



January 26, 2018

Members of the Seaside City Council and Planning Commission
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Subject: Review of Draft Seaside General Plan Update

City Councilmembers and Planning Commissioners,

LandWatch supports the City of Seaside's vision of infill, mixed-use, and bicycle-friendly and pedestrian-friendly development, as described in the draft Seaside General Plan Update (GPU). In order to achieve this vision, the GPU will need to be substantially refined, as our comments describe. LandWatch's review of the draft Seaside GPU follows a [previous review of its housing element](#).

Overarching Recommendations

1. The GPU should be refined to clearly demonstrate how land use data from AMBAG and other reputable sources informs its land use policies and priorities.
 - The GPU should establish the relationship between land use data and land use policy. We recommend that the GPU use AMBAG's economic and population projections and establish the nexus between the projections and Seaside GPU land use designations. Using AMBAG data assures consistency with the Air Quality Management Plan, Regional Transportation Plans, etc.
 - The Plan should clarify the water data it is using and determine how much water is available for Seaside's projected economic and housing growth.
2. The GPU should make tough land use decisions by identifying specific constraints to future growth and prioritizing limited resources, such as water.
 - In terms of land use policy, we recommend that water allocations be prioritized for infill, revitalization of the downtown and affordable housing prior to expansion into future growth areas because lack of a sustainable water supply is a significant constraint on Seaside's future growth.

3. GPU policies should be revised to be mandatory or to include measureable performance standards for voluntary policies.
 - The Plan is heavy on admirable vision and light on measurable goals. The implementation section is very generic and does not indicate hard choices or priorities. Implementation, like the plan, should be guided by desired outcomes that the City can measure. Best practice is that the City discuss key implementation measures at the same time as policy goals, such as land use designations that are specific enough so they can be implemented through the zoning ordinance; priorities for capital improvement projects, etc.
 - Many of the policies are vague and unenforceable.
 - With vague language, the General Plan leads the public to believe that specific direction is given but in fact no direction is given. It also creates uncertainty and costs for developers.
 - Subjective language and “standards” will hamper achievement of certain goals, in particular housing.
 - Additionally, uncertainty may lead to litigation on future development projects.
4. The draft residential land use policies in particular should be refined to establish performance standards that lead to a mix of housing types, especially multi-family units.
 - The plan should resolve strong contradictions between the objective of increasing housing supply and types on the one hand and commitments to "neighborhood preservation" and neighborhood design standards and neighborhood consultation on the other.
 - To speed approvals, reduce costs, and avoid multiple reviews, the plan should identify as an implementation measure, ministerial review of residential development projects in areas designated as Neighborhood Medium, Neighborhood High, and Neighborhood General. In addition, ministerial review should be applied to all residential projects that contain at least 30% affordable housing.
 - The plan should incorporate Monterey Bay Economic Partnership housing policies, including density bonuses, parking easements and ADU policies.
 - The plan should include specific housing implementation measures (see LandWatch’s previous letter).
5. The structure of the plan makes it difficult to evaluate in relationship to State General Plan requirements.
 - In general, the Draft General Plan does not conform to specific mandated elements, combines various elements and includes voluntary elements. Additionally, information required by the State is frequently dispersed throughout the document.
 - For example, State law requires that water supply issues be addressed in the Conservation Element; this general plan addresses them in the Infrastructure Element that is not a required State element.
6. The GPU doesn’t make clear how the Fort Ord Reuse plan fits into the overall plan strategy and the achievement of the goals, including such things as infrastructure spending. The Reuse Plan proposes to double Seaside’s population, housing and employment, but the General Plan update doesn’t include an analysis of this growth. The

Reuse Plan including all applicable policies should be directly integrated into the General Plan, and its impacts on water, traffic, and infrastructure should be analyzed.

Subjective Policy Language

The following “voluntary” policies should be mandatory or include measureable performance standards:

