



REGULAR MEETING

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

TUESDAY, AUGUST 16, 2022

5:30 PM

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

Regular Meeting - Tuesday, August 16, 2022
5:30 PM

THIS MEETING WILL BE HELD VIRTUALLY AND IN PERSON, IS COMPLIANT WITH ASSEMBLY BILL ("AB") 361, SIGNED INTO LAW ON SEPTEMBER 16, 2021, WHICH AMENDS GOVERNMENT CODE SECTION 54953 TO PROVIDE AUTHORITY FOR PUBLIC AGENCIES TO HOLD VIRTUAL MEETINGS DURING A PROCLAIMED STATE OF EMERGENCY AND REMAIN IN COMPLIANCE WITH THE BROWN ACT (GOV. CODE §§ 54950 ET SEQ.).

TO PARTICIPATE IN THE ZOOM COUNCIL MEETING LIVE:

<https://us02web.zoom.us/j/4614728829>

Meeting ID: 461 472 8829

To participate telephonically by calling the number below:

(669) 900-6833

Meeting ID: 461 472 8829#

If prompted to enter a participant ID, press #

TO PARTICIPATE IN PERSON:

City Hall Council Chambers

1 Pendergrass Way

Sand City, CA

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 connie@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. Please use the "raise your hand" option on Zoom, and the City Clerk will call on your name.

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION**
4. **ANNOUNCEMENT BY MAYOR, CITY ATTORNEY, AND CITY MANAGER**

5. **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 item is being considered by the City Council/Successor Agency.

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

6. **CONSENT CALENDAR**

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

6A. Approval of Council Meeting Minutes:

- 1) July 5, 2022 Regular Meeting
- 2) July 19, 2022 Regular Meeting

[7.05.2022 Minutes.pdf](#)

[7.19.2022 Minutes.pdf](#)

6B. Approval of City RESOLUTION Authorizing the Extension of Remote Teleconference Meetings of the City Council and Boards, Commission, and Committees for the Period of August 17, 2022 through September 15, 2022 pursuant to AB 361 and Ralph M. Brown Act Provisions

[Resolution. Authorizing the Extension of Remote Teleconference Meetings.pdf](#)

6C. Approval of City RESOLUTION Granting the City Manager Authorization to Execute a Water Assignment Agreement and Assign up to 0.193 acre-feet of Water from the Sand City Water Entitlement to Thomas H. George Jr. for Tenant Improvements to an Existing Commercial Building at 783 Redwood Avenue (APN 011-193-019)

[Staff Report & Resolution. Water Allocation for 783 Redwood Avenue.pdf](#)

6D. Approval of City Donation/Contribution

- 1) Monterey County Fair - \$500

[Memo. Review of City Donation.Contribution.pdf](#)

6E. Approval of City RESOLUTION Confirming Members of the Sand City Arts Committee and New Appointment of Michelle Djokic

[Staff Report. Arts Committee Appointment.pdf](#)

[Resolution. Confirming Members of the Sand City Arts Committee and New](#)

[Appointment of Michelle Djokic.pdf](#)

[Exhibit A. SC 95-73 Establishing the Sand City Art Committee.pdf](#)

7. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

8. PUBLIC HEARING

- 8A. Consideration of SECOND READING and ADOPTION of Ordinance of the City of Sand City Amending Title 5 of the Sand City Municipal Code by Adding Chapter 20 "Standards, Procedures, and Fees for Short Term Rentals of Properties in Sand City"

[Staff Report. Second Reading Short Term Rental Ordinance.pdf](#)

[Exhibit A. July 5, 2022 Staff Report.pdf](#)

[Exhibit B. Ordinance Amending Title 5 of the Sand City Municipal Code. Adding Chapter 20.STR.pdf](#)

9. NEW BUSINESS

- 9A. Consideration of City RESOLUTION Establishing a Short-Term Rental Permit Cap and Adopting a Short Term Rental Permit Application Fee and Inspection Fee and a Short Term Rental Renewal Fee and Rescinding Prior Resolution SC 22-58, 2022

[Staff Report. Establishing Short Term Rental Cap, Permit Application, Inspection and Renewal Fee.pdf](#)

[Exhibit A. Resolution Establishing Short Term Rental Permit Cap & Fees.pdf](#)

- 9B. Consideration and Approval of City RESOLUTION Approving a Special Permit for a Bicycle Criterium Race to be held on September 11, 2022 within the City of Sand City

[Staff Report. Special Event Permit for Bicycle Criterium.pdf](#)

[Exhibit A. Resolution Approving a Bicycle Criterium Special Event.pdf](#)

[Exhibit B.Sand City Criterium Permit.pdf](#)

- 9C. Comments by Council Members on Items of Interest to Sand City

- 9D. Upcoming Meetings/Events

10. CLOSED SESSION

- 10A. City Council/ Successor Agency Board to adjourn to Closed Session regarding:
1) Conference with labor negotiator pursuant to Government Code section 54957.6

Agency designated representative: Vibeke Norgaard, City Manager

Employees: Sand City Police Officers Association

- 10B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown Act

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
6A.**

**Approval of Council Meeting Minutes: 1)
July 5, 2022 Regular Meeting 2) July 19,
2022 Regular Meeting**

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

Regular Meeting - Tuesday, July 5, 2022

5:30 PM

As allowed per Assembly Bill (AB361), this meeting was conducted in person and by
teleconference

Mayor Carbone called the meeting to order at 5:30 p.m.

AGENDA ITEM 1, ROLL CALL

Present: Mayor Mary Ann Carbone
Council Member Blackwelder
Councilmember Cruz (virtual attendance)
Councilmember Hawthorne (virtual attendance)
Councilmember Sofer

Staff: Vibeke Norgaard, City Manager
Connie Horca, City Clerk
Adam Lindgren, Interim City Attorney (virtual attendance)
Chuck Pooler, City Planner (virtual attendance)

AGENDA ITEM 2, PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Blackwelder.

AGENDA ITEM 3, INVOCATION

The invocations was led by Reverend Robert Hellam.

AGENDA ITEM 4, ANNOUNCEMENT BY MAYOR, CITY ATTORNEY, & CITY MANAGER

The Mayor announced that her Mayor's report was emailed earlier that gave an update on meetings she attended, reported on the Community Human Services Donor Campaign for Shuman House, fundraiser for the Wahine Project, and the Ribbon Cutting for Shake Avenue, her speaking engagement with the Native Plant Society, and upcoming CHS Annual Luncheon at the Hilton Hotel.

City Manager Norgaard provided an update on Ortiz Avenue regarding the rehabilitation work that needs to be completed by July, relocation of the 40' connex and will bring to council at a future date a consideration of what the Council would like to do with the space at the Art Park.

Interim City Attorney Adam Lindgren reported on activity of the Supreme Court and one case regarding the City of Bremerton that raised human resource issues, and funding related to religious activities.

Mayor Carbone welcomed Chief Ferrante back.

AGENDA ITEM 5, COMMUNICATIONS

5:41 P.M. Floor opened for Public Comment.

City Manager Norgaard responded to Sand City resident Luke Kilpatrick's inquiry regarding when Calabrese Park will begin construction and estimated completion date.

5:42 P.M. Floor closed to Public Comment.

AGENDA ITEM 6, CONSENT CALENDAR

- 6A. There was no discussion of the May 24, 2022 SPECIAL Meeting Minutes.
- 6B. There was no discussion June 7, 2022 Council Meeting Minutes.
- 6C. There was no discussion of the Designation of Voting Delegate and Alternate for the 2022 League of California Cities Conference.
- 6D. There was no discussion City **Resolution** authorizing the Extension of Remote Teleconference Meetings of the City Council and Boards, Commissions, and Committees for the Period of July 6, 2022 through August 5, 2022 pursuant to AB 361 and Ralph M. Brown Act Provisions.
- 6E. There was no discussion City Donation/Contribution to the Arts Habitat for Monterey County for \$500.

5:43 P.M. The Mayor opened the floor for public comment, and seeing none, closed the floor for public comment.

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

AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the Consent Calendar.

AGENDA ITEM 8, PUBLIC HEARING

{A name draw was conducted and Council Member Hawthorne recused from the meeting due to a conflict of interest by residing within 500' of the subject property}

- 8A. **Consideration of City RESOLUTION to Approve Conditional Use Permit 653 for Captain + Stoker Coffee Roasters to Operate a Coffee Roasting Production and Wholesale Operation within an Existing Commercial Building at 350 Orange Avenue**

City Planner Charles Pooler presented an application submitted by Tyler Ellis of Captain +Stoker Coffee Roasters for permit approval to operate a coffee roasting operation with accessory office at 350-B Orange Avenue. He reported on the site and project description that included equipment to be used, activities such as bottling of cold brew coffee, number of employees, and noted that on-site beverage sales is not anticipated. Hours of operation is 8:00 a.m. to 4:00 p.m., Monday through Friday. The frontage provides 5 parking spaces split between two units fronting Orange Avenue. Inventory and products shipped will be via a small van truck. The applicant has received approval from the Monterey Bay Air Resources District for the coffee roaster and afterburner equipment. The coffee roasting process is not expected to create any detrimental impacts; however, some level of aroma is anticipated. The subject property has sufficient water for the proposed use, and Staff recommends approval of the conditional use permit.

Council Member Blackwelder expressed his concern with aromas generated by coffee roasting and the issue of parking that will be shared by the employees of the units.

Council Member Cruz mentioned her past employment in the coffee industry and that no complaints were heard regarding the aroma.

Mayor Carbone reported on the evolution of new technology that helps minimize odors during the roasting process.

City Planner Pooler commented that the permit addresses the zoning code, and that parking arrangements would be up to the landlord of the building.

5:53 P.M. Floor opened for Public Comment.

The applicant Tyler Ellis thanked the Mayor and Council for considering his application, reported on the new equipment and technology that minimizes odors, and that he and his wife will carpool in one vehicle to offset parking issues.

Sand City resident Steve Wilson commented on the lack of parking in the city, its on-going issues, having to walk on the street at some locations, and the need for the City to look into more parking.

5:57 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** to approve Conditional Use Permit 653 for Captain+Stoker Coffee Roasters to Operate a Coffee Roasting Production and Wholesale Operation within an Existing Commercial Building at 350 Orange Avenue was made by Council Member Blackwelder, seconded by Council Member Sofer. Roll call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Sofer. NOES: None. ABSENT: None. ABSTAIN: Council Member Hawthorne. Motion carried.

{Following a name draw, Council Member Hawthorne remained recused, and Council Member Sofer recused from the meeting due to a possible conflict of interest by residing within 500' of the subject property}

8B. Consideration of City RESOLUTION Approving Conditional Use Permit 652 for Jayson Fann to Conduct Open Yard Art Creation

City Planner Charles Pooler presented an application submitted by Jayson Fann to use a fenced vacant Property fronting the 500 block of Ortiz Avenue for creation of large-scale art sculptures that would consist of intertwined/interlinked wood branches and wood materials. He reported on the site description that is currently unpaved, and that the applicant also proposes to conduct art exhibitions with public engagements of open studio and community participation and learning. There will be two employees. Intended hours of operation are 9:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 3:00 p.m. on weekends. The Municipal Code does not specify parking for commercial storage or production, and is evaluated upon the type of use. The applicant plans to store 8 vehicles including trailers, and the permit should require an area of sufficient size on the property to be designated and used for parking the Applicant's trucks and vehicles. The final parking layout should be subject to the City Planner's and/or Building Officials review and approval. No large truck deliveries are anticipated. It is also recommended that storage containers be incorporated to offset any visual blight.

Concerns were expressed by the Fire Department and Building Official. In order to move the application forward, the Planning Staff recommended conditions to the permit and language to include that the Applicant coordinate and work with the City's Building Official and Fire Department to obtain all necessary building permits, address improvements, and that final use and site layout be subject to Building Official approval. The Applicants primary use of hand tools over power tools should minimize noise impacts and blend in with the surrounding commercial daytime activities. The Applicants use would provide a positive contribution to the artist community of Sand City. Staff recommends approval of a conditional use permit until the site can be improved to provide additional on-site parking for the Independent.

Council Member Blackwelder expressed concerns regarding power, whether a generator will be used, how long the applicant will plans to be there, and if there was some kind of architectural/renderings of what this would look like, and whether it would block the existing mural.

City Manager Norgaard commented on her visit to the applicant's other site, that this would be an outdoor gallery,

In response to Council Member Cruz's inquiry regarding what kind of tools would be used, Mr. Fann responded that the largest tools used would be a hand grinder, and battery-operated chain saw. Since he has worked as an educator, safety precautions and standards regarding power tools, and addressed Council Member Blackwelder's other concerns.

Mayor Carbone mentioned that she has visited Mr. Fann's operation in Monterey and that it is visually pleasing.

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

Sand City resident Bobbie Joe Harr expressed that it sounds like a good project but is concerned about noise especially the use of a generator as she can hear noise impacts down the street as far as Marks Barn.

Mr. Fann addressed Ms. Harr's concerns and plans to use battery operated tools, will check in with the neighbors, and encourage them to speak with him. He also provided additional information regarding his stage productions, traveling nest stages, collaborative work with the Arts Council, and addressed vehicle parking at the location.

6:21 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving Conditional Use Permit 652 for Jayson Fann to Conduct Open Yard Art Creation was made by Council Member Blackwelder, seconded by Council Member Carbone. Roll call Vote AYES: Council Members Blackwelder, Carbone, Cruz. NOES: None. ABSENT: None. ABSTAIN: Council Members Hawthorne, Sofer. Motion carried.

Mayor Carbone welcomed Mr. Fann and the prior applicant, Mr. Ellis to Sand City.

{Council Members Hawthorne and Sofer returned to the virtual/in person meeting}

8C. SECOND READING: of Ordinance of the City of Sand City Replacing the Existing General Purpose Transactions and Use Tax at a Rate of One Percent and Imposing a General Purpose Transactions and Use Tax at a Rate of One and One-Half Percent, to be Administered by the California Department of Tax and Fee Administration, subject to Adoption by the Electorate

City Manager Norgaard reported that the Council approved the introduction and First Reading of the Ordinance at the June 21, 2022 Council meeting. She reported on the current sales tax and that if approved by a majority of the voters in Sand City, it would raise the sales tax to 9.25%. If passed, the additional revenue would stay in the city and be placed in the general fund for uses such as to improve streets, sidewalks, and parking.

6:26 P.M. Floor opened for Public Comment.

Sand City resident Luke Kilpatrick commented on why the City has not considered raising the transactions and use tax to 9.5% rather than the 9.25%.

City Manager Norgaard mentioned that the Transactions and Use Tax measure failed to garner enough votes during the 2020 Election.

Mr. Kilpatrick expressed his concerns of the loss of revenues from the desalination plant and shoppers who would be paying the sales tax.

City Manager Norgaard noted that it would be up to the residents to vote in favor of the measure.

Interim City Attorney Lindgren commented that the Mayor's argument in favor of the measure may be written to express those concerns.

6:29 P.M. Floor closed to Public Comment.

Motion to waive reading in full and adopt the SECOND READING: of **Ordinance by title only**, of the City of Sand City Replacing the Existing General-Purpose Transactions and Use Tax at a Rate of One Percent and Imposing a General-Purpose Transactions and Use Tax at a Rate of One and One-Half Percent, to be Administered by the California Department of Tax and Fee Administration, subject to Adoption by the Electorate 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.

8D. SECOND READING: of Ordinance to Establish Standards, Procedures and Fees for Short-Term Rental of Property in Sand City (Short-Term Rental Ordinance)

City Manager Norgaard reported that this item was considered for First Reading at the May 9, 2022 Council meeting, that the Ordinance includes regulations, and sets forth the permitting process. Mrs. Norgaard summarized the provisions contained in the Ordinance such as 2 occupants per bedroom, no group gatherings, no sign advertising, owner appointed site manager, requires TOT tax to be submitted, etc.

City Attorney Lindgren noted that the Ordinance also includes the annual inspection and mechanism to inspect the units.

