
SAND CITY DESIGN REVIEW COMMITTEE

AGENDA

MEETING DATE

Friday, March 5, 2021
12:00 Noon

LOCATION

Sand City Council Chambers
1 Pendergrass Way
Sand City, CA 93955

THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20 ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

TO PARTICIPATE IN THE ZOOM DESIGN REVIEW COMMITTEE MEETING LIVE:

<https://us02web.zoom.us/j/84791822544>

Meeting ID: 847 9182 2544

To participate telephonically by calling the number below:

+1 669 900 6833

Meeting ID: 847 9182 2544

If prompted to enter a participant ID, Press #

How to submit written Public Comments:

If any member of the public would like to provide written comments at the meeting, please do as set forth below.

Written: All comments received before 8:00 a.m. the day of the meeting will be posted on the City's website as "Correspondence" under the relevant agenda item and provided to the Design Review Committee members at the meeting. Please email your comments to chuck@sandcityca.org. If you want the comment read aloud, prominently write "Read Aloud at Meeting" at the top of the email and your comments will be read into the record (not to exceed three minutes at staff's cadence).

DURING EACH MEETING, members of the public may participate by calling and speaking live during the designated time(s), subject to time limits that may be imposed pursuant to the Brown Act at the number provided above.

1. CALL TO ORDER / ROLL CALL

Committee Member Chris Barlow
Committee Member Greg Hawthorne
Committee Member John Lewis
Committee Member Elizabeth Sofer
Committee Member Paul Davis (Chairman)

2. COMMUNICATIONS FROM THE FLOOR

NOTE: Under Communications, any member of the public may address the Committee for a period not to exceed three minutes on an item not on the agenda that is within the Committee's jurisdiction.

A. Oral & Written Communications

3. CONSENT CALENDAR

A. Receipt and approval of November 20, 2020 Action Minutes.

4. PUBLIC HEARINGS

A. Consideration of a RESOLUTION to approve a design permit for exterior facade design modification for Fortuna Realty at 800 Playa Avenue (portion of APN 011-011-029).

B. Discussion and consideration of architectural modifications and permit amendment for the Montgomery mixed-use live-work development at the west end of the 300 block of Orange Avenue and recommendations to City Council for action.

5. NEW BUSINESS

A. Comments by Design Review Committee Members and Items of Interest to Sand City.

6. ADJOURNMENT

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

A member of the public may address the Committee on any scheduled agenda item as that item comes up during the meeting. Copies of Sand City agendas and background reports are available at the City Hall, City of Sand City.

AGENDA ITEM 3A

SAND CITY DESIGN REVIEW COMMITTEE

ACTION MINUTES

MEETING DATE

November 20, 2020
Friday
12:00 Noon

LOCATION

Sand City Council Chambers
1 Pendergrass Way
Sand City, CA 93955

1. CALL TO ORDER / ROLL CALL

Meeting Commenced at 12:02 Noon.

Committee Member Greg Hawthorne
Committee Member Elizabeth Sofer
Committee Member John Lewis
Committee Member Chris Barlow
Committee Member Paul Davis (Chairman)

Staff: Charles Pooler - City Planner

2. COMMUNICATIONS FROM THE FLOOR

NOTE: Under Communications, any member of the public may address the Committee for a period not to exceed three minutes on an item not on the agenda that is within the Committee's jurisdiction.

A. Written comments - None. Oral Comments - None.

3. CONSENT CALENDAR

A. Receipt and approval of August 9, 2019 Action Minutes.

Motion to approve minutes of August 9, 2019 was made by Committee Member Hawthorne, seconded by Committee Member Sofer. **AYES:** Committee Member Hawthorne, Sofer, P. Davis. **NOES:** None. **ABSENT:** None. **ABSTAIN:** Committee Member Barlow, Lewis. Motion carried.

4. PUBLIC HEARINGS

A. Discussion and consideration of architectural design, materials, and features for Luke Kilpatrick's residential deck project at 1875 Ocean View Avenue.

Staff summarized key points of the project and staff report.

Floor Opened 12:10 p.m.

Mr. Kilpatrick (applicant/property owner) addressed the City Council and replied to Committee questions.

There were no other public comments.

Floor Closed 12:16 p.m.

DRC members asked several questions for clarification on a few details. The DRC found the use of materials, colors, and the overall design acceptable.

Motion to approve the project as presented with no changes and forward Committee comments to the City Council was made by Committee Member Lewis, seconded by Committee Member Hawthorne. **AYES:** Committee Member Barlow, Hawthorne, Lewis, Sofer, Davis. **NOES:** None. **ABSENT:** None. **ABSTAIN:** None. Motion carried.

- B. Discussion and consideration of architectural design, materials, and features for Bill Taormina's Live Work development project at 445 Orange Avenue.

Staff summarized key points of the project and staff report.

Floor Opened 12:27 p.m.

The Property Owner (Bill Taormina) addressed the Committee, complimented staff, and was hopeful to move the project forward. The project Architect () addressed the Committee.

There were no other public comments.

Floor Closed 12:32 p.m.

Motion to approve the project as presented with no changes and forward Committee comments to the City Council was made by Committee Member Hawthorne, seconded by Committee Member Sofer. **AYES:** Committee Member Barlow, Hawthorne, Lewis, Sofer, Davis. **NOES:** None. **ABSENT:** None. **ABSTAIN:** None. Motion carried.

5. **NEW BUSINESS**

- A. Comments by Design Review Committee Members and Items of Interest to Sand City.

No Discussion. Staff provided updates to DRC regarding Catalina Lofts and Ashley's Furniture projects.

6. ADJOURNMENT

Motion to adjourn by Committee Member Davis, seconded by Committee Member Hawthorne. **AYES:** Committee Members Barlow, Hawthorne, Lewis, Sofer, Davis. **NOES:** None. **ABSENT:** None. **ABSTAIN:** None. Motion carried.

Meeting Adjourned 12:45 p.m.

Charles Pooler, City Planner

Date of DRC approval

AGENDA ITEM 4A

CITY OF SAND CITY

STAFF REPORT

FEBRUARY 17, 2021
(For DRC consideration on March 5, 2021)

TO: Design Review Committee (DRC)

FROM: Charles Pooler, City Planner

SUBJECT: Design Permit for facade modification of commercial building at 800 Playa Avenue

BACKGROUND

An application was submitted by Fortuna Realty Company (the "Applicant") regarding design permit approval of parapet and front building facade modifications (the "Project") to a portion of an existing commercial building at 800 Playa Avenue (portion of APN 011-011-029) (the "Subject Property") in the Sand Dollar Shopping Center. The Project is within a non-coastal Regional Commercial (C-4) zoning district with a General Plan land use designation of C-4 (Regional Commercial). The Project qualifies for a Categorical Exemption under section 15301 of CEQA (California Environmental Quality Act) Guidelines.

This is the former Orchard Supply Hardware (OSH) store, within the Sand Dollar Shopping Center, that is currently undergoing interior and exterior modifications to accommodate Ashley Furniture, scheduled to open in mid-2021. The building is being subdivided into two units; one unit for Ashley Furniture who will occupy approximately 24,933 square feet of floor area and the second unit of approximately 15,648 square feet potentially for Total Wine and More beverage retail operation. The previous garden center facing Playa Avenue will not be used by either operation and will remain vacant until a future tenant/land use is determined for that area. The exterior facade modifications for Ashley Furniture were approved at the staff level as the intended changes were minor and maintained the overall building massing, footprint, primary materials, and roof-line/design. However, staff has required a design permit for this application as it modifies the parapet roof-line of the building; altering the bi-lateral equilibrium of the building's overall roof-line/parapet design.

As this application is for design permit approval only, and no land use/zoning and/or site plan review/approval is required, this application is only being brought before the City's Design Review Committee (the "DRC") for consideration and action of a design permit.

Site Description:

The former OSH building consists of both concrete tilt-up and masonry block walls. The front facade has a gable open-truss form with metal sheathing, centered on the building

frontage, extending approximately 7.25 feet out from the existing wall; supported by two 8-foot wide columns clad with vertically aligned corrugated metal. Current renovations by Ashley Furniture will maintain the massing and form, but alter colors and incorporate plaster with expansion joints over the existing plain concrete walls. Storefront windows are also being installed in the concrete walls along the building frontage as part of the current Ashley Furniture building modifications (not part of this application). The loading docks are located at the building's rear along Metz Road, where no modifications are proposed.

DISCUSSION

Project Description:

The Project proposes to utilize those facade treatments currently being installed as part of the current construction activities for Ashley Furniture that were authorized by City staff last year, with exception to some variation in colors. The existing building footprint will not be changed. The building's existing parapet is 23-feet tall at its lowest point, and slopes up to a maximum height of 29'-2".that will be modified to provide two flat roof treatments of differing heights, where the taller parapet will have returns recessing back.

Building Height - The Project shall raise and flatten an eighty foot and ten inch (80'-10") section of building in two sections; the first section being a forty-foot and ten-inch (40'-10") length of frontage parapet on the building's far left side raised to 25'-2" in height, and the second section being a forty-foot (40'-0") frontage length raised to 30'-2" in height with returns recessing back fifteen feet (15'-0") to provide a more visually authentic and integrated structural feature. These heights are well within comparative heights of other buildings within the shopping center, and are below maximum height limitations specified in Section 18.19.040(B)(1) of the zoning code.

Materials - The building currently consists of concrete tilt walls along the frontage. The Ashley Furniture project is currently modifying the wall facade to apply a plaster overlay with horizontal and vertical expansion joints and metal framed windows. The Applicant's Project will utilize these modifications, and apply their own color scheme to their frontage and modified parapet.

Colors - The Project proposes the primary wall color to be a "Dune White" (an off-white), the metal cap and horizontal plaster soffit to be "Bachelor Blue" (a dark blue/grey), and the storefront windows to be "French Beret" (a dark grey). Staff finds the proposed colors compatible with other color schemes within the shopping center and are a satisfactory mix of contrast and balance upon the modified building facade.

Exterior Lighting: The submitted plans did not provide information as to the specific exterior light fixtures that may/will be used. Exterior fixtures should only direct light onto the building and property, and must avoid projecting light into the street or parking area. Fixtures should not create excessive ambient light or glare. As a condition of approval, all exterior light fixtures should be reviewed and approved by the City's Planning Department prior to issuance of a building permit. Fixture specifications and photometric information should be included on the construction drawings.

The overall facade design modifications provide greater detail and visual interest over existing conditions. The new storefront windows (not part of this application) provides an improved pedestrian scale to the building. It also breaks up the overall building mass by making this section of the building appear more independent from the remainder of the building.

Signs:

The provided elevations/perspectives illustrate an intended sign for the front facade; however, a formal sign permit application and plan have not been submitted that provides specific sign dimensions, materials, and colors. Therefore, this will be a deferred submission at a later date for DRC review and approval in the issuance of a sign permit.

Stormwater Control:

The Project is for exterior facade alterations and will not alter the building footprint or any of the existing exterior hard-scape/pavement. No new impervious material is proposed. Therefore, storm water control regulations are not applicable to this Project.

Water:

The Project is for architectural facade and roof-line design modifications that do not change the previous retail use of the Subject Property, nor does the Project increase the existing building floor area and footprint. Therefore, existing on-site water credit is sufficient to accommodate the Project and proposed retail use in accordance with a Group I classification of the Monterey Peninsula Water Management District (MPWMD) and no water allocation for the Project is warranted.

CEQA Review:

The Project qualifies as a Categorical Exemption under section 15301 of CEQA (California Environmental Quality Act) Guidelines. Section 15301 exempts minor alterations of existing public and private structures that do not involve expansion of use. The Project is for facade modifications/enhancements that does not alter the building footprint nor increase existing building square footage or floor area. Therefore, the Project qualifies for an exemption in accordance with this exemption definition.

CONCLUSION

The proposed roof-line design, material, and color schemes are compatible with the overall architectural industrial theme of the Sand Dollar Shopping Center. Building modifications currently underway, in addition to the Applicant's Project, will enhance the overall visual aesthetics of the existing building with the added wall plaster expansion joints, modified roof-line, and new storefront windows. Staff is in support of the Project as proposed by the Applicant.

RECOMMENDATION

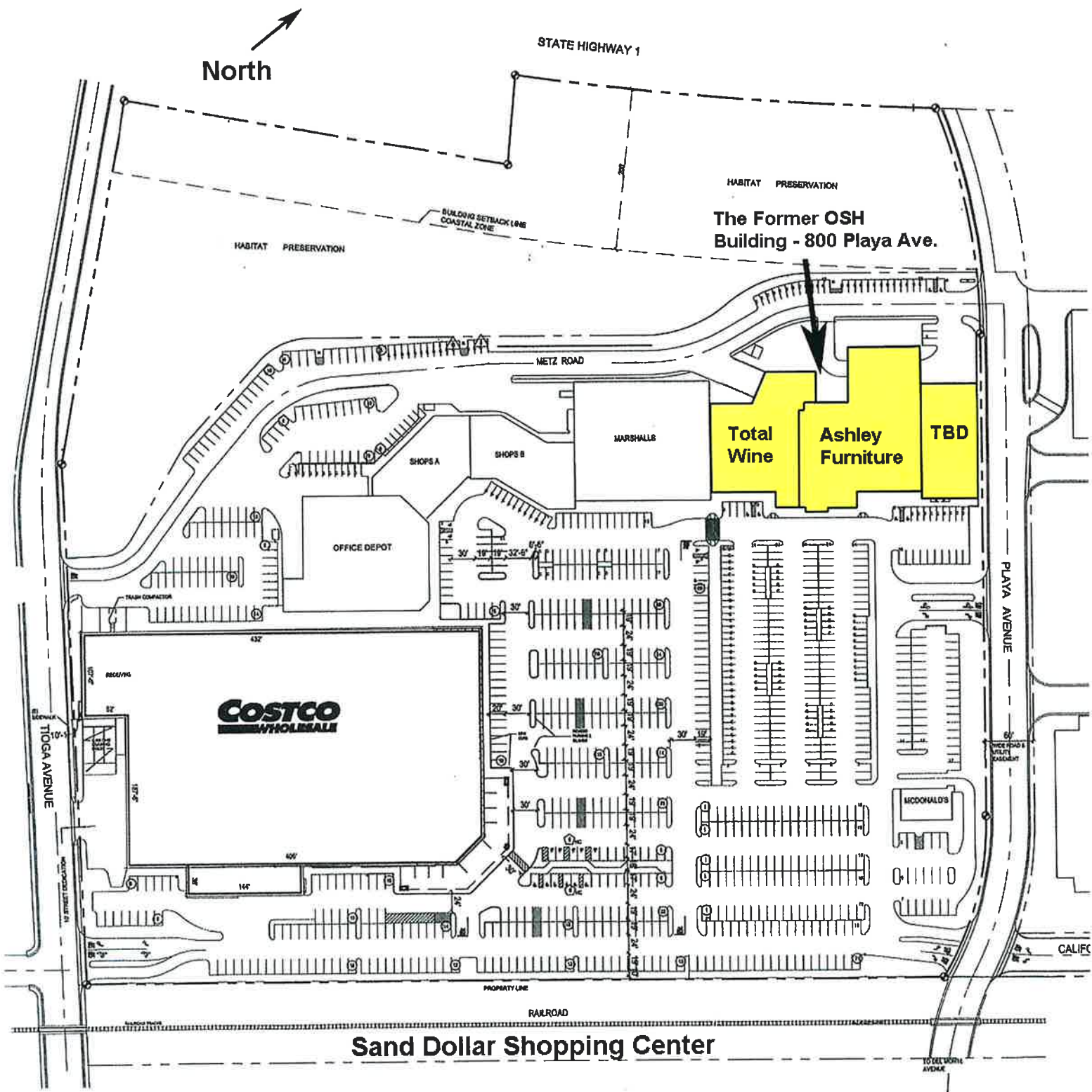
Staff recommends **APPROVAL** of the draft resolution to accept the facade design, as proposed by the Applicant, and issue a Design Permit for the Project.

Findings for Site Plan Permit Approval:

1. The Project is compliant with the Regional Commercial (C-4) zoning designation of the City's Zoning Ordinance and the land use designation of the City's General Plan.
2. The Project will maintain the existing parking layout and inventory upon project completion, nor does the Project require additional parking to be provided.
3. The Project is consistent with the overall site plan and industrial architectural design(s) of the Sand Dollar Shopping Center.
4. The Project to modify the exterior building facade will not necessitate additional water from the City since floor area and retail use remain unchanged for the Subject Property.
5. The Project qualifies as Categorically Exempt under State CEQA (California Environmental Quality Act) Guidelines, Section 15301

Exhibits:

- A. Location Map
- B. Aerial Map
- C. Site Photo of Existing Condition Perspective
- D. Site Plan/Floor Plan illustrating the new unit separation
- E. Elevations (before & after comparison)
- F. Submitted plan set (elevations & perspectives) (11x17)



Location Map

EXHIBIT A



Aerial Map (illustrates existing conditions)

