

REGULAR MEETING

SAND CITY COUNCIL

AND

**SUCCESSOR AGENCY OF THE FORMER
REDEVELOPMENT AGENCY**

**AGENDA
SAND CITY COUNCIL CHAMBERS**

TUESDAY, OCTOBER 1, 2019

4:00 P.M.

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

Regular Meeting – October 1, 2019

4:00 P.M.

CITY COUNCIL CHAMBERS

Sand City Hall, One Pendergrass Way, Sand City, CA 93955

1. CLOSED SESSION

Members of the public may address the City Council/Successor Agency regarding matters that appear under closed session at this time for up to three minutes

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

1) Conference with legal counsel - anticipated litigation (Government Code Section 54956.9(d)(2); 54956.9(e))

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

2. ADJOURNMENT FROM CLOSED SESSION

CITY COUNCIL MEETING 5:30 P.M.

1. INVOCATION

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. ANNOUNCEMENTS BY MAYOR, CITY ATTORNEY, AND CITY STAFF

5. PUBLIC COMMENT

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. Approval of Sand City Council Meeting Minutes, September 24, 2019
- B. Approval of City Donation/Contribution
 - 1) The Salvation Army Thanksgiving Meals - \$300
 - 2) United Way Monterey County towards Elementary School Backpacks - \$250

7. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

8. PUBLIC HEARING

- A. Consideration of City RESOLUTIONS regarding "The Pad Climbing" Operation at 325 Elder Avenue {This item continued from the September 3, 2019 Council meeting}
 - 1) 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
 - 2) Disapproving a Coastal Development Permit for an Indoor Climbing and Fitness Facility with Accessory Office and Retail for 'The Pad Climbing' Operation at 325 Elder Avenue

9. NEW BUSINESS

- A. Consideration of City RESOLUTION Appointing Aaron Blair as City Manager and Community Development Director and Authorizing the Mayor to Enter into an Employment Agreement
- B. Consideration and Discussion regarding Initiating a Comprehensive Parking Study to Develop a Parking Program in Sand City
- C. Comments by Council Members on Meeting and Items of Interest to Sand City
- D. Upcoming Meetings/Events

10. ADJOURNMENT

Next Scheduled Council Meeting:
Tuesday, October 15, 2019
5:30 P.M.
Sand City Council Chambers
1 Pendergrass Way, Sand City

Sand City Council Agenda
10.01.19 Council Meeting

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/agenda

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 One 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**

SPECIAL Meeting – September 24, 2019
5:30 P.M.
CITY COUNCIL CHAMBERS

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

The invocation was led by reverend Robert Hellam.

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

Present: Mayor Mary Ann Carbone
Vice Mayor Blackwelder
Council Member Hawthorne {excused absence}
Council Member Sofer
Council Member Cruz

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 CITY STAFF

Mayor Carbone reported that handouts are available on the report of her activities. There were 77 volunteers that attended the annual beach clean-up which proved to be a successful event. On October 4, 2019 a Ribbon Cutting will be held for Pure Water Monterey which will be located at the landfill. The invitation has been extended to the Council Members.

Acting City Manager Scholink reported that the City Engineer made a presentation to the Integrated Regional Water Management Program (IRWMP) Board. It was well received and the City will be applying for a \$972,000 grant. The applicant for San Juan Pools has contacted the City Engineer for timing of street improvements. The Wilson commercial project has submitted construction plans for the 500 block of Shasta Avenue, and staff is working on the status of the fees prior to beginning the plan check. City Staff is working towards issuance of the demolition permits for the Phase 1 portion of the South of Tioga project as well as the potential abandonment of existing streets. Presently, Staff is drafting the City's annual report of the Stormwater program that is due on October 15, 2019.

The Mayor introduced and welcomed Mike Ross with Boy Scout Troop 187 who is here to watch the City Council meeting. Mr. Ross is also related to Ross Roofing a business that was formerly located in Sand City several years ago.

AGENDA ITEM 5, COMMUNICATIONS

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

There were no comments from the Public.

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

AGENDA ITEM 6, CONSENT CALENDAR

- A. There was no discussion of the August 20, 2019 Sand City Council Meeting Minutes.
- B. There was no discussion of the September 3, 2019 Sand City Council Meeting Minutes.
- C. There was no discussion of the 2019 League of California Cities Annual Conference Resolutions Packet.
- D. There was no discussion of the Greenwaste Recovery Waste Diversion Report for the 2019 West End Event.
- E. There was no discussion of the City **Resolution** Recognizing the Alzheimer's Association and the Walk to End Alzheimer's.
- F. There was no discussion of the City Donation/ Contribution to the Monterey County Sheriffs SEAT Team for \$500 and Alzheimer's Association Walk to End Alzheimer's for \$500.

Motion to approve the Consent Calendar items was made by Council Member Blackwelder, seconded by Council Member Cruz. AYES: Council Members Blackwelder, Carbone, Cruz, Sofer. ABSENT: Council Member Hawthorne. 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

- A. **Presentation by Police Chief Brian Ferrante on the Community Emergency Response Team C.E.R.T. Program {10 minutes}**

Police Chief Brian Ferrante presented the Community Emergency Response Team (CERT) Disaster Preparedness that included training preview for Fire Safety, Disaster medical Operations, light search and rescue, CERT organization, disaster psychology, and CERT and terrorism. The City of Monterey Fire Department has smaller group training programs. Their next CERT program will take place over 3 consecutive Saturdays beginning October 19, 2019 from 8:20 a.m. to 4:40 p.m. He outlined the training objectives that identified roles and responsibilities for community preparedness, description of types of hazards that affect the community, people, health and infrastructure, and personal and preparedness actions. The Government has the responsibility to develop, test, and refine emergency plans, ensure that emergency responders have adequate skills and resources, and to provide services to protect and assist citizens. The Public's responsibility involves learning about community alerts, warnings and evacuation routes, to take training, practice skills and personal plans, network and help others report suspicious activity and become a volunteer. The Chief also explained how the whole community can get involved as well as information on Local CERT services and disaster response, and non-disaster roles of CERT members. All members are part of the Everbridge Alert system that notifies them when a disaster happens. Chief Ferrante described how individuals can get involved, how CERT members would respond in a disaster such as turning off utilities, assist in search and rescue, and other light duties. Once an individual is trained in CERT, they will receive a backpack with supplies and are also protected by "Good Samaritan" laws. Additional training is also provided to improve their skills.

5:52 p.m. Floor opened for Public Comment

In response to Council Member Cruz's inquiry whether the boy scouts receive emergency training, Boy Scout Nico Rizzo responded that they are trained in earthquake and fire preparedness.

5:53 p.m. Floor closed to Public Comment.

AGENDA ITEM 9, PUBLIC HEARING

- A. SECOND READING: Ordinance Amending Title 15 of the Sand City Municipal Code to Adopt the 2019 California Building Code and Appendices H, I, J; the 2019 California Historical Building Code; the 2019 California Existing Building Code; the 2019 California Residential Code; the 2019 California Plumbing Code, the 2019 California Electrical Code, the 2019 Mechanical Code; the 2019 California Green Building Standards Code; the 2019 California Fire Code; and the 2018 International Property Maintenance Code and Deleting Municipal Code Section 15.08.030 and Chapter 15.09**

City Planner Charles Pooler reported that at the September 3, 2019 Council meeting, the City Council adopted for first reading an ordinance to

update Title 15 of the City's Municipal Code with the latest versions of the California Building, Fire and other related construction codes. No concerns were identified or discussed at the September 3rd public hearing, nor were any public comments received. The ordinance requires the Council to adopt the ordinance for second reading prior to incorporation into the City's municipal code. The ordinance will go into effect on January 1, 2020. The August 7th staff report is attached outlining the ordinance in further detail. Staff recommends adoption of the attached Ordinance for Second Reading.

5:56 p.m. Floor opened for Public Comment.

Boy Scout Kendrick Mauck asked what changes were being made in the ordinance. City Planner Pooler explained that the changes involve updating building standards to include electrical, plumbing and fire standards so that the City can remain in compliance with state and federal laws.

Troop Leader Marcelo Rizzo added that the explanation of the ordinance shows the troops how government works.

Council Member Blackwelder commented on the importance of updating building standards especially living where earth quakes happen, to bring buildings up to code to ensure safety.

Boy Scout Colin Ross received clarification from Chief Ferrante that CERT members also act as emergency responders.

Motion to adopt for Second Reading the **Ordinance**, by title, amending Title 15 of the Sand City Municipal Code to Adopt the 2019 California Building Code and Appendices H, I, J; the 2019 California Historical Building Code; the 2019 California Existing Building Code; the 2019 California Residential Code; the 2019 California Plumbing Code, the 2019 California Electrical Code, the 2019 Mechanical Code; the 2019 California Green Building Standards Code; the 2019 California Fire Code; and the 2018 International Property Maintenance Code and Deleting Municipal Code Section 15.08.030 and Chapter 15.09 was made by Council Member Sofer, seconded by Council Member Cruz. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Sofer. NOES: None ABSENT: Council Member Hawthorne. ABSTAIN: None. Motion carried.

Mayor Carbone explained to the troops how the 500' rule applies to council members and why the person chosen by paper draw has to step down and abstain from voting.

{A paper draw was conducted and Council Member Blackwelder, stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property. Council Member Hawthorne who also has a possible conflict was absent}

B. Consideration of City RESOLUTION Approving Coastal Development Permit 19-04 for Marianne Parise Authorizing a 1-ON-1 Beauty Salon at 1807-B Contra Costa Street

City Planner Pooler presented an application submitted by Marianne Parise, to establish and operate a 1-on-1 beauty salon within an approximate 230 square foot unit of an existing mixed-use building at 1807-B Contra Costa Street. Intended hours of operation will be from 10:00 a.m. to 6:00 p.m. daily and is consistent with residential unit hours. There will be shipments 1 to 2 times per week via UPS/FedEx. Items stored and used on-site will include beauty supplies and cosmetics for beauty services. The zoning code does not specify a parking requirement for a 'spa' use and considering that this will be a 1-on-1 appointment, two spaces will be needed and staff does not anticipate the Applicant's use to pose a parking problem or have an excessive demand beyond available parking. No large trucks or semi-trailers are anticipated for the delivery of items to the location. Staff does not anticipate negative impacts from the use as a beauty salon does not typically generate excessive noise, vibration, fumes, etc. The Applicant's use qualifies as a Group III miscellaneous use under the category "beauty shop" in accordance with the Monterey Peninsula Water Management District and therefore has sufficient on-site water. Staff recommends approval of the attached coastal development permit.

6: 07 p.m. Floor opened for Public Comment.

In response to Council Member Sofer's inquiry regarding the use of chemicals that will be disposed of during the course of business, the applicant Marianne Parise replied that hair color is the only thing that will be disposed of in the drain.

Mr. Pooler added that he informed the Sanitation District of the proposed use and there were no comments from them.

Public Member Elizabeth Rizzo who operates a massage business added that there should be no parking problems with the proposed use as there is adequate parking at the location.

6:10 p.m. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving Coastal Development Permit 19-04 for Marianne Parise Authorizing a 1-ON-1 Beauty Salon at 1807-B Contra Costa Street was made by Council Member Cruz, seconded by Council Member Sofer. AYES: Council Members Carbone, Cruz, Sofer. NOES: None. ABSENT: Council Member Hawthorne. ABSTAIN: Council Member Blackwelder. Motion carried.

{Council Member Blackwelder returned to the dais}

AGENDA ITEM 10, NEW BUSINESS

A. Consideration of City RESOLUTION Authorizing the Acting City Manager to Enter into an Agreement with 4-Leaf, Inc. to provide Plan Check and Inspection Services to the City of Sand City for the South of Tioga Project

City Planner Charles Pooler reported that since 1994, the City of Monterey has provided quality and professional building inspection and plan check services to the City of Sand City on an “as needed” basis and this arrangement will continue. The two upcoming development projects, South of Tioga and Monterey Bay Shores, will require plan check and inspections services that will exceed the capabilities of Monterey’s Building Department. There had been discussions regarding what the requirements of the projects were. At the request of the former Interim City Manager a request for qualifications (RFQ) was sent out with two firms responding. These firms were 4-Leaf Inc. and CSG Consultants. There was consensus of the City’s RFQ team that 4-Leaf was better qualified and suited to provide the City with its needed plan check and inspection services for the South of Tioga project.

Mr. Pooler reported that Phase 1 is currently being conducted by Creegan & D’Angelo and described the three phases that would encompass the South of Tioga Project. He presented a summary and description of services that 4-Leaf Inc. would provide that includes plan review for all types of structures to ensure compliance with all adopted codes, local ordinances and California and Federal laws that pertain to building construction and public safety. He outlined the process once plan checks are completed and approved, recovery of fees & costs, and documentation that would be digitally stamped. The service contract would begin on September 24, 2019 and end on June 30, 2020 to coincide with the remainder of the fiscal year and subject to annual renewal for continuation of services for each fiscal year thereafter until the South of Tioga project is completed. Staff recommends approval of the attached resolution regarding contract services with 4-Leaf, Inc. for plan check examination and on-site inspection services for the South of Tioga development project.

In response to Council Member Blackwelder’s question regarding traffic control Mr. Pooler responded that the contractor will be taking care of traffic management at the project location.

6:24 P.M. Floor opened for Public Comment

Public Member Elizabeth Rizzo inquired about what is being done to open ways in and out of Sand City when the project moves forward. City Planner Pooler responded that the EIR addressed the improvement of certain sections by installing certain roundabouts, as well as the possibility

of expanding the off ramp at the Canyon Del Rey exit. Mayor Carbone added that MST and TAMC are looking at the improvements to the railroad right-of-way and installing a bus line.

Public member Andrew Mauck inquired about the street right of ways as it relates to the South of Tioga project and since this was not agendized he was informed of the Brown Act laws pertaining to public meetings.

City Attorney Norgaard explained the Brown Act for the Boy Scout Troop.

6:29 P.M. Floor closed to Public Comment.

There was Council discussion regarding recovery of fees, the status of the development agreement, and services that 4-Leaf will be providing digitally. City Planner Pooler referred to the drawings on the chamber wall and provided additional information to the Boy Scout Troops on the South of Tioga project.

Motion to approve the City **Resolution** authorizing the Acting City Manager to Enter into an Agreement with 4-Leaf, Inc. to provide Plan Check and Inspection Services to the City of Sand City for the South of Tioga Project was made by Council Member Blackwelder, seconded by Council Member Sofer. AYES: Council Members Blackwelder, Carbone, Cruz, Sofer. ABSENT: Council Member Hawthorne. NOES: None. ABSTAIN: Council Member Hawthorne. ABSTAIN: None. Motion carried

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

Council Member Sofer reported on her trip to the Waste Management Facility and encouraged the Boy Scout Troop to visit the facility so they can witness how waste is being recycled and disposed of.

Mayor Carbone reported that she along with Council Member Sofer and the Acting City Manager were going to attend the United Way Community Breakfast.

C. Upcoming Meetings/Events

There were no RSVP's for upcoming meetings/events.

AGENDA ITEM 11, CLOSED SESSION

6:34 p.m. The floor was opened for Public Comment and seeing none was closed for Public Comment.

6:35 p.m.

- A.** City Council/Successor Agency Board adjourned to Closed Session regarding:

- 1) Conference with labor negotiator regarding public employment pursuant to Government Code Section 54957.6(a).
Position: City Manager
Agency Negotiator: City Attorney

7:10 p.m.

