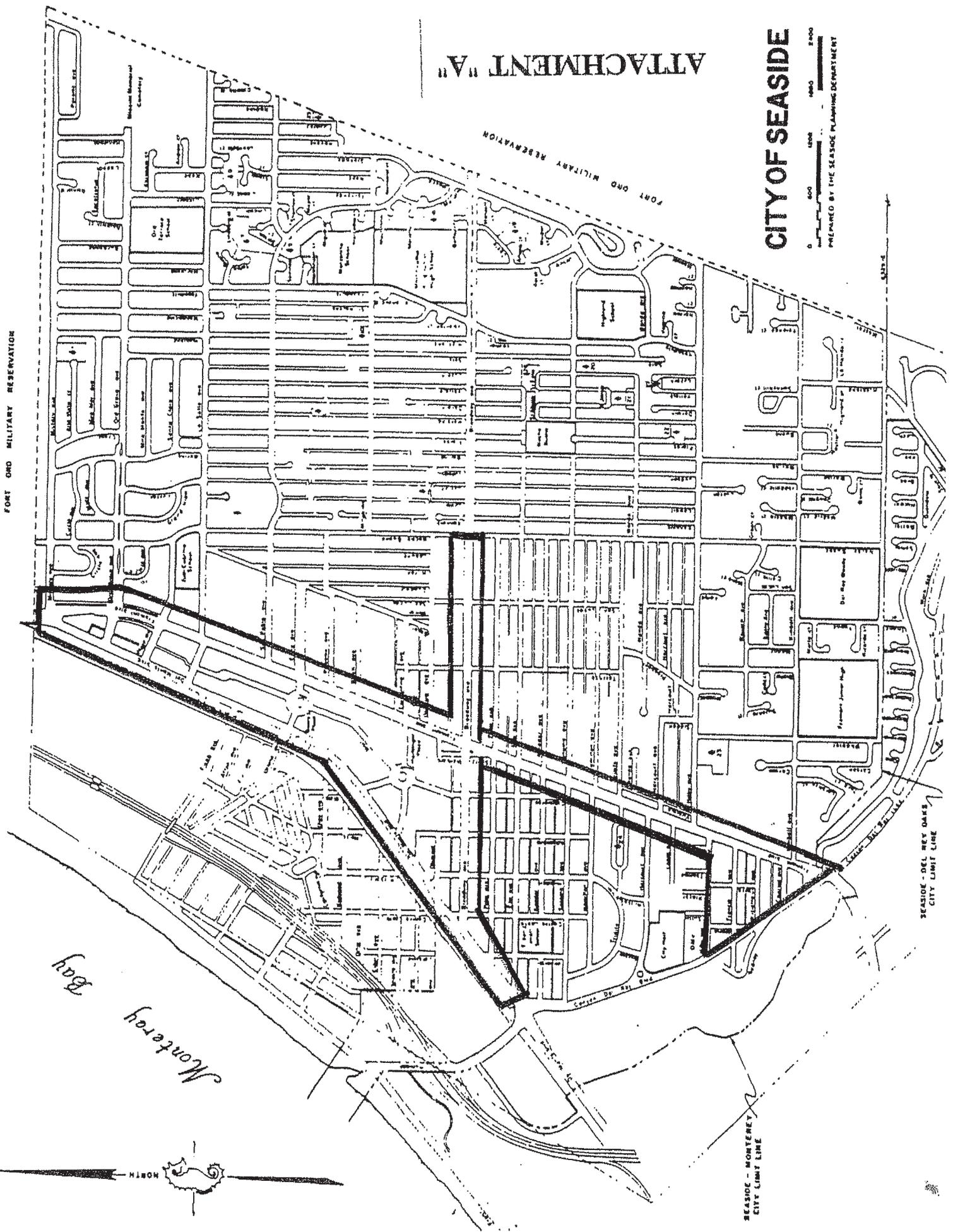


# ATTACHMENT "A"

## CITY OF SEASIDE

0 500 1000 1500 2000  
PREPARED BY THE SEASIDE PLANNING DEPARTMENT



FORT ORD MILITARY RESERVATION

FORT ORD MILITARY RESERVATION

SEASIDE - DEL REY OAKS  
CITY LIMIT LINE

SEASIDE - MONTEREY  
CITY LIMIT LINE

Monterey Bay



City of Seaside Commercial Property Windshield Survey  
EXECUTIVE SUMMARY

	Canyon Del Rey	Broadway Fremont-Noche Buena	West Broadway	Del Monte Blvd CDR-Broadway	Del Monte Blvd Broadway-Playa	Del Monte Blvd Playa-Fremont	Fremont Broadway	CDR- Fremont- Broadway-Playa	Fremont Playa-Highway1	Overall Commerical Districts
Occupied		10	14	2	2	1	3	1	1	34
Underutilized			3							3
Vacant	1	1	3	2			1	2	1	11
For Sale			1							1
For lease/rent			2				1	3	3	9
For Sale/lease/rent				1						1
Business Type										0
Automotive			3		2					5
General Retail		4	13	2			2	1		22
Restaurant-Bar			1				1		1	3
Grocery		3		1			1			5
Convenience-Liquor		2					1			3
Office		1								1
Institutional		1							1	2
Issues*										
Landscaping	X		X	X	X		X	X		
Painting		X	X	X			X	X		
Building Condition		X	X	X		X		X	X	
Graffiti				X			X			
Code violations		X	X		X					

\*Notes: Issues are noted for the segment of areas. Any given area may have multiple issues.

Landscaping: Poor landscaping or lacking landscaping

Building Condition: Boarded up windows, broken/cracked stucco, retainin walls broken, building facades in disrepair or generally poorly maintained buildings.

Painting: Buildings generally in good condition with faded or peeling paint.

Graffiti: Obvious signs of graffiti.

Code Violations: Include illegal additions, no compliant signs, illegal occpancy.

City of Seaside Commercial Property Windshield Survey

June 2012

Street Address	Business Name	Description	Current Use	Comments	Photo
		ie: current business type and general property/building description	<input type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	visible code/sign violations; condition of façade; other blight conditions (debris; parking, etc)	<input type="checkbox"/> yes <input type="checkbox"/> no
305 Amador/310 Sonoma		Retail	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input checked="" type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	New construction	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1526 Del Monte Blvd	Fastenal	Sells supplies for electrical, construction, abrasives and chemicals. Brown stucco building with brown trim.	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Dry weeds. In need of landscape and paint	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1531 Del Monte Blvd	N/A	No sign- vacant brown stucco building	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	No landscape; frame of front door in need of repair.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1534 Del Monte Blvd	Shear Haven	Beauty Salon. Brown stucco building with brown trim.	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	In need of landscape and paint. Retaining wall in disrepair.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1540 Del Monte Blvd	N/A	Vacant building. Stucco building. Blue- no sign	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Graffiti; boarded windows, retaining wall in disrepair. In need of landscape and paint.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

**City of Seaside Commercial Property Windshield Survey**

**June 2012**

1540 Del Monte Blvd (Corner of Del Monte and Palm)	Seaside Market	Brown stucco building	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Building façade and walls are in deterioration; wood trim in disrepair; boarded windows, in need of paint	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1925 Del Monte Blvd.	AAMCO Transmission	Transmission repair of vehicles. White brick and vinyl building.	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Litter, dry weed, old tub with weeds and plant; illegal addition; sign in disrepair; in need of paint	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1945 Del Monte Blvd	Blue Sky Auto Resotration Muscle Cars	White stucco building, restoration of vehicles	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input checked="" type="checkbox"/> underutilized	No visibility through windows. In need of paint.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
2087 Del Monte Blvd	Retired Men's Social Club	Club for retired men by association. Brown stucco building with red trim	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	No visibility through windows. Covered by boards. No numbers on structure.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1130 Fremont #207 Blvd	N/A	Beige masonry building	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input checked="" type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1276 Fremont Blvd	Bargain Mart	Orange brick building. Retail sales; clothing	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Boarded windows, graffiti. Damage paint.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

**City of Seaside Commercial Property Windshield Survey**

**June 2012**

1280 Fremont Blvd	Cellular Point	White building. Business sales, cell phones, and accessories.	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Faded paint, damaged stucco below sign.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1482 Fremont Blvd	La Chiquita (Market)	White masonry building. Business sales, groceries	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Damaged paint. In need of façade improvements: paint, signage, window treatments and landscaping	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1484 Fremont Blvd	V.N. Video (Closed/Vacant)	White masonry building. Business is closed.	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Damaged paint. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1612 Fremont Blvd	Potter's Electronic	White brick building. Sale of electronic accessories	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Graffiti. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1620 Fremont Blvd	N/A	Vacant	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Empty building. Available. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1697 Fremont Blvd	N/A	Pink masonry building	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Trash, shrubs encroaching sidewalk. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

City of Seaside Commercial Property Windshield Survey

June 2012

1760 F-3 Fremont Blvd	N/A	Stucco building	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input checked="" type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	No signage	<input type="checkbox"/> yes <input type="checkbox"/> no
1760 B2 Fremont Blvd	N/A	Stucco building	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input checked="" type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	No signage	<input type="checkbox"/> yes <input type="checkbox"/> no
1760 D1 Fremont Blvd	N/A	Stucco building	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input checked="" type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	No signage	<input type="checkbox"/> yes <input type="checkbox"/> no
1951 Fremont Blvd	N/A	Stucco building	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input checked="" type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	No signage	<input type="checkbox"/> yes <input type="checkbox"/> no
1957 Fremont Blvd	N/A	Stucco building	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input checked="" type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	No signage	<input type="checkbox"/> yes <input type="checkbox"/> no
1976 Fremont Blvd	N/A	No business	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input checked="" type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Vacant office space for lease	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no

City of Seaside Commercial Property Windshield Survey

June 2012

1996 Fremont Blvd	VFW Post 8679	Bar	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
2001 Fremont Blvd	N/A	Brick building, vacant	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	listing? In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
500 Broadway	Dunes	Bar, pool hall, stucco with stone building	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Needs new windows and trim	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
510 Broadway	Brake Supply Plus	Stucco, single story building retail sales	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Needs signage. Partially used for storage.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
520 Broadway	N/A	Mini storage	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input checked="" type="checkbox"/> underutilized	Cracking stucco, no signage. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
525 Broadway Ave	Car Wash	Car wash	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input checked="" type="checkbox"/> underutilized	In need of façade improvements: paint, signage and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

City of Seaside Commercial Property Windshield Survey

June 2012

565 Broadway Ave	Defense Arts Academy	Vacant building	<input type="checkbox"/> occupied <input type="checkbox"/> vacant <input checked="" type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	N/A	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Broadway Ave 011-303-005, 011-303-006, 011-303-007 (next to 570 Broadway)		Vacant Lot	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Vacant lots. Multiple vehicles parked on back of lot. Trash/litter on premises.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
575/580 Broadway	N/A	Stucco building	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant ? <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Repainted. No signage in front of building.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
580 Broadway Ave	Marisco's and Sportsman's Club	Bar/Mexican Restaurant	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	In need of façade improvements: paint, signage, window treatments and landscaping. Posted- no permit to occupy.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
590 Broadway	N/A	Storage/parking. Single story.	<input type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input checked="" type="checkbox"/> underutilized	Landscaping, blocks visibility. Storage of vehicles; blighted conditions.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
600 Broadway Ave	Antique shop stored in building	Stucco building with aluminum windows	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Notice to vacate. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

City of Seaside Commercial Property Windshield Survey

June 2012

620 A Broadway Ave	Fire extinguisher service	Stucco building with aluminum windows	<input type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	paint, signage landscaping. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
630 A Broadway Ave	N/A	Stucco building with aluminum windows	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input checked="" type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	655-1781 signage. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
635 Broadway Ave	Commisary Furniture	Furniture sales	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
656 Broadway Ave	Oaxaca imports	retail sales; plaster building with wood windows	<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant (partial) <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Notice to vacate. Partly used for storage. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
680 Broadway Ave	Max Art	Art supply store	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
720/722 Broadwy Ave	Un Dia Feliz	herbalife business. Plaster single story building	<input checked="" type="checkbox"/> occupied 722 <input checked="" type="checkbox"/> vacant 720 <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	façade- paint storage. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

City of Seaside Commercial Property Windshield Survey

June 2012

726 Broadway Ave	Ferdis/Superior Electric		<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	roof/awning treatment	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
746 Broadway Ave	Speedy Time	laundromat	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Needs new awnings. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
755 Broadway Ave	Tae Kwon Do Olympic Sport	Studio	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Needs new awning- frame only. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
778 Broadway Ave	Central Coast P&S details	Auto detail supplies	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Windows are covered with paper blocking visibility.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
795 Broadway Ave	Videos to Go	Video rental	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input checked="" type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	closing end of August	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
855 Broadway Ave	All Around Fitness	Fitness equipment	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent ? <input type="checkbox"/> underutilized	store closing	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

City of Seaside Commercial Property Windshield Survey

June 2012

891 Broadway Ave	Tax Account, Lee's Beauty Supply		<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	chipping paint on signage. In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1021 Broadway Ave		Haircut, party supply	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1049 Broadway Ave	Broadway Carpets	Aluminum siding	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	In need of façade improvements: paint, signage, window treatments and landscaping.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1043 A Broadway Ave	?	Wood frame building	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	No signage. Blighted building in disrepair.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1069 Broadway Ave	Sandy Building	Office space	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	signage	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
	Community Human Services	Non-profit	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	fresh paint needed	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

City of Seaside Commercial Property Windshield Survey

June 2012

1182 Broadway Ave	Chateau Sinnet	Closed	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1186 Broadway Ave 1188 Broadway Ave	1186- Gift store 1188- La Preciosa/Bakery	phone service; hispanic bakery	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	illegal signage; aluminum windows; blocking windows	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1220 Broadway Ave	La Preciosa Super Market	hispanic grocery store	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized		<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1232 Broadway Ave	Paris Bakery	bakery/deli	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	fresh paint needed	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
1290 Broadway Ave	Snack and Bottle	Liquor store/needs new façade and signs	<input checked="" type="checkbox"/> occupied <input type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	façade in need of update; sign pole rusted/trash enclosure	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Corner of Fremont and Broadway	New Chevron gas station		<input type="checkbox"/> occupied <input checked="" type="checkbox"/> vacant <input type="checkbox"/> for sale <input type="checkbox"/> for lease/rent <input type="checkbox"/> underutilized	Underutilized	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Canyon Del Rey	Nothing to report				



305 Amador/310 Sonoma

1526

OPEN

FASTENAL

7:30 AM

TO

5:00 PM

WEEKDAYS

FLUP

1526 Del Monte Blvd.



1526 Del Monte Blvd.



1526 Del Monte Blvd.



1531 Del Monte Blvd.

A photograph of a front door set in a light pink wall. The door is white with a window covered by blue horizontal blinds. Above the door is a wooden sign with the number '1531'. The area around the door frame is damaged, with peeling paint and exposed wood. To the right of the door is a small black circular object on the wall. The overall appearance is that of an older, possibly neglected building.

1531

1531 Del Monte Blvd.



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ETHNIC HAIR CARE

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V5

1534 Del Monte Blvd.



1540 Del Monte Blvd.



1540

1540 Del Monte Blvd.

1 5 4 0



1540 Del Monte Blvd.



1540 Del Monte Blvd.



1540 Del Monte Blvd.



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1540 Del Monte Blvd.



**1540 Del Monte Blvd.**



1540 Del Monte Blvd.



1540 Del Monte Blvd.



1540 Del Monte Blvd.



69

1569 Del Monte Blvd.



1569 Del Monte Blvd.



1569 Del Monte Blvd.



1569 Del Monte Blvd.



1561

1561 Del Monte Blvd.



1561 Del Monte Blvd.



ROUTE  
66

AAMCO  
TRANSMISSION

1925 Del Monte Blvd.



NO  
PARKING  
ANY TIME  
←→



1945 Del Monte Blvd.



**RETIREED MENS**  
**SOCIAL CLUB**



2087 Del Monte Blvd.

2087 Del Monte Blvd.



2087 Del Monte Blvd.



2087 Del Monte Blvd.



1130 Fremont Blvd #207



1130 Fremont Blvd #207



1276



1276 Fremont Blvd

**Bargain  
Mart**



1276 Fremont Blvd

# Cellular Point



1280 Fremont Blvd

# Cellular Point

1280



1280 Fremont Blvd

**La Chiquita**  
**Market**  
Productos Mexicanos y de el Salvador

1482

perfection  
99¢  
TELEATE  
12 PACKS  
18 PACKS  
19.99



1482 Fremont Blvd



1482 Fremont Blvd



1484 Fremont Blvd

V.N.VIDEO



1484 Fremont Blvd

 **POTTER'S ELECTRONICS**

DFR

1612 Fremont Blvd



1612 Fremont Blvd



1620 Fremont Blvd



1620 Fremont Blvd



1697 Fremont Blvd



1697 Fremont Blvd



F3

1760 Fremont Blvd F-3



FOR RENT  
699-2232

FOR RENT  
699-2232

NOTICE  
TO TENANTS  
PROPERTY  
MANAGEMENT

171

1760 Fremont Blvd. B-2



1760 Fremont Blvd D-1

**Orient**  
RESTAURANT  
CHINESE &  
VIETNAMESE

**ĐÀNH THAI**  
RESTAURANT

1760 Fremont Blvd. D-1



1951 Fremont Blvd



1957Fremont Blvd

VETERANS OF FOREIGN WARS  
POST 8679  
SEA-MONT MEMORIAL

NO PARKING  
EXCEPT BY PERMIT  
ONLY  
VETERANS OF FOREIGN WARS  
MEMBERS ONLY  
SEC 10-32-120  
VFW PARKING

1996 Fremont Blvd



1996 Fremont Blvd

# Mattress Land



2001 Fremont Blvd



2001 Fremont Blvd



500 Broadway Ave





520 Broadway



525 Broadway Ave



SIGN

SEF

DEFENSIVE  
ADULTS  
Personal Protection Training  
Hapkido

MONTEREY SIGNS

565 Broadway Ave



580 Broadway Ave



590 Broadway Ave



600 Broadway Ave



620/630 A Broadway Ave



COMMISSES

620/630 A Broadway Ave



778 Broadway Ave



855 Broadway Ave



891 Broadway Ave



1069 Broadway Ave

A photograph of a two-story building with a tan facade and a red roofline. The building is viewed through a dark, curved frame, likely from a car window. The ground in front is a light-colored paved area. A large green tree is on the right side. The sky is blue with some clouds.

**COMMUNITY HUMAN SERVICES**  
FAMILY SERVICE CENTER

1178 Broadway Ave



1182 Broadway Ave



1186/1188 Broadway Ave



1220 Broadway Ave



1232 Broadway Ave

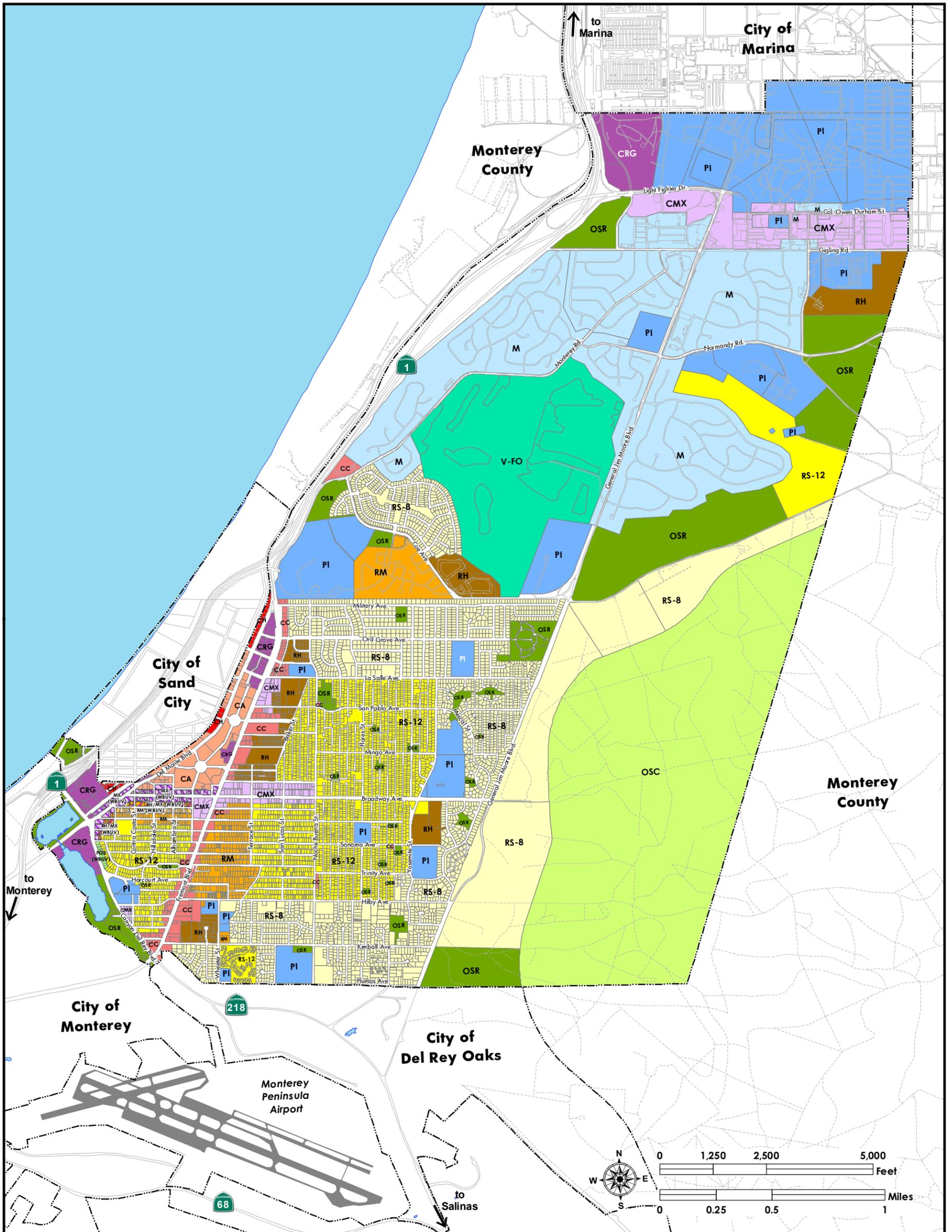


1290 Broadway Ave



Corner of Fremont and Broadway

# **APPENDIX**



**Seaside Zoning Districts**

- |   |                            |                                   |
|---|----------------------------|-----------------------------------|
| RS-8 - Single-family Residential                  | CA - Automotive Commercial | PI - Public / Institutional       |
| RS-12 - Single-family Residential                 | CC - Community Commercial  | M - Military                      |
| RM - Medium Density Residential                   | CH - Heavy Commercial      | V-FO - Visitor-Serving Commercial |
| RM - Medium Density Residential (WBUV)            | CMX - Commercial Mixed Use | OSR - Open Space - Recreation     |
| RH - High Density Residential                     | MX - Mixed Use (WBUV)      | OSC - Open Space - Conservation   |
| RH/MX - High Density Residential/Mixed Use (WBUV) | CRG - Regional Commercial  | POS - Parks and Open Space (WBUV) |

Note: WBUV = West Broadway Urban Village Specific Plan

City of Seaside, GIS 2010; last revised 5/11/10

LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	OD	CMX	CC	CRG	CA	CH	

**INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING**

Land Use	OD	CMX	CC	CRG	CA	CH	Specific Use Regulations
Laboratory - Analysis, research and development, testing	—	—	—	—	—	P	
Laundry, dry-cleaning plant	—	—	—	—	—	P	
Manufacturing/processing - Light	—	—	—	—	—	P	
Printing and publishing	—	—	—	—	—	P	
Recycling - Reverse vending machine	—	—	UP	UP	—	MUP	17.42.170.B
Recycling - Small collection facility	—	—	—	—	—	MUP	17.42.170.C
Recycling - Large collection facility	—	—	—	—	—	MUP	17.42.170.D
Research and development (R&D)	—	—	—	UP	—	P	
Storage - Outdoor contractors storage	—	—	—	—	—	UP	
Storage - Personal storage facility (mini-storage)	—	—	—	—	—	UP	
Storage - RVs, boats	—	—	—	—	—	UP	
Storage - Warehouse, indoor storage	—	—	—	—	—	UP	
Wholesaling and distribution	—	—	—	—	—	UP	

**RECREATION, EDUCATION & PUBLIC ASSEMBLY**

Land Use	OD	CMX	CC	CRG	CA	CH	Specific Use Regulations
Adult oriented business	—	—	—	—	—	UP	17.40
Commercial recreation facility - Indoor	MUP	MUP	UP	UP	—	—	17.42.050
Commercial recreation facility - Outdoor	—	—	—	UP	—	—	
Conference/convention facility	—	—	—	UP	—	—	
Health/fitness facility	MUP	MUP	P	P	—	—	
Library, museum, art gallery	MUP	MUP	MUP	P	—	—	
Meeting facility, public or private	UP(2)	UP	UP	UP	—	UP	
School - Public or private, state accredited	—	—	—	UP	—	—	
School - Specialized education/training	UP(2)	UP	UP	UP	—	—	
Sports and entertainment assembly	—	UP	UP	UP	—	—	
Studio - Art, dance, martial arts, music, etc.	P	P	P	P	—	—	
Theater, cinema or performing arts	UP	UP	—	UP	—	—	

**Key to Zoning District Symbols**

<b>OD</b>	Downtown Commercial	<b>CRG</b>	Regional Commercial
<b>CMX</b>	Commercial Mixed Use	<b>CA</b>	Automotive Regional Commercial
<b>CC</b>	Community Commercial	<b>CH</b>	Heavy Commercial

**Notes:**

- (1) See Article 7 for land use definitions.
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LAND USE: (i)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	OD	CMX	CC	GRG	CA	CH	
<b>TABLE 2-4</b> <b>Allowed Land Uses and Permit Requirements for Commercial Zones</b>	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 17.52.070) UP Use Permit required (see Section 17.52.070) S See cited Section for permit requirement - Use not allowed						

**RESIDENTIAL**

Land Use	OD	CMX	CC	GRG	CA	CH	Specific Use Regulations
Emergency/transitional shelter	—	UP	—	—	—	—	17.42.090
Home occupation	P	P	P	P	—	—	17.42.110
Mixed use project residential component	MUP(2)	MUP(2)	UP(2)	UP(2)	—	—	17.42.120
Residential care facility, 7 or more clients	—	—	UP	—	—	—	

**RETAIL**

Land Use	OD	CMX	CC	GRG	CA	CH	Specific Use Regulations
Alcoholic beverage sales	UP	UP	UP	UP	—	—	
Art, antique, and collectables stores	P	P	P	P	—	—	
Artisan shop	P	P	P	—	—	—	
Auto and vehicle rental	—	—	UP	UP	P	UP	
Auto and vehicle sales, new vehicles, w/accessory used sales	—	—	—	—	P	UP	
Auto and vehicle sales, used vehicles only	—	—	—	—	—	UP	
Auto parts sales with no installation services	—	—	—	UP	P(6)	P	
Auto restoration and sale, collectible cars	—	—	—	—	P	UP	
Bar/tavern	UP(4)	UP(4)	UP(4)	UP	—	—	
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)	UP(4)	—	—	17.42.070
Drive-through retail	—	UP(4)	UP(4)	UP(4)	—	—	17.42.080
Drug store	P	P	P	P	—	—	
Equipment rental - Indoor	—	—	P	P	—	P	

*Retail Trade uses continue on next page.*

**Key to Zoning District Symbols**

<b>CD</b>	Downtown Commercial	<b>ORG</b>	Regional Commercial
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- (5) Beauty and nail salons limited to the existing as of December 4, 2006.
- (6) Only allowed as an accessory use to a new car sales agency.

LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	CD	GMX	CC	CRG	CA	CH	

RETAIL (Continued)

LAND USE (1)	CD	GMX	CC	CRG	CA	CH	Specific Use Regulations
Equipment rental - With outdoor storage	—	—	—	—	—	UP	
Fuel dealer (propane for home and farm use, etc.)	—	—	—	—	—	UP	
Furniture, furnishings and appliance store	P	P	P	P	—	P	
Gas station	—	—	UP	UP	—	UP	17.42.210
General retail - 5,000 sf or larger	MUP	MUP	P	P	—	—	
General retail - Less than 5,000 sf	P	P	P	P	—	—	
Grocery or specialty food store - 5,000 sf or larger	P	P	UP	P	—	—	
Grocery or specialty food store - Less than 5,000 sf	P	P	P	P	—	—	
Mobile home, boat, or RV sales	—	—	—	—	—	UP	
Motorcycle sales, new, with accessory used sales	—	—	—	—	P	UP	
Night club	UP	UP	UP(4)	UP(4)	—	—	
Outdoor retail sales and activities	P	P	P	P	—	—	17.42.150
Restaurant, café, coffee shop - Table service	P	P	P	P	—	P	
Restaurant, café, coffee shop - Counter service	UP	UP	UP	UP	—	—	
Restaurant - Fast food	—	UP	—	UP	—	—	
Speculative retail building	UP	UP	UP	UP	—	—	
Shopping center	—	UP	UP	UP	—	—	
Second hand store	—	—	P(4)	—	—	—	
Winery/Wine Tasting	MUP	MUP	MUP	MUP	—	—	

Key to Zoning District Symbols

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<b>TABLE 2-4</b> <b>Allowed Land Uses and Permit Requirements for Commercial Zones</b>	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (See Section 17.52.070) UP Use Permit required (See Section 17.52.070) S See cited Section for permit requirement — Use not allowed					
	PERMIT REQUIRED BY ZONE					
LAND USE (1)	CD	GMX	CC	CRG	CA	CH

**SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL**

	CD	GMX	CC	CRG	CA	CH	
ATM	P	P	P	P	P	P	
Bank, financial services	P	P	P	P	—	—	
Business park	—	—	—	UP	—	—	
Business support service	P	P	P	P	—	—	
Medical services - Doctor office	MUP(2)	MUP(2)	P	—	—	—	
Medical services - Clinic, lab, urgent care	UP	UP	P	UP	—	—	
Medical services - Hospital	—	—	—	UP(3)	—	—	
Medical services - Veterinary clinic, no boarding	—	—	UP	—	—	UP	
Medical services - Veterinary clinic, animal hospital, with boarding	—	—	—	—	—	UP	
Office - Accessory	P	P	P	P	P	P	
Office - Business/service	P(2)	P	P	P	—	P	
Office - Government	—	P	UP	—	—	—	
Office - Processing	—	P	—	P(3)	—	—	
Office - Professional/administrative	P(2)	P	P	P	—	—	

**Key to Zoning District Symbols**

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LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	CD	CMX	CC	CRG	CA	CH	

**SERVICES - GENERAL**

Land Use	CD	CMX	CC	CRG	CA	CH	Specific Use Regulations
Catering service	---	---	MUP	MUP	---	P	
Child day care center	UP(2)	UP(2)(6)	UP	UP	---	---	
Construction Contractor Base	---	---	---	---	---	P	
Drive-through service	---	---	UP(4)	UP(4)	---	---	
Kennel, animal boarding	---	---	---	---	---	UP	
Lodging - Hotel or motel	---	---	UP	UP	---	---	
Maintenance facility	---	---	---	---	---	UP	
Maintenance service - Client site services	---	---	---	---	---	P	
Mortuary, funeral home	---	---	UP	---	---	---	
Personal services	P(5)	P(5)	P(5)	P(5)	---	---	
Personal services - Restricted	---	---	---	---	---	UP	
Public safety facility	UP	UP	UP	UP	UP	UP	
Repair service - Equipment, large appliances, etc.	---	---	---	---	---	P	
Social service organization	---	UP	UP	---	---	---	
Vehicle services - Major repair/body work	---	---	---	---	UP	P	
Vehicle services - Minor maintenance/repair	---	---	---	---	UP	P	

**TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE**

Land Use	CD	CMX	CC	CRG	CA	CH	Specific Use Regulations
Ambulance, taxi, or limousine dispatch facility	---	---	---	---	---	UP	
Broadcasting studio	MUP(2)	MUP(2)	MUP	---	---	MUP	
Parking facility, public or commercial	UP	UP	UP	UP	UP	UP	
Telecommunications facility	S	S	S	S	S	S	17.44
Transit station or terminal	UP	UP	---	UP	---	UP	
Utility facility	UP	UP	UP	UP	UP	UP	
Vehicle storage	---	---	---	---	---	UP	

**Key to Zoning District Symbols**

CD	Downtown Commercial	CRG	Regional Commercial
CMX	Commercial Mixed Use	CA	Automotive Regional Commercial
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**Notes:**

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- (5) Beauty and nail salons limited to the existing as of December 4, 2006.
- (6) Use may be approved on street-fronting ground floor in a CMX zone on a local street

**17.24.040 - Commercial Zone Subdivision Standards**

- A. Each subdivision shall comply with the minimum parcel size requirements shown in Table 2-5 for the applicable zone.
- B. The minimum parcel size requirements for a specific subdivision are determined by the review authority as part of subdivision approval. The review authority may require one or more parcels within a specific subdivision to be larger than the minimums required by this table based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.
- C. A condominium or other common interest project may be subdivided with smaller parcels for ownership purposes, with the minimum lot area determined through subdivision review, provided that the overall development site complies with the minimum parcel size, and the total number of any allowed dwellings complies with the maximum density for the applicable zone.

**TABLE 2-5 - MINIMUM PARCEL SIZE STANDARDS**

Zone	Minimum Parcel Size	
	Minimum Area	Minimum Width
CD	4,000 sf	40 ft
CMX	4,000 sf	40 ft
CC	4,000 sf	40 ft
CRG	20,000 sf	100 ft
CA	None	None
CH	12,000 sf	100 ft

**17.24.050 - Commercial Zone Site Planning and Building Standards**

- A. **General standards.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-6 in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3.

TABLE 2-6 - COMMERCIAL ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone		
	GD Commercial Mixed Use	CMX Commercial Mixed Use	CC Community Commercial
<b>Residential density</b>	<i>Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable.</i>		
Maximum density	1 dwelling unit for each 1,742 sf of site area.	1 dwelling unit for each 1,742 sf of site area.	1 dwelling unit for each 1,742 sf of site area.
<b>Setbacks</b>	<i>Minimum setbacks required for primary structures. See Section 17.30.100 for exceptions to these requirements.</i>		
Front	0 ft (none allowed)	0 ft (none required)	0 ft (none required)
Side - Interior	0 ft (none required)	0 ft (none required)	0 ft (none required)
Side - Street side	0 ft (none allowed)	0 ft (none required)	0 ft (none required)
Rear	0 ft (none required)	0 ft (none required)	0 ft (none required)
<b>Floor area ratio (FAR)</b>	<i>Maximum floor area ratio allowed (2).</i>		
Maximum FAR	2.0	2.0	2.0 in Broadway Corridor Specific Plan area; 0.50 elsewhere.
<b>Site coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and pavement.</i>		
Maximum coverage	100%, see Section 17.30.040:C and D.	90%, see Section 17.30.040:C and D.	90%
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 17.30.030 (Height Limits and Exceptions) for height measurement requirements and height limit exceptions.</i>		
Maximum height	Lesser of 4 stories or 48 ft	Lesser of 4 stories or 48 ft	Lesser of 4 stories or 48 ft
<b>Fencing</b>	See Section 17.30.020 (Fences, Walls, and Screening)		
<b>Landscaping</b>	See Section 17.30.040 (Landscaping Standards)		
<b>Parking</b>	See Chapter 17.34 (Parking and Loading)		
<b>Signs</b>	See Chapter 17.38 (Signs)		

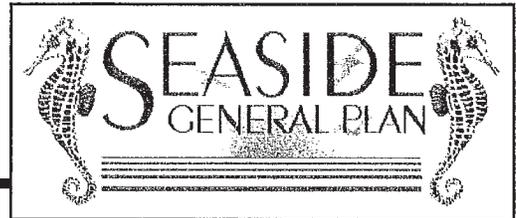
**Notes:**

- (1) See Section 17.30.100 for setback requirement on a block with existing development.
- (2) Area within parking garages is not included in calculation.

TABLE 2-6 - COMMERCIAL ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone		
	CRG Regional Commercial	CA Automotive Regional Commercial	CH Heavy Commercial
<b>Residential density</b>	<i>Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable.</i>		
Maximum density	No residential allowed	No residential allowed	No residential allowed
<b>Setbacks</b>	<i>Minimum setbacks required for primary structures. See Section 17.30.100 for exceptions to these requirements.</i>		
Front	0 ft (none required); except as required by 17.24.070 in the Coastal Zone.	See Section 17.24.080	10 ft
Side - Interior	30 ft total, 18 ft minimum on one side and 12 ft minimum on the other.	None required	None required
Side - Street side	Same as front	None required	None required
Rear	0 ft (none required); except as required by 17.24.070 within the Coastal Zone.	None required	None required
<b>Floor area ratio (FAR)</b>	<i>Maximum floor area ratio allowed. Does not include area within parking garages.</i>		
Maximum FAR	3.0 for hotels; 1.0 for other uses.	1.0	0.50
<b>Site coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and pavement.</i>		
Maximum coverage	90%, see Section 17.30.040.C and D.	40%, exclusive of carport-type display structures.	90%
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 17.30.030 (Height Limits and Exceptions) for height measurement requirements and height limit exceptions.</i>		
Maximum height	Lesser of 6 stories or 72 ft	50 ft	Lesser of 3 stories or 36 ft
<b>Fencing</b>	See Section 17.30.020 (Fences, Walls, and Screening)		
<b>Landscaping</b>	See Section 17.30.040 (Landscaping Standards)		
<b>Parking</b>	See Chapter 17.34 (Parking and Loading)		
<b>Signs</b>	See Chapter 17.38 (Signs)		

# ECONOMIC DEVELOPMENT ELEMENT



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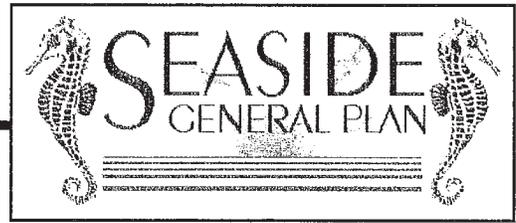
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# ECONOMIC DEVELOPMENT ELEMENT



## INTRODUCTION

Recognizing the importance for a strong local economy that provides needed services and employment opportunities for local residents, the City has included an Economic Development Element. This Element focuses on promoting a healthy economy that allows for a fiscally balanced community with a high quality of life. The Economic Development Plan outlines the approach the City will implement to improve its economic and fiscal condition.

### PURPOSE OF THE ECONOMIC DEVELOPMENT ELEMENT

The purpose of the Economic Development Element is to plan, promote, and increase the health and diversity of the business and employment sectors in Seaside. This Element is an optional element under California law, rather than a mandatory element of the General Plan.

### SCOPE AND CONTENT OF THE ECONOMIC DEVELOPMENT ELEMENT

The goals, policies and implementation plans of this Element provide the overall framework for decision making that affects economic development in the City.

### RELATED PLANS AND PROGRAMS

Existing plans and programs specifically focused on economic development are as follows:

### Redevelopment Implementation Plan

A majority of the City of Seaside is within the "Merged Project Area" of the Seaside Redevelopment Implementation Plan. The Plan serves as a multi-year planning vehicle for projects in the Merged Project Area. The Plan provides policies, programs, and funding for the alleviation of blight and the provision of affordable housing. Recent accomplishments under the plan include the rehabilitation of residential units, the dedication of open space, and the completion of infrastructure improvements, street tree planting, land assemblage, and street lighting. Specific Redevelopment Agency projects that may help attract and retain businesses to Seaside include:

- ✦ Infrastructure Improvements Program
- ✦ Street Lighting Improvements Project
- ✦ Commercial Development Project/Site Acquisition
- ✦ Commercial Façade Program

### Broadway Avenue Improvement Plan

In 2002, the City undertook a comprehensive effort to revitalize the Broadway Corridor. The Broadway Improvement Plan includes recommended infrastructure and design standards needed to revitalize the Broadway Corridor and provide a cohesive connection between East and West Broadway.

### Fremont Boulevard Improvement Plan

The Fremont Boulevard Improvement Plan is a program designed to revitalize Fremont Boulevard. The Fremont Boulevard Improvement Project includes the following im-



provements along Fremont Blvd. from Broadway Avenue to the North City Limits: pavement resurfacing, installation of a traffic signal at Fremont and Playa, traffic signal cabinet upgrades, traffic signal interconnect, installation of a new median between Playa and Ord Grove, landscape improvements, and irrigation improvements.

### **Seaside Auto Mall Master Plan**

The Seaside Auto Mall Master Plan, updated in 2003, contains specific land uses, a circulation system, and design standards for the redevelopment and expansion of the 41.3-acre Auto Mall area. New development and redevelopment activities in the Auto Mall area will have to be consistent with this Plan.

### **RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS**

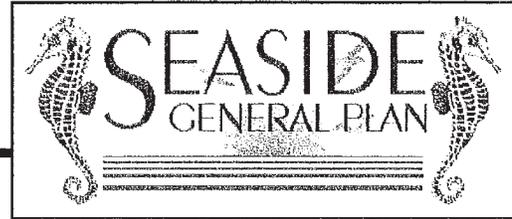
While the Economic Development Element is an optional element and is not required by State law, it must be consistent with the other General Plan elements. All of the elements are interdependent, as well as being interrelated. Certain goals and policies of each element may also address issues that are primary subjects of other elements. This integration of issues throughout the General Plan creates a strong basis for the implementation of plans and programs and achievement of community goals.

The Economic Development Element is most closely related to the Land Use and Urban Design Elements, which determine the amount and type of development that will occur in the community, and specifically address development standards and preferred land uses for potential economic development opportunity areas such as the Broadway Corridor, Fremont, the North and South Gateways, Gigling Road, and Auto Mall (See

Figure LU-3 in the Land Use Element). The Circulation Element is also important in that adequate and safe vehicular and pedestrian access as well as public transit must be provided to the City's business, employment, service, and tourist-oriented areas.

# ECONOMIC DEVELOPMENT ELEMENT

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## PLAN

Economic Development is a process of creating wealth through the mobilization of human, financial, and physical resources to generate marketable goods and services. Through comprehensive planning, it is possible to maximize utilization of local resources while minimizing local constraints in order to achieve a healthier local economy.

Seaside has experienced major changes in the socioeconomic characteristics of the community over the past decade due to a number of internal (local) factors such as the closure of Fort Ord, as well as external factors such as the ongoing housing crisis in the Bay Area and shifting demographic trends that are occurring throughout California and Monterey County. An understanding of how these changing characteristics influence Seaside's development opportunities is key to developing an appropriate and effective economic strategy for addressing the imbalance between jobs and housing in Seaside. This economic strategy will lead to the expansion and diversification of the local economy.

### FISCAL STRENGTH AND STABILITY

For any city to maintain a healthy economy, there must be a balance between revenue generating and employment generating uses and those uses that generally place a drain on the local budget. The City will strive to improve its fiscal strength and stability by providing an appropriate balance of land uses that will encourage economic development and improve the current jobs/housing ratio. Planned land uses and standards within the Specific Plan Areas (**Figure LU-3** in the Land Use Element) as well as standards and regula-

tions within the Land Use Element and Zoning Ordinance that will preclude development of over-represented commercial uses, will help provide a stronger local economy. For example, Regional Commercial uses at the North and South Gateways and Mixed Uses in the Broadway Corridor will help revitalize these areas and spur development of the type needed in Seaside. Please refer to the Land Use and Urban Design Elements for a more detailed description of desired uses throughout the community.

The City will use the Economic Development Strategy and prepare a fiscal model to assess development proposals to ensure they meet the economic development goals of the community.

### BUSINESS ATTRACTION AND RETENTION

Seaside needs to expand its retail base in order to capture a greater share of local, regional- and visitor spending. To revitalize the community, strengthen its fiscal position, and create a positive identity on the Peninsula, Seaside will undertake a variety of activities to attract and retain businesses. The following describes the programs that the City will implement to: 1) improve the overall business climate in Seaside; 2) attract beneficial businesses to the community; and 3) assist existing businesses to succeed and expand.

To maintain a business climate in Seaside that supports the growth and prosperity of businesses in the community, the City will cooperate with local and regional organizations such as the Overall Economic Development Commission and Seaside/Sand City Chamber of Commerce to help businesses gain ready



access to business support organizations and resources. City staff will also assist new and expanding businesses with new site identification, access to workforce training programs, and access to financial resources for business growth.

To make Seaside a more attractive location for businesses, the City implements several programs that will help expedite the processing and evaluation of development proposals. Local, State, and federal funds, including Redevelopment Agency funds will be used to revitalize certain areas of the community and improve infrastructure. Improvements like those included in the Broadway Avenue and Fremont Boulevard Improvement Plans will make Seaside a more attractive location for businesses and visitors. To ensure quality development is constructed and maintained City-wide, the land use development and design standards contained in the General Plan, Specific Plans, and Zoning Ordinance must be met.

In cooperation with the Monterey Film Commission, Seaside will use its prime location on the Monterey Peninsula to market sites for film production. The culture and history of Seaside will be promoted by working with agencies such as CSUMB, the Seaside Cultural Arts Group, and the Monterey Culture Council to promote cultural attractions and events in the community that will attract visitors to the area.

### **JOB TRAINING AND EDUCATION**

Seaside's economy consists mainly of local support industries including retail and services, which together comprise about 75 percent of employment in the community. These are generally low-paying, low-skill jobs. Additionally, workforce is one of the biggest constraints to economic development in Seaside.

Many businesses in Seaside have difficulty finding qualified employees, and effective workforce development programs are badly needed. To attract businesses to Seaside that will create higher-paying employment opportunities, the City will work with the County Workforce Investment Board (WIB) to create suitable training programs and coordinate training resources in the County. The City will also consider proposals for employment generating developments, such as business parks, office complexes, light industrial and manufacturing, research and development, high technology, and financial institutions within the Regional Commercial areas in North Seaside.

### **JOBS/HOUSING RATIO**

Currently, Seaside has a 0.68:1 jobs/housing ratio, the lowest jobs/housing ratio on the Monterey Peninsula and in Monterey County as a whole. As shown in **Figure ED-1**, Seaside's jobs/housing ratio is significantly lower than Monterey County's ratio of 1.23:1 and the Department of Housing and Community Development-recommended 1.5:1 ratio. This indicates Seaside is primarily a bedroom community, whose residents work throughout the Monterey Peninsula and other nearby employment centers.

Through implementation of the City's primary land use documents (General Plan, Specific Plans, and Zoning Ordinance) and the review of development proposals, the City encourages the location of employment-generating uses in Seaside.

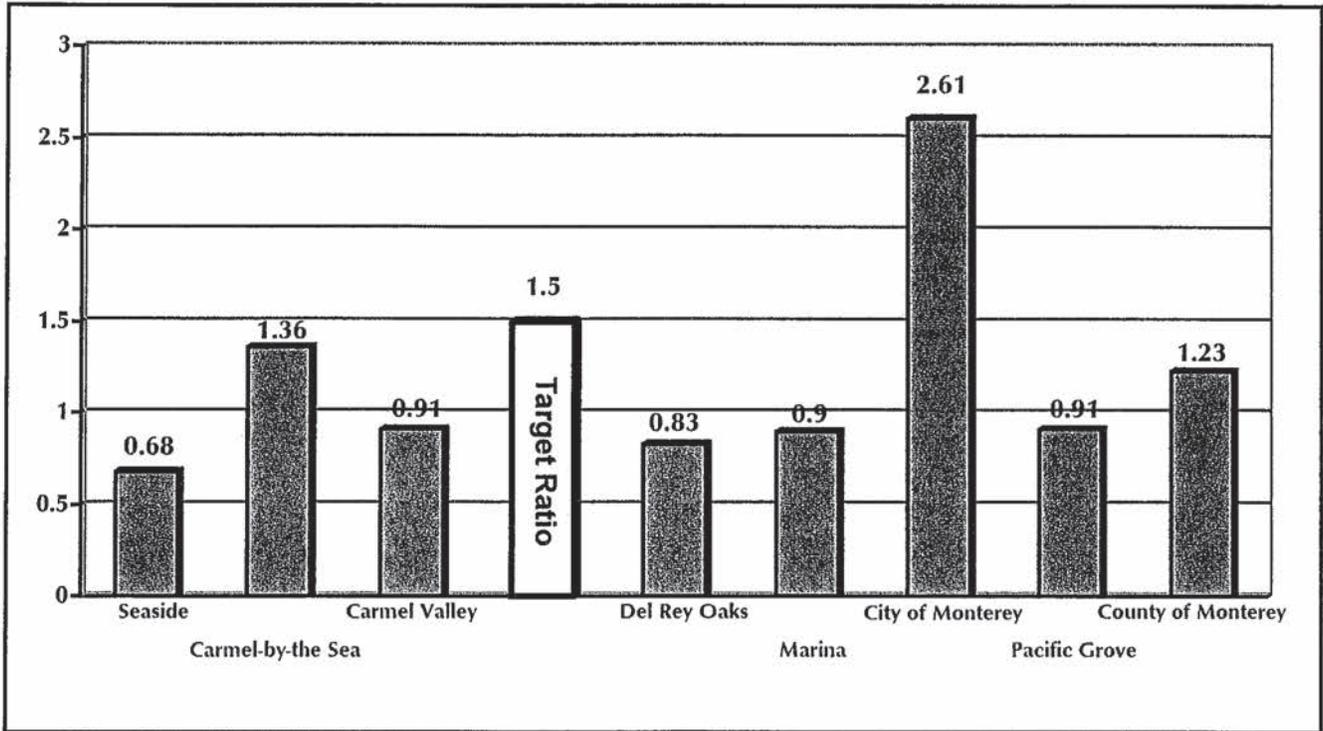
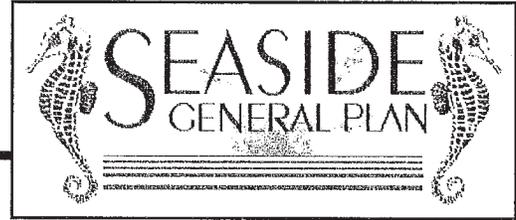


Figure ED-1: Jobs/Housing Ratios

### Gigling Road/Surplus II

A significant number of parcels in the Gigling Road/Surplus II area (See **Figure LU-3** Specific Plan Areas) have already been conveyed to non-profit organizations. In order to prevent an over concentration of non-revenue generating businesses in the area and to establish a desirable environment for new revenue generating businesses to locate in this area, the City will restrict additional non-profit uses from locating in this area. Further, the City will strive to develop this area with businesses that generate high paying jobs for community residents. In addition, high density rental and ownership units with community serving retail and services are appropriate land uses for this area.

# ECONOMIC DEVELOPMENT ELEMENT



## GOALS, POLICIES, AND IMPLEMENTATION PLANS

While not a mandatory General Plan element, the City of Seaside makes a healthy local economy a high priority. The goals, policies, and implementation plans outlined in this section are intended to provide direction as to how the community can focus resources to retain local businesses, attract new commercial and industrial development, diversify and expand the tax base, and revitalize existing commercial areas. These goals and policies are intended to work in concert with other elements of the Seaside General Plan, and serve as the foundation for an overall economic development strategy for the City.

