to consider and provide a recommendation to the City Council on proposed text amendments to: repeal specific standards for Mechanical and Electronic Games and Game Centers (SMC 17.52), add use definitions (SMC 17.98), and modify the permitting requirements for Mechanical and Electronic Games and Game Centers in the CMX, CC, and CRG Zones (SMC 17.14.030.B – Table 2-4: Allowed Land Uses and Permitted Uses) as outlined in the Draft Resolution (Attachment 2).

It is recommended the Planning Commission adopt the resolution (Attachment 2) recommending the City Council adopts an Ordinance to: repeal in its entirety section 17.52.140 of the Seaside Municipal Code (Exhibit A to Attachment 2), approve text amendments adding land use definitions to 17.98 (Exhibit B to Attachment 2), and approve text amendments to section 17.14.030, Table 2-4 – Allowed Land Uses and Permit Requirements for Commercial Zones (Exhibit C to Attachment 2) to modify the

permit requirements of Mechanical and Electronic Games and Game Centers from requiring a Use Permit to being permitted outright in the CMX, CC and CRG zones.

BACKGROUND

Seaside Municipal Code chapter 17.52 Standards for Specific Land Uses contains regulations for Mechanical and Electronic Games and Game Centers. Section 17.52.140 sets forth guidelines for the location, positioning, and regulation of mechanical and electronic games and game centers. This section also regulates location, noise, security, hours of operation, minors (admittance of individuals under 18 years of age), conditional use permit conditions and findings, compliance with other laws and public nuisance stipulations, and contains the following land use definitions:

1. Mechanical or electronic game. Any machine, apparatus, contrivance, appliance, or device which may be operated or played upon the placing or depositing therein of any coin, check, slug, ball, or any other article or device, or by paying therefor either in advance of or after use, involving skill in its use, including, but not limited to, tape machine, pool table, pinball machine, bowling game machine, shuffleboard machine, marble game machine, horse racing machine, basketball game machine, electronic video game, or any other similar machine or device.
2. Mechanical or electronic game center. Any establishment with three or more mechanical and/or electronic games.

Adopted in 1982, the original ordinance (see Attachment 1) was prompted by a new business model turned cultural phenomena that resulted in a sudden increase in number of applications to establish game centers as well as the addition of arcade games to other primary land uses. At the time, the City Council found that it was appropriate and necessary to establish regulations for games centers to preserve the public health, safety and welfare of the City of Seaside.

Nearly 40 years after the code was adopted the concerns regarding public health, safety and welfare of the city and its inhabitants specific to the operation of Mechanical and Electronic Games and Game Centers, are no longer relevant. Additionally, specific regulations exist in the SMC for Curfew for Minors (9.24), Noise Regulations (9.12), and Public Nuisances (8.30). Furthermore, it is the intent of the City of Seaside to support new business models in the community that are consistent with the General Plan, attract a diverse and balanced mix of business types that will generate a stable, long-term stream of revenue to the city, and support uses that will attract visitors from outside of the city.

Currently, two businesses in Seaside operate as Mechanical and Electronic Games and Game Centers. However, each was subject to different permit requirements due to

zoning and specific plan differences:

1. Lynn's Arcade located at 1760 Fremont Boulevard, Ste.D. Lynn's is located in the Community Commercial Zoning District and was subject to the regulations of 17.52.140. On April 24, 2019, the Planning Commission unanimously approved a Variance (for extended hours of operation) and a Conditional Use Permit (CUP) for Lynn's.

2. Thrive Youth Sports located at 620 Broadway Avenue. Thrive Youth Sports is located in the West Broadway Urban Village Specific Plan (WBUV SP) and was subject to the regulations of WBUV SP Section 7.B.1.2. On September 23, 2019, the Zoning Administrator approved a Minor Use Permit for Thrive.

The Seaside Police Department has not received any calls or complaints regarding Lynn's Arcade or Thrive Youth Sports. Additionally, according to Seaside Police, youth truancy is not a common issue in Seaside. Both businesses have been operating without adverse consequences to the public health, safety, and welfare of the City and have adhered to the conditions of their respective permits. Additionally, the game centers have not caused significant adverse effects on surrounding businesses, neighborhoods or on the community as a whole.

PROPOSED REPEAL AND TEXT AMENDMENTS

It is proposed that 17.52.140 be repealed in its entirety from the SMC (see Exhibit A to Attachment 2). Additionally, the land use definitions are only located in 17.52.140 and are proposed to be amended to section 17.98, where all definitions are located (see Exhibit B to Attachment 2). Lastly, 17.14.030, Table 2-4 is proposed to be amended to change Mechanical and Electronic Games and Game Centers from requiring a Use Permit to Permitted in the CMX, CC, and CRG zones (see Exhibit C to Attachment 2).

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The exemption from the California Environmental Quality Act (CEQA) has been established, as follows:

Evidence: In accordance with the California Environmental Quality Act (CEQA) Guidelines the proposed text amendments are exempt per 15061(b)(3). It can be seen with certainty that there is no possibility that the proposed code amendments may have a significant effect on the environment.

FINDINGS

1.The proposed amendments would not be detrimental to the public interest, health,

safety, convenience, or welfare of the City.

Evidence: Nearly 40 years after the code was adopted the concerns regarding public health, safety and welfare of the city and its inhabitants specific to the operation of Mechanical and Electronic Games and Game Centers, are no longer relevant. Additionally, specific regulations exist in the SMC for Curfew for Minors (9.24), Noise Regulations (9.12), and Public Nuisances (8.30). Furthermore it is the intent of the City of Seaside to support new business models in the community that are consistent with the General Plan, attract a diverse and balanced mix of business types that will generate a stable, long-term stream of revenue to the city, and support uses that will attract visitors from outside of the city.

2. The proposed amendments to 17.14.030, Table 2-4 are consistent with the General Plan.

Evidence: The proposed changes to the permitting requirements for Mechanical and Electronic Games and Game Centers (17.14.030, Table 2-4), from requiring a Use Permit to being permitted outright in the CMX, CC and CRG zones is consistent with the General Plan.

The Commercial Mixed-Use (CMX) zone implements and is consistent with the Mixed Use land use designation in the General Plan, which aims to promote pedestrian and transit oriented activity centers in the community with a mix of residential, commercial, office and civic uses.

The Community Commercial (CC) zone implements and is consistent with the Community Commercial land use designation of the General Plan, which is intended for retail and service oriented business activities primarily serving the local community or neighborhood. Uses may include restaurants, supermarkets, health clubs, retail goods and services, personal services, offices, and neighborhood-oriented retail uses.

The Regional Commercial (CRG) zone implements and is consistent with the Regional Commercial (RGC) land use designation of the General Plan, which is applied to areas of the City that are appropriate for large-scale commercial development with retail, entertainment, and/or service uses, or business parks of a scale and function to serve a regional market. Permitted land uses may include hotels, "big-box" retail, movie theaters, and business parks in the North Seaside area only. Regional Commercial uses are defined as large scale 1.0:1 FAR commercial development with retail, entertainment, and or service uses of a scale and function to serve a regional market. Includes hotels, auto sales, auto repair, auto repair related uses, "big box" retail, and movie theaters.

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

Evidence: In accordance with the California Environmental Quality Act (CEQA) Guidelines the proposed text amendments are exempt per 15061(b)(3). It can be seen with certainty that there is no possibility that the proposed code amendments may have a significant effect on the environment.

RECOMMENDATION

It is recommended the Planning Commission adopt the resolution (Attachment 2) recommending the City Council adopts an Ordinance to: repeal in its entirety section 17.52.140 of the Seaside Municipal Code, approve text amendments adding land use definitions to 17.98, and approve text amendments to section 17.14.030, Table 2-4 – Allowed Land Uses and Permit Requirements for Commercial Zones to modify the permit requirements of Mechanical and Electronic Games and Game Centers from requiring a Use Permit to being permitted outright in the CMX, CC and CRG zones.

ATTACHMENTS

1. Attachment 1: 1982 Ordinance
 2. Attachment 2: Draft Resolution
 3. Exhibit A to Attachment 2: Repeal of 17.52.140
 4. Exhibit B to Attachment 2: Text Amendments 17.98
 5. Exhibit C to Attachment 2: Text Amendment to 17.14.030, Table 2-4
-

ORDINANCE NO. 616

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE AMENDING ORDINANCE NO. 591 BY ADDING SECTION 26.18 TO THE ZONING TEXT, SETTING FORTH REGULATIONS FOR THE LOCATION, POSITIONING AND OPERATION OF MECHANICAL AND ELECTRONIC GAMES AND GAME CENTERS

WHEREAS, based on an increasing number of applications in Seaside to establish electronic game centers and to the increasing appearance of electronic games accessory to other principal uses in Seaside, the need was identified to establish regulations for the operation of electronic games and game centers; and

WHEREAS, on May 19, 1982, the Seaside Planning Commission adopted a Negative Declaration for the proposed amendment; and

WHEREAS, on June 9, 1982, the Seaside Planning Commission held a public hearing to review the proposed amendment to regulate mechanical and electronic games and game centers; and

WHEREAS, the Seaside Planning Commission, following the public hearing held on June 9, 1982, approved a resolution recommending that the proposed amendment to the Zoning Ordinance be adopted by the Seaside City Council; and

WHEREAS, the Seaside City Council finds that it is both appropriate and necessary to establish regulations for the operation of mechanical and electronic games and game centers to preserve the public health, safety and welfare of the City of Seaside:

NOW, THEREFORE, the City Council of the City of Seaside does ordain as follows:

SECTION 1

The attached amendment, entitled "Regulations for the Location, Positioning, and Operation of Mechanical and Electronic Games and

"Game Centers", is hereby added as Section 26.18 to the zoning text of the Official Zoning Ordinance No. 591.

SECTION 2

This ordinance shall take effect, and be in full force and effect, at the expiration of thirty (30) days after adoption by the City Council of the City of Seaside.

INTRODUCED this 19th day of August, 1982.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside, duly held on the 2nd day of September, 1982, by the following vote:

AYES: COUNCILMEN: Lioi, Austin, Houser and Mayor Olea

NOES: COUNCILMEN: Mason

ABSENT: COUNCILMEN: None


GLENN OLEA, MAYOR

ATTEST:


ROGER L. KEMP, CITY CLERK

APPROVED AS TO FORM:


DONALD G. FREEMAN, CITY ATTORNEY

AMENDMENTS TO ZONING ORDINANCE SETTING FORTH GUIDELINES FOR THE LOCATION, POSITIONING AND OPERATION OF MECHANICAL AND ELECTRONIC GAMES TO BE INCORPORATED AS SECTION 26.18 OF THE OFFICIAL ZONING ORDINANCE NO. 591

Purpose:

The purpose of this Section is to set forth guidelines for the location, positioning, and regulation of mechanical and electronic games and game centers to insure that the games and game centers operate without adverse consequences so as to preserve the public health, safety, and welfare of the City of Seaside.

Definitions:

Mechanical or Electronic Game - Any machine, apparatus, contrivance, appliance or device which may be operated or played upon the placing or depositing therein of any coin, check, slug, ball or any other article or device, or by paying therefor either in advance of or after use, involving skill in its use, including, but not limited to tape machine, pinball machine, bowling game machine, shuffle-board machine, marble game machine, horse racing machine, basketball game machine, electronic video game, or any other similar machine or device.

Mechanical or Electronic Game Center - Any establishment with three or more mechanical and/or electronic games.

Zoning Districts:

Mechanical or electronic game centers may be located within the P Primary Retail, V Visitor Serving Commercial and the SC Shopping Center Zoning Districts upon securing a Use Permit.

One or two mechanical or electronic game machines may be permitted as an accessory use within the Neighborhood Retail, Primary Retail, Shopping Center, Visitor Serving Commercial, Professional

Office, and Heavy Commercial Districts upon securing a zoning permit.

Location:

No mechanical or electronic game center shall be located on any street other than a major thoroughfare or within a shopping center.

Parking Requirement for a Mechanical and Electronic Game Center:

One space per three (3) machines with a minimum of five (5) spaces.

Noise:

The operation of any mechanical or electronic game and consequent activities shall not cause the outdoor noise level to exceed 65 decibels measured directly outside of the establishment.

Security: The manager(s) of each center shall provide the necessary surveillance so as to prevent the creation of an unfavorable environment.

Separation from Other Uses:

All mechanical and electronic game centers shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from other such uses. The room shall be arranged so that there is management attendant within the room during the hours the center is open or such that management attendants outside the room can easily see and supervise the interior of the room.

Positioning of Machines: Each machine shall be positioned so as to maintain adequate space for each machine without overcrowding and so that each machine shall not interfere with the normal

circulation of the store. The depth of the spaces in front of the machine shall be at least 4 feet and the maximum width of space shall be 3 feet for each machine designed for use by one player and 4-1/2 feet for each machine designed for use by two (2) players. There shall be a minimum of one foot clearance on either side of each machine. Two machines side-by-side shall be located a minimum of two (2) feet apart. Where mechanical or electronic games are an accessory use, there shall be a minimum aisle width beyond the 4 foot depth of an additional 4 feet.

Hours of Operation:

No mechanical or electronic game either within a game center or other establishment that is located within 1,000 feet of a public or private school of elementary or high school grade may be made available for minors use during the academic school year between the hours of 7:00 a.m. and 3:30 p.m. except during school holidays and on Saturday and Sunday, nor between the hours of 10:00 p.m. and 7:00 a.m. on all days preceding school days and between midnight and 7:00 a.m. on all other days.

All mechanical or electronic game centers shall be open to business no later than 10:00 p.m. on all days preceding school days and not later than midnights on all other days.

Minors: No minor under the age of eighteen shall be permitted in the establishment during the hours that regular school is in session unless such minor is accompanied by a parent, guardian, or other adult person having the care and custody of such minor.

Conditional Use Permit:

A mechanical or electronic game center shall not open for business

until a Conditional Use Permit has been granted by the Seaside Planning Commission and the seven day appeal period has passed with no appeal to the Planning Commission decision having been made.

All Conditional Use Permits granted for mechanical or electronic game centers shall be valid for one year's period of time.

The Conditional Use Permits may be re-issued annually by the Planning Commission after the Commission has reviewed the operation of the game center and has made the following findings:

- 1) All the conditions of approval of the Use Permit have been met within the required period of time.
- 2) There have been no violations of the Seaside Municipal Code and of this Ordinance.
- 3) The game center has caused no significant adverse effect on surrounding business and/or residential neighborhoods or on the community as a whole.

The Conditional Use Permit may be revoked any time when the conditions of approval or the provisions of this Ordinance have not been met.

Compliance with Other Laws: Neither this Article nor any provision therein contained shall include or apply to any act which is made a public offense by the Penal Code of the State of California, or by any other law of the State of California, or of the United States Government; nor shall this Article or any provision therein contained authorize or permit or be construed as authorizing or permitting the keeping, maintaining, possessing, using or operating in the City of Seaside of any contrivance or device otherwise

prohibited by law.

Severability:

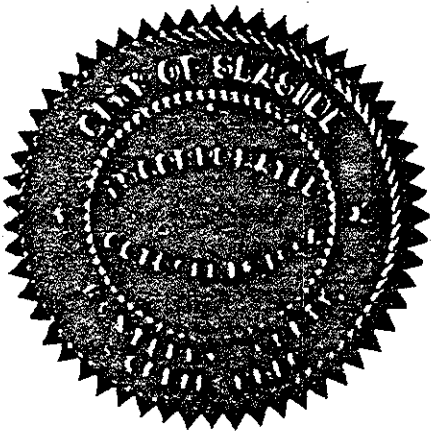
If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Article or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

Public Notice:

STATE OF CALIFORNIA)
COUNTY OF MONTEREY) SS

I, Dee Latimore, Deputy City Clerk, of the City of Seaside, State of California, hereby certify that on the 9th day of September, 1982, a true copy of the foregoing Ordinance No. 616 of the City of Seaside was published in the Seaside News-Sentinel.

Witness my hand and the seal of the City of Seaside this 10th day of September, 1982.