B. The City Council/Successor Agency Board re-adjourned to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown Act.

The City Attorney reported that the Council has selected a candidate for City Manager who is Aaron Blair from Granby, Colorado. His contract will be reviewed and ratified at the October 1, 2019 Council meeting with a Press Release to be sent out.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Hawthorne. There was consensus of the City Council to adjourn the meeting at 7:12 p.m. to the next regularly scheduled City Council meeting on Tuesday, October 1, 2019 at 5:30 p.m.

Connie Horca, Deputy City Clerk

AGENDA ITEM

6B

Memo

To: City Council
From: Linda Scholink, Acting City Manager
Date: September 25, 2019
Subject: Review of City Donations/Contributions

Attached are requests from two organizations for support and contribution for Fiscal Year 2019-2020. After reviewing these requests, the following donations are recommended:

- The Salvation Army Thanksgiving Meals - \$300
- United Way Monterey County towards Elementary School Backpacks - \$250

If any Council member wants to discuss these requests or to propose a different contribution, then this item should be pulled from the consent calendar for discussion with the full Council.

The following finding is specified in the annual City/Successor Agency Budget: *"The Sand City Council finds that it is a valid public purpose and in the best interest of this small city to support and participate in various community programs and activities of the larger Monterey Peninsula area. This support includes not only the City's financial contributions outlined in the attached pages but also the active involvement/participation by council members, city staff, Sand City businesses and citizens. This is Sand City's pledge and commitment of support for the larger regional community in which it is an active and dedicated member".*



DOING
THE MOST
GOOD

\$296.25 will provide 125 meals!

September 3, 2019

Dear Mayor David K. Pendergrass,

Please think about this question for a moment: Who will feed the Lord's hungriest people this Thanksgiving Day?

Thanksgiving may be months away, but here at The Salvation Army, we're already preparing. We need to plan now for how we will feed our neighbors who are struggling, homeless, or facing other hardships this coming holiday season.

That's why The Salvation Army in Monterey is asking for your help.

Mayor David K. Pendergrass, with your generous contribution, The Salvation Army will feed people who are hungry ... homeless ... unemployed ... elderly ... and so many others who have run out of luck.

- Your gift of \$296.25, with the gold check, will give 125 struggling neighbors a reason to feel thankful.
- Your gift of \$402.90, with the green check, will provide a delicious Thanksgiving meal to 170 hungry neighbors.
- Your gift of any amount you choose, with the red check, will show our neighbors in need that there are people who do care about them.

Please help people who are hungry.

And when Thanksgiving comes, we'll add a special touch to the day's meal — God's love and comfort. And, on that day, the people who turn to us will find a reason to be thankful.

Throughout the year, your donations will help provide safe shelter for people experiencing homelessness ... clothing for children ... welcome visits to people who are lonely and elderly ... and much-needed groceries for families who are struggling.

So please help us prepare for families and friends who will count on us for a meal. Please send your contribution right away. May God bless you.

Sincerely,

Majors Patricia & Steven Bradley

Won't you share your blessings?

Majors Patricia & Steven Bradley
Monterey Corps Officers

P.S. Mayor David K. Pendergrass, Thanksgiving will be here before we know it. Please help us prepare to feed our neighbors in need this coming holiday season. Please send your gift in the enclosed envelope as soon as possible.

Thanks for Giving to Help Hungry Neighbors

So many of our neighbors are less fortunate — they don't have enough money to afford the basics, like food. The causes are numerous: low wages, unemployment, foreclosures, and chronic poverty, to name just a few.

Though the people who come to The Salvation Army are just as varied and diverse as the circumstances that thrust them into poverty and hunger in the first place, we embrace each and every one exactly the same: *with love, compassion, and care.*

Behind those statistics are people — our neighbors — with families, dreams, and life experiences that make them anything but anonymous. Here are just two examples:

John* was a single father who'd been out of work for two months. He'd often pass by The Salvation Army, stopping long enough to poke his head in or ask a quick question. He had very little money to buy groceries for his three children. Eventually, he asked for help so he could feed his kids.



One day, Salvation Army staff asked what his plans were for Thanksgiving. It turned out that John had family coming into town for the day, but he was too proud to tell them he had lost his job and couldn't afford to prepare a proper holiday meal. We helped him and his entire family enjoy Thanksgiving that year.

The Riveras showed up at The Salvation Army on Thanksgiving Day. They had just moved into town and had nothing to eat that day. After helping them get a good meal, we gave them suggestions and advice on where to find clothes and how to receive general support.

A few weeks later, the couple stopped back in — not to ask for help, but to thank us for our kindness and for welcoming them into their new community when no one else had.



The Salvation Army has long recognized how hunger and poverty can sap the body and drain the soul during what should be a joyous time of year.

That's why we rely on the compassionate support of generous friends like you. Your donations will directly help our struggling neighbors during Thanksgiving and beyond. Here's how to help:

Simply send back one of the enclosed meal tickets along with your donation (tax deductible as allowed by law). We'll use it to help provide food for Thanksgiving for our hungry neighbors.

Thank you for sharing your blessings with those who have so little — and happy Thanksgiving.

**Names and photos have been changed to protect privacy.*

RECEIVED

SEP 16 2019

CITY OF SAND CITY



DOING
THE MOST
GOOD

Thanksgiving Meal Ticket #165289



DOING
THE MOST
GOOD

The Salvation Army
P.O. Box 1884
Monterey, CA 93942-1884

Thanksgiving Meal Ticket \$296.25

YES, I want to help feed our hungry neighbors at Thanksgiving.

I have enclosed my gift of:

\$296.25 to provide 125 meals.

Please make your check payable to The Salvation Army.

Please check to donate by credit card, and complete the back of this form.

P1/1/9/2
City of Sand City
1 Pendergrass
Seaside, CA 93955-3037

The Salvation Army
P.O. Box 1884
Monterey, CA 93942-1884



991003585826520CCA31B00B3M0N0000B3M0N7

United Way Monterey County



Rabobank



Deloitte



Pinnacle Bank
Reach Higher

WoodmenLife
Your school is our business

SCHOOL SUPPLY SHOPPING LIST

Send kids back to school ready to learn. Supplies will be distributed to students grades K-12 who are homeless or in great need through the Monterey County Office of Education.

Elementary Backpack

- Backpack (no solid red or blue please)
- 1-inch, 3-ring binder
- 3-hole wide-ruled binder paper
- 5-tab dividers
- Colored pencils (12 count)
- Crayons (8- or 24-count)
- Pocket folders
- Pencil sharpener
- Pens (12 or more)
- Pencils #2 (12 or more)
- Pencil cap erasers, 12-pack
- Scissors, 5 1/4", blunt tip
- Ruler, 12" plastic
- Glue stick, that dries clear
- Pencil bag
- Construction paper, 9"x12"

Jr. High & High School Backpack

- Backpack (no solid red or blue please)
- Calculator, 10-digit w/cover
- 1-inch, 3-ring binder
- 3-hole college-ruled binder paper
- 5-tab dividers
- Spiral notebooks, 70 Ct, college rule
- Graph Paper
- Pencil sharpener
- Colored pencils (12 count)
- Pens (12 or more)
- Pencils, #2 (12 or more)
- Composition Notebook, college-ruled
- Eraser, large pink
- Ruler, 12" plastic
- Yellow highlighter
- Pencil bag
- Pocket folders



United Way
Monterey County



For more information call 2-1-1 or visit www.unitedwaymcca.org/stuff-bus



FAQs

- Why give through United Way Monterey County?
- Why the focus on Financial Stability for families?
- Why Child Care and Housing?
- What other services does United Way provide?
- How are donations invested?
- How do I know my money will be well spent?
- Can I direct my gift to a particular charity?
- What are the guidelines if I direct my gift to a particular charity?
- How do I track my contributions for tax purposes?
- What strategies will UWMC implement to ensure success?
- How much does it cost to deliver these services?
- What is United Way's Mission?
- What is the United Way Monterey County Internal Revenue Tax ID Number?

Why give through United Way Monterey County?

UWMC is a locally governed organization that identifies and addresses the most critical issues and needs of the people within our community. What makes United Way so effective is that it helps our entire community (it is comprehensive giving), your dollars remain in the community (it is local) and payroll deductions make it easy to give!

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Why the focus on Financial Stability for Families?

We know that regardless of how hard they work, for many families in Monterey County, the cost of housing and child care makes it difficult to get ahead. The lack of affordable, quality child care and housing for working families is affecting the health, safety and educational achievement of our residents. It also limits the productivity of our local businesses. That's why United Way is focusing its resources on lasting solutions to this complex problem.

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Why Child Care and Housing?

For six out of 10 families in Monterey County, these two expenses account for 50% or more of their monthly budget. These families are struggling. It's difficult for them to build assets and get ahead. By focusing on these two tough issues, United Way will help families achieve real, long term stability. And that benefits us all.

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What other services does United Way provide?

2-1-1 Information and Referral Services: a program designed to assist residents of Monterey County to easily connect to a wide



Volunteer Income Tax Assistance (VITA): provides free tax preparation services to low income individuals and families throughout Monterey County from February through April 15th.

FamilyWize: prescription drug discount card lowers the price of eight out of 10 prescriptions for an average savings of 34% per prescription.

Stuff the Bus: eases the financial burden on families, promotes learning, encourages self-esteem and helps kids stay in school by providing new backpacks and school supplies to children who are homeless or in great need.

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How are donations invested?

Donor contributions are used to support UWMC services as well as provide grants to nonprofits that offer services that support financial stability. In addition, United Way is taking the lead to change systems and help eliminate issues that prevent people from achieving financial stability.

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How do I know my money will be well spent?

United Way Monterey County is governed by a local Board of Directors, community volunteers who oversee the financial and programmatic policies of the organization. We adhere to strict quality and transparency standards from our United Worldwide Network. Financial statements are reviewed monthly and an Independent Audit is performed annually. The Audit and Tax Return (Form 990) are available for public review.

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Can I direct my donation to a particular charity?

Yes, designations are allowed to any 501(c) (3) organizations. To cover our costs, we deduct a 10% administrative fee, capped at a maximum of \$100 per designation.

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What are the guidelines if I donate to a particular agency?

The best way to help the most people is by giving to the Community Fund. However, if you wish to give a portion of your gift to a favorite nonprofit 501(c)3, you may do so. UWMC recommends that you donate at least 50% of your gift to the Community Fund and make a donation of at least \$60.

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How do I track my contributions for tax purposes?

You will receive a written "Thank You" for your pledge. If you donate through payroll deduction, your W-2 form will reflect the exact amount of your contribution for the calendar year and can be used for itemizing deductions.

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What strategies will UWMC implement to ensure success?

Our strategies for Impact will involve advocacy, volunteer engagement, collaborative work and diverse partners such as public entities and business in addition to nonprofit community-based organizations. UWMC success will be measured by lives changed, through quantifiable improvement of community conditions.

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How much does it cost to deliver these services?

A vast network of volunteers and the simplicity of payroll deduction keep the administrative expenses low. UWMC has an

What is United Way's Mission?

Our mission is to engage the community and focus resources to improve lives in Monterey County. We work collaboratively with local businesses, government and nonprofits to tackle critical issues in the community. In any community, education, income and health are the building blocks for opportunity – individually and collectively.

- Education is essential to getting and keeping a good job with a wage that can sustain a family and has health benefits.
- An income that can cover today and save for tomorrow builds a family's solid foundation.
- Good health helps children stay on track at school and adults be productive at work.
- Remove any of these building blocks and the other two topple. Build them all up and you have a cornerstone for individual and community prosperity.

What is the United Way Monterey County Internal Revenue Tax ID Number?

United Way Monterey County Tax ID 94-1322169

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8A

CITY OF SAND CITY

STAFF REPORT - ADDENDUM 2

AUGUST 23, 2019
(Revised Sept 5 & 24, 2019)
(For City Council Review on October 1, 2019)

TO: Mayor and City Council

FROM: Charles Pooler, City Planner

SUBJECT: Coastal Development Permit for The Pad Climbing

BACKGROUND

A continued and re-noticed public hearing was held on August 20, 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”).

At the August 20th public hearing, the City Council gave staff direction to finalize the draft coastal development permit for their consideration and potential action; specifically, to modify Condition #9 regarding parking requirements based on the parking study prepared by Keith Higgins (the “Parking Study”). There was discussion as to how much off-street parking to require of the Applicant’s Use, ranging from the Parking Study’s referenced 16 leased parking spaces on neighboring properties to 46 off-street parking spaces that accommodate the aforementioned 16 leased parking spaces, the 8 on-site parking spaces shared with Camp Transformation, plus the remaining 22 parking spaces that the Parking Study said could be accommodated by street parking.

Since the August 20th public hearing, staff has been informed that the Subject Property’s owner and manager were not able to secure leases for the sixteen (16) off-street/off-site parking spaces discussed in the Parking Study and that no other property has been obtained/secured to provide additional off-street parking for the Applicant’s Use.

DISCUSSION

In accordance with City Council direction, staff has prepared three modified versions of Condition #9 for the Council’s consideration (based on the August 20th Council meeting) that are presented below as Option 1, Option 2, and Option 3.

OPTION 1:

Condition #9 requiring the 16 leased parking spaces noted in the Parking Study, resulting

in remaining parking demand being accommodated by street parking:

- “9. Off-Site Parking: The Applicant and/or Subject Property’s owner shall secure additional off-street parking beyond the Subject Property (the “off-site/off-street parking”) to subsidize the Subject Property’s on-site parking. The Applicant shall secure no less than **sixteen (16)** of these off-site/off-street parking spaces between the hours of 5:00 p.m. to 8:00 p.m. Monday through Friday; via a lease or other legal method, determined satisfactory by the City Attorney, for a period no less than five (5) years. The Applicant and/or Subject Property’s owner shall provide the City with evidence of fully executed leases and/or agreement that secure all required off-site/off-street parking as required by CDP 19-02. The Applicant shall share said off-site/off-street parking with all of the Subject Property’s building tenants/renters provided that the Subject Property’s on-site parking is equally shared between all of said tenants/renters and the Applicant’s Use. The location of properties secured to provide the off-site/off-street parking shall be subject to City approval, and those properties shall be no more than five-hundred feet (500’) distant from the Subject Property. The length of term for leases and/or agreements that provide the off-site/off-street parking shall commence when the Applicant’s Use commences operation on the Subject Property after completion of on-site construction. The sum of all off-street parking secured, in accordance with the terms of CDP 19-02, shall satisfy all ADA (American with Disabilities Act) regulations to the satisfaction of the City’s Building Official. Failure of the Applicant and/or Property Owner to secure off-site/off-street parking, in accordance with the requirements of CDP 19-02 and to the satisfaction of the City, shall be sufficient grounds for the City to terminate CDP 19-02.”

OPTION 2:

Condition #9 requiring 38 off-site/off-street spaces, which includes the 16 leased parking spaces noted in the Parking Study and the other 22 spaces the Parking Study noted would use street parking. This gets the 45 long-term peak hour parking spaces off the street.

