

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

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

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

The invocation was led by Reverend Robert Hellam.

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

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

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

**AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR AND CITY MANAGER**

The Mayor announced the upcoming West End Festival that will be held this coming weekend.

Acting City Manager Scholink commented that there are no handouts for tonight's meeting.

**AGENDA ITEM 5, COMMUNICATIONS**

5:32 P.M. Floor opened for Public Comment.

There were no comments from the Public.

5:32 P.M. Floor closed to Public Comment.

**AGENDA ITEM 6, CONSENT CALENDAR**

A. There was no discussion of the June 18, 2019 Sand City Council Meeting Minutes.

- B. There was no discussion of the June 20, 2019 Sand City Study Session Meeting Minutes.
- C. There was no discussion of the August 6, 2019 Sand City Council Meeting Minutes.
- D. There was no discussion of the City **Resolution** honoring Jacobs Heart Children's Cancer Support Services and Declaring September 2019 as Childhood Cancer Awareness Month
- E. There was no discussion of the City **Resolution** in Support for and Declaring October 2, 2019 as Clean Air Day in Sand City.
- F. There was no discussion of the City **Resolution** authorizing the Acting City Manager to Execute an Agreement with Patricio Raul Padilla for Monthly Cleaning Services for the City of Sand City Hall Facility at a cost not to exceed \$250 per month from July 1, 2019 through June 30, 2020
- G. There was no discussion of the City **Resolution** recognizing *ITNMonterey* in Celebration of 50,000 Rides Delivered in Monterey County.

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

#### **AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR**

There were no items pulled from the Consent Calendar.

#### **AGENDA ITEM 8, PRESENTATION**

- A. Presentation by Alex Dami External Director of External Affairs on Jacob's Heart Children's Support Services**

The Mayor announced that this item will be continued due to the absence of a representative from Jacob's Heart.

- B. Presentation and Update by Steve Vagnini on Status of the 2019 West End Celebration {10 minutes}**

West End Event Coordinator Steve Vagnini reported on the status of the 2019 West End Celebration that will begin with Friday night's kick-off party concert at Carmel Stone Imports featuring the Medfly's band. This will be the 8<sup>th</sup> year that Carmel Stone Imports has hosted a fund-raising concert. The West End Celebration begins on Saturday with 125 vendors, 25 non-profit organizations, and 30 food vendors. The event has looked at several

ways to cut expenses while maintaining the quality of the event. On Saturday, Michael Nesmith and the First National Band will present a concert with several people from around the world coming to see him perform. The City will be presenting him a resolution along with Bill Monning from the State Senate. More businesses within the City will be participating in the event, and a stage at the end of Ortiz will be set up that is as large as the Independent stage. This year, a raffle will be held for a signed guitar by Steven Stills and tickets are still available for those interested in participating in the raffle. MST will once again provide transportation to and from the event, the same as last year.

Due to the Gilroy Garlic Festival incident, the issues of security have been addressed with additional police officers and security personnel to be present during the event. Concrete blocks will be placed around the perimeter of the streets where the event will take place for added security.

Along with the variety of artists and vendors, there will also be leather makers, glass and a variety of jewelers. This year a water station will also be added where people can sit and enjoy their drinks to help reduce the carbon footprint of having plastic water bottles. There will be people from out of state attending the event and continues to involve the residents and businesses in the community.

The Mayor thanked Mr. Vagnini for the update and looks forward to the West End Celebration.

## **AGENDA ITEM 9, PUBLIC HEARING**

*{Council Members Blackwelder and Sofer stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}*

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

City Planner Pooler presented an application submitted by Yishai Horowitz of "The Pad Climbing" to establish a rock climbing facility at 325 Elder Avenue. This use permit was continued from June due to the primary issue in regards to off-street parking. The consensus from the meeting was for the Applicant and Property owner to find a solution for the parking and to present a parking plan for public review. On July 23<sup>rd</sup> the Property manager provided staff with a parking study prepared by traffic engineer Keith Higgins that reviewed on-site parking, leased off-street parking sites within approximately 200 feet, and on-street available parking within both 300 and 500 feet of the subject property. The parking study concluded that for 400 patrons the use will have an initial parking demand of 28 spaces, and as membership grows would increase to 46 spaces for 1,000 customers. Camp Transformation was issued a use permit in 2018 to

occupy the smaller adjacent unit and were required to provide a minimum of 33 parking spaces. They were able to secure co-use of the 34 re-stripped on-site parking spaces of the Subject Property in conjunction with the previous Monterey Bay Restaurant Equipment. The on-site parking reasonably accommodates Camp Transformation with some street parking during evening peak hours. Whether or not there is parking available on-site with Camp Transformation's parking demand, there is not sufficient available on-site parking to accommodate the Applicant's use in conjunction with Camp Transformation based on the data of the Parking Study.

