NOTICE OF MEETING

CITY OF PACIFIC GROVE

CITY COUNCIL

REGULAR MEETING AGENDA **ADJOURNED TO 4/12/23**

Wednesday, April 5, 2023, 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).

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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 McDonnell

1. **APPROVAL OF AGENDA**

2. **PRESENTATIONS**

A. Mayor's Proclamation: Fair Housing Month PAGE 7

Reference: Sandra Kandell, City Clerk

Recommended Action: Receive presentation.

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

B. Mayor's Proclamation: National Community Development PAGE 9

Reference: Bill Peake, Mayor

Recommended Action: Receive presentation.

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.

A. General Public Comment

Reference: Sandra Kandell, City Clerk

Recommended Action: Receive written general public comment if applicable.

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

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 City Council Special Meeting for March 8, 2023 PAGE 12

Reference: Sandra Kandell, City Clerk

Recommended Action: Approve minutes.

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

B. Minutes of the City Council Closed Session and Regular Meetings for March 22, 2023

Reference: Sandra Kandell, City Clerk PAGE 15

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

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

A. Second Reading of an Ordinance to amend Title 15 of the Pacific Grove Municipal Code to update the Streets and Sidewalk Sections PAGE 24

Reference: Laurel O'Halloran, Associate Planner & Economic Development Coordinator

Recommended Action: Hold second reading and adopt an Ordinance to update Title 15 of the Pacific Grove Municipal Code.

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

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: February 13, 2023 PAGE 96

Reference: Joe Amelio, Councilmember

Recommended Action: Receive minutes.

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

B. Civicwell Policymakers Conference PAGE 105

Reference: Chaps Poduri, Councilmember

Recommended Action: Receive 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. Contract Amendment for professional contract planner services with Harris & Associates, Inc. PAGE 163

Reference: Anastacia Wyatt, Community Development Director

Recommended Action: Approve an agreement amendment not to exceed $208,145.00 up until June 30, 2024, approximately $58,145.00 through June 30, 2023, for Fiscal Year 22-23 and $150,000 for Fiscal Year 23-24 for professional contract planner services with Harris & Associates, Inc.

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

B. Library Board Appointment PAGE 177

Reference: Bill Peake, Mayor

Recommended Action: Approve Aparna Sreenivasan appointment to Library Board with term ending January 31, 2027.

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

C. Public Hearing Procedure in Council Policy 000-9 PAGE 197

Reference: Bill Peake, Mayor

Recommended Action: Direct the City Attorney to prepare a Resolution amending Council Policy 000-9 (Council Guidelines) to implement the proposed public hearing and appeal procedures.

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. Economic Development Commission Meeting Minutes: 8/11/2022, 9/22/2022, 10/13/2022, and 11/20/2022. PAGE 206

Reference: Sandra Kandell, City Clerk

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.

A. First reading of an ordinance to amend the City Salary Classification Schedule - Adding a new classification PAGE 219

Reference: Leticia Livian, HR Director and Cathy Madalone, Chief of Police

Recommended Action:

1. Request the City Attorney read the title of the ordinance;
2. Motion to waive further reading of the ordinance;
3. Introduce and hold a first reading of an ordinance to amend the salary classification schedule to establish a salary range for new classification of Property and Evidence Technician and approve the amendment; and
4. Direct that a summary of a proposed ordinance be published as approved by the City Attorney.

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

12. UNFINISHED AND ONGOING BUSINESS

A. FY22/23 Street Rehabilitation Project PAGE 227

Reference: Joyce Halabi, Deputy Public Works Director

Recommended Action: Authorize an agreement with Monterey Peninsula Engineering for the FY22/23 Street Rehabilitation Project on segments of 13th, 15th and 16th St in an amount not to exceed $1,520,048 plus a 9% contingency.

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

B. CONCEPT REVIEW: Proposed Skatepark Project PAGE 232

Reference: Joyce Halabi, Deputy Public Works Director

Recommended Action:

1. Determine if City Council consensus exists for a proposed skatepark project;
2. If consensus exists, review Recreation Board proposed potential skatepark project location recommendations;
3. If Recreation Board location recommendations are accepted, direct staff to pursue discussions with Pacific Grove Unified School District (PGUSD) regarding feasibility for either site; and
4. Return to City Council to present PGUSD discussion outcome.

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

13. **NEW BUSINESS**

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.

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/DEI Coordinator

MEETING DATE: April 5, 2023

SUBJECT: Mayor's Proclamation: Fair Housing Month

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

RECOMMENDATION

Receive presentation.

Attachments

Proclamation

Mayor's Proclamation
Fair Housing Month

April 2023

WHEREAS, April 2023 marks the 55th Anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act. 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 Federal Fair Housing Act protects individuals from discrimination based on race, color, sex, disability, religion, familial status, and national origin; and

WHEREAS, the California fair housing laws further protect individuals from discrimination based ancestry, citizenship, primary language, age, gender (including gender identity and expression), sexual orientation, genetic information, marital status, source of income, military or veteran status, or any other arbitrary characteristic; 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, hereby proclaim the month of April 2023 as "FAIR HOUSING MONTH" advocating for equal housing opportunities for all residents and prospective residents of the City of Pacific Grove. Together, we will make our communities places where our rights are respected and where every one of us can enjoy a safe place to call home.

Bill Peake

Bill Peake, Mayor
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: Sandra Kandell, City Clerk/DEI Coordinator

MEETING DATE: April 5, 2023

SUBJECT: Mayor's Proclamation: National Community Development

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

RECOMMENDATION

Receive presentation.

Attachments

Proclamation

Mayor's Proclamation
National Community Development Week

April 10th – 14th, 2023

WHEREAS, the Community Development Block Grant (CDBG) Program has operated since 1974 to provide local governments with the resources required to primarily meet the needs of low- and moderate-income persons by funding public infrastructure, economic development, and housing programs in this community; and

WHEREAS, the CDBG Program has provided the City of Pacific Grove with important and flexible assistance to meet the needs of low- and moderate-income residents by funding sewer and home rehabilitation projects. The City of Pacific Grove has approved 12 housing rehabilitation loans in our current CDBG funding cycle to provide this much-needed local assistance; and

WHEREAS, Pacific Grove recognizes that the CDBG program is a partnership of federal, state and local government with community efforts. The CDBG program thrives heavily on the dedication and commitment of our combined efforts.

NOW, THEREFORE, I, Bill Peake, Mayor of Pacific Grove, California, hereby proclaim the week of April 10th – 14th, 2023 as "NATIONAL COMMUNITY DEVELOPMENT WEEK", giving a special thanks and appreciation to all participants whose tireless efforts to the community, inclusive of its low- and moderate-income residents help ensure the quality and effectiveness of the CDBG Program.

Bill Peake

Bill Peake, Mayor
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: Sandra Kandell, City Clerk/DEI Coordinator

MEETING DATE: April 5, 2023

SUBJECT: General Public Comment

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

RECOMMENDATION

Receive written general public comment if applicable.

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/DEI Coordinator

MEETING DATE: April 5, 2023

SUBJECT: Minutes of the City Council Special Meeting for March 8, 2023

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

SPECIAL MEETING

Wednesday, March 8, 2023, 6:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

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

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

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CALL TO ORDER
Mayor Peake called the meeting to order at 6:00 p.m. City Clerk conducted roll call with the following Council present in Chamber: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, McDonnell, and Poduri.

PLEDGE OF ALLEGIANCE
Councilmember McDonnell led the pledge of allegiance.

1. **APPROVAL OF AGENDA**
   Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Amelio, Council voted to approve the agenda.

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

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

2. **PUBLIC COMMENT AS IT PERTAINS TO BUDGET WORKSHOP**

   A. Written Public Comment
   Action: Received written public comment, if applicable.
   CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

REGULAR AGENDA

3. **NEW BUSINESS**
   A. Five-Year Fiscal Forecast and Budget Workshop
   Public comment was received from Janet Gray, Dorothy Vriend, Wendy Giles, Andrew Kubica, Mike Gibbs, Mario Salazar, Vincent Tuminello, Irene Krasner, Nancy Parsons, Lisa Ciani, Casie Schoell, Peggy Gibbs, Marsha, Brittney, and Don Murphy.

Action: Council received the report.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

ADJOURNMENT
Council adjourned the meeting at approximately 8:32 p.m.

Respectfully Submitted,

Sandra Kandell
City Clerk

Approved by Mayor: _____Date_____

Attest by City Manager: _____Date_____

DRAFT

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/DEI Coordinator

MEETING DATE: April 5, 2023

SUBJECT: Minutes of the City Council Closed Session and Regular Meetings for March 22, 2023

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 22, 2023, 5:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

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

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

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CALL TO ORDER
Mayor Peake called the meeting to order at 5:00 p.m. City Clerk conducted roll call with the following Council present in Chamber: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, McDonnell, and Poduri.

APPROVAL OF AGENDA

Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Amelio, Council voted to approve the agenda.

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

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

CLOSED SESSION

PUBLIC COMMENT ON CLOSED SESSION MATTERS
There was no public comment received.

A. Conference with Real Property Negotiators (Government Code § 54956.8) Property: 68 Asilomar (El Carmelo Cemetery)
Agency Negotiator(s): Ben Harvey, City Manager
Negotiating Party(ies): GTE Mobilnet of CA Limited
Under negotiation: Land Lease Agreement for Wireless Telecommunication Facility; Price and Terms of Payment

B. Conference with Legal Counsel – Pending Litigation (Gov. C. §54956.9)
Michael Gonzalez v. City of Pacific Grove, California; Police Chief Cathy Madalone; City Manager Ben Harvey; Does 1 -10.
U.S. District Court, Northern District Action No. 5:22-cv-1079 SVK

DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

REGULAR MEETING AGENDA

THIS MEETING WAS ADJOURNED FROM 3/15/2023 TO 3/22/2023 @ 6:00 P.M. DUE TO WEATHER CONDITIONS AND POWER OUTAGES

Wednesday, March 22, ~~15,~~ 2023, 6:00 P.M.

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

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

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

DRAFT

CALL TO ORDER
Mayor Peake called the meeting to order at 6:00 p.m. City Clerk conducted roll call with the following Council present in Chamber: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, McDonnell, and Poduri.

PLEDGE OF ALLEGIANCE
Councilmember Coletti led the pledge of allegiance.

1. **APPROVAL OF AGENDA**

Action: Mayor Peake recommended Regular Agenda item 12A be heard immediately following the Consent Agenda.

Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Amelio, Council voted to approve the agenda as amended.

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

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

2. **PRESENTATIONS**

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

A. Report on Closed Session by City Attorney

Conference with Legal Counsel – Pending Litigation (Gov. C. §54956.9)
Michael Gonzalez v. City of Pacific Grove, California; Police Chief Cathy Madalone; City Manager Ben Harvey; Does 1 -10.
U.S. District Court, Northern District Action No. 5:22-cv-1079 SVK

This item was heard prior to the other agendized closed session item. Assistant City Attorney Greg Rubens Pierik reported no reportable action was taken.

Conference with Real Property Negotiators (Government Code
§ 54956.8) Property: 68 Asilomar (El Carmelo Cemetery)
Agency Negotiator(s): Ben Harvey, City Manager
Negotiating Party(ies): GTE Mobilnet of CA
Limited
Under negotiation: Land Lease Agreement for Wireless Telecommunication Facility; Price and Terms of Payment

This item was continued to the April 5, 2022 closed session meeting.

B. Council and staff made general announcements.

4. **GENERAL PUBLIC COMMENT**
General public comment was received from Liz Jacobs, Vincent Tuminello, Mike Gibbs, Dixie Layne, and Inge Lorentzen Daumer.

A. General Public Comment
Action: Received written general public comment if applicable.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

CONSENT AGENDA

Action: Consent Agenda item 7A was pulled and considered as Regular Agenda item 12C. Consent Agenda item 9C was pulled and considered as Regular Agenda 12D.

Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Poduri, Council voted to approve the agenda as amended.

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

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

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

A. Minutes of the City Council Closed Session and Regular Meetings for March 1, 2023
Action: Approved minutes.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

6. **RESOLUTIONS**

A. Proposed Resolution amending Paragraph 3 b 3 of Council Policy 000-5 Regarding Residency Exceptions and adding Section 6 to Allow Any Member Of The City Council To Join Any City Committee Email Group
Action: Adopted Resolution No. 23-006 amending Paragraph 3 b 3 of Council Policy

DRAFT

000-5 Regarding Residency Exceptions and adding Section 6 to Allow Any Member Of The City Council To Join Any City Committee Email Group.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

7. **ORDINANCES**

A. Second Reading of an Ordinance Amending the Fiscal Year 22/23 Operating and Capital Improvement Budget ***This item was pulled and considered as Regular Agenda item 12C.***
Reference: Tori Hannah, Administrative Services Director/Assistant City Manager
Recommended Action: Hold second reading and adopt an ordinance to amend the Fiscal Year 22/23 Operating and Capital Improvement Budget.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

8. **REPORTS – INFORMATION ONLY**

A. Check Register Report - February 2023
Action: Received the report.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Core Revenue Report - February 2023
Action: Received the report.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

9. **REPORTS – REQUIRING ACTION**

A. Workers' Compensation Third Party Administration Agreement With Athens Administrators
Action: Authorized the Mayor to sign an agreement with Athens Administrators.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. BNRC and Museum Board Appointments
Action: Approved appointments of Andree Brisson to Beautification and Natural Resources Commission (BNRC) with term ending January 31, 2025 and Christine Bertko to Museum Board with term ending January 31, 2027.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

C. Agreement with Pro Forma Advisors, LLC ***This item was pulled and considered as Regular Agenda item 12D.***
Reference: Tori Hannah, Administrative Services Director/Assistant City Manager
Recommended Action: Authorize the Mayor to execute an agreement with Pro Forma Advisors, LLC for a golf course study, in an amount not to exceed $25,000.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

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

A. Beautification and Natural Resources Commission Meeting Minutes: November 15,

DRAFT

2022, December 20, 2022, and January 17, 2023
Action: Received minutes.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

12.A. Pacific Grove Summer Lights Special Event
Public comment was received from Chris Evans, Carol Marquart, Lisa Ciani, Vince Tuminello, and Peggy Gibbs.

