



REGULAR MEETING

SAND CITY COUNCIL

AND

**SUCCESSOR AGENCY OF THE FORMER
REDEVELOPMENT AGENCY**

**AGENDA
SAND CITY COUNCIL CHAMBERS**

TUESDAY, AUGUST 20, 2019

5:30 P.M.



AGENDA
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY
OF THE REDEVELOPMENT AGENCY

Regular Meeting – August 20, 2019
5:30 P.M.

CITY COUNCIL CHAMBERS
Sand City Hall, 1 Pendergrass Way, Sand City, CA 93955

1. **INVOCATION**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ANNOUNCEMENTS BY MAYOR AND CITY MANAGER**
5. **COMMUNICATIONS**

Members of the public may address the City Council/Successor Agency on matters not appearing on the City Council/Successor Agency Agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if speakers state their names. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council/Successor Agency.

The City Council Chambers podium is equipped with a portable microphone for anyone unable to come to the podium. If you need assistance, please advise the City Clerk as to which item you would like to comment on and the microphone will be brought to you.

6. **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 Council member may request that any item be placed on the Regular Agenda for separate consideration.

- A. Approval of June 18, 2019 Sand City Council Meeting Minutes
- B. Approval of June 20, 2019 Sand City Study Session Meeting Minutes
- C. Approval of August 6, 2019 Sand City Council Meeting Minutes
- D. Approval of City RESOLUTION Honoring Jacobs Heart Children's Cancer Support Services and Declaring September 2019 as Childhood Cancer Awareness Month
- E. Approval of City RESOLUTION In Support for and Declaring October 2, 2019 as Clean Air Day in Sand City

- F. Approval of City RESOLUTION Authorizing the Acting City Manager to Execute an Agreement with Patricio Raul Padilla for Monthly Cleaning Services for the City of Sand City Hall Facility at a cost not to exceed \$250 per month from July 1, 2019 through June 30, 2020
- G. Approval of City RESOLUTION Recognizing *ITN Monterey* in Celebration of 50,000 Rides Delivered in Monterey County

7. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

8. PRESENTATION

- A. Presentation by Alex Dami External Director of External Affairs on Jacob's Heart Children's Support Services {5 minutes}
- B. Presentation and Update by Steve Vagnini on Status of the 2019 West End Celebration {10 minutes}

9. PUBLIC HEARING

- A. Consideration of City RESOLUTION Approving Coastal Development Permit 19-02 Authorizing an Indoor Climbing and Fitness Facility with Accessory Office and Retail for "The Pad Climbing" Operation at 325 Elder Avenue

10. NEW BUSINESS

- A. Consideration of City RESOLUTION Making New Appointment of XXXXX to the Sand City Design Review Committee until January of 2021
- B. Consideration and Discussion to Approve the Professional Service Agreement for Non-Construction Project with Harris and Associates
- C. Comments by Council Members on Meetings and Items of interest to Sand City
- D. Upcoming Meetings/Events

11. CLOSED SESSION

- A. City Council/Agency Board to adjourn to Closed Session regarding:
 - 1) Conference with Labor negotiator pursuant to Government Code Section 54957.6.
Agency designated representatives: Donna Williamson/Vibeke Norgaard, City Attorney
Employee Organization: Sand City Police Officer's Association (POA) and Miscellaneous Employees

- B. Re-adjourn to Open Session to report any action taken at the conclusion of

Closed Session in accordance with 54957.1 of the Ralph M. Brown

12. ADJOURNMENT

Next Scheduled Council Meeting:
Tuesday, September 3, 2019
5:30 P.M.
Sand City Council Chambers
1 Pendergrass Way, Sand City

This is intended to be a draft agenda. The City reserves the right to add or delete to this agenda as required.

The current Sand City agenda is available in PDF format on our website at:
www.sandcity.org

If you have a request for a disability-related modification or accommodation, including auxiliary aids or services, which will allow you to participate in a Sand City public meeting, please call the City Clerk at (831) 394-3054 extension 220, or give your written request to the City Clerk at 1 Pendergrass Way, Sand City, CA 93955 at least 48 hours prior to the scheduled meeting to allow the City Clerk time to arrange for the requested modification or accommodation.

AGENDA ITEM

6A

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

Regular Meeting – June 18, 2019
5:30 P.M.
CITY COUNCIL CHAMBERS
Sand City Hall, One Pendergrass Way, Sand City, CA 93955

Mayor Carbone opened the meeting at 5:30 PM.
Invocation was led by Reverend Robert Hellam.
The Pledge of Allegiance was led by Chief Ferrante.

Present: Mayor Mary Ann Carbone
Vice Mayor Blackwelder
Council Member Cruz
Council Member Hawthorne
Council Member Sofer

Staff: Brian Ferrante, Police Chief
Leon Gomez, Contract City Engineer
Fred Meurer, Interim City Manager
Vibeke Norgaard, Contract City Attorney
Charles Pooler, City Planner
Linda Scholink, Administrative Services Director/City Clerk

AGENDA ITEM 4 ANNOUNCEMENTS BY MAYOR AND CITY MANAGER

Mayor Carbone informed the public of the handouts available to the public of meetings attended and of a presentation by California American Water given at the Monterey Water Resource meeting.

Fred Meurer, Interim City Manager, informed the public and the Council that there will be an article in the Monterey Coast Weekly covering Sand City's budget discussions. He said that the Council is about half way into the discussions on the budget. They were given a presentation by Monterey Fire which is a large portion of the budget and they had an initial discussion on the Police Department and associated costs where a decision was tabled until the Council could get a better understanding of the entire budget. The Council will be given a presentation at the current meeting on the condition of the City's pavement, a major piece of the City's infrastructure.

Tomorrow, June 19, 2019, the Council will hold a study session on the budget to discuss expected revenues, annual ongoing revenues, and expected annual expenditures. The expected revenues are estimated by outside consultants who

specialize in sales tax and property tax predictions.

Another large portion of expenditures is the retirement plan. A consultant will brief the Council on Thursday, June 20, 2019, on the status of the Sand City retirement program for miscellaneous employees and public safety. He will explain the unfunded liabilities and will highlight the choices before the Council on how to handle these liabilities that will grow in the future.

Earlier in the day, the Council held a closed session meeting to discuss the City Manager recruitment. The list of applicants has been narrowed down to six that will continue on with the process.

In regard to the South of Tioga project, the hold up in breaking ground is a result of biological work. This work has been submitted to Federal and State officials for incidental take permits. The Council may need to make decisions on the risks associated with starting the project before the permits have been approved. Groundbreaking is tentatively scheduled for August/September. The City anticipates receiving input from the developer on the developer agreement in the coming week.

Vibeke Norgaard, City Attorney, added that the City has received the comments on the developer agreement but they have yet to be reviewed.

Linda Scholink, Administrative Services Director/ City Clerk, informed the Council of handouts for agenda item 9A and agenda item 11C.

AGENDA ITEM 5 PUBLIC COMMENT

5:38 P.M. Floor opened for Public Comment

Brian Clark, Sand City resident, discussed the budget for the Sand City Police Department. He compared Sand City's historical data to that of Del Rey Oaks, Seaside, and Carmel-By-The-Sea. He said that Del Rey Oaks spends roughly \$717 per year per citizen for police services; Seaside, about 88 times larger than Sand City, spends roughly \$436 per citizen per year for police services; Carmel-By-The-Sea spends about \$992 per citizen; Sand City spends \$9,895 per citizen for police services. He said that although Sand City has a small population, the shopping centers bring in enough visitors to make Sand City comparable to the other peninsula cities. But Sand City's numbers are not in line with any other cities. He said that the crime threshold for Sand City has been consistent since 2003 and that there is a plateau where an increase in the number of police officers no longer contributes to crime reduction. He summarized that he thinks the size of the police force is too large and would rather see funds spent toward undergrounding utilities, parks, and other community projects.

5:42 P.M. Floor closed to Public Comment.

AGENDA ITEM 6 CONSENT CALENDAR

- A. There was no discussion of May 21, 2019 Sand City Council Meeting Minutes
- B. There was no discussion of May 21, 2019 Study Session Meeting Minutes
- C. There was no discussion of City/ Successor Agency Monthly Financial Report, May, 2019
- D. There was no discussion of City **Resolution** Authorizing a Service Agreement for Auditor Services by Hayashi & Wayland for Fiscal Year 2018-2019 at a cost not to exceed \$49,500
- E. There was no discussion of City **Resolution** Authorizing Renewal of Sheltering Services Agreement with the Society for the Prevention of Cruelty to Animals for Monterey County (SPCA)
- F. There was no discussion of City **Resolution** Authorizing Renewal of a Maintenance Services Agreement with HOPE Rehabilitation Services for FY 2019-2020
- G. There was no discussion of City **Resolution** Recognizing Dr. Walter Tribley upon his Retirement from the California Community Colleges System and as Superintendent/ President of Monterey Peninsula College

Motion to approve the consent calendar items was made by Councilmember Hawthorne, seconded by Councilmember Sofer. AYES: Councilmembers Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 7 CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the consent calendar.

AGENDA ITEM 8 PRESENTATION

5:45 PM

- A. **Presentation by Michael Groves, EMC Planning Group, Senior Principal on the Sand City Vibrancy Plan**

Fred Meurer, Interim City Manager, introduced the agenda item by saying the Vibrancy Plan is the work effort of a number of community members, staff, and

Council members over a period of time to try to visualize how they would like the City of Sand City to look in the future. He said that in the plan several projects are suggested ranging from handicapped access for pedestrians to pedestrian ways to streetscape and building facades that will transform the feeling as you come into Sand City. The transformation will make the community feel more like a residential community that will make a place where people will want to live, work, and shop. There are investments to achieve what the plan lays out. He said it would take a lot of funding to complete the suggestions in the plan.

While it is called a plan, it is, in reality, a study. A plan has a legal meaning that means it has been through an environmental review and has conditions and requirements. The Vibrancy Plan is nothing more than a guideline. This presentation will inform the Council on some of the budget decisions they will have to make regarding streets, roads, façade programs, and other interventions to encourage people to invest in their property. After the Vibrancy Plan presentation there will be a presentation of the current condition of Sand City's roads and how that relates to budget discussions.

Michael Groves, president of EMC Planning Group, started his presentation by describing the Vibrancy Plan as a big undertaking which took three years to complete. The plan was created as a collaboration of Councilmembers and the Technical Advisory Committee to be used as a roadmap for the advancement of the City's diversity and unique identity while promoting the arts community, residents, businesses, and local government and to establish a connected community. The plan can be adopted as an amendment to the General Plan or as part of a policy.

There was a great effort put into public outreach and Technical Advisory Committee participation as part of the process. This included site tours, design workshops at the West End Celebration, and meetings with the Design Review Committee.

The plan does not encompass the entire City but focuses on the South of Tioga area and the West End district. Connectivity was recognized as an issue in these areas; in some areas you can walk easily, others you cannot, and in some there are no sidewalks at all. Considering the development of the South of Tioga project, the plan will enhance the ability for connectivity between this area, the shopping centers, and the West End area. The rail corridor and the entrances to the City at Tioga Avenue and Contra Costa Avenue influence connectivity and how the City is perceived.

The goals of the Vibrancy Plan were established by the Technical Advisory Committee and by members of the City Council. These goals include the enhancement of the downtown atmosphere, the encouragement of diversity and a unique identity for the City land use flexibility, and the promotion of collaboration between the arts community, residents, and businesses. Other goals include economic development guiding investment and encouraging that investment in the City by creating incentives and funding opportunities, like grants, to fortify the City's position in the region.

The Carroll property was identified as one of the biggest themes in terms of advancing parking, retail, or uses associated with a civic center. Mr. Groves insisted that the proposals for implementing a commuter rail in Sand City should be considered when envisioning the future of the City. Pedestrian trails and the bicycle trail can also be enhanced.

Fred Meurer interjected that the Vibrancy Plan is a study and not a demand. If the plan is adopted, City staff will be looking for ways to create a civic center. The approval of this plan would encourage the Interim City Manager to consider the budget for the West End Celebration and other potential incentives for the Arts Committee. He also wants to focus on transforming the railroad corridor, owned by another public agency, to make it an asset rather than a liability. This should be done immediately. When entering the City, visitors see the potholes on the right-of-way of the neighboring City. Mr. Meurer has started the process of acquiring resources to address parking and said the railroad corridor could become a potential parking asset as well as improving life in the City.

These are triggering budget decisions that will be made later on in the year and also show the value of the baseline study that was done as a community to build a foundation.

Michael Groves continued speaking on the South of Tioga area, saying that Tioga Avenue gives no sense to visitors that they have entered Sand City and that there is beach access at the end of the road. Once the project comes in, there is going to be much more of a demand for a welcoming feeling and for visitors to feel like they are entering the core center of the City. The South of Tioga developers will do some signage around their project, but the City needs to do something more on the edges to welcome people into that project and to the beach and other areas of the City. There will be an increased demand for beach access and boardwalks are an inexpensive option. Adequate parking and the use of small, typically underutilized spaces are areas to be addressed.

The development of the Vibrancy Plan started with the General Plan and talks about transforming the Old District from the heavy industrial unplanned mixed use warehouses to something that is more eclectic with pedestrian-oriented streets. EMC Planning started by looking at the existing land use types. The zoning ordinance includes mixed use lots and set up the City to allow for the flexibility of uses. Mr. Groves spoke on the intersection of Del Monte Avenue and Contra Costa Street saying the City should pursue its improvement to create something unique for the entrance to the City.

Mr. Groves spoke on parking solutions. Options include having a limit of minimum parking requirements, having no parking requirements at all, building a parking garage, installing parking meters, or adopting a parking district fee to fund parking related projects. The Council will have to reach a balance in terms of having

flexibility in the parking requirements but also using funding to provide public parking. The Transportation Agency of Monterey County's (TAMC) rail corridor could also be utilized for pedestrian and bicycle transportation. Monterey Salinas Transit (MST) would like to see a bus line through the rail corridor, which would be ideal for the South of Tioga project because there could be sidewalk parking along the road. TAMC is also in favor of the project as there is \$15 million available of Measure X funding that could be used. This could be done within the next four to five years.

There is information circulating that a developer may potentially develop the marina station project at the north end of Marina. The site is owned by an agricultural operator and is under contract to move forward. The developer proposed to TAMC to provide \$300 million to build a train to run from Sand City to Castroville and back to Salinas and Gilroy. This would take the bus project off the table, if it were to happen. A train stop in Sand City would make the City relevant. TAMC has shared plans with the City Engineer and Michael Groves on how to place the bus stop locations so that, if the train system did eventually come in, they wouldn't have to tear out what they put in, but instead modify and expand on it.

Michael Groves then spoke on streetscaping. He said that the feel of the City could be improved with new awnings, new signage, brick facades, public art, undergrounding utilities, outdoor seating, landscaping, pedestrian conducive areas, and cafes with outdoor seating. He also spoke on the entrances to the City at Tioga Avenue and Contra Costa Street and adding to the current signage, adding sidewalks, undergrounding utilities, and putting some kind of message on the freeway bridge in these areas.

Mr. Groves spoke on attracting visitors and business with community events such as farmers' markets, artists' markets, and music festivals. The plan works as a wish list for the Council to select which programs they see as the most beneficial in achieving the City's vision.

The implementation strategy overview includes several big subject areas including branding and marketing of the City, art display programs, how to support the artists, funding strategies for improvements, sidewalks, lighting, landscaping improvements, re-occurring events, temporary uses, underground utilities, gateway improvements, parking, and circulation improvements. There are several key properties like the Carroll property, the Independent Phase 2, and property within the South of Tioga project.

In order for the study to become a plan, a CEQA review will need to be done and funding will have to be budgeted for that review. Once the City does a CEQA review, it can be turned from a study into a plan or incorporate as a planning tool into the General Plan. The City Council should soon schedule workshops to prioritize specific implementation steps. Out of those implementation steps, chosen priorities should turn into the annual capital improvement program, at least for the physical

improvements.

Councilmember Hawthorne commented that he has been waiting for the plan to happen. He said that if the City had more restaurants it would become a popular location for dining because at night the City has available parking. If the City wants a vibrant downtown, it will need a place for people to walk and eat. He argued that a restaurant row would be of low cost to the City and profitable for investors. He said that the renovation of the entrance to Sand City will add to this idea.

Michael Groves agreed that restaurants are imperative for a successful downtown. He said that the towns he visited for inspiration for the Vibrancy Plan have incredible restaurants. Because of habitat issues, restaurateurs have struggled to come to the City as they want ocean views. The City will need to create incentives for restaurants.

6:20 PM Floor opened for Public Comment

Brian Clark said that San Francisco did a small study, about the size of Sand City that was well done. He said that Council should do more focus groups with the citizens on what they want to have happen. The Council needs to talk about what is possible to accomplish given budget constraints and begin to implement plans to get to the big picture.

6:23 PM Floor closed to Public Comment

1) Consideration of City **Resolution** Approving the City's Vibrancy Plan

Motion to approve City **Resolution** approving the City's Vibrancy Plan was made by Councilmember Hawthorne, seconded by Councilmember Sofer. AYES: Councilmembers Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

6:30 PM

B. Presentation by Margot Yapp Principal/ Vice President of NCE regarding the Measure X Pavement Management Program

Fred Meurer introduced the presentation on pavements as part of the streetscape referenced in the previous presentation on the Vibrancy Plan. The City received support from TAMC for all City streets to be evaluated. The presentation will show the analysis for potential strategies for transforming the streets but will also show the investment that will be necessary.

The presentation focuses on streets as they are today. It does not take into account proposed capital improvements. He directed Council to get a sense of the magnitude of their financial liabilities.

Margot Yapp, Principal/ Vice President of NCE, began her presentation on the City's street conditions and street network. NCE was asked by TAMC to conduct a pavement management program for several cities within the County. The pavement management program is a tool to answer four main questions: how many miles of streets the City owns and is responsible for maintaining, the state of their condition, how much funding is needed to maintain them, and how much funding is needed to repair them.

She started by addressing the first question of how many streets the City owns. Streets are split up into collectors and residential. Residential are the local streets that people live on and these feed into collectors. The City has approximately 5.1 miles of which collectors make up about 43% and residential are a little over half. The value of this publicly owned asset is about \$4.7 million. The preferred option for street maintenance is to keep them maintained to where residents and visitors don't notice them. The asset value of \$4.7 million helps to set the baseline for the amount necessary to maintain or improve the roads.

The next question is determined by the pavement condition index, or the PCI, which ranges from 0 to 100 with 100 being in good condition and 0 being very poor and has failed. Sand City is at 59, in the "feared" category. 41% of Sand City's roads are in good shape, 30% of its network is in poor or very poor condition and 25% are in the "feared" category.

Ms. Yapp explained what the conditions of very poor, poor, feared, and good look like for the roads. In a comparison of local cities, Sand City scored similarly to Carmel-by-the-Sea. The statewide average for California is 65. She compared costs for repairing roads at different levels of condition and with different strategies. The cost to get all of Sand City's roads in good condition would be \$3 million over ten years. To maintain all roads with an average rating of 59, the City would need \$1.3 million over ten years, accounting for inflation. Looking at the City's revenues, there is about \$42,900 per year that can go to road maintenance. This level of funding is insufficient for street maintenance.

Fred Muerer, Interim City Manager, interjected to provide the Council an overview of these numbers in relation to the proposed budget. If the Council were to have a goal of an 84 rating for roads they would face a \$300,000 per year expenditure. The proposed Fiscal Year 19-20 budget has \$250,000 of discretionary income which could be used to fund these things, but could also be used on other projects that he has recommended, such as improving the entrances to the City.

There is a grant that will take care of a portion of the Contra Costa Street Improvements project. General funds will also be expended to complete the project. The developer for the South of Tioga project is required to do half of Tioga Street improvements and so Mr. Meurer recommends the City fund the reconstruction of the other half of the street. Sidewalks, storm drains, curbs, and gutters will also need

to be assessed in relation to these projects. Part of the CIP for next year is to buy an asset management system to create a responsible asset management plan to keep all streets, buildings, etc. in good condition. The next step is to think of where the funding for the roads will come from. Fred Muerer proposed the use of the reserve account for the funding of these projects. He directed the Council to consider what level of reserves they would want to sustain.

Margot Yapp continued her presentation. To keep to roads at their current condition, the City is facing a shortfall of \$900,000; to fix all of the streets it is \$2.6 million. She said a more realistic goal than an idyllic 84 rating is a rating in the 70s. To get to 70, the cost would be about \$600,000 in the first year.

In summary, the City has a big investment in its street network of about \$5 million. The roads are currently in fair condition. The current funding level of \$42,000 is insufficient. Ms. Yapp mentioned the interest residents, visitors, and businesses have in the roads.

Councilmember Hawthorne commented that the City should aim to reach 84 at \$300,000 per year for ten years. He said it would be a great investment that would require limited maintenance. It would also make the City look great. He would like to see the undergrounding of utilities completed. The Councilmember discussed potential areas of funding such as through TAMC or from Granite Rock who impacts the roads with heavy trucks.

Leon Gomez, City Engineer, asked Ms. Yapp to discuss previous projects they have assisted with.

Margot Yapp spoke on her work with the City of Sand Cruz. Measure H was passed about ten years ago which allows the City to bond against it and borrow money over the first several years to complete construction of all roads. The cost of repair and maintenance is then lower than the existing stream of funding. Del Rey Oaks is also looking into the option.

Fred Meurer said that revenue from Measure X is projected to increase from \$25,000 to \$30,000 per year. The City could consider borrowing money to fund projects like the west half of California Avenue. A strategy would need to be implemented to pay the borrowed fund back which would detract from the capability of funding other projects.

Mayor Carbone added that Del Rey Oaks borrowed from TAMC at 5% interest to complete their roads.

Fred Meurer said that it is also possible to conditionally approve a project.

7:00 PM Floor opened for Public Comment

Brian Clark, resident, mentioned that Olympia Avenue in Seaside is in terrible condition and that Sand City needs to work with Seaside to repair it.

Fred Meurer said that he has spoken with Seaside and they would be interested in Sand City assuming responsibility for maintaining their roads. They would not, however, entertain transferring the tax base for those roads. Since people think the road is in Sand City, the Council should consider maintaining the road so the City looks good.

Councilmember Hawthorne said that the road is in terrible shape. Granite Rock pays taxes in Seaside, but has their heavy trucks go through their Sand City entrance. This needs to be addressed.

Fred Meurer said the discussion can go on a future agenda.

7:05 PM Floor closed to Public Comment

BREAK

7:25 PM

AGENDA ITEM 9 PUBLIC HEARING

A straw draw was conducted and Councilmembers Blackwelder and Sofer stepped down from the dais due to a possible conflict by residing within 500 feet of the subject property.

A. Consideration of City Resolution Approving Coastal Development Permit 19-02 Authorizing an Indoor Climbing and Fitness Facility with Accessory Office and Retail for "The Pad Climbing" Operation at 325 Elder Avenue

Charles Pooler, City Planner, presented an application for a Coastal Development Permit submitted by Yishai Horowitz, of "The Pad Climbing" to establish a recreational rock climbing facility at 325 Elder Avenue specializing in artificial rock surface climbing, with accessory uses such as a yoga and weight room.

The 1-story commercial building is divided into three units. The Applicant's use would be located within the combined Areas 2 and 3, which were used by Monterey Bay Restaurant Equipment for wholesale, warehouse, and storage uses.

There will be roped climbing, bouldering, a dedicated kid area, weight room, lounge, showers, locker rooms, yoga and fitness studio, and a climbing oriented retail shop. For weight training, the Applicant will use Olympic style weights of up to 45 pounds, bumper plates, and dumbbells of up to 100 pounds. There will be cable cross machines, rowing machines, stationary bikes, TRX straps, medicine balls, and kettle bells. There will be a total staff of fifteen (15) to twenty (20) persons, split between

varying shifts; however, there would typically be only two (2) to three (3) employees at the site at any one time with possibly four (4) to five (5) employees at peak times. During peak hours, the Applicant anticipates around fifty (50) patrons between 5:00 PM and 8:00 PM. During off-peak hours, there are typically five (5) to fifteen (15) patrons. The Applicant currently has climbing facilities in San Luis Obispo and Santa Maria.

The Applicant's intended hours of operation will be from 11:00 AM to 10:00 PM daily with peak traffic expected between 5:00 PM to 8:00 PM. Though the proposed morning schedule will be complimentary with the Camp Transformation operational hours in terms of alternating hours and parking demand, the evening hours will overlap.

The City's Municipal Code does not have parking requirements for recreational or gym type land uses. In the absence of a zoning code parking specification, the City has used a 1/450 parking ratio requirement for other exercise and gymnastic businesses within the City. Monterey Gymnastics operates along Catalina Street under the 1/450 parking ratio without negative impact to the community or neighboring properties. When Iron Republic operated at 1807 Contra Costa Street under the 1/450 parking ratio, parking was not an issue until that site was occupied by Camp Transformation.

The ground level square footage of the Applicant's unit is 12,214 square feet, inclusive of office, lounge, restrooms, and storage areas; however, the proposed rock climbing apparatus will occupy 3,413 square feet of floor area, reducing the useable ground floor climbing and exercise activities. This brings the total cumulative useable net recreation floor area to 9,350 square feet.

Applying the 1/450 parking ratio to the cumulative 9,350 square feet of usable floor area requires twenty-one (21) parking spaces. The 1.450 ratio applied to Camp Transformation's floor area of 5,786 square feet results in requiring thirteen (13) parking spaces. The sum of twenty-one (21) spaces for the Application and thirteen (13) spaces for Camp Transformation, based on the 1/450 ratio, is 34 spaces; this is the number of parking spaces that will be provided with the corrected re-stripping of the Subject Property's parking lot.

In the final consideration of Camp Transformation's use permit (CDP 18-03), the parking requirement stated that the on-site parking lot was to provide a minimum of thirty-three (33) spaces, and that if those spaces on-site were insufficient to accommodate the parking demand, then Camp Transformation was to secure additional off-street parking. Camp Transformation was able to secure co-use of all the parking spaces on the Subject Property in conjunction with other tenants of the building. Staff anticipates that parking demand for both Camp Transformation's operation and the Applicant's rock climbing operation will substantially exceed the on-site capacity of 34 parking spaces during peak weekday evening and overlapping business hours, resulting in an excessive overflow of curbside street parking.

If the Council is favorable toward the Applicant's Use at the Subject Property then the City should require the Applicant to secure additional off-street parking elsewhere, of sufficient parking capacity and within reasonably short/quick walking distance, as a condition of land entitlement permit approval. Considering that the Applicant expects fifty (50) individuals during peak hours and estimating that twenty-four (24) of those patrons (48%) carpool in pairs (12 vehicles) and the rest (52%) arrive individually (26 vehicles), added to Camp Transformation needing at least thirty-four (34) to forty (40) parking spaces, then an off-site parking area of thirty-eight (38) to forty-four (44) spaces should be sufficient to accommodate most of the anticipated parking of both uses with minimal overflow street parking demand.

The Applicant is proposing both interior and exterior modifications to the building including climbing walls and apparatus, office, restrooms, yoga rooms, workout areas, lounge, and upper level climbing areas. Additionally, the proposed storefront doors facing Elder Avenue will need to be recessed into the building as doors must swing outward, but should not swing out into the public sidewalk. This was an issue with Camp Transformation's building improvements that was resolved with a recessed alcove for the entry door and their secondary egress door. Additionally, there is a door on the west elevation that opens to the parking lot that is not allowed by code as the parking lot is on a separate parcel. This could be resolved by either filling in the doorway with a wall or merging the two adjacent parcels that are under the same ownership.

The Applicant proposes to raise a 120 foot by 50 foot section of the building's north side roof by approximately eleven feet (11'), from twenty-nine (29) feet in height to forty (40) feet in height for climbing. The Applicant proposes to construct a steel framework within the building itself to hold up the raised roof.

Staff does not anticipate negative impacts such as excessive noise, vibration, dust, fumes, odors, or other negative influences from the proposed climbing, yoga, office, or retail activities. Though weight training is not the primary on-site activity, staff is concerned with weight dropping or slamming that would generate noises and vibrations that could disturb nearby residences (present and future). Furthermore, the permit should require that the Applicant establish exercise pads and/or other sufficiently performing shock absorbent materials/flooring wherever weight training occurs within their unit. Staff recommends that weight training activities only be allowed from 11:00 AM to 9:00 PM.

The Applicant did mention to staff that they would like to have twenty-four (24) hour key access for their members. Staff's concerns are not with the rock climbing activity itself, but rather noise impacts via patron outdoor conversations, car doors closing/slamming, car alarm activations, and other seemingly minor activities/impacts that, during early morning and late evening/night hours, would be exacerbated upon nearby residential dwellings (existing and future) by the absence of the typical daytime background noise.

Staff has received correspondence in opposition to the application expressing concerns that the size and type of operation is too large for the Subject Property. Concerns over parking and that the proposed building height would increase would impede ocean views from this development.

The Applicant's exercise facility, interpreted as a "gym" for the purposes of water determination, qualifies as a Group 1 category water user in accordance with the Monterey Peninsula Water Management District (MPWMD) regulations. The Subject Property has water credit based on Group 1 use for the existing floor area. However, the added 2,400 square feet of floor area from the proposed 2nd and 3rd interior levels may require an additional water allocation. If additional water is required for this added floor area, an allocation is discretionarily available from the City's Water Entitlement (desalination facility) to accommodate that need. The Applicant and property owner should verify whether the scope/scale of the Applicant's use falls within the MPWMD's definition of "gym" and if additional water needs to be allocated for the additional floor area and/or use.

The Property Owner has submitted public improvement plans for improving public and ADA access along the Subject Property's Elder Avenue frontage that would include a new concrete walkway with a proper ADA slope. The City is also pursuing Proposition 1 and Integrated Regional Water Management grants for stormwater and street improvements along Catalina and Contra Costa streets to include improvements of street, sidewalk, landscaping, drainage, and parking that would incorporate the Subject Property's Catalina Street frontage. Between these two projects, only the Ortiz Avenue sidewalk fronting the Subject Property would remain deficient.

With expenses currently being incurred for the Elder Avenue frontage, the Property Owner requested a deferral. Staff's counter proposal was to either install the improvements concurrently with the City's Catalina Street Improvements or within five (5) years, whichever is sooner. Staff anticipates the Catalina Street Improvements, pending receipt of grant funding, to be within the next two (2) to three (3) years. The Property Owner was amenable to that suggestion.

Staff supports the integration of commercial recreation uses into the West End district in order to promote the goals of the City's General Plan to transform the West End district. However, staff has concerns regarding the scope and scale of the Applicant's Use at the Subject Property. Integrating Camp Transformation into a smaller unit while the larger remainder of the building operated as a wholesale operation was a mix of uses the Subject Property was able to reasonably accommodate. However, despite the analysis and discussion of this report, using the 1/450 parking ratio, staff is concerned that the parking demand of both Camp Transformation and the Applicant's Use will not be sufficiently accommodated by the Subject Property during peak operational hours of 5:00 PM and 8:00 PM of both uses simultaneously. The Applicant could secure other properties to accommodate

parking. The question for Council to consider with this, or any, use permit application is whether such overflow parking, and the amount thereof, is acceptable or not.

The City Council has three options for action: deny the application based on the finding that the scope and scale of the Applicant's Use exceeds the Subject Property's ability to sufficiently accommodate, approve the Coastal Development Permit as presented or with additional modifications the Council deems fit to incorporate, based on the findings below, or continue the public hearing on this application to a later date if the Council deems it necessary for further staff research/analysis, information, and/or discussion.

Councilmember Hawthorne commented that the parking analysis did not include Elder Avenue which would provide available parking since the businesses on that street usually close by 5:00 PM.

Charles Pooler responded that most of Elder Avenue contains driveway aprons. Driveway aprons are not able to be blocked as dictated by vehicle code.

Councilmember Cruz asked if the parking at the end of Elder Avenue is public or residential parking.

Charles Pooler answered that during the day the spaces are used by the City's Public Works Department but are available in the evenings.

Councilmember Cruz asked about the operating hours of the Applicant and for Mr. Pooler to specify the limitations the City is asking for.

Charles Pooler specified that the hours of operation are 11:00 AM until 10:00 PM for yoga and rock climbing and that staff is recommending that any weightlifting activities cease by 9:00 PM to be consistent with Camp Transformation's requirements.

Councilmember Cruz asked to clarify that the twenty-four (24) hour access is stating that the business would be open twenty-four (24) hours per day.

Charles Pooler answered that while the Applicant requested twenty-four (24) hour access, staff is recommending that not be allowed.

Councilmember Hawthorne commented that the noise concerns are not with weights but with trash cans being picked up and emptied Thursday mornings and that that is the loudest noise in Sand City. The Applicant's Use would be significantly lower. He also said that the extension of the roof would make the building more interesting and provide a potential space for public art. He does not feel that the facility will create an excessive amount of parking demand.

Charles Pooler said that it depends how these classes are managed. The City

Council can choose to limit class size if they find it necessary.

The Applicant, **Yishai Horowitz**, addressed the Council to present his application for the Pad Climbing. He agreed with Councilmember Hawthorne in regard to the potential for public art on the addition. He presented the floor plan of the proposed site to include the roped climbing area; bouldering area; yoga studios; weight room; pro shop; lounge with Wi-Fi, coffee, and a library; and restrooms, showers, and changing areas. He showed the Council pictures of current facilities. He spoke on their community partnerships with school groups, the Girl Scouts, non-profit groups, veteran groups, youth groups, and CASA. They have kids' camps and a competitive youth team. He gave an overview of the variety of types of members they have.

The facility provides a yoga program, bare classes, and other active fitness classes. The membership includes access to these services. Mr. Horowitz said the Pad Climbing hopes to become a part of the Sand City community.

Councilmember Hawthorne asked when most people visit the facility.

Yishai Horowitz responded that most people visit between 5:00 PM and 8:00 PM.

Councilmember Hawthorne commented that the business would be positive for the community.

Mayor Carbone asked the applicant what attracted them to Sand City. She said that limited parking is a concern for her and that she would assume the business would want additional parking.

Yishai Horowitz answered the parking situation at their other locations has worked for their clients and they believe it will work in Sand City as well.

Fred Meurer asked the applicant to explain how he believes the parking situation will work. He asked how many people can use the facility at once for the location to be financially viable.

Yishai Horowitz answered that the location could potential have 150 customers using the facility at once, although they don't get that level of use. They expect, at max, to have fifty (50) customers in the facility at once. At their San Luis Obispo location which is a similar size to the potential Sand City location, they have twenty (20) parking spaces and neighbor a cross fit gym and a dance studio. The spaces do fill at times, but the situation works for them and their neighbors.

Fred Meurer again asked about the parking strategy.

Yishai Horowitz said that the location is similar to their San Luis Obispo location which works well and is financially viable and also has fewer allocated parking spaces than what the Sand City location has available.

Fred Meurer said that the applicant would need to provide more substance in their answer about parking.

Councilmember Hawthorne suggested that the Pad Climbing and Camp Transformation lease the Carroll property from the City to use as parking.

Fred Meurer countered that the Carroll property is not configured to meet ADA requirements and address circulation issues. An investment could be made to make the property useful.

Vibeke Norgaard, Contract City Attorney, added that using public funds to support one business is inadvisable and the resource would have to be made publicly available. It could not then be allocated for two specific businesses.

Councilmember Hawthorne added that a fee structure could be attached to its use to fund a potential parking garage in the future.

Fred Meurer said that a parking program would need to be defined. He said property owners often come up with creative solutions to these sorts of issues.

Keith Higgins, Traffic Engineer for the project, provided information on the traffic situation of the location. The first issue is to determine how much parking demand the project will generate and from there figure out the solution. He created an estimate of parking demand and then identified satellite parking. Staff came up with an estimate of thirty-eight (38) to forty-four (44) spaces. They performed a survey of the Santa Maria site and found a deficiency of twenty-eight (28) parking spaces at 7PM.

Camp Transformation currently generates roughly thirty-three (33) peak hour parking spaces demand. The Pad Climbing, assuming that it generates the same parking demand as the Santa Maria site at twenty-eight (28) spaces, sixty-one (61) spaces would be needed on site. The site supplies thirty-four (34) spaces so there is a twenty-seven (27) deficit. If frontage parking is be credited, staff identified three (3) spaces on Ortiz, five (5) spaces on Catalina, and twelve (12) spaces on Elder. The balance would have to be provided by a satellite facility, which the site manager is currently looking into. If satellite parking is secured, the parking necessity will be met.

Fred Meurer asked to confirm that the analysis is based on a similarly sized facility with a similar population base.

Keith Higgins confirmed and added that since facilities will not generate the same amount of parking, his estimate is as close as possible.

Fred Meurer added that Mr. Higgins would have to write up that analysis to

demonstrate availability so the Council can make appropriate findings that the project provides a responsible number of spaces, knowing that the Carroll building could possibly be improved for "general use" to provide additional spaces.

Keith Higgins said that parking requirements will be specified in the use permit.

Vibeke Norgaard asked for an explanation of major differences between Sand City and San Luis Obispo and Santa Maria in terms of transportation and walkability.

Keith Higgins answered that there is a transit service on the main streets of San Luis Obispo within a reasonable walking distance from the facility. It is also a college town with a younger demographic and so bike travel is common in the area. The demographics may be a little different, but Sand City also has colleges in the area and nearby transit service.

Mayor Carbone asked if there is room for bike racks on-site.

Yishai Horowitz answered that the plans for the project include the installation of bike racks and that the City of San Luis Obispo gives parking space credit for bike racks.

8:00 PM Floor opened for Public Comment

Brian Clark commented that residents, including him, did not support Camp Transformation when it went into the neighboring site. He said that the Camp's clients already fill the parking lot and so he does not see adequate parking at the site. He sees Camp Transformation as having a negative impact on his property and said the Pad Climbing will have a similarly negative effect. He also commented that the increase in the height of the building will diminish his ocean views.

Richard Garza, owner of the proposed Catalina Lofts project, handed out photos he took of times of parking congestion at the site and asked Charles Pooler to confirm that the parking was deemed adequate by a factor of 1 space per 450 square feet.

Charles Pooler said he does not believe that the parking available meets that ratio.

Richard Garza continued to say that the parking is inadequate. He said the City needs to address their calculations for parking requirements. He suggested 157 square feet per parking space. He fears that the clients of the gym will park at his proposed project site once it is built. He said that the raise in the height of the building will ruin the ocean views of his proposed project. If the use permit is approved, he threatened to terminate his project and never develop the parcel.

Councilmember Hawthorne informed Mr. Garza that the parking on Ortiz and Catalina were full prior to Camp Transformation moving to the site by the other companies that occupy the area. Camp Transformation did not change the parking situation.

Michael Bascou, resident, reiterated the concern with parking. He feels that the parking lot to be restriped is underutilized. He said that the parking is not sufficient to accommodate the proposed use. He compared the proposed use to his previous business in Sand City, saying he had twenty (20) parking spaces allocated and always experienced an overflow of cars.

Bill Grimm, owner of the proposed site, spoke to correct Mr. Bascou, saying that he had ten (10) parking spaces allocated, not twenty (20).

Alex Hubbard, legal representation for the property owner at 325 Elder Street, addressed objections raised by third parties in connection with the project. The issue of parking is best dealt with by the property owner and not the City. In previous conditional use permits for the property, parking disputes were made the responsibility of the property owner and that condition should apply in this case. He addressed the insufficient parking at Mr. Bascou's previous facility of 7,000 square feet, 500 members, and 10 parking spaces. He added that Mr. Garza's project has had a use permit for several years but has yet to be built. Therefore, Mr. Garza's objections rest more on theory than reality and cannot claim harm to a project that is only approved not build. Mr. Garza's unveiled project was approved with ample parking for the residential occupants and little if any parking for the commercial tenants that may someday occupy. He cannot argue about the impact of street parking in the neighborhood when his project may impact street parking as much if not more than the Pad Climbing.

Mr. Hubbard continued that with CUP 18-93, staff had presented the Pad with the only effective method of mitigating the parking requirements. With parking agreements, the neighbors will work together to solve this issue of ultimately developing better communication relations should there be an issue without the need for City enforcement.

Mr. Hubbard said that Mr. Garza's concern that an increase in the height of the building blocking the views of his project is unwarranted. In California, land owners do not have right of access to air, light, or view over adjoining properties. The Sand City Municipal Code does not provide that the purpose of any zoning regulation is to provide adequate light, air, privacy, or convenience to property owners. No right, legal or equitable, exists that would allow Mr. Garza to speak of damage to the viability of his unbuilt project and has no standing for suit.

Deirdra Bascou, property owner and resident, commented that she has conflict with the negative impact a business of this size and nature will have on her small neighborhood and how it affects the value of her mixed use property. The size of

the project being proposed will far exceed the parking that is available. She argued that Sanctuary Rock Gym worked with only ten spaces because it was situated in a commercial area with no residents that were impacted with street parking or noises from clients coming and going. She said there are approximately twenty-five (25) to thirty (30) permanent residents in addition to businesses that would be competing for street parking. She said that the tamer times of the off-hours in the evenings and on the weekends would be lost to this use. She encouraged the Council to deny the approval of the applicant's request for the proposed use.

8:55 PM Floor closed to Public Comment

Councilmember Hawthorne started Council discussion by stating that one of the biggest problems in Sand City is parking. He again referenced the Carroll property as an option for overflow parking. Street parking is going to continue to be a problem and so he urged the Council not to choose businesses on the basis of just parking. He stressed the need for the City to develop a parking plan with options for the creation of public parking. He said the planned use would be a positive addition to the City. This use contributes to the vitality in Sand City that the Council is working to grow. The potential for a mural or graphic on the roof addition would compensate in some way for the loss in ocean views and make the building interesting to look at. The community enjoys Camp Transformation and would enjoy the proposed use. He would not want to eliminate this proposed business over a parking dispute.

Councilmember Cruz asked for another rendering of the parking situation in the area to best utilize the available spaces.

Bill Grimm said that the restriping plan will allow for more parking behind the facility and in the front parking lot.

Mayor Carbone summarized the options mentioned for parking. She encouraged the property owner to find a solution for parking.

Fred Meurer added that the use has support but without a parking plan the Council will receive public scrutiny. Because the City does not have a view sharing ordinance, the potential loss of views will need to be understood by property owners. He advised the Council to continue the item to give the property owner and his tenants the time to develop an integrated parking plan.

Councilmember Hawthorne agreed that the applicant should create and submit a new plan for public review.

Fred Meurer continued that he heard Council say they would be comfortable allowing the City-owned property to be improved so that it could adequately provide parking, as long as it is open to the public.

Mayor Carbone added that Mr. Grimm should consider traffic circulation for larger vehicles within the parking lot.