The City's Municipal Code does not have a parking requirement for recreational or gym type land use, and the City has used a 1/450 parking ration requirement for other exercises/gymnastic businesses within the City. For the Camp Transformation use, the final permit requirement did not utilize the ratio and based on staff's observations and the submitted parking study, Camp Transformations operation does utilize more than the 1/450 specified 13 parking spaced of the on-site parking lot. Therefore, calculating parking requirements using the ration for both Camp Transformation and the Applicant's use at the Subject Property would not address actual parking demand or mitigate excessive on-street parking.

Mr. Pooler cited Sand City Municipal Code 18.64.020 and summarized that while the zoning code does not specify a parking requirement for the requested use, the Applicant's own parking study shows that there is insufficient on-site parking based on their estimated demands. The Applicants Parking Study concluded that almost half of the gym's peak parking demand (22 out of 46) would have to use street parking.

Mr. Pooler addressed Staff's concerns regarding sufficient off-street parking for the Applicant's Use in regards to the anticipated weekday hours of 5:00 p.m. to 8:00 p.m. in conjunction with Camp Transformations' hours of operation. The Parking Study determined that there is sufficient on-street parking available within 300 feet of the Subject Property in conjunction with sixteen (16) leased parking spaces on neighboring properties. If the 16 leased off-street and off-site parking spaces cannot be secured for the life of the Applicant's use, then staff is unable to support the consideration of 16 spaces to meet the parking demand. There is also the issue of what would happen if one or both leases were terminated. The Parking Study identifies that (9) out of (22) street parking spaces for the Applicant's peak hour demand would be accommodated along the Subject Property; however some of those spaces are currently being used by Camp Transformation. The Parking Study's parking plan relies on utilizing 22 on-street parking spaces to accommodate 47.8% of the Parking Study's determined forty-six long-term peak parking spaces demand instead of addressing and/or providing the majority of the Applicant's peak-hour parking demand off of the street.

In conclusion Staff finds it difficult to support the Applicant's Use based on

the concerns regarding the parking study until additional off-street parking is provided, secured, and guaranteed for the duration of the permit. The Council has three options which are to deny the application based on the finding that the scope and scale of the Applicant's Use exceeds the subject property's demand; approve the Permit as presented or with additional modifications; or continue the public hearing if the Council deems it necessary for further staff research/analysis and information. If the Council wishes to approve, Staff recommends continuing the public hearing to September 3<sup>rd</sup> so Staff can update the Draft permit based on tonight's discussion.

6:00 P.M. Floor opened for Public Comment.

Property owner Bill Grimm presented a Powerpoint regarding results of the Parking Study that was conducted by Mr. Higgins. The Parking Study is the result of what the Council requested at the June meeting for the hours of 5:00 – 8:00 p.m. and presents logical and factual data of the study. The study was conducted over a 7 day period for a 300' and 500' area from the property. Focusing on the 500' data, it depicts that that 104 parking spaces are available. It would be conducive for the City to create lines so that more curbside parking is available and not to leave 5' gaps in between cars. He presented a report on how far 'parkers' actually walk to a place they want to be at, which indicated that they would walk 800' and as far as 1200'. The study shows that there is major available parking after 5:00 p.m. as employees vacate the premises. He also presented that the data for total demand during peak hours is 72 spaces. Fifty nine (59) parking spaces are needed for 500'. Mr. Grimm pointed out what the Garza project would require along the street also. The City can also consider a revenue source by charging in lieu parking fees. He would like the Council to approve the project with no contingencies, as it will be a million dollar project and hopes that all concerns have been addressed.

