NOTICE OF MEETING

CITY OF PACIFIC GROVE

CITY COUNCIL

AMENDED REGULAR MEETING AGENDA

Wednesday, April 6, 2022, 6:00 P.M.

Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

The Council will not begin consideration of any item on this agenda later than 10:00 p.m. unless such consideration is approved. Any items on this agenda not considered this evening will be continued to a future meeting.

Copies of the agenda packet are available for review at the Pacific Grove Library, in the Finance Department, and electronically at www.cityofpacificgrove.org/agendas. The most effective method of communication with the City Council is by sending an email to citycouncil@cityofpacificgrove.org. In order to allow the City Council adequate time to review communication related to an agenda item, it is recommended that the communication be sent no later than 9:00 AM on the day prior to the City Council meeting.

THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).

CHAMBER CAPACITY IS LIMITED AND PROVIDED ON A FIRST COME, FIRST SERVED BASIS.

THIS VIRTUAL MEETING IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

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MEETING INSTRUCTIONS

The public may also view the meeting on the Peninsula Channel 25.

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE: Councilmember Poduri

1. **APPROVAL OF AGENDA**

2. **PRESENTATIONS**

A. Arbor Day Proclamation
Reference: Bill Peake, Mayor
Recommended Action: Receive proclamation.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Fair Housing Month Proclamation
Reference: Bill Peake, Mayor
Recommended Action: Receive proclamation.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

C. National Library Week Proclamation
Reference: Bill Peake, Mayor
Recommended Action: Receive proclamation.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

3. **COUNCIL AND STAFF ANNOUNCEMENTS (City-Related Items Only)**

A. Report on Closed Session by City Attorney

B. Other

4. **GENERAL PUBLIC COMMENT**

General Public Comment must deal with matters subject to the jurisdiction of the City and the Council that are not on the Regular Agenda. This is the appropriate place to comment as to items on the Consent Agenda, only if you do not wish to have the item pulled for individual consideration by the Council. Comments from the public will be limited to three minutes and will not receive Council action. Comments regarding items on the Regular Agenda shall be heard prior to Council's consideration of such items at the time such items are called. Whenever possible, written correspondence should be submitted to the Council in advance of the meeting, to provide adequate time for its consideration.

CONSENT AGENDA

The Consent Agenda deals with routine and non-controversial matters, and may include action on resolutions, ordinances, or other public hearings for which testimony is not anticipated. The vote on the Consent Agenda shall apply to each item that has not been removed. Any member of Council, staff, or the public may remove an item from the Consent Agenda for individual consideration. When items are pulled for discussion, they will be automatically placed at the end of their respective section within the Regular Agenda. One motion shall be made to adopt all non-removed items on the Consent Agenda.

5. **APPROVAL OF CITY COUNCIL MEETING MINUTES**

Items pulled from this section will be placed under 12. Unfinished and Ongoing Business

A. Minutes of the March 16, 2022 City Council Special and Regular Meetings.

Reference: Sandra Kandell, City Clerk

Recommended Action: Approve minutes.

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

6. **RESOLUTIONS**

Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business

A. Active People Healthy Nation^{SM} National Initiative.

Reference: Chaps Poduri, Councilmember

Recommended Action: Approve a resolution supporting the Active People Healthy Nation^{SM} national initiative.

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

B. Resolution Supporting an Application for Coastal Commission Grant Funding Relating to Coastal Hazards LCP Amendment

Reference: Alyson Hunter, AICP, Director

Recommended Action: Approve a resolution supporting an application for Coastal Commission Grant Funding to update the Coastal Hazards Section of the Local Coastal Program (LCP).

CEQA: Statutory Exemption, CEQA Guidelines Section 15265, Adoption of Coastal Plans and Programs

7. **ORDINANCES**

Items pulled from this section will be placed under 11. Public Hearings

A. Adoption of an Amendment to PGMC Chapter 23.73.050 pertaining to Permit Time Limits and Extensions

Reference: Alyson Hunter, AICP, Director

Recommended Action: Hold second reading and adopt an ordinance amending Chapter 23.73.050 of the Pacific Grove Municipal Code.

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

8. **REPORTS – INFORMATION ONLY**

Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business

A. Monterey-Salinas Transit Minutes of February 14, 2022

Reference: Joe Amelio, Councilmember

Recommended Action: Receive minutes.

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

B. Status of Documents Management System and Posting of Online Agreements

Reference: Sandra Kandell, City Clerk and Mohammed Khasimi, Chief Information Officer

Recommended Action: Receive the report.

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

9. **REPORTS – REQUIRING ACTION**

Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business

A. Ratification of New Local Emergency Actions

Reference: Ben Harvey, City Manager

Recommended Action: Receive report of emergency directives/modifications.

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

B. Agreement for Fiscal Year 21/22 Audit Services

Reference: Tori Hannah, Administrative Services Director/Assistant City Manager

Recommended Action: Authorize the award of a one-year agreement with Chavan & Associates, LLP for audit services for Fiscal Year 21/22.

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

C. Authorize a contract with Caltronics Business Systems

Reference: Mohammed Khasimi, Chief Information Officer

Recommended Action: Authorize a contract with Caltronics Business Systems for lease and maintenance of multifunction printers, and managed print services.

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

10. **MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES**

Items pulled from this section will be placed under 13. New Business

A. Planning Commission Meeting Minutes: January 13 and February 10, 2022

Reference: Joseph Sidor, Contract Planner

Recommended Action: Receive minutes.

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

B. Traffic Safety Commission: January 25, 2022 Minutes

Reference: Cathy Madalone, Chief of Police

Recommended Action: Receive minutes.

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

C. Traffic Safety Commission Meeting Minutes: October, 27 2020, January 26, 2021, February 23, 2021, April 27, 2021, June 22, 2021, July 27, 2021, August 24, 2021, September 28, 2021, and October 26, 2021

Reference: Vincent Garcia, Administrative Technician

Recommended Action: Receive minutes.

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

REGULAR AGENDA

11. **PUBLIC HEARINGS**

For public hearings involving a quasi-judicial determination by the Council, the proponent of an item may be given 10 minutes to speak and others in support of the proponent's position may be given three minutes each. A designated spokesperson for opposition to the item may be given 10 minutes to speak and all others in opposition may be given three minutes each. Very brief rebuttal and surrebuttal may be allowed in the sole discretion of the Council. In public hearings not involving a quasi-judicial determination by the Council, all persons may be given three minutes to speak on the matter. Public hearings on non-controversial matters or for which testimony is not anticipated may be placed on the Consent Agenda, but shall be removed if any person requests a staff presentation or wishes to be heard on the matter.

A. AB 481- First Reading of an Ordinance Adding PGMC 11.45 Military Equipment and approve Policy 706-Military Equipment

Reference: Cathy Madalone, Chief of Police

Recommended Action: Introduce and hold first reading of an ordinance to (1) adopt an ordinance adding Pacific Grove Municipal Code Section 11.45 Military Equipment, (2) approve draft Police Department Policy 706-Military Equipment, and (3) direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

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

B. Fiscal Year 2021-22 Mid-Year Budget Modifications and First Reading of an Ordinance Amending the Fiscal Year 2021-22 Budget

Reference: Tori Hannah, Administrative Services Director

Recommended Action: Hold a first reading of an ordinance to amend the Fiscal Year 2021-22 Budget, authorize publication of a summary of the measure as approved by the City Attorney

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

C. Appeal of Architectural Permit, Use Permit and Coastal Development Permit (AP-UP-CDP) 21-0294 for a House Remodel and Additions at 711 Ocean View Boulevard (APN: 006- 073-008)

Reference: Joseph Sidor, Contract Senior Planner

Recommended Action: Staff recommends the City Council deny the appeal, find the project categorically exempt per CEQA Guidelines Section 15301, and approve Architectural Permit, Use Permit and Coastal Development Permit 21-0294, subject to the required findings and recommended conditions of approval.

CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

12. UNFINISHED AND ONGOING BUSINESS

A. PG Hotel Homekey Project ***This item was continued from previous meetings.***

Reference: Bill Peake, Mayor

Recommended Action: Direct City Manager to begin public outreach on a potential Homekey project no later than March 16, 2022.

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

B. Housing Element and Regional Housing Needs Allocation (RHNA) ***This item was continued from the March 16, 2022 meeting.***

Reference: Anastacia Wyatt, Housing Program Manager

Recommended Action: Receive update.

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

13. **NEW BUSINESS**

A. Purchasing Authorization

Reference: Bill Peake, Mayor

Recommended Action: Approve in concept an ordinance amending PGMC 2.16.

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

14. **FULL PRESENTATIONS**

15. **CLOSED SESSION**

ADJOURNMENT

NOTICE OF ADA COMPLIANCE: Pursuant to Title II of the Americans with Disabilities Act (Codified At 42 United States Code Section 12101 and 28 Code of Federal Regulations Part 35), and Section 504 of the Rehabilitation Act of 1973, the City of Pacific Grove does not discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, age or sexual orientation in the provision of any services, programs, or activities. The City of Pacific Grove does not discriminate against persons with disabilities. City Hall is an accessible facility. A limited number of assisted listening devices will be available at this meeting. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format.

Agenda No. 2 A

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Bill Peake, Mayor

MEETING DATE: April 6, 2022

SUBJECT: Arbor Day Proclamation

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

RECOMMENDATION

Receive proclamation.

Attachments

Proclamation

City of Pacific Grove

A Proclamation Declaring
April 29, 2022 as Arbor Day

WHEREAS, in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees now called Arbor Day which is observed throughout the nation, and;

WHEREAS, green space beautifies our city and improves mental and physical health, and;

WHEREAS, trees absorb carbon dioxide from the atmosphere, mitigating the effects of climate change, and;

WHEREAS, trees help absorb traffic sounds, protect from strong winds, and improve property values.

NOW, THEREFORE, I, Bill Peake, Mayor of the City of Pacific Grove, on behalf of the City, hereby proclaim April 29, 2022 as Arbor Day in support of efforts to protect and grow trees throughout our city.

Bill Peake

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Bill Peake, Mayor

Agenda No. 2 B

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Bill Peake, Mayor

MEETING DATE: April 6, 2022

SUBJECT: Fair Housing Month Proclamation

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

RECOMMENDATION

Receive proclamation.

Attachments

Proclamation

Mayor's Proclamation
Fair Housing Month
April 2022

WHEREAS, the City of Pacific Grove celebrates the month of April as the anniversary of the establishment of the Fair Housing Act. This Act outlines a national policy of fair housing for all individuals who live in the United States; and

WHEREAS, The Fair Housing Act protects individuals from discrimination based on race, color, sex, disability, religion, family status and national origin; and

WHEREAS, The City of Pacific Grove also prohibits discrimination against renting or buying a home, receiving a mortgage, seeking housing assistance, or engaging in other housing related activities; and

WHEREAS, Fair Housing is essential to the ethical commitment of the City of Pacific Grove and is crucial to serving our community. Therefore, we at the City of Pacific Grove recognize the month of April as Fair Housing Month and promote an inclusive community devoted to fair housing.

NOW, THEREFORE, I, Bill Peake, Mayor of Pacific Grove, California, do hereby proclaim the month of April 2022 as "FAIR HOUSING MONTH" advocating for equal housing opportunities for all residents and prospective residents of the City of Pacific Grove.

Bill Peake

_____

Bill Peake, Mayor
City of Pacific Grove

Agenda No. 2 C

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Bill Peake, Mayor

MEETING DATE: April 6, 2022

SUBJECT: National Library Week Proclamation

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

RECOMMENDATION

Receive proclamation.

Attachments

Proclamation

Mayor's Proclamation
National Library Week
April 3-9, 2022

WHEREAS, libraries have long served as trusted institutions, often the heart of their cities, towns and schools; and

WHEREAS, libraries serve people of all ages, interests and backgrounds providing resources and space to engage in life-long learning; and

WHEREAS, libraries are a resource for all – regardless of race, ethnicity, creed, ability, sexual orientation, gender identity or socio-economic status; and

WHEREAS, we recognize librarians as information professionals who provide expertise, services and guidance for patrons to access credible sources and material, making their own informed decisions about the world today; and

WHEREAS, librarians thoughtfully develop collections and programs that are wide-ranging and explore the diversity of our changing society; and

NOW, THEREFORE, I, Bill Peake, Mayor of Pacific Grove, California, do hereby proclaim National Library Week, April 3-9, 2022. I encourage all residents to visit the library and explore all it has to offer.

Bill Peake

_____

Bill Peake, Mayor
City of Pacific Grove

Agenda No. 5 A

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Sandra Kandell, City Clerk
MEETING DATE:	April 6, 2022
SUBJECT:	Minutes of the March 16, 2022 City Council Special and Regular Meetings.
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Approve minutes.

Attachments

Draft Minutes

DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE
CITY COUNCIL
CLOSED SESSION MEETING

Wednesday, March 16, 2022, 5:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

Join the Zoom Meeting to participate live at:
https://us02web.zoom.us/j/692219855

CALL TO ORDER
Mayor Peake called the meeting to order at 5:00 p.m. City Clerk Kandell conducted roll call with the following Council presenting in person: Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio and Coletti. Councilmember Poduri presented via Zoom Webinar. Absent: Councilmember Smith.

APPROVAL OF AGENDA

Action: Upon motion by Councilmember Amelio and seconded by Councilmember Amelio, the Council approved the agenda.

Motion carried 6-0-1, by the following roll call vote:

AYES:	Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio, Coletti, Poduri, and Tomlinson.
NOES:	None.
ABSENT:	Councilmember Smith.

CLOSED SESSION

PUBLIC COMMENT ON CLOSED SESSION MATTERS
No public comment was received.

A. Conference with Labor Negotiators (Government Code Section 54957.6)
City Negotiators: Agency designated representatives to be designated by Council Employee: City Manager Ben Harvey, an unrepresented employee

B. Public Employment, (Government Code § 54957) Title: City Manager Performance Evaluation

DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

REGULAR MEETING

Wednesday, March 16, 2022, 6:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).

CHAMBER CAPACITY IS LIMITED AND PROVIDED ON A FIRST COME, FIRST SERVED BASIS.

THIS VIRTUAL MEETING IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
https://us02web.zoom.us/j/209579290

CALL TO ORDER
Mayor Peake called the meeting to order at 6:00 p.m. City Clerk Kandell conducted roll call with the following Council present in Chamber: Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio, Coletti, and Tomlinson. Councilmembers Poduri and Smith presented via Zoom Webinar. Councilmember Smith did not return to the meeting after the break at approximately 8:00 p.m.

PLEDGE OF ALLEGIANCE
Mayor Pro Tem McAdams led the pledge of allegiance.

1. **APPROVAL OF AGENDA**

Action: City Manager Harvey recommended Regular Agenda item 12C be continued to the Council's April 6, 2022 meeting.

Action: Upon motion by Councilmember Amelio and seconded by Mayor Pro Tem McAdams, the Council approved the agenda as amended.

Motion carried 7-0, by the following roll call vote:

AYES:	Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio, Coletti, Poduri, Smith, and Tomlinson.
NOES:	None.
ABSENT:	None.

2. **PRESENTATIONS**

A. Pacific Grove Unified School District Elections
Action: Council received a status from John Paff, Trustee

3. **COUNCIL AND STAFF ANNOUNCEMENTS (City-Related Items Only)**

A. Report on Closed Session by City Attorney

March 2, 2022

City Attorney David C. Laredo provided a report of the Council's 10:00 p.m. closed session held on Wednesday, March 2, 2022.

He noted that although the agenda reflected two agenda items, Council deferred Item 15 A, Conference with Real Property Negotiators regarding Sloat Avenue, to a future non-specified meeting. No discussion or action occurred on that matter.

With respect to Item 15 B, Conference with Legal Counsel pertaining to ***Pacific Grove Coast Watch & Anthony Ciani, Petitioners/Plaintiffs v. City of Pacific Grove et al, Respondents/Defendants; Foursome Development Company; Paul Living Trust; CCS Pacific Grove Manager, LLC, Real Parties in Interest.*** Monterey County Superior Court Case No. 22 CV 000387, City Attorney David C. Laredo reported Council reviewed the status of this complaint that had been filed on February 16, 2022 under the California Environmental Quality Act (CEQA) to challenge City actions related to the American Tin Cannery development application. Council considered competing merits of 5 different law firms identified to have the qualifications and experience to represent the City's independent obligations presented by this lawsuit.

On a motion by Council Member Smith, seconded by Council Member McAdams, Council voted unanimously (7-0) to authorize retention of Chris Stiles (Remy Moose Manley) as Special Counsel to defend this matter. Council also required the matter to be returned for review in one year, no later than March 1, 2023.

March 16, 2022

Conference with Labor Negotiators (Government Code Section 54957.6)
City Negotiators: Agency designated representatives to be designated by Council Employee: City Manager Ben Harvey, an unrepresented employee

Public Employment, (Government Code § 54957) Title: City Manager Performance Evaluation

City Attorney Dave Laredo reported this closed session dealt with one topic, Conference with Labor Negotiators respecting City Manager Ben Harvey, a non-represented employee, and also addressed his performance as City Manager. The discussion focused on procedural aspects of this employment relationship, but no reportable action was taken by the Council.

B. Council and staff made general announcements.

4. **GENERAL PUBLIC COMMENT**

General public comment was received from Jenny MacMurdo, Jeanne Byrne, Jane Haines, Inge Lorentzen Daumer, Marsha, Lisa Ciani, Lori McDonnell, Maria Tracy, Andrew Kubica, and Alyssa Kroeger.

CONSENT AGENDA

Action: Consent Agenda item 9C was pulled and considered as Regular Agenda item 13B.

Action: Upon motion by Councilmember Tomlinson and seconded by Councilmember Amelio, Council approved the Consent Agenda as amended.

Motion carried 7-0, by the following roll call vote:

AYES:	Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio, Coletti, Poduri, Smith, and Tomlinson.
NOES:	None.
ABSENT:	None.

5. **APPROVAL OF CITY COUNCIL MEETING MINUTES**

A. Minutes of the March 2, 2022 City Council Special and Regular Meetings
Action: Approved minutes as amended via Errata.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

6. **RESOLUTIONS**

A. Resolution Accepting Grant Funds
Action: Adopted Resolution No. 22-011 accepting grant funds from the California State Library for the City of Pacific Grove Library.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

7. **ORDINANCES**

8. **REPORTS – INFORMATION ONLY**

A. Check Register Report – February 2022
Action: Received the report.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Core Revenue Report Status for February 2022
Action: Received the Core Revenue Status Report for February 2022.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

9. **REPORTS – REQUIRING ACTION**

A. Extension of the Current Agreement for Professional Services with HR & Assoc. for Planning Services Related to the ATC Hotel Project
Action: Authorized the City Manager to execute the proposed extension for continued contract planning services not to exceed the approved amount of $98,400.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Receive and accept Annual Progress Report for submittal to California Department

of Housing and Community Development
Action: Received and accepted Annual Progress Report for submittal to California Department of Housing and Community Development
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

C. Receive the Draft Annual Progress Report for General Plan Implementation ***This item was pulled and considered as Regular Agenda item 13B.***
Reference: Joseph Sidor, Contract Planner
Recommended Action: Receive the Draft Annual Progress Report for General Plan Implementation
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

10. **MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES**

A. Economic Development Commission Meeting Minutes: December 16, 2021
Action: Received minutes.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Library Advisory Board Meeting Minutes: June 28, 2021, September 13, 2021 and November 8, 2021
Action: Received minutes.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

REGULAR AGENDA

11. **PUBLIC HEARINGS**

A. Amendment to AP/UP 16-203 previously-approved AP/UP 16-203 (Council Resolution No. 18-030; September 5, 2018) ***This item was continued from the February 16, 2022 meeting.***

Mayor Peake opened the Quasi-Judicial Hearing.

No ex-parte communication was declared by Council.

Staff's presentation was provided by Contract Planner Joseph Sidor.

Applicant's presentation was provided by Robert Leach, Randall Russom, Tiffany Cooper, and Jay Harris.

Public comment was received from Jenny MacMurdo, Peter Mounteer, Mark Richards, Debby Beck, Inge Lorentzen Daumer, Christi, Lisa Ciani, Carla Bitter, Jeffrey Becom, Hansen Reed, Marsha, Dixie Layne, Patricia Davis, Kim Akeman, Tony Ciani, and Jeanne Byrne.

Mayor Peake closed the Quasi-Judicial Hearing, and the matter was returned for Council discussion.

Action: Upon motion by Councilmember Amelio and seconded by Mayor Pro Tem McAdams, Council approved Amendment (No. 21-0457) to the previously-approved AP/UP 16-203 (Council Resolution No. 18-030; September 5, 2018). The proposed Amendment is in substantial conformance with the original project, which demonstrated consistency with the General Plan and Zoning Ordinance.

Motion carried 7-0, by the following roll call vote:

AYES:	Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio, Coletti, Poduri, Smith, and Tomlinson.
NOES:	None.
ABSENT:	None.

CEQA: Environmental Impact Report

12D Autobahn Car Event ***This item was moved and to be considered immediately following Regular Agenda item 11A.***
Public comment was received from Peter Mounteer, Moe Ammar, and Marsha.

Action: Upon motion by Councilmember Tomlinson and seconded by Councilmember Amelio, Council approved the Legends of Autobahn as a full cost recovery special event to be held on the front nine of the golf course on Thursday, August 18, 2022.

Motion carried 6-0-1, by the following roll call vote:

AYES:	Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio, Coletti, Poduri, and Tomlinson.
NOES:	None.
ABSENT:	Councilmember Smith.

CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

13B(9C) Receive the Draft Annual Progress Report for General Plan Implementation ***This item was pulled and considered as Regular Agenda item 13B and was then moved to be considered immediately following Regular Agenda item 11A.***
Public comment was received from Jane Haines.

Action: Council received the Draft Annual Progress Report for General Plan Implementation
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Amend Pacific Grove Municipal Code Chapter 23.73.050 – Time Limits and Extensions ***This item was continued from the March 2, 2022 meeting. Action required by 3/16/2022.***
No public comment was received.

Action: Upon motion by Councilmember Tomlinson and seconded by Councilmember Amelio, Council introduced and held first reading of an Ordinance to Amend Pacific Grove Municipal Code Chapter 23.73.050 - Time Limits and Extensions, revising the ordinance

to add an additional WHEREAS stating "This ordinance shall apply to only the four (4) that have active permits, that the five years starts when the ordinance becomes effective, and directed publication of a summary of the ordinance as approved by the City Attorney.

Motion carried 6-0-1, by the following roll call vote:

AYES:	Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio, Coletti, Poduri, and Tomlinson.
NOES:	None.
ABSENT:	Councilmember Smith.

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

12. **UNFINISHED AND ONGOING BUSINESS**

A. Financial Report Subcommittee ***This item was continued from the February 16, 2022 meeting.***

Public comment was received from Marsha.

Action: Council directed staff to implement Financial Report Subcommittee recommendations.

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

Action: Upon motion by Councilmember Tomlinson and seconded by Mayor Pro Tem McAdams, Council voted to continue past 10:00 p.m. to hear Regular Agenda item 13A and continue all other items.

Motion carried 6-0-1, by the following roll call vote:

AYES:	Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio, Coletti, Poduri, and Tomlinson.
NOES:	None.
ABSENT:	Councilmember Smith.

13A Coastal Wildlife Protection Subcommittee ***This item was moved to be considered immediately following Regular Agenda item 12A.***

Public comment was received from Vicki Pearse, Thom Akeman, Jeffrey Becom, Cari Rotoli, Inge Lorentzen Daumer, Tony Ciani, Lisa Ciani, Lori McDonnell, Dixie Layne, Peter Mounteer, and Kim Akeman.

Action: Upon motion by Mayor Peake and seconded by Councilmember Tomlinson, Council extended the Subcommittee through September 2022 to explore a draft ordinance with the City Attorney and work with the City Manager regarding staffing resources.

Motion carried 6-0-1, by the following roll call vote:

AYES:	Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio, Coletti, Poduri, and Tomlinson.
NOES:	None.

ABSENT: Councilmember Smith.

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

B. Local Water Project Business Plan Peer Review ***This item was continued from the February 16, 2022 and March 2, 2022 meeting. Due to time constraints, this matter was continued.***
Reference: Dan Gho, Public Works Director/Deputy City Manager
Recommended Action: Receive the Peer Review of Pacific Grove Local Water Project Business Plan prepared by DTA, validating the City's assumptions noted in the Business Plan, and authorize staff to conduct negotiations with CourseCo, and approve a loan repayment plan for the Sewer Fund Interfund Loan.
CEQA: Environmental Impact Report

C. PG Hotel Homekey Project ***This item was continued from the February 16, 2022 and March 2, 2022 meetings. During the Approval of the Agenda this item was continued to the next City Council meeting.***
Reference: Bill Peake, Mayor
Recommended Action: Direct City Manager to begin public outreach on a potential Homekey project no later than March 16, 2022.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

D. Autobahn Car Event ***This item was moved and considered immediately following Regular Agenda item 11A.***
Reference: Dan Gho, Public Works Director/Deputy City Manager
Recommended Action: Approve the Legends of Autobahn as a full cost recovery special event to be held on the front nine of the golf course on Thursday, August 18, 2022.
CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

13. **NEW BUSINESS**

A. Coastal Wildlife Protection Subcommittee ***This item was moved and considered immediately following Regular Agenda item 12A.***
Reference: Joe Amelio and Luke Coletti, Councilmembers
Recommended Action: Direct the City Attorney to return with a draft ordinance to form a Wildlife Protection Commission (WPC) comprised of seven members with three having coastal expertise. The WPC will consider wildlife and natural habitat protection issues.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Receive the Draft Annual Progress Report for General Plan Implementation ***This item was pulled and considered as Regular Agenda item 13B and moved and considered immediately following Regular Agenda 12D (heard immediately following Regular Agenda item 11A).***
Action: Received the Draft Annual Progress Report for General Plan Implementation.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

14. **FULL PRESENTATIONS**

A. Housing Element and Regional Housing Needs Allocation (RHNA) ***Due to time constraints, this matter was continued.***
Reference: Anastacia Wyatt, Housing Program Manager
Recommended Action: Receive update.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

15. **CLOSED SESSION**

ADJOURNMENT
Council adjourned the regular meeting at approximately 10:36 p.m.

Respectfully Submitted,

Sandra Kandell
City Clerk

Approved by Mayor: _____Date_____

Attest by City Manager: _____Date_____

Agenda No. 6 A

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

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Chaps Poduri, Councilmember
MEETING DATE:	April 6, 2022
SUBJECT:	Active People Healthy Nation^{SM} National Initiative.
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Approve a resolution supporting the Active People Healthy Nation^{SM} national initiative.

DISCUSSION
The Centers for Disease Control and Prevention (CDC) is leading the Active People, Healthy Nation SM, a national initiative to help 27 million Americans become more physically active by 2027. Every community can support the initiative through various strategies to increase physical activity as recommended by the CDC.

By means of this resolution the City will adopt the Activity-Friendly Routes to Everyday Destinations strategy. This evidence based strategy makes it safe and easy to walk, bicycle or wheelchair roll for people of all ages and abilities. It will contribute to the improvement of the City's design towards connecting routes such as sidewalks, trails, bike lanes and destinations such as grocery stores, schools, libraries, parks, worksites or healthcare facilities.

The American Heart Association and the CDC are both supportive of this effort.

OPTIONS
Provide alternate direction.

FINANCIAL IMPACT:
None.

GOAL ALIGNMENT: Complete Streets: Plan, design and implement streets, sidewalks and transportation networks that better allow access for all types of users.

Attachments

Draft Reso

RESOLUTION NO. 22-XXX

RESOLUTION OF THE COUNCIL OF THE CITY OF PACIFIC GROVE SUPPORTING ACTIVE PEOPLE, HEALTHY NATION SM

FINDINGS

WHEREAS, the City Council of Pacific Grove, California is committed to supporting a thriving, vibrant, and healthier community for residents of all ages and abilities;

WHEREAS, the City Council of Pacific Grove, California recognizes the importance of providing access to safe and convenient places to be physically active for people regardless of age, race, income, socio-economic status, disability status, and geographic location;

WHEREAS, approximately 1 in 5 children and 2 in 5 adults in the U.S. have obesity;

WHEREAS, 1 in 2 adults live with a chronic disease and about half of this group have two or more chronic diseases;

WHEREAS, the Physical Activity Guidelines for Americans recommend that children (ages 6-17 years) do 60 minutes or more of moderate-to-vigorous intensity physical activity each day and adults (ages 18 years and older) do at least 150 minutes a week of moderate intensity activity such as brisk walking;

WHEREAS, physically active people generally live longer and are at less risk for serious health problems like heart disease, type 2 diabetes, obesity, and some cancers; and for people with chronic diseases, physical activity can help manage these conditions and complications;

WHEREAS, physical activity can benefit the workforce because physically active people to tend to take fewer sick days;

WHEREAS, the Centers for Disease Control and Prevention (CDC) is leading Active People, Healthy Nation SM, a national initiative to help 27 million Americans become more physically active by 2027;

WHEREAS, communities can support Active People, Healthy Nation by implementing 1 (or more) of 7 evidence-based strategies recommended by CDC to increase physical activity across sectors and settings;

WHEREAS, building active and walkable communities can help increase levels of retail economic activity and employment, increase property values, support neighborhood revitalization, and reduce health care costs;

WHEREAS, the City Council of Pacific Grove, California recognizes its ability to expand achievable, measurable, and sustainable efforts to increase physical activity across the

community by supporting Active People, Healthy Nation strategies, and formalizing complete streets;

WHEREAS, every Active People, Healthy Nation strategy can be designed to support the goal of equitable and inclusive access to opportunities for physical activity;

WHEREAS, Councilmember Poduri, through his involvement with Smart Growth America, American Heart Association and the CDC is championing this cause

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

1. The Council recognizes that physical activity is one of the best things adults, children, and families in Pacific Grove can do to improve their health.

2. In light of the foregoing considerations the City of Pacific Grove hereby commits to supporting Active People, Healthy Nation initiatives by adopting the following strategy:

    - **Activity-Friendly Routes to Everyday Destinations**: This strategy will help to make it safe and easy to walk, bicycle, or wheelchair roll for people of all ages and abilities by improving the design of the City of Pacific Grove to connecting routes such as sidewalks, trails, bicycle lanes, and public transit to destinations such as grocery stores, schools, worksites, libraries, parks, or health care facilities.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS 6TH DAY OF APRIL, 2022, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:

APPROVED:

_____
BILL PEAKE, MAYOR

ATTEST:
DATED: _____

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____

DAVID C. LAREDO, City Attorney

Agenda No. 6 B

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

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Alyson Hunter, AICP, Director
MEETING DATE:	April 6, 2022
SUBJECT:	Resolution Supporting an Application for Coastal Commission Grant Funding Relating to Coastal Hazards LCP Amendment
CEQA:	Statutory Exemption, CEQA Guidelines Section 15265, Adoption of Coastal Plans and Programs

RECOMMENDATION

Approve a resolution supporting an application for Coastal Commission Grant Funding to update the Coastal Hazards Section of the Local Coastal Program (LCP)

DISCUSSION

As staff processes Coastal Development Permits (CDPs) and becomes more familiar with the details of the policies and standards in the LCP, it will be necessary to undertake minor amendments to the Implementation Plan (IP) and Land Use Plan (LUP) based on new information, updated science, or other discovered inconsistencies, like we found with the ATC project. This has come up with several recent CDP applications relating to significant remodels to homes along Ocean View Blvd. and the requirement in PGMC Section 23.90.140 to prepare a costly Coastal Hazards Report based on mapping that was prepared using methodology from the mid-2000s. We have required the preparation of these reports for three (3) projects all of which have resulted in "no impact". As we have learned, coastal hazards planning has evolved over the years and the data collection and analysis has become much more fine-tuned. Staff would like to undertake an amendment to 23.90.140 as well as to Section 2.1 - *Coastal Hazards* of the LUP consisting of, generally, updating the map (Fig. 3) and aligning the standards.

The California Coastal Commission (CCC) releases grant programs to assist local governments with the preparation of and updates to their Local Coastal Programs (LCPs) for the purposes stated above, among others. The attached Resolution will authorize staff to prepare an application for a $100,000.00 grant (the maximum allowed) which will cover the cost to hire a qualified professional to update the background data based on current science. This grant will **not** cover the cost for staff to update the mapping and minor text amendments needed in the IP and LUP and carry the amendments through the Planning Commission and Council and, ultimately, the Coastal Commission for certification. Although there is no deadline for this round of rolling, non-competitive grants, City staff has already talked to program staff at the Coastal Commission who, in addition to supporting the basis for the application, noted that the sooner the complete application can be submitted, the better.

OPTIONS

The Council could direct staff not to apply for this grant funding.

FINANCIAL IMPACT:

There is no cost to the City to apply for the grant. If awarded, the grant would cover the cost of obtaining the new data, but not the staff work needed to prepare the amendment.

GOAL ALIGNMENT: Transparency, Accountability and Communication: Implement programs, processes, revisions, and training to improve and advance the City's efforts.

Attachments

Draft Resolution

RESOLUTION 22-___

AUTHORIZING SUBMITTAL OF AN APPLICATION FOR THE CALIFORNIA COASTAL COMMISSION'S LCP LOCAL ASSISTANCE GRANT PROGRAM

WHEREAS, the Budget Act of 2021 provides up to $31 million to support the Coastal Commission's LCP Local Assistance Grant Program which awards grants to local governments to support coastal resiliency and updates to Local Coastal Programs (LCPs); and

WHEREAS, the California Coastal Commission, under the authority of the California Coastal Act, may provide financial assistance to support coastal planning and has approved a grant program to provide such financial assistance for LCP planning; and

WHEREAS, the goal of the grant program is to develop new or updated LCPs in conformance with the California Coastal Act and to promote coastal resiliency and address the effects of climate change; and

WHEREAS, grant proposals submitted under this grant program must complete Local Coastal Program (LCP) planning work with special emphasis on coastal resiliency and addressing the effects of climate change and sea-level rise; and

WHEREAS, the City of Pacific Grove, has an effectively certified LCP; and

WHEREAS, through the practical application of the standards of the Implementation Plan (IP) pertaining to Coastal Hazards, staff has discovered that the coastal hazards science that these measures were based on in the development of the Local Coastal Program (LCP) have become outdated and are onerous to individual property owners seeking to make improvements to properties along the coast; and

WHEREAS, the City of Pacific Grove, desires to pursue the services of a professional geomorphologist or equivalent to update the background information and data needed to prepare an amendment to Section 23.90.140 (Coastal Hazards) of the Implementation Plan (IP) and Chapter 2.1 (Coastal Hazards) of the Land Use Plan (LUP), as needed, for approval by the City and submittal for certification by the California Coastal Commission; and

WHEREAS, the City of Pacific Grove commits to and agrees to fully support a planning effort intended to amend a certified LCP pursuant to the provisions of the California Coastal Act, with full public participation and coordination with the Coastal Commission staff; and

WHEREAS, enactment of this Ordinance qualifies for a CEQA Statutory Exemption as provided by section 15265 of the CEQA Guidelines – *Adoption of Coastal Plans and Programs*. The City Council finds no evidence of unusual circumstances has been submitted within the context, or evidence the project will cause significant adverse changes in the significance of an historical resource as contemplated by CEQA Guidelines 15300.2.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pacific Grove, hereby:

1. Directs the Community Development Department Director, or designee, to submit the grant application package attached hereto as Attachment 1 to the California Coastal Commission to provide financial and planning assistance, under authority of the California Coastal Act, in the amount of $100,000.00 to fund the project more particularly described in the grant application package.

2. Authorizes the City Manager of the City of Pacific Grove, to execute, in the name of the City of Pacific Grove, all necessary applications, contracts and agreements and amendments thereto to implement and carry out the grant application package attached hereto and any project approved through approval of the grant application.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE on this ____ day of _____, 2022 on the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
DAVID C. LAREDO, City Attorney

Agenda No. 7 A

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

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Alyson Hunter, AICP, Director
MEETING DATE:	April 6, 2022
SUBJECT:	Adoption of an Amendment to PGMC Chapter 23.73.050 pertaining to Permit Time Limits and Extensions
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Hold second reading and adopt an ordinance amending Chapter 23.73.050 of the Pacific Grove Municipal Code.

DISCUSSION
Two (2) changes were made to the draft ordinance by order of the Council at its March 16, 2022, meeting. The changes consist of: 1) of the addition of a finding specifying that the amendment applies only to the four (4) properties that currently have active planning permits. These properties are as follows: 503 Chestnut St., 506 Walnut St., 420 Monterey Ave., and 508 Evergreen Rd; and 2) correcting the City Charter reference in Section 5.

The Clerk caused a summary of the ordinance to be published March 24, 2022.

OPTIONS
The Council could opt not to adopt the amendment.

FINANCIAL IMPACT:
This amendment will not result in a financial impact to the City.

GOAL ALIGNMENT: Transparency, Accountability and Communication: Implement programs, processes, revisions, and training to improve and advance the City's efforts.

Attachments
Ordinance

ORDINANCE NO. 22-___

AN ORDINANCE OF THE CITY OF PACIFIC GROVE AMENDING CHAPTER 23.73.050 OF THE PACIFIC GROVE MUNICIPAL CODE REGARDING THE CITY'S TIME LIMITS AND EXTENSIONS FOR ARCHITECTRUAL PERMITS ON THE CITY'S WATER WAIT LIST

WHEREAS, this Ordinance amends PGMC Section 23.73.050, entitled "Time Limits and Extensions";

WHEREAS, since the establishment of the State Water Resources Control Board's (SWRCB) cease-and-desist order (CDO) against California American Water (Cal-Am) on October 20, 2009, owners of vacant properties within the Cal-Am services area have been unable to obtain a water meter necessary to the development of their property;

WHEREAS, in 2019, the City's Local Water Project (LWP) became operational allowing the City to sell water entitlements under certain conditions to those properties with existing meters;

WHEREAS, in an effort to establish a list of future water purchasers who could be "entitled" to the water allotment established through the operation of the LWP, the City created a Water Wait List (WWL) which has been updated and administered by Community Development Department (CDD) staff since its inception;

WHEREAS, several owners of vacant properties received approvals of discretionary Architectural Permits (AP) during this time;

WHEREAS, per PGMC Section 23.73.050, discretionary approvals are allowed to be extended twice, each for one (1) year. As a result, there are 7 expired permits on the WWL;

WHEREAS, given the cost associated with the preparation of plans and permit fees, at the January 19, 2022 City Council meeting City Staff presented the City Council with options to assist the property owners who are on the WWL;

WHEREAS, at the January 19th Council meeting, the Council directed Staff to amend to the City's Municipal Code to allow a permit to be considered valid for five years with a one-time five year renewal option;

WHEREAS, in the enactment of this Ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.;

WHEREAS, this ordinance applies only to the four (4) properties on the WWL as of the date it is enacted that have active Planning permits: 503 Chestnut St., 506 Walnut St., 420 Monterey Ave., and 508 Evergreen Rd,

WHEREAS, amendment of PGMC Section 23.73.050 pertaining to the Time Limits and Extensions will not result in a significant impact to the environment and is, therefore, categorically exempt from review under the California Environmental Quality Act (CEQA) per Section 15378 of the CEQA Guidelines.

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

SECTION 1. The foregoing recitals are adopted as findings of the City Council asthough set forth fully herein.

SECTION 2. Pacific Grove Municipal Code Chapter 23.73.050 shall be amended by deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

…

(b) Extensions of Time by Review Authority. The initial review authority is authorized to extend the period for use of a community development permit up to two years from the date of approval, as an express provision at the time of approval, where it is anticipated that the processing of other governmental approvals related to the project will delay start of construction beyond the year.

(c) Extensions of Time by Chief Planner. The chief planner is authorized to renew any community development permit that would otherwise expire after one year. Renewals shall be for one year with a maximum of two renewals. ***If the property, as of the date this ordinance takes effect, is on the Water Wait List described in Chapter 11.68 PGMC, the community development permit be valid for five (5) years from the effective date of this ordinance, and also thereafter for one additional five (5) year optional renewal period.***

(d) Action on Extension Requests. An application for a time extension shall be made prior to the permit expiration date. If a finding is made that the applicant could not have avoided the delay, the application shall be granted up to the maximum allowable under subsection (c) of this section.

…

SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 4. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS _____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____

BILL PEAKE, Mayor

ATTEST DATED: _____

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
DAVID C. LAREDO, City Attorney

Agenda No. 8 A

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Joe Amelio, Council Member

MEETING DATE: April 6, 2022

SUBJECT: Monterey-Salinas Transit Minutes of February 14, 2022

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

RECOMMENDATION

Receive minutes.

Attachments

MST Minutes

Agenda # **3-3**
March 14, 2022 Meeting

MEETING OF THE MST BOARD OF DIRECTORS

MEETING MINUTES

February 14, 2022
10:00 am (Pacific)

Present:	John Gaglioti	City of Del Rey Oaks
	Lorraine Worthy	City of Gonzales
	Yanely Martinez	City of Greenfield
	Mike LeBarre	City of King
	David Burnett	City of Marina
	Dan Albert	City of Monterey
	Joe Amelio	City of Pacific Grove
	Tony Barrera	City of Salinas
	Mary Ann Carbone	City of Sand City
	Dave Pacheco	City of Seaside
	Anna Velazquez	City Soledad
Absent:	Jeff Baron	City of Carmel-by-the-Sea
	Luis Alejo	County of Monterey
Staff:	Carl Sedoryk	General Manager/CEO
	Lisa Rheinheimer	Assistant General Manager
	Norman Tuitavuki	Chief Operating Officer
	Michael Kohlman	Chief Information Officer
	Kelly Halcon	Director of HR & Risk Management
	Michelle Overmeyer	Director of Planning & Innovation
	Andrea Williams	General Accounting & Budget Manager
	Jeanette Alegar-Rocha	Deputy Secretary
	Ikuyo Yoneda-Lopez	Marketing & Customer Service Manager
	Sonia Wills	Customer Service Supervisor
	Matthew Deal	Grants Analyst
	Scott Taylor	IT Manager
	Ezequiel Rebollar	IT Technician
	Lisa Cox	Risk and Safety Manager
	Elena Grigorichina	Operations Analyst
	Marzette Henderson	Contract Services Manager
	Claudia Valencia	Mobility Specialist
	Ruben Gomez	Mobility Specialist
	Lesley vanDalen	Mobility Specialist

	Beronica Carriedo	Community Relations Coordinator
	Sloan Campi	Planning Manager
	Emma Patel	Associate Planner
	David Bielsker	Transit Scheduler
Counsel:	David Laredo	General Counsel, De Lay & Laredo
	Michael D. Laredo	Associate Counsel, De Lay & Laredo
Public:	Douglas Thomson	MV Transportation

Apology is made for any misspelling of a name.

1. CALL TO ORDER

1-1. Roll Call.

1-2. Pledge of Allegiance.

Chair Albert called the meeting to order at 10:01 a.m. Roll call was taken as the meeting was held via ZOOM teleconference. A quorum was established. Chair Albert led the pledge of allegiance.

1-3. Approve Resolution 2022-22 Authorizing Remote Teleconference Meetings. (Carl Sedoryk)

There were no public comments.

On a motion by Director Carbone, seconded by Director LeBarre and carried by the following vote, which was conducted by roll call, the Board approved Consent Agenda item 1-3 Resolution 2022-22, authorizing remote teleconference meetings:

AYES:	**11**	**Albert, Amelio, Barrera, Burnett, Carbone, Gaglioti, LeBarre, Martinez, Pacheco, Worthy and Velazquez**
NOES:	**0**	
ABSENT:	**2**	**Alejo and Baron**
ABSTAIN:	**0**	

1-4. Receive Update from General Manager/CEO on Omicron Impacts. (Carl Sedoryk)

There were no public comments.

The MST Board received an update from the General Manager/CEO on Omicron Impacts.

1-5. Review Highlights of the agenda. (Carl Sedoryk)

General Manager/CEO Carl Sedoryk reviewed the highlights of the Agenda.

2. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

There were no public comments.

3. CONSENT AGENDA

3-1. Adopt Resolution 2022-23 Recognizing Nicanor Linares, Coach Operator, as Employee of the Month for February 2022. (Norman Tuitavuki)

3-2. Approve Minutes of the MST Board Meeting on January 10, 2022. (Jeanette Alegar-Rocha)

3-3. Approve Minutes of the MST Board Meeting on December 13, 2021. (Jeanette Alegar-Rocha)

3-4a. Receive Report on Lost and Found Items Left on MST Property for the Month of September 2021. (Sonia Wills)

3-4b. Receive Report on Lost and Found Items Left on MST Property for the Month of October 2021. (Sonia Wills)

3-5a. Financial Reports – November 2021. (Lori Lee)

a) Accept reports of November 2021 Cash Flow
b) Approve November 2021 Disbursements
c) Accept Report of November 2021 Treasury Transactions

3-5b. Financial Reports – December 2021. (Lori Lee)

a) Accept reports of December 2021 Cash Flow
b) Approve December 2021 Disbursements
c) Accept Report of December 2021 Treasury Transactions

3-6. Receive Minutes of the MST Board Operations Performance Committee Meeting on December 13, 2021. (Jeanette Alegar-Rocha)

3-7. Received Draft Minutes of the MST Corporation Board Meeting on December 13, 2021. (Jeanette Alegar-Rocha)

3-8. Receive Minutes of the Mobility Advisory Committee (MAC) on September 29 , 2021. (Claudia Valencia)

3-9. Appoint Membership of Ronald Lee and Leticia Garcia to MST's Mobility Advisory Committee (MAC). (Cristy Sugabo)

End of Consent Agenda

There were no public comments on the Consent Agenda.

On a motion by Director Worthy, seconded by Director Velazquez and carried by the following vote, which was conducted by roll call, the Board approved items 3-1 through 3-9 on the Consent Agenda:

AYES:	**11**	**Albert, Amelio, Barrera, Burnett, Carbone, Gaglioti, LeBarre, Martinez, Pacheco, Worthy and Velazquez**
NOES:	**0**	
ABSENT:	**2**	**Alejo and Baron**
ABSTAIN:	**0**	

4. RECOGNITIONS AND SPECIAL PRESENTATIONS

4-1. February 2022 Employee of the Month – Nicanor Linares (Norman Tuitavuki)

4-2. 20 Year Service Anniversary – Ricardo Hernandez (Norman Tuitavuki)

4-3. 20 Year Service Anniversary – Ed Goodin (Norman Tuitavuki)

4-5. Receive Staff Report on Activities Related to the COVID-19 Pandemic Incident Response and Recovery Planning to Date and Provide Direction, If Needed. (Carl Sedoryk)

5. PUBLIC HEARINGS

None

6. ACTION ITEMS

6-1. Authorize the General Manager/CEO to Award a Contract to MV Transportation, Inc. for the Provision of Purchased Transportation Services for a Base Period of 5 Years Beginning July 1, 2022, and Ending June 30, 2027, in an Amount not to Exceed $49,419,717. (Norman Tuitavuki)

There were no public comments.

On a motion by Director Amelio, seconded by Director Pacheco and carried by the following vote, which was conducted by roll call, the Board authorized the General Manager/CEO to execute a contract with MV Transportation, Inc. for the provision of purchased transportation services for a base period of 5 years beginning July 1, 2022 and ending June 30, 2027 in an amount not to exceed $49,419,717:

AYES:	**11**	**Albert, Amelio, Barrera, Burnett, Carbone, Gaglioti, LeBarre, Martinez, Pacheco, Worthy and Velazquez**
NOES:	**0**	
ABSENT:	**2**	**Alejo and Baron**
ABSTAIN:	**0**	

6-2. Approve Comprehensive Operational Analysis (COA) Final Network Plan and Direct Staff to Develop Supporting Fare Policy. (Michelle Overmeyer)

There were no public comments.

On a motion by Director LeBarre, seconded by Director Velazquez and carried by the following vote, which was conducted by roll call, the Board Comprehensive Operational Analysis (COA) Final Network Plan and directed staff to develop supporting fare policy:

AYES:	**11**	**Albert, Amelio, Barrera, Burnett, Carbone, Gaglioti, LeBarre, Martinez, Pacheco, Worthy and Velazquez**
NOES:	**0**	
ABSENT:	**2**	**Alejo and Baron**
ABSTAIN:	**0**	

6-3. Receive Update and Consider Emerging Strategic Planning Items. (Carl Sedoryk)

There were no public comments.

The MST Board received an update from the General Manager/CEO on the emerging strategic plan items and provided direction to place specific items in the Board Administrative Performance Committee and/or Board Operations Performance Committee.

7. REPORTS & INFORMATION ITEMS

The Board will receive and file these reports, which do not require action by the Board.

7-1. General Manager/CEO Report – November and December 2021

7-2. Federal Legislative Advocacy Report – January 2022

7-3. State Legislative Advocacy Update –

7-4. Staff Trip Reports – None

7-5. Correspondence – None

8. BOARD REPORTS, COMMENTS, AND REFERRALS

8-1. Reports on Meetings Attended by Board Members at MST Expense (AB 1234)

8-2. Board Member Comments and Announcements.

The MST Board Chair accepted the volunteers of Chair Albert, Director Barrera and Director LeBarre for the 2022 Adhoc Board Officers Nominating Committee.

8-3. Board Member Referrals for Future Agendas.

9. CLOSED SESSION

Members of the public may address the Board on any matter related to Closed Session. There is a time limit of not more than three minutes for each speaker. The Board will not take action or respond immediately to any public comments presented, but may choose to follow-up at a later time individually, through staff, or on a subsequent agenda. ***(Please refer to page 1 of the Agenda for instructions)***

As permitted by Government Code §64956 et seq. of the State of California, the Board of Directors may adjourn to Closed Session to consider specific matters dealing with personnel and/or pending possible litigation and/or conferring with the Board's Meyers-Milias-Brown Act representative.

None.

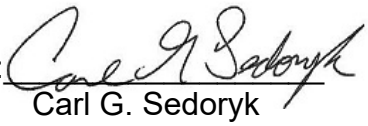
10. ATTACHMENTS

10-1. The Detailed Monthly Performance Statistics and Disbursement Journal for November and December 2021 can be viewed online within the GM Report at http://mst.org/about-mst/board-of-directors/board-meetings/

11. ADJOURN

With no further business to discuss, Chair Albert adjourned the

meeting at 11:40 a.m. (Pacific).

PREPARED BY:  REVIEWED BY: 

Jeanette Alegar-Rocha Carl G. Sedoryk

Agenda No. 8 B

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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Sandra Kandell, City Clerk and Mohammed Khasimi, Chief Information Officer

MEETING DATE: April 6, 2022

SUBJECT: Status of Documents Management System and Posting of Online Agreements

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

RECOMMENDATION
Receive the report.

