


# REGULAR MEETING

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

## TUESDAY, AUGUST 3, 2021

## 5:30 PM

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

Regular Meeting - Tuesday, August 3, 2021
5:30 PM

**THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20 ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.**
**TO PARTICIPATE IN THE ZOOM COUNCIL MEETING LIVE:**
**https://us02web.zoom.us/j/4417277342**
**Meeting ID: 441 727 7342#**
**To participate telephonically by calling the number below:**
**(669) 900-6833**
**Meeting ID: 441 727 7342#**
**If prompted to enter a participant ID, press #**

**How to submit written Public Comments:**
If any member of the public would like to provide written comments at the meeting, please do as set forth below.

Written: All comments received before 8:00 am the day of the meeting will be posted on the City's website as "Correspondence" under the relevant agenda item and provided to the City Council members at the meeting. Please email your comments to connie@sandcityca.org.

Read Aloud During the Meeting: Email your comments to aaron@sandcityca.org when the Mayor opens the public comment period for the relevant agenda item; please indicate the agenda item and title in your email subject line. If you want your comment read aloud, prominently write "Read Aloud at Meeting" at the top of the email and your comments will be read into the record (not to exceed three minutes at staff's cadence).

DURING EACH MEETING, members of the public may participate by calling and speaking live during the designated time(s), subject to time limits that may be imposed pursuant to the Brown Act at the number provided above.

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**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. ANNOUNCEMENTS BY MAYOR, CITY ATTORNEY, AND CITY STAFF**

3A. City Manager Memorandum
CityManagerMemo.pdf

## 4. COMMUNICATIONS

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 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.

## 5. 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 Council member may request that any item be placed on the Regular Agenda for separate consideration.

5A. Approval of July 20, 2021 Council Meeting Minutes
7.20.21 Minutes.pdf

5B. Approval of City RESOLUTION Granting the City Manager Authorization to Assign up to 0.0192 acre-feet/year of water from the Sand City Water Entitlement for Public Landscaping and Park Open Space fronting Contra Costa Street
Staff Report. Water Allocation for Sand City Public Landscaping.pdf
RESOLUTION. Authorization to Assign Water for Public Landscaping and Park Open Space fronting Contra Costa Street.pdf

5C. Approval of City RESOLUTION Granting the City Manager Authorization to execute a Water Assignment Agreement and Assign up to 0.176 acre-feet of Water from the Sand City Water Entitlement to Rick Chaidez of Quasar LLC for Development of a Single Family Dwelling at 1880 Park Avenue (APN 011-131-019)
Staff Report. Water Allocation for Residential Development by Rick Chaidez.pdf
RESOLUTION. Authorization to Assign Water to Rick Chaidez for Single Family Dwelling at 1880 Park Avenue.pdf

5D. Approval of City Donation/Contribution
1. The Panetta Institute for Public Policy - $500
Memo for City Donation.Contribution.pdf

## 6. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

## 7. PRESENTATION

7A. Presentation by Heather Adamson, Director of Planning, Association of Monterey Bay Area Governments (AMBAG) on overview of the Regional Housing Needs Allocation or RHNA

6th Cycle RHNA Overview_Sand City_080321_final.pptx

## 8. PUBLIC HEARING

8A. Consideration of City RESOLUTION to Approve Coastal Development Permit 21-03 for Kelcon Construction for Storage Use of an Existing Commercial Building at 325 Elder Avenue
Staff Report. Coastal Development Permit for Kelcon Construction.pdf
RESOLUTION. Approve CDP 21-03 for Kelcon Construction for Storage Use at 325 Elder Avenue.pdf

## 9. NEW BUSINESS

9A. Discussion and Approval of mock-ups as part of the we. murals 2021
Staff Report. Discussion of we.mural mock ups.2021.pdf

## 10. CLOSED SESSION

10A. City Council/Successor Agency Board to adjourn to Closed Session regarding:

1) Conference with legal counsel - anticipated litigation (Gov. code section 54956.9(e)(1))

10B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with Government Code section 54957.1

## 11. ADJOURNMENT

The current agenda is available in PDF format on our website at:
www.sandcity.org

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 1 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
# 3A.

# City Manager Memorandum

# MEMO

**To:** Honorable Mayor and City Council Members

**From:** Aaron Blair, City Manager

**Date:** July 28, 2021 (Meeting Date: August 3, 2021)

**Re:** City Manager Update

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*Committee Meetings:*

1. There was an Art Committee meeting on 7/27 and on 8/3.

*City Capital Improvement Projects, Public Works:*

1. Electrical Upgrades. Phase 2 of the upgrade project, server room, should begin over the next month or so.
2. Catalina Stormwater Grant. Grant awarded. Next steps including moving the design to a 60% completion.
3. Contra Costa Stormwater Grant. Grant awarded. Next steps including moving the design to a 90% completion.
4. West Bay Repairs. Design is complete. There is delay in materials.
5. Calabrese Park. We have two different projects in the works.
    a. CDBG funded ADA improvements (CDBG ADA matching Grant $90,000). The design is complete. We have added Pendergrass Way pavement improvements to this project. Look for it to go out to bid in late July/early August.
    b. Grant award for playground improvements: $177,952. Landscape designs are underway.
6. Cal Am/Sand City desal wells.
    a. This item is on hold for now.
7. Pavement Management Plan (PMP) –Several projects have been budgeted in the 5-year Capital Improvement Plan (CIP). Pendergrass Way has been budgeted in FY 21/22.

*Sustainable Transportation Plan & Parking Plan*

1. There was a sustainable transportation plan staff/EMC meeting on 7/30.

*City Staff*

1. Meetings:
    a. My next monthly Monterey Bay Area City Managers meeting is 8/20.
    b. Our monthly engineering and public works staff meeting to go over current projects will be held on 8/19.
    c. I had a 3CE Board meeting on 7/28.
    d. John, Chuck, and I have a meeting with New Cities developers to discuss permitting and process on 8/4.
    e. John, myself, and the Mayor met with Granite Rock on 7/26 to go over the South Tioga project.
    f. We have our standing South of Tioga project meeting on 8/5.
    g. I had a we. mural meeting on 7/28.
    h. I have an MBASIA Board meeting on 8/4.
    i. I attended the 3CE Readiness Pilot Program meeting on 7/21.
    j. I had a 3CE Operations Special Board meeting on 7/28, and a regular operations board meeting on 8/11.
    k. Devon and I have an OPEB meeting on 8/16.
    l. I met with the Weekly to discuss details over their proposed cover story on Sand City and the arts on 7/26.
    m. I met with Steve V. on 7/27 to discuss details related to the West End Celebration.
    n. I attended the District 4 Monthly Standing Meeting on 8/2.
2. Website, Social Media, and Communications.
    a. City of Sand City Social Channels: @SandCityCA
        i. Facebook: 311 (+5) | Twitter: 113 (+0) | Instagram: 1143 (+21)
    b. The Sand City Art Committee (@SandCityArt)
        i. Facebook: 2 (new page) | Instagram: 1001 (+15)
    c. The August E-Newsletter went out on 7/30.

*Budget*

1. First Quarter 2021 Sales Tax is up 16.3% above the first sales period in 2020.

*Community Development*

1. Building Services Department. Staff has been discussing a fee schedule update. The goal is to have something for Council to discuss in 2021.
2. Seaside Sanitation Upgrades. There is a planned sewer upsizing along Ortiz between Contra Costa and Holly. PGE has completed the relocation of a gas line along Ortiz to make way for the sewer upsizing. Sewer work will begin in September.
3. Public Art, Events, & Placemaking:
    a. we.murals
        i. Mock-ups will be before Council on 8/3 and 8/17.
    b. 2021 West End Celebration. The event will be 8/28-8/29.
4. South of Tioga.

    a. Selective demo began on 4/28.
5. Art Park – Implementation Phase.
6. McDonalds Remodel (Under Construction)
7. Ocean View Ave at Fell St. SFD (Under Construction)
8. 756 California Avenue (Complete)
9. 460 Elder Expansion (Permit Review)
10. Monterey Bay Shores (Site Work: On Hold)
11. 534 Shasta Commercial Building Expansion (Under Construction)
12. Monterey Bay Collection (Permit Review Coastal Commission)
13. Target Remodel (Under Construction)
14. Catalina Lofts (Under Construction)
15. Telsa Charging Stations (Edgewater – Complete)
16. Ashley Home Furniture (August 2021)

**TASK LIST (Quarter represents Fiscal Year)**

**Public Works/Engineering**

- *CIP*-Calabrese Park Improvements A (4th quarter, 1st & 2nd quarter FY 21/22)
- *CIP*-Pendergrass Way resurface (PMP -Pavement Management Program) (4th quarter, & 1st & 2nd quarter FY 21/22)
- *CIP*-West Bay Street Repair Project (4th quarter, & 1st and 2nd quarter FY 21/22)
- *CIP*-West End SW Improvement Projects (2021-2022)
    - Contra Costa St. (Grant Funding approved)
    - Catalina St. (Grant Funding approved)
- Sand City Water Supply Project (SCWSP) Phase 1 New Wells (2021)
- *CIP*-City Hall Electrical Service Updates (Phase 1 Complete)
- *CIP*-City Hall Improvements (1st quarter)
- *CIP*-Street sweeper replacement (Awaiting delivery)
- *CIP*-Dump Truck replacement (Awaiting delivery)
- *CIP*-TAMC Parcel Landscaping (1st and 2nd quarter FY 21/22)

**Community Development/Planning**

- *CIP*-Parking Strategy Plan (Implementation Phase)
- Sustainable Transportation Plan (Implementation Phase)
- Short-term rental ordinance (1st and 2nd quarter FY 21/22)
- Fee schedule Update: Fee Study (FY 21/22)
- Cannabis Ordinance (1st and 2nd quarter FY 21/22)

**Economic Development**

- Art Park (FY 2021/22)
- McDonalds Remodel (Under Construction)
- Ocean View Ave at Fell St. SFD (Under Construction)
- 756 California Avenue (Complete)
- 460 Elder Expansion (Permit Review)

- Monterey Bay Shores (Site Work: On Hold)
- 534 Shasta Commercial Building Expansion (Under Construction)
- Monterey Bay Collection (Permit Review Coastal Commission)
- Target Remodel (Under Construction)
- Catalina Lofts (Under Construction)
- Telsa Charging Stations (Edgewater – Complete)
- Ashley Home Furniture (August 2021)
- South of Tioga
    - Community Finance District (Pending)
    - Development Agreement (Executed)
    - Sliver properties (Executed)
    - Lot line Adjustment (Executed)
    - Subdivision Improvement Agreement (pending)
    - Final Map (pending)

# AGENDA ITEM
# 5A.

# Approval of July 20, 2021 Council Meeting Minutes

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

Regular Meeting - Tuesday, July 20, 2021
5:30 PM
As allowed per the State of California Governor's Executive Order N-29-20, this meeting was conducted in person and by teleconference

Mayor Carbone opened the meeting at 5:30 P.M.

**AGENDA ITEM 1**, **ROLL CALL**

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

Staff: Aaron Blair, City Manager
Vibeke Norgaard, City Attorney
Connie Horca, City Clerk
Charles Pooler, City Planner

**AGENDA ITEM 2**, **CLOSED SESSION**

5:32 p.m.

**2A. City Council/Successor Agency Board to adjourn to Closed Session regarding:**
**1) Conference with legal counsel - anticipated litigation (Gov. code section 54956.9(d)(2))**

5:59 p.m.

**2B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with Cal. Gov Code section 54957.1.**

The Successor Agency received confidential legal advise from the Council. No action was taken.

**AGENDA ITEM 3**, **ANNOUNCEMENTS BY MAYOR, CITY ATTORNEY, AND CITY STAFF**

City Manager Blair reported on the first quarter sales tax report received from HdL and that the City is doing very well with a 3% increase above pre-covid numbers. He will also be presenting the we.mural mockups at the August 3rd Council meeting.

Mayor Carbone announced that the City Hall electrical upgrades were completed. City Manager Blair added that Phase II of the electrical upgrades will include the Council

Chambers. He also reported that an update regarding the desalination wells will be provided to the Council at a future meeting.

The Mayor thanked staff for the reports and updates.

**AGENDA ITEM 4**, **COMMUNICATIONS**

6:02 P.M. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through telecommunications on items not appearing on the agenda.

6:02 P.M. Floor closed to Public Comment.

**AGENDA ITEM 5**, **CONSENT CALENDAR**

5A. There was no discussion of the July 6, 2021 Sand City Council Meeting Minutes.

5B. There was no discussion of the City Donation/Contribution to the 2021 Monterey County Fair for $500.

Motion to approve the Consent Calendar items was made by Council Member Blackwelder, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

**AGENDA ITEM 6**, **CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR**

There were no items pulled from the Consent Calendar.

**AGENDA ITEM 7**, **NEW BUSINESS**

**7A. Consideration of City RESOLUTION Authorizing the City Manager to Extend the Service Agreement with EMC Planning Group for Fiscal Year 2021-2022 in Completing a Sustainable Transportation Plan**

City Planner Charles Pooler presented the staff report and background regarding the Cal-Trans Sustainable Communities Grant that was award to the City in May 2019 for the amount of $163,779 with a required City match of $21,221 for a total project cost of $185,000. The Sustainable Transportation plan would address bicycle and pedestrian infrastructure, connectivity deficiencies, and develop potential solutions to close gaps and links along the regional trail. In May 2020, EMC completed 57% of the Sustainable Transportation Plan, and staff recently held meetings to discuss on how to move the plan forward. Mr. Pooler noted that the City's approved fiscal year 2021-2022 contains adequate funds required to complete the Sustainable Transportation Plan. Staff recommends approval of the attached resolution to extend the service agreement with EMC Planning Group, Inc.

In response to the Mayor’s inquiry regarding disbursement of matching funds, Mr. Pooler provided a response on the process of reimbursement, invoicing, and payment of matching funds.

6:09 P.M. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through telecommunications.

6:09 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** authorizing the City Manager to Extend the Service Agreement with EMC Planning Group for Fiscal Year 2021-2022 in completing a Sustainable Transportation Plan was made by Council Member Hawthorne, seconded by Council Member Blackwelder. Roll call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

**7B. Consideration of City RESOLUTION Authorizing the City Manager to Execute an Extension of Service Agreement with EMC Planning Group Incorporated to Complete the Parking Plan**

City Planner Charles Pooler presented the background regarding the comprehensive parking study and plan in response to parking issues and entitlement permit issues related to parking in the West End District. In January 2020, the City Council authorized the City Manager to execute an agreement with EMC Planning Group to prepare a parking plan. Mr. Pooler summarized the intent of what the Parking Plan would address. The project was placed on hold in October 2020 due to the exhaustion of allocated funds. EMC's May 2021 invoice indicated that 57% of the plan has been completed. The current Administrative Draft contains 7 out of 8 chapters drafted for staff review and outlined the remaining work required to complete the Parking Plan. The fiscal year 2021-2022 budget includes a $30,000 budget allocation for completion of the Parking Plan. Staff recommends approval of the attached Resolution authorizing the City Manager to amend and extend the service contract for completion of the Parking Plan and necessary CEQA review.

Mr. Pooler provided a response regarding the cost to complete the plan.

Mayor Carbone reiterated the importance of analyzing contracts and the need for more accurate estimates on proposed projects and studies.

There was Council discussion regarding the TAMC location, its possible use for public parking, and certain requirements that need to be met before TAMC can approve the location for parking.

Vice Chair Blackwelder suggested that the Davi site may be a possibility.

City Attorney Norgaard advised council that any discussion other than the EMC contract should be agendized.

Mr. Blair provided a history of the contract with EMC and the reduction of their service contract for fiscal year 2021-22.

6:41 P.M. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through telecommunications.

6:41 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** authorizing the City Manager to execute an extension of Service Agreement with EMC Planning Group incorporated to complete the Parking Plan was made by Council Member Sofer, seconded by Council Member Hawthorne. Roll call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

**7C. Consideration of Successor Agency to the Former Redevelopment Agency RESOLUTION Authorizing the Executive Director to Execute a Contract with Liebold McClendon & Mann, P.C.**

City Attorney Norgaard presented the staff report and resolution regarding the contract with Liebold McClendon & Mann, P.C. for the legal representation and advise on the winding down activities, and enforceable obligations of the Successor Agency. Ms. Barbara Liebold was highly recommended by the Successor Agency's Financial Consultant, Cheryl Murase of HdL. Ms. Liebold has 30 years of experience, extensive knowledge in redevelopment law, and has represented eight successor agencies and three oversight boards. Staff recommends approval of the attached resolution authorizing the City Manager/Executive Director to enter into a contract not to exceed $34,000 for services to be provided by Leibold McClendon & Mann, P.C.

6:45 P.M. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through telecommunications

6:45 P.M. Floor closed to Public Comment.

Motion to approve the Successor Agency **Resolution a**uthorizing the Executive Director to execute a contract with Liebold McClendon & Mann, P.C. was made by Agency Member Blackwelder, seconded by Agency Member Sofer. Roll call Vote AYES: Agency Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

**7D. Comments by Council Members on Items of Interest to Sand City**

Vice Mayor Blackwelder reported that at the last MRWMD meeting, the agency has secured a recruitment firm and is moving forward to find viable candidates. He also commented on the condition of the sound system in the council chambers.

Council Member Sofer reported on her attendance at the MCBC speaker series that included a presentation by District 5 Supervisor Mary Adams, and results of the In - Home Social Services meeting.

City Manager Blair reported on an update he received regarding the litigation involving the Monterey Bay Shores property, and the tenancy at the former Orchard Supply building. He reported on the City 'Sparks' event at the Art Park in August coordinated by Ms. Gorman.

The Council discussed the closing of several businesses in Sand City.

Mayor Carbone mentioned that a new strain of the coronavirus has been detected.

**AGENDA ITEM 8**, **ADJOURNMENT**

Motion to adjourn the meeting was made by Council Member Hawthorne, seconded by Council Member Blackwelder. There was consensus of the City Council to adjourn the meeting at 6:57 p.m. to the next regularly scheduled council meeting on August 3, 2021 at 5:30 p.m.

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Connie Horca, City Clerk

# AGENDA ITEM
# 5B.

# Approval of City RESOLUTION Granting the City Manager Authorization to Assign up to 0.0192 acre-feet/year of water from the Sand City Water Entitlement for Public Landscaping and Park Open Space fronting Contra Costa Street

**CITY OF SAND CITY**

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**STAFF REPORT**

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**JULY 16, 2021**
**(For City Council Meeting on August 5, 2021)**

**TO:** **Mayor and City Council**

**FROM:** **Charles Pooler, City Planner**

**SUBJECT:** **Water Allocation for Sand City Public Landscaping**

## BACKGROUND

The City has an existing monument entry sign at the southeast corner of the Contra Costa Street and Orange Avenue intersection that provides decorative landscaping, partially within the former railroad right-of-way. The City has also developed a draft landscape plan for a small public park with new landscaping and public benches on a certain segment of vacant land within the former railroad right-of-way along the western side of Contra Costa Street between Orange Avenue and Del Monte Boulevard; within the City's municipal jurisdiction, but owned by the City of Seaside. Both these areas are in need of a water meter to provide irrigation for landscape maintenance. These areas have no existing on-site water credit; and therefore, an allocation of water from the City's Water Entitlement (desalination facility) is necessary before a water permit from the Monterey Peninsula Water Management District (the "MPWMD") can be obtained and a water meter installed by California-American Water (Cal-Am).

## DISCUSSION

According to the City's Public Work Foreman, the existing monument sign area has 2,250 square feet of landscaped area and the proposed park area will have 5,317 square feet of landscaped area, both in need of irrigation. The remaining 1,814 square feet of the proposed park will be decomposed granite surfacing that will not require irrigation or water. Both the monument sign area does, and the new proposed park area will, utilize drought tolerant water conservation species and drip irrigation. No spray irrigation or surface turf landscaping are proposed in order to minimize water use.

Based on the Water Efficient Landscape Worksheet prepared by the City Planner (see Exhibit D), using information provided by the Public Works Foreman and the draft landscape plan, landscaping for the monument sign area will need 0.0057 acre-feet/year (1,858.14 gallons/year) and the landscaping for the public park area will need 0.0135 acre-feet/year (4,390.99 gallons/year) for a total water demand of 0.0192 acre-feet/year (6,249.13 gallons/year). It should be noted that the City Planner's calculations are subject to review and modification by the MPWMD's staff prior to issuance of any water permit.