Dee Latimore/dc
Dee Latimore, Deputy City Clerk
CITY OF SEASIDE
County of Monterey, State of California

EXHIBIT A: Repeal of 17.52.140

~~17.52.140 Mechanical and Electronic Games and Game Centers~~

~~A.—Purpose.~~ The purpose of this chapter is to set forth guidelines for the location, positioning, and regulation of mechanical and electronic games and game centers to ensure that the games and game centers operate without adverse consequences so as to preserve the public health, safety, and welfare of the City.

~~B.—Definitions.~~ For the purposes of this Title, the following terms shall have the meanings set out in this section:

~~1.—Mechanical or electronic game.~~ Any machine, apparatus, contrivance, appliance, or device which may be operated or played upon the placing or depositing therein of any coin, check, slug, ball, or any other article or device, or by paying therefor either in advance of or after use, involving skill in its use, including, but not limited to, tape machine, pool table, pinball machine, bowling game machine, shuffleboard machine, marble game machine, horse racing machine, basketball game machine, electronic video game, or any other similar machine or device.

~~2.—Mechanical or electronic game center.~~ Any establishment with three or more mechanical and/or electronic games.

~~C.—Location.~~ No mechanical or electronic game center shall be located on any street other than a major thoroughfare or within a shopping center.

~~D.—Noise.~~ The operation of any mechanical or electronic game and consequent activities shall not cause the outdoor noise level to exceed 65 decibels measured directly outside of the establishment.

~~E.—Security.~~ The manager(s) of each center shall provide the necessary surveillance so as to prevent the creation of an unfavorable environment.

~~F.—Hours of operation.~~

~~1.—~~ No mechanical or electronic game either within a game center or other establishment that is located within 1,000 feet of a public or private school of elementary or high school grade may be made available for minors' use during the academic school year between the hours of 7:00 a.m. and 3:30 p.m. except during school holidays and on Saturday and

~~Sunday, nor between the hours of 10:00 p.m. and 7:00 a.m. on all days preceding school days and between midnight and 7:00 a.m. on all other days.~~

~~2.— All mechanical or electronic game centers shall be open to business no later than 10:00 p.m. on all days preceding school days and not later than midnight on all other days.~~

~~**G.— Minors.** No minor under the age of 18 shall be permitted in the establishment during the hours that regular school is in session unless such minor is accompanied by a parent, guardian or other adult person having the care and custody of such minor.~~

H.— Conditional Use Permit.

~~1.— All Conditional Use Permits granted for mechanical or electronic game centers shall be valid for a period of one year. The Conditional Use Permit may be reissued annually by the Planning Commission after the Commission has reviewed the operation of the game center and has made the following findings:~~

~~a.— All the conditions of approval of the Use Permit have been met within the required period of time.~~

~~b.— There have been no violations of this Code.~~

~~c.— The game center has caused no significant adverse effect on surrounding business and/or residential neighborhoods or on the community as a whole.~~

~~2.— The Conditional Use Permit may be revoked any time when the conditions of approval or the provisions of this Title have not been met.~~

~~**I.— Compliance with other laws.** Neither this chapter nor any provisions herein contained shall include or apply to any act which is made a public offense by the Penal Code of the state of California, or by any other law of the state of California or of the United States Government; nor shall this chapter or any provision herein contained authorize or permit or be construed as authorizing or permitting the keeping, maintaining, possessing, using, or operating in the City of any contrivance or device otherwise prohibited by law.~~

~~**J.— Public nuisance.** In addition to criminal penalties provided for in this Code, a violation of any provision of this chapter, or any condition caused or permitted to exist in violation of the provisions of this chapter shall and is deemed and declared to be a public nuisance and may be abated as such by the City.~~

EXHIBIT B: Text Amendments to 17.98 Definitions ("Massage" and "Media Production" not amended and shown for context only. Amended text is **bold and underlined**).

Massage. Any therapeutic, non-sexual method of pressure on, or friction against, or stroking, rubbing, kneading, tapping, pounding, vibrating or stimulating, the external parts of the human body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliance, or with or without the aid of such supplementary materials as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in the practice of massage.

Mechanical or electronic game. Any machine, apparatus, contrivance, appliance, or device which may be operated or played upon the placing or depositing therein of any coin, check, slug, ball, or any other article or device, or by paying therefor either in advance of or after use, involving skill in its use, including, but not limited to, tape machine, pool table, pinball machine, bowling game machine, shuffleboard machine, marble game machine, horse racing machine, basketball game machine, electronic video game, or any other similar machine or device.

Mechanical or electronic game center. Any establishment with three or more mechanical and/or electronic games.

Media Production. Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types:

1. Backlots/Outdoor Facilities. Outdoor sets, backlots, and other outdoor facilities, including supporting indoor workshops and craft shops.
2. Indoor Support Facilities. Administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.

EXHIBIT C: Text Amendment to 17.14.030, Table 2-4 (striketrough of removal and amendments underlined for Mechanical and electronic games and game centers only, as indicated by surrounding box).

P Permitted Use, Zoning Clearance required	CMX – Commercial Mixed Use					
MUP Minor Use Permit required (see Section 17.62.070)	CC – Community Commercial					
UP Use Permit required (see Section 17.62.070)	CRG – Regional Commercial					
– Use not allowed	CA – Automotive Regional Commercial					
	CH – Heavy Commercial					
	PERMIT REQUIRED BY ZONE					Specific
LAND USE ⁽¹⁾	CMX	CC	CRG	CA	CH	Use Regs
Wholesaling and distribution	–	–	–	–	UP	

RECREATION, EDUCATION & PUBLIC ASSEMBLY

Adult oriented business	–	–	–	–	UP	17.50
Commercial recreation facility – Indoor	MUP	UP	UP	–	–	17.52.060
Commercial recreation facility – Outdoor	–	–	UP	–	–	
Conference/convention facility	–	–	UP	–	–	
Health/fitness facility	MUP	P	P	–	–	
Library or museum	MUP	MUP	P	–	–	
Mechanical and electronic games and game centers	UP	UP	UP	–	–	17.52.140



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 7.B.

TO: Planning Commission

BY: Rick Medina, Senior Planner

DATE: April 22, 2020

SUBJECT: USE PERMIT APPLICATION NO. UP-20-02 AND SEASIDE MUNICIPAL CODE AMENDMENT SMA-20-01: AUG, LLC., PROPERTY OWNER, AND. BARGHAUSEN CONSULTING ENGINEERS, INC., APPLICANT, ARE REQUESTING A USE PERMIT AND A TEXT AMENDMENT TO CHAPTER 17 OF THE SEASIDE MUNICIPAL CODE TO ALLOW FOR THE CONSTRUCTION OF A 24-PUMP GASOLINE FUELING STATION ON A 0.98-ACRE SITE. THE TEXT AMENDMENT WOULD CONSIST OF ADDING A GASOLINE-FUELING STATION AS A USE PERMIT UNDER SECTION 17.14.030.B – TABLE 2-4 (ALLOWED LAND USES AND PERMITTED USES) IN THE AUTOMOTIVE REGIONAL COMMERCIAL (CA) ZONING DISTRICT. THE PROJECT SITE IS LOCATED AT THE NORTHEASTERN CORNER OF DEL MONTE BOULEVARD AND AUTOCENTER PARKWAY, GENERALLY LOCATED AS PART OF THE CYPRESS COAST FORD NEW CAR DEALERSHIP LOCATED AT 4 GEARY PLAZA (APN# 011-523-018) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES 15072, A MITIGATED NEGATIVE DECLARATION HAS BEEN PREPARED FOR THE PROJECT AND TEXT AMENDMENT.

PURPOSE & RECOMMENDATION

1. Adopt a draft Resolution recommending that the City Council adopt a Mitigated Negative Declaration for proposed text amendments and use permit.
2. Adopt a draft Resolution recommending that the City Council approve Text Amendments Application SMA-20-01, and
3. Adopt a draft Resolution recommending that the City Council approve Use Permit Application UP-20-01 for the construction of a 24-pump service station in the Automotive Regional Commercial Zoning District.

BACKGROUND

SITE LOCATION AND DESCRIPTION

The project site is a single parcel totaling 0.98-acres (Assessor's Parcel Number 011-523-018) and is developed with an off-street asphalt-parking void of any buildings. The parking lot is currently in use by Cypress Coast Ford located at 4 Geary Plaza as a retail automotive display lot. The service station would be operated by Costco Wholesale and would be a membership service station at which gasoline products would only be available for purchase by active Costco members. The project plans are listed as Exhibit A to Attachment 3. The project site is located 400 ft. east of the existing Costco Warehouse, which is located within the Sand Dollar Shopping center across Del Monte Boulevard at 801 Tioga Avenue in Sand City.

The project site is bordered by development on all sides; specifically, automotive commercial retail and vehicle repair uses to the north, the Auto Center to the east and south, and automotive commercial retail and vehicle repair uses to the west on Del Monte Boulevard. Regional access to the site is available via State Route 1 (SR 1), Del Monte Boulevard, and Fremont Boulevard.

The project site has a General Plan land use designation of Regional Commercial (CRG) and is located in the Automobile Regional Commercial (CA) zoning district. The project site is located within the Seaside Auto Center and was previously developed with the Wester Dodge new car dealership that was demolished in 2005 as part of renovations to the Auto Center to make way for the connection of the interior roadway (Auto Center Parkway) with Del Monte Boulevard. The project site is the remainder of the former Wester Dodge new car dealership parcel that was not used for the new roadway. A Location map listed as Attachment 4. Site photos listed as Attachment 5.

PROJECT DESCRIPTION

Text Amendment

The proposed project would include approval of four text amendments to Chapter 17 of the Seaside Municipal Code.

1. Section 17.14.030.B – Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones) will be amended to add a "Service Station" as an allowed use in the Automotive Regional Commercial zone (CA) subject to receiving approval of a Use Permit.
2. The first sentence of Section 17.52.250.C.2 will be amended as shown with bold and underline language as follows: **Separation between stations:** A service station shall not be closer than 500 feet to another service station except when both are at the same intersection or **separated by a four lane arterial street.**
3. Amend Section 17.52.250.G.3 with the following bold and underline language as follows: **Vehicle Parking:** Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys, and shall not be parked on the premises for the

purpose of sale. **Off-street parking for a service station with no on-site cashier, on-site convenience store/vending machines, or on-site vehicle service repair shall be determined by Use Permit approval.**

4. Add Section 17.52.250.G.4 with the following bold and underline language as follows: **Public Restrooms: A public restroom shall not be required if no on-site cashier, on-site convenience store/vending machines, or on-site vehicle service repair is provided.**

Use Permit

The proposed project consists of the construction of a new Costco service station comprising 12 pumps with 24 fueling dispensers, four new underground storage tanks (USTs), three remote fill ports, a 125 sq. ft. controller enclosure, and associated site improvements (See Attachment 3, Exhibit A for Project Plans). Costco is proposing to operate the new gasoline station from 5:30 a.m. to 10:00 p.m. daily. The station will be available for Costco Warehouse members only and will require a Costco membership to access fuel pumps. The station will be periodically manned by at least one Costco employee who will oversee day-to-day operations of the pumps, traffic circulation and trash pick-up. No other automotive services or retail sales will be available at the station.

The dispensing of gasoline will take place under a 6,768 sq. ft. fueling canopy that would cover three fueling bays with four multi-product dispensers (gasoline pumps) each. Each gasoline pump could fuel two cars at once. The service station will have six stacking lanes to allow for a maximum of 24 vehicles at the pumps. The access drive from Auto Center Parkway and two travel lanes providing queuing for the dispenser area of the fueling station will provide stacking for 32 vehicles behind those fueling, thus permitting a maximum of 56 vehicles possible at one time. The drive entrance at Auto Center Parkway will be widened for enhanced turning radius and access. The service station would also be equipped with a red-light/green-light system to indicate which pump was open and available to the next customer in line along with Costco Pay (a key-fob pay system), which improves queuing efficiency and helps shorten lines to waiting customers. There are no cash transactions. Entry and exit for fuel deliveries will occur either from the Fremont Boulevard entry or from the Del Monte Boulevard entry into the Auto Center. A right-turn only driveway will be located at the northwest corner to provide an escape route for customers onto Del Monte Boulevard and the exit route for delivery fuel trucks.

The four USTs will be located at the northwestern portion of the fueling station. This would include two 40,000-gallon regular unleaded USTs, one 40,000-gallon premium unleaded UST, and one 1,500-gallon additive UST. The USTs would consist of double-walled fiberglass fuel-storage tanks with leak detection sensors and certified to meet the federal UST leak detection standards of 95 percent probability of detection and five percent probability of false alarm. California State Water Resources Control Board (SWRCB) also certifies the system. The UST monitoring system incorporates automatic shutoffs. In the event gasoline is detected in the sump at the fuel dispenser, the dispenser shuts down automatically and an alarm is sounded. Further, each fuel

dispenser includes several safety devices. Specifically, each dispenser sump is equipped with an automatic shutoff valve to protect against vehicle impact. In addition, each fuel hose includes a breakaway device that will stop the flow of fuel at both ends of the hose in the event of an accidental drive-off. Each dispenser is equipped with an internal fire extinguisher. Lastly, all dispensers include leak detection sensors connected to the alarm console inside the controller enclosure.

Additional project improvements include a controller enclosure, transformer, Healy Clean Air Separator, landscaping, and security lighting. The underground tank and piping controls will be contained in a 125 sq. ft. prefabricated controller enclosure. The enclosure will be painted beige and would be located on the southeast corner of the parcel, south of the gasoline pumps. Emergency shut-off switches are installed next to the controller enclosure and in locations near the dispensers, as dictated by the fire code. Light emitting diode (LED) lights would be recessed into the overhead canopy and would provide lighting during operating hours and a lower level of security lighting after hours.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA) Guidelines 15072, a Mitigated Negative Declaration (MND) has been prepared for the proposed project and the text amendments to Chapter 17.14.030 and Chapter 17.52.250 of the Seaside Municipal Code. A Notice of Intent to adopt a MND for the project was circulated for a 20-day public comment period on February 4, 2020, which ended on February 24, 2020. A Final IS/MND was prepared and consists of an introduction, public comment letters received during the 20-day public review period, responses to comments, and revisions to the Draft IS/MND, if deemed applicable. The Final IS/MND and appendices can be accessed from the following web link: <http://www.ci.seaside.ca.us/703/Proposed-Costco-Gas-Station>.

Pursuant to CEQA Guidelines 15074, a Mitigation Monitoring and Reporting Program was prepared and is provided as Attachment 6. The potentially significant environmental issues and Mitigation Measures to reduce the identified impacts to less than significant in the MND are as follows:

Cultural Resources: The construction of the proposed project would occur within the existing developed and paved areas of the site. Any archaeological resources would likely have been unearthed at the time of original disturbance to the site. Further, the City's General Plan does not identify any archaeologically significant sites within the vicinity of the proposed project site. No known archaeological resources or human remains have been documented at the proposed project site. However, no subsurface testing for buried archaeological resources was completed, and, therefore, there is the possibility of inadvertently uncovering such resources or human remains during construction. The potential inadvertent discovery of archaeological resources and/or human remains and potential inadvertent damage or disturbance during construction would be considered a significant impact. This impact can be mitigated to a less-than-significant level with the implementation of **Mitigation Measure CR-1 and CR-2**.

Noise: Project construction will have temporary noise impacts because exterior

ambient noise levels typically decrease during the late evening and nighttime hours as community activities (e.g., vehicle traffic) decrease. Construction activities performed during these more noise-sensitive periods of the day could result in substantial increases in ambient noise levels, which may result in increased levels of annoyance and potential sleep disruption for occupants of nearby residential dwellings and the Magic Carpet Lodge. For these reasons, this impact would be considered potentially significant and can be reduced to a less-than-significant level with the incorporation of **Mitigation Measure NOISE-1**.

Traffic/Circulation: The project would contribute additional traffic to the deficient freeway segment of SR 1 between the Canyon del Rey Boulevard Interchange and the Fremont Boulevard interchange, creating a potentially significant impact. This impact can be mitigated to a less than significant level with the implementation of **Mitigation Measure TRAFFIC-1**. A Traffic Impact Analysis (TIA) was prepared for the proposed project by Kittelson & Associates, Inc. (August 2019, Appendix E IS/MND).