Motion to continue City **Resolution** Approving Coastal Development Permit 19-02 Authorizing an Indoor Climbing and Fitness Facility with Accessory Office and Retail for “The Pad Climbing” Operation at 325 Elder Avenue was made by Councilmember Hawthorne, seconded by Councilmember Cruz. AYES: Councilmembers Carbone, Cruz, Hawthorne NOES: None. ABSENT: None. ABSTAIN: Councilmembers Blackwelder, Sofer. Motion carried.

Bill Grimm agreed with the Council to place the responsibility of finding adequate parking on the property owner. He clarified the parameters of the Council’s request and asked if additional spaces are secured and an agreement is found between tenants, the use would be approved.

Mayor Carbone directed Mr. Grimm to address City staff.

Councilmembers Blackwelder and Sofer returned to the dais.

AGENDA ITEM 10 OLD BUSINESS

- A. Engineering and Public Works Department Summary Report including the Sand City Water Supply Project, Storm Water Management Program, City Projects: West Bay St. Coastal Access Repair Project, Carroll Property Parking, TAMC Parcel Landscaping Project, Calabrese Park Improvement Project, Private Development Projects including the South of Tioga Project, and Grant Updates. Community Development and Planning Department updates by the City Administrator/City Planner**

Leon Gomez, City Engineer, presented the Engineering and Public Works Department Summary Report. The desalination well production through July 17, 2019 was 11.3 acre-feet. As reported previously, the plant was offline through June 3, 2019. Therefore given the production to date, the plant appears to be producing at or near its design capacity.

In regard to the West End Stormwater Improvement Project, the Monterey Peninsula Water Management District (MPWMD) informed the City that they discussed the disadvantaged community (DAC) issues with Department of Water Resources (DWR) staff and that DWR will honor the 2012-2013 American Community Survey (ACS) data which identified the City as DAC. City staff anticipates receiving final versions of the various technical reports and attachments prepared to support the project from the technical assistance team (D. Elswick). City staff will then be coordinating with MPWMD to finalize the Project Information Form (PIF) as part of the Prop 1 Integrated Regional Water

Management (IRWM) grant submittal process.

In regard to City development projects, the City Engineer continues to issue the updated encroachment permit application to applicants for work proposed within the City. The application now has important conditions that provide protection to the City. The City Engineer is working on permits for work at 973 Playa Avenue and 756 California Avenue. The proposed work at 973 Playa Avenue will impact the existing MST transit stop and PG&E will be required to perform night time work and repair/ replace all existing features to the satisfaction of both the City and MST.

The City Engineer will be sending a topographic survey that includes Calabrese Park to a landscape architect to support the conceptual design for the renovation project of the park. The City Engineer is working with Staff to develop a five-year Capital Improvement Plan and to provide budget estimates for next year's fiscal year budget.

Mayor Carbone asked if MST will have a temporary stopping point during PG&E's work.

Leon Gomez confirmed that the stop would be moved slightly during the work which PG&E plans to complete over one night.

Mayor Carbone asked what the 2010 census numbers were for Sand City and if much change is expected that could influence the City's status as a disadvantaged community.

Leon Gomez responded that ACS data was updated in 2017, after the completion of the Bungalows project which pulled the City out of disadvantaged community status. The Contra Costa and Catalina Street reconstructions are likely going to be the last round of projects the City can qualify for as a disadvantaged community.

B. Discussion and Update on 2019-2020 Fiscal Year Budget

There was no discussion.

AGENDA ITEM 11 NEW BUSINESS

The Council addressed agenda items in the following order: 11B, 11A, 11C, 11D, 11E.

B. Consideration of Installation of California State University Monterey Bay (CSUMB) Banners in Celebration of their 25th Year Anniversary

9:20 PM

Fred Meurer presented the item. The City was directly asked by CSUMB to

support their 25th anniversary by hanging banners that the university would procure. The cost to the City would be the labor associated with hanging, approximately \$1800 plus the \$700 rental of the lift truck.

There is not a definitive time frame for the display of the banners.

Mayor Carbone added that celebrations will be held throughout the year and CSUMB expressed interest in contributing to the West End Celebration.

Councilmember Hawthorne suggested that half of the City's banners be replaced with CSUMB's banners and the other half remain the City's banners to be switched out as regularly scheduled for events and holidays.

Mayor Carbone said that the banners in Sand City would show support for the local school and community pride.

Fred Meurer clarified that the Mayor is supporting the City's contribution of \$2500 to support CSUMB.

Mayor Carbone explained that CSUMB is paying for the creation of the banners and the \$2500 donation pays for the Sand City employee's time hanging the banners and the rental of necessary equipment.

Councilmember Hawthorne suggested CSUMB pay for the rental of the equipment if agreed upon by Council.

Charles Pooler asked if the \$2500 covers the cost for installation and removal of the banners or just installation.

Chief Ferrante answered that the fee covers both installation and removal.

Councilmember Hawthorne offered support for the installation of half of the banners.

Councilmember Sofer also offered support.

9:28 PM Floor opened for Public Comment

There was no Public Comment.

9:28 PM Floor closed to Public Comment

The item was amended to specify that half of the banners in the City would be changed to CSUMB's banners.

Councilmember Cruz asked the installation of the banners be timed with a

regularly scheduled change of City banners to save on the cost of equipment rental.

Motion to approve City installation of California State University Monterey Bay (CSUMB) banners in celebration of their 25th year anniversary was made by Councilmember Hawthorne, seconded by Councilmember Cruz. AYES: Councilmembers Carbone, Cruz, Blackwelder, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

Councilmembers Carbone and Cruz stepped down from the dais due to a possible conflict by residing within 500 feet of the subject property.

A. Consideration of City Resolution Approving the Application for Statewide Park Development and Community Revitalization Program

9:30 PM

Charles Pooler presented the item. He explained that the City has received a \$60,000 grant for ADA accessibility improvements for the park. Leon Gomez completed preliminary designs as part of that grant to also improve sidewalks.

The Proposition 68 grant is to address renovating the rest of the park to include replacing existing playground equipment, the construction of new tot lot within the playground, construct new lighting, renovate the existing restroom facility, renovate the parking and walkways for the park, and renovate existing picnic areas to include new barbeques and benches. The current estimate for the project is \$773,000. This item is to approve the submission of the application to see if the City qualifies for funding.

Fred Meurer added that there is no match funding associated with the grant. The City will have to guarantee the completion of the grant.

Leon Gomez added that the grant award range is anywhere from \$200,000 to \$8,500,000 and the preliminary estimates put the improvement somewhere within the range of \$700,000 to \$900,000. Staff is seeking the assistance of BFS Landscape Architects to put together a concept design.

9:35 PM Floor opened for Public Comment

There was no Public Comment.

9:35 PM Floor closed to Public Comment

Motion to approve City **Resolution** approving the application for Statewide Park Development and Community Revitalization Program was made by Councilmember Hawthorne, seconded by Councilmember Sofer. AYES: Councilmembers Blackwelder, Hawthorne, Sofer. NOES: None. ABSENT: None.

ABSTAIN: Councilmembers Carbone, Cruz. Motion carried.

Councilmember Cruz stepped down from the dais due to a possible conflict by residing within 500 feet of the subject property.

C. South of Tioga Project: Discussion and direction regarding applying credit to developer's parklands fee requirement for "private open space"

9:35 PM

Charles Pooler presented the item. As part of the vesting tentative map (VTM) approval for the South of Tioga project, there is a requirement for a dedication of park land, payment of an in lieu fee or dedication, or both. This is consistent with the Sand City Municipal Code Chapter 17.68 in regard to the Quimby Act requirements. He said he and the City Attorney have been going through the Municipal Code, the VTM, and the relevant government codes in order to determine the fee calculations for the project.

The VTM based on the formulas in the Municipal Code requires 2.4 acres of land to be dedicated by the developer for public use. The question is how to translate the amount of land to a dollar value to determine the appropriate dollar per square foot amount to be applied. The fees would be based on a value of \$57.77 per square foot as determined by the Lang valuation square footage and dividing by the assessed valuation. The City recently received the South of Tioga appraisal which gave a different number. Charles is working with the appraiser to determine the appropriate factor.

The spreadsheets provided to Council explain the items that are entitled to be credited against the overall fee. It is up to Council to determine whether private open spaces should be granted as a credit against those fees. The valuations of the parklets within "A" Street have been provided by the developer on what it would cost for improvements. The Municipal Code specifies that that is credited toward the overall fee.

Vibeke Norgaard explained that the Quimby Act requires the developer to provide either park land or in lieu fees and the Municipal Code allows the City Council the discretion to determine whether or not private open space such as what is found within the courtyard of the building is credited toward that fee. The in lieu fee is based on the land and development costs which the City has not yet established. The Council's decision is whether or not to apply that credit toward the in lieu fee.

Fred Meurer told the Council they could consider doing what other cities have done and apply the credit as the development is providing park space the occupants won't need provided by the City or not apply the credit because the space is for private use and the Quimby Act is meant to create parkland. The Sand City Municipal Code should address this.

Councilmember Hawthorne said he wants the City to encourage the developer to create parklets within the development and to have artwork for the enjoyment of their residents.

Charles Pooler added that as part of the project overall, parcels R1 and R2 are dedicating a certain amount of area to become a public park and the Municipal Code allows it to be counted for credit. The project is providing public open space that meets the definition of public open space for public use. The question is the private courtyards that would be within pad R1 and pad R2; would the Council consider that to be viable enough under the definitions of the Code to be considered active useable space as a credit because it is not necessarily open to the general public. The private open courtyards meet the "active" definition but the Council must determine if it is sufficient for the credit.

Councilmember Sofer said that throughout the process concerns were expressed about the potential for the project to become a gated community because of the location of the project.

Councilmember Hawthorne agreed and added that the hotel is an open space and the restaurant and bar will be available for the public. He said he did not believe it was the intention of the developer to create a gated community. The purpose of the Vibrancy Plan is to continue different avenues for people to go and enjoy. As long as that is part of it, than the developer should get a credit if they are fixing it up to be something that is publically accessible.

Don Orosco, project developer, spoke to address the Council's questions. It was his initial understanding that the park in lieu fees would be inconsequential at \$150,000 with offsets but he is now hearing an estimate of up to \$6,500,000. He is concerned and disappointed with the communication he is receiving from the City.

Mr. Orosco said that when the project started, he demonstrated his struggle to the Council of how difficult the project was going to be to pull together. He said he will be lucky if he completes the project without compensation. The addition of a \$6,000,000 fee will imperil the project that he has been working on together with the City for a year and half.

Mr. Orosco read a discussion from Council minutes, saying Sand City Municipal Code Chapter 17.68 establishes the City's requirements for park dedications in conjunction with subdivisions pursuant to Government Code Section 66477 of the Quimby Act, parkland must be suitable for active use and should directly benefit the subdivision. He said his development does. Further, the land use, land fees, or a combination thereof can only be used for the purpose of providing park and recreational facilities that serve the residents of the development.

He urged this agenda item be extended because he was not given notice. The communication between the developer and the City needs to be assessed because this cannot happen at this critical juncture in the project, where he is wrestling \$100,000 fees daily. His staff is working hard to see the project to completion. He asked Council to extend the issue so he can work with staff to try to find out what to count as offsets. Mr. Orosco initially asked the City what factors he would have to deal with and was told they would be inconsequential as a result of these offsets. He agreed to the original fees he was given as he was already dedicating nine tenths (9/10) of an acre for habitat and has discussed the importance of parklets.

Councilmember Hawthorne assured Mr. Orosco that the Council intends to continue the item as it needs to be adjusted and worked on.

Don Orosco said that this issue speaks to the need for the developer's team and the City to communicate and work together as they all have a vested interest in the success of the project.

9:50 PM Floor opened for Public Comment

There were no comments from the public.

9:50 PM Floor closed to Public Comment

Motion to continue discussion and direction regarding applying credit to developer's parklands fee requirement for "private open space" was made by Councilmember Hawthorne, seconded by Councilmember Sofer. AYES: Councilmembers Carbone, Blackwelder, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: Councilmember Cruz. Motion carried.

Councilmember Cruz returned to the dais.

D. Comments by Councilmembers on Meetings and Items of Interest to Sand City

Councilmembers Cruz and Sofer attended the Leading Scientists Coalition of Scholarships.

Councilmember Hawthorne informed the Council he would not be in attendance at the Special Council meeting scheduled for June 19, 2019 at 10 AM.

Fred Meurer offered to sit down with Councilmember Hawthorne to go over the budget with him personally.

E. Upcoming Meetings/ Events

Councilmember Sofer mentioned the Wonderwall Ribbon Cutting on July 11th 5 PM – 7 PM.

Linda Scholink, City Clerk, asked for RSVPs for the 33rd Annual Business Excellence Awards on July 25, 2019.

Mayor Carbone reminded the Council that the July 2nd City Council Meeting has been cancelled.

AGENDA ITEM 12 ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Hawthorne seconded by Council Member Carbone to the next scheduled Council meeting on Tuesday, July 16, 2019 at 5:30 PM. There was consensus of the Council to adjourn the meeting at 10:05 PM.

Linda K. Scholink, City Clerk

AGENDA ITEM

6B

**MINUTES
SAND CITY COUNCIL STUDY SESSION**

STUDY SESSION
Thursday, June 20, 2019
2:00 P.M. – 4:00 P.M.
CITY COUNCIL CHAMBERS

The Mayor opened the meeting at 2:01 P.M.

Agenda item 1, PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chief Brian Ferrante.

Agenda item 2, ROLL CALL

Present: Mayor Mary Ann Carbone
Vice Mayor Blackwelder
Council Member Hawthorne
Council Member Sofer
Council Member Cruz

Staff: Fred Meurer, Interim City Administrator
Vibeke Norgaard, City Attorney
Brian Ferrante, Police Chief
Linda Scholink, Administrative Services Director/City Clerk

Agenda item 3, ANNOUNCEMENTS BY MAYOR AND CITY MANAGER

Interim City Manager Fred Meurer commented that this study session is another piece of the foundation of helping the Council get to the point of making hard decisions based on facts presented to them. Complementing the facts will be a set of assumptions that will need to be made and considered as the Council looks at its various options.

Agenda item 4, COMMUNICATIONS

2:02 p.m. Floor opened for Public Comment.

There were no comments from the Public.

2:02 p.m. Floor closed for Public Comment.

Agenda item 5, NEW BUSINESS

A. Discussion and Presentation by Joseph R. D’Onofrio, Assistant Vice President of Bartel Associates, LLC on CalPERS Actuarial Issues, Comprehensive Scope of Work regarding Review of PER Retirement Contributions, and Impacts of Changes regarding the City’s Future Contributions

Interim City Manager Meurer reported that the following presentation will be based on facts and a set of assumptions that the Council can consider as they look for options. He has witnessed City Council's assume their way out of a problem. Assumptions on revenue change and retail sales expectations change as well. A change of 2.3% to 5% affects everything and you hope that the strategy works and your change assumption comes true. He would rather bring conservative assumptions before the Council and be wrong; to have money left in the budget instead of being wrong in the other direction, and having to pass the hat to collect money so the city can get through the year.

Yesterday’s study session meeting was a briefing on the status of the city’s general/operating fund to show the Council recurring revenues as compared to recurring expenses. When you subtract expenses from revenues you get a sense of what discretionary money you have left over to do one-time things which could be to build a project, buy a piece of equipment, pay down your Public Employee Retirement System (PERS) liability and retirements, or an investment in employee pay increases. Presently, the budget indicates that the city has \$250,000 dollars in discretionary money. For example, that money can purchase 4-5 police cars, two street sweepers, a 1% pay increase for city staff which is approximately \$30,000 for the fiscal year, or it can buy a few yards of pavement. The meeting yesterday indicated that the city is grossly underfunding its investment in the long-term health.

The capital improvement program will bring to you a list of projects that staff believes will need to be done. An example of that would be the construction of half of California Avenue that DBO is not required to build, the Bay Avenue beach access that was washed out from the storm several years ago that needs to be repaired as a condition of the coastal development permit. The money the City received from the Federal FEMA grant is insufficient to pay for the reconstruction of the beach access. Staff believes that the city may receive a grant for the repair of Contra Costa Street which will need to be improved, and something that cannot be ignored. A future study session to talk about the capital improvement plan will need to be scheduled. The goal is to have all of this done so Council can stand before the public with staff’s recommendation for a 5 year capital improvement program and a good definition of what can happen in 2020/2021 to further identify what the city will be faced with. Every decision the Council makes is linked to some other decision to be made in the future. This study session will address the Public Employee Retirement System (PERS) that is currently faced with the reality of going deeper into debt. To keep cities from immediately going bankrupt, PERS had to take action and adjusted its interest rate. The rates may go from 7.75% to 6%. Mr. D’Onofrio will help the Council

understand what that means as PERS is now having cities fund a portion of their unfunded liability. Sand City made some additional investments into its unfunded liability, and as part of the FY 18/19 budget the city budgeted \$450,000 to reduce its PERS obligations. Presently, the city only has \$240,000 of discretionary income, and the question is where to make an investment and what is the higher priority right now. Looking at fiscal year 2019/2020 should the city look into building a project or allocating the money into lowering its future PERS obligations. The presentation will help the Council understand something complex and simplify it because the system has changed considerably and it would be best to focus on the dollars. Any questions the Council may have can be addressed during the presentation.

Mr. D'Onofrio of Bartel and Associates reported that the valuation conducted for the period ending June 30, 2017, may seem old, but is the last report CalPERS conducted for 2019 contributions and are now working on the June 30, 2018 valuation. Mr. D'Onofrio commented that he will provide an explanation of the numbers, what CalPERS put in the analysis, what the city is looking at, what might change over the next few years, and what Sand City's numbers are going to be looking like. If the City has additional funds to put aside, that can be something discussed as well.

Mr. Meurer added that CalPERS puts information on their website that will be different from the numbers Mr. D'Onofrio will be presenting which is based on the numbers the city currently has.

Mr. D'Onofrio commented that the first slide depicts the employee groups with a total of 56 employees spanning active, transfers, terminations, retirees & beneficiaries. He explained that 'terminations' are former employees not working for an agency participating in a CalPERS pension plan. The funded status is what is owed to everyone who retires and takes into account the accrued liability, assets, unfunded liability and funded percentage. The city has contributed into its total accrued liability of approximately \$19 million over the years leaving \$4.6 million that is still owed. He explained how pension plans work when the city contributes to the pension plan for employees that have worked on given years. The CalPERS's report is 2 years old and does not depict the city's present status. The city had paid an additional \$450,000 last year to pay down its unfunded liability.

In response to Mr. Meurer's question of how often PERS increases its accrued liability for those living longer, Mr. D'Onofrio responded that the number can change for various reasons as CalPERS conducts studies on how long people live. Younger people are expected to live longer than the present generation, and PERS takes that into account as well. They base their assumptions on how long people may live, when they retire, if they are terminated, and payroll increases. They look at all agencies and plans, and try to make those assumptions current. They could either increase or decrease the liability, and they also work with investment advisors. This review happens about every 4 years. Another thing that can affect that number is when employees do something different such as

retiring earlier, which creates an extra amount of liability.

There was discussion regarding the costs of retiring early, its impacts to cities, the increase of percentages for cities and why decisions the Council makes today would have a potential impact well into the future. Mr. Meurer remarked that the legislature passed generous retirements without forcing the funding of those retirements.

Mr. D'Onofrio referred to the 2019/2020 Employer Contribution slide that depicts the dollar amount CalPERS uses and is calculated based on a percentage. PERS will inform cities to put in an 'xxx' amount of pay to cover its employees which is the cost that is estimated based on the city's payroll years ago.

Council Member Cruz received an explanation regarding 'transfers'; who are employees working for an agency participating in a CalPERS pension plan, and those employees also affect the city's totals.

Mr. D'Onofrio explained the next slide that showed the ongoing plan discount rate which was 7.25% for the June 30, 2017 valuation, and will be 7.00% for the June 30, 2018 valuation. The discount rate is ultimately expected to decrease to about 6% as a result of CalPER's risk mitigation policy. CalPER's wants to invest more conservatively and risk less, and if the market were to return less, then the employees would need to contribute more.

Council Member Hawthorne commented that everyone projects better when times are good but do not account for when things start to decline.

Mr. D'Onofrio explained the actuarial assumptions and contribution policy for the 2018 valuation, and the changes that CalPERS would like to instill which would involve a discount rate change as explained earlier. The first impact will occur in the FY 2020/21 contributions with full impact resulting in 2024/25. The contribution policy/amortization methods for the 2019 valuation will change from 20 years instead of 30 for investment and demographic experience gains and losses. This is for new liabilities only. There will be a 5 year ramp-up for investment gains and losses with no ramp-up/down for other amortization payments. This would apply only to newly established unfunded liability bases, resulting in faster funding and improved generational equity, and will impact the 2021/22 contributions.

The 2019 Valuation would involve Risk Mitigation and advised moving to a more conservative investment portfolio over time. CalPERS would like to go to a 6% rate. For example, assuming the contribution is \$100 and the market does well, the contribution would only amount to \$90. Whenever the investment earnings are better, some of the funds would be kept and investment advisors would be told that the rate is lower. This would avoid immediate larger contribution increases and would become effective with the June 30, 2018 valuations for 2021/22 contributions. The miscellaneous plan includes the \$300,000 June 2018 payment excluding Employer Paid Member Contributions (EPMC). This will go up

in the next 4 years due to a lot of changes happening over the next few years. The future discount rate will go down for the years the investment earnings are predicted to go down. He explained the different scenarios as it pertained to the graphs. Mr. D'Onofrio also explained the contribution projection-percent of pay for the miscellaneous plan and why it depicted a decline by the year 2047/48. The Safety Plan contribution projections that include the \$100,000 June Payment should double in the next ten years with and without (EPMC).

In response to Mr. Meurer inquiry on what the tradeoffs would be in terms of employee salary increases and whether the assumption includes that. Mr. D'Onofrio replied that CalPERS assumptions are based on the percentage rate they currently have.

Mr. Meurer added that the Council would need to think of how they would like to invest or not invest any residual funds that may be left over and what projects they may want to forgo. He provided examples of what the City of Monterey is taking back to help assist them in funding their unfunded liability. Council Member Blackwelder is right in commenting that everyone is struggling with this issue. Council Member Hawthorne added that the City of Monterey has a lot of things that Sand City does not have, such as school systems, parking, child care, and senior citizen centers. There are not a lot of benefits for Sand City's citizens and the Council has to start thinking of where it can acquire additional funds. Sand City is not like other cities.

Mr. Meurer spoke to what the Council may be looking at for improvements to the city and that future decisions may include doing more or less things, and how a tradeoff may occur to accomplish the goal to obtaining one or two things/projects done. His goal is to provide the costs to the Council who may choose executive decisions of either forgoing the hiring of an executive position and/or adding to the police department. It comes back to answering the question of looking at the budget. Many people received the impression that the Council already made a decision regarding the different choices or priorities. Mr. D'Onofrio is going to explain what will happen if the Council chooses to invest the \$450,000 into PERS or if the Council would rather use it to pave California Avenue, Contra Costa, and/or make the Carroll property available for public parking.

There was discussion regarding the deficit that may occur within the next two years and the possibility that the City may not have funds in the future to allocate towards street improvements, as well as the deficit of \$850,000 in the next two years from the revenues received from the CalAm lease payments. Council Member Hawthorne commented that there is not only one thing that the Council can do. There are other different alternatives, and although some things blatantly need changing, the alternatives can be pursued. Some things are overlooked and those things would require the Council to come up with a plan to make Sand City into a real city. Council Member Cruz added that you cannot look at the budget and expect to do everything, and as a Council we need to look at what the priorities of the city are. It would require looking forward, ranking what we need to do, and prioritizing what can be done. Council Member Hawthorne

further commented that the Council take a look at everything, come up with and make suggestions.

Mr. D'Onofrio continued that the Council should seek a conservative investment with a lot of return and lower risk should they decide to invest any monies left over in the general fund. The investment is flexible and the City can send the monies to CalPERS this year and/or 2 years from now. It is not restricted and can be used towards street improvements if this is what they decide.

Director of Administrative Services Linda Scholink commented that in the past the City annually placed some money into a bank account to set aside funds for its Other Post-Employment Benefits (OPEB) obligations. The Council decided to place it into a CERT Trust Fund that cannot be touched because it is only for OPEB obligations. The Council can choose to do the same and also set aside the money for its PERS unfunded liability; however, there will be the option to use the funds dependent on the type of account the Council would like to place the money into.

Mr. D'Onofrio added that the City can use the assets and send it to CalPERS similar to what it did with the \$450,000. The Council can also choose to secure a first start amortization and combine all its bases. What is saved is the 7% interest, like a loan. On the other hand, if you give all the money to CalPERS, the markets may go down and the city can possibly lose a portion of the investment.

Mr. Meurer spoke to PERS, the PERS Board, and how their decisions affect the entire retirement system. He also reported on the circumstances that occurred during his tenure with the City of Monterey and the painful clawback that resulted due to the PERS issue that happened several years ago.

Mr. D'Onofrio reported that leaving the money in a general fund would eventually disappear. Placing the money into a Section 115 Trust may result in greater risk on return than leaving it in the general fund, but less than CalPERS. The city can choose its asset allocation and consider when funds are expected to be used. This is also flexible as to when and how it can be used for CalPERS funding. The money can be used towards payment of unfunded bases, and avoids CalPERS overfunding due to required normal cost contributions. The asset is restricted and can only be used for pension funding. It is not part of GASB 68 assets for determining Net Pension Liability. He summarized the differences between the different pre-funding options. Paying off the shorter bases would impact the contribution immediately however the interest savings would be less. He referred to the graph provided in the Powerpoint and noted the results of the interest savings when investing in either the shorter bases or longer bases, and what would happen should the funds be used when it reaches the maximum budgeted contribution rate of 45.5%. He explained the rate stabilization examples on the following slides of what would happen when funds are used to offset contribution payments.

There was Council discussion regarding whether there were other options

available other than CalPERS, the timing and volatility of the market, and that once an agency participates in the CalPERS system, it may be very hard to get out.

Council Member Sofer remarked that it was a very informative and helpful presentation. The Council thanked Mr. D'Onofrio for his time.

Agenda Item 6, ADJOURNMENT

Motion to adjourn the June 20, 2019 Study Session meeting was made by Council member Cruz, seconded by Council Member Hawthorne. There was consensus of the Council to adjourn the meeting at 3:55 p.m. to the next regularly scheduled Council meeting on July 16, 2019.

Linda K. Scholink, City Clerk

AGENDA ITEM

6C

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

Regular Meeting – August 6, 2019
5:30 P.M.
CITY COUNCIL CHAMBERS

Mayor Carbone opened the meeting at 5:30 p.m.

The invocation was led by Reverend Jason Yarborough.

The Pledge of Allegiance was led by Police Chief Brian Ferrante.

Present: Mayor Mary Ann Carbone
Vice Mayor Blackwelder
Council Member Hawthorne {arrived at 6:21 p.m.}
Council Member Sofer
Council Member Cruz

The Mayor announced that Council Member Hawthorne will be arriving late.

Staff: Linda Scholink, Acting City Manager
Vibeke Norgaard, City Attorney
Brian Ferrante, Police Chief
Charles Pooler, City Planner
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR AND ACTING CITY MANAGER

The Mayor announced that her Monthly Mayors report is located at the back table and depicts the meetings that she has attended. She also attended the American Public Transportation meeting with a report also provided, that may prove helpful to Council regarding what is happening in the field of transportation. There are also conflicts under Agenda Item 9A and 10D.

Acting City Manager Scholink announced that handouts regarding Agenda item 8A have been distributed to the Council.

The Mayor added that she has home baked cookies in the back for everyone who would like to help themselves.

AGENDA ITEM 5, COMMUNICATIONS

5:33 P.M. Floor opened for Public Comment.

There were no comments from the Public.

5:33 P.M. Floor closed to Public Comment.

AGENDA ITEM 6, CONSENT CALENDAR

- A. There was no discussion of the June 19, 2019 Study Session Minutes.
- B. There was no discussion of the July 15, 2019 Sand City Special Meeting Minutes.
- C. There was no discussion of the City **Resolution** recognizing Michael Nesmith for his Many Talents as Former Member of the "Monkees", an Accomplished Singer, Songwriter, Entrepreneur, and Proprietor of Video Ranch in Sand City.
- D. There was no discussion of the City **Resolution** approving an Allocation of \$4,200 to Community Human Services for Fiscal Year 2019-2020.
- E. There was no discussion of the City **Resolution** authorizing Bartel Associates to Commence 2018/2019 Review of GASB 75 Accounting Information at a cost not to exceed \$2,500 in Fiscal Year 2019/2020.
- F. There was no discussion of the City Donations/Contributions to Monterey Firefighters Association re: Chris Fiske for \$200, United Way Monterey County 2-1-1 Program for \$500, Monterey Complete Count Committee, Peninsula Action Team for \$1,000, and the Monterey County Convention and Visitors Bureau for \$2,000.
- G. There was no discussion of the City **Resolution** approving a One (1) Year Agreement with Monterey County Weekly for Continued Participation of Co-Op Advertisements during the 2019/2020 Fiscal Year.

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

AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the Consent Calendar.

AGENDA ITEM 8, PRESENTATION

- A. **Presentation by Mr. David Martin, Interim Superintendent/President at Monterey Peninsula College on MPC Board of Trustee Area-1 (Seaside/Sand City) Seat Vacancy {10 minutes}**

Monterey Peninsula College Superintendent/President David Martin commented that on behalf of Monterey Peninsula College (MPC), the college is currently searching for an Area 1 Trustee. The current Area 1 Elected Trustee announced last November that she has accepted a job position in Arizona and is no longer able to serve on the Board. Last week the Board of Trustees selected a provisional appointment process, and has therefore hosted applications for interested candidates to sit on that seat until the next election cycle in November 2020. The application materials consist of a cover letter as well as documents including the past job history, education, and past public service. Those documents are due to the college by Friday, August 23rd. MPC will interview all candidates that are deemed eligible based on their residence and meeting the criteria. On the special board meeting to be held on Thursday, August 29th, the Board will deliberate in public session and nominate a provisional appointee. MPC has a web site dedicated to the process to provide the public information on the process as well. Ms. Kristin Darcis who serves as the Director of Public Information is also present this evening and ready to answer any questions that the public may have. The college is excited to invite interested applicants from Sand City and Seaside to apply for the Area 1 Trustee seat. Mr. Martin indicated that he can answer any questions that Council may have.

In response to Mayor Carbone's question regarding when the meeting dates are held should anyone be interested, Mr. Martin answered that regular board meetings are held the fourth Wednesday of every month. Depending on the time of year a special board meeting on the first or second Wednesday of the month may be held, if/and when budgetary issues may arise. Board members are also invited on campus for any special public events.

The Mayor thanked Mr. Martin for his time and presentation.

5:37 P.M. Floor opened for Public Comment.

There were no comments from the Public.

5:37 P.M. Floor closed to Public Comment.

AGENDA ITEM 9, PUBLIC HEARING

{Council Member Cruz stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}

A. Consideration of City RESOLUTION to Approve Conditional Use Permit 634 for an Office and Storage Use at 748 California Avenue

City Planner Pooler presented an application submitted by Ronald Barber to establish an office with accessory storage for his hazardous substance and remediation company at 748 California Avenue. The aerial map depicts the property located along California Avenue across from the storage facility. The property is trapezoid in shape and the house was probably constructed before

the City was incorporated. The site facilitates a single family home and has been converted into two dwelling units. There will be no hazardous materials stored or handled on-site. Items stored on-site will include poly sheeting and bags, duct tape, filters for HEPA equipment, personal protective equipment, fans, dehumidifiers and vacuums. Typically the applicant and the clerk will be at the subject property while laborers are at contract locations. There is 1 work truck, 1 debris trailer, and 1 company vehicle. Intended hours of operation are from 7:00 a.m. to 5:00 p.m., Monday through Friday. The property's side yard is sufficient for 4 parking spaces. The office requires 2 off street parking spaces and 2 spaces for the remaining residential units. The work truck, and trailer will be stored on-site when not in use. Since the adjoining residential unit will be occupied by the applicant, all of the on-site parking should be counted towards the applicant's use. There will be shipments four times a month arriving via company pickup trucks from the Applicant's Stockton office. Shipments will include the restocking of materials/supplies for their job site operations. None of these shipments will include hazardous materials. Items stored on-site will be maintained within the building, existing storage shed, and/or the open yard area at the rear which is fenced/screened. The front and parking area should be maintained and clear of storage. The Building and Fire Departments commented that the Applicant's use requires an occupancy separation, which could trigger fire sprinkler requirements. Staff recommends the permit requires the Applicant to contact the building and fire departments to coordinate the intended use of the site in order to either 1) bring the building into necessary compliance or 2) to modify the intended use to conform to the existing building conditions. Staff recommends approval with the conditions and restrictions proposed by Staff.

In response to Council Member Sofer's inquiry whether the Applicant will be bringing the building and fire requirements to meet codification standards, the applicant Ronald Barber responded that he will be contacting the building and fire departments to address all the issues. He confirmed that equipment will be brought back, but not the generators or any hazardous wastes, and is also in agreement with all of Mr. Pooler's findings.

Mr. Barber responded to the Mayor's question and concerns regarding the HEPA filters and machines and confirmed that the machines are vacuumed out and new HEPA filters are put in. A piece of poly sheeting is placed over the machine before it is brought back.

5:46 P.M. Floor opened for Public Comment.

Public Member Adam Marks commented that the change would be to move the whole structural foundation as to the angle of the street so that when there is the incoming and going of products it is more into the building and not to the side, because any product brought through the side would be hazardous to the adjoining property.

There was discussion regarding Mr. Marks comment and clarified by Mr. Pooler that it was a recommendation made regarding the property.

5:49 P.M. Floor closed to Public Comment.

The Mayor received clarification from Associate Planner Pooler on where the boundaries of the South of Tioga project would be located in reference to the proposed use. He confirmed that the Applicant does not plan to store hazardous materials on-site.

Motion to approve the City **Resolution** by title, to approve Conditional Use Permit 634 for an Office and Storage Use at 748 California Avenue was made by Council Member Sofer, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Sofer. NOES: None. ABSENT: Council Member Hawthorne. ABSTAIN: Council Member Cruz. Motion carried.

{Council Member Cruz returned to the dais}

AGENDA ITEM 10, NEW BUSINESS

A. Consideration of Memorial Bench Dedication

Acting City Manager Scholink reported that an application was submitted for the dedication of a memorial bench for Clarence E Wells Junior. The City has a recognition and dedication procedure that was adopted in 2002 which Staff has followed. The procedure states that the next step would be to bring the application to the City Council for review. Should the Council approve the application, then Staff would come back with a resolution for formal adoption by the City Council. The staff report further provides that the council direct Staff to review and go through the 2002 document for updates and revisions.

Council Member Blackwelder commented that as he reviewed the procedure, he recommends that the Council look into a specific design for the memorial area, make it a possible destination area, find out how many benches should be allowed, and to clearly define the parameters of the document, so that any memorials would add to the esthetic appeal of the City.

Mayor Carbone added that there are other areas in the City that benches could be placed and that this program should be looked at as a whole city-wide program. Associate Planner Pooler added that this program allows for a number of things that can be dedicated and not specifically for benches only.

Council Member Blackwelder added that the area can be used as a destination spot and that it should have a specific design as it is a nice place overlooking the Monterey Bay.

5:57 P.M. Floor opened for Public Comment.

There was no comment from the Public.

5:57 P.M. Floor closed to Public Comment

Council Member Blackwelder further suggested that the policy be reviewed and that a design be brought before the Design Review Committee prior to bringing it before the Council. Once the policy is approved the Council can consider this application in context of the new policy.

There was no motion to approve the application and seeing none, the application was denied. The Mayor directed Staff to review the policy and guidelines, to follow up with a letter to the applicant, and that he can reapply once a new policy has been adopted by the City Council.

City Attorney Norgaard confirmed that the current 2002 policy and procedures for the submittal of applications for memorial dedication had been followed and brought before the Council.

B. Consideration of City RESOLUTION Authorizing a City Engineering Service Agreement with Creegan & D'Angelo

Acting City Manager Linda Scholink commented that the attached contract is a resolution authorizing a city engineering service agreement with Creegan & D'Angelo on a month to month basis for engineering services related to Phase 1 of the South of Tioga project. This was something that Leon Gomez had been working on and the City is trying to stay consistent by retaining his services with Creegan.

6:02 PM. Floor opened for Public Comment.

Matt Nohr of the Orosco Group commented that it is a very unfortunate set of circumstances and certainly understands that Staff and key employees move on; however, his wish is to find a way to have Leon continue as a consultant in lieu of the other gentleman from Creegan & D'Angelo. Mr. Nohr mentioned that he only had one interaction with him throughout the entire process and felt like there was a significant disconnect regarding the projects history. The project is at a critical juncture and so close to getting a lot of its permits and plan check resubmittals back. Monthly progress meetings are held and this other gentleman was not there. Leon has a lot of history with the planning entitlements and so forth and works well with the City Planner. The Orosco group is not familiar with this other gentleman and retaining Mr. Gomez who is knowledgeable with the project would allow it to progress much smoother. Mr. Nohr expressed to the Council that to find a way to keep Mr. Gomez as a consultant for the city, would allow the group to keep the momentum going.

The Mayor mentioned that another contract is on the agenda that should address Mr. Nohr's concern for the retention of Mr. Gomez's services.

6:04 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** authorizing a City Engineering Service Agreement with Creegan & D'Angelo was made by Council Member

Blackwelder, seconded by Council Member Sofer. AYES: Council Members Blackwelder, Carbone, Cruz, Sofer. NOES: None. ABSENT: Council Member Hawthorne. ABSTAIN: None. Motion carried.

C. Consideration of City RESOLUTION Authorizing the Acting City Manager to Enter into an Agreement with Harris and Associates to Provide City Engineering Services with the City of Sand City

Acting City Manager Scholink reported that the attached resolution is an agreement with Harris & Associates for City Engineering services and maintaining Leon Gomez as the City's contract engineer due to the history and knowledge that he has working for Sand City. The City would be moving its engineering services to Harris. This is an annual contract and the company in general has much more to offer than Creegan & D' Angelo.

Council Member Blackwelder spoke to the price and costs for Harris' services which was distributed to the Council.

City Attorney Norgaard commented that the fee schedule depicts the hourly rates and that the contract is still being negotiated with Harris at a cost not to exceed \$200,000. Harris' rate is higher for city engineering services. Following a conversation with Mr. Gomez, he explained that he will be able to use the Staff at Harris at a much lower rate thereby keeping the costs for services down.

6:09 P.M. Floor opened for Public Comment.

Mr. Gomez of Harris & Associates commented that to address the questions and concerns in conversations held over the last few weeks regarding the proposal and the scope of services; there is a greater breadth and depth of local Staff and resources that are available to the City with Harris. He would serve as the point of contact for the City and services and would be kept within the contractual agreement and the not to exceed amount. The City would also have the opportunity to review invoices on a monthly basis, and a mid-year review would allow the contract to be re-examined. Harris has a lot of interns who are working on the stormwater program management for the cities of Morgan Hill and Soledad, and they are already well versed in what is required for the program. The rate schedule indicates a wider hourly range between product managers, drafters, engineers, and technicians. He will be available to Sand City for the day to day issues, attend Council meetings, and provide updates to City Staff as other tasks will be delegated to persons at Harris.

Mr. Gomez addressed the Mayor's concern regarding Sand City's Stormwater management reporting requirements due in October. He further added that it may very well be that the expenditures are less because of the wide range of other resources available to him at Harris.

6:13 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** authorizing the Acting City Manager to Enter into an Agreement with Harris and Associates to Provide City Engineering Services with the City of Sand City was made by Council Member Sofer, seconded by Council Member Cruz. AYES: Council Members Blackwelder, Carbone, Cruz, Sofer. NOES: None. ABSENT: Council Member Hawthorne. ABSTAIN: None. Motion carried.

(Council Member Sofer stepped down from the dais due to a possible conflict of interest with the agenda item)

D. Discussion and Consideration of Choosing a Name for “A” Street within the South of Tioga Project

City Planner Pooler reported that the South of Tioga project is moving forward, and the map shows that several streets will be going away with new streets to be constructed. For the purposes of planning and plan reviews this has been referred to as “A” street. Staff was tasked with pursuing a name for this new street so that when Staff is ready to record a final map for the project it can be accomplished with one single recording vs. two recordings. One idea focused on the use of indigenous tree names which did not go very well. One of the past city managers came up with the idea to push for something with a more historical context. Staff came up with the following suggestions with the first one as “Morgan’s Way” based on Kelly Morgen who was the former City Planner, Community Development Director, and City Administrator. Mr. Morgan faithfully served for 19 years, and even after retiring, came back to work again while the City was in between city managers. Other suggestions were “Klein Court” based upon former Chief of Police Michael Klein who served the City for 22 years, and “Heisinger Way” based on Jim Heisinger who served as the City Attorney for over 30 years. The last suggestion was “Lewis Lane” based on Rhonda Lewis, a former City Council member who served for 10 years until her retirement from the Council in 1999. The street name should avoid “Avenue” as this will not be a collector street and that any name chosen should be short so it is easy for people to remember. Planning Staff is partial to Morgan's Way as he has made substantial contributions, efforts, and dedication to Sand City, and deserves recognition. If the Council provides their preference and direction, Staff will have the developer identify the new street name on the final map. The resolution to approve the Final Map would serve as formal action to adopt the street name.

There was Council discussion regarding the names presented, and Mr. Pooler provided the definition of a collector street named in reference to “Avenue”.

6:20 P.M. Floor opened for Public Comment.

There was no comment from the Public.

6:20 P.M. Floor closed to Public Comment.

The Mayor commented that there was a recommendation from Mr. Pooler for

Morgan's Way.

6:21 P.M. Council Member Hawthorne arrived for the meeting.

Motion to approve Morgan's Way as the new street name was made by Council Member Blackwelder, seconded by Council Member Cruz. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: Council Member Sofer. Motion carried.

{Council Member Sofer returned to the dais}

E. Comments by Council Members on Meetings and Items of interest to Sand City

Council Member Blackwelder reported that at the Monterey Regional Waste Management (MRWM) meeting he attended, MRWM came to an agreement with their employee negotiations and decided to do it as one large group.

Council Member Cruz reported on her attendance at the TAMC meeting that included an independent business proposal for the use of handrail carts beginning in Marina to the where the bike trail in Sand City loops. They are requesting a 30 day trial for the business venture. It will have 2 tour guides and will be opened to the public. The TAMC Council decided to differ until MST can conduct a review. If the Council would like additional information, she can provide it at their request.