DISCUSSION
At the April 7, 2021, meeting, Council directed staff to provide a recommendation with options, pros, and cons on how best to post online agreements that have a value of $5,000 or more. A meeting was held between key staff and a summary of the discussion and preliminary findings were provided to Council in its May 19, 2021 packet. Due to time constraints, the item was continued to the Council's June 2, 2021, where Council subsequently directed staff to take the additional time to conduct the research, evaluation, and assessment of available document and records management software options based on the city's overall need for managing documents, workflows, and records, including a formal request for proposal if needed.

Staff provides this brief status report to inform the Council that since its last written report, key staff have met and prepared an RFP with an option to use Microsoft SharePoint as the recommended software tool, or a storage repository. Staff is, of course, open to receiving proposals and recommendations from experts in the field for the short and long-term portions of this complex project. Posting contracts online is a short-term portion and priority of this project.

Staff provides the following timeline:

RFP Event	**Date/Time**
RFP Issued	April 1, 2022
Deadline for Written Questions	April 15, 2022 - 4:00pm PDT
Deadline for Letter of Intent to Respond	April 15, 2022 - 4:00pm PDT
City Issues Response to Written Questions	April 22, 2022
Deadline for Submitting a Proposal	May 6, 2022 - 2:00pm PDT
City Evaluation of Proposals	May 9-20, 2022
Selected Vendor Interviews and Demos	May 23-25, 2022
City Determines Finalist	June 1, 2022

Contract Awarded	June 1, 2022

Staff reserves the right to adjust this schedule as it deems necessary. Upon the completion of the review of proposals and staff award recommendation, staff will return to Council for approval.

OPTIONS

Provide alternate direction.

FINANCIAL IMPACT:

There is no fiscal impact in the writing of this report.

GOAL ALIGNMENT: Community Responsiveness: Develop and implement systems, interfaces and infrastructure.

Agenda No. 9 A

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Ben Harvey, City Manager
MEETING DATE:	April 6, 2022
SUBJECT:	Ratification of New Local Emergency Actions
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive report of emergency directives/modifications.

DISCUSSION

The City Manager during this Local Emergency is authorized to directly mitigate effects of the Local Emergency to protect life or property.

This report apprises the City Council of emergency directives taken under the continuing local emergency proclaimed by Resolution 20-007. This report fulfills the City Council's review obligation under that Resolution and Government Code 8630. This agenda item also enables ratification of select actions taken since the City Council's last review.

City expenditures for legal services related to COVID-19 issues (specifically to related to COVID 19-COM (Communications); COVID 19-TRN (Training); COVID 19-LAW (Legal Support); and COVID-19 (Other)) are eligible for State and Federal Emergency Service reimbursement, including but not limited to FEMA or other emergency grant funding.

Actions not subject to Ratification. Since the time of the revised Monterey County Shelter in Place Order issued Friday, April 3, 2020, the City Manager has taken the following new or modified actions pursuant to the Emergency Proclamation:

- None to report at this time.

No action is necessary with respect to the above new or modified measures, as each is responsive to requirements of the revised Monterey County Shelter in Place Order falling within the regular management discretion of the City Manager.

Actions subject to Ratification. Certain mitigation measures that have been enacted by the City Manager in response to the Monterey County Shelter in Place Order issued Friday, May 8, 2020, and in accord with Council's Local Emergency under Article 19, subparagraph l, of the Pacific Grove City Charter, and Chapter 3.20 of the Pacific Grove Municipal Code (PGMC), are subject to ratification. Any mitigation measures that qualify are subject to ratification as required by Government Code 8630

and City Council Resolution 20-007, and are listed below:

1. None to report at this time.

Discussion of Circumstances Needing Emergency Response. The discussion part of this item allows comment on circumstances which may benefit from further or different emergency responses. Matters identified will be referred to the City Manager for appropriate consideration in accord with the Emergency Management System protocols set by PGMC Chapter 3.20. These delegate exclusive emergency management response authority to the City Manager.

CEQA Exemption. Actions taken to prevent or mitigate an emergency are exempt from CEQA pursuant to section 15260 of the CEQA Guidelines.

OPTIONS

Actions not subject to ratification are reported for information only.

FINANCIAL IMPACT:

There is no financial impact in receiving the report.

GOAL ALIGNMENT: Not Applicable.

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Tori Hannah, Administrative Services Director/Assistant City Manager

MEETING DATE: April 6, 2022

SUBJECT: Agreement for Fiscal Year 21/22 Audit Services

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

RECOMMENDATION

Authorize the award of a one-year agreement with Chavan & Associates, LLP for audit services for Fiscal Year 21/22.

DISCUSSION

The City contracts with Chavan & Associates (C & A), LLP for annual audit services. A new contract is needed for the Fiscal Year 21/22 annual audit. Due to position vacancies within the Administrative Services Department, there hasn't been sufficient time to issue a Request for Proposal (RFP) to evaluate the current market for audit services. Time is of the essence in securing a contract, as the City needs to be placed on an audit schedule. The interim audit is typically scheduled in May or June, with the second half of the audit following in October.

In 2015, an RFP was issued for the following independent audit services, which included:

- Annual City Audit and accompanying notes and schedules for the Annual Comprehensive Financial Statements (ACFR)
- Gann Limit Review Report
- State Controller's Annual Financial Transactions Report
- State Controller's Office Annual Street Report
- Single Audit for Federal grants, if needed (1)

At that time, the City received proposals from seven qualified CPA firms, with the annual contract costs ranging from $33,500 to $48,365. The City selected C & A for annual audit services based on their experience, added value services, and their proposed annual costs of $33,500. The City has continued to use C& A for annual audit services, with the addition of the new TAMC Measure X Audit. The agreement to provide annual audit services and the TAMC Measure X Audit for Fiscal Year 20/21 was $39,300. A Single Audit for Federal Awards was not required in any of the prior years. C & A is proposing to provide the services listed above, the Single Audit, and the TAMC Measure X audit for the Fiscal Year ending 21/22, at a cost not to exceed $47,000. A Single Audit will be required in this fiscal year due to the receipt of American Rescue Plan Act (ARPA) funds. This audit will require additional testing procedures, as well as a separate report. Based on a review of the prior proposals and the increasing costs of inflation, staff believes the estimated one year cost for services is reasonable. In

addition, C & A has experience with the City's processes, departments, and accounting set-up which minimizes the impact to City staff.

Chavan and Associates has been providing local government auditing services since 1998. The firm provides audit services to the Cities of Carmel, Marina, Del Rey Oaks, Saratoga, and Los Gatos. C & A distinguishes itself by offering staff training, including specialized courses to prepare staff for the Single Audit. The firm also provides general guidance related to the implementation of new accounting standards and responds to accounting questions during the contract period. Eight hours of training is included at no-cost within the current proposal. C & A also participates in the American Institute of Certified Public Accountants (AICPA) Peer Review Program for System Reviews. This independent evaluation focuses on a firm's system of quality control to perform accounting and audit work. C & A successfully completed a peer review in February 2022. A copy of the CalCPA Peer Review letter is included in Attachment 1.

Staff is recommending approving the award of a one-year contract with C & A for the combined Fiscal Year 21/22 audit services in the amount of $47,000. To assure objectivity and a "fresh look" at the City's finances, the proposal includes assigning a new engagement partner for the Fiscal Year 21/22 audit.

A copy of the proposed contract is not included with this staff report. The language does not deviate from City's standard contract template that has been approved by the City Attorney and the City's Risk Management Joint Powers Authority (JPA).

(1) Notes on the April 15, 2015, agenda report indicates that costs for the Single Audit were excluded from the proposed amounts.

OPTIONS

- Provide alternate direction

FINANCIAL IMPACT:

There is no fiscal impact to the Fiscal Year 21/22 Budget. The costs for the annual audit have been included in the budget.

GOAL ALIGNMENT: Financial Stability: Develop a strategic plan to better address current and future City expenditure and revenue needs.

Attachments

CalCPA Peer Review

CalCPA
Peer Review Program

1710 Gilbreth Road
Burlingame, CA 94010
(650) 522-3094
Fax: (650) 522-3080
peerreview@calcpa.org

March 04, 2022

Sheldon Chavan
Chavan & Associates LLP
11135 Sunrise Ridge Cir
Auburn, CA 95603-6012

Dear Sheldon Chavan:

It is my pleasure to notify you that on February 22, 2022, the California Peer Review Committee accepted the report on the most recent System Review of your firm. The due date for your next review is June 30, 2023. This is the date by which all review documents should be completed and submitted to the administering entity.

As you know, the report had a peer review rating of pass. The Committee asked me to convey its congratulations to the firm.

Thank you for your cooperation.

Sincerely,

Peer Review Committee

Peer Review Program
The Peer Review Program Team
peerreview@calcpa.org
650-522-3094

cc: John Georger

Firm Number: 900005340457 Review Number: 577158

Agenda No. 9 C

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

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Mohammed Khasimi, Chief Information Officer
MEETING DATE:	April 6, 2022
SUBJECT:	Authorize a contract with Caltronics Business Systems
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Authorize a contract with Caltronics Business Systems for lease and maintenance of multifunction printers, and managed print services.

DISCUSSION

The City contracts with Caltronics Business Systems for lease, maintenance, and managed print services on our multifunction departmental printer/copier machines. The previous 5-year contract was issued in 2017 at $18,000 annually. A new contract is needed for the next 5 years at $20,000 annually. The new lease will replace the 5-year old equipment with newer models with the latest technology. The agreement will cover a total of 7 multifunction printers/copiers.

The new proposal is based on a Sourcewell contract. Sourcewell is a government agency that offers competitive solicited purchasing contracts to member agencies, thereby exempting the members from duplicating the efforts of the RFP solicitation process.

The Pacific Grove Municipal Code 2.16.080 (g), allows for dispensation of formal bidding procedures when the article can be purchased more economically through the central purchasing authority of another governmental agency.

Caltronics Business Systems currently honors a cooperative purchasing agreement through Sourcewell for purchase of Konica Minolta's equipment, Contract # 030321. The Sourcewell contract allows the City to piggyback on the cooperative purchasing contract.

The Caltronics proposal is lower than the SourceWell price.

A copy of the City agreement was not included as an attachment. The proposed agreement does not deviate from the City's standard template that was approved by the City Attorney and the City's risk management joint powers authority.

Time is of the essence in securing a contract.

OPTIONS

Provide an alternate direction

FINANCIAL IMPACT:

There is no fiscal impact to the FY 21/22 budget. The costs for copier and print services have been included in the budget.

GOAL ALIGNMENT: Not Applicable.

Agenda No. 10 A

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Joseph Sidor, Contract Planner
MEETING DATE:	April 6, 2022
SUBJECT:	Planning Commission Meeting Minutes: January 13 and February 10, 2022
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive minutes.

Attachments

Approved PC Minutes 01-13-22

Approved PC Minutes 02-10-22

CITY OF PACIFIC GROVE

PLANNING COMMISSION

MEETING MINUTES

Thursday, January 13, 2022, 6:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

This meeting was held via Zoom webinar.

1. **CALL TO ORDER & ROLL CALL –** Chair Lilley call the meeting to order at 6:02 pm.
   Commissioners Present: Aeschliman, Bluhm, Byrne, Chakwin, Murphy, Sawyer, Chair Lilley.

2. **APPROVAL OF AGENDA - On a motion by Vice Chair Chakwin, seconded by Commissioner Sawyer, the agenda was unanimously approved on a roll call vote. (7-0-0)**

3. **COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)**
   A. Vice Chair Chakwin provided farewell comments to fellow Commissioners and staff;
   B. Commissioner Byrne provided farewell comments to fellow Commissioners and staff;
   C. Commissioner Bluhm provided farewell comments to fellow Commissioners and staff;
   D. Commissioner Murphy praised the service of the outgoing Commissioners;
   E. Chair Lilley thanked Vice Chair Chakwin, Commissioner Byrne, and Commissioner Bluhm for their service on the Planning Commission;
   F. Chair Lilley noted the Planning Commission's action on the 520 Lighthouse Avenue project;
   G. Director Hunter announced that the City Council upheld the appeal of the ATC project on a 6-1 vote with some changes to the conditions of approval; and
   H. Deputy City Attorney Michael Laredo thanked the outgoing Commissioners for their service and noted upcoming Brown Act/Ethics seminar.

4. **COUNCIL LIAISON ANNOUNCEMENTS**
   Council Member Coletti thanked the departing Commissioners for their service on the Planning Commission and to the City, and also announced the Council's decision regarding the appeal/call-up of the ATC project and noted changes in the ATC permit conditions.

5. **GENERAL PUBLIC COMMENT -** None

CONSENT AGENDA

6. REPORTS FOR INFORMATION ONLY - None

7. REPORTS REQUIRING ACTION

   A. Approve the Minutes of the Planning Commission's December 9, 2021, Meeting

   Reference: Alyson Hunter, AICP, CDD Director

   Recommended Action: Approve the minutes of the December 9, 2021, Planning Commission meeting as presented.

   CEQA: Does not constitute a "Project" per CEQA GuidelinesSection 15378

B. Approval of the Minutes of the Planning Commission's November 4, 2021, Special Meeting

Reference: Alyson Hunter, AICP, CDD Director

Recommended Action: Approve the minutes of the Planning Commission's November 4, 2021, Special Meeting as presented.

CEQA: Does not constitute a "Project" per CEQA GuidelinesSection 15378

On a motion by Commissioner Byrne, seconded by Commissioner Aeschliman, the consent agenda was unanimously approved. (7-0-0)

REGULAR AGENDA

8. REPORTS REQUIRING ACTION

A. Presentation of the Planning Commission's 2021 Annual Report

Reference: Alyson Hunter, AICP, CDD Director

Recommended Action: Receive the attached Annual Report prepared by Chair Lilley.

CEQA: Does not constitute a "Project" per CEQA GuidelinesSection 15378

Chair Lilley provided an oral overview of the 2021 Annual Report. Commissioner Byrne identified a minor error on page 2 of the report which has been corrected. The following individual provided public comment: Anthony Ciani

The item was received with no further action required.

B. Education and Training Subcommittee of the Planning Commission

Reference: Alyson Hunter, AICP, CDD Director

Recommended Action: Hold a discussion on the educational needs of the Planning Commission, appoint members to a new subcommittee, and determine meeting schedule.

CEQA: Does not constitute a "Project" per CEQA GuidelinesSection 15378

The Commissioners discussed various training requirements.

Public comment: Anthony Ciani, Lisa Ciani, and Inge Lorentzen Daumer

On a motion by Commissioner Byrne, seconded by Commissioner Aeschliman, the Commission unanimously formed the Subcommittee and agreed to appoint new membership in February. (7-0-0)

C. Receive an Oral Report on Activities of the Planning Commission's Ordinance & Policy Subcommittee

Reference: Alyson Hunter, AICP, CDD Director

Recommended Action: Receive an oral report from Commissioner Sawyer on the activitiesof the Subcommittee.

CEQA: Does not constitute a "Project" per CEQA GuidelinesSection 15378

The Subcommittee did not have a report to provide at this meeting.

D. Receive an Oral Report on Activities of the Planning Commission's Planning Subcommittee

Reference: Alyson Hunter, AICP, CDD Director

Recommended Action: Receive an oral report from Chair Lilley on the activities of the Planning Subcommittee.

CEQA: Does not constitute a "Project" per CEQA GuidelinesSection 15378

The Subcommittee did not have a report to provide at this meeting.

E. Receive the Draft Planning Commission 2022 Workplan for Discussion

Reference: Alyson Hunter, AICP, CDD Director

Recommended Action: Receive and review the draft 2022 workplan, provide direction to staff, and continue to the February meeting for additional discussion.

CEQA: Does not constitute a "Project" per CEQA GuidelinesSection 15378

Director Hunter provided an oral overview of the 2022 Workplan. Commissioners directed staff to utilize the work plan as a guide moving forward.

9. **PUBLIC HEARINGS** – None

10. **CONTINUED AND ONGOING BUSINESS -** None

11. **NEW BUSINESS** - None

12. **PRESENTATIONS -** None

13. **NEXT MEETING -** February 10, 2022

14. **ADJOURNMENT** – By order of the Chair, the meeting was adjourned at 7:25 pm.

CITY OF PACIFIC GROVE

PLANNING COMMISSION

MEETING MINUTES

Thursday, February 10, 2022, 6:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

This meeting was held via Zoom webinar.

1. **CALL TO ORDER & ROLL CALL –** Chair Lilley called the meeting to order at 6:00 pm. Commissioners Present: Aeschliman, Beck, Fredrickson, Murphy, Nodzenski, Sawyer, Chair Lilley.

   Chair Lilley called on Commissioner Aeschliman to introduce newly appointed Commissioner Fredrickson. Chair Lilly then called on Commissioner Murphy to introduce newly appointed Commissioner Nodzenski. Chair Lilley then introduced newly appointed Commissioner Beck. Commissioner Beck commended the outgoing Commissioners for their service. Following these introductions, Commissioners Aeschliman, Murphy, Sawyer, and Lilley introduced themselves. Chair Lilley then asked Director Hunter to introduce staff, and Chair Lilley introduced Deputy City Attorney Laredo and Councilmember Coletti.

2. **ELECTION OF OFFICERS**

   From: Alyson Hunter, AICP, CDD Director

   Zoning District/General Plan Designation: N/A

   Coastal Zone: N/A

   Historic Resources Inventory: N/A

   CEQA: Does not constitute a "Project" per CEQA GuidelinesSection 15378

   Recommended Action: Hold an election of Chair, Vice Chair, and Secretary in accordance with the City's Boards, Committees, and Commissions Handbook.

   Reference: Alyson Hunter, AICP, CDD Director

   Chair Lilley called for nominations for Chairperson. Commissioner Sawyer nominated Chair Lilley, seconded by Commissioner Aeschliman. **The Planning Commission unanimously elected Chair Lilley to a new term as Chairperson on a roll call vote. (7-0-0)**

   Chair Lilley called for nominations for Vice Chairperson. Commissioner Sawyer nominated Commissioner Murphy, seconded by Commissioner Aeschliman. **Commissioner Murphy was unanimously elected to a term as Vice Chairperson on a roll call vote. (7-0-0)**

   Chair Lilley called for nominations for Secretary. Commissioner Aeschliman nominated Commissioner Sawyer. **Commissioner Sawyer was unanimously elected to a new term as Secretary on a roll call vote. (7-0-0)**

3. **APPROVAL OF AGENDA - On a motion by Commissioner Beck, seconded by Commissioner Sawyer, the agenda was unanimously approved on a roll call vote. (7-0-0)**

4. **COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)**
   A. Commissioner Murphy announced his completion of the bi-annual Ethics Training;
   B. Commissioner Beck announced she would recuse herself from consideration of agenda item 9A, the Appeal of Historic Determination for 227 Grand Avenue due to proximity of the property to her business office;
   C. Chair Lilley announced his appointment to the Monterey Peninsula Water Management District Advisory Committee, and informed the other Commissioners to contact him if they would like to add items to the Planning Commission agenda;
   D. Director Hunter announced that the ATC project has been appealed to the Coastal Commission and that a CEQA challenge has also been filed, the seller for the Homekey project backed out of the sale negotiations with the buyer, and that the Council will consider amendments to the Pacific Grove Hotel project on February 16th.

5. **COUNCIL LIAISON ANNOUNCEMENTS**
   Council Member Coletti welcomed the new Commissioners to the Planning Commission. He then announced that the ATC project has been appealed to the Coastal Commission by private individuals and by 2 Coastal Commissioners, that the seller for the Homekey project backed out of the sale negotiations with the buyer, and that the Council will consider amendments to the Pacific Grove Hotel AP/UP permit on February 16th.

6. **GENERAL PUBLIC COMMENT –** the following individuals provided public comment:
   Lisa Ciani
   Mark Brice Chakwin
   Inge Lorentzen Daumer

CONSENT AGENDA

7. REPORTS FOR INFORMATION ONLY - None

8. REPORTS REQUIRING ACTION

   A. Approve the Minutes of the Planning Commission's January 13, 2022, Meeting

   Reference: Alyson Hunter, AICP, CDD Director

   Recommended Action: Approve the minutes of the January 13, 2022, PlanningCommission meeting as presented.

   CEQA: Does not constitute a "Project" per CEQA Guidelines Section 15378

On a motion by Commissioner Aeschliman, seconded by Commissioner Murphy, the consent agenda was unanimously approved on a roll call vote. (7-0-0)

REGULAR AGENDA

9. **PUBLIC HEARINGS**

   A. Appeal of Historic Determination (HD) 21-0350 for 227 Grand Ave (APN 006-283-009)

   From: Alex Othon, Associate Planner

   Zoning District/General Plan Designation: C-D / Downtown Commercial

   Coastal Zone: N/A

   Historic Resources Inventory: N/A

   CEQA: Categorical Exemption, CEQA Guidelines Section 15061(b)(3)

   Recommended Action: Based on the material provided, uphold the appeal and approve the deletion of the commercial property at 227 Grand Avenue from the City of Pacific Grove's

Historic Resources Inventory (HRI).

Reference: Alex Othon, Associate Planner

Commissioner Beck recused herself from consideration of this item. After receiving an oral report by Associate Planner Othon, and testimony from the applicant (Sean Sanchez) and applicant's historic consultant (Kent Seavey), Chair Lilley opened the public hearing and the following individuals provided public comment:

Lisa Ciani
Inge Lorentzen Daumer
Anthony Ciani
Mark Brice Chakwin

Chair Lilley closed the public hearing portion of the meeting and returned the item to the Commission for deliberation. **After discussion, a motion to uphold the appeal and remove the property from the HRI was made by Secretary Sawyer, seconded by Commissioner Murphy, and unanimously approved. (6-0-1, Beck recused)**

B. Capital Improvement Program (CIP) Project Discussion

From: Alyson Hunter, AICP, CDD Director

Zoning District/General Plan Designation: N/A

Coastal Zone: N/A

Historic Resources Inventory: N/A

CEQA: Does not constitute a "Project" per CEQA GuidelinesSection 15378

Recommended Action: Hold a discussion on potential projects for consideration in the Capital Improvement Program (CIP) and direct staff to submit to the Public Works Dept.

Reference: Alyson Hunter, AICP, CDD Director

Director Hunter provided a brief oral overview of the CIP. The Commissioners identified the following potential projects (not in priority order): 1) extension of the reclaimed water irrigation line to other City properties, specifically Perkins Park and Lover's Point; 2) restoring and repairing the large mural showing the history of Pacific Grove on the City's recreation trail; 3) improve maintenance in City parks; 4) improve and maintain the Forest Avenue entrance to City Hall; 5) repaint parking space striping on downtown streets; and 6) reconfigure the intersection at Eardley and Central Avenues to facilitate traffic flow, including possibly removing a traffic calming device. The following individual provided public comment:

Inge Lorentzen Daumer
Lisa Ciani

10. **CONTINUED AND ONGOING BUSINESS**

A. Receive an Oral Report on Activities of Education and Training Subcommittee

From: Steven Lilley, Chair

Zoning District/General Plan Designation: N/A

Coastal Zone: N/A

Historic Resources Inventory: N/A

CEQA: Does not constitute a "Project" per CEQA GuidelinesSection 15378

Recommended Action: Receive an oral report on the activities of the Education and Training Subcommittee, review the charge of the subcommittee, and request volunteers for assignment.

Reference: Alyson Hunter, AICP, CDD Director

The Subcommittee did not have a report to provide at this meeting. Chair Lilley requested

volunteers, and Commissioner Beck volunteered to serve on the subcommittee. No individuals provided public comment.

B. Receive an Oral Report on Activities of Policy and Ordinance Subcommittee

From: Steven Lilley, Chair

Zoning District/General Plan Designation: N/A

Coastal Zone: N/A

Historic Resources Inventory: N/A

CEQA: Does not constitute a "Project" per CEQA GuidelinesSection 15378

Recommended Action: Receive an oral report on the activities of the Policy and Ordinance Subcommittee, review the charge of the subcommittee, and request volunteers for assignment.

Reference: Alyson Hunter, AICP, CDD Director

The Subcommittee did not have a report to provide at this meeting. Chair Lilley requested volunteers. No individuals provided public comment.

11. **NEW BUSINESS** - None

12. **PRESENTATIONS**

A. Review of Serial Meeting and Ex Parte Communication Procedures from the Deputy City Attorney

Reference: Alyson Hunter, AICP, CDD Director

Recommended Action: Review of Serial Meeting and Ex Parte Communication Procedures from the Deputy City Attorney Note: This does not fulfill the City's requirement for Brown Act Training.

CEQA: Does not constitute a "Project" per CEQA GuidelinesSection 15378

Deputy City Attorney Michael Laredo provided an oral and slide presentation of serial meeting and ex parte communication procedures.

13. **NEXT MEETING –** March 10, 2022

14. **ADJOURNMENT -** By order of the Chair, the meeting was adjourned at 8:28 pm.

Agenda No. 10 B

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Cathy Madalone, Chief of Police
MEETING DATE:	April 6, 2022
SUBJECT:	Traffic Safety Commission: January 25, 2022 Minutes
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive Minutes.

Attachments

2022 Minutes

CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3100 • FAX (831) 375-9863

NOTICE OF REGULAR MEETING Minutes

TRAFFIC SAFETY COMMISSION

DATE & TIME: January 25, 2022: 4:00 p.m.

LOCATION: Council Chamber – City Hall – 300 Forest Avenue

MEETING AGENDA

1. **CALL TO ORDER AND ROLL CALL**
   - **A.** Present: Kubica, Prock, Kim, Nodzenski and Viray will attend late.

2. **APPROVAL OF THE AGENDA**
   - **A.** Motion by Kim. Second by Prock. **Approved 4-0**

3. **APPROVAL OF MINUTES**
   - **A.** Approval of Minutes of Prior Meetings August 24, 2021 & October 26,2021. **Action:** Motion by Kim. Second by Nodzenski. **Approved 4-0**

4. **PUBLIC COMMENT**
   - **A.** Written Communications Emails read and reviewed:
     1. M. Gunby & L. Ciani regarding Stop Signs at Lighthouse &Congress/Central intersection. Traffic Engineer will assess
     2. M. Gunby: Requesting re-evaluation of 30 mph speed limit on 17 Mile Dr. Gho will review for sight lines and signage. Traffic engineerwill analyze to see if speeds have changed.
     3. M. Gunby & L. Ciani regarding walking path on Sunset. Gho not a simple solution. Suggested concern be put on Capitol Improvementlist as it will exceed $5,000 for 2023.
     4. Red Curb at 514 11th St. Will be evaluated. Residents will beeducated on law pertaining to parking in front of driveways forcompliance.
     5. Handicap markings along the coastline near Asilomar. Ghoreviewed and refreshed. Item closed.

B. Oral Communications *(Comments must deal with matters subject to the jurisdiction of the Traffic Commission and will be limited to three minutes.Comments from the audience will not receive Traffic Safety Commission action at this meeting. Whenever possible, letters should be submitted tothe Commission in advance of the meeting.)*

5. COMMISSIONER AND STAFF ANNOUNCEMENTS (City Related Items Only

A. Announcements

1. Minutes for this meeting are scheduled to be prepared by Roxane Viray,the Traffic Safety Commission Secretary.

B. Staff and Commissioner's meeting attendance of interest to thisCommission

1. Council member Amelio advised the city council approved the EIRreport for ATC project 6-1.
2. City council adopted the state project Home Key funding.
3. Residents will be refunded money under the city water allocation whowere on the list.
4. Tree removal was approved at 718 Sunset Ave.
5. City approved repair of city building damaged by a fire.
6. Legal services for ATC was approved.
7. TAMC: N. Popovich advised the county bike map is being updated. Feedbackis being requested as to distribution, recommendations to add amenities to the map and what's important in using the map.
   a. Expand the bicycle secure program which focused on installing bike storage and lockers. Program is now called Active Transportation Support Program. Apply for maintenance tools and training, bike support kits, lock support kits. Use money for signs and paints. Training through the league of training bicyclist. Two trained bicycle safety instructors in the County. Micro mobility and active transportation including skateboards, skateboard racks or scooter storage would count. Anyone can apply. Have seen businesses applying to have racks by them or bike maintenance sites.
8. EV Charger update: Chargers installed. Hard scape and PG&E inspection. PG&E will then set the transformer and tie in conduits. Start date willdepend on PG&E. Gho will advise.
9. Forest Ave Data Collection-Will be presented at next months meeting.
10. Status of yellow striped "safety island" on Lighthouse at Fountain.Engineer added a thicker edge line. Per Gho completed and finalized.

6. REGULAR AGENDA:

A. PUBLIC HEARINGS:

1. None.

B. UNFINISHED BUSINESS:

1. 19th and Sunset Crosswalk Flashing Signs - Gho presented power pointpresentation. Enhancement needs to occur with installing flashing signsin both directions. Crosswalk sign will have wig wam lights. Paint "yield ahead" on roadway. Cal Trans received encroachment permit and the Traffic Safety Division is reviewing it.

A. NEW BUSINESS:

1. CIP project schedule: Per Gho any asset that costs $5,000 or more. Aproject with a 3 year use or more. Lists of projects to City Council for approval and allocation of funds. Projects to be received no later thanMarch for list to city council in April. Kubica requested ideas be submitted in February to create the list to City Council.

B. REPORTS FROM SUB-COMMITTEES:

1. Monthly status reports (as available)
2. TSC Bike subcommittee update. It will be terminated at this time. A new one will be created when new commissioners arebrought in in February.
3. Kubica thanked commissioners Terry, Nodzenski and Viray astheir terms expired.

ADJOURNMENT
5:08 p.m.

This meeting is open to the public and all interested persons are welcome to attend. The City of Pacific Grove does not discriminate against individuals with disabilities and meetings are held in accessible facilities.

Respectfully Submitted: Commissioner Roxane Viray

Andrew Kubica
Andrew Kubica (Feb 25, 2022 16:03 PST)

Approved by Commission 2/22/2022

Andrew Kubica - Chairman

Cathy Madalone (Feb 25, 2022 17:18 PST)

Date: Feb 25, 2022

Chief Cathy Madalone - City Staff

Agenda No. 10 C

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Vincent Garcia, Administrative Technician
MEETING DATE:	April 6, 2022
SUBJECT:	Traffic Safety Commission Meeting Minutes: October, 27 2020, January 26, 2021, February 23, 2021, April 27, 2021, June 22, 2021, July 27, 2021, August 24, 2021, September 28, 2021, and October 26, 2021
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Received minutes.

Attachments

202--2022 Minutes

CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3100 • FAX (831) 375-9863

Minutes of October 27, 2020 Regular Meeting

TRAFFIC SAFETY COMMISSION

DATE & TIME: October 27, 2020 4:00 p.m.

LOCATION:

THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

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Webinar ID: 818 8444 9527

MEETING AGENDA

1. **CALL TO ORDER AND ROLL CALL**

2. **APPROVAL OF THE AGENDA**
   Action: Agenda approved. Passed 5-0-2

3. **APPROVAL OF MINUTES**
   A. Approval of Minutes of Prior Meetings

Minutes of the Traffic Safety Commission Meeting of August 25, 2020. Minutes were prepared by Roxane Viray the Traffic Safety Commission Secretary.

Action: Minutes approved. Passed 5-0-2

4. PUBLIC COMMENT

A. Written Communications

Email from:

- Jordon Champagne: Subject is relocation of a handicapped spot outside of Happy Girl Kitchen to allow for a loading zone closer to Happy Girl Kitchen facility.

  Discussion: Public Works Dan Gho commented that the space is too small for a loading zone but could be on Dewey. – Item closed.

B. Oral Communications *(Comments must deal with matters subject to the jurisdiction of the Traffic Commission and will be limited to three minutes. Comments from the audience will not receive Traffic Safety Commission action at this meeting. Whenever possible, letters should be submitted to the Commission in advance of the meeting.)*

- Lisa Ciani: New stencils on the Rec Trail are too small and should be larger like in Monterey. Also, add speed limit and directional arrows more frequently.

- Commander Lakind: Commented on a request from Jill Haylings on making Forest and Lighthouse a 4-way stop. There is currently no traffic backup problem.

5. COMMISSIONER AND STAFF ANNOUNCEMENTS *(City Related Items Only)*

A. Announcements

Discussion: Minutes for this meeting are scheduled to be prepared by Tony Prock for Roxane Viray, the Traffic Safety Commission Secretary.

B. Staff and Commissioner's meeting attendance of interest to this Commission

Reports from any relevant meetings that occurred between August 25, 2020 and October 22, 2020

Comments from City Council Liaison: Mr. Amelio - Council and Planning Commission meeting re: affordable housing. Restricted resident parking for Evans / Dewey approved.

6. REGULAR AGENDA

A. PUBLIC HEARINGS

i. None.

B. UNFINISHED BUSINESS

i. Kenji Matsuda: Subject is requesting to consider making 15th Street a one-way street from Central Ave to Ocean View Blvd.
Discussion: To be evaluated by Traffic Engineer. – Closed

ii. Speeding on Ocean View Blvd. Receive Report from Public Works/ Traffic Engineer: Discuss and make recommendations as appropriate
Discussion: Dan Gho reported that speed surveys were done over two weeks at two different locations. Most traffic stayed within limits with very few exceptions.

C. NEW BUSINESS

i. Add removable bollard to center of coastal trail at trail and Ocean View Blvd. Several reports of vehicles attempting to make right hand turn into the trail.
Discussion: Bollard deemed not appropriate at this location, "DO NOT ENTER" sign to be placed.

D. REPORTS FROM SUB-COMMITTEES

i. Monthly status reports.
None.

7. ADJOURNMENT

This meeting is open to the public and all interested persons are welcome to attend. The City of Pacific Grove does not discriminate against individuals with disabilities and meetings are held in accessible facilities.

Respectfully Submitted: Commissioner Roxane Viray

Andrew Kubica
Andrew Kubica (Feb 14, 2022 12:41 PST)

Approved by Commission 1/26/2021

Andrew Kubica - Chairman

Cathy Madalone (Feb 14, 2022 14:33 PST)

Date: Feb 14, 2022

Chief Cathy Madalone - City Staff

CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3100 • FAX (831) 375-9863

Minutes of January 26, 2021 Regular Meeting

TRAFFIC SAFETY COMMISSION

DATE & TIME: January 26, 2021: 4:00 p.m

LOCATION:

THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

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MEETING AGENDA

CALL TO ORDER AND ROLL CALL
Chairman Kubica called the meeting to order at 4:01 p.m. Roll call was conducted. The following Commissioners present via Zoom Meeting: Chairman Kubica, Council member Amelio, PW Dan Gho, Commissioner's, Prock, Nodzenski, McCluney, Kim & Viray. Terry not present.
Chief Madalone introduced Commander David Santos.

1. **APPROVAL OF THE AGENDA**

Commissioner Prock made a motion to approve and seconded by Kim. Motion carried 6-0-1

2. **APPROVAL OF MINUTES**

A. Approval of Minutes of Prior Meetings

Minutes of the Traffic Safety Commission Meeting of Oct 27, 2020. **Minutes were prepared by: Tony Prock**, filling in for the Traffic Safety Commission Secretary.

Recommended Action: Approve Minutes with changes to Item 4b and 6c.

Commissioner Nodzenski made a motion to approve minutes with changes and seconded by Kim.

Roll call Motion 6-0-1.

3. **GENERAL PUBLIC COMMENT**

A. Written Communications: Email received from Renate Mason regarding red curbing at Forest Ave and Park Place. Closed

John Fletcher: Crosswalk at Sinex Ave near 9th /Eardley round about

Sharon Nelson: Need red paint at corner of Laurel & 7th on 7th for vehicles on Laurel.

Late Item: Stencils on Rec Trail

Flashing lights on Oceanview.

Commissioner Kubica observed lights not working on Oceanview where he almost got hit.

Public Works will take care of items. Discussion will be at next meeting.

B. Oral Communications *(Comments must deal with matters subject to the jurisdiction of the Traffic Commission and will be limited to three minutes. Comments from the audience will not receive Traffic Safety Commission action at this meeting. Whenever possible, letters should be submitted to the Commission in advance of the meeting.)*

I. Daumer advising she renewed her residential parking permit late as she did not receive any reminder. Asked if reminders would go out or be placed on website as it's helpful.

4. **COMMISSIONER AND STAFF ANNOUNCEMENTS (City Related Items Only**

A. Announcements

1. Chief Madalone introduced the police department's new Commander David Santos.

B. Staff and Commissioner's meeting attendance of interest to this Commission

1. Comments from City Council Liaison: Mr. Amelio updated on the last city council meeting. Debbie Crandell received a proclamation. The city voted on a percentage cap on restaurant deliveries to the city. A review of Equity Empowerment was done.

   Mr. Amelio is working with Moe Ammar on flags of remebrance for

residents who lost their lives to COVID.

2. Gho advised that the Oceanview traffic calming report will be heard at Feb. 3 city council meeting. Also advised that civil engineer Bill Silva had passed away and the city is in the process of looking for and hiring a new civil engineer. Due to this, some items discussed are on hold.

5. **COUNCIL LIAISON ANNOUNCEMENTS**
Natalie Popovich was introduced who will be liaison to TAMC

REGULAR AGENDA:

A. PUBLIC HEARINGS:

1. None.

B. UNFINISHED BUSINESS:

6. 15th St discussion on converting to one way. On hold until civil engineer is hired. One of first task once an agreement is solidified.
7. Chairman Kubica made a list of goals for commission to review and discuss. During discussion it was suggested that the wording for item description for #1 and #2 should be changed to "provide input" as we are only an advisory committee. #3 follow up to OV traffic calming will be discussed at Feb 3 city council meeting. #8 bike path study can be folded into #4 concept bike plan for city. #5 more pedestrian friendly downtown with conceptual plan for downtown traffic. #6 and #7 Fountain & Central, Central & Grand on hold as part of Hotel Durell. #9 on hold for future CalTrans discussion.

Public Comment:
None

8. Discuss and make appointments for Chair, Vice Chairperson and Secretary. Chair Kubica advised that he and Kim were asked and reappointed by the mayor for the 2021 term. Motion to vote Kubica as Chair, Nodzenski as Vice Chair and Viray as secretary were voted back in however will now have to continue the motion until next meeting.

Public Comment:
A. I Daumer advised that motions to vote on commissioners can't be done until after Feb 3 city council meeting as appointments haven't been confirmed. Motions for commissioners will take place at next meeting in February.

REPORTS FROM SUB-COMMITTEES:

1. Monthly status reports (as available) None

2. ADJOURNMENT
Adjourned at 4:49 p.m

This meeting is open to the public and all interested persons are welcome to attend. The City of Pacific Grove does not discriminate against individuals with disabilities and meetings are held in accessible facilities

Respectfully Submitted: Commissioner Roxane Viray

Andrew Kubica
Andrew Kubica (Feb 14, 2022 12:41 PST)

Approved by Commission 2/23/2021

Andrew Kubica - Chairman

Cathy Madalone (Feb 14, 2022 14:33 PST)

Date: Feb 14, 2022

Chief Cathy Madalone - City Staff

CITY OF PACIFIC GROVE
300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3100 • FAX (831) 375-9863

Minutes of February 23, 2021Regular Meeting

TRAFFIC SAFETY COMMISSION

DATE & TIME: February 23, 2021 4:00 p.m.

LOCATION:

THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

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MEETING AGENDA

1. **CALL TO ORDER AND ROLL CALL**
   Meeting called to order at 4:00 pm. All commissioners present except for D. Terry . Chief Madalone, City Council Amelio, Public Works Dan Gho and Admin. Manager Jocelyn Francis all present via Zoom.

2. **APPROVAL OF THE AGENDA**

Action: Kubica requested that agenda item 5 move to 11b and items 6,7,8,9,10 be deleted. McCluney made a motion to accept changes. Second by Nodzenski. Motion passed 6-0-1.

3. APPROVAL OF MINUTES

A. Approval of Minutes of Prior Meeting

Minutes of the Traffic Safety Commission Meeting of January 26, 2021. Minutes were prepared by Roxane Viray the Traffic Safety Commission Secretary.

Action: Minutes approved. Passed 6-0-1

4. PUBLIC COMMENT

A. Written Communications

Email from:

- L. Ciani re: stencils
- J. Haines re: speed on Oceanview
- Dr. Kleven re: Congress & Lighthouse Ave
- S. Nelson re: red paint curb on Laurel
- Mr. Field re: Lighthouse and Fountain
  **Items received after agenda was published
- S. Moore re: Eardley & Pine Reflectors
- D. Howell re: Congress & Lighthouse

B. Oral Communications *(Comments must deal with matters subject to the jurisdiction of the Traffic Commission and will be limited to three minutes. Comments from the audience will not receive Traffic Safety Commission action at this meeting. Whenever possible, letters should be submitted to the Commission in advance of the meeting.)*

- Lisa Ciani: New stencils on the Rec Trail are too small and should be larger like in Monterey. Also, add speed limit and directional arrows more frequently. Item closed

- Chief Madalone advised the items have been addressed. Public Works will handle.

- In the area of Congress & Lighthouse tags will be placed to narrow roadway in area to slow traffic. Dan Gho advised Eardley & Pine is completed. Plants

have been ordered, a welcome sign will be placed and fresh slurry and markings are upcoming.

5. COMMISSIONER AND STAFF ANNOUNCEMENTS *(City Related Items Only)*

A. Announcements

Discussion: Minutes for this meeting are scheduled to be prepared by Roxane Viray, the Traffic Safety Commission Secretary.

B. Staff and Commissioner's meeting attendance of interest to this Commission

Comments from City Council Liaison: Mr. Amelio- March 10 budget discussion. Implementation issue regarding sales tax.

TAMC Report-Development plans for Salinas N/W Boronda Road expansion Traffic Counts Data requested

6. REGULAR AGENDA

A. PUBLIC HEARINGS

i. None.

B. UNFINISHED BUSINESS

i. Kenji Matsuda: Subject is requesting to consider making 15th Street a one-way street from Central Ave to Ocean View Blvd. Gho discussed that 15th is no narrower than others in the area.
Discussion: Will be on April Agenda

ii. **Traffic Safety Commission Chairperson, Vice Chairperson, and Secretary selection.**

iii. A. Kubica as Chair passed 6-0-1

iv. P. Nodzenski as Co-Chair passed 6-0-1

v. R. Viray as Secretary passed 6-0-1

vi. **Traffic Safety Committee Goals- Goals discussed and motion made to have goals be on the monthly agendas to discuss updates and keep them in view. Motion passed 6-0-1.**

2021/2022 TSC Goals

item	Description	Status
1	Provide input on FY 20/21 Road budget recommendation- road repair, cross walks, etc	New
2	Provide inputs to Public Works/Police department on Safety improvements for Sunset and 19th Street for Fall 21 School semester	New
3	Follow up to Ocean View Blvd traffic calming and bike safety	New
4	Conceptual bike plan for city	New
5	TSC down town safety improvements in area related to traffic safety	New (in support of City Council's Goals)

vii. **Kubica asked for a committee for the Conceptual bike Plan. P. Nodzenski will be Chairperson and J. Kim will be on it as well. Popovich will assist as well.**

C. NEW BUSINESS

i. D. Gho did presentation on 20/21 road Projects.
Discussion: Kubica discussed that more money be requested. No motions made on additional fund request.

D. REPORTS FROM SUB-COMMITTEES

i. Monthly status reports.
None.

7. ADJOURNMENT
5:44 p.m.

This meeting is open to the public and all interested persons are welcome to attend. The City of Pacific Grove does not discriminate against individuals with disabilities and meetings are held in accessible facilities.

Respectfully Submitted: Commissioner Roxane Viray

Andrew Kubica
Andrew Kubica (Feb 14, 2022 12:41 PST)
Andrew Kubica - Chairman — Approved by Commission 4/27/2021

Cathy Madalone (Feb 14, 2022 14:33 PST)
Chief Cathy Madalone - City Staff — Date: Feb 14, 2022

CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3100 • FAX (831) 375-9863

Minutes of April 27, 2021 Regular Meeting

TRAFFIC SAFETY COMMISSION

LOCATION:
THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

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Webinar ID: 875 4571 0497

MEETING AGENDA

CALL TO ORDER AND ROLL CALL
Meeting called to order at 4:00 pm. All commissioners present. Chief Madalone, Commander Santos, City Council member Amelio, Public Works Dan Gho and Admin. Manager Jocelyn Francis all present via Zoom.

1. **APPROVAL OF THE AGENDA**
   Action: Motion to approve by Kim, Second by Prock. Approved 7-0

2. **APPROVAL OF MINUTES**

A. Minutes of the Traffic Safety Commission Meeting of February 23, 2021. Minutes were prepared by Roxane Viray the Traffic Safety Commission Secretary.

Action: Minutes approved. Passed 7-0

3. **PUBLIC COMMENT**

A. Written Communication

Emails received from:

- R. Klevan & D. Howell
- Mr. Field
- K. Flaherty
- R. Lloyd
- T. Hewitt
- S. Daley

4. **ORAL COMMUNICATIONS**

(Comments must deal with matters subject to the jurisdiction of the Traffic Commission and will be limited to three minutes. Comments from the audience will not receive Traffic Safety Commission action at this meeting. Whenever possible, letters should be submitted to the Commission in advance of the meeting.)

A. Chief Madalone advised 3,000 vehicles were averaged at approximately 21.9 MPH on Asilomar.

5. **COMMISSIONER AND STAFF ANNOUNCEMENTS** *(City Related Items Only)*

A. Announcements

Discussion: Minutes for this meeting are scheduled to be prepared by Roxane Viray, the Traffic Safety Commission Secretary.

B. Staff and Commissioner's meeting attendance of interest to this Commission

Public Works Director Dan Gho advised new paint on surrey seal will occur on Pine and Eardley.

Landscape will remain for low maintenance.

Commander Santos- 19th Street- Site meeting in future with Cal Trans.

TSC Bike subcommittee-Nodzenski asking for ideas/direction for promoting bike use instead of vehicles in town.

6. **COUNCIL LIAISON**

A. Amelio advised on Monterey One Water increase, Master Fee Schedule, Operating budget for library and Cal Fire Prevention grant approved.

7. **REGULAR AGENDA**

A. PUBLIC HEARINGS

None.

B. UNFINISHED BUSINESS

1. Kenji Matsuda: Subject is requesting to consider making 15th Street a one-way street from Central Ave to Ocean View Blvd.
Action: Traffic Engineer Rich Deal recommended it retain as is, two way. Gho recommended it can be reviewed after COVID-Summer visitors. Should be able to get a good analysis of summer months.
Motion by Kim to approve second by McCluney.

C. NEW BUSINESS

1. 3rd street Residential Parking Program Application

2. Recommended one side (east) be residential permitted.

3. Action: Prock made motion to accept one side permitted, Viray second. Approved 6-1

4.

8. **ADJOURNMENT**

4:56 p.m.

This meeting is open to the public and all interested persons are welcome to attend. The City of Pacific Grove does not discriminate against individuals with disabilities and meetings are held in accessible facilities.

Respectfully Submitted: Commissioner Roxane Viray

Andrew Kubica
Andrew Kubica (Feb 14, 2022 12:41 PST)
Approved by Commission 6/22/2021
Andrew Kubica - Chairman

Cathy Madalone (Feb 14, 2022 14:33 PST)
Date: Feb 14, 2022
Chief Cathy Madalone - City Staff

CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3100 • FAX (831) 375-9863

Minutes of June 22, 2021 Regular Meeting

TRAFFIC SAFETY COMMISSION

DATE & TIME: June 22, 2021 4:00 p.m.

LOCATION:

THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

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Webinar ID: 885 3988 2822

MEETING AGENDA

CALL TO ORDER AND ROLL CALL
Meeting called to order at 4:00 pm. All commissioners present. Cmdr Santos, City Council member Amelio, Public Works Joyce Halibi, Traffic Engineer Rich Deal and Admin. Manager Jocelyn Francis all present via Zoom.

1. APPROVAL OF THE AGENDA

Action: Motion to approve by Kim, Second by Nodzenski. Approved 7-0

2. APPROVAL OF MINUTES

a. Approval of Minutes of Prior Meeting

Minutes of the Traffic Safety Commission Meeting of April 27, 2021. Minutes were prepared by Roxane Viray the Traffic Safety Commission Secretary.

Action: Minutes approved. Passed 7-0

3. PUBLIC COMMENT

a. Written Communication

Emails received from:

- R. Newman: Concern on E-bike rentals. Chief Madalone contacted rental company. Closed
- B. Guthrie: Lack of sidewalks on upper Forest Ave. This is Cal Trans road. Sidewalks would be responsibility of homeowners. If Highway 68 is taken over in the future, then plan may include sidewalks. Closed at this time.
- B. Roth: Speeding Sinex and 17 Mile Drive, Grove Acre between Sunset and Sinex. Speed trailer deployed. Data indicates 2-4 PM are times when Police Department will provide additional enforcement. Closed
- P. Chrislock: E-Bike usage and speed on rec trail. Police Dept contacted rental company. Closed
- T. Hewitt: Speeding on Asilomar Drive. Speed trailer deployed. Data indicates that 10 Am to 1 PM are times when Police Department will provide additional enforcement. Closed
- S. Daley: 812 Sunset Drive red curb request. Will be added to next meeting.

b. Oral Communications *(Comments must deal with matters subject to the jurisdiction of the Traffic Commission and will be limited to three minutes. Comments from the audience will not receive Traffic Safety Commission action at this meeting. Whenever possible, letters should be submitted to the Commission in advance of the meeting.)*

4. COMMISSIONER AND STAFF ANNOUNCEMENTS *(City Related Items Only)*

a. Announcements

Discussion: Minutes for this meeting are scheduled to be prepared by Roxane Viray, the Traffic Safety Commission Secretary.

b. Staff and Commissioner's meeting attendance of interest to this Commission

TAMC -No updates
PW-Joyce Halibi advised that Water line replacement work still in progress.