STAFF ANALYSIS/FINDINGS

In accordance with Section 17.60.030.A of the SMC, an applicant filing for a development project that requires more than one application shall file all related applications concurrently. Additionally, based on the requested Text Amendments to the SMC, the Planning Commission's role in the review process will be to provide a recommendation to the City Council who are responsible for the review and approval of legislative actions and use permit applications being processed in concurrence with the legislative actions that are dependent on the legislative actions being adopted.

Text Amendment

The project site is located within the Automotive Regional Commercial (CA) Zoning District which currently does not include the "Service Station" land use designation. The purpose of the CA district is to support automotive retail sales and ancillary automotive services. The following is an analysis of the requested Text Amendments and how the proposed service station will be consistent with the City's development standards and the Seaside General Plan:

- Section 17.14.030.B – Table 2-4 (Allowed Land Uses and Permit Requirements for Commercial Zones) will be amended to add a "Service Station" as an allowed use if it obtains approval of a use permit in the Automotive Regional Commercial (CA) Zone.
- A "Service Station" would be consistent with the General Plan Regional Commercial Land Use designation and CA zoning district in that a service station within the CA Zone will serve to facilitate regional commercial use on an arterial roadway. Additionally, there are limited underutilized sites within auto center to support additional service stations.
- The first sentence of Section 17.52.250.C.2 will be amended as shown with bold and underline language as follows: **Separation between stations**: A service station shall not be closer than 500 feet to another service station except when both are at the same intersection or **separated by a four lane arterial street**.

- The current standard for separation of gas stations was adopted as part of the City's comprehensive Zoning Code Update in 2006. City staff finds that the separation was established to prevent conflicts between stations within close proximity on the same street frontage (e.g. Appearance Vehicle Circulation). City staff finds that the placement of an updated, modern service station separated from another service station by a four lane arterial roadway would not result in either incompatible appearance or vehicle circulation pattern.
- Amend Section 17.52.250.G.3 with the following bold and underline language as follows: **Vehicle Parking:** Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys, and shall not be parked on the premises for the purpose of sale. **Off-street parking for a service station with no on-site cashier, on-site convenience store/vending machines, or on-site vehicle service repair shall be determined by Use Permit approval.**
- The current standard was adopted as part of the City's comprehensive Zoning Code Update in 2006. City staff finds that off-street parking for a card lock, membership type of service station which operates without an on-site cashier, on-site convenience store or on-site service repair should be based on the size, driveway/street access, and on-site queuing on a cas-by-case basis in accordance with a use permit approval.
- Add Section 17.52.250.G.4 with the following bold and underline language as follows: **Public Restrooms: A public restroom shall not be required if no on-site cashier, on-site convenience store/vending machines, or on-site vehicle service repair is provided.**
- The current standard for restrooms was adopted as part of the City's comprehensive Zoning Code Update in 2006. City staff finds that the current design for gasoline fueling has evolved to include a card-lock, membership facility which does not have an on-site cashier, convenience store or service garage. Lacking these amenities, a public restroom would not be required and/or necessary.

Use Permit

An application for a Service Station shall be filed through the Use Permit process, and considered by the Planning Commission to determine whether the findings below can be made concerning the proposed project. The findings below assume that the Zoning Ordinance amendments are adopted and thus allow a Service Station as a conditional use:

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

Zoning Ordinance Conformance (These findings are predicated upon the text amendments of the Zoning Ordinance in Text Amendment SMA-20-01)

Evidence: This project is located within the Automotive Regional Commercial (CA) Zoning District. The purpose of this district is to support automotive retail sales and ancillary automotive services. The proposed service station, as

conditioned and with the proposed text amendments to include service stations as a use permit in the CA zoning district and modifications to the operating standards for service stations that are membership only with no on-site services other than dispensing fuel, would not be detrimental to surrounding properties and the general health, safety and welfare of the community in that:

- *The scope of operations for the proposed fueling station would be compatible and provide support services for automotive related retail sales in the area.*
 - *The project site is located within an urban area of Seaside on a 0.98 acre portion of an existing auto dealership where existing infrastructure and support services (e.g. roadways, access drives, utilities) are already in place.*
 - *The uses surrounding the project site include the adjacent Seaside Auto Center, automotive repair services and a motel that will be separated from the project site via defined boundaries and four lane arterial roadways so that vehicle circulation, noise, and visual impacts will be mitigated.*
 - *The project site is zoned CA and has a General Plan designation of CRG which provides opportunities for a mixture of both automotive retail and automotive service uses. The project site will be connected to an existing roadway within the auto center and adjacent to Del Monte Boulevard which will facilitate on-site circulation and traffic movements so as to not create any excessive delays and provide access to the site for both local and visitor-serving traffic.*
 - *The proposed project is consistent with the design and circulation pattern of the Seaside Auto Center and the required use permit will ensure that the proposed service station use is consistent with the City's development policies (e.g. Design, On-site vehicle circulation, Noise, Lighting, and compatible with the surrounding land uses) to protect the health, safety, and general welfare of the community.*

2. The proposed use is consistent 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 Regional Commercial (CRG). Regional Commercial uses are defined as large-scale commercial development with retail or service uses to serve a regional market.

The proposed project is consistent with the following General Plan Goals and Policies.

Land Use Element

Goal LU-1:Promote a mixture of land uses and a balance of jobs and housing

to support a community in which people can live, work and play.

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

Evidence: The proposed project and text amendments would provide complementary and compatible infill development within an existing regional commercial auto center. The project site is located within an urbanized area of the City and is surrounded by urban uses, including auto dealerships, motels, and restaurants. The proposed service station is located on a major arterial roadway and near other arterial roadways with highway access to sufficiently meet the needs of local residents and visitors.

Evidence: The project site is located in an existing auto mall with commercial zoning. The proposed fueling station would be consistent with and support the existing General Plan land use category in that it would not displace any existing car sales or automotive repair services in the City. The car display lot on the project site has been deemed as being unnecessary for Cypress Coast Ford based on its distance from the showroom. The proposed project would diversify the retail sales in the city and would increase City sales tax revenues that can be used to fund future City services and attract visitors to the Auto Center.

Goal LU-2: Revitalize existing commercial areas.

Policy LU-2.7: Continue with the revitalization of the Seaside Auto Center.

Evidence: The proposed project consists of the development of a service station that would be compatible with the auto center and other surrounding land uses by maintaining and diversifying the focused auto retail services of the auto center. The addition of a service station in the Auto Center would also enhance economic viability of the existing auto center and provide a new retail amenity that would be located along a major arterial commercial roadway, compatible with the City's circulation network and surrounding land uses that would improve regional identity of the auto center.

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

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

Evidence: The proposed project would provide for infill development within the boundaries of an existing auto center located along a major arterial roadway in an urbanized area of the city's commercial corridor. The proposed project and text amendments would be consistent with the City's development standards and infrastructure in order to ensure compatibility with the land use characteristics of the local area and the adjacent existing development within the Auto Center.

Goal LU8.1: Provide a level of flood control and protection that meets the

needs of the community.

Policy LU-8.2: Ensure that developers provide stormwater retention/detention facilities and institute Best Management Practices that regulate runoff and siltation that meets local, State, and federal standards.

Evidence: The proposed development will be required to direct all on-site runoff to landscape swales or underground interceptors.

Goal ED-4: Attract and expand local serving retail and services in existing commercial areas.

Policy ED-4.1: Encourage the development of retail establishments that will reduce leakage of resident spending.

Evidence: The proposed project will provide an additional revenue source within an infill site to capitalize on both local and visitor customers to enhance the City's long-term revenue.

Goal ED-5.1: Attract new regional and visitor-serving businesses.

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

Evidence: The proposed project and text amendments will enable and support the attraction of a regional serving commercial use to provide an enhanced revenue source and encourage the redevelopment of underutilized commercial properties.

Goal C-4: Ensure adequate parking is provided throughout Seaside

Policy C-4.1: Require off-street parking in new development and redevelopment projects.

Evidence: Based on the operating characteristics of the card lock, membership service station, dedicated off-street parking will not be necessary.

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

Evidence: The proposed project is located in an existing auto center with a regional commercial zoning and General Plan Land Use designation. The proposed service station and text amendments to the Seaside Municipal Code would be consistent with and support the existing commercial development, as the new service station would serve to provide a visitor serving commercial use within an area of City well suited for regional commercial activity and would not alter the existing balance of land uses in the City. The proposed project would diversify the retail uses in the auto center and would increase the City sales tax revenues that can be used to fund future city services.

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

Evidence: The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project. As a condition of approval, the applicant must receive clearance from the applicable public utility agency to permit the connection of standard utilities for the gas pumps and ancillary equipment to service the pumping of gasoline.

Evidence: In accordance with a Traffic Impact Analysis (TIA) was prepared for the proposed project by Kittelson & Associates, Inc. (August 2019, Appendix E IS/MND), access to the site was determined to be adequate and not create any substantial impacts within the Auto Center or the adjoining streets/intersections. The analysis included an examination of the project traffic volumes and intersection Levels of Service (LOS) at the study intersections (Del Monte Boulevard/Tioga Avenue and California Avenue and Tioga Avenue) during the following peak periods:

AM Peak Period: 7:00 A.M to 9:00 A.M

PM Peak Period: 4:00 P.M to 6:00 P.M

Taking into account the unique nature of Costco membership requirements and operations associated with its fueling stations, for the past 18 years, Kittelson and Associates, Inc. has maintained a database of traffic data and travel characteristics for Costco Wholesale. The database is updated periodically each time new Costco traffic counts or other travel information becomes available. Table 29 of the IS/MND illustrates trip data where 22-24 fueling pumps are in operation. The following trip type estimates were evaluated:

- 1. Net new "gas-only" trips*
- 2. Shared trips with warehouse*
- 3. Pass-by "gas-only" trips*

The TIA concluded that additional trips generated by the proposed use would allow all studied intersections to continue to operate acceptably at LOS A or B. The location of the three islands with 12 pumps and site configuration on the property will accommodate the fueling of 24 vehicles, with additional stacking of another 32 vehicles. behind the pumps, within two vehicle stacking lanes adjacent to the pumps, and within a left-turn lane that feeds into the stacking lanes.

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

The granting of Use Permit and Text Amendment would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other existing or future uses in the vicinity or adverse to the public interest, health,

safety, convenience, or welfare of the City.

CONCLUSION

Based on the analysis, staff recommends adoption of the Initial Study/Mitigated Negative Declaration, and approval of Text Amendment SMA-20-01 and Use Permit Application No. UP-20-02. The proposed Use Permit complies with the goals and policies of the Seaside General Plan and applicable requirements of Title 17 of the Seaside Municipal Code. The Planning Commission action would be to recommend that the City Council take final action on the three items.

ATTACHMENTS

1. Attachment 1 - IS-MND RESOLUTION Final_2 (1)
 2. Attachment 1 - Exhibit A Final IS-MND for Costco Service Station_3-20-20
 3. Attachment 1 - Exhibit A Initial Study Appendices
 4. Attachment 2 - Draft Ordinance Resolution Final_2 (1)
 5. Attachment 2 - Exhibit A Zoning Code Text Changes
 6. Attachment 3 - Draft Resolution Use Permit Final_2 (1)
 7. Attachment 3 - Exhibit A Project Location
 8. Attachment 3 - Exhibit A Site Photos
 9. Attachment 3 - Exhibit A Site Plan
 10. Attachment 3 - Exhibit A Fueling Station Rendering
 11. Attachment 3 - Exhibit A Grading Plan
 12. Attachment 3 - Exhibit A Drainage Plan
 13. Attachment 3 - Exhibit A Utility Plan
 14. Attachment 3 - Exhibit A Landscape Plan
 15. Attachment 4 - Location Map
 16. Attachment 5 - Site Photos
 17. Attachment 6 - Final Costco Service Station Addition MMRP_3-20-20
-

RESOLUTION NO. 20-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION FOR TEXT AMENDMENTS TO CHAPTER 17 OF THE SEASIDE MUNICIPAL CODE AND A USE PERMIT (USE PERMIT APPLICATION No. UP-20- 020 FOR A SERVICE STATION PROJECT LOCATED ON ASSESSOR'S PARCEL 011-523-018.

WHEREAS, the City of Seaside has prepared an Initial Study to evaluate proposed text amendments to Chapter 17 of the Seaside Municipal Code and a use permit for the construction of a 24-pump service station; and

WHEREAS, the Initial Study and the Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed project were circulated for a period of 20 days beginning on February 4, 2020, and ending on February 24, 2020; and

WHEREAS, the proposed text amendments and project is designed to conform with the Seaside General Plan and Seaside Zoning Code; and

WHEREAS, the Seaside Planning Commission, at a duly noticed public hearing on March 25, 2020 considered oral comments and written information concerning the Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission has considered the Initial Study and public testimony on the Initial Study and Mitigated Negative Declaration and recommends that the City Council adopt the Mitigated Negative Declaration for the proposed text amendments and project based on the following findings:

1. A Mitigated Negative Declaration has been prepared and circulated in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines.

Evidence: The Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed project were prepared, posted and circulated for a period of twenty days with the Monterey County Recorder's Office and Monterey County Clearinghouse and is on file with the City of Seaside Community Development Department located at 440 Harcourt Avenue, Seaside, California.

Evidence: All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Mitigation Monitoring and/or Reporting on Conditions of Approval (hereafter "the MMRP") has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed and mitigated, may have a significant effect on the environment.

Evidence: The project does not involve impacts which are individually limited but cumulatively considerable, because the described project will incorporate both project-specific mitigation measures and cumulative mitigation measures to avoid significant impacts of the project

Evidence: The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly, because all adverse effects of the project will be mitigated to an insignificant level.

Evidence: All comments received on the Initial Study have been considered as well as all evidence in the record, whether or not substantial, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the City's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. The conclusions of the Mitigated Negative Declaration are reasoned and based on factual foundation.

BE IT RESOLVED THAT the Planning Commission of the City of Seaside, State of California, hereby recommends that the City Council adopt the "Costco Service Station Addition" Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program provided as Exhibit A.

PASSED AND ADOPTED at a special meeting of the Planning Commission of the City of Seaside, State of California, on the 22nd day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Lesley Milton, City Clerk

**Final
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

for the

**COSTCO FUELING
STATION ADDITION**

Prepared for:



City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

Prepared by:



Denise Duffy & Associates
947 Cass Street, Suite 5
Monterey, CA 93940

March 2020

This Page Intentionally Left Blank

Table of Contents

Chapter 1. Introduction	1
1.1 Background	1
1.2 Public Participation	1
Chapter 2. Response to Comments	3
2.1 Introduction	3
2.2 List of Comment Letters	3
2.3 Response to Comments	3
Chapter 3. Revisions to the Draft IS/MND	7

This Page Intentionally Left Blank

Chapter 1. Introduction

1.1 BACKGROUND

This document, together with the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND), constitutes the Final Initial Study/Mitigated Negative Declaration (Final IS/MND) for the Costco Fueling Station Addition Project (proposed project). The City of Seaside (City) is the lead agency for the proposed project. The Final IS/MND consists of an introduction, comment letters received during the 20-day public review period, responses to comments, and revisions to the Draft IS/MND, if deemed applicable. The Draft IS/MND was prepared to inform the public of the potential environmental effects of the proposed project and identify possible ways to minimize potential project-related impacts.

1.2 PUBLIC PARTICIPATION

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15073(a), a Notice of Intent to adopt a MND for the project was circulated for a 20-day public comment period on February 4, 2020, which ended on February 24, 2020. A Planning Commission meeting is scheduled for April 1, 2020, to consider the adoption of the Final IS/MND, approval of the proposed project, and proposed text amendment to the Zoning Code and to make a recommendation to City Council. It is anticipated that the proposed project will be scheduled for a City Council meeting in April or May 2020.

This Page Intentionally Left Blank

Chapter 2. Response to Comments

2.1 INTRODUCTION

This chapter includes comments received from the public and public agencies during the circulation of the Draft IS/MND. This section contains all information available in the public record related to the Draft IS/MND as of March 5, 2020. **Section 2.3** below responds to comments received during the review period.

