



**REGULAR MEETING**

**SAND CITY COUNCIL**

**AND**

**SUCCESSOR AGENCY OF THE FORMER  
REDEVELOPMENT AGENCY**

**AGENDA**

**SAND CITY COUNCIL CHAMBERS**

**TUESDAY, NOVEMBER 6, 2018**

**5:30 P.M.**

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

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Regular Meeting – November 6, 2018  
5:30 P.M.  
CITY COUNCIL CHAMBERS  
Sand City Hall, One Pendergrass Way, Sand City, CA 93955

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- 1. INVOCATION**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ANNOUNCEMENTS BY MAYOR AND CITY ADMINISTRATOR**
- 5. PUBLIC COMMENT**

Members of the public may address the City Council/Successor Agency on matters not appearing on the City Council/Successor Agency Agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if speakers state their names. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council/Successor Agency.

The City Council Chambers podium is equipped with a portable microphone for anyone unable to come to the podium. If you need assistance, please advise the City Clerk as to which item you would like to comment on and the microphone will be brought to you.

**6. CONSENT CALENDAR**

The Consent Agenda consists of routine items for which City Council approval can be taken with a single motion and vote. A Council member may request that any item be placed on the Regular Agenda for separate consideration.

- A. Approval of Sand City Council Meeting Minutes, October 16, 2018
- B. Approval of City RESOLUTION Approving a Service Agreement with SLV Management (Stephen Vagnini) for the 2019 West End Celebration (WEC)
- C. Approval of City RESOLUTION Adopting New Terms and Benefits for Represented Members of the Sand City Police Officers Association for Fiscal Year 2018/2019
- D. Approval of City RESOLUTION Recognizing the Association of Monterey Bay Area Governments (AMBAG) on their 50<sup>th</sup> Anniversary and Years of Service to the Community

- E. Approval of City RESOLUTION Declaring a Shelter Crisis pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code §8698.2)
- F. Acceptance of Public Works Monthly Report, October 2018
- G. Approval of City Donation/Contribution
  - 1) Central Coast Bombers Baseball - \$500

**7. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR**

**8. PRESENTATION**

- A. Presentation by Sheri Damon Prevailing Wage Coordinator and Michael Houlemard Executive Director of the Fort Ord Reuse Authority (FORA) on Update of FORA's Transition Plan and Council discussion and consideration of same **{10 minutes}**

**9. PUBLIC HEARING**

- A. Consideration of City RESOLUTIONS of Conditional Use Permits and Coastal Development Permits for a 216 Room Hotel Project within the South Of Tioga Project area roughly bounded by Tioga Avenue to the northeast, California Avenue to the southeast, East Avenue to southwest, and the un-built Merle Street right-of-way to the northwest, consisting of Assessor Parcels: 011-122-002, 003, 004, 005, 010, 011, 023, 024, 025, 026, 032, 038, 039, 040, 041; 011-123-001, 004,005, 006, 007, 008, 009, 011, 022, 023, 024, 025, 026; 011-134-011; 011-135-001, 014, 015, 016, 023, 024; 011-136-007, 012, 024; and 011-186-021, 038, 039
  - 1) Approving Conditional Use Permit 623 for Parcel H1 of the South of Tioga Development Project
  - 2) Approving Conditional Use Permit 624 for Parcel H2 of the South of Tioga Development Project
  - 3) Approving Coastal Development Permit 18-01 for Parcel H1A of the South of Tioga Development Project
  - 4) Approving Coastal Development Permit 18-02 for Parcel H2A of the South of Tioga Development Project
- B. Consideration of City RESOLUTION Updating the Regional Development Impact Fees

**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

**11. NEW BUSINESS**

- A. Approval of City RESOLUTION Authorizing the Mayor to Execute an Agreement With Meurer Municipal Consulting LLC to Develop Materials for Securing Executive Recruitment
- B. Comments by Council Members on Meeting and Items of Interest to Sand City
- C. Upcoming Meetings/Events

**12. ADJOURNMENT**

<p>Next Scheduled Council Meeting: Tuesday, November 20, 2018 5:30 P.M. Sand City Council Chambers 1 Pendergrass Way, Sand City</p>
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This is intended to be a draft agenda. The City reserves the right to add or delete to this agenda as required.

The current Sand City agenda is available in PDF format on our website at:

[www.sandcity.org/agenda](http://www.sandcity.org/agenda)

If you have a request for a disability-related modification or accommodation, including auxiliary aids or services, which will allow you to participate in a Sand City public meeting, please call the City Clerk at (831) 394-3054 extension 220, or give your written request to the City Clerk at One Pendergrass Way, Sand City, CA 93955 at least 48 hours prior to the scheduled meeting to allow the City Clerk time to arrange for the requested modification or accommodation.

**AGENDA ITEM**

**6A**

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

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Regular Meeting – October 16, 2018  
5:30 P.M.  
CITY COUNCIL CHAMBERS

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

Invocation was led by Reverend Robert Hellam.

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

Present: Mayor Mary Ann Carbone  
Vice Mayor Blackwelder  
Council Member Hubler  
Council Member Hawthorne

Staff: Vibeke Norgaard, City Attorney  
Leon Gomez, City Engineer  
Brian Ferrante, Police Chief  
Charles Pooler, City Planner  
Connie Horca, Deputy City Clerk/Admin. Assistant  
Shelby Gorman, Administrative Assistant

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

The Mayor announced that she has her Mayor's report available, handouts from Community Bay Power, additional information for Agenda item 9A and a list of conflicts for tonight's meeting.

**AGENDA ITEM 5, PUBLIC COMMENT**

5:34 P.M. Floor opened for Public Comment.

Jody Hansen, President and CEO of Monterey Peninsula Chamber commented on Measure J and petitioned Sand City residents to consider voting NO on the Measure. If the Measure passed, it would require the Monterey Peninsula Water Management District to conduct a feasibility study before moving forward with a take-over of Cal-Am. The business community's primary concern is that Cal-Am is not for sale, and hopes that people will closely review the Measure and vote No.

5:36 P.M. Floor closed to Public Comment.

## AGENDA ITEM 6, CONSENT CALENDAR

Agenda item 6A(1) was pulled from the consent calendar for separate action, as well as Agenda item 6F to make a correction on a typographical error. These items will be considered under agenda item 7.

- A. Conditional Use Permits (CUP) and Coastal Development Permits (CDP) are subject to annual review by the City Council and City staff. Upon review of each of the following Use Permits, staff is recommending continued operation of the Use Permits to the City Council based on the finding that these uses are in compliance with their permits. There was no discussion of the following use permits.
- (1) CUP #413, Taylor & Shelby Hawthorne (glass & metal), 460 Elder Avenue {This item was pulled from the Consent Calendar for separate action}
  - (2) CUP #501, Sylvan Design (art studio), 613-A Ortiz Avenue
  - (3) CUP #555/CDP 12-07, Peninsula Hydronics (contractor) 2 John Street #A
  - (4) CDP #95-09, Slakey Brothers (warehouse), 321 Orange Avenue
  - (5) CUP #584, Groundworks Renewables (office), 433 Orange Avenue
- B. There was no discussion of the Sand City Council Special Meeting Minutes, September 27, 2018.
- C. There was no discussion of the Sand City Council Meeting Minutes, October 2, 2018.
- D. There was no discussion of the Police Department Monthly Report, September 2018.
- E. There was no discussion of the Public Works Monthly Report, September 2018.
- F. Approval of City **Resolution** approving Time Extensions to January 31, 2019 of Multiple Conditional Use Permits (CUPs 450, 508, 527, 532, 540, 541, 548, 576, 578, 588, 590, 594, 595, 598 & 599) and CDP 14-01 and 15-02 to continue as Interim Uses at their respective locations within the South of Tioga Area. (This item was pulled from the Consent Calendar for separate action).
- G. There was no discussion of the City/Successor Agency Monthly Financial Report, August 2018.
- H. There was no discussion of the City **Resolution** ratifying the Terms of Separation Agreement with Former City Administrator.
- I. There was no discussion of the City **Resolution** adopting New Salary for City Planner, Deputy City Clerk/Administrative Assistant, Maintenance Worker II,

Create New Classification and Set Salary for Finance/Human Resources Specialist, and Create New Classification and Set Salary for Maintenance Worker III and Rescinding Resolution SC 18-87, 2018.

- J. There was no discussion of the City Donation/Contribution to the Salvation Army Thanksgiving Meals for \$300.

Motion to approve Consent Calendar items 6A (2-5), 6B-E and 6G-J was made by Council Member Hawthorne, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

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

**Agenda Item 6F.** Approval of City **Resolution** approving Time Extensions to January 31, 2019 of Multiple Conditional Use Permits (CUPs 450, 508, 527, 532, 540, 541, 548, 576, 578, 588, 590, 594, 595, 598 & 599) and CDP 14-01 and 15-02 to continue as Interim Uses at their respective locations within the South of Tioga Area.

City Planner Pooler commented that on page 39 of Agenda item 6F, the third 'WHEREAS' needs to correct the date from July to October.

Motion to approve the City **Resolution with amendments**, approving Time Extensions to January 31, 2019 of Multiple Conditional Use Permits (CUPs 450, 508, 527, 532, 540, 541, 548, 576, 578, 588, 590, 594, 595, 598 & 599) and CDP 14-01 and 15-02 to continue as Interim Uses at their respective locations within the South of Tioga Area was made by Council Member Hubler, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

*{Council Member Hawthorne stepped down from the dais due to a possible conflict of interest with agenda item 6A(1)}*

**Agenda item 6A(1)** CUP #413, Taylor & Shelby Hawthorne (glass & metal), 460 Elder Avenue. There was no discussion regarding the renewal of the use permit.

Motion to approve the renewal of CUP #413, Taylor & Shelby Hawthorne (glass & metal), 460 Elder Avenue was made by Council Member Blackwelder seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler. NOES: None. ABSENT: None. ABSTAIN: Council Member Hawthorne.

*{Council Member Hawthorne returned to the dais}*

## **AGENDA ITEM 8, PRESENTATIONS**

- A. **Presentation by Sand City Target Store to the Sand City Police**



## **Department for their Valued Support**

Christopher Dooley representing Target Store in Sand City presented a Certificate of Appreciation to the Police Department for their continued service and support as well as their diligence in helping to reduce theft in the store. The officers were instrumental in saving the store approximately \$250,000 in operational loss. He thanked the Chief, Commander, Sergeants, and Officers present and expressed his gratitude on behalf of Target and its employees. The Mayor acknowledged the Sand City Police Department on their outstanding job reducing theft and for receiving the award.

### **B. Presentation by Marc Adato, Community Outreach & Special Events Coordinator of Monterey Bay Community Power regarding update on the Future of Carbon Free Energy {10 minutes}**

Mark Adato Community Outreach Coordinator representing Monterey Bay Community Power (MBCP) presented an update on the status and activities of MBCP. He explained the company's growth since the inception of the JPA, MBCP, and 16 other cities beginning in 2013 to the present. MBCP acquires electricity in the wholesale market and sells to businesses and residents in the Monterey Bay region and provide sources of carbon-free electricity to its customers. In response to the 2002 energy crisis, Mr. Adato summarized that MBCP is different because as a new default service provider they offer customer choice with rebates and carbon free/renewable energy sources, local control and accountability, local benefits. He pointed out that the highlights of their Outreach Update included 170 MBprime enrollments, 135 presentations and events, and formation of a partnership with Univision on Agricultural Worker Education. The 2017-2018 Fiscal Year accomplishments included the reduction of greenhouse gas (GHG) emissions, providing electric power, and other forms of energy to customers at affordable rates along with a 3% rebate, stimulating and sustaining the local economy through local job creation, and MBCP's support of PG&E's Moss Landing Battery Storage Project. Mr. Adato concluded his presentation to report on MCBP's future efforts to provide ongoing customer care and support, educational and marketing outreach, and also reported on various transportation and building electrification programs.

The Mayor thanked Mr. Adato for the presentation and expressed her approval of how MBCP has allocated their funds.

## **AGENDA ITEM 9, PUBLIC HEARINGS**

The Mayor announced that a straw draw would be conducted regarding the next item. City Attorney Norgaard explained that since the resignation of Council Member McDaniel a straw draw between the conflicted Council Members would allow for one Council Member to sit so that a quorum can be present.

Attorney Hugo Gerstl commented that two Council Members have recused themselves regarding the item at a previous meeting. This situation appears to be a rush to justice/injustice when we are three weeks away from the election with the possibility that a new group of administrative people would sit on the Council and may not have a conflict. He was advised of the rules regarding this item, and under these circumstances those that have recused themselves should stay recused. The City risks condemning 20 parking spaces and the quiet enjoyment of property when it should not even be the City's concern. It should be between the landlord and tenant. The City should not be involved and three weeks until the election should not prejudice anyone. The straw draw is procedurally dangerous and invites a lawsuit that can be easily avoided. He respectfully requested that the Council members remain recused and that this matter be postponed until the week following the election.

Ms. Norgaard explained to the Council that this procedure may be legally used and is a policy decision that will be up to the Council to decide. The elections occur on November 6<sup>th</sup>, and the County Clerk has 4 weeks to certify the results of the election. New Council Members are sworn in early December. The Council may move ahead should they decide to do so.

Following the straw draw Council Member Hawthorne commented that there is no need to keep continuing this item and that a wise decision should be made by the Council. He recused himself and stepped down from the dais. Council Member Blackwelder confirmed that he has reviewed the materials regarding the agenda item and listened to the recording of the previous meeting.

**A. Consideration of City RESOLUTION Approving Conditional Use Permit 18-03 for Camp Transformation authorizing a Fitness Training Facility with Accessory Office at 325 Elder Avenue (This item continued from the October 2, 2018 Council meeting)**

City Planner Charles Pooler summarized what was presented to the Council at the October 2, 2018 Council meeting and provided an addendum to address discussion from that meeting. The addendum specified permit condition modifications regarding hours of operation, closing up walls between units, the installation of some form of acoustical insulation, and performance of the Camp Transformation patron parking/commuting survey. Staff amended Conditions 3 and 5 of the permit based on the October 2, 2018 discussion. The applicant further contacted Staff and requested that he be allowed to have office hours between 10:00 a.m. to 5:00 p.m. to conduct client sign-ups and orientation. This would not be for conducting classes or other exercise activities. Staff recommends Condition 3 be further amended to allow this request by adding the language following the last sentence to read: *Office activity and customer sign-ups and orientation on-site by the Applicant may extend beyond the aforementioned hours/days, provided that the*

*Applicant's unit is not conducting any exercise activities.*

To address the walls and insulation, Condition 5 was amended to add language to read: *Any and all wall openings between the Applicant's unit and the other units of this building shall be closed off with acoustical insulation, of a type sufficient to minimize (not necessarily eliminate) excessive noise impact upon neighboring units of this building, installed in/on the walls of the Applicant's unit. The method of acoustical insulation shall be determined by an acoustical engineer with a copy of the acoustical engineer's report submitted to the City.*

In regards to the parking and patron survey, Shelby Gorman, the City's Administrative Assistance performed a parking survey of Camp Transformation on Friday, October 5, 2018 that collected data on arrival and departure times, mode of transportation, where they parked, how many people car pooled, and how many times a week patron's frequented the gym. Class times are currently 5:00 a.m., 6:00 a.m., 8:00 a.m., and 9:00 a.m. for the mornings, and 5:00 p.m., 6:00 p.m., and 7:00 p.m. for the evening classes. Ms. Gorman was present for all classes. As the class times are consistent during the weekdays and estimated weekday attendance can be extrapolated. The class at 6:00 a.m. had the largest class size of 30 attendees. The overall average of carpoolers was 32%. Based on the ratios there is a need of 26 parking spaces which exceeds the parking requirement resulting from the 1/450 parking ratio with twelve (12) on-site parking spaces around the building.

Mr. Pooler displayed photos of the parking area along the frontage of the building during the week night hours between 5:30 p.m. – 6:00 p.m. It depicted that much of the streets were empty. Based on these results the Council could consider that the Applicant secure additional parking elsewhere or limit class sizes. The draft permit presented does not include such requirements and Staff seeks Council direction.

In response to Council Member Hubler's inquiry regarding the overlap of business hours, Mr. Pooler replied that he does not know off hand, Monterey Bay Restaurant Equipment's hours of operation are.

6:31 P.M. Floor opened for Public Comment.

The applicant Lesley Conover commented that her clients are aware of the parking situation and they understand the parking issues. She commented that the developer for the project across the street would need to accommodate parking as part of his building plans. Mr. Locklar also communicated that he may no longer be a lessor in the next 3 months. There should be no conflict with the operating hours between businesses as the last class is over by 9:00 a.m. and other classes occur before and after work hours. She is hopeful that the landlord/tenant and parking issue will be resolved, and petitioned the Council to not let the "what ifs" determine approval of the proposed use.

The applicant Michael Conover commented on the off hours of operation and requested that the Council consider allowing for 'specialty' classes. At the request of Council Member Blackwelder, Ms. Conover explained that "specialty" classes would include children's classes and kid's camp with a minimum of 3 and upwards of 8 kids. This would also include individual training.

Vanessa Haven, Real Estate Agent and Trainer, commented that during her drive around the City, the Elder location seemed like a truly great place for the operation. As an instructor, she teaches the Tuesday and Friday classes with a maximum of 15 people in attendance. There are no weights and the noise can also be minimized with the use of pads on the walls. Mr. Locklar should not hear anything while class is in session.

Sand City resident Brian Clark commented that the noise is very loud on Ortiz beginning at 5:00 a.m. The noise impact is really intense and has been a 15 year problem for him. Should classes begin as early as 5:00 a.m. with 20-30 cars arriving and trying to find parking, the amount of noise would be excruciating. He mentioned that all eleven spaces along Ortiz were occupied and the parking is frequently being used by those who frequent the commercial district. If you take into account the morning classes, and the evening classes, it would generate a large amount of traffic and evening noise. He supports the business philosophy and what they do, but he does not support putting that amount of intensity in that area. He can not support the proposed use due to the noise and parking impact.

Bill Locklar, owner of Monterey Bay Restaurant Equipment commented that the pictures Staff had taken does show that there are no cars there; however, beginning at 6:00 a.m., cars begin to appear. He has a large parking lot but only 13 spaces are available and does not want to share his 20 parking spaces as it is part of his lease. He conducted his own survey and did not notice anyone carpooling, and presented photographs to the City Council. He clarified that he is at the location at 7:00 a.m. and opens his doors at 8:30 a.m. With no one to protect his parking spaces, he does not know where an additional 20-25 cars would park when all the available parking is already occupied.

Chris Cullough commented that parking is always available around the City. There may not be many but there are spots here and there. He and others believe in the camp and if the owners asked us not to park somewhere, we would not. They have requested that we not park on the side street and no one does because the patrons want the camp to succeed.

Ms. Haven reiterated that there should be no conflict with parking spaces as the classes sizes are a maximum of 15 people.

Attorney Hugo Gerstl pointed out that the landlord and Mr. Locklar are not in negotiation. There could have been ways that this issue could have been resolved. He inquired on whom will protect the twenty spaces allocated to MBRE, and reiterated that there are 20 parking spaces guaranteed to them. He reminded the Council to not become involved nor step into the middle of what is a 'private matter'.

Attorney Ralph Gunter representing Mr. Richard Garza, owner of the Catalina Lofts project addressed several comments regarding the addendum presented by Mr. Pooler. There is no mention in the addendum with respect to the Catalina Lofts project. It is Mr. Garza's intent to break ground and start on the project this year. The report included a survey which proved that the 1/450 space is inadequate for the use proposed for the site. Why are we looking at possibly approving a use that would impact the current parking situation already present? The Code in Sand City requires the Council to take into account the marketability of other projects in the City. If the proposed use is approved, it would impact Mr. Garza's ability to rent out his units, and encouraged a No vote.

Public Member Anola Williams who regularly attended Camp Transformation has had a positive experience with the program. Lesley and her team always announce where members need to park. If we were told to park five blocks away, the participants would do so. It was also announced that we would not run outside, and have begun running inside since the announcement. The clients are very respectful of what is asked of them and adheres to the requests of Ms. Conover.

Attorney Alex Hubbard representing Surfside Enterprises and Virginia Melburn Trust, owners of 325 Elder Avenue addressed the issue of parking and noise mitigation. The City did a very good job with the survey and presented a thorough and accurate picture of the area. As landowners, we agree to comply with Condition 7 to restripe the parking lot to achieve as many spaces possible. If tenants cooperate and share, there is enough parking for the uses. He addressed the concerns of Mr. Locklar's objections and confirmed that he will have his 20 spaces under permit 97-25. The Catalina Lofts project is not in existence and while it has its parking needs; the Camp is ready to move forward. The noise mitigation highlighted in Condition 5 is the concept of quiet enjoyment and internal building noises should be addressed between the landlord and the tenant, and not by determination or enforcement of the City of Sand City. He requested that language be added to Condition 5 of the permit to state: *that the subject property owner shall be responsible for addressing and resolving tenant disputes regarding noise provided that City code requirements are met to the satisfaction of the City.*

Bill Grimm with Surfside Enterprises representing the landlord addressed the topics of noise and parking. It is noted that there is a general parking problem in the City. The noise problem Mr. Clark spoke too is against Highway 1, and noise generated by hundreds of vehicles causes' intrinsic

noise no matter who leases the building. He reiterated that the noise issue is a landlord/tenant issue and lies with the landlord to mitigate. The fourteen spaces available in the parking lot including 12 around the building should provide adequate parking. He provided photos of the parking around the area during various times throughout the day. Between the hours of 8:00 a.m. and 2:00 p.m., there were always at least 2-3 spaces available. He commended Ms. Gorman for her wonderful job on the survey and stated that the recommendations made by Mr. Pooler are perfectly acceptable.

Mr. Clark further commented and requested that should the Council approve the use to restrict the streets on Ortiz as available parking because the residents and businesses utilize the entire available street parking already. The proposed use would have a severe impact on Mr. Garza's project that already has entitlements. He and several neighbors do not support this.

The Mayor announced that public comments will be limited to two minutes from this point forward.

The applicant Michael Conover commented on the request to stop running in the streets and getting the members to comply to avoid any problems. He further spoke to future storm drain street improvements that should be designed accordingly to accommodate street parking, moving from their current location due to tenants above them, and addressed class sizes.

Attorney Hugo Gerstl further commented on Mr. Pooler's survey figures, the comment made by a member regarding carpools, and how the landlord should find a solution to the issues.

7:29 P.M. Floor closed to Public Comment.

The floor was opened for Council deliberation and discussion.

The Mayor commented on the restriping of the 34 parking spaces on the parking lot, 20 of which belong to Monterey Bay Restaurant Equipment as part of their lease. Sand City would not infringe upon property rights. There would be 13-14 remaining spaces for the proposed use. To address insufficient on-street and off-street parking a parking survey was conducted at the request of Mr. Gunter. Several facts were confirmed by the parking survey. Mr. Gerstl's concern regarding who will police his client's parking spaces would be the responsibility of the property owner and not Sand City. Mr. Grimm stated that the common wall goes to the ceiling and can accommodate the soundproofing, which is also part of permit conditions. The above mentioned will be the responsibility of the property owner. If class sizes average from 20-30 as depicted in the survey, it is a fact that there will be more cars than spaces. The City cannot allocate designated street parking, and is on a first come basis. The City can add a condition to the permit to limit class size and/or require

additional off-street parking to be researched by Camp Transformation.

Council Member Blackwelder addressed the parking issue and the effort to facilitate a parking need if 4-5 additional spaces are required. There are enough spaces at the building and the landlord seems unable to work out parking with his tenants. Sand City is a mixed-use City and noise will be generated by uses within the City.

There was discussion regarding finding a resolution that would suffice the needs of Camp Transformation, on/off street parking, limiting class sizes, hours of operation, and possible solutions to mitigate noise within the building.

Council Member Hubler addressed the noise issue as outlined in Condition 18 "Nuisance" and the applicant's responsibility to mitigate any noise, vibration, overflow parking, and negative impacts. He also read Condition 19 "Violation/Termination" that allows the Council to consider amending or revoking the permit should any condition of the use permit be in violation of its terms of use.

City Planner Charles Pooler clarified the amendments to the permit regarding hours of operation to change from 4:00 a.m. to 5:00 a.m.

Council Member Hubler added that the applicant can come back at some time in the future to amend the permit; however, classes during the day may be too much at this point. Client orientations and sign-ups during mid-day hours are acceptable. Mr. Pooler suggested that language can be added to Condition 3 to read: *Office activity and customer sign-ups and orientation on-site by the Applicant may extend beyond the aforementioned hours/days, provided that the Applicant's unit is not conducting any group exercise activities.* There was further discussion regarding parking and whether employee's vehicles were included in the count.

In response to Mayor Carbone's inquiry regarding the number of employees that are present during the day, Ms. Conover replied that she has 2-3 employees, and there may be anywhere between 1-3 employee vehicles. She spoke to classes sizes and added an 8:00 a.m. class to minimize the 9:00 a.m. class. She does not want to limit the class sizes to less than 15 people due to work schedules. She does have a class limit due to fire codes but limiting it to 15 would be extreme. Finding additional off street parking would be an option. Ms. Conover welcomed suggestions and mentioned the possibility of renting some spaces.

City Planner Pooler suggested that the following language be added to Condition No. 7 to read: *If those parking spaces made available by the property owner to the Applicant on the Subject Property is insufficient to accommodate the parking demand of the Applicant's patrons, the Applicant shall then secure additional off-street parking sufficient to*

*accommodate that demand, taking into account that thirty-two percent (32%) of patrons car-pool. The Applicant shall provide the City with evidence of securing other property for parking via lease or other documentation prior to commencing operations at the subject property.*

The Mayor asked Ms. Conover if she agreed with the additional language to Condition 7 regarding more parking as stated by Mr. Pooler and that verification of additional parking be submitted to the City. Mr. Pooler confirmed that the applicant would need to find and secure additional parking prior to building occupancy otherwise it would condone the impact that is being mitigated. In response to the Mayor's question regarding whether Ms. Conover is in agreement with the condition to acquire additional parking, Ms. Conover replied that she was in agreement with the amendments to Condition 7.

Council Member Hubler clarified on the general understanding that the applicant is aware that the permit can be reviewed at any time, and that a six month review would be feasible to insure that the applicant is adhering to the conditions of the permit. Mr. Pooler suggested that language can be added to Condition No 1 that: *CDP 18-03 shall be reviewed by the City Council in six (6) months after approval to evaluate the Applicant's compliance with CDP 18-03.*

Mr. Pooler clarified the changes to Conditions No. 3, 5 and 7, along with the addition to Condition 1 allowing for a six month review.

In response to the Mayor's inquiry regarding whether the applicants were in agreement with what they have heard and the changes to the conditions of the use permit, Lesley and Michael Conover replied that they were in agreement with the changes to the permit conditions.

Motion to approve the City **Resolution with the changes as stated**, to Conditional Use Permit 18-03 for Camp Transformation authorizing a Fitness Training Facility with Accessory Office at 325 Elder Avenue was made by Council Member Hubler, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler. NOES: None ABSENT: None. ABSTAIN: Council Member Hawthorne. Motion carried.

{Council Member Hawthorne returned to the dais}

The Mayor announced a 10 minute recess.

**B. SECOND READING: ORDINANCE of the City of Sand City Amending Sand City Municipal Code Chapter 1.12, Section 1.12.010 Replacing Certain Locations, and Street Names of Posting Places within the City of Sand City**

City Planner Charles Pooler reported that at the October 2, 2018 Council



meeting the City Council adopted for first reading the Ordinance amending Sand City Municipal Code Chapter 1.12 regarding the City's three designated posting locations. This amendment addresses the street name change of City Hall and relocates the Contra Costa Street posting location to the public right-of way along Ortiz Avenue and relocates the 880 Tioga Avenue location to be within a public easement of the South of Tioga's project in a relatively close location to the current location. If adopted for second reading, amendments will take effect thirty (30) days thereafter. Staff recommends adoption of the second reading to relocate posting places within Sand City.

8:17 P.M. Floor opened for Public Comment.

There was no comment from the Public.

8:17 P.M. Floor closed to Public Comment.

Motion to approve the Second Reading of the **Ordinance** of the City of Sand City Amending Sand City Municipal Code Chapter 1.12, Section 1.12.010 Replacing Certain Locations and Street Names of Posting Places within the City of Sand City was made by Council Member Blackwelder, seconded by Council Member Hubler. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler. NOES: None. ABSENT: None. ABSTAIN: None Motion carried.

The City council considered Agenda Item 10, Old Business due to time restraints of the City Engineer.

## **AGENDA ITEM 10, OLD BUSINESS**

### **A. Progress report on Desalination Plant and Sand City Water Supply New Wells Project, Residential Developments, Carroll Property Parking, West Bay Coastal Access Repair, Illicit Discharge Updates, South of Tioga Development, and other Sand City Community programs by City Engineer/City Administrator/City Planner**

City Engineer Leon Gomez reported that the desalination plant produced 2 acre-feet of water through October 15, 2018. The plant has been inoperable due to a Clean in Place (CIP) procedure performed by Cal-Am on the membranes and work on the calcite contractors. Cal-Am flushed out the calcite tank at the rear of the facility; however, due to the volume of flush water some of it discharged across the public works corporation yard and into the City's street and storm drain system.

Staff is reviewing progress plans from Fehr Engineering for the Phase 1 New Intake Wells project. Updated exhibits from the Prop. 1 TA team were forwarded to PG&E so that they can prepare a preliminary cost estimate for the undergrounding of existing overhead utilities within the project.

The City Engineer recently worked with City staff to issue reminder letters to property owners with stormwater facilities within their property to provide the City with verification of annual inspection and maintenance. The City's annual stormwater report was completed and submitted on October 15, 2018. The annual report was certified by Mayor Carbone, the City's newly established Legally Responsible Person (LRP). The City Engineer would like to present an overview of the annual report, including findings and recommendations for improvements to the municipal program during the month of November 2018.

The City Engineer worked with City staff and the Mayor to submit a letter of interest submitted on October 10, 2018 to join the Monterey Regional Integrated Water Management Program. Participation in the program would allow the City to apply for grant funds to support water resource related projects.

City staff anticipates issuing a demolition and grading permit to the applicant of the Dayton Residential project this week.

The City has received grant summary documentation from CalOES stating that the City has received \$113,584 for the Coastal Access Repair (West Bay Street Project). The document contains program and federal audit requirements which the City Engineer will be reviewing with staff.

Staff will be discussing the Calabrese Park Improvement Project with the County of Monterey this week regarding the schedule for the Community Development Block Grant (CDBG) funding that the City was awarded. The City Engineer will also be requesting additional field survey from the City Surveyor to support the project.

City Planner Pooler reported that the hotel portion of the South of Tioga project is moving forward and the Design Review Committee will meet on October 26<sup>th</sup>. A public hearing has also been noticed and advertised for the November 6, 2018 Council meeting.

## **AGENDA ITEM 9, NEW BUSINESS**

### **C. Consideration and Discussion of Process and Procedure for the Recruitment of New City Administrator**

Mayor Carbone commented that the City Council has accepted Mr. Bodem's resignation effective September 29, 2018 and would like to entertain the suggestion that the Budget/Personnel Committee as a two (2) person committee take a look at the process for the recruitment of a new city administrator.

There was consensus of the Council approving the Mayor's suggestion. The Budget/Personnel Committee will schedule a meeting and also look into hiring an interim city administrator.

### **D. Consideration and Discussion of Sand City Elector to Fill Vacancy on the Sand City Council resulting from the Resignation of Kristen**

## **McDaniel**

City Attorney Vibeke Norgaard commented that when a Council Member resigns, the remaining Council Members must appoint a replacement within 45 days upon the effective date of resignation. The Council has until December 19, 2018 to make that decision. If the Council is unable to come to an agreement to appoint someone, then the Mayor will have the authority to do so as stated in the City's municipal code. Council Member Hawthorne suggested that following the election and its results that the Mayor can either suggest an elector to the Council or can decide on a possible appointment that can be brought to the Council for discussion.

The Deputy City Clerk explained to the Council the process of when new Council Members would be sworn into office following receipt of certified elections results from the Monterey County Elections Department.

There was Consensus of the Council to wait until after the November 6, 2018 Election to decide on an appointment to fill the vacant Council seat.

## **AGENDA ITEM 11, NEW BUSINESS**

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

Mayor Carbone reported on a successful gathering held at City Hall on Indigenous Peoples Day. There was food prepared and donated. Several Sand City residents were present.

### **B. Upcoming Meetings/Events**

There were no RSVP's from the City Council.

## **AGENDA ITEM 12, CLOSED SESSION**

8:35 p.m.

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

- 1) To confer with City Negotiator pursuant to Government Code Section 54957.6 regarding Labor Negotiation**
  - i) Agency Designated Representative: Mike McCarthy**  
**Employee Organization: Sand City Police Officers Association (POA)**
- 2) Regarding Conference with Legal Counsel – Pending Litigation pursuant to Government Code Section 54956.9(d)(2)- e(1), one case**

9:14 p.m.

**B. Re-adjourned to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown Act**

The Council provided further direction to labor negotiator Mike McCarthy, Agenda item 12A (1). No action was taken, Agenda item 12A (2).

**AGENDA ITEM 13, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Hubler to the next regularly scheduled Council meeting on Tuesday, November 6, 2018 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 9:15 p.m.

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Connie Horca, Deputy City Clerk

**AGENDA ITEM**

**6B**

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# MEMO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## FOR YOU

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**To:** City Council  
**Subject:** Consideration of Resolution Approving a Service Agreement with SLV Management (Stephen Vagnini) for the 2019 West End Celebration  
**Date:** October 31, 2018  
**From:** Linda Scholink, Director of Administrative Services *Linda*

---

On October 19, 2018, Mr. Stephen Vagnini submitted a letter as a formal proposal to the Sand City Council to once again serve as the Event Coordinator of the West End Celebration (WEC). (Letter is attached)

The proposed date for the WEC event is for August 23-25, 2019 due to the Concours d' Elegance moving back to their normal 3<sup>rd</sup> weekend of the month.

Mr. Vagnini is asking for an increase to his fee from \$25,000 to \$27,500 which amounts to an additional \$2,500 due to the increase of work and time spent as the festival continues to grow. It has been established that this event has turned into a 3 day event which originally began as a 1 day event. The footprint continues to grow as the success continues.

It will continue to be a goal of the City to make this a self-sustaining event funded by increasing the amount of donations and sponsorships. Mr. Vagnini continues to make every effort to secure and increase the amount of donations and sponsorships each year.

As the West End celebration continues to grow, it not only gets bigger it gets better. The City is aware that the continued success of this event is primarily due to the expertise that Steve Vagnini brings to the event as the West End Coordinator.

### **Recommendation**

Staff is recommending approval of the attached Resolution approving the West End Celebration Service Contract and the increase for Steve Vagnini as the Event Coordinator.

From the desk of...  
**Linda Scholink**  
Director of Administrative Services  
City of Sand City  
1 Pendergrass Way  
Sand City, Ca 93955  
831-394-3054  
831-394-2472



October 19, 2018

Sand City  
Mayor Carbone and Sand City Council  
1 Pendergrass Way  
Sand City, CA 93955

Dear Mayor Carbone and Members of the City Council;

This letter serves as my formal proposal to the Sand City Council to once again serve as the Event Coordinator of the West End Celebration. My involvement with the West End Celebration goes back 16 years as the music coordinator and during the last 8 years I have served in the capacity as overall coordinator.

During this time the West End Celebration has evolved into a 3 day festival that has become one of the most highly anticipated events in Monterey County. Last year the WEC added yet another stage to the festival footprint and brought in an additional 30 vendors.

It is no secret that I am passionate about the West End Celebration and the City of Sand City and therefore I am proposing that the City allow me to once again serve as your Event Coordinator.

The proposal is that I serve under the same terms as last year with the following changes.

- 1) The date of the West End Celebration would be moved to August 23-25, 2019 (since the Concours d'Elegance has moved to their normal 3<sup>rd</sup> weekend of the month)
- 2) The Council consider increasing my fee from \$25,000 to \$27,500 due to the increase in work and time spent as the festival continues to grow.

I look forward to working again on next year's West End Celebration and hope that I can receive a quick reply so that I can begin working on finding additional sponsors.

Sincerely yours,

Stephen L. Vagnini  
[slvmanagement@yahoo.com](mailto:slvmanagement@yahoo.com)  
831-601-9609  
PO BOX 101, Monterey, CA 93942

**CITY OF SAND CITY  
RESOLUTION SC \_\_\_\_, 2018**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING A SERVICE  
AGREEMENT WITH SLV MANAGEMENT (STEPHEN VAGNINI) FOR THE 2019  
WEST END CELEBRATION (WEC)**

**WHEREAS**, the City of Sand City has been sponsoring and coordinating the West End Celebration (WEC) since its inception in 2002; and

**WHEREAS**, Steve Vagnini has provided professional event and music procurement services for the WEC that have resulted in continuous improvement to the WEC, and these two services have resulted in increased attendance and more events within the WEC; and

**WHEREAS**, there are continuing possibilities that some additional revenue may be raised from various donors and sponsors to offset budget expenses related to the West End Celebration.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Sand City as follows:

1. The West End Celebration Service Agreement attached hereto and incorporated herein as Attachment 1 is approved at a cost not to exceed \$27,500;
2. The City Council hereby approves a budget for the 2019 West End Celebration of up to \$85,000, which includes the compensation to Steve Vagnini;
3. The City Council hereby approves a revenue budget amount of \$45,000 for 2019;
4. That the "net budget" of expenses over revenues is estimated to cost the City between \$40,000 to \$45,000 for 2019;
5. It is a continuing goal of the City to reduce the net expenditure of funding as much as possible by increasing donations and sponsorships;
6. It is further acknowledged that the 2019 West End Celebration should equal the popularity of past events.

**PASSED AND ADOPTED** by the City Council of Sand City on this \_\_\_\_ day of November, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Mary Ann Carbone, Mayor

\_\_\_\_\_  
Linda K. Scholink, City Clerk



ATTACHMENT 1

**WEST END CELEBRATION SERVICE AGREEMENT**

This West End Celebration Service Agreement (“**Agreement**”) made and effective this 6<sup>th</sup> day of November, 2018, is by and between the City of Sand City, a municipal corporation (“**City**”) and Steve Vagnini doing business as SLV Management (“**Contractor**”).

**RECITALS**

- A. City holds its West End Celebration annually during the month of August.
- B. City desires to hire Contractor for the general purposes of organizing the 2019 West End Celebration (“WEC”) including sponsorship development related to the event, and performing other services described herein below.
- C. Contractor agrees to provide the services described in this Agreement to City from the time of its execution through the time necessary to complete the West End Celebration, all on the terms and conditions as hereinafter set forth.

NOW, THEREFORE, the parties agree as follows:

**AGREEMENT**

Duties of Contractor. Contractor will perform the following services for City concerning the West End Celebration:

- (a) Contact and actively solicit for financial contribution and sponsorships, nationally recognized and local companies, organizations and individuals. In particular, companies that include policies of corporate giving shall be contacted for potential financial assistance regarding the West End Celebration. This sponsorship development activity shall be documented by the contractor and presented to the city on a regular basis.
- (b) Create all promotional materials necessary for the 2019 West End Celebration (e.g., fliers, public service announcements, website development, and advertising for all media outlets);
- (c) Arrange for the production of promotional materials at costs not exceeding amounts shown for this purpose in the approved budget;
- (d) Schedule entertainment for the event at costs not exceeding amounts shown for this purpose in the approved budget;
- (e) Organize volunteers and coordinate with “the West End Committee” to conduct the event;

- (f) Ensure that the WEC is conducted in the manner required by City regulations (e.g., business license, safety and land use requirements) as well as State law (e.g., alcoholic and beverage control laws and regulations); and
  - (g) Coordinate the planning and conduct the WEC with the Steering Committee (Council, Art Committee and other representatives as appointed by the Mayor), City staff and the City's Police Department (e.g., security, traffic and parking, set-up and take down).
2. Budget. Contractor will prepare a draft budget for the 2019 West End Event. Income and expense items shall be categorized in the draft budget itemized to a level of detail which is acceptable to the City. Contractor shall submit the draft budget to the City for its review and approval no later than January 1, 2019. Contractor shall not expend or commit to expend any City funds in excess of the amounts shown in the budget approved by the City (the "**Approved Budget**"). The City Administrator may authorize limited expenditure of funds prior to approval of the Approved Budget for early expenses.
  3. Ownership of Materials. All promotional materials created by Contractor for the West End Event shall be owned by the City. All materials capable of visual representation shall be marked "Copyright Sand City".
  4. Relationship of Contractor. Contractor shall be an independent contractor and not an employee of the City.
  5. Indemnification. Steve Vagnini shall indemnify, defend, and hold Sand City harmless from and against any and all losses, claims, demands, damages, expenses or judgments arising from any willful or negligent act, error or omission of Contractor or its employees except for any loss, claim, demand, damage expense or judgments arising from the sole negligence or intentional act of Sand City or its employees.
  6. Compensation of Contractor. Upon execution of this agreement, the City shall make partial payments to the Contractor upon request from the Contractor up to a sum of \$27,500 for the Contractor's services describe in this Agreement ("**Base Compensation**"). As part of this fee, Contractor shall use his best efforts to procure sponsorships and donations to the maximum extent practicable.
  7. Business License. Contractor shall pay for and keep active during the term of this agreement, a business license from the City of Sand City.
  8. Modification and Cancellation of 2019 West End Celebration. Notwithstanding anything in this Agreement to the contrary, City reserves the right to review and approve all matters concerning the 2019 West End Celebration (WEC), including but not limited to any promotional materials and any aspect of the conduct of the event. The City also reserves the right to cancel the 2019 West End Celebration at any time. If the City cancels the 2019 West End Celebration prior to its approval of the budget, Contractor shall be entitled to fifty percent (50%) of the Base Compensation referred to in paragraph 6 as its total compensation for services rendered under this Agreement, and Contractor shall immediately return to the City any amounts received over the fifty percent (50%) of such

Base Compensation previously paid to Contractor by the City. In the event the WEC is cancelled after City approval of the Approved Budget, City shall be solely responsible for any cancellation fees the City is legally obligated to pay under the terms of any agreements made with vendors.

9. Termination of Agreement. City may terminate this Agreement at any time.
10. No Assignment. The services to be provided by Contractor hereunder are personal in nature. Contractor may not assign all or any portions of Contractor's obligations under this Agreement without first obtaining the written consent of the City, which the City may withhold in its absolute discretion.
11. Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto and incorporates any prior oral or written understanding between the parties. Any amendment to this Agreement must be made in a writing signed by both of the parties of this Agreement.

**City of Sand City:**

\_\_\_\_\_  
Mary Ann Carbone, Mayor

Date: \_\_\_\_\_

**Contractor:**

\_\_\_\_\_  
Steve Vagnini, SLV Management

Date: \_\_\_\_\_

**West End  
Weekend Income/Expense by Year**

<u>Year</u>	<u>Income</u>	<u>Expense</u>	<u>Actual Cost of Event</u>
2012	16,144.75	71,227.26	55,082.51
2013	24,092.50	66,471.64	42,379.14
2014	29,125.25	73,008.76	43,883.51
2015	29,773.50	72,534.99	42,761.49
2016	34,428.00	80,111.39	45,683.39
2017	33,855.00	78,402.54	44,547.54
2018	34,862.50	84,259.98	49,397.48

**AGENDA ITEM**

**6C**

# Memo

**To:** Honorable Mayor and City Council  
**From:** Linda Scholink, Director of Administrative Services *Linda*  
**Prepared:** Mike McCarthy, Human Resources Consultant  
**Date:** October 31, 2018  
**Re:** Terms for Police Officer Association

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Agenda Title:

ADOPT NEW TERMS AND BENEFITS FOR REPRESENTED MEMBERS OF THE SAND CITY POLICE OFFICER ASSOCIATION FOR FISCAL YEAR 2018/2019

Background:

During the last two months, the City's negotiating team and the Police Officer Association (POA) negotiating team met several times to discuss new terms for POA-represented members, as the POA contract expired September 30, 2018.

Staff is pleased to report that negotiations with the Police Officer Association (POA) have concluded, and the City and POA have agreed to the following terms, subject to Council ratification:

1. Term: October 1, 2018 through June 30, 2019.
2. Wages:
  - a. Effective October 1, 2018, 3.0% salary increase for Officers; and
  - b. Effective October 1, 2018, 4.0% salary increase for Sergeants; and
  - c. Effective October 1, 2018, 4.0% salary increase for the Commander.
3. Retiree Medical:
  - a. Employees hired on or after November 6, 2018 into a classification represented by the Sand City Police Officer Association (current classifications represented are Police Officer, Police Sergeant, and Police Commander), will **not** be eligible for the City's retiree medical benefit, except for the following:

- i. Lateral Police Officers hired by Sand City into a position represented by the Sand City Police Officer Association prior to October 1, 2023. Lateral Police Officers shall be defined as those who are currently employed as a sworn Peace Officer in a California city, county, state or public agency, who possess a California Basic P.O.S.T certificate at the time of completing the employment application, and who have passed their current agency's probationary period.
- b. All current employees represented by the Sand City Police Officer Association shall be eligible for the retiree medical benefit.

The ongoing annual cost to implement the above terms is approximately \$ 45,000, This amount can be covered within the City's existing budget with no reduction in service elsewhere.

#### Recommendation

Staff recommends that Council adopt the attached resolution.

Staff will be available to answer any questions.

**CITY OF SAND CITY**

**RESOLUTION SC \_\_\_\_\_, 2018**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY  
ADOPTING NEW TERMS AND BENEFITS FOR REPRESENTED MEMBERS OF THE  
SAND CITY POLICE OFFICERS ASSOCIATION FOR FISCAL YEAR 2018/2019**

**WHEREAS**, the City of Sand City wishes to ensure that Sand City offers an attractive salary and benefit package that is competitive with other cities on the Monterey Peninsula to retain and attract high quality City employees; and

**WHEREAS**, the Personnel and Budget Committee of the City Council has worked with staff to ensure that any proposed increase in salary and benefits are within the City's ability to maintain a balanced budget to continue to deliver services to its residents; and

**WHEREAS**, terms for the Police Officers Association expired on September 30, 2018; and

**WHEREAS**, the Sand City Police Officers Association negotiating team and the Sand City negotiating team met in good faith to discuss new terms and conditions for the Police Officers Association; and

**WHEREAS**, the changes referenced herein and recommended in the attached memo will be reflected in the mid-year budget amendment; and

**WHEREAS**, the Sand City Police Officers Association has agreed to the new terms proposed; as described in the attached October 31, 2018 memo.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sand City as follows:

1. Term: October 1, 2018 through June 30, 2019.
2. Wages:
  - a. Effective October 1, 2018, 3.0% salary increase for Officers; and
  - b. Effective October 1, 2018, 4.0% salary increase for Sergeants; and
  - c. Effective October 1, 2018, 4.0% salary increase for the Commander.
3. Retiree Medical:
  - a. Employees hired on or after November 6, 2018 into a classification represented by the Sand City Police Officers Association (current classifications represented are Police Officer, Police Sergeant, and Police Commander), will not be eligible for the City's retiree medical benefit, except for the following:



- i. Lateral Police Officers hired by Sand City into a position represented by the Sand City Police Officers Association prior to October 1, 2023. Lateral Police Officers shall be defined as those who are currently employed as a sworn Peace Officer in a California city, county, state or public agency, who possess a California Basic P.O.S.T certificate at the time of completing the employment application, and who have passed their current agency's probationary period.
  - b. All current employees represented by the Sand City Police Officers Association shall be eligible for the retiree medical benefit.
4. The Sand City Administrative Staff are directed and authorized to incorporate the above salary adjustments, beginning October 1, 2018.

**PASSED AND ADOPTED** by the City Council of the City of Sand City on this \_\_\_ day of November 2018, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

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Mary Ann Carbone, Mayor

ATTEST:

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Linda K. Scholink, City Clerk

**AGENDA ITEM**

**6D**

**CITY OF SAND CITY**

**RESOLUTION SC \_\_\_\_, 2018**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY  
RECOGNIZING THE ASSOCIATION OF MONTEREY BAY AREA  
GOVERNMENTS (AMBAG) ON THEIR 50<sup>TH</sup> ANNIVERSARY AND YEARS  
OF SERVICE TO THE COMMUNITY**

**WHEREAS**, on November 14, 2018, the Association of Monterey Bay Area Governments (AMBAG) is celebrating its fiftieth (50<sup>th</sup>) anniversary of service to the local community and is deserving of special public commendations; and

**WHEREAS**, formed in 1968 by the elected officials of Monterey, San Benito, and Santa Cruz counties AMBAG's creation served to provide a permanent forum for the discussion and study of regional problems of mutual interest and concern, to develop studies and plans, and policy and action recommendations; and

**WHEREAS**, existing as a multi-purpose planning agency, AMBAG continually seeks to meet the needs of the community and remains actively involved in future planning for housing sustainability, transportation, economic development, air quality, land use, and energy conservation; and

**WHEREAS**, serving to improve the quality of life within the community, AMBAG was involved in various aspects in the development, securing, coordination and designation of the Monterey Bay Marine Sanctuary, as well as the development and implementation of programs to reduce energy use and greenhouse gases through their Energy Watch Program; and

**WHEREAS**, pursuant to SB 375, AMBAG has conducted blueprint and sustainable transportation planning and approved a Metropolitan Transportation Plan/Sustainable Communities Strategy in 2014 and 2018; and

**WHEREAS**, in the 2035 and 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy AMBAG has incorporated a regional development pattern and transportation network that meets the State of California's requirements to reduce greenhouse gas emissions.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Sand City does hereby recognize AMBAG on their 50<sup>th</sup> Anniversary and for its contributions to the community which have made a positive impact to improve the quality of life throughout the Monterey Peninsula and surrounding counties.

