



NOTICE OF MEETING

CITY OF PACIFIC GROVE
CITY COUNCIL
ERRATA SHEET



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

ERRATA SHEET

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: Kerry Lindstrom, Deputy City Clerk
MEETING DATE: 01/19/2022
SUBJECT: City Council Meeting Agenda- Errata Sheet

Attached is additional information for your consideration at the January 19, 2022, City Council Meeting:

Agenda Item	Information Provided/Corrected
13A	At the request of Councilmember Coletti, the following document is added to the record and attached: MPWMD Monthly Allocation Report for November 2021.
13B	Corrections to Agenda Report, Promissory Agreement, and Appendix B. See redlined pages attached. Revised copy of Appendix A and Water Release, see attached.
13B	At the request of Councilmember Coletti, the following document is added to the record and attached: May 20, 2015, City Council Agenda Report.
13C	The following information is related to the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ending June 30, 2021. This information was provided to the City after the agenda was published: Management Letter and Communications with Those Charged with Governance.
13F	At the request of Councilmember Coletti, the following documents are added to the record and attached: December 14, 2011, City Council Agenda Report and January 5, 2011, City Council Agenda Report.

Attachments

MPWMD Monthly Report
Agenda Report
Promissory Agreement
Appendix A
Appendix B
Water Release
May 20, 2015 Agenda Report
Management Letter
Those Charged with Governance

December 14, 2011 Agenda Report

January 5, 2011 Agenda Report

EXHIBIT 21-A
MONTHLY ALLOCATION REPORT
 Reported in Acre-Feet
 For the month of November 2021

Jurisdiction	Paralta Allocation *	Changes	Remaining	PRE-Paralta Credits	Changes	Remaining	Public Credits	Changes	Remaining	Total Available
Airport District	8.100	0.000	5.197	0.000	0.000	0.000	0.000	0.000	0.000	5.197
Carmel-by-the-Sea	19.410	0.000	1.398	1.081	0.000	1.081	0.910	0.000	0.182	2.661
Del Rey Oaks	8.100	0.000	0.000	0.440	0.000	0.000	0.000	0.000	0.000	0.000
Monterey	76.320	0.000	0.245	50.659	0.000	0.181	38.121	0.000	2.451	2.877
Monterey County	87.710	0.000	10.579	13.080	0.000	0.352	7.827	0.000	1.775	12.706
Pacific Grove	25.770	0.000	0.000	1.410	0.000	0.014	15.874	0.000	0.065	0.079
Sand City	51.860	0.000	0.000	0.838	0.000	0.000	24.717	0.000	23.373	23.373
Seaside	65.450	0.000	0.000	34.438	0.003	31.670	2.693	0.000	1.144	32.814
District Reserve	9.000	0.000	9.000	N/A			N/A			9.000
TOTALS	342.720	0.000	26.419	101.946	0.003	33.298	90.142	0.000	28.990	88.707

Allocation Holder	Water Available	Changes this Month	Total Demand from Water Permits Issued	Remaining Water Available
Quail Meadows	33.000	0.000	32.320	0.680
Water West	12.760	0.033	9.672	3.088

* Does not include 15.280 Acre-Feet from the District Reserve prior to adoption of Ordinance No. 73.



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Laurel O'Halloran, Associate Planner
MEETING DATE: January 19, 2022
SUBJECT: Promissory Agreement for Payment of Water Entitlement for the PG Hotel, formerly known as the Hotel Durrell.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Approve a promissory agreement for water entitlement for the Pacific Grove (PG) Hotel, formerly known as the Hotel Durrell, to be located at 157 Grand Avenue (APN 006-173-002).

DISCUSSION

The Pacific Grove Municipal Code (PGMC) sets forth water distribution rules in Title 11. Chapter 11.68 governs Water Entitlement processes by which potable water made available by funding and operation of the Pacific Grove Local Water Project (PGLWP) are available for sale. The City began sales of entitlement water in July 2019.

Commercial projects purchasing water entitlement include the PG Hotel located at 157 Grand Avenue and the mixed-use project at 520 Lighthouse Ave. Water has been distributed by the MPWMD for the 520 Lighthouse mixed-use project. Final occupancy will not be granted until the promissory agreement is paid in full.

At the September 1, 2021, City Council meeting the City Council adopted Ordinance 21-023 to approve a code change to 11.68.040 *Entitlement Water* to enable Promissory Agreements associated with payment of entitlement water sales. Per PGMC 11.68.040 (c), City Council approval shall be required for the City to enter into any promissory agreement related to payment for entitlement water. The maximum amount payable pursuant to the promissory agreement shall not exceed 90 percent of the purchase price with a 10 percent deposit required at the time of the execution of the agreement.

The PG Hotel is requesting Council approval for a Promissory Agreement to defer the payment of water entitlement, due to the scale of the project. The opportunity to stage costs can promote completion of projects that rely on construction loan financing. The obligation to pay water entitlement costs will be secured by the City's ability to withhold final occupancy permits. The ~~8.66~~ 8.816 acre-feet requested will cost ~~\$1,515,500.00~~ \$1,542,800 with the 30% discount recently reauthorized by the City Council and in effect until June 2022. The required 10% deposit in the amount of ~~\$151,550.00~~ \$154,280.00 will need to be paid to execute the Promissory Agreement.

OPTIONS

1. Do not approve Promissory Agreement
2. Provide an alternative action.

FINANCIAL IMPACT:

The issuance of a Promissory Agreement is neither a gift or water nor of public funds. The Agreement simply allows the developer of a large project, as defined in PGMC 11.68.040, to leverage financing so that the large financial outlay associated with the purchase of water can be deferred until the time of final inspection and certificate of occupancy. This is a tool that can help investment in the City and increase revenues. Resulting from increased sales and property tax. Conversely, the City will not “lose” money if the applicant defaults on the Agreement as no the Agreement does not constitute a loan and the City will retain the 10% deposit to cover any administrative expenses.

GOAL ALIGNMENT: Facilitate Local Business Recovery: Review and revise existing policies and programs and develop a strategic plan to better serve existing businesses.

Attachments

Draft Promissory Agreement
Draft Deed of Trust
Certificates of Good Standing
Water Release Form
Water Subscription Agreement

PROMISSORY AGREEMENT

This Promissory Note, ("NOTE") dated for reference purposes as of _____ ("Effective Date"), is made in consideration of the mutual covenants and conditions set forth below, by which the Parties agree as follows:

The CITY OF PACIFIC GROVE (CITY)

hereby promises to sell, transfer and convey to

**ROHNERT PARK RI LP, BELVNUS, LLC,
TRAVEL INN ASSOCIATES, LP, and MOHAMMAD REZAI
(Collectively, BUYER)**

Water Entitlement in the amount totaling ~~8.66 AF~~ **8.816 AF** which is the subject of this NOTE under the terms and conditions set forth below.

**FOR VALUE RECEIVED, THE UNDERSIGNED, JOINTLY AND SEVERALLY,
PROMISES:**

1. BUYER is the owner of record of the property commonly known as 157 Grand Avenue, ~~APNs 006-174-003, 006-174-011, & 006-174-012~~ APN 006-173-002 (the Property). Title of the Property is taken as follows:
ROHNERT PARK RI LP, A CALIFORNIA LIMITED PARTNERSHIP AS TO AN UNDIVIDED 62.0% INTEREST; BELVNUS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AS TO AN UNDIVIDED 21.0% INTEREST; TRAVEL INN ASSOCIATES, LP, A CALIFORNIA LIMITED PARTNERSHIP AS TO AN UNDIVIDED 7.0% INTEREST AND MOHAMMAD REZAI, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY AS TO AN UNDIVIDED 10.0% INTEREST
2. This NOTE evidences the obligation of BUYER to CITY for repayment of funds under a Water Subscription Agreement between BUYER and CITY. The terms and covenants of the Water Subscription Agreement are incorporated in this NOTE by reference, as if set forth in its entirety.
3. The Water Entitlement subject to this NOTE shall be used ~~only~~ solely upon the Property and shall be subject to the conditions contained herein and in Water Subscription Agreement.
4. PRINCIPAL: BUYER promises to pay CITY the principal sum of ~~\$1,515,500.00~~, **\$1,542,800** calculated at the rate of \$175,000 per Acre Foot.

PAYMENT PROVISIONS: This Note shall be repaid by an initial down payment of \$151,550.00, \$154,280.00 representing ten percent (10%) of the NOTE's Principal. This down payment shall be due upon execution of this NOTE. Payment of the remaining balance shall be deferred until BUYER submits a Notice of Completion to CITY. A Final Inspection shall be dependent on full and complete satisfaction of this NOTE and release of the Water Entitlement for use by BUYER on the property At any time while not in default under this NOTE, BUYER may pay the outstanding balance then owing under this NOTE to CITY, without penalty.

5. INTEREST: This NOTE shall accrue interest at the rate of zero (0) percent per annum provided the BUYER is not in default. Should the BUYER be in default as to the terms of the NOTE, interest on the unpaid principal of this NOTE shall accrue interest which shall be payable at the rate of ten (10) percent per annum.
6. This NOTE is secured by a Deed of Trust recorded in the office of the County Recorder of Monterey County (Trust Deed). The Trust Deed securing this NOTE provides that CITY may at its option, declare all funds secured by the Trust Deed immediately due and payable, if any interest in the real property is sold, transferred or conveyed to any person, whether voluntarily or involuntarily. The Trust Deed further provides that if BUYER does not comply with the requirements of the Water Subscription Agreement and fails to come into compliance with the Agreement within ten (10) days after CITY's written notice to BUYER of such failure, CITY may at its option, declare all funds secured by the Trust Deed immediately due and payable.
7. To the extent applicable, BUYER shall maintain its corporate existence in good standing in California. BUYER shall maintain in force all licenses, approvals, and agreements, the loss of which could have a material adverse effect as to performance on this NOTE. BUYER shall provide to CITY a Certificate of Good Standing or Certificate of Existence from the appropriate authority, submitted within ten days upon request by CITY, certifying that BUYER is in good standing as a corporation or as an LLC, as may be applicable, in the State of California.
8. DEFAULT: All sums remaining unpaid under this NOTE shall become immediately due and payable, at CITY's option, upon ten (10) day's calendar notice without further demand, or presentment, and regardless of any prior forbearance, on the occurrence of any of the following events:
 - a. BUYER's failure to make any payment when due under the terms of this NOTE;
 - b. The filing of a petition in bankruptcy by, or the initiation of any proceeding under any bankruptcy or insolvency laws against, the BUYER or any present or future guarantor of this NOTE;
 - c. BUYER's or any present or future guarantor's default under any agreement or instrument executed in connection with this NOTE; or
 - d. The revocation of any guaranty of this NOTE by any guarantor.

9. POST DEFAULT INTEREST: Upon default, interest on the unpaid principal balance of this NOTE is payable at the rate of ten (10) percent per annum until this NOTE is paid in full, or until the date of Water Entitlement revocation occurs as provided below.
10. PAYMENT OF NOTE COSTS AND EXPENSES BY CITY: If the CITY has required the BUYER or any other holder of this NOTE to pay immediately in full as described above, CITY shall have the right to be reimbursed by BUYER for all of its costs and expenses to the extent not prohibited by applicable law, including but not limited to, outside collection agencies and reasonable attorney's fees.
11. REVOCATION OF WATER ENTITLEMENT UPON DEFAULT: Upon any event of default referenced above, the CITY at CITY's option, upon ten (10) day's calendar notice without further notice, demand, or presentment, and regardless of any prior forbearance, may revoke in full or in part the increment of Water Entitlement provided in the Water Subscription Agreement referenced above, in proportion to remaining sums (not to include interest, costs or fees) that are unpaid by the BUYER.
12. General Provisions:
 - a. ATTORNEYS' FEES AND COSTS: If any action is commenced which arises out of or related to this Promissory Note, the prevailing party shall be entitled to recover from the other party such sums as the court may adjudge to be reasonable attorneys' fees, expert fees, and expenditures in the action, in addition to costs and expenditures otherwise allowed by law. Recovery of these fees or expenses shall be as additional costs awarded to the prevailing party and shall not require initiation of a separate legal proceeding. In any matter arising out of or relating to the bankruptcy of BUYER, BUYER agrees to pay all of CITY's costs and expenditures, including attorneys' fees and expert fees, which may be incurred in enforcing or protecting CITY's rights or interests.
 - b. NON-WAIVER: No failure or delay by CITY in exercising CITY's rights under this NOTE shall be considered a waiver of such rights.
 - c. NOTICE: Any notices required or permitted to be given hereunder shall be given in writing and shall be delivered (a) in person, (b) by certified mail, postage prepaid, return receipt requested, (c) by facsimile, or (d) by a commercial overnight courier that guarantees next day delivery and provides a receipt, and such notices shall be made to the Parties at the addresses listed below.
 - d. WAIVER: Any waiver of any terms and conditions of this NOTE must be in writing and signed by the CITY and the BUYER. A waiver of any of the terms and conditions shall not be construed as a waiver of any other terms or conditions in this NOTE.
 - e. COMPLIANCE WITH APPLICABLE LAW: The Parties shall comply with all applicable federal, state, and local laws and regulations in performing this Agreement.
 - f. GOVERNING LAW. This NOTE shall be governed by and interpreted under the laws of the State of California. Venue for any action shall be in the County of Monterey.

- g. COUNTERPARTS. This NOTE may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same NOTE.
 - h. AUTHORITY. Any individual executing this NOTE on behalf of the CITY or the BUYER represents and warrants hereby that he or she has the requisite authority to enter into this NOTE on behalf of such Party and bind the Party to the terms and conditions of this NOTE.
 - i. INTEGRATION. This NOTE including the exhibits and any documents incorporated by reference, represent the entire agreement between the CITY and the BUYER with respect to the subject matter of this NOTE and shall supersede all prior negotiations, representations, or agreements, either written or oral, between CITY and BUYER as of the effective date which is the date that the CITY signs the NOTE.
 - j. SEVERABILITY. If any of the provisions contained in the NOTE are held illegal, invalid, or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability and indemnities shall survive termination of the NOTE for any cause. If a part of this NOTE is valid, all valid parts that are severable from the invalid part remain in effect. If a part of this NOTE is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.
13. EXECUTION: The BUYER executes this NOTE as a principal and not as a surety. If there is more than one BUYER, each BUYER shall be jointly and severally liable under this NOTE.

[signature page to follow]

IN WITNESS WHEREOF, CITY and BUYER have executed this Agreement as of the day and year written below.

CITY OF PACIFIC GROVE		BUYER	
By:	_____		_____
	City Manager		Name
Date:	_____		_____
		By:	(Signature of Chair, President, or Vice-President) *
By:	_____		_____
	Mayor		(Printed Name and Title)
Date:	_____		_____
		Date:	_____

Attachment: Water Subscription Agreement
 Certificate of Good Standing
 Deed of Trust

Water Promissory Note



APPENDIX A

WATER ENTITLEMENT INCREMENT ASSIGNED

Location (Property Address): 157 Grand Avenue, Pacific Grove CA 93950

Subscriber Name(s): JAY DESAI

1. Quantity of Water Entitlement requested: 8.816 (fraction of per acre foot)
2. Original Cost \$2,204,000 (\$250,000 per acre foot)
3. Discount \$ 661,200 (30% discount until June 30, 2022)
4. Total Amount Due \$1,542,800

I execute this document in the City of Pacific Grove, and declare under penalty of perjury that the information provided is true and correct of my knowledge.

JAY DESAI

Date

APPENDIX B

LEGAL DESCRIPTION:

The land referred to is situated in the County of Monterey, City of Pacific Grove, State of California, and is described as follows:

~~PARCEL I:~~

~~Lots numbered 10 and 12 in block numbered 41 as said lots and block are shown on that certain map entitled, "Map of Pacific Grove Retreat, Monterey County, Cal., St. John Cox, Surveyor, July 1875", Filed for record August 8, 1876 in the office of the County Recorder of the County of Monterey, State of California, in volume 1, of Maps, "Cities and Towns", at page 49.~~

~~PARCEL II:~~

~~Lot nine (9) in block numbered forty one (41) in Pacific Grove Retreat grounds as surveyed by St. John Cox, Esq., Surveyor, July, AD. 1875, and duly recorded in volume 1, "Cities and Towns", at page 49, in the office of the County Recorder of said County of Monterey.~~

~~PARCEL III:~~

~~Lot eleven (11) in block numbered forty one (41) In Pacific Grove Retreat grounds as surveyed by St. John Cox, Esq., Surveyor, July, AD. 1875, and duly recorded in volume 1, "Cities and Towns", at page 49, in the office of the County Recorder of said County of Monterey.~~

~~APN: 006-174-003 (PARCEL I) and 006-174-011 (PARCEL II) and 006-174-012 (PARCEL III)~~

The land referred to is situated in the County of Monterey, City of Pacific Grove, State of California, and is described as follows:

PARCEL ONE:

Parcel 2 as shown on Parcel Map recorded in the Office of the County Recorder of Monterey County, State of California, on August 19, 2015 in Book 23, Page 48 of Parcel Maps.

PARCEL TWO:

25 foot reciprocal vehicle access easement over a portion of Parcel 1, as shown on the above referenced Parcel Map.

APN: 006-173-002

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

NON-RESIDENTIAL WATER RELEASE FORM AND WATER PERMIT APPLICATION

NOTE: When approved and signed by the Jurisdiction this form must be submitted with final and complete Construction Plans to:

5 Harris Court, Bldg. G ~ Monterey, CA 93940 ~ (831) 658-5601 ~ www.mpwmd.net

Completing the Water Release Form & Water Permit Application does not guarantee issuance of a Water Permit.

ALL SPACES BELOW MUST BE COMPLETED OR THE APPLICATION MAY NOT BE PROCESSED. (Please print firmly)

1. OWNERSHIP INFORMATION:

Name: Rohnert Park RD LP et al

Daytime telephone: 510 853-2100

Mailing Address: 1260 Munras Ave. Monterey CA 93960

E-Mail Address: belvnus@yahoo.com

2. AGENT/REPRESENTATIVE INFORMATION:

Name: Robert Leach

Daytime telephone: 916 798-3649

Mailing Address: 2347 Loch Way El Dorado Hills, CA 95762

E-Mail Address: robert@westriverhotels.com

3. PROPERTY INFORMATION:

Year building was constructed? Existing Square-footage 17,650 Proposed Square-footage 90,873

Address: 157 Grand Ave, Pacific Grove, CA Assessor Parcel Number 006 - 173 - 001

Water Company serving parcel: Is a water meter needed? (Circle one) YES/ NO (How Many)

NOTE: Separate water meters are required for each User.

Cal-AM Account Number:

4. Type of Non-Residential Use: 102 room hotel with subterranean parking and on site restaurant and Day Spa

5. Project Description (Be thorough and detailed): 102 room hotel with approximately 3776 Sf restaurant of approximately 40 seats interior and 20 seats exterior, day spa area of 865 SF, and a fitness center of approximately 760 Sf

Any change in Use/Expansion of Use requires a Water Permit. Deed Restriction Required for all Water Permits. Mandatory Retrofit Upon Expansion of Use.

Existing Group I (All Uses before project)

Users in this category are low water uses where water is primarily used for employee hygiene and minimal janitorial uses. Examples are shown below.

Type of Use	SqFt	Factor	Capacity
Auto Uses		x 0.00007	=
Bank		x 0.00007	=
Dry Cleaner (No Onsite Laundry)		x 0.00007	=
Gym		x 0.00007	=
Nail Salon		x 0.00007	=
Office		x 0.00007	=
Retail	17,650	x 0.00007	= 1.235
Supermarket		x 0.00007	=
Warehouse		x 0.00007	=
Tasting Room (ABC Type 2)		x 0.00007	=

Post Project Group I (All Uses after project)

Type of Use	SqFt	Factor	Capacity
Auto Uses		x 0.00007	=
Bank		x 0.00007	=
Dry Cleaner (No Onsite Laundry)		x 0.00007	=
Gym	760	x 0.00007	= 0.0532
Nail Salon (Day Spa)	865	x 0.00007	= 0.06055
Office Hotel admin	919	x 0.00007	= 0.06433
Retail		x 0.00007	=
Supermarket		x 0.00007	=
Warehouse		x 0.00007	=
Tasting Room (ABC Type 2)		x 0.00007	=

Existing Group II (All Uses before project)

Users in this category prepare and/or sell food/beverages that are primarily provided to customers in/on disposable tableware. Food with high moisture content and liquid food may be served on reusable tableware. Glassware may be used to serve beverages. Users in this category are not full-service restaurants.