2.2 LIST OF COMMENT LETTERS

The following is a list of comment letters/email comments received on the Draft IS/MND and the dates these letters were received:

Comment Letters

A. Monterey Peninsula Water Management District

February 10, 2020

2.3 RESPONSE TO COMMENTS

Each letter received on the Draft IS/MND is presented in this chapter, as identified in **Section 2.2** above. Individual comments in each letter are numbered. Correspondingly numbered responses to each comment are provided in the discussion following the comment letter.

If comments raised environmental issues that required additions or deletions to the text, tables, or figures in the Draft IS/MND, a brief description of the change is provided, and the reader is directed to **Chapter 3, Revisions to the Draft IS/MND**. The comments received on the Draft IS/MND did not result in a "substantial revision" of the negative declaration, as defined by CEQA Guidelines §15073.5, and the new information added to the mitigated negative declaration merely clarifies, amplifies, or makes insignificant modifications to the IS/MND. No new significant effects were identified since the commencement of the public review period that would require mitigation measures or project revisions to be added in order to reduce the effects to less than significant.

Letter A: Monterey Peninsula Water Management District

- A-1:** The introductory paragraph to the letter describes the proposed project and states the letter from the Monterey Peninsula Water Management District (District) includes comments on the project; please refer to specific comments identified below.
- A-2:** The comment states the proposed project would require issuance of a Water Permit by the District and Water Permits from the District should be identified in Section 2.4, page 15, *Project Approvals and Permits*, of the Draft IS/MND. The City is continuing its coordination and consultation with the District on the details of the proposed controller enclosure and landscaping plan to determine permit requirements. The District issues Water Permits only after the City has approved a project and following the plan check process. This clarification has been added to the Draft IS/MND, and these edits can be reviewed in **Chapter 3, Revisions to the Draft IS/MND**.
- A-3:** The comment provides the District's water demand calculation for the proposed project and states that the District will require a separate Water Meter for the landscape. The comment further states that a Water Permit will be issued for the project if sufficient water supply is available. Please refer to **Response to Comment A-2**. The comment notes that a water use authorization from the City may be needed from one of the City's existing water allocations, and the City and applicant are coordinating for the City to grant such water use authorization from the City's water allocations. A Water Meter should not be required because the applicant's plans do not include irrigation systems for the landscaped area due to a xeriscape landscape design.
- A-4:** The comment states that a Complete Landscape Documentation Package and landscape plans must be submitted to the District. The City and project applicant can submit this documentation to the District; however, as noted in **Response to Comment A-3**, the project does not include landscape irrigation systems.
- A-5:** The comment provides information regarding the moratorium on new water serves connection in the Cal-Am system. The proposed project will use little to no additional water. Based on existing City water allocations and the very minimal water use of the project, the proposed project has sufficient water supply and would not be affected by the moratorium. Please refer to **Response to Comments A-2 and A-3**.
- A-6:** The comment states that the District appreciates the opportunity to comment on the Draft IS/MND and reiterates the District requires a Water Permit for the proposed project. Please refer to **Response to Comment A-2**.

Chapter 3 Revisions to the Draft IS/MND

The following section includes revisions to the text of the Draft IS/ND, in amendment form. The revisions are listed numerically by page number. All additions to the text are shown underlined and all deletions from the text are shown ~~stricken~~.

Chapter 2. Project Description

Page 16, Section 2.4, Project Approvals and Permits, Local Agencies, has been amended as follows:

Local Agencies

- City of Seaside, Community Development Department
 - Text amendment to the City Municipal Code
 - Conditional Use Permit
 - Environmental Review
 - Building Permit, includes building, fire, mechanical, electrical, and grading
 - Sign Permit
- Monterey Air Resources District (MBARD)
 - Authority to Construct (ATC) permit
 - Permit to Operate (PTO) a gas station which would include a maximum daily throughput limit
 - 48-hour Notification Prior to Testing
- Monterey County, Department of Agriculture/Weights and Measures
 - Registration of Devices
- Regional Water Quality Control Board (RWQCB)
 - National Pollutant Discharge Elimination System (NPDES) Construction General Permit
- Monterey Environmental Health Bureau (EHB), Hazardous Materials Management Services (CUPA)
 - UST Construction/Repair Permit
 - Operation Permit
 - Hazardous Materials Management Plan (HMMP) through the California Environmental Reporting System (CERS)
 - Inspections (underground storage tank placement, pipe test, and monitoring test; Enhanced Leak Detection test; and a final inspection)
- Monterey Peninsula Water Management District
 - Water Permit

This Page Intentionally Left Blank

Initial Study Appendices

The appendices to the Costco Gas Station Initial Study can be accessed by the following Web links:

- Appendix A: Air Quality & Greenhouse Gas Impact Analysis For Costco Gas Station Project:
<http://www.ci.seaside.ca.us/DocumentCenter/View/10495/Appendix-A--AQ-GHG-Impact-Analysis>
- Appendix B: Geotechnical Study, Proposed New Fuel Facility, Costco Wholesale Warehouse No. 131:
<http://www.ci.seaside.ca.us/DocumentCenter/View/10496/Appendix-B--Geotechnical-Study>
- Appendix C: Phase I Environmental Site Assessment for the Proposed Costco Gas Station:
<http://www.ci.seaside.ca.us/DocumentCenter/View/10497/Appendix-C--Phase-I-ESA>
- Appendix D: Noise & Groundborne Vibration Impact Analysis for Costco Gas Station Project:
<http://www.ci.seaside.ca.us/DocumentCenter/View/10498/Appendix-D--Noise-and-Vibration-Impact-Analysis>
- Appendix E: Transportation Impact Analysis for the Costco Gasoline Fuel Station Addition:
<http://www.ci.seaside.ca.us/DocumentCenter/View/10493/Appendix-E--Transportation-Impact-Analysis>

DRAFT RESOLUTION 20-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE,

RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE FOR PROPOSED TEXT AMENDMENTS TO CHAPTER 17 OF THE SEASIDE MUNICIPAL CODE RELATED TO INCLUDING A SERVICE STATION LAND USE AS A CONDITIONALLY PERMITTED USE IN THE AUTOMOTIVE REGIONAL COMMERCIAL (CA) ZONING DISTRICT AND FACILITY OPERATIONAL STANDARDS FOR SERVICE STATIONS.

WHEREAS, Barghausen Consulting Engineers are proposing text amendments to Chapter 17 of the Seaside Municipal Code as shown in Exhibit A.

WHEREAS, pursuant to the requirements of the California Environmental Quality Act Section 21000 et seq. and State CEQA Guidelines Section 15064, a Mitigated Negative Declaration has been prepared for the proposed Text Amendment and circulated for a 20-day public review period; and.

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

WHEREAS, the Seaside Planning Commission considered oral comments and written information concerning the proposed text amendments at a duly noticed public hearing held on April 22, 2020 ; and

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

1. The proposed text amendments are consistent with the goals and policies of the elements of the General Plan.

Seaside General Plan Conformance

The Seaside General Plan Land Use Designation for the project site is Regional Commercial (CRG). Regional Commercial uses are defined as large-scale commercial development with retail or service uses to serve a regional market. The proposed project is consistent with the following General Plan Goals and Policies.

Land Use Element

Goal LU-1: Promote a mixture of land uses and a balance of jobs and housing to support a community in which people can live, work and play.

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

Evidence: The proposed project and text amendment would provide complementary and compatible infill development within an existing regional commercial auto center. The project site is located within an urbanized area of the City and is surrounded by urban uses, including auto dealerships, motels, and restaurants. The proposed service station is located on a major arterial roadway and near other roadways to sufficiently meet the needs of local residents and visitors.

Evidence: The project site is located in an existing auto mall with commercial zoning. The proposed service station would be consistent with and support the existing General Plan land use category in that it would not displace any existing car sales or automotive repair services in the City. The car display lot on the project site has been deemed as being unnecessary for Cypress Coast Ford based on the lots distance from the showroom. The proposed project and text amendments would diversify the retail sales in the city and would increase City sales tax revenues that can be used to fund future City services and attract visitors to the Auto Center.

Goal LU-2: Revitalize existing commercial areas.

Policy LU-2.7: Continue with the revitalization of the Seaside Auto Center.

Evidence: The proposed project consists of the development of a service station that would be compatible with the auto center and other surrounding land uses by maintaining and diversifying the focused auto retail services of the auto center. The addition of a service station in the Auto Center would also enhance economic viability of the existing auto center and provide a new retail amenity that would be located along a major arterial commercial roadway, compatible with the City's circulation network and surrounding land uses that would improve regional identity of the auto center.

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

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

Evidence: The proposed project would provide for infill development within the boundaries of an existing auto center located along a major arterial roadway in an urbanized area of the city's commercial corridor. The proposed project and text amendments would be consistent with the City's development standards and infrastructure in order to ensure compatibility with the land use characteristics of the local area and the adjacent existing development within the Auto Center.

Goal LU-8.1: Provide a level of flood control and protection that meets the needs of the community.

Policy LU-8.2: Ensure that developers provide stormwater retention/detention facilities and institute Best Management Practices that regulate runoff and siltation that meets local, State, and federal standards.

Evidence: The proposed development will be required to direct all on-site runoff to landscape swales and/or underground interceptors.

Goal ED-4: Attract and expand local serving retail and services in existing commercial areas.

Policy ED-4.1: Encourage the development of retail establishments that will reduce leakage of resident spending.

Evidence: The proposed project will provide an additional revenue source within an infill site to capitalize on both local and visitor customers to enhance the City's long-term revenue.

Goal ED-5.1: Attract new regional and visitor-serving businesses.

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

Evidence: The proposed project and text amendments will enable and support the attraction of regional serving commercial uses to provide an enhanced revenue source and encourage the redevelopment of underutilized commercial properties.

Goal C-4: Ensure adequate parking is provided throughout Seaside

Policy C-4.1: Require off-street parking in new development and redevelopment projects.

Evidence: Based on the operating characteristics of the card lock, membership service station, dedicated off-street parking will not be necessary.

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

Evidence: The granting of the text amendments would be consistent with the long-term use of the auto center, compatible with the existing automotive development pattern of the auto center and the adjoining automotive repair services and roadways for vehicle circulation.

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

Evidence: : The granting of the text amendments would be consistent with the long-term use of the auto center, compatible with the existing automotive development

pattern of the auto center and the adjoining automotive repair services and roadways for vehicle circulation.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission recommends to the City Council approval of the proposed text amendments as contained in Exhibit A.

PASSED AND ADOPTED at a special meeting of the Planning Commission of the City of Seaside, State of California, on the 22nd day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Owens, Chairperson

ATTEST:

Lesley Milton, City Clerk

Zoning Code Text Changes

(Text changes are noted in **Bold** and Underlined)

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

P	Permitted Use, Zoning Clearance required	CMX – Commercial Mixed Use					
MUP	Minor Use Permit required (see Section 17.62.070)	CC – Community Commercial					
UP	Use Permit required (see Section 17.62.070)	CRG – Regional Commercial					
—	Use not allowed	CA – Automotive Regional Commercial					
		CH – Heavy Commercial					
LAND USE ⁽¹⁾		PERMIT REQUIRED BY ZONE					SPECIFIC USE REGS
			CMX	CC	CRG	CA	CH
Big box retail			—	—	UP	—	—
Building and landscape materials sales - Indoor			—	UP	P	—	P
Building and landscape materials sales - Outdoor			—	UP	UP	—	P
Construction and heavy equipment sales and rental			—	—	—	—	UP
Convenience or liquor store			UP ⁽⁴⁾	UP ⁽⁴⁾	UP ⁽⁴⁾	—	—
Drive-through retail or service			UP ⁽⁴⁾	UP ⁽⁴⁾	UP ⁽⁴⁾	—	—
Drug store			P	P	P	—	—
Equipment rental - Indoor			—	P	P	—	P
Equipment rental - With outdoor storage			—	—	—	—	UP
Fuel dealer			—	—	—	—	UP
Furniture, furnishings and appliance store			P	P	P	—	P
General retail - 5,000 sf or larger ⁽³⁾			MUP	P	P	—	—
General retail - Less than 5,000 sf ⁽³⁾			P	P	P	—	—
Grocery or specialty food store - 5,000 sf or larger ⁽³⁾			P	UP	P	—	—
Grocery or specialty food store - Less than 5,000 sf ⁽³⁾			P	P	P	—	—
Medical marijuana dispensaries	—		—	—	—	—	—
Mobile home, boat, or RV sales			—	—	—	—	UP
Motorcycle sales, new, with accessory used sales			—	—	—	P	UP
Night club			UP	UP	UP	—	—
Outdoor retail sales and activities			P	P	P	—	—
Restaurant, café, coffee shop - Table service ⁽³⁾			P	P	P	—	P
Restaurant, café, coffee shop - Counter service ⁽³⁾			UP	UP	UP	—	—
Restaurant - Fast food ⁽³⁾			UP	—	UP	—	—
Service station	—		—	UP	UP	UP	UP
Speculative retail building			UP	UP	UP	—	—
Shopping center			UP	UP	UP	—	—
Second hand store			—	P	—	—	—
Winery/wine tasting			MUP	MUP	MUP	—	—

Text
Change to
Table 2-4:
Add UP
to Service
Station in
CA Zone

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Automatic teller machine (ATM)		P	P	P	P	P
Bank, financial services		P	P	P	—	—
Business park		—	—	UP	—	—
Business support service		P	P	P	—	—
Medical services - Clinic, urgent care		UP	P	UP	—	—
Medical services - Doctor office		MUP ⁽²⁾	P	—	—	—
Medical services - Extended care	—	UP	—	—	—	—

Chapter 17.42 Standards for Specific Land Uses

17.52.240 - SENIOR HOUSING PROJECTS

- A. **Applicability.** Senior housing projects shall comply with the requirements of this Section, where allowed by Article 2 (Zones, Permitted Land Uses, and Zoning Standards).
- B. **Limitations on location.** A senior housing project shall be reasonably near public transit and retail shopping, as determined by the review authority, and shall not be located to front on an arterial street including Broadway Avenue and Del Monte and Fremont Boulevards.
- C. **Processing requirements.**
 - 1. **Pre-application review.** The project must be reviewed at a pre-application conference.
 - 2. **Planned Development requirement.** The project must be developed as a planned development.
 - 3. **Needs assessment.** The applicant shall provide a needs assessment with the planning permit application for the project, demonstrating adequate market support for senior housing in the area.
- D. **Design and development standards.**
 - 1. **Height limit.** A senior housing structure shall not exceed three stories in height.
 - 2. **ADA requirements.** Each shall be designed and constructed to be accessible to disabled persons.
- E. **Operating requirements.**
 - 1. **Age requirement.** Senior housing units may be leased or rented only to persons 62 years of age or older.
 - 2. **Deed restrictions.** The property owner shall record deed restrictions against the property in a form approved by the City Attorney restricting the rental and occupancy of the units to persons 62 years of age or older except for spouses, temporary residents for a maximum 60 days per year, and primary caregivers over 45 years of age.

17.52.250 - SERVICE STATIONS

- A. **Applicability.** Motor vehicle service stations (including card lock facilities) shall comply with the requirements of this Section, where allowed by Article 2 (Zones, Permitted Land Uses, and Zoning Standards).
- B. **Application requirements.** Each application for a new or remodeled service station shall include a photometric lighting plan identifying all proposed light sources and their illumination levels, to assist in evaluating compliance with the outdoor lighting requirements of Subsection E.5 and Section 17.30.070 (Outdoor Lighting).
- C. **Limitations on location.**
 - 1. **Prohibited locations.** A service station site shall not abut a residential zoning district or residential use.
 - 2. **Separation between stations.** A service station shall not be closer than 500 feet to another service station except when both are at the same street intersection **or separated by a four lane arterial roadway**. The distance shall be measured in a straight line from the nearest property line of the sites for each service station. No more than two service stations shall be located at the same street intersection.
- D. **Site requirements.** A site proposed for a new service station shall:
 - 1. Be located on an arterial street on a site with a minimum of 150 feet of frontage; and
 - 2. Have a minimum area of 15,000 square feet and a minimum depth of 100 feet.

Add text to
Section
17.52.250.C.2

Date

Chapter 17.42 Standards for Specific Land Uses

shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties, in compliance with Section 17.30.070 (Outdoor Lighting). Lighting fixtures/lamps shall be the most energy efficient available, including fluorescent, compact fluorescent, low-pressure sodium, high-pressure sodium, or other lighting technology that is of equal or greater energy efficiency.