**PASSED AND ADOPTED** by the City Council of Sand City on this \_\_\_, day of November 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Mary Ann Carbone, Mayor

\_\_\_\_\_  
Linda K. Scholink, City Clerk

**AGENDA ITEM**

**6E**

**CITY OF SAND CITY**  
**RESOLUTION SC\_\_\_, 2018**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY, STATE OF CALIFORNIA DECLARING A SHELTER CRISIS PURSUANT TO SB 850 (CHAPTER 48, STATUTES OF 2018 AND GOVERNMENT CODE §8698.2)**

**WHEREAS**, California's Governor Edmund G. Brown, Jr. and the members of the California Legislature have recognized the urgent and immediate need for funding at the local level to combat homelessness; and

**WHEREAS**, The Governor and Legislature have provided funding to local governments under the Homeless Emergency Aid Program as part of SB 850 and the 2018-19 Budget Act (Chapter 48, Statutes of 2018); and

**WHEREAS**, The Governor and Legislature require jurisdictions seeking an allocation through the Homeless Emergency Aid Program to declare a Shelter Crisis pursuant to Government Code §8698.2; and

**WHEREAS**, the City of Sand City has undertaken multiple efforts at the local level to combat homelessness; and

**WHEREAS**, the City of Sand City finds that thirty-one (31) persons within the City of Sand City are homeless and living without shelter and finds that the number of homeless is significant and these persons are without ability to obtain shelter; and

**WHEREAS**, the City of Sand City affirms Sand City's commitment to combatting homelessness and creating or augmenting a continuum of shelter and service options for those living without shelter in our communities.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sand City that a shelter crisis pursuant to Government Code §8698.2 exists in the City of Sand City and authorizes the City of Sand City's participation in the Homeless Emergency Aid Program.

**PASSED AND ADOPTED** by the City Council of the City of Sand City this \_\_\_ day of November, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN

APPROVED:

ATTEST:

\_\_\_\_\_  
Mary Ann Carbone, Mayor

\_\_\_\_\_  
Linda K. Scholink, City Clerk

Figure 4. TOTAL NUMBER OF HOMELESS PERSONS BY JURISDICTION AND SHELTER STATUS

JURISDICTION	UNSHELTERED		SHELTERED		TOTAL		
	2015	2017	2015	2017	2015	2017	15-17 % CHANGE
<b>Total Incorporated</b>	1,300	1,692	601	724	1,901	2,416	27%
Monterey	306	292	31	46	337	338	0%
Salinas	634	1,097	233	264	867	1,361	57%
Marina	68	51	230	356	298	407	37%
Seaside	152	40	107	58	259	98	-62%
Sand City	55	31	0	0	55	31	-44%
Gonzales	0	0	0	0	0	0	-
Pacific Grove	13	35	0	0	13	35	-
King City	4	0	0	0	4	0	-
Greenfield	2	6	0	0	2	6	-
Del Rey Oaks	55	111	0	0	55	111	102%
Carmel	6	16	0	0	6	16	-
Soledad	5	13	0	0	5	13	-
<b>Total Unincorporated</b>	330	419	77	0	407	419	2%
Pajaro	144	14	77	0	221	14	-94%
Prunedale	8	16	0	0	8	16	-
Other	178	391	0	0	178	391	119%
County Office of Education*	0	0	-	-	0	0	-100%
<b>Total</b>	<b>1,630</b>	<b>2,113</b>	<b>628</b>	<b>724</b>	<b>2,308</b>	<b>2,837</b>	<b>23%</b>

Source: Applied Survey Research. (2013-2017). Monterey County Homeless Census.

Note: % Change was not calculated when jurisdiction was below 50 individuals.



WORKING TOGETHER FOR OUR COMMUNITY

# THE COALITION OF HOMELESS SERVICES PROVIDERS

Designated Continuum of Care (CoC) for CA-506  
(Salinas/Monterey, San Benito Counties)

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## HOMELESS EMERGENCY AID PROGRAM

**AUGUST 28, 2018**

**PRESENTED BY: KATHERINE THOENI, CHSP  
HENRY ESPINOSA & LAUREN SUWANSUPA, MCDSS**

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# SB 850: Homeless Emergency Aid Program (HEAP)

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- ❖ Establishes the Homeless Emergency Aid Program (HEAP) for purposes of providing localities with one-time flexible block grant funds to address their immediate homelessness challenges
- ❖ Administered under the State of California Business, Consumer Services and Housing Agency (BCSH) and advised by the Homeless Coordinating and Financing Council (HCFC).
- ❖ HEAP is a \$500 million block grant program designed to provide immediate, one-time, flexible funding

# SB 850: Homeless Emergency Aid Program (HEAP)



## Available Funding:

Category for Distribution	Funded Amount	Eligible Applicants
Continuum of Care – Based on Point in Time Count Ranges [SB 850: Section 2, Chapter 5, 50213 (a)]	\$250M	Continuum of Care (COC)  <b>THE COALITION</b> OF HOMELESS SERVICES PROVIDERS
Continuum of Care – Based on Percentage of Homeless Population [SB 850: Section 2, Chapter 5, 50213 (b)]	\$100M	Continuum of Care (COC)  <b>THE COALITION</b> OF HOMELESS SERVICES PROVIDERS
City / City that is also a County – Based on general population [SB 850: Section 2, Chapter 5, 50213 (c)]	\$150M	Large Cities (LCs) with a population over 330,000 

# SB 850: Homeless Emergency Aid Program (HEAP)

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Eligible Applicant

**THE COALITION**  
OF HOMELESS SERVICES PROVIDERS

Designated CoC: Administrative Entity and Applicant

SB 850 requires that the CoC is the eligible administrative entity and applicant.

Designated Fiscal Partner: County of Monterey

At the August 22 Leadership Council meeting, the County of Monterey was designated the fiscal partner for the HEAP program with MCDSS as the County Department lead.

# SB 850: Homeless Emergency Aid Program (HEAP)



Total Available Funding: \$12,505,250.30  
 “Salinas/Monterey, San Benito Counties”

CoC Number	Jurisdiction	Total Homeless, 2017	Percent of Total State Homeless, 2017	Section 50213(a) Per Jurisdiction portion of \$250M	Section 50213(b) \$100M Distribution Based on Percent of Homeless Population	Total of CoC Distribution per 50213(a) and (b)	50214(c) 5% Minimum Youth Set-aside Per Continuum of Care total of 50213(a) and (b)
CA-600	Los Angeles City & County	65,188	41.100%	\$ 40,000,000.00	\$ 41,099,807.86	\$ 81,099,807.86	\$ 4,054,990.39
CA-601	San Diego City & County	9,160	6.822%	\$ 12,000,000.00	\$ 6,821,668.48	\$ 18,821,668.48	\$ 941,083.42
CA-500	San Jose/Santa Clara City & County	7,394	5.506%	\$ 12,000,000.00	\$ 5,506,486.54	\$ 17,506,486.54	\$ 875,324.33
CA-501	San Francisco	6,858	5.107%	\$ 12,000,000.00	\$ 5,107,314.88	\$ 17,107,314.88	\$ 855,365.73
CA-502	Oakland, Berkeley/Alameda County	5,629	4.192%	\$ 12,000,000.00	\$ 4,192,049.33	\$ 16,192,049.33	\$ 809,602.47
CA-602	Santa Ana, Anaheim/Orange County	4,792	3.569%	\$ 12,000,000.00	\$ 3,568,715.65	\$ 15,568,715.65	\$ 778,435.78
CA-503	Sacramento City & County	3,665	2.729%	\$ 10,000,000.00	\$ 2,729,412.12	\$ 12,729,412.12	\$ 636,470.61
CA-506	Salinas/Monterey, San Benito Counties	3,364	2.505%	\$ 10,000,000.00	\$ 2,505,250.30	\$ 12,505,250.30	\$ 625,262.52
CA-504	Santa Rosa, Petaluma/Sonoma County	2,835	2.111%	\$ 10,000,000.00	\$ 2,111,291.50	\$ 12,111,291.50	\$ 605,564.57
CA-608	Riverside City & County	2,406	1.792%	\$ 8,000,000.00	\$ 1,791,805.06	\$ 9,791,805.06	\$ 489,590.25
CA-508	Watsonville/Santa Cruz City & County	2,249	1.675%	\$ 8,000,000.00	\$ 1,674,883.45	\$ 9,674,883.45	\$ 483,744.17
CA-514	Fresno City & County/Madera County	2,016	1.501%	\$ 8,000,000.00	\$ 1,501,362.84	\$ 9,501,362.84	\$ 475,068.14
CA-609	San Bernardino City & County	1,866	1.390%	\$ 8,000,000.00	\$ 1,389,654.30	\$ 9,389,654.30	\$ 469,482.71
CA-606	Long Beach	1,863	1.387%	\$ 8,000,000.00	\$ 1,387,420.13	\$ 9,387,420.13	\$ 469,371.01
CA-603	Santa Maria/Santa Barbara County	1,860	1.385%	\$ 8,000,000.00	\$ 1,385,185.96	\$ 9,385,185.96	\$ 469,259.30
CA-510	Turlock, Modesto/Stanislaus County	1,861	1.237%	\$ 6,000,000.00	\$ 1,236,985.95	\$ 7,236,985.95	\$ 361,849.30
CA-505	Richmond/Contra Costa County	1,607	1.197%	\$ 6,000,000.00	\$ 1,196,770.88	\$ 7,196,770.88	\$ 359,838.54
CA-511	Stockton/San Joaquin County	1,542	1.148%	\$ 6,000,000.00	\$ 1,148,363.84	\$ 7,148,363.84	\$ 357,418.19
CA-512	Daly City/San Mateo County	1,253	0.933%	\$ 4,000,000.00	\$ 933,138.71	\$ 4,933,138.71	\$ 246,856.94
CA-509	Mendocino County	1,238	0.922%	\$ 4,000,000.00	\$ 921,967.86	\$ 4,921,967.86	\$ 246,098.39



# SB 850: Homeless Emergency Aid Program (HEAP)

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**Total Available Funding: \$12,505,250.30**  
**“Salinas/Monterey, San Benito Counties”**  
**CoC-CA-506**

**Total Homeless: 3,364 (2.505% of state total)**

**Jurisdiction Portion: \$10,000,000**

**Distribution based on homeless population: \$2,505,250.30**

**5% minimum Youth Set-Aside: \$625,262.52**

# SB 850: Homeless Emergency Aid Program (HEAP)



## Eligibility Criteria:

- A shelter emergency declaration is required for all cities and counties within a CoC that wish to receive HEAP funds.
  - Counties may declare a shelter crisis only for the unincorporated areas of the county. Individual cities/jurisdictions must declare separate shelter crisis declarations to be eligible for direct funding opportunities.
  - The county may declare a shelter crisis for the unincorporated areas of the county and IS allowed to expend HEAP funding for county activities that serve all county residents.
- CoCs and Large Cities must demonstrate that a local collaborative process has been conducted prior to application submission.

# SB 850: Homeless Emergency Aid Program (HEAP)

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## Eligible Uses:

- Provide immediate emergency assistance to people experiencing homelessness
- Intentionally broad to allow local communities to be creative and craft programs to meet specific needs
- Includes but not limited to:
  - Rental Assistance
  - Flexible Housing Subsidy Funds for Local Programs
  - Operating short term, emergency housing intervention (i.e. emergency homeless shelter)
  - Systems support for comprehensive homeless services and housing delivery system
  - Homeless youth set-aside

# SB 850: Homeless Emergency Aid Program (HEAP)



## ■ Application Timeline

<b>Round 1</b>	
NOFA Release	September 5, 2018
Early Applications Reviews Start***	Starting in September 2018
Early Applications Awarded	Starting in September 2018
Early Distribution of Funds Begins	Starting in late October 2018
Round 1 Application Cut-off Date	No later than December 31, 2018
Standard Applications Awarded	No later than January 2019
Standard Distribution of Funds Begins	April 2019



# SB 850: Homeless Emergency Aid Program (HEAP)



- The intent is for all funds to be awarded in Round 1, however if funds remain, a Round 2 will occur.

<b>Round 2</b>	
NOFA Release	February 15, 2019
Early Applications Reviews Start***	Starting in February 2019
Early Applications Awarded	Starting in February 2019
Early Distribution of Funds Begins	Starting in late March 2019
Round 2 Application Cut-off Date	No later than April 30, 2019
Standard Applications Awarded	No later than May 2019
Standard Distribution of Funds Begins	July 2019

# SB 850: Homeless Emergency Aid Program (HEAP)

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- Application Process:
  - The Shelter Crisis Declarations
  - The Community Input process
  - Local Priorities and Project Selection



# Recommendations

- a) Consider adopting resolution to declare a shelter crisis within unincorporated areas of Monterey County...
- b) Consider authorizing the Departments of Monterey County to collaborate with the Continuum of Care to work with partners to apply and receive funding through HEAP to address urgent homeless needs in Monterey County.
- c) Consider authorizing county staff to apply for all available HEAP grant funds for homeless shelter operations and construction, homeless projects, and/or homeless services.

**AGENDA ITEM**

**6F**

# Public Works Monthly Report October 2018

## Routine Public Works Functions:

- Clean and maintain both City Hall, Council Chambers and Police Department offices. Including restrooms and kitchen areas. Clean and maintain outdoor public park restroom
- Inspect and check the City for any safety hazards or necessary repairs. Be aware of homeless encampments and vagrant shopping carts
- Maintain both City Hall and Calabrese Park landscapes and irrigation systems
- Oversee daily Hope Crew activities to keep Sand City beautiful
- Maintain the cities fleet of vehicles, wash and fuel as needed
- Water plants inside City Hall.
- As necessary arrange City Council Chambers for meetings.
- Better Storm Water Management Practices. ( keeping our eyes open for illicit discharges or any waste entering into the storm drains)
- Emptying city trash cans three times a week. Keeping the bike paths clear of sand or any debris
- Every early morning Wednesday clean the city streets with the street sweeper
- Take the truck to the dump with citywide trash and street sweeper spoils.
- Water the street trees citywide, maintain plants and trim trees as needed
- Work with the City Engineer in regards to storm water management, well readings and special requests

## Weekly Safety/ Training meetings

Two staff members were off on various days this month. Held only one safety meeting this month

- Ergonomics: Hand-Arm Vibration

## Special Public Works Functions:

- Installed drip line around the community garden along with weed block
- Brought 30 chairs and 2 tables to the Independent building for the Candidate's Forum
- Emptied trash citywide and loaded the dump truck
- Replaced 2 irrigation valves at the mural landscape area that were malfunctioning. Cal-Am contacted Public Works to the issue of excess water use
- Started inspections and filling out of paperwork for the Storm water Quarterly Report.
- Finished laying down weed block at the community garden

## Public Works Monthly Report October 2018

- Brought the street sweeper log and paperwork up to date and current
- Completed storm water quarterly report for 2018
- Cleared gutters and street edges of excess sand along Sand Dunes, Tioga, West Bay, and California in preparation of sweeping
- Picked up refreshments and appetizers at Costco for the City Council meeting
- Cleaned out the council chambers (chairs, tables, cooler) and set up for the evenings Council meeting
- Picked up tables and chairs from the Independent and delivered them to the council chambers along with more tables and a drink dispenser for the Mayor's Indigenous Peoples Day
- Rearranged one of the storage containers before putting away the tables and chairs from the Mayor's Indigenous Peoples Day
- Fueled up both the City Hall SUV and Camry
- Dug 3 holes for the last guard rail on Tioga. Installed the 6x8 posts, bolted them to the guard rail and back filled posts with sand. Installed reflectors for oncoming traffic. Project is completed.
- At Tioga and Sand Dunes Dr. Installed four new 4 signs (No Parking, Bike Route, T and double arrow) on 2 poles and installed them both behind the guardrails into a concrete footing.
- Emptied the city trash cans citywide
- Cleared gutters and street edges of excess sand along Sand Dunes, Tioga, West Bay, and California in preparation of sweeping
- Prepared the street sweeper for the weekly sweeping of city
- Installed additional weed fabric at the community garden
- Finished drip irrigation and installed drip emitters to the drip tubing at the community garden.
- Planted an additional 2 Monterey cypress at the top of Dias to stabilize the hillside
- Cleaned the 3 refrigerators at City Hall
- Installed wood chips at the community garden and at the top of Dias next to California
- Mark attended a meeting with Leon, Linda, and Jerry Blackwelder at City Hall
- Took the City Hall SUV and Camry to Del Rey Car wash to be washed.
- Had a meeting with Mark, city engineer, and 2<sup>ND</sup> nature recipients about inlets and catch basins that percolate into ground. Went to 3 different sites, Hickory, Elder, and West Bay Measured the depth of debris, and located each site
- Mark went to a Construction BMP 101 meeting at the Oldemeyer Center in Seaside
- Spread additional wood chips around the community garden
- Completed the spreading of wood chips around the outside of the community garden.

## Public Works Monthly Report October 2018

- In preparation for the new City Christmas tree staff removed an acacia, myoporum, and eucalyptus tree stump, along with 3 large aloe-vera plants with the backhoe behind the park restroom in Calabrese Park. Took 2 loads from this project to the dump
- Fred completed a Pesticide, Herbicide, and Fertilizer application log from July 1, 2017 to June 30, 2018 for the city engineer
- Removed sim cards and batteries from old city phones, destroyed the sim cards along with hard drives from City Hall and the Police Department
- Completed making sweeper log copies at City Hall
- Picked up a large concrete block with pole along with cypress debris by the new guard rails at Tioga and Sand Dunes. Took the load to the dump with other debris to Marina Landfill
- Prepared the street sweeper for the weekly sweeping of city
- Used the backhoe to remove more old plants and roots near the outside of park restroom. Leveled the area out, moving soil around and took the debris to the dump
- Watered all the plants citywide, pulled out all the weeds, and dead flowers out of planters (800 gallons water used).
- Emptied the city trash cans citywide
- Called Matteson and Beers to pick up the broken down dump truck in the Lucky's parking lot. Had the truck towed to Cypress Coast Ford for the alternator to be replaced
- Went to American Supply to order and pick up janitorial supplies
- Painted out graffiti at the end of Tioga.
- Dug out trenches for irrigation where the new Christmas tree will be located, installed new PVC piping and sprinkler heads on the lower portion of park
- Cleared gutters and street edges of excess sand along Sand Dunes, Tioga, West Bay, and California in preparation of sweeping
- Removed 3 shopping carts off the beach along with a cart full of recyclables
- Prepared the street sweeper for the weekly sweeping of city
- Continued putting in irrigation, electrical, grading areas, and digging trenches for new irrigation around Calabrese Park
- Assisted City Hall staff Connie with moving boxes from storage.
- Prepared the street sweeper for the weekly sweeping of city
- Installed new ½" conduit with 13 strand irrigation control wire from controller to top of park where valves are located
- Installed an additional 5 irrigation valves to add additional sprinklers and drip irrigation for current and future use

# Public Works Monthly Report October 2018

## Calabrese Park New Irrigation Valves



Before



After

- Installed nine additional sprinklers to park area between stairs to improve coverage of sprinklers when watering
- Took the sweeper spoils to the dump
- Picked up the dump truck from Cypress Coast Ford. Alternator replaced, safety inspection and had all fluids exchanged for new
- Dropped of the Ford utility truck at Cypress Coast Ford for safety inspection, fluid exchange, new shocks and alternator/water pump belt. Repaired an oil leak at rear main seal and coolant leak at engine block. Both the Public Works Ford Trucks are ready for additional service life
- Installed a new water resistant outlet box with two GFI plugs and a cover
- Picked up 5 cubic yards of planting mix for lower part of Calabrese Park
- Mark removed a damaged/worn hydraulic line on backhoe. Skips Automotive Machine Shop were able to build replacement hose. Reinstalled new hose, backhoe operational
- Mark went to an all-day Pesticide Applicators seminar held in Salinas
- Replaced driver's side headlight bulb on P.D. Unit 91. Replaced rear wiper blade Unit 92
- Watered city street trees
- Wired up the 12 irrigation valves pictured above in Calabrese park



# Public Works Monthly Report October 2018

## Community Garden Sign

Staff picked up the new Community Garden sign. Staff will build a redwood frame and mounting posts to install where the water tank used to be located at the top of Hickory



New Community Garden Sign

## New City Christmas Tree

Staff installed the new City Christmas tree at Calabrese Park. The new tree is a Monterey cypress that will be shaped/sheared in the shape of a traditional Christmas tree. The tree will be too small for this year's tree lighting, but should be ready for next years.



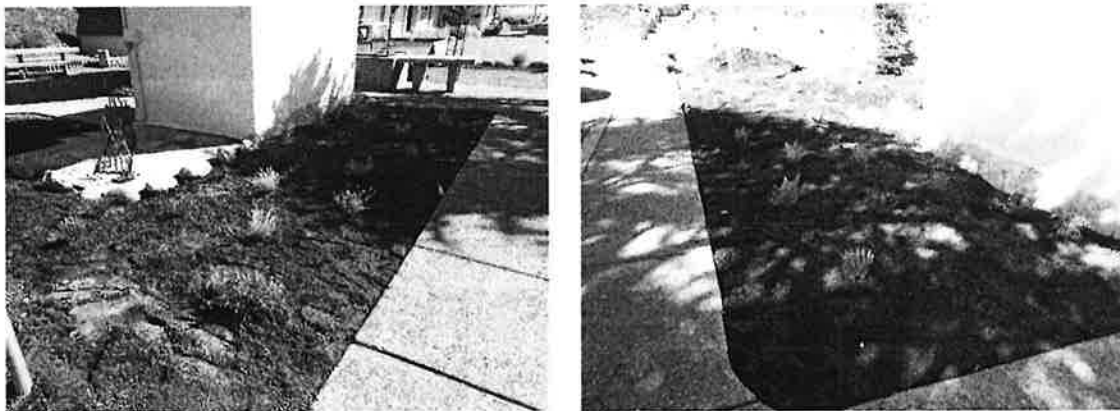
New Christmas Tree

## Public Works Monthly Report October 2018

- Responded to call from P.D. regarding run over tree in parking lot at Edgewater Shopping center blocking lane of traffic. Cut up tree and set debris to side. Property management notified.
- Emptied the city trash cans citywide
- Lowered flags to half staff
- Used the Power Broom on the Upper Ridge bike path North of Playa and Sand Dunes Dr.
- Cleared gutters and street edges of excess sand along Sand Dunes, Tioga, West Bay, and California in preparation of sweeping
- Did the Costco shopping and put everything away
- Replaced the Sand City flag at City Hall
- Cleaned and put away 2 ice chests at the corporation yard
- Prepared the street sweeper for the weekly sweeping of city
- Picked up supplies at Home Depot
- Changed the combination lock for the generator shed behind the Council Chambers.
- Removed 5 sage plants and relocated behind the new Christmas tree with 15 fertilizer tablets.
- Planted 5 - 1 gallon gazania's along with 5 fertilizer tablets where the sage plants were.
- Continued digging the well line trench for the water main line to go deeper into the ground.
- Emptied the city trash cans citywide
- Took load of trash to landfill

### New Landscape Plants

Planted 52 - 1 gallon plants around Calabrese Park restroom and park area. Used 52 fertilizer tablets when planting.



Calabrese Park New Plants

**AGENDA ITEM**

**6G**

# Memo

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**To:** City Council  
**From:** Linda Scholink, Director of Administrative Services  
**Date:** October 30, 2018  
**Subject:** Review of City Contribution/Donation

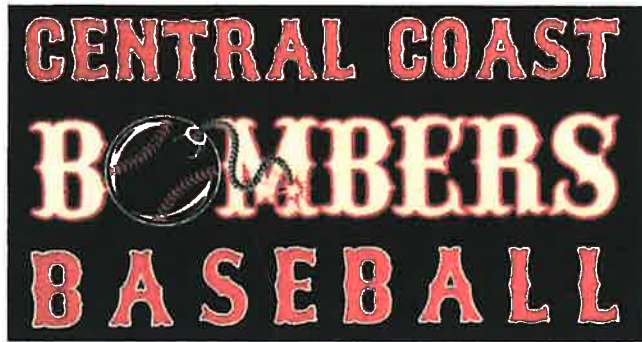
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Attached is a request from one organization for support and contribution for Fiscal Year 2018-19. After reviewing this request, the following donation is recommended:

- Central Coast Bombers Baseball - \$500

If any Council member wants to discuss this request or to propose a different contribution, then this item should be pulled from the consent calendar for discussion with the full Council.

The following finding is specified in the annual City/Successor Agency Budget: *"The Sand City Council finds that it is a valid public purpose and in the best interest of this small city to support and participate in various community programs and activities of the larger Monterey Peninsula area. This support includes not only the City's financial contributions outlined in the attached pages but also the active involvement/participation by council members, city staff, Sand City businesses and citizens. This is Sand City's pledge and commitment of support for the larger regional community in which it is an active and dedicated member".*



Dear Friends and Family,

Central Coast Bombers Baseball has become a program in our local community. We are a Youth Non-Profit Organization (Tax ID 46-4798270), 14 and Under Travel Baseball Club.

Our mission is not only to teach the game of Baseball, but to also teach our youth responsibility, to respect themselves and others. With hard work and determination, along with a positive attitude will take them far in the game of baseball and in life.

In order for our organization to continue helping our local youth, we need "FRIENDS" and "FAMILY" like you to help support their dreams.

We write to ask you to support your local youth non-profit by providing a donation from yourself or your company to make this dream a reality.

Donations can be made in any amounts!

Base Hit- \$100

Double- \$200.00 --

Triple- \$300.00

Homerun- \$500.00

Grand Slam- \$1,000.00

Donations may be handed in or mailed to:

Central Coast Bombers Baseball  
Attn: Richard Miramontes  
18 Westminster Ct.  
Seaside, CA 93955

Thank you for helping us help our local youth in our community!

Sincerely,

Your Central Coast Bombers Baseball Team

**AGENDA ITEM**

**8A**

**This item to be  
distributed under  
separate cover**

**AGENDA ITEM**

**9A**



**CITY OF SAND CITY**

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**STAFF REPORT**

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**OCTOBER 22, 2018**  
**(For City Council Consideration on November 6, 2018)**

**TO: Mayor & City Council**

**FROM: Charles Pooler, City Planner**  
**Richard James, EMC Planning Group**

**SUBJECT: South of Tioga Development Project - Hotel Component Only**

**SOUTH OF TIOGA**  
**BACKGROUND / PROJECT STATUS**

The overall South of Tioga development project was proposed by DBO Development (the "Applicant"), which included hotel and residential development on six (6) newly created parcels (H1, H1A, H2, H2A, R1 & R2) within the South of Tioga area. The Applicant received City Council approval of the Vesting Tentative Map, approval of the mitigation monitoring program, and certification of the Environmental Impact Report (the "EIR") on June 5, 2018. The other entitlements (i.e. conditional use permits and coastal development permits) were deferred indefinitely until finalized plans and designs were ready for presentation and consideration. Previously, the Applicant presented elevations and perspectives to the City that were general as to what the overall South of Tioga project could become, illustrating the intended "vision". A consolidated hotel design was also presented to, and generally rejected by, the Design Review Committee at the April 6, 2018 Committee meeting and public hearing. The residential components of the South of Tioga project are currently undergoing redesign for compliance with the City approved Vesting Tentative Map and Council requirements thereof; however, the hotel component is now ready to proceed. The hotel development was narrowed in scope to be a single building of 216 guest rooms (a.k.a. "keys").

**CEQA & Environmental Impact Report:**

The EIR for the South of Tioga project, was prepared by EMC Planning Group under contract with the City. The EIR's public review period commenced on March 2<sup>nd</sup> and ended on April 20<sup>th</sup> after extending it from April 16<sup>th</sup>. The City Council approved and certified as complete and adequate the EIR (including responses to comments) on June 5, 2018. The notice of determination for the EIR was filed with the Monterey County Clerk's Office on June 6, 2018. No challenge was made to the EIR, and the statute of limitation has expired. The mitigation monitoring program, based on the mitigation identified in the EIR, was also approved by the City Council on June 5<sup>th</sup>. Another notice of determination will be filed if the City approves the land use entitlement permits for the Hotel Project.

### **Vesting Tentative Map:**

At the June 5, 2018 public hearing and City Council meeting, the Vesting Tentative Map for the South of Tioga Project, dated May 31, 2018, (the "VTM") was approved, which merges existing lots, abandons existing public rights-of-way, creates six new parcels (H1, H1A, H2, H2A, R1, and R2), relocates an existing wastewater lift station, dedicates additional right-of-way to, or relocation of, existing streets, and dedicates right-of-way for new public streets. The approved VTM abandons the City rights-of-way of Afton Avenue, Fir Avenue, Orlando Avenue, Beach Way, and a portion of East and Lincoln Avenues; much of which are currently in poor condition. East Avenue would be relocated on a slightly more southerly alignment abutting the Salvation Army building. Parking access for the hotel parcels will be provided via the new "A" Street (final street name is pending). There are two existing properties within the South of Tioga project area that are not under the Applicant's ownership (see discussion under "Acquisition of Two Outstanding Parcels"). These parcels are key to grading the entire site and the creation of the new public street through the project area. Acquisition of these parcels by either the Applicant or the City is required prior to City approval and recording of the Final Map.

### **Design Review Committee:**

The Design Review Committee (the "DRC") held a public hearing on Friday, October 26, 2018 at 12:00 noon, to consider the hotel's architectural design elements; including materials, colors, pavement elements, and landscaping. Staff presented a brief background on the City's previous architectural review of the Hotel and then turned the presentation over to the Hotel project's architect. The architect provided a PowerPoint presentation to review the intent behind the materials/colors and the hotel's design. Public comment ranged from 1) support and opposition to building height and the tower element on the corner, 2) concern regarding illumination of future signs on the hotel that it not be obtrusive (i.e. neon, flashing, etc.), 3) suggestion to 'step' or tier the building back similar to award winning developments, and 4) a desire to see more "ocean" elements (i.e. curves/circles) integrated into the building/site design. The DRC agreed with the materials/colors proposed, but expressed a concern regarding an overuse of materials in certain locations along the same wall plane, and that the roof line needed slightly more articulation. The DRC's consensus was to support the overall design with modifications to address their material and roof line concerns subject to final DRC-Subcommittee (2-member) review and approval prior to the submission of construction documents for plan check and building permit. The conditions of the draft Permits/Resolutions being presented to City Council incorporates the recommendations of the DRC. Under the zoning regulations intended to streamline the permitting process, the design permit and site plan requirements, based on recommendations of the Design Review Committee, are incorporated into a single conditional use permit for City Council action regarding the hotel development.

## **SOUTH OF TIOGA PROJECT DESCRIPTION**

### **Project Location:**

The South of Tioga project site (see Exhibit A) is located in the central portion of the City, generally referred to as the South of Tioga district. This district serves as a transition zone between the "big box" commercial developments to the northeast, the partially built East

Dunes residential area to the west, and the West End district to the southeast. The overall South of Tioga project, for which the hotel is only a portion of, is approximately 10.64 acres bounded by Tioga Avenue to the northeast, California Avenue to the southeast, East Avenue to southwest, and the Merle Street right-of-way (not improved) to the northwest. The Assessor's parcel numbers for the South of Tioga Project site are: 011-122-010, 011, 032, 038, 039, 040, 041; 011-123-005, 006, 007, 009, 011, 022, 024, 025, 026; 011-135-001, 014, 015, 016, 023, 024; 011-136-007, 012, 024; and, 011-186-021, 038, 039 (the "South of Tioga Project Area").

**Existing Site Conditions:**

The South of Tioga Project Area is currently comprised of blighted light industrial and heavy commercial uses, warehouse buildings, undeveloped but degraded sand dunes, and several dilapidated residential dwellings. The Sand Dollar Shopping Center (Costco) is northeast of the hotel site across Tioga Avenue; whereas the Granite Rock industrial facility, the Salvation Army Good Samaritan Center, and the Public Storage facility are southeast of the South of Tioga area, and existing and planned single family residential development are to the west.

**Project Phases:**

The South of Tioga Project is intended to be completed in three (3) phases, with Phase 1 consisting of the public improvements, completion of new public streets and rights-of-way, utility and infrastructure installation, and preparation of development pads on each of the VTM's newly created parcels (H1, H1A, H2, H2A, R1, & R2), Phase 2 consisting one (1) hotel on Parcel H1 with hotel parking on parcels H1A, H2, and H2A, and Phase 3 consisting of two multi-family residential developments, one on Parcel R1 and one on Parcel R2; where Phase I will be completed by the Applicant, Phase 2 by an independent hotel developer, and Phase 3 by one or more independent residential developers.

**HOTEL PROJECT DISCUSSION**

**Project Description / Location:**

Parcel H1 is proposed to be developed with a hotel of up to two hundred sixteen (216) guest rooms (otherwise referred to as 'keys') at a maximum of four (4) floors with accessory guest amenities (i.e. swimming pool, parking, spa, etc.), guest food service, vehicular surface parking and drive isles, landscaping, utilities, and utility equipment shelters/screening, where Parcels H1A, H2, and H2A will also provide parking, landscaping, and utilities to serve parcel H1 (the "Hotel Project").

The draft coastal development permits and conditional use permits being presented to City Council for consideration include conditions recommended by Planning Department staff and the City's DRC. These conditions relate to parking requirements, architecture, the need to acquire two additional parcels within the South of Tioga Project area, and necessary deed restrictions between certain parcels of the Hotel Project to preserve parking, utilities, and infrastructure. The Hotel segment of the overall South of Tioga Project is located on four of the newly created Parcels H1, H2, H1A, and H2A within the eastern half of the South of Tioga Project Area.

**Land Use & Zoning:**

The South of Tioga Project Area has dual General Plan land use designations of Regional Commercial and Mixed Use Development; and zoning designations of MU-P (Planned Mixed Use) and CZ-C4 (Coastal-Regional Commercial). The hotel is conditionally allowable per the City's General Plan land use and Zoning Map designations for the site, subject to City Council discretionary land entitlement permit (i.e. conditional use permit, coastal development permit, etc.) approval; though limited entitlement to develop the site as such has already been granted via the City approved VTM. Those portions of the South of Tioga Project Area within the coastal zone overlay will only be developed and used as parking, landscaping, utilities, potential signs, and storm water control for the hotel, which are allowable uses in the CZ-C4 district pending coastal development permit approval.

The Hotel Project will include 216 guest rooms and amenities accessory to a hotel operation such as a lobby/reception area, administration offices, guest fitness room, kitchen and dining hall, a business center, laundry amenities, and two conference rooms. The outside courtyard will provide seating areas and potentially a swimming pool; however, a pool is not confirmed at this time.

Restaurant - The inclusion of a restaurant within the South of Tioga Project has been discussed throughout the application review period; to the extent that it was intentionally included in the Project's Environmental Impact Report analysis. At the time of VTM approval in June a restaurant was not a part of the hotel operation; rather, it was potentially to be included in one of the residential buildings. The hotel developer has stated that the intended select service hotel does not typically include what many would consider to be a "full-scale" restaurant. Instead, limited service hotels include a dining area that serves breakfast to its guests with the area being either closed, re-purposed for other uses after breakfast, or used as an area to serve appetizers and drinks in the evening. Therefore, based on the information available at this time, there will not be a full-service restaurant open to the general public intended or included within this Hotel Project.

**Site Plan:**

The overall Hotel Project will encompass Parcels H1, H2, H1A, and H2 as identified on the City approved VTM. Parcel H1 will be 2.18 acres located in the northeastern section of the South of Tioga Project Area intended for the hotel building and courtyard with amenities and surface parking spaces; Parcel H2 will be 1.18 acres located in the southeastern portion of the South of Tioga Project Area intended for hotel parking, utilities, and storm water control infrastructure; Parcel H1A, will be 0.38 acres and Parcel H2A will be 0.30 acres to separate out territory within the Coastal Zone overlay to be improved only for parking, landscaping, potential signs, and utility/infrastructure improvements to service the hotel on Parcel H1.

Setbacks / Coverage - Pursuant to Municipal Code 18.13.050.B, C, and D, minimum front, side, rear, and corner lot front, side, and rear setbacks in the Planned Mixed Use district are approved on a case-by-case basis by site plan review of the City Council in conjunction with issuance of land use entitlement (CUP & CDP) permits. The Planned

Mixed Use zoning does not establish parcel coverage or floor / area requirements. This is intended to provide site design flexibility of various site conditions without the constraints of fixed setbacks or lot coverage.

Based on the site plan submitted, the hotel building will be setback approximately 51.5-feet or more from California Avenue to the east, approximately 14.6-feet at its closest point from "A" Street to the northwest, and between 12.6-feet to 23.9-feet from Tioga Avenue to the northeast. The foot print of the hotel building on Parcel H1 is proposed to be approximately 36,500 square feet, resulting in a thirty-eight percent (38%) coverage of Parcel H1. When abutting Parcels H1 (2.18 acres) and H1A (0.38 acres) are combined, it results in a 32.7% coverage. The building, hardscape, and asphalt parking pavement will be 78,600 square feet cumulatively on Parcels H1 and H1A, which is 70.4% coverage when these two parcels are combined. Parcels H2, H1A, and H2A will have surface pavement for parking, but no habitable structures.

Parking - The City's Zoning Code (section 18.64.050) requires one (1) parking space for each hotel guest room (or "key"). The Hotel Project's site design provides a total of 227 off-street parking spaces, exceeding the zoning's minimum requirement by nine (9) spaces. Most of the hotel surface parking would be located on Parcel H2 with 145 parking spaces. The remaining parking will be allocated with 33 spaces on Parcel H1, 19 parking spaces on Parcel H1A and 30 parking spaces on Parcel H2A. Parking access would only be via "A" Street with no driveway access from either California or Tioga Avenues.

Council members and the public have previously questioned the adequacy of the City's zoning code parking requirement of one (1) space per guest room, and concern as to whether parking for employees, or for ancillary uses such as a restaurant, would require additional parking. Staff surveyed three local hotels, revisited the parking study included in the South of Tioga Project's traffic impact analysis, and reviewed several other sources relating to parking requirements at hotels.

Ideally, at peak demand, most if not all of the provided parking spaces are occupied. In a situation with multiple uses, time-based fluctuations in demand are critical, within a day; from one day of the week to another; and seasonally. Peak demand for a hotel tends to occur in the summer months between 11:00 pm and 6:00 am. Peak demand for restaurants occur at the lunch hour and dinner hours (6:00 to 8:00 pm). Meeting/conference space usually generates peak demand during the day, from about 7:00 am to 5:00 pm. Hotel employee parking demand also peaks during the day when housekeeping and maintenance are added to front desk staff. To determine adequate parking for a hotel with a restaurant and meeting space, demand for each use at each hour would be calculated, and the hour with the greatest total demand would dictate the parking need. Key factors in estimating hotel parking demand include arrivals by other than private or rental automobile, guest versus outside use of ancillary facilities, and time of demand peaks.

The following table compares the three local hotels that were surveyed with the proposed Hotel Project in terms of size, ancillary facilities, restaurant patronage, and parking spaces available.

Property	Guest Rooms	Meeting Space and Other	In-house Restaurants	Restaurant Patrons	Parking Spaces	Parking Concerns
Embassy Suites	225	16,000 sf	1	90% Guests	349	No
Monterey Tides	196	9,000 sf	2	80% Guests	260	No
Hyatt Regency	550	40,000 sf + tennis	3	60% Guests	590	Peak dinner
Hotel Project	216	3,300 sf	1	unknown	225	----

The Embassy Suites provides the highest ratio of parking to guest rooms (1.5:1). This hotel has 16,000 square feet of meeting space and a restaurant (although the restaurant is lightly used by the general public). Presuming a 1:1 ratio of guest rooms to hotel parking, the 16,000 square feet of meeting space, and restaurant would be served by about 125 spaces. Embassy Suites' management did not indicate any concerns about parking supply and no nearby overflow parking is available. Embassy Suites charges hotel guests \$14 per night for parking. No significant number of guests arrives by taxi or ride service (Lyft, Uber, etc.).

The Monterey Tides Hotel has about 65 more parking spaces than guest rooms (1.3:1). There are 32 street parking spaces adjacent to the hotel that can serve as overflow. The hotel has 9,000 square feet of meeting space that accommodates up to 450 persons. Monterey Tides' management indicated they had ample parking. Assuming a 1:1 ratio of guest rooms to hotel parking, the meeting space and two restaurants/lounges would be served by about 65 spaces.

The Hyatt Regency has only a slight surplus of parking compared to guest rooms (1.1:1), but also has three restaurants or lounges popular with general the public, a 40,000 square foot conference center, and a tennis club (also accessible from the adjacent golf course parking lot). Assuming a 1:1 ratio of guest rooms to hotel parking, the meeting space and three restaurants/lounges would be served by about 40 spaces. The Hyatt management indicated that most hotel guests arrived by personal vehicle or rental car and that parking can become scarce when there is high public demand at the restaurants. An available shuttle service from the Monterey Airport is rarely used by hotel guests.

A search of general information on hotel parking demand showed considerable variability dependent on the type of hotel and the ancillary facilities that might draw non-hotel guests. The Institute of Transportation Engineers provides a parking ratio of 0.64:1 (spaces per room), while the Urban Land Institute recommends a 1:1 ratio (consistent with the City's Code requirement). In the guide to their Park+ parking

demand estimation tool, traffic engineering firm Kimley Horn lists a series of cites for which they have developed parking requirements; for hotels, all but one of the demand factors they developed (based on the particular circumstances of each location) are significantly below the 1:1 ratio. There are a couple of reasons that a ratio of less than one car per guest room could occur. First, arrival without a parked car (taxi, shuttle, ride service, public transit, etc.); and second, arrival of guests for two or more rooms in a single vehicle (such as business travelers with separate rooms). Local hotels surveyed did not believe very many guests arrived without either their own or a rental car, although the trend toward use of ride services is considered to be moving upward. Staff did not find data on persons for two or more rooms arriving in a single car. Therefore, presuming 1% non-parked guests is reasonable.

As illustrated by those surveyed local hotels, hotel-based restaurants depend on their guests for a significant share of business. Three articles from the restraint purveyor perspective were found and generally corroborates this observation, with about 60% hotel guests and 40% locals being a typical split in customers. There are exceptions; for example, a hotel-based restaurant in a downtown area adjacent to a major league baseball park experienced only 10% to 20% of its business from hotel guests. It is reasonable to presume that 60% of restaurant patrons are also hotel guests.

The Higgins Transportation Engineer's traffic impact analysis includes a parking demand analysis (page 28 and exhibits 16a and 16b). The conclusion is that the hotel (guests and employees) and restaurant would see a peak demand of 206 spaces at 10:00 and 11:00 pm. The parking areas on Parcels H1, H2, H1A, and H2A cumulatively provide 225 spaces; so under this analysis, there would be a surplus of nineteen (19) spaces. The Higgins analysis assumes 70% hotel occupancy (annual average for Monterey region) and 20% guests at the restaurant. This analysis would be reflective of the majority of the year during the non-peak season.

Staff prepared a shared parking scenario for a worst case of 100% hotel occupancy (summer peak season), with a more probable 70% hotel guests dining at an on-site restaurant, and presuming 99% of guest rooms have a parked car associated (i.e. 1 percent of guests arrive without a car). This analysis also uses separate hourly occupancy for the 135-room extended stay and 81-room leisure aspects of the hotel's marketing/use (per Higgins' exhibit 16a). Hotel and restaurant workers were discounted to 75% to reflect that 25% of service industry workers in Monterey County utilize public transit (American Community Survey 2012-2016). The meeting/conference space is presumed to be small and utilized primarily by guests. The following table presents the adjusted hotel and restaurant parking demands presented in Higgins' exhibit 16b. As previously stated, the proposed Hotel Project will not include a full-service restaurant open to the public; however, a restaurant was included as part of this analysis to evaluate the worse case scenario.

Time	Business Hotel Guests	Leisure Hotel Guests	Hotel Employees	Hotel Total	Restaurant Patrons	Restaurant Employees	Total
MidN	134	80	2	216	0	1	217
1 am	134	80	2	216	0	0	216
2 am	134	80	2	216	0	0	216
3 am	134	80	2	216	0	0	216
4 am	134	80	2	216	0	0	216
5 am	134	80	2	215	0	1	216
6 am	127	76	2	205	0	3	208
7am	127	76	10	213	0	3	216
8 am	107	72	29	208	0	3	211
9 am	94	64	29	187	0	4	191
10 am	80	56	32	168	4	4	176
11 am	80	56	32	168	10	4	182
Noon	74	52	32	158	18	4	180
1 pm	74	52	32	158	18	4	180
2 pm	80	56	32	168	16	4	188
3 pm	80	56	32	168	10	4	182
4 pm	87	60	29	176	12	4	192
5 pm	94	64	22	180	18	5	203
6 pm	101	68	13	182	23	5	210
7 pm	101	68	6	175	24	5	204
8 pm	107	72	6	185	24	5	214
9 pm	114	76	6	196	24	5	225
10 pm	127	76	4	207	23	4	234
11 pm	134	80	2	216	18	2	236

Notes: 100% hotel occupancy with assumption 1% of guests do not require a parking space.  
 Worker parking space demand reduced by 25% to reflect transit use or car-pooling.  
 Restaurant parking demand assumes 60% of patrons are hotel guests.  
 Adapted from Keith Higgins traffic impact analysis exhibit 16b.

Based on this worse-case scenario analysis, the highest parking demand occurs on a peak summer night at 11:00 p.m. when the hotel parking lot is full and eleven (11) visitors would need to park along “A” Street or California Avenue. This situation is not likely to occur on most nights, as the Hotel Project is not intended to have a full-service restaurant open to the public; and therefore, it will be less crowded on week nights. Furthermore, the hotel may not be at capacity every night of the week. Note that if the lower parking ratios (below 1:1) are applicable, the parking requirements in this table would be further reduced.

Per the 2012-2015 American Community Survey for Monterey County, twenty-five percent (25%) of service workers take transit and another twenty percent (20%) carpool. To ensure these statistics, or better, are realized for hotel employees in Sand City, some form of encouragement programs are needed to motivate employee participation. The Transportation Agency of Monterey County is initiating two programs to encourage employers to establish transportation management programs, the intent



being to decrease single-occupancy commute travel. The programs are called 'Go 831' and 'Smart Commute Club'. Each program offers free participation and provides materials for employers to assist workers to use transit, ride bikes, or walk to work. Staff does recommend requiring the hotel management to participate in these (or any other future) programs that can mitigate employee parking demand impacts. This condition should read as follows:

*"Public Transit Group Discount for Employees: Management of the Hotel Project as authorized by CUP 623 on Parcel H1 shall coordinate with Monterey-Salinas Transit (MST), TAMC, and/or other public transportation agencies serving the Monterey Peninsula, to participate in and provide an alternative transportation (i.e. bus, train, taxi, etc.) group discount program for all hotel employees for so long as such programs are available."*

Based on the research discussed above, staff is not recommending any additional off-street parking for employees. The zoning code standard requirement is one (1) parking space per guest room ('keys'). The submitted site plan provides a total of 227 off-street parking spaces distributed between Parcels H1, H2, H1A, and H2A; which exceeds the City's zoning code requirement by eleven (11) parking spaces. Permits for the Hotel Project should specify that Parcels H1, H2, H1A, and H2A cumulatively provide all the parking for the Hotel Project and that these Parcels must remain in single ownership to maintain parking availability for the Hotel Project. Staff's proposed condition/requirement (for Parcel H1/CUP 623) is listed below. The same condition, with appropriate parcel references, is included in those permits for Parcels H2 (CUP 624), H1A (CDP 18-01), and H2A (CDP 18-02) as well:

*"Parking Spaces: A total of 227 off-street parking spaces shall be provided for the Hotel Project. These parking spaces shall be distributed between the VTM Parcels H1, H2, H1A, and H2A. Parcel H1 shall provide a minimum of thirty-two (32) parking spaces, Parcel H2 shall provide a minimum of one hundred forty-five (145) parking spaces, Parcel H1A shall provide a minimum of eighteen (18) parking spaces, and Parcel H2A shall provide a minimum of thirty (30) parking spaces. Adequacy of the Hotel Project's site plan design in meeting this requirement shall be subject to final City Planning Department review and approval of construction documents/plans for Parcels H1, H2, H1A, and H2A. Any alteration/reallocation of parking spaces contrary to the above shall be subject to City Planner approval; but in no circumstance shall the cumulative number of parking spaces collectively on the aforementioned Parcels be less than one (1) parking space per guest room of this Hotel Project. Parking designs shall comply with all American with Disability Act (ADA) and California Code of Regulations Title 24 requirements subject to City review and approval."*

As presented to Council, the draft permits, and conditions therein, do NOT include a requirement for additional on-site employee or restaurant parking.