### FISCAL STRENGTH AND STABILITY

A strong, diversified economic base creates a number of benefits for the community including tax revenues to help fund services for residents, jobs to provide income for residents, and stability to withstand fluctuations in regional and national economic conditions.

**Goal ED-1: Establish a diverse and balanced mix of businesses that will generate a stable, long-term stream of revenue to fund city services.**

---

**Policy ED-1.1:** Encourage the full and efficient use of vacant and underutilized parcels in appropriately designated areas to support the development and expansion of targeted industrial and commercial facilities.

---

### IMPLEMENTATION PLANS

**Implementation Plan ED-1.1.1 CDBG Incentive Program.** Augment the Community Development Block Grant (CDBG) incentive program to include the provision of low-interest loans for property improvements and for assistance with the acquisition of adjacent properties. (See also Implementation Plan LU-2.1.2)

*Responsible Agency/Department:* Community Development, Redevelopment

*Funding:* CDBG funds, Redevelopment funds

*Time Frame:* Ongoing

**Implementation Plan ED-1.1.2 Project Processing Streamlining.** Streamline the certificate of occupancy process for identified appropriate land uses as per revisions to the Zoning Ordinance. (See also Implementation Plan LU-2.1.5)

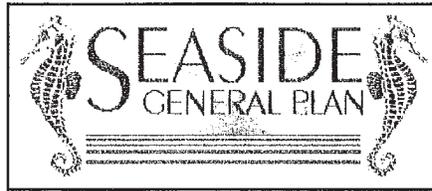
*Responsible Agency/Department:* Community Development

*Funding:* General fund, Developer fees

*Time Frame:* Adopt a streamlined process with the adoption of the updated Zoning Ordinance by the end of 2005

**Implementation Plan ED-1.1.3 Accelerated Entitlement Processing.** Institute accelerated entitlement processing for economic development projects. (See also Land Use Implementation Plan LU-2.1.5)

*Responsible Agency/Department:* Community Development



**Funding:** General fund, developer fees  
**Time Frame:** Adopt streamlined entitlement processing with the adoption of the updated Zoning Ordinance by the end of 2005

**Responsible Agency/Department:** Community Development  
**Funding:** General fund, State and federal funds  
**Time Frame:** Adopt an implement an updated Ordinance by the end of 2005

---

**Policy ED-1.2:** Diversify the local economy by targeting business development and attraction efforts toward businesses whose economic cycles are less likely to correspond to those of major retailers in the City.

---

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**Policy ED-1.4:** Create a favorable environment in the Gigling Road /Surplus II Area to establish quality urban development compatible with CSUMB's academic environment, provide employment opportunities with high pay and benefits for community residents, new high density rental and ownership housing opportunities and generate revenue to support City services.

---

#### IMPLEMENTATION PLANS

**Implementation Plan ED-1.2.1 Economic Development Strategic Plan.** Periodically update the Economic Development Strategic Plan to assess the performance of the retail sector and to identify gaps that need to be addressed.

**Responsible Agency/Department:** Community Development, City Manager, Redevelopment, Public Works  
**Funding:** General fund, State and federal funds  
**Time Frame:** Review annually; update as necessary

#### IMPLEMENTATION PLANS

**Implementation Plan ED-1.4.1 Specific Plan.** Prepare a Specific Plan for the Gigling Road/Surplus II Area that will preclude additional non-profit organizations other than those with land conveyances through the Fort Ord Closure Process from locating in the area. The Specific Plan should include design criteria, infrastructure improvements and development incentives to attract revenue-generating businesses to the area.

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**Policy ED-1.3:** Create commercial zoning districts that reduce the need for General Plan amendments.

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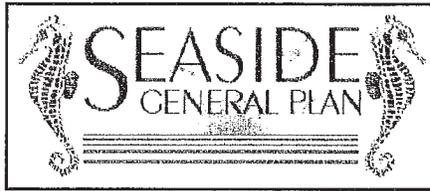
**Responsible Agency/Department:** Community Development  
**Funding:** General Fund, State and Federal funds  
**Time Frame:** Adopt and implement a Specific Plan by the end of 2006

#### IMPLEMENTATION PLANS

**Implementation Plan ED-1.3.1 Zoning Ordinance.** Create Zoning regulations that provide flexibility in design for desired uses and preclude the location of additional businesses in the community that are already over-represented in Seaside, such as liquor stores, convenience stores, thrift stores, bars, automotive repair, and fast food restaurants. (See also Land Use Implementation Plans LU-2.1.1 and 2.3.1.)

**Implementation Plan ED-1.4.2 Mixed Use Development Criteria.** Include design criteria in the Specific Plan to establish high-quality mixed-use residential developments.

**Responsible Agency/Department:** Community Development  
**Funding:** General Fund, State and Federal funds



**Time Frame:** Adopt and implement a Specific Plan by the end of 2006

expanding businesses with new site identification, access to workforce training programs, and access to financial resources for business growth.

## **BUSINESS ATTRACTION AND RETENTION**

Expansion and diversification of the Seaside economy requires a well-defined strategy to attract new businesses and retain/expand existing businesses. Seaside has identified a number of potential near-term opportunities for local-, regional-, and visitor-serving commercial development through revitalization and redevelopment of its primary commercial corridors, as well as new commercial and mixed use development in North Seaside.

**Goal ED-2: Maintain a business climate in Seaside that supports the growth and prosperity of businesses that are advantageous to the community.**

---

**Policy ED-2.1:** Coordinate with regional economic development agencies and business serving organizations to provide support for business growth, retention, and expansion in Seaside.

---

**Responsible Agency/Department:** Community Development, City Manager, Redevelopment

**Funding:** General fund

**Time Frame:** Ongoing

**Implementation Plan ED 2.1.3 Overall Economic Development Commission (OEDC).** Maintain City participation in the County Overall Economic Development Commission (OEDC) and help businesses to gain ready access to business support organizations and resources.

**Responsible Agency/Department:** Community Development, City Manager, Redevelopment, OEDC

**Funding:** General fund

**Time Frame:** Ongoing

**Implementation Plan ED-2.1.4 Marketing and Support Services for Businesses.** Support the efforts of the Seaside/Sand City Chamber of Commerce, the Gavilan and Cabrillo SBDCs, SCORE, and other County-wide agencies to provide marketing and other support services to Seaside businesses.

**Responsible Agency/Department:** Community Development, City Manager, Redevelopment

**Funding:** General fund, Redevelopment funds

**Time Frame:** Ongoing

## **IMPLEMENTATION PLANS**

**Implementation Plan ED 2.1.1 Broadway Avenue Improvement Plan.** Market the Broadway Avenue Improvement Plan to developers and businesses.

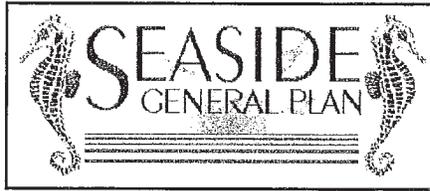
**Responsible Agency/Department:** Community Development, City Manager, Redevelopment, Seaside/Sand City COC

**Funding:** General fund

**Time Frame:** Provide information by the end of 2004; ongoing outreach

**Implementation Plan ED 2.1.2 Economic Development Networking.** Maintain City staff capability through networking with public and private sector organizations to assist

**Implementation Plan ED-2.1.5 Business Attraction.** Target business attraction efforts to low impact distribution enterprises that have high taxable sales potential and import/export firms not affected by local economic cycles. Encourage such firms to use the services of



available programs such as the Monterey Bay Export Assistance Center, BAYTRADE, Export Loan Guarantee Program (California Export Finance Office), and the Export-Import Bank of the U.S.

**Responsible Agency/Department:** Community Development, City Manager, Redevelopment

**Funding:** General fund, Redevelopment funds, State and federal funds, private funds

**Time Frame:** Ongoing

**Implementation Plan ED-2.1.6 Film Production.** Coordinate with the Monterey Film Commission to market sites in Seaside for film production.

**Responsible Agency/Department:** Community Development, City Manager

**Funding:** General fund

**Time Frame:** Ongoing

---

**Policy ED-2.2:** Support business expansion through active assistance to remove obstacles.

---

#### IMPLEMENTATION PLANS

**Implementation Plan ED-2.2.1 Redevelopment Agency Activities.** Determine appropriate leveraging activities for the Redevelopment Agency to encourage desired revitalization projects.

**Responsible Agency/Department:** Redevelopment, Community Development, City Manager

**Funding:** General fund

**Time Frame:** Annually during the budget process; ongoing

**Goal ED-3: Provide the necessary public facilities and infrastructure to support new commercial and industrial development.**

---

**Policy ED-3.1:** Seek innovative ways of financing infrastructure provision without unduly transferring the cost burden to the residential sector.

---

#### IMPLEMENTATION PLANS

**Implementation Plan ED-3.1.1 Economic Development - Infrastructure Provision.** Support industry desired by the community by providing, whenever appropriate and financially feasible, necessary infrastructure, services, and assistance. When determined appropriate and feasible, use federal and State resources such as EDA loans, CDBG funds, and the California Infrastructure Bank to leverage local funds for infrastructure development.

**Responsible Agency/Department:** Redevelopment, Community Development, Public Works

**Funding:** State and federal funds, Redevelopment funds

**Time Frame:** Annually during the budget process; ongoing in response to development proposals

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

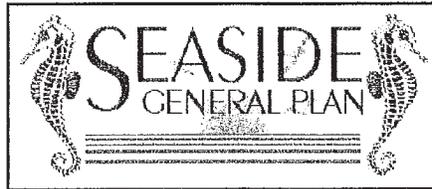
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**Policy ED-4.1:** Encourage the development of retail establishments that will reduce leakage of resident spending.

---

#### IMPLEMENTATION PLANS

**Implementation Plan ED-4.1.1 Seaside/Sand City Chamber of Commerce.** Continue to support Seaside/Sand City Chamber of Commerce in its efforts to provide marketing and other support services to Seaside businesses.



**Responsible Agency/Department:** Community Development, City Manager  
**Funding:** General fund  
**Time Frame:** Annually during the budget process; ongoing

---

**Policy ED-4.2:** Encourage the use of public/private partnerships as a means of redeveloping and revitalizing targeted areas.

---

#### IMPLEMENTATION PLANS

**Implementation Plan ED-4.2.1 RFPs for Public/Private Partnerships.** Issue Request for Proposals (RFPs) to solicit public/private partnerships.

**Responsible Agency/Department:** Community Development, Redevelopment, Public Works  
**Funding:** General fund  
**Time Frame:** Ongoing

**Goal ED-5: 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.

---

#### IMPLEMENTATION PLANS

**Implementation Plan ED-5.1.1 Marketing Seaside.** Continue to use the City's website and brochures as marketing tools to highlight the City's amenities, market available sites, and attract new development.

**Responsible Agency/Department:** City Manager  
**Funding:** General fund  
**Time Frame:** Ongoing

**Implementation Plan ED-5.1.2 Regional Commercial at North Gateway.** Work with private developers to establish a regional commercial center with one or more anchor tenants at the North Gateway.

**Responsible Agency/Department:** City Manager, Community Development, Redevelopment  
**Funding:** General fund, Redevelopment funds  
**Time Frame:** Ongoing

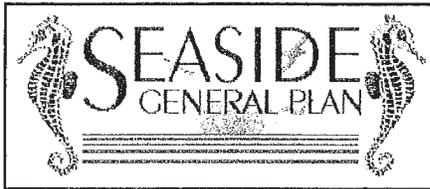
**Implementation Plan ED-5.1.3 Seaside Auto Center.** Continue to work with auto dealerships to enhance and expand the Seaside Auto Mall. (See also Land Use Implementation Center Plans LU-2.7.1.)

**Responsible Agency/Department:** City Manager, Community Development, Redevelopment  
**Funding:** General fund, Redevelopment funds  
**Time Frame:** Ongoing

**Implementation Plan ED-5.1.4 Zoning Ordinance – Visitor Serving Commercial Uses.** Through the Zoning Ordinance update, expand opportunities to serve the tourist market on the Monterey Peninsula by encouraging the development of appropriate commercial uses in proximity to the major hotels at Canyon Del Rey and Del Monte Boulevard and the planned hotels at North Seaside. (See also Land Use Implementation Plan LU-2.1.1.)

**Responsible Agency/Department:** Community Development  
**Funding:** General fund, State and federal funds  
**Time Frame:** Adopt and implement updated Zoning Ordinance by 2005

**Implementation Plan ED-5.1.6 Commercial Recreational Facility.** Attract the development of a large-scale commercial recreational



facility to serve residents and tourists. Identify appropriate sites for such facilities on the City's website and through other appropriate means.

**Responsible Agency/Department:** Community Development, Redevelopment

**Funding:** Redevelopment funds

**Time Frame:** Ongoing

---

**Policy ED-5.2:** Highlight cultural events and attractions in Seaside to help project a high quality of life image to potential visitors and business prospects.

---

#### IMPLEMENTATION PLANS

**Implementation Plan ED-5.2.1 Cultural Attractions and Events.** Work with CSUMB, the Seaside Cultural Arts Groups, and the Monterey Cultural Council to establish and promote a multiplicity of cultural attractions and events in the community.

**Responsible Agency/Department:** City Manager, Recreation and Community, CSUMB, Seaside Cultural Arts Groups, Monterey Cultural Council

**Funding:** General fund, private funds

**Time Frame:** Ongoing

**Goal ED-6: Attract economic base industries.**

---

**Policy ED-6.1:** Support the development of small-scale light manufacturing.

---

#### IMPLEMENTATION PLANS

**Implementation Plan ED-6.1.1 Attract Research and Business Park Uses.** Create a suitable environment to attract research and business park uses in North Seaside and coordinate with UC MBEST to prevent duplication of efforts.

**Responsible Agency/Department:** City Manager, UC MBEST

**Funding:** General fund, State and federal funds, private financing, developer fees

**Time Frame:** Ongoing

#### JOB TRAINING AND EDUCATION

The capacity to serve the workforce needs of existing and future employers is developed through effective job training and education programs. The City of Seaside recognizes the importance of workforce development and the role that it plays in achieving its goals for economic growth and prosperity.

**Goal ED-7: Use Seaside's labor force as an economic development and business attraction tool and increase the number of new jobs filled by Seaside residents by coordinating economic development efforts with employment placement.**

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**Policy ED-7.1:** Support job training for skilled labor through City- and employer-sponsored training or continuing educational programs.

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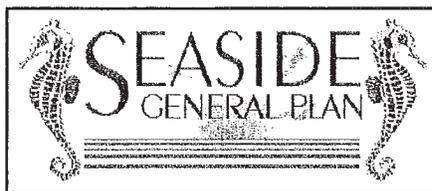
#### IMPLEMENTATION PLANS

**Implementation Plan ED-7.1.1 County CDBG EEF Revolving Loan Funds.** Assist firms proposing substantial new job creation to access State and local development funds, including the County CDBG EEF Revolving Loan Funds, and the industrial development bond program.

**Responsible Agency/Department:** Community Development, Redevelopment Agency, City Manager

**Funding:** General fund, State and federal funds

**Time Frame:** Ongoing in response to development proposals



**Implementation Plan ED-7.1.2 Work Force Training.** Inventory workforce training needs of businesses in Seaside and coordinate with the County WIB to identify or create suitable training programs. Participate with WIB efforts to coordinate training resources in the County.

**Responsible Agency/Department:** Community Development, City Manager, WIB

**Funding:** General fund, State and federal funds

**Time Frame:** Complete first inventory by the end of 2006; update as necessary

## JOBS/HOUSING RATIO

According to California Department of Housing and Community Development (HCD) guidelines, a balance between jobs and housing in the community is attained when the jurisdiction has a ratio of 1.5 jobs for every housing unit available for occupancy (1.5:1). According to the best available data on jobs and housing units within the city limits, the City of Seaside currently has a jobs-housing ratio of 0.68:1. Increasing employment opportunities in the community and improving the jobs-housing ratio, therefore, is a key factor in Seaside's economic development strategy.

**Goal ED-8: Actively promote a balance between the numbers and types of workers residing in Seaside and the opportunities for employment in the city.**

**Policy ED-8.1:** Encourage development that helps the City achieve a jobs/housing ratio of 1.5:1. (See also Land Use Policy LU-1.2).

## IMPLEMENTATION PLANS

**Implementation Plan ED-8.1.1 Jobs/Housing Ratio.** Conduct an annual review of the jobs/housing ratio in Seaside. (See also Land Use Implementation Plan LU-1.2.1).

**Responsible Agency/Department:** Community Development

**Funding:** State funds, General fund

**Time Frame:** Annually

**Implementation Plan ED-8.1.2 Community Commercial Inventory.** Conduct a bi-annual inventory of community commercial uses. As part of this inventory, identify community commercial needs (i.e., grocery stores, movie theatres) that are unavailable within Seaside's city limits. (See also Implementation Plan LU-1.2.2)

**Responsible Agency/Department:** Community Development

**Funding:** State funds, General fund

**Time Frame:** Complete first inventory by 2004, update every two years as determined necessary

## **OVERSIGHT BOARD**

### **Roles and Responsibilities**

AB X1 26 established the requirement that each Redevelopment Successor Agency have an Oversight Board.

This requirement and the details of the Board composition and responsibilities are codified in Section 34179 – 34181 of the State Health and Safety Code (attached).

The Oversight Board has fiduciary responsibility to the holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues.

The Oversight Board may direct the staff of the Successor Agency to perform work in furtherance of the Oversight Board's duties and responsibilities.

The Successor Agency is to pay for the meetings of the Oversight Board and may include the costs in its Administrative Budget.

The actions of the Oversight Board are subject to the review of the Department of Finance.

The Oversight Board must first approve the following actions of the Successor Agency:

1. Establishment of new repayment terms for outstanding loans
2. Refunding of outstanding bonds or debt
3. Setting aside amounts in reserves related to outstanding bonds
4. Merging of project areas
5. Continuing the acceptance of grant funds if matching funding is required
6. If the city wishes to retain assets, a compensation agreement must be reached and a valuation determined
7. Establishment of the Recognized Obligation Payment Schedule
8. An agreement with the City and the Successor Agency
9. A pledge of property tax revenues by the Successor Agency

The Oversight Board shall direct the Successor Agency to do all of the following:

1. Dispose of all assets and properties funded by tax increment revenues expeditiously and to maximize value; or transfer ownership to the appropriate public jurisdiction.
2. Terminate all agreements that are not enforceable obligations
3. Transfer housing responsibilities
4. Terminate any agreement between the former Agency and another public entity if termination would be in the best interest of the taxing entities
5. Determine if contracts, agreements or other arrangements of the former Agency should be terminated or renegotiated to reduce liabilities and increase net revenues to the taxing entities



## Fort Ord Reuse Authority

920 2<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

# MEMO (DRAFT)

**To:** MICHAEL A. HOULEMARD, Jr., Executive Officer  
**From:** JERRY BOWDEN, Authority Counsel  
**Subject:** LIQUIDATION OF FORMER FORT ORD RDA LANDS  
**Date:** March 14, 2012

### I. Issue:

Does H&S 34177 require successor agencies to dispose of real property when the land in question is subject to any of the following conditions:

- a. The former redevelopment agency did not acquire the land with “tax increment revenues” [See H&S Section 34181(a)] and
- b. The land was acquired from the federal government under deed restrictions that require hazardous contaminant remediation prior to transfer of title to an end user.

### II. Conclusion:

H&S 34177 does not require successor agencies to dispose of real property held by a former RDA if the land in question was not acquired with tax increment revenue.

### III. Analysis:

The requirement that successor agencies dispose of land held by a former RDA is expressly limited to those lands acquired with tax increment revenues. Health and Safety Code section 34177 reads in part:

Successor agencies are required to do all of the following:

...

(e) Dispose of assets and properties of the former redevelopment agency as directed by the oversight board; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of certain assets pursuant to subdivision (a) of Section 34181. The disposal is to be done expeditiously and in a manner aimed at maximizing value. ...



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H&S 34181, referred to in the previous section, reads in part as follows:

34181. The oversight board shall direct the successor agency to do all of the following:

(a) Dispose of all assets and properties of the former redevelopment agency ***that were funded by tax increment revenues of the dissolved redevelopment agency***; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, and fire stations, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset. Any compensation to be provided to the successor agency for the transfer of the asset shall be governed by the agreements relating to the construction or use of that asset. ***Disposal shall be done expeditiously and in a manner aimed at maximizing value.***

(b) Cease performance in connection with and terminate all existing agreements that do not qualify as enforceable obligations.

[Emphasis added]

The statutory phrase “that were funded by tax increment revenues” in 34181(a) can only mean “that were acquired with tax increment money.” For that reason, the clearest and most defensible reason to exclude lands on the former Fort Ord from the RDA divestment requirement is found in the statute that created this requirement as recited above. There are, however, other grounds for exempting RDA owned lands on the former Fort Ord from this requirement. One of these grounds is the doctrine of federal preemption.

The federal government has a multilayered structure for Base Realignment and Closure (“BRAC”). That BRAC structure includes: 1) identifying military bases for closure, 2) deciding how best to transfer title to a local reuse authority (LRA), in this case the Fort Ord Reuse Authority (FORA), 3) determining what needs to happen before and after title is transferred from the Army to LRA’s like FORA, 4) establishing covenants that will run with the land being conveyed, and similar procedures. The state is barred by the preemption doctrine from frustrating the objectives of the base reuse program established by the federal government for its closed military bases. This result is also barred under and the supremacy clause.

The supremacy clause is found in Article 6 of the constitution. It reads in part:



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*... the Laws of the United States .. shall be the supreme Law of the Land;*  
and the Judges in every State shall be bound thereby, any Thing in the  
Constitution or Laws of any State to the Contrary notwithstanding.  
[emphasis added]

The BRAC statute and the regulations adopted under its authority are “*the supreme Law of the Land.*” To the extent that the RDA divestment requirement conflicts with that federal law, it is invalid.

In addition, the statutory requirement to divest defunct RDA’s of land acquired at no cost from the federal government under elaborate reuse requirements may violate the constitution’s contract clause. The Contract Clause appears in the, Article I, section 10, clause 1 of the US Constitution. It states in part:

“No State shall ...pass any ...Law impairing the Obligation of Contracts...”

The Contract Clause prohibits states from enacting any law that retroactively impairs contract rights. This statutory divestiture requirement would invalidate executory contracts between FORA and the Army.

#### IV. Limitations of this opinion:

This letter presents a final opinion on the statutory issue posed by the application of H&S 34177 (specifically H&S 34181(a)) to former Fort Ord properties owned by underlying jurisdictions redevelopment agencies. As to the constitutional issues, however, it is only a preliminary opinion. Considerably more research and analysis would be needed to validate my initial assessment of those constitutional doctrines to the facts posed by the termination of redevelopment agencies on the former Fort Ord.

## Redevelopment Law Unconstitutional Because of Impairment of Contract?

By Geoffrey Willis – Sheppard Mullin, Real Estate, Land Use & Environmental Law Blog

Largely lost in the noise and furor surrounding the decision by the California Supreme Court upholding AB 1X 26 (*California Redevelopment Association v. Matosantos* (2011) 53 Cal.4th 231, which terminated the functions of local redevelopment agencies, is that there are strong arguments the new law violates state and federal constitutional provisions prohibiting legislation that results in impairment of existing contracts. Neither side in the *Matosantos* case raised the impairment of contracts argument and the Supreme Court chose not to raise the issue *sua sponte*. If AB 1X 26 was found to violate the Impairment of Contract clauses of either the state or federal constitutions, the violative provisions are so deeply woven throughout the fabric of the act that severance of non-offending provisions would be difficult at best, potentially resulting in the entire act being struck. While a successful impairment argument would possibly lead to the voiding of the legislation, it would not necessarily mean that the California Legislature could not enact a narrower RDA "abolishment" statute that terminated future and further contracts while better protecting the enforceability of existing contracts.

California Constitution Article 1, Section 9 provides in pertinent part that "a bill of attainder, ex post facto law, or law impairing the obligations of contracts may not be passed." In similar fashion the United States Constitution Article 1, Section 10 provides "No State shall . . . pass any Bill of Attainder, ex post facto law, or law impairing the Obligation of Contracts . . . ." Legislation running afoul of these constitutional protections can be stricken. *Teachers Retirement Board v. Genest* (2007)154 Cal.App.4th 1012; *Valdes v. Cory* (1983) 139 Cal.App.3d 773 These constitutional provisions were put into place to prevent the legislative branch from enacting bills that prevented the performance of existing contractual obligations.

AB 1X 26 appears to violate constitutional contractual impairment prohibitions in several ways. First, billions of dollars of bonds have been issued through the actions of RDAs, and many of the contracts establishing the rights of bondholders are still in effect. Virtually all of those bonds were secured by the RDA's obligation to repay the bond debt through constitutionally protected tax increment sources, and that source of funds was specifically identified in those contracts. Cal.Const. Art. XVI, Sect. 16. The new law transforms the repayment source from constitutionally protected tax increment sources to simple property taxes, which lack constitutional protection and are potentially subject to shortfall. Yet, people buying the bonds reasonably and materially relied upon the stable repayment source provided by tax increment and valued the bonds accordingly. Changing the repayment source from the stable and secure tax increment source to the unstable and unsure property tax source immediately reduces the value of the bonds, thereby impermissibly impairing the bondholders constitutionally protected contractual rights. Nothing in the *Montasantos* opinion addressed this argument.

Second, AB 1X 26 imposes an entire, potentially flawed process to terminate, challenge and attempt invalidation of existing RDA obligations. This process includes:

- A requirement to create enforceable obligation schedules. As a result, an agency's failure to include an agreement on the applicable schedule could result in that agreement's being

deemed unenforceable. Thus, the developer or other counter-party's rights would be terminated for no reason other than the change in law and administrative oversight.

- An obligations statement review process, which allows oversight boards, county controllers, other taxing authorities and the State Department of Finance to challenge the enforceability of scheduled obligations. Each of these bodies/agencies/departments has the right to demand and review all documentation, ask for more time, and challenge inclusion on the schedules.
- Reviews of successor agency action by oversight boards, county controllers, other taxing authorities and the State Department of Finance, which can potentially lead successor agencies to ignore or overlook requirements of good faith and fair dealing. For example, a typical Disposition and Development Agreement providing for the sale of RDA property to a developer requires the developer to provide project designs and financing plans for agency review. The oversight board (or county controller or State controller) could simply direct the successor agency to refuse to approve the plans, and then terminate the contract because the plans have not been timely approved.
- Oversight board obligation to review and, if possible terminate existing agreements where default payments would cost less than performance costs. This provision would literally require successor agencies to breach existing agreements.
- Certain specific RDA obligations, such as issuance of new bonds, have been expressly prohibited. Many redevelopment agreements contemplate the issuance of bonds on satisfaction of certain conditions, such as completion of a project or phase.

The law thus creates numerous situations in which successor agencies could overlook or ignore existing contractual rights in violation of both state and federal Impairment of Contract prohibitions.

These two categories of possible impairment—bondholder interests and partially completed contracts—are just two of the many types of agreements potentially impaired by AB 1X 26 and the termination of which may be legally challengeable. Impairment challenges could be brought as either a facial challenge or as an "as applied" challenge. Given the facts necessary to prove other impairment actions, it is more likely that they will be brought "as applied."

The drafters of AB 1X 26 understood and tried to protect the legislation from a challenge based upon an impairment argument. Section 34172(c) provides that the Redevelopment Property Tax Trust Fund is deemed a special fund to pay principal and interest of debt, and Section 34172(d) earmarks revenues that would have been allocated pursuant to Cal. Const. Art. XVI, Section 16 to the Redevelopment Property Trust Fund, such that only the amounts in excess of what is needed to pay obligations of the former redevelopment agency are deemed property tax revenues. Additionally, Section 34173(b) is a savings clause giving the successor agencies all the powers of redevelopment agencies that was not expressly stripped away by AB 1X 26.

However, these measures may not be sufficient to overcome an impairment challenge to AB 1X 26. Among other things, the savings clause in 34173(b) may not provide sufficiently clear authority for successor agencies to issue debt. Thus, to the extent a DDA contains a pledge of tax increment, the failure of a successor agency to issue debt in response to a demand under such a pledge could set up an impairment claim.

In order to avoid an Impairment of Contract claim, a court would first seek to read the statute in a way to avoid the constitutional problems. In this case—since elimination of tax increment, the review process for all agency obligation and of the minimization of redevelopment agency liabilities are all core parts of AB 1X 26—it may be impossible for the court to do so. Alternatively, the court could try to sever the constitutionally infirm provisions from the other parts of the statute. While this may work for some provisions, e.g., eliminating the statutory requirement for oversight boards to require successor agencies to breach contracts, it seems unlikely that the court would be able to sever many other provisions, such as those relating to tax increment pledges (because the elimination of tax increment is the primary economic purpose of AB 1X 26). As a result, the only remaining remedy available to the court would be to strike all of AB 1X 26 as unconstitutional.

The Impairment of Contract prohibition does not prevent the legislature from terminating RDAs or preventing RDAs from incurring new obligations or entering into new agreements. The prohibition simply prevents the legislature from terminating executed and existing contracts in violation of the state and federal constitutions. Appropriate modifications to the legislation could better protect the rights of existing parties, saving litigation expense and uncertainty, at a cost to the state of only a small portion of the tax increment revenues of the redevelopment agencies over the next several years.

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MEMORANDUM

TO: Lisa Brinton, Redevelopment Manager  
City of Seaside

FROM: Bruce W. Galloway, Special Counsel  
Kevin G. Ennis, Special Counsel

DATE: February 29, 2012

SUBJECT: Legal Authority of City of the Seaside to Dispose of Lightfighter Parcel for  
Commercial Purposes; Applicability of Surplus Land Statutes

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The City of Seaside (“City”) owns a parcel of land that it acquired in an exchange transaction from the U.S. Government acting by and through the Secretary of the Army (the “Lightfighter Parcel”). The Lightfighter Parcel is located within the former Fort Ord. You have asked whether the City may convey the property to a developer without having to comply with the Surplus Property Statutes<sup>1</sup>, including the requirement for the City to first offer the land for sale to low- and moderate-income housing sponsors and similar entities.

*Questions Presented*

1. Do the Surplus Property Statutes apply to the Lightfighter Parcel?
2. Can the City of Seaside sell or lease the Lightfighter Parcel for commercial purposes?

*Short Answers*

1. Strong arguments can be made that the Surplus Property Statutes do not limit the sale or lease of the Lightfighter Parcel for commercial purposes because: (i) the City has not determined the Lightfighter Parcel to be “surplus” (it is not listed on the annual inventory of surplus property); (ii) it is needed by the City for economic revitalization of the former Fort Ord (by selling or leasing with development covenants to a private entity), which is a policy recognized by both the State’s statutes authorizing the creation of Ford Ord Reuse Authority (“FORA”) and the text of the Economic Development Commission Agreement (“EDC Agreement”) entered into by FORA and permitted by state statute (and is therefore not “surplus”); and (iii) the City presumably will include requirements in the sale or lease documents to provide public improvements that will benefit the City and its residents, as well as achieve the economic revitalization contemplated by the FORA statutes and EDC Agreement. For these reasons, the Lightfighter Parcel will most likely not require disposition to a low- or moderate

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<sup>1</sup> The statutes that authorize and regulate the sale of surplus property by cities are California Government Code Sections 37350 et seq., 37420 et seq., 50568 et seq., and 54220 et seq., and are collectively referred to herein at the Surplus Property Statutes.

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income housing sponsor or other similar entity, a park entity or a school district pursuant to the Surplus Property Statutes.

2. Yes, considering that such uses are contemplated by the Fort Ord Reuse Plan and the City's General Plan, that they will achieve the public purposes of providing public improvements and economic revitalization of Fort Ord, and that such a disposition will presumably generate the highest amount of proceeds to be used for the infrastructure and other improvements contemplated by the Implementation Agreement and EDC Agreement.

### *Summary of Facts and Agreements*

The Quitclaim Deed from the United States to the City for the Lightfighter Parcel recites that "Grantee's use of the Army Property will support the ongoing economic redevelopment of the former Fort Ord." The City executed the Quitclaim Deed and expressly agreed therein to all of the terms of the Quitclaim Deed.

The City is also a party to that certain Implementation Agreement dated May 31, 2011, with FORA, which contemplates that the City pay to FORA fifty percent (50%) of net proceeds from a sale or lease of the Lightfighter Parcel (plus a sum in substitution of FORA's tax increment revenue share under H&S 33492.70 – providing for a sharing of tax increment between redevelopment agencies and FORA; see definition of "Fair and Equitable Share under Section 11 of the Implementation Agreement). Section 5(h) of the Implementation Agreement provides that sales and lease proceeds held by the City may be used in any manner consistent with the EDC Agreement (described below) and the Fort Ord Reuse Plan (described below).

In connection with the exchange transaction, FORA and the City entered into Amendment No. 1 to the Implementation Agreement which included the Lightfighter Parcel in the scope of the Implementation Agreement.

The Fort Ord Reuse Plan (as well as the General Plan of the City of Seaside) contemplates that the Lightfighter Parcel will be used for commercial purposes. [TRUE?] (Government Code Section 67675 contemplates that FORA will adopt a Fort Ord Reuse Plan designating areas of the base for residential, commercial, industrial and other uses, and FORA did so in June 1997).

California Government Code Section 67677 permits FORA to enter into agreements with the United States or any of its agencies to "determine" the disposition, reuse, or conservation of property within Fort Ord, and it is our understanding that the EDC Agreement is such an agreement. The EDC Agreement (i.e., "Memorandum of Agreement between the United States of America acting by and through the Secretary of the Army, United States Department of the

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Army and the Fort Ord Reuse Authority for the Sale of Portions of the Former Fort Ord located in Monterey County, California dated June 20, 2000) provides in Section 2.01A thereof that the consideration for property conveyed by the Agency to FORA for no cost (and by FORA to the local jurisdiction – the City – for no cost) is FORA’s and the City’s agreement to apply proceeds toward the economic development of the former Fort Ord and are for the benefit of the general public. The economic development uses include roads, sewers, utilities, and infrastructure, and are listed in Section 2.01D of the EDC Agreement, but investment in activities related to those listed are also permitted provided “they benefit the economic redevelopment and long term job generation efforts on the former Fort Ord.” **[NEED SECOND AMENDMENT TO EDC AGREEMENT; HAVE AMENDMENTS 1 AND 3]**

The part of the FORA Act that describes California State policies with respect to FORA and Fort Ord (Government Code Section 67651) states in clause (c) the goal to “provide for the reuse and development of the base area in ways that enhance the economy and quality of life of the Monterey Bay Community.”

### *Discussion*

California’s Surplus Property Statutes are comprised of four distinct, overlapping and, at times, conflicting statutory provisions: (i) Government Code Section 37350 et seq.; (ii) Government Code Section 37420 et seq.; (iii) Government Code Section 50568 et seq.; and (iv) Government Code Section 54220 et seq. An explanation and analysis of each of these four provisions is addressed below

#### *1. Government Code Section 37350 et seq.*

Government Code Section 37350 provides that a city may purchase, lease, receive, hold and enjoy real and personal property, and control and dispose of it for the common benefit. Similarly, Government Code Section 37351 provides that the legislative body may control, dispose of, and convey real property for the benefit of the city, except that if the property is water front property, it may only do so after finding the property not suitable for public beach or public park purposes and only with a four-fifths vote. These two sections have been interpreted as providing general authority and broad power to dispose of real property for the common benefit of the City. Within that same Chapter, Government Code Section 37364 provides that whenever the legislative body of a city determines that any real property owned by the city can be used for affordable housing, and that this use is in the city’s best interests, the city may sell that property at less than fair market value for affordable housing. This latter section is merely a permissive grant of authority to sell property for less than fair market value for affordable housing when a city determines that use to be in its best interests. Neither of these sections compel the City to

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make that determination or otherwise require the City to sell the Lightfighter Parcel for an affordable housing use.

### **2. *Government Code Section 37420 et seq.***

A second statutory method for a city to sell property is provided by Government Code Section 37420 et seq. These provisions authorize a city to sell property when it finds the public interest and convenience to require the sale of public property, and then in accordance with procedures that include the adoption of a resolution of intent to sell and an opportunity for the public to protest the sale. If the city receives a written protest, the city council may overrule the protest by a four-fifths vote. If the city council is unable to muster the four-fifths vote to overrule the protest, the city may sell the property after the matter is submitted to the voters and the voters authorize the sale. These provisions are not required to be followed as they are established as an alternative to the provisions of Government Code Section 37350 and 37351 discussed above. Thus, if a city would prefer not to provide an opportunity to protest, which if not overruled, would require a vote of the electorate, the City can choose to invoke the authority provided in Section 37350 and 37351 instead. Consequently, these provisions can easily be avoided.

### **3. *Government Code Section 50568 et seq.***

A third statutory scheme is provided by California Government Code Section 50568 and also relates to surplus real property of local agencies, including cities. This section requires each local agency, on or before December 31 of each year, to inventory land in excess of its foreseeable needs. Government Code Section 50570 provides that any land placed on that inventory that is found to be in excess of its foreseeable needs, may be sold to a housing corporation or similar entity for low- or moderate income housing. It is our understanding, however, that the City of Seaside does not have a written inventory of its surplus properties. Even if it were to prepare such an inventory, Section 50570 authorizes, but does not compel, land listed on the inventory to be sold to a housing corporation. Consequently, even if the City could be required to prepare an inventory, these statutes do not require the Lightfighter Parcel to be placed on the inventory as long as the City has a basis to determine that it is not in excess of its foreseeable needs, and even if it were placed on that inventory, these statutes do not compel the land to be sold to a housing corporation.

### **4. *Government Code Section 54220 et seq.***

Turning to fourth set of statutes, Government Code Section 54220(b) defines “surplus land” as land owned by any local agency that is determined to be no longer necessary for the agency’s use. The statute does not explain who makes the determination, and no case law was

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found explaining it. Government Code Section 54222 then requires a local agency disposing of “surplus land” to offer it to (among others): (i) local low- or moderate housing sponsors and the county and any housing authority authorized to develop low- or moderate housing (for low- or moderate housing); (ii) to park and recreation agencies or districts (for park, recreation and open space programs) and (iii) to the local school district (if suitable for school facilities).

There are three principal reasons why Section 54222 does not compel the sale of the Lightfighter Parcel to the priority list of entities contained therein. First, Government Code Section 54226 (entitled “Application of Article”) provides that “No provision of this article (relating to surplus land) shall be applied when it conflicts with any other provision of statutory law.” The City has a strong basis to assert that the FORA statutes, including the agreements by which the City took title to the Lightfighter Parcel, require the property to be sold and developed for economic development purposes and not merely affordable housing. Conversely, conveyance for affordable housing, parks and recreation, or schools would be contrary to the statutory scheme and implementing agreements and documents governing FORA.

Second, it is assumed for purposes of this Memorandum that any sale or lease by the City of Seaside of the Lightfighter Parcel will include covenants by the buyer/lessee to construct a project that will include improvements to be dedicated to the City and/or improvements (such as public parking) that will clearly benefit the public (i.e., residents of the City of Seaside) or be made available to the public. In this manner, the City can assert that the property is not “surplus” because it requires a use that will benefit the general public. A ground lease of the property by which the City retains fee title to the property and could use or convey the property for other uses at the end of the ground lease term would further insulate the City from the assertion that the property is no longer needed for public use because the property will eventually revert back to City control and to potential alternative public uses.

Third, Government Code Section 54230.5 provides that the failure to comply with this article does not invalidate the transfer or conveyance of real property to a purchaser or encumbrance for value. Thus, if the City decides it must comply with FORA’s statutory scheme and implement agreements and documents, the City could still proceed with a sale or lease of the Lightfighter Parcel for commercial and economic development purposes and such a sale would not be invalidated because of the existence of this protective section.

If you have any questions regarding this matter or if you would like additional clarification, please do not hesitate to contact us.

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February 9, 2012

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Via E-Mail and U.S. Mail

Diana Agar Ingersoll  
Deputy City Manager  
City of Seaside, Resource Management Services  
440 Harcourt Avenue  
Seaside, CA 93955

Re: Criteria and Procedures of Successor Agency: Existing Projects

Dear Ms. Ingersoll:

This letter is being written in response to your request regarding the criteria and procedures applicable to the City of Seaside as the successor agency<sup>1</sup> of the former Redevelopment Agency of the City of Seaside (the "Successor Agency") in carrying out its responsibilities under the Dissolution Act<sup>2</sup>, particularly as it relates to modifying or amending existing agreements between the former Redevelopment Agency of the City of Seaside (the "Agency") and a private third-party or developer, in connection projects in various stages of the development process.

Specifically, you have requested information on the roles of the Successor Agency, the Oversight Board<sup>3</sup>, and the State Department of Finance related to any action taken by the Successor Agency in administering, monitoring or implementing existing development projects. The initial inquiry is related to the proposed Seaside Resort Project in which the Developer has requested certain changes to the Disposition and Development Agreement due to the change in the economy.

In addition, you have requested guidance on the process for the Successor Agency to act in connection with several existing projects that are at various stages in the development process, but which have been frozen or suspended due to the enactment of the Dissolution Act.

Facsimile

510 836-1035

San Francisco

415 788-6336

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213 627-6336

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Goldfarb & Lipman LLP

<sup>1</sup> The City of Seaside elected to become the successor agency of the former Redevelopment Agency of the City of Seaside, pursuant to Section 33173 of the Health and Safety Code.

<sup>2</sup> The Dissolution Act is defined as the provisions enacted pursuant to Assembly Bill No. 1x26, on June 28, 2011, which among other matters, eliminated redevelopment agencies. The Dissolution Act was upheld on December 29, 2011 by the California Supreme Court, which provided that all redevelopment agencies are dissolved as of February 1, 2012.

<sup>3</sup> The Oversight Board is a seven-member board established by the Dissolution Act, which must be formed by May 1, 2012 and which will have authority over the Successor Agency, including approval of all of its actions.

I. Brief Answer.

A. The Successor Agency must obtain the approval of the Oversight Board for any modification or amendment to any existing agreement related to a non-housing asset or project of the Agency. The Oversight Board should approve such modification or amendment if it can be shown that (i) it will implement the development of a project under contract, (ii) it will maximize the value of the asset so that upon disposition more revenue will be provided for disbursement to the taxing entities, and/or (iii) it is in the best interest of the taxing entities.

B. The proposed Restated and Amended Disposition and Development Agreement to the Seaside Resort Project (the "Amended DDA") should meet the standards described above because it will relieve the Successor Agency of certain liabilities, while ensuring that the Project will ultimately be constructed, thereby making the asset more valuable, so that upon disposition, more proceeds will be available for disbursement to the taxing entities.

C. Existing projects will need to be evaluated based on the criteria set forth in Section I.A. above.

D. All actions of the Successor Agency are subject to the approval of the Oversight Board. The State Department of Finance has the right to review and approve all actions of the Oversight Board.

E. Existing projects which are related to housing may proceed as normal. The City of Seaside (the "City"), as the successor housing agency, has all rights, interests and functions of the Agency, and can modify, amend and enter into other agreements regarding housing. Housing Funds, however, are under the control of the Successor Agency, and can only be disbursed in connection with existing obligations to the extent that such obligations are listed on the Successor Agency's EOPS and ROPS (as defined below).

II. Analysis.

A. Dissolution Act. As of February 1, 2012, the Agency is deemed dissolved, and the Successor Agency assumed all of the rights and obligations of the Agency, except for those rights and obligations which were retained by the City as the successor housing agency. The primary objective of the Successor Agency is to wind down the affairs of the Agency. Notwithstanding the foregoing, the Dissolution Act provides that the Successor Agency will have authority to make payments under enforceable obligations, subject to the conditions that such enforceable obligations meet the standards set forth in Section 34171(d)(1) of the Health and Safety Code. In addition, the actions of the Successor Agency are subject to the approval of the Oversight Board, a board established by the Dissolution Act, which will not be formed until May 1, 2012.

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As you are aware, upon the enactment of the Dissolution Act on June 28, 2011 and the Supreme Court's stay of such Dissolution Act on August 11, 2011, the Agency's activities were severely limited, and the Agency was prevented from, among other matters, amending or modifying any existing agreements. In addition, by September 1, 2011, the Agency was required to prepare and adopt an Enforceable Obligation Payment Schedule ("EOPS"), and was only permitted to make payments for those enforceable obligations indicated on the EOPS. The Agency prepared the EOPS, which was adopted by the Agency after a public hearing and posted on the Agency's website. When the Supreme Court ruled the Dissolution Act constitutional on December 29, 2011, it extended the time period before redevelopment agencies were to be dissolved until February 1, 2012. Many redevelopment agencies amended their EOPS to provide for payments due under enforceable obligations from the period of January 1, 2012 through June 2012.

The Agency and Seaside Resort Development LLC (the "Developer") entered in a Disposition and Development Agreement dated July 7, 2005, (the "DDA"), regarding the development of a mixed-use project, as more particularly described in the DDA. Pursuant to the terms of the DDA, both the Developer and the Agency are required to perform certain activities, including making certain financial payments with the ultimate goal that the Agency would dispose of certain property to the Developer in phases, in order for the Developer to complete the Development (as defined in the DDA). The DDA is listed on the EOPS. The Development is a three-phased project, in which the parties agreed to a development schedule and other terms and conditions. Subsequent to the execution of the DDA, the parties entered into negotiations to further amend the DDA to change the development schedule and relieve the Agency of certain monetary obligations, as set forth in the proposed Amended DDA, due to the recession which has had an adverse impact on the financial feasibility of the Development. The parties were scheduled to approve the Amended DDA when the Dissolution Act was enacted, which prohibited the Agency from making any modifications or amendments to existing agreements.

B. Role of Successor Agency. As of February 1, 2012, the Successor Agency, has assumed all of the rights and obligations of the Agency. The role of the Successor Agency is to wind down the affairs of the Agency. As discussed in Section C below, the actions of the Successor Agency are subject to the review and approval of the Oversight Board. However, the Successor Agency must, in most instances, abide by the terms of any enforceable obligations, including the DDA. In certain instances, if approved by the Oversight Board, the Successor Agency can amend existing agreements, if it can be demonstrated that it will maximum the value of the properties. The overall threshold is for the Successor Agency to provide the County Auditor with the maximum amount of revenue from assets, so that the revenue can be distributed to the taxing entities.

As mentioned previously, the role of the Successor Agency is to wind down the affairs of the Agency. However, the Dissolution Act provides the Successor Agency with the following

responsibilities that are applicable to existing projects, including the Development. Successor agencies are required to:

- (c) perform obligations required pursuant to any enforceable obligation.<sup>4</sup>
- (e) Dispose of assets and properties of the former redevelopment agency as directed by the oversight board. The disposal is to be done expeditiously and in a manner aimed at maximizing value.<sup>5</sup>
- (i) Continue to oversee development of properties until the contracted work has been completed or the contractual obligations of the former redevelopment agency can be transferred to other parties.<sup>6</sup>

C. Role of Oversight Board. The Dissolution Act provides the Oversight Board<sup>7</sup> with broad authority to wind down the affairs of the Agency. The actions of the Successor Agency are subject to the approval of the Oversight Board. Until July 1, 2016, there will be an Oversight Board for each former redevelopment agency. The Oversight Board must approve the Recognized Obligation Payment Schedule ("**ROPS**")<sup>8</sup>. In addition, it has the authority to amend any existing agreement, if it can be demonstrated that the amendment is necessary to implement an existing development project, or if is necessary to maximize the value of the asset, so that upon its ultimate disposition, there is more revenue available for distribution to the taxing entities. Section 34181 of the Health and Safety Code provides:

*"The Oversight Board shall direct the successor agency to do all of the following:  
(e) Determine whether any contracts, agreement, or other arrangements between the dissolved redevelopment agency and any private parties should be terminated or renegotiated to reduce liabilities and increase net revenues to the taxing entities, and present proposed termination or amendments to the oversight board for its approval. The board may approve any amendment to or early termination of such agreements where it finds that amendments or early termination would be in the best interest of the taxing entities."*

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<sup>4</sup> Section 34177(c)

<sup>5</sup> Section 34177(e)

<sup>6</sup> Section 34177(i)

<sup>7</sup> The composition of the Oversight Board is provided in Section 34179(a) of Health and Safety Code. The Oversight Board is a local entity for purposes of the Ralph M. Brown Act, the California Public Records Act and the Political Reform Act of 1974. All notices and actions must be posted on the Successor Agency's or the Oversight Board's internet website.

<sup>8</sup> The Recognized Obligation Payment Schedule is a list of enforceable obligations going forward for each six-month period, the first period being February 1, 2012- July 1, 2012, in which the Successor Agency will receive funds from the County to make payments of approved enforceable obligations.

Therefore for existing projects, the Successor Agency would need to make the argument to the Oversight Board that the amendments to the existing agreements are necessary to "maximize the value of the assets", relieve the Successor Agency of liabilities, and be in the best interest to the taxing entities. The Amended DDA would have to meet these criteria. There is no guarantee that the Oversight Board will approve the proposed Amended DDA. However, to the extent that it could be demonstrated that the proposed Amended DDA would ultimately be in the best interest of the taxing entities, the Oversight Board should approve it.

All actions of the Oversight Board are subject to the review of the State Department of Finance. As such, any action is not effective for at least three business days, pending a request from State Department of Finance for a review. If a review is requested, the action is not final until ten business days after the State Department of Finance has requested a review and approved the Oversight Board's action.

### III. Existing Projects.

A. Non-Housing Projects. Existing projects of the Agency with monetary obligations should have been listed on the EOPS and the ROPS. Any projects that were not listed can be added to the EOPS, after the Successor Agency has had a public hearing and amended its EOPS. The Oversight Board has the authority to adhere to the obligations under any existing obligations or to terminate agreements. As mentioned in Section II, it also has the authority to amend any existing agreements if it finds that it would be in the best interest of the taxing entities.

You have asked for guidance regarding existing projects. Except for housing projects, in order for any project to proceed, at a minimum, it must meet the definition of an enforceable obligation<sup>9</sup>. If there are monetary obligations to be paid under an enforceable obligation, it must be listed on the EOPS or the ROPS. The Oversight Board has authority to either abide by the terms of any enforceable obligation, amend the terms of any agreement, or to terminate the agreement. The Oversight Board will review all of the Successor Agency's enforceable obligations and make a decision regarding the course of action. Projects that are not considered enforceable obligations are no longer enforceable. There could be projects at the ENRA stage, in which they are no binding agreements. These projects are no longer viable.

Projects which are under contract may proceed, subject to the Oversight Board's approval. If it is determined that it would be beneficial to dispose of the former Agency assets, the Oversight Board could elect to terminate an existing obligation and direct the Successor Agency to dispose of the asset with the proceeds to be disbursed to the taxing entities.

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<sup>9</sup> See Section 34171(d)(1) for definition of "enforceable obligation".