Action: Upon motion by Councilmember Coletti and seconded Councilmember Poduri, the Council voted to

1. Approve Pacific Grove Summer Lights for inclusion in the 2023-2024 Special Events Calendar;
2. Approve Pacific Grove Summer Lights as a City Sponsored Event and waive the fees for City staff support and equipment/facility usage.

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

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

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

REGULAR AGENDA

11. **PUBLIC HEARINGS**

A. First reading of an Ordinance to amend Title 15 of the Pacific Grove Municipal Code to update the Streets and Sidewalk sections. Resolution of the City Council of the City of Pacific Grove finding the Parklet Program is categorically exempt project under CEQA guidelines and establishing Parklet Guidelines, and direction to staff regarding proposed Parklet Fees.
Public comment was received from Lisa Ciani, Marsha, Inge Lorentzen Daumer, Jordan Champagne, Steve Lilley, Julie Vivolo Davis, Liz Jacobs, Jenny MacMurdo, Jerry Register, Claudia Sawyer, and Sally Moore.

Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Amelio, the Council voted to

1. Request the Assistant City Attorney to read the title of the ordinance;
2. Introduce and hold first reading of an ordinance amending Pacific Grove Municipal Code Section Title 15, revising 15.01.010h as follows: *15.01.010 Definitions. (h) "Parklet" means the conversion of one or more ~~parallel~~ parking spaces ~~or 3 – 4 angled spaces~~, that may vary according to the site, context, and desired character of the installation, and are subject to the review and approval of the City engineer under the Parklet Program adopted by ~~the~~ City Council Resolution* and amending the appeal period section in 15.01.260 to reference that the Architectural Review Board will be the final decision

DRAFT

maker on the matter; and
3. Directed that publication of the ordinance be satisfied by publication of a summary approved by the City Attorney.

Action: Councilmember Coletti requested a friendly amendment to 15.01.260 to reference that the Architectural Review Board will be the final decision maker as to parklet decisions only. The amendment was accepted by the maker of the motion Mayor Pro Tem Smith and seconded by Councilmember Amelio.

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

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

Action: Upon motion by Councilmember Beck and seconded by Councilmember McDonnell, Council voted to form a City Council subcommittee comprising of Councilmembers Beck, Coletti, and McDonnell to conclude prior to May 31, 2023.

Motion carried 4-3, by the following roll call vote:

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

Action: A motion by Councilmember Poduri and seconded by Councilmember Amelio to continue recommended actions 3. Adopt a Resolution of the City Council of the City of Pacific Grove finding the Parklet Program is categorically exempt project under CEQA guidelines and establishing parklet guidelines; and 4. Approve recommended Parklet fees to the Council's April 5, 2023 meeting failed.

Motion failed 3-4 by the following roll call vote:

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

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

12. **UNFINISHED AND ONGOING BUSINESS**

A. Pacific Grove Summer Lights Special Event ***During the Approval of the Agenda, this item was moved and heard immediately after the Consent Agenda.***
Reference: Katie Clark, Recreation Manager
Recommended Action:
1. Approve Pacific Grove Summer Lights for inclusion in the 2023-2024 Special Events Calendar;
2. Approve Pacific Grove Summer Lights as a City Sponsored Event and waive the

DRAFT

fees for City staff support and equipment/facility usage.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Resolution Amending Council Policy 000-9 to Add a Section Regarding Use of Electronic Communication Devices During City Council Meetings
Public comment was received from Inge Lorentzen Daumer.

Action: Upon motion by Councilmember Smith and seconded by Councilmember Coletti, Council voted to adopt Resolution Amending Council Policy 000-9 to Add a Section Regarding Use of Electronic Communication Devices During City Council Meetings, removing the word "family" from Section VIII, second paragraph, first sentence to read, "This policy does not prohibit using an electronic communications device in the event of an urgent matter."

Motion carried 4-3, by the following roll call vote:

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

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

C. Second Reading of an Ordinance Amending the Fiscal Year 22/23 Operating and Capital Improvement Budget ***This item was pulled from the Consent Agenda.***
No public comment was received.

Action: Upon motion by Mayor Peake and seconded by Councilmember Beck, the Council voted to hold second reading and adopt Ordinance No. 23-003 to amend the Fiscal Year 22/23 Operating and Capital Improvement Budget.

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

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

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

D. Agreement with Pro Forma Advisors, LLC ***This item was pulled from the Consent Regular.***
No public comment was received.

Recommended Action: Upon motion by Councilmember Coletti and seconded by Councilmember Beck, Council voted to authorize the Mayor to execute an agreement with Pro Forma Advisors, LLC for a golf course study, in an amount not to exceed $25,000.

DRAFT

Motion carried 5-2, by the following roll call vote:

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

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

13. **NEW BUSINESS**

A. Formal Selection of Housing Element and General Plan Update consultant
Public comment was received from Andy Kubica, Steve Lilley, Mike Gibbs, Inge Lorentzen Daumer, Lisa Ciani, and Marsha.

Action: Upon motion by Councilmember Amelio and seconded by Mayor Pro Tem Smith, Council voted to authorize the Mayor to execute an agreement with Rincon Consultants, Inc. to complete the 6th Cycle Housing Element update to the General Plan in an amount not to exceed $227,918.

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

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

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

14. **FULL PRESENTATIONS**

15. **CLOSED SESSION**

DRAFT

ADJOURNMENT
Council adjourned the meeting at approximately 10:19 p.m.

Respectfully Submitted,

Sandra Kandell
City Clerk

Approved by Mayor: _____Date_____

Attest by City Manager: _____Date_____

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Laurel O'Halloran, Associate Planner & Economic Development Coordinator
MEETING DATE:	April 5, 2023
SUBJECT:	Second Reading of an Ordinance to amend Title 15 of the Pacific Grove Municipal Code to update the Streets and Sidewalk Sections
CEQA:	Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

RECOMMENDATION

Hold second reading and adopt an Ordinance to update Title 15 of the Pacific Grove Municipal Code.

DISCUSSION

There were no substantive changes made between the first and second read. The City Clerk caused a summary of the ordinance to be published on March 30, 2023.

The City's current Parklet Program sunsets on May 31, 2023. At its March 22, 2023 meeting, the City Council introduced and held first reading of an Ordinance to update Title 15 of the Pacific Grove Municipal Code and directed that publication of the Ordinance will be satisfied by publication of a summary approved by the City Attorney. The City Council also created a Parklet Program City Council Subcommittee (Subcommittee) comprised of Councilmembers Beck, Coletti and McDonnell for work through May 31, 2023. The Subcommittee will review the draft Parklet Program Guidelines submitted by staff, and return to the City Council with proposed revisions.

Ordinance to Update Title 15

Updating Title 15 of the Municipal Code (Streets and Sidewalks) expands the Encroachment Permit process to allow Parklets in the Public Right-of-Way. Title 15 currently only recognizes utilities. Parklets will be authorized through an annual temporary Encroachment Permit. The Encroachment Permit will be reviewed by staff, with a final decision made by the Director of Public Works. All reviews will be completed in accordance with the proposed Parklet Guidelines and associated design standards. Issuing an Encroachment Permit for a Parklet allows the Parklets to remain temporary and revocable if the Parklet Guidelines conditions are not met. The Parklet operator does not have tenure in their Parklet, and the permit does not run with the land. While staff was updating Title 15 to address the addition of Parklets, other changes providing general code clean up were inserted at the suggestion of the City Attorney's Office and the Public Works Department. These additional updates bring the code current with best practices (red-line version of the proposed Ordinance is attached to this agenda report).

OPTIONS

1. Take no action.
2. Provide alternate direction.

FINANCIAL IMPACT:

There is no fiscal impact.

GOAL ALIGNMENT: Not Applicable.

Attachments

1 Title 15 Encroachment Ordinance

ORDINANCE NO. 23-___

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AMENDING TITLE 15 OF THE PACIFIC GROVE MUNICIPAL CODE REGARDING STREETS AND SIDEWALKS; ADDING CHAPTER 15.01 STREET ENCROACHMENTS, AMENDING CHAPTERS 15.08-HOUSE NUMBERS, REPEALING CHAPTER 15.12 CEMENT CONSTRUCTION, REPEALING SECTION 15.16.050-RETAINING WALL CONSTRUCTION, AMENDING SECTION 15.16.060 CURBS AND ADDRESS NUMBERS, AMENDING CHAPTER 15.20, DRIVEWAYS, AMENDING CHAPTER 15.24 EXCAVATIONS, AND DELETING CHAPTER 15.32- HOUSE MOVING

FACTS

1. The City of Pacific Grove (City) and other local agencies promulgated temporary rules to accommodate outdoor dining during the Covid-19 pandemic.
2. The City Manager, acting as the emergency services director pursuant to PGMC Section 3.20.070, implemented a "Parklet Program" that allows businesses to utilize parking spaces for dining and other purposes in a safe environment to encourage and promote sidewalk dining to help improve the local business economy, create a more urban pedestrian environment, and promote and protect public welfare in a healthy and safe manner.
3. On April 21, 2021, in order to clarify the scope and effect of the Parklet Program during the declared emergency created Temporary Outdoor Dining Rules.
4. Pacific Grove Municipal Code Title 15 concerns the City Streets and Sidewalks. Chapter 15.01 concerns encroachments in the City Rights of Way. The City approved use of park lets in the City rights of way downtown pursuant to an emergency order and later an ordinance, set to expire on May 31, 2023.
5. Pacific Grove Municipal Code Section Chapter 15.01 is intended to update the City Encroachment Ordinance to allow for differing uses in the Rights of Way other than public and private utilities and provide authority of the City to ministerially approve such encroachments, where appropriate.
6. An amended Pacific Grove Municipal Code Title 15 would specifically allow parklets to temporarily use portions of the right of way where parking now exists, pursuant to a separate Parklet Program to be separately enacted by the City Council.
7. Enactment of this ordinance is subject to a categorical exemption under Section 15301(c) (Existing Facilities). The project is categorically exempt under State CEQA Guidelines Section 15301 (Existing Facilities) because the actions identified in the program are limited to the permitting, leasing, and minor alteration of existing public facilities, including existing streets, sidewalks, bicycle and pedestrian trails, which would not result in the creation of additional automobile lanes. The program would result in a negligible expansion of existing commercial uses and a negligible expansion of the public's use of City right-of-way, as the uses included in the program would not vary from the current uses of commercial businesses, residential areas, or public access within the City's right-of-way. The proposed project consists of allowing minor site alterations to create temporary ancillary outdoor dining areas or curbside/storefront pick-up areas for existing retail businesses and restaurants. Moreover, encroachment permits issued annually would remain temporary, not permanent uses and subject to initial and annual ministerial approval under a Parklet Program. The project would not have a significant effect on

the environment. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Monterey in accordance with CEQA Guidelines.

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

SECTION 1. Incorporation of Facts. The City Council hereby finds that the foregoing Facts are true and correct and incorporates those Facts here by this reference.

SECTION 2. Revision to Pacific Grove Municipal Code Title 15 is to be amended as and shall read as described in Exhibit A attached hereto and incorporated by this reference.

SECTION 3. 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 4. Effective Date. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following its adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 5th day of April 2023, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

APPROVED: _____
BILL PEAKE, Mayor

ATTEST:

DATED:_____
_

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN A. PIERIK, City Attorney

Title 15

STREETS AND SIDEWALKS[1]

Chapters:

15.01 Street Encroachments
15.08 House Numbers
15.16 Sidewalks
15.20 Driveways
15.24 Excavations
15.26 Telecommunications Facilities in Public Rights-of-Way
15.28 Utility Poles
15.29 Undergrounding Utilities
15.30 Utility Encroachments in Public Rights-of-Way
15.40 Refuse and Storage Containers on City Streets

Chapter 15.01

STREET ENCROACHMENTS

Sections:

15.01.010 Definitions.
15.01.020 Encroachment permit required.
15.01.030 Exceptions to permit requirement.
15.01.040 Right of lawful use by City and others.
15.01.050 Permit applications.
15.01.060 Liability and insurance.
15.01.070 Fees.
15.01.080 Agreement concerning continuing encroachments.
15.01.090 Duration of permit.
15.01.100 Commencement and conclusion of work.
15.01.110 Display of permit.
15.01.120 Inspections-Records-Corrective action.
15.01.130 Changes in permit.
15.01.140 Driveway approach permit-Conditions.
15.01.150 Safety provisions.
15.01.160 Standards, supervision and inspection.
15.01.170 Repair and restoration.
15.01.180 Relocation of encroachment.
15.01.190 Street cut notification.
15.01.200 Public access to facilities.
15.01.210 Street closure-When permission granted.
15.01.220 Coordination of work with other entities.
15.01.230 Pavement.
15.01.240 Prohibitions.
15.01.250 Monuments.
15.01.260 Appeal of denial of permit.
15.01.270 Findings on appeal.
15.01.280 Emergency suspension of permit.
15.01.290 Hearing on emergency suspension of permit.
15.01.300 Suspension or revocation of permit.
15.01.310 Hearing on suspension or revocation of permit.
15.01.320 Civil penalties and attorneys' fees.
15.01.330 Administrative review.
15.01.340 Authority of Encroachment Officer and inspectors.
15.01.350 Penalties for violation.
15.01.360 Remedies cumulative.

15.01.010 Definitions.

(a) "City Engineer" means the City engineer of the City of Pacific Grove, or his or her authorized representative.

(b) Continuing encroachment" means an encroachment continuing for a period longer than one year.

(c) Director of Public Works" means the Director of Public Works of the City of Pacific Grove, or his or her authorized representative.

(d) Emergency street cut" means any street cut by a utility to repair a facility within the right-of-way to remediate an immediate hazard or danger to life, health or property, as determined at the sole discretion of the City Director of Public Works..

(e) "Encroach" or "encroachment" includes going upon, over or under a right-of-way, or using a right-of-way or an area adjacent to a right-of-way in such a manner as to prevent, obstruct or interfere with the intended use of that way, or a modification of its mode of use, including but not limited to:

(1) Excavation or disturbance;

(2) Erection, construction, placement, installation, repair, upgrade or maintenance of any physical improvement;

(3) Planting or maintaining any landscaping;

(4) Placement or maintenance of any waste material, except the placement of solid waste or recyclables in authorized receptacles for pick-up in accordance with Chapter 9-16.