Landscaping - According to the Applicant, the plant list originally submitted and presented to the City for the entire South of Tioga Project will be the same for the Hotel Project. The hotel designer also provided a general landscape plan that includes the same planting list as the Applicant's original application. For the purposes of this staff report, staff utilized those landscape sheets previously submitted by the Applicant earlier this year. The submitted landscape plan remains conceptual and is not intended as final. The landscape plans propose a pallet of ten different tree species, twenty shrub species, and one vine species. Though the conceptual locations of individual tree species are graphically illustrated on the landscape map, the specific location, distribution and number of plants and shrubs are not identified, nor are staking or planting details provided. The incorporation of drought tolerant species should also be a consideration of the final landscape plan.

**Trees:** The landscape plan illustrates tree lined streets and trees disbursed within the hotel parking areas. The proposed planting legend (see Exhibit G.1) identifies that most trees are proposed will be 24" box specimens. Considering the harsh coastal winds, trees should be clustered together in groups of three or more where possible. Additionally, larger landscape areas should be "forested" with a large number grouped of trees (see Exhibit G.6). All trees should be a minimum of double staked (2" diameter wood stake), but triple staked and/or screened in those areas exposed to high wind until established. The City's Public Works Foreman, who has substantial landscaping experience, reviewed the Applicant's tree list and has made recommendations to the Planning Department as listed on Exhibit G.7 of this report; which should be considered and incorporated into the final landscape plans.

**Planter Pots:** The originally submitted illustrations identify various styles of planter pots (see Exhibit I.1) to be used. Staff recommends these should consist of a durable material to withstand the City's coastal salt air. Each planter should be connected to an irrigation system to ensure routine watering.

A final landscape plan for the Hotel Project (as well as the other Parcels and public areas within the entire South of Tioga Project) should be included with the submission of construction documents for City review and approval prior to City issuance of a building permit for the Hotel's construction. Landscaping elements (species and sizes) should be consistent throughout the entire South of Tioga Project Area upon completion. This landscape plan should take into account the recommendations and discussion of this report.

### **Architecture:**

In April of 2018, a consolidated hotel design was presented to the Design Review Committee; however, the Committee at that time had substantial concerns with the design. The re-designed 4-story hotel now being presented proposes a contemporary modern architectural design with the use of materials both contemporary and historical. Contemporary materials consist of board formed concrete, stucco, and metal panels, while elements such as weathered wood and rusted corrugated metal reflects the Monterey

Peninsula's historic industrial character/architecture (i.e. Cannery Row, Monterey Wharfs, etc.) (see Exhibit E).

Materials / Colors - The submitted hotel elevations indicate the use of white metal panels, white smooth stucco with expansion joints, staggered weathered wood siding, board-formed weathered concrete cladding, and corrugated rust-appearing metal panels. A board formed concrete material will be used along the first floor providing a visual "foundation", while the other materials will be integrated at various sections of floors 2 through 4. The use of a visually heavy material along the first floor with visually lighter materials on the upper levels optically reduces the height of the building, which is supported by staff. Areas of plaster will include expansion control joints, providing a 'grid' pattern that breaks up the expanse of plaster area. Staff concurs with this and recommends that such expansion joints be sufficiently visible to achieve the visual impact as represented on the provided elevations. The corrugated rusted metal panels can add an interesting look to the building, but staff would want assurances from the Applicant on the durability of this material.

Pavement - The hotel developer states that pavement materials are intended to match the approved South of Tioga Project's master site development entitlement design strategies where 'enhanced pavement' for certain ground level pedestrian areas and/or pathways are to be located. The landscape plans provided by the Applicant earlier this year identifies those materials as "sandstone pavers" illustrated in either square, rectangle, and/or plank shapes/patterns (see Exhibits I.1 & I.2). The hotel designer's submitted general landscape plan illustrates two pavement materials for the hotel's inner courtyard, the parking lot crosswalk, and the pedestrian area near a public parklet on 'A' Street; however the type/color of materials were not identified. The building's outer pedestrian walk appear to be standard concrete and the parking areas to be asphalt. The plan indicates a change of pavement material where there appears to be at a step change. Staff recommends that alternating pavement materials should only occur at steps or elevation transitions.

Massing - The hotel is proposed to be four stories at an average height of 50-feet with a tower treatment at the corner topping out at 58-feet (inclusive of roof treatments). These heights are within the allowable 60-foot height limit of the Planned Mixed-Use (MU-P) zoning district. Height limit bonuses of the MU-P zoning do not apply. The building length is 252.58-feet facing California Avenue, 258.46-feet along 'A' Street, and 193-feet along Tioga Avenue. The massing along the California Avenue elevation is an approximate ratio of 5.1 to 1 (length to height) and along the Tioga Avenue elevation is an approximate ratio of 3.9 to 1. These mass ratios are acceptable provided that the final building design incorporates design elements to alleviate long flat horizontal wall surfaces (see recommended condition below). The hotel elevations do implement variation in wall materials and breaks of surface plane and change of materials/colors; which is encouraged (see Exhibit F.1 & F.2).

Roof-line / Parapets - The proposed roof-line design maintains a relatively flat horizontal line with minor variations in height except for the tower treatment at the

northeast corner that is approximately eight feet (8') taller than the remainder of the building. There are minor changes along the parapet top where materials alternate. The DRC commented that some additional roofline articulation should be incorporated into the design and recommends that revised elevations come back to a DRC-subcommittee (2-members) for final review before construction plans are submitted or accepted by the City. Changes in height in conjunction with changes in materials and wall plane is supported by staff and the DRC. The Applicant informs staff that rooftop equipment will be sufficiently screened from street level view by the building's parapet.

Light Fixtures & Poles - The newly submitted hotel plans did not include a lighting plan; therefore, for the purposes of this report, staff utilized those plan sheets previously submitted by the Applicant earlier this year that did provide photometric data identifying proposed light fixtures and their specifications (see Exhibit H). The final fixtures may be subject to change as construction plans are finalized. It is important that all exterior light fixtures, whether they be on poles or mounted on buildings, direct light down and avoid excessive glare. The height, illumination (wattage), and number of pole lights will be subject to the City Engineer's final review and approval of the civil improvement construction and photometric plans. The identified light fixtures are to be energy efficient LED, which staff encourages.

**Parking Lot Pole Lights:** Pole lights for the hotel parking areas (listed as XB & XB1) are contemporary cobra head-like designed pole mounted LED fixtures on 12-foot tall aluminum poles (see Exhibit H). The lighting schedule identifies these to be 13" x 23" fixtures with aluminum housing at 120-277 volts and 70 watts. Staff recommends all light poles within the Hotel Project consist of concrete to withstand the City's corrosive salt air and minimize repair/replacement. The final height and placement of these poles will be subject to the City Engineer's approval of site specific civil improvement plans.

The specific pole light fixtures within the Edgewater Shopping Center have been very successful (except at the Chipotle restaurant with the incorrect replaced fixture) in directing light down, sufficiently illuminating the parking area while not creating excessive glare, particularly as seen from the Highway 1 freeway corridor above. The Edgewater lights (as originally approved/installed) are High Pressure Sodium 1,000 watt 480 volt fixtures. The performance of these lights should be the performance benchmark for the LED parking lot pole lights for both the Hotel Project and the South of Tioga Project as a whole.

**Building Lights:** Exterior building light fixtures were not identified on the submitted plans for the hotel, and will be determined at a later date. Land entitlement permits for the hotel should include the requirement that all exterior light fixtures, their watt capacity, filament housing, and illumination dispersal (photometric) shall be subject to City approval. Furthermore, all exterior building light fixtures should be of a type that only directs light down and/or onto the building and not outward to mitigate excessive glare and light from intruding onto adjacent properties and/or street rights-

of-way. All exterior light fixtures should be subject to City Planning Department review and approval prior to issuance of a building permit for hotel construction.

**Ground Mounted Sign Lights:** Ground mounted fixtures projecting light up (see Exhibit H) are proposed to illuminate the City's new monument sign at the corner of Tioga Avenue and California Avenue on Parcel H1A (see discussion towards end of this report). Similar fixtures could conceivably be used for any hotel monument or directional signs. Provided that these lights do not direct or focus light onto anything but a monument sign, these up-lighting fixtures should be acceptable. The final lighting of any monument signs should be subject to the DRC's review and approval of either a design permit, sign permit, or uniform sign program.

Miscellaneous Features - The newly submitted plans for the revised hotel does not include or identify design features of minor elements such as utility screening or placement, bollards, signs, fencing/gates, pavement design, etc. In correspondence received from the Applicant, the intent for the hotel development is to match the overall master site development/entitlement design strategies. Therefore, staff went back to the Applicant's original application and landscape design materials for review and discussion. Items noted include decorative laser cut screens, glass panel fences and gates, decorative trash receptacles, decorative pavers, attractive bench seating and soft (padded) seating, BBQ stations, and fire pits. All of these features presented have a contemporary appearance. Staff supports and encourages the integration of the aforementioned items; but those items must be of a quality and durability to withstand the City's coastal climate, salt air, and general routine use. Bench seating in areas beyond the hotel and hotel courtyard should be secured, immobile, and of a design that does not encourage transient sleeping. Soft and casual seating in secured areas, such as the courtyard, need not implement such requirements. This level of decorative and high quality architectural features should be required as part of the hotel approval to ensure that the aesthetic qualities and options initially proposed are carried through and incorporated into the final development.

Items not identified in the submitted materials, but have just as an important architectural visual impact include, but not limited to, bollards, satellite dishes, solar panels, and rooftop equipment.

**Bollards:** Bollards should be of a decorative type in all public areas. The style and standard of bollards (if any) along and within the new street rights-of-way should be selected by the City. As an example, the City's Hickory Street improvement project completed last year utilized 12" diameter concrete bollards with a horizontal etched line and semi-smooth exposed aggregate. Though staff does not recommend this exact design be used, some form of decorative bollard should be incorporated where visible to the general public in order to maintain a high quality visual experience.

**Solar panels:** are encouraged; but should only be incorporated on the rooftops or integrated onto carport roofs (if any) where it is either visually integrated as part of

the architecture or screened from public view. All rooftop solar panels need to be attached and secured to the rooftop and not ballasted.

**Utility and fire suppression meters and equipment:** Utility and fire suppression meters and equipment should be inside the building, integrated within a building's architectural elements, and/or otherwise screened from public view. Any such meter/equipment necessitated to be outside the building should have visual screening utilizing the materials/colors approved and used for that building. Landscaping in itself should not be considered a sufficient method of screening.

**Ground level utility meters and equipment:** Ground level utility meters and equipment or the like (i.e. cable, electrical, phone, etc.) should refrain from being installed above grade within pedestrian paths or above or below ground within landscaped areas. These necessary items can be aesthetically detrimental and should be screened and/or hidden whenever possible. Such items are also an invitation to graffiti. Subterranean chambers can provide for such infrastructure without imposing physical barriers, visual detriment, or occupying valuable landscaping. This may not be feasible in all circumstances; however, all effort should be made in coordinating the final civil improvement plans to address the placement of meters and equipment to address this issue. Equipment for EV (electrical vehicle) charging stations, which are encouraged, may also be difficult to conceal as these are within parking lots. Walled enclosures for at-grade utilities boxes could be acceptable in some circumstances provided the same architectural facade elements are used for the enclosure where it visually ties in with the neighboring building. Landscaping in itself is not an effective long-term screening solution and is not recommended by staff to a primary screening methodology. Final determination of screening methods would be part of the Hotel's civil improvement plans, subject to final City Planner and City Engineer approval.

**Rooftop equipment:** Rooftop equipment such as ventilation, communications, satellite dishes, and the like should be screened from public view. The Applicant informed staff that the parapets along the building edge will be sufficient to screen rooftop equipment from street level. It should be noted that the hotel roofs will be visible to the R1 and R2 upper level residential buildings that will be at higher elevations, where the parapets may not be sufficient to screen such rooftop equipment.

**Truncated Domes:** For ADA compliance, pedestrian transitions from sidewalk to street incorporate truncated domes; which are typically a bright yellow; however, staff recommends that the color of all truncated domes within the Project utilize a "Brick Red" (or similar) color to have more earth tone visual appeal (see Exhibit K).

**Signs** - The newly submitted plan set for the revised hotel design does not indicate any specific building or commercial monument signs. Sheet 01 of this new plan set does illustrate a generic "HOTEL" sign on the building's prominent tower element at the corner of California and Tioga Avenues. The only other sign indicated is a City entry

monument sign at the corner of California and Tioga Avenues (see discussion below). Sign review and approval for the hotel is therefore deferred until sign plans come forth. The land entitlement permit(s) for the hotel should include a requirement that a sign program be submitted to the City for review and approval by the City's Design Review Committee prior to the establishment of any commercial and/or identification signs on the Hotel Project Parcels. At the October 26<sup>th</sup> DRC meeting, there was public comment expressing concern that sign illumination should not be obtrusive (i.e neon, excessive illumination, etc.).

City Monument Sign (Parcel H1A only) - The new hotel conceptual drawings submitted illustrate a 'monument sign' at the corner of Tioga and California Avenues. No details or other illustrations were provided, as this will be subject to the City to design and construct. The South of Tioga's approved VTM requires an easement for a City entry monument sign at the westerly corner of the Tioga Avenue and California Avenue intersection on Parcel H1A. A conceptual design was provided by the South of Tioga Project Applicant earlier this year that consisted of board formed concrete with a board texture, Corten steel for lettering and a 'wave' feature, and a Gabion stone wall wrapped in stainless steel or aluminum cages. The final design will be subject to the City and is not part of the hotel review or approval process.

**Water:**

A hotel of 216 guest rooms would need a minimum of 21.6 ac.ft./yr. allocation from the City in accordance with Monterey Peninsula Water Management District (MPWMD) regulations. This does not include the service or common areas, kitchen and dining facilities, landscaping, or swimming pool that would need additional water. Furthermore, the proposed kitchen amenities might fall under a Group 3 ("Miscellaneous") category as a "restaurant" or similar that would result in a water demand in excess of retail, office, or hotel use. Therefore, until more information is available to the City, staff is unable to fully and accurately calculate the water demand for the Hotel Project.

Existing Water Credit - The overall South of Tioga Project Area, of which the Hotel Project is only a part, has an existing estimated water credit of about seven (7) acre-feet based on existing Group 1 category commercial floor area and the few residential dwellings within the site. This is based upon a review of historical documents and known floor areas of those existing buildings within the South of Tioga Project Area; however, that data needs to be confirmed by on-site inspections and documentation by the MPWMD before the City takes action to allocate water.

City Desalination Facility - The City's water entitlement from the desalination facility is Sand City's only current source of water for new allocations; which are subject to the discretion of the City Council. This facility is intended to produce up to 300 acre-feet per year (af/y); however, only 165 af/y is permitted to be allocated at this time. Once the facility proves a consistent production of 25-acre-feet per month, then a total 206 af/y would be permitted by the Monterey Peninsula Water Management District (MPWMD) for allocation by Sand City. As of this date, approximately 156 af/y is currently available for allocation out of the 165 af/y. Allocation of the estimated water

demand for the entire South of Tioga Project represents roughly thirty eight percent (38%) of the City's existing unused water entitlement (out of the 156 af/yr). Therefore, an adequate water supply is available for the entire South of Tioga Project, inclusive of the Hotel Project. However, as a condition of VTM approval the City is to ensure that new intake wells for the desalination infrastructure will be constructed to ensure sufficient supply from the desalination facility to accommodate the Project (Mitigation Measure WS-1 / VTM Condition No. 39).

Staff recommends that any water allocation to the South of Tioga Project and the Hotel Project occur at a future time when final building and landscaping plans are provided to the City for review and the water demands can be precisely calculated. Furthermore, staff recommends that any land entitlements granted to the Hotel Project (as well as the remainder of the South of Tioga Project) require the Applicant have the MPWMD perform on-site inspections of all properties within the Subject Property to document existing on-site water credit with all documentation provided to the City to accurately calculate exact water needs of the Project prior to any allocation of water by the City. Staff's proposed conditions/requirements (for Parcel H1/CUP 623) regarding water credit and allocation is listed below. The same conditions, with appropriate parcel and permit references, is included in those permits for Parcels H2 (CUP 624), H1A (CDP 18-01), and H2A (CDP 18-02) as well:

*Water Credit Verification: Prior to demolition of any structure within Parcel H1 in preparation of this Parcel's development in accordance with CUP 623, the Applicant shall coordinate and implement on-site inspections by the Monterey Peninsula Water Management District (MPWMD) to verify and document all available water credit on Parcel H1, followed by copies of all documentation of said water credit documented by the MPWMD to be provided to the Sand City Planning Department prior to any water allocation by the City to Parcel H1.*

*Water Allocation: Prior to City issuance of building permits for hotel construction on Parcel H1, the Applicant or Property Owner shall obtain the necessary water permit(s) from the Monterey Peninsula Water Management District for the development and landscaping as authorized by CUP 623. Approval of CUP 623 does not grant the Applicant and/or Property Owner any right and/or privilege to any allocation of water by the City of Sand City or other agency/entity. Any allocation of water to Parcel H1 from the City's Water Entitlement (desalination facility) shall be at the discretion of the Sand City City Council. If the City takes action to deny an allocation of water necessary for the Hotel Project, in accordance with the determination and regulations of the MPWMD, then CUP 623 shall be subject to City Council amendment or termination."*

**Wastewater:**

The South of Tioga Project will construct new public sewer mains within the public streets of the South of Tioga Project Area in order to collect wastewater from the Hotel Project. These 6-inch mains would direct the wastewater to the existing sewer main located under California Avenue with gravity flow southwesterly. The design of this public improvement will be subject to review and approval by the City Engineer and the Seaside County



Sanitation District. This was a requirement of the VTM approval for the South of Tioga Project.

**Storm Drainage:**

Storm water from California Avenue and Tioga Avenue will continue to flow into the Playa Avenue infiltration basin, with some conduit improvements near the South of Tioga Project Area. Storm drainage from “A” Street and East Avenue would be captured and infiltrated within their respective rights-of-way. Drainage from the six Parcels (H1, H2, H1A, H2A R1, & R2) would be retained on site for infiltration. A final Storm Water Control Plan for each of the proposed parcels, demonstrating how development of each parcel will meet the Central Coast Post-Construction requirements and how storm water would be retained and percolated on each parcel, will be required and subject to City Engineer review and approval prior to issuance of construction permits. This was a requirement of the VTM approval for the South of Tioga Project.

For the Hotel Project, the concept is for storm water that will be collected on Parcels H1 and H1A will be directed to underground filtration infrastructure, while on Parcels H2 and H2A storm water will be directed to a bio-retention percolation system on Parcel H2. The submitted site plan illustrates storm water bioretention percolation areas within Parcel H2. This design will be subject to submission of a storm water control plan (SCP) for City Engineer review and approval prior to issuance of building permits for hotel construction or site improvements.

**Deed Restriction Prohibiting Individual Sale of Hotel Parcels:**

The single hotel development on Parcel H1 is dependent upon Parcels H1A, H2, and H2A for parking, landscaping, utilities, and/or storm water control infrastructure. To ensure that all parcels facilitating the Hotel are not sold separately from each other, staff recommends a deed restriction be required prohibiting sale of these Parcels (H1, H2, H1A, H2A) separately from one another. This was not addressed or included as a condition of the VTM approval; therefore, it is imperative that it be required as part of the CUP and CDP approvals. The proposed condition/requirement for each of the permits (CUPs and CDPs) regarding Parcels H1, H1A, H2, H2A is as listed below:

*“Deed Restriction & Easement Agreement: A deed restriction, or equivalent legal mechanism, shall be recorded with the Monterey County Recorder prohibiting sale of Parcels H1, H1A, H2, and H2A separate and independent from one another that are designed and intended to cumulatively accommodate parking, landscaping, stormwater control, and utilities servicing the hotel on Parcel H1. This deed restriction, reciprocal easement agreement(s) and/or other equivalent legal document(s) shall guarantee vehicle access and parking on Parcels H1, H2, H1A, and H2A for guests, visitors, and employees of the hotel on Parcel H1. The necessary documents, in compliance with this Permit condition, shall be recorded on/for Parcels H1, H1A, H2, and H2A prior to City issuance of certificates of occupancy and/or completion for Parcel H1. ”*

### **Acquisition of Two Outstanding Parcels:**

The Project area includes two privately owned parcels (APN 011-123-004 and 011-123-023) that must be obtained to create a new public road through the South of Tioga Project. Acquisition of these parcels would either be by the City potentially utilizing its power of eminent domain and/or by the Applicant in negotiations with those property's current owners. Excluding these parcels is not practical or feasible considering the necessary grading of the entire Project Area to accommodate the South of Tioga Project and public improvements (i.e. new street, infrastructure, utilities, etc.). Therefore, it is necessary to limit the effective date of any land use entitlement and restrict the Project from commencing grading and construction unless and until the aforementioned privately owned parcels are legally obtained by, and title transfer complete to, either the Applicant and/or the City. It should be noted that the City is under no obligation to enact its right of eminent domain, and that such action would be entirely at the City's discretion. The City's approval of the VTM for the project did not obligate the City in this regard either. Staff recommends the permits for each Parcel (H1, H1A, H2, H2A) of the Hotel Project include conditions of approval stating that the permits are "*...not valid, building permits shall not be issued for, nor construction ....commence, unless and until those properties not currently owned by the Applicant (APN 011-123-023 and APN 011-123-004) are legally obtained by, and title transfer complete to, either the Applicant and/or the City. Approval....does not obligate the City to utilize its power of Eminent Domain to acquire the aforementioned parcels, and the City reserves the right to decline using said power*".

Applicant Acquisition - The Applicant still has the option to approach those property owners in the acquisition of the aforementioned parcels. However, the Applicant has been unsuccessful to date. Therefore, it is likely that the City could implement eminent domain (see discussion below) to acquire those properties.

Eminent Domain Process - The process of implementing eminent domain by the City has five basic steps that must be taken in the following order.

- a) First step would be to issue those property owners with a "Notice of Intent to Appraise". The City would obtain one or more appraisals (more is better for the City) to establish a fair market rate for the properties in question.
- b) Second step would be a City 'Resolution of Necessity'. The City would schedule a hearing to consider the 'resolution of necessity', where the owner(s) are given written notice 15-days in advance of that hearing. The Council would have to make a determination that 1) the City has the statutory power to condemn, 2) that the public interest and necessity requires the condemnation, 3) that the project is planned/located with the greatest public good and least private injury, and 4) that condemnation is necessary for the project to proceed.
- c) Third step would be a 'prejudgement possession', which requires the City to deposit with the state treasurer the amount in the City's appraisal(s) and then make a motion to the court for possession of the subject property(s).
- d) Fourth step would be a 'valuation trial'. Presuming the City prevails on its right to condemn, then the litigation moves onto the valuation phase.
- e) Finally, after the valuation has been determined by the court, a judgement is made stating the amount the City must pay to condemn the property. Once payment is

made, the City can apply for a final order of condemnation that would be filed with the County Recorder that acts like a deed transferring interest of the condemned property to the City.

**City Cost Recovery & Plan Review Fees:**

Due to the scope and scale of this Hotel Project and the inherent complexity of construction plans and documents for such a project, a cost recovery agreement is justified. Such an agreement should be required between the City and the Applicant and/or Hotel developer prior to the submission, or City acceptance, of construction plans for plan check review by the City and its Departments (i.e. Building, Fire, Engineering, Planning, etc.). This cost recovery agreement should outline and detail the methodology for charging plan review and site inspection fees by each City Department involved with construction plan/document examination/review and all on-site inspections during construction of the Hotel Project. Expenses incurred by the City should also include that time City staff spends in meetings regarding plan examinations/reviews of the Hotel Project. Financial security (i.e. Bond, escrow account deposit, etc.) should be established that guarantees City recovery of expenses incurred in the review of construction documents and performing site inspections. This is consistent with the contract the City has with the City of Monterey for building plan check and inspection services.

**STAFF RECOMMENDATION**

Presented to the Council at this time are the land entitlement permits for the four hotel parcels (H1, H1A, H2, & H2A) within the South of Tioga Project area. These entitlements include the coastal development permits (CDPs) for Parcels H1A and H2A, and the conditional use permits (CUPs) for Parcels H1 & H2. The conditions of these permits are consistent with the City approved VTM for the South of Tioga Project. Considering the Hotel Project presented is consistent with the Project's VTM approved by the City on June 5<sup>th</sup>, Staff recommends APPROVAL of each resolution/entitlement permit presented (see attachments below) for the hotel portion of the South of Tioga Project, with the conditions/terms proposed by staff and the Design Review Committee.

**EXHIBITS:**

- A. Location Map - South of Tioga Project
- B. Site Plan - South of Tioga Project
- C. Site Plan - Hotel & Parking
- D. Site Plan - Hotel Dimensions
- E. Proposed Materials / Colors
- F. Elevations (2 sheets)
- G. Landscaping (7 sheets)
- H. Light Fixtures (parking lot & monument sign)
- I. Miscellaneous Features (2 sheets)
- J. Hotel Designer Statement "A Design Approach"
- K. Truncated Domes

**ATTACHMENTS:**

- 1. Applicant's Design Booklet (11"x17")

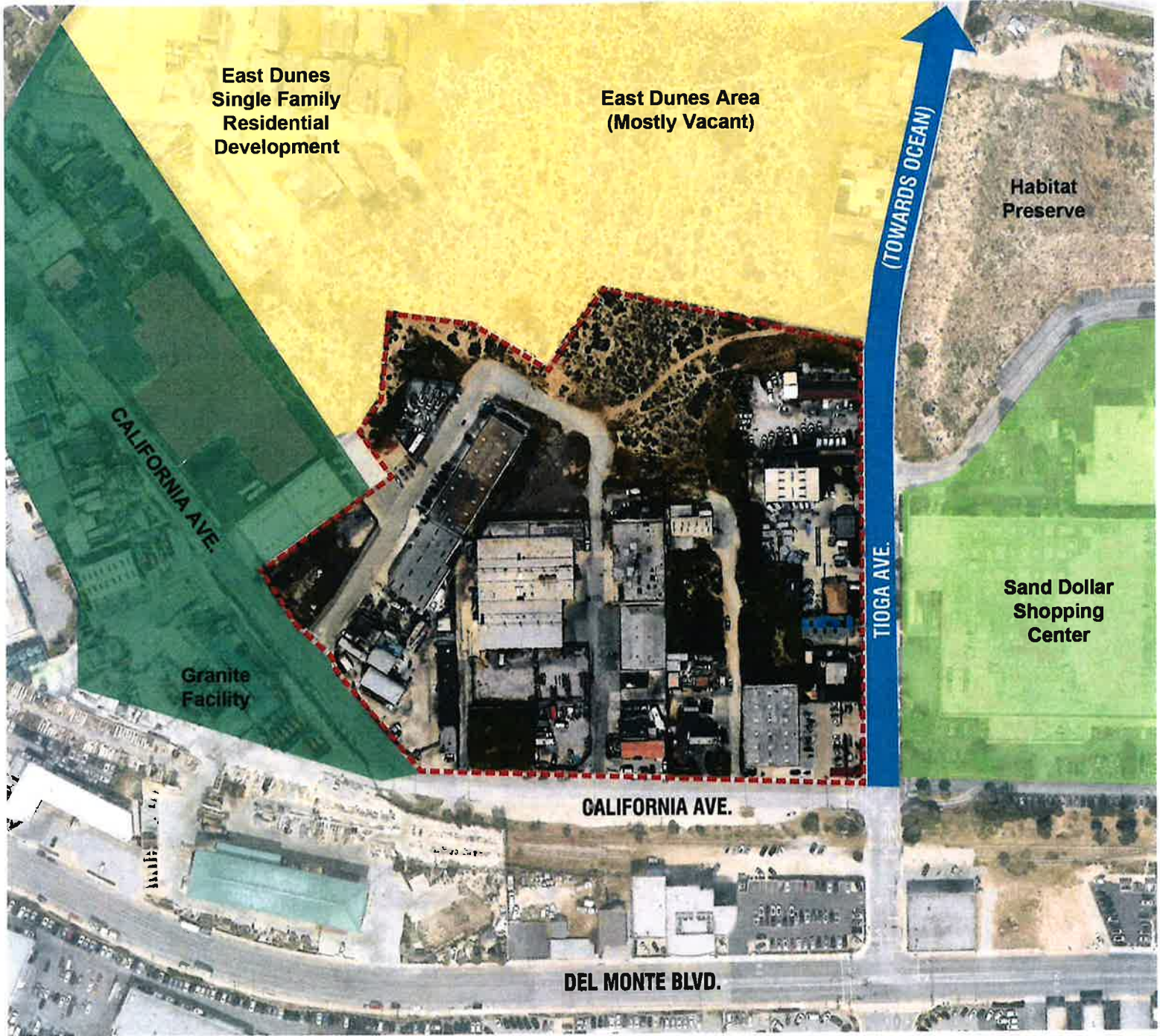
2. Resolutions to approve:

a) CUP 623 for Parcel H1

c) CDP 18-01 for Parcel H1A

b) CUP 624 for Parcel H2

d) CDP 18-02 for Parcel H2A



SUBMITTAL 2 - JUNE 5, 2017



DBO DEVELOPMENT  
NO. 30 LLC  
TCA # 2016-022

MONUMENT SIGN

TIOGA AVE.

Development Pad R1

PARCEL R1  
1.76 AC

Proposed Habitat Preserve

PARCEL H1  
2.18 AC

TRANSFORMER

PARCEL H1A  
0.38 AC

MONUMENT SIGN

CALIFORNIA AVE.

TRASH ENCLOSURE

151 W 1ST - 1111 S

PARCEL R2  
3.70 AC

Development Pad R2 - A

Hotel Parking

PARCEL H2  
1.18 AC

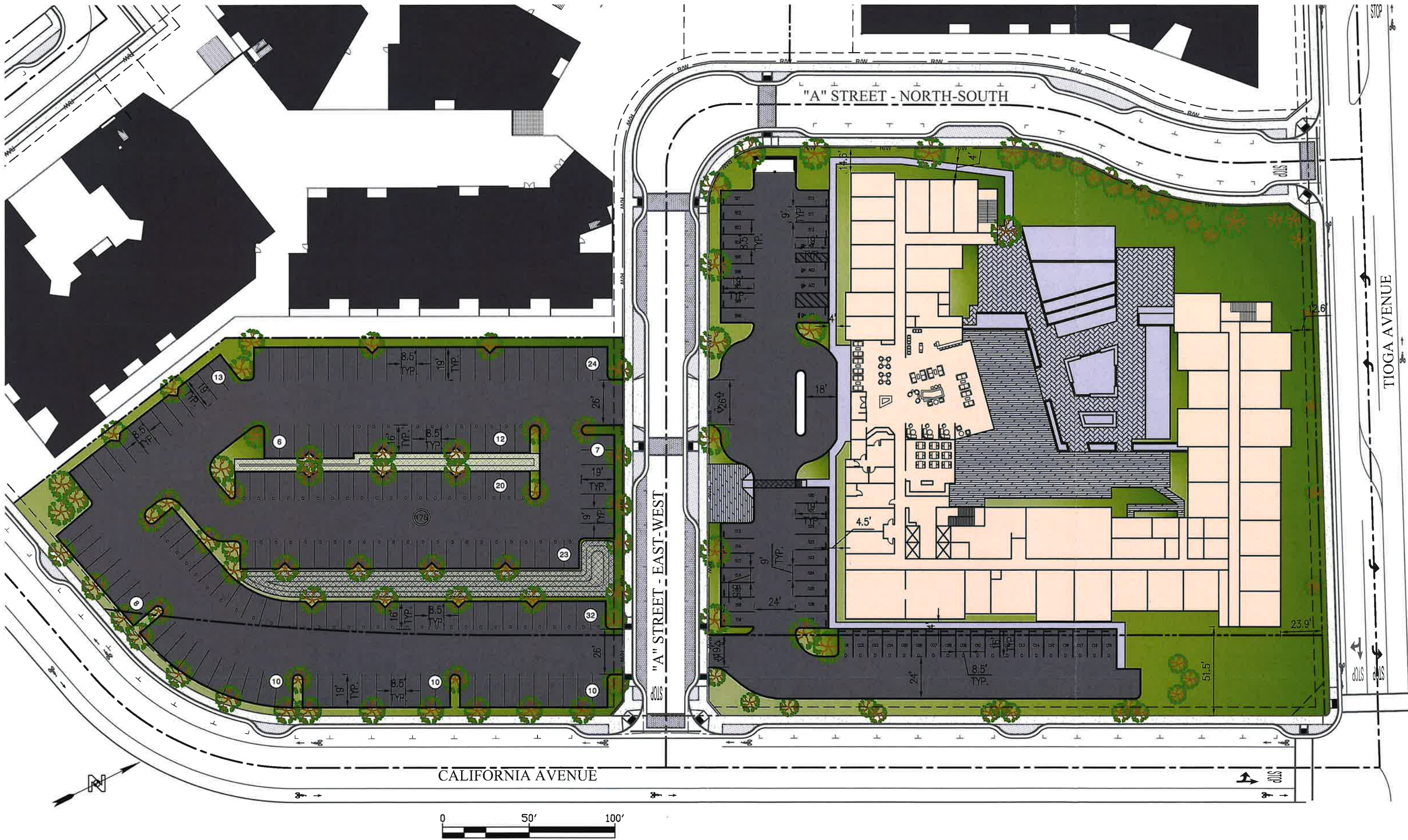
PARCEL H2A  
0.30 AC

CALIFORNIA AVE.

Development Pad R2 - B



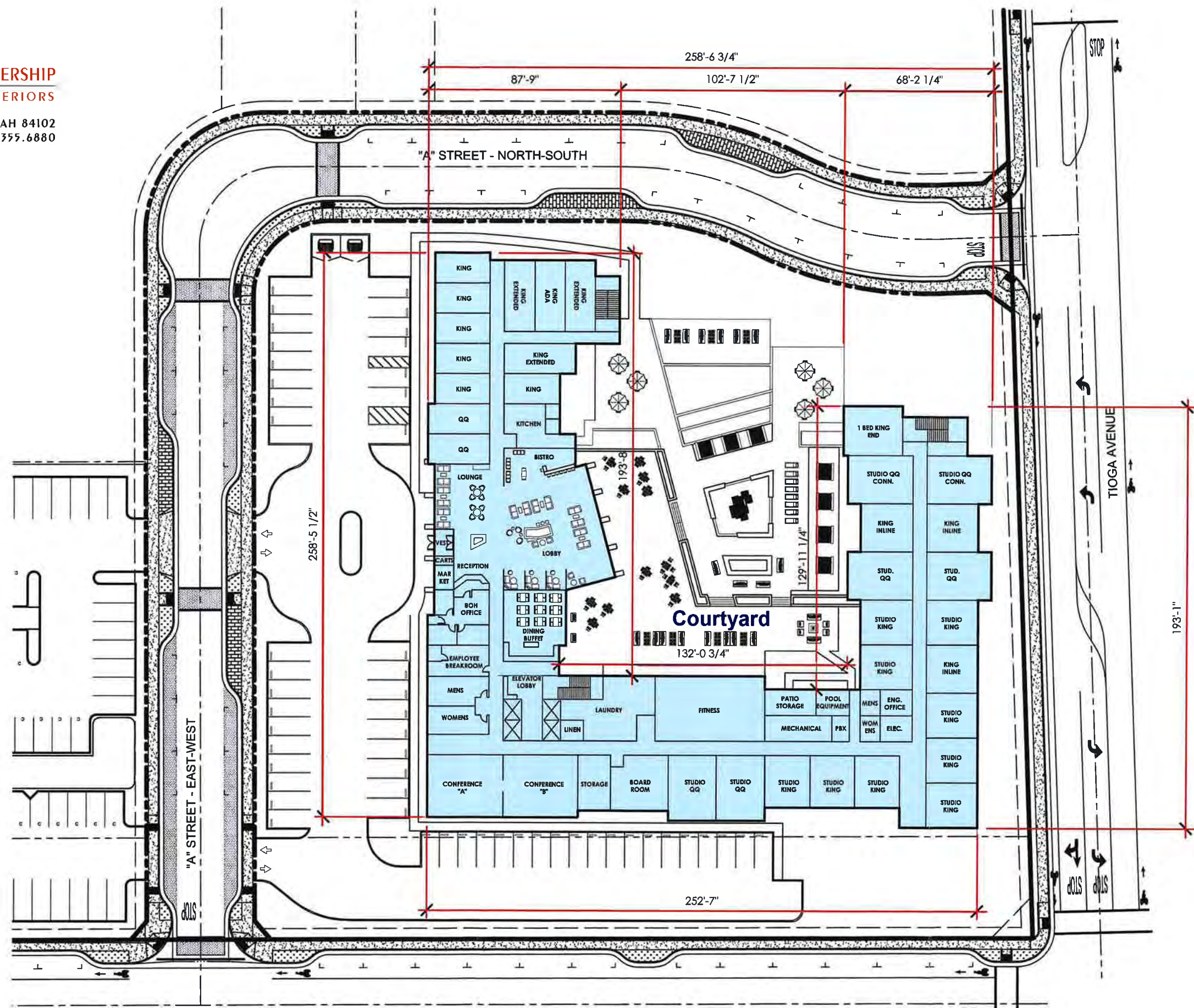
Site Plan - South of Tioga



Site Plan - Hotel



**THE RICHARDSON DESIGN PARTNERSHIP**  
PLANNING ARCHITECTURE INTERIORS  
510 SOUTH 600 EAST, SALT LAKE CITY, UTAH 84102  
TELEPHONE: 801.355.6868 FAX: 801.355.6880



Site Plan - Hotel Dimensions





CORRUGATED METAL  
RUSTED BY THE SEA AIR



CLEAR, LEGIBLE FORMS – WEATHERED WOOD



WOOD WEATHERED BY THE COASTAL ENVIRONMENT



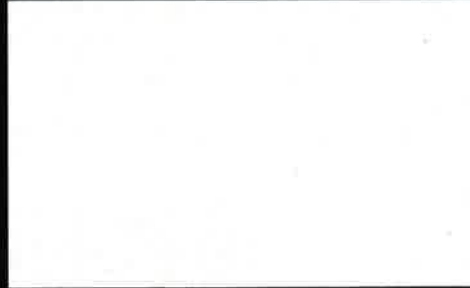
ROUGH WEATHERED  
COASTAL CONCRETE

A



WHITE METAL PANEL

B



WHITE SMOOTH  
FINISH STUCCO

C



STAGGERED  
WEATHERED WOOD  
SIDING

D



BOARD – FORMED  
WEATHERED  
CONCRETE  
CLADDING

E



CORRUGATED  
RUSTED METAL PANEL

# Proposed Materials/Colors

# Elevations



EAST ELEVATION – TIOGA AVE



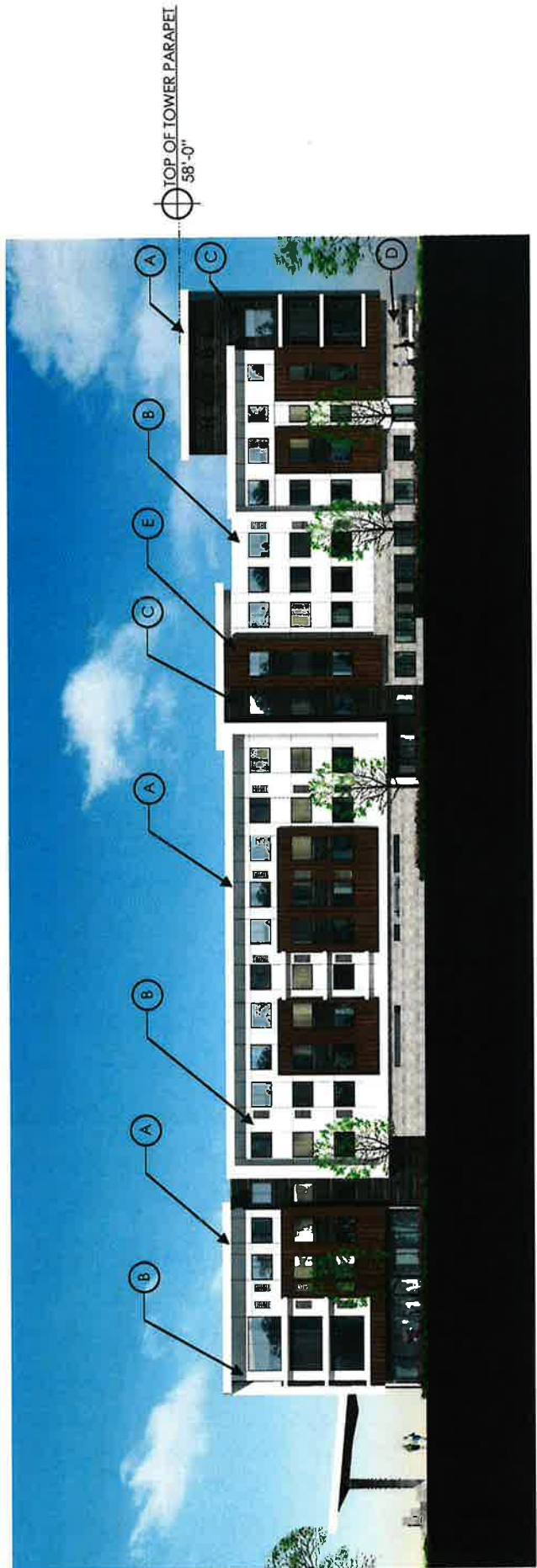
WEST ELEVATION – "A" STREET

# Elevations

# EXHIBIT A-17.2













NORTH ELEVATION - "A" STREET



SOUTH ELEVATION - CALIFORNIA AVE

# PLANTING LEGEND

SYMBOL	ABBREVIATION	BOTANICAL NAME	COMMON NAME	SIZE
<b>TREES</b>				
	ACA BAI	<i>Acacia baileyana</i>	BAILEY ACACIA	24" BOX
	AGO FLE	<i>Agonis flexuosa</i>	PEPPERMINT TREE	24" BOX
	ARB MAR	<i>Arbutus marina</i> — Multi Trunk	MARINA STRAWBERRY TREE	36" BOX
	CHA HUM	<i>Chamaerops humilis</i>	MEDITERRANEAN FAN PALM	SPECIMEN
	CUP MAC	<i>Cupressus macrocarpa</i>	MONTEREY CYPRESS	24" BOX
	DRA DRA	<i>Dracaena draco</i>	DRAGON TREE	24" BOX
	MET EXC	<i>Metrosideros excelsa</i>	NEW ZEALAND CHRISTMAS TREE	24" BOX
	PIN RAD	<i>Pinus radiata</i>	MONTEREY PINE	24" BOX
	PLA ACE	<i>Platanus x acerifolia</i> 'Columbia'	LONDON PLANE TREE	24" BOX
	WAS HYB	<i>Washingtonia hybrid</i>	HYBRID FAN PALM	18' BTH
<b>SHRUBS</b>				
	AEO PUR	<i>Aeonium</i> 'Sunburst'	SUNBURST AEONIUM	15 GAL
	AGA ATT	<i>Agave attenuata</i> 'Nova'	FOXTAIL AGAVE	15 GAL
	AGA VIL	<i>Agave vilmoriniana</i> 'Stained Glass'	VARIEGATED OCTOPUS AGAVE	15 GAL
	ALO FER	<i>Aloe ferox</i>	BITTER ALOE	15 GAL
	ASP DEN	<i>Asparagus densiflorus</i> 'Myers'	FOXTAIL FERN	5 GAL
	CAL VIM	<i>Callistemon viminalis</i> "Little John"	LITTLE JOHN BOTTLE BRUSH	5 GAL
	ECH BLA	<i>Echeveria</i> 'Black Prince'	BLACK PRINCE ECHEVERIA	6" POT
	ECH SEN	<i>Echeveria subrigida</i>	NCN	6" POT
	ECH CAN	<i>Echium candicans</i>	PRIDE OF MADEIRA	5 GAL
	FES CAL	<i>Festuca californica</i>	CALIFORNIA FESCUE	1 GAL
	HEL SEM	<i>Helictortrichon sempervirens</i>	BLUE OAT GRASS	1 GAL
	LAV STO	<i>Lavandula stoechas</i>	SPANISH LAVENDER	5 GAL
	LIG JAP	<i>Ligustrum japonicum</i> 'Texanum'	TEXANUM WAXED LEAF PRIVET	1 GAL
	LIM PER	<i>Limonium perezii</i>	SEA LAVENDER	5 GAL
	LOM LON	<i>Lomandra longifolia</i> 'Breeze'	DWARF MAT RUSH	1 GAL
	MUL CAP	<i>Muhlenbergia capillaris</i>	PINK MUHLY GRASS	1 GAL
	MUL RIG	<i>Muhlenbergia rigens</i>	DEER GRASS	5 GAL
	NAS TEN	<i>Nasella tenuissima</i>	MEXICAN FEATHER GRASS	1 GAL
	ROS OFF	<i>Rosmarinus officinales</i>	ROSEMARY	5 GAL
	SEN MAN	<i>Senecio mandraliscae</i>	KLEINIA	1 GAL
<b>VINES</b>				
	DIS BUC	<i>Distictis buccinatoria</i>	BLOOD RED TRUMPET VINE	5 GAL



**BAILEY ACACIA**  
*Acacia baileyana*



**PEPPERMINT TREE**  
*Agonis flexuosa*



**MARINA STRAWBERRY TREE**  
*Arbutus marina- Multi Trunk*



**MONTEREY CYPRESS**  
*Cupressus macrocarpa*



**DRAGON TREE**  
*Dracaena draco*



**NEW ZEALAND CHRISTMAS TREE**  
*Metrosideros excelsa*



**MONTEREY PINE**  
*Pinus radiata*



**LONDON PLANE TREE**  
*Platanus x acerifolia*



**HYBRID FAN PALM**  
*Washingtonia hybrid*



**MEDITERRANEAN FAN PALM**  
*Chamaerops humilis*



**FOXTAIL AGAVE**  
*Agave attenuata 'Nova'*



**VARIEGATED OCTOPUS AGAVE**  
*Agave vilmoriniana 'Stained Glass'*



**BITTER ALOE**  
*Aloe ferox*



**SUNBURST AEONIUM**  
*Aeonium 'Sunburst'*



**LITTLE JOHN BOTTLE BRUSH**  
*Callistemon viminalis 'Little John'*



**FOXTAIL FERN**  
*Asparagus densiflorus 'Myers'*



**BLACK PRINCE ECHEVERIA**  
*Echeveria 'Black Prince'*



**NCN**  
*Echeveria subrigida*



**PRIDE OF MADEIRA**  
*Echium candicans*



**BLUE OAT GRASS**  
*Helictotrichon sempervirens*



**CALIFORNIA FESCUE**  
*Fescue californica*



**MEXICAN FEATHER GRASS**  
*Nasella tenuissima*



**SPANISH LAVENDER**  
*Lavandula stoechas*



**TEXANUM WAXED LEAF PRIVET**  
*Ligustrum japonicum 'Texanum'*



**SEA LAVENDER**  
*Limonium perezii*



**DWARF MAT RUSH**  
*Lomandra longifolia 'Breeze'*



**PINK MUHLY GRASS**  
*Muhlenbergia capillaris*



**DEER GRASS**  
*Muhlenbergia rigens*



**ROSEMARY**  
*Rosmarinus officinalis*



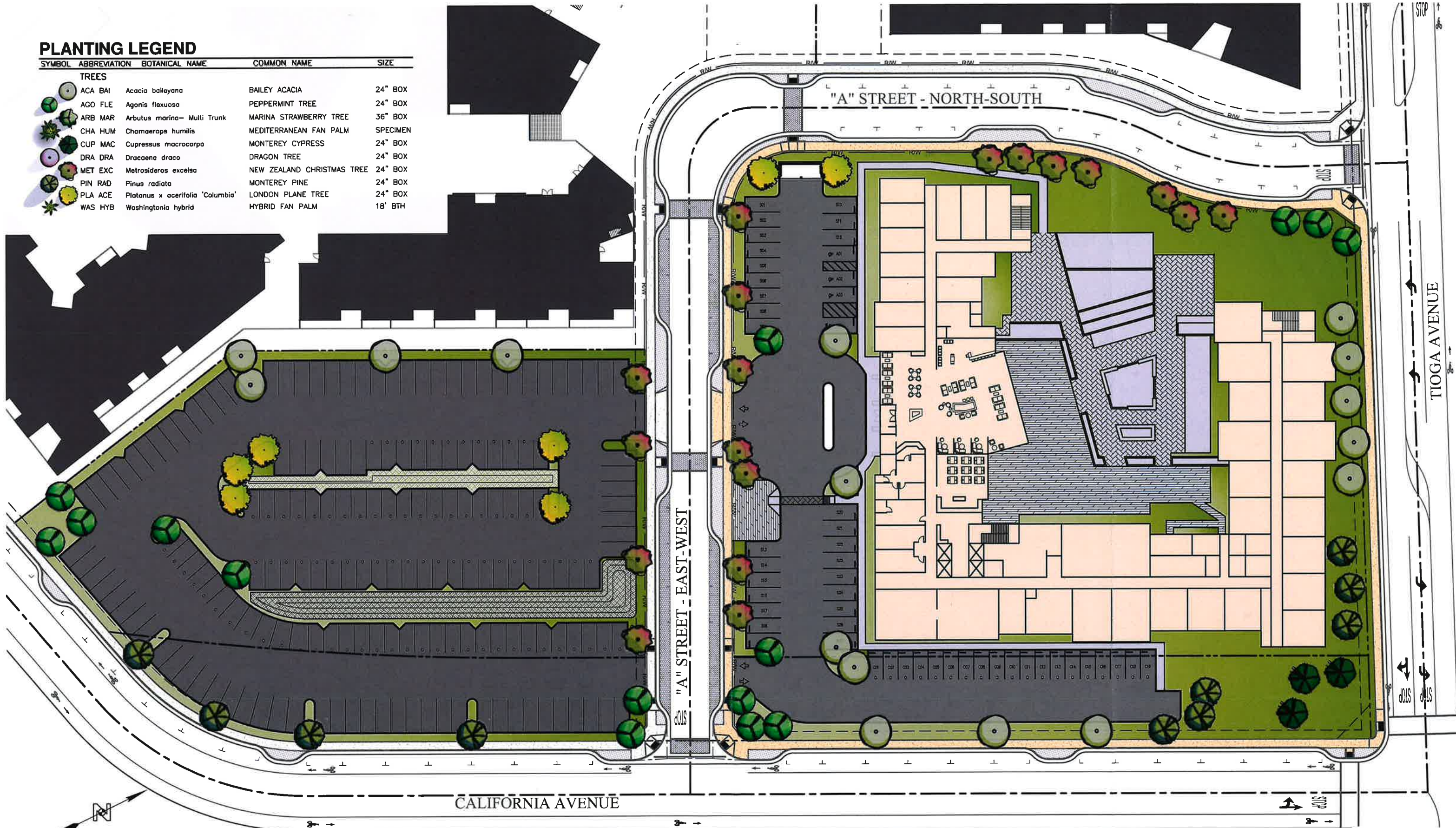
**KLEINIA**  
*Senecio mandraliscae*



**BLOOD RED TRUMPET VINE**  
*Distictis buccinatoria*

**PLANTING LEGEND**

SYMBOL	ABBREVIATION	BOTANICAL NAME	COMMON NAME	SIZE
<b>TREES</b>				
	ACA BAI	Acacia baileyana	BAILEY ACACIA	24" BOX
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	CUP MAC	Cupressus macrocarpa	MONTEREY CYPRESS	24" BOX
	DRA DRA	Dracaena draco	DRAGON TREE	24" BOX
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	PLA ACE	Platanus x acerifolia 'Columbia'	LONDON PLANE TREE	24" BOX
	WAS HYB	Washingtonia hybrid	HYBRID FAN PALM	18" BTH



CONCEPTUAL  
LANDSCAPE PLAN

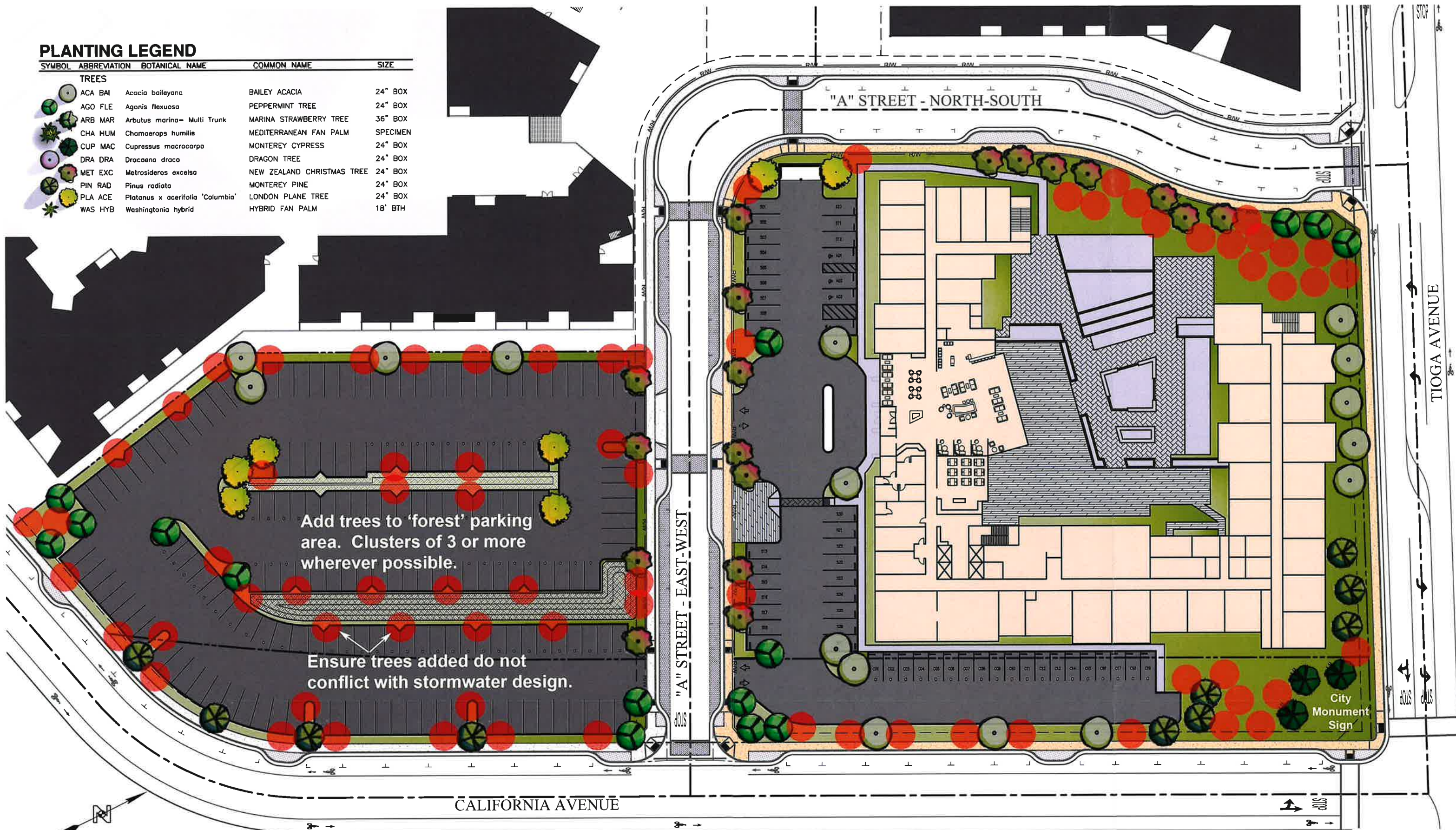


**Landscape Plan - Applicant Proposed**



**PLANTING LEGEND**

SYMBOL	ABBREVIATION	BOTANICAL NAME	COMMON NAME	SIZE
<b>TREES</b>				
	ACA BAI	Acacia baileyana	BAILEY ACACIA	24" BOX
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	PLA ACE	Platanus x acerifolia 'Columbia'	LONDON PLANE TREE	24" BOX
	WAS HYB	Washingtonia hybrid	HYBRID FAN PALM	18" BTH



Add trees to 'forest' parking area. Clusters of 3 or more wherever possible.