5. COUNCIL LIAISON

City Council Member Amelio advised two citizens were receiving Certificate of Appreciation, Mayor pro tem will be on a six month rotation with Council member Smith, Mc Adams and Amelio. City Council approved Code of Conduct.
E-Bikes increased 145%- wave of the future technology

6. REGULAR AGENDA

a. PUBLIC HEARINGS

i. None.

b. UNFINISHED BUSINESS

1. Review of 19th & Sunset
   Action: Receive updates from staff as city is still looking at options with Cal Trans.
2. Potential traffic issue at 812 Sunset Dr. Still being reviewed.
   Action : Receive updates from staff at next meeting
3. Reflective paint on curb bulb outs on Pine and Eardley and landscaping.
   Action: Under review as to best to approach. Assessing what is best. Receive updates from staff at next meeting.
4. 4 Way stop sign at Congress & Lighthouse. A master plan would entail a capitol improvement
   Action: Assessed with no improvement.
5. Visibility issue at Victorian parklet at Lighthouse and Fountain. Add edge line 20 ft on each side. PW to do work
   Action: Receive update
6. Red curbs and "no bike" signs at Perkins Park. Looking at best way to place signs.
   Action: Receive Update next meeting
7. Review of 5-way intersection at Congress

Public Comment

Sidewalks on Forest Ave- Jurisdiction is with Cal Trans
More sidewalks in town specifically on Sinex

Continued speeding in areas discussed in previous meeting. Suggested a fixed speed limit sign and or flashing light to deter speeding.

c. NEW BUSINESS
   1. Downtown parking signs. Letter and comment from Chamber of Commerce. Commissioners discussed.
      Action: No additional signs
   2. Commissions return to monthly meetings.
      Action: Motion by Kim, second by Nodzenski
      Approved 7-0

7. ADJOURNMENT 5:24 p.m

This meeting is open to the public and all interested persons are welcome to attend. The City of Pacific Grove does not discriminate against individuals with disabilities and meetings are held in accessible facilities.

Respectfully Submitted: Commissioner Roxane Viray

Andrew Kubica
Andrew Kubica (Feb 14, 2022 12:41 PST)
Andrew Kubica - Chairman — Approved by Commission 7/27/2021

Cathy Madalone (Feb 14, 2022 14:33 PST)
Chief Cathy Madalone - City Staff — Date: Feb 14, 2022

CITY OF PACIFIC GROVE

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PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3100 • FAX (831) 375-9863

Minutes of July 27, 2021 Regular Meeting

TRAFFIC SAFETY COMMISSION

DATE & TIME: June 27, 2021 4:00 p.m.

LOCATION:
THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

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MEETING AGENDA

CALL TO ORDER AND ROLL CALL
Meeting called to order at 4:00 pm. Commissioners present except for Kubica and Kim. Chief Madalone, Cmdr Santos, City Council member Amelio, Public Works Joyce Halibi, Traffic Engineer Rich Deal and Admin.

1. APPROVAL OF THE AGENDA

Action: Motion to approve by Prock , Second by Viray Approved 5-0-2

2. APPROVAL OF MINUTES

a. Approval of Minutes of Prior Meeting

Minutes of the Traffic Safety Commission Meeting of June 27, 2021.
Minutes were prepared by Roxane Viray the Traffic Safety Commission Secretary.

Action: Minutes approved. Passed 6-0-1

3. PUBLIC COMMENT

a. Written Communication

Emails received:

- Discussion on deer crossing signs. J Halibi advised due to low speed limits, signs not warranted. Item Closed
- Large E-bike tours were addressed by Chief Madalone. She advised she contacted tour company. Company advised that event was a one-time event for a large family. Company stated that this type of large party will not happen again. Item closed.
- Bike lanes and Pedestrian trail on the SW side of Sunset from Asilomar Beach near crosswalk to where boardwalk trail intersects Asilomar was addressed by J. Halibi. Asilomar State Beach jurisdiction in some areas. Social Media Campaigns will be looked into. Cmdr Santos also advised directed patrol and enforcement when violations are observed. Item closed.

b. Oral Communications *(Comments must deal with matters subject to the jurisdiction of the Traffic Commission and will be limited to three minutes. Comments from the audience will not receive Traffic Safety Commission action at this meeting. Whenever possible, letters should be submitted to the Commission in advance of the meeting.)*

- Comment received on deer signs and bicycle stencils.
- Comment on future presentation regarding deer and coastal wildlife.

4. COMMISSIONER AND STAFF ANNOUNCEMENTS *(City Related Items Only)*

a. Announcements

Discussion: Minutes for this meeting are scheduled to be prepared by Roxane Viray, the Traffic Safety Commission Secretary.

b. Staff and Commissioner's meeting attendance of interest to this Commission

TAMC -No updates

Public Works-Status on lower Lighthouse still in progress-

Red Curb at Perkins Park deemed not necessary
812 Sunset- CAL TRANS right of way-no further action
Pine & Eardley-No further action

5. **COUNCIL LIAISON**
   - City Council Member Amelio advised City Manager contract approved with salary increase.
   - Recommendation to wear masks indoors and outdoor discussed
   - Quarterly report will have more detail in it.

6. **REGULAR AGENDA**
   a. PUBLIC HEARINGS
      1. None.

   b. UNFINISHED BUSINESS
      1. Review of 19th & Sunset
      Action: Meets CAL TRANS requirements. Looking into better improvement.
      2. Congress & Sunset intersection
      Action: Discussion of a multi-year large scale project. Traffic Commission could recommend to City Council as a project submission for a capital improvement project.

   Public Comment
   Comment on correction of an item that was continued and not tabled at city council meeting.
   Comment recommending that the Traffic Commission be part of the project submission regarding Congress & Sunset.

   c. NEW BUSINESS
      1. None

   d. Reports from Sub committees
      1. Bike sub committee report- will have something more definitive next meeting.

7. **ADJOURNMENT 4:44 p.m.**

This meeting is open to the public and all interested persons are welcome to attend. The City of Pacific Grove does not discriminate against individuals with disabilities and meetings are held in accessible facilities.

Respectfully Submitted: Commissioner Roxane Viray

Andrew Kubica
Andrew Kubica (Feb 14, 2022 12:41 PST)

Approved by Commission 8/24/2021

Andrew Kubica - Chairman

Cathy Madalone (Feb 14, 2022 14:33 PST)

Date: Feb 14, 2022

Chief Cathy Madalone - City Staff

CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3100 • FAX (831) 375-9863

Minutes of August 24, 2021 Regular Meeting

TRAFFIC SAFETY COMMISSION

DATE & TIME: August 24, 2021 4:00 p.m.

LOCATION:

THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

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MEETING AGENDA

CALL TO ORDER AND ROLL CALL

Meeting called to order at 4:00 pm. Commissioners present except for Prock and Terry. Chief Madalone, Cmdr Santos, City Council member Amelio, Public Works Dan Gho.

1. APPROVAL OF THE AGENDA

Action: Motion to approve by Viray , Second by Nodzenski. Approved 5-0-2

2. APPROVAL OF MINUTES

a. Approval of Minutes of Prior Meeting

Minutes of the Traffic Safety Commission Meeting of July 27, 2021.

Minutes were prepared by Roxane Viray, Traffic Safety Commission Secretary.

Action: Motion to approve by Viray, Second by Nodzenski. Approved. 4-1-2

3. PUBLIC COMMENT

a. Written Communication

Emails received: Pedestrians not using crosswalks near schools. Letters will be sent out to parents of the importance of using them and providing positive role models. The Police Department will work with schools to monitor.

J. Abram- Lack of sidewalks and speeding on Patterson Lane. Will be on agenda for next month's meeting.

Mr. Mathews-Email received regarding Stop Sign violations in the Del Monte Park area. Directed patrol being done and 8 citations have been given out so far.

b. Oral Communications *(Comments must deal with matters subject to the jurisdiction of the Traffic Commission and will be limited to three minutes. Comments from the audience will not receive Traffic Safety Commission action at this meeting. Whenever possible, letters should be submitted to the Commission in advance of the meeting.)*

4. COMMISSIONER AND STAFF ANNOUNCEMENTS *(City Related Items Only)*

a. Announcements

Minutes for this meeting are scheduled to be prepared by Roxane Viray, the Traffic Safety Commission Secretary.

b. Staff and Commissioner's meeting attendance of interest to this Commission

TAMC -N. Popovich- Air Quality District E-bike incentive rebate program. $1000 within the County. Starts later in the year for low income families.

City Council Member Paduri was invited to Champions Institute. Best practice for Complete Street Network.

Kim added additional information on advocates nationally and locally supplying guidance in grant writing along with guidance and wisdom. Two south county kickoffs were successful on Saturday.

Lower Lighthouse Update concluding the week after Labor Day.

COUNCIL LIAISON

City Council Member Amelio gave info on mitigation alternatives from Rincon. First reading on promissory agreement.Passed 4-3. Purchasing procedures allowing local businesses to compete.
PW advised the lower Lighthouse project moving along. Paving starting next week. Should be completed by Labor Day

5. REGULAR AGENDA

a. PUBLIC HEARINGS

i. None.

b. UNFINISHED BUSINESS

1. Review of 19th & Sunset

   Action: PW requested permit to Cal Trans to update area with signs. More lit up due to larger signs and improved notification to drivers. Once approved four signs will be installed.

2. Congress & Sunset intersection

   Action: Discussion of a multi-year large scale project. The Traffic Commission could recommend it to the City Council as a project submission with possible options or as a capital improvement project. Options include blocking Cedar off or a roundabout.
   Further discussion on this is needed.

Public Comment

Comment on correction of an item that was continued and not tabled at city council meeting.
Comment recommending that the Traffic Commission be part of the project submission regarding Congress & Sunset.

c. NEW BUSINESS
None

d. Reports from sub committees
1. Bike sub committee report- bike racks request in the area of Asilomar. A more formal report will be introduced in October. Discussion on Bike Blvds, bike stencils on streets and bicycle tour routes through the city.

6. ADJOURNMENT 4:54 p.m.

This meeting is open to the public and all interested persons are welcome to attend. The City of Pacific Grove does not discriminate against individuals with disabilities and meetings are held in accessible facilities.

Respectfully Submitted: Commissioner Roxane Viray

Andrew Kubica
Andrew Kubica (Feb 14, 2022 12:41 PST)
Andrew Kubica - Chairman

Approved by Commission 1/25/2022

Cathy Madalone (Feb 14, 2022 14:33 PST)
Chief Cathy Madalone - City Staff

Date: Feb 14, 2022

CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3100 • FAX (831) 375-9863

Minutes of September 28, 2021 Regular Meeting

TRAFFIC SAFETY COMMISSION

DATE & TIME: September 28, 2021 4:00 p.m.

LOCATION:

THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

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MEETING AGENDA

CALL TO ORDER AND ROLL CALL
Meeting called to order at 4:00 pm. Commissioners all present. In addition, Cmdr Santos, Traffic engineer Rich Deal, and City Clerk.

1. APPROVAL OF THE AGENDA

Action: Motion to approve by Viray , Second by Nodzenski. Approved 7-0

2. APPROVAL OF MINUTES

a. Approval of Minutes of Prior Meeting

Minutes of the Traffic Safety Commission Meeting of August 24 2021.

Minutes were prepared by Roxane Viray, Traffic Safety Commission Secretary.

Action: Kubica pulled from the agenda for editing.

3. PUBLIC COMMENT

a. Written Communication

Emails received: Approximately 31 emails received regarding the safety of Forest Ave from various citizens that reside in Pacific Grove and those who frequent the area in question.

Additional emails received regarding the speed on Pine at Congress, Cars driving through the triangle at Central & First Street. Visibility concerns on Walnut and Gibson, visibility at 8th and Oceanview and crossing guards at Sunset and Congress. All emails were reviewed and attached.

b. Oral Communications *(Comments must deal with matters subject to the jurisdiction of the Traffic Commission and will be limited to three minutes. Comments from the audience will not receive Traffic Safety Commission action at this meeting. Whenever possible, letters should be submitted to the Commission in advance of the meeting.)*

1. C. Broecker called in regarding the speed on Forest Ave. Looking for recommendations, options and solutions.
2. L. Hazlett called in regarding the safety of Forest Ave.
3. M. Rua called in advising her personal vehicle had been hit while parked on Forest Ave.

All three callers are looking for traffic calming safety in the area.

Cmdr. Santos advised that he received the emails and had begun reviewing and starting to prepare data on collisions in the area. In addition he will place the radar trailer in the area along with directing staff for enforcement. Counter devices will be installed to collect volume and speed on Forest Ave. All information will be reviewed by the traffic engineer.

4. **COMMISSIONER AND STAFF ANNOUNCEMENTS** *(City Related Items Only)*

a. Announcements

Discussion: Minutes for this meeting are scheduled to be prepared by Roxane Viray, the Traffic Safety Commission Secretary.

b. Staff and Commissioner's meeting attendance of interest to this Commission

TAMC - Kim advised Hybrid meetings are moving forward. The Salinas 101 south- updates to the corridor.

E. Alisal Demonstration Project- encourages everyone to drive as it is applicable to other roads that have high traffic concerns.

5. **REGULAR AGENDA**

a. PUBLIC HEARINGS

1. None.

b. UNFINISHED BUSINESS

1. None

c. NEW BUSINESS

1. None

6. **ADJOURNMENT 4:18 p.m.**

This meeting is open to the public and all interested persons are welcome to attend. The City of Pacific Grove does not discriminate against individuals with disabilities and meetings are held in accessible facilities.

Respectfully Submitted: Commissioner Roxane Viray

Andrew Kubica
Andrew Kubica (Feb 14, 2022 12:41 PST)

Approved by Commission 10/26/2022

Andrew Kubica - Chairman

Cathy Madalone (Feb 14, 2022 14:33 PST)

Date: Feb 14, 2022

Chief Cathy Madalone - City Staff

CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3100 • FAX (831) 375-9863

Minutes of October 26, 2021 Regular Meeting

TRAFFIC SAFETY COMMISSION

DATE & TIME: October 26, 2021 4:00 p.m.

LOCATION:

THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR'S EXECUTIVE ORDERS ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.

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MEETING AGENDA

CALL TO ORDER AND ROLL CALL

Meeting called to order at 4:00 pm. Commissioners present except for Terry and McCluney. Per Chair Kubica, McCluney resigned as he moved out of Pacific Grove. Chief Madalone, Cmdr Santos, City Council member Amelio, Public Works Joyce Haribi present as well

1. **APPROVAL OF THE AGENDA**

Action: Motion to approve by Viray , Second by Kim. Approved 5-0-2

2. **APPROVAL OF MINUTES**

a. Approval of Minutes of Prior Meeting

Minutes of the Traffic Safety Commission Meeting of September 28, 2021.
Minutes were prepared by Roxane Viray, Traffic Safety Commission Secretary.
Action: Motion to approve by Viray, Second by Kim. Approved. 5-0-2
Per Chief Madalone August minutes will be approved at the November meeting

3. **PUBLIC COMMENT**

a. Written Communication

b. Crosswalk at 17 Mile Drive & Sinex- Traffic Engineer will review and be submitted for consideration as a CPI for 2022.
c. Requesting red paint on curb at Central & 8th St.-Traffic Engineer to assess
d. Crosswalk Safety at Central & 1St St.-The area was painted and reflective markers will be placed when received.

Updates will be brought to the Traffic Safety Committee when completed by the traffic engineer.

e. Oral Communications *(Comments must deal with matters subject to the jurisdiction of the Traffic Commission and will be limited to three minutes. Comments from the audience will not receive Traffic Safety Commission action at this meeting. Whenever possible, letters should be submitted to the Commission in advance of the meeting.)*

4. **COMMISSIONER AND STAFF ANNOUNCEMENTS** *(City Related Items Only)*

a. Announcements

Minutes for this meeting are scheduled to be prepared by Roxane Viray, the Traffic Safety Commission Secretary.

b. Staff and Commissioner's meeting attendance of interest to this Commission

COUNCIL LIAISON

City Council Member Amelio advised a presentation was given by the Monterey County Convention Center & Visiting Bureau.

Update on City Manager's performance is ongoing.
A second reading on the Fiscal 21/22 operating Capital Improvement Budget.
The special event calendar was updated to include downtown Halloween and events and Veterans Day ceremonies.
Jewell Park tree appeal will be heard on November 17th.
The Veterans Day ceremony will be Nov. 11 from 10:30 to 11:30. Interfaith ceremony speakers and singers will be present.
Council goals and strategies were approved.
City approved Contract with DTA for costs, revenue, needs and break even cost calculations to local water projects.
Ordinance to amend salary classification in regards to salary range for Administrative Services Director, Assistant City Manager, Public Works Director, Deputy City Manager, and Police Administrative Services Manager/Public Informations Officer passed 4-3
Coastal Wildlife Committee meeting continued to Nov. 3

TAMC-Kim updated on expanded eligibility in storage racks to include scooters, bike repairs & bike rodeos. They are trying to find a name especially in regard to grants. An active transportation name will be considered in the future.

Forest Ave safety-Commander Santos advised data is being analyzed and information will be brought to the November meeting if completed.

5. REGULAR AGENDA

a. PUBLIC HEARINGS

1. None.

b. UNFINISHED BUSINESS

1. None

Public Comment

None

c. NEW BUSINESS

d. None

6. ADJOURNMENT 4:17 p.m.

This meeting is open to the public and all interested persons are welcome to attend. The City of Pacific Grove does not discriminate against individuals with disabilities and meetings are held in accessible facilities.

Respectfully Submitted: Commissioner Roxane Viray

Andrew Kubica
Andrew Kubica (Feb 14, 2022 12:41 PST)
Andrew Kubica - Chairman

Approved by Commission 1/25/2022

Cathy Madalone (Feb 14, 2022 14:33 PST)
Chief Cathy Madalone - City Staff

Date: Feb 14, 2022

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Cathy Madalone, Chief of Police
MEETING DATE:	April 6, 2022
SUBJECT:	AB 481- First Reading of an Ordinance Adding PGMC 11.45 Military Equipment and approve Policy 706-Military Equipment
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Introduce and hold first reading of an ordinance to (1) adopt an ordinance adding Pacific Grove Municipal Code Section 11.45 Military Equipment, (2) approve draft Police Department Policy 706-Military Equipment, and (3) direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

DISCUSSION

On September 30, 2021, California Assembly Bill 481 (AB 481) was signed into law. Subsequently, California Government Code (CGC) §7070 through §7075 were adopted to codify the requirements set forth in AB 481. The text of AB 481 and the above-mentioned California Government Codes are attached to this Staff Report for reference.

AB 481 requires a law enforcement agency (LEA) obtain approval from the applicable governing body, by adoption of a military equipment use policy by ordinance at a regular public meeting, and prior to the agency funding, acquiring, or using military equipment.

AB 481 further requires the governing body to annually review the ordinance and to approve or either disapprove a renewal of the authorization for a type of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the LEA, the military equipment does not comply with the standards for approval.

§7070 CGC defines types of equipment that are to be considered military equipment for purposes of compliance with AB 481.

While the Pacific Grove Police Department (PGPD) did not obtain any tactical equipment from the military, or equipment that was designed for the military, and does not participate in the 1033 program (Military Surplus Program), it does possess equipment that are defined in §7070 CGC.

These items recognized by AB 481 as military equipment for PGPD were implemented and used well before the creation of AB 481. In fact, the policies pertaining to each of the listed items were forward

facing on the Police Department website since January 1, 2020.

Additionally, PGPD participates in a regional team, the Monterey Peninsula Regional Special Response Unit (MPRSRU) which possesses and utilizes additional types of equipment that also qualify as military equipment according to the§7070 CGC. While the equipment possessed by MPRSRU is not purchased, owned, or maintained by the Pacific Grove Police Department, it could be used in the City of Pacific Grove if deployed, and is subject to approval by the respective City Council of the LEA owning such equipment.

It is important to note that MPRSRU is generally only deployed in extreme circumstances such as active shooter incidents, hostage situations, and the execution of high-risk search and arrest warrants. The equipment MPRSRU possesses is rarely deployed but could prove essential to emergency operations when needed.

PGPD is committed to using the most up to date tools and equipment to safeguard our community members and officers. Items deemed to be military equipment by AB 481 are used as a component of overall best practices for LEAs throughout the country. These tools have been tested in the field and are used to enhance community member and officer safety.

These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to the level of lethal force encounters. To that end, the items at issue in this report, and accompanying military equipment use policy, also provide PGPD's peace officers with vital tools that facilitate compliance with its stringent Use of Force Policy.

It is important to note, PGPD peace officers are required to attend training conducted by POST approved instructors who are responsible for verifying proficiency of all weapons prior to issuance and authorization to carry or use such equipment.

In compliance with CGC §7071(b), PGPD posted the Military Equipment Use Policy 30 days in advance of this meeting to the City website on March 1, 2022.

The military equipment list (attached to the draft policy) outlines each item identified in section CGC §7070, that is currently owned by the city. Future acquisitions of any item deemed to be military equipment will require a public meeting, policy update, and Council approval.

As mentioned above, the Police Department does possess military equipment as defined in CGC §7070 and as attached to PGPD Policy 706– Military Equipment.

Patrol Rifles (Although, the rifles issued by the PGPD are considered standard issue and not required to be listed per AB 481, we have included them on our list of military equipment for Council review).

Specialized firearms and ammunition including assault weapons, enable officers when in compliance with the PGPD's Use of Force Policy, to address medium to long distance threats, or those threats who are heavily armed, armored or both. Further, in both short and long-distance deployments, rifles allow officers precision shot placement minimizing the risk to officers and innocent community members. There are no known alternatives to these weapons that will provide the same level of distance or precision.

Less Lethal 40mm Launchers and Bean Bag Shotguns

The 40mm launcher with soft sponge rounds affords the ability to use less lethal impact munitions. This allows officers to address a threat from a greater distance and provides an alternative option for deadly

force when reasonable. The Bean Bag Shotgun also allows officers to confront a potentially armed or dangerous suspect at a longer distance. This can potentially prevent a deadly force encounter. When necessary, there is no alternative to these less lethal weapon systems.

CGC §7071(d)(1) stipulates City Council shall only approve the military equipment use policy if it determines all the following:

1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and community safety.
2. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. If purchasing the equipment, the equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and community safety.
4. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

The proposed Policy safeguards the public's welfare, safety, civil rights, and civil liberties. The Policy ensures that there are safeguards, including transparency, oversight, and accountability measures in place. In addition, there are no reasonable alternatives to the items listed below. PGPD staff has not discovered alternative items that can achieve the same objectives of officer and community safety.

CGC §7071(e)(1) establishes the Police Department is responsible for delivering to City Council an Annual Military Equipment Report, which City Council can utilize to confirm compliance with the military equipment use policy and the accompanying military equipment use ordinance (Chapter 11.45).

Pursuant to CGC §7070(d)(7), the proposed military equipment use policy provides avenues through which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the LEA will ensure that each complaint, concern, or question receives a response in a timely manner. These means include:

- Via email to: militaryequipment@cityofpacificgrove.org
- Via phone to: (831) 648-3143
- Via mail sent to:

Pacific Grove Police Department
Attn: Military Equipment Use Coordinator
580 Pine Avenue
Pacific Grove, CA 93950

- Responding in person to the address above
- Via completing a complaint form located on the website by clicking here

OPTIONS

1. Approve proposed ordinance and PGPD Policy 706-Military Equipment.
2. Request additional information before introducing the ordinance and/or adopting the policy.

FINANCIAL IMPACT:

There are no new financial considerations for existing Military Equipment and munitions.

GOAL ALIGNMENT: Transparency, Accountability and Communication: Implement programs, processes, revisions, and training to improve and advance the City's efforts.

Attachments

AB 481
Govt. Code 7070
Govt. Code 7071
Govt. Code 7072
PGPD Draft Policy 706-Military Equipment
Draft Ordinance 11.45 Military Equipment
AB 481 PPT Presentation
Updated PPT

AB-481 Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Assembly Bill No. 481
CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the

military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.
This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.
This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.
By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.
The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.
This bill would make legislative findings to that effect.
The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.
This bill would provide that no reimbursement is required by this act for a specified reason.

BILL TEXT
THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

The Legislature finds and declares all of the following:
(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

AB-481 Law enforcement and state agencies: military equipment: funding, acquisition, and use.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.
(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.
(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.
(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2.

Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. Funding, Acquisition, and Use of Military Equipment

7070.

For purposes of this chapter, the following definitions shall apply:
(a) "Governing body" means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.
(b) "Law enforcement agency" means any of the following:
(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.
(2) A sheriff's department.
(3) A district attorney's office.
(4) A county probation department.
(c) "Military equipment" means the following:
(1) Unmanned, remotely piloted, powered aerial or ground vehicles.
(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
(6) Weaponized aircraft, vessels, or vehicles of any kind.
(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.
(12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.
(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.
(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.
(16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.
(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:
(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
(4) The legal and procedural rules that govern each authorized use.
(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of

military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.
(e) "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.
(f) "Type" means each item that shares the same manufacturer model number.

7071.

(a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:
(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.
(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.
(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.
(G) Acquiring military equipment through any means not provided by this paragraph.
(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the

governing body, the law enforcement agency shall cease its use of the military equipment until it receives the approval of the governing body in accordance with this section.
(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.
(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.
(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:
(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.
(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.
(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.
(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

AB-481 Law enforcement and state agencies: military equipment: funding, acquisition, and use.

7072.

(a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
(1) A summary of how the military equipment was used and the purpose of its use.
(2) A summary of any complaints or concerns received concerning the military equipment.
(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
(5) The quantity possessed for each type of military equipment.
(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.
(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7073.

(a) A state agency shall create a military equipment use policy prior to engaging in any of the following:
(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.
(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.
(7) Acquiring military equipment through any means not provided by this subdivision.
(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.
(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:
(1) Publish the military equipment use policy on the agency's internet website.
(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074.

The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075.

Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3.

The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:
Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or

school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

Cal. Gov. Code § 7070

Section 7070 - Definition

For purposes of this chapter, the following definitions shall apply:

(a) "Governing body" means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.

(b) "Law enforcement agency" means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff's department.

(3) A district attorney's office.

(4) A county probation department.

(c) "Military equipment" means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) "Military equipment use policy" means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) "Type" means each item that shares the same manufacturer model number.

Ca. Gov. Code § 7070

Added by Stats 2021 ch 406 (AB 481),s 2, eff. 1/1/2022.

casetext

Cal. Gov. Code § 7071

Section 7071 - Approval for use of military equipment

(a)

(1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing

body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d)

(1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e)

(1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

Ca. Gov. Code § 7071

Added by Stats 2021 ch 406 (AB 481),s 2, eff. 1/1/2022.

casetext

Cal. Gov. Code § 7072

Section 7072 - Annual military equipment report

(a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

Ca. Gov. Code § 7072

Added by Stats 2021 ch 406 (AB 481),s 2, eff. 1/1/2022.

casetext

Military Equipment

706.1 PURPOSE AND SCOPE

The Pacific Grove Police Department does not participate in the 1033 Program and has not obtained any military equipment from the military, nor does it possess any equipment that was designed for military use. However, California Government Code § 7071(b) requires that law enforcement agencies submit a proposed Military Equipment Use Policy to their governing body for approval.

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of "military equipment" (Government Code § 7070; Government Code § 7071; Government Code § 7072). This policy is provided to fulfill the obligations set forth in Assembly Bill 481. These obligations include but are not limited to seeking approval on specific items deemed to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – any of a wide variety of items as defined by California Government Code section 7070, subsections (c)(1) through (c)(16) listed below:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of a wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handled arm ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms and ammunition of 50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

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9. Ammunition of 50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. **Specialized firearms and ammunition of less than 50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue weapons and ammunition of less than 50 caliber that are issued to officers, agents, or employees of a law enforcement agency or state agency.**
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard service-issued handheld pepper spray.
13. TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
14. **The following projectile launch platforms and their associated munitions: 40 mm projectile launchers, "bean bag," rubber bullet, and specialty impact (SIM) weapons.**
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

The bold items above are the current recognized specialized "military equipment" purchased and used by the Pacific Grove Police Department.

706.2 SECTION TITLE

California Government Code § 7070(d) describes a Military Use Equipment as a publicly released, written document that includes, at a minimum the following:

1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.

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6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

706.3 POLICY

It is the policy of the Pacific Grove Police Department that members of this department comply with the provisions of Government Code §7071 with respect to military equipment. It is also the policy of the Pacific Grove Police Department that there are legally enforceable safeguards, including transparency, oversight and accountability measures in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

The acquisitions of military equipment and its deployment in our communities may impact the public's safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

706.4 MILITARY EQUIPMENT COORDINATOR

The Chief of Police has designated the Commander to serve as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

(a) Acting as liaison to the City Council for matters related to the requirements of this policy.

(b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Pacific Grove Police Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting.
2. Preparing for public questions regarding the department’s funding, acquisition, and use of equipment.

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(f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

(g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the City Council by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the City Council prior to engaging in any of the following (Government Code § 7071):

(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing aid to Pacific Grove Police Department shall comply with their respective military equipment use policies in rendering mutual aid.

The Pacific Grove Police Department is a participating member of the Monterey Peninsula Regional Special Response Unit (MPRSRU) in collaboration with the other law enforcement agencies on the Monterey Peninsula. The MPRSRU provides capabilities to address specific law enforcement issues, such as active shooter incidents, hostage situations, barricaded subject incidents, etc. The Pacific Grove Police Department also collaborates and works with the Monterey

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County Sheriff's and other local, state, and federal law enforcement agencies that may be needed to aid the Pacific Grove Police Department.

706.7 ANNUAL REPORT

The Chief of Police or the authorized designee shall submit a military equipment report to the City Council for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072). The Chief of Police or the authorized designee shall also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use.

The report shall include the following information for the immediately preceding calendar year as required by Government Code § 7072 for each type of military equipment in department inventory.

1. A summary of how the military equipment was used and the purpose of its use.
2. A summary of any complaints or concerns received concerning the military equipment.
3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
5. The quantity possessed for each type of military equipment.
6. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

706.9 COMPLIANCE

The Pacific Grove Police Department is committed to responding to complaints, concerns, and questions received in a timely manner. Members of the public wishing to make a complaint, ask a question or express a concern can do so by any of the following means:

1. Via email to: militaryequipment@cityofpacificgrove.org
2. Via phone call to: 831-648-3143
3. Via mail sent to: Pacific Grove Police Department 580 Pine Ave, Pacific Grove, CA 93950
4. Via in person by responding to the above address

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5. Via completing a complaint form located on the website by clicking here or visiting https://www.cityofpacificgrove.org/our_city/departments/police/submit_employee_complaint_or_commendation.php.

706.10 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying "military equipment" for the Department. Military Equipment List

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Attachments

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Military equipment list final 2-28-2022.pdf

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Pacific Grove Police Department
Military Equipment List

Less Lethal Weapon	
Type	40mm Launcher
Description	Penn Arms GL1 40mm launcher
Quantity	2
Capabilities	The Penn Arms GL 40mm launcher will launch a 40mm less lethal projectile approximately 130 feet
Expected lifespan	15 years
Manufacturer's description	A 40mm compact single-shot break-open frame launcher with a rifled barrel and folding stock. Features include: Double-action trigger, trigger lock push button and hammer lock safeties
Purpose and authorized uses	To compel an individual to cease his/her actions when such less lethal weapon presents a reasonable option. A verbal warning of the intended use of the device should precede its application.
Fiscal impact	$1500 (each)
Legal and procedural rules	Refer to policies 300, 301, 301.8-301.11
Required training	Sworn members utilizing the 40mm less lethal impact rounds are trained in their use by CA POST certified less lethal instructors.
Compliance mechanisms	Use is subject to the applicable policies (300.5, 300.5.1, 300.5.3, 301, 303.4).

Pacific Grove Police Department
Military Equipment List

Less Lethal Weapon	
Type	Less Lethal Shotgun
Description	Remington 870 Less Lethal Shotgun with Orange Stock and Fore-end denoting less lethal
Quantity	5
Capabilities	The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-guauge Drag Stabilized Round up to a distance of 75 feet
Expected lifespan	25 years
Manufacturer's description	The Remington Model 870 Pump Shotgun is a reliable 12-gauge with double-action bars for smooth pump operation. A steel-lined/grooved fore-end provides a stronger grip, while the Flexitab feeding system provides positive and easier cycling. A less-lethal application shotgun is available with the addition of a blaze orange synthetic SpeedFeed stock and fore-end for the instant recognition required.
Purpose and authorized uses	To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.
Fiscal impact	$950 each
Legal and procedural rules	Refer to policies 300, 301, 301.8-301.11
Required training	Sworn members utilizing the Remington 870 less lethal shotguns are trained in their use by CA POST certified less lethal instructors.
Compliance mechanisms	Use is subject to the applicable policies (300.5, 300.5.1, 300.5.3, 301, 303.4).

Pacific Grove Police Department
Military Equipment List

Less Lethal Ammunition	
Type	Defense Technology Exact Impact 40mm kinetic energy projectiles
Description	40mm, foam-tipped kinetic energy fired from an agency-authorized 40mm launcher.
Quantity	36
Capabilities	Operational range 5-131 ft.
Expected lifespan	5 yrs.
Manufacturer's description	The eXact iMpact™ 40 mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications.
Purpose and authorized uses	To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.
Fiscal impact	Approximately $20 per projectile
Legal and procedural rules	Refer to policies 300, 301, 301.8-301.11
Required training	Sworn members utilizing the 40mm less lethal impact rounds are trained in their use by CA POST certified less lethal instructors.
Compliance mechanisms	Use is subject to the applicable policies (300.5, 300.5.1, 300.5.3, 301, 303.4).

Pacific Grove Police Department
Military Equipment List

Less Lethal Ammunition	
Type	Defense Technology/Safariland Drag Stabilized 12-Guage Less Lethal Round
Description	A less lethal 2.5-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270 feet per second (FPS).
Quantity	145
Capabilities	12-guauge Drag Stabilized Round has an effective range from 20 feet up to a distance of 75 feet
Expected lifespan	5 years
Manufacturer's description	The 12-Gauge Drag Stabilized™ Round is comprised of a translucent 12-Gauge shell loaded with a 40 gram, tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four (4) stabilizing tails. The 12-Gauge Drag Stabilized™ Round utilizes smokeless powder as the propellant.
Purpose and authorized uses	To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.
Fiscal impact	Approximately $5 per round
Legal and procedural rules	Refer to policies 300, 301, 301.8-301.11
Required training	Sworn members utilizing the Remington 870 less lethal shotguns are trained in their use by CA POST certified less lethal instructors.
Compliance mechanisms	Use is subject to the applicable policies (300.5, 300.5.1, 300.5.3, 301, 303.4).

Pacific Grove Police Department
Military Equipment List

Lethal Weapon	
Type	Semi-Auto Patrol Rifle
Description	Daniel Defense DDM4V7, Semi-Auto rifle, black in color, with aluminum handguard, and adjustable stock.
Quantity	9
Capabilities	A rifle that fires an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol.
Expected lifespan	10 years
Manufacturer's description	The DDM4 V7 AR15 style firearm features M-LOK attachment technology with the Daniel Defense MFR 15.0 rail. Built around a Cold Hammer Forged, 16-inch barrel, the V7 has a DD improved Flash Suppressor to reduce flash signature. The mid-length gas system provides smooth and reliable cycling under any condition and reduces both perceived recoil and wear on moving parts. With the M-LOK attachment points that run along 7 positions and an uninterrupted 1913 Picatinny rail on top, the V7 has plenty of room for the sights, optics, and accessories the user may require. The independently ambi GRIP-N-RIP Charging Handle accommodates left- and right-handed shooters. This rifle also comes with the ergonomic Daniel Defense Buttstock and Pistol Grip.
Purpose and authorized uses	The Daniel Defense DDM4V7 enables officers when in compliance with the PGPD's Use of Force Policy, to address short to long distance threats, or those threats who are heavily armed, armored or both. Further, in both short and long-distance deployments, they allow officers precision shot placement minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance and precision.
Fiscal impact	$1,310.00 (each)
Legal and procedural rules	Refer to policies 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.2, 300.5.3, 300.11, 303
Required training	Sworn members utilizing the Daniel Defense DDM4V7 are trained is their use by CA POST certified firearms instructors.
Compliance mechanisms	Use is subject to the applicable policies (300.4, 300.9, 303.3.2, 303.5, 303.7, 303.8, 303.9)

Pacific Grove Police Department
Military Equipment List

Lethal Weapon	
Type	Semi-Auto Patrol Rifle
Description	Colt LE6920, Semi-Auto rifle, black in color, with plastic handguard, and adjustable stock.
Quantity	13
Capabilities	A rifle that fires an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol.
Expected lifespan	10 years
Manufacturer's description	The Colt M4 Carbine is a Gas Operated Semi-Auto rifle, chambered in 223 Remington/5.56 NATO. The M4 Carbine features a 16.1" barrel and Reversible safety selector and has an overall expanded length of 35.5". The M4 Carbine utilizes a 4-position collapsible stock and A2 flash hider.
Purpose and authorized uses	The Colt M4 Carbine enables officers when in compliance with the PGPD's Use of Force Policy, to address short to long distance threats, or those threats who are heavily armed, armored or both. Further, in both short and long-distance deployments, they allow officers precision shot placement minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance and precision.
Fiscal impact	$1,100 (each)
Legal and procedural rules	Refer to policies 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.2, 300.5.3, 300.11, 303
Required training	Sworn members utilizing the Colt M4 Carbine are trained is their use by CA POST certified firearms instructors.
Compliance mechanisms	Use is subject to the applicable policies (300.4, 300.9, 303.3.2, 303.5, 303.7, 303.8, 303.9)

Pacific Grove Police Department
Military Equipment List

Lethal Ammunition	
Type	Speer Gold Dot Duty Ammunition .223 Caliber 55 grain rifle round
Description	Speer Gold Dot features nickel plated brass cases and Boxer primers and is a non-corrosive round. The Gold Dot projectile goes through a process of joining the jacket and core one molecule at a time which eradicates the potential for the leading cause of bullet failure (jacket/core separation). This process will guarantee extraordinary weight retention through barriers as strong as auto-glass. Gold Dot rifle ammunition asserts remarkable accuracy with exact tolerances and unparalleled bullet uniformity.
Quantity	1,500
Capabilities	Operational range 0-300 yards
Expected lifespan	10 years
Manufacturer's description	SPEER LE® Gold Dot® Duty Rifle brings proven bullet technology to rifle platform. The Gold Dot® bullet was the first high performance, bonded-core bullet available in handgun ammunition, and has since set the bar for duty ammunition. The nation's number one law enforcement option is now available in rifle ammunition for agencies everywhere. These specially designed loads bring law enforcement rifle ammunition to the next level. Gold Dot rifle bullets are optimized to ensure expansion out of barrels down to 10" at a wide variety of velocities out to 200 yards. This kind of performance greatly increases the capabilities of duty rifles and gives law enforcement personnel a distinct advantage when it matters most. In addition, these new loads boast outstanding feeding in short, very short and standard-length AR platforms. Like their handgun counterparts, the Gold Dot rifle bullets are constructed using Gold Dot technology. The process of joining the jacket and core one molecule at a time eliminates the potential for the leading cause of bullet failure—jacket/core separation. It also ensures impressive weight retention through barriers as tough as auto-glass. In addition to being tough, Gold Dot rifle loads boast outstanding accuracy. Exact tolerances and unprecedented bullet uniformity of jacket thickness give Gold Dot rifle loads outstanding accuracy. In addition, these loads feature flash suppressed propellants and a muzzle velocity of up to 3000 fps. The versatility, reliability, and superior construction of the new Speer LE Gold Dot Duty Rifle loads allow law enforcement agencies to utilize this tested and proven bullet technology in duty rifles with complete confidence.
Purpose and authorized uses	To project a force against a selected target to have an effect and stop the threat when other reasonable options are not viable. A verbal warning should precede its application.
Fiscal impact	$560.00 per case of 1000
Legal and procedural rules	Refer to policies 300, 300.4, 300.4.1, 300.5, 300.5.1, 300.5.3, 300.11, 303, 303.3
Required training	Sworn members utilizing Speer Gold Dot ammunition are trained in their use by CA POST certified instructors.
Compliance mechanisms	Use is subject to applicable policies (303.3, 303.3.2)

Pacific Grove Police Department
Military Equipment List

Lethal Ammunition	
Type	Winchester Target Ammunition 5.56 Caliber 55 grain rifle round
Description	Winchester Target Ammunition features brass cases and Boxer primers and is a non-corrosive round. This ammunition is loaded with a full metal jacket bullet which is known for its positive functioning and exceptional accuracy. On impact this bullet does not expand and is ideal for target shooting.
Quantity	14,000
Capabilities	0-300 yards
Expected lifespan	10 years
Manufacturer's description	Winchester "USA White Box" stands for consistent performance and outstanding value, offering high-quality ammunition to suit a wide range of shooter's needs by providing consistent accuracy, positive functioning, and no expansion.
Purpose and authorized uses	Practice
Fiscal impact	$380.00 per case of 1000
Legal and procedural rules	Refer to policies 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.3, 300.11 303
Required training	Sworn members utilizing Winchester Target Ammunition are trained in their use by CA POST certified instructors.
Compliance mechanisms	Use is subject to applicable policies (303.3, 303.3.2)

ORDINANCE NO. 22-_____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE ADDING CHAPTER 11.45 TO THE PACIFIC GROVE MUNICIPAL CODE REGARDING USE OF MILITARY EQUIPMENT

FACTS

1. On September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of military equipment by law enforcement agencies.

2. Assembly Bill 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a "military equipment" use policy at a regular meeting held pursuant to open meeting laws prior to taking certain actions relating to the funding, acquisition, or use of "military equipment". The term "military equipment" is defined in California Government Code Section 7070.

3. AB 481 allows the City Council to approve funding, acquisition, or use of military equipment, within its jurisdiction only if it makes specified determinations.

4. The Pacific Grove Police Department Policy Manual, Policy 706, sets forth the military equipment use policy and meets all requirements of California Government Code 7070. The draft policy was published on March 1, 2022 and displayed on the Pacific Grove Police Department website on March 1, 2022.

5. This ordinance adds Chapter 11.45 to the Municipal Code and affirms Pacific Grove Police Department Policy 706. This Chapter shall authorize use of "military equipment" by the members of the Pacific Grove Police Department in accord with Policy 706.

6. In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. and found this activity is not a "project" as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

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

SECTION 1. The foregoing Facts are adopted as findings of the City Council as though set forth in fully within the body of this ordinance.

SECTION 2. Pacific Grove Municipal Code Chapter 11.45, entitled MILITARY EQUIPMENT, shall be adopted, and incorporated in the city's municipal code.

SECTION 3. Pacific Grove Municipal Code Chapter 11.45, sections 11.45.010 through 11.45.060, inclusive, shall be adopted and incorporated in the city's municipal code as follows:

11.45.010 Name of Ordinance

A. This Ordinance shall be known as the Military Equipment Use Ordinance.

11.45.020 Definitions

A. "City" means any department, agency, bureau, and/or subordinate division of the City of Pacific Grove.

B. "City Council" means the governing body that is the Pacific Grove City Council.

C. "Exigent Circumstances" means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur.

D. "Military Equipment" includes all the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multi-purpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all- terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from thissubdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepperballs," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

E. “Military Equipment Use Policy” means a publicly released, written document that includes, at a minimum, all the following:

1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the

use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

F. “Police Department” means any division, section, bureau, employee, volunteer and/or contractor of the Pacific Grove Police Department.

G. "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or ArticleVI of the California Constitution.

H. "Type" means each item that shares the same manufacturer model number.

11.45.030 Military Equipment Use Policy Requirement

A. The Pacific Grove Police Department shall obtain approval of the City Council, by a resolution adopting a Military Equipment Use Policy (MEUP) at a regular meeting of the City Council held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) prior to engaging in any of the following:

1. Requesting Military Equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
2. Seeking funds for Military Equipment, including, but not limited to, applying for agrant, soliciting, or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
3. Acquiring Military Equipment either permanently or temporarily, including by borrowing or leasing.
4. Collaborating with another law enforcement agency in the deployment or other use of Military Equipment within the territorial jurisdiction of the City of Pacific Grove.
5. Using any new or existing Military Equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.
6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, Military Equipment.
7. Acquiring Military Equipment through any means not provided by this section.

B. No later than May 1, 2022, if seeking to continue the use of any Military Equipment that was acquired prior to January 1, 2022, the Pacific Grove Police Department shall commence a City Council approval process in accordance with this section. If the

City Council does not approve the continuing use of Military Equipment, including by adoption pursuant to a Military Equipment Use Policy submitted pursuant to this code, within 180 days of submission of the proposed Military Equipment Use Policy to City Council, the Pacific Grove Police Department shall cease its use of the Military Equipment until it receives the approval of City Council in accordance with this code.

C. In seeking the approval of City Council, the Pacific Grove Police Department shall submit a proposed Military Equipment Use Policy to the City Council and make those documents available on the Police Department's internet website at least 30 days prior to any public hearing concerning the Military Equipment at issue.

D. The City Council shall only approve a Military Equipment Use Policy pursuant to this chapter if it determines all the following:

1. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed Military Equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. Prior Military Equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy non-conforming uses and ensure future compliance.

E. To facilitate public participation, any proposed or final Military Equipment Use Policy shall be made publicly available on the internet website of the Police Department for as long as the Military Equipment is available for use.

F. The City Council shall review this ordinance at least annually and vote on whether to renew it at a regular meeting held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

11.45.040 Use in Exigent Circumstances

A. Notwithstanding the provisions of this Chapter, the Police Department may acquire, borrow and/or use Military Equipment in Exigent Circumstances without following the requirements of this code.

B. If the Police Department acquires, borrows, and/or uses Military Equipment in Exigent Circumstances, in accordance with this section, it must take all the following actions:

1. Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
2. If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
3. Include the Military Equipment in the Police Department's next annual Military Equipment Report.

11.45.050 Reports on the Use of Military Equipment

A. The Police Department shall submit to City Council an annual Military Equipment Report for each type of Military Equipment approved by the City Council within one year of approval, and annually thereafter for as long as the Military Equipment is available for use.

B. The Police Department shall also make each annual Military Equipment Report required by this section publicly available on its internet website for as long as the Military Equipment is available for use.

C. The annual Military Equipment Report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of Military Equipment:

1. A summary of how the Military Equipment was used and the purpose of its use.
2. A summary of any complaints or concerns received concerning the Military Equipment.
3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
4. The total annual cost for each type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the Military Equipment in the calendar year following submission of the annual Military Equipment Report.
5. The quantity possessed for each type of Military Equipment.
6. If the law enforcement agency intends to acquire additional Military Equipment in the next year, the quantity sought for each type of Military Equipment.

D. Within 30 days of submitting and publicly releasing an annual Military

Equipment Report pursuant to this section, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the public may discuss and ask questions regarding the annual Military Equipment report and the law enforcement agency's funding, acquisition, or use of Military Equipment.

E. The City Council shall determine, based on the annual Military Equipment Report submitted pursuant to this section, whether each type of Military Equipment identified in that report has complied with the standards for approval set forth in this code and the Military Equipment Use Policy. If the City Council determines that a type of Military Equipment identified in that annual Military Equipment Report has not complied with the standards for approval, the City Council shall either disapprove a renewal of the authorization for that type of Military Equipment or require modifications to the Military Equipment Use Policy in a manner that will resolve the lack of compliance.

11.45.060 Severability

A. If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter.

B. The City Council hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

SECTION 4. The Council hereby affirms all provisions set forth of Pacific Grove Police Department Policy 706.

SECTION 5. The City Manager is directed to execute all documents and to perform all other acts necessary to implement this Ordinance.

SECTION 6. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs,

sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 7. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following its passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:

_____
SANDRA KANDELL, City Clerk

DATED:_____

APPROVED AS TO FORM:

_____
DAVID C. LAREDO, City Attorney

AB 481

Military Equipment

City Council April 6, 2022

AB 481 Background

- September 30, 2021 – Governor Newsom signed AB 481
- Increase transparency, accountability, oversight for acquisition and use of equipment
- Provide safeguards to protect public's welfare, safety, civil rights and liberties

Initial Approval & Annual Reporting

- AB 481 requires approval by May 1, 2022, for continued use of items purchased prior to January 1, 2022.
- Annual town hall meeting within 30 days of presenting the annual report to City Council.
- Annual report April 2023 and each April thereafter.
- Community meeting March 2023 and each March thereafter.

Annual Report

1. A summary of:
    - How military equipment was used & its purpose.
    - Complaints or concerns related to military equipment and any actions taken in response.

2. The total annual cost for each type of military equipment, and how the funds were sourced.

3. The quantity possessed for each type of military equipment.

4. Intention to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

PGPD Military Equipment

- (2) 40mm Projectile Launchers
- (5) Less Lethal Shotguns
- (22) Department Issued Rifles

Monterey Peninsula Special Response Unit (SRU)

- PGPD receives and provides mutual aid to/from all area law enforcement agencies.
- Agencies are required by AB 481 to get approval from Governing Body for the equipment owned. There is currently no SRU equipment owned or maintained by the City of Pacific Grove.

Department Needs

Goal: Safe and peaceful resolutions for persons involved, the public and officers responding.

Concerns: Actions, capabilities, and intentions

Factors that influence sound decisions: Time distance and cover

Critical Incidents

Date	Incident	Brief Summary
7/28/2019	Gilroy Garlic Festival	Gunman killed 3 people and wounded 17
6/4/2020	Barricaded Suspect	Peacefully after several hours of de-escalation (SRU on scene)
10/20/2020	Barricaded Suspect	Peacefully after several hours of de-escalation (CNT on scene)
8/18/2020	Attempted Homicide	Armed suspect taken into custody after several hours of de-escalation (SRU on scene)
2/25/2022	Salinas Officer Killed	Suspect ambushed officer

City Council Action

- Staff Recommends City Council approve PGPD Policy 706 and Ordinance 11.45 to:
  - Allow staff to continue to use current resources, with corresponding policies and procedures.
  - Direct staff to conduct an annual public meeting.
  - Direct staff to complete an annual report and present to City Council.

Questions?

AB 481

Military Equipment

City Council April 6, 2022

AB 481 Background

- September 30, 2021 – Governor Newsom signed AB 481
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Annual Report

1. A summary of:
    - How military equipment was used & its purpose.
    - Complaints or concerns related to military equipment and any actions taken in response.

2. The total annual cost for each type of military equipment, and how the funds were sourced.

3. The quantity possessed for each type of military equipment.

4. Intention to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

PGPD Military Equipment

- (2) 40mm Projectile Launchers
- (5) Less Lethal Shotguns
- (22) Department Issued Rifles

Monterey Peninsula Special Response Unit (SRU)

- PGPD receives and provides mutual aid to/from all area law enforcement agencies.
- Agencies are required by AB 481 to get approval from Governing Body for the equipment owned. There is currently no SRU equipment owned or maintained by the City of Pacific Grove.

Department Needs

Goal: Safe and peaceful resolutions for persons involved, the public and officers responding.