EXHIBIT B

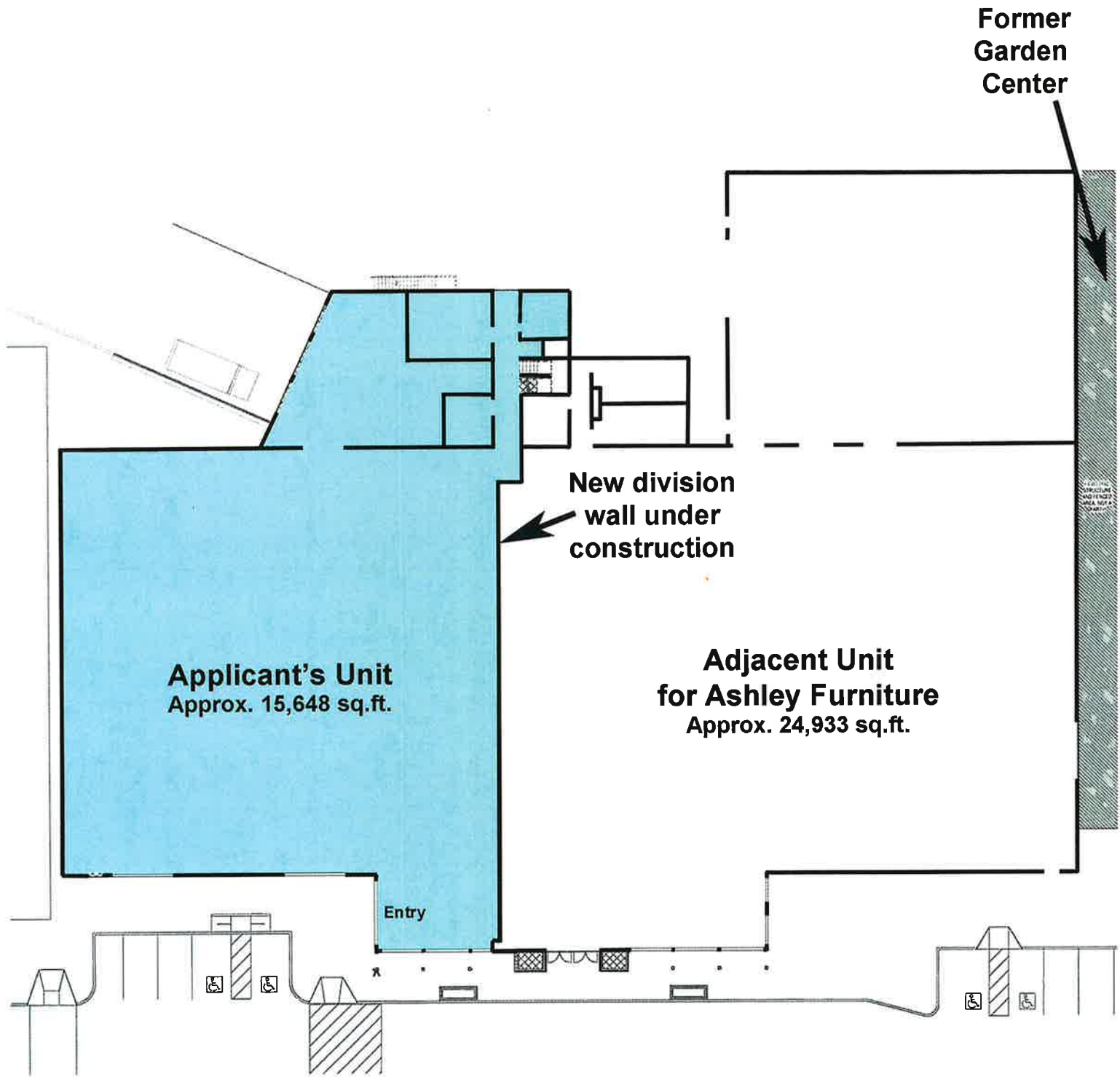
Photo via Google Earth

Orchard Furniture
and Building



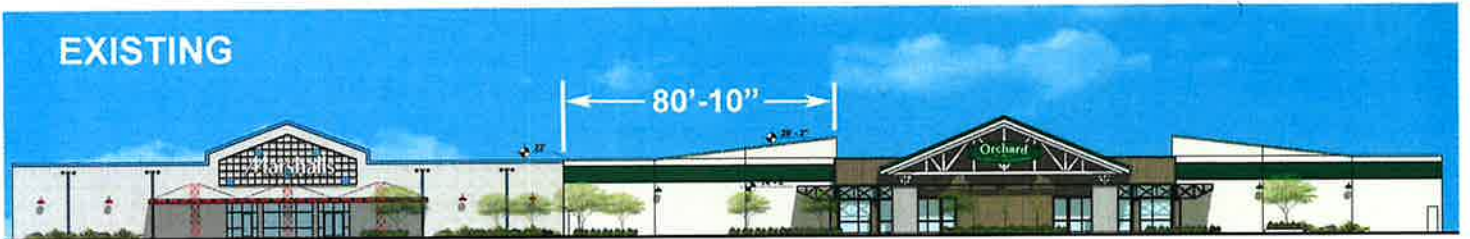
Site Photograph & Perspectives
Existing Conditions

EXHIBIT C



Site Plan / Floor Plan

EXHIBIT D



Elevations (before & after)

EXHIBIT E



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User: sgpa-architect\sgpa-architect

Exterior Plaster
1629 Bachelor Blue

Metal Cap
1629 Bachelor Blue

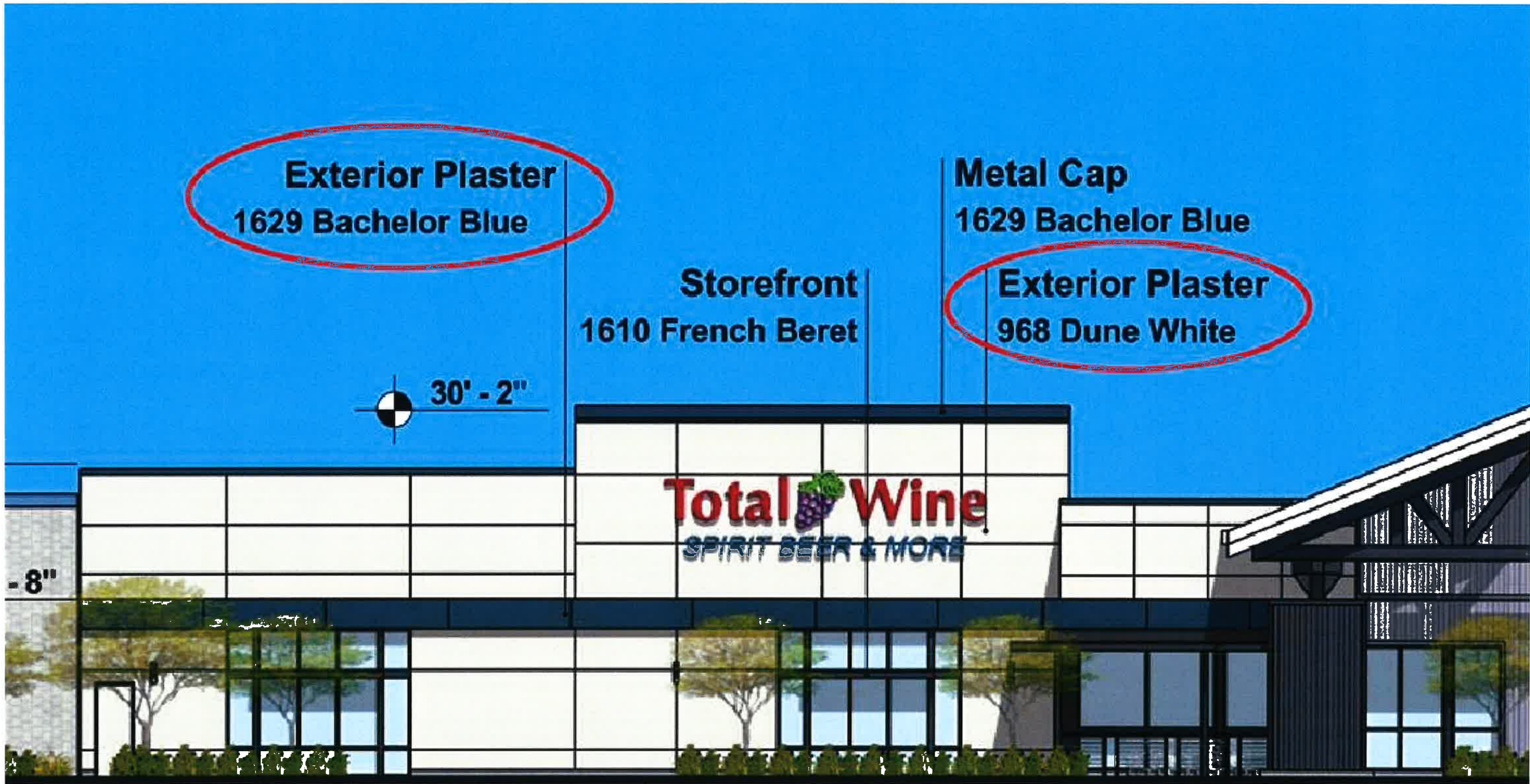
Storefront
1610 French Beret

Exterior Plaster
968 Dune White



- 8"

Total Wine
SPIRIT BEER & MORE



CITY OF SAND CITY

RESOLUTION DRC _____, 2021

RESOLUTION OF THE SAND CITY DESIGN REVIEW COMMITTEE TO APPROVE A DESIGN PERMIT 21-01 FOR FORTUNA REALTY COMPANY FOR ARCHITECTURAL MODIFICATIONS TO A PORTION OF THE RETAIL BUILDING AT 800 PLAYA AVENUE

WHEREAS, Fortuna Realty (the “Applicant”) submitted an application to the City of Sand City (the “City”) for design permit approval of exterior architectural modifications to a portion of the commercial building (the “Project”) located at 800 Playa Avenue (portion of APN 011-011-029) in Sand City within the Sand Dollar Shopping Center (the “Subject Property”); and

WHEREAS, the proposed architectural modifications will not alter the footprint of the building, increase floor area, require additional parking, nor impact the existing layout and number of on-site parking stalls for the shopping center; and

WHEREAS, the Project’s overall design and use of colors and materials will improve existing building aesthetics and are consistent and compatible with the architectural character for the Sand Dollar Shopping Center; and

WHEREAS, the Project is compliant with the Regional Commercial (C-4) zoning regulations of the City’s Zoning Ordinance and the land use designation of the City’s General Plan; and

WHEREAS, the Project to modify the exterior building facade will not necessitate additional water as the existing floor area and previous retail land use will remain unchanged for the Subject Property; and

WHEREAS, the Project qualifies for a categorical exemption under State CEQA (California Environmental Quality Act) Guidelines, Section 15301; and

WHEREAS, the scope of the Project requires architectural review and Design Permit approval prior to issuance of a building permit for the Project; where the City’s Design Review Committee (hereinafter “DRC”) will be the acting body in review and action on this application for a design permit; and

WHEREAS, the DRC of Sand City, on _____, 2021, has found and determined that the architectural modifications proposed for a portion of the commercial building at 800 Playa Avenue, as conditioned, will not adversely affect the character of the shopping center, nor be injurious or detrimental to the adjoining properties or the rights of the owners therein, and that Design Permit 21-01 (hereinafter “DP 21-01”) shall be granted upon the conditions hereinafter set forth; and

WHEREAS, the DRC of the City has accepted the findings for approving a design permit for the Project, as outlined in the City Staff Report, dated February 17, 2021.

NOW, THEREFORE, BE IT RESOLVED that the DRC of the City hereby grants and issues DP 21-01 upon the following terms and conditions:

A. Permit Effectiveness:

1. DP 21-01 is not valid, and Project construction shall not commence until two copies of this Resolution/Permit, signed by the Applicant and the Subject Property's landowner, acknowledging receipt of DP 21-01 and acceptance of the terms and conditions therein, is returned to the City's Planning Department. Failure to return said signed/executed documents may be grounds for City termination of said Permit.
2. DP 21-01 is for the express purpose of approving the materials, colors, and architectural design for exterior architectural renovations by the Applicant for a portion of a commercial building located at 800 Playa Avenue in the Sand Dollar Shopping Center, in accordance with the terms and conditions specified in DP 21-01.

B. Site Plan:

1. Building Footprint / Site Layout: DP 21-01 does not authorize alteration of the building's existing footprint or general site design of the Subject Property. Modification of the site configuration is subject to the City Council discretionary action in the issuance of a separate site plan or other development permit.
2. Parking & Drive Aisles: The existing on-site parking stalls and the exiting on-site vehicular circulation/drive aisles shall not be altered as part of this Project. Any modification to the parking lot layout and parking stalls shall be subject to City review and approval independent from DP 21-01.
3. ADA Truncated domes: Any new detectable warning truncated domes for ADA (American with Disabilities Act) compliance that may be required for this Project shall consist of a "colonial red" or similar earth-tone color as appropriate subject to final City review and approval, but shall avoid use of the standard "yellow" color truncated dome material.

C. Architectural Design:

1. Design: The Project shall raise and flatten an eighty foot and ten inch (80'-10") wide portion of building in two sections; the first section being a forty-foot and ten-inch (40'-10") length of frontage parapet on the building's far left side raised to 25'-2" in height, and the second section being a forty-foot (40'-0") frontage length raised to 30'-2" in height with returns recessing back approximately fifteen feet (15'-0") to provide a more visually authentic and integrated structural feature. The modified wall facade from ground to top of parapet for the Project shall utilize a plaster overlay with horizontal and vertical expansion joints and framed windows.

2. Colors: Along the front elevation of the Project area, the primary wall color shall be a “Dune White” (an off-white) or comparable, the metal cap and horizontal plaster soffit shall be “Bachelor Blue” (a dark blue/grey) or comparable, and the storefront windows shall be “French Beret” (a dark grey) or comparable.
3. Light Fixtures: All new light fixtures on the exterior of the building shall avoid creating excessive glare, and shall only direct light down and/or onto the building. The Applicant shall include with the construction drawings and building permit application, electrical sheets identifying the proposed exterior light fixtures. This lighting plan shall identify all exterior light fixtures and their mounting, watt capacity, filament housing, and illumination dispersal (photometrics) for the Project. All exterior lighting shall be shielded and designed to prevent excessive glare and light from intruding onto adjacent properties and/or street rights-of-way. The angle of light distribution from exterior light fixtures shall be subject to the City Planner’s final approval of Project’s construction plans prior to City issuance of a building permit for the Project.
4. Bollards: Any new bollards installed on the Subject Property as part of the Project shall utilize decorative bollards and not plain exposed steel/metal poles, the design of these bollards shall be subject to final City Planning Department approval. Decorative bollards shall also be identified and illustrated on civil improvement construction plans/documents for this Project. Bollards that must satisfy specific utility provider specifications are exempt from this requirement in meeting utility provider specifications.
5. Quality Control: The City shall retain the right to evaluate materials used in this Project for their perseverance and resistance to Sand City’s coastal climate conditions; and if those materials are deemed inadequate through signs of rust, rot, or other deteriorating condition, the City may then require higher quality materials during construction as an enforcement of the Project’s architectural approval.

D. Signs:

1. Signs: Commercial signs for the Applicant shall not be installed on the Subject Property until an application for sign permit is submitted that includes information as to dimensions, materials, and colors; and said application is reviewed and approved by the Design Review Committee (DRC) in the issuance of a Sign Permit.
2. Construction Signs: Construction signs may be placed on the Subject Property only during Project construction and removed upon Project completion. Such signs may be placed on perimeter construction fencing or on posts, but shall not be elevated whereby the top of sign exceeds eight (8) feet in height.

E. Landscaping:

1. Landscaping: Landscaping removed or damaged during construction of the Project shall be replaced with new landscaping, subject to City Planning Department review and approval of a landscape plan. This landscape plan shall provide complete

information regarding ground covers, plants, shrubs, and trees in regards to species, sizes, placement, and numbers. Tree planting and staking details must be included for any proposed trees. All landscaping and irrigation shall be installed in conformance with the final landscape plan, as approved by the Planning Department, and prior to issuance of a certificates of occupancy for the Project.

F. Plans and Agency Compliance:

1. Plans Examination: Construction plans/documents for the Project shall be reviewed and approved by the City's relevant Departments prior to City issuance of a building permit for the Project and prior to commencement of any demolition and/or construction on the Subject Property for the Project. Any and all requirements specified by the City during plan review prior to issuance of a building permit, or during construction inspections, shall be implemented to the satisfaction of the inspectors/representatives of each City Department.
2. Agency/Department Compliance: All applicable requirements of the City's Building and Fire Departments, as well as the Seaside County Sanitation District, and Monterey County Health Department, shall be implemented to the satisfaction of the inspectors of each department/agency. All necessary permits from Monterey One Water and/or the Seaside County Sanitation District shall be acquired by the Applicant prior to City issuance of building permits for the Project. All requirements of each aforementioned Department/Agency shall be met to their satisfaction prior to issuance of a certificate of occupancy for the Project.
3. Air District: Requirements of the Monterey Bay Air Resources District (MBARD) applicable to the Project, shall be implemented to that Agency's satisfaction.

G. Construction:

1. Construction Staging Management Plan: The Applicant shall prepare a Construction Staging Management Plan for approval by the City, prior to issuance of building permits for the Project.
2. Street & Shopping Center Access: Construction activities shall not impede vehicular traffic on public streets nor access or traffic circulation to and within the Sand Dollar Shopping Center. Any temporary closure of public streets, drive aisles, parking stalls, and/or sidewalks to accommodate Project construction shall be coordinated with, and subject to, the direction of the Sand City Chief of Police prior to implementing any such temporary closures and/or inaccessibility. Adjacent properties and Sand Dollar Shopping Center tenants impacted by the aforementioned closures shall be given notice no less than one (1) week prior of any such closure.
3. Construction Hours: Construction activities performed by all contractors and sub-contractors for the Project shall only occur between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 10:00 a.m. to 6:00 p.m. on Saturdays. There shall be no construction activity for this Project on Sundays unless otherwise

authorized by the City Manager. These periods of construction activity may be further limited if determined necessary by the City to address public nuisance issues that may arise.

4. Construction/Demolition Debris/Material: Debris/material from construction/demolition activities for the Project shall be stored and contained away from general public access, and hauled away and disposed of in a timely and legal manner. The Project's general contractor shall implement material recovery and recycling when feasible. Construction/Demolition debris (the "C&D Materials") shall either be hauled/removed from the site by the general contractor to the Monterey Regional Waste Management District facility or by the City's franchised waste hauler. No other outside hauler is permitted in accordance with City Municipal Code sections 13.04.060 and 13.04.090. It shall be the Property Owner's and/or the Project's general contractor's responsibility to coordinate with the City's franchised waste hauler and/or maintain weight tickets for self-hauled C&D Materials. Weight tickets shall be provided to the City on an ongoing basis during construction and as requested by the City. In no instance shall debris from construction activities be permitted to enter or discharge to the City's storm drain system. Best Management Practices (BMPs) for proper control of debris and to prevent storm water pollution are required to the satisfaction of the City Engineer.
5. Contractor(s) Business License: All Project contractors and sub-contractors shall obtain a City business license for the duration of Project construction. Failure of said parties to obtain a business license may impede City issuance of a certificate of occupancy for the Project.
6. Stormwater Management Control and Pollution Prevention: During all phases of Project construction, the developer and/or contractor shall employ temporary construction best management practices (BMPs) for erosion and sediment control, prevention of non-storm water discharges, and implement good housekeeping and waste management practices to protect the storm drain system and water quality as required by the City's NPDES storm water permit and City Code Section 13.05 Storm water Management, and the State of California Construction General Permit, as applicable. Plans indicating proper storm water management, control, and BMP implementation during construction shall be submitted to the City with construction plans and shall be subject to review and approval of the City's Building Official and City Engineer prior to issuance of any grading and/or building permit for the Project

H. General Requirements:

1. Water Runoff: Construction activity for the Project on the Subject Property shall not create or allow water run-off in accordance with Chapter 13.05 of the Sand City Municipal Code regarding Storm Water Management. The method of on-site drainage control, for both construction work and the final Project, shall be in accordance with City Code Chapter 13.05 and any Storm Water Control Plan as approved by the City Engineer, if such control plan is required for this Project.
2. Water: Approval of Design Permit 21-01 does not grant the Applicant and/or owner

of the Subject Property any right and/or privilege to any allocation of water by the City or any other agency/entity. Allocation of water to the Subject Property and/or Project, shall be at the sole discretion of the City's City Council.

3. Permit Violation: If the City determines that any term or condition of DP 21-01 has been violated, written notice shall be issued to the Applicant and/or Property Owner, that if such violation is not corrected and/or removed within a specified time, a 'cease and desist' or 'stop order' may be issued, followed by a potential public hearing, where the City Council may consider amending or revoking DP 21-01 and may then order said Permit amended or revoked.
4. Interpretation: Any questions of intent or interpretation regarding any condition within DP 21-01 shall be resolved by the City's Planning Department.
5. The issuance of DP 21-01 shall not supersede or override any applicable requirement(s) of any other City, County, State, or Federal agency.
6. Indemnification: To the extent permitted by law, the Applicant and Subject Property's owner shall indemnify and hold harmless the City, its City Council, its Design Review Committee members, its officers, employees, contractors, and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the Applicant to attack, set aside, or void any permit or 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.

PASSED AND ADOPTED, DP 21-01, is approved by the Sand City Design Review Committee (DRC), this ____ day of March, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

Design Review Committee Chairman

Aaron Blair, Interim Ex-Officio Member

This is to certify that DP 21-01 contains the terms and conditions specified by the Design Review Committee in approving said Permit.

Charles Pooler, City Planner

Signatures continued on following page...

Signatures continued from previous page.

APPLICANT ACCEPTANCE (DP 21-01)

Design Permit 21-01 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.