- “9. Off-Site Parking: The Applicant and/or Subject Property’s owner shall secure additional off-street parking beyond the Subject Property (the “off-site/off-street parking”) to subsidize the Subject Property’s on-site parking. The Applicant shall secure no less than **thirty-eight (38)** of these off-site/off-street parking spaces between the hours of 5:00 p.m. to 8:00 p.m. Monday through Friday; via a lease or other legal method, determined satisfactory by the City Attorney, for a period no less than five (5) years. The Applicant and/or Subject Property’s owner shall provide the City with evidence of fully executed leases and/or agreement that secure all required off-site/off-street parking as required by CDP 19-02. The Applicant shall share said off-site/off-street parking with all of the Subject Property’s building tenants/renters provided that the Subject Property’s on-site parking is equally shared between all of said tenants/renters and the Applicant’s Use. The location of properties secured to provide the off-site/off-street parking shall be subject to City approval, and those properties shall be no more than five-hundred feet (500’) distant from the Subject Property. The length of term for leases and/or agreements that provide the off-site/off-street parking shall commence when the Applicant’s Use commences operation on the Subject Property after completion of on-site construction. The sum of all off-street parking secured, in

accordance with the terms of CDP 19-02, shall satisfy all ADA (American with Disabilities Act) regulations to the satisfaction of the City's Building Official. Failure of the Applicant and/or Property Owner to secure off-site/off-street parking, in accordance with the requirements of CDP 19-02 and to the satisfaction of the City, shall be sufficient grounds for the City to terminate CDP 19-02."

OPTION 3:

Condition #9 requiring 27 off-street and off-site parking spaces, which includes the 16 leased parking spaces noted in the Parking Study and another eleven (11) off-street parking spaces (half of the 22 on-street parking spaces noted in the Parking Study). This Option was crafted in response to a comment made at the August 20th Council meeting from Council Member Cruz for half of the 22 spaces to be off-street.

"9. Off-Site Parking: The Applicant and/or Subject Property's owner shall secure additional off-street parking beyond the Subject Property (the "off-site/off-street parking") to subsidize the Subject Property's on-site parking. The Applicant shall secure no less than **twenty-seven (27)** of these off-site/off-street parking spaces between the hours of 5:00 p.m. to 8:00 p.m. Monday through Friday; via a lease or other legal method, determined satisfactory by the City Attorney, for a period no less than five (5) years. The Applicant and/or Subject Property's owner shall provide the City with evidence of fully executed leases and/or agreement that secure all required off-site/off-street parking as required by CDP 19-02. The Applicant shall share said off-site/off-street parking with all of the Subject Property's building tenants/renters provided that the Subject Property's on-site parking is equally shared between all of said tenants/renters and the Applicant's Use. The location of properties secured to provide the off-site/off-street parking shall be subject to City approval, and those properties shall be no more than five-hundred feet (500') distant from the Subject Property. The length of term for leases and/or agreements that provide the off-site/off-street parking shall commence when the Applicant's Use commences operation on the Subject Property after completion of on-site construction. The sum of all off-street parking secured, in accordance with the terms of CDP 19-02, shall satisfy all ADA (American with Disabilities Act) regulations to the satisfaction of the City's Building Official. Failure of the Applicant and/or Property Owner to secure off-site/off-street parking, in accordance with the requirements of CDP 19-02 and to the satisfaction of the City, shall be sufficient grounds for the City to terminate CDP 19-02."

FINDINGS:

In order to approve the coastal development permit for the Applicant with one of the options above (or alternative), the appropriate finding(s) of approval must be incorporated into the permit. Staff has drafted the findings below for incorporation into CDP 19-01.

Regardless of which Option above is selected, the following two findings must be incorporated into the permit, which read as follows:

"WHEREAS, in response to comments and discussion at the June 18, 2019 public hearing regarding the coastal development permit for the Applicant's Use, the manager of the Subject Property (the "Property Manager") submitted to City staff on July 23,

2019 a parking study, prepared by traffic engineer Keith Higgins (the "Parking Study"), 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; and

WHEREAS, the Parking Study identifies the estimated long-term peak hour parking demand for the Applicant's Use to be forty-six (46) parking spaces, where eight (8) parking spaces are to be provided on the Subject Property's thirty-four (34) on-site parking spaces in conjunction with Camp Transformation's parking usage, sixteen (16) parking spaces are to be accommodated through leased parking on neighboring properties, and the remaining twenty-two (22) parking spaces are to be accommodated by street parking within 300 feet of the Subject Property; and"

If Council chooses Option 1 for Condition #9, then the following finding needs to be incorporated into CDP 19-02 in addition to the two findings above.

"WHEREAS, in consideration of the Application, the Parking Study, public comments, and City staff's reports, it is determined that sixteen (16) leased off-site parking spaces shared with all tenants/renters of the Subject Property during the anticipated peak operational hours of 5:00 p.m. to 8:00 p.m. Monday through Friday, overlapping with Camp Transformation's operation/activities, for five (5) years is sufficient mitigation to accommodate estimated parking demand, as determined by the Parking Study, and the resulting estimated on-street parking impact from the Applicant's Use when considering the substantial financial investment to positively modify/improve the Subject Property that will benefit the community; and"

If Council chooses Option 2 for Condition #9, then the following finding needs to be incorporated into CDP 19-02 in addition to the first two findings noted above.

"WHEREAS, in consideration of the Application, the Parking Study, public comments, and City staff's reports, it is determined that forty-five (45) secured off-street parking spaces shared with all tenants/renters of the Subject Property during the anticipated peak operational hours of 5:00 p.m. to 8:00 p.m. Monday through Friday, overlapping with Camp Transformation's operation/activities, is necessary and reasonable mitigation to accommodate estimated parking demand, as determined by the Parking Study, as to minimize on-street parking demand of patrons and employees of the Applicant's Use; and"

If Council chooses Option 3 for Condition #9, then the following finding needs to be incorporated into CDP 19-02 in addition to the first two findings noted above.

"WHEREAS, in consideration of the Application, the Parking Study, public comments, and City staff's reports, it is determined that twenty-seven (27) leased/secured off-site parking spaces shared with all tenants/renters of the Subject Property during the anticipated peak operational hours of 5:00 p.m. to 8:00 p.m. Monday through Friday,

overlapping with Camp Transformation's operation/activities, for five (5) years is sufficient mitigation to accommodate estimated parking demand, as determined by the Parking Study, and the resulting estimated on-street parking impact from the Applicant's Use when considering the substantial financial investment to positively modify/improve the Subject Property that will benefit the community; and"

If the City Council takes action to approve Coastal Development Permit 19-02 for the Applicant's Use, Council is to choose one of the Options above for permit condition #9 (which were crafted based on discussion and direction of the August 20th Council meeting). Staff will then incorporate Council's choice with the correct corresponding finding into the resolution/permit. Council can add/delete language at their discretion in making their decision. The draft CDP 19-02 attached (see Attachment 3) provides noted areas to insert Council's chosen option for Condition #9 and for the appropriate finding(s) based on Council's decision/action. If the City Council chooses to approve a permit for the Applicant's Use, then staff would suggest Option 2 as this would accommodate off-street parking for all of the Parking Study's estimated peak hour long-term operation parking demand of 46 spaces (eight on-site, sixteen leased as noted in the Parking Study, and the remaining 22 spaces the Parking Study designates as street parking). This condition addresses the parking demand of the Applicant's use, in conjunction with Camp Transformation (adjoining tenant of the Subject Property) per the parking demand estimates of the Parking Study. It does not preclude, nor guarantee, that there will not be street parking resulting from the Applicant's Use and/or Camp Transformation's use; but it does provide (in staff's opinion) a more appropriate impact mitigation based on the data presented in the Parking Study for peak parking demand between 5:00 p.m. to 8:00 p.m. Monday through Friday.

However, due to inability of either the Applicant or the Subject Property's management or owner to secure any additional off-site/off-street parking, staff does not see how any of the option conditions and findings noted above can be satisfied. Based on that inability, Planning Department staff cannot support the Applicant's Use of the Subject Property at this time. If at a future time, the Applicant can obtain sufficient off-street parking within reasonable walking distance, then another application can be submitted for consideration.

PARKING IN-LIEU FEE:

There was also mention at the August 20th Council meeting about implementing a parking "In-Lieu Fee" for this application. Chapter 10.12 of the Sand City Municipal Code (the "SCMC") establishes the parameters of implementing and collecting parking in-lieu fees. It states that "*The purpose of this Chapter is to provide an equitable fee system for owners or their tenants who wish to utilize the property in such a way that they are not able to provide all of the off-street parking for such use as would be required by Title 18 of the Sand City Municipal Code.*" This statement is a direct correlation between the fee to be collected and the parking requirements of Title 18 of the SCMC (the "SCMC Title 18").

Procedure: There is a procedure for granting a parking in-lieu fee in place of the provision of zoning required off-street parking. This procedure requires an application for a parking adjustment permit to be considered by the City Council at a public hearing (SCMC section 10.12.060). This public hearing is to be noticed, as would a typical land

use entitlement permit, with publication, posting, and mailings to property owners within 300-feet of the Subject Property within ten (10) days prior to public hearing of the parking adjustment permit. This Chapter does not reference whether the parking in-lieu fee can be implemented as part of a use permit (or coastal development permit).

Fee Calculation: The fee calculation is based on 1) the number of parking spaces required as set forth in SCMC Title 18, and 2) the fee being \$500 per space per year for which the parking requirement adjustment is granted. Again, this is based upon the number of spaces required by SCMC Title 18; however, there is no parking standard requirement for the Applicant's Use or similar recreational uses in SCMC Title 18. The Chapter does not specify that a parking in-lieu fee can be determined based on Council's arbitrary parking requirement beyond the specifications of SCMC Title 18.

Findings: Section 10.12.060.3 states that the following findings must be made by the City Council in order to apply a parking in-lieu fee in place of zoning required parking.

- A) That the property or properties for which a parking adjustment permit is requested under this chapter cannot otherwise be economically utilized.
- B) That there are no reasonable alternative means by which parking, in full compliance with the standards of Title 18 of the City's Municipal Code, may be created, either on the parcel or parcels to be developed, or by obtaining off-site parking by means of purchase, lease, or other legally binding arrangements.
- C) That the issuance of such permit will not be of substantial detriment to neighboring property and the use of enjoyment thereof will not materially affect or impair the purposes of the Municipal Code, the public interest, or the public health, safety, and welfare.
- D) Or, in lieu of subsections A, B, and C above, that the proposed joint uses of the property do not, because of the joint use, require the full application of the parking standards of Title 18 of the Sand City Municipal Code.

It is staff's opinion that Chapter 10.12 of the City's Municipal Code cannot be applied or enacted to address the parking demands of the Applicant's Use. There has been no application for a "Parking Adjustment Permit" nor has a public hearing specific to such an application or potential action been circulated/distributed.

ADDITIONAL MATERIAL SUBMITTED

A revised street parking count (see Exhibit B), separate from the Parking Study, was recently submitted to staff that excludes the sixteen (16) leased parking spaces and outlines a revised street parking impact count. This revised parking impact count states that thirty (30) of the thirty-four(34) on-site parking spaces are allocated to Camp Transformation and only four (4) on-site spaces are for the Applicant's Use (half of the on-site parking spaces Table 1 of the Parking Study stated would be available for the Applicant's Use). This is a remaining demand of forty-two (42) street parking spaces out of the forty-six (46) long-term peak hour parking demand determined by the Parking Study. This is 91.3% of the Parking Study's total estimated 46-parking spaces needed for the Applicant's Use during peak hours (5:00 p.m. to 8:00 p.m.). This revised parking street count makes the presumption that Ortiz and Elder will be re-striped to provide additional

street parking. Though this endeavor itself has merit, there is currently no capital improvement or budgetary funds allocated or project schedule approved for such public improvements at this time; and thus, should not be considered towards accommodating any parking nor considered as part of this land use application. This revised parking plan not only continues to depend upon street parking, but has increased its dependency upon street parking without providing any other applicable mitigation to the parking impact issue.

Staff has also received additional e-mails from individuals in protest of the Applicant's Use at the Subject Property, and redacted versions have been attached for Council's information (see Exhibit C).

STAFF RECOMMENDATION

Due to information that additional off-street parking has not been secured by the Applicant and/or the Subject Property's management or owner, staff cannot support this application based on the parking demand of the Applicant's submitted Parking Study. The excessive demand for street parking by the Applicant's Use, as outlined by the Applicant/Property Manager's Parking Study and the Revised Parking Count, cannot be justified. Therefore, staff recommends the City Council to DISAPPROVE a coastal development permit for the Applicant's Use at the Subject Property. A draft resolution to disapprove the application (see Attachment 4) is attached for City Council consideration and action.

EXHIBITS:

- A. Sand City Municipal Code Chapter 10.12 (w/ highlights) regarding In-Lieu Parking
- B. Revised Street-Parking Count Sheet (received by staff on 9/23/19 and incorporated into the staff report at request of property owner representative.)
- C. Received public e-mails protesting the Applicant's Use.

ATTACHMENTS:

- 1. Staff Report, dated May 3, 2019 w/ exhibits
- 2. Staff Report Addendum, dated August 8, 2019, no exhibits attached
- 3. Draft Resolution/Permit with blanks to incorporate Council chosen Condition with corresponding finding(s).
- 4. Draft Resolution Disapproving a coastal development permit for the Applicant's Use at the Subject Property

Chapter 10.12

IN-LIEU PARKING

Sections:

- 10.12.010 Purpose.**
- 10.12.020 Adjustment.**
- 10.12.030 Use of Funds.**
- 10.12.040 Calculation of Fees.**
- 10.12.050 Payment of Fees.**
- 10.12.060 Parking Adjustment.**

10.12.010 Purpose.

The purpose of this chapter is to provide an equitable fee system for owners or their tenants who wish to utilize the property in such a way that they are not able to provide all of the off-street parking for such use as would be required by Title 18 of the Sand City Municipal Code. The funds collected under the authority of this chapter are a users fee to be used for the construction, operation, and maintenance of parking facilities within the City. (Ord. 88-2 §1)

10.12.020 Adjustment.

Each property owner or his/her tenant within the City shall pay an annual fee for each parking space for which a parking adjustment is granted. All parking adjustment fees collected by the City are nonrefundable. Adjustments shall be granted, in whole or in part, or denied in accordance with this chapter. This chapter shall not be construed to give a property owner a vested right to pay a fee in lieu of providing the required parking. Said determination shall be within the sound discretion of the City Council, subject to the provisions of this chapter. (Ord. 88-2 §2)

10.12.030 Use of Funds.

All fees collected pursuant to this chapter shall be specially funded in an appropriately titled fund and used solely for the purpose of providing parking in the City. Such

purpose includes but is not limited to paying for studies of methods of providing additional parking in the City, for the purchase of land for parking, the construction of parking facilities (including, but not limited to, paying bonded indebtedness on any future parking facility within the City), the improvement of parking facilities, the replacement of existing improvements and maintenance of facilities. (Ord. 88-2 §3)

10.12.040 Calculation of Fees.

The adjustment fee shall be calculated as follows:

A. The number of parking spaces required shall be as set forth in Title 18 of the Municipal Code, effective on the date on which an adjustment is granted.

B. The fee shall be five hundred dollars (\$500.00) per year for each space for which an adjustment is granted. This fee may be adjusted from time to time by resolution of the City Council. (Ord. 88-2 §4)

10.12.050 Payment of Fees.

The annual fees determined under Section 10.12.040 hereof shall be paid initially, prior to the time the operator of the subject business obtains a business license for such business. Thereafter, the annual fee referred to in Section 10.12.040 hereof shall be paid in advance at the time said business license is renewed. In the event an adjustment is granted under this chapter, it shall not be effective until the initial fee described herein is paid. Such adjustment shall become null and void and of no further effect in the event the annual fee is not paid as required herein, and the operator's business license will be of no further force and effect. (Ord. 88-2 §5)

10.12.060 Parking Adjustment.

10.12.060.1 Application. Application for the parking adjustment described in this chapter shall be made by the property owner,

tenant, or an agent of the owner or tenant, to the Planning Department on a form provided by the City. An application fee shall be required, which shall not be refundable. Maps, drawings, and other data may be required by the Planning Department to demonstrate that the criteria for parking adjustment as set forth in this chapter apply to the subject property. The Planning Director may, in his/her sole discretion, require any other data necessary for the City Council to make a full, fair, and equitable decision with regard to the issuance of a parking adjustment under this chapter.