(f) Encroachment Officer" shall be those persons designated by the Director of Public Works to issue permits as provided herein or to enforce the provisions of this chapter.

(g) Landscaping" means any tree, shrub, grass, groundcover, plant, solid landscape feature or growing thing.

(h) "Parklet" means the conversion of one or more parking spaces, that may vary according to the site, context, and desired character of the installation, and are subject to the review and approval of the City Public Works Director or designee under the Parklet Program adopted by City Council.

(i) "Permittee" means any person that has been issued an encroachment permit pursuant to this chapter.

(j) Physical improvement" means any post, sign, pole, fence, guard rail, wall, facility, pathway, sidewalk, driveway, track, surfacing, culvert, drainage facility, pipe, conduit, cable, embankment or excavation.

(k) Public street" means the portion of the public right-of-way of any road, street, lane or alley used by or for the general public for travel purposes, including sidewalks and areas between sidewalks and the vehicular travelway, whether or not those roads, streets, lanes and alleys have been accepted as and declared to be part of the City system of public streets, except streets forming a part of the State highway system or County roads or expressways.

(l) Right-of-way" means land which by written instrument, usage or process of law is reserved for or dedicated to the public use for street, utility or highway purposes, or other transportation purposes.

(m) Street cut" means the action or result, of opening, tearing up, excavating, removing or constructing in any portion of any roadway, street or thoroughfare, sidewalk, driveway, curb or gutter, or any other facility existing within the public right-of-way area for any purpose whatever within the jurisdiction of the City.

(n) Utility" means any entity constituting a public utility under State law authorized to use the public streets pursuant to City or State franchise.

(o) Waste material" means any rubbish, brush, earth or other material of any nature which is unused, unwanted or discarded.

15.01.020 Encroachment permit required.

(a) Except as otherwise provided in Section 15.01, it is unlawful for any person to encroach or to make or to cause to be made any encroachment without first having obtained an encroachment permit from the Director of Public Works or the Building Official or their designee.

(b) Encroachment permits shall be issued by the Director of Public Works or designee upon such conditions the Director deems necessary to protect the public interest, health, safety or welfare.

(c) All obligations, responsibilities and other requirements of the permittee as described in this chapter shall be binding on subsequent owners of the encroachment.

(d) Any encroachment for which a permit is required and for which no permit has been issued pursuant to this chapter shall be deemed a public nuisance under Chapter 1.16 of this code.

15.01.030 Exceptions to permit requirement.

No encroachment permit shall be required for any of the following:

(a) Marquees, awnings and other projecting structures and building appendages over the right-of-way, which comply with the requirements of the current California Building Code for use of public streets and projections over public property, and are part of a building or structure which has been granted a valid building permit in accordance with the applicable provisions of this code;

(b) Any sign erected, constructed and maintained in compliance with this code;

(c) The actions of any officer or employee of the City engaged in the discharge of official duties;

(d) The performance of work under contract to the City;

(e) The placement or maintenance of newsracks in compliance with this code or state or federal law;

(f) The making of an emergency street cut by a utility to repair a broken or defective pipe, facility or conduit lawfully on or under a public street, or excavating by a utility as may be necessary for the preservation of life and property when an urgent necessity therefor arises when the offices of the City are closed. Any utility making such

street cut shall apply for an emergency encroachment permit on the next City business day. The issuance of such permit shall be at the sole discretion of the Director of Public Works or designee, based on a determination as to whether the work was necessary to for the preservation of life or property and in compliance with this code. In the event that the City Engineer determines issuance of an emergency permit is unwarranted, the person or persons who performed, or caused to be performed, any such work shall be in violation of this chapter.

15.01.040 Right of lawful use by City and others.

(a) The City reserves all rights to approve and construct municipal improvements under or over facilities or portions of facilities constructed pursuant to encroachment permits.

(b) Any permit granted under this chapter shall be subject to the right of the City, or any other person entitled thereto, to use that part of the right-of-way for any purpose for which it may be lawfully used, and no part of the right-of-way shall be unduly obstructed at any time.

15.01.050 Permit applications.

(a) An application for a permit required by this chapter shall be made on a form prescribed by the Director of Public Works or designee. The application shall be signed by the contractor, property owner or other entity performing the work and shall include the following:

(1) The name, address and telephone number of the applicant;

(2) The location, purpose, extent and nature of the proposed work;

(3) The period of time when the proposed work will be performed;

(4) A certificate of insurance for the applicant and contractor's insurance carrier in a form satisfactory to the City;

(5) All other complete and descriptive information, including plans, specifications and analyses the City Engineer may require describing the work and its effect on the right-of-way, including the mode of operation, maintenance and use;

(6) The written order or consent to work thereunder, where required by law, issued by the California Public Utilities Commission or any other public district, agency or body having jurisdiction;

(b) The application for a permit shall refer to, and incorporate by reference, all of the provisions of this chapter.

(c) A permit shall not be issued unless and until the order or consent required pursuant to subsection (A) is first obtained and filed with the Director of Public Works or designee. The permittee shall be knowledgeable and comply with all applicable federal, state and local laws, regulations and orders which may in any manner affect the permit. The permittee shall insure that its agents, employees and contractors are at all times in compliance with all applicable laws, regulations and orders.

15.01.060 Liability and insurance.

(a) The permittee shall be responsible for all liability imposed by law for personal injury or property damage proximately caused by: (1) work done by permittee under the permit, including work beyond the scope of the permit; (2) failure on permittee's part to perform obligations under the permit in respect to maintenance; or (3) the existence of any permitted encroachment. If any claim of such liability is made against the City, its officers or employees, permittee shall defend, indemnify and hold them, and each of them, harmless from such claim and liability insofar as permitted by law.

(b) Before a permit is issued, the applicant, or the contractor who is to perform the work, shall secure, at its expense, a policy of broad form commercial general liability insurance, on an "occurrence" basis issued by an insurer acceptable to the City. If the work to be performed involves any excavation, the policy shall include an endorsement that affords coverage for explosion, collapse and underground hazards. If the work to be performed involves vehicles or vehicular equipment, the insurance must cover any automobile for bodily injury and property damage. The policy shall by endorsement name the City and its officers, employees and agents as additional insureds and shall protect them from claims for personal injury, death or property damage suffered by third persons and arising out of the work performed pursuant to the permit or the manner of installation or construction. The insurance coverage afforded by this policy shall be primary. The policy shall include a cancellation clause requiring the issuing company or its authorized agent to provide a 30-day written notice of cancellation, suspension or modification, to the named certificate holder.

(c) The amount of liability insurance coverage shall be a minimum of $1,000,000 per occurrence and $2,000,000 aggregate or $1,000,000 aggregate if the policy separately applies to the permitted project.

(d) Workers' Compensation shall be maintained to meet minimum state requirements.

(e) A certificate or certificates of the insurance shall be filed with the Department of Public Works prior to commencement of any work. The insurance shall be in effect on the date that the work is commenced and shall be maintained in effect until the work has been completed and the work has been accepted by the Director of Public Works.
(f) The City Risk Manager may increase, decrease or waive the insurance limits set forth above in those cases in which he/she determines that special circumstances justify such an increase, decrease or waiver.
(g) An applicant seeking to do work himself or herself on the City street or in the public easement immediately adjacent to premises containing only one single-family dwelling or two authorized units, one of which is owned and occupied by the applicant, shall not be required to file with the City certificates evidencing general liability, property damage coverage, or workers' compensation insurance.

15.01.070 Fees.
(a) All fees required to be paid under the provisions of this chapter shall be established by resolution of the City Council and may be subject to adjustment based on the nature, scope and duration of the proposed encroachment.
(b) In addition to any fees required under this chapter, permittee shall be responsible for payment of any other fees that may be required under this code.
(c) Unless waived in writing by the City Council, fees will be required of any public agency which is authorized by law to establish or maintain any works or facilities in, under or over any public street or right-of-way.

15.01.080 Agreement concerning continuing encroachments.
The issuance of an encroachment permit for a continuing encroachment shall, at the discretion of the Director of Public Works or designee, be contingent upon the execution between the City and the permit applicant, of an agreement providing for the use, operation and maintenance of the encroachment. The agreement shall contain specific conditions for the use, operation and maintenance of the encroachment, insurance and appropriate indemnification clauses to the benefit of the City. Any encroachment permit issued in conjunction with an agreement shall be valid only so long as the permittee is in compliance with the terms and conditions of that agreement.

15.01.090 Duration of permit.
The issuance of an encroachment permit for a continuing encroachment shall, at the discretion of the Director of Public Works or designee, be contingent upon the execution between the City and the permit applicant, of an agreement providing for the use, operation, and maintenance of the encroachment. The agreement shall contain specific conditions for the use, operation and maintenance of the encroachment, insurance, and appropriate indemnification clauses to the benefit of the City. Any encroachment permit issued in conjunction with an agreement shall be valid only so long as the permittee is in compliance with the terms and conditions of that agreement.

15.01.100 Commencement and conclusion of work.
(a) The permittee shall begin the work or use authorized by a permit issued pursuant to this chapter within 90 days from date of issuance, unless a different time period is stated in the permit. If the work is not timely begun, then the permit shall become void, unless a timely extension of time to commence work has been granted by the Director of Public Works in writing. Before beginning any work, which involves or includes excavation, construction of concrete sidewalks, curbs, gutters or driveway approaches, or making, placing or causing an obstruction in the traveled way, the permittee shall notify the City Engineer.
(b) The permittee shall complete the work or use authorized by a permit issued pursuant to this chapter within the time specified in the permit and shall notify the Director of Public Works upon completion. No work shall be deemed to be complete, nor shall the work be operated or placed into service, without written authorization, notification of completion, or acceptance by the Director of Public Works. If at any time the Director of Public Works determines that the prosecution or completion of the work or use authorized is delayed due to lack of diligence on the part of the permittee, the permit may be canceled, and the right-of-way restored to its former condition. The permittee shall reimburse the City for all expenses incurred by the City in restoring the right-of-way.
(c) The Director of Public Works may extend any time period if commencement or completion of the work for which the permit was issued was delayed because of inclement weather, strikes, an act of God or other causes not within the control of the permittee.

15.01.110 Display of permit

(a) A copy of any permit issued pursuant to this chapter shall be kept at the site of any construction work pertaining to the encroachment and shall be shown to any authorized representative of the City on demand.

(b) An agreement or permit issued for continued use or maintenance of an encroachment involving the residence or place of business of the permittee may be kept at the residence or place of business, or otherwise safeguarded during the term of validity, and shall be made available to an authorized representative of the City within a reasonable time after demand therefor is made.

15.01.120 Inspections-Records-Corrective action.

(a) The Director of Public Works or designee may require the permittee to perform special inspections of and maintain records for certain facilities constructed in the right-of-way. The City also reserves the right to conduct periodic inspections throughout the construction phases of the project and to have access to any pertinent records of the permittee.

(b) Final inspection of construction may be conducted by the Director of Public Works or designee. At the Director of Public Works discretion, permittee may be required to be present. Permittee shall allow reasonable time for the City to prepare and provide a list of items requiring corrective action. Permittee shall undertake timely correction of all such items.

(c) All persons owning underground facilities located in City shall keep current, adequate and complete maps and records of same. Such maps and records shall be made available to the City upon request.

15.01.130 Changes in permit.

(a) No changes may be made in the location, dimension, character or duration of the encroachment, its mode of operation, maintenance, or use as granted by the permit except upon written authorization of the Director of Public Works. All construction and use of materials must adhere to approved plans and specifications. The permittee shall coordinate all construction activities with the Director of Public Works.

(b) No additional permit shall be required for the continuing use of encroachments installed by public utilities, provided that such continuing use conform to the conditions of the original encroachment permit.

15.01.140 Driveway approach permit-Conditions.

All persons constructing new buildings shall apply for encroachment permits for both restoration of the curb to its original condition, where old driveways are abandoned, as well as for the installation of a new driveway approach prior to the final acceptance of the building by the building Official of the City, as required in this code.

15.01.150 Safety provisions.

(a) Permittee shall at all times obey and enforce all applicable safety orders, rules and recommendations of the state Division of Industrial Safety and shall comply with all applicable state and local laws, ordinances, codes and regulations.

(b) During construction, permittee shall immediately remedy all hazardous conditions or nuisances upon receipt of any notice from the City. The Director of Public Works may take any action necessary to remedy any hazardous condition or nuisance if there is insufficient time, under the circumstances, to first provide notice to permittee, or should permittee fail to take immediate and appropriate action upon receipt of notice from the City.

(c) Permittee shall provide, erect and maintain any lights, warning sign, signals, flares, patrols and other appropriate safeguards necessary to protect the public during the course of work or maintenance of an encroachment. Where the permit involves excavation, obstruction or similar work within the right-of-way, permittee shall place and maintain lights at 50 foot or lesser intervals, and at each end of the excavation or obstruction, from one-half hour before sunset to one-half hour after sunrise the following day for each day until the right-of-way has been made safe for use. Reflectorized warning signs conforming to the requirements of the Manual of Uniform Traffic Control Devices issued by the California Department of Transportation shall be placed at 200 and at 400 feet from each excavation or obstruction to provide adequate warning.

(d) Warning signs, lights and other safety devices shall conform to the requirements of the California Vehicle Code and the Manual of Uniform Traffic Control Devices issued by the California Department of Transportation, or other recognized, applicable standards.

(e) The standards and requirements set forth in this chapter are intended to be the minimum required standards. The failure of the City to require any specific safety device or procedure shall not excuse permittee from complying with any other requirements or standards or to take reasonable, appropriate and prudent safety precautions indicated

by the specific circumstances. At any time, the City may provide, erect, relocate or remove any safety device or measure as necessary or cancel the permit and restore the right-of way at the expense of the permittee.

15.01.160 Standards, supervision and inspections.

(a) All work done under a permit shall conform to the specifications and to the conditions of approval established by the City or, in the absence of established specifications, to recognized standards of design and construction and approved practices in connection with the work to be done. All work shall be done subject to the satisfaction and approval of the Director of Public Works.

(b) If the work, use or encroachment authorized in the permit issued pursuant to this chapter interferes with the established drainage, the permittee shall provide for proper drainage as directed by the Director of Public Works.

