

CITY OF SAND CITY

RESOLUTION SC 20-53, 2020

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING  
CONDITIONAL USE PERMIT 641 FOR MONTEREY GLASSWORKS  
AUTHORIZING A GLASSBLOWING WORKSHOP, DESIGN STUDIO, AND  
SHOWROOM WITH ACCESSORY OFFICE AND STORAGE WITHIN THE  
COMMERCIAL UNIT AT 801-B CALIFORNIA AVENUE**

**WHEREAS**, Al Sambar and Nathan Sambar of Monterey Glassworks (the "Applicant") submitted an application to the City of Sand City (the "City") for conditional use permit approval to establish a glassblowing workshop and design studio with showroom and accessory office and storage (the "Applicant's Use") within an approximate 3,000 square foot portion of an existing commercial building at 801-B California Avenue (APN 011-186-020) in Sand City (the "Subject Property"); and

**WHEREAS**, the Applicant's Use of the Subject Property, at the scale and intensity described, is considered consistent with the non-coastal "Manufacturing" (M) zoning designation of the Subject Property and, with the appropriate mitigation required, compatible with neighboring mixed-use developed and zoned properties of the West End and South of Tioga planning districts, as defined by the City's General Plan and Zoning Ordinance; and

**WHEREAS**, based upon information provided by the Applicant regarding the description of equipment used and type of activities to be conducted, at the scope/scale described by the Applicant, the Applicant's Use is not anticipated to generate excessive noise or vibration and or pose a nuisance to existing or future nearby residential dwellings, where if unexpected negative impacts do occur, the Permit conditions provide the City the means to reasonably address/mitigate such issues if/when they arise; and

**WHEREAS**, due to the relatively quiet non-obtrusive manufacturing activity of the glass blowing and production process, in addition to the masonry construction of the building, the operational weekday production hours of 7:00 a.m. to 9:00 p.m. is acceptable as the Applicant's Use is not anticipated to produce excessive noise or vibration; and furthermore, permit conditions enable the City to further limit operational hours as mitigation if such negative impacts do occur during evening, night, and/or early morning weekday hours or on weekends; and

**WHEREAS**, glassblowing classes of up to eight (8) students at any one time on the Subject Property, between the hours of 4:00 p.m. to 8:00 p.m. on weekdays and between 10:00 a.m. to 5:00 p.m. on Saturdays, are not anticipated to pose a public nuisance within a mixed-use neighborhood in terms of noise and parking impacts to nearby residential (existing and future) dwelling units; and

**WHEREAS**, safety measures and equipment will be implemented/installed on the Subject Property to include ventilation hoods and fire sprinklers in the furnace areas and

maintaining an emergency shower and eye-washing station within the unit; and

**WHEREAS**, all glass and other materials to be used and/or stored on the Subject Property that are classified as hazardous materials or otherwise contain hazardous substances, will be of a type and quantity not anticipated to pose a threat to general public health, safety, and welfare provided these substances/materials are handled appropriately by the Applicant in accordance with the Material Safety Data Sheet (“MSDS”) specifications for those materials and the Applicant complies with all applicable requirements of the Monterey County Health Department and the City’s Fire Department; and

**WHEREAS**, The Applicant is required to maintain Material Safety Data Sheets (“MSDS”) on-site for all materials/substances considered to be hazardous that are used and/or stored on the Subject Property, in addition to the Applicant’s Use being subject to all regulations and requirements of the Monterey County Health Department and the City’s Fire Department; and

**WHEREAS**, the Monterey County Health Department and the City’s contracted fire department were both provided detailed information in regard to the Applicant’s Use as part of the distributed advisory agency notice for this Applicant, and conditions were included in the entitlement permit that requires the Applicant to contact and work with these agencies and also enables these departments/agencies to implement applicable requirements to the Applicant’s use to ensure public health and safety; and