10.12.060.2 Public Hearing. Upon receipt of an application for a parking adjustment permit, the matter shall be set for a public hearing before the City Council. A notice of the application shall be mailed to all owners of property, shown on the most recent Monterey County tax assessment roll, within a minimum of three hundred (300) feet of all property boundaries. The notice shall be distributed not less than ten (10) days prior to hearing date.

Failure of the owners of such properties to receive notice of a hearing, when mailed in accordance with the above procedures, shall in no way affect the validity of the action taken by the City Council.

10.12.060.3 Findings of the City Council. Prior to the issuance of any permit under this chapter, the City Council must make the following findings:

A. That the property or properties for which a parking adjustment permit is requested under this chapter can not otherwise be economically utilized.

B. That there are no reasonable alternative means by which parking, in full compliance with the standards of Title 18 of the City's Municipal Code, may be created, either on the parcel or parcels to be developed, or by obtaining off-site parking by means of pur-

chase, lease, or other legally binding arrangement.

C. That the issuance of such permit will not be of substantial detriment to neighboring property and the use and enjoyment thereof will not materially affect or impair the purposes of the Municipal Code, the public interest, or the public health, safety and welfare.

D. Or, in lieu of subsections A, B, and C above, that the proposed joint uses of the property do not, because of the joint use, require the full application of the parking standards of Title 18 of the Sand City Municipal Code.

10.12.060.4 Issuance of Permit Procedure. Upon the decision of the City Council to issue a permit under this chapter, the Planning Department shall mail to the applicant a permit form containing the name of the applicant, the name of the business proposed to be conducted on the subject property, the name of the property owner, the address and legal description of the subject property for which the permit was issued, the number of spaces for which an adjustment was issued, and any terms or conditions upon which the permit was issued. Said permit form shall contain a place for the signature of both the applicant and the property owner and a statement that both understand and agree to the issuance of the permit and to any terms or conditions imposed in conjunction therewith. No permit shall be valid or effective until it has been signed by both the property owner and the applicant, returned to the City, and the fee for said adjustment has been paid in accordance with Section 10.12.050 above. (Ord. 88-2 §6)

RECEIVED

SEP 23 2019

CITY OF SAND CITY

The Pad Climbing Wall

	<u>Initial</u>	<u>Long term</u>
Total demand	28	46
Current on site parking	34	34
Demand allocated to Camp	-30	-30
Excess	<u>4</u>	<u>4</u>
Remaining demand	<u>24</u>	<u>42</u>
Available within 300'	72	72
Potential additional spaces by restripping to perpendicular		
Ortiz	5	5
Elder	<u>9</u>	<u>9</u>
Total within 300'	<u>86</u>	<u>86</u>
% used within 300'	27.9%	48.8%
Remaining spaces	62	44
Additional available within 500'	<u>32</u>	<u>32</u>
Total within 500'	<u>118</u>	<u>118</u>
% used within 500'	20.3%	35.6%
Remaining spaces	94	76

Chuck Pooler

From: Vibeke Norgaard <vibeke@vnorgaardlaw.com>
Sent: Wednesday, September 11, 2019 8:06 AM
To: Chuck@SandCityCA.org
Subject: Fwd: Opposition to business license approval prior to parking and Impact study /further review

----- Forwarded message -----

From: [REDACTED] <[REDACTED]>
Date: Wednesday, September 11, 2019
Subject: Opposition to business license approval prior to parking and Impact study /further review
To: Vibeke Norgaard <vibeke@vnorgaardlaw.com>, Mary Ann Carbone <maryann@sandcityca.org>, Linda Scholink <linda@sandcityca.org>, Libby@sandcityca.org, Kim Cruz <KCruz@sandcityca.org>, jerry@sandcityca.org, Greg Hawthorne <[REDACTED]> [REDACTED], [REDACTED] Brian Clark <[REDACTED]>, "Paul W. Davis" <[REDACTED]>

Dear SC City Council:

I am in agreement with Brian Clark in opposition of approving a 1,000 membership gym with inadequate on or offsite parking. Also, plans to expand the building height negatively impacting aesthetics, blocking western light, casting an evening shadow - stealing our evening light.

I believe that the gym would have major negative impact on our property values and quality of life.

I strongly disagree with the notion "gotta get worse (traffic) before it gets better". Along with other projects, SC must address parking impact. For a biz operating 7 days a week early morning until 9 - 10 PM, congestion issues are inevitable.

SC / such high impact biz needs a parking structure for consideration.

Funding for infrastructure must be linked to by some viable path for funding , vision for sustainable community development.

Until those items sorted out, it is premature and poorly conceived to approve a business for which any adjacent town would require 75 to 150 on site parking spaces.

Orozco is laughing all the way to the bank - given SC did NOT require development/developer do any traffic mitigation... e.g., traffic circle and other infrastructure contributions. Any "normal" was town to make conditions of approval - increased traffic mitigation requires developer to put in traffic circle - standard condition

The most ready way to improve property values is to improve infrastructure and develop sound city budget which prioritizes improvements of infrastructure (curtailing excessive expenditures on police protection services) ...general good stewardship of taxpayer funding! Development /implementation of an outstanding master plan is key.

Brian closely reviewed all adjacent towns, including Monterey County requirements for gym parking. Up to 9 times more required than SC. There is no viable parking accommodation plan in place. Until such reasonable mitigation plan is achieved, approval of the application should be postponed/denied. Don

Donald M. Davis

[REDACTED]
[REDACTED]
[REDACTED] A [REDACTED]
[REDACTED]

----- Forwarded message -----

From: **Greg Hawthorne** <[REDACTED]>
Date: Wed, Sep 11, 2019 at 12:50 PM
Subject: Fwd: Black soot... Proposed Gym with no parking.
To: Susan Hawthorne <[REDACTED]>, Vibeke Norgaard <vibeke@vnorgaardlaw.com>

----- Forwarded message -----

From: **Brian Clark** <[REDACTED]>
Date: Wed, Sep 11, 2019 at 9:52 AM
Subject: Black soot... Proposed Gym with no parking.
To: HAWTHORNE GREG & SUSAN <[REDACTED]>, Davis Don <[REDACTED]>

The illusion of our clean ocean air. Because my concrete floors are not scored - smooth surface - when I do a few passes on ONE main walkway from living room to rear bedroom this is the amount of soot WE get WEEKLY from freeway and immediate cars on Ortiz.

AND I keep front sliders closed ALL the time cuz of car pollution.

My point being - I take this potential on-site "parking waiver" for a 1,000 membership gym very - very seriously.

That SC would entertain waiving parking requirements for a business that requires SUBSTANTIAL on-site parking would create an environment with cars going around and around in circles looking for a spaces on Ortiz and all adjacent streets.

The impact on our property values and quality of life would be immediate and identifiable.

You related no activity on week-ends. Fine - this is a 7 day - weekly business that stays open to 9 - 10 at night.

The amount of NEW pollution we'd be sucking in and exposing ourselves to would be substantial if the gym is allowed to proceed with virtually no on-site parking.

Furthermore you related - gee - they have piles of money and will just buy the adjacent storage lots and create parking. Did NOT happen. They are clear - not spending dollar one to "create" parking.

While I appreciate your sentiments on trying to create a more vibrant SC - I do not subscribe to the "gotta get worse before things will get better" I.e., make parking and traffic so miserable SC will have to take action.

First things first - get budget under control, find the money for any infrastructure improvements by analyzing and prioritizing a balance of SC needs vs. all funds to coppers.

Without bold leadership these things will not come to fruition. Therefore, no off-site parking or viable remedy to accomplish that goal in the next few YEARS - I implore you to reprioritize your approach to addressing parking - perhaps #1 on agenda.

Until that is accomplished there can be NO waiver for required on-site parking in an amount at least 5 TIMES what is proposed or what SC required.

Wait - what is proposed - NO on-site parking. ZIP...

This business will have ALL of 430 & 440 residents sucking MORE car exhaust and polluting our casa's with black soot. Literally the traffic that business would generate with us sucking up the exhaust from a 1,000 member gym - common GREG...

Denying the business application couldn't be simpler - the Property Manager Grim said over and over - no parking problem - repaint the spaces in SC for 10' cars, people will walk 500 - 600' from a 2008 article...

NO WHERE - NO WHERE would such non-sense gain any traction in Monterey County. M County requires 5 times amount of parking for gym. Monterey 3 - 4 times.

Our 450 sq ft calculation - Pooler - "it just seems to work". Work for whom...

Even under that assumption Mr. Pooler arbitrarily "reduced" the leased space with NO rationale other than "we" thought this was... Blah - blah - blah...

Mr. Pooler also related a "condition of approval" of EXISTING gym was street and curb improvements. But Mr. Pooler went on to relate HE allowed the developers FIVE years to complete the CONDITION of approval - improvements for all of SC - BECAUSE the "building owner" said it was not in their budget.

Gee - same building owner will not do existing street improvements for existing gym - gee - same building owner says "no parking space problem"...

Same building owner WILL not put ONE dollar into creating on-site parking. Gee - we back up to the freeway...

Yeah - so what...

What am I missing here???

I am asking you - I am imploring you - kill this biz application for ALL of the obvious reasons - do NOT saddle us - condemn all at 430 & 440 to suck in more car exhaust and soot that would come with the biz as proposed.

That I am pointing out the obvious to you as an owner of 430 - reduced quality of life, car soot/noise/exhaust gases, stealing sunlight/putting us in shade - given the negative impacts directly affect your quality of life as well as your property's value is rather mystifying to me -

The applicant/building owner is not and cannot AND DOES not intend to meet ANY - ANY of the most lenient parking requirements. Therefore the building owner made your decision for you.

Application denied.

Thanks for your 100% anticipated understanding and support.

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.

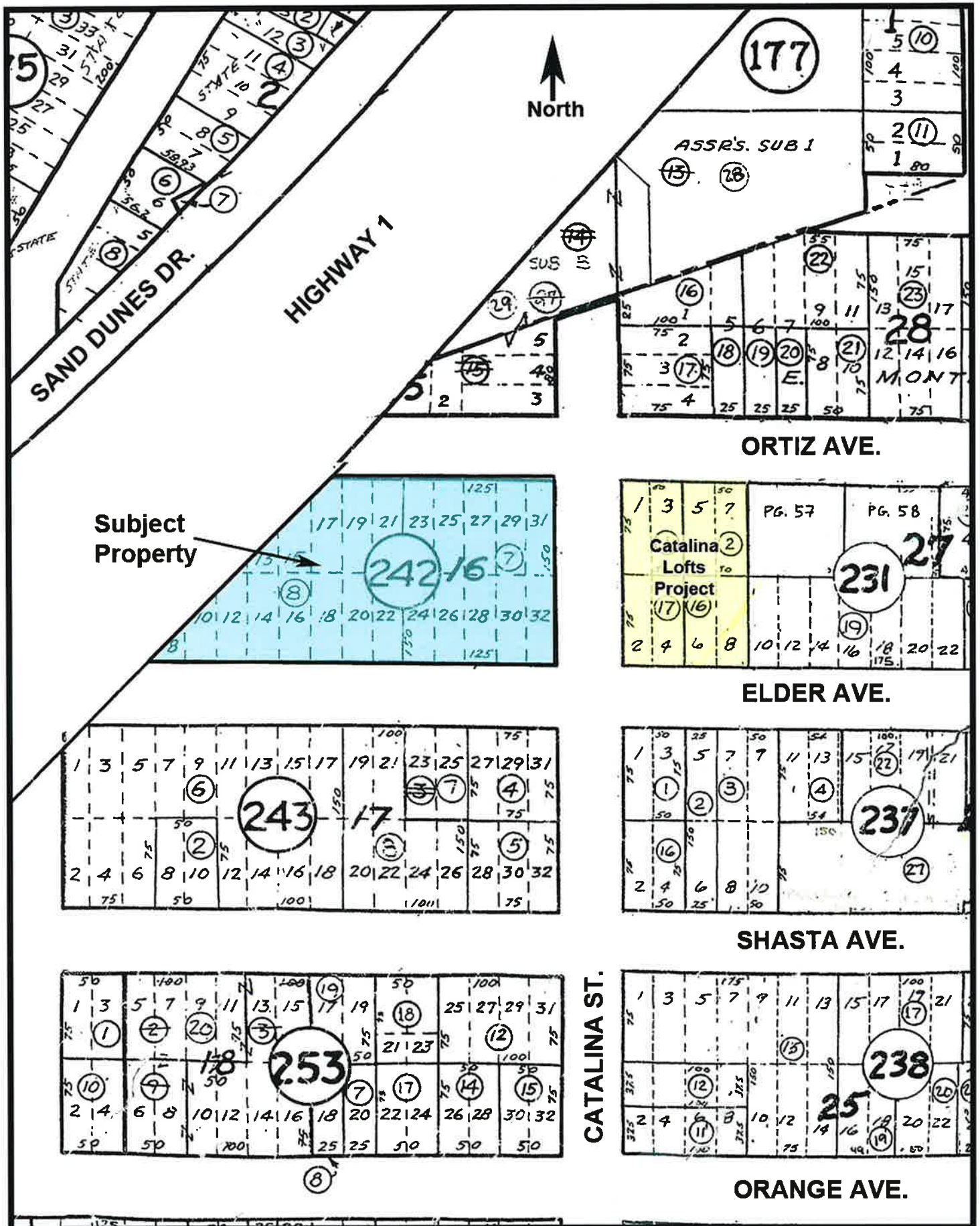
4. It is anticipated that the concrete walls of the building, in conjunction with staff's recommended permit conditions, will be sufficient to contain noise and vibrations generated by the Applicant's Use within the building and thus not negatively impact neighboring residential units.
5. The Applicant's 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