Ensure trees added do not conflict with stormwater design.

CONCEPTUAL  
LANDSCAPE PLAN

**Landscape Plan - Staff Recommendations**

Locations to add trees. Group in clusters of 3 or more wherever possible

## Tree Species – South of Tioga Project

1. Baily Acacia, *Acacia baileyans* – I request that no Acacia be used for this project. Roots are very invasive and the wood of the tree brittle/weak. Also very messy
2. Peppermint tree, *Agonis flexuosa* – Plant in sheltered areas will not take wind well.
3. Marina Strawberry Tree, *Arbutus marina* - multi – Plant in sheltered areas away from wind. This tree is planted in various locations in this city, when exposed to wind they look wind burned on one side.
4. Monterey Cypress, *Cupressus macrocarpa* – Does well when smaller specimen trees are planted, establishes better and grows faster. Provide wind block on windward side of trees until established.
5. Dragon Tree, *Dracaena* – I don't think this will work with the theme of a seaside landscape?
6. New Zealand Christmas Tree, *Metrosideros excels* – This is the City's current street tree used in bulb-outs throughout the city. Excellent tolerance of our coastal conditions. 24" – 36" boxed specimens recommended for California Ave. bulb-outs.
7. Monterey Pine, *Pinus radiata* – Due to pitch canker and pine bark beetles I would recommend substituting with: *Pinus canariensis*, Canary Island Pine – *Pinus pinea*, Italian Stone Pine – *Pinus torreyana*, Torrey Pine.
8. London Plane Tree, *Platanus acerfolia* – Good choice for parking lots, try to keep out of direct wind. Messy tree in fall, numerous leaves.
9. Hybrid Fan Palm, *Washingtonia hybrid* – Will do well at this location. They have done well at the Home Depot parking lot landscape in Seaside and also on Fremont Street, Seaside.
10. Mediterranean Fan Palm, *Chamaerops humilis* – Also a good selection will do well.

On any tree locations near streets, curb and gutter or sidewalk use root barriers. Keep irrigation mainlines, valves and valve boxes away from tree locations. Roots tend to migrate and destroy valves, pipes and fittings. Recommend all trees watered with bubblers as required and on separate valves/irrigation control.

### **City Public Works Foreman Comments**

### **On Applicant's Proposed Species**

**EXHIBIT G.7**

**9A-34**

# FIXTURE XB □ XB1

## Proposed Hotel Parking Lights



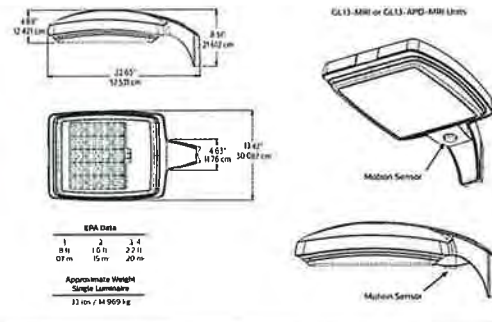
Philips GARDCO Gullwing LED GL13 area luminaire is available LED in formats of 1m x 1m and 2m x 1m. It is a LED luminaire that is designed for the high quality, uniform lighting of the parking areas. It is a lighting fixture that is aesthetically pleasing.

### Ordering guide

Order #	Fixture	Quantity	Control System	Wallage	LED Code	Voltage	Finish	Options
4511	GL13-AMH	8	NA	2	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
4512	GL13-AMH	8	NA	3	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
4513	GL13-AMH	8	NA	4	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
4514	GL13-AMH	8	NA	5	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
4515	GL13-AMH	8	NA	6	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
4516	GL13-AMH	8	NA	7	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
4517	GL13-AMH	8	NA	8	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
4518	GL13-AMH	8	NA	9	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
4519	GL13-AMH	8	NA	10	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
4520	GL13-AMH	8	NA	11	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
4521	GL13-AMH	8	NA	12	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m

### GL13 Gullwing LED area luminaire, small

#### Dimensions and EPA



#### EPA Data

Ordering Code	Total LEDs	Average Current	Average System Watts	Color Temp.	Beam Spread	Beam Output	Beam Angle	Beam Output	Beam Angle
10LA-8415	144	210	20	4000K	60°	95	80°	70	80°
10LA-8416	80	120	40	4000K	60°	25	80°	20	80°
10LA-8413	64	80	60	4000K	60°	15	80°	12	80°

#### Technical Data

Ordering Code	Total LEDs	Average Current	Average System Watts	Color Temp.	Beam Spread	Beam Output	Beam Angle	Beam Output	Beam Angle
10LA-8415	144	210	20	4000K	60°	95	80°	70	80°
10LA-8416	80	120	40	4000K	60°	25	80°	20	80°
10LA-8413	64	80	60	4000K	60°	15	80°	12	80°

# FIXTURE XC

## Proposed Monument Sign Lights



EL218  
Micro-Flood® LED  
M, EL218, spec.pdf



EL218  
Micro-Flood® LED  
M, EL218, spec.pdf

JOB: [Blank] TYPE: [Blank]  
 IDCTIS: [Blank] APPROVALS: [Blank]

- #### FEATURES
- Unique raised mount provides superior luminaire without obscuring sign face
  - #66 Certified to keep dust and moisture out
  - Available in 3000K, 4000K and 5000K available CCT
  - Light, Narrow Flood and Wide Flood Sub-luminaires

#### SPECIFICATIONS

Address: Street 1 x 18 ft

#### ORDERING CODE

Ordering Code	Quantity	Control System	Wallage	LED Code	Voltage	Finish	Options
801588	8	NA	2	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
801589	8	NA	3	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
801590	8	NA	4	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
801591	8	NA	5	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
801592	8	NA	6	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
801593	8	NA	7	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
801594	8	NA	8	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
801595	8	NA	9	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
801596	8	NA	10	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
801597	8	NA	11	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m
801598	8	NA	12	10LA-8415	120	RAL	1. 1m x 1m 2. 2m x 1m

#### Beam Spread and Beam Angle

Temp.	mA	Spot	Narrow Flood (4 x 6)	Beam	Wide Flood (6 x 6)	Beam
3000K	350	81.8	18	27.2	31	48.1
4000K	350	81.8	18	27.2	31	48.1
5000K	350	81.8	18	27.2	31	48.1

#### LUMINAIRE PERFORMANCE

#### Spectroradiometric

Correlated Color Temp. CCT (K)	3000K	4200K	5100K
Color Rendering Index (CRI)	≥ 72	≥ 72	≥ 72
Power Factor	≥ 90 @ 120V	≥ 90 @ 120V	≥ 90 @ 120V

#### Electrical Drive Current

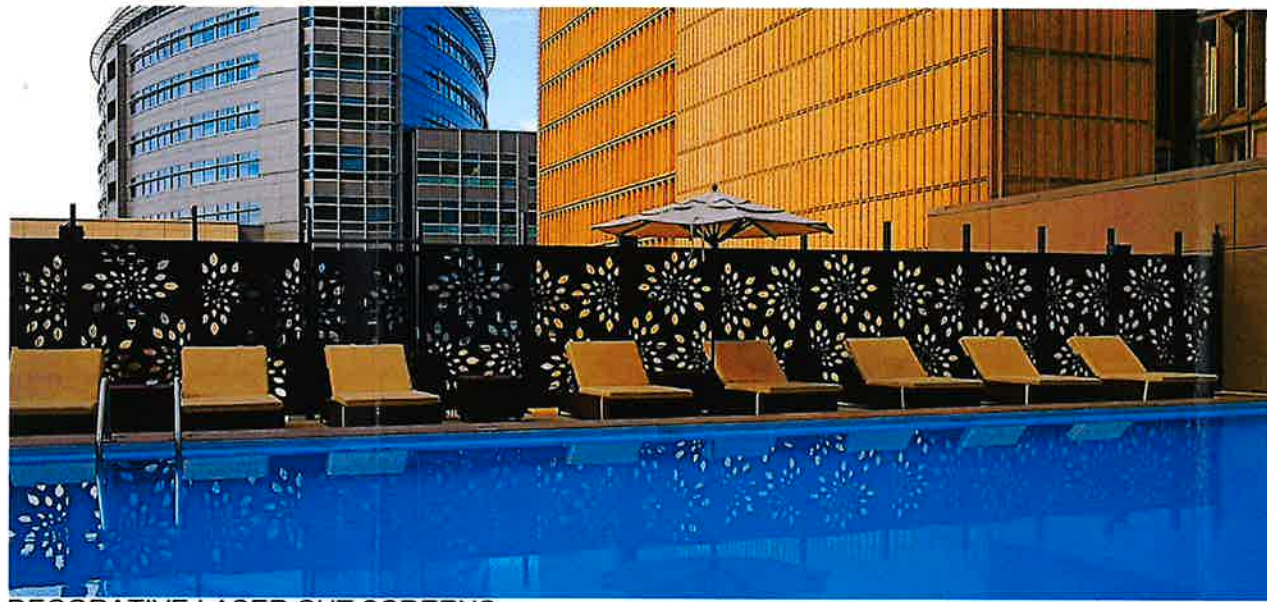
Temp.	mA	Spot	Narrow Flood (4 x 6)	Beam	Wide Flood (6 x 6)	Beam
3000K	350	81.8	18	27.2	31	48.1
4000K	350	81.8	18	27.2	31	48.1
5000K	350	81.8	18	27.2	31	48.1

#### Projected Lumen Maintenance

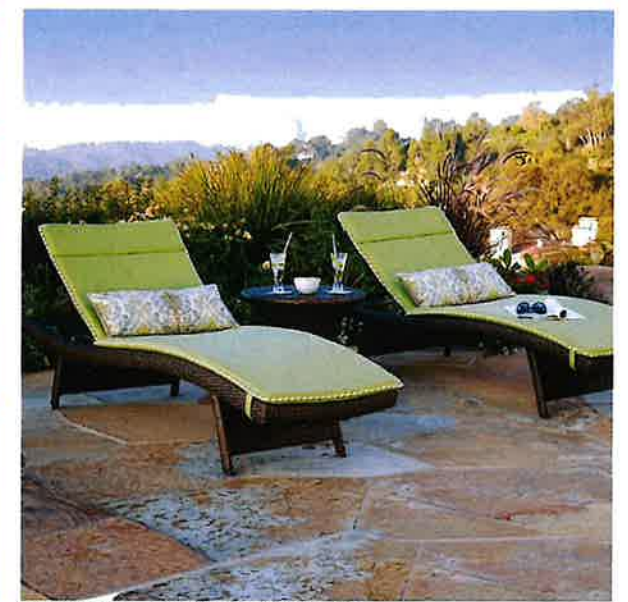
Beam	Beam	Beam
801588	801589	801590
801591	801592	801593
801594	801595	801596
801597	801598	801599
801600	801601	801602
801603	801604	801605
801606	801607	801608
801609	801610	801611
801612	801613	801614



CABANA



DECORATIVE LASER CUT SCREENS



CHAISE LOUNGE CHAIRS



CASUAL SEATING- ADIRONDACKS



GLASS PANEL FENCING



GLASS PANEL POOL GATES



MULTIPLE BBQ STATIONS



PI ANTR POTS



PLANTER POTS



SAW CUT SANDSTONE PAVERS

# Miscellaneous Features (1 of 2)



DBO DEVELOPMENT  
NO. 30 LLC  
TCA # 2016-022



HIRSCH & ASSOCIATES, INC.  
LANDSCAPE ARCHITECTURE & PLANNING  
8881 East Weynton Road, Suite A  
Scottsdale, Arizona 85260  
Phone 714.478.6840 Fax 714.478.6840  
www.hirschandassociates.com L141710

ENTITLEMENT SET  
SUBMITTAL 1 - APRIL 17, 2017  
SUBMITTAL 2 - JUNE 5, 2017

LANDSCAPE ELEMENTS

L7

EXHIBIT L1  
9A-36



DECK LIVING AREA



BENCH SEATING



SOFT SEATING



ROUND FIRE FEATURE WITH TABLE



DOUBLE SIDED FIRE FEATURE



SOFT SEATING



TRASH RECEPTACLES



LINEAR FIRE FEATURE



CASUAL SEATING- CEMENT FIBER



SANDSTONE PAVERS

# Miscellaneous Materials (2 of 2)



DBO DEVELOPMENT  
NO. 30 LLC  
TCA # 2016-022



HIRSCH & ASSOCIATES, INC.  
LANDSCAPE ARCHITECTURE & PLANNING  
2221 EAST WASHINGTON ROAD, SUITE A  
ANAHEIM, CALIFORNIA 92807  
PHONE 714.773.0040 FAX 714.773.0041  
WWW.HIRSCHARCH.COM L2417110

ENTITLEMENT SET  
SUBMITTAL 1 - APRIL 17, 2017  
SUBMITTAL 2 - JUNE 5, 2017

LANDSCAPE ELEMENTS

L8

# EXHIBIT L2

9A-37



THE  
RICHARDSON  
DESIGN  
PARTNERSHIP  
L.L.C.

## West End Hotel – Sand City, California

### *Coastal Contemporary Architecture – A Design Approach*

The proposed hotel will stand as a gateway into the West End of the City and mark a new embodiment of the art and culture of Sand City. In designing the building, we attempt to capture the unique qualities of Sand City and the Monterey Bay area and infuse them into the hotel design.

Drawing heavily on the rich material palette of the local vernacular architecture and local building design precedent, we have developed a design language identified as “*Coastal Contemporary*”. With this design approach, we have layered colors and textures which adapt the look and feel of Monterey Bay into a *Coastal Contemporary* scheme. Local textured concrete, corrugated metal, and wood weathered by the sea and salty air bring warmth and tectonics to the façade.

The *Coastal Contemporary* architecture is marked by clean legible forms and lines, bright and open spaces exhibited by large windows which bring the light and surrounding beauty inside, and airy indoor and outdoor spaces to capture the coastal climate. The expression of the design concepts is seen in the form and materiality of the building and in the open and connected public areas.

The corner tower element, with its contrasting materials and rich textures accentuates the vision for new development and growth while expressing a fresh and edgy aesthetic to celebrate the local artistic community and flavor.

We look forward to the opportunity to further discuss the design and influences with the Design Review Board and City Council and hope that you are as excited about the design and development opportunity as we are.

Jeffrey N. Byers  
Principal Architect  
The Richardson Design Partnership, L.L.C.

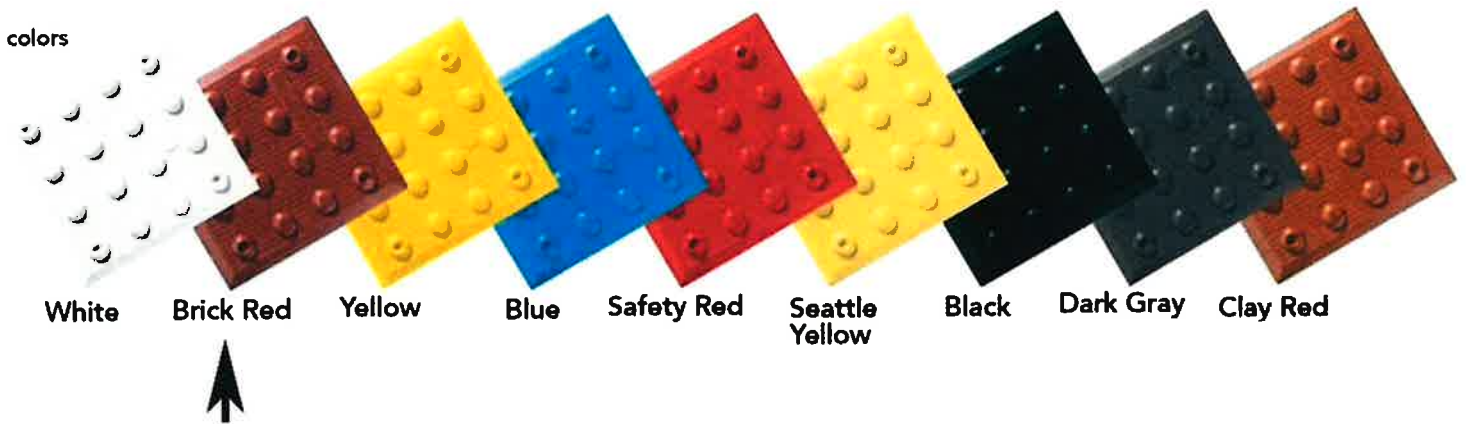
# EXHIBIT J

ARCHITECTURE PLANNING INTERIORS

510 SOUTH 600 EAST, SALT LAKE CITY, UTAH 84102 TELEPHONE: 801.355.6868 FAX: 801.355.6800

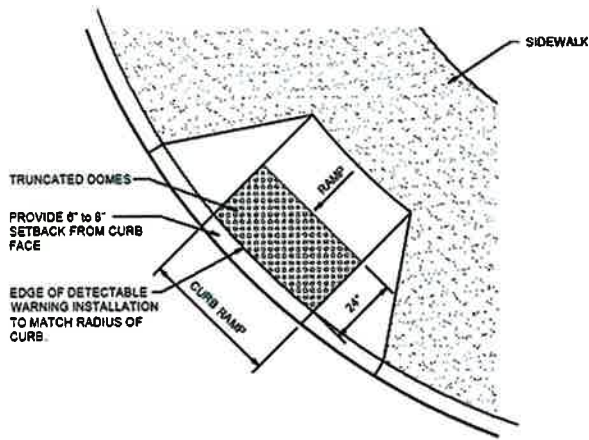
# 9A-38

# Truncated Dome for ADA Compliance (Potential Colors)



**Staff Recommended**  
**Brick Red is earth tone, closer resembles classic brick, and is visually more appealing.**

## Example Images:



# **REPORT ATTACHMENT 2-a**

**CUP 623  
for  
Parcel H1**



CITY OF SAND CITY

RESOLUTION SC \_\_\_\_\_ (2018)

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING  
CONDITIONAL USE PERMIT 623 FOR PARCEL H1 OF  
THE SOUTH OF TIOGA DEVELOPMENT PROJECT**

**WHEREAS**, DBO Development No. 30, LLC (the “Applicant”) submitted applications to the City of Sand City (the “City”) for a vesting tentative map, coastal development and conditional use permits, site plan, and architectural review and approvals regarding a mixed use (residential and commercial) development project on an approximate 10.64 acre site bounded by Tioga Avenue to the northeast, California Avenue to the southeast, East Avenue to the southwest, and the Merle Street right-of-way to the northwest, generally referred to as the “South of Tioga Planning District”; and

**WHEREAS**, the overall project site is comprised of 41 existing parcels (Assessor’s Parcel Numbers 011-122-002, 003, 004, 005, 010, 011, 023, 024, 025, 026, 032, 038, 039, 040, 041; 011-123-001, 004, 005, 006, 007, 008, 009, 011, 022, 023, 024, 025, 026; 011-134-011; 011-135-001, 014, 015, 016, 023, 024; 011-136-007, 012, 024; and, 011-186-021, 038, 039) and encompasses all or portions of Scott Street, East Avenue, Lincoln Avenue, California Avenue, Tioga Avenue, Orland Street, Beach Way, Fir Avenue, and Afton Avenue public rights-of-way (the “South of Tioga Project Area”); and

**WHEREAS**, On June 5, 2018, the City approved a Vesting Tentative Map (dated May 31, 2018) for the South of Tioga Project (the “VTM”), to merge existing lots and abandon existing public rights-of-way that, with City approval of a Final Map, creates six new parcels (H1, H1A, H2, H2A, R1, and R2), relocates an existing wastewater lift station, dedicates additional right-of-way to, or relocation of, existing streets, and dedicates right-of-way for new public streets; and

**WHEREAS**, the Applicant’s proposed project originated as a result of the Request for Qualifications (RFQ) put out by the former Sand City Redevelopment Agency (the “RDA”) where after that RDA in 2001 signed an Exclusive Negotiation Agreement (the “ENA”) with the Applicant to redevelop the South of Tioga Planning District to mitigate ongoing conditions of blight and provide economic stimulus for the City; and though the City’s RDA has since been dissolved by the State of California, the property acquisition by the Applicant and development strategies that commenced under the ENA had continued until submission of the Applicant’s land entitlement application packet to the City in 2017; and

**WHEREAS**, in accordance with the City approved VTM, Parcel H1 will be 2.18 acres located in the northeastern section of the South of Tioga Project Area intended for a hotel with amenities and surface parking spaces; Parcel H2 will be 1.18 acres located in the southeastern portion of the South of Tioga Project Area intended for hotel parking, utilities, and stormwater control; Parcel H1A, will be 0.38 acres and Parcel H2A will be 0.30 acres to separate out territory within the Coastal Zone overlay to be improved only for parking,

landscaping, and utility improvements to service Parcel H1; Parcel R1 will be 1.78 acres located in the northern portion of the South of Tioga Project Area intended for a 125-unit multi-family residential building with parking in a partly below-grade structure; Parcel R2 will be 3.70 acres located in the southwestern portion of the South of Tioga Project Area intended for a 231-unit multi-family residential complex, inclusive of 52 affordable housing units, with parking in multi-level parking structure; and dedicate a new right-of-way for East Avenue and the right-of-way for a new street connecting California Avenue and Tioga Road, and establish two sand dune habitat preservation areas (the “South of Tioga Project”); and

**WHEREAS**, the South of Tioga Project is intended to be completed in three (3) phases, with Phase 1 consisting of the public improvements, completion of new public streets and rights-of-way, utility and infrastructure installation, and preparation of development pads on each of the Project’s VTM’s newly created parcels (H1, H1A, H2, H2A, R1, & R2), Phase 2 consisting one (1) hotel on Parcel H1 with hotel parking on parcels H1A, H2, and H2A, and Phase 3 consisting of two multi-family residential developments, one on Parcel R1 and one on Parcel R2; where Phase I will be completed by the Applicant, Phase 2 by an independent hotel developer, and Phase 3 by one or more independent residential developers; and

**WHEREAS**, Parcel H1 is proposed to be developed with a hotel of up to two hundred sixteen (216) guest rooms (otherwise referred to as ‘keys’) at a maximum of four (4) floors with accessory guest amenities (i.e. swimming pool, parking, spa, etc.), guest food service, vehicular surface parking and drive isles, landscaping, utilities, and utility equipment shelters/screening, where Parcels H1A, H2, and H2A will also provide parking, landscaping, and utilities and utility equipment to serve parcel H1 (the “Hotel Project”); and

**WHEREAS**, Parcel H1 on the City approved VTM has a zoning map designation of ‘Planned Mixed-Use” (MU-P), subject to the respective regulations of that zoning designation, where zoning code section 18.13.040.M allows for hotels at the discretion of the City Council in the issuance of a conditional use permit if the Council deems such a use is appropriate for a site; and

**WHEREAS**, in an evaluation of parking required and existing for hotel developments in other jurisdictions (local and regional), it is determined that the one (1) parking space per living or sleeping unit (“guest room”) requirement of Zoning Code section 18.64.050.N is sufficient to accommodate the proposed Hotel Project on Parcel H1, provided that the VTM created Parcels H2, H1A, and H2A are maintained to provide parking necessary to accommodate that parking requirement necessitated for Parcel H1; and

**WHEREAS**, the South of Tioga Project inclusive of the Hotel Project, in the endeavor to eliminate existing blighted conditions present the South of Tioga Project Area, provides land use transition compatible with the East Dunes Planning District, and to increase the residential population of the City, resulting in a “higher and better” use of land and aesthetic improvement, is consistent with Goals 2.6 and 2.8 of the City’s General Plan (2002 ed.); and

**WHEREAS**, the South of Tioga Project Area includes two privately owned parcels (APN 011-123-004 and 011-123-023) that must be obtained for the creation of a new public road through the South of Tioga Project, acquisition by either the City potentially utilizing its power of eminent domain and/or by the Applicant in negotiations with those properties' current owners, whereby it is necessary to limit the effective date of any land use entitlement and restrict the Project from commencing construction on Parcel H1 unless and until the aforementioned privately owned parcels are legally obtained by, and title transfer complete to, either the Applicant and/or the City; and

**WHEREAS**, agencies such as Monterey-Salinas Transit (MST) and the Transportation Agency for Monterey County (TAMC), who service the Monterey Peninsula, either have, or are developing, programs to decrease single-occupancy commutes with materials and services for employers to assist workers in using public transit, riding bikes, or walking to work that would reduce the Hotel Project's employee parking from impacting on-site and limited public street parking; and

**WHEREAS**, due to the scope and scale of this Hotel Project and the inherent complexity of construction plans and documents for such a project, it is necessary for there to be a form of cost recovery established between the City and the Applicant and/or the Hotel Project developer/owner for those expenses incurred by the City in excess of the City's standard fee schedule in conducting construction plan and document review in the issuance of building permits and on-site City inspections during construction activity; and

**WHEREAS**, a draft EIR was prepared for the South of Tioga Project, inclusive of Parcel H1, pursuant to the California Environmental Quality Act that was adequately noticed and advertised, with a public review period for the Draft EIR from March 2, 2018 through April 20, 2018 for a 50-day period; and

**WHEREAS**, the City of Sand City, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. § 15000-15387) (collectively, "CEQA"), completed the Final Environmental Impact Report ("Final EIR" or "EIR") State Clearinghouse No. 2017061066 for the South of Tioga Project, which includes Parcel H1 and the Hotel Project; and

**WHEREAS**, pursuant to CEQA, the City Council has certified the South of Tioga Project's Final EIR and found that the South of Tioga Project's environmental impacts were adequately evaluated, and the City Council further adopted a statement of overriding considerations for three potentially unavoidable traffic impacts; and

**WHEREAS**, the City Council held multiple duly noticed public hearings, as required by law, regarding the overall South of Tioga Project to consider all of the information presented by staff, information from the Applicant, and public testimony presented in writing and orally, both prior to and at those public hearings; and,

**WHEREAS**, the public hearing to consider the Hotel Project and the conditional use permit for Parcel H1 was duly noticed in accordance with the requirements of the California

Government Code, which included posting at three designated locations, publication in a newspaper of local circulation, and mailed to property owners within 300 feet of the South of Tioga Project boundaries; and,

**WHEREAS**, Conditional Use Permit 623 for Parcel H1 is found to be sufficiently complete and compliant with the Sand City Municipal Code and the South of Tioga Project's approved VTM and EIR.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sand City to hereby grant and issue Conditional Use Permit 623 ("CUP 623") for Parcel H1 within the South of Tioga Project area upon the following terms and conditions:

**A. Permit Effectiveness / Time Limits & Purpose:**

1. Permit Acceptance: CUP 623 is not valid, and construction on Parcel H1 shall not commence, unless two (2) copies of this Resolution/Permit, signed by the Applicant and Parcel H1's owner (the "Property Owner"), acknowledging receipt of the Resolution/Permit and acceptance of the terms and conditions, are returned to the City's Planning Department. All conditions and terms of CUP 623 shall remain in perpetuity to all future parcel owners unless and until the City amends or terminates CUP 623. The City shall not issue a building permit for development on Parcel H1 unless and until CUP 623 has been signed by all aforementioned parties in acceptance of the terms and conditions of CUP 623. Failure of the Applicant to return the two (2) original signatory copies of the Resolution/Permit, with the Applicant's and Property Owner's signatures of acceptance, within thirty (30) days from the date of City Council approval shall be sufficient cause for the City Council to revoke CUP 623 unless good cause to grant an extension is found acceptable by the City's Planning Department. Once signed by the Applicant and Property Owner, CUP 623 shall remain in effect until acted upon by the City Council.
2. Purpose: CUP 623 is for the express purpose of authorizing the development and use of the VTM created Parcel H1 for a hotel with up to two hundred sixteen (216) guest rooms (otherwise referred to as 'keys') at a maximum of four (4) floors at a building height averaging approximately fifty feet (50') with a tower element at Parcel H1's northeast corner at approximately fifty-eight feet (58') in height. The hotel on this Parcel may include accessory guest amenities (i.e. swimming pool, parking, food services, spa, etc.), vehicular parking and drive aisles, landscaping, utilities, and utility equipment shelters/screening. All development and use of Parcel H1, as authorized by CUP 623, shall be in accordance with the terms and conditions specified by CUP 623. There shall be no expansion to the scope or intensity of the development and/or use(s) beyond that as authorized by CUP 623 without either an amendment of CUP 623 or the issuance of a new land use entitlement permit.
3. Deed Restriction & Easement Agreement: A deed restriction, or equivalent legal mechanism, shall be recorded with the Monterey County Recorder prohibiting sale of Parcels H1, H1A, H2, and H2A as separate and independent from one another that are designed and intended to cumulatively accommodate parking, landscaping,

storm water control, and utilities that service the hotel on Parcel H1. This deed restriction, reciprocal easement agreement(s), and/or other equivalent legal document(s) shall establish permanent vehicle access and parking on Parcels H1, H2, H1A, and H2A for guests, visitors, and employees of the hotel on Parcel H1. The necessary documents, in compliance with this Permit condition, shall be reviewed and approved by the City before being recorded concurrently on/for Parcels H1, H1A, H2, and H2A prior to City issuance of certificates of occupancy and/or completion for Parcel H1.

4. Land Acquisition: CUP 623 is not valid, building permits shall not be issued for, nor shall construction on Parcel H1 commence, unless and until those properties not currently owned by the Applicant (APN 011-123-023 and APN 011-123-004) are legally obtained by, and title transfer complete to, either the Applicant and/or the City. Approval of CUP 623 does not obligate the City to utilize its power of Eminent Domain to acquire the aforementioned parcels, and the City reserves the right to decline using said power.
5. Final Map: CUP 623, is not valid, building permits for the Hotel Project shall not be issued for, nor construction commence on, Parcel H1 until the Final Map for the South of Tioga Project is approved by the City and recorded in full effect with the Monterey County Recorder's Office.

**B. Site Plan:**

1. Building Footprint & Site Coverage: The hotel building shall be on Parcel H1 of the South of Tioga Project, with the building situated around the perimeter of the Hotel Project's courtyard. The hotel building shall have an approximate footprint of 36,500 square feet with a site coverage on Parcel H1 of approximately thirty-eight percent (38%). This hotel's main entry shall face southwesterly towards Road "A", identified on the City approved VTM. The building shall be approximately 252-feet in length facing California Avenue and 193-feet in length facing Tioga Avenue. The hotel setback shall be approximately 51.5-feet or more from California Avenue, approximately 14.6-feet at its closest point from Road "A" to the northwest, and shall range between 12.6-feet at its closest point to approximately 23.9-feet from Tioga Avenue.
2. Parking Spaces: A total of 227 off-street parking spaces shall be provided for the Hotel Project. These parking spaces shall be distributed between the VTM Parcels H1, H2, H1A, and H2A. Parcel H1 shall provide a minimum of thirty-two (33) parking spaces, Parcel H2 shall provide a minimum of one hundred forty-five (145) parking spaces, Parcel H1A shall provide a minimum of eighteen (19) parking spaces, and Parcel H2A shall provide a minimum of thirty (30) parking spaces. Adequacy of the Hotel Project's site plan design in meeting this requirement shall be subject to final City Planning Department review and approval of construction documents/plans for Parcels H1, H2, H1A, and H2A. Any alteration/reallocation of parking spaces contrary to the above shall be subject to City Planner approval; but in no circumstance shall the cumulative number of parking spaces collectively on the aforementioned Parcels be less than one (1) parking space per guest room of

this Hotel Project. Parking designs shall comply with all American with Disability Act (ADA) and California Code of Regulations Title 24 requirements subject to City review and approval.

3. Parking & Drive Aisle Dimensions: All parking stalls on Parcel H1 shall be established and striped at a minimum of 8.5-feet wide and 19-feet deep for standard sized parking spaces and a minimum of 8.5-feet wide and 16-feet deep for compact parking spaces. All parking stalls shall be clearly striped with compact spaces identified as such. On-site drive aisles shall be a minimum of 24-feet in width for 2-way vehicular circulation.
4. Pavement Materials: Parking and drive aisles on Parcel H1 shall consist of either asphalt pavement, concrete, or decorative pavers (pervious and/or impervious) subject to City review and approval of the Hotel Project's on-site civil improvement plans and storm water control plan. The Hotel Project's inner courtyard shall utilize "enhanced pavement" materials (pervious and/or impervious); including, but not limited to, pavers, decorative stamped/textured concrete, and/or similar subject to City review and approval of on-site improvement plans. Pedestrian walkways not within the courtyard may be concrete; however stamped concrete and/or decorative pavers in a curvilinear path are encouraged. Colors for all "enhanced pavement" shall be an earth-tone color subject to final Planning Department approval. Any change between abutting "enhanced pavement" materials/colors shall occur at areas of reasonable elevation transition to include changes at stairs/steps, grade changes, doorways/gates, and the like. Any exception to this requirement shall be subject to the City Planner in plan review of construction documents.
5. Truncated Domes: All truncated domes installed on Parcel H1 for ADA (Americans with Disabilities Act) compliance shall utilize a "Brick Red" or similar color and shall not utilize the standard yellow color unless determined by the City Engineer that yellow or other color is necessary for ADA compliance. Exceptions to this requirement shall be subject to the City Engineer's discretion for code compliance in plan check and final approval of construction ready civil improvement plans.
6. Retaining Walls: Retaining walls on Parcel H1 shall be designed by a civil or structural engineer if over four feet (4') in height from bottom of footing to top of wall, and shall require a building permit. Retaining walls shall utilize a decorative material or treatment, an earth-tone color, and shall avoid the use of exposed standard/plain masonry block. Retaining wall design shall incorporate all applicable recommendations contained within the South of Tioga Project's final geotechnical report. All retaining wall calculations and reports shall be submitted to the City's Building and Engineering Departments for review and approval prior to issuance of building permits for those retaining walls.

### **C. Landscaping:**

1. Landscape Plan: Complete landscape plans for Parcel H1 shall be reviewed by the City's Planning Department for final approval prior to issuance of permits for construction on Parcel H1. Landscape and irrigation plans shall comply with the

most current edition of the State of California Model Water Efficient Landscape Ordinance (MWELO) and City requirements. This landscape plan shall provide complete information, to the satisfaction of the City Planner, regarding ground covers, plants, shrubs, and trees in regards to species, sizes, location, placement, and numbers. Final approval of the landscape species shall be subject to City Planner approval. Landscape plans shall include 1) irrigation plan(s) with details, 2) tree planting and staking details, and 3) shall be consistent with the Hotel Project's civil improvement plan(s) and stormwater control plan(s). All required landscaping shall be installed to the satisfaction of the City Planner's interpretation of the City approved Landscape Plan prior to final issuance of a certificates of occupancy/completion by the City.

2. **Trees:** Trees installed shall be drought resistant and tolerant of coastal sea winds and sandy soil. Trees shall be no less than 24-inch box size specimens unless otherwise authorized by the City Planner. To the satisfaction of the City Planner, all trees shall be no less than double staked with 2-inch diameter wood stakes, and possibly triple staked and/or wind screened where trees are susceptible to high winds until established, at the discretion of the City Planner. Where feasible, parking areas and large landscape areas shall be heavily "forested", with trees planted in clusters of at least three (3) trees per cluster, subject to City Planner review and approval of the final landscape plan.
3. **Planters:** Ground level planting areas abutting sidewalks shall not include raised curbs; rather, they are to be flush with abutting sidewalk pavement. Raised planter boxes and planter pots may be incorporated; however, they shall incorporate those materials and colors consistent with the approved architectural elements for on Parcel H1 to the satisfaction of the City Planner. All planting areas and planter pots shall be connected to an operational irrigation system.
4. **Irrigation:** An irrigation system for all required landscaping shall be installed and connected to a water system. This irrigation shall be verified as operational prior to City issuance of a certificate of occupancy/completion for Parcel H1. Irrigation shall be installed per the City approved landscape plan. Any on-site changes varying from the approved landscape plan(s) shall be subject to City Planner approval prior to implementation.
5. **Landscape Maintenance:** All landscaping required and authorized by CUP 623 shall be installed and maintained in accordance with the City approved landscape plan for Parcel H1. The owner(s), present and future in perpetuity, of Parcel H1 shall be responsible for irrigation and maintenance of this landscaping, including watering, pruning, and replacement of dead vegetation to the satisfaction of the City. Any alteration or modification of the approved landscape plan shall be subject to approval by the City's Planning Department.

#### **D. Architecture:**

1. Prior to submission of construction drawings, final building elevations shall be submitted to the City's Planning Department for DRC-subcommittee (2 member)

review and approval verifying compliance with the architectural design comments made by the DRC at the October 26, 2018 DRC public hearing on the Hotel Project. Those comments are in regards to, but not necessarily limited to, further enhancement of the roof line through greater articulation, avoiding the overuse approved materials on a single wall plane, and the integration of windows as to not be flat with the wall surface to provide shadow lines.

2. Building Height: The Hotel building shall be no more than four (4) stories in height, at an average elevation height of approximately fifty-feet (50') with a tower treatment at the northeast corner topping out at fifty-eight (58') inclusive of roof treatments.
3. Materials/Colors: Building development on Parcel H1 shall incorporate a mixture of white metal panels, white smooth stucco with expansion joints, staggered weathered wood siding, board-formed weathered concrete cladding, corrugated rust-appearing metal panels, and flat Corten steel-like flat panels integrated with and matching color of the corrugated rust-appearing metal panels. Stucco/plaster wall areas shall incorporate expansion joints in a grid-like pattern to be sufficiently visible to achieve the same visual impact as represented on the City approved hotel elevations. Change of materials shall occur at changes of plane.
4. Facade: Long horizontal and/or tall vertical facades shall be visually broken up with changes of plane and materials appropriately integrated into the design for Parcel H1. This is to be achieved through the use of facade recesses/projections, alcoves, balconies, and material/color changes. Facade materials/colors shall wrap convex corners of a building's elevation before changing.
5. Massing: Building mass shall be mitigated to visually alleviate horizontally long and vertically tall flat wall surfaces to a level equal to that illustrated on the City approved building elevations and City Planner approval of construction ready plans prior to issuance of a building permit for hotel construction. This mitigation shall be accomplished through the incorporation of recessed and/or projecting wall features, including, but not limited to, balconies, alcoves, and vertical and horizontal variation in wall surface plane. The use and alteration of facade materials and colors shall also be used to alleviate building mass, but implemented to a degree secondary and supplemental to actual physical change(s) in wall surfaces.
6. Roof lines: The final architectural design for the hotel shall incorporate design elements that provide variation and fluctuation along all roof lines. Any sloped parapet and/or shed roofs shall have short horizontal distances to visually accentuate the slope. Long flat parapets shall be mitigated through a fluctuation of parapet heights. Final building elevation design shall be subject to DRC-subcommittee (2 member) review and approval (see Condition D-1).
7. Decorative screening, fences, gates, etc.: There shall be no chain-link fencing, barbed or razor wire fencing. All fencing, screening, and gates shall consist of a high quality decorative and durable material and design subject to final City Planner review and approval prior to issuance of building permits for building construction.



Temporary construction fencing, potentially consisting of chain-link, is allowed only during construction activities on Parcels H1, H2, H1A, and H2A; and shall be removed prior to City issuance of certificates of occupancy/completion for the hotel on Parcel H1.

8. Public Benches & Seating: All bench or other seating provided beyond the confines of the building or the hotel's courtyard shall be secured, immobile, and of a design that does not encourage or enable transient sleeping. Seating in secured areas within the hotel and courtyard that are only accessible to tenants, guests, and/or visitors, need not implement this requirement.
9. Bollards: Bollards on Parcel H1 shall utilize a consistent decorative style bollard, and not plain exposed steel/metal poles, the design of which shall be subject to final City Planning Department approval. Decorative bollards shall also be identified and illustrated on civil improvement construction plans/documents. Bollards that must satisfy specific utility provider specifications are exempt from this requirement.
10. Trash/Recycling Receptacles: Trash and recycling receptacles established on Parcel H1 in public areas for public use shall be of a consistent decorative design, subject to final City approval. Any enclosure for trash bins and dumpsters for hotel operation shall be designed to incorporate those materials/colors approved by the City for the hotel on Parcel H1. Receptacles shall also be provided for recyclable and organic (i.e. food waste) material collection. All enclosures for solid waste containers shall be covered, with sewer laterals extended to enclosures so that any liquid discharge or wash-down water will be conveyed to the sewer system and not the storm drain system.

#### **E. Utilities & Utility Equipment/Meters:**

1. Utility Meters / Equipment: All utility meters, boxes, conduit, and the like shall be installed inside the building, within the walls of the building, and/or within enclosures utilizing the same architectural materials/colors as approved for the Hotel's exterior elevations on Parcel H1 to effectively screen these items from public view. Stand-pipes and back-flow preventers within landscape areas that cannot be within an enclosure or be otherwise screened shall have, at a minimum, a green colored metal cage enclosure for safety and security. Landscaping by itself shall not be considered a sufficient or satisfactory screening methodology. There shall be no unscreened utility meters, boxes, conduit, or the like on the outside of the building unless integrated into and visually screened using the approved architectural facade materials of the Hotel. Accessibility to meters and equipment shall be maintained in accordance with utility service provider and City requirements. Implementation of this requirement shall be subject to the satisfaction and final approval of the City's Planning and Engineering Departments. Exceptions to this condition may be allowed for Electrical Vehicle ("EV") charging stations in parking lots. The methodology and location of EV meters/equipment shall be at the final discretion of the City Planner and City Engineer. The general contractor shall be responsible for coordinating the placement and installation of all utility meters (gas, electric, phone, cable, etc.) in accordance with City approved civil improvement construction

plans for Parcel H1 and the requirements of CUP 623. Non-compliant installations may impede issuance of a certificate of occupancy/completion by the City until corrected to the satisfaction of the City and/or involved utility company/agency.

2. Fire Suppression Meters and Equipment - Any/all fire suppression meters, stand pipes, and equipment on Parcel H1 shall be inside the building and/or otherwise integrated within the building's architectural elements as to be screened from public view to the satisfaction of the City Planner. Any such meter/equipment necessitated to be outside the hotel building shall have visual screening and/or be within an enclosure utilizing the materials/colors approved and incorporated for the Hotel building on Parcel H1; or when screening or an enclosure are not feasible, then at a minimum, use a green colored metal screen-cage enclosure. Landscaping by itself shall not be considered a sufficient screening methodology. The location and screening method(s) of all fire suppression meters, stand pipes, and equipment on Parcel H1 shall be identified on construction drawings for Parcel H1. Final installation of fire suppression equipment shall be subject to the City's Fire Department.
3. Rooftop Equipment: All rooftop equipment, including, but not limited to, ventilation, communication, satellite dishes, and roof access shall be screened from public view at street level. Rooftop solar panels (if any) shall be attached and secured, not ballasted, to the rooftop to the satisfaction of the City's Building Official. Carport roofs, if any, may incorporate solar panels if integrated into the design to the satisfaction of the City. Final screening design/methodologies shall be subject to City review and approval prior to issuance of a building permit for hotel construction.