DATED: _____

BY: _____
Applicant

CONSENT OF OWNER (DP 21-01)

Consent is hereby granted to the permittee to proceed with the Design Review Committee approved project, in accordance with the terms and conditions of Design Permit 21-01.

DATED: _____

BY: _____
Property Owner

AGENDA ITEM 4B

CITY OF SAND CITY

STAFF REPORT

**FEBRUARY 10, 2021
(For DRC consideration on March 05, 2021)**

TO: Design Review Committee (DRC) & City Council

FROM: Charles Pooler, City Planner

SUBJECT: Architectural review for design modifications to a new mixed-use live-work development at west end of Orange Avenue 300 block

BACKGROUND

In 2018, the Sand City Design Review Committee (the “DRC”) and the City Council of Sand City approved conditional use permit 629 (with incorporated design and site plan approvals) for the development of a new mixed-use live-work development of four attached 1-bedroom live-work units with a detached garage structure providing four individual enclosed parking areas (1/dwelling unit) plus on-site parking and street improvements (the “Approved Project”) on a currently vacant property (no address) at the west end and south side of the 300 block of Orange Avenue (APN 011-254-013) in Sand City (the “Subject Property”).

Over the course of two years, the Approved Project became financially infeasible. Therefore, a request was submitted by John and Jason Montgomery (the “Applicant”) and John Scourkes (the “Architect”) for development permit approval to modify the previously approved design that reduces the number of units to three (3), decreases the interior floors from 3 levels to 2 levels, adds an open rooftop deck, adjusts materials and facade treatments, and removes the detached garage structure and provides an open carport to satisfy the covered parking requirement for the residential units (the “Revised Project”). The overall general site design and public improvements remain unchanged. As the previous permit’s conditions were specific to details of the original design, it is necessary to either amend the previous permit or to issue a new permit; therefore, this is being presented to the DRC and City Council for review and action.

The Subject Property is within a non-coastal Planned Mixed-Use (MU-P) zoning district with a General Plan land use designation of MU-D. The Revised Project qualifies for a Categorical Exemption under sections 15303(b) & (c) and 15332 of CEQA (California Environmental Quality Act) Guidelines. The Approved Project considered in 2018 was also exempt per the same CEQA Guideline sections.

Site Description:

The Subject Property is 125-feet wide and 75 feet deep (9,375 square feet). The Subject

Property is vacant and had been used for non-permitted storage by neighboring properties, that presented a previous code enforcement situation. A sand dune of no environmental significance impacts the site and will require considerable excavation and material export. The site is unique in that a 25'x75' section of the Subject Property is beyond the City's municipal boundary within the City of Seaside. To avoid cross-jurisdictional conflict, the Project has been designed to incorporate all of the structure, dwelling units, and parking on the Sand City portion of the site, while the Seaside portion will consist of open yard (potentially fenced) and four 90-square foot (9'x10') paved ground level patios (1/du). Utilities (gas, elect., water, sewer, etc.) will need to be extended along Orange Avenue to accommodate the Project.

DISCUSSION

Project Description:

The Applicant proposes to reduce the number of units from four (4) to three (3), decrease the interior floors from 3 levels to 2 levels (but adding an open rooftop deck), and remove the detached garage structure and provide an open carport to satisfy the covered parking requirement for the residential units. The overall general site design, building materials, colors, and public improvements remain unchanged.

Land Uses & Zoning:

The Subject Project is within a non-coastal Planned Mixed-Use (MU-P) zoning district with a General Plan land use designation of MU-D (Mixed-Use Development). Section 18.13.040.O of the Zoning Code specifies that residential "*development at a density no greater than 1 unit / 1,875 square feet of lot area*" is allowed, pending City Council's discretionary issuance of a conditional use permit. That portion of the Subject Property within the City's jurisdiction is 7,500 square feet (100' x 75'), which allows a maximum of up to four (4) dwelling units. The Revised Project reduces the project to three (3) live-work units with the upper level as residential and the ground floor as potential commercial work area. Therefore the Revised Project is compliant with density regulations of the City's Zoning Code.

The Revised Project design maintains the residential access via a stairway through the ground level 'work area'. This reduces the likelihood of leasing/subleasing the work areas separate from the residential dwelling above; however, the potential for illegal conversions by physically separating the spaces remains. In order to inform/notify potential future property owners and prevent future subdivision of the building into more than the three live-work units, a deed restriction should be recorded, stating that the entire building cannot be subdivided or leased as more than three live-work units.

CUP already includes land use entitlement approval for the residential occupancy of the dwelling units. Future commercial activities within the building will need individual conditional use permits once the types of commercial uses/activities are known. Ideally, a development of this scale with the limited work space on the ground floor could accommodate uses such as floral shops, art galleries, small scale salons, commercial showrooms, and small scale artist workshops that have limited demand for parking and would be consistent with the City's General Plan.

Site Plan:

Setbacks: The main live-work building will have a north setback of 2.5-feet from Orange Avenue, a south setback of 0-feet, a west setback of 25-feet and an east setback of 71-feet. Within that east setback will reside the on-site parking, the carport, and the trash enclosure. The previously approved garage has been removed from the Revised Project and is replaced with an open carport to provide the covered parking required by City Code for the residential units.

Parking: The Revised Project provides a total of eleven (11) on-site parking spaces. Three (3) of those spaces are designated within a carport to be for the residential occupants, one space for each dwelling unit; which satisfies the requirement for residential covered parking. The remaining eight (8) spaces includes one van accessible handicapped space. The Subject Property's site design will create space for one (1) curbside parking space in front of the trash enclosure; however, this space cannot be counted towards meeting zoning parking requirements. For the purposes of analyzing parking requirements for this multi-unit live/work Project, the Zoning Code's definition of "multi-family" (section 18.04.220) is best applicable to the Project, and will be used for staff's analysis regarding parking requirements.

- a) *Number of Parking Spaces* - Section 18.64.050.G of the zoning code requires one and one-half (1.5) parking spaces per "multi-family" dwelling unit, of which one of those spaces per unit is to be covered. For the Revised Project of three (3) dwelling units, a minimum of five (5) spaces (rounded up from 4.5 spaces) is required, of which three (3) are to be covered. The Project provides a total of eleven (11) parking spaces with three (3) below a carport. This exceeds the Code's minimum parking requirement for multi-family development. Furthermore, each dwelling is a 1-bedroom unit effectively limiting the number of occupants that will be in need of parking. As the 'work spaces' on the ground floor is integrated into each of the residential units, they cannot be occupied, leased, or subleased separately from the residential space above. In addition to the five (5) spaces required for the multi-family use, the site provides six (6) parking spaces to accommodate potential future commercial uses in the work area spaces; two per unit. Due to this, the sharing of parking for the residential component and the potential commercial component of the Subject Property is acceptable. Staff recommends that the zoning code eventually be amended to update and include language specifying parking requirements for live-work developments in a similar fashion as proposed for this Project.
- b) *Parking Deed Restriction* - The Revised Project is a "live-work" development of three dwelling units; where the residential occupants will also be the occupant of the "work area" on the ground level of each unit. A deed restriction, or equivalent legal mechanism, should be recorded on the Subject Property that 1) prohibits separating/dividing and/or leased/sub-leasing the ground level from the dwelling unit above to maintain occupancy as a single unit and 2) identifies the carports as 'residential parking' for the corresponding dwelling unit on the Subject Property. The recording of this deed restriction, or other equivalent document, should be completed prior to City issuance of a certificate of occupancy for the Project.

Loading/Unloading Areas: Dedicated loading/unloading areas are not identified on the plans for the Project. Future commercial activity of this live-work property will be subject to future land use entitlement (i.e. conditional use permit) review and approval whereby shipments/deliveries and loading/unloading activities will be evaluated at that time. Due to the limited floor area of the work areas of each unit, large truck deliveries are deemed unlikely.

Pavement Materials: On-site pedestrian walkways and the trash enclosure pavement are proposed to be concrete. Staff recommends that stamped concrete or a paver material also be allowed subject to City Planner approval of texture/color that must be noted on the construction plans. The parking area is proposed to use permeable pavers. The type of paver will be subject to the City Engineer's approval of the Project's storm water control plan and civil improvement plans. This is unchanged from the project design presented and approved in 2018.

Trash Enclosure: The Revised Project maintains a 285 square foot enclosure, shown to be of sufficient size to easily accommodate two dumpsters with space for additional bins and dumpsters. This enclosure opens to Orange Avenue, and also provides a gate to the parking area. The enclosure will also screen electric and gas utility meters. This is unchanged from the project design presented and approved in 2018. An apron in the sidewalk may be considered to allow rolling dumpsters into the street for collection.

Landscaping: Approximately 760 square feet of landscaping is illustrated on the revised site plan; however, no specific landscape plan has been provided. The Revised Project increased landscape area by approximately 378 square feet, mostly along the parking lot perimeter. Landscaping should consist of drought tolerant species suitable for coastal climate and sandy soil. If any trees are installed on the Subject Property, they should consist of *Arbutus unedo* (strawberry tree), *Metrosideros excelsus* (New Zealand Christmas tree), or other species deemed appropriate by the Planning Department. Landscaping should be subject to Planning Department review and approval of a landscape plan as part of the construction documents prior to issuance of a building permit for the Project. The following conditions/requirements (see Permit Conditions No. D-2 through D-6) were included in the 2018 approval of CUP 629, and should be maintained:

- a) *Landscape Plan* - complete landscape plan for the Project shall be submitted to the City's Planning Department for review and approval prior to issuance of a building permit for the Project. This landscape plan shall provide complete information, to the satisfaction of the City Planner, regarding ground covers, plants, shrubs, and trees in regards to species, sizes, location, placement, and numbers. Landscape plans shall include 1) irrigation plan(s) with details, 2) tree planting and staking details, and 3) shall be consistent with all storm water control plan(s). All landscaping and irrigation shall be installed in conformance with the City approved landscape plan, and prior to final issuance of a certificate of occupancy for the Project.

- b) *Trees* - Trees installed as part of the Project, in accordance with the Project approved landscape plan, shall consist of *Arbutus unedo* (strawberry tree), *Metrosideros excelsus* (New Zealand Christmas tree), or other species deemed appropriate by the Planning Department in the review of the Project's Landscape Plan. Tree species shall be 24-inch box size specimens unless otherwise approved by the Planning Department. Trees shall be drought resistant and tolerant of coastal sea winds and sandy soil. All trees shall be no less than double staked with 2-inch or greater diameter wood poles.
- c) *Irrigation* - An irrigation system for all required landscaping shall be installed and connected to the Subject Property's water system. This irrigation shall be verified as operational prior to City issuance of a certificate of occupancy. Irrigation shall be installed per the approved landscape plan. Any on-site changes varying from the approved plans, shall be approved by the Planning Department prior to implementation.
- d) *Planters* - All ground level planting areas shall not include raised curbs; rather, they are to be flush with adjacent pavement. Raised planter boxes may be used; however, they shall incorporate those materials and colors approved by the City for the Project's site and structure.
- e) *Landscape Maintenance* - All landscaping required of the Project shall be installed and maintained in accordance with the City approved landscape plan for this Project. The Subject Property's owner shall be responsible for irrigation and maintenance of this landscaping, including watering, pruning, and replacement of dead vegetation to the satisfaction of the City. Any alteration or modification of the approved landscape plan shall be subject to subsequent approval by the City's Planning Department.

Architectural Design:

The Revised Project maintains the originally approved modern architectural motif with block form and modern materials, incorporating copper colored exterior plaster, standard grey CMU block with black cinders (trash enclosure only), and horizontal wood siding (or cement equivalent); however, the revised design removes the previously proposed/approved cement fiber siding to be replaced with a varying colored plaster/stucco. The previous glass railings have been replaced with stainless steel cable railing on the rear upper level deck.

The building design maintains vertical elements, but were reduced from four to three tower elements that reflect the reduction in units. The roof-line along the front is modified to provide three sloped 'sawtooth' pattern roof treatments that accommodate concealed rooftop solar panels. The rear elevation maintains open decks for the second level, but the window/door transom treatments have been lowered. The Revised Project provides for rooftop access and open patio, which the previous design did not have.

The main building will incorporate a metal storefront system on the ground level's front and rear elevations and metal windows on the upper levels. No roll-up doors are proposed for the main building. The placement and alignment of windows and vertical treatments break up the buildings wall surface. Skylights are indicated for each of the dwelling units. No rooftop equipment was shown on the submitted plans with exception to sloped solar panels. The main building will be 33-feet high, well within height limitations of the Planned Mixed-Use (MU-P) Zoning.

Trash Enclosure: The Project proposes a 285 square foot enclosure, using the standard grey CMU block with black cinders. The enclosure also incorporates a metal frame and wood trellised element over the enclosure. Gates should be of an attractive design consisting of either metal or wood. This enclosure will also screen electric and gas utility meters, which staff encourages. This is unchanged from the project design presented and approved in 2018.

Exterior Lighting: The submitted plans did not provide information as to the specific exterior light fixtures that may/will be used. Exterior fixtures must direct light only onto the building and Subject Property, and must avoid projecting light into the street or onto neighboring properties. Fixtures should not create excessive ambient light or glare. All exterior light fixtures should be reviewed and approved by the City's Planning Department prior to issuance of a building permit. Fixture specifications and photometric information should be included on the construction drawings. CUP 629 should maintain this as a condition and requirement.

Bollards: The Project plans did not identify whether bollards would be incorporated on the Subject Property. If so, the Project should utilize decorative bollards and not plain exposed steel poles, except within the trash enclosure where the plain poles would not be readily visible. There are a variety of decorative options available on the market. The final decorative bollard should also be identified and incorporated into the construction plans/documents. CUP 629 should maintain this as a condition and requirement.

Utilities: Utility meters (i.e. gas, electricity, etc.) should be screened from public view, while maintaining service/maintenance accessibility. Utilities should be discouraged from occupying landscape areas when possible. Landscaping is not considered by staff to be an effective or reliable screening method. Screening should utilize architectural elements/materials consistent with the approved building design. The Project plans identify the gas and electric meters will be located within the trash enclosure, which provides adequate visual screening and achieves the goals stated above. CUP 629 should maintain the language specifying that all utility meters and equipment be either incorporated inside the structure and/or screened using elements of the building's architecture. Construction drawings need to include details on how this is achieved.

As the Revised Project will still be installing new street improvements, utility lines for electricity and communication (phone, cable, etc.) should also be installed underground prior to completing the new street work. The scope of this work will

be subject to both City Engineer and utility company review and civil improvement plan(s) approval by the City and utility providers.

Fire Suppression System: The stand pipe and riser for the fire suppression system should be integrated into the site design either inside the building or walls to screen their visibility. Too often, this is a design “after thought” that places this equipment unscreened outside the building or within the landscaping. This permit condition should be maintained and required.

Signs:

The Revised Project design did not indicate/identify any commercial signs for the Subject Property or Revised Project. Commercial signs are subject to DRC review and approval and issuance of a sign permit prior to any sign installation. Staff advises that any signs on the Subject Property be subject to a uniform sign program, and that be maintained as a condition of CUP 629. The purpose of a uniform sign program is to ensure that all signs are located along a consistent vertical and/or horizontal axis for each unit and that there is some level of consistency of signs on the property. When actual signs are proposed, that would be the time to prepare a sign program for DRC review, consideration and action.

Street Improvements:

The Subject Property has a 125-foot frontage along the Orange Avenue right-of-way; of which 25-feet of that frontage is within the City of Seaside. Sand City has no jurisdiction over that 1,875 square foot segment of the Subject Property or its street frontage beyond the Sand City boundary. Just as was proposed and approved in 2018, the Revised Project proposes to install new street improvements along fifty feet (50') of its 100-foot Orange Avenue frontage in Sand City, which will line up with the existing improvements and parking of the Slakey Brother's property across the street. The other half of the Subject Property's frontage is not proposed for improvements at this time, as that would require substantially more grading and excavation that would not serve any purposeful access at this time. As there are no other developed properties beyond this point at this time, it would be superfluous to require street improvement along the Subject Property's entire frontage until such time as the other undeveloped property across the street is (if ever) developed. This should remain a differed requirement as it was approved in 2018.

Street improvements will be subject to the City Engineer's review and approval of civil and public improvement plans, issuance of an encroachment permit, and coordinating utility installations (i.e. sewer, water, gas, electricity, communications, etc.) with utility providers. As part of the street improvement approval, the Applicant should re-establish the 'no parking signs' at the west end of Orange Avenue to prevent improper street parking that could impede driveway/parking access to the Subject Property and the Slakey Brother's site across the street. Authorized street improvement work should be completed prior to issuance of a certificate of occupancy for the Revised Project. These items should be maintained as a condition of CUP 629.

Overhead / Underground Utility Connection: The closest overhead utility pole is located approximately 110 linear feet from the edge of the Subject Property, across Orange Avenue. The Slakey Brother's site and the abutting mixed use buildings are served via an underground connection. Considering that the Revised Project will be installing street improvements, the Applicant should also be required to install electrical and communication utilities underground to serve the Subject Property.

Street Pole Lights: For the West End District, the City typically has not required a project to install light poles, with exception for the Ortiz frontage of The Independent. Currently, the cobra-head lights on poles and power poles are maintained and paid for by PG&E. When any other light pole/fixture is installed on public streets, then PG&E will not maintain or cover power costs; thus becoming a financial burden upon the City. If the City Council wishes to pursue more decorative pole lights in the West End District, staff recommends using concrete poles and LED fixtures. Additionally, a master plan should be prepared that pre-determines where pole lights should be placed throughout the West End District. The resolution to approve permit amendments does not include any requirement for street lights.

Stormwater Control:

The discharge of storm water within the City of Sand City is regulated by the State Water Resources Control Board (SWRCP) Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System Phase II General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (the 'General Permit'), the Central Coast Regional Water Quality Control Board (RWQCB) Resolution No. R3-2013-0032 Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region (the 'PCRs'), and Sand City Municipal Code (SCMC) Chapter 13.05 regarding Stormwater Management. The PCR's apply to all development projects that require discretionary approvals from the local jurisdiction that create or replace 2,500 square feet or more of impervious surface; and mandates development projects to implement Low Impact Development (LID) infrastructure to detain, retain, and treat runoff. Stormwater Control Measures (SCM) are features designed into a project that emphasizes the protection of water sheds through physical and design control measures. Low Impact Development (LID) is a strategy that strives to mimic pre-development hydrologic processes.

A preliminary stormwater control plan (prepared by Whitson Engineers) was provided for the originally Approved Project in 2018; which states that the parking area will be designed with a permeable pavement system with a 6-inch section of base rock. The soil survey report stated that two infiltration tests identify a percolation rate of 20.5-inches/hour for the Subject Property. The applicability and scope of stormwater control requirements for this Project will be subject to City Engineer evaluation and determination. This has remained unchanged with the Revised Project; but is still subject to City Engineer review and approval of improvement plans and prior to issuance of construction permits for the Revised Project.