Concerns: Actions, capabilities, and intentions

Factors that influence sound decisions: Time distance and cover

Critical Incidents

Date	Incident	Brief Summary
11/2/2018	Chase Bank Robbery	Armed robbery Country Club Gate Shopping Center (3:30 pm)
7/28/2019	Gilroy Garlic Festival	Gunman killed 3 people and wounded 17
6/4/2020	Barricaded Suspect	Peacefully after several hours of de-escalation (SRU on scene)
10/20/2020	Barricaded Suspect	Peacefully after several hours of de-escalation (CNT on scene)
8/18/2020	Attempted Homicide	Armed suspect taken into custody after several hours of de-escalation (SRU on scene)
12/7/2021	Smash and Grab Robbery	Jewelry store in Carmel-By-The-Sea
2/25/2022	Salinas Officer Killed	Suspect ambushed officer

City Council Action

- Staff Recommends City Council approve PGPD Policy 706 and Ordinance 11.45 to:
  - Allow staff to continue to use current resources, with corresponding policies and procedures.
  - Direct staff to conduct an annual public meeting.
  - Direct staff to complete an annual report and present to City Council.

Questions?

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Tori Hannah, Administrative Services Director

MEETING DATE: April 6, 2022

SUBJECT: Fiscal Year 2021-22 Mid-Year Budget Modifications and First Reading of an Ordinance Amending the Fiscal Year 2021-22 Budget

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

RECOMMENDATION

Hold a first reading of an ordinance to amend the Fiscal Year 2021-22 Budget, authorize publication of a summary of the measure as approved by the City Attorney

DISCUSSION

The City Council approved the Fiscal Year 2021-22 Budget on June 16, 2021. It is customary at this time of the fiscal year to amend the current budget to reflect any updates to revenues and expenditures.

The City Council's approval is needed to amend the budget. An ordinance reflecting those changes, as well as an overview of significant changes are included in this agenda report. Supplementary information related to the General Fund, as well as to other funds are included in Attachments 1-3. Additional details will also be provided during the presentation.

GENERAL FUND

The Fiscal Year 21-22 Budget was developed with conservative optimism. This was primarily due to the availability of the COVID-19 vaccine, the proposed opening of the State, and continuing signs of economic growth. Most revenues were anticipated to be more than 80% of their Fiscal Year 18/19 levels. In the Adopted Budget, the City initially included $1.45 million in American Rescue Plan Act (ARPA) Funds to supplement general fund revenues; and a $181,000 donation to assist in supporting the Library operations. These additional funds allowed the City to eliminate the employee furlough, reinstate vacant frozen positions, restore on-call, seasonal, and temporary positions; and fund the minimum level of capital improvements.

At the time the budget was adopted, it was anticipated that the Fiscal Year 2021-22 ending General Fund *unassigned* balance would be $8.0 million. The budget was adjusted for key unexpended contracts, purchases, and grants that were carried forward into Fiscal Year 2021-22; and later amended by ordinance for additional changes, including $393,559 in additional ARPA funds. It is anticipated that the Fiscal Year 2021-22 General Fund *unassigned* ending fund balance will be approximately $10 million. This is primarily the result of budgetary savings and increased revenues in the prior fiscal

year that contributed to a greater than anticipated beginning fund balance; and increased revenue performance in the current year. A table reflecting the projected change in the budget, along with key variances is listed in the subsequent table, with details included in Attachment 1.

General Fund Balance Projections			
	FY 21/22 Adopted	FY 21/22 Amended	FY 21/22 Mid-Year Est.
Actual Beginning Fund Balance	$ 9,441,669	$ 9,441,669	$ 9,441,669
Estimated Revenues	26,847,000	27,240,559	28,531,159
Estimated Expenses	26,666,295	27,414,158	27,950,634
Net Operating Difference	180,705	(173,599)	580,525
Estimated Ending Fund Balance	$ 9,622,374	$ 9,268,070	$ 10,022,194

Revenues

The mid-year projections include an estimated increase in revenues of approximately $1.29 million when compared to the amended budget. This includes greater than anticipated tax receipts in the amount of $1.54 million, net of reductions in other major revenues categories of $249,000. Strong performance in the transient occupancy and sale tax categories contributed to the growth in tax revenues, as well as franchise and utility user taxes that were increased based on prior year actual receipts and current year revenues. The positive trends in the hospitality and retail industries can be attributed to continuing signs of economic recovery, as well as an inflation.

Expenses

Expenses are initially projected to be approximately $536,000 greater than anticipated. This primarily reflects a $664,000 increase in the City Attorney, City Manager, and interfund transfer budgets, less net reductions of $128,000 in other departments. The projected additional costs within the two departments primarily consistent of special legal services, executive recruitment services for two Community Development Directors, and unanticipated costs associated with human resources matters. The $295,000 increase in interfund transfers includes $195,000 to meet the Liability Fund reserve policy levels after incorporating estimated litigation costs into the budget; one-time costs associated with older workers compensation claims and a retroactive insurance premium from the City's previous risk management authority; and an additional contribution to the Employee Benefits Fund. In the Fiscal Year 2021-22 Adopted Budget, the City recorded $100,000 in water entitlement revenues in the Local Water Project Fund. The proposed additional $100,000 transfer reflects a change in the accounting treatment for these designated water entitlement sales. The amount of the initial water entitlement sales will be recorded in the General Fund and transferred to the Local Water Project Fund. This is consistent with a budget amendment for an additional $100,000 transfer to the Local Water Project.

As part of the mid-year budget, staff is requesting the addition of a 0.250 Information Technology Support Specialist position. The City has had difficulties in recruiting for this position and the additional hours could make this position more attractive to a candidate. There are also increasing demands on the IT Department to assist in implementing new technologies, maintaining data security,

and providing support for public-facing transparency initiatives. The estimated costs for Fiscal Year 2021-22 are anticipated to be under $5,000 depending on the recruitment time and benefit election. The annual cost is anticipated to be approximately $29,000 which includes the addition of pro-rated health benefits that were not available to the half-time position. There are sufficient salary savings from IT position vacancies to support the Fiscal Year 2021-22 position costs.

OTHER FUNDS

A listing of all projected changes to revenues and expenditures within Other Funds is included in Attachments 2 and 3. To facilitate stronger budgetary management, staff would like to amend the budget to reflect the identified changes. None of the changes represented would result in negative available fund balances, with the exception of the Local Water Project (LWP). At the beginning of the fiscal year, the LWP fund had an available fund balance of ($36,687). It is estimated the LWP Fund will end the year with an available fund balance of ($47,937). It is anticipated that the negative balance will be addressed during the presentation of the Local Water Project Business Plan in May. All other funds have sufficient updated revenues or designated fund balances to support the changes. A list of the updated fund balances is included within the ordinance.

Some of the requested changes that are not related to routine updates to budgetary estimates or prior approved project funding, include the following:

- Liability Fund - Increased funding and expenditures by $80,000 to support anticipated litigation costs; as well as to maintain reserve policy levels.
- Capital Improvement Fund - Increased the revised estimate for the Public Works Fire Project to just over $1 million. The proposed budget amendment reflects adjustments to the preliminary Public Works Fire Project estimate, which was initially established prior to a full damage assessment; net of reductions for project expenditures that are anticipated to be carried forward into the new fiscal year. The costs expended for the Public Works Fire Project are subject to reimbursement, with the exception of a $10,000 deductible.
- Library Building and Equipment Fund - Primarily adjusted to reflect grant revenues and expenditures to purchase an electric-powered bookmobile with costs estimated at approximately $96,825.
- Supplemental Law Enforcement (SLESF) - Carry-forward of costs associated with the new Police Records Management System and the addition of a new e-citation software system.

OPTIONS

1. Make no adjustments
2. Provide alternate direction to staff

FINANCIAL IMPACT:

The modifications to the General Fund are anticipated to result in a positive net operating difference of approximately $580,525. This is projected to result in an estimated ending Unassigned General Fund balance of approximately $10 million. This places the estimated ending fund balance $741,000 above the City's updated reserve threshold of $9.3 million.

The combined net change to all other funds is $1.9 million.

GOAL ALIGNMENT: Financial Stability: Develop a strategic plan to better address current and future City expenditure and revenue needs.

Attachments

General Fund Summary
Other Funds - Revenue Adjustment Summary
Other Funds - Expenditure Adjustment Summary
Budget Amendment Ordinance
PPT

Estimated General Fund Revenues and Expenditures

	FY 21/22 Amended	FY 21/22 Estimate	Difference from Amended	
Beginning Fund Balance	$ 9,441,669	$ 9,441,669		
Revenues				
Property Taxes	$ 8,418,000	$ 8,518,000	$ 100,000	(a)
TOT and Licenses	4,783,000	5,779,000	996,000	(b)
Sales and Use Tax	4,109,000	4,309,000	200,000	(c)
Franchise and Utility User Taxes	3,091,000	3,260,000	169,000	(d)
Business Licenses	359,000	322,000	(37,000)	
Other Taxes	117,000	229,000	112,000	(e)
License, permits, and impact fees	1,304,000	1,276,000	(28,000)	
Intergovernmental Revenues	153,000	73,000	(80,000)	(f)
Charges for Services	1,826,000	1,586,000	(240,000)	(g)
Fines and Forfeitures	138,000	37,000	(101,000)	(h)
Interest, rents, and concessions	304,000	296,000	(8,000)	
Other revenues	614,000	821,600	207,600	(i)
Other revenues - Bequest	181,000	181,000	-	
Other revenues - ARPA	1,843,559	1,843,559	-	
	$ 27,240,559	$ 28,531,159	$ 1,290,600	
Expenditures	-	-		
Departments				
City Council	$ 352,751	$ 351,725	(1,026)	
City Manager	1,056,185	1,235,782	179,597	(j)
City Attorney	495,280	710,280	215,000	(k)
Finance	1,312,023	1,299,804	(12,219)	
Information Systems	824,157	811,048	(13,109)	
Community Development	2,781,059	2,792,219	11,160	
Police	7,275,577	7,218,601	(56,976)	
Fire	3,949,051	3,952,961	3,910	
Public Works	3,886,923	3,849,244	(37,679)	
Library	1,042,499	1,026,476	(16,023)	
Recreation	836,015	792,694	(43,321)	
Museum	282,940	307,770	24,830	
Capital Outlay	125,721	113,053	(12,668)	
Capital Project Transfers	701,173	701,173	-	
Debt Service	2,170,418	2,170,418	-	
Interfund Transfers	322,386	617,386	295,000	(l)
Total	$ 27,414,158	$ 27,950,634	$ 536,476	
Net Difference	$ (173,599)	$ 580,525		
Estimated Ending Fund Balance	$ 9,268,070	$ 10,022,194		
Notes	-	$ -		

(a) Projected increase based on prior year actual base and first disbursement.

(b) Strong performance and inflation. In the February 2022 Core Revenue Report, the TOT to date represented 76% of the budgeted amounts.

(c) Increased performance and inflation. In the February 2022 Core Revenue Report, the six payments received represented 53.8% of the budget

(d) The prior year amounts exceeded the budget. This increase reflects projected amounts from the updated base; and current performance

(e) In the prior year, this revenue source doubled due to increased housing sales and rising prices. This trend is continuing in this fiscal year.

(f) The amounts reflect unexpended grant reimbursement requests to align with current year expenditures

(g) Reductions in recreation fees due to COVID-19 in first part of the year; and decreases in community development fees. Planning fees are still greater than years prior to Fiscal Year 20/21.

(h) Primarily a reduction in code enforcement revenues. Receipts are more alignment with prior year, rather than previous three-year avg.

(i) Includes approximately $82,000 in refunded fire service contract fees; and a change in accounting treatment to receipt $100,000 in water entitlement sales in the General Fund and transfer them to the Local Water Project, rather than receipt them directly in the LWP Fund

(j) Recruitment services for two Community Development Directors; specialized HR services, legal manual assistance, and benefit adjustment

(k) Special legal services. Contracts were approved; however the budget amendment was to take place as part of the mid-year process.

(l) Includes transfers to the internal service funds to assist in maintaining appropriate levels of fund balances; and an accounting adjustment to transfer $100,000 in water entitlement sales to the LWP Fund, rather than book the amounts directly to the fund

OTHER FUNDS - REVENUE ADJUSTMENT SUMMARY

FUND	AMENDED BUDGET	MID-YEAR ESTIMATE	DIFFERENCE	NOTES
04 - Hyperbaric Chamber	9,300	5,055	(4,245)	General budgetary updates
06 - State Franchise PEG	53,500	59,300	5,800	General budgetary updates
07 - Library and Building Equipment	-	134,925	134,925	Library grant revenues of approx. $98,000 and additional donations
10 - Hospitality Improvement District	358,000	492,660	134,660	Projected increased stays within the hospitality industry
11 - Library Book Fund	40,000	43,500	3,500	General budgetary updates
12 - Fire Emergency Equip. Fund	20,000	19,650	(350)	General budgetary updates
17 - Local Streets and Roads	621,015	713,417	92,402	Projected increase in sales tax revenues due to economic performance
18 - Gas Tax Fund	395,282	396,893	1,611	General budgetary updates
21 - Drug Awareness (DARE)	11,200	1,000	(10,200)	Adjusted based on anticipated donations and performance
25 - Recreation Donation Fund	1,250	9,250	8,000	Adjusted based on current and projected donations
26 - Chautauqua Hall Fund	150	315	165	General budgetary updates
27 - Lighthouse Maint. & Improvement	102,500	27,342	(75,158)	Reflects inactivity during the first half of the year due to COVID
34 - CDBG Grant Fund	100,000	233,362	133,362	Based on estimated loan repayments
36 - CalHome Reuse Account	51,000	900	(50,100)	Based on current loan repayment activity
40 - Poetry Promotion Fund	33,620	34,020	400	General budgetary updates
41 - Yount Income Fund	8,450	10,460	2,010	General budgetary updates
42 - Public Safety Augmentation Fund	285,000	302,000	17,000	Reflects increased revenue performance
43 - SLESF Fund	157,500	272,500	115,000	Adjusted to include reimbursement for the School Resource Officer
46 - Strong Disbursement Fund	362,775	202,775	(160,000)	Adjusted for grant carry-forward revenues
47 - RMRA Fund	311,928	323,289	11,361	Reflects projected increase in revenues
51 - 2017 CDBG Grant	500,000	-	(500,000)	These funds will not be received until other CDBG funds are used
63 - Capital Improvement Project Fund	2,587,423	3,315,857	728,434	Reduced to reflect the anticipated reimbursable costs in this fiscal year
70 - Employee Benefit Fund	345,340	356,070	10,730	Primarily reflects a transfer-in to assist in retaining a minor fund balance
71 - Workers Comp. Fund	589,600	703,519	113,919	Primarily reflects a transfer-in to assist with unplanned costs
72 - Liability Insurance Fund	525,000	605,000	80,000	Primarily reflects a transfer-in to replenish funds set aside for litigation
74 - Local Water Project	725,800	741,000	15,200	Projected increase in recycled water sales
75 - Cemetery Fund	485,500	620,500	135,000	Reflects increased sales
78 - Sewer Lateral Loans	-	800	800	General budgetary updates
79 - ASBS Grant	523,818	455,547	(68,271)	Adjusted grant reimbursement revenues to cover final expenses
84 - American Rescue Plan - ARPA	-	1,846,159	1,846,159	Administrative adjustment for accounting treatment
85 - Library Trust Fund	12,000	12,400	400	General budgetary updates
86 - Cemetery Endowment Fund	60,000	62,000	2,000	General budgetary updates
92 - McIndoo Donation	28,090	19,976	(8,114)	Projected reduction in grant revenue to align with related expenditures
Grand Total	9,305,041	12,021,441	2,716,400	

OTHER FUNDS - EXPENDITURE ADJUSTMENT SUMMARY

FUND	AMENDED BUDGET	MID-YEAR ESTIMATE	DIFFERENCE	NOTES
04 - Hyberbaric Chamber	13,600	10,535	(3,065)	General budgetary updates
06 - State Franchise PEG	60,000	48,000	(12,000)	General budgetary updates
07 - Library Bldg. & Improvement	36,500	171,300	134,800	Primarily related to grant-funded electric bookmobile and use of donations
10 - Hospitality Improvement Fund	358,000	492,660	134,660	Increased pass-through revenues related to greater than projected lodging stays
14 - Civic Center Fund	18,496	17,285	(1,211)	General budgetary updates
15 - Housing Fund	186,529	185,546	(983)	General budgetary updates
17 - Local Streets and Roads	898,774	1,021,227	122,453	Increase of approx. $54,757 for FY 21/22 Crack and Slurry Seal Project, and the net difference of approx. $67,696 for the realignment of expenditures between the Sewer and Local Streets Fund for the FY 20/21 Street Rehab. Project; and the projected savings from the FY 21/22 Street Rehab Project
18 - Gas Tax Fund	379,132	383,152	4,020	General budgetary updates
21 - Drug Awareness (DARE) Fund	292	1,000	708	General budgetary updates
25 - Recreation Donation Fund	12,000	6,035	(5,965)	Youth Center Heater Project was completed and under budget
27 - Lighthouse Maint. & Improvement	89,822	49,489	(40,333)	Lighthouse operations were not active in the first part of the year due to COVID
36 - CalHome Reuse Account	200,290	199,090	(1,200)	General budgetary updates
40 - Poetry Promotion Fund	4,700	15,500	10,800	Increased poetry promotion activities
41 - Yount Income Fund	67,437	67,685	248	General budgetary updates
43 - SLESF Fund	359,797	476,279	116,482	Carry-forward costs associated with the Police Records Management System and data migration costs; and new e-citation system
46 - Strong Disbursement Fund	417,275	249,280	(167,995)	Primarily related to a carry-forward adjustment for electric vehicle charging station project; and minor project savings
51 - 2017 CDBG Grant	500,000	-	(500,000)	Amounts need to be expended in other CDBG fund prior to using this grant
63 - Capital Improvement Project Fund	2,698,091	3,350,189	652,098	Primarily reimbursable costs related to the Public Works Fire Project
70 - Employee Benefit Fund	309,384	327,265	17,881	Increased unemployment costs due to COVID and dental contributions
71 - Workers Comp. Fund	693,536	777,388	83,852	Two non-typical older claim payments, retroactive insurance premium PARSAC
72 - Liability Insurance Fund	537,250	602,347	65,097	Projected increases due to litigation costs within the City's self insurance rate
74 - Local Water Project	715,948	752,250	36,302	Prior period utility cost, equipment expenses, and peer review
75 - Cemetery Fund	543,639	515,802	(27,837)	Position vacancies and projected reductions in contract use
76 - Sewer Fund	5,092,178	3,595,002	(1,497,176)	Primarily project carryforwards, estimated $1.3 million attributed to Sewer Main Project
78 - Sewer Lateral Loans	42,000	-	(42,000)	No loans are anticipated in this year.
79 - ASBS Grant	523,818	447,198	(76,620)	Represents the actual costs of the project. This project is complete.
84 - American Rescue Plan Act Fund-ARPA	-	1,846,159	1,846,159	Administrative adjustment for accounting treatment
92 - McIndoo Donation	64,055	29,057	(34,998)	Placed projects on hold: Backstop at Ball Park and the Beach Access Project
93 - Koo Estate Donation	118,870	111,870	(7,000)	Project on-hold, the initial bids significantly exceeded the budgeted amount
GRAND TOTAL	14,941,413	15,748,590	807,177	-

-

ORDINANCE NO. 22-____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AMENDING THE APPROVED BUDGET FOR THE FISCAL YEAR 2021-22

FACTS

1. The City Council approved the Fiscal Year 2021-22 Budget on June 16, 2021.

2. It is customary to amend the budget to adjust revenues and expenditures to reflect updated information since the adoption of the Fiscal Year 2021-22 Budget.

3. The City Manager is recommending amendments to the FY 2021-22 Budget to reflect the City Council's goals for the fiscal year budget.

4. The Council has determined it is appropriate to amend the approved budget for FY 2021-22.

5. Pursuant to Charter Article 15, an amendment of the budget must be approved by ordinance,

6. A summary of the Ordinance, approved by the City Attorney, was published on _____.

7. In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.

8. Enactment of this ordinance action does not constitute a "project" as defined by California Environmental Quality Act (CEQA) Guidelines Section 15378 because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

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

SECTION 1. The foregoing Facts are adopted as findings of the City Council as set forth fully within the body of this ordinance.

SECTION 2. The revenue budget for the following funds is amended, as stated herein, which by this reference are incorporated as set forth in its entirety.

Revenues	
Fund	**Increase/Decrease**
01 - General Fund	$ 1,290,600
04 - Hyperbaric Chamber	(4,245)
06 - State Franchise PEG	5,800
07 - Library and Building Equipment	134,925
10 - Hospitality Improvement District	134,660
11 - Library Book Fund	3,500
12 - Fire Emergency Equip. Fund	(350)
17 - Local Streets and Roads	92,402
18 - Gas Tax Fund	1,611
21 - Drug Awareness (DARE)	(10,200)
25 - Recreation Donation Fund	8,000
26 - Chautauqua Hall Fund	165
27 - Lighthouse Maint. & Improvement	(75,158)
34 - CDBG Grant Fund	133,362
36 - CalHome Reuse Account	(50,100)
40 - Poetry Promotion Fund	400
41 - Yount Income Fund	2,010
42 - Public Safety Augmentation Fund	17,000
43 - SLESF Fund	115,000
46 - Strong Disbursement Fund	(160,000)
47 - RMRA Fund	11,361
51 - 2017 CDBG Grant	(500,000)
63 - Capital Improvement Project Fund	728,434
70 - Employee Benefit Fund	10,730
71 - Workers Comp. Fund	113,919
72 - Liability Insurance Fund	80,000
74 - Local Water Project	15,200
75 - Cemetery Fund	135,000
78 - Sewer Lateral Loans	800
79 - ASBS Grant	(68,271)
84 - American Rescue Plan - ARPA	1,846,159
85 - Library Trust Fund	400
86 - Cemetery Endowment Fund	2,000
92 - McIndoo Donation	(8,114)

SECTION 3. The expenditure budget for the following funds is amended, as stated herein, which by this reference are incorporated as set forth in its entirety.

Expenditures	
Fund	**Increase/Decrease**
01 - General Fund	$ 536,476
04 - Hyberbaric Chamber	(3,065)
06 - State Franchise PEG	(12,000)
07 - Library Bldg. & Improvement	134,800
10 - Hospitality Improvement Fund	134,660
14 - Civic Center Fund	(1,211)
15 - Housing Fund	(983)
17 - Local Streets and Roads	122,453
18 - Gas Tax Fund	4,020
21 - Drug Awareness (DARE) Fund	708
25 - Recreation Donation Fund	(5,965)
27 - Lighthouse Maint. & Improvement	(40,333)
36 - CalHome Reuse Account	(1,200)
40 - Poetry Promotion Fund	10,800
41 - Yount Income Fund	248
43 - SLESF Fund	116,482
46 - Strong Disbursement Fund	(167,995)
51 - 2017 CDBG Grant	(500,000)
63 - Capital Improvement Project Fund	652,098
70 - Employee Benefit Fund	17,881
71 - Workers Comp. Fund	83,852
72 - Liability Insurance Fund	65,097
74 - Local Water Project	36,302
75 - Cemetery Fund	(27,837)
76 - Sewer Fund	(1,497,176)
78 - Sewer Lateral Loans	(42,000)
79 - ASBS Grant	(76,620)
84 - American Rescue Plan Act Fund-ARPA	1,846,159
92 - McIndoo Donation	(34,998)
93 - Koo Estate Donation	(7,000)

SECTION 4. The Fiscal Year 21/22 estimated fund balances based on this adjustment, are referenced herein:

Fiscal Year 21/22 Estimated Ending Fund Balance, After Proposed Budget Amendments

Fund	FY 21/22 Beginning Fund Balance	Revenues	Expenditures	FY 21/22 Est. Ending Fund Balance
01 - General Fund	9,441,669	28,531,159	27,950,634	10,022,194
04 - Hyperbaric Chamber	20,610	5,055	10,535	15,130
06 - State Franchise PEG	67,714	59,300	48,000	79,014
07 - Library Bldg. & Equipment Fund	36,393	134,925	171,300	18
10 - Hospitality Improvement District	179	492,660	492,660	179
11 - Library Book Fund	31,075	43,500	40,000	34,575
12 - Fire Emergency Equipment Fund	160,564	19,650	22,000	158,214
14 - Civic Center Fund	18,878	-	17,285	1,593
15 - Housing Fund	433,552	-	185,546	248,006
17 - Local Streets and Roads	995,737	713,417	1,021,227	687,927
18 - Gas Tax Fund	127,506	396,893	383,152	141,247
21 - Drug Awareness (DARE)	290	1,000	1,000	290
25 - Recreation Donation Fund	24,823	9,250	6,035	28,038
26 - Chautauqua Hall Fund	18,380	315	18,654	41
27 - Lighthouse Maint. & Improvement	197,977	27,342	49,489	175,830
34 - CDBG Grant Fund	233,156	233,362	100,000	366,518
36 - CalHome Reuse Account	198,349	900	199,090	159
40 - Poetry Promotion Fund	74,757	34,020	15,500	93,277
41 - Yount Income Fund	57,225	10,460	67,685	-
42 - Public Safety Augmentation Fund	289,073	302,000	486,000	105,073
43 - SLESF Fund	279,864	272,500	476,279	76,085
46 - Strong Disbursement Fund	107,580	202,775	249,280	61,075
47 - RMRA Fund	169,237	323,289	310,428	182,098
51 - 2017 CDBG Grant	-	-	-	-
63 - Capital Improvement Project Fund	220,023	3,315,857	3,350,189	185,691
70 - Employee Benefit Fund	(3,103)	356,070	327,265	25,702
71 - Workers Comp. Fund	177,540	703,519	777,388	103,671
72 - Liability Insurance Fund	13,489	605,000	602,347	16,142
74 - Local Water Project [(1)]	1,308,197	741,000	752,250	1,296,947
75 - Cemetery Fund	593,413	620,500	515,802	698,111
76 - Sewer Fund	20,937,919	3,599,693	3,595,002	20,942,610
78 - Sewer Lateral Loans	197,066	800	-	197,866
79 - ASBS Grant	(8,349)	455,547	447,198	-
84 - American Rescue Plan Act Fund	-	1,846,159	1,846,159	-
85 - Library Trust Fund	527,408	12,400	-	539,808
86 - Cemetery Endowment Fund	1,820,512	62,000	-	1,882,512
92 - McIndoo Donation	35,966	19,976	29,057	26,885
93 - Koo Estate Donation	116,742	2,128	111,870	7,000

(1) Projected estimated ending "available fund balance" of ($47,937)

SECTION 5. In accord with Article 15 of the City Charter, this ordinance shall become effective upon adoption hereof.

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

AYES:

NOES:

ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
DAVID C. LAREDO, City Attorney

City of Pacific Grove

Fiscal Year 2021-22 Mid-Year Budget Report

First Reading of an Ordinance to Amend The Budget

Tori Hannah, thannah@cityofpacificgrove.org

Tentative Financial Calendar

Month	Topic
This Evening	Mid-Year Budget Presentation
May	Budget Workshop / Long-Term Forecast
May	Local Water Project Business Plan / Includes Finance Section
May	Capital Improvement Plan
May	GANN Appropriation Limit
June	Proposed Budget, First Reading of Ordinance
	Budget Adoption, Second Reading of Ordinance

Key Changes

- General Fund
  - Updates for anticipated revenue performance
  - Additional expenditures
    - Legal costs, specialized HR related items
    - Transfers to internal service funds
    - Addition of 0.25 Information Technology Support Specialist
      - Establishes a 0.75 position
      - Fiscal Year 21/22 impact covered by salary savings from vacant positions
      - Fiscal Year 22/23 estimated impact of $29,000.

General Fund Overview

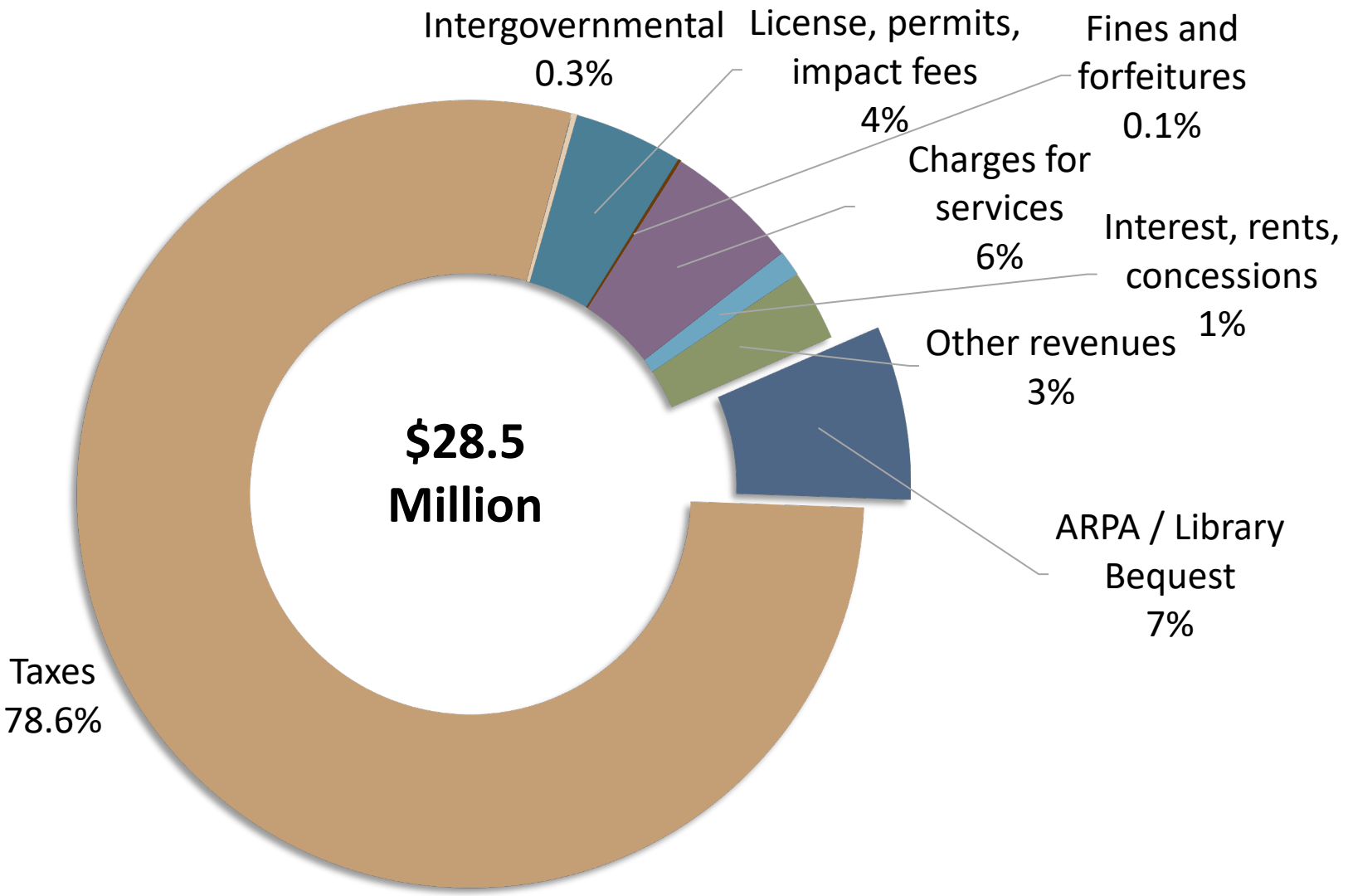
Fiscal Year	Amended (1)	Estimated (1)	Difference
Beginning Fund Bal.	$ 9,441,669	$ 9,441,669	-
Revenues	$ 27,240,559	$ 28,531,159	$ 1,290,600
Expenses			
Operating	$ 24,094,460	$ 24,348,604	$ 254,144
Capital Outlay	125,721	113,053	(12,668)
Debt Service	2,170,418	2,170,418	-
Capital Project Transfers	701,173	701,173	-
Transfers Out	322,386	617,386	295,000
Total Expenses	$ 27,414,158	$ 27,950,634	$ 536,476
Net Difference	(173,599)	580,525	-
Ending Fund Bal.	$ 9,268,070	$ 10,022,194	$ 754,124

(1) The Beginning Fund Balance was updated to reflect the audited financial statements for the General Fund Operating Fund. The sub-funds were excluded. They typically have minimal activity

General Fund Reserve Target

Fiscal Year 21/22	Percent	Amount
Estimated ending general fund operating balance		$10,022,194
Operating Expense		$24,348,604
Debt Service		2,170,418
Subtotal		$26,519,022
Reserve Calculation:		
Cash Flow	20%	$5,303,804
Fiscal Stability	10%	2,651,902
Contingency	5%	1,325,951
Minimum Policy Limits	**35%**	**$9,281,657**
Difference from Target		**$740,537**

General Fund Revenues

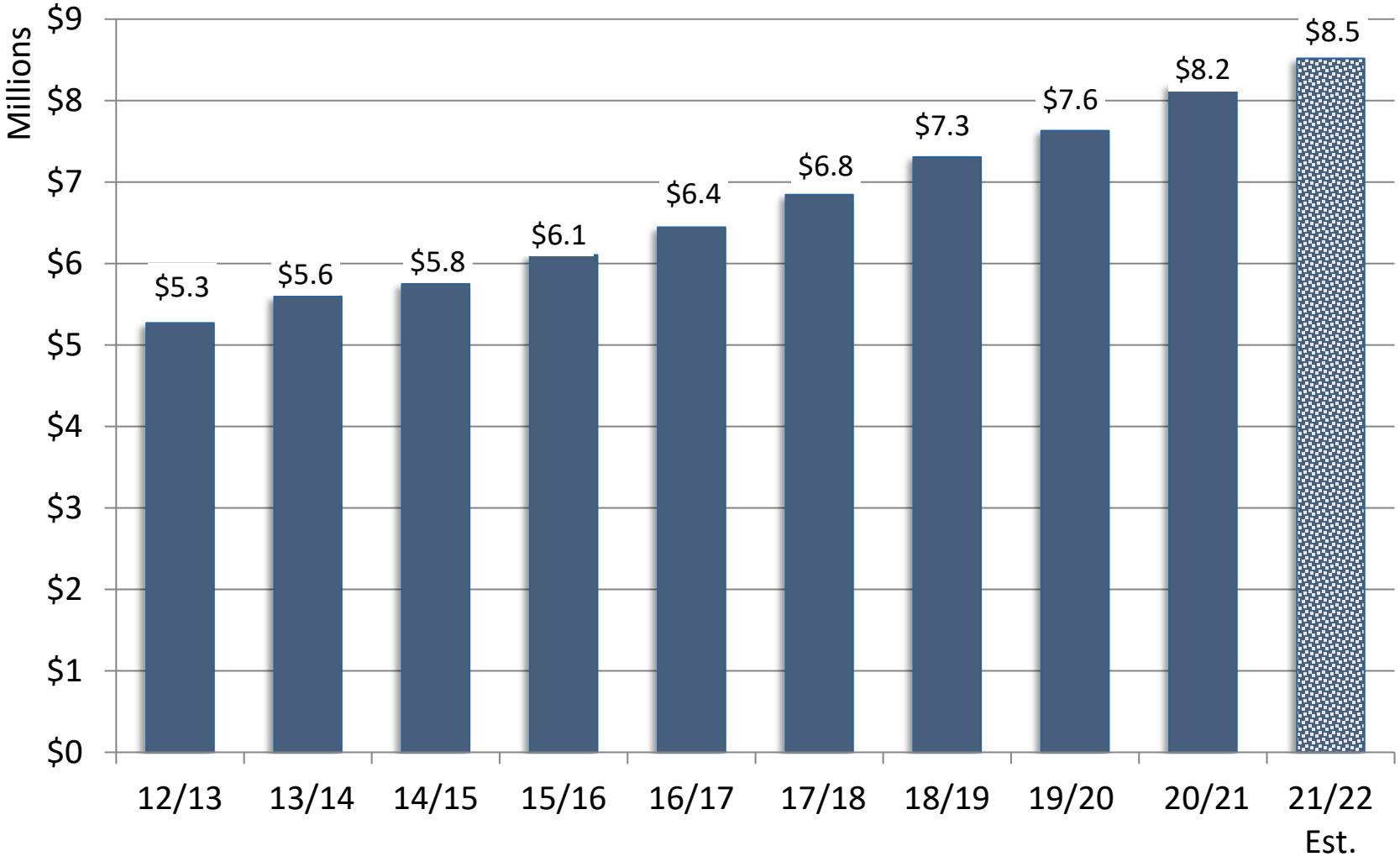


General Fund Revenues

Source	Amended	Estimated	Difference	Prior Year
Property Taxes	$ 8,418,000	$ 8,518,000	$ 100,000	$ 8,191,673
TOT Tax	4,783,000	5,779,000	996,000	3,666,440
Sales & Use Tax	4,109,000	4,309,000	200,000	4,060,855
Franchise, Utility Tax	3,091,000	3,260,000	169,000	3,200,976
Business licenses	359,000	322,000	(37,000)	337,722
Other Taxes	117,000	229,000	112,000	222,242
License, permits, Imp fee	1,304,000	1,276,000	(28,000)	873,728
Intergovernmental	153,000	73,000	(80,000)	116,159
Charges for Services	1,826,000	1,586,000	(240,000)	1,538,539
Fines, Forfeiture	138,000	37,000	(101,000)	37,084
Interest, rents, conc.	304,000	296,000	(8,000)	214,824
Other revenues	614,000	821,600	207,600	713,850
ARPA / Library Bequest	2,024,559	2,024,559	-	-
Other Interfund Transfers	-	-	-	272,119
Total	**27,240,559**	**28,531,159**	**$1,290,600**	**23,446,211**

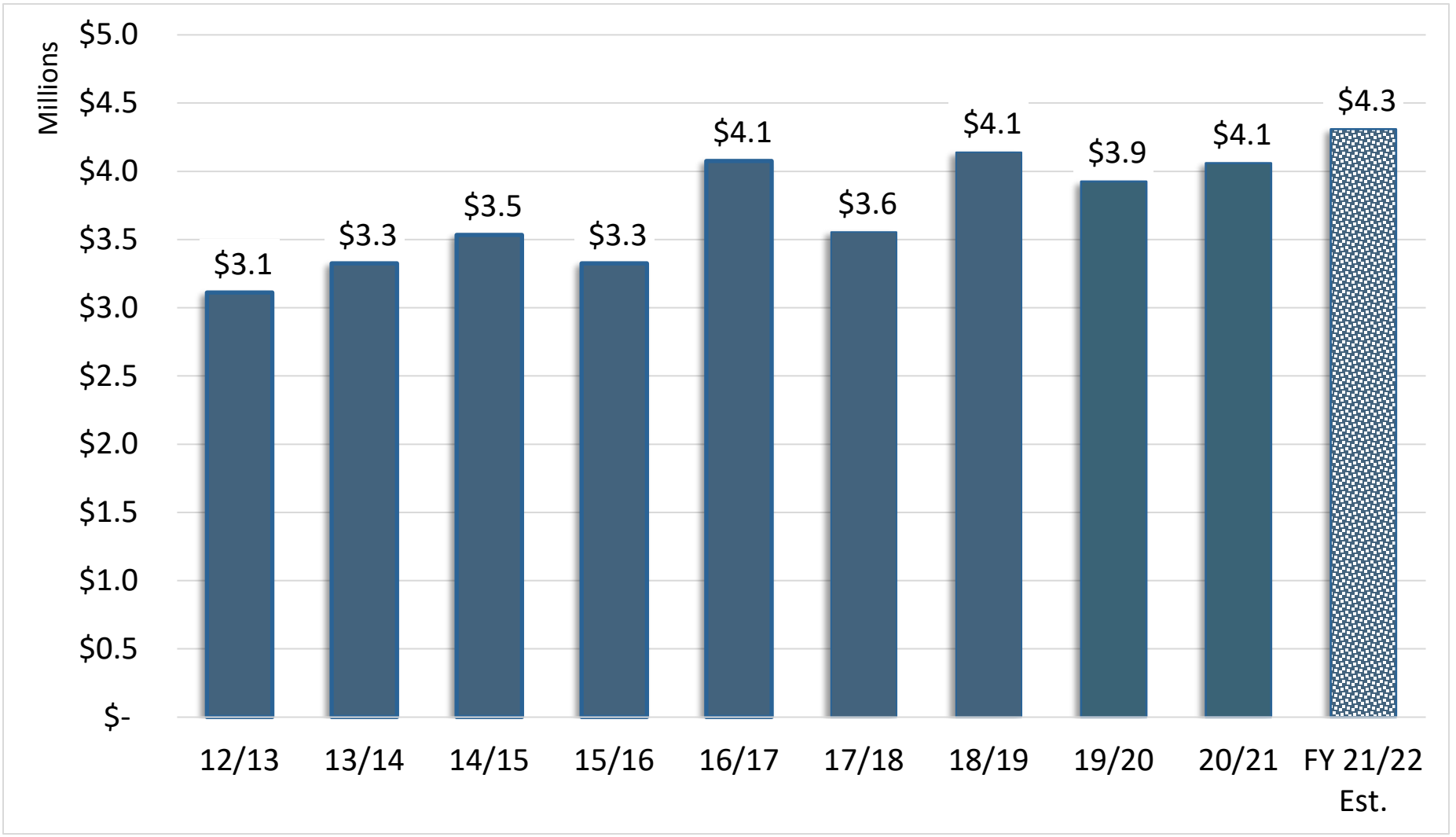
Property Tax Trends

Estimated Fiscal Year 21/22 growth at 4.0%



Sales and Use Tax Trends

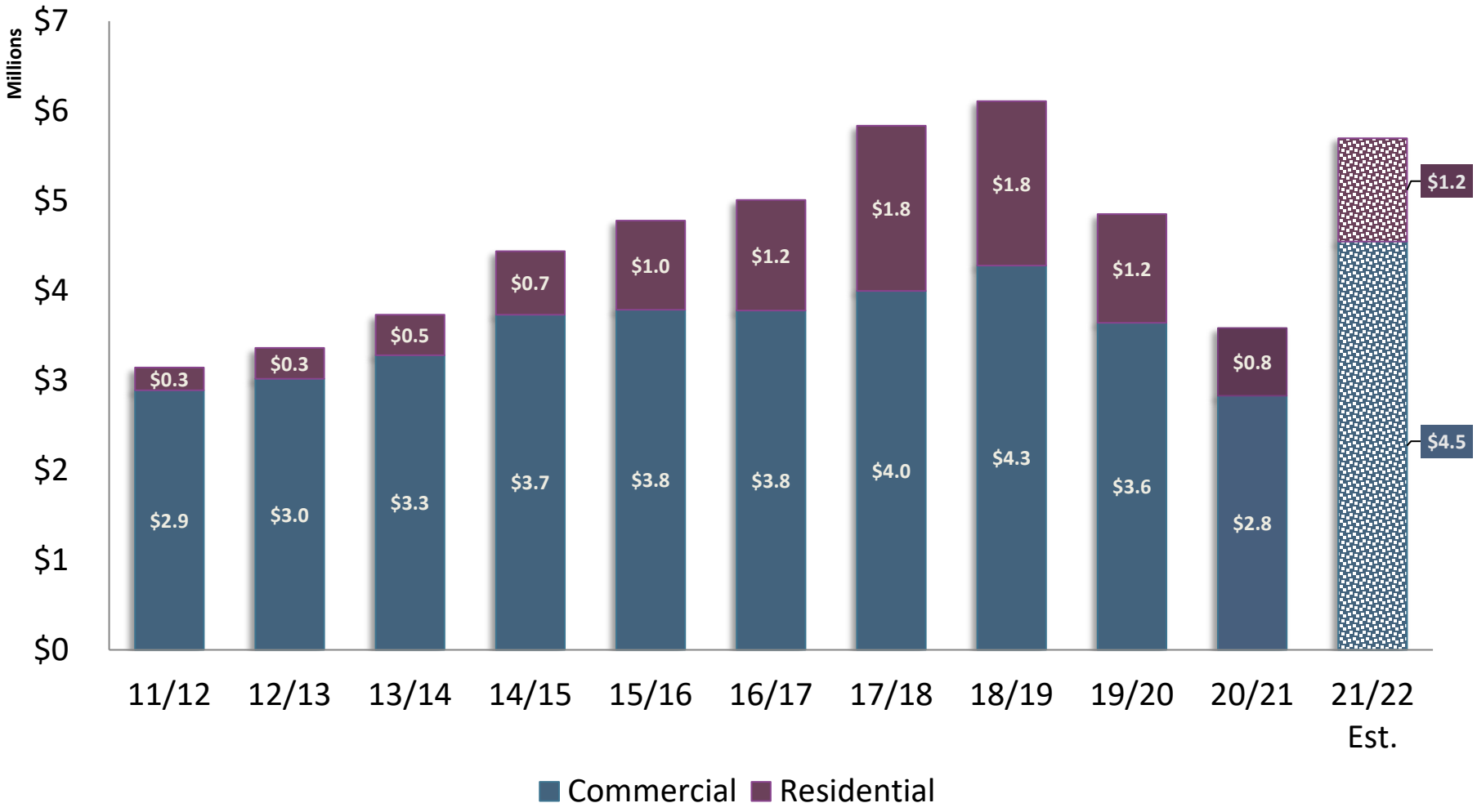
Estimated Increase of 6.1%; however prior year two years reflected COVID-19 impact



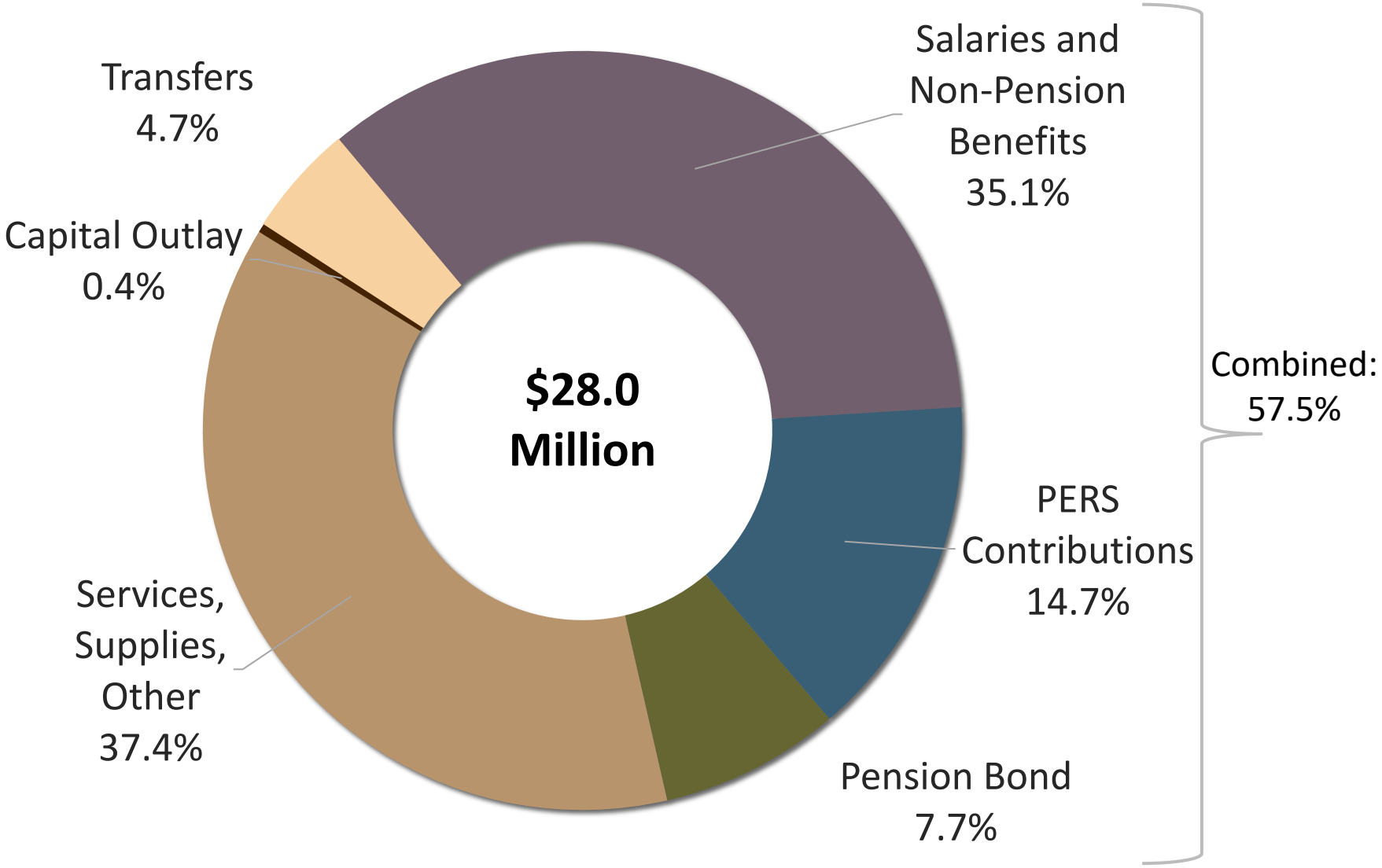
Tori Hannah, thannah@cityofpacificgrove.org

Transient Occupancy Tax Trends

Excludes short-term rental licensing and application fees



General Fund Expenditures



General Fund Expenditures

Departments	Amended	Estimated	Diff.	Prior Year
City Council	352,751	351,725	(1,026)	281,305
City Manager	1,056,185	1,235,782	179,597	900,609
City Attorney	495,280	710,280	215,000	492,797
Finance/IT	2,136,180	2,110,852	(25,328)	1,694,812
CDD	2,781,059	2,792,219	11,160	2,045,678
Police	7,275,577	7,218,601	(56,976)	6,409,746
Fire	3,949,051	3,952,961	3,910	3,800,184
Public Works	3,886,923	3,849,244	(37,679)	3,217,078
Library	1,042,499	1,026,476	(16,023)	726,373
Recreation	836,015	792,694	(43,321)	586,971
Museum	282,940	307,770	24,830	227,875
Capital Outlay/Projects	826,894	814,226	(12,668)	587,203
Debt Service	2,170,418	2,170,418	-	2,100,446
Transfer	322,386	617,386	295,000	210,000
Total	**$27,414,158**	**$27,950,634**	**$536,476**	**$23,281,077**

Other Funds

- Changes in budgetary estimates
  - CDBG Funds
  - Hospitality Improvement District
  - Project carry-forwards/adjustments: Sewer Fund, Local Streets and Roads, Strong Disbursement
  - Supplemental Law Enforcement Services Fund

- Updates to Capital Improvement Funds
  - Public Works Fire Project
  - Net of carry-forwards

- Increases to Library Building and Equipment Fund revenues and expenditures
  - Electric-powered bookmobile

- Provides an administrative adjustment for the accounting treatment of ARPA Funds

Adjustments to Local Water Project pending Business Plan presentation

Questions?

