

CITY OF SAND CITY

RESOLUTION SC 20 - 45, 2020

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY TO APPROVE
CONDITIONAL USE PERMIT 640 FOR SAND CITY FLOORS INC. TO
ESTABLISH AND OPERATE SHOWROOMS WITHIN AN EXISTING
MIXED-USE BUILDING AT 679 REDWOOD AVENUE**

WHEREAS, Frank Barrita of Sand City Floors, Inc. (the "Applicant") submitted an application to the City of Sand City (the "City") for conditional use permit approval to establish and operate showrooms for his flooring business within two ground floor units of an existing mixed-use building with accessory office and inventory storage (the "Applicant's Use") at 679 Redwood Avenue, Units A and C (APN 011-194-007 & 008) in Sand City (the "Subject Property"); and

WHEREAS, the Applicant's Use at the Subject Property, at the scale and intensity described in the application and with the appropriate mitigation required, is considered marginally consistent with the non-coastal "Planned Mixed-Use" (MU-P) zoning designation of the Subject Property and compatible with neighboring mixed-use and manufacturing zoned properties; and

WHEREAS, the Subject Property provides sufficient on-site parking to satisfy both Zoning Code parking requirements (section 18.64.050.K) and anticipated parking demand for the Applicant's Use while maintaining parking for other tenants of the building; and

WHEREAS, the Subject Property and Applicant's Unit have a water credit based upon a Monterey Peninsula Water Management District (MPWMD) Group I classification, which is the same as the Applicant's Use; and therefore, no further water allocation for the Applicant's Use of the Subject Property is deemed necessary; and

WHEREAS, the Applicant's Use within an existing building qualifies for a Categorical Exemption under CEQA (California Environmental Quality Act) Guidelines, Section 15301; and

WHEREAS, the City Council of the City of Sand City, on June 16, 2020, has found and determined that the Applicant's Use of the Subject Property, as conditioned, will not adversely impact the character of the surrounding neighborhood, nor be injurious or detrimental to adjoining properties or the rights of the owners therein, and thus Conditional Use Permit 640, (hereinafter referred to as "CUP 640") shall be granted upon the conditions hereinafter set forth; and

WHEREAS, the City Council of the City of Sand City has accepted the findings for approving Conditional Use Permit (CUP) 640, as outlined in the City staff report, dated May 28, 2020.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sand City to hereby grant and issue CUP 632 upon the following terms and conditions:

1. Execution & Acceptance: CUP 640 is not valid, and the Applicant's Use of the Subject Property shall not commence unless and until two copies of this Resolution/Permit, signed by the Applicant and owner of the Subject Property, acknowledging receipt of CUP 640 and acceptance of the terms and conditions therein, is returned to the City's Planning Department. Failure to return said signed/executed CUP 640 may be sufficient grounds for City termination of CUP 640.
2. Purpose: CUP 640 is for the express purpose of authorizing a floor company showroom, office, and inventory storage, at the scope and scale described in the Applicant's application, within the ground-floor units A and C of the mixed-use building at 679 Redwood Avenue (011-194-007 & 008); subject to the terms and conditions specified in CUP 640. The Applicant may also park/store one company pick-up truck on-site within the building and/or the Subject Property's parking area during non-business hours (see Condition No. 3 "Hours of Operation"). Residential occupancy of the Applicant's units on the Subject Property is prohibited. There shall be no expansion to the scope or intensity of the Applicant's Use beyond that as authorized by CUP 640 without either an amendment of said Permit or the issuance of a new land use entitlement permit.
3. Hours of Operation: Hours of operation for the Applicant's Use at the Subject Property shall only occur between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays. All activities associated with the Applicant's Use, including loading/unloading activities, at the Subject Property shall only occur within these aforementioned permitted hours of operation, and such activities are prohibited on Sundays. Office and/or janitorial activities on-site by the Applicant may extend beyond the aforementioned hours/days provided that the Applicant's unit is not open to the public and such activities do not pose a public disturbance/nuisance.
4. On-Site Parking: A minimum of ten (10) on-site parking spaces shall be maintained on the Subject Property to be shared between all tenants of the commercial building on the Subject Property, with a minimum of one (1) space reserved by the owner of the Subject Property for the existing upper level legal residential unit over Unit A. Up to fifty percent (50%) of on-site parking may be compact spaces in accordance with Sand City Municipal Code (the "SCMC") section 18.64.040. The Subject Property's owner and/or property manager shall be responsible for managing parking and addressing and resolving tenant disputes regarding on-site parking, provided City zoning and permit requirements are met to the satisfaction of the City. On-site parking spaces shall not be used for any purpose that impedes vehicle parking, with exception of on-site loading/unloading activities. Failure to maintain these spaces for vehicle parking shall be sufficient reason for the City to terminate CUP 640. The Applicant is prohibited from parking any non-operational vehicles on the Subject Property. Any vehicle parking by the Applicant shall not double park as to encroach into the public right-of-way, including the public sidewalk. The Applicant shall not park and/or store

any hitch or other type of trailer outside the building on the Subject Property or within any City public right-of-way unless actively involved with loading/unloading activities.