Mayor Carbone reported on her attendance at a conference where one City paid someone to operate an electric cart/beach buggy that transports people around the Coastal cities. There were also other ideas regarding alternative transportation being presented.

Council Member Sofer reported that at the Monterey County Commission on Disabilities meeting, they reported that for the 2020 Election they will have new computers that will allow people with disabilities to vote.

Council Member Hawthorne reported that he has been trying to contact the building owner for the creation of a mural at the building adjacent to the Independent.

F. Upcoming Meetings/Events

The Deputy City Clerk received confirmations and RSVP's to the Monterey County Convention and Visitors Bureaus Annual Luncheon and Meeting

AGENDA ITEM 11, CLOSED SESSION

6:31 p.m.

A. City Council/Agency Board to adjourn to Closed Session regarding:

- 1) Conference with Labor negotiator pursuant to Government Code Section 54957.6.
Agency designated representative: Donna Williamson
Employee Organization: Sand City Police Officer's Association (POA) and Miscellaneous Employees
- 2) Conference with legal counsel - existing litigation pursuant to Cal. Gov. code section 54956.9(d)(1); Case: *Gonzales v. Monterey Peninsula Unified, et. al.*, Case no. 19CV000828
- 3) Discussion pursuant to Government Code Section 54957(b)(1) to Consider Candidates for City Manager Position

9:10 p.m.

B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown

City Attorney reported on A(1) and gave direction to agency labor negotiator.

A(2) No action taken, update only.

A(3) City Council discussed and considered candidates for City Manager and decided to move forward with the background check of one candidate.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Sofer to the next regularly scheduled Council meeting on Tuesday, August 20, 2019 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 9:14 p.m.

Connie Horca, Deputy City Clerk

AGENDA ITEM

6D

**CITY OF SAND CITY
RESOLUTION SC _____, 2019**

**RESOLUTION OF THE CITY OF SAND CITY HONORING JACOBS HEART
CHILDRENS CANCER SUPPORT SERVICES AND DECLARING SEPTEMBER
2019 AS CHILDHOOD CANCER AWARENESS MONTH**

WHEREAS, each year, 1 in 285 children in our community will be diagnosed with cancer;
and

WHEREAS, cancer remains the leading cause of death by disease among children, more than
asthma, diabetes, cystic fibrosis, congenital anomalies, and AIDS combined; and

WHEREAS, families of children with cancer in the City of Sand City receive essential services
from Jacob's Heart Children's Cancer Support Services, a local organization that has gained
national awards and recognition for improving the quality of life for hundreds of local children
with cancer and thousands of family members; and

WHEREAS, Jacob's Heart holds the memories and honors legacies of hundreds of children
from our local community who have been lost to cancer, ensuring that their precious
memories will never be forgotten; and

WHEREAS, the oncology department at Lucile Packard Children's Hospital at Stanford has
worked closely with Jacob's Heart for the past 21 years as a trusted community partner in
providing family-centered care that addresses the emotional, practical and financial struggles
of families of children with cancer in Sand City; and

WHEREAS, it is important for all Sand City residents to recognize the impact of pediatric
cancer on families within our community and honor the lives of children in our community
whose lives have been cut short by cancer; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Sand City,
does hereby declare September, as Childhood Cancer Awareness Month in Sand City, and do
hereby honor Jacob's Heart Children's Cancer Support Services for 21 years of outstanding
support to our community and acknowledge the organization's contributions to Childhood
Cancer Awareness Month, honoring children with cancer in our community.

PASSED AND ADOPTED by the City Council of the City of Sand City this 20th, day of
August, 2019 by the following votes:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

Linda K. Scholink, City Clerk

AGENDA ITEM

6E

**CITY OF SAND CITY
RESOLUTION SC ___, 2019**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAND CITY IN SUPPORT FOR AND DECLARING
OCTOBER 2, 2019 AS CLEAN AIR DAY IN SAND CITY**

WHEREAS, air pollution adversely affects the health of individuals and contributes to higher rates of cancer, lung, and heart diseases; and

WHEREAS, the State of California contains a vast majority of polluted regions in the United States; and

WHEREAS, it is crucial that we protect the health and well-being of our residents, visitors, and workforce; and

WHEREAS, emissions from vehicles, industry, and even household sources significantly affects the natural environment, air quality and well-being of residents, employees, and visitors to the City of Sand City; and

WHEREAS, everyone can contribute towards clean air day by not leaving their vehicles on idle, walking or biking to work and school, carpooling, and conserving energy which can directly improve air quality in our region; and

WHEREAS, education about air quality can raise community awareness, encourage the development of better habits, and improve our community health; and

WHEREAS, the City of Sand City is committed to the health of its residents, businesses, visitors and community and along with other Californians will join together with others across the state to clear the air on October 2, 2019.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Sand City does hereby support and declare October 2, 2019 as 'Clean Air Day', and that:

- 1) All City Department heads shall determine how their employees can participate in Clean Air Day, as appropriate, and report back on those actions.
- 2) The City Council encourages all residents, businesses, employees, and community members to participate in Clean Air Day and help clear the air for all Californians.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Sand City, this ___ day of August, 2019 by the following votes:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

Linda K. Scholink, City Clerk



July 22, 2019

Honorable Mary Ann Carbone
Mayor, City of Sand City

Dear Mayor Carbone -

On Wednesday, October 2, 2019, we will host the second annual California Clean Air Day, and we invite you to join the effort as part of our **Clean Air Day Mayors Council**. The goal of California Clean Air Day is to build awareness among California residents of air quality and what can be done individually to help mitigate negative impacts.

While California is home to amazing cities, eight of the most polluted cities in the United States are located here. No part of California is immune: last year, California had some of the worst air quality in the world.

We ask that you, as Mayor of Sand City, join the Clean Air Day Mayors Council to demonstrate your commitment to clean air. To join, please take the individual "**Clean Air Pledge**" (via cleanairday.org) and do at least one of the following:

1. Promote Clean Air Day and your participation on social media
2. Pass a resolution in your city declaring October 2, 2019 CA Clean Air Day
3. Plant a tree (or many) on or in advance of Clean Air Day
4. Lead a "Mayor's Bike Ride"
5. Recognize a business (or businesses) as a Clean Air Day "Local Champion" with a proclamation or certificate for their work on air quality issues

The Coalition for Clean Air has made strides to push California to improve air quality since our inception in 1971, however, there is still more work to be done. Children living in highly polluted areas operate at eighty percent or less in lung capacity, resulting in an increase of asthma. Air pollution is responsible for one million school absences annually in California and 16,000 Americans die from lung cancer, despite having never smoked in their lifetime. Depending on the location, *Californians may lose nearly a year in life expectancy due to air pollution.*

Every California city is woven together to form the Golden State. With your help, we can raise enough awareness to combat the air quality issues our communities are facing.

Please confirm you can take the pledge and join the Clean Air Day Mayors Council by replying to Joe Gonzales at joe@stratiscope.com or calling 818-570-3408... and then make sure to take the Clean Air pledge.

Sincerely,

A handwritten signature in black ink that reads "Joseph K. Lyou". The signature is fluid and cursive.

Dr. Joseph K. Lyou
President & CEO, Coalition for Clean Air

660 S. Figueroa Street, Suite 1140
Los Angeles, California 90017
(213) 223-6860

1107 Ninth Street, Suite 440
Sacramento, California 95814
(916) 527-8048

AGENDA ITEM

6F

**CITY OF SAND CITY
RESOLUTION SC _____, 2019**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY
AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE AN AGREEMENT
WITH PATRICIO RAUL PADILLA FOR MONTHLY CLEANING SERVICES FOR
THE CITY OF SAND CITY HALL FACILITY AT A COST NOT TO EXCEED \$250
PER MONTH FROM JULY 1 2019 THROUGH JUNE 30, 2020**

WHEREAS, the City requires a janitorial service to provide detailed cleaning of the City Hall facility once a month, and

WHEREAS, in 2018 City staff assessed the qualifications to meet the City's Janitorial needs, and determined that Mr. Patricio Raul Padilla of Monterey Bay Carpet & Janitorial Services would be the best fit; and

WHEREAS, Mr. Patricio Raul Padilla has several years of training and experience in janitorial and cleaning services; and

WHEREAS, Monterey Bay Carpet & Janitorial Services can provide this service to the City in the amount not to exceed \$250.00 per month; and

WHEREAS, Monterey Bay Carpet & Janitorial will maintain a current Sand City Business License throughout the term of the agreement along with evidence of insurance coverages as shown on the attached agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Sand City hereby authorizes the City Manager to execute a service agreement for monthly janitorial cleaning of the City Hall facility at a cost not to exceed \$250.00 from July 1, 2019 through June 30, 2020 attached hereto as Exhibit A with Patricio Raul Padilla.

PASSED AND ADOPTED, by the City Council of the City of Sand City, this ___th day of August, 2019 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

Linda K. Scholink, City Clerk

MEMORANDUM

TO: MAYOR CARBONE AND CITY COUNCIL
FROM: CHIEF BRIAN FERRANTE
SUBJECT: JANITORIAL SERVICES
DATE: AUGUST 13, 2019

BACKGROUND

Historically, the City has contracted for janitorial services for monthly cleaning. Public Works personnel will perform general cleaning services on a daily and weekly basis. However, a janitorial service will conduct a deep cleaning and dusting once per month to ensure an ongoing clean, professional work environment.

ANALYSIS

For the past year the City has been using Monterey Bay Carpet and Janitorial Service (MBCJS) for this purpose. The City is satisfied with their level of service and reliability. They charge the City \$250 per month to clean City Hall, Council Chambers, bathrooms, kitchen, and the Police Department. They are responsive to calls and email and are friendly and trustworthy. The contract for services with MBCJS expired in July 2019. The City needs to renew the contract in order to continue to receive services from them.

RECOMMENDATION

Staff recommends renewing the janitorial services contract with MBCJS for the next fiscal year.

ATTACHMENT 1
SCOPE OF WORK

Consultant agrees to perform professional janitorial monthly cleaning services of Sand City Hall's council chambers, administration, police, bathrooms, and kitchen spaces and or requested by the City Manager in a written work order signed by the City Manager Consultant shall not authorize any work by third parties in order to provide services to Client under this Agreement without the express written consent of Client. Consultant reserves the right to refuse to undertake any service requested by Client. Consultant shall give Client notice of such refusal within twenty-four (24) hours following Consultant's receipt of such work order. Consultant shall furnish all labor, tools, appliances, equipment, consumables (such as paper products, soap, and trash liners), and transportation, and any and all expenses necessary or incidental to the performance of this Agreement.

AGREEMENT FOR MONTHLY JANITORIAL CLEANING SERVICES WITH MONTEREY BAY CARPET AND JANITORIAL SERVICES

This Agreement for Cleaning and Janitorial Consulting Services (“**Agreement**”) is made and entered into this ____, day of August, 2019, by and between the City of Sand City, hereinafter referred to as “**Client**”, and PATRICIO RAUL PADILLA d/b/a MONTEREY BAY CARPET & JANITORIAL SERVICE hereinafter referred to as “**Consultant**”.

1. TERM. This agreement shall remain in effect from July 1, 2019 through June 30, 2020, unless extended or terminated as provided herein.

2. SERVICES. Consultant agrees to perform professional janitorial monthly cleaning services of Sand City Hall’s council chambers, administration, police, bathrooms, and kitchen spaces (see detail of scope of work attached hereto (Attachment 1) and or requested by the City Manager in a written work order signed by the City Manager. Consultant shall not authorize any work by third parties in order to provide services to Client under this Agreement without the express written consent of Client. Consultant reserves the right to refuse to undertake any service requested by Client. Consultant shall give Client notice of such refusal within twenty-four (24) hours following Consultant’s receipt of such work order.

3. INDEPENDENT CONTRACTOR. Consultant shall provide the services to Client referred to in this Agreement as an independent contractor to Client and not as an employee of Client. Consultant shall not be entitled to receive any benefits from Client in addition to said fees, including but not limited to benefits paid by Client to or on behalf of its regular employees such as contributions to the California Public Employees Retirement System.

4. FEES and COSTS. Client shall pay Consultant for its services provided under this Agreement at a RATE OF TWO HUNDRED FIFTY DOLLARS (\$250.00) PER MONTH. Consultant shall pay for all of the supplies necessarily in the performance of services under this Agreement. In no event shall the total fee paid to Consultant by Client during the term of this Agreement exceed TWO HUNDRED FIFTY DOLLARS (\$250), per month unless Client and Consultant agree to an increase in fees to be paid to Consultant in a written amendment to this Agreement. All fees and other charges due Consultant will be billed paid on a monthly basis.

5. CONFIDENTIALITY. Both Client and Consultant agree that the scope of work authorized by this Agreement may contain proprietary and confidential information that may not be released to any third parties without the prior written consent of Client, or as otherwise ordered by court acting with jurisdiction.

6. INSURANCE. Consultant shall maintain in effect the following insurance coverages. Consultant shall provide certificates evidencing such insurance coverages are in full force and effect upon request by Client. Each certificate shall provide that the coverage afforded shall not be cancelled without at least thirty (30) day notice to Client prior to the effective date of such cancellation.

A. Worker's Compensation Insurance as required by California law.

B. Commercial general liability insurance for personal and bodily injury, including death and property damage in the amount of \$1,000,000 combined single limit each occurrence and in aggregate.

C. Automobile liability for personal and bodily injury as required by California law, with coverage limits of at least \$1,000,000 for each occurrence.

D. Professional liability insurance for damages incurred by reason of any intentional or negligent act, error or omission by Consultant in the amount of \$1,000,000 per claim and annual aggregate, with a deductible no greater than \$25,000.

7. AMENDMENT. This Agreement may be amended except by written agreement signed by both Client and Consultant.

8. TERMINATION. Either the Client or Consultant may cancel this agreement upon two (2) weeks written notice. In addition, the Client may cancel this contract with less than two (2) weeks' notice upon failure of the Consultant to perform work assignments on a timely basis and for any illegal acts or conduct.

9. ASSIGNMENT. Consultant may not assign all or any part of its rights or obligations under this Agreement without prior written consent of Client.

10. NO WAIVER. Any waiver of performance of any obligation under this Agreement shall not constitute the waiver of the right to receive the future performance of any such obligation or the right to receive performance of any other obligation under this Agreement.

11. FORUM. Any action concerning this Agreement shall be brought and maintained in the Superior Court of the State of California in and for the County of Monterey.

Signatures on third page.

AGREEMENT FOR MONTHLY JANITORIAL CLEANING SERVICES WITH MONTEREY BAY CARPET & JANITORIAL SERVICE

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed on the date first written above.

CLIENT:

City of Sand City, a municipal corporation

By: _____
Linda Scholink, Acting City Manager

Approved:

Mary Ann Carbone, Mayor

CONSULTANT:

Patricio Raul Padilla, MBCJS

AGENDA ITEM

6G

**CITY OF SAND CITY
RESOLUTION SC _____, 2019**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY RECOGNIZING
ITNMONTEREY COUNTY IN CELEBRATION OF
50,000 RIDES DELIVERED IN MONTEREY COUNTY**

WHEREAS, in several years, more than 70 million Americans (about 1 in 5) will be over the age of 65, and may start to experience diminished capacity in driving safely, and whose primary need will be the need for adequate transportation within Monterey County; and

WHEREAS, ITN*MontereyCounty*TM, is a local non-profit organization for Seniors, and is the only agency in Monterey County providing arm-to-arm; door-to-door 24-7-365 day services, and offers rides for any purpose within their service area; and

WHEREAS, ITN*MontereyCounty*TM currently serves 325 members and has delivered over 50,000 rides in 12 local communities within the greater Monterey and Salinas areas resulting in a higher quality of life for the communities serving the Senior population; and

WHEREAS, ITN*MontereyCounty*TM provides trained and background checked drivers who at their convenience utilize their own insured and inspected cars to offer rides as well as volunteer drivers who find their services rewarding while helping others and meeting new interesting people; and

WHEREAS, ITN*MontereyCounty*TM transportation services are often used to transport individuals to and from medical and personal care appointments, recreational activities, and social occasions; and

WHEREAS, ITN*MontereyCounty*TM also allows seniors to trade in their automobile for ITN transportation credits and does not receive any public funding.

NOW, THEREFORE BE IS RESOLVED, by the City Council of the City of Sand City recognizing ITN*MontereyCounty* in celebration of delivering 50,000 rides in Monterey County and for their commitment and dedication in providing an important and vital service for Seniors throughout the community.

PASSED AND ADOPTED by the City Council of the City of Sand City this ___ day of August, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

Linda K. Scholink, City Clerk

iTN Monterey CountyTM
Dignified transportation for seniors

CELEBRATES 50,000 RIDES!

Please join us to celebrate 50,000 rides delivered in Monterey County!



ABOVE:
IN DECEMBER OF
2011, VOLUNTEER MATT
NELSON GAVE VIRGINIA
KENNEDY THE VERY
FIRST RIDE.



BELOW:
TOMI PROVIDED THE
SAME PERSONALIZED
SERVICE WHEN HE
GAVE JOAN THE
50,000TH RIDE
IN 2019!

Wednesday, August 28TH

4:00pm–6:00pm

BMW of Monterey

1 Geary Plaza, Seaside

- *iTN Founder & Local Dignitaries*
- *Volunteer Ride Reenactment*
- *Raffle*
- *Refreshments*
- *Valet Parking*

RSVP to info@itnmontereycounty.org
or 831-233-3447

SPONSORED BY:



Ensure that iTNMontereyCounty reaches 75,000 rides—DONATE TODAY!

Donate online at: www.itnmontereycounty.org/help-on-wheels

Or mail to: iTN Monterey County, 951 Blanco Circle, Suite D, Salinas, CA 93901

Tax ID number: 45-3745255

AGENDA ITEM

9A

CITY OF SAND CITY

STAFF REPORT - ADDENDUM

**AUGUST 8, 2019
(For City Council Review on August 20, 2019)**

TO: Mayor and City Council

FROM: Charles Pooler, City Planner

SUBJECT: Coastal Development Permit for The Pad Climbing

BACKGROUND

A public hearing was held on June 18, 2019 in regard to a coastal development permit application by Yishai Horowitz of "The Pad Climbing" (the "Applicant") to establish a recreational rock climbing facility within a 12,214 square foot unit (excludes proposed upper floors) of an existing commercial building at 325 Elder Avenue (APN 011-242-007 & 008) in Sand City (the "Subject Property"). The Applicant proposes a recreational facility specializing in artificial rock surface climbing, with accessory uses such as yoga and weight room (the "Applicant's Use"). The majority of the site is under a non-appealable Coastal Zone Planned Mixed Use (CZ-MU-P) zoning designation; which requires a coastal development permit for the Applicant's Use. The site's General Plan land use designation is Mixed-Use (MU-D). The intended use at the Subject Property qualifies for a categorical exemption, under State CEQA (California Environmental Quality Act) Guidelines, Section 15301. For further staff analysis of the Applicant's Use, refer to staff's report dated May 2, 2019 (Attachment 1).

The Subject Property's parking lot was resurfaced and re-stripped last year to provide 34 parking spaces. Some of those spaces are tandem. There are twelve (12) on-street parking spaces abutting the Subject Property, three (3) along Ortiz, five (5) along Catalina Street, and four (4) spaces along Elder Avenue; which are not counted in meeting zoning's off-street parking requirements. It should be noted that some of those spaces along Catalina Street may be lost due to future street and storm water improvements currently planned as part of the City's Proposition 1 grant study.

At the June 18, 2019 public hearing, the primary issue of discussion was in regards to sufficient off-street parking. Discussion and public comments noted that the 'Camp Transformation' fitness operation currently uses most of the on-site parking during the peak 5:00 p.m. to 8:00 p.m. hours and that the Subject Property cannot accommodate an additional high parking demand oriented business. By the end of that public hearing, the general Council consensus was for the Applicant and Property owner to find a solution for the parking and present a parking plan for public review. Following that public hearing, staff informed Mr. William Grimm of the Cannery Row Company (the "Property Manager") that he should secure off-street parking within reasonable walking distance, and that any

such parking should be secured for the duration of the Applicant's use at the Subject Property; otherwise, it would not be a long-term solution to the parking issue, only a postponement of impact. Staff was instructed to re-notice a public hearing for this application once a parking plan was provided to the City.

On July 23, 2019, the Property Manager provided staff with a parking study, prepared by traffic engineer Keith Higgins (the "Parking Study")(see Attachment 2), that 1) evaluated the Applicant's rock climbing facilities in San Luis Obispo and Santa Maria and 2) reviewed available on-site parking of the Subject Property, leased off-street parking at two neighboring sites within approximately 200 feet of the Subject Property, and on-street parking availability within both 300 and 500 feet of the Subject Property

DISCUSSION

PARKING STUDY:

The provided Parking Study summarizes the parking demands of the Applicant's other facilities in San Luis Obispo and Santa Maria.

San Luis Obispo - The parking study states that the San Luis Obispo facility has a total membership of 2,182; but only has a summer membership of 1,530 (a 30% drop) when the university students are typically out-of-town. The peak summer membership parking demand for the San Luis Obispo facility was sixty-five (65) vehicles plus four (4) staff vehicles. Parking demand data was not provided when non-summertime membership increases by 30%. It should be noted that the members of the San Luis Obispo facility use the site at 'all hours'; which spreads the membership pool and their parking impact/demand over a larger operational time period, potentially reducing parking demand/impacts (in relation to membership) at any one particular point in time.

Santa Maria - The parking study states that the Santa Maria facility has a total membership of 389 and that the peak parking demand was twenty-six (26) plus two (2) staff vehicles. The Parking Study did not elaborate whether this was year-round or seasonal data.

Sand City - The Parking Study states that the initial membership for the proposed Sand City facility is expected to be around 400, but with a hopeful long-term increase of up around 1,000 members in the future. Based on the Parking Study's observed parking demands of the Santa Maria and San Luis Obispo facilities and the anticipated Sand City facility membership (initial and long-term), the parking study concludes that the Applicant's Use will have an initial parking demand of 28 spaces for 400 patrons that would increase to 46 spaces as membership grows to 1,000.

This Parking Study also reviewed 1) available on-site parking of the Subject Property, 2) leased off-street parking at two neighboring sites within approximately 200 feet of the Subject Property, and 3) on-street parking availability within both 300 and 500 feet of the Subject Property.

- 1) On-site Parking - There are thirty-four (34) on-site parking spaces, some of which are arranged in tandem on the Subject Property. A parking survey was conducted on July

9th (Tuesday) through July 15th (Monday) to determine available parking on the Subject Property. This survey determined that there was an average of fifteen (15) available spaces on-site between 6:00 p.m. and 7:00 p.m. with an average of twenty seven (27) spaces available at 8:00 p.m. The peak parking demand for a single hour during this 7-day survey was 26 spaces on Thursday, July 11th with eight (8) on-site spaces available. This is with Camp Transformation in operation.

- 2) Off-Street Parking - Neighboring Properties - The management company for the Subject Property secured ten (10) parking spaces on private property at 1801 Catalina Street at the north end of Catalina Street and another six (6) parking spaces on private property at 409 Ortiz; both approximately 200-feet from the Applicant's entry door on Elder Avenue (see Exhibit A). The report states that these 16 spaces are secured by lease between the hours of 5:00 p.m. to 8:00 p.m., which is the anticipated peak operational hours of the Applicant's Use. No information as to the length of these leases was noted in the report or otherwise provided in writing to staff. If the leases for these two properties are not guaranteed for the duration of the Applicant's Use at the Subject Property, then those spaces should not be considered. Staff has concerns about what might happen if or when those leases expire or are prematurely terminated and are potentially not renewed while the Applicant's Use continues. The City then has no guarantee that sufficient off-street parking within reasonable walking distance would be available for the Applicant's Use resulting in patrons using more street parking. Additionally, those properties leasing their parking during peak hours will be impacted and limited in potential future uses of those properties as their parking areas would be encumbered by these leases for parking to accommodate the Applicant's Use.

Per Table 1 of the provided parking study (see Exhibit B), the Subject Property's parking (shared with Camp Transformation) in conjunction with the additional sixteen (16) off-street parking on leased neighboring properties would be deficient twenty-two (22) parking spaces for the anticipated long-term parking demand of 46 spaces. Table 1 credits eight (8) on-site spaces for the Applicant and the sixteen (16) leased spaces for a total of twenty-four (24) off-street parking spaces. This results in twenty-two (22) vehicles occupying street parking. Though neighboring street parking demand of commercial businesses typically declines after 5:00 p.m. on weekdays, there are residents that will have parking needs that are accommodated/supplemented by street parking. Furthermore, the anticipated Catalina Lofts project directly across Catalina Street from the Subject Property will introduce eight (8) new residential dwelling units that will further potential residential demand for street parking.

The Parking Study concludes that the Applicant's employees should utilize those leased parking spaces on neighboring properties; however, staff encourages that the tandem parking of the Subject Property be designated/used for/by employees. Tandem spaces are not likely to be used by patrons, as they do not appear to be used by Camp Transformation's patrons at this time based on Staff's observations.

- 3) On-Street Parking - The parking survey of July 9th through 15th, also included a review of available street parking on half-hour intervals within 300 and 500 feet from the Subject Property during the Applicant's expected peak operational hours of 5:00 p.m.

to 8:00 p.m. The Parking Study states that there are seventy-two (72) parallel parking spaces within 300-feet and an additional 32 such spaces (or 104 spaces total) within 500 feet. According to the Parking Study, the initial peak parking demand will be four (4) street parking spaces; however, staff recommends only considering the parking study's stated long-term parking demand that would be 22 street parking spaces (see Exhibit B - Parking Study's Table 1).

The Parking Study's conclusion is that street parking is sufficient to accommodate the anticipated peak long-term parking demand of the Applicant's Use; however, this infers that street parking is essential to accommodate estimated parking demand. One purpose of requiring off-street parking in the zoning code is to accommodate a use's parking demand without inundating/dominating street parking or impacting other properties.

It should be noted that the City has been working on a street and storm water improvement project for both Catalina Street and Contra Costa Street. These improvements would eliminate some of the existing curbside street parking, of which several are along the Subject Property's Catalina Street frontage. Additionally, there has been discussion/consideration by staff to evaluate the potential of an evening/weekend residential parking permit program for the West End District to secure parking for residents as more mixed-use residential projects are developed. If such a program were ever implemented, then the available street parking noted in the parking study could potentially become unavailable during the peak hours of 5:00 p.m. to 8:00 p.m.

CAMP TRANSFORMATION:

Camp Transformation, a physical fitness and recreation business, was issued a coastal development permit (CDP 18-03) in 2018 to occupy the smaller 5,786 square foot unit of the Subject Property. In consideration of that use, parking was also an issue of discussion and concern. In the final approval of Camp Transformation's zoning permit, the parking requirement of CDP 18-03 stated that the on-site parking lot was "... to provide a minimum of thirty-three (33) parking spaces,..." and if "...those parking spaces made available by the property owner to the Applicant on the Subject Property is insufficient to accommodate the parking demand of the Applicant's patrons, the Applicant shall then secure additional off-street parking sufficient to accommodate that demand, taking into account that thirty-two percent (32%) of patrons car-pool." Camp Transformation was able to secure co-use of the 34 re-striped on-site parking spaces of the Subject Property in conjunction with Monterey Bay Restaurant Equipment (who was the neighboring tenant at the time). Contrary to the submitted Parking Study (page 1 under "background"), the final parking requirement of Camp Transformation's permit did not specify 13 spaces (though that was the initial staff report analysis based on using a 1/450 parking/floor area ratio), rather the permit specified that other off-street parking accommodations were to be secured if on-site parking was substantially insufficient for their use. The on-site parking reasonably accommodates Camp Transformation with some, but not excessive, street parking during evening peak hours (as observed by staff). However, this situation is where the adjacent unit is either vacant (current condition) or occupied by Monterey Bay Restaurant Equipment (a low parking demand use). Whether or not there is parking available on-site with Camp

Transformation's parking demand, there is not sufficient available on-site parking to accommodate the Applicant's Use in conjunction with Camp Transformation based on the data of the Parking Study.

SAND CITY MUNICIPAL CODE:

The City's Municipal Code does not have a parking requirement for recreational or gym type land uses. In the absence of a zoning code parking specification, the City has used a 1/450 parking ratio requirement for other exercise and gymnastic businesses within the City. For some recreational uses, this parking ratio works (Monterey Gymnastics and Iron Republic) while for other recreational uses (Camp Transformation), it does not. After public hearings, public comment, and Council discussion regarding Camp Transformation, the final permit requirement did not utilize the 1/450 ratio (see permit requirements discussed above under "Camp Transformation") as the final parking requirement. Based on staff's observations and the submitted Parking Study, Camp Transformation's operation does utilize more than the 1/450 specified 13 parking spaces of the on-site parking lot; where parking demand utilizes a majority of the rear parking lot and also uses street parking. Therefore, calculating parking requirements using the 1/450 ratio for both Camp Transformation and the Applicant's Use at the Subject Property would not address actual parking demand or mitigate excessive on-street parking. Further discussion regarding parking of the Applicant's Use and Subject Property was provided in staff's report on the Applicant's Use, dated May 3, 2019 and presented to Council June 18th (see Attachment 1).

Sand City Municipal Code Section 18.64.020 states that "*...at any time that any building or structure is enlarged or increased in capacity by adding floor area or seats or at the time any such business is changed in use so that the new use requires more parking spaces under these regulations that the former use, additional parking shall be provided to the extent required for such new construction, enlargement, increased capacity or change in use*". While the zoning code does not specify a parking requirement for the use requested by Applicant, Applicant's own parking study shows there is insufficient on-site parking based on their estimated demand. Under the Applicant's Parking Study conclusions, almost half of the gym's peak parking demand (22 out of 46) would have to use street parking. The underlying purpose of having off-street parking requirements in the municipal code is to assure that a property can accommodate a particular use, and Applicant has failed to meet that purpose for his proposed use.

CONCLUSION

Though staff encourages more diverse types of land uses like recreation for Sand City, as discussed in the City's General Plan, staff continues to have concerns regarding sufficient off-street parking for the Applicant's Use at the Subject Property in conjunction with Camp Transformation; particularly during the anticipated weekday peak hours of 5:00 p.m. to 8:00 p.m. when both businesses would be simultaneously open. This is a different situation than compared to Camp Transformation sharing on-site parking with Monterey Bay Restaurant Equipment, a low parking demand wholesale business. Staff's concerns are as follows:

- 1) The Parking Study makes the determination that there is sufficient on-street parking available within 300-feet of the Subject Property to accommodate overflow parking from

the Applicant's Use in conjunction with sixteen (16) leased parking spaces on neighboring properties. Staff is concerned with the proposal to lease sixteen off-street/off-site parking spaces for an unspecified amount of time, while still needing up to 22 additional street parking spaces at peak estimated demand (see Exhibit B - Parking Study Table 1). Regardless of the parking demand numbers, the Parking Study's plan relies on street parking instead of addressing and providing the majority of the Applicant's parking demand off of the street. Additionally, if the 16 leased off-street and off-site parking spaces cannot be secured for the life of the Applicant's Use at the Subject Property, then staff cannot support the consideration of those 16 spaces to meet the parking demand of the Applicant's Use.

Furthermore, the leasing of most to all of the parking spaces on two neighboring properties, even if only limited to the hours of 5:00 p.m. to 8:00 p.m., could impede new and/or future land uses on those neighboring properties from having sufficient on-site parking and further increase the demand for and impact on neighborhood street parking.

- 2) Table 1 of the Parking Study identifies that nine (9) of the twenty-two (22) street parking spaces for the Applicant's peak-hour demand would be accommodated along the Subject Property's frontage; however, some of those spaces are currently used by Camp Transformation for their overflow off-site parking, which either impedes the Applicant's use of those spaces contrary to the Parking Study or relocates Camp Transformation's street parking further away from the Subject Property during the Applicant's estimated peak operational hours of 5:00 p.m. to 8:00 p.m. that further exacerbates the Parking Study's estimated parking impact on neighboring streets.
- 3) The Parking Study's determination, regarding the estimated parking demand of the Applicant's Use in Sand City, is based upon an unconfirmed presumption that Monterey Peninsula patrons will behave similarly, in regards to commuting and parking practices and demand, as those patrons of the Applicant's Santa Maria and/or San Luis Obispo facilities. There is no relative data one way or the other, so this is only a 'presumption'.
- 4) Surveys and data for the Parking Study were conducted during the summer, when people are more likely to be away on vacation trips. The Parking Study confirms that membership at the Applicant's San Luis Obispo facility has a 30% reduction during the summer months as many of their members are college students. Therefore, the Sand City survey data of Camp Transformation's parking demand and the available street parking (conducted July 9th (Tuesday) through July 15th (Monday)) may not be reflective of the true parking demand in Sand City year round as the Peninsula is also a 'college' or adult school community with Monterey Peninsula College (MPC), the Defense Language Institute (DLI), the Middlebury Institute of International Studies at Monterey, and California State University Monterey Bay (CSUMB).
- 5) Most importantly, the Parking Study's parking plan relies on utilizing twenty-two (22) on-street parking spaces to accommodate 47.8% of the Parking Study's determined forty-six (46) long-term peak parking space demand instead of addressing and/or providing the majority of the Applicant's peak-hour parking demand off of the street.

Based on the concerns regarding parking described in this report addendum, staff finds it difficult to support the Applicant's Use at the Subject Property until additional off-street parking is provided, secured, and guaranteed for the duration of the Applicant's occupancy/operation at the Subject Property. A permit for the Applicant could limit membership size; however, there is no guarantee that a lower membership would reduce peak hour parking demand as patron visitation is anytime and not equally divided or scheduled between the hours of operation like scheduled classes. Therefore, staff does not support either of those options to adequately mitigate the parking issues.

The City Council has three options for action:

- 1) Deny the application based on the finding that the scope and scale of the Applicant's Use exceeds the Subject Property's ability to sufficiently accommodate the Applicant's Use. If the Council chooses this direction, then staff can prepare a resolution of denial for action at a future Council meeting,
- 2) Approve the Coastal Development Permit as presented or with additional modifications the Council deems fit to incorporate, based on the findings below, OR
- 3) Continue the public hearing on this application to a later date if the Council deems it necessary for further staff research/analysis, information, and/or discussion. Staff requests a date be set/announced for a continuation to avoid the need to re-notice the continued hearing.

EXHIBITS:

- A. Leased Parking Area Map (16 spaces on neighboring parcels)
- B. Parking Study's Table 1 - Parking Supply Adequacy

ATTACHMENTS:

1. Staff Report w/ exhibits dated May 3, 2019 and presented to Council June 18th
2. Parking Study prepared by Keith Higgins
3. Draft permit/resolution authorizing the Applicant's Use



Image taken 11-15-18 (Google Earth)

Leased Parking Areas

The table below summarizes the parking analysis. The Project will initially require about 28 parking spaces. Long term Project parking demand will total about 46 spaces.

	Available Parking Spaces	Cumulative Available Parking Spaces	Initial Demand	Long Term Demand
Project Parking Demand			28	46
Available Parking Spaces				
On-Site	8	8	-20	-38
Satellite	16	24	-4	-22
Adjacent to Project	13	37	+9	-9
Additional Available Within 300 Ft.	15	52	+24	+6
Additional Available Within 500 ft.	14	66	+38	+20

Table 1 – Summary of Parking Adequacy

Note: A negative sign indicates the demand exceeds that level of parking supply. A positive sign indicates that additional parking is available within that level of parking supply.

The initial Project peak parking demand will require the use of about 4 on-street parking spaces. This would occur about once per week. Several on-street parking spaces may also be routinely used if available at locations more convenient than the satellite parking areas. There were 13 available parking spaces of the 21 total parking spaces along the blocks of Elder Avenue, Ortiz Avenue and Catalina Street that are immediately

ATTACHMENT 1

**Staff Report
dated May 3, 2019**

CITY OF SAND CITY

STAFF REPORT

MAY 3, 2019
(For City Council Review on June 18, 2019)

TO: Mayor and City Council

FROM: Charles Pooler, City Planner

SUBJECT: Coastal Development Permit for The Pad Climbing

BACKGROUND

An application for a coastal development permit was submitted by Yishai Horowitz of "The Pad Climbing" (the "Applicant") to establish a recreational rock climbing facility within a 12,214 square foot unit (excludes proposed upper floors) of an existing commercial building at 325 Elder Avenue (APN 011-242-007 & 008) in Sand City (the "Subject Property"). The Applicant proposes a recreational facility specializing in artificial rock surface climbing, with accessory uses such as yoga and weight room (the "Applicant's Use"). The majority of the site is under a non-appealable Coastal Zone Planned Mixed Use (CZ-MU-P) zoning designation; which requires a coastal development permit for the Applicant's Use. The site's General Plan land use designation is Mixed-Use (MU-D). The intended use at the Subject Property qualifies for a categorical exemption, under State CEQA (California Environmental Quality Act) Guidelines, Section 15301.

Site Description:

The Subject Property consists of two abutting parcels. Parcel one (APN 011-242-007) fronting Catalina Street, Elder Avenue, and Ortiz Avenue is 18,750 square feet and facilitates the 18,000 square foot commercial building. Parcel two (APN 011-242-008) is 18,750 square feet (approximate) abutting the hillside along the State Highway 1 freeway corridor and fronts Ortiz and Elder Avenues, currently facilitating thirty-two (32) on-site parking spaces upon asphalt pavement. The 1-story commercial building is divided into three units: Area 1 of 5,786 square feet, Area 2 of 3,025 square feet, and Area 3 of 9,189 square feet. Area 1 is currently occupied by Camp Transformation, a fitness operation, as authorized by CDP 18-03. The Applicant's Use would be located within the combined Areas 2 and 3, which were used by Monterey Bay Restaurant Equipment for wholesale, warehouse, and storage uses. Monterey Bay Restaurant Equipment has vacated the building. Utilities (i.e. gas, electric, water, sewer, etc.) are available to serve the building. Road pavement, curbs, and gutter exist along the three street frontages; but there is only asphalt pavement along the Elder and Ortiz frontages for pedestrian use with landscaping impeding pedestrian movement along Catalina Street. Property owner submitted plans are currently in review by the City for improving public and ADA access along the Subject Property's Elder Avenue frontage. City staff is also pursuing multiple grants for street,

sidewalk, and drainage improvements for Catalina Street that would include the Subject Property's frontage along that street.

DISCUSSION

Project Description:

The Applicant intends to establish and operate an indoor recreational climbing facility at 325 Elder Avenue, within that space previously occupied by Monterey Bay Restaurant Equipment. There will be roped climbing, bouldering (form of climbing on small boulders and walls), a dedicated kid area, full weight room, lounge, showers, locker rooms, yoga and fitness studio, and a climbing oriented retail shop. For weight training, the Applicant will use Olympic style weights of up to 45 lb bumper plates and dumbbells of up to 100 lbs. There will be cable cross machines, rowing machines, stationary bikes, TRX straps (for resistance training), medicine balls, and kettle bells. The Applicant intends to have rubber gym mats under all weight areas. The Applicant states that dropping weights is not allowed. There will be a total staff of 15 to 20 persons, split between varying shifts; however, there would typically be only 2 to 3 employees at the site at any one time with possibly 4 to 5 employees at peak times. During peak hours, the Applicant anticipates around fifty (50) patrons between 5:00 p.m. to 8:00 p.m. During off-peak hours, there are typically 5 to 15 patrons at any one time. The Applicant currently has climbing gym facilities in San Luis Obispo and Santa Maria (see Exhibit G) that are viewable at their website www.thepadclimbing.org.

Land Use: The Subject Property has a General Plan land use and Zoning Map designation of "Coastal Planned Mixed Use". Section 18.26.040(B) of the City's Zoning Ordinance lists 'commercial recreation' as an allowable use subject to the issuance of a coastal development permit pending review of potential impacts upon a mixed residential/commercial neighborhood. The type and scale of recreational indoor rock climbing facility described by the Applicant does satisfy the definition of 'commercial recreation'. This application is not the first rock climbing gym in Sand City. The 'Sanctuary Rock Gym' was a successful rock climbing recreational business located at 1855 East Avenue, who obtained City permits in 1995. They recently closed this year due to the South of Tioga project. The Sanctuary Rock Gym was a positive influence upon the City that posed no known code enforcement, nuisance, or blighting issues.

Hours of Operation: The Applicant's intended hours of operation will be from 11:00 a.m. to 10:00 p.m. daily with peak traffic expected between 5:00 p.m. to 8:00 p.m. Though the proposed morning schedule will be complementary with the Camp Transformation operational hours in terms of alternating hours and parking demand, the evening hours will overlap with Camp Transformation. Amplified music or other excessive/amplified noise generated within the Applicant's unit should not occur prior to opening at 11:00 a.m. daily and after 7:00 p.m. on weekdays and after 5:00 p.m. on weekends to mitigate noise to nearby residents. The Applicant also informed staff that they would like to provide 24-hour membership key-code access to the facility; however, staff is concerned with 24-hour activities due to the close proximity of residential units; both existing and future (see discussion under "Impacts"). Staff is also concerned with weight training activities during early morning and late evening hours due to potential noise and vibrations from dropped or slammed weights. This has been an issue with other

fitness weight lifting operations in Sand City (see discussion under "Impacts").

Parking: The City's Municipal Code does not have a parking requirement for recreational or gym type land uses. In the absence of a zoning code parking specification, the City has used a 1/450 parking ratio requirement for other exercise and gymnastic businesses within the City. Monterey Gymnastics operates along Catalina Street under the 1/450 parking ratio without negative impact to the community or neighboring properties. When Iron Republic operated at 1807 Contra Costa Street, under the 1/450 parking ratio, parking was not an issue until that site was occupied by Camp Transformation. The Subject Property's parking lot was resurfaced and re-stripped last year to provide 34 parking spaces for Camp Transformation's operation to be shared with the adjacent units. Some of those spaces are tandem. After a site review by the City Planner and City Engineer several months ago, it was discovered that two spaces are not appropriately sized. The Subject Property's parking area and Elder Avenue frontage also requires improvements for ADA (American with Disabilities Act) compliance. As of late May, improvement plans for the ADA accessibility improvements along Elder Avenue were submitted by the property owner that included a corrected re-stripping of the parking area to provide 34 parking stalls. There are twelve (12) on-street parking spaces abutting the Subject Property, three (3) along Ortiz, five (5) along Catalina Street, and four (4) spaces along Elder Avenue; which are not counted in meeting zoning parking requirements. It should be noted that some of those spaces along Catalina Street may be lost from future street and storm water improvements currently planned as part of the City's Proposition 1 grant study.