City Council
City of Pacific Grove

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Joseph Sidor, Contract Senior Planner
MEETING DATE:	April 6, 2022
SUBJECT:	Appeal of Architectural Permit, Use Permit and Coastal Development Permit (AP-UP-CDP) 21-0294 for a House Remodel and Additions at 711 Ocean View Boulevard (APN: 006- 073-008)
CEQA:	Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

RECOMMENDATION

Staff recommends the City Council deny the appeal, find the project categorically exempt per CEQA Guidelines Section 15301, and approve Architectural Permit, Use Permit and Coastal Development Permit 21-0294, subject to the required findings and recommended conditions of approval.

DISCUSSION

PROJECT DESCRIPTION

The proposed project involves a comprehensive exterior and interior remodel/renovation of and addition to an existing 796 square foot one-story single-family residence, including construction of a 456 square foot addition on the main level and a new 868 square foot second-story addition with front and rear roof decks, resulting in a total gross floor area of 2,126 square feet.

BACKGROUND

An Initial Historic Screening was completed and reviewed by the Historic Resources Committee at the November 18, 2020, hearing, and it was determined that the existing residence, constructed in 1946, is not eligible for the City's Historic Resources Inventory and is not historically significant.

The Architectural Review Board (ARB) considered the project at an ARB hearing on October 12, 2021, and voted 4 - 0 - 1 (4 yes, 0 noes, and 1 absent) to recommend approval of the item to the Planning Commission.

The Planning Commission (PC) considered the project at the November 4, 2021, hearing, and voted 6 - 0 - 1 (6 yes, 0 noes, and 1 recused) to approve the project (PC Permit attached; see also the full PC Agenda Report at the attached link).

On November 15, 2021, the appellant submitted a timely appeal (attached) of the Planning Commission’s decision to approve the Coastal Development Permit (CDP). The appellant contended that the approval failed to comply with Pacific Grove Municipal Code (PGMC) Sections 23.90.130 and 23.90.140, and specifically that the applicant needed to submit a Coastal Hazards Report demonstrating

conformance of the project with applicable Land Use Plan (LUP) policies and Implementation Plan (IP) regulations.

Subsequent to the appeal, the applicant submitted a Coastal Hazards Assessment (Report) to the City which concluded that the proposed development would not be vulnerable to existing coastal and tsunami hazards over the project life expectancy of at least 75 years, with respect to escalating coastal hazards caused by sea level rise. The report also concluded that, based on the analysis, the project would not require alternative adaptation (i.e., design changes to the project).

On March 3, 2022, staff forwarded the Coastal Hazards Assessment to the appellant and asked if he would withdraw the appeal based on the report conclusion of no impact. On March 5, 2022, the appellant informed staff that he decided to not withdraw the appeal of CDP No. 21-0294.

PROJECT ANALYSIS

Local Coastal Program (LCP) & Pacific Grove Municipal Code (PGMC)

Title 23 of the PGMC implements the general guiding policies and principles of the General Plan of which the LCP's Land Use Plan is an element. The subject property is zoned Multiple Family Residential (R-3-PGB) with a minimum building site area for each building of 2,500 square feet. The 2,310 square foot lot at 711 Ocean View Blvd is nonconforming. The Council has purview to permit projects that do not meet the minimum building site requirements of the R-3-PGB zoning district, subject to the conditions of an approved Use Permit.

The proposed development meets the site coverage, building height, and setback requirements of the R-3-PGB zoning district and the development regulations of the Community Design chapter of the LCP's IP. The proposal does not meet the building coverage and parking requirements of the R-3-PGB zoning district. The overall building coverage proposed is 54.5%. The maximum allowable building coverage in the R-3-PGB zoning district is 50%. Multiple properties in the vicinity 711 Ocean View Blvd have significant overages in building coverage as previously permitted. See the Use Permit discussion below for more information.

The property does not currently meet the parking requirements of the zoning ordinance (PGMC § 23.64.190) and the proposed development would remain out of compliance with parking requirements. However, the Council has purview to require fewer parking spaces for non-conforming structures, subject to the conditions of an approved Use Permit (PGMC § 23.68.050[d]). The ARB and PC did not recommend that the bulk and massing of the proposed project be reduced to meet the 50% building coverage.

Coastal Development Permit (CDP)

The proposed project includes new construction. An application, including concurrent permit materials, was filed with the Community Development Department (CDD) on June 25, 2021. The application submittal is consistent with PGMC § 23.90.060. Findings and related conditions of approval are included in the draft resolution. Due to the size of the proposed alterations, the project is not eligible for the standard residential CDP exemption per Section 23.90.040.A.

Architectural Permit (AP)

The architectural permit review by the ARB and PC occurs concurrently with the CDP and is subject to the review criteria in PGMC § 23.70.060(e). Findings and related conditions of approval are included in the draft resolution.

Use Permit (UP)

The use permit review by the Council occurs concurrently with the CDP and AP, and is subject to the review criteria in PGMC § 23.70.080(a)(4). Findings and related conditions of approval are included in the draft resolution.

The maximum allowable building coverage in the R-3-PGB zone is 50%, and the proposed project building coverage would be 54.46%. However, there are multiple properties in the vicinity that have been recently approved by the Planning Commission to exceed the allowed maximum building coverage (i.e., these properties are not existing non-conforming). Examples of other building coverages in the vicinity that exceed 50% include the following: 701 OVB, 73.1%; 707 OVB (adjacent property), 53.8%; 717/719 OVB, 59%; and 829 OVB, 58.8%. The Council may determine that the proposed building coverage on the project site is appropriate based on the circumstances of the application and the surrounding development.

Architectural Review Guidelines

As proposed, the project adheres to the following Architectural Review Guidelines:

Guideline #24: A new structure should appear similar in scale to those seen as traditional in the neighborhood.

The newly remodeled structure will be of a similar scale to the majority of those within the neighborhood. The neighborhood is characterized by one- and two-story residential structures, including duplexes, on small lots generally under 4,000 square feet.

Guideline #29: Design new roofs to appear similar in scale to those seen traditionally in the neighborhood.

The new roof design incorporates low pitch similar to many residences within the neighborhood. Rooflines are set back from the street, softening the visual impact of the proposed two-story structure.

Guideline 36: Design a facade to provide visual interest to the street.

The facade will provide visual interest to the street by having a stepped-back second story with second-story decks and strong use of window and door trim with a material change of the chimney (stone) contrasted by the cedar shingle siding.

Archeological and Tribal Cultural Resources

The subject site is located in the City's Archeologically Sensitive Area as mapped in LUP Fig. 7. Given the known sensitivity of the general area and the requirements of LUP policy CRS-3, a Preliminary Cultural Resources Reconnaissance and Phase II Report was prepared by registered professional archeologist Susan Morley, M.A., in July 2021. The report, which included 3 auger test borings, concluded that soils in the vicinity of the project site were previously disturbed and that the project should not be delayed out of concern for cultural resources. However, to ensure potentially significant resources are not disturbed, the project must incorporate the report's recommendations: Ensure a qualified archeological monitor and Native American monitor are present to observe the excavations of footings and excavate footings manually.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project is found to be categorically exempt under CEQA Guidelines Section 15301, Class 1, Existing Facilities. The Class 1 exemption consists of the minor alteration of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed project is consistent with the General Plan and the neighborhood within which the project is located is not environmentally sensitive. The exceptions to exemptions in Section 15300.2 of the CEQA Guidelines pertaining to location, cumulative impacts, significant effects, scenic highways, hazardous waste sites, and historical resources do not apply.

OPTIONS

1. Approve the appeal of the Planning Commission's decision and deny the proposed project.
2. Direct the applicant to revise the proposed project subject to Council direction.

FINANCIAL IMPACT:
The proposed project would have no impact on the City's fiscal operations.

GOAL ALIGNMENT: Not Applicable.

Attachments

Draft Resolution
Appeal Form & Letter
Coastal Hazards Assessment
Application
Project Data Sheet
CEQA Exemption Form
Plan Set dated August 7, 2021
PC Permit dated November 4, 2021
Link to the Planning Commission Agenda Report for the subject project on November 4, 2021
PPT

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE APPROVING FILE NUMBER AP/UP/CDP 21-0294 FOR THE DEVELOPMENT OF A COMPREHENSIVE EXTERIOR AND INTERIOR REMODEL, THE ADDITION OF FIRST FLOOR LIVING SPACE AND A SINGLE CAR GARAGE, AND THE ADDITION OF SECOND FLOOR LIVING SPACE AND ROOF DECKS AT 711 OCEAN VIEW BOULEVARD

FACTS

1. The applicant proposes a comprehensive exterior and interior remodel, the addition of first floor living space and a single-car garage, and the addition of second floor living space and roof decks. The site's gross floor area would increase from 956 square feet to 2,126 square feet.
2. The subject site is located at 711 Ocean View Boulevard, Pacific Grove, 93950; APN 006-073-008.
3. The approximately 2,310 square foot project site has an existing 796 square foot one-story single-family residence.
4. The subject site has a designation of Medium High Density Residential (10-20 du/ac) in the adopted City of Pacific Grove Coastal Land Use Plan (LUP).
5. The project site is located in the R-3-PGB zoning district.
6. The property is located in an archaeologically sensitive area and the City's Area of Special Biological Significance.
7. As required by PGMC § 23.90.200, the application includes an archaeological report prepared by a qualified archaeologist, Susan Morley, M.A. The project is conditioned to require onsite tribal and archaeological monitoring for all ground disturbing activities.
8. An Initial Historic Screening was completed and reviewed by the Historic Resources Committee at the November 18, 2020 hearing and it was determined that the structure is not eligible for the City's Historic Resources Inventory and is not historically significant.
9. As required by PGMC § 23.90.140, the application includes a coastal hazards assessment prepared by a qualified coastal geomorphologist, David Revel, Integral Consulting, Inc. The assessment concluded that the proposed development would not be vulnerable to existing coastal and tsunami hazards over the project life expectancy of at least 75 years, with respect to escalating coastal hazards caused by sea level rise. The report also concluded that, based on the analysis, the project would not require alternative adaptation.
10. The City's Architectural Review Board (ARB) reviewed the proposed project at a noticed public hearing on October 12, 2021. The ARB unanimously recommended conditional approval of AP-UP-CDP 21-0294 to the Planning Commission which is the final review authority for Use Permits and Coastal Development Permits.

11. At its November 4, 2021 noticed public hearing, the Planning Commission unanimously approved the application for AP-UP-CDP 21-0294.

12. On November 15, 2021, the appellant submitted a timely appeal of the Planning Commission's decision.

13. The project has been determined to be Categorically Exempt per CEQA Guidelines Section 15301, Class 1, Existing Facilities, and the exceptions to the exemptions in Section 15300.2 of the CEQA Guidelines do not apply.

FINDINGS

Architectural Permit Findings per PGMC Section 23.70.060(f)

1. The architecture and general appearance of the completed project are compatible with the neighborhood. The proposed project includes the renovation of and addition to an existing 796 square foot one-story single-family residence. The proposed project consists of a 456 square foot addition on the main level, and a new 868 square foot second-story addition with front and rear roof decks. This proposal is compatible with the neighborhood, which has many second-story additions, including some with second-story decks to optimize views.

2. The completed project will neither be detrimental to the orderly and harmonious development of the City nor impair the desirability of investment or occupation in the neighborhood. The renovation, which includes façade improvements, and the development of a second story with front and rear roof decks, will contribute to the desirability of investment in the Beach Tract/Fairway Homes neighborhood.

3. The Council has been guided by and has referenced applicable provisions of the Architectural Review Guidelines in making its determinations on the structure. The architectural style and materials and site design are in substantial conformance with the City's Residential Design Guidelines, specifically Nos. 24, 29, and 36 relating to scale, roof design and pitch, and visually interesting façades.

Use Permit Findings per PGMC Section 23.70.080(a)(4)

1. The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of these regulations. The proposed use is a continuation of an existing use (single-family residence) permitted in the R-3-PGB zoning district. The project meets setbacks, building height, and site coverage requirements but does not comply with building coverage and parking regulations. The Council has purview to permit projects that do not meet the regulations of this zoning district, subject to the conditions of an approved use permit.

2. The proposed use is consistent with the general plan, the local coastal program, and any applicable specific plan. The proposed use is consistent with the general plan and local coastal program. No specific plans apply to the subject property.

3. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. The proposed use will not

be detrimental to health, safety, or general welfare because it is a continuation of an existing use (single-family residence) permitted in the R-3-PGB zoning district.

4. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood because the renovation, which includes façade improvements and the development of a second story addition, will improve the desirability of the property.

5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity. The proposed project is compatible with other land uses in the vicinity, which consists primarily of one- or two-story single-family residences and duplexes on small lots.

Coastal Development Permit Findings per PGMC Section 23.90.080

1. LCP Consistency. The project is consistent with the LCP (Local Coastal Program).

   The project meets the requirements of the LCP including, but not limited to, the applicable Coastal Resource Protection Standards (PGMC § 23.90.130) of the Implementation Plan (IP) and the Biological, Cultural, Scenic, and Community Design policies of the Land Use Plan (LUP). These standards and policies are addressed further in the following findings. Additionally, pursuant to PGMC § 23.90.140, the applicant submitted a Coastal Hazards Assessment (Report) to the City which concluded that the proposed development would not be vulnerable to existing coastal and tsunami hazards over the project life expectancy of at least 75 years, with respect to escalating coastal hazards caused by sea level rise. The report also concluded that, based on the analysis, the project would not require alternative adaptation (i.e., design changes to the project).

2. Public Views. The project protects or enhances public views.

   The project site is located within a Scenic View Area as delineated on Figure 4 of the LUP. Policy SCE-5 of the LUP requires development on all parcels that abut Ocean View Boulevard to be sited and designed to avoid blocking or having a significant adverse impact on significant public views. The project is designed to protect public views and is consistent with the height and massing of buildings in the immediate vicinity of the project area.

3. Habitat Protection. The project protects vegetation, natural habitats, and natural resources consistent with the LCP.

   The project site is already developed with an existing residence and landscaping; therefore, the City did not require submittal of an initial site assessment for biological resources. As designed and conditioned, the project will not impact natural habitats or resources and is consistent with the LCP, including PGMC § 23.90.170 regarding biological resources and/or environmentally sensitive habitat areas.

4. Design Consistency. The design, location, size, and operating characteristics of the proposed development is consistent with applicable LCP design requirements, including design plans and area plans incorporated into the LCP.

   The project conforms to all applicable LUP polices and IP community design standards.

5. Coastal Access. The project protects or enhances public access to and along the coast.

   As designed, the project will have no effect on coastal access to or along the coast.

6. Visitor Serving. The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitors and recreational facilities.

   The project consists of the development of a single-family residence and will have no visitor-serving features, yet may qualify for a Short-Term Rental (STR) license given its location within the coastal zone. As of this date, there is no indication that the applicant intends to pursue an STR license.

7. Appropriate Use. The project is consistent with the allowed LCP uses associated with the property.

   The project is located in the R-3-PGB zoning district, where single-family dwellings and multiple-family dwellings are permitted uses. The project will result in the expansion of a 796 square foot one-story single-family residence to a 2,126 square foot two-story single-family residence. Therefore, the existing and proposed uses are consistent.

8. Coastal Resources. The proposed development protects or enhances coastal resources, where applicable.

   The 2,310 square foot project site is developed with existing structures and landscaping. As proposed and designed, the project will not impact coastal resources. Also, per PGMC § 23.90.150, the City did not require a water quality assessment because the proposed development is under 2,500 square feet of coverage, and will fall within the City's Municipal Permit.

In approving the permit, the following conditions of approval are imposed and deemed reasonable and necessary to ensure that the approval will be in compliance with the findings cited above.

CONDITIONS OF APPROVAL

1. **Permit Expiration.** This permit shall expire and be null and void if a building permit has not been applied for within two (2) years from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.

2. **Conformance to Plans.** Development and uses of the site shall conform to the approved plans for the Davidson Residence Project dated August 7, 2021, on file with the Community Development Department and to the Building Code, with the exception of any subsequently approved changes.

3. **Construction Compliance.** All construction shall occur in general compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff, and may require subsequent Architectural Review Board, Planning Commission, and/or City Council approval.

4. **Terms and Conditions.** These terms and conditions shall run with the land and bind to all future owners and possessors of the subject property, unless amended. Amendments

to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.

5. **Public Works, Fire and Building.** Review and approval by the Public Works and Fire Department, and Building Division, are required prior to issuance of a building permit. Any work taking place in the public right-of-way shall require an encroachment permit prior to issuance of the building permit.

6. **Building Plans.** All conditions of approval for the Planning permit(s) shall be printed on a full-size plan sheet and included with the construction plan set submitted to the Building Division.

7. **Glare Reduction.** Westerly facing windows and glass doors shall be coated with non-reflective material to reduce afternoon and evening glare.

8. **Exterior Lighting.** All exterior lighting must conform to Architectural Review Guidelines Nos. 10 – 12.

9. **Construction Noise Reduction.** Prior to the issuance of building permits, the City shall ensure that the project applicant includes the following on all construction plans and contracts for the proposed project:

   Construction Hours. All noise-generating construction activities, as well as delivery and removal of materials and equipment associated with those construction activities, are limited to the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday, and 10:00 a.m. to 5:00 p.m. on Sunday.

   Construction Equipment. Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The developer shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.

   Vehicle and Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five (5) minutes when not in use.

   Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.

10. **Stormwater Treatment Measure:** The storm water treatment measures shall be maintained by the property owner in perpetuity and City staff shall be allowed access to inspect all storm water treatment measures on an annual basis.

11. **Archaeologist and Tribal Monitoring.** A qualified archaeological monitor and Native American monitor shall be present to observe the excavations of the footings and to investigate and report on any unexpected findings. See also Condition Nos. 12 and 13 below.

12. **Archeology and Inadvertent Discovery.** When human remains or other cultural artifacts are exposed, the Health and Safety Code § 7050.5 requires that no further excavation or disturbance occurs in the area and that the county coroner is called so that the coroner can

verify that the remains are not subject to medical jurisprudence. Within 24 hours of notification, the coroner calls the Native American Heritage Commission if the remains are known or thought to be Native American. The Native American Heritage Commission selects the Most Likely Descendant (MLD) from a rotating list of MLDs. The MLD has 24 hours to respond. All work will halt with a 50-yard radius until an osteologist can examine the remains, and a treatment plan for any said remains has been provided according to the MLD.

13. **Cultural and/or Archaeological Artifacts.** If such artifacts are unexpectedly discovered during ground disturbing activities, work shall be halted until the item(s) can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate disposition actions will be formulated, with the approval of the lead agency, and implemented prior to recommencement of work.

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

1. The Council determines that each of the Facts and Findings set forth above is true and correct, and by this reference incorporates those Facts and Findings as an integral part of this Resolution.
2. The Council denies the appeal, and upholds the decision of the Planning Commission to approve AP-UP-CDP 21-0294.
3. The Council finds the project categorically exempt per CEQA Guidelines Section 15301, Class 1, Existing Facilities, and finds that the exceptions to the exemptions in Section 15300.2 of the CEQA Guidelines do not apply.
4. The Council APPROVES this permit (Application No. 21-0294) to allow a comprehensive exterior and interior remodel, the addition of first floor living space and a single-car garage, and the addition of second floor living space and roof decks.
5. The required Findings and Conditions of Approval are hereby approved and incorporated herein by reference.
6. This Resolution shall become effective immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 6TH day of April, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

_____

BILL PEAKE, Mayor

ATTEST:

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
DAVID C. LAREDO, City Attorney

RECEIVED
NOV. 15 2021
CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

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

Appeal Form

Appeal #: _____
Date: _____
Received By: _____
Total Fee: _____

Project Information

Project Address: 711 Ocean View Blvd — APN: APN 006-073-008.
☐ On HRI / ■ Not on HRI
Application & No.: CDP 21-0294
Applicant Name: Jeanne C. Byrne, FAIA Architects — Phone #: 831-372-6585
Mailing Address: 591 Lighthouse Ave, #5, Pacific Grove, CA 93950
Email Address: jcbarchfaia@att.net
Owner Name: Davidson Survivors Trust: Rep: Jennifer Elmenhusrt — Phone #: 408-358-5815
Mailing Address: 15425 Los Gatos Blvd Ste 150, Los Gatos, CA 95032
Email Address: jennifer@enterprise-trust.com

Action[1]

☐ 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: 11/4/2021
Action Taken: Approval of CDP

Appeal Information

Appellant Name: Anthony A Ciani — Phone #: 858-454-7141
Mailing Address: 220 Walnut St, Pacific Grove, CA 93950
Email Address: aciani@cianiarchitecture.com
Appeal Deadline: 5:00 p.m. on 11 /15 /2021
Grounds for Appeal: Failure to comply with PGMC 23.90.130 and 23.90.140 (See email to CDD Director dated 11/15/2021.)

If necessary, use additional pages.

Fees

Discretionary Fees[2]	$ N/A
Appeal Fee = 25% of discretionary fees	$ N/A
Cost of publication of legal notice[3]	$ N/A
Photocopies _____ copies @ 10¢ each	$ N/A
Postage[4] _____ stamps @ 45¢ each	$ N/A
Other	$ N/A
Total Appeal Fee	

Appellant Signature

11/15/2021
Date

[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.

Anthony A. Ciani 220 Walnut Street Pacific Grove, California 93950
ARCHITECTURE - PLANNING - HISTORIC PRESERVATION - COASTAL CONSULTANT

November 18, 2021

Joe Sidor, Planner
City of Pacific Grove
300 Forest Avenue
Pacific Grove CA 93950

RE: SUPPLEMENT TO APPEAL OF CDP NO. 21-0294 – 711 OCEAN VIEW BOULEVARD, PACIFIC GROVE, CA 93950

Dear Joe,

This letter outlines reasons supporting my appeal of the above referenced Coastal Development Permit (CDP) as follows:

1) The proposed project is located in the Coastal Zone in an area known to be subject to past severe weather events including wave runup, overtopping and splash on the nearby blufftop and seawall during the 1983/4, 1998, 2001, and 2017 winter storms. Also,

   (a) As depicted in the illustration of the 2001 Monterey Herald Newspaper contributed by Professor Gary Griggs, PhD. (11/11/15) on page 30 of the Pacific Grove certified Local Coastal Program (LCP) Land Use Plan (LUP, storm waves impact the adjacent shoreline that could result in potential damaging dynamic forces to structures and/or occupants.

   (b) The Vulnerability Assessment in the Pacific Grove Shoreline Management Plan (2020) indicates that the subject site is located at a shoreline bluff formation and seawall that could focus wave runup energy in combination with a “King Tide” high water level during an extreme storm event including high winds, that could result in hazardous conditions for the proposed structure and its occupants within a 75-year lifetime for the building.

2) PGMC 23.90.130 Coastal Resource Protection Standards and 23.90.140 Coastal Hazards provide:

   “(a) In order to protect life, property, and coastal resources from coastal hazards, and to maintain consistency with the LCP’s land use plan (LUP), development shall conform to all applicable land use plan coastal hazards policies and the following requirements:

"(b) Applications for All Development Potentially Subject to Coastal Hazards.

"(1) Initial Coastal Hazards Assessment. The applicant shall submit an initial site assessment screening to determine whether the site may be subject to coastal hazards over its lifetime (generally over at least the next 75 years). *The screening shall include a review of CDPs issued or applied for at the subject site and immediate vicinity, technical reports, resource maps, aerial photographs, site inspection, and the LCP's coastal hazard map in LUP Figure 3. Maps can be used as a resource for identification of coastal hazard areas; however, absence of mapping cannot alone be considered absence of hazard, and local site conditions must be examined at the time of coastal permit application using the best available science."*

"(2) Coastal Hazards Report. Where the initial site assessment reveals that the proposed development is located on or seaward of Ocean View Boulevard or Sunset Drive, mapped within LUP Figure 3**, and/or otherwise may be subject to coastal hazards over the next 75 years, a site-specific coastal hazards report (report) shall be prepared.** (Emphasis added)

3) Pacific Grove's LCP LUP Policies apply including:

HAZ-8. Development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development shall also assure stability and structural integrity, shall not create nor contribute significantly to erosion, geologic instability, or destruction of the site, and shall not substantially alter natural landforms. Public infrastructure, public recreational access facilities, and coastal-dependent development shall be developed in a manner consistent with Policy and may qualify for shoreline protective devices only if in imminent danger from erosion consistent with HAZ-15 and HAZ-16. **All other development shall be developed in a manner consistent with Policy HAZ-9.** (Emphasis added)

HAZ-9. Development shall be sited and designed to avoid impacts from coastal hazards, including but not limited to, erosion, episodic and long-term shoreline retreat, flooding, inundation, storm waves, high seas, tidal scour, and tsunamis, including in relation to sea level rise, over the life of the development. As a condition of approval for all coastal development

> **that at some point during its lifetime may be subject to coastal hazards, the Applicant shall record a deed restriction against the properties involved in the application acknowledging that the development site may be subject to coastal hazards.** (Emphasis added)

In conclusion, this issue was raised but not adequately addressed during the Planning Commission's hearing of the matter on November 4, 2021, therefore, the Commission's findings - - that the project complies with the policies and sections outlined above and (said findings cannot be made), complies with PGMC Section 23.90.080 Required Findings for CDP Approval - - cannot be made.

> *"To approve a CDP, the review authority must find that the development, as proposed and conditioned, is consistent with all applicable LCP policies and standards, including making all of the following findings that themselves shall be based on upon substantial evidence:*
>
> *"(a) LCP Consistency. The project is consistent with the LCP".*

Sincerely,

Tony Ciani

Cc: Planning Commission
Coastal Commission

E M C

Planning for Success.

March 2, 2022

Jennifer R. Elmenhurst
CFA
Enterprise Trust & Investment Company, Trustee of the Davidson Survivors Trust
15425 Los Gatos Blvd. Suite 150
Los Gatos, CA 95032

Re: 711 Ocean View Blvd, Pacific Grove, CA - Coastal Hazards Evaluation

Dear Ms. Elmenhurst,

Thank you for contacting EMC Planning Group, Inc. to assist you with the coastal hazards assessment and reporting for the above referenced property in Pacific Grove, California. As you are aware, this assessment and reporting is required to meet the City's Local Coastal Program (LCP) requirements (Municipal Code 23.90.140) for evaluating coastal hazards and possible sea level rise impacts for development proposed in the City's coastal zone. An additional level of reporting is required for properties, such as yours, that is "located on or seaward of Ocean View Boulevard."

EMC Planning Group, in partnership with Integral Consulting, has completed our evaluation and has not identified any inconsistencies between your proposed project and the City's LCP applicable land use plan (LUP) coastal hazards policies as summarized below. Further, analysis of existing and projected future sea level rise impacts from coastal hazards on the proposed project does not identify any future risk with up to seven (7) feet of sea level rise (consistent with the latest California State Sea Level Rise guidance using a proposed project timeline of 75 years). A final report has been prepared which addresses each requirement per Municipal Code 23.90.140(b)(2), see attached.

Policy Consistency Evaluation

EMC Planning Group has evaluated all coastal hazard policies contained in the City's LCP LUP. Several of the LUP policies are directed towards City actions and not individual developers and are, therefore, not applicable to your project. Several others pertain to shoreline protective devices. Although there is a seawall fronting the property that was constructed prior to Coastal Act implementation, the structure is owned by the City of Pacific Grove, you have no authority for the seawall. Therefore, the shoreline protective device policies are also not applicable to your project. The three LUP policies listed below are applicable to your proposed project. A consistency determination follows each identified policy.

Policy

> **HAZ-8.** Development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development shall also assure stability and structural integrity, shall not create nor contribute significantly to erosion, geologic instability, or destruction of the site, and shall not substantially alter natural landforms. Public infrastructure, public recreational access facilities, and coastal-dependent development shall be developed in a manner consistent with Policy HAZ-10, and may qualify for shoreline protective devices only if in imminent danger from erosion consistent with HAZ-15 and HAZ-16. All other development shall be developed in a manner consistent with Policy HAZ-9.

Consistency Determination

Consistent. This proposed project consists of a complete remodel of the existing residence and the expansion of the first floor. This project also involves the construction of a new garage, which will be located in the rear of the property, fronting Mermaid Avenue.

At its closest point, the property is set back from the granite cliff edge approximately 80 feet. The proposed project will not result in coastal hazard risk exposure (*Coastal Hazards Assessment for 711 Ocean View Boulevard, Pacific Grove, CA*, Section 3). Wave run up and tidal impacts, including with up to seven feet of sea level rise, are expected to remain isolated to the beach below the project site and not expected to affect the 711 property

(Section 6). The proposed site is outside the tsunami hazard zone (Section 6). The site is erosion resistant granite overlain by shallow marine terrace deposits; long-term erosion rates in front of the site are indiscernible and insignificant in terms of vulnerability to the property (Sections 4 and 6).

The proposed project is a private development and does not involve public infrastructure, public recreational access facilities, or coastal-dependent development.

Policy

> **HAZ-9.** Development shall be sited and designed to avoid impacts from coastal hazards, including but not limited to, erosion, episodic and long-term shoreline retreat, flooding, inundation, storm waves, high seas, tidal scour, and tsunamis, including in relation to sea level rise, over the life of the development. As a condition of approval for all coastal development that at some point during its lifetime may be subject to coastal hazards, the Applicant shall record a deed restriction against the properties involved in the application acknowledging that the development site may be subject to coastal hazards.

Consistent. Analysis of the geology, waves trends, erosion, and other coastal hazards does not identify risk over the life of the project (with up to seven feet of sea level rise using a proposed project timeline of 75 years) (*Coastal Hazards Assessment for 711 Ocean View Boulevard, Pacific Grove, CA*, Sections 4,5.2, 5.3, 5.4, and 6).

Existing and projected future sea level rise impacts from coastal hazards on the proposed project does not identify any future risk over the life of the development (Section 3).

Policy

> **HAZ-12**. Development proposed in potential hazard areas, including but not limited to those that are mapped as hazardous in Figure 3, shall be evaluated for potential coastal hazards at the site, based on all readily available information and the best available science. If the initial evaluation determines that the proposed development may be subject to coastal hazards over its lifetime, a site specific hazards report prepared by a qualified geologist/engineer is required, the purpose of which is to ensure that such development can be built in a manner consistent with applicable LCP coastal hazards policies.

Consistent. A site- specific hazards report, *Coastal Hazards Assessment for711 Ocean View Boulevard, Pacific Grove, CA*, has been prepared by a qualified geologist/engineer with Integral Consulting which ensures that the proposed development can be built in a manner consistent with applicable LCP coastal hazards policies.

Again, we appreciate being able to assist with your project needs. Please let me know if you have any questions.

Sincerely,

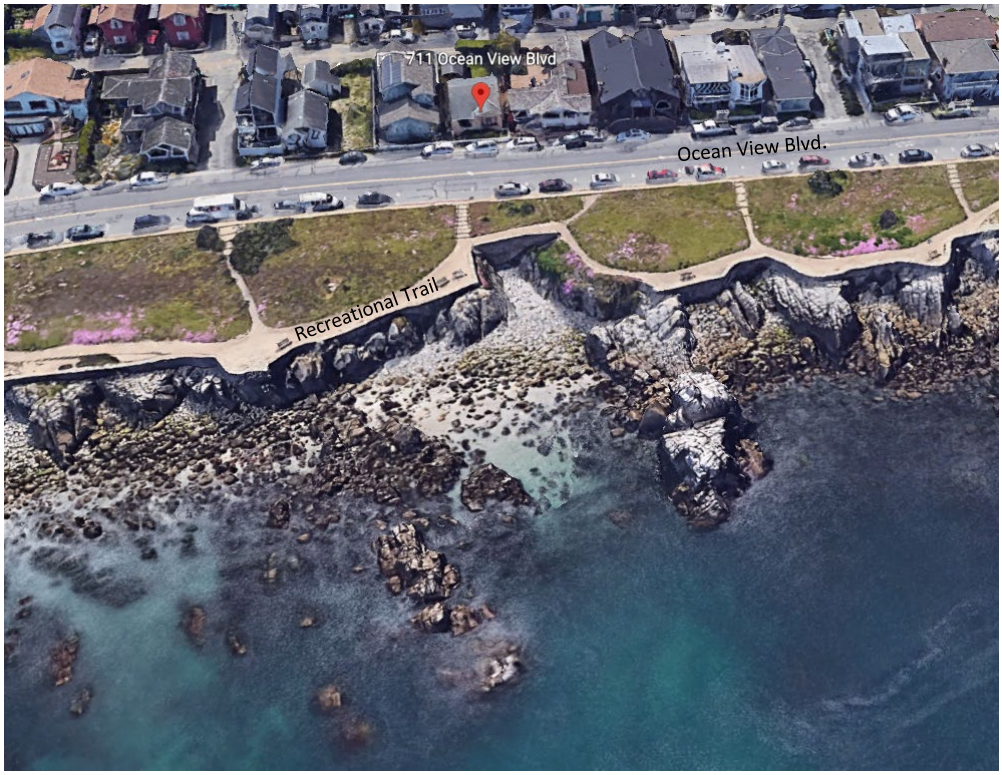
Polaris Kinison Brown
Principal Planner

Cc: Jeanne C. Byrne, FAIA

Attachment: *Coastal Hazards Assessment for 711 Ocean View Boulevard, Pacific Grove, CA*

Coastal Hazards Assessment for

711 Ocean View Boulevard, Pacific Grove, CA.



Screenshot of the site setting from Google Earth

Prepared for

JEANNE C. BYRNE, FAIA
ARCHITECTS

591 LIGHTHOUSE AVE., SUITE #5, PACIFIC GROVE, CALIFORNIA 93950

Prepared by

integral consulting inc.

200 Washington Street

Suite 201

Santa Cruz, CA 95060

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1. Report Purpose

As sea level rises, existing episodic hazards of coastal erosion and storm wave flooding will increase the risk of damages to developments along the coast. On March 11, 2020, the California Coastal Commission certified Pacific Grove's adopted Local Coastal Program (LCP). The Pacific Grove LCP includes policies and implementation measures (in the form of Municipal Code regulations) to help ensure that new development and redevelopment sited in potentially hazardous areas along the coast consider future sea level rise and coastal hazards.

The purpose of this report is to meet the City's Local Coastal Program requirements (Municipal Code 23.90.140) for evaluating coastal hazards and possible sea level rise impacts over the seventy-five-year life of the proposed development at 711 Ocean View Boulevard in Pacific Grove, California. This site-level analysis identifies any potential long-term exposure and risk from the effects of sea level rise and coastal hazards and thus informs the coastal develop permitting decision, and identifies potential project modifications or mitigation measures to minimize any projected hazard impacts.

2. Proposed Project

The property in question is located at 711 Ocean View Boulevard in Pacific Grove, California on the landward side of Ocean View Boulevard. Based on LIDAR data, the property is built at or near grade with an approximate ground elevation of 35 feet[1]. The first floor elevation on the ocean facing south side is 1'8" above grade.

This proposed project involves a complete remodel of the existing residence and the expansion of the first floor. This project also involves the construction of a new garage, which will be located in the rear of the property, fronting Mermaid Avenue. This project is situated on a 2,310 square foot lot and the residence itself will have a footprint of 1,386 square feet, or approximately 60% lot coverage. At its closest point, the proposed structure is set back from the granite cliff edge and existing seawall by approximately 80 feet.

3. Summary

Our analysis of existing and projected future sea level rise impacts from coastal hazards on the proposed project does not identify any future risk with up to seven (7) feet of sea level rise. This elevation is consistent with the latest California State Sea Level Rise guidance[2] using a proposed project timeline of 75 years, or roughly by the year 2100.

The Pacific Grove Municipal Code section 23.90.140 serves to implement the coastal hazard policies of the City's LCP, including by describing application requirements, technical report contents, and required findings. The Applications for All Development Potentially Subject to Coastal Hazards Checklist table below summarizes the requirements for development subject to coastal hazards, a summary of the findings of this study, and the subsequent section of the report that provides results of the analysis and more details.

[1] Estimated from the building plans, all elevations in report are relative to NAVD88

[2] This report uses the latest guidance from both the California Coastal Commission and Ocean Protection Council.

Table 1. Applications for All Development Potentially Subject to Coastal Hazards Checklist		
Requirement	Summary of Findings	Report Section
(i) Summary	No hazard exposure, base elevation of approximately 35 feet	**Section 2 & 3**
(ii) Geology of the project area	Erosion resistant granite overlain by shallow marine terrace deposits	**Section 4**
(iii) Wave, tide, and current trends	FEMA FIRM[3] map is 16 feet. Sea level rise projections upwards of 7 feet by 2100	**Section 5.2**
(iv) Erosion trends and episodes in project area	Very little historical erosion or shoreline change due to granite	**Section 5.3**
(v) Seasonal beach profiles and trends	No change in granite shoreline profiles	**Section 5.4**
(vi) Impacts from coastal hazards on the proposed project	Not applicable	**Section 6**
(vii) Project alternatives to avoid/minimize coastal hazard impacts	Incorporate design techniques to accommodate future hazards beyond 2100	**Section 7**
(viii) Mitigation of coastal hazard impacts	Not applicable	**Section 8**
(ix) Conclusions and recommendations	Possible piles or perimeter foundation, and continued monitoring	**Section 9**

Table 1. Coastal Hazard Assessment summary table.

4. Setting and Geology of the Project Area

The geology of the entire Monterey Peninsula consists of granitic rock of the Salinan Block (granodiorite) that is found on and offshore, with outcroppings offshore known as sea stacks. This material is highly resistant to erosion, which explains why the Monterey Peninsula extends seaward in the Monterey Bay (Griggs 2020). The site where the 711 Ocean View Boulevard project is situated is consistent with this geology, as can be seen in Figure 1 and 2 below, with offshore rock outcrops and reefs that help to dissipate wave energy. Furthermore, there is a seawall fronting the property that was constructed prior to Coastal Act implementation and is owned by the City of Pacific Grove.

[3] FIRM – Flood Insurance Rate Map by #060201

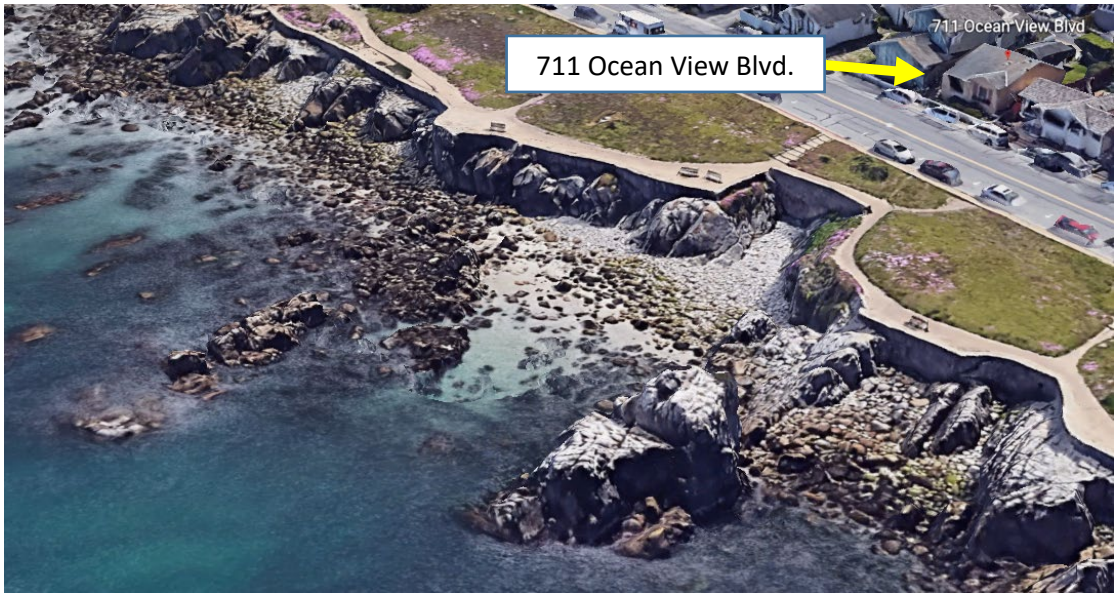


Figure 1. The setting seaward of proposed development at 711 Ocean View Boulevard

This granitic bedrock is overlain by several feet of softer marine terrace deposits. The marine terrace deposits and overlying soils currently stand vertically and consist of gravels, sands, silts, and clays with varying amounts of cohesion and natural cementation. These deposits consist of a surficial layer of loose to compact silty sand approximately 1–4 feet thick, underlain by 2–4 feet of clayey sand, underlain with a 4–6 feet layer of decomposed granite, which lies on bedrock (RHA&A 1997). These terrace materials and soils are subject to erosion from stormwater runoff as well as shallow slumping due to weathering and saturation of the exposed terrace deposits from wave attacks that exceed the granite bedrock elevation.

A storm drain directly fronts the property on Ocean View Boulevard to drain stormwater runoff. This storm drain flows under Ocean View Boulevard and the Recreational Trail on City property, as seen in Figure 2. This property also has a seawall in front of it that appears to have been constructed between a joint in the granite rock outcroppings, which likely experienced erosion prior to the seawall being constructed. This seawall protects the Recreational Trail and Ocean View Boulevard with its buried infrastructure. This seawall is owned and maintained by the City of Pacific

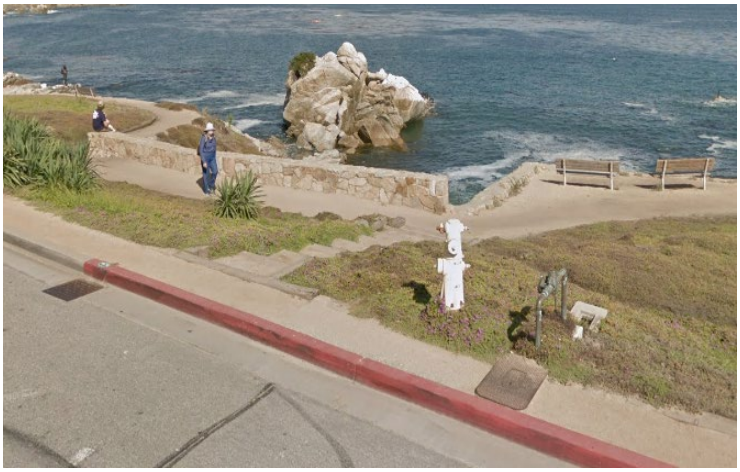


Figure 2. The storm drain beneath the City's recreational trail, with the seawall and rock outcroppings in the background.

Grove who are currently engaged in a Shoreline Master Planning process. Regardless of the outcome, the applicant has no authority for the seawall. Neither the storm drain nor the existing sea wall placement are expected to affect the proposed project.

Based on the setting and geology of the project area, the following sections describes the potential coastal hazards considered and projected sea level rise trends out to 2100.

5. Coastal Hazards Considered

This section describes the coastal processes and associated hazards that will be exacerbated by sea level rise, including rising tides, waves, tsunamis and erosion. The primary factors that determine coastal hazard exposure, and ultimately, an area's vulnerability, include the shoreline profile, orientation, topography, coastal morphology, existing coastal armoring, and bathymetry. These factors affect wave run-up elevations and inland flood extents.

These processes combine to cause coastal hazards when developments and infrastructure built in coastal areas are exposed to these coastal processes, and the most hazardous conditions occur at high tide during large storm and wave events. These hazards are evaluated using the latest sea level rise trends and guidance from the State of California.

5.1. Sea level Rise

Increases in greenhouse gas emissions primarily from the burning of fossil fuels is contributing to an increase in atmospheric and ocean temperatures, causing ocean waters to warm and expand, and continental glaciers and the ice sheets of Greenland and Antarctica to lose ice mass and melt. This is creating a global rate of sea level rise of about 3.7 mm/year between 1993 and 2018 (Nerem et al. 2018). Sea level rise is not the same everywhere around the world however. Because of local differences in tectonic uplift, subsidence caused by oil, gas, and groundwater extraction, saltwater intrusion, and other factors, the land itself is moving vertically in some places and must be considered in relation to sea level.

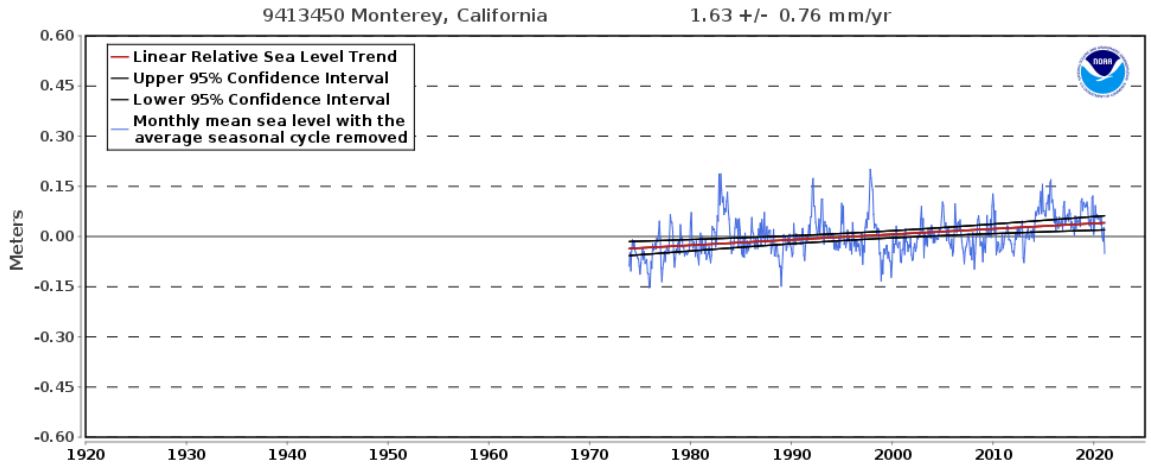


Figure 3. Relative Sea Level Trend at the Monterey Tide Gauge (9413450)

Local or relative sea level rise is more important to this study. The tide gauge at the Monterey Harbor has recorded a sea level rise of 1.63 mm/yr. from 1973 to 2021, which is equivalent to a change of 0.53 ft. in 100 years as seen in Figure 3 above. This is significantly less than the average rate of global sea level rise of 3.7 mm/yr.; however, this trend relative to global sea level rise could change in the future.

The State of California has substantially invested in sea level rise science that assigns probabilities to various sea level rise elevations occurring by a certain time in the future. The Ocean Protection Council (OPC) and California Coastal Commission (CCC) have followed up with policy guidance for which scenarios should be considered for various uses based on various level of risk aversion.

The medium-high risk aversion scenario, consistent with existing policy guidance, was applied to this study. This scenario projects 6.9 feet of sea level rise for the year 2100, which is consistent with this project's seventy-five-year timeline (Table 2, OPC and CCC 2018). The closest and best modeling available for comparison of this scenario is 6.6 feet of sea level rise, which is the model utilized in this report.

Table 2. Future Sea-level Rise Projections[2]

Sea Level Scenarios (in feet)	Projected Years
0	Baseline Year (2000)
0.8	2035 to 2050
1.9	2050 to 2085
3.8	2080 to 2120
6.9	2100 and beyond

Table 2. Future sea-level rise projections at the Monterey tide gauge at different future dates (from OPC Sea-Level Rise Guidance 2018).

Coastal processes in front of the property can create coastal hazards including higher tides, waves, erosion, and other related storm or tsunami conditions that will worsen with rising sea levels. Another important measure of coastal hazards is the total water level (TWL) elevation—a combination of wave run-up height plus the tide elevations. A combination of large waves occurring at high tides during storms or El Niño conditions currently poses the highest risk to the site under existing conditions. As sea levels rise, both the wave run-up dynamics and the tide elevations will change, leading to higher total water levels for longer durations.

Furthermore, in terms of policy setting, this project is set well outside of any hazard zone and above the 27-foot Base Flood Elevation for this area, as delineated by the Federal Emergency Management Agency (FEMA) and seen below in Figure 4. These FEMA Flood Insurance Rate Maps (FIRM) determine flood insurance rates based on the whether or not developments are placed in high flood risk areas.

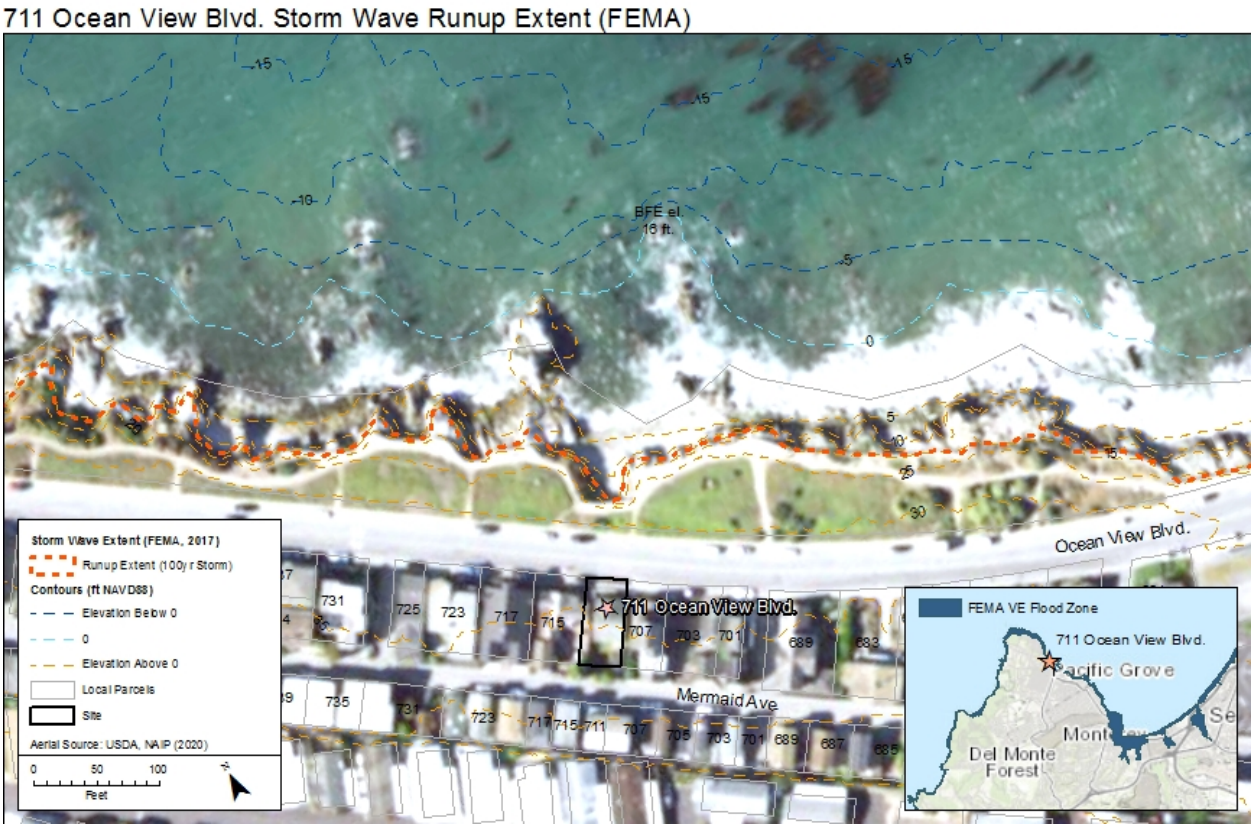


Figure 4. Storm wave runup extent based on Flood Insurance Rate Maps and a base flood elevation of 16 feet (FEMA).