Type of Use	SqFt	Factor	Capacity
Bakery		x 0.0002	=
Bar (ABC License-Indoor/Outdoor)		x 0.0002	=
Catering		x 0.0002	=
Coffee House		x 0.0002	=
Deli		x 0.0002	=
Ice Cream Shop/Sandwich Shop		x 0.0002	=
Pizza		x 0.0002	=

Post Project Group II (All Uses after project)

Type of Use	SqFt	Factor	Capacity
Bakery		x 0.0002	=
Bar (ABC License-Indoor/Outdoor)		x 0.0002	=
Catering		x 0.0002	=
Coffee House		x 0.0002	=
Deli		x 0.0002	=
Ice Cream Shop/Sandwich Shop		x 0.0002	=
Pizza		x 0.0002	=

Existing Group III (All Uses before project)

Type of Use	Quantity/SF	Factor	Capacity
Assisted Living (more than 6 beds)		x 0.085 bed	=
Dry Cleaner (with Onsite Laundry)		x 0.0002	=
Beauty Shop/Dog Grooming		x 0.0567 station	=
Child/Dependent Adult Day Care		x 0.0072 person	=
Dormitory		x 0.020 bed	=
Laundromat		x 0.12 machine	=
Motel/Hotel/Bed & Breakfast		x 0.064 room	=
w/Large Tub (add to room)		x 0.03 tub	=
w/Each Showerhead beyond one		x 0.02 per head	=
Irrigated area (within 10 ft. of bldg.)		x ETWU ¹	=
Plant Nursery		x 0.00009 sf	=
Public Toilet		x 0.058 toilet	=
Public Urinal		x 0.036 urinal	=
Zero Water Consumption Urinal		No value	=
Recreational Vehicle (RV) Hookup		x 0.064	=
Restaurant (Includes Bar/Brewpub Seat)	42	x 0.02 seat	= 0.84
Ext. Seats above Allowance		x 0.01 seat	=
Ext. Seats within Allowance		No value	=
Restaurant (24-Hour and Fast Food)		x 0.038 seat	=
School/Church		x 0.00007 sf	=
Self-Storage		x 0.0008 unit	=
Skilled Nursing/Alzheimer's Care		x 0.120 bed	=
Spa		x 0.05 spa	=
Swimming Pool (each 100 sq-ft of pool surface)		x 0.02 sf	=
Theater		x 0.0012 seat	=
EXISTING Capacity		TOTAL	= 2.075

Post Project Group III (All Uses after project)

Type of Use	Quantity/SF	Factor	Capacity
Assisted Living (more than 6 beds)		x 0.085 bed	=
Dry Cleaner (with Onsite Laundry)		x 0.0002	=
Beauty Shop/Dog Grooming		x 0.0567 station	=
Child/Dependent Adult Day Care		x 0.0072 child	=
Dormitory		x 0.020 bed	=
Laundromat		x 0.12 machine	=
Motel/Hotel/Bed & Breakfast	102	x 0.064 room	= 6.525
w/Large Tub (add to room)	13	x 0.03 tub	= 0.39
w/Each Showerhead beyond one		x 0.02 per head	=
Irrigated area (within 10 ft. of bldg.)		x ETWU	=
Plant Nursery		x 0.00009 sf	=
Public Toilet	6	x 0.058 toilet	= 0.348
Public Urinal		x 0.036 urinal	=
Zero Water Consumption Urinal		No value	=
Recreational Vehicle (RV) Hookup		x 0.064	=
Restaurant (Includes Bar/Brewpub Seat)	160	x 0.02 seat	= 3.2
Ext. Seats above Allowance	20	x 0.01 seat	= 0.2
Ext. Seats within Allowance		No Value	=
Restaurant (24-Hour and Fast Food)		x 0.038 seat	=
School/Church		x 0.00007 sf	=
Self-Storage		x 0.0008 unit	=
Skilled Nursing/Alzheimer's Care		x 0.120 bed	=
Spa	1	x 0.05 spa	= 0.05
Swimming Pool (each 100 sq-ft of pool surface)		x 0.02 sf	=
Theater		x 0.0012 seat	=
PROPOSED Capacity		TOTAL	= 10.891

Group IV - Modified Uses

Reduced water Capacity and have received a Water Use Credit or modified factor from the District

New/Refurbished Landscape - Refer to District Rule 142.1 "Water Efficient Landscape Requirements"

PROPOSED WATER CAPACITY (DIFFERENCE BETWEEN EXISTING CAPACITY - POST PROJECT CAPACITY)

NOTE: Water Factors are subject to change by Board action.

(Jurisdiction must authorize water for positive result)

In completing this Water Release Form, the undersigned (as owner or as agent for the property owner) acknowledges that any discrepancy or mistake may cause rejection or delay in processing of the application. Additionally, the undersigned is responsible for accurately accounting for the type of Non-Residential use. Changes of Use or Expansions completed without a Water Permit may result in additional fees and penalties, the imposition of a lien on the property, and the deduction of water from the local Jurisdiction's Allocation.

I certify, under penalty of perjury, that the information provided on this Water Release Form & Permit Application is to my knowledge correct, and the information accurately reflects the changes presently planned for this property.

Signature of Owner/Agent

12/19/22

Date

AUTHORIZATION FOR WATER PERMIT - JURISDICTION USE ONLY

Notes: AF Paralta Allocation AF Public Credits AF Pre-Paralta Credits WDS (Private Well) No water needed Entitlement

Authorized by:

Date:

¹ See MPWMD Rule 142.1

This form expires on the same date as any discretionary or building permit issued for this Project by the Jurisdiction



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: City Council

FROM: Mark Brodeur, Director Community and Economic Development Department

MEETING DATE: May 20, 2015

SUBJECT: Appeal of Parcel Map PM 14-602 to subdivide one lot into two at 542 Lighthouse Ave (Holman Building site)

CEQA: This action qualifies for a Class 15 Categorical Exemption for Minor Land Divisions under Section 15315 of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

Approve the parcel map with the following additional conditions:

Plan Revision: Within 30 days of approval, Applicant shall submit revised plans that include the following corrections: 1) Move the property line 5 feet north, thereby increasing the size of Parcel 1 and decreasing the size of Parcel 2; 2) Increase the width of the easement on Parcel 2 from 20 feet to 25 feet; and (3) Show 14 parking spaces located on Parcel 2 to be reserved for the exclusive benefit of Parcel 1, which location on Parcel 2 shall be immediately adjacent to Parcel 1.

Water Credit Assignment: Assignment of water credits shall be made an explicit condition of approval of the parcel map.

BACKGROUND

On December 9, 2014, a Parcel Map application was submitted to subdivide one existing 59,218 square foot parcel (approximately 1.36 acres) bounded by Lighthouse Avenue, Grand Avenue, Central Avenue, and Fountain Avenue, into two parcels, and to include within that boundary a 20 foot wide easement. There are two existing buildings on the site: the former Holman Department store located at 542 Lighthouse Ave, and a single-story building located at 157 Grand Ave ("Grand Central Station"). The site also includes an impervious surface parking lot.

The proposed parcel map conforms to the General Plan designation, the C-1-T zoning district, and the City's Parcel Map procedures per PGM C § 24.08, and the Subdivision Map Act. There are no legal issues that would prohibit the approval of the parcel map subdividing one lot into two.

Parcel 1 is proposed to be approximately 24,600 square feet (0.57 acres), occupied by the existing Holman Building. Parcel 1 as proposed would also have rights to a 20' wide

easement on Parcel 2 that would provide access to the surface parking lot and to the rear of the Holman Building.

Parcel 2 is proposed to be approximately 34,600 square feet (0.79 acres) and would contain the surface parking lot and an existing single-story building. Parcel 2 is proposed to include 14 parking spaces to be used for the exclusive benefit of Parcel 1.

No development proposals for either parcel are on file with the Community and Economic Development Department.

The Zoning Administrator is the approval authority for Parcel Maps, but as permitted in PGMC Table 23.70.012-1, the Zoning Administrator referred this Parcel Map request to the first appeal authority, the Planning Commission, for decision.

The application was heard before the Planning Commission on March 19, 2015. It was not approved, on a 3-3-0-1 vote. An appeal of the technical denial was received and the required fee paid. The City Council considers the item *de novo*.

DISCUSSION

The property is currently designated *Commercial* by the General Plan and zoned *C-1-T*. This is the only parcel in the City zoned C-1-T; the C-1-T zoning regulations were adopted by the voters in 1994 with the passage of Measure E (Attachment 6). Several issues related to the parcel and the proposed lot-split deserve special consideration.

Site coverage. Presently, the Holman parcel contains existing development that is legal noncomplying for site coverage and building height, as the development does not meet current zoning standards. (Site coverage is defined as the percentage of the entire site covered by structure and other impervious surfaces.) The current development exceeds the maximum permissible site coverage. As it exists today, 100% of the Holman block is covered with building or impervious surfaces. Current zoning limits maximum site coverage from 75% to 90% depending on the height of structures. The Holman Building, as built, also exceeds the maximum allowable height.

The Zoning Code prohibits any legal non-complying development from being “enlarged or increased” (§23.68.020). In this case, approval of a lot split, in and of itself, does not enlarge or increase the non-conforming buildings/development, as the development of the existing parcel is already at 100% site coverage and the actual site coverage of the buildings and other development remains unchanged. Similarly, the proposed lot split in and of itself, does not bring into play Zoning Code requirements related to building height, as specified in PGMC Table 23.31.040¹.

By splitting the lot into two parcels, both parcels remain at 100% site coverage and retain their legal non-complying status.²

¹ Such requirements, on the other hand, would be relevant for development proposals that may be made for either parcel, if the lot split were to be approved.

² Proposals can be entertained, for example, to bring Parcel 1 (the Holman Building parcel) into greater compliance with respect to the C-1-T zone’s site coverage requirements. The asphalt paving (an impervious surface) in the proposed easement could be removed and replaced with pervious materials that would allow

The recommended approach is to not condition the parcel split with a condition to remove paving. Such a condition would not be timely, and would be difficult to enforce over time. Such a condition should instead be considered when either parcel submits a new development proposal and application.

Dwelling Units. Per Table 23.31.040, the entire C-1-T zoning district is limited to a maximum of 25 dwelling units. The Code is silent as to how or whether the number of units would be divvied up should the parcel be subdivided. In the absence of any conditions or other restrictions, the first applicant to submit a complete application for dwelling unit approval would have first claim upon units available within this limit. Subsequent applications could seek approval for dwelling units only to the extent allowable dwelling units remain.

Measure E of 1994 requires the Council to adopt regulations specific to the C-1-T zone before the City may accept any application for condominium units in the zone. As stated above, no development application for either of the resulting two parcels has been submitted. To date, the City has not adopted the condominium regulations contemplated by Measure E.

Easement. The proposal shows a 20-foot wide easement to the north of the existing Holman Building. The purpose of the easement is to grant access to Parcel 2, should the property be developed with an infill project that is of a greater density and intensity than the existing surface parking lot and single-story building. A small portion of the proposed easement does not meet the 20 feet width requested by the Fire Department. For this reason, to better facilitate access to the Holman Building, and for the rationale stated in the site coverage discussion above, staff recommends the width of the easement on Parcel 2 be increased from 20 feet wide to 25 feet wide.

Parking. Parcel 1 may be able to accommodate parking in the lower basement level of the existing Holman building. To date, structural studies have not been submitted to demonstrate whether or not parking can be accommodated in the building's lower level. Also, no parking studies been completed.

14 parking spaces on Parcel 2 are proposed to be reserved for the benefit of Parcel 1. These would serve active ground floor uses that currently occupy the Holman building. The Parcel Map application proposes a condition requiring the 14 parking spaces for this use. Staff recommends the parking condition be made more explicit, and specify that 14 reserved parking spaces on Parcel 2 be dedicated for the exclusive benefit of Parcel 1, and also specify these 14 parking spaces be located on Parcel 2, immediately adjacent to Parcel 1.

rain water to drain through it. Also, if the proposed 20-foot wide easement were increased to 25 feet wide with pervious cover, the degree of site coverage would be reduced from 100% to 85%. This is assuming, of course, that the Holman Building coverage footprint is not altered. If the building were demolished, any new development would have to be brought into full compliance with site coverage and other zoning requirements.

Water Credits. Under existing Monterey Peninsula Water Management District rules, it is appropriate to assign existing water credits on the site between the two proposed parcels. It is recommended that this assignment be made as a condition to the lot split. The owner has proposed to assign 6.7 acre feet per year (AFY) of water credits to Parcel 1 and 1.4 AFY in water credits to Parcel 2. Assignment of water credits in these amounts should be made an explicit condition of approval of the parcel map.

CEQA. This action qualifies for a Class 15 Categorical Exemption for Minor Land Divisions under Section 15315 of the California Environmental Quality Act (CEQA) Guidelines as it consists of division of urbanized property into less than five parcels, is conformance with the General Plan and applicable zoning standards, and meets all other criteria for a Class 15 Exemption.

FISCAL IMPACT

No direct impact from this decision. If the lot split changes the development potential and pace of development, then there could be a long-term financial impact on the City's tax revenues.

ATTACHMENTS

1. Resolution
2. Parcel Map
3. Exemption
4. Appeal
5. Application
6. Measure E, 1994
7. Zoning Code Chapter 23.32 *C-1 Districts* and Chapter 23.33, *C-1 T District*, just prior to the recent reformatting

SUBMITTED BY:



Mark Brodeur, Director
Community and Economic Development

REVIEWED BY:

Thomas Frutchey
City Manager

RESOLUTION 15-XX

AUTHORIZATION FOR SUBDIVISION OF ONE LOT (APN 006-173-001 - 1.359 ACRES) INTO TWO LOTS AT 542 LIGHTHOUSE AVENUE PARCEL MAP 14-602

FACTS

1. The site is located at 542 Lighthouse Ave, Pacific Grove, 93950, also known as APN 006-173-001.
2. The site has a designation of Commercial on the adopted City of Pacific Grove General Plan Land Use Map.
3. The project consists solely of subdivision of the site into two parcels.
4. The site is located in the C-1-T zoning district.
5. A survey of the site was completed on December 5, 2014 by Bestor Engineers.
6. APN 006-173-001 is developed with two buildings currently used for commercial retail uses and a surface parking lot. The site totals 1.36 acres.
7. Parcel 1 is proposed as a 24,617 square foot lot, and Parcel 2 is proposed as a 34,601 square foot lot.
8. This project qualifies for a CEQA Exemption pursuant to CEQA Guideline section 15315, Minor Land Subdivisions, Class 15.
9. Sidewalks and curbs are consistent with the surrounding neighborhood.

FINDINGS

1. The subdivision will neither be detrimental to the orderly and harmonious development of the city nor impair the desirability of investment or occupation in the neighborhood because the project will be improving the subject property.
2. The proposed parcel map is consistent with the General Plan because the proposed subdivision supports Land Use Policies in Chapter 2 Land Use, Policy 3, 5, 7; and 8. The subject property is not regulated by the local coastal program or any specific plans.
3. The C-1-T zoning district was approved by the voters. No provision of the C-1-T zoning district shall be repealed or amended except by a vote of the people.
4. The parcel map approved by this Resolution is located on a legally created lot.
5. The property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, setbacks, and any other application provisions of the Zoning Code C-1-T zoning district, outlined in PGMC §23.31.0040, with the exception of site coverage, height, and parking which are legal non-conforming.

6. The parcel map approved by this Resolution is in compliance with all citywide permits, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) permit.
7. Sanitary sewer facilities and connections are provided for each lot.

CONDITIONS OF APPROVAL

1. **Expiration.** The approval granted by this Resolution shall not expire or become void once it takes effect.
2. **Construction Compliance.** No construction is approved by this Resolution.
3. **Terms and Conditions.** All conditions of approval shall run with the land, and shall bind all future owners and possessors of the property to the terms and conditions, unless amended. Amendments to this permit shall have force or effect only if an application is made and is approved by City, in accord with the Zoning Code.
4. **Plan Revisions:** Within 30 days after authorization of this Resolution, Applicant shall submit revised plans to incorporate the following elements: 1) Move the property line an additional 5 feet to the north and increase the size of Parcel 1, and decrease the size of Parcel 2, 2) show the vehicle access easement to be 25 feet in width, and 3) show the parking easement on Parcel 2 for the benefit of Parcel 1, as required by Paragraph 7, below. Staff shall review the revised plans, determine if they are complete and determine if the plans conform to this Resolution.
5. **Conformance to Plans.** Changes to the site shall conform to revised plans as submitted in conformance with Condition of Approval #4 on file with the Community and Economic Development Department.
6. **Deed Restriction.** The new deed description of the subdivision shall be filed with the County Recorder and recorded prior to issuance of any building permit.
7. **Easements.** A perpetual easement shall be created and recorded to enable vehicle and fire access. A separate easement shall be created and recorded to confirm and reserve fourteen parking spaces on Parcel 2 are held for the exclusive use of Parcel 1. Each space subject to this reservation shall be immediately adjacent to Parcel 1. The subdivision shall not take effect until each the easement has been recorded.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

1. The Council determines each Fact and each Finding set forth above is true and correct, and by this reference incorporates those Facts and Findings as integral parts of this Resolution.

2. Each Condition listed above is approved and made an integral part of this Resolution. Compliance with each Condition shall be required.
3. The Council authorizes APPROVAL of Parcel Map Permit 14-602.
4. This Resolution shall take effect immediately following submission, and acceptance by City staff, of complete plans as required by this Resolution.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE this 20th day of May, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

BILL KAMPE, Mayor

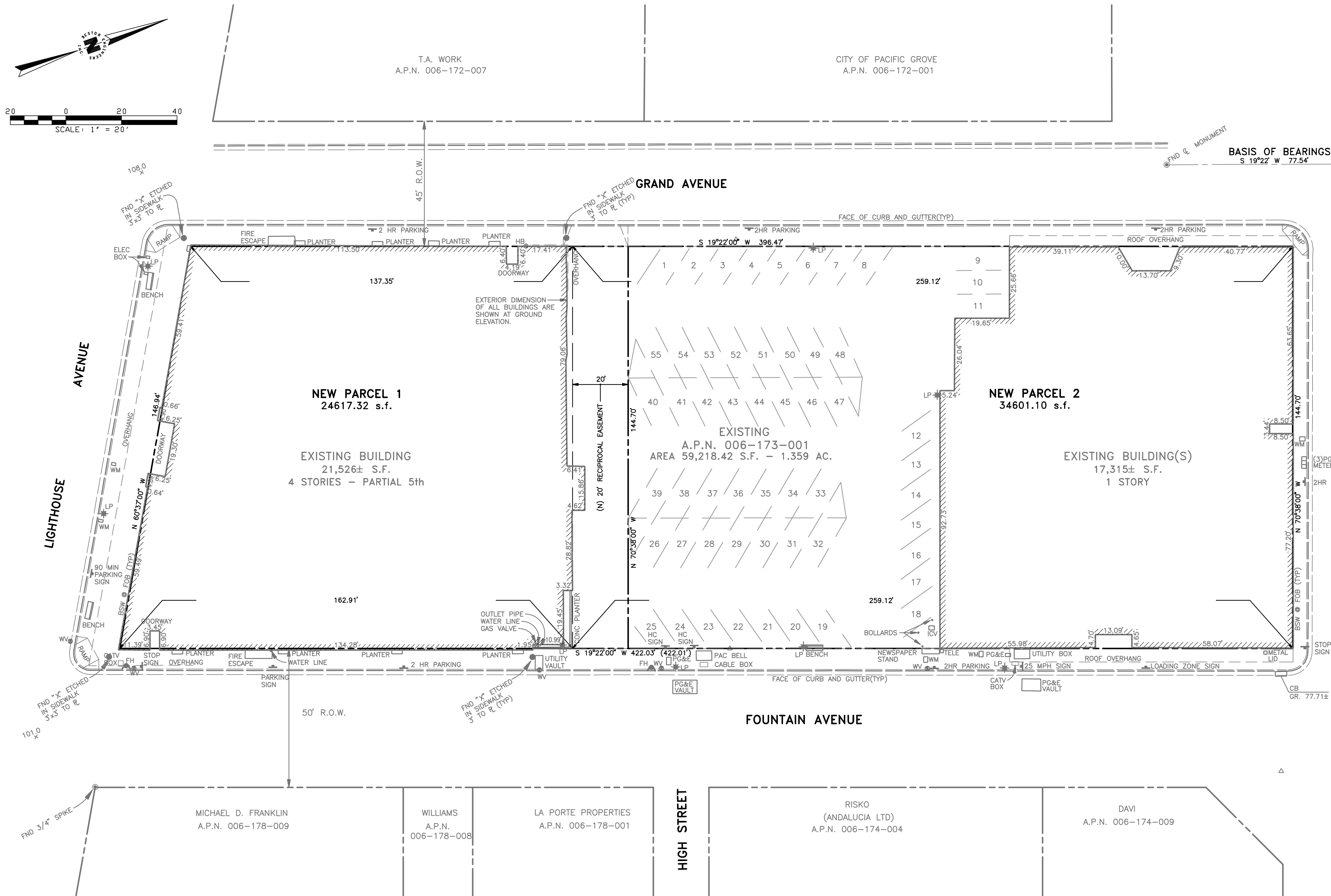
ATTEST:

SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney

THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REPRODUCTION, OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS IN THE ENGINEER WITHOUT PREJUDICE. VISUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.