For the Development, the proposed Amended DDA would relieve the Agency of liabilities equal to \$10,375,000, and would provide provisions which would ultimately cause the Development to be constructed. The case could be made that the proposed Amended DDA would provide maximum value to the Successor Agency, and in the end would be in the best interest of the taxing entities. Each existing project would need to be evaluated under this criteria.

B. Housing Projects. Existing housing projects can proceed as normal, as the housing functions of the Agency have been retained by the City as the successor housing agency. Unlike the role of the Successor Agency, the City's function in this role, is to continue the development of housing. The Dissolution Act transferred the Housing Fund to the Successor Agency. Therefore, any payments required under any existing obligation, must be listed on the EOPS or ROPS, and be subject to the approval of the Successor Agency and the Oversight Board. Subject to the foregoing, the City can proceed to modify, amend and even enter into any agreement related to the development of affordable housing. It is anticipated that SB 654 will be enacted and that Housing Funds will be available to the City. However, these funds will probably not be available until July 1, 2012. Currently, there is no permanent source of funding for housing. Thus, the City will have to rely on other sources of funds, i.e. program income, lease payments, loan repayments, to continue to implement housing developments. There is a plausible argument that projects which are mixed use, can come under the jurisdiction of the City as the successor housing agency, if the project is predominately housing. However, this is an open question.

#### IV. Next Steps.

The Oversight Board will not be formed until May 1, 2012. An audit of the former agency's assets is due April 1, 2012, and the ROPS is due March 15, 2012. No amendments can be made to the DDA until the Oversight Board is formed. If timing is an issue, the Successor Agency can work to get the Oversight Board formed as quickly as possible, in order for the Successor Agency to present the proposed Amended DDA to the Oversight Board for its review and approval. In addition, the Amended DDA may need to be added to the EOPS and the ROPS.

#### V. Conclusion.

All actions of the Successor Agency are subject to the review and approval of the Oversight Board. The State Department of Finance also has the right to review the actions of the Oversight Board. If such a review is requested, the Oversight Board's actions are not final until approval is granted by the State Department of Finance. The Oversight Board is charged with the responsibility of overseeing the development of properties under contract, and it has the authority to amend existing contracts, if doing so will maximize the value of such properties and ultimately be in the best interest of the taxing entities. The primary objective of the Successor Agency and the Oversight Board is to wind down the affairs of the former redevelopment agency

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and to provide tax revenue to the taxing entities. This objective is met by disposing of the former redevelopment assets for the maximum value. The maximum value for developments that are underway, may be their completion and disposition to third-parties as contemplated by existing agreements, or it could be disposition of properties "as is". It will be up to the Successor Agency to demonstrate to the Oversight Board that the proposed course of action will be in the best interest of the taxing entities.

Housing projects can proceed in the same manner as they proceeded under the jurisdiction of the Agency, except if there are payments due, then the agreements must be listed on the EOPS and the ROPS.

\* \* \* \*

I hope this letter is responsive to your request. Please call with any questions.

Sincerely,

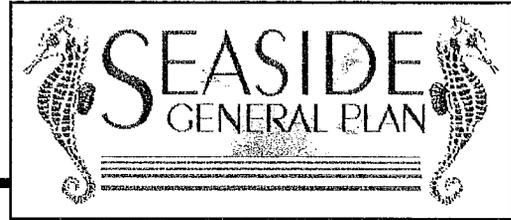


DIANNE JACKSON MCLEAN

DJM:rar

cc: Lisa Brinton, Redevelopment Project Manager

# ECONOMIC DEVELOPMENT ELEMENT



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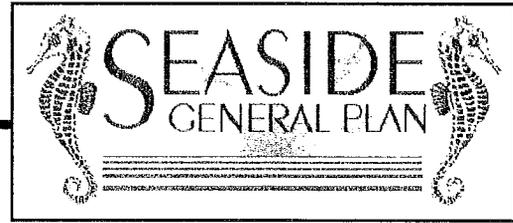
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# ECONOMIC DEVELOPMENT ELEMENT



## INTRODUCTION

Recognizing the importance for a strong local economy that provides needed services and employment opportunities for local residents, the City has included an Economic Development Element. This Element focuses on promoting a healthy economy that allows for a fiscally balanced community with a high quality of life. The Economic Development Plan outlines the approach the City will implement to improve its economic and fiscal condition.

### PURPOSE OF THE ECONOMIC DEVELOPMENT ELEMENT

The purpose of the Economic Development Element is to plan, promote, and increase the health and diversity of the business and employment sectors in Seaside. This Element is an optional element under California law, rather than a mandatory element of the General Plan.

### SCOPE AND CONTENT OF THE ECONOMIC DEVELOPMENT ELEMENT

The goals, policies and implementation plans of this Element provide the overall framework for decision making that affects economic development in the City.

### RELATED PLANS AND PROGRAMS

Existing plans and programs specifically focused on economic development are as follows:

### Redevelopment Implementation Plan

A majority of the City of Seaside is within the "Merged Project Area" of the Seaside Redevelopment Implementation Plan. The Plan serves as a multi-year planning vehicle for projects in the Merged Project Area. The Plan provides policies, programs, and funding for the alleviation of blight and the provision of affordable housing. Recent accomplishments under the plan include the rehabilitation of residential units, the dedication of open space, and the completion of infrastructure improvements, street tree planting, land assemblage, and street lighting. Specific Redevelopment Agency projects that may help attract and retain businesses to Seaside include:

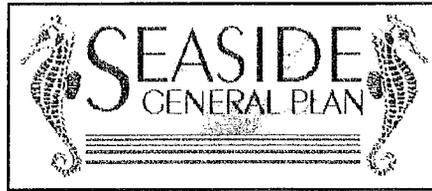
- ✦ Infrastructure Improvements Program
- ✦ Street Lighting Improvements Project
- ✦ Commercial Development Project/Site Acquisition
- ✦ Commercial Façade Program

### Broadway Avenue Improvement Plan

In 2002, the City undertook a comprehensive effort to revitalize the Broadway Corridor. The Broadway Improvement Plan includes recommended infrastructure and design standards needed to revitalize the Broadway Corridor and provide a cohesive connection between East and West Broadway.

### Fremont Boulevard Improvement Plan

The Fremont Boulevard Improvement Plan is a program designed to revitalize Fremont Boulevard. The Fremont Boulevard Improvement Project includes the following im-



provements along Fremont Blvd. from Broadway Avenue to the North City Limits: pavement resurfacing, installation of a traffic signal at Fremont and Playa, traffic signal cabinet upgrades, traffic signal interconnect, installation of a new median between Playa and Ord Grove, landscape improvements, and irrigation improvements.

### **Seaside Auto Mall Master Plan**

The Seaside Auto Mall Master Plan, updated in 2003, contains specific land uses, a circulation system, and design standards for the redevelopment and expansion of the 41.3-acre Auto Mall area. New development and redevelopment activities in the Auto Mall area will have to be consistent with this Plan.

### **RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS**

While the Economic Development Element is an optional element and is not required by State law, it must be consistent with the other General Plan elements. All of the elements are interdependent, as well as being interrelated. Certain goals and policies of each element may also address issues that are primary subjects of other elements. This integration of issues throughout the General Plan creates a strong basis for the implementation of plans and programs and achievement of community goals.

The Economic Development Element is most closely related to the Land Use and Urban Design Elements, which determine the amount and type of development that will occur in the community, and specifically address development standards and preferred land uses for potential economic development opportunity areas such as the Broadway Corridor, Fremont, the North and South Gateways, Gigling Road, and Auto Mall (See

Figure LU-3 in the Land Use Element) . The Circulation Element is also important in that adequate and safe vehicular and pedestrian access as well as public transit must be provided to the City's business, employment, service, and tourist-oriented areas.

# ECONOMIC DEVELOPMENT ELEMENT



## PLAN

Economic Development is a process of creating wealth through the mobilization of human, financial, and physical resources to generate marketable goods and services. Through comprehensive planning, it is possible to maximize utilization of local resources while minimizing local constraints in order to achieve a healthier local economy.

Seaside has experienced major changes in the socioeconomic characteristics of the community over the past decade due to a number of internal (local) factors such as the closure of Fort Ord, as well as external factors such as the ongoing housing crisis in the Bay Area and shifting demographic trends that are occurring throughout California and Monterey County. An understanding of how these changing characteristics influence Seaside's development opportunities is key to developing an appropriate and effective economic strategy for addressing the imbalance between jobs and housing in Seaside. This economic strategy will lead to the expansion and diversification of the local economy.

### FISCAL STRENGTH AND STABILITY

For any city to maintain a healthy economy, there must be a balance between revenue generating and employment generating uses and those uses that generally place a drain on the local budget. The City will strive to improve its fiscal strength and stability by providing an appropriate balance of land uses that will encourage economic development and improve the current jobs/housing ratio. Planned land uses and standards within the Specific Plan Areas (**Figure LU-3** in the Land Use Element) as well as standards and regula-

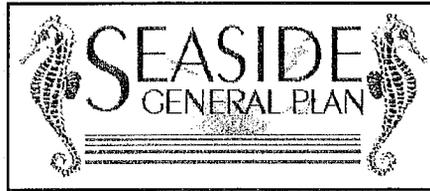
tions within the Land Use Element and Zoning Ordinance that will preclude development of over-represented commercial uses, will help provide a stronger local economy. For example, Regional Commercial uses at the North and South Gateways and Mixed Uses in the Broadway Corridor will help revitalize these areas and spur development of the type needed in Seaside. Please refer to the Land Use and Urban Design Elements for a more detailed description of desired uses throughout the community.

The City will use the Economic Development Strategy and prepare a fiscal model to assess development proposals to ensure they meet the economic development goals of the community.

### BUSINESS ATTRACTION AND RETENTION

Seaside needs to expand its retail base in order to capture a greater share of local-, regional- and visitor spending. To revitalize the community, strengthen its fiscal position, and create a positive identity on the Peninsula, Seaside will undertake a variety of activities to attract and retain businesses. The following describes the programs that the City will implement to: 1) improve the overall business climate in Seaside; 2) attract beneficial businesses to the community; and 3) assist existing businesses to succeed and expand.

To maintain a business climate in Seaside that supports the growth and prosperity of businesses in the community, the City will cooperate with local and regional organizations such as the Overall Economic Development Commission and Seaside/Sand City Chamber of Commerce to help businesses gain ready



access to business support organizations and resources. City staff will also assist new and expanding businesses with new site identification, access to workforce training programs, and access to financial resources for business growth.

To make Seaside a more attractive location for businesses, the City implements several programs that will help expedite the processing and evaluation of development proposals. Local, State, and federal funds, including Re-development Agency funds will be used to revitalize certain areas of the community and improve infrastructure. Improvements like those included in the Broadway Avenue and Fremont Boulevard Improvement Plans will make Seaside a more attractive location for businesses and visitors. To ensure quality development is constructed and maintained City-wide, the land use development and design standards contained in the General Plan, Specific Plans, and Zoning Ordinance must be met.

In cooperation with the Monterey Film Commission, Seaside will use its prime location on the Monterey Peninsula to market sites for film production. The culture and history of Seaside will be promoted by working with agencies such as CSUMB, the Seaside Cultural Arts Group, and the Monterey Culture Council to promote cultural attractions and events in the community that will attract visitors to the area.

### **JOB TRAINING AND EDUCATION**

Seaside's economy consists mainly of local support industries including retail and services, which together comprise about 75 percent of employment in the community. These are generally low-paying, low-skill jobs. Additionally, workforce is one of the biggest constraints to economic development in Seaside.

Many businesses in Seaside have difficulty finding qualified employees, and effective workforce development programs are badly needed. To attract businesses to Seaside that will create higher-paying employment opportunities, the City will work with the County Workforce Investment Board (WIB) to create suitable training programs and coordinate training resources in the County. The City will also consider proposals for employment generating developments, such as business parks, office complexes, light industrial and manufacturing, research and development, high technology, and financial institutions within the Regional Commercial areas in North Seaside.

### **JOBS/HOUSING RATIO**

Currently, Seaside has a 0.68:1 jobs/housing ratio, the lowest jobs/housing ratio on the Monterey Peninsula and in Monterey County as a whole. As shown in **Figure ED-1**, Seaside's jobs/housing ratio is significantly lower than Monterey County's ratio of 1.23:1 and the Department of Housing and Community Development-recommended 1.5:1 ratio. This indicates Seaside is primarily a bedroom community, whose residents work throughout the Monterey Peninsula and other nearby employment centers.

Through implementation of the City's primary land use documents (General Plan, Specific Plans, and Zoning Ordinance) and the review of development proposals, the City encourages the location of employment-generating uses in Seaside.

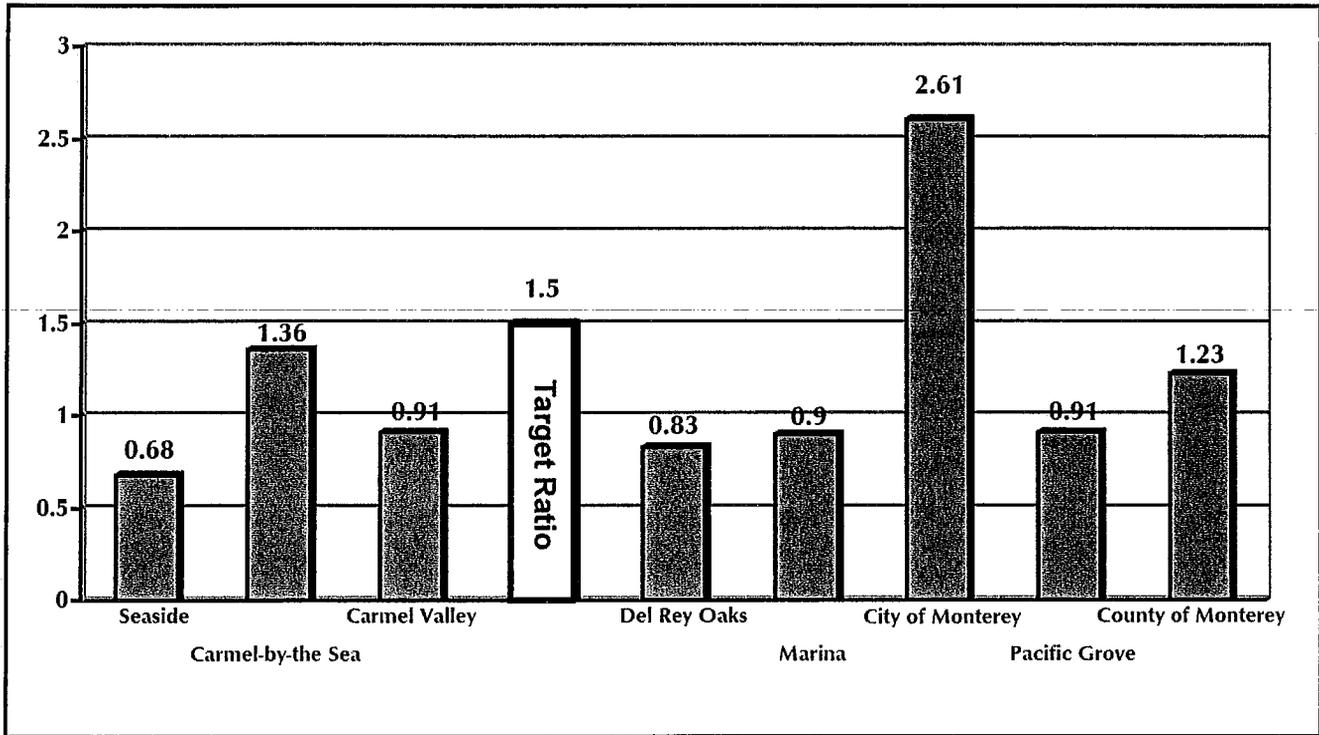
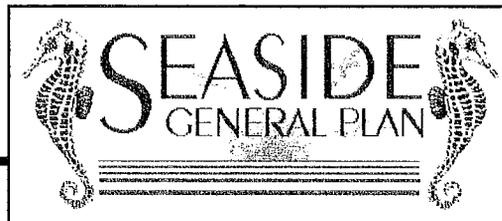


Figure ED-1: Jobs/Housing Ratios

### Gigling Road/Surplus II

A significant number of parcels in the Gigling Road/Surplus II area (See **Figure LU-3** Specific Plan Areas) have already been conveyed to non-profit organizations. In order to prevent an over concentration of non-revenue generating businesses in the area and to establish a desirable environment for new revenue generating businesses to locate in this area, the City will restrict additional non-profit uses from locating in this area. Further, the City will strive to develop this area with businesses that generate high paying jobs for community residents. In addition, high density rental and ownership units with community serving retail and services are appropriate land uses for this area.

# ECONOMIC DEVELOPMENT ELEMENT



## GOALS, POLICIES, AND IMPLEMENTATION PLANS

While not a mandatory General Plan element, the City of Seaside makes a healthy local economy a high priority. The goals, policies, and implementation plans outlined in this section are intended to provide direction as to how the community can focus resources to retain local businesses, attract new commercial and industrial development, diversify and expand the tax base, and revitalize existing commercial areas. These goals and policies are intended to work in concert with other elements of the Seaside General Plan, and serve as the foundation for an overall economic development strategy for the City.

### FISCAL STRENGTH AND STABILITY

A strong, diversified economic base creates a number of benefits for the community including tax revenues to help fund services for residents, jobs to provide income for residents, and stability to withstand fluctuations in regional and national economic conditions.

**Goal ED-1: Establish a diverse and balanced mix of businesses that will generate a stable, long-term stream of revenue to fund city services.**

**Policy ED-1.1:** Encourage the full and efficient use of vacant and underutilized parcels in appropriately designated areas to support the development and expansion of targeted industrial and commercial facilities.

### IMPLEMENTATION PLANS

**Implementation Plan ED-1.1.1 CDBG Incentive Program.** Augment the Community Development Block Grant (CDBG) incentive program to include the provision of low-interest loans for property improvements and for assistance with the acquisition of adjacent properties. (See also Implementation Plan LU-2.1.2)

**Responsible Agency/Department:** Community Development, Redevelopment

**Funding:** CDBG funds, Redevelopment funds

**Time Frame:** Ongoing

**Implementation Plan ED-1.1.2 Project Processing Streamlining.** Streamline the certificate of occupancy process for identified appropriate land uses as per revisions to the Zoning Ordinance. (See also Implementation Plan LU-2.1.5)

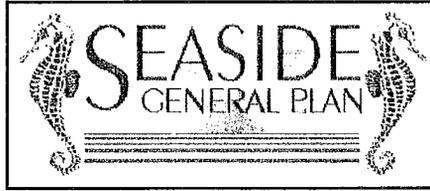
**Responsible Agency/Department:** Community Development

**Funding:** General fund, Developer fees

**Time Frame:** Adopt a streamlined process with the adoption of the updated Zoning Ordinance by the end of 2005

**Implementation Plan ED-1.1.3 Accelerated Entitlement Processing.** Institute accelerated entitlement processing for economic development projects. (See also Land Use Implementation Plan LU-2.1.5)

**Responsible Agency/Department:** Community Development



**Funding:** General fund, developer fees  
**Time Frame:** Adopt streamlined entitlement processing with the adoption of the updated Zoning Ordinance by the end of 2005

**Responsible Agency/Department:** Community Development  
**Funding:** General fund, State and federal funds  
**Time Frame:** Adopt an implement an updated Ordinance by the end of 2005

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**Policy ED-1.2:** Diversify the local economy by targeting business development and attraction efforts toward businesses whose economic cycles are less likely to correspond to those of major retailers in the City.

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**Policy ED-1.4:** Create a favorable environment in the Gigling Road /Surplus II Area to establish quality urban development compatible with CSUMB's academic environment, provide employment opportunities with high pay and benefits for community residents, new high density rental and ownership housing opportunities and generate revenue to support City services.

---

#### IMPLEMENTATION PLANS

**Implementation Plan ED-1.2.1 Economic Development Strategic Plan.** Periodically update the Economic Development Strategic Plan to assess the performance of the retail sector and to identify gaps that need to be addressed.

**Responsible Agency/Department:** Community Development, City Manager, Redevelopment, Public Works  
**Funding:** General fund, State and federal funds  
**Time Frame:** Review annually; update as necessary

#### IMPLEMENTATION PLANS

**Implementation Plan ED-1.4.1 Specific Plan.** Prepare a Specific Plan for the Gigling Road/Surplus II Area that will preclude additional non-profit organizations other than those with land conveyances through the Fort Ord Closure Process from locating in the area. The Specific Plan should include design criteria, infrastructure improvements and development incentives to attract revenue-generating businesses to the area.

---

**Policy ED-1.3:** Create commercial zoning districts that reduce the need for General Plan amendments.

---

**Responsible Agency/Department:** Community Development  
**Funding:** General Fund, State and Federal funds  
**Time Frame:** Adopt and implement a Specific Plan by the end of 2006

#### IMPLEMENTATION PLANS

**Implementation Plan ED-1.3.1 Zoning Ordinance.** Create Zoning regulations that provide flexibility in design for desired uses and preclude the location of additional businesses in the community that are already over-represented in Seaside, such as liquor stores, convenience stores, thrift stores, bars, automotive repair, and fast food restaurants. (See also Land Use Implementation Plans LU-2.1.1 and 2.3.1.)

**Implementation Plan ED-1.4.2 Mixed Use Development Criteria.** Include design criteria in the Specific Plan to establish high-quality mixed-use residential developments.

**Responsible Agency/Department:** Community Development  
**Funding:** General Fund, State and Federal funds



**Time Frame:** Adopt and implement a Specific Plan by the end of 2006

expanding businesses with new site identification, access to workforce training programs, and access to financial resources for business growth.

## **BUSINESS ATTRACTION AND RETENTION**

Expansion and diversification of the Seaside economy requires a well-defined strategy to attract new businesses and retain/expand existing businesses. Seaside has identified a number of potential near-term opportunities for local-, regional-, and visitor-serving commercial development through revitalization and redevelopment of its primary commercial corridors, as well as new commercial and mixed use development in North Seaside.

**Goal ED-2: Maintain a business climate in Seaside that supports the growth and prosperity of businesses that are advantageous to the community.**

**Policy ED-2.1:** Coordinate with regional economic development agencies and business serving organizations to provide support for business growth, retention, and expansion in Seaside.

## **IMPLEMENTATION PLANS**

**Implementation Plan ED 2.1.1 Broadway Avenue Improvement Plan.** Market the Broadway Avenue Improvement Plan to developers and businesses.

**Responsible Agency/Department:** Community Development, City Manager, Redevelopment, Seaside/Sand City COC

**Funding:** General fund

**Time Frame:** Provide information by the end of 2004; ongoing outreach

**Implementation Plan ED 2.1.2 Economic Development Networking.** Maintain City staff capability through networking with public and private sector organizations to assist

**Responsible Agency/Department:** Community Development, City Manager, Redevelopment

**Funding:** General fund

**Time Frame:** Ongoing

**Implementation Plan ED 2.1.3 Overall Economic Development Commission (OEDC).** Maintain City participation in the County Overall Economic Development Commission (OEDC) and help businesses to gain ready access to business support organizations and resources.

**Responsible Agency/Department:** Community Development, City Manager, Redevelopment, OEDC

**Funding:** General fund

**Time Frame:** Ongoing

**Implementation Plan ED-2.1.4 Marketing and Support Services for Businesses.** Support the efforts of the Seaside/Sand City Chamber of Commerce, the Gavilan and Cabrillo SBDCs, SCORE, and other County-wide agencies to provide marketing and other support services to Seaside businesses.

**Responsible Agency/Department:** Community Development, City Manager, Redevelopment

**Funding:** General fund, Redevelopment funds

**Time Frame:** Ongoing

**Implementation Plan ED-2.1.5 Business Attraction.** Target business attraction efforts to low impact distribution enterprises that have high taxable sales potential and import/export firms not affected by local economic cycles. Encourage such firms to use the services of



available programs such as the Monterey Bay Export Assistance Center, BAYTRADE, Export Loan Guarantee Program (California Export Finance Office), and the Export-Import Bank of the U.S.

**Responsible Agency/Department:** Community Development, City Manager, Redevelopment

**Funding:** General fund, Redevelopment funds, State and federal funds, private funds

**Time Frame:** Ongoing

**Implementation Plan ED-2.1.6 Film Production.** Coordinate with the Monterey Film Commission to market sites in Seaside for film production.

**Responsible Agency/Department:** Community Development, City Manager

**Funding:** General fund

**Time Frame:** Ongoing

**Policy ED-2.2:** Support business expansion through active assistance to remove obstacles.

#### IMPLEMENTATION PLANS

**Implementation Plan ED-2.2.1 Redevelopment Agency Activities.** Determine appropriate leveraging activities for the Redevelopment Agency to encourage desired revitalization projects.

**Responsible Agency/Department:** Redevelopment, Community Development, City Manager

**Funding:** General fund

**Time Frame:** Annually during the budget process; ongoing

**Goal ED-3: Provide the necessary public facilities and infrastructure to support new commercial and industrial development.**

**Policy ED-3.1:** Seek innovative ways of financing infrastructure provision without unduly transferring the cost burden to the residential sector.

#### IMPLEMENTATION PLANS

**Implementation Plan ED-3.1.1 Economic Development - Infrastructure Provision.** Support industry desired by the community by providing, whenever appropriate and financially feasible, necessary infrastructure, services, and assistance. When determined appropriate and feasible, use federal and State resources such as EDA loans, CDBG funds, and the California Infrastructure Bank to leverage local funds for infrastructure development.

**Responsible Agency/Department:** Redevelopment, Community Development, Public Works

**Funding:** State and federal funds, Redevelopment funds

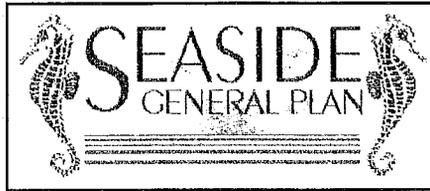
**Time Frame:** Annually during the budget process; ongoing in response to development proposals

**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.

#### IMPLEMENTATION PLANS

**Implementation Plan ED-4.1.1 Seaside/Sand City Chamber of Commerce.** Continue to support Seaside/Sand City Chamber of Commerce in its efforts to provide marketing and other support services to Seaside businesses.



**Responsible Agency/Department:** Community Development, City Manager  
**Funding:** General fund  
**Time Frame:** Annually during the budget process; ongoing

**Implementation Plan ED-5.1.2 Regional Commercial at North Gateway.** Work with private developers to establish a regional commercial center with one or more anchor tenants at the North Gateway.

---

**Policy ED-4.2:** Encourage the use of public/private partnerships as a means of redeveloping and revitalizing targeted areas.

---

**Responsible Agency/Department:** City Manager, Community Development, Redevelopment  
**Funding:** General fund, Redevelopment funds  
**Time Frame:** Ongoing

#### IMPLEMENTATION PLANS

**Implementation Plan ED-4.2.1 RFPs for Public/Private Partnerships.** Issue Request for Proposals (RFPs) to solicit public/private partnerships.

**Implementation Plan ED-5.1.3 Seaside Auto Center.** Continue to work with auto dealerships to enhance and expand the Seaside Auto Mall. (See also Land Use Implementation Center Plans LU-2.7.1.)

**Responsible Agency/Department:** Community Development, Redevelopment, Public Works  
**Funding:** General fund  
**Time Frame:** Ongoing

**Responsible Agency/Department:** City Manager, Community Development, Redevelopment  
**Funding:** General fund, Redevelopment funds  
**Time Frame:** Ongoing

**Goal ED-5: 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.

---

**Implementation Plan ED-5.1.4 Zoning Ordinance - Visitor Serving Commercial Uses.** Through the Zoning Ordinance update, expand opportunities to serve the tourist market on the Monterey Peninsula by encouraging the development of appropriate commercial uses in proximity to the major hotels at Canyon Del Rey and Del Monte Boulevard and the planned hotels at North Seaside. (See also Land Use Implementation Plan LU-2.1.1.)

#### IMPLEMENTATION PLANS

**Implementation Plan ED-5.1.1 Marketing Seaside.** Continue to use the City's website and brochures as marketing tools to highlight the City's amenities, market available sites, and attract new development.

**Responsible Agency/Department:** City Manager  
**Funding:** General fund  
**Time Frame:** Ongoing

**Responsible Agency/Department:** Community Development  
**Funding:** General fund, State and federal funds  
**Time Frame:** Adopt and implement updated Zoning Ordinance by 2005

**Implementation Plan ED-5.1.6 Commercial Recreational Facility.** Attract the development of a large-scale commercial recreational



facility to serve residents and tourists. Identify appropriate sites for such facilities on the City's website and through other appropriate means.

**Responsible Agency/Department:** Community Development, Redevelopment

**Funding:** Redevelopment funds

**Time Frame:** Ongoing

---

**Policy ED-5.2:** Highlight cultural events and attractions in Seaside to help project a high quality of life image to potential visitors and business prospects.

---

#### IMPLEMENTATION PLANS

**Implementation Plan ED-5.2.1 Cultural Attractions and Events.** Work with CSUMB, the Seaside Cultural Arts Groups, and the Monterey Cultural Council to establish and promote a multiplicity of cultural attractions and events in the community.

**Responsible Agency/Department:** City Manager, Recreation and Community, CSUMB, Seaside Cultural Arts Groups, Monterey Cultural Council

**Funding:** General fund, private funds

**Time Frame:** Ongoing

**Goal ED-6: Attract economic base industries.**

---

**Policy ED-6.1:** Support the development of small-scale light manufacturing.

---

#### IMPLEMENTATION PLANS

**Implementation Plan ED-6.1.1 Attract Research and Business Park Uses.** Create a suitable environment to attract research and business park uses in North Seaside and coordinate with UC MBEST to prevent duplication of efforts .

**Responsible Agency/Department:** City Manager, UC MBEST

**Funding:** General fund, State and federal funds, private financing, developer fees

**Time Frame:** Ongoing

#### JOB TRAINING AND EDUCATION

The capacity to serve the workforce needs of existing and future employers is developed through effective job training and education programs. The City of Seaside recognizes the importance of workforce development and the role that it plays in achieving its goals for economic growth and prosperity.

**Goal ED-7: Use Seaside's labor force as an economic development and business attraction tool and increase the number of new jobs filled by Seaside residents by coordinating economic development efforts with employment placement.**

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**Policy ED-7.1:** Support job training for skilled labor through City- and employer-sponsored training or continuing educational programs.

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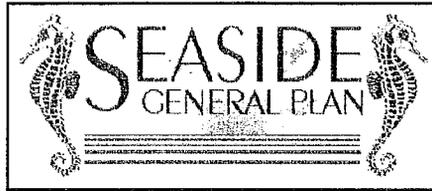
#### IMPLEMENTATION PLANS

**Implementation Plan ED-7.1.1 County CDBG EEF Revolving Loan Funds.** Assist firms proposing substantial new job creation to access State and local development funds, including the County CDBG EEF Revolving Loan Funds, and the industrial development bond program.

**Responsible Agency/Department:** Community Development, Redevelopment Agency, City Manager

**Funding:** General fund, State and federal funds

**Time Frame:** Ongoing in response to development proposals



**Implementation Plan ED-7.1.2 Work Force Training.** Inventory workforce training needs of businesses in Seaside and coordinate with the County WIB to identify or create suitable training programs. Participate with WIB efforts to coordinate training resources in the County.

**Responsible Agency/Department:** Community Development, City Manager, WIB  
**Funding:** General fund, State and federal funds

**Time Frame:** Complete first inventory by the end of 2006; update as necessary

## JOBS/HOUSING RATIO

According to California Department of Housing and Community Development (HCD) guidelines, a balance between jobs and housing in the community is attained when the jurisdiction has a ratio of 1.5 jobs for every housing unit available for occupancy (1.5:1). According to the best available data on jobs and housing units within the city limits, the City of Seaside currently has a jobs-housing ratio of 0.68:1. Increasing employment opportunities in the community and improving the jobs-housing ratio, therefore, is a key factor in Seaside's economic development strategy.

**Goal ED-8: Actively promote a balance between the numbers and types of workers residing in Seaside and the opportunities for employment in the city.**

**Policy ED-8.1:** Encourage development that helps the City achieve a jobs/housing ratio of 1.5:1. (See also Land Use Policy LU-1.2).

## IMPLEMENTATION PLANS

**Implementation Plan ED-8.1.1 Jobs/Housing Ratio.** Conduct an annual review of the jobs/housing ratio in Seaside. (See also Land Use Implementation Plan LU-1.2.1).

**Responsible Agency/Department:** Community Development

**Funding:** State funds, General fund

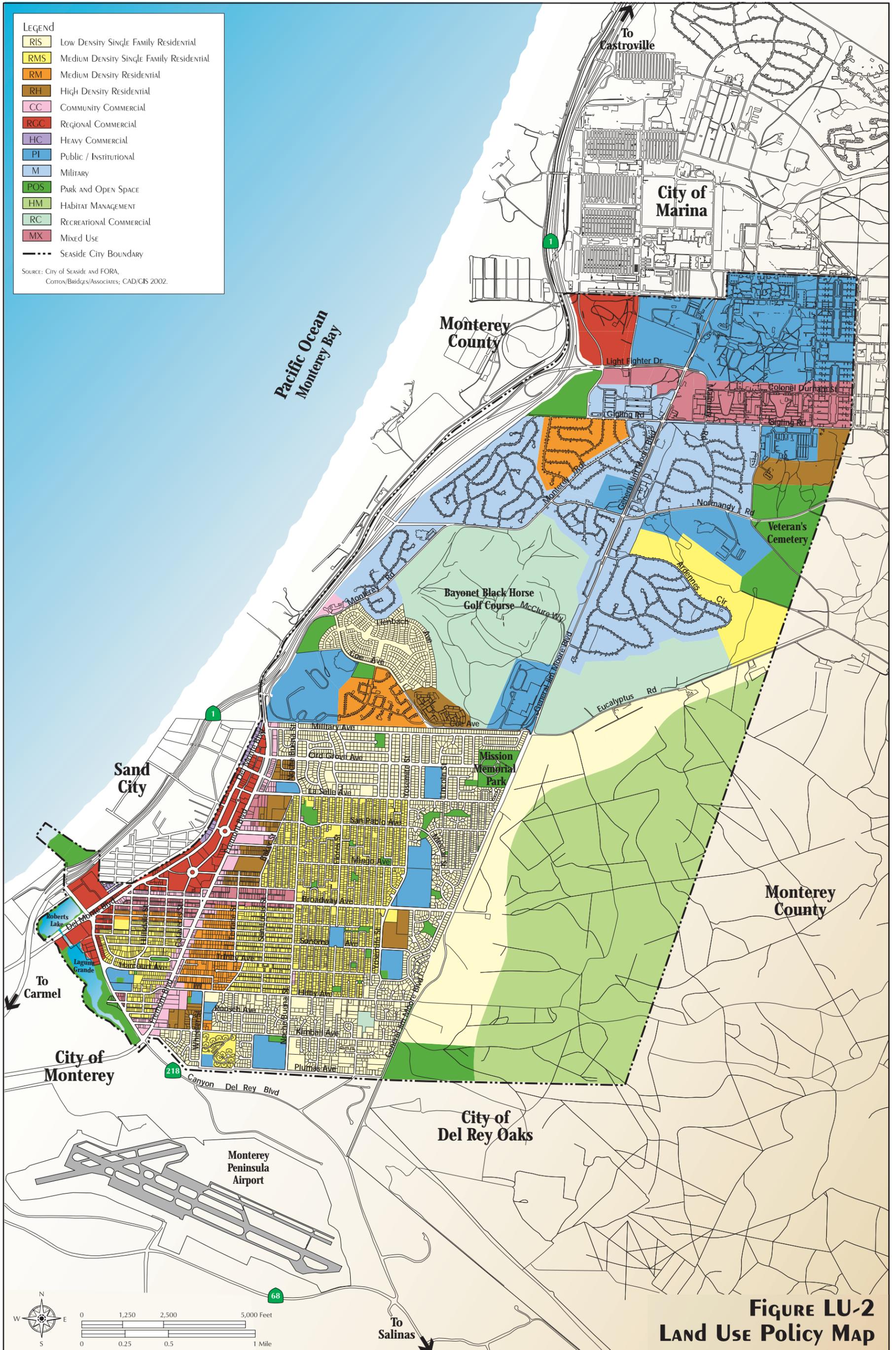
**Time Frame:** Annually

**Implementation Plan ED-8.1.2 Community Commercial Inventory.** Conduct a bi-annual inventory of community commercial uses. As part of this inventory, identify community commercial needs (i.e., grocery stores, movie theatres) that are unavailable within Seaside's city limits. (See also Implementation Plan LU-1.2.2)

**Responsible Agency/Department:** Community Development

**Funding:** State funds, General fund

**Time Frame:** Complete first inventory by 2004, update every two years as determined necessary



## CHAPTER 17.24 - COMMERCIAL ZONES

### Sections:

- 17.24.010 - Purpose
- 17.24.020 - Purposes of Commercial Zones
- 17.24.030 - Commercial Zone Land Uses and Permit Requirements
- 17.24.040 - Commercial Zone Subdivision Standards
- 17.24.050 - Commercial Zone Site Planning and Building Standards
- 17.24.060 - CD and CMX Frontage and Facade Standards
- 17.24.070 - CRG Coastal Zone Standards
- 17.24.080 - CA Zone Standards

### 17.24.010 - Purpose

This Chapter lists the land uses that may be allowed within the commercial zones established by Section 17.14.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### 17.24.020 - Purposes of Commercial Zones

The purposes of the individual commercial zones and the manner in which they are applied are as follows.

- A. **CD (Downtown Commercial) zone.** The CD zone is applied to the portions of the Broadway Avenue Corridor between Fremont Boulevard and Del Monte Boulevard intended to become a pedestrian-oriented downtown. The CD zone is intended to accommodate ground floor retail stores, restaurants, and entertainment uses, with upper floor residential and offices. The maximum floor area ratio (FAR) is 2.0.
- B. **MX (Commercial-Mixed Use) zone.** The CMX zone is applied to areas of the City identified by the General Plan as appropriate for pedestrian- and transit-oriented activity centers. The CMX zone is intended to accommodate retail stores, offices, theaters, restaurants, and other similar and related uses together with residential units in the context of mixed use, pedestrian-oriented development, although mixed use development is not required. The maximum allowable residential density within the CMX zone for the residential component of a mixed use project is 25 dwelling units per acre; the maximum floor area ratio (FAR) is 2.0. The CMX zone implements and is consistent with the Mixed Use (MX) land use designation of the General Plan.
- C. **CC (Community Commercial) zone.** The CC zone is applied to areas of the City that are intended for retail and service-oriented business activities primarily serving the local community or neighborhood. Allowable land uses may include restaurants, supermarkets, health clubs, offices, retail sales, services, personal services, and neighborhood-oriented retail uses. The maximum floor area ratio (FAR) is 0.50; except that a maximum FAR of 2.0 is allowed within the Broadway Corridor Specific Plan area designated by the General Plan. The CC zone implements and is consistent with the Community Commercial (CC) land use designation of the General Plan.
- D. **CRG (Regional Commercial) zone.** The CRG zone is applied to areas of the City that are appropriate for large scale commercial development with retail, entertainment, and/or service uses, business parks of a scale and function to serve a regional market. Allowable land uses may include hotels, "big-box" retail, movie theaters, and business parks in the North Seaside area only. The maximum floor area ratio (FAR) is 1.0; except that hotels are allowed a maximum FAR of 3.0. The CRG zone implements and is consistent with the Regional Commercial (RCC) land use designation of the General Plan.
- E. **CA (Automotive Regional Commercial) zone.** The CA zone is applied to the area covered by the Gateway Auto Center Area Plan, to provide a consolidated area for new automotive dealerships and related and compatible uses. The maximum floor area ratio (FAR) is 1.0. The CA zone is consistent with and implements the Regional Commercial (RGC) land use designation of the General Plan.

- F. **CH (Heavy Commercial) zone.** The CH zone is applied to areas of the City suitable for wholesale, heavy commercial, and light industrial uses that which are best suited away from areas regularly generating large amounts of pedestrian traffic. The maximum floor area ratio (FAR) is 0.5. The CH zone implements and is consistent with the Heavy Commercial (HC) land use designation of the General Plan.

#### **17.24.030 - Commercial Zone Land Uses and Permit Requirements**

- A. **General permit requirements.** Table 2-4 identifies the uses of land allowed by this Zoning Ordinance in each Commercial zone, and the planning permit required to establish each use, in compliance with Section 17.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column in Table 2-4 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.

<b>TABLE 2-4 Allowed Land Uses and Permit Requirements for Commercial Zones</b>	P	Permitted Use, Zoning Clearance required					
	MUP	Minor Use Permit required (see Section 17.52.070)					
	UP	Use Permit required (see Section 17.52.070)					
	S	See cited Section for permit requirement					
	—	Use not allowed					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>						<b>Specific Use Regulations</b>
	<b>CD</b>	<b>CMX</b>	<b>CC</b>	<b>CRG</b>	<b>CA</b>	<b>CH</b>	

**INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING**

Laboratory - Analysis, research and development, testing	—	—	—	—	—	P	
Laundry, dry cleaning plant	—	—	—	—	—	P	
Manufacturing/processing – Light	—	—	—	—	—	P	
Printing and publishing	—	—	—	—	—	P	
Recycling - Reverse vending machine	—	—	UP	UP	—	MUP	17.42.170.B
Recycling - Small collection facility	—	—	—	—	—	MUP	17.42.170.C
Recycling - Large collection facility	—	—	—	—	—	MUP	17.42.170.D
Research and development (R&D)	—	—	—	UP	—	P	
Storage - Outdoor contractors storage	—	—	—	—	—	UP	
Storage - Personal storage facility (mini-storage)	—	—	—	—	—	UP	
Storage - RVs, boats	—	—	—	—	—	UP	
Storage - Warehouse, indoor storage	—	—	—	—	—	UP	
Wholesaling and distribution	—	—	—	—	—	UP	

**RECREATION, EDUCATION & PUBLIC ASSEMBLY**

Adult oriented business	—	—	—	—	—	UP	17.40
Commercial recreation facility – Indoor	MUP	MUP	UP	UP	—	—	17.42.050
Commercial recreation facility – Outdoor	—	—	—	UP	—	—	
Conference/convention facility	—	—	—	UP	—	—	
Health/fitness facility	MUP	MUP	P	P	—	—	
Library, museum, art gallery	MUP	MUP	MUP	P	—	—	
Meeting facility, public or private	UP(2)	UP	UP	UP	—	UP	
School - Public or private, state accredited	—	—	—	UP	—	—	
School - Specialized education/training	UP(2)	UP	UP	UP	—	—	
Sports and entertainment assembly	—	UP	UP	UP	—	—	
Studio - Art, dance, martial arts, music, etc.	P	P	P	P	—	—	
Theater, cinema or performing arts	UP	UP	—	UP	—	—	

**Key to Zoning District Symbols**

<b>CD</b>	Downtown Commercial	<b>CRG</b>	Regional Commercial
<b>CMX</b>	Commercial Mixed Use	<b>CA</b>	Automotive Regional Commercial
<b>CC</b>	Community Commercial	<b>CH</b>	Heavy Commercial

**Notes:**

- (1) See Article 7 for land use definitions.
- (2) Use allowed only on second or upper floors; Office - Business/service may be allowed on ground floor with Minor Use Permit.
- (3) Use allowed only on a site north of Light Fighter Drive.
- (4) Use limited to the establishments existing in the City as of December 4, 2006.

<b>TABLE 2-4 (continued)</b> <b>Allowed Land Uses and Permit Requirements for Commercial Zones</b>	P	Permitted Use, Zoning Clearance required					
	MUP	Minor Use Permit required (see Section 17.52.070)					
	UP	Use Permit required (see Section 17.52.070)					
	S	See cited Section for permit requirement					
	—	Use not allowed					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>						<b>Specific Use Regulations</b>
	CD	CMX	CC	CRG	CA	CH	

**RESIDENTIAL**

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

**RETAIL**

Alcoholic beverage sales	UP	UP	UP	UP	—	—	
Art, antique, and collectables stores	P	P	P	P	—	—	
Artisan shop	P	P	P	—	—	—	
Auto and vehicle rental	—	—	UP	UP	P	UP	
Auto and vehicle sales, new vehicles, w/accessory used sales	—	—	—	—	P	UP	
Auto and vehicle sales, used vehicles only	—	—	—	—	—	UP	
Auto parts sales with no installation services	—	—	—	UP	P(6)	P	
Auto restoration and sale, collectible cars	—	—	—	—	P	UP	
Bar/tavern	UP(4)	UP(4)	UP(4)	UP	—	—	
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)	UP(4)	—	—	17.42.070
Drive-through retail	—	UP(4)	UP(4)	UP(4)	—	—	17.42.080
Drug store	P	P	P	P	—	—	
Equipment rental - Indoor	—	—	P	P	—	P	
<i>Retail Trade uses continue on next page.</i>							

**Key to Zoning District Symbols**

CD	Downtown Commercial	CRG	Regional Commercial
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**Notes:**

- (1) See Article 7 for land use definitions.
- (2) Use allowed only on second or upper floors; Office - Business/service may be allowed on ground floor with Minor Use Permit.
- (3) Use allowed only on a site north of Light Fighter Drive.
- (4) Use limited to the establishments existing in the City as of December 4, 2006.
- (5) Beauty and nail salons limited to the existing as of December 4, 2006.
- (6) Only allowed as an accessory use to a new car sales agency.

TABLE 2-4 (continued) Allowed Land Uses and Permit Requirements for Commercial Zones	P	Permitted Use, Zoning Clearance required					
	MUP	Minor Use Permit required (see Section 17.52.070)					
	UP	Use Permit required (see Section 17.52.070)					
	S	See cited Section for permit requirement					
	—	Use not allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	CD	CMX	CC	CRG	CA	CH	

RETAIL (Continued)

Equipment rental - With outdoor storage	—	—	—	—	—	UP	
Fuel dealer (propane for home and farm use, etc.)	—	—	—	—	—	UP	
Furniture, furnishings and appliance store	P	P	P	P	—	P	
Gas station	—	—	UP	UP	—	UP	17.42.210
General retail - 5,000 sf or larger	MUP	MUP	P	P	—	—	
General retail - Less than 5,000 sf	P	P	P	P	—	—	
Grocery or specialty food store - 5,000 sf or larger	P	P	UP	P	—	—	
Grocery or specialty food store - Less than 5,000 sf	P	P	P	P	—	—	
Mobile home, boat, or RV sales	—	—	—	—	—	UP	
Motorcycle sales, new, with accessory used sales	—	—	—	—	P	UP	
Night club	UP	UP	UP(4)	UP(4)	—	—	
Outdoor retail sales and activities	P	P	P	P	—	—	17.42.150
Restaurant, café, coffee shop - Table service	P	P	P	P	—	P	
Restaurant, café, coffee shop - Counter service	UP	UP	UP	UP	—	—	
Restaurant - Fast food	—	UP	—	UP	—	—	
Speculative retail building	UP	UP	UP	UP	—	—	
Shopping center	—	UP	UP	UP	—	—	
Second hand store	—	—	P(4)	—	—	—	
Winery/Wine Tasting	MUP	MUP	MUP	MUP	—	—	

Key to Zoning District Symbols

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Notes:

- (1) See Article 7 for land use definitions.
- (2) Use allowed only on second or upper floors; Office - Business/service may be allowed on ground floor with Minor Use Permit.
- (3) Use allowed only on a site north of Light Fighter Drive.
- (4) Use limited to the establishments existing in the City as of December 4, 2006.
- (5) Beauty and nail salons limited to the existing as of December 4, 2006.
- (6) Only allowed as an accessory use to a new car sales agency.

<b>TABLE 2-4 (continued)</b> <b>Allowed Land Uses and Permit Requirements for Commercial Zones</b>	P	Permitted Use, Zoning Clearance required					
	MUP	Minor Use Permit required (see Section 17.52.070)					
	UP	Use Permit required (see Section 17.52.070)					
	S	See cited Section for permit requirement					
	—	Use not allowed					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>						<b>Specific Use Regulations</b>
	<b>CD</b>	<b>CMX</b>	<b>CC</b>	<b>CRG</b>	<b>CA</b>	<b>CH</b>	

**SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL**

ATM	P	P	P	P	P	P	
Bank, financial services	P	P	P	P	—	—	
Business park	—	—	—	UP	—	—	
Business support service	P	P	P	P	—	—	
Medical services - Doctor office	MUP(2)	MUP(2)	P	—	—	—	
Medical services - Clinic, lab, urgent care	UP	UP	P	UP	—	—	
Medical services - Hospital	—	—	—	UP(3)	—	—	
Medical services - Veterinary clinic, no boarding	—	—	UP	—	—	UP	
Medical services - Veterinary clinic, animal hospital, with boarding	—	—	—	—	—	UP	
Office - Accessory	P	P	P	P	P	P	
Office - Business/service	P(2)	P	P	P	—	P	
Office - Government	—	P	UP	—	—	—	
Office - Processing	—	P	—	P(3)	—	—	
Office - Professional/administrative	P(2)	P	P	P	—	—	

**Key to Zoning District Symbols**

<b>CD</b>	Downtown Commercial	<b>CRG</b>	Regional Commercial
<b>CMX</b>	Commercial Mixed Use	<b>CA</b>	Automotive Regional Commercial
<b>CC</b>	Community Commercial	<b>CH</b>	Heavy Commercial

**Notes:**

- (1) See Article 7 for land use definitions.
- (2) Use allowed only on second or upper floors; Office - Business/service may be allowed on ground floor with Minor Use Permit.
- (3) Use allowed only on a site north of Light Fighter Drive.
- (4) Use limited to the establishments existing in the City as of December 4, 2006.
- (5) Beauty and nail salons limited to the existing as of December 4, 2006.