Water:

The Subject Property is vacant and currently has no water credit associated with it. Therefore, the Revised Project is dependent upon the City's allocation of water from its desalination facility's water entitlement. No water had been allocated or recorded on the Subject Property by the City as yet. The Revised Project proposes for each unit a 1-full bath on the 2nd level and a handicap accessible full bath on the ground floor (work area). This is a reduction in bathroom fixtures from the original approval in 2018 that had 1-full bathroom and two half-bathrooms. How the Monterey Peninsula Water Management District (MPWMD) views this Project will impact the water calculations for this Project. The MPWMD has previously viewed 'live-work' projects as entirely 'residential' with water allocation based only upon the fixtures and not square footage of the 'work area'. Therefore, staff's water analysis examines water allocation as both a mixed-use (residential and commercial) and as just residential, as follows:

Mixed-Use: In viewing this Project as mixed use, with the lower level as commercial, the Revised Project would require 0.204 ac.ft./yr. for the residential segment and 0.139 ac.ft./yr. for the 1,992 square feet of commercial floor area (based on Group I Occupancy per the regulations of the MPWMD). This is a sub-total of 0.343 ac.ft./yr. plus landscaping. This is 0.179 ac.ft./yr less than water needs calculated for the previously Approved Project as a mixed-use development.

Residential: In viewing the Project as entirely residential, the water calculations for the 2 full baths (includes the 'work area') requires an allocation of 0.333 ac.ft./yr plus landscaping. This is 0.123 ac.ft./yr less than water needs calculated for the previously Approved Project as a purely residential development.

Landscaping: The submitted site plan does not indicate the square footage of landscaping; however, the Architect informed staff that there is approximately 760 square feet of landscaping with an all 'drip' irrigation system. Based on this information and using conservative factors (0.3 for plant factor), staff calculates the Project will require 0.019 af.ft./yr. (rounded from 0.0193) of water for landscape irrigation.

Based on the above, the Revised Project will need either 0.363 ac.ft./yr as a mixed residential and commercial development or 0.352 ac.ft./yr as a completely residential project. This amount will be finalized as the Project goes through the building department plan check process. Once the determination is made as to how the MPWMD will view this Project and a complete landscape plan has been reviewed, then staff will present the City Council with a resolution to consider allocating water for the Project.

The City is not obligated to provide water to any project; however, if the Council approves land entitlement permits for this Revised Project, then an allocation of water should follow so the Revised Project may proceed. A resolution and report regarding water allocation will be submitted at a later time for Council action. Any water allocated to the Subject Property and Revised Project from the City's Water Entitlement must be recorded with the Monterey County Recorder's Office prior to the Applicant acquiring a water permit from the MPWMD and/or obtaining a building permit from the City.

Parcel/Lot Merger:

The Subject Property consists of four (4) lots (Lots 1, 3, 5 & 7 of Block 19) within one (1) assessor's parcel (APN 011-254-013) (see Exhibit A). To reflect the Project, those existing lots within Sand City (not in Seaside) of the Subject Property should be merged into a single lot/parcel as a condition of permit approval (see draft permit Condition No. M-1). This merger was included in the approval of CUP 629 in 2018, and staff recommends that requirement remain unchanged. The methodology (i.e., lot line adjustment, parcel map, etc.) by which these lots/parcels are merged and then recorded would be subject to the City Engineer. The fact that a portion of the Subject Property is within another jurisdiction complicates (or possibly inhibits) this process, which will have to be evaluated by the City Engineer and City surveyor. The lot/parcel merger documents, prior to final recording with the Monterey County Recorder, should be subject to the City's Planning and Engineering Departments' review and approval. The Applicant would be responsible for paying all expenses and fees associated with the recording of the merger documents.

Expiration/Termination: Land Use Entitlement permits "run with the land" unless they include a termination clause (otherwise known as a "sunset clause"). A 'sunset clause' was incorporated into CUP 629 when approved in 2018; but the Applicant and Architect have been continuously working with the Planning Department to address development and financial issues related to that previously Approved Project keeping the permit active. The Applicant and Architect have continuously made good faith effort to keep this project moving despite the hardships that have presented themselves over the past couple years leading to the request for a permit amendment.

City Council: The City Council is scheduled to hold a public hearing on Tuesday, March 16, 2021, to consider the overall Revised Project, the recommendations of the DRC, and take action on the Revised Project. Under the zoning regulations intended to streamline the permitting process, the Design Permit and site plan requirements, based on recommendations of the DRC, were incorporated into a single conditional use permit (CUP 629) approved in 2018. The resolution to be presented for City Council consideration is to amend and add specific conditions of CUP 629 as to address the Revised Project's modifications and maintain other permit conditions as is.

Advisory Agency Comments:

Information on the Revised Project was circulated to the City's advisory agencies. The Building Department expressed no concern. The Seaside County Sanitation District (SCSD) commented that the Project must 1) apply to Monterey One Water for sewer capacity permit and fees, 2) utility and sewer plans, minimize grading to the extent practicable, 3) adhere to Sand City erosion sediment control requirements, and 4) adhere to Sand City Low Impact Development requirements. Furthermore, the Revised Project must extend the existing 6-inch sewer main to the end of Orange Avenue that includes a manhole per SCSD standards and obtain an encroachment permit from SCSD for inspection of sewer improvements. The Fire Department submitted a list of Fire Code references; but in summary, the project is to submit documents to the Fire Department for review and schedule Fire Department Clearance inspections prior to final building inspection. No other comments were received at the time of preparing this report.

CEQA Review:

The Revised Project, as did the originally Approved Project in 2018, qualifies for a Categorical Exemption under sections 15303(b) & (c) and section 15332 of CEQA (California Environmental Quality Act) Guidelines. Section 15303(b) exempts new multi-family residential construction not exceeding six (6) dwelling units in urbanized areas, section 15303(c) exempts new commercial construction not exceeding 10,000 square feet of floor area in urbanized areas of no environmental sensitivity, and section 15332 exempts “in-fill” development provided a project is consistent with the applicable General Plan designation. The Revised Project proposes three (3) dwelling units and less than 10,000 square feet of commercial floor area within the live work units. Sand City and the Subject Property can best be described as “urban in-fill” and the Revised Project is consistent with the General Plan. Therefore, the Revised Project qualifies under all of these exemption definitions.

CONCLUSION

The Revised Project’s design maximizes on-site parking in meeting the 1.5 spaces per dwelling unit code requirement plus six additional parking spaces for potential commercial uses on the site, avoids the continuous driveway apron frontage that is prevalent in the City, provides potential curbside parking, proposes a residential density of three dwelling units that is consistent with the Mixed-Use (MU-P) zoning, provides for an attractive and accessible trash enclosure, incorporates an ‘industrial chic’ architectural design that mitigates and inhibits large flat unattractive wall surfaces, and addresses the Subject Property’s cross-jurisdictional issue by maintaining all physical development within only Sand City’s jurisdiction. Staff supports the Revised Project as presented.

STAFF RECOMMENDATION

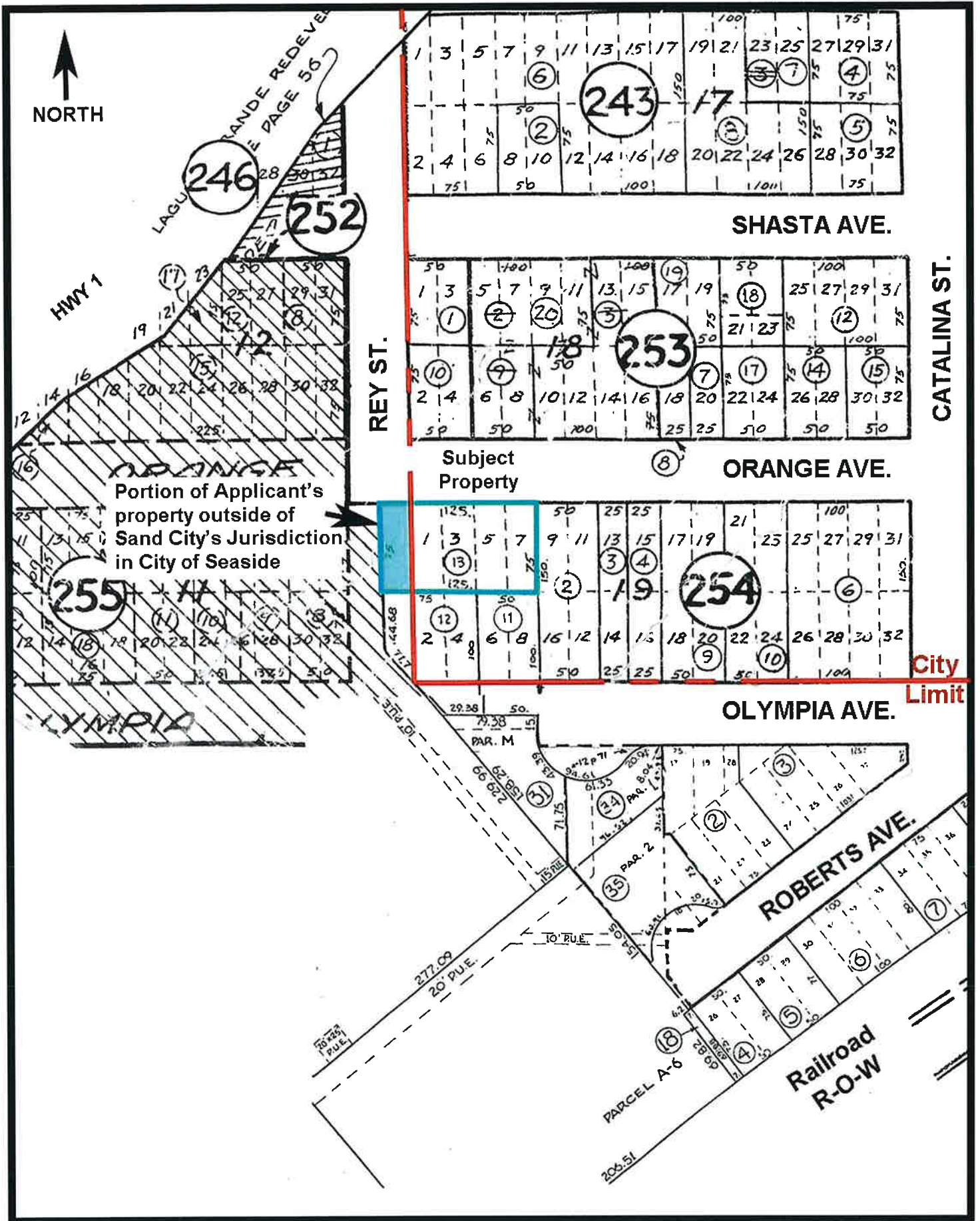
The DRC action is to provide comments and recommendations on the Revised Project’s design for City Council’s consideration in amending CUP 629 for the Revised Project. Staff intends to recommend **APPROVAL** to amend CUP 629 for the Revised Project, subject to DRC comments.

Exhibits:

- A. Location Map
- B. Aerial Map
- C. Previously Approved Project
 - C.1 Previous Site Plan
 - C.2 Previous Floor Plan
 - C.3 Previous Elevations
- D. Revised Project
 - D.1 New Site Plan
 - D.2 New Floor Plans
 - D.3 New Elevations
 - D.4 New Condition Overlay
- E. Materials/Colors
- F. Revised Project Cross Section
- G. Water Calculations (estimates)
- H. CUP 629 as approved in 2018 (Resolution SC 18-88)

Attachments:

- 1. Draft Resolution for City Council consideration to amend CUP 629

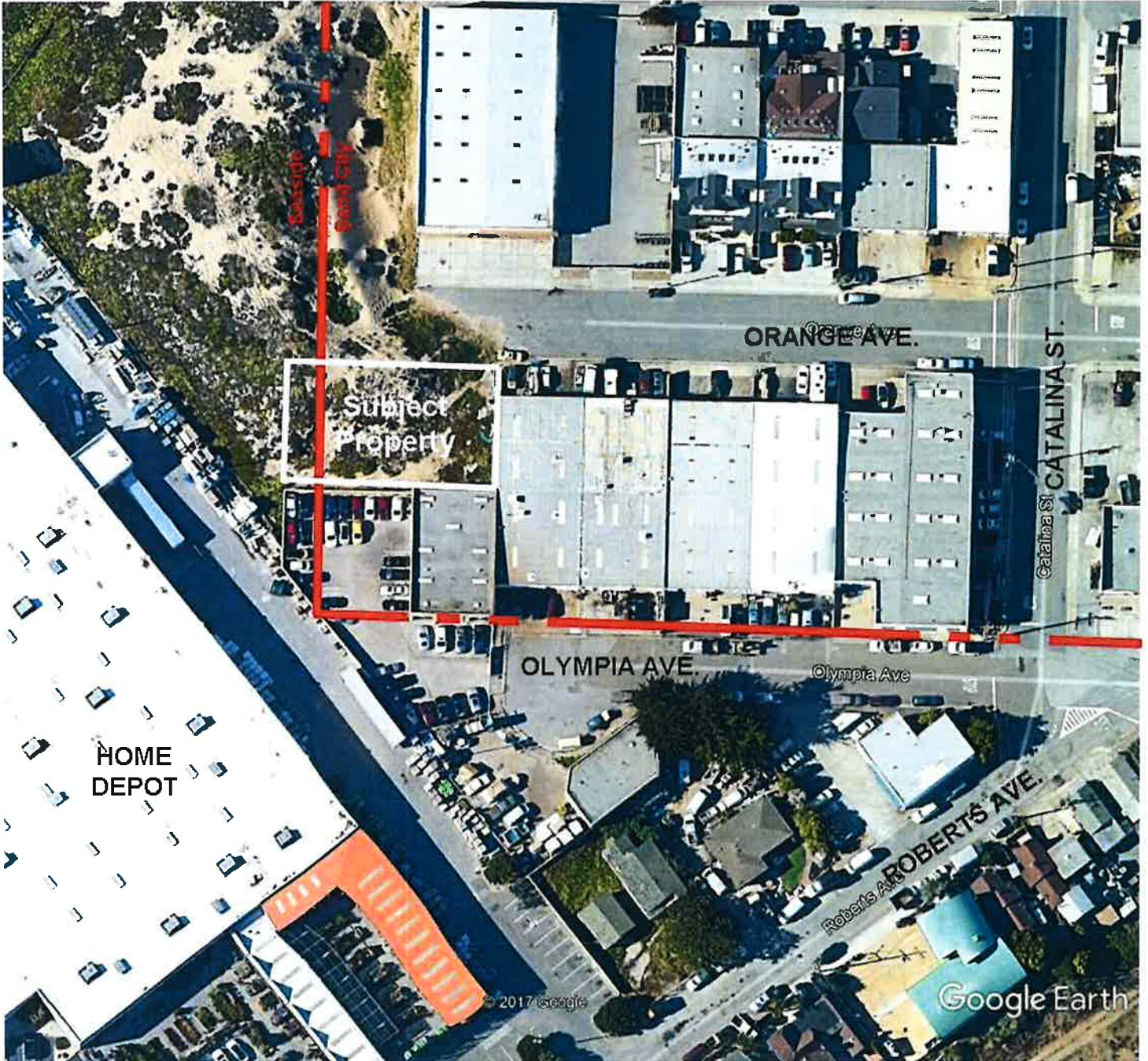


Location Map

EXHIBIT A

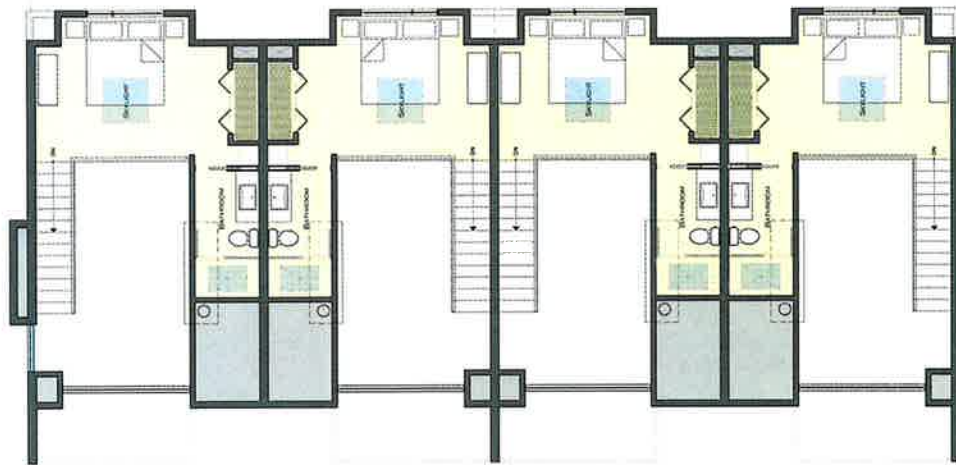


City
Limit



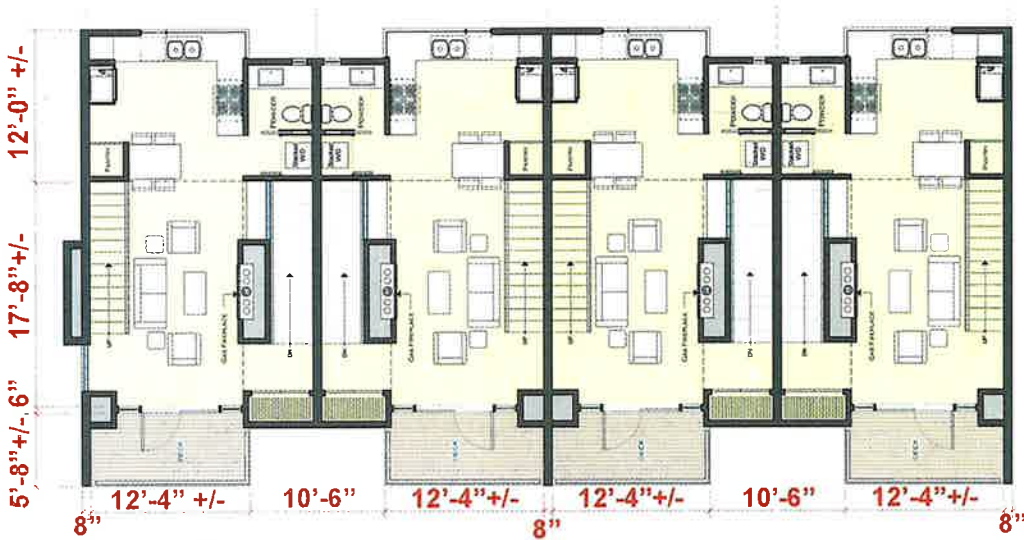
Aerial Map

EXHIBIT B



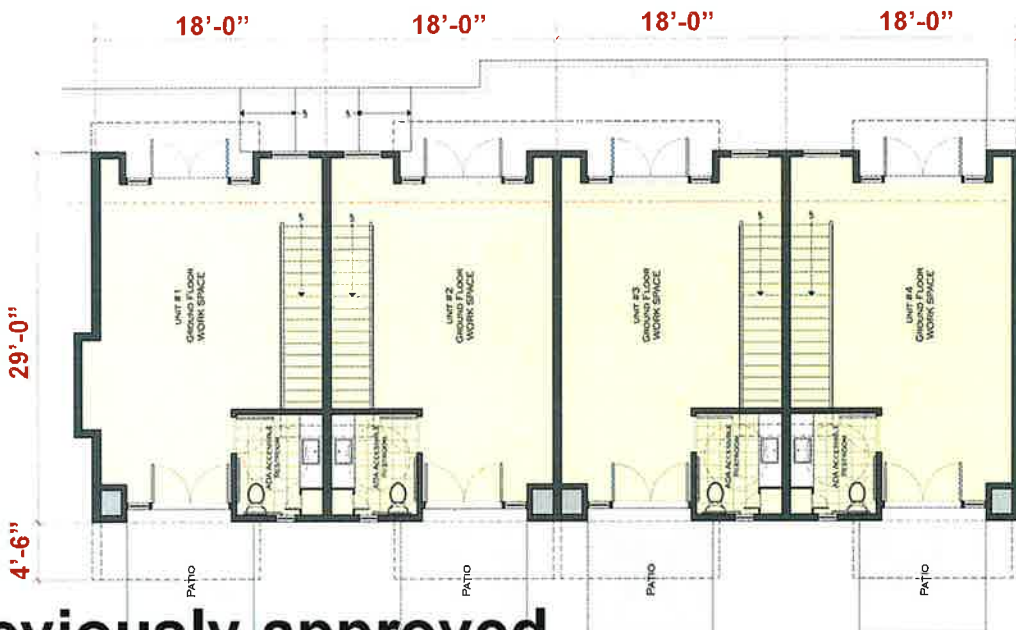
**LOFT LEVEL/RESIDENTIAL
UNIT PLAN STUDY**
SCALE: 3/16" = 1'-0"
FLOOR AREA:
LOFT LEVEL = 230 SQ.FT. +/-

The Loft Level has been removed from the modified design, and the new design has a rooftop open deck as a third level.