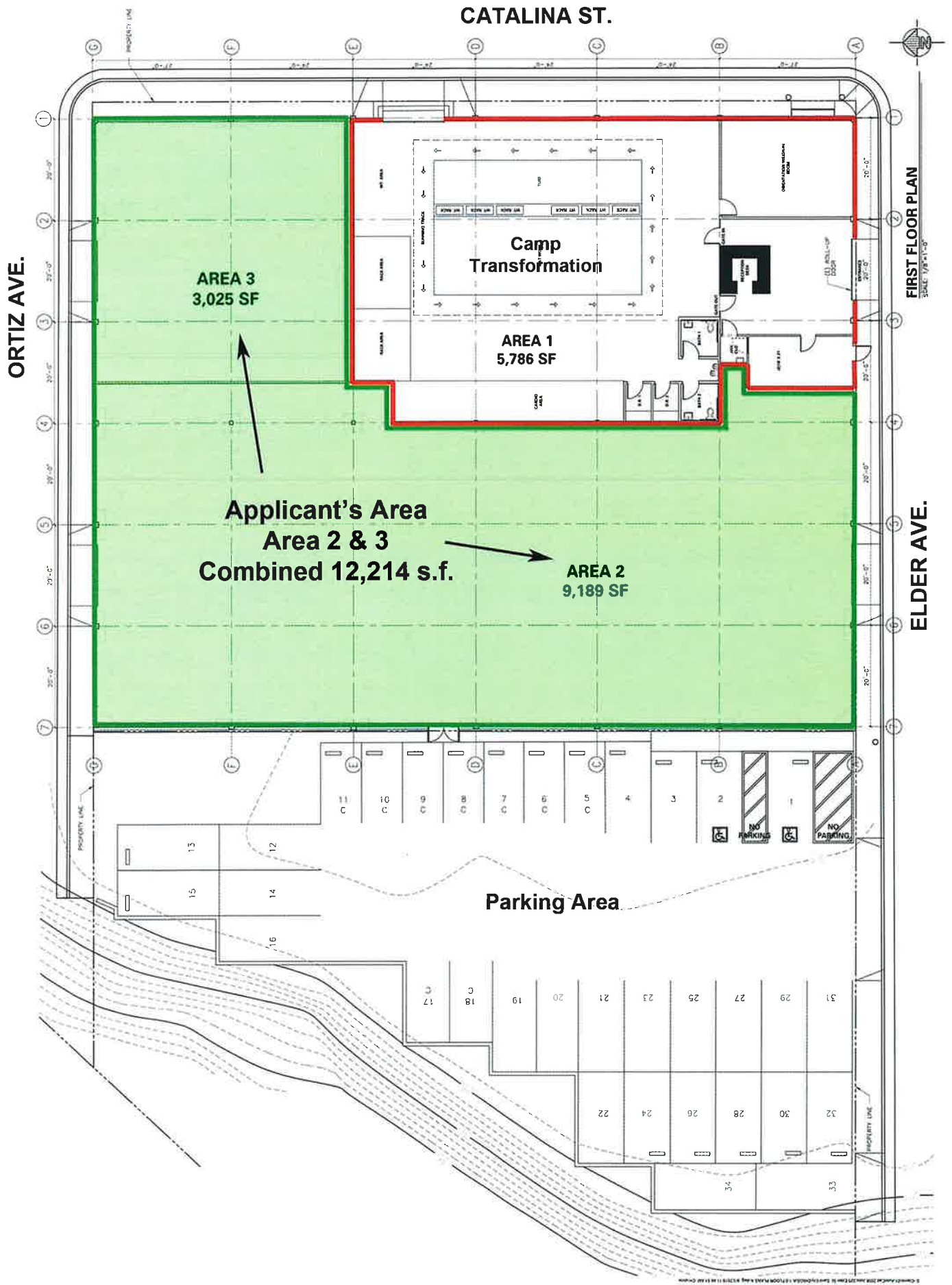
Location Map

EXHIBIT A

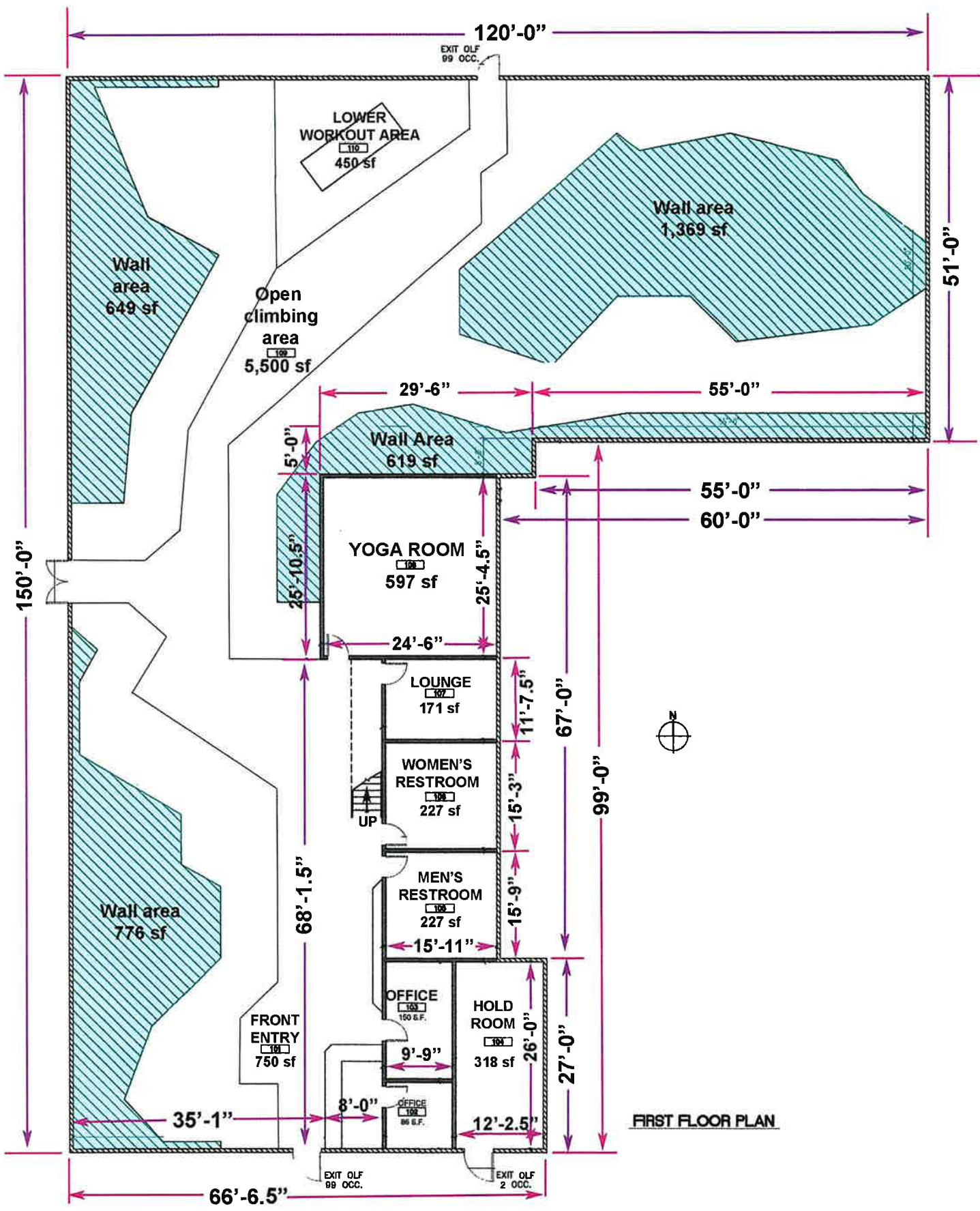


Aerial Map (via Google Earth)

EXHIBIT B



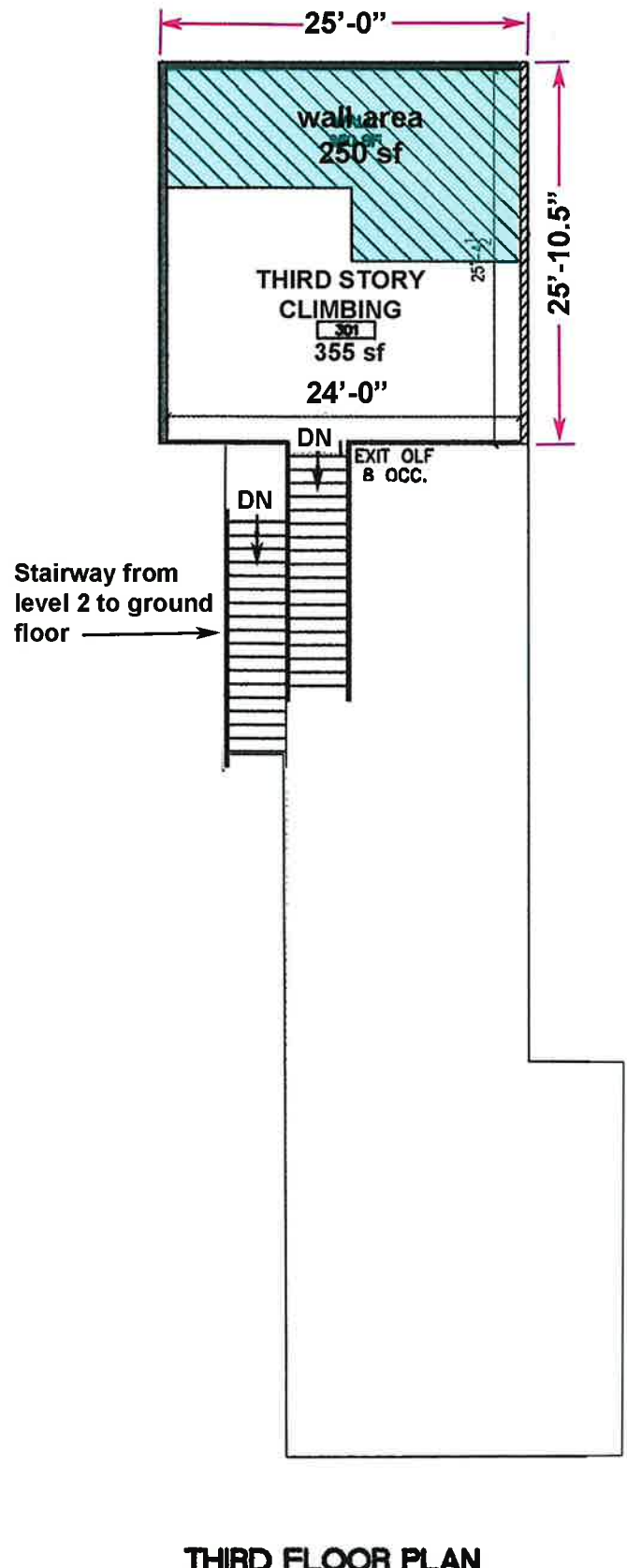
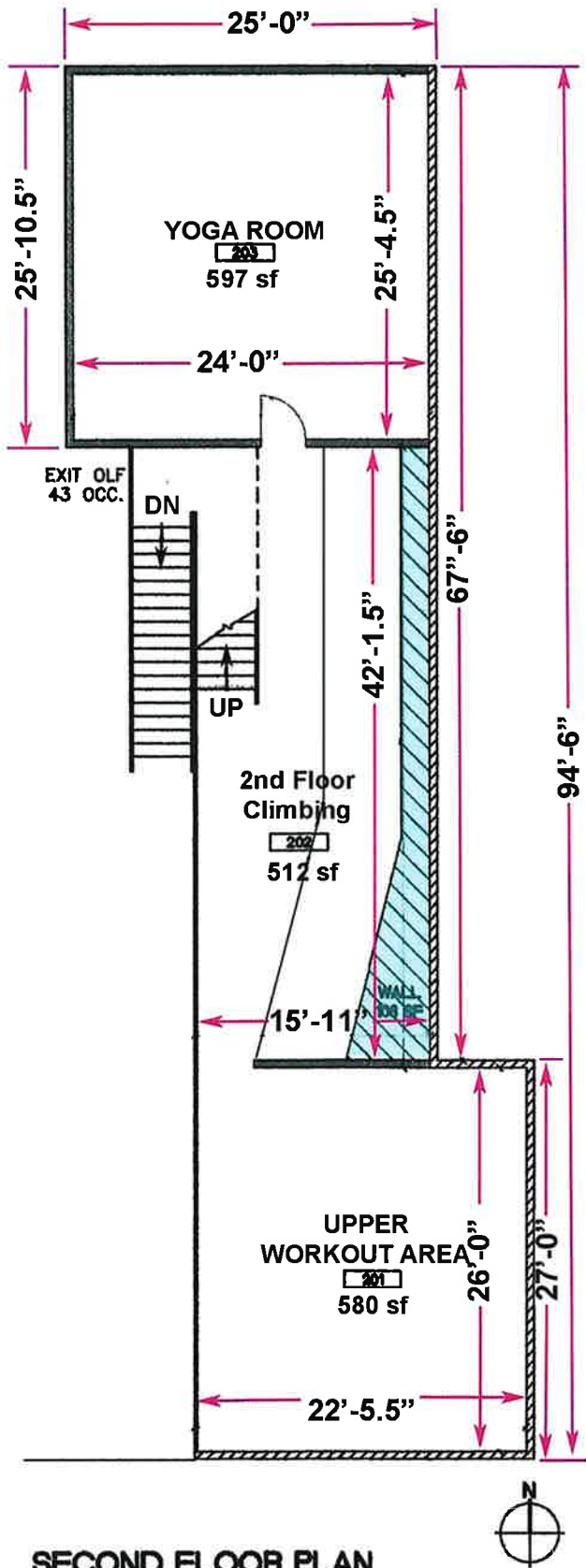
Site Plan (revised)



FIRST FLOOR PLAN

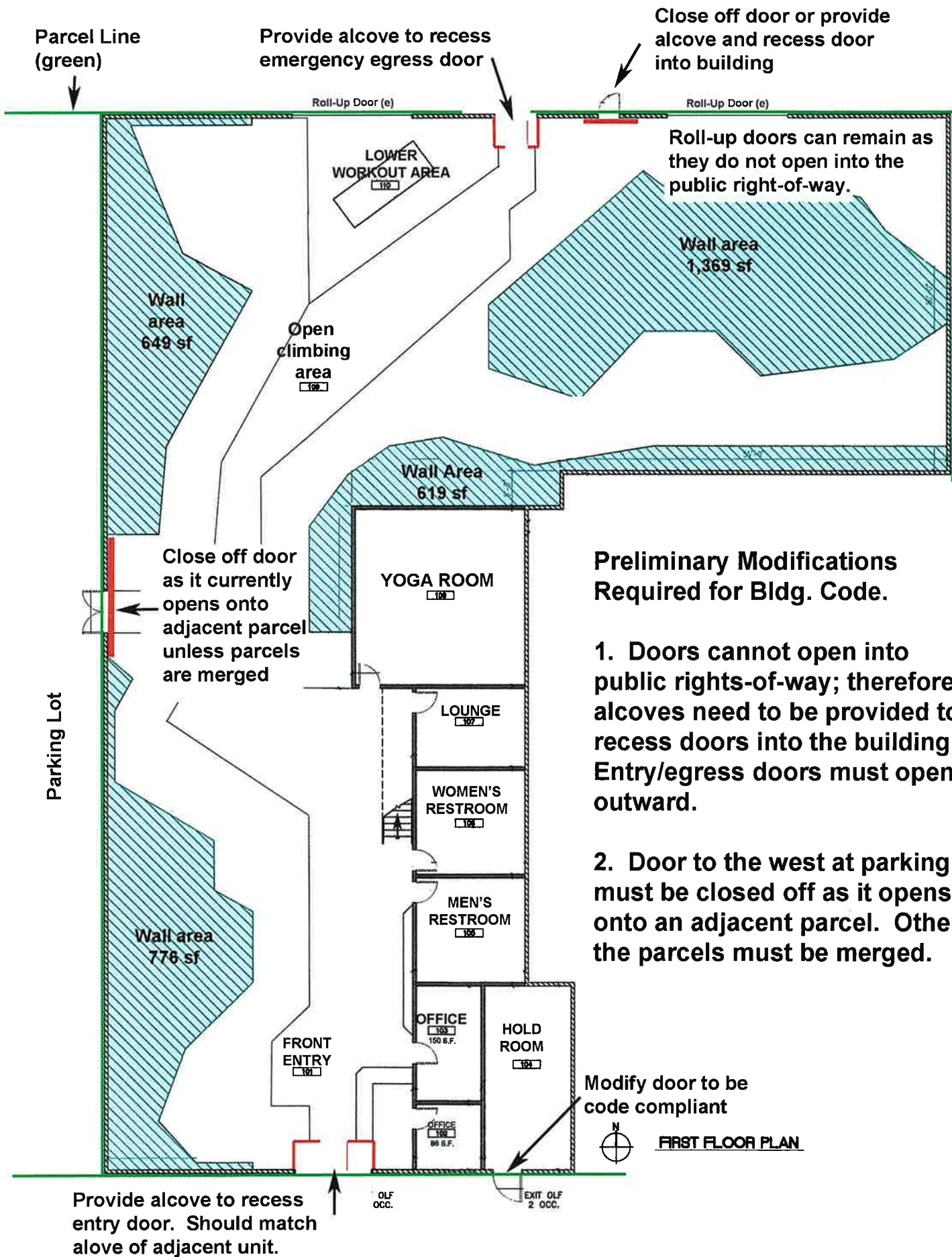
Floor Plan (ground level)

