

CITY OF SAND CITY

RESOLUTION SC 20-61, 2020

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING
COASTAL DEVELOPMENT PERMIT 20-02 FOR FREDERICKA SMITH
AUTHORIZING AN ART STUDIO AND HENNA SERVICE BUSINESS
WITHIN THE COMMERCIAL UNIT AT 490-D ORANGE AVENUE**

WHEREAS, Fredericka Smith of Corazon Henna & Artesania (the “Applicant”) submitted an application to the City of Sand City (the “City”) for coastal development permit approval to establish to operate a private art studio for the production and sale of custom art and handcrafts in addition to performing henna body art services (the “Applicant’s Use”) within a 184 square foot unit of an existing commercial building at 490-D Orange Avenue (portion of APN 011-271-014) 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 coastal zoned “Planned Mixed-Use” zoning designation of the Subject Property and compatible with neighboring mixed-use developed and zoned properties of the West End Planning District; 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, vibration, fumes, or other detrimental impacts or pose a nuisance to neighboring units and properties; and

WHEREAS, the Subject Property provides sufficient on-site parking to satisfy the minimum parking requirements in accordance with Chapter 18.64 of the Zoning Code for the Applicant’s Use in conjunction with tenants of the adjoining units of the Subject Property; and

WHEREAS, no large truck-trailer delivery/shipments for loading/unloading activities related to the Applicant’s Use is anticipated; therefore, no detrimental impact or impedance of traffic circulation along Contra Costa Street, a primary entrance into Sand City’s West End District, is anticipated from the Applicant’s Use; and

WHEREAS, the Subject Property and Applicant’s Unit have sufficient on-site water credit to accommodate 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 September 1, 2020, has found

and determined that the Applicant's Use, 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 that Coastal Development Permit 20-02 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 Coastal Development Permit 20-02 (hereinafter "CDP 20-02") as outlined in the City staff report, dated August 5, 2020.

1. CDP 20-02 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 CDP 20-02.
2. Purpose: CDP 20-02 is for the express purpose of authorizing, at the scope and scale described in the Applicant's application, a private art studio for the production and sale of custom art and handcrafts in addition to performing henna body art services within an approximate 184 square foot commercial unit at 490-D Orange Avenue (portion of APN 011-186-020); subject to the terms and conditions specified in CDP 20-02. 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 CDP 20-02 without either an amendment of said Permit or the issuance of a new land use entitlement permit by the City.
3. Hours of Operation: The Applicant's Use 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 9:00 p.m. on weekends. Art classes with students on-site shall only occur between the hours of 10:00 a.m. to 6:00 p.m. Monday through Saturday. All shipments/deliveries to the site shall 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 weekends. 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: Art classes performed on the Subject Property shall be limited to no more than three (3) individual students on the Subject Property at any one time, whether that be a single class or multiple individual class sessions. There is no class size limit for classes attended virtually. Class sizes may be further reduced at the discretion of the City's building official and/or Fire Department.
5. Parking: The Subject Property shall maintain a minimum of seven (7) on-site parking spaces for all tenants of the Subject Property. One (1) of these parking spaces shall be maintained for the Applicant to satisfy zoning requirements. 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 utilized by the Applicant's Use for any purpose that impedes vehicle parking. Failure to maintain these spaces for vehicle parking by the Applicant's Use shall be sufficient reason for the City to terminate CDP 20-02. The Applicant is prohibited from parking any non-operational vehicles on the Subject Property. Any vehicle parking by and for the Applicant Use shall not double park as to encroach into public rights-of-way, including public sidewalks. 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.

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: Any loading/unloading activities associated with the Applicant's Use shall only occur on-site during those daytime hours specified by CDP 20-02 (see Condition No. 3 "Hours of Operation"). Loading/unloading activities for the Applicant's Use shall not occur, nor obstruct traffic flow, within the Contra Costa Street public right-of-way.
8. Storage: All materials, parts, tools, equipment, packaging, pallets, and/or any other item associated and/or manufactured by the Applicant's Use that is stored on the Subject Property, shall only be stored within the Applicant's unit and 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 by the Applicant 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 CDP 20-02.
9. 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 CDP 20-02. 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 CDP 20-02.
10. Signs: Commercial signs attached/applied to the exterior of the building(s), 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 off the Subject Property within City limits without City Planning Department approval.

11. 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.
12. Hazardous Waste: Any and all hazardous materials and/or hazardous 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 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. Any illegal material storage, dumping, and/or disposal shall be sufficient grounds for City termination of CDP 20-02.
13. 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.
14. Water: Issuance of CDP 20-02 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).
15. 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.
16. 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 CDP 20-02.

17. 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 CDP 20-02. Failure to comply with such City direction may result in the amendment or revocation of CDP 20-02.
18. Violation/Termination: If the City determines that any term or condition of CDP 20-02 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 CDP 20-02 and may then order said Permit amended or revoked. The Applicant and the Subject Property's owner 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 CDP 20-02.
19. Interpretation: Any question of intent or interpretation regarding any condition within CDP 20-02 shall be resolved by the City's Planning Department.
20. The issuance of CDP 20-02 shall not supersede or override any requirement of any other City, County, State, or Federal agency.
21. 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.
22. 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 City Council termination of CDP 20-02.

PASSED AND ADOPTED by the City Council of Sand City this 1st day of September, 2020, by the following vote:

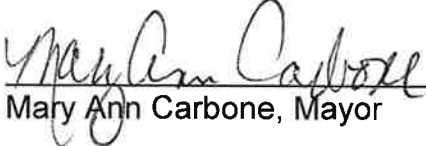
AYES: Council Member Blackwelder, Sofer, Cruz, Carbone
NOES: None
ABSENT: None
ABSTAIN: Council Member Hawthorne

ATTEST:



Connie Horca, Acting City Clerk

APPROVED:



Mary Ann Carbone, Mayor

This is to certify that the Conditional Use Permit (CDP) 20-02 contains the conditions specified by the City Council in approving said Permit.



Charles Pooler, City Planner

APPLICANT ACCEPTANCE (CDP 20-02)

The Coastal Development 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 (CDP 20-02)

Consent is hereby granted to the permittee to carry out the terms and conditions of the Coastal Development Permit.

DATED: _____

BY: _____
Property Owner