

MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY
OF THE FORMER REDEVELOPMENT AGENCY

Regular Meeting – July 7, 2015
5:30 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 5:31 p.m.

The invocation was led by Reverend Carl Kelleher.

The Pledge of Allegiance was led by Sergeant Vito Graziano.

Present: Council Member Blackwelder
Council Member Carbone {arrived at 5:44 p.m.}
Council Member Hubler
Council Member Kruper
Mayor Pendergrass

Staff: Todd Bodem, City Administrator
David Bigger, Acting City Attorney
Leon Gomez, City Engineer
Vito Graziano, Police Sergeant
Charles Pooler, Associate Planner
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, COMMUNICATIONS

- A. There was no written communication distributed to the Council.
- B. Oral

5:34 p.m. Floor opened for Public Comment.

Jennifer Dossett, President of the Monterey Bay Economic Partnership (MBEP) updated the Council on MBEP's activities that included committee meetings for Building Tech Eco-Systems and Workforce Development for member organizations. These topics resulted in providing solutions due to membership presentation available in making decisions. She requested that the Council consider becoming a member and extended an invitation to their upcoming fall conference to be held on November 5th at the Chaminade in Santa Cruz.

5:36 p.m. Floor closed to Public Comment.

AGENDA ITEM 5, CONSENT CALENDAR

- A. There was no discussion of the June 16, 2015 Council Meeting Minutes.
- B. There was no discussion of the City **Resolution** approving a One (1) Year Agreement with the Monterey County Weekly for continued participation of Co-op Advertisements during the 2015/16 Fiscal Year.
- C. There was no discussion of the Monthly Fort Ord Reuse Authority (FORA) Report, June, 2015.
- D. There was no discussion of the City/Successor Agency Monthly Financial Report, May, 2015.
- E. There was no discussion of the City Branchlet Drop Box Location (The Independent, 600 Ortiz Avenue).
- F. There was no discussion of the City **Resolution** approving Expenditure not to exceed \$500 for the Monterey Peninsula Regional Water Authority (MPRWA) Fiscal-Year 2015-16 Operating Budget and Administrative Cost.
- G. There was no discussion of the City **Resolution** authorizing the City Administrator to enter into a Joint Exercise of Powers Agreement and Cooperation Agreement to undertake or to assist in the undertaking of essential activities pursuant to Title I of the Housing and Community Act of 1974, as amended, for the period of October 1, 2015 – September 30, 2018.
- H. There was no discussion of the City Donations/Contributions to Suicide Prevention Services for \$500, and United Way Monterey County for \$500.

Motion to approve the Consent Calendar items was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Carbone. ABSTAIN: None. Motion carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled.

AGENDA ITEM 7, PUBLIC HEARINGS

- A. Consideration of a Coastal Development Permit and a Site Plan Permit of a Single Family Residential Dwelling on a 25-Foot Wide Lot at 1843 Park Avenue (APN 011-181-029)**

Associate Planner Charles Pooler presented an application submitted by Mark Hyles for a single family 2-story residential dwelling at 1843 Park Avenue. The subject property is 25-feet wide and 75 feet deep, and is one

of two lots located on an existing fenced storage yard. The fenced yard encroaches into the Park Avenue right-of-way by 13 feet which must be removed to accommodate future street improvements. The applicant is proposing a 1,080 square foot dwelling with kitchen, living and garage areas to be located on the ground floor, and bedrooms on the upper level. The property was re-zoned in 1997 to CZ-R2 (medium density residential), and the applicant's proposed density is compliant with the CZ-R2 zoning. The 12' front, 14' rear, and 5'9" setbacks identified in the site plan are in compliance with zoning requirements; however, the dimensions identified on the floor plan exceeds the building envelope established by the setbacks. The project needs to be redesigned so that the house and setbacks work cohesively to fit on the lot.