#### **F. Light Fixtures & Poles:**

1. Lighting Plan: Prior to issuance of building permits for site construction on Parcel H1, a detailed lighting plan for Parcels H1, H2, H1A, and H2A shall be reviewed and approved by the City's Planning and Engineering Departments. Lighting plans shall identify all exterior light fixtures, their mounting, watt capacity, filament housing, and illumination dispersal (photometric). All exterior lighting shall be designed to provide for operational and security requirements while minimizing adverse effect to other nearby properties or public rights-of-way. Lighting fixtures shall be downcast and shielded and design to reflect light away from surrounding premises and all public rights-of-way. The angle of light distribution from fixtures shall be subject to the City Planner and City Engineer final approval.
2. Parking Lot / Pedestrian Path Pole Lights: Pole lights for outdoor parking and/or pedestrian areas on Parcel H1 shall consist of LED energy efficient fixtures that perform and distributes light similar to High Pressure Sodium 1,000 watt 480 volt parking lot lights, subject to final City Engineer and City Planner review and approval. The placement and number of such lights shall be subject to civil improvement plan review and approval by the City Engineer. Final approval of parking lot and pedestrian light pole fixture designs and styles shall be subject to City approval. Civil improvement plans shall identify all such exterior light poles and their specifications to the satisfaction of the City Engineer and City Planner.

3. Sign Lights: Light fixtures/sources for the illumination of any/all signs, (wall, monument, etc.) on Parcel H1 shall be subject to the City DRC's review and approval of a design permit, sign permit, and/or uniform sign program.

#### **G. Signs:**

1. Commercial Signs: Prior to the installation/establishment of any commercial, directional, and/or site identification sign(s) (monument and/or wall mounted) on Parcel H1 for the hotel, a design permit, sign permit, and/or a uniform sign program, as determined appropriate by the City Planner, shall be approved by the City's DRC. Plans shall include locations of all signs, sign size, materials, colors and message. All signs shall be maintained consistent with the City's DRC's approval.
2. Construction Signs: Temporary construction signs may be placed on Parcel H1 only during construction activities without City Design Review Committee approval; however, said construction signs shall be subject to the terms/conditions of City Council land use entitlement permit(s) approval, and only erected on those sites actively involved with grading and/or construction activities.

#### **H. Stormwater Management and Control:**

1. Governing Regulations: Storm water management and control associated with Parcel H1, in conjunction with Parcels H1A, H2, and H2A of the South of Tioga Project shall comply with applicable requirements of the State Water Resources Control Board (the "SWRCB") Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System Phase II General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (the "General Permit"), and by incorporation, the Central Coast Regional Water Quality Control Board (the "CCRWQCB") Resolution No. R3-2013-0032 Post-Construction Storm water Management Requirements for Development Projects in the Central Coast Region (the "PCRs"), and Sand City Municipal Code (the "SCMC") Chapter 13.05 Storm Water Management. The discharge of storm water during construction/land disturbance activities is regulated by the General Permit, SCMC Chapter 13.05, and the SWRCB NPDES Construction General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (the "Construction General Permit"). All of the Hotel Project's SCMs and LID features, including water quality measures, shall comply with the requirements of the General Permit, the PCRs, and SCMC Chapter 13.05 to the satisfaction of the City Engineer.
2. Stormwater Control Requirements (mitigation measure DR-1): The requirements for storm water control and management shall be consistent with the South of Tioga Project's VTM as approved by the City, and subject to the City Engineer's review and approval of a Stormwater Control Plan, Agreement Regarding Maintenance and Right-of-Entry for Stormwater Control Measures, the Operations and Maintenance Plan, and Best Management Practices.
3. Erosion and Sediment Control Plan (the "ESCP"): An ESCP shall be prepared by a licensed civil engineer for any land disturbance or construction activities resulting

in soil disturbance of 500 square feet or 50 cubic yards (gross including both cut and fill) or more associated with the development of Parcel H1 and shall be submitted to the City for review and approval by the City Engineer. The ESCP shall be included with the grading and drainage plans and/or the improvement plan package. The ESCP shall be approved by the City Engineer prior to the issuance of any grading or building permits for Parcel H1 or the commencement of any construction activities.

4. Stormwater Control Plan (the "SCP"): A SCP shall be prepared by a licensed civil engineer for the development of Parcel H1 and shall demonstrate how the development will achieve compliance with the applicable PCRs. The SCP shall demonstrate the amount of impervious surface created and/or replaced by the Hotel Project and the corresponding Performance Requirements required by the PCRs. The SCP shall clearly indicate the location and size of all proposed Stormwater Control Measures (the "SCMs"), both structurally and non-structurally, to ensure that they may be accommodated within the Hotel Project development. Due to the nature of the Hotel Project, the City may authorize the preparation of a single SCP for Parcels H1 and H1A. The SCP shall be prepared per City requirements and in accordance with the latest edition of the Storm Water Technical Guide ("the STG") and templates adopted by the Monterey Regional Storm Water Management Program (the "MRSWMP"). This SCP shall include a grading and drainage plan that clearly indicates how storm water runoff from all impervious surfaces (roofs, hard-scape, pavement, walkways, patios, etc.) is directed and/or routed to all proposed SCMs and shall include all necessary calculations to support the sizing of all proposed SCMs. Where abutting parcels of the Hotel Project within the South of Tioga Project Area have integrated SCMs, the SCPs for each parcel shall be consistent and reference the other Parcel's SCP. The SCP shall be fully coordinated and consistent with civil improvement and landscaping plans where no conflicts occur between the SCMs and other site improvements. This SCP shall be reviewed and approved by the City's Planning and Engineering Departments prior to City issuance of grading and/or building permit(s), or the commencement of any construction activities on Parcel H1.
  
5. Agreement Regarding Maintenance and Right of Entry for Stormwater Control Measures: The Property Owner of Parcel H1 shall enter into a written agreement with the City for the installation and long-term operation and maintenance of all installed SCMs servicing Parcels H1, H2, H1A, and H2A. This agreement shall include deed restriction language for the protection of these SCMs, specifying that the SCMs servicing Parcels H1, H2, H1A, H2A shall not be removed, relocated, covered, or hampered in any way as to prevent their intended function or designed capacity. The agreement shall provide for ongoing maintenance and verification of maintenance by the Property Owner and their successors in interest. This agreement shall provide for right-of-entry by designated City staff for the purposes of inspection of installed SCMs; and shall further identify that any costs associated with the long-term maintenance of the installed SCMs shall be the responsibility of the Property Owner at the time when maintenance is performed. The provisions of this legal agreement, subject to City Engineer and City Attorney

final review and approval prior to recording with the Monterey County Recorder, shall run with the land. This agreement shall be executed and recorded prior to the issuance of building permits for the Hotel Project. Failure of the Property Owner to execute this agreement shall be a violation of CUP 623 and be sufficient cause for City termination of CUP 623.

6. Operation and Maintenance Plan ("O&M Plan"): The owner of Parcel H1 shall submit to the City an O&M Plan prepared in accordance with City requirements and the latest edition of the Storm Water Technical Guide (the "STG"), subject to City Engineer and City Attorney review and approval prior to the issuance of a certificate of occupancy/completion for Parcel H1. This O&M Plan shall identify, plan, direct, and record the long-term operation and maintenance of all SCMs servicing Parcel H1, including descriptions of the SCMs to be maintained, a schedule for inspection and maintenance activities, and a description of the inspection and maintenance activities. This O&M Plan shall clearly identify all parties responsible and their individual obligations for long-term operation and maintenance of the installed SCMs. The Property Owner shall provide annual certification to the City that the SCMs have been regularly inspected and are functioning per the City approved design.
7. Certification for SCMs: For Parcel H1, the Applicant shall provide written certification prepared, stamped, and signed by a licensed civil engineer stating that all of the installed SCMs were constructed in accordance with the Hotel Project's approved improvement plans and SCP. This certification shall meet all City requirements and be provided to the City prior to the issuance of certificates of occupancy/completion for Parcel H1. The City shall provide a draft certification form to the Applicant.
8. Storm Water Compliance: The Applicant shall demonstrate the Hotel Project's compliance with all the requirements of the most current NPDES Phase II General Permit issued to the City. The document demonstrating compliance shall be prepared, signed, and stamped by a civil engineer. If for any reason the Hotel Project cannot demonstrate compliance with the City's NPDES Phase II General Permit, the PCRs, SCMC Chapter 13.05, or the Applicant and/or Property Owner fail to execute an agreement regarding maintenance and right of entry for SCMs and/or complete the final O&M Plan, CUP 623 shall be subject to termination by the City.
9. Best Management Practices (BMPs): During all phases of construction and/or land disturbance activities on Parcel H1, construction contractors and sub-contractors shall implement appropriate site-specific Best Management Practices (the "BMPs") for the protection of storm water quality and prevent storm water pollution, as required by City's municipal Storm Water Permit, Municipal Code Title 13.05 Storm Water Management, and the California Construction General Permit, as applicable to the satisfaction of the City Engineer. BMPs shall include, but are not limited to, erosion and sediment control, materials management, prevention of non-storm water discharges, and good housekeeping and waste management practices. All

site specific BMPs shall be shown on the ESCP and/or the Project's Storm Water Pollution Prevention Plan (the "SWPPP").

10. California Construction General Permit: The Legally Responsible Person (the "LRP"), as defined in the Construction General Permit, shall seek coverage under the Construction General Permit. The LRP shall prepare and submit the Notice of Intent (the "NOI"), Permit Registration Documents (the "PRDs"), and the Hotel Project's SWPPP to the SWRCB to obtain coverage under the Construction General Permit and shall provide copies of the approved NOI and the Hotel Project's Waste Discharger Identification Number (the "WDID") to the City prior to the issuance of any encroachment, grading, or building permits for any activity resulting in land disturbance.

**I. Plans and Agency Compliance:**

1. Plans Examination: Construction plans/documents for Parcel H1 shall be reviewed and approved by the relevant and necessary departments of the City prior to issuance of a building permits and prior to commencement of any grading or construction activity on Parcel H1 for the South of Tioga Project and the Hotel Project. Any and all requirements specified by the City and its departments during the plan review phase prior to issuance of building permits or during construction inspections shall be implemented to the satisfaction of the inspectors/representatives of each City department. Construction plans submitted for review shall be compliant with the California Building Codes (Building, Fire, Plumbing, Mechanical, Electrical, etc.) and City Municipal Codes in effect at the time of application. Construction plans/documents shall include all necessary mitigation to implement the City approved SCP for Parcel H1.
2. City Cost Recovery & Plan Review Fees: Due to the scope and scale of this Hotel Project and the inherent complexity of construction plans and documents for such a project and the City expenses expected to exceed the City's standard fee schedule, a cost recovery agreement shall be required and executed between the City and the Applicant and/or Hotel Project developer prior to the submission, or City acceptance, of construction plans for plan check review by the City and its Departments (i.e. Building, Fire, Engineering, Planning, etc.) for the Hotel Project. This cost recovery agreement shall outline and detail the methodology for charging plan review fees of each City department involved with construction plan/document examination/review and all on-site inspections during construction of the Hotel Project. Expenses incurred by the City shall include that time City staff expends in meetings regarding plan examinations/reviews of the Hotel Project. This agreement shall include and detail a form of financial security (i.e. Bond, escrow account deposit, etc.) guaranteeing City recovery of expenses incurred in the review of construction documents and performing site inspections during construction.
3. Agency/Department Compliance: All requirements of the City's Building and Fire Departments, the City Engineer, and the City Planner shall be implemented to the satisfaction of each of the aforementioned Department. Any and all necessary permits/and/or approvals, applicable to the Hotel Project, from utility

companies/agencies shall be acquired by the Applicant and/or the Hotel Project's general contractor prior to City issuance of building permits for Parcel H1. All requirements of each aforementioned Department/Agency shall be completed to the satisfaction of the City prior to City issuance of certificates of occupancy and/or compliance for Parcel H1.

4. Geotechnical Report: The Applicant shall submit a final geotechnical report for Parcel H1 to the City, concurrently with improvement plans submitted to the City for Parcel H1. This geotechnical report shall be prepared, wet-signed, and stamped by a licensed geotechnical engineer. This geotechnical report shall ensure that the Hotel Project is designed and constructed in accordance with the most current and applicable standards of the City's building codes; and shall further include geotechnical evaluation and recommendations for all necessary aspects of the Hotel Project; including, but not limited to, geologic hazards, site preparation, earthwork, grading and drainage, foundations, special treatment at cut/fill interfaces, retaining walls, street pavement sections, and the like. This geotechnical report shall include site specific soils infiltration/percolation testing at locations where structural storm water control measures are proposed to be constructed to support the design of storm water control measures. The recommendations of this geotechnical report shall be incorporated into the design and construction documents for the Hotel Project.
5. Grading and Drainage Plan: The Applicant and/or Property Owner shall prepare and submit to the City a grading and drainage plan for all parcels of the South of Tioga Project that are associated with the Hotel Project therein. The grading and drainage plan(s) shall be prepared by a licensed civil engineer, in accordance with City requirements and standards, and subject to review and approval by the City Engineer prior to issuance of any building permits for Parcel H1. At a minimum, grading and drainage plans for Parcel H1 shall contain a) both existing and proposed information pertaining to contours, elevations, and infrastructure; b) cut/fill interfaces and limits of grading; c) lot/parcel boundaries, grading details, and road rights-of-way; d) existing trees to be saved in place or moved; e) all necessary details that clearly convey the recommendations contained in the geotechnical report applicable to the Hotel Project; f) proposed development pad elevations; g) cross-sections to show areas of cut, fill, and grading on site and perimeter cross sections illustrating the Hotel Project's interface with abutting streets and properties; and h) plan/profile views of proposed drainage facilities. Grading and drainage plans for Hotel Project shall be reviewed and approved by the South of Tioga Project's geotechnical engineer with copies of said approval(s) provided to the City prior to City approval of grading and drainage plans and issuance of permits for grading.
6. Air District (mitigation measure AQ-2): Requirements of the Monterey Bay Unified Air Pollution Control District that are applicable to the development and use of Parcel H1 shall be implemented to that agency's satisfaction. Dust control measures during construction shall be implemented in accordance with the City approved Mitigation Monitoring Program for the South of Tioga Project. Specific

language shall be included in all grading and construction plans regarding the control/reduction of dust emissions from demolition, grading, and construction activities for the Hotel Project, subject to City review and approval.

7. Cultural Resources (mitigation measures CR-1, CR-2, CR-3): Construction, civil improvement, and grading plans shall include the following language:

“In the event that evidence of historical, tribal, archaeological and/or paleontological resources is/are uncovered during excavation and/or grading, all work shall stop in the area of Subject Property until an appropriate data recovery program can be developed and implemented by a qualified historian, archaeologist and/or paleontologist. The City Planner shall ensure that the permit language has been included and shall ensure that the appropriate data recovery program is implemented should historical, archaeological and/or paleontological resources be uncovered.

If human remains are found during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within twenty-four (24) hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall re-bury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within forty-eight (48) hours after being notified by the Commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

The Applicant shall notify the Ohlone/Costanoan-Esselen Nation, with a copy to the Sand City Planning Department, no less than fourteen (14) days prior to initiation of grading and excavation activities to provide an opportunity for provision of a Tribal Monitor to be present during rough grading and excavation activities. All cultural items found during construction activities shall be returned to the Ohlone/Costanoan-Esselen Nation.”

8. Environmental Assessment Report (HAZ-1, HAZ-2, HAZ-3): A Phase II Environmental Site Assessment shall be prepared and provided by the Applicant to



the City prior to the issuance of a permit for building demolition or site clearance activities for Parcel H1 in accordance with the South of Tioga Project's VTM conditions of approval. The Phase II Environmental Site Assessment shall be reviewed by the City Planner, the City Engineer, and the City's Fire Department. A geophysical survey shall be required during the Phase II Environmental Site Assessment in order to address the potential presence for improper closure of (if any) oil and natural gas production well or existing underground storage tanks. A Site Management Plan shall be prepared by the Applicant, subject to review by the City Planner, City Engineer, and the City's Fire Department, to describe all the measures that will be taken to address concerns identified in the Phase II Environmental Site Assessment, including soil contamination subject to remediation. The City may opt to refer the Phase II Environmental Site Assessment and/or the Site Management Plan to the Monterey County Environmental Health Department for review.

**J. Construction:**

1. Construction Staging Management Plan (mitigation measure AQ-3): The Applicant shall prepare a Construction Staging Management Plan to be reviewed and approved by the City Planner and City Engineer prior to issuance of grading or demolition permits for Parcel H1. This Management Plan shall include, but not necessarily be limited to, the following restrictions:
  - a. On-site staging and loading areas for off-haul trucks during demolition, grading, and excavation activities shall be located no farther than thirty feet (30') south or west of "A" street as titled on the Project's approved VTM.
  - b. Offsite staging, if allowed, shall not be located on Tioga Avenue between Metz Road and Sand Dunes Drive, or at any location within five hundred feet (500') of a residence; and
  - c. Construction equipment and off-haul trucks shall not idle in excess of five (5) minutes.
2. Hazard Surveys Prior to Demolition (mitigation measure HAZ-4): Prior to demolition of buildings on Parcel H1, the Applicant shall have an asbestos survey and lead-based paint survey that includes management of these hazardous materials during demolition of those buildings. An abatement plan shall be developed for approval by the City Planner, City Engineer, and/or the City's Fire Department prior to the issuance of a demolition permit for any existing building/structure within Parcel H1. The Applicant shall notify the Monterey Bay Unified Air Pollution Control District at least ten (10) days prior to demolition activities. If underground pipes are discovered during excavation activities, those pipes shall be assessed for the potential to contain lead or asbestos.
3. Biological Surveys/Mitigation Prior to Grading and Demolition (mitigation measures BIO-1 through BIO-12): Prior to demolition and grading activities on Parcel H1, the Applicant shall implement all requirements related to biological surveys, reporting, protection, and preservation as specified in both the City approved Mitigation Monitoring Program and the City approved Vesting Tentative Map for the South of Tioga Project and the conditions stated therein.

4. Street Access: Construction activities shall not impede vehicular traffic on California or Tioga Avenues abutting the Hotel Project. A traffic control plan shall be provided to the City for review and Approval. Any temporary closures of streets or sidewalks to accommodate construction activities shall be coordinated with, and subject to, the direction of the Sand City Chief of Police and the City approved traffic control plan prior to implementing any temporary street closures. Adjacent properties impacted by said closures shall be given notice no less than one (1) week prior of such closure.
5. Material/Equipment (mitigation measures AQ-4, N-1): Materials and/or equipment necessary for construction upon Parcel H1, as authorized by CUP 623, shall not be stored and/or parked within any public right-of-way or on private property that is/are not part of the South of Tioga Project Area unless otherwise authorized by the City's Planning Department and Chief of Police. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. Locate stationary noise-generating equipment as far as reasonably possible from sensitive noise receptors that adjoin or are near construction area and/or provide an effective acoustical barrier or insulation. All internal combustion engine driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. The developer shall provide evidence of compliance prior to issuance of a grading permit. All construction shall utilize "quiet" models of air compressors and other stationary noise sources where such technology exists. Security/construction fencing shall be implemented if deemed necessary by the Building Inspector and/or other City Department inspector.
6. Construction Hours (mitigation measure N-1): Construction activities performed by all contractors and sub-contractors on Parcel H1 shall only occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. There shall be no construction activity on Parcel H1 on Sundays or City recognized Holidays unless otherwise authorized in writing by the City.
7. Construction/Demolition Debris/Material: Debris/material from construction/demolition activities shall be stored and contained away from general public access, and hauled away and disposed of in a timely and legal manner. The general contractor shall implement material recovery and recycling when feasible. Construction/Demolition debris (the "C&D materials") shall either be hauled/removed from the site by the general contractor to the Monterey Regional Waste Management District facility in the City of Marina or by the City's franchised waste hauler GreenWaste Recovery Inc ("GWR"). No other outside refuse hauler is permitted in accordance with Sand City Municipal Code Chapter 13.04. It shall be the Property Owner and/or the South of Tioga Project's and Hotel Project's general contractor's responsibility to coordinate with GWR and/or maintain weight tickets for self-hauled C&D materials. Weight tickets for self-hauling by the Hotel

Project's general contractor shall be provided to the City's Planning Department on an ongoing basis during construction and as requested by the City. Failure to comply may result in City issuance of a 'cease and desist' order upon construction until compliance is met to the satisfaction of the City. 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 storm water pollution are required to the satisfaction of the City Engineer.

8. Construction Signs: Construction signs may be placed on Parcel H1 only during construction activity on Parcel H1, H1A, H2, and H2A, and shall removed upon completion of construction activity on these Parcels. Such signs may be placed on perimeter construction fencing or on posts, but shall not be elevated whereby the top of sign exceeds eight (8) feet in height.
9. Disturbance Coordinator (mitigation measure N-1): The Applicant and/or the general contractor for this Parcel shall designate a "disturbance coordinator" responsible for responding to complaints regarding construction noise or vibration. This disturbance coordinator shall determine the cause of the complaint and require reasonable measures to correct the issue.
10. Geotechnical Requirements: (mitigation measures GEO-1 through GEO-8): All grading and construction activity for the Hotel Project and Parcel H1 shall comply and satisfy all applicable mitigation measures stated in the City certified EIR for the South of Tioga Project and the City approved Mitigation Monitoring Program and VTM for the South of Tioga Project; including, but not limited to, management of disturbed soils, management of exposed soils, geotech-engineer monitoring, soil compaction, and shoring plan(s).
11. Dust Control (mitigation measure AQ-2): Dust control measures shall be implemented to reduce visible dust from leaving the construction area for the Hotel Project in accordance with, but not necessarily limited to, the mitigation measures identified in the City approved Mitigation Monitoring Program for the South of Tioga Project.
12. Contractor(s) Business License: All contractors and sub-contractors involved with demolition, grading, and/or construction work on Parcel H1 shall obtain a City business license for the duration of construction activity on this Parcel. Failure of said parties to obtain and maintain a City business license during construction may impede City issuance of certificates of occupancy and/or completion for Parcel H1.
13. Stormwater Management Control and Pollution Prevention: During all phases of construction, the Applicant and/or contractor shall employ temporary construction best management practices (BMPs) for erosion and sediment control, prevention of non-storm water discharges, and implement good housekeeping and waste management practices to protect the storm drain system and water quality to the satisfaction of the City Engineer. Plans indicating proper storm water management, control, and BMP implementation during construction shall be submitted to the City

with construction plans and shall be subject to review and approval of the City's Building Official and City Engineer prior to issuance of any grading and/or building permit for Parcel H1.

14. Encroachment Permit: The Applicant and/or Property Owner of Parcel H1 shall obtain an encroachment permit from the City for any work to be performed within a City public right-of-way.
15. Fire Access During Construction: Fire Department access and sufficient water supply acceptable to the City's Fire Chief shall be provided prior to combustible construction.

**K. General Requirements:**

1. Vesting Tentative Map: All development and activity on Parcel H1 shall be in accordance with the terms and conditions of the South of Tioga Project's VTM as approved, with the conditions therein, by the City.
2. Mitigation Measures and Monitoring Program: All development and activity on Parcel H1 shall comply and satisfy all applicable mitigation measures stated in the City certified EIR for the South of Tioga Project, and the City approved Mitigation Monitoring Program and VTM for the South of Tioga Project.
3. Regional Transportation Impact Mitigation (mitigation measures T-1, T-2, T-3, CUMT-1, CUMT-2): Prior to issuance of a certificate of occupancy for the Hotel Project, the Applicant shall implement/execute all requirements related to regional transportation mitigation as specified in both the City approved Mitigation Monitoring Program and the City approved VTM for the South of Tioga Project and the conditions stated therein. This includes, but not limited to, payment of impact fees and proportional share of costs for specific road/infrastructure improvements as identified in the City approved South of Tioga Project's EIR and Mitigation Monitoring Program.
4. TAMC & RDIF Fees (mitigation measure T-3): Prior to City issuance of building permits for hotel construction, the Applicant and/or Property Owner shall pay the Transportation Agency for Monterey County's (TAMC) Regional Development Impact Fee (RDIF).
5. Water Credit Verification: Prior to demolition of any structure within Parcel H1 in preparation of this Parcel's development in accordance with CUP 623, the Applicant shall coordinate and implement on-site inspections by the Monterey Peninsula Water Management District (the "MPWMD") to verify and document all available water credit on Parcel H1, followed by copies of all documentation of said water credit documented by the MPWMD to be provided to the Sand City Planning Department prior to any water allocation by the City to the Hotel Project and/or Parcel H1. A statement of assurance/verification by/from the MPWMD stating the amount of water credit that they recognize as being available within the South of Tioga Project Area may be provided in lieu of inspection(s) and documentation.

6. Water Allocation: Prior to City issuance of building permits for hotel and site improvement construction on Parcel H1, the Applicant or Property Owner shall obtain the necessary water permit(s) from the MPWMD for the development and landscaping as authorized by CUP 623. Approval of CUP 623 does not grant the Applicant and/or Property Owner any right and/or privilege to any allocation of water by the City or other agency/entity. Any allocation of water to Parcel H1 from the City's Water Entitlement (desalination facility) shall be at the discretion of the City's City Council. If the City takes action to deny an allocation of water necessary for the Hotel Project, in accordance with the determination and regulations of the MPWMD, then CUP 623 shall be subject to City Council amendment or termination.
7. Refuge Collection: The Property Owner and/or management of the hotel operation on Parcel H1 shall coordinate all refuse (i.e. garbage, recycling, food/organic waste, etc.) collection with the City's franchised waste hauler. Sufficient refuse collection and holding capacity shall be provided on site to accommodate and separate solid waste (garbage), recyclable materials, and food/organic waste for this Parcel and authorized land use. All refuse collection containers (bins, dumpsters, etc.) shall be within an enclosed area and screened from general public view. Trash enclosures shall maintain accessibility for City franchised waste hauler collection. Trash enclosures beyond the confines of the hotel building shall utilize the same building materials and colors as used on the hotel building on Parcel H1 subject to final Planning Department review and approval.
8. Public Transit Group Discount for Employees: Management of the Hotel Project on Parcel H1 shall coordinate with Monterey-Salinas Transit (MST), TAMC, and/or other public transportation agencies serving the Monterey Peninsula, to participate in and provide an alternative transportation (i.e. bus, train, taxi, etc.) group discount program for all hotel employees for so long as such programs are available.
9. Permit Violation: If the City determines any term or condition of CUP 623 has been violated, written notice shall be issued to the Applicant and/or Parcel H1's Property Owner, that if such violation is not corrected and/or removed within a specified time, a 'cease and desist' or 'stop order' may be issued, followed by a potential public hearing, where the City may consider amending or revoking CUP 623 and may then order said Permit amended or revoked.
10. Interpretation: Any questions of intent or interpretation regarding any condition/term of CUP 623 shall be resolved by the Sand City Planning Department.
11. Indemnity/Hold Harmless: To the extent permitted by law, the Applicant and Property Owner shall indemnify and hold harmless the City, its City Council, its officers, employees, 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 to attack, set aside, or void, any permit or approval authorized hereby for the Hotel Project and/or Parcel H1, 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.

- 12. The issuance of CUP 623 shall not supersede or override any applicable requirements of any other City, County, State, or Federal agency.

**PASSED AND ADOPTED**, Conditional Use Permit (CUP) 623 for Parcel H1 by the City Council of the City of Sand City this \_\_\_ day of November, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Linda K. Scholink, City Clerk

\_\_\_\_\_  
Mary Ann Carbone, Mayor

\_\_\_\_\_  
This is to certify that Conditional Use Permit 623 contains the conditions specified by the City Council in approving said Permit.

\_\_\_\_\_  
Charles Pooler, City Planner

**APPLICANT ACCEPTANCE (CUP 623)**

Conditional Use Permit 623 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 PROPERTY OWNER (CUP 623)**

Consent is hereby granted to the permittee to proceed with the City approved project, in accordance with the terms and conditions of Conditional Use Permit 623.

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

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

# **REPORT ATTACHMENT 2-b**

**CUP 624  
for  
Parcel H2**

CITY OF SAND CITY

RESOLUTION SC \_\_\_\_\_ (2018)

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING  
CONDITIONAL USE PERMIT 624 FOR PARCEL H2 OF  
THE SOUTH OF TIOGA DEVELOPMENT PROJECT**

**WHEREAS**, DBO Development No. 30, LLC (the “Applicant”) submitted applications to the City of Sand City (the “City”) for a vesting tentative map, coastal development and conditional use permits, site plan, and architectural review and approvals regarding a mixed use (residential and commercial) development project on an approximate 10.64 acre site bounded by Tioga Avenue to the northeast, California Avenue to the southeast, East Avenue to the southwest, and the Merle Street right-of-way to the northwest, generally referred to as the “South of Tioga Planning District”; and

**WHEREAS**, the overall project site is comprised of 41 existing parcels (Assessor’s Parcel Numbers 011-122-002, 003, 004, 005, 010, 011, 023, 024, 025, 026, 032, 038, 039, 040, 041; 011-123-001, 004, 005, 006, 007, 008, 009, 011, 022, 023, 024, 025, 026; 011-134-011; 011-135-001, 014, 015, 016, 023, 024; 011-136-007, 012, 024; and, 011-186-021, 038, 039) and encompasses all or portions of Scott Street, East Avenue, Lincoln Avenue, California Avenue, Tioga Avenue, Orland Street, Beach Way, Fir Avenue, and Afton Avenue public rights-of-way (the “South of Tioga Project Area”); and

**WHEREAS**, On June 5, 2018, the City approved a Vesting Tentative Map (dated May 31, 2018) for the South of Tioga Project (the “VTM”), to merge existing lots and abandon existing public rights-of-way that, with City approval of a Final Map, creates six new parcels (H1, H1A, H2, H2A, R1, and R2), relocates an existing wastewater lift station, dedicates additional right-of-way to, or relocation of, existing streets, and dedicates right-of-way for new public streets; and

**WHEREAS**, the Applicant’s proposed project originated as a result of the Request for Qualifications (RFQ) put out by the former Sand City Redevelopment Agency (the “RDA”) where after that RDA in 2001 signed an Exclusive Negotiation Agreement (the “ENA”) with the Applicant to redevelop the South of Tioga Planning District to mitigate ongoing conditions of blight and provide economic stimulus for the City; and though the City’s RDA has since been dissolved by the State of California, the property acquisition by the Applicant and development strategies that commenced under the ENA had continued until submission of the Applicant’s land entitlement application packet to the City in 2017; and

**WHEREAS**, in accordance with the City approved VTM, Parcel H1 will be 2.18 acres located in the northeastern section of the South of Tioga Project Area intended for a hotel with amenities and surface parking spaces; Parcel H2 will be 1.18 acres located in the southeastern portion of the South of Tioga Project Area intended for hotel parking, utilities, and stormwater control; Parcel H1A, will be 0.38 acres and Parcel H2A will be 0.30 acres to separate out territory within the Coastal Zone overlay to be improved only for parking,



landscaping, and utility improvements to service Parcel H1; Parcel R1 will be 1.78 acres located in the northern portion of the South of Tioga Project Area intended for a 125-unit multi-family residential building with parking in a partly below-grade structure; Parcel R2 will be 3.70 acres located in the southwestern portion of the South of Tioga Project Area intended for a 231-unit multi-family residential complex, inclusive of 52 affordable housing units, with parking in multi-level parking structure; and dedicate a new right-of-way for East Avenue and the right-of-way for a new street connecting California Avenue and Tioga Road, and establish two sand dune habitat preservation areas (the “South of Tioga Project”); and

**WHEREAS**, the South of Tioga Project is intended to be completed in three (3) phases, with Phase 1 consisting of the public improvements, completion of new public streets and rights-of-way, utility and infrastructure installation, and preparation of development pads on each of the Project’s VTM’s newly created parcels (H1, H1A, H2, H2A, R1, & R2), Phase 2 consisting one (1) hotel on Parcel H1 with hotel parking on parcels H1A, H2, and H2A, and Phase 3 consisting of two multi-family residential developments, one on Parcel R1 and one on Parcel R2; where Phase I will be completed by the Applicant, Phase 2 by an independent hotel developer, and Phase 3 by one or more independent residential developers; and

**WHEREAS**, Parcel H1 is proposed to be developed with a hotel of up to two hundred sixteen (216) guest rooms (otherwise referred to as ‘keys’) at a maximum of four (4) floors with accessory guest amenities (i.e. swimming pool, parking, spa, etc.), guest food service, vehicular surface parking and drive isles, landscaping, utilities, and utility equipment shelters/screening, where Parcels H1A, H2, and H2A will also provide parking, landscaping, and utilities and utility equipment to serve parcel H1 (the “Hotel Project”); and

**WHEREAS**, Parcel H2 on the City approved VTM has a zoning map designation of ‘Planned Mixed-Use’ (MU-P), subject to the respective regulations of that zoning designation, where zoning code section 18.13.040.M allows for hotels at the discretion of the City Council in the issuance of a conditional use permit if the Council deems such a use is appropriate for a site; and

**WHEREAS**, in an evaluation of parking required and existing for hotel developments in other jurisdictions (local and regional), it is determined that the one (1) parking space per living or sleeping unit (“guest room”) requirement of Zoning Code section 18.64.050.N is sufficient to accommodate the proposed Hotel Project on Parcel H1, provided that the VTM created Parcels H2, H1A, and H2A are maintained to provide parking necessary to accommodate that parking requirement necessitated for Parcel H1; and

**WHEREAS**, the South of Tioga Project inclusive of the Hotel Project, in the endeavor to eliminate existing blighted conditions present the South of Tioga Project Area, provides land use transition compatible with the East Dunes Planning District, and to increase the residential population of the City, resulting in a “higher and better” use of land and aesthetic improvement, is consistent with Goals 2.6 and 2.8 of the City’s General Plan (2002 ed.); and

**WHEREAS**, the South of Tioga Project Area includes two privately owned parcels (APN 011-123-004 and 011-123-023) that must be obtained for the creation of a new public road through the South of Tioga Project, acquisition by either the City potentially utilizing its power of eminent domain and/or by the Applicant in negotiations with those properties' current owners, whereby it is necessary to limit the effective date of any land use entitlement and restrict the Project from commencing construction on Parcel H2 unless and until the aforementioned privately owned parcels are legally obtained by, and title transfer complete to, either the Applicant and/or the City; and

**WHEREAS**, agencies such as Monterey-Salinas Transit (MST) and the Transportation Agency for Monterey County (TAMC), who service the Monterey Peninsula, either have, or are developing, programs to decrease single-occupancy commutes with materials and services for employers to assist workers in using public transit, riding bikes, or walking to work that would reduce the Hotel Project's employee parking from impacting on-site and limited public street parking; and

**WHEREAS**, due to the scope and scale of this Hotel Project and the inherent complexity of construction plans and documents for such a project, it is necessary for there to be a form of cost recovery established between the City and the Applicant and/or the Hotel Project developer/owner for those expenses incurred by the City in excess of the City's standard fee schedule in conducting construction plan and document review in the issuance of building permits and on-site City inspections during construction activity; and

**WHEREAS**, a draft EIR was prepared for the South of Tioga Project, inclusive of Parcel H2, pursuant to the California Environmental Quality Act that was adequately noticed and advertised, with a public review period for the Draft EIR from March 2, 2018 through April 20, 2018 for a 50-day period; and

**WHEREAS**, the City of Sand City, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. § 15000-15387) (collectively, "CEQA"), completed the Final Environmental Impact Report ("Final EIR" or "EIR") State Clearinghouse No. 2017061066 for the South of Tioga Project, which includes Parcel H1 and the Hotel Project; and

**WHEREAS**, pursuant to CEQA, the City Council has certified the South of Tioga Project's Final EIR and found that the South of Tioga Project's environmental impacts were adequately evaluated, and the City Council further adopted a statement of overriding considerations for three potentially unavoidable traffic impacts; and

**WHEREAS**, the City Council held multiple duly noticed public hearings, as required by law, regarding the overall South of Tioga Project to consider all of the information presented by staff, information from the Applicant, and public testimony presented in writing and orally, both prior to and at those public hearings; and,

**WHEREAS**, the public hearing to consider the Hotel Project and the conditional use permit for Parcel H2 was duly noticed in accordance with the requirements of the California

Government Code, which included posting at three designated locations, publication in a newspaper of local circulation, and mailed to property owners within 300 feet of the South of Tioga Project boundaries; and,

**WHEREAS**, Conditional Use Permit 624 for Parcel H2 is found to be sufficiently complete and compliant with the Sand City Municipal Code and the South of Tioga Project's approved VTM and EIR.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sand City to hereby grant and issue Conditional Use Permit 624 ("CUP 624") for Parcel H2 within the South of Tioga Project Area upon the following terms and conditions:

**A. Permit Effectiveness / Time Limits & Purpose:**

1. Permit Acceptance: CUP 624 is not valid, and construction on Parcel H2 shall not commence, unless two (2) copies of this Resolution/Permit, signed by the Applicant and Parcel H2's owner (the "Property Owner"), acknowledging receipt of the Resolution/Permit and acceptance of the terms and conditions, are returned to the City's Planning Department. All conditions and terms of CUP 624 shall remain in perpetuity to all future parcel owners unless and until the City amends or terminates CUP 624. The City shall not issue a building permit for development on Parcel H2 unless and until CUP 624 has been signed by all aforementioned parties in acceptance of the terms and conditions of CUP 624. Failure of the Applicant to return the two (2) original signatory copies of the Resolution/Permit, with the Applicant's and Property Owner's signatures of acceptance, within thirty (30) days from the date of City Council approval shall be sufficient cause for the City Council to revoke CUP 624 unless good cause to grant an extension is found acceptable by the City's Planning Department. Once signed by the Applicant and Property Owner, CUP 624 shall remain in effect until acted upon by the City Council.
2. Purpose: CUP 624 is for the express purpose of authorizing the development and use of Parcel H2, as created by the South of Tioga VTM, to provide parking, pedestrian links, landscaping, utilities, utility enclosures, and storm water management infrastructure to service the Hotel Project in accordance with the conditions and terms of CUP 624. CUP 624 shall also allow the creation of monument signs on Parcel H2 for Hotel identification and directional signs; however, final approval of all signs shall be subject to City review and approval of either a design permit, sign permit, or uniform sign program. All development and use of Parcel H2, as authorized by CUP 624, shall be in accordance with the terms and conditions specified by CUP 624. There shall be no expansion to the scope or intensity of the development and/or use(s) beyond that as authorized by CUP 624 without either an amendment of CUP 624 or the issuance of a new land use entitlement permit.
3. Deed Restriction & Easement Agreement: A deed restriction, or equivalent legal mechanism, shall be recorded with the Monterey County Recorder prohibiting sale of Parcels H1, H1A, H2, and H2A as separate and independent from one another

that are designed and intended to cumulatively accommodate parking, landscaping, storm water control, and utilities that service the hotel on Parcel H1. This deed restriction, reciprocal easement agreement(s), and/or other equivalent legal document(s) shall establish permanent vehicle access and parking on Parcels H1, H2, H1A, and H2A for guests, visitors, and employees of the hotel on Parcel H1. The necessary documents, in compliance with this Permit condition, shall be reviewed and approved by the City before being recorded concurrently on/for Parcels H1, H1A, H2, and H2A prior to City issuance of certificates of occupancy and/or completion for Parcel H2.

4. Land Acquisition: CUP 624 is not valid, building permits shall not be issued for, nor shall construction on Parcel H2 commence, unless and until those properties not currently owned by the Applicant (APN 011-123-023 and APN 011-123-004) are legally obtained by, and title transfer complete to, either the Applicant and/or the City. Approval of CUP 624 does not obligate the City to utilize its power of Eminent Domain to acquire the aforementioned parcels, and the City reserves the right to decline using said power.
5. Final Map: CUP 624, is not valid, building permits for the Hotel Project shall not be issued for, nor construction commence on, Parcel H2 until the Final Map for the South of Tioga Project is approved by the City and recorded in full effect with the Monterey County Recorder's Office.

**B. Site Plan:**

1. Parking Spaces: A total of 227 off-street parking spaces shall be provided for the Hotel Project. These parking spaces shall be distributed between the VTM Parcels H1, H2, H1A, and H2A. Parcel H1 shall provide a minimum of thirty-two (32) parking spaces, Parcel H2 shall provide a minimum of one hundred forty-five (145) parking spaces, Parcel H1A shall provide a minimum of eighteen (18) parking spaces, and Parcel H2A shall provide a minimum of thirty (30) parking spaces. Adequacy of the Hotel Project's site plan design in meeting this requirement shall be subject to final City Planning Department review and approval of construction documents/plans for Parcels H1, H2, H1A, and H2A. Any alteration/reallocation of parking spaces contrary to the above shall be subject to City Planner approval; but in no circumstance shall the cumulative number of parking spaces collectively on the aforementioned Parcels be less than one (1) parking space per guest room of this Hotel Project. Parking designs shall comply with all American with Disability Act (ADA) and California Code of Regulations Title 24 requirements subject to City review and approval.
2. Parking & Drive Aisle Dimensions: All parking stalls on Parcel H2 shall be established and striped at a minimum of 8.5-feet wide and 19-feet deep for standard sized parking spaces and a minimum of 8.5-feet wide and 16-feet deep for compact parking spaces. All parking stalls shall be clearly striped with compact spaces identified as such. On-site drive aisles shall be a minimum of 24-feet in width for 2-way vehicular circulation.

3. Pavement Materials: Parking and drive aisles on Parcel H2 shall consist of either asphalt pavement, concrete, and/or decorative pavers (pervious and/or impervious) subject to City review and approval of Parcel H2's on-site civil improvement plans and storm water control plan. Any public pedestrian walkways on Parcel H2 may be concrete; however "enhanced pavement" materials (pervious and/or impervious); including, but not limited to, pavers, decorative stamped/textured concrete, and/or similar in a curvilinear path are encouraged. Colors for all "enhanced pavement" shall be an earth-tone color subject to final Planning Department approval. Any change between abutting "enhanced pavement" materials/colors shall occur at areas of reasonable elevation transition to include changes at stairs/steps, grade changes, doorways/gates, and the like. Any exception to this requirement shall be subject to the City Planner in plan review of construction documents.
4. Truncated Domes: All truncated domes installed on Parcel H2 for ADA (Americans with Disabilities Act) compliance shall utilize a "Brick Red" or similar color and shall not utilize the standard yellow color unless determined by the City Engineer that yellow or other color is necessary for ADA compliance. Exceptions to this requirement shall be subject to the City Engineer's discretion for code compliance in plan check and final approval of construction ready civil improvement plans.
5. Retaining Walls: Retaining walls on Parcel H2 shall be designed by a civil or structural engineer if over four feet (4') in height from bottom of footing to top of wall, and shall require a building permit. Retaining walls shall utilize a decorative material or treatment, an earth-tone color, and shall avoid the use of exposed standard/plain masonry block. Retaining wall design shall incorporate all applicable recommendations contained within the South of Tioga Project's final geotechnical report. All retaining wall calculations and reports shall be submitted to the City's Building and Engineering Departments for review and approval prior to issuance of building permits for those retaining walls.

### **C. Landscaping:**

1. Landscape Plan: Complete landscape plans for Parcel H2 shall be reviewed by the City's Planning Department for final approval prior to issuance of permits for construction on Parcel H2. Landscape and irrigation plans shall comply with the most current edition of the State of California Model Water Efficient Landscape Ordinance (MWELO) and City requirements. This landscape plan shall provide complete information, to the satisfaction of the City Planner, regarding ground covers, plants, shrubs, and trees in regards to species, sizes, location, placement, and numbers. Final approval of the landscape species shall be subject to City Planner approval. Landscape plans shall include 1) irrigation plan(s) with details, 2) tree planting and staking details, and 3) shall be consistent with the Hotel Project's civil improvement plan(s) and stormwater control plan(s). All required landscaping shall be installed to the satisfaction of the City Planner's interpretation of the City approved Landscape Plan prior to final issuance of a certificates of occupancy/completion by the City.

2. **Trees:** Trees installed shall be drought resistant and tolerant of coastal sea winds and sandy soil. Trees shall be no less than 24-inch box size specimens unless otherwise authorized by the City Planner. To the satisfaction of the City Planner, all trees shall be no less than double staked with 2-inch diameter wood stakes, and possibly triple staked and/or wind screened where trees are susceptible to high winds until established, at the discretion of the City Planner. Where feasible, parking areas and large landscape areas shall be heavily “forested”, with trees planted in clusters of at least three (3) trees per cluster, subject to City Planner review and approval of the final landscape plan.
3. **Planters:** Ground level planting areas abutting sidewalks shall not include raised curbs; rather, they are to be flush with abutting sidewalk pavement. Raised planter boxes and planter pots may be incorporated; however, they shall incorporate those materials and colors consistent with the approved architectural elements for on Parcel H1 to the satisfaction of the City Planner. All planting areas and planter pots shall be connected to an operational irrigation system.
4. **Irrigation:** An irrigation system for all required landscaping shall be installed and connected to a water system. This irrigation shall be verified as operational prior to City issuance of a certificate of occupancy/completion for Parcel H2. Irrigation shall be installed per the City approved landscape plan. Any on-site changes varying from the approved landscape plan(s) shall be subject to City Planner approval prior to implementation.
5. **Landscape Maintenance:** All landscaping required and authorized by CUP 624 shall be installed and maintained in accordance with the City approved landscape plan for Parcel H2. The owner(s), present and future in perpetuity, of Parcel H2 shall be responsible for irrigation and maintenance of this landscaping, including watering, pruning, and replacement of dead vegetation to the satisfaction of the City. Any alteration or modification of the approved landscape plan shall be subject to approval by the City’s Planning Department.

**D. Architecture:**

1. **Decorative screening, fences, gates, etc.:** There shall be no chain-link fencing, barbed or razor wire fencing. All fencing, screening, and gates shall consist of a high quality decorative and durable material and design subject to final City Planner review and approval prior to issuance of building permits for building construction. Temporary construction fencing, potentially consisting of chain-link, is allowed only during construction activities on Parcels H1, H2, H1A, and H2A; and shall be removed prior to City issuance of certificate of occupancy/completion for the hotel on Parcel H1 and/or certificate of compliance for Parcel H2.
2. **Public Benches & Seating:** All bench or other seating provided on Parcel H2 shall be secured, immobile, and of a design that does not encourage or enable transient sleeping.

3. Bollards: Bollards on Parcel H2 shall utilize a consistent decorative style bollard, and not plain exposed steel/metal poles, the design of which shall be subject to final City Planning Department approval. Decorative bollards shall also be identified and illustrated on civil improvement construction plans/documents. Bollards that must satisfy specific utility provider specifications are exempt from this requirement.
4. Trash/Recycling Receptacles: Trash and recycling receptacles established on Parcel H2 in public areas for public use shall be of a consistent decorative design, subject to final City approval. Any enclosure for trash bins and dumpsters for hotel operation shall be designed to incorporate those materials/colors approved by the City for the hotel on Parcel H1. All enclosures for solid waste containers shall be covered, with sewer laterals extended to enclosures so that any liquid discharge or wash-down water will be conveyed to the sewer system and not the storm drain system.

**E. Utilities & Utility Equipment/Meters:**

1. Utility Meters / Equipment: All utility meters, boxes, conduit, and the like shall be installed within enclosures utilizing the same architectural materials/colors as approved for the Hotel's exterior elevations on Parcel H1 as to effectively screen these items from public view. Stand-pipes and back-flow preventers within landscape areas that cannot be within an enclosure or be otherwise screened shall have, at a minimum, a green colored metal cage enclosure for safety and security. Landscaping by itself shall not be considered a sufficient or satisfactory screening methodology. There shall be no unscreened utility meters, boxes, conduit, or the like on the outside of the building unless integrated into and visually screened using the approved architectural facade materials of the Hotel. Accessibility to meters and equipment shall be maintained in accordance with utility service provider and City requirements. Implementation of this requirement shall be subject to the satisfaction and final approval of the City's Planning and Engineering Departments. Exceptions to this condition may be allowed for Electrical Vehicle ("EV") charging stations in parking lots. The methodology and location of EV meters/equipment shall be at the final discretion of the City Planner and City Engineer. The general contractor shall be responsible for coordinating the placement and installation of all utility meters (gas, electric, phone, cable, etc.) in accordance with City approved civil improvement construction plans for Parcel H2 and the requirements of CUP 624. Non-compliant installations may impede issuance of a certificate of occupancy/completion by the City until corrected to the satisfaction of the City and/or involved utility company/agency.
2. Fire Suppression Meters and Equipment - Any/all fire suppression meters, stand pipes, and equipment on Parcel H2 shall have visual screening and/or be within an enclosure utilizing the materials/colors approved and incorporated for the Hotel building on Parcel H1; or when screening and an enclosure are not feasible, then at at a minimum, use of a green colored metal screen-cage enclosure. Landscaping by itself shall not be considered a sufficient screening methodology. The location and screening method(s) of all fire suppression meters, stand pipes, and equipment on Parcel H2 shall be identified on construction drawings for Parcel

H2. Final installation of fire suppression equipment shall be subject to the City's Fire Department.