**WHEREAS**, the Subject Property provides sufficient on-site parking to satisfy the minimum parking requirements of the Sand City Municipal Code (section 18.64.050.K) for the Applicant’s Use in conjunction with tenants of the adjoining units of the commercial building on the Subject Property; and

**WHEREAS**, large truck-trailer delivery/shipments for loading/unloading activities related to the Applicant’s Use is appropriately mitigated as to prevent the parking of such vehicles and the Applicant’s loading/unloading activities at the Subject Property from imposing a routine obstruction, impediment, and/or interference with public traffic along California Avenue, a primary City collector street, or other public rights-of-way; and

**WHEREAS**, the Subject Property and Applicant’s Unit have 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 commercial building qualifies as a Categorical Exemption under CEQA (California Environmental Quality Act) Guidelines, Section 15301; and

**WHEREAS**, the City Council of the City of Sand City, on July 21, 2020, has found and determined that the proposed glass blowing workshop, design studio, and showroom with accessory office and storage, as identified by the Applicant and appropriately conditioned,

will not adversely impact the character of the surrounding neighborhood, nor be injurious or detrimental to adjoining properties or the rights of the owners therein, and Conditional Use Permit 641 shall be granted upon the conditions hereinafter set forth; and

**WHEREAS**, the City Council of the City of Sand City has accepted the analysis and findings for approving Conditional Use Permit 641 (hereinafter "CUP 641") as outlined in the City staff report, dated June 15, 2020.

1. CUP 641 is not valid, and the Applicant's Use of the Subject Property shall not commence unless and until two copies of this Resolution/Permit, signed by the permittee and the Subject Property's owner, acknowledging receipt of the Permit and acceptance of the terms and conditions, is returned to the City's Planning Department. Failure to return said signed/executed document may be grounds for City termination of CUP 641.
2. Purpose: CUP 641 is for the express purpose of authorizing, at the scope and scale described in the Applicant's application, a glass blowing workshop, design studio, showroom for display and sales, office, material and product storage, and glass blowing classes within an approximate 3,000 square foot commercial unit of an existing commercial building at 801-B California Avenue (portion of APN 011-186-020); subject to the terms and conditions specified in CUP 641. Residential occupancy of the Applicant's unit on the Subject Property is prohibited. There shall be no expansion to the scope or intensity of the Applicant's Use beyond that as authorized by CUP 641 without either an amendment of said Permit or the issuance of a new land use entitlement permit by the City.
3. Hours of Operation: Glassblowing and other manufacturing activities on the Subject Property shall only occur between the hours of 7:00 a.m. to 9:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays, and such activities are prohibited on Sundays. All loading/unloading and shipments/deliveries for the Applicant's Use on 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. If the Applicant's Use presents detrimental noise and/or vibration impacts to nearby dwelling units during evening, night, and/or early morning hours, the City may then further restrict operational hours as deemed appropriate to mitigate such impact(s). 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.
4. On-Site Classes: Glassblowing and production classes on the Subject Property shall be limited to no more than eight (8) individual students on the Subject Property at any one time, whether that be a single class or multiple smaller class groups. Class sizes may be further reduced at the discretion of the City's building official and/or Fire Department. Classes shall only occur between the hours of 4:00 p.m. to 8:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays with no classes on Sundays. All individual and group classes shall be under constant professional and experienced glassblowing supervision with appropriate emergency training.