6. **Signs and banners.** Signs, banners, and promotional flags shall comply with Chapter 17.40 (Signs).
 7. **Solid waste and recyclables storage.** The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable federal, state, and local requirements. Outdoor solid waste and recyclable storage areas shall be screened by a solid masonry wall with a height of 6 feet, or as approved by the review authority. The wall design, materials, and colors shall be compatible with the primary structures on the site, as determined by the review authority.
- F. Building design standards.** Each new service station shall comply with the following standards.
1. **Architectural character.** Service station architecture shall fit with the existing or intended character of the surrounding area as determined by the review authority.
 2. **Bay orientation.** Service bay openings shall not face a public street.
 3. **Restrooms.** Each service station shall maintain one or more restrooms available for use by the general public without charge. Restroom entrances shall be screened from the view of the public right-of-way.
- G. Facility operating standards.**
1. **Restriction on outdoor activities.** Outdoor activities on a service station site shall be limited to fueling, replenishing air, water, oil and similar fluids, and the replacement of minor parts (e.g., lamp bulbs, wiper blades, and other similar items) requiring only the use of small hand tools while a vehicle is being serviced at the pump island. Where minor auto repair is permitted by Article 2 (Zones, Permitted Land Uses, and Zoning Standards), all repair activities shall occur entirely within an automotive work bay in an enclosed structure.
 2. **Display.** There shall be no outdoor display of equipment or merchandise, except as allowed in compliance with Subsection H.1, below.
 3. **Vehicle parking.** Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys, and shall not be parked on the premises for the purpose of sale. Off-street parking for a service station with no on-site cashier, on-site convenience store/vending machines, or on-site vehicle service repair shall be determined by Use Permit approval.
 4. Public Restrooms: A public restroom shall not be required if no on-site cashier, on-site convenience store/vending machines, or on-site vehicle service repair is provided.
- H. Accessory uses.** The following accessory uses are prohibited unless specifically allowed as part of Use Permit approval.
1. **Outdoor storage.** One or more outdoor storage and display cabinets or enclosures other than the primary structure may be approved by the review authority, provided that their combined total area shall not exceed 50 square feet. The construction and finish of storage and display cabinets shall be compatible with the primary structures on the site, as determined by the review authority. Outdoor storage and display cabinets may be used only for the display and sale of brake fluid, gasoline additives, oil, transmission fluid, windshield wipers and fluid, and other similar merchandise. The outdoor storage of tires shall be prohibited. No outdoor vending machines are allowed.
 2. **Tow truck operations.** Where tow truck operations are approved as part of a service station by the Commission, no abandoned, disabled, junked, wrecked, or otherwise nonoperational motor vehicles shall remain on-site for more than five days, and shall be stored entirely within an enclosed structure or parking lot screened from the public view.

Add Text to
Section
17.52.250.G.3
and new Section
17.52.250.G.4

RESOLUTION NO. 20-XX PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SEASIDE

RECOMMENDING THAT THE CITY COUNCIL APPROVE USE PERMIT NO. UP-20-02 TO ALLOW AN AUTOMOTIVE SERVICE STATION IN THE AUTOMOTIVE REGIONAL COMMERCIAL (CA) ZONING DISTRICT LOCATED AT THE NORTHEAST CORNER OF DEL MONTE BOULEVARD AND AUTO CENTER PARKWAY (APN 011-523-018).

WHEREAS, AUG Inc., Property Owner, and Barghausen Consulting Engineers, Applicant, have filed an application for Use Permit approval and adoption of a Text Amendment, to allow for an automotive service station; and,

Comment [ACS1]: Reflect this in the zoning reso also.

WHEREAS, a duly noticed public hearing has been held on April 22, 2020, to provide the City Council with a recommendation on the use permit and text amendment; and,

WHEREAS, the Planning Commission reviewed the staff report, and received and considered oral comments at the public hearing concerning the proposed use and text amendment; and

Comment [ACS2]: This is a WHEREAS clause; they have not yet taken the action until below.

WHEREAS, In accordance with the California Environmental Quality Act (CEQA) Guidelines 15072, a Mitigated Negative Declaration (MND) has been prepared for the proposed project and the text amendments to Chapter 17 of the Seaside Municipal Code. A Notice of Intent to adopt a MND for the project was circulated for a 20-day public comment period on February 4, 2020, which ended on February 24, 2020.)

Comment [ACS3]: Standardize description of CEQA process among the resolutions.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the City Council adopt the following findings in support of and approve Use Permit Application No.20-02:

USE PERMIT FINDINGS

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

Zoning Ordinance Conformance (These findings are predicated upon the text amendments of the Zoning Ordinance as proposed in Text Amendment SMA 20-01.)

Evidence: This project is located within the Automotive Regional Commercial (CA) Zoning District. The purpose of this district is to support automotive retail sales and ancillary automotive services. The proposed service station, as conditioned and with the proposed text amendments, to include service stations as a conditional use in the CA zoning District and modifications to the operating standards for service stations that are membership service stations with no on-site services other than dispensing fuel, would not be detrimental to surrounding properties and the general health, safety and welfare of the community in that:

- a. The scope of operations for the proposed service station would be compatible and provide support services for automotive related retail sales in the area.*

- b. *The project site is located within an urban area of Seaside on a 0.98 acre portion of an existing auto dealership where existing infrastructure and support services (e.g. roadways, access drives, utilities) are already in place.*
- c. *The uses surrounding the project site include the adjacent Seaside Auto Center, automotive repair services and a motel that will be separated from the project site via defined boundaries and four lane arterial roadways so that vehicle circulation, noise, and visual impacts will be mitigated.*
- d. *The project site is zoned CA and has a General Plan designation of CRG, which provides opportunities for a mixture of both automotive retail and automotive service uses. The project site will be connected to an existing roadway within the auto center and adjacent to Del Monte Boulevard which will facilitate on-site circulation and traffic movements so as to not create any excessive delays and provide access to the site for both local and visitor-serving traffic.*
- e. *The proposed project is consistent with the design and circulation pattern of the Seaside Auto Center and the required use permit will ensure that the proposed service station use is consistent with the City's development policies (e.g. Design, On-site vehicle circulation, Noise, Lighting, and compatible with the surrounding land uses) to protect the health, safety, and general welfare of the community.*

2) The proposed use is consistent 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 Regional Commercial (CRG). Regional Commercial uses are defined as large-scale commercial development with retail or service uses to serve a regional market.

The proposed project is consistent with the following General Plan Goals and Policies.

Land Use Element

Goal LU-1: Promote a mixture of land uses and a balance of jobs and housing to support a community in which people can live, work and play.

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

Evidence: The proposed project and text amendment would provide complimentary and compatible infill development within an existing regional commercial auto center. The project site is located within an urbanized area of the City and is surrounded by urban uses, including auto dealerships, motels, and restaurants. The proposed service station is located on a major arterial roadway and near other roadways with highway access to sufficiently meet the needs of local residents and visitors.

Evidence: The project site is located in an existing auto mall with commercial zoning. The proposed service station would be consistent with and support the existing General Plan land use category in that it would not displace any existing car sales or automotive repair services nor alter the balance of service stations in the City. The proposed project and text amendment would diversify the retail sales in the

city and would increase City sales tax revenues that can be used to fund future City services. The car display lot on the project site has been deemed as being unnecessary for Cypress Coast Ford based on its distance from the showroom. The proposed project would diversify the retail sales in the city and would increase City sales tax revenues that can be used to fund future City services and attract visitors to the Auto Center.

Goal LU-2: Revitalize existing commercial areas.

Policy LU-2.7: Continue with the revitalization of the Seaside Auto Center.

Evidence: The proposed project consists of the development of a service station that would be compatible with the auto center and other surrounding land uses by maintaining and diversifying the focused auto retail services of the auto center. The addition of a service station in the Auto Center would also enhance economic viability of the existing auto center and provide a new retail amenity that would be located along a major arterial commercial roadway, compatible with the City's circulation network and surrounding land uses that would improve regional identity of the auto center.

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

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

Evidence: The proposed project would provide for infill development within the boundaries of an existing auto center located along a major arterial roadway in an urbanized area of the city's commercial corridor. The proposed project and text amendments would be consistent with the City's development standards and infrastructure in order to ensure compatibility with the land use characteristics of the local area and the adjacent existing development within the Auto Center

Goal LU8.1: Provide a level of flood control and protection that meets the needs of the community.

Policy LU-8.2: Ensure that developers provide stormwater retention/detention facilities and institute Best Management Practices that regulate runoff and siltation that meets local, State, and federal standards.

Evidence: The proposed development will be required to direct all on-site runoff to landscape swales or underground interceptors.

Goal ED-4: Attract and expand local serving retail and services in existing commercial areas.

Policy ED-4.1: Encourage the development of retail establishments that will reduce leakage of resident spending.

Evidence: The proposed project will provide an additional revenue source within an infill site to capitalize on both local and visitor serving customers to enhance the City's long-term revenue.

Goal ED-5.1: Attract new regional and visitor-serving businesses.

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

Evidence: The proposed project and text amendments will enable and support the attraction of regional serving commercial uses to provide an enhanced revenue source and encourage the redevelopment of underutilized commercial properties.

Goal C-4: Ensure adequate parking is provided throughout Seaside

Policy C-4.1: Require off-street parking in new development and redevelopment projects.

Evidence: Based on the operating characteristics of the card lock, membership service station, dedicated off-street parking will not be necessary.

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

Evidence: The proposed project is located in an existing auto center with a regional commercial zoning and General Plan Land Use designation. The proposed service station and text amendments to the Seaside Municipal Code would be consistent with and support the existing commercial development, as the new service station would serve to provide a visitor serving commercial use within an area of City well suited for regional commercial activity and would not alter the existing balance of land uses in the City. The proposed project would diversify the retail uses in the auto center and would increase the City sales tax revenues that can be used to fund future city services.

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

Evidence: The project site is served by existing water, wastewater, and electrical infrastructure and facilities with adequate capacity to serve the proposed project. As condition of approval, the applicant must receive clearance from the applicable public utility agency to permit the connection of standard utilities for the gas pumps and ancillary equipment to service the pumping of gasoline.

Evidence: In accordance with a Traffic Impact Analysis (TIA) was prepared for the proposed project by Kittelson & Associates, Inc. (August 2019, Appendix E IS/MND), access to the site was determined to be adequate and not create any substantial impacts within the Auto Center or the adjoining streets/intersections. The analysis included an examination of the project traffic volumes and intersection Levels of Service (LOS) at the study intersections (Del Monte Boulevard/Tioga Avenue and California Avenue and Tioga Avenue) during the following peak periods:

AM Peak Period: 7:00 A.M to 9:00 A.M

PM Peak Period: 4:00 P.M to 6:00 P.M

Taking into account the unique nature of Costco membership requirements and operations associated with its service stations, for the past 18 years Kittelson and Associates, Inc. has maintained a database of traffic data and travel characteristics for Costco Wholesale. The database is updated periodically each time new Costco traffic counts or other travel information becomes available. Table 29 of the IS/MND illustrates trip data where 22-24 fueling pumps are in operation. The following trip type estimates were evaluated:

1. Net new "gas-only" trips
2. Shared trips with warehouse
3. Pass-by "gas-only" trips

The TIA concluded that additional trips generated by the proposed use would allow all studies intersections to continue to operate acceptably at LOS A or B. The location of the three islands with 12 pumps and site configuration on the property will accommodate the fueling of 24 vehicles, with additional stacking of another 32 vehicles behind the pumps, within two vehicle stacking lanes adjacent to the pumps, and within a left-turn lane that feeds into the stacking lanes.

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

Evidence: The granting of Use Permit and Text Amendment would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other existing or future uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

BE IT FURTHER RESOLVED, the Planning Commission hereby recommends granting Use Permit Application No. 20-02 subject to the following terms and conditions:

Project Specific:

1. The proposed project shall substantially conform to the submitted plans for the project date stamped December 2020, on file with the Community Development Department, as herein modified, or as modified by the Community Development Director in accordance with Exhibit A – Project Plans. The director may also approve subsequent minor modifications to plans during plan check if such modifications are consistent with provisions of the Seaside Municipal Code (SMC) or other applicable regulations.
2. This approval shall become null and void unless the use is established within twelve (12) months of the date of adoption of the second reading of the text amendment for the project by the City Council. Time extensions may be granted if a written request and associated fee are received by the Community Development Department within 30 days prior to the expiration.
3. Unless otherwise specified, the conditions contained in this Attachment shall be complied with as specified, subject to review and approval by the Community Development Department.
4. As a condition of approval of UP-20-02, the applicant shall agree, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third -party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, the Planning Commission, or any other decision- making body, including staff, concerning this project. The City agrees to promptly notify the applicants of any such claim or action filed against the City and to fully cooperate in the defense of any such action. The City may, at its sole cost and expense, elect to participate in defense of any such action under this condition.

5. All on- site signs shall comply with the City's Sign Code in Chapter 17.40 of the SMC.
6. All final exterior colors and materials shall be subject to review and approval of the Community Development Department and final field inspection by the Planning Division. Colors, materials and textures shall be noted on the construction plans.
7. The applicant shall obtain approval from the Monterey Bay Air Pollution Control District (MBAPCD) prior to the issuance of the building or grading permit. The applicant shall comply with all District regulations during construction.
8. Any noise generated by the proposed gasoline station, including any noise associated with construction, shall comply with the City's Noise Ordinance.

Business License Tax Conditions

9. Prior to the issuance of a Certificate of Occupancy, the applicant shall obtain a City of Seaside Business License Tax Certificate.
10. All taxable sales associated with the Costco Wholesale service station shall be booked in the City of Seaside.

LANDSCAPING

11. All proposed landscaping and/or irrigation plans shall comply with the approved plans and with the Monterey Peninsula Water Management District (MPWMD) Water Model Efficiency Landscape Ordinance. A Landscape Installation Certificate of Completion, certifying that the landscaping was installed in accordance with the approved plans by a Landscape Contractor, shall be submitted to the Community Development Department prior to the final inspections by Building and Planning Divisions.
12. All plant materials shall be installed in a healthy condition, typical to the species, and shall be maintained in a neat and healthy condition. Maintenance includes, but is not limited to, trimming, mowing, weeding, removal of litter, fertilizing, regular watering, and replacement of dead or diseased dying plants.

MISCELLANEOUS

13. Adequate lighting shall be provided to illuminate the fueling area, subject to Community Development Department review and approval. Said lighting shall meet requirements set forth in the Building Security and California Fire Codes.
14. Fire and Police access and passage shall be permitted at all times.
15. The proposed project shall comply with the applicable requirements of the Monterey Peninsula Water Management District.
16. The issuance of building permits involving the installation of new water shall be subject to the availability of an adequate supply of water and sewer capacity to serve the project.

17. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within fifteen (15) days from the date of its approval.
18. For purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

USE RESTRICTIONS

19. Business hours are from 5:30 a.m. to 10:00 p.m. daily. Hours of operation may be modified by the Director of Community Development if it is determined that no impacts to surrounding tenants or properties will occur.
20. No outdoor storage is permitted or display of materials shall be permitted except allowed on the project approved site plan or as approved by the Zoning Administrator.
21. The subject property shall be maintained in a safe, clean and sanitary condition at all times. The property owners shall be responsible for the daily maintenance and up-keep of the businesses, including but not limited to trash removal, painting, graffiti removal, and maintenance of improvements to ensure that the facilities are maintained in a neat and attractive manner.