The City's Local Coastal Program Implementation Plan (LCP-IP) specifies parking spaces for each dwelling unit. The garage is sufficient to provide only one covered parking space. The proposed driveway is insufficient to provide a zoning compliant full-sized parking space and is indicative that the project is not compliant with CZ-R2 parking requirements. A redesign of the project is necessary in order to provide the two covered parking spaces. In relation to the grading and slope of the project, a drop at the rear of the property could impact the structure. The plans do not identify grade contours, slopes or proposed retaining walls. The plans and elevations need to be revised to clearly indicate existing and proposed grades/slopes and how slopes and drainage will be addressed. The main entry is located mid-section of the elevation and hides the entry. Development in the East Dunes has been encouraged to place entries closer and visible from the street. The project should be redesigned to enhance the entry.

5:44 P.M. *Vice Mayor Carbone arrived at the meeting. Due to a 500' conflict of the subject property she abstained from taking her seat at the dais.*

The applicant owns two adjacent lots/parcels, and the project is situated on one of these lots. A project of improved site design would combine these lots, accommodating a project of improved massing, enhancing the entry, and providing code required parking. The site currently has no water credit assigned to it, and would be determinate on the City's water allocation to the site. Without a landscape plan, the exact amount of water needed cannot be calculated. In order for this project to proceed, sufficient water (both for the structure and the landscaping) needs to be allocated from the City's Water Entitlement. Any allocation should only occur after the Monterey Peninsula Water Management District has reviewed a landscape plan to determine the exact amount of water needed.

There are components of the project in compliance with the CZ-R2 zoning; however, the project design does not meet the requirement for on-site parking, and building dimensions on the applicant's floor plan exceed the building envelope established by the setbacks. Therefore, Staff

recommends denial of the project. The applicant should redesign the proposed project to encompass both abutting lots to provide adequate on-site parking, enhance the entry, and improved massing. If Council disagrees with Staff's analysis and conclusion, and decides to support the project, then a resolution to adopt a land use entitlement permit can be prepared for Council consideration, and the permit will need to address the shortcomings of the current project design. If Council concurs with Staff's recommendation, a resolution with appropriate findings for denial will be prepared for consideration/action at the July 21, 2015 Council meeting.

5:51 P.M. Floor opened for Public Comment

The applicant, Mark Hyles addressed the overall length of the residence, indicating that it was a typo, and the design would fit on the lot. The garage would be shortened by six (6) feet. He reported that the City of Monterey allows a car lift, and that installing one should address the requirement of two covered parking spaces. The back fenced area is the rear property line and does not encroach on the ice plant. The entryway calls for a walkway along the side and he would consider developing the sidewalk to enhance the entryway. Mr. Hyles commented that he desires to build two separate homes on the two adjacent lots.

In response to Council Member Kruper's question regarding Mr. Hyle's desire to keep the lots separate, Mr. Hyles responded that he would like to build two homes, one for each of his two daughters. The design of the proposed home for the lot is identical to a home he had built in Menlo Park. Council Member Blackwelder requested confirmation from Mr. Hyle's that the plans did not contain a typo, but rather his intention was to shorten the length of the garage by 6' to fit within the setbacks.

Sand City resident Michael Morris commented that the City should consider what the home would look like from Sand Dunes Drive. It would be 2-fifteen foot structures, 10' apart, displaying a domino effect. If the City were to consider the overall esthetic appeal of the homes, it would not look appealing should two 15' homes be built on two 25' lots. He expressed his disapproval of the proposed project.

5:58 P.M. Floor closed to Public Comment.

There was Council discussion regarding the esthetic appeal of the home, combining the lots, parking requirements, and setbacks. The plans submitted seemed incomplete. Mayor Pendergrass addressed the City's current zoning regulations which need to specify that homes be built on larger lots. Associate Planner Pooler added that the issue of combining lots in the East Dunes area should be a priority for EMC Planning Group (the City's planning consultant) following the immediate tasks on their priority list.