The City Planner contacted the MPWMD staff to find out the requirements for getting a water meter from Cal-Am and a water permit from the MPWMD for a City landscaping project. City staff was informed that since this is a City project, no signed and notarized document(s) of a water allocation needs to be recorded with the Monterey County Recorder's office. To ensure this remains public water for public purpose, the water meter must be placed within the public right-of-way and not within the railroad right-of-way, beyond City Limits, or on other private property. The current landscape plan identifies the water main connection within the railroad right-of-way that needs to be relocated on the plan as to be within the City's Contra Costa Street right-of-way, outside the railroad right-of-way. The final public improvement and landscape plan will need to be modified to clearly identify this. An irrigation plan should also be provided by the landscape designer for final review by the MPWMD.

## RECOMMENDATION

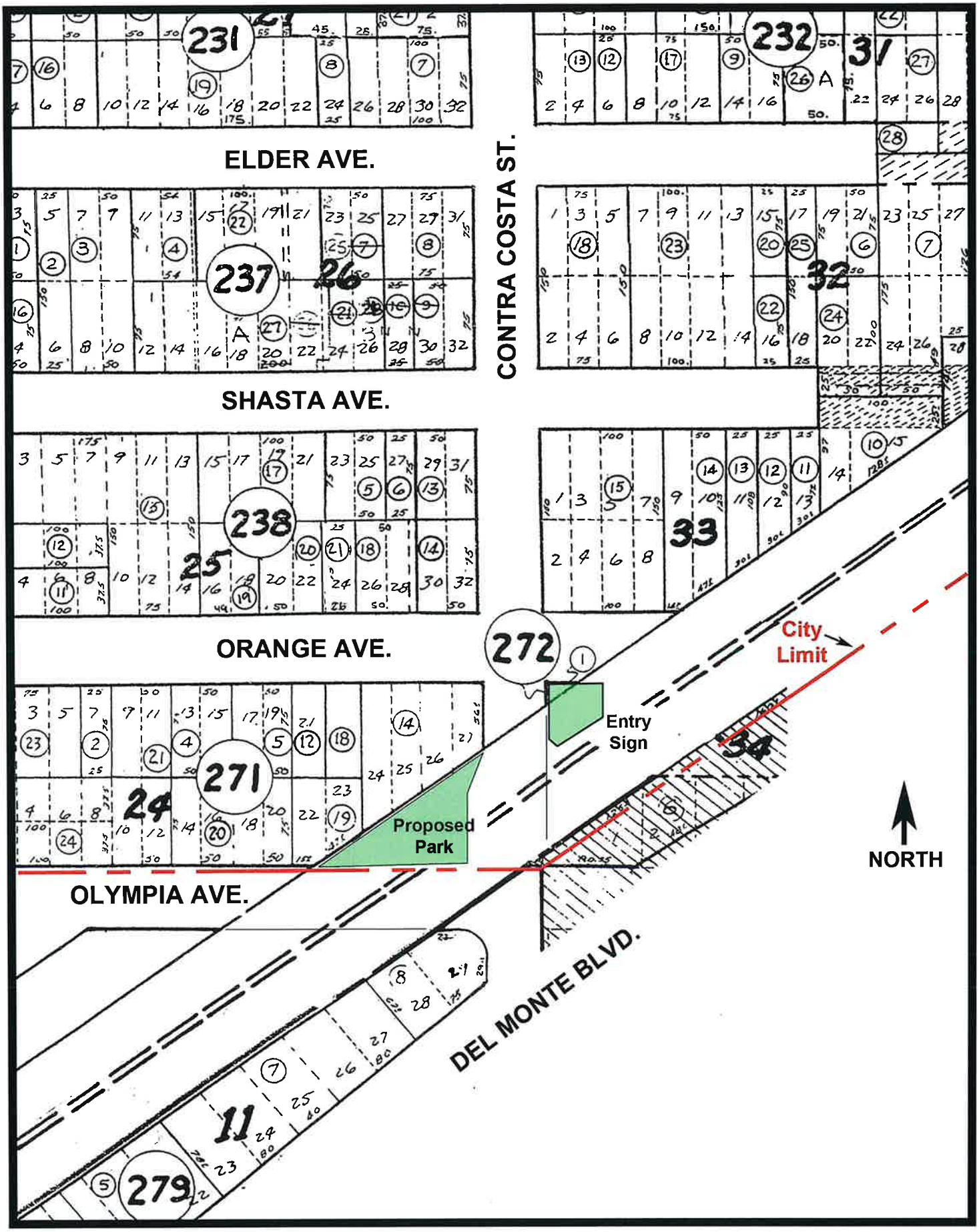
Staff recommends **APPROVAL** of the resolution allocating 0.0192 acre-feet/year for public landscaping and park open space fronting Contra Costa Street between the cross streets of Orange Avenue and Del Monte Boulevard with the requirement that the water meter must be located within a Sand City public right-of-way.

Exhibits:

A. Location Map
B. Aerial Map
C. Landscape Plan
D. Water Efficient Landscape Worksheet
E. City Utility Plan (very old) with water lines identified

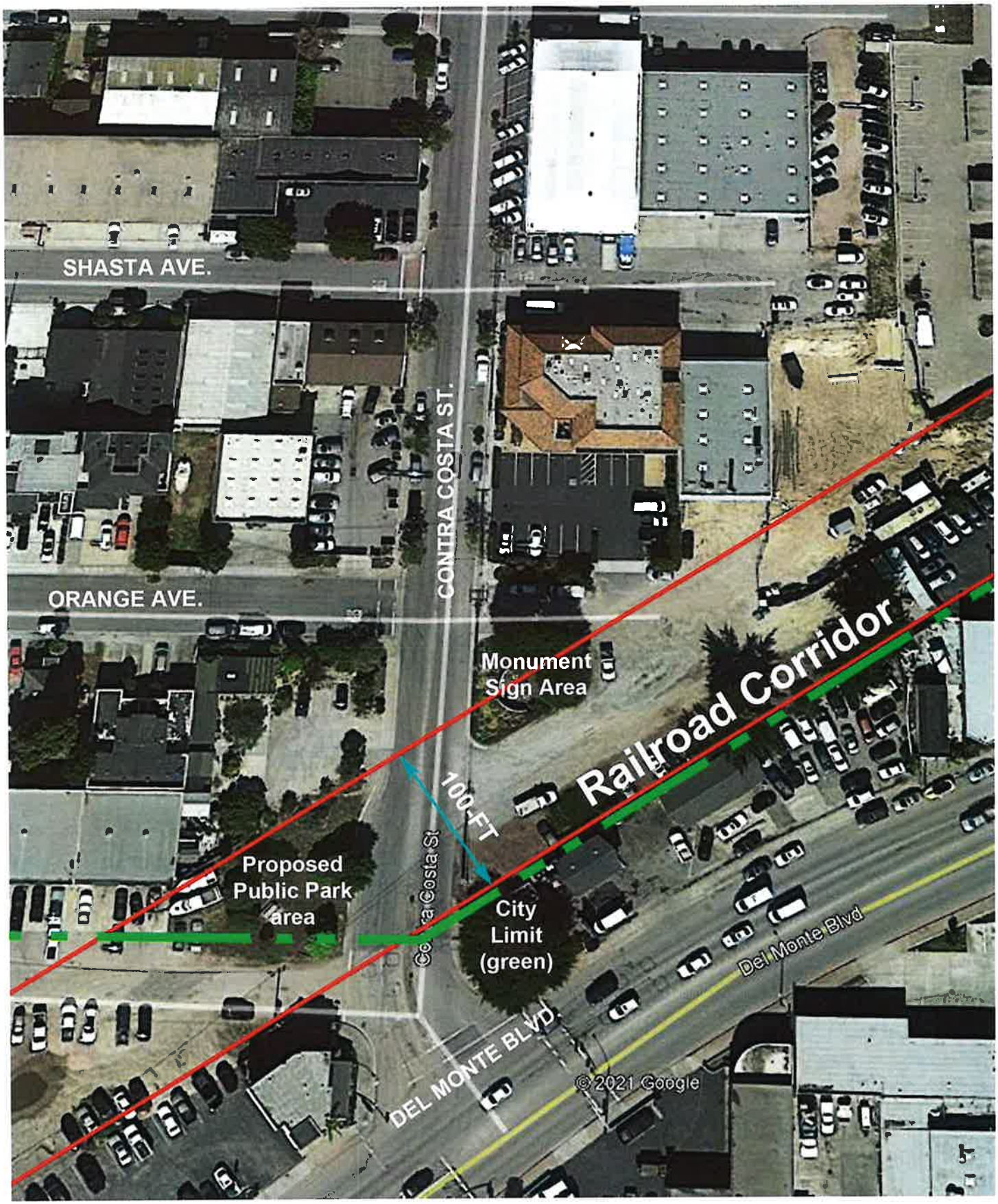
Attachments:

1. Draft Resolution assigning up to 0.0192 acre-feet/year of water from the Sand City Water Entitlement (desalination facility) for public landscaping and park open space fronting Contra Costa Street.




# Location Map

# EXHIBIT A




# Aerial Map

# EXHIBIT B

0 5 10 20 40'

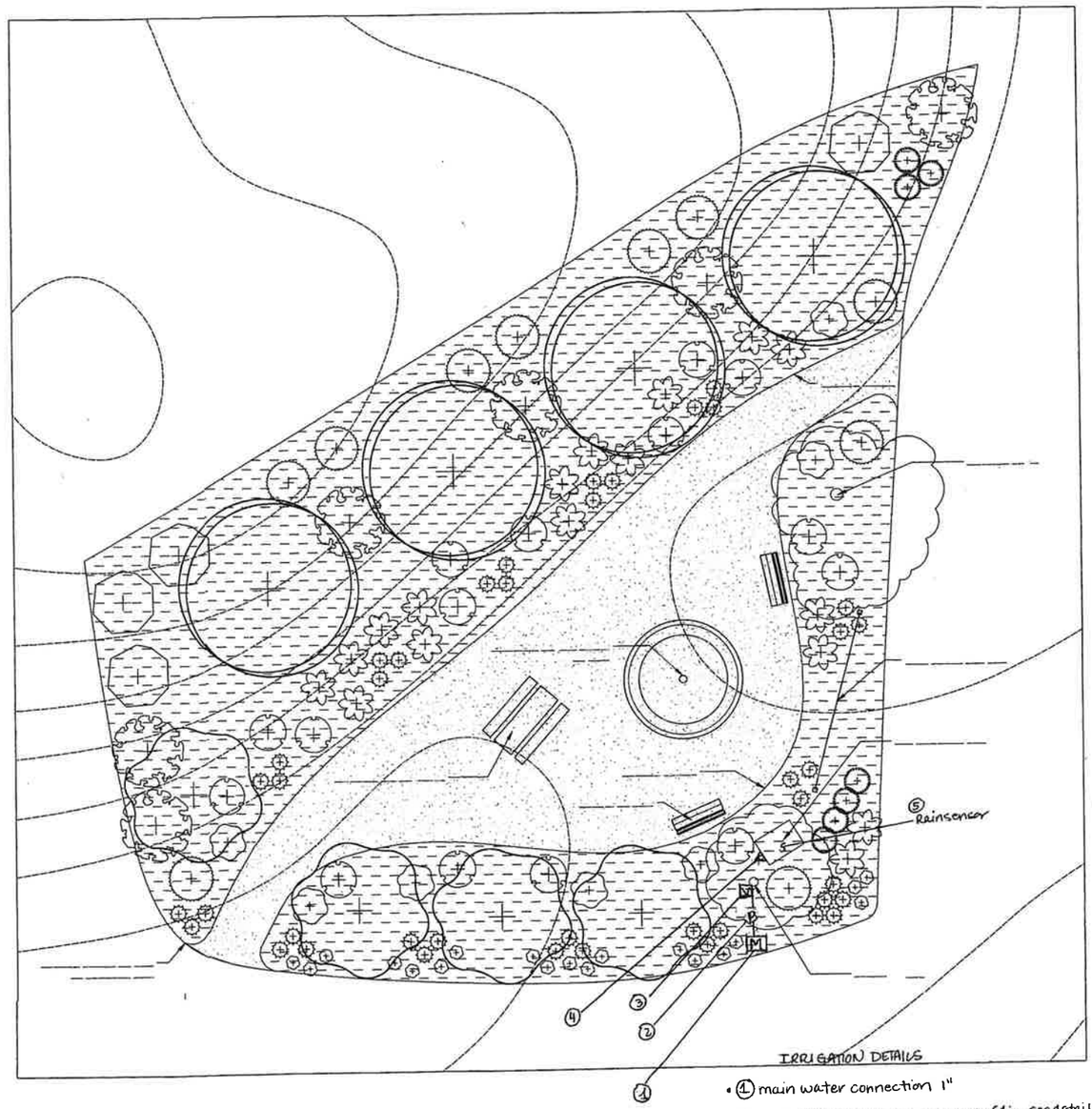
## PLANT SCHEDULE

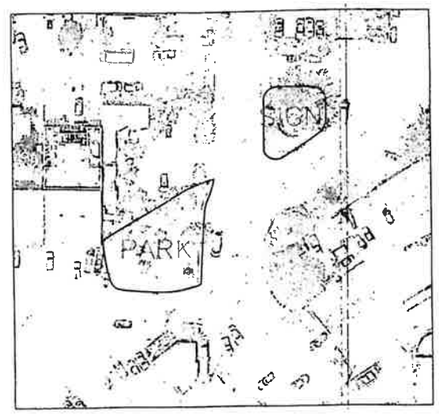
| TREES | QTY | BOTANICAL NAME / COMMON NAME | CONT |
|---|---|---|---|
| | 4 | Arbutus x 'Marina' / Arbutus Multi-Trunk | 15 gal |
| | 4 | Metrosideros excelsus / New Zealand Christmas Tree | 15 gal |

| SHRUBS | QTY | BOTANICAL NAME / COMMON NAME | SIZE |
|---|---|---|---|
| | 29 | Agave attenuata / Agave | 5 gal |
| | 15 | Callistemon citrinus 'Little John' / Dwarf Bottle Brush | 5 gal |
| | 6 | Ceanothus x 'Centennial' / Centennial Ceanothus | 5 gal |
| | 7 | Echium fastuosum / Pride Of Madeira | 5 gal |
| | 13 | Eriogonum giganteum / St. Catherine's Lace | 5 gal |
| | 29 | Juncus patens / California Gray Rush | 1 gal |
| | 7 | Leonotis leonurus / Lion's Tail | 5 gal |
| | 17 | Muhlenbergia capillaris / Pink Muhly | 1 gal |
| | 43 | Senecio mandraliscae / Blue Finger | 1 gal |
| | 56 | Stipa tenuissima / Finestem Needlegrass | 1 gal |

## REFERENCE NOTES SCHEDULE

| SYMBOL | 01 SITE IMPROVEMENTS DESCRIPTION | QTY |
|---|---|---|
| | DECOMPOSED GRANITE | 1,814 SQ.FT. |
| | REDWOOD DECO BARK | 7,567 SQ.FT. |
| | BENDER BOARD | 252 LIN.FT. |







IRRIGATION DETAILS

- ① main water connection 1"
- ② back flow prevention assembly (1in. see detail)
- ③ drip valve assembly unit (1 station only) 3/4"
- ④ electric controller (rainbird ESP single station)
- ⑤ Rainbird wireless rain sensor



# EXHIBIT C

CITY OF SAND CITY
LANDSCAPE PLAN

SCALE 1/32" = 1'-0"
DATE 7.31.2015
DRAWN BCL
REV
21

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

# Water Efficient Landscape Worksheet – Appendix B

*This worksheet is filled out by the Project Applicant as a required element of the Landscape Documentation Package.*

**Reference Evapotranspiration ($ET_o$) Monterey Region: 36.00"**

| Hydrozone #/Planting Description[a] | Plant Factor (PF) | Irrigation Method[b] | Irrigation Efficiency (IE)[c] | Evaporation Adjustment Factor or ETAF (PF/IE) | Landscape Area (sq. ft.) | ETAF x Area | Estimated Total Water Use (ETWU)[e] |
|---|---|---|---|---|---|---|---|
| **Regular Landscape Areas** | | | | | | | |
| Entry Sign | 0.3 | DRIP | .81 | 0.370 | 2250 | 832.5 | 1858.14 |
| Mini Parks | 0.3 | DRIP | .81 | 0.370 | 5317 | 1967.29 | 4390.99 |
| — | — | — | — | — | — | — | — |
| — | — | — | — | — | — | — | — |
| | | | | Totals | (A) | (B) | 6249.13 |
| **Special Landscape Areas (SLA)** | | | | | | | |
| n/a | | | | 1 | | | |
| | | | | 1 | | | |
| | | | | 1 | | | |
| | | | | Totals | (C) | (D) | |
| | | | | | | ETWU Total | 6249.13 |
| | | | | | | Maximum Allowed Water Allowance (MAWA)[e] | |

[a] ***Hydrozone #/Planting Description***
*For example:*
*1.) "front lawn"*
*2.) "low water use plantings"*
*3.) "medium water use plantings"*

[b] ***Irrigation Method***
*overhead spray or drip*

[c] ***Irrigation Efficiency***
*0.75 for spray head*
*0.81 for drip*

[d] ***ETWU (Annual Gallons Required)*** = *$Et_o$ x 0.62 x ETAF x Area*
where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year.

[e] ***MAWA (Annual Gallons Allowed)*** = *($Et_o$) ( 0.62) [ (ETAF x LA) + ((1-ETAF) x SLA)]*
where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year, LA is the total landscape area in square feet, SLA is the total special landscape area in square feet, and ETAF is .55 for residential areas and 0.45 for non-residential areas.