- *Public access areas.* Strive to implement pedestrian and bicycle access improvements along Canyon Del Rey Boulevard and from the Main Gate area to provide safe passage to the coast.
- *Loss of sensitive species.* Strive to minimize the loss of sensitive species and critical habitat areas in areas planned for future development.
- *Habitat restoration.* Restore habitat areas where habitat has been disturbed by activities on the former Fort Ord lands, if economically feasible, in development of Specific Plans.
- *Inland water resources.* Strive to protect and enhance creeks, lakes, and adjacent wetlands by eradicating non-native vegetation and restoring native vegetation.
- *Development near habitat management areas.* Require new development adjacent to habitat management areas to minimize new impervious surface, minimize light pollution, and emphasize native landscaping.
- *Hillside protection.* When grading is necessary, encourage grading for new development that complements the surrounding natural features.
- *Native species.* Encourage new development to support a diversity of native species and manage invasive species.
- *Invasive species.* Discourage the use of plant species on the California Invasive Plant Inventory.
- *Stormwater area and wetlands.* Incorporate wetland features into stormwater control facilities to the extent practicable.
- *Protect critical habitats.* Preserve, protect, and improve open space areas to the greatest extent possible to improve on existing limited habitats outlined by the Local Coastal Plan.
- *Low-impact development practices.* Use and encourage the use of low-impact development techniques that may include improving soil health, providing soil cover and water-wise planting and irrigation, installing permeable pavements, building bio-retention areas to reduce runoff quantity, and improving storm water quality for new development and redevelopment projects.
- *Retrofit existing street.* Explore the retrofit of streets with storm water treatment areas as existing streets are redesigned.
- *Maintenance.* Encourage the maintenance of trees on public and private property.
- *Landscape design.* Require new public and private landscape installations to consider access to vistas from the public realm and encourage landscape design that protects or enhances those views.
- *Stormwater capture.* Optimize stormwater capture and treatment through implementation of low impact design techniques, stormwater treatment and infiltration in open spaces, and implementation of green streets.
- *Stormwater capture.* Require new development and redevelopment projects to reuse stormwater on-site to the maximum extent practical.
- *Net zero buildings.* Explore a requirement for all new residential buildings to use net zero energy by 2020 and all new commercial buildings by 2030, consistent with State goals.

- *Renewable energy.* Encourage the installation of renewable energy generation sources in the design and development of new development to reduce energy costs and support resource conservation.

We recommend the following policy:

Support development and transportation improvements that help reduce greenhouse gas emissions and VMT. Require as a condition of any discretionary development permit that it reduce VMT below regional averages on a 'per resident' and 'per employee' basis or if the City Council makes findings that this is not feasible, then require specific mitigation that avoids any greenhouse gas emissions increase from VMT greater than the regional average.

Consistency with State General Plan Guidelines

Land Use Element

Consistent with California General Plan Guidelines, the Land Use Element should explicitly incorporate strategies included in AMBAG's Sustainable Community Strategy (SCS). This will assure access to transportation funding that requires consistency with the SCS.

Mobility Element

We recommend that funding for transportation infrastructure be identified.

Parks, Open Space and Conservation Element

1. This element does not meet the following requirements of a Conservation Element:
 - Government Code Section 65302(d) identifies mandatory elements of a Conservation Element. The conservation element must address the "conservation, development, and utilization of natural resources including water and its hydraulic force; forest soils; rivers and other waters; harbors and fisheries; wildlife; minerals, and other natural resources".
 - The Government Code further requires the conservation element to "consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations" (Gov. Code § 65302(d)(1)).
 - Additionally, the discussion of water must be prepared in coordination with "any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared," and must include any information on water supply and demand (Gov. Code § 65302(d)(1)). While water supply is addressed in the Infrastructure Element, the discussion is general without specific reference to requirements identified above.
2. This element does not meet all the Open Space Element requirements. The Government Code § 65560 requires an open space element to contain detailed information about several categories of undeveloped land. Specifically, the open space element must inventory the following broad categories of open space:

- Open space for natural resources
 - Open space for managed production of resources
 - Open space for outdoor recreation
 - Open space for public health and safety
 - Open space for military support
 - Open space for tribal resources
3. The inventory should be reflected on maps, and policies must provide for conservation of such areas wherever possible (Gov. Code § 65562(a)). The local open space plan, together with state and regional plans, must form a comprehensive open space plan (Gov. Code § 65562(b)). Every city and county must prepare, and submit to the Secretary of Natural Resources, an open space plan for comprehensive and long-term preservation of open spaces (Gov. Code § 66563). The plan must include an action program with specific programs to implement the plan (Gov. Code § 65564).
 4. The open space element must contain an inventory of specified categories of open space resources (*Save El Toro Assn. v. Days* (1977) 74 Cal.App.3d 64, 73). The inventory must include any parcel in one of the listed categories that is: (1) “essentially unimproved” and (2) designated on any local, regional or state open-space plan (Gov. Code § 65560(b)(1)). Note that a particular parcel need not be completely vacant to be included in the inventory. Also, categories of open space are defined in very broad terms in the statute. Thus, designations in local, regional and state plans need not actually use the words “open space” in order to be included in the inventory. In general, a plan should err on the side of inclusion.

Noise Element

The Draft GPU excludes significant noise information but indicates additional noise data will be included in the final plan. The Noise Element should meet all of the State’s general plan requirements (see notes below).