Mr. Pooler concluded that Staff recommends denial for the permits due to the findings that: *the design fails to provide 2 covered parking spaces required by a) Zoning Code Section 18.18.040.B.5, and b) the Sand City Local Coastal Plan Implementation Plan requirements for CZ-R2 Districts. Furthermore, the front driveway identified to be twelve (12) feet in depth is inadequate to provide a code compliant sized parking space. The property does not have sufficient on-site water credit to accommodate the project in accordance with the regulations of the Monterey Peninsula Water management District without a discretionary allocation by the City from the City's water entitlement. The City is not obligated to provide water to any project, particularly when a project is deemed insufficient in design and/or does not comply with all of the applicable zoning regulations. The project does not combine the applicant's abutting lots (APN 011-181-028 & 029; Block 11, lots 23 & 24) that would otherwise a) enable the applicant to provide code required parking and b) provide more suitable massing for the East Dunes neighborhood. Plans submitted by the applicant are poor in quality where a) dimensions are unclear, unreadable, and/or missing, b) the accuracy of scale of the plans, elevations, and details are questionable, c) there are inconsistencies in notations and illustrations, and d) the dimensions of the structure identified on the floor plan exceeds the building envelope established by the setbacks on the site plan and therefore does not fit on the site as proposed.*

Motion to concur with Staff's recommendations and to have a resolution of denial at the July 21, 2015 for Council's consideration was made by Council Member Kruper, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Carbone. Motion carried.

{Council member Carbone returned to the dais}

B. FIRST READING: Ordinance of the City of Sand City Adopting and Adding Chapter 6.02 to the Sand City Municipal Code regarding the Feeding of Wild Animals

Mayor Pendergrass commented that the attached ordinance was included in the City newsletter regarding wildlife within City limits. The ordinance will address the issue of these infestations.

Associate Planner Charles Pooler reported that Sand City has been experiencing an ongoing problem with wildlife infestations, and that the feeding of wildlife has become an attractant. The City has drafted an ordinance to prohibit the feeding of wildlife in response to this concern. The attached draft ordinance is based upon a review of similar ordinances from Monterey, Pacific Grove, and Marina. Other cities did not address the prohibitions regarding the exterminations of infestations and no language in regards to that are included in this draft ordinance. The ordinance addresses both the intentional and unintentional feeding of wildlife to

include the accessibility of pet food being left outside. Pet owners who feed their pets outside must remove uneaten pet food immediately after feeding. The draft ordinance makes allowances for bird feeders on property including allowances for special circumstances with Federal, State, or local permission, and for injured wildlife until animal control personnel can collect that wildlife. These exceptions were common in ordinances of other local jurisdictions. Violations are punishable in accordance with Chapter 1.16 of the Municipal Code.

Staff recommends approval of the draft ordinance as presented. The ordinance would take effect 30-days following its second reading.

6:14 P.M. Floor opened for Public Comment.

Sand City resident Michael Morris commented that this is a great ordinance, Staff has done a good job of drafting it, and that it should address some of the issues the City is presently experiencing. He encouraged the City to send another letter out to residents and businesses to inform them of the ordinance. He is hopeful that it would alleviate the skunk issue should everyone become aware of it.

Sand City resident Steve Wilson agreed that it would be a good idea to send out letters to the residents. He added that two elderly ladies who are not residents of Sand City have been seen feeding cats and that placing a sign that says NO Feeding of Animals should be displayed at the park and other places within the City.

6:18 P.M. Floor closed to Public Comment.

