

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

Regular Meeting – June 18, 2019
5:30 P.M.

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

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

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

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

AGENDA ITEM 4 ANNOUNCEMENTS BY MAYOR AND CITY MANAGER

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

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

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

specialize in sales tax and property tax predictions.

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

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

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

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

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

AGENDA ITEM 5 PUBLIC COMMENT

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

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

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

AGENDA ITEM 6 CONSENT CALENDAR

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

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

AGENDA ITEM 7 CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the consent calendar.

AGENDA ITEM 8 PRESENTATION

5:45 PM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

improvements.

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

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

6:20 PM Floor opened for Public Comment

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

6:23 PM Floor closed to Public Comment

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

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

6:30 PM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7:00 PM Floor opened for Public Comment

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

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

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

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

7:05 PM Floor closed to Public Comment

BREAK

7:25 PM

AGENDA ITEM 9 PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Hawthorne asked when most people visit the facility.

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

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

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

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

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

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

Fred Meurer again asked about the parking strategy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8:00 PM Floor opened for Public Comment

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

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

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

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

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

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

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

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

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

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

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

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

8:55 PM Floor closed to Public Comment

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

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

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

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

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

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

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

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

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

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

Mayor Carbone directed Mr. Grimm to address City staff.

Councilmembers Blackwelder and Sofer returned to the dais.

AGENDA ITEM 10 OLD BUSINESS

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

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

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

Management (IRWM) grant submittal process.

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

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

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

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

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

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

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

There was no discussion.

AGENDA ITEM 11 NEW BUSINESS

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

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

9:20 PM

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Sofer also offered support.

9:28 PM Floor opened for Public Comment

There was no Public Comment.

9:28 PM Floor closed to Public Comment

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

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

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

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

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

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

9:30 PM

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

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

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

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

9:35 PM Floor opened for Public Comment

There was no Public Comment.

9:35 PM Floor closed to Public Comment

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

ABSTAIN: Councilmembers Carbone, Cruz. Motion carried.

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

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

9:35 PM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9:50 PM Floor opened for Public Comment

There were no comments from the public.

9:50 PM Floor closed to Public Comment

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

Councilmember Cruz returned to the dais.

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

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

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

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

E. Upcoming Meetings/ Events

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

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

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

AGENDA ITEM 12 ADJOURNMENT

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



Linda K. Scholink, City Clerk