Mayor Carbone indicated that the Ordinance further provides that no STR be allowed in affordable housing or workforce units.

6:40 P.M. Floor opened for Public Comment.

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

6:40 P.M. Floor closed to Public Comment.

Motion to waive reading in full and adopt by title only, the SECOND READING: of **Ordinance** to Establish Standards, Procedures and Fees for Short-Term Rental of Property in Sand City (Short-Term Rental Ordinance) was made by Council Member Blackwelder, seconded by Council Member Sofer. Roll call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 9, NEW BUSINESS

9A. Consideration of City RESOLUTION Establishing a Short-Term Rental Permit CAP and Adopting a Short-Term Rental Permit Application Fee and Inspection Fee and a Short-Term Rental Renewal Fee

City Manager Norgaard noted that the adopted Ordinance allows the establishment of fees and sets a CAP on short term rentals allowed. The resolution is drafted and sets the CAP at 15 rentals. The actual number would be disclosed once applications start to be submitted.

Interim City Attorney Adam Lindgren reported that Staff has conducted a survey, listened to people, and went on line. Units that appear are only for specific dates available, and the possibility that some rentals may not appear may possibly be units that are consistently rented. Staff recommendation is that the CAP brought before the Council can be changed in the future on an annual basis, sets the CAP to existing units slightly higher than units being identified in the City, and fees can also be reviewed and changed.

Mrs. Norgaard added that the fees established includes staff time, hours to conduct the inspection, and takes into consideration staff's hourly rate. She also addressed Council Member Blackwelder's questions regarding how fees would be received, and that every property owner had been notified of the public hearing of this Ordinance.

Mr. Lindgren mentioned that existing STR's operators could have the first opportunity to apply for the permit, and anyone operating illegally is subject to code enforcement.

Council Member Sofer commented that people who come into the City should check local laws and Ordinances.

Council Member Hawthorne spoke to improving and ensuring adequate parking for all venues in the City.

6:54 P.M. Floor opened for Public Comment.

Sand City resident Luke Kilpatrick thanked the Council for the Ordinance, for not shutting down STR's, and welcomes home inspections as it retains the property value in the City.

6:56 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** establishing a Short -Term Rental Permit CAP and Adopting a Short-Term Rental Permit Application Fee and Inspection Fee and a Short-Term Rental Renewal Fee was made by Council Member Hawthorne, seconded by Council Member Sofer. Roll call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

{Council Member Cruz recused from the virtual/in person meeting due to a possible conflict of interest by residing within 500' of the subject property}

9B. Consideration of City RESOLUTION Naming the City Park Easement within the South of Tioga Project and Rescinding Resolution SC 22-51, 2022

City Manager Norgaard reported that this item was considered by the Council on May 3rd and June 7th, and on June 21st the Council voted to reconsider the name that was chosen on June 7, 2022. She reported on the names that were suggested such as Orosco Family Park, Orosco Corner, Veterans Park, Blue Butterfly park, Carbone Park with the most recent suggested names of Achasta Park which means Monterey Bay, and Esselen-Ohlone Park.

Council Member Hawthorne suggested Don's Park in tribute to Don Orosco who worked hard for 25 years, and to give tribute to the person who worked on this project for so long.

Council Member Sofer expressed her agreement with Mr. Hawthorne, and also the name Esselen-Ohlone Park.

7:08 P.M. Floor opened for Public Comment.

Sand City resident Steve Wilson commented that Mrs. Carbone is well deserving of the park to be named after her as she has served the City for 30 years.

Mayor Carbone thanked Mr. Wilson for his kind words.

Mr. Wilson added that Carbone Park sounds nice as well.

Council Member Hawthorne commented that a park should not be named after a living person as it may pose a possible conflict and may not be politically correct.

Virtual Attendee Meli Hill appreciated all the effort in naming the park with a lot of great ideas, and thanked the Council for bringing it back.

7:14 P.M. Floor closed to Public Comment.

Mayor Carbone thanked Mr. Wilson for suggesting dedicating the park after her, commented that she is a community advocate, gave a lot of thought to the last name given, and of the first peoples that inhabited the land, and would like to name the park, Esselen-Ohlone Park. She reported on her conversation with Developer Mr. Sheller prior to this regarding signage, and a name that befits the area.

Mr. Hawthorne commented that it would be a good name in tribute to a people that has very few members left.

Motion to approve the City **Resolution** Naming the City Park Easement within the South of Tioga Project and Rescinding Resolution SC 22 -51, 2022 was made by Council Member Blackwelder, seconded by Council Member Hawthorne. Roll call Vote AYES: Council Members Blackwelder, Carbone, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: Council Member Cruz, Motion carried.

9C. Consideration of City RESOLUTION Authorizing Cost of Living Adjustment for Regular (Miscellaneous) Employees

City Manager Norgaard reported that this item was discussed in closed session on June 7, 2022, the attached resolution would authorize the City Manager to increase employee salaries, excluding the POA by 4%. The City's approved budget would be amended to reflect the change.

7:21 P.M. Floor opened for Public Comment.

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

7:21P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** authorizing Cost of Living Adjustment for Regular (Miscellaneous) Employees was made by Council Member Blackwelder, seconded by Council Member Sofer. Roll call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

9D. Council Discussion on the Process for Organizing Campaign to Support the Transaction and Use Tax Measure

Mayor Carbone reported that this Ordinance has be brought to the Council and approved. She mentioned that the Council would need to advocate for the measure, the importance of transparency, what the initiative would do for the City in light of the loss in revenues from the desalination plant, and that the revenues would be used to help improve City streets.

Interim City Attorney Adam Lindgren suggested that the Mayor divide the work to write an argument in favor of the measure and a process to provide public information. He reported on the process of how to engage in a conversation, volunteers to assist the Mayor, creating a committee, and using caution in using City funds and resources in regard to the measure.

Mayor Carbone suggested meeting outside of the City to discuss the measure.

Mr. Lindgren commented that the Council has done everything they need to do to bring the measure before the voters, will email the Council of Brown Act rules, and provide a roadmap of the next steps.

Council Member Sofer reminded the Council of how the previous City Manager used a VW wagon to advocate for the measure, and sending postcards.

Mr. Lindgren noted that the City can spend money to objectively advocate, and the City can take policy actions that might articulate what the City would do and what the tax measure would provide.

9E. Consideration of Cancelling Future City Council meeting scheduled for August 2, 2022

Motion to cancel the City Council meeting scheduled for August 2, 2022 was made by Council Member Hawthorne, seconded by Council Member Blackwelder. There was consensus of the City Council to cancel the August 2, 2022 Council meeting.

9F. Comments by Council Members on Items of Interest to Sand City

Council Member Sofer commented on the use of illegal fireworks in Sand City.

Council member Cruz reported that last night's news reported that the City of Seaside Council will introduce a bill to ban fireworks.

7:41 P.m. Sand City resident Michele Djokic suggested that maybe the City can place no parking signs, encourage people to not use illegal fireworks, and establishing signage.

Mr. Lindgren reported on communities that have provided public information and that it was distributed early and well in advance of July 4th.

Mayor Carbone mentioned that Sand City has banned the sale of fireworks.

City Manager Norgaard noted that this would be placed on a future agenda well in advance of the 4th of July.

7:53 P.M. Floor closed for public comment.

9G. Upcoming Meetings/Events

Council Member Sofer mentioned the upcoming Monterey Peninsula Business Excellence Awards, and an event sponsored by the Homeless Coalition.

AGENDA ITEM 10, ADJOURNMENT

There was consensus of the Council to adjourn the meeting at 7:58 p.m. to the next regularly scheduled Council meeting on August 16, 2022 at 5:30 p.m.

Connie Horca, City Clerk

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

Regular Meeting - Tuesday, July 19, 2022

5:30 PM

As allowed per Assembly Bill (AB361), this meeting was conducted in person and by
teleconference

Mayor Carbone called the meeting to order at 5:30 p.m.

AGENDA ITEM 1, ROLL CALL

Present: Mayor Mary Ann Carbone
Council Member Blackwelder (excused absence)
Councilmember Cruz (virtual attendance)
Councilmember Hawthorne (virtual attendance)
Councilmember Sofer

Staff: Vibeke Norgaard, City Manager (virtual attendance)
Connie Horca, City Clerk
Adam Lindgren, Interim City Attorney (virtual attendance)
Chuck Pooler, City Planner (virtual attendance)
Police Chief, Brian Ferrante

AGENDA ITEM 2, PLEDGE OF ALLEGIANCE

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

AGENDA ITEM 3, INVOCATION

The invocation was led by Reverend Robert Hellam.

AGENDA ITEM 4, ANNOUNCEMENT BY MAYOR, CITY ATTORNEY, CITY MANAGER

The Mayor announced that Council Members are also welcome to provide their comments at this time following announcements by City Staff.

City Manager Norgaard expressed her apologies for the delay of the City Manager's report. She provided updates on the Calabrese Park noticing and bidding process, Ortiz Avenue concrete restoration work of driveways and curbs, upcoming meeting with the Arts Committee to consider the Murals, Special Council meeting on August 9, 2022, and writer James Herrera who would like to do an article on the South of Tioga.

Interim City Attorney Adam Lindgren announced his plans to attend the League of California Cities Conference in September, looks forward to meet any Council Members that plan on attending, and is available to attend a session of interest to Council to take notes and report back.

Mayor Carbone reported on the success of last week's street dedication of Shake Avenue that included the attendance of several dignitaries from surrounding agencies and boards.

Council Member Hawthorne reported on the upcoming Arts Committee meeting that will review mural submissions, the upcoming West End Celebration, and the inability of opening the Hawthorne Studios during West End due to construction. He hopes to be open for next year's celebration.

AGENDA ITEM 5, COMMUNICATIONS

5:41 P.M. Floor opened for Public Comment.

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

5:41 P.M. Floor closed to Public Comment.

AGENDA ITEM 6, CONSENT CALENDAR

- 6A. There was no discussion of the June 21, 2022 Regular Meeting Minutes.
- 6B. There was no discussion of the City authorizing Renewal of a Maintenance Services Agreement with HOPE Rehabilitation Services for FY 2022-2023
- 6C. There was no discussion of the City **Resolution** authorizing the Extension of Remote Teleconference Meeting of the City Council and Boards, Commission, and Committee for the Period of July 20, 2022 through August 18, 2022 pursuant to AB 361 and Ralph M. Brown Act Provisions

5:43 P.M. Floor opened for Public Comment.

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

5:43 P.M. Floor closed to Public Comment.

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

AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the Consent Calendar.

AGENDA ITEM 8, PUBLIC HEARING

- 8A. **Consideration of FIRST READING of City ORDINANCE Amending Title 5 of the Sand City Municipal Code by Adding Chapter 20 "Standards, Procedures, and Fees for Short Term Rentals of Properties in Sand City"**

Interim City Attorney Adam Lindgren reported that this item was brought before the Council during a workshop, pointed out what was missing from the legislation and the necessary form that needed the recitals, appropriate language, errors made by management team, and expressed his apologies regarding the oversight. The attached Ordinance has no substantive changes, and includes the proper form for Council approval.

Mr. Lindgren responded and confirmed Council Member Sofer's inquiry that there are no changes to the Ordinance.

Mayor Carbone commented that she was aware of this, knows that there is a new team, and suggested that management staff work closely with the City Clerk.

Mr. Lindgren provided clarification in response to Mayor Carbone's question that the second reading would need to occur at a regularly scheduled meeting, and also reported that he has regular meetings with staff to go over the agenda items.

5:50 P.M. Floor opened for Public Comment.

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

5:50 P.M. Floor closed to Public Comment.

Motion to waive full reading and adopt First Reading of the City **Ordinance** amending Title 5 of the Sand City Municipal Code by Adding Chapter 20 "Standards, Procedures, and Fees for Short Term Rentals of Properties in Sand City" was made by Council Member Sofer, seconded by Council Member Hawthorne. Roll call Vote AYES: Council Members Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: Council Member Blackwelder ABSTAIN: None. Motion carried.

AGENDA ITEM 9, NEW BUSINESS

9A. Consideration of City RESOLUTION Approving the City Manager to Sign and Record the Deed Restriction as Required by the State of California Department of Parks and Recreation Per Capita Grant Program

City Planner Charles Pooler reported on the background of the per Capita Grants Deed Restriction that was awarded to the City from the State of California in 2020 in the amount of \$177,953, and is separate from the ADA grant awarded. These funds would be used to renovate Calabrese Park, replace boardwalks, benches and play equipment, that the deed restriction is required by the State to receive funds, and allows access by the agency to inspect and have access to the park. Staff recommends approval of the attached resolution.

5:54 P.M. Floor opened for Public Comment.

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

5:54 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving the City Manager to Sign and Record the Deed Restriction as Required by the State of California Department of Parks and Recreation Per Capita Grant Program was made by Council Member Sofer, seconded by Council Member Cruz. Roll call Vote AYES: Council Members Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: Council Member Blackwelder. ABSTAIN: None. Motion carried.

{Council Member Cruz recused from the meeting due to a possible conflict of interest by residing within 500' of the subject property}

9B. Consideration of City RESOLUTION Authorizing the City Manager to Accept the Grant of a Conservation Easement Agreement for the Habitat in the South of Tioga Project

City Manager Norgaard reported that this item is a major milestone for the South of Tioga project, and the item is the document that has been worked on for over 1 year with California Department Fish and Wildlife, the Developer, and City Staff. She explained that the conservation easement is a legal agreement between the Developer and the City that limits use of the land. . Ms. Norgaard relayed the main points regarding the purpose located on page 64 & 65 of the agenda packet. The City has oversight responsibility over the management of the habitat . The easement also defines prohibited uses, and sets forth the developer's role regarding the habitat area.

Interim City Attorney Adam Lindgren mentioned that this agreement has been complex and the State has made this a difficult process, and it reflects a significant effort between the Developer and Management Team.

City Manager Norgaard also described the final endowment and land management of the habitat.

Council Member Sofer thanked Staff for their hard work on this agreement, mentioned the creation of low-income housing, improvement to the City, and is confident that Staff can work through the hurdles.

City Manager Norgaard responded to Mayor Carbone's inquiry regarding the last project, that this is a different situation, and that the Developer would need to have an endowment fund in place.

6:07 P.M. Floor opened for Public Comment.

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

6:07 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** authorizing the City Manager to Accept the Grant of a Conservation Easement Agreement for the Habitat in the South of Tioga Project was made by Council Member Hawthorne, seconded by Council Member Sofer. Roll call Vote AYES: Council Members Carbone, Hawthorne, Sofer. NOES: None. ABSENT: Council Member Blackwelder ABSTAIN: Council Member Cruz. Motion carried.

{Council Member Cruz remained recused for this item}

9C. Consideration of City RESOLUTION Authorizing the City Manager to Accept the Grant of an Access Easement to the Habitat in the South of Tioga Project

City Manager Norgaard reported that the attached resolution is another easement related to the habitat, is the area allows access to Habitat 3 as depicted on page 105 of the packet, and is an easement that the developer is granting to the City, so that the City can access that portion of land as part of its monitoring function.

6:11 P.M. Floor opened for Public Comment.

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

6:11 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** authorizing the City Manager to Accept the Grant of an Access Easement to the Habitat in the South of Tioga Project was made by Council Member Sofer, seconded by Council Member Hawthorne. Roll call Vote AYES: Council Members Carbone, Hawthorne, Sofer. NOES: None. ABSENT: Council Member Blackwelder. ABSTAIN: Council Member Cruz. Motion carried.

{Council Member Cruz returned to the virtual/in person meeting}

9D. Review and Approval of "Argument in Favor of Ballot Measure"

Mayor Carbone presented the Staff report for the argument in favor of the measure, proposes that the Council approve the ballot measure argument in favor of raising the transactions and use tax rate to one and one-half percent that will be presented to the voters, and recommends approval of the attached argument.

6:15 P.M. Floor opened for Public Comment.

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

6:15 P.M. Floor closed to Public Comment.