Sand City resident Brian Clark commented that he conducted extensive research for parking for gyms and no other municipalities have a 1/450<sup>th</sup> ratio is and there is no parallel comparison to other similar uses. He does not approve of the roof line going higher as he will have less sunlight.

Mr. Grimm addressed issues regarding the estimated membership of approximately no more than 1,000.

The Mayor added for the record, that the reference on the Powerpoint table is based on the estimated membership of 1,000.

Kristin Horowitz, Chief Operating Officer of the 'Pad Climbing' gym commented that if they cannot get people to be at the gym then they have failed. There were problems at their San Luis Obispo location that also had parking issues. The 'Pad Climbing' venture is interested in bringing something to the City and to not create problems for the adjacent businesses. The gym looks to the future and would like the Council to

consider that.

Police Chief Ferrante addressed the parking issues at the request of Council member Cruz and mentioned that citations would be issued for those individuals who are in violation and not parking properly.

Mr. Grimm pointed out the number of parking spaces on Catalina, Shasta, and Ortiz that would create the possibility for in lieu fees.

Mr. Clark remarked that the residents living in Sand City will be sitting in traffic to support new businesses, our carbon footprint and quality of life is consistently going down. There is no parking infrastructure and this would create twice as much traffic. The Council should not support this use.

Mr. Grimm rebutted that the property has a 24 space parking lot, the hours being discussed are after 5:00 p.m. and there should be adequate parking.

Sand City resident Michael Bascou asked why the Council is looking at this application again when it was clear at the last meeting that there is not enough parking. The use will have 2 yoga studios. Tenants use curbside parking within the City, and additional noise will be created from people driving around the City looking for parking.

Property Owner Richard Garza commented that the study relies on street parking which is obviously insufficient. Who wants to walk 500' to get to a location. The City has a responsibility to stop this parking nightmare.

Sand City resident of 22 years, Deirdre Bascou reiterated that parking requirements have not been met. The applicants have underestimated the guests being served by the proposed yoga studios, rock climbers and weightlifters. She spoke to tenant parking at the mixed use facility, and VRBO's that add to the on-street parking as well as to the unfairness of considering this project in lieu of the parking needs for the Catalina Lofts residential project. The Peninsula needs housing. There is also the manipulation of the square footage for the purpose of calculating the parking needs which is in violation of the municipal code. She requested that the Council decline the applicant's points and consider a restaurant at the location.

Ms. Horowitz spoke to the difference of their business as opposed to the Bascou's business. They are a membership oriented business which does not provide parties and it does benefit the community.

Mr. Alex Hubbard representing the Melbourne Trust commented that there has been a lot of data amassed and this issue involves growing pains in the City. He addressed several points such as the lack of a parking garage. His clients have considered purchasing and leasing properties. Considering the study, there is ample parking to support the project

although street parking should not be considered as part of permit approval. He mentioned other business that have been approved that required parking, and the possibility of in lieu parking fees that would assist to offset future parking projects. Neighborhood residential permits can also be proposed to help mitigate parking issues and address Mr. Garza's concerns as well. He requested that Condition #9 of the permit be removed as it is difficult to obtain leases for off-site parking spaces in the City due to issues presented by Staff.

6:49 P.M. Floor closed to Public Comment.

The Mayor referred to page 72 of the packet stating the City Planners concerns regarding off-street parking, and page 74 outlines several options the Council may decide upon regarding the application. The Mayor read each option to the City Council and requested that they provide their comments regarding the applicant's permit.

Council Member Hawthorne commented that the issue revolves around the City's need for parking that will continue and not get any better. The City needs to have a parking plan. The City can't deny every applicant on the basis of insufficient parking. The City needs to have more parking and be able to offer citizens a place where they can go and do things. These things have to be considered as we grow and develop. Being an individual who is here on weekends, there is plenty of parking on weekends. A use like this is a positive thing and would help to fix up the current aesthetics of the building.

The Mayor commented on the parking and that there is still the need for 22 spaces per the parking study.

Council Member Cruz received an explanation from City Planner Pooler regarding the requirements of off-street parking as it relates to the zoning code. The code specifies how much each use would need specific to their use and the 1/450<sup>th</sup> ratio relates to recreational gym uses. That is why everything in the mixed use district is considered as a discretionary use.