$36 \times 0.62 \times .370 \times 2250 = 1858.14$
$36 \times 0.62 \times .370 \times 5317 = 4390.99$
$6249.13$

$\frac{6249.13 \text{ gal}}{325,851 \text{ gal/AF}} = 0.0192 \text{ AF}$

## ETAF Calculations

### Regular Landscape Areas

| | | |
|---|---|---|
| Total ETAF x Area | (B) | 2799.79 |
| Total Area | (A) | 7567 |
| **Average ETAF** | **B ÷ A** | 0.37 |

**Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for Non-Residential areas.**

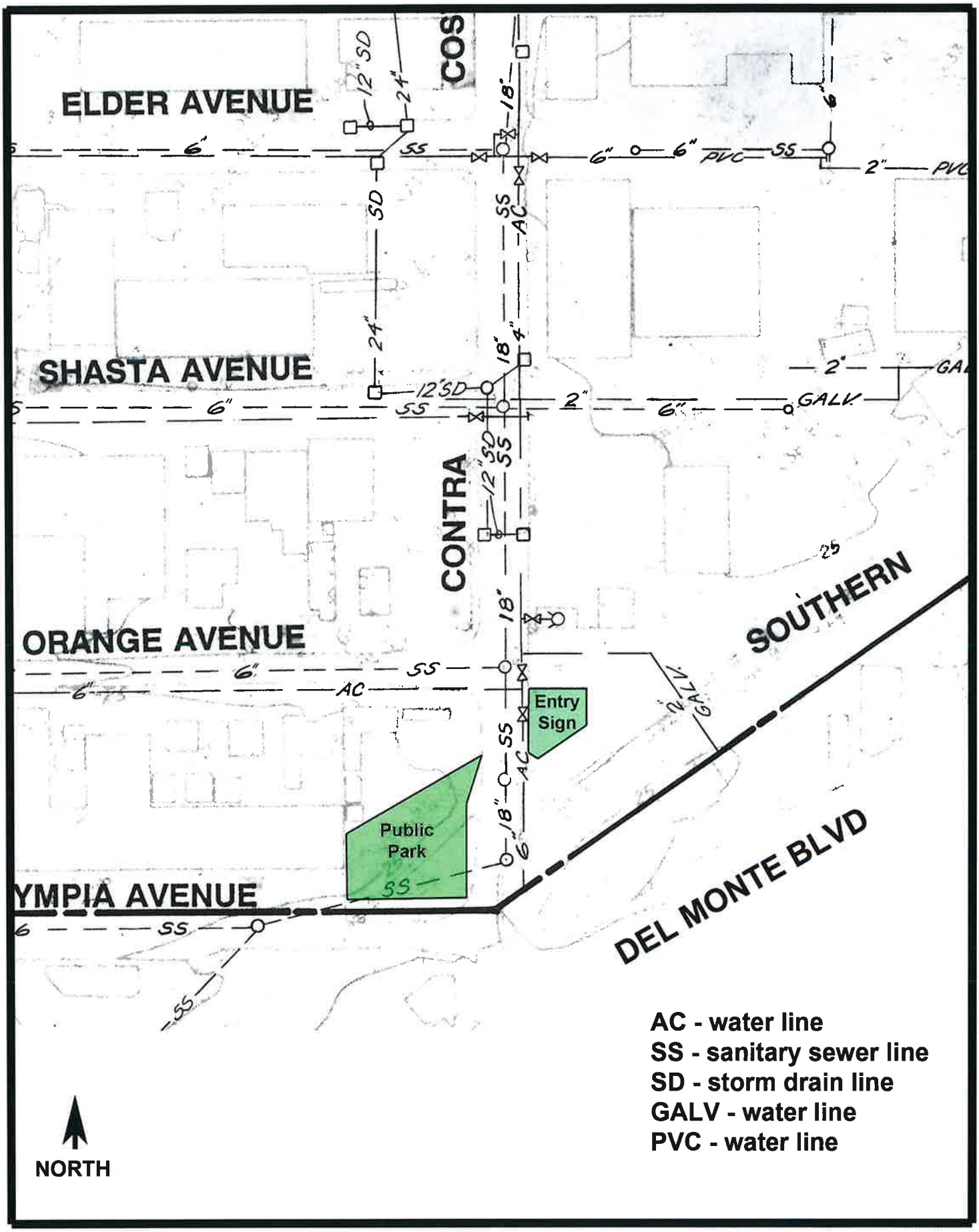
$\frac{2799.79}{7567} = 0.37 < 0.45$

### All Landscape Areas

| | |
|---|---|
| Total ETAF x Area | (B+D) |
| Total Area | (A+C) |
| **Sitewide ETAF** | **(B+D) ÷ (A+C)** |

**EXHIBIT D**


5 Harris Court, Building G, Monterey, CA 93940 • P.O. Box 85, Monterey, CA 93942-0085
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# City Utilities Plan (very old)

# EXHIBIT E

**CITY OF SAND CITY**

**RESOLUTION SC_____, 2021**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY GRANTING THE CITY MANAGER AUTHORIZATION TO ASSIGN UP TO 0.0192 ACRE-FEET/YEAR OF WATER FROM THE SAND CITY WATER ENTITLEMENT FOR PUBLIC LANDSCAPING AND PARK OPEN SPACE FRONTING CONTRA COSTA STREET**

**WHEREAS**, the City of Sand City (the "City") is in the process of beautifying the City's entry area at Contra Costa Street, near Del Monte Boulevard and the City's eastern municipal boundary abutting the City of Seaside, with new and/or improved landscaping and public area; and

**WHEREAS**, the City has an existing monument entry sign at the southeast corner of the Contra Costa Street and Orange Avenue intersection that provides decorative landscaping but is in need of its own water for irrigation; and

**WHEREAS**, the City has developed a landscape plan for a small public park with new landscaping and public benches on a certain segment of vacant land within the former railroad right-of-way along the western side of Contra Costa Street between Orange Avenue and Del Monte Boulevard that is within the City's municipal jurisdiction, but owned by the City of Seaside; and

**WHEREAS**, the City of Seaside has provided the City with permission to proceed with the park and landscape project on their railroad right-of-way land; and

**WHEREAS**, both the monument sign area and the new proposed park area will utilize drought tolerant water conservation species and drip irrigation; where no spray irrigation or surface turf landscaping is proposed in order to minimize water use in maintaining the landscaping of both areas; and

**WHEREAS**, establishing a new water meter for the public park and landscaping fronting both sides of Contra Costa Street require a water allocation from the City's water entitlement and water permit approval from the Monterey Peninsula Water Management District (the "MPWMD") prior to a water meter being provided and installed by California-American Water Company ("Cal-Am); and

**WHEREAS**, this being a City project, no signed and notarized document(s) of this water allocation needs to be recorded on any property with the Monterey County Recorder's office in order to obtain a water permit from the MRWMD, provided the water meter is established within the Contra Costa Street right-of-way within City limits and not within the railroad right-of-way; and

**WHEREAS**, the City Planner has reviewed the draft landscape plan and completed the MPWMD's water efficient landscape worksheet establishing that 0.0912 acre-feet of water

is necessary to accommodate irrigation of both the monument sign area and the new public park area provided all species are drought tolerant and only drip irrigation (or comparable) is installed; and

**WHEREAS**, the landscaping of currently vacant and non-environmentally sensitive/valuable land for the purposes public open spaces that improve public access and eliminates blighted conditions qualifies for a 'categorical exemption' under California Environmental Quality Act (CEQA) guidelines, sections 15304 (Minor Alterations to Land) and 15332 (In-Fill Development Projects), whereby no further action under CEQA is necessitated for the allocation of water by the City to this Project; and

**WHEREAS**, the City Council is able to assign a 0.0192 acre-foot/year portion of the Sand City Water Entitlement, produced from the Sand City water treatment facility, to the Contra Costa Street public park and landscaping improvement project.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of Sand City does hereby authorize and approve the City Manager to execute, on behalf of the City, all documents necessary to assign up to a 0.0192 acre-foot/year portion of the Sand City Water Entitlement and Water Use Permit to the Contra Costa Street public park and landscaping improvement project.

**PASSED AND ADOPTED** by the City Council of Sand City this ___ day of August, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

_____
Mary Ann Carbone, Mayor

_____
Connie Horca, City Clerk

# AGENDA ITEM
# 5C.

# Approval of City RESOLUTION Granting the City Manager Authorization to execute a Water Assignment Agreement and Assign up to 0.176 acre-feet of Water from the Sand City Water Entitlement to Rick Chaidez of Quasar LLC for Development of a Single Family Dwelling at 1880 Park Avenue (APN 011-131-019)

**CITY OF SAND CITY**

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**STAFF REPORT**

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**JUNE 20, 2021**
**(For City Council Meeting on August 3, 2021)**

**TO:** **Mayor and City Council**

**FROM:** **Charles Pooler, City Planner**

**SUBJECT:** **Water Allocation for Residential Development by Rick Chaidez**

## BACKGROUND

On December 18, 2018, the City of Sand City (the "City") issued Conditional Use Permit 630, inclusive of site plan and architectural approvals, to Wayne Wood Construction, the original project proponent, to facilitate the development of one (1) 2-story residential single-family house located on a 3,750 square foot (50'x75') currently vacant property (the "Project") fronting Park Avenue (APN 011-131-019) (the "Subject Property"). Mr. Rick Chaidez of Quasar LLC acquired the Subject Property from Wayne Wood Construction with the intent to build the house as approved under CUP 630. After meeting with Mr. Chaidez, City staff processed and approved the transfer of CUP 630 from Wayne Wood Construction to Mr. Chaidez on April 14, 2021, making Mr. Chaidez the now current permittee of CUP 630. Mr. Chaidez is ready to proceed with construction of the house under the purview of CUP 630 on the Subject Property. A retaining wall and fencing have already been erected and plans have been submitted to the Building Department for review.

The Subject Property has no existing on-site water credit; and therefore, the Project depends upon the City allocating water from its Water Entitlement (desalination facility) before the Mr. Chaidez can obtain a water connection permit from the Monterey Peninsula Water Management District (the "MPWMD") and a building permit from the City.

The overall Project qualifies for a 'categorical exemption' under California Environmental Quality Act (CEQA) guidelines, sections 15303(a) and 15332, whereby no further action under CEQA is necessitated for the allocation of water by the City to this Project.

## CALCULATIONS

**New Project Water Demand:**
This is a 2-story single family house with approximately 3,161 square feet of floor area, 2.5 baths, a 2-car garage, and open decks. Water calculations below consist of the residential water fixtures and landscaping (see Exhibit D) as identified by the submitted construction drawings and the proposed landscaping.

Residential: The single family dwelling with two and a half (2.5) bathrooms (master bath has one tub, a separate shower, a double sink, and a toilet), a kitchen with sink and dishwasher, and a washing machine that will need 0.139 acre-feet per year (af/y) of water (see Exhibit D).

Landscaping: Water requirements for landscaping are calculated using the MPWMD's "Water Efficient Landscape Worksheet" (see final sheet of Exhibit D). The property owner proposes a drip irrigation, which is compliant with CUP 630 landscape requirements. Some of the plant species currently proposed are not suitable to the City's climate and soil and will need to be replaced with better suited species. Based on the information provided, the landscaping requires an allocation of 0.0365 acre-feet/year.

Combining the residential and landscaping components, the overall amount of water needed for MPWMD compliance is 0.176 acre-feet/year; based on City staff's calculations. As there is no on-site credit, the project needs the City to allocate a total of 0.176 acre-feet/year. The calculations and water estimates of City staff (above) and the Property Owner are subject to MPWMD staff's final determination prior to issuance of a water permit; however, the MPWMD will not evaluate a project's water demand until that project's construction plans are ready for building permit issuance.

## RECOMMENDATION

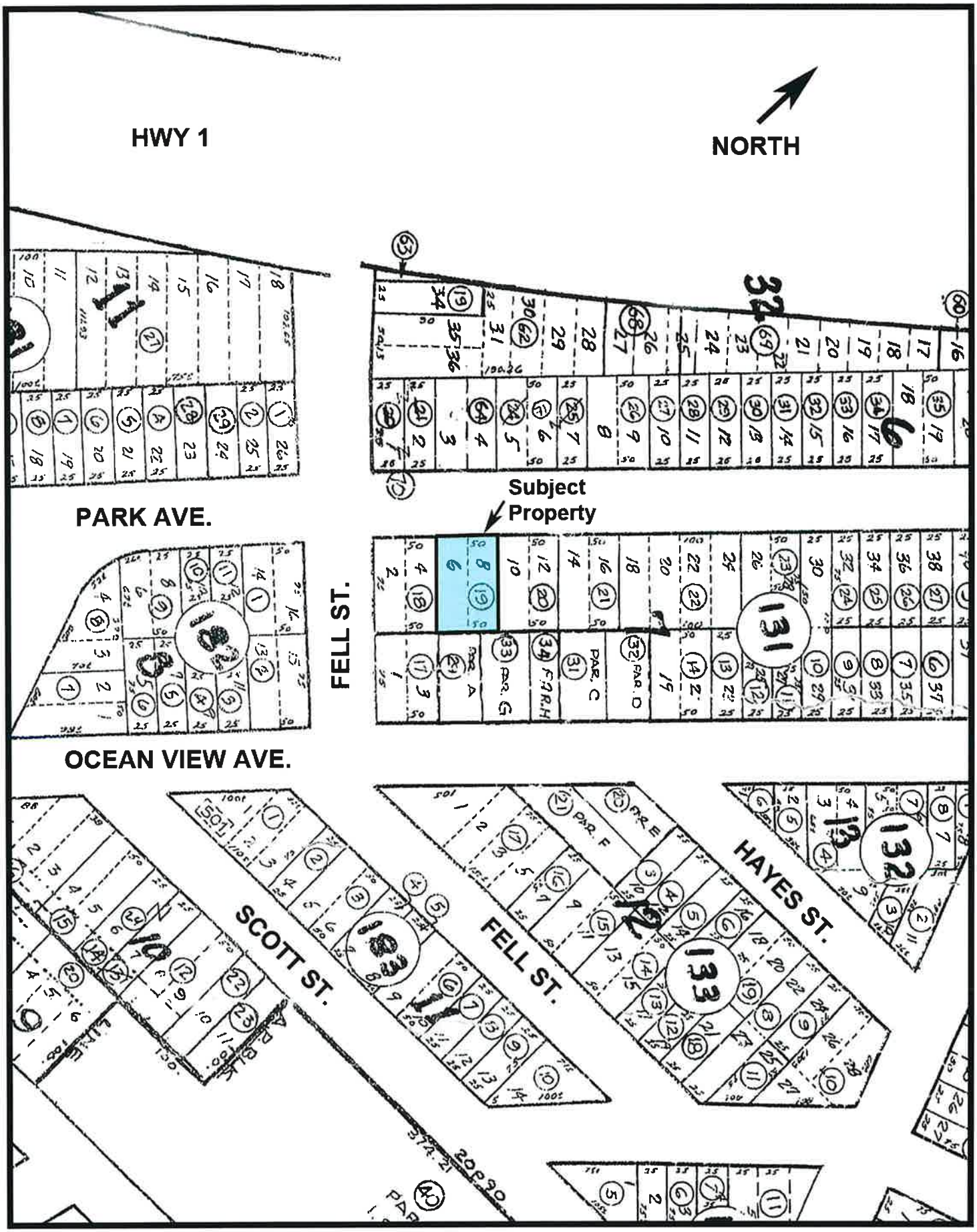
Staff recommends the City Council **APPROVE** the attached draft resolution allocating 0.176 acre-feet/year for a residential development on assessor parcel 011-131-019.

Exhibits:

A. Location Map
B. Site Plan
C. Floor Plans
D. Staff Calculation Worksheets

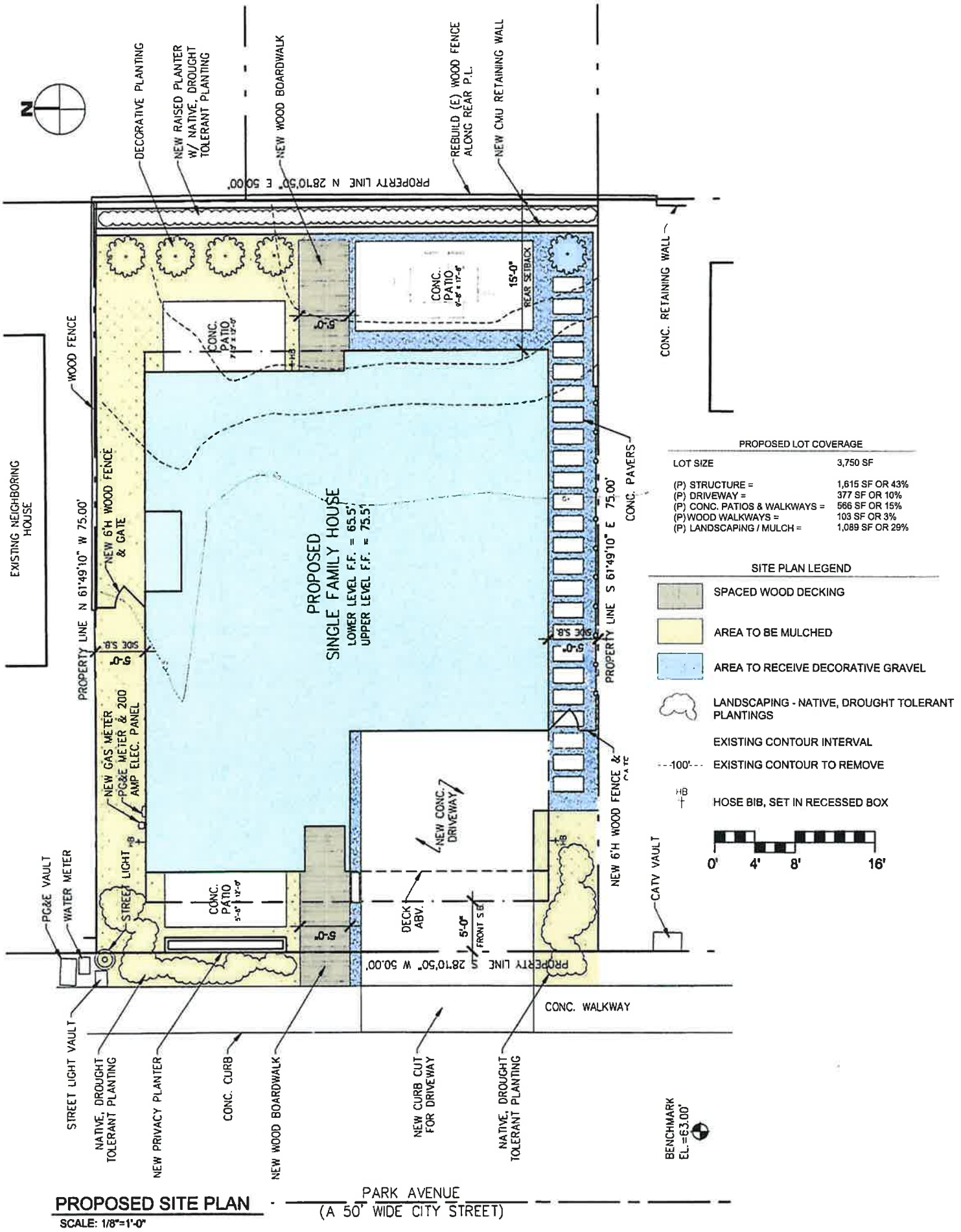
Attachments:

1. Draft Resolution and Exhibit, authorizing the execution of a water assignment agreement and assign up to 0.176 acre-feet/year of water allocation from the City's Water Entitlement (desalination facility) Rick Chaidez of Quasar LLC for development of a single family dwelling at 1880 Park Avenue (APN 011-131-019)