Motion to approve the Argument in Favor of Ballot Measure was made by Council Member Hawthorne, seconded by Council Member Sofer. Roll call Vote AYES: Council Members Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: Council Member Blackwelder. ABSTAIN: None. Motion carried.

City Attorney Adam Lindgren suggested that Staff inform the Council at the next meeting regarding submittal of Election items to reassure the Council that the City's responsibilities have been fulfilled.

AGENDA ITEM 10, CLOSED SESSION

This item was pulled from the agenda and continued to the August 16, 2022 Council meeting.

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

1) Conference with labor negotiator pursuant to Government Code section 54957.6

**Agency designated representative: Vibeke Norgaard, City Manager
Employees: Sand City Police Officers Association**

10B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown Act.

AGENDA ITEM 11, ADJOURNMENT

There was consensus of the Council to adjourn the meeting at 6:20 p.m. to the next regularly scheduled Council meeting on August 16, 2022 at 5:30 p.m.

Connie Horca, City Clerk

**AGENDA ITEM
6B.**

**Approval of City RESOLUTION Authorizing
the Extension of Remote Teleconference
Meetings of the City Council and Boards,
Commission, and Committees for the
Period of August 17, 2022 through
September 15, 2022 pursuant to AB 361
and Ralph M. Brown Act Provisions**

**CITY OF SAND CITY
RESOLUTION SC____, 2022**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY
AUTHORIZING THE EXTENSION OF REMOTE TELECONFERENCE MEETINGS OF
THE CITY COUNCIL AND BOARDS, COMMISSIONS, AND COMMITTEES
FOR THE PERIOD OF AUGUST 17, 2022 THROUGH SEPTEMBER 15, 2022
PURSUANT TO AB 361 AND RALPH M. BROWN ACT PROVISIONS**

WHEREAS, the City of Sand City (“the City”) is committed to preserving and nurturing public access and participation in meetings of the City Council and boards, commissions, and committees (collectively, “legislative bodies”); and

WHEREAS, all meetings of the City’s legislative bodies are open and public, as required by Government Code sections 54950-54963 (the “Ralph M. Brown Act”) so that any member of the public may attend public meetings, watch the City’s legislative bodies conduct their public business, and participate by directly addressing the legislative bodies; and

WHEREAS, pursuant to Governor Newsom’s signing of Assembly Bill 361 (“AB 361”) on September 16, 2021, Government Code section 54953(e) provides for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, AB 361 applies to meetings during a proclaimed state of emergency and when state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, a state of emergency exists in California as a result of the threat of COVID-19 as proclaimed by Governor Newsom on March 4, 2020, and the state of emergency has not been terminated pursuant to Government Code section 8629; and

WHEREAS, the California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations; and

WHEREAS, other variants of COVID-19 exist, and it is unknown at this time whether other variants may result in a new surge in COVID-19 cases; and

WHEREAS, the CDC has established a “Community Transmission” metric with four tiers designed to reflect a community’s COVID-19 case rate and percent positivity, and

community transmission in Monterey County, as of January 31, 2022, is ranked as “high” (the most serious level) based on data collected by the CDC; and

WHEREAS, due to the severity of the current pandemic situation, the CDPH has required that all unvaccinated persons wear facial coverings indoors, and the CDC and CDPH recommend that all persons, regardless of vaccination status, wear facial coverings indoors; and

WHEREAS, due to the severity of the current pandemic situation in the County of Monterey, the Monterey County Health Department issued, on September 22, 2021, a recommendation to local legislative bodies recommending physical and social distancing strategies, including the use of remotely attended public meetings; and

WHEREAS, the City Council has an important governmental interest in protecting the health, safety and welfare of those who participate in meetings of the City’s legislative bodies subject to the Brown Act; and

WHEREAS, the City Council does hereby confirm the circumstances of the state of emergency and finds that meeting in person for meetings of the legislative bodies of the City would present imminent risks to the health or safety of attendees, and therefore that the legislative bodies of the City may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Section 54953; and

WHEREAS, in order to ensure that the public has full access to observe and participate in the public meetings of its legislative bodies, the City provides free internet-based public meeting attendance options, allowing members of the public to address the City’s legislative bodies directly in real time; and

WHEREAS, the City determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 (CEQA Guidelines), Article 20, Section 15378).

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

SECTION 1. The recitals set forth above are true and correct and are adopted by the City Council as findings in support of this Resolution.

SECTION 2. The City Manager, City Attorney, staff, and legislative bodies of the City are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

SECTION 3. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) September 15, 2022, or (ii) such time as the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Sand City may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the City Council of Sand City on this 16th, day of August, 2022, by the following vote:

AYES: Council Members

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Mary Ann Carbone, Mayor

Connie Horca, City Clerk

**AGENDA ITEM
6C.**

**Approval of City RESOLUTION Granting the
City Manager Authorization to Execute a
Water Assignment Agreement and Assign
up to 0.193 acre-feet of Water from the
Sand City Water Entitlement to Thomas H.
George Jr. for Tenant Improvements to an
Existing Commercial Building at 783
Redwood Avenue (APN 011-193-019)**

CITY OF SAND CITY

STAFF REPORT

AUGUST 3, 2022
(For City Council Meeting on August 16, 2022)

TO: Mayor and City Council

FROM: Charles Pooler, City Planner

SUBJECT: Water Allocation for Thomas H. George, Jr. & 783 Redwood Avenue

BACKGROUND

On April 20, 2021, the City of Sand City (the "City") approved Coastal Development Permit 21-02 to Thomas H. George Jr. of Coastal Fabrication Company (the "Applicant") to relocate and expand his ornamental iron fabrication workshop (Applicant' Use) into the commercial building at 783 Redwood Avenue (APN 011-193-019) in Sand City (the "Subject Property"). Upon approval of CDP 21-02, the Applicant completed his purchase of the Subject Property. The permit also authorized a number of renovations to the Subject Property, of which the Applicant now needs an allocation of water to proceed. Construction plans are currently under review with the Building Department and the project is close to issuance of a building permit; pending sufficient water allocation.

There is existing water credit based on floor area and use; however, additional water is necessary for the now added interior floor area within the building for office, production, and storage. The office and mezzanine improvements depend upon the City allocating water from its Water Entitlement (desalination facility) before the Mr. George can obtain a water permit from the Monterey Peninsula Water Management District (the "MPWMD") and a building permit from the City.

The intended improvements to the Subject Property qualify for a 'categorical exemption' under California Environmental Quality Act (CEQA) guidelines, section 15301 (existing facilities), whereby no further action under CEQA is necessitated for the allocation of water by the City to this Project.

CALCULATIONS

Water Demand:

Water allocation for the Subject Property is currently based upon a Group I category for the existing building square footage in accordance with the regulations of the MPWMD. The existing on-site credit is sufficient to accommodate the Applicant's operation, but is not enough for the added office and mezzanine square footage now intended for construction.

Commercial: The existing office area of 1,096 square feet will be removed that will provide a credit of 0.0767 af/y. The new office area of 2,337 square feet, a difference of 1,241 square feet, would need an additional 0.087 af/y allocation to supplement the credit. The proposed 2,135 square foot mezzanine will be ten feet (10') vertical from existing floor to bottom of mezzanine structural support, effectively creating standing head clearance below, and will require an allocation of 0.149 af/y. Taking into account the on-site credit, the new office and mezzanine floor areas require an allocation of 0.193 af/y.

Residential: There is no existing or proposed residential use of the Subject Property.

Landscaping: No exterior landscaping is proposed at this time.

The proposed interior improvements depend upon the City to allocate a total of 0.193 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

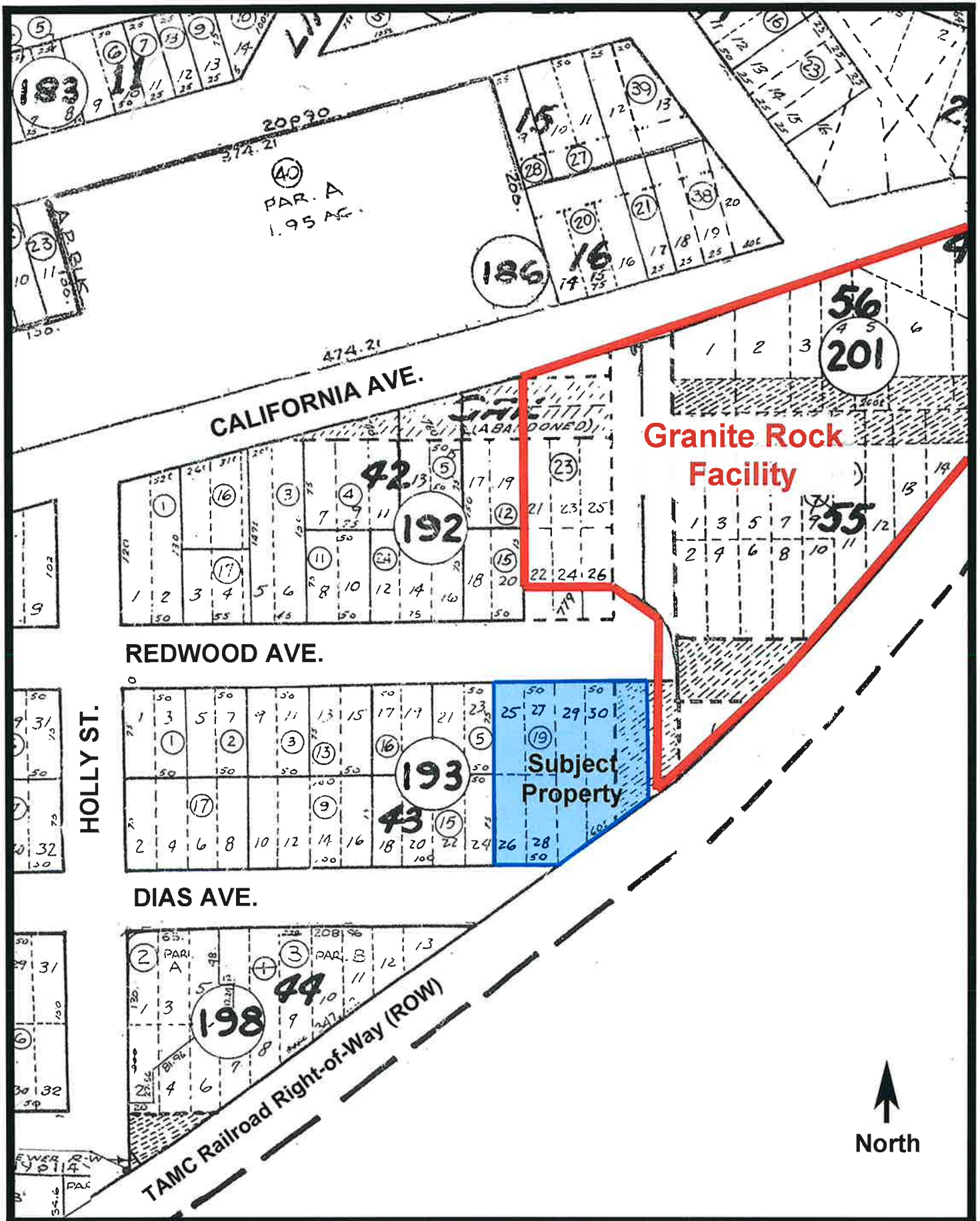
Staff recommends the City Council **APPROVE** the attached draft resolution allocating 0.193 acre-feet/year for commercial tenant improvements to an existing commercial building at 783 Redwood Avenue (APN 011-193-019).

Exhibits:

- A. Location Map
- B. Aerial Map (via Google Earth)
- C. Site Plan
- D. Floor Plans
- E. Applicant's Request Letter (dated 08/02/22)

Attachments:

1. Draft Resolution authorizing the execution of a water assignment agreement and assign up to 0.193 acre-feet/year of water allocation from the City's Water Entitlement (desalination facility) to Thomas H. George Jr. for tenant improvements to an existing commercial building at 783 Redwood Avenue (APN 011-193-019)