NOTES

- A - ZONING IS C-1-T
B - PARKING REQUIREMENTS: DEPENDENT ON USE PERMIT TYPE & PLANNING COMMISSION. (THERE ARE 55 PARKING SPACES, TWO OF WHICH ARE HANDICAPPED)
C - DENSITY REQUIREMENTS: 20 TO 30 UNITS PER ACRE
D - HEIGHT REQUIREMENTS: 40.0 FEET @ 75% LOT COVERAGE & 30.0 FEET @ 90% LOT COVERAGE
E - SETBACK REQUIREMENT: 0.0 FEET
- ALL STREETS ARE PUBLIC.
- PROPERTY IS NOT WITHIN FLOOD INSURANCE BOUNDARY AREA
- ELEVATIONS SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1988 (NAVD88).
- THERE ARE EXISTING SEPARATE WATER METERS FOR EACH OF THE TWO BUILDINGS. PREVIOUSLY, THE WATER MANAGEMENT DISTRICT AND THE CITY OF PACIFIC GROVE HAVE APPROVED THE EXISTING WATER USAGE OF BOTH BUILDINGS AND NO TRANSFER OF EXISTING WATER ALLOCATION WILL TAKE PLACE BETWEEN THE TWO BUILDINGS. NEW PARCEL 1 ALLOCATION 6.7 A.F.
NEW PARCEL 2 ALLOCATION 1.4 A.F.
- EXISTING 20' ONE WAY ROAD EASEMENT TO BE RECORDED.
- PROPERTY IS PART OF CITY'S PARKING DISTRICT. FOURTEEN PARKING SPACES WILL BE DESIGNATED TO THE NEW PARCEL 1 UNTIL SUCH TIME NEW PARCEL 2 IS BUILT WITH A GARAGE. THESE 14 SPACES AT THAT TIME WILL BE TRANSFERRED TO THE NEW GARAGE.

LEGEND	
ℙ	PROPERTY LINE
CB	CATCH BASIN
CONC	CONCRETE
FH	FIRE HYDRANT
ICV	IRRIGATION CONTROL VALVE
WM	WATER METER
WV	WATER VALVE
FND	FOUND "X" CHISELED IN SIDEWALK
()	RECORD IF VARIES FROM MEASURED
BSW	BACK OF SIDEWALK
FOB	FACE OF BUILDING
ROW	RIGHT OF WAY
////	EXTERIOR DIMENSION OF BUILDING
101.0 x	SPOT ELEVATION

BASIS OF BEARINGS

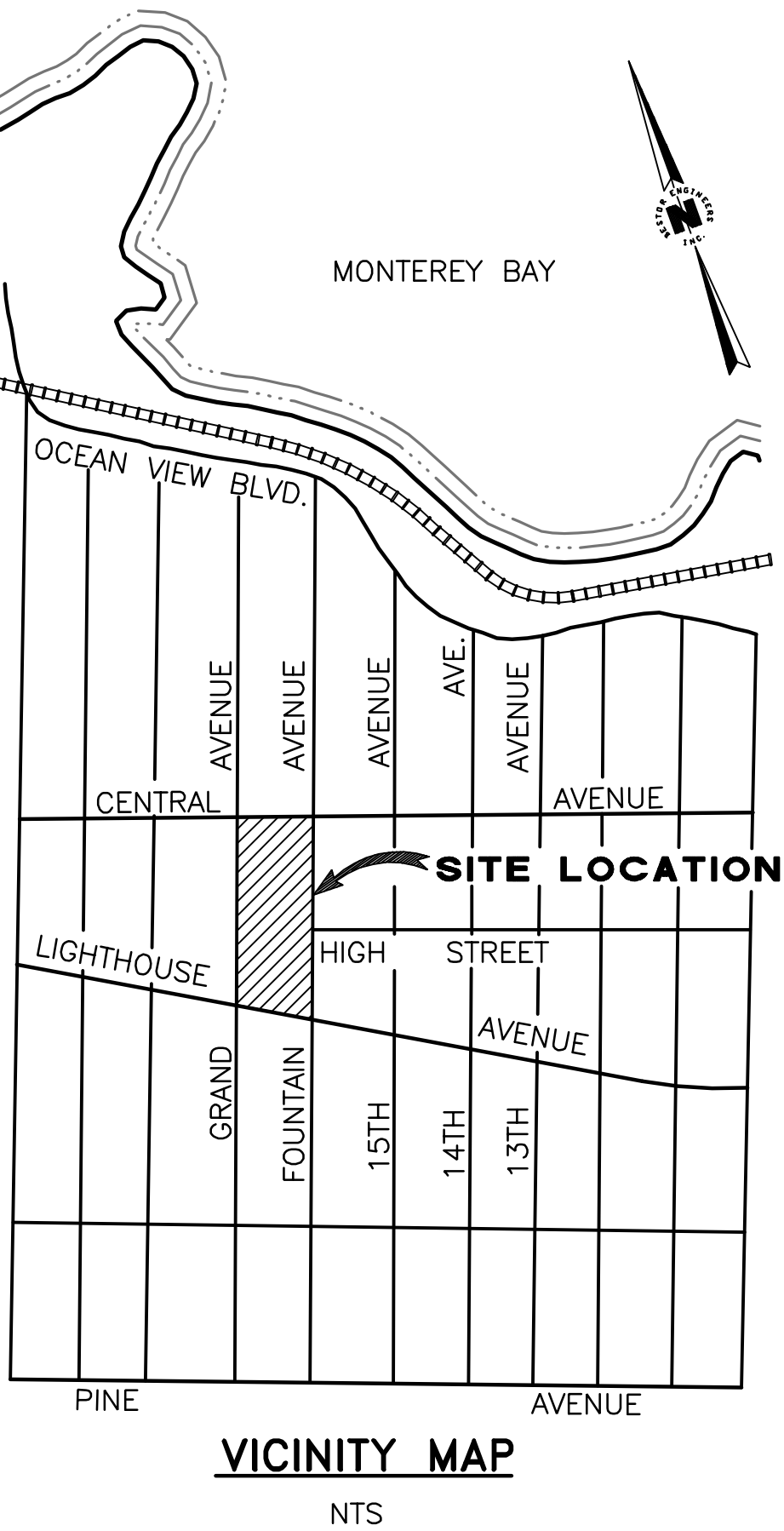
THE BEARING OF S 19°22' W ALONG THE CENTERLINE OF GRAND AVE. AS SHOWN FILED IN VOLUME 1 OF MAPS AT PAGE 10, RECORDS OF MONTEREY COUNTY.

LEGAL DESCRIPTION

ORDER NO. 174780-CI

BLOCK "H" IN PACIFIC GROVE RETREAT GROUNDS AS DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF ST. JOHN COX SURVEY OF PACIFIC GROVE", FILED IN THE OFFICE OF THE COUNTY RECORDER OF MONTEREY COUNTY, APRIL 9, 1894 AND NOW ON FILE IN SAID OFFICE OF MAP BOOK 1, CITIES AND TOWNS, AT PAGE 50.

A.P.N. 006-173-001



Agenda No. 11A, Attachment 2
1/29/15 ADDED NOTES
5 TO 7

DESIGNED BY
DRAWN BY SDT
DATE:
ENGINEER
RCE:
EXP:

PRELIMINARY
NOT FOR CONSTRUCTION

BESTOR ENGINEERS, INC.
CIVIL ENGINEERING - SURVEYING - LAND PLANNING
8701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940

PREPARED FOR: NADER AGHA

TENTATIVE PARCEL MAP
HOLMAN BUILDING - A.P.N. 006-173-001
542 LIGHTHOUSE AVE. - CITY OF PACIFIC GROVE
COUNTY OF MONTEREY, CALIFORNIA

SCALE: 1" = 20'
DATE: 12/5/14
SHEET: 1 OF 1
WO: 5209.02



CITY OF PACIFIC GROVE

Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

T :: 831.648.3190 • F :: 831.648.3184 • www.ci.pg.ca.us/cdd

NOTICE OF EXEMPTION FROM CEQA

Agenda No. 11A. Attachment 3
Page 1 of 1

Property Address/Location: __542 Lighthouse Ave, Pacific Grove, CA 93950__

Project Description: __Parcel Map application to subdivide one 59,218 square foot parcel in an urbanized area into two parcels.__

APN: __006-173-001__

ZC: __C-1-T__ GP: __Commercial__ Lot Size: __59,218 square feet__

Applicant Name: __Pat Ward, Bestor Engineers__ Phone #: __831-373-2941__

Mailing Address: __9701 Blue Larkspur Lane, Monterey, CA 93940__

PORTION BELOW TO BE COMPLETED BY A PLANNER:

Public Agency Approving Project: City of Pacific Grove, Monterey County, California

Exempt Status (Check One):

- ☐ Ministerial Project (Sec. 21080(b)(1):15268))
- ☐ Declared Emergency (Sec. 21080(b)(3): 15269(a))
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))

X ☒ Categorical Exemption

Type and Section Number: __Minor Land Divisions Class 15 S. 15315__

☐ Statutory Exemptions

Type and Section Number: _____

☐ Other: _____

Exemption Findings: __Parcel is in an urbanized area, conforms to the General Plan and zoning, and all services and access to the proposed parcels are available. The parcel was not involved in a land division within the previous two years and the parcel does not have an average slope greater than 20 percent.__

Contact Person, Title: Anastazia Aziz, AICP, Sr. Planner _____

Contact Phone: __ (831) 648-3192 __

Signature: __

04/01/15

Mail to: Monterey County Clerk
P.O. Box 29
Salinas, CA 93902-0570

RECEIVED

Agenda No. 11A, Attachment 4
Page 1 of 1

MAR 20 2015



CITY OF PACIFIC GROVE
Community Development Department
 300 Forest Avenue, Pacific Grove, CA 93950
 T :: 831.648.3190 • F :: 831.648.3184 • www.ci.pg.ca.us/cdd
Appeal Form

Appeal #:

PM 14-602

Date:

03/20/15

Received By:

A. H. H.

Total Fee:

742.75

Project Information

Project Address: 542 Lighthouse Ave. APN: 006-173-001
☒ On HRI ☐ Not on HRI
 Application & No.: PM-14-602
 Applicant Name: Pat Ward, Bestor Eng Phone #: 873-2941
 Mailing Address: Monterey, CA
 Email Address: ward@bestor.com
 Owner Name: Nadar Agna Phone #: —
 Mailing Address: —
 Email Address: —

Action¹

☐ ARB: Architectural Review Board
☐ CDD: Planning Staff
☐ HRC: Historic Resources Committee
☒ PC: Planning Commission
☐ NRC: Natural Resources Committee
☐ SPRC: Site Plan Review Committee
☐ ZA: Zoning Administrator

Date of Action: 03/19/15
 Action Taken: Denial of parcel map

Appeal Information

Appellant Name: Kenneth Tjergen Phone #: 831-649-4642
 Mailing Address: 2340 Gordon Road, Monterey CA 93940
 Email Address: kent@wrdarch.com
 Appeal Deadline: 5:00 p.m. on 1/1
 Grounds for Appeal: Proposal conforms with the General plan for zoning and should have been approved by Planning Commission
If necessary, use additional pages.

Fees

Discretionary Fees ²	\$	<u>1,465-</u>
Appeal Fee = 25% of discretionary fees	\$	<u>366.25</u>
Cost of publication of legal notice ³	\$	<u>300-</u>
Photocopies <u>—</u> copies @ 10¢ each	\$	<u>—</u>
Postage ⁴ <u>170</u> stamps @ 45¢ each	\$	<u>76.50</u>
Other	\$	<u>—</u>
Total Appeal Fee	\$	<u>742.75</u>

Appellant Signature

Date

3/20/15

¹ See Table 23.70.012-1 in the Pacific Grove Zoning Code, which identifies roles of review authorities as they relate to appeals.

² Whatever fee was collected by the city for the application for use permit, architectural approval, variance, etc., or combination of more than one fee if more than one decision is being appealed.

³ Currently averaging \$250-300.

⁴ Typically the number of address labels for parcels (or portions thereof) found within a 300 ft radius of the subject parcel (350 ft radius for homes in the Asilomar Dunes area) is approximately 120. Mailing is sent to owners and occupants (including most individual apartments) of properties.



CITY OF PACIFIC GROVE

Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

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Permit & Request Application

\$ PAID
1465-00

12/9/14

Project Permit(s) & Fees

Permit: Final parcel map Fee: 1465 Multiple Permit Discount: _____ App. #: 14-602
Date: Dec. 9, 2014
Received By: Laurel O'Kelloren
Total Fee: \$1465

Project/Property Information

Project Address: 542 LIGHTHOUSE AVE APN: 006-173-001-000
Lot: _____ Block: H Tract: PACIFIC GROVE RETREAT
ZC: C-1-T GP: Commercial Lot Size: 59,118 SF.
Project: 2 LOT PARCEL MAP
Description: LOT 1- 20,000 SF ± LOT 2- 39,000 SF ±.
Applicant Name: BESTOR ENGINEERS. Phone #: 831 373 2941
Mailing Address: 9701 BLUE LARKSPUR LANE, MONTEREY CA 93940
Email Address: WARD@BESTOR.COM
Owner Name: NADER AGHA. Phone #: _____
Mailing Address: _____
Email Address: _____

Permit(s)/Request(s)

☐ CRD: Counter Determination	☐ UP: Use Permit	☐ IHS: Initial Historic Screening	☐ VAR: Variance
☐ AP: Architectural Permit	☐ AUP: Administrative UP	☐ HPP: Historic Preservation Permit	☐ AVAR: Administrative VAR
☐ AAP: Administrative AP	☐ UP-A: UP Amendment	☐ HDP: Historic Demolition Permit	☐ VAR-A: VAR Amendment
☐ ADC: AP Design Change	☐ AUP-A: AUP Amendment	☐ HRP: Historic Relocation Permit	☐ AVAR-A: AVAR Amendment
☐ SP: Sign Permit	☐ C-1 Interp. of Permitted Uses	☐ HD: Historic Determination	☐ IS & ND/MND: Initial Study
☐ ASP: Administrative SP	☐ SU: Second Unit	☐ TPD: Tree Permit w/ Dev't	☐ EIR: Env. Impact Report
☐ TTM: Tentative Tract Map	☒ LLA: Lot Line Adjustment	☐ PUU: Permit Undocumented Unit	☐ MMP: Mitigation Monitoring
☒ FM: Final Tract Map	☐ JLM: Lot Merger	☐ GPA: General Plan Amendment	☐ Other <u>Final Parcel map</u>
☐ SPR: Site Plan Review	☐ COC: Certificate of Compliance	☐ ZCA: Zoning Code Amendment	☐ Other _____

CEQA Determination

☒ Cat. Exempt, Class:
☐ ND: Negative Declaration
☐ MND: Mitigated ND
☐ EIR: Environmental Impact Report

Review Authority

☐ Staff ☐ NRC
☒ ZA ☐ HRC
☐ SPRC ☐ PC
☐ ARB ☐ CC

Does the property have?

☐ Active Planning Permit
☐ Active Building Permit
☐ Active Code Violation

Is the property within?

☐ ASA: Archaeologically Sensitive Area¹
☐ CZ: Coastal Zone²
☒ ASBS: Drainage into ASBS Watershed
☒ HRI: Historic Resources Inventory^{3,4}
☐ BP: Butterfly Preserve Buffer

CERTIFICATION – I, the undersigned, under penalty of perjury, depose and certify that I am the applicant for this request, that the property owner approves this application and that all statements contained herein, including all documents and plans submitted in connection with this application, are true and accurate to the best of my knowledge.

Patrick
Applicant Signature

12/5/14
Date

[Signature]
Owner Signature (Required)

12-2-14
Date



CITY OF PACIFIC GROVE

Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

T :: 831.648.3190 • F :: 831.648.3184 • www.ci.pg.ca.us/cdd

Permit & Request Application

for Lot Line Adjustment (LLA), Lot Merger (LM) or Subdivision (SUB)

Agenda No. 11A, Attachment 5

App. # 11602 Page 2 of 2

Engineer/Surveyor or

other designated representative

Address

Daytime Phone #

Email Address

BESTOR ENGINEERS INC.
9701 BLUE LAKES PUR LANE, MONTEREY CA
831 373 2941 93940
WARD@BESTOR.COM

I. Deed Restrictions (attach copy of restrictions, if available):

a. What Deed Restrictions are presently effective on the property and pertain to the proposed request?

II. Owner's Certification:

a. I/We WADERT. AGHA being first duly sworn, depose and say: That I/We am/are the owner(s) in the above application and know the contents thereof; that the property has been surveyed and all lot corners staked as required by the City of Pacific Grove; that the same is true of my/our knowledge, except as to those matters which are therein stated on information or belief, and that those matters are believed to be true and correct.

[Signature]
Owner Signature

1-2-14
Date

Owner Signature

Date

STATE OF CALIFORNIA)

COUNTY OF Monterey) ss.

Subscribed and sworn to before me on _____, 2010.

[NOTARY SEAL ↓]

Notary Signature

NOTARY PUBLIC

Notary Name Typed or Printed



MONTEREY COUNTY

ELECTION DEPARTMENT

P.O. BOX 1848, 93902 - 1370 B SOUTH MAIN STREET, SALINAS, CALIFORNIA 93901

755-5085 SALINAS
647-7621 MONTEREY
385-8321 KING CITY
755-5485 FAX

TONY ANCHUNDO

REGISTRAR OF VOTERS

April 22, 1994

Chief, Voting Section
U.S. Department of Justice
P.O. Box 66128
Washington, D.C. 20035-6128

**RE: SUBMISSION UNDER SECTION 5 OF THE VOTING RIGHTS ACT
SPECIAL ELECTION CITY OF PACIFIC GROVE
JUNE 7, 1994**

Dear Sir:

Pursuant to Section 5 of the Federal Voting Rights Act I am submitting for preclearance a special election called in the City of Pacific Grove to be held on Tuesday June 7, 1994. The purpose of the election is to vote on a MEASURE TO ESTABLISH A NEW ZONE DISTRICT.

Enclosed for your information is a copy of the resolution calling the election, a copy of the proposed ordinance along with the Impartial Analysis of the measure prepared by the City Attorney.

The City of Pacific Grove has requested election administrative services from this department and I am submitting the request for preclearance on behalf of the district.