The ground level square footage of the Applicant's unit is 12,214 square feet, inclusive of office, lounge, restrooms, and storage areas; however, the proposed rock climbing apparatus will occupy 3,413 square feet of floor area, reducing the usable ground floor area to 8,801 sq.ft. Furthermore, deducting floor area not directly associated with the climbing and exercise activities (454 square feet of restroom, 171 square foot lounge area, 318 square foot storage (listed as "hold room" on the floor plan), and 552 square feet of stairway and walkways) reduces the usable floor area to 7,306 square feet. The Applicant's proposed two new levels inside would add approximately 2,044 square feet (excluding wall climbing apparatus). For the purpose of parking review, the office and retail aspects of this operation are considered accessory to and incorporated into the primary activity of recreational climbing, yoga, and weight training where those floor areas should remain included with the usable floor area. This brings the total cumulative usable net recreation floor area to 9,350 square feet.

Applying the 1/450 parking ratio to the cumulative 9,350 square feet of usable floor area requires twenty-one (21) parking spaces (rounded up from 20.8). The 1/450 ratio applied to Camp Transformation's floor area of 5,786 square feet results in requiring thirteen (13) parking spaces (rounded up from 12.8). The sum of 21 spaces for the Applicant and 13 spaces for Camp Transformation, based on the 1/450 ratio, is 34 spaces; which is the number of parking spaces that will be provided with the corrected re-stripping of the Subject Property's parking lot. All parking on site should be shared between the Applicant and Camp Transformation. Any dispute between tenants over parking is the responsibility of the property owner to resolve provided that zoning and

City permit requirements are satisfied. The Applicant informed staff that an unspecified segment of their San Luis Obispo facility clientele car-pool and that 15% of clients ride their bikes to that facility; however, there is no guarantee as to what potential Monterey Peninsula patrons will do.

In reviewing the American Planning Association's (APA) advisory service report publication "Parking Standards" by Michael Davidson and Fay Dolnick, there are a variety of differing parking standards used throughout the United States for 'indoor recreational facilities'. A "1 space per 4 persons the facility is intended to accommodate" standard is used by three municipalities noted in the report, the closest being Palo Alto, California. If that standard is applied and the peak hour occupancy anticipated by the Applicant is fifty (50) people, then 13 parking spaces would be required (rounded up from 12.5). Other municipalities noted in the report (all outside of California) have parking regulations based on square footage ranging from 1/100 to 1/500. Therefore, it is evident that parking requirements range widely depending upon the municipality and location.

Staff also reviewed the parking standards/requirements of Monterey, Seaside, and Marina. City of Monterey zoning (Section 38-115) specifies that health club weight rooms require 1 space per 100 square feet; but it also specifies that parking requirements for "other commercial recreation and entertainment" uses are "as specified by use permit." The City of Seaside zoning (Table 3-8) specifies that 'commercial recreation facilities indoor' require 1 space per 400 square feet except for arcades, bowling alleys, and billiard establishments; however, the Seaside code does not specifically define indoor recreation or how it differentiates that from 'health and fitness' uses. Marina's zoning did not have a parking standard for uses comparable to the Applicant's Use. The 1/450 ratio is either similar to or not sufficient depending upon which municipality and standard it is compared against.

In the final consideration of Camp Transformation's use permit (CDP 18-03), the parking requirement stated that the on-site parking lot was to provide a minimum of 33 spaces, and that if those spaces on-site were insufficient to accommodate the parking demand, then Camp Transformation was to secure additional off-street parking. Camp Transformation was able to secure co-use of all the parking spaces on the Subject Property in conjunction with other tenants of the building. Staff has observed during the early evening weekday hours (typically between 5:00 p.m. and 6:00 p.m.) that Camp Transformation's operation does utilize more than the 1/450 specified 13 parking spaces of the on-site parking lot; where parking demand utilizes a majority of the rear parking lot and overflows onto street parking. However, there usually appears to be remaining curbside parking available within 1-block of the Subject Property along Catalina Street and Ortiz Avenue. This was a reasonable expectation when the larger segment of the building was a low parking impact wholesale operation. However, staff anticipates that parking demand for both Camp Transformation's operation and the Applicant's rock climbing operation will substantially exceed the on-site capacity of 34 parking spaces during peak weekday evening and overlapping business hours; resulting in an excessive overflow of curbside street parking.

If the Council is favorable towards the Applicant's Use at the Subject Property then the City should require the Applicant to secure additional off-street parking elsewhere, of sufficient parking capacity and within reasonably short/quick walking distance, as a condition of land entitlement permit approval. Considering that the Applicant expects 50 individuals during peak hours and estimating that 24 of those patrons (48%) car pool in pairs (12 vehicles) and the rest (52%) arrive individually (26 vehicles), added to Camp Transformation needing at least 34 to 40 parking spaces (based on staff's observations noted above in this report), then an off-site parking area of 38 to 44 spaces should be sufficient to accommodate most of the anticipated parking of both uses with minimal overflow street parking demand. This is, at best, an estimate until actual rock climbing patron parking demand can be observed. For reference, a 75'x75' area can accommodate 15 zoning compliant full sized parking spaces (no ADA) with space for the rear stall to back up. However, off-site parking also raises the question as to how the City can enforce patron use of that alternate parking site when more convenient closer curbside street parking is available.

If the City Council wishes to pursue land uses beyond manufacturing, contractors, and warehouses, as discussed in the City's General Plan, then parking overflow is to be expected with the existing inventory of developed properties without additional public parking infrastructure (i.e. parking lots and structures). The question for Council to consider on this (or any other) land use application is whether such overflow parking, and the amount thereof, is acceptable or not. If not, then a site is not appropriate for that scale of use.

Building Modifications: The Applicant is proposing both interior and exterior modifications to the building. These modifications will require a building permit and plan check review by the City's Building Department, which should be reiterated as a condition of land entitlement permit approval. The Applicant has already initiated discussion with the building department for guidance.

Interior Modifications - The Applicant will have to construct all of the climbing walls and apparatus within the building. Existing office and restrooms on the ground level will be demolished and replaced with up to three levels of new wood stud framed rooms to serve as office, yoga rooms, restrooms, workout area, lounge, and upper level climbing areas. Each new bathroom proposes one ADA accessible shower.

Raising the Roof - The Applicant proposes to raise a 120' x 50' section of the building's north side roof by approximately eleven feet (11'), from 29-feet in height to 40-feet in height (see Exhibit E). This is to provide additional ceiling height inside for climbing. This raised roof section will have a flat parapet on all elevations with an unseen asphalt built-up roof. The remaining roof will remain as is. The existing and added wall surfaces will have a painted stucco treatment. The Building Department initially commented regarding the proposed building modifications. The entire building will need to be reviewed by a California licensed engineer as there is a question as to whether the foundation system can accommodate the proposed height increase. There may be challenges with just adding eleven feet of wall height on top of the existing walls, which could require impacted walls to be

demolished and reconstructed.

Planning and Building staff met with the Applicant, property owner, and property manager on May 30th to discuss the proposed improvements and building/fire code issues. The Applicant's proposes to construct a steel framework within the building itself to hold up the raised roof. This framework would have its own foundation pilings and be attached to the existing concrete walls. This needs to be designed and certified by an engineer to determine its feasibility and code compliance. Additionally, the proposed storefront doors facing Elder Avenue will need to be recessed into the building as doors must swing outward, but should not swing out into the public sidewalk. This was an issue with Camp Transformation's building improvements that was resolved with a recessed alcove for the entry door and their secondary egress door. Additionally, there is a door on the west elevation that opens to the parking lot that is not allowed by code as the parking lot is on a separate parcel. This could be resolved by either filling in the doorway with a wall or merging the two adjacent parcels (APN 011-242-007 & 008) that are under the same ownership. The Applicant stated that they would simply wall off the door from the interior and expand their climbing surface area.

Inventory Shipments: The Applicant's Use includes an accessory retail shop for selling climbing related items. All shipments of inventory arrive via Federal Express/UPS or the Postal Service (USPS), and at most 3-times per week. No large truck deliveries are anticipated. There will only be large truck traffic during construction, for which the Applicant will need to provide a construction plan to the City for review and approval that outlines truck routes, loading/unloading locations and schedule, and material storage.

Trash Enclosure: The Subject Property does not provide an enclosure for refuse bins or dumpsters. The site has a history of unauthorized outside storage in the parking area by the former Restaurant Equipment business that has now vacated the site. The Applicant's Use is not anticipated to generate excessive amounts of debris or require outside storage. Small waste bins can be maintained within the building and rolled out on collection days. The proposed "hold room", which is intended for storage, can accommodate waste bins. An enclosure for dumpsters could also be built within the parking area at the back of the building for all tenants to use, but should be subject to City Planning Department approval and should not impede or remove any of the parking stalls. For consistency with other permits and contingency for unanticipated circumstances, staff recommends the permit include the standard requirement prohibiting the Applicant from conducting outside/unscreened storage of debris, pallets, waste, etc beyond the confines of the building or a City approved trash enclosure.

Signs: The Applicant's elevations do not illustrate or indicate any commercial signs; however, the application does indicate that the Applicant does intend for signs to be installed. Establishment of any commercial sign(s) on the Subject Property requires Design Review Committee (DRC) review and approval in the issuance of a sign permit before installation. Staff recommends the permit contain language to that effect. It should be noted that City Municipal Code section 18.66.070 expressly prohibits freeway

oriented signs unless there is a public road between the building and the freeway. There is no public street along the building's west elevation facing the parking lot and freeway; therefore, no commercial sign is allowed upon that elevation. However, the north elevation abutting Ortiz Avenue that is also visible from the freeway may have a sign as that is compliant with zoning.

Impacts: Staff does not anticipate negative impacts such as excessive noise, vibration, dust, fumes, odors, or other negative influences from the proposed climbing, yoga, office, or retail activities. Noise from weight lifting could be an issue as discussed below. Staff is concerned regarding the Subject Property's ability to accommodate sufficient on-site parking for both Camp Transformation and the Applicant's Use simultaneously that as to not cause excessive overflow street parking that dominates curbside parking within neighboring blocks. Staff is also concerned regarding the potential of 24-hour membership key access to the facility.

Weight Lifting - There will be a two workout areas, one 450 square foot area on the ground floor at the north end of the unit and one 580 square foot area on the second level at the south end of the unit. Though weight training is not the primary on-site activity, staff is concerned with weight dropping or slamming that would generate noise and vibrations that could disturb nearby residences (present and future). The building is concrete tilt-up construction that should sufficiently contain noise; however, during early morning and late night hours, when daytime background noise (i.e. business activity, high volume freeway and City traffic, etc.) has diminished or is not be present to 'muffle out' noise that could protrude from the building; nearby residences could be impacted. Staff recommends that weight training activities only be allowed from 11:00 a.m. (Applicant's intended opening time) to 9:00 p.m. (permit specified closing time for Camp Transformation) daily. Furthermore, the permit should require that the Applicant establish exercise pads and/or other sufficiently performing shock absorbent materials/flooring wherever weight training occurs within their unit. These pads/materials should function sufficiently to maintain noise/vibration(s) from extending beyond the confines of the Applicant's building due to dropped weights/equipment. The City specifically limited Camp Transformation's hours of operation to mitigate such potential negative impacts.

24-Hour Member Key Access - Though not noted in the application materials, the Applicant did mentioned to staff that they would like to have 24-hour key access for their members. Staff's concerns are not with the rock climbing activity itself; but rather noise impacts via patron outdoor conversations, car doors closing/slamming, car alarm activations, and other seemingly minor activities/impacts that, during early morning and late evening/night hours, would be exacerbated upon nearby residential dwellings (existing and future) by the absence of the typical daytime background noise (i.e. business activity, high volume freeway and City traffic, etc.). Years ago, the City had a business called "Three Spirits Gallery" that had late night events; where staff would receive complaints, not because of those events, but regarding people walking to their cars and holding conversations outside during the late night/early morning hours. Patrons for the Applicant entering and departing the facility during such hours could create unintended noise disturbances via

conversations, car door closing, and car alarm activations, and the like. In addition, any amplified music during such hours could also present a nuisance. There are two houses directly across the street facing the Applicant's main entry and the Catalina Lofts project of eight residential dwellings will be built across Catalina Street. Staff recommends the permit NOT allow 24-membership access to the facility; rather, that all permit authorized activities only occur within permit specified hours (see discussion under Hours of Operation). It is important that certain limitations are imposed upon uses in a mixed-use neighborhood to successfully integrate residential and commercial uses.

Staff has received correspondence (attached as Exhibit H) from the Bascous (local residents) in opposition to the application expressing concerns that the size and type of operation is too large for the Subject Property. Staff also had a discussion on 06/05/19 at the front counter with Mr. Richard Garza, a property owner across Catalina Street and proponent of the Catalina Lofts project, who opposes the Applicant's Use for concerns over parking and that the proposed building height increase would impede ocean views from his development.

Water:

The Applicant's exercise facility, interpreted as a 'gym' for the purposes of water determination, qualifies as a Group I category water user in accordance with the Monterey Peninsula Water Management District ("MPWMD") regulations. The Subject Property has water credit based upon a Group I use for the existing floor area. However, the added 2,400 square feet of floor area from the proposed 2nd and 3rd interior levels may require an additional water allocation. Staff calculates that 2,400 sq.ft. of Group I use requires 0.168 acre-feet/year (af/y). Additionally, showers for patrons may also require additional water if deemed so by the MPWMD regulations. If additional water is required for this added floor area, an allocation is discretionarily available from the City's Water Entitlement (desalination facility) to accommodate that need. However, the permit should contain the standard language stating that approval of the coastal development permit does not grant the Applicant and/or the Subject Property's owner any right or privilege to any allocation of water by the City or other agency/entity. The Applicant and property owner should verify whether the scope/scale of the Applicant's use falls within the MPWMD's definition of "gym" and if additional water needs to be allocated for the additional floor area and/or use.

Street Improvements:

Road pavement, curbs, and gutter exist along the Subject Property's Ortiz Avenue (north), Elder Avenue (south), and Catalina Street (east) frontages; but there is only asphalt pavement between the building and curb for pedestrian use. A segment of the Catalina Street sidewalk area is overrun with ice-plant and dirt impeding pedestrian movement. The Property Owner has submitted public improvement plans for improving public and ADA access along the Subject Property's Elder Avenue frontage that would include new concrete walkway with proper ADA slope. These plans are currently under staff review. The City is also pursuing Proposition 1 and Integrated Regional Water Management grants for storm water and street improvements along Catalina and Contra Costa streets to include improvements of street, sidewalk, landscaping, drainage, and parking improvements that would incorporate the Subject Property's Catalina Street frontage.

Between these two projects, only the Ortiz Avenue sidewalk fronting the Subject Property would remain deficient.

In a meeting on May 30th with the Applicant and Property Owner, staff proposed public sidewalk improvements along the building's Ortiz Avenue frontage. Proper building code egress only requires a flat landing at the secondary egress door, but not a complete sidewalk. ADA accessibility and code compliance for the building will be provided by the Elder Avenue sidewalk improvements currently under review and required as part of the Camp Transformation project. With expenses currently being incurred for the Elder Avenue frontage, the Property Owner requested a deferral. Staff's counter proposal was to either install the improvements concurrently with the City's Catalina Street improvements or within five (5) years, whichever is sooner. Staff anticipates the Proposition 1 Grant Catalina Street improvements, pending receipt of grant funding, to be within the next 2 to 3 years. The Property Owner was amenable to that suggestion. Therefore, staff recommends the following condition be included in the Coastal Development Permit as follows:

"The Subject Property's Owner shall design and install/modify, at their expense, complete curb, gutter, and sidewalk street improvements along the Subject Property's Ortiz Avenue frontage. Installation of said Ortiz Avenue improvements shall either be in conjunction with the City implementation of its Proposition 1 Grant improvements along the Subject Property's Catalina Street frontage or within five (5) years, whichever occurs first. Public improvement plans for said improvements shall be subject to the City Engineer's review and approval prior to construction. Failure of the Property Owner to comply with this requirement shall subject Coastal Development Permit 19-02 to amendment or termination."

Stormwater Control:

The Applicant's Use is of an existing commercial building on developed land. The proposed tenant improvements to the building interior, building elevations, or increasing a portion of the building's height will not introduce new pavement or physical modifications of the site or building footprint expansion that would otherwise trigger storm water control regulations. Therefore, storm water control regulations do not apply to this application.

Advisory Agencies:

Information on the Applicant's Use was circulated to the City's advisory agencies. The Seaside County Sanitation District (SCSD) commented that the Applicant must apply to Monterey One Water and pay applicable fees for sanitary sewer service associated with the restroom and shower facilities. The County Health Department commented that they have no concerns; however, if the Applicant sells prepackaged food/drink items in the retail shop, the Applicant may need a health permit from the County. The City Engineer commented that the ADA path may require reconstruction of existing curb, gutter, sidewalk, and street pavement; and that the City Planner should verify the total parking spaces needed for all tenants before the Applicant re-stripes the parking lot. The Building Department commented that the entire building will need to be reviewed by a California licensed engineer, as there may be structural challenges with additional wall height and the elevated roof section. Additionally, there are building code issues with some of the existing

and proposed entries/exits that would have to be addressed. No other comments were received at the time of preparing this report.

CONCLUSION

Staff supports the integration of commercial recreation uses into the west end district in order to promote the goals of the City's General Plan to transform the West End District (referred to as 'Old Town' in the General Plan). Goal 2.1 of the City's General plan states....."Transform the Old Town district from an area of heavy industrial, unplanned land use mix and warehouse uses to a planned area of light manufacturing, service commercial and residential uses with a heavy emphasis towards street scape beautification." However, staff has concerns regarding the scope and scale of the Applicant's Use at the Subject Property. Integrating Camp Transformation into a smaller unit while the larger remainder of the building operated as a wholesale operation (Monterey Bay Restaurant Supply) was a mix of uses the Subject Property was able to reasonably accommodate. However, despite the analysis and discussion of this report using the 1/450 parking ratio, staff is concerned that the parking demand of both Camp Transformation and the Applicant's Use will not be sufficiently accommodated by the Subject Property during peak operational hours of 5:00 p.m. to 8:00 p.m. of both uses simultaneously. The Applicant could secure other properties to accommodate parking; but how does the City enforce its usage? If it's too far away, will patrons use that parking, or would they just use the closest street parking available? If the City wishes to pursue land uses beyond manufacturing, contractors, and warehouses, as discussed in the City's General Plan, then parking overflow onto streets is to be expected without additional public parking infrastructure (i.e. parking lots/structures). The question for Council to consider with this (or any) use permit application is whether such overflow parking, and the amount thereof, is acceptable or not.

The City Council has three options for action:

- 1) Deny the application based on the finding that the scope and scale of the Applicant's Use exceeds the Subject Property's ability to sufficiently accommodate the Applicant's Use. If the Council chooses this direction, then staff can prepare a resolution of denial for action at a future Council meeting,
- 2) Approve the Coastal Development Permit as presented or with additional modifications the Council deems fit to incorporate, based on the findings below, OR
- 3) Continue the public hearing on this application to a later date if the Council deems it necessary for further staff research/analysis, information, and/or discussion. Staff requests a date be set/announced for a continuation to avoid the need to re-notice the continued hearing.

Findings:

1. The Proposed Use, at the intended scale, is compatible with Coastal Planned Mixed Use (CZ-MU-P) zoning, provided the Applicant complies with the permit conditions and sufficiently applies effective mitigation regarding noise, vibration, and parking.
2. Adequate utilities (i.e. water, sewer, electricity, etc.) are available to facilitate the Applicant's Use at the Subject Property.
3. Staff's recommended conditions for CDP 19-02 are considered necessary and sufficient to either prevent and/or abate noise, vibrations, or other foreseen potential public nuisances that could occur from the Applicant's Use.

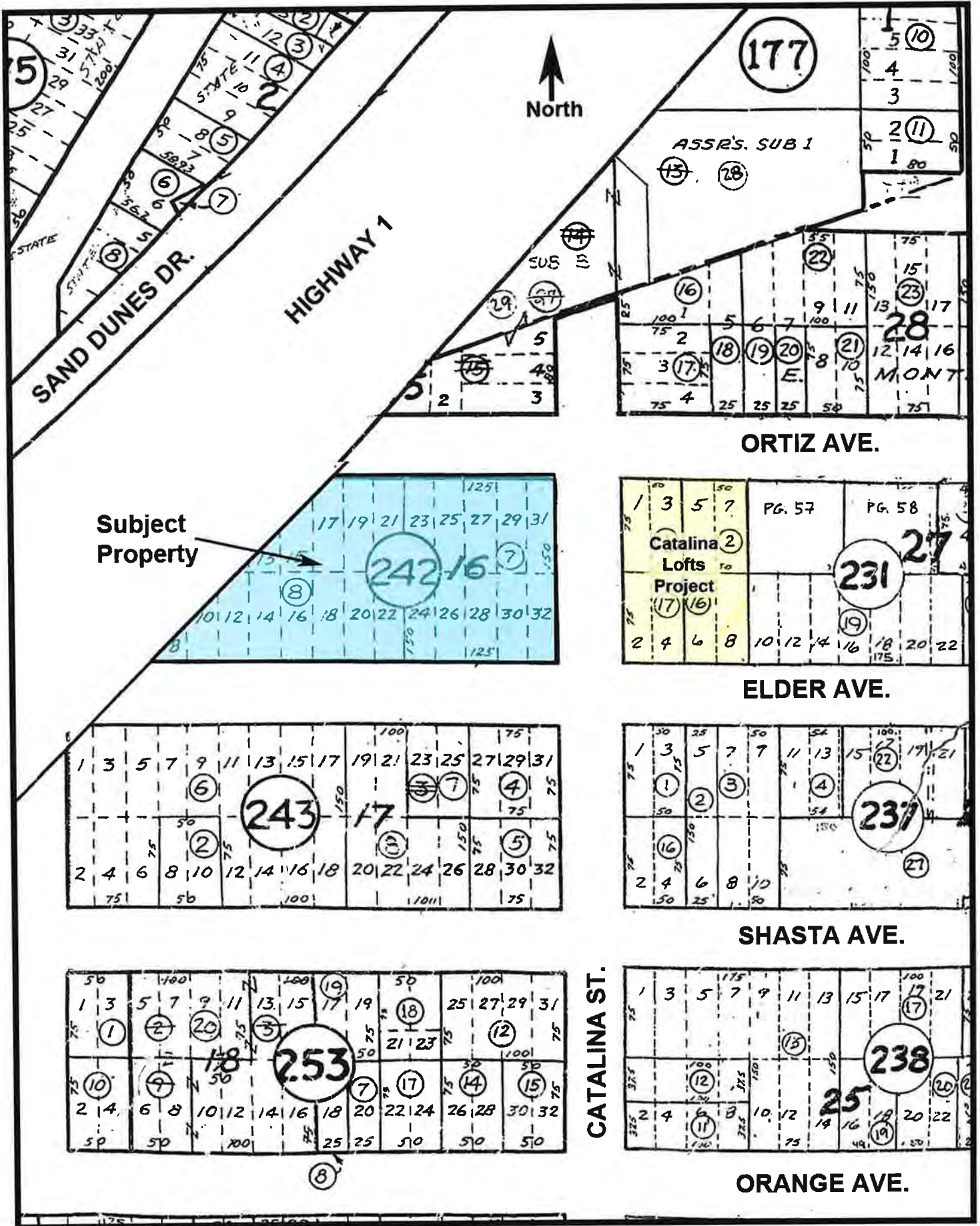
4. It is anticipated that the concrete walls of the building, in conjunction with staff's recommended permit conditions, will be sufficient to contain noise and vibrations generated by the Applicant's Use within the building and thus not negatively impact neighboring residential units.
5. The Applicant's Use and proposed modification of an existing commercial building qualify as a categorical exemption, under State CEQA Guidelines, Section 15301.
6. The Subject Property's existing water credit is sufficient to accommodate a Category 1 "gym" use with the existing square footage; however, the proposed 2,400 square feet of new floor area may require an additional allocation of 0.168 af/y that is discretionarily available from the City's Water Entitlement (desalination facility).

Exhibits:

- A. Location Map
- B. Aerial Map
- C. Site Plan
- D. Floor Plan
- E. Proposed exterior property modifications
- F. Applicant's Letter of Intent
- G. Excerpts from Applicant's Website
- H. Received Objection Email (dated 5-22-19)
- I. Photos of Applicant's other Facilities (provided by Applicant)

Attachments:

- Draft Resolution to approve the Coastal Development Permit



Location Map



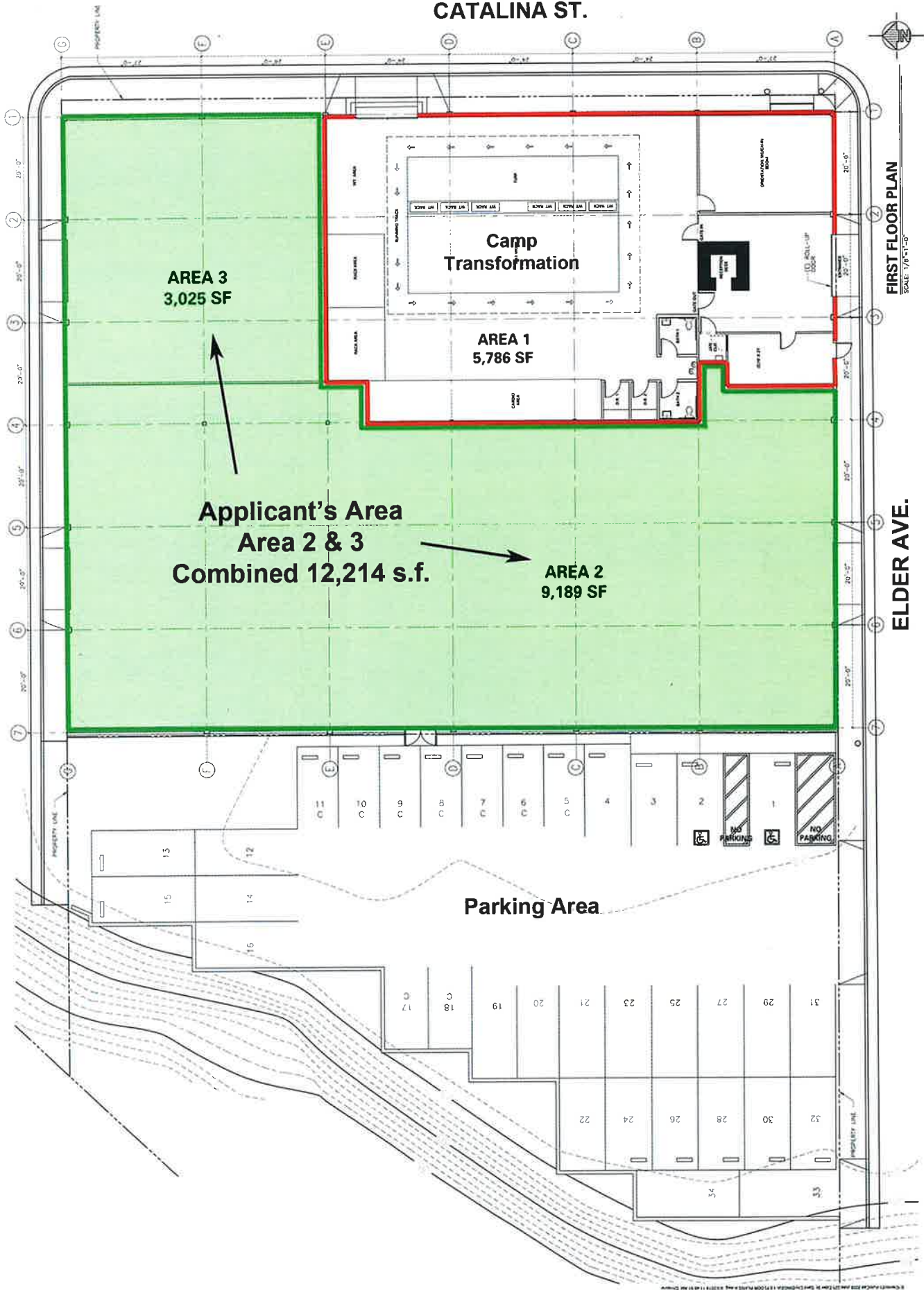
Aerial Map (via Google Earth)

CATALINA ST.

ORTIZ AVE.

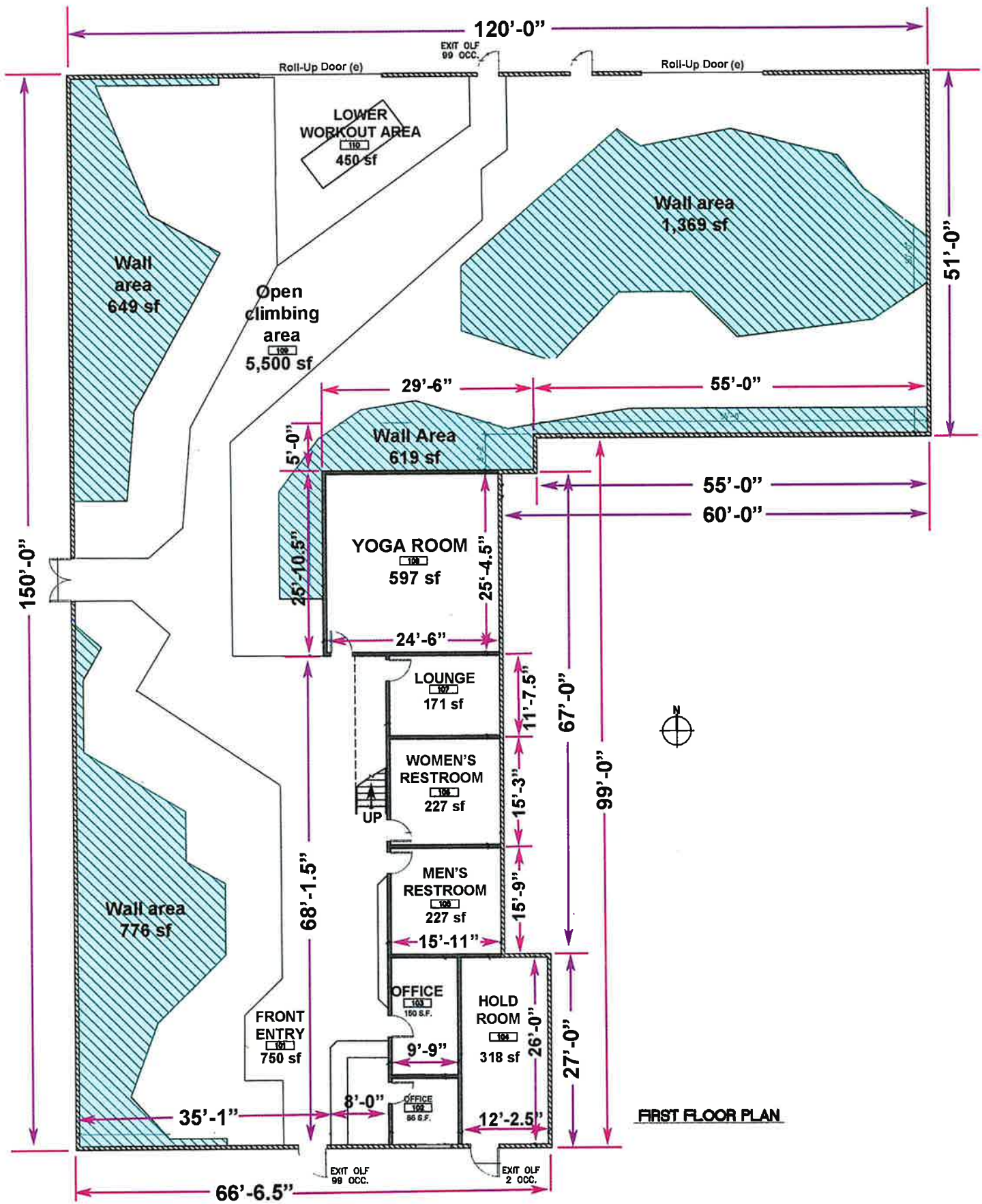
FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"

ELDER AVE.

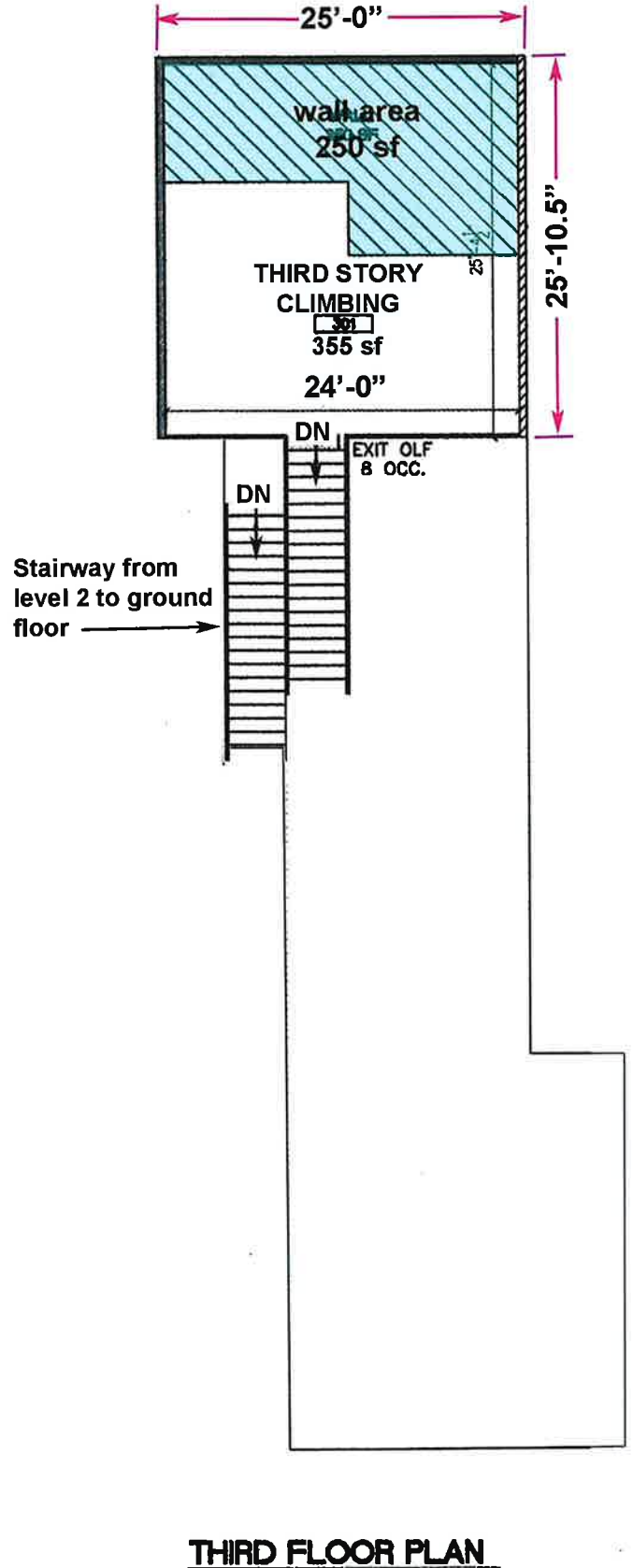
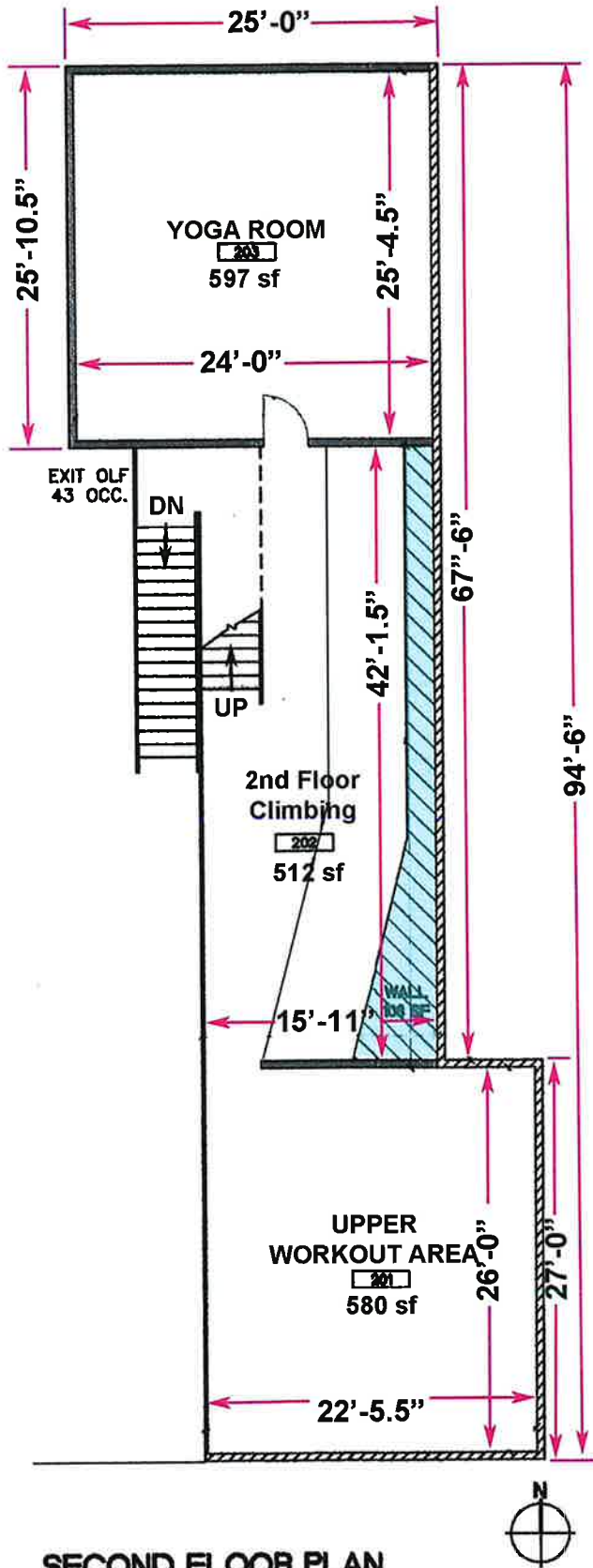


Site Plan (revised)

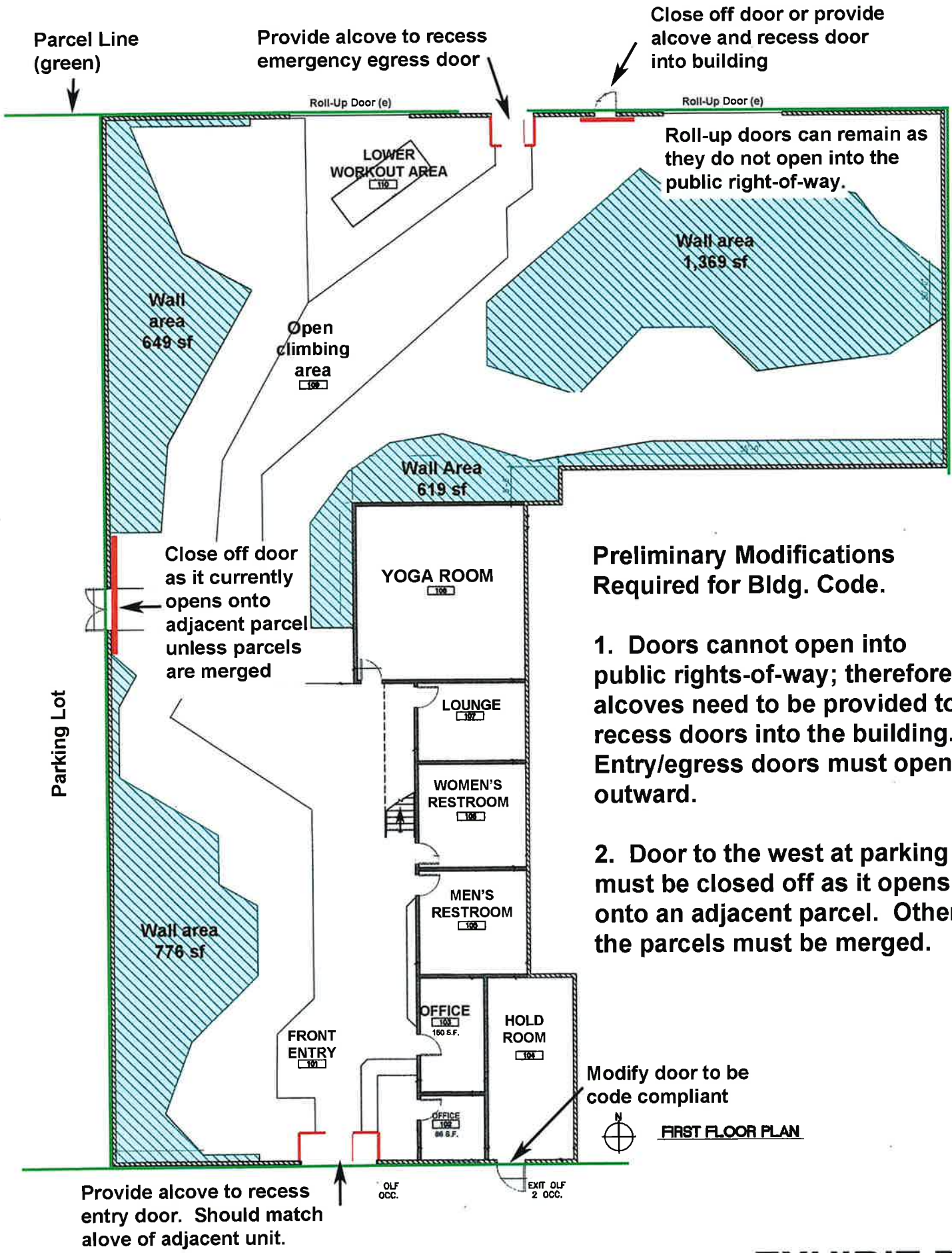
EXHIBIT 9C



Floor Plan (ground level)