In addition, the noise element must implement the noise standards in the Fort Ord Reuse Plan including 24-hour average standards (CNEL or Ldn standards) and shorter duration or “statistical” noise standards (Ln standards.)

Safety Element

The General Plan identifies risks but does not include mitigation through avoidance of hazards by new projects as required above. Instead of prohibiting development in hazardous areas, the General Plan includes policies designed to reduce risks rather than avoid risks. State law requires the following:

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peak-load water

supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards. (Government Code 65302(g))

Additionally, the Guidelines state:

The recent introduction of climate risk to the discussion of the safety element, adds a focus on longer-term preparation of a community for a changing climate. Policies in a safety element should identify hazards and emergency response priorities, as well as mitigation through avoidance of hazards by new projects and reduction of risk in developed areas. As California confronts mounting climate change impacts, local governments are now required, in accordance with Senate Bill 379, Land Use: General Plan: Safety Element (Jackson, 2015) to include a climate change vulnerability assessment, measures to address vulnerabilities, and comprehensive hazard mitigation and emergency response strategy as explained further in this section (Gov. Code § 65302(g)(4)).

Infrastructure Element

The Infrastructure Element includes the following policy, which is deferred to a later date. Based on the preceding reference for contents of a Safety Element, the information should be included in the General Plan.

Climate change risks. As feasible, identify the long-term risks from climate change, including changes in flooding, storm intensity, sea level rise, water availability, and wildfire, during infrastructure planning and design to adapt to those changes.

Energy

The Energy Element does not include an inventory or analysis of opportunities for residential energy conservation as required:

The energy conservation section of the element must inventory and analyze the opportunities for energy conservation in residential development such as energy saving features, energy saving materials, and energy efficient systems and design for residential development (Gov. Code §65583(a)(8)).

Disadvantaged Communities

The General Plan identifies the Healthy and Sustainable Community Element as optional. However, State law requires Planning for Disadvantaged Unincorporated Communities (Gov. Code § 65302.10). Based on the following statement in the Draft General Plan, the State requirement is applicable and should be addressed.

Although the City has relatively low pollution levels, there is a concentration of neighborhoods and individuals that struggle with chronic under or unemployment, high poverty levels, and poor health conditions in this community. As shown in Figure 41, Seaside has one community (Zip Code: 93955) that is identified by the HDI as “most disadvantaged.”

Housing (see also [comments previously submitted](#))

Overall

The General Plan and the Housing Element Technical Appendix should include a much more detailed and quantified description of the current housing supply and the numeric goals for how that supply will evolve during the plan period and what the City will do to shape it.

There is very little in the way of regional context for Seaside's housing element even though Seaside operates in a regional market. At a minimum the plan should include discussion about the total housing supply and market for the Peninsula and how Seaside relates. How much housing does Seaside provide for retail workers in Carmel, Pacific Grove, and Monterey? Does Seaside need to increase its average income and let other markets accommodate some of its housing for lower income persons? The issue of regional income segregation and whether it is leading to concentrations of poverty is a discussion that's needed. (Shouldn't this be an issue for the RHNA, not the GPU?)

Inconsistencies

There are inconsistencies in Seaside's housing element between the policy of maintaining single-family neighborhood character and the significant additional development allowed under the plan designations, as well as goals for increased housing supply and choice (General Plan Update page 67):

Goal LUD-12: Preserve and improve the quality, diversity, and affordability of existing single-family neighborhoods.

Intent: To maintain a high quality of life for residents in predominantly single-family neighborhoods, while allowing for compatible additions and new construction.

Policies:

- *Neighborhood character. Preserve the quality of existing single-family residential areas and housing stock of the Neighborhood Low and Neighborhood Medium areas, **while allowing on-going maintenance and improvement.***
- *Compatible scale. Maintain high-quality existing residential neighborhoods by ensuring new development projects **are compatible in scale** and provide adequate transitions to adjacent residential properties.*

We recommend that the goal of maintaining single-family neighborhood character apply only in areas designated as Neighborhood Low and that are already developed exclusively with single-family residents. We also recommend that ADUs be considered compatible with single-family neighborhood character.

Numeric Goals

With respect to the numerical goals for housing production, the City's performance almost midway through the current RHNA cycle was very weak according to Table 43 in the Housing Element Technical Assessment; 71 single-family homes, 12 multi-family units, for a total of 83

out of the 393 unit goal, 21% of the total unit goal for the planning period. (Housing Element Technical Assessment at page 86.) As far as the city knows, none of the homes were at prices that serve households below 120% of Median Family Income. The new units were skewed to single family homes, although 38% of the homes are attached, multi-family or mobile.