<b>TABLE 2-4 (continued)</b> <b>Allowed Land Uses and Permit Requirements for Commercial Zones</b>	P	Permitted Use, Zoning Clearance required					
	MUP	Minor Use Permit required (see Section 17.52.070)					
	UP	Use Permit required (see Section 17.52.070)					
	S	See cited Section for permit requirement					
	—	Use not allowed					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>						<b>Specific Use Regulations</b>
	<b>CD</b>	<b>CMX</b>	<b>CC</b>	<b>CRG</b>	<b>CA</b>	<b>CH</b>	

**SERVICES - GENERAL**

Catering service	—	—	MUP	MUP	—	P	
Child day care center	UP(2)	UP(2)(6)	UP	UP	—	—	
Construction Contractor Base	—	—	—	—	—	P	
Drive-through service	—	—	UP(4)	UP(4)	—	—	
Kennel, animal boarding	—	—	—	—	—	UP	
Lodging - Hotel or motel	—	—	UP	UP	—	—	
Maintenance facility	—	—	—	—	—	UP	
Maintenance service - Client site services	—	—	—	—	—	P	
Mortuary, funeral home	—	—	UP	—	—	—	
Personal services	P(5)	P(5)	P(5)	P(5)	—	—	
Personal services - Restricted	—	—	—	—	—	UP	
Public safety facility	UP	UP	UP	UP	UP	UP	
Repair service - Equipment, large appliances, etc.	—	—	—	—	—	P	
Social service organization	—	UP	UP	—	—	—	
Therapeutic Massage	UP	UP	UP	—	—	—	
Vehicle services - Major repair/body work	—	—	—	—	UP	P	
Vehicle services - Minor maintenance/repair	—	—	—	—	UP	P	

**TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE**

Ambulance, taxi, or limousine dispatch facility	—	—	—	—	—	UP	
Broadcasting studio	MUP(2)	MUP(2)	MUP	—	—	MUP	
Parking facility, public or commercial	UP	UP	UP	UP	UP	UP	
Telecommunications facility	S	S	S	S	S	S	17.44
Transit station or terminal	UP	UP	—	UP	—	UP	
Utility facility	UP	UP	UP	UP	UP	UP	
Vehicle storage	—	—	—	—	—	UP	

**Key to Zoning District Symbols**

<b>CD</b>	Downtown Commercial	<b>CRG</b>	Regional Commercial
<b>CMX</b>	Commercial Mixed Use	<b>CA</b>	Automotive Regional Commercial
<b>CC</b>	Community Commercial	<b>CH</b>	Heavy Commercial

**Notes:**

- (1) See Article 7 for land use definitions.
- (2) Use allowed only on second or upper floors; Office - Business/service may be allowed on ground floor with Minor Use Permit.
- (3) Use allowed only on a site north of Light Fighter Drive.
- (4) Use limited to the establishments existing in the City as of December 4, 2006.
- (5) Beauty and nail salons limited to the existing as of December 4, 2006.
- (6) Use may be approved on street-fronting ground floor in a CMX zone on a local street.

**17.24.040 - Commercial Zone Subdivision Standards**

- A. Each subdivision shall comply with the minimum parcel size requirements shown in Table 2-5 for the applicable zone.
- B. The minimum parcel size requirements for a specific subdivision are determined by the review authority as part of subdivision approval. The review authority may require one or more parcels within a specific subdivision to be larger than the minimums required by this table based on potential environmental impacts, the physical characteristics of the site or surrounding parcels, and/or other factors.
- C. A condominium or other common interest project may be subdivided with smaller parcels for ownership purposes, with the minimum lot area determined through subdivision review, provided that the overall development site complies with the minimum parcel size, and the total number of any allowed dwellings complies with the maximum density for the applicable zone.

**TABLE 2-5 - MINIMUM PARCEL SIZE STANDARDS**

Zone	Minimum Parcel Size	
	Minimum Area	Minimum Width
CD	4,000 sf	40 ft
CMX	4,000 sf	40 ft
CC	4,000 sf	40 ft
CRG	20,000 sf	100 ft
CA	None	None
CH	12,000 sf	100 ft

**17.24.050 - Commercial Zone Site Planning and Building Standards**

- A. **General standards.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-6 in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3.

TABLE 2-6 - COMMERCIAL ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone		
	CD Commercial Mixed Use	CMX Commercial Mixed Use	CC Community Commercial
<b>Residential density</b>	<i>Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable.</i>		
Maximum density	1 dwelling unit for each 1,742 sf of site area.	1 dwelling unit for each 1,742 sf of site area.	1 dwelling unit for each 1,742 sf of site area.
<b>Setbacks</b>	<i>Minimum setbacks required for primary structures. See Section 17.30.100 for exceptions to these requirements.</i>		
Front	0 ft (none allowed)	0 ft (none required)	0 ft (none required)
Side - Interior	0 ft (none required)	0 ft (none required)	0 ft (none required)
Side - Street side	0 ft (none allowed)	0 ft (none required)	0 ft (none required)
Rear	0 ft (none required)	0 ft (none required)	0 ft (none required)
<b>Floor area ratio (FAR)</b>	<i>Maximum floor area ratio allowed (2).</i>		
Maximum FAR	2.0	2.0	2.0 in Broadway Corridor Specific Plan area; 0.50 elsewhere.
<b>Site coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and pavement.</i>		
Maximum coverage	100%, see Section 17.30.040.C and D.	90%, see Section 17.30.040.C and D.	90%
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 17.30.030 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	Lesser of 4 stories or 48 ft	Lesser of 4 stories or 48 ft	Lesser of 4 stories or 48 ft
<b>Fencing</b>	See Section 17.30.020 (Fences, Walls, and Screening)		
<b>Landscaping</b>	See Section 17.30.040 (Landscaping Standards)		
<b>Parking</b>	See Chapter 17.34 (Parking and Loading)		
<b>Signs</b>	See Chapter 17.38 (Signs)		

**Notes:**

- (1) See Section 17.30.100 for setback requirement on a block with existing development.
- (2) Area within parking garages is not included in calculation.

TABLE 2-6 - COMMERCIAL ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone		
	CRG Regional Commercial	CA Automotive Regional Commercial	CH Heavy Commercial
<b>Residential density</b>	<i>Maximum number of dwelling units allowed in a project. The actual number of units allowed will be determined by the City through subdivision or planning permit approval, as applicable.</i>		
Maximum density	No residential allowed	No residential allowed	No residential allowed
<b>Setbacks</b>	<i>Minimum setbacks required for primary structures. See Section 17.30.100 for exceptions to these requirements.</i>		
Front	0 ft (none required); except as required by 17.24.070 in the Coastal Zone.	See Section 17.24.080	10 ft
Side - Interior	30 ft total, 18 ft minimum on one side and 12 ft minimum on the other.	None required	None required
Side - Street side	Same as front	None required	None required
Rear	0 ft (none required); except as required by 17.24.070 within the Coastal Zone.	None required	None required
<b>Floor area ratio (FAR)</b>	<i>Maximum floor area ratio allowed. Does not include area within parking garages.</i>		
Maximum FAR	3.0 for hotels; 1.0 for other uses.	1.0	0.50
<b>Site coverage</b>	<i>Maximum percentage of the total lot area that may be covered by structures and pavement.</i>		
Maximum coverage	90%, see Section 17.30.040.C and D.	40%, exclusive of carport-type display structures.	90%
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 17.30.030 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	Lesser of 6 stories or 72 ft	50 ft	Lesser of 3 stories or 36 ft
<b>Fencing</b>	See Section 17.30.020 (Fences, Walls, and Screening)		
<b>Landscaping</b>	See Section 17.30.040 (Landscaping Standards)		
<b>Parking</b>	See Chapter 17.34 (Parking and Loading)		
<b>Signs</b>	See Chapter 17.38 (Signs)		

**17.24.060 - CD and CMX Frontage and Facade Standards**

- A. **Purpose.** The requirements of this Section are intended to provide for pedestrian orientation and traditional building form in the CD and CMX zones. A principal design objective of this Section is for the street frontages in this zone to have continuous building facades with as few interruptions as possible in the progression of stores and other buildings, creating attractive, pedestrian oriented streetscapes.
- B. **Applicability.** The requirements of this Section apply to proposed development within the CMX (Commercial Mixed Use) zone. Each new non-residential structure, and all alterations to existing structures involving any change in the facade at the street frontage, shall comply with the standards of this Section. The review authority may approve minor variations to these standards as deemed appropriate, provided that the review authority also first finds that the minor variation will still produce a new or altered building that complies with the intent of this Section.
- C. **Building placement.** Each building shall be designed so that its front facade occupies 100 percent of its front property line. The review authority may grant exceptions to this requirement for:
1. A driveway that is necessary because no side street, alley, or easement can provide access to required parking on the rear of the lot;
  2. The initial phases of a multi-phased building project that will occupy the entire frontage upon completion;
  3. A multiple building project proposed with a pedestrian-only plaza occupying a portion of the street frontage;
  4. A pedestrian corridor; or
  5. A view corridor to on- or off-site natural features, or pedestrian areas on the rear portions of the site.
- D. **Building design and architectural elements.** Each building shall be designed to comply with the following requirements.
1. **Formula design prohibited.** The architectural style and exterior materials of each proposed structure shall be designed based upon the architectural traditions of Monterey County, the architectural styles prevalent in the site vicinity, and the characteristics of the site, as determined by the review authority. The review authority shall not approve a building proposed with architectural features substantially similar to those found in other communities on buildings operated by the same corporate or franchise entity, unless the review authority determines that the similar features are also reflective of local architectural traditions and styles.
  2. **Facade articulation.** To encourage visual continuity and pedestrian activity, at least 60 percent of the total street frontage ground floor length of any new or reconstructed building shall be differentiated architecturally by recessed windows and entries, display windows, offset surfaces, differentiated piers and columns, offset planes, textured materials, awnings, or other details or displays of interest to pedestrians.
  3. **Windows.** Clear, untinted glass shall occupy at least 80 percent of the ground-floor street-fronting facades of each building, to allow maximum visual interaction between sidewalk areas and the interior of buildings. Mirrored, reflective glass or tinted glass shall not be used except as an architectural or decorative accent. After installation, clear glass windows shall not later be treated or so as to become opaque, or to be blocked so as to prevent visibility of the ground floor interior from the sidewalk.
  4. **Railings and decorative grilles.** Any decorative railing or grille work that is placed behind street level windows shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade. No security gate or grille shall be installed on the exterior of any structure.
  5. **Upper story design features.** A minimum of 50 percent of the building frontage width above the first story shall be differentiated by recessed windows, balconies, offset planes, or other architectural details that provide dimensional relief.

- E. **Pedestrian access to buildings.** The primary entrance of each ground floor use shall be located within the primary building frontage, and shall be recessed a minimum of three feet when accessed from the public right-of-way. Walk-up facilities and entries shall be recessed and provide adequate queuing space to avoid interruption of pedestrian flow.

### 17.24.070 - CRG Coastal Zone Standards

- A. **Applicability.** The requirements of this Section apply to proposed development on sites within the CRG zone that are also within the Coastal Zone. In the event of any conflict between the standards in this Section and those applicable to the CRG zone in Section 17.24.050, the standards of this Section shall control.
- B. **Limitations on location of development.**
1. Permitted development shall be located only within the building envelope as shown in the Land Use Plan Element of the City's Local Coastal Program.
  2. In the Laguna Grande area, no habitable structure shall be allowed at an elevation lower than 12 feet above mean sea level. A structure may be allowed in the 100-year floodplain only where the standards mandated by the City's participation in the Federal Flood Insurance Program are met.
- C. **Application requirements.** Each proposal for development shall include an analysis, prepared by a qualified architect, planner or building designer, of the development's impacts on views from Highway One and the beach.
- D. **Setback requirements.**
1. Development adjacent to Roberts Lake and Laguna Grande shall be set back a minimum of 50 feet from marsh or riparian vegetation; except that this setback requirement may be reduced to 20 feet where recreational trail and/or nature observation platforms or piers are proposed.
  2. All development proposed within an area that is subject to ocean storm waves and tsunamis shall be restricted by structural setbacks from the area of hazard which have been identified by a report, prepared by a qualified coastal engineer, which demonstrates that public and structural safety will be assured for a 75-year period without the need for any shoreline structures.
- E. **Height limits.** Proposed structures shall not exceed a maximum height of 25 feet, except that:
1. Development within 100 feet of Laguna Grande shall be limited to one story, 15 feet in height; and
  2. The maximum height for structures located in the southwest portion of the Beach subarea adjacent to Canyon Del Rey, as shown in the Coastal Plan Land Use Map of the City's Local Coastal Program, shall not extend above elevation 65 feet as measured from mean sea level. The maximum height for structures located within the remainder of the building envelope shall not exceed 37 feet as measured from mean sea level.
- F. **Public access.** In order to maximize public pedestrian access opportunities, all development proposed to occur within a Local Coastal Plan area shall be required to dedicate at least a 10-foot-wide access easement as a condition of approval.
- G. **Hotel and motel standards.** Hotels and motels within the Coastal Zone shall comply with the following requirements.
1. **Density of hotels and motels.** The maximum unit density for a hotel or motel shall not exceed 35 units per acre. For the purposes of this Chapter, a "unit" means individual living quarters or sleeping places to accommodate transient travelers. A density in excess of 35 units per acre to a maximum density of 75 units per acre may be authorized through Use Permit approval, in compliance with the following standards:
    - a. The cumulative total number of units in the portions of the CRG zone within the Coastal Zone shall not exceed 543;

- b. The development site shall have access/egress onto Canyon del Rey and Del Monte Boulevard by direct access and/or reciprocal easement, unless it can be shown through appropriate studies, that circulation patterns and traffic flow volumes can be effectively and efficiently accommodated in compliance with standard engineering principles, using alternative access/egress arrangements;
  - c. The site plan and activities relating to the use are so designated as to adequately and safely provide pedestrian access, vehicular access, parking, loading/unloading, utilities, and other public and private services and spaces ensuring that innovative and unique, feasible solutions are considered and incorporated into the overall plan; and
  - d. The development site is designed improved so as to permit, encourage, and accommodate public access/egress to the Laguna Grande Lake area and other adjoining public properties and amenities.
2. **Height limit for hotels and motels.** The height limit for hotels and motels within the Coastal Zone shall be the lesser of six stories or 72 feet. Additional height may be authorized by the review authority up to a maximum of 15 stories or 165 feet, whichever is less, in compliance with the following standards:
- a. The structures permitted for development shall be designed and located to minimize view obstructions and enhance and exploit desirable views, maximizing the overall aesthetic and visual character of the area; and
  - b. The height of the structure shall be measured from the average finished grade of the development site; provided, that the grade shall not exceed the highest top-of-curb height abutting the development site. If the finished grade exceeds the highest top-of-curb height abutting the development site, then the height of the structure shall be measured from the highest top-of-curb height abutting the development site. Mechanical equipment, vent pipes, elevator and stairwell penthouses, and other associated roof top equipment shall not exceed the maximum height requirements.
3. **Landscaping.** Landscaping and screening shall be provided in compliance with Section 17.30.040 (Landscaping Standards), provided that a minimum of 15 percent of the development site shall be landscaped.

### 17.24.080 - CA Zone Standards

Proposed development and new land uses within the CA zone shall comply with the following standards, where applicable, in addition to the requirements of Section 17.24.050 (Commercial Zone Site Planning and Building Standards).

#### A. Setbacks - Building orientation and entrances.

1. Each primary building shall be oriented toward the circular parking plazas. A portion of the front of each building shall abut the plaza, as determined by the review authority.
2. All primary customer ingress and egress into buildings shall be from the interior circulation routes. No building shall be closer than 15 feet from the back of the public rights-of-way along Fremont and Del Monte Boulevards.

#### B. Fences and walls.

Fences and walls are permitted, but are not required. The following standards apply in addition to those in Section 17.30.020 (Fences, Walls, and Screening).

1. Fences and walls shall not exceed eight feet in height, and where located within 20 feet of any access drive entering a public or private street used for vehicular access, shall not exceed three feet in height.
2. The exterior appearance of a fence or wall shall be ornamental.
3. No fence or wall shall be closer than 50 feet from any plaza, mall or interior street.

#### C. Standards for Operations Involving Restoration and Sale of Collectible Cars.

1. The entire operation must be conducted within a structure.

2. Structures containing restoration/sales operations must be of permanent construction, with no display windows.
3. All sales of collectible cars must be in conjunction with a bona fide restoration operation.
4. Collectible cars, other than those owned by the operator, may be sold on the premises only if they have been restored there.
5. Only completely restored cars may be made available for sale from the premises.
6. "Kit cars" and other "pseudo restorations" may not be stored on or sold from the premises.
7. Outdoor display or storage of vehicle may not occur.
8. More than fifty percent of the cost/value of the restoration work must occur on the premises.
9. All existing structures proposed for restoration/sales operations shall be subject to the CA (Automotive Commercial) Design Guidelines and review and must be upgraded to the satisfaction of the planning commission and the approval of the board of architectural review.
10. Existing buildings are not automatically designated for approval for use as restoration/sales operations.
11. Any restriction on the number of automobiles allowed on each premises shall be at the discretion of the planning commission for each individual use permit application.

## CHAPTER 17.25 - AUTOMOTIVE REGIONAL COMMERCIAL (CA) ZONE STANDARDS

### Sections:

- 17.25.010 - Purpose
- 17.25.020 - Applicability
- 17.25.030 - Submittal Requirements
- 17.25.040 - Architectural Design Requirements
- 17.25.050 - Sign Requirements
- 17.25.060 - Landscape Design Requirements
- 17.25.070 - Screening, Fences/Walls/Gates, and Outdoor Storage Areas
- 17.25.080 - Lighting Design Requirements

### 17.25.010 - Purpose

The purpose of this Chapter is to establish development standards for all uses within the CA (Automotive Regional Commercial) zoning district by insuring that the character of the area is presented with integrity and creativity while maintaining a congruent appearance throughout the CA Zone. These standards will insure consistency and compatibility between the exterior appearances of buildings while providing flexibility for tenants to identify themselves through innovative design. The landscaping standards will result in well designed and maintained sites while the lighting standards will provide for safety of pedestrians and motorists and well as protection of adjacent properties from glare and light spillover

### 17.25.020 - Applicability

All uses within the CA (Automotive Regional Commercial) zone, with the exception of Public Safety Facilities and Automated Teller Machines, shall be subject to the standards set forth in this Chapter (See Figure 1: Automotive Regional Commercial Zone).

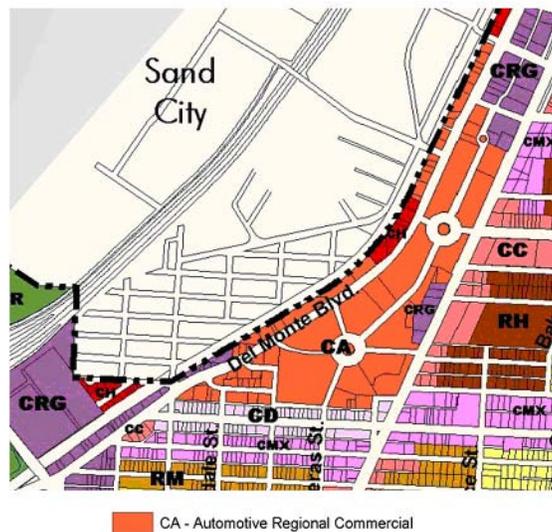


Figure 1: Automotive Regional Commercial Zone

### 17.25.030 - Submittal Requirements

Elements regulated by Sections 17.25.040 through 17.25.080 must receive design approval from the Board of Architectural Review. At the time a project application is filed, all plans and information, along with any necessary forms and fees, shall be submitted to the City as outlined in the Automotive Regional Commercial Submittal Guidelines (available from the Planning Department).

### 17.25.040 - Architectural Design Requirements

- A. Purpose.** The requirements of this Section are intended to provide for pedestrian and customer oriented design and encourage Modern and Contemporary building styles in the CA Zone. The primary design objectives of this Section are to create a unified CA Zone District and attractive streetscapes. The intent of these standards is not to limit innovative design approaches, nor is it to have all dealerships look exactly alike. Manufacturer image programs are acceptable. The Board of Architectural Review may grant exceptions to the requirements of this section that are not otherwise subject to Zoning Code Section 17.52.080.C.2: Minor Variance.
- B. Building Design Requirements.**
1. **Colors.** The color palette used on the exterior of the main showroom building shall be used on each subsequent building located on the property and shall work to integrate all architectural elements of the building.
  2. **Facade Articulation.**
    - a. To encourage visual continuity, at least 60 percent of the total length of any new or reconstructed building wall/facade shall be differentiated architecturally by using a combination of recessed windows and entries, display windows, offset surfaces, differentiated piers and columns, offset planes, textured materials, or other details or displays of interest to pedestrians. (See Figure 2, Facade Articulation)
    - b. Facade elements (e.g., windows, doors, bays, joints) shall display a logical rhythm and order. Articulation shall be simple in form, avoiding overly articulated and random features, which can be visually confusing. Articulation and detailing shall not consist solely of color changes without changes in material or planes, as color change alone does not create a feeling of permanence, variety, or interest. (See Figure 2, Facade Articulation)



Figure 2: Facade Articulation

- c. Building facades shall be articulated at the street level to provide visual interest to through the use of materials, colors, and architectural detailing.
- d. All sides of a building visible from the public right-of-way shall have a consistent style and use of materials. While the primary frontage may utilize special architectural treatments, a common theme of basic primary exterior finish materials and colors shall be used on all building facades.
- e. In no case shall any facade consist of unarticulated blank walls visible from the public right of way, exterior vehicle display areas, or other areas accessible to the public.

### 3. Windows

- a. "Clear glass" on the ground floor of each building shall be used to facilitate maximum visual interaction between exterior vehicle display areas and the interior of buildings. "Clear glass" means glass that is generally transparent (e.g., less than 50 percent tinting). The use of Mirrored, reflective, tinted, or smoked glass is strictly prohibited (see 17.25.040.C.7: Prohibited Building Materials).
- b. After installation, clear glass windows shall not be treated to become mirrored, reflective, tinted, or smoked or prevent visibility of the building's interior from public spaces or the public right-of-way in any other manner.

4. **Upper story design features.** A minimum of 50 percent of the length of each building facade above the first story shall be differentiated by architectural details that provide dimensional relief. (See Figure 3: Upper Story Design Features)

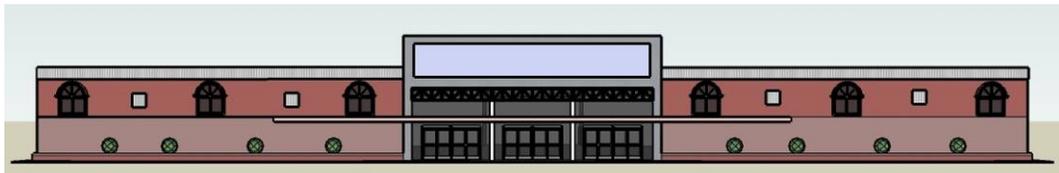


Figure 3: Upper Story Design Features

### 5. Screening

- a. Roof mounted mechanical equipment, ductwork, vents, access ladders, and any other equipment located on any roof visible from public right-of-ways, pedestrian walkways and areas accessible to the public shall be screened. The equipment shall be screened through the use of architectural elements (parapets, roofs, etc.). (See 17.25.070.B.7: Screening Requirements – Ground Mounted Equipment).
- b. Individual equipment screens are not permitted unless they are determined by the Board of Architectural Review to be consistent with the overall building design.

### 6. Building Orientation

- a. Service bays and required parking spaces shall be oriented, and located at, the rear of the property or in a location that limits visibility of the bays from the public right of way. (See 17.25.060 Landscape Design Requirements, Screening).
- b. Buildings and exterior vehicle display areas shall be sited to compliment the existing topography, site configuration, and adjacent uses.
- c. No building shall be closer than 15 feet from the back of the public rights-of-way along Fremont and Del Monte Boulevards. **Exception:** The setback requirement along Fremont and Del Monte Boulevards may be reduced for the following use (as listed in TABLE 2-4 Allowed Land Uses and Permit Requirements for Commercial Zones): Auto and Vehicle Sales, new vehicles, with accessory used sales.

- C. **Prohibited Building Materials.** The following building materials are prohibited (also see 17.25.070.D.1: Prohibited Materials – Fences, Walls, and Gates):

1. Exposed wood siding.
2. Corrugated metal, unless powder coated (or similar treatment proved to prevent rusting) on both sides and approved by the Board of Architectural Review.
3. Unpainted metal trim or flashing.

4. Wood shakes or shingles.
  5. Fiberglass.
  6. Materials that create glare.
  7. Mirrored, reflective, tinted, or smoked glass.
  8. Unfinished concrete masonry units or tilt-up panels.
  9. False fronts
- D. **Exterior Vehicle Display Pads.** Automobile display pads or structures may be provided for each automobile dealership subject to the following:
1. **Prohibited Locations.**
    - a. Within traffic safety visibility areas.
    - b. Within any required landscaped areas, including the landscaped areas dedicated by the City of Seaside.  
  
**Exception:** Vehicle display pads that incorporate permeable pavers or other permeable paving materials shall count towards the minimum landscape requirement (See 17.25.060.D.1.b).
    - c. On building rooftops.
    - d. In areas designated as walkways, driveways, parking lot aisles, or other areas designed to provide on-site vehicular and pedestrian circulation for customers.
  2. **Siting.**
    - a. The vehicle display pad shall be located within the exterior vehicle display area.
    - b. The vehicle display pads shall be separated by a minimum of 100 feet.
    - c. Dual fronted lots are encouraged to place display pads in areas visible along each frontage.
    - d. If located within an exterior vehicle display area, the placement of the display pad shall not result in the reduction of required parking or required landscape areas.
  3. **Vehicle display pad requirements.**
    - a. **Maximum Area and height:**
      - (1) A vehicle display pad shall not exceed a width, length, or diameter of 30 feet.
      - (2) The overall height of a vehicle display structure shall not exceed five feet.
    - b. **Design.** The entire area of on-grade display pads shall be differentiated from the surrounding hardscape through the use of a non-asphaltic concrete material, such as permeable pavers, colored and/or textured concrete, stamped concrete, or permeable concrete.
    - c. **Display pad structures.**
      - (1) Display pad structures that elevate vehicles above the surrounding grade are permitted provided the following:

- i. The base and underside of the display structure shall be covered so it is not visible from any location on or off the site.
  - ii. A solid "skirt" shall be securely attached to the base of the display structure.
  - iii. The skirt shall be a finished material that is architecturally compatible with other site development features in terms of colors and materials.
- (2) Plants shall not be used as screening around the display pad skirt unless they are part of a larger design theme that utilizes other materials.
- (3) The screening shall not:
- i. Consist of loose materials.
  - ii. Consist of any prohibited materials specified in this Section 17.25.040.C: Prohibited Building Materials.
  - iii. Be located beyond the permitted display pad area.

### 17.25.050 - Sign Requirements

- A. Purpose.** The purpose of these regulations is to improve the appearance of the CA Zone. Providing limitations regarding specific types of signs promotes compatible signage and avoids visual clutter. These standards will help promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the City as a place to live, work, and shop; provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned in relation to adjacent structures and the structures to which they are attached. The Board of Architectural Review may grant exceptions to the requirements of this section that are not otherwise subject to Zoning Code Section 17.52.080.C.2: Minor Variance.
- B. Definitions.** For purposes of this section, the following terms shall have the definitions as described below. Additional definitions are listed in Chapter 17.70 (Definitions).
- C. Balloon arches:** A collection of balloons that are attached close together to create a solid band of color forming an arch.
- D. Construction Sign:** A temporary sign directly connected with a construction project and may include the construction company's name, addresses and telephone number.
- E. Freestanding Monument Sign:** A freestanding sign less than six feet in height which is detached from a building and the having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. (See Figure 4: Freestanding Monument Sign).

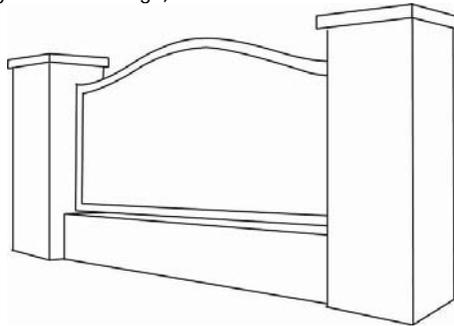


Figure 4: Freestanding Monument Sign

- F. **Inflatable Advertising Display:** A three-dimensional object filled or activated by moving or non-moving air or other gas, located, attached, or tethered to the ground, site, merchandise, structure, or roof and used as a sign or to attract attention.
- G. **Projecting Sign:** A type of wall sign which is attached to a building but extends beyond the building structure. The sign face is typically perpendicular to the building fascia. (See Figure 5: Projecting Sign).

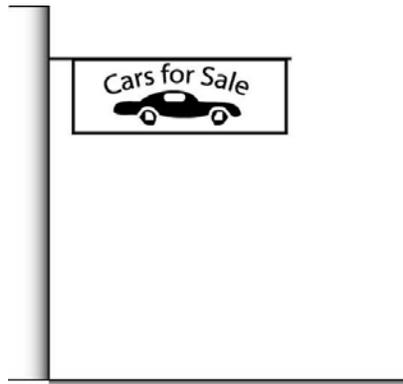


Figure 5: Projecting Sign

- H. **Promotional Temporary Banner:** A temporary banner displayed by an establishment to advertise events such as sales, seasonal events, liquidation sales, service specials, grand openings, and going out of business sales.
- I. **Wall Sign:** A sign attached to or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall.
- J. **Window Sign:** A sign attached to, suspended behind, placed, or painted upon the window or glass door of a building and is intended for viewing from the exterior of such building. This definition does not include merchandise offered for sale on-site, when on display in a window.
- K. **Sign Permit Requirements.**
1. **Sign Permit.** As described in Section 17.38.030 (Sign Permit Requirements), signs shall require the issuance of a Sign Permit prior to construction, installation, or modification. Temporary Promotional Banners, Flags, and Balloons are exempt from Sign Permit Requirements.
  2. **Master Sign Program.** The various lot sizes, number of frontages, and buildings located on each property within the CA Zone make it impossible to establish a set of sign standards that would effectively apply to all properties and signage needs. A Master Sign Program shall be required for all properties within the CA Zone. A Master Sign Program shall be submitted to the Board of Architectural Review for all proposed permanent sign(s) and relocation or alterations to existing signs. Review of the proposed Master Sign Program will evaluate existing and proposed signs, site conditions and constraints, building uses, and on-site circulation in order to determine sign allowances.
  3. Temporary Promotional Banners, Flags, and Balloons are exempt from the Master Sign Program Requirements.
- L. **Exemptions from Sign Permit Requirements.** See Seaside Zoning Code Section 17.38.040.A-E.: Exemptions from Sign Permit Requirements.
- M. **Prohibited Signs.** All signs not expressly allowed by this Section shall be prohibited. Specifically prohibited signs include the following:
1. Neon signs.
  2. Streamers.

3. Inflatable advertising displays.
4. Billboards.
5. Stringed Pennants.
6. Revolving signs.
7. Flashing signs.
8. Awning signs.
9. A-board and other portable sidewalk signs located in the public right of way.
10. Permanent signs that advertise continuous sales, special prices, or include phone numbers, are not permitted.
11. Abandoned signs.
12. Balloon arches.
13. A grouping of balloons: two or more balloons attached to nonmetallic string, which are clustered together.
14. Animated signs, including electronic message display signs, and variable intensity, blinking, flashing signs, and signs that emit a varying intensity of light or color.
15. Billboards and any other off-premise signs, except as allowed by Civil Code Section 713 (Section 17.38.040 C.1.b.(2) Seaside Zoning Code).
16. Illegal signs.
17. Signs that are stationary but contain moving parts.
18. Roof mounted signs.
19. Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of characters, symbols, or words in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic.
20. Signs in the form or shape of a directional arrow, or otherwise displaying a directional arrow, except as may be required for safety and convenience and for control of pedestrian or vehicular traffic within the premises of the subject use.
21. Signs attached to or suspended from a boat, float, vehicle, or other movable objects parked within the public right-of way, except a sign painted directly upon, magnetically affixed to the body or other integral part of the vehicle.
22. Signs within, or projecting into, the public right-of-way, except for signs installed or maintained by a government agency for traffic safety and directional purposes.
23. Signs burned, cut, or otherwise marked on or otherwise affixed to a hillside or tree.
24. Signs with reflective material determined by Public Works to be likely to cause a traffic hazard.
25. Human directionals, also known as sign twirlers, sign spinners, human arrows, and sign holders.
26. Signs in storage or in the process of assembly or repair, located outside on premises other than that advertised in the signs that are visible from a public right-of-way.

- N. Sign Area and Height Measurement.** Sign Area Measurement and Sign Height Measurements shall be in compliance with Seaside Zoning Code Sections 17.38.060.A and B - General Requirements for All Signs. Street address numbers not exceeding 12 inches in height shall not be included in calculations of allowed sign area.
- O. Sign Design, Copy, Lighting, and Maintenance Standards.** Design Criteria, Copy Design, Sign Lighting, and Maintenance of Signs shall be in compliance with Seaside Zoning Code Section 17.38.060.F-I: General Requirements for All Signs and the CA Zone Lighting Standards.
- P. Sign Location Requirements.** The following location standards and requirements shall apply to all new signs and the relocation of existing signs within the CA zone:
1. Each sign shall be located on the same property as the subject of the sign.
  2. No sign shall be placed so as to interfere with the operation of a door, fire escape, or window.
  3. A sign(s) proposed to be placed within required landscaped areas and/or the landscaped areas dedicated by the City of Seaside shall be reviewed on a case by case basis and will be subject to sight line and visibility area limitations; The proposal may be subject to the following: replacing the landscape area reduced by the sign base elsewhere on the site, replanting existing planter areas, or other project conditions approved by the Board of Architectural Review.
  4. A sign shall not project over public property, vehicular easements, or public rights-of-way, and shall not obstruct a traffic safety visibility area, except where the City has granted an encroachment permit in addition to a sign permit.
  5. All signs, except for certain temporary signs, shall be permanently attached to the ground or a structure.
  6. The sign supports or sign structures shall be placed entirely within the boundaries of the premises on which the sign is located.
  7. Signs shall comply with Seaside Zoning Code Section 17.38.060.E: Signs Placed Within the Public Right-of-Way.
- Q. Standards for Specific Sign Types.** The following standards apply to certain sign types as listed below and defined in Section 17.25.050.B: Definitions.
1. **Freestanding monument signs.**
    - a. Multiple signs shall be separated by a minimum of 75 feet to ensure adequate visibility for all signs. The Board of Architectural Review may modify this requirement where the 75-foot separation would be impractical.
    - b. Signs shall be ground-mounted, contain the dealership name and the principle makes of the new automobiles sold on site.
    - c. To assist emergency response personnel in locating the site, freestanding monument signs shall contain an illuminated street address plate. Numbers shall be a minimum of six inches in height.
  2. **Projecting Sign**
    - a. No portion of the sign shall project above the eave line of a sloped roof or the top of the parapet on a flat roof.  
**Exception:** A projecting sign that is attached to an architectural feature projecting above the eave line or top of the parapet.
    - b. A projecting sign shall maintain a minimum clearance of eight feet from the bottom of the sign to the finished grade below.
    - c. Signs featuring shapes, logos, and/or symbols uniquely suited to the business are encouraged.

- d. Sign supports shall be well-designed and compatible with the design of the sign.

### 3. Temporary Promotional Banners, Flags, and Balloons

- a. Temporary Promotional Banners, Flags, and Balloons are exempt from the Master Sign Program requirements.
- b. Temporary promotional banners may be displayed on automobile sales lots provided that:
  - (1) A maximum of one banner per building frontage for a single building site. In the case of a multi-building site, one banner per building shall be allowed.
  - (2) Banners shall be securely affixed to a building wall and hung below a roof eave.
  - (3) Banners shall be professionally made and constructed of cloth, canvas, plastic, PVC or similar material.
  - (4) No banner sign may exceed thirty-two square feet in area, except that a single banner sign of up to one hundred (100) square feet may be allowed on the Fremont and Del Monte Boulevard frontages that have a building wall area of at least one thousand (1,000) square feet.
  - (5) Banners shall be limited to the advertisement of temporary events and shall not contain information that should be displayed in a permanent sign.
  - (6) The banner shall not be attached to fences, trees, shrubbery, or utility poles.
  - (7) The banner shall not be placed in or project into the public right-of-way.
  - (8) The banner shall not obstruct or obscure primary signs on the subject premise and adjacent premises.
  - (9) The banners are maintained in good repair and shall not fade, tear, or become partially detached during the display period.
  - (10) The owner or occupant shall remove banner(s) within fifteen days after receiving a notice that the display is improperly maintained or displayed beyond the allowed duration.
  - (11) The banner(s) shall be removed within one business day of expiration of the advertised offer/event.
- c. Decorative flags may be displayed on automobile sales lots provided that:
  - (1) Flags are limited to be displayed within 20 feet of the perimeter property lines.
  - (2) One flag is permitted for every three cars within 20 feet of the perimeter property lines.
  - (3) The display shall be securely attached to the vehicle or ground and shall be able to withstand strong winds without falling over.
  - (4) Pole height shall not exceed sixteen feet above grade.
  - (5) The flag shall not exceed an area of 20 square feet, with a maximum height or length of ten feet (10') and a maximum width of two feet (2').
  - (6) All flags shall be professionally made and constructed of cloth, canvas, plastic, PVC or similar material.
  - (7) Flags shall not be displayed in lieu of a permanent sign.

- (8) The flags shall not be attached to fences, trees, shrubbery, utility poles, or be stretched between two supports.
  - (9) The flags shall not be placed in or project into the public right-of-way.
  - (10) The flags shall not obstruct or obscure primary signs on the subject premise and adjacent premises.
  - (11) The flags are maintained in good repair and shall not fade or tear during the display period.
  - (12) The owner or occupant shall remove flags within fifteen days after receiving a notice that the display is improperly maintained or is tattered or worn.
  - (13) The owner or occupant shall remove flags within one business day after receiving a notice that the display is improperly maintained.
- d. Individual balloons may be displayed on automobile sales lots provided that:
- (1) Maximum size of balloons: Twelve inches in diameter.
  - (2) Balloons shall not be placed on vehicles upon which a decorative flag is located.
  - (3) One balloon per vehicle located within 20 feet of the perimeter property lines.
  - (4) Individual balloons shall be attached separately to vehicles with a nonmetallic string.
  - (5) Balloon height shall not exceed ten feet above grade.
  - (6) Balloons may be displayed a maximum of three (3) consecutive days, limited to opening of business on Friday and closing of business on Sunday.

#### 4. Wall signs

- a. The area of the largest wall sign shall not exceed 10 percent of the area of the building facade on which the sign is mounted or painted, including the area of windows, doors, and recesses.
- b. A wall sign, except for projecting signs as regulated in 2 above, shall not project more than 12 inches from the surface to which it is attached.
- c. One wall sign is allowed for each department (e.g. used cars, service, parts, body shop, etc.).
- d. Dealership directional signs shall be provided and communicate messages such as: "enter," "do not enter," "exit," "service entrance," "customer parking," and "employee parking."

#### 5. Window signs

- a. **Maximum sign area.** Permanent window signs shall not occupy more than 25 percent of the total window area of the elevations on which the sign is proposed to be located.
- b. **Sign location.** Signs shall be allowed only on windows located on the ground level of a structure frontage.
- c. **Sign materials.** Signs shall consist of individual letters, logos, or symbols applied to, stenciled on, or etched into the glass surface.

- d. **Unobstructed observation.** The lowermost portion of the entire window(s) (a minimum of 24 inches) shall be clear of any signs in order to allow for unobstructed observation by security personal (e.g., City police, private security, etc.)
- 6. **Construction and Other Temporary Signs.** Construction and other temporary signs shall be developed in conformance with Seaside Zoning Code Sections 17.38.080.F.3 and 4.
- R. **Public Nuisance, Abatement, and Violation** as outlined in conformance with Seaside Zoning Code Section 17.38.100.
- S. **Judicial Review** as outlined in Seaside Zoning Code Section 17.38.110.
- T. **Nonconforming Signs.** A nonconforming sign is any permanent or temporary sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not currently comply with the provisions of the Automotive Regional Commercial Zone Standards. A nonconforming sign shall not be:
  - 1. Enlarged.
  - 2. Re-established after damage or destruction to 50 percent or more of the value of the sign, or its components, as determined by the City's Building Official.
  - 3. Re-installed after facade improvements that required the removal of the sign during construction.
  - 4. Re-established after an interruption in the use of a nonconforming sign(s) that continues for 60 days. Such discontinuation shall be deemed an abandonment of the sign(s) and the sign must be removed from the site. Subsequent signage shall comply with the regulations of this Chapter. Non-occupation or non-operation of the building or business advertised on the sign shall be deemed an interruption of the use of the sign(s).

### 17.25.060 - Landscape Design Requirements

- A. **Purpose.** The purpose of these regulations is to improve the appearance of the CA Zone by providing on-site landscaping that is visible from public rights-of-ways, adjacent properties and to conserve water through the use of drought tolerant plant species.
- B. **Definitions.** Seaside Zoning Code Section 17.70: Definitions.
- C. **Approvals**
  - 1. **Statement of surety.** The Zoning Administrator may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all approved landscaping before occupancy of the site. When required by the Zoning Administrator, security in the form of cash, performance bond, letter of credit, or instrument of credit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the City for a two-year period in compliance with Seaside Zoning Code Section 17.54.070 - Performance Guarantees.
  - 2. **Installation and inspection.** All landscaping shall be installed and inspected by a representative of the Planning Department before the City will perform a final building inspection or authorize the issuance of a Certificate of Occupancy
  - 3. **Maintenance agreement.** Before final inspection or occupancy, and before the recordation of a final subdivision map where applicable, the applicant shall enter into a landscape maintenance agreement with the City to guarantee proper maintenance in compliance with the above regulations. The City Attorney and the Zoning Administrator shall approve the form and content of the agreement.

- D. Landscape Design.** Landscaping shall be provided in the locations, consistent with the provided design standards listed below:
- 1. Required Landscaping:**
    - a. "Landscaping" includes the following: berms, decorative fences and walls, perennials, lawn/turf, ground cover, hedges, shrubs, and trees within a designated area.
      - (1) Permeable pavers may be used to satisfy the landscape requirement only if used in combination with at least one of the items defined above as "landscaping."
      - (2) The landscaping shall be incorporated with the pavers and shall occupy a minimum of 50 percent of the proposed area and shall be dispersed along the entire length of the paved surface.
    - b. A minimum five percent of the total site area shall be landscaped. The landscape areas dedicated to the dealerships shall not be included in the calculations. Landscape materials shall be selected from the approved plant lists available from the Planning Department.
  - 2. Minimum Dimensions:**
    - a. Wherever this Section requires a landscape area of a specified width, the width shall be measured within any curb or wall bordering the landscape area.
    - b. Each landscape area shall have a minimum interior length of eight feet and a width of three feet.
    - c. Lawn areas require minimum dimensions of 10 feet or greater.
    - d. The requirement may be reduced if the Board of Architectural Review determines the minimum dimensions are infeasible due to site constraints such as: limited site area and manufacturer-required exterior display area. Alternatives such as container planting and permeable paving without "landscaping" elements shall be required if the minimum dimensions are reduced by the BAR.
  - 3. Planting Requirements:**
    - a. In order to achieve a more immediate effect, all trees planted on the street sides of a newly developed parcel shall be transplanted from a minimum 24-inch box size container.
    - b. A tree proposed to replace an existing mature specimen tree shall be transplanted from a minimum 24-inch box size container.
    - c. All trees shall be adequately supported when planted. The supports shall be maintained until the trees are capable of withstanding the force of wind on their own.
    - d. Non-biodegradable root barriers shall be installed around new trees planted within five feet of, and in, the public right-of-way to direct tree root growth downward and away from adjacent sidewalks, curbs, gutters, driveways, and other public improvements. Root barriers may be eliminated where the combination of tree species, soil type, soil area, and drainage conditions can be shown to afford equivalent protection against tree root damage to public improvements.
    - e. Organic amendments shall be added to the soil to improve soil structure, and other physical properties of the soil. Examples of organic amendments include: compost, composted sawdust, peat moss, and redwood soil conditioner.
    - f. Woody groundcovers shall be planted from containers or liners and the area between plants shall be covered with a two-inch bark mulch layer or herbaceous groundcovers.

- g. Porous mulch shall be applied to the soil surface at a minimum of a 2-inch layer, to reduce evaporation and retard weed growth. One of the following materials will be used: compost, decomposed granite, or wood chips.
  - h. Herbaceous groundcovers shall be planted with triangular spacing at a distance that will typically ensure 100 percent coverage within one-year of installation.
  - i. Loose gravel shall not be permitted in landscaped areas.
  - j. Decorative boulders and rocks can be placed within landscaped areas to highlight unique landscape features when the area is completely surrounded by a six-inch curb.
4. **Lawn/ Turf Planting.** Drought resistant cool season grass shall be used for lawn areas, which are limited to 10 percent of the total landscaped area on the site. No lawns shall be allowed:
- a. In any area with a dimension of less than 10 feet; and
  - b. On any slope exceeding 10 percent.
- (1) A level buffer zone of 18 inches shall be provided between bermed lawn areas and any hardscape (e.g., any street, walkway, or similar feature).
5. **Water features.** Decorative water features (e.g. fountains, ponds, waterfalls) shall have re-circulating water systems.
6. **Traffic safety visibility areas:**
- a. Maximum height of landscaping. Landscaping over three feet in height shall not be allowed within a traffic safety visibility area, unless approved by the Zoning Administrator in consultation with the Public Works Director.

**Exception:** Trees with the canopy trimmed to a minimum of six feet in height measured from finished grade. (See Figure 6: Landscaping in Traffic Safety Visibility Areas)

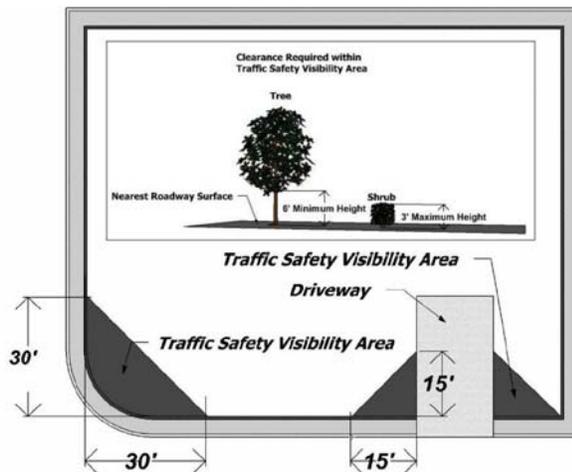


Figure 6: Traffic Safety Visibility Areas

- b. **Measurement of visibility area.** A traffic safety visibility area may include private property and/or public rights-of-way and is a triangle measured as follows (see Figure 6: Traffic Safety Visibility Areas):

- (1) **Street intersections.** The street visibility area shall be defined by measuring 30 feet from the intersection of the front and street side property lines, and connecting the lines across the property.
  - (2) **Driveways.** The driveway visibility area shall be defined by measuring 15 feet along the driveway from the intersection of the driveway with the street right-of-way line, and 15 feet along the street line, away from the driveway, and connecting the lines across the intervening property. (See Figure 6: Traffic Safety Visibility Areas) Generally, all driveways have two visibility areas, one on each side; however, in the event that a raised median divides the directions of travel in front of a driveway and limits access to only one direction of travel, there shall be only one visibility area on the side of the oncoming traffic.
7. **Parking Lot and Vehicle Display Area Landscaping.** Landscaping shall be provided throughout the parking lot and vehicle display areas as a combination of ground cover, shrubs, and trees and shall be used to break up large paved areas and soften building lines.
- a. Vehicles overhanging landscape areas or walkways are prohibited.
    - (1) The required length of a parking space shall not include a vehicle overhanging a landscape area or walkway.
  - b. Wheel stops and/or curbing.
    - (1) Continuous concrete curbing at least six inches high and six inches wide shall be provided for landscaped areas located in parking lots and vehicle display areas.
    - (2) Individual wheel stops may be provided in lieu of continuous curbing only when the parking is adjacent to a landscaped area and the drainage is directed to the landscape area. When provided, wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space.
    - (3) Vehicles shall not overhang into landscape areas.
  - c. **Location of landscaping.** Landscaping shall be evenly dispersed throughout the parking and vehicle display areas, as follows:
    - (1) Trees not less than six feet in height and 24-inch box container size shall be planted throughout the parcel.
    - (2) One tree shall be located within 30' of required employee and customer parking spaces.
    - (3) A concentration of landscape elements shall be provided at primary building entrances, and shall include specimen trees, flowering plants, and enhanced paving.
    - (4) Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.
8. **Perimeter landscaping.** Landscaping shall be located to create separation between on-site structures and customer and employee parking spaces.
- a. **Adjacent to structures.** When customer and employee parking areas are located adjacent to a structure, a landscape strip with a minimum depth of 3'0" that spans the entire length of the adjacent parking stalls shall be provided immediately adjacent to the structure, exclusive of any building entries, or areas immediately adjacent to the wall of the structure that serve as pedestrian access ways. The required dimensions of the landscape strip may be reduced by the Board of Architectural Review where it determines that overall site area is

insufficient to accommodate allowable structures and required parking along with a landscape strip of the otherwise required width.

**E. Irrigation System Requirements** All landscaped areas shall include an automatic irrigation system. The design of the irrigation system shall be consistent with the following requirements:

1. Water-efficient systems (e.g., bubbler-type, drip, mini-spray, or similar system) shall be used.
2. Low-flow sprinkler heads with matched precipitation rates shall be used when spray or rotor-type heads are specified for watering shrubs and ground cover areas.
3. Lawn areas shall be sized and shaped so they can be efficiently irrigated.
4. Spray or run-off onto paved areas shall be avoided.
5. Dual or multi-program controllers with separated valves and circuits shall be used when the project contains more than one type of landscape treatment (e.g., ground cover, lawn, shrub, tree areas), or a variety of solar aspects. Soil moisture-sensing devices and rain sensors shall be used on larger projects (50,000 plus square feet of landscaped area) to minimize or eliminate over-watering.
6. The irrigation system shall deliver water efficiently and uniformly and shall be appropriate to the needs of the plant materials.
7. Watering shall be scheduled at times of minimal wind conflict and evaporation loss.
8. Sprinkler heads shall have matched precipitation rates within each valve zone.
9. Check valves are required where elevation differential may cause low head drainage
10. Sprinkler heads located within 12 inches of a walkway or parking area shall be pop-up type.
11. The irrigation system will be equipped with an automatic rain shut off device.

**F. Landscape lighting.** The use of landscape lighting to highlight the unique design features and surrounding landscape design may be approved by the Board of Architectural Review, in accordance with the following standards:

1. The lighting will illuminate a landscape feature that is unique to the particular project due to the use of materials, colors, or design characteristics which are not commonly found within the CA Zone; and
2. The landscape lighting proposal will enhance the design of a project and is not solely used as an attraction getting device; and
3. Highlighting fixtures shall be located on the adjacent ground. These fixtures are to be arranged such that they are not generally visible from the public; and
4. Highlighting fixtures shall be located and designed in such a manner that the actual lamp and reflector are shielded or louvered so that it is not seen from a normal public viewing area. It is especially important in areas where there is considerable vehicle and pedestrian traffic that direct glare be avoided.

**G. Landscape Maintenance Criteria.** The following maintenance criteria shall apply to all site landscaping and irrigation:

1. **Landscaping.**
  - a. The developer, his successor and/or subsequent owners and their agents shall be responsible for continued landscape maintenance.