Enclosed please find:

- 1) A copy of the resolution calling the election and specifying the election particulars; and,
- 2) A list of the eligible precincts within the city and their estimated ethnicity based upon the 1990 federal census.

Sincerely,

TONY ANCHUNDO, Registrar of Voters
County of Monterey



CITY COUNCIL
JEANNE C. BYRNE, AIA
MAYOR
FLORENCE "FLO" SCHAEFER
ROBERT (BOB) DAVIS
ELEANOR C. ROGGE
VERN YADON
TERRENCE B. ZITO
BRUCE D. ROBERTS

GARY W. BALES
CITY MANAGER
WILLIAM S. PITT
ADMIN. SERVICES DIRECTOR
CITY CLERK AND TREASURER
GEORGE C. THACHER
CITY ATTORNEY

CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (408) 648-3100
FAX (408) 375-9863

February 25, 1994

Monterey County Election Dept.
P. O. Box 1848
Salinas, CA 93902

Attention: Tony

Dear Tony:

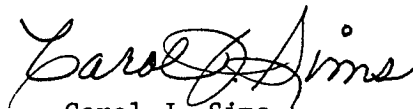
Enclosed are certified copies of Resolution No. 6363 Calling for a Special Municipal Election to be held in the City of Pacific Grove on the Seventh Day of June 1994, for a Ballot Measure Submitted to the Electorate of the City and Resolution No. 6364 Submitting a Measure to Establish a New Zone District - - Allowing Hotel Use In, and Modifying Condominium Regulations Applicable to, an Area of the Downtwon Defined by the Block Bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue - - to the Electorate of the City at a Special Municipal Election to be Held in the City of Pacific Grove on the Seventh Day of June 1994.

Please let us know at your earliest convenience, the schedule for publishing and what all we should publish and the letter identification of the measure.

We would appreciate your checking the resolutions to see that they meet your requirements.

Thank you for your help.

Sincerely,


Carol J. Sims
Deputy City Clerk

Encs. 2 Resolutions

RESOLUTION NO. 6394

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE SUBMITTING A MEASURE TO ESTABLISH A NEW ZONE DISTRICT -- ALLOWING HOTEL USE IN, AND MODIFYING CONDOMINIUM REGULATIONS APPLICABLE TO, AN AREA OF THE DOWNTOWN DEFINED BY THE BLOCK BOUNDED BY LIGHTHOUSE AVENUE, GRAND AVENUE, CENTRAL AVENUE AND FOUNTAIN AVENUE -- TO THE ELECTORATE OF THE CITY AT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF PACIFIC GROVE ON THE SEVENTH DAY OF JUNE 1994

WHEREAS, by Resolution No. 6393 this council previously has called a Special Municipal Election of the City of Pacific Grove to be held on June 7, 1994, and has requested the County of Monterey to provide for consolidation of said election with the Gubernatorial Primary Election to be held on the same day; and

WHEREAS, by that Resolution No. 6393 this council has noted that a ballot measure will be submitted to the electorate, said measure to be described by separate resolution; and

WHEREAS, by this resolution this council shall fully describe the measure;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

SECTION A. Qualified electors at the Special Municipal Election to be held in the City of Pacific Grove on Tuesday, June 7, 1994, shall be entitled to vote for one measure, as follows: A measure proposing to amend city's zoning regulations to establish a new zone district (C-1-T), where hotel and other commercial uses would be allowed, and where condominium development would be allowed pursuant to regulations specific to said district, said district to be defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

SECTION B. The proposed measure would, if a majority of the voters voting on the measure vote "yes", result in the adoption by the People of the following ordinance:

"ORDINANCE NO. _____ N.S.

**ORDINANCE OF THE PEOPLE OF THE CITY OF PACIFIC GROVE
ADDING CHAPTER 23.33 (C-1-T DISTRICT) TO THE PACIFIC GROVE
MUNICIPAL CODE TO ESTABLISH A NEW ZONE DISTRICT
WHEREIN HOTEL USE AND/OR CONDOMINIUM USE PURSUANT
TO REGULATIONS SPECIFIC TO SAID NEW DISTRICT, AND C-1**

**ZONE DISTRICT COMMERCIAL USES ARE ALLOWED, SAID NEW
ZONE DISTRICT TO BE DEFINED BY THE BLOCK BOUNDED BY
LIGHTHOUSE AVENUE, GRAND AVENUE, CENTRAL AVENUE AND
FOUNTAIN AVENUE**

**THE PEOPLE OF THE CITY OF PACIFIC GROVE DO ORDAIN AS
FOLLOWS:**

SECTION 1. The People of the City of Pacific Grove find as follows:

(a) Although current regulations prohibit hotels and severely limit condominium development in the downtown area, limited hotel and condominium use in the downtown would stimulate and enhance commerce and commercial growth in that area.

(b) The block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue presents not only a central, convenient location for hotel and/or residential use, but also is the site of a large, unique, presently vacant building ideally suited for a mixed hotel/retail use.

(c) Hotel and/or residential use on the referenced block, given its proximity to the core retail uses in the downtown, would be especially beneficial to the vigor of city's economy.

(d) Hotel use on the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue is consistent with historic use of this property in that from 1887 to 1918 a three-story, 114 room hotel, known first as the El Carmelo Hotel and later as the Pacific Grove Hotel, was located on this site.

(e) City's draft general plan provides that hotel use and/or mixed commercial/residential uses are appropriate and to be encouraged in the downtown area.

SECTION 2. Chapter 23.33 hereby is added to the Pacific Grove Municipal Code, to read as follows:

**Chapter 23.33
C-1-T DISTRICT**

23.33.010 Statement of intent. (a) It is the intent of the people of the city of Pacific Grove in enacting this chapter to establish a zone district in the city's downtown area where hotel use is permitted, as are all other uses listed in Chapter 23.32 (C-1 zone district) of this code. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for hotel development. Further, except as modified by this chapter, all provisions of the motel/hotel regulation ballot measure enacted by the people

at the June 3, 1986, special municipal election, as set out at Chapter 23.52 of this code, shall remain unchanged and in full force and effect.

(b) It is also the intent of the people of the city of Pacific Grove in enacting this chapter to provide for an exception to the strict regulations governing condominium development found at Chapter 23.45 of this code, said chapter enacted by the people at an election held in the city on November 2, 1982. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter 23.45. Further, except as modified by this chapter, the provisions of Chapter 23.45 shall remain unchanged and in full force and effect.

23.33.020 Uses permitted. The following uses are permitted in the C-1-T district:

(a) Any use permitted in the C-1 districts (Chapter 23.32 of this code) as said district regulations may from time to time be amended by the council.

(b) Hotel use shall be allowed, subject to the following:

(i) Hotel uses shall be subject to first securing a use permit in each case.

(ii) Height limits and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) All other regulations and conditions of approval shall be as provided by use permit approved pursuant to this title. Said regulations and conditions shall include, without limitation, provisions for architectural review, land area per unit, neighborhood compatibility, landscaping, parking, traffic and accessory buildings.

(iv) Required parking, if any, may be located on or off site, the location to be designated by the use permit.

(c) Condominium use shall be allowed, subject to the following:

(i) Condominium use shall be subject to first securing a use permit in each case.

(ii) Height limit and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) The provisions of Chapter 23.45 of this code shall not apply to development of condominiums in the C-1-T District. The council shall, by ordinance, establish standards, conditions and other appropriate regulations to govern the development of condominiums in the C-1-T District. Until and unless such standards, conditions and other regulations are in place, no application for such development shall be accepted or processed. Such standards, conditions and regulations established by the council shall be in addition to and harmonious with state law governing condominium development.

23.33.030 Maximum residential development. In no event shall residential development in the C-1-T zone district exceed 25 dwellings units. This limitation shall not be subject to variance.

23.33.040 Boundaries of district. The C-1-T district shall be that area defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

23.33.050 Amendment. No provision of this chapter shall be repealed or amended except by a vote of the people.

SECTION 3. If approved by a majority of the voters voting on this ordinance, this ordinance shall be considered adopted upon the date that the vote is declared by the council and shall go into effect ten days following that date.

APPROVED by the following vote of the people on June 7, 1994:

YES

NO

TOTAL VOTES CAST

ADOPTED by declaration of the vote by the City Council of the City of Pacific Grove on _____, 1994.

EFFECTIVE DATE: _____, 1994.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY"

The ballot format for the measure shall be substantially as follows:

CITY MEASURE ()

Shall the Pacific Grove Municipal Code be amended to establish a new zone district ("C-1-T") where condominiums (subject to a limitation that no more than 25 residential dwelling units shall be developed in the district), hotels and commercial uses shall be allowed, the area of said district defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue?

YES _____

NO _____

SECTION C. The city clerk is directed to publish the measure pursuant to Elections Code 22835, Government Code Section 6066 and as may be otherwise required by law.

SECTION D. Submission of measures to vote of city's electorate is not a project under the terms of the California Environmental Quality Act. (14 Cal. Admin. Code, Section 15378)

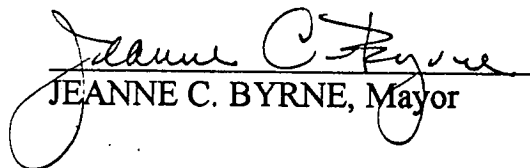
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 23rd day of February, 1994, by the following vote:

AYES: Byrne, Davis, Roberts, Rogge, Schaefer, Yadon

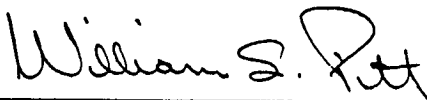
NOES: None

ABSENT: Zito

APPROVED:


JEANNE C. BYRNE, Mayor

ATTEST:



WILLIAM S. PITT, City Clerk

APPROVED AS TO FORM:



GEORGE C. THACHER, City Attorney

RESOLUTION NO. 6393

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF PACIFIC GROVE ON THE SEVENTH DAY OF JUNE 1994, FOR A BALLOT MEASURE SUBMITTED TO THE ELECTORATE OF THE CITY

WHEREAS, pursuant to the Charter of the City of Pacific Grove and the General Laws of the State of California, this council may call special elections;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

SECTION 1. In accordance with Article 8 of the Charter of the City of Pacific Grove, a Special Municipal Election of the City of Pacific Grove shall be held in the City on Tuesday, June 7, 1994, from the hours of 7:00 o'clock A.M. until 8:00 o'clock P.M., at which latter hour the polls shall be closed.

SECTION 2. Qualified electors at said election shall be entitled to vote for a ballot measure to be described by this council by separate resolution.

SECTION 3. Concurrently herewith the City Council is requesting the Board of Supervisors of the County of Monterey to provide for consolidation of the Special Municipal Election, called by Section 1 hereof, with the Gubernatorial Primary Election scheduled for Tuesday, June 7, 1994, insofar as the City of Pacific Grove is concerned, and to provide that within the City of Pacific Grove the election precincts, polling places and voting booths shall in every case be the same and there shall be only one set of election officers in each of said precincts, and to further provide that there shall be set forth in the form of a ballot to be used at said election, insofar as the same is held within the City of Pacific Grove, the measure referenced in Section 2 hereof. The Board of Supervisors of Monterey County further is requested to order the County Registrar of Voters (a) to set forth on all sample ballots, to be mailed to qualified electors of the City, appropriate places to answer "Yes" or "No" to the measure and to mail with said sample ballots to said electors printed copies of ballot statements, arguments and analysis, and the text of the measure proposed by the question, and (b) to provide absent voter ballots for said consolidated election for use by qualified electors of the City who are entitled thereto, in the manner provided by law.

SECTION 4. The Board of Supervisors of Monterey County hereby is further authorized to canvass, or cause to be canvassed, as provided by law, the returns of this Special Municipal Election with respect to votes cast on the measure and to certify such canvass of said votes. The canvass is to be completed as soon as practicable following the election.

SECTION 5. The City Clerk hereby is authorized and directed to certify to the due adoption of this resolution and to transmit a copy hereof, so certified, to the Board of Supervisors of Monterey County, and to file a copy hereof, so certified, with the County Clerk and the County Registrar of Voters.

SECTION 6. The City Clerk and County Registrar of Voters are authorized to print such forms, publish such notices and provide such information as may be necessary or convenient to assure the orderly holding of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner harmonious and consistent with law.

SECTION 7. The Registrar of Voters is authorized to bill the City, on a prorated basis, for costs associated with the Special Municipal Election hereby called.

SECTION 8. The City Attorney is directed to submit an impartial analysis of the proposed measure pursuant to Elections Code Section 5011.

SECTION 9. The last day for submitting arguments for or against the proposed measure shall be March 25, 1994. The last day for filing rebuttal arguments shall be April 4, 1994.

SECTION 10. Upon receipt, the City Clerk shall submit to the County Clerk all materials submitted pursuant to Elections Code Sections 5011, 5012, 5013, and 5014.5.

SECTION 11. This Council shall meet on the first available regular council meeting date following the election hereby called to declare the results of the election.

SECTION 12. The city clerk is directed to provide for all publications required by law.

SECTION 13. Submission of a measure to vote of City's electorate is not a project under the terms of the California Environmental Quality Act. (14 Cal. Admin. Code, Section 15378)

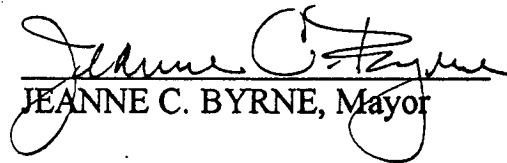
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 23rd day of February, 1994, by the following vote:

AYES: Byrne, Davis, Roberts, Rogge, Schaefer, Yadon

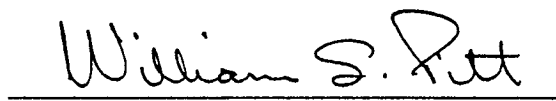
NOES: None

ABSENT: Zito

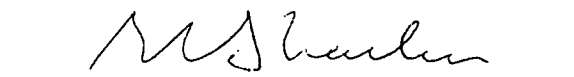
APPROVED:


JEANNE C. BYRNE, Mayor

ATTEST:


WILLIAM S. PITT, City Clerk

APPROVED AS TO FORM:


GEORGE C. THACHER, City Attorney

CITY COUNCIL

JEANNE C. BYRNE, AIA
MAYOR

FLORENCE "FLO" SCHAEFER

ROBERT (BOB) DAVIS

ELEANOR C. ROGGE

VERN YADON

TERRENCE B. ZITO

BRUCE D. ROBERTS



CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (408) 648-3100
FAX (408) 375-9863

GARY W. BALES
CITY MANAGER
WILLIAM S. PITT
ADMIN. SERVICES DIRECTOR
CITY CLERK AND TREASURER
GEORGE C. THACHER
CITY ATTORNEY

March 2, 1994

Monterey County Election Department
P. O. Box 1848
Salinas, CA 93902

Attention: Junel

Gentlemen:

Enclosed is a copy of Ordinance of the People of the City of Pacific Grove Adding Chapter 23.33 (C-1-T District) to the Pacific Grove Municipal Code to Establish a New Zone District Wherein Hotel Use and/or Condominium Use Pursuant to Regulations Specific to Said New District, and C-1 Zone District Commercial Uses are Allowed, Said New Zone District to be Defined by the Block Bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue, pursuant to your request during our telephone conversation today.

Sincerely,

Carol J. Sims
Deputy City Clerk

Enc. Ordinance

ORDINANCE NO. _____ N.S.

ORDINANCE OF THE PEOPLE OF THE CITY OF PACIFIC GROVE ADDING CHAPTER 23.33 (C-1-T DISTRICT) TO THE PACIFIC GROVE MUNICIPAL CODE TO ESTABLISH A NEW ZONE DISTRICT WHEREIN HOTEL USE AND/OR CONDOMINIUM USE PURSUANT TO REGULATIONS SPECIFIC TO SAID NEW DISTRICT, AND C-1 ZONE DISTRICT COMMERCIAL USES ARE ALLOWED, SAID NEW ZONE DISTRICT TO BE DEFINED BY THE BLOCK BOUNDED BY LIGHTHOUSE AVENUE, GRAND AVENUE, CENTRAL AVENUE AND FOUNTAIN AVENUE

THE PEOPLE OF THE CITY OF PACIFIC GROVE DO ORDAIN AS FOLLOWS:

SECTION 1. The People of the City of Pacific Grove find as follows:

(a) Although current regulations prohibit hotels and severely limit condominium development in the downtown area, limited hotel and condominium use in the downtown would stimulate and enhance commerce and commercial growth in that area.

(b) The block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue presents not only a central, convenient location for hotel and/or residential use, but also is the site of a large, unique, presently vacant building ideally suited for a mixed hotel/retail use.

(c) Hotel and/or residential use on the referenced block, given its proximity to the core retail uses in the downtown, would be especially beneficial to the vigor of city's economy.

(d) Hotel use on the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue is consistent with historic use of this property in that from 1887 to 1918 a three-story, 114 room hotel, known first as the El Carmelo Hotel and later as the Pacific Grove Hotel, was located on this site.

(e) City's draft general plan provides that hotel use and/or mixed commercial/residential uses are appropriate and to be encouraged in the downtown area.

SECTION 2. Chapter 23.33 hereby is added to the Pacific Grove Municipal Code, to read as follows:

**Chapter 23.33
C-1-T DISTRICT**

23.33.010 Statement of intent. (a) It is the intent of the people of the city of Pacific Grove in enacting this chapter to establish a zone district in the city's downtown area where hotel use is permitted, as are all other uses listed in Chapter 23.32 (C-1 zone district) of this code. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for hotel development. Further, except as modified by this chapter, all provisions of the motel/hotel regulation ballot measure enacted by the people at the June 3, 1986, special municipal election, as set out at Chapter 23.52 of this code, shall remain unchanged and in full force and effect.

(b) It is also the intent of the people of the city of Pacific Grove in enacting this chapter to provide for an exception to the strict regulations governing condominium development found at Chapter 23.45 of this code, said chapter enacted by the people at an election held in the city on November 2, 1982. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter 23.45. Further, except as modified by this chapter, the provisions of Chapter 23.45 shall remain unchanged and in full force and effect.

23.33.020 Uses permitted. The following uses are permitted in the C-1-T district:

(a) Any use permitted in the C-1 districts (Chapter 23.32 of this code) as said district regulations may from time to time be amended by the council.

(b) Hotel use shall be allowed, subject to the following:

(i) Hotel uses shall be subject to first securing a use permit in each case.

(ii) Height limits and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) All other regulations and conditions of approval shall be as provided by use permit approved pursuant to this title. Said regulations and conditions shall include, without limitation, provisions for architectural review, land area per unit, neighborhood compatibility, landscaping, parking, traffic and accessory buildings.

(iv) Required parking, if any, may be located on or off site, the location to be designated by the use permit.

(c) Condominium use shall be allowed, subject to the following:

(i) Condominium use shall be subject to first securing a use permit in each case.

(ii) Height limit and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) The provisions of Chapter 23.45 of this code shall not apply to development of condominiums in the C-1-T District. The council shall, by ordinance, establish standards, conditions and other appropriate regulations to govern the development of condominiums in the C-1-T District. Until and unless such standards,

conditions and other regulations are in place, no application for such development shall be accepted or processed. Such standards, conditions and regulations established by the council shall be in addition to and harmonious with state law governing condominium development.

23.33.030 Maximum residential development. In no event shall residential development in the C-1-T zone district exceed 25 dwellings units. This limitation shall not be subject to variance.

23.33.040 Boundaries of district. The C-1-T district shall be that area defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

23.33.050 Amendment. No provision of this chapter shall be repealed or amended except by a vote of the people.

SECTION 3. If approved by a majority of the voters voting on this ordinance, this ordinance shall be considered adopted upon the date that the vote is declared by the council and shall go into effect ten days following that date.

APPROVED by the following vote of the people on June 7, 1994:

YES _____

NO _____

TOTAL VOTES CAST _____

ADOPTED by declaration of the vote by the City Council of the City of Pacific Grove on _____, 1994.