(c) Backfilling of an excavation shall be in accordance with the standard details and specifications of the City, or those other specifications required by the Director of Public Works for the particular project, both as to material and method. Backfill shall not be placed in any excavation without compaction of the material used therein, the degree and method thereof to be to the satisfaction of the Director of Public Works.

(d) All operation, maintenance and repairs to a continuing encroachment shall conform to the conditions of approval of the underlying encroachment permit, to the terms of any applicable agreement with City, and to established and recognized standards of construction, design, operation and maintenance for the particular type of encroachment.

15.01.170 Repair and restoration.

(a) Upon completion of the project for which the permit was issued, or when required by the Director of Public Works, the permittee shall replace, repair or restore the public right-of-way to its prior condition unless otherwise provided in the permit. The permittee shall remove all obstructions, impediments, material or rubbish caused or placed upon the right-of-way under the permit, and shall do any other work or perform any act necessary to restore the public street to a safe and usable condition.

(b) By the acceptance of the permit the permittee agrees to exercise reasonable care in inspecting and maintaining the area affected by the encroachment after completion of all work.

(c) The permittee shall immediately repair any injury, damage or nuisance, in any portion of the right-of-way, resulting from the work done under the permit. In the event that the permittee fails to act promptly or should the exigencies of the injury or damage require repairs or replacement to be made before the permittee can be notified by the Director of Public Works or can respond to notification, the City may at its option make the necessary repairs or replacements or perform the necessary work and the permittee shall be charged with all the expenses incurred in the performance of the work.

15.01.180 Relocation of encroachment.

(a) If any future construction, reconstruction or maintenance work by the City on the right-of-way necessitates the relocation, removal or abandonment of an encroachment, the permittee shall relocate, remove or abandon the encroachment at the permittee’s sole expense.

(b) When relocation is required, the Director of Public Works shall make written demand of the permittee that the encroachment be relocated within the right-of-way to a satisfactory location provided by the Director of Public Works, and shall designate a reasonable time for such relocation or removal. In determining what is a reasonable time under this section, the Director of Public Works shall take into consideration the nature of the encroachment, the urgency of the need for its removal, the cost of its removal, the difficulty of its removal, the value of the property to the owner, and other facts peculiar to the particular situation. If the permittee fails to comply with such instructions, the City may relocate or remove the encroachment at the expense of the permittee.

(c) The provisions of this section shall apply to all permittees, including public agencies and public utilities having authority to occupy public rights-of-way pursuant to a franchise or an express provision of state statute, unless in conflict with a franchise agreement with the City, or in conflict with a state statute applicable to a charter city.

15.01.190 Street cut notification.

When the encroachment involves a street cut, the permittee shall notify every public utility having facilities in the vicinity of the street cut regarding the issuance of the permit and its provisions. If a subsurface excavation is required, the permittee shall contact Underground Service Alert (USA) and have all utilities located and marked prior to commencement of any work. The permittee shall, upon uncovering any pipe or underground facility not previously located or anticipated, cease work immediately and notify the Director of Public Works. The permittee

shall proceed with the work only after the proper utility has been notified and permission is granted by the Director of Public Works to proceed.

15.01.200 Public access to facilities.
(a) The permittee shall so plan the work as to cause the minimum of interference with traffic and inconvenience to the public and perform all street cut work in a neat and professional manner. Roadways and walks shall not be unnecessarily obstructed. At no time shall a public street be closed, or its function reduced or modified or the use thereof denied in whole or in part to the general public,
without the written permission of the Director of Public Works.
(b) The permittee shall provide free and unobstructed access to all mailboxes, fire hydrants, water gates, valves, manholes, drainage structures and other public service structures and property that may be required for emergency use. The permittee shall not remove such structures and property or relocate or manipulate them without proper coordination with the authorities responsible for their control and maintenance.

15.01.210 Street closure-When permission granted.
Upon written application, the Director of Public Works may grant written permission to permittee to close or cause to be closed, for limited periods, City streets, driveways or areas not under control of the State or the County if in the opinion of the Director of Public Works the public interest can best be served thereby.

15.01.220 Coordination of work with other entities.
The permittee shall coordinate all street cut work with other entities working in the area so that public convenience is least impaired and to the satisfaction of the Director of Public Works. The permittee shall at all times notify the Police and Fire Departments of any and all obstructions and closures within the public right-of-way which might impair or prevent passage of an emergency vehicle.

15.01.230 Pavement.
(a) The permittee shall be required to construct pavement, whether temporary or permanent, in accordance with the standard specifications of the City, unless otherwise specified on the permit.
(b) All construction work performed pursuant to a street cut encroachment permit shall be performed by contractors who have current and valid licenses issued by the state of California Contractor's License Board, for the type of work being performed.

15.01.240 Prohibitions.
It is unlawful to do any of the following:
(a) Store materials used in connection with the work within five feet of a public street, or stockpile materials in the right-of-way, unless otherwise authorized by the City Engineer. Excess earth materials from trenching or other operations shall be removed from the pavement, travel way or shoulder as the trench is backfilled or other work carried forward unless otherwise approved by the City Engineer;
(b) Plant any landscaping across any existing walkway in a sidewalk area or roadway shoulder;
(c) Erect or maintain a fence or similar structure in a right-of-way without a permit, except as provided in this chapter;
(d) Erect or maintain a fence or similar structure across any existing walkway in a sidewalk area or roadway shoulder;
(e) Permit or maintain any encroachment of any nature which impedes, obstructs or denies pedestrian or other lawful travel within the limits of a public street, or which impairs adequate sight distance for safe pedestrian or vehicular traffic;
(f) Construct or maintain a freight loading platform upon or in the right-of-way.

15.01.250 Monuments.
No person shall remove or disturb, or cause to be removed or disturbed any monument of granite, concrete, brass, iron or other material set for the purpose of locating or preserving the lines and/or elevation of any public street or right-of-way, property subdivision or precise survey or reference point without first obtaining permission from the Director of Public Works. Permission shall be subject to and in conformance with the requirements set forth in specifications established by the City Engineer. Replacement of removed or disturbed monuments will be at the expense of the permittee

15.01.260 Appeal of denial of permit.
Any person aggrieved by the denial of a permit required by this chapter may appeal to the Public Works Director or designee, by submitting a written appeal within 15 days of the date the application was denied. The Public Works Director or designee shall thereafter give written notice to the applicant of a hearing to be held within 30 days of receipt of the appeal. The decision by the Public Works Director or designee on the appeal shall be final. For appeals of decisions regarding Parklets, the decision of the Public Works Director or designee may be appealed t the Architectural Review Bord whose decision on such appeals shall be final.

15.01.270 Findings on appeal.
The Public Works Director or designee, or Architectural Review Board where applicable shall grant the appeal and issue a permit, subject to any appropriate conditions, if all of the following findings are made:
(a) That the applicant will be substantially damaged by the refusal to grant the permit as requested;
(b) That no other reasonable method of obtaining the desired results is available except as proposed by applicant;
(c) That the granting of the permit will not be materially detrimental to the public interest, safety, health and welfare or injurious to other property;
(d) That the project for which the permit is sought will not adversely affect the safety, capacity, or integrity of the City's right-of-way;
(e) That the applicant has substantially complied with the provisions of any prior permits issued to the applicant, and has paid or posted all required fees or bonds, and maintained all required insurance coverage;
(f) That the environmental effects are not significant;
(g) That an additional maintenance cost to the City is not created by the encroachment;
(h) That the granting of the permit will not be materially detrimental to the rights, interests or revenues of the City

15.01.280 Emergency suspension of permit.
Whenever the Director of Public Works finds that a suspension of an encroachment permit is necessary to protect the public health or safety from imminent danger, the Director of Public Works may immediately suspend any such permit pending a subsequent hearing for remedial action or revocation. The Director of Public Works shall, within three working days of the emergency suspension of the permit, notify the permittee of such suspension by written notice, personally served upon the permittee, or mailed by first class mail, postage prepaid, to the last known address of the permittee. The permittee may, within 10 days after service of such a written notice of suspension, request a hearing before the Director of Public Works with regard to such emergency suspension. The Director of Public Works shall schedule a hearing on the suspension within 10 days of receipt of a request for hearing.

15.01.290 Hearing on emergency suspension of permit.
(a) If the Director of Public Works, after the hearing, finds that cause exists for remedial action, the director shall impose one or more of the following:
(1) A warning;
(2) An order to correct any particular noncompliance;
(3) A revocation of the encroachment permit;
(4) A continued suspension of the encroachment permit;
(5) A modification or reinstatement of the encroachment permit, with conditions.
(b) The director shall, within 10 days of the hearing, render a written opinion, stating the findings upon which the decision is based, and the action taken. The decision of the director shall be final.

15.01.300 Suspension or revocation of permit.
Any permit issued pursuant to this chapter may be suspended or revoked upon recommendation of the Director of Public Works:
(a) The permittee has violated any provision of this chapter, or of any agreement entered into with the City related to the permit; or
(b) The permittee has failed to pay any required fees, or to post or maintain any bond or insurance required by this chapter; or
(c) The encroachment for which the permit was granted adversely affects the safety, capacity or integrity of the City's right-of-way; or
(d) The encroachment is causing the City to incur substantial additional maintenance costs; or

(e) Material misrepresentations were made in the application for the permit.

15.01.310 Hearing on suspension or revocation of permit.
The Director of Public Works shall give the permittee at least 10 days' written notice of a hearing before the Director of Public Works on the suspension or revocation of a permit issued pursuant to this chapter, setting forth the grounds for such action. The hearing shall be held within 30 days after service of written notice of the hearing. The decision of the Director of Public Works shall be final.

15.01.320 Civil penalties and attorneys' fees.
Any person who violates any provision of this chapter, or any provisions of any permit issued or agreement entered into pursuant to this chapter, shall be civilly liable to City in the sum not to exceed $1000.00 for each day in which such violation occurs. The City may petition the superior court to impose, assess and collect such sums pursuant to this chapter. The court, in any action brought by the City either for civil penalties, pursuant to this section, or for abatement of any encroachment which is a public nuisance, shall award to the City its reasonable costs and attorneys' fees in bringing such action

15.01.330 Administrative review.
In addition to any other remedies provided herein, violation of any provision of this chapter shall be subject to an administrative fine or penalty as provided under Chapter 1-30

15.01.340 Authority of Encroachment Officer and inspectors.
The Encroachment Officer and any inspectors acting on his/her behalf shall have authority to enforce any of the provisions set forth herein. In addition, for purposes of the Administrative Review of Ordinance Violations as provided in Chapter 1.16, the Encroachment Officer and any inspectors acting on his/her behalf shall be included within the definition of "Code Enforcement Officer" for purposes of issuing an administrative notice and order.

15.01.350 Penalties for violation.
Any person violating any provision of this chapter, or any permit issued pursuant to this chapter, shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Chapter 1.16

15.01.360 Remedies cumulative.
The remedies provided for in this chapter shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the City.

Chapter 15.08

HOUSE NUMBERS

Sections:
15.08.010 House numbers required – Map – Assigning – Display.

15.08.010 House numbers required – Map – Assigning – Display.
(a) Every house and building in the city shall bear a street number in accordance with the city's house numbering map, on file in the office of the community development department.

(b) The street number of a new house or building shall be that assigned on the building permit for said house or building.

(c) Street numbers affixed to a location on a house or building less than 50 feet from the fronting roadway shall be a minimum of four inches in height. Street numbers so affixed 50 feet or more from the fronting roadway shall be a minimum of five inches in height. Houses and buildings located more than 100 feet from the fronting roadway shall be approved by the fire chief as to the location and position of posted addresses. All numbers shall have a minimum width of one-half-inch stroke.

(d) The numbers shall have or be affixed upon a contrasting background and shall be clearly legible and visible from the roadway.

(e) Street number signs exceeding either (1) two per address, or (2) one square foot per premises in commercial and industrial areas or 124 square inches in residential areas, shall require review pursuant to Chapter 20.04 PGMC.

(f) In the case of new construction, renovation or remodel, street numbers shall be posted from the first day of such new construction, renovation or remodel.

(g) A violation of this section shall be an infraction, and may be prosecuted pursuant to Chapter 1.16 PGMC. [Ord. 08-006 § 57, 2008; Ord. 1662 N.S. § 1, 1989; Ord. 833 N.S. § 12, 1975; Ord. 210 N.S. § 5-510, 1952].

Chapter 15.16

SIDEWALKS

Sections:
15.16.010 Definitions.
15.16.020 Sidewalk width, curb lines established.
15.16.030 Repair procedure.
15.16.040 Sidewalk encroachment.
15.16.060 Curbs – Address numbers.

15.16.010 Definitions.

Except as otherwise provided, the following words shall have the meanings ascribed to them in this section:

"Curb line" means the established line to which the edge of curb nearest the center of the street shall be constructed.

"Encroachment" means any unmovable object that impedes the free flow of pedestrian traffic, and includes but is not limited to such things as walls, fences, hedges, trees, shrubbery or ground cover. "Encroachment" also means gravel, rocks, bark, wood chips or other loosely placed material susceptible to scattering beyond the area of initial placement.

"Gutters" means the portion of roadway adjacent to the curbs.

"Retaining wall" means any structure placed for the purpose of retaining earth.

"Roadway" means the portion of street between the curb lines.

"Sidewalk" means the graded or paved portion of the sidewalk space, and also includes curbing, retaining walls or other works for the protection of the sidewalk space.

"Sidewalk space" means the portion of street between the property line and the nearest curb line. [Ord. 1827 N.S. § 1, 1992; Ord. 1697 N.S. § 1, 1989; Ord. 525 N.S., 1965; Ord. 210 N.S. § 5-201, 1952].

15.16.020 Sidewalk width, curb lines established.

The establishment of curb lines and the width of sidewalk space on all public streets shall be fixed by the city through the council. Installation and maintenance of sidewalks shall be in accordance with Council Policy 700-4, "Sidewalk Development." [Ord. 18-007 § 2, 2018; Ord. 210 N.S. § 5-202, 1952].