- b. Plant material that exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season. All landscaping will be subject to periodic inspection by City personnel as designated by the Zoning Administrator.
  - c. Regular maintenance shall include aerating and de-thatching lawn areas; adding/replenishing mulch, fertilizer, and soil amendments; and mowing, pruning, trimming, and watering all landscaped areas. In addition, the landscaping shall regularly be kept free of weeds and debris.
  - d. Plants shall be pruned in accordance with professional trimming standards to maintain their intended shapes and sizes, and to insure the health of the specimen and the safety of the public. "Topping" is not permitted because it causes severe injury to trees. Any trees that are topped shall be removed and replaced with a specimen one size larger than what is specified on the approved plans.
  - e. Plants shall be pruned to avoid blocking walks, passageways, visibility areas and sight distance views for vehicular traffic.
  - f. Shrubs and vines used for screening trash enclosures and service areas shall be pruned to maximize screening while allowing access to the storage/service areas.
  - g. All fences and walls that have been incorporated into an approved landscaping plan shall regularly be maintained in an attractive and safe manner.
  - h. Shrubs, trees, and vines for screening adjacent properties shall be kept pruned so they do not interfere with pedestrian traffic and do not encroach excessively onto the adjacent property.
  - i. Trees shall be watered deeply to promote deeper rooting, and shall be fertilized as required by sound horticultural practices.
  - j. Tree guys and stake ties shall be inspected and adjusted periodically, and removed when necessary, to insure that they are adequately surrounding the tree without girdling trunks or branches.
  - k. Trees selected shall grow to maturity without impacts to sidewalks, curbs, and other public improvements.
  - l. Any required plant material that dies after installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required plant material that dies after 3 years or more after installation, or is not maintained in accordance with the Maintenance Criteria, shall be replaced with a gallon or box size specimen one size larger than what is specified on the approved plans (Shrubs: 1-gallon, 5-gallon, 15-gallon; Trees: 15-gallon, 24-inch box, 30-inch box, 36-inch box, 42-inch box, 48-inch box).
  - m. Dead plants shall be replaced with those materials specified in the original approval, damaged branches shall be removed, and overgrown areas shall be thinned by the selective removal of excessive growth.
  - n. Required landscaped areas including and those installed and dedicated by the city shall not be reduced in area or planting.
- 2. Irrigation Systems:**
- a. Water waste resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, public right of way, walks, roadways, or structures is prohibited.
  - b. The irrigation system will be checked, as part of scheduled maintenance, to prevent overspray outside of the desired planting area, especially water that wets adjacent hard surfaces (e.g., patios, sidewalks, and streets).

- c. The irrigation system will be checked, as part of scheduled maintenance, to prevent runoff. If runoff occurs, then the water application rate will be reduced so it is not greater than the infiltration rate of the soil.
  - d. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers, and watering all landscaped areas after maintenance is performed in order to verify proper working condition.
3. **Enforcement.** Should landscaping not be installed, maintained and replaced as specified in the Maintenance Criteria, the Owner and his agent or agents shall be considered in violation of the terms of the Building or Occupancy Permit. The Zoning Administrator is empowered to enforce the requirements of the CA Zone Standards and Seaside Zoning Code Chapter 17.69 (Enforcement and Penalties).

### 17.25.070 - Screening, Fences/Walls/Gates, and Outdoor Storage Areas

- A. Purpose.** The purpose of this section is to provide regulations for the screening and buffering of service bays, outdoor storage, trash enclosures, equipment, and parking areas; and provide regulations for the location, height, and materials for fences, walls, and gates. The intent of these regulations is to ensure that service and storage areas are screened from public view by limiting the appearance of unsightly and unrestricted clutter.
- B. Screening Requirements.** Screening means the provision of a minimum six-foot tall vertical buffer designed to diffuse glare, noise, and negative visual impacts. Screening shall be provided consistent with the following standards:
1. Screening materials may include a combination of plant materials, earth berms, raised planters, solid decorative masonry walls, and other screening devices approved by the Board of Architectural Review.
  2. Masonry walls shall be architecturally treated on both sides.
  3. Wall design, materials, and colors shall be compatible with the primary structure on the site.
  4. Plant materials shall be incorporated with the fence and wall structures with a height or length of 6 feet and greater and shall provide full coverage within three years. The plant materials specified shall reach a minimum height and/or spread at maturity of at least six feet (6').
  5. Whenever required screening is located adjacent to parking areas or driveways, the required landscaping shall be protected by concrete curbing at least six inches high and six inches wide.
  6. The method of screening shall be architecturally compatible with other site development in terms of colors, materials, and architectural style.
  7. Ground mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust, water heaters), loading docks, service yards, waste and storage areas, and utility services shall be screened from public view from abutting public streets and rights of-way.
- C. Outdoor storage and work yards.** Outdoor storage and work areas shall comply with the following provisions:
1. Outside uses shall have a solid sight-obscuring wall not less than six feet, or more than eight feet, in height.
  2. If necessary, the wall shall include sight-obscuring gates.
  3. The wall and gate(s) shall be maintained to conform to the screening requirements.
  4. Site operations in conjunction with the outdoor uses, including the loading and unloading of materials and equipment, shall be conducted entirely within a walled area.
- D. Fences, Walls, and Gates.** Fences, walls, and gates shall comply with the following provisions:

1. **Prohibited materials.** The following materials are prohibited unless approved by the Zoning Administrator for special security needs or as required by a City, State, or Federal law or regulations.
  - a. Barbed wire, barbed wire or broken glass on fences, or electrified wire fence; and
  - b. Razor or concertina wire; and
  - c. Chain link fencing, unless vinyl coated chain link; and
  - d. Other materials designed to inflict injury.
2. Fences, walls, and gates shall comply with the following:
  - a. Solid fences, walls, and/or gates greater than four feet in height shall not be used to define or separate property boundaries. Masonry walls shall be architecturally treated on both sides.
  - b. Solid, decorative fences and walls may be used to meet the Screening Requirements outlined in Section B above.
  - c. Combination fences, walls, and gates shall not exceed eight feet in height.
    - (1) An open fence is permitted on top of a solid fence, provided that the solid fence and open fence do not each exceed four feet in height and the total height does not exceed eight feet.
    - (2) Open fence shall mean a fence that has at least 50 percent of the vertical surface area of each six-foot section open to the passage of light and air.
  - d. Fences, walls, and or/gates located within the Traffic Safety Visibility Areas shall not exceed three feet in height, unless approved by the Zoning Administrator in consultation with the Public Works Director..
  - e. The exterior appearance of fences, walls, and gates shall be ornamental.
  - f. Rolling gates are only permitted to be located across driveways, aisles, or other vehicular use areas if approved by the Zoning Administrator in consultation with the Public Works Director.
  - g. Swinging gates are not permitted within vehicular use areas.

### 17.25.080 - Lighting Design Requirements

- A. **Purpose.** The requirements of this Section are intended to provide for illumination requirements, which are important for the safety and security of the business, pedestrian and motorist. The quality of the lighting needs to be maintained throughout the CA Zone and reinforced through the consistent use, height, spacing, color, and type of fixture used with in the zone. The principal design objectives of this Section are to promote quality lighting design, energy conservation, and prevent glare of light spillover onto adjacent properties.
- B. **Definitions.** For purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them:
  1. **Foot-Candle:** a unit of illumination produced on a surface, all points of which are one foot from a uniform point of one candle.
  2. **Full Shielding:** a technique or method of construction which causes all light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the lowest point on the fixtures from which light is emitted.

3. Glare: light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness.
  4. Light Pollution: artificial light which causes a detrimental effect on the environment, astronomical research or enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent property.
  5. Light Trespass: the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
  6. Luminaire: a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts. The pole, post, or bracket is not considered a part of the luminaire.
  7. Shielding: a technique or method of construction which causes light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the fixtures.
- C. **Photometric Study Required.** All applications which include new outdoor lighting, or amendments to an existing lighting plan, shall be required to submit a photometric study. The study must include the impacts of the city street lights located in public right-of-ways adjacent to the subject property.
- D. **Prohibited Lights.** The following types of lighting are prohibited:
1. Search lights.
  2. Blinking lights
  3. Chasing lights
  4. Stroboscopic lights
  5. Intermittent lights (other than motion detector lights)
  6. Rotary beacons
  7. Halogen and mercury vapor sources shall be prohibited.
  8. Exposed string lighting, except that exposed string lighting is permitted subject to the following provisions:
    - a. Seasonal exposed string lighting shall be permitted without a permit during the period between Thanksgiving and New Year's Day. Lights are to be removed by January 8th of each year.
    - b. String lights shall not exceed 200 linear feet prior to installation.
    - c. String lights shall not include any prohibited light types.
- E. **Lighting Design and Installation.**
1. **Fixture Design Features:**
    - a. All outdoor lighting shall feature "full shielding" designs to control and reduce light spillover and glare beyond the parcel boundaries.
    - b. Lighting fixtures/lamps shall be the most energy efficient available and shall comply with the standards in Title 24 of the California Code of Regulations (California Building Standards Code). Fixture types that could comply with these standards include, but are not limited to, fluorescent, compact fluorescent, high pressure sodium, low pressure sodium, metal halide, or LED.

**2. Fixture Orientation:**

- a. Light fixtures shall be parallel to the final grade and installed so that no direct light will shine beyond the subject property.
- b. Exterior light sources shall be controlled and/or shielded downward so not create glare or be directly visible beyond the limits of the parcel.

**3. Fixture Location:****a. Parking lot and display area lighting.**

- (1) Parking lot and display area lighting is necessary for traffic and pedestrian safety and protection against theft and vandalism. Parking and display area lighting design shall provide for the safe movement of both vehicles and pedestrians.

**b. Building mounted fixtures:**

- (1) The proposed fixture type shall be in scale with the building elevation on which it is to be installed.
- (2) When installed to illuminate a second story entry eave, balcony, or outside stairway or door the installation height shall be no higher than eight (8') feet above the finished floor elevation of the second story.

**c. Architectural lighting.** The use of architectural lighting to highlight the unique features of a building may be approved by the Board of Architectural Review in accordance with the following standards:

- (1) The lighting will illuminate an architectural feature that is unique to the particular project due to the use of materials, colors, or design characteristics which are not commonly found within the CA Zone; and
- (2) The architectural lighting proposal will enhance the design of a project and is not solely used as an attraction seeking device; and
- (3) Highlighting fixtures shall be located either on the building or on adjacent ground. These fixtures are to be arranged such that they are not generally visible from the public right of way; and
- (4) Highlighting fixtures shall be located and designed in such a manner that the actual lamp and reflector are shielded or louvered so that it is not seen from a normal public viewing area. It is especially important in areas where there is considerable vehicle and pedestrian traffic and direct glare be avoided.

**d. Freestanding Light Fixture Height:**

- (1) Allowable heights of light fixtures shall be measured from finished grade to the bottom of the light-emitting surface.
- (2) Pole mounted fixtures shall not exceed 26 feet in height as measured from the finished grade, adjacent to the base of concrete pedestal (limited to a maximum height of 2 feet) on which the light pole is located, to bottom of the light emitting surface..
- (3) Concrete light fixture pedestals located within the vehicle display area shall not exceed 2' x 2'.

**F. Levels of Illumination.** Outdoor lighting illuminations shall be designed to illuminate at the minimum level necessary for safety and security, and to avoid the harsh contrasts in lighting levels between the project site and adjacent properties. Lighting 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. Illumination standards are as follows:

1. The average level of illuminance for the display areas shall not exceed an average of 35 foot-candles with a maximum level of 40 footcandles.
  2. The average level of illuminance for lighting within service areas shall not exceed an average of 5 footcandles with a maximum level of 10 footcandles.
- G. Energy Conservation.** The regulation of outdoor light fixtures can result in conservation of electrical energy and thus reduce the use of fossil fuel. Light fixtures shall be subject to the following standards:
1. Fixtures shall have good optical control to distribute light in the most effective and efficient manner;
  2. Fixtures shall use the minimum amount of light necessary for display and security purposes;
  3. Fixtures shall have full cut-off, down lit fixtures;
  4. Energizing light fixtures only when necessary by means of automatic timing devices.
  5. Preservation of Night Skies: Comply with city's general plan policies. The sky is an important aspect of our environment and it is necessary for the City to regulate the use of outdoor light fixtures to minimize light pollution which has a detrimental effect on the environment, astronomical research, amateur astronomy, enjoyment of the night sky, and causes unnecessary illumination of adjacent properties.
- H. Security Lighting.**
1. Security lighting shall be provided and shall be limited to the following: all on-site pedestrian walkway lighting, a maximum one-third of the parking lot lights, lights over all building entries, and motion detector lights.
  2. **Motion Detector lights**
    - a. Once activated, motion detector lights shall be limited to an illumination period of not more than five minutes.
    - b. Motion detector lights shall not be disabled to allow for continuous illumination.
- I. Automatic Timing Devices.** Timing devices enhance the flexibility of the design by providing the right amount of light at the right time. Turning lights off in non-critical areas will eliminate nuisance light on adjacent areas at night. Controls can adjust lighting levels based on the level of activity at different times during the evening. The energy savings achieved by incorporating lighting controls can be much more effective in saving energy than the selection of the light source.
1. The parking lot lights shall be equipped with a photo-cell for so they automatically turn on at dusk.
  2. All outdoor light fixtures shall be turned off no later than 11:00 p.m. or one-half hour after close of business, whichever is earlier. The exception to this standard shall be for one-third of the parking lot lights, which, for security purposes, shall be reduced to less than half the illumination level used during business hours.
- J. Monitoring.** The City may decide to restrict lighting to a level less than that specified in the approved photometric plans if it is determined that the lighting levels of individual dealership, in combination with surrounding city installed lighting, has the potential for creating traffic hazards and/or is not consistent with the intent of the CA Zone Lighting Standards.



## CHAPTER 17.26 - SPECIAL PURPOSE ZONES

### Sections:

- 17.26.010 - Purpose
- 17.26.020 - Purposes of Special Purpose Zones
- 17.26.030 - Special Purpose Zone Land Uses and Permit Requirements
- 17.26.040 - Special Purpose Zone Subdivision Standards
- 17.26.050 - Special Purpose Zone Site Planning and Building Standards
- 17.26.060 - Special Provision for St. Seraphim's Russian Orthodox Church

### 17.26.010 - Purpose

This Chapter lists the land uses that may be allowed within the special purpose zones established by Section 17.14.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### 17.26.020 - Purposes of the Special Purpose Zones

The purposes of the individual special purpose zones and the manner in which they are applied are as follows.

- A. **OSR (Open Space - Recreation) zone.** The OSR zone is applied to land in public ownership that is either used or intended for community recreational purposes, and areas of important aesthetic, historical, or public health and safety significance. Appropriate uses include park, recreational, and cultural facilities. The OSR zone implements and is consistent with the Parks and Open Space (POS), and Recreational Commercial (RC) land use designations of the General Plan.
- B. **OSC (Open Space - Conservation) zone.** The OSC zone is applied to properties that have been designated for the preservation of natural and scenic resources. Development is limited to structures that support the habitat and open space features being conserved. The OSC zone is consistent with and implements the Habitat Management (HM) land use designation of the General Plan.
- C. **PI (Public/Institutional) zone.** The PI zone is applied to the sites of existing and proposed public buildings and facilities, utility facilities, and similar and related facilities. The PI zone implements and is consistent with the Public/Institutional (PI) land use designation of the General Plan.
- D. **M (Military) zone.** The M zone is applied to areas that remain under the jurisdiction and ownership of the United States Government for ongoing military activities within the former Fort Ord boundary. Allowable uses include military housing, schools, day care centers, meeting facilities, reserve unit training, exchange retail activities, and motor pool activities. The M zone implements and is consistent with the Military (M) land use designation of the General Plan.

### 17.26.030 - Special Purpose Zone Land Uses and Permit Requirements

- A. **General permit requirements.** Table 2-7 identifies the uses of land allowed by this Zoning Ordinance in each Special Purpose zone, and the planning permit required to establish each use, in compliance with Section 17.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column in Table 2-7 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.

<b>TABLE 2-7 Allowed Land Uses and Permit Requirements for Special Purpose Zones</b>	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required (see Section 17.52.070)				
	UP	Use Permit required (see Section 17.52.070)				
	S	See cited Section for permit requirement				
	—	Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	OSR (2)		OSC	PI	M	
	Laguna	Other				

**AGRICULTURAL, RESOURCE & OPEN SPACE USES**

Ecological restoration activities	—	—	P	P	P	
Habitat management	—	—	P	P	P	
Nature preserve	P	—	P	P	P	

**RECREATION, EDUCATION & PUBLIC ASSEMBLY**

Boating and related facilities	UP	—	—	—	—	
Conference/convention facility	—	UP	—	—	—	
Golf course	—	UP	—	—	—	
Hiking/riding trail	P	P	P	—	—	
Interpretive center or environmental education activities	MUP	—	P	—	—	
Park, playground	P	P	—	P	P	
Public amphitheater	UP	UP	—	—	P	

**RESIDENTIAL**

Military housing	—	—	—	—	P	
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**SERVICES**

Office - Government	—	—	—	P	P	
Lodging - Hotel	—	UP	—	—	—	

**TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE**

Maintenance facility	—	—	—	P	P	
Utility facility	UP	UP	UP	UP	UP	
Vehicle storage	—	—	—	—	P	

**Key to Zoning District Symbols**

<b>OSR</b>	Open Space - Recreation	<b>PI</b>	Public/Institutional
<b>OSC</b>	Open Space - Conservation	<b>M</b>	Military

**Notes:**

- (1) See Article 7 for land use definitions.
- (2) The OSR zone includes two areas: Laguna Grande Lake and Roberts Lake area ("Laguna"); and all other sites designated OSR.

### 17.26.040 - Special Purpose Zone Subdivision Standards

The minimum area and dimensions for new parcels in the special purpose zones shall be determined by the City through the subdivision process.

### 17.26.050 - Special Purpose Zone Site Planning and Building Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the following standards, and any requirements established by the City through the Use Permit process, capital improvements programming process, or leasing of public property, as applicable, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 3.

- A. **OSR zone standards.** Proposed development and new land uses within the OSR zone shall be consistent with the Laguna Grande Regional Park master plan, the Local Coastal Program, or, in its absence, the California Coastal Act, and the Parks, Recreation and Open Space Element of the General Plan. Structures and uses which do not require a Use Permit approval shall secure Site Plan Approval from the Commission.
- B. **OSC zone standards.** Proposed development and new land uses within the OSC zone shall comply with the habitat management plan and the HMP implementing/management agreement of the Fort Ord Reuse Plan and standards established through Use Permit approval.
- C. **PI zone standards.** Proposed development and new land uses within the PI zone shall comply with the requirements of the OSR zone in Subsection A.
- D. **M zone standards.** Standards for development proposed within the M zone shall be determined by the Department of the Army until the property is released to the nonmilitary sector for private development. Subsequent to Department of the Army release of the property to the non-military sector for private development, proposed development and new land uses shall comply with the following standards, and all other applicable provisions of this Zoning Ordinance (e.g., Article 3 - Site Planning, Project Design, and Operational Standards).
  - 1. **Setbacks.** Proposed structures shall be set back a minimum of 30 from each property line, and shall be screened with landscaping, incorporating plant materials native to the region, to minimize the visual impact from adjoining properties.
  - 2. **Height limit.** No structure shall exceed a maximum height of 32 feet.
  - 3. **Ancillary and supporting uses.** Office uses and retail sales activities shall be directly related and incidental or providing support, to commercial recreational use.

### 17.26.060 - Special Provision for St. Seraphim's Russian Orthodox Church

St. Seraphim's Russian Orthodox Church, located in Laguna Grande Regional Park, shall be considered a conforming use for the duration of its useful life.



## CHAPTER 17.28 - OVERLAY ZONES

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### Sections:

- 17.28.010 - Purpose
- 17.28.020 - Applicability of Overlay Zones
- 17.28.030 - Coastal Zone (CZ) Overlay Zone
- 17.28.040 - Highway 1 Design (H1) Overlay Zone

### 17.28.010 - Purpose

The provisions of this Chapter regulate development and new land uses in the overlay zones established by Section 17.14.020 (Zoning Map and Zones), and guide development within the overlay zones through standards that apply to proposed development in addition to the standards and regulations of the primary zone, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

### 17.28.020 - Applicability of Overlay Zones

The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Zoning Ordinance. Any perceived conflict between the provisions of this Chapter and any other provision of this Zoning Ordinance shall be resolved in compliance with Chapter 17.12 (Interpretation of Code Provisions).

- A. **Mapping of Overlay zones.** The applicability of any overlay zone to a specific site is shown by the overlay Zoning Map symbol established by Section 17.14.020 (Zoning Map and Zones), being appended as a suffix to the symbol for the primary zone on the Zoning Map. The overlay zones are applied to property through the rezoning process (Chapter 17.64).
- B. **Allowed land uses, permit requirements, development standards.** Except as may be otherwise provided by this Chapter for a specific overlay zone:
  1. Any land use normally allowed in the primary zone by this Article may be allowed within a overlay zone, subject to any additional requirements of the overlay zone;
  2. Development and new land uses within a overlay zone shall obtain the zoning approvals required by this Article for the primary zone; and
  3. Development and new land uses within a overlay zone shall comply with all applicable development standards of the primary zone, and all other applicable provisions of this Zoning Ordinance (e.g., Article 3 - Site Planning, Design, and Operational Standards).

### 17.28.030 - Coastal Zone (CZ) Overlay Zone

- A. **Purpose.** The CZ overlay zone identifies properties that are subject to the policies and standards of the Coastal Act, and the City's Local Coastal Program.
- B. **Applicability.** The CZ overlay zone is applied to the areas of the City located within the Coastal Zone established by the California Coastal Act of 1976, as amended.
- C. **Coastal Zone boundary location.** Where uncertainty exists as to the exact location of the Coastal Zone Overlay Zone boundary, the following rules shall apply:

1. When a portion of a building site lies within the Coastal Zone and any existing or proposed development is within the Coastal Zone, the entire building site shall be considered to be within the Coastal Zone.
2. Where a public or private street or highway parallels the Coastal Zone and lies partially within the Coastal Zone, the inland extent of the street or highway shall be considered to be within the Coastal Zone.

### 17.28.040 - Highway 1 Design (H1) Overlay Zone

- A. **Purpose.** This Section provides enhanced design standards and development limitations to protect the viewshed of Highway 1.
- B. **Applicability.** The H1 overlay is applied to areas of the Fort Ord lands identified by the General Plan by the General Plan that are within 500 feet of the Highway 1 right-of-way, or the edge of the Highway 1 viewshed, whichever is greater.
- C. **Development standards.** Proposed development and new land uses shall comply with the following standards, In addition to the requirements of the primary zone.
  1. **Highway 1 setback requirements.** All development shall be set back a minimum of 100 feet from the eastern edge of Highway 1. The setback area shall be reserved solely for:
    - a. Landscaping to provide a visual and/or sound buffer from Highway 1, and which emphasizes Monterey cypress and other locally prominent trees to reinforce the regional landscaping of the Monterey Peninsula; and
    - b. Existing public infrastructure and improvements; and
    - c. Environmental enhancement elements in compliance with the General Plan, Fort Ord lands, including habitat restoration, landscaping, water recharge and storm water detention and/or retention features.
  2. **Landscaping requirements.** Proposed development shall provide substantial landscaping, incorporating regional plant materials, to minimize the visual impact of development on Highway 1 scenic views. Landscaping shall be suitable for the climate, soils and ecological characteristics of the area.
  3. **View protection.** Proposed structures shall be designed and located to:
    - a. Not block public views of the Monterey Bay from scenic road turnouts or public vista points; and
    - b. To the greatest extent feasible, fit the natural topography and features of the site (including streams and mature trees) with minimal grading, cutting or filling.
  4. **Building design.**
    - a. The exteriors of structures shall be of natural looking materials and colors selected to blend with the surrounding vegetation and topography.
    - b. Architecture of structures shall emphasize traditional and classic Monterey Peninsula architectural style including Mission, Craftsman, and Mediterranean.
  5. **Alternative transportation.** Development projects within the zone shall incorporate:
    - a. Recreational bicycle trails in general conformance with the proposed bicycle network shown in the General Plan, Fort Ord lands, Circulation Element; and
    - b. Pedestrian systems, in the form of sidewalks and/or trails, which are designed to create links to adjacent uses.
- D. **Design standards.** Proposed structures and signs within the H1 overlay shall also comply with all applicable provisions of the Fort Ord Reuse Authority Highway 1 Design Corridor Design Guidelines.

## CHAPTER 17.29 - FORT ORD LANDS

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### Sections:

17.29.060 – V-FO - Fort Ord Visitor-Serving Commercial District

### 17.29.010 - V-FO - Fort Ord Visitor-Serving Commercial District

- A. Purpose.** The purpose of this chapter is to provide consistent development guidelines for lands designated visitor serving in the city of Seaside general plan, Fort Ord lands, land use element, to promote development of hotel and resort uses, along with associated commercial recreation uses such as golf courses and recreation-oriented residential uses.
- B. Area of jurisdiction.** The regulations in this chapter are applicable to lands designated visitor serving in the city of Seaside general plan, Fort Ord lands, land use concept, Polygon 22.
- C. Other zoning regulations.** Where not in conflict with the regulations in this chapter, the regulations of the Seaside Zoning Code shall apply to development within this district.
- D. Principal permitted uses.**
1. Hotels;
  2. Conference centers;
  3. Restaurants;
  4. Golf courses.
- E. Accessory buildings, structures and uses.** Any use, building or structure which is appurtenant and incidental to a permitted use within the zone district shall conform to the provisions of Section 17.42.180 – Residential Accessory Buildings, Structures and Uses of the Seaside Zoning Code.
- F. Conditional uses.** The following uses are subject to approval of a conditional use permit pursuant to the procedures in Chapter 17.52.070 of the Seaside Zoning Code:
1. Residential uses;
  2. Timeshare uses, as defined in Chapter 17.42.220 of the Seaside Zoning Code.
  3. Employee housing.
- G. Use determination.** Any other use determined by the Zoning Administrator to be of the same general character as the foregoing uses, which is consistent with the City of Seaside General Plan, Fort Ord Lands and which will not impair the present or potential use of adjacent properties may be allowed subject to the approval of a Conditional Use Permit.
- H. District regulations.** The following regulations shall control development in the V-FO district:
1. Where not in conflict with this Chapter, the property development standards listed in this Section for commercial and transient occupancy uses development in the V-FO district shall be (i) consistent with the standards described in Chapter 17.24 (Commercial Zones) of the Zoning Code; or (ii) as determined by the City pursuant to its approval of a Planned Unit Development under Chapter 17.52.050 of the Zoning Code for the following development standards: (1) minimum lot area, (2) minimum lot width, (3) minimum front and rear yard setbacks, (4) minimum side yard

setbacks, (5) maximum lot coverage, (6) off-street parking, (7) signs, (8) landscaping and screening, and (9) minimum floor area.

2. Total number of hotel rooms and timeshare units permitted within Polygon 22 shall not exceed 800.
3. Hotel rooms shall be distributed in several buildings to reduce the scale of the project and the visual intrusion into the State Highway 1 Scenic Corridor.
4. Development within the district shall provide substantial landscaping, incorporating regional plant material, to minimize the visual impact of development on Highway 1 scenic views.
5. All development within the district which is located within 500 feet of the Highway 1 right-of-way or the edge of the Highway 1 viewshed shall conform to the regulations of the Highway 1 Special Overlay Design District, Section 17.28.040 of this title.
6. Building height shall not exceed the mature landscape height of the trees in the golf course area.
7. Structures shall be integrated into the existing topography and landscaped setting so as to minimize grading and tree removal.
8. Where not in conflict with this Chapter, the property development standards for residential uses shall be those applicable in this title.
9. The average overall density for residential uses, exclusive of golf course and commercial areas, shall not exceed ten dwelling units per acre.

## ARTICLE 3

# SITE PLANNING, DESIGN AND OPERATIONAL STANDARDS

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## CHAPTER 17.30 - STANDARDS FOR ALL DEVELOPMENT AND LAND USES

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### Sections:

- 17.30.010 - Purpose, Intent, and Applicability
- 17.30.020 - Fences, Walls, and Screening
- 17.30.030 - Height Limits and Exceptions
- 17.30.040 - Landscaping Standards
- 17.30.050 - Moved Structures
- 17.30.060 - Noise Standards
- 17.30.070 - Outdoor Lighting
- 17.30.080 - Performance Standards
- 17.30.090 - Public Improvement Requirements
- 17.30.100 - Setback Requirements and Exceptions
- 17.30.110 - Solid Waste/Recyclable Materials Storage
- 17.30.120 - Underground Utilities
- 17.30.130 - View Protection

### 17.30.010 - Purpose and Applicability

- A. **Purpose.** This Chapter expands upon the zoning district development standards of Article 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) by addressing additional details of site planning, project design, and the operation of land uses. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties, and is consistent with the General Plan and any applicable specific plan.
- B. **Applicability.** The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Chapter 17.62 (Nonconforming Uses, Structures, and Parcels), and shall be considered in combination with the standards for the applicable zoning district in Article 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards) and those in Article 4 (Standards for Specific Land Uses). If there is a conflict, the standards in Article 4 shall control.

### 17.30.020 - Fences, Walls, and Screening

- A. **Applicability.** The requirements of this Section apply to all fences and walls unless otherwise stated.
- B. **Height limits.** Each fence, wall, and hedge shall comply with the following height limits; provided that no fence, hedge, or wall shall be constructed so that it interferes with the provision of adequate air and light on an abutting parcel.
  1. **Residential uses.** Each fence, wall, and hedge on the site of a residential use shall comply with the height limits shown in Table 3-1.

TABLE 3-1 - MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES

Location	Maximum Height
<b>Interior Parcel</b>	
Within front setback	4 ft for fence or wall; 6 2 ft for a decorative entry feature that is no more than 6 ft wide.
Within interior side or rear setback	6 ft
Outside of required setbacks	8 ft
<b>Corner Parcel</b>	
Within front or street side setback	4 ft
Within traffic safety visibility area (see Section 17.30.030 - Height Limits and Exceptions)	No fence, wall, or hedge allowed.

- Nonresidential uses.** A fence or wall not more than eight feet in height, and 50 percent or more opaque, may be allowed to fully enclose a public utility or private recreation facility; and may be placed along the rear and side property lines of parcels in commercial and industrial zones, when approved by the Zoning Administrator.

C. Measurement of fence and wall height.

- Fence and wall height shall be measured as the vertical distance between the finished grade at the base of the fence or wall and the top edge of the fence or wall material.
- The height of fencing atop a wall shall be measured from the base of the wall.
- Where elevation of the finished grade within six feet of the base of the fence or wall differs from one side of the fence or wall to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the lowest natural grade.

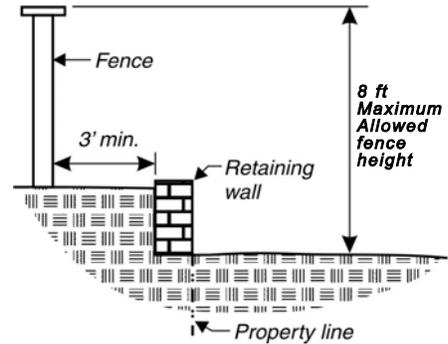
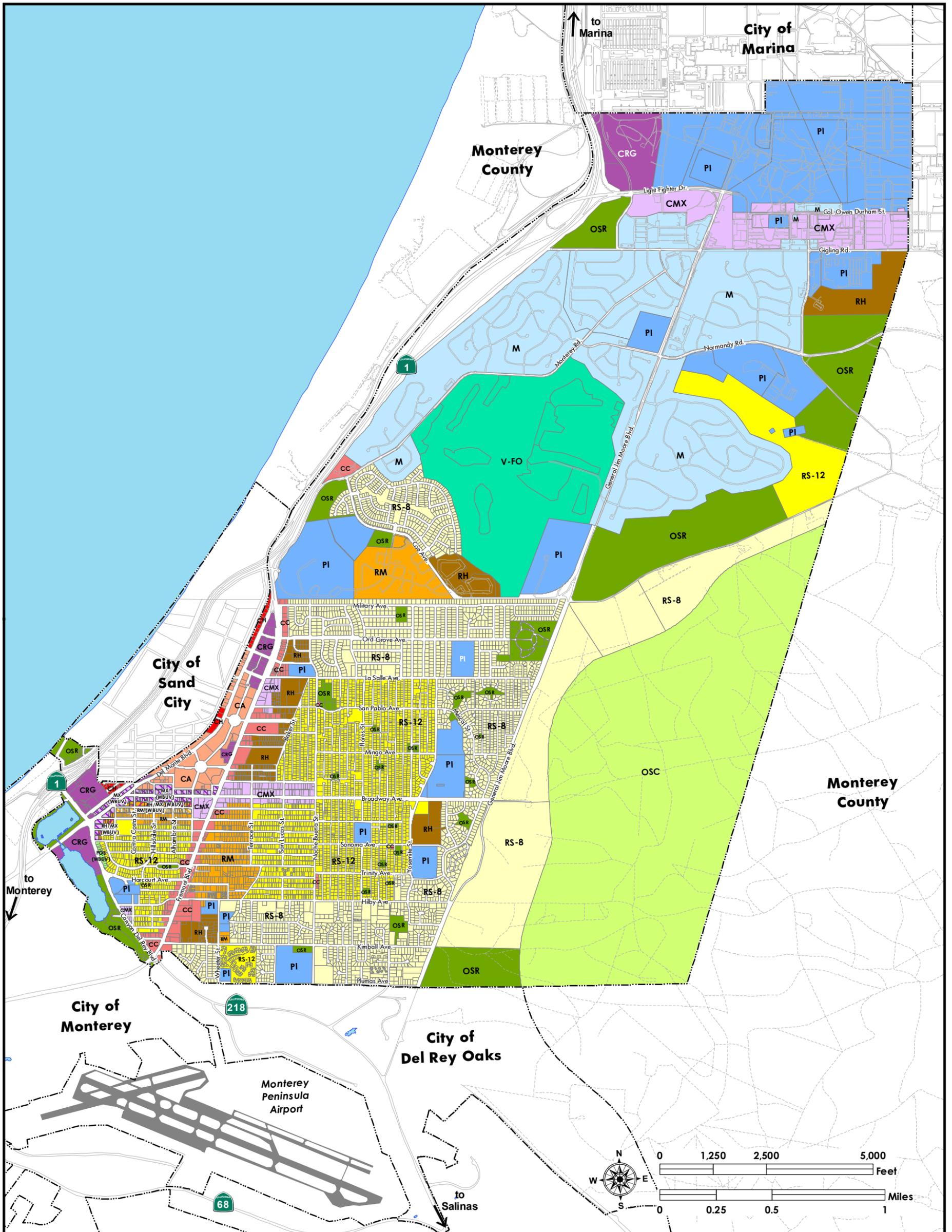


Figure 3-1 - Fence height measurement

D. Specific fence and wall requirements.

- Fencing between different land uses.** Fencing between different land uses shall be provided in compliance with Subsection G. (Screening requirements).
- Outdoor equipment, storage, and work areas.** Screening of nonresidential outdoor uses and equipment adjacent to a residential use shall be provided in compliance with Subsection G. (Screening requirements).
- Retaining walls.** Any embankment to be retained that is over four feet in height shall be benched so that no individual retaining wall exceeds a height of three feet, and each bench is a minimum width of three feet. Any fencing associated with a retaining wall shall be set back from the retaining wall a minimum of three feet.
- Swimming pools, spas, and similar features.** Swimming pools, spas and similar water features shall be fenced in compliance with Uniform Building Code (UBC) requirements, regardless of the other requirements of this Section.
- Temporary fencing.** Temporary fencing may be necessary to protect archaeological or historic resources, trees, or other similar sensitive features during site preparation and construction. Temporary fencing shall be approved by the Zoning Administrator.

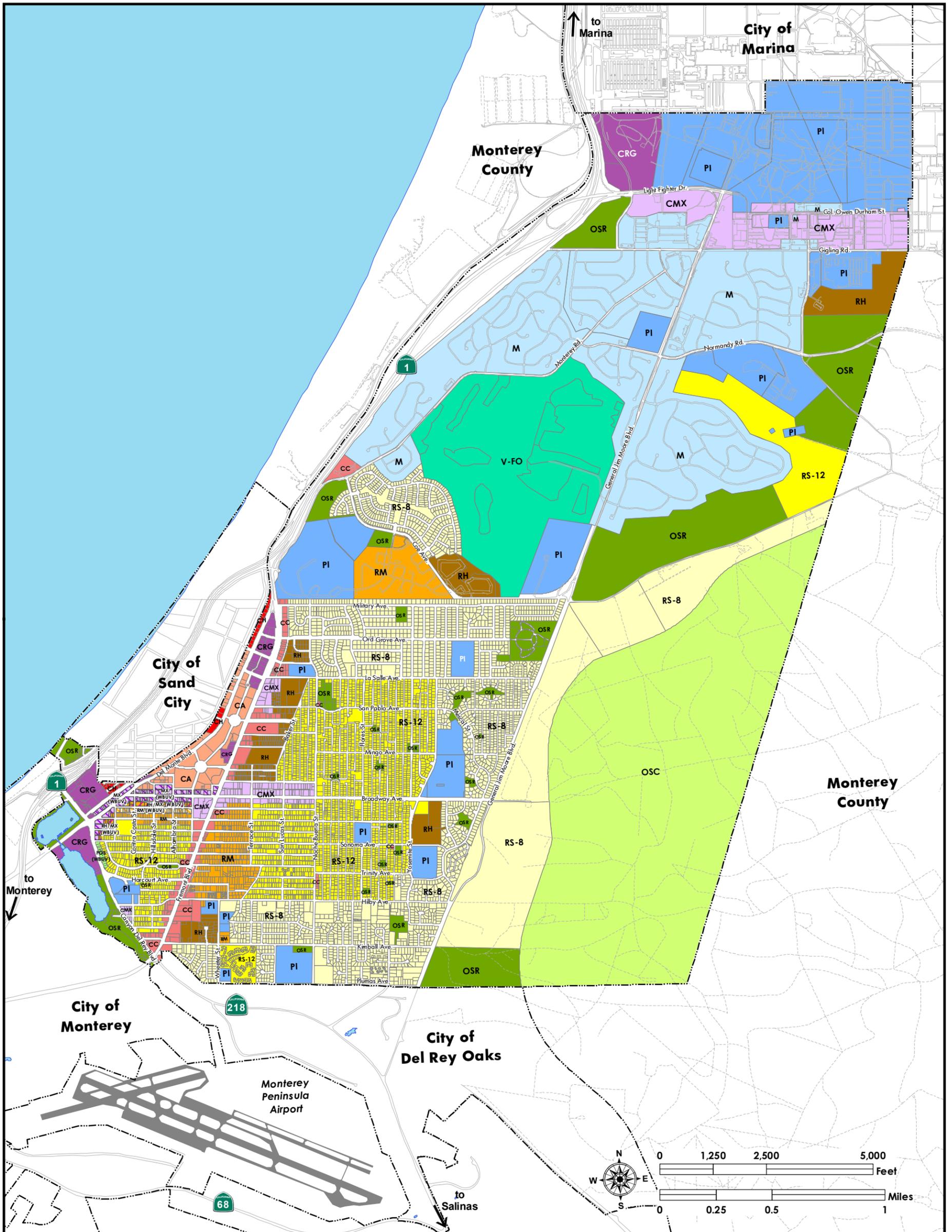


**Seaside Zoning Districts**

- |   |                            |                                   |
|---|----------------------------|-----------------------------------|
| RS-8 - Single-family Residential                  | CA - Automotive Commercial | PI - Public / Institutional       |
| RS-12 - Single-family Residential                 | CC - Community Commercial  | M - Military                      |
| RM - Medium Density Residential                   | CH - Heavy Commercial      | V-FO - Visitor-Serving Commercial |
| RM - Medium Density Residential (WBUV)            | CMX - Commercial Mixed Use | OSR - Open Space - Recreation     |
| RH - High Density Residential                     | MX - Mixed Use (WBUV)      | OSC - Open Space - Conservation   |
| RH/MX - High Density Residential/Mixed Use (WBUV) | CRG - Regional Commercial  | POS - Parks and Open Space (WBUV) |

Note: WBUV = West Broadway Urban Village Specific Plan

City of Seaside, GIS 2010; last revised 5/11/10



**Seaside Zoning Districts**

- |   |                            |                                   |
|---|----------------------------|-----------------------------------|
| RS-8 - Single-family Residential                  | CA - Automotive Commercial | PI - Public / Institutional       |
| RS-12 - Single-family Residential                 | CC - Community Commercial  | M - Military                      |
| RM - Medium Density Residential                   | CH - Heavy Commercial      | V-FO - Visitor-Serving Commercial |
| RM - Medium Density Residential (WBUI)            | CMX - Commercial Mixed Use | OSR - Open Space - Recreation     |
| RH - High Density Residential                     | MX - Mixed Use (WBUI)      | OSC - Open Space - Conservation   |
| RH/MX - High Density Residential/Mixed Use (WBUI) | CRG - Regional Commercial  | POS - Parks and Open Space (WBUI) |

Note: WBUI = West Broadway Urban Village Specific Plan

City of Seaside, GIS 2010; last revised 5/11/10

# **FORT ORD REUSE AUTHORITY**

## **MASTER RESOLUTION**

**Adopted March 14, 1997**

**Amended November 20, 1998** [Addition of Chapter 8 and Amend §1.01.050, Definitions]

**Amended February 19, 1999** [Update §2.03, Committees; Clarify and Add text to §1.02.010(b)(4), Conflict of Interest; and Amend §2.09.020(a), Responsibilities for Enforcement (Addition of City of Del Rey Oaks Police Chief as an enforcement officer)]

**Amended January 21, 2000** [Amend §2.03.040, Legislative Advisory Committee, and §2.03.050, Finance Advisory Committee (Redefine membership)]

**Amended January 18, 2002** [Amend §2.03.051, Finance Advisory Committee Duties (Delete the word “monthly” in reference to Finance Committee meetings)]

**Amended February 8, 2002** [Amend §2.03.040, Legislative Advisory Committee (Increase Legislative Committee membership from 6 to 8 and define voting and ex-officio members) and Amend §2.03.041, Legislative Advisory Committee Duties (Delete text that Authority Counsel should attend meetings)]

**Amended April 16, 2004** [Amend Chapter 8 by the addition of Sections 8.02.020(t) and 8.02.030(a)(8), which address the jobs/housing balance in consistency determinations]

**Amended February 9, 2007** [§2.02.010(a) (start time of board meetings) and §2.03.051 (duties of the Finance Advisory Committee)]

**Amended March 9, 2007** [Repeal of §3.03.100 (Developers of Property Pursuant to Agreements with FORA), amendment to §3.03.090 (Prevailing Wages), and amendment to §1.01.050 (addition of definition of “First Generation Construction”)]

**Amended March 12, 2010** Minor amendments to clarify and correct errata

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## Chapter 1. GENERAL PROVISIONS

### Article 1.01. THE MASTER RESOLUTION

#### 1.01.010. SHORT TITLE.

This Master Resolution may be known and may be cited as the “Fort Ord Reuse Authority Master Resolution” or the “Authority Master Resolution.”

#### 1.01.015. EXISTING LAW CONTINUED.

The provisions of this Master Resolution, insofar as such provisions are substantially the same provisions of ordinances relating to the same subject matter and existing at the time of the adoption of this Master Resolution, are continued as restatements and continuations of ordinances in existence at the time of the adoption of this Master Resolution and are not considered new enactments.

#### 1.01.020. THE EFFECTS OF PENDING ACTIONS AND ACCRUED RIGHTS.

The adoption of this Master Resolution as well as the provisions of this Master Resolution in no way affect the legality or enforceability of any action or proceeding commenced before this Master Resolution takes effect or any right which accrued before this Master Resolution takes effect. All procedures taken after adoption of this Master Resolution conform to the provisions of this Master Resolution so far as possible.

#### 1.01.030. RIGHTS UNDER EXISTING LICENSES AND CERTIFICATES.

No rights given by any license, permit or certificate under prior actions of any predecessor or governmental entities are affected by the enactment of this Master Resolution; however, such rights are exercised according to this Master Resolution from the effective date of this Master Resolution.

#### 1.01.040. HEADINGS OF PROVISIONS.

The headings of the part, title, chapter, section, and subsections contained in this Master Resolution are intended to indicate the contents of such provisions and are not deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of such provisions.

#### 1.01.050. DEFINITIONS.

(a) In the interpretation and construction of this Master Resolution, the following definitions and rules of construction will be observed, unless they are inconsistent with the manifest intent of the Authority Board or the context clearly required otherwise:

“Affected territory,” means property within the Fort Ord Territory that is the subject of a legislative land use decision or an application for a development entitlement and such additional territory within the Fort Ord Territory that may be subject to an adjustment in density or intensity of allowed development to accommodate development on the property subject to the development entitlement.

“Army urbanized footprint” means the Main Garrison Area and the Historic East Garrison Area as such areas are described in the Reuse Plan.

“Augmented water supply” means any source of potable water in excess of the 6,600 acre-feet of potable water from the Salinas Basin as allowed under the Reuse Plan.

“Authority” means the Fort Ord Reuse Authority (“FORA”), an independent governmental and public entity, organized under the laws of the State of California pursuant to the Authority Act.

“Authority Act” means the provisions of the Fort Ord Reuse Authority Act, Title 7.85, Section 67650, *et seq.*, (also known as Senate Bill 899, Chapter 64 of the 1994 California Statutes) of the California Government Code, as may be amended from time to time.

“Authority Board” or “Board” or “Board of Directors” means the governing body of the Authority as established pursuant to the Authority Act.

“Authority Offices” means the facilities located at 100 12<sup>th</sup> Street, Buildings 2900, 2901, 2902, 2903, 2880, 2881, 2882, 2883, 2861, and 2862, and offices located at the Imjin Office Park in Marina California.

“Authority Officers” means the officers, officials, agents, employees, departments, and agencies of the Authority.

“Computation of time” The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.

“County” or “this County” means the County of Monterey.

“Day” A day is the period of time between any midnight and the midnight following.

“Daytime” means the period of time between sunrise and sunset. The word “nighttime” means the period of time between sunset and sunrise.

“Development entitlements” includes but is not limited to tentative and final subdivision maps, tentative, preliminary, and final parcel maps or minor subdivision maps, conditional use permits, administrative permits, variances, site plan reviews, and building permits. The term “development entitlement” does not include the term “legislative land use permits” as that term is defined in this Master Resolution. In addition the term “development entitlement” does not include:

- (1) Construction of one single-family house, or one multiple family house not exceeding four units, on a vacant lot within an area appropriately designated in the Reuse Plan.
- (2) Improvements to existing single-family residences or to existing multiple family residences not exceeding four units, including remodels or room additions.
- (3) Remodels of the interior of any existing building or structure.
- (4) Repair and maintenance activities that do not result in an addition to, or enlargement of, any building or structure.
- (5) Installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and development approved pursuant to the Authority Act.

- (6) Replacement of any building or structure destroyed by a natural disaster with a comparable or like building or structure.
- (7) Final subdivision or parcel maps issued consistent with a development entitlement subject to previous review and approval by the Authority Board.
- (8) Building permit issued consistent with a development entitlement subject to previous review by the Authority Board.

“Enforcement” means the making of investigations as may be required; demanding and signing criminal complaints or civil declarations; appearing as a witness in any prosecution or proceeding when so required; and generally doing all things necessary and proper to enforce and obtain compliance with the provisions of this Master Resolution.

“Entitlement” means any license, permit, authorization, or grant, which is issued, granted, or given by the Authority or any of its officers, officials, agents, employees, departments, or agencies to any person.

“Executive Officer” means and includes the appointed official of the Authority who occupies the position of Executive Officer of the Authority pursuant to the Authority Act or any person designated by the Executive Officer to perform certain duties pursuant to this Master Resolution under the direction of the Executive Officer.

“Ex-Officio Members” means the persons or entities designated in the Authority Act as ex-officio members or such persons or entities as the FORA Board may designate as ex-officio members. Ex-Officio Members include the Monterey Peninsula Community College District, the Monterey Peninsula Unified School District, the Member of Congress from the 17<sup>th</sup> Congressional District, the Senator from the 15<sup>th</sup> Senate District, the Assembly Member from the 27<sup>th</sup> District, the United States Army, the Chancellor of the California State University, the President of the University of California, the Transportation Agency of Monterey County, the Monterey-Salinas Transit Authority and Marina Coast Water District.

“First Generation Construction” means construction performed during the development and completion of each parcel of real property contemplated in a disposition or development agreement at the time of transfer from each member agency to a developer(s) or other transferee(s) and until issuance of a certificate of occupancy by the initial owners or tenants of each parcel.

“Fort Ord Territory” means all territory within the jurisdiction of the Authority.

“Goods” means personal property.

“Habitat Management Plan”, means the Fort Ord Installation-Wide Multi-Species Habitat Management Plan dated April 1997.

“Land use agency” means a member agency with land use jurisdiction over territory within the jurisdiction of the Authority Board.

“Legislative land use decisions” means general plans, general plan amendments, redevelopment plans, redevelopment plan amendments, zoning ordinances, zone district maps or amendments to zone district maps, and zoning changes.

“Master Resolution” or “this Master Resolution” means the Authority Master Resolution.

“Member Agencies” means the Cities of Carmel-by-the-Sea, Del Rey Oaks, Marina, Monterey, Pacific Grove, Salinas, Sand City, and Seaside and the County of Monterey.

“Month” means a calendar month.

“Noticed public hearing” means a public hearing noticed in the following manner:

- (1) Notice of the public hearing will be posted on the public meeting room at the FORA office at least 10 days before the date of the hearing; and
- (2) Notice of the public hearing will be mailed or delivered at least 10 days prior to the affected land use agency, to any person who has filed an appeal, and to any person who has requested special notice; and
- (3) Notice of the public hearing will be published at least 10 days before the date of the hearing in at least one newspaper of general circulation within the area that the real property that is the subject of the public hearing is located.

“Oath” means and includes an affirmation.

“Officers, officials, departments, and other agencies” individually and collectively means officers, officials, departments, board, commissions, and employees referred to in this Master Resolution who serve as the officers, officials, departments, boards, commissions, and employees of the Authority unless the context clearly indicated otherwise.

“Official” means any officer, official, agent, or employee of the Authority whose duties are specifically delineated in this Master Resolution.

“Official time” means whenever certain hours are named in this Master Resolution, they mean Pacific Standard Time or Daylight Saving Time, as may be in current use in the Authority.

“Operate” means and includes carry on, keep, conduct, or maintain.

“Owner” applied to a building or land, means and includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or of a part of such building or land.

“Person” means and includes any person, firm, association, organization, partnership, business trust, corporation or company, and any municipal, political or governmental corporation, district, body or agency other than this Authority.

“Personal property” means and includes every species of property, except real property.

“Preceding” and “following” mean next before and next after, respectively.

“Property” means and includes real and personal property.

“Real Property” means and includes lands, tenements, and hereditaments.

“Reuse Plan” means the plan for reuse and development of the territory within the jurisdiction of the Authority, as amended or revised from time to time, and the plans, policies, and programs of the Authority Board, including the Master Resolution.

“Sale” means and includes any sale, exchange, barter or offer for sale.

“Week” A week consists of seven consecutive days.

“Writing” means and includes any form of recorded message capable of comprehension by ordinary visual means.