**F. Light Fixtures & Poles:**

1. Lighting Plan: Prior to issuance of building permits for site construction on Parcel H2, a detailed lighting plan for Parcels H1, H2, H1A, and H2A shall be reviewed and approved by the City's Planning and Engineering Departments. Lighting plans shall identify all exterior light fixtures, their mounting, watt capacity, filament housing, and illumination dispersal (photometric). All exterior lighting shall be designed to provide for operational and security requirements while minimizing adverse effect to other nearby properties or public rights-of-way. Lighting fixtures shall be downcast and shielded and design to reflect light away from surrounding premises and all public rights-of-way. The angle of light distribution from fixtures shall be subject to the City Planner and City Engineer final approval.
2. Parking Lot / Pedestrian Path Pole Lights: Pole lights for outdoor parking and/or pedestrian areas on Parcel H2 shall consist of LED energy efficient fixtures that perform and distributes light similar to High Pressure Sodium 1,000 watt 480 volt parking lot lights, subject to final City Engineer and City Planner review and approval. The placement and number of such lights shall be subject to civil improvement plan review and approval by the City Engineer. Final approval of parking lot and pedestrian light pole fixture designs and styles shall be subject to City approval. Civil improvement plans shall identify all such exterior light poles and their specifications to the satisfaction of the City Engineer and City Planner.
3. Sign Lights: Light fixtures/sources for the illumination of any/all signs on Parcel H2 shall be subject to the City DRC's review and approval of a design permit, sign permit, and/or uniform sign program.

**G. Signs:**

1. Commercial Signs: Prior to the installation/establishment of any commercial, directional, and/or site identification sign(s) (monument and/or wall mounted) on Parcel H2 for the hotel, a design permit, sign permit, and/or a uniform sign program, as determined appropriate by the City Planner, shall be approved by the City's DRC. Plans shall include locations of all signs, sign size, materials, colors and message. All signs shall be maintained consistent with the City's DRC's approval.
2. Construction Signs: Temporary construction signs may be placed on Parcel H2 only during construction activities without City Design Review Committee approval; however, said construction signs shall be subject to the terms/conditions of City Council land use entitlement permit(s) approval, and only erected on those sites actively involved with grading and/or construction activities.

**H. Stormwater Management and Control:**

1. Governing Regulations: Storm water management and control associated with Parcel H2, in conjunction with Parcels H1, H1A, and H2A of the South of Tioga



Project shall comply with applicable requirements of the State Water Resources Control Board (the "SWRCB") Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System Phase II General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (the "General Permit"), and by incorporation, the Central Coast Regional Water Quality Control Board (the "CCRWQCB") Resolution No. R3-2013-0032 Post-Construction Storm water Management Requirements for Development Projects in the Central Coast Region (the "PCRs"), and Sand City Municipal Code (the "SCMC") Chapter 13.05 Storm Water Management. The discharge of storm water during construction/land disturbance activities is regulated by the General Permit, SCMC Chapter 13.05, and the SWRCB NPDES Construction General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (the "Construction General Permit"). All of the Hotel Project's SCMs and LID features, including water quality measures, shall comply with the requirements of the General Permit, the PCRs, and SCMC Chapter 13.05 to the satisfaction of the City Engineer.

2. Stormwater Control Requirements (mitigation measure DR-1): The requirements for storm water control and management shall be consistent with the South of Tioga Project's VTM as approved by the City, and subject to the City Engineer's review and approval of a Stormwater Control Plan, Agreement Regarding Maintenance and Right-of-Entry for Stormwater Control Measures, the Operations and Maintenance Plan, and Best Management Practices.
3. Erosion and Sediment Control Plan (the "ESCP"): An ESCP shall be prepared by a licensed civil engineer for any land disturbance or construction activities resulting in soil disturbance of 500 square feet or 50 cubic yards (gross including both cut and fill) or more associated with the development of Parcel H2 and shall be submitted to the City for review and approval by the City Engineer. The ESCP shall be included with the grading and drainage plans and/or the improvement plan package. The ESCP shall be approved by the City Engineer prior to the issuance of any grading or building permits for Parcel H2 or the commencement of any construction activities.
4. Stormwater Control Plan (the "SCP"): A SCP shall be prepared by a licensed civil engineer for the development of Parcel H2 and shall demonstrate how the development will achieve compliance with the applicable PCRs. The SCP shall demonstrate the amount of impervious surface created and/or replaced by the Hotel Project and the corresponding Performance Requirements required by the PCRs. The SCP shall clearly indicate the location and size of all proposed Stormwater Control Measures (the "SCMs"), both structurally and non-structurally, to ensure that they may be accommodated within the Hotel Project development. Due to the nature of the Hotel Project, the City may authorize the preparation of a single SCP for Parcels H2 and H2A. The SCP shall be prepared per City requirements and in accordance with the latest edition of the Storm Water Technical Guide ("the STG") and templates adopted by the Monterey Regional Storm Water Management Program (the "MRSWMP"). This SCP shall include a grading and drainage plan that clearly indicates how storm water runoff from all impervious surfaces (roofs, hard-

scape, pavement, walkways, patios, etc.) is directed and/or routed to all proposed SCMs and shall include all necessary calculations to support the sizing of all proposed SCMs. Where abutting parcels of the Hotel Project within the South of Tioga Project Area have integrated SCMs, the SCPs for each parcel shall be consistent and reference the other Parcel's SCP. The SCP shall be fully coordinated and consistent with civil improvement and landscaping plans where no conflicts occur between the SCMs and other site improvements. This SCP shall be reviewed and approved by the City's Planning and Engineering Departments prior to City issuance of grading and/or building permit(s), or the commencement of any construction activities on Parcel H2.

5. Maintenance & Right-of-Entry for Stormwater Control Measures: The Property Owner of Parcel H2 shall enter into a written agreement with the City for the installation and long-term operation and maintenance of all installed SCMs servicing Parcels H1, H2, H1A, and H2A. This agreement shall include deed restriction language for the protection of these SCMs, specifying that the SCMs servicing Parcels H1, H2, H1A, H2A shall not be removed, relocated, covered, or hampered with in any way as to prevent the SCM's intended function or designed capacity. The agreement shall provide for ongoing maintenance and verification of maintenance by the Property Owner and their successors of interest. This agreement shall provide for right-of-entry by designated City staff for the purposes of inspection of installed SCMs; and shall further identify that any costs associated with the long-term maintenance fo the installed SCMs shall be the responsibility of the Property Owner at the time when maintenance is performed. The provisions of this legal agreement, subject to City Engineer and City Attorney final review and approval prior to recording with the Monterey County Recorder, shall run with the land. This agreement shall be executed and recorded prior to the issuance of building permits for the Hotel Project. Failure of the Property Owner to execute this agreement shall be a violation of CUP 624 and be sufficient cause for City termination of CUP 624.
6. Operations and Maintenance Plan (the "O&M Plan"): The owner of Parcel H2 shall submit to the City an O&M Plan prepared in accordance with City requirements and the latest edition of the Storm Water Technical Guide (the "STG"), subject to City Engineer and City Attorney review and approval prior to the issuance of a certificate of occupancy/completion for Parcel H2. This O&M Plan shall identify, plan, direct, and record the long-term operation and maintenance of all SCMs servicing Parcel H2, including descriptions of the SCMs to be maintained, a schedule for inspection and maintenance activities, and a description of the inspection and maintenance activities. This O&M Plan shall clearly identify all parties responsible and their individual obligations for long-term operation and maintenance of the installed SCMs. The Property Owner shall provide annual certification to the City that the SCMs have been regularly inspected and are functioning per the City approved design.
7. Certification for SCMs: For Parcel H2, the Applicant shall provide written certification prepared, stamped, and signed by a licensed civil engineer stating that

all of the installed SCMs were constructed in accordance with the Hotel Project's approved improvement plans and SCP. This certification shall meet all City requirements and be provided to the City prior to the issuance of certificates of occupancy/completion for Parcel H2. The City shall provide a draft certification form to the Applicant.

8. Storm Water Compliance: The Applicant shall demonstrate the Hotel Project's compliance with all the requirements of the most current NPDES Phase II General Permit issued to the City. The document demonstrating compliance shall be prepared, signed, and stamped by a civil engineer. If for any reason the Hotel Project cannot demonstrate compliance with the City's NPDES Phase II General Permit, the PCRs, SMC Chapter 13.05, or the Applicant and/or Property Owner fail to execute an agreement regarding maintenance and right of entry for SCMs and/or complete the final O&M Plan, CUP 624 shall be subject to termination by the City.
9. Best Management Practices (BMPs): During all phases of construction and/or land disturbance activities on Parcel H2, construction contractors and sub-contractors shall implement appropriate site-specific Best Management Practices (the "BMPs") for the protection of storm water quality and prevent storm water pollution, as required by City's municipal Storm Water Permit, Municipal Code Title 13.05 Storm Water Management, and the California Construction General Permit, as applicable to the satisfaction of the City Engineer. BMPs shall include, but are not limited to, erosion and sediment control, materials management, prevention of non-storm water discharges, and good housekeeping and waste management practices. All site specific BMPs shall be shown on the ESCP and/or the Project's Storm Water Pollution Prevention Plan (the "SWPPP").
10. California Construction General Permit: The Legally Responsible Person (the "LRP"), as defined in the Construction General Permit, shall seek coverage under the Construction General Permit. The LRP shall prepare and submit the Notice of Intent (the "NOI"), Permit Registration Documents (the "PRDs"), and the Hotel Project's SWPPP to the SWRCB to obtain coverage under the Construction General Permit and shall provide copies of the approved NOI and the Hotel Project's Waste Discharger Identification Number (the "WDID") to the City prior to the issuance of any encroachment, grading, or building permits for any activity resulting in land disturbance.

**I. Plans and Agency Compliance:**

1. Plans Examination: Construction plans/documents for Parcel H2 shall be reviewed and approved by the relevant and necessary departments of the City prior to issuance of a building permits and prior to commencement of any grading or construction activity on Parcel H2 for the South of Tioga Project and the Hotel Project. Any and all requirements specified by the City and its departments during the plan review phase prior to issuance of building permits or during construction inspections shall be implemented to the satisfaction of the inspectors/representatives of each City department. Construction plans submitted

for review shall be compliant with the California Building Codes (Building, Fire, Plumbing, Mechanical, Electrical, etc.) and City Municipal Codes in effect at the time of application. Construction plans/documents shall include all necessary mitigation to implement the City approved SCP for Parcel H2.

2. City Cost Recovery & Plan Review Fees: Due to the scope and scale of this Hotel Project and the inherent complexity of construction plans and documents for such a project and the City expenses expected to exceed the City's standard fee schedule, a cost recovery agreement shall be required and executed between the City and the Applicant and/or Hotel Project developer prior to the submission, or City acceptance, of construction plans for plan check review by the City and its Departments (i.e. Building, Fire, Engineering, Planning, etc.) for the Hotel Project. This cost recovery agreement shall outline and detail the methodology for charging plan review fees of each City department involved with construction plan/document examination/review and all on-site inspections during construction of the Hotel Project. Expenses incurred by the City shall include that time City staff expends in meetings regarding plan examinations/reviews of the Hotel Project. This agreement shall include and detail a form of financial security (i.e. Bond, escrow account deposit, etc.) guaranteeing City recovery of expenses incurred in the review of construction documents and performing site inspections during construction.
3. Agency/Department Compliance: All requirements of the City's Building and Fire Departments, the City Engineer, and the City Planner shall be implemented to the satisfaction of each of the aforementioned Department. Any and all necessary permits/and/or approvals, applicable to the Hotel Project, from utility companies/agencies shall be acquired by the Applicant and/or the Hotel Project's general contractor prior to City issuance of building permits for Parcel H2. All requirements of each aforementioned Department/Agency shall be completed to the satisfaction of the City prior to City issuance of certificates of occupancy and/or compliance for Parcel H2.
4. Geotechnical Report: The Applicant shall submit a final geotechnical report for Parcel H2 to the City, concurrently with improvement plans submitted to the City for Parcel H2. This geotechnical report shall be prepared, wet-signed, and stamped by a licensed geotechnical engineer. This geotechnical report shall ensure that the Hotel Project is designed and constructed in accordance with the most current and applicable standards of the City's building codes; and shall further include geotechnical evaluation and recommendations for all necessary aspects of the Hotel Project; including, but not limited to, geologic hazards, site preparation, earthwork, grading and drainage, foundations, special treatment at cut/fill interfaces, retaining walls, street pavement sections, and the like. This geotechnical report shall include site specific soils infiltration/percolation testing at locations where structural storm water control measures are proposed to be constructed to support the design of storm water control measures. The recommendations of this geotechnical report shall be incorporated into the design and construction documents for the Hotel Project.

5. Grading and Drainage Plan: The Applicant and/or Property Owner shall prepare and submit to the City a grading and drainage plan for all parcels of the South of Tioga Project that are associated with the Hotel Project therein. The grading and drainage plan(s) shall be prepared by a licensed civil engineer, in accordance with City requirements and standards, and subject to review and approval by the City Engineer prior to issuance of any building permits for Parcel H2. At a minimum, grading and drainage plans for Parcel H2 shall contain a) both existing and proposed information pertaining to contours, elevations, and infrastructure; b) cut/fill interfaces and limits of grading; c) lot/parcel boundaries, grading details, and road rights-of-way; d) existing trees to be saved in place or moved; e) all necessary details that clearly convey the recommendations contained in the geotechnical report applicable to the Hotel Project; f) proposed development pad elevations; g) cross-sections to show areas of cut, fill, and grading on site and perimeter cross sections illustrating the Hotel Project's interface with abutting streets and properties; and h) plan/profile views of proposed drainage facilities. Grading and drainage plans for Hotel Project shall be reviewed and approved by the South of Tioga Project's geotechnical engineer with copies of said approval(s) provided to the City prior to City approval of grading and drainage plans and issuance of permits for grading.
6. Air District (mitigation measure AQ-2): Requirements of the Monterey Bay Unified Air Pollution Control District that are applicable to the development and use of Parcel H2 shall be implemented to that agency's satisfaction. Dust control measures during construction shall be implemented in accordance with the City approved Mitigation Monitoring Program for the South of Tioga Project. Specific language shall be included in all grading and construction plans regarding the control/reduction of dust emissions from demolition, grading, and construction activities for the Hotel Project, subject to City review and approval.
7. Cultural Resources (mitigation measures CR-1, CR-2, CR-3): Construction, civil improvement, and grading plans shall include the following language:

"In the event that evidence of historical, tribal, archaeological and/or paleontological resources is/are uncovered during excavation and/or grading, all work shall stop in the area of Subject Property until an appropriate data recovery program can be developed and implemented by a qualified historian, archaeologist and/or paleontologist. The City Planner shall ensure that the permit language has been included and shall ensure that the appropriate data recovery program is implemented should historical, archaeological and/or paleontological resources be uncovered.

If human remains are found during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within twenty-four (24) hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely

descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall re-bury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within forty-eight (48) hours after being notified by the Commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

The Applicant shall notify the Ohlone/Costanoan-Esselen Nation, with a copy to the Sand City Planning Department, no less than fourteen (14) days prior to initiation of grading and excavation activities to provide an opportunity for provision of a Tribal Monitor to be present during rough grading and excavation activities. All cultural items found during construction activities shall be returned to the Ohlone/Costanoan-Esselen Nation.”

8. Environmental Assessment Report (HAZ-1, HAZ-2, HAZ-3): A Phase II Environmental Site Assessment shall be prepared and provided by the Applicant to the City prior to the issuance of a permit for building demolition or site clearance activities for Parcel H2 in accordance with the South of Tioga Project’s VTM conditions of approval. The Phase II Environmental Site Assessment shall be reviewed by the City Planner, the City Engineer, and the City’s Fire Department. A geophysical survey shall be required during the Phase II Environmental Site Assessment in order to address the potential presence for improper closure of (if any) oil and natural gas production well or existing underground storage tanks. A Site Management Plan shall be prepared by the Applicant, subject to review by the City Planner, City Engineer, and the City’s Fire Department, to describe all the measures that will be taken to address concerns identified in the Phase II Environmental Site Assessment, including soil contamination subject to remediation. The City may opt to refer the Phase II Environmental Site Assessment and/or the Site Management Plan to the Monterey County Environmental Health Department for review.

**J. Construction:**

1. Construction Staging Management Plan (mitigation measure AQ-3): The Applicant shall prepare a Construction Staging Management Plan to be reviewed and approved by the City Planner and City Engineer prior to issuance of grading or demolition permits for Parcel H2. This Management Plan shall include, but not necessarily be limited to, the following restrictions:
  - a. On-site staging and loading areas for off-haul trucks during demolition, grading, and excavation activities shall be located no farther than thirty feet (30') south

- or west of "A" street as titled on the Project's approved VTM.
- b. Offsite staging, if allowed, shall not be located on Tioga Avenue between Metz Road and Sand Dunes Drive, or at any location within five hundred feet (500') of a residence; and
  - c. Construction equipment and off-haul trucks shall not idle in excess of five (5) minutes.
2. Hazard Surveys Prior to Demolition (mitigation measure HAZ-4): Prior to demolition of buildings on Parcel H2, the Applicant shall have an asbestos survey and lead-based paint survey that includes management of these hazardous materials during demolition of those buildings. An abatement plan shall be developed for approval by the City Planner, City Engineer, and/or the City's Fire Department prior to the issuance of a demolition permit for any existing building/structure within Parcel H2. The Applicant shall notify the Monterey Bay Unified Air Pollution Control District at least ten (10) days prior to demolition activities. If underground pipes are discovered during excavation activities, those pipes shall be assessed for the potential to contain lead or asbestos.
  3. Biological Surveys/Mitigation Prior to Grading and Demolition (mitigation measures BIO-1 through BIO-12): Prior to demolition and grading activities on Parcel H2, the Applicant shall implement all requirements related to biological surveys, reporting, protection, and preservation as specified in both the City approved Mitigation Monitoring Program and the City approved VTM for the South of Tioga Project and the conditions stated therein.
  4. Street Access: Construction activities shall not impede vehicular traffic on California or Tioga Avenues abutting the Hotel Project. A traffic control plan shall be provided to the City for review and Approval. Any temporary closures of streets or sidewalks to accommodate construction activities shall be coordinated with, and subject to, the direction of the Sand City Chief of Police and the City approved traffic control plan prior to implementing any temporary street closures. Adjacent properties impacted by said closures shall be given notice no less than one (1) week prior of such closure.
  5. Material/Equipment (mitigation measures AQ-4, N-1): Materials and/or equipment necessary for construction upon Parcel H2, as authorized by CUP 624, shall not be stored and/or parked within any public right-of-way or on private property that is/are not part of the South of Tioga Project Area unless otherwise authorized by the City's Planning Department and Chief of Police. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. Locate stationary noise-generating equipment as far as reasonably possible from sensitive noise receptors that adjoin or are near construction area and/or provide an effective acoustical barrier or insulation. All internal combustion engine driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall, at a minimum, meet Tier 3 emission standards listed in the Code of Federal

Regulations Title 40, Part 89, Subpart B, §89.112. The developer shall provide evidence of compliance prior to issuance of a grading permit. All construction shall utilize “quiet” models of air compressors and other stationary noise sources where such technology exists. Security/construction fencing shall be implemented if deemed necessary by the Building Inspector and/or other City Department inspector.

6. Construction Hours (mitigation measure N-1): Construction activities performed by all contractors and sub-contractors on Parcel H2 shall only occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. There shall be no construction activity on Parcel H2 on Sundays or City recognized Holidays unless otherwise authorized in writing by the City.
7. Construction/Demolition Debris/Material: Debris/material from construction/demolition activities shall be stored and contained away from general public access, and hauled away and disposed of in a timely and legal manner. The general contractor shall implement material recovery and recycling when feasible. Construction/Demolition debris (the “C&D materials”) shall either be hauled/removed from the site by the general contractor to the Monterey Regional Waste Management District facility in the City of Marina or by the City’s franchised waste hauler GreenWaste Recovery Inc (“GWR”). No other outside refuse hauler is permitted in accordance with San Jose City Municipal Code Chapter 13.04. It shall be the Property Owner and/or the South of Tioga Project’s and Hotel Project’s general contractor’s responsibility to coordinate with GWR and/or maintain weight tickets for self-hauled C&D materials. Weight tickets for self-hauling by the Hotel Project’s general contractor shall be provided to the City’s Planning Department on an ongoing basis during construction and as requested by the City. Failure to comply may result in City issuance of a ‘cease and desist’ order upon construction until compliance is met to the satisfaction of the City. 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 storm water pollution are required to the satisfaction of the City Engineer.
8. Construction Signs: Construction signs may be placed on Parcel H2 only during construction activity on Parcel H1, H1A, H2, and H2A, and shall be removed upon completion of construction activity on these Parcels. Such signs may be placed on perimeter construction fencing or on posts, but shall not be elevated whereby the top of sign exceeds eight (8) feet in height.
9. Disturbance Coordinator (mitigation measure N-1): The Applicant and/or the general contractor for this Parcel shall designate a “disturbance coordinator” responsible for responding to complaints regarding construction noise or vibration. This disturbance coordinator shall determine the cause of the complaint and require reasonable measures to correct the issue.
10. Geotechnical Requirements: (mitigation measures GEO-1 through GEO-8): All grading and construction activity for the Hotel Project and Parcel H2 shall comply



and satisfy all applicable mitigation measures stated in the City certified EIR for the South of Tioga Project and the City approved Mitigation Monitoring Program and VTM for the South of Tioga Project; including, but not limited to, management of disturbed soils, management of exposed soils, geotech-engineer monitoring, soil compaction, and shoring plan(s).

11. Dust Control (mitigation measure AQ-2): Dust control measures shall be implemented to reduce visible dust from leaving the construction area for the Hotel Project in accordance with, but not necessarily limited to, the mitigation measures identified in the City approved Mitigation Monitoring Program for the South of Tioga Project.
12. Contractor(s) Business License: All contractors and sub-contractors involved with demolition, grading, and/or construction work on Parcel H2 shall obtain a City business license for the duration of construction activity on this Parcel. Failure of said parties to obtain and maintain a City business license during construction may impede City issuance of certificates of occupancy and/or completion for Parcel H2.
13. Stormwater Management Control and Pollution Prevention: During all phases of construction, the Applicant and/or contractor shall employ temporary construction best management practices (BMPs) for erosion and sediment control, prevention of non-storm water discharges, and implement good housekeeping and waste management practices to protect the storm drain system and water quality to the satisfaction of the City Engineer. Plans indicating proper storm water management, control, and BMP implementation during construction shall be submitted to the City with construction plans and shall be subject to review and approval of the City's Building Official and City Engineer prior to issuance of any grading and/or building permit for Parcel H2.
14. Encroachment Permit: The Applicant and/or Property Owner of Parcel H2 shall obtain an encroachment permit from the City for any work to be performed within a City public right-of-way.
15. Fire Access During Construction: Fire Department access and sufficient water supply acceptable to the City's Fire Chief shall be provided prior to combustible construction.

**K. General Requirements:**

1. Vesting Tentative Map: All development and activity on Parcel H2 shall be in accordance with the terms and conditions of the South of Tioga Project's VTM as approved, with the conditions therein, by the City.
2. Mitigation Measures and Monitoring Program: All development and activity on Parcel H2 shall comply and satisfy all applicable mitigation measures stated in the City certified EIR for the South of Tioga Project, and the City approved Mitigation Monitoring Program and VTM for the South of Tioga Project.

3. Regional Transportation Impact Mitigation (mitigation measures T-1, T-2, T-3, CUMT-1, CUMT-2): Prior to issuance of a certificate of occupancy for the Hotel Project, the Applicant shall implement/execute all requirements related to regional transportation mitigation as specified in both the City approved Mitigation Monitoring Program and the City approved VTM for the South of Tioga Project and the conditions stated therein. This includes, but not limited to, payment of impact fees and proportional share of costs for specific road/infrastructure improvements as identified in the City approved South of Tioga Project's EIR and Mitigation Monitoring Program.
4. TAMC & RDIF Fees (mitigation measure T-3): Prior to City issuance of building permits for hotel construction, the Applicant and/or Property Owner shall pay the Transportation Agency for Monterey County's (TAMC) Regional Development Impact Fee (RDIF).
5. Water Credit Verification: Prior to demolition of any structure within Parcel H2 in preparation of this Parcel's development in accordance with CUP 624, the Applicant shall coordinate and implement on-site inspections by the Monterey Peninsula Water Management District (the "MPWMD") to verify and document all available water credit on Parcel H2, followed by copies of all documentation of said water credit documented by the MPWMD to be provided to the Sand City Planning Department prior to any water allocation by the City to the Hotel Project and/or Parcel H2. A statement of assurance/verification by/from the MPWMD stating the amount of water credit that they recognize as being available within the South of Tioga Project Area may be provided in lieu of inspection(s) and documentation.
6. Water Allocation: Prior to City issuance of building permits for site improvement construction on Parcel H2, the Applicant or Property Owner shall obtain the necessary water permit(s) from the MPWMD for the development and landscaping as authorized by CUP 624. Approval of CUP 624 does not grant the Applicant and/or Property Owner any right and/or privilege to any allocation of water by the City or other agency/entity. Any allocation of water to Parcel H2 from the City's Water Entitlement (desalination facility) shall be at the discretion of the City's City Council. If the City takes action to deny an allocation of water necessary for the Hotel Project, in accordance with the determination and regulations of the MPWMD, then CUP 624 shall be subject to City Council amendment or termination.
7. Refuge Collection: The Property Owner and/or management of the hotel operation on Parcel H1 and H2 shall coordinate all refuse (i.e. garbage, recycling, food/organic waste, etc.) collection with the City's franchised waste hauler. Sufficient refuse collection and holding capacity shall be provided on site to accommodate and separate solid waste (garbage), recyclable materials, and food/organic waste for this Parcel and authorized land use. All refuse collection containers (bins, dumpsters, etc.) shall be within an enclosed area and screened from general public view. Trash enclosures shall maintain accessibility for City franchised waste hauler collection. Trash enclosures beyond the confines of the hotel building shall utilize the same building materials and colors as used on the

hotel building on Parcel H1 subject to final Planning Department review and approval.

8. Public Transit Group Discount for Employees: Management of the Hotel Project shall coordinate with Monterey-Salinas Transit (MST), TAMC, and/or other public transportation agencies serving the Monterey Peninsula, to participate in and provide an alternative transportation (i.e. bus, train, taxi, etc.) group discount program for all hotel employees for so long as such programs are available.
9. Permit Violation: If the City determines any term or condition of CUP 624 has been violated, written notice shall be issued to the Applicant and/or Parcel H2's Property Owner, that if such violation is not corrected and/or removed within a specified time, a 'cease and desist' or 'stop order' may be issued, followed by a potential public hearing, where the City may consider amending or revoking CUP 624 and may then order said Permit amended or revoked.
10. Interpretation: Any questions of intent or interpretation regarding any condition/term of CUP 624 shall be resolved by the Sand City Planning Department.
11. Indemnity/Hold Harmless: To the extent permitted by law, the Applicant and Property Owner shall indemnify and hold harmless the City, its City Council, its officers, employees, 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 to attack, set aside, or void, any permit or approval authorized hereby for the Hotel Project and/or Parcel H2, 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.
12. The issuance of CUP 624 shall not supersede or override any applicable requirements of any other City, County, State, or Federal agency.

**PASSED AND ADOPTED**, Conditional Use Permit (CUP) 624 for Parcel H2 by the City Council of the City of Sand City this \_\_ day of November, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Linda K. Scholink, City Clerk

\_\_\_\_\_  
Mary Ann Carbone, Mayor

**Signatures continued on following page...**

**Signatures continued from previous page.**

\_\_\_\_\_  
This is to certify that Conditional Use Permit 624 contains the conditions specified by the City Council in approving said Permit.

\_\_\_\_\_  
Charles Pooler, City Planner

**APPLICANT ACCEPTANCE (CUP 624)**

Conditional Use Permit 624 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 PROPERTY OWNER (CUP 624)**

Consent is hereby granted to the permittee to proceed with the City approved project, in accordance with the terms and conditions of Conditional Use Permit 624.

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

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

# **REPORT ATTACHMENT 2-c**

**CDP 18-01  
for  
Parcel H1A**

CITY OF SAND CITY

RESOLUTION SC \_\_\_\_\_ (2018)

RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING  
COASTAL DEVELOPMENT PERMIT 18-01 FOR PARCEL H1A OF  
THE SOUTH OF TIOGA DEVELOPMENT PROJECT

**WHEREAS**, DBO Development No. 30, LLC (the “Applicant”) submitted applications to the City of Sand City (the “City”) for a vesting tentative map, coastal development and conditional use permits, site plan, and architectural review and approvals regarding a mixed use (residential and commercial) development project on an approximate 10.64 acre site bounded by Tioga Avenue to the northeast, California Avenue to the southeast, East Avenue to the southwest, and the Merle Street right-of-way to the northwest, generally referred to as the “South of Tioga Planning District”; and

**WHEREAS**, the overall project site is comprised of 41 existing parcels (Assessor’s Parcel Numbers 011-122-002, 003, 004, 005, 010, 011, 023, 024, 025, 026, 032, 038, 039, 040, 041; 011-123-001, 004, 005, 006, 007, 008, 009, 011, 022, 023, 024, 025, 026; 011-134-011; 011-135-001, 014, 015, 016, 023, 024; 011-136-007, 012, 024; and, 011-186-021, 038, 039) and encompasses all or portions of Scott Street, East Avenue, Lincoln Avenue, California Avenue, Tioga Avenue, Orland Street, Beach Way, Fir Avenue, and Afton Avenue public rights-of-way (the “South of Tioga Project Area”); and

**WHEREAS**, On June 5, 2018, the City approved a Vesting Tentative Map (dated May 31, 2018) for the South of Tioga Project (the “VTM”), to merge existing lots and abandon existing public rights-of-way that, with City approval of a Final Map, creates six new parcels (H1, H1A, H2, H2A, R1, and R2), relocates an existing wastewater lift station, dedicates additional right-of-way to, or relocation of, existing streets, and dedicates right-of-way for new public streets; and

**WHEREAS**, the Applicant’s proposed project originated as a result of the Request for Qualifications (RFQ) put out by the former Sand City Redevelopment Agency (the “RDA”) where after that RDA in 2001 signed an Exclusive Negotiation Agreement (the “ENA”) with the Applicant to redevelop the South of Tioga Planning District to mitigate ongoing conditions of blight and provide economic stimulus for the City; and though the City’s RDA has since been dissolved by the State of California, the property acquisition by the Applicant and development strategies that commenced under the ENA had continued until submission of the Applicant’s land entitlement application packet to the City in 2017; and

**WHEREAS**, in accordance with the City approved VTM, Parcel H1 will be 2.18 acres located in the northeastern section of the South of Tioga Project Area intended for a hotel with amenities and surface parking spaces; Parcel H2 will be 1.18 acres located in the southeastern portion of the South of Tioga Project Area intended for hotel parking, utilities, and stormwater control; Parcel H1A, will be 0.38 acres and Parcel H2A will be 0.30 acres to separate out territory within the Coastal Zone overlay to be improved only for parking, landscaping, and utility improvements to service Parcel H1; Parcel R1 will be 1.78 acres

located in the northern portion of the South of Tioga Project Area intended for a 125-unit multi-family residential building with parking in a partly below-grade structure; Parcel R2 will be 3.70 acres located in the southwestern portion of the South of Tioga Project Area intended for a 231-unit multi-family residential complex, inclusive of 52 affordable housing units, with parking in multi-level parking structure; and dedicate a new right-of-way for East Avenue and the right-of-way for a new street connecting California Avenue and Tioga Road, and establish two sand dune habitat preservation areas (the “South of Tioga Project”); and

**WHEREAS**, the South of Tioga Project is intended to be completed in three (3) phases, with Phase 1 consisting of the public improvements, completion of new public streets and rights-of-way, utility and infrastructure installation, and preparation of development pads on each of the Project’s VTM’s newly created parcels (H1, H1A, H2, H2A, R1, & R2), Phase 2 consisting one (1) hotel on Parcel H1 with hotel parking on parcels H1A, H2, and H2A, and Phase 3 consisting of two multi-family residential developments, one on Parcel R1 and one on Parcel R2; where Phase I will be completed by the Applicant, Phase 2 by an independent hotel developer, and Phase 3 by one or more independent residential developers; and

**WHEREAS**, Parcel H1 is proposed to be developed with a hotel of up to two hundred sixteen (216) guest rooms (otherwise referred to as ‘keys’) at a maximum of four (4) floors with accessory guest amenities (i.e. swimming pool, parking, spa, etc.), guest food service, vehicular surface parking and drive isles, landscaping, utilities, and utility equipment shelters/screening, where Parcels H1A, H2, and H2A will also provide parking, landscaping, and utilities and utility equipment to serve parcel H1 (the “Hotel Project”); and

**WHEREAS**, Parcel H1A of the City approved VTM, within the South of Tioga Project Area and part of the Hotel Project, is within the 100-foot coastal zone overlay extending from the railroad right-of-way along the City’s eastern jurisdictional boundary, with a zoning map and local coastal plan land use map designation of ‘Coastal Zone Regional Commercial’ (CZ-C4), where the intended parking, utilities, and storm water management on Parcel H1A are subject to issuance of a coastal development permit as accessory uses to a hotel development on a neighboring property; and

**WHEREAS**, in an evaluation of parking required and existing for hotel developments in other jurisdictions (local and regional), it is determined that the one (1) parking space per living or sleeping unit (“guest room”) requirement of Zoning Code section 18.64.050.N is sufficient to accommodate the proposed Hotel Project on Parcel H1, provided that the VTM created Parcels H2, H1A, and H2A are maintained to provide parking necessary to accommodate that parking requirement necessitated for Parcel H1; and

**WHEREAS**, the South of Tioga Project inclusive of the Hotel Project, in the endeavor to eliminate existing blighted conditions present the South of Tioga Project Area, provides land use transition compatible with the East Dunes Planning District, and to increase the residential population of the City, resulting in a “higher and better” use of land and aesthetic improvement, is consistent with Goals 2.6 and 2.8 of the City’s General Plan (2002 ed.); and

**WHEREAS**, the South of Tioga Project Area includes two privately owned parcels (APN 011-123-004 and 011-123-023) that must be obtained for the creation of a new public road through the South of Tioga Project, acquisition by either the City potentially utilizing its power of eminent domain and/or by the Applicant in negotiations with those properties' current owners, whereby it is necessary to limit the effective date of any land use entitlement and restrict the Project from commencing construction on Parcel H1A unless and until the aforementioned privately owned parcels are legally obtained by, and title transfer complete to, either the Applicant and/or the City; and

**WHEREAS**, agencies such as Monterey-Salinas Transit (MST) and the Transportation Agency for Monterey County (TAMC), who service the Monterey Peninsula, either have, or are developing, programs to decrease single-occupancy commutes with materials and services for employers to assist workers in using public transit, riding bikes, or walking to work that would reduce the Hotel Project's employee parking from impacting on-site and limited public street parking; and

**WHEREAS**, due to the scope and scale of this Hotel Project and the inherent complexity of construction plans and documents for such a project, it is necessary for there to be a form of cost recovery established between the City and the Applicant and/or the Hotel Project developer/owner for those expenses incurred by the City in excess of the City's standard fee schedule in conducting construction plan and document review in the issuance of building permits and on-site City inspections during construction activity; and

**WHEREAS**, a draft Environmental Impact Report was prepared for the South of Tioga Project, inclusive of Parcel H2A, pursuant to the California Environmental Quality Act that was adequately noticed and advertised, with a public review period for the Draft EIR from March 2, 2018 through April 20, 2018 for a 50-day period; and

**WHEREAS**, the City of Sand City, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. § 15000-15387) (collectively, "CEQA"), completed the Final Environmental Impact Report ("Final EIR" or "EIR") State Clearinghouse No. 2017061066 for the South of Tioga Project, which includes Parcel H1A and the Hotel Project; and

**WHEREAS**, pursuant to CEQA, the City Council has certified the South of Tioga Project's Final EIR and found that the South of Tioga Project's environmental impacts were adequately evaluated, and the City Council further adopted a statement of overriding considerations for three potentially unavoidable traffic impacts; and

**WHEREAS**, the City Council held multiple duly noticed public hearings, as required by law, regarding the overall South of Tioga Project to consider all of the information presented by staff, information from the Applicant, and public testimony presented in writing and orally, both prior to and at those public hearings; and,

**WHEREAS**, the public hearing to consider the Hotel Project and the coastal development permit for Parcel H1A was duly noticed in accordance with the requirements of the California Government Code, which included posting at three designated locations,



publication in a newspaper of local circulation, mailed to property owners within 300 feet and residents/businesses within 100 feet of the South of Tioga Project boundaries; and,

**WHEREAS**, Coastal Development Permit 18-01 for Parcel H1A is found to be sufficiently complete and compliant with the Sand City Municipal Code and the South of Tioga Project's approved VTM and EIR.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sand City to hereby grant and issue Coastal Development Permit 18-01 ("CDP 18-01") for Parcel H1A within the South of Tioga Project area upon the following terms and conditions:

**A. Permit Effectiveness / Time Limits & Purpose:**

1. Permit Acceptance: CDP 18-01 is not valid, and construction on Parcel H1A shall not commence, unless two (2) copies of this Resolution/Permit, signed by the Applicant and Parcel H1A's owner (the "Property Owner"), acknowledging receipt of the Resolution/Permit and acceptance of the terms and conditions, are returned to the City's Planning Department. All conditions and terms of CDP 18-01 shall remain in perpetuity to all future parcel owners unless and until the City amends or terminates CDP 18-01. The City shall not issue a building permit for development on Parcel H1A unless and until CDP 18-01 has been signed by all aforementioned parties in acceptance of the terms and conditions of CDP 18-01. Failure of the Applicant to return the two (2) original signatory copies of the Resolution/Permit, with the Applicant's and Property Owner's signatures of acceptance, within thirty (30) days from the date of City Council approval shall be sufficient cause for the City Council to revoke CDP 18-01 unless good cause to grant an extension is found acceptable by the City's Planning Department. Once signed by the Applicant and Property Owner, CDP 18-01 shall remain in effect until acted upon by the City Council.
2. Purpose: CDP 18-01 is for the express purpose of authorizing the development and use of Parcel H1A, as created by the South of Tioga VTM, to provide parking, pedestrian links, landscaping, utilities, utility enclosures, and storm water management infrastructure to service the hotel development on Parcel H1 in accordance with the conditions and terms of CDP 18-01. CDP 18-01 shall also allow the creation of monument signs on Parcel H1A for both the City's entry sign and for Hotel identification and directional signs; however, final approval of all signs shall be subject to City review and approval of either a design permit, sign permit, or uniform sign program. All development and use of Parcel H1A, as authorized by CDP 18-01, shall be in accordance with the terms and conditions specified by CDP 18-01. There shall be no expansion to the scope or intensity of the development and/or use(s) beyond that as authorized by CDP 18-01 without either an amendment of CDP 18-01 or the issuance of a new land use entitlement permit.
3. Deed Restriction & Easement Agreement: A deed restriction, or equivalent legal mechanism, shall be recorded with the Monterey County Recorder prohibiting sale of Parcels H1, H1A, H2, and H2A as separate and independent from one another that are designed and intended to cumulatively accommodate parking, landscaping,

storm water control, and utilities that service the hotel on Parcel H1. This deed restriction, reciprocal easement agreement(s), and/or other equivalent legal document(s) shall establish permanent vehicle access and parking on Parcels H1, H2, H1A, and H2A for guests, visitors, and employees of the hotel on Parcel H1. The necessary documents, in compliance with this Permit condition, shall be reviewed and approved by the City before being recorded concurrently on/for Parcels H1, H1A, H2, and H2A prior to City issuance of certificates of occupancy and/or completion for Parcel H1A.

4. Land Acquisition: CDP 18-01 is not valid, building permits shall not be issued for, nor shall construction on Parcel H1A commence, unless and until those properties not currently owned by the Applicant (APN 011-123-023 and APN 011-123-004) are legally obtained by, and title transfer complete to, either the Applicant and/or the City. Approval of CDP 18-01 does not obligate the City to utilize its power of Eminent Domain to acquire the aforementioned parcels, and the City reserves the right to decline using said power.
5. Final Map: CDP 18-01, is not valid, building permits for the Hotel Project shall not be issued for, nor construction commence on, Parcel H1A until the Final Map for the South of Tioga Project is approved by the City and recorded in full effect with the Monterey County Recorder's Office.

#### **B. Site Plan:**

1. Parking Spaces: A total of 227 off-street parking spaces shall be provided for the Hotel Project. These parking spaces shall be distributed between the VTM Parcels H1, H2, H1A, and H2A. Parcel H1 shall provide a minimum of thirty-two (32) parking spaces, Parcel H2 shall provide a minimum of one hundred forty-five (145) parking spaces, Parcel H1A shall provide a minimum of eighteen (18) parking spaces, and Parcel H2A shall provide a minimum of thirty (30) parking spaces. Adequacy of the Hotel Project's site plan design in meeting this requirement shall be subject to final City Planning Department review and approval of construction documents/plans for Parcels H1, H2, H1A, and H2A. Any alteration/reallocation of parking spaces contrary to the above shall be subject to City Planner approval; but in no circumstance shall the cumulative number of parking spaces collectively on the aforementioned Parcels be less than one (1) parking space per guest room of this Hotel Project. Parking designs shall comply with all American with Disability Act (ADA) and California Code of Regulations Title 24 requirements subject to City review and approval.
2. Parking & Drive Aisle Dimensions: All parking stalls on Parcel H1A shall be established and striped at a minimum of 8.5-feet wide and 19-feet deep for standard sized parking spaces and a minimum of 8.5-feet wide and 16-feet deep for compact parking spaces. All parking stalls shall be clearly striped with compact spaces identified as such. On-site drive aisles shall be a minimum of 24-feet in width for 2-way vehicular circulation.

3. Pavement Materials: Parking and drive aisles on Parcel H1A shall consist of either asphalt pavement, concrete, and/or decorative pavers (pervious and/or impervious) subject to City review and approval of Parcel H1A's on-site civil improvement plans and storm water control plan. Any public pedestrian walkways on Parcel H1A may be concrete; however "enhanced pavement" materials (pervious and/or impervious); including, but not limited to, pavers, decorative stamped/textured concrete, and/or similar in a curvilinear path are encouraged. Colors for all "enhanced pavement" shall be an earth-tone color subject to final Planning Department approval. Any change between abutting "enhanced pavement" materials/colors shall occur at areas of reasonable elevation transition to include changes at stairs/steps, grade changes, doorways/gates, and the like. Any exception to this requirement shall be subject to the City Planner in plan review of construction documents.
4. Truncated Domes: All truncated domes installed on Parcel H1A for ADA (Americans with Disabilities Act) compliance shall utilize a "Brick Red" or similar color and shall not utilize the standard yellow color unless determined by the City Engineer that yellow or other color is necessary for ADA compliance. Exceptions to this requirement shall be subject to the City Engineer's discretion for code compliance in plan check and final approval of construction ready civil improvement plans.
5. Retaining Walls: Retaining walls on Parcel H1A shall be designed by a civil or structural engineer if over four feet (4') in height from bottom of footing to top of wall, and shall require a building permit. Retaining walls shall utilize a decorative material or treatment, an earth-tone color, and shall avoid the use of standard/plain masonry block. Retaining wall design shall incorporate all applicable recommendations contained within the South of Tioga Project's and/or Hotel Project's final geotechnical report. All retaining wall calculations and reports shall be submitted to the City's Building and Engineering Departments for review and approval prior to issuance of building permits for those retaining walls.

### **C. Landscaping:**

1. Landscape Plan: Complete landscape plans for Parcel H1A shall be reviewed by the City's Planning Department for final approval prior to issuance of permits for construction on Parcel H1A. Landscape and irrigation plans shall comply with the most current edition of the State of California Model Water Efficient Landscape Ordinance (MWELO) and City requirements. This landscape plan shall provide complete information, to the satisfaction of the City Planner, regarding ground covers, plants, shrubs, and trees in regards to species, sizes, location, placement, and numbers. Final approval of the landscape species shall be subject to City Planner approval. Landscape plans shall include 1) irrigation plan(s) with details, 2) tree planting and staking details, and 3) shall be consistent with the Hotel Project's civil improvement plan(s) and stormwater control plan(s). All required landscaping shall be installed to the satisfaction of the City Planner's interpretation of the City approved Landscape Plan prior to final issuance of a certificates of occupancy/completion by the City.

2. **Trees:** Trees installed shall be drought resistant and tolerant of coastal sea winds and sandy soil. Trees shall be no less than 24-inch box size specimens unless otherwise authorized by the City Planner. To the satisfaction of the City Planner, all trees shall be no less than double staked with 2-inch diameter wood stakes, and possibly triple staked and/or wind screened where trees are susceptible to high winds until established, at the discretion of the City Planner. Where feasible, parking areas and large landscape areas shall be heavily “forested”, with trees planted in clusters of at least three (3) trees per cluster, subject to City Planner review and approval of the final landscape plan.
3. **Planters:** Ground level planting areas abutting sidewalks shall not include raised curbs; rather, they are to be flush with abutting sidewalk pavement. Raised planter boxes and planter pots may be incorporated; however, they shall incorporate those materials and colors consistent with the approved architectural elements for on Parcel H1A to the satisfaction of the City Planner. All planting areas and planter pots shall be connected to an operational irrigation system.
4. **Irrigation:** An irrigation system for all required landscaping shall be installed and connected to a water system. This irrigation shall be verified as operational prior to City issuance of certificates of occupancy/completion for Parcel H1A. Irrigation shall be installed per the City approved landscape plan. Any on-site changes varying from the City approved landscape plan(s) shall be subject to City Planner approval prior to implementation.
5. **Landscape Maintenance:** All landscaping required and authorized by CDP 18-01 shall be installed and maintained in accordance with the City approved landscape plan for Parcel H1A. The owner(s), present and future in perpetuity, of Parcel H1A shall be responsible for irrigation and maintenance of this landscaping, including watering, pruning, and replacement of dead vegetation to the satisfaction of the City. Any alteration or modification of the approved landscape plan shall be subject to approval by the City’s Planning Department.

**D. Architectural Elements:**

1. **Decorative screening, fences, gates, etc.:** There shall be no chain-link fencing, barbed or razor wire fencing. All fencing, screening, and gates on Parcel H1A shall consist of a high quality decorative and durable material and design subject to final City Planner review and approval prior to issuance of building permits for site construction of Parcel H1A. Temporary construction fencing, potentially consisting of chain-link, is allowed only during construction activities on Parcels H1, H2, H1A, and H2A; and shall be removed prior to City issuance of certificates of occupancy/completion for the Hotel on Parcel H1 and/or certificate of compliance for Parcel H1A.
2. **Public Benches & Seating:** All bench or other seating provided on Parcel H1A shall be secured, immobile, and of a design that does not encourage or enable transient sleeping.

3. **Bollards**: Bollards on Parcel H1A shall utilize a consistent decorative style bollard, and not plain exposed steel/metal poles, the design of which shall be subject to final City Planning Department approval. Decorative bollards shall also be identified and illustrated on civil improvement construction plans/documents. Bollards that must satisfy specific utility provider specifications are exempt from this requirement.
4. **Trash/Recycling Receptacles**: Trash and recycling receptacles established on Parcel H1A in public areas for public use shall be of a consistent decorative design, subject to final City approval. Any enclosure for trash bins and dumpsters for hotel operation shall be designed to incorporate those materials/colors approved by the City for the hotel on Parcel H1. All enclosures for solid waste containers shall be covered, with sewer laterals extended to enclosures so that any liquid discharge or wash-down water will be conveyed to the sewer system and not the storm drain system.

#### **E. Utilities & Utility Equipment/Meters:**

1. **Utility Meters / Equipment**: All utility meters, boxes, conduit, and the like shall be installed within enclosures utilizing the same architectural materials/colors as approved for the Hotel's exterior elevations on Parcel H1 to effectively screen these items from public view. Stand-pipes and back-flow preventers within landscape areas that cannot be within an enclosure or be otherwise screened shall have, at a minimum, a green colored metal cage enclosure for safety and security. Landscaping by itself shall not be considered a sufficient or satisfactory screening methodology. Accessibility to meters and equipment shall be maintained in accordance with utility service provider and City requirements. Implementation of this requirement shall be subject to the satisfaction and final approval of the City's Planning and Engineering Departments. Exceptions to this condition may be allowed for Electrical Vehicle ("EV") charging stations in parking lots. The methodology and location of EV meters/equipment shall be at the final discretion of the City Planner and City Engineer. The general contractor shall be responsible for coordinating the placement and installation of all utility meters (gas, electric, phone, cable, etc.) in accordance with City approved civil improvement construction plans for Parcel H1A and the requirements of CDP 18-01. Non-compliant installations may impede issuance of a certificate of occupancy/completion by the City until corrected to the satisfaction of the City and/or involved utility company/agency.
2. **Fire Suppression Meters and Equipment** - Any/all fire suppression meters, stand pipes, and equipment on Parcel H1A shall have visual screening and/or be within an enclosure utilizing the same materials/colors approved and incorporated into the Hotel building on Parcel H1; or when screening and an enclosure are not feasible, then at a minimum use of a green colored metal screen-cage enclosure. Landscaping by itself shall not be considered a sufficient screening methodology. The location and screening method(s) of any/all fire suppression meters, stand pipes, and equipment on Parcel H1A shall be identified on construction drawings for Parcel H1A. Final installation of fire suppression equipment shall be subject to the City's Fire Department.