Each coastal process is summarized below, and more detail on how the hazards were evaluated in this study is included in the "Impacts from Coastal Hazards on the Proposed Project" section.

5.2. Wave, Tide, and Current Trends

The closest National Oceanic and Atmospheric Administration (NOAA) tide gauge station is in Monterey Harbor. Tides in the area are a mixed semi-diurnal type, meaning there are two high and two low tides of unequal elevation each day. Tides are driven predominantly by the gravitational pull of the sun and the moon with elevations determined based on a tidal epoch, a 19-year period of which average tidal elevations are statistically analyzed. These tidal elevations are reported in either a tidal datum or a fixed vertical reference datum. Tidal datum elevations are typically relative to mean lower low water (MLLW)—an average of all lower low tides over a 19-year period, a useful measure for navigation purposes, as opposed to a fixed vertical reference system for land-based measurement. For this study, all reported elevations use the North American Vertical Datum of 1988 (NAVD88).

Tide elevations vary monthly and annually based on the moon and solar orbits. During the new and full moon, when the gravitation pull of the sun and moon are aligned, spring tides have a higher tide range. During the winter when the moon is closer to the earth, this spring tide alignment creates a king tide, an extreme high tide that occurs a few times a year in the winter,

with those tide elevations reaching up to ~7.2 ft NAVD88 (NOAA 2021). During certain atmospheric conditions, El Niño cycles, or wind conditions, tide observations can be much higher than predicted tides due to these storm surge components. The still water level (SWL) is the term used to describe the elevation of the tide and the combination of non-wave components. Sea level rise will raise the SWL elevations affecting the height and extent of coastal hazards.

Storm surge (or atmospheric surge) is defined as the portion of the observed instantaneous sea level elevation that exceeds the predicted tide, typically attributable to the effects of low barometric pressure and high winds associated with storms. Storm surge can reach elevations of 1–2 ft in central California. Table 3 shows important tide elevations, including the highest observed tide level that occurred on January 27, 1983 during a large El Nino storm event.

Table 3. Monterey, CA Tide Station #9413450.	
Tidal Datums	**Elevation in Feet (NAVD)**
Mean Higher High Water (MHHW)	5.48
Mean High Water (MHW)	4.78
Mean Sea Level (MSL)	2.97
Mean Lower Low Water (MLLW)	0.14
North American Vertical Datum of 1988 (NAVD88)	0
Highest Observed Tide (01/27/1983)	8.02
Highest Astronomical Tide "King Tide"	7.18

Table 3. Tidal datums (Station 9413450, Epoch: 1983–2001). Tidal heights in feet North American Vertical Datum of 1988 (NAVD88).

5.3. Erosion trends and episodes in project area

Coastal erosion is the actual landward retreat of a coastal cliff or bluff. The process of coastal erosion is distinct from beach erosion because cliff and bluff erosion is irreversible, at least by natural processes within human timescales. Coastlines like that at the project site that consist of hard crystalline rock, such as granite along the Monterey Peninsula, usually erode very slowly. However, softer marine terrace deposits and soil on top of the bedrock erode at higher rates.

Coastal erosion is generally episodic, with small cliff failures taking place during a few strong storm events every 5 or 10 years. Large storm waves occurring at times of high tides and elevated sea levels, which commonly occur during major El Niño events, can produce coastal erosion in areas that were formerly thought to be relatively stable (Russell and Griggs 2012). As sea levels rise, the elevation of wave run-up and the frequency of wave attack are likely to increase the rates of erosion.

5.4. Seasonal beach profiles and trends

In sandy beach environments, seasonal beach profiles can vary widely from season to season and year to year. The small beach directly in front of the 711 Ocean View Boulevard property

consists primarily of granitic rock and decomposed granite overlain by some sand. This beach does not vary nearly as much as a sandy beach environment and does not influence the coastal processes in front of the project site, so those seasonal beach dynamics are irrelevant.

The coast in front of the project site benefits from naturally occurring coastal protection, a granite rock shoreline as well as offshore rock outcroppings that dissipate wave energy. Given the hard rock geology and boulders along the majority of the Pacific Grove shoreline, there are very few seasonal changes in beach profile along this stretch of coast. In addition, the seawall backing the cobble beach limit any major changes.

5.5. Tsunamis

Tsunamis are a series of extremely long period waves (>3 minutes) that can be generated by several types of disturbance events, including subduction zone earthquakes, submarine landslides, or even submarine volcanic eruptions as was seen on January 15, 2022. This most recent event elevated predicted water levels by nearly 3 feet for 20 minutes at a time during the peak, but the property, Ocean View Boulevard, and the recreational trail was not impacted.

Tsunami modeling for the Monterey Bay region has been conducted by two organizations, the State of California in conjunction with the University of Southern California (USC), which is referred to as the CGS model (2009 and updated in 2021), and by USGS, referred to as the SAFRR model (2013). Results of these modeling efforts are shown in Figure 7 in the following section.

6. Impacts from Coastal Hazards on the Proposed Project

The following sections determines that coastal processes and up to 7 feet of sea level rise will not constitute a hazard for the proposed property, and no direct impacts are expected.

6.1. Sea Level Rise, Wave, Tides, and Flooding

The Coastal Storm Modeling System (CoSMoS) developed by the United States Geological Survey makes detailed predictions of storm-induced coastal flooding and cliff erosion, over large geographic scales. CoSMoS was developed for hindcast studies, operational applications and future climate scenarios to provide emergency responders and coastal planners with critical storm-hazards information that can be used to mitigate physical damages, increase public safety, and more effectively manage and allocate resources within complex coastal settings.

As seen below in Figure 5, using the 6.6 feet scenario available in CoSMoS, the 711 Ocean View Boulevard property remains dry and free from inundation. Even under the most extreme 16.4-foot sea level rise and 100-year storm scenario available in CoSMoS (not pictured), the property is not impacted.

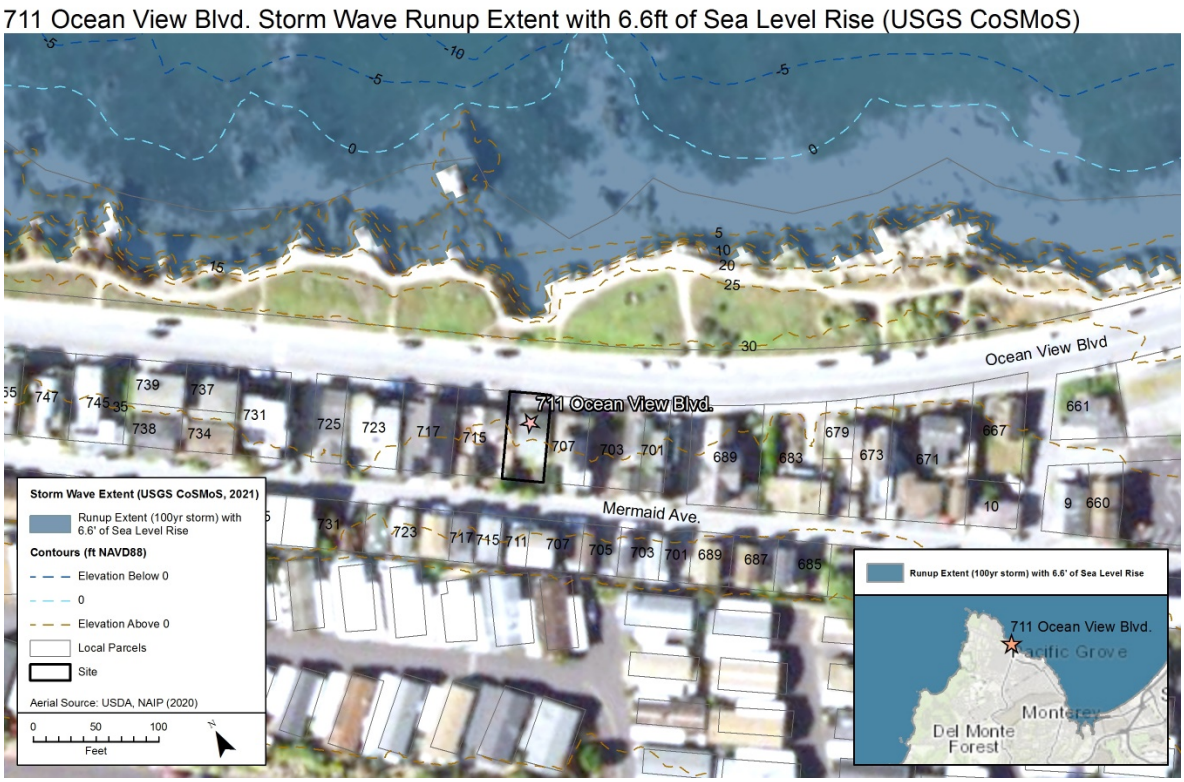


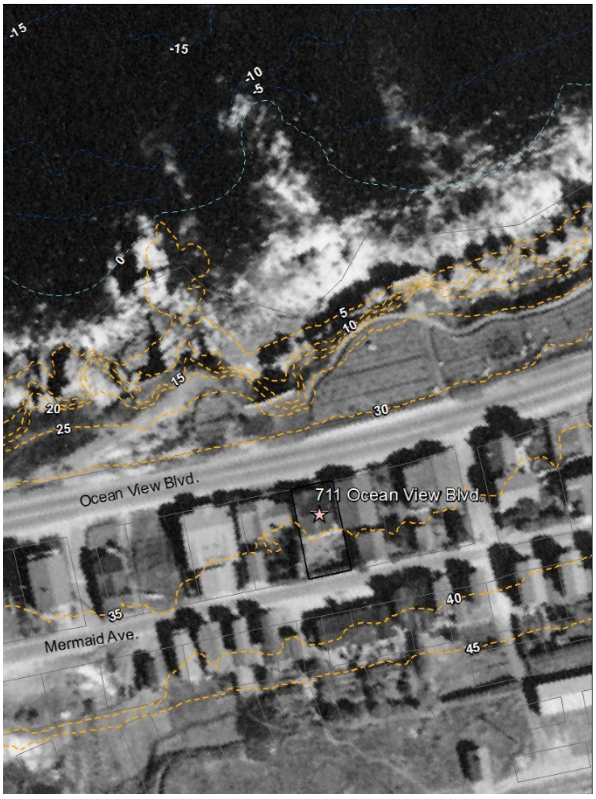
Figure 5. Storm Wave Runup Extent with 6.6ft of Sea Level Rise (USGS CoSMoS Model)

Wave run up and tidal impacts are expected to remain isolated to the beach below the project site and possibly the Recreational Trail, but the evaluated coastal hazards, including with up to 7 feet of sea level rise, are not expected to affect the 711 Ocean View Boulevard property.

6.2. Erosion Episodes, Seasonal Beach Profiles, and Trends

Based on historical aerial imagery seen below in Figure 6, there have been no notable trends or change in the granite shoreline profile in front of the property between the years 1945-2010.

Historical Aerial Photograph (1945)



Modern Aerial Photograph (2001)



Figure 6. Historical aerial imagery showing indiscernible shoreline change between 1945 and 2010. Note that the seawall is visible in the 1945 image.

The highly erosion resistant granite shoreline affords the proposed project natural protection from erosion, and long-term erosion rates in front of the site are indiscernible and insignificant in terms of vulnerability to the property.

6.3. Tsunamis

On January 15, 2022, a tsunami originating in the South Pacific reached the California coast during a six foot high tide and large winter swell. While tsunamis are rare events and due to a lack of known occurrences in the historical record, there are no probabilities assigned to vulnerability from tsunamis, this tsunami was indicative of the low risk posed to the property, as this event did not produce any known coastal hazards in the project area.

Based on the mapped results displayed below in Figure 7, the proposed site is outside the tsunami hazard zone.

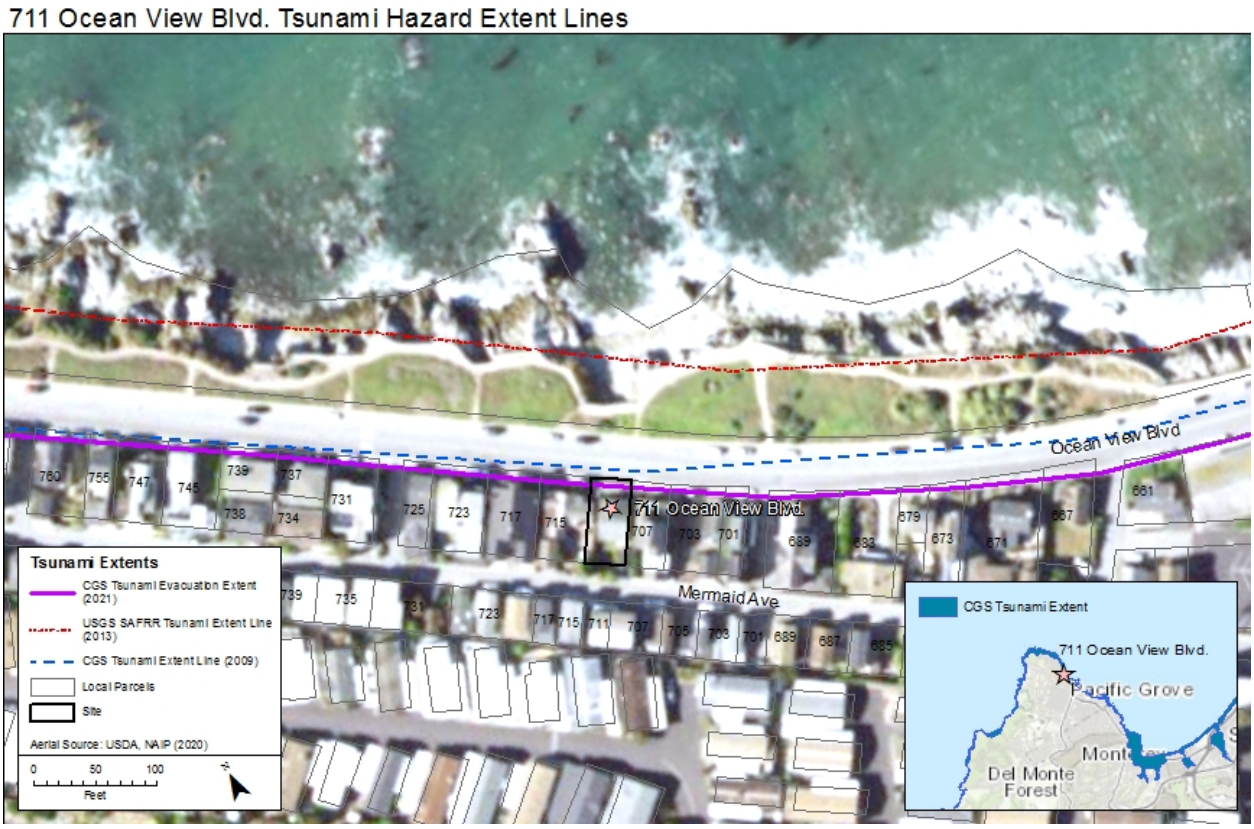


Figure 7. Tsunami hazard extent lines based on preexisting models (CGS and SAFRR model)

While models show there are no direct impacts to the property, the mid-point of Ocean View Boulevard is considered the tsunami extent and evacuation line, and the the property owner should be aware of alternate evacuation routes. The garage fronting Mermaid Avenue provides egress to Sea Palm Avenue or a higher area of Ocean View Boulevard should the need arise to evacuate. This inundation line was recently revised in March 2021 and approximates the equivalent of a one-in-a-thousand-year scenario as a baseline.

7. Project Alternatives to Avoid or Minimize Coastal Hazard Impacts

For the 711 Ocean View Boulevard property, this coastal hazards assessment determined that the property would not likely face risks from coastal hazards until well beyond 7 feet of sea level rise elevation, which coincides with a medium-high risk aversion scenario and the expected 75-year lifespan of the development. While no alternatives to avoid or minimize coastal hazard impacts are necessary for this project, the following sections lay out a few proactive measures the property owner may wish to consider to help ensure that the nature of coastal hazards and uncertainty can be accommodated should the need arise.

8. Mitigation of Coastal Hazard Impacts

Based on the results of this analysis, no adaptation is required. However, one potential proactive strategy for the project to consider would be to elevate the foundation another foot which would put the Ridge level (top of roof) at 25' still within the maximum building height allowance. This would likely require a partial redesign of the foundation as either a perimeter foundation or built on piles. This would involve lifting or redeveloping the structure and raising its base elevation, so that the structure itself is not directly on the ground and water can flow beneath, but may not be appropriate for this project considering that it is not a full redevelopment.

An example of these modifications can be seen in the artistic rendering of the property in Figure 8 below.



Figure 8. Rendering of development showing area for possible piles or perimeter foundation.

The property owner may wish to incorporate these foundation design options to protect against water flow and flood damage, and if ever needed, this design could help facilitate a raising or relocating of the property.

9. Conclusions and Recommendations

The following section identifies the conclusions and general recommendations that the property owner and the City of Pacific Grove should consider.

9.1. Conclusions

The proposed development located at 711 Ocean View Boulevard (project site) is not determined to be vulnerable to existing coastal and tsunami hazards over the project life expectancy of at least 75 years, with respect to escalating coastal hazards caused by sea level rise.

- Historic wave events have not caused substantial damage or inundation at the site, nor has there been discernable coastal erosion of the granite shoreline fronting the property.
- With consideration of sea level rise conditions, the City of Pacific Grove should not expect the site to be impacted on a regular or infrequent basis, even with more than 7 feet of sea level rise and without any additional coastal armoring.
- All of the existing and future coastal hazard modeling, show the site is not susceptible to tsunamis, coastal erosion and coastal flooding under existing conditions and up to 7 feet of sea level rise, despite these hazards increasing substantially with sea level rise.

9.2. Recommendations

Integral Consulting recommends that the owner and the City of Pacific Grove be aware of and consider possible design modifications and elements such as redeveloping on a perimeter foundation or building on piles to accommodate sea level rise, as mentioned above.

While these modifications may not be suitable for this particular project, they could help facilitate raising or relocating of the property if the nature of coastal hazards and uncertainty increases substantially and sea level rise projections go beyond 7 feet by 2100 (or approximately within the 75-year project lifetime).

10. Coordination with Other Agencies, Groups, or Consultants

In order to protect life, property, and coastal resources from coastal hazards, and to maintain consistency with the Pacific Grove LCP and have the most accurate timeline of potential impacts, the owner may wish to periodically review the science and state policy around sea level rise. As necessary, the City may author shoreline management plans or update regional vulnerability assessments by either rerunning these models with different sea level rise scenarios or utilizing new models and techniques as they become available. Additional review and analysis by the owner could be conducted as various adaptation strategies are implemented or new development occurs.

This periodic review and coordination would support ongoing City operations and allow for future transitions to different adaptation strategies before substantial damages are realized. This is consistent with what the City of Pacific Grove's asks for in current plans.

11. Report Preparer's Qualifications

Our team consists of scientists and engineers from Integral Consulting Inc. Collectively this team and brings decades of experience in a combination of climate change vulnerability and adaptation analysis with coastal engineering and coastal planning, all relevant to the Monterey Bay area. This team has worked collectively on the City of Pacific Grove and City of Monterey sea level rise vulnerability and adaptation planning, as well as specific coastal hazard site analysis and planning for the Monterey Bay Aquarium and former American Tin Cannery, which included portions of the Hopkins Marine Lab.

12. References

CGS. 2009. Tsunami Inundation Map for Emergency Planning, Monterey Quadrangle, Monterey County; produced by California Emergency Management Agency, California Geological Survey, and University of Southern California – Tsunami Research Center; dated July 1, 2009, mapped at 1:24,000 scale. California Geological Survey.

FEMA. 2011. Coastal Construction Manual Principles and Practices of Planning, Siting, Designing, Constructing, and Maintaining Residential Buildings in Coastal Areas (Fourth Edition). FEMA P-55 / Volume II / August 2011. Federal Emergency Management Agency.

HKA and Griggs. 2020. American Tin Cannery Hotel Project Coastal Hazard Evaluation. January 15, 2020.

NOAA. 2021. Tides and Currents. Available at: https://tidesandcurrents.noaa.gov. Accessed in January 2021. Monterey, CA. National Oceanic and Atmospheric Administration.

NOAA. 2021. LIDAR Data. Digital Coast: Data Access Viewer. Available at: https://coast.noaa.gov/dataviewer/#/lidar/search/

OPC and CCC. 2018. State of California Sea-Level Rise Guidance 2018 Update. California Ocean Protection Council and California Coastal Commission.

RHA&A. 1997. Stanford University Hopkins Marine Station Site Inventory and Analysis. Royston Hanamoto Alley & Abey. February, 1997.

USGS. 2013. The SAFRR (Science Application for Risk Reduction) Tsunami Scenario. Open-File Report 2013–1170 and CGS Special Report 229. U.S. Geological Survey.

City of Pacific Grove, Local Coastal Program Implementation Plan https://www.codepublishing.com/CA/PacificGrove/html/PacificGrove23/PacificGrove2390.html#23.90.140

$ PAID 7550.76 6/25/21

CITY OF PACIFIC GROVE

Community Development Department – Planning Division
300 Forest Avenue, Pacific Grove, CA 93950
Tel: 831.648.3190 • Fax: 831.648.3184 • www.cityofpacificgrove.org/cedd

Permit Application

Application # 21-0294
Date: 6-25-21
Total Fees: $7,550.76

APPLICANT/OWNER:

Project Address: 711 Ocean View Blvd. **APN:** 006-073-008

Project Description: Remodel existing single family residence. 1st floor addition to include expantion of kitchen and bedroom areas. New single car garage. 2nd floor addition of bedrooms and roof decks. New exterior finishes including doors, windows, roof, siding, and trim.

Will the project create, add, or replace impervious surface? ☑ Yes ☐ No

Will the project impact any tree(s) on site? ☐ Yes ☑ No

Applicant
Name: Jeanne C. Byrne, FAIA Architects
Phone: 831-372-6585
Email: jcbarchfaia@att.net
Mailing Address: 591 Lighthouse Ave. #5
Pacific Grove, CA 93950

Owner
Name: Davidson Survivors Trust: Rep.: Jennifer Elmenhusrt
Phone: 408-358-5815
Email: jennifer@enterprise-trust.com
Mailing Address: 15425 Los Gatos Blvd Ste 150
Los Gatos, CA 95032

PLANNING STAFF USE ONLY:

Permit Request:

☐ CRD: Counter Determination	☐ SP: Sign Permit	☐ IHS: Initial Historic Screening	☐ VAR: Variance
☑ AP: Architectural Permit	☑ UP: Use Permit	☐ HPP: Historic Preservation	☐ MMP: Mitigation Monitoring
☐ AAP: Administrative AP	☐ AUP: Administrative UP	☐ A: Appeal	☐ Water Entitlement
☐ ADC: Arch Design Change	☑ CDP: Coastal Dev. Permit	☐ TPD: Tree Permit W/ Dev't	☐ Other:
☐ ASP: Admin Sign Permit	☐ LLA: Lot Line Adjustment	☐ CDP Waiver/Admin. CDP	☐ Other:

CEQA Determination:
☑ Exempt
☐ Initial Study & Mitigated Negative Declaration
☐ Environmental Impact Report

Review Authority:
☐ Staff ☐ HRC
☐ ZA ☒ PC
☐ SPRC ☐ CC
☒ ARB ☐ _____

Active Permits:
☐ Active Planning Permit
☐ Active Building Permit
☐ Active Code Violation
Permit #: _____

Overlay Zones:
☐ Butterfly Zone
☐ Area of Special Biological Significance (ASBS)
☐ Environmentally Sensitive Habitat Area (ESHA)

Property Information
Lot: 6 & 19 Block: 243 Tract: PG Beach Lots
ZC: R-3-PGB GP: High Dens. 24.8 Du/ac Lot Size: 2,304 SF
☐ Historic Resources Inventory ☒ Archaeologically Sensitive Area ☒ CDP Appeal Jurisdiction

Staff Use Only:
Received by: DG
Assigned to: Laura O'Halloran

RECEIVED
JUN 25 2021
CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

Application # 21-0294

INDEMNIFICATION CONDITION

In consideration for City review and approval of application in this matter, the Owner/Applicant shall indemnify, defend, protect and hold harmless the City, its elected and appointed officials, officers, agents, and employees (collectively "Indemnitees"), using counsel approved in writing by the City, from and against, any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements which may accrue against Indemnitees by reason of the City's processing, approval or denial of the request and application in this matter. Indemnification shall include, but shall not be limited to any action, or proceeding brought to attack, set aside, void, annul, limit, or inhibit the approval of the application referenced above, and shall expressly include causes of action under the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), or the CA Coastal Act.

The obligation to indemnify shall include, but not be limited to, all costs relating to preparing administrative records, investigations, responses to discovery, retention of experts, and other costs, including attorney's fees or obligations related to this matter, including actions brought by the Owner/Applicant and also extend to any expense incurred in establishing the City's right to indemnification. City expenses shall be paid by Owner/Applicant upon City request notwithstanding final disposition of the matter has not yet occurred. If the City is later determined to not be entitled to indemnification, the City shall repay amounts so advanced.

This indemnification condition is the Owner/Applicant's inducement to the City to process and approve the application, which approval would otherwise be withheld by City due to its concern for liability or expense that may result from performance of the City's duties. Should any dispute arise regarding interpretation of this condition, the prevailing party shall recover all reasonable costs incurred, including court costs, attorney fees and related expenses. Recovery of expenses shall be as additional costs awarded to the prevailing party, and shall not require initiation of a separate legal proceeding.

This indemnification condition shall not require the Owner/Applicant to indemnify the City or other Indemnities: (a) to the extent that an obligation is actually paid by an insurer pursuant to an insurance policy; (b) in connection with any remuneration paid to the City, if it shall be finally adjudged that such remuneration was in violation of law; or (c) on account of the City's misconduct if such misconduct shall be finally adjudged to have been knowingly fraudulent, deliberately dishonest or willful.

Any permit or other approval given by the City to the Owner/Applicant Guarantor shall be valid only so long as this indemnification condition is given full force and effect. If this indemnification condition is revoked, the permit or other approval of the City shall then become null and void.

Owner/Applicant represents it (and any subsidiary) is (a) duly formed and organized, (b) validly existing and in good standing under state law, and (c) has all necessary power to execute and deliver this document and perform its obligations. Owner/Applicant also represents it is authorized to enter into this agreement by all requisite partnership, corporate or other action, and its terms are a valid and legally binding obligation. Neither execution nor delivery of this document nor performance of its obligations will violate any law or provision of any agreement, articles of incorporation, by-laws or other organizational or governing documents relating to Owner/Applicant, nor conflict with any court order relating to Owner/Applicant.

Applicant Signature: Jeanine C. Byrne **Date:** 6-23-21

Owner Signature (Required): _____, VP for ETIC, Trustee **Date:** 6/22/21

CITY OF PACIFIC GROVE
COASTAL DEVELOPMENT PERMIT
APPLICATION & SUBMITTAL CHECKLIST

Instructions

Please submit a complete application packet including this form with all of the items checked below. If one or more of the items is not applicable to your project, please mark with "not applicable" or "n/a". All exhibits must be clear, legible, and to scale where appropriate.

Incomplete applications will not be accepted for filing.

Checklist

This checklist is provided for the convenience of applicants in gathering necessary application materials. Additional material may be required prior to issuance of a Coastal Development Permit (CDP). For example, preliminary title reports, land surveys, biological/archaeological/botanical reports, restoration plans, and other reports or plans may be required based on the scope of the project.

- ☐ A completed standard City of Pacific Grove Community Development **Planning Permit Application** including the **Indemnification Form** signed by the applicant and property owner
- ☐ The **Plan Set** shall include: a **Site Plan** meeting the requirements of the **Submittal Checklist Form**; **Architectural Elevations** of all sides of the structure and including accessory buildings; (1) oblique street-view architectural rendering if the site is flat or a minimum of (2) views if the site is located in the Asilomar Dunes Residential Area (ADRA), including at least (1) view from Sunset Dr.; and a completed **Project Data Sheet**. *Note that the installation of story poles and netting will be required during the public notice period.*
- ☐ One (1) full-size (24" x 36") scaled plan set, two (2) 11" x 17" scaled sets, and a digital set of plans (thumb drive, disc, or email). Please include digital versions of ALL of the application materials as part of your **Electronic Submittal**. Include a **Vicinity Map** on the site plan. Additional copies may be needed for hearings.
- ☐ Required **Technical Reports** (biological/archaeological/botanical reports, geotechnical reports, grading plan, etc.)
- ☐ **Filing Fee**
- ☐ **Project Description:** (Describe the project in detail including secondary improvements such as grading, removal or alteration of septic tanks, roads, driveways, tree removal and/or pruning, accessory buildings, fences, etc. Attach additional pages as necessary)

Existing single family residence to remain. Remodel to existing. Addition to rear for added space at kitchen and bedroom areas.

Add single car garage at rear, accessed by ally. 2nd floor addition over existing, including roof decks. New exterior finishes.

☐ **Project Location:** 711 Ocean View Blvd. **Assessor Parcel No:** 006-073-008-000
(street address)

☐ **Present Use** of the property:

Are there existing buildings? ■ Yes ☐ No If yes, please describe: _____
Existing Single Family Residence

☐ Will any existing buildings be **removed** or **demolished**? ☐ Yes ■ No If yes, please describe:

☐ Is the proposed development governed by a **Development Agreement**? ☐ Yes ■ No

☐ Has any application for development on this site been made in the past to the CA Coastal Commission or the CA Coastal Zone Conservation Commission? ☐ Yes ■ No

If yes, please list application #s: _____

☐ **Coastal Access:** Is the proposed development within the first public road and the sea or Monterey Bay? ☐ Yes ■ No If yes, is there currently public access to the shoreline on or near the site? Please describe:

☐ **Waters:** Does the project involve diking, filling, draining, dredging or placing structures in open coastal or Monterey Bay waters, wetlands, or estuaries? ☐ Yes ■ No

If yes, state the amount of fill in cubic yards (cy) _____. What is the location of the fill receiving site? _____

Is an **Army Corps** (USACE) permit required? ☐ Yes ■ No

☐ Will the project effect **Public Access** to and along the shoreline, either directly or indirectly (i.e., removing parking used for access to the beach)? ☐ Yes ■ No

If yes, describe the impact: _____

☐ Please check the following **Utilities** that will need to be extended to the proposed development:

☐ Water ☐ Sewer ☐ Electrical ☐ Natural Gas ☐ Telephone

☐ Is the proposed development in or near the **Asilomar Dunes Residential Area** (ADRA)? ☐ Yes ■ No If yes, additional technical reports will be required.

☐ Is the development within an **Environmentally Sensitive Habitat Area** (ESHA) including areas with state or federally listed **rare, threatened, or endangered species**, or candidate species?

☐ Yes ■ No If yes, additional technical reports will be required.

☐ If the development is proposed to: a) alter a spring or stream in any way; or b) effect an existing well (either onsite or offsite), contact the Planning Department for additional requirements.

☐ Will the proposed development be **visible from Sunset Drive** or other mapped **scenic resource areas**? ☐ Yes ■ No

☐ Include any **Tree Removal** or **Pruning** required (a separate permit may be required). Note the number, size, species of tree (s), and whether heavy equipment will be necessary for tree project (refer to the Tree Permit requirements on City's Public Works website)

☐ Is the development in or near a park or other recreation area? ☐ Yes ■ No

☐ Is this a City **Public Works** project or a project being undertaken by another public agency? ☐ Yes ■ No If yes, please contact the Planning Division for additional requirements relating to grading, dredging, fill, use of heavy equipment, additional non-City permit requirements, etc.

☐ Will the development extend onto or adjoin any beach, tidelands, submerged lands, or public trust lands? ☐ Yes ■ No If yes, please consult with Planning staff for additional requirements.

☐ If the site contains any of the following resources, attach an explanation:
- ☐ Buildings on the City's Historic Resources Inventory (HRI) or more than 50 years old;
- ☐ Archaeological resources; and/or
- ☐ Paleontological resources

☐ Does the project include the development of new **Lodging** or the alteration of existing **Low-Cost Visitor Accommodations and/or Recreation Facilities**? ☐ Yes ■ No If yes, describe how the project complies with the requirements of PGMC Sec. 23.90.220 _____

_____

☐ Will the development provide public or private recreational opportunities?
☐ Yes ■ No

☐ Is any Grading proposed? ☐ Yes ■ No If yes, complete the following table:

a) Amount of cut: ___ cubic yards (cy) b) Amount of fill: ___ cy c) Amount of **import** or **export**: ___ cy (circle which one)	d) Max. height of cut slope: ___ ft. e) Max. Height of fill slope: ___ ft. f) Location of borrow or disposal: ___ ft.

Note: grading, stormwater, and erosion control plans must be attached when applicable

☐ If the project is multi-family residential, indicate:

Number of Units			***Total # of bedrooms per unit (existing and proposed)***	***Type of ownership proposed***
Existing # of Units	Proposed # of Units	Net # of units upon completion		☐ Rental ☐ Condo ☐ Stock Coop ☐ Timeshare ☐ Other

☐ Estimated cost of the proposed development (not including the cost of land) $_____

☐ Parking and Utilities

Number of parking spaces required		
Existing spaces	Proposed new spaces	Net # of spaces on completion of project
1 carport	1 covered	1 covered

☐ Project Height: (Max. height of structure as defined in the IP: *the vertical distance measured between the legally established existing grade and the top-most portion of development above existing grade, unless otherwise specified*)

a. Above existing (natural) grade 24'-0" ft.
b. Above finished grade 24'-0" ft.
c. As measured from centerline of frontage road +/-26'-0" ft.

☐ Total # of floors in structure, including subterranean floors, lofts, and mezzanines 2

☐ Gross Floor Area (GFA) in sq. ft. (includes garages and accessory buildings) 1,911 sq. ft.

☐ Lot Area 2,310 sq. ft.

☐ If the project includes **Subdivision** or a **Lot Line Adjustment**, indicate:

Number of Lots			***Size of lots to be created (indicate gross <u>and</u> net lots size)***	
Existing # of Lots	Proposed # of Lots	Net # of lots upon completion	Existing	Proposed

☐ If the project is a **Lot Line Adjustment** or a request for **Certificates of Subdivision Compliance**, please provide the following:

1. "Creation documents" for all affected properties. These documents would include grant deeds or certain maps recorded prior to the effective date of the Coastal Act (Jan. 1, 1976) that include a legal description describing the property as it exists today;
2. A prelim. title report less than six (6) months old; and
3. Current grant deeds for each affected property.

PROJECT DATA SHEET

Project Address: 711 Ocean View Blvd **Submittal Date:**

Applicant(s): Jeanne C. Byrne, FAIA Architect **Permit Type(s) & No(s):**

	REQUIRED/ Permitted	Existing Condition	Proposed Condition	Notes
Zone District	R-3-PGR			
Building Site Area	2,310			
Density (multi-family projects only)				
Building Coverage	1,155	1,075	1,258	
Site Coverage	1,386	1,141	1,382	
Gross Floor Area	n/a	956	2,126	
Square Footage not counted towards Gross Floor Area			n/a	
Impervious Surface Area Created and/or Replaced			< 9 >	Overall paving surface reduced
Exterior Lateral Wall Length to be demolished in feet & % of total*	_____	_____	48 ft/ 42%	
Exterior Lateral Wall Length to be built	_____	_____	233	
Building Height	25'	14'-8"	24'-0"	
Number of stories	2	1	2	
Front Setback	12'	6'-3"	6'-3"	
East **Side Setback (specify side)**	3'-3"	5'-5"	3'-5"	
West **Side Setback (specify side)**	3'-3"	3'-5"	3'-5"	
Rear Setback	5' / 8'	30'-6"	5'-4"	
Garage Door Setback	20'	n/a	5'-4"	
Covered Parking Spaces		0	1	
Uncovered Parking Spaces		1	0	
Parking Space Size (Interior measurement)	9' x 20'	n/a	9'x20'	
Number of Driveways	1	1	1	
Driveway Width(s)		8'	10'	
Back-up Distance			5'-4"	
Eave Projection (Into Setback)	3' maximum	9"	9"	sim. to (e)
Distances Between Eaves & Property Lines	3' minimum	2'-3"	2'-3"	
Open Porch/Deck Projections			6"	into sideyard setback
Architectural Feature Projections			4"	chimney-beyond face of bldg.
Number & Category of Accessory Buildings		1	0	
Accessory Building Setbacks		R=4'10 S=2'11"	n/a	
Distance between Buildings		7'-9"	n/a	
Accessory Building Heights		9'	n/a	
Fence Heights		6'	6'	

**If project proposes demolition to an HRI structure, also indicate % of proposed demolition of the surface of all exterior walls facing a public street or streets, if applicable.*

[Rev. 01/14/14]

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

Property Address/Location: 711 Ocean View , Pacific Grove, CA 93950

Project Description: AP 210294

Description: A comprehensive exterior and interior remodel, and first floor addition of living space and a single car garage, and second floor addition of living space and roof deck area to an existing single-family residence.

APN: 006073008000

ZC: R-3-PGB

Lot Size: 2,310 square feet

Applicant Name:	Jeanne C. Byrne	Phone #:	831-372-6585
Mailing Address:	591 Lighthouse Ave, #5		
Email Address:	jcbarchfaia@att.net		

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

Exempt Status (Check One):

- ☐ Ministerial (Sec. 21080(b)(1):15268))
- ☐ Declared Emergency (Sec. 21080(b)(3): 15269(a))
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- ☑ Categorical Exemption
  Type and Section Number: Class 1, §15301, Categorical Exemption for Existing Facilities
- ☐ Statutory Exemption
  Type and Section Number:
- ☐ Other:

Exemption Findings:

Existing Facilities: The proposed alterations do not present any unusual circumstances that would result in a potentially significant environmental impact. This Class of exemption is subject to exceptions from the exemption under §15300.2 of the CEQA Guidelines pertaining to location, cumulative impacts, significant effects, scenic highways, hazardous waste sites, and historical resources. Staff determined that none of these exceptions apply and that the proposed project qualifies as a Class 1 categorical exemption.

Contact: Joe Sidor, Planning Department, City of Pacific Grove

Contact Phone: (831) 648-3183

Signature: _____ **Date:** _____



The Davidson Residence

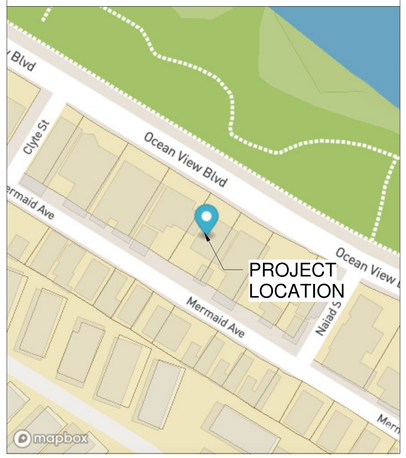
PROJECT DATA

OWNER	ENTERPRISE TRUST AND INVESTMENT CO. TRUSTEE OF THE DAVIDSON SURVIVORS TRUST CREATED 12/07/91 U/T/A DATED 07/16/79 JENNIFER R. ELMENHURST, CFA 408-358-5815
CLIENTS	KIM DAVISON, 916-505-9437 KELLY PERRY, 916-871-8051 JERRY DAVIDSON, 916-996-3000
PROJECT ADDRESS:	711 OCEAN VIEW BLVD, PACIFIC GROVE, CA 93950 MONTEREY COUNTY
A.P.N:	006-073-008-000
MAILING ADDRESS	ENTERPRISE TRUST AND INVESTMENT CO. TRUSTEE OF THE DAVIDSON SURVIVORS TRUST JENNIFER R. ELMENHURST, CFA 15425 LOS GATOS BLVD. LOS GATOS, CA 95032

PROJECT DESCRIPTION

EXISTING SINGLE FAMILY DWELLING TO REMAIN.
REMODEL TO EXISTING RESIDENCE.
1ST FLOOR ADDITION TO INCLUDE EXPANSION TO KITCHEN AREA AND BEDROOM AREA. NEW GARAGE.
2ND FLOOR ADDITION FOR BEDROOMS AND ROOF DECKS.
NEW EXTERIOR FINISHES, INCLUDING DOORS, WINDOWS, ROOF, SIDING AND TRIM.

VICINITY MAP



PROJECT TEAM

ARCHITECT OF RECORD

P.M:
PH.
EMAIL

PROJECT DATA SHEET

Project Address: 711 Ocean View Blvd
Applicant(s): Jeanne C. Byrne, FAIA Architect
Submittal Date:
Permit Type(s) & No(s):

	Required/ Permitted	Existing Condition	Proposed Condition	Notes
Zone District	R-3-PGR			
Building Site Area	2,310			
Density (multi-family projects only)				
Building Coverage	1,155	956	1258	
Site Coverage	1,386	1,141	1,382	
Gross Floor Area	n/a	956	2,126	
Square Footage not counted towards Gross Floor Area			n/a	
Impervious Surface Area Created and/or Replaced				
Exterior Lateral Wall Length to be demolished in feet & % of total*	_____	_____	48 ft/ 42 %	
Exterior Lateral Wall Length to be built	_____	_____	233 ft	
Building Height	25'			
Number of stories	2	1	2	
Front Setback	12'	6'-3"	6'-3"	
East _____ Side Setback (specify side)	3'-3"	5'-5"	3'-5"	
West _____ Side Setback (specify side)	3'-3"	3'-5"	3'-5"	
Rear Setback	5' / 8'	30'-6"	5'-4"	
Garage Door Setback	20'	n/a	5'-4"	
Covered Parking Spaces		0	1	
Uncovered Parking Spaces		1	0	
Parking Space Size (Interior measurement)	9' x 20'	n/a	9'x20'	
Number of Driveways	1	1	1	
Driveway Width(s)		8'	10'	
Back-up Distance			5'-4"	
Eave Projection (Into Setback)	3' maximum	9"	9"	sim. to (e)
Distances Between Eaves & Property Lines	3' minimum	2'-3"	2'-3"	
Open Porch/Deck Projections			6"	into sideyard setback
Architectural Feature Projections			4"	chimney-beyond face of bldg.
Number & Category of Accessory Buildings		1	0	
Accessory Building Setbacks		R=4'10 S=2'11"	n/a	
Distance between Buildings		7'-9"	n/a	
Accessory Building Heights		9'	n/a	
Fence Heights		6'	6'	

**If project proposes demolition to an HRI structure, also indicate % of proposed demolition of the surface of all exterior walls facing a public street or streets, if applicable.*

[Rev. 01/14/14]

SHEET INDEX

Sheet Number	Sheet Name
Project Data	
T0.01	Title Page & Perspective
Architecture	
A1.01	Site Plan - Building Location & Utilites
A2.01	Floor Plan Existing & Proposed - Level 1
A2.02	Floor Plan Existing & Proposed - Level 2
A6.01	Exterior Elevations
A6.02	Exterior Elevations
Structural	
S1.01	Structural Details

ZONING INFORMATION

NET LOT SIZE:	2 310 SF (0.055 ACRES)
ZONING:	R-3-PGB
SETBACKS:	FRONT YARD: 12'-0" SIDE YARD: 3'-3" REAR YARD: 5'-0" (1 STORY) 8'-0" (2 STORY)
HEIGHT LIMIT:	25'
BLDG.COV.:	50% = 1,155 SQ.FT.
F.A.R.:	---
SITE COV.:	60% = 1,386 SQ.FT.
HISTORIC INVENTORY:	NO
ARCHEOLOGICAL ZONE:	YES
COASTAL ZONE:	YES
ASBS WATERSHED:	YES
BUTTERFLY ZONE:	NO

BUILDING CODE ANALYSIS

APPLICABLE CODES
2019 CALIFORNIA BUILDING CODE
2019 CALIFORNIA GREEN BUILDING STANDARDS CODE
2019 CALIFORNIA ELECTRICAL CODE
2019 CALIFORNIA MECHANICAL CODE
2019 CALIFORNIA PLUMBING CODE
2019 CALIFORNIA FIRE CODE
2019 CALIFORNIA ENERGY CODE
2019 CALIFORNIA RESIDENTIAL CODE
CITY OF PACIFIC GROVE CODE & ORDINANCES
2019 CBC 7A; LOCAL RESPONSE AREA (LRA) and VERY HIGH FIRE SEVERITY ZONE

PROJECT DATA

EXISTING RESIDENCE

(E) HOUSE:	796 SQ.FT.
(E) CARPORT (COVER REMOVED):	160 SQ.FT.
(E) TOTAL FLOOR AREA (FAR):	956 SQ.FT.
(E) BUILDING LOT COVERAGE:	956 SQ.FT. = 41.4%
(E) TOTAL PAVING COV.:	257 SQ.FT.
EXEMPTE AREA FOR ENTRY WALK & DRIVEWAY:	<72 SQ.FT.>
(E) ADJUSTED TOTAL PAVING COV.:	185 SQ.FT. = 8.0%

PROPOSED RESIDENCE

(E) HOUSE TO REMAIN:	796 SQ.FT.
(N) 1ST FLOOR ADDITION:	462 SQ.FT.
(N) 2ND FLOOR ADDITION:	868 SQ.FT.
(N) TOTAL FLOOR AREA (FAR):	2,126 SQ.FT.
(N) BUILDING LOT COVERAGE:	1,258 SQ.FT. = 54.4%
(N) TOTAL PAVING & DECK COV.:	248 SQ.FT.
EXEMPTE AREA FOR ENTRY WALK & DRIVEWAY:	<124 SQ.FT.>
(N) ADJUSTED TOTAL PAVING COV.:	124 SQ.FT. = 5.3%
(N) TOTAL SITE COV.:	1,382 SQ.FT. = 59.7%

BUILDING ENVELOPE

	EXISTING	PROPOSED	ALLOWED
HEIGHT	±##'-0"	24'-0"	25'-0"
FRONT YARD	6'-3"	6'-3"	8'/12'
LEFT SIDE YARD	5'-5""	3'-5"	3'-0" (10%)
RIGHT SIDE YARD	3'-5"	3'-5"	3'-0" (10%)
REAR YARD	30'-5"	5'-4"	5'-8'

PARKING SUMMARY

DESCRIPTION	EXISTING	PROPOSED	REQUIRED
PARKING SPACE	1	1	1
E.V. CHARING	0	1	1

LICENSED ARCHITECT
JEANNE CECIL McCOY BYRNE
NO. C12817
REN. 03-31-15
STATE OF CALIFORNIA

ISSUED FOR:	DATE:

JEANNE C. BYRNE, FAIA
ARCHITECTS
591 LIGHTHOUSE AVE., SUITE #5
PACIFIC GROVE, CALIFORNIA 93950
(831)372-6585 FAX (831)372-8159

Title Page & Perspective

RESIDENTIAL REMODEL & ADDITION FOR:

Davidson Residence

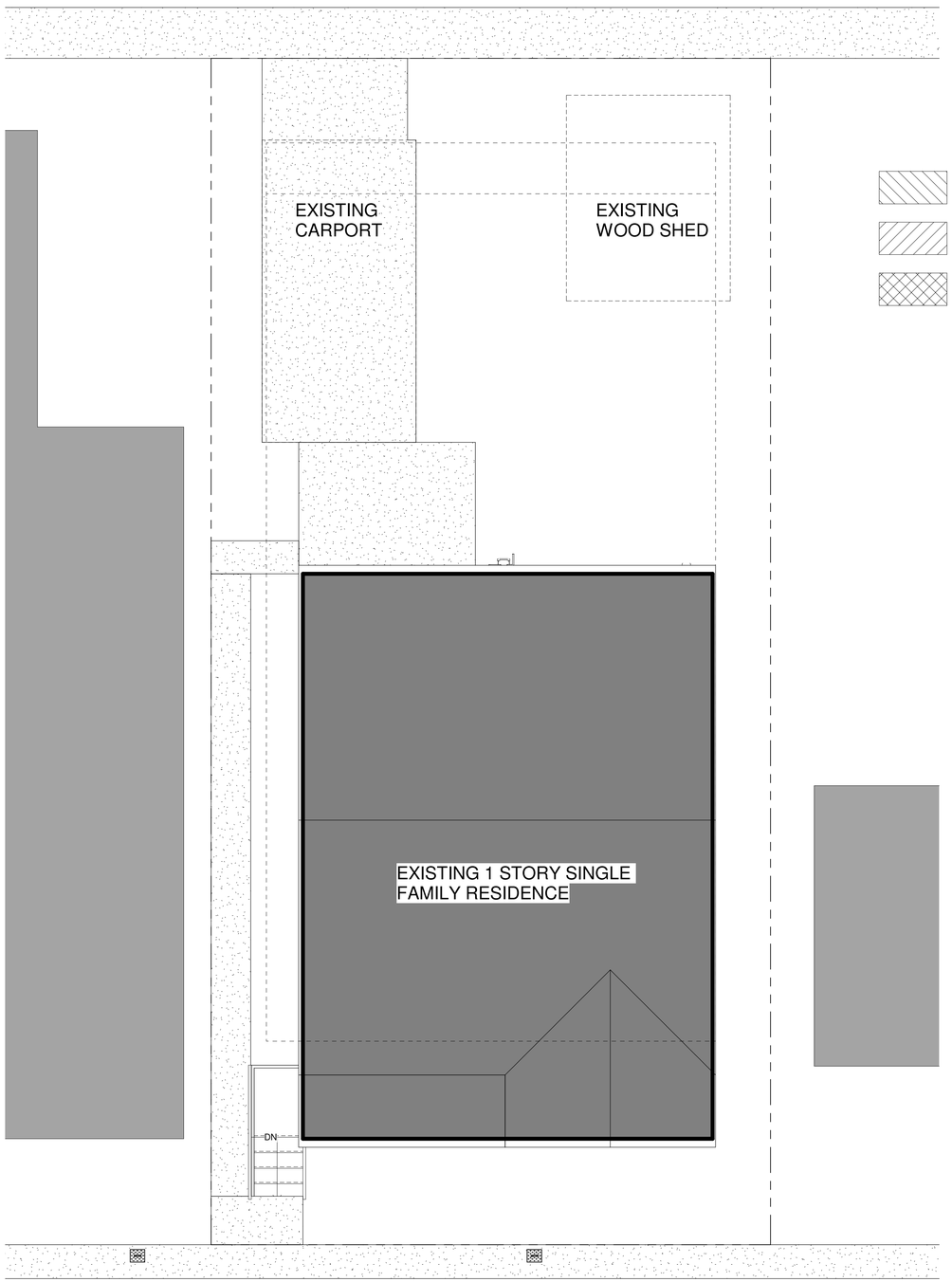
711 Ocean View Blvd, Pacific Grove, CA 93950
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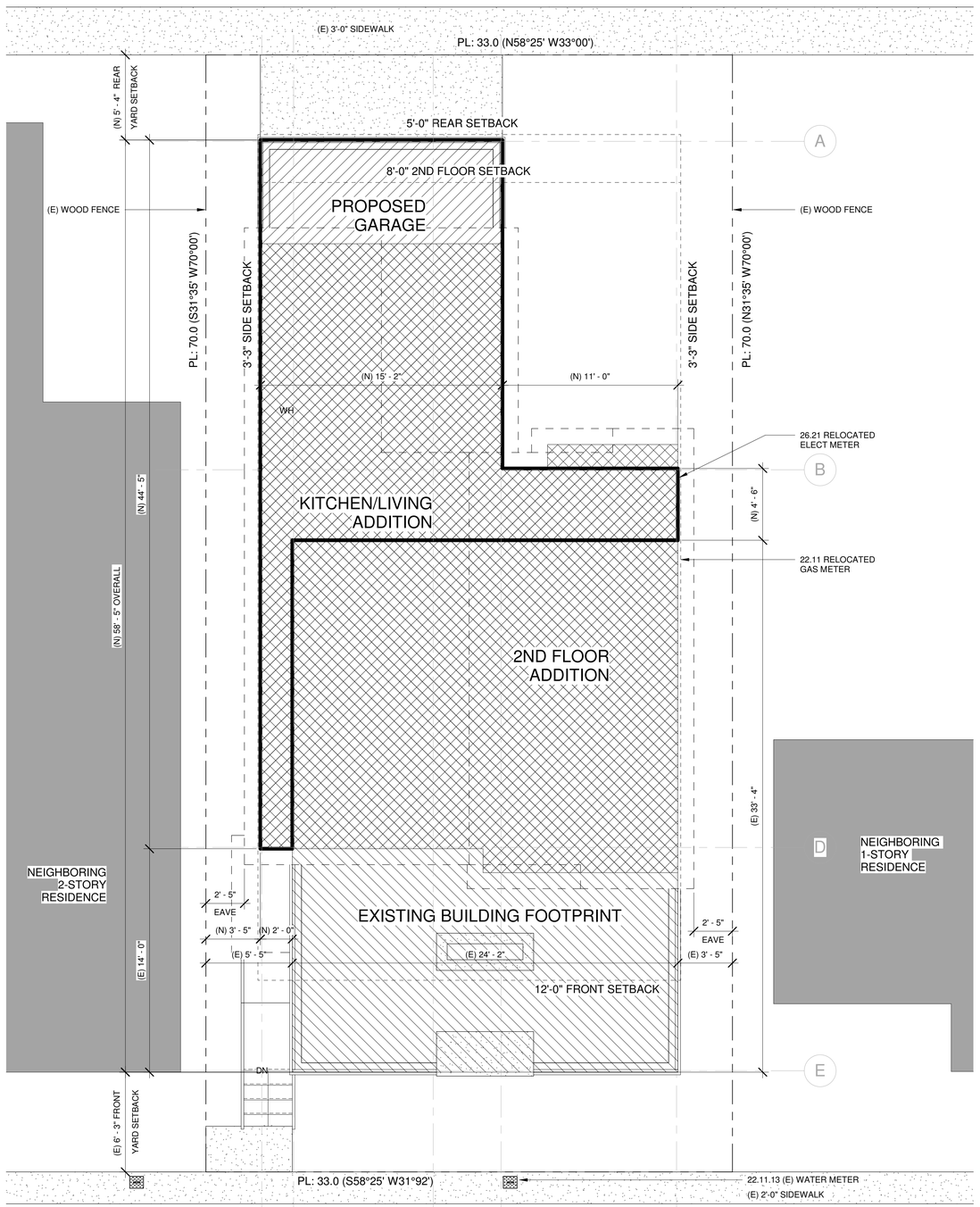
EXISTING (TO REMAIN)
1ST FLOOR

NEW 1ST FLOOR
ADDITION

NEW 2ND FLOOR
ADDITION

Site Plan - Existing

SCALE: 1/4" = 1'-0"



Site Plan - Proposed

SCALE: 1/4" = 1'-0"

ISSUED FOR:	DATE:

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ARCHITECTS
591 LIGHTHOUSE AVE., SUITE #5
PACIFIC GROVE, CALIFORNIA 93950
(831)372-6585 FAX (831)372-8159

Site Plan - Building Location & Utilities

RE/IDENTIAL REMODEL & ADDITION FOR:

Davidson Residence

711 Ocean View Blvd, Pacific Grove, CA 93950
A.P.N.: 006-075-008-000

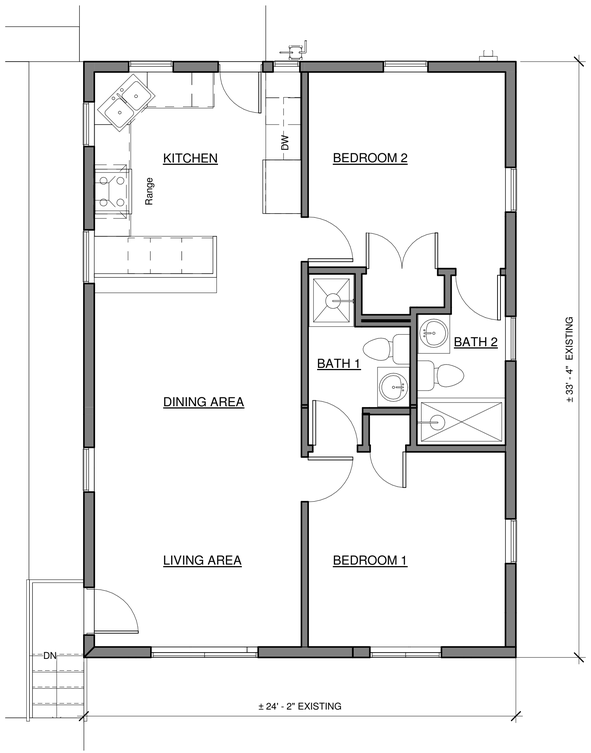
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JEANNE CECIL McCOY BYRNE
NO. C12817
REN. 03-31-15
STATE OF CALIFORNIA

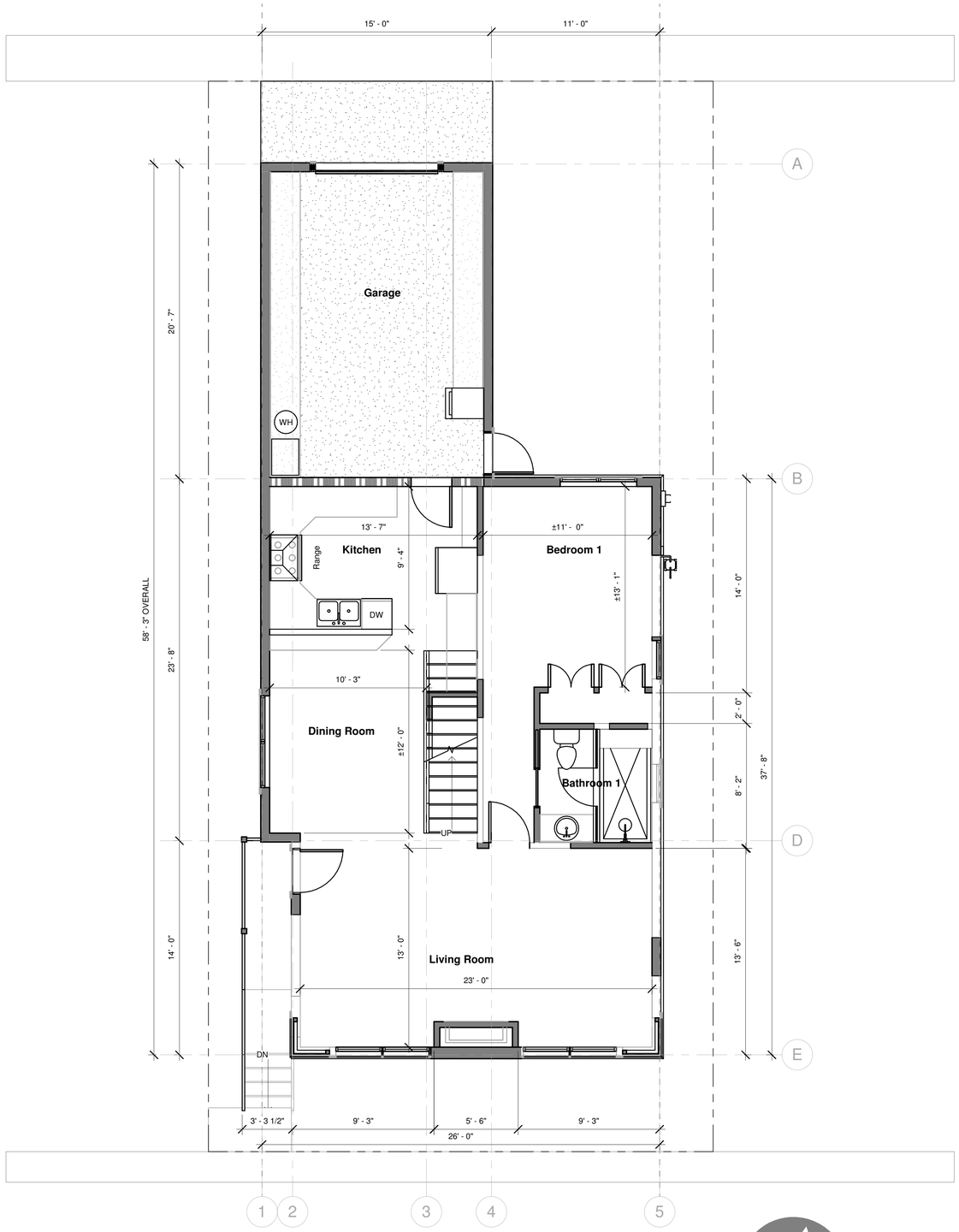
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Level 1 - Floor Plan Existing

SCALE: 1/4" = 1'-0"



Level 1 - Floor Plan Phase 1

SCALE: 1/4" = 1'-0"

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Floor Plan Existing & Proposed - Level 1

RESIDENTIAL REMODEL & ADDITION FOR:

Davidson Residence

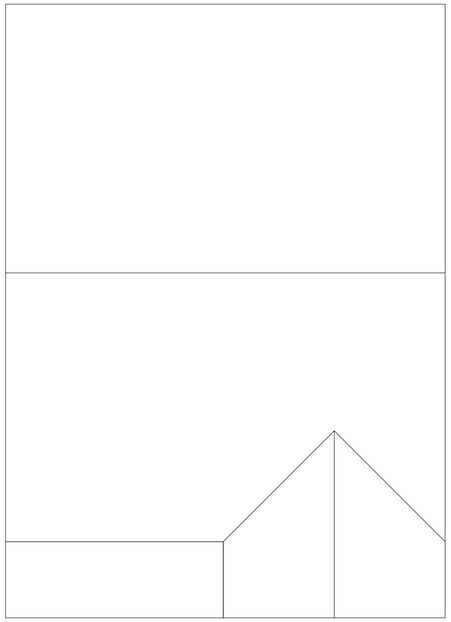
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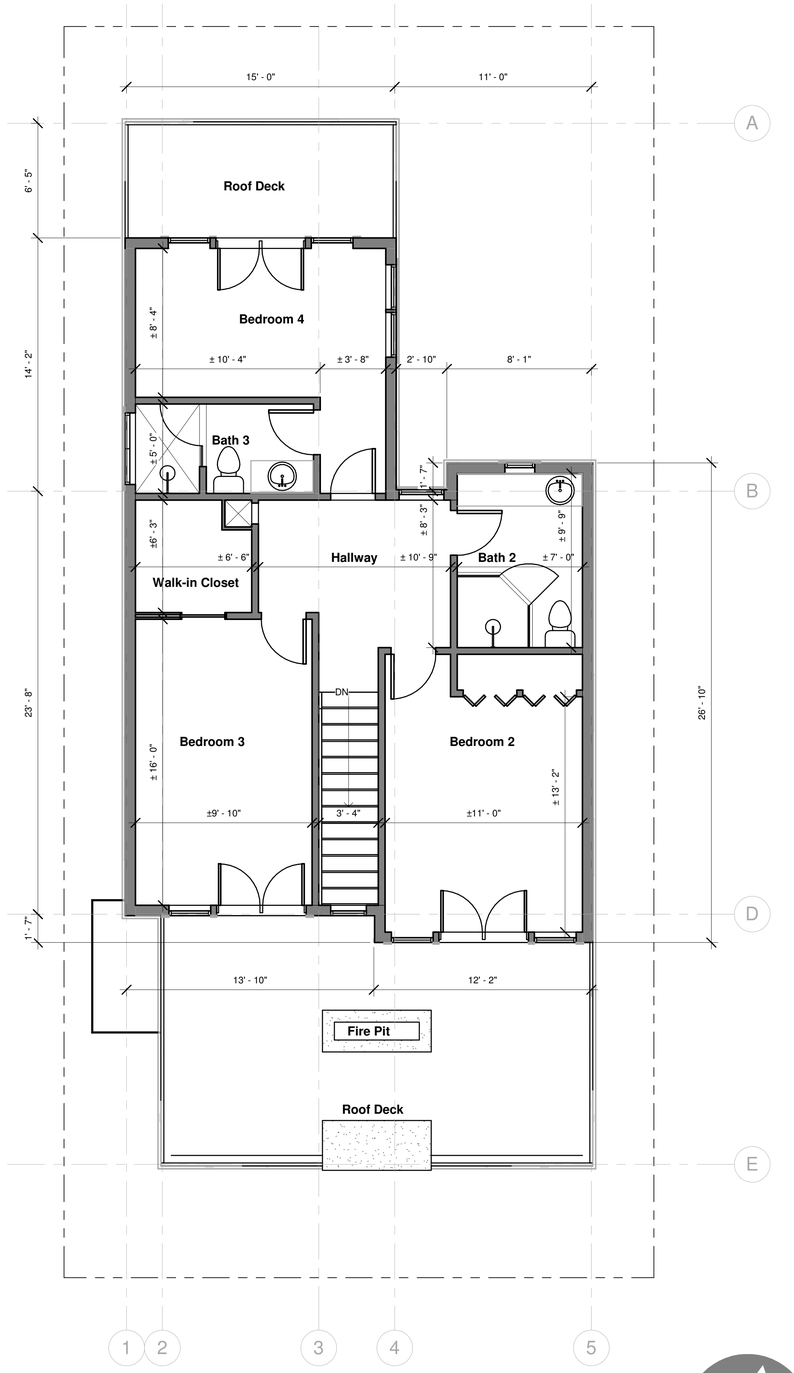
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NO. C12817
REN. 03-31-15
STATE OF CALIFORNIA

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Level 2 - Roof Plan Existing

SCALE: 1/4" = 1'-0"



Level 2 -Floor Plan Phase 1

SCALE: 1/4" = 1'-0"

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Floor Plan Existing & Proposed - Level 2

RESIDENTIAL REMODEL & ADDITION FOR:

Davidson Residence

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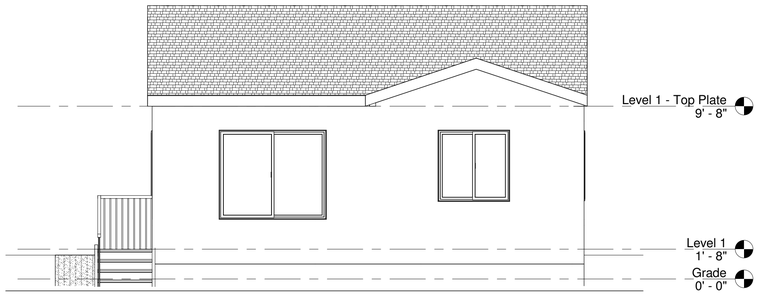
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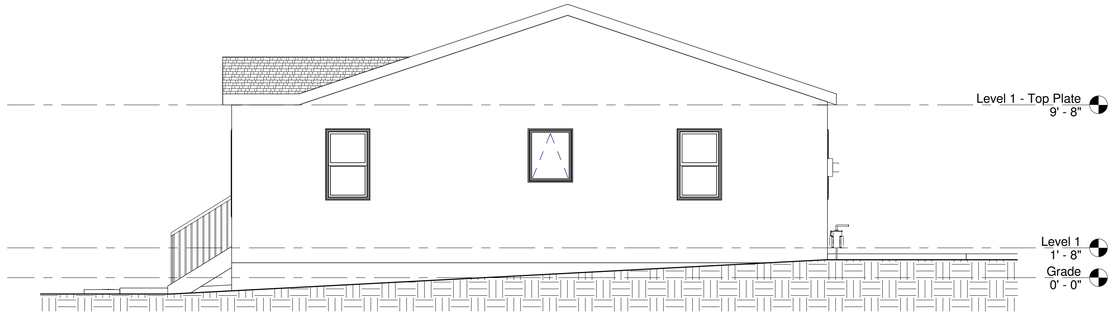
Existing North Elevation

SCALE: 1/4" = 1'-0"



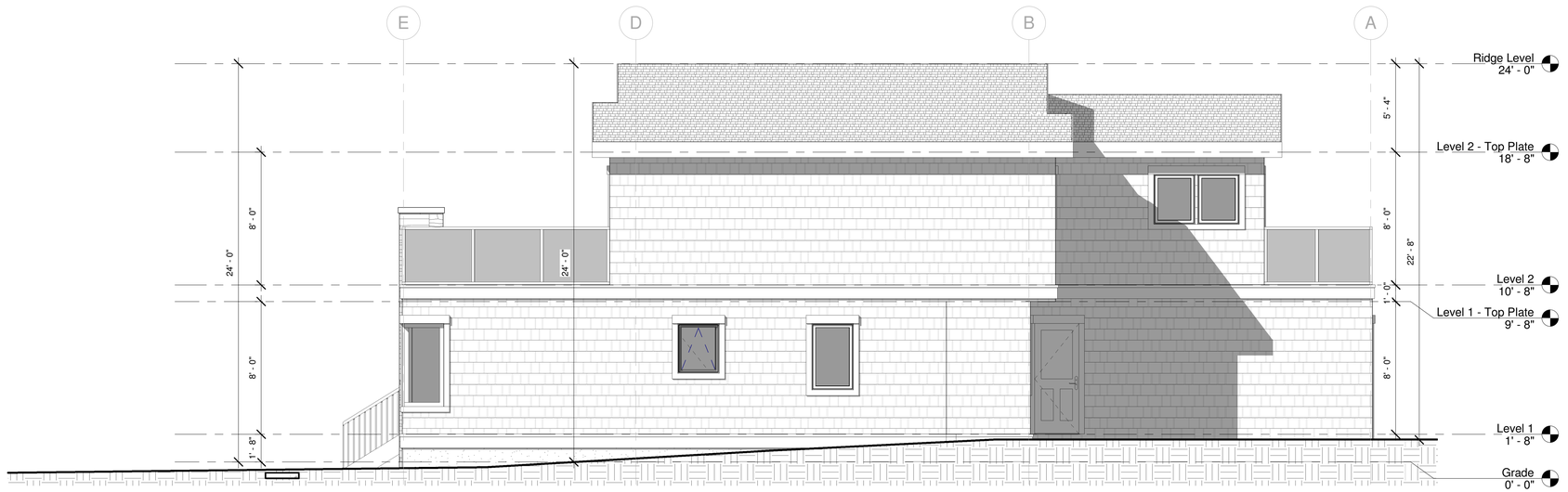
Proposed North Elevation

SCALE: 1/4" = 1'-0"



Existing West Elevation

SCALE: 1/4" = 1'-0"



Proposed West Elevation

SCALE: 1/4" = 1'-0"

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(831)372-6585 FAX (831)372-8159

Exterior Elevations

RE/DEATIAL REMODEL & ADDITION FOR:

Davidson Residence

711 Ocean View Blvd, Pacific Grove, CA 93950
A.P.N.: 006-075-008-000

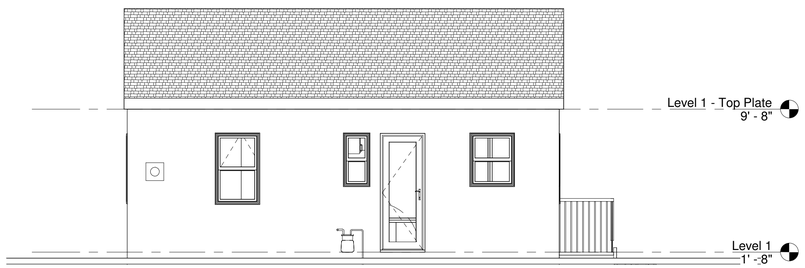
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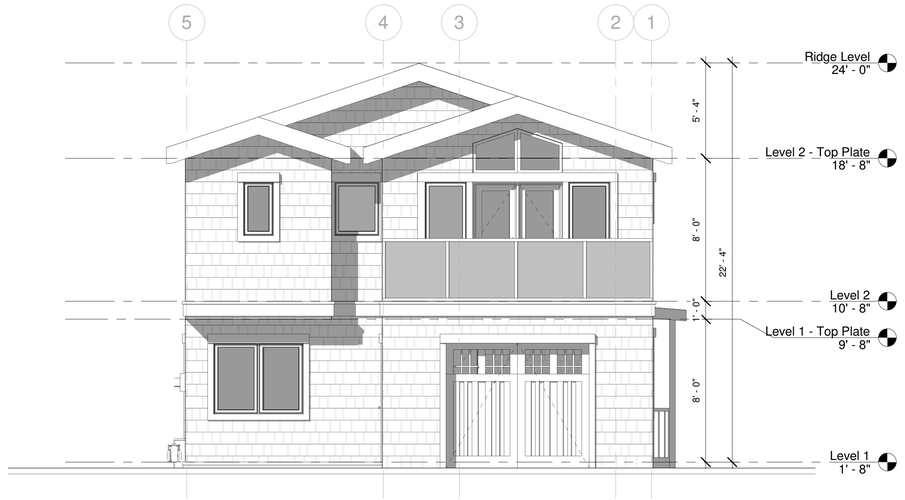
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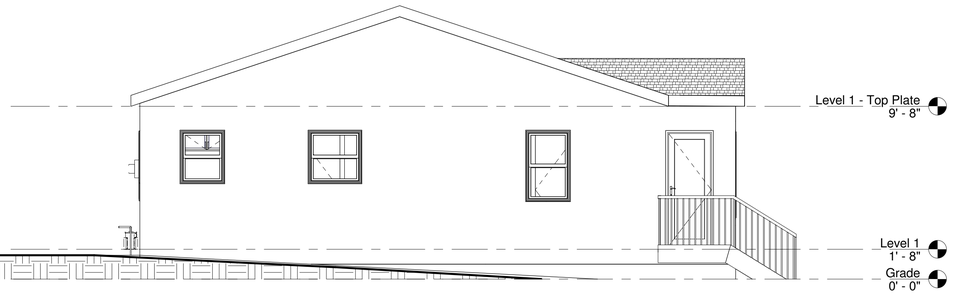
Existing South Elevation

SCALE: 1/4" = 1'-0"



Proposed South Elevation

SCALE: 1/4" = 1'-0"



Existing East Elevation

SCALE: 1/4" = 1'-0"



Proposed East Elevation

SCALE: 1/4" = 1'-0"

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Exterior Elevations

RE/IDENTIAL REMODEL & ADDITION FOR:

Davidson Residence

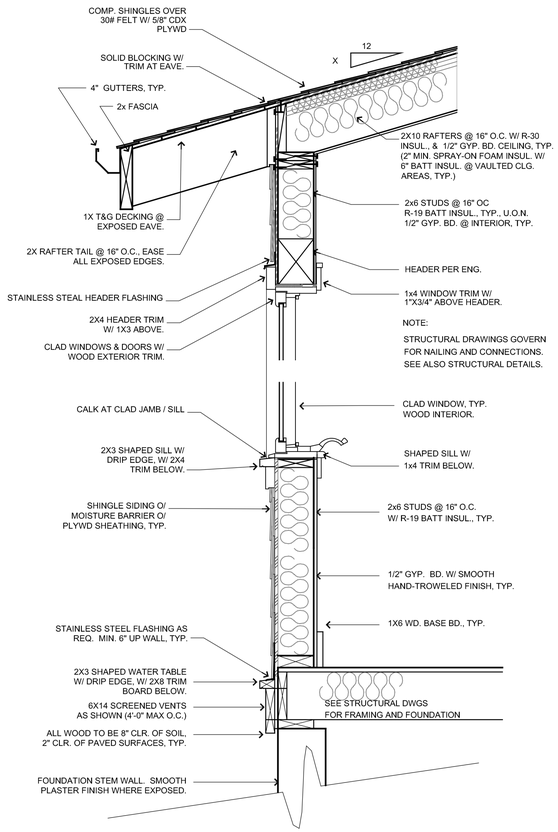
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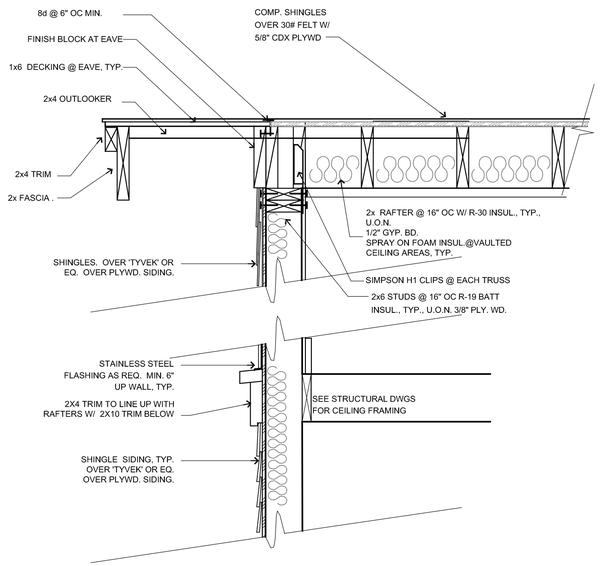
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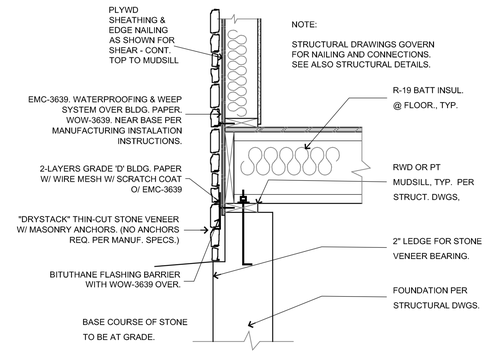
Detail - Wall Section

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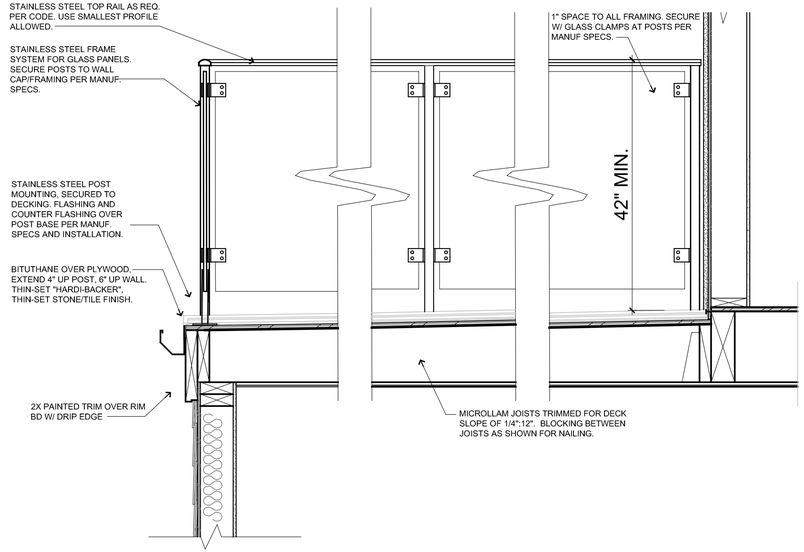
Detail - Roof

SCALE: 1" = 1'-0"



Detail - Stone Wall

SCALE: 1" = 1'-0"



Detail - Railing

SCALE: 1" = 1'-0"

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Structural Details

RESIDENTIAL REMODEL & ADDITION FOR:

Davidson Residence

711 Ocean View Blvd, Pacific Grove, CA 93950
A.P.N.: 006-073-008-000

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STATE OF CALIFORNIA

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CITY OF PACIFIC GROVE

Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

T : 831.648.3183 • F : 831.648.3184 • www.ci.pg.ca.us/cdd

ARCHITECTURAL PERMIT, USE PERMIT, AND COASTAL DEVELOPMENT PERMIT (AP/UP/CDP 21-0294) FOR A PROPERTY LOCATED AT 711 OCEAN VIEW BOULEVARD TO ALLOW A COMPREHENSIVE EXTERIOR AND INTERIOR REMODEL, THE FIRST FLOOR ADDITION OF LIVING SPACE AND A SINGLE CAR GARAGE, AND THE SECOND FLOOR ADDITION OF LIVING SPACE AND ROOF DECKS

FACTS

1. The subject site is located at 711 Ocean View Boulevard, Pacific Grove, 93950; APN 006-073-008.

2. The subject site has a land use designation of Medium High Density Residential (10-20 du/ac) in the adopted City of Pacific Grove Coastal Land Use Plan (LUP).

3. The subject site is located in the R-3-PGB zoning district.

4. The approximately 2,310 square foot (sf) project site has an existing 796-sf one-story single-family residence and 160 sf carport.

5. The property is located in an archaeologically sensitive area and adjacent to the Area of Special Biological Significance (ASBS) in Monterey Bay.

6. As required by PGMC § 23.90.200, the application includes an archaeological report prepared by a qualified archaeologist, Susan Morley, M.A. The project is conditioned to require onsite tribal and archaeological monitoring for all ground disturbing activities.

7. An Initial Historic Screening was completed and reviewed by the Historic Resources Committee at the November 18, 2020 hearing and it was determined that the structure is not eligible for the City's Historic Resources Inventory and is not historically significant.

8. This project has been determined to be CEQA Exempt under CEQA Guidelines, Section 15301 Class 1, Existing Facilities.

FINDINGS

For the Architectural Permit per PGMC Section 23.70.060(f)

1. The architecture and general appearance of the completed project are compatible with the neighborhood.

   The proposed project includes the renovation of and addition to an existing 796-sf one-story single-family residence. The proposed project consists of a 456-sf addition on the main level, and a new 868-sf second-story addition with front and rear roof decks. This proposal is compatible with the neighborhood, which has many second-story additions, including some with second-story decks to optimize views.

2. The completed project will neither be detrimental to the orderly and harmonious development of the City nor impair the desirability of investment or occupation in the neighborhood.

   The renovation, which includes façade improvements, and the development of a second story with front and rear roof decks, will contribute to the desirability of investment in the Beach Tract/Fairway Homes neighborhood.

3. The Planning Commission has been guided by and has referenced applicable provisions of the Architectural Review Guidelines in making its determinations on the structure.

DocuSign Envelope ID: 090DCE0E-01CA-4331-97A5-9CA2590A6D7B

The architectural style and materials and site design are in substantial conformance to the City's Residential Design Guidelines, specifically Nos. 24, 29, and 36 relating to scale, roof design and pitch, and visually interesting façades.

For the Use Permit per PGMC Section 23.70.080(a)(4)

1. The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of these regulations.

   The proposed use is a continuation of an existing use (single-family residence) permitted in the R-3-PGB zoning district. The project meets setbacks, building height, and site coverage requirements but does not comply with building coverage and parking regulations. The Planning Commission has purview to permit projects that do not meet the regulations of this zoning district, subject to the conditions of an approved use permit.

2. The proposed use is consistent with the general plan, the local coastal program, and any applicable specific plan.

   The proposed use is consistent with the general plan and local coastal program. No specific plans apply to the subject property.

3. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

   The proposed use will not be detrimental to health, safety, or general welfare because it is a continuation of an existing use (single-family residence) permitted in the R-3-PGB zoning district.

4. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

   The proposed use will not be detrimental or injurious to property and improvements in the neighborhood because the renovation, which includes façade improvements, and the development of a second story addition will improve the desirability of the property.

5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

   The proposed project is compatible with other land uses in the vicinity, which consists primarily of one- or two-story single-family residences and duplexes on small lots.

For the Coastal Development Permit per PGMC Section 23.90.080

1. LCP Consistency. The project is consistent with the LCP.

   The project meets the requirements of the LCP including, but not limited to, the applicable Coastal Resource Protection Standards (PGMC § 23.90.130) of the Implementation Plan (IP) and the Biological, Cultural, Scenic, and Community Design policies of the Land Use Plan (LUP). These standards and policies are discussed further in the following findings.

2. Public Views. The project protects or enhances public views.

   The project site is located within a Scenic View Area as delineated on Fig. 4 of the LUP. Policy SCE-5 of the LUP requires development on all parcels that abut Ocean View Boulevard to be sited and designed to avoid blocking

or having a significant adverse impact on significant public views. The project is designed to protect public views and is consistent with the height and massing of buildings in the immediate vicinity of the project area.

3. Habitat Protection. The project protects vegetation, natural habitats, and natural resources consistent with the LCP.

   The project site is already developed with an existing residence and landscaping. The project site will therefore not impact natural habitats or resources, consistent with the LCP.

4. Design Consistency. The design, location, size, and operating characteristics of the proposed development is consistent with applicable LCP design requirements, including design plans and area plans incorporated into the LCP.

   The project complies with all Land Use Plan polices and community design standards incorporated into the LCP.

5. Coastal Access. The project protects or enhances public access to and along the coast.

   The project will have no effect on coastal access to or along the coast.

6. Visitor Serving. The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitors and recreational facilities.

   The project consists of the development of a single-family residence and, therefore, will have no visitor-serving features, but may qualify for a Short-Term Rental (STR) license given its location within the coastal zone. As of this writing, there is no indication that the applicant intends to pursue an STR license.

7. Appropriate Use. The project is consistent with the allowed LCP uses associated with the property.

   The project is located in the R-3-PGB zoning district, where single-family dwellings and multiple-family dwellings are permitted uses. The project will result in the expansion of a 796-sf one-story single-family residence to a 2,126-sf two-story single-family residence.

8. Coastal Resources. The proposed development protects or enhances coastal resources, where applicable.

   The 2,310 sf project site is developed with existing structures and landscaping. The project will not impact coastal resources.

PERMIT

Architectural Permit, Use Permit, and Coastal Development Permit (AP/UP/CDP 21-0294) to allow a comprehensive exterior and interior remodel, the first floor addition of living space and a single car garage, and the second floor addition of living space and roof decks. The gross floor area would increase from 956 sf to 2,126 sf.

CONDITIONS OF APPROVAL

1. **Conformance to Plans.** Development and uses of the site shall conform to the approved plans for the Davidson Residence Project dated August 7, 2021, on file with the Community Development Department and to the Building Code, with the exception of any subsequently approved changes. Minor plan changes shall be subject to review and approval by the Community Development Director and/or Public Works Director as appropriate, prior to implementation. Major plan changes may also require review and approval of the Planning Commission. Project revisions may require additional CEQA analysis.

2. **Permit Expiration.** The project permits shall expire and be null and void if a building permit has not been applied for within two (2) years from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.

3. **Construction Compliance.** All construction must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff and may require Architectural Review Board and/or Planning Commission approval.

4. **Terms and Conditions.** These terms and conditions shall run with the land and bind to all future owners and possessors of the subject property, unless amended. Amendments to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.

5. **Building Plans.** All conditions of approval for the Planning permit(s) shall be printed on a full-size plan sheet and included with the construction plan set submitted to the Building Division.

6. **Public Works, Fire and Building.** Review and approval by the Public Works, Fire and Building Departments are required prior to issuance of a building permit. Any work taking place in the public right-of-way shall require an encroachment permit prior to issuance of the building permit.

7. **Glare Reduction.** Westerly facing windows and glass doors shall be coated with non-reflective material to reduce afternoon and evening glare.

8. **Exterior Lighting**. Exterior lighting shall be positioned so that no direct light extends onto neighboring properties. Exterior lighting shall be screened to confine light splay to the site and shall be at a wattage level that sufficiently limits light glare. After installation, the City may require lamps to have a lower wattage level in order to limit the glare levels of the light fixtures.

9. **Construction Noise Reduction.** Prior to the issuance of building permits, the City shall ensure that the project applicant includes the following on all construction plans and contracts for the proposed project:

Construction Hours. All noise-generating construction activities, as well as delivery and removal of materials and equipment associated with those construction activities, are limited to the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday, and 10:00 a.m. to 5:00 p.m. on Sunday.

Construction Equipment. Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The developer shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.

Vehicle and Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five (5) minutes when not in use.

Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.

Ongoing Operational Conditions

10. **Stormwater Treatment Measure.** The stormwater treatment measures shall be maintained by the property owner in perpetuity and City of Pacific Grove staff shall be allowed access to inspect all stormwater treatment measures on an annual basis.

11. **Archaeologist/Tribal Monitoring.** A qualified archaeological monitor and Native American monitor shall be present to observe the excavations of the footings and to investigate and report on any unexpected findings. When human remains are exposed, the Health and Safety Code § 7050.5 requires that no further excavation or disturbance occurs in

the area and that the county coroner is called so that the coroner can verify that the remains are not subject to medical jurisprudence. Within 24 hours of notification, the coroner calls the Native American Heritage Commission if the remains are known or thought to be Native American. The Native American Heritage Commission reports to the Most Likely Descendant (MLD). The MLD has 24 hours to respond. All work will halt within a 50-yard radius until an osteologist can examine said remains, and a treatment plan for any said remains has been provided according to the MLD.

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

1. The Planning Commission determined that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Permit.

2. The Planning Commission approves AP/UP/CDP 21-0294 as conditioned and pursuant to a Class 1, Section 15301, CEQA categorical exemption for Existing Facilities.

3. This permit shall become effective upon the expiration of the 10-day appeal period.

4. This permit shall not take effect until the owner acknowledges and agrees to all terms and conditions and agrees to conform to and comply with those terms and conditions.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE ON THE 4TH DAY OF NOVEMBER 2021, BY THE FOLLOWING VOTE:

AYES: Chakwin, Bluhm, Sawyer, Aeschliman, Murphy, and Lilley

NOES: None

ABSENT: None

RECUSED: Byrne

APPROVED:

DocuSigned by:
Steven Lilley
C0D1E8F29E23497...
Steven Lilley, Chair

The undersigned hereby acknowledge and agree to the approved terms and conditions, and agree to fully conform to, and comply with, said terms and conditions.

DocuSigned by:
Jennifer Elmenhurst
DD6633F6B3624D8...
Jennifer Elmenhurst, Vice President for ETIC,
Trustee for Davidson Survivors Trust, Owner

11/10/2021
Date

Link to the Planning Commission Agenda Report for the subject project on November 4, 2021 (Page 35 of the Agenda Packet) - 1398_11-04-21 PC Special Meeting.pdf (destinyhosted.com)

Appeal of Coastal Development Permit

711 Ocean View Blvd
AP-UP-CDP No. 21-0294
(Agenda Item 11C)

April 6, 2022, City Council

City of Pacific Grove

Proposed Project



- Remodel of an existing residence:
  - First & second floor additions, and roof decks;
  - Single-car garage;
  - New exterior finishes.
- Review Background:
  - ARB unanimously recommended approval on October 12, 2021
  - PC unanimously approved the project on November 4, 2021
  - Appeal submitted on November 15, 2021

Coastal Hazards Report & CEQA

- Coastal Hazards Assessment subsequently submitted:
  - Concluded the proposed development would not be vulnerable to hazards over the project life expectancy of at least 75 years;
  - The project would not require alternative adaptation (i.e., design changes).
- Categorically exempt per CEQA Guidelines Section 15301.

Questions?

April 6, 2022, City Council

City of Pacific Grove

Agenda No. 12 A

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

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Bill Peake, Mayor
MEETING DATE:	April 6, 2022
SUBJECT:	PG Hotel Homekey Project ***This item was continued from previous meetings.***
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Direct City Manager to begin public outreach on a potential Homekey project no later than March 16, 2022.

DISCUSSION
INTRODUCTION
On January 19, 2022, Council authorized an application to the CA Department of Housing and Community Development (HCD) for up to $15,000,000 for the conversion of a hotel located in Pacific Grove into a Homekey project. The application was subsequently filed with HCD.

Council also authorized the City Manager to fund, acquire, rehabilitate, and operate (with partners) the hotel located in Pacific Grove Homekey project.

DISCUSSION
Our community has a decades long history of welcoming residents in need. They include: The Bridge Restoration Ministry (addictions), Gateway Center (intellectual disabilities), Vista Point Apartments (low-income seniors), and New Start Recovery Solutions – formerly Beacon House (addictions). The addition of a Homekey project to help those experiencing homelessness, including youth and those with disabilities is in keeping with this tradition of helping others.

As with any new facility or program, Council and the community should understand how the program works and what is city government's role. A sound public outreach program could answer questions and allay concerns including:

City responsibilities

a. What does the state require of the city for the life of this 55-year project?
b. What responsibilities will the city have in its partnership with Shangri La Industries?
c. What responsibilities will the city have in its partnership with Step Up Second Street?

Finances

d. What is the budget and funding sources for the first 5 years (acquisition, rehabilitation, operation, and resident supportive services)?
e. If funding sources decline after 5 years, what is the financial backstop for operation and resident supportive services expenses?
f. What is the expected municipal tax loss?

Neighborhood

g. Will this program attract more homeless people than can be housed?
h. Could local drug use or crime increase and how would that be prevented?
i. What assurance exists that the site will continue to be well maintained and attractive?

Residents

j. Will locals be given priority to rent?
k. Will on site supportive services for residents be available round the clock?
l. Will supportive services include transportation to meet needs not available nearby?
m. What is the quota system for categories of residents?
n. Will residents include families?

OPTIONS

N/A

FINANCIAL IMPACT:

There is no fiscal impact in the writing of this agenda report.

GOAL ALIGNMENT: Transparency, Accountability and Communication: Implement programs, processes, revisions, and training to improve and advance the City's efforts.

Attachments

Summary
Letter of Operating Support
Mayor PPT
Staff PPT
SLI PPT
Updated Staff PPT

Homekey Summary (auto populated from Award, Match and Revenue worksheet)					
Maximum Homekey Award		**Applicant Requested Homekey Award**		**Lesser of Maximum and Requested Award**	
Capital Baseline Award	$8,800,000.00	Capital Baseline Award	$8,800,000.00	Capital Baseline Award	$8,800,000.00
Additional Contribution	$4,900,000.00	Additional Contribution	$4,900,000.00	Additional Contribution	$4,900,000.00
Total Maximum Capital Award	**$13,700,000.00**	**Total Requested Capital Award**	**$13,700,000.00**	**Total Capital Award**	**$13,700,000.00**
Operating Subsidy	$1,730,543.23	Operating Subsidy	$1,730,543.23	Operating Subsidy	$1,730,543.23
50% of Relocation Costs	$0.00	50% of Relocation Costs	$0.00	50% of Relocation Costs	$0.00
§207 Bonus Award - app submittal	$490,000.00	§207 Bonus Award - app submittal	$490,000.00	§207 Bonus Award - app submittal	$490,000.00
§207 Bonus Award - full occupancy	$490,000.00	§207 Bonus Award - full occupancy	$490,000.00	§207 Bonus Award-full occupancy	$490,000.00
Total Maximum Homekey Award	**$16,410,543.23**	**Total Requested Homekey Award**	**$16,410,543.23**	**Total Homekey Award**	**$16,410,543.23**

Number of Doors at Acquisition	50	Number of Units Proposed in the Project	50						
Number of At-Risk of Homelessness Units	0	Number of Chronically Homeless Units	24	Number of Homeless Units	15				
Number of Homeless Youth or Youth at Risk of Homelessness Units	10	Number of Assisted Units	49						
Number of Units accessible to persons with mobility disabilities	8	Number of Units accessible to persons with hearing or vision disabilities	5						

Project Overview												
Project Name	Step Up in Pacific Grove, A Shangri-La Community											
Project Address	1111 Lighthouse Avenue			Project City	Pacific Grove		State	CA	Zip	93950		
Project County	Monterey		Is the Project in a Rural Area per H&S Code §50199.21? (use the TCAC Method for determining rural status)									No
Assessor Parcel Number (APN)	006-113-004-000	Enter parcel # 2 APN here	Enter parcel # 3 APN here	Enter parcel # 4 APN here	Enter parcel # 5 APN here	Enter parcel # 6 APN here	Enter parcel # 7 APN here	Enter parcel # 8 APN here	Enter parcel # 9 APN here	Enter parcel # 10 APN here	Enter parcel # 11 APN here	
Assessor Parcel Number (APN)	Enter parcel # 12 APN here	Enter parcel # 13 APN here	Enter parcel # 14 APN here	Enter parcel # 15 APN here	Enter parcel # 16 APN here	Enter parcel # 17 APN here	Enter parcel # 18 APN here	Enter parcel # 19 APN here	Enter parcel # 20 APN here	Enter parcel # 21 APN here	Enter parcel # 22 APN here	
Geographic Set Aside	Central Coast											
Project Type (Transitional Housing and Congregate Shelter are Interim Housing)	Permanent Housing											
Building Type	Motel											

Applicant #1											
Entity name	The City of Pacific Grove					Organization type	City				
Address	300 Forest Avenue			City	Pacific Grove	State	CA	Zip	93950		
Auth Rep	Ben Harvey	Title	City Manager	Email	citymanager@cityofpacificgrove.org			Phone	(831) 648-3106		
Contact	Anastacia Wyatt	Title	Senior Housing Program Manager	Email	awyatt@cityofpacificgrove.org			Phone	(831) 648-3182		
Address	300 Forest Avenue			City	Pacific Grove	State	CA	Zip	93950		
File Name	App1 Cert & Legal	See Certifications & Legal worksheet.								Uploaded to HCD?	Yes
File Name	App1 Resolution	Signature required; see Applicant Documents worksheet.								Uploaded to HCD?	Yes
File Name	App1 TIN Form	See Applicant Documents worksheet.								Uploaded to HCD?	Yes
Co-Applicant #1 (if applicable)											
Entity name	Shangri-La Industries, LLC					Organization type	For-profit Corp				
Address	660 South Figueroa Street, Suite 1888			City	Los Angeles	State	CA	Zip	90017		
Auth Rep	Andrew Meyers Abdul-Wahab	Title	CEO	Email	ameyers@shangrila.us			Phone	(310) 701-7574		
Contact	Cody Holmes	Title	CFO	Email	cholmes@shangrila.us			Phone	(818) 421-4376		
Address	660 South Figueroa Street, Suite 1888			City	Los Angeles	State	CA	Zip	90017		
File Name	Co-App1 Cert & Legal	See Certifications & Legal worksheet.								Uploaded to HCD?	Yes
File Name	Co-App1 Resolution	Signature required; see Applicant Documents worksheet.								Uploaded to HCD?	Yes
File Name	Co-App1 OrgDoc1, OrgDoc2, etc	See Applicant Documents worksheet.								Uploaded to HCD?	Yes
File Name	Co-App1 OrgChart	See Applicant Documents worksheet.								Uploaded to HCD?	Yes
File Name	Co-App1 Signature Block	See Applicant Documents worksheet.								Uploaded to HCD?	Yes
File Name	Co-App1 Payee Data Record	See Applicant Documents worksheet.								Uploaded to HCD?	Yes
File Name	Co-App1 TIN Form	See Applicant Documents worksheet.								Uploaded to HCD?	N/A
File Name	Co-App1 Cert of Good Standing	Dated 30 days or less from the Application due date.								Uploaded to HCD?	Yes
File Name	Co-App1 Tax-Exempt Status	Evidence of tax-exempt status from IRS and Franchise Tax Board, if applicable								Uploaded to HCD?	N/A
Co-Applicant #2 (if applicable)											
Entity name	Step Up on Second Street, Inc.					Organization type	Non-profit Corp				
Address	1328 Second Street			City	Santa Monica	State	CA	Zip	90401		
Auth Rep	Aaron Criswell	Title	Chief Housing Development Officer	Email	acriswell@stepup.org			Phone	(213) 458-6491		
Contact	Aaron Criswell	Title	Chief Housing Development Officer	Email	acriswell@stepup.org			Phone	(213) 458-6491		
Address	1328 Second Street			City	Santa Monica	State	CA	Zip	90401		

THE COALITION
OF HOMELESS SERVICES PROVIDERS

MEMBER AGENCIES

Central Coast Center for Independent Living

Community Homeless Solutions

Community Human Services

CSU Monterey Bay – CHE Center

Dorothy's Place

Housing Authority of the County of Monterey

Housing Resource Center of Monterey County

Interim, Inc.

MidPen Housing Corporation

The Salvation Army - Monterey Peninsula Corps

San Benito County Health & Human Services Agency

Sun Street Centers

Veterans Transition Center

ASSOCIATE MEMBERS

Access Support Network

CHISPA

Downtown Streets Team

Eden Housing

Food Bank for Monterey County

Gathering for Women

Nation's Finest

Neighborhood Services Center of the First United Methodist Church

Victory Mission

YWCA Monterey County

COMMUNITY ADVISORS

City of Marina

City of Salinas

City of Sand City

Monterey County Department of Social Services/CAP

Monterey County Office of Education

January 28, 2022

Gustavo Velasquez, Director
California Department of Housing and Community Development
2020 West El Camino Avenue
Sacramento, CA 95833

RE: Availability Operating Support for Monarch Pacific Grove Development #165

Dear Mr. Velasquez,

The Coalition of Homeless Service Providers is pleased to provide this letter of support to Shangri La Industries, LLC and Step Up to Second Inc. in furtherance of their Homekey development that will utilize the state Homekey Program to acquire and convert the current Monarch Resort into permanent supportive housing. The Coalition of Homeless Services Providers is a 501(c)3 non-profit organization that serves as Monterey and San Benito County's Continuum of Care (CoC) lead. We coordinate services among partner agencies, ensure our community is following federal guidelines, report homeless statistics to federal and state governments, and seek funding for the homeless services community.