15.16.030 Repair procedure.

Owners of property abutting sidewalks, or possessors of sidewalks, shall have the duty of maintaining the same and shall be subject to all of the liabilities and procedures prescribed by Chapter 22, Division 7, Part 3, commencing at Section 5600, of the Streets and Highways Code of the state of California. The Streets and Highways Code, Chapter 22, Maintenance of Sidewalks, provides that the owners of lots or portions of lots fronting any portion of the public street are responsible for maintaining sidewalks in a condition which will not interfere with the public convenience in their use. The city shall have all of the rights therein provided, including the right to lien and collection. No person except city employees, or persons under contract with the city, shall install or repair any curb, gutter, corner ramp, or sidewalk within or along any street in the city without having applied for and received an encroachment permit from the city. Utility encroachments shall also be subject to Chapter 15.30 PGMC. Application for any such permit will be made in writing on a form or forms supplied for that purpose by the city. [Ord. 19-002 § 3, 2019; Ord. 18-007 § 2, 2018; Ord. 877 N.S. § 1, 1975; Ord. 285 N.S., 1956; Ord. 210 N.S. § 5-203, 1952].

15.16.040 Sidewalk encroachment.

It is unlawful to construct, plant, or maintain any encroachment in a sidewalk space, except for city-sponsored amenities and activities, public utilities, mailboxes, bus shelters and benches.

15.16.060 Curbs – Address numbers.

An owner of property may affix the property's address number to an abutting curb.

Chapter 15.20

DRIVEWAYS

Sections:

15.20.010 Permit to construct, maintain – Required.
15.20.020 Construction to conform to plans and specifications.
15.20.030 Size for single, double – Number per site.
15.20.040 Distance from crosswalk.
15.20.060 Apron not to extend into street.
15.20.070 Alteration to conform – Procedure – Lien.
15.20.090 Exemption.

15.20.010 Permit to construct, maintain – Required.

No person, firm or corporation shall construct or maintain, or cause to be constructed or maintained any driveway across any public sidewalk or curbing in the city of Pacific Grove without first obtaining a permit therefor from the city engineer. [Ord. 249 N.S. § 1, 1954].

15.20.020 Construction to conform to plans and specifications.

All construction of such driveways shall be done in a good and workmanlike manner and in conformity with the plans and specifications for such work on file in the office of the city clerk, and here referred to for further particulars. [Ord. 249 N.S. § 2, 1954].

15.20.030 Size for single, double – Number per site.

No driveway shall exceed 10 feet for a single driveway or 18 feet for a double driveway on streets 40 feet or more in width, and 12 feet for a single driveway or 20 feet for a double driveway on streets less than 40 feet in width. Only one driveway shall be permitted for any one building site, or for more than one building site when such building sites are in the same block and are used in the conduct of one business. [Ord. 249 N.S. § 3, 1954].

15.20.040 Distance from crosswalk.

In the construction of driveways no curbing shall be disturbed within four feet of the regular street crosswalk. [Ord. 249 N.S. § 4, 1954].

15.20.060 Apron not to extend into street.

No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. [Ord. 249 N.S. § 6, 1954].

15.20.070 Alteration to conform – Procedure – Lien.

Any existing driveway violating any of the provisions of PGMC 15.20.020 through 15.20.060 inclusive shall be altered to conform to said sections whenever in the judgment of the council the public interest, convenience or safety requires such alteration; provided, however, that the owner, or owners, of the premises affected shall be afforded an opportunity for a hearing prior to any such alteration or alterations being ordered by the council and at least five days' notice of such hearing in writing, which shall be mailed to such owner, or owners, by the city clerk, postage prepaid, at the Post Office, Pacific Grove, California, addressed to such owner, or owners at their last known address, or in the event the same is unknown, to General Delivery, Pacific Grove, California, and a similar notice shall be posted on the property affected by the city engineer at least five days prior to such hearing. The failure of the clerk to mail such notice shall not, however, affect the jurisdiction of the council to order said work. Upon such hearing the council shall have jurisdiction to order the work done as noticed and the owner, or owners, shall have 10 days thereafter within which to commence said work and a reasonable time thereafter to complete the same. In the event that said work is not commenced by such owner, or owners, within said period of 10 days the city engineer shall cause the same to be done and upon the completion thereof, the cost bill for the same shall be filed by said city engineer in the office of the city clerk and a copy thereof mailed by said clerk, postage prepaid, to the last known address of said owner, or to General Delivery, Pacific Grove, California, and if the bill is not paid into the city treasury by said owner, or owners, within 10 days thereafter the same shall be and become a lien upon the real property affected or benefited by said improvement and shall be a charge against said property on the tax roll and

shall be collected at the time and in the manner the general municipal taxes of the city are collected, and shall bear like penalties and carry like interest charges for delinquencies. [Ord. 249 N.S. § 7, 1954].

Chapter 15.24

EXCAVATIONS

Sections:
15.24.010 Permit required – Resurfacing.

15.24.010 Permit required – Resurfacing.

(a) Permit Required. Before any person, firm or corporation may cut any pavement or sidewalk or make any excavation in any public street for the purpose of installing or repairing any sewer, water, gas, electric or other utility pipes, conduits, wires or other structure, he or she shall secure a written permit therefor from the proper city authority, in accordance with any regulations then in effect and pertaining thereto, and shall pay the required fees and deposits.

(b) Resurfacing. After any such cut is made in any pavement, sidewalk or street, the person or firm doing such work shall immediately upon completion of the work, refill, settle and resurface such cut, to the satisfaction of the city manager. If such work is not done satisfactorily the city may complete the same, and such person or firm will be liable to the city for all costs and expenses in completing such work. [Ord. 210 N.S. § 5-101, 1952].

Chapter 15.26

TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY

Sections:

15.26.010 Authority.
15.26.020 Purpose.
15.26.030 Scope.
15.26.040 Definitions.
15.26.050 Administration.
15.26.060 General standards for wireless telecommunications facilities in the rights-of-way.
15.26.070 Application submission requirements.
15.26.080 Termination of permit/breach.
15.26.090 Vertical infrastructure controlled by city.
15.26.100 Nondiscrimination.

15.26.010 Authority.

The city derives the authority for this chapter from the City Charter Articles 4 and 5, and Chapter 2.04 PGMC. This chapter, and any rules, regulations, specifications and agreements adopted pursuant to this chapter, complies with all applicable federal and state law. [Ord. 18-019 § 2, 2018].

15.26.020 Purpose.

This chapter establishes a process for managing, and uniform standards for acting upon, requests for the placement of wireless telecommunications facilities within the rights-of-way of the city of Pacific Grove consistent with the city's obligation to promote the public health, safety and welfare, to manage the public rights-of-way, and to ensure that the public is not incommoded by the use of the rights-of-way for the placement of wireless telecommunications facilities. The city recognizes the importance of wireless telecommunications facilities to provide high-quality communications service to the residents and businesses within the city, and the city also recognizes its obligation to comply with applicable federal and state law regarding the placement of wireless telecommunications facilities in its rights-of-way, and this chapter shall be interpreted consistent with those provisions. [Ord. 18-019 § 2, 2018].

15.26.030 Scope.

(a) In General. Unless exempted, every person who desires to place a wireless telecommunications facility in the rights-of-way or modify an existing wireless telecommunications facility must obtain a wireless placement permit authorizing the placement or modification.

(b) Exemptions. Except as to this section and PGMC 15.26.050, this chapter does not apply to:

(1) The placement or modification of wireless telecommunications facilities on supporting structures owned, or under the control of, the city, the use of which is subject to a contract for use of the facility between the city and the entity or entities that own or control the wireless telecommunications facility.

(2) The placement or modification of wireless facilities by the city or by any other agency of the state solely for public safety purposes.

(3) Modifications to an existing wireless telecommunications facility that makes no material change to the footprint of a facility or to the surface or subsurface of a public street if the activity does not disrupt or impede traffic in the traveled portion of a street, and if the work activity does not change the visual or audible characteristics of the wireless telecommunications facility. The city, by wireless regulation, may also exempt wireless telecommunications facilities that otherwise are subject to the provisions of this section from the obligation to obtain a permit to install or modify a wireless telecommunications facility where it is determined that because of the physical characteristics of the proposed facilities, and the work associated with them, such a permit is not required to protect the public health, welfare or safety, to maintain the character of a neighborhood or corridor, or to otherwise serve the purposes of this chapter.

(4) Installation of a "cell on wheels," "cell on truck" or a similar structure for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event; provided, that installation does not involve excavation, movement or removal of existing facilities.

(5) Installation of a wireless facility on the strand between two utility poles; provided, that the cumulative volume of all wireless facilities on the strand shall not exceed one cubic foot; and provided further, that the installation does not require replacement of the strand, or excavation, modification or replacement of the utility poles.

(c) Other Applicable Requirements. In addition to the wireless telecommunications permit required herein, the placement of a wireless telecommunications facility in the public rights-of-way requires the persons who will own or control those facilities to obtain the franchises and permits required by applicable law, and to comply with applicable law.

(d) Public Use. Except as otherwise provided by California law, any use of the right-of-way authorized pursuant to this chapter will be subordinate to the city's use and use by the public. [Ord. 18-019 § 2, 2018].

15.26.040 Definitions.

Terms used in this chapter shall have the following meanings:

"Applicant" means a person filing an application for placement or modification of a wireless telecommunications facility in the rights-of-way.

"Application" means a formal request, including all required and requested documentation and information submitted by an applicant to the city, for a wireless placement permit.

Base Station. The term "base station" shall have the same meaning as in 47 C.F.R. Section 1.40001, as may be amended.

"Certificate of completion" means a document that is required from and issued by the city confirming all work described in the application, as approved: (a) was properly permitted, including, without limitation, all required permits for building, electrical work, street or curb cutting, and excavation; (b) was done in compliance with and fulfillment of all conditions of all permits, including all stated deadlines; (c) was fully constructed or placed as approved and permitted; and (d) was finally inspected by the city, and was approved by the city after said final inspection.

"Rights-of-way" means any portion of any road or public way which the city has the responsibility to maintain or manage.

"Support structure" means any structure capable of supporting a base station.

"Tower" means any structure built for the sole or primary purpose of supporting any Federal Communications Commission (FCC) licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

"Underground areas" means those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right-of-way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled to be converted from overhead to underground. Electrical facilities are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages more than 35,000 volts.

"Utility pole" means a structure in the rights-of-way designed to support electric, telephone and similar utility lines. A tower is not a utility pole.

"Wireless infrastructure provider" means a person that owns, controls, operates or manages a wireless telecommunications facility or portion thereof within the right-of-way.

"Wireless permit" means a permit issued pursuant to this chapter and authorizing the placement or modification of a wireless telecommunications facility of a design specified in the permit at a particular location within the rights-of-way; and the modification of any existing support structure to which the wireless telecommunications facility is proposed to be attached.

"Wireless regulations" means those regulations adopted pursuant to PGMC 15.26.050 and implementing the provisions of this chapter.

"Wireless service provider" means an entity that provides wireless services to end users.

"Wireless telecommunications facility" or "facility" means a facility at a fixed location consisting of a base station, any accessory equipment, and the tower, if any, associated with the base station. [Ord. 18-019 § 2, 2018].

15.26.050 Administration.

(a) City Manager. The city manager or designee is responsible for administering this chapter. As part of the administration of this chapter, the city manager or designee may:

(1) Adopt regulations governing the placement and modification of wireless telecommunications facilities consistent with the requirements of this chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless telecommunications facilities;

(2) Interpret the provisions of this chapter;

(3) As part of the foregoing, develop acceptable designs for wireless telecommunications facilities in particular corridors, taking into account the zoning districts bounding the rights-of-way;

(4) Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;

(5) Develop forms and procedures for submission of applications for placement or modification of wireless telecommunications facilities, and proposed changes to any support structure consistent with this chapter;

(6) Collect, as a condition of the completeness of any application, any fee established by resolution of the city council;

(7) Require, as part of and as a condition of completeness of any application, notice to members of the public that may be affected by the placement or modification of the wireless telecommunications facility, and proposed changes to any support structure;

(8) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations;

(9) Subject to appeal as provided herein, determine whether to grant, grant subject to conditions, or deny an application; and

(10) Take such other steps as may be required to timely act upon applications for placement of wireless telecommunications facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

(b) Appeal.

(1) Any person adversely affected by the decision of the city manager may appeal the decision to the city council, which may decide the issues de novo, and whose written decision will be the final decision of the city. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the wireless telecommunications facility.

(2) Where the city manager grants an application based on a finding that denial would result in a prohibition or effective prohibition under applicable federal law, the decision shall be automatically appealed to the city

council. Otherwise, appeals that involve eligible facilities requests, as defined in 47 C.F.R. Section 1.40001, as may be amended, must be filed within five business days of the written decision of the city manager; all other appeals must be filed within 10 business days of the written decision of the city manager, unless the city manager extends the time therefor. An extension may not be granted where extension would result in approval of the application by operation of law.

(3) Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law. [Ord. 18-019 § 2, 2018].

15.26.060 General standards for wireless telecommunications facilities in the rights-of-way.

(a) Generally. Wireless telecommunications facilities shall meet the minimum requirements set forth in this chapter and the wireless regulations, in addition to the requirements of any other applicable law.

(b) Regulations. The wireless regulations and decisions on applications for placement of wireless telecommunications facilities in the rights-of-way shall, at a minimum, ensure that the requirements of this section are satisfied, unless it is determined that applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this chapter and the wireless regulations manual may be waived, but only to the minimum extent required to avoid the prohibition.

(c) Standards. Wireless telecommunications facilities shall be installed and modified in a manner that minimizes risks to public safety, avoids placement of aboveground facilities in underground areas, avoids installation of new support structures or equipment cabinets in the public rights-of-way and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located. City shall ensure that wireless telecommunications facilities are subject to periodic review to minimize the intrusion on the rights-of-way; that the city bears no risk, liability, or expense as a result of the installations; that the facilities do not inconvenience the public, or interfere with the primary uses of the public rights-of-way; and that the facilities do not hinder the ability of the city or other government agencies to improve, modify, relocate, abandon or vacate the public rights-of-way or any portion thereof, or damage or otherwise unduly interfere with other structures in the rights-of-way.

(d) Concealment. Permits for wireless telecommunications facilities shall incorporate specific concealment elements to minimize visual impacts, and design requirements ensuring compliance with all standards for noise emissions. Unless it is determined that another design is less intrusive, or placement is required under applicable law:

(1) Antennas located at the top of support structures shall be incorporated into the structure or placed within shrouds of a size such that the antenna appears to be part of the support structure.