EFFECTIVE DATE: _____, 1994

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY ATTORNEY'S ANALYSIS OF MEASURE E

Measure E is submitted by the City Council to the voters of the City of Pacific Grove for adoption or rejection. A "YES" vote will be to adopt Measure E, and a "NO" vote will be to reject Measure E. Measure E will, if adopted, result in amendments to City's zoning regulations, as described below.

At present the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue (hereinafter called "the block") is located in the C-1 zone district. C-1 zone district regulations allow a variety of commercial and residential uses. However, hotel use is currently prohibited in the C-1 district. Further, condominium development in the C-1 district is restricted by regulations that, among other provisions, require a minimum of 4,000 square feet of land area per condominium unit.

Measure E will, if adopted, establish a new zone district, known as C-1-T, and will designate the block as the only area in C-1-T. The new district's regulations will allow hotel development on the block, subject to conditions to be set by the discretionary use permit process. The new regulations, if adopted, will also allow the City Council to adopt condominium development standards specific to the C-1-T zone district. However, the measure itself, if adopted, will provide that no more than 25 residential dwelling units (condominiums or any other form of residential dwelling unit) shall be allowed in the C-1-T zone district. All other C-1 zone district uses will also continue to be allowed in the new C-1-T zone district.

This measure is being submitted to the voters of the city because only the voters may amend regulations previously adopted by the voters. This measure affects matters (hotel restrictions and condominium development standards) previously acted on by the voters at elections held in 1986 and 1982.

To be adopted Measure E must be approved by a simple majority of the voters voting at the election.



George C. Thacher, City Attorney

NUMBER OF REGISTERED VOTERS 10,232

**PRECINCTS: 464001.00 464002.00 464003.00 464004.00 464005.00
 464006.00 464007.00 464008.00 464009.00 464010.00**

CENSUS TRACT: 120 121 122 123 124.01 124.02

CENSUS TRACTS POPULATION: 17,073

ETHNIC BREAKDOWN:

HISPANIC:	1,022
WHITE:	14,858
BLACK:	260
I.A.E.:	89
A.P.I.:	827
OTHER:	17



MONTEREY COUNTY

ELECTION DEPARTMENT

P.O. BOX 1848, 93902 - 1370 B SOUTH MAIN STREET, SALINAS, CALIFORNIA 93901

755-5085 SALINAS
647-7621 MONTEREY
385-8321 KING CITY
755-5485 FAX

TONY ANCHUNDO

REGISTRAR OF VOTERS

CAROL J SIMS
Deputy City Clerk
City of Pacific Grove
300 Forest Avenue
Pacific Grove, Ca 93950

MARCH 3, 1994

Dear Carol:

This is to notify you of the total number of words allowed and due dates for arguments, rebuttals and impartial analysis for Pacific Grove's MEASURE E to be submitted to voters on June 7, 1994.

PRIMARY ARGUMENTS FOR OR AGAINST

DUE DATE	WORDS
MARCH 25, 1994	300

REBUTTAL ARGUMENTS

APRIL 4, 1994	250
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IMPARTIAL ANALYSIS

APRIL 4, 1994	500
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I am providing form 5350-STATEMENT TO BE FILED BY AUTHOR for interested parties submitting primary or rebuttal arguments.

Please contact me if you should have any questions at 647-7621.

Sincerely,

TONY ANCHUNDO
Registrar of Voters
Monterey County

CITY COUNCIL
JEANNE C. BYRNE, AIA
MAYOR
FLORENCE "FLO" SCHAEFER
ROBERT (BOB) DAVIS
ELEANOR C. ROGGE
VERN YADON
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CITY OF PACIFIC GROVE

300 FOREST AVENUE
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GARY W. BALES
CITY MANAGER
WILLIAM S. PITT
ADMIN. SERVICES DIRECTOR
CITY CLERK AND TREASURER
GEORGE C. THACHER
CITY ATTORNEY

March 25, 1994

Monterey County Election Department
P. O. Box 1848
Salinas, CA 93902

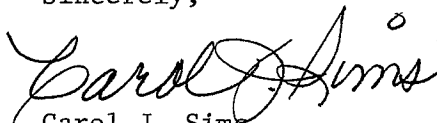
Attention: Tony Anchundo, Registrar of Voters

Dear Tony:

Enclosed is the original "Argument in Favor of Measure E" and the original "Statement to be Filed by Author" in regard to the June 7, 1994, election. The documents have been signed by Mayor Byrne.

If you have any questions, please call 408-648-3100.

Sincerely,


Carol J. Sims
Deputy City Clerk

Enc. Original "Argument in Favor of Measure E"

Original "Statement to be Filed by Author"

ARGUMENT IN FAVOR OF MEASURE E

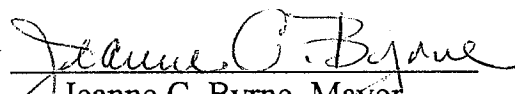
By unanimous vote taken on March 16, 1994, your City Council (Mayor Jeanne Byrne, and Council Members Bob Davis, Bruce Roberts, Eleanor Rogge, Flo Schaefer, Vern Yadon and Terrence Zito) urges you to support Measure E. The revitalization of the Holman building and its return to productivity is of utmost economic importance to the City of Pacific Grove. In addition, the Holman building has great historical significance for Pacific Grove. Passage of this measure could facilitate the restoration of the exterior to its traditional 1930's appearance, which would enhance the ambiance of downtown.

To achieve these ends, the City seeks voter approval to amend the downtown business district zoning for the Holman Block to allow hotel and/or condominium usage. In recent years, the four story Holman building has become less and less viable as a competitive business environment. This is mainly due to area wide competition and the unwillingness of large-scale department stores to invest in buildings and locations where shopping center amenities are not available. The problem for the Holman building appears to be the 3rd and 4th floors which are considered to be insufficiently productive in today's market. But because of the spectacular views available from this building, hotel or condominium usage would produce a market for these floors and thereby make the entire building a viable business enterprise. The revitalization of the Holman building would attract sales tax-producing businesses while hotel usage would add to the transient occupancy tax accrual, a major source of city tax revenue.

To assure reasonable development, the number of hotel rooms, parking, and other requirements would be set by use permit. Condominiums would be limited to not more than 25 units.

Please approve Measure E. Not to approve this measure might ensure an empty Holman building into an unforeseeable future.

PACIFIC GROVE CITY COUNCIL

by 
Jeanne C. Byrne, Mayor

STATEMENT TO BE FILED BY AUTHOR

The undersigned author(s) of the primary argument
(primary/rebuttal)
in favor of ballot proposition Measure E
(in favor/against) (name or number)
primary at the (name of election)
(name of election)
election for the City of Pacific Grove
(jurisdiction)
to be held on June 7, 1994, hereby states that such
(date)
argument is true and correct to the best of her belief.
(his/their)

Signed

Date

Jeanne C. Byrne
Jeanne C. Byrne, Mayor

3-25-94

THE ARGUMENT WAS APPROVED BY UNANIMOUS VOTE OF THE PACIFIC GROVE CITY COUNCIL
ON MARCH 16, 1994.

California Elections Code section 5350

ARGUMENT IN FAVOR OF MEASURE E

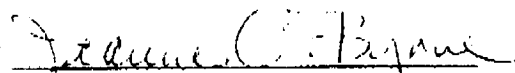
By unanimous vote taken on March 16, 1994, your City Council (Mayor Jeanne Byrne, and Council Members Bob Davis, Bruce Roberts, Eleanor Rogge, Flo Schaefer, Vern Yadon and Terrence Zito) urges you to support Measure E. The revitalization of the Holman building and its return to productivity is of utmost economic importance to the City of Pacific Grove. In addition, the Holman building has great historical significance for Pacific Grove. Passage of this measure could facilitate the restoration of the exterior to its traditional 1930's appearance, which would enhance the ambiance of downtown.

To achieve these ends, the City seeks voter approval to amend the downtown business district zoning for the Holman Block to allow hotel and/or condominium usage. In recent years, the four story Holman building has become less and less viable as a competitive business environment. This is mainly due to area wide competition and the unwillingness of large-scale department stores to invest in buildings and locations where shopping center amenities are not available. The problem for the Holman building appears to be the 3rd and 4th floors which are considered to be insufficiently productive in today's market. But because of the spectacular views available from this building, hotel or condominium usage would produce a market for these floors and thereby make the entire building a viable business enterprise. The revitalization of the Holman building would attract sales tax-producing businesses while hotel usage would add to the transient occupancy tax accrual, a major source of city tax revenue.

To assure reasonable development, the number of hotel rooms, parking, and other requirements would be set by use permit. Condominiums would be limited to not more than 25 units.

Please approve Measure E. Not to approve this measure might ensure an empty Holman building into an unforeseeable future.

PACIFIC GROVE CITY COUNCIL

by 
Jeanne C. Byrne, Mayor

City of Pacific Grove
300 Forest Avenue
Pacific Grove, California 93950
(408) 648-3100 — FAX (408) 375-9863

Agenda No. 11A, Attachment 6
Page 22 of 44

FAX Transmission Cover Sheet

To: ELECTION DEPT TONY ANCHUNDIC

Destination FAX Number: 755-15485

Date: 3-25-94 Time: 8:16 A

Number of Pages (including this cover sheet): 2

Subject: ARGUMENT IN FAVOR OF MEASURE E

Comments or Special Instructions: _____

Please call (408) 648-3100 if you experience any
problems receiving this transmission. Thank you.

Thanks!!

Name of Sender: Daniel J. Amis

STATEMENT TO BE FILED BY AUTHOR

The undersigned author(s) of the primary argument
(primary/rebuttal)
in favor of ballot proposition Measure E
(in favor/against) (name or number)
primary
at the (name of election)
election for the City of Pacific Grove
(jurisdiction)
to be held on June 7, 1994, hereby states that such
(date)
argument is true and correct to the best of her belief.
(his/their)

Signed

Date

Jeanne C. Byrne
Jeanne C. Byrne, Mayor

3-25-94

THE ARGUMENT WAS APPROVED BY UNANIMOUS VOTE OF THE PACIFIC GROVE CITY COUNCIL
ON MARCH 16, 1994.

California Elections Code section 5350

CITY COUNCIL

JEANNE C. BYRNE, AIA
MAYOR

FLORENCE "FLO" SCHAEFER

ROBERT (BOB) DAVIS

ELEANOR C. ROGGE

VERN YADON

TERRENCE B. ZITO

BRUCE D ROBERTS



CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (408) 648-3100
FAX (408) 375-9863

GARY W. BALES
CITY MANAGER
WILLIAM S. PITT
ADMIN. SERVICES DIRECTOR
CITY CLERK AND TREASURER
GEORGE C. THACHER
CITY ATTORNEY

February 25, 1994

Monterey County Election Dept.
P. O. Box 1848
Salinas, CA 93902

Attention: Tony

Dear Tony:

Enclosed are certified copies of Resolution No. 6363 Calling for a Special Municipal Election to be held in the City of Pacific Grove on the Seventh Day of June 1994, for a Ballot Measure Submitted to the Electorate of the City and Resolution No. 6364 Submitting a Measure to Establish a New Zone District -- Allowing Hotel Use In, and Modifying Condominium Regulations Applicable to, an Area of the Downtwon Defined by the Block Bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue -- to the Electorate of the City at a Special Municipal Election to be Held in the City of Pacific Grove on the Seventh Day of June 1994.

Please let us know at your earliest convenience, the schedule for publishing and what all we should publish and the letter identification of the measure.

We would appreciate your checking the resolutions to see that they meet your requirements.

Thank you for your help.

Sincerely,

Carol J. Sims
Deputy City Clerk

Encs. 2 Resolutions

RESOLUTION NO. 6394

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE SUBMITTING A MEASURE TO ESTABLISH A NEW ZONE DISTRICT -- ALLOWING HOTEL USE IN, AND MODIFYING CONDOMINIUM REGULATIONS APPLICABLE TO, AN AREA OF THE DOWNTOWN DEFINED BY THE BLOCK BOUNDED BY LIGHTHOUSE AVENUE, GRAND AVENUE, CENTRAL AVENUE AND FOUNTAIN AVENUE -- TO THE ELECTORATE OF THE CITY AT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF PACIFIC GROVE ON THE SEVENTH DAY OF JUNE 1994

WHEREAS, by Resolution No. 6393 this council previously has called a Special Municipal Election of the City of Pacific Grove to be held on June 7, 1994, and has requested the County of Monterey to provide for consolidation of said election with the Gubernatorial Primary Election to be held on the same day; and

WHEREAS, by that Resolution No. 6393 this council has noted that a ballot measure will be submitted to the electorate, said measure to be described by separate resolution; and

WHEREAS, by this resolution this council shall fully describe the measure;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

SECTION A. Qualified electors at the Special Municipal Election to be held in the City of Pacific Grove on Tuesday, June 7, 1994, shall be entitled to vote for one measure, as follows: A measure proposing to amend city's zoning regulations to establish a new zone district (C-1-T), where hotel and other commercial uses would be allowed, and where condominium development would be allowed pursuant to regulations specific to said district, said district to be defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

SECTION B. The proposed measure would, if a majority of the voters voting on the measure vote "yes", result in the adoption by the People of the following ordinance:

"ORDINANCE NO. _____ N.S.

**ORDINANCE OF THE PEOPLE OF THE CITY OF PACIFIC GROVE
ADDING CHAPTER 23.33 (C-1-T DISTRICT) TO THE PACIFIC GROVE
MUNICIPAL CODE TO ESTABLISH A NEW ZONE DISTRICT
WHEREIN HOTEL USE AND/OR CONDOMINIUM USE PURSUANT
TO REGULATIONS SPECIFIC TO SAID NEW DISTRICT, AND C-1**

**ZONE DISTRICT COMMERCIAL USES ARE ALLOWED, SAID NEW
ZONE DISTRICT TO BE DEFINED BY THE BLOCK BOUNDED BY
LIGHTHOUSE AVENUE, GRAND AVENUE, CENTRAL AVENUE AND
FOUNTAIN AVENUE**

**THE PEOPLE OF THE CITY OF PACIFIC GROVE DO ORDAIN AS
FOLLOWS:**

SECTION 1. The People of the City of Pacific Grove find as follows:

(a) Although current regulations prohibit hotels and severely limit condominium development in the downtown area, limited hotel and condominium use in the downtown would stimulate and enhance commerce and commercial growth in that area.

(b) The block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue presents not only a central, convenient location for hotel and/or residential use, but also is the site of a large, unique, presently vacant building ideally suited for a mixed hotel/retail use.

(c) Hotel and/or residential use on the referenced block, given its proximity to the core retail uses in the downtown, would be especially beneficial to the vigor of city's economy.

(d) Hotel use on the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue is consistent with historic use of this property in that from 1887 to 1918 a three-story, 114 room hotel, known first as the El Carmelo Hotel and later as the Pacific Grove Hotel, was located on this site.

(e) City's draft general plan provides that hotel use and/or mixed commercial/residential uses are appropriate and to be encouraged in the downtown area.

SECTION 2. Chapter 23.33 hereby is added to the Pacific Grove Municipal Code, to read as follows:

**Chapter 23.33
C-1-T DISTRICT**

23.33.010 Statement of intent. (a) It is the intent of the people of the city of Pacific Grove in enacting this chapter to establish a zone district in the city's downtown area where hotel use is permitted, as are all other uses listed in Chapter 23.32 (C-1 zone district) of this code. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for hotel development. Further, except as modified by this chapter, all provisions of the motel/hotel regulation ballot measure enacted by the people

at the June 3, 1986, special municipal election, as set out at Chapter 23.52 of this code, shall remain unchanged and in full force and effect.

(b) It is also the intent of the people of the city of Pacific Grove in enacting this chapter to provide for an exception to the strict regulations governing condominium development found at Chapter 23.45 of this code, said chapter enacted by the people at an election held in the city on November 2, 1982. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter 23.45. Further, except as modified by this chapter, the provisions of Chapter 23.45 shall remain unchanged and in full force and effect.

23.33.020 Uses permitted. The following uses are permitted in the C-1-T district:

(a) Any use permitted in the C-1 districts (Chapter 23.32 of this code) as said district regulations may from time to time be amended by the council.

(b) Hotel use shall be allowed, subject to the following:

(i) Hotel uses shall be subject to first securing a use permit in each case.

(ii) Height limits and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) All other regulations and conditions of approval shall be as provided by use permit approved pursuant to this title. Said regulations and conditions shall include, without limitation, provisions for architectural review, land area per unit, neighborhood compatibility, landscaping, parking, traffic and accessory buildings.

(iv) Required parking, if any, may be located on or off site, the location to be designated by the use permit.

(c) Condominium use shall be allowed, subject to the following:

(i) Condominium use shall be subject to first securing a use permit in each case.

(ii) Height limit and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) The provisions of Chapter 23.45 of this code shall not apply to development of condominiums in the C-1-T District. The council shall, by ordinance, establish standards, conditions and other appropriate regulations to govern the development of condominiums in the C-1-T District. Until and unless such standards, conditions and other regulations are in place, no application for such development shall be accepted or processed. Such standards, conditions and regulations established by the council shall be in addition to and harmonious with state law governing condominium development.

23.33.030 Maximum residential development. In no event shall residential development in the C-1-T zone district exceed 25 dwellings units. This limitation shall not be subject to variance.

23.33.040 Boundaries of district. The C-1-T district shall be that area defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

23.33.050 Amendment. No provision of this chapter shall be repealed or amended except by a vote of the people.

SECTION 3. If approved by a majority of the voters voting on this ordinance, this ordinance shall be considered adopted upon the date that the vote is declared by the council and shall go into effect ten days following that date.

APPROVED by the following vote of the people on June 7, 1994:

YES

NO

TOTAL VOTES CAST

ADOPTED by declaration of the vote by the City Council of the City of Pacific Grove on _____, 1994.

EFFECTIVE DATE: _____, 1994.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY"

The ballot format for the measure shall be substantially as follows:

CITY MEASURE ()

Shall the Pacific Grove Municipal Code be amended to establish a new zone district ("C-1-T") where condominiums (subject to a limitation that no more than 25 residential dwelling units shall be developed in the district), hotels and commercial uses shall be allowed, the area of said district defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue?

YES _____

NO _____

SECTION C. The city clerk is directed to publish the measure pursuant to Elections Code 22835, Government Code Section 6066 and as may be otherwise required by law.

SECTION D. Submission of measures to vote of city's electorate is not a project under the terms of the California Environmental Quality Act. (14 Cal. Admin. Code, Section 15378)

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 23rd day of February, 1994, by the following vote:

AYES: Byrne, Davis, Roberts, Rogge, Schaefer, Yadon

NOES: None

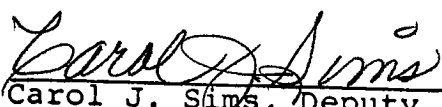
ABSENT: Zito

APPROVED:

CLERK'S CERTIFICATION

I, WILLIAM S. PITT, City Clerk of the City of Pacific Grove, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 6393 passed and adopted by the Council of the City of Pacific Grove on February 23, 1994.

WILLIAM S. PITT
Clerk of the City of Pacific Grove

By: 

Carol J. Sims, Deputy

Dated: February 25, 1994

RESOLUTION NO. 6393

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PACIFIC GROVE CALLING FOR A SPECIAL MUNICIPAL
ELECTION TO BE HELD IN THE CITY OF PACIFIC
GROVE ON THE SEVENTH DAY OF JUNE 1994, FOR A
BALLOT MEASURE SUBMITTED TO THE ELECTORATE
OF THE CITY**

WHEREAS, pursuant to the Charter of the City of Pacific Grove and the General Laws of the State of California, this council may call special elections;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

SECTION 1. In accordance with Article 8 of the Charter of the City of Pacific Grove, a Special Municipal Election of the City of Pacific Grove shall be held in the City on Tuesday, June 7, 1994, from the hours of 7:00 o'clock A.M. until 8:00 o'clock P.M., at which latter hour the polls shall be closed.

SECTION 2. Qualified electors at said election shall be entitled to vote for a ballot measure to be described by this council by separate resolution.