# Location Map

# EXHIBIT A

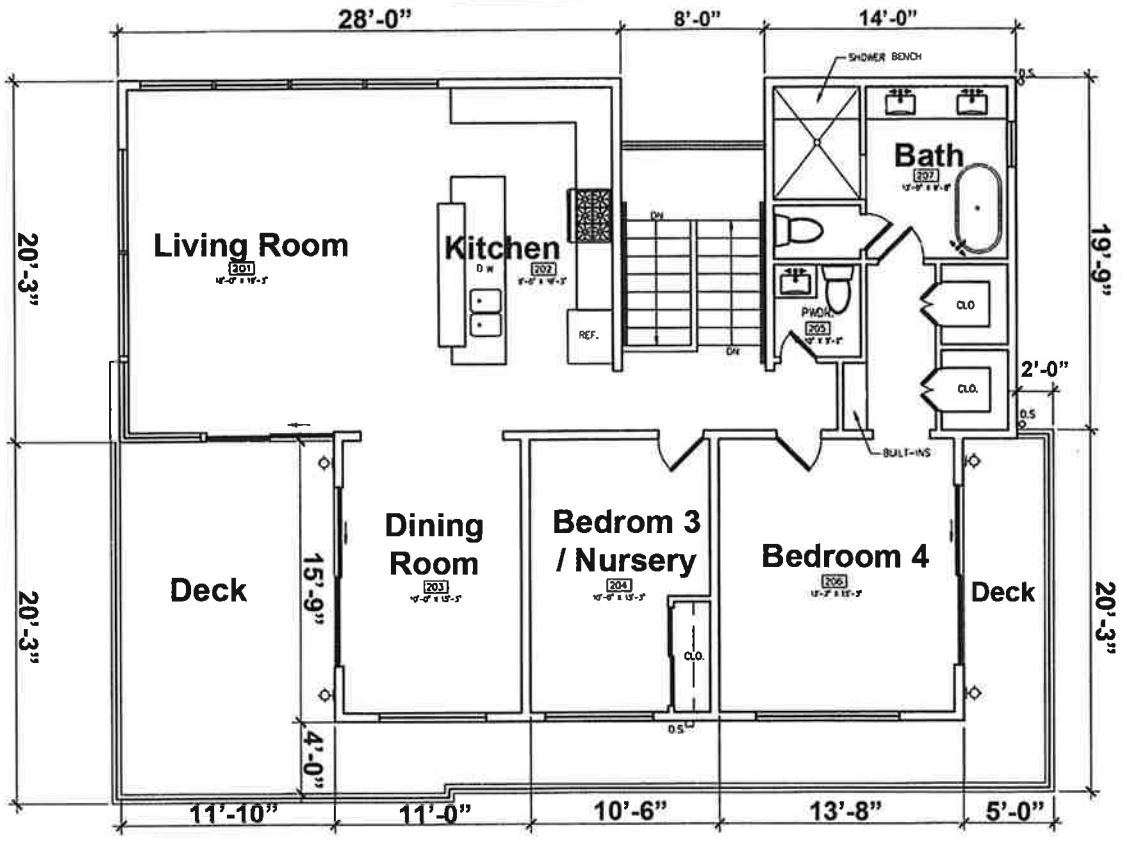



**PROPOSED SITE PLAN**
SCALE: 1/8"=1'-0"

# Site Plan (As presented in 2018)

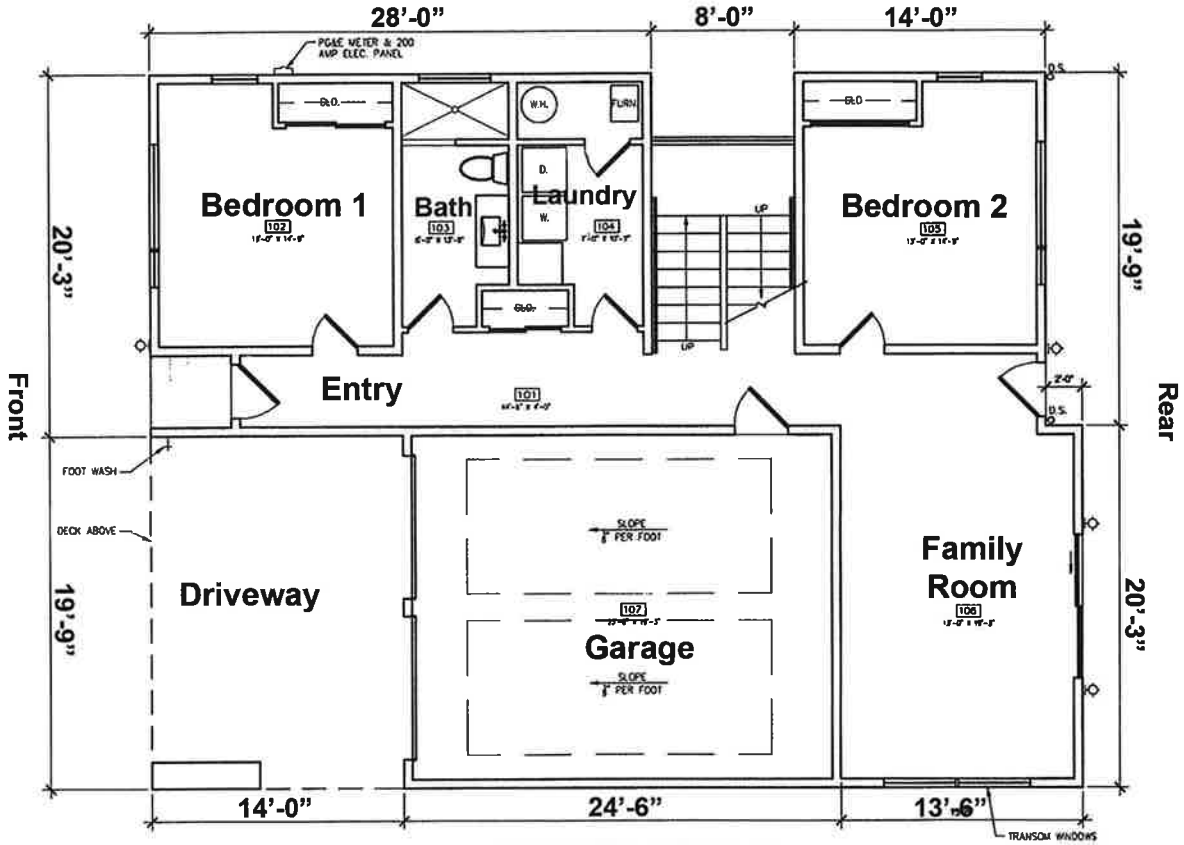
# EXHIBIT B

UPPER LEVEL FLOOR PLAN










LOWER LEVEL FLOOR PLAN

# Floor Plans

# EXHIBIT C

**TOTAL NECESSARY WATER ALLOCATION**
**Rich Chaivez / Quasar LLC @ 1880 Park Avenue (APN 011-131-019)**

| CREDIT: | |
|---|---|
| Existing Residential On-Site Credit | 0.000 |
| Existing Commercial On-Site Credit | 0.000 |
| **Total On-Site Credit** | **0.000** |

| NEW DEMAND: | |
|---|---|
| New Commercial Water Demand | 0.000 |
| New Residential Water Demand | 0.139 |
| New Landscaping Water Demand | 0.037 |
| **Total New Water Demand** | **0.176** |

| | |
|---|---|
| **Allocation needed for Project** | **0.176** |

**EXHIBIT D**

New Residential Water

Rich Chaivez / Quasar LLC @ 1880 Park Avenue (APN 011-131-019)

| FIXTURE TYPE/DESCRIPTION | No. of Fixtures | | Fixture Unit Value | | Fixture Units | | Acre-Feet | NOTES |
|---|---|---|---|---|---|---|---|---|
| **SINKS (bathroom)** | | | | | | | | |
| Washbasin (lavatory sink), each | 2 | x | 1 | = | **2** | x 0.01 = | **0.02** | |
| Two Washbins in Master Bath | 1 | x | 1 | = | **1** | x 0.01 = | **0.01** | |
| **TOILETS:** | | | | | | | | |
| Toilet, Ultra Low Flush (1.6 gallons/flush) | 0 | x | 1.7 | = | **0** | x 0.01 = | **0** | |
| Toilet, High Efficiency (HET) 1.3 gallons/flush) | 3 | x | 1.3 | = | **3.9** | x 0.01 = | **0.039** | All new fixtures must be HET |
| **URINALS:** | | | | | | | | |
| Urinal (1.0 gallon/flush) | 0 | x | 1 | = | **0** | x 0.01 = | **0** | |
| Urinal, High Efficiency (0.5 gallons/flush) | 0 | x | 0.5 | = | **0** | x 0.01 = | **0** | |
| Urinal, Zero Water Consumption | 0 | x | 0 | = | **0** | x 0.01 = | **0** | |
| **BATHTUBS (w/ showers)** | | | | | | | | |
| Bathtub, Large (w/showerhead) & separate shower in master bath | 1 | x | 3 | = | **3** | x 0.01 = | **0.03** | |
| Bathtub, Large (may have showerhead) | 0 | x | 3 | = | **0** | x 0.01 = | **0** | |
| Bathtub, Standard (may have showerhead) | 0 | x | 2 | = | **0** | x 0.01 = | **0** | |
| **SHOWERS (only)** | | | | | | | | |
| Shower, separate stall (one showerhead) | 1 | x | 2 | = | **2** | x 0.01 = | **0.02** | |
| Shower, each additional fixture | 0 | x | 2 | = | **0** | x 0.01 = | **0** | |
| Shower System, Rain Bars, or custom shower (varies per specifications) | 0 | x | 2 | = | **0** | x 0.01 = | **0** | |
| **KITCHEN:** | | | | | | | | |
| Kitchen Sink (w/ opional dishwasher) | 0 | x | 2 | = | **0** | x 0.01 = | **0** | |
| Kitchen Sink (w/ adjacent High Efficiency Dishwasher (5.8 gallons max/cycle) | 1 | x | 1.5 | = | **1.5** | x 0.01 = | **0.015** | All new fixtures must be High Effic. |

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

# Water Efficient Landscape Worksheet – Appendix B

*This worksheet is filled out by the Project Applicant as a required element of the Landscape Documentation Package.*

**Reference Evapotranspiration ($ET_o$) Monterey Region: 36.00"**

| Hydrozone #/Planting Description[a] | Plant Factor (PF) | Irrigation Method[b] | Irrigation Efficiency (IE)[c] | Evaporation Adjustment Factor or ETAF (PF/IE) | Landscape Area (sq. ft.) | ETAF x Area | Estimated Total Water Use (ETWU)[d] |
|---|---|---|---|---|---|---|---|
| **Regular Landscape Areas** | | | | | | | |
| | .4 | DRIP | .81 | .49 | 1089 | 533.61 | 11910.2 |
| | | | | | | | ↓ |
| | | | | Totals | (A) | (B) | 11910.2 |
| **Special Landscape Areas (SLA)** | | | | | | | |
| | | | | 1 | | | |
| | | | | 1 | | | |
| | | | | 1 | | | |
| | | | | Totals | (C) | (D) | |
| | | | | | | ETWU Total | 11910.2 |
| | | | | | | Maximum Allowed Water Allowance (MAWA)[e] | |

[a] ***Hydrozone #/Planting Description***
*For example:*
*1.) "front lawn"*
*2.) "low water use plantings"*
*3.) "medium water use plantings".*

[b] ***Irrigation Method***
*overhead spray or drip*

[c] ***Irrigation Efficiency***
*0.75 for spray head*
*0.81 for drip*

[d] ***ETWU (Annual Gallons Required) =***
$Et_o$ x 0.62 x ETAF x Area
where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year.

[e] ***MAWA (Annual Gallons Allowed)*** = $(Et_o)$ ( 0.62) [ (ETAF x LA) + ((1-ETAF) x SLA)]
where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year, LA is the total landscape area in square feet, SLA is the total special landscape area in square feet, and ETAF is .55 for residential areas and 0.45 for non-residential areas.

36 x .62 x .49 x 1089 = 11910.2

$\frac{11910.2}{325,851} = 0.0365$ AF

## ETAF Calculations

### Regular Landscape Areas

| | | |
|---|---|---|
| Total ETAF x Area | (B) | 533.6 |
| Total Area | (A) | 1089 |
| **Average ETAF** | **B ÷ A** | = 0.49 |

**Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for Non-Residential areas.**

0.49 < 0.55
OK

### All Landscape Areas

| | |
|---|---|
| Total ETAF x Area | (B+D) |
| Total Area | (A+C) |
| **Sitewide ETAF** | **(B+D) ÷ (A+C)** |



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**CITY OF SAND CITY**

**RESOLUTION SC_____, 2021**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY GRANTING THE CITY MANAGER AUTHORIZATION TO EXECUTE A WATER ASSIGNMENT AGREEMENT AND ASSIGN UP TO 0.176 ACRE-FEET OF WATER FROM THE SAND CITY WATER ENTITLEMENT TO RICK CHAIDEZ OF QUASAR LLC FOR DEVELOPMENT OF A SINGLE FAMILY DWELLING AT 1880 PARK AVENUE (APN 011-131-019)**

**WHEREAS**, the City of Sand City (the "City") issued Conditional Use Permit 630 in 2018, inclusive of site plan and architectural approvals, to Wayne Wood Construction, the original project proponent, to facilitate the development of one (1) 2-story residential single-family house located on a 3,750 square foot (50'x75') currently vacant property (the "Project") at 1880 Park Avenue (APN 011-131-019) (the "Subject Property"); and

**WHEREAS**, Mr. Rick Chaidez of Quasar LLC acquired the Subject Property from Wayne Wood Construction with the intent to build the house as approved under CUP 630; and

**WHEREAS**, City staff processed and approved the transfer of CUP 630 from Wayne Wood Construction to Mr. Rick Chaidez of Quasar LLC on April 14, 2021, making Mr. Chaidez the current permittee of CUP 630; and

**WHEREAS**, Mr. Rick Chaidez of Quasar LLC is ready to proceed with construction of the house under the purview of CUP 630 on the Subject Property; however, as there is no existing water credit on the Subject Property, the Project and new landscaping needs a water allocation in order to obtain a water permit from the MPWMD and a building permit from the City; and

**WHEREAS**, City staff has calculated that the residential building with two and a half (2.5) bathrooms with one tub and a separate shower, a double sink, and a toilet in the master bath, a kitchen with sink and dishwasher, and a laundry room with a washing machine will need 0.139 acre-feet per year (af/y) of water and that the 1,089 square feet of drip irrigated landscaping will need 0.037 af/y of water in accordance with the regulations of the Monterey Peninsula Water Management District (the "MPWMD"); and

**WHEREAS**, the overall Project qualifies for a 'categorical exemption' under California Environmental Quality Act (CEQA) guidelines, sections 15303(a) and 15332, whereby no further action under CEQA is necessitated for the allocation of water by the City to this Project; and

**WHEREAS**, the City Council is able to assign a 0.176 acre-foot/year portion of the Sand City Water Entitlement, produced from the Sand City water treatment facility, to the Subject Property for Mr. Rick Chaidez of Quasar LLC, to facilitate development of a house on a vacant parcel at 1880 Park Avenue on assessor parcel 011-131-019.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of Sand City does hereby authorize and approve of the following:

1. The City Manager is authorized and directed to execute, on behalf of the City, an Assignment Agreement with the current property owner of the Subject Property in a form that is satisfactory to the City Attorney; and

2. The City Manager is authorized and directed to execute, on behalf of the City, all documents necessary to assign up to a 0.176 acre-foot/year portion of the Sand City Water Entitlement and Water Use Permit to Mr. Rick Chaidez of Quasar LLC, as the current property owner of the Subject Property, in accordance with the terms of the aforementioned Assignment Agreement.

**PASSED AND ADOPTED** by the City Council of Sand City this ___ day of August, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

_____
Mary Ann Carbone, Mayor

_____
Connie Horca, City Clerk

# AGENDA ITEM
# 5D.

# Approval of City Donation/Contribution 1. The Panetta Institute for Public Policy - $500

# Memo

**To:** City Council
**From:** Aaron Blair, City Manager
**Date:** July 22, 2021 (for August 3, 2021 Council meeting)
**Subject:** Review of City Donation/Contribution

Attached is a request for support and contribution for fiscal year 2021-22. After reviewing this request, the following donation is recommended:

- The Panetta Institute for Public Policy - $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".*

PANETTA INSTITUTE

The Panetta Institute for Public Policy

RECEIVED
JUL 20 2021
CITY OF SAND CITY

June 28, 2021

The Hon. Mary Ann Carbone
City of Sand City
City Hall
1 Pendergrass Way
Sand City, California 93955

Dear Mayor Carbone:

The 2021 *Leon Panetta Lecture Series* theme, *New Leadership in a New Decade: Can America Be Healed?*, reflected and encapsulated the fundamental challenge that we have embraced through our programs this year. There is renewed hope that the President and Congress can work together to govern and debate anew the issues that confront our great nation. It inspires our students as we explain and navigate through the ever-changing politics of our time to remember that the purpose of America is to improve the lives of our people.

The *Lecture Series* forums this year were a great success, even though they were held through a live webinar format. The number of viewers ranged from 1,000 to more than 2,000 for each program. The season began with a presentation by Dr. Anthony Fauci on the pandemic; Claire McCaskill and John Kasich on relations with Congress; John Bolton, Michèle Flournoy and Admiral Mike Mullen on world leadership; and peaked with a focus on restoring trust in the Presidency featuring President Bill Clinton and Vice President Dan Quayle.

Speaking to our *Leadership Seminar* students last summer, 2020, Admiral Bill McRaven stated: "Good values attract good people." This advice is as relevant to countries as it is to people in all walks of life. Twenty-four speakers—prominent congressional, military, national security, judicial, business, sports, academic and educational leaders—spoke to the student body presidents and other elected student body officers from twenty-three campuses in the California State University system who were enrolled in the 2021 *Leadership Seminar*. The three-fold purpose of this seminar is to teach students about leadership principles, strategies and practices; to send them back to their campuses and communities as more effective leaders; and to encourage them to pursue lives of public service. Since the first seminar in 1999, the total number of student participants to date is 599.

Our *Policy Research Fellows Program*, which hosts highly qualified Santa Clara University law school students, ended the spring semester with the largest cohort of Fellows in the history of the program, twelve highly motivated young men and women learning the elements of how to govern effectively. The Panetta Institute, in collaboration with the Santa Clara University School of Law, created this unique program in the spring of 2006 that has students study Democratic and Republican positions on issues and then recommend compromise. Students participating in the program earn three units of academic credit and three units of experiential credit. To date, the Institute has served 116 Fellows in the sixteen years of the program.

The *Youth Civic Engagement Research* survey for 2021 is complete and is being mailed to our supporters. If you have not received one and would like to read a summary of this year's findings, please call us immediately. First launched in 1999, this *Survey* measures college

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www.panettainstitute.org • email: info@panettainstitute.org

students' level of political and civic involvement, their job and career expectations, and their opinions on a wide range of public policy questions. This study helps guide the Institute's curriculum as we encourage students to consider public service careers, and it has also become a valuable reference for policy makers, journalists and others who seek a better understanding of America's next generation of voters and leaders.

As soon as school districts allow us to send *Monterey County Reads* (MCR) volunteers into first through third grade classrooms, we are anxious to restore this program to its full potential. Needs have increased dramatically for today's students who have been affected by the coronavirus pandemic shutdowns. Past research on the effects of out-of-school time on learning due to absenteeism, weather-related school closures, etc., lend insight into what will confront Monterey County's elementary school children when the pandemic subsides. The Institute will review how it can best adapt MCR to the needs of our children. During the past twenty-four years, MCR has recruited and trained more than 3,950 volunteers who have contributed nearly 135,210 hours reading one-to-one with nearly 20,200 children in our county's elementary schools.

The 2021 Congressional internship class of twenty-five interns represents twenty-one campuses in the California State University system and three private universities. As a result of a generous grant of $200,000 from the Koret Foundation, CSU Monterey Bay is able to send two interns this year and for the next four years. This intern program has been acclaimed as one of the best in the nation with almost forty experts consisting of distinguished representatives from Congress, government agencies, military, press, academia and public policy institutes sharing their unique insights and expertise during the two-week course of twenty-one seminars with the interns before they go to Washington to serve in the offices of members of the California delegation. Five hundred and twenty-nine university students have served as interns in the twenty-two years of this program.

Finally, as with the Panetta Institute's other programs, we are looking forward to holding our gala fundraiser, *The Jefferson-Lincoln Awards: An Evening to Honor Lives of Public Service*, on November 6, 2021. This dinner honors bipartisan leadership at a black-tie dinner at The Inn at Spanish Bay.

America's greatness, as noted by Alexis de Tocqueville, is its unique aptitude for forming associations to solve these critical problems and allow individuals to participate, collaborate and develop into citizens capable of upholding democracy. What de Tocqueville saw in the America of the 1830's were the precursors of today's non-profit and voluntary associations, organizations like the Panetta Institute that aim to draw individuals out of their private concerns and enable them to be larger than the circumstances of their own lives. His quote inspires the mission of the Panetta Institute to advocate for public service: "The only way opinions and ideas can be renewed, hearts enlarged, and human minds developed is through the reciprocal influence of men [and women] upon each other."

Your support is and has been critical to the Panetta Institute and our record of success. We believe that, like those before us, we, too, have a rendezvous with destiny, a rendezvous that offers our generation the opportunity to meet challenges never before imagined in our democracy. The future will be determined by a new generation of leaders. Your generous support in the work of the Institute is an investment in that critical new leadership our democracy must have in order to succeed in the 21st century. Thank you for your generous support.