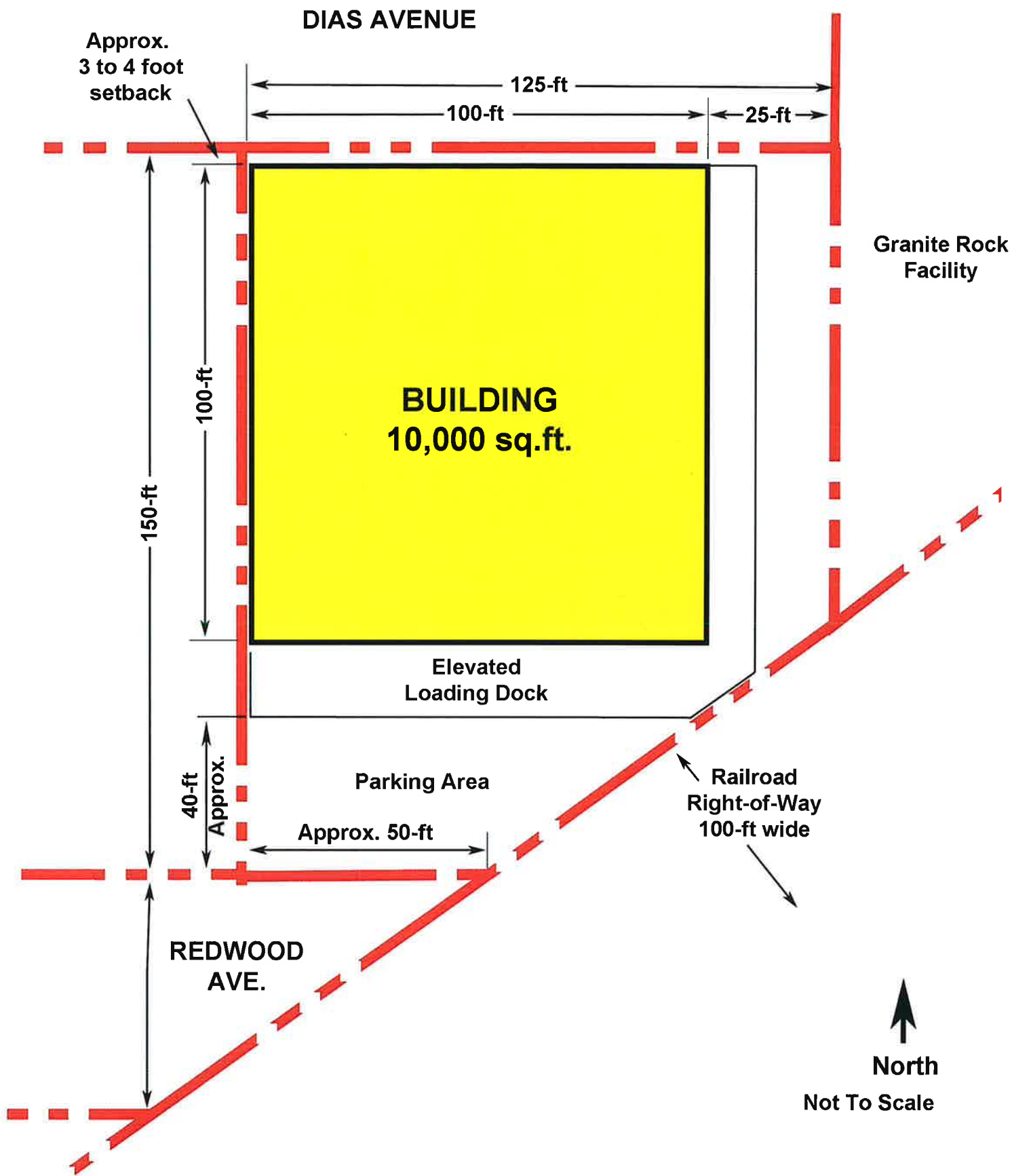
Location Map

EXHIBIT A



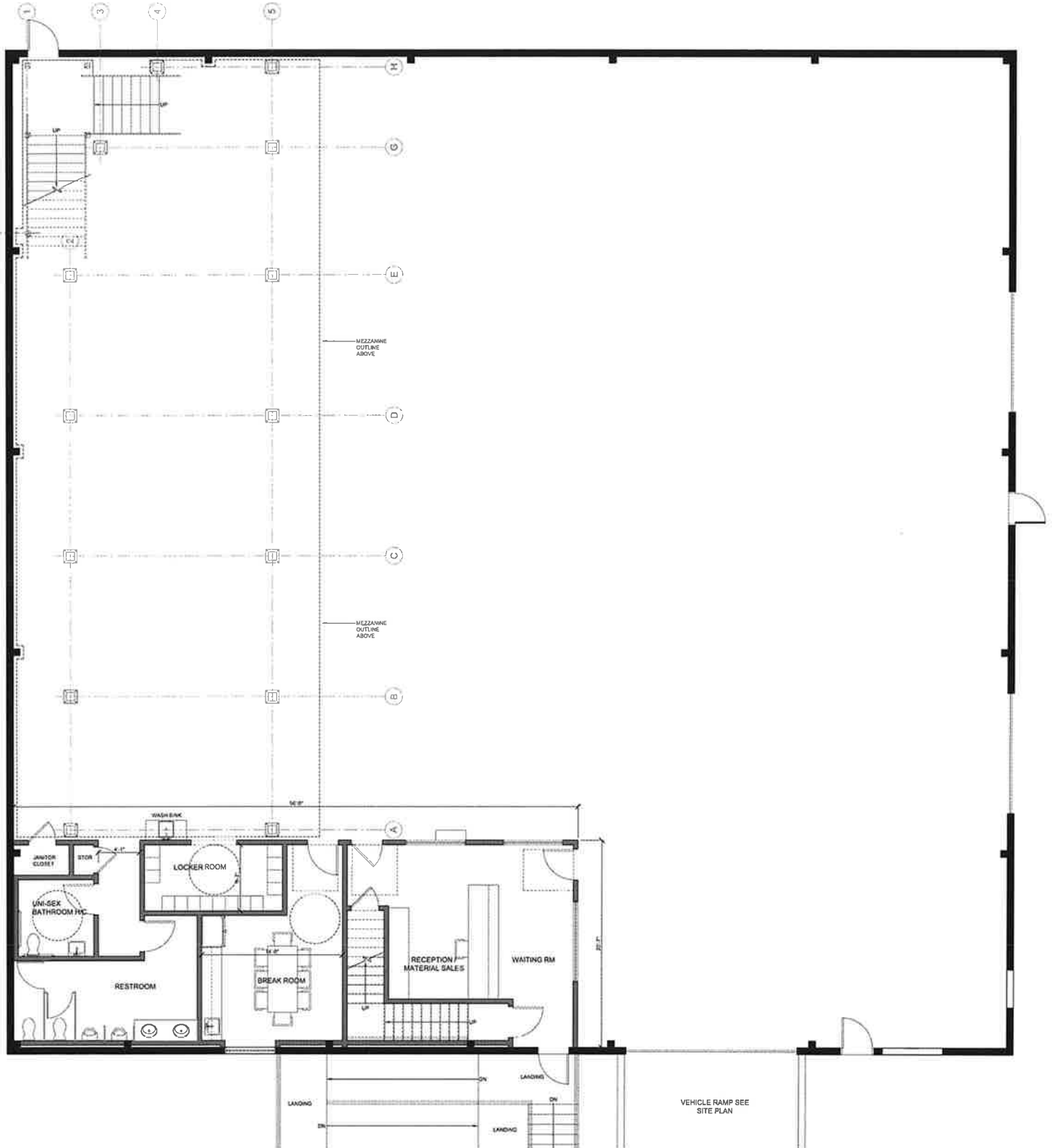
Aerial Map (via Google Earth)

EXHIBIT B



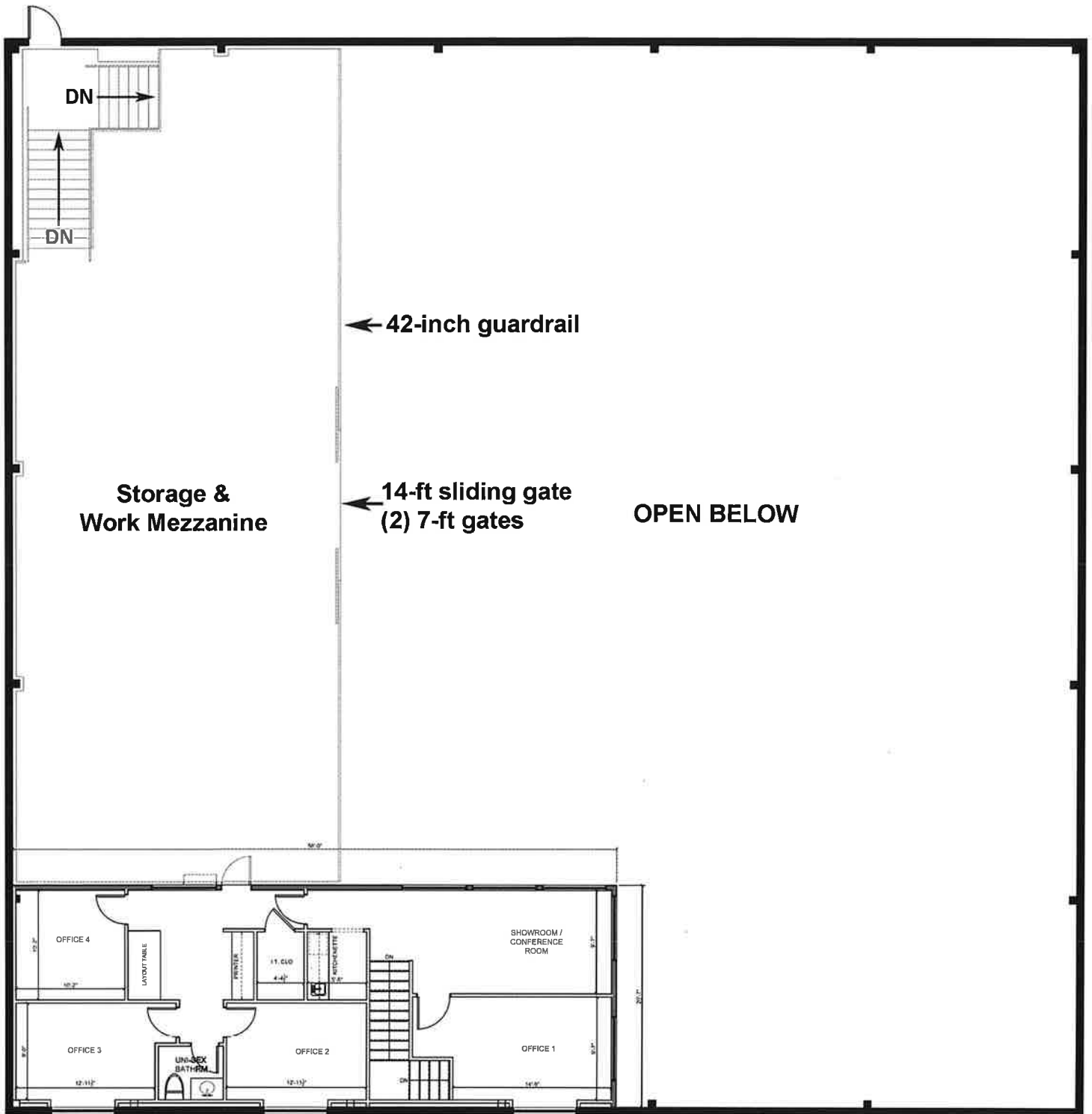
Site Plan - Existing Conditions

EXHIBIT C



Floor Plan - lower level

EXHIBIT D.1



Floor Plan (upper level-new)

EXHIBIT D.2



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DATE	BY	DWG HISTORY/REVISIONS
12/04/21	MB	APPROVAL, OWN, CONCEPT
01/11/22	K.C.	REWORKING PACKAGE

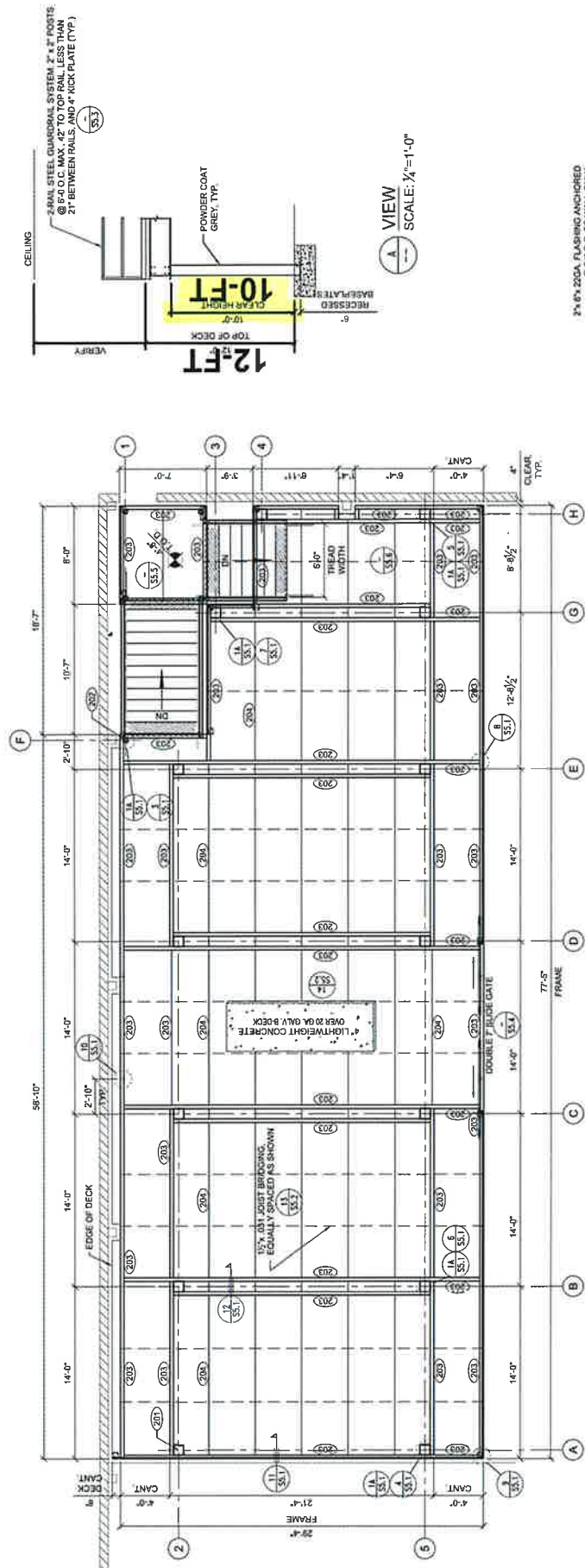
DECK FRAMING PLAN

APPROVED FOR CONSTRUCTION
DATE: 01/11/22
BY: K.C.

ST. LOUIS, MO 63146
INDOFF, INC.
P.O. BOX 46800
783 REDWOOD AVE
SAND CITY, CA 93955

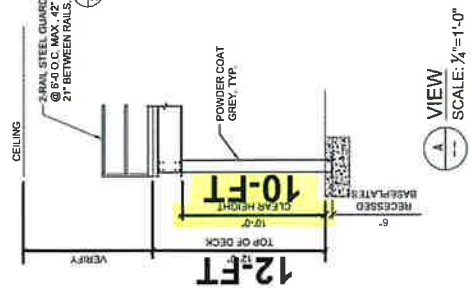
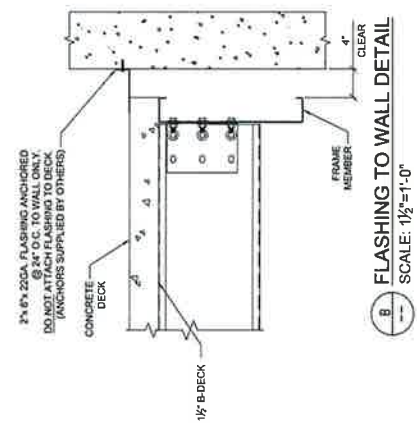


SHEET NUMBER: **S1.2**
SHEET 4 OF 10



DECK FRAMING PLAN

- (201) HSS 10" x 10" x 3/8" COIL TYP.
- (202) HSS 4" x 4" x 1/2" GA COIL TYP.
- (203) 20" x 30" x 10 GA. TYP.
- (204) 14" x 20" x 12 GA. JOIST



August 2, 2022

City Council of Sand City
Attn: Charles Pooler
1 Pendergrass Way
Sand City, CA 93955

Dear City Council of Sand City,

I am writing to request a water allocation for the tenant improvement project at 783 Redwood Ave. where we will be removing and rebuilding 1st and 2nd floor offices, adding a new storage mezzanine, retaining wall, handicap ramp and parking, new doors and windows, and upgrading the main electrical service. All of this work falls under Planning Department permit # CDP 21-02 issued in 2021. The additional floor area will require a water allocation to proceed. Plans are currently under review with the City's Building Department and issuance of a building permit is pending an allocation of water from the City.

The existing and proposed square footages are below.

		EXISTING			PROPOSED		
	SQFT	FACTOR	CAPACITY		SQFT	FACTOR	CAPACITY
OFFICES	1096	0.00007	0.07672	OFFICES	2337	0.00007	0.16359
WAREHOUSE	9421	0.00007	0.65947	WAREHOUSE	8795	0.00007	0.61565
MEZZANINE	0	0.00007	0	MEZZANINE	2135	0.00007	0.14945
TOTAL			0.73619	TOTAL			0.92869
DIFFERENCE	0.1925						

Based on the above calculations, the project will need 0.1925 acre-feet/year allocation.

Sincerely,



Thomas H. George, Jr.
P.O. Box 222278
Carmel, CA 93922

(831)760-0460
(831)394-7315

EXHIBIT E

CITY OF SAND CITY

RESOLUTION SC _____, 2022

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY GRANTING THE
CITY MANAGER AUTHORIZATION TO EXECUTE A WATER ASSIGNMENT
AGREEMENT AND ASSIGN UP TO 0.193 ACRE-FEET OF WATER FROM THE
SAND CITY WATER ENTITLEMENT TO THOMAS H. GEORGE JR FOR
TENANT IMPROVEMENTS TO AN EXISTING COMMERCIAL BUILDING AT
783 REDWOOD AVENUE (APN 011-193-019)**

WHEREAS, the City of Sand City (the “City”) issued Coastal Development Permit 21-02 (CDP 21-02) to Thomas H. George Jr. of Coastal Fabrication Company (the “Applicant”), to relocate and expand his ornamental iron fabrication workshop (Applicant’ Use) into the commercial building at 783 Redwood Avenue (APN 011-193-019) in Sand City (the “Subject Property”) and to implement tenant improvements to the Subject Property; and

WHEREAS, the staff report for CDP 21-02 outlined the potential need of additional water for proposed improvement to the Subject Property, which was deferred to a future time when construction plans were available to determine the amount of water that would be necessary for allocation; and

WHEREAS, upon City approval of CDP 21-02, the Applicant completed his purchase of the Subject Property and is now the Subject Property’s owner; and

WHEREAS, Mr. Thomas H. George, Jr. is ready to proceed with construction under CDP 21-02 on the Subject Property; however, the Subject Property needs supplemental water since existing on-site credit is insufficient for the additional office and mezzanine floor area necessary to obtain a water permit from the MPWMD and a building permit from the City; and

WHEREAS, the project architect has calculated that the additional 1,241 square feet of new office area and 2,135 square feet of new mezzanine will need 0.193 acre-feet per year (af/y) of water, verified by City staff, in accordance with the regulations of the Monterey Peninsula Water Management District (the “MPWMD”); and

WHEREAS, tenant improvements to an existing commercial building qualifies for a ‘categorical exemption’ under California Environmental Quality Act (CEQA) guidelines, section 15301 (existing facilities), 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 0.193 af/y portion of the Sand City Water Entitlement, produced from the Sand City water treatment facility, to the Subject Property for Mr. Thomas H. George Jr. enabling tenant improvements of an existing commercial building at 783 Redwood Avenue on assessor parcel 011-193-019.