“Year” means a period of 365 days, except where otherwise provided. The added day of a leap year, and the day immediately preceding if they occur in any such period, will be reckoned together as one day.

(b) Words and phrases are to be construed according to the context and the approved usage of the language. Technical words and phrases, and such other terms as may have acquired a peculiar and specific meaning in the law, or are specifically defined herein, are to be construed in accordance with such peculiar and specific meaning or definition.

**1.01.060. TERRITORIAL LIMITATION.**

This Master Resolution refers only to the omission or commission of acts within the territorial limits of the Authority and to that territory outside of the Authority over which the Authority has jurisdiction or control by virtue of the state constitution, any state law, the Authority Act, or by reason of ownership or control of property.

**1.01.070. DISTRIBUTION AND MAINTENANCE OF THE MASTER RESOLUTION.**

(a) Not less than one copy of this Master Resolution will be filed for use and examination by the public in the office of the Executive Officer. Copies thereof will be distributed to the members of the Authority Board, the alternates, the member agencies, and the ex-officio members.

(b) The Executive Officer will keep and maintain this Master Resolution together with all amendments as may be adopted by the Authority Board. The Executive Officer on a timely and recurring basis will publish and distribute such amendments.

**1.01.080. NOTICES – SERVICE PROCEDURE.**

(a) Notice required to be given under this Master Resolution, unless different provisions are otherwise specifically made in this Master Resolution, may be given by:

- (1) personal delivery to the person to be notified, or
- (2) electronic mail if FORA conventionally communicates with the recipient by electronic mail, or
- (3) deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified, at such person’s last known business or residence address, as such address appears in the public records of the Authority or other records pertaining to the matter to which the notice is directed. Service by mail will be deemed to have been completed at the time of deposit in the United States mail.

(b) Proof of giving any notice required by this Master Resolution may be made by the certificate of any officer or employee of the Authority or by affidavit or declaration of any person over the age of 18 years, which shows service in conformity with this Master Resolution or other provisions of law applicable to the subject matter of the notice.

**1.01.090. HOLD HARMLESS CLAUSE FOR LICENSES AND PERMITS.**

(a) Every entitlement is subject to the condition that the person receiving the entitlement agrees to save, indemnify, and keep harmless the Authority and Authority Officers against all liabilities, judgments, costs, and expenses which may in any manner or granting of an entitlement or in consequence of the use or occupancy of any sidewalk, street, or other public place, or the occupancy of any property or facility owned or leased by the Authority. The person receiving an entitlement also agrees to strictly comply with the conditions of the entitlement and with this Master Resolution and all ordinances, rules, and regulations of the Authority relating to the entitlement.

(b) Whenever it is administratively proper, the Executive Officer will print, type, or write the Condition Statement above into every entitlement form substantially as it appears in this section.

**1.01.100. INTERPRETATION, CONSTRUCTION, AND SEVERABILITY.**

(a) This chapter contains the minimum requirements of the protection of the public convenience, safety, health, and general welfare.

(b) Any reference in this Master Resolution to any portion of any statute includes amendments and additions to such statute.

(c) Any reference in this Master Resolution to an ordinance of the Authority or provision of this Master Resolution includes all amendments and additions to such ordinance or provision. Reference to any section of this Master Resolution includes the penalty provisions specified in this chapter, unless otherwise expressly provided.

(d) The act or omission of an act which is made unlawful under this Master Resolution includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. Whenever any act or omission is made unlawful, it includes causing, permitting, aiding, abetting, suffering, or concealing such act or omission.

(e) Powers or duties granted to, or imposed upon, an Official may be performed by a person authorized to act for the Official.

(f) The provisions of this Master Resolution and all proceedings under this Master Resolution are to be construed so as to give effect to the objectives of the Authority Act, this Master Resolution, and the promotion of justice.

(g) The parts of this Master Resolution are severable. Any declaration of unconstitutionality of any phrase, clause, sentence, paragraph, or section

of this Master Resolution or any amendment to this Master Resolution by the valid judgment or decree of a court of competent jurisdiction does not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Master Resolution or any amendment to this Master Resolution.

**1.01.110.**

**GRAMMATICAL INTERPRETATION.**

- (a) General Rules.
  - (1) Any gender includes the other gender.
  - (2) The singular number includes the plural, and the plural includes the singular.
  - (3) Words used in the present tense include the past and the future tenses and vice versa.
  - (4) The word “or” may be read “and” and the word “and” may be read “or” if the sense requires it.
  - (5) Words and phrases used in this Master Resolution that are not specifically defined will be construed according to the context and approved usage of the language. The provisions of Section 13 and 1645 of the Civil Code of the State of California are adopted in the interpretation of words and phrases, unless otherwise provided in this Master Resolution.
  
- (b) Specific Rules.
  - (1) It is the policy of the Authority Board that the legal documents of this Authority, including all ordinances, resolutions, and contracts, should be gender neutral.
  - (2) It is the policy of the Authority Board that the legal documents of this Authority including all ordinances, resolutions, and contracts, should be written in “plain English.”

**Article 1.02. ENFORCEMENT OF MASTER RESOLUTION**

**1.02.010.**

**RESPONSIBILITIES FOR ENFORCEMENT.**

- (a) Whenever the enforcement of any provision of this Master Resolution is imposed upon or delegated to a specific official, such official is primarily responsible for the enforcement of such provision. In the absence of any specific impositions or delegation or enforcement responsibility, the Executive Officer is primarily responsible for enforcing the provisions of this Master Resolution.
  
- (b) Enforcing Officers Generally.
  - (1) The Sheriff and all peace officers employed by the Sheriff’s Department are hereby empowered to enforce any and all provisions of this Master Resolution or any other ordinance of the Authority, including the power to

arrest for such violations in accordance with the laws of the State of California, together with such other powers as are conferred upon them by the County, within that portion of the Authority's jurisdiction that is within the unincorporated area of the County.

- (2) The Police Chief of the City of Marina and all peace officers employed by the City of Marina are empowered to enforce any and all provisions of this Master Resolution or any ordinance of the Authority, including the power to arrest for such violations in accordance with the laws of the State of California, together with such other powers as are conferred upon them by the City of Marina, within that portion of the Authority's jurisdiction that is within the jurisdictional limits of the City of Marina.
- (3) The Police Chief of the City of Seaside and all peace officers employed by the City of Seaside are empowered to enforce any and all provisions of this Master Resolution or any ordinance of the Authority, including the power to arrest for such violations in accordance with the laws of the State of California, together with such other powers as are conferred upon them by the City of Seaside, within that portion of the Authority's jurisdiction that is within the jurisdictional limits of the City of Seaside.
- (4) The Police Chief of the City of Del Rey Oaks and all peace officers employed by the City of Del Rey Oaks are empowered to enforce any and all provisions of this Master Resolution or any ordinance of the Authority, including the power to arrest for such violations in accordance with the laws of the State of California, together with such other powers as are conferred upon them by the City of Del Rey Oaks, within that portion of the Authority's jurisdiction that is within the jurisdictional limits of the City of Del Rey Oaks.
- (5) The Police Chief of the City of Monterey and all peace officers employed by the City of Monterey are empowered to enforce any and all provisions of this Master Resolution or any ordinance of the Authority, including the power to arrest for such violations in accordance with the laws of the State of California, together with such other powers as are conferred upon them by the City of Monterey, within that portion of the Authority's jurisdiction that is within the jurisdictional limits of the City of Monterey.

(c) Compliance with the permit requirements of this Master Resolution are the responsibility of the Official authorized to grant the permit to which such requirements apply, except that when the permit is granted by the Authority Board, the Executive Officer is the responsible officer.

(d) Whenever an Official primarily responsible for enforcing any provision of this Master Resolution fails, neglects, or refuses to perform such duty and such failure, neglect, or refusal is brought to the attention of the Executive Officer, the Executive Officer will enforce such provision of law and initiate such penal and disciplinary action against the Official as may be warranted under the circumstances.

(e) Every Official may use administrative processes such as notices of violation, stop work orders, or warning letters in lieu of or prior to seeking judicial enforcement of any provision of this Master Resolution if the Official determines that the process may result in compliance with this Master Resolution at less cost to the Authority.

(f) Every Official is authorized to appear as a complaining witness in any criminal, civil, or administrative proceeding brought for an alleged violation of the Master Resolution or to abate any violation of this Master Resolution or enjoin any present or future violation of this Master Resolution.

(g) Every Official will consult with Authority Counsel in a timely manner prior to commencement of any proceeding or action to terminate, revoke, or deny any entitlement allowed or established pursuant to this Master Resolution, to ensure that such proceeding or action is undertaken in a lawful manner consistent with the laws of the United States, the State of California, and the Authority.

**1.02.020. INTERFERENCE WITH ENFORCING OFFICERS.**

(a) It is unlawful for any person to interfere or obstruct, or to attempt to interfere or obstruct, any Official in the performance of such Official's duties as specified in this Master Resolution or as may otherwise be received pursuant to the rules, regulations, or policies of the Authority or the Authority Board.

(b) No person will give, either orally or in writing, information to an Official which the person knows or has reason to know is false.

**1.02.030. VIOLATIONS OF THE MASTER RESOLUTION.**

(a) It is unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Master Resolution. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Master Resolution is guilty of a misdemeanor unless:

- (1) The violation is classified as an infraction by the State Vehicle Code or this Master Resolution, in which case the person is guilty of an infraction; or

- (2) The violation is classified as a standing or parking traffic violation under the State Vehicle Code or this Master Resolution; or
- (3) The District Attorney files a complaint charging the offense as an infraction; or
- (4) A public officer designated in subsection (d) of this section issues a citation charging the offense as an infraction.

(b) Any person convicted of a misdemeanor under the provisions of this Master Resolution, unless provision is otherwise made in this Master Resolution, is punishable by a fine of not more than One Thousand Dollars (\$1,000) or by imprisonment in the Monterey County Jail for a period of not more than six months or by both such fine and imprisonment.

(c) Any person convicted of an infraction under the provisions of this Master Resolution, unless provision is otherwise made in this Master Resolution, is punishable upon a first conviction of a fine of not more than Two Hundred and Fifty dollars (\$250), and for a second conviction within a period of one year by a fine of not more than Five Hundred Dollars (\$500), and for a third or any subsequent conviction within a period of one year by a fine of not more than One Thousand Dollars (\$1,000).

(d) The Executive Officer has the authority to cite violations for infractions or civil violations in the enforcement of the provisions of this Master Resolution within the Executive Officer's regulatory responsibilities.

**1.02.040. CIVIL PENALTIES.**

Any person who is found to have violated any provision of this Master Resolution, specifically subject to civil remedies, will pay the civil fees listed in the Authority Fee Resolution for the violation including the penalty and all collection costs. All such violations will be processed by the Executive Officer.

**1.02.050. OFFENSES.**

Every person convicted of a misdemeanor or infraction under the provisions of this Master Resolution is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Master Resolution is committed, continued, or permitted by such person and will be punished accordingly.

**1.02.060. SAME OFFENSE PUNISHABLE BY DIFFERENT SECTIONS OF THE MASTER RESOLUTION.**

In all cases where the same offense is made punishable or is created by different clauses or sections of this Master Resolution, the District Attorney may elect under which to proceed; but not more than one recovery may be had against the same person for the same offense. The provisions of this section apply only to criminal sanctions pursuant to Section 1.02.040 of this Master Resolution. Nothing in this section is construed as limiting or prohibiting the Executive Officer or the Authority from securing

compliance with the provisions of the Master Resolution through the civil remedies provisions authorized pursuant to Section 1.02.040 or Sections 1.02.070, 1.02.080, and 1.02.090 of this Master Resolution.

**1.02.070. PUBLIC NUISANCES; CONTINUING OFFENSES.**

Any condition caused or permitted to exist in violation of any of the provisions of this Master Resolution is deemed a public nuisance and may be abated as such in a manner consistent with law. Each and every day during which such condition is allowed to exist may be deemed a separate offense and may be abated accordingly.

**1.02.080. ABATEMENT AND ENJOINMENT OF PUBLIC NUISANCES.**

Any violation of any provision of this Master Resolution is unlawful and a public nuisance. The District Attorney or the Authority Counsel, or their respective designees, may commence such actions or proceedings for the abatement, removal, and enjoinder in the manner provided by law and may take such other steps and initiate such judicial proceedings as the District Attorney or Authority Counsel deems necessary or appropriate to abate and restrain such violation. The remedies provided in this section are cumulative and not exclusive.

**1.02.090. REIMBURSEMENT OF COSTS AND CIVIL PENALTIES.**

(a) Any person, firm, or corporation who creates or maintains a public nuisance in violation of this Master Resolution will be liable for the cost of abatement, which will include, but not be limited to:

- (1) Cost of Investigation;
- (2) Court costs;
- (3) Attorneys' fees; and
- (4) Costs of monitoring compliance.

(b) Upon continuation of a public nuisance after notice from the Authority to cease the nuisance, any person, firm, or corporation will be liable for the costs of abatement set forth in Subsection (a) of this section plus a civil penalty of fifty percent (50%) of those costs payable to the Authority in addition to any other costs of enforcement imposed by the court or such other amount as may be specified in the Authority Fee Resolution. Penalties imposed pursuant to the provisions of this subsection are in addition to any civil penalties that may be imposed pursuant to Section 1.02.040.

**1.02.100. REMEDIES CUMULATIVE.**

Unless otherwise expressly provided, the remedies provided in this Article or other provisions of this Master Resolution are cumulative and not exclusive. Nothing in this Master Resolution bars any legal, equitable, administrative, or summary remedy to which any aggrieved person, the Authority, or any Official may otherwise be entitled. Paying a fine or serving a jail sentence will not relieve any persons from the responsibility for correcting any condition, which violates any provision of this Master Resolution, or paying any civil penalties that may be imposed pursuant to the provisions of this Article.

**1.02.110. IMMUNITY OF ENFORCING OFFICIALS.**

Nothing in this Master Resolution is intended or shall be deemed or construed to impose liability upon the Authority or any Official for any injury to persons or damage to property alleged to result from any act or omission by the Authority or any Official beyond the liability expressly imposed by the laws of the State of California or the United States. Nothing in this Master Resolution or any other Authority enactment is intended or shall be deemed or construed to impose a mandatory duty upon the Authority or any Official for the purpose of determining entitlement to equitable relief or liability for any injury to persons or damage to property alleged to result from the failure of the Authority or any Official to discharge a mandatory duty imposed by an Authority enactment.

**Article 1.03. AUTHORITY SEAL**

**1.03.010. ADOPTED; FORM AND CONTENTS.**

(a) The Authority seal is nine-sided in shape, bearing the name of the Authority and of such additional design as established or approved by the Authority Board from time to time.

(b) The only form of corporate seal for use by or for the Authority is the form of seal established by the Authority Board, as provided in this section.

(c) The Executive Officer has the official custody of the official seal of the Authority.

**1.03.020. DESIGNATION OF UNLAWFUL USES.**

It is unlawful for any person to make or use the seal of the Authority, or any cut, facsimile or reproduction of the seal, or to make or use any seal or any design which is an imitation of the seal, or of the design thereof, which may be mistaken for the seal of the Authority, or the design thereof, for any purpose other than for Authority purposes, or for the purposes of any board, officer, or department thereof.

**1.03.030. DISPLAY ON PRIVATELY OWNED VEHICLES.**

It is unlawful for any person to display or place either temporarily or permanently, the official seal of the Authority, or any facsimile or representation or near representation thereof, on any privately owned vehicle, unless express written permit first has first been obtained from the Authority Board to do so. If any such permit is so granted by the Authority Board, it is unlawful for any person to place or display such seal in any manner or at any time contrary to or in violation of the provisions of such permit.

**Article 1.04. TIME LIMITATIONS FOR ADMINISTRATIVE MANDAMUS PROCEEDINGS**

**1.04.010. TERM "DECISION" DEFINED.**

As used in this Article, the term "decision" means an adjudicatory administrative decision made, after a hearing required by law to be given, suspending,

demoting or dismissing an officer or employee, revoking or denying an application for any entitlement, or denying application for any retirement benefit or allowance.

**1.04.020. SECTION 1094.6 OF THE CODE OF CIVIL PROCEDURE  
ADOPTED.**

The provisions of the Code of Civil Procedure Section 1094.6 is applicable to decisions of the Authority Board and of any board or commission of the Authority authorized to render a final adjudicatory administrative decision where no right of appeal to the Authority Board exists. Notice of such right of appeal will be given in the resolution effecting such decision.

## **Chapter 2. AUTHORITY OFFICES AND GENERAL REGULATIONS**

### **Article 2.01. AUTHORITY BOARD**

#### **2.01.010. MEMBERSHIP.**

(a) The Authority is governed by a thirteen (13) member Board of Directors consisting of three (3) members of the Monterey County Board of Supervisors, two (2) city council members from each of the Cities of Marina and Seaside, and one (1) city council member from each of the Cities of Carmel-by-the-Sea, Del Rey Oaks, Sand City, Monterey, Pacific Grove, and Salinas.

(b) The legislative body of each member agency may appoint an alternate member for its respective positions on the Board of Directors. Each alternate member has all the same rights, responsibilities and privileges as a Board member when serving in a Board member's place. Board members and alternates serve at the pleasure of the legislative body of the member agency making the appointment.

(c) Each member and each alternate serves at the pleasure of the legislative body making the appointment. Each member and each alternate is a member of the legislative body making the appointment, except that alternates appointed by the Board of Supervisors of Monterey County are members of the Board of Supervisors or County staff.

#### **2.01.020. EX-OFFICIO MEMBERSHIP.**

(a) A representative of each of the ex-officio members may serve as nonvoting members of the Board of Directors. Ex-officio members are not counted to establish a quorum.

(b) The Board of Directors may appoint or remove additional ex-officio nonvoting members at its pleasure. Each ex-officio member may participate in public meetings and hearings of the Authority. For the purpose of this Master Resolution, the term "participate in public meetings and hearings" includes, but is not limited to, the ability to make motions, request the placement of matters on the Authority's agenda, serve on committees, and to participate in all discussions regarding any matter which may come before the Authority in public session. The term "participate in public meetings and hearings" does not include the ability to cast a vote under Section 2.02.040 of this Master Resolution, nor does it include the ability to meet with the Authority Board in closed session.

#### **2.01.030. APPOINTMENT.**

Each Board member, alternate, and ex-officio member appointed by a governmental entity must be appointed by a member agency or such other appointing authority as provided in the Authority Act and this Master Resolution. Minute action or a resolution making the required appointment must be presented to the Executive Officer

before the Board member, alternate, or ex-officio member may participate in Authority Board meetings.

**2.01.040. SELECTION OF OFFICERS.**

(a) The Authority's officers will be elected from the Board and will serve a term of one year and may be reelected for no more than one consecutive additional term in the same office. Election of officers takes place at the close of the Authority's first regular January meeting.

(b) The officers of the Authority will be a Chair, a First Vice-Chair, and a Second Vice-Chair. It is the policy of the Board that the officers of the Authority rotate on a regular basis among the members of the Board with the First Vice-Chair succeeding the Chair and the Second Vice-Chair succeeding the First Vice-Chair as vacancies occur. Such other officers as may be deemed necessary may be appointed by the Authority Board.

**2.01.050. AUTHORITY OF CHAIR AND VICE-CHAIRS.**

The Chair presides at all meetings of the Authority Board and may make or second any motion and present and discuss any matter as a member of the Board. If the Chair is absent or unable to act, the First Vice-Chair will serve until the Chair returns or is able to act and has all of the powers and duties of the Chair. If both the Chair and First Vice-Chair are absent or unable to act, the Second Vice-Chair will serve until the Chair or First Vice-Chair returns or is able to act and has all of the powers and duties of the Chair. If the Chair, First Vice-Chair, and Second Vice-Chair are absent or unable to act, Board will choose one of its number as the presiding officer.

**2.01.060. ADDITIONAL DUTIES.**

The officers of the Authority may perform such other duties as may be required by resolution or other action of the Authority.

**Article 2.02. MEETINGS OF THE AUTHORITY BOARD**

**2.02.010. MEETINGS – TIME AND PLACE.**

(a) The regular meetings of the Authority Board are held on the second Friday of each and every month at the Authority Offices, commencing at the hour of 3:30 pm, except as otherwise provided in this section.

(b) If any regular meeting day falls upon a holiday, the regular meeting of the Board will be held at the same place on the next Friday, which is not a holiday commencing at the same hour, in which event all hearings, applications, petitioners, and other matters before the Board are deemed to be and are automatically continued to the same hour on such Friday which is not a holiday.

(c) All meetings of the Authority Board are held in places accessible to persons, including persons with physical handicaps or disabilities.

**2.02.020. MEETINGS – PROCEDURES.**

(a) The proceedings of the Board are governed by the provisions of law applicable thereto and, except as otherwise provided in this Article, by Robert's Rules of Order, newly revised. Provided further, that the failure to follow the Rules of Order or these rules do not invalidate any action taken. The Authority Counsel acts as parliamentarian and gives parliamentary advice when appropriate.

(b) The Authority Board may adopt such rules of order for the conduct of its business as it deems appropriate, and may amend same, by resolution; provided, however, that no ordinance, resolution or other action taken by the Board is invalidated or the legality or effect thereof otherwise affected by the failure or omission of the Board to observe or follow such rules.

**2.02.030. NOTICE AND CALL OF MEETINGS.**

(a) Meetings of the Authority Board and all standing committees or subcommittees of the Board, will be called and noticed in accordance with state law, including, but not limited to the Ralph M. Brown Act, Sections 54950 *et seq.* of the California Government Code, as said Act may be amended by subsequent legislation and augmented by rules of the Board of Directors not consistent therewith. Except as otherwise provided or permitted by law, all meetings of the Authority are open and public.

(b) Special meetings may be called at any time by the Chair or by the majority of the members of the Authority by delivering personally or by mail written notice thereof to each member of the Authority at least 24 hours before the time of such meeting as specified in the notice. Said notice will specify the time and place of such meeting and the business to be transacted. No other business will be considered at such meeting. Such notice may be dispensed with as to any member of the Authority who at or prior to the time the meeting convenes, files with the secretary a written waiver of notice. Such written notice will be given to such local newspapers or radio or television stations that request in writing such notice.

(c) The voting members of the Authority may meet in closed session in accordance with state law.

(d) The Authority Chair, in consultation with the Executive Officer, may cancel any regular meeting if no items are presented that require the Authority's immediate attention.

(e) The Authority Agenda will be prepared by the Authority staff and will be approved by the Executive Committee eight (8) working days before the regular Board meeting. Any member may request in writing an item to appear on the agenda. The request must be made by the agenda deadline and any supporting papers must be furnished by that time or be readily available.

(f) The Authority members, alternates, and committees receive the Agenda and pertinent back-up material. The Authority Agenda and pertinent back-up

material will also be supplied to other governmental agencies on written request, renewable annually. The Authority agenda, minutes and the agenda packet, including back-up material, will be available, at a cost of furnishing these materials, to the public by mail upon written request renewable annually. The Authority agenda will be available for review at the Authority office a minimum of two days before Authority meetings.

**2.02.040. QUORUM AND VOTING.**

(a) A majority of the voting members of the Authority constitutes a quorum for the transaction of business, but a lesser number may convene from time to time.

(b) A resolution, ordinance, or other action of the Board will not be approved or adopted sooner than 72 hours after its introduction, unless approved by unanimous vote of all members present at the time of consideration. Except as otherwise provided in this section, any action taken by the Board requires the affirmative vote of a majority of the appointed members of the Board.

(c) Voting on all formal resolutions, matters relating to any federal, state, county or city and on such other matters as may be requested by the majority of members of the Authority, will be by roll call and the ayes and noes will be entered in the minutes of the meeting.

**2.02.050. LEGISLATIVE ACTIONS.**

(a) Actions of the Authority Board may be taken in the form of Resolutions or Ordinances. All resolutions and ordinances of the Authority will be in writing and will be numbered consecutively in the order of their adoption. Wherever feasible, action of the Authority may be by "minute" resolution where the action and the vote on the action are recorded in the minutes of the Authority Board meeting. All ordinances and resolutions are filed in the office of the Authority's Secretary and will thereupon be copied into a permanent, loose-leaf bound volume, which is kept and maintained as a public record.

(b) The minutes of the Authority are "action" minutes that will accurately reflect actions of the Authority and the vote taken on such actions and are not verbatim minutes of all matters discussed and comments made at meetings of the Authority Board.

(c) Authority Counsel will prepare a summary of each ordinance prior to submission of such ordinance to the Authority Board. The Executive Officer is authorized to publish such summary in the manner provided by law in lieu of publishing the verbatim text of such ordinance.

(d) Except as provided in Section 2.02.040(b), all ordinances and resolutions may be adopted at the meetings at which such ordinances and resolutions were introduced or otherwise placed on the agenda.

**2.02.060.**

**CHAIR – POWERS AND DUTIES.**

(a) The Chair possesses the powers and performs the duties prescribed in this section.

- (1) Have general direction over the Board Room and assign seats for the use of Board members and members of the Authority;
- (2) Preserve order and decorum; prevent demonstrations; order removed from the Board Room any person whose conduct he or she deems objectionable; and order the Board Room cleared whenever he or she deems it necessary;
- (3) Allocate the length of time for public discussion of any matter in advance of each discussion, with the concurrence of the Board;
- (4) Allocate equal time to opposing sides insofar as possible, taking into account the number of persons requesting to be heard on any side;
- (5) Limit the amount of time that a person may address the Board during a public discussion period in order to accommodate those persons desiring to speak and to facilitate the business of the Board;
- (6) Execute such documents on behalf of the Authority as may be required by state or federal law;
- (7) Perform ceremonial duties, including the representation of the Authority before other agencies;
- (8) Other powers as may be prescribed by the Board.

(b) The Chair will order removed from the Board Room any person who commits any one of the acts specified in this section with respect to a regular or special meeting of the Authority Board.

- (1) Disorderly, contemptuous or insolent behavior toward the Board or any member thereof, tending to interrupt the due and orderly course of said meeting;
- (2) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
- (3) Disobedience of any lawful order of the chairperson, which includes an order to be seated or to refrain from addressing the Board;
- (4) Any other unlawful interference with the due and orderly course of said meeting.

(c) Any person so removed will be excluded from further attendance at the meeting from which the person has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Board, and such

exclusion will be effected by an appropriate peace officer upon being so directed by the Chair.

**2.02.070. NOTICE OF ABSENCE.**

If any member of the Board is unable to attend a meeting, that Board member will, if possible, notify the Executive Officer prior to the meeting.

**2.02.080. VACATION PERIOD.**

The Authority Board determines by resolution each calendar year vacation periods during which no regular meetings will be held.

**Article 2.03. COMMITTEES**

**2.03.010. PURPOSE.**

Committees and subcommittees may be established, as the Authority may deem appropriate to provide the Board with options, critique, analysis, and other information as the Board may request from time to time.

**2.03.020. EXECUTIVE COMMITTEE.**

The Executive Committee is comprised of not more than five (5) members of the Board. The Committee is comprised of the Chair, First Vice-Chair, Second Vice-Chair, a Past Chair, and one representative member appointed by the Board. If the Past Chair position is vacant, the Board may appoint another representative. The Executive Committee will provide such duties as the Board may assign. If any designated representative is unable to serve on the Executive Committee, the Board may fill such vacancy with another member of the Board.

**2.03.021. EXECUTIVE COMMITTEE DUTIES.**

The Executive Committee meets on a date and time the Committee determines is convenient or necessary. The Executive Officer and Authority Counsel attends the meetings of the Executive Committee. The duties of the Executive Committee are:

- (a) Review and approve all agendas of all regular and special meetings of the Board of Directors;
- (b) Provide initial performance evaluation of the Executive Officer and make recommendations to the Board of Directors regarding employment and personnel matters relating to the Authority staff; and
- (c) Perform such other duties as the Board of Directors may direct.

**2.03.030. ADMINISTRATIVE COMMITTEE.**

The chief administrative officer, county administrative officer, or city manager of each member agency, or designee, may serve on an administrative subcommittee to the Board to provide advice, analysis and recommendations to the

Board as the Board may request from time to time according to the responsibilities listed in the Authority Act.

**2.03.040. LEGISLATIVE ADVISORY COMMITTEE.**

The Legislative Advisory Committee shall not exceed a total of eight (8) members. The committee members will be appointed by the Chair of the Authority, subject to confirmation by the Board of Directors, and is comprised of up to five (5) voting members and three (3) ex-officio members to be the 17<sup>th</sup> Congressional District member, the 15<sup>th</sup> California State Senate District member, and the 27<sup>th</sup> California State Assembly District member or their respective representatives. Committee members serve for a period of one year.

**2.03.041. LEGISLATIVE ADVISORY COMMITTEE DUTIES.**

The Legislative Advisory Committee is an advisory committee to the Authority Board and meets at the Authority Offices on date and time convenient or as necessary. The Executive Officer attends these meetings. The Legislative Advisory Committee's duties will be as follows:

(a) Review and evaluate the impact of proposed federal or state legislation with respect to the Authority's obligations under state law to implement reuse activities on the former Fort Ord;

(b) Advise and inform the Authority Board, when requested or on its own initiative, regarding pending legislation and noting its potential impact on the activities of the Authority. The Committee will develop recommendations to the Authority Board for actions associated with its advice and information responsibilities;

(c) Recommend an annual legislative agenda.

(d) Plan, schedule, and conduct an annual Legislative Session with the sitting representatives of the 27<sup>th</sup> Assembly District, the 15<sup>th</sup> Senatorial District, and the 17<sup>th</sup> Congressional District (individually or collectively as schedules permit).

**2.03.050. FINANCE ADVISORY COMMITTEE.**

The Finance Advisory Committee ("FAC") shall not exceed a total of six (6) members. The committee members will be appointed by the Chair of the Authority, subject to confirmation by the Board of Directors, and is comprised of voting members and no more than three (3) ex-officio members. Committee members serve for a period of one year.

**2.03.051. FINANCE ADVISORY COMMITTEE DUTIES.**

The Finance Advisory Committee is an advisory committee to the Authority Board and meets at the Authority Offices on date and time convenient or as necessary. The Executive Officer and/or the Controller of the Authority attends these meetings. The Finance Advisory Committee's duties will be as follows:

(a) Review and evaluate the annual budget of the Authority as presented by the Controller. Recommend action to the Executive Committee and the Authority Board, including parameters to staff compensation budgets.

(b) Review and evaluate the scope of services for the selection of the Authority auditor as prepared by the Controller. Comment, as appropriate, on modifications to the scope of services. Serve as an advisory selection committee to the Authority Board on the selection of the auditor. Review and evaluate the annual audit of the Authority financial statements as presented by the selected auditor.

(c) Consult with the Authority Administrative Committee, the Executive Officer, the Controller and/or Director of Planning and Finance, and advise and inform the Authority Board on proposed financing mechanisms to fund the obligations of the Authority. The Finance Advisory Committee will develop recommendations to the Authority Board for actions associated with its advice and information responsibilities.

## **Article 2.04. EXECUTIVE OFFICER**

### **2.04.010. OFFICE CREATED.**

The office of the Executive Officer is created and established, as provided in the Authority Act. The Executive Officer is appointed by the Authority Board wholly on the basis of his or her administrative and executive ability and qualifications and holds office for and during the pleasure of the Authority Board.

### **2.04.020. BOND.**

The Executive Officer will furnish a corporate surety bond to be approved by the Authority Board in such sum as may be determined by the Authority Board, and will be conditioned upon the faithful performance of the duties imposed upon the Executive Officer and as prescribed in this Article. Any premium for such bond will be a proper charge against the Authority.

### **2.04.030. COMPENSATION.**

The Executive Officer receives such compensation as the Board from time to time determines. In addition, the Executive Officer is reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties.

### **2.04.040. POWERS AND DUTIES OF THE EXECUTIVE OFFICER.**

(a) The Executive Officer is the administrative head of the Authority under the direction and control of the Authority Board except as otherwise provided in this Master Resolution. The Executive Officer is responsible for the efficient administration of all the affairs of the Authority, which are under the control of the Executive Officer. In addition to general powers of the Executive Officer as administrative head, and not as a limitation thereon, it is the duty of the Executive Officer and the Executive Officer has the powers set forth in the Authority Act and in the following sections.

(b) The Executive Officer has the following powers and duties:

- (1) To plan, organize, and direct all Authority activities under the policy direction of the Authority Board;
- (2) To enforce strict compliance with the approved annual budget and approve only expenditures authorized in the approved budget;
- (3) To hire and manage such staff as necessary to carry out the provisions of the Authority Act and this Master Resolution;
- (4) To make recommendations to and requests of the Authority Board concerning all of the matters which are to be performed, done, or carried out by the Authority Board;
- (5) To have charge of, handle, or have access to any property of the Authority, and make an inventory of all Authority property;
- (6) To make all books and records of the Authority in the Executive Officer's hands open to inspection at all reasonable times by members of the Authority Board or their representatives;
- (7) To execute agreements, contracts, and documents on behalf of the Authority;
- (8) To prepare the agenda for each meeting of the Authority Board; and
- (9) To chair the Administrative Committee described in Section 2.02.030 of this Master Resolution.

**2.04.050. LAW ENFORCEMENT.**

It is the duty of the Executive Officer to enforce all laws and ordinances of the Authority and to see that all franchises, contracts, permits, and privileges granted by the Authority Board are faithfully observed.

**2.04.060. AUTHORITY OVER EMPLOYEES.**

It is the duty of the Executive Officer to enforce all laws and ordinances of the Authority and to see that all franchises, contracts, permits, and privileges granted by the Authority Board are faithfully observed.

**2.04.070. POWER OF APPOINTMENT AND REMOVAL.**

It is the duty of the Executive Officer to, and the Executive Officer will appoint, remove, promote, demote and discipline any and all officers and employees of the Authority, except those officers and employees appointed by the Authority Board.

**2.04.080. ADMINISTRATIVE REORGANIZATION OF OFFICES.**

It is the duty and responsibility of the Executive Officer to conduct studies and effect such administrative reorganization of offices, positions, or units under the Executive Officer's direction as may be indicated in the interest of efficient, effective, and economical conduct of the Authority's business.

**2.04.090. ORDINANCES.**

It is the duty of the Executive Officer to recommend to the Authority Board adoption of such measures and ordinances as the Executive Officer deems necessary.

**2.04.100. ATTENDANCE AT BOARD MEETINGS.**

It is the duty of the Executive Officer to attend all meetings of the Authority Board unless the Executive Officer is excused by the Chair individually or the Authority Board, except when the Executive Officer's removal is under consideration.

**2.04.110. FINANCIAL REPORTS.**

It is the duty of the Executive Officer to keep the Authority Board at all times fully advised as to the financial condition and needs of the Authority.

**2.04.120. BUDGET.**

It is the duty of the Executive Officer to prepare and submit the proposed annual budget and the proposed annual salary plan to the Authority Board.

**2.04.130. EXPENDITURE CONTROL AND PURCHASING.**

It is the duty of the Executive Officer to see that no expenditures be submitted or recommended to the Board except on approval of the Executive Officer. The Executive Officer is responsible for the purchase of all supplies for the Authority.

**2.04.140. INVESTIGATIONS AND COMPLAINTS.**

It is the duty of the Executive Officer to make investigations into the affairs of the Authority and any contract or the proper performance of any obligation to the Authority.

**2.04.150. FACILITIES.**

It is the duty of the Executive Officer to exercise general supervision over all public facilities and all other public property, which are under the control and jurisdiction of the Authority Board.

**2.04.160. CLERK TO THE BOARD.**

The Executive Officer performs all duties associated with the legal function of the Clerk to the Board position as provided in the Authority Act. The Executive Officer may designate a Clerk. However, the Executive Officer retains all responsibility for the duties of the clerk position.

**2.04.170. ADDITIONAL DUTIES.**

It is the duty of the Executive Officer to perform such other duties and exercise such other powers as may be delegated to the Executive Officer from time to time by ordinance or resolution or other official action of the Authority Board.

**2.04.180. INTERFERENCE WITH THE ADMINISTRATIVE SERVICE.**

The Authority Board and its members deal with the administrative services of the Authority only through the Executive Officer, except for the purpose of inquiry, and neither the Board nor any member thereof will give orders or instructions to any subordinates of the Executive Officer. The Executive Officer will take orders and instructions from the Authority Board only when sitting in a duly convened meeting of the Board and no individual member of the Authority will give any orders or instructions to the Executive Officer.

**2.04.190. REMOVAL.**

The removal of the Executive Officer may be effected with or without cause, but only by a majority vote of the whole Authority Board as then constituted, convened in a regular Board meeting. The Executive Officer shall be afforded at least 30 days written notice of the effective date of termination.

**2.04.200. AGREEMENTS ON EMPLOYMENT.**

Nothing in this Article is construed as a limitation on the power or authority of the Authority Board to enter into any agreement with the Executive Officer delineating additional terms and conditions of employment not inconsistent with any provisions of this Article, nor is this Article construed as limiting the power or authority of the Authority Board to enter into any agreement with any person or legally existing entity to provide the services of the Executive Officer as provided in the Authority Act and this Article.

**Article 2.05. PERSONNEL**  
(Reserved)

**Article 2.06. POLITICAL ACTIVITIES OF AUTHORITY EMPLOYEES**  
(Reserved)

**Article 2.07. BOARDS AND COMMISSIONS**  
(Reserved)

**Article 2.08. ADDITIONAL OFFICERS AND STAFF**

**2.08.010. TREASURER.**

(a) The Authority Board may appoint a Treasurer to serve at its pleasure.

(b) The Treasurer of the Authority will be a depositor and have custody of all the money of the Authority from whatever source. The Treasurer of the Authority will comply strictly with the provisions of state law relating to the duties of Treasurers of Joint Powers Authorities.

(c) The Treasurer ensures that all available cash on hand is at all times invested in a cash management program and investment portfolio pertaining

thereto and ensure that efficient liquidity is maintained to meet the Authority's cash disbursement needs.

(d) The Chair may designate an Assistant Treasurer to act on behalf of the Treasurer in fiscal matters and to act on behalf of the Authority during any absence of the Treasurer.

(e) The Treasurer will furnish a corporate surety bond to be approved by the Authority Board in such sum as may be determined by the Authority Board and is conditioned upon the faithful performance of the duties imposed upon the Treasurer. Any premium for such bond is a proper charge against the Authority. This provision may be waived if a person serving as the Treasurer for a member agency serves as the Treasurer of the Authority.

**2.08.020. FISCAL AGENT.**

(a) The Authority Board may appoint a Fiscal Agent of the Authority to serve at its pleasure. The Fiscal Agent advises the Authority Board in connection with any accounting, budgetary, monetary, or other financial matters relating to the Authority. The duties and responsibilities of the Fiscal Agent include, but are not limited to those duties set forth in the Authority Act and include the following:

- (1) Establish with Authority Board approval of the annual budget format, accounts, and documentation pertaining to the budget and which most nearly reflect the objectives of the Authority;
- (2) Establish and maintain the particular funds and accounts as required by generally accepted accounting practices applicable to public entities and which most accurately and appropriately record and report the operations of the Authority as represented by the annual budget document;
- (3) Enforce strict compliance with the approved annual budget and approve only expenditures authorized in the approved budget;
- (4) Make all books and records of the Authority in the Controller's hands open to inspection at all reasonable times by the members of the Authority Board or their representatives;
- (5) Sign all warrants for the payment of money from the funds of the Authority and pay and disburse such money on direction of the Board.

(b) The Fiscal Agent will furnish a corporate surety bond to be approved by the Authority Board in such amount as may be determined by the Authority Board and is conditioned upon the faithful performance of the duties of the Fiscal Agent. Any premium for such bond is a proper charge against the Authority. This provision may

be waived if a person serving as the Auditor-Controller for a member agency serves as the Fiscal Agent of the Authority.

**2.08.030. AUTHORITY COUNSEL.**

The Authority Board will appoint Authority Counsel to serve at the pleasure of the Authority Board. The Authority Board may appoint additional counsel to assist Authority Counsel or provide special services as may be required by the Authority Board. Authority Counsel attends meetings of the Authority Board and the Executive Committee as required to advise the Authority Board in connection with any legal matters relating to the Authority.

**2.08.040. AUTHORITY STAFF.**

The Authority Staff consists of the Executive Officer, Authority Counsel, and such other staff as authorized in the Authority budget and approved by the Authority Board. The cost of all staff is borne solely by the Authority.

**2.08.050. AGREEMENTS FOR SERVICES OF OFFICIALS AND STAFF.**

Nothing in this Article is construed as limiting the power or authority of the Authority Board to enter into any agreement with any legally existing person or entity to provide the services of any or all of the officers or staff described in this Article as provided in the Authority Act and this Article. In addition, the Authority Board in its sole discretion may designate one person to hold one or more of the officer positions designated in this chapter.

**Article 2.09. CONFLICT OF INTEREST CODE.**

**2.09.010. PURPOSE AND EFFECT.**

The terms of Title 2, Division 6 of the California Code of Regulation (Section 18730, *et seq.*), and any amendments thereto duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the following sections in which officials and employees are designated and disclosure categories are set forth, constitute the conflict of interest code for the Authority. This Article constitutes the "Appendix" to Title 2, Division 6 of the California Code of Regulations Section 18730, *et seq.*

**2.09.020. DESIGNATED POSITIONS; DISCLOSURE CATEGORIES.**

(a) Each employee filling a designated position, and any employee filling a designated position on a temporary or acting basis for more than thirty consecutive calendar days, will disclose all of the information set forth in all disclosure Categories A through H on such form as the Fair Political Practices Commission may designate. Designated positions are set forth below:

- (1) Board Members
- (2) Alternates to Board Members
- (3) Executive Officer
- (4) Assistant Executive Officer, if any
- (5) Treasurer, if any

- (6) Accounting/Finance Officer, if any
- (7) Controller, if any
- (8) Authority Counsel
- (9) Assistant Authority Counsel, if any
- (10) Planning Services Manager
- (11) Director of Planning and Redevelopment
- (12) Director of Engineering
- (13) Contract Specialist

(b) Each consultant, as defined in the California Code of Regulations Section 18700, will disclose all of the information set forth in all disclosure categories A through H on such form as the Fair Political Practices Commission may designate. The Executive Officer may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus are not required to fully comply with the disclosure requirements of this section. Such written determination will include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The determination of the Executive Officer is a public record and will be retained for public inspection in the same manner and location as this conflict of interest code.

**2.09.030. PLACE AND TIME OF FILING.**

(a) All officials and employees filling designated positions file statements of financial interest with the Executive Officer who receives such statements on behalf of the Authority Board. Unless otherwise required by state law, all statements of financial interest are deemed timely filed only when received by the Executive Officer on or before the following deadlines;

(b) Annual statements must be filed on or before April 1 of each calendar year. Such statements cover the period of the preceding calendar year or from the date of filing such statement as otherwise required by this Master Resolution.

(c) Initial statements must be filed within thirty days after assuming office-disclosing interests held on the date of assuming office.

(d) Leaving office statements must be filed within thirty days of leaving office. Such statements cover the period between the closing date of the last statement required to be filed and the date of leaving office.

**2.09.040. CONFLICT WITH OTHER LAWS.**

Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000, *et seq.*). The provisions of this Article are in addition to Government Code Section 87100 and other laws pertaining to conflicts of interest, including, but not limited to, Government Code Section 1090, *et seq.*

## Chapter 3. PROCUREMENT CODE

### Article 3.01. GENERAL PROVISIONS

#### 3.01.010. GENERAL PROVISIONS.

This chapter of the Fort Ord Reuse Authority Master Resolution will be known and may be cited as the "Procurement Code of the Fort Ord Reuse Authority."

#### 3.01.020. DEFINITIONS.

As used in this chapter the following terms have the following meanings, unless the context clearly indicates that a different meaning is intended:

"Area" means Monterey County, San Benito County, and Santa Cruz County.

"Construction" means the process of building, altering, repairing, improving, or demolishing any structure or building owned or leased by the Authority or other improvements of any kind to any real property owned or maintained by the Authority or within any public right-of-way or easement within the jurisdictional limits of the Authority.

"Contractor" means any person, firm, corporation (including nonprofit), partnership, joint venture, association, or enterprise having a contract or attempting to obtain a contract with the Authority.

"Procurement" means the buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any supplies, services, or construction, including description of requirements, selection and solicitation of sources, preparation, and award of contracts, and all phases of contracting administration.

"Public project" means a project for construction.

"Resident" means a person who: (1) Maintains a domicile within the Area and such domicile is a person's true, fixed, established principal and permanent home; (2) Has no claim of residency elsewhere; and (3) Intends to remain in the Area indefinitely.

"Subcontractor" means any person, firm, corporation, partnership, joint venture, association, or enterprise that has or seeks to have a contract with a contractor to perform work required as part of a contract or agreement between a contractor and the Authority.

#### 3.01.030. WAIVER.

The Board, in an appropriate circumstance as determined by the Board, may waive any provision of this chapter when deemed in the best interests of the Authority.

## **Article 3.02. PURCHASING SYSTEM**

### **3.02.010. ADOPTION.**

In order to establish efficient procedures for the purchase of supplies and equipment at the lowest possible cost, commensurate with quality needed to exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to ensure the quality of purchases, a purchasing system is adopted.

### **3.02.020. SCOPE.**

The procedures established by this Article apply only to the purchase of supplies, equipment, and services, and do not apply to public projects.

### **3.02.030. AUTHORITY OF THE EXECUTIVE OFFICER.**

(a) In addition to the duties of the Executive Officer specified in Article 2.04 of this Master Resolution, the Executive Officer has the authority to:

- (1) Purchase or contract for supplies and equipment required by any using agency in accordance with purchasing procedures prescribed by this Article, such administrative regulations as the Executive Officer adopts for the internal management and operation of purchasing division and such other rules and regulations as prescribed by the Board or Executive Officer.
- (2) Negotiate and recommend execution of contracts for the purchase of supplies and equipment.
- (3) Act to procure for the Authority the needed quality in supplies and equipment at least expense to the Authority.
- (4) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.
- (5) Prepare and recommend to the Board rules governing the purchase of supplies and equipment for the Authority.
- (6) Prepare and recommend revisions and amendments to the purchasing rules.
- (7) Keep informed of current developments in the field of purchasing, prices, market conditions and new products.
- (8) Prescribe and maintain such forms as are reasonably necessary for the operation of this chapter and other rules and regulations.
- (9) Supervise the inspection of all supplies and equipment purchased to ensure conformance with specifications.
- (10) Recommend the transfer of surplus or unused supplies and equipment between departments as needed.

- (11) Maintain an approved vendors' list, vendors' catalog file and records needed for efficient performance of the duties of the Executive Officer.

**3.02.040. PURCHASING REGULATIONS.**

The Executive Officer is responsible for determining that the regulations and procedures in this chapter are carried out.

**3.02.050. PURCHASE ORDERS.**

Purchase of supplies and equipment are made only by purchase orders. Except as otherwise provided in this chapter, no purchase order will be issued unless the prior approval of the Executive Officer or his designated representative has been obtained.

**3.02.060. ENCUMBRANCE OF FUNDS.**

Except in cases of emergency, the Executive Officer will not issue any purchase order for supplies or equipment unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged.

**3.02.070. INSPECTION AND TESTING.**

The Executive Officer will, in the discretion of the Executive Officer, inspect supplies and equipment delivered to the Authority to determine conformance with the specifications set forth in the purchase order. The Executive Officer has the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries, which are necessary to determine their quality and conformance with specifications.

**3.02.080. FORMAL BID REQUIREMENTS.**

(a) Except as otherwise provided in this Article, purchases of supplies and equipment of an estimated value greater than \$25,000.00 will be awarded to the lowest responsible bidder pursuant to the formal bid procedure prescribed in this section.

(b) Notices inviting formal bids include a general description of the Article or service desired, state where bid documents and specifications may be secured, and the time and place for opening bids.

(c) Notices inviting formal bids will be published at least ten (10) days prior to the date of opening of the bids. Notices will be published at least once in a newspaper regularly circulated in the Authority and also on the Authority website.

(d) The Executive Officer will also solicit formal sealed bids from responsible suppliers whose names are on the approved vendors' list, or who have made written request that their names be added thereto.

(e) Where deemed necessary by the Executive Officer, formal bids will be accompanied by security, either cash, cashier's check, certified check, or surety bond, in a sum equal to ten percent of the total aggregate of the bid, and be designated in the notice inviting bids. Bidders are entitled to the return of bid security; provided, however, that a successful bidder forfeits the bid security upon his refusal or failure to execute the contract within ten days after the notice of award of contract has been mailed, unless the Authority is solely responsible for the delay in executing the contract. The Board or Executive Officer may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder who is willing to execute the contract, or may reject all bids and re-advertise.

(f) The Executive Officer has the authority to require a faithful performance bond or other bonds before entering into a contract other than a public project contract. If bonds are required, the form and amount thereof will be designated in the notice inviting bids.

(g) Sealed bids must be submitted to the Executive Officer and identified as bids on the envelope. The purchasing officer, or designee, will publicly open all bids at the time and place stated in the public notices. A tabulation of all bids received will be available for public inspection in the purchasing office during regular business hours for a period of not less than 30 calendar days after the bid opening.

(h) In its discretion, the Authority Board or Executive Officer may reject any and all bids presented and may cause re-advertising for bids pursuant to the procedure prescribed in this Article. However, when all bids exceed the authorized budgeted amount, the Executive Officer may authorize rejection of all bids and authorize re-bidding based upon the original specifications or as they may be modified, in accordance with procedures prescribed in this Article.

(i) Except as otherwise provided in this Article, formal bid contracts will be awarded by the Authority Board to the lowest responsible bidder. The determination of lowest responsible bidder is at the discretion of the Authority Board pursuant to findings and recommendations presented by the Executive Officer at the time of award of contract.

(j) Subject to the provisions of Section 3.02.090, if two or more formal bids received are for the same total amount or unit price, quality and service being equal and if the public interest will not permit the delay of re-advertising for bids, the Authority Board may in its discretion accept the one it chooses or accept the lowest bid made by and after negotiation with the tie bidders at the time of the bid opening or award of contract.

### **3.02.090. PREFERENCE FOR LOCAL SUPPLIERS.**

(a) Each local supplier providing goods or supplies funded in whole or in part by Authority funds, or funds which the Authority expends or administers, is eligible for a local preference as provided in this section.

(b) Each local supplier who is within five percent of the lowest responsible bid is provided the opportunity to reduce the local supplier's bid to the amount equal to the amount of the lowest responsible bid. The opportunity to reduce bid amounts is provided first to the lowest eligible local bidder and, if not accepted by such bidder within five business days of the opening of bids, then to each successive eligible bidder in ascending order of the amount of bids. In the event an eligible local supplier reduces the bid to the amount of the lowest responsible bid, the eligible local supplier will be deemed to have provided the lowest responsible bid and will be awarded the contract.

(c) For the purpose of this section, the term "local supplier" means a business or resident doing business as a supplier in the jurisdiction of the Authority for the past five years.