EXHIBIT D.1



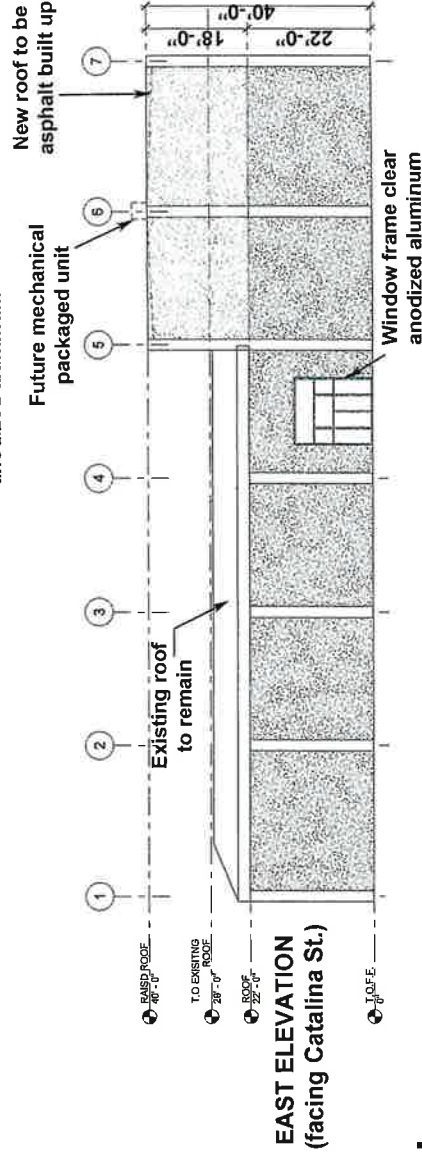
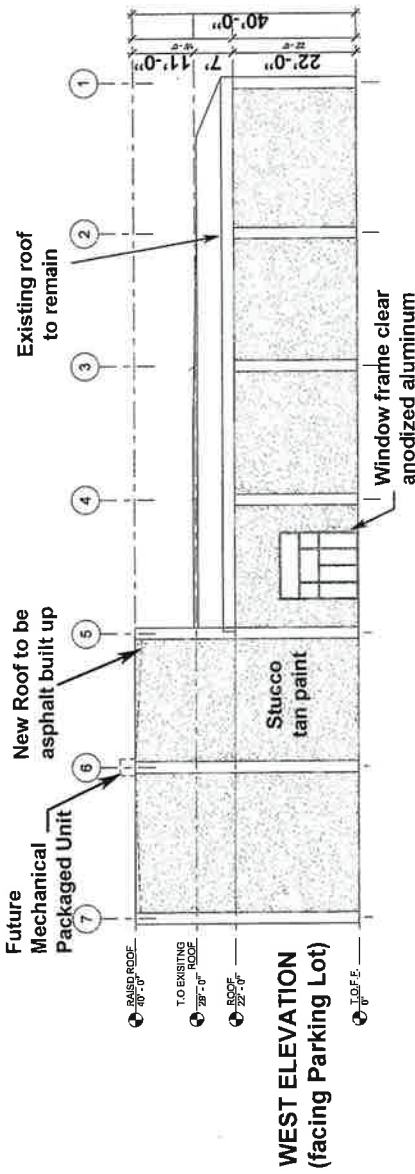
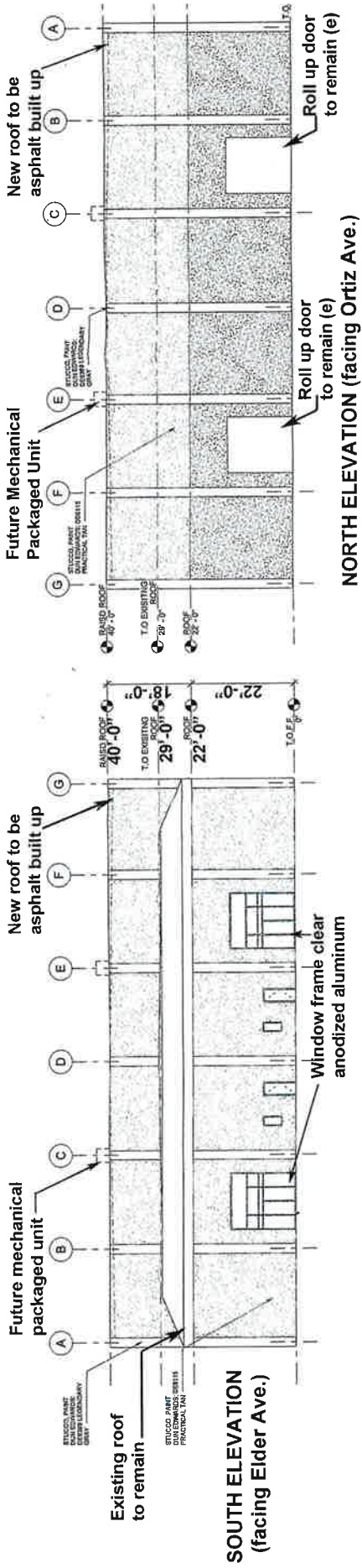
Floor Plan (level 2 & 3)

EXHIBIT D.2



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.



Elevations

EXHIBIT E



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](#) (gym/mail)

[2399 A St Santa Maria, CA 93454](#) (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 ...



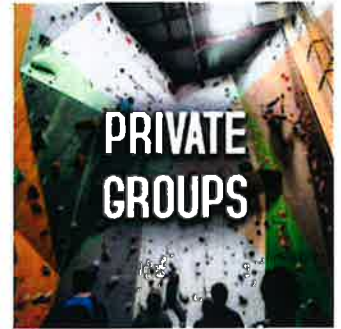
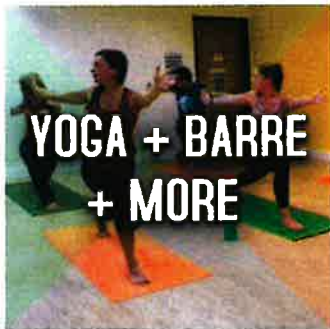
EXHIBIT G

57

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

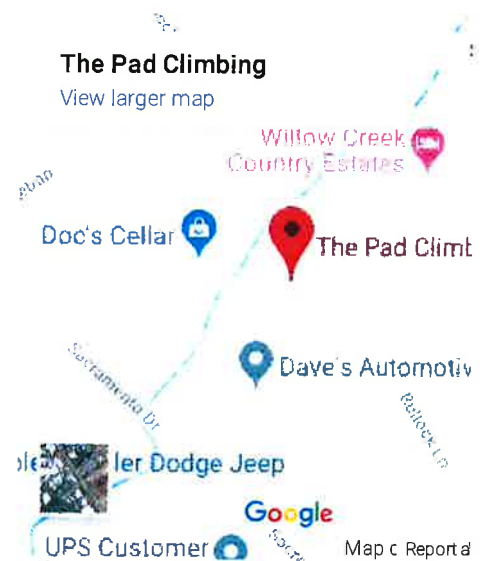
Come check us out - just pick a location and let the front staff know what you’re looking for - if we don’t have it, we’re open to getting it! We want this to be your



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

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

Check out Paddie Thomas Kofron getting after it!



The Pad Climbing

[View larger map](#)

Mar
Brazilian J



The Pad Clim

Hom
LTC Pha



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.

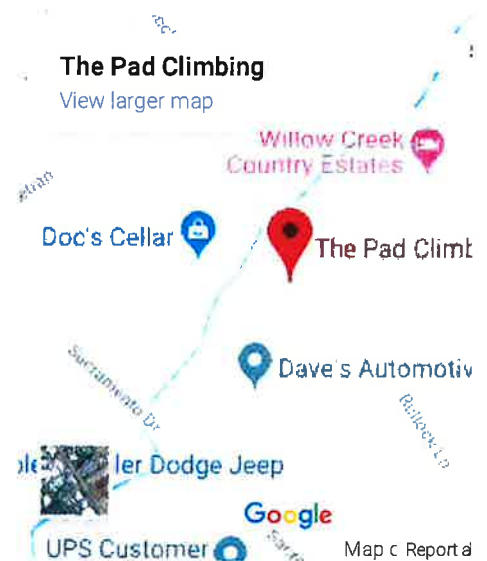
For updates, check us out on Facebook and sign up for emails - we'll be announcing jobs, programs, and updates in both places! (We'll fire up instagram when construction goes).



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

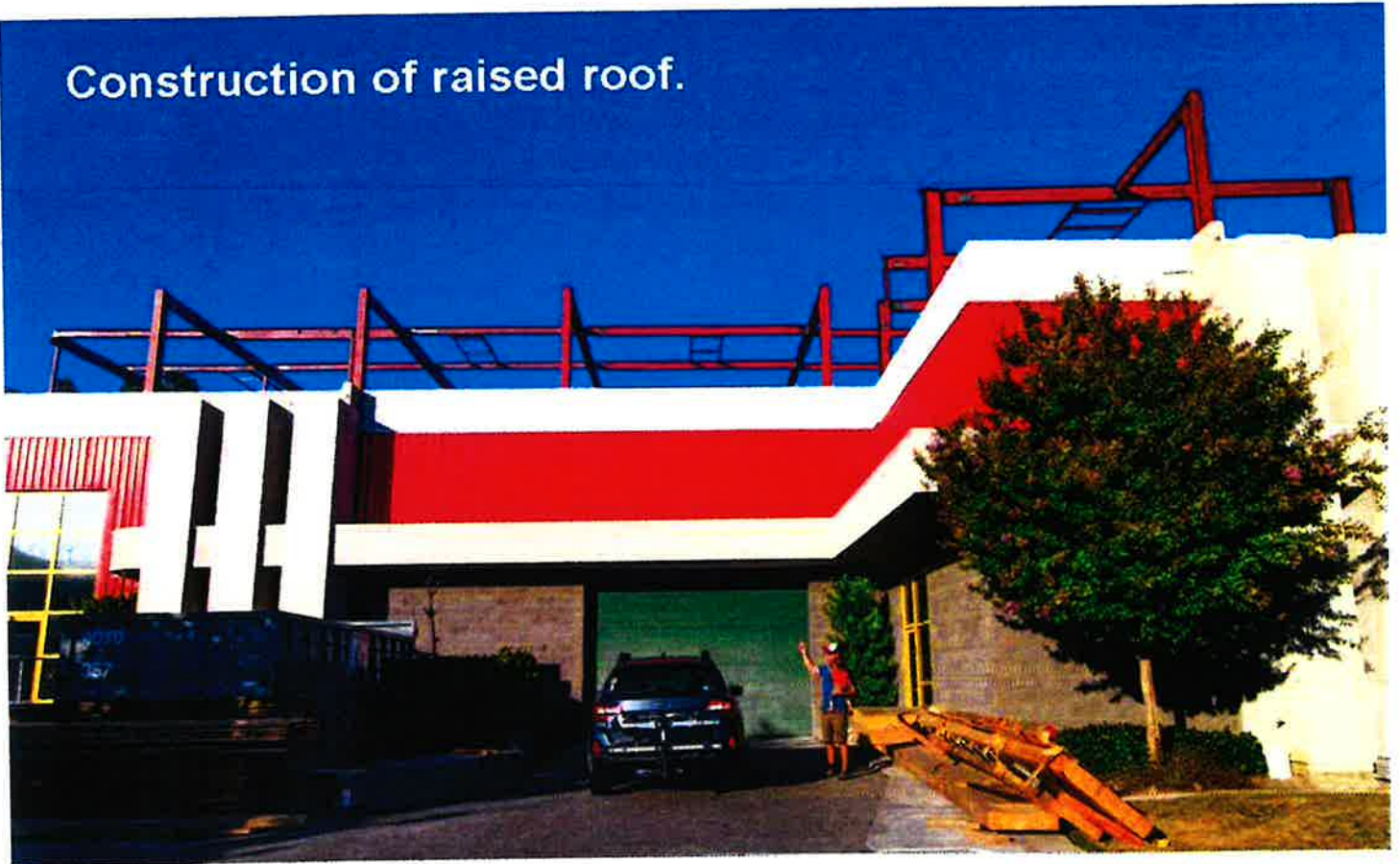
Climbing Area



Front Desk Area



Construction of raised roof.



