

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

CITY COUNCIL CHAMBERS
REGULAR MEETING March 20, 2007
7:00 PM

Mayor Pendergrass opened the meeting at 7:02 p.m.

Invocation was led by Reverend Snyder

Girl Scout Troop 2006 led by Troop leader Lucinda Lupori led the pledge of allegiance

Present: Council Member Blackwelder
Council Member Carbone
Council Member Hubler
Council Member Morris
Mayor Pendergrass

Staff: Kelly Morgan, City Administrator
Marius Crisan, Police Sergeant
Steve Matarazzo, Community Development Director
Jim Heisinger, City Attorney
Richard Simonitch, City Engineer
Linda Scholink, City Clerk
Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS

- A. Written Communications: The City Administrator brought to the Council's attention the Revised Resolution for CUP # 483, 431 Ortiz Avenue, (7A), and the hand out from the Vice Mayor on the Ahwanee conference she attended, (9A).
- B. Oral Communications

7:05 P.M. Floor Opened for Public Comment

There were no comments from the public. The Mayor announced the City Administrator's birthday.

7:05 P.M. Floor Closed to Public Comment

AGENDA ITEM 5, CONSENT CALENDAR

The Consent Agenda consists of routine items for which City Council approval can be taken with a single motion and vote. A Council member may request that any item be placed on the Regular Agenda for separate consideration.

- A. Conditional Use Permits (CUP) and Coastal Development Permits (CDP) are subject to annual review by the City Council and City staff. Upon review of each of the following Use Permits, staff is recommending continued operation of the Use Permits to the City Council based on the finding that these uses are in compliance with their permits.
- (1) CUP #194, Mrs. Morrow (Mobile Home), 445 Orange Avenue
 - (2) CUP #295, David Wilson (Open Storage), Park & Fell Streets
 - (3) CUP #389, Loren Speck/Loren Speck Framing & Gilding Studio (Framing), 591 Ortiz Avenue
 - (4) CUP #390, Brad Klemek/GFI Pest Control (Office/Storage), 605 Redwood Avenue
 - (5) CUP #410, Sand City Public Works (mobile office trailer), Sylvan Park
 - (6) CUP #415, Jose Rosa (Radio Station), 495 Elder Avenue
 - (7) CUP #472, Norway Sports (Wholesale Distributor), 865 Fir Avenue
 - (8) CDP # 97-02, Sal Lucido & David Hernandez/D&S Painting (Contractor Warehouse and 2 Apartment Units), 460 Orange Ave
- B. There was no discussion of the Police Department Monthly Report, February 2007
- C. There was no discussion of the Public Works Department Monthly Report, February 2007
- D. There was no discussion of the City/Redevelopment Agency Treasury Report, December 2006
- E. There was no discussion of the City RESOLUTION Honoring the 40th Annual Monterey Scottish Games and Celtic Festival and Declaring July 1-8, 2007 as Monterey County Celtic Week
- F. There was no discussion of City Contributions/Donations
1. 40th Annual Scottish Games & Festival - \$500

Motion to approve the Consent Calendar was made by Council Member Carbone, seconded by Council Member Morris. AYES: Council Members Blackwelder, Carbone, Hubler, Morris and Pendergrass. NOES: None. ABSENT: None. ABSTAINED: None. Motion Carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items.

AGENDA ITEM 7, PUBLIC HEARINGS

{Due to a possible conflict of interest by residing within 500' of the project area, Council Members Hubler and Blackwelder abstained and left the dais}

- A. Associate Planner Pooler presented an application for a conditional use permit submitted by Ken Larkin of Colton Heating and Sheetmetal, to utilize an existing building at 431 Ortiz Avenue. The applicant intends to purchase the property, relocate a segment of his existing operation from 449 Redwood Avenue to the Ortiz Avenue site. The applicant intends to use the site for light manufacturing of heating ducts and joints, storage of materials and equipment, parking of company vehicles, and accessory office activities. The applicant also intends to maintain a business presence at his current location on 449 Redwood Avenue

The site currently provides five (5) parking spaces at the front of the building. Additional parking is available within the fenced yard. Staff recommends that the applicant be required to repair the fence and replace existing wood slats with more durable vinyl slats. In addition, the unauthorized trailer within the yard needs to be removed. There is no trash enclosure on the property; however, the fenced yard can screen a trash dumpster and/or waste receptacles.

The project site currently consists of three separate parcels. Staff recommends that the applicant combine these parcels into one. The existing on-water credit is adequate for the proposed business.