Council Member Cruz commented that she conducted her own research and drove around the proposed location. Her primary concern was that the parking study did not present adequate parking. Can there be something done to mitigate and not add to the parking problem?

The Mayor requested clarification regarding Mr. Hubbard's request to strike Condition #9 of the conditional use permit. Mr. Grimm commented that they have 5 year leases and that the condition does not need to be in the permit.

City Attorney Norgaard added that the Council has the choice to expire the use permit when the parking leases expire.

Mr. Pooler remarked that it would be unfair to the applicant to place a timeline on their application as they would not be able to recuperate the costs associated with renovation of the building and operation of their business.

Council Member Hawthorne commented that the City needs investment and once a momentum gets going, it would be hard to stop.

Mr. Garza spoke to correcting the parking problem before approving additional uses. He had to accommodate his development plans to consider the parking issues. He sees a negative impact to his development if this use is approved. He would like to construct a project that is marketable and to not have parking issues. The City needs to address its municipal code and will delay his project until the parking is resolved.

The Mayor read and summarized the options presented in the Staff report which is to: either deny the application based on the findings, approve the Coastal Development Permit as presented or with additional modifications, or continue the public hearing if the Council deems it necessary for further staff review.

City Planner Pooler commented that if the Council approves the use permit that it also be continued to a future meeting so Staff can update the permit to reflect Council actions. Based on discussions tonight Condition #9 would need to be amended to reflect the parking spaces that will be required.

The City Attorney proposed that the Council consider and identify which sections of the permit need to be modified and direct staff how to modify those sections. Those modifications should be included in the amended use permit for approval.

The Mayor commented that it would not be wise to rely on off street parking for the use and that the lease should be longer than 5 years. Employee parking should be worked on with the property owner and that additional parking be secured prior to approval of the use permit.

There was discussion regarding the parking issues, a residential parking permit program, modifications that need to be made to the use permit, off street parking and the possible continuation of the conditional use permit, and/or whether to approve it. There was also further discussion regarding approval of the capital improvement program so that items such as a parking study can be conducted.

Mr. Grimm commented that the applicant did what the Council advised at a previous meeting and obtained a parking study. He further spoke to the off street parking as part of the study.

In response to Council Member Hawthorne's inquiry whether the applicant



can lease the Carroll Property for parking, City Attorney Norgaard remarked that the property would need to be constructed for the purpose of leasing. There are also ADA and site requirements to meet. Council Member Hawthorne suggested parking placards for clients and that employee parking be designated by the businesses they work at.

Chief Ferrante added that additional City parking can be created but the City is still two steps away in the approval process for grant funding. These funds are not guaranteed and the City only has enough funds to cover the plan drawings. Completion of this work is contained in the 5 year capital improvement program.

City Planner Pooler presented the question of whether the Council feels that the street parking is sufficient to accommodate this use in the numbers presented in the parking study or does the Council deem that it is not an appropriate parking plan and that the applicant needs to change the numbers in the parking study. Staff's recommendations were based on the numbers presented in the parking study submitted by the applicant.

Council Member Cruz commented that she is in favor of the business and to disregard or turn down the application because of street parking seems unreasonable. She would like that the applicant acquire leases for their parking needs.

The Mayor added that Condition #9 will be modified by Mr. Pooler with review by the City Attorney to address discussions regarding the parking needs and requirements.

There was discussion regarding what modifications will be needed to be incorporated in the use permit, the parking spaces available at the subject property, bringing back evidence of 5 year leases, additional parking that may need to be created by the City, and/or limiting the membership to 400 people.

The applicant indicated that they were not in favor of limiting their membership to 400.

Chief Ferrante proposed creating more parking spaces behind the building located at the dead end lot along Ortiz Avenue. This could become a one way street, and diagonal parking can be created with a one-way thorough way around the building at its current parking lot. The Council thanked the Chief for presenting the idea.

City Planner Pooler clarified that the actions taken would be to continue the public hearing to September 3, 2019 so that City Staff can present a revised Condition #9 of the draft coastal development permit. The draft to Condition #9 would require the 16 parking spaces leased for 5 years plus providing additional off-street parking. Staff will bring back conditions based on the 16 and 22 parking spaces.