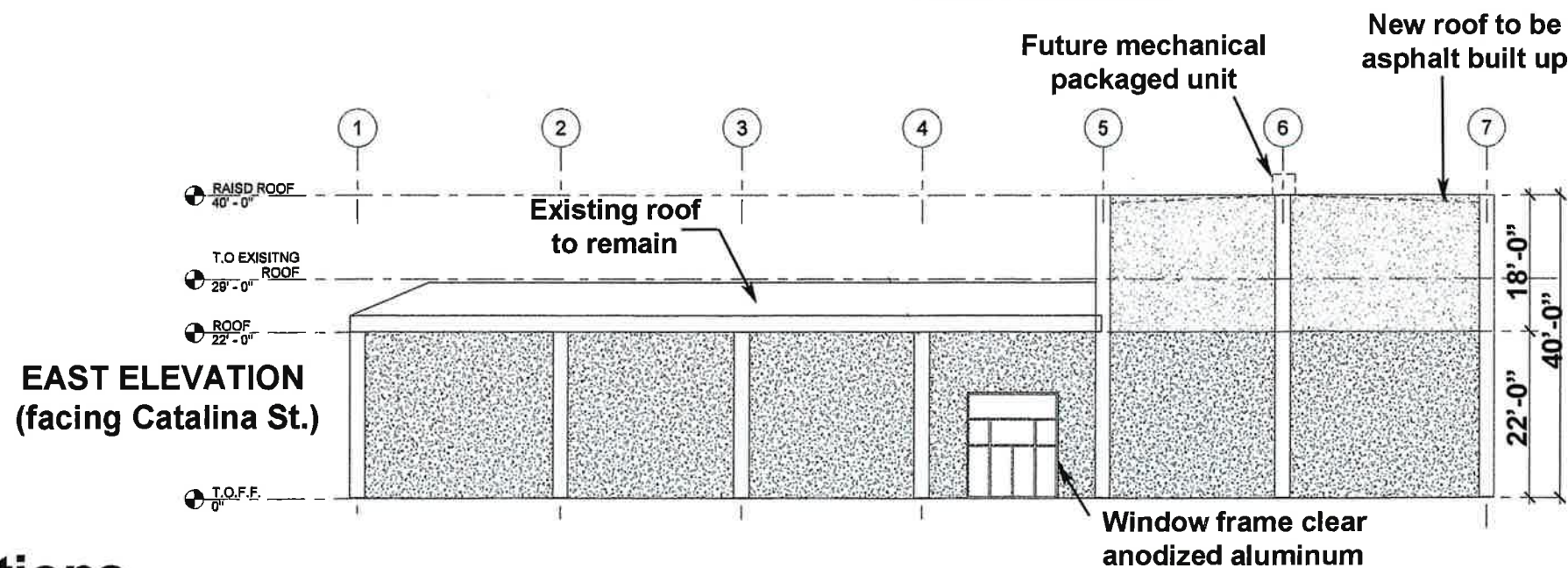
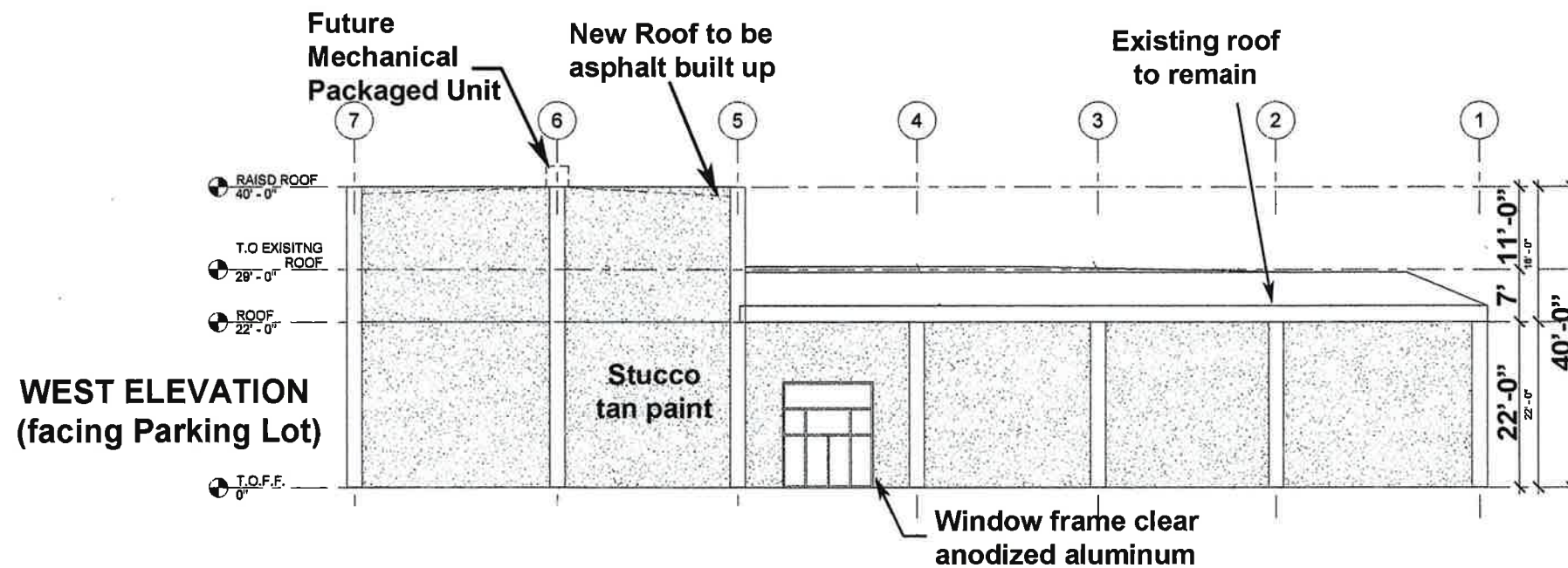
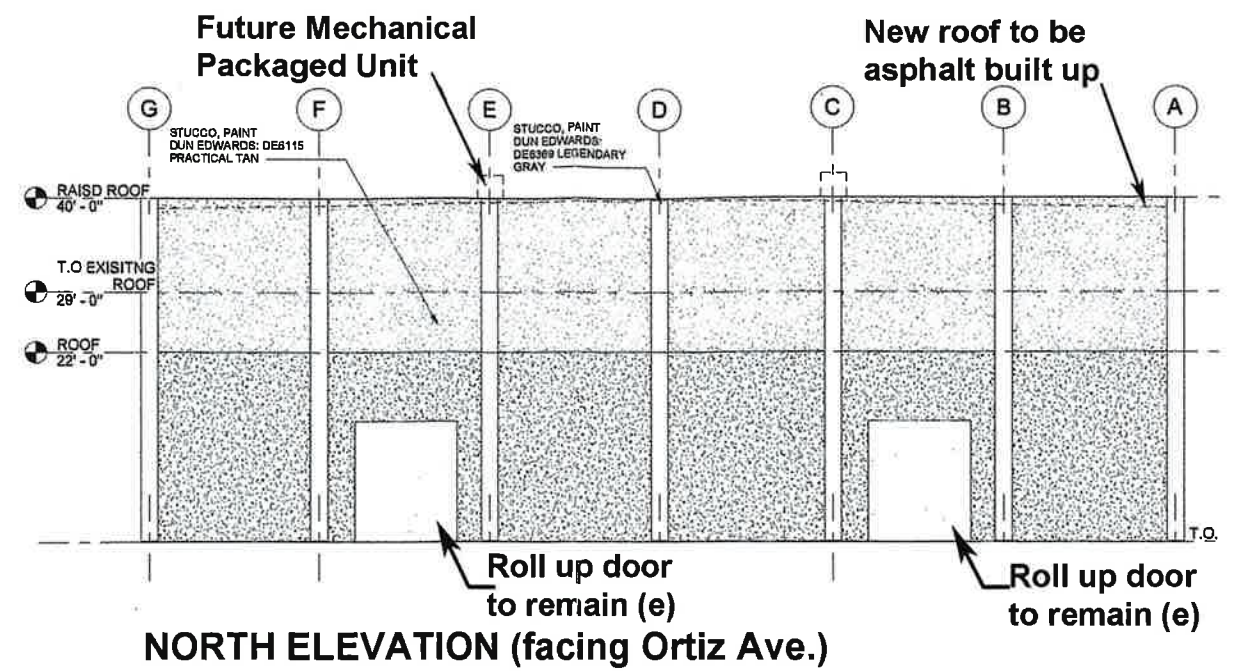
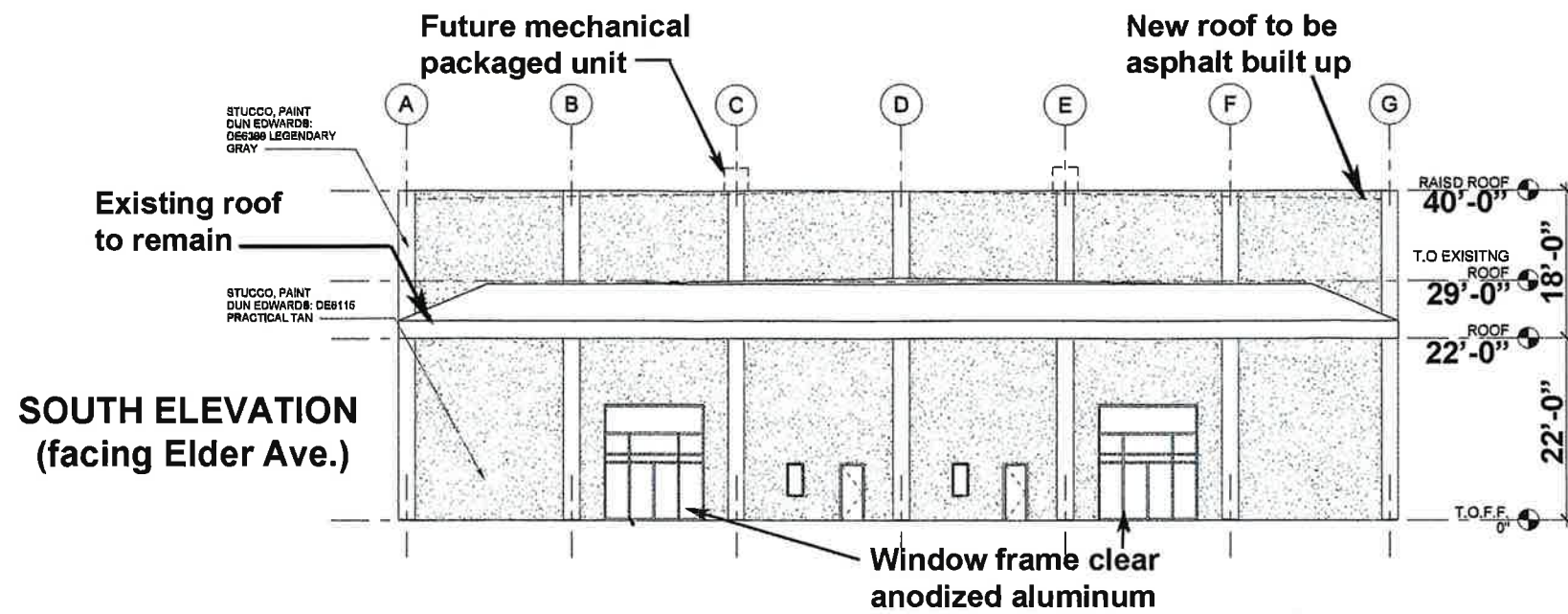


Floor Plan (level 2 & 3)



Preliminary Modifications Required for Bldg. Code.

- 1. Doors cannot open into public rights-of-way; therefore alcoves need to be provided to recess doors into the building. Entry/egress doors must open outward.**
- 2. Door to the west at parking lot must be closed off as it opens onto an adjacent parcel. Otherwise the parcels must be merged.**



Proposed view from Elder and Catalina (south & east elevations)



Proposed view from Ortiz and Catalina (east & north elevations)



Dear, Sand City Planning Department

We are pleased to be applying for a use permit at 325 Elder Ave for a modern indoor climbing and fitness facility.

We currently operate two other facilities, one in San Luis Obispo and the other in Santa Maria, CA. Over our 15+ years in business we have created a community that extends far beyond that of the established climber and has come to incorporate a wide swath of the communities we serve. We look forward to bringing this same degree of facility, programming and most importantly community to Sand City and the surrounding cities.

What we are all about:

- We change lives. People come to us because they are looking for something new in their lives: connection to others, pursuit of goals, pushing of self-imposed boundaries.
- We set ourselves apart by going all out in creating a community based inclusive and welcoming environment, while providing low barrier to entry.

Product/Service Summary:

We make it easy to get going: free climbing shoe rental and 24 hour access for members (when permitted)!

We plan to offer over 12,000 sqf of roped climbing, bouldering, dedicated kid area, full weight room, lounge, showers, locker rooms, top quality yoga and fitness studio, and climbing retail shop. We also offer youth programming, support of local nonprofits and schools through our services, we are ready to serve the already established and undeserved market.

Thank you for your consideration,

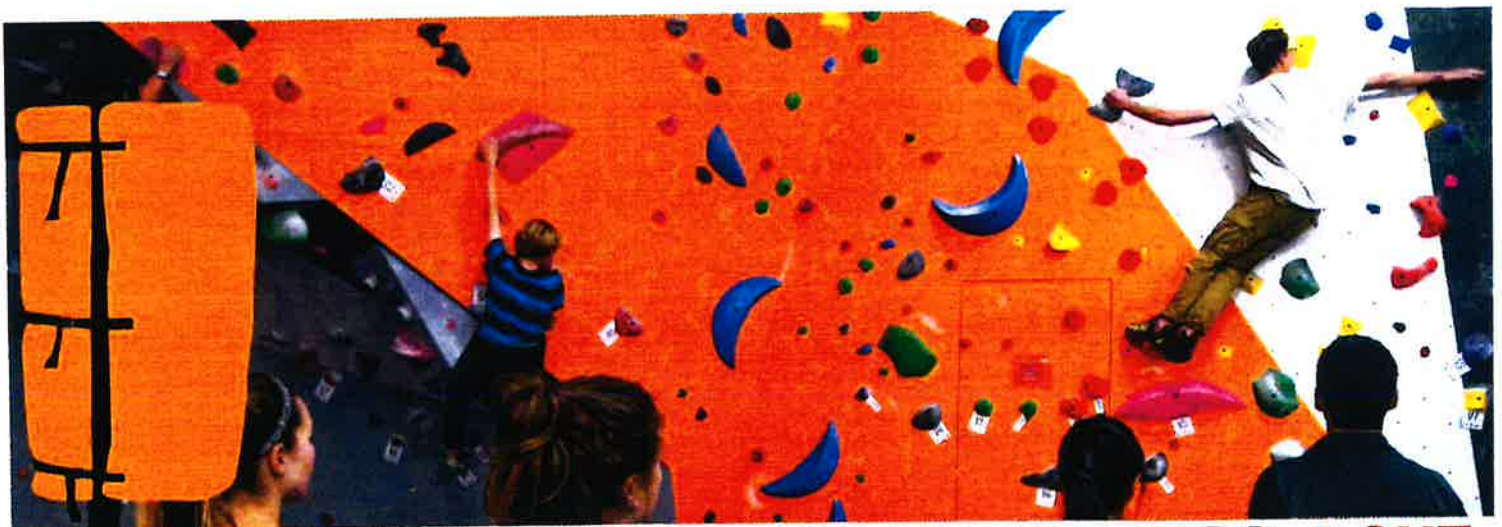
Yishai Horowitz Founder/CEO
805 720-1245 yishai@thepadclimbing.org
[888 Ricardo CT, San Luis Obispo CA 93401](https://www.thepadclimbing.org) (gym/mail)
[2399 A St Santa Maria, CA 93454](https://www.thepadclimbing.org) (gym)
WWW.THEPADCLIMBING.ORG

THE PAD CLIMBING

CLIMB CLASSES/PROGRAMS WEIGHTS/FITNESS YOGA/BARRE GROUPS HAPPENINGS +OUR LOCATIONS
BLOG RATES

You're not entering a climbing gym,
you're joining a community.

JOIN and get access 24 hours a day!



CLIMBING. COMMUNITY. FITNESS. LOVE.

Ready to try climbing,
yoga, or weights?

You don't have to be in amazing shape.

You don't have to have any experience.

We make it easy to get going: free climbing shoe rental
and 24 hour access for members!

Welcome to a safe, no-pressure, welcoming community
of people who love to climb and love to help others do

<https://thepadclimbing.org>

What Will You Find With Us? - SLO Op ...

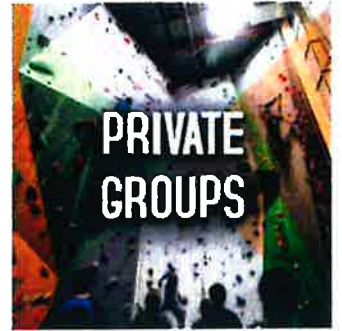
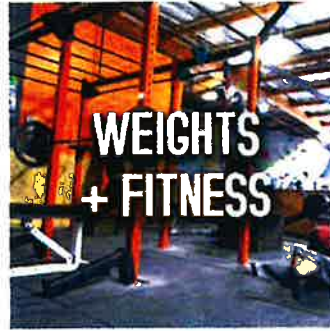
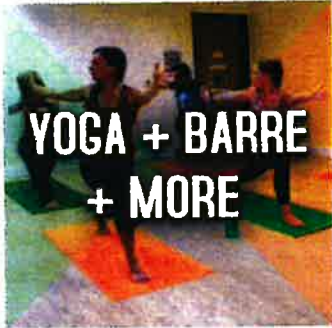


EXHIBIT G
97

it, too.

Find us in SLO and Santa Maria! We can't wait to see what we can do for you!

HERE'S ALL YOU NEED TO KNOW



FAQ
EMPLOYMENT
VOLUNTEER
CANCEL
YOUR OWN GYM!

COMPANY
WAIVER (ENG)
WAIVER (ESP)
PRIVACY POLICY
STAFF
OUR HISTORY

CONNECT
EMAIL US
EMAIL: service@thepadclimbing.org
PHONE: 844.CLIMB.UP (844) 254-6287

THE PAD CLIMBING

CLIMB CLASSES/PROGRAMS WEIGHTS/FITNESS YOGA/BARRE GROUPS HAPPENINGS +OUR LOCATIONS
BLOG RATES

We put the “fun” in FUNCTIONAL FITNESS here in the SLO gym and Santa Maria gym.

We're more than just a climbing gym and yoga studio - we're serious about fitness.

That's why a number of our members come here to get their swole on and never bother touching our walls.

You'll find:

- Free weights
- Medicine balls
- Functional fitness apparatus like box jumps, bands, etc
- Cardio equipment
- Specialized things like stall bars and salmon ladders
- Ninja Warrior - type training area with peg ladder and grip training
- Good peeps with no ego

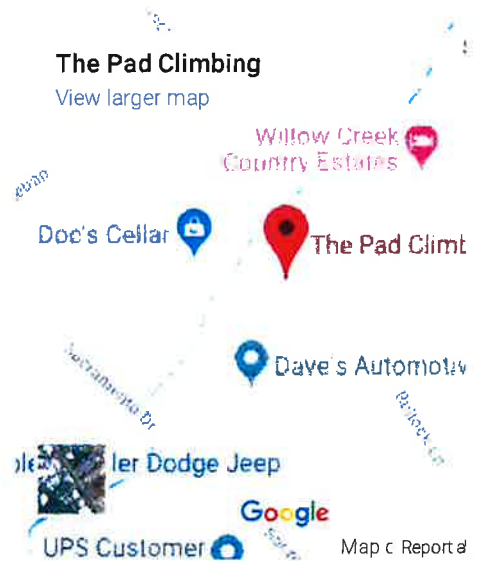
Come check us out - just pick a location and let the front staff know what you're looking for - if we don't have it, we're open to getting it! We want this to be your



SAN LUIS OBISPO

11 am - 10 pm every day

Members get 24/7 access!



SANTA MARIA

5 pm - 9 pm EVERY DAY!

Members get 24/7 access!

one-stop shop for fitness, fun, and community in San Luis Obispo and Santa Maria.



AMERICAN NINJA WARRIOR VET JORDAN SHIMIZU TRAINS FOR HIS NEXT GO

The Pad Climbing

[View larger map](#)

1 Mar
Brazilian J



HOM
LTC Pha

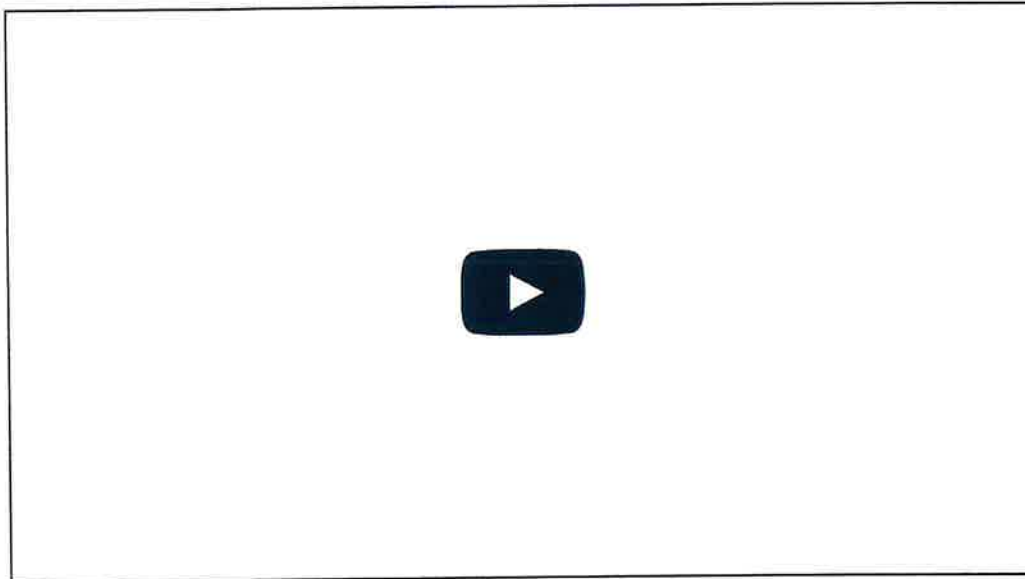
Did you know we produce a ton of American Ninja Warriors?

Check out Paddie Thomas Kofron getting after it!



The 'A Street Cafe
Google

Map c Report a



EMAIL: service@thepadclimbing.org

PHONE: 844.CLIMB.UP (844) 254-6287)



- FAQ
- EMPLOYMENT
- VOLUNTEER
- CANCEL
- YOUR OWN GYM!

- COMPANY**
- WAIVER (ENG)
- WAIVER (ESP)
- PRIVACY POLICY

- CONNECT**
- EMAIL US
- EMAIL:** service@thepadclimbing.org
- PHONE:** 844.CLIMB.UP (844) 254-6287)

THE PAD CLIMBING

CLIMB CLASSES/PROGRAMS WEIGHTS/FITNESS YOGA/BARRE GROUPS HAPPENINGS +OUR LOCATIONS
BLOG RATES

Yes! We are bringing the love to the Monterey Bay!



Your gym will include:

We are bringing 14,000 Sq feet of climbing (rope and boulder) , the best yoga for climbers possible, climber-specific training areas, free weights, showers, lounge, and youth programming and more - all in a central location, with easy access for all. Everything that's awesome that we do on the central coast already, we'll do it here, too!

Thank you to our Paddie and SLO-Op supporters in the region who reached out and asked us to fill the void when The Sanctuary was forced to close. We are excited to bring our love to the Monterey Bay area and look forward to supporting, growing, and stoking the already epic climbing community.

More details soon. It takes a while for a gym to get built out, but we hope to be up and cranking less than a year from now.

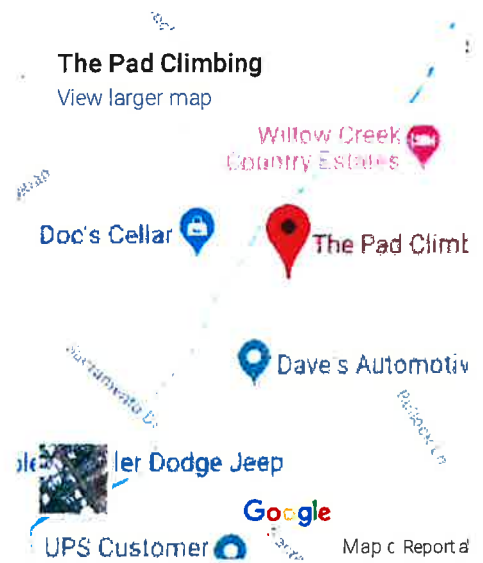
For updates, check us out on Facebook and sign up for emails - we'll be announcing jobs, programs, and updates in both places! (We'll fire up instagram when construction goes).



SAN LUIS OBISPO

11 am - 10 pm every day

Members get 24/7 access!



SANTA MARIA

5 pm - 9 pm EVERY DAY!

Members get 24/7 access!

Chuck Pooler

From: Deirdre and Michael Bascou <[REDACTED]>
Sent: Wednesday, May 22, 2019 12:40 PM
To: Chuck@sandcityca.org
Cc: fmeurer@sandcityca.org
Subject: Re: Climbing Gym in the Restaurant Supply Building.

Hello Charles,

After talking with you yesterday, I wanted to re-affirm my concerns regarding a climbing gym coming to the restaurant supply building. As you know, I was in business for 23 years in the South of Tioga district at the end of East Ave., with two adjacent businesses, a small house on the corner of East/California Ave. and the Salvation Army on Scott St. This was an ideal location and allowed us to grow without impacting the other businesses on the street due to the large amount of off street parking at the end of East Ave. Over the years our daily attendance has grown and before closing the business in February, we were seeing an average of 100 visitors a day, some days more and some days less. These clients would come and go throughout the day with the peak times starting in the afternoon after school and running through the early evening. These peak times were easily absorbed by the off street overflow parking at the end of East Ave. and caused no impact on the surrounding neighborhood. The restaurant supply building is 3 times the size of my old location at 14000 sq. ft., and has even less opportunities for parking, but more opportunities for impact on the neighboring residents and businesses. With the recent opening of Camp Transformation, the impact on parking in that area is clearly visible during their classes which fill the small parking lot and surrounding streets. When they decide to offer more classes, the demand for parking will increase even more. The Municipal Code, 18.64.050 Off-Street parking - number of spaces required, does not have a specific requirement for fitness or gyms, but would be in comparison to the requirements for a restaurant w/o seats or a dance hall, each of which would require much more parking than is currently available, 140 - 280 spaces. The restaurant supply's small parking lot has 25 usable spaces and the surrounding few blocks bordered by Shasta St. to Contra Costa St. provide around 80 on-street parking spaces, if they are not being used by local residents or businesses. The impact to this area of town with over 20 residential units, 32 businesses and impending construction of the Catalina Lofts would be 7 days a week 10 - 16 hours a day, depending on the climbing gyms hours of operation. A climbing gym of this size will require long hours, many classes and lots of staff, which will also put a strain on parking. I don't feel that the proposed use should be approved or even considered based on the location and Municipal Code requirements that are unable to be satisfied.

If you have any further questions, I can be reached at [REDACTED]

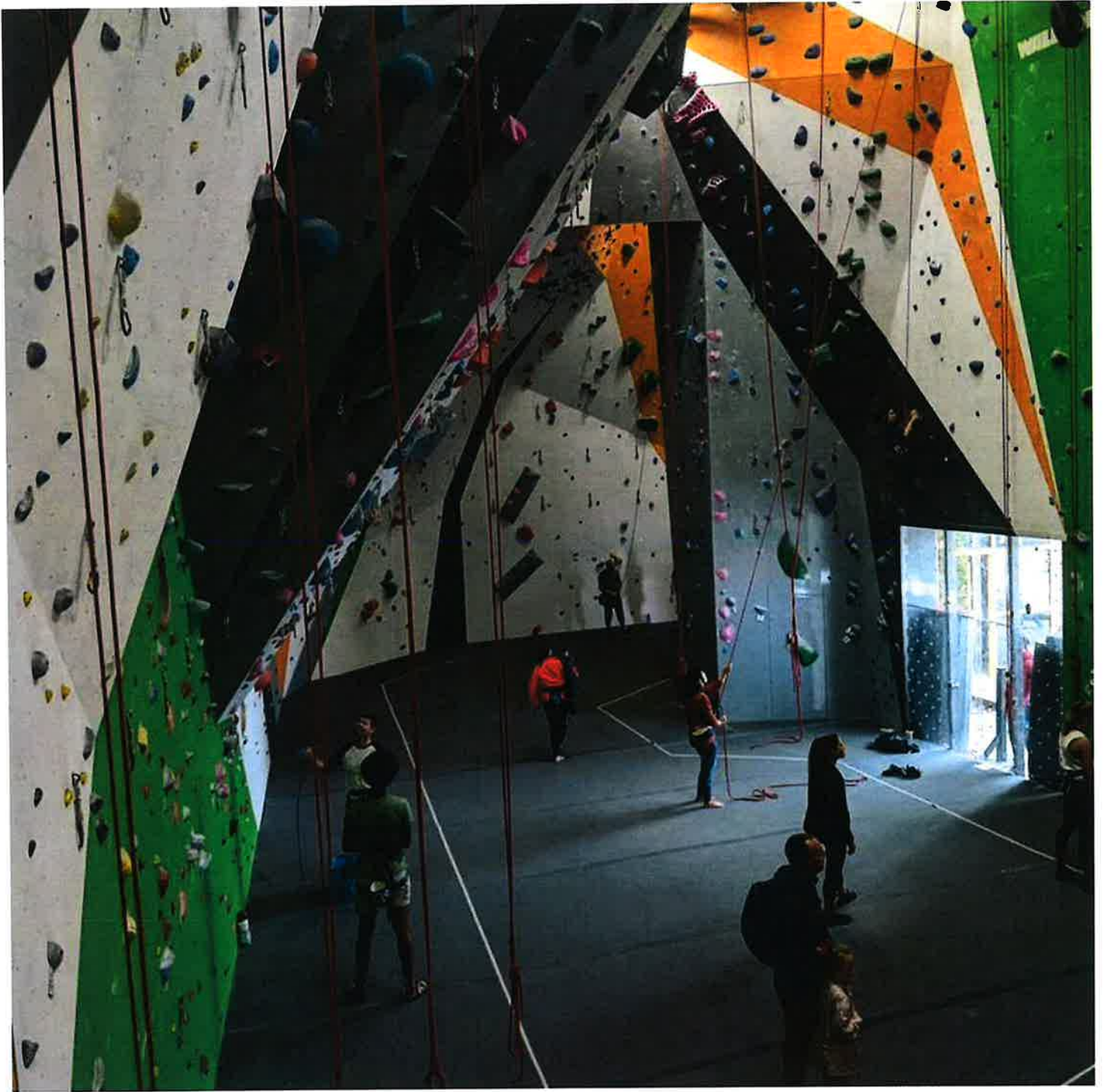
Sincerely,

Michael Bascou
[REDACTED]

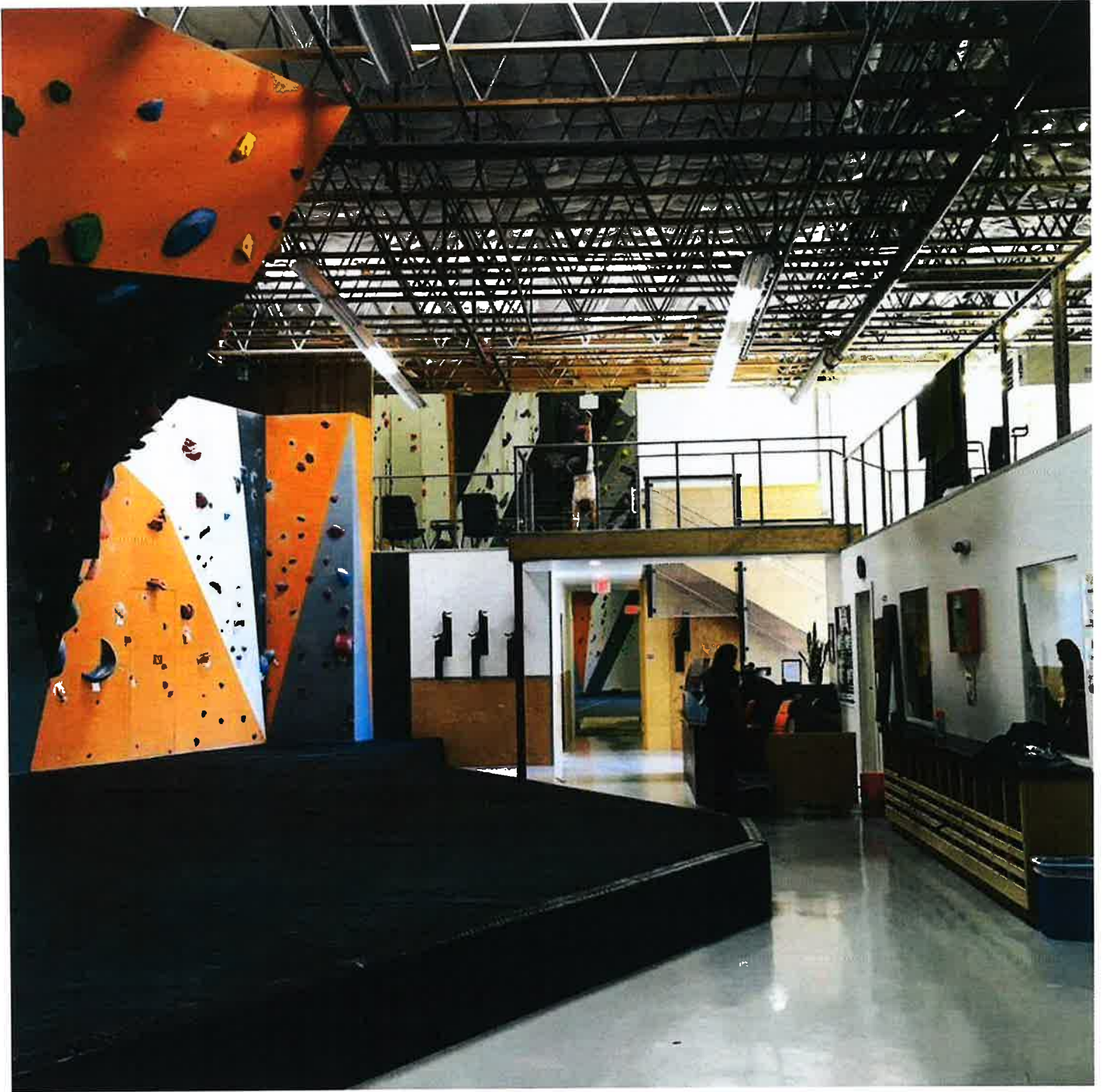
EXHIBIT H

102

Climbing Area



Front Desk Area



Construction of raised roof.



Photos - Existing Facilities

**Raised Roof
Completed**



**Building prior to raised
roof construction**



Photos - Existing Facilities

ATTACHMENT 2

Applicant's Parking Study

Keith Higgins

Traffic Engineer

July 22, 2019

Yishai Horowitz
The Pad Climbing
888 Ricardo Court
San Luis Obispo, CA 93401

Re: The Pad Climbing parking analysis, 325 Elder Avenue, Sand City, CA

Dear Yishai,

As you requested, this is an update of the parking demand and supply for the proposed Pad Climbing (Project) facility at 325 Elder Avenue, Sand City, CA. The Project location is indicated on **Exhibit 1**. The project will include 12,214 square feet of floor area within an 18,000 square foot building. The remaining 5,784 square feet of floor area is occupied by the Camp Transformation fitness facility. Pad Climbing has a net square footage of 9,350 determined by deducting space occupied by climbing walls and adding floor area from the two proposed floors. The site currently has 34 parking spaces.

This study is being required to provide to address concerns about on-street parking availability to accommodate Project overflow parking demand. In order to address these concerns, the following tasks were undertaken.

1. Perform a 7-day parking occupancy survey at the existing Pad Climbing facilities in San Luis Obispo and Santa Maria, California.
2. Develop a parking generation rate based on the number of members at the San Luis Obispo and Santa Maria facilities.
3. Estimate Project parking demand.
4. Provide information on the proposed satellite parking lots at the Monterey Cabinet and Woodworking, and storage building at the north terminus of Catalina Street.
5. Perform a 7-day parking occupancy survey of the project site parking lot at 325 Elder Avenue.
6. Perform a 7-day on-street parking occupancy survey within 300 feet and 500 feet of the project.
7. Determine the net parking surplus or deficit associated with the Project.

A. BACKGROUND

The City does not have parking standards for the specific type of fitness facility as either Camp Transformation or Pad Climbing. Based on a parking ratio of 1 space per 450 square feet of floor area, 13 spaces were designated to Camp Transformation at the time of its approval. Camp Transformation was also required to secure additional off-street parking if the 13-space requirement was not adequate. At that time, the use proposed to be occupied by Pad Climbing was occupied by Monterey Bay Restaurant Equipment, a wholesale, warehouse and storage use. This had a low parking requirement, with little or no demand in the evening when

Yishai Horowitz
July 22, 2019

Camp Transformation peak demand would be experienced. Camp Transformation was thus able to secure co-use with Monterey Bay Restaurant Equipment. Parking operations have generally been satisfactory with Monterey Bay Restaurant Equipment as the co-tenant of the site. However, it was noted by City staff that Camp Transformation generates peak parking demand of about 33 spaces (utilizing most of the rear parking lot with overflow onto the nearby on-street parking).

Using the same parking ratio of 1 space per 450 square feet of floor area for Pad Climbing as used for Camp Transformation, Pad Climbing should provide 21 parking spaces. This results in a total parking requirement of 34 spaces, which would be able to be accommodated by the existing 34-space parking lot when combined with the 13-space requirement for Camp Transformation. However, as indicated above, actual Camp Transformation parking demand is about 33 spaces. The combined parking demand will be much greater than previously occurred with Monterey Bay Restaurant Equipment as the co-tenant.

B. PROJECT PARKING ADEQUACY

1. Project Parking Demand

To determine the likely parking demand from Pad Climbing, a survey was conducted at the existing Pad Climbing facilities in Santa Maria and San Luis Obispo from Wednesday, June 26, 2019 through Tuesday, July 2, 2019. The Santa Maria facility has a total membership of 389, which is similar to the anticipated initial membership at the proposed Sand City facility. As indicated on **Appendix A**, it generated a peak membership parking demand 26 plus 2 staff for a total parking demand of 28 spaces on Monday, July 1, 2019.

The San Luis Obispo facility has a total membership of 2,182. However, active enrollment is reduced by 30% during summer months because many members are college students who are not in San Luis Obispo during the summer. The effective summer membership is therefore about 1,530. The peak parking demand was 65 plus 4 staff for a total of 69 parking spaces as indicated in **Appendix A**.

The Santa Maria facility has a total membership of 389. Its peak parking demand was 26 plus 2 staff for a total of 28 parking spaces as indicated in **Appendix A**.

The Sand City Pad Climbing facility will have an initial membership of about 400, which will be like the Santa Maria location. The initial parking demand will be about 28 spaces. However, it is desired that membership will increase to about 1,000 in the future. Assuming the parking generation rate is similar to the San Luis Obispo facility, the long-term Project parking demand will be about two-thirds of San Luis Obispo's summer active membership, or about 46 spaces.

Based on the experience at the San Luis Obispo and Santa Maria facilities, parking demand does not appear to be directly proportional to membership. This may be due to members of Pad Climbing having memberships in other types of fitness centers and the larger membership consists of members that do not visit the facility as often. Also, people use the San Luis Obispo gym at all hours which would account for some of the other use.

2. On-Site Parking Availability

To the extent possible, Project parking should be accommodated on-site. The total on-site parking supply is 34 spaces. A parking survey was conducted from Tuesday, July 9, 2019 through Monday, July 15, 2019 to determine the available parking on the Project site. Raw parking count data is included in **Appendix B**. The corresponding average available spaces ranged from 15 from 6:00PM to 7:00PM with 27 available spaces at 8:00PM. The average available spaces are indicated on **Exhibit 2**. The peak parking demand, included as **Exhibit 3** during the 7-day survey was 26 spaces on Thursday, July 11, 2019, leaving 8 spaces available for Pad Climbing. This occurred for only a single hour during the 7-day survey.

3. Satellite Parking Lot Capacity

Off-street parking is an acceptable alternative to on-site parking if located within a reasonable walking distance of the Project. You have secured the usage of 10 spaces at the end of Catalina Street at the existing storage building at 1801 Catalina Street, which is about 200 feet from the Pad Climbing entrance door. An additional 6 spaces have been secured at Monterey Cabinet and Woodworking, 409 Ortiz Avenue (northeast corner of the Catalina Street/Ortiz Avenue intersection), also about 200 feet from the Project. Their locations are depicted on **Exhibit 4**. Their site plans are included as **Exhibits 5** and **6**, respectively. Both satellite parking areas are a reasonable distance from the Project. Both will be leased and fully available between 5:00PM and 8:00PM seven days per week. A total of 16 spaces will therefore be available for the Project during periods of peak Project demand. Including the 8 available on-site spaces, a minimum of 24 parking spaces are available without using on-street parking.

4. On-Street Parking Availability

The parking survey conducted from Tuesday, July 9, 2019 through Monday, July 15, 2019 also determined the available on-street parking within 300 feet and 500 feet of the Project site. The survey area includes the following streets. The survey area is depicted on **Exhibit 1**, with red bands indicating the parking areas within 300 feet and red bands indicating parking areas within 500 feet.

City staff suggested a survey distance of 300 feet. However, the ends of the blocks of Ortiz Avenue and Elder Avenue at Contra costa Street are just less than 500 feet east of the Project and appear to be a more logical limit of walking distance for Project patrons. The article "How Far Should Parkers have to Walk?" National Parking Association, May 2008 (included as **Appendix C**) indicates that the maximum walking distance for retail customers is 300 to 600 feet, which is in general agreement with City staff. However, the maximum distance for employees is 1,200 to 1,500 feet. In this case, the pedestrians would be to and from an exercise facility, so generally in good physical condition and would only be carrying workout apparel and accoutrements and no purchase items. The acceptable walking distance would probably be longer than 500 feet, thus making the survey limits reasonable.

1. Ortiz Avenue between Highway 1 and Contra Costa Street
2. Elder Avenue between Highway 1 and Contra Costa Street
3. Shasta Avenue between Highway 1 and about half-way between Catalina Street and Contra Costa Street

Yishai Horowitz
 July 22, 2019

4. Orange Avenue approximately 75 feet on either side of Catalina Street
5. Catalina Street from about 100 feet south of Orange Avenue to Highway 1

As indicated on **Exhibit 7**, a total of 72 parallel parking spaces are within 300 feet of the Project and an additional 32 spaces are within 500 feet of the project for a total of 104 on-street spaces in the study area. in the study area.

The survey was conducted during the anticipated peak parking demand of the Project, which is between 5:00pm and 8:00pm. The occupancy count was conducted on half-hour intervals, except the existing on-site parking lot which was counted on 1-hour intervals to correspond with changes in classes at Camp Transformation.