Staff recommends approval of the conditional use permit, with some modifications to the resolution regarding vehicle parking, manufacturing, storage limitations, and maintenance of the site.

The City Attorney explained that the building is positioned over two lots of record and violates current building codes. There is an opening where there should be a one hour firewall. Historically, the City has been requiring the merging of existing lots.

7:25 P.M. Floor Opened for Public Comment

Ken Larkin, (applicant): Redwood Avenue is a congested area and contains many parking concerns. We are looking at this building to help provide additional parking. I am opposed to the merging of the lots. I don't see the need for it at this time. The plans that I have at this time are to continue with light manufacturing and alleviate the parking congestion. He told the Council that he agrees with all of the conditions, but still has issues with condition 20, (lot merger).

Pete Erickson, (Realtor): I can recall different design standards for different properties. I feel the property owner would have more opportunities if the

property was not merged.

7:34 P.M. Floor Closed to Public Comment

Motion to approve the **City RESOLUTION** as amended, with added finding on lot merger and retention of condition 20, for Conditional Use Permit 483 Authorizing a Heating & Sheet-Metal Contractor Business with light manufacturing, storage, and accessory office at 431 Ortiz Avenue was made by Council Member Carbone, seconded by Council Member Morris. AYES: Council Members Carbone, Morris and Pendergrass. NOES: None. ABSENT: None. ABSTAINED: Council Members Blackwelder and Hubler. Motion Carried.

- B. Associate Planner Pooler presented an application for a conditional use permit, submitted by Macaluso Electric Incorporated for authorization to operate an electrical contractor business at 570 California Avenue. The applicant has been operating at the subject property for approximately 2 years, and has recently submitted this application to legalize the operation. The subject property has a 2 story building. The lower level is accessed from Redwood Avenue, and the upper level is accessed from California Avenue.

The applicant utilizes approximately 2,800 square feet for office and storage. There are four (4) company vehicles, the applicant parks inside the building during non-business hours. There are to be no major deliveries. Contractors typically pick up needed materials at local electronic sales distributors on an "as needed" basis. The frontage is adequate to provide seven (7) on-site parking spaces shared between two units; however, not all parking is accessible since there is not a continuous driveway apron, (curb cut). A comprehensive parking plan for all of the units is recommended by staff as a condition of this permit's approval. There will be no on-site manufacturing. The front set backs of the building on used for outside unscreened storage, and lends to a blighted condition.

The applicant's unit is within a segment of an overall commercial facility that sits on three parcels. The building footprint does not correspond to the lot lines. Staff recommends that the property owner combine these lots into one parcel. Existing on-site water credit is adequate. Staff recommends approval of a conditional use permit to the applicant per the recommended conditions.

7:50 P.M. Floor Opened for Public Comment

Mateo Macaluso, (Applicant's father): He agrees with the conditions, but feels that the property owner should have more of the responsibility for some of the conditions.

Associate Planner Pooler responded that he had spoken with the property owner yesterday and they went over the conditions together. The property owner had no significant concerns.

There was discussion regarding the encroachment permit. The City Engineer will bring the encroachment permit language back before the City Council prior to issuance.

7:54 P.M. Floor Closed to Public Comment

Motion to approve **City RESOLUTION** as modified, Conditional Use Permit 482 Allowing an Electrician Contractor to Operate at 570 California Avenue was made by Council Member Morris, seconded by Council Member Carbone. AYES: Council Members Carbone, Morris and Pendergrass. NOES: None. ABSENT: None. ABSTAINED: Council Members Blackwelder and Hubler. Motion Carried.

{Council Members Blackwelder and Hubler returned to the dais}

- C. The Community Development Director presented to the Council the **FIRST READING of the Ordinance** of the City of Sand City adding Section 18.78.060 to the Sand City Code Related to Requests for Reasonable Accommodation in the Application of the City's Land Use Regulations under the Fair Housing Act. He reported on the background of the proposed Ordinance. He stated that the Housing Element was certified by the State Department of Housing and Community Development. There are two programs remaining to be implemented. The Ordinance is intended to provide "reasonable accommodations" for handicapped persons in the administration of the land use, building, and zoning policy.

The Council's attention was brought to Exhibit A for a typographical correction. Language was added to exclude properties within the Coastal Zone.

8:13 P.M. Floor Opened for Public Comment

No Comments

8:13 P.M. Floor Closed for Public Comment

Motion to approve the **FIRST READING of the Ordinance** as amended was made by Council Member Blackwelder, seconded by Council Member Hubler. Roll Call Vote was taken. AYES: Council Members Blackwelder, Carbone, Hubler, Morris and Pendergrass. NOES: None. ABSENT: None. ABSTAINED: None. Motion Carried.