## **F. Light Fixtures & Poles:**

1. Lighting Plan: Prior to issuance of building permits for site construction on Parcel H1A, a detailed lighting plan for Parcels H1, H2, H1A, and H2A shall be reviewed and approved by the City's Planning and Engineering Departments. Lighting plans shall identify all exterior light fixtures, their mounting, watt capacity, filament housing, and illumination dispersal (photometric). All exterior lighting shall be designed to provide for operational and security requirements while minimizing adverse effect to other nearby properties or public rights-of-way. Lighting fixtures shall be downcast and shielded and design to reflect light away from surrounding premises and all public rights-of-way. The angle of light distribution from fixtures shall be subject to the City Planner and City Engineer final approval.
2. Parking Lot / Pedestrian Path Pole Lights: Pole lights for outdoor parking and/or pedestrian areas on Parcel H1A shall consist of LED energy efficient fixtures that perform and distributes light similar to High Pressure Sodium 1,000 watt 480 volt parking lot lights, subject to final City Engineer and City Planner review and approval. The placement and number of such lights shall be subject to civil improvement plan review and approval by the City Engineer. Final approval of parking lot and pedestrian light pole fixture designs and styles shall be subject to City approval. Civil improvement plans shall identify all such exterior light poles and their specifications to the satisfaction of the City Engineer and City Planner.
3. Sign Lights: Light fixtures/sources for the illumination of any/all signs on Parcel H1A shall be subject to the City DRC's review and approval of a design permit, sign permit, and/or uniform sign program.

## **G. Signs:**

1. Commercial Signs: Prior to the installation/establishment of any commercial, directional, and/or site identification sign(s) (monument and/or wall mounted) on Parcel H1A for the hotel, a design permit, sign permit, and/or a uniform sign program, as determined appropriate by the City Planner, shall be approved by the City's DRC. Plans shall include locations of all signs, sign size, materials, colors and message. All signs shall be maintained consistent with the City's DRC's approval.
2. City Monument Sign - Final design of the City monument sign at the westerly corner of the Tioga and California Avenue intersection shall be subject to City DRC and/or City Council review at a later time in the issuance of either a design permit, sign permit, or unified sign program for said monument sign.
3. Construction Signs: Temporary construction signs may be placed on Parcel H1A only during construction activities without City Design Review Committee approval; however, said construction signs shall be subject to the terms/conditions of City Council land use entitlement permit(s) approval, and only erected on those sites actively involved with grading and/or construction activities.

## **H. Stormwater Management and Control:**

1. Governing Regulations: Storm water management and control associated with

Parcel H1A, in conjunction with Parcels H1, H2, and H2A of the South of Tioga Project shall comply with applicable requirements of the State Water Resources Control Board (the "SWRCB") Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System Phase II General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (the "General Permit"), and by incorporation, the Central Coast Regional Water Quality Control Board (the "CCRWQCB") Resolution No. R3-2013-0032 Post-Construction Storm water Management Requirements for Development Projects in the Central Coast Region (the "PCRs"), and Sand City Municipal Code (the "SCMC") Chapter 13.05 Storm Water Management. The discharge of storm water during construction/land disturbance activities is regulated by the General Permit, SCMC Chapter 13.05, and the SWRCB NPDES Construction General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (the "Construction General Permit"). All of the Hotel Project's SCMs and LID features, including water quality measures, shall comply with the requirements of the General Permit, the PCRs, and SCMC Chapter 13.05 to the satisfaction of the City Engineer.

2. Stormwater Control Requirements (mitigation measure DR-1): The requirements for storm water control and management shall be consistent with the South of Tioga Project's VTM as approved by the City, and subject to the City Engineer's review and approval of a Stormwater Control Plan, Agreement Regarding Maintenance and Right-of-Entry for Stormwater Control Measures, the Operations and Maintenance Plan, and Best Management Practices.
3. Erosion and Sediment Control Plan (the "ESCP"): An ESCP shall be prepared by a licensed civil engineer for any land disturbance or construction activities resulting in soil disturbance of 500 square feet or 50 cubic yards (gross including both cut and fill) or more associated with the development of Parcel H1A and shall be submitted to the City for review and approval by the City Engineer. The ESCP shall be included with the grading and drainage plans and/or the improvement plan package. The ESCP shall be approved by the City Engineer prior to the issuance of any grading or building permits for Parcel H1A or the commencement of any construction activities.
4. Stormwater Control Plan (the "SCP"): A SCP shall be prepared by a licensed civil engineer for the development of Parcel H1A and shall demonstrate how the development will achieve compliance with the applicable PCRs. The SCP shall demonstrate the amount of impervious surface created and/or replaced by the Hotel Project and the corresponding Performance Requirements required by the PCRs. The SCP shall clearly indicate the location and size of all proposed Stormwater Control Measures (the "SCMs"), both structurally and non-structurally, to ensure that they may be accommodated within the Hotel Project development. Due to the nature of the Hotel Project, the City may authorize the preparation of a single SCP for Parcels H1 and H1A. The SCP shall be prepared per City requirements and in accordance with the latest edition of the Storm Water Technical Guide ("the STG") and templates adopted by the Monterey Regional Storm Water Management Program (the "MRSWMP"). This SCP shall include a grading and drainage plan that

clearly indicates how storm water runoff from all impervious surfaces (roofs, hard-scape, pavement, walkways, patios, etc.) is directed and/or routed to all proposed SCMs and shall include all necessary calculations to support the sizing of all proposed SCMs. Where abutting parcels of the Hotel Project within the South of Tioga Project Area have integrated SCMs, the SCPs for each parcel shall be consistent and reference the other Parcel's SCP. The SCP shall be fully coordinated and consistent with civil improvement and landscaping plans where no conflicts occur between the SCMs and other site improvements. This SCP shall be reviewed and approved by the City's Planning and Engineering Departments prior to City issuance of grading and/or building permit(s), or the commencement of any construction activities on Parcel H1A.

5. Maintenance & Right-of-Entry for Stormwater Control Measures: The Property Owner of Parcel H1A shall enter into a written agreement with the City for the installation and long-term operation and maintenance of all installed SCMs servicing Parcels H1, H2, H1A, and H2A. This agreement shall include deed restriction language for the protection of these SCMs, specifying that the SCMs servicing Parcels H1, H2, H1A, H2A shall not be removed, relocated, covered, or hampered with in any way as to prevent the SCM's intended function or designed capacity. The agreement shall provide for ongoing maintenance and verification of maintenance by the Property Owner and their successors of interest. This agreement shall provide for right-of-entry by designated City staff for the purposes of inspection of installed SCMs; and shall further identify that any costs associated with the long-term maintenance for the installed SCMs shall be the responsibility of the Property Owner at the time when maintenance is performed. The provisions of this legal agreement, subject to City Engineer and City Attorney final review and approval prior to recording with the Monterey County Recorder, shall run with the land. This agreement shall be executed and recorded prior to the issuance of building permits for the Hotel Project. Failure of the Property Owner to execute this agreement shall be a violation of CDP 18-01 and be sufficient cause for City termination of CDP 18-01.
6. Operations and Maintenance Plan (the "O&M Plan"): The owner of Parcel H1A shall submit to the City an O&M Plan prepared in accordance with City requirements and the latest edition of the Storm Water Technical Guide (the "STG"), subject to City Engineer and City Attorney review and approval prior to the issuance of a certificate of occupancy/completion for Parcel H1A. This O&M Plan shall identify, plan, direct, and record the long-term operation and maintenance of all SCMs servicing Parcel H1A, including descriptions of the SCMs to be maintained, a schedule for inspection and maintenance activities, and a description of the inspection and maintenance activities. This O&M Plan shall clearly identify all parties responsible and their individual obligations for long-term operation and maintenance of the installed SCMs. The Property Owner shall provide annual certification to the City that the SCMs have been regularly inspected and are functioning per the City approved design.



7. Certification for SCMs: For Parcel H1A, the Applicant shall provide written certification prepared, stamped, and signed by a licensed civil engineer stating that all of the installed SCMs were constructed in accordance with the Hotel Project's approved improvement plans and SCP. This certification shall meet all City requirements and be provided to the City prior to the issuance of certificates of occupancy/completion for Parcel H1A. The City shall provide a draft certification form to the Applicant.
8. Storm Water Compliance: The Applicant shall demonstrate the Hotel Project's compliance with all the requirements of the most current NPDES Phase II General Permit issued to the City. The document demonstrating compliance shall be prepared, signed, and stamped by a civil engineer. If for any reason the Hotel Project cannot demonstrate compliance with the City's NPDES Phase II General Permit, the PCRs, SCMC Chapter 13.05, or the Applicant and/or Property Owner fail to execute an agreement regarding maintenance and right of entry for SCMs and/or complete the final O&M Plan, CDP 18-01 shall be subject to termination by the City.
9. Best Management Practices (BMPs): During all phases of construction and/or land disturbance activities on Parcel H1A, construction contractors and sub-contractors shall implement appropriate site-specific Best Management Practices (the "BMPs") for the protection of storm water quality and prevent storm water pollution, as required by City's municipal Storm Water Permit, Municipal Code Title 13.05 Storm Water Management, and the California Construction General Permit, as applicable to the satisfaction of the City Engineer. BMPs shall include, but are not limited to, erosion and sediment control, materials management, prevention of non-storm water discharges, and good housekeeping and waste management practices. All site specific BMPs shall be shown on the ESCP and/or the Project's Storm Water Pollution Prevention Plan (the "SWPPP").
10. California Construction General Permit: The Legally Responsible Person (the "LRP"), as defined in the Construction General Permit, shall seek coverage under the Construction General Permit. The LRP shall prepare and submit the Notice of Intent (the "NOI"), Permit Registration Documents (the "PRDs"), and the Hotel Project's SWPPP to the SWRCB to obtain coverage under the Construction General Permit and shall provide copies of the approved NOI and the Hotel Project's Waste Discharger Identification Number (the "WDID") to the City prior to the issuance of any encroachment, grading, or building permits for any activity resulting in land disturbance.

**I. Plans and Agency Compliance:**

1. Plans Examination: Construction plans/documents for Parcel H1A shall be reviewed and approved by the relevant and necessary departments of the City prior to issuance of a building permits and prior to commencement of any grading or construction activity on Parcel H1A for the South of Tioga Project and the Hotel Project. Any and all requirements specified by the City and its departments during the plan review phase prior to issuance of building permits or during construction

inspections shall be implemented to the satisfaction of the inspectors/representatives of each City department. Construction plans submitted for review shall be compliant with the California Building Codes (Building, Fire, Plumbing, Mechanical, Electrical, etc.) and City Municipal Codes in effect at the time of application. Construction plans/documents shall include all necessary mitigation to implement the City approved SCP for Parcel H1A.

2. City Cost Recovery & Plan Review Fees: Due to the scope and scale of this Hotel Project and the inherent complexity of construction plans and documents for such a project and the City expenses expected to exceed the City's standard fee schedule, a cost recovery agreement shall be required and executed between the City and the Applicant and/or Hotel Project developer prior to the submission, or City acceptance, of construction plans for plan check review by the City and its Departments (i.e. Building, Fire, Engineering, Planning, etc.) for the Hotel Project. This cost recovery agreement shall outline and detail the methodology for charging plan review fees of each City department involved with construction plan/document examination/review and all on-site inspections during construction of the Hotel Project. Expenses incurred by the City shall include that time City staff spends in meetings regarding plan examinations/reviews of the Hotel Project. This agreement shall include and detail a form of financial security (i.e. Bond, escrow account deposit, etc.) guaranteeing City recovery of expenses incurred in the review of construction documents and performing site inspections during construction.
3. Agency/Department Compliance: All requirements of the City's Building and Fire Departments, the City Engineer, and the City Planner shall be implemented to the satisfaction of each of the aforementioned Department. Any and all necessary permits/and/or approvals, applicable to the Hotel Project, from utility companies/agencies shall be acquired by the Applicant and/or the Hotel Project's general contractor prior to City issuance of building permits for Parcel H1A. All requirements of each aforementioned Department/Agency shall be completed to the satisfaction of the City prior to City issuance of certificates of occupancy and/or compliance for Parcel H1A.
4. Geotechnical Report: The Applicant shall submit a final geotechnical report for Parcel H1A to the City, concurrently with improvement plans submitted to the City for Parcel H1A. This geotechnical report shall be prepared, wet-signed, and stamped by a licensed geotechnical engineer. This geotechnical report shall ensure that the Hotel Project is designed and constructed in accordance with the most current and applicable standards of the City's building codes; and shall further include geotechnical evaluation and recommendations for all necessary aspects of the Hotel Project; including, but not limited to, geologic hazards, site preparation, earthwork, grading and drainage, foundations, special treatment at cut/fill interfaces, retaining walls, street pavement sections, and the like. This geotechnical report shall include site specific soils infiltration/percolation testing at locations where structural storm water control measures are proposed to be constructed to support the design of storm water control measures. The recommendations of this geotechnical report shall be incorporated into the design and construction

documents for the Hotel Project.

5. Grading and Drainage Plan: The Applicant and/or Property Owner shall prepare and submit to the City a grading and drainage plan for all parcels of the South of Tioga Project that are associated with the Hotel Project therein. The grading and drainage plan(s) shall be prepared by a licensed civil engineer, in accordance with City requirements and standards, and subject to review and approval by the City Engineer prior to issuance of any building permits for Parcel H1A. At a minimum, grading and drainage plans for Parcel H1A shall contain a) both existing and proposed information pertaining to contours, elevations, and infrastructure; b) cut/fill interfaces and limits of grading; c) lot/parcel boundaries, grading details, and road rights-of-way; d) existing trees to be saved in place or moved; e) all necessary details that clearly convey the recommendations contained in the geotechnical report applicable to the Hotel Project; f) proposed development pad elevations; g) cross-sections to show areas of cut, fill, and grading on site and perimeter cross sections illustrating the Hotel Project's interface with abutting streets and properties; and h) plan/profile views of proposed drainage facilities. Grading and drainage plans for Hotel Project shall be reviewed and approved by the South of Tioga Project's geotechnical engineer with copies of said approval(s) provided to the City prior to City approval of grading and drainage plans and issuance of permits for grading.
6. Air District (mitigation measure AQ-2): Requirements of the Monterey Bay Unified Air Pollution Control District that are applicable to the development and use of Parcel H1A shall be implemented to that agency's satisfaction. Dust control measures during construction shall be implemented in accordance with the City approved Mitigation Monitoring Program for the South of Tioga Project. Specific language shall be included in all grading and construction plans regarding the control/reduction of dust emissions from demolition, grading, and construction activities for the Hotel Project, subject to City review and approval.
7. Cultural Resources (mitigation measures CR-1, CR-2, CR-3): Construction, civil improvement, and grading plans shall include the following language:

"In the event that evidence of historical, tribal, archaeological and/or paleontological resources is/are uncovered during excavation and/or grading, all work shall stop in the area of Subject Property until an appropriate data recovery program can be developed and implemented by a qualified historian, archaeologist and/or paleontologist. The City Planner shall ensure that the permit language has been included and shall ensure that the appropriate data recovery program is implemented should historical, archaeological and/or paleontological resources be uncovered.

If human remains are found during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner is contacted to determine that no investigation of the cause of death is required. If the coroner determines the

remains to be Native American, the coroner shall contact the Native American Heritage Commission within twenty-four (24) hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall re-bury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within forty-eight (48) hours after being notified by the Commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

The Applicant shall notify the Ohlone/Costanoan-Esselen Nation, with a copy to the Sand City Planning Department, no less than fourteen (14) days prior to initiation of grading and excavation activities to provide an opportunity for provision of a Tribal Monitor to be present during rough grading and excavation activities. All cultural items found during construction activities shall be returned to the Ohlone/Costanoan-Esselen Nation.”

8. Environmental Assessment Report (HAZ-1, HAZ-2, HAZ-3): A Phase II Environmental Site Assessment shall be prepared and provided by the Applicant to the City prior to the issuance of a permit for building demolition or site clearance activities for Parcel H1A in accordance with the South of Tioga Project's VTM conditions of approval. The Phase II Environmental Site Assessment shall be reviewed by the City Planner, the City Engineer, and the City's Fire Department. A geophysical survey shall be required during the Phase II Environmental Site Assessment in order to address the potential presence for improper closure of (if any) oil and natural gas production well or existing underground storage tanks. A Site Management Plan shall be prepared by the Applicant, subject to review by the City Planner, City Engineer, and the City's Fire Department, to describe all the measures that will be taken to address concerns identified in the Phase II Environmental Site Assessment, including soil contamination subject to remediation. The City may opt to refer the Phase II Environmental Site Assessment and/or the Site Management Plan to the Monterey County Environmental Health Department for review.

**J. Construction:**

1. Construction Staging Management Plan (mitigation measure AQ-3): The Applicant shall prepare a Construction Staging Management Plan to be reviewed and approved by the City Planner and City Engineer prior to issuance of grading or demolition permits for Parcel H1A. This Management Plan shall include, but not

necessarily be limited to, the following restrictions:

- a. On-site staging and loading areas for off-haul trucks during demolition, grading, and excavation activities shall be located no farther than thirty feet (30') south or west of "A" street as titled on the Project's approved VTM.
  - b. Offsite staging, if allowed, shall not be located on Tioga Avenue between Metz Road and Sand Dunes Drive, or at any location within five hundred feet (500') of a residence; and
  - c. Construction equipment and off-haul trucks shall not idle in excess of five (5) minutes.
2. Hazard Surveys Prior to Demolition (mitigation measure HAZ-4): Prior to demolition of buildings on Parcel H1A, the Applicant shall have an asbestos survey and lead-based paint survey that includes management of these hazardous materials during demolition of those buildings. An abatement plan shall be developed for approval by the City Planner, City Engineer, and/or the City's Fire Department prior to the issuance of a demolition permit for any existing building/structure within Parcel H1A. The Applicant shall notify the Monterey Bay Unified Air Pollution Control District at least ten (10) days prior to demolition activities. If underground pipes are discovered during excavation activities, those pipes shall be assessed for the potential to contain lead or asbestos.
3. Biological Surveys/Mitigation Prior to Grading and Demolition (mitigation measures BIO-1 through BIO-12): Prior to demolition and grading activities on Parcel H1A, the Applicant shall implement all requirements related to biological surveys, reporting, protection, and preservation as specified in both the City approved Mitigation Monitoring Program and the City approved Vesting Tentative Map for the South of Tioga Project and the conditions stated therein.
4. Street Access: Construction activities shall not impede vehicular traffic on California or Tioga Avenues abutting the Hotel Project. A traffic control plan shall be provided to the City for review and Approval. Any temporary closures of streets or sidewalks to accommodate construction activities shall be coordinated with, and subject to, the direction of the Sand City Chief of Police and the City approved traffic control plan prior to implementing any temporary street closures. Adjacent properties impacted by said closures shall be given notice no less than one (1) week prior of such closure.
5. Material/Equipment (mitigation measures AQ-4, N-1): Materials and/or equipment necessary for construction upon Parcel H1A, as authorized by CDP 18-01, shall not be stored and/or parked within any public right-of-way or on private property that is/are not part of the South of Tioga Project Area unless otherwise authorized by the City's Planning Department and Chief of Police. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. Locate stationary noise-generating equipment as far as reasonably possible from sensitive noise receptors that adjoin or are near construction area and/or provide an effective acoustical barrier or insulation. All internal combustion engine driven equipment shall be equipped with intake and exhaust mufflers that are in good

condition and appropriate for the equipment. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. The developer shall provide evidence of compliance prior to issuance of a grading permit. All construction shall utilize “quiet” models of air compressors and other stationary noise sources where such technology exists. Security/construction fencing shall be implemented if deemed necessary by the Building Inspector and/or other City Department inspector.

6. Construction Hours (mitigation measure N-1): Construction activities performed by all contractors and sub-contractors on Parcel H1A shall only occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. There shall be no construction activity on Parcel H1A on Sundays or City recognized Holidays unless otherwise authorized in writing by the City.
7. Construction/Demolition Debris/Material: Debris/material from construction/demolition activities shall be stored and contained away from general public access, and hauled away and disposed of in a timely and legal manner. The general contractor shall implement material recovery and recycling when feasible. Construction/Demolition debris (the “C&D materials”) shall either be hauled/removed from the site by the general contractor to the Monterey Regional Waste Management District facility in the City of Marina or by the City’s franchised waste hauler GreenWaste Recovery Inc (“GWR”). No other outside refuse hauler is permitted in accordance with Sand City Municipal Code Chapter 13.04. It shall be the Property Owner and/or the South of Tioga Project’s and Hotel Project’s general contractor’s responsibility to coordinate with GWR and/or maintain weight tickets for self-hauled C&D materials. Weight tickets for self-hauling by the Hotel Project’s general contractor shall be provided to the City’s Planning Department on an ongoing basis during construction and as requested by the City. Failure to comply may result in City issuance of a ‘cease and desist’ order upon construction until compliance is met to the satisfaction of the City. 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 storm water pollution are required to the satisfaction of the City Engineer.
8. Construction Signs: Construction signs may be placed on Parcel H1A only during construction activity on Parcel H1, H1A, H2, and H2A, and shall removed upon completion of construction activities on these Parcels. Such signs may be placed on perimeter construction fencing or on posts, but shall not be elevated whereby the top of sign exceeds eight (8) feet in height.
9. Disturbance Coordinator (mitigation measure N-1): The Applicant and/or the general contractor for this Parcel shall designate a “disturbance coordinator” responsible for responding to complaints regarding construction noise or vibration. This disturbance coordinator shall determine the cause of the complaint and require

reasonable measures to correct the issue.

10. Geotechnical Requirements: (mitigation measures GEO-1 through GEO-8): All grading and construction activity for the Hotel Project and Parcel H1A shall comply and satisfy all applicable mitigation measures stated in the City certified EIR for the South of Tioga Project and the City approved Mitigation Monitoring Program and VTM for the South of Tioga Project; including, but not limited to, management of disturbed soils, management of exposed soils, geotech-engineer monitoring, soil compaction, and shoring plan(s).
11. Dust Control (mitigation measure AQ-2): Dust control measures shall be implemented to reduce visible dust from leaving the construction area for the Hotel Project in accordance with, but not necessarily limited to, the mitigation measures identified in the City approved Mitigation Monitoring Program for the South of Tioga Project.
12. Contractor(s) Business License: All contractors and sub-contractors involved with demolition, grading, and/or construction work on Parcel H1A shall obtain a City business license for the duration of construction activity on this Parcel. Failure of said parties to obtain and maintain a City business license during construction may impede City issuance of certificates of occupancy and/or completion for Parcel H1A.
13. Stormwater Management Control and Pollution Prevention: During all phases of construction, the Applicant and/or contractor shall employ temporary construction best management practices (BMPs) for erosion and sediment control, prevention of non-storm water discharges, and implement good housekeeping and waste management practices to protect the storm drain system and water quality to the satisfaction of the City Engineer. Plans indicating proper storm water management, control, and BMP implementation during construction shall be submitted to the City with construction plans and shall be subject to review and approval of the City's Building Official and City Engineer prior to issuance of any grading and/or building permit for Parcel H1A.
14. Encroachment Permit: The Applicant and/or Property Owner of Parcel H1A shall obtain an encroachment permit from the City for any work to be performed within a City public right-of-way.
15. Fire Access During Construction: Fire Department access and sufficient water supply acceptable to the City's Fire Chief shall be provided prior to combustible construction.

**K. General Requirements:**

1. Vesting Tentative Map: All development and activity on Parcel H1A shall be in accordance with the terms and conditions of the South of Tioga Project's VTM as approved, with the conditions therein, by the City.

2. Mitigation Measures and Monitoring Program: All development and activity on Parcel H1A shall comply and satisfy all applicable mitigation measures stated in the City certified EIR for the South of Tioga Project, and the City approved Mitigation Monitoring Program and VTM for the South of Tioga Project.
3. Regional Transportation Impact Mitigation (mitigation measures T-1, T-2, T-3, CUMT-1, CUMT-2): Prior to issuance of a certificate of occupancy for the Hotel Project, the Applicant shall implement/execute all requirements related to regional transportation mitigation as specified in both the City approved Mitigation Monitoring Program and the City approved VTM for the South of Tioga Project and the conditions stated therein. This includes, but not limited to, payment of impact fees and proportional share of costs for specific road/infrastructure improvements as identified in the City approved South of Tioga Project's EIR and Mitigation Monitoring Program.
4. TAMC / RDIF Fees (mitigation measure T-3): Prior to City issuance of building permits for hotel construction, the Applicant and/or Property Owner shall pay the Transportation Agency for Monterey County's (TAMC) Regional Development Impact Fee (RDIF).
5. Water Credit Verification: Prior to demolition of any structure within Parcel H1A in preparation of this Parcel's development in accordance with CDP 18-01, the Applicant shall coordinate and implement on-site inspections by the Monterey Peninsula Water Management District (the "MPWMD") to verify and document all available water credit on Parcel H1A, followed by copies of all documentation of said water credit documented by the MPWMD to be provided to the Sand City Planning Department prior to any water allocation by the City to the Hotel Project and/or Parcel H1A. A statement of assurance/verification by/from the MPWMD stating the amount of water credit that they recognize as being available within the South of Tioga Project Area may be provided in lieu of inspection(s) and documentation.
6. Water Allocation: Prior to City issuance of building permits for hotel construction on Parcel H1 or on site improvements to Parcel H1A, the Applicant or Property Owner shall obtain the necessary water permit(s) from the MPWMD for the development and landscaping as authorized by CDP 18-01. Approval of CDP 18-01 does not grant the Applicant and/or Property Owner any right and/or privilege to any allocation of water by the City of Sand City or other agency/entity. Any allocation of water to Parcel H1A from the City's Water Entitlement (desalination facility) shall be at the discretion of the City's City Council. If the City takes action to deny an allocation of water necessary for the Hotel Project, in accordance with the determination and regulations of the MPWMD, then CDP 18-01 shall be subject to City Council amendment or termination.
7. Refuge Collection: The Property Owner and/or management of the hotel operation on Parcel H1 and H1A shall coordinate all refuge (i.e. garbage, recycling, food/organic waste, etc.) collection with the City's franchised waste hauler.



Sufficient refuse collection and holding capacity shall be provided on site to accommodate and separate solid waste (garbage), recyclable materials, and food/organic waste for this Parcel and authorized land use. All refuse collection containers (i.e. bins, dumpsters, etc.) shall be within an enclosed area and screened from general public view. Trash enclosures shall maintain accessibility for City franchised waste hauler collection. Trash enclosures beyond the confines of the hotel building shall utilize the same building materials and colors as used on the hotel building on Parcel H1 subject to final Planning Department review and approval.

8. Public Transit Group Discount for Employees: Management of the Hotel Project shall coordinate with Monterey-Salinas Transit (MST), TAMC, and/or other public transportation agencies serving the Monterey Peninsula, to participate in and provide an alternative transportation (i.e. bus, train, taxi, etc.) group discount program for all hotel employees for so long as such programs are available.
9. Permit Violation: If the City determines any term or condition of CDP 18-01 has been violated, written notice shall be issued to the Applicant and/or Parcel H1A's Property Owner, that if such violation is not corrected and/or removed within a specified time, a 'cease and desist' or 'stop order' may be issued, followed by a potential public hearing, where the City may consider amending or revoking CDP 18-01 and may then order said Permit amended or revoked.
10. Interpretation: Any questions of intent or interpretation regarding any condition/term of CDP 18-01 shall be resolved by the Sand City Planning Department.
11. Indemnity/Hold Harmless: To the extent permitted by law, the Applicant and Property Owner shall indemnify and hold harmless the City, its City Council, its officers, employees, 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 to attack, set aside, or void, any permit or approval authorized hereby for the Hotel Project and/or Parcel H1A, 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.
12. The issuance of CDP 18-01 shall not supersede or override any applicable requirements of any other City, County, State, or Federal agency.

**PASSED AND ADOPTED**, Coastal Development Permit (CDP) 18-01 for Parcel H1A by the City Council of the City of Sand City this \_ day of November, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Linda K. Scholink, City Clerk

\_\_\_\_\_  
Mary Ann Carbone, Mayor

\_\_\_\_\_  
This is to certify that Coastal Development Permit 18-01 contains the conditions specified by the City Council in approving said Permit.

\_\_\_\_\_  
Charles Pooler, City Planner

**APPLICANT ACCEPTANCE (CDP 18-01)**

Coastal Development Permit 18-01 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 PROPERTY OWNER (CDP 18-01)**

Consent is hereby granted to the permittee to proceed with the City approved project, in accordance with the terms and conditions of Coastal Development Permit 18-01.

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

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

# **REPORT ATTACHMENT 2-d**

**CDP 18-02  
for  
Parcel H2A**

CITY OF SAND CITY

RESOLUTION SC \_\_\_\_\_ (2018)

RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING  
COASTAL DEVELOPMENT PERMIT 18-02 FOR PARCEL H2A OF  
THE SOUTH OF TIOGA DEVELOPMENT PROJECT

**WHEREAS**, DBO Development No. 30, LLC (the “Applicant”) submitted applications to the City of Sand City (the “City”) for a vesting tentative map, coastal development and conditional use permits, site plan, and architectural review and approvals regarding a mixed use (residential and commercial) development project on an approximate 10.64 acre site bounded by Tioga Avenue to the northeast, California Avenue to the southeast, East Avenue to the southwest, and the Merle Street right-of-way to the northwest, generally referred to as the “South of Tioga Planning District”; and

**WHEREAS**, the overall project site is comprised of 41 existing parcels (Assessor’s Parcel Numbers 011-122-002, 003, 004, 005, 010, 011, 023, 024, 025, 026, 032, 038, 039, 040, 041; 011-123-001, 004, 005, 006, 007, 008, 009, 011, 022, 023, 024, 025, 026; 011-134-011; 011-135-001, 014, 015, 016, 023, 024; 011-136-007, 012, 024; and, 011-186-021, 038, 039) and encompasses all or portions of Scott Street, East Avenue, Lincoln Avenue, California Avenue, Tioga Avenue, Orland Street, Beach Way, Fir Avenue, and Afton Avenue public rights-of-way (the “South of Tioga Project Area”); and

**WHEREAS**, On June 5, 2018, the City approved a Vesting Tentative Map (dated May 31, 2018) for the South of Tioga Project (the “VTM”), to merge existing lots and abandon existing public rights-of-way that, with City approval of a Final Map, creates six new parcels (H1, H1A, H2, H2A, R1, and R2), relocates an existing wastewater lift station, dedicates additional right-of-way to, or relocation of, existing streets, and dedicates right-of-way for new public streets; and

**WHEREAS**, the Applicant’s proposed project originated as a result of the Request for Qualifications (RFQ) put out by the former Sand City Redevelopment Agency (the “RDA”) where after that RDA in 2001 signed an Exclusive Negotiation Agreement (the “ENA”) with the Applicant to redevelop the South of Tioga Planning District to mitigate ongoing conditions of blight and provide economic stimulus for the City; and though the City’s RDA has since been dissolved by the State of California, the property acquisition by the Applicant and development strategies that commenced under the ENA had continued until submission of the Applicant’s land entitlement application packet to the City in 2017; and

**WHEREAS**, in accordance with the City approved VTM, Parcel H1 will be 2.18 acres located in the northeastern section of the South of Tioga Project Area intended for a hotel with amenities and surface parking spaces; Parcel H2 will be 1.18 acres located in the southeastern portion of the South of Tioga Project Area intended for hotel parking, utilities, and stormwater control; Parcel H1A, will be 0.38 acres and Parcel H2A will be 0.30 acres to separate out territory within the Coastal Zone overlay to be improved only for parking, landscaping, and utility improvements to service Parcel H1; Parcel R1 will be 1.78 acres

located in the northern portion of the South of Tioga Project Area intended for a 125-unit multi-family residential building with parking in a partly below-grade structure; Parcel R2 will be 3.70 acres located in the southwestern portion of the South of Tioga Project Area intended for a 231-unit multi-family residential complex, inclusive of 52 affordable housing units, with parking in multi-level parking structure; and dedicate a new right-of-way for East Avenue and the right-of-way for a new street connecting California Avenue and Tioga Road, and establish two sand dune habitat preservation areas (the "South of Tioga Project"); and

**WHEREAS**, the South of Tioga Project is intended to be completed in three (3) phases, with Phase 1 consisting of the public improvements, completion of new public streets and rights-of-way, utility and infrastructure installation, and preparation of development pads on each of the Project's VTM's newly created parcels (H1, H1A, H2, H2A, R1, & R2), Phase 2 consisting one (1) hotel on Parcel H1 with hotel parking on parcels H1A, H2, and H2A, and Phase 3 consisting of two multi-family residential developments, one on Parcel R1 and one on Parcel R2; where Phase I will be completed by the Applicant, Phase 2 by an independent hotel developer, and Phase 3 by one or more independent residential developers; and

**WHEREAS**, Parcel H1 is proposed to be developed with a hotel of up to two hundred sixteen (216) guest rooms (otherwise referred to as 'keys') at a maximum of four (4) floors with accessory guest amenities (i.e. swimming pool, parking, spa, etc.), guest food service, vehicular surface parking and drive isles, landscaping, utilities, and utility equipment shelters/screening, where Parcels H1A, H2, and H2A will also provide parking, landscaping, and utilities and utility equipment to serve parcel H1 (the "Hotel Project"); and

**WHEREAS**, Parcel H2A on the City approved VTM, within the South of Tioga Project Area and part of the Hotel Project, is within the 100-foot coastal zone overlay extending from the railroad right-of-way along the City's eastern jurisdictional boundary, with a zoning map and local coastal plan land use map designation of 'Coastal Zone Regional Commercial' (CZ-C4), where the intended parking, utilities, and storm water management on Parcel H2A are subject to issuance of a coastal development permit as accessory uses to a hotel development on a neighboring property; and

**WHEREAS**, in an evaluation of parking required and existing for hotel developments in other jurisdictions (local and regional), it is determined that the one (1) parking space per living or sleeping unit ("guest room") requirement of Zoning Code section 18.64.050.N is sufficient to accommodate the proposed Hotel Project on Parcel H1, provided that the VTM created Parcels H2, H1A, and H2A are maintained to provide parking necessary to accommodate that parking requirement necessitated for Parcel H1; and

**WHEREAS**, the South of Tioga Project inclusive of the Hotel Project, in the endeavor to eliminate existing blighted conditions present the South of Tioga Project Area, provides land use transition compatible with the East Dunes Planning District, and to increase the residential population of the City, resulting in a "higher and better" use of land and aesthetic improvement, is consistent with Goals 2.6 and 2.8 of the City's General Plan (2002 ed.); and

**WHEREAS**, the South of Tioga Project Area includes two privately owned parcels (APN 011-123-004 and 011-123-023) that must be obtained for the creation of a new public road through the South of Tioga Project, acquisition by either the City potentially utilizing its power of eminent domain and/or by the Applicant in negotiations with those properties' current owners, whereby it is necessary to limit the effective date of any land use entitlement and restrict the Project from commencing construction on Parcel H2A unless and until the aforementioned privately owned parcels are legally obtained by, and title transfer complete to, either the Applicant and/or the City; and

**WHEREAS**, agencies such as Monterey-Salinas Transit (MST) and the Transportation Agency for Monterey County (TAMC), who service the Monterey Peninsula, either have, or are developing, programs to decrease single-occupancy commutes with materials and services for employers to assist workers in using public transit, riding bikes, or walking to work that would reduce the Hotel Project's employee parking from impacting on-site and limited public street parking; and

**WHEREAS**, due to the scope and scale of this Hotel Project and the inherent complexity of construction plans and documents for such a project, it is necessary for there to be a form of cost recovery established between the City and the Applicant and/or the Hotel Project developer/owner for those expenses incurred by the City in excess of the City's standard fee schedule in conducting construction plan and document review in the issuance of building permits and on-site City inspections during construction activity; and

**WHEREAS**, a draft Environmental Impact Report was prepared for the South of Tioga Project, inclusive of Parcel H2A, pursuant to the California Environmental Quality Act that was adequately noticed and advertised, with a public review period for the Draft EIR from March 2, 2018 through April 20, 2018 for a 50-day period; and

**WHEREAS**, the City of Sand City, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. § 15000-15387) (collectively, "CEQA"), completed the Final Environmental Impact Report ("Final EIR" or "EIR") State Clearinghouse No. 2017061066 for the South of Tioga Project, which includes Parcel H2A and the Hotel Project; and

**WHEREAS**, pursuant to CEQA, the City Council has certified the South of Tioga Project's Final EIR and found that the South of Tioga Project's environmental impacts were adequately evaluated, and the City Council further adopted a statement of overriding considerations for three potentially unavoidable traffic impacts; and

**WHEREAS**, the City Council held multiple duly noticed public hearings, as required by law, regarding the overall South of Tioga Project to consider all of the information presented by staff, information from the Applicant, and public testimony presented in writing and orally, both prior to and at those public hearings; and,

**WHEREAS**, the public hearing to consider the Hotel Project and the coastal development permit for Parcel H2A was duly noticed in accordance with the requirements of the California Government Code, which included posting at three designated locations,

publication in a newspaper of local circulation, mailed to property owners within 300 feet and residents/businesses within 100 feet of the South of Tioga Project boundaries; and,

**WHEREAS**, Coastal Development Permit 18-02 for Parcel H2A is found to be sufficiently complete and compliant with the Sand City Municipal Code and the South of Tioga Project's approved VTM and EIR.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sand City to hereby grant and issue Coastal Development Permit 18-02 ("CDP 18-02") for Parcel H2A within the South of Tioga Project area upon the following terms and conditions:

**A. Permit Effectiveness / Time Limits & Purpose:**

1. Permit Acceptance: CDP 18-02 is not valid, and construction on Parcel H2A shall not commence, unless two (2) copies of this Resolution/Permit, signed by the Applicant and Parcel H2A's owner (the "Property Owner"), acknowledging receipt of the Resolution/Permit and acceptance of the terms and conditions, are returned to the City's Planning Department. All conditions and terms of CDP 18-02 shall remain in perpetuity to all future parcel owners unless and until the City amends or terminates CDP 18-02. The City shall not issue a building permit for development on Parcel H2A unless and until CDP 18-02 has been signed by all aforementioned parties in acceptance of the terms and conditions of CDP 18-02. Failure of the Applicant to return the two (2) original signatory copies of the Resolution/Permit, with the Applicant's and Property Owner's signatures of acceptance, within thirty (30) days from the date of City Council approval shall be sufficient cause for the City Council to revoke CDP 18-02 unless good cause to grant an extension is found acceptable by the City's Planning Department. Once signed by the Applicant and Property Owner, CDP 18-02 shall remain in effect until acted upon by the City Council.
2. Purpose: CDP 18-02 is for the express purpose of authorizing the development and use of Parcel H2A, as created by the South of Tioga VTM, to provide parking, pedestrian links, landscaping, utilities, utility enclosures, and storm water management infrastructure to service the Hotel Project in accordance with the conditions and terms of CDP 18-02. CDP 18-02 shall also allow the creation of monument signs on Parcel H2A for Hotel identification and directional signs; however, final approval of all signs shall be subject to City review and approval of either a design permit, sign permit, or uniform sign program. All development and use of Parcel H2A, as authorized by CDP 18-02, shall be in accordance with the terms and conditions specified by CDP 18-02. There shall be no expansion to the scope or intensity of the development and/or use(s) beyond that as authorized by CDP 18-02 without either an amendment of CDP 18-02 or the issuance of a new land use entitlement permit.
3. Deed Restriction & Easement Agreement: A deed restriction, or equivalent legal mechanism, shall be recorded with the Monterey County Recorder prohibiting sale of Parcels H1, H1A, H2, and H2A as separate and independent from one another that are designed and intended to cumulatively accommodate parking, landscaping,

storm water control, and utilities that service the hotel on Parcel H1. This deed restriction, reciprocal easement agreement(s), and/or other equivalent legal document(s) shall establish permanent vehicle access and parking on Parcels H1, H2, H1A, and H2A for guests, visitors, and employees of the hotel on Parcel H1. The necessary documents, in compliance with this Permit condition, shall be reviewed and approved by the City before being recorded concurrently on/for Parcels H1, H1A, H2, and H2A prior to City issuance of certificates of occupancy and/or completion for Parcel H2A.

4. Land Acquisition: CDP 18-02 is not valid, building permits shall not be issued for, nor shall construction on Parcel H2A commence, unless and until those properties not currently owned by the Applicant (APN 011-123-023 and APN 011-123-004) are legally obtained by, and title transfer complete to, either the Applicant and/or the City. Approval of CDP 18-02 does not obligate the City to utilize its power of Eminent Domain to acquire the aforementioned parcels, and the City reserves the right to decline using said power.
5. Final Map: CDP 18-02, is not valid, building permits shall not be issued for, nor construction commence on, Parcel H2A until the Final Map for the South of Tioga Project is approved by the City and recorded in full effect with the Monterey County Recorder's Office.

**B. Site Plan:**

1. Parking Spaces: A total of 227 off-street parking spaces shall be provided for the Hotel Project. These parking spaces shall be distributed between the VTM Parcels H1, H2, H1A, and H2A. Parcel H1 shall provide a minimum of thirty-two (32) parking spaces, Parcel H2 shall provide a minimum of one hundred forty-five (145) parking spaces, Parcel H1A shall provide a minimum of eighteen (18) parking spaces, and Parcel H2A shall provide a minimum of thirty (30) parking spaces. Adequacy of the Hotel Project's site plan design in meeting this requirement shall be subject to final City Planning Department review and approval of construction documents/plans for Parcels H1, H2, H1A, and H2A. Any alteration/reallocation of parking spaces contrary to the above shall be subject to City Planner approval; but in no circumstance shall the cumulative number of parking spaces collectively on the aforementioned Parcels be less than one (1) parking space per guest room of this Hotel Project. Parking designs shall comply with all American with Disability Act (ADA) and California Code of Regulations Title 24 requirements subject to City review and approval.
2. Parking & Drive Aisle Dimensions: All parking stalls on Parcel H2A shall be established and striped at a minimum of 8.5-feet wide and 19-feet deep for standard sized parking spaces and a minimum of 8.5-feet wide and 16-feet deep for compact parking spaces. All parking stalls shall be clearly striped with compact spaces identified as such. On-site drive aisles shall be a minimum of 24-feet in width for 2-way vehicular circulation.



3. Pavement Materials: Parking and drive aisles on Parcel H2A shall consist of either asphalt pavement, concrete, and/or decorative pavers (pervious and/or impervious) subject to City review and approval of Parcel H2A's on-site civil improvement plans and storm water control plan. Any public pedestrian walkways on Parcel H2A may be concrete; however "enhanced pavement" materials (pervious and/or impervious); including, but not limited to, pavers, decorative stamped/textured concrete, and/or similar in a curvilinear path are encouraged. Colors for all "enhanced pavement" shall be an earth-tone color subject to final Planning Department approval. Any change between abutting "enhanced pavement" materials/colors shall occur at areas of reasonable elevation transition to include changes at stairs/steps, grade changes, doorways/gates, and the like. Any exception to this requirement shall be subject to the City Planner in plan review of construction documents.
4. Truncated Domes: All truncated domes installed on Parcel H2A for ADA (Americans with Disabilities Act) compliance shall utilize a "Brick Red" or similar color and shall not utilize the standard yellow color unless determined by the City Engineer that yellow or other color is necessary for ADA compliance. Exceptions to this requirement shall be subject to the City Engineer's discretion for code compliance in plan check and final approval of construction ready civil improvement plans.
5. Retaining Walls: Retaining walls on Parcel H2A shall be designed by a civil or structural engineer if over four feet (4') in height from bottom of footing to top of wall, and shall require a building permit. Retaining walls shall utilize a decorative material or treatment, an earth-tone color, and shall avoid the use of standard/plain masonry block. Retaining wall design shall incorporate all applicable recommendations contained within the South of Tioga Project's and/or Hotel Project's final geotechnical report. All retaining wall calculations and reports shall be submitted to the City's Building and Engineering Departments for review and approval prior to issuance of building permits for those retaining walls.

### **C. Landscaping:**

1. Landscape Plan: Complete landscape plans for Parcel H2A shall be reviewed by the City's Planning Department for final approval prior to issuance of permits for construction on Parcel H2A. Landscape and irrigation plans shall comply with the most current edition of the State of California Model Water Efficient Landscape Ordinance (MWELO) and City requirements. This landscape plan shall provide complete information, to the satisfaction of the City Planner, regarding ground covers, plants, shrubs, and trees in regards to species, sizes, location, placement, and numbers. Final approval of the landscape species shall be subject to City Planner approval. Landscape plans shall include 1) irrigation plan(s) with details, 2) tree planting and staking details, and 3) shall be consistent with the Hotel Project's civil improvement plan(s) and stormwater control plan(s). All required landscaping shall be installed to the satisfaction of the City Planner's interpretation of the City approved Landscape Plan prior to final issuance of a certificates of occupancy/completion by the City.

2. Trees: Trees installed shall be drought resistant and tolerant of coastal sea winds and sandy soil. Trees shall be no less than 24-inch box size specimens unless otherwise authorized by the City Planner. To the satisfaction of the City Planner, all trees shall be no less than double staked with 2-inch diameter wood stakes, and possibly triple staked and/or wind screened where trees are susceptible to high winds until established, at the discretion of the City Planner. Where feasible, parking areas and large landscape areas shall be heavily “forested”, with trees planted in clusters of at least three (3) trees per cluster, subject to City Planner review and approval of the final landscape plan.
3. Planters: Ground level planting areas abutting sidewalks shall not include raised curbs; rather, they are to be flush with abutting sidewalk pavement. Raised planter boxes and planter pots may be incorporated; however, they shall incorporate those materials and colors consistent with the approved architectural elements for on Parcel H2A. All planting areas and planter pots shall be connected to an operational irrigation system.
4. Irrigation: An irrigation system for all required landscaping shall be installed and connected to a water system. This irrigation shall be verified as operational prior to City issuance of certificates of occupancy/completion. Irrigation shall be installed per the City approved landscape plan. Any on-site changes varying from the City approved landscape plan(s) shall be subject to City Planner approval prior to implementation.
5. Landscape Maintenance: All landscaping required and authorized by CDP 18-02 shall be installed and maintained in accordance with the City approved landscape plan for Parcel H2A. The owner(s), present and future in perpetuity, of Parcel H2A shall be responsible for irrigation and maintenance of this landscaping, including watering, pruning, and replacement of dead vegetation to the satisfaction of the City. Any alteration or modification of the approved landscape plan shall be subject to approval by the City’s Planning Department.

**D. Architectural Elements:**

1. Decorative screening, fences, gates, etc.: There shall be no chain-link fencing, barbed or razor wire fencing. All fencing, screening, and gates on Parcel H2A shall consist of a high quality decorative and durable material and design subject to final City Planner review and approval prior to issuance of building permits for site construction of Parcel H2A. Temporary construction fencing, potentially consisting of chain-link, is allowed only during construction activities on Parcels H1, H2, H1A, and H2A; and shall be removed prior to City issuance of certificate of occupancy for the Hotel on Parcel H1 and/or certificate of compliance for Parcel H2A.
2. Public Benches & Seating: All bench or other seating provided on Parcel H2A shall be secured, immobile, and of a design that does not encourage or enable transient sleeping.

3. **Bollards**: Bollards on Parcel H2A shall utilize a consistent decorative style bollard, and not plain exposed steel/metal poles, the design of which shall be subject to final City Planning Department approval. Decorative bollards shall also be identified and illustrated on civil improvement construction plans/documents. Bollards that must satisfy specific utility provider specifications are exempt from this requirement.
4. **Trash/Recycling Receptacles**: Trash and recycling receptacles established on Parcel H2A in public areas for public use shall be of a consistent decorative design, subject to final City approval. Any enclosure for trash bins and dumpsters for hotel operation shall be designed to incorporate those materials/colors approved by the City for the Hotel on Parcel H1. All enclosures for solid waste containers shall be covered, with sewer laterals extended to enclosures so that any liquid discharge or wash-down water will be conveyed to the sewer system and not the storm drain system.