**MAIN LEVEL/RESIDENTIAL
UNIT PLAN STUDY**
SCALE: 3/16" = 1'-0"
FLOOR AREA:
LOFT LEVEL = 430 SQ.FT. +/-
DECK
= 65 SQ.FT. +/-

The modified design now proposed reduces the total project unit count from four units to three units but maintains the same overall footprint.



**GROUND FLOOR/WORK LEVEL
UNIT PLAN STUDY**
SCALE: 3/16" = 1'-0"
FLOOR AREA:
LOFT LEVEL = 390 SQ.FT. +/-
ADA RESTROOM = 58 SQ.FT. +/-
TOTAL FOOTPRINT = 500 SQ.FT. +/-

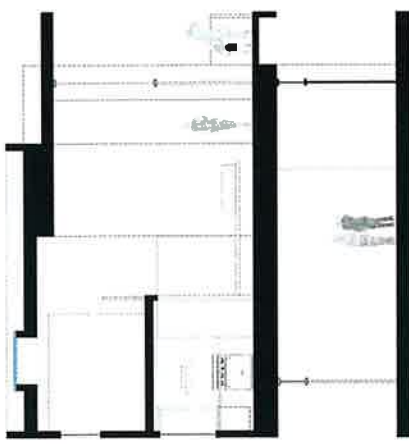
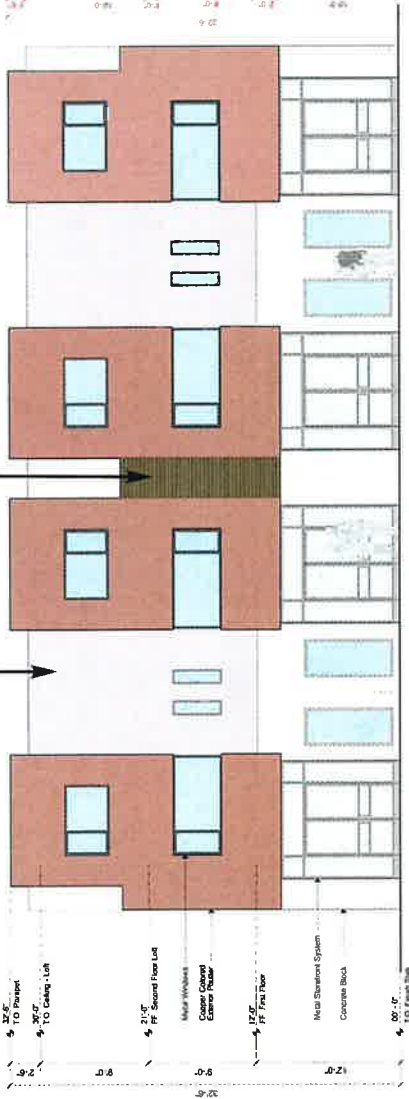
Previously approved
floor plans

EXHIBIT C.2

Front Elevation

Equitone fiber cement facade or eq.

Wood Siding or Cement Facade Eq.



5 BUILDING SECTION

EAST EXTERIOR ELEVATION

1

Wood Siding or Cement Facade Eq.

Channel Glass Equitone Fiber Cement or Eq.

Copper colored exterior plaster



NORTH EXTERIOR ELEVATION Facing Orange Ave.

2

Metal Storefront System

WEST EXTERIOR ELEVATION Rear Elevation

3

Concrete Block

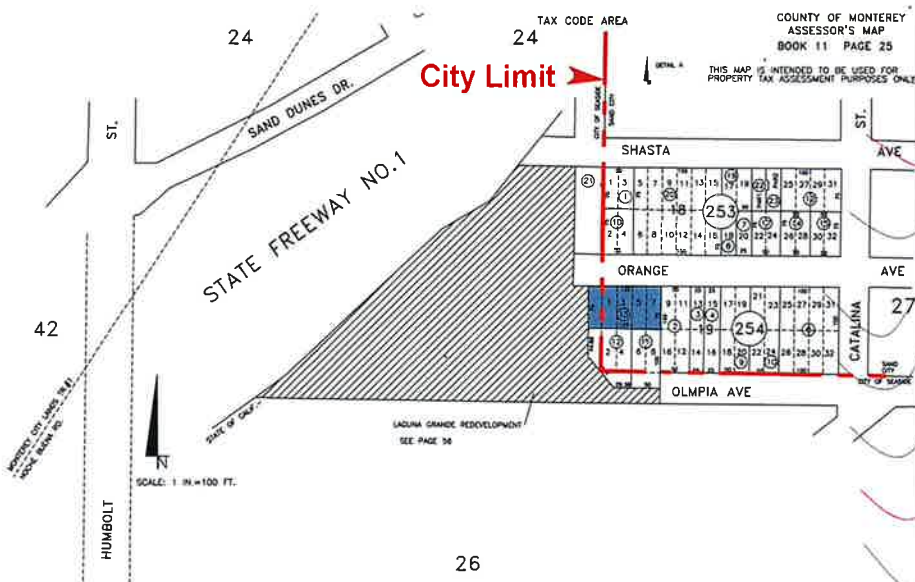
SOUTH EXTERIOR ELEVATION

4

Previously Approved Elevations (Main Bldg.)

EXHIBIT C.3

PARCEL MAP



Project now proposes three (3) units and the garage has been replaced with a carport for residential covered parking. The plan increases on-site parking by one (1) space. Street improvements are unchanged from the previous approval.



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 ARCHITECT LEED AP BD+C
 PO BOX 52090, PACIFIC GROVE, CA 93950
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 JNSARCH@AOL.COM



PROJECT:
 MONTGOMERY
 LIVE-WORK 3-UNITS
 ORANGE AVENUE,
 SAND CITY - CA 93955
 APN: 011-254-013-000

OWNER:
 John & Jason Montgomery
 493 Jean Circle,
 Marina, CA 93933
 (831) 402-4713

DATE: DECEMBER 28, 2021
REVISIONS:

SHEET TITLE:
 REVISED
 3-UNIT SITE PLAN
 STUDY # 1
 SITE PLAN
 COVER SHEET

PLANNING DEPARTMENT INFORMATION

SITE DATA:

APN: 011-254-013-000
 ZONING: MU-P
 USE: WORK/LIVE UNITS (3-UNITS)
OWNER:
 JOHN & JASON MONTGOMERY
 493 JEAN CIRCLE, MARINA - CA 93933
 (831) 402-4713

TYPE OF CONSTRUCTION:
 TYPE "V" 5 - FIRE SPRINKLERED

OCCUPANCY:
 GROUP R-2 OCCUPANCY

SITE AREA: 9,375 Sq.Ft
LOT COVERAGE: 47%

FAR: 69%

REQUIRED PARKING:

WORK USE: 1 SPACE PER UNIT = 3 SPACES
 RESIDENTIAL: 1 1/2 SPACES PER UNIT = 5 SPACES
TOTAL SPACES REQUIRED: = 8 SPACES
TOTAL SPACES PROVIDED: = 11 SPACES

FLOOR AREA:

GROUND FLOOR WORK AREA/UNIT: = 664 Sq.Ft.
 MAIN FLOOR RESIDENTIAL = 725 Sq.Ft.
TOTAL PER UNIT = 1,389 Sq.Ft. +/-
DEVELOPMENT UNITS X 3 = 4,167 Sq.Ft. +/-

BUILDING COVERAGE:

LIVE/WORK UNITS: = 2,000 Sq.Ft.
 GARAGE/COVERED PARKING = 620 Sq.Ft.
 TRASH ENCLOSURE = 285 Sq.Ft.
TOTAL = 2,905 Sq.Ft. +/-

SHEET INDEX:

ARCHITECTURE:
 AP - 1R PROPOSED SITE PLAN
 AP - 2R SITE PLAN - IMPACT STUDY/EXISTING SITE OVERLAY
 AP - 3R FLOOR PLANS
 AP - 4R EXTERIOR ELEVATIONS
 AP - 5R STREET ELEVATION - SITE SECTION STUDY

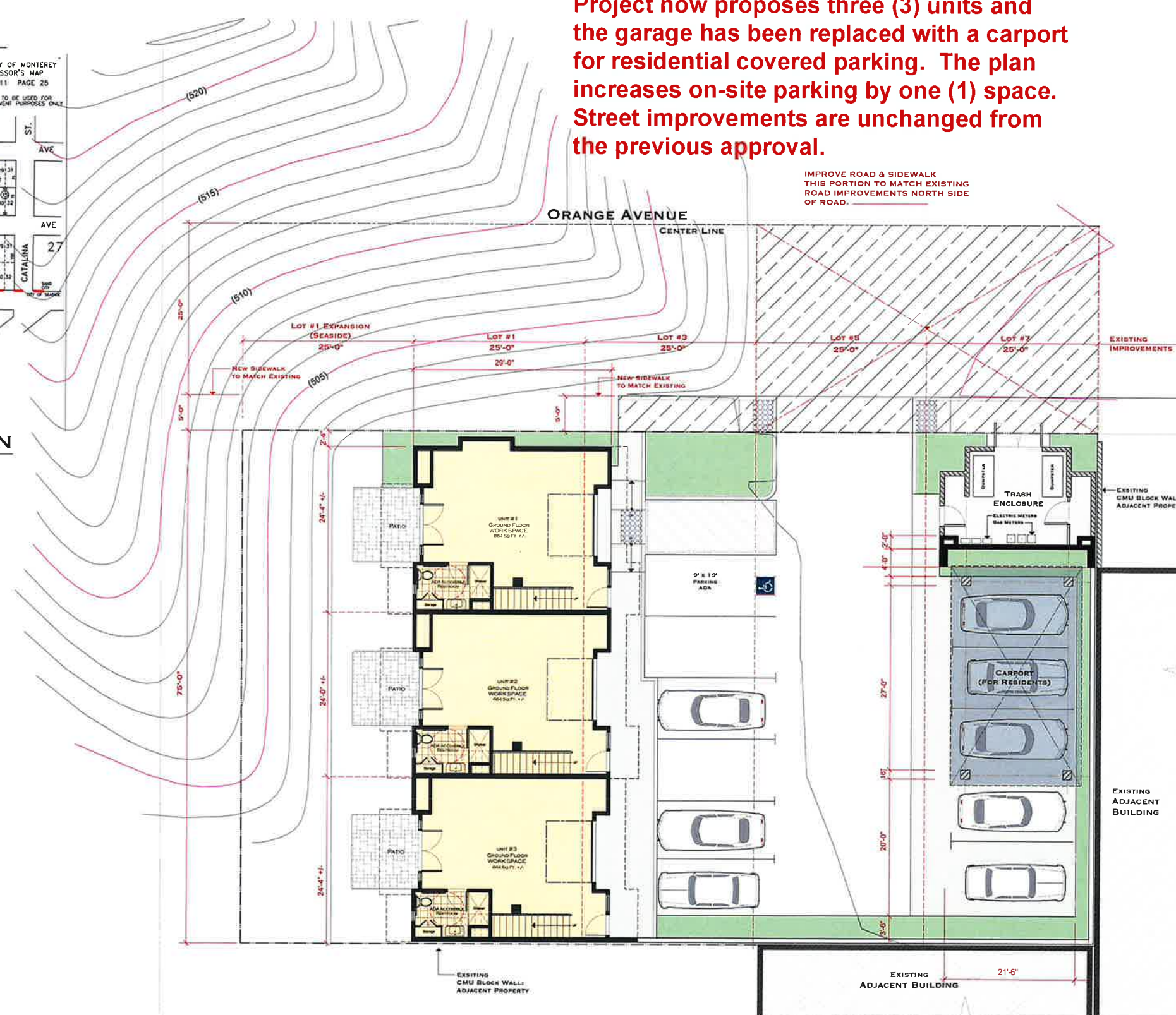
CONSULTANTS:

ARCHITECTURE:
 JOHN SCOURKES ARCHITECT
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 6 HARRIS COURT, MONTEREY - CA 93940
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 RWEBER@WHITSONENGINEERS.COM

GEOTECHNICAL:
 SOILS SURVEY GROUP
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 JNSARCH@AOL.COM

STRUCTURAL ENGINEERING:
 MESSMER ASSOCIATES - CONSULTING ENGINEERS
 903 PALM AVENUE, SEASIDE - CA 95953
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 DAMES@REDSHIFT.COM



Revised Site Plan (new proposal)

1 PROPOSED SITE PLAN - GRADING PLAN
 MONTGOMERY LIVE/WORK UNITS
 1/8" = 1'-0"

EXHIBIT D.1

The revised project proposes three (3) units with a ground floor work area, a second level 1-bedroom living area, and an open rooftop deck.



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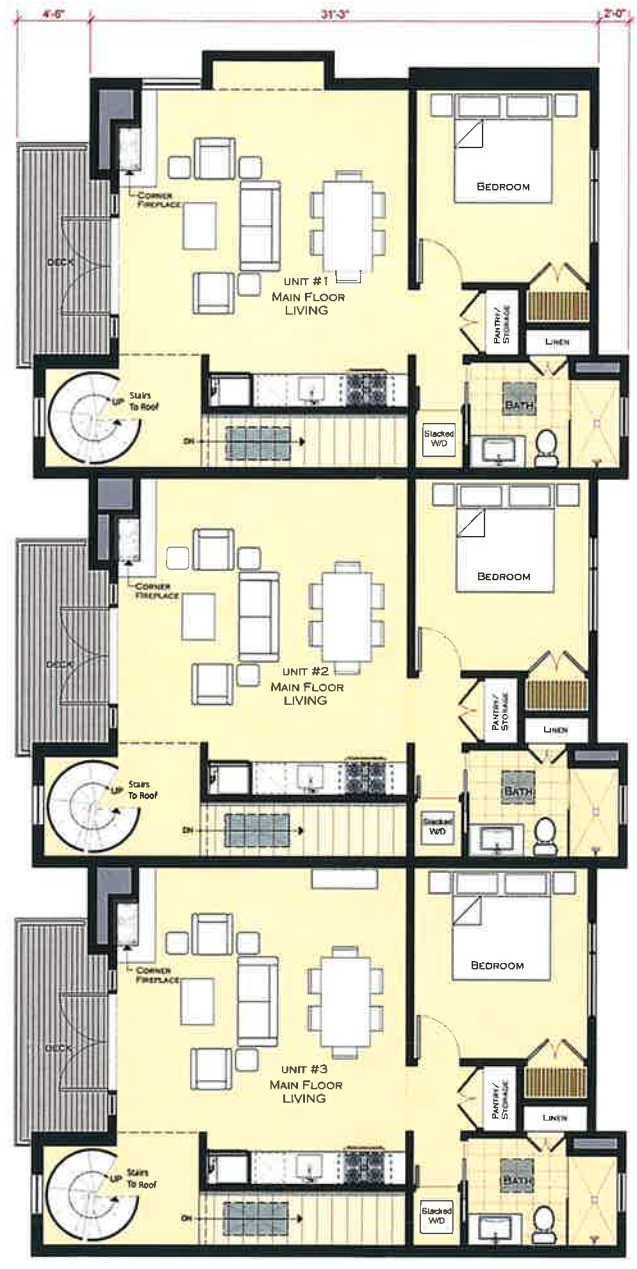
DATE: DECEMBER 28, 2021
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 3-UNIT SITE PLAN
 STUDY # 1

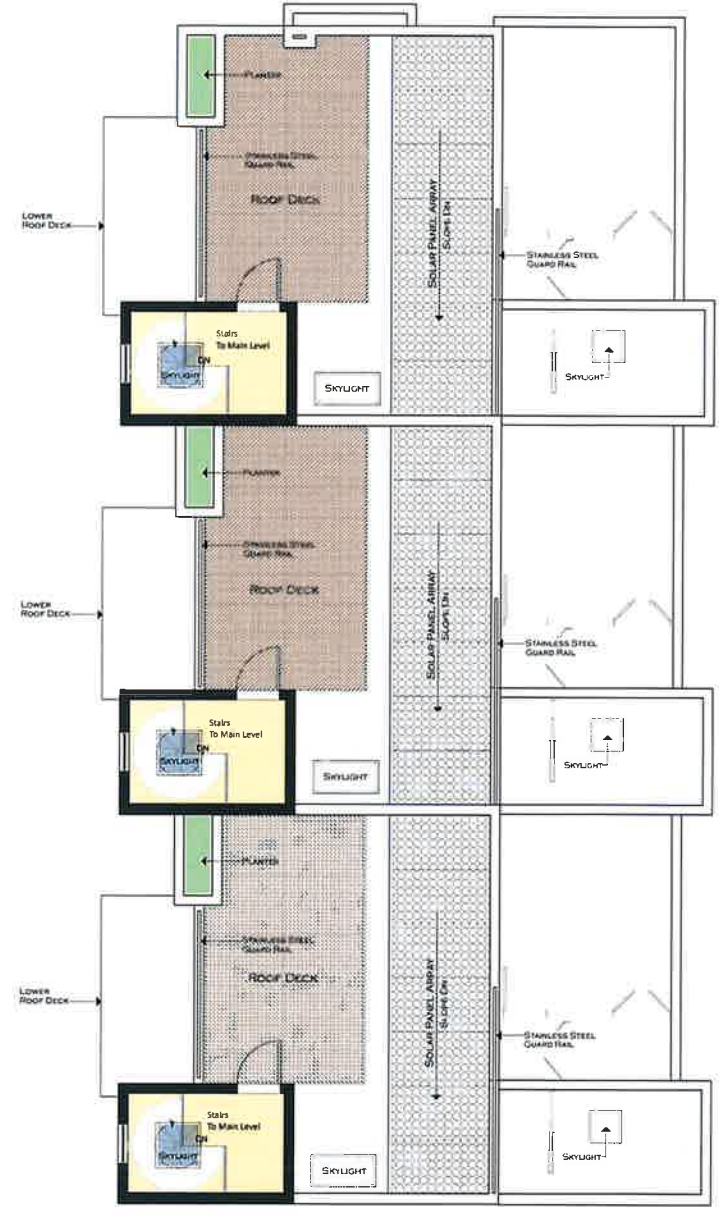
FLOOR PLANS



1 GROUND FLOOR/WORK LEVEL
 UNIT PLAN STUDY
 SCALE: 3/16" = 1'-0"
 FLOOR AREA/UNIT = 664 Sq.Ft. +/-



2 MAIN LEVEL/RESIDENTIAL
 UNIT PLAN STUDY
 SCALE: 3/16" = 1'-0"
 FLOOR AREA/UNIT = 725 Sq.Ft. +/-



3 ROOF PLAN
 UNIT PLAN STUDY
 SCALE: 3/16" = 1'-0"

Revised Floor Plans (new proposal)

EXHIBIT D.2

Elevation changes eliminate the corrugated fiber cement siding, reduces the vertical elements from four to three on the front and rear elevations, and increases the use of plaster. The roofline is altered to provide a 'sawtooth' design on the front elevation that conceals rooftop solar panels and accommodates rooftop access for open decks.