SECTION 3. Concurrently herewith the City Council is requesting the Board of Supervisors of the County of Monterey to provide for consolidation of the Special Municipal Election, called by Section 1 hereof, with the Gubernatorial Primary Election scheduled for Tuesday, June 7, 1994, insofar as the City of Pacific Grove is concerned, and to provide that within the City of Pacific Grove the election precincts, polling places and voting booths shall in every case be the same and there shall be only one set of election officers in each of said precincts, and to further provide that there shall be set forth in the form of a ballot to be used at said election, insofar as the same is held within the City of Pacific Grove, the measure referenced in Section 2 hereof. The Board of Supervisors of Monterey County further is requested to order the County Registrar of Voters (a) to set forth on all sample ballots, to be mailed to qualified electors of the City, appropriate places to answer "Yes" or "No" to the measure and to mail with said sample ballots to said electors printed copies of ballot statements, arguments and analysis, and the text of the measure proposed by the question, and (b) to provide absent voter ballots for said consolidated election for use by qualified electors of the City who are entitled thereto, in the manner provided by law.

SECTION 4. The Board of Supervisors of Monterey County hereby is further authorized to canvass, or cause to be canvassed, as provided by law, the returns of this Special Municipal Election with respect to votes cast on the measure and to certify such canvass of said votes. The canvass is to be completed as soon as practicable following the election.

SECTION 5. The City Clerk hereby is authorized and directed to certify to the due adoption of this resolution and to transmit a copy hereof, so certified, to the Board of Supervisors of Monterey County, and to file a copy hereof, so certified, with the County Clerk and the County Registrar of Voters.

SECTION 6. The City Clerk and County Registrar of Voters are authorized to print such forms, publish such notices and provide such information as may be necessary or convenient to assure the orderly holding of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner harmonious and consistent with law.

SECTION 7. The Registrar of Voters is authorized to bill the City, on a prorated basis, for costs associated with the Special Municipal Election hereby called.

SECTION 8. The City Attorney is directed to submit an impartial analysis of the proposed measure pursuant to Elections Code Section 5011.

SECTION 9. The last day for submitting arguments for or against the proposed measure shall be March 25, 1994. The last day for filing rebuttal arguments shall be April 4, 1994.

SECTION 10. Upon receipt, the City Clerk shall submit to the County Clerk all materials submitted pursuant to Elections Code Sections 5011, 5012, 5013, and 5014.5.

SECTION 11. This Council shall meet on the first available regular council meeting date following the election hereby called to declare the results of the election.

SECTION 12. The city clerk is directed to provide for all publications required by law.

SECTION 13. Submission of a measure to vote of City's electorate is not a project under the terms of the California Environmental Quality Act. (14 Cal. Admin. Code, Section 15378)

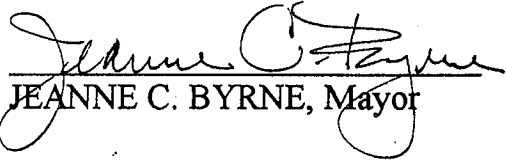
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 23rd day of February, 1994, by the following vote:

AYES: Byrne, Davis, Roberts, Rogge, Schaefer, Yadon

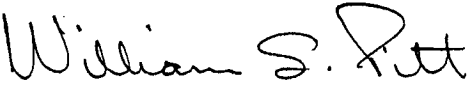
NOES: None

ABSENT: Zito

APPROVED:


JEANNE C. BYRNE, Mayor

ATTEST:


WILLIAM S. PITT, City Clerk

APPROVED AS TO FORM:


GEORGE C. THACHER, City Attorney

CITY COUNCIL
JEANNE C. BYRNE, AIA
MAYOR
FLORENCE "FLO" SCHAEFER
ROBERT (BOB) DAVIS
ELEANOR C. ROGGE
VERN YADON
TERRENCE B. ZITO
BRUCE D. ROBERTS



GARY W. BALES
CITY MANAGER
WILLIAM S. PITT
ADMIN. SERVICES DIRECTOR
CITY CLERK AND TREASURER
GEORGE C. THACHER
CITY ATTORNEY

CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (408) 648-3100
FAX (408) 375-9863

March 2, 1994

Monterey County Election Department
P. O. Box 1848
Salinas, CA 93902

Attention: Junel

Gentlemen:

Enclosed is a copy of Ordinance of the People of the City of Pacific Grove Adding Chapter 23.33 (C-1-T District) to the Pacific Grove Municipal Code to Establish a New Zone District Wherein Hotel Use and/or Condominium Use Pursuant to Regulations Specific to Said New District, and C-1 Zone District Commercial Uses are Allowed, Said New Zone District to be Defined by the Block Bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue, pursuant to your request during our telephone conversation today.

Sincerely,

Carol J. Sims
Deputy City Clerk

Enc. Ordinance

ORDINANCE NO. _____ N.S.

ORDINANCE OF THE PEOPLE OF THE CITY OF PACIFIC GROVE ADDING CHAPTER 23.33 (C-1-T DISTRICT) TO THE PACIFIC GROVE MUNICIPAL CODE TO ESTABLISH A NEW ZONE DISTRICT WHEREIN HOTEL USE AND/OR CONDOMINIUM USE PURSUANT TO REGULATIONS SPECIFIC TO SAID NEW DISTRICT, AND C-1 ZONE DISTRICT COMMERCIAL USES ARE ALLOWED, SAID NEW ZONE DISTRICT TO BE DEFINED BY THE BLOCK BOUNDED BY LIGHTHOUSE AVENUE, GRAND AVENUE, CENTRAL AVENUE AND FOUNTAIN AVENUE

THE PEOPLE OF THE CITY OF PACIFIC GROVE DO ORDAIN AS FOLLOWS:

SECTION 1. The People of the City of Pacific Grove find as follows:

(a) Although current regulations prohibit hotels and severely limit condominium development in the downtown area, limited hotel and condominium use in the downtown would stimulate and enhance commerce and commercial growth in that area.

(b) The block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue presents not only a central, convenient location for hotel and/or residential use, but also is the site of a large, unique, presently vacant building ideally suited for a mixed hotel/retail use.

(c) Hotel and/or residential use on the referenced block, given its proximity to the core retail uses in the downtown, would be especially beneficial to the vigor of city's economy.

(d) Hotel use on the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue is consistent with historic use of this property in that from 1887 to 1918 a three-story, 114 room hotel, known first as the El Carmelo Hotel and later as the Pacific Grove Hotel, was located on this site.

(e) City's draft general plan provides that hotel use and/or mixed commercial/residential uses are appropriate and to be encouraged in the downtown area.

SECTION 2. Chapter 23.33 hereby is added to the Pacific Grove Municipal Code, to read as follows:

Chapter 23.33
C-1-T DISTRICT

23.33.010 Statement of intent. (a) It is the intent of the people of the city of Pacific Grove in enacting this chapter to establish a zone district in the city's downtown area where hotel use is permitted, as are all other uses listed in Chapter 23.32 (C-1 zone district) of this code. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for hotel development. Further, except as modified by this chapter, all provisions of the motel/hotel regulation ballot measure enacted by the people at the June 3, 1986, special municipal election, as set out at Chapter 23.52 of this code, shall remain unchanged and in full force and effect.

(b) It is also the intent of the people of the city of Pacific Grove in enacting this chapter to provide for an exception to the strict regulations governing condominium development found at Chapter 23.45 of this code, said chapter enacted by the people at an election held in the city on November 2, 1982. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter 23.45. Further, except as modified by this chapter, the provisions of Chapter 23.45 shall remain unchanged and in full force and effect.

23.33.020 Uses permitted. The following uses are permitted in the C-1-T district:

(a) Any use permitted in the C-1 districts (Chapter 23.32 of this code) as said district regulations may from time to time be amended by the council.

(b) Hotel use shall be allowed, subject to the following:

(i) Hotel uses shall be subject to first securing a use permit in each case.

(ii) Height limits and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) All other regulations and conditions of approval shall be as provided by use permit approved pursuant to this title. Said regulations and conditions shall include, without limitation, provisions for architectural review, land area per unit, neighborhood compatibility, landscaping, parking, traffic and accessory buildings.

(iv) Required parking, if any, may be located on or off site, the location to be designated by the use permit.

(c) Condominium use shall be allowed, subject to the following:

(i) Condominium use shall be subject to first securing a use permit in each case.

(ii) Height limit and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) The provisions of Chapter 23.45 of this code shall not apply to development of condominiums in the C-1-T District. The council shall, by ordinance, establish standards, conditions and other appropriate regulations to govern the development of condominiums in the C-1-T District. Until and unless such standards,

conditions and other regulations are in place, no application for such development shall be accepted or processed. Such standards, conditions and regulations established by the council shall be in addition to and harmonious with state law governing condominium development.

23.33.030 Maximum residential development. In no event shall residential development in the C-1-T zone district exceed 25 dwellings units. This limitation shall not be subject to variance.

23.33.040 Boundaries of district. The C-1-T district shall be that area defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

23.33.050 Amendment. No provision of this chapter shall be repealed or amended except by a vote of the people.

SECTION 3. If approved by a majority of the voters voting on this ordinance, this ordinance shall be considered adopted upon the date that the vote is declared by the council and shall go into effect ten days following that date.

APPROVED by the following vote of the people on June 7, 1994:

YES
NO
TOTAL VOTES CAST.....

ADOPTED by declaration of the vote by the City Council of the City of Pacific Grove on _____, 1994.

EFFECTIVE DATE: _____, 1994

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY ATTORNEY'S ANALYSIS OF MEASURE E

Measure E is submitted by the City Council to the voters of the City of Pacific Grove for adoption or rejection. A "YES" vote will be to adopt Measure E, and a "NO" vote will be to reject Measure E. Measure E will, if adopted, result in amendments to City's zoning regulations, as described below.

At present the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue (hereinafter called "the block") is located in the C-1 zone district. C-1 zone district regulations allow a variety of commercial and residential uses. However, hotel use is currently prohibited in the C-1 district. Further, condominium development in the C-1 district is restricted by regulations that, among other provisions, require a minimum of 4,000 square feet of land area per condominium unit.

Measure E will, if adopted, establish a new zone district, known as C-1-T, and will designate the block as the only area in C-1-T. The new district's regulations will allow hotel development on the block, subject to conditions to be set by the discretionary use permit process. The new regulations, if adopted, will also allow the City Council to adopt condominium development standards specific to the C-1-T zone district. However, the measure itself, if adopted, will provide that no more than 25 residential dwelling units (condominiums or any other form of residential dwelling unit) shall be allowed in the C-1-T zone district. All other C-1 zone district uses will also continue to be allowed in the new C-1-T zone district.

This measure is being submitted to the voters of the city because only the voters may amend regulations previously adopted by the voters. This measure affects matters (hotel restrictions and condominium development standards) previously acted on by the voters at elections held in 1986 and 1982.

To be adopted Measure E must be approved by a simple majority of the voters voting at the election.



George C. Thacher, City Attorney

CITY COUNCIL

JEANNE C. BYRNE, AIA
MAYOR

FLORENCE "FLO" SCHAEFER
ROBERT (BOB) DAVIS
ELEANOR C. ROGGE
VERN YADON
TERRENCE B. ZITO
BRUCE D. ROBERTS



CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (408) 648-3100
FAX (408) 375-9863

GARY W. BALES
CITY MANAGER
WILLIAM S. PITT
ADMIN. SERVICES DIRECTOR
CITY CLERK AND TREASURER
GEORGE C. THACHER
CITY ATTORNEY

March 18, 1994

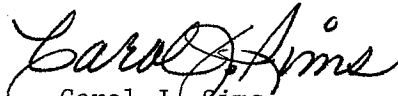
Mrs. Junel Davidson
Monterey County Election Dept.
P. O. Box 1848
Salinas, CA 93902

Dear Mrs. Davidson:

Enclosed is the City Attorney's Analysis of Measure E on the
June 7, 1994, gubernatorial primary ballot.

Please include this analysis with the ballot materials for the
June 7 ballot.

Sincerely,


Carol J. Sims
Deputy City Clerk

Enc. City Attorney's Analysis of Measure E

City of Pacific Grove

MONTEREY COUNTY

BALLOT QUESTION

CITY MEASURE

JUNE 7, 1994 PRIMARY ELECTION

CITY MEASURE ()

Shall the Pacific Grove Municipal Code be amended to establish a new zone district ("C-1-T") where condominiums (subject to a limitation that no more than 25 residential dwelling units shall be developed in the district), hotels and commercial uses shall be allowed, the area of said district defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue?

YES _____

NO _____

Memorandum

To: City Clerks/Managers
School Districts/Special Districts

CC: Election File

From: JUNEL DAVIDSEN, MONTEREY CO OFFICE OF
ELECTIONS

Date: June 16, 1994

Subject: June 7, 1994 Primary Election

Enclosed please find "Official Statement of Votes" together with Certification and Summary Report for contests consolidated by your jurisdiction with the June 7, 1994 Primary Election in Monterey County.

Should you require further information, please let me know.

Thank-you for this opportunity to serve you.

MONTEREY COUNTY

ELECTION DEPARTMENT

P.O. BOX 1848, 93902 - 1370 B SOUTH MAIN STREET, SALINAS, CALIFORNIA 93901

TONY ANCHUNDO

REGISTRAR OF VOTERS

Agenda No.

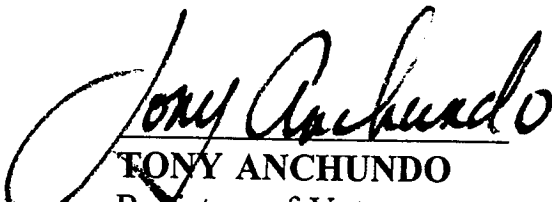
755-5085 SALINAS
647-7621 MONTEREY
385-8321 KING CITY
755-5485 FAX



STATEMENT OF VOTES CAST

I, Tony Anchundo, Registrar of Voters for the County of Monterey, State of California, do hereby certify that the attached Statement of Votes Cast is an official copy of such statement and accurately reflects the total number of votes cast within each precinct for each candidate and For and Against each measure voted upon at the Direct Primary Election held on Tuesday June 7, 1994 throughout Monterey County.

In witness whereof I hereby set my hand and affix my official seal this 16th day of June 1994.


TONY ANCHUNDO
Registrar of Voters
County of Monterey

(Seal)



Agenda No. N1 MONTEREY COUNTY

Page 42 of 44

AV PACIFIC GROVE 1	0	193	0.0%	154	28
141 PACIFIC GROVE 1	1083	364	33.6%	286	59
AV PACIFIC GROVE 2	0	165	0.0%	133	28
142 PACIFIC GROVE 2	1088	408	37.5%	325	68
AV PACIFIC GROVE 3	0	80	0.0%	61	19
143 PACIFIC GROVE 3	760	223	29.3%	177	34
AV PACIFIC GROVE 4	0	100	0.0%	66	28
144 PACIFIC GROVE 4	1186	411	34.6%	329	60
AV PACIFIC GROVE 5	0	102	0.0%	72	27
145 PACIFIC GROVE 5	1076	368	34.2%	299	52
AV PACIFIC GROVE 6	0	110	0.0%	83	19
146 PACIFIC GROVE 6	880	292	33.1%	227	53
AV PACIFIC GROVE 7	0	89	0.0%	71	14
147 PACIFIC GROVE 7	820	281	34.2%	208	58
AV PACIFIC GROVE 8	0	130	0.0%	95	28
148 PACIFIC GROVE 8	853	323	37.8%	268	43
AV PACIFIC GROVE 9	0	222	0.0%	165	48
149 PACIFIC GROVE 9	1305	345	26.4%	268	62
AV PACIFIC GROVE 10	0	106	0.0%	78	21
150 PACIFIC GROVE 10	1252	421	33.6%	305	85
**** T O T A L S ****	10303	4733	45.9%	3668	834

CONSOLIDATED GUBERNATORIAL PRIMARY ELECTION
*** HELD WITHIN MONTEREY COUNTY ON 06/07/94 ***
S U M M A R Y R E P O R T

Agenda No. 11A, Attachment 0
 Date 06/15/94
 Page 4 of 4
 Time 15:20:52

COUNTY MEASURE C				AROMAS-SAN JUAN MEAS A			
(No. to vote for 1)				(No. to vote for 1)			
MOTOR VEHICLE	YES	37051	75.3	SCHOOL BONDS	YES	451	72.3
REVENUE FOR TRANSIT	NO	12134	24.6	INDEBTEDNESS	NO	172	27.6
				COALINGA-HURON MEASURE B			
				(No. to vote for 1)			
				SCHOOL BONDS			
				INDEBTEDNESS			
				CITY OF MARINA MEASURE D			
				(No. to vote for 1)			
				SHALL USER TAX			
				BE IMPOSED?			
				PACIFIC GROVE MEASURE E			
				(No. to vote for 1)			
				ESTABLISH NEW			
				ZONE DISTRICT			
				GREENFIELD FIRE MEAS F			
				(No. to vote for 1)			
				ESTABLISH FIRE			
				SUPPRESSION DISTRICT			
				GREENFIELD FIRE MEAS G			
				(No. to vote for 1)			
				CHANGE IN			
				APPROPRIATIONS LIMIT			



U.S. Department of Justice

Civil Rights Division

Agenda No. 11A, Attachment 6
Page 44 of 44

DLP:CMK:ACJ:tlb
DJ 166-012-3
94-2590

*Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128*

June 27, 1994

Mr. Tony Anchundo
Registrar of Voters
P. O. Box 1848
Salinas, California 93902

Dear Mr. Anchundo:

This refers to the procedures for conducting the June 7, 1994, special election for the City of Pacific Grove in Monterey County, California, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on April 28, 1994; supplemental information was received on June 16, 1994.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

By: *Steven H. Rosenbaum*

SR Steven H. Rosenbaum
Chief, Voting Section

(g) Architectural approval shall be required as prescribed in Chapter 23.73 PGMC.

(h) Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 7, 2012; Ord. 853 N.S. § 1, 1975].

Chapter 23.32

C-1 DISTRICTS

Sections:

- 23.32.010 Generally.
- 23.32.020 Uses permitted.
- 23.32.030 Building height and site coverage.
- 23.32.040 Building site area required.
- 23.32.050 Yards required.
- 23.32.060 Use permit.

23.32.010 Generally.

The regulations found in this chapter shall apply in all C-1 districts and shall be subject to the provisions of Chapter 23.64 PGMC. [Ord. 210 N.S. § 11-134(1), 1952].

23.32.020 Uses permitted.

The following uses are permitted in the C-1 district:

(a) Any use permitted in any R district; provided, that any building in which such a use is located conforms to all the conditions and restrictions on such a use, such as setbacks, yard areas and site area requirements pertaining to such a use in the R district where it is permitted, except that where there is a mixed usage and over 50 percent of the street-level frontage is devoted to a C-1 type of usage, the C-1 conditions and restrictions only shall apply.

(b) Abstract and title companies, antique stores, art supplies, art galleries, bicycle shops, bookstores, bakeries – retail, barbershops, beauty parlors, blueprint, photocopy or addressograph services, contractors (general building, general engineering, specialty or subcontractors as defined in the Business and Professions Code of the state of California), candle shops, candy stores, collection agencies, drapery stores, dressmaking stores, dress shops and clothing stores, drugstores, florists, furniture stores, furriers, gift shops, gunsmiths, hardware stores, hobby shops, ice cream stores, jewelers, locksmiths, music stores, mail order catalogue stores, offices, newsstands, paint stores, photographic or camera shops or studios, picture framing shops, radio or television stores, shade shops, shoe stores, shoeshine parlors, stationery stores, sporting goods stores, stamp and coin stores, stamp redemption stores, tobacco shops,

travel agencies, typewriter repairs, telephone exchange or answering services, toy stores, tailor shops, variety stores, yarn shops; provided, that no merchandise, tools, machinery, equipment, or materials shall be stored or displayed outside of a building.