**3.02.100. RECYCLED MATERIALS; COPYING.**

The Authority encourages the use of recycled paper and materials in response to all bids for services and supplies to the Authority. Wherever possible, preference will be given to those vendors, suppliers, and consultants providing supplies and services to the Authority who utilize recycled materials, including recycled paper products. In addition, documents submitted for Authority use must be presented with front to back copying in order to minimize the amount of file space necessary for the maintenance of such documents, as well as to reduce the amount of paper required in the provision of governmental services.

**3.02.110. NO FORMAL BIDS.**

When no formal bids or no responsive bids are received, the Executive Officer is authorized to negotiate for written proposals, and the award, if any, will be made in accordance with applicable provisions prescribed in this Article.

**3.02.120. OPEN MARKET OR INFORMAL BID PROCEDURE.**

(a) Purchases of supplies and equipment of an estimated value in the amount of \$25,000.00 or less may be made by the Executive Officer in the open market without observing the procedure prescribed in Sections 3.02.080. Open market purchases will, wherever possible, be based on at least three informal bids and will be awarded to the bidder offering the most advantageous bid to the Authority, in the opinion of the Executive Officer, after consideration of price, quality, durability, servicing, delivery time, standardization, location of vendor, and other factors.

(b) The Executive Officer will solicit informal bids by written requests to prospective vendors, or by telephone, or by public notice posted on a public bulletin board at the Authority offices. The Executive Officer will keep a written record of all open market purchases and informal bids for a period of two years. This record, while so kept, is open to public inspection.

**3.02.130. EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENT.**

(a) Notwithstanding any provision of this Article to the contrary, the competitive bidding procedures and requirements may be dispensed with in any of the following instances:

- (1) When the estimated amount involved is less than \$25,000.00.
- (2) When the commodity can be obtained from only one vendor.
- (3) When the Board finds that the commodity is unique and not subject to competitive bidding.
- (4) The Board may authorize the purchase of materials, supplies, equipment, and services where an emergency is deemed to exist and it is determined that service involving the public health, safety, or welfare would be interrupted if the normal procedure were followed.
- (5) Any agreement involving acquisition of supplies, equipment, or service entered into with another governmental entity.

(b) Contracts for personal services, for professional and consultant services, and for other, non-public projects and contractual services may be executed without observing the bidding procedures provided in this Article. The Executive Officer is authorized to enter into such contracts where the amount of the contract does not exceed \$25,000.00, provided there exists an unencumbered appropriation in the fund account against which the expense is to be charged. Where the amount of the contract exceeds \$25,000.00, the contract will be approved by the Authority Board. In the case of professional services, qualifications and experience to the benefit of the Authority will receive first consideration. Upon determination of these factors, a price or fee may be negotiated.

**3.02.140. REGULATIONS REGARDING SELECTION OF CONTRACT SERVICES.**

The Executive Officer will, by resolution, prescribe procedures, rules, and regulations, governing the solicitation, selection and award of proposals or bids for the furnishing of personal services or professional or consulting services or for other contractual services, the contracts for which may be awarded without observing the bidding procedures provided for in this chapter. Such procedures, rules and regulations have as one purpose: the obtaining of contractual services of the highest quality together with cost effectiveness.

## **Article 3.03. PUBLIC WORKS CONTRACTS**

### **3.03.010. PROCEDURE-TYPE DESIGNATED FOR CERTAIN PURCHASES.**

Public projects of less than \$25,000.00 may be let to contract by informal bidding procedures. All other public projects with a value greater than \$25,000.00 will, in all instances, be let to contract by formal bidding procedure.

### **3.03.020. PROCEDURE-INFORMAL.**

(a) The notice inviting informal bids will be by published notice and may, in addition, be supplemented by mailed notice and noticing on the Authority website. The Executive Officer may cause the notice to be printed as display advertising in such form and style as the Executive Officer deems appropriate. The notice will describe in general terms the project to be done and state the closing date for submission of such informal bids. Publication of notice pursuant to this section will be in a newspaper of general circulation printed and published within the jurisdiction of the Authority. Notice will be published in accordance with Section 6061 of the Government Code and will be completed at least twenty-four hours before the time scheduled for opening of the bids.

(b) In addition to notice published in a newspaper of general circulation, or mailed, pursuant to this section, the Executive Officer may also publish notice inviting bids in a trade publication.

(c) Bids will be opened, examined, and declared by the Executive Officer at a public meeting called by the Executive Officer in accordance with the notice inviting bids. The results of the bidding will be reported to the Authority Board at the next regular meeting after said bid opening.

### **3.03.030. PROCEUDRE-FORMAL.**

(a) The notices inviting formal bids will state the time and place for the receiving and opening of sealed bids and distinctly state the project to be done. The first publication or posting of the notice will be at least ten days before the date of opening the bids. Notice will be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the jurisdiction of the Authority. The newspaper notice will include a description of the equipment or services to be purchased, will state where bid blanks and specifications may be secured, and the time and place for opening bids. In addition, the Executive Officer may also publish notice inviting bids in a trade publication.

(b) When deemed necessary by the Board, bid deposits will be described in the public notices inviting bids. Unsuccessful bidders are entitled to the return of each required security.

(c) Bids must be submitted sealed to the Executive Officer and identified as bids on the envelope. Bids will be opened, examined, and declared by the

Executive Officer at a public meeting called by the Executive Officer in accordance with the notice inviting bids. A tabulation of all bids received will be provided to all bidders.

(d) The results of the bidding will be reported to the Authority Board at the next regular meeting after said bid opening.

(e) The Board has the authority to reject all bids, or parts of all bids for any one or more components included in the proposed contract, when the public interest will be served thereby.

(f) The Board has the authority to award contracts within the purview of this Master Resolution. Contracts will be awarded to the lowest responsible bidder, with the exception of professional services only. In determining the lowest responsible bidder, the following may be considered, in addition to price if such factors are included in the bid specifications:

- (1) The quality of the work or construction offered;
- (2) The ability, capacity, and skill of the bidder to perform the contract;
- (3) Whether the bidder can perform the contract promptly, or within the time specified, without delay or interference;
- (4) The sufficiency of the bidder's financial resources and the effect thereof on the bidder's ability to perform the contract;
- (5) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (6) The quality of bidder's performance on previous contracts for the Authority;
- (7) Litigation by the bidder on previous contracts with the Authority;
- (8) The previous and existing compliance by the bidder with laws and ordinances relating to the subject of the contract;
- (9) The ability of the bidder to provide future maintenance and service where such maintenance and service is essential.

(g) When the award is not given to the lowest bidder, a full and complete statement of the reasons therefore will be prepared by the Executive Officer and filed with the other papers related to the award of the contract.

### **3.03.040. LOCAL PREFERENCE.**

(a) Each Contractor performing construction funded in whole or in part by Authority funds, or funds which, in accordance with a federal grant or otherwise, the Authority expends or administers, and to which the Authority is a signatory to the

construction contract, will be eligible for a local preference as provided in the subsection, if such Contractor meets each of the following minimum requirements:

- (1) The Contractor must be licensed by the State of California and be a business, employer, or resident doing business in the Area for the past five years.
- (2) The Contractor must be a business, employer, or resident who has been adversely affected by the closure of the Fort Ord military base.
- (3) Eighty percent (80%) of the work force of the Contractor must be residents of the Area and fifty percent (50%) of the Subcontractors must be residents of the Area.

(b) Each Contractor who is within five percent of the lowest responsible bid and who is eligible for a local preference under this subsection, will be provided the opportunity to reduce the Contractor's bid to an amount equal to the amount of the lowest responsible bid. The opportunity to reduce bid amounts will be provided first to the lowest eligible bidder and, if not accepted by such bidder within five business days of the opening of bids, then to each successive eligible bidder in ascending order of the amount of the bids. In the event an eligible Contractor reduces the bid to the amount of the lowest responsible bid, the eligible Contractor will be deemed to have provided the lowest responsible bid and will be awarded the contract.

(c) In the event there is no available and qualified resident of the Area who can fill a specified position, vacancy, or job classification sought to be filled by the Contractor, or by a Subcontractor of the Contractor, the Contractor may request an exemption for the worker hours performed by a person who fills such position, vacancy, or job classification in computing the percentage of total worker hours performed by residents of the Area for the purpose of determining whether the Contractor has met the minimum requirements specified in this subsection. A Contractor seeking such an exemption must file a written application therefore with the Executive Officer on a form provided by the Executive Officer no later than ten days after the position, vacancy, or job classification for which the exemption is sought is filled by a nonresident of the Area. Such application must include a detailed written statement under oath describing the efforts and action taken by the Contractor, or the Contractor's Subcontractor, in attempting to hire a resident of the Area for the position, vacancy, or job classification for which the exemption is sought, and such further and additional information as may be requested by the Executive Officer.

(d) The provisions of this subsection will expire and will no longer be in force or effect on December 31, 1999, unless otherwise extended by the Board prior to such date.

### **3.03.050. REJECTION OF BIDS.**

In its discretion, the Authority Board may reject any bids presented. If, after the first invitation for bids, all bids are rejected, after re-evaluating its cost

estimates of the project, the Authority Board may abandon the project or re-advertise for bids in the manner prescribed by this Article. If, after re-advertising, the Authority Board rejects all bids presented, the Authority Board may proceed with the project by use of Authority personnel or may re-advertise. If two or more bids are the same and the lowest, the Authority Board may accept the one it chooses, subject to the limitations contained in Section 3.02.040. If no bids are received, the Authority Board may have the project done without further complying with this chapter.

**3.03.060. LOWER NEGOTIATED PRICE OR PERFORMANCE BY AUTHORITY PERSONNEL.**

Notwithstanding the provisions of Section 3.02.050, if after the first invitation for bids, all bids are rejected, the Authority Board may, after re-evaluating its cost estimates of the project, pass a resolution by a four-fifths vote of its Board declaring that the project can be performed more economically by Authority personnel, or that in its opinion a contract to perform the project can be negotiated at a lower price than that in any of the bids. Upon adoption of the resolution, it may have the project done in the manner stated without further complying with this chapter.

**3.03.070. PLANS AND SPECIFICATIONS.**

The Authority Board adopts plans, specifications, and working details for all public projects the expenditure for which exceeds \$25,000. Such plans, specifications, and working details may be approved at the time the notice is authorized or at the time the Authority Board approves a contract.

**3.03.080. (Reserved)**

**3.03.090. PREVAILING WAGES.**

(a) Not less than the general prevailing rate of wages for work of a similar character in Monterey County, as determined by the Director of the Department of Industrial Relations under Division 2, Part 7, Chapter 1 of the California Labor Code, will be paid to all workers employed on the First Generation Construction performed on parcels subject to the Fort Ord Base Reuse Plan. This subsection applies to work performed under Development Entitlements as defined in §1.01.050 of this Master Resolution and by contract with a FORA member or a FORA member agency including their transferees, agents, successors-in-interest, developers or building contractors.

This policy is limited to “First Generation Construction” work, which is defined in §1.01.050 of this Master Resolution. In addition to the exceptions enumerated in the definition of Development Entitlements found in §1.01.050 of this Master Resolution, this policy does not apply to:

- (1) construction work performed by the Authority or a member jurisdiction with its own workforce;
- (2) construction work performed by paid, full-time employees of the developer, unless the developer is performing the

work of a contractor as defined in California Business and Professions Code §7026;

- (3) construction improvements following issuance of an occupancy permit;
- (4) affordable housing when exempted under California state law; and
- (5) construction of facilities to be used for eleemosynary non-commercial purposes when owned in fee by a non-profit organization operating under §501(c)(3) of the Internal Revenue Code.

(b) Member agencies must include language in all of their contracts and deeds for the conveyance, disposition and/or development of former Fort Ord property to give notice of and assure compliance with the policy set forth above in subsection 3.03.090(a).

(c) FORA determines compliance by member agencies with this section at the time of and as part of FORA's consistency determination under Chapter 8 of this Master Resolution.

**3.03.100 DEVELOPERS OF PROPERTY PURSUANT TO AGREEMENTS WITH FORA. [Section repealed 3/9/07 by Resolution #07-4]**

**3.03.110. MINORITY, FEMALE, AND HANDICAPPED-OWNED BUSINESSES.**

The rules and regulations, as amended, promulgated by the Department of Transportation of the State of California pursuant to Section 10115 of the Public Contract Code for the certification and establishment of specified preferences applicable to minority, female, and handicapped-owned businesses are applicable to contracts for construction awarded by FORA.

**Chapter 4. DISPOSAL OF AUTHORITY PROPERTY  
(reserved)**

## **Chapter 5. FINANCES AND CLAIMS**

### **Article 5.01. CLAIMS AGAINST THE AUTHORITY.**

#### **5.01.010. FILING REQUIREMENT.**

All claims against the Authority must be filed with the Clerk to the Authority. The Clerk to the Authority Board will transmit copies of all such claims to the Executive Officer. For the purpose of this Article, the term "Executive Officer" means a person designated by the Executive Officer, including the Executive Officer, and such person may include a contractor of the Authority who performs risk management or claims adjustment duties for the Authority.

#### **5.01.020. PROCESSING OF CLAIMS AGAINST THE AUTHORITY.**

(a) The Executive Officer will evaluate the sufficiency and form of all claims against the Authority and give notices relative to any deficiency of such claims to the claimant. The Executive Officer will have all such claims investigated and will prepare an investigative report and a recommendation relating to each such claim. The Executive Officer, with the concurrence of the Authority Counsel, may approve for payment any claim within the jurisdictional limits of a municipal court in the State of California, deny any claim amounting to \$50,000 or less, or compromise any claim in an amount less than the jurisdictional limits of a municipal court in the State of California. The Executive Officer is responsible for immediately notifying the claimant of such decision and expediting payment of any claim, which has been approved or compromised.

(b) For all claims not disposed of pursuant to Subsection (a) or of this section, the Authority Counsel will prepare and submit, as soon as practicable, a report to the Authority Board either in open session or in closed session, at the Authority Counsel's election, together with a recommendation that such claim be approved, compromised, or denied. The Authority Counsel will advise the Executive Officer of the Board's decision in the matter. The Executive Officer will thereupon notify the claimant, in writing, of the decision and expedite payment of any claim, which has been approved or compromised.

(c) Notwithstanding the above provisions, the Executive Officer will notify and send copies of all claims which are determined by the Executive Officer to be covered by insurance to the insurance carrier which provides coverage to the Authority, and is the Authority liaison with such carriers for the purpose of any claim involvement.

(d) In order to protect the best interest of the Authority and the officers, employees, and agents of the Authority with regard to the investigation, defense, or adjustment of applicable claims incurred against the Authority or its officers, employees, and agents, the Executive Officer and the Authority Counsel are directed to establish and maintain necessary administrative procedures and incident report forms to ensure the confidential coordination of case facts and related information. The

procedures and forms will ensure reasonable use of the principle of privileged client-attorney communication for confidentiality in the defense or adjustment of all claims as provided by law.

(e) The legal defense of claims filed against the Authority, which are not covered by insurance, is the responsibility of the Authority Counsel or a legal firm or firms designated by the Authority Board. Authorized legal defense costs in conjunction with the defense of such claims are paid from appropriate Authority funds as designated by the Authority Board from time to time.

**5.01.030. PROCEDURE FOR COLLECTION, COMPROMISE, AND WRITE-OFF OF CLAIMS OF THE AUTHORITY AGAINST OTHERS.**

(a) Claims of the Authority against other persons or entities will be handled according to the procedures designated in this section.

(b) The Executive Officer is authorized to pursue collection of any claims of the Authority against others. The Executive Officer may, in furtherance of such claims collection, accept a promissory note to repay the claim over a period of time, file a small claims court action to secure a judgment when the amount of the claim does not exceed the small claims court jurisdictional limit, or assign the claim, promissory note, or judgment to a collection agency. When the Executive Officer determines it is in the best interest of the Authority to do so, considering the cost of collection and the merits of the claim, the Executive Officer may:

- (1) Accept a compromise settlement and write-off the balance of the claim as uncollectible, where the amount of the write-off does not exceed the small claims court jurisdictional limit;
- (2) File an action in small claims court and write-off any amount in excess of such court's jurisdiction, where the amount of the write-off does not exceed the small claims court jurisdictional limit, or
- (3) Write off the claim in full where the amount of the write-off does not exceed the small claims court jurisdictional limit.

(c) Any claim, which cannot be collected in full or disposed of in accordance with this subsection, will be sent to Authority Counsel for collection.

(d) The Authority Counsel will pursue collection and may, in furtherance of such collection, accept a promissory note to repay the claim over a period of time, file an action in the appropriate court to secure a judgment, or assign the claim, promissory note, or judgment to a collection agency. When the Authority Counsel determines it is in the best interest of the Authority to do so, considering the cost of collection and the merits of the claim, the Authority Counsel may:

- (1) Authorize the Executive Officer to accept a compromise settlement and write off the balance of the claim as uncollectible where the amount of the write-off does not exceed the municipal court jurisdictional limit; or
- (2) Authorize the Executive Officer to file an action in small claims court and write off any amount in excess of such court's jurisdiction, where the amount of the write-off does not exceed the municipal court jurisdictional limit; or
- (3) Authorize the Controller to write off the claim in full where the amount of the write-off does not exceed the municipal court jurisdictional limit.

(e) When the Authority Counsel determines it is in the best interest of the Authority to accept a compromise settlement of the claim and write off the balance as uncollectible, or to write off the claim in full as uncollectible, the Authority Counsel will submit the matter to the Authority Board for approval where the amount of the write-off exceeds the municipal court jurisdictional limit.

## **Chapter 6. AUTHORITY FEE REGULATIONS**

### **Article 6.01. GENERAL**

#### **6.01.010. ESTABLISHMENT OF FEE REGULATIONS.**

Except as otherwise provided in this Master Resolution, all fees, penalties, refunds, reimbursements, and charges of any kind collected by the Authority may be adopted by resolution or may be designated in this chapter of the Master Resolution, as amended by the Authority Board from time to time. Whenever applicable throughout the Master Resolution, reference may be made to this chapter in lieu of any reference to specific fee amounts.

**Chapter 7. PUBLIC WORKS  
(reserved)**

## Chapter 8. BASE REUSE PLANNING AND CONSISTENCY DETERMINATIONS

### Article 8.01 GENERAL PROVISIONS

#### 8.01.010. REUSE PLAN.

(a) The Authority Board will prepare, adopt, review, revise from time to time, and maintain a Reuse Plan for the use and development of the territory within the jurisdiction of the Authority. Such plan contains the elements mandated pursuant to the Authority Act and such other elements, policies, and programs as the Authority Board may, in its sole discretion, consider and adopt.

(b) The Reuse Plan, including all elements, policies and programs adopted in conjunction with the Reuse Plan, and any amendments thereto, is the official and controlling plan for the reuse of the Fort Ord Territory for the purposes specified or inferred in the Authority Act.

(c) All general and specific plans, redevelopment plans, and all other community and local plans regardless of title or description, and any amendments thereto, and all policies and programs relating to the land use or the construction, installation, or maintenance of capital improvements or public works within the Fort Ord Territory, must be consistent with the Reuse Plan of the Authority and the plans and policies of the Authority, including the Master Resolution. The Authority will make a determination of consistency as provided pursuant to the provisions of the Authority Act and, after the effective date hereof, this chapter.

(d) A revision or other change to the Reuse Plan which only affects Fort Ord Territory and only one of the member agencies may only be adopted by the Authority Board if one of the following conditions is satisfied:

- (1) The revision or other change was initiated by resolution adopted by the legislative body of the affected land use agency and approved by at least a majority affirmative vote of the Authority Board; or
- (2) The revision or other change was initiated by the Authority Board; or any entity other than the affected land use agency and approved by at least a two-thirds affirmative vote of the Authority Board.

(e) All property transferred from the federal government to any user or purchaser, whether public or private, will only be used in a manner consistent with the Reuse Plan, with the following exceptions:

- (1) Property transferred to California State University or the University of California and such property is used for educationally related or research oriented purposes; or
- (2) Property transferred to the California State Parks and Recreation Department.

(f) No land use agency or any local agency may permit, approve, or otherwise allow any development or other change of use, or approve any development entitlement, for property within the territory of the Authority that is not consistent with the Reuse Plan.

(g) No land use agency may issue, approve, or otherwise allow any building permit until all applicable permits, development entitlements, and approvals required under law have been approved, including, but not limited to, the approvals and permits described and enumerated in Section 3.7 of the Final Environmental Impact Report for the Reuse Plan.

(h) The Reuse Plan will be reviewed periodically at the discretion of the Authority Board. The Authority Board will perform a full reassessment, review, and consideration of the Reuse Plan and all mandatory elements as specified in the Authority Act prior to the allocation of an augmented water supply, or prior to the issuance of a building permit for the 6001<sup>st</sup> new residential dwelling unit (providing a total population of 35,000 persons) on the Fort Ord Territory or by January 1, 2013, whichever event occurs first. No more than 6000 new dwelling units will be permitted on the Fort Ord Territory until such reassessment, review, and consideration of the Reuse Plan has been prepared, reviewed, and adopted pursuant to the provisions of the Authority Act, the Master Resolution, and all applicable environmental laws. No development will be approved by FORA or any land use agency or local agency after the time specified in this subsection unless and until the water supplies, wastewater disposal, road capacity, and the infrastructure to supply these resources to serve such development have been identified, evaluated, assessed, and a plan for mitigation has been adopted as required by California Environmental Quality Act ("CEQA"), the Authority Act, the Master Resolution, and all applicable environmental laws.

(i) The failure of any persons or entity to receive notice given pursuant to this chapter does not constitute grounds for any court to invalidate the action on any legislative act or development entitlement pursuant to this chapter for which required notice was given.

(j) The Authority will record a notice on all property in the Fort Ord Territory advising all current and future owners of property of the existence of the Reuse Plan and that development of such property is limited by the Reuse Plan, the policies and programs of the Authority, including the Master Resolution, and/or the constraints on development identified in the Reuse Plan, including lack of available water supply, wastewater and solid waste disposal capacity, and inadequate transportation and other services and infrastructure.

(k) In the event the Authority receives, purchases, or acquires, by any means, fee interest title to property within the Fort Ord Territory, the Authority will record a covenant running with the land advising all future owners of such property that development and use of the property is subject to the Reuse Plan and that development of such property is limited by the Reuse Plan, the policies and programs of the Authority,

including the Master Resolution, and/or constraints on development identified in the Reuse Plan, including lack of available water supply, wastewater and solid waste disposal capacity, and inadequate transportation and other services and infrastructure.

**8.01.020. PROCEDURES FOR CONSISTENCY DETERMINATIONS FOR LEGISLATIVE LAND USE DECISIONS.**

(a) Each land use agency will submit all legislative land use decisions affecting property in the territory of the Authority to the Executive Officer for review and processing.

(b) All submissions regarding a legislative land use decision must include:

- (1) A complete copy of the legislative land use decision, including related or applicable text, maps, graphics, and studies;
- (2) A copy of the resolution or ordinance of the legislative body approving the legislative land use decision, adopted at the conclusion of a noticed hearing certifying that the portion of a legislative land use decision applicable to the Fort Ord Territory is intended to be carried out in a manner fully in conformity with the Reuse Plan and the Authority Act;
- (3) A copy of all staff reports and materials presented or made available to the legislative body approving the legislative decision, or any advisory agency relating to the legislative land use decision;
- (4) A copy of the completed environmental assessment related to the legislative land use decision;
- (5) A statement of findings and evidence supporting the findings that the legislative land use decision is consistent with the Reuse Plan, the Authority's plans and policies, including the Master Resolution, and is otherwise consistent with the Authority Act; and
- (6) Such other materials as the Executive Officer deems necessary or appropriate and which have been identified within fifteen (15) days of the receipt of the items described in subsection (b) of this Section.

(c) Within ninety (90) days of the receipt of all of the items described in subsection (b) above, or from the date the Executive Officer accepts the submission as complete, whichever event occurs first, the Authority Board will conduct a noticed public hearing, calendared and noticed by the Executive Officer, to certify or refuse to certify, in whole or in part, the portion of the legislative land use decision applicable to Fort Ord Territory. The Authority Board will adopt a resolution making findings in support of its decision, such decision will be rendered within the time frame described in this section, and such decision will be final. In the event the Authority Board

fails, within the time frames described in this section, to conduct a public hearing or take action on determining whether the land use decision is consistent with the Plan and the Authority Act, the land use agency may file, upon ten (10) days notice, a request with the Executive Officer to have the matter placed on the next Board agenda for a noticed public hearing to take action to consider the consistency finding and the Board will take action at such noticed public hearing and such decision will be final.

(d) In the event the Authority Board finds, on the basis of substantial evidence supported on the record, that the legislative act is consistent with the Reuse Plan and this chapter, the Authority Board will certify the legislative act pursuant to the provisions of the Authority Act.

(e) In the event the Authority Board refuses to certify the legislative land use decision in whole or in part, the Authority Board's resolution making findings will include suggested modifications which, if adopted and transmitted to the Authority Board by the affected land use agency, will allow the legislative land use decision to be certified. If such modifications are adopted by the affected land use agency as suggested, and the Executive Officer confirms such modifications have been made, the legislative land use decision will be deemed certified. In the event the affected land use agency elects to meet the Authority Board's refusal or certification in a manner other than as suggested by the Authority Board, the legislative body of the affected land use agency must resubmit its legislative land use decision to the Executive Officer and follow the procedures contained in this section.

(f) No legislative land use decision will be deemed final and complete, nor will any land use entitlement be issued for property affected otherwise permitted by such legislative land use decision unless it has been certified pursuant to the procedures described in this section.

(g) The Authority Board may only refuse to certify zoning ordinances, zoning district maps, or other legislative land use decision on the grounds that such actions do not conform with, or are inadequate to carry out, the provisions of the general plan, certified as consistent with the Reuse Plan pursuant to the provisions of this section, applicable to the affected property.

(h) Nothing in this section or in this chapter will apply to be or construed as adversely affecting any consistency determination previously obtained by a land use agency and certified by the Authority Board pursuant to the Authority Act.

**8.01.030. REVIEW OF DEVELOPMENT ENTITLEMENTS.**

(a) After the portion of a general plan applicable to Fort Ord Territory has become effective, development review authority within such portion of territory will be exercised by the land use agency with jurisdiction lying within the area to which the general plan applies. Each land use agency may issue or deny, or conditionally issue, development entitlements within their respective jurisdictions so long as the land use agency has a general plan certified pursuant to Section 8.01.020 and the

decisions issuing, denying, or conditionally issuing development entitlements are consistent with the adopted and certified general plan, the Reuse Plan, and is in compliance with CEQA and all other applicable laws.

(b) All decisions on development entitlements of a land use agency affecting property within the territory of the Authority may be reviewed by the Authority Board on its own initiative, or may be appealed to the Authority Board, subject to the procedures specified in this Section. No development entitlement will be deemed final and complete until the appeal and review procedures specified in this Section and Sections 8.01.040 and 8.01.050 of this chapter have been exhausted.

(c) The land use agency approving a development entitlement within the jurisdiction of the Authority must provide notice of approval or conditional approval to the Executive Officer. Notice of approval or conditional approval of a development entitlement must include:

- (1) A complete copy of the approved development entitlement, including related or applicable text, maps, graphics, and studies.
- (2) A copy of all staff reports and materials presented or made available to any hearing body that reviewed the development entitlement.
- (3) A copy of the completed environmental assessment related to the development entitlement.

**8.01.040. REVIEW OF DEVELOPMENT ENTITLEMENTS BY INITIATIVE OF THE AUTHORITY BOARD.**

Within thirty-five (35) days of the receipt of all of the notice materials described in Subsection (c) of Section 8.01.030, the Authority Board, on its own initiative, may consider a resolution setting a hearing on a development entitlement affecting Fort Ord Territory. The Authority Board may continue the matter of setting a hearing once for any reason. In the event the Authority Board does not act to set the matter for hearing within the thirty-five (35) day time period or at the continued meeting, whichever event is last, the decision of the land use agency approving the development entitlement will be deemed final and will not be subject to review by the Authority Board pursuant to this section. Nothing in this section will be construed as abrogating any rights that any person may have to appeal development entitlements to the Authority Board pursuant to Section 8.01.050. In the event the Authority Board sets the matter for hearing, such hearing will commence at the first regular meeting of the Authority Board following the date the Authority Board passed its resolution setting the matter for hearing or at a special hearing date prior to such regular meeting. The Authority Board may continue the matter once. In the event the Authority Board fails to take action on the development entitlement within such time period, the development entitlement will be deemed approved.

**8.01.050. REVIEW OF DEVELOPMENT ENTITLEMENTS BY APPEAL TO AUTHORITY BOARD.**

(a) Within ten (10) days of a land use agency approving a development entitlement, any person aggrieved by that approval and who participated

either orally or in writing, in that agency's hearing on the matter, may file a written appeal of such approval with the Executive Officer, specifically setting forth the grounds for the appeal, which is limited to issues raised at the hearing before the land use agency. The person filing the appeal will pay a filing fee in an amount equal to the fee for appeal of combined development permits as established by the Monterey County Board of Supervisors for the cost of processing the appeal. The Executive Officer will set, schedule, and notice a public hearing before the Authority Board. In the event the Authority Board fails to act on the development entitlement within the time periods specified in this section to conduct a public hearing and take action within sixty (60) days on determining whether the development entitlement is consistent with the Reuse Plan and the Authority Act, the land use agency may file, upon ten (10) days notice, a request with the Authority Board to have the matter placed on the next Board agenda for a noticed public hearing to take action to consider the development entitlement.

(b) At the time and place noticed by the Executive Officer, the Authority Board will conduct a hearing on the development entitlement. The Authority Board may continue the matter once for any reason.

(c) Said continued hearing must be rescheduled to a date that is not later than thirty-five (35) days from the date of the initial hearing date. In the event the Authority Board determines the development entitlement is not consistent with the Reuse Plan, the development will be denied and the Authority Board's decision will be final. In the event the Authority Board determines the development entitlement is consistent with the Reuse Plan, the Authority Board will approve the development entitlement.

**8.01.060. SUPERCESSION.**

In the event of a conflict or inconsistency between this chapter of the Master Resolution and the Reuse Plan, the Development and Resource Plan, and other adopted FORA policies and procedures in regards to legislative land use decisions and/or development entitlements affecting lands within the affected territory, the provisions of this chapter govern.

**8.01.070. FORA AS RESPONSIBLE AGENCY UNDER CEQA.**

In taking action on all legislative land decisions and for review of all development entitlements, the Authority Board acts as a responsible agency under CEQA.

**8.01.080. ADMINISTRATIVE APPEALS.**

Any administrative decision made by the Executive Officer may be appealed to the Authority Board within fifteen (15) days by completing and filing a notice of appeal at the Office of the Executive Officer.

## **Article 8.02. CONSISTENCY DETERMINATION CRITERIA**

### **8.02.010. LEGISLATIVE LAND USE DECISION CONSISTENCY.**

(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board may disapprove any legislative land use decision for which there is substantial evidence supported by the record, that:

- (1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory;
- (2) Provides for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory;
- (3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution;
- (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority;
- (5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision; and
- (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan.

(b) FORA will not preclude the transfer of intensity of land uses and/or density of development involving properties within the affected territory as long as the land use decision meets the overall intensity and density criteria of Sections 8.02.010(a)(1) and (2) above as long as the cumulative net density or intensity of the Fort Ord Territory is not increased.

(c) The Authority Board, in its discretion, may find a legislative land use decision is in substantial compliance with the Reuse Plan when the Authority Board finds that the applicant land use agency has demonstrated compliance with the provisions specified in this section and Section 8.02.020 of this Master Resolution.

### **8.02.020. SPECIFIC PROGRAMS AND MITIGATION MEASURES FOR INCLUSION IN LEGISLATIVE LAND USE DECISIONS.**

(a) Prior to approving any development entitlements, each land use agency must act to protect natural resources and open spaces on Fort Ord Territory

by including the open space and conservation policies and programs of the Reuse Plan, applicable to the land use agency, into their respective general, area, and specific plans.

- (1) Each land use agency must review each application for a development entitlement for compatibility with adjacent open space land uses and require suitable open space buffers to be incorporated into the development plans of any potentially incompatible land uses as a condition of project approval.
- (2) When buffers are required as a condition of approval adjacent to Habitat Management areas, the buffer must be designed in a manner consistent with those guidelines set out in the Habitat Management Plan. Roads are not allowed within the buffer area adjacent to Habitat Management areas except for restricted access maintenance or emergency access roads.

(b) Each land use agency must include policies and programs in their respective applicable general, area, and specific plans that will ensure consistency of future use of the property within the coastal zone through the master planning process of the California Department of Parks and Recreation, if applicable. All future use of such property must comply with the requirements of the Coastal Zone Management Act and the California Coastal Act and the coastal consistency determination process.

(c) Monterey County must include policies and programs in its applicable general, area, and specific plans that will ensure that future development projects at East Garrison are compatible with the historic context and associated land uses and development entitlements are appropriately conditioned prior to approval.

(d) Each land use agency must include policies and programs in their respective applicable general, area, and specific plans that limit recreation in environmentally sensitive areas, including, but not limited to, dunes and areas with rare, endangered, or threatened plant or animal communities to passive, low intensity recreation, dependent on the resource and compatible with its long term protection. Such policies and programs will prohibit passive, low-density recreation if the Board finds that such passive, low-density recreation will compromise the ability to maintain an environmentally sensitive resource.

(e) Each land use agency will include policies and programs in their respective applicable general, area, and specific plans that encourage land uses that are compatible with the character of the surrounding districts or neighborhoods and discourage new land use activities which are potential nuisances and/or hazards within and in close proximity to residential areas. Reuse of property in the Army urbanized footprint should be encouraged.

(f) Each land use agency with jurisdiction over property in the Army urbanized footprint must adopt the cultural resources policies and programs of the Reuse Plan concerning historic preservation, and provide appropriate incentives for historic preservation and reuse of historic property, as determined by the affected land use agency, in their respective applicable general, area, and specific plans.

(g) The County of Monterey must amend the Greater Monterey Peninsula Area Plan and designate the Historic East Garrison Area as an historic district in the County Reservation Road Planning Area. The East Garrison will be planned and zoned for planned development mixed uses consistent with the Reuse Plan. In order to implement this aspect of the plan, the County must adopt at least one specific plan for the East Garrison area and such specific plan must be approved before any development entitlement is approved for such area.

(h) Each land use agency will include policies and programs in their respective applicable general, area, and specific plans that support all actions necessary to ensure that sewage treatment facilities operate in compliance with waste discharge requirements adopted by the California Regional Water Quality Control Board.

(i) Each land use agency must adopt the following policies and programs:

- (1) A solid waste reduction and recycling program applicable to Fort Ord Territory consistent with the provisions of the California Integrated Waste Management Act of 1989, Public Resources Code Section 40000 *et seq.*;
- (2) A program that will ensure that each land use agency carries out all actions necessary to ensure that the installation of water supply wells comply with State of California Water Well Standards and well standards established by the Monterey County Health Department; and
- (3) A program that will ensure that each land use agency carries out all actions necessary to ensure that distribution and storage of potable and non-potable water comply with State Health Department regulations.

(j) Each land use agency must include policies and programs in their respective applicable general, area, and specific plans to address water supply and water conservation. Such policies and programs must include the following:

- (1) Identification of, with the assistance of the Monterey County Water Resources Agency and the Monterey Peninsula Water Management District, potential reservoir and water impoundment sites and zoning of such sites for watershed use, thereby precluding urban development;

- (2) Commence working with appropriate agencies to determine the feasibility of development of additional water supply sources, such as water importation and desalination, and actively participate in implementing the most viable option or options;
- (3) Adoption and enforcement of a water conservation ordinance which includes requirements for plumbing retrofits and is at least as stringent as Regulation 13 of the Monterey Peninsula Water Management District, to reduce both water demand and effluent generation;
- (4) Active participation in support of the development of "reclaimed" or "recycled" water supply sources by the water purveyor and the Monterey Regional Water Pollution Control Agency to ensure adequate water supplies for the territory within the jurisdiction of the Authority;
- (5) Promotion of the use of on-site water collection, incorporating measures such as cisterns or other appropriate improvements to collect surface water for in-tract irrigation and other non-potable use;
- (6) Adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development of territory within the jurisdiction of the Authority to assure that it does not exceed resource constraints posed by water supply;
- (7) Adoption of appropriate land use regulations that will ensure that development entitlements will not be approved until there is verification of an assured long-term water supply for such development entitlements;
- (8) Participation in the development and implementation of measures that will prevent seawater intrusion into the Salinas Valley and Seaside groundwater basins; and
- (9) Implementation of feasible water conservation methods where and when determined appropriate by the land use agency, consistent with the Reuse Plan, including; dual plumbing using non-potable water for appropriate functions; cistern systems for roof-top run-off; mandatory use of reclaimed water for any new golf courses; limitation on the use of potable water for golf courses; and publication of annual water reports disclosing water consumption by types of use.

(k) Each land use agency must include policies and programs in their respective applicable general, area, and specific plans that will require new development to demonstrate that all measures will be taken to ensure that storm water

runoff is minimized and infiltration maximized in groundwater recharge areas. Such policies and programs must include:

- (1) Preparation, adoption, and enforcement of a storm water detention plan that identifies potential storm water detention design and implementation measures to be considered in all new development, in order to increase groundwater recharge and thereby reduce potential for further seawater intrusion and provide for an augmentation of future water supplies.
- (2) Preparation, adoption, and enforcement of a Master Drainage Plan to assess the existing natural and man-made drainage facilities, recommend area-wide improvements based on the approved Reuse Plan, and develop plans for the control of storm water runoff from future development. Such plans for control of storm water runoff must consider and minimize any potential for groundwater degradation and provide for the long term monitoring and maintenance of all storm water retention ponds.

(l) Each land use agency must adopt policies and programs that ensure that all proposed land uses on the Fort Ord Territory are consistent with the hazardous and toxic materials clean-up levels as specified by state and federal regulation.

(m) Each land use agency must adopt and enforce an ordinance acceptable to the California Department of Toxic Substances Control (“DTSC”) to control and restrict excavation or any soil movement on those parcels of the Fort Ord Territory, which were contaminated with unexploded ordnance, and explosives. Such ordinance must prohibit any digging, excavation, development, or ground disturbance of any type to be caused or otherwise allowed to occur without compliance with the ordinance. A land use agency must not make any substantive change to such ordinance without prior notice to and approval by DTSC.

(n) Each land use agency must include policies and programs in their respective applicable general, area, and specific plans that will help ensure an efficient regional transportation network to access the territory under the jurisdiction of the Authority, consistent with the standards of the Transportation Agency of Monterey County. Such policies and programs must include:

- (1) Establishment and provision of a dedicated funding mechanism to pay for the “fair share” of the impact on the regional transportation system caused or contributed by development on territory within the jurisdiction of the Authority; and
- (2) Support and participate in regional and state planning efforts and funding programs to provide an efficient

regional transportation effort to access Fort Ord Territory.

(o) Each land use agency must include policies and programs in their respective applicable general, area, and specific plans that ensure that the design and construction of all major arterials within the territory under the jurisdiction of the Authority will have direct connections to the regional network consistent with the Reuse Plan. Such plans and policies must include:

- (1) Preparation and adoption of policies and programs consistent with the Authority's Development and Resource Management Plan to establish programs and monitor development to assure that it does not exceed resource constraints posed by transportation facilities;
- (2) Design and construction of an efficient system of arterials in order to connect to the regional transportation system; and
- (3) Designate local truck routes to have direct access to regional and national truck routes and to provide adequate movement of goods into and out of the territory under the jurisdiction of the Authority.

(p) Each land use agency must include policies and programs in their respective applicable general, area, and specific plans to provide regional bus service and facilities to serve key activity centers and key corridors within the territory under the jurisdiction of the Authority in a manner consistent with the Reuse Plan.

(q) Each land use agency must adopt policies and programs that ensure development and cooperation in a regional law enforcement program that promotes joint efficiencies in operations, identifies additional law enforcement needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services.

(r) Each land use agency must include policies and programs in their respective applicable general, area, and specific plans that ensure development of a regional fire protection program that promotes joint efficiencies in operations, identifies additional fire protection needs, and identifies and seeks to secure the appropriate funding mechanisms to provide the required services

(s) Each land use agency must include policies and programs in their respective applicable general, area, and specific plans that will ensure that native plants from on-site stock will be used in all landscaping except for turf areas, where practical and appropriate. In areas of native plant restoration, all cultivars, including, but not limited to, manzanita and ceanothus, must be obtained from stock originating on Fort Ord Territory.

(t) Each land use agency must include policies and programs in their general, area, and specific plans that will ensure compliance with the 1997 adopted FORA Reuse Plan jobs/housing balance provisions. The policies and programs for the provision of housing must include flexible targets that generally correspond with expected job creation on the former Fort Ord. It is recognized that, in addressing the Reuse Plan jobs/housing balance, such flexible targets will likely result in the availability of affordable housing in excess of the minimum 20% local jurisdictional inclusionary housing figure, which could result in a range of 21% - 40% below market housing. Each land use agency should describe how their local inclusionary housing policies, where applicable, address the Reuse Plan jobs/housing balance provisions.

- (1) Agencies submitting consistency determination requests to FORA should identify and describe, where applicable, any factors that impact production of housing. These factors may include, without limitation, public financing, water resources, land use regulations, and environmental conditions. Each jurisdiction should consider but not be limited to, the following in establishing its Reuse Plan jobs/housing balance policies and programs:
  - (a) Earmarking of tax increment housing set aside funds for housing programs, production, and/or preservation linked to jobs;
  - (b) Development and/or preservation of ownership or rental housing linked to jobs;
  - (c) Incorporation of job creation targets in project specifications;
  - (d) Linkage of existing housing resources with jobs created;
  - (e) Development of agreements with such jurisdictions for Reuse Plan-enhancing job creation or housing programs, production, and/or preservation; and
  - (f) Granting of incentives to increase additional below-market housing productions to meet job creation needs.
- (2) As a reference and guide for determining income limits and housing affordability levels, each land use agency should use measures established by the U.S. Department of Housing and Urban Development, the California Department of Housing and Community Development, and/or the Association of Monterey Bay Area Governments when determining compliance for very low, low, median, moderate affordability and comparable affordability factors for below-market housing up to 180% of median as approved as FORA

policy guidelines at the January 9, 2004 FORA Board meeting.

**8.02.030. DEVELOPMENT ENTITLEMENT CONSISTENCY.**

(a) In the review, evaluation, and determination of consistency regarding any development entitlement presented to the Authority Board pursuant to Section 8.01.030 of this Resolution, the Authority Board will withhold a finding of consistency for any development entitlement that:

- (1) Provides an intensity of land uses, which is more intense than that provided for in the applicable legislative land use decisions, which the Authority Board has found consistent with the Reuse Plan;
- (2) Is more dense than the density of development permitted in the applicable legislative land use decisions which the Authority Board has found consistent with the Reuse Plan;
- (3) Is not conditioned upon providing, performing, funding, or making an agreement guaranteeing the provision, performance, or funding of all programs applicable to the development entitlement as specified in the Reuse Plan and in Section 8.02.020 of this Master Resolution and consistent with local determinations made pursuant to Section 8.02.040 of this Resolution.
- (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority.
- (5) Does not require or otherwise provide for the financing and installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the applicable legislative land use decision.
- (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan.
- (7) Is not consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board.
- (8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.

**8.02.040. ADOPTION OF REQUIRED PROGRAMS.**

No development entitlement will be approved or conditionally approved within the jurisdiction of any land use agency until the land use agency has taken appropriate action, in the discretion of the land use agency, to adopt the programs specified in the Reuse Plan, the Habitat Management Plan, the Development and Resource Management Plan, the Reuse Plan Environmental Impact Report Mitigation and Monitoring Plan and this Master Resolution applicable to such development entitlement.

**Article 8.03. ENVIRONMENTAL QUALITY**

**8.03.010. ENVIRONMENTAL QUALITY AND PURPOSE.**

The purposes of this Article are to provide guidelines for the study of proposed activities and the effect that such activities would have on the environment in accordance with the requirements of the CEQA.

**8.03.020. DEFINITIONS.**

Except as otherwise defined in this section, words and phrases used in this Article have the same meaning given them by Chapter 2.5 of the California Environmental Quality Act and by Article 20 of the State CEQA Guidelines.

**8.03.030. STATE CEQA GUIDELINES ADOPTED.**

The Authority hereby adopts the State CEQA Guidelines (“Guidelines”) as set forth in Title 14, Section 15000 *et seq.* of the California Administrative Code and as may be amended from time to time. This adoption is not construed so as to limit the Authority’s ability or authority to adopt additional implementing procedures in accordance with Section 15022 of such Guidelines, or to adopt other legislative enactments the Board may deem necessary or convenient for the protection of the environment.

**8.03.040. EXECUTIVE OFFICER’S RESPONSIBILITY.**

- (a) The Executive Officer will, consistent with FORA obligations:
  - (1) Generate and keep a list of exempt projects and report such list to the Board.
  - (2) Conduct initial studies.
  - (3) Prepare negative declarations.
  - (4) Prepare draft and final environmental impact reports.
  - (5) Consult with and obtain comments from other public agencies and members of the public with regard to the environmental effect of projects, including “scoping” meetings when deemed necessary or advisable.
  - (6) Assure adequate opportunity and time for public review and comment on a draft environmental impact report or negative declaration.

- (7) Evaluate the adequacy of an environmental impact report or negative declaration and make appropriate recommendations to the Board.
- (8) Submit the final appropriate environmental document to the Board who will approve or disapprove a project. The Board has the authority to certify the adequacy of the environmental document.
- (9) File documents required or authorized by CEQA and the State Guidelines.
- (10) Collect fees and charges necessary for the implementation of this Article in amounts as may be specified by the Board by resolution and as may be amended from time to time.
- (11) Formulate rules and regulations as the Executive Officer may determine are necessary or desirable to further the purposes of this Article.

**8.03.050. COMPLETION DEADLINES.**

(a) Time limits for completion of the various phases of the environmental review process must be consistent with CEQA and Guidelines and those time limits are incorporated in this Article by reference. Reasonable extensions to these time limits may be allowed upon consent by any applicant.

(b) Time limits set forth in this section do not apply to legislative actions.

(c) Any time limits set forth in this section will be suspended during an administrative appeal.

**8.03.060. PUBLIC NOTICE OF ENVIRONMENTAL DECISION.**

(a) Notice of the decision of whether to prepare an environmental impact report, negative declaration, or declare a project exempt will be available for public review at the Office of the Executive Officer. Notices of decisions will be provided in a manner consistent with CEQA and the Guidelines.

(b) Notice that the Authority proposes to adopt a negative declaration will be provided to the public at least ten (10) days prior to the date of the meeting at which consideration of adoption of the negative declaration will be given.

(c) Notice of decisions to prepare an environmental impact report, negative declaration, or project exemption will be given to all organizations and individuals that have previously requested such notice. Notice will also be given by publication one time in a newspaper of general circulation in Monterey County.

**8.03.070. APPEAL OF ENVIRONMENTAL DECISION.**

(a) Within fifteen (15) days after the Executive Officer provides notice of a decision, any interested person may appeal the decision to the Board by completing and filing a notice of appeal at the Office of the Executive Officer.

(b) The appellant will pay a fee in the amount as specified in Section 8.01.050(a) of this Resolution.

(c) The Board will hear all appeals of decisions on any environmental issue. The hearing will be limited to considerations of the environmental or procedural issues raised by the appellant in the written notice of appeal. The decision of the Executive Officer will be presumed correct and the burden of proof is on the appellant to establish otherwise. The Board may uphold or reverse the environmental decision, or remand the decision back to the Executive Officer if substantial evidence of procedural or significant new environmental issues is presented.

(d) The decision of the Board will be final.

**8.03.080. CONFLICT DETERMINATIONS.**

This Article establishes procedural guidelines for the evaluation of the environmental factors concerning activities within the jurisdiction of the Authority and in accordance with State Guidelines. Where conflicts exist between this Article and State Guidelines, the State Guidelines prevail except where this Article is more restrictive.

## IMPLEMENTATION AGREEMENT

THIS IMPLEMENTATION AGREEMENT (this "Agreement") is made as of May 31, 2001, between the Fort Ord Reuse Authority ("FORA") and the City of Seaside (the "Jurisdiction") with reference to the following facts:

### RECITALS:

- A. FORA is a regional agency established under Government Code Section 67650 to plan, facilitate, and manage the transfer of former Fort Ord property from the United States Army (the "Army") to the governing local jurisdictions or their designee(s).
- B. FORA will acquire portions of the former Fort Ord from the Army, under an Economic Development Conveyance Memorandum of Agreement (hereinafter the "EDC Agreement") between FORA and the Army and dated June 20, 2000. FORA has delivered to the Jurisdiction a complete copy of the EDC Agreement, which includes a conveyance schedule and terms for property transfers.
- C. The Jurisdiction intends to acquire former Fort Ord property conveyed to FORA under the EDC Agreement. Such property is described in the attached Exhibit A (the "Jurisdiction Property").
- D. FORA, as a regional agency, adopted a Base Reuse Plan in June 1997, which identified (1) environmental actions required to mitigate development and redevelopment of the former Fort Ord (the "Basewide Mitigation Measures"), and (2) infrastructure and related costs necessary to accommodate development and redevelopment of the former Fort Ord (the "Basewide Costs").
- E. FORA is obligated by the California Environmental Quality Act, the Base Reuse Plan and the Authority Act (as defined in Section 1 below) to implement the Basewide Mitigation Measures and incur the Basewide Costs. To carry out such obligations, FORA intends to arrange a financing mechanism to apply to all former Fort Ord properties.
- F. In the Base Reuse Plan, FORA identified land sale and lease (or "property based") revenues, redevelopment revenues, and basewide assessments or development fees, as the primary sources of funding to implement the Basewide Mitigation Measures and to pay the Basewide Costs.
- G. The Authority Act requires all revenues received by FORA and/or the Jurisdiction for the Jurisdiction Property to be divided equally between FORA and the Jurisdiction.
- H. In September 1999, Congress passed Section 2821 of the National Defense Authorization Act for Fiscal Year 2000 (Pub. L. 106-65), otherwise known as No-Cost Economic Development Conveyance Legislation. This legislation allows the Army to transfer property to FORA under the EDC Agreement without monetary consideration. Under this legislation any Sale or Lease Proceeds [as defined in Section 1r below] must be applied to the economic development of the former Fort Ord.
- I. FORA and the Jurisdiction (the "Parties") wish to enter into this Agreement to achieve orderly reuse of the Jurisdiction Property and to meet the mutual financial obligations of the Parties.