PLANCHECK SUBMITTAL

22. At the time of building or encroachment permit application, the plans shall comply with the latest edition of the 2019 California Building and Fire codes, City Ordinances, State, Federal laws, and regulations as adopted by the City Council.
23. Prior to submittal of a Storm Water Control Plan (SWCP), the applicant shall submit a deposit as specified in the Fees and Charges to the Public Works Department for the estimated cost of reviewing the SWCP.
24. Prior to any work in the public right-of-way, an Encroachment Permit shall be obtained from and applicable fees paid to the Public Works Department
25. Prior to issuance of a Building Permit, the applicant shall submit an underground storage tank plan to the Monterey County Health Department for review and approval.
26. The developer shall submit storm drain plans, prepared by a California registered professional civil engineer, depicting proposed storm drain improvements for the project. All storm drain improvements shall comply with the City of Seaside Construction Standards for Private Streets, Storm Drain and On -Site Private Improvements Manual

27. The developer shall submit precise grading plans, prepared by a California registered professional civil engineer, depicting proposed grading, erosion control and improvements for the project.
28. Any damage from the project done to existing public right-of-way improvements and/or utilities shall be repaired to the satisfaction of the City Engineer before final inspection.
29. Provide preliminary hydrology and hydraulic calculations to substantiate retention of storm water runoff for the entire redevelopment for the 95% storm event
30. Proposed project must implement storm water best management practices (BMPs) during construction.(SMC 8.46)
 - a. Complete and submit the Storm water Compliance Tracking Form, with signature with building permit application.
 - b. A project specific Erosion and Sediment Control Plan (ESCP) is required of the applicant as part of building permit application.
 - c. If the disturbed area is greater than one (1) acre, a Storm water Pollution Prevention Plan (SWPPP) shall be prepared and a WDID obtained by the applicant from the State Water Quality Control Board. Submit the SWPPP for City of Seaside review.
32. Post-development peak storm water runoff rates shall not exceed predevelopment rate. A pro rata share of the cost of offsite erosion sediment, and flood control improvements and/or for maintenance to the principal drainage way may be required by the city engineer to handle the increase peak runoff and/or sediment generated by the project. (SMC 15.32.170)
 - a. As part of building permit application, develop civil grading and drainage plans to clearly show direction of storm water drainage from new or redeveloped impervious surfaces.
 - b. Oil/water separator shall be connected to the sanitary sewer system. A normally closed emergency shutoff valve shall be required on the outlet of the oil/water separator. Applicant to contact Monterey One Water for review and approval requirements for connection to the sanitary sewer system.
 - c. Drainage shall not be directed to adjacent properties.
33. As required by Attachment 1 to Resolution No. R3-2013-0032 of the Central Coast Regional Water Quality Control Board, the applicant shall develop a Storm Water Control Plan demonstrating compliance with performance requirements #1, #2, #3, and #4 as applicable.(SMC 8.46.130)
 - a. Applicant shall submit a Storm Water Control Plan prior to finalizing site plan or civil grading and drainage plans. Storm Water Control Plan shall be approved by the City prior to finalizing project civil grading and drainage plans and shall include hydrology and hydraulic calculations validating the design of conveyance, treatment and/or infiltration features.

- i. Provide a soils engineering report describing the soil type and soil hydrologic soil group substantiating design of structural storm water control measures described within the Storm Water Control Plan.
- ii. Infiltration testing shall be per the Riverside County-Low Impact Development BMP Design Handbook.)
- b. Applicant shall submit architectural and civil grading and drainage plans with building permit application in substantial conformance to the approved Storm Water Control Plan.
 - i. Plans shall clearly denote, in table format, the pre-project impervious surface area, new impervious surface area created, replaced impervious surface area, and post-project impervious surface area.
- c. Prior to issuance of occupancy, applicant shall execute and record as a deed restriction a Right of Entry and Maintenance Agreement. The Right of Entry and Maintenance Agreement shall:
 - i. Include indemnity, insurance and security requirements in conformance with the template provided by the City, and
 - ii. include an operation and maintenance (O&M) plan approved by the City stating that the property owner will conduct, and accepts responsibility for, maintenance of all storm water control measures (SCMs), and
 - iii. include a legal description of the property, and
 - iv. describe the methods and procedures for conducting periodic inspections and maintenances of all SCMs, and
 - v. require applicant to provide to the City each year during a period beginning on September 1 and ending no later than September 30 a statement certified by a licensed Civil Engineer or Qualified Storm water Developer (QSD) registered in the State of California stating that the SCM maintenance is in accordance with the O&M plan, and
 - vi. include a statement that transfers responsibility for maintenance of SCMs to future owners of the property.
- 34. Project shall provide ADA compliant path of travel across driveway approach fronting Del Monte Boulevard.
- 35. Vehicles shall only be permitted to make a right turn on to Del Monte Boulevard. Driveway approach shall be constructed to permit right turns only.

Comment [ACS4]: This is inapplicable.

Comment [ACS5]: This requirement seems above and beyond the norm and not typical. Does Seaside always require this? If not, it should not be imposed here.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the City of Seaside, State of California, on the 22nd day of April, 2020, by the following vote:

AYES:

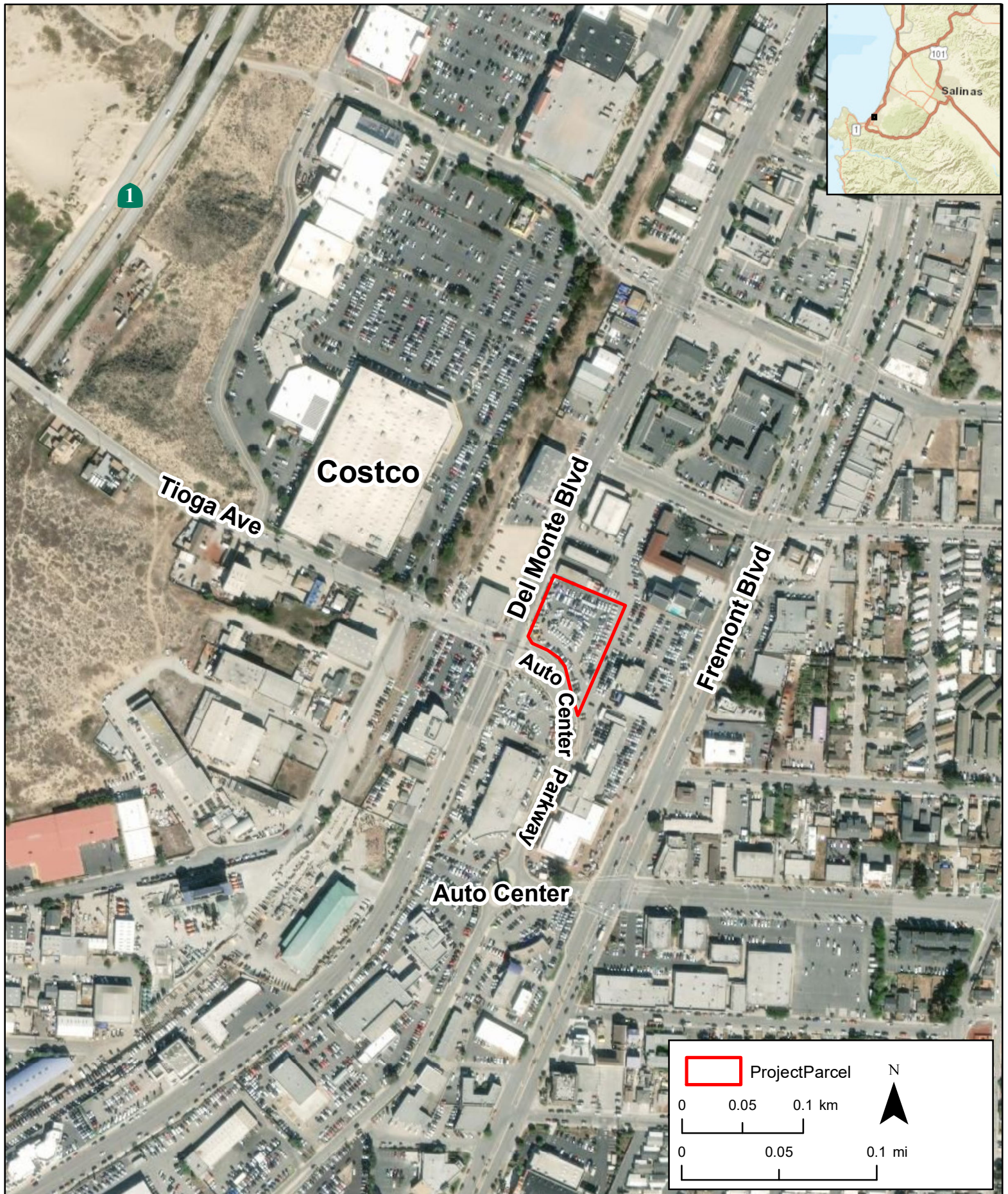
NOES:

ABSENT:
ABSTAIN:

John Owens, Chairperson

ATTEST:

Lesley Milton, City Clerk



Title: Project Location	Date: 8/21/2019 Scale: 1 inch = 0.06 miles Project: 2019-17	Monterey San Jose Denise Duffy and Associates, Inc. Environmental Consultants Resource Planners 947 Cass Street, Suite 5 Monterey, CA 93940 (831) 373-4341	Figure 2
---	--	---	--------------------------



Photo 1. View from the southeast corner of the proposed project site facing northwest, showing Auto Center Parkway bordering the site and the Tioga and Auto Center Parkway intersection in the distance.



Photo 2. Views from the northwest corner of the proposed project site facing southeast.



Photo 3. Views from the northern boundary of the proposed project site facing south.



Photo 4. Views from the eastern boundary of the proposed project site facing west.

Source: DD&A, October 2019

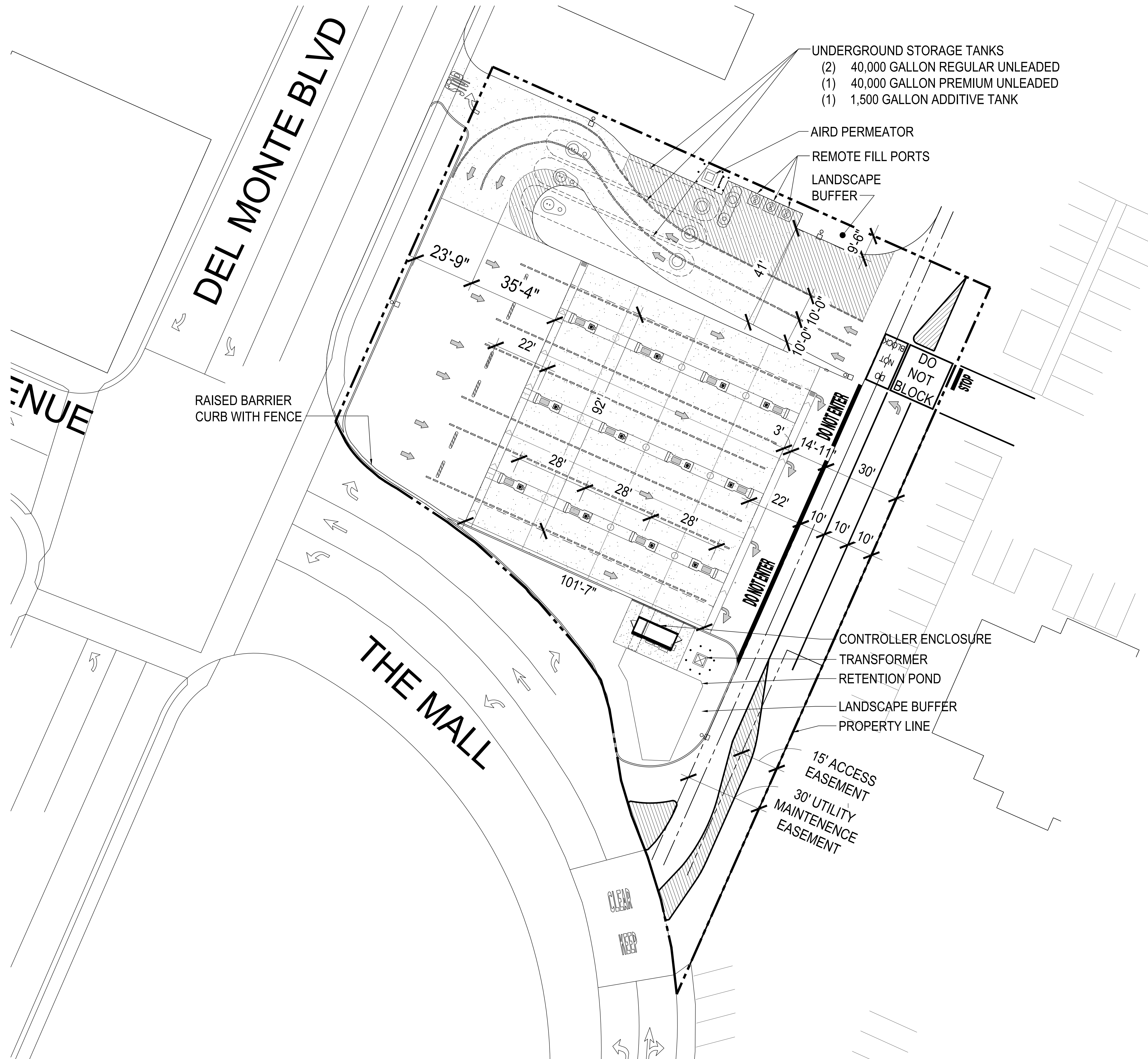
Title: **Site Photos**

Date 12/4/19
 Scale N/A
 Project 2019.17

Monterey | San Jose
Denise Duffy and Associates, Inc.
 Environmental Consultants Resource Planners
 947 Cass Street, Suite 5
 Monterey, CA 93940
 (831) 373-4341



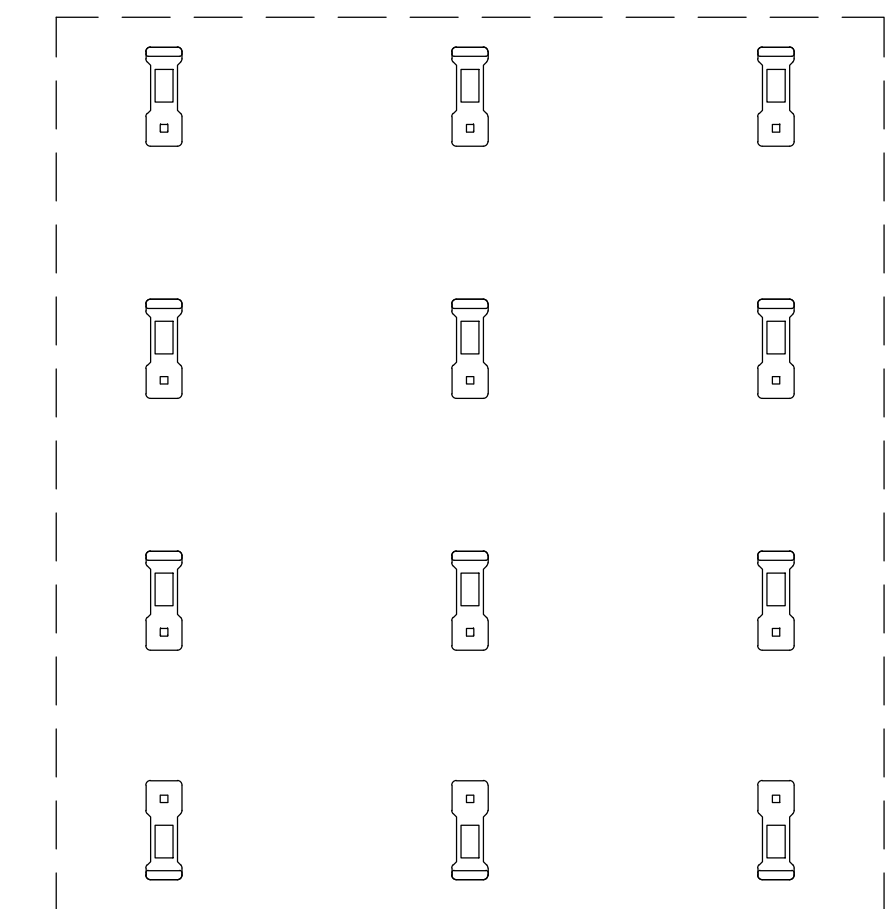
Figure
3



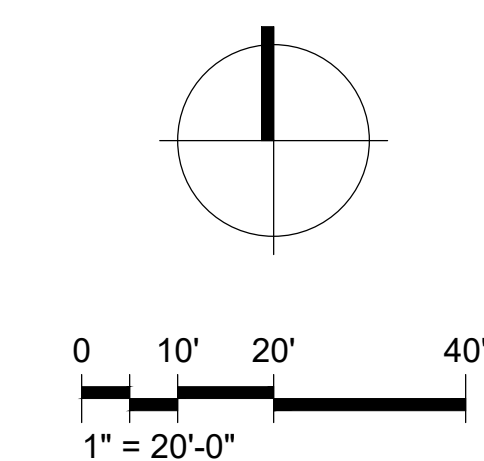
- UNDERGROUND STORAGE TANKS
 - (2) 40,000 GALLON REGULAR UNLEADED
 - (1) 40,000 GALLON PREMIUM UNLEADED
 - (1) 1,500 GALLON ADDITIVE TANK

- AIRD PERMEATOR
- REMOTE FILL PORTS
- LANDSCAPE BUFFER

RAISED BARRIER CURB WITH FENCE



KEY PLAN
SCALE: NTS



COSTCO
WHOLESALE
SAND CITY, CA
#131

801 TIOGA ROAD
SAND CITY, CA 93955

1101 Second Ave. Ste 100
Seattle, WA 98101
206 962 6500
MG2.com

MG2

93-0960-17
MARCH 3, 2020

CONCEPT
SITE PLAN

DD11-15A

COSTCO WHOLESALE

SAND CITY, CALIFORNIA

ENLARGED SITE PLAN

MARCH 3, 2020

© MG2, Inc. All rights reserved. No part of this document may be reproduced in any form or by any means without permission in writing from MG2.