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 0.193 acre-foot/year portion of the Sand City Water Entitlement and Water Use Permit to Mr. Thomas H. George, Jr. 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, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Connie Horca, City Clerk

Mary Ann Carbone, Mayor

**AGENDA ITEM
6D.**

**Approval of City Donation/Contribution 1)
Monterey County Fair - \$500**

Memo

To: Mayor and City Council
From: Vibeke Norgaard, City Manager 
Date: August 9, 2022 (for August 16, 2022 Council meeting)
Subject: Review of City Donation/Contribution

Attached is a request for support and contribution for fiscal year 2022-23. After reviewing this request, the following donation is recommended:

- Monterey County Fair - \$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".*



RECEIVED

FEB 07 2022

CITY OF SAND CITY

#S22-35

2022 Monterey County Fair Sponsorship Agreement for City of Sand City

This agreement between the 7th District Agricultural Association (further noted as Monterey County Fair) and City of Sand City has been entered into with the sole purpose to grant designation and rights to Safeway as an Official Sponsor of the Monterey County Fair, September 1st – September 5th, 2022. The parties hereby agree as follows:

- ◆ The Monterey County Fair will provide City of Sand City with exposure of logo and/ or name in the following marketing collateral.
Monterey County Fair *Thank You* Advertisement
- ◆ The Monterey County Fair will provide City of Sand City with advertising on the Digital Marquee at Fairground and Casa Verde Roads. The ad may be no larger than 18 characters per line and no more than 5 lines. The ad is due in a .txt or .doc format by July 1st, 2022.
- ◆ The Monterey County Fair will provide City of Sand City with the following hospitality package.
 - 4 One – Day Admission Passes
 - 1 Parking Pass
 - 2 Tickets to Premier Night
- ◆ City of Sand City agrees to pay \$500 to the Monterey County Fair. The signed sponsorship agreement and the sponsorship fee is due no later than July 1st, 2022.

City Of Sand City _____ Date _____

~~Aaron Blair~~ *Vibeke Norgaard*
1 Pendergrass Way
Sand City, CA 93955

Chris Garmon, Deputy Manager _____ Date _____

Monterey County Fair
2004 Fairground Road
Monterey, CA. 93940

**AGENDA ITEM
6E.**

**Approval of City RESOLUTION Confirming
Members of the Sand City Arts Committee
and New Appointment of Michelle Djokic**



City of Sand City

Staff Report

Agenda
Item

6E

To: Honorable Mayor and City Council Members
From: Connie Horca, City Clerk
Date: August 11, 2022 (for August 16, 2022 Council Meeting)
Subject: Resolution of the City Council of Sand City Confirming Members of the Sand City Arts Committee and New Appointments Michelle Djokic to the Sand City Arts Committee

Background

The Sand City Arts Committee presently consists of four (4) members due to the resignation of Kristen Fuentes in 2021. Several individuals have expressed their desire to serve as the fifth member of the Sand City Arts Committee.

As established in Resolution SC 95-73, members of the Sand City Arts Committee are appointed by the Mayor and ratified by the City Council. Michelle Djokic has expressed her desire to participate as a member on the Sand City Arts Committee, is a resident and business owner within Sand City, is committed to the community and has an avid love and passion for the arts. Michelle is also an accomplished instrumentalist and performs with other artists at SandBox, Sand City, a studio for collaborative and inclusive cultural events.

Should the Council confirm the new appointment of Michelle Djokic to serve on the Sand City Arts Committee her membership will originate upon approval of the attached resolution through January 31, 2023. The new Arts Committee Member will follow and adhere to the policy and recommendations as outlined in the attached Resolution SC 95-73 (Exhibit A).

Staff Recommendation

It is recommended that the City Council adopt the attached Resolution Confirming Members of the Sand City Arts Committee and New Appointment of Michelle Djokic.

**CITY OF SAND CITY
RESOLUTION SC ____, 2022**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY CONFIRMING
MEMBERS OF THE SAND CITY ARTS COMMITTEE AND NEW APPOINTMENT OF
MICHELLE DJOKIC**

WHEREAS, Resolution SC 95-73 established the structure and organization of the Sand City Arts Committee; and

WHEREAS, the Sand City Arts Committee is a body of five (5) members; and

WHEREAS, the Arts Committee's function is as set forth in Resolution SC 95-73, including to establish, promote and enhance artistic endeavors within Sand City and to advise and make recommendations to City Council regarding same; and

WHEREAS, according to resolution SC 95-73, Art Committee members are appointed by the Mayor and ratified by the City Council; and

WHEREAS, due to the resignation of Kristen Fuentes in 2021, a search to fill the vacancy was conducted, and a suitable candidate was appointed to fill the vacancy; and

WHEREAS, other volunteers who participate in Arts Committee events and meetings are considered "Friends of the Sand City Arts Committee" and not voting members.

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

1. Membership for the Sand City Art Committee will be through January 31, 2023 subject to annual appointment and/or reappointment thereafter;
2. The Sand City Arts Committee will follow the policy and recommendations as outlined in Resolution SC 95-73;
3. The following have been recognized as the official Sand City Arts Committee members: Chairperson Gregory Hawthorne, Dawn Peters, Shelby Hawthorne, Brian Clark, and Michelle Djokic.

PASSED AND ADOPTED by the Sand City Council on this ____ day of August, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Mary Ann Carbone, Mayor

Connie Horca, City Clerk

CITY OF SAND CITY

RESOLUTION SC 95-73 (1995)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY
ESTABLISHING THE SAND CITY ART COMMITTEE

WHEREAS, the City Council of the City of Sand City believes it is in the community's interest to establish and maintain a supportive program for artistic endeavors within Sand City; and

WHEREAS, the City Council wants to establish an Art Committee to assist in organizing a supportive program for the arts in Sand City.

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

1. That an Art Committee is hereby created to assist in the organization and maintenance of a community arts program in Sand City as specified below --
 - a. The Art Committee will be comprised of 5 members that are appointed by the Mayor and ratified by the City Council.
 - b. It will take a minimum of 3 members to be present to conduct a meeting and/or carry out business.
 - c. The Committee members will be selected from the City's art community.
 - d. The City Administrator, or designee, will serve as an advisor to this Committee. The Public Works Maintenance Supervisor will assist the Art Committee in its activities.
 - e. The Art Committee will serve on a volunteer basis with no financial compensation.
 - f. Any routine City expenditures required for Committee functions are subject to City Administrator review and approval. Significant expenditures, project or programs will require Budget Committee review and approval.
2. That the Arts Committee will have the following general functions and responsibilities --
 - a. To promote and enhance art programs and interests in Sand City.
 - b. To develop recommendations for and to advise the City Council/Redevelopment Agency on artistic matters in Sand City.
 - c. To supervise and coordinate the activities, programs, and exhibits of the Sand City Art Gallery.

Resolution SC 95-73

- d. To organize special or annual art events, projects or programs in Sand City subject to City Council review and approval.
- e. To solicit support and contributions for art programs in Sand City.

PASSED AND ADOPTED BY THE SAND CITY COUNCIL this 5th day of December, 1995 by the following vote:

AYES: Councilmembers Kline, Morris, Lewis, Pendergrass

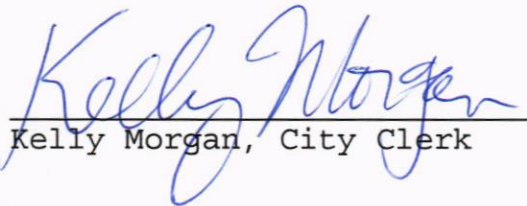
NOES: None

ABSTAINED: None

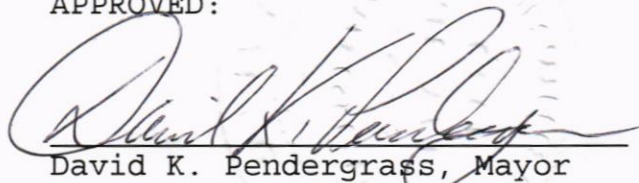
ABSENT: Councilmember Hansen

ATTEST:

APPROVED:



Kelly Morgan, City Clerk



David K. Pendergrass, Mayor

I certify, under oath, that the above is a true and correct copy of official records on file at City Hall.

ATTEST: _____
Deputy City Clerk

Date

**AGENDA ITEM
8A.**

**Consideration of SECOND READING and
ADOPTION of Ordinance of the City of
Sand City Amending Title 5 of the Sand
City Municipal Code by Adding Chapter 20
"Standards, Procedures, and Fees for
Short Term Rentals of Properties in Sand
City"**



City of Sand City

Staff Report

**Agenda
Item**

8A

TO: Honorable Mayor and City Council Members
FROM: Vibeke Norgaard, City Manager;
Adam Lindgren, City Attorney
DATE: August 11, 2022 (Meeting date: August 16, 2022)
SUBJECT: Short-Term Rentals Ordinance

Background:

On July 5, 2022, Council considered an amendment to the Sand City Municipal Code adding a Chapter 5.20 to regulate the use of Short Term rentals. The staff report for that agenda item is attached hereto as **Exhibit A**.

Staff subsequently discovered that a piece of legislation necessary to fully adopt the ordinance had not been included in the agenda packet. Staff and the City Attorney's office therefore requested re-adoption of the ordinance to correct an accidental but important processing error. The ordinance was approved by Council for first reading on July 19, 2022

Recommendation:

Adopt the ordinance attached to this report at Exhibit B.

Exhibits/Attachment:

A: Staff report from July 5, 2022
B: Ordinance



City of Sand City

Agenda
Item

8D

Staff Report

TO: Honorable Mayor and City Council Members
FROM: Vibeke Norgaard, City Manager; Adam Lindgren, City Attorney
DATE: June 30, 2022 (Meeting date: July 5, 2022)
SUBJECT: Short-Term Rentals Ordinance

Background:

At its May 9, 2022 council meeting, the City Council considered and conducted a first reading of a Short-term Rental ordinance in order to adopt a permit process to regulate Short Term Rentals operating in the City ("Ordinance"). The Ordinance is attached to this Staff Report as **EXHIBIT A**. On July 7, 2022, the Ordinance is before the Council to consider for adoption.

The Ordinance:

The Ordinance regulates short term rentals of privately owned residential dwellings rented for occupancy for thirty consecutive days or less ("STRs"). Short-term rentals include hosted and un-hosted rentals.

The provisions of the Ordinance include the following:

- That the STR not adversely affect the residential character of the neighborhood (e.g., by generating noise, odors, illegal parking).
- That the STR not be occupied by more than two occupants per bedroom plus a total of two additional Occupants.
- It prohibits group gatherings in excess of the occupancy limit of the dwelling.
- It prohibits signs on the exterior of the property advertising the Short-Term Rental use.
- Requires the STR is in a property approved for residential use (no trailers, yurts etc.), that bathroom facilities be accessible to the occupants and that sufficient parking be provided (one space for every two occupants over 16).
- Provides that no STR may occur in an affordable housing unit and/or workforce housing unit.
- Requires that a Short-Term Rental Site Manager be appointed and on

- call 24/7 when rented out to address concerns.
- Requires that transient Occupancy tax (TOT) be collected by the host and remitted to City.
- Requires that the Host indemnify and hold the City harmless.
- Established that STR permits will be in the name of the Owner of the real property and will be non-transferable.
- Establishes that the City will inspect all STR properties before issuing a permit.
- Establishes that the Council will set a cap on number of STRs in the City by resolution.
- Establishes a Short-Term Rental Permit Waitlist; applications received will be placed in order received.
- Establishes a priority on the waitlist for STRs operating within one year prior to March 1, 2022 – such STRs have sixty days from the effective date of the Ordinance to submit an application and will be required to pay 6 months of TOT.
- Permits expire one year after issuance and must be renewed annually before expiration.
- Allows for revocation under certain circumstances, including violations of the City Municipal Code; charges for criminal activity filed by the Monterey County District Attorney against an occupant; or the failure to timely respond to two complaints.
- Establishes procedures for a hearing when a person is denied a Short-Term Rental Permit, or has had a permit revoked (section 5.20.100).
- Allows the City Council to establish fees and charges to effectuate the purpose of the Ordinance.

CEQA:

The action to consider the Ordinance Amending the Sand City Municipal Code to Add Chapter 5.20 – Short-Term Rentals - is exempt from the California Environmental Quality Act (“CEQA”) under the general rule under Guidelines Section 15061(b)(3) because CEQA only applies to projects that have the potential for causing a significant effect on the environment and the Ordinance does not involve a commitment to any specific project that may cause a potentially significant physical effect on the environment.

Fiscal Impact:

No negative fiscal impact is expected, other than the time necessary for staff to prepare this report, and the administrative costs associated with processing of Short-Term Rental Permit applications, and performing inspections. The application and inspection fees, as well as permit renewal fees are intended to offset these costs. The collection of transient occupancy tax (TOT) will provide a positive fiscal impact in an amount that is difficult to determine at this stage as it depends on the number of short-term rental permits that are issued and the number of nights the rentals are rented out and at what price.

Recommendation:

Staff recommends Council adopt the Ordinance attached to this staff report as Exhibit A

Exhibits/Attachment:

A: Ordinance

CITY OF SAND CITY

ORDINANCE NO. __, 2022

AN ORDINANCE OF THE CITY OF SAND CITY AMENDING TITLE 5 OF THE SAND CITY MUNICIPAL CODE BY ADDING CHAPTER 20 “STANDARDS, PROCEDURES, AND FEES FOR SHORT TERM RENTALS OF PROPERTIES IN SAND CITY”

WHEREAS, the City Council of the City of Sand City (“City”) is aware of an unknown number of residential properties in the City operating as Short-Term Rental units; and

WHEREAS, many of the Short-Term Rental units do not currently collect Transient Occupancy Tax as required under the City’s Municipal Code; and

WHEREAS, the City currently has no comprehensive regulation of Short-Term Rentals to ensure the operation and use are compliant with building codes and health and safety regulations; and

WHEREAS, Short-Term Rentals may adversely affect the residential character of the neighborhood, generate noise, vibration, glare, odors, excessive foot traffic, excessive or illegal parking, or other effects that unreasonably interfere with any person’s reasonable enjoyment of his or her residence; and

WHEREAS, the City Council finds and determines that regulating operations of Short-Term Rentals in compliance with this Ordinance is a matter of City-wide importance and necessary for the preservation of the public peace, health, safety, and/or welfare of the community and is a valid exercise of the local police power and in accord with the public purposes and provisions of applicable State and local laws and requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAND CITY that the Sand City Municipal Code is hereby amended to add Chapter 5.20 “Standards, Procedures, and Fees for Short Term Rentals” in its entirety as follows:

Chapter 5.20 “Standards, Procedures, and Fees for Short Term Rentals

“5.20.010 Purpose and Intent

This Chapter authorizes short-term rental use of a dwelling unit for remuneration for less than thirty (30) consecutive days and establishes short-term rental permit requirements and limitations. This Chapter also sets regulations to enforce these requirements and limitations and collection and payment of fees and transient occupancy tax (“TOT”). For purposes of this Chapter, a short-term rental is intended to meet the definition of “Hotel” found in Section 3.24.020 of the Sand City Municipal Code.

5.20.020 Prohibition of Transient Use

The transient use or short-term rental of residential property by any owner, representative, responsible tenant, person acting as an agent, real estate broker, real estate sales agent, property manager, reservation service, or anyone who otherwise uses, arranges, or negotiates for the use of residential property for remuneration is prohibited, except as otherwise expressly permitted by this Chapter, and for which a short-term license is issued under this Chapter. The short-term rental of residential property without a license is a violation of this Chapter and enforced under Chapter 1.18 of the Sand City Municipal Code.

5.20.030 Definitions

“Advertising” means signs, circulars, cards, telephone books, newspapers, magazines, posters, email, mobile applications, television, radio, internet websites, social media, or any other representation implying or stating that a property is available for short-term rental use.

“Affordable Housing unit” means any property qualifying for affordable housing cost under Health & Safety Code § 50052.5.