WITH REFERENCE TO THE FACTS RECITED ABOVE, the Parties agree as follows:

### Section 1. Definitions.

The following capitalized and underscored terms have the following meanings when used in this agreement:

- a. Agreement means this Implementation Agreement.
- b. Army means the United States Army.
- c. Authority Act means, collectively, SB 899 and AB 1600 adopted in 1994, as codified at (i) Government Code Title 7.85, Chapters 1 through 7, commencing with Section 67650, and (ii) selected provisions of the California Redevelopment Law, including Health and Safety Code Sections 33492 et seq. and 33492.70 et seq.
- d. Base Closure Act means Section 2905(b)(4) of the Base Closure Act, as amended by Section 2821 of the Defense Authorization Act for Fiscal Year 2000, No-Cost EDC Legislation - Public Law 106-65.
- e. Base Reuse Plan means the Fort Ord Base Reuse Plan and its accompanying environmental impact report adopted and certified by the FORA Board in June 1997 to guide the reuse of the former Fort Ord, all as amended from time to time.
- f. Basewide Costs means the estimated costs identified in the Base Reuse Plan for the following: FORA Reuse Operations, Net Jurisdictional Fiscal Shortfalls, Caretaker Costs, and Demolition. The Basewide Costs are more particularly described in the Fort Ord Comprehensive Business Plan and the Findings attached to the Base Reuse Plan.
- g. Basewide Mitigation Measures means the mitigation measures identified in the Base Reuse Plan. Basewide Mitigation Measures include: basewide transportation costs; habitat management capital and operating costs; water line and storm drainage costs; FORA public capital costs; and fire protection costs. The Basewide Mitigation Measures are more particularly described in the Fort Ord Comprehensive Business Plan, described in Section 1(f), the Development and Resource Management Plan, and the Findings attached to the Base Reuse Plan.
- h. Direct Leasing Expenses means those leasing expenses actually and reasonably incurred by the Jurisdiction or FORA for purposes of Section 4(d) in the leasing out and operating, as landlord, of a portion of the Jurisdiction-Owned Jurisdiction Property. Such expenses include (without limitation): utilities; administrative overhead; police and fire protection services, to the extent that the need for such services is created by the leasing; insurance; depreciation of capital investments in the leased property in accordance with reasonable depreciation schedules; reasonable contributions to maintenance and replacement reserves; and maintenance.
- i. Direct Sale Expenses means those expenses actually and reasonably incurred by the Jurisdiction or FORA for purposes of Section 4(e) in selling Jurisdiction-Owned Jurisdiction Property to a *bona fide* purchaser for value.
- j. EDC Agreement means the Economic Development Conveyance Memorandum of Agreement between FORA and the Army by which FORA acquires portions of the former Fort Ord from the Army, including Jurisdiction Property.
- k. Fair and Equitable Share means a financial contribution to FORA to be applied toward a Jurisdiction's share of Basewide Mitigation Measures and Basewide Costs. The Fair and Equitable Share is calculated in connection with a particular parcel of Jurisdiction Property, consisting of the sum of the following:

(A) Fifty percent (50%) of the Sale or Lease Proceeds of the particular parcel of Jurisdiction-Owned Jurisdiction Property at the time of its permanent use, to be paid to FORA in accordance with Section 5(g) below; plus

(B) (i) FORA's allocation of tax increment revenue, under California Health and Safety Code Sections 33492.70 and following, generated by the particular parcel of Jurisdiction Property, if there is in effect with respect to the particular parcel of Jurisdiction Property a redevelopment plan adopted in accordance with California Health and Safety Code Sections 33492.70; or

(ii) Such alternate revenue as may be provided under any mechanism established in accordance with Section 10c below, if such a redevelopment plan is not in effect; plus payment of FORA fees and assessments as may be required for the development of the particular parcel of Jurisdiction Property in accordance with FORA's fee policy levied by the Jurisdiction in accordance with Section 6(a) below, subject to reduction on account of Jurisdiction performance and implementation of Basewide Mitigation Measures and Basewide Costs in accordance with Section 6(d) below. FORA's fee policy is attached to this Agreement as Exhibit C.

I. Fort Ord Master Resolution means the collection of administrative rules and regulations adopted by FORA under the Authority Act, as amended. As of the date of this Agreement, the Fort Ord Master Resolution consists of the Resolution adopted March 14, 1997, and amended November 20, 1998, February 19, 1999, and January 21, 2000.

m. FORA means the Fort Ord Reuse Authority.

n. Jurisdiction means the City of Seaside.

o. Interim Use means the Jurisdiction's use of transferred property prior to the Jurisdiction's establishment of a permanent use.

p. Jurisdiction-Owned Jurisdiction Property means all of the Jurisdiction Property that the Jurisdiction acquires through FORA.

q. Jurisdiction Property means the portions of the former Fort Ord located within the jurisdictional limits of the Jurisdiction.

r. Sale or Lease Proceeds means the consideration received by the Jurisdiction or FORA for purposes of Sections 4d and 4e when leasing or selling a portion of the Jurisdiction-Owned Jurisdiction Property, minus any Direct Leasing Expenses and/or Direct Sale Expenses.

s. Transaction Worksheet means a report from the Jurisdiction to FORA (in the form attached as Exhibit B) on the details of a proposed lease, sale, or equivalent use transaction involving Jurisdiction-Owned Jurisdiction Property. The Jurisdiction agrees to deliver a Transaction Worksheet to FORA before consummating any lease, sale, or equivalent use transaction, as more particularly described in Section 5 below. An equivalent use transaction is a transaction, other than a lease or sale transaction, through which the Jurisdiction permits third party use of Jurisdiction-Owned Jurisdiction Property in a manner that confers direct or indirect financial benefit to the Jurisdiction.

## Section 2. Compliance With Other Agreements.

a. The Jurisdiction shall use or transfer any Jurisdiction-Owned Jurisdiction Property in compliance with the EDC Agreement, the Base Reuse Plan, the Settlement Agreement in Sierra Club v.

FORA, Monterey County Superior Court Case Number 112014, executed November 30, 1998, the Fort Ord Master Resolution, and the deed restrictions, attached to this Agreement as Exhibit F.

b. FORA and the Jurisdiction shall spend Sale or Lease Proceeds in compliance with the EDC Agreement.

c. At least annually, commencing with the year in which the Army transfers a particular parcel of Jurisdiction Property to FORA and ending on the seventh (7<sup>th</sup>) anniversary of such transfer, the Jurisdiction shall submit to FORA a written report of the Jurisdiction's uses of all Sale or Lease Proceeds received by the Jurisdiction in connection with such parcel of Jurisdiction-Owned Jurisdiction Property and not shared with FORA under Section 5 (i) below. The Jurisdiction shall have forty-five (45) days from the anniversary of each transfer to prepare and submit its report to FORA.

d. Any liability caused by either Party's failure to spend Sale or Lease Proceeds in compliance with the EDC Agreement shall be borne by the Party who causes such liability.

Section 3. Compliance with Water/Waste Water Allocations.

a. In using, developing, or approving development on the Jurisdiction Property, the Jurisdiction shall not commit (or cause the commitment of) water resources that are unavailable to the Jurisdiction (whether through FORA allocations or otherwise).

b. FORA's current water allocations are set forth in the attached Exhibit E. On June 13, 1997, FORA adopted its Development and Resource Management Plan. Section 3.11.54 of that plan includes procedures for adjusting water allocations. That reallocation procedure is subject to FORA's general operating procedures in Chapter 8 of the FORA Master Resolution. Any such reallocation shall be reviewed by the FORA Water/Wastewater Oversight Committee prior to consideration by the FORA Board.

c. If FORA allocates wastewater discharge capacity rights to the Jurisdiction, any reallocation to these capacity rights shall be made in the same manner as provided in this section for adjustments to water allocations.

Section 4. Acquisition from Army; Disposition to Jurisdiction.

a. FORA shall diligently seek to acquire the portions of Jurisdiction Property from the Army identified within the EDC Agreement.

b. Concurrently with FORA's acquisition of Jurisdiction Property from the Army (or at such other times as the Parties may agree in writing), FORA shall transfer such property to the Jurisdiction, and the Jurisdiction shall accept such property. Upon transfer, such property shall become Jurisdiction-Owned Jurisdiction Property. Each transfer shall include the deed restrictions and notices found in Exhibit F.

c. FORA shall keep the Jurisdiction informed about any conveyance of Jurisdiction Property from the Army to FORA. FORA shall also prepare documents needed to convey property from FORA to the Jurisdiction.

d. If FORA decides to lease portions of the Jurisdiction Property to a third party after transfer from the Army to FORA, but prior to its transfer to the Jurisdiction, FORA agrees to obtain the Jurisdiction's prior written consent to such lease. FORA also agrees to distribute to the Jurisdiction fifty percent (50%) of the Sale or Lease Proceeds as defined in Section 1r.

e. The Jurisdiction may direct FORA to transfer property directly to a third party rather than to the Jurisdiction. If the Jurisdiction so elects, the distribution of Sale or Lease Proceeds as defined in Section 1r shall apply to the direct transfer.

Section 5. Subsequent Jurisdiction Disposition.

a. The Jurisdiction may dispose of Jurisdiction-Owned Jurisdiction Property in its discretion, consistent with this Section 5 and Section 6.

b. The Jurisdiction and FORA shall use a Transaction Worksheet, in substantially the form attached to this Agreement as Exhibit B, to document the estimated and final distribution of Sales or Lease Proceeds as more particularly described in the remaining subsections of this Section 5.

c. Forty-five (45) days prior to the Jurisdiction's anticipated final approval of any leasehold or fee transfer of a portion of Jurisdiction-Owned Jurisdiction Property, the Jurisdiction shall deliver to FORA a completed Transaction Worksheet that includes all relevant information about the proposed transfer as requested in the form attached to this Agreement as Exhibit B. FORA shall have the 45 days to review such Transaction Worksheet and informally resolve any issues it may have with the transaction. Within ten (10) business days after FORA requests substantiating documentation, the Jurisdiction shall deliver to FORA documents to support facts represented in the Transaction Worksheet. The Jurisdiction shall not approve any leasehold or fee transfer of a portion of Jurisdiction-Owned Jurisdiction Property until the earlier of (i) forty-five (45) days after delivering to FORA a Transaction Worksheet that includes all relevant information about the proposed transfer as requested in the form attached to this Agreement as Exhibit B, or (ii) thirty (30) days after FORA has confirmed in writing that the Transaction Worksheet is complete.

d. If FORA disagrees with the Transaction Worksheet, FORA shall provide the Jurisdiction with written notice of its objections, including specific objections and reasoning, at least three (3) business days before the meeting scheduled for the Jurisdiction's governing body to consider approval of the transfer. If the Jurisdiction has complied with the requirements of Section 5c and approves the transfer at the noticed meeting in the manner described in the Transaction Worksheet delivered to FORA, then FORA shall be deemed to have waived its right to protest the transfer unless FORA provided the Jurisdiction written notice of its protest, and the grounds on which it is based, at least three (3) business days prior to the noticed meeting. FORA shall be restricted to those objections contained in the written notice of objections.

Notwithstanding the foregoing provisions, the Parties acknowledge that the transfer process will benefit from early and detailed discussions between FORA and the Jurisdiction.

e. In disposing of Jurisdiction-Owned Jurisdiction Property, the Jurisdiction may require any level or type of consideration permitted by state law. In determining the lawful consideration, the Jurisdiction shall obtain and rely on an appraisal by an appraiser. Alternately, if the Jurisdiction-Owned Jurisdiction Property is within a redevelopment project area, then the Jurisdiction may rely upon an economic consultant's opinion of residual land value consistent in scope and approach with that employed by certified appraisers. In determining the property's fair market value, the appraiser or economic consultant shall be instructed to:

(i) assume that the highest and best use is (A) that use designated in the Base Reuse Plan, if the Jurisdiction authorizes development at such highest and best use, or (B) a less intensive use, consistent with the Base Reuse Plan, designated by the Jurisdiction under Chapter 8 of the Fort Ord Master Resolution, if applicable, and if the Jurisdiction restricts development to such less

intensive use, or (C) any less intensive land use, consistent with the Base Reuse Plan, required by the Jurisdiction in the applicable proposed transfer agreement; and

(ii) consider the effect of any development obligations and use restrictions in the proposed transfer agreement; and

(iii) consider the effect of customary local development fees and exactions, the FORA fees and exactions described in Section 6, and any special taxes or assessments that may be levied in accordance with Section 7.

Each Transaction Worksheet submitted to FORA must include a description of the property's fair market value established under the foregoing assumptions and considerations. If an appraiser determined such value, then the Transaction Worksheet must include the appraisal instructions. When and if the Jurisdiction-Owned Jurisdiction Property is within a redevelopment project area and value was determined by an economic consultant's opinion of residual land value, then the Transaction Worksheet must include a complete description of assumptions and method used to arrive at the value. Finally, the Jurisdiction shall document its analysis of each transaction in a reasonable manner, including staff reports and evidence offered to support governing body findings.

f. In disposing of Jurisdiction-Owned Jurisdiction Property, the Jurisdiction shall include in the disposition documentation a promise by the transferee, and its successors in interest, to comply with Section 7 of this Agreement and the deed restrictions in Exhibit F.

g. When the Jurisdiction receives Sale or Lease Proceeds, the Jurisdiction shall promptly deliver to FORA (i) fifty percent (50%) of the amount of such Sale or Lease Proceeds, and (ii) an update to any applicable Transaction Worksheet. The updated Transaction Worksheet, if any, shall identify the property for which the Sale or Lease Proceeds have been received and specify any Direct Sale Expenses or Direct Leasing Expenses that have been incurred or recalculated for the property since the delivery of the original Transaction Worksheet. The Jurisdiction shall deliver to FORA reasonable documentation to substantiate the information in a Transaction Worksheet update within ten (10) business days after receiving a request from FORA for such documentation.

h. The Sale or Lease Proceeds held by either the Jurisdiction or FORA after payments have been made to FORA under Section 5 (g) may be used by the Parties in any manner consistent with the EDC Agreement and the Base Reuse Plan. [See Authority Act GC 67678] and Base Closure Act.]. The Parties acknowledge that the EDC Agreement requires Sale or Lease Proceeds to be spent only on Economic Development Uses, as defined in the EDC Agreement.

i. Within forty-five (45) days of the end of the last preceding calendar year, the Jurisdiction shall file with FORA a report for the preceding year that summarizes (i) the transactions disclosed in Transaction Worksheets during the year, (ii) Sale or Lease Proceeds received during the year (including the calculation of Direct Sale Expenses and Direct Leasing Expenses), (iii) payments made to FORA during the year, and (iv) expenditures that the Jurisdiction made during the year with its retained Sale or Lease Proceeds. Within ten (10) days after a request by FORA for substantiating documentation, the Jurisdiction shall deliver to FORA reasonable documentation to substantiate the information in the annual report.

## Section 6. Basewide Mitigation Measures and Basewide Costs.

a. The Jurisdiction acknowledges that the Authority Act [at Government Code Section 67679(e)] prohibits the Jurisdiction from issuing a building permit for development projects on the Jurisdiction Property unless and until FORA has certified that all development fees that it has levied with

respect to the development project have been paid or otherwise satisfied. To assist FORA in levying development fees, and to the extent legally permissible, the Jurisdiction shall levy, on development projects on the Jurisdiction Property, development fees and assessments in accordance with FORA's adopted fee policy in effect from time to time, to be payable by the project applicant directly to FORA. FORA shall pay all Jurisdiction costs, including reasonable attorneys' fees, incurred defending any legal challenge to the Jurisdiction's authority to levy such development fees and assessments for the benefit of FORA. Nothing in the preceding sentence obligates the Jurisdiction to defend such legal challenge.

b. The Jurisdiction shall not approve a sale, lease, or equivalent use of Jurisdiction-Owned Jurisdiction Property until the Fair and Equitable Share for the particular parcel has been identified in a Transaction Worksheet submitted to FORA under Section 5c.

c. The Jurisdiction shall not complete an approved sale, lease, or equivalent use transaction with respect to a particular parcel of Jurisdiction-Owned Jurisdiction Property until (1) the method of payment of the Fair and Equitable Share for such property has either been established in accordance with the definition of Fair and Equitable Share; (2) some type of financing mechanism is in place to meet the Jurisdiction's Fair and Equitable Share for such property; or (3) otherwise arranged with FORA in writing. This requirement, which supplements other provisions of this Agreement providing for payment to FORA of the Fair and Equitable Share for such parcel, ensures that FORA will receive the tax increment (or equivalent) component of the Fair and Equitable Share for such parcel.

d. The Jurisdiction may fund (or cause the funding of) certain elements of Basewide Mitigation Measures or Basewide Costs from its own resources, grants, or from developers contracting with the Jurisdiction for reuse of the Jurisdiction Property. For each dollar of such Jurisdiction (or Jurisdiction-caused) funding that is not part of the Fair and Equitable Share, there shall be a one (1) dollar reduction in the Fair and Equitable Share that the Jurisdiction would otherwise owe to FORA with respect to any portion of the Jurisdiction Property. The Jurisdiction shall determine when and how the reduction in the Jurisdiction's Fair and Equitable Share will be accounted for. The Jurisdiction shall report on such reductions, including the source of the reduction and how the reduction will be accounted for, in each annual report submitted to FORA pursuant to Section 5(i) above. In addition, any Transaction Worksheet for a transaction in which such a reduction will be accounted for must describe the applicable reduction. Notwithstanding the foregoing, the Jurisdiction shall not fund (or cause the funding of) any elements of Basewide Mitigation Measures or Basewide Costs without first notifying FORA of the Jurisdiction's intention to do so. If FORA reasonably disapproves such funding it shall provide written notice of that disapproval to the Jurisdiction within fifteen (15) days after receipt of the Jurisdiction's notice of intention. Upon receipt of such notice of disapproval from FORA, the Jurisdiction shall not proceed with the proposed funding of Basewide Mitigation Measures or Basewide Costs.

e. When FORA has levied (or the Jurisdiction has levied for the benefit of FORA) development fees or assessments on development projects that constitute Interim Uses, the development fees or assessments paid to FORA in connection with such Interim Uses shall be credited toward development fees or assessments levied on subsequent development projects involving permanent uses of the same property. Under no circumstances is FORA obligated to refund development fees or assessments where a permanent use triggers development fees or assessments that are less than those for a prior Interim Use of the same property.

f. If FORA is unable, despite reasonable good faith efforts, to pay Basewide Costs and undertake Basewide Mitigation Measures, then upon a request from FORA, the Jurisdiction shall initiate a process to consider its own financing mechanisms to raise revenues to contribute, toward Basewide Costs and the cost of undertaking Basewide Mitigation Measures. Nothing in this Section 6(f) requires the Jurisdiction to adopt any specific financing mechanism or contribute any funds to alleviate FORA's funding insufficiency.

g. FORA shall pay Basewide Costs and undertake Basewide Mitigation Measures for the benefit of the Jurisdiction Property to the same extent that FORA pays Basewide Costs and undertakes Basewide Mitigation Measures for the benefit of other property. FORA may pay Basewide Costs and undertake Basewide Mitigation Measures in accordance with a FORA-approved schedule of improvements and mitigations, which may be modified from time to time. FORA shall, however, afford the Jurisdiction an opportunity to participate in FORA's approval of a schedule of improvements and mitigations. During any 5-year period, starting with the first FORA approval of a schedule of improvements and mitigations, the benefit to the Jurisdiction Property must be equitable and proportional to the benefit to other property benefited by Basewide Mitigation Measures.

Section 7. Formation of Financing District.

In consideration for the transfer of Property from FORA to the Jurisdiction, the Jurisdiction agrees, for itself, its tenants, and successors, in interest, not to interfere with, protest, or challenge the imposition and formation of any land-based financing district allowed by Government Code 67679(d) (a "Financing District"), which is reasonably necessary to implement the Basewide Costs and Basewide Mitigation Measures. The Jurisdiction further agrees to provide all reasonable assistance to FORA in such formation, including, if required, voting affirmatively for the formation of any such Financing District. A Financing District is  reasonably necessary to implement the Basewide Costs and Basewide Mitigation Measures if:

- (i) FORA's revenues from all other sources are reasonably expected to be inadequate to the Basewide Costs and Basewide Mitigation Measures consistent with FORA's policy adopted in January 1999 and previously approved in the Base Reuse Plan in 1997. (That cost is estimated to be as much as Two Hundred Twenty-Five Million Dollars [\$225,000,000]); and
- (ii) the special taxes or assessments from such Financing District are limited to the gap between the revenues needed by FORA for such purposes and the revenues otherwise reasonably available to FORA for such purposes.

The Jurisdiction and such tenants, successors in interest or assigns may, however, protest the rate or apportionment of special taxes or assessments over property within such a Financing District if such special taxes or assessments are greater than those identified in Exhibit C (as indexed for inflation). The Jurisdiction shall include this obligation in all conveyance instruments of the Jurisdiction-Owned Jurisdiction Property.

Section 8. Unique Situations.

The attached Exhibit D identifies applicable unique situations for which the allocation of Sale or Lease Proceeds or developer assessments vary from the provisions of sections 5 or 6.

Section 9. Development and Service Costs.

As between the Parties, the Jurisdiction shall be responsible for all development costs, except Basewide Mitigation Measures and Basewide Costs. Jurisdiction costs include, without limitation: non-basewide construction, property clearance, site preparation, project-specific demolition costs, and other project-specific development costs. Nothing in this Agreement requires the Jurisdiction to undertake any development of the Jurisdiction Property or to be responsible for payment of any taxes or fees that would normally be paid by developers or property owners.

Section 10. Redevelopment.

- a. The Jurisdiction shall initiate a process to consider the adoption of a redevelopment plan for a redevelopment area consisting of some or all of the Jurisdiction Property. Nothing in this Agreement requires the Jurisdiction to adopt a redevelopment plan.
- b. The Jurisdiction may assign its rights (and delegate its duties) under this Agreement to the redevelopment agency for the Jurisdiction's jurisdictional boundaries.
- c. If a redevelopment plan, adopted in accordance with California Health and Safety Code Sections 33492.70 and following, is not in effect with respect to all of the Jurisdiction Property within two (2) years after the date of this Agreement, or if a redevelopment plan, adopted in accordance with California Health and Safety Code Sections 33492 and following, is not in effect with respect to a particular parcel of the Jurisdiction Property by the time the Jurisdiction seeks to complete a sale, lease, or equivalent use transaction for such parcel, then the Parties shall negotiate in good faith to identify a financing mechanism that would result in FORA receiving revenue equal to the tax increment revenue that FORA would have received from the Jurisdiction Property (or applicable parcel). If the Parties fail to agree on the calculation of Fair and Equitable Share for a specific project within Jurisdiction Property, FORA may find a project inconsistent with the Base Reuse Plan, as provided in the Authority Act. Nothing in this Section 10© obligates the Jurisdiction to implement any particular financing mechanism.

Section 11. Ordinance.

The Parties shall cooperate with the Army's investigation, characterization, and remediation of potential ordnance and explosives impediments to allow the reuse of the Jurisdiction Property as contemplated by the Base Reuse Plan.

Section 12. Public Information.

FORA and the Jurisdiction will cooperate in providing appropriate public information in open meetings as necessary or requested by the Jurisdiction.

Section 13. Audit.

Each Party may, at its own expense, audit those records of the other Party that directly relate to performance under this Agreement. Each Party has an obligation to make all such records available, within a reasonable period of time, to the auditing Party.

Section 14. Notice.

Formal notices, demands, and communications between the Parties shall not be deemed given unless sent by certified mail, return receipt requested, or express delivery service with a delivery receipt, or personal delivery with a delivery receipt, to the principal office of the Parties as follows:

Jurisdiction:

City of Seaside  
ATTN: Dan Keen,  
City Manager  
440 Harcourt Avenue  
Seaside, CA 93955

FORA:

Fort Ord Reuse Authority  
ATTN: Michael A. Houlemard, Jr.,  
Executive Officer  
100 12<sup>th</sup> Street, Bldg. 2880  
Marina, California 93933

Such written notices, demands, and communications may be sent in the same manner to such other addresses as the affected Party may from time to time designate as provided in this Section 14. Receipt shall be deemed to have occurred on the date marked on a written receipt as the date of delivery or refusal of delivery (or attempted delivery if undeliverable).

Section 15. Title of Parts and Sections.

Any titles of the sections or subsections of this Agreement are inserted for convenience of reference only and shall be disregarded in interpreting any part of the Agreement's provisions.

Section 16. Severability.

If any term of this Agreement is held in a final disposition by a court of competent jurisdiction to be invalid, then the remaining terms shall continue in full force unless the rights and obligations of the Parties have been materially altered by such holding of invalidity.

Section 17. Dispute Resolution.

a. Dispute resolution procedure. If any dispute arises between the Parties under this Agreement, the Parties shall resolve the dispute in accordance with this Section 17.

b. Duty to meet and confer. The Parties shall first meet and confer in good faith and attempt to resolve the matter between themselves. Each Party shall make all reasonable efforts to provide to the other Party all the information in its possession that is relevant to the dispute, so that both Parties have the information needed to reach agreement. If these negotiations fail to produce agreement after fifteen (15) days from the initial demand, either Party may demand mediation.

c. Mediation. If meeting and conferring do not resolve the dispute, then the matter shall be submitted for formal mediation to the Mediation Center of Monterey County, the American Arbitration Association, the Judicial Arbitration and Mediation Services, or such other mediation service as the parties may mutually agree upon. Either Party may terminate the mediation if it fails to produce agreement within forty-five (45) days from selection of the mediator. The expenses of such mediation shall be shared equally between the Parties.

d. Arbitration. If the dispute has not been resolved by mediation, and if both Parties wish to pursue arbitration, then the dispute shall be submitted to arbitration. The decision of the arbitrator or arbitrators shall be binding, unless within thirty (30) days after issuance of the arbitrator's written decision, either Party files an action in court.

- (i) Any potential arbitrator must affirmatively disclose all of his or her potential conflicts of interest, and a description of the nature of his or her past and current law practice (if applicable), before the Parties select the arbitrator. A Party may disqualify any potential arbitrator whom the Party subjectively perceives to have a conflict or bias.

Any potential arbitrator must be a qualified professional with expertise in the area that is the subject of the dispute, unless the Parties otherwise agree.

- (ii) The Parties shall jointly select a single arbitrator.
- (iii) Before commencement of the arbitration, the Parties may elect to have the arbitration proceed on an informal basis; however, if the Parties are unable so to agree, then the arbitration shall be conducted in accordance with Code of Civil Procedure Sections 1280 and following, and to the extent that procedural issues are not there resolved, in accordance with the rules of the American Arbitration Association. Notwithstanding the foregoing, the requirements of Section 17(d)(iv) shall apply.
- (iv) The arbitrator must issue a written decision setting forth the legal basis of the decision, making findings of all relevant facts and stating how the law was applied to the found facts, and the decision must be consistent with and apply the law of the State of California.

e. Attorney's Fees and Costs. Should the dispute of the Parties not be resolved by negotiation or mediation, and in the event it should become necessary for either Party to enforce any of the terms and conditions of this Agreement by means of arbitration, court action or administrative enforcement, the prevailing Party, in addition to any other remedy at law or in equity available to such Party, shall be awarded all reasonable cost and reasonable attorney's fees in connection therewith, including the fees and costs of experts reasonably consulted by the attorneys for the prevailing Party.

f. Judicial Resolution. If the dispute is not or cannot be resolved by mediation, and if there is not agreement between the Parties to pursue arbitration, then either Party may commence an action in the Superior Court of Monterey County. The prevailing Party, in addition to any other remedy at law or in equity available to such Party, shall be awarded all reasonable costs and reasonable attorney's fees, including the fees and costs of experts reasonably consulted by the attorneys for the prevailing Party.

g. Prevailing Party. For purposes of Sections 17(e) and (f), "prevailing Party" shall include a Party that dismisses an action for recovery hereunder in exchange for payment of the sum allegedly due, performance of covenants allegedly breached, or consideration substantially equal to the relief sought in the action or proceeding.

#### Section 18. Entire Agreement.

This Agreement contains the entire agreement of the Parties with respect to Jurisdiction Property. No other statement or representation by any employee, officer, or agent of either Party, which is not contained in this Agreement, shall be binding or valid.

#### Section 19. Multiple Originals; Counterparts.

This Agreement may be executed in multiple originals, each of which is deemed to be an original, and may be signed in counterparts.

#### Section 20. Modifications.

This Agreement shall not be modified except by written instrument executed by and between the Parties.

Section 21. Interpretation.

This Agreement has been negotiated by and between the representatives of both Parties, both Parties being knowledgeable in the subject matter of this Agreement, and each Party had the opportunity to have the Agreement reviewed and drafted by their respective legal counsel. Accordingly, any rule of law (including Civil Code Section 1654) or legal decision that would require interpretation of any ambiguities in this Agreement against the Party that has drafted it is not applicable and is waived. The provisions of this Agreement shall be interpreted in a reasonable manner to effectuate the purpose of the Parties and this Agreement.

Section 22. Relationship of the Parties.

Nothing in this Agreement shall create a joint venture, partnership or principal-agent relationship between the Parties unless specifically provided herein.

Section 23. Waiver.

No waiver of any right or obligation of either Party hereto shall be effective unless in writing, specifying such waiver, executed by the Party against whom such waiver is sought to be enforced. A waiver by either Party of any of its rights under this Agreement on any occasion shall not be a bar to the exercise of the same right on any subsequent occasion or of any other right at any time.

Section 24. Further Assurances.

The Parties shall make, execute, and deliver such other documents, and shall undertake such other and further acts, as may be reasonably necessary to carry out the intent of this Agreement.

Section 25. Days.

As used in this Agreement, the term "days" means calendar days unless otherwise specified.

AS OF THE DATE FIRST WRITTEN ABOVE, the Parties evidence their agreement to the terms of this Agreement by signing below:

Fort Ord Reuse Authority,  
A Public Corporation of the State of California

City of Seaside,  
A Political Subdivision of the State of California

By: [Signature]  
Its: Executive Officer

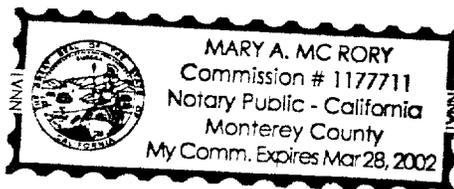
By: [Signature]  
Its: Mayor

**NOTARY ACKNOWLEDGMENT**  
STATE OF CALIFORNIA, COUNTY OF MONTEREY

On May 22, 2001, before me Mary A. McRory Notary Public, personally appeared Jerry C. Smith personally known to me or ~~proved on the basis of satisfactory evidence~~ to be the person whose name is subscribed on the accompanying instrument and acknowledged to me that he/she executed the instrument in his/her authorized capacity and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal, NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

Mary A. McRory  
03/02/01 final draft  
City of Seaside.042301



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

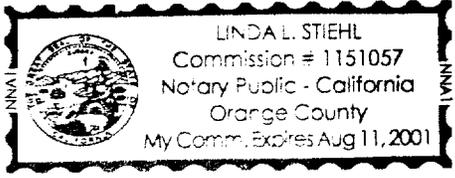
State of California

County of Monterey

On May 31, 2001 before me, Linda L. Stehl, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Michael A. Houlemard, Jr.  
Name(s) of Signer(s)

personally known to me - **OR** -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Linda L. Stehl  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Implementation Agreement

Document Date: May 31, 2001 Number of Pages: 30 28<sup>28</sup>

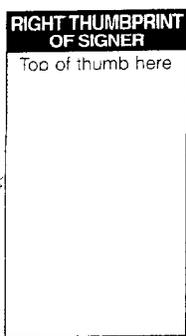
Signer(s) Other Than Named Above: Jerry C. Smith

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Michael A. Houlemard, Jr.

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: Executive

Officer of  
Fort Ord Reserve Auth.  
Signer Is Representing:

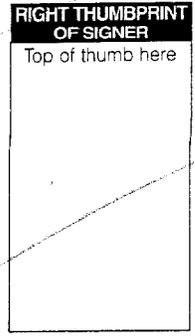


Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing:

\_\_\_\_\_  
\_\_\_\_\_



**EXHIBIT A**  
**DESCRIPTION OF THE JURISDICTION PROPERTY**

A. FORA proposes to transfer the following real property to the Jurisdiction under this Agreement: all COE parcels that designate the Jurisdiction (City of Seaside) as the final recipient.<sup>1</sup>

B. All personal property located on the above-described real property, including, but not limited to, all buildings, facilities, roadways, and other infrastructure, including the storm drainage systems and the telephone system infrastructure, and any other improvements thereon (including all replacements or additions thereto between the date of this Agreement and the date of conveyance of the Property to FORA).

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<sup>1</sup> See Exhibit A, Attachment 1, for the FORA Parcels Using COE Parcel Numbers map with attached COE Description of Properties previously described as Exhibit "A" of the Memorandum of Agreement Between the Department of the Army and the Fort Ord Reuse Authority dated June 20, 2000.

EXHIBIT B  
Transaction Detail Report – Form  
FORT ORD REUSE AUTHORITY

<b>TRANSACTION #</b>		<b>JURISDICTION:</b>	
Seller/Lessor: Address:		Buyer/Lessee: Address:	
Phone: Fax:		Phone: Fax:	
<b>Escrow Company:</b>			
<b>Title Company:</b>			
<b>Property Location:</b>			
<b>Parcel #:</b>		<b>Size:</b>	
<b>Valuation Company/Firm:</b>		<b>Date of Valuation:</b>	
<b>Valuation Instructions/Specifics:</b>			
<b>Demolition Required:</b> No <input type="checkbox"/> Yes <input type="checkbox"/> \$ _____ <b>Cost</b>			
<b>Instructions:</b> _____ _____			
<b>Value:</b>			
<b>Proposed Uses of Property:</b>			
<b>Interim Use (Lease):</b> Yes <input type="checkbox"/> No <input type="checkbox"/> <b>Description:</b>			
<b>Costs of Sale/Lease:</b>			
	<b>Estimated</b>	<b>Final</b>	<b>Date</b>
1. Fees (Recording)			
2. Administrative Costs			
3. Title Report			
4. Subdivision Map and Surveys			
5. Site Improvements			
6. Title Insurance			
7. Brokers Fees			
8. Off-Site Improvements			
9. Taxes			
10. Special Conditions			
11. Leasing Expenses			
12. Special Enhancements			
13. Other Items (Attach Supplemental as needed)			

FORT ORD REUSE AUTHORITY	[JURISDICTION]
_____	_____

EXHIBIT C

***Basewide Development Fee/Assessments***

New Residential	\$29,600 per unit
Preston Lease	\$0
Preston Sale	\$8,900 per unit
Other Existing Housing	\$8,900 per unit
New Retail	\$80,000 per acre
New Industrial/Business office	\$3,880 per acre
Hotel/Motel	\$6,600 per room
Park/Recreation	\$-0-

Interim rental fees from Interim Use as defined in Section 1(o) and described in Section 6(e) of this Agreement.

## EXHIBIT D

### UNIQUE SITUATIONS WITH UNIQUE ALLOCATIONS OF SALE OR LEASE PROCEEDS

**PRESTON PARK HOUSING:** The three hundred fifty-four (354) units of housing within Preston Park shall be administered as provided in this Agreement, subject to the following additional provisions:

1. The Fort Ord Reuse Authority (FORA) and the City of Marina (Marina) agree to abide by the action taken by FORA Board in December 1999 to apply the net revenues from the leasing of the Preston Park Housing Complex to capital projects and related costs at the former Fort Ord. In addition, FORA and Marina agree that the extension of the Preston Park Lease Agreement as approved by the FORA Board and as attached hereto will govern the expanded area of leasing as may be amended from time to time and as permitted through the term of the lease amendment. FORA and Marina also agree that all revenues from the leasing of the Preston Park Housing Complex shall be in accordance with section 5(g) of this Implementation Agreement. If Marina, at its discretion, at some point in the future, elects to sell a portion or all of the Preston Park Housing Parcels, the proceeds will be distributed and the assessment of the property shall be in accordance with any other transaction covered by this agreement.

The sublease with Mid-Peninsula Housing Corporation shall remain in effect for its term, as extended, and the provisions of the lease to FORA shall apply to the administration of the housing. In March 2000, FORA extended the lease with the U.S. Army for five additional years, with a one-year option to extend. The one-year option is available only if FORA is unable to recover its construction/rehabilitation costs during the five-year extension period.

2. Charges, including those paid to support Marina Public Safety services, may be taken and applied by the City in a manner consistent with the practices and policies, which have applied heretofore in the administration of the sublease and its implementing measures, for the term of the sublease and any extension thereto.
3. The action allocating Preston Park revenues to projects, as taken by the FORA Board of Directors in December 1999, shall continue to apply and the amount of net revenues allocated from the lease of the Preston Park Housing recommended by the Marina City Council and approved by the FORA Board shall continue to be allocated to capital projects and related costs at the former Fort Ord. Clarifications of the approved allocation list shall be made by joint action with a recommendation from the Marina City Council and approval by the FORA Board of Directors.
4. Upon recommendation from the Marina City Council and approval by the FORA Board of Directors, the lease and sublease of Preston Park Housing may be extended for the support of the Department of Defense mission in the Monterey Bay area, to include units within Abrams Park Housing.
5. Any sale of Preston Park housing, or leasing beyond the terms described in this Exhibit, and the distribution of the proceeds there from, shall be in accordance with the provisions of this Agreement.

#### **HAYES HOUSING:**

In consideration for the City of Seaside's agreement to undertake the basewide costs associated with building removal at the Hayes Park Project, the development fees for the Hayes Park developer will be reduced by \$10,000 per dwelling unit removed. It is anticipated that this provision will be formally enacted by separate agreement between FORA and Seaside at a future date. To the extent such agreement modifies this general provision, it supersedes this section.

EXHIBIT E

WATER RESERVATIONS AND ALLOCATIONS (Current Year)

ENTITY	FORT ORD REUSE PLAN ALLOCATION In Acre Feet per Year (AFY)	
ORD MILITARY COMMUNITY (Reservation)		1729
CSUMB		1035
UC MBEST		230
COUNTY		560
COUNTY/STATE PARKS		45
DEL REY OAKS		75
MONTEREY		65
MARINA (SPHERE)		10
SEASIDE		710
MARINA		1175
<hr/>		
TOTAL ALLOCATIONS		5634
	Assumed Line Loss	532
	Reserve	434
<hr/>		
Total		6600

**EXHIBIT F  
DEED RESTRICTION AND COVENANTS**

The Deed Restriction and Covenants is made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by the Fort Ord Reuse Authority ("Owner"), a governmental public entity organized under the laws of the State of California, with reference to the following facts and circumstances.

- A. Owner is the owner of the real property described in Exhibit A to this Deed Restriction and Covenants ("the property"), by virtue of a conveyance of the property from the United States Government and/or the United States Department of the Army to Owner in accordance with state and federal law, the Fort Ord base Reuse Plan ("the Reuse Plan"), and the policies and programs of the Fort Ord Reuse Authority.
- B. Future development of the property is governed under the provisions of the Reuse Plan and other applicable general plan and land use ordinances and regulations of the local governmental entity on which the property is located consistent with the Reuse Plan.
- C. The Reuse Plan provides that the property can only be used and developed in a manner consistent with the Reuse Plan.
- D. The Reuse Plan recognizes that development of all property conveyed from FORA is constrained by limited water, sewer, transportation, and other infrastructure services and by other residual effects of a former military reservation, including unexploded ordinance.
- E. It is the desire and intention of Owner, concurrently with its acceptance of the conveyance of the property, to recognize and acknowledge the existence of these development constraints on the property and to give due notice of the same to the public and any future purchaser of the property.
- F. It is the intention of the Owner that this Deed Restriction and Covenants is irrevocable and shall constitute enforceable restrictions on the property.

NOW, THEREFORE, Owner hereby irrevocably covenants that the property subject to this Deed Restriction and Covenants is held and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied, and improved subject to the following restrictions and covenants on the use and enjoyment of the property, to be attached to and become a part of the deed to the property. The Owner, for itself and for its heirs, assigns, and successors in interest, covenants and agrees that:

1. Development of the property is not guaranteed or warranted in any manner. Any development of the property will be and is subject to the provisions of the Reuse Plan, the policies and programs of the Fort Ord Reuse Authority, including the Authority's Master Resolution, and other applicable general plan and land use ordinances and regulations of the local governmental entity on which the property is located and compliance with CEQA.

2. Development of the property will only be allowed to the extent such development is consistent with applicable local general plans which have been determined by the Authority to be consistent with the Reuse Plan, including restraints relating to water supplies, wastewater and solid waste disposal, road capacity, and the availability of infrastructure to supply these resources and services, and does not exceed the constraint limitations described in the Reuse Plan and the Final Program Environmental Impact Report on the Reuse Plan.

3. \_\_\_\_\_ (Left blank on purpose)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. This Deed Restriction and Covenants shall remain in full force and effect immediately and shall be deemed to have such full force and effect upon the first conveyance of the property from FORA, and is hereby deemed and agreed to be a covenant running with the land binding all of the Owner's assigns or successors in interest.
5. If any provision of this Deed Restriction and Covenants is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.
6. Owner agrees to record this Deed Restriction and Covenants as soon as possible after the date of execution.

IN WITNESS WHEREOF, the foregoing instrument was subscribed on the day and year first above-written.

**Owner**

**NOTARY ACKNOWLEDGMENT**  
STATE OF CALIFORNIA  
COUNTY OF MONTEREY

On \_\_\_\_\_, 2001, before me \_\_\_\_\_, Notary Public personally appeared \_\_\_\_\_ personally known to me or proved on the basis of satisfactory evidence to be the person whose name is subscribed on the accompanying instrument and acknowledged to me that he/she executed the instrument in his/her authorized capacity and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal, NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA



EXHIBIT "A"  
DESCRIPTION OF PROPERTIES

Search Results: Click Back Button on Browser to Search Again.  
Parcels Database last updated on: 10/4/99 1:54:42 PM  
Total Acreage from Query is: 5188.101 Acres

COE Number	Parcel Name	Acreage	Jurisdiction	Recipient	Transfer Status
E11a	Habitat management	154.5	County	EDC	in progress
E11b.1	development / mixed use /ac limit	24.7	County	EDC	in progress
E11b.2	development / mixed use-ac limit	41.7	County	EDC	in progress
E11b.3	sewer treatment facility / development mix	6.2	County	EDC	in progress
E11b.4	water tank 147	0.1	County	EDC	in progress
E11b.6	development / mixed use-aac limit	129.4	County	EDC	in progress
E11b.7	development / mixed use-ac limit	255.3	County	EDC	in progress
E11b.8	ASP / development mixed use	58.8	County	EDC	in progress
E15.1	ROW / retail	49.1	Seaside	EDC	in progress
E15.2	open space	28.7	Seaside	EDC	in progress
E18.1	housing future	73	Seaside	EDC	in progress
E18.2.1	ROW Gigling road	4.9	Seaside	EDC	in progress
E18.2.2	ROW Gigling road	0.1	County	EDC	in progress
E18.3	ROW Normandy/Parker Flats	6.2	Seaside	EDC	in progress
E18.4	water tank	2.2	Seaside	EDC	in progress
E19a.1	housing SFD low density	265.7	County	EDC	in progress

E19a.2	housing SFD low density	218.4	County	EDC	in progress
E19a.3	housing SFD low density	209.3	County	EDC	in progress
E20b	housing Stilwell	101.8	Seaside	EDC	in progress
E20c.1.1.1	housing future	75	Seaside	EDC	in progress
E20c.1.1.2	housing future	113.9	Seaside	EDC	in progress
E20c.1.2	Cable TV area	0.3	Seaside	EDC	in progress
E20c.1.3	ROW N/S road	10.4	Seaside	EDC	in progress
E20c.2.1	housing future	92.5	Seaside	EDC	in progress
E20c.2.2	water tanks/pumps	2.3	Seaside	EDC	in progress
E21a	housing SF low density	138.7	County	EDC	in progress
E21b.1	housing SFD low density	156.7	County	EDC	in progress
E21b.2	housing SFD low density	134.2	County	EDC	in progress
E21b.3	housing SFD low density	58.5	County	EDC	in progress
E23.1	ROW / retail	47.5	Seaside	EDC	in progress
E23.2	ROW / housing future SFD med density	72.6	Seaside	EDC	in progress
E24	ROW / housing future SFD med density	197.1	Seaside	EDC	in progress
E29	BPL/O/R&D	34.5	County/Monterey	EDC	in progress
E29a	visitor center / bus park	273.3	Del Rey Oaks	EDC	in progress
E29b.1	ROW future Hwy 68 / habitat	34.5	Del Rey Oaks	EDC	in progress
F29b.2	ROW/BP/L/O/R&D	30.1	County/Monterey	EDC	in progress

E29b.3	BP/LL/O/R&D	28.4	County/Monterey	EDC	in progress
E29e	ROW/future Hwy 68/OP/R&D	9.5	County/Monterey	EDC	in progress
E2a	development / mixed use	63.7	Marina	EDC	in progress
E2b.1.1.1	development / mixed use	24	Marina	EDC	in progress
E2b.1.1.2	development / mixed use	1.2	Marina	EDC	in progress
E2b.1.2	ROW road	10.6	Marina	EDC	in progress
E2b.1.3	development / mixed use	33.6	Marina	EDC	in progress
E2b.1.4	ROW road	2.2	Marina	EDC	in progress
E2b.1.5	development / mixed use	12.2	Marina	EDC	in progress
E2b.2.1	development / mixed use	71.1	Marina	EDC	in progress
E2b.2.2	ROW road	0.8	Marina	EDC	in progress
E2b.2.3	ROW road	4.4	Marina	EDC	in progress
E2b.2.4	development / mixed use	7.5	Marina	EDC	in progress
E2b.2.5	2/12 Pump and Treat Facility	1.5	Marina	EDC	in progress
E2b.3.1.1	development / mixed use	108.6	Marina	EDC	in progress
E2b.3.1.2	CID Building	1.6	Marina	EDC	in progress
E2b.3.2	ROW 8th St	0.1	Marina	EDC	in progress
E2c.1	development / mixed use	13.2	Marina	EDC	in progress
E2c.2	OU2 Pump and Treat Facility	1.1	Marina	EDC	in progress
E2c.3.1	development / mixed use	10	Marina	EDC	in progress

E2c.3.2	ROW road		13.8	Marina	EDC	in progress
E2c.3.3	development / mixed use		31.7	Marina	EDC	in progress
E2c.4.1.1	ROW road		8.9	Marina	EDC	in progress
E2c.4.1.2	ROW road		2.8	Marina	EDC	in progress
E2c.4.2.1	development / mixed use		13.1	Marina	EDC	in progress
E2c.4.2.2	development / mixed use		2.4	Marina	EDC	in progress
E2c.4.3	ROW road		1.9	Marina	EDC	in progress
E2c.4.4	ROW road		1.1	Marina	EDC	in progress
E2d.1	development / mixed use		15.2	Marina	EDC	in progress
E2d.2	ROW		5.4	Marina	EDC	in progress
E2d.3	development / mixed use		46.6	Marina	EDC	in progress
E2e.1	ROW 6th Ave / 8th St Road		6.1	Marina	EDC	in progress
E2e.2	ROW Intergarrison road		0.2	County	EDC	in progress
E3.1a	bus park /LI/O/R&D		5.2	Del Rey Oaks	EDC	in progress
E3.1b	bus park /LI/O/R&D		3.1	Del Rey Oaks	EDC	in progress
E3.1c	bus park /LI/O/R&D		4.2	Del Rey Oaks	EDC	in progress
E3.4	ROW / housing future SFD med density		94.7	Seaside	EDC	in progress
E3.6	bus park /LI/O/R&D		6.3	Del Rey Oaks	EDC	in progress
E4.1.1	housing lower Patton		154	Marina	EDC	in progress
E4.1.2.1	housing lower Patton		13	Marina	EDC	in progress

E4.1.2.2	housing lower Patton	23	Marina	EDC	not started
E4.1.2.3	ROW Booker Str /lower Patton	1	Marina	EDC	not started
E4.2	housing upper Patton	64.2	Marina	EDC	in progress
E4.3.1	housing Abrams	179.6	Marina	EDC	in progress
E4.3.2.1	housing Abrams	43.6	Marina	EDC	in progress
E4.3.2.2	Housing Lexington Court	7.9	Marina	EDC	in progress
E4.4	housing Preston	98.9	Marina	EDC	in progress
E4.5	water treatment facility	2.9	Marina	EDC	in progress
E4.6.1	ROW middle Imjin road	25	Marina	EDC	in progress
E4.6.2	ROW Imjin road	17.3	County	EDC	in progress
E4.7.1	ROW NE Imjin road	5	Marina	EDC	in progress
E4.7.2	ROW Imjin road	3.1	County	EDC	in progress
E5a	development / mixed use	45.7	Marina	EDC	in progress
E5b	development / mixed use	3.2	Marina	EDC	in progress
E8a.1	Landfill, 75 acre development, HMP	304.1	County	EDC	in progress
E8a.2	Landfill carrot, Univ med density residential	4	County	EDC	in progress
L20.10.1	ROW / north Reservation road	26.2	County	EDC	in progress
L20.10.2	ROW / north Reservation road	5.2	County	EDC	in progress
L20.10.3	ROW / north Reservation road	2.2	County	EDC	in progress
L20.11.1	ROW / Blanco road	31.2	County	EDC	in progress

L20.11.2	ROW Blanco road	7.7	Marina	EDC	in progress
L20.13.1	ROW N/S road	2	Del Rey Oaks	EDC	in progress
L20.13.3.1	ROW S Boundary / NS road	7.9	Del Rey Oaks	EDC	in progress
L20.13.3.2	ROW / part S Boundary Road	2.1	County/Monterey	EDC	in progress
L20.13.4.1	ROW S Boundary / future Hwy 68	0.8	Del Rey Oaks	EDC	in progress
L20.13.4.2	ROW / part S Boundary Road	0.8	County/Monterey	EDC	in progress
L20.13.5	ROW / S Boundary / York road	5.9	County/Monterey	EDC	in progress
L20.14.1	ROW / East Intergarrison road	16.2	County	EDC	in progress
L20.14.2	ROW / Mid Intergarrison road	3.2	County	EDC	in progress
L20.18	ROW / Eucalyptus road	7.2	County	EDC	in progress
L20.19	ROW / North Barloy Canyon road	10.3	County	EDC	in progress
L20.20	ROW / west Camp road	2.3	County	EDC	in progress
L20.21	ROW / part Watkins Gate road	4.4	County	EDC	in progress
L20.22	ROW / Chapel Hill road	2.4	County	EDC	in progress
L20.9	ROW / south Reservation road	18.9	County	EDC	in progress
L23.3.1	development mixed use-ac limit	54.5	County	EDC/MPC	not started
L23.3.2.1	development mixed use-ac limit/historic district	83.2	County	EDC/MPC	not started
L23.3.2.2	development mixed use-ac limit	20.1	County	EDC/MPC	not started
L23.3.3	development mixed use-ac limit	36.4	County	EDC/MPC	not started
L31	Esselen Parcel Surplus II	11.7	Seaside	EDC	in progress

L32.1	public facilities/inst Surplus II	2.9	County	EDC	in progress
L32.4.1	development mixed use / retail Surplus II	52.4	Seaside	EDC	in progress
L32.4.2	ROW / development mixed use / Surplus II	4.3	County	EDC	in progress