

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – September 15, 2009
7:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7:00 p.m.

The invocation was led by Reverend Bob Hellam

The Pledge of Allegiance was led by Police Chief Klein

Present: Council Member Blackwelder
Council Member Carbone
Council Member Hubler
Council Member Kruper
Mayor Pendergrass

Staff: Steve Matarazzo, City Administrator/Community Development Director
Jim Heisinger, City Attorney
Richard Simonitch, City Engineer
Michael Klein, Police Chief
Linda Scholink, Director of Administrative Services/City Clerk
Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS

A. Written communications distributed this evening included an editorial from the Monterey Peninsula Herald, "Businesses need area's support", by Mary Claypool, and a display ad for the Seaside High School yearbook.

B. Oral

7:03 p.m. Floor Opened for Public Comment

There were no comments from the public. The Mayor advised the Council that Agenda Item 7B would be continued to the October 6th meeting, and Agenda Item 8D would not be heard due to the applicant withdrawing his application.

7:04 p.m. Floor Closed to Public Comment

AGENDA ITEM5, CONSENT CALENDAR

A. There was no discussion on the following Conditional Use Permits (CUP) and Coastal Development Permits (CDP).

(1) CUP #371, McDonald Refrigeration (contractor), 605 California Avenue

- CUP #385, Sally Beauty Supply (retail), 828 Playa Avenue
- (2) CUP #397, Salvation Army (non-profit, service) 801 Scott Street
- (3) CUP #466, Ferguson (wholesale), 666 Redwood Avenue
- (4) CDP #95-07, Giustiniani (manufacturing), 698 Ortiz Avenue

- B. There was no discussion on the September 1, 2009 Sand City Council Meeting Minutes.
- C. There was no discussion on the Police Department Monthly Report for August 2009.
- D. There was no discussion on the Public Works Department Monthly Report, August 2009.
- E. There was no discussion on the City/Redevelopment Agency Monthly Financial Report for July 2009.
- F. There was no discussion on the City Donations/Contributions listed below.
 - 1) Request by the American Diabetes Association - \$300
 - 2) Seaside High School Yearbook - \$350

Motion to approve the Consent Calendar was made by Council Member Kruper, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the consent calendar.

Upon the arrival of Robin McCrae from Community Human Services, the Mayor presented her with a proclamation recognizing September 2009 as National Alcohol and Drug Recovery Month. Ms. McCrae thanked the City for all the support they have provided over the years.

AGENDA ITEM 7, PRESENTATIONS

- A. Rob Cruz, representative of Pacific Gas and Electric presented a "large" replica of the previously received check in the amount of \$96,974.00 to the City of Sand City as an Energy Savings Rebate related to the construction of the Sand City Water Supply Project. The Mayor accepted the check, and Mr. Cruz and the Mayor enjoyed a photo opportunity.
- B. Presentation by West End Event Coordinator, Deirdre Bascou on the 2009 Annual West End Event – (This item was continued to a Council meeting in October)

AGENDA ITEM 8, PUBLIC HEARINGS

This item was taken out of order, due to the applicant for agenda item 8A, not having arrived yet.

- B. Associate Planner Pooler presented an application for a coastal development permit submitted by Peter Aliotti for authorization to establish a window tinting and covering service within an approximate 1,300 square foot commercial unit in a mixed-use building located at 460 Orange Avenue in Sand City. The site has a two story mixed use structure encompassing two commercial units on the lower level and two residential dwellings on the upper level. The applicant proposes a showroom and workshop for residential and commercial window tinting and glazing, with accessory office and storage. The applicant mostly performs "out-call" services. There will be on-site tinting and workshop activities, limited to glass parts and accessories brought to the site. The applicant stated that there will be no vehicles accepted at this site for services; and staff recommends the permit be conditioned to prohibit service of vehicles on this property. Customer access to the site is to be by "appointment only".

The proposed use qualifies as "service commercial", which is allowable within the Coastal Planned Mixed-Use zoning district; subject to the issuance of a coastal development permit. The site provides four parking spaces along the frontage.

Staff finds the use permissible as a conditional use subject to recommended conditions and restrictions; and therefore staff recommends approval.