However, the housing performance assessment counts 144 senior housing units in the pipeline at the Seaside Senior Living Project and assumes that 70 studio units are in the moderate income (81% to 121% of MFI) category and the remaining 74 are above 121% MFI. That single project would move the city to 227 of the 393 units necessary to meet the City's share of regional housing needs for the 2015-2023 planning period, but with still no units being built to serve the extremely/very low (0 to 50% Area Median Income), and low income (51 - 80 % MFI).

The housing discussion focuses on income-restricted affordable housing. It excludes discussion about market-rate housing or incentives that might allow market-rate housing to increase. It also relies on the loss of tax increment financing (redevelopment authority) to justify doing nothing.

Accessory Dwelling Units

It is good that the General Plan, since 2006, has allowed ADUs on all single-family lots in the three lowest density residential zones on lots of 5,000 square feet or more. However, the target for ADUs (10 units in the planning cycle, Plan Update page 114) is extremely low.

With regard to the Plan's recommendations for ADU, the City should

1. Immediately review and update its codes to comply with the three landmark bills in 2016 that overrides local control to promote the construction of ADUs; SB 1069 (Wieckowski, reduced or eliminated parking requirements, limited development fees, reduced building code requirements, internal ADUs approved ministerially, bans prohibitions of ADUs), AB 2229 (Bloom, ministerial approval for many types of ADUs and voiding of inconsistent local ordinances) and AB 2406 (Thurmond, allows local governments to authorize junior ADUs, maximum 500 square feet within existing home fabric.)
2. Host educational forums and online information about the opportunity to build ADUs for homeowners, realtors and general contractors. These might include an ADU tour.
3. Use available property tax and GIS information to identify suitable site, that is, with large enough lots, without environmental constraints or steep slopes.

Additional Recommendations for Housing Supply and Affordable Housing

1. RHNA allocations. The City needs to develop specific strategies for meeting the remainder of its RHNA obligations in the planning period. The goals are modest: 95 units for persons at or below 50% of Area Median Income, 62 units for persons at 51 to 80% of AMI, an additional 2 units in the 81 to 120% of AMI and an additional and 11 units for the above moderate income range.
2. Mobile Homes. The Housing Element notes (page 20) that mobile homes, can be affordable to persons in the very low and low income ranges:

Mobile home parks provide an affordable option for many very low income, low income, and senior households in Seaside. Three mobile home parks are located in Seaside: the Trailer Terrace Mobile Home Park; the Green Parrot Mobile Home Park; and the Seaside Mobile Home Estates. Information was obtained in 2016 from the mobile home park operators regarding rent levels. Trailer Terrace Mobile Home Park was charging \$525 a month for space rental but reported that they have not had a space opening in 20 years. The Seaside Mobile Home Estates was charging \$655 a month, while the Green Parrot was charging \$500 a month.

The city reports 68 acres in three mobile home parks. The American Community Survey 2012-16 reports 326 mobile homes and ACS 2012-16 reports 326 units. This seems like very low MH density (less than 5 units/acre). The city should consider whether or not to allow some densification on the existing 68 acres and also whether they can find another mobile home park site. Perhaps they should consider allowing people to live in RV's on those sites and subsidizing both the property acquisition and vehicle purchasing, since this is far less expensive per unit than what many affordable housing units cost.

3. City Owned Property. The City owns at least two sites, totaling 3.51 acres, -next to Laguna Grande Regional Park (but with a one-story height limit!) and a catalyst site for the West Broadway Urban Village. Whether or not the market will support the rents necessary to make a mixed income project work is a question, but those properties are more than big enough to accommodate some mixed income and mixed-use developments (we are happy to provide low and mixed income, low-rise examples from Portland). The market rate unit rents can support the lower rent units, provided the City provides the right subsidies, including the use of the properties it owns (discussed below).
4. The Fort Ord base redevelopment land provides ample opportunities for leveraging land into affordable housing but the system for doing so and its calibration of subsidies should be thought out carefully in advance.

Commercial and Mixed Use Infill and Redevelopment

The City should avoid adding more highly discretionary design review can add substantial delay and uncertainty, exactly the opposite of what it needs to be doing. Accordingly, the design guidelines should be objective and strictly ministerial in application. For example, in the section on removing potential government constraints, the update (page 117) should make clear design guidelines will be quantitative, objective, and predictable:

15. Multifamily and Mixed Use Design Guidelines

Multifamily and mixed use construction in the City is required to undergo architectural review. However, the City has no established design guidelines to provide guidance to developers and to ensure consistency of review.