(2) Antennas placed elsewhere on a support structure shall be integrated into the structure or be designed and placed to minimize visual impacts.

(3) Radio units or equipment cabinets holding radio units and mounted on a utility pole shall be placed as high as possible on a support structure, placed to avoid interfering or creating any hazard to any other use of the public rights-of-way, and located on one side of the utility pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on utility poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the support structure on which they are placed.

(4) Wiring and cabling shall be neat and concealed within or flush to the support structure, ensuring concealment of these components to the greatest extent possible.

(5) Ground-mounted equipment associated with a wireless telecommunications facility shall be permitted only where consistent with the portion of the corridor in which it is to be placed, and may be required to be underground, located in alleys or otherwise shielded. In no event may ground-mounted equipment interfere with pedestrian or vehicular traffic.

(6) No permit shall be issued or effective unless it is shown that the wireless telecommunications facility will comply with FCC regulations governing radio frequency ("RF") emissions. Every wireless facility shall at all times comply with applicable FCC regulations governing RF emissions, and failure to comply shall be treated as a material violation of the terms of any permit or lease.

(7) No towers shall be permitted in the public rights-of-way, and no wireless telecommunications facilities shall be permitted above-ground in underground areas; provided, that the city may permit placements where all elements of the wireless telecommunications facility are concealed, and the facility does not appear to a casual observer to be a wireless telecommunications facility.

(8) No permit shall issue except to wireless service providers with immediate plans for use of the proposed wireless telecommunications facility, or wireless infrastructure providers with contracts with wireless service providers which require the service provider immediately to use the proposed wireless telecommunications facility. [Ord. 18-019 § 2, 2018].

15.26.070 Application submission requirements.

(a) Submission. Unless the wireless regulations otherwise provide, applicant shall submit a paper copy and an electronic copy of any application, amendments or supplements to an application, or responses to requests for information regarding an application to the city manager.

(b) Content. An application must contain:

(1) Any information required pursuant to the wireless regulations.

(2) The name of the applicant, its telephone number and contact information, and if the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider that will be using the wireless telecommunications facility.

(3) A complete description of the proposed wireless telecommunications facility and the work that will be required to install or modify it, including but not limited to detail regarding proposed excavations, if any; detailed site plans showing the location of the wireless telecommunications facility, and specifications for each element of the wireless telecommunications facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. Before and after 360-degree photo simulations must be provided. The electronic version of an application must be in a standard format that can be easily uploaded on a web page for review by the public.

(4) If the application is an eligible facilities request, within the meaning of 47 C.F.R. Section 1.40001, as may be amended, the application must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must show that there is an existing wireless telecommunications facility that was approved by the city pursuant to this chapter. Before and after 360-degree photo simulations must be provided; which and detailed specification of the (1) An application for a permit shall be submitted in the format and manner specified by the wireless facilities regulations, as applicable. For permits for wireless telecommunications facilities, if no form or manner has been specified, applications must contain all information necessary to show that applicant is entitled to the permit requested.

(5) If applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent city from complying with any deadline for action on an application.

(6) Proof that notice has been mailed to owners of all property within 300 feet of the proposed wireless telecommunications facility.

(7) Any required fees.

(c) Fees. For wireless telecommunications facilities, applicant must provide an initial deposit and agree as part of its application to pay all costs reasonably incurred by city in reviewing the application, including costs incurred in retaining outside consultants. Fees shall be reviewed periodically and raised or lowered based on costs the city expects to incur, with a review commencing by the first anniversary of the effective date of the ordinance codified in this chapter.

(d) Waivers. Requests for waivers from any requirement of this section shall be made in writing to the city manager or designee. The same may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the city will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the permit sought.

(e) Rejection for Incompleteness. For personal wireless facilities, as that term is defined under federal law, and eligible facilities requests, as that term is defined under federal law, applications will be processed, and notices of incompleteness provided, in conformity with state, and local and federal law. If such an application is incomplete, it may be rejected by a written order specifying the material omitted from the application, or the city may notify the applicant of the material omitted and provide an opportunity to submit the missing material. [Ord. 18-019 § 2, 2018].

15.26.080 Termination of permit/breach.

(a) For Breach. A wireless telecommunications permit may be revoked for failure to comply with the conditions of the permit, franchise or applicable law. Upon revocation, the wireless telecommunications facility must be removed; provided, that removal of support structure owned by city, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the city. All costs incurred by the city in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless telecommunications facility.

(b) For Installation without a Permit. A wireless telecommunications facility installed without a wireless permit (except for those exempted by this chapter) must be removed; provided, that a support structure owned by city, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the city. All costs incurred by the city in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless telecommunications facility.

(c) Term. A wireless permit, other than a permit issued pursuant to an eligible facilities request, shall be valid for a period of 10 years. An eligible facilities permit shall expire at the same time the permit for the underlying existing wireless telecommunications facility expires. A person holding a wireless telecommunications permit must either remove the wireless telecommunications facility upon expiration (provided, that a support structure owned by city, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the city); or, at least 90 days prior to expiration, must submit an application to renew the permit, which application must demonstrate that the impact of the wireless telecommunications facility cannot be reduced. The wireless telecommunications facility must remain in place until it is acted upon by the city, and any appeals from the city's decision exhausted.

(d) Municipal Infraction. Any violation of this chapter may be enforced pursuant to Chapters 1.16 and 1.19 PGMC. [Ord. 18-019 § 2, 2018].

15.26.090 Vertical infrastructure controlled by city.

The city, as a matter of policy, will negotiate agreements for use of city owned or controlled light standards and traffic signals in the public rights-of-way. The placement of wireless telecommunications facilities on those structures shall be subject to the agreement. The agreement shall specify the compensation to the city for use of the structures. The person seeking the agreement shall additionally reimburse the city for all costs the city incurs in connection with its review of, and action upon, the person's request for an agreement. [Ord. 18-019 § 2, 2018].

15.26.100 Nondiscrimination.

In establishing the rights, obligations and conditions set forth in this chapter, it is the intent of the city to treat each applicant or public right-of-way user in a competitively neutral and nondiscriminatory manner, to the extent required

by law, and with considerations that may be unique to the technologies, situation and legal status of each particular applicant or request for use of the public rights-of-way. [Ord. 18-019 § 2, 2018].

Chapter 15.28

UTILITY POLES

Sections:

15.28.010 Regulation of placement on Lighthouse Avenue.

15.28.010 Regulation of placement on Lighthouse Avenue.

There shall be no telephone, telegraph, electric light, or other light or power poles or posts in or upon Lighthouse Avenue from its intersection with the westerly line of Nineteenth Street to the easterly line of Fountain Avenue, but nothing herein shall apply to the street lighting system of the city for said street. [Ord. 210 N.S. § 5-102, 1952].

Chapter 15.29

UNDERGROUNDING UTILITIES

Sections:
15.29.010 Definitions.
15.29.020 Public hearing by council.
15.29.030 Designating districts by resolution.
15.29.040 Unlawful acts.
15.29.050 Exception for emergency or unusual circumstances.
15.29.060 Other exceptions.
15.29.070 Notice to property owners, utility companies.
15.29.080 Responsibility of utility companies.
15.29.090 Responsibility of property owners.
15.29.100 Responsibility of city.
15.29.110 Extension of time.
15.29.120 Enforcement.

15.29.010 Definitions.

Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

"Commission" means the Public Utilities Commission of the state of California.

"Person" means and includes individuals, firms, corporations, partnerships, and their agents and employees.

"Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossbeams, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district and used or useful in supplying electric, communication or similar or associated service.

"Underground utility district" or "district" means that area in the city within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of PGMC 15.29.030.

"Utility" includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. [Ord. 598 N.S. § 1, 1968].

15.29.020 Public hearing by council.

The council may, from time to time, call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The city clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least 10 days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. [Ord. 598 N.S. § 1, 1968].

15.29.030 Designating districts by resolution.

If, after any such public hearing, the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. The resolution shall include a description of the area comprising the district and shall fix the time within which the removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for removal and underground installation, having due

regard for the availability of labor, materials and equipment necessary for removal and for the installation of such underground facilities as may be occasioned thereby. [Ord. 598 N.S. § 1, 1968].

15.29.040 Unlawful acts.
Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in PGMC 15.29.030 hereof, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in PGMC 15.29.090 hereof, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this chapter. [Ord. 598 N.S. § 1, 1968].

15.29.050 Exception for emergency or unusual circumstances.
Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed 10 days, without authority of the council in order to provide emergency service. The council may grant special permission, on such terms as the council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. [Ord. 598 N.S. § 1, 1968].

15.29.060 Other exceptions.
This chapter and any resolution adopted pursuant to PGMC 15.29.030 hereof shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

(a) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;

(b) Poles, or electroliers used exclusively for street lighting;

(c) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

(d) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;

(e) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;

(f) Antennas, associated equipment and supporting structures, used by a utility for furnishing communication services;

(g) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;

(h) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. [Ord. 598 N.S. § 1, 1968].

15.29.070 Notice to property owners, utility companies.
Within 10 days after the effective date of a resolution adopted pursuant to PGMC 15.29.030 hereof, the city clerk shall notify all affected utilities and all persons owning real property within the district created by the resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to PGMC 15.29.030, together with a copy of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. [Ord. 598 N.S. § 1, 1968].

15.29.080 Responsibility of utility companies.
If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to PGMC 15.29.030 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations, and tariffs on file with the commission. [Ord. 598 N.S. § 1, 1968].

15.29.090 Responsibility of property owners.
(a) Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his or her property between the facilities referred to in PGMC 15.29.080 and the termination facility on or within the building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to PGMC 15.29.030 hereof, the city engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within 10 days after receipt of such notice.

(b) The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, city of Pacific Grove. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within 48 hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the city engineer shall, within 48 hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by 10 inches in size, to be posted in a conspicuous place, on said premises.

(c) The notice given by the city engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if the work is not completed within 30 days after receipt of such notice, the city engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

(d) If upon the expiration of the 30-day period, the required underground facilities have not been provided, the city engineer shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the city engineer shall in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the city engineer, he or she shall file a written report with the city council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which time shall not be less than 10 days thereafter.

(e) The city engineer shall forthwith, upon the time for hearing protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the council will pass upon such report and will hear protests against the assessment. Such notice shall also set forth the amount of the proposed assessment.

(f) Upon the date and hour set for the hearing of protests, the council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

(g) If any assessment is not paid within five days after its confirmation by the council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the city engineer, and the city

engineer is directed to turn over to the assessor and tax collector and record with the county recorder a notice of lien on each of the properties on which the assessment has not been paid. The assessment shall be due and payable at the same time as the property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per annum. [Ord. 598 N.S. § 1, 1968].

15.29.100 Responsibility of city.
The city shall remove at its own expense all city-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to PGMC 15.29.030 hereof. [Ord. 598 N.S. § 1, 1968].

15.29.110 Extension of time.
In the event that any act required by this chapter or by a resolution adopted pursuant to PGMC 15.29.030 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. [Ord. 598 N.S. § 1, 1968].

15.29.120 Enforcement.
It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and may be prosecuted pursuant to Chapter 1.16 PGMC. [Ord. 08-006 § 58, 2008; Ord. 598 N.S. § 1, 1968].

Chapter 15.30

UTILITY ENCROACHMENTS IN PUBLIC RIGHTS-OF-WAY

Sections:
15.30.010 Scope.
15.30.020 Administration.

15.30.010 Scope.

Any permanent structure or object of any kind or character placed in, over or under any street, alley, sidewalk, or right-of-way (collectively, the "right-of-way") by a public utility or entity holding a state or local franchise authorizing right-of-way occupancy shall be subject to the control of the city as to matters affecting the health, convenience, and safety of the general public, including but not limited to matters such as the use and repair of public streets, or the location of the poles, wires, mains, or conduits on, under, or above any rights-of-way within the limits of the city. [Ord. 19-002 § 2, 2019].

15.30.020 Administration.

The city public works director, building official or designee may adopt forms, manuals and regulations or implement practices to ensure that a public utility or entity holding a state or local franchise authorizing occupancy of the rights-of-way bears the risks and expense associated with their use of the rights-of-way; to protect the public health, safety and welfare; to ensure that the construction, installation, maintenance and operation of any facility does not incommode the public use of the rights-of-way; and to control the time, place, and manner in which rights-of-way are accessed. [Ord. 19-002 § 2, 2019].

Chapter 15.40

REFUSE AND STORAGE CONTAINERS ON CITY STREETS

Sections:

15.40.010 Definitions.
15.40.020 Permit required for storage container or refuse container on city street.
15.40.030 Permits for storage containers.
15.40.040 Permits for large refuse containers.
15.40.050 Permitted use with a valid building permit.

15.40.010 Definitions.

For the purpose of this chapter the following terms shall apply:

"City" shall mean the city of Pacific Grove.

"Large refuse containers" shall mean refuse containers in excess of 100-gallon capacity used for collection of garbage, rubbish and/or refuse, which containers are kept on or placed for collection on any city streets, roadway or alley.

"Storage containers" shall mean any container, storage unit, shed-like container, "portable on-demand storage structures (PODS)," or other portable structure that can be or is used for any purpose and is placed on any public street, roadway or alley. [Ord. 07-019 § 2, 2007].

15.40.020 Permit required for storage container or refuse container on city street.

(a) No person shall cause or allow a large refuse container or storage container to be placed on any city street, roadway or alley without first obtaining a permit from the city.

(b) Before placing a large refuse container or storage container on any city street, roadway or alley a person must submit an application and receive a permit from the police department. An insurance certificate providing liability insurance in the amount of $100,000 provided by the company supplying the refuse container or storage container must accompany the permit application. The fee for such permit shall be set forth by the city council. [Ord. 07-019 § 2, 2007].

15.40.030 Permits for storage containers.

Storage container permits will be granted for a period of seven days. At the expiration of the seven-day period applicants may seek a one-time extension of their permits for an additional seven days by submitting an extension application for cause to the police department. Permit fees and any fee for extension thereof will be set forth by resolution of the city council. No applicant shall be granted more than two storage container permits within any 12-month period. An extension of a permit shall be deemed to be a second permit. Only one refuse container or storage container unit may be placed pursuant to a permit and permits shall not be granted so as to run either concurrently or consecutively except in the case of an extension. [Ord. 07-019 § 2, 2007].