7:14 p.m. Floor Opened for Public Comment

Mr. Aliotti, (applicant): stated he agreed with all of the conditions of the permit.

Michael Bascou ;(Property Owner): stated that he lives across the street, and he has concerns with the numerous cars coming and going, the parking of boats on City streets, the trash receptacles stored in the street. He said he would like to see the business located in Sand City, but would like to see his concerns addressed before approval is given.

7:19 p.m. Floor Closed to Public Comment

There was Council discussion on Mr. Aliotti's business opening in Sand City without going through the Planning Department, and taking the necessary steps before he opened for business in Sand City. The ultimate responsibility is with the property owner, who is allowing businesses to come into their building without the proper guidance given to their tenants. The property owner should be telling potential clients/businesses, to go to City Hall and speak with the Planning Department, and see if their business is a permitted use. The Council asked staff to send a notice to the property owner, to prevent this from happening in the future.

Motion to continue City **RESOLUTION** to the next regular scheduled meeting for Coastal Development Permit 09-03 consideration was made by Mayor Pendergrass, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

{Council Member Hubler stepped down from the dais due to a possible conflict of interest by residing within 500' of the proposed project}

- A. Associate Planner Pooler presented an application submitted by Ronald Robert Pierce, owner of Green Gopher Garden Supply, for conditional use permit approval to establish his retail/wholesale garden supply store into an existing 900 square foot commercial unit at 679 Redwood, unit C. The building is a 2-story structure, with warehouse space and a residential dwelling on the upper level. The lower level is divided into three commercial units. The applicant proposes to use the commercial space for the retail/wholesale of garden supplies and related accessories.

The property provides eleven parking spaces along the Redwood Avenue frontage. The applicant is required to have three parking spaces based upon a 1/300 parking ratio for the approximate 900 square feet. Staff does not anticipate this type of establishment to have the draw of a typical "retail" business and that three spaces will be adequate. Inventory will be stored within the unit and in the existing fenced yard.

Staff views this use as compatible with a mixed use neighborhood, and recommends approval of a conditional use permit to Ronald Pierce for a garden supply business.

7:30 p.m. Floor Opened for Public Comment

Ronald Robert, (Applicant): stated that he agreed with all of the conditions of the permit. He would like to have a garden and/or some exotic plants added outside that would give some color and landscape to the property. There was discussion with Council regarding the fence that is partially on the sidewalk and encroaching into the public right of way. Condition 7 was amended to address future changes to the fence.

7:37 p.m. Floor Closed to Public Comment

Motion to approve City **RESOLUTION**, as amended; approving Conditional Use Permit #499 for a garden supply wholesale/retail business at 679-C Redwood Avenue was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Hubler None. Motion Carried.

{Council Member Hubler returned to the dais}

- C. Associate Planner Pooler presented an application for a conditional use permit submitted by Hiroshi Fujimoto, owner of Monterey Peninsula Gymnastics, for authorization to relocate his gymnastic center from Monterey to an existing 12,900 square foot commercial building located at 1663 Catalina Street in Sand City. The site is a 12,900 square foot commercial building with interior warehouse and office space. There are to be eight (8) staff members. Class sizes range from 9-21 students. Most students are dropped off and picked up after class. Equipment to be used on-site includes US Gymnastic regulation apparatuses.

The Zoning code does not have a parking standard for a gymnastics type use.

The site plan provides sixteen (16) on-site parking spaces. The total building area is 12,900 square feet, but only 7,200 square feet will be used for the gymnastic activities. Given that 16 parking spaces are available and a new area of 7,200 square feet is for the intended recreational use, this would result in a parking ratio of 1 parking space per 450 net square feet of floor area. The hours of operation are to be 9 am to 8:30 p.m. Monday through Friday and 9:00 am to 2:00 pm on Saturdays.

This use will cater to children. Therefore, staff recommends the permit require that an officially employed adult supervisor be preset at all times when minors are present on the premises. Staff recommends approval of a conditional use permit for a gymnastic center at the subject property.

7:44 p.m. Floor Opened for Public Comment

Hiroshi Fujimoto, (applicant): Stated that he agreed with all of the conditions of his permit.