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PROJECT:

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 LIVE-WORK UNITS**
 ORANGE AVENUE,
 SAND CITY · CA 93955
 APN: 011-254-013-000

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REVISED
 3-UNIT SITE PLAN
 STUDY #1

EXTERIOR
 ELEVATIONS



Facing Orange Avenue

1 NORTH EXTERIOR ELEVATION
 SCALE: 3/16" = 1'-0"



Facing towards Home Depot

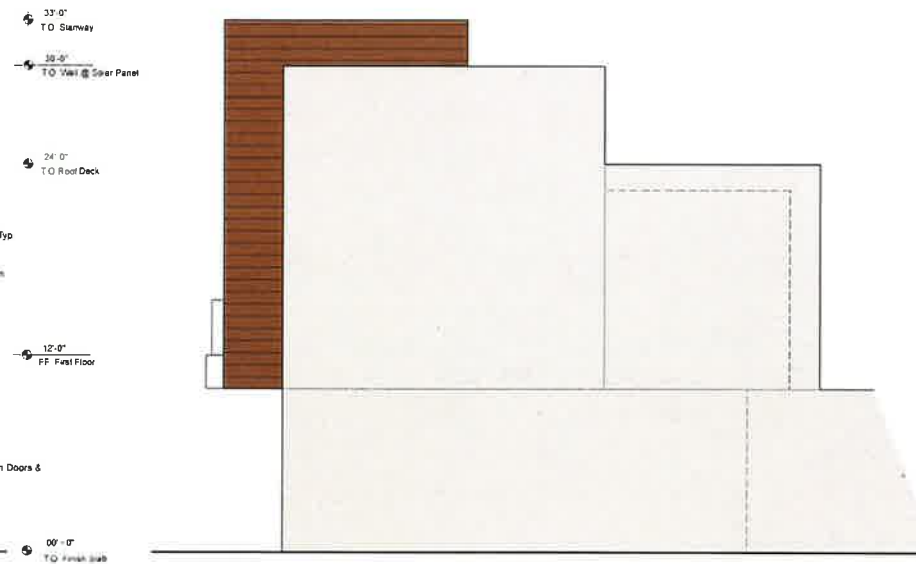
2 WEST EXTERIOR ELEVATION
 SCALE: 3/16" = 1'-0"

Horizontal Wood Siding or
 Equal Look
 Painted Aluminum
 Windows Typ
 Exterior Stucco Typ
 Painted Aluminum Doors &
 Windows Typ



Facing the parking area.

3 EAST EXTERIOR ELEVATION
 SCALE: 3/16" = 1'-0"



4 SOUTH EXTERIOR ELEVATION
 SCALE: 3/16" = 1'-0"

Revised Elevations (new proposal)

EXHIBIT D.3



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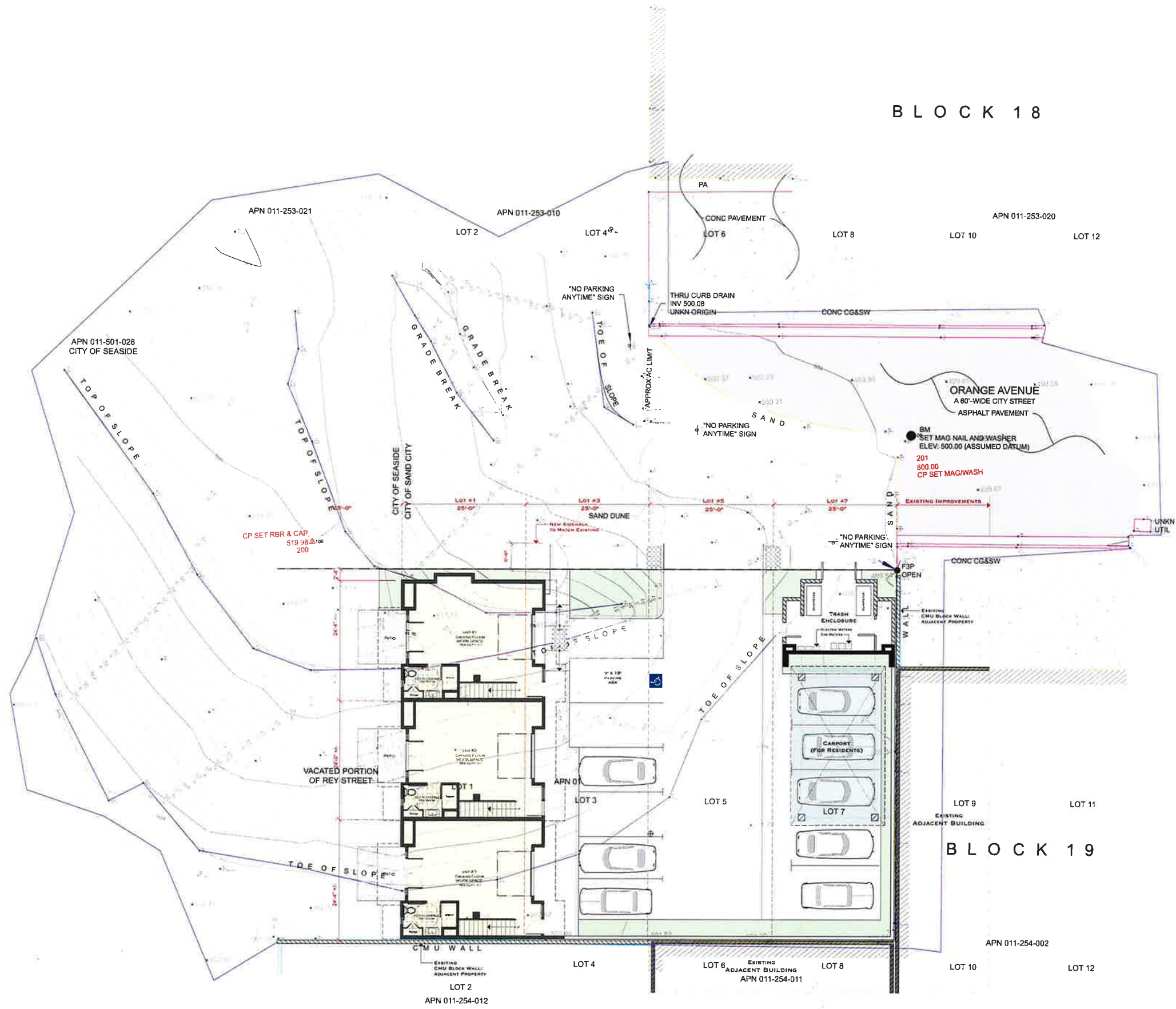
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 SAND CITY - CA 93955
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 REVISED
**3-UNIT SITE PLAN
 STUDY # 1**

SITE PLAN
 IMPACT STUDY

EXHIBIT D.4



Revised Project Existing Condition Overlay

NORTH
 1 SITE PLAN - IMPACT STUDY/EXISTING SITE OVERLAY
 MONTGOMERY LIVE/WORK UNITS
 1" = 10'-0"

INTEGRAL COLOR PLASTER
(Painted Plaster Optional)



**This previously approved material is
now removed from the new design**

FIBER CEMENT SIDING:
Equitone Cement Facade - Refer To Sample
(or approved equal)



PREFINISHED EXTERIOR WOOD SIDING
(or equivalent look)



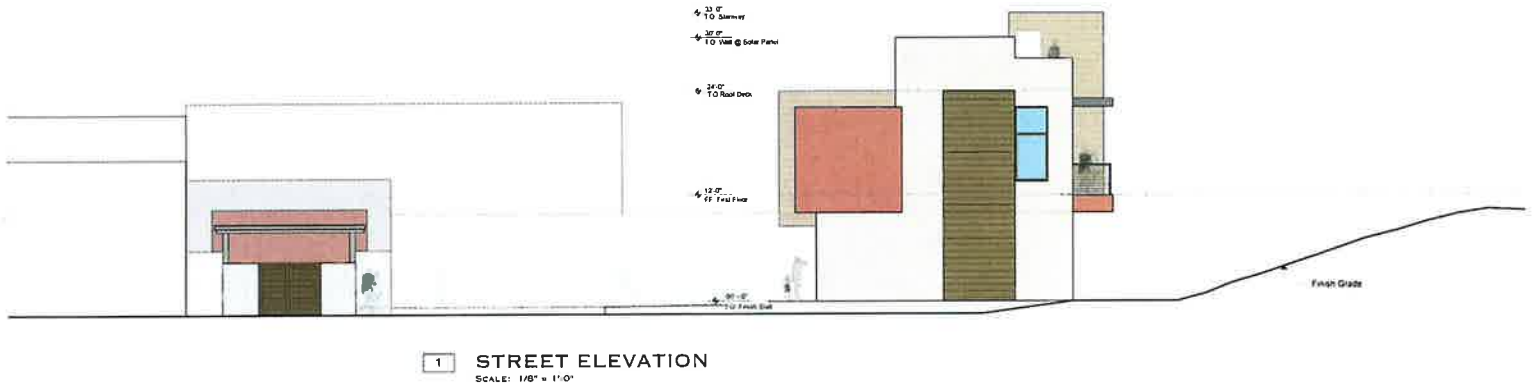
EXTERIOR STEEL &
FACTORY PAINTED WINDOW FRAMES



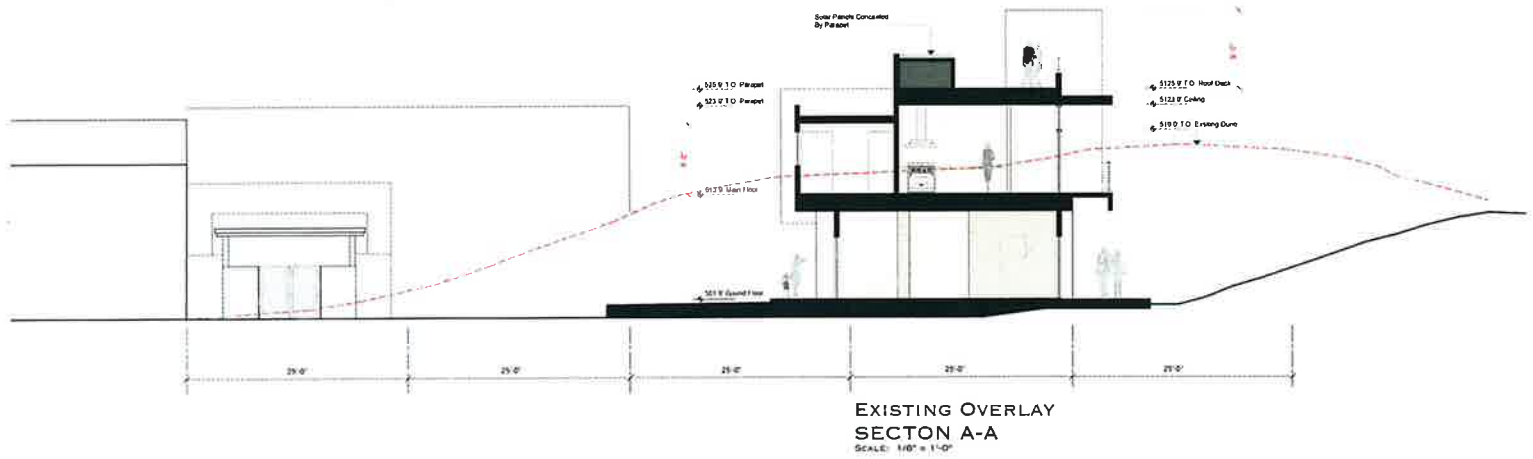
STANDARD GREY CMU BLOCK/Basalite
EXTRA BLACK CINDERS/Sandblasted In Place

Used only for the trash enclosure.





STREET ELEVATION



SITE SECTIONS - IMPACT STUDIES

TOTAL NECESSARY WATER ALLOCATION
MONTGOMERY LIVE-WORK - 300 blk of Orange Ave.

CREDIT:	
Existing Residential On-Site Credit	0.000
Existing Commercial On-Site Credit	0.000
Total On-Site Credit	0.000

There is no existing on-site water credit.

NEW DEMAND - Residential & Commercial separate:	
New Commercial Water Demand	0.139
New Residential Water Demand	0.204
New Landscaping Water Demand	0.019
Total New Water Demand	0.363

OR

NEW DEMAND - Entire building considered residential:	
New Commercial Water Demand	0.000
New Residential Water Demand	0.333
New Landscaping Water Demand	0.019
Total New Water Demand	0.352

EXHIBIT G

CITY OF SAND CITY

RESOLUTION SC 18 - 88, 2018

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY TO APPROVE
CONDITIONAL USE PERMIT #629 (INCLUSIVE OF SITE PLAN AND DESIGN
REVIEW) FOR JOHN AND JASON MONTGOMERY REGARDING A
LIVE-WORK DEVELOPMENT PROJECT ON
THE 300 BLOCK OF ORANGE AVENUE**

WHEREAS, John and Jason Montgomery (the “Applicant”) and John Scourkes (the “Architect”) submitted applications to the City of Sand City (the “City”) for site plan and architectural review regarding a new mixed use development of four attached 1-bedroom live-work units with a detached garage structure providing four individual enclosed parking areas (1/dwelling unit) plus on-site parking and street improvements (the “Project”) on a currently vacant property (no address) at the west end and south side of the 300 block of Orange Avenue (APN 011-254-013) in Sand City (the “Subject Property”); and

WHEREAS, the Project, as conditioned, is consistent with the Planned Mixed-Use (MU-P) zoning (Municipal Code Chapter 18.13) and land use designation of the City’s General Plan; and

WHEREAS, the Subject Property is unique in that 1,875 square feet of the site’s total 5,625 square feet is beyond the jurisdictional boundary of the City and lies within the City of Seaside’s jurisdiction, whereby the Project was designed to be constructed entirely within the City’s jurisdiction to avoid jurisdictional conflicts; and

WHEREAS, the Project proposes four (4) residential dwelling units on the 5,625 square foot Subject Property, of which only 7,500 square feet of the site is within the City’s jurisdiction, is compliant with residential density limits established by Zoning Code Section 18.13.040.O; and

WHEREAS, the Project design satisfies the minimum off-street parking requirements for a multi-family residential development as specified by Sand City Municipal Code Chapter 18.64; and

WHEREAS, the City’s Design Review Committee (the “DRC”) held a duly noticed public hearing to review, discuss, comment, and make recommendations pertaining to the design of the site and building architecture, with those recommendations forwarded to the City Council for consideration and action of entitlement permits for the Project; and

WHEREAS, in accordance with Municipal Code Section 18.72.030, the Site Plan and Architectural/Design review approvals are combined into a single Conditional Use Permit for the Project; and

WHEREAS, an estimate of between 0.466 and 0.532 acre-feet/year allocation of water is necessary to accommodate the Project, amounts subject to Monterey Peninsula Water

Management District (the "MPWMD") verification, which is currently available from the Sand City's Water Entitlement supplied by the City's water desalination facility and subject to discretionary allocation by the City Council that will be considered under separate action at a future date; and

WHEREAS, a lot/parcel merger to create one (1) lot and parcel, within the legal limits possible, from the existing four (4) lots (Lots 1, 3, 5 & 7 of Block 19) within APN 011-254-013 of the Subject Project is appropriate to properly reflect the Project, bring the Subject Property into greater consistency with contemporary site design standards, and ensure that the authorized Project design remains compliant with the Project's Conditional Use Permit's terms and conditions; and

WHEREAS, the Project qualifies for a Categorical Exemption under sections 15303(b) & (c) and section 15332 of CEQA (California Environmental Quality Act) Guidelines; and

WHEREAS, the City Council of the City of Sand City (the "City Council"), on October 2, 2018, has found and determined that the proposed Project, as conditioned, 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 Conditional Use Permit 629 ("CUP 629"), shall be granted upon the conditions hereinafter set forth; and

WHEREAS, the City Council of the City of Sand City has accepted the findings for approving CUP 629, as outlined in the City staff report, dated August 6, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Sand City to hereby grant and issue CUP 629 upon the following terms and conditions:

A. Permit Effectiveness / Time Limits & Purpose:

1. CUP 629, is not valid, and Project construction on the Subject Property shall not commence, until two (2) copies of this Resolution/Permit, signed by the Applicant and Subject Property's owner (the "Property Owner"), acknowledging receipt of the Resolution/Permit and acceptance of the terms and conditions, are returned to the City's Planning Department. The City shall not issue a building permit for the Project unless and until CUP 629 has been signed by all aforementioned parties in acceptance of the terms and conditions of CUP 629. Failure of the Applicant to return the two (2) original signatory copies of the Resolution/Permit, with the Applicant's and Property Owner's signatures of acceptance, within thirty (30) days from the date of City Council approval shall be sufficient cause for the City Council to revoke CUP 629 unless good cause to grant an extension is found acceptable by the City's Planning Department. In addition, if the Applicant fails to obtain and maintain an active building permit from the City for the Project within two (2) years following the date of City Council approval of CUP 629, and/or construction of the Project does not proceed thereafter issuance of a building permit where that building permit expires, then CUP 629 shall be subject to City Council action to terminate CUP 629 thereafter at their discretion. CUP 629 shall remain in effect until acted upon by the City Council.

2. Purpose: CUP 629, inclusive of architectural and site plan design, is for the express purpose of authorizing the Project to construct a new mixed use development of four (4) attached 1-bedroom live-work units (the "main building") with a detached garage structure providing four (4) individual enclosed parking areas (1/dwelling unit) plus on-site parking and street improvements in accordance with the terms and conditions specified by CUP 629. The second and third levels of the main building shall be residential occupancy only. Occupancy of the Project shall not commence until authorized construction is complete and a certificate of occupancy is issued by the City for the Project.

B. Land Use Terms and Conditions:

1. Residential Units: Of the four (4) units of this Project, levels 2 and 3 shall only be for residential occupancy, level 1 on the ground floor shall be "work space" that may be used for commercial activities pending approval of separate conditional use permits for those commercial use(s). The garage structure of this Project shall only provide for parking and storage for the residential units of this Project; one (1) garage per residential unit. The garage spaces are prohibited from being occupied and/or used for commercial activity. Residential occupancy of the Project shall not occur until construction is completed and the City issues a certificate of occupancy for the Project.
2. Commercial Floor Area: Future tenants/occupants on the Subject Property who wish to conduct commercial activities within their ground floor "work space" of the main building shall first obtain the applicable Zoning permit approval; at the determination of the City's Planning Department. Future commercial uses of the Subject Property may be restricted by the City, in the issuance of land use entitlement permits, to mitigate potential negative impacts upon this mixed-use (residential and commercial) Project and surrounding neighborhood.
3. Land Use Deed Restriction: A deed restriction, or equivalent legal mechanism, subject to City Attorney review and approval, shall be recorded with the Monterey County Recorder's Office, limiting the Subject Property to no more than four (4) units and prohibiting the physical separation and/or leasing of the ground level floor area independently from their corresponding dwelling space above and that the garages are prohibited from being leased separately from their residential unit or used for commercial purposes. The recording of this deed restriction shall be completed prior to City issuance of a certificate of occupancy for the Project.
4. Storage: The owner of the Subject Property shall ensure that tenants of the residential units maintain their personal storage within their assigned dwelling unit and/or garage, and not outside in the parking area, balcony, or other unscreened area(s) of the Subject Property. Residential tenant storage shall not clutter, obstruct use, or overhang any of the open decks nor obstruct the residential occupants ability to park one (1) standard sized automobile inside the garage.
5. 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 allowed in Conditional Use Permit (CUP) 629. The owner of the Subject Property shall be ultimately responsible for maintenance and upkeep of the entire Subject Property. If the Subject Property presents unlawful conditions that are not rectified by the Property Owner upon notification by the City, to such a state that the City takes action under Chapter 15.20 of the City's Municipal Code, the Property Owner shall then be responsible for reimbursing the City for those expenses incurred by the City in rectifying said unlawful conditions of the Subject Property.