“City Manager” means the City Manager of the City of Sand City or his or her designee.

“Host” means an owner or entity that rents out a Hosted rental to third parties for short-term rental use.

“Hosted rental” means a home-sharing activity whereby a portion of a primary residence is rented.

“Hosting platform” means a marketplace in whatever form or format that facilitates the short-term rental activity through advertising, match-making, or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

“Occupant” means any person who is on or in a short-term rental property other than service providers or the Owner, whether or not the person stays overnight.

“Owner” means the person(s) or entity(ies) that hold legal or equitable title to a dwelling.

“Short-term rental” or “STR” means a privately owned residential dwelling, such as but not limited to a single-family detached or multiple family attached dwelling, apartment house, condominium, cooperative apartment, duplex, mobile home on permanent foundation, or a manufactured home on permanent foundation, or any portion of such dwellings, rented for occupancy for dwelling, lodging or sleeping purposes for any period of thirty (30) consecutive days or less. Short-term rentals include Hosted and Un-hosted rentals.

“Short-term rental use” or “short-term occupancy” means the use, by any person, of residential property for transient lodging where the term of occupancy, possession, or tenancy of the

property by the person entitled to such occupancy, possession, or tenancy is less than thirty (30) consecutive calendar days.

“Short-term Rental Permit” or “STR Permit” shall authorize the short-term rental use of an entire dwelling unit.

“Short-term Rental Permit Cap” or “Cap” means the maximum number of Short-Term Rental Permits allowed to be issued under this Chapter.

“Short-Term Rental Permit Waitlist” or “Waitlist” means the list on which applications will be placed by the Planning Department when the number of permits issued by the City exceeds the Cap, and which will be used when permits for issuance become available.

“Short-term rental site manager” or “Site Manager” means the representative of the person or entity that owns a Short-term rental.

“Un-hosted rental” means a home-sharing activity whereby the Host remains off-site during the Occupant’s stay.

5.20.040 Short-Term Rental Regulations

A. Short-Term Rentals shall not adversely affect the residential character of the neighborhood, nor shall the use generate noise, vibration, glare, odors, excessive foot traffic, excessive or illegal parking, or other effects that unreasonably interfere with any person’s reasonable enjoyment of his or her residence.

B. It shall be unlawful for any person to advertise, undertake, maintain, authorize, book, or facilitate any renting to a transient Occupant on a Hosting Platform or otherwise, without first procuring and remaining in compliance with all conditions of a valid STR permit and any other requirement of this Chapter.

C. No person shall advertise or rent any STR without a City issued STR Permit number depicted in a visible location on the advertisement, including any listing on a Hosting Platform. No advertising of the STR is permitted on site.

D. STRs shall not be occupied by more than two (2) Occupants per bedroom plus a total of two (2) additional Occupants at one time. Except as otherwise prohibited by law, the maximum occupancy set forth in this section may be reduced in order to provide sufficient paved parking for Occupants. Sufficient paved parking means that there shall be one (1) paved parking space available at the property for every two (2) occupants sixteen (16) years of age or older.

E. All STRs shall have bathroom facilities accessible to Occupants.

F. Events, parties, or group gatherings in excess of the occupancy limit set in Section 5.20.040 D of the Sand City Municipal Code, including but not limited to weddings, banquets, and corporate events, are prohibited as part of any Short-Term Rental use.

G. No signs shall be posted on the exterior of the dwelling or on the property advertising the Short-Term Rental use.

H. No person shall offer or engage in a Short-Term Rental in any part of the property not approved for residential use, including but not limited to a vehicle parked on the property, a storage shed, shipping container, trailer, mobile home, garage, or temporary structure such as a tent or yurt.

I. Affordable housing units and/or workforce housing units shall not be eligible for a STR Permit.

J. Each Host must either act as or appoint a Short-Term Rental Site Manager who shall be on call 24/7, including holidays, when an occupant is renting the Short-Term Rental unit, to manage the Short-Term Rental unit and who shall respond to reported issues, contact the tenants regarding complaints received, and/or be physically present at the Short-Term Rental unit to address reported concerns.

K. Each Host or STR Site Manager shall respond within thirty (30) minutes from the time of notification of any issue to address concerns or complaints pertaining to, but not limited to: unreasonable use of the STR property, unreasonable noise or disturbance, disorderly or unlawful conduct, overcrowding of the STR unit, or any other requirement or limit in this Chapter or in the City's administrative policies and procedures.

L. Each Host or STR Site Manager must inform at least (1) responsible Short-Term Rental occupant regarding occupancy, parking, noise, trash collection schedules, and any other requirements or limits in this Chapter or in the City's administrative policies and procedures.

M. Each Host shall post a City-issued placard in a location visible at the front entrance. The placard shall prominently display the Site Manager's contact information, the STR Permit number, and occupancy limits. It shall be the responsibility of the Host to immediately notify the City and obtain an updated placard whenever there is a change in contact information or a change in any material fact upon which the STR Permit was issued.

N. Each Host shall maintain a valid STR Permit at all times and shall agree to collect and remit TOT (as described by Chapter 3.24 of the Sand City Municipal Code) on all gross receipts from Short-Term Rental use of the property.

O. Each Host shall sign an indemnification and hold harmless agreement in a form approved by the City Attorney, agreeing to indemnify, save, protect, hold harmless, and defend the City of Sand City, the City Council of City of Sand City, individually and collectively, and the City of Sand City representatives, officers, officials, employees, agents, and volunteers from any claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action, losses, liabilities, or costs received, incurred, or accrued as a result of, or arising out of the Host's or Site Manager's actions or inaction in the operation, occupancy, use, and/or maintenance of the STR.

P. Transient Occupancy Tax (TOT) shall be assessed for Short-Term Rentals under Chapter 3.24 of the Sand City Municipal Code.

5.20.050 Short-Term Rental Permit Application Requirements

To obtain a STR Permit, the STR Owner shall apply on forms provided by the City. Short-Term Rental Permit applications shall comply with all the terms, conditions, and requirements of this Chapter, including:

A. A STR permit application shall be in the name of the Owner of the real property proposed to be rented under this Chapter.

B. A STR shall be non-transferable, shall not run with the land, and shall be valid only at the site described in the application.

C. Each STR Permit application shall be signed by the Owner and include the following information:

1. Address of the Short-Term Rental unit.
2. Name, address, phone, and email contact information of the Owner of the Short-Term Rental unit.
3. Name and phone number of the Site Manager whose contact information is to be placed on a placard to be posted within the Short-Term Rental under Section 5.20.040 M of this Chapter.
4. A floor plan and site plan which shows the proposed use of each room in each building and structure.
5. Maximum occupancy of the Short-Term Rental Unit.
6. Number of paved parking spaces on the property.
7. A declaration that any applicable covenants, conditions, and restrictions are consistent with and would not prohibit issuance of a Short-Term Rental Permit for the proposed property.
8. Proof that the City has verified smoke and carbon monoxide alarms are installed and fire extinguishers and inaccessible locations.

D. Every application for a STR Permit shall be accompanied by the STR Permit Application Fee and Inspection Fee in the amounts established by resolution of the City Council.

E. The Director of the Planning Department, or his or her designee, shall inspect all properties in all STR Permit applications, including renewal applications before issuing a permit.

STR Permit applicants may have to make improvements or changes to the proposed STR property to ensure that the proposed STR property conforms with all plan area statements and building code standards that were in effect at the time of construction of the STR property and that no health and safety violations are present at the STR property.

F. The City Manager may deny an application for a STR Permit for any of the following reasons:

1. The application is incomplete or the full application fee has not been paid;
2. The application contains a false or misleading statement or omission of material fact;
3. The dwelling is subject to an enforcement action under any provision of the Sand City Municipal Code;
4. The applicant is delinquent on any payment to the City of any fees, penalties, taxes, or any other monies related to the property;
5. Within twenty-four (24) months of application, the applicant had a Short-Term Rental Permit revoked at the property subject to the application or any other property in the City;
6. The operation of a Short-Term Rental at the dwelling is a threat to the public health, safety, or welfare;
7. The number of Short-Term Rental Permits issued by the City has reached the Cap; and/or
8. Inspection of the Short-Term Rental property has shown that the proposed Short-Term Rental property does not conform with all plan area statements and building code standards that were in effect at time of construction of the Short-Term Rental property or that health and safety violations are present at the Short-Term Rental property that threaten the wellbeing of Occupants, neighbors or the community.

5.20.060 Short-Term Rental Permit Selection Process

A. The Cap shall be set and amended by resolution of the City Council.

B. All persons or entities interested in operating a STR may pay the application fee and apply for a STR Permit.

C. The filing date of the Short-Term Rental Permit application shall be the date when the Director of Planning officially received the last submission of information, payment, or materials required by subsections C and D of Section 5.20.050 of the Sand City Municipal Code. If the

Director of the Planning Department, or his or her designee, determines an application submittal is incomplete, a Short-Term Rental Permit applicant shall be notified of such incompleteness within thirty (30) calendar days of receipt of the Short-Term Rental Permit application by the Planning Department. If the Director of the Planning Department does not receive a complete application within an additional thirty (30) days after notification, the application shall be deemed abandoned and shall not be reviewed, and the applicant will not be placed on the Short-Term Rental Permit Waitlist.

D. All Short-Term Rental Permit applications, which have been deemed complete by the Director of the Planning Department, shall be placed on the Short-Term Rental Waitlist in the order of the application's filing date. Short-Term Rental Permit applications shall only be reviewed by the Development Services Director in the order of ranking as established by the Short-Term Rental Waitlist.

E. Upon the effective date of the Ordinance codified in this Section, any person or entity operating a Short-Term Rental within one year of and before March 1, 2022, shall have sixty (60) days from the effective date of the Ordinance to submit a Short-Term Rental Permit application in conformance with Section 5.20.050 of the Sand City Municipal Code to establish priority on the Short-Term Rental Waitlist. Short-Term Rental Permit applications submitted within sixty (60) days of the effective date of the Ordinance shall be deemed incomplete unless accompanied by all TOT required to be remitted to the City by the applicant from the six (6) months prior to the date the application is received by the City. For sixty (60) days from the effective date of the Ordinance, only Short-Term Rental Permit applications from persons or entities operating a Short-Term Rental within one year of and before March 1, 2022, will be accepted. Upon the expiration of this sixty (60) day period, all other persons or entities may submit a Short-Term Rental Permit application.

F. The Director of the Planning Department shall review Short-Term Rental Permit applications and inspect Short-Term Rental properties in the order received until all applications on the Short-Term Rental Permit Waitlist have been reviewed or until the City determines the Cap has been reached.

5.20.070 Expiration and Renewal of Short-Term Rental Permits

A. A STR Permit shall expire one (1) year from issuance.

B. STR Permits must be renewed annually before expiration by filing a renewal application accompanied by the renewal fee (as established by resolution of the City Council) and the Inspection fee with the Director of the Planning Department.

C. If a timely renewal application is filed, the STR Permit shall not expire until the date that the Director of the Planning Department approves or denies the renewal application. If a timely renewal application is not filed, the STR Permit shall expire and shall be considered null and void.

D. A STR may not be renewed if the STR Host does not meet the renewal requirements, including:

1. The timely filing of a renewal application;
2. payment of the renewal fee;
3. payment of the inspection fee;
4. payment of the business license tax as described more fully in Chapter 5.04 of the Sand City Municipal Code.
5. the Host is deemed to have substantially conformed with this Chapter for the preceding year;
6. the Host documents and provides any changes that have occurred to the information in the current STR Permit or application; and
7. completion of a rental inspection as described in this Chapter; and
8. remittance of TOTs due from the STR use of the property.

5.20.080 Revocation of Short-Term Rental Permit

A. A STR Permit issued under the terms of this Chapter may be revoked by the Director of the Planning Department at any time if he or she concludes any of the following:

1. The Host or property owner is not current on TOTs and has not paid all said taxes to the City in full by the date upon which said taxes became due.
2. There have been two (2) or more upheld citations for violations of the City Municipal Code which citations were issued during two (2) separate events and/or calls for service for violations of the City Municipal Code at the Short-Term Rental Unit, on two (2) different dates within any twenty-four (24) month period. For purposes of this Section, upheld citations means citations, which were neither overturned on appeal nor dismissed.
3. Any event occurs at a Short-Term Rental property in which charges for criminal activity are filed by the Monterey County District Attorney against an Occupant of the Short-Term Rental property.
4. The Host submitted a Short-Term Rental Permit Application containing a material misrepresentation or omission of a material fact.
5. There has been a transfer or attempt to transfer a STR Permit to another person, entity, or property.

6. A change occurs in any material fact upon which the STR Permit was issued where the change was not reported to the City within fourteen (14) days.
7. The Host failed to timely respond to two (2) complaints pertaining to any of the following: unreasonable use of the Short-Term Rental property, unreasonable noise or disturbance, disorderly or unlawful conduct, overcrowding of the Short-Term Rental unit, or any other requirement or limit in this Chapter.
8. The Host fails to post and maintain a City-issued placard in a location visible at the front entrance displaying the Short-Term Rental Host's contact information, the Short-Term Rental Permit number, and occupancy limits or advertises the Short-Term Rental without identifying the STR Permit number.

5.20.090 Enforcement

A. Any use or condition caused or permitted to exist in violation of this article shall be and is declared a public nuisance and may be summarily abated by the City under Code of Civil Procedure Section 731, Sand City Municipal Code Section 1.16.010, or any other remedy available to the City.

B. Any use or condition caused or permitted to exist in violation of any provision of this Chapter shall be charged as a misdemeanor pursuant to Section 1.16.020 of the Sand City Municipal Code.

C. Where a Short-Term Rental Host or Site Manager of the Short-Term Rental alone reports a violation of any provision of this Article, which violation was caused or permitted to exist by the Short-Term Rental occupants, the City shall not issue a citation to said Short-Term Rental Host or Site Manager and shall only issue a citation, where warranted, to the occupants.

D. Owners or their agents found operating a Short-Term Rental without a permit after October 31, 2022 shall be fined according to a schedule established by resolution of the City Council.

5.20.100 Hearing and Appeal of Denial or Revocation

A. Any person denied a Short-Term Rental Permit, or any person whose Short-Term Rental Permit has been revoked may request a hearing from the City Attorney. The request for a hearing must be in writing and must be made within ten (10) calendar days from the decision denying or revoking the Short-Term Rental Permit. Upon receiving a written request for a hearing, the City Attorney or his/her delegate shall set the matter for a hearing within twenty-one (21) days thereafter and shall set forth in writing and send to the applicant or permittee by registered mail, certified mail, or hand delivery, notice of the date, time, and place of the hearing at least five (5) days before the hearing date. The hearing shall be conducted to determine the existence of any facts which constitute grounds for the denial or revocation of a Short-Term Rental Permit. The hearing shall be conducted by a hearing officer, appointed by the City

Attorney. The applicant or permittee may have the assistance of counsel or may appear by counsel and may present evidence. If the applicant or permittee fails to appear at the hearing, the evidence or the existence of facts which constitute grounds for denial or revocation of the license or permit shall be considered un rebutted. A copy of the decision of the Hearing Officer specifying findings of fact and the reasons for the decision shall be furnished to the applicant or licensee. The Hearing Officer shall inform the Party against whom the decision is rendered of his or her right of appeal under Section 5.20.100.C of the Sand City Municipal Code.

B. The effect of a decision by the Hearing Officer shall be stayed while an appeal to the City Council is pending or until the time for filing such appeal has expired. If an appeal is not timely filed, the decision of the Hearing Officer shall be final.

C. Within ten (10) days after receipt of the decision of the Hearing Officer, any Party affected by the decision may file with the City Clerk a written request for a public hearing before the City Council. Upon filing such a request, the City Clerk shall within twenty-one (21) days thereafter set the matter for a hearing and shall notify the applicant of the date, time, and place of such hearing at least five (5) days before the hearing date. At the hearing, any person may present evidence opposing, or in support of, appellant's case. At the conclusion of the hearing, the City Council shall either grant or deny the appeal. The decision of the City Council shall be final.