5. Truck & Trailer Street Parking: In accordance with Sand City Municipal Code (the "SCMC") Chapter 10.08, the Applicant shall not park or store trucks, trailers, or other large vehicles, as listed in SCMC Chapter 10.08, within any City street at any time unless actively involved with loading/unloading or otherwise has a valid City issued annual parking permit. Violation of this condition may result in the issuance of citations in accordance with SCMC Chapter 10.08.
6. Loading/Unloading: All loading/unloading of items associated with the Applicant's use at the Subject Property shall only occur during Permit specified hours of workshop activity (see Permit Condition No. 3). Any large flat bed and/or trailer trucks (i.e. 18-wheeler, semi-trucks, etc.) that might make deliveries to the Subject Property for the Applicant's use shall only utilize the 600 block of the Redwood Avenue right-of-way in front of the Applicant's building for loading/unloading activities, for a period not to exceed one (1) hour, provided that one travel lane of Redwood Avenue remains open during that entire time and does not impede access to neighboring units or properties.
7. Storage: All materials, parts, tools, equipment, packaging, pallets, and/or any other item associated with and/or manufactured by the Applicant's use stored on the Subject Property, shall only be stored within the building, and are prohibited from being stored beyond the confines of the building. Such storage may occur within the fenced side yard only if said yard is visually screened from public view to the satisfaction of the City's Planning Department. Any materials stored/used on-site, that may pose a hazard, shall comply with all requirements of the Monterey County Health Department and the City's Fire Department. The placement of a self-contained portable storage unit/pod on-site, beyond the confines of the building, is hereby prohibited; and the need of the Applicant to do so shall be considered by the City as justification that the Applicant's Use has expanded beyond the Subject Property's ability to sufficiently accommodate the Applicant's Use; and thus be sufficient reason for the City to amend or terminate CUP 640.
8. Property Maintenance: The Subject Property shall be maintained in a clean, orderly, weed-free, and litter-free condition. There shall be no storage of waste material or debris on-site, except as otherwise allowed by CUP 640. The Applicant and/or the Subject Property's owner shall be responsible for maintenance and upkeep of the Applicant's leased area of the Subject Property.
9. General Waste: Trash, litter, boxes, crates, pallets, debris, or other used and/or discarded materials generated/used by the Applicant's Use shall be stored in an appropriate waste collection bin or dumpster. Except on a designated trash collection day, said bin(s) or dumpster(s) shall be stored/maintained within the building, within the east side fenced yard, along the east side of the Subject Property, or within a City approved enclosure; however, bin(s) or dumpster(s) shall not occupy or impede on-site parking or be kept within any public right-of-way. An enclosure may be

established on the Subject Property only after approval by the City's Planning Department. The Applicant shall work and coordinate with the City's franchised waste hauler to implement material recycling and recovery as part of the Applicant's use to the maximum degree feasible.

10. Construction: The Applicant's proposed/intended corrugated metal roof along the building's east elevation of the Subject Property shall be subject to review and approval by the City's Planning and Building Departments prior to issuance of a building permit. Any debris/material resulting from construction/demolition activities on the Subject Property by the Applicant shall be stored and contained away from general public access, and hauled away and disposed of in a timely and legal manner. The Applicant's contractor shall implement material recovery and recycling when feasible. Hauling of Construction/Demolition debris shall either be by the Applicant's general contractor to the Monterey Regional Waste Management District facility in the City of Marina or the Applicant shall utilize the City's franchised waste hauler Greenwaste Recovery Inc. for hauling services. No other outside hauler is permitted. In no instance shall debris from construction activities be permitted to enter or discharge to the City's storm drain system. Best Management Practices (BMPs) for proper control of debris and to prevent stormwater pollution are required by the City's NPDES (National Pollutant Discharge Elimination System) stormwater permit and City Code Section 13.05 regarding Stormwater Management to the satisfaction of the City Engineer.
11. Hazardous Waste: Any and all hazardous materials and/or waste used/generated by the Applicant's Use shall be legally stored and disposed of in accordance with the regulations of the City, the County of Monterey, and the State of California. The Applicant shall concede to any direction of the City's Fire Department, City Code Enforcement Officer, and/or the Monterey County Health Department regarding the storage and/or handling of hazardous materials on the Subject Property. Any illegal material storage, dumping, and/or disposal shall be sufficient grounds for City termination of CUP 640.
12. Signs: Any commercial sign on the exterior of the building or anywhere on the Subject Property, identifying and/or serving the Applicant's Use, shall be reviewed and approved by the Sand City Design Review Committee (DRC) in the issuance of a sign permit prior to the establishment of any sign such at the Subject Property. Signs attached to the building shall also obtain a City building permit prior to installation of said sign. The Applicant shall not place any free-standing sign anywhere within City limits without City Planning Department approval.
13. Water Runoff: The Applicant's Use shall not create water run-off within the City in accordance with SMC Chapter 13.05 regarding Storm Water Management. There shall be no washing of vehicles on the Subject Property.
14. Water: Issuance of CUP 640 does not grant the Applicant and/or Subject Property's owner any right or privilege to any allocation of water from the City of Sand City or

other entity. The Applicant's Use shall be limited to that water credit currently available to the Subject Property, in accordance with the regulations of the Monterey Peninsula Water Management District (MPWMD).