Motion to continue the City **Resolution** approving Coastal Development Permit 19-02 authorizing an Indoor Climbing and Fitness Facility with Accessory Office and Retail for "The Pad Climbing" Operation at 325 Elder Avenue was made by Council Member Hawthorne, seconded by Council Member Cruz. AYES: Council Members, Cruz, Hawthorne. NOES: Council Member Carbone. ABSENT: None. ABSTAIN: Council Members Blackwelder, Sofer. Motion carried.

The Mayor announced a 5 minute break.

*{Council Members Blackwelder and Sofer returned to the dais}*

## **AGENDA ITEM 10, NEW BUSINESS**

8:20 P.M. The City Council reconvened for the meeting.

**A. Consideration of City RESOLUTION Making New Appointment of XXXXX to the Sand City Design Review Committee until January of 2021**

City Planner Pooler reported that a vacancy was created due to the resignation of Andy Briant from the Design Review Committee (DRC), and has been reaching out to other design professionals who may be interested in volunteering. Securing someone outside the City would help avoid Fair Political Practices Commission 500' conflicts that already impacts a majority of DRC members. The two people interested are Chris Barlow, principle architect at WRD Architects in Monterey and John Lewis, Chief Executive Officer of the Lewis Builders. Both appear to be qualified in the area of architectural design.

The Council discussed with Staff which candidate would be recommended following a more detailed explanation of the applicant's resumes. The Council decided that a person with a background in construction may be the best fit.

8:26 P.M. Floor opened for Public Comment.

There were no comments from the Public.

8:26 P.M. Floor closed for Public Comment.

The Mayor directed Staff to send a letter to the applicant that was not selected, thanking him and asking to keep him on a list for the future should there be another vacancy.

Motion to approve the City **Resolution** Making New Appointment of John Lewis to the Sand City Design Review Committee until January of 2021 was made by Council Member Blackwelder, seconded by Council Member

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

**B. Consideration and Discussion to Approve the Professional Service Agreement for Non-Construction Project with Harris and Associates**

City Attorney Norgaard commented that the City Council previously approved the resolution authorizing the Acting City Manager to execute a contractual agreement once a final agreement was submitted to the City. The attached contract is the final contract with the terms negotiated, and can be terminated at any time with mutual consent of both parties. Leon Gomez will serve as the primary engineer, as the main contact for the City, and anyone working from Harris and Associates will be under Leon's supervision.

8:31 P.M. Floor opened for Public Comment.

There was no comment from the Public.

8:31 P.M. Floor closed for Public Comment.

The Mayor added that City engineering services is reflected on the fiscal year budget.

Motion to approve the Professional Service Agreement for Non-Construction Project with Harris and Associates was made by Council member Cruz, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

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

Council Member Hawthorne reported that at the Transportation Agency of Monterey County (TAMC) meeting he attended TAMC was proposing a water line through their portion of the railroad right of way that would tie into the Cal-Am water line.

The Council discussed the bike path and parking issues.

Mayor Carbone commented on a conference she attended and they reported on the possibility of acquiring grant funding for sidewalk improvements. This coming weekend will also be the unveiling of the Community Garden sign. The Mayor instructed Staff to contact the West End Coordinator Mr. Vagnini so he can place a press release to the Monterey Herald that the unveiling of the sign would take place on Sunday at 11:30 a.m. She invited the Council to attend.

**D. Upcoming Meetings/Events**

The Deputy City Clerk asked the Council who will be attending the MPCC Leadership luncheon. Council Members Sofer and Carbone confirmed their RSVP's.

**AGENDA ITEM 11, CLOSED SESSION**

8:42 p.m.

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

**1) Conference with Labor negotiator pursuant to Government Code Section 54957.6.**

**Agency designated representatives: Donna Williamson/Vibeke Norgaard, City Attorney  
Employee Organization: Sand City Police Officer's Association (POA) and Miscellaneous Employees**

9:20 p.m.

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

The City Council provided confidential instructions to their negotiator.

**AGENDA ITEM 12, ADJOURNMENT**

There was consensus of the City Council to adjourn the meeting at 9:23 p.m. to the next regularly scheduled Council meeting on Tuesday, September 3, 2019 at 5:30 p.m.



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Connie Horca, Deputy City Clerk