The overall parking occupancy survey data is summarized on **Exhibit 8** for peak demand conditions for each of the count intervals. Raw survey data of available parking spaces is included in **Appendix B**. The peak demand for the entire 7-day study occurred at 7:30PM. This is when a minimum total of 28 available spaces within 300 feet of the Project occurred. A minimum of 42 spaces were available within 500 feet, which occurred at 5:00PM and 5:30PM. The parking data indicate that on-street parking occupancy generally declined from 5:00PM to 8:00PM, indicating that parking demand is generated by industrial uses such as employment and customers rather than residents. However, residential parking demand is a major contributor as well.

5. Parking Supply Adequacy

The table below summarizes the parking analysis. The Project will initially require about 28 parking spaces. Long term Project parking demand will total about 46 spaces.

	Available Parking Spaces	Cumulative Available Parking Spaces	Initial Demand	Long Term Demand
Project Parking Demand			28	46
Available Parking Spaces				
On-Site	8	8	-20	-38
Satellite	16	24	-4	-22
Adjacent to Project	13	37	+9	-9
Additional Available Within 300 Ft.	15	52	+24	+6
Additional Available Within 500 ft.	14	66	+38	+20

Table 1 – Summary of Parking Adequacy

Note: A negative sign indicates the demand exceeds that level of parking supply. A positive sign indicates that additional parking is available within that level of parking supply.

The initial Project peak parking demand will require the use of about 4 on-street parking spaces. This would occur about once per week. Several on-street parking spaces may also be routinely used if available at locations more convenient than the satellite parking areas. There were 13 available parking spaces of the 21 total parking spaces along the blocks of Elder Avenue, Ortiz Avenue and Catalina Street that are immediately

Yishai Horowitz
July 22, 2019

adjacent to or across from the Project site. These available spaces would be more than adequate to accommodate the remaining initial project

off-site parking demand that would have to be met by on-street parking.

The long-term Project would generate demand that would exceed the available on-site and satellite parking availability by about 22 spaces. Most of this would be able to be met by the 13 available parking spaces along the blocks of Elder Avenue, Ortiz Avenue and Catalina Street that are immediately adjacent to or across from the Project site. This does not include the 5 informal spaces at the end of Elder Avenue that are used by the Sand City Corp Yard staff during work hours. These spaces are located off the pavement and are not credited in the parking analysis.

The demand for 9 additional parking spaces would be able to be met by the 33 other available spaces within 300 feet of the Project. The 20 available parking spaces between 300 feet and 500 feet would rarely if ever be used by Project patrons.

C. CONCLUSIONS AND RECOMMENDATIONS

In conclusion, Project on-site parking not currently used by Camp Transformation plus satellite parking available at the existing storage building at 1801 Catalina Street and Monterey Cabinet and Woodworking will provide for initial Project parking during most hours of operation. Several on-street parking spaces will be needed during the early evening hours several times per week. Long term Project parking will require usage of on-street parking primarily within the blocks of Ortiz Avenue, Elder Avenue and Catalina Street immediately adjacent to the Project. About 9 additional on-street spaces will be occupied during peak hours of operation within 300 feet of the Project.

It is recommended that employees use the satellite parking lots and/or the less accessible tandem parking spaces to make more convenient parking available for members of Pad Climbing.

If you have any questions regarding this analysis or need additional information, please do not hesitate to contact me. Thank you for the opportunity to assist you with this project.

Respectfully submitted,

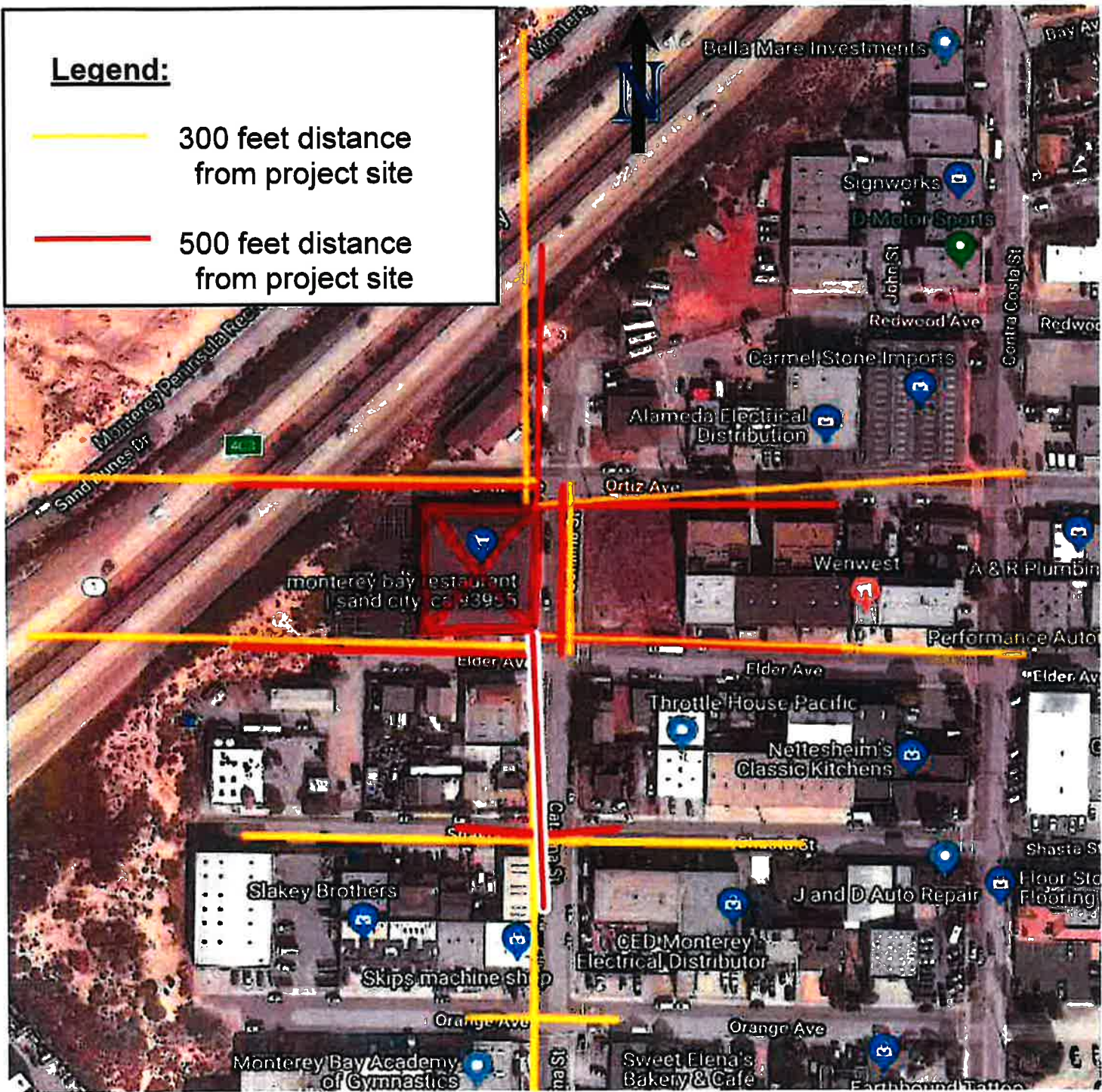
Keith Higgins

Keith B. Higgins, PE, TE

attachments

Legend:

- 300 feet distance from project site
- 500 feet distance from project site



Basemap Source: Google Earth, 2019.

Keith Higgins
 Traffic Engineer

Exhibit 1
Project Study Area

**Average Total Available
On-Site Parking**

Time	Available Spaces
5:00 PM	23
6:00 PM	20
7:00 PM	20
8:00 PM	29

**Average Total Available
On-Site Parking
Plus Satellite Parking**

Time	Available Spaces
5:00 PM	39
6:00 PM	36
7:00 PM	36
8:00 PM	45

Notes:

1. Parking space availability per survey in July 2019. Survey results in **Appendix B**.
2. Satellite Parking is available parking in adjacent private parking lots with parking agreements secured by project property owner - 16 spaces total.

**Minimum Total Available
On-Site Parking**

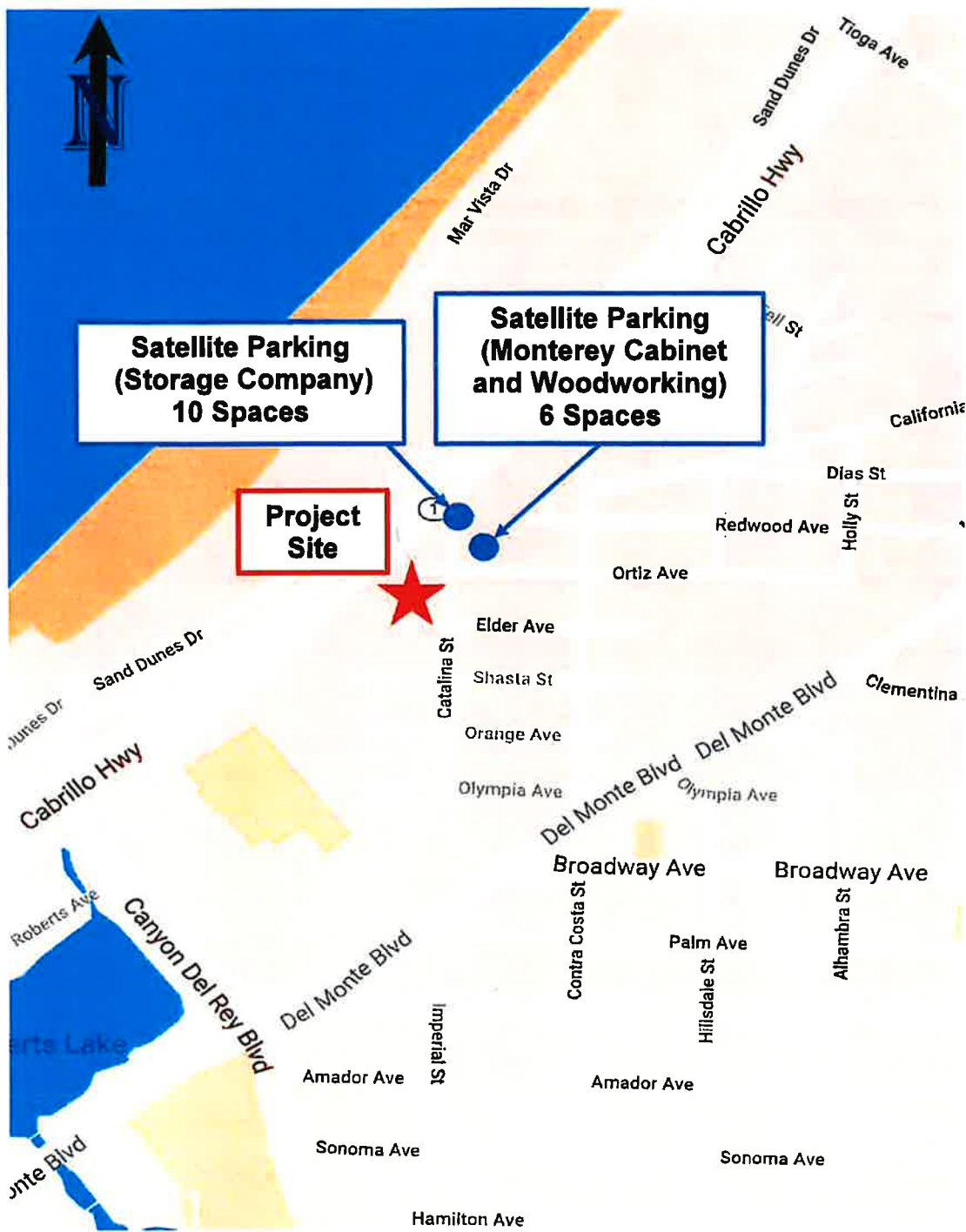
Time	Available Spaces
5:00 PM	14
6:00 PM	10
7:00 PM	8
8:00 PM	24

**Minimum Total Available
On-Site Parking
Plus Satellite Parking**

Time	Available Spaces
5:00 PM	30
6:00 PM	26
7:00 PM	24
8:00 PM	40

Notes:

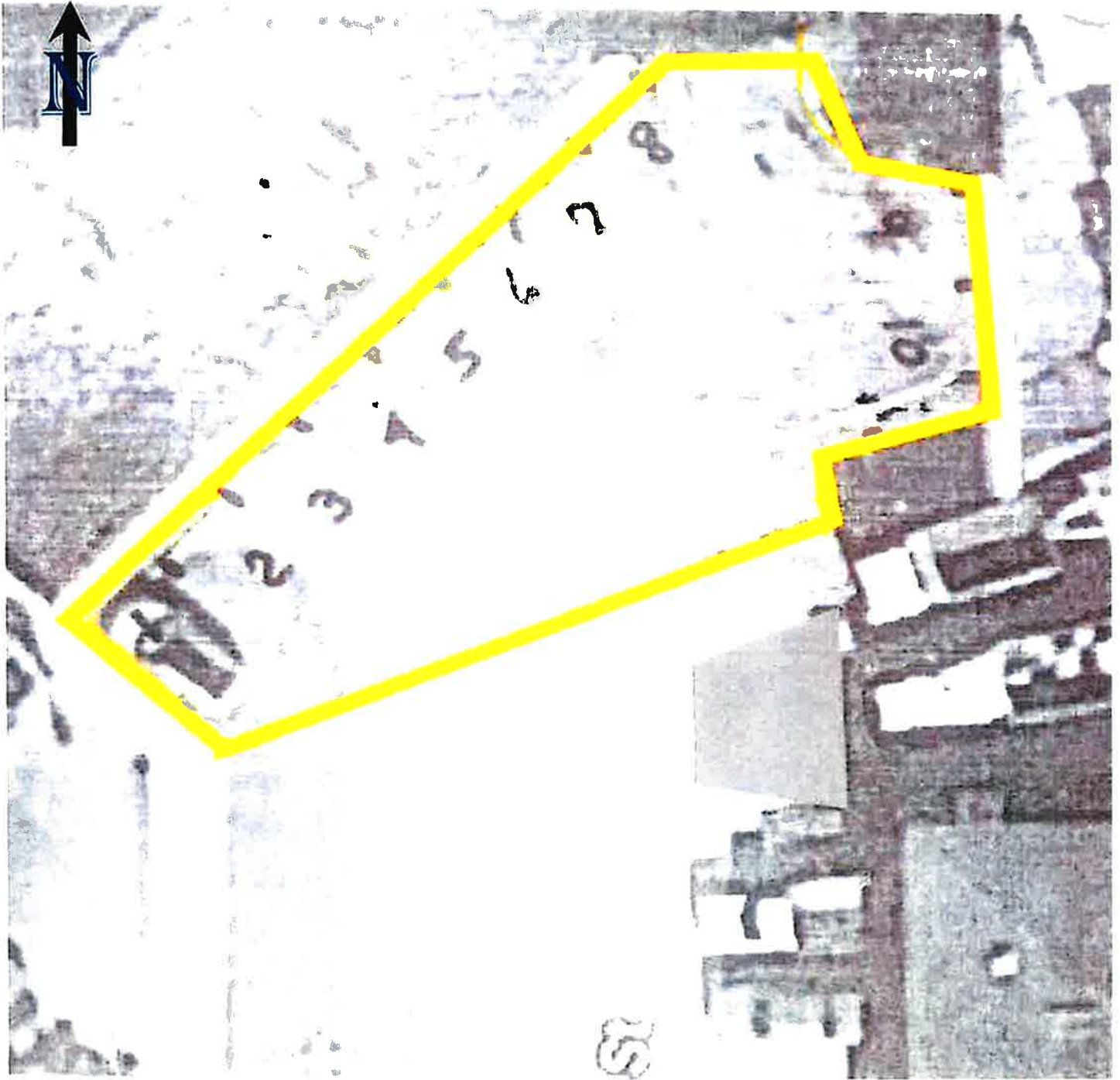
1. Parking space availability per survey in July 2019. Survey results in **Appendix B**.
2. Satellite Parking is available parking in adjacent private parking lots with parking agreements secured by project property owner - 16 spaces total.



Basemap Source: Google Maps, 2019.

Keith Higgins
Traffic Engineer

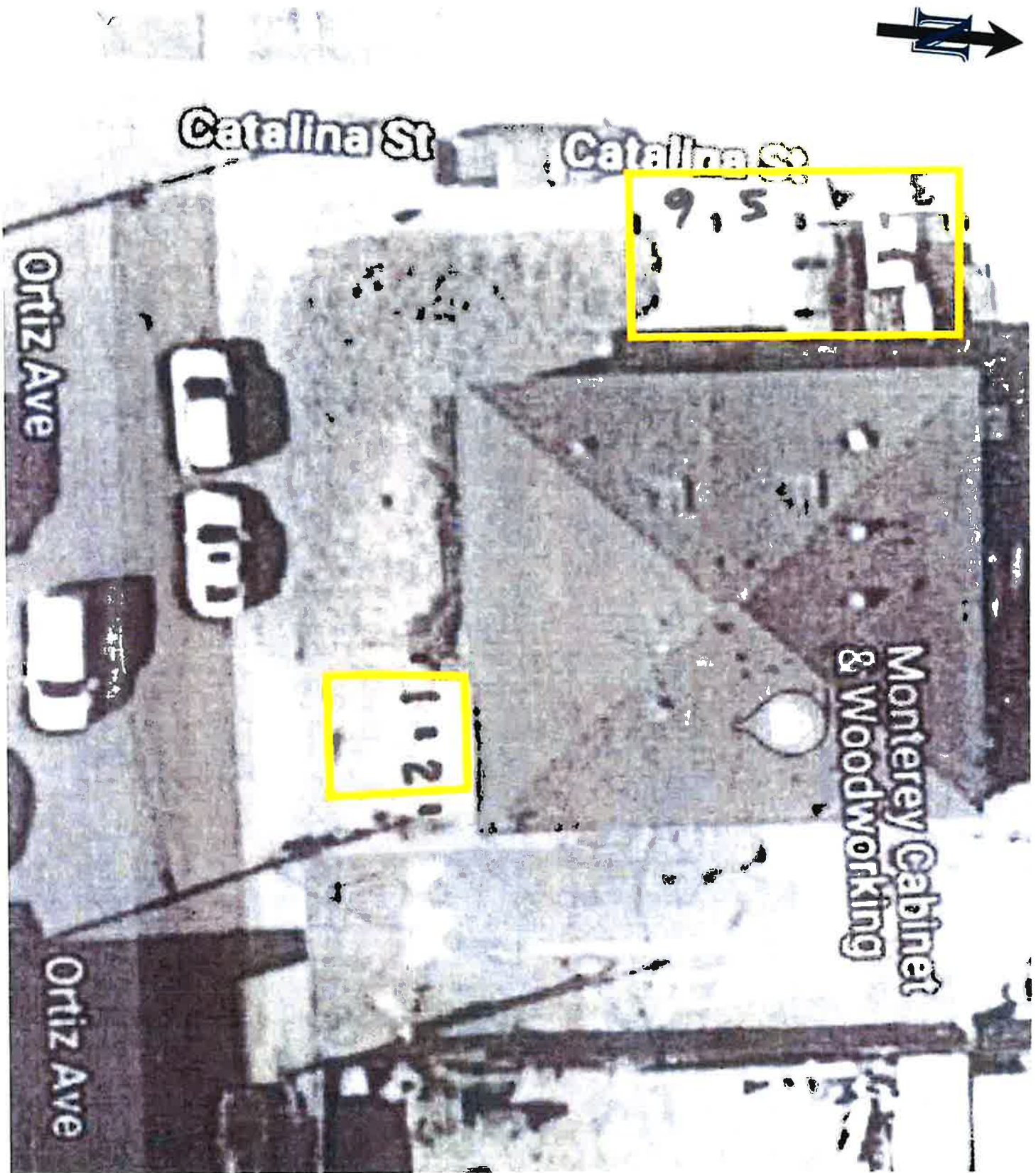
Exhibit 4
Satellite Parking
Location Map



Basemap Source: Google Earth, 2019.

Keith Higgins
Traffic Engineer

Exhibit 5
Storage Company Parking Lot
Site Plan
117



Basemap Source: Google Earth, 2019.

Keith Higgins
Traffic Engineer

Exhibit 6
Monterey Cabinet and Woodworking
Parking Lot Site Plan

Number of Curbed Parking Spaces

<u>300 ft.</u>	<u># Available</u>
Catalina (Orange & Shasta)	6
Catalina (Shasta & Elder)	9
Catalina (Elder & Ortiz)	9
Catalina (Ortiz & Hwy 1)	4
Ortiz (Hwy 1 & Catalina)	8
Ortiz (Catalina & Contra Costa)	14
Elder (Hwy 1 & Catalina)	4
Elder (Catalina & Contra Costa)	10
Shasta (Hwy 1 & Catalina)	6
Shasta (Catalina & Contra Costa)	2
<u>TOTAL Available</u>	<u>72</u>

<u>500 ft.</u>	
Catalina (Orange & Olympic)	0
Catalina (Orange & Shasta)	9
Catalina (Shasta & Elder)	9
Catalina (Elder & Ortiz)	9
Catalina (Ortiz & Hwy 1)	4
Ortiz (Hwy 1 & Catalina)	8
Ortiz (Catalina & Contra Costa)	21
Elder (Hwy 1 & Catalina)	4
Elder (Catalina & Contra Costa)	14
Shasta (Hwy 1 & Catalina)	17
Shasta (Catalina & Contra Costa)	2
Orange (Hwy 1 & Catalina)	4
Orange (Catalina & Contra Costa)	3
<u>TOTAL Available</u>	<u>104</u>

Total Available On-Street Spaces per day

300 ft

	5:00	5:30	6:00	6:30	7:00	7:30	8:00
	# Available	# Available	# Available	# Available	# Available	# Available	# Available
Tuesday	33	40	47	49	55	59	57
Wednesday	40	38	31	37	53	48	63
Thursday	47	43	34	38	42	51	57
Friday	53	54	45	44	55	51	56
Saturday	55	54	54	53	55	51	50
Sunday	30	29	31	30	28	28	29
Monday	38	32	42	41	42	47	54
Average	42	41	41	42	47	48	52
Minimum	30	29	31	30	28	28	29

500 feet

	5:00	5:30	6:00	6:30	7:00	7:30	8:00
	# Available	# Available	# Available	# Available	# Available	# Available	# Available
Tuesday	43	53	60	62	68	73	69
Wednesday	48	51	47	46	63	59	72
Thursday	66	66	55	63	75	79	80
Friday	81	83	74	75	86	78	87
Saturday	76	76	78	77	78	76	76
Sunday	65	70	78	77	72	74	69
Monday	42	42	51	49	51	57	65
Average	60	63	63	64	70	71	74
Minimum	42	42	47	46	51	57	65

Appendix A

Pad Climbing
Parking Demand
Raw Data

Timestamp	Number of people in the gym	Number of people who biked or walked to the gym	Number of people who drove to the gym	Number of people who carpooled	Gym Location	Time of Survey	Day of survey
6/14/2019 17:13:09	43	4	18	21	San Luis Obispo	5pm	Friday
6/14/2019 17:48:21	37	4	13	20	San Luis Obispo	5:30pm	Friday
6/14/2019 18:11:29	29	0	11	18	San Luis Obispo	6pm	Friday
6/14/2019 18:20:01	26	1	10	15	San Luis Obispo	6:30pm	Friday
6/14/2019 18:20:41	39	1	10	28	San Luis Obispo	7pm	Friday
6/14/2019 18:46:22	38	1	9	28	San Luis Obispo	7:30pm	Friday
6/14/2019 20:03:07	32	1	7	24	San Luis Obispo	8pm	Friday
6/15/2019 18:09:47	20	0	8	11	San Luis Obispo	5pm	Saturday
6/15/2019 18:10:27	20	1	8	11	San Luis Obispo	5:30pm	Saturday
6/15/2019 18:10:59	28	0	10	18	San Luis Obispo	6pm	Saturday
6/15/2019 18:59:32	28	0	5	23	San Luis Obispo	6:30pm	Saturday
6/15/2019 19:56:08	30	0	7	23	San Luis Obispo	7pm	Saturday
6/15/2019 19:57:01	22	0	6	16	San Luis Obispo	7:30pm	Saturday
6/15/2019 21:09:23	18	0	3	15	San Luis Obispo	8pm	Saturday
6/16/2019 17:39:44	38	2	21	15	San Luis Obispo	5pm	Sunday
6/16/2019 17:40:55	35	2	25	8	San Luis Obispo	5:30pm	Sunday
6/16/2019 18:07:03	36	4	22	10	San Luis Obispo	6pm	Sunday
6/16/2019 18:35:18	41	4	25	12	San Luis Obispo	6:30pm	Sunday
6/16/2019 19:08:49	41	3	25	13	San Luis Obispo	7pm	Sunday
6/16/2019 19:35:08	36	0	26	10	San Luis Obispo	7:30pm	Sunday
6/16/2019 19:57:20	37	0	28	9	San Luis Obispo	8pm	Sunday
6/17/2019 19:22:28	63	3	35	25	San Luis Obispo	5pm	Monday
6/17/2019 19:22:54	69	3	38	28	San Luis Obispo	5:30pm	Monday
6/17/2019 19:51:03	41	2	30	13	San Luis Obispo	7:30pm	Monday
6/17/2019 19:52:33	59	6	40	21	San Luis Obispo	6:30pm	Monday
6/17/2019 19:57:22	31	2	26	13	San Luis Obispo	7pm	Monday
6/17/2019 20:34:45	58	4	36	18	San Luis Obispo	8pm	Monday
6/26/2019 17:10:23	48	3	2	14	San Luis Obispo	5pm	Saturday
6/26/2019 17:36:39	46	5	22	19	San Luis Obispo	5:30pm	Saturday
6/26/2019 18:09:02	49	6	31	12	San Luis Obispo	6pm	Saturday
6/26/2019 18:41:23	47	6	24	17	San Luis Obispo	5:30pm	Friday
6/26/2019 19:05:57	52	4	27	21	San Luis Obispo	7pm	Friday
6/26/2019 19:34:29	50	4	23	21	San Luis Obispo	7:30pm	Friday
6/26/2019 20:00:59	52	4	24	24	San Luis Obispo	8pm	Friday
7/8/2019 20:18:46	59	3	46	15	San Luis Obispo	5pm	Monday
7/8/2019 20:19:30	58	4	42	12	San Luis Obispo	5:30pm	Monday
7/8/2019 20:19:51	51	5	31	12	San Luis Obispo	6pm	Monday
7/8/2019 20:20:12	47	5	30	15	San Luis Obispo	6:30pm	Monday
7/8/2019 20:20:35	55	4	31	15	San Luis Obispo	7pm	Monday
7/8/2019 20:21:31	45	4	28	7	San Luis Obispo	7:30pm	Monday
7/8/2019 20:21:57	42	4	28	7	San Luis Obispo	8pm	Monday
7/8/2019 17:01:52	45	1	39	10	San Luis Obispo	5:30pm	Tuesday
7/8/2019 17:38:25	45	1	39	13	San Luis Obispo	5pm	Tuesday
7/8/2019 18:19:30	83	8	60	25	San Luis Obispo	6pm	Tuesday
7/8/2019 20:01:40	92	8	65	26	San Luis Obispo	6:30pm	Tuesday
7/8/2019 20:03:55	99	7	63	16	San Luis Obispo	7pm	Tuesday
7/8/2019 20:05:09	77	7	50	18	San Luis Obispo	7:30pm	Tuesday
7/8/2019 20:06:09	60	5	50	16	San Luis Obispo	8pm	Tuesday
7/8/2019 20:08:09	50	5	44	10	San Luis Obispo	8pm	Tuesday
7/8/2019 20:13:52	46	2	34	12	San Luis Obispo	5:30pm	Wednesday
7/8/2019 20:17:34	55	3	40	14	San Luis Obispo	5pm	Wednesday
7/8/2019 20:18:25	77	6	57	14	San Luis Obispo	5:30pm	Wednesday
7/8/2019 20:18:41	84	7	62	16	San Luis Obispo	6pm	Wednesday
7/8/2019 20:18:58	88	7	65	16	San Luis Obispo	6:30pm	Wednesday
7/8/2019 20:19:37	70	7	50	13	San Luis Obispo	7pm	Wednesday
7/8/2019 20:19:55	53	7	40	9	San Luis Obispo	7:30pm	Wednesday
7/8/2019 20:06:49	49	3	38	8	San Luis Obispo	8pm	Wednesday
7/11/2019 17:06:23	48	2	41	8	San Luis Obispo	5:30pm	Thursday
7/11/2019 18:03:03	59	6	48	3	San Luis Obispo	6pm	Thursday
7/11/2019 18:32:15	70	8	55	3	San Luis Obispo	6:30pm	Thursday
7/11/2019 19:01:56	72	5	58	3	San Luis Obispo	7pm	Thursday
7/11/2019 19:31:56	71	3	55	13	San Luis Obispo	7:30pm	Thursday
7/11/2019 20:03:14	68	3	55	12	San Luis Obispo	8pm	Thursday
7/11/2019 20:03:22	36	1	4	16	San Luis Obispo	9pm	Thursday
7/11/2019 17:02:22	48	0	19	18	San Luis Obispo	5pm	Friday
7/11/2019 17:31:32	48	0	30	18	San Luis Obispo	5:30pm	Friday
7/11/2019 18:01:01	57	2	35	20	San Luis Obispo	6pm	Friday
7/11/2019 18:31:37	63	2	40	20	San Luis Obispo	6:30pm	Friday
7/11/2019 19:01:55	86	3	44	23	San Luis Obispo	7pm	Friday
7/11/2019 18:31:35	88	3	41	17	San Luis Obispo	7:30pm	Friday
7/12/2019 20:00:14	53	4	32	4	San Luis Obispo	5pm	Friday

MAXIMUM PARKING DEMAND

65 Tuesday 5:30PM and Wednesday 7:00PM

6/26/2019 17:25:35	10	1	0	9	0	5pm	Wednesday
6/26/2019 17:34:05	8	0	0	8	0	5:30pm	Wednesday
6/26/2019 18:01:38	10	0	0	10	0	6pm	Wednesday
6/26/2019 18:32:25	11	0	0	11	0	6:30pm	Wednesday
6/26/2019 19:06:32	7	0	0	7	0	7pm	Wednesday
6/26/2019 19:31:03	10	0	0	10	0	7:30pm	Wednesday
6/26/2019 20:00:28	10	0	0	9	0	8pm	Wednesday
6/27/2019 17:16:13	10	0	0	10	0	8pm	Thursday
6/27/2019 17:48:46	11	0	0	8	0	9pm	Thursday
6/27/2019 18:14:30	11	0	0	6	0	5:30pm	Thursday
6/27/2019 18:17:19	9	0	0	8	0	6pm	Thursday
6/27/2019 20:04:22	6	0	0	7	0	7pm	Thursday
6/27/2019 20:20:43	11	0	0	3	0	7:30pm	Thursday
6/28/2019 17:05:17	11	0	0	5	0	8pm	Friday
6/28/2019 17:34:21	13	0	0	3	0	8pm	Friday
6/28/2019 18:12:02	20	0	0	5	0	9pm	Friday
6/28/2019 18:48:57	18	0	0	21	0	9pm	Friday
6/28/2019 19:28:03	12	0	0	7	0	5:30pm	Friday
6/28/2019 20:01:52	14	0	0	4	0	6pm	Friday
6/28/2019 17:33:27	4	0	0	6	0	5:30pm	Friday
6/29/2019 18:08:30	2	0	0	4	0	6pm	Friday
6/29/2019 18:38:39	2	0	0	2	0	6:30pm	Friday
6/29/2019 19:05:19	3	0	0	2	0	7pm	Friday
6/29/2019 19:34:14	10	0	0	10	0	7:30pm	Friday
6/29/2019 20:05:46	9	0	0	9	0	8pm	Friday
6/29/2019 18:16:44	7	0	0	7	0	8pm	Saturday
6/30/2019 18:17:14	5	0	0	5	0	6:30pm	Saturday
6/30/2019 19:37:55	5	0	0	5	0	7pm	Saturday
6/30/2019 18:38:18	3	0	0	3	0	7:30pm	Saturday
6/30/2019 19:38:37	4	0	0	4	0	8pm	Saturday
6/30/2019 19:53:32	5	0	0	5	0	8pm	Sunday
7/1/2019 17:30:23	7	0	0	5	0	7:30pm	Sunday
7/1/2019 17:31:30	15	0	0	15	0	8pm	Sunday
7/1/2019 18:04:06	25	0	0	8	0	9pm	Sunday
7/1/2019 18:06:01	26	0	0	14	0	5:30pm	Monday
7/1/2019 20:06:18	17	0	0	16	0	6pm	Monday
7/2/2019 20:06:40	11	0	0	14	0	7pm	Monday
7/2/2019 17:28:38	12	0	0	9	0	7:30pm	Monday
7/2/2019 18:44:23	7	0	0	8	0	8pm	Monday
7/2/2019 19:28:17	6	0	0	4	0	8pm	Tuesday
7/2/2019 20:19:26	6	0	0	4	0	8pm	Tuesday
6/14/2019 17:20:09	4	0	0	4	0	9pm	Friday
6/14/2019 17:52:21	20	0	0	13	0	5:30pm	Friday
6/14/2019 18:18:28	21	0	0	20	0	6pm	Friday
6/14/2019 18:40:01	25	0	0	21	0	6:30pm	Friday
6/14/2019 19:22:41	25	0	0	11	0	7pm	Friday
6/14/2019 19:51:22	16	0	0	19	0	7:30pm	Friday
6/14/2019 20:14:07	8	0	0	4	0	8pm	Friday
7/2/2019 18:52:22	8	0	0	4	0	7pm	Tuesday

26 Monday 7:00PM

Appendix B

Raw
Parking Occupancy
Data

Parking Study- Sand City

Scope of Work

1. Identify available street parking from 5pm to 8pm within 300 ft. and 500 ft. from 325 Elder St. building
2. Count available street parking every 30 minutes for seven consecutive days

Day 1-Tuesday, July 9th

	5:00	5:30	6:00	6:30	7:00	7:30	8:00
	# Available	# Available	# Available	# Available	# Available	# Available	# Available
300 ft.							
Catalina (Orange & Shasta)	6	7	7	7	7	8	8
Catalina (Shasta & Elder)	0	4	2	2	2	3	2
Catalina (Elder & Ortiz)	0	0	3	4	6	5	6
Catalina (Ortiz & Hwy 1)	4	4	4	4	4	4	4
Ortiz (Hwy 1 & Catalina)	4	4	5	5	7	7	7
Ortiz (Catalina & Contra Costa)	9	11	12	12	13	14	14
Elder (Hwy 1 & Catalina)	3	3	3	3	3	3	3
Elder (Catalina & Contra Costa)	1	1	5	5	6	8	6
Shasta (Hwy 1 & Catalina)	4	4	4	5	5	5	5
Shasta (Catalina & Contra Costa)	2	2	2	2	2	2	2
On-Street Available	33	40	47	49	55	59	57
325 Elder Parking Lot	16		10		10		24
Total On-Street + 325 Elder	49		57		65		81

	5:00	5:30	6:00	6:30	7:00	7:30	8:00
	# Available	# Available	# Available	# Available	# Available	# Available	# Available
500 ft.							
Catalina (Orange & Olympic)	0	0	0	0	0	0	0
Catalina (Orange & Shasta)	6	7	7	7	7	8	8
Catalina (Shasta & Elder)	0	4	2	2	2	3	2
Catalina (Elder & Ortiz)	0	0	3	4	6	5	6
Catalina (Ortiz & Hwy 1)	4	4	4	4	4	4	4
Ortiz (Hwy 1 & Catalina)	4	4	5	5	7	7	7
Ortiz (Catalina & Contra Costa)	11	13	14	14	15	16	16
Elder (Hwy 1 & Catalina)	0	0	0	0	0	0	0
Elder (Catalina & Contra Costa)	2	2	5	5	6	8	6
Shasta (Hwy 1 & Catalina)	14	14	14	15	15	16	15
Shasta (Catalina & Contra Costa)	2	2	2	2	2	2	2
Orange (Hwy 1 & Catalina)	0	1	2	2	2	2	3
Orange (Catalina & Contra Costa)	0	2	2	2	2	2	0
On-Street Available	43	53	60	62	68	73	69
325 Elder Parking Lot	16		10		10		24
Total On-Street + 325 Elder	59		70		78		93

Day 2-Wednesday, July 10th

	6:00	6:30	8:00	6:30	7:00	7:30	8:00
	# Available	# Available	# Available	# Available	# Available	# Available	# Available
300 ft.							
Catalina (Orange & Shasta)	4	5	4	4	4	4	4
Catalina (Shasta & Elder)	2	3	1	2	8	6	5
Catalina (Elder & Ortiz)	2	1	2	1	3	2	9
Catalina (Ortiz & Hwy 1)	2	2	2	2	4	4	7
Ortiz (Hwy 1 & Catalina)	8	8	8	8	8	8	8
Ortiz (Catalina & Contra Costa)	9	9	9	12	12	12	13
Elder (Hwy 1 & Catalina)	4	2	0	0	1	0	4
Elder (Catalina & Contra Costa)	2	3	0	3	7	7	7
Shasta (Hwy 1 & Catalina)	5	3	3	3	4	4	4
Shasta (Catalina & Contra Costa)	2	2	2	2	2	1	2
On-Street Available	40	38	31	37	53	48	63
325 Elder Parking Lot	14		14		14		83
Total On-Street + 325 Elder	54		45		67		83

	6:00	6:30	8:00	6:30	7:00	7:30	8:00
	# Available	# Available	# Available	# Available	# Available	# Available	# Available
500 ft.							
Catalina (Orange & Olympic)	0	0	0	0	0	0	0
Catalina (Orange & Shasta)	6	5	4	5	5	6	6
Catalina (Shasta & Elder)	2	3	1	2	8	6	5
Catalina (Elder & Ortiz)	2	1	2	1	3	2	9
Catalina (Ortiz & Hwy 1)	2	2	2	2	4	4	7
Ortiz (Hwy 1 & Catalina)	8	8	8	8	8	8	8
Ortiz (Catalina & Contra Costa)	11	11	11	11	11	11	11
Elder (Hwy 1 & Catalina)	4	2	0	0	1	0	4
Elder (Catalina & Contra Costa)	3	3	4	3	4	4	4
Shasta (Hwy 1 & Catalina)	10	11	10	10	12	12	12
Shasta (Catalina & Contra Costa)	0	2	2	2	2	2	2
Orange (Hwy 1 & Catalina)	1	1	1	0	2	1	1
Orange (Catalina & Contra Costa)	0	2	2	2	3	3	3
On-Street Available	48	51	47	46	63	59	72
325 Elder Parking Lot	14		14		14		72
Total On-Street + 325 Elder	62		61		77		72

Day 3-Thursday, July 11th

300 ft.

Catalina (Orange & Shasta)	2
Catalina (Shasta & Elder)	5
Catalina (Elder & Ortiz)	9
Catalina (Ortiz & Hwy 1)	4
Ortiz (Hwy 1 & Catalina)	8
Ortiz (Catalina & Contra Costa)	12
Elder (Hwy 1 & Catalina)	0
Elder (Catalina & Contra Costa)	3
Shasta (Hwy 1 & Catalina)	3
Shasta (Catalina & Contra Costa)	1
On-Street Available	47
325 Elder Parking Lot	23
Total On-Street + 325 Elder	70

	5:00	5:30	6:00	6:30	7:00	7:30	8:00
# Available	2	2	3	3	3	4	5
# Available	5	3	1	1	2	6	6
# Available	9	8	1	2	5	7	9
# Available	4	4	4	4	4	4	4
# Available	8	7	7	7	7	8	8
# Available	12	13	12	13	13	13	14
# Available	0	0	0	0	0	0	0
# Available	3	3	3	4	4	4	5
# Available	3	2	2	3	3	3	4
# Available	1	1	1	1	1	2	2
# Available	47	43	34	38	42	51	57
# Available	23		13		8		24
# Available	70		47		50		81

500 ft.

Catalina (Orange & Olympic)	0
Catalina (Orange & Shasta)	3
Catalina (Shasta & Elder)	5
Catalina (Elder & Ortiz)	9
Catalina (Ortiz & Hwy 1)	4
Ortiz (Hwy 1 & Catalina)	8
Ortiz (Catalina & Contra Costa)	16
Elder (Hwy 1 & Catalina)	0
Elder (Catalina & Contra Costa)	3
Shasta (Hwy 1 & Catalina)	16
Shasta (Catalina & Contra Costa)	1
Orange (Hwy 1 & Catalina)	1
Orange (Catalina & Contra Costa)	0
On-Street Available	66
325 Elder Parking Lot	23
Total On-Street + 325 Elder	89

	5:00	5:30	6:00	6:30	7:00	7:30	8:00
# Available	0	0	0	0	0	0	0
# Available	3	2	3	4	7	8	9
# Available	5	3	1	1	6	6	6
# Available	9	8	1	2	5	7	9
# Available	4	4	4	4	4	4	4
# Available	8	7	7	7	7	8	8
# Available	16	20	16	17	19	20	20
# Available	0	0	0	0	0	0	0
# Available	3	3	7	7	6	6	8
# Available	16	15	15	16	16	16	14
# Available	1	1	0	1	1	1	1
# Available	1	1	1	2	2	2	1
# Available	0	2	0	2	2	1	0
# Available	66	66	55	63	75	79	80
# Available	23		13		8		24
# Available	89		68		83		104

Day 4- Friday, July 12th

300 ft.

Catalina (Orange & Shasta)	5
Catalina (Shasta & Elder)	5
Catalina (Elder & Ortiz)	9
Catalina (Ortiz & Hwy 1)	4
Ortiz (Hwy 1 & Catalina)	8
Ortiz (Catalina & Contra Costa)	11
Elder (Hwy 1 & Catalina)	1
Elder (Catalina & Contra Costa)	7
Shasta (Hwy 1 & Catalina)	2
Shasta (Catalina & Contra Costa)	1
On-Street Available	53
325 Elder Parking Lot	21
Total On-Street + 325 Elder	74

	5:00	5:30	6:00	6:30	7:00	7:30	8:00
# Available	5	3	5	6	5	5	5
# Available	5	5	4	1	4	5	7
# Available	9	8	4	3	8	6	8
# Available	4	4	4	4	4	4	4
# Available	8	8	8	8	8	8	8
# Available	11	14	14	14	14	14	14
# Available	1	0	0	1	3	3	3
# Available	7	7	4	6	7	5	6
# Available	2	3	0	0	2	1	0
# Available	1	2	2	1	0	0	1
# Available	53	54	45	44	55	51	56
# Available	21		21		24		32
# Available	74		66		79		88

500 ft.