5.20.110 No Property Rights Conferred

Short-Term Rental Permits shall not be construed as providing property rights or vested interests and entitlements in continued operation of a Short-Term Rental. Short-Term Rental Permits are revocable licenses, which expire annually.

5.20.120 Fees

The City Council may establish and set by resolution all fees and charges as may be necessary to effectuate the purpose of this Chapter.

5.20.130 Administration

The City Manager, or designee, shall have the authority to establish administrative rules and regulations consistent with this Chapter for interpreting, clarifying, carrying out, furthering, and enforcing the requirements and provisions of this Chapter.

5.20.140 Severability

If any provision or clause of this Chapter or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other section provisions or clauses or applications, and to this end, the provisions, sections, and clauses of this ordinance are declared to be severable."

SECTION 3. CEQA DETERMINATION. This Ordinance is exempt from the California Environmental Quality Act (“CEQA”) under the general rule under Guidelines section 15061(b)(3) because CEQA only applies to projects that have the potential for causing a significant effect on the environment and the Ordinance does not involve a commitment to any specific project that may cause a potentially significant physical effect on the environment.

SECTION 4. EFFECTIVE DATE. This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this Ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Monterey Herald, the official newspaper of the City of Sand City, setting forth the title of this Ordinance, the date of its introduction and the places where this ordinance is posted.

SECTION 5. CODIFICATION. The City Clerk is hereby authorized and directed to codify the provisions of this Ordinance into the Sand City Municipal Code.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sand City held on this ____ day of _____, 2022 by the following vote:

AYES: Councilmembers
NOES: Councilmembers
ABSENT: Councilmembers
ABSTAIN: Councilmembers

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

Connie Horca, City Clerk

5105734.6

**AGENDA ITEM
9A.**

**Consideration of City RESOLUTION
Establishing a Short-Term Rental Permit
Cap and Adopting a Short Term Rental
Permit Application Fee and Inspection Fee
and a Short Term Rental Renewal Fee and
Rescinding Prior Resolution SC 22-58, 2022**



City of Sand City

Agenda
Item

9A

Staff Report

TO: Honorable Mayor and City Council Members
FROM: Vibeke Norgaard, City Manager
Adam Lindgren, City Attorney
DATE: August 11, 2022 (For August 16, 2022 City Council meeting)
SUBJECT: Resolution establishing a short-term rental permit cap and adopting fees

Discussion/Background:

At its July 19, 2022 meeting, the Council considered and conducted a first reading of a Short-term Rental ordinance to adopt a process for permitting Short Term Rentals operating in the City. ("Ordinance"). On August 16, 2022, the Council will consider the Ordinance for adoption. The Council previously considered both the ordinance and the resolution but due to a missing piece of legislation in the previous agenda packet, staff has brought both the ordinance and the resolution back to Council for its reconsideration and approval to ensure that it is validly adopted.

The Ordinance, if adopted, will authorize the City Council to establish a maximum number of Short-Term Rentals operating in the City by setting a cap on the number of Short-Term Rental Permits issued by the City. It will also authorize the City Council to establish fees to offset the cost of providing the permits. The resolution, if approved, will rescind the prior resolution, set the cap and establish the fees.

Cap on Permits:

Staff has analyzed the existing number of short-term rentals and consulted with the City Attorney regarding the recommended cap on short term rentals. While the exact number is not easy to establish, there are approximately 14-15 short term rentals operating in Sand City. Staff is recommending setting the cap at 15.

Fees:

The Ordinance also authorizes that Council establish by resolution all fees and charges necessary to effectuate the purpose of the Ordinance including a Short-Term Rental

Permit Application and Inspection Fee, to defray the costs of the City to administer and enforce the Short-Term Rental rules.

Staff has analyzed the potential cost to administer and enforce the Short-Term Rental rules, including the cost of inspecting the rentals.

Based on that analysis, staff is recommending that the fees be established in the following amounts:

- \$638 for the Short-Term Rental Permit Application and Pre-Approval Inspection Fee; and
- \$197 for the Short-Term Rental Renewal and Compliance Inspection Fee.

The detailed cost analysis is available upon request.

CEQA:

The action to consider a resolution establishing a short-term rental cap and setting of fees is exempt from the California Environmental Quality Act (“CEQA”) under the general rule under Guidelines Section 15061(b)(3) because CEQA only applies to projects that have the potential for causing a significant effect on the environment and the Ordinance does not involve a commitment to any specific project that may cause a potentially significant physical effect on the environment.

Fiscal Impact:

There is no fiscal impact associated with this action. The fees established would offset any cost associated with providing the permits.

Recommendation:

It is recommended that Council approve the resolution attached to this staff report as **Exhibit A**.

Exhibits:

Exhibit A: Resolution

**CITY OF SAND CITY
RESOLUTION SC _____, 2022**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY ESTABLISHING A
SHORT TERM RENTAL PERMIT CAP AND ADOPTING A SHORT-TERM RENTAL PERMIT
APPLICATION FEE AND INSPECTION FEE AND A SHORT-TERM RENTAL RENEWAL FEE
AND RESCINDING PRIOR RESOLUTION SC 22-58, 2022**

WHEREAS, on August 16, 2022, the City of Sand City Council adopted Ordinance SC 22-02 to adopt a process for permitting Short Term Rentals operating in the City; and

WHEREAS, whereas Ordinance SC 22-02 authorizes the City Council to establish a maximum number of Short-Term Rentals operating in the City by setting a cap on the number of Short-Term Rental Permits issued by the City; and

WHEREAS, the City Council desires to set the cap on the number of Short-Term Rental Permits issued by the City at fifteen (15); and

WHEREAS, Ordinance No. 2022-02 authorizes a Short-Term Rental Permit Application and Pre-Approval Inspection Fee and Short-Term Rental Renewal and Compliance Inspection Fee to defray the costs of the City to administer and enforce the Short-Term Rental rules; and

WHEREAS, the City desires to establish such fees in the amount of Six Hundred Thirty-Eight Dollars (\$638) for the Short-Term Rental Permit Application and Pre-Approval Inspection Fee, and in the amount of One Hundred Ninety-Seven Dollars (\$197) for the Short-Term Rental Renewal and Compliance Inspection Fee; and

WHEREAS, the proposed permit fees that are the subject of this Resolution were considered by the City Council at a meeting on August 16, 2022, at which interested persons were afforded an opportunity to be heard on such proposed fees; and

WHEREAS, after receiving the evidence and any testimony presented at the meeting, the City Council found that the fees established by this Resolution do not exceed the estimated reasonable costs of providing the services for which the fees are charged.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Sand City hereby rescinds Resolution SC 22-58.

BE IT FURTHER RESOLVED, that the City Council of Sand City establishes that the number of valid Short-Term Rental Permits issued by the City at any one time shall not exceed fifteen (15).

BE IT FURTHER RESOLVED, that the City Council of Sand City approves the Short-Term Rental Permit Application and Pre-Approval Inspection Fee in the amount of \$638.

BE IT FURTHER RESOLVED, that the City Council of Sand City approves the Short-Term Rental Renewal and Compliance Inspection Fee in the amount of \$197.

Resolution SC ____, 2022

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Sand City, this ____ day of August, 2022 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

Connie Horca, City Clerk

**AGENDA ITEM
9B.**

**Consideration and Approval of City
RESOLUTION Approving a Special Permit
for a Bicycle Criterium Race to be held on
September 11, 2022 within the City of
Sand City**



City of Sand City

Staff Report

**Agenda
Item**

9B

TO: Honorable Mayor and City Council Members
FROM: Vibeke Norgaard, City Manager
DATE: August 11, 2022 (Meeting date: August 16, 2022)
SUBJECT: Special Event Permit –
Bicycle criterium race September 11, 2022

Background:

On February 15, 2022, Council received a presentation by Tom McCullough who was proposing a bicycle criterium race within the City. Also, on February 15, 2022 the Council approved September 11, 2022 as the date to hold the event.

Staff has prepared application materials for the application of a special event permit. Mr. McCullough. ("Applicant"), has worked closed with City Staff to complete his application over the last several months. Please find the Applicants application attached as Exhibit B to this staff report.

Section 18.94 of the Sand City municipal code requires that council review and consider for approval special event permits. The municipal code also requires that certain showings be made on the part of the applicant. The showings required by the municipal code have been incorporated into the application materials City staff has developed.

Mr. McCullough has also requested that the City waive the \$500 application fee in exchange for the City sponsoring a race.

Recommendation:

Staff recommends approving the special permit application attached to this staff report as Exhibit B for a bicycle criterium race to be held in Sand City on September 11, 2022. Given that the City has never before issued the permit, and given Mr. McCullough's extreme patience working through the application process with the City, staff is also recommending that the City grant his request to waive the application fee in exchange for a Sand City sponsored race during the criterium.

Exhibits

A: Resolution

B: Application for Bike Criterium

CITY OF SAND CITY

RESOLUTION SC ___, 2022

RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING A SPECIAL PERMIT FOR A BICYCLE CRITERIUM RACE TO BE HELD ON SEPTEMBER 11, 2022 WITHIN THE CITY OF SAND CITY

WHEREAS, on February 15, 2022 the Council received a presentation by Tom McCullough to coordinate and conduct a Bicycle Criterium Special Event in Sand City; and

WHEREAS, bicycle criteriums are known as cycling races that require a mixture of fitness and strategy, often raced on a closed-circuit course and are typically a mile long; and

WHEREAS, the Bicycle Criterium Special Event will be hosted by the Monterey Bike Racing Team, sponsored by the Don Chapin Company, and scheduled to be held on Sunday, September 11, 2022; and

WHEREAS, the Sand City Municipal Code, Section 18.94 requires that the Council review and consider for approval special event permits, and that certain showings be made on the part of the applicant; and

WHEREAS, Council finds that the showings required by Sand City Municipal Code, Section 18.94 have been made in the Applicant's completed application which is attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Sand City does hereby approve the attached Special Event Permit Application and the Bicycle Criterium Race Special Event.

PASSED AND ADOPTED by the City Council of the City of Sand City this ___, day of August, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

Connie Horca, City Clerk



Thank you for contacting the City of Sand City regarding your special event permit. We look forward to working with you to make your event a success and to keep our City running smoothly for all of the people who live, work, and visit Sand City.

Your event will most likely require City permits whether it is on public or private property. Depending on the type of event you are planning, various City departments may be involved in the process, with overall coordination managed through the City Manager's Office, Police Department, or Planning Department.

This packet of information will begin the application process for your event and includes a checklist of information you need to submit. Please provide as much information as you can.

Permits that may be required for your event, including the following, can be found online at sandcity.org or at City Hall:

Temporary Encroachment Permit for events on public property or on private property where signs are in the public right-of-way

Special Event Permit for any event in public parks or on the Recreation Trail

Facility Use Application for any use of the City's facilities such as the art park or the city hall chambers

Temporary Business License for any event involving the sale of goods or services

Film Permit for filming anywhere in the City

Other permits that may be required by agencies outside of the City include:

Alcohol Permit for events serving and/or selling alcohol (California ABC)

Temporary Food Facility Permit for events serving and/or selling food (Monterey County Health Department)

Coastal Commission Permit for events near the waterfront (California Coastal Commission)

Once your completed application is received by the City, it will be circulated to the appropriate City departments for review. The City will contact you with any questions. Please submit your completed application to:

City Hall
City of Sand City
1 Pendergrass Way
Sand City, CA 93955

Thank you for your interest in bringing your event to Sand City!

Event Checklist

Please submit all information **at least 60 days prior** to your event. If your event will draw more than 500 people, please submit all information **at least 90 days in advance**. Applications received after these deadlines will not be accepted.

Applications should include the following information:

- _____ Event Application
- _____ Encroachment Permit Application (if applicable) with the following:
 - _____ Site Plan and Route Map (showing fences, barricades, tents, banners, stages, etc.)
 - _____ Proposed Load-in and Load-out Plan (set-up, road closures, etc.)
 - _____ ADA Awareness
 - _____ Security Information
 - _____ Marketing/ Advertising (banners, graphics, lighting, etc.)
 - _____ Entertainment and Related Activities
 - _____ Proposed Alcohol Use
 - _____ Food Concession or Preparation
 - _____ Restrooms
 - _____ Waste Management and Recycling
- _____ Site Specific Contract (if applicable) with the following:
 - _____ Insurance
 - _____ Hold Harmless Agreement

Date Received: _____

By: _____



CITY OF SAND CITY PLANNING DEPARTMENT Special Event Permit Application Form

Applications for events must be submitted to the City Hall at least 60 days prior to the event. Applications for events with 500 or more participants, and/or events that will close streets, sidewalks, or parking lots must be submitted at least 90 days prior to the events. The City will not accept incomplete applications.

EVENT TYPE (Circle One):

Festival/ Fair ☒ Race/ Walk/ **Bike** Parade/ March Sports/ Recreation Other: _____

EVENT NAME: __ Sand City Criterium - 2022 Junior's and Master's District Championship__

LOCATION: __ 625 Ortiz Avenue_____

DATE(S): __ September 11, 2022_____ **TIME(S):** __ 7:00am - 6:30pm_____

SET-UP DATE/TIME: __Sept 10 / 6pm - 9pm__ **TAKE-DOWN DATE/TIME:** __Sept 11 6:30pm - 9pm__

Estimated **NUMBER OF PARTICIPANTS** (including staff): __ 500_____

Registration/ Ticket/ Entrance **FEE** (if applicable): \$50/racer

SPONSORING ORGANIZATION: __ Monterey Bay Racing Team_____

☒ Non-Profit (attach 501(c)(3)) ☐ Private Business ☐ Government/ Public Entity

CONTACT PERSON/ TITLE: __ Tom McCullough_____

ADDRESS (No PO Boxes): __ 608 Scott Street_____

CITY/STATE/ZIP: __ Sand City CA 93955_____

DAYTIME PHONE: __ (408) 375-3011_____ **FAX:** _____

EMAIL ADDRESS: __ tom.mccullough82@gmail.com_____

PHONE NUMBER DURING THE EVENT: __ (408) 375-3011_____

Is this an **ANNUAL EVENT**? ☒ Yes ☐ No

Please carefully read the following statement and sign below:

I, the undersigned applicant, or authorized agent thereof, affirm that the matters stated in the forgoing application are true and correct upon my personal knowledge and information for the purpose of requesting the City of Sand City to issue the approval(s) herein applied for, that I am qualified and eligible to obtains the approval applied for and agree to pay all fees associated with the special event and any additional regulations, conditions, or restrictions set forth with the City of Sand City Municipal Code, the State of California, and the United States of America in the conduct of the special event as described herein. I understand that failure to supply accurate information will result in denial or revocation of applicable approval(s).

☒ Location of stages, bleachers, grandstands, canopies, tents, portable toilets, booths, cooking areas, trash containers, dumpsters, and other temporary structures - tents and food trucks will be located in the parking lot and patio area in front of Post no Bills. Porta potties and trash containers will be placed there as well.

☒ Location of generator(s) and/or source(s) of electricity - there will be a DJ and race timing officials at the start/finish (Ortiz/Hickory). They will have their own sources of power.

☐ Identification of all handicapped accessible areas that meet ADA standards - not applicable. Sidewalks and other public areas will not be blocked and currently meet ADA standards.

☒ Traffic Control Plan (TCP) - included as an attachment.

PEDESTRIAN SAFETY

Be sure pedestrians have a safe route to walk and/or are protected throughout the entire traffic control area before submittal of the Traffic Control Plan (TCP) for review.

Show all pedestrian entry, paths, and exists on the TCP.

Clearly state the Manual Uniform Traffic Control Devices (MTUCD) sign number, size, description, height, and locations of all signs and other traffic control devices including fences and barricades within the pedestrians' safe route to walk, on the TCP.

PARKING RESTRICTIONS

"No Parking Tow Away" signs must be posted 72 hours prior to the event. Vehicles will not be towed if the area is not properly posted.

TRAFFIC CONTROL PLAN

The City requires City Manager and Police Chief approval of all TCP's before any TCP can be implemented.

