

**MINUTES**  
**JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**

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Regular Meeting – November 15, 2011  
7:00 P.M.  
CITY COUNCIL CHAMBERS

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

The invocation was led by Reverend Robert Hellam.

The Pledge of Allegiance was led by Police Chief Michael Klein.

Present: Council Member Blackwelder  
Vice Mayor 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  
Charles Pooler, Associate Planner  
Connie Horca, Deputy City Clerk

**AGENDA ITEM 4, COMMUNICATIONS**

A. Written communication distributed to the Council was a list of possible conflicts for items 7A through 7C.

B. Oral

7:03 P.M. Floor opened for Public Comment.

There was no comment from the Public.

7:03 P.M. Floor Closed to Public Comment.

**AGENDA ITEM 5, CONSENT CALENDAR**

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

A. Conditional Use Permits (CUP) and Coastal Development Permits (CDP)

are subject to annual review by the City Council and City staff. Upon review of each of the following Use Permits, staff is recommending continued operation of the Use Permits to the City Council based on the finding that these uses are in compliance with their permits. There was no discussion of the following use permits.

- (1) CUP #328/CDP 88-01, Granite Rock (construction), 1755 Del Monte Blvd
  - (2) CUP #478, Signature Nails & Skin (sales/service), 824 Playa Avenue
  - (3) CDP 09-05, Coastal Fabrication, (welding/fabrication), 755 Redwood Avenue
  - (4) CDP 09-06, Pebble Beach Import (storage), 1801 Contra Costa Street
- B. There was no discussion of the Sand City Council Meeting Minutes, November 1, 2011.
- C. There was no discussion of the Public Works Monthly Report, October, 2011.
- D. There was no discussion of the acceptance of Police Department Monthly Report, October, 2011.
- E. There was no discussion of the **Resolution** by the Joint Powers Financing Authority Confirming its Officers.
- F. There was no discussion of the approval of City **Resolution** approving Time Extension to January 31, 2012 of Multiple Conditional Use Permits (CUPs 450, 455, 473, 503 & 505) and Coastal Development Permit 08-03 to continue as interim uses at their respective locations within the South of Tioga Redevelopment Project Area.
- G. There was no discussion of the \$100 donation to the Tri-County Association of Latino Elected Officials (TCALEO).
- H. There was no discussion of the approval of City **Resolution** approving a Service Agreement and Budget for the 2012 West End Celebration.
- I. There was no discussion of the approval of City Donations/Contributions to the Monterey Cowboy Poetry & Music Festival for \$100, the Salvation Army Christmas Season for \$250, the Arts Habitat for \$250, and the Monterey County Interfaith Alliance for \$200.

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

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

There were no items pulled.

## AGENDA ITEM 7, PUBLIC HEARINGS

***{Council members Hubler and Kruper stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}***

- A. Associate Planner Charles Pooler presented an application submitted by Peter Standridge of PJS Tile to establish a stone and tile business at 652 Redwood Avenue. The site will be used for storage and fabrication of tile and stone products. Fabrication equipment includes a slab saw, forklift and small tools. The property provides sufficient parking to meet zoning requirements for both units. Hours of operation will be from 7:30 a.m. to 4:30 p.m., Monday through Friday. Stone cutting should not commence prior to 8:00 a.m. Sound measurements generated by the stone cutting equipment with the roll up doorway down was 61dB. Staff recommends that the permit require the roll-up door remain closed during stone cutting. The attached resolution approving CUP 529 also authorizes the City Administrator to execute a water assignment agreement and to allow the necessary water allocation consistent with the MPWMD determination of water demands for the use. Staff recommends a three year time limit for the permit due to concerns that high impact manufacturing uses may inhibit future investment for redevelopment of the West End District. It is also recommended that changes to condition #11 read: *"Waste sludge or other byproduct from this tile cutting operation shall be disposed of in a legal manner, and not dumped or disposed of onto any other property within Sand City"*. Staff recommends approval of the attached conditional use permit for PJS Tile.

7:10 P.M. Floor opened for Public Comment.

The property owner, Mr. James Wood, commented on the 3 year time limit. It would be unfair to the tenant as well as the property owner. He would have to go through the trouble of finding another building to lease, and incur costs of moving his equipment. Mr. Wood added that he is in favor of the artistic vibe in the City, however as a property owner, he has had previous problems collecting rent from artist tenants.