Sincerely,

Leon E. Panetta
Chairman

Sylvia M. Panetta
Co-Chair and CEO

LEP/SMP:rk

# AGENDA ITEM
# 7A.

# Presentation by Heather Adamson, Director of Planning, Association of Monterey Bay Area Governments (AMBAG) on overview of the Regional Housing Needs Allocation or RHNA

# 6th Cycle Regional Housing Needs Allocation

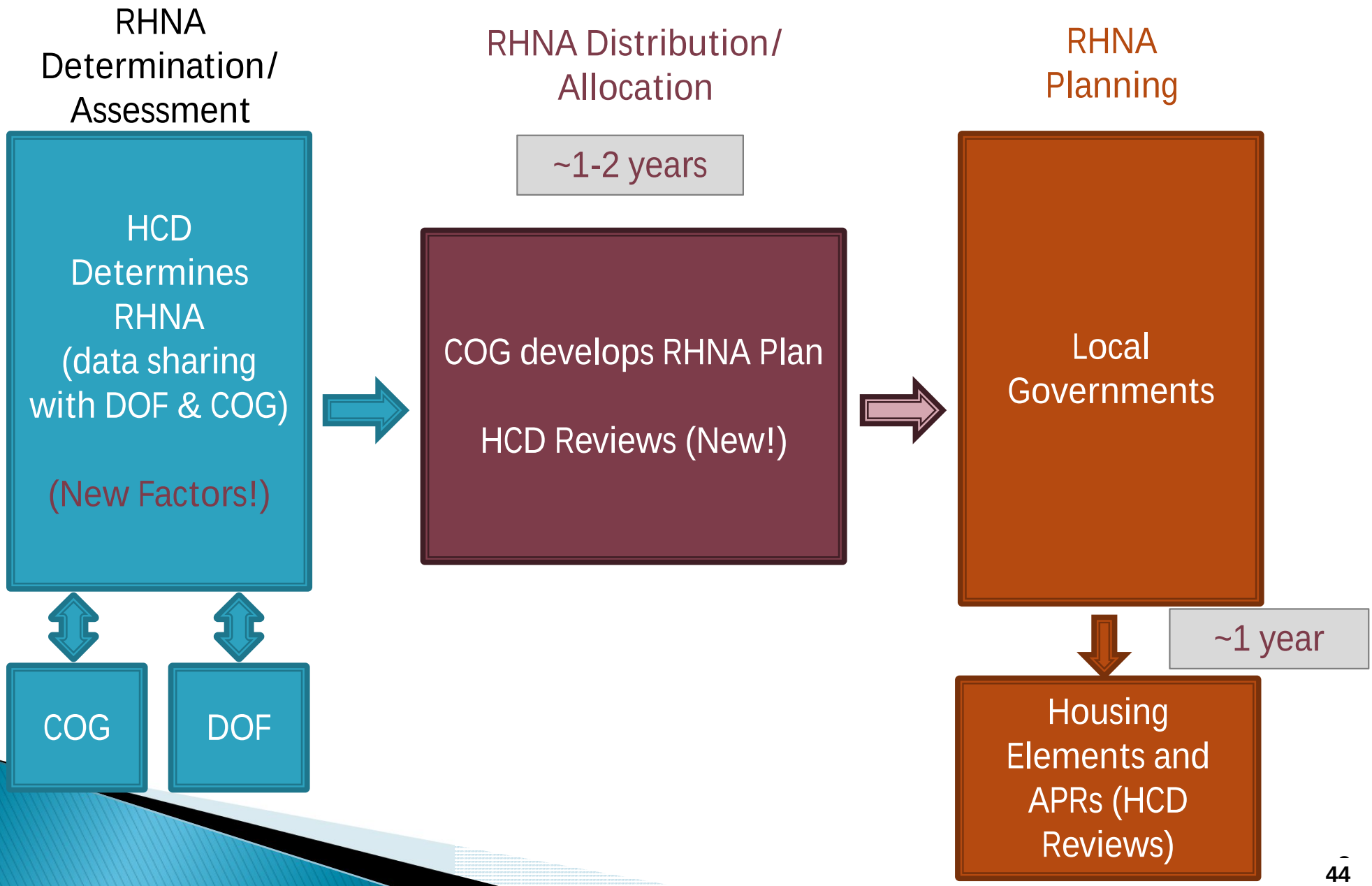
Heather Adamson, AICP

August 3, 2021

# RHNA Background

- Who develops RHNA plan?
  - AMBAG responsible for RHNA for Monterey and Santa Cruz County jurisdictions only
  - SBtCOG is responsible for RHNA for San Benito County jurisdictions
- Done every 8 years
- 6th Cycle for AMBAG is 2023-2031

# The RHNA Process



# 6th Cycle RHNA: What's New

- Numerous housing bills led to increased RHNA allocations and additional issues that must be addressed (SB 828, AB 1771, and AB 686):
  - Vacancy rates
  - Overcrowding
  - Higher than average housing cost burdens than comparable regions
  - Prohibits the use of previous underproduction of housing or stable population growth to reduce RHNA goals
  - Requires RHNA methodologies to promote fair housing, and reduce income and racial segregation when allocating housing

# Targeted RHNA Schedule

- AMBAG receives RHNA determination in August 2021
- Develop potential RHNA methodologies to allocate new RHNA beginning in summer 2021
- Selection of draft RHNA methodology scheduled for late 2021 and submit to HCD for review
- Draft RHNA plan including local jurisdictions allocations in early 2022
- Final RHNA Plan in summer 2022
- Housing elements due in December 2023

# Questions?

# AGENDA ITEM
# 8A.

# Consideration of City RESOLUTION to Approve Coastal Development Permit 21-03 for Kelcon Construction for Storage Use of an Existing Commercial Building at 325 Elder Avenue

**CITY OF SAND CITY**

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**STAFF REPORT**

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**JULY 13, 2021**
**(For City Council Review on August 3, 2021)**

**TO:** **Mayor and City Council**

**FROM:** **Charles Pooler, City Planner**

**SUBJECT:** **Coastal Development Permit for Kelcon Construction**

## BACKGROUND

An application for a conditional use permit was submitted by Kelcon General Building Contractor, Incorporated (the "Applicant") for storage of vehicles and other miscellaneous items (the "Applicant's Use") within a 3,000 square foot unit of an existing commercial building at 325 Elder Avenue (portion of APN 011-242-007 & 008) in Sand City (the "Subject Property"). The majority of the site is under the zoning designation of non-appealable Coastal Zone Planned Mixed Use (CZ-MU-P); which requires a coastal development permit for the Applicant's Use. The site's General Plan land use designation is Mixed-Use Development (MU-D). The intended use of an existing commercial building at the Subject Property qualifies for a categorical exemption, under State CEQA (California Environmental Quality Act) Guidelines, Section 15301.

The Applicant has occupied Unit 4 of the Subject Property for some time without zoning authorization, and has been subject to a code enforcement inspection by the City's Building Official in March of this year in response to public complaints received by the City from property owners and neighbors on Ortiz Avenue. Upon inspection, the construction of multiple levels and unit division for sublease area within the building, without City approval or permits, were discovered. Areas for recreation and social gathering was also noted. A notice of building/planning code violations was provided by the Building Official (see Exhibit H).

**Site Description:**
The Subject Property consists of two abutting parcels; parcel one (APN 011-242-007) fronting Catalina Street, Elder Avenue, and Ortiz Avenue is 18,750 square feet and facilitates the 18,000 square foot building, and parcel two (APN 011-242-008) is 18,750 square feet (approximate) abutting the hillside along the freeway corridor and fronts Ortiz and Elder Avenues, facilitating thirty-four (currently striped) on-site parking spaces on asphalt pavement. The 1-story commercial building is divided into four units: Area 1 of 5,786 square feet occupied by Camp Transformation, Area 2 of 3,025 square feet (vacant), Area 3 of 6,164 square feet occupied by Poe's Plumbing, and Area 4 of 3,000 square feet (Applicant's Unit). The Applicant's Use would be located within Area 4 fronting Ortiz Avenue with roll-up door access. Areas 3 and 4 were previously occupied by Monterey

Bay Restaurant Equipment, a restaurant equipment wholesale business. Utilities (i.e. gas, electric, water, sewer, etc.) are available to serve the building and Applicant's Unit. As part of Camp Transformation's tenant improvements, new curb and sidewalk were installed along the Elder Avenue frontage that is now ADA compliant. The Catalina Street frontage has curb, gutter, and street pavement, but the sidewalk pavement is substandard, sporadic, and impeded by non-native landscaping. This frontage is planned to be rebuilt with a grant-funded storm water control and street improvement project for the entire length of Catalina Street, expected to commence in the next few years. The Ortiz Avenue frontage of the Subject Property consists of asphalt pavement for a walkway and a concrete gutter along the street.

## DISCUSSION

**Project Description:**

The Applicant states in the Letter of Intent, submitted as part of the application (see Exhibit F), that his unit of the Subject Property will be used for storage with no standard hours of operation. There are six (6) employees who will make "random visits" to the Subject Property to pick up or drop off materials/equipment, but they do not work at this location. According to the Letter of Intent, items stored on-site are vehicles, off-road vehicles, gym equipment, furniture, old paperwork, tools, and left over material and lumber. The off-road vehicles identified are RZR (a form of dune buggy), dirt bikes, and boat. The submitted floor plan illustrations (see Exhibits E.2, E.3, E.4) also identify 4x4s and a golf cart on the ground floor and a computer gaming area and piano area on a third level inside; which were not noted in the "letter of intent".

Land Use: The Subject Property has a General Plan land use designation of "Mixed-Use Development" (MU-D) and a Zoning Map designation of "Coastal Planned Mixed Use". The Zoning Code does not specifically list "storage" or "warehousing" as permitted or conditionally permitted uses; however, Section 18.26.040 of the City's Zoning Ordinance does state that "any other use the City Council finds to be consistent with the goals and policies of the City's General Plan and the purposes of this district" can be subject to City Council issuance of a coastal development permit. General warehouse uses are discouraged by the City's General Plan (2002 ed); however, General Plan Goal 2.4 identifies the need to reduce land use conflicts created by insufficient parking. The Subject Property has unique parking issues because of the high parking demand of the Camp Transformation operation (see discussion under "Parking"). Allowing the Applicant's storage use in a building that has another high parking demand tenant will abate parking demand issues of the Subject Property. Due to this site specific parking situation, staff supports low parking demand uses such as storage in the remaining units of this building.

Hours of Operation: The Applicant states that there will be no standard hours of operation at the Subject Property. The submitted Letter of Intent states that employees will make "...random visits..." to the Subject Property. In order to minimize potential negative impacts to nearby residential properties, some limitation of the Applicant's activities at the Subject Property should be considered. Staff recommends that loading/unloading or other activities within the unit should be limited to within the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on

weekends; which are considered to be standard business hours for the mixed-use West End district of Sand City. There should be no off-hour use of the site for non-storage related activities, with exception to janitorial or office activities that are considered relatively benign and should not be restricted.

Parking: The Subject Property provides 34 on-site parking spaces; 18 of which are tandem parking and 2 are handicapped. The current parking layout (see Exhibit C.2) was a result of re-striping when Camp Transformation occupied Unit 1. There are also twelve (12) on-street parking spaces around the building, three (3) along Ortiz, five (5) along Catalina Street, and four (4) spaces along Elder Avenue; however, spaces along Catalina Street may be reduced or lost as part of the City's storm water and street capital improvement project planned for Catalina Street. The total floor area of the building is 18,000 square feet, of which the Applicant will occupy 3,000 square feet. City Municipal Code section 18.64.060(S) requires a 1/1000 parking ratio for warehouse uses, resulting in a parking requirement of three (3) off-street parking spaces for the Applicant's 3,000 square feet (does not include the floor area of non-permitted construction).

The Subject Property can accommodate this zoning requirement; however, it is important that the Applicant's Use not occupy the on-site parking area for overnight vehicle parking/storage to preserve as much on-site parking for Camp Transformation's 5:00 a.m. to 10:00 a.m. and 5:00 p.m. to 9:00 p.m. Monday through Friday, and 7:00 a.m. to 12:00 noon on weekend peak operational hours, which should be a condition of permit approval. Overlapping of parking demand may occur approximately between 7:00 a.m. to 10:00 a.m. and 5:00 p.m. to 6:00 p.m. hours, but staff anticipates minimal impact considering the Applicant's Use does not have customers/client visitations of the site and employees are not at the site full-time. According to the Applicant, Kelcon employees do not work at the site and their visitation is to be random for the pick-up/drop-off of materials and/or equipment. The daytime parking of company vehicles on-site during weekday business hours for pick-up/drop-off activities, as part of conducting the Applicant's business, is acceptable being short term occurrences and roughly alternates, with minimal overlapping of, parking demand between the Applicant's daytime activities and Camp Transformation's aforementioned primary hours. As this is a multi-tenant building, the Subject Property's Owner/ Manager is responsible for managing the on-site parking and addressing and resolving tenant disputes regarding on-site parking, provided City zoning and permit requirements are met to the satisfaction of the City, which should also be a condition of permit approval.

Loading/Unloading: The Applicant states that there will be no deliveries made to the Subject Property. If deliveries and/or shipments were to occur, along with loading/unloading activities, such activities should only occur during daytime business hours of 7:00 a.m. to 6:00 p.m. on weekdays and 10:00 a.m. to 5:00 p.m. on weekends (also see discussion under "Hours of Operation").

Non-Permitted Uses and Construction: In response to the public complaints received by the City, a site inspection was performed with both the tenant and building owner representative on March 23, 2021. A notice of violation was provided in April of 2021,

which noted that there was construction of multiple levels within the building, including a sublease area; without City approval or permits (see Exhibit H). The floor plans submitted by the Applicant (see Exhibits E.2, E.3, & E.4), with the coastal development permit application, illustrates separation of the ground floor for a gym and a sub-lease (of which no information has been provided to the City), a second level area for a pool table and sublease, and a third level for a computer game area and piano area. Upon the aforementioned inspection, it was determined that the occupant had expanded the site from storage to an "office-type social gathering" use. Those types of activities are not listed or referenced in the coastal development permit application submitted to the City; only a description of storage was specified.

Additional floor area of a Group I commercial property, as defined by the Monterey Peninsula Water Management District (MPWMD), requires additional water allocation from the City and a permit from the MPWMD. To date, there has been no allocation of water from the City for the non-permitted construction and added floor area. Water available from the City's Water Entitlement (desalination facility) has always been intended to support redevelopment of blighted properties, new development of vacant land, and higher/better uses in Sand City as discussed in the General Plan (2002 ed.). Water is a valuable resource on the Monterey Peninsula, and must be allocated wisely to extend its benefit for the City at large. The creation of additional floor area for storage, or other potentially private recreation, are not necessarily a benefit to the City or community as a whole that would justify an allocation from the City's water entitlement. Therefore, all non-permitted construction should be removed from the Applicant's unit.

Additionally, since the application identifies storage as the requested use, staff is not recommending the permit authorize use of the space to include gym or other recreational activities. If the Applicant wishes to sublease a section of the unit for only storage, the permit can accommodate that; however, the Applicant would ultimately be responsible for the sublease tenant's activities and answerable to the City for violations of that sublease tenant. Otherwise, staff recommends that other activities, including social gatherings/events, gym, and/or residential occupancy of the Applicant's unit on the Subject property be prohibited. Public complaints to the City regarding construction without permits and late night activity in a non-permitted space generated the code enforcement inspection of the Applicant's Unit. To allow uses that are beyond the application's stated use of 'storage' could lead to further issues and public complaints.

Storage: According to the Applicant's Letter of Intent, submitted as part of the permit application, items intended for storage on-site are vehicles, off-road vehicles, gym equipment, furniture, old paperwork, tools, left over material and lumber. The off-road vehicles identified are RZR (a form of dune buggy), dirt bikes, and boat. The majority of items noted for storage, both in the Letter of Intent and submitted floor plans, appear to be items of personal storage rather than those of a general contractor. Staff recommends the permit prohibit outside storage beyond the confines of the building and that vehicles and trailers not be stored on the Subject Property's parking area. Parking by the Applicant to conduct pick-up/drop-off activities related to his storage use is acceptable during the hours of operation discussed in this report. Furthermore, the

placement of self-contained portable storage units/containers on-site outside the building, particularly in the parking area, should be prohibited (see draft Permit Condition No. 8) to maintain maximum available parking and avoid blighting influences. The use of storage containers by the Applicant and/or sublease tenant beyond the confines of the building would identify that the interior of the building has become insufficient to accommodate the Applicant's storage needs.

The Monterey County Health Department 'Hazardous Material Questionnaire' completed and submitted by the Applicant notes that there will be no hazardous materials stored or used at the Subject Property. This questionnaire was forwarded by City staff to the Monterey County Health Department as part of the advisory agency notice distributed in reviewing and processing the coastal development permit application.

Trash Enclosure: The Subject Property does not provide an enclosure for refuge bins or dumpsters. The site had a history of unauthorized outside storage in the parking area by the former Restaurant Equipment business, which has not been an issue since the departure of Monterey Bay Restaurant Equipment. An enclosure could potentially be built within the parking area at the back of the building for use by all tenants provided no on-site parking is lost or inaccessible. For consistency with other permits and contingency for unanticipated circumstances, staff recommends the permit include the standard requirement prohibiting the outside/unscreened storage of debris, pallets, waste, etc. beyond the confines of the building or a City approved trash enclosure.

Impacts: Storage activities within the building are not anticipated to create negative impacts such as noise, dust, fumes, or vibrations. Two issues that sometimes occur regarding contractor operations are 1) outside unscreened storage and 2) excessive and/or overflow company vehicle parking during non-business hours. To address the storage concern, staff recommends the permit contain the standard conditions requiring all storage be maintained within the Applicant's building. Furthermore, the permit should prohibit the placement and use of storage containers beyond the confines of the building (see discussion under "storage"). The daytime parking of company vehicles on-site during weekday business hours for pick-up/drop-off activities as part of conducting the Applicant's business is acceptable; being short term occurrences and alternates parking demand between the Applicant's daytime activities and Camp Transformation's 5:00 a.m. to 10:00 a.m. and 5:00 p.m. to 9:00 p.m. Monday through Friday, and 7:00 a.m. to 12:00 noon on weekend peak time parking demand. However, overnight vehicle parking in the parking area should be prohibited as previously discussed.

Public complaints received by the City regarding construction without permits and late night activity in a non-permitted space is what generated the code enforcement inspection of the Applicant's Unit in March of this year. Staff recommends that all non-permitted construction be removed, and that the permit specify that residential or other non-storage related uses be prohibited.

Signs: The Applicant did not indicate whether he intends to establish commercial signs

on the building. Establishment of any commercial sign(s) on the Subject Property requires Design Review Committee (DRC) review and approval in the issuance of a sign permit before installation. Staff recommends the permit contain language to that effect. Furthermore, the City's Municipal Code (section 18.66.070(C)(1)) prohibits freeway oriented signs except for wall signs located on street frontage. In effect, this regulation prohibits signs on the west building elevation facing the freeway as there is no public right-of-way between the freeway and the west side of the building, but a sign could be established for the Applicant on the north facing elevation facing Ortiz Avenue, subject to DRC approval of a sign permit.

**Water:**
The proposed storage (warehouse) use qualifies as a Group I category low water use in accordance with the Monterey Peninsula Water Management District (MPWMD). The Subject Property and Applicant's 3,000 square foot floor area has credit based upon a Group I use; therefore, no additional water allocation is required for the Applicant's storage activity. However, the non-permitted construction within the building does require water for the added floor area. As this construction occurred without City approvals, water had not been allocated for that added floor area. Staff does not recommend allocating water for non-permitted construction; and instead recommends that the non-permitted construction within the unit be demolished and removed immediately. The permit should contain standard language stating that approval of the coastal development permit does not grant the Applicant and/or Subject Property's owner any right or privilege to any allocation of water from the City or other Agency.

**Storm Water Control:**
The Applicant's Use is of an existing building on a developed site, and the Applicant does not intend pavement improvements or impermeable land coverage to the Subject Property that would trigger storm water control requirements. Therefore, storm water control regulations do not apply to this application.

**Advisory Agencies:**
Information on the Applicant's use and non-permitted existing conditions was circulated to the City's advisory agencies. The Chief of Police commented that improvements made by the Applicant were not up to code and that approval of tenant improvements are needed and must meet fire and building codes. Additionally, there were public complaints from property owners and neighbors on Ortiz Avenue regarding hosted parties at the property late into the night, and that some restriction on after hour occupation should be included. The Building Official commented that within 60 days of approval or denial of a coastal development permit for the Applicant that the Applicant shall 1) obtain a building permit for removal of all non-permitted construction, 2) complete all demolition/removal work, and 3) receive final City inspection approval(s) for all demolition/removal work. Additionally, the Applicant shall submit plans prepared by a licensed architect or design professional for the demolition/removal building permit application. No other comments were received at the time of preparing this report.

## STAFF RECOMMENDATION

Though staff does not generally encourage the introduction of additional contractor or warehouse operations within the West End district of the City, the Subject Property has unique parking issues because of Camp Transformation's operation and parking needs. Due to this site specific situation, staff supports those uses/businesses of the remaining units of this building to be low parking demand uses such as storage. Since the Applicant's stated use is for storage, parking demand is anticipated to be exceedingly low for the Applicant's Use, which is consistent with General Plan Goal 2.4.