6. Refuse storage & pickup: Trash, litter, boxes, crates, debris, or other used and/or discarded materials generated by the occupants of this mixed-use (residential and commercial) live-work building shall be stored within the appropriate waste collection receptacle(s). The Property Owner shall coordinate with the City's franchised waste hauler for 'multi-family' general waste and recycle collection services. Except on a designated trash collection day, said waste receptacle(s) shall be maintained within the Project's approved trash enclosure, and screened from public view.

C. Site Plan:

1. Footprint, Setbacks, Coverage: The main live-work building shall have a north setback of 2.5-feet, a south setback of 0-feet, a west setback of 25-feet and an east setback of 71-feet. Within that east setback shall reside the on-site parking, the garage structure, and the trash enclosure. The garage shall be a single structure with four (4) separated spaces that will be zero feet (0') from the east and south property lines and a 15.5-foot north setback from the Orange Avenue right-of-way enabling space for the trash enclosure.
2. Parking: The Project shall provide a minimum of ten (10) on-site parking spaces. Four (4) of those spaces are to be in the garage structure, with one garage space assigned to each dwelling unit. The remaining six (6) uncovered parking spaces (including one van accessible handicapped space) shall be maintained along the main building facing the parking area on the Subject Property.
3. Parking Deed Restriction: A deed restriction, or equivalent legal mechanism, subject to City review and approval, shall be recorded with the Monterey County Recorder's Office identifying the residential garage space of the building, and limiting its use for parking and storage by only the residential unit's occupant. Furthermore, this deed restriction shall mandate that storage within the garage shall not impede the parking of at least one (1) standard sized motor vehicle (i.e. automobile, pick-up truck, or the like) within that space. The recording of this deed restriction shall be completed prior to City issuance of a certificate of occupancy for the Project.
4. Pavement Material: On-site pedestrian walkways and the trash enclosure pavement shall consist of concrete, but may be substituted with a stamped concrete or paver material subject to City approval. The parking area shall consist of permeable pavers, subject to City Engineer approval of the Project's stormwater control plan.

Off site street improvements are subject to City Engineer approval of a public improvement plan.

5. Trash Enclosure: The Project shall provide a trash enclosure along the north side of the garage structure of approximately 285 square feet, being of sufficient size and dimensions to accommodate multiple trash bins and/or dumpsters. This enclosure shall utilize those same building facade materials as approved for the building elevations. Sufficient access to the enclosure and waste/recycling bins/dumpsters stored within shall be maintained to enable refuse collection service(s). The enclosure may accommodate the gas and electrical meters. Any special accommodations necessary to facilitate waste collection service shall be the responsibility and expense of the Subject Property's owner.
6. Retaining Walls: In any circumstance where the finished grade of the Subject Property is in excess of six inches (6") higher or lower than abutting property or adjacent lots, a retaining wall or other suitable solution acceptable to the City Engineer, shall be required. Retaining walls shall be structurally engineered if over four feet (4') in height from bottom of footing to top of wall, and shall require a building permit. Any retaining walls necessary for the Project shall be shown on the Project's final Grading and Drainage Plan, Storm water Control Plan, and site plan.
7. Truncated Domes: All truncated domes installed on the Subject Property and/or abutting street improvements of this Project for ADA (Americans with Disabilities Act) compliance shall utilize a "Brick Red" or similar color and shall not utilize the standard yellow color unless determined by the City Engineer that yellow or other color is necessary for ADA compliance. Exceptions to this requirement shall be subject to the City Engineer's discretion for code compliance in plan check and final approval of construction ready civil improvement plans for the Project.

D. Landscaping:

1. Landscaping: The Project shall provide an approximate total of 382 square feet of landscaping, divided among various points of the Subject Property as indicated on the Project's approved site plan, primarily along the parking area and Subject Property's Orange Avenue frontage. CUP 629 does not authorize landscaping for that portion of the Subject Property beyond the City's jurisdictional boundary located within the City of Seaside's jurisdiction. All Project landscaping on the Subject Property, within Sand City's jurisdiction, shall have a drip irrigation system.
2. Landscape Plan: A complete landscape plan for the Project shall be submitted to the City's Planning Department for review and approval prior to issuance of a building permit for the Project. This landscape plan shall provide complete information, to the satisfaction of the City Planner, regarding ground covers, plants, shrubs, and trees in regards to species, sizes, location, placement, and numbers. Landscape plans shall include 1) irrigation plan(s) with details, 2) tree planting and staking details, 3) identify square footage of landscaping, and 4) shall be consistent with all storm water control plan(s). All landscaping and irrigation shall be installed

in conformance with the City approved landscape plan, and prior to final issuance of a certificate of occupancy for the Project.

3. Trees: Trees installed as part of the Project, in accordance with the Project approved landscape plan, shall consist of *Arbutus unedo* (strawberry tree), *Metrosideros excelsus* (New Zealand Christmas tree), or other species deemed appropriate by the Planning Department in the review of the Project's Landscape Plan. Tree species shall be 24-inch box size specimens unless otherwise approved by the Planning Department. Trees shall be drought resistant and tolerant of coastal sea winds and sandy soil. All trees shall be no less than double staked with 2-inch or greater diameter wood poles.
4. Planters: Ground level planting areas shall not include raised curbs; rather, they are to be flush with adjacent pavement to the satisfaction of the Planning Department. Raised planter boxes may be used; however, they shall incorporate those materials and colors approved by the City for the Project's site and structure. Any exception to this requirement shall be subject to City Planner Approval.
5. Irrigation: An irrigation system for all required landscaping shall be installed and connected to the Subject Property's water system. This irrigation shall be verified as operational prior to City issuance of a certificate of occupancy. Irrigation shall be installed per the approved landscape plan. Any on-site changes varying from the approved plans shall be approved by the Planning Department prior to implementation.
6. Landscape Maintenance: All landscaping required of the Project shall be installed and maintained in accordance with the City approved landscape plan for this Project. The Subject Property's owner shall be responsible for irrigation and maintenance of this landscaping, including watering, pruning, and replacement of dead vegetation to the satisfaction of the City. Any alteration or modification of the approved landscape plan shall be subject to subsequent approval by the City's Planning Department.

E. Building Architecture:

1. Materials/Colors: The building's exterior elevations shall consist of copper colored exterior plaster, wood siding (or cement equivalent), and cement fiber siding on the 2nd and 3rd floors, and standard grey CMU block with black cinders on the ground floor only. The use of materials and colors shall alternate on different wall planes of an elevation. The Applicant may variate the application of the aforementioned materials/colors on the building elevations, subject to City Planner final review and approval of construction drawings. The garage structure shall consist of copper colored exterior plaster, wood siding (or cement equivalent), cement fiber siding, and copper clad or painted sectional doors. The main building shall incorporate a frame and glass storefront system on the ground level's east and west elevations and framed windows and glass doors on the upper levels. Balcony railings shall consist of glass or similar transparent material. The trash enclosure shall utilize the standard grey CMU block with black cinders as used on the main building and shall

include decorative metal or wood gates and a metal or wood framed trellis atop the enclosure.

2. Wall Facades: The Project design shall incorporate vertical elements on the second and third levels of alternating materials/colors and window/door alignment to visually break up large flat wall surfaces on the east, west, and north elevations. The ground floor shall utilize colors/materials different from the levels above to provide a visual horizontal 'base' to the structure.
3. Building Height: The main building shall be a maximum of three (3) floors at an approximate height of thirty-two and one half feet (32.5') maximum from finished grade. The garage structure shall be approximately fourteen (14) feet in height from finished grade.
4. Roof-line / Parapets: The main building's parapet roof-line shall avoid long flat distances by incorporating height variations of approximately one and one-half feet (1.5') in correlation with vertical wall treatments.
5. Decorative screening, fences, gates, etc.: There shall be no chain-link fencing and no barbed or razor wire fencing installed on the Subject Property. All fencing, screening, and gates shall consist of a high quality decorative and durable material and design subject to final City Planner review and approval. The Project may install a decorative gate along the frontage driveway, subject to final City Planner review and approval. Temporary construction fencing, potentially consisting of chain-link, is allowed only during construction activities of those development pads under construction.
6. Bollards: Any new bollards installed on the Subject Property shall utilize decorative bollards and not plain exposed steel/metal poles, the design of these bollards shall be subject to final City Planning Department approval. Decorative bollards shall also be identified and illustrated on civil improvement construction plans/documents for this Project. Bollards that must satisfy specific utility provider specifications are exempt from this requirement.
7. Quality Control: The City shall retain the right to evaluate materials used in this Project for their perseverance and resistance to Sand City's coastal climate conditions; and if those materials are deemed inadequate through signs of rust, rot, or other deteriorating condition, the City may then require higher quality materials during construction as an enforcement of the Project's architectural approval.

F. Light Fixtures:

1. Lighting Plan: Prior to issuance of a building permit, the Applicant shall submit a detailed lighting plan to the City's Planning Department for review and approval. The lighting plan shall identify all exterior light fixtures and their mounting, watt capacity, filament housing, and illumination dispersal (photometric) for the Project. All exterior lighting shall be shielded and designed to prevent excessive glare and light from intruding onto adjacent properties and/or street rights-of-way. The angle

of light distribution from exterior light fixtures shall be subject to the City Planner and City Engineer final approval of Project construction plans.

G. Utilities, Equipment, & Meters:

1. Building Utility Meters & Boxes: All utility meters, boxes, conduit, and the like attached to a building shall either be installed inside that building or otherwise integrated into and screened with that building's exterior architecture and/or screened from public view using the same materials/colors as approved for that building. Accessibility to meters and equipment shall be maintained in accordance with utility company requirements. Implementation of this requirement shall be subject to the satisfaction and final approval of the City's Planning, Building, Engineering, and Fire Departments. The methodology and location of meters/equipment shall be at the final discretion of the City Planner and City Engineer. Exceptions may be allowed for Electrical Vehicle (EV) charging stations in parking areas/stalls. The methodology and location of all such EV meters/equipment shall be at the final discretion of the City Planner and City Engineer.
2. Fire Suppression System: The requirement for installing a fire suppression system shall be subject to the City's Fire Department, and installed in accordance with Fire Department requirements. The stand pipe and riser for the fire suppression system shall not be attached to the building exterior unscreened; rather said items shall be integrated into the Project's design, either inside the building or within the building walls to screen their visibility.
3. Rooftop Equipment: All rooftop equipment, including, but not limited to, ventilation, communication, satellite dishes, roof access shall be screened from public view. Rooftop solar panels (if any) shall be attached and secured to the roof and shall not ballasted to the satisfaction of the City's Building Department. Final screening design/methodologies for rooftop equipment, or exemptions thereof, shall be subject to City review and approval prior to issuance of a building permit for the Project.

H. Signs:

1. Any and all commercial signs to be installed on the Subject Property shall be subject to a uniform sign program, as part of a sign permit, approved by the Sand City Design Review Committee (DRC) prior to installation of any commercial signs on the Subject Property. The purpose of the uniform sign program is to ensure all signs are placed on the building along a consistent vertical and horizontal access of the building and between each unit. Construction signs may be placed on the Subject Property without DRC approval only during Project construction, subject to the terms/conditions of CUP 629, and shall be removed upon Project completion.

I. Street & Public Improvements:

1. Street / Public Improvements: The Applicant shall be responsible for providing street and public improvements; including, but not limited to, curb, gutter, sidewalk, driveway apron, street pavement, ADA ramps/access, and repair or patch with appropriate subsurface and surface material along the Subject Property's Orange

Avenue street frontage. All street, utility, and public improvements required of the Project, shall be according to the City Engineer's approved Public Improvement Plan and completed to the satisfaction of the City Engineer prior to issuance of a certificate of completion of the street work and a certificate of occupancy for the Project.

2. Partial Street Improvement Deferment: At the time of Project construction, the street improvements along the Subject Property's easterly 50-foot Orange Avenue street frontage shall be completed to the satisfaction of the City Engineer prior to City issuance of a certificate of compliance for the street work and issuance of a certificate of occupancy for the building. The street work along the remaining westerly half of the Subject Property's Orange Avenue street frontage, a distance of fifty feet (50'), may be deferred until such time as either the vacant property across the street (APN 011-253-010) is developed and installs their section of Orange Avenue street improvements or the City implements street work in that area. The methodology for financing and implementing this section of deferred street improvement shall be subject to the City Engineer, which may include, but limited to, in lieu payment, public improvement agreement, or the like.
3. Public Improvement Plan: The Applicant shall submit a final Public Improvement Plan to the City for any/all Project construction within public rights-of-way. This plan shall be prepared by a California Registered Civil Engineer, subject to the City Engineer's review and approval prior to issuance of grading, encroachment(s), and/or building permits for the Project. This Public Improvement Plan, designed per City standards and specifications as required by the City Engineer, shall include all required public improvements for the Project; including, but not limited to curb, gutter, sidewalk, driveway apron, street pavement, ADA ramps/access, street lights, landscaping, utilities and utility meters, grading, and drainage improvements. Project required public improvements shall be in compliance with the American's with Disabilities Act (ADA) standards to the satisfaction of the City Engineer. This Public Improvement Plan shall be consistent with the Project's Infrastructure Plan. This Public Improvement Plan shall be submitted to all utility providers specified by the City Engineer; including, but not limited to, sewer, water, natural gas, electricity, telephone, television cable, and internet providers in Sand City.
4. Utility Infrastructure Plan & Utility Relocation(s): The Applicant shall submit to the City a final Utility Infrastructure Plan, subject to City Engineer review and approval prior to issuance of grading, encroachment(s), and/or building permits for the Project. This Utility Infrastructure Plan shall identify all utilities and utility connections required for the Project; including, but not limited to, storm drainage, sanitary sewer, water, electric, gas, telephone, cable, all onsite utilities and all required infrastructure. This Infrastructure Plan shall be consistent with the Project's Public Improvement Plan. Any trenching of street asphalt and/or concrete for utility connections shall be replaced per City requirements and City standards and specifications. Any utility relocation and the associated costs required as part of this Project shall be the responsibility of the Applicant and/or Subject Property's

owner. The placement of utility connections and meters shall be to the satisfaction of the City Engineer and in accordance with the terms and conditions of CUP 629.

5. Encroachment Permits: Encroachment permits shall be required for, and issued prior to the commencement of, any construction performed within any public right of way and/or easement. The Applicant shall complete and submit an encroachment permit application to the City that includes relevant improvement plans identifying the Project's intended public improvements. The Applicant shall pay all fees associated with the processing and review of the encroachment permit, to be determined per the City's fee schedule in effect at the time of application.
6. Street / Public Improvement Contractor & Schedule: The Applicant shall provide the City with the contact information and active State contractor's licence number for all contractors and sub-contractors performing City approved street and public improvements for the Project. Additionally, a construction schedule for all Project required street and public improvements, consistent with the City approved Public Improvement Plan, shall be provided to the City Engineer.

J. Storm water Management and Control:

1. Storm water Control Measures and Low Impact Development: The Project shall be designed to provide Storm Water Control Measures (SCMs) and Low Impact Development (LID) strategies consistent with the City Engineer's interpretation of applicable requirements of the State Water Resources Control Board (SWRCP) Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System Phase II General Permit for Storm water Discharges from Small Municipal Separate Storm Sewer Systems (the 'General Permit'), the Central Coast Regional Water Quality Control Board (RWQCB) Resolution No. R3-2013-0032 Post-Construction Storm water Management Requirements for Development Projects in the Central Coast Region (the 'PCRs'), and Sand City Municipal Code (SCMC) Chapter 13.05 regarding Storm Water Management. All of the Project's SCMs and LID features, including water quality measures, shall comply with the requirements of the General Permit, the PCRs, and SCMC Chapter 13.05 to the satisfaction of the City Engineer.
2. Storm water Control Requirements: The requirements for storm water control and management shall be subject to the City Engineer's review and approval of a Storm Water Control Plan (the "SCP"), the Storm Water Control Maintenance and Right-of-Entry Agreement, the Operations and Maintenance Plan (the "O&M Plan"), and the Best Management Practices (the "BMPs") plan.
3. Best Management Practices (BMPs): During all phases of construction and/or land disturbance activities related to the Project, the Project's construction contractor and all sub-contractors shall implement site-specific temporary Best Management Practices (BMPs) to protect water quality and prevent storm water pollution, as required by City's municipal Storm Water Permit, Municipal Code Title 13.05 Storm Water Management, and the California Construction General Permit, as applicable. BMPs shall include, but are not limited to, erosion and sediment control, prevention of non-storm water discharges, good housekeeping and waste management

practices. The Applicant shall submit an Erosion and Sediment Control Plan (ESCP) or Storm Water Pollution Prevention Plan (SWPPP), as applicable, for review and approval by the City' Engineer and Planning and Building Departments prior to the issuance of any grading and/or building permit(s) or the commencement of any construction activities on the subject property. The ESCP or SWPPP shall indicate the appropriate site-specific BMPs to be implemented during all phases of construction. The Applicant shall complete a Storm water Compliance Tracking Form for the Project, prior to preparation of an ESCP.

4. Stormwater Management Non-Compliance: If for any reason the Project cannot demonstrate compliance with the State Water Resources Control Board's General Permit applicable to Sand City, the Central Coast Regional Water Quality Control Board's PCRs, or Title 13.05 of the City's Municipal Code, or the Applicant fails to obtain approval of a final Operation and Maintenance Plan (the "O&M Plan") or fails to execute and/or record a final Agreement regarding maintenance and right of City entry for storm water control measures, then a building/grading permit(s) for the Project will not be issued and CUP 629 shall then be subject to termination.

K. Plans and Agency Compliance:

1. Plans Examination: Construction plans/documents for the Project shall be reviewed and approved by the relevant City Departments of the City prior to City issuance of a building permits for the Project and prior to commencement of any grading or construction on the Subject Property. Any and all requirements specified by Sand City during plan review prior to issuance of a building permit, or during construction inspections, shall be implemented to the satisfaction of the inspectors/representatives of each City Department. Construction plans/documents shall include all necessary mitigation to implement the City approved Storm water Control Plan for the Project.
2. Agency/Department Compliance: All requirements of the City's Building and Fire Departments, as well as the Seaside County Sanitation District, and Monterey County Health Department, shall be implemented to the satisfaction of the inspectors of each department/agency. All necessary permits from One Water and/or the Seaside County Sanitation District shall be acquired by the Applicant prior to City issuance of building permits for the Project. All requirements of each aforementioned Department/Agency shall be met to the satisfaction of the City Engineer prior to issuing a certificate of occupancy for the Project.
3. Fire Sprinklers: Installation of fire sprinklers shall be at the discretion of, and in accordance with, the requirements of the City's Fire Department and City Municipal Code. If a fire suppression system is required, then a fire sprinkler/suppression plan shall be submitted to the City's Fire Department for review and approval, and installed prior to City issuance of a certificate of occupancy for the Project. Exterior equipment related to said suppression system shall abide by the screening requirements of Condition G-2 of CUP 629 to the satisfaction of the Planning Department prior to issuance of a certificate of occupancy.