Wayne Wood, Mr. Wood's son, added that similar businesses within the City have their roll up doors open. It seems that they have different conditions on their permits, and are not required to keep their doors closed as his tenant. Some of them do not have a 3 year time limit requirement either. He requested that the permit being issued have the same conditions as the other businesses.

7:23 P.M. Floor closed to Public Comment.

Associate Planner Pooler responded that those permits were issued in the

1990's, and are not a comparable assessment to the permits that are currently being issued because the zoning has changed to "mixed use".

Mayor Pendergrass commented that he did not agree with the 3 year time limit.

There was Council consensus to remove condition #4 regarding the 3 year time limit.

Mayor Pendergrass asked Mr. Standridge if he was in agreement with the conditions of the permit with the proposed amendments. Mr. Standridge stated that he was in agreement.

Motion to approve by title, as amended, the City **Resolution** approving Conditional Use Permit 529 allowing a stone and tile business at 652 Redwood Avenue and allocating 0.014 AFY of water for the proposed use was made by Mayor Pendergrass, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Hubler and Kruper. Motion Carried.

***{Council Members Hubler and Kruper returned to the dais}***

***{A straw draw resulted in Council Member Hubler as a voting delegate. Council Members Blackwelder and Kruper stepped down from the dais due to a possible conflict of interest by residing within 500' feet of the subject property}***

- B. Associate Planner Charles Pooler presented a conditional use permit application submitted by Chris Balog of the Big Sur International Marathon for approval to occupy a commercial unit at 570 California Avenue. The location would be used for storage related to Big Sur International Marathon events. Items stored would include trash cans, water barrels, signs, fencing, barricades, and similar items. There is adequate on-site parking along the unit's frontage for this use. The site is capable of accommodating loading/unloading activity by smaller trucks, but not larger semi-trucks. Staff recommends the permit require all loading/unloading to be conducted on the property and prohibited along California Avenue. It is also recommended that on-site activity only occur between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on weekends. The proposed operation is not anticipated to pose a nuisance provided that the applicant adheres to permit conditions. Staff recommends approval of the attached conditional use permit

7:29 P.M. Floor opened for Public Comment.

Chris Balog thanked the Council for reviewing the request, and for the City's continued support and participation. She distributed program booklets to the Council for the upcoming Half Marathon event this weekend. The Mayor asked Ms. Balog if she was in agreement with the conditions of the use

permit. Ms. Balog stated that she was in agreement.

7:30 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving Conditional Use Permit 534 for Big Sur International Marathon to use a commercial building for storage at 570 California Avenue was made by Council Member Hubler, seconded by Council Member Carbone. AYES: Council Members, Carbone, Hubler, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder and Kruper. Motion Carried.

***{Council Member Kruper returned to the dais}***

C. Associate Planner Charles Pooler presented a conditional use permit application submitted by David Compton of Central Coast CCD to use a portion of a commercial building at 1674 Catalina Street as a depository of office equipment for the Defense Language Institute. Mr. Compton previously used the space to assemble office furniture. The temporary use permit for that location has expired. This project may take approximately one year, but could last for two years. The property owner added additional on-site perpendicular parking fronting Orange Avenue, which provides adequate parking for all building tenants. The permit has a one year time limit with the option of a single one year time extension. Shipments will be delivered directly to the Defense Department, where it will then be transported to Sand City for storage. The proposed use should not pose a nuisance as long as trash generation is properly handled, loading/unloading does not interfere with street traffic, on-site activities only occur within daytime business hours, and the applicant's commercial vehicles be parked only on the property. Staff recommends approval of the attached conditional use permit.

Council member Kruper asked what delineates a company vehicle and why a 16 wheeler was parked in front of the applicant's unit several days ago.

7:37 P.M. Floor opened for Public Comment.

The applicant David Compton commented that he has one company vehicle that he keeps on site. His other vehicle is scheduled to be removed soon. He apologized for the large transport vehicle it was not suppose to be at the Sand City location.

The Mayor asked Mr. Compton if he was in agreement with the conditions of the permit. Mr. Compton stated that he was in agreement.

7:40 P.M. Floor closed to Public Comment.

Motion to approve, by title, the City **Resolution** approving Conditional Use Permit 535 for David Compton authorizing storage of office equipment within a warehouse at 1674 Catalina Street for one (1) year was made by Council Member Kruper,

seconded by Council Member Carbone. AYES: Council Members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Blackwelder. Motion Carried.