15.40.040 Permits for large refuse containers.

Large refuse container permits will be granted for a period of seven days. At the expiration of the seven-day period, applicants may seek a one-time extension of their permit for an additional seven days by submitting an extension application for cause to the police department. Permit fees and any fee for extension thereof will be set forth by resolution of the city council. No applicant shall be granted more than two refuse container permits within any 12-month period. An extension of a permit shall be deemed to be a second permit. Only one refuse container unit may be placed pursuant to a permit and permits shall not be granted so as to run either concurrently or consecutively except in the case of an extension. [Ord. 07-019 § 2, 2007].

15.40.050 Permitted use with a valid building permit.

(a) The provisions of this chapter shall not apply to the use or placement of construction refuse containers or storage containers pursuant to a valid building permit.

(b) Persons obtaining a building permit from the city must receive approval from the police department and the community development department for the location and duration of the placement of the refuse container and/or storage container prior to the issuance of said building permit. There shall be no fees associated with the approved placement of the construction refuse container or the storage container with a valid building permit if said container is placed on private property. [Ord. 07-019 § 2, 2007].

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Title 15

STREETS AND SIDEWALKS[1]

Chapters:

15.01 Street Encroachments
15.08 House Numbers
~~**15.12 Cement Construction**~~
15.16 Sidewalks
15.20 Driveways
15.24 Excavations
15.26 Telecommunications Facilities in Public Rights-of-Way
15.28 Utility Poles
15.29 Undergrounding Utilities
15.30 Utility Encroachments in Public Rights-of-Way
~~**15.32 House Moving**~~
15.40 Refuse and Storage Containers on City Streets

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[1] Obstructing with goods, etc. – See Chapter 11.32 PGMC.

Chapter 15.01

STREET ENCROACHMENTS

Sections:

15.01.010 Definitions.
15.01.020 Encroachment permit required.
15.01.030 Exceptions to permit requirement.
15.01.040 Right of lawful use by City and others.
15.01.050 Permit applications.
15.01.060 Liability and insurance.
15.01.070 Fees.
15.01.080 Agreement concerning continuing encroachments.
15.01.090 Duration of permit.
15.01.100 Commencement and conclusion of work.
15.01.110 Display of permit.
15.01.120 Inspections-Records-Corrective action.
15.01.130 Changes in permit.
15.01.140 Driveway approach permit-Conditions.
15.01.150 Safety provisions.
15.01.160 Standards, supervision and inspection.
15.01.170 Repair and restoration.
15.01.180 Relocation of encroachment.
15.01.190 Street cut notification.
15.01.200 Public access to facilities.
15.01.210 Street closure-When permission granted.
15.01.220 Coordination of work with other entities.
15.01.230 Pavement.
15.01.240 Prohibitions.
15.01.250 Monuments.
15.01.260 Appeal of denial of permit.
15.01.270 Findings on appeal.
15.01.280 Emergency suspension of permit.
15.01.290 Hearing on emergency suspension of permit.
15.01.300 Suspension or revocation of permit.
15.01.310 Hearing on suspension or revocation of permit.
15.01.320 Civil penalties and attorneys' fees.
15.01.330 Administrative review.
15.01.340 Authority of Encroachment Officer and inspectors.
15.01.350 Penalties for violation.
15.01.360 Remedies cumulative.

15.01.010 Definitions.

(a) "City Engineer" means the City engineer of the City of Pacific Grove, or his or her authorized representative.

(b) Continuing encroachment" means an encroachment continuing for a period longer than one year.

(c) Director of Public Works" means the Director of Public Works of the City of Pacific Grove, or his or her authorized representative.

(d) Emergency street cut" means any street cut by a utility to repair a facility within the right-of-way to remediate an immediate hazard or danger to life, health or property, as determined at the sole discretion of the City Director of Public Works..

(e) "Encroach" or "encroachment" includes going upon, over or under a right-of-way, or using a right-of-way or an area adjacent to a right-of-way in such a manner as to prevent, obstruct or interfere with the intended use of that way, or a modification of its mode of use, including but not limited to:
(1) Excavation or disturbance;
(2) Erection, construction, placement, installation, repair, upgrade or maintenance of any physical improvement;
(3) Planting or maintaining any landscaping;
(4) Placement or maintenance of any waste material, except the placement of solid waste or recyclables in authorized receptacles for pick-up in accordance with Chapter 9-16.
(f) Encroachment Officer" shall be those persons designated by the Director of Public Works to issue permits as provided herein or to enforce the provisions of this chapter.
(g) Landscaping" means any tree, shrub, grass, groundcover, plant, solid landscape feature or growing thing.
(h) "Parklet" means the conversion of one or more parking spaces, that may vary according to the site, context, and desired character of the installation, and are subject to the review and approval of the City Public Works Director or designee under the Parklet Program adopted by City Council.
(i) "Permittee" means any person that has been issued an encroachment permit pursuant to this chapter.
(j) Physical improvement" means any post, sign, pole, fence, guard rail, wall, facility, pathway, sidewalk, driveway, track, surfacing, culvert, drainage facility, pipe, conduit, cable, embankment or excavation.
(k) Public street" means the portion of the public right-of-way of any road, street, lane or alley used by or for the general public for travel purposes, including sidewalks and areas between sidewalks and the vehicular travelway, whether or not those roads, streets, lanes and alleys have been accepted as and declared to be part of the City system of public streets, except streets forming a part of the State highway system or County roads or expressways.
(l) Right-of-way" means land which by written instrument, usage or process of law is reserved for or dedicated to the public use for street, utility or highway purposes, or other transportation purposes.
(m) Street cut" means the action or result, of opening, tearing up, excavating, removing or constructing in any portion of any roadway, street or thoroughfare, sidewalk, driveway, curb or gutter, or any other facility existing within the public right-of-way area for any purpose whatever within the jurisdiction of the City.
(n) Utility" means any entity constituting a public utility under State law authorized to use the public streets pursuant to City or State franchise.
(o) Waste material" means any rubbish, brush, earth or other material of any nature which is unused, unwanted or discarded.

15.01.020 Encroachment permit required.
(a) Except as otherwise provided in Section 15.01, it is unlawful for any person to encroach or to make or to cause to be made any encroachment without first having obtained an encroachment permit from the Director of Public Works or the Building Official or their designee.
(b) Encroachment permits shall be issued by the Director of Public Works or designee upon such conditions the Director deems necessary to protect the public interest, health, safety or welfare.
(c) All obligations, responsibilities and other requirements of the permittee as described in this chapter shall be binding on subsequent owners of the encroachment.
(d) Any encroachment for which a permit is required and for which no permit has been issued pursuant to this chapter shall be deemed a public nuisance under Chapter 1.16 of this code.

15.01.030 Exceptions to permit requirement.
No encroachment permit shall be required for any of the following:
(a) Marquees, awnings and other projecting structures and building appendages over the right-of-way, which comply with the requirements of the current California Building Code for use of public streets and projections over public property, and are part of a building or structure which has been granted a valid building permit in accordance with the applicable provisions of this code;
(b) Any sign erected, constructed and maintained in compliance with this code;
(c) The actions of any officer or employee of the City engaged in the discharge of official duties;
(d) The performance of work under contract to the City;
(e) The placement or maintenance of newsracks in compliance with this code or state or federal law;

(f) The making of an emergency street cut by a utility to repair a broken or defective pipe, facility or conduit lawfully on or under a public street, or excavating by a utility as may be necessary for the preservation of life and property when an urgent necessity therefor arises when the offices of the City are closed. Any utility making such street cut shall apply for an emergency encroachment permit on the next City business day. The issuance of such permit shall be at the sole discretion of the Director of Public Works or designee, based on a determination as to whether the work was necessary to for the preservation of life or property and in compliance with this code. In the event that the City Engineer determines issuance of an emergency permit is unwarranted, the person or persons who performed, or caused to be performed, any such work shall be in violation of this chapter.

15.01.040 Right of lawful use by City and others.

(a) The City reserves all rights to approve and construct municipal improvements under or over facilities or portions of facilities constructed pursuant to encroachment permits.

(b) Any permit granted under this chapter shall be subject to the right of the City, or any other person entitled thereto, to use that part of the right-of-way for any purpose for which it may be lawfully used, and no part of the right-of-way shall be unduly obstructed at any time.

15.01.050 Permit applications.

(a) An application for a permit required by this chapter shall be made on a form prescribed by the Director of Public Works or designee. The application shall be signed by the contractor, property owner or other entity performing the work and shall include the following:

(1) The name, address and telephone number of the applicant;

(2) The location, purpose, extent and nature of the proposed work;

(3) The period of time when the proposed work will be performed;

(4) A certificate of insurance for the applicant and contractor's insurance carrier in a form satisfactory to the City;

(5) All other complete and descriptive information, including plans, specifications and analyses the City Engineer may require describing the work and its effect on the right-of-way, including the mode of operation, maintenance and use;

(6) The written order or consent to work thereunder, where required by law, issued by the California Public Utilities Commission or any other public district, agency or body having jurisdiction;

(b) The application for a permit shall refer to, and incorporate by reference, all of the provisions of this chapter.

(c) A permit shall not be issued unless and until the order or consent required pursuant to subsection (A) is first obtained and filed with the Director of Public Works or designee. The permittee shall be knowledgeable and comply with all applicable federal, state and local laws, regulations and orders which may in any manner affect the permit. The permittee shall insure that its agents, employees and contractors are at all times in compliance with all applicable laws, regulations and orders.

15.01.060 Liability and insurance.

(a) The permittee shall be responsible for all liability imposed by law for personal injury or property damage proximately caused by: (1) work done by permittee under the permit, including work beyond the scope of the permit; (2) failure on permittee's part to perform obligations under the permit in respect to maintenance; or (3) the existence of any permitted encroachment. If any claim of such liability is made against the City, its officers or employees, permittee shall defend, indemnify and hold them, and each of them, harmless from such claim and liability insofar as permitted by law.

(b) Before a permit is issued, the applicant, or the contractor who is to perform the work, shall secure, at its expense, a policy of broad form commercial general liability insurance, on an "occurrence" basis issued by an insurer acceptable to the City. If the work to be performed involves any excavation, the policy shall include an endorsement that affords coverage for explosion, collapse and underground hazards. If the work to be performed involves vehicles or vehicular equipment, the insurance must cover any automobile for bodily injury and property damage. The policy shall by endorsement name the City and its officers, employees and agents as additional insureds and shall protect them from claims for personal injury, death or property damage suffered by third persons and arising out of the work performed pursuant to the permit or the manner of installation or construction. The insurance coverage afforded by this policy shall be primary. The policy shall include a cancellation clause requiring the issuing company or its authorized agent to provide a 30-day written notice of cancellation, suspension or modification, to the named certificate holder.

(c) The amount of liability insurance coverage shall be a minimum of $1,000,000 per occurrence and $2,000,000 aggregate or $1,000,000 aggregate if the policy separately applies to the permitted project.
(d) Workers' Compensation shall be maintained to meet minimum state requirements.
(e) A certificate or certificates of the insurance shall be filed with the Department of Public Works prior to commencement of any work. The insurance shall be in effect on the date that the work is commenced and shall be maintained in effect until the work has been completed and the work has been accepted by the Director of Public Works.
(f) The City Risk Manager may increase, decrease or waive the insurance limits set forth above in those cases in which he/she determines that special circumstances justify such an increase, decrease or waiver.
(g) An applicant seeking to do work himself or herself on the City street or in the public easement immediately adjacent to premises containing only one single-family dwelling or two authorized units, one of which is owned and occupied by the applicant, shall not be required to file with the City certificates evidencing general liability, property damage coverage, or workers' compensation insurance.

15.01.070 Fees.
(a) All fees required to be paid under the provisions of this chapter shall be established by resolution of the City Council, and may be subject to adjustment based on the nature, scope and duration of the proposed encroachment.
(b) In addition to any fees required under this chapter, permittee shall be responsible for payment of any other fees that may be required under this code.
(c) Unless waived in writing by the City Council, fees will be required of any public agency which is authorized by law to establish or maintain any works or facilities in, under or over any public street or right-of-way.

15.01.080 Agreement concerning continuing encroachments.
The issuance of an encroachment permit for a continuing encroachment shall, at the discretion of the Director of Public Works or designee, be contingent upon the execution between the City and the permit applicant, of an agreement providing for the use, operation and maintenance of the encroachment. The agreement shall contain specific conditions for the use, operation and maintenance of the encroachment, insurance and appropriate indemnification clauses to the benefit of the City. Any encroachment permit issued in conjunction with an agreement shall be valid only so long as the permittee is in compliance with the terms and conditions of that agreement.

15.01.090 Duration of permit.
The issuance of an encroachment permit for a continuing encroachment shall, at the discretion of the Director of Public Works or designee, be contingent upon the execution between the City and the permit applicant, of an agreement providing for the use, operation and maintenance of the encroachment. The agreement shall contain specific conditions for the use, operation and maintenance of the encroachment, insurance and appropriate indemnification clauses to the benefit of the City. Any encroachment permit issued in conjunction with an agreement shall be valid only so long as the permittee is in compliance with the terms and conditions of that agreement.

15.01.100 Commencement and conclusion of work.
(a) The permittee shall begin the work or use authorized by a permit issued pursuant to this chapter within 90 days from date of issuance, unless a different time period is stated in the permit. If the work is not timely begun, then the permit shall become void, unless a timely extension of time to commence work has been granted by the Director of Public Works in writing. Before beginning any work which involves or includes excavation, construction of concrete sidewalks, curbs, gutters or driveway approaches, or making, placing or causing an obstruction in the traveled way, the permittee shall notify the City Engineer.
(b) The permittee shall complete the work or use authorized by a permit issued pursuant to this chapter within the time specified in the permit and shall notify the Director of Public Works upon completion. No work shall be deemed to be complete, nor shall the work be operated or placed into service, without written authorization, notification of completion, or acceptance by the Director of Public Works. If at any time the Director of Public Works determines that the prosecution or completion of the work or use authorized is delayed due to lack of diligence on the part of the permittee, the permit may be canceled and the right-of-way restored to

its former condition. The permittee shall reimburse the City for all expenses incurred by the City in restoring the right-of-way.
(c) The Director of Public Works may extend any time period if commencement or completion of the work for which the permit was issued was delayed because of inclement weather, strikes, an act of God or other causes not within the control of the permittee.