4. Soil / Geotechnical Report: The Applicant shall submit a final soil engineering and/or geo-technical evaluation report (the "Soil Report") prepared by a California certified geologist or geo-technical engineer with all Project improvement plan submissions. The Soil Report shall ensure the Project is designed in accordance with the most current and applicable standards of the City's Building Code. The Soil Report shall include 1) standard penetration tests and bore holes to evaluate potential of seismic hazards, 2) a soils percolation test and report on percolation rates of the Subject Property to confirm that the proposed storm water infrastructure and water quality control measures will function as designed, and 3) geo-technical evaluation for all necessary aspects of the Project. Recommendations of said report shall be integrated into the Project's design in accordance with the City Engineer.
5. Grading and Drainage Plan: The Applicant and/or Property Owner shall submit to the City a final Grading and Drainage Plan for the Project, prepared by a California Registered Civil Engineer, subject to City Engineer review and approval prior to issuance of grading and/or building permits for the Project. All grading and drainage designs shall meet City Engineer specifications, and shall be consistent with the City approved Public Improvement Plan, all City approved post-construction stormwater management features, and the City approved Stormwater Control Plan.
6. Sewer and Water: The Project shall connect to existing water and sewer systems. The Project is subject to the regulations and requirements of the Monterey Peninsula Water Management District (MPWMD), California American Water (Cal-Am), One Water (formerly 'Monterey Regional Water Pollution Control Agency'), and the Seaside County Sanitation District (SCSD). All sewer and water utilities required for the Project shall be designed and constructed in accordance with the standards and specifications of the SCSD and Cal-Am to the satisfaction of the City Engineer. The Applicant shall provide approvals from both SCSD and Cal-Am for all sewer and water utilities, including the adjustment or relocation of any existing sewer clean-outs, manholes, or services and existing water valves, covers, fire hydrants, or services that may be necessary for this Project. The Applicant shall include a signature block for approval by SCSD and Cal-Am on the improvement plans where proposed sewer and water utilities are identified.
7. Air District: Requirements of the Monterey Bay Unified Air Pollution Control Agency that are applicable to the development of the Project, shall be implemented to that Agency's satisfaction.
8. Cultural Resources: Construction, civil improvement, and grading plans shall include the following language:

"In the event that evidence of historical, tribal, archaeological and/or paleontological resources is/are uncovered during excavation and/or grading, all work shall stop in the area until a qualified professional archeologist/paleontologist can evaluate said find. The Sand City Planning Department shall be notified. If the find is determined to be significant, then appropriate mitigation measures shall be formulated and implemented."

9. Environmental Assessment Report: The Applicant shall provide the City Engineer a Phase I Environmental Assessment report with an assessment of potential hazardous materials that may be within the Subject Property. If the Phase I report identifies the presence of hazardous materials, then the Applicant shall then provide a Phase II Environmental Assessment Report to the City Engineer for review and approval; whereby the mitigation specified in the City Engineer approved Phase II Environmental Assessment shall be implemented by the Applicant prior to issuance of a certificate of occupancy for the Project.

L. Construction:

1. Construction Staging Management Plan: The Applicant shall prepare a Construction Staging Management Plan for approval by the City Planner and/or City Engineer, prior to issuance of grading or demolition permits for the Project.
2. Street Access: Construction activities shall not impede vehicular traffic on public streets. Any temporary closures of streets or sidewalks to accommodate construction shall be coordinated with, and subject to, the direction of the Sand City Chief of Police prior to implementing any temporary street closures. Adjacent properties impacted by said closures shall be given notice no less than one (1) week prior of such closure.
3. Material/Equipment: Materials and/or equipment necessary to construct the approved Project shall not be stored and/or parked within any public right-of-way or on private property beyond the limits of Subject Property within the City unless otherwise authorized by the City's Planning Department and Chief of Police. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. Locate stationary noise-generating equipment as far as reasonably possible from sensitive noise receptors that adjoin or are near the construction area and/or provide an effective acoustical barrier or insulation. All internal combustion engine driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. Security/construction fencing shall be implemented if deemed necessary by the Building Inspector and/or other City Department inspector. In no instance shall material and equipment that may cause pollution to storm water be permitted to enter or discharge to the City storm drain system. Best Management Practice (BMPs) for proper control of materials and equipment and to prevent storm water pollution, are required in accordance with the City's NPDES (National Pollutant Discharge Elimination System) storm water permit and City Code Section 13.05 regarding Storm water Management to the satisfaction of the City Engineer.
4. Construction Hours: Construction activities performed by all contractors and sub-contractors on the Project shall only occur between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 10:00 a.m. to 6:00 p.m. on Saturdays. There shall be no construction activity for this Project on Sundays unless otherwise authorized in writing by the City Administrator. These periods of construction activity may be further limited if determined necessary by the City to address public nuisance issues that may arise.

5. Construction/Demolition Debris/Material: Debris/material from construction/demolition activities shall be stored and contained away from general public access, and hauled away and disposed of in a timely and legal manner. The Project's general contractor shall implement material recovery and recycling when feasible. Construction/Demolition debris (the "C&D Materials") shall either be hauled/removed from the site by the general contractor to the Monterey Regional Waste Management District facility or by the City's franchised waste hauler. No other outside hauler is permitted in accordance with City municipal Code sections 13.04.060 and 13.04.090. It shall be the Property Owner's and/or the Project's general contractor's responsibility to coordinate with the City's franchised waste hauler and/or maintain weight tickets for self-hauled C&D Materials. Weight tickets shall be provided to the City's Planning Department on an ongoing basis during construction and as requested by the City. In no instance shall debris from construction activities be permitted to enter or discharge to the City's storm drain system. Best Management Practices (BMPs) for proper control of debris and to prevent storm water pollution are required to the satisfaction of the City Engineer.
6. Construction Signs: Construction signs may be placed on the Subject Property only during project construction, and shall be removed upon Project completion. Such signs may be placed on perimeter construction fencing or on posts, but shall not be elevated whereby the top of sign exceeds eight (8) feet in height.
7. Contractor(s) Business License: All Project contractors and sub-contractors shall obtain a City business license for the duration of Project construction. Failure of said parties to obtain a business license may impede City issuance of a certificate of occupancy for the Project.
8. Disturbance Coordinator: The Applicant and/or the general contractor for this Parcel shall designate a "disturbance coordinator" responsible for responding to complaints regarding construction noise or vibration. The City shall be provided the name and contact information of the assigned disturbance coordinator. This disturbance coordinator shall determine the cause of the complaint and require reasonable measures to correct the issue to the satisfaction of the City.
9. Stormwater Management Control and Pollution Prevention: During all phases of Project construction, the developer and/or contractor shall employ temporary construction best management practices (BMPs) for erosion and sediment control, prevention of non-storm water discharges, and implement good housekeeping and waste management practices to protect the storm drain system and water quality as required by the City's NPDES storm water permit and City Code Section 13.05 Stormwater Management, and the State of California Construction General Permit, as applicable. Plans indicating proper storm water management, control, and BMP implementation during construction shall be submitted to the City with construction plans and shall be subject to review and approval of the City's Building Official and City Engineer prior to issuance of any grading and/or building permit for the Project.

M. General Requirements:

1. Lot & Parcel Merger: The Subject Property's owner shall merge, to the extent legally possible, those individual lots 1, 3, 5 & 7 of Block 19 of Assessor Parcel Number 011-254-013 into one (1) lot and parcel, or to the limit legally feasible, prior to City issuance of a certificate of occupancy for the Project. The methodology (i.e., lot line adjustment, parcel map, etc.) by which these lots/parcels are merged and then recorded, shall be subject to the City Engineer. The lot/parcel merger documents, prior to final recording with the Monterey County Recorder, shall be subject to the City's Planning and Engineering Departments review and approval. The Applicant shall be responsible for paying all expenses and fees associated with the preparing and recording of the merger documents.
2. Water Runoff: Construction activity and final use of the Subject Property shall not create or allow water run-off in accordance with Chapter 13.05 of the Sand City Municipal Code regarding Storm Water Management. The method of on-site drainage control, for both construction work and the final Project, shall be in accordance with City Code Chapter 13.05 and the approved Storm water Control Plan as approved by the City Engineer.
3. Water Allocation: Each of the four units of this Project shall be limited to one (1) full bathroom (tub/shower, toilet, sink) on the third level; one (1) half-bath (toilet & shower) on the second level, one (1) kitchen sink and dishwasher, one(1) clothes washing machine on the second level, and one (1) ADA accessible half bath on the ground level. Prior to City issuance of a building permit for the Project, the Property Owner and/or Applicant shall obtain the necessary water permit(s) from the Monterey Peninsula Water Management District (MPWMD) for the Project as authorized by CUP 629. Approval of CUP 629 does not grant the Applicant and/or Subject Property's owner any right and/or privilege to any allocation of water by the City of Sand City or other agency/entity. Any allocation of water to the Subject Property and Project from the City's Water Entitlement (desalination facility) shall be at the discretion of the City Council. If the City takes action to deny an allocation of water necessary for the Project to proceed, in accordance with the determination and regulations of the MPWMD, then Conditional Use Permit 629 shall be subject to termination by the City Council.
4. Permit Violation: If the City determines any term or condition of CUP 629 has been violated, written notice shall be issued to the Applicant and/or Property Owner, that if such violation is not corrected and/or removed within a specified time, a 'cease and desist' or 'stop order' may be issued, followed by a potential public hearing, where the City Council may consider amending or revoking CUP 629 and may then order said Permit amended or revoked.
5. Interpretation: Any questions of intent or interpretation regarding any condition of CUP 629 shall be resolved by the Sand City Planning Department.
6. Indemnity: To the extent permitted by law, the Applicant and Subject Property's Owner shall indemnify and hold harmless the City, its City Council, its officers,

employees, 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 to attack, set aside, or void, any permit or approval authorized hereby for the Project, 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.

7. The issuance of CUP 629 shall not supersede or override any applicable requirements of any other City, County, State, or Federal agency.

PASSED AND ADOPTED, Conditional Use Permit (CUP) 629 by the City Council of the City of Sand City this 2nd day of October, 2018 by the following vote:

AYES: Council Member Blackwelder, Hawthorne, Hubler, McDaniel, Carbone
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:

ATTEST:

Linda K. Scholink, City Clerk

Mary Ann Carbone, Mayor

This is to certify that Conditional Use Permit 629 contains the conditions specified by the City Council in approving said Permit.

Charles Pooler, City Planner

APPLICANT ACCEPTANCE (CUP 629)

Conditional Use Permit 629 are 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.

DATED: _____

BY: _____
Applicant

CONSENT OF OWNER (CUP 629)

Consent is hereby granted to the permittee to proceed with the City approved project, in accordance with the terms and conditions of Conditional Use Permit 629.

DATED: _____

BY: _____
Property Owner

ATTACHMENT 1

CITY OF SAND CITY

RESOLUTION SC _____, 2021

RESOLUTION OF THE CITY COUNCIL OF SAND CITY TO AMEND CONDITIONAL USE PERMIT 629 (INCLUSIVE OF SITE PLAN AND DESIGN REVIEW) FOR JOHN AND JASON MONTGOMERY REGARDING A LIVE-WORK DEVELOPMENT PROJECT ON THE 300 BLOCK OF ORANGE AVENUE

WHEREAS, John and Jason Montgomery (the "Applicant") and John Scourkes (the "Architect") received land use entitlement approval on October 2, 2018 via Conditional Use Permit 629 (hereinafter "CUP 629") that included architectural/design and site plan approvals combined into a single permit as allowed by Municipal Code Section 18.72.030, enabling the development of a new mixed use project consisting of four attached 1-bedroom live-work units with a detached garage structure providing four individual enclosed parking areas (1/dwelling unit) plus on-site parking and street improvements (the "Approved Project") on a currently vacant property (no address) at the west end and south side of the 300 block of Orange Avenue (APN 011-254-013) in Sand City (the "Subject Property"); and

WHEREAS, the Applicant has endeavored to proceed with the Approved Project, but has encountered financial encumbrances that require modifications of the Project that is contrary to some of the development requirements and specifications noted in CUP 629; and

WHEREAS, the Planning Department finds the Applicant has made good-faith effort to proceed with the Approved Project, but has been hampered by economic factors beyond the Applicant's control, and therefore CUP 629 has remained active; and

WHEREAS, the proposed modifications to the Approved Project, in making it economically feasible to construct and market, requires amending specific conditions of CUP 629 to address requirement conflicts and establish consistency between CUP 629 and the proposed project modifications; and

WHEREAS, the requested design modifications to reduce the number of units to three (3), decrease the interior floors from 3 levels to 2 levels, add open rooftop decks for each unit, adjusting materials and facade treatments, and remove the detached garage structure to provide an open carport instead (the "Revised Project") impacts CUP 629's requirements regarding parking, water, design elements, and other permit conditions that make reference to "four units", that need to be addressed with an amendment of CUP 629; and

WHEREAS, the Applicant also proposes to potentially subdivide the Project to market one or more of the Project's units as condominium ownership(s); and

WHEREAS, a CC&R (Covenants, Conditions, & Restrictions) is necessary for subdividing the Subject Property to create condominium units within this Project; which was not

originally included in CUP 629 as approved on October 2, 2018, and must therefore be added as a condition of permit approval; and

WHEREAS, the Applicant's intended Revised Project will be equal to or less intensive in terms of unit numbers and building size as compared to what was previously approved by the City on October 2, 2018; and

WHEREAS, the Revised Project continues to qualify for a Categorical Exemption under sections 15303(b) & (c) and section 15332 of CEQA (California Environmental Quality Act) Guidelines; and

WHEREAS, the City Council of the City of Sand City has accepted the findings as listed in the recitals above for approving amendments of CUP 629 as outlined.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Sand City to hereby approve amending conditions B-1, B-3, C-1, C-2, E-3, and M-3 of CUP 629 to read as follows, with strikeouts signifying deletions and italic underlines signifying additions:

"B. Land Use Terms and Conditions:

1. Residential Units: ~~Of the four (4) units of this Project, Levels 2 and 3 above shall only be for residential occupancy and use, and level 1 on the ground floor shall be "work space" for the resident of that corresponding unit that may be used for commercial activities pending approval of separate conditional use permits for those commercial use(s). Home occupation permits may be issued by the City to the residential occupant of the residential units of the Subject Property if deemed appropriate by the City's Planning Department.~~ The ~~garage carport~~ structure of this Project shall only provide ~~for parking and storage~~ for the residential units of this Project; one (1) ~~garage carport~~ space per residential unit. The ~~garage carport~~ spaces are prohibited from being occupied and/or used for commercial activity. Residential occupancy of the Project shall not occur until construction is completed and the City issues a certificate of occupancy for the Project.
3. Land Use Deed Restriction: A deed restriction, or equivalent legal mechanism, subject to City Attorney review and approval, shall be recorded with the Monterey County Recorder's Office, limiting the Subject Property to no more than three (3) ~~four (4)~~ units and prohibiting the physical separation and/or leasing of the ground level floor area independently from their corresponding residential dwelling space above and that the carport spaces ~~garages~~ are only for residential use, 1 carport space per dwelling unit ~~prohibited from being leased separately from their residential unit or used for commercial purposes.~~ The recording of this deed restriction or equivalent legal mechanism shall be completed prior to City issuance of a certificate of occupancy for the Project.

C. Site Plan:

1. Footprint, Setbacks, Coverage: The main live-work building shall have a north setback of 2.5-feet, a south setback of 0-feet, a west setback of 25-feet and an east

setback of 71-feet. Within that east setback shall reside the on-site parking, the garage structure, and the trash enclosure. The garage carport shall be a single structure with a minimum of three (3) ~~four (4)~~ separated spaces along that will be ~~zero feet (0')~~ from the east and south property lines and with a 15.5-foot north setback from the Orange Avenue right-of-way enabling space for the trash enclosure.

2. Parking: The Project shall provide a minimum of ~~ten eleven (10/11)~~ on-site parking spaces. ~~Four three (4/3)~~ of those spaces are to be within the garage carport structure, with one (1) ~~garage~~ space assigned to each dwelling unit. The remaining ~~six eight (6/8)~~ uncovered parking spaces (including one van accessible handicapped space) shall be maintained ~~along the main building facing the parking area on the Subject Property.~~

E. Building Architecture:

3. Building Height: The main building shall be a minimum of two (2) to a maximum of three (3) floors/stories at an approximate height not to exceed of ~~thirty-two and one half thirty-three feet (332.5')~~ maximum from finished grade. The rooftop may be used for open deck area of the residential units. ~~The garage structure shall be approximately fourteen (14) feet in height from finished grade.~~

M. General Requirements:

3. Water Allocation: Each of the ~~four~~ units of this Project shall be limited to one (1) full bathroom (tub/shower, toilet, sink) on the ~~third~~ second level; ~~one (1) half-bath (toilet & shower) on the second level,~~ one (1) kitchen sink and dishwasher, one (1) clothes washing machine on the second level, and one (1) ADA accessible ~~half~~ full bath on the ground level. Prior to City issuance of a building permit for the Project, the Property Owner and/or Applicant shall obtain the necessary water permit(s) from the Monterey Peninsula Water Management District (MPWMD) for the Project as authorized by CUP 629 as amended. Approval of CUP 629 does not grant the Applicant and/or Subject Property's owner any right and/or privilege to any allocation of water by the City of Sand City or other agency/entity. Any allocation of water to the Subject Property and Project from the City's Water Entitlement (desalination facility) shall be at the discretion of the City Council. If the City takes action to deny an allocation of water necessary for the Project to proceed, in accordance with the determination and regulations of the MPWMD, then CUP 629 shall be subject to termination by the City Council."

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the City Council of the City of Sand City to hereby add permit condition M-8 under that section of "General Requirements" into CUP 629 to read as follows regarding the requirement for Covenants, Conditions, and Restrictions (CC&Rs) for any condominium subdivision and units within the Project:

- "8 For any subdivision of the property that results in the creation of condominium units within the Project, the Applicant shall prepare draft Covenants, Conditions, and

Restrictions (hereinafter "CC&Rs") and submit said document(s) to the City for review and approval prior to recording on the Subject Property. The City approved CC&Rs shall then be recorded with the Monterey County Recorder's Office. The Applicant shall be responsible for payment of all fees and expenses incurred for the preparation, City review, and recording of these CC&Rs."

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Sand City that all other conditions and terms of CUP 629, not specifically amended by this Resolution, shall remain unchanged and in full force and effect.

PASSED AND ADOPTED, by the City Council of the City of Sand City this ____ day of March, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

Connie Horca, Acting City Clerk

Mary Ann Carbone, Mayor

This is to certify that Conditional Use Permit 629 contains the amended and added conditions as specified by the City Council in approving said Permit amendment.

Charles Pooler, City Planner

APPLICANT ACCEPTANCE (CUP 629)

The amended and added conditions of CUP 629 are 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.

DATED: _____

BY: _____
Applicant

CONSENT OF OWNER (CUP 629)

Consent is hereby granted to the permittee to proceed with the City approved project, in accordance with the amended and added terms and conditions of Conditional Use Permit 629.

DATED: _____

BY: _____
Property Owner