Source: MG2, May 2019

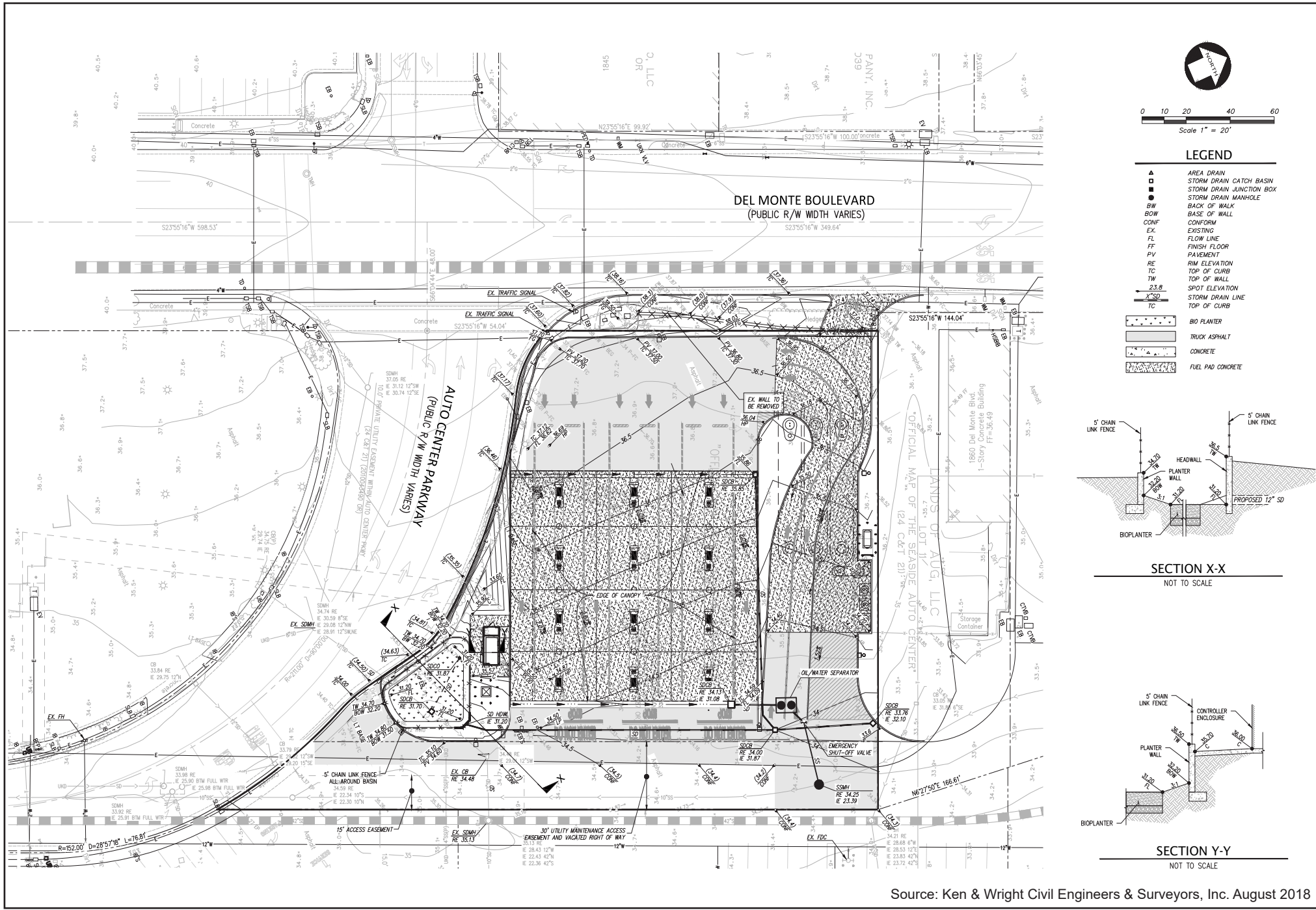
Title: **Fueling Station Rendering**

Date 9/5/19
 Scale NTS
 Project 2019.17



Monterey | San Jose
Denise Duffy and Associates, Inc.
 Environmental Consultants Resource Planners
 947 Cass Street, Suite 5
 Monterey, CA 93940
 (831) 373-4341

Figure
5



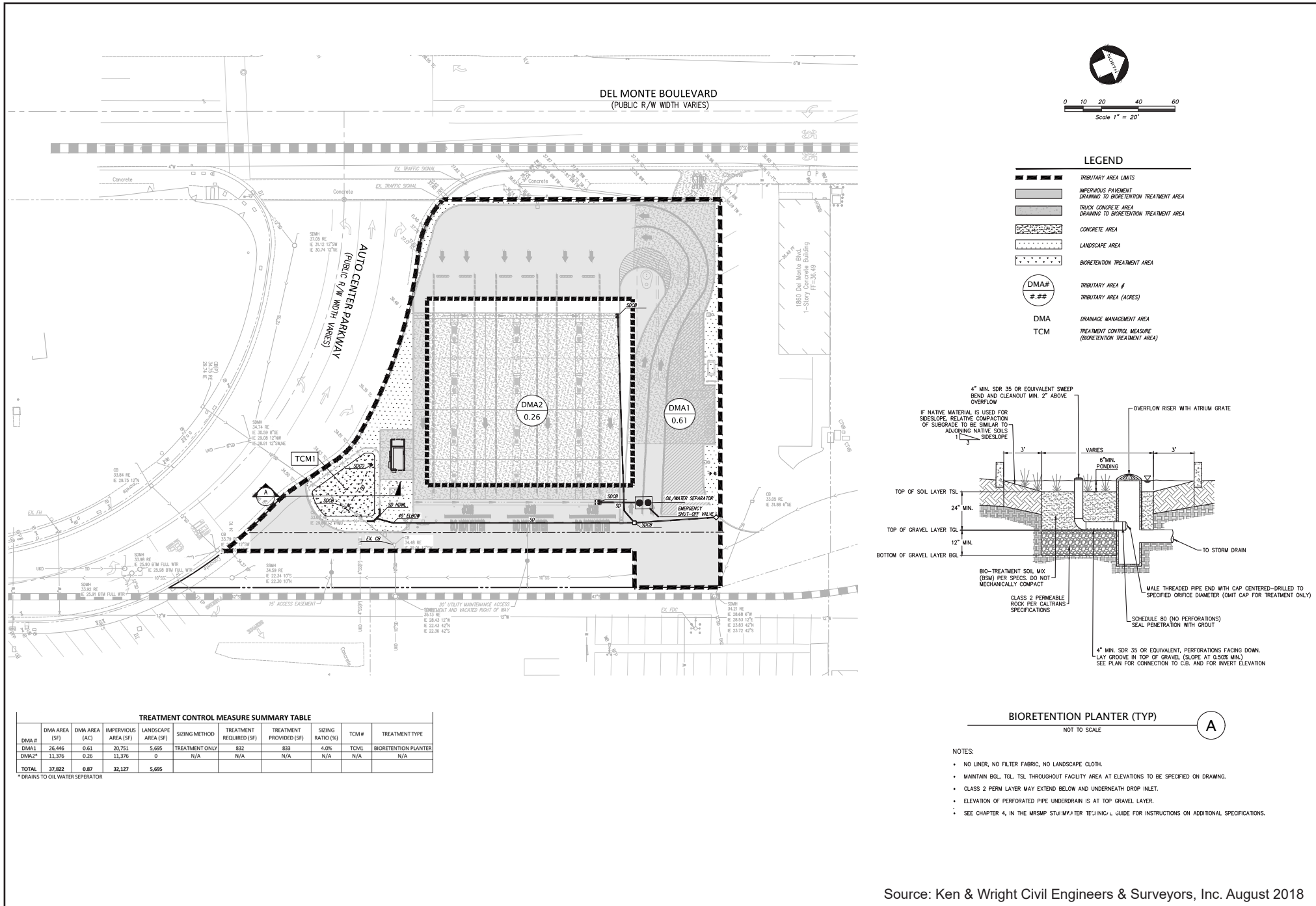
Title: Grading Plan

Date 9/5/19
Scale 1"=20'
Project 2019.17



Monterey | San Jose
Denise Duffy and Associates, Inc.
Environmental Consultants Resource Planners
947 Cass Street, Suite 5
Monterey, CA 93940
(831) 373-4341

Figure
6



Source: Ken & Wright Civil Engineers & Surveyors, Inc. August 2018

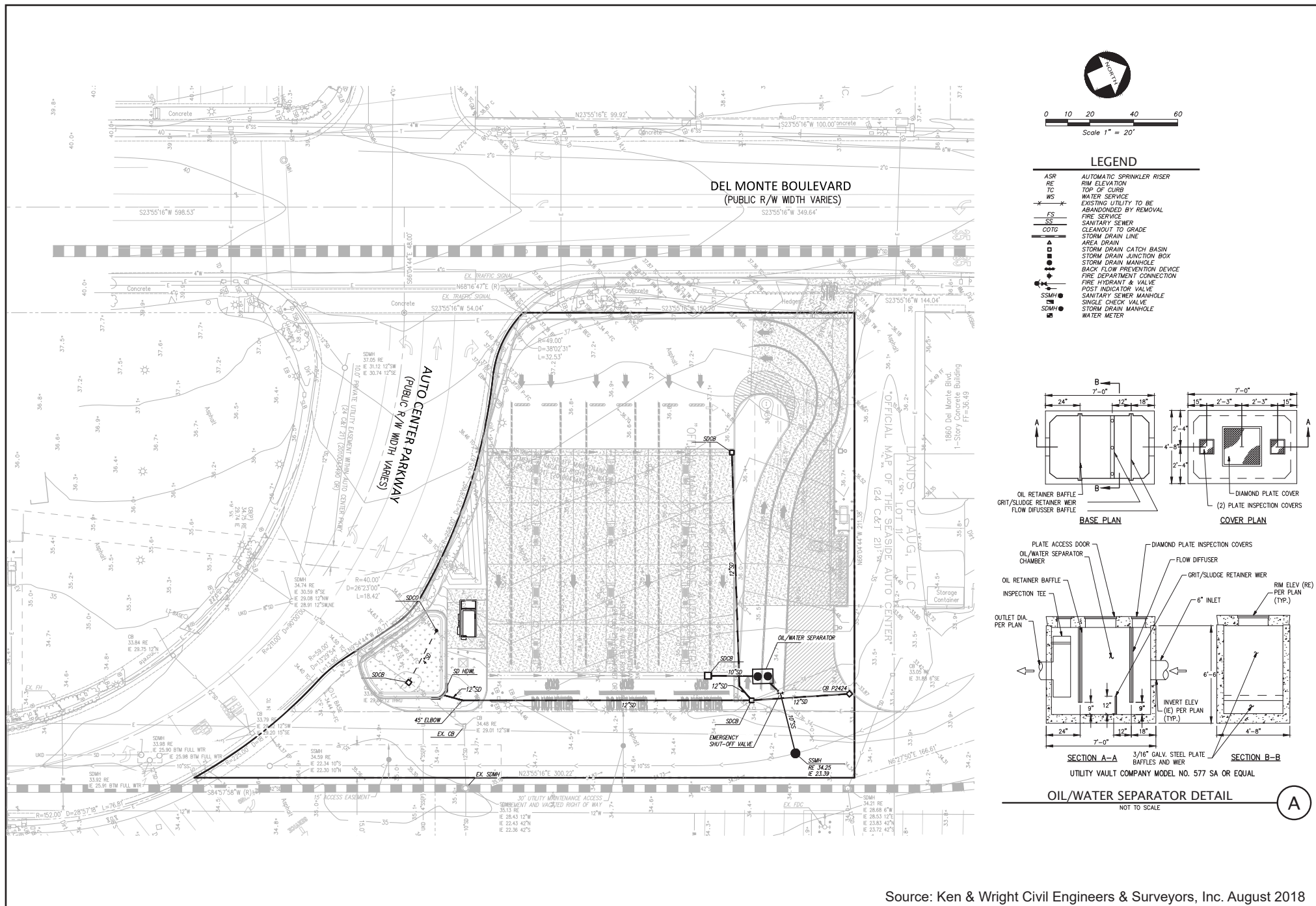
Title: **Drainage Plan**

Date 9/5/19
Scale 1"=20'
Project 2019.17



Monterey | San Jose
Denise Duffy and Associates, Inc.
Environmental Consultants Resource Planners
947 Cass Street, Suite 5
Monterey, CA 93940
(831) 373-4341

Figure
7



Source: Ken & Wright Civil Engineers & Surveyors, Inc. August 2018

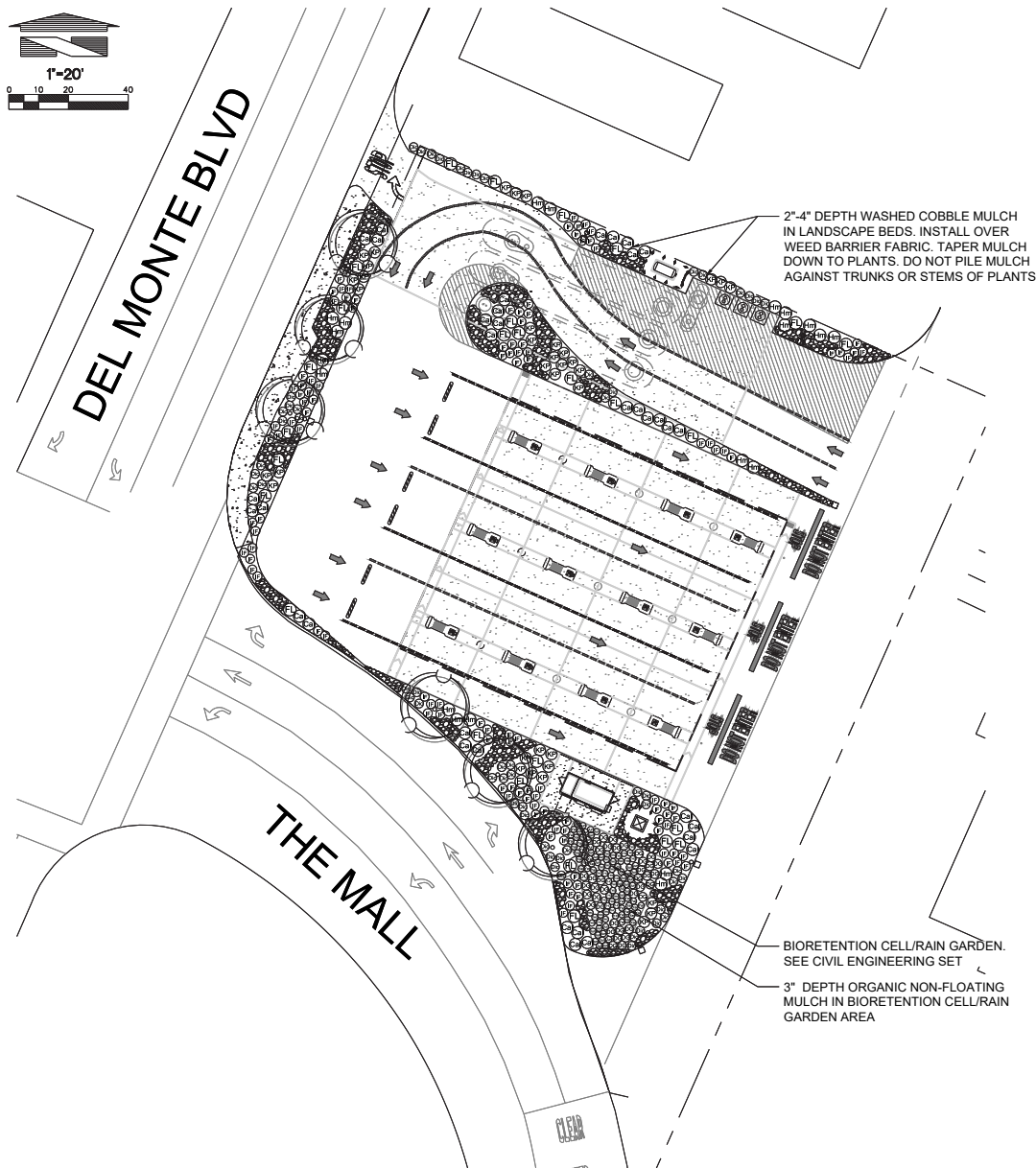
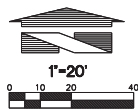
Title: **Utility Plan**