5. On-Site Parking: A minimum of four (4) perpendicular on-site parking spaces, along the building's California Avenue frontage, shall be maintained on the Subject Property for the Applicant's Use. On-site parking spaces shall not be used for any purpose that impedes vehicle parking, with exception of on-site loading/unloading activities. It shall be the responsibility of the Subject Property' owner to maintain these spaces for the Applicant and manage parking allocation between tenants provided zoning and CUP 641 requirements are satisfied. Failure to maintain these spaces for vehicle parking shall be sufficient reason for the City to terminate CUP 641. Double parking or large truck parking that encroaches into the public right-of-way by the Applicant's Use in front of the building is prohibited. The Applicant is prohibited from parking any trailers and non-operational vehicles on the Subject Property.
6. Truck & Trailer Street Parking: In accordance with City Municipal Code Chapter 10.08, the Applicant shall not park or store trucks, trailers, or other large vehicles, as listed in said 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 City Municipal Code Chapter 10.08.
7. Loading/Unloading: All deliveries/shipments and/or loading/unloading of any item associated with the Applicant's Use at the Subject Property shall only occur during Permit authorized hours of operation (see Condition No. 3 "Hours of Operation"). Trailer-truck (i.e. 18-wheelers, semi-trucks) deliveries to the Subject Property are limited to no more than once per month unless otherwise granted special written permission by the City. At no time shall loading/unloading activities, associated with the Applicant's Use impede 2-way traffic circulation on California Avenue or any other public right-of-way within Sand City. Short term (approximately 5-minute) loading/unloading via private shipment companies (i.e. Federal Express, UPS, etc.) is exempt and allowed, provided such action does not impede traffic circulation of public streets.
8. Manufacturing: All manufacturing and/or all other activities conducted by the Applicant's Use at the Subject Property shall be maintained within the Applicant's unit at all times and shall not utilize the Subject Property's parking area or any public rights-of-way. If activities from the Applicant's Use (i.e. production, classes, etc.) generate noise audible from the street in front of the building or otherwise produces excessive particulate and/or noxious fumes/odors, then the roll-up door of the Applicant's Unit shall be closed. If the Applicant utilizes and maintains an air compressor on the Subject Property, said compressor shall be maintained within the building at all times and be electric powered and not gas/fuel powered. During non-operational hours (see Condition No. 3), said air compressor shall be turned off to prevent automatic re-pressurization during those non-operational hours.
9. Safety Precautions: The Applicant shall install ventilation "fume hoods" in the furnace areas of the Applicant's unit in compliance with applicable Building, Fire, and Health Codes. Any venting of gasses beyond the confines of the Applicant's Unit shall be subject to the regulations and requirements of the Monterey Bay Air Resources District. Fire sprinklers shall be installed in furnace areas in accordance with the

requirements and specifications of the City's Fire Department. The Applicant shall maintain an emergency shower and eye-washing station within the Applicant's unit.

10. Storage: All materials, parts, tools, equipment, packaging, pallets, and/or any other item associated and/or manufactured by this operation stored on the Subject Property, shall only be stored within the Applicant's unit and are prohibited from being stored on the Subject Property beyond the confines of the Applicant's unit and building. Any materials stored/used on-site, that may pose a hazard, shall comply with all requirements of the Monterey County Health Department, the City's Fire Department, and/or the City's code enforcement officer. The placement of a self-contained portable storage unit 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 this operation has expanded beyond the Subject Property's ability to sufficiently accommodate the Applicant's operation; and thus be sufficient reason for the City to terminate CUP 641.
11. Property Maintenance: The Subject Property shall be maintained in a clean, orderly, weed-free, and litter-free condition. There shall be no storage of waste material or debris on-site, except as otherwise allowed by CUP 641. 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 for the duration of the Applicant's Use at the Subject Property as authorized by CUP 641.
12. Signs: Commercial signs on the exterior of the building or anywhere on the Subject Property, identifying the Applicant's Use, shall be reviewed and approved by the Sand City Design Review Committee (the "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. 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 maintained either within the building or within a City approved enclosure on the Subject Property. An enclosure may be established on the Subject Property only after approval by the City's Planning Department. The Applicant shall work and coordinate with the City's franchised waste hauler to implement material recycling and recovery as part of this operation's regular routine when feasible.
14. Hazardous Waste: Any and all hazardous materials and/or hazardous waste used/generated by the Applicant's Use, in addition to any compressed gas or other fuel source(s) that power furnaces/kilns on-site, 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 maintain Material Safety Data Sheets ("MSDS") on the Subject Property for all hazardous materials/substances used and/or

maintained on-site. The Applicant shall concede to any direction of the City's Fire Department, City Code Enforcement Officer(s), and/or the Monterey County Health Department regarding the storage and/or handling of hazardous materials on the Subject Property. The Applicant shall contact, coordinate, and comply with the agents/inspectors of the Monterey County Health Department's Hazardous Materials Management Services program. Any illegal material storage, dumping, and/or disposal shall be sufficient grounds for City termination of CUP 641.