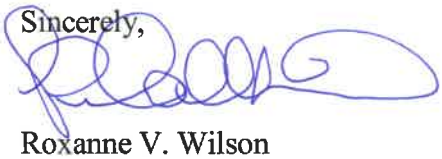
The City of Pacific Grove has brought together nonprofit, City and private industry partners to design and implement a permanent supportive housing model targeting persons experiencing chronic homelessness and homeless transitional age youth. The project plan includes leveraging local resources and partnerships for the acquisition and conversion of a hotel site to provide the City's first Housing First program.

To ensure the effective delivery of fifty (50) studio housing units (49 of which will be reserved for the target populations and 1 will be a manager's unit) to those who are in most need, the CoC supports the Monarch Pacific Grove Homekey application and endeavors to commit operating assistance in the range of $200,000 for four years as requested. At this time, the CoC has committed resources to four previously submitted Homekey projects in Monterey County. While these applications have exhausted current County and CoC resources we are planning to review our resources so that we can support all Homekey projects. The CoC is working with the County Department of Social Services and Housing and Community Development Department, to identify the requested funding to support operations. Any additional commitments are subject to approval of the Board of Supervisors and CoC Board. I am pleased to

report that all agencies have expressed support for the Monarch Pacific Grove Homekey application.

Please feel free to contact me at rwilson@chsp.org, should you require any further communications regarding this matter. Thank you for your consideration.

Sincerely,



Roxanne V. Wilson

Executive Officer

PG Hotel Homekey Project

February 16, 2022

Mayor Bill Peake

City of Pacific Grove

PG Hotel Homekey Project

RECOMMENDATION

- Direct City Manager to begin public outreach on a potential Homekey project no later than March 16.

PG Hotel Homekey Project

INTRODUCTION

- January 19 Council authorized an application to HCD for $15,000,000 for a hotel located in PG
- Homekey application was filed January 31.
- Council authorized City Manager to fund, acquire, rehabilitate, and operate with partners.
- Total of 4 Authorizations by Council

PG Hotel Homekey Project

UPDATE

- The original hotel identified is not under consideration.
- A new location is needed.

PG Hotel Homekey Project

Public Outreach needed - City responsibilities

a) What does the state require of the city for the life of this 55-year project?

b) What responsibilities will the city have in its partnership with Shangri La Industries?

c) What responsibilities will the city have in its partnership with Step Up Second Street?

PG Hotel Homekey Project

Public Outreach needed - Finances

a) What is the budget and funding sources for the first 5 years (acquisition, rehabilitation, operation, and resident supportive services)?

b) If funding sources decline after 5 years, what is the financial backstop for operation and resident supportive services expenses?

c) What is the expected municipal tax loss?

PG Hotel Homekey Project

Public Outreach needed - Neighborhood

a) Will this program attract more homeless people than can be housed?

b) Could local drug use or crime increase and how would that be prevented?

c) What assurance exists that the site will continue to be well maintained and attractive?

PG Hotel Homekey Project

Public Outreach needed - Residents

a) Will locals be given priority to rent?

b) Will on site supportive services for residents be available round the clock?

c) Will supportive services include transportation to meet needs not available nearby?

d) What is the quota system for categories of residents?

e) Will residents include families?

End

Project Homekey

February 16, 2022, City Council

City of Pacific Grove

City Council Action

- Direct staff to begin public outreach on Project Homekey no later than March 16th.
- Potential dates available at the Community Center are March 14th or March 28th.

Project Homekey Information

- AN FAQ is posted on the City's Housing Website: https://files.cityofpacificgrove.org/Document_Center/Departments/Community%20Development/Housing/Main%20Page/Memo_Homekey%20FAQS_2-14-22.pdf

- The City will host a public outreach meeting in March to discuss the Homekey program and the development of very-low income housing.

STEP UP IN PACIFIC GROVE

CREATING SOLUTIONS TO HOMELESSNESS

HOMEKEY

- HomeKey = Permanent Supportive Housing (PSH)
- PSH = Solution to Homelessness
- Housing infused with rich supportive services
- Homekey was based in part on work of Step Up and Shangri La (SLI)
  - Over past fifteen years, we've worked to hone the motel conversion to PSH model
  - Step Up and SLI – 8 motel conversions since 2012
  - Poised to do 14 new HomeKey projects
- National experts on motel conversions

OUR HOMEKEY PARTNERSHIP

- City of Pacific Grove – Step Up – Shangri La Industries (SLI) partnership
- Every Homekey project has three components;
  - Acquisition/Rehab
  - Rent Subsidy
  - Services

WHO DOES WHAT?

- Acquisition & Rehab
  - Funded by Homekey and SLI
  - City of PG has no obligation for acqu/rehab costs
- Rental Subsidies
  - All tenants are low income
  - Securing rental subsidies through HomeKey, the county and other sources
- Services Funding
  - Securing funding through Homekey and local sources

WHO DOES WHAT?

- City of Pacific Grove
  - Submitted HomeKey application
  - Support securing rental subsidies from county, HomeKey and other sources
  - Support securing services funding from county, HomeKey and other sources
- Shangri La
  - Secure sale agreement
  - Perform rehab construction to convert motel into studio apartment building
  - Create ownership entity across SLI and Step Up
- Step Up
  - Provide on site supportive services
  - Provide on site property management services

ABOUT STEP UP

- Full service mental health agency since 1984
- Started in Santa Monica, now across CA, GA, TN and FL
- We've housed thousands of chronically homeless individuals
- We have 14 current permanent supportive housing projects
- Recognized as one of the best service providers in the country
- 97% retention rate of individuals who move into housing

THE STEP UP MODEL

- We use Housing First- an evidenced based practice used worldwide
- Three full time supportive services staff on site
  - Dedicated to working solely with tenants on a day-to-day basis
  - That's a 1:16 staff to tenant ratio, about the best in the business
  - Tenants go through a stabilization process in first 3- 12 months
  - Staff assist in transition from sleeping on the floor to sleeping in a bed

SUPPORTIVE SERVICES
ACTIVITIES OF DAILY LIVING AND SERVICE COORDINATION

- Activities of Daily Living (ADL)
  - Cooking, cleaning, shopping, budgeting, etc.
  - Learning or relearning responsibilities of a housed daily life
  - Checking in daily
  - Focus for first 6- 12 months

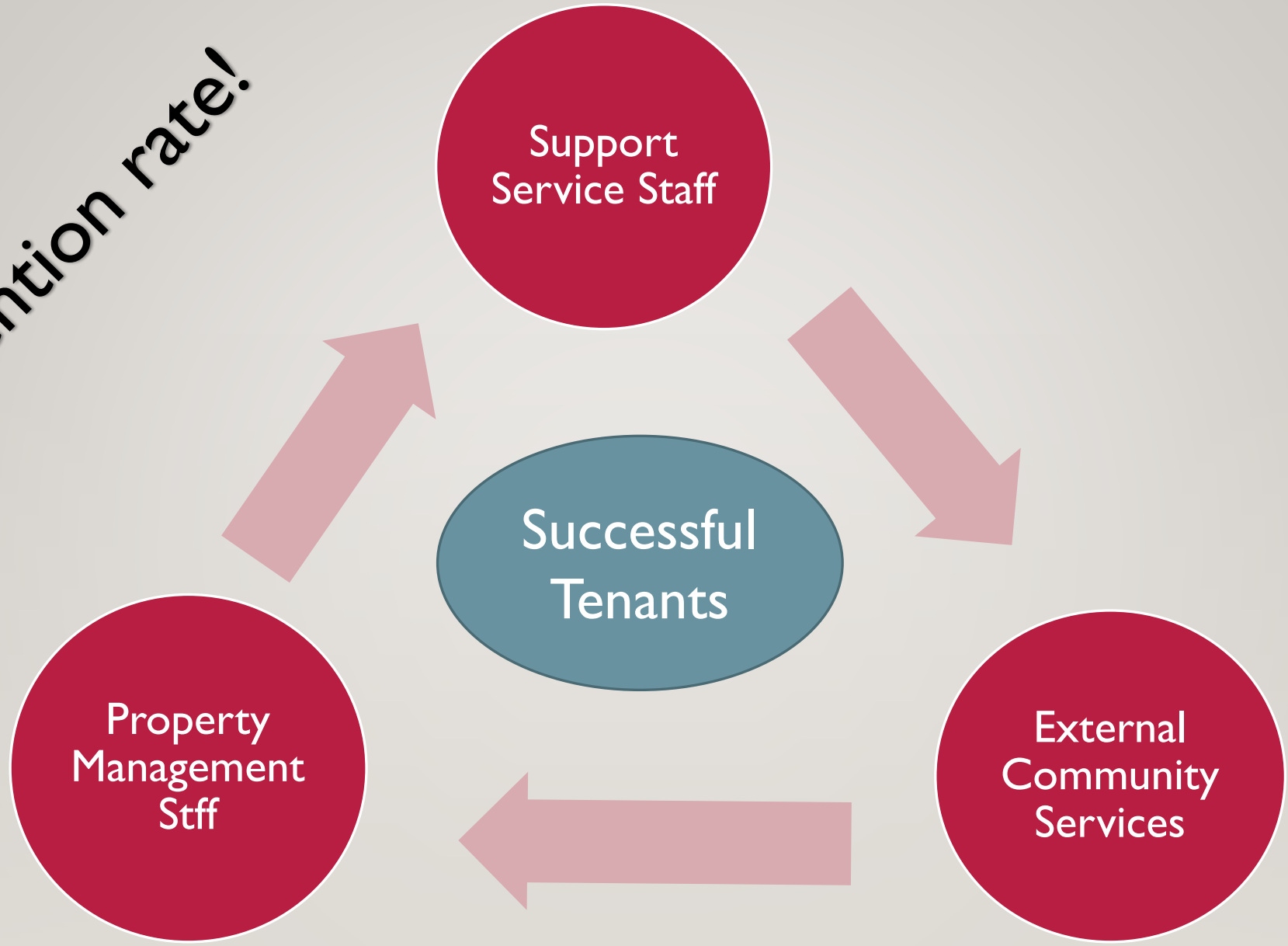
SUPPORTIVE SERVICES
ACTIVITIES OF DAILY LIVING AND SERVICE COORDINATION

- Service Coordination
  - Developing goal plan with each tenant
  - Identify and secure community services to support that plan
  - Aligning all resources to support tenants
  - Transport tenants to appointments as needed
  - 5- 6 days/week coverage

PROPERTY MANAGEMENT SERVICES

- Resident Manager
  - Lives on site
  - Rent collection, maintenance, etc.
  - Eyes and ears on weekends and evening
  - Coordinates with supportive services daily
- Step Up will have four staff on site focused solely on the 49 tenants

97% retention rate!



"In a matter of months, not years, Shangri La and Step Up gave some of the most vulnerable Californians the dignity of a key, a lock a door and a place to call home. This is an example of the kind of innovation we need to take this crisis on."

Governor Newsom on our San Bernardino Homekey project, 2021

PROJECT HOMEKEY
Community Development Department

April 6, 2022, City Council

City of Pacific Grove

Homekey Community Meeting
March 14, 2022

- Homekey is a program that represents an opportunity for communities to rapidly create permanent supportive housing to residents experiencing homelessness.
- The program allows communities to tap into significant state funding to address local homelessness.
- Homekey housing provides wrap around services, including case management, behavioral health services, and property management
- Staff was directed to conduct outreach on the Homekey program and held a Community Meeting on March 14, 2022.
- Over 55 people were in attendance and provided valuable input, summarized in this presentation.

PROJECT HOMEKEY

Community Meeting
March 14, 2022
Survey Evaluation

Philipp Hamm, City of Pacific Grove
Intern, University of Applied Sciences Ludwigsburg, Germany

THE PROJECT HOMEKEY – COMMUNITY MEETING

Survey 1

The first survey was completed by the participants before the start of the meeting.

Presentation

Presentation of Tod Lipka (CEO, Step Up) and Roxanne Wilson (Executive Officer, Coalition of Homeless Services Providers).

Breakout Session

Discussion in small groups on homelessness.
Subsequently, opportunity to ask questions.

Survey 2

At the end of the meeting, all participants were asked to answer another survey with the same questions as in the first survey.

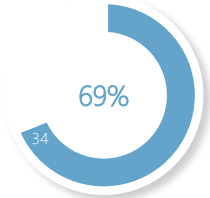
WHY WE DID THE SURVEY

We wanted to know…

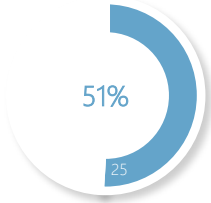
As a community, do we agree there are people experiencing homelessness in Pacific Grove?

How do we address the needs of those experiencing homelessness in our community?

Can we come to a better understanding about homelessness through this group discussion and hearing varying viewpoints?

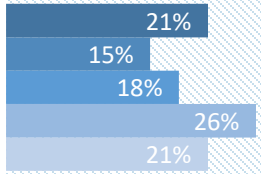


49 Meeting Participants

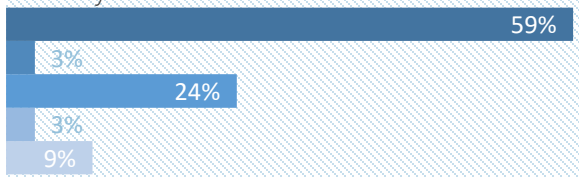


Survey 1

1. Homelessness is a problem in Pacific Grove.

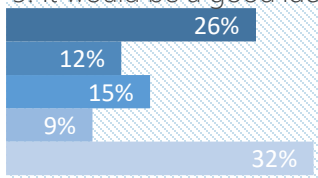


2. Everyone deserves to be housed.

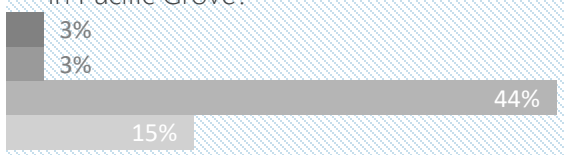


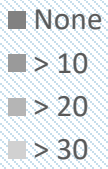


3. It would be a good idea to adopt Project Homekey.



4. How many Homeless people do you think there are in Pacific Grove?





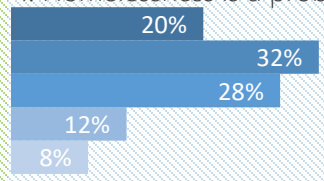
62% changed answers towards agree

21% didn't changed answered

17% changed answers towards disagree

Survey 2

1. Homelessness is a problem in Pacific Grove.

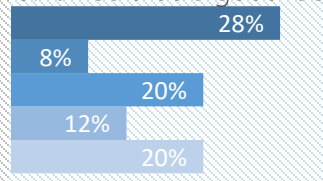


2. Everyone deserves to be housed.



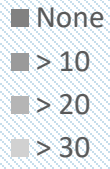


3. It would be a good idea to adopt Project Homekey.



4. How many Homeless people do you think there are in Pacific Grove?





THANK YOU!

Agenda No. 12 B

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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Anastacia Wyatt, Housing Program Manager

MEETING DATE: April 6, 2022

SUBJECT: Housing Element and Regional Housing Needs Allocation (RHNA) ***This item was continued from the March 16, 2022 meeting.***

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

RECOMMENDATION

Receive update.

DISCUSSION

The Pacific Grove Housing Element

The Housing Element is part of the City's General Plan, as required by state law. It sets forth Pacific Grove's goals, policies and programs for housing, helping ensure the City plans for adequate housing to meet current and projected needs. In accordance with state requirements, it includes an analysis of housing needs across income levels and types of households, and identifies sites to meet the need for new housing as well as programs to preserve existing housing. Importantly, the Housing Element must demonstrate that the City has the necessary zoning, development regulations, and supportive policies and programs to facilitate housing production consistent with projected needs at different income levels, as established through a state-mandated process called the Regional Housing Needs Allocation, or RHNA.

Pacific Grove's existing Housing Element was adopted in March 2016 and covers the planning period from 2015 to 2023. The next planning period covers the period from June 30, 2023 to December 15, 2031. The state deadline for adopting the new Housing Element is December 2023.

Key Components of the Housing Element

There are a number of requirements that every California city's Housing Element must consider and respond to. The main components include:

- *Housing Needs Assessment*, analyzing the demographic, employment and housing trends and conditions that affect housing needs in Pacific Grove.
- *Evaluation of Past Performance*, documenting our success in implementing the policies and programs of our current housing element and key lessons learned.
- *Housing Sites Inventory*, identifying available sites for housing development or redevelopment to ensure that there is adequate capacity to address RHNA (see next section).
- *Community Outreach and Engagement*, demonstrating that the City has a robust community outreach and engagement program, with a particular focus on outreach to traditionally underrepresented groups.

- *Constraints Analysis*, analyzing and recommending remedies for existing and potential governmental and nongovernmental barriers to housing development.
- *Policies and Programs*, setting forth the policies and programs we are adopting to fulfill our identified housing needs and meet our goals.

Recent Changes to Housing Element Law

A number of recent state laws establish new requirements for the Housing Element and create additional consequences for not being in compliance. Further, the state recently established a Housing Accountability Unit that is charged with monitoring and enforcing compliance with housing element law and ensuring that local jurisdictions are helping to facilitate the development of new units and complying with fair housing requirements.

Some of the key changes include:

- **A big increase in the number of units the City needs to plan for** including, in particular, an increase in the number of lower income units needed to be planned for.
- **New requirements for the inventory of housing sites.** These include limits on the extent to which sites can be reused that are included in the current housing element and increased scrutiny of small, large, and non-vacant sites when these sites are proposed to accommodate units for very low- and low-income households.
- **New requirements for "affirmatively furthering fair housing."** The City needs to ensure inclusive engagement in the Housing Element process as well as careful attention to ensuring that the selection of Housing Element sites and other housing policies and programs do not result in segregation or concentration of poverty and that they increase access to areas of opportunity.
- **New parameters for rezoning.** In previous Housing Elements, a jurisdiction had three years in which to complete any rezoning needed to provide for planned housing capacity. While that remains true, if the Housing Element is not certified within 120 days of the statutory deadline, the rezoning must now be completed within a year of certification. If the experience of other regions is an indication, the likelihood of getting a certified element within the established timeframe is low, in part due to the next point…
- **Additional time required for review.** HCD has 90 days for review of submitted draft elements, and there are more requirements for public review periods, too. Given the number of new requirements, most jurisdictions are finding that multiple rounds of review with HCD are being required in order to get to a certified element.

RHNA Methodology and Pacific Grove's e-Draft Allocation

In the 2015 – 2023 planning period, Pacific Grove's "Regional Housing Need Allocation" (or RHNA) was 115 units. In the draft methodology recently approved by the AMBAG Board in January 2022, **the number of units allocated to Pacific Grove is 1,125**. This is much higher than the draft projections shared with Council in December 2021, which ranged from 300 to 440 total units.

While the overall increase for AMBAG jurisdictions compared to the previous planning period is higher due to an increase in the projected regional housing need (33,274 units projected for the AMBAG region as a whole, compared to 10,430 previously) Pacific Grove's increase under the adopted draft methodology is also due to the AMBAG Board's decision to adopt a methodology that weights housing allocations towards "high resource communities" and incorporated areas—both of which apply to Pacific Grove. Other factors considered in the methodology include the number of jobs and the balance between jobs and housing units, among others.

Table 1 in Attachment B summarizes Pacific Grove's allocation based on the draft RHNA 6 methodology compared to the numbers that were allocated in RHNA 5 (for the 2015 – 2023 planning period) as well as housing unit production, by income category, during that period. **Table 2 in**

Attachment B provides a summary of all the Monterey County jurisdictions' RHNA 5 and RHNA 6 allocations as well as a comparison of their RHNA 6 allocation of units to estimates of the current number of housing units in each jurisdiction. These numbers are provided to help contextualize and compare Pacific Grove's "pre-draft" allocation with those of others.

The increase in the RHNA allocations are particularly pronounced in the Monterey Peninsula communities, with Pacific Grove having the second largest increase in allocations compared to RHNA 5 (878%) and Carmel-by-the-Sea the highest (1,026%). However, comparing the allocation to the number of existing housing units is also instructive and provides a different understanding of the allocations. While Carmel has the highest increase in comparison to the RHNA 5 allocations, it has among the lowest increases in comparison to the number of units already existing in the City (3,438 existing units, with an allocation of 349 units, for an increase of 10% during the planning period). By comparison, Pacific Grove's allocation of 1,125 units is an increase of 878% from RHNA 5, but translates to an increase of 14% from the current number of units (estimated at 8,219), which is consistent with the increase in units from RHNA 6 applied countywide.

The proposed draft methodology also allocates units by income category. For Pacific Grove, the increase in the allocation (compared to RHNA 5) of very low income units is 1,111%, low income is 1,128%, moderate income is 662%, and above moderate income is 744%. While these numbers are much higher than anticipated, it is important to keep in mind that the recently completed work of the Welcome Home Initiative highlighted the significant workforce and affordable housing needs in the community, and the mismatch between the housing needed and the City's existing housing stock.

Building lower income units requires heavier subsidies and incentives to support the development of those units. While the City itself does not build housing, the housing element must demonstrate that the city has in place the necessary zoning, regulatory standards and other policies and programs to facilitate the development of that housing. This will require rezoning in multiple areas of the city and the redevelopment of existing non-vacant sites (see **Attachment C**). As a result, this may also require reconsideration of the city's Land Use Map and potentially other parts of the Pacific Grove General Plan to ensure they are consistent with the level of planned housing growth.

Regardless of Pacific Grove's final RHNA, it is recommended to plan for a 10 to 15% higher capacity than the actual RHNA number. The reason for this is to ensure an adequate inventory for the duration of the eight-year planning period in compliance with the state's "No Net Loss" rule. This helps to avoid the need for rezoning additional sites midway through the planning period due to the loss of sites to lower density or higher income development.

RHNA Number Appeals

There is a step in the RHNA process during which jurisdictions and others can appeal the draft allocations (their own as well as those of others). With the AMBAG Board having approved the draft methodology, that methodology is now being reviewed by HCD to ensure compliance with state law requirements. Assuming it is found in compliance, the next step is for the Board to approve draft regional housing need allocations, by income category, for every jurisdiction based on the approved methodology. At that point, the appeal period begins. Following the review of appeals, the AMBAG staff and Board will then approve or deny each appeal. Appeals must be focused on identifying errors in the methodology and/or underlying data. Based on the experience in other regions of the state, appeals that claim the numbers of units can't be achieved due to land or resource constraints or community impacts are unlikely to be successful.

Water Issues

A key issue in planning for and actually facilitating the level of growth called for in Pacific Grove's

allocation based on the draft RHNA methodology is the continuing moratorium on new water connections for communities served by Cal-Am, including Pacific Grove. Water limitations will need to be considered in the required analysis of constraints on development, with proposed actions for reducing or eliminating the constraints identified. This will be an important discussion in the element, and with HCD through the review process. However, the current moratorium will not be eliminated or directly addressed through the housing element update. There are separate processes underway to develop viable strategies for addressing the peninsula's water issues. Until those strategies are agreed upon and implemented, the City's housing element will need to proceed with planning for and implementing zoning and development regulation changes necessary to accommodate Pacific Grove's final RHNA, whether that ends up being 1,125 units or something else.

Facilitating the Development of Lower Income Housing Units

The Housing Element is first and foremost a planning requirement (the City itself is not a developer). Through the housing element update process, the City will need to ensure that local zoning, development regulations and development review processes help facilitate housing development consistent with the final RHNA. The City will also need to ensure we have policies and programs in place that further support the development of affordable housing, including potential incentives or requirements, which may include City contributions in the form of funding, fee waivers, land contributions, grant applications, and collaborative efforts with other agencies and developers.

There are many factors that will affect whether or not the number of units identified in the RHNA are actually realized—namely market conditions (including both demand and development costs) and issues such as water availability, which the City will work to influence (consistent with policies that will be articulated in the Housing Element) but which it does not directly control.

RHNA Schedule

The state's deadline for completing the update and being certified for compliance with state law is December 2023. In order to achieve certification by December 2023, development of the draft element will need to be completed in late 2022, with initial public review and public hearings in the first quarter of 2023. Following the initial public review, there is an initial 90-day review period by HCD, and then time for refinements, final adoption, and submittal for certification by the December 2023 deadline. State law provides for a 120-day grace period (through March 2024). The schedule reflects the intent to complete rezoning in conjunction with the update. If that proves infeasible, the intent is to complete rezoning within one-year of the December 2023 deadline (by December 2024) which is the maximum timing allowed in the event the City does not achieve a certified element by the state deadline. If the City achieves certification by the deadline, rezoning must be completed within three years (by December 2026).

Community Engagement

Building off the community engagement process and outcomes from the Welcome Home initiative, the Housing Element Update process will continue to involve the **Pacific Grove Housing Advisory Group** (which will become the Housing Element Steering Committee) as advisors to staff on engagement planning as well as potential policy and action priorities. Staff is planning for a sequence of **broad community participation activities** (virtual and in-person), including focused outreach to areas under consideration for rezoning, coupled with **targeted equity-focused outreach** to ensure that the voices of traditionally underrepresented groups are heard. City staff and interns are also handing out flyers at the City's Farmer's Market and taking other opportunities for less formal outreach. Staff is also working regionally to support and participate in regional meetings.

The engagement work will happen in four overall phases:

Community Education about the Housing Element

March 2022 – May 2022

- What it is and why it matters
- How it relates to and builds on the Welcome Home work
- RHNA and State requirements
- Affirmatively Furthering Fair Housing
- When and how to be involved

Creating New Housing Opportunities
June 2022-October 2022

Evaluating potential rezoning strategies "Balancing Act" engagement tool Focusing on affordability Objective Design Standards input

The Draft Plan
January – March 2023
Public review and input on the draft plan

Plan Adoption
Fall 2023
Planning Commission and Council adoption

OPTIONS

Provide further direction on the Housing Element Strategy and community engagement process.

FINANCIAL IMPACT:

Although there is no financial impact to hearing this update, it is important to note that the 2023-2031 Housing Element update and outreach is paid for through grant funding. Intern work is assisting with outreach efforts.

GOAL ALIGNMENT: Increase Affordable Housing: Determine policies, projects and programs that will advance the effort to create new affordable housing in the City.

Attachments

Housing Element Update Attachments A through C

Updated PPT

ATTACHMENT A

City of Pacific Grove Housing Element Information
(for use in public outreach)

City of Pacific Grove

Housing Element Information

What is a Housing Element?

Since 1969, Housing Elements have been a mandatory chapter of local General Plans in California. A Housing Element provides an analysis of a community's housing needs for all income levels and strategies to provide for those housing needs. It includes goals, policies, programs, and objectives to guide future housing growth to meet the needs of residents of all income levels in the City of Pacific Grove. It also identifies projected housing needs by income category and requires certification by the State Department of Housing and Community Development (HCD) for compliance with state housing laws. An HCD certified Housing Element enables the City to be eligible for various state grants and funding sources. The State requires that Housing Elements be updated and certified regularly to reflect the most recent trends in demographics and employment that may affect existing and future housing demand and supply. The Housing Element is updated every eight years.

Why is the Housing Element Important?

Updating the Housing Element presents a real opportunity for communities to be forward thinking and strategic in their overall planning process. The benefits of updating the Housing Element include: providing timely access to State infrastructure bonds to construct needed capital improvement projects; implementing redevelopment/revitalization initiatives and smart growth principles to help shape the community's physical form; achieving a jobs-housing balance to reduce commute patterns, retaining a local employment base and providing the capacity for attracting new business; engaging the public stakeholders in developing a common basis of understanding; devising land use strategies and achieving consensus on common goals; and directing growth in the community.

Why Update the Housing Element?

State Department of Housing and Community Development (HCD) is responsible for determining the regional housing needs assessment (RHNA) within each region's planning body known as a "council of governments" (COG). RHNA quantifies the need for housing during specified planning periods. Each COG is then responsible for allocating the housing need amongst all the jurisdictions within that region during specified planning periods. The RHNA allocation for the City of Pacific Grove is 1,125 units. The City of Pacific Grove's council of governments is known as Association of Monterey Bay Area Governments (AMBAG).

Housing Element law does not require the City construct the 1,125 units but rather that it implements a plan to accommodate for these units throughout the City. The Housing Element serves as a tool to address housing problems and aims to identify constraints, barriers, and provide realistic solutions where feasible.

What are the most important issues that must be addressed in the Housing Element?

The major issues that must be addressed in the Housing Element are:

- How City policies, plans and regulations help to meet the region's housing needs for people at all income levels.
- How City land use regulations accommodate the special housing needs of persons with disabilities or other difficulties.

Every community is dependent on a variety of low- and moderate-income workers in jobs such as child and elder care, medical support, business and personal services, retail trade, and maintenance. While governmental programs provide funding assistance for affordable housing, city plans and regulations determine the type of housing that can be built. Therefore, a sufficient supply of affordable housing is dependent on both financial assistance and city development regulations.

Under State law all cities are required to plan for additional housing to accommodate population growth and existing housing problems such as overcrowding and high housing cost. State law recognizes that most housing is built by private developers, not cities. However, cities are required to adopt policies, plans, and development regulations to encourage a variety of housing types that are affordable for persons at all income levels, including multi-family rental housing and accessory dwelling units ("ADUs"). The Regional Housing Needs Assessment ("RHNA") is the process by which each jurisdiction's share of new housing needs is determined.

Additionally, under State law, cities must ensure that their plans and regulations encourage the provision of housing for persons with special needs including providing for:

- Reasonable accommodation for persons with disabilities.
- Transitional and supportive housing.
- Residential care facilities.
- Emergency shelters and "navigation centers."

What is "affordable" housing?

By definition, housing is considered "affordable" when total housing cost, including utilities, is no more than 30% of a household's gross income. State law describes five income categories, which are based on the county's median income. These categories, and their current maximum income classification for a household of four are shown in the table on the next page along with the Maximum Affordable Rents for Monterey County in 2021.

Monterey County Area Median Income in 2021 was $81,600

Monterey County Maximum Affordable Rents (2021)

Household size:	**1**	**2**	**3**	**4**
Acutely Low	$8,600	$9,800	$11,050	$12,250
Extremely Low	$21,350	$24,400	$27,450	$30,500
Very Low Income	$35,600	$40,700	$45,800	$50,850
Low Income	$56,950	$65,100	$73,250	$81,350
Median Income	**$57,100**	**$65,300**	**$73,450**	**$81,600**
Moderate Income	$68,550	$78,300	$88,100	$97,900

What is the "RHNA" and why is it important?

Each California City is required to plan for new housing to accommodate a share of regional needs. The Regional Housing Needs Assessment ("RHNA") is the process established in State law by which each city's housing needs are determined.

Prior to each Housing Element planning cycle the region's total housing need is determined by the California Department of Housing and Community Development ("HCD") based upon economic and demographic trends, existing housing problems such as overcrowding and overpayment, and additional housing needed to ensure reasonable vacancy rates and replace units lost due to demolition or natural disasters. The total housing need for the region is then distributed to cities and counties by AMBAG based upon criteria established in State law. AMBAG prepares a RHNA plan that allocates a share of the RHNA to each jurisdiction in the region.

Is the RHNA a construction quota or mandate?

The RHNA allocation identifies the amount of additional housing a jurisdiction would require in order to have enough housing at all price levels to fully meet the needs of its existing population plus its expected population growth over the next 8 years while avoiding problems such as overcrowding and overpayment. The RHNA is a planning requirement that identifies housing need, not a construction quota or mandate. Jurisdictions are not required to build housing or issue permits to achieve their RHNA allocations, but State law establishes specific requirements when housing production falls short of RHNA allocations. One such requirement is streamlined review of housing development applications that meet specific standards.

What must cities do to comply with the RHNA?

The Housing Element must analyze the city's potential capacity for additional housing based on an evaluation of land use patterns, development regulations, development constraints, and real estate market factors. The analysis must be prepared to identify properties where additional housing could be built consistent with current regulations. This evaluation is referred to as the "sites inventory." State law requires the inventory to demonstrate that the city has adequate capacity to fully accommodate its RHNA allocation for each income category. If the sites inventory does not demonstrate that adequate capacity exists to fully accommodate the RHNA, the Housing Element must describe what steps will be taken to increase capacity commensurate with the RHNA – typically through amendments to land use and zoning regulations that could facilitate additional housing development.

Under State law, areas that are zoned to allow residential or mixed-use development at a density of at least 20 units/acre in small cities such as Pacific Grove are considered appropriate for affordable housing in the very-low and low – income categories. Accessory dwelling units ("ADUs") can also accommodate future housing need in all income categories.

Why does Pacific Grove have to plan for more housing?

California law requires each city and county to plan for their "fair share" of the State's housing growth needs. Based on economic and demographic forecasts, the State has determined that the Association of Monterey Bay Area Governments (AMBAG) region needs to accommodate 33,274 additional housing units between 2023-2031 to meet housing demand. AMBAG is the agency responsible for distributing the fair share allocation among its 3 counties and each of the cities within the counties. In Monterey County, the 11 cites in addition to Pacific Grove are Carmel-by-the-Sea, Del Rey Oaks, Gonzales, Greenfield, King City, Marina, Monterey, Salinas, Sand City, Seaside, and Soledad. Based on the draft methodology adopted by the AMBAG Board in January 2022, the number of units that Pacific Grove will need to plan for is 1,125 (an increase of about 14% above the number of units we have in the city today).

What do communities do when they run out of vacant and buildable land?

Communities with little or no remaining vacant land cannot escape RHNA – they must still update their Housing Element to accommodate the RHNA. In these cases, the Housing Element may evaluate existing developed properties as "underutilized sites." Such properties may be available for intensification, or they may be non-residential sites with potential for re-designation and redevelopment for housing or mixed-use development. Examples of land with potential for recycling may include fragmented sites suitable for assembly, publicly owned surplus land, areas with mixed-use potential, properties facing substantial functional obsolescence, and blighted areas with abandoned or vacant buildings. Second units (accessory dwelling units) also provide a

means of accommodating additional housing in built-out communities. Under limited circumstances, a portion of the City's RHNA may be met through conversion of existing market rate apartments to affordable levels; preservation of affordable units at-risk of conversion to market rate; and substantial rehabilitation of substandard apartment units combined with long term affordability covenants.

What role does community input play in the Housing Element update?

Community input is a very important part of the Housing Element Update. State planning law requires that communities make diligent efforts to engage in public participation that includes all stakeholders and income groups. The public process for the Housing Element will include educational workshops on housing issues, policy formation and program development. Later in the process, the Planning Commission and City Council will conduct formal hearings to adopt the updated Housing Element. Written public comment regarding issues related to housing are always welcome.

What is "certification" of the Housing Element and why is it important?

The State Legislature has delegated authority to the California Department of Housing and Community Development (HCD) to review Housing Elements and issue findings regarding the elements' compliance with the law. If HCD issues a finding that the Housing Element is in substantial compliance with State law it is referred to as "certification" of the Housing Element. Achieving certification of the Housing Element is important for two main reasons:

- Maintaining local control. The General Plan establishes the foundation for the City's land use plans and regulations, and the Housing Element is part of the General Plan. If the City were challenged in court on a planning or zoning matter and the Housing Element were found by the court to be out of compliance, the court could order changes to the City land use plans or regulations and assume control over some City land use decisions. HCD certification establishes a "rebuttable presumption of validity" that the Housing Element complies with State law, which would support the City's legal defense. Recent laws also allow for courts to impose fines if a jurisdiction fails to adopt a compliant Housing Element.
- Eligibility for grant funds. Some State grant funds are contingent upon Housing Element certification.

How can I find out more about the 2023 Housing Element update?

A webpage has been established on the City's website for the Housing Element update at: www.cityofpacificgrove.org This webpage will be updated periodically with meeting notices, documents and other materials regarding the Housing Element update. If you have questions not addressed on the website, you can contact Housing Program Manager, Anastacia Wyatt at: awyatt@cityofpacificgrove.org.

ATTACHMENT B

Table 1: Pacific Grove's Regional Housing Needs Allocation based on Draft Methodology

	RHNA 5 Allocation (2015 – '23)	Units Produced (as of 12/21)	RHNA 6 (2023 – '31) based on Draft AMBAG Methodology**	% Change, RHNA5 to RHNA6
AMBAG Region Total	10,430	-	33,274	219%
Pacific Grove Total	115	81*	1,125	878%
Very Low Income	28	1	339	1,111%
Low Income	18	12	221	1,128%
Moderate Income	21	18	160	662%
Above Moderate Income	48	50	405	744%

**While 81 total units were produced, there has been a shortfall of 36 units when accounting for production by income category.*
***The current numbers are based on the draft methodology adopted by the AMBAG Board on January 12, 2022; that methodology is currently being reviewed by the state for compliance with state law requirements; after that the AMBAG Board will adopt official draft allocation numbers and begin the appeals period. Final RHNA numbers are not expected until late 2022.*

Table 2: Monterey County RHNA 5 / RHNA 6 and Existing Units Comparisons

Jurisdiction	RHNA 5	RHNA 6	% RHNA increase	Est. Housing Units (2021)	Est. Housing Units + RHNA 6	% increase in units
Carmel-By-The-Sea	31	349	1026%	3,438	3,787	10%
Del Rey Oaks	27	184	581%	741	925	25%
Gonzales	293	1,266	332%	1,987	3,253	64%
Greenfield	363	730	101%	4,014	4,744	18%
King City	180	702	290%	3,480	4,182	20%
Marina	1,308	685	-48%	7,862	8,547	9%
Monterey	650	3,654	462%	13,717	17,371	27%
Pacific Grove	**115**	**1,125**	**878%**	**8,219**	**9,344**	**14%**
Salinas	2,229	6,674	199%	43,579	50,253	15%
Sand City	55	260	373%	197	457	132%
Seaside	393	616	57%	10,921	11,537	6%
Soledad	191	724	279%	4,174	4,898	17%
Balance of county	1,551	3,326	114%	39,936	43,262	8%
Countywide	7,386	20,295	175%	142,265	162,560	14%

Sources: State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011-2021. Sacramento, California, May 2021; AMBAG Board of Directors, Option Z RHNA (pg. 85); AMBAG Regional Housing Needs Plan 2014 - 2023

ATTACHMENT C

Potential Strategies for Creating Additional Housing Capacity in Pacific Grove

Setting aside the water issue, and recognizing that the RHNA number of 1,125 is based on the draft methodology that has not yet been approved and may therefore change, what are the potential strategies that could be pursued during the housing element to meet this significant increase in projected housing need?

Following is a very high level outline of potential strategies. ***These are provided to illustrate the potential focus and extent of work during the update process. They are not proposals.***

Housing Sites Identified in the 2015 Housing Element Most sites listed in the existing element are small in size and have lower density zoning, or have site-specific constraints; overall capacity is limited.	120 to 150 units
Accessory Dwelling Units In recent years the city has issued about 21 ADU permits per year, but in the most recent year issued 44 permits. We can project within that range for the coming 8 years, or top of that range if we adopt policies and programs that further incentivize or streamline ADU approvals.	168 to 352 units
Downtown and Commercial Corridors Rezoning Allowing greater density downtown, through changes in dwelling units per acre, increased height, increased FAR and/or changes in parking standards—especially if structured to give preference to residential—could provide enough incentive for redevelopment on key sites. Will need to consider market feasibility along with inclusionary requirements or incentives.	120 to 200 units
Forest Hill Area Rezoning Updating the Forest Hill Specific Plan and rezoning to encourage multi-unit residential can create significant new housing opportunities but will need to ensure economic feasibility, area cohesion and careful attention to fair housing issues (avoiding concentration of affordable housing in one area).	350 to 550 units
Middle Housing Rezoning Enacting changes to R3 zoning and expanding the areas where it applies can encourage duplex, triplex and townhome development in areas close to downtown and commercial corridors. Will need to ensure standards are market-feasible in comparison to single family homes, and may need to restrict new single family home development in multi-unit zones.	55 to 75 units
Facilitating Lot Splits and Smaller Lots Building off the provisions of Senate Bill 9, establish local policies and procedures that facilitate the creation of smaller lots (through subdivision) and duplex developments in R-1 zones. This could also include rezoning the R-1-B3 zone outside the coastal zone to R-1 (removing the 10,000 sf minimum lot size).	15 to 50 units
TOTAL:	**828 to 1,377 units**

Pacific Grove

Housing Element Update
Introduction + Schedule

April 6, 2022

Anastacia Wyatt, Pacific Grove Housing Manager
David Driskell, Baird + Driskell Community Planning

Key Take-Aways

- Pacific Grove's "Pre-Draft" RNHA is significantly higher than previously anticipated.
- The draft numbers aren't official yet; once they are, appeals begin (but the criteria are very narrowly defined).
- Consequences of not having a certified Housing Element are significant (and becoming more so).
- We will need to rezone. This will be a big lift.
- Remember: we really do need more affordable housing.



RHNA Refresher

- "RHNA" is the Regional Housing Needs Allocation
- Our previous Housing Element responded to "RHNA 5." We are now in "RHNA 6."
- The RHNA process is mandated by state law.
- Every jurisdiction must have a Housing Element that demonstrates how it will facilitate new development to meet its RHNA.



RHNA Refresher

- The AMBAG region's RHNA 5 total was 10,430 units. For RHNA 6 it is 33,274 units. *This number is set.*
- The table on the next slide shows "pre-draft" #s for Monterey County cities based on the draft methodology approved by the AMBAG Board in January.
- That methodology is now being reviewed for compliance with state laws.

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RHNA: What's Next?

1. State reviews methodology
2. AMBAG Board adopts official draft RHNA numbers
3. Appeals period opens
4. AMBAG responds to appeals
5. Final RHNA (late 2022)

Elements due Dec 2023



The Housing Element

- ❑ Housing Needs
- ❑ Constraints
- ❑ Sites Inventory
- ❑ Goals, Policies + Programs

The Housing Element helps ensure we have planned for, and are helping to facilitate, the housing we need.



The Housing Element

Affirmatively Furthering Fair Housing

Addressing inequity in access to housing and opportunity through:

- Housing policies and programs
- Where new housing is located
- Ensuring inclusive engagement



The Housing Element

Potential Consequences of Not Getting Certified

- General Plan inadequacy
- Legal suits and financial penalties
- Loss of permitting authority
- Streamlined ministerial approval processes

New Housing Accountability Unit will proactively monitor compliance

Creating More Housing



- ADUs
- Downtown and Commercial Corridors rezoning
- Forest Hill Area rezoning
- Middle housing" rezoning
- Lot splits and smaller lots
- Key opportunity sites

Will likely require changes to other parts of the General Plan



Getting Started

- Launch collaborative “Let’s Talk Housing” web platform and regional workshops
- Build equity-focused engagement strategy
- Start meetings of Housing Element Steering Committee
- Prepare for rezoning conversations this summer

Complete draft in early 2023.



Next Month

- Objective Design and Development Standards recommendations
- Density bonus approach
- Potential ballot item re: voter restrictions on housing

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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Bill Peake, Mayor
MEETING DATE: April 6, 2022
SUBJECT: Purchasing Authorization
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Approve in concept an ordinance amending PGMC 2.16.

DISCUSSION
INTRODUCTION
On January 19, 2022, Council discussed expenditures for Council approved legal services that did not have stated expenditure limits. This agenda report is a follow-up to that discussion.

Purchasing presents a number of ethical and legal hazards for local officials. This is because missteps can undermine the public's confidence in the agency's financial practices. What may appear to be minor code violations, i.e. noncompliance, can be interpreted as disregard of purchasing regulations.

Mayors and Councilmembers have a fiduciary role. Council should: Establish purchasing ordinance/policy, direct administrative staff to carry out the process, and approve final agreements. Ultimate responsibility for all City expenditures, including purchases, rests with Council.

REGULATIONS – AUTHORIZATION
City purchasing regulatory framework is provided in City Charter Article 40. Paragraph (b) states: The Council by ordinance shall adopt policies and procedures, including appropriate bidding regulations, governing purchases of or contracts for supplies, materials and equipment. Purchases of supplies, materials and equipment shall be made only in accordance with the adopted policies and procedures.

Authorization for the purchase of services is also addressed in PGMC 2.16 Purchasing System and Procedures.

PGMC 2.16.020 states all purchases of and contracts for supplies, services, materials, equipment, and public works by the city, or by an officer or employee thereof, shall be made only in accordance with and pursuant to the provisions of this chapter.

The City Manager is the city's purchasing agent and has responsibility for the procedure and forms to

carry out such duty in accordance with the municipal code. PGMC 2.16.160 states purchases of supplies, services, materials, equipment, and contractual services, including public works, having an estimated market value under $40,000 (for the period beginning July 1, 2020) may be made by the purchasing agent in the open market.

PGMC 2.16.220 states purchases and contracts for supplies, services, and equipment of estimated market value greater than the maximum amount for which the purchasing agent is authorized, shall be by written contract, approved by the council by resolution.

PRACTICE

I assume that most City purchases are processed in a manner consistent with PGMC 2.16. However, three recent purchases were not in compliance with the municipal code:

- September 15, 2021, staff reported on the archeological monitoring agreement with Patricia Paramoure Archeological Consulting for the ASBS Capture and Diversion Project and the Sewer Collection System Master Plan Project. Table 2 stated ASBS total costs incurred exceeded amended contract total by $42,836.38 and SCSMP total costs incurred exceeded amended contract total by $9,377.65. Staff recommended authorization of a second amendment to increase the total project budgets by the existing delta to reflect the total costs of archeological monitoring incurred. Council approved.
- Council authorized the City Manager and City Attorney to proceed with litigation against the California Department of Tax and Fee Administration (CDTFA), and to contract with Michael Colantuono for litigation services in closed session on February 24, 2021. Council's approval for hiring Michael Colantuono did not include an expenditure limit. Michael Colantuono was paid $106,797.99 for CDTFA transactions and use tax litigation. This amount exceeds $40,000 which is the City Manager's expenditure authority.
- In closed session on August 18, 2021, Council approved the addition of Elizabeth Hull, Best Best & Krieger to the negotiating team for the vacation of Sloat Ave. and Ocean View Blvd easement. Council's approval for hiring Elizabeth Hull did not include an expenditure limit. On January 19, 2022, Sloat Ave. negotiations were ongoing, and invoices received exceeded the City Manager's expenditure authority of $40,000. On January 19 Council approved an $80,000 expenditure limit for Elizabeth Hull.

These violations are sufficient reason to warrant a Council review and improvements to the purchasing system and procedure to prevent future noncompliance.Root causes of noncompliance may include:

1. Failure to explicitly state the purchase limit.
2. Improper assumptions:
    a. Purchase limit for Council authorized purchases is available funds.
    b. Purchase regulations can be ignored if there are perceived savings.
    c. Retroactive purchase authorization is acceptable.
    d. Purchase regulations do not apply in Council closed session.
3. Unclear purchasing responsibilities or knowledge of purchasing system and procedures.

The manner in which Council purchase approvals have been obtained has been inconsistent. In practice approvals have taken the form of a simple motion, a recommendation with a report, a written contract, or a resolution. PGMC 2.16.220 specifies a written contract and resolution. Clarity of the form for Council approval could reduce uncertainty and improve efficiency.

There is no legal difference between a Council motion and a resolution.A resolution is not required to direct the City Manager to take a certain action, or to enter into a contract. However, a resolution

requires additional steps for implementation and tracking.

PROPOSED IMPROVEMENTS

Improved contractor cost tracking should be implemented to prevent unauthorized expenditures. That would allow Council's timely approval when costs are trending toward exceeding the City Manager's purchasing authority.

Additional improvements can be made in our purchasing regulations. I recommend amending the municipal code as follows (insert **BOLD** delete ~~strikethrough~~):

1. Amend 2.05.010

   (a) Pursuant to Article 11 of the city charter the mayor shall sign, facsimile or actual, in the name and on behalf of the city, all contracts, deeds, bonds and other legal instruments in which the city is a party. This section does not transfer operational authority to the mayor.

   (b) Mayor shall not sign any purchase contract, deed, bond or other legal instrument unless in accordance with Council approval.

2. Amend 2.16.160

   (b) The purchase authority limit set forth in subsection (a) of this section shall be adjusted **by Council ordinance** on July 1st of each fifth fiscal year, starting on July 1, 2020. The adjustment shall cause an increase or decrease to the purchase limit based upon the cumulative change in the Consumer Price Index (CPI) that occurred since the last adjustment, based upon the "CPI, All Urban Consumers, San Francisco-Oakland-San Jose area; base years 1982-1984 = 100," as published by the U.S. Department of Labor, or any comparable replacement or successor index. For ease of administration, the purchase authority limit set for each following five-year period shall be adjusted by rounding to the nearest $5,000.

   (e) Council approval of purchases and contracts for supplies, services and equipment without a purchase limit shall not exceed the city's purchasing agent authority limit set forth in Article II of this chapter.

3. Amend 2.16.220

   (a) Except as otherwise provided herein, purchases and contracts for supplies, services and equipment of estimated market value greater than the maximum amount for which the purchasing agent is authorized, as specified in Article II of this chapter, shall be by written contract~~,~~ approved by the council ~~by resolution,~~**. Council shall approve** ~~with~~ the lowest responsible bidder pursuant to the procedure prescribed in this article **except when such procedures may be dispensed with as defined in Article I of this chapter.** (The procedures prescribed in Article IV of this chapter shall be observed in the case of all public works projects, as defined in Article IV of this chapter, involving expenditures greater than the maximum amount for which the purchasing agent is authorized, as specified in Article II of this chapter.)

   (b) Council approval of a purchase in closed session shall be as prescribed in this article.

GOAL ALIGNMENT: 4. Transparency, Accountability and Communication and 5. Financial Stability

REFERENCES:

- Institute for Local Government, "Financial Management for Elected Officials: Questions to Ask' January 2013, page 19

- CalCities, ‘Financial Responsibilities and City Revenues for Mayors and Council Members’, January 21, 2022, slide 6

OPTIONS

- Provide alternatives
- Do nothing

FINANCIAL IMPACT:

There is no fiscal impact.

GOAL ALIGNMENT: See Goal Alignment within Discussion section.