Motion to approve the FIRST READING of an **Ordinance** of the City of Sand City Adopting and Adding Chapter 6.02 to the Sand City Municipal Code regarding the Feeding of Wild Animals was made by Council Member Kruper, seconded by Council Member Carbone. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 8, OLD BUSINESS

A. Progress report on Public Works projects, Successor Agency Oversight Board, South of Tioga project, Coastal projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator

City Engineer Leon Gomez reported that the desalination plant produced 25.60 acre feet for the month of June 2015. Cal-Am has submitted an encroachment permit for rehabilitation work on Tioga well #5 to include the discharge of groundwater well testing to an inlet along Sand Dunes Drive. Staff has requested that Cal-Am postpone the work until the week of July

20th due to Staff vacations. Stormwater training was provided for the Chief of Police and Public Works staff person on June 24, 2015 at the City of Marina. Stormwater BMP's for Public Safety and Facility Maintenance Services were presented along with additional BMP materials and certificates of completion.

Staff met with Mr. Tom Parola of Monterey City Disposal Services (MCDS) to review the street sweeping contract and discuss a schedule change. Mr. Parola provided Staff with a demonstration of the street sweeper. Staff is positive that a collaborative working relationship with MCDS can be attained. City Administrator Todd Bodem added that Public Works staff will blow out the surrounding bulb-outs the day before sweeping services are scheduled. Letters will be mailed out to residents informing them of the new street sweeping dates/times, and flyers will also be distributed as a reminder on vehicles parked in the streets during street sweeping operation.

Mr. Gomez further reported that the developer of the Bungalows at East Dunes project has requested a final inspection of the Phase 1 improvements. The City Engineer began a final inspection on July 6 and will develop a punch list of any outstanding items for the developer/contractor to complete. The developer has been very consistent in keeping the site clean. Cal-Am's contractor has been asked to submit another site plan for the Hickory/Redwood return that would depict a solution for the return. The second submitted site plan for the area included improvements that would have encroached onto the adjacent private property.

There was Council discussion regarding City signage, and survey of the monuments. Mayor Pendergrass commented on the Bungalows project and the developer's conscientiousness in keeping the area clean. He also thanked the Public Safety Committee (PSC) for their productive meetings and the work that has been performed throughout the City as provided in the PSC minutes.

Associate Planner Charles Pooler reported that the Catalina Lofts project is still moving forward. The developer is working on correctional items and redesigning the plans due to some design issues that need to be addressed. He also commended the City Engineer for expediently providing information on cost estimates for the bollard lights.

City Administrator Todd Bodem thanked the Council for their approval of the CDBG resolution that would allow the City to receive \$10,000 in grant funds each year for the next 3 years. Staff met with Mr. O'Halaran from the City of Seaside regarding a future grant application, and requested that the Transportation Agency of Monterey County (TAMC) place the City's street improvements on their project list.

AGENDA ITEM 9, NEW BUSINESS

A. Comments by Council Members on Meeting and Items of Interest to Sand City

Council Member Kruper commented that the June 30, 2015 minutes for the Public Safety Committee meeting were published today. He reported that the Public Works crew is nearing completion of performing the work of cleaning the City's street bulb outs. He accredited and thanked Mr. Pooler for the detailed list of all the trees throughout the City that will need to be removed. The Committee also acknowledged the purchase of the additional police vehicle. The Police Department will be moving forward with improvements to their communications systems. The Chief also provided the Committee with a report of his long and short term goals for the Police Department.

Council Member Hubler reported that the Arts Committee will be holding a meeting next Tuesday to discuss the West End Celebration and other art related items. He expressed his appreciation for the use of Carmel Stone Imports facility to host the Friday night kick-off concert.

B. Upcoming Meetings/Events

There were no RSVP's from the Council. The Mayor commented that the finalist have been chosen for the upcoming Monterey Peninsula Chamber of Commerce's Annual Awards Banquet.

AGENDA ITEM 10, CLOSED SESSION

The acting City Attorney deemed that there was no need for closed session.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Kruper, seconded by Council Member Blackwelder. There was consensus of the Council to adjourn the meeting at 6:47 p.m. to the next regularly scheduled Council meeting on July 21, 2015 at 5:30 P.M.

Connie Horca, Deputy City Clerk