AGENDA ITEM 8, OLD BUSINESS

- A. The City Engineer presented the **City RESOLUTION Authorizing a Contract for the Preparation of the Storm Water Management Program, Sand City Annual Report for the Period September 2006-August 2007 in Sand City, California to Creegan & D'Angelo Engineers, Inc.** The State Water Resources Control Board's requires that an annual report be prepared by Sand City, as part of the Storm Water Management Program group and submitted each year to the Regional Water Quality Control Board. Bob Jaques is preparing the Annual Report for several other Peninsula cities, which will result in substantial savings to the City. The estimated annual cost of preparing this report is not to exceed \$11,000. He is recommending that the Council adopt the resolution approving the preparation of the 2006-2007 Storm Water Program Annual Report up to \$11,000, and authorize the issuance of the Notice to Proceed to Creegan & D'Angelo to begin the preparation of the Storm Water Program Annual Report.

This will be an annual report. Mr. Jacques would be a subcontractor to Creegan and D'Angelo.

Motion to approve the **Resolution** was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Morris and Pendergrass. NOES: None. ABSENT: None. ABSTAINED: None. Motion Carried.

- B. The Community Development Director reported on the status of the Coastal Development Permit time extension and amendment request regarding the Sand City Water Supply Project. The two year time limit for the subject permit expires on May 11, 2007. On February 6, 2007, City staff submitted a coastal development permit amendment and time extension request to the Coastal Commission regarding the Sand City Water Supply project. On March 7, 2007 the City received a letter from the coastal staff stating the coastal staff will not support the amendments to the permit because they do not want the permit "vested" with the City. They also changed their opinion by stating they preferred access improvements to be made at Tioga Avenue, and not Bay Street. Because time extensions are limited to one year by State statute, Commission staff recommends that we apply for a coastal development permit amendment to change the original desalination permit termination date from May 11, 2007 to May 11, 2009. This CDP amendment should be considered by the Commission at their April meeting in Santa Barbara. We will have to show them why the Bay Street improvements are more beneficial and practical than improvements on Tioga Avenue.

The City Administrator discussed the possibility of setting up funding on an annual basis towards improving the beach area. He said we need the two year extension. The Council agreed to review these issues again at the next Council meeting, when staff will report back on the upcoming Coastal meeting.

- C. The City Engineer said that he is reviewing an application with Stan for transportation funds, and the City may have another \$150,000 to use on California Avenue. The pre-bid meeting for the desal project was last week and there was good attendance and the meeting went well. They will be providing another addendum to include the building that will house the desalination equipment. The City Administrator stated that the City may get two buildings on that site, the desal plant, and a small emergency building. Relocation of the corporation yard is also possible. The Community Development Director agreed that the pre-bid meeting was successful.

AGENDA ITEM 9, NEW BUSINESS

- A. Vice Mayor Carbone reported to the Council on her attendance at the Ahwahnee Principles seminar last week. Mayor Pendergrass outlined some the "Community Principals" from the Ahwahnee attachments. The City Engineer said that items 2-5 are best practices for water management purposes. It was agreed that a supporting resolution would be brought back for the Council's consideration at the April 3rd meeting.
- B. The City Clerk brought to the Council's attention the Seaside/Sand City 63rd Annual Awards Ceremony and Installation of Officers on March 30, 2007.

AGENDA ITEM 10, CLOSED SESSION

9:04 P.M. The City Council adjourned to Closed Session to confer with legal counsel regarding pending litigation (2 cases) pursuant to §54956.9(a) of the Ralph M. Brown Act

1) Helping our Peninsula's Environment (H.O.P.E.), a non-profit Association, Petitioner vs. Monterey County Board of Supervisors, Respondent (Superior Court, Monterey County)


2) Landwatch Monterey County; Rancho San Juan Opposition Coalition; Highway 68 Coalition; Citizens for Responsible Growth; North County Citizens' Oversight Coalition; Prunedale Neighbors Group; and Prunedale Preservation Alliance; Plaintiffs and Petitioners vs. County of Monterey; Defendant and Respondent, Case No. M 82969 (Superior Court, Monterey County)

9:10 P.M. Readjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with §54957.1 of the Ralph M. Brown Act

There was no action taken, information only.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn was made by Council Member Blackwelder, seconded by Council Member Hubler to the next regularly scheduled Council meeting on April 3, 2007. There was unanimous consensus of the City Council to adjourn at 9:10 p.m.


Linda K. Scholink, City Clerk