Roy Meadows, (Property Owner in Sand City): Stated that Mr. Fujimoto has been at his current location in Monterey for over 30 years; and his current landlord hates to see him leave. He feels this business will be a great asset to the community of Sand City. He invited the Mayor to try out the gymnastics equipment with him.

Council Member Kruper asked the applicant about the safety issues regarding the drop off and pick up of the young clientele. Mr. Fujimoto answered that they have policies in place that the children remain inside the building until the appropriate person comes to pick them up.

7:46 p.m. Floor Closed to Public Comment

Motion to approve City **RESOLUTION** Approving Conditional Use Permit #498 for a gymnastic training center at 1663 Catalina Street was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

D. Consideration of City RESOLUTION Approving Conditional Use Permit #500 and Coastal Development Permit #09-04 to Forno Bravo LLC for a Pizza Oven Assembly and Distribution Center at 1-B John Street- (this item was withdrawn by the applicant)

AGENDA ITEM 9, OLD BUSINESS

B. A. Consideration of a City Resolution of an amended and restated lease agreement with California-American Water as it pertains to the Sand City Water Supply Project. (This item was continued)

B. The City Engineer updated the Council regarding the desalination plant. About two weeks ago they finished lowering the pumps, and they did not get the results they were hoping for. He had a meeting today that resulted in a new course of action.

There is still air showing up at the two wells by the beach. There are air bubbles coming up through the screens. They have identified a solution that revolves around the velocity of the water flow. He should have an update in a few days.

Regarding the street work, we have signed contracts with Monterey Peninsula Engineering, and the work will begin in a couple of weeks. He has submitted a grant application and the City should be eligible for up to \$25,000 in grant funding.

The Mayor thanked the City Engineer for his commitment and dedication to the desalination project.

The City Administrator explained to the City Council that the October 6th Council meeting should include an update on the King project, and the Cal-Am lease negotiations can not be completed until all costs have been included. Cal-Am, however, remains committed to the project.

AGENDA ITEM 10, NEW BUSINESS

- A. The Redevelopment Agency Executive Director presented the Exclusive Negotiating Agreement (ENA) with DBO Development Company, which facilitates land assemblage activities in the area of Sand City known as "South of Tioga". A twelfth extension of the ENA is now being requested by DBO development due to continuing poor market conditions. The Company has made progress in acquiring properties within the future project area, with only a few properties remaining to be acquired.

It is possible that DBO may need assistance with acquiring some of the few remaining properties needed for land assemblage. The Executive Director recommended that the Agency Board approve this extension request.

- 8:08 p.m. **Chris Orosco**, (DBO Development), stated that DBO is committed to this project. Due to complications, along with the economic meltdown, progression has been slowed down. Beyond a \$16 million financial commitment regarding land acquisitions, they have been promoting the interests of the City by their involvement with the community. Patrick Orosco is currently the President of the Seaside/Sand City Chamber, (Sea-Sand) and they were involved and represented as sponsors of the Sand City West End Celebration.

- 8:10 p.m. The Floor was Opened for Public Comment
No Comments

- 8:10 p.m. The Floor was Closed to Public Comment

Motion to approve Redevelopment Agency **RESOLUTION** Authorizing a Twelfth Amendment to the Exclusive Negotiating Agreement (ENA) with DBO Development, now doing business as "The Orosco Group" for redevelopment of the area known as "South of Tioga" was made by Agency Board Member Carbone, seconded by Agency Board Member Blackwelder. AYES: Agency Board Members Blackwelder, Carbone, Hubler, Kruper, and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. The Mayor and Council Member Carbone spoke regarding the Coastal Clean Up on

AGENDA ITEM 11, CLOSED SESSION

The City Attorney determined there was no need for closed session.

- A. City Council /Agency Board to adjourn to Closed Session to Confer with Legal Counsel:
 - 1) Regarding pending litigation in accordance with Section 54956.9(c) of the Ralph M. Brown Act, *CalAm v. Seaside*

- B. Confer with real property negotiator in accordance with Section §54956.8 of the Ralph M. Brown Act, Agency negotiator Steve Matarazzo, Executive Director:
 - 1) Regarding Amended and Restated Lease Agreement with California

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Kruper to the next regularly scheduled Council meeting on October 6, 2009 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:15 p.m.

Linda K. Scholink, City Clerk