Photos - Existing Facilities

EXIBHTI I.3

Raised Roof Completed



Building prior to raised roof construction



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-striped 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

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 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 the peak and overlapping operational hours of 5:00 p.m. to 8:00 p.m. Monday through Friday, and that the 1/450 parking ratio is insufficient for these two uses at the Subject Property at that time; and

WHEREAS, in response to comments and discussion at the June 18, 2019 public hearing regarding the coastal development permit for the Applicant's Use, the manager of the Subject Property (the "Property Manager") submitted to City staff on July 23, 2019 a parking study, prepared by traffic engineer Keith Higgins (the "Parking Study"), 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; and

WHEREAS, the Parking Study identifies the estimated long-term peak hour parking demand for the Applicant's Use to be forty-six (46) parking spaces, where eight (8) parking spaces are to be provided on the Subject Property's thirty-four (34) on-site parking spaces in conjunction with Camp Transformation's parking usage, sixteen (16) parking spaces are to be accommodated through leased parking on neighboring properties, and the remaining

twenty-two (22) parking spaces are to be accommodated by street parking within 300 feet of the Subject Property; and

INSERT HERE THE APPROPRIATE FINDING FOR SELECTED CONDITION #9

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 proposed increase of the building's height by approximately eleven feet (11') that will increase a portion of the exiting building's height from twenty-nine feet (29') to approximately forty feet (40'), is within the sixty foot (60') maximum height limitation specified by the City's Local Coastal Program (LCP) Implementation Plan, as approved by the California Coastal Commission in 2004 and as reiterated in Sand City Municipal Code section 18.26.060.D regarding the Coastal Zone Planned Mixed-Use District, but remains subject to design review regulations; 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 September ____, 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:

CITY COUNCIL CHOICE TO BE INSERTED HERE

- 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 license for the duration of the Applicant's Use within Sand City. Failure to maintain a current business license may be sufficient grounds for termination of CDP 19-02.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Linda K. Scholink, City Clerk

Mary Ann Carbone, Mayor

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

CITY OF SAND CITY

RESOLUTION SC _____, 2019

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY
DISAPPROVING A COASTAL DEVELOPMENT PERMIT FOR 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 City issued Coastal Development Permit 18-01 (hereinafter "CDP 18-02") to Camp Transformation in 2018 to establish and operate a fitness business within a 5,786 square foot unit of the commercial building on the Subject Property with specific requirements of its land entitlement permit to mitigate potential negative impacts to surrounding properties and the City as a whole; and

WHEREAS, the Subject Property was re-stripped, as a condition of CDP 18-02 approval, to provide thirty-four (34) on-site parking spaces, some in tandem arrangement, to accommodate the parking needs of Camp Transformation's use, in conjunction with a wholesale business within an abutting unit of the same building, and mitigate excessive and detrimental parking impacts to street parking and neighboring properties; and

WHEREAS, though compliant with the terms of CDP 18-02, Camp Transformation's operation typically occupies the majority of the available on-site parking spaces of the Subject Property during their operational hours with minimal overflow parking utilizing nearby curbside street parking; and

WHEREAS, at the June 18, 2019 City Council meeting and public hearing regarding the Applicant's permit application, public comment was received from residents and property owners expressing their concerns regarding insufficient on-site parking of the Subject Property to accommodate the needs of the Applicant's Use alone and in conjunction with Camp Transformation's use of the Subject Property that would result in overflow parking dominating street parking and effectively impede a shared use by neighboring residents and businesses; and

WHEREAS, based on discussion and public comments, the City Council continued the public hearing indefinitely, until such time as a parking plan could be provided to the City by the Applicant and/or owner of the Subject Property (the "Property Owner") that would address the parking concerns and minimize on-street parking impacts; and

WHEREAS, in response to comments and discussion at the June 18, 2019 public hearing

regarding the coastal development permit for the Applicant's Use, the manager of the Subject Property (the "Property Manager") submitted to City staff on July 23, 2019 a parking study prepared by traffic engineer Keith Higgins (the "Parking Study"), 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, leasing 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; and

WHEREAS, the Parking Study identifies the estimated long-term peak hour of 5:00 p.m. to 8:00 p.m. daily parking demand for the Applicant's Use to be forty-six (46) parking spaces, where eight (8) are to be provided on the Subject Property's thirty-four (34) on-site parking spaces in conjunction with Camp Transformation's parking usage, sixteen (16) are to be accommodated through leased parking on neighboring properties, and the remaining twenty-two (22) parking spaces are to be accommodated by street parking within 300 feet of the Subject Property; and

WHEREAS, Staff was notified by the Subject Property's manager on September 19, 2019 that the Parking Study's specified sixteen (16) off-street and off-site parking spaces, that were to be leased on neighboring properties, were not secured, thus the need for those parking spaces would be added to the Parking Study's identified demand for twenty-two (22) on-street parking spaces, further exacerbating the parking impact of the Applicant's Use on neighborhood streets by bringing the required on-street parking demand up to thirty-eight (38) parking spaces; and

WHEREAS, without the secured sixteen (16) off-street/off-site parking spaces identified in the Parking Study, the Parking Study's parking plan then relies on utilizing thirty-eight (38) on-street parking spaces to accommodate 82.6% of the Parking Study's determined forty-six (46) long-term peak-hour parking space demand instead of addressing and/or providing the majority of the Applicant's peak-hour parking demand off of the street; and

WHEREAS, Table 1 of the Parking Study identifies that nine (9) of the thirty-eight (38) street parking spaces for the Applicant's peak-hour demand would be accommodated along the Subject Property's frontage that is public street parking; 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; and

WHEREAS, the Parking Study, staff's analysis of the Parking Study, and additional public comment on the Applicant's Use and the Parking Study were presented and considered by the City Council at a re-noticed public hearing held on August 20, 2019; after which that public hearing was continued, via action of City Council, to September 3, 2019 and again to October 1, 2019; and

WHEREAS, the City Council has determined that the Subject Property is overall inadequate to accommodate the parking demand of both Camp Transformation (existing tenant) and the Applicant's Use (proposed use) and that the expected long-term peak hour parking demand, as discussed in the provided Parking Study, on adjacent public streets would be of a scale that would pose a detriment to the public welfare of the community; and

WHEREAS, the Applicant and/or Property Manager have not provided the City with a reasonable parking alternative to mitigate the Subject Property's parking deficiency that sufficiently addresses the resulting on-street parking demand; and

WHEREAS, it has been determined that the Sand City Municipal Code (the "SCMC") Chapter 10.12 regarding In-Lieu Parking is both inapplicable and inappropriate to address parking deficiencies of the Applicant's Use at the Subject Property as 1) there has been no application for a "Parking Adjustment Permit" nor has a public hearing specific to such an application been circulated/distributed as required by Chapter 10.12, 2) the Subject Property can still be economically utilized without the Applicant's Use as demonstrated by previous tenants/land uses of the Subject Property, and 3) that all the necessary findings for authorizing In-Lieu Parking approval, in accordance with Chapter 10.12, cannot be made; and

WHEREAS, the purpose of discretionary land use determinations for entitlement permits is to evaluate available data and analysis of a proposed land use that is not necessarily listed as a "permitted use", the conditions of the property for that proposed land use, the composition and condition(s) of surrounding land uses and properties, and the potential impacts of a proposed land use to determine whether that proposed land use is appropriate and compatible with existing and planned surrounding land uses and properties and does not detrimentally affect the safety and welfare of persons residing, working, and/or conducting business within the community; and

WHEREAS, in accordance with SCMC Section 18.74.060, approval of a land entitlement permit for the Applicant's use, in this case a coastal development permit due to the coastal zone overlay of the Subject Property and the inclusion/incorporation of conditional use permit approval as allowed by SCMC section 18.72.030, must satisfy the City Council that under the circumstances of this particular case, the Applicant's Use will not constitute a nuisance or be detrimental to the public welfare of the community; and

WHEREAS, in order for the City Council to discretionarily approve land use entitlement permits for the Applicant's Use on the Subject Property, where land uses of that particular zoning overlay are subject to discretionary approval, the City Council must, in accordance with SCMC section 18.62.030, give due regard to whether the Applicant's Use of the Subject Property, in light of the inability to provide adequate off-street parking to meet the Parking Study's specified peak parking demand of the Applicant's Use, is appropriate and compatible with existing and planned surrounding land uses and properties and whether it detrimentally affects the safety and welfare of persons residing, working, and/or conducting business within the community; and

WHEREAS, the City Council must consider the statements, concerns, and recommendations of public comments received at the public hearing(s), and weigh whether a property can accommodate a proposed use as to not have a detrimental impact upon the surrounding properties and community; and

WHEREAS, the City Council of the City of Sand City, on October ____, 2019, has found and determined that the Applicant's Use, as identified and described by the Applicant, is of a scope and scale that exceeds the Subject Property's ability to accommodate the Parking Study's estimated long-term peak hour parking demand and would adversely impact the character, safety, and welfare of the surrounding community from resulting excessive off-site parking impacts, and thus determine that the Coastal Development Permit 19-02 shall not be granted; and

WHEREAS, disapproval of a coastal development permit for the Applicant's Use at the Subject Property does not preclude the Applicant or similar type of use(s) from obtaining land entitlement permits in Sand City provided that the findings of disapproval noted in this Resolution are appropriately addressed and/or remedied to the satisfaction of the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sand City, on October ____, 2019, based on the findings enumerated above, hereby disapproves a Coastal Development Permit for the Applicant and Applicant's Use at 325 Elder Avenue in Sand City APN 011-242-007 & 008).

PASSED AND ADOPTED by the City Council of Sand City this ____day of October, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

Linda K. Scholink, City Clerk

Mary Ann Carbone, Mayor

AGENDA ITEM

9A

STAFF REPORT

DATE: September 22, 2019 (For Council Meeting on October 1, 2019)
TO: Honorable Mayor and City Council Members
FROM: Vibeke Norgaard, City Attorney
SUBJECT: Appoint Aaron Blair as City Manager; Approve Employment Contract

RECOMMENDATION:

That the City Council adopt the attached resolution to appoint Aaron Blair as City Manager and authorize the Mayor to sign the attached employment agreement.

BACKGROUND/ANALYSIS:

The Sand City Municipal Code authorizes the City Council to directly appoint its City Manager. (SCMC 2.50.010). This recommendation to appoint Aaron Blair as the new City Manager of Sand City follows previous closed session direction and decisions, as well as approval of the Budget and Personnel Committee on August 13, 2019.

After receiving a Bachelor of Arts (B.A.) degree in urban planning at the University of Cincinnati in 1999, Mr. Blair began his career as Executive Director of a Community Redevelopment Agency in Naples County, Florida. He was subsequently employed as Executive Director of LWFC, a not-for-profit organization in Naples, Florida, before becoming the Downtown Manager and Executive Director of the City Manager's Executive Office in Albany, Georgia. In 2014, he moved to California to take the position of President/CEO of the Downtown Fresno Partnership in Fresno. For the past two years Mr. Blair has been the Town Manager of the City of Granby near Rocky Mountain National Park in Colorado.

Mr. Blair has received numerous awards throughout his career in economic development and marketing. His selection as the final candidate for the position of City Manager in Sand City follows a rigorous recruitment process, with many qualified candidates, conducted by Paul Kimura, a Principal with the executive recruitment firm Avery & Associates.

CEQA DETERMINATION:

The City of Sand City has determined that this action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

FISCAL IMPLICATIONS:

The employment contract includes a three year term, with an annual salary of \$172,000.00, plus benefits. There is no fiscal implication, as this amount is currently included in the budget.

Attachments:

1. Resolution
2. Employment Contract

ATTACHMENT 1
Resolution

**CITY OF SAND CITY
RESOLUTION SC-____, 2019**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPOINTING AARON BLAIR AS
CITY MANAGER AND COMMUNITY DEVELOPMENT DIRECTOR AND AUTHORIZING
THE MAYOR TO ENTER INTO EMPLOYMENT AGREEMENT**

WHEREAS, the Sand City Municipal Code authorizes the City Council to directly appoint its City Manager under SCMC 2.50.010; and

WHEREAS, the City of Sand City engaged Paul Kimura of Avery & Associates to recruit a new City Manager and engaged in a rigorous recruitment process; and

WHEREAS, the City Council of Sand City interviewed many qualified candidates and discussed and considered the appointment of Aaron Blair in several closed sessions; and

WHEREAS, the attached contract was considered and approved by the Budget and Personnel Committee on August 13, 2019; and

WHEREAS, Aaron Blair is highly qualified for the position of City Manager, having a degree in urban planning and broad work experience in the administration of policies, procedures, budget operations, land use issues, personnel management and economic development; and

WHEREAS, Mr. Blair has agreed to the terms of the attached "City Manager Employment Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sand City that the attached "City Manager Employment Agreement" is hereby approved, that Aaron Blair is appointed as City Manager and Community Development Director, and that the Mayor is hereby authorized and directed to execute the Employment Agreement on behalf of the City of Sand City.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

Linda K. Scholink, City Clerk

ATTACHMENT 2
Employment Contract

CITY MANAGER EMPLOYMENT AGREEMENT

This City Manager Employment Agreement (“**Agreement**”) is made the date last written below by and between the City of Sand City, a municipal corporation (“**City**”) and Danny Aaron Blair (“**Blair**”).

RECITAL

A. The City desires to employ Blair as its City Manager/ Community Development Director subject to the terms and conditions of this Agreement and Blair desires to accept such appointment subject to the terms and conditions of this Agreement.

AGREEMENT

1. Appointment of City Manager. The City Council of Sand City hereby appoints Blair as the City Manager of the City.

2. Acceptance of Appointment. Blair hereby accepts his appointment as the City Manager of the City.

3. Effective Date of Appointment. The foregoing appointment of Blair as the City Manager of Sand City shall become effective at midnight, October 28, 2019 (the “**Date of Appointment**”).

4. Duties.

(a) From and after the Date of Appointment until the end of his term of employment as provided in paragraph 5 of this Agreement, Blair shall perform the functions and duties specified by State law, the Sand City Charter, Chapter 2.50 of the Sand City Municipal Code, Chapter 2.60 of the Sand City Municipal Code and resolutions implementing Chapter 2.60, ordinances of the City and resolutions of the City Council as they presently exist and as they may hereafter be amended from time to time, and perform other proper duties and functions including but not limited to professional financial management and personnel administration, consistent with the office of City Manager in the manner allowed by law. Blair shall also facilitate the effective operation of the Advisory Committees established pursuant to Council Resolution No. SC 98-68.

(b) Blair shall also serve as the Executive Director of the Successor Agency to the former Sand City Redevelopment Agency as directed by the Successor Agency to the Sand City Redevelopment Agency.

(c) If and when the City Council decides to appoint Blair as City Treasurer, Blair shall also serve as City Treasurer. Blair shall serve as Community Development Director for the City of Sand City.

(d) Blair shall represent the City on boards and committees of local and regional agencies as necessary to represent Sand City’s interests.

(e) During the term of this Agreement, Blair shall not hold secondary employment, including as a paid consultant, and shall be employed exclusively by the City. Blair agrees to devote his full productive time, ability and attention to the City's business during the term of this Agreement.

5. Standard of Performance. Blair shall perform his duties to the best of his ability in accordance with the highest professional and ethical standards of the profession. Blair shall not engage in any activity which is, or may become, a prohibited conflict of interest as defined by State law or City ordinance, or which may create an incompatibility of office. Prior to performing any services under this Agreement and thereafter in the manner required by law, Blair shall complete and file all disclosure statements required under State and local law.

6. Term of Employment. Blair's term of employment with the City under this Agreement shall begin on the Date of Appointment and continue until the earlier of:

- (a) October 28, 2022;
- (b) upon Blair's resignation as provided in section 9;
- (c) upon termination of Blair's employment as provided in section 7;
- (d) the death or incapacity of Blair.

7. Termination and Severance. The parties hereby acknowledge and represent that Blair is an "at will" employee whose employment may be terminated by the City at any time without any prior notice and without statement of any cause.

(a) In the event City discharges Blair without cause more than six (6) months prior to the date set forth in paragraph 6(a), Blair shall be entitled to receive compensation, consisting of a lump-sum payment of six months of base salary, and the cash equivalent of medical, dental and vision benefits for six (6) months after the date Blair's employment is terminated. In the event City discharges Blair without cause within six (6) months of the date set forth in paragraph 6(a), Blair shall be entitled to receive compensation consisting of a lump-sum payment equal to one month's base salary for each month from the date of such termination through the date set forth in paragraph 6(a). In accordance with Government Code section 53261, a cash severance payment shall not include any other non-cash item except health benefits payable to or on behalf of Blair. This paragraph shall be construed in accordance with Government Code section 53260 which explicitly limits contractual severance cash settlements payable by a local agency employer.

(b) The severance payment described in paragraph 7(a) will release the City from any further obligations under this Agreement, and any claims of any nature that Blair might have against the City by virtue of his employment or termination thereof. Contemporaneously with the delivery of the severance payment and in consideration therefore, Blair agrees to execute and deliver to the City a release, to include a Civil Code section 1542 waiver, releasing the City of all claims that Blair may have against the City.

(c) Blair shall not be entitled to severance pay in the following events:

- (i) Discharge for cause; or,
- (ii) City elects not to renew this Agreement; or,
- (iii) Blair dies or becomes disabled to the extent that he cannot perform the full range of the essential functions of his position as determined by his treating physician; or,
- (iv) Blair resigns from his position as City Manager.

8. Resignation. Blair may resign at any time upon providing City with notice at least thirty (30) days in advance of the effective date of such resignation. If Blair resigns between the effective date of this Agreement and the date set forth in paragraph 6(a), Blair agrees to repay to City, within two (2) months of such resignation, any and all of Blair's relocation expenses that have been reimbursed by City, as provided in paragraph 10(j) of this Agreement.