15.01.110 Display of permit
(a) A copy of any permit issued pursuant to this chapter shall be kept at the site of any construction work pertaining to the encroachment and shall be shown to any authorized representative of the City on demand.
(b) An agreement or permit issued for continued use or maintenance of an encroachment involving the residence or place of business of the permittee may be kept at the residence or place of business, or otherwise safeguarded during the term of validity, and shall be made available to an authorized representative of the City within a reasonable time after demand therefor is made.

15.01.120 Inspections-Records-Corrective action.
(a) The Director of Public Works or designee may require the permittee to perform special inspections of and maintain records for certain facilities constructed in the right-of-way. The City also reserves the right to conduct periodic inspections throughout the construction phases of the project and to have access to any pertinent records of the permittee.
(b) Final inspection of construction may be conducted by the Director of Public Works or designee. At the Director of Public Works discretion, permittee may be required to be present. Permittee shall allow reasonable time for the City to prepare and provide a list of items requiring corrective action. Permittee shall undertake timely correction of all such items.
(c) All persons owning underground facilities located in City shall keep current, adequate and complete maps and records of same. Such maps and records shall be made available to the City upon request.

15.01.130 Changes in permit.
(a) No changes may be made in the location, dimension, character or duration of the encroachment, its mode of operation, maintenance, or use as granted by the permit except upon written authorization of the Director of Public Works. All construction and use of materials must adhere to approved plans and specifications. The permittee shall coordinate all construction activities with the Director of Public Works.
(b) No additional permit shall be required for the continuing use of encroachments installed by public utilities, provided that such continuing use conform to the conditions of the original encroachment permit.

15.01.140 Driveway approach permit-Conditions.
All persons constructing new buildings shall apply for encroachment permits for both restoration of the curb to its original condition, where old driveways are abandoned, as well as for the installation of a new driveway approach prior to the final acceptance of the building by the building Official of the City, as required in this code.

15.01.150 Safety provisions.
(a) Permittee shall at all times obey and enforce all applicable safety orders, rules and recommendations of the state Division of Industrial Safety and shall comply with all applicable state and local laws, ordinances, codes and regulations.
(b) During construction, permittee shall immediately remedy all hazardous conditions or nuisances upon receipt of any notice from the City. The Director of Public Works may take any action necessary to remedy any hazardous condition or nuisance if there is insufficient time, under the circumstances, to first provide notice to permittee, or should permittee fail to take immediate and appropriate action upon receipt of notice from the City.
(c) Permittee shall provide, erect and maintain any lights, warning sign, signals, flares, patrols and other appropriate safeguards necessary to protect the public during the course of work or maintenance of an encroachment. Where the permit involves excavation, obstruction or similar work within the right-of-way, permittee shall place and maintain lights at 50 foot or lesser intervals, and at each end of the excavation or obstruction, from one-half hour before sunset to one-half hour after sunrise the following day for each day until the right-of-way has been made safe for use. Reflectorized warning signs conforming to the requirements of the Manual of Uniform Traffic Control Devices issued by the California Department of Transportation shall be placed at 200 and at 400 feet from each excavation or obstruction to provide adequate warning.

(d) Warning signs, lights and other safety devices shall conform to the requirements of the California Vehicle Code and the Manual of Uniform Traffic Control Devices issued by the California Department of Transportation, or other recognized, applicable standards.
(e) The standards and requirements set forth in this chapter are intended to be the minimum required standards. The failure of the City to require any specific safety device or procedure shall not excuse permittee from complying with any other requirements or standards or to take reasonable, appropriate and prudent safety precautions indicated by the specific circumstances. At any time, the City may provide, erect, relocate or remove any safety device or measure as necessary or cancel the permit and restore the right-of way at the expense of the permittee.

15.01.160 Standards, supervision and inspections.
(a) All work done under a permit shall conform to the specifications and to the conditions of approval established by the City or, in the absence of established specifications, to recognized standards of design and construction and approved practices in connection with the work to be done. All work shall be done subject to the satisfaction and approval of the Director of Public Works.
(b) If the work, use or encroachment authorized in the permit issued pursuant to this chapter interferes with the established drainage, the permittee shall provide for proper drainage as directed by the Director of Public Works.
(c) Backfilling of an excavation shall be in accordance with the standard details and specifications of the City, or those other specifications required by the Director of Public Works for the particular project, both as to material and method. Backfill shall not be placed in any excavation without compaction of the material used therein, the degree and method thereof to be to the satisfaction of the Director of Public Works.
(d) All operation, maintenance and repairs to a continuing encroachment shall conform to the conditions of approval of the underlying encroachment permit, to the terms of any applicable agreement with City, and to established and recognized standards of construction, design, operation and maintenance for the particular type of encroachment.

15.01.170 Repair and restoration.
(a) Upon completion of the project for which the permit was issued, or when required by the Director of Public Works, the permittee shall replace, repair or restore the public right-of-way to its prior condition unless otherwise provided in the permit. The permittee shall remove all obstructions, impediments, material or rubbish caused or placed upon the right-of-way under the permit, and shall do any other work or perform any act necessary to restore the public street to a safe and usable condition.
(b) By the acceptance of the permit the permittee agrees to exercise reasonable care in inspecting and maintaining the area affected by the encroachment after completion of all work.
(c) The permittee shall immediately repair any injury, damage or nuisance, in any portion of the right-of-way, resulting from the work done under the permit. In the event that the permittee fails to act promptly or should the exigencies of the injury or damage require repairs or replacement to be made before the permittee can be notified by the Director of Public Works or can respond to notification, the City may at its option make the necessary repairs or replacements or perform the necessary work and the permittee shall be charged with all the expenses incurred in the performance of the work.

15.01.180 Relocation of encroachment.
(a) If any future construction, reconstruction or maintenance work by the City on the right-of-way necessitates the relocation, removal or abandonment of an encroachment, the permittee shall relocate, remove or abandon the encroachment at the permittee's sole expense.
(b) When relocation is required, the Director of Public Works shall make written demand of the permittee that the encroachment be relocated within the right-of-way to a satisfactory location provided by the Director of Public Works, and shall designate a reasonable time for such relocation or removal. In determining what is a reasonable time under this section, the Director of Public Works shall take into consideration the nature of the encroachment, the urgency of the need for its removal, the cost of its removal, the difficulty of its removal, the value of the property to the owner, and other facts peculiar to the particular situation. If the permittee fails to comply with such instructions, the City may relocate or remove the encroachment at the expense of the permittee.
(c) The provisions of this section shall apply to all permittees, including public agencies and public utilities having authority to occupy public rights-of-way pursuant to a franchise or an express provision of state statute,

unless in conflict with a franchise agreement with the City, or in conflict with a state statute applicable to a charter city.

15.01.190 Street cut notification.
When the encroachment involves a street cut, the permittee shall notify every public utility having facilities in the vicinity of the street cut regarding the issuance of the permit and its provisions. If a subsurface excavation is required, the permittee shall contact Underground Service Alert (USA) and have all utilities located and marked prior to commencement of any work. The permittee shall, upon uncovering any pipe or underground facility not previously located or anticipated, cease work immediately and notify the Director of Public Works. The permittee shall proceed with the work only after the proper utility has been notified and permission is granted by the Director of Public Works to proceed.

15.01.200 Public access to facilities.
(a) The permittee shall so plan the work as to cause the minimum of interference with traffic and inconvenience to the public and perform all street cut work in a neat and professional manner. Roadways and walks shall not be unnecessarily obstructed. At no time shall a public street be closed, or its function reduced or modified or the use thereof denied in whole or in part to the general public,
without the written permission of the Director of Public Works.
(b) The permittee shall provide free and unobstructed access to all mailboxes, fire hydrants, water gates, valves, manholes, drainage structures and other public service structures and property that may be required for emergency use. The permittee shall not remove such structures and property or relocate or manipulate them without proper coordination with the authorities responsible for their control and maintenance.

15.01.210 Street closure-When permission granted.
Upon written application, the Director of Public Works may grant written permission to permittee to close or cause to be closed, for limited periods, City streets, driveways or areas not under control of the State or the County if in the opinion of the Director of Public Works the public interest can best be served thereby.

15.01.220 Coordination of work with other entities.
The permittee shall coordinate all street cut work with other entities working in the area so that public convenience is least impaired and to the satisfaction of the Director of Public Works. The permittee shall at all times notify the Police and Fire Departments of any and all obstructions and closures within the public right-of-way which might impair or prevent passage of an emergency vehicle.

15.01.230 Pavement.
(a) The permittee shall be required to construct pavement, whether temporary or permanent, in accordance with the standard specifications of the City, unless otherwise specified on the permit.
(b) All construction work performed pursuant to a street cut encroachment permit shall be performed by contractors who have current and valid licenses issued by the state of California Contractor's License Board, for the type of work being performed.

15.01.240 Prohibitions.
It is unlawful to do any of the following:
(a) Store materials used in connection with the work within five feet of a public street, or stockpile materials in the right-of-way, unless otherwise authorized by the City Engineer. Excess earth materials from trenching or other operations shall be removed from the pavement, travel way or shoulder as the trench is backfilled or other work carried forward unless otherwise approved by the City Engineer;
(b) Plant any landscaping across any existing walkway in a sidewalk area or roadway shoulder;
(c) Erect or maintain a fence or similar structure in a right-of-way without a permit, except as provided in this chapter;
(d) Erect or maintain a fence or similar structure across any existing walkway in a sidewalk area or roadway shoulder;
(e) Permit or maintain any encroachment of any nature which impedes, obstructs or denies pedestrian or other lawful travel within the limits of a public street, or which impairs adequate sight distance for safe pedestrian or vehicular traffic;
(f) Construct or maintain a freight loading platform upon or in the right-of-way.

15.01.250 Monuments.

No person shall remove or disturb, or cause to be removed or disturbed any monument of granite, concrete, brass, iron or other material set for the purpose of locating or preserving the lines and/or elevation of any public street or right-of-way, property subdivision or precise survey or reference point without first obtaining permission from the Director of Public Works. Permission shall be subject to and in conformance with the requirements set forth in specifications established by the City Engineer. Replacement of removed or disturbed monuments will be at the expense of the permittee

15.01.260 Appeal of denial of permit.

Any person aggrieved by the denial of a permit required by this chapter may appeal to the Public Works Director or designee, by submitting a written appeal within 15 days of the date the application was denied. The Public Works Director or designee shall thereafter give written notice to the applicant of a hearing to be held within 30 days of receipt of the appeal. The decision by the Public Works Director or designee on the appeal shall be final. For appeals of decisions regarding Parklets, the decision of the Public Works Director or designee may be appealed t the Architectural Review Bord whose decision on such appeals shall be final.

5.01.270 Findings on appeal.

The Director of Public Works or designee, or Architectural Review Board where applicable shall grant the appeal and issue a permit, subject to any appropriate conditions, if all of the following findings are made:

(a) That the applicant will be substantially damaged by the refusal to grant the permit as requested;

(b) That no other reasonable method of obtaining the desired results is available except as proposed by applicant;

(c) That the granting of the permit will not be materially detrimental to the public interest, safety, health and welfare or injurious to other property;

(d) That the project for which the permit is sought will not adversely affect the safety, capacity, or integrity of the City's right-of-way;

(e) That the applicant has substantially complied with the provisions of any prior permits issued to the applicant, and has paid or posted all required fees or bonds, and maintained all required insurance coverage;

(f) That the environmental effects are not significant;

(g) That an additional maintenance cost to the City is not created by the encroachment;

(h) That the granting of the permit will not be materially detrimental to the rights, interests or revenues of the City

15.01.280 Emergency suspension of permit.

Whenever the Director of Public Works finds that a suspension of an encroachment permit is necessary to protect the public health or safety from imminent danger, the Director of Public Works may immediately suspend any such permit pending a subsequent hearing for remedial action or revocation. The Director of Public Works shall, within three working days of the emergency suspension of the permit, notify the permittee of such suspension by written notice, personally served upon the permittee, or mailed by first class mail, postage prepaid, to the last known address of the permittee. The permittee may, within 10 days after service of such a written notice of suspension, request a hearing before the Director of Public Works with regard to such emergency suspension. The Director of Public Works shall schedule a hearing on the suspension within 10 days of receipt of a request for hearing.

15.01.290 Hearing on emergency suspension of permit.

(a) If the Director of Public Works, after the hearing, finds that cause exists for remedial action, the director shall impose one or more of the following:

(1) A warning;

(2) An order to correct any particular noncompliance;

(3) A revocation of the encroachment permit;

(4) A continued suspension of the encroachment permit;

(5) A modification or reinstatement of the encroachment permit, with conditions.

(b) The director shall, within 10 days of the hearing, render a written opinion, stating the findings upon which the decision is based, and the action taken. The decision of the director shall be final.

15.01.300 Suspension or revocation of permit.

Any permit issued pursuant to this chapter may be suspended or revoked upon recommendation of the Director of Public Works:
(a) The permittee has violated any provision of this chapter, or of any agreement entered into with the City related to the permit; or
(b) The permittee has failed to pay any required fees, or to post or maintain any bond or insurance required by this chapter; or
(c) The encroachment for which the permit was granted adversely affects the safety, capacity or integrity of the City's right-of-way; or
(d) The encroachment is causing the City to incur substantial additional maintenance costs; or
(e) Material misrepresentations were made in the application for the permit.

15.01.310 Hearing on suspension or revocation of permit.
The Director of Public Works shall give the permittee at least 10 days' written notice of a hearing before the Director of Public Works on the suspension or revocation of a permit issued pursuant to this chapter, setting forth the grounds for such action. The hearing shall be held within 30 days after service of written notice of the hearing. The decision of the Director of Public Works shall be final.

15.01.320 Civil penalties and attorneys' fees.
Any person who violates any provision of this chapter, or any provisions of any permit issued or agreement entered into pursuant to this chapter, shall be civilly liable to City in the sum not to exceed $1000.00 for each day in which such violation occurs. The City may petition the superior court to impose, assess and collect such sums pursuant to this chapter