15. Local/Regional Compliance: All requirements of the City's contracted Building and Fire Departments, the City Engineer, the San Diego City Code Enforcement officer(s), the Seaside County Sanitation District, Monterey One Water (formerly 'Monterey Regional Water Pollution Control Agency'), and Monterey County Health Department, shall be implemented to the satisfaction of each department and inspector thereof. Police Department requirements pertaining to security, street parking, code enforcement, and law enforcement shall be implemented to the satisfaction of the City's Police Chief.
16. Air District: The Applicant shall be responsible for complying with applicable rules and regulations of the Monterey Bay Air Resources District. Failure to comply shall be sufficient grounds for City termination of CUP 640.
17. Fire Department: The Applicant's use of the Subject Property, as authorized by CUP 640, must conform to storage and operational requirements specified in the California Fire Code and to the satisfaction of the City's Fire Department inspector. The Subject Property shall be available and open for Fire Department and/or City code enforcement inspections. Failure to comply with Fire Inspector and/or code enforcement requirements may be sufficient grounds for City issuance of a 'Cease and Desist' order for closure of the Applicant's use and City amendment or termination of CUP 640.
18. Nuisance: The Applicant's use of the Subject Property shall be conducted as to not constitute a nuisance to abutting units, surrounding properties, and/or the occupants thereof. The Applicant shall be considered responsible for the impacts created by the Applicant's use and activities. The Applicant shall implement all mitigation necessary to inhibit any noise, vibration, dust, fumes, odors, overflow parking, and/or other negative impacts that the Applicant's use may or will generate. If the City Council finds at any time that the Applicant's use and any activity associated thereof on the Subject Property constitutes a nuisance, or is otherwise detrimental to the neighborhood or to the community, such use shall be discontinued or modified as may be required by the City. Failure to effectively implement mitigation required by this Permit, or other direction/notification by the City deemed necessary to abate negative impacts generated by the Applicant's Use, may be adequate grounds for the City to amend or terminate CUP 640. Failure to comply with such City direction may result in the amendment or revocation of CUP 640.
19. Violation/Termination: If the City determines that any term or condition of CUP 640 has been violated, and/or the Applicant's use of the Subject Property constitutes a nuisance or is otherwise detrimental to neighboring units, properties, and/or community, written notice shall be issued to the Applicant, that if such violation is not corrected or removed within a specified time, a public hearing may then be scheduled where the City Council may consider amending or revoking CUP 640, and may then

order said Permit amended or revoked. The Applicant and the Subject Property's owner/manager shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any action by the City Council to amend or terminate CUP 640.

- 20. Interpretation: Any questions of intent or interpretation regarding any condition of CUP 640 shall be subject to, and resolved by, the Sand City Planning Department.
- 21. The issuance of CUP 640 shall not supersede or override any applicable requirements of any other City, County, State, or Federal agency.
- 22. Indemnity: To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees, contractors, and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the Applicant to attack, set aside, or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
- 23. Business License: The Applicant shall acquire, maintain, and annually renew a Sand City business licence for the duration of the Applicant's use at the Subject Property. Failure to maintain a current Sand City business licence may be sufficient grounds for termination of CUP 640.

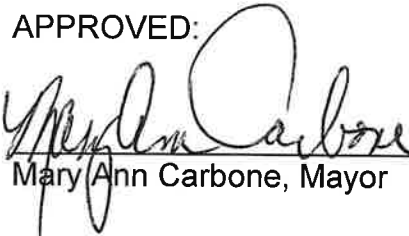
PASSED AND ADOPTED, CUP 640, inclusive of all specified conditions/requirements for the Applicant's use of the Subject Property, is hereby approved by the City Council of Sand City, this 16th day of June, 2020, by the following vote:

AYES: Council Member Blackwelder, Hawthorne, Sofer, Carbone
NOES: None
ABSENT: None
ABSTAIN: Council Member Cruz

ATTEST:



Connie Horca, Acting City Clerk

APPROVED:


Mary Ann Carbone, Mayor

This is to certify that Conditional Use Permit 640 contains the conditions specified by the City Council in approving said Permit.



Charles Pooler, City Planner

Signatures continued on following page...

Signatures continued from previous page.

APPLICANT ACCEPTANCE (CUP 640)

Conditional Use Permit 640 are hereby accepted upon the express terms and conditions hereof, and the undersigned agrees to strictly conform to and comply with each and all of the said terms and conditions.

DATED: _____

BY: _____
Applicant

CONSENT OF OWNER (CUP 640)

Consent is hereby granted to the permittee to proceed with the City approved use, in accordance with the terms and conditions of Conditional Use Permit 640.

DATED: _____

BY: _____
Property Owner