9. Base Salary. The City shall pay Blair a base annual salary of ONE HUNDRED SEVENTY-TWO THOUSAND DOLLARS (\$172,000.00), less all applicable federal, state and local withholding. Such compensation shall be paid to Blair on a monthly basis. Blair's base salary will be reviewed by the City Council and may be increased at the time of his initial six month performance evaluation.

10. Benefits.

(a) Blair shall at his expense provide an automobile for use in carrying out his duties as City Manager. City shall pay for the actual cost of other modes of transportation used by Blair for travel on City business. City shall pay Blair a car allowance of \$300 per month. Blair shall be reimbursed for his costs of travel beyond 50 miles one-way in accordance with City Policy.

(b) Blair shall participate in the 2%@62 California Public Employee Retirement System Plan, according to the PEPRA conditions and guidelines.

(c) Blair shall receive the same health, dental and optical insurance coverage and benefits provided to other employees of the City.

(d) Blair shall receive 100 hours of "use it or lose it" administrative leave each calendar year. As set forth in the personnel manual, this leave may not be accumulated from year to year and if not used by Blair's anniversary date is to be paid to him as salary at his normal hourly rate.

(e) Blair shall earn vacation leave each month in the same manner as other employees of the City and shall be subject to the City's ordinances, rules and policies pertaining to all management employees with regard to accrual, use and conversion (to cash) of vacation time.

(f) Blair shall accrue sick leave in the same manner as other employees of the City and shall be subject to the City's ordinances, rules and policies pertaining to all employees with regard to accrual, use and conversion (to cash) of sick leave.

(g) The City shall pay the premium cost during the term of this Agreement for a term life insurance policy on Blair's life with a death benefit not to exceed \$ 50,000.

(h) The City shall make a matching contribution up to 50% of Blair's contribution during the term of this Agreement to a deferred compensation plan, up to a maximum contribution by the City of \$100 per month.

(i) A cell phone shall be provided by the City to the City Manager for Sand City related communications.

(j) City shall reimburse Blair for costs associated with moving household goods and travel and/or temporary living expenses during relocation (combined "Relocation Expenses") up to an amount not to exceed nine-thousand five-hundred dollars (\$9,500). City agrees to reimburse Blair's Relocation Expenses within one month of receiving receipts of such expenses.

11. Expenses. City shall pay for or reimburse Blair for ordinary and necessary expenses incurred by or on behalf of Blair in the course of performance of his duties under this Agreement in accordance with City policies.

12. Performance Evaluation. The City Council shall review and evaluate the performance of Blair within six (6) months following the Date of Appointment and at least annually thereafter. Such performance review shall be initiated by Blair. The City Council, in consultation with Blair, shall define such goals and performance objectives that they determine to be necessary for the proper operation of the City.

13. Indemnification. City shall defend, hold harmless and indemnify Blair against any lawsuit pursuant and subject to the provisions and limitations of Government Code section 825, provided such lawsuit names Blair as a party and contains allegations concerning his acts or omissions within the course and scope of his employment.

14. Notices. Notices pursuant to this Agreement shall be in writing given by deposit in the custody of the United States Postal Service, first class postage prepaid, addressed as follows:

a. The City:
Mayor and City Council City of Sand City
1 Pendegrass Way
Sand City, CA 93955

b. Blair:
Aaron Blair
City Manager
(Home address on record with Human Resources)

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial process. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice, postage prepaid, with the United States Postal Service.

15. Bond. The City shall bear the full cost of any fidelity or other bond required for the City Manager under this Agreement or any law or ordinance.

16. Professional Memberships, Meetings, Seminars. City and Blair will mutually benefit from Blair's participation in certain professional activities relating to City Managers and managers. Subject to budgetary constraints, Blair may enroll, attend, and participate in conferences, courses, seminars, committee work, or other activities of organizations that will benefit the City.

17. Miscellaneous Provisions.

(a) Entire Agreement. This Agreement constitutes the entire Agreement between the parties. This Agreement may only be amended in a writing signed by Blair and the City.

(b) Severance. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

(c) Jurisdiction and Venue. This Agreement and the subject matter hereof shall be governed by the laws of the State of California. Any action concerning this Agreement or the subject matter hereof shall be brought and maintained in the Superior Court of California in and for the County of Monterey.

(d) Interpretation. The parties agree that any ambiguity in this Agreement shall not be construed or interpreted against, or in favor of, either party. This Agreement shall be interpreted as though it was prepared by both the City and Blair.

Dated: _____

Aaron Blair

City of Sand City:

Dated: _____

By: _____
Mary Ann Carbone, Mayor

Attest:

Linda Scholink, City Clerk

AGENDA ITEM

9B

CITY OF SAND CITY

STAFF REPORT

SEPTEMBER 25, 2018

TO: Mayor & City Council

FROM: Charles Pooler, City Planner

SUBJECT: Outline for a Parking Study to Develop a Parking Program

The attachment is a first run draft outline for initiating a comprehensive parking study that would lead to the development of a parking program as part of a long-term capital improvement plan. There has not been sufficient staff time to develop more than the attached outline. Before this outline can be completed, issues over scope of project, CEQA requirements, and overall cost will need to be discussed with EMC Planning Group (the City's supplemental planning staff resource).

Areas of deficiency that staff recommends the parking study needs to address are as follows:

- 1) Where and how additional public parking can be provided. "Where" is fairly easy, but "How" is much more complicated in developing preliminary designs, estimating potential costs, land acquisition/lease issues, identifying and acquiring funding, CEQA requirements, etc.
- 2) Evaluate and update Municipal Code Chapter 18.64 regarding parking requirements. Are parking stall dimensions still sufficient? Uses promoted by the General Plan and mixed use zoning do not currently have parking requirements in the zoning code. What parking standards are kept, modified, deleted, and/or added.
- 3) Parking management strategies. How does the City manage public parking? Through meters, parking permit programs, limited parking time, etc.?
- 4) Parking In-Lieu fees. Update and modification of the Parking In-Lieu (Municipal Code Chapter 10.12) to be more easily applicable. Establishment of special account for tracking and isolating funds.

End of Report.

Attachment:

Draft Outline for a Parking Study to Develop a City-Wide Parking Program

SAND CITY PARKING STUDY

Development of a Parking Program (draft outline)

1) Identify all feasible potentials for new public parking facilities (large and small)

- A) Take the previous parking study work performed by EMC and expand.
- B) Identify potential locations for public parking (large and small options)
Map(s) - identify locations and how many spaces can be accommodated.
 - Coordinate with other City project plans (i.e. Proposition 1 improvements, South of Tioga project, The Independent property, TAMC proposals for railroad corridor, etc.)
- C) Create conceptual designs for new public parking for each location identified on the map(s). To include conceptual parking garages. Take into account:
 - Traffic circulation, access, ingress/egress.
 - Storm Water requirements
 - Impediment of access to private properties
 - ADA accessibility/compliance
 - Topography
- D) Public parking management strategies.
 - Residential Parking Permit Program. How can/should this be implemented?
 - Should there be metered or timed (ex. 2hr) parking?Explain the pros and cons. What are the enforcement logistics and costs?
- E) Do we need CEQA review to adopt this as a "Plan". If so, then should adoption of this as a 'Plan' wait to implement it as part of the General Plan update?

2) Establish the means by which to implement the recommendations of the parking study.

- A) Funding Sources.
 - What are potential grant sources?
 - Are there municipal bond options?
 - Are there Other finance options? If so, list and provide details.
- B) Property Acquisition / Leases?

3) New Parking Standards for Zoning Code Adoption

- A) Review/Summarize parking requirements of other comparable cities. What are their standards and methods that regulate parking?
- B) Review applicable published documents on parking standards. Publications that can be referenced in supporting adopted new standards.
- C) Review Sand City Zoning Code Chapter 18.64.
 - What should be updated and modified?
 - What do we keep of current zoning requirements?
 - What do we modify of current zoning requirements?
 - What do we add to our current zoning requirements?
- D) Develop new parking standards for City-wide implementation.
 - The end result should be a list of parking standards that covers all anticipated land uses, and it should be as simple as possible.
 - How do we address commercial fleet vehicle parking needs? Should be flexible to allow the small operations, but restrictive for the larger fleet

- businesses to mitigate impacts.
- F) Review Sand City Municipal Code Chapter 10.12 regarding "In-Lieu Parking".
 - Does this need updating or revisions? If so, what are the recommendations? Can/should we simplify the process?
 - Modify fee? How should this be handled in accounting? Should not be a general fund revenue.
 - G) Is a nexus study required to adopt modified & new parking standards?
 - H) What CEQA review is needed to adopt these new standards?
 - I) Prepare a staff report and draft ordinance to modify Zoning Code Chapter 18.64 (and Municipal Code Chapter 10.12 if recommended by study).
 - Staff report should summarize all sources of research and publications.
-
-

Study Implementation:

- A) What is the estimated cost of such a study (with and without CEQA)
- B) Would this fall under the annual service contract of \$60,000 or would it have to be a separate contract? If separate contract, the amount should be locked in without cost overruns.
- C) How long would such a project with this detail take?

AGENDA ITEM

9D

Connie Horca

From: Monterey County Business Council <ff@mcbc.biz>
Sent: Friday, September 20, 2019 9:00 AM
To: Connie Horca
Subject: Friday Facts

This week: Startup Investment & Community Capital Expo,
Hispanic business potential, Language Capital of the World®
Cultural Festival, and more!

[View this email in your browser](#)



Monterey County Business Council

Open for Business

Friday, Sept. 20, 2019

Edition 809



Assemblymember Robert Rivas featured at our next Members Only Luncheon

We are excited to welcome Assemblymember Robert Rivas to our monthly members-only lunch. Robert Rivas, who is in his first term, represents the 30th District, which includes parts of Monterey and San Benito counties. Assemblymember Rivas will be discussing with MCBC members some of his current legislation for our district.

Monterey County Business Council Monthly Luncheons are for **MEMBERS ONLY**.

Friday, Oct. 11, 2019

11:30 a.m.-1:30 p.m.

Bayonet Black Horse Golf Course, Seaside



Today is National Voter Registration Day!
[CLICK HERE TO REGISTER](#)

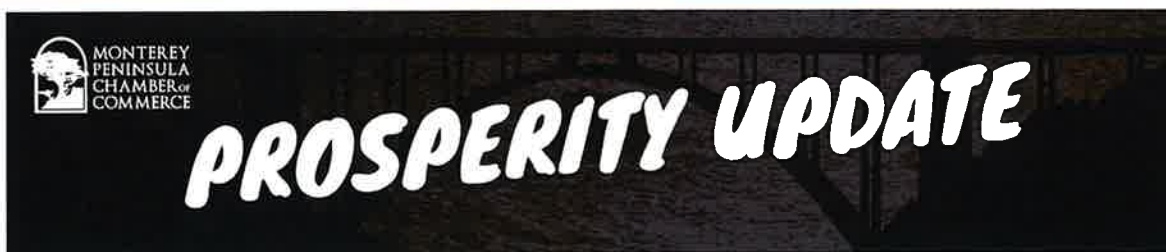


We Want to Hear From You!

On October 1st, the Monterey Peninsula Chamber will launch a "Biz Briefs" column in our weekly Chamber Connection e-newsletter. This column will feature what's new, who's been hired or promoted in your business plus other interesting tidbits you would like to share.

Copy will be limited to 60 words or less and will be subject to editing. Only one posting per quarter per member business (first come first posted). Please send your info a minimum of two weeks prior to expected publication and provide photos/logos when possible. This is your opportunity to maximize your membership and get noticed by thousands of readers.

Please send information or direct questions to Grace Bagno -
communications@montereychamber.com



**How Your Chamber of Commerce is Engaging with Local Government Issues
Affecting Local Businesses**

Sidewalk Vendors Coming to City of Monterey

A new California law requires local governments to allow sidewalk vendors to operate unless there are specific authorized conditions that justify restrictions. On September 3, the Monterey City Council will hold a public hearing on establishing regulations for street vendors. While this issue has been highly controversial in some cities (especially in Carmel), your Chamber does not expect much controversy about how the City of Monterey implements its own policies within the limitations of state

requirements. Your Chamber will continue to monitor the city's proposed regulations.

Click [here](#) for more updates from the Chamber



THIS THURSDAY!
CCHRA's HR Summit
"Speak Up: Lean In & Influence"

The Central Coast Human Resource Association is hosting its Annual HR Summit this Thursday, September 26 at the University Center at CSUMB. Keynote speaker, Dave Underhill, will be sharing his communications expertise in this highly interactive, hands-on workshop.

In this program, you will learn to express yourself in a way that influences others, establishes you as an expert of your craft, and earns you a seat at 'the table.' Attending this Summit workshop will provide you with the tools and training to communicate your ideas effectively and powerfully with your team! You'll leave this Summit with tools and strategies for making a difference every time you speak.

Breakfast will be provided. Registration begins at 8:00 a.m. and the program will begin at 8:30 a.m.

Learn more at <https://cchra.shrm.org/events/2019/09/2019-summit>



STATE ROUTE 68 CORRIDOR IMPROVEMENT PROJECT
Thursday, October 3
5-7 PM
Monterey-Salinas Transit Meeting Room
19 Upper Ragsdale, Ste. 200, Monterey

Caltrans and the Transportation Agency for Monterey County invite you to this public meeting to discuss the scoping of the Environmental Impact Report for the Scenic Highway 68 Corridor Safety Improvement Project.

Click [here](#) for the official flyer



55th Annual Carmel Mission Fiesta
Sunday, October 6th | 11:00am to 5:00pm
Carmel Mission Courtyard
Rio Road & Lasuen Drive, Carmel-by-the-Sea

**Join in a true community tradition on the
beautiful grounds of the historic Carmel Mission!**
This celebration holds something for everyone...

LIVE MUSIC by **THE MONEY BAND**

Food Trucks - Made to Order Fresh! | Beverages for Purchase

SHOP Unique Works by Talented Crafters and Artisans

KIDS' FESTIVAL AREA with Food, Fun & Games

Drawings for Great Raffle Prizes - Win Every Hour!

Admission is FREE!





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Enjoy exciting international
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Custom House Plaza
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Monterey, CA
10 am to 5 pm



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Saturday, Oct. 12, 2019

10 A.M. TO 10 P.M.

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Don't Miss the 174th **FREE EVENT!**

WHARF BIRTHDAY PARTY

SUNDAY, OCT. 13, 1-5PM



Click [here](#) for more information



JOIN US at the Northern Central Coast HEART & STROKE WALK



Saturday, October 26, 2019

Festivities kick off at 8:30 a.m. • Walk starts at 9:30 a.m.
Depot Lot at the Municipal Wharf
290 Figueroa Street, Monterey, CA

REGISTER ONLINE AT
www.CentralCoastHeartWalk.org

FOR MORE INFORMATION
CentralCoastHeartWalk@heart.org | (831) 757-6221

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Heart Walk.



22ND ANNUAL GHOULF TOURNAMENT

QUAIL LODGE & GOLF CLUB
8205 VALLEY GREENS DR., CARMEL

WEDNESDAY, OCTOBER 30
12:30 PM SHOTGUN START • 5-7 PM MIXER & AWARDS

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- be a part of the celebration
- volunteer
- donate
- become a sponsor



JUNE 3, 1770 - JUNE 3, 2020

Organized by the City of Monterey and Monterey 250 Committee

MONTEREY 250