***{Council Member Blackwelder returned to the dais}***

## **AGENDA ITEM 8, OLD BUSINESS**

City Engineer Richard Simonitch reported that the contractors have completed striping the crosswalk for the bicycle trail interconnect project. Staff will be submitting an invoice to TAMC for cost reimbursement of the work. A mid month report on water production at the desalination plant has not been received yet. Once the report is submitted, it will be forwarded to Council and Staff. Cal-Am drained the calcite tank, causing an overflow with no incidence or consequence.

There was discussion on the possibility of a torrential downpour during inclement weather, and if this would cause flooding in certain areas of the City. The outflow was designed for the purpose of providing a runoff for excess water. The primary concern was that certain areas of the City would be secured with the least possible damage during stormy weather.

City Administrator Steve Matarazzo reported that he was invited to a conference, on December 6 sponsored by N.O.A.A. involving sea level rise. There has been a lot of controversy on how much the sea is rising due to climate change, and this conference should prove to be informative.

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

***{A straw draw resulted in Council Member Blackwelder as a participant in the presentation. Council Members Hubler and Kruper stepped down from the dais due to a possible conflict by residing within 500' of the subject property}***

- A. Consultant Geary Coats and Developer Patrick Orosco made a presentation regarding proposed renovation of the Independent (formerly called the Design Center). They summarized existing site conditions and explained the future phase of revitalizing the property. Phase I would involve amending the second level from office space to 27 dwelling units; of which 10 units are to be studio units and 17 units are to be one bedroom dwellings. The ground floor would incorporate most of the existing community area into new commercial units, and incorporate additional residential dwellings to the rear. Other aspects of Phase I include amending the sign program, relocating Below Market Rate units within the building to the second level, and redesigning the plaza and landscaping. Phase II would construct a separate five story building with 57 apartment units, with the ground level for parking. Two new areas for parking are planned on adjoining properties. One of these parking areas is owned by the Transportation Agency of Monterey County (TAMC) and would involve leasing the property. Additional access to the site off Contra Costa Avenue, on the TAMC right-of way would be the

primary access to the residential tenants. Commercial access to The Independent would be from Ortiz Avenue. Several future actions are necessary to accommodate the plan such as amending the site plan, approval of a lease from TAMC for parking and access off Contra Costa, amending the housing program and utility easements, and granting environmental clearance and new water service connections.

There was discussion regarding the below market rate (BMR) program and the ratio of affordable housing units that would be accommodated with the construction of the second building. A timeline of the proposed project would also be presented to the Council at a future meeting. The developers would like to begin Phase I some time in August dependent on the outcome of negotiations with Ream and TAMC. The City Administrator added that the original developer proposed a more commercial/office use of the 2<sup>nd</sup> level, but now, market demand is geared towards a more residential mix.

***{Council Members Hubler and Kruper returned to the dais}***

- B. There was Council consensus to cancel the January 3, 2011 Council meeting. The Council will consider whether there is a need to cancel the December 20 Council meeting at the next regularly scheduled Council meeting of December 6, 2011.
- C. Mayor Pendergrass reminded the Council of the upcoming Tree Lighting Ceremony on Friday, December 2, 2011.

## **AGENDA ITEM 10, CLOSED SESSION**

8:49 P.M.

- A. City Council /Agency Board to adjourn to Closed Session:

- 1) To confer with Legal Counsel regarding pending litigation in accordance with  
Section 54956.9(c) of the Ralph M. Brown Act,

- a) *CalAm v. Seaside*
- b) *Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases*
- c) *Security National Guaranty, Inc. v. California Coastal Commission*
- d) *Sierra Club v. MPWMD*
- e) *Decker v. Schumer (King), (No. BC 432289)*
- f) *California Redevelopment Association v. Matsantos (California Supreme Court)*

8:51 P.M.

- B. Readjourn to Open Session to report any action taken at the conclusion of

Closed Session in accordance with 54957.1 of the Ralph M. Brown Act.

The City Attorney reported on item 10A(b), and the City Administrator reported on item 10A(e).

**AGENDA ITEM 11, ADJOURNMENT**

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Kruper, to the next regularly scheduled Council meeting on December 6, 2011 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:52 p.m.

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Connie Horca, Deputy City Clerk