Catalina (Orange & Olympic)	0
Catalina (Orange & Shasta)	7
Catalina (Shasta & Elder)	5
Catalina (Elder & Ortiz)	9
Catalina (Ortiz & Hwy 1)	4
Ortiz (Hwy 1 & Catalina)	8
Ortiz (Catalina & Contra Costa)	19
Elder (Hwy 1 & Catalina)	1
Elder (Catalina & Contra Costa)	9
Shasta (Hwy 1 & Catalina)	16
Shasta (Catalina & Contra Costa)	0
Orange (Hwy 1 & Catalina)	2
Orange (Catalina & Contra Costa)	1
On-Street Available	81
325 Elder Parking Lot	21
Total On-Street + 325 Elder	102

	5:00	5:30	6:00	6:30	7:00	7:30	8:00
# Available	0	0	0	0	0	0	0
# Available	7	5	8	9	8	5	9
# Available	5	5	4	1	4	5	7
# Available	9	8	3	3	8	5	9
# Available	4	4	4	4	4	4	4
# Available	8	8	8	8	8	8	8
# Available	19	21	21	21	21	21	21
# Available	1	0	0	1	3	3	3
# Available	9	10	7	9	10	8	9
# Available	16	16	13	13	16	15	15
# Available	0	1	1	2	1	2	2
# Available	2	2	2	2	2	1	0
# Available	1	3	3	2	1	1	0
# Available	81	83	74	75	86	78	87
# Available	21		21		24		32
# Available	102		95		110		119

Day 5-Saturday, July 13th

	5:00	5:30	6:00	6:30	7:00	7:30	8:00
300 ft.							
Catalina (Orange & Shasta)	6	6	6	6	6	6	6
Catalina (Shasta & Elder)	6	5	5	5	6	6	5
Catalina (Elder & Ortiz)	9	9	9	9	9	9	9
Catalina (Ortiz & Hwy 1)	4	4	4	4	4	4	4
Ortiz (Hwy 1 & Catalina)	8	8	8	8	8	8	8
Ortiz (Catalina & Contra Costa)	9	9	9	9	9	9	9
Elder (Hwy 1 & Catalina)	0	0	0	0	0	0	0
Elder (Catalina & Contra Costa)	7	8	8	7	8	7	7
Shasta (Hwy 1 & Catalina)	6	4	4	4	4	2	2
Shasta (Catalina & Contra Costa)	0	1	1	1	1	0	0
On-Street Available	55	54	54	53	55	51	50
325 Elder Parking Lot	34		34		34		34
Total On-Street + 325 Elder	89		88		89		84

500 ft.

Catalina (Orange & Olympic)	0	0	0	0	0	0	0
Catalina (Orange & Shasta)	9	9	9	9	8	9	9
Catalina (Shasta & Elder)	6	5	5	5	6	6	5
Catalina (Elder & Ortiz)	9	9	9	9	9	9	9
Catalina (Ortiz & Hwy 1)	4	4	4	4	4	4	4
Ortiz (Hwy 1 & Catalina)	8	8	8	8	8	8	8
Ortiz (Catalina & Contra Costa)	18	17	17	17	17	17	17
Elder (Hwy 1 & Catalina)	0	0	0	0	0	0	0
Elder (Catalina & Contra Costa)	14	7	7	7	7	7	7
Shasta (Hwy 1 & Catalina)	7	16	16	16	16	15	15
Shasta (Catalina & Contra Costa)	0	1	1	1	1	0	0
Orange (Hwy 1 & Catalina)	1	0	1	1	1	0	1
Orange (Catalina & Contra Costa)	0	0	1	0	1	1	1
On-Street Available	76	76	78	77	78	76	76
325 Elder Parking Lot	34		34		34		34
Total On-Street + 325 Elder	110		112		112		110

Day 6-Sunday, July 14th

	5:00	5:30	6:00	6:30	7:00	7:30	8:00
300 ft.							
Catalina (Orange & Shasta)	3	3	3	2	2	2	2
Catalina (Shasta & Elder)	0	0	1	1	0	1	1
Catalina (Elder & Ortiz)	4	4	4	4	4	4	4
Catalina (Ortiz & Hwy 1)	2	2	2	2	2	2	2
Ortiz (Hwy 1 & Catalina)	2	2	2	2	2	2	2
Ortiz (Catalina & Contra Costa)	11	11	11	11	11	11	11
Elder (Hwy 1 & Catalina)	2	2	1	1	3	1	2
Elder (Catalina & Contra Costa)	3	3	3	3	3	3	3
Shasta (Hwy 1 & Catalina)	1	0	2	2	0	0	0
Shasta (Catalina & Contra Costa)	2	2	2	2	1	2	2
On-Street Available	30	29	31	30	28	28	29
325 Elder Parking Lot	31		31		33		33
Total On-Street + 325 Elder	61		62		61		29

500 ft.

Catalina (Orange & Olympic)	0	0	0	0	0	0	0
Catalina (Orange & Shasta)	7	8	10	10	10	10	6
Catalina (Shasta & Elder)	2	4	5	4	3	6	3
Catalina (Elder & Ortiz)	9	9	9	9	9	9	9
Catalina (Ortiz & Hwy 1)	4	4	4	4	4	4	4
Ortiz (Hwy 1 & Catalina)	6	6	6	6	6	6	6
Ortiz (Catalina & Contra Costa)	18	18	18	18	18	18	18
Elder (Hwy 1 & Catalina)	2	2	3	2	3	2	3
Elder (Catalina & Contra Costa)	8	10	10	10	10	10	10
Shasta (Hwy 1 & Catalina)	5	5	8	9	7	6	7
Shasta (Catalina & Contra Costa)	2	2	2	2	1	2	1
Orange (Hwy 1 & Catalina)	0	0	0	0	0	0	1
Orange (Catalina & Contra Costa)	2	2	3	3	1	1	1
On-Street Available	65	70	78	77	72	74	59
325 Elder Parking Lot	31		31		33		33
Total On-Street + 325 Elder	96		109		105		59

Day 7-Monday, July 15th

300 ft.

Catalina (Orange & Shasta)
Catalina (Shasta & Elder)
Catalina (Elder & Ortiz)
Catalina (Ortiz & Hwy 1)
Ortiz (Hwy 1 & Catalina)
Ortiz (Catalina & Contra Costa)
Elder (Hwy 1 & Catalina)
Elder (Catalina & Contra Costa)
Shasta (Hwy 1 & Catalina)
Shasta (Catalina & Contra Costa)
On-Street Available
325 Elder Parking Lot
Total On-Street + 325 Elder

	5:00	5:30	6:00	6:30	7:00	7:30	8:00
# Available	# Available	# Available	# Available	# Available	# Available	# Available	# Available
4	4	3	3	3	5	5	
4	4	4	4	4	7	7	
5	1	6	5	6	7	8	
1	1	1	3	3	4	4	
5	6	8	8	8	8	8	
9	8	9	9	9	7	7	
4	0	4	3	3	3	3	
3	4	4	3	4	3	8	
2	3	2	2	1	1	3	
1	1	1	1	1	2	1	
38	32	42	41	42	47	54	
23		19		19		29	
61		61		61		83	

500 ft.

Catalina (Orange & Olympic)
Catalina (Orange & Shasta)
Catalina (Shasta & Elder)
Catalina (Elder & Ortiz)
Catalina (Ortiz & Hwy 1)
Ortiz (Hwy 1 & Catalina)
Ortiz (Catalina & Contra Costa)
Elder (Hwy 1 & Catalina)
Elder (Catalina & Contra Costa)
Shasta (Hwy 1 & Catalina)
Shasta (Catalina & Contra Costa)
Orange (Hwy 1 & Catalina)
Orange (Catalina & Contra Costa)
On-Street Available
325 Elder Parking Lot
Total On-Street + 325 Elder

	5:00	5:30	6:00	6:30	7:00	7:30	8:00
0	0	0	0	0	0	0	
4	7	4	4	6	7	7	
4	4	4	4	4	7	7	
5	1	6	5	6	7	8	
1	1	1	3	3	4	4	
5	6	8	8	8	8	8	
13	11	10	10	10	9	9	
4	0	4	3	3	3	3	
3	5	6	4	4	5	10	
2	3	2	2	1	1	3	
0	0	2	2	2	2	2	
0	1	1	1	1	1	1	
1	3	3	3	3	3	3	
42	42	51	49	61	67	66	
23		19		19		29	
65		70		70		94	

Appendix C

"How Far Should
Pedestrians Have to
Walk?" Article

How Far Should Parkers Have to Walk?

By Mary S. Smith, PE, and Thomas A. Butcher, PE

One of the most frequently asked questions in any parking planning process is: How far can we expect people to walk from a parking facility to their ultimate destinations? Yet while most parking consultants will tell you there are generally accepted rules of thumb, no two consultants answer that question in quite the same way.

The primary cause for lack of consensus is that there are different factors that affect different situations. For instance, parking designers usually call for maximum walking distances between 300 and 600 feet for retail customers, but between 1,200 and 1,500 feet for employee parking. Distances increase even more when you look at special event standards: maximum walking distances accepted for theme parks, stadiums and arenas reach as high as 2,000 feet.

One reason we talk in terms of “rules of thumb” is that there are no definitive standards or guidelines for the industry. The most widely quoted reference on pedestrian design in the architectural and transportation press is an older book, *Pedestrian Planning and Design*, by John J. Fruin, PhD, upon which we have relied heavily for this article.

In his book, Fruin asserts that “there are indications that the tolerable limit of human walking distance is more situation-related than energy-related.” The tolerable walking distance for “a given design situation is related to such factors as the trip purpose of the individual, the available time and the walking environment,” Fruin writes.

We would expand Fruin’s list of variables affecting acceptable walking distance to include the types of users, frequency of occurrence or use, the familiarity of the user with the facility, the perception of security, the expectations and concerns of the user, the degree of weather protection provided along the path of travel, the perception or absence of barriers or conflicts along the path of travel, and the cost of alternatives to walking, if any.

Another reason we can rely only on rules of thumb is because until recently, parking facilities were considered to be little more than a necessary evil to any land-use development. As a result, many elements of functional design have been addressed with these rules of thumb, which are applied across the board to every type of parking project.

In recent years, however, property owners and developers have come to recognize that parking is the first and last impression afforded to both visitors and employees. As such, they are becoming increasingly determined to make the parking facility reflect and be compatible with the image of the complex as a whole.

Because each owner has a different vision or mission for the property, the appropriate walking distance and other design parameters will not be the same even for complexes with the same land uses. For example, the neighborhood shopping center will have different parking convenience needs than either a high fashion center or regional mall.

With this change in philosophy, rules of thumb no longer provide adequate guides for parking design.

The LOS Approach

To evaluate the qualitative variables in parking design in a systematic and logical way, Walker Parking Consultants/Engineers has developed the level of service (LOS) approach to parking design. Borrowed from the traffic engineering profession, it allows us to consider a variety of variables affecting acceptability of such design decisions as parking stall and aisle widths, turning radii, entry and exit queuing standards, and sloping of parking floors and express ramps.

The level of service classification system is similar to the grading system used in schools: LOS A is the best or ideal performance; LOS B is good; C is average; and D is below average but minimally acceptable. LOS E is the approximate point of failure, and LOS F describes gridlock conditions.

The LOS system is used to reflect the acceptability by the users of a community of certain parameters. Most roadways that are new or are being improved are designed to attain a LOS of C or better. LOS D is tolerated by commuters in our major urban centers like New York, Los Angeles and Chicago; and efforts to mitigate the conditions would not be initiated until the LOS drops to E or even F. In a small town, a street condition of LOS B may generate an outcry for traffic improvements.

Similarly, issues related specifically to the parking patron can be reflected by the level of service approach. In many cases the specific type of user plays a major role, even within the same land use type. Is the typical user a family going to a theme park (perhaps loaded down with strollers and diaper bags) or a group of adult friends going to a football game? Is it an elderly couple meeting the family at the airport or a business traveler? Are there transportation alternatives for the user? Is the user a shopper who has a number of location choices or a visitor who comes to the site for a specific reason that will not be heavily influenced by parking convenience, such as a visit to a specific doctor? How long is the person going to stay – a few minutes or all day? Are there a variety of parking options at various prices and walking distances such as in a central business district? How often does the user park in the same facility: every day or once a year? Is it a stressful situation, such as hurrying to the airport or going to the hospital, or a more routine commute or shopping trip?

The individual parker's expectations are also important. Is the location suburban or urban? Is the lot an overflow

location at the regional shopping center used only at Christmas season or a lot in front of a strip/convenience center? Is it a special event where congestion and long walking distances, are anticipated or a suburban office park where convenience is part of the marketing of the building to tenants? Is it a corporate headquarters where the image of the corporation is an issues or a speculative office building.

Security also is an element perceived by the user; will he/she be hurrying to traverse the area as quickly as possible, or will the person feel comfortable enough to walk a fairly long distance? Major factors that affect the perception of security include time of day, the neighborhood, the general activity levels and lighting.

With all these different variables, it is easy to see why it has been difficult to set precise standards. We do feel, however, that it is possible to develop such standards.

In each of the above questions and situations, a somewhat better level of service is needed to satisfy the former than the latter types of user. We also might design to different levels of service at different points within the system. For example, we consider that the parking used on average or typical days at shopping centers should be designed for LOS A; for busy Saturdays LOS B should be maintained; and the parking that only gets used for a few hours on the busiest days of the year might be designed for LOS C. We usually design airport parking for LOS A, although, occasionally, we drop to B for long-term, frequent flyer parking.

Other Issues

Other issues affecting walking distance are related to the path of travel itself. Based on our experience and available literature, we have determined there are at least four variables related to path of travel: degree of weather protection, climate, line of sight (can the parker see the destination from the parking space?) and "friction" (interruptions and constraints on the path of travel such as crossing streets with or without traffic signals, and natural and psychological barriers such as railroad tracks or a change in neighborhood).

To fully reflect all path-of-travel variables in a classification of walking distance by level of service would require an overly complex matrix. After some study, however, we found that the degree of weather protection is the most critical variable. We further decided that acceptable walking distances entirely within a parking facility are shorter than those for urban sidewalks, pedestrian bridges or inside buildings such as airports. Because the user of a facility walks down a parking aisle or follows a path between cars to reach the elevator, a high degree of "friction" exists for this system. Also, since parking structures are generally perceived as being less safe than open surface lots, the distinctions between walking within parking lots and structures should be recognized.

Therefore, we have determined the level of service of walking distances for five different types of circumstances. The first three reflect degrees of protection along a dedicated path of travel (i.e., not within a parking facility):

1. **totally unprotected**
2. **covered to reduce the effects of rain or snow**
3. **climate controlled such as in a pedestrian bridge**

The final two categories are:

4. **walking within a surface parking lot**
5. **walking within a parking structure or garage**

The table below presents our recommended gradation of maximum acceptable walking distance for levels of service A through D, which is the lowest level that would be used under design circumstances. We have not tried to determine a distinction between E (the point of failure) and F (gridlock).

Level of Service Conditions	A	B	C	D
Climate Controlled	1,000 ft.	2,400 ft.	3,800 ft.	5,200 ft.
Outdoor/Covered	500	1,000	1,500	2,000
Outdoor/Uncovered	400	800	1,200	1,600
Through Surface Lot	350	700	1,050	1,400
Inside Parking Facility	300	600	900	1,200

Experience has shown that climate in the locality is not a primary factor. There are few, if any, places in the United States that have a truly ideal walking climate year round. Heat can be just as discouraging to walking as cold – rain just as discouraging as snow. Certainly a perfect day increases the acceptable walking distances and would probably increase to the maximum walking distances in climate controlled settings. In the few localities where perfect weather is the year-round norm, we recommend that the climate controlled figures on the table be used.

The maximum walking distance for an unprotected path of travel in a non-parking environment was determined first, using several different types of information.

Fruin's Data

The most important determinant was Fruin's data on the relationship between the walking distance and the proportion of people who choose to walk versus those who choose other modes of travel. This data came from an origin/destination survey at the Port Authority Bush Terminal in midtown-Manhattan. This mid-town terminal situation is probably as close to ideal for studying the point at which an unprotected walking distance goes from being minimally acceptable to unacceptable. With a walking distance of less than 1,000 feet, virtually everyone chose to walk, rather than catch a bus, take a taxi or other available alternatives.

A common criteria for design in the transportation and parking industry is the 85th percentile, i.e., one selects a parameter that is acceptable to 85 percent of the population. Designing for the 100th percentile is excessively expensive; designing for the mean results in problems for 50 percent of the population. In the mid-town bus terminal study, at a distance of about 2,500 feet, 85 percent chose to walk. If the walk was a mile, about half the people chose to walk. Fruin was careful to note that the data was collected on a "fair spring day, resulting in longer walking distances than would otherwise have occurred in New York City."

Fruin compared the above distances to the "severely criticized" maximum walking distances from curbside to gates at such airports as O'Hare (1735 feet), Atlanta (1730 feet), Dallas/Fort Worth (DFW) (1,650 feet) and San Francisco (1,300 feet). Los Angeles, Kennedy, Miami and Detroit each had maximum distances of about 1,100 feet.

The airport walking paths would be primarily in protected, climate controlled spaces. However, people may be hurrying to catch a plane; tired after a long business day; or toting children, strollers and carry-on luggage. Also, the total walking distances from parking space to gate would be substantially longer.

Fruin noted that inter-terminal distances at those airports range from 2,000 to more than 8,000 feet. Some of the inter-terminal pedestrian connections are indoors, while others are unprotected. Most people use the inter-terminal bus service at the longer distances. (It is interesting to note that since publication of Fruin's book, moving sidewalks have been added to O'Hare, both in the terminal and between elevator cores in the garages; and a people-mover has been added to the pedestrian terminal at the American concourse at DFW.)

For special events, several references have cited 1,500 to 2,000 feet as a reasonable walking distance.

For university campuses (usually a LOS C or D condition), our extensive experience with parking studies has found that a significant number of students will walk as far as a mile in good weather, rather than wait for the university shuttle bus. However, the usage of the shuttle system increases sharply in poor weather. The students will not park in distant lots (more than 1,500 to 2,000 feet) at all if shuttle service is not available to provide protection on poor weather days.

City Walking

In cities such as Chicago, anecdotal analysis of commuter walking distances indicates that 1,600 feet is a realistic maximum for LOS D for typical weather conditions.

The LOS A unprotected walking distances in our chart also were derived from sources that cited similar figures.

Several cited an ideal walking distance inside the ring road at major shopping centers as 400 feet; this distance also has been found to be a reasonable walking distance for shoppers in central business districts. One source cited 350 feet as the ideal walking distance for hospital parking.

Therefore, the acceptable maximum unprotected walking distances have been scaled from LOS A of 400 feet to LOS D of 1,600 feet. The protected walking distances were scaled from 500 feet for LOS A to 2,000 feet for LOS D, an increase of 25 percent over the unprotected distances. The fair weather bus terminal study, our experiences with university student parking and the airport data cited by Fruin led us to scale the climate controlled walking distances from 1,000 feet for LOS A to 5,200 feet (just under a mile) for LOS D. We understand that it is considered "ideal" (i.e., LOS A) in the airport industry to provide a moving sidewalk or other people-mover if the walking distance inside the terminal, and thus under climate controlled circumstances, exceeds 1,000 feet.

Where there is friction along the pedestrian path of travel, such as streets to cross and traffic signals, the acceptable walking distance may be reduced by 25 percent or more.

For surface lot walking distances, we have relied on a number of experiences and anecdotes in the design of parking for shopping centers and other uses such as theme parks. We then further discounted the walking

distances within parking structures. It should be noted that the acceptable walking distances we have given are substantially longer than those published by one of the authors because of additional experience gains with mega-structures (more than 3,000 parking spaces) since the book *Parking Structures* was published in 1989.

A path of travel often includes components from several of the above categories and conditions. In these cases acceptable total path is less than the total path in climate controlled circumstances for a LOS one notch below the LOS used for the individual components. For example, an airport to be designed for LOS A would want to have a maximum path of travel of 300 feet from the parking space to the elevator within a parking facility, and a weather-protected path of no more than 500 feet from the elevator lobby to the terminal. There may then be a climate controlled path of no more than 1,000 feet from the entrance to the terminal to the gate. The overall path of travel should not exceed 2,400 feet (LOS B).

This story was originally published in *Parking* magazine in 1994. **Mary S. Smith** is senior vice president at Walker Parking Consultants. She can be reached at mary.smith@walkerparking.com. **Thomas A. Butcher** is executive vice president of Walker Parking Consultants. He can be reached at tom.butcher@walkerparking.com.

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ATTACHMENT 3

Draft Resolution/Permit approving Applicant's Use

CITY OF SAND CITY

RESOLUTION SC _____, 2019

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING
COASTAL DEVELOPMENT PERMIT 19-02 AUTHORIZING AN INDOOR
CLIMBING AND FITNESS FACILITY WITH ACCESSORY OFFICE AND
RETAIL FOR 'THE PAD CLIMBING' OPERATION AT 325 ELDER AVENUE**

WHEREAS, Yishai Horowitz of "The Pad Climbing" (the "Applicant") submitted a coastal development permit application to the City of Sand City (the "City") to establish a recreational climbing and exercise facility (the "Applicant's Use") within a 12,214 square foot unit of an existing commercial building at 325 Elder Avenue (APN 011-242-007 & 008) in Sand City (the "Subject Property"); and

WHEREAS, the Applicant's Use at the Subject Property, of the scale and intensity described in the application and as conditioned via a coastal development permit, is considered compatible with a mixed-use neighborhood of the West End District, as defined by the City's General Plan and Zoning Ordinance; and

WHEREAS, the City's Municipal Code/Zoning Ordinance does not specify a parking requirement for recreation, gym, or other such types of uses; and in the absence of such, the City has previously used a 1/450 parking ratio, with some success, for recreational/fitness uses; and

WHEREAS, during early evening weekday hours, the City has observed that the Subject Property's parking area is typically close to full capacity by the Camp Transformation fitness business within the 5,786 square foot unit of the Subject Property; and thus, the City must conclude that the Subject Property cannot sufficiently accommodate parking demand of the Applicant's Use in conjunction with Camp Transformation's operation during peak and overlapping operational hours, and that the 1/450 parking ratio is insufficient for these two uses at the Subject Property; and therefore, it is necessary to require the Applicant and/or Subject Property's owner to secure between 38 to 44 additional off-street regulation sized parking spaces, to accommodate an estimated fifty patrons during peak evening hours, within a reasonably short walking distance from the Subject Property in order to successfully integrate the Applicant's Use into the Subject Property and surrounding mixed-use neighborhood; and

WHEREAS, the Applicant also proposes modifications of the Subject Property's building to increase the height of a 6,000 square foot segment of the roof by eleven feet to an elevation of approximately 40-feet and to construct new interior rooms and floors; all of which will not change this building's existing footprint on the Subject Property, but will require building permits and plan check review for building and fire code compliance; and

WHEREAS, the Applicant's Use, in itself, is considered a Group I use under the regulations of the Monterey Peninsula Water Management District (the "MPWMD"); however, the addition of floor area to the building with the construction of an interior 2nd and 3rd level may

require additional water that can be accommodated by the City's Water Entitlement (desalination facility) subject to allocation at the discretion of the City's City Council; and

WHEREAS, the Applicant's Use of, and the proposed building modifications to, an existing commercial building both qualify for a Categorical Exemption under CEQA (California Environmental Quality Act) Guidelines, Section 15301; and

WHEREAS, the City Council of the City of Sand City, on August __, 2019, has found and determined that the Applicant's Use, as identified by the Applicant and appropriately conditioned by the Applicant's use permit, will not adversely impact the character of the surrounding neighborhood, nor be injurious or detrimental to adjoining properties or the rights of the owners therein, and thus Coastal Development Permit 19-02 shall be granted upon the conditions hereinafter set forth; and

WHEREAS, the City Council of the City of Sand City has accepted the analysis and findings for approving Coastal Development Permit 19-02 ("CDP 19-02") as outlined in the amended City staff report, dated May 3, 2019.

1. CDP 19-02 is not valid, and the Applicant's Use of the Subject Property shall not commence unless and until two copies of this Resolution/Permit, signed by the permittee and the Subject Property's owner, acknowledging receipt of the Permit and acceptance of the terms and conditions, is returned to the City's Planning Department. Failure to return said signed/executed document may be grounds for City termination of CDP 19-02.
2. Purpose: CDP 19-02 is for the express purpose of authorizing, at the scope and scale described by the Applicant and as otherwise conditioned by CDP 19-02, an indoor recreational climbing and fitness facility to include yoga classes and limited weight lifting at 325 Elder Avenue within an approximate 12,214 square foot segment of an existing commercial building at 325 Elder Avenue (portion of APN 011-242-007 & 008); subject to the terms and conditions specified in CDP 19-02. Residential occupancy of the Applicant's unit on the Subject Property is prohibited. There shall be no expansion to the scope or intensity of the Applicant's Use beyond that as authorized by CDP 19-02 without either an amendment of said Permit or the City issuance of a new land use entitlement permit.
3. Hours of Operation: Hours of operation for the Applicant's Use on the Subject Property shall only occur between the hours of 11:00 a.m. to 10:00 p.m. daily. Weight lifting/training activities shall only occur between the hours of 11:00 a.m. to 9:00 p.m. daily. There shall be no amplified music or other excessive/amplified noise generated within the unit prior to 11:00 a.m. daily and after 7:00 p.m. on weekdays and after 5:00 p.m. on weekends. Any exceptions to the above for special events shall be subject to City Manager written approval. Office activity and customer sign-ups and orientation on-site by the Applicant may extend beyond the aforementioned hours/days, provided that no climbing, yoga, weight lifting, or other exercise/recreation activities are occurring. 24-7 key-access and use of facilities for patrons/customers is prohibited.

4. Noise & Vibration Mitigation: The Applicant shall establish exercise pads and/or other sufficiently performing shock absorbent materials wherever weight lifting/resistance training occurs within the building. These pads/materials shall function sufficiently to maintain noise/vibration(s) from extending beyond the confines of the Applicant's building due to the use of and/or falling or dropped weights/equipment. The sufficiency of said pads/materials shall be subject to City determination as observed/experienced by a City inspector and/or evidenced by City substantiated public complaints. Sound absorbing platforms shall be installed by the Applicant at the direction of the City if noise/vibration pads and other absorbent materials are insufficient where noise/vibrations from weight lifting activities become a public nuisance. Failure to comply with such direction shall be sufficient grounds for City termination of CDP 19-02.
5. Noise Mitigation: Any music and/or other loud and/or amplified noise generated by the Applicant's Use shall be kept to a reasonable audible level that does not expand beyond the confines of the Applicant's unit, and shall not impact adjacent units or neighboring properties. Roll-up doors of the Applicant's unit shall remain closed prior to opening at 11:00 a.m. and after 5:00 p.m. daily to contain noise after standard daytime business hours. There shall be no amplified music or other excessive/amplified noise generated within the unit prior to 11:00 a.m. daily and after 7:00 p.m. on weekdays and after 5:00 p.m. on weekends. Any and all wall openings between the Applicant's unit and the other units of this building shall be closed off. The City may amend or revoke CDP 19-02 if detrimental impacts from the Applicant's Use cannot be sufficiently mitigated as to not pose a nuisance upon the adjacent unit and/or surrounding neighborhood.
6. Weight Lifting: Weight lifting activities shall be considered accessory and secondary to the primary activity of artificial rock surface climbing. Weight training shall be limited to those areas that are sufficiently matted and padded in mitigating noise and vibrations generated by weight training and weight dropping. Weight training activities shall not commence prior to 11:00 a.m. nor continue after 9:00 p.m. daily. The Applicant's Use shall be limited to Olympic style weights of up to 45 pound plates, dumbbells of up to 100 pounds, cable cross machines, rowing machines, stationary bikes, TRX resistance training straps, medicine balls, kettle bells, or other similar exercise equipment. The dropping of weights is prohibited. Failure to comply shall be sufficient grounds for the City to amend or terminate CDP 19-02.
7. Activity Confinement: All exercise programs conducted by the Applicant's Use, and employees/patrons thereof, shall only be conducted inside the building, and shall not occur within the Subject Property's parking lot, City public rights-of-way (i.e. sidewalks, streets, etc.), City parks, or other privately owned properties within the City. Any special events by the Applicant beyond the confines of the Applicant's Unit shall first require City Manager written approval.
8. On-Site Parking: The Subject Property's owner shall re-stripe the on-site parking area to the west side (rear) of the building to provide a minimum of thirty-four (34) parking spaces, which may include tandem parking. Additional parking spaces are encouraged

if feasible. The redesigned parking layout shall be subject to City Planner review and approval prior to implementing re-striping. Parking stall dimensions shall be consistent with Section 18.64.040 of the City's Municipal Code (Zoning Ordinance). The Subject Property's owner and/or property manager shall be responsible for addressing and resolving tenant disputes regarding on-site parking, provided City zoning and permit requirements are met to the satisfaction of the City.

9. Off-Site Parking: The Applicant and or Subject Property's owner shall secure additional off-street parking beyond the Subject Property within a reasonably short/quick walking distance that provides 38 to 44 regulation sized parking spaces to accommodate the parking demand generated by the Applicant's Use. The location of said parking shall be subject to City approval as to whether it is in adequately short walking distance to the Subject Property. The Applicant may share said off-site parking area with Camp Transformation provided that Subject Property parking is equally shared between Camp Transformation and the Applicant's Use. The Applicant shall provide the City with evidence of securing other property for parking via lease or other legal documentation determined satisfactory by the City Attorney prior to City issuance of a building permit for and commencement of any construction for the Applicant's Use on the Subject Property. Failure of the Applicant to secure said off-site parking to the satisfaction of the City shall be sufficient grounds for the City to terminate CDP 19-02.
10. Storage: All materials, equipment, and/or any other item associated with the Applicant's Use at the Subject Property, shall only be stored within the Applicant's unit and are prohibited from being stored beyond the confines of the building. The placement of a self-contained portable storage unit for the Applicant's Use on the Subject Property beyond the confines of the building, is hereby prohibited; and the need of the Applicant to do so shall be considered by the City as justification that this operation has expanded beyond the Subject Property's ability to sufficiently accommodate the Applicant's Use; and thus be sufficient reason for the City to terminate CDP 19-02.
11. Property Maintenance: The Subject Property shall be maintained in a clean, orderly, weed-free, and litter-free condition. There shall be no storage of waste material or debris on-site, except as otherwise allowed by CDP 19-02. The Applicant and/or the Subject Property's owner shall be responsible for maintenance and upkeep of the Applicant's unit and parking area of the Subject Property for the duration of the Applicant's Use as authorized by CDP 19-02.
12. General Waste: Trash or other used and/or discarded materials generated/used by the Applicant's Use shall be stored in an appropriate waste collection bin or dumpster. Except on a designated trash collection day, said bin(s) or dumpster(s) shall be maintained either within the building, the rear parking area without occupying parking stalls, or within a City approved enclosure on the Subject Property. An enclosure may be established on the Subject Property only after approval by the City's Planning Department. The Applicant shall work and coordinate with the City's franchised waste hauler to implement material recycling and recovery as part of the regular routine of

Applicant's Use's when/where feasible.

13. Exterior Building Modifications: Modification of the building exterior shall be subject to the City's Design Review Committee (the "DRC") review and approval in the issuance of a design permit provided that the City Planner deems the scale of such modification(s) warrants a Design Permit and DRC review/approval.
14. Interior Building Modifications: All tenant improvements for the Applicant's Unit shall be subject to City issuance of a building permit upon completion of an approved plan review and approval of construction documents. The pedestrian door on the west elevation facing the parking area shall be closed and walled off for building code compliance to the satisfaction of the City's Building Official unless and until the parcel and lots of the building (APN 011-242-007, Block 16, Lots 23 through 32) and the parcel and lots of the parking lot (APN 011-242-008, Block 16, lots 8, 10, & 11 through 22) are merged into a single parcel and lot. The floor plan for interior improvements shall establish alcoves to recess entry and exit doors so that doors do not open into the public right-of-way. The entry facing Elder Avenue shall match, in depth, width, and height, that of the new entry alcove installed by the adjacent unit's tenant.
15. Public Improvements: The Subject Property's Owner shall design and install/modify, at their expense, complete curb, gutter, and sidewalk public improvements along the Subject Property's Ortiz Avenue frontage. Installation of said Ortiz Avenue improvements shall either be in conjunction with the City implementation of its Proposition 1 Grant project improvements along the Subject Property's Catalina Street frontage or within five (5) years, whichever occurs first. Public improvement plans for said improvements shall be subject to the City Engineer's review and approval prior to construction. Failure of the Property Owner to comply with this requirement shall subject Coastal Development Permit 19-02 to termination.
16. Signs: Any commercial sign on the exterior of the building or anywhere on the Subject Property, identifying the Applicant's Use, shall be reviewed and approved by the City's DRC in the issuance of a sign permit prior to the establishment of any such sign at the Subject Property. Such commercial signs on the building's west elevation are prohibited in accordance with Sand City Municipal Code section 18.66.070.C. Signs attached to the building shall also obtain a City building permit prior to installation. The Applicant shall not place any free-standing sign anywhere within City limits without City Planning Department approval.
17. Water Runoff: The Applicant's Use shall not create water run-off within the City in accordance with Chapter 13.05 of the Sand City Municipal Code regarding Storm Water Management. There shall be no washing of vehicles on the Subject Property and/or City streets.
18. Water: The Applicant's Use shall be subject to the applicable regulations of the Monterey Peninsula Water Management District (MPWMD). The Applicant's Use shall utilize available on-site water credit before the City shall consider any allocation of water to the Subject Property. Issuance of CDP 19-02 does not grant the Applicant

and/or Subject Property's owner any right or privilege to any allocation of water from the City of Sand City or other entity. Any allocation of water by the City to the Subject Property for the Applicant's Use shall be under separate action and is not included as part of CDP 19-02's approval. Failure of the Applicant to secure sufficient water allocation to satisfy the requirements of the MPWMD shall subject CDP 19-02 to either amendment or termination by the City.

19. Local/Regional Compliance: All requirements of the City's contracted Building and Fire Departments, the City Engineer, the Sand City Code Enforcement officer(s), the Seaside County Sanitation District, One Water (formerly 'Monterey Regional Water Pollution Control Agency'), and Monterey County Health Department, shall be implemented to the satisfaction of each department and inspector(s) thereof. Police Department requirements pertaining to security, street parking, code enforcement, public nuisance abatement, and law enforcement shall be implemented to the satisfaction of the City's Police Chief.
20. Air District: The Applicant shall be responsible for complying with applicable regulations of the Monterey Bay Air Resources District. Failure to comply shall be sufficient grounds for City termination of CDP 19-02.
21. Fire Department: The Applicant's Use of the Subject Property, as authorized by CDP 19-02, must conform to operational and occupancy load requirements specified in the California Building and Fire Code and to the satisfaction of the City's Building and Fire Department inspectors. The Subject Property shall be available and open for Fire Department and/or City code enforcement inspections during permit specified 'hours of operation' (Condition No. 3). Failure to comply with Fire Inspector and/or code enforcement requirements may be sufficient grounds for City issuance of a 'Cease and Desist' order for closure of the Applicant's Use and City amendment or termination of CDP 19-02.
22. Nuisance: The Applicant's Use at the Subject Property shall be conducted in such a way that it does not constitute a nuisance to neighboring properties or occupants thereof. The Applicant shall be considered responsible for the impacts created by the Applicant's Use and the patrons and activities therein. The Applicant shall implement all mitigation necessary to inhibit or otherwise mitigate any noise, vibration, overflow parking, and/or other negative impacts that this operation may or will generate. Determination of what constitutes a 'nuisance' shall be subject to the City. If the City finds at any time that any activity of the Subject Property by the Applicant's Use constitutes a nuisance, or is otherwise detrimental to the neighborhood or to the community, such use shall be discontinued or modified as may be required by the City. Failure to effectively implement mitigation required by this Permit, or other direction/notification by the City deemed necessary to abate negative impacts generated by the Applicant's Use, may be adequate grounds for the City to amend or terminate CDP 19-02. Failure to comply with such City direction may result in the amendment or revocation of CDP 19-02.

23. Violation/Termination: If the City determines that any term or condition of CDP 19-02 has been violated, and/or Applicant's Use of the Subject Property by the Applicant's Use constitutes a nuisance or is otherwise detrimental to the neighborhood or the community, written notice shall be issued to the Applicant by the City, that if such violation is not corrected or removed, a public hearing may then be scheduled where the City Council may consider amending or revoking CDP 19-02, and may then order said Permit amended or revoked. The Applicant and the Subject Property's owner/manager shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any action by the City Council to amend or terminate CDP 19-02.
24. Interpretation: Any question of intent or interpretation regarding any condition within CDP 19-02 shall be resolved by the City's Planning Department.
25. The issuance of CDP 19-02 shall not supersede or override any requirements of any other City, County, State, or Federal agency.
26. Indemnification: To the extent permitted by law, the Applicant and Property Owner shall indemnify and hold harmless the City, its City Council, its officers, employees, consultants, and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties, the Applicant, and/or Property Owner in connection with this Permit, including but not limited to any such action to attack, set aside, or void, any permit or approval authorized hereby, including (without limitation) reimbursing the City for its actual attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
27. Business License: The Applicant shall acquire, maintain, and annually renew a Sand City business licence for the duration of the Applicant's Use within Sand City. Failure to maintain a current business licence may be sufficient grounds for termination of CDP 19-02.

PASSED AND ADOPTED by the City Council of Sand City this ____ day of August, 2019, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

APPROVED:

ATTEST:

 Linda K. Scholink, City Clerk

 Mary Ann Carbone, Mayor

Signatures continued on following page...

Signatures continued from previous page.

This is to certify that the Coastal Development Permit (CDP) 19-02 contains the conditions specified by the City Council in approving said Permit.

Charles Pooler, City Planner

APPLICANT ACCEPTANCE (CDP 19-02)

The Coastal Development Permit is hereby accepted upon the express terms and conditions hereof, and the undersigned agrees to strictly conform to and comply with each and all of the said terms and conditions therein.

DATED: _____

BY: _____
Applicant

CONSENT OF OWNER (CDP 19-02)

Consent is hereby granted to the permittee to carry out the terms and conditions of the Coastal Development Permit.

DATED: _____

BY: _____
Property Owner

AGENDA ITEM

10A

CITY OF SAND CITY

STAFF REPORT

AUGUST 9, 2019
(For City Council meeting of August 20, 2019)

TO: Design Review Committee (DRC)

FROM: Charles Pooler, City Planner

SUBJECT: Candidates for appointment to fill DRC vacancy

BACKGROUND

The Design Review Committee (DRC) currently has one (1) vacancy after the resignation of Andy Briant earlier this year. Andy Briant was a long standing member of Sand City's business community, who owned and operated Fashion Streaks on Fir Avenue. With the assistance of Paul Davis (DRC chairman and practicing architect), a notice was put out on the American Institute of Architects Monterey Bay (AIAMB) chapter network asking for architect and design professionals that would be interested in volunteering. The DRC already consists of three residents and only one professional architect. Having another design professional with practical architectural experience on the Committee would be a tremendous source of relative knowledge that would benefit the Committee and the City. Getting someone from outside the City will also help avoid the Fair Political Practices Commission (FPPC) 500-foot 'conflicts' rule that already impacts Libby Sofer, Don Davis, and Greg Hawthorne who live in close proximity to one another and exasperates quorum issues for projects within 500-feet of their residences and properties.

DISCUSSION

DRC Terms of Service:

Appointees to the DRC serve for 2-year terms, three positions assigned on even years and two on odd years. Members holding positions can be reappointed an unlimited number of times, at the discretion of the City Council. Committee member terms are as follows:

2018 to 2020 (even years):

- Paul Davis
- Don Davis
- Elizabeth Sofer

2019-2021 (odd years):

- Greg Hawthorne
- Andy Briant (resigned & position vacant)

In replacing a resigned member, the new appointee would finish the remaining term. Andy Briant's position was to expire on January 31, 2021; so the replacement appointee would only be for that remaining period, but then be eligible for reappointment for a full two (2) years in January of 2021 at the City Council's discretion.

According to the Municipal Code, the DRC is to consist of a minimum of five (5) members appointed by the City Council, but the DRC can have more than 5 members. However, it is important to keep the voting pool to an odd number of members to avoid stalemate votes. Staff recommends keeping the DRC to 5 members only.

Candidates:

There are two persons interested. First is Chris Barlow, Principle architect at WRD Architects in Monterey (letter of interest attached). Second is John Lewis, the chief executive officer of The Lewis Builder. Both appear to be qualified in the area of architectural design who would beneficially contribute to the DRC. Website excerpts for each candidate are attached.

DRC Review/Discussion:

At the August 9, 2019 meeting of the DRC, the qualifications of both candidates were discussed. It was the consensus of the DRC that both candidates have the qualifications to serve and positively contribute to the Committee. Mr. Barlow can contribute his architectural experience and while Mr. Lewis can contribute his knowledge of construction.

Preferred Qualifications:

Ideally, a DRC member would have 1) a practical background and experience in architectural and/or landscape design, 2) the ability to read and understand basic design plans (site plan, elevations, floor plans), 3) the ability to conduct oneself appropriately during public hearings and discussions, and 4) a flexible schedule enabling attendance of DRC meetings that are scheduled on an "as needed" basis. A member must also be willing to abide by all of the FPPC regulations and perform the required 'ethics training' every two years during appointment to the DRC.

Final Appointment/Selection:

Final selection of members for the DRC is at the discretion and action of the City Council. Staff has drafted a resolution of appointment with the name blank to be filled in once the Council makes their selection.

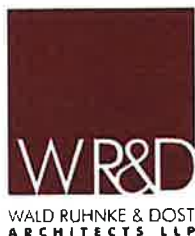
This concludes staff's report.

EXHIBITS:

- A) Christopher Barlow letter of interest and website excerpt
- B) John Lewis website excerpts

ATTACHMENTS:

- 1) Draft Resolution to appoint selected candidate to DRC
(The name on the resolution is blank and will be filled in once Council makes a selection)



Letter of Interest

RECEIVED

JUL 25 2019

CITY OF SAND CITY

To: Mayor Mary Ann Carbone, City Hall, 1 Pendergrass Way, Sand City, CA 93955

From: Christopher Barlow, WR&D Architects, LLP

CC: Chuck Pooler, City Planner: Chuck@SandCityCA.org

Date: 7/25/2019

Re: **Sand City Design Review Committee (DRC) position**

Dear Mayor Carbone,

This document is my letter of interest for the currently vacant position for Sand City's Design Review Committee. I have lived on the Monterey Peninsula for over a decade and my perceptions of Sand City have matured dramatically over that time. My initial impression of Sand City was the unfortunate stereotype of a confederacy of shopping centers. Since then, my perception has grown to the understanding that Sand City is in fact one of the most dynamic communities on the Monterey Peninsula, one that blends art, urban experimentation, and design in an inclusive and beautiful environment. With that in mind, I would be honored with the opportunity to be play a role in the continued growth, evolution, and success of your city and its occupants.