Date 9/5/19
Scale 1"=20'
Project 2019.17



Monterey | San Jose
Denise Duffy and Associates, Inc.
Environmental Consultants Resource Planners
947 Cass Street, Suite 5
Monterey, CA 93940
(831) 373-4341

Figure
8



PLANT SCHEDULE

SYMBOL	BOTANICAL/COMMON NAMES	SIZE	SPACING	QUANTITY	WUCOLS IV (ZONE 1)	REMARKS
TREES:						
	PARKINSONIA FLORIDA / BLUE PALM VERDE	15 GALLON	30' O.C.	6	VERY LOW	STAKE & GUY ONE GROWING SEASON; NURSERY GROWN, BRANCHED AT 5'
SHRUBS:						
	DICLIPTERA SUBRECTA / HUMMINGBIRD PLANT	1 GALLON	AS SHOWN	57	LOW	FULL & BUSHY
	CALLISTEMON 'LITTLE JOHN' / DWARF CALLISTEMON	1 GALLON	AS SHOWN	35	LOW	FULL & BUSHY
	PHORMIUM TENAX 'DARK DELIGHT' / NEW ZEALAND FLAX	1 GALLON	AS SHOWN	27	LOW	FULL & BUSHY
	ANGOZANTHOS 'AMBER VELVET' / AMBER VELVET KANGAROO PAW	1 GALLON	AS SHOWN	36	LOW	FULL & BUSHY
	ACASTACHE CANA / HUMMINGBIRD MINT	1 GALLON	AS SHOWN	20	LOW	FULL & BUSHY
	FESTUCA IDAHOENSIS / IDAHO FESCUE	1 GALLON	AS SHOWN	116	LOW	FULL & BUSHY
MULCH:						
	2"-4" DEPTH WASHED COBBLE MULCH. INSTALL OVER WEED BARRIER FABRIC. OVERLAY FABRIC 6" ALL SIDES AND ENDS. INSTALL METAL STAPLES TO KEEP FABRIC IN PLACE.					
BIORETENTION CELL PLANTS:						
	JUNCUS PATENS 'ELK BLUE' / CALIFORNIA GREY SEDGE	1 GALLON	24" O.C.	37	LOW	
	DESCHAMPSEA CAESPITOSA 'NORTHERN LIGHTS' / TUFTED HAIR GRASS	1 GALLON	24" O.C.	37	LOW	
	ACHILLEA MILLEFOLIUM / NATIVE YARROW *CHOOSE NATIVE VARIETY	1 GALLON	24" O.C.	31	LOW	
	MULLENBERGIA RIGENS / DEER GRASS	1 GALLON	36" O.C.	38	LOW	

IRRIGATION NOTE: SUPPLEMENTAL WATER IS TO BE PROVIDED WITH A WATER TRUCK ON A REGULAR BASIS DURING GROWING SEASON TO PROVIDE ENOUGH WATER TO ACCOUNT FOR WATER LOST THROUGH EVAPOTRANSPIRATION

PRUNE DAMAGED TWIGS AFTER PLANTING
PLACE IN VERY POSITION: DOUBLE LEADERS WILL BE REJECTED

NOTE:
KEEP ROOTBALL MOIST AND PROTECTED AT ALL TIMES. HOLD CROWN OF ROOTBALL AT OR JUST ABOVE FINISH GRADE.
PROTECT TRUNK AND LIMBS FROM INJURY. BACKFILL TO BE SETTLED USING WATER ONLY - NO MECHANICAL COMPACTION.
REMOVE ALL WRAP, TIES & CONTAINERS, REGARDLESS OF MATERIAL.
(2) LODGEPOLE STAKES, PLUMB WITH ELASTIC CHAIN-LOCK TYPE OR RUBBER GUYS TIED IN FIGURE EIGHT; REMOVE AFTER ONE GROWING SEASON

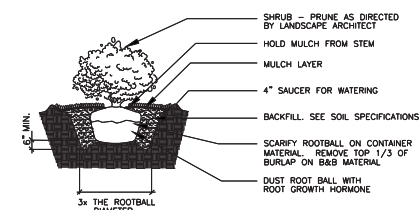
PROTECTIVE WRAPPING DURING SHIPMENT TO SITE AND INSTALLATION REMOVE AT COMPLETION OF PLANTING
LAWN PLANTING: PROVIDE 3" x 8" NO GRASS TREE RING AND 2" DEEP MULCH LAYER IN WELL. HOLD BACK FROM TRUNK 8" TO 10"
FINISH GRADE
PREPARE PLANTING BED PER SPEC'S: AT MIN. LOOSEN AND MIX SOIL TO 18" OR DEPTH OF ROOTBALL AND 2 TIMES BALL DIAMETER
REMOVE ALL WRAP, TIES, AND CONTAINERS
SCORE ROOTBALL AND WORK NURSERY SOIL AWAY FROM PERIMETER ROOTS
SET BALL ON UNDISTURBED BASE OR COMPACTED MOUND UNDER BALL
PENETRATION TO SUBBASE (+) 24"

DECIDUOUS TREE PLANTING/STAKING DETAIL

NOT TO SCALE

MULCH AT CURB DETAIL

NOT TO SCALE



NOTE:
APPLY ADDITIONAL 4 OZ. 8-32-16 FERTILIZER INTO TOP 2" OF PLANTING MIX.
PLANT SHRUB HIGH ENOUGH TO ALLOW POSITIVE DRAINAGE AWAY FROM ROOTBALL. ROUGHEN ALL SURFACES OF PIT.

SHRUB PLANTING DETAIL

NOT TO SCALE

Source: Barghausen Consulting Engineers, Inc. May 2019

Title: **Landscape Plan**

Date 9/5/19
Scale NTS
Project 2019.17

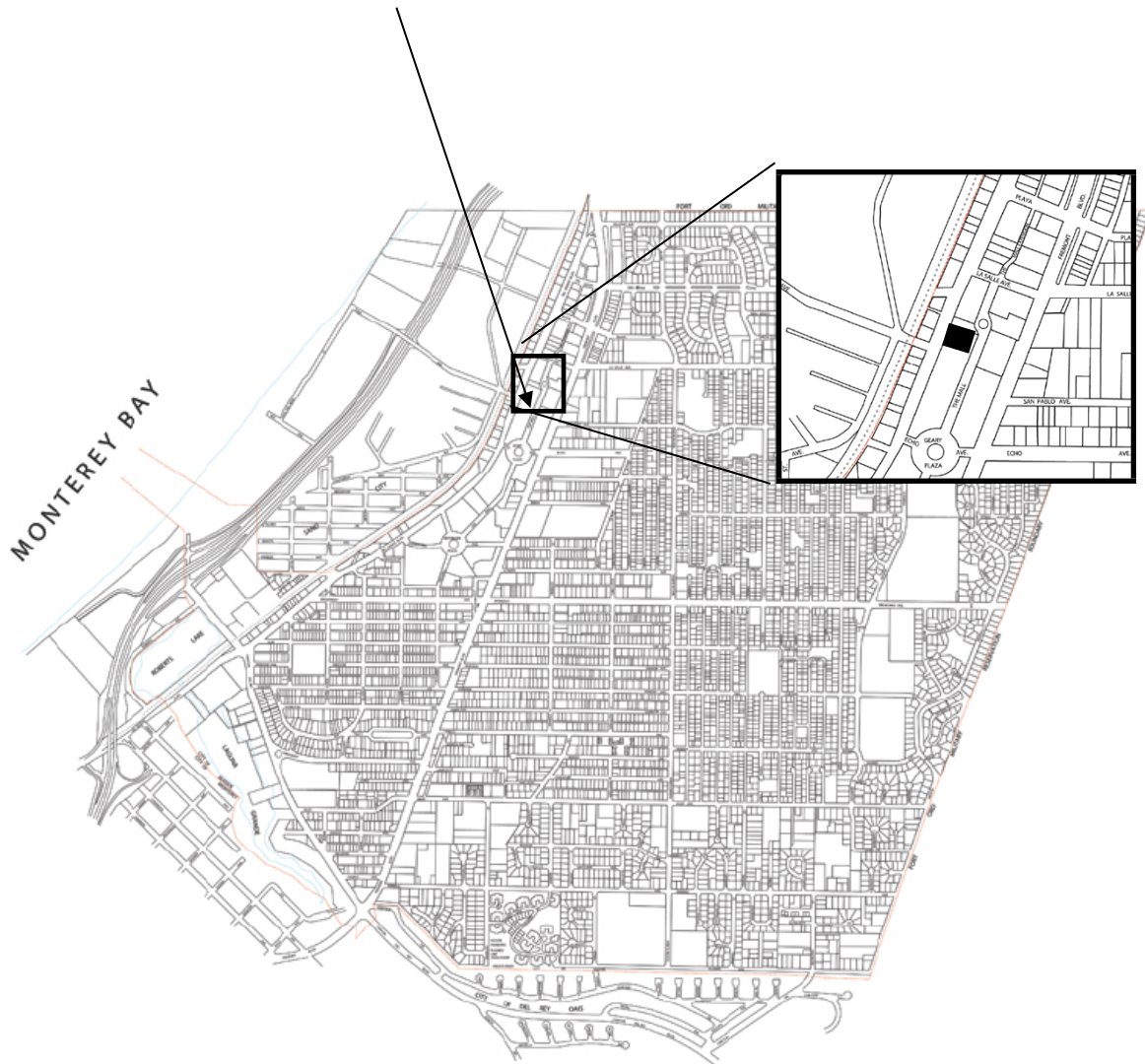


Monterey | San Jose
Denise Duffy and Associates, Inc.
Environmental Consultants Resource Planners
947 Cass Street, Suite 5
Monterey, CA 93940
(831) 373-4341

Figure
9

Attachment 4 Location Map

Project Site: NW corner of Del Monte Boulevard and Auto Center Parkway



Attachment 5

Site Photos



View looking NE from Del Monte Boulevard and Auto Center Parkway



View looking SE from Del Monte Boulevard



View looking NW from the entrance to site from Auto Center Parkway



View from the interior of the east side looking West

MITIGATION MONITORING AND REPORTING PROGRAM

for the Costco Fueling Station Addition Project

The Mitigation Monitoring and Reporting Program (MMRP) is a CEQA required component of the Mitigated Negative Declaration (MND) process for the project (CEQA Guidelines §15074). Specifically, CEQA requires that lead agencies adopting MNDs take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval (CEQA Guidelines §15074(d)).

As part of the CEQA environmental review procedures, Public Resources Code §21081.6 requires a public agency to adopt a monitoring and reporting program to ensure efficacy and enforceability of any mitigation measures applied to a proposed project. The lead agency must adopt an MMRP for mitigation measures incorporated into the project or proposed as conditions of approval. The MMRP must be designed to ensure compliance during project implementation. As stated in §21081.6(a)(1):

“The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.”

Table 1 is the final MMRP matrix. The table lists each of the mitigation measures and specifies the entity responsible for implementation of the mitigation measure and the time period for the mitigation measure.

CITY OF SEASIDE (CITY)

Project: Costco Fueling Station Addition Project

Location: City of Seaside

APN: 011-523-018-000

Mitigation Monitoring and Reporting Plan

Approval by: _____ **Date:** _____

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Table 1. Mitigation Monitoring and/or Reporting Plan (MMRP) for the Costco Fueling Station Addition Project

Environmental Impact	Mitigation Measures	Responsible Party	Timing	Verification (name/date)
5.2.5 Cultural Resources				
Cultural Resources: Unknown or subsurface archaeological resources or human remains	Mitigation Measure CR-1: If archaeological materials or features are discovered at any time during construction, work shall be halted within 50 meters (150 ft.) of the find until it can be evaluated by a qualified professional archaeologist (defined as one who is certified by the Society of Professional Archaeologists). If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. Mitigation Measure CR-2: If human remains are discovered at any time during construction, work shall be halted within 50 meters (150 ft.) of the find. ▪ The contractor shall call the Monterey County Coroner and await the Coroner's clearance. If the coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. ▪ NAHC shall notify the most likely descendent. ▪ The Native American descendent, with permission of the landowner or representative, may inspect the site of the discovery and recommend the means for treating or disposing with appropriate dignity the human remains and any associated grave goods.	City/Professional Archaeologist	Prior to & during project construction	

Environmental Impact	Mitigation Measures	Responsible Party	Timing	Verification (name/date)
	▪ The Native American descendent shall complete their inspection and make their recommendation within 24 hours of their notification by the Native American Heritage Commission. The recommendation may include the removal and analysis of human remains and associated items; preservation of the Native American human remains and associated items in place; relinquishment of Native American human remains and associated items to the descendants for treatment; or other culturally appropriate treatment. If the NAHC is unable to identify a descendent or the descendent identified fails to make a recommendation within 24 hours, the landowner shall reinter the human remains and items associated with the Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance. ▪ If the landowner and Native American descendent reach agreement on the appropriate procedure, the landowner shall follow this procedure. ▪ If the landowner and Native American descent cannot reach agreement, the parties shall consult with the Native American Heritage Commission. The landowner shall consider and, if agreeable, follow the identified procedure. ▪ If the landowner and Native American descendant cannot reach agreement after consultation, the Native American human remains shall be reinterred on the property with appropriate dignity.			
5.2.13 Noise				
Noise: Exceedance of Noise Standards during Construction	Mitigation Measure NOISE-1: The following measures shall be implemented to reduce construction-generated noise levels: - Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 5:00 p.m. on weekends and legal holidays. - Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. - When not in use, all construction equipment shall be turned off and shall not be allowed to idle. Provide clear signage that posts this requirement for workers at the entrances to the site.	City/Contractor	Prior to & during project construction	

Environmental Impact	Mitigation Measures	Responsible Party	Timing	Verification (name/date)
	d. Construction equipment and haul trucks shall be turned off when not in use. e. Construction equipment and material staging areas shall be located at the furthest distance possible from nearby residential land uses. f. To the extent possible, heavy-duty haul truck trips required for project construction should be scheduled during the non-peak hours of the day.			
5.2.17 Transportation				
Transportation: Cumulative freeway impacts	Mitigation Measure TRAFFIC-1: Project #1 of the TAMC Regional Development Fee Nexus Study Update Improvement Projects List is a SR 1 widening project. ¹ The project includes capacity improvements to SR 1 from Fremont Ave southward to at least Canyon Del Rey and makes interchange and related local road improvements in the vicinity of Canyon Del Rey Ave and Fremont Ave.	City/Contractor as to determination of payment of fee	Prior to & during project construction	

¹ See page 25 of the TAMC Regional Development Fee Nexus Study Update (June 2013).