**E. Utilities & Utility Equipment/Meters:**

1. **Utility Meters / Equipment**: All utility meters, boxes, conduit, and the like shall be installed within enclosures utilizing the same architectural materials/colors as approved for the Hotel's exterior elevations on Parcel H1 as to effectively screen these items from public view. Stand-pipes and back-flow preventers within landscape areas that cannot be within an enclosure or be otherwise screened shall have, at a minimum, a green colored metal cage enclosure for safety and security. Landscaping by itself shall not be considered a sufficient or satisfactory screening methodology. Accessibility to meters and equipment shall be maintained in accordance with utility service provider and City requirements. Implementation of this requirement shall be subject to the satisfaction and final approval of the City's Planning and Engineering Departments. Exceptions to this condition may be allowed for Electrical Vehicle ("EV") charging stations in parking lots. The methodology and location of EV meters/equipment shall be at the final discretion of the City Planner and City Engineer. The general contractor shall be responsible for coordinating the placement and installation of all utility meters (gas, electric, phone, cable, etc.) in accordance with City approved civil improvement construction plans for Parcel H2A and the requirements of CDP 18-02. Non-compliant installations may impede issuance of a certificate of occupancy/completion by the City until corrected to the satisfaction of the City and/or involved utility company/agency.
2. **Fire Suppression Meters and Equipment** - Any/all fire suppression meters, stand pipes, and equipment on Parcel H2A shall have visual screening and/or be within an enclosure utilizing the same materials/colors approved and incorporated into the Hotel building on Parcel H1; or when screening and an enclosure are not feasible, then at a minimum use of a green colored metal screen-cage enclosure. Landscaping by itself shall not be considered a sufficient screening methodology. The location and screening method(s) of any/all fire suppression meters, stand pipes, and equipment on Parcel H2A shall be identified on construction drawings for Parcel H2A. Final installation of fire suppression equipment shall be subject to the City's Fire Department.

## **F. Light Fixtures & Poles:**

1. Lighting Plan: Prior to issuance of building permits for site construction on Parcel H2A, a detailed lighting plan for Parcels H1, H2, H1A, and H2A shall be reviewed and approved by the City's Planning and Engineering Departments. Lighting plans shall identify all exterior light fixtures, their mounting, watt capacity, filament housing, and illumination dispersal (photometric). All exterior lighting shall be designed to provide for operational and security requirements while minimizing adverse effect to other nearby properties or public rights-of-way. Lighting fixtures shall be downcast and shielded and design to reflect light away from surrounding premises and all public rights-of-way. The angle of light distribution from fixtures shall be subject to the City Planner and City Engineer final approval.
2. Parking Lot / Pedestrian Path Pole Lights: Pole lights for outdoor parking and/or pedestrian areas on Parcel H2A shall consist of LED energy efficient fixtures that perform and distributes light similar to High Pressure Sodium 1,000 watt 480 volt parking lot lights, subject to final City Engineer and City Planner review and approval. The placement and number of such lights shall be subject to civil improvement plan review and approval by the City Engineer. Final approval of parking lot and pedestrian light pole fixture designs and styles shall be subject to City approval. Civil improvement plans shall identify all such exterior light poles and their specifications to the satisfaction of the City Engineer and City Planner.
3. Sign Lights: Light fixtures/sources for the illumination of any/all signs on Parcel H2A shall be subject to the City DRC's review and approval of a design permit, sign permit, and/or uniform sign program.

## **G. Signs:**

1. Commercial Signs: Prior to the installation/establishment of any commercial, directional, and/or site identification sign(s) (monument and/or wall mounted) on Parcel H2A for the hotel, a design permit, sign permit, and/or a uniform sign program, as determined appropriate by the City Planner, shall be approved by the City's DRC. Plans shall include locations of all signs, sign size, materials, colors and message. All signs shall be maintained consistent with the City's DRC's approval.
2. Construction Signs: Temporary construction signs may be placed on Parcel H2A only during construction activities without City Design Review Committee approval; however, said construction signs shall be subject to the terms/conditions of City Council land use entitlement permit(s) approval, and only erected on those sites actively involved with grading and/or construction activities.

## **H. Stormwater Management and Control:**

1. Governing Regulations: Storm water management and control associated with Parcel H2A, in conjunction with Parcels H1, H1A, and H2 of the South of Tioga Project shall comply with applicable requirements of the State Water Resources Control Board (the "SWRCB") Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System Phase II General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (the "General Permit"), and

by incorporation, the Central Coast Regional Water Quality Control Board (the "CCRWQCB") Resolution No. R3-2013-0032 Post-Construction Storm water Management Requirements for Development Projects in the Central Coast Region (the "PCRs"), and Sand City Municipal Code (the "SCMC") Chapter 13.05 Storm Water Management. The discharge of storm water during construction/land disturbance activities is regulated by the General Permit, SCMC Chapter 13.05, and the SWRCB NPDES Construction General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (the "Construction General Permit"). All of the Hotel Project's SCMs and LID features, including water quality measures, shall comply with the requirements of the General Permit, the PCRs, and SCMC Chapter 13.05 to the satisfaction of the City Engineer.

2. Stormwater Control Requirements (mitigation measure DR-1): The requirements for storm water control and management shall be consistent with the South of Tioga Project's VTM as approved by the City, and subject to the City Engineer's review and approval of a Stormwater Control Plan, Agreement Regarding Maintenance and Right-of-Entry for Stormwater Control Measures, the Operations and Maintenance Plan, and Best Management Practices.
3. Erosion and Sediment Control Plan (the "ESCP"): An ESCP shall be prepared by a licensed civil engineer for any land disturbance or construction activities resulting in soil disturbance of 500 square feet or 50 cubic yards (gross including both cut and fill) or more associated with the development of Parcel H2A and shall be submitted to the City for review and approval by the City Engineer. The ESCP shall be included with the grading and drainage plans and/or the improvement plan package. The ESCP shall be approved by the City Engineer prior to the issuance of any grading or building permits for Parcel H2A or the commencement of any construction activities.
4. Stormwater Control Plan (the "SCP"): A SCP shall be prepared by a licensed civil engineer for the development of Parcel H2A and shall demonstrate how the development will achieve compliance with the applicable PCRs. The SCP shall demonstrate the amount of impervious surface created and/or replaced by the Hotel Project and the corresponding Performance Requirements required by the PCRs. The SCP shall clearly indicate the location and size of all proposed Stormwater Control Measures (the "SCMs"), both structurally and non-structurally, to ensure that they may be accommodated within the Hotel Project development. Due to the nature of the Hotel Project, the City may authorize the preparation of a single SCP for Parcels H2 and H2A. The SCP shall be prepared per City requirements and in accordance with the latest edition of the Storm Water Technical Guide ("the STG") and templates adopted by the Monterey Regional Storm Water Management Program (the "MRSWMP"). This SCP shall include a grading and drainage plan that clearly indicates how storm water runoff from all impervious surfaces (roofs, hard-scape, pavement, walkways, patios, etc.) is directed and/or routed to all proposed SCMs and shall include all necessary calculations to support the sizing of all proposed SCMs. Where abutting parcels of the Hotel Project within the South of Tioga Project Area have integrated SCMs, the SCPs for each parcel shall be

consistent and reference the other Parcel's SCP. The SCP shall be fully coordinated and consistent with civil improvement and landscaping plans where no conflicts occur between the SCMs and other site improvements. This SCP shall be reviewed and approved by the City's Planning and Engineering Departments prior to City issuance of grading and/or building permit(s), or the commencement of any construction activities on Parcel H2A.

5. Maintenance & Right-of-Entry for Stormwater Control Measures: The Property Owner of Parcel H2A shall enter into a written agreement with the City for the installation and long-term operation and maintenance of all installed SCMs servicing Parcels H1, H2, H1A, and H2A. This agreement shall include deed restriction language for the protection of these SCMs, specifying that the SCMs servicing Parcels H1, H2, H1A, H2A shall not be removed, relocated, covered, or hampered with in any way as to prevent the SCM's intended function or designed capacity. The agreement shall provide for ongoing maintenance and verification of maintenance by the Property Owner and their successors of interest. This agreement shall provide for right-of-entry by designated City staff for the purposes of inspection of installed SCMs; and shall further identify that any costs associated with the long-term maintenance fo the installed SCMs shall be the responsibility of the Property Owner at the time when maintenance is performed. The provisions of this legal agreement, subject to City Engineer and City Attorney final review and approval prior to recording with the Monterey County Recorder, shall run with the land. This agreement shall be executed and recorded prior to the issuance of building permits for the Hotel Project. Failure of the Property Owner to execute this agreement shall be a violation of CDP 18-02 and be sufficient cause for City termination of CDP 18-02.
6. Operations and Maintenance Plan (the "O&M Plan"): The owner of Parcel H2A shall submit to the City an O&M Plan prepared in accordance with City requirements and the latest edition of the Storm Water Technical Guide (the "STG"), subject to City Engineer and City Attorney review and approval prior to the issuance of a certificate of occupancy/completion for Parcel H2A. This O&M Plan shall identify, plan, direct, and record the long-term operation and maintenance of all SCMs servicing Parcel H2A, including descriptions of the SCMs to be maintained, a schedule for inspection and maintenance activities, and a description of the inspection and maintenance activities. This O&M Plan shall clearly identify all parties responsible and their individual obligations for long-term operation and maintenance of the installed SCMs. The Property Owner shall provide annual certification to the City that the SCMs have been regularly inspected and are functioning per the City approved design.
7. Certification for SCMs: For Parcel H2A, the Applicant shall provide written certification prepared, stamped, and signed by a licensed civil engineer stating that all of the installed SCMs were constructed in accordance with the Hotel Project's approved improvement plans and SCP. This certification shall meet all City requirements and be provided to the City prior to the issuance of certificates of occupancy/completion for Parcel H2A. The City shall provide a draft certification

form to the Applicant.

8. **Storm Water Compliance:** The Applicant shall demonstrate the Hotel Project's compliance with all the requirements of the most current NPDES Phase II General Permit issued to the City. The document demonstrating compliance shall be prepared, signed, and stamped by a civil engineer. If for any reason the Hotel Project cannot demonstrate compliance with the City's NPDES Phase II General Permit, the PCRs, SCMC Chapter 13.05, or the Applicant and/or Property Owner fail to execute an agreement regarding maintenance and right of entry for SCMs and/or complete the final O&M Plan, CDP 18-01 shall be subject to termination by the City.
  9. **Best Management Practices (BMPs):** During all phases of construction and/or land disturbance activities on Parcel H2A, construction contractors and sub-contractors shall implement appropriate site-specific Best Management Practices (the "BMPs") for the protection of storm water quality and prevent storm water pollution, as required by City's municipal Storm Water Permit, Municipal Code Title 13.05 Storm Water Management, and the California Construction General Permit, as applicable to the satisfaction of the City Engineer. BMPs shall include, but are not limited to, erosion and sediment control, materials management, prevention of non-storm water discharges, and good housekeeping and waste management practices. All site specific BMPs shall be shown on the ESCP and/or the Project's Storm Water Pollution Prevention Plan (the "SWPPP").
  10. **California Construction General Permit:** The Legally Responsible Person (the "LRP"), as defined in the Construction General Permit, shall seek coverage under the Construction General Permit. The LRP shall prepare and submit the Notice of Intent (the "NOI"), Permit Registration Documents (the "PRDs"), and the Hotel Project's SWPPP to the SWRCB to obtain coverage under the Construction General Permit and shall provide copies of the approved NOI and the Hotel Project's Waste Discharger Identification Number (the "WDID") to the City prior to the issuance of any encroachment, grading, or building permits for any activity resulting in land disturbance.
- I. Plans and Agency Compliance:**
1. **Plans Examination:** Construction plans/documents for Parcel H2A shall be reviewed and approved by the relevant and necessary departments of the City prior to issuance of a building permits and prior to commencement of any grading or construction activity on Parcel H2A for the South of Tioga Project and the Hotel Project. Any and all requirements specified by the City and its departments during the plan review phase prior to issuance of building permits or during construction inspections shall be implemented to the satisfaction of the inspectors/representatives of each City department. Construction plans submitted for review shall be compliant with the California Building Codes (Building, Fire, Plumbing, Mechanical, Electrical, etc.) and City Municipal Codes in effect at the time of application. Construction plans/documents shall include all necessary mitigation to implement the City approved SCP for Parcel H2A.

2. City Cost Recovery & Plan Review Fees: Due to the scope and scale of this Hotel Project and the inherent complexity of construction plans and documents for such a project and the City expenses expected to exceed the City's standard fee schedule, a cost recovery agreement shall be required and executed between the City and the Applicant and/or Hotel Project developer prior to the submission, or City acceptance, of construction plans for plan check review by the City and its Departments (i.e. Building, Fire, Engineering, Planning, etc.) for the Hotel Project. This cost recovery agreement shall outline and detail the methodology for charging plan review fees of each City department involved with construction plan/document examination/review and all on-site inspections during construction of the Hotel Project. Expenses incurred by the City shall include that time City staff expends in meetings regarding plan examinations/reviews of the Hotel Project. This agreement shall include and detail a form of financial security (i.e. Bond, escrow account deposit, etc.) guaranteeing City recovery of expenses incurred in the review of construction documents and performing site inspections during construction.
3. Agency/Department Compliance: All requirements of the City's Building and Fire Departments, the City Engineer, and the City Planner shall be implemented to the satisfaction of each of the aforementioned Department. Any and all necessary permits/and/or approvals, applicable to the Hotel Project, from utility companies/agencies shall be acquired by the Applicant and/or the Hotel Project's general contractor prior to City issuance of building permits for Parcel H2A. All requirements of each aforementioned Department/Agency shall be completed to the satisfaction of the City prior to City issuance of certificates of occupancy and/or compliance for Parcel H2A.
4. Geotechnical Report: The Applicant shall submit a final geotechnical report for Parcel H2A to the City, concurrently with improvement plans submitted to the City for Parcel H2A. This geotechnical report shall be prepared, wet-signed, and stamped by a licensed geotechnical engineer. This geotechnical report shall ensure that the Hotel Project is designed and constructed in accordance with the most current and applicable standards of the City's building codes; and shall further include geotechnical evaluation and recommendations for all necessary aspects of the Hotel Project; including, but not limited to, geologic hazards, site preparation, earthwork, grading and drainage, foundations, special treatment at cut/fill interfaces, retaining walls, street pavement sections, and the like. This geotechnical report shall include site specific soils infiltration/percolation testing at locations where structural storm water control measures are proposed to be constructed to support the design of storm water control measures. The recommendations of this geotechnical report shall be incorporated into the design and construction documents for the Hotel Project.
5. Grading and Drainage Plan: The Applicant and/or Property Owner shall prepare and submit to the City a grading and drainage plan for all parcels of the South of Tioga Project that are associated with the Hotel Project therein. The grading and drainage plan(s) shall be prepared by a licensed civil engineer, in accordance with City requirements and standards, and subject to review and approval by the City



Engineer prior to issuance of any building permits for Parcel H2A. At a minimum, grading and drainage plans for Parcel H2A shall contain a) both existing and proposed information pertaining to contours, elevations, and infrastructure; b) cut/fill interfaces and limits of grading; c) lot/parcel boundaries, grading details, and road rights-of-way; d) existing trees to be saved in place or moved; e) all necessary details that clearly convey the recommendations contained in the geotechnical report applicable to the Hotel Project; f) proposed development pad elevations; g) cross-sections to show areas of cut, fill, and grading on site and perimeter cross sections illustrating the Hotel Project's interface with abutting streets and properties; and h) plan/profile views of proposed drainage facilities. Grading and drainage plans for Hotel Project shall be reviewed and approved by the South of Tioga Project's geotechnical engineer with copies of said approval(s) provided to the City prior to City approval of grading and drainage plans and issuance of permits for grading.

6. Air District (mitigation measure AQ-2): Requirements of the Monterey Bay Unified Air Pollution Control District that are applicable to the development and use of Parcel H2A shall be implemented to that agency's satisfaction. Dust control measures during construction shall be implemented in accordance with the City approved Mitigation Monitoring Program for the South of Tioga Project. Specific language shall be included in all grading and construction plans regarding the control/reduction of dust emissions from demolition, grading, and construction activities for the Hotel Project, subject to City review and approval.
7. Cultural Resources (mitigation measures CR-1, CR-2, CR-3): Construction, civil improvement, and grading plans shall include the following language:

"In the event that evidence of historical, tribal, archaeological and/or paleontological resources is/are uncovered during excavation and/or grading, all work shall stop in the area of Subject Property until an appropriate data recovery program can be developed and implemented by a qualified historian, archaeologist and/or paleontologist. The City Planner shall ensure that the permit language has been included and shall ensure that the appropriate data recovery program is implemented should historical, archaeological and/or paleontological resources be uncovered.

If human remains are found during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within twenty-four (24) hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code

Section 5097.98. The landowner or his authorized representative shall re-bury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within forty-eight (48) hours after being notified by the Commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

The Applicant shall notify the Ohlone/Costanoan-Esselen Nation, with a copy to the Sand City Planning Department, no less than fourteen (14) days prior to initiation of grading and excavation activities to provide an opportunity for provision of a Tribal Monitor to be present during rough grading and excavation activities. All cultural items found during construction activities shall be returned to the Ohlone/Costanoan-Esselen Nation.”

8. Environmental Assessment Report (HAZ-1, HAZ-2, HAZ-3): A Phase II Environmental Site Assessment shall be prepared and provided by the Applicant to the City prior to the issuance of a permit for building demolition or site clearance activities for Parcel H2A in accordance with the South of Tioga Project’s VTM conditions of approval. The Phase II Environmental Site Assessment shall be reviewed by the City Planner, the City Engineer, and the City’s Fire Department. A geophysical survey shall be required during the Phase II Environmental Site Assessment in order to address the potential presence for improper closure of (if any) oil and natural gas production well or existing underground storage tanks. A Site Management Plan shall be prepared by the Applicant, subject to review by the City Planner, City Engineer, and the City’s Fire Department, to describe all the measures that will be taken to address concerns identified in the Phase II Environmental Site Assessment, including soil contamination subject to remediation. The City may opt to refer the Phase II Environmental Site Assessment and/or the Site Management Plan to the Monterey County Environmental Health Department for review.

**J. Construction:**

1. Construction Staging Management Plan (mitigation measure AQ-3): The Applicant shall prepare a Construction Staging Management Plan to be reviewed and approved by the City Planner and City Engineer prior to issuance of grading or demolition permits for Parcel H2A. This Management Plan shall include, but not necessarily be limited to, the following restrictions:
  - a. On-site staging and loading areas for off-haul trucks during demolition, grading, and excavation activities shall be located no farther than thirty feet (30') south or west of "A" street as titled on the Project’s approved VTM.
  - b. Offsite staging, if allowed, shall not be located on Tioga Avenue between Metz Road and Sand Dunes Drive, or at any location within five hundred feet (500') of a residence; and

- c. Construction equipment and off-haul trucks shall not idle in excess of five (5) minutes.
2. Hazard Surveys Prior to Demolition (mitigation measure HAZ-4): Prior to demolition of buildings on Parcel H2A, the Applicant shall have an asbestos survey and lead-based paint survey that includes management of these hazardous materials during demolition of those buildings. An abatement plan shall be developed for approval by the City Planner, City Engineer, and/or the City's Fire Department prior to the issuance of a demolition permit for any existing building/structure within Parcel H2A. The Applicant shall notify the Monterey Bay Unified Air Pollution Control District at least ten (10) days prior to demolition activities. If underground pipes are discovered during excavation activities, those pipes shall be assessed for the potential to contain lead or asbestos.
3. Biological Surveys/Mitigation Prior to Grading and Demolition (mitigation measures BIO-1 through BIO-12): Prior to demolition and grading activities on Parcel H2A, the Applicant shall implement all requirements related to biological surveys, reporting, protection, and preservation as specified in both the City approved Mitigation Monitoring Program and the City approved Vesting Tentative Map for the South of Tioga Project and the conditions stated therein.
4. Street Access: Construction activities shall not impede vehicular traffic on California or Tioga Avenues abutting the Hotel Project. A traffic control plan shall be provided to the City for review and Approval. Any temporary closures of streets or sidewalks to accommodate construction activities shall be coordinated with, and subject to, the direction of the Sand City Chief of Police and the City approved traffic control plan prior to implementing any temporary street closures. Adjacent properties impacted by said closures shall be given notice no less than one (1) week prior of such closure.
5. Material/Equipment (mitigation measures AQ-4, N-1): Materials and/or equipment necessary for construction upon Parcel H2A, as authorized by CDP 18-02, shall not be stored and/or parked within any public right-of-way or on private property that is/are not part of the South of Tioga Project Area unless otherwise authorized by the City's Planning Department and Chief of Police. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. Locate stationary noise-generating equipment as far as reasonably possible from sensitive noise receptors that adjoin or are near construction area and/or provide an effective acoustical barrier or insulation. All internal combustion engine driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. The developer shall provide evidence of compliance prior to issuance of a grading permit. All construction shall utilize "quiet" models of air compressors and other stationary noise sources where such technology exists. Security/construction fencing shall be implemented if

deemed necessary by the Building Inspector and/or other City Department inspector.

6. Construction Hours (mitigation measure N-1): Construction activities performed by all contractors and sub-contractors on Parcel H2A shall only occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. There shall be no construction activity on Parcel H2A on Sundays or City recognized Holidays unless otherwise authorized in writing by the City.
7. Construction/Demolition Debris/Material: Debris/material from construction/demolition activities shall be stored and contained away from general public access, and hauled away and disposed of in a timely and legal manner. The general contractor shall implement material recovery and recycling when feasible. Construction/Demolition debris (the "C&D materials") shall either be hauled/removed from the site by the general contractor to the Monterey Regional Waste Management District facility in the City of Marina or by the City's franchised waste hauler GreenWaste Recovery Inc ("GWR"). No other outside refuse hauler is permitted in accordance with Sand City Municipal Code Chapter 13.04. It shall be the Property Owner and/or the South of Tioga Project's and Hotel Project's general contractor's responsibility to coordinate with GWR and/or maintain weight tickets for self-hauled C&D materials. Weight tickets for self-hauling by the Hotel Project's general contractor shall be provided to the City's Planning Department on an ongoing basis during construction and as requested by the City. Failure to comply may result in City issuance of a 'cease and desist' order upon construction until compliance is met to the satisfaction of the City. 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 storm water pollution are required to the satisfaction of the City Engineer.
8. Construction Signs: Construction signs may be placed on Parcel H2A only during construction activity on Parcel H1, H1A, H2, and H2A, and shall removed upon completion of construction activities on these Parcels. Such signs may be placed on perimeter construction fencing or on posts, but shall not be elevated whereby the top of sign exceeds eight (8) feet in height.
9. Disturbance Coordinator (mitigation measure N-1): The Applicant and/or the general contractor for this Parcel shall designate a "disturbance coordinator" responsible for responding to complaints regarding construction noise or vibration. This disturbance coordinator shall determine the cause of the complaint and require reasonable measures to correct the issue.
10. Geotechnical Requirements: (mitigation measures GEO-1 through GEO-8): All grading and construction activity for the Hotel Project and Parcel H2A shall comply and satisfy all applicable mitigation measures stated in the City certified EIR for the South of Tioga Project and the City approved Mitigation Monitoring Program and VTM for the South of Tioga Project; including, but not limited to, management of

disturbed soils, management of exposed soils, geotech-engineer monitoring, soil compaction, and shoring plan(s).

11. Dust Control (mitigation measure AQ-2): Dust control measures shall be implemented to reduce visible dust from leaving the construction area for the Hotel Project in accordance with, but not necessarily limited to, the mitigation measures identified in the City approved Mitigation Monitoring Program for the South of Tioga Project.
12. Contractor(s) Business License: All contractors and sub-contractors involved with demolition, grading, and/or construction work on Parcel H2A shall obtain a City business license for the duration of construction activity on this Parcel. Failure of said parties to obtain and maintain a City business license during construction may impede City issuance of certificates of occupancy and/or completion for Parcel H2A.
13. Stormwater Management Control and Pollution Prevention: During all phases of construction, the Applicant and/or contractor shall employ temporary construction best management practices (BMPs) for erosion and sediment control, prevention of non-storm water discharges, and implement good housekeeping and waste management practices to protect the storm drain system and water quality to the satisfaction of the City Engineer. Plans indicating proper storm water management, control, and BMP implementation during construction shall be submitted to the City with construction plans and shall be subject to review and approval of the City's Building Official and City Engineer prior to issuance of any grading and/or building permit for Parcel H2A.
14. Encroachment Permit: The Applicant and/or Property Owner of Parcel H2A shall obtain an encroachment permit from the City for any work to be performed within a City public right-of-way.
15. Fire Access During Construction: Fire Department access and sufficient water supply acceptable to the City's Fire Chief shall be provided prior to combustible construction.

**K. General Requirements:**

1. Vesting Tentative Map: All development and activity on Parcel H2A shall be in accordance with the terms and conditions of the South of Tioga Project's VTM as approved, with the conditions therein, by the City.
2. Mitigation Measures and Monitoring Program: All development and activity on Parcel H2A shall comply and satisfy all applicable mitigation measures stated in the City certified EIR for the South of Tioga Project, and the City approved Mitigation Monitoring Program and VTM for the South of Tioga Project.
3. Regional Transportation Impact Mitigation (mitigation measures T-1, T-2, T-3, CUMT-1, CUMT-2): Prior to issuance of a certificate of occupancy for the Hotel Project, the Applicant shall implement/execute all requirements related to regional

transportation mitigation as specified in both the City approved Mitigation Monitoring Program and the City approved VTM for the South of Tioga Project and the conditions stated therein. This includes, but not limited to, payment of impact fees and proportional share of costs for specific road/infrastructure improvements as identified in the City approved South of Tioga Project's EIR and Mitigation Monitoring Program.

4. TAMC / RDIF Fees (mitigation measure T-3): Prior to City issuance of building permits for hotel construction, the Applicant and/or Property Owner shall pay the Transportation Agency for Monterey County's (TAMC) Regional Development Impact Fee (RDIF).
5. Water Credit Verification: Prior to demolition of any structure within Parcel H2A in preparation of this Parcel's development in accordance with CDP 18-02, the Applicant shall coordinate and implement on-site inspections by the Monterey Peninsula Water Management District (the "MPWMD") to verify and document all available water credit on Parcel H2A, followed by copies of all documentation of said water credit documented by the MPWMD to be provided to the Sand City Planning Department prior to any water allocation by the City to the Hotel Project and/or Parcel H2A. A statement of assurance/verification by/from the MPWMD stating the amount of water credit that they recognize as being available within the South of Tioga Project Area may be provided in lieu of inspection(s) and documentation.
6. Water Allocation: Prior to City issuance of building permits for hotel construction on Parcel H1 or on site improvements to Parcel H2A, the Applicant or Property Owner shall obtain the necessary water permit(s) from the MPWMD for the development and landscaping as authorized by CDP 18-02. Approval of CDP 18-02 does not grant the Applicant and/or Property Owner any right and/or privilege to any allocation of water by the City of Sand City or other agency/entity. Any allocation of water to Parcel H2A from the City's Water Entitlement (desalination facility) shall be at the discretion of the City's City Council. If the City takes action to deny an allocation of water necessary for the Hotel Project, in accordance with the determination and regulations of the MPWMD, then CDP 18-02 shall be subject to City Council amendment or termination.
7. Refuge Collection: The Property Owner and/or management of the hotel operation on Parcel H1 and H2A shall coordinate all refuse (i.e. garbage, recycling, food/organic waste, etc.) collection with the City's franchised waste hauler. Sufficient refuse collection and holding capacity shall be provided on site to accommodate and separate solid waste (garbage), recyclable materials, and food/organic waste for this Parcel and authorized land use. All refuse collection containers (i.e. bins, dumpsters, etc.) shall be within an enclosed area and screened from general public view. Trash enclosures shall maintain accessibility for City franchised waste hauler collection. Trash enclosures beyond the confines of the hotel building shall utilize the same building materials and colors as used on the hotel building on Parcel H1 subject to final Planning Department review and

approval.

8. Public Transit Group Discount for Employees: Management of the Hotel Project shall coordinate with Monterey-Salinas Transit (MST), TAMC, and/or other public transportation agencies serving the Monterey Peninsula, to participate in and provide an alternative transportation (i.e. bus, train, taxi, etc.) group discount program for all hotel employees for so long as such programs are available.
9. Permit Violation: If the City determines any term or condition of CDP 18-02 has been violated, written notice shall be issued to the Applicant and/or Parcel H2A's Property Owner, that if such violation is not corrected and/or removed within a specified time, a 'cease and desist' or 'stop order' may be issued, followed by a potential public hearing, where the City may consider amending or revoking CDP 18-02 and may then order said Permit amended or revoked.
10. Interpretation: Any questions of intent or interpretation regarding any condition/term of CDP 18-02 shall be resolved by the Sand City Planning Department.
11. Indemnity/Hold Harmless: To the extent permitted by law, the Applicant and Property Owner shall indemnify and hold harmless the City, its City Council, its officers, employees, 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 to attack, set aside, or void, any permit or approval authorized hereby for the Hotel Project and/or Parcel H2A, 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.
12. The issuance of CDP 18-02 shall not supersede or override any applicable requirements of any other City, County, State, or Federal agency.

**PASSED AND ADOPTED**, Coastal Development Permit (CDP) 18-02 for Parcel H2A by the City Council of the City of Sand City this \_\_\_\_ day of November, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Linda K. Scholink, City Clerk

\_\_\_\_\_  
Mary Ann Carbone, Mayor

**Signatures continued on following page...**

**Signatures continued from previous page.**

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This is to certify that Coastal Development Permit 18-02 contains the conditions specified by the City Council in approving said Permit.

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Charles Pooler, City Planner

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**APPLICANT ACCEPTANCE (CDP 18-02)**

Coastal Development Permit 18-02 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 PROPERTY OWNER (CDP 18-02)**

Consent is hereby granted to the permittee to proceed with the City approved project, in accordance with the terms and conditions of Coastal Development Permit 18-02.

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

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



**AGENDA ITEM**

**9B**

# CITY OF SAND CITY

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## STAFF REPORT

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**OCTOBER 17, 2018**  
**(For City Council consideration on November 6, 2018)**

**TO: Mayor and City Council**

**FROM: Charles Pooler, City Planner**

**SUBJECT: TAMC Regional Development Impact Fee Program**

### **BACKGROUND**

In 2008, the City Council of the City of Sand City (the “City”), along with the Transportation Agency for Monterey County (the “TAMC”), the County of Monterey (the “County”), and other cities within Monterey County entered into a Joint Powers Agreement (the “JPA”) establishing the Regional Development Impact Fee Agency (the “RDIF Agency”) to coordinate the activities of the JPA regarding the collection, transmission, and expenditure of Regional Development Impact Fees (the “RDIF”). In accordance with the JPA, TAMC is the administrator of the RDIF Agency. The intent of these fees is to fund, in part, the cost of regional transportation improvements necessary to accommodate new development of land within the County. Establishing a county-wide regional fee program streamlines the environmental review of new development and establishes a consistent methodology to assess in-lieu fees as CEQA (California Environmental Quality Act) mitigation for new trips on the regional transportation system. The RDIF schedule was first adopted by the TAMC Board of Directors and went into effect in August of 2008.

### **DISCUSSION**

Every five years, the Transportation Agency for Monterey County (TAMC) is required to update the RDIF program. This process includes reviewing land use and population presumptions in the regional travel demand model, forecasting future travel demands, updating project lists, revising transportation costs, and developing an updated fee schedule. In order for the updated RDIF to go into effect, each participating member of the RDIF Agency, of which Sand City is a member, must approve the new fee schedule via resolution. The last RDIF update approved by the City was in 2013 (Resolution SC 13-71).

The RDIF program consists of four zones: 1) North County, 2) Peninsula/South Coast, 3) Greater Salinas, and 4) South County. The RDIF update for 2018 added a new zone for the Fort Ord Reuse Authority (FORA) area. Previously, projects within FORA only paid FORA Community Facilities District fees and were exempt from the RDIF. However, with the legislative-mandated sunset of FORA in 2020, TAMC coordinated with FORA on the potential transfer of capital improvement transportation program obligations to the RDIF.

In June of 2018, the TAMC Board approved the 2018 Monterey County Regional Transportation Plan and adopted Resolution 2018-12 in making findings under CEQA related to this Transportation Plan. The 2018 RDIF update is based upon projects identified and environmentally reviewed in this 2018 Transportation Plan. The updated RDIF reflects changes that occurred within the past five years; including 1) changes in population, employment, and housing projections; 2) the expected pace of new development; 3) changes in land use plans (i.e. general plans, housing elements, etc.); 4) the need for new transportation projects based on growth; 5) the completion of some transportation projects; and, 6) changes to estimated project costs.

To calculate the updated traffic impact fee, TAMC's consultant utilized AMBAG's (Association of Monterey Bay Area Governments) travel forecast model to determine where future traffic congestion is projected to occur by 2035 (the "forecast year"). The RDIF program then proposed future roadway improvements where this traffic congestion is projected to occur. Once forecast year congestion locations were identified, twelve (12) transportation improvements were identified that were included in the RDIF program. A draft list of projects was then reviewed with TAMC's technical advisory committee in February of 2018, where modifications to this list was made based on committee member feedback. The fee per trip was then calculated by dividing the cost of the proposed transportation improvements by the total number of daily trips on a particular roadway. This fee per trip is then applied to each new development. The RDIF trip fees are calculated separately for each fee zones (Sand City is within the "Peninsula/South Coast" zone) as some zones have more transportation improvements and developments than others. The updated RDIF program is projected to generate \$121 Million County-wide through the year 2035; however, this estimate is dependent upon the type, location, and pace of new development throughout the County.

### **RECOMMENDATION**

Staff recommends **APPROVAL** of the resolution to update the RDIF fee schedule.

#### **Attachments:**

Draft Resolution adopting the 2018 RDIF schedule.

(The RDIF schedule is attached to the Resolution as "Exhibit A")

**CITY OF SAND CITY**

**RESOLUTION SC \_\_\_\_\_, 2018**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY  
UPDATING THE REGIONAL DEVELOPMENT IMPACT FEES**

**WHEREAS**, in 2008, the City Council (the “Council”) of the City of Sand City (the “City”), along with the Transportation Agency for Monterey County (the “TAMC”), the County of Monterey (the “County”), and other cities within the County, entered into a Joint Powers Agreement (the “JPA”) establishing the Regional Development Impact Fee Agency (the “RDIF Agency”) to coordinate the activities of the parties to the JPA in connection with the collection, transmission, and expenditure of Regional Development Impact Fees; and

**WHEREAS**, as part of the JPA, the City adopted Ordinance No. 08-03 (the “Ordinance”) establishing a Regional Development Impact Fee (the “RDIF”) to be paid by new development within the City to fund, in part, the cost of regional transportation improvements needed to accommodate new development of land within the County; and

**WHEREAS**, the City, within the “Peninsula/South Coast” benefit zone of the RDIF program, is a voting member of the RDIF Agency Board of Directors and TAMC is the administrator of the RDIF Agency; and

**WHEREAS**, in its duty as the RDIF Agency administrator, TAMC completed the statutorily required five (5) year update to the Regional Development Impact Fee Nexus Study in 2013 and again in 2018 and made certain findings under CEQA (California Environmental Quality Act) as the Lead Agency; and

**WHEREAS**, the RDIF program is based on revisions to the regional travel forecast model, General Plan updates, project financing, and population growth projections that have occurred since the last update, as reflected in the 2018 Nexus Study that was unanimously approved by the RDIF Agency Board of Directors on September 26, 2018; and

**WHEREAS**, TAMC also approved Resolution 2018-15 finding that the matters contained in the 2018 Nexus Study are within the scope of, and have already been analyzed in, the Final Environmental Impact Report (the “EIR”) for the 2040 Metropolitan Transportation Plan, certified by the Association of Monterey Bay Area Governments and incorporated into the 2018 Monterey County Regional Transportation Plan that was approved by TAMC on June 27, 2018; and

**WHEREAS**, the governing boards of the RDIF Agency member jurisdictions must adopt the updated fee schedule contained in the 2018 Nexus Study for the update to go into effect, where TAMC has requested member jurisdictions to adopt the fee schedule by November 30, 2018; and

**WHEREAS**, the 2018 Nexus Study added a fifth benefit zone comprised of the boundary of the Fort Ord Reuse Authority (“FORA”) for which collection of regional fees from new development within that area will become active at such time as the collection of said fees is approved by the RDIF Agency Board of Directors; and

**WHEREAS**, the City Council’s consideration of the resolution to adopt the updated RDIF schedule was held at a public hearing of a regularly scheduled City Council meeting duly noticed in accordance with Government Code sections 66016 and 66018; and

**WHEREAS**, the Council deems it necessary and appropriate to update the RDIF, as provided in Resolution Exhibit “A”, attached hereto and incorporated by this reference.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Sand City the following:

1. Amount of Regional Development Impact Fee (RDIF) within the City of Sand City shall be as provided in Resolution Exhibit “A”, attached hereto and incorporated by this reference, for the “Peninsula / South Coast” benefit zone, and the amount of the RDIF shall be subject to automatic and discretionary modifications as approved in the JPA and subsequent resolutions of the City Council of Sand City.
2. Effective Date. The updated RDIF fees adopted by this Resolution shall take effect sixty (60) days after approval.

**PASSED AND ADOPTED** by the Sand City Council on this \_\_\_ day of November, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Mary Ann Carbone, Mayor

\_\_\_\_\_  
Linda K. Scholink, City Clerk

# RESOLUTION EXHIBIT "A"

## Resolution SC 18- (2018)

LAND USE DESIGNATION	TWP RATES	NORTH COUNTY	GREATER SALINAS	PENINSULA / SOUTH COAST	SOUTH COUNTY	FORA
<b>Residential Average (Dwelling Unit)</b>						
Single-Family	9.57	\$3,857	\$3,311	\$3,981	\$1,885	\$3,962
Single-Family (Moderate Income)	7.47	\$3,010	\$2,585	\$3,108	\$1,472	\$3,093
Single-Family (Low Income)	5.52	\$2,225	\$1,910	\$2,296	\$1,087	\$2,285
Apartment	6.72	\$2,708	\$2,325	\$2,796	\$1,324	\$2,782
Apartment (Moderate Income)	5.25	\$2,114	\$1,815	\$2,182	\$1,033	\$2,172
Apartment (Low Income)	3.88	\$1,562	\$1,341	\$1,612	\$764	\$1,605
Condo/Townhome	5.86	\$2,362	\$2,028	\$2,438	\$1,154	\$2,426
Condo/Townhome (Moderate Income)	4.57	\$1,843	\$1,583	\$1,903	\$901	\$1,894
Condo/Townhome (Low Income)	3.38	\$1,362	\$1,170	\$1,406	\$666	\$1,399
Multi-Family / Auxiliary Unit	3.71	\$1,495	\$1,284	\$1,543	\$731	\$1,536
Senior Housing	3.71	\$1,495	\$1,284	\$1,543	\$731	\$1,536
<b>Retail (Square Feet)</b>						
	44.32	\$5.46	\$4.69	\$5.64	\$2.67	\$5.61
Building Materials and Lumber Store	45.16	\$5.56	\$4.78	\$5.74	\$2.72	\$5.71
Free-Standing Discount Superstore	49.21	\$6.06	\$5.20	\$6.26	\$2.96	\$6.23
Specialty Retail Center	44.32	\$5.46	\$4.69	\$5.64	\$2.67	\$5.61
Free-Standing Discount Store	56.02	\$6.90	\$5.92	\$7.12	\$3.37	\$7.09
Day Care Center	79.26	\$9.76	\$8.38	\$10.08	\$4.77	\$10.03
Hardware/Paint Store	51.29	\$6.32	\$5.42	\$6.52	\$3.09	\$6.49
Nursery (Garden Center)	36.08	\$4.44	\$3.82	\$4.59	\$2.17	\$4.57
Nursery (Wholesale)	39.00	\$4.80	\$4.12	\$4.96	\$2.35	\$4.93
Shopping Center	42.94	\$5.29	\$4.54	\$5.46	\$2.59	\$5.43
Factory Outlet Center	26.59	\$3.28	\$2.81	\$3.38	\$1.60	\$3.36
New Car Sales	33.34	\$4.11	\$3.53	\$4.24	\$2.01	\$4.22
Automobile Parts Sales	61.91	\$7.63	\$6.55	\$7.87	\$3.73	\$7.83
Tire Store	24.87	\$3.06	\$2.63	\$3.16	\$1.50	\$3.15
Tire Superstore	20.36	\$2.51	\$2.15	\$2.59	\$1.23	\$2.58
Supermarket	102.24	\$12.59	\$10.81	\$13.00	\$6.16	\$12.94
Discount Supermarket	96.82	\$11.93	\$10.24	\$12.31	\$5.83	\$12.25
Discount Club	41.80	\$5.15	\$4.42	\$5.31	\$2.52	\$5.29
Home Improvement Superstore	29.80	\$3.67	\$3.15	\$3.79	\$1.79	\$3.77
Electronics Superstore	45.04	\$5.55	\$4.76	\$5.73	\$2.71	\$5.70
Discount Home Furnishing	47.81	\$5.89	\$5.06	\$6.08	\$2.88	\$6.05
Apparel Store	66.40	\$8.18	\$7.02	\$8.44	\$4.00	\$8.40
Arts and Crafts Store	56.55	\$6.97	\$5.98	\$7.19	\$3.41	\$7.16
Pharmacy/Drugstore (no Drive-Thru)	90.06	\$11.09	\$9.52	\$11.45	\$5.42	\$11.40
Pharmacy/Drugstore (Drive-Thru)	88.16	\$10.86	\$9.32	\$11.21	\$5.31	\$11.16
Furniture Store	5.06	\$0.62	\$0.54	\$0.64	\$0.30	\$0.64
Quality Restaurant	89.95	\$11.08	\$9.51	\$11.44	\$5.42	\$11.38
High Turnover (Sit-down) Restaurant	127.15	\$15.66	\$13.45	\$16.17	\$7.66	\$16.09
Fast Food (Stand-Alone)	496.12	\$61.11	\$52.47	\$63.08	\$29.88	\$62.78
Fast Food (w/ Non-Auto)	127.00	\$51.18	\$43.94	\$52.83	\$25.02	\$52.58
Fast Food (Shopping Center Pad)	77.00	\$31.03	\$26.64	\$32.03	\$15.17	\$31.88
Fast Food (Shopping Center w/ Non-Auto)	52.00	\$20.96	\$17.99	\$21.63	\$10.24	\$21.53
<b>Office (Square Feet)</b>						
General Office	11.01	\$4.437	\$3.809	\$4.580	\$2.169	\$4.558
Single Tenant Office Building	11.57	\$4.663	\$4.003	\$4.813	\$2.279	\$4.790
Medical-Dental Office Building	36.13	\$14.560	\$12.501	\$15.030	\$7.118	\$14.958
Office Park	11.42	\$4.602	\$3.951	\$4.751	\$2.250	\$4.728
Business Park	12.76	\$5.142	\$4.415	\$5.308	\$2.514	\$5.283
<b>Industrial / Agriculture (Square Feet)</b>						
Light Industrial	6.97	\$2.809	\$2.412	\$2.900	\$1.373	\$2.886
Heavy Industrial	1.50	\$0.605	\$0.519	\$0.624	\$0.295	\$0.621
Warehouse	4.96	\$1.999	\$1.716	\$2.063	\$0.977	\$2.053
Manufacturing	3.82	\$1.539	\$1.322	\$1.588	\$0.753	\$1.581
<b>Lodging (Room)</b>						
Hotel	8.17	\$3,293	\$2,827	\$3,399	\$1,609	\$3,382
Motel	5.63	\$2,269	\$1,948	\$2,342	\$1,109	\$2,331
Fee per Trip		\$403	\$346	\$416	\$197	\$414

TWP RATES	NORTH COUNTY	GREATER SALINAS	PENINSULA / SOUTH COAST	SOUTH COUNTY
8.61	\$3,471	\$2,980	\$3,583	\$1,697
6.72	\$2,709	\$2,326	\$2,797	\$1,324
4.97	\$2,002	\$1,719	\$2,067	\$979
6.05	\$2,437	\$2,093	\$2,516	\$1,191
4.72	\$1,903	\$1,633	\$1,964	\$930
3.49	\$1,406	\$1,207	\$1,451	\$687
5.27	\$2,125	\$1,825	\$2,194	\$1,039
4.12	\$1,659	\$1,424	\$1,713	\$811
3.04	\$1,226	\$1,053	\$1,265	\$599
3.34	\$1,346	\$1,155	\$1,389	\$658
3.34	\$1,346	\$1,155	\$1,389	\$658
37.672	\$4,640	\$3,984	\$4,790	\$2,269
38.39	\$4,728	\$4,059	\$4,881	\$2,312
41.83	\$5,152	\$4,424	\$5,318	\$2,519
37.67	\$4,640	\$3,984	\$4,790	\$2,269
47.62	\$5,865	\$5,036	\$6,054	\$2,868
67.37	\$8,298	\$7,125	\$8,566	\$4,057
43.60	\$5,370	\$4,610	\$5,543	\$2,625
30.67	\$3,777	\$3,243	\$3,899	\$1,847
33.15	\$4,083	\$3,506	\$4,215	\$1,996
36.50	\$4,496	\$3,860	\$4,641	\$2,198
22.60	\$2,784	\$2,390	\$2,874	\$1,361
28.34	\$3,491	\$2,997	\$3,603	\$1,707
52.62	\$6,482	\$5,565	\$6,691	\$3,169
21.14	\$2,604	\$2,236	\$2,688	\$1,273
17.31	\$2,132	\$1,830	\$2,200	\$1,042
86.90	\$10,704	\$9,190	\$11,049	\$5,233
82.30	\$10,137	\$8,703	\$10,464	\$4,956
35.53	\$4,376	\$3,757	\$4,517	\$2,140
25.33	\$3,120	\$2,679	\$3,221	\$1,525
38.28	\$4,716	\$4,049	\$4,868	\$2,306
40.64	\$5,006	\$4,298	\$5,167	\$2,447
56.44	\$6,952	\$5,969	\$7,176	\$3,399
48.07	\$5,921	\$5,083	\$6,111	\$2,895
76.55	\$9,429	\$8,096	\$9,733	\$4,610
74.94	\$9,230	\$7,925	\$9,528	\$4,513
4.30	\$0,530	\$0,455	\$0,547	\$0,259
76.46	\$9,42	\$8,09	\$9,72	\$4,60
108.08	\$13.31	\$11.43	\$13.74	\$6.51
421.70	\$51.94	\$44.60	\$53.62	\$25.40
107.95	\$13.30	\$11.42	\$13.73	\$6.50
65.45	\$8.06	\$6.92	\$8.32	\$3.94
44.20	\$5.44	\$4.67	\$5.62	\$2.66
8.808	\$3,550	\$3,048	\$3,664	\$1,735
9.256	\$3,730	\$3,203	\$3,850	\$1,823
28.904	\$11,648	\$10,001	\$12,024	\$5,694
9.136	\$3,682	\$3,161	\$3,801	\$1,800
10,208	\$4,114	\$3,532	\$4,247	\$2,011
6.27	\$2,528	\$2,170	\$2,610	\$1,236
1.35	\$0,544	\$0,467	\$0,562	\$0,266
4.46	\$1,799	\$1,545	\$1,857	\$0,879
3.44	\$1,386	\$1,190	\$1,430	\$0,677
6,9445	\$2,799	\$2,403	\$2,889	\$1,368
4,7855	\$1,929	\$1,656	\$1,991	\$943

**AGENDA ITEM**

**11A**

**This item to be  
distributed under  
separate cover**



**AGENDA ITEM**

**11C**



**Name:** MY Museum Holiday Chamber Mixer

**Date:** December 6, 2018

**Time:** 5:30 PM - 7:30 PM PST

[Register Now](http://www.montereychamber.com/events/register/4872)  
(<http://www.montereychamber.com/events/register/4872>)



**Event Description:**

Join us for our annual Holiday Mixer, hosted by MY Museum!  
Enjoy refreshments including a hot cocoa bar and cookie decorating station. Nibble on small bites while mingling with friends in your best holiday sweaters. MY Gift Cart will be open for any of you children holiday gift needs. It will be a holiday party you wont want to miss!

Share: (<http://www.montereychamber.com>)

[Back to Calendar](#)

**Location:**  
MY Museum - Monterey County Youth Museum  
425 Washington St.  
Monterey, CA 93940

**Date/Time Information:**  
Thursday, December 6, 2018  
5:30 - 7:30 PM

**Fees/Admission:**  
\$10 Members/ \$20 Prospective Memebrs

**Set a Reminder:**

Enter your email address below to receive a reminder message.

Enter Email Address

-- Select Days Before Event --

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Monterey Peninsula Chamber of Commerce  
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☎ 831.648.5350 (tel:831-648-5350)  
✉ [info@montereychamber.com](mailto:info@montereychamber.com) (<mailto:info@montereychamber.com>)



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**Name:** Kumon of Carmel Grand Opening and Ribbon Cutting

**Date:** November 2, 2018

**Time:** 4:00 PM - 7:00 PM PDT



**Event Description:**

Join us for the Grand Opening and Ribbon Cutting at Kumon of Carmel! Kumon of Carmel is an after school math and reading center for people of all ages. There will be appetizers and a drawing to win one free month's tuition, one free week trial, and other prizes!

Share: (<http://www.montereychamber.com/>)

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**Location:**

Carmel Rancho Shopping Center  
26135 Carmel Rancho Blvd.  
Carmel, CA 93923

**Date/Time Information:**

Friday, November 2  
4-7 pm

**Set a Reminder:**

Enter your email address below to receive a reminder message.

Enter Email Address

-- Select Days Before Event --



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Monterey Peninsula Chamber of Commerce

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*In Celebration of the Holiday Season*

The Sand City Council invites you to attend the

**Annual Christmas Tree Lighting  
Ceremony**

**Friday, November 30, 2018**

**6:00 – 8:00 p.m.**

**City Hall**

**Bring the entire family and visit with Mr. & Mrs. Claus**

**Hot Chocolate, Apple Cider, Coffee & Cookies**