15. Water Runoff: The Applicant's Use shall not create water run-off within the City in accordance with Chapter 13.05 of the Sand City Municipal Code regarding Storm Water Management. There shall be no washing of vehicles on the Subject Property.
16. Water: Issuance of CUP 641 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 available to the Subject Property, in accordance with the regulations of the Monterey Peninsula Water Management District (MPWMD).
17. Local/Regional Compliance: All requirements of the City's contracted Building and Fire Departments, the City Engineer, the City Police Department, the Sand 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, that are applicable to the Applicant's Use shall be implemented to the satisfaction of each department and inspector thereof.
18. Air District: The Applicant shall be responsible for complying with all applicable regulations of the Monterey Bay Air Resources District. Failure to comply shall be sufficient grounds for City termination of CUP 641.
19. Fire Department: The Applicant and/or the Subject Property's owner shall coordinate with the City's contracted Fire Department to ensure that all applicable Fire Code requirements are implemented prior to the Applicant commencing operation at the Subject Property. The Applicant's Use of the Subject Property, as authorized by CUP 641, 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 safety 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/or City termination of CUP 641.
20. Nuisance: The Applicant's Use of the Subject Property shall be conducted as to not constitute a nuisance to surrounding units and/or properties 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, particulate, odors, overflow parking, and/or other negative impact(s) that this operation may or will generate. Any mitigation to abate negative impacts of the Applicant's Use, as directed by the City, shall be implemented

by the Applicant to the City's satisfaction as to effectively mitigate such negative impacts. If the City Council finds at any time that any use of 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 641. Failure to comply with such City direction may result in the amendment or revocation of CUP 641.

21. Violation/Termination: If the City determines that any term or condition of CUP 641 has been violated, and/or use of the Subject Property constitutes a nuisance or is otherwise detrimental to the neighborhood or the 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 641 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 641.
22. Interpretation: Any question of intent or interpretation regarding any condition within CUP 641 shall be resolved by the City's Planning Department.
23. The issuance of CUP 641 shall not supersede or override any requirement of any other City, County, State, or Federal agency.
24. Indemnification: To the extent permitted by law, the Applicant and Property Owner shall indemnify and hold harmless the City, its City Council, its officers, employees, consultants, and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties, the Applicant, and/or Property Owner in connection with this Permit, including but not limited to any such action to attack, set aside, or void, any permit or approval authorized hereby, including (without limitation) reimbursing the City for its actual attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
25. Business License: The Applicant shall acquire, maintain, and annually renew a Sand City business license for the duration of the Applicant's Use within Sand City. Failure to maintain a current City business license may be sufficient grounds for termination of CUP 641.

**PASSED AND ADOPTED** by the City Council of Sand City this 21<sup>st</sup> day of July, 2020, by the following vote:

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

ABSTAIN: Council Member Cruz

ATTEST:

Connie Horca  
Connie Horca, Acting City Clerk

APPROVED:

Mary Ann Carbone  
Mary Ann Carbone, Mayor

This is to certify that the Conditional Use Permit (CUP) 641 contains the conditions specified by the City Council in approving said Permit.

Charles Pooler  
Charles Pooler, City Planner

**APPLICANT ACCEPTANCE (CUP 641)**

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

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
**Applicant**

**CONSENT OF OWNER (CUP 641)**

Consent is hereby granted to the permittee to carry out the terms and conditions of the Conditional Use Permit.

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
**Property Owner**