Staff recommends **APPROVAL** of the Coastal Development Permit for the Applicant's storage use only, with the conditions/restrictions proposed by staff and as discussed in this report.

Findings:

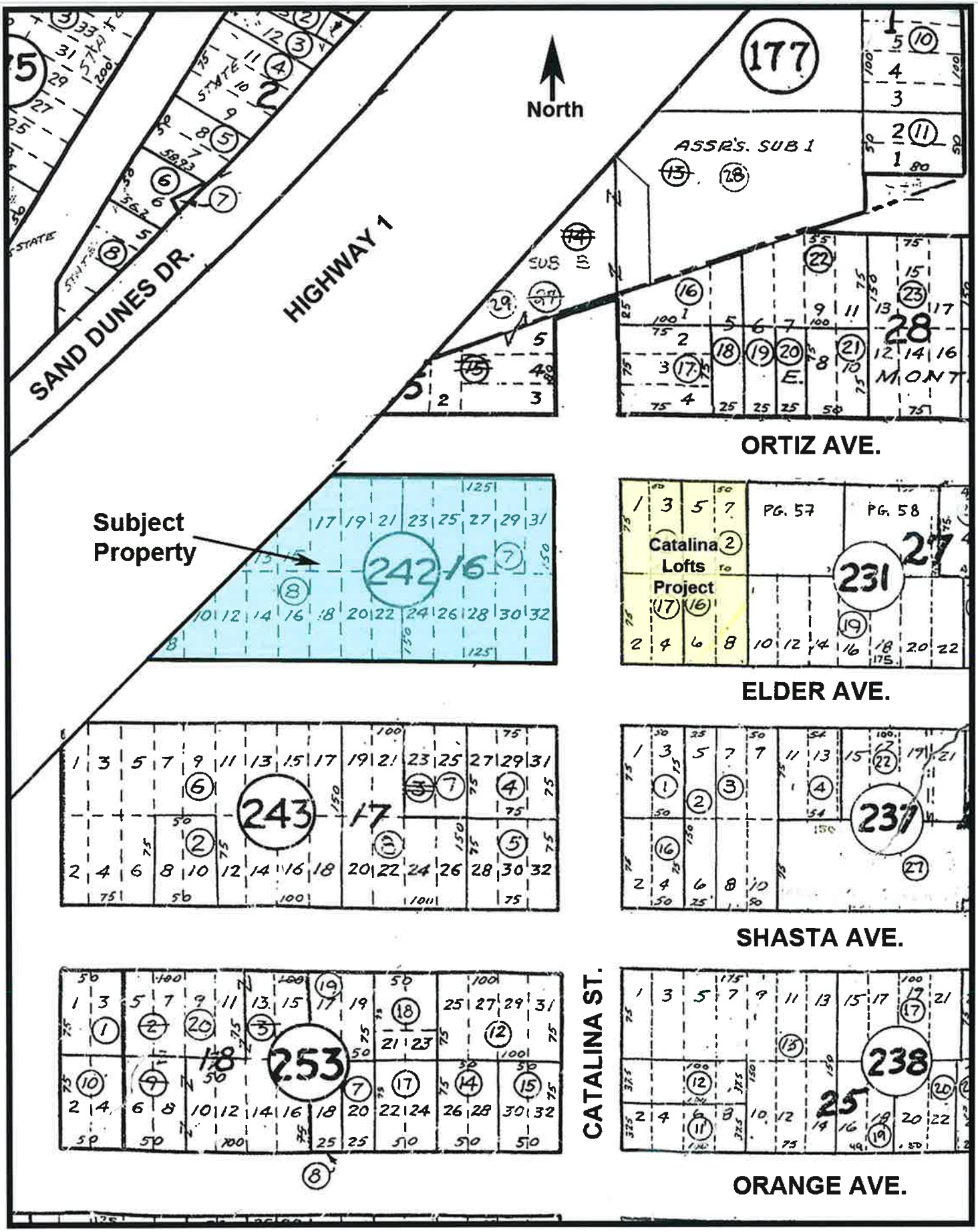
1. General Plan Goal 2.4 identifies the need to reduce land use conflicts created by insufficient parking, whereby allowing the Applicant's storage use in a building, which has a high parking demand tenant in another unit, will mitigate parking demand issues of the Subject Property.
2. Sand City Municipal Code section 18.26.040(P) specifies that uses the City Council finds to be consistent with the goals of the General Plan and the purposes of the CZ-MUP zoning district may be subject to issuance of a coastal development permit
3. The Subject Property has water credit based on a Monterey Peninsula Water Management District (MPWMD) 'Group I' classification, which is the same group classification for the Applicant's stated storage use; and therefore, no further allocation of water is deemed necessary for the Applicant's Use at the Subject Property; pending the removal of all non-permitted construction within the unit.
4. Utilities (electricity, gas, water, sewer, etc.) are sufficiently available to facilitate the Applicant's Use at the Subject Property.
5. In accordance with the Applicant's statement in the 'letter of intent' submitted, no deliveries/shipments to/from the Subject Property are anticipated for the Applicant's Use; and therefore, no parking/traffic conflicts due to routine loading/unloading activities are expected.
6. This application qualifies for a categorical exemption, under State CEQA Guidelines, Section 15301.

Exhibits:

A. Location Map
B. Aerial Map
C. Site Plan (2-sheets)
D. Floor Plan - ground floor basic layout
E. Applicant's submitted floor plan illustrations (4 sheets)
F. Applicant's submitted 'Letter of Intent'.
G. Mont. Cnty. Hazardous Material Questionnaire
H. City issued Building/Planning Code Violations (dated April 20,2021)

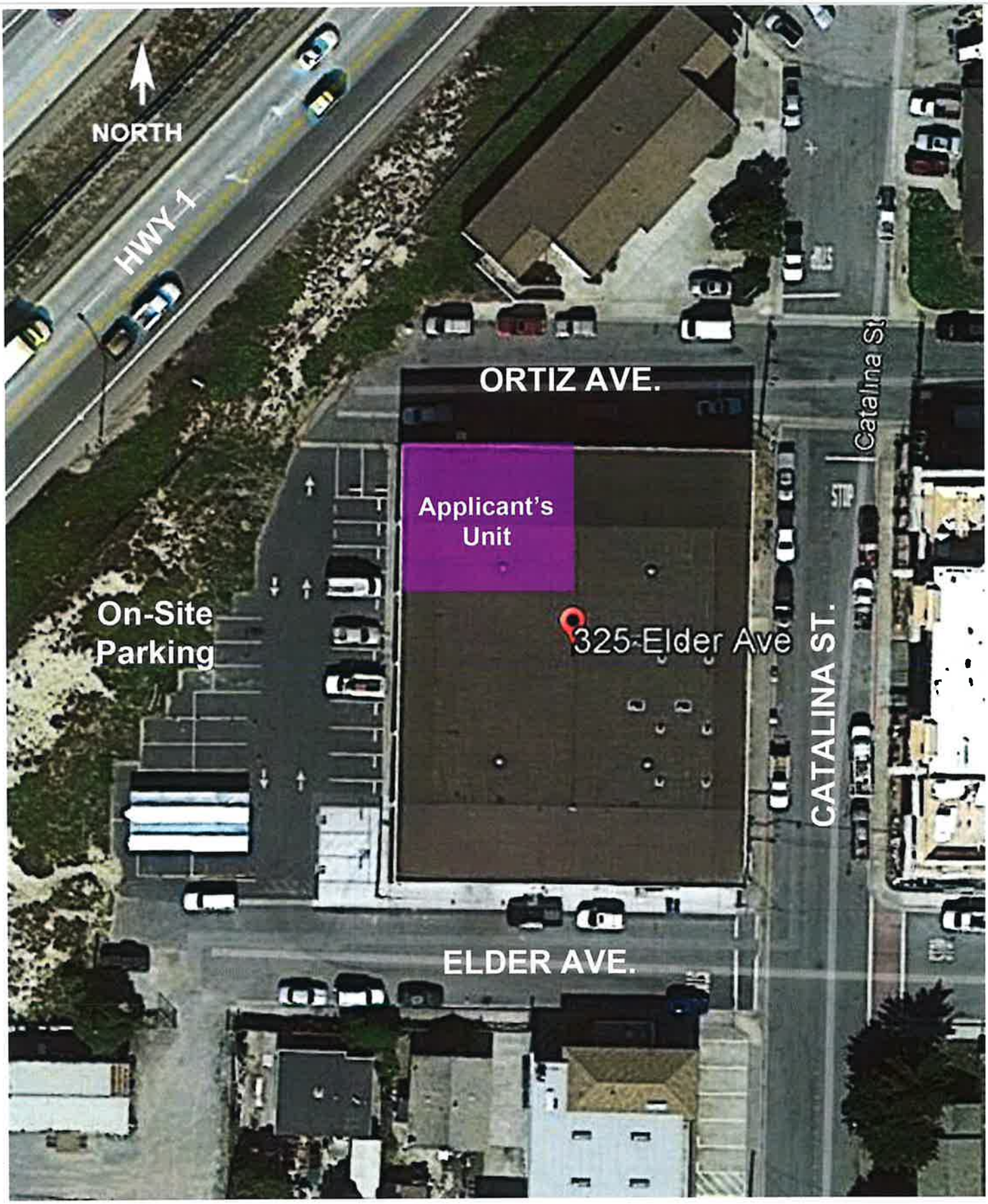
Attachment:

- Draft Resolution to approve a Coastal Development Permit (CDP)



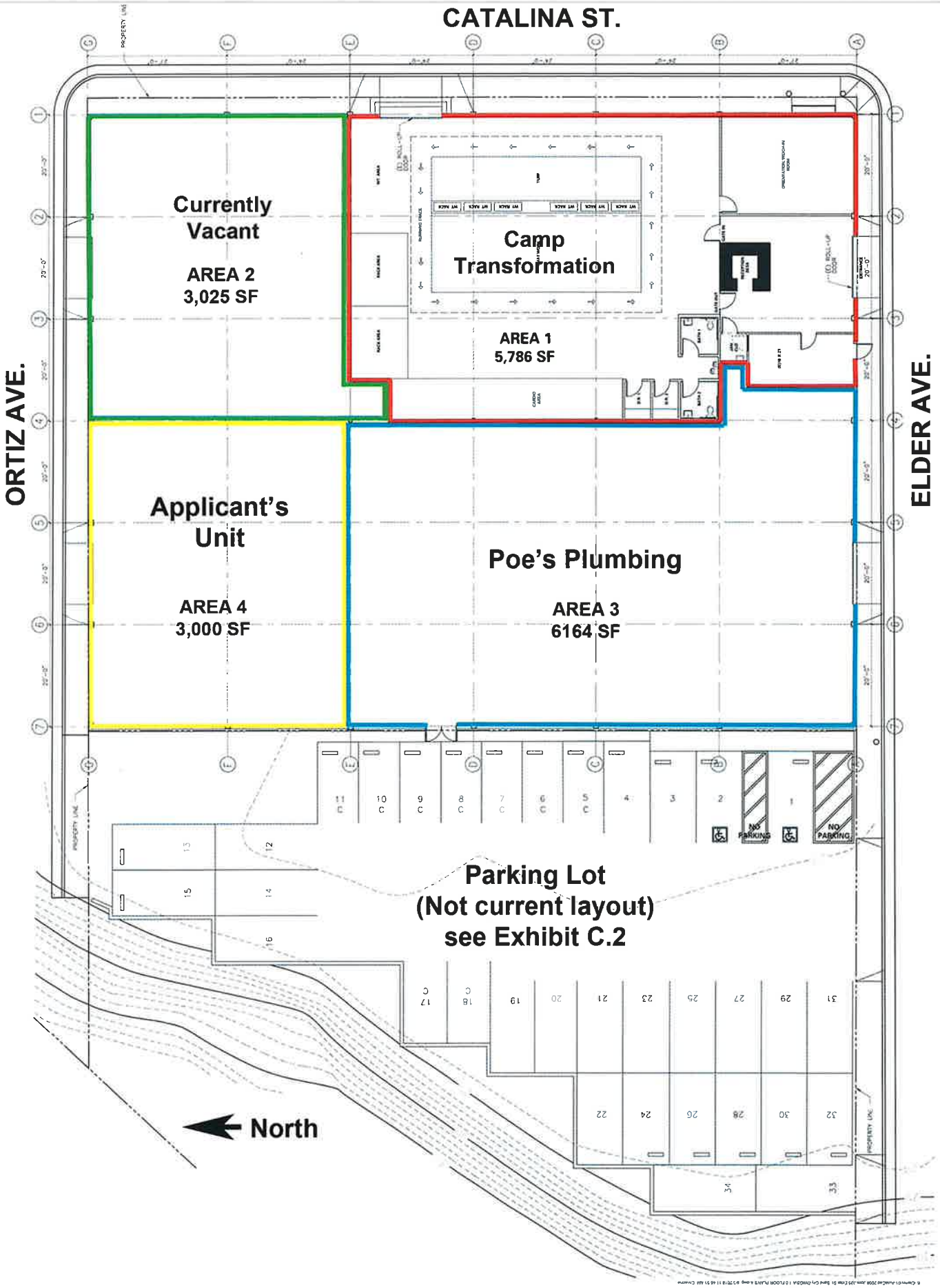

# Location Map

# EXHIBIT A




**Aerial Map** (via Google Earth)

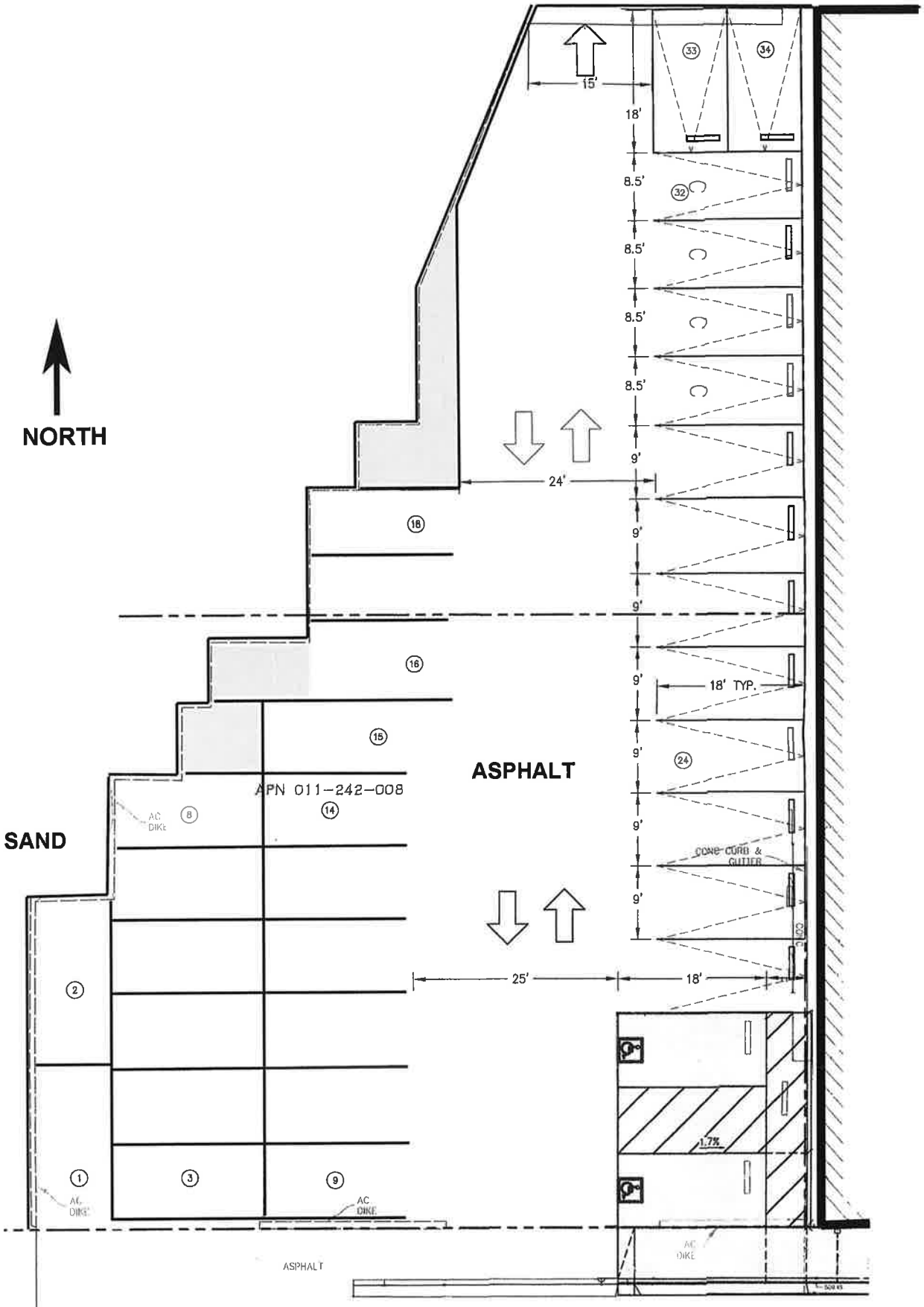
**EXHIBIT B**




# Site Plan - Building Units

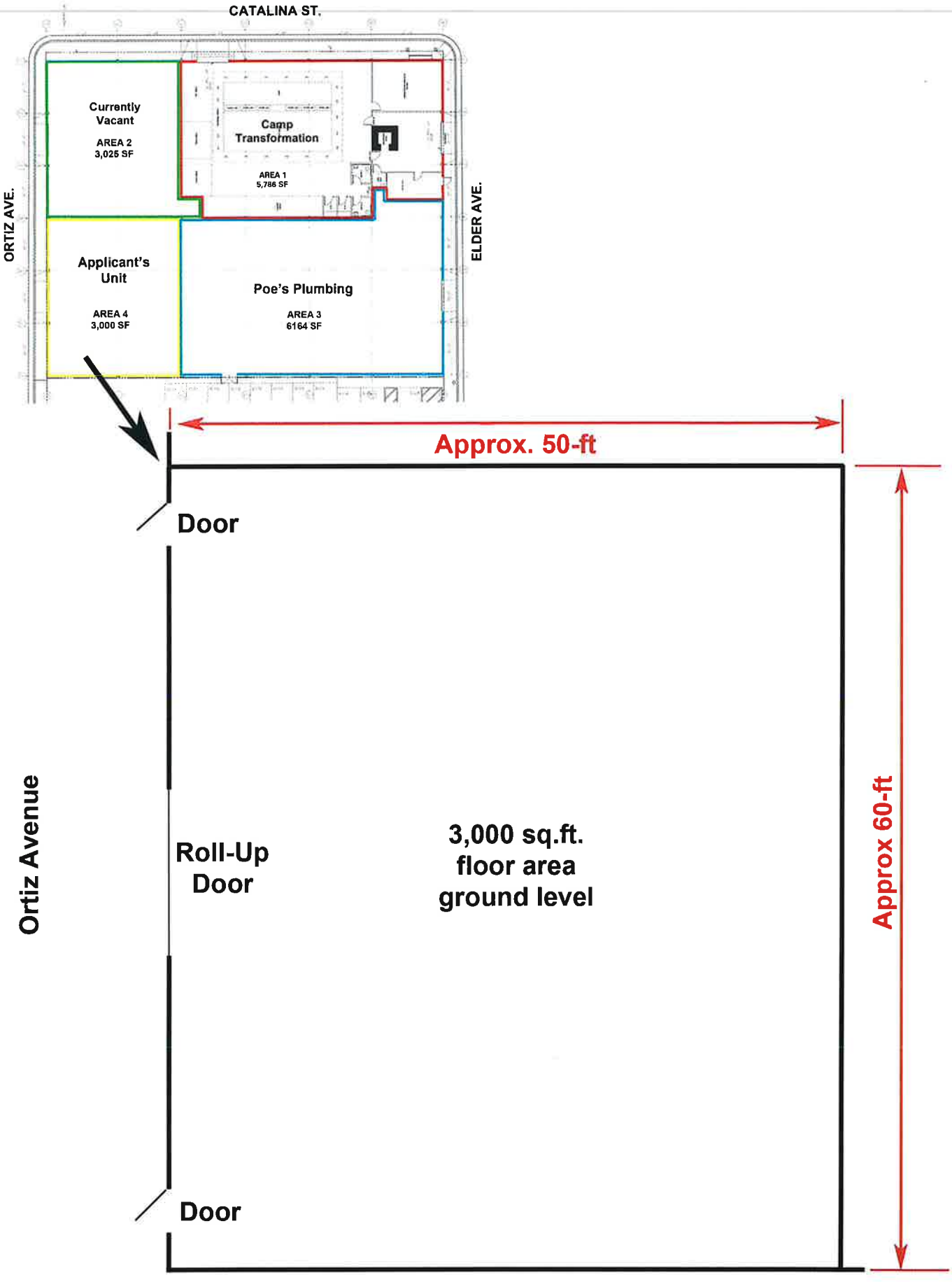
# EXHIBIT C.1

ORTIZ AVE:



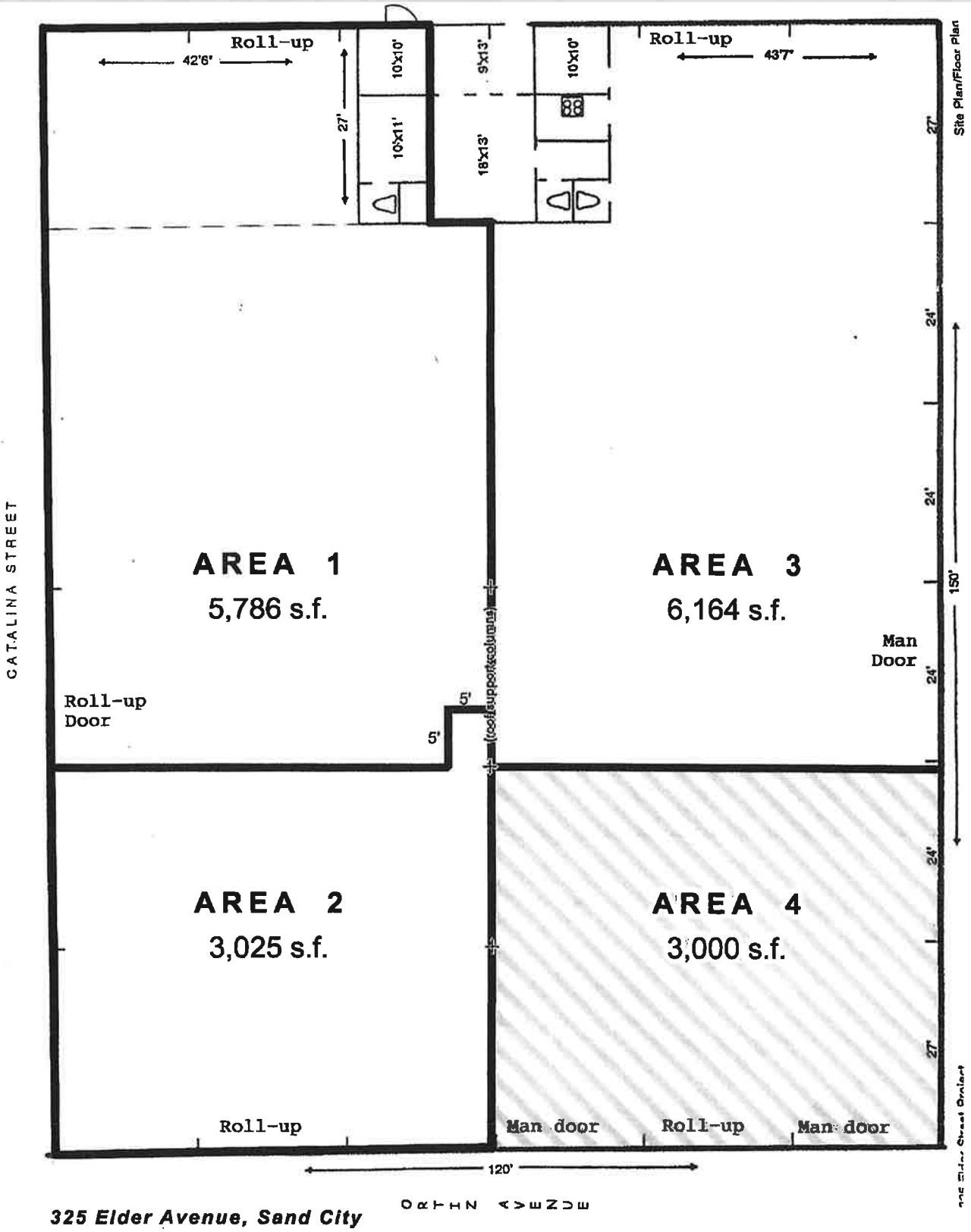

# Site Plan - Parking

# EXHIBIT C.2




# Floor Plan - Applicant's Unit

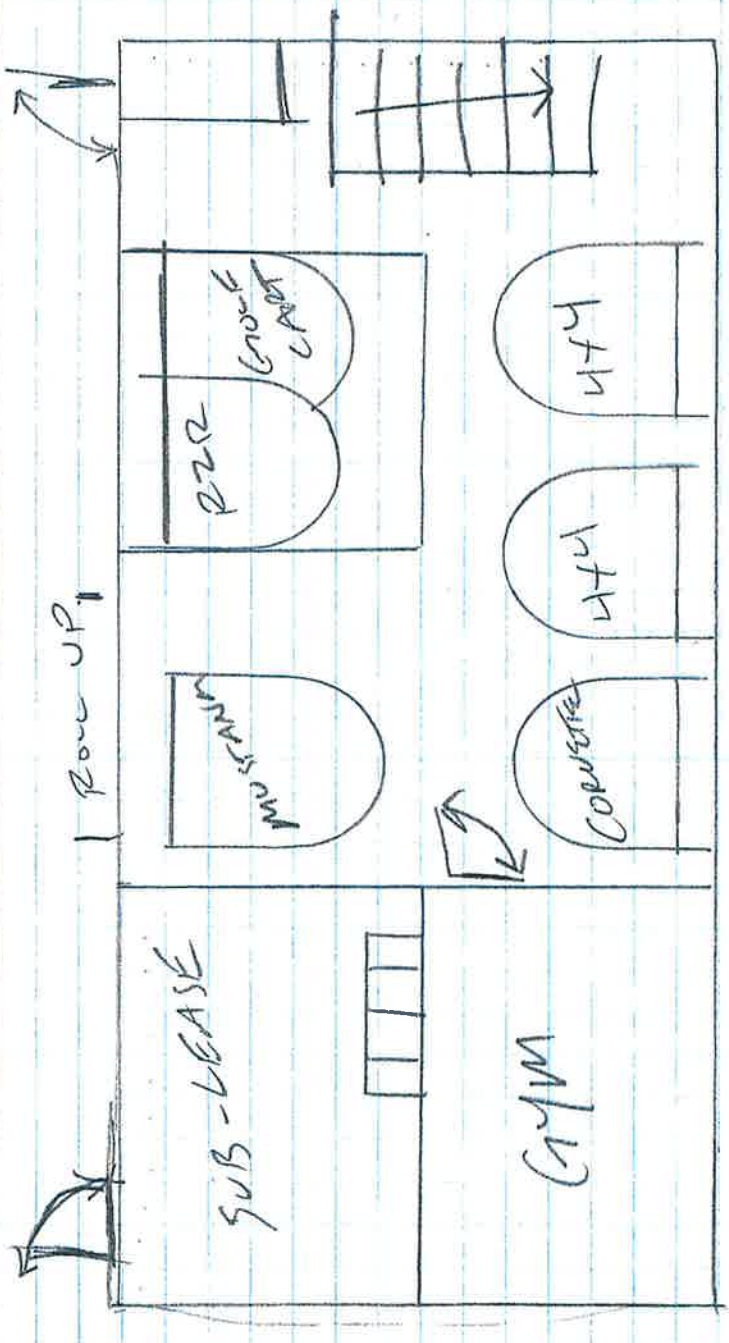
**EXHIBIT D**




PREMISES: Approximately **3,000+/-** square feet located within the area outlined in red, labelled **Area 4**. Depicted areas are approximate sizes, locations, and layouts.

# Submitted Building Floor Plan EXHIBIT E.1

FLOOR LEVEL

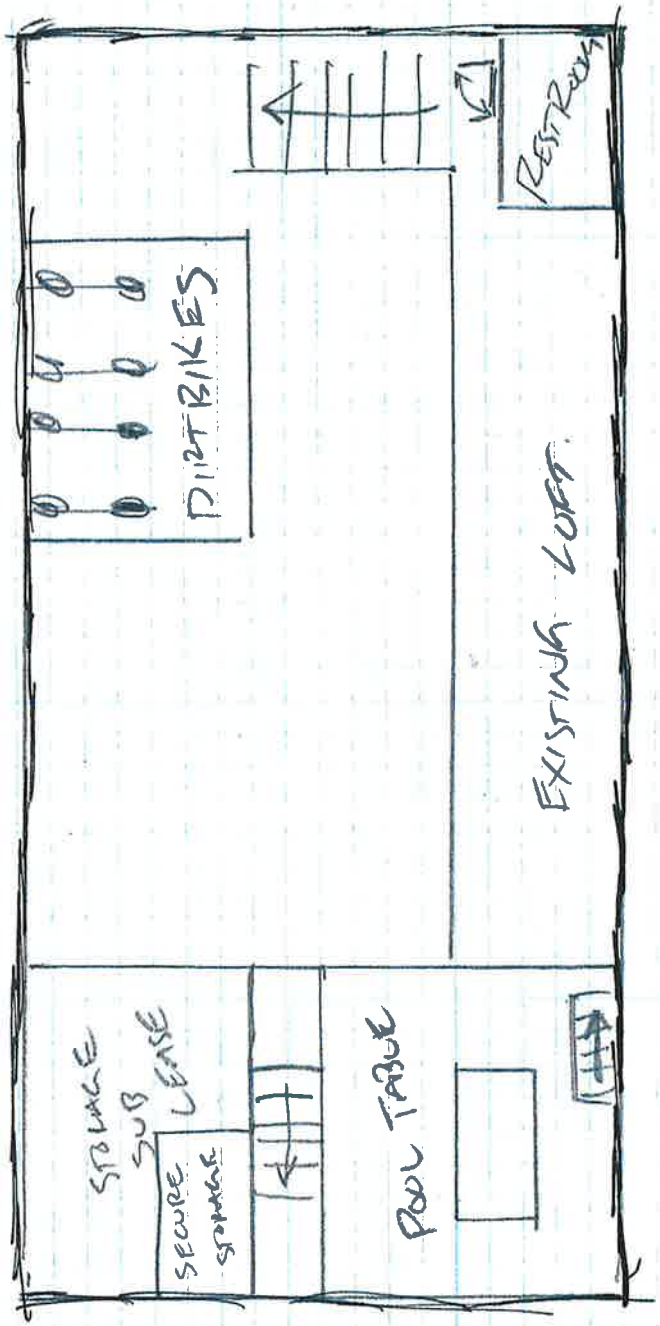



SCALE
☒ = 3'
TOTAL SF
3600☒

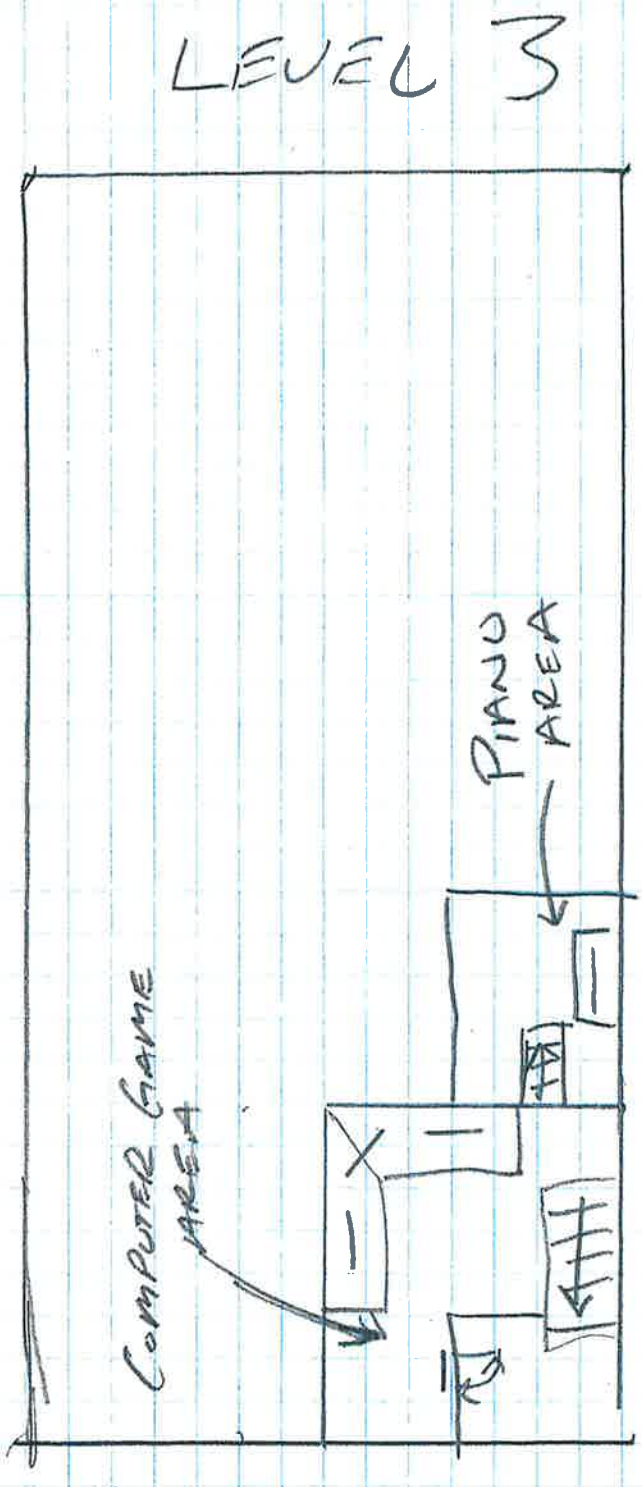
325 ELDER AVE
FLOOR-PLAN

**Submitted Unit Floor Plan** **EXHIBIT E.2**

LEVEL 2




**Submitted Unit Floor Plan** **EXHIBIT E.3**




**Submitted Unit Floor Plan** **EXHIBIT E.4**

June 28, 2021

Kelly Howell
404 Casanova Ave
Monterey, CA 93940

Re: Letter of Intent, 325 Elder Ave

Our intent for this unit is to use it as a storage place.

1: Hours of operation
There are no hours of operation, no project is being done at this location random visits are made.
2: # of Employees
Employ 6 people but we do not work at this location
3: One Company vehicle is parked at location on street outside of building
4: Deliveries
No delivers are made at this location
5: We are using space as a storage for the following items,
Vehicles,
Off road vehicles, RZR, Dirt bikes, Boat
Gym Equipment
Furniture
Old paperwork
Left over material and lumber
Tools

Thank you,

Kelly Howell
831-760-2932

**EXHIBIT F**

**Monterey County Health Department**
**1270 Natividad Road, Room B301**
**Salinas, CA 93906**
**(831) 755-4511**
**Fax (831) 755-8954**

Jurisdiction Name Sand City
Use Permit # CDP 21-03
Or
Building Permit # _____
Contact Name _____
Phone # _____

# HAZARDOUS MATERIAL QUESTIONNAIRE

Business Name Kelcon Const. Type of Business Storage
Site Location 335 Elder Ave City Seaside APN: 011-242-007
Mailing Address 404 Casanova Ave Monterey CA 93940
Business Contact Cassandra or Kelly Howell 831-760-2932
*Name* *Phone Number*
Property Owner Dianna Addeman Cannery Row Company 831-649-2614
*Name* *Phone Number*

1. Will your business/proposed project be using any hazardous materials such as oil, fuels, solvents, compressed gases, acids, corrosives, pesticides, fertilizers, paints or other chemicals?
☐ Yes ☒ No

2. Will your business/proposed project be using hazardous materials in quantities of 55 gallons and above for liquids, 500 lbs. and above for solids and/or 200 cubic feet and above for compressed gases?
☐ Yes ☒ No

3. Will your business/proposed project be using any quantities of acutely hazardous materials such as ammonia, chlorine, sulfuric acid, formaldehyde, hydrogen peroxide, methyl bromide or other restricted pesticides?
☐ Yes ☒ No

4. Will your business/proposed project be using underground storage tanks to store hazardous materials?
☐ Yes ☒ No

5. Will your business/proposed project be generating any quantities of hazardous waste such as waste oil, waste solvents, etc?
☐ Yes ☒ No

6. Will your business/proposed project be emitting any hazardous air emissions?
☐ Yes ☒ No

CERTIFICATION:
I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and belief.

ANY QUESTIONS REGARDING THIS FORM CAN BE DIRECTED TO:
Monterey County Health Department
Division of Environmental Health
1270 Natividad Road, Room B301
Salinas, CA 93906
(831) 755-4511

Executed AT:
Monterey CA
City, State

Print Name of Owner/Operator: _____

Signature of Owner/Operator: _____

---

**For Local Jurisdiction Use Only:**

1. Is there a known or proposed school, hospital, day care, or long term care facility within 1,000 feet of this site location?
☐ Yes ☑ No

2. Is there a known or proposed school, hospital, day care, or long term care facility ¼ mile of this site location?
☐ Yes ☑ No

---

Health Department Clearance
Signature: _____ Date: _____
Print Name and Title: _____

Air Pollution District Clearance
Signature: _____ Date: _____
Print Name and Title: _____

**EXHIBIT G**

Tenant: Kelcon Construction
404 Casanova Ave
Monterey, CA 93940

April 20, 2021

**RE: 325 Elder Ave**
**Sand City, CA 93955**
**011-242-008-000**
**Building/Planning Code Violations**

Dear Kelly:

City records indicate that you are the owners of the above-referenced property. In response to a number of complaints, our office scheduled and performed a site inspection with the tenant and owner's representative on Tuesday, March 23, 2021. Based on this interior inspection, the following violations were observed:

1. The existing tenant, Kelcon Construction, has occupied this space without a required Planning Department coastal development permit (Zoning Code section 18.26.040). The City Planner provided an application for planning review to Kelcon Construction in 2020; but that application was never submitted. The space has also been subdivided and a sublease completed, also without Planning permit approval. A Planning permit application was again provided during the site visit. **Please note**, a Planning application is required for all use and occupancy of the subject space .
2. Multiple interior tenant improvements were conducted without proper City approvals or permits. (105.1 2019 California Building Code). This addition of floor area may be subject to City discretionary allocation of water, in accordance with the regulations of the Monterey Peninsula Water Management District, which has not been approved for these improvements. If water is not allocated, then all said construction would have to be removed.
3. Numerous extension cords are being used for permanent power. (605.4 2018 International Property Maintenance Code)
4. Tenant improvements installed in a building with fire sprinklers without installing the required fire sprinkler protections. ( 704.1.2 2018 International Property Maintenance Code )

**As such, you to avoid future citations and the imposition of fines, you must take the following actions no later than May 14, 2021:**

Complete the Planning application for a coastal development permit and submit it for review.

If a coastal development permit is approved by the City Council, then within 30-days of said approval, submit full construction drawings for review. If the Planning application is denied, a demolition permit must be obtained and all of the non-permitted improvements removed Within 30 days from the date of denial.

**EXHIBIT H**

Note: The past recognized use for this space is commercial storage. It was determined that the current tenant has expanded the use to include "office-type social" gatherings. With immediate effect, you are required to discontinue these types of events unless and until City approval is granted.

**This Notice of Violation serves as an OFFICIAL WARNING to correct violation(s) before being subject to a citation and fine/civil enforcement action. Failure to take the corrective action)s) described herein , or if future violations are discovered, you may be issued a Citation and fined.**

Violation(s) of Sand City Municipal Code section 18.26.040 is punishable by fines up to $100 for the first violation, $200 for a second violation of the same provision within one year, and $500 for each subsequent violation of the same provision within one year. (Municipal Code 1.16.010(D))- The fines for violation(s) of Title 15 of the Sand City Municipal Code (Buildings and construction) are $100 for a first violation; $500 for a second violation of the same provision within one year; and $1,000 for each additional violation of the same ordinance within 1 year. The City may recover costs and attorneys' fees incurred in connection with successful enforcement of its laws. A separate citation and fine may be imposed for each requirement of the Ordinance violated for each day on which a violation occurs. (SCMC 1.16.010(B)). Re-inspection of your property could occur within 7-120 days of the date of this notice.