Timeframe and Objectives: By the end of 2019, establish design guidelines on site planning, massing and scale, and architecture features for multifamily and mixed use development.

Mobility

The GPU should identify mode-split targets for the future. The plan excludes specific details about who will travel where, how and what the City will do to make that possible.

There should also be some discussion about safety, design and street speed. (In Amsterdam very low speeds (5-7 mph) allow a steady and heavy stream of cars, vans, light trucks, cyclists and pedestrians to move in mixed traffic.)

The circulation (mobility) element of the General Plan should confirm consistency of the land uses with the city's own street capacity and improvement standards. Also, the Plan should note that the removal of some CEQA analyses for infill and redeveloped housing, as provided by State law, might be helpful in promoting residential development.

Other Recommendations

- Housing costs are partially the function of the underlying infrastructure. If infrastructure includes four lane roads with signalized intersections where two lanes and a roundabout will suffice (the latter being lower cost financially) then housing costs can be less. Roundabouts emphasized as an alternative to signalized intersections.
- The General Plan identifies Laguna Grande Lake as an area with flooding potential under climate change conditions. The General Plan should identify land use policies that protect adjacent land uses from flooding under changed conditions.

Regards,

Michael DeLapa
Executive Director

Notes

- The GPU doesn't establish the relationship between land use data and land use policy. Is there adequate or excessive land for economic development (commercial, industrial, retail, etc.)? What is the nexus between AMBAG economic projections and Seaside GPU land use designations? Is Seaside relying on AMBAG's economic projections? If not, what economic projections are Seaside using?
- Is there adequate or excessive land for affordable, workforce, and market-rate housing? What is the nexus between AMBAG housing and population projections and Seaside GPU land use designations? If Seaside isn't relying on AMBAG's housing projections what projections are Seaside using?
- What water data are Seaside using? Does the GPU demonstrate enough water for Seaside's projected economic growth and housing? If not, how will the City prioritize water use?
- How will limited water resources (allocations) be prioritized between economic growth and housing? How will new development be phased to prioritize infill and revitalization of the downtown prior to expansion into future growth areas?
- State General Plan noise requirements:

(1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(A) Highways and freeways.

(B) Primary arterials and major local streets.

(C) Passenger and freight online railroad operations and ground rapid transit systems.

(D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(E) Local industrial plants, including, but not limited to, railroad classification yards.

(F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise

element shall serve as a guideline for compliance with the state's noise insulation standards. (Government Code 65302 (f))

- The General Plan is committing the City to ambitious goals to redesign its streets into complete streets, which is expensive. However, our experts advise us that the road cross-sections (Figures 25-28) are mis-designed for bikes. Research shows that separated bike lanes that are separated by more than a line of paint, are critical to getting the bike mode split up above 10 or 20% and beyond the (Portland) demographic of young, male and fearless. Why not put the planter strip or on-street parking between the cyclist and the cars?
- Regarding ADUs, in amending its GPU to encourage ADUs, Seaside should heed the lessons learned from Portland. As the Monterey Bay Economic Partnership housing report noted:

Portland provides the best example of a jurisdiction (roughly the same size as the Monterey Bay Region in total population as well as prevalence of single-family-home lots) that has rapidly increased its ADU production via a systematic policy-change effort. The chart below shows the effect of repeatedly analyzing and acting on policy-change opportunities regarding ADUs in Portland.
- The description of SB 743 points out that elimination of LOS street standards in favor of VMT standards applies to CEQA analysis and streamlining of infill residential development under CEQA but that cities remain free to require circulation metrics as part of the General Plan. Perhaps that is entirely consistent with stated policies regarding mobility but the GPU neglects to assess road capacities.
- Parking ratio reductions or eliminations can instantly make projects financially viable that weren't otherwise. We didn't have time to check the city's ratios. There are examples of projects in Portland that are being built or have been built with no parking. In many parts of Portland parking is not required for smaller apartments and the parking ratio provided by developers, even for large, market rate projects, is less than one space per housing unit.
- There are good policies and handsome renderings but there is no discussion of what land prices and rents must be achieved to result in developments of the type described. Zone it and they will come only works in highly desirable markets. These ideas need to be grounded in reality. (Civilis Consulting, Fregonese Associates and EcoNorthwest all provide advice on that topic.) That does not mean abandoning the concepts for development in the Broadway Urban Village Specific Plan or the development form and type described in the mixed-use medium and high designations. It does mean there should be some idea about how this will be staged and connected to city improvements (like the laudable reconstruction of several blocks of West Broadway.)