(c) The following, subject to first securing a use permit:

(1) Appliance repairs, ambulance services, auctioneers, automobile agencies, amusement arcades, automobile repair shops, banks, billiard parlors, bowling alleys, boat sales, bath or massage parlors, business, professional, or trade colleges, businesses from which minors are excluded by law or by the owner, bus depots, creative arts, cleaners, catering services, ceramic studios, chemists, dancing studios or academies, department stores, diaper services, employment agencies, exterminators, electronics assembly manufacture, furniture refinishing, gymnasium and health studios, garden shops, golf ranges, grocery stores, hatcheries, lapidary or gemstone stores, laundries or laundromats, laboratories, linen supply services, mortuaries, mobile home sales, motorcycle sales, miniature golf courses, parking lots, print shops, produce markets, plumbing shops, parcel delivery services, parking garages, pet grooming, recycling facilities, rental of appliances, tools or machinery, refrigeration equipment, repair services, radio or television stations, restaurants, savings and loan associations, service stations, sign painting or manufacturers, taxi service, theaters, tile shops, used car lots, veterinarians, other commercial uses that are determined to be of the same general character as the above permitted uses, pursuant to the procedures in Chapter 23.82 PGMC (Interpretations of Permitted Use Lists); provided, that no merchandise, tools, machinery, equipment, or materials shall be stored or displayed outside of a building; and it is further provided, that coin-operated vending or amusement machines displayed outside of a building shall require a separate use permit.

(2) Temporary use permits, good for not over 30 days, may be granted for temporary outdoor sales events of new merchandise by merchants holding use permits or otherwise qualified to operate in a C-1 district; provided, that such outdoor sales are operated in conjunction with their established retail operations, and for Christmas tree

sales, or other sales on private property, connected with festivals or holidays.

(3) Applications for permit shall be made to the community development department on prescribed forms, and shall be granted if they qualify under the above criteria. Fees for processing all such permits shall be as established by the council, and shall accompany each application. All forms of outdoor sales displays, except as specifically permitted herein, are prohibited.

(4) Other uses may be added to the list in this section under procedures set forth in Chapter 23.82 PGMC (Interpretations of Permitted Use Lists).

(d) Notwithstanding the provisions of subsection (c) of this section, no use permits shall be granted for service stations in the area bounded by Grove Street and Central Avenue on the north, 12th Street on the east, Pine Avenue on the south, and Granite and Pacific Streets on the west.

(e) Notwithstanding the foregoing provisions, the gardening of vacant lots may be permitted in the C-1 district under a use permit reviewable every six months and subject to such conditions as the use permit may prescribe. The application shall be accompanied by a written agreement by the owner to grant the city a lien for any cost incurred by the city in restoring such property to its condition prior to such use, in the event the owner fails to make such restoration after such use ceases. [Ord. 11-001 § 3, 2011; Ord. 09-005 § 34, 2009; Ord. 1765 N.S. § 17, 1991; Ord. 1613 N.S. § 1, 1987; Ord. 1418 N.S. § 4, 1984; Ord. 1110 N.S. § 1, 1979; Ord. 1065 N.S. § 6, 1979; Ord. 948 N.S. § 1, 1977; Ord. 855 N.S. § 1, 1975; Ord. 822 N.S., 1975; Ord. 602 N.S. § 1, 1968; Ord. 532 N.S., 1966; Ord. 453 N.S., 1964; Ord. 210 N.S. § 11-134(1)(a), 1952].

23.32.030 Building height and site coverage.

The maximum height of any building shall be 40 feet, with a maximum site coverage of 75 percent, or 30 feet with a maximum site coverage of 90 percent. [Ord. 12-003 § 8, 2012; Ord. 1141 N.S. § 4, 1979; Ord. 210 N.S. § 11-134(1)(b), 1952].

23.32.040 Building site area required.

For each main building a minimum 2,000 square feet shall be required. [Ord. 210 N.S. § 11-134(1)(c), 1952].

23.32.050 Yards required.

(a) Front Yard. None required, except where the frontage in a block is partially in an R district, in which case the front yard shall be the same as required in such R district.

(b) Side Yard. None required except where the side of a lot abuts upon the side of a lot in an R district, in which case the side yard shall be not less than five feet.

(c) Rear Yard. None required except where the rear of a lot abuts on an R district in which case the rear yard shall be not less than five feet. [Ord. 210 N.S. § 11-134(1)(d), 1952].

23.32.060 Use permit.

A use permit shall be first secured for any new or enlarged commercial use which shall result in either the use of more than one structure on a building site or a total of more than 3,000 square feet of interior floor space. [Ord. 795 N.S., 1974].

Chapter 23.33**C-1-T DISTRICT**

Sections:

- 23.33.010 Statement of intent.
- 23.33.020 Uses permitted.
- 23.33.030 Maximum residential development.
- 23.33.040 Boundaries of district.
- 23.33.050 Amendment.

23.33.010 Statement of intent.

(a) It is the intent of the people of the city of Pacific Grove in enacting the ordinance codified in this chapter to establish a zone district in the city's downtown area where hotel use is permitted, as are all other uses listed in Chapter 23.32 PGMC (C-1 district). The people have determined that the area of downtown defined by PGMC 23.33.040 is appropriate for hotel development. Further, except as modified by this chapter, all provisions of the motel/hotel regulation ballot measure enacted by the people at the June 3, 1986, special municipal election, as set out at Chapter 23.52 PGMC, shall remain unchanged and in full force and effect.

(b) It is also the intent of the people of the city of Pacific Grove in enacting the ordinance codified in this chapter to provide for an exception to the strict regulations governing condominium development found at Chapter 23.45 PGMC, said chapter enacted by the people at an election held in the city on November 2, 1982. The people have determined that the area of the downtown defined by PGMC 23.33.040 is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter 23.45 PGMC. Further, except as modified by this chapter, the provisions of Chapter 23.45 PGMC shall remain unchanged and in full force and effect. [Ord. 1951 N.S. § 2, 1994].

23.33.020 Uses permitted.

The following uses are permitted in the C-1-T district:

(a) Any use permitted in the C-1 districts (Chapter 23.32 PGMC) as said district regulations may be from time to time amended by the council.

(b) Hotel use shall be allowed, subject to the following:

(c) The height of any structure shall not exceed 25 feet.

(d) Two covered automobile parking spaces shall be provided for the exclusive use of each dwelling unit. [Ord. 1315 N.S. § 1, 1982].

23.45.020 Timeshare projects prohibited.

Timeshare projects shall not be permitted in the city of Pacific Grove. [Ord. 1315 N.S. § 1, 1982].

23.45.030 Intention of chapter.

It is the intention of this chapter to avoid special privileges for condominiums and planned unit developments and to have such forms of development conform to the zoning standards and subdivision standards applicable to single-family residential district development. It is also the intention of this chapter in prohibiting timeshares to avoid the conversion and loss of the city's residential stock and character. [Ord. 1315 N.S. § 1, 1982].

23.45.040 Building permit issuance restricted.

No building permit shall be issued that is not consistent with the provisions of this enactment. [Ord. 1315 N.S. § 1, 1982].

23.45.050 Severability.

The provisions of this enactment are independent and separable and if any one provision is held to be invalid the people declare their intention that they would have enacted each provision separately. [Ord. 1315 N.S. § 1, 1982].

Chapter 23.52

R-3-M DISTRICTS

Sections:

- 23.52.010 Regulations generally.
- 23.52.020 Uses permitted.
- 23.52.030 Regulations for R-3-M uses.
- 23.52.035 Special regulations for motels and hotels built prior to 1986.
- 23.52.040 Statement of intent.
- 23.52.050 Other provisions.
- 23.52.060 Amendment.

23.52.010 Regulations generally.

Effective the date of the adoption of the ordinance codified in this section by the city council or by the voters of the city of Pacific Grove, the regulations of the ordinance codified in this section shall apply in the R-3-M district in lieu of any ordinance or resolution to the contrary:

(a) The R-3-M district is defined as those areas so designated on the official zoning map of the city of Pacific Grove referred to in PGMC 23.12.020. Said districts may be classified by the city council to R-1, R-H, or R-2, where already developed as such, but no new R-3-M districts shall be created.

(b) Motel and hotel uses shall be restricted to the R-3-M district, including any uses accessory or ancillary to a motel. The ordinance codified in this section shall also apply to any use described in PGMC 23.52.020 proposed for the construction or expansion in any R-3-M district, including uses accessory or ancillary to such use. [Ord. 1536 N.S. § 2, 1986].

23.52.020 Uses permitted.

The following uses are permitted in the R-3-M districts:

(a) Any use permitted in the R-3 district, subject to obtaining a use permit for any use for which such is required in an R-3 district;

(b) Motels, subject to first securing a use permit in each case;

(c) Hotels, subject to first securing a use permit in each case;

(d) Adult communities, retirement homes and rest homes, subject to first securing a use permit in each case. [Ord. 575 N.S., 1967; Ord. 453 N.S.,



To the City Council and Management of the
City of Pacific Grove

Introduction and Internal Controls

In planning and performing our audit of the basic financial statements of the City of Pacific Grove (the "City") as of and for the year ended June 30, 2021, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, we considered the City's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Upcoming Accounting Pronouncements

The following is a summary of new accounting pronouncements from the Financial Accounting Standards Board:

GASB issued Statement No. 87, *Leases*

The objective of this statement is to better meet the information needs of financial statement users by improving accounting and financial reporting for leases by governments. This statement increases the usefulness of governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing activities. The requirements of this Statement are effective for financial statements for periods beginning after December 15, 2019 but have been delayed to periods beginning after **June 15, 2021**, pursuant to GASB Statement No. 95. Earlier application is encouraged. Management doesn't believe this statement will have a significant impact on the City's financial statements.



GASB Statement No. 91, *Conduit Debt Obligations*

The objectives of this Statement are to provide a single method of reporting conduit debt obligations by issuers and eliminate diversity in practice associated with (1) commitments extended by issuers, (2) arrangements associated with conduit debt obligations, and (3) related note disclosures. This Statement also clarifies the existing definition of a conduit debt obligation; establishing that a conduit debt obligation is not a liability of the issuer; establishing standards for accounting and financial reporting of additional commitment and voluntary commitments extended by issuers and arrangements associated with the debt obligations; and improving required note disclosures. The requirements of this Statement are effective for financial statements for periods beginning after December 15, 2020 but have been delayed to periods beginning after December 15, 2021, pursuant to GASB Statement No. 95. Earlier application is encouraged. Management doesn't believe this statement will have a significant impact on the City's financial statements.

GASB Statement No. 92, *Omnibus 2020*

The objectives of this Statement are to enhance comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing practice issues that have been identified during implementation and application of certain GASB Statements. This Statement establishes accounting and financial reporting requirements for specific issues related to leases, intra-entity transfers of assets, postemployment benefits, government acquisitions, risk financing and insurance-related activities of public entity risk pools, fair value measurements, and derivative instruments. The requirements of this Statement apply to the financial statements of all state and local governments. The requirements of this Statement were initially to be effective for financial statements for periods beginning after June 15, 2020 but have been delayed to periods beginning after June 15, 2021, pursuant to GASB Statement No. 95. Earlier application is encouraged. Management doesn't believe this statement will have a significant impact on the City's financial statements.

Purpose of Communication

The purpose of this communication, which is an integral part of our audit, is to describe, for management and those charged with governance, the scope of our testing of internal control and the results of that testing, and communicate additional information that may be relevant to future Organization decision making. Accordingly, this communication is not intended to be and should not be used for any other purpose..

C & A LLP

December 31, 2021
Morgan Hill, California



To the City Council of the
City of Pacific Grove

We have audited the basic financial statements of the City of Pacific Grove as of and for the year ended June 30, 2021, and have issued our report thereon dated December 31, 2021. Professional standards require that we advise you of the following matters relating to our audit.

Our Responsibility under Generally Accepted Auditing Standards and Government Auditing Standards

As communicated in our engagement letter, our responsibility, as described by professional standards, is to form and express an opinion(s) about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in conformity with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the City of Pacific Grove solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

Other Information in Documents Containing Audited Financial Statements

Pursuant to professional standards, our responsibility as auditors for other information in documents containing City of Pacific Grove's audited financial statements does not extend beyond the financial information identified in the audit report, and we are not required to perform any procedures to corroborate such other information.

Our responsibility also includes communicating to you any information which we believe is a material misstatement of fact. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, is materially inconsistent with the information, or manner of its presentation, appearing in the financial statements.

Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated with management.



Qualitative Aspects of the Entity's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the City of Pacific Grove is included in Note 1 to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during June 30, 2021. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements include unfunded liabilities and related expenses based on assumptions in actuarial studies performed on defined benefit plans.

We evaluated the key factors and assumptions used to develop the identified estimates and determined that it is reasonable in relation to the basic financial statements taken as a whole and in relation to the applicable opinion units.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting City of Pacific Grove's financial statements relate to: cash and investments, capital assets, long-term obligations and defined benefit plans.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.



Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. None of the misstatements identified by us as a result of our audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole or applicable opinion units. In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures. There were no material, corrected misstatements noted during the audit.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the City of Pacific Grove's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

Representations Requested from Management

We have requested certain written representations from management, which are included in the attached letter dated December 31, 2021.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Findings or Issues

In the normal course of our professional association with the City of Pacific Grove, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the City of Pacific Grove's auditors.

This report is intended solely for the information and use of the Board and management of the City of Pacific Grove and is not intended to be and should not be used by anyone other than these specified parties.

C & A LLP

December 31, 2021
Morgan Hill, California



CITY OF PACIFIC GROVE
300 Forest Avenue
Pacific Grove, California, 93950
Telephone (831) 648-3100 • Fax (831) 375-9863

December 31, 2021

Chavan & Associates, LLP
15105 Concord Circle, Ste 130
Morgan Hill, CA 95037

This representation letter is provided in connection with your audit of the basic financial statements of the City of Pacific Grove as of June 30, 2021 and for the year then ended, and the related notes to the financial statements, for the purpose of expressing opinions on whether the basic financial statements present fairly, in all material respects, the financial position, results of operations, and cash flows, where applicable, of the various opinion units of the City of Pacific Grove in accordance with accounting principles generally accepted for governments in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in the light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement.

We confirm that, to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves as of December 31, 2021:

Financial Statements

- We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter, for the preparation and fair presentation of the financial statements of the various opinion units referred to above in accordance with U.S. GAAP.
- We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
- We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- We acknowledge our responsibility for compliance with the laws, regulations, and provisions of contracts and grant agreements.

- We have reviewed, approved, and taken responsibility for the financial statements and related notes.
- We have a process to track the status of audit findings and recommendations, as applicable.
- We have identified and communicated to you all previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
- Significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable.
- Related party relationships and transactions have been appropriately accounted for and disclosed in accordance with the requirements of U.S. GAAP, as applicable.
- All events subsequent to the date of the financial statements and for which U.S. GAAP requires adjustment or disclosure have been adjusted or disclosed.
- We have reviewed and approved the various adjusting journal entries that were proposed by you for recording in our books and records and reflected in the financial statements.
- The effects of uncorrected misstatements summarized and aggregated by you during the current engagement are immaterial, both individually and in the aggregate, to the applicable opinion units and to the financial statements as a whole.
 - There were no uncorrected misstatements to be evaluated
- The effects of all known actual or possible litigation and claims have been accounted for and disclosed in accordance with U.S. GAAP, if applicable.
- All component units, as well as joint ventures with an equity interest, are included and other joint ventures and related organizations are properly disclosed, if applicable.
- All funds and activities are properly classified.
- All funds that meet the quantitative criteria in GASB Statement No. 34, *Basic Financial Statements—and Management's Discussion and Analysis—for State and Local Governments*, GASB Statement No. 37, *Basic Financial Statements—and Management's Discussion and Analysis—for State and Local Governments: Omnibus* as amended, and GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*, for presentation as major are identified and presented as such and all other funds that are presented as major are considered important to financial statement users.
- All components of net position, nonspendable fund balance, and restricted, committed, assigned, and unassigned fund balance are properly classified and, if applicable, approved.
- Our policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position/fund balance are available is appropriately disclosed and net position/fund balance is properly recognized under the policy.
- All revenues within the statement of activities have been properly classified as program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.

- All expenses have been properly classified in or allocated to functions and programs in the statement of activities, and allocations, if any, have been made on a reasonable basis.
- All interfund and intra-entity transactions and balances have been properly classified and reported.
- Special items and extraordinary items have been properly classified and reported, if applicable.
- Deposit and investment risks have been properly and fully disclosed.
- Capital assets, including infrastructure assets, are properly capitalized, reported, and if applicable, depreciated.
- All required supplementary information is measured and presented within the prescribed guidelines.
- With regard to investments and other instruments reported at fair value:
 - The underlying assumptions are reasonable, and they appropriately reflect management's intent and ability to carry out its stated courses of action.
 - The measurement methods and related assumptions used in determining fair value are appropriate in the circumstances and have been consistently applied.
 - The disclosures related to fair values are complete, adequate, and in accordance with U.S. GAAP.
 - There are no subsequent events that require adjustments to the fair value measurements and disclosures included in the financial statements.
- With respect to the attached nonattest service(s), we have performed the following:
 - Made all management decisions and performed all management functions;
 - Assigned a competent individual to oversee the services;
 - Evaluate the adequacy of the services performed;
 - Evaluated and accepted responsibility for the result of the service performed; and
 - Established and maintained internal controls, including monitoring ongoing activities.
- Arrangements with financial institutions involving compensating balances or other arrangements involving restrictions on cash balances, line of credit, or similar arrangements have been properly disclosed.
- We believe that the actuarial assumptions and methods used to measure pension and other postemployment benefit liabilities and costs for financial accounting purposes are appropriate in the circumstances.

Supplementary Information in Relation to the Financial Statements as a Whole

With respect to the supplementary information accompanying the financial statements (as identified in the audit report table of contents):

- We acknowledge our responsibility for the presentation of the supplementary information in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP), Governmental Accounting Standards Board (GASB).

- We believe the supplementary information including its form and content, is fairly presented in accordance with U.S. GAAP, GASB, federal guidelines, and state guidelines.
- The methods of measurement or presentation have not changed from those used in the prior period except for the effects from the implementation of new GASB statements as noted in the audit report and disclosures.
- When the supplementary information is not presented with the audited financial statements, management will make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by the entity of the supplementary information and the auditor's report thereon.
- We acknowledge our responsibility to include the auditor's report on the supplementary information in any document containing the supplementary information and that indicates the auditor reported on such supplementary information.
- We acknowledge our responsibility to present the supplementary information with the audited financial statements or, if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by the entity of the supplementary information and the auditor's report thereon.

Required Supplementary Information

With respect to the required supplementary information accompanying the financial statements (as identified in the audit report table of contents):

- We acknowledge our responsibility for the presentation of the required supplementary information in accordance with U.S. GAAP and GASB.
- We believe the required supplementary information, including its form and content, is measured and fairly presented in accordance with U.S. GAAP and GASB.
- The methods of measurement or presentation have not changed from those used in the prior period except for the effects from the implementation of new GASB statements.
- We believe the following significant assumptions or interpretations underlying the measurement or presentation of the pension schedules, and the basis for our assumptions and interpretations, are reasonable and appropriate in the circumstances:
 - Pension required supplementary information:
 - Significant assumptions include the actuarial cost method, amortization method, amortization period, inflation rates, investment rate of return and mortality tables.
 - The basis for these assumptions comes from information provided by CalPERS in their audited GASB 68 Accounting Valuation Reports and annual valuation reports used to determine the annual required contributions.
 - Other post-employment benefits required supplementary information:
 - Significant assumptions include the actuarial cost method, amortization method, amortization period, inflation rates, investment rate of return, mortality tables, and healthcare cost trends rate.

- The basis for these assumptions comes from information provided by Bartel Associates, LLC in their actuarial valuation.