John Kuehl CBO
jkuehl@4leafinc.com
831-648-3113 desk
831-233-0188 cell

---

CC: Cannery row Company
Charles Pooler

**CITY OF SAND CITY**

**RESOLUTION SC_____, 2021**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY TO APPROVE COASTAL DEVELOPMENT PERMIT 21-03 FOR KELCON CONSTRUCTION FOR STORAGE USE OF AN EXISTING COMMERCIAL BUILDING AT 325 ELDER AVENUE**

**WHEREAS**, Kelcon Construction (the "Applicant") submitted an application to the City of Sand City (the "City") for coastal development permit approval for storage of miscellaneous items (the "Applicant's Use") within a 3,000 square foot unit of an existing commercial building at 325 Elder Avenue Unit 4 (portion of APN 011-242-007 & 008) in Sand City (the "Subject Property"); and

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

**WHEREAS**, the demand for parking by Camp Transformation at the Subject Property during peak morning and evening times makes it imperative to incorporate other land uses and tenants within the remaining units of the Subject Property that have little to no need of parking and/or can alternate their parking usage at times to interchange parking demand at opposing hours of the day/evening such as the Applicant's proposal for solely storage; and

**WHEREAS**, the Subject Property provides thirty-four (34) on-site parking spaces that can sufficiently accommodate zoning requirements of the Applicant's use during daytime business hours that do not overlap with peak hour parking demand of Camp Transformation; and

**WHEREAS**, general warehouse uses are discouraged by the City's General Plan (2002 ed), General Plan Goal 2.4 identifies the need to reduce land use conflicts created by insufficient parking, whereby allowing the Applicant's storage use in a building that has a tenant in another unit with high parking needs, will mitigate parking issues of the Subject Property consistent with General Plan Goal 2.4; and

**WHEREAS**, Sand City Municipal Code section 18.26.040(P) specifies that uses the City Council finds to be consistent with the goals of the General Plan and the purposes of the CZ-MUP zoning district may be subject to issuance of a coastal development permit; and

**WHEREAS**, public complaints received by the City regarding construction without permits and late night activity in a non-permitted space generated a code enforcement inspection by the City's Building Official of the Applicant's Unit in March of 2021 that discovered multi-level and unit separation construction, which included separated pool room and gaming

room, that had no City zoning or building permit(s) or water allocation approval(s); and

**WHEREAS**, water is an incredibly valuable resource on the Monterey Peninsula and water available from the City's Water Entitlement (desalination facility) has always been intended to support redevelopment of blighted properties, new development on vacant land, and higher/better uses in Sand City as discussed in the City's General Plan (2002 ed.); and

**WHEREAS**, the Subject Property and Applicant's unit have water credit based upon the Monterey Peninsula Water Management District's (MPWMD) Group I classification, which is sufficient to accommodate storage and warehouse occupancy as identified in the application for coastal development permit submitted by the Applicant; and

**WHEREAS**, additional floor area of a Group I commercial property, as defined by the MPWMD, requires additional water allocation from the City and a permit from the MPWMD, where, to date, there has been no allocation of water from the City for the non-permitted construction or added floor area discovered during the March 2021 code enforcement inspection of the Subject Property; and

**WHEREAS**, the creation of additional floor area for storage or private recreation within a commercial building are not necessarily considered a benefit to the City or community as a whole that would not, in itself, justify an allocation from the City's water entitlement, thus all non-permitted construction within the Applicant's unit should be removed unless granted a water allocation and building permit by the City; and

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

**WHEREAS**, the City Council of the City of Sand City, on _____, 2021, has found and determined that the Applicant's Use of the Subject Property for storage only, as conditioned, will not adversely impact the character of the surrounding neighborhood, nor be injurious or detrimental to adjoining properties or the rights of the owners therein, and thus Coastal Development Permit 21-03, (hereinafter referred to as "CDP 21-03") shall be granted upon the conditions hereinafter set forth in this resolution and CDP 21-03; and

**WHEREAS**, the City Council of the City of Sand City has accepted the findings for approving CDP 21-03, as outlined in the City staff report, dated July 13, 2021.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sand City to hereby grant and issue CDP 21-03 upon the following terms and conditions:

1. Execution & Acceptance: CDP 21-03 is not valid, and the Applicant's Use of the Subject Property shall not commence unless and until two copies of this Resolution/Permit, signed by the Applicant and owner of the Subject Property, acknowledging receipt of CDP 21-03 and acceptance of the terms and conditions therein, is returned to the City's Planning Department. Failure to return said signed/executed CDP 21-03 may be sufficient grounds for City termination of CDP 21-

03.

2. Purpose: CDP 21-03 is for the express purpose of authorizing the storage of various miscellaneous non-hazardous material items, at the scope and scale described in the Applicant's application, within an approximate 3,000 square foot floor area commercial unit at 325 Elder Avenue (011-242-007 & 008); subject to the terms and conditions specified in CDP 21-03. Residential occupancy and recreational activities of the Applicant's unit on the Subject Property are prohibited. Prohibited recreational activities to include, but not necessarily limited to, use of gym equipment and/or weight training, gaming, musical instrument playing, and/or groups of more than three (3) persons gathered for social purpose not associated with CDP 21-03 authorized storage activity. There shall be no expansion to the scope or intensity of the Applicant's Use beyond that as authorized by CDP 21-03 without either an amendment of said Permit or the issuance of a new land use entitlement permit. Subleasing an area for storage is permissible; however, any sublease tenant shall be required to abide by the Conditions of CDP 21-03 whereby the Applicant shall be responsible for any violations of this Permit by any sublease tenant. Termination of CDP 21-03 would require the Applicant and any sublet tenant of the Applicant's unit to vacate the site.

3. Non-Permitted Construction & Land Use: All construction within the Applicant's Unit that does not have a City approved/issued building permit and/or is otherwise not Fire or Building code compliant shall be demolished and removed within sixty (60) days of City Council approval of CDP 21-03 or as otherwise instructed by the City's Building Official. The Applicant shall provide the City with plans prepared by a licensed architect or design professional with a building permit application for the demolition/removal of non-permitted non-code compliant construction within the Applicant's Unit prior to initiating demolition/removal activities. All demolition/removal work shall be inspected by the City's building department and subject to final approval by the City's Building official. All demolished materials shall either be collected by the City's franchised waste hauler, in accordance with Chapter 13.04 of the Sand City Municipal Code, or delivered to the Monterey Regional Waste Management District facility in Marina, California for disposal; with landfill weight tickets provided to the City. All activities within the Applicant's unit that are not related to storage, as defined by CDP 21-03 Condition no. 2, shall cease and desist unless and until separate zoning approval and land entitlement permit(s) is (are) granted by the City. Non-compliance with this condition shall be sufficient grounds for City termination of CDP 21-03.

4. Hours of Operation: All activities, including loading/unloading, associated with the storage use of the Subject Property, as authorized by CDP 21-03, may only occur between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on weekends to minimize noise impacts to neighboring residential properties/units. Office and/or janitorial activities on-site by the Applicant may extend beyond the aforementioned hours/days provided that the Applicant's unit is not open to the public and such activities do not pose a public disturbance/nuisance.

5. On-Site Parking: A minimum of thirty-four (34) on-site parking spaces shall be maintained on the Subject Property and shared between all tenants of the commercial building on the Subject Property. The Subject Property's owner and/or property

manager shall be responsible for managing parking and addressing and resolving tenant disputes regarding on-site parking, provided City zoning and permit requirements are met to the satisfaction of the City. On-site parking spaces shall not be utilized by the Applicant's Use for any purpose that impedes vehicle parking. Failure to maintain these spaces for vehicle parking by the Applicant's Use shall be sufficient reason for the City to terminate CDP 21-03. The Applicant is prohibited from parking/storing vehicles in the parking area of the Subject Property; however, vehicles parked while conducting pick-up/drop-off activities associated with the Applicant's Use during permit specified hours of activity is allowed. Any vehicle parking by and for the Applicant Use shall not double park as to encroach into public rights-of-way, including public sidewalks. The Applicant shall not park and/or store any hitch or other type of trailer outside the building on the Subject Property or within any City public right-of-way unless actively involved with loading/unloading activities.

6. Truck & Trailer Street Parking: In accordance with Sand City Municipal Code (the "SCMC") Chapter 10.08, the Applicant shall not park or store trucks, trailers, or other large vehicles, as listed in SCMC Chapter 10.08, within any City street at any time unless actively involved with loading/unloading or otherwise has a valid City issued annual parking permit. Violation of this condition may result in the issuance of citations in accordance with SCMC Chapter 10.08.

7. Loading/Unloading: All loading/unloading of items associated with the Applicant's Use at the Subject Property shall only occur during Permit specified hours of operation (see Permit Condition No. 3). The Applicant's Use is prohibited from conducting any loading and/or unloading activities on Catalina Street, nor shall such activity impede vehicular travel on Ortiz Avenue and Elder Avenue.

8. Storage: All materials, parts, tools, equipment, packaging, pallets, and/or any other item associated with the Applicant's Use, stored on the Subject Property, shall only be stored within the building, and such items are prohibited from being stored on-site beyond the confines of the building. Any materials stored/used on-site, that may pose a hazard, shall comply with all requirements of the Monterey County Health Department and the City's Fire Department. The placement of a self-contained portable storage unit/pod on-site, beyond the confines of the building, is hereby prohibited; and the need of the Applicant to do so shall be considered by the City as justification that the Applicant's Use has expanded beyond the Subject Property's ability to sufficiently accommodate the Applicant's Use; and thus be sufficient reason for the City to amend or terminate CDP 21-03.

9. Property Maintenance: The Subject Property shall be maintained in a clean, orderly, weed-free, and litter-free condition. There shall be no storage of waste material or debris on-site, except as otherwise allowed by CDP 21-03. The Applicant and/or the Subject Property's owner shall be responsible for maintenance and upkeep of the Applicant's leased/occupied area of the Subject Property.

10. General Waste: Trash, litter, boxes, crates, pallets, debris, and/or other used and/or discarded materials generated/used by the Applicant's Use shall be stored in an appropriate waste collection bin or dumpster. Except on a designated trash collection

day, said bin(s) or dumpster(s) shall be stored/maintained within the building or within a City approved enclosure; however, bin(s) or dumpster(s) shall not occupy or impede on-site parking or public right-of-way. An enclosure may be established on the Subject Property only after approval by the City's Planning Department. The Applicant shall work and coordinate with the City's franchised waste hauler to implement material recycling and recovery as part of the Applicant's use to the maximum degree feasible.

11. Hazardous Waste: Any and all hazardous materials and/or waste used/generated by the Applicant's Use shall be legally stored and disposed of in accordance with the regulations of the City, the County of Monterey, and the State of California. The Applicant shall concede to any direction of the City's Fire Department, City Code Enforcement Officer, and/or the Monterey County Health Department regarding the storage and/or handling of hazardous materials on the Subject Property. Any illegal material storage, dumping, and/or disposal shall be sufficient grounds for City termination of CDP 21-03.

12. Signs: Any commercial sign on the exterior of the building or anywhere on the Subject Property, identifying and/or serving the Applicant's Use, shall be reviewed and approved by the Sand City Design Review Committee (DRC) in the issuance of a sign permit prior to the establishment of any sign such at the Subject Property. Signs attached to the building shall also obtain a City building permit prior to installation of said sign. In accordance with Sand City Municipal Code section 18.66.070(C)(1), there shall be no sign established on the building's west elevation. The Applicant shall not place any free-standing sign anywhere within City limits without City Planning Department approval.

13. Water Runoff: The Applicant's Use shall not create water run-off within the City in accordance with SCMC Chapter 13.05 regarding Storm Water Management. There shall be no washing of vehicles on the Subject Property or within any public right-of-way by the Applicant or Applicant's Use.

14. Water: Issuance of CDP 21-03 does not grant the Applicant and/or Subject Property's owner any right or privilege to any allocation of water from the City of Sand City or other entity. The Applicant's Use, described in the application as "storage" shall be limited to that water credit currently available to the Subject Property, in accordance with the regulations of the Monterey Peninsula Water Management District (MPWMD).

15. Local/Regional Compliance: All requirements of the City's contracted Building and Fire Departments, the City Engineer, the Sand City Police Department, the Sand City Code Enforcement officer(s), the Seaside County Sanitation District, Monterey One Water (formerly 'Monterey Regional Water Pollution Control Agency'), and Monterey County Health Department, shall be implemented to the satisfaction of each department and inspector thereof.

16. Air District: The Applicant shall be responsible for complying with applicable rules and regulations of the Monterey Bay Air Resources District. Failure to comply shall be sufficient grounds for City termination of CDP 21-03.

17. Fire Department: The Applicant's use of the Subject Property, as authorized by CDP 21-03, must conform to storage and operational requirements specified in the California Fire Code and to the satisfaction of the City's Building Official and/or Fire Department inspector. The Subject Property shall be available and open for Fire Department and/or City code enforcement inspections. Failure to comply with the City's Building Official and/or Fire Inspector and/or code enforcement requirements may be sufficient grounds for City issuance of a 'Cease and Desist' order for closure of the Applicant's Use and City amendment or termination of CDP 21-03.

18. Nuisance: The Applicant's use, or any sublease tenant of the Applicant's Unit, on the Subject Property shall be conducted as to not constitute a nuisance to abutting units, surrounding properties, and/or the occupants thereof. The Applicant shall be considered responsible for the impacts created by the Applicant's activities or sublease tenant's activities. The Applicant shall implement all mitigation necessary to inhibit any noise, vibration, dust, fumes, odors, overflow parking, and/or other negative impact(s) that the Applicant's Use, or sublease tenant, may or will generate. If the City Council finds at any time that the Applicant's, or any sublease tenant's, activities and use of the Subject Property constitutes a nuisance, violates conditions of CDP 21-03, and/or is otherwise detrimental to the neighborhood or to the community, such use shall be discontinued or modified as may be required by the City. Failure to effectively implement mitigation required by this Permit, or other direction/notification by the City deemed necessary to abate negative impacts generated by the Applicant or sublease tenant, may be adequate grounds for the City to amend or terminate CDP 21-03. Failure to comply with such City direction may result in the amendment or revocation of CDP 21-03.

19. Violation/Termination: If the City determines that any term or condition of CDP 21-03 has been violated, and/or the Applicant's activities or sublease tenant's activities at the Subject Property constitutes a nuisance or is otherwise detrimental to neighboring units, properties, and/or community, written notice shall be issued by the City to the Applicant, that if such violation is not corrected or removed within a specified time, a public hearing may then be scheduled where the City Council may consider amending or revoking CDP 21-03, and may then order said Permit amended or revoked. The Applicant and the Subject Property's owner/manager shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any action by the City Council to amend or terminate CDP 21-03.

20. Interpretation: Any questions of intent or interpretation regarding any condition of CDP 21-03 shall be subject to, and resolved by, the Sand City Planning Department.

21. The issuance of CDP 21-03 shall not supersede or override any applicable requirements of any other City, County, State, or Federal agency.

22. Indemnity: To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees, contractors, and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the Applicant to attack, set aside, or void, any permit or approval authorized hereby for the Project, including (without

limitation) reimbursing the City for its actual attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

23. Business License: The Applicant and all sublease tenants shall acquire, maintain, and annually renew a Sand City business license for the duration of their occupancy and use of the Subject Property. Failure to maintain a current Sand City business license may be sufficient grounds for termination of CDP 21-03.

**PASSED AND ADOPTED**, CDP 21-03, inclusive of all specified conditions/requirements for the Applicant's Use at the Subject Property, is hereby approved by the City Council of Sand City, this __ day of August, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

_____
Mary Ann Carbone, Mayor

_____
Connie Horca, City Clerk

This is to certify that Coastal Development Permit 21-03 contains the conditions specified by the City Council in approving said Permit.

_____
Charles Pooler, City Planner

**APPLICANT ACCEPTANCE (CDP 21-03)**
Coastal Development Permit 21-03 are hereby accepted upon the express terms and conditions hereof, and the undersigned agrees to strictly conform to and comply with each and all of the said terms and conditions.

DATED: _____ BY: _____
**Applicant**

**CONSENT OF OWNER (CDP 21-03)**
Consent is hereby granted to the permittee to proceed with the City approved use, in accordance with the terms and conditions of Coastal Development Permit 21-03.

DATED: _____ BY: _____
**Property Owner**

# AGENDA ITEM
# 9A.

# Discussion and Approval of mock-ups as part of the we. murals 2021

# City of Sand City

**Agenda Item**

**9A**

## Staff Report

**TO:** Honorable Mayor and City Council Members
**FROM:** Aaron Blair, City Manager
**DATE:** July 27, 2021 (Meeting date: August 3, 2021)
**SUBJECT**: Discussion and Approval of mock-ups as part of the we. murals 2021

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**Discussion:**

As part of the public art policy and as outlined in the we.murals 2021 property owner and artist agreements, it is required that mock-ups be approved by the property owner, the Sand City Art Committee, and the City Council. Before you tonight, are the approved property owner and the Sand City Art Committee mock-ups for the we.murals 2021. There will be a couple additional mock-ups that will be coming before you at the next meeting.

**CEQA:** The action to procure artists for a neighborhood mural program is not subject to CEQA (California Environmental Quality Act) as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; per CEQA guideline section 15060(c)(2). Furthermore, the application of artistic murals on existing structures qualifies for a categorical exemption per CEQA Guideline section 15301 as it a minor alteration of public and/or private structures involving no expansion of the use or structure.

1. Location: 525 Ortiz (Art Park Building Front) Wall #13
   a. Artists: (La Neta) Gerarado Zambrano, Natalia Peohner Corazza, Arsenio Baca, Art de Sevilla, and Avelino Santoya Hernandez.
2. Location: 525 Ortiz (Art Park Building Side) Wall #11
   a. Artists: Adam Gota, Anthony Jimenez, & Taylor Paige
3. Location: 525 Ortiz (Art Park Building Back) Wall #10
   a. Artists: Justin Lupien, Mike Mattox, & Chris Powers
4. Location: 525 Ortiz (Outdoor Art Park) Wall #12 & #9
   a. Artists: Matt Floriani & Crew
   b. Artists: Lisa Haas, Maryia Hyrharenka, & Cassidy Vincent
5. Location: 567 Ortiz Ave (Back Wall on Redwood) Wall #8
   a. Artists: Basic Lee & Philip Coupet
6. Location: 577 Ortiz Ave (Back Wall on Redwood) Wall #7
   a. Artists: Jess Soriano, Rachel Corvese
7. Location: 673 Ortiz Ave (Back Wall on Redwood) Wall #2

    a. Artists: IAMEELCO & Jimbo Phillips
8. Location: 542 Ortiz Ave (Side Wall) Wall #6
    a. Artists: SoGnar & Maxfield Bala & Hannah Brimer
9. Location: 425 Shasta Ave Wall #5
    a. Artists: Armando Silva & Jose Ortiz
10. Location: 1674 Catalina Wall #4
    a. Artists: JB Snyder and Birdcap
11. Location: 477 Redwood (D'Motorsports) Wall #1
    a. Artists: Leon Keer and Crew
12. Location: 1675 Contra Costa (J&D Auto) Wall #3
    a. Artists: Loraine MTI & Kaitlin Zismer

**Fiscal Impact:**
The we. mural festival expenses were previously approved thus there is no additional fiscal impact associated with this item.

**Recommendation:**
The Staff supports the Arts Committee Recommendation to accept these property owner approved mock-ups for we. murals 2021.

# AGENDA ITEM
# 10A.

# City Council/Successor Agency Board to adjourn to Closed Session regarding:1) Conference with legal counsel - anticipated litigation (Gov. code section 54956.9(e)(1))

# AGENDA ITEM
# 10B.

# Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with Government Code section 54957.1