I understand that this position requires a design professional of good standing. I am a Principal at Wald, Ruhnke and Dost Architects in Monterey and a licensed architect in the states of California, Idaho, and Washington. My specialties include evidence-based design, sustainability, and historic renovation and adaptive reuse. I attended the University of California at Berkeley where I received a Bachelor of Arts degree with a focus in architecture. I hold certifications with the National Council of Architectural Registration Boards (NCARB), The Center for Health Design's Evidence-Based Design Accreditation and Certification (EDAC) and I am a LEED Accredited Professional.

My current volunteer experience includes serving as a member of the Historic Preservation Committee for the City of Monterey and as a trustee on the Monterey County Hospitality Association's Health and Welfare trust. While this keeps me fairly busy, I can definitely meet the demands of the Sand City's Design Review Committee and have no problem with being available for about half a dozen Friday meetings per year.

I appreciate your consideration of my interest in this position, and I look forward to serving the Sand City community.

-Christopher Barlow

EXHIBIT A
146

Christopher Barlow

As a principal partner for WRD Architects since 2014, Christopher promotes community design excellence on a regional scale. He leads the firm's healthcare, mixed-use and historic projects with specialties in evidence-based design, sustainability, and adaptive reuse.

Role: Principal

Licenses:

- Licensed Architect, State of California & Washington
- Leadership in Energy and Environmental Design Accredited Professional (LEED-AP)
- Evidence-based Design Accreditation and Certification (EDAC)

Community Involvement:

- City of Monterey, Historic Preservation Committee
- Trustee, Monterey County Hospitality Association Health and Welfare Trust
- Subject Matter Expert (SME), California Office of Professional Examination Services (OPES)
- Otter Bay Water Polo Foundation

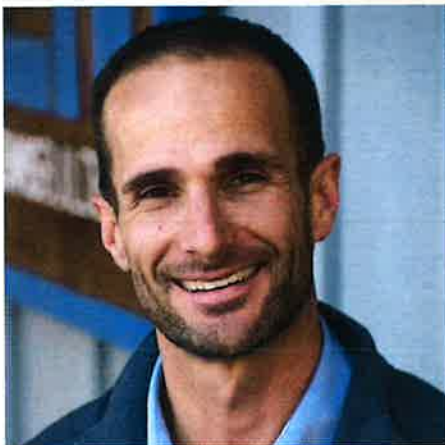
Inspiration: Creating designs that empower the people that inhabit them, along with a sense of grace and wonder that is wholly in tune with the beauty of our West Coast region.



Our Team

THE BEST AND BRIGHTEST

Partners



John Lewis
Chief Executive Officer



Scott Julian
Chief Operations Officer



Kenny Boyd
Chief Financial Officer

Awards

We are an award-winning, family owned and operated design/build firm located in Carmel, California. Here are a few of our accolades.



2019 REGIONAL AWARD

Chrysalis • Whole House Remodel \$300K-\$700K



2018 GOLD AWARD WINNER

Professional Remodeler Magazine, Whole-House over \$750K



2018 BRONZE AWARD WINNER

(<https://www.proremodeler.com/2018>)

Professional Remodeler Magazine • Outdoor Living over \$100K

pro-remodeler-design-awards-silver-bronze-winners)

(<https://www.proremodeler.com/2018-pro-remodeler-design-awards-silver-bronze-winners>)

2018 MASTER DESIGN AWARDS, SILVER AWARD WINNER

Qualified Remodeler Magazine • Outdoor Living

(<http://www.qualifiedremodeler.com/207832/2018-master-design-awards-outdoor-living-2/>)



([http://www.qualifiedremodeler.com/207832/2018-](http://www.qualifiedremodeler.com/207832/2018-master-design-awards-outdoor-living-2/)

2018 MASTER DESIGN AWARDS, SILVER AWARD WINNER

Qualified Remodeler Magazine • Universal Design

(<http://www.qualifiedremodeler.com/207832/2018-master-design-awards-outdoor-living-2/>)

master-design-awards-outdoor-living-2/)



2018 REGIONAL AWARD

Chrysalis • Outdoor Living over \$75,000

([http://www.qualifiedremodeler.com/207832/2018-](http://www.qualifiedremodeler.com/207832/2018-master-design-awards-outdoor-living-2/)

(<http://www.qualifiedremodeler.com/207303/2018-chrysalis-awards-for-remodeling-excellence/>)

master-design-awards-outdoor-living-2/)



([http://www.qualifiedremodeler.com/207303/2018-](http://www.qualifiedremodeler.com/207303/2018-chrysalis-awards-for-remodeling-excellence/)

chrysalis-awards-for-remodeling-excellence/)



2019 MONTEREY CHAMBER BUSINESS EXCELLENCE AWARD FINALIST

CITY OF SAND CITY

RESOLUTION SC _____, 2019

RESOLUTION OF THE CITY COUNCIL OF SAND CITY
MAKING NEW APPOINTMENT OF XXXXX TO
THE SAND CITY DESIGN REVIEW COMMITTEE
UNTIL JANUARY OF 2021

WHEREAS, the Sand City Design Review Committee (the "DRC") is a body appointed by the City Council of Sand City that conducts architectural, sign, and site design review of development projects in Sand City and participates in other design issues for the City, which consists of at least five (5) Committee Members in order to function and impart fair and balanced reviews of application projects; and

WHEREAS, long serving DRC member Andy Briant, resigned in early 2019, creating a vacancy on the DRC; and

WHEREAS, after placing notice on the American Institute of Architects Monterey Bay (AIAMB) chapter network, the City received interest from Chris Barlow a Principle architect at WRD Architects in Monterey and John Lewis, chief executive officer of the design and contractor firm The Lewis Builder, both with professional design and construction experience; and

WHEREAS, both candidates are sufficiently able to function and serve on the DRC to complete the remaining term of Andy Briant that will expire on January 31, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Sand City Council that XXXXXX be newly appointed to the DRC, completing the vacant term of Andy Briant lasting until January 31, 2021.

PASSED AND ADOPTED by the Sand City Council on this ___ day of August, 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

Mary Ann Carbone, Mayor

Linda K. Scholink, City Clerk

AGENDA ITEM

10B



City of Sand City

Agenda
Item
10B

STAFF REPORT

MEETING DATE: August 20, 2019
TO: Mayor and City Council
FROM: Vibeke Norgaard, City Attorney
SUBJECT: Approval of Contract with Harris & Associates for City Engineering Services

BACKGROUND/ANALYSIS:

On August 6, 2019, City Council approved Resolution SC 19-61 which authorized the Acting City Manager to enter into an agreement with Harris & Associates, Inc. ("Harris") to provide City Engineering services and keep Leon Gomez as the City's contract Engineer.

Attached for your review and approval is the contract that has been negotiated with Harris to provide such services. Some highlights are:

- **TERM:** The term of the contract is from the date it is signed until the end of the current fiscal year (June 30, 2020). It can be renewed annually.
- **LEON:** Under the terms of the contract, Leon Gomez is in charge and may supervise and assign personnel to certain activities within Sand City, as long as the City finds them competent.
- **TERMINATION:** The City may at any time, for any reason, with or without cause, terminate the agreement.
- **AMOUNT:** The amount billed by Harris under this contract shall not exceed \$200,000 for the total term of the Agreement.

ENVIRONMENTAL (CEQA) CLEARANCE

Authorizing an agreement for City Engineering services does not constitute a "project" as defined by CEQA section 15378 and 15060(c)(2) & (3) as this action will have no direct or indirect physical change to the environment.

FISCAL IMPACT

The Fiscal year 2019-20 budget included \$200,000 for engineering services that will cover this agreement.

CITY OF SAND CITY
PROFESSIONAL SERVICE AGREEMENT FOR NON-CONSTRUCTION PROJECT

This AGREEMENT made this _____ day of August, 2019 (the "Effective Date"), by and between the CITY OF SAND CITY, a municipal corporation, hereinafter referred to as "CITY", and HARRIS & ASSOCIATES, Inc., a California Corporation, hereinafter referred to as "Consultant" (together referred to the "Parties").

In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

I. TERM

The term of the AGREEMENT will begin on the August _____, 2019 and shall end on June 30, 2020, unless sooner terminated pursuant to the provisions of this AGREEMENT. The AGREEMENT may be reviewed and renewed annually. No modification to the terms of this AGREEMENT shall be valid unless made in writing and signed by the parties hereto.

II. SERVICES

Subject to the terms and conditions set forth in this AGREEMENT, CONSULTANT shall provide to the CITY the services described in the Scope of Work in Exhibit A, attached hereto and incorporated herein as though set forth in full. To the extent that Exhibit A is a proposal from CONSULTANT, such proposal is incorporated only for the description of the scope of services and no other terms and conditions from any such proposal shall apply to this AGREEMENT unless specifically agreed to in writing. Unless otherwise explicitly stated in Exhibit A, CONSULTANT shall at its sole cost and expense furnish all facilities and equipment which may be required for completing the tasks set forth in Exhibit A. In the event of a conflict in or inconsistency between the terms of this AGREEMENT and Exhibit A, this AGREEMENT shall prevail.

For the purposes of the services provided by this AGREEMENT, CONSULTANT shall report directly to and take assignments from the City Manager. CONSULTANT and City Manager will meet on a weekly basis, at the discretion of the CITY, to discuss and review the progress of services provided under this AGREEMENT.

With respect to claims that may be asserted by third parties arising from CONSULTANT's actions as a City Engineer, CONSULTANT shall be entitled to assert any immunities or similar defenses that would be available to the CITY in defense of such actions against a CITY employee or official and the CITY shall indemnify and defend CONSULTANT in that capacity as provided by law. The City shall use commercially reasonable efforts to include language in third party contracts requiring third party contractors and consultants to provide insurance

and indemnification protection to CITY's agents, including CONSULTANT, to the same extent the City is provided insurance and indemnification protection.

III. PERFORMANCE

CONSULTANT shall at all times faithfully, competently and to the best of his/her ability, experience, and talent, perform all tasks described herein. CONSULTANT shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of CONSULTANT hereunder in meeting its obligations under this AGREEMENT.

IV. TIME

CONSULTANT shall devote such time to the performance of services pursuant to this AGREEMENT as may be reasonably necessary to meet the standard of performance provided in section III (Performance) and to satisfy CONSULTANT'S obligations hereunder.

V. ASSIGNMENT OF PERSONNEL

CONSULTANT shall assign only competent personnel to perform services pursuant to his AGREEMENT. In the event that CITY, in its sole discretion, at any time during the term of the AGREEMENT, desires the reassignment of any such persons, CONSULTANT shall, immediately upon receiving notice from CITY of such desire, reassign such person or persons.

VI. PAYMENT

A. The CITY agrees to pay CONSULTANT monthly for services performed and reimbursable costs, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit B, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. This amount shall not exceed TWO HUNDRED THOUSAND DOLLARS (\$200,000) for the total term of the AGREEMENT unless additional payment is approved as provided in this AGREEMENT. Except as specifically authorized by CITY in writing, CONSULTANT shall not bill CITY for duplicative services performed by more than one person. Fees for work performed by CONSULTANT on an hourly basis shall not exceed the amounts shown on the compensation schedule attached hereto as Exhibit A. Reimbursable expenses are included in the total amount of compensation provided under this AGREEMENT that shall not be exceeded.

- B. CONSULTANT shall not be compensated for any services rendered in connection with its performance of this AGREEMENT which are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Manager. CONSULTANT shall be compensated for any additional services in the amounts and in the manner as agreed to by City Manager and CONSULTANT at the time CITY's written authorization is given to CONSULTANT for the performance of said services. The City Manager may approve additional work not to exceed ten percent (10%) of the amount of the AGREEMENT, but in no event shall such sum exceed twenty-thousand dollars (\$20,000.00). Any additional work in excess of this amount shall be approved by the City Council of Sand City.
- C. CONSULTANT will submit invoices monthly for actual services performed. Invoices shall be submitted on or about the first business day of each month, or as soon thereafter as practical, for services provided in the previous month. Invoices shall include a task summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the AGREEMENT. For each work item and task, a copy of the applicable time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense. CONSULTANT shall give separate notice to the CITY when the total number of hours worked by CONSULTANT and any individual employee, agent or subcontractor of CONSULTANT reaches 800 hours within a 12 month period under this AGREEMENT. Such notice shall include an estimate of the time necessary to complete work for the remainder of the fiscal year under this AGREEMENT. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the CITY disputes any of CONSULTANT's fees it shall give written notice to CONSULTANT within thirty (30) days of receipt of an invoice of any disputed fees set forth on the invoice. Any final payment under this AGREEMENT shall be made within forty-five (45) days of receipt of an invoice. In no event shall CONSULTANT submit an invoice for an amount in excess of the maximum amount of compensation provided above for either a task or the entire AGREEMENT, unless the AGREEMENT is properly modified in writing prior to the submission of such an invoice.

VII. SUSPENSION OR TERMINATION OF AGREEMENT

- A. The CITY may at any time, for any reason, with or without cause, suspend or terminate this AGREEMENT, or any portion hereof, upon written notification to CONSULTANT. Upon receipt of said notice, the CONSULTANT shall immediately cease all work under this AGREEMENT, unless the notice provides otherwise. If the CITY suspends or terminates a portion of this AGREEMENT such suspension or termination shall not make void or invalidate the remainder of this AGREEMENT.

- B. CONSULTANT may cancel this AGREEMENT upon 60 days written notice to CITY and shall include in such notice the reasons for cancellation.
- C. In the event this AGREEMENT is terminated pursuant to this Section, the CITY shall pay to CONSULTANT the actual value of the work performed up to the time of termination, provided that the work performed is of value to the CITY; CITY may however condition payment of such compensation upon CONSULTANT delivering to CITY any and all Documents prepared in connection with this AGREEMENT. Upon termination of the AGREEMENT pursuant to this Section, the CONSULTANT will submit an invoice to the CITY pursuant to Section 6.
- D. The parties may amend this AGREEMENT only by a writing signed by all the parties.
- E. All obligations arising prior to the termination of this AGREEMENT and all provision of this AGREEMENT allocating liability between the CITY and CONSULTANT shall survive the termination of this AGREEMENT.
- F. If CONSULTANT materially breaches any of the terms of this AGREEMENT, CITY's remedies shall include, but not be limited to, the following:
 - a. Immediately terminate the AGREEMENT
 - b. Retain all Documents and other work product prepared by CONSULTANT pursuant to this AGREEMENT
 - c. Retain a different consultant to complete the work described in a given task order not finished by Consultant; and/or
 - d. Charge the consultant the difference between the cost to complete the work described in a given task order that is unfinished at the time of breach and the amount the CITY would have paid CONSULTANT pursuant to section 6 if CONSULTANT had completed the work.

VIII. OWNERSHIP OF DOCUMENTS

- A. CONSULTANT shall maintain complete and accurate records with respect to sales, costs, expenses, receipts, and other such information required by CITY that relate to the performance of services under this AGREEMENT. CONSULTANT shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. CONSULTANT shall provide free access to the representatives of CITY or

its designees at reasonable times to such books and records; shall give CITY the right to examine and audit said books and records; shall permit CITY to make transcripts or copies therefrom as necessary; and shall allow inspection of all work, data, documents, proceedings, and activities related to this AGREEMENT. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment. CONSULTANT understands that all such records may be subject to the examination and audit of the State Auditor or as part of any audit of the CITY.

- B. Upon completion of, or in the event of termination or suspension of this AGREEMENT, all original documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents, in electronic or other form, prepared in the course of providing the services to be performed pursuant to this AGREEMENT (“Documents”) shall become the sole property of the CITY and may be used, reused, or otherwise disposed of by the CITY in connection with the project for which CONSULTANT’S services are provided under this AGREEMENT and without the permission of the CONSULTANT. With respect to computer files, CONSULTANT shall make available to the CITY, at the CONSULTANT’s office and upon reasonable written request by the CITY, the necessary computer software and hardware for purposes of accessing, compiling, transferring, copying and/or printing computer files. CONSULTANT hereby grants to CITY all right, title, and interest, including any copyright, in and to the documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents prepared by CONSULTANT in the course of providing the services under this AGREEMENT.
- C. It is understood and agreed that the Documents prepared by the CONSULTANT under this AGREEMENT are instruments of professional service. Any modifications made by the CITY or any agents of the CITY, to any of the CONSULTANT’s Documents or any partial use or reuse of the documents without the express written consent of the CONSULTANT will be at the CITY’s sole risk and without liability to the CONSULTANT.

Copies of data exchanged by, through, and between the CITY and CONSULTANT that may be relied upon are limited to the printed copies. Computer-generated Documents that are furnished are only for the mutual convenience of the parties. Any risk of translation or reliance on information obtained or derived from the computer-generated Documents will be at the user’s sole risk, and no representations are made, either expressed or implied, as to the long-term performance of data thus transferred.

IX. INDEMNIFICATION AND DEFENSE

A. Indemnity

To the fullest extent permitted by law, CONSULTANT shall indemnify and hold harmless CITY and any and all of its officials, and employees, ("Indemnified Parties") from and against any and all claims, losses, liabilities, damages, costs and expenses, including reasonable legal counsel's fees and costs, to the extent caused by the negligent, reckless or wrongful act, error or omission of CONSULTANT, its officers, agents, employees or subconsultants (or any agency or individual that CONSULTANT shall bear the legal liability thereof) in the performance of services under this AGREEMENT. CONSULTANT's duty to indemnify and hold harmless CITY shall not extend to the CITY's or any of the Indemnified Parties' negligence or willful misconduct. This indemnification obligation is not limited by any limitation on the amount or type of damages available under any applicable insurance coverage and shall survive the expiration or termination of this AGREEMENT with respect to any liability arising during the term of the AGREEMENT. With respect to third party claims against the CONSULTANT, CONSULTANT waives any and all rights of any type to express or implied indemnity against the Indemnified Parties.

B. Duty to defend

In the event the CITY, its officers, and employees, are made a party to any action, lawsuit, or other adversarial proceeding arising from the performance of the services encompassed by this AGREEMENT, CONSULTANT shall defend the CITY at CONSULTANT's cost or at CITY's option, to reimburse CITY for its costs of defense, including reasonable attorney's fees and costs incurred in the defense of such matters to the extent the matters arise from, relate to or are caused by CONSULTANT's negligent acts, errors or omissions. Payment by CITY is not a condition precedent to enforcement of this indemnity.

C. California Civil Code Section 2782.8

Notwithstanding the foregoing, to the extent that the CONSULTANT's services are subject to California Civil Code Section 2782.8, the above indemnity, including the cost to defend, shall be limited to the extent required by California Civil Code Section 2782.8.

X. INSURANCE

CONSULTANT shall maintain prior to the beginning of and for the duration of this AGREEMENT insurance coverage as specified in Exhibit C attached to and part of this AGREEMENT.

XI. INDEPENDENT CONSULTANT

- A. CONSULTANT is and shall at all times remain as to the CITY a wholly independent consultant and/or independent contractor and not an employee of CITY. The personnel performing the services under this AGREEMENT on behalf of CONSULTANT shall at all times be under CONSULTANT's exclusive direction and control. Neither CITY nor any of its officers, employees, or agents shall have control over the conduct of CONSULTANT or any of CONSULTANT's officers, employees, subcontractors or agents, except as set forth in this AGREEMENT. CONSULTANT shall not at any time or in any manner represent that it or any of its officers, employees, subcontractors or agents are in any manner officers, employees, or agents of the CITY. CONSULTANT shall not incur or have the power to incur any debt, obligation, or liability whatever against CITY, or bind CITY in any manner.
- B. No employee benefits shall be available to CONSULTANT in connection with the performance of this AGREEMENT. Except for the fees paid to CONSULTANT as provided in the AGREEMENT, CITY shall not pay salaries, wages, or other compensation to CONSULTANT for performing services hereunder for CITY. CITY shall not be liable for compensation or indemnification to CONSULTANT for injury or sickness arising out of performing services hereunder.

XII. LEGAL RESPONSIBILITIES

The CONSULTANT shall keep itself informed of applicable State and Federal laws and regulations which in any manner affect those employed by it or in any way affect the performance of its service pursuant to this AGREEMENT. The CONSULTANT shall at all times observe and comply with all such laws and regulations. The CITY, and its officers, consultants and employees, shall not be liable at law or in equity occasioned by failure of the CONSULTANT to comply with this Section.

XIII. UNDUE INFLUENCE/CONFLICT OF INTEREST

CONSULTANT declares and acknowledges that no undue influence or pressure was used against or in concert with any officer or employee of the CITY in connection with the award, terms or implementation of this AGREEMENT, including any method of coercion, confidential financial arrangement, or financial inducement. No officer or employee of the CITY has or will receive compensation, directly or indirectly, from CONSULTANT, or from any officer,

employee or agent of CONSULTANT, in connection with the award of this AGREEMENT or any work to be conducted as a result of this AGREEMENT. Violation of this Section shall be a material breach of this AGREEMENT entitling the CITY to any and all remedies at law or in equity. CONSULTANT may not serve other clients whose activities within the corporate limits of CITY or whose business regardless of location would place CONSULTANT in a "conflict of interest" as that term is defined in the Political Reform Act, California Government Code section 81000 et seq.

XIV. NO BENEFIT TO ARISE TO LOCAL EMPLOYEES

No member, officer, or employee of CITY, or their designees or agents, and no public official who exercises authority over or responsibilities with respect to the Project during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any AGREEMENT or sub-AGREEMENT, or the proceeds thereof, for work to be performed in connection with the Project performed under this AGREEMENT.

XV. RELEASE OF INFORMATION/CONFLICTS OF INTEREST

- A. All information gained by CONSULTANT in performance of this AGREEMENT shall be considered confidential and shall not be released by CONSULTANT without CITY's prior written authorization. CONSULTANT, its officers, employees, agents, or subconsultants, shall not without written authorization from the City Manager, or unless requested by the City Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this AGREEMENT or relating to any project or property located within the CITY. Response to a subpoena or court order shall not be considered "voluntary" provided CONSULTANT gives CITY notice of such court order or subpoena.
- B. CONSULTANT shall promptly notify CITY should CONSULTANT, its officers, employees, agents, or subconsultants be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions, or other discovery request ("Discovery"), court order, or subpoena from any person or party regarding this AGREEMENT and the work performed there under or with respect to any project or property located within the CITY, unless the CITY is a party to any lawsuit, arbitration, or administrative proceeding connected to such Discovery, or unless CONSULTANT is prohibited by law from informing the CITY of such Discovery. CITY retains the right, but has no obligation, to represent CONSULTANT and/or be present at any deposition, hearing, or similar proceeding as allowed by law. Unless CITY is a party to the lawsuit, arbitration, or administrative proceeding and is adverse to CONSULTANT in such proceeding, CONSULTANT agrees to cooperate fully with CITY and to provide the opportunity to review any

response to discovery requests provided by CONSULTANT. However, CITY's right to review any such response does not imply or mean the right by CITY to control, direct, or rewrite said response.

XVI. NOTICES

Any notices which either party may desire to give to the other party under this AGREEMENT must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, which provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by notice:

To CITY: City of Sand City
1 Pendergrass Way
Sand City, CA 93955
Attention: City Clerk

To CONSULTANT: Harris & Associates
Attention: Frank Lopez
450 Lincoln Avenue, Suite 103
Salinas, California 93901

XVII. ASSIGNMENT

The CONSULTANT shall not assign the performance of this AGREEMENT, nor any part thereof, nor any monies due hereunder, without prior written consent of the CITY. Because of the personal nature of the services to be rendered pursuant to this AGREEMENT, CONSULTANT shall assign Leon Gomez to perform the services described in this AGREEMENT. Mr. Gomez may use assistants, under his direct supervision, to perform some of the services under this AGREEMENT. CONSULTANT shall provide CITY thirty (30) days' notice prior to the departure of Mr. Gomez from CONSULTANT's employ. Should he leave CONSULTANT's employ, the CITY shall have the option to immediately terminate this AGREEMENT, within three (3) days of the close of said notice period. Upon termination of this AGREEMENT, CONSULTANT's sole compensation shall be payment for actual services performed up to, and including, the date of termination or as may be otherwise agreed to in writing between CITY and the CONSULTANT.

Before CONSULTANT retains or contracts with any subcontractor, CONSULTANT shall provide CITY with the identity of the proposed CONSULTANT, a copy of the proposed written contract between CONSULTANT and such subcontractor which shall include and indemnity provision similar to the

one provided herein and identifying CITY as an indemnified party, or an incorporation of the indemnity provision provided herein, and proof that such proposed subcontractor carries insurance at least equal to that required by this AGREEMENT or obtain a written waiver from CITY for such insurance.

XVIII. LICENSES

At all times during the term of this AGREEMENT, CONSULTANT, its employees, agents, and any subcontractors shall have in full force and effect, all licenses, permits, qualifications and approvals required of it by law for the performance of the services described in this AGREEMENT. In addition, CONSULTANT and any subcontractors shall obtain and maintain during the term of this AGREEMENT a valid Sand City business license.

XIX. GOVERNING LAW

The CITY and CONSULTANT understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this AGREEMENT and also govern the interpretation of this AGREEMENT. Any litigation concerning this AGREEMENT shall be brought and maintained in the Superior Court of the State of California in and for the County of Monterey or in the United States District Court for the Northern District of California.

XX. ENTIRE AGREEMENT

This AGREEMENT contains the entire understanding between the parties relating to the obligations of the parties described in this AGREEMENT. All prior or contemporaneous AGREEMENTs, understandings, representations, and statements, oral or written and pertaining to the subject of this AGREEMENT or with respect to the terms and conditions of this AGREEMENT, are merged into this AGREEMENT and shall be of no further force or effect. Each party is entering into this AGREEMENT based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

XXI. SEVERABILITY/NO IMPLIED WAIVER OF BREACH

If a court of competent jurisdiction finds that any provision of this AGREEMENT is invalid, void or unenforceable, the provisions not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this AGREEMENT shall not void or affect the validity of any other provision of this AGREEMENT.

The waiver of any breach of a specific provision of this AGREEMENT does not constitute a waiver of any breach of that term or any other term of this AGREEMENT.

XXII. ATTORNEYS FEES

If a party to this AGREEMENT brings any action to enforce or interpret this AGREEMENT, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled.

XXIII. AUTHORITY TO EXECUTE THIS AGREEMENT

The person or persons executing this AGREEMENT on behalf of CONSULTANT warrants and represents that he/she has the authority to execute this AGREEMENT on behalf of the CONSULTANT and has the authority to bind CONSULTANT to the performance of its obligations hereunder. This AGREEMENT may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one AGREEMENT.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed the day and year first above written.

CONSULTANT

By: _____
(Signature)

(Typed Name)

(Title)

CITY OF SAND CITY

Linda Scholink, Acting City Manager

ATTEST:

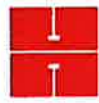
Connie Horca/Deputy City Clerk

APPROVED AS TO FORM:
City Attorney

By: _____

Attachments:	Exhibit A	Consultant's Proposal
	Exhibit B	Consultant's Fee Schedule
	Exhibit C	Insurance Requirements

EXHIBIT A



Harris & Associates.

July 31, 2019

P#: 190-0370

Ms. Linda Scholink
Interim City Manager
City of Sand City
1 Pendergrass Way
Soledad, CA 93955

Subject: Proposal to provide City Engineering Services to the City of Sand City

Dear Ms. Scholink:

On behalf of Harris & Associates (Harris), I am pleased to submit this proposal to the City of Sand City (the City) to provide contract City Engineering Services. This proposal includes the following:

- Exhibit A – Proposal and Scope of Work
- Exhibit B – Fee Schedule
- Exhibit C – Professional Services Agreement

For over 40 years, Harris has helped to improve communities and create better places to live through smart, safe, more sustainable planning, design, and construction solutions. Harris is a 100% employee-owned company focused on helping communities solve today's complex challenges in planning, financing, environmental compliance, civil engineering, and construction management. Our offices and project sites span the West Coast in California, Nevada, and Washington with a staff of over 230 employee-owners. We focus on serving clients in the municipal, water, transportation, and education markets. From sustainable planning solutions to innovative design and construction to the long-term management of public resources, Harris & Associates takes an interdisciplinary approach to solving your most complex problems. Our portfolio of services includes:

- Advisory Services
- Asset Management
- Civil Design
- Community Planning
- Construction Management
- Environmental Planning + Compliance
- Infrastructure + Utilities
- Municipal Engineering
- Municipal Finance
- Special District Services

As you know, I recently joined the Harris team as a Senior Project Manager based in the local office located in the City of Salinas, California. Previous to joining Harris, I had been acting as the contract City Engineer for Sand City from 2013 thru July 2019. In that role, I have participated in almost all aspects of the City's day to day function including; Capital Improvement Program (CIP), public works and street rehabilitation projects, development review services, management of the City's municipal storm water program, preparation of reports to City council members and City staff, regular attendance at department head meetings, preparation of grant applications and management of grant awards, and coordination with local and state agencies. I also served as the City's designated representative on the Monterey Regional Storm Water Management Program (MRSWMP) Management Committee (MC), Transportation Agency for Monterey County (TAMC) Technical Advisory Committee (TAC) and the Seaside Groundwater Basin Watermaster TAC.

Recently, I was responsible for preparing the City's 5-Year CIP which involved coordinating with each of the City's departments to develop a list of over 30 projects for consideration by city council members.

During my time as contract City Engineer for the City, I had the opportunity to develop strong working relationships with the Sand City team including; the Interim City Administrator, City Planner, Chief of Police, Public Works Foreman, Deputy City Clerk, Administrative Staff, and yourself as Administrative Services Director.

On behalf of the City, I successfully applied for and obtained Proposition 1 Stormwater Technical Assistance (TA) Grant funding to support the West End Stormwater Improvement Project, which involves the reconstruction of major portions of Contra Costa and Catalina Streets. The City was awarded approximately \$240,000 and I coordinated with the TA team and City staff through the 30% design stage.

As you can see, I have **first-hand knowledge** of the City's infrastructure and a significant amount of "**institutional memory**" for many of the City's current and past projects, as well as **strong relationships with existing City staff**.

Why should you consider Harris for this important role? At Harris, we are deeply passionate about enhancing the quality of life where we live and work. Harris provides "Big City" resources to our clients with personal "Small Town" attitude, service and attention. We become a part of the communities we serve and enjoy a long-term relationship with our clients, many of whom become close friends. As our clients' trusted advisors, we're always here to help. Harris brings the following benefits:

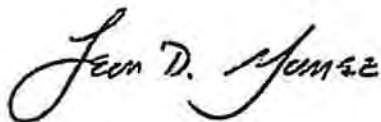
1. **Personal Service.** Harris' office at 450 Lincoln Avenue, Salinas, CA is less than 18 miles from City Hall. I and/or my support staff can be at City Hall in about 20 minutes. As acting City Engineer from January 2013 to July 2019, I already have an understanding of the unique Sand City community, which fuels my passion to provide quality service to the City.
2. **Local Understanding and Focus.** Harris has been a local business since 1998. We serve many of the agencies within Monterey County, and the County itself. We have a very strong local focus and possess a unique understanding of the inner-workings of local government, and regional entities such as TAMC and Monterey County.
3. **Depth of Resources.** Harris is a singular source for all things municipal and public works related, including the many highly-experienced professionals needed to successfully complete today's complex municipal projects: gifted engineers, planners, public finance experts, and asset management and grant specialists who understand the interpersonal aspects as well as the technical — and who stay ahead of trends and can see what's coming around the corner.

I look forward to continuing my professional relationship with the City of Sand City in the role of contract City Engineer and continuing to provide an exceptional level of service. If you have any questions regarding this contract, please do not hesitate to call me at 831-272-4909.

If this proposal meets with your approval, please execute and return the attached Professional Services Agreement.

Sincerely,

Harris & Associates, Inc.

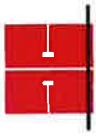


Leon D. Gomez, PE, QSD
Sr. Project Manager
Tel. (831) 272-4909 ■
Email: Leon.Gomez@WeAreHarris.com



Frank Lopez, PE, QSD, CFM
Sr. Director of Engineering Services
Tel. (831) 233-9242 ■
Email: Frank.Lopez@WeAreHarris.com

**EXHIBIT B
FEE SCHEDULE**



Harris & Associates.

Hourly Rates

Applicable to Contract City Engineering Services for the City of Sand City, CA.
Effective August 1, 2019 — June 30, 2020

Engineering Services	Hourly Rates
Leon Gomez – Contract City Engineer	\$200
Sr. Project Directors	\$220 - \$280
Project Directors	\$200 - \$250
Sr. Project Managers	\$195 - \$240
Project Managers	\$165 - \$200
Sr. Project Engineers	\$160 - \$190
Project Engineers	\$135 - \$160
Technical Support	\$100 - \$120
Administration	\$90 - \$110
Engineering Inters	\$60-70

Construction Management	Hourly Rates
Sr. Project Directors	\$220 - \$280
Project Directors	\$200 - \$250
Sr. Construction Managers	\$190 - \$210
Construction Managers	\$160 - \$185
Inspectors (prevailing wage)*	\$165 - \$190
Inspectors (non-prevailing wage)	\$135 - \$150

Environmental Services	Hourly Rates
Project Director	\$200 - \$250
Project Manager	\$150 - \$180
Project Analyst	\$125 - \$150

Notes: Rates are subject to adjustment due to promotions during the effective period of this schedule. Unless otherwise indicated in the cost proposal, hourly rates include most direct costs such as travel, equipment, computers, communications and reproduction (except large quantities such as construction documents for bidding purposes).

*Inspectors working in the State of California are subject to the Prevailing Wage Rates established for that area.

All subconsultant charges are subject to a 10% markup.

Harris & Associates, Inc. ■ 450 Lincoln Avenue, Suite 103, Salinas, CA 93901 Tel. 831.233.9242 ■ WeAreHarris.com

EXHIBIT C

INSURANCE REQUIREMENTS

Without limiting CONSULTANT's indemnification of CITY, and prior to commencement of Work, CONSULTANT shall obtain, provide and maintain at its own expense during the term of this AGREEMENT, policies of insurance of the type and amounts described below and in a form satisfactory to CITY.

General liability insurance. CONSULTANT shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate, for bodily injury, personal injury, and property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted.

Automobile liability insurance. CONSULTANT shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of the Consultant arising out of or in connection with Work to be performed under this AGREEMENT, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than \$1,000,000 combined single limit for each accident.

Professional liability (errors & omissions) insurance. CONSULTANT shall maintain professional liability insurance that covers the Services to be performed in connection with this AGREEMENT, in the minimum amount of \$1,000,000 per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this AGREEMENT and CONSULTANT agrees to maintain continuous coverage through a period no less than three (3) years after completion of the services required by this AGREEMENT.

Workers' compensation insurance. CONSULTANT shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance (with limits of at least \$1,000,000).

CONSULTANT shall submit to CITY, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of CITY, its officers, agents, employees and volunteers.

Umbrella or excess liability insurance. [Optional depending on limits required]. CONSULTANT shall obtain and maintain an umbrella or excess liability insurance policy with limits that will provide bodily injury, personal injury and property damage liability coverage at least as broad as the primary coverages set forth above, including commercial general liability, automobile liability, and employer's liability. Such policy or policies shall include the following terms and conditions:

- A drop down feature requiring the policy to respond if any primary insurance that would otherwise have applied proves to be uncollectible in whole or in part for any reason;
- Pay on behalf of wording as opposed to reimbursement;
- Concurrency of effective dates with primary policies;
- Policies shall “follow form” to the underlying primary policies; and
- Insureds under primary policies shall also be insureds under the umbrella or excess policies.

Other provisions or requirements

Proof of insurance. CONSULTANT shall provide certificates of insurance to CITY as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers’ compensation. Insurance certificates and endorsements must be approved by City’s Risk Manager prior to commencement of performance. Current certification of insurance shall be kept on file with CITY at all times during the term of this contract. CITY reserves the right to require complete, certified copies of all required insurance policies, at any time.

Duration of coverage. CONSULTANT shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the Work hereunder by CONSULTANT, his agents, representatives, employees or subconsultants.

Primary/noncontributing. General Liability and Automobile Liability Coverage provided by CONSULTANT shall be primary and any insurance or self-insurance procured or maintained by CITY shall not be required to contribute with it. The limits of insurance required herein may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of CITY before the CITY’s own insurance or self-insurance shall be called upon to protect it as a named insured.

City’s rights of enforcement. In the event any policy of insurance required under this AGREEMENT does not comply with these specifications or is canceled and not replaced, CITY has the right but not the duty to obtain the insurance it deems necessary and any premium paid by CITY will be promptly reimbursed by CONSULTANT or CITY will withhold amounts sufficient to pay premium from CONSULTANT payments. In the alternative, CITY may cancel this AGREEMENT.

Acceptable insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance or is on the List of Approved Surplus Line Insurers in the State of California, with an assigned policyholders’ Rating of A- (or higher) and Financial Size Category Class VI (or larger) in accordance with the latest edition of Best’s Key Rating Guide, unless otherwise approved by the City Administrator.

Waiver of subrogation. All insurance coverage maintained or procured pursuant to this AGREEMENT shall be endorsed to waive subrogation against CITY, its elected or appointed officers, agents, officials, employees and volunteers or shall specifically allow CONSULTANT or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. CONSULTANT hereby waives its own right of recovery against CITY, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

Enforcement of contract provisions (non estoppel). CONSULTANT acknowledges and agrees that any actual or alleged failure on the part of the CITY to inform CONSULTANT of non-compliance with any requirement imposes no additional obligations on the CITY nor does it waive any rights hereunder.

Requirements not limiting. Requirements of specific coverage features or limits contained in this Section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If the Consultant maintains higher limits than the minimums shown above, the CITY requires and shall be entitled to coverage for the higher limits maintained by the Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the CITY.

Notice of cancellation. Consultant agrees to oblige its insurance agent or broker and insurers to provide to CITY with a thirty (30) day notice of cancellation (except for nonpayment for which a ten (10) day notice is required) or nonrenewal of coverage for each required coverage.

Additional insured status. General liability policies shall provide or be endorsed to provide that CITY and its officers, officials, employees, and agents, and volunteers shall be additional insureds under such policies. This provision shall also apply to any excess/umbrella liability policies.

Prohibition of undisclosed coverage limitations. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to CITY and approved of in writing.

Separation of insureds. A severability of interests provision must apply for all additional insureds ensuring that Consultant's General Liability insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the insurer's limits of liability. The policy(ies) shall not contain any cross-liability exclusions.

Pass through clause. CONSULTANT agrees to ensure that its subconsultants, subcontractors, and any other party involved with the project who is brought onto or involved in the project by CONSULTANT, provide the same minimum insurance coverage and endorsements required of CONSULTANT. CONSULTANT agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. CONSULTANT agrees that upon request, all AGREEMENTs with consultants, subcontractors, and others engaged in the project will be submitted to CITY for review.

City's right to revise specifications. The CITY reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the CONSULTANT ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the CONSULTANT, the CITY and CONSULTANT may renegotiate CONSULTANT's compensation.

Self-insured retentions. Any self-insured retentions must be declared to and approved by CITY. CITY reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by CITY.

Timely notice of claims. CONSULTANT shall give CITY prompt and timely notice of claims made or suits instituted that arise out of or result from CONSULTANT's performance under this AGREEMENT, and that involve or may involve coverage under any of the required liability policies.

Additional insurance. CONSULTANT shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection and prosecution of the work.

**AGENDA ITEM
10D**



MONTEREY COUNTY CA PTAC

We at [Monterey Bay Procurement Technical Assistance Center](#) (PTAC) help businesses navigate the labyrinth of the government procurement system. Visit the [website](#) to learn about upcoming workshops or sign up to become a client. Call 831-216-3000 or see us on Facebook: [@MontereyBayPTAC](#).

UPCOMING EVENTS



40th Annual California Hispanic Chambers of Commerce Statewide Convention, Wednesday, Aug. 21-Friday, Aug. 23

Location: University Plaza Waterfront Hotel, 110 W. Fremont St., Stockton

[RSVP](#)



Special thanks to the County of Monterey for its ongoing support of the Monterey County Business Council's efforts for economic development and education.

18th Annual Leadership Luncheon

Name: 18th Annual Leadership Luncheon

Date: September 16, 2019

Time: 11:30 AM - 1:30 PM PDT

[Register Now](#)



Location:

Portola Hotel & Spa
2 Portola Plaza, Monterey

Date/Time Information:

Monday, September 16
11:30 am - 1:30 pm
Registration begins at 11 am

Contact Information:

[Send an Email](#)
[info@montereychamber.com]

Fees/Admission:

Members: \$60
Prospective Members: \$70
Special parking rate is \$5 in the Portola garage

Event Description:

PRESENTED BY RABOBANK



Rabobank

Join us for lunch with a powerhouse of federal, state and local public officials who will brief us on key legislation, new businesses and projects, public safety, hot issues and their efforts to improve the competitive edge for local businesses.

INVITED GUEST SPEAKERS

Supervisor Jane Parker
Supervisor Mary Adams
Supervisor John Phillips

Assemblymember Mark Stone
Senator Bill Monning
Congressman Jimmy Panetta
Sheriff Steve Bernal

Mayor Ian Oglesby
Mayor Alison Kerr
Mayor Bill Peake
Mayor Dave Potter
Mayor Mary Ann Carbone
Mayor Clyde Roberson
Mayor Bruce Delgado

Set a Reminder:

Enter your email address below to receive a reminder message.



Printed courtesy of www.montereychamber.com/ – Contact the Monterey Peninsula Chamber of Commerce for more information.
243 El Dorado Street, Suite 200, Monterey, CA 93940 – 831-648-5350 – info@montereychamber.com

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2011, VOLUNTEER MATT
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KENNEDY THE VERY
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BELOW:
TOMI PROVIDED THE
SAME PERSONALIZED
SERVICE WHEN HE
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50,000TH RIDE
IN 2019!

Wednesday, August 28TH

4:00pm–6:00pm

BMW of Monterey

1 Geary Plaza, Seaside

- *iTN Founder & Local Dignitaries*
- *Volunteer Ride Reenactment*
- *Raffle*
- *Refreshments*
- *Valet Parking*

RSVP to info@itnmontereycounty.org
or 831-233-3447

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Or mail to: iTN Monterey County, 951 Blanco Circle, Suite D, Salinas, CA 93901

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