Should City staff at the event find potential hazards toward traffic and/or pedestrian safety, they can modify the TCP during the event.

Security Information

Have you made arrangements for security? ☒ Yes ☐ No

If yes, what form of security will you be using? (Check all that apply)

☐ Licensed professional security company ☒ I would like to discuss use of the Sand City Police Department ☐ Other: _____

If using a licensed security company, please complete the following:

NUMBER OF SECURITY PERSONNEL: _____

NAME OF COMPANY: _____ **ADDRESS:** _____

CITY: _____ **STATE:** _____ **ZIP:** _____

DAYTIME PHONE: _____ **EVENING:** _____

PRIVATE PATROL OPERATORS LICENSE NUMBER: _____

LICENSE TO CARRY FIREARMS: ☐ Yes ☐ No

Marketing/ Advertising

Will this event be **ADVERTISED** or **PROMOTED**? ☒ Yes ☐ No

If yes, please explain :NCNCA has selected this race for the District/NorCal State Championships for Juniors and Masters racers. It will be advertised on their site, NCNCA.org, on bikereg.com (where participants will register for the races), on social media (FB, Instagram and YouTube), and we will place a press release with all local papers__

Will there be **MEDIA COVERAGE** at the event? ☒ Yes ☐ No

If yes, please explain :__We are contacting local radio stations for promotion and DJ services.

Will signs, banners, or lights be utilized as a **SOURCE OF ADVERTISEMENT**? ☐ Yes ☒ No

If yes, please explain:_____

NOTE: All banners, signs, and lighting must be approved by the City.

Entertainment and Other Activities

Will your event feature entertainment? ☒ Yes ☐ No

If yes, complete the following or provide an attachment that lists all performers, types of music, and sound check and performance schedules.

NUMBER OF STAGES: 1 NUMBER OF PERFORMERS: 1

PERFORMER NAME(S)	TYPE(S)
DJ to be selected	Music
TBD	Event announcer

Will **SOUND CHECK** be conducted prior to the event: ☒ Yes ☐ No

If yes: **START TIME:** 7am **FINISH TIME:** 7:30am

Will **AMPLIFICATION** be used: ☒ Yes ☐ No

If yes: **START TIME:** 7:30am **FINISH TIME:** 6:30pm

Please describe the **SOUND EQUIPMENT** that will be used for the event:

Mic, speakers

Will **GENERATORS** be used: ☒ Yes ☐ No

If yes what **TYPE:** TBD **NUMBER OF GENERATORS :** TBD

Proposed Alcohol Use

Does the event involve the use of alcoholic beverages? ____ Yes _X_ No

Please check all that apply:

____ Free/ host alcohol

____ Alcohol sales

____ Host and sale alcohol

____ Beer

____ Beer and Wine

____ Beer, Wine, and Distilled alcohol

If the event involves the use of alcoholic beverages, please complete the following:

PROPOSED HOURS ALCOHOL WILL BE SERVED: _____

Will you be hiring a **LICENSED BARTENDER/ CATERER**: ____ Yes ____X No

If yes, please provide the following:

NAME OF LICENSED BARTENDER/ CATERER: _____

ALCOHOLIC BEVERAGE CONTROL LICENSE NUMBER: _____

CONTACT PERSON/ TITLE: _____

DAYTIME PHONE: _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

Food

Will food be served at the event? ☒ Yes ☐ No

Will your event include food concessions, booths, and/or preparation areas? ☒ Yes ☐ No

If yes, please contact the Monterey County Health Department.

Will there be food vendors at your event? ☒ Yes ☐ No

If yes, how many? 5

☐ Free/ host alcohol

☐ Alcohol sales

☐ Host and sale alcohol

☐ Beer

☐ Beer and Wine

☐ Beer, Wine, and Distilled alcohol

If the event involves the use of alcoholic beverages, please complete the following:

PROPOSED HOURS ALCOHOL WILL BE SERVED: _____

Will you be hiring a **LICENSED BARTENDER/ CATERER**: ☐ Yes ☒ No

If yes, please provide the following:

NAME OF LICENSED BARTENDER/ CATERER: _____

ALCOHOLIC BEVERAGE CONTROL LICENSE NUMBER: _____

CONTACT PERSON/ TITLE: _____

DAYTIME PHONE: _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

Tents

Will tents be used at the event? ☒ Yes ☐ No

Restroom Facilities

Will restrooms be provided at the event? ☒ Yes ☐ No

If yes, please provide the following:

TOTAL NUMBER OF RESTROOMS (and type): _____ at least 5 porta potties _____

TOTAL NUMBER OF ADA ACCESSIBLE RESTROOMS: 1 _____

SETUP DATE: Sept 10 **TIME:** 5pm

PICKUP DATE: Sept 12 **TIME:** 9am

PORTABLE TOILET COMPANY NAME: Tom's Site Service

DAYTIME PHONE: (831) 444-0618

ADDRESS: 560 Crazy Horse Canyon Rd. CA

CITY: Salinas **STATE:** CA **ZIP:** 93907

Waste Management

California State Law requires each City to divert a minimum of 50% of solid waste from landfills through recycling and organic material collection separately from solid waste. Reporting to Cal-Recycle on diversion is also a requirement. Therefore, applicants for special events must contact GreenWaste Recovery (the City's exclusive franchise waste hauler) directly at (831) 920-6707 at least 2 weeks in advance to register their event and request/contract for services and the use of separated special event refuge, recycling, and organic material containers. Additional information regarding GreenWaste Recovery services and contacts is available at: www.greenwaste.com/sand-city

As part of this application, provide a trash management and removal plan that has been arranged with GreenWaste Recovery, explaining what types of waste containers will be established and the number and locations of those containers. Be sure to provide all event food vendors with organic material collection containers. The event must provide separate general garbage, recycling, and organic materials containers to accommodate all patrons/participants of the event.

Note below the estimated date for the delivery, set up, and eventual pickup/removal of refuge containers:

DELIVERY DATE: _____ Sept 10 _____

PICKUP DATE: _____ Sept 12 _____

Please explain your plan for clean-up and waste removal during and after the event:

Volunteers will remove all signage, cones and garbage. Tents and race timing equipment will be broken down and removed.

Porta potties will be picked the day after the event.

Waste Management will pick up garbage containers the day after the event.

(Attach additional sheets if necessary)

Americans with Disabilities Awareness (ADA)

DEFINITIONS

The term accessible shall mean ADA compliant.

GENERAL

Concern should be given to the accessibility of your event's location.

An event layout map with all elements (such as parking, portable toilets, ramps, seating, accessible paths of travel, etc.) is required with this application. All printed material for an event is to include the request for accommodation notice with the international symbol for accessibility, a contact name, and the contact's phone number.

Requests for accommodation may include material in an alternate format, an interpreter, or assistive listening devices.

BARRIERS

Concern should be given to elevation changes of more than ¼" vertical or ½" beveled. This classifies as a barrier and requires a temporary ramp. All cords, wires, hoses, etc., which are located within a path of travel must be ramped or placed within a cord cover.

PATHS OF TRAVEL

An alternate path of travel is required when the public right-of-way is obstructed.

When an alternate path of travel is provided, signage designating the alternate path of travel is required. An alternate path of travel must be provided whenever the existing pedestrian access route in a public right-of-way is blocked by temporary conditions. Where possible, the alternate path of travel shall be parallel to the disrupted pedestrian access route, and on the same side of the street.

An alternate path of travel shall have no protrusions up to a height of 80", including scaffolding and scaffolding braces. Where the alternate path of travel is adjacent to potentially hazardous conditions, the path must be protected with a barricade.

PARKING

If parking is provided for an event, accessible parking is required. If no parking is provided for an event, an accessible passenger loading and unloading zone is required.

Accessible parking, passenger loading, and unloading zones are required to be identified using the international symbol for accessibility. Signs with the international symbol for accessibility are to be mounted at a minimum of 60" from the finished floor or the ground.

SALES OR SERVICE COUNTERS

If sales or service counters are provided for your event, the height must be no more than 36" from the finished floor or the ground, and the width must be at least 36" wide.

ACCESSIBLE ROUTE

An accessible route is required from the accessible parking, and from the passenger loading and unloading zone to the event entrance. An accessible route is required within the event. An accessible route must be a minimum of 36" in width.

Accessible routes must be identified with the international symbol for accessibility, including directional arrows, a minimum of 60" from the finished floor or the ground. Temporary ramps that do not exceed an 8.33% grade may be required to provide an accessible route.

SEATING

If seating is provided, accessible seating and companion seating are required. Accessible seating and companion seating areas must be identified using the international symbol for accessibility, placed at a minimum height of 60" above the finished floor or the ground.

PORTABLE TOILETS

If portable toilets are provided, they must be accessible and located on a level area not to exceed a 2% cross- slope in any direction. The total numbers of portable toilets that are being provided for the event determines the required number of accessible portable toilets. This number is 10% of the total, but in no event less than one for each location. If a single unit is placed, it must be accessible. The placement of single units will increase the number of accessible portable toilets required for your event. An accessible route to each portable toilet is required. Accessible portable toilets must be identified with the international symbol of accessibility.

Signs with the international symbol for accessibility are to be mounted at a minimum of 60" from the finished floor or the ground.

Restricted Activities in Sand City

OPEN CONTAINERS OF ALCOHOL are prohibited in City streets, parks, and other public property. Any service of alcohol must be contained in a tent or fenced area with entry and exits controlled by event staff or security.

AMPLIFIED MUSIC OR SOUND is prohibited unless a permit is obtained.

SIGNS may not be posted, pasted or painted on any telegraph, telephone or power line. Lighted signs, klieg lights, and laser lights require prior approval by the City.

The use of **DRONES** during an event for filming requires a city-issued film permit and appropriate permit from the Federal Aviation Administration (FAA).

VEHICLES must be street legal to be operated on open public roadway or right of way.

NOTE: Activities along the waterfront may be subject to approval by the California Coastal Commission. City staff will inform you if your event requires such approval.

Sand City Criterium Traffic Control Plan

Traffic and pedestrian control is one of the most important details when putting on a bike race. We are confident that we have adequate staffing and we will communicate to residents and businesses to effectively negate any potential issues regarding access, as well as, vehicle and pedestrian traffic.

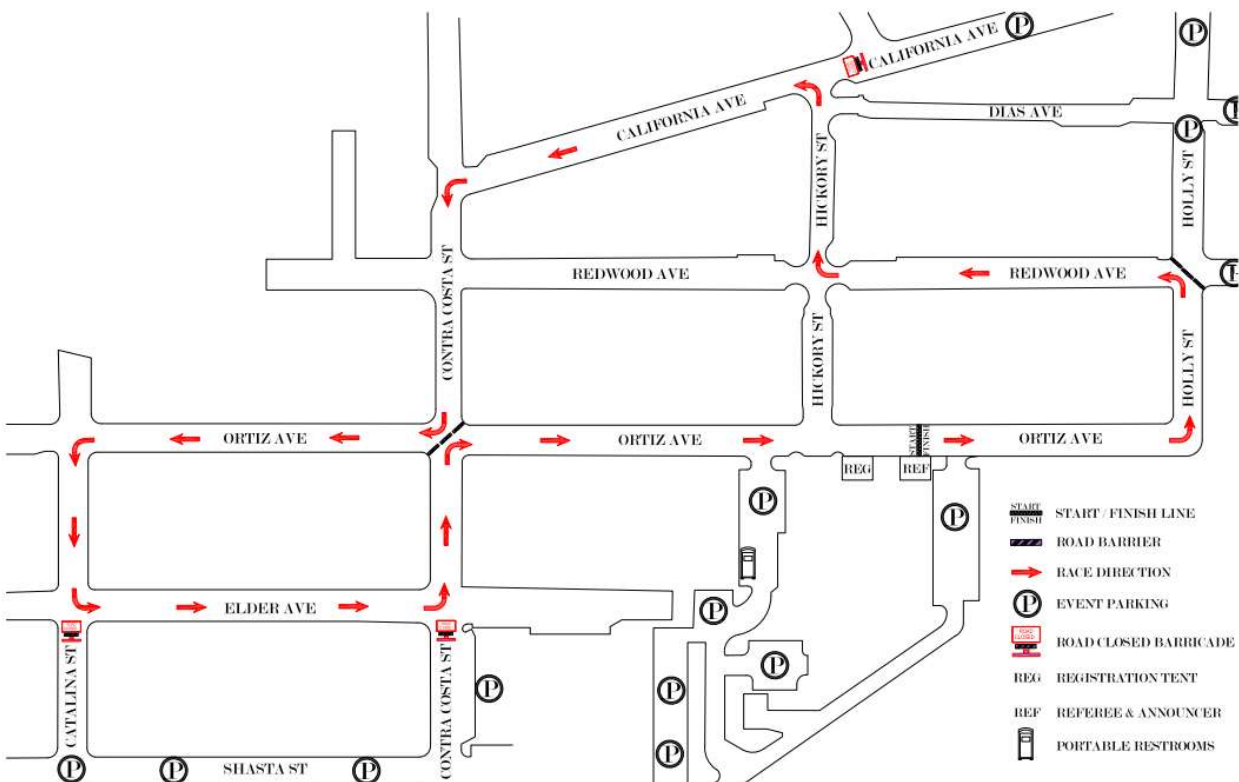
Below are the key points ensure public safety, optimal traffic flow and a smoothly operating event both leading up to and on the day of the race:

- We will work with Chief Ferrante to schedule off-duty officers for traffic control and crowd management. The minimum number of officers required is two and they would be placed at the intersections of California Avenue and Hickory Street, and at Contra Costa Avenue and Elder Street. These are key points of egress and ingress. Based on input from Chief Ferrante, additional officer(s) may be retained.
- Residents and businesses will be notified of the event one month and one week prior to the event by mail.
- Resident and business egress/ingress will be allowed during the time between races. Off duty officers will facilitate this. If permissible, course marshals can assist under supervision from officers.
- No vehicles will be allowed on the course during each race. If there are vehicles on the course, the race will not begin until they have been towed or moved by the owner.
- 72 hours prior to the event, signage will be posted on all applicable streets stating that parking will not be allowed from 7am to 6pm on September 11th. A towing company will be called to tow any cars that are parked on the course and pose a possible threat to riders. Cars parked on the course, though not in the way of riders, may be used by the owner during a race which could cause significant injury to riders.
- The course will be marked with yellow tape and barricades at the start/finish to prevent pedestrians from crossing during the race.
- Course Marshals will be placed throughout the course to assist with crowd control. A course marshal will be placed at each of the ten turns to notify pedestrians that the riders are coming. This will be done by raising a red flag.
- Volunteer management: all of the Monterey Bay Race Team (20+) will volunteer for pre-race, race management or post-race clean up. In addition, we will seek volunteers from the cycling community (e.g. Naval Postgraduate School Cycling Club, Monterey Velo Club) to ensure we have sufficient personnel and coverage of all time slots.

Parking is identified with “P” on the course map below and is located on the north and south ends of the course. Attendee parking will be clearly identified with street signage and communicated to attendees by email prior to the event.

Resident traffic will need to flow in and out through California Street. Ortiz/Contra Costa will be blocked to facilitate the two turns in the course. Residents on Bay Avenue, Ortiz Avenue, Hickory Street, Redwood Street, Dias Avenue and Holly Street will be directed to California Avenue. Residents on Catalina Street, Elder Avenue and the south end of Ortiz Avenue will be able to move through Catalina Street and/or Contra Costa Street.

Residents of the Independent will have egress/ingress through the back of the Independent's parking lot via the plumbing business lot.



**AGENDA ITEM
9C.**

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

**AGENDA ITEM
9D.**

Upcoming Meetings/Events

**AGENDA ITEM
10A.**

**City Council/ Successor Agency Board to
adjourn to Closed Session regarding:1)
Conference with labor negotiator
pursuant to Government Code
section 54957.6 Agency designated
representative: Vibeke Norgaard, City
Manager Employees: Sand City Police
Officers Association**

**AGENDA ITEM
10B.**

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