Information Provided

- We have provided you with:
 - Access to all information, of which we are aware that is relevant to the preparation and fair presentation of the financial statements of the various opinion units referred to above, such as records, documentation, meeting minutes, and other matters;
 - Additional information that you have requested from us for the purpose of the audit; and
 - Unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
- All transactions have been recorded in the accounting records and are reflected in the financial statements.
- We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
- We have no knowledge of any fraud or suspected fraud that affects the entity and involves:
 - Management;
 - Employees who have significant roles in internal control; or
 - Others where the fraud could have a material effect on the financial statements.
- We have no knowledge of any allegations of fraud, or suspected fraud, affecting the entity's financial statements communicated by employees, former employees, vendors, regulators, or others.
- We are not aware of any pending or threatened litigation and claims whose effects should be considered when preparing the financial statements.
- We have disclosed to you the identity of the entity's related parties and all the related party relationships and transactions of which we are aware, as applicable.
- There have been no communications from regulatory agencies concerning noncompliance with or deficiencies in accounting, internal control, or financial reporting practices.
- The City of Pacific Grove has no plans or intentions that may materially affect the carrying value or classification of assets and liabilities.
- We have disclosed to you all guarantees, whether written or oral, under which the City of Pacific Grove is contingently liable, as applicable.
- We have disclosed to you all nonexchange financial guarantees, under which we are obligated and have declared liabilities and disclosed properly in accordance with GASB Statement No. 70, *Accounting and Financial Reporting for Nonexchange Financial Guarantees*, for those guarantees where it is more likely than not that the entity will make a payment on any guarantee.
- For nonexchange financial guarantees where we have declared liabilities, the amount of the liability recognized is the discounted present value of the best estimate of the future outflows

expected to be incurred as a result of the guarantee. Where there was no best estimate but a range of estimated future outflows has been established, we have recognized the minimum amount within the range.

- We have disclosed to you all significant estimates and material concentrations known to management that are required to be disclosed in accordance with GASB Statement No. 62 (GASB-62), *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements*. Significant estimates are estimates at the balance sheet date that could change materially within the next year. Concentrations refer to volumes of business, revenues, available sources of supply, or markets or geographic areas for which events could occur that would significantly disrupt normal finances within the next year.
- We have identified and disclosed to you the laws, regulations, and provisions of contracts and grant agreements that could have a direct and material effect on financial statement amounts, including legal and contractual provisions for reporting specific activities in separate funds.
- There are no:
 - Violations or possible violations of laws or regulations, or provisions of contracts or grant agreements whose effects should be considered for disclosure in the financial statements or as a basis for recording a loss contingency, including applicable budget laws and regulations.
 - Unasserted claims or assessments that our lawyer has advised are probable of assertion and must be disclosed in accordance with GASB-62.
 - Other liabilities or gain or loss contingencies that are required to be accrued or disclosed by GASB-62.
 - Continuing disclosure consent decree agreements or filings with the Securities and Exchange Commission and we have filed updates on a timely basis in accordance with the agreements (Rule 240, 15c2-12).
- The City of Pacific Grove has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset or future revenue been pledged as collateral, except as disclosed to you.
- We have complied with all aspects of grant agreements and other contractual agreements that would have a material effect on the financial statements in the event of noncompliance.

Sincerely,



Tori A. Hannah
Administrative Services Director / Assistant City Manager



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of City Council
FROM: Thomas Frutchey, City Manager
MEETING DATE: December 14, 2011
SUBJECT: Continuation of Appointment of Council Liaisons and Clarification of Role
CEQA: This Does not Constitute a "Project" under California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION

Continue the practice of appointing Council liaisons to City boards and commissions and adopt guidelines for the performance of their role.

BACKGROUND

An effectively functioning Council requires, among other characteristics, the development and consistent practice of a series of norms: those standards of behavior, accepted and observed by all Councilmembers, that assist the Council in achieving the highest possible quality of decisions for the benefit of the community.

On October 29, the Council examined a large number of its norms in depth and requested staff return with those recommended changes generally agreed to (in no particular order):

- ❖ An approach for updating the five-year work plan at least twice per year.
- ❖ Processes for adding items for Council consideration that aren't on the five-year work plan.
- ❖ Adherence by each speaker to the accepted norms of dialogue and by all listeners to the norms of respecting and valuing divergent viewpoints, in order to create a positive, productive climate.
- ❖ Guidelines for the assignment of work to staff.
- ❖ Upgrading the process for ensuring Council direction to our representatives on regional bodies with respect to key issues.
- ❖ Creating a uniform and productive role for Council liaisons or ending the role altogether.

In addition, since the October 29th session, issues have arisen concerning the following two norms that may warrant additional Council attention:

- ❖ Applicability of the Brown Act to subcommittee meetings.
- ❖ Councilmembers placing items on the agenda.

Given that Council direction was also “to bifurcate whenever possible,” staff will bring these selected norms back to the Council for its deliberation as separate agenda items over the next few months. Given the amount of discussion already invested, the role of Council liaison is the first norm for full consideration by the Council.

DISCUSSION

The liaison provides a linkage between a board or commission and the Council. The Council liaison provides updates on Council actions, offers any needed background information on requests of the board made by the Council, and takes back to the Council any questions or updates. The liaison is charged to act on behalf of the full Council, rather than sharing personal views. The liaison is not a member of the board and does not make or second motions or vote, but is available to answer questions, as needed, about the Council’s intentions and needs.

The role of Council liaison was developed originally in response to violations of appropriate norms by members of one commission. The Council believed that active oversight was necessary for at least that commission, and appointed liaisons to all.

Over time, the role has evolved markedly. There is no current expectation that the liaison will provide any direct oversight. However, practices currently differ to some extent from commission to commission and from Councilmember to Councilmember. With some commissions, the liaison role is especially useful and productive. We have until now not provided explicit guidelines for the liaisons. Draft guidelines are attached (Attachment 1)

Linkage and communication between the Council and each board is also facilitated by several other means, including:

- ❖ the Council’s adoption each year of the board’s charter (a work in progress), and identification by the Council of those areas in which the Council seeks particular advice or attention;
- ❖ staff support of both the Council and the board;
- ❖ formal review and acceptance of board minutes by the Council;
- ❖ semi-annual sessions hosted by the Council with all board chairs (the first such session being scheduled for January or February 2012); and
- ❖ board preparation and Council acceptance of the board’s annual report.

In December, 2010, *Western City* included an article, “The Ethical Hazards of City Council Members Attending Other Board Meetings,” that detailed some of the challenges Councilmembers face in seeking to serve effectively in the role of liaison (Attachment 2).

OPTIONS

1. Continue with the liaison approach, but heighten situational awareness and ensure adherence to accepted guidelines (Attachment 1), so that the liaison does not risk either sending inappropriate messages or disqualifying himself or herself if and when the issue comes to Council.

2. Delete the practice of having a Council liaison, and rely on the other means of achieving linkage and communication (above).

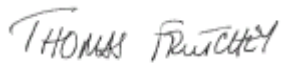
FISCAL IMPACT

None.

ATTACHMENTS

1. Draft *Guidelines for Council Liaisons*
2. Western City article regarding Councilmember attendance at commission meetings, December, 2010

RESPECTFULLY SUBMITTED,



Thomas Frutchey
City Manager

Guidelines for Council Liaisons

DO:

- ❖ Receive the agenda packet in advance.
- ❖ Attend regularly.
- ❖ Observe and note proceedings that may deserve Council attention, and inform lead staff or the Council.
- ❖ Seek ways the City can help the Commission be more effective, and inform lead staff or the Council.
- ❖ Observe the effectiveness of individual commission members and the effectiveness of the mixture of backgrounds and perspectives on the commission. Use this information to inform the Mayor and Council regarding upcoming appointments.
- ❖ Share, as appropriate, recent or upcoming actions of the City Council having particular relevance to the commission.
- ❖ Answer questions regarding recent Council actions.

DO NOT:

- ❖ Speculate as to future Council actions
- ❖ Share personal views as a Councilmember
- ❖ Sit at the table or on the dais. (Instead, sit in the area reserved for members of the public.)
- ❖ Participate in the discussion of a particular agenda item. Do not make motions, raise points of order, or vote. (Instead, offer information at the end of the agenda, under a separate agenda item, "Reports of Council Liaison.")
- ❖ Use facial expressions and other non-verbal cues to indicate personal views on a particular matter.

The Ethical Hazards of City Council Members Attending Other Board Meetings

by Michael Dean



Imagine this scenario: The planning commission is considering whether to recommend a zoning change to the city council, which would allow more residential use in the downtown area and promote the mixed-use vision in its General Plan. Wouldn't any city council member want to know as much information as possible? Attending the planning commission meeting and listening to the perspectives of the city planner, engineer, architect, commission members and others might seem like a smart move. The council member may even be able to ask questions of the participants or give his or her views, thus learning about the issues and influencing the matter before it comes before the city council. In fact, city council members can often be found in the audience of planning commission meetings, listening to the proceedings and occasionally participating.

However, this may not be such a good idea. As innocent as a council member's motives may be, when he or she personally attends a planning commission meeting or another subordinate committee meeting, he or she may be crossing an ethical boundary. Council members do not violate any laws by *attending* commission meetings. However, they run the risk of:

- Potentially revealing a biased view, thereby causing their own disqualification should the matter at hand subsequently come before the council;
- Interfering with the role of the commission as an independent advisory body; and
- Not acting in accordance with the views of the city council as a whole.

Most city council members know to steer clear of the somewhat hazy legal boundaries that might cause them to be disqualified from the decision-making process due to bias. Many if not most planning commission or other commission decisions are merely

advisory to or at least appealable to the city council. Because the right to due process is attached to many of these types of commission decisions, the participants in such proceedings have the right to an unbiased decision-maker at the city council level. A council member who comments at the commission meeting and indicates a firm position on a particular matter may be subjected to a challenge for bias when the same issue reaches the city council.

Related Ethical Challenges

Beyond the issue of perceived bias, participating in a commission meeting raises other ethical questions. For instance, council members generally have the authority to remove a commission member. With this power, a council member's mere attendance at a meeting can be highly influential, especially when he or she makes his or her opinions known. Merely indicating that one is not speaking for the entire council, but rather providing one's own opinion, does not address the significant impact of the "boss" offering an opinion. This influence may also jeopardize a significant role of the commission, which is to provide independent recommendations or decisions to the city council. After all, none of the cities' commissions are required to exist; if the city council wants to have the role of decision-maker, it could take that role. But when a city establishes a commission, the city council has also by implication indicated its desire to have an independent body make decisions or recommendations. The presence of the appointing authority at the commission meetings affects that independence.

Likewise, in a council-manager form of government, the intent and expectation is that a city council will act as a whole, not as individuals. Council members normally receive the same information simultaneously from city staff or from their subordinate commissions or the public's testimony. This allows the council members as a body to draw conclusions in a fair and balanced way based upon the same factual foundation.

City council members may undermine this expectation when they individually attend meetings of a subordinate commission. To some extent the council member who attends collects information that will not reach other council members in quite the same way. Those council members who attend may also subtly influence either the outcome of the commission's deliberations or how the matter will eventually be presented before the council — in ways not available to the council members who did not attend the commission meeting.

Of course, council members do not completely give up their rights as private citizens, and they are both free to and expected to gather information relevant to the performance of their duties. They are entitled to attend a commission's public meeting. However, to remain firmly upright on the ethical tightrope, council members should wait until the commission makes its recommendation to the city council in its entirety — thus preserving the original intent of both the independent commission and the city council.

Alternatives to Attending in Person

This does not deprive council members of the ability to learn what occurs at a commission meeting. A city council member may listen to most meetings online, on television or by using the city clerk's taped recordings. Information can also be obtained by reading the commission's meeting minutes. A council member's personal presence at or participation in a commission meeting, on the other hand, could reveal a biased view, disrupt the independence of the commission or exert undue influence on the commission, regardless of the council member's intent. It is best avoided.

For More Information

Learn more about bias in the October 2006 "Everyday Ethics" column, ["When an Elected Official Feels Passionately About an Issue: Fair Process Requirements in Adjudicative Decision-Making."](#)

Michael Dean is a Sacramento-based principal and the ethics chair at the legal firm of Meyers Nave. Dean serves as city attorney for the City of Dixon and assistant city attorney for the cities of Colusa and Plymouth. He can be reached at mdean@meyersnave.com. This column is provided as ethics advice and is not intended as legal advice.

This article appears in the [December 2010](#) issue of Western City



DRAFT ACTION MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

December 14, 2011

Special Meeting began at 5:00 P.M. and Regular Meeting at 6:00 P.M.
Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

REVISED SPECIAL MEETING

5:00 p.m.

CALL TO ORDER

Mayor Garcia, Councilmembers Kampe, Cohen, Cuneo, Fischer, and Miller in attendance.
Councilmember Huitt arrived at 5:05 p.m.

1. PUBLIC COMMENT ON CLOSED SESSION MATTERS
None.
2. CLOSED SESSION
 - A. Liability Claim, Gov. Code § 54956.95; Claimant: John Purdom (Claim No. 2011113108); Agency Claimed Against: *City of Pacific Grove*
 - B. Conference with Legal Counsel – Existing Litigation, Gov. Code § 54956.9(a):
Name of case: Pacific Grove Police Officers' Association et al. v. City of Pacific Grove et al., M109123
 - C. Conference with Legal Counsel – Existing Litigation, Gov. Code § 54956.9(a):
Name of case: Pacific Grove Police Officers' Association et al. v. City of Pacific Grove et al., PERB No. SF-CE-769-M
 - D. Conference with Real Property Negotiators: Property: 1207 Shafter Ave, P.G.; City Negotiator: Thomas Frutchey, City Manager, and James L. Becklenberg, Deputy City Manager; Negotiating Party: Maureen Mason, Coldwell Banker Del Monte Realty; Under Negotiation: Price and Terms (Gov. Code § 54956.8)

ADJOURNMENT

Council adjourned the closed session at 5:43 p.m. with all members present.

REGULAR MEETING

6:00 p.m.

CALL TO ORDER

Mayor Garcia, Councilmembers Kampe, Cohen, Cuneo, Fischer, Huitt, and Miller in attendance.

- B. Continuation of Appointment of Council Liaisons and Clarification of Role
Public Comment: None.
Action: Councilmember Fischer withdrew his motion.
Action: Upon motion of Councilmember Fischer and carried on a 6-0 vote, Council continued the practice of appointing Council liaisons to City boards and commissions for one year and asked the City Staff to prepare guidelines for the performance of their role to be considered at the January 18, 2012 City Council Meeting.

15. FULL PRESENTATIONS
None.

16. REPORTS OF COUNCIL MEMBERS
None.

ADJOURNMENT

Council adjourned the regular meeting at 9:25 p.m.

Respectfully Submitted,

Susan Morrow, MMC
City Clerk

Approved by Mayor: _____ Date _____

Attest by City Manager: _____ Date _____



CITY OF PACIFIC GROVE

AGENDA REPORT

To: Honorable Mayor and Members of City Council

From: Thomas Frutchey, City Manager

Meeting Date: January 5, 2011

Subject: Adoption of Updated and Revised *Board and Commission Member Handbook*

CEQA: This Action is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because it can be seen with certainty there is no possibility the ordinance will have a significant effect on the environment.

RECOMMENDATION

Adopt an updated and revised *Board and Commission Member Handbook*, including any desired additional changes, and direct staff to work with the Chairs of each board and commission to use the handbook as a training and development tool for all City boards and commissions.

DISCUSSION

The City's boards and commissions serve in an indispensable role, advising the Council and making decisions in areas delegated to them by the Council.

Members of all boards and commissions are volunteers, with a variety of backgrounds. Many members may not have served previously on a board or commission in any arena, let alone the municipal arena.

As a result, many elements of their role are new and unfamiliar. Training for the members is indispensable in assisting them to shorten their learning curve, avoid mistakes, and be as effective as possible. A key element of the training program can be a handbook that serves as both an introductory training tool, as well as a reference source when new situations and issues arise.

The City last prepared such a Handbook in 2002 (Attachment 1). The current handbook includes updated and expanded contents from that earlier edition, using material developed by other cities and material unique to Pacific Grove.

Two new proposed elements include the Oath of Office, which until now has been taken by only employees and elected officials, and an ethics code, which would be signed by each member upon taking the Oath.

FISCAL IMPACT

Minimal costs for copying, staff support, and miscellaneous expenses.

ATTACHMENTS

1. *Commissioner Handbook—2002*
2. *Draft Board and Commission Member Handbook—2011*

RESPECTFULLY SUBMITTED,

A handwritten signature in dark ink, appearing to read "THOMAS FRUTCHEY". The signature is written in a cursive, slightly slanted style.

THOMAS FRUTCHEY
City Manager

CITY OF PACIFIC GROVE

Board and Commission Members Handbook



2011

- Investigation
- Disaster preparedness
- Animal control services
- Parking enforcement

- ❖ Public Works
 - Sewer Collection System
 - Stormwater management (in partnership with other Peninsula agencies)
 - Street, sidewalk, curb, and gutter
 - Street lighting (in partnership with Caltrans and PG&E)
 - Street sweeping (contract with Waste Management, Inc.)
 - El Carmelo Cemetery
 - Tree and landscape maintenance
 - Building and Grounds
 - Encroachment Permitting

Descriptions of the primary programs and services within each function are included in **Appendix G**.

D. Interrelationships

Interrelationships between the commission and City Council, other commissions, staff, and the public are crucial for success.

City Council. There should be a two-way communication between the Council and each commission, so that the commissioners are aware of the short- and long-term goals that the Council has adopted, and the Council is receptive to new ideas that are presented by the commission. This communication is facilitated by several means, including:

- ❖ the Council's adoption each year of the commission's charter, and identification by the Council of those areas in which the Council is seek particular advice or attention
- ❖ appointment of a Council liaison for each commission;
- ❖ staff support of both;
- ❖ formal review and acceptance of commission minutes by the Council; and
- ❖ periodic sessions hosted by the Council with all commission chairs.

The Council highly values the advice it receives from the commissions. However, it is likely that, at one time or another, the City Council will not take the advice of a commission, and a commissioner may want to ask, "If they won't take our advice, why ask for it?"

Since the Council delegates selected decision-making authority to certain commissions, most of those decisions can be appealed to the Council. In addition, three or more Councilmembers have the ability to call up a commission decision for reconsideration by the full Council. When this happens, the Council may not always accept the recommendations or agree with the decisions of a commission.

Commission members should not be frustrated by this, or think that this in any way reduces the value of their contributions and their advisory role. The Council is not rejecting the quality of the commission's work; instead, the Council may need to balance commission recommendations against other City priorities. The Council, by definition, must have a broader perspective than any single commission. If a recommendation is rejected, the Council Liaison and staff will help the commission by letting the commission know why.

Finding a comfortable relationship with all board members and others, when dealing with issues that can become politically charged, can be challenging. However, the following are guidelines for commissioners beginning to find their way around in the political environment:

- ❖ Each commission member has an obligation to "vote his/her conscience" and will have to resolve conflicts he/she may have between a personal viewpoint and what is perceived as the 'public interest.'
- ❖ Neither the commission as a whole nor any member should ever willingly and openly embarrass someone else.
- ❖ The commission should see as one of its primary roles that of developing public trust in the advisory commission system.
- ❖ The commission should be sensitive to Council priorities and know when to not take a stand. There are times when, for the good of the overall City, our personal views need to take a back seat.
- ❖ Should a controversy arise within the commission, counsel and guidance are available from the Council liaison, the City Attorney, and staff.
- ❖ Should a split opinion exist on a commission action, the majority report is to be sent as the recommendation to the Council. This may include an explanation of the reason for any dissent.
- ❖ It is unethical for an individual commissioner to attempt to influence or persuade the Council to make a decision that may be in opposition to the commission's position as a whole. Once the majority of the commission quorum makes a decision, it becomes the decision of the entire commission.

No board or commission is expected to perform in a vacuum. Each board is assigned a Council liaison and staff to assist it in achieving its goals.

Council Liaison. The Mayor appoints a Council liaison for each board and commission. The liaison is not a member of the board, and does not make or second motions or vote, but answers questions, as needed, about the Council's intentions and needs.

The Council liaison acts as an advisor and observer, providing updates on Council actions, providing any needed background information on requests of the board made by the Council, and taking back to the Council any needed questions or updates. The liaison acts on behalf of the full Council, rather than sharing personal views

Other Commissions. The areas of interest of most City commissions are distinct and without significant overlap. As a result, a single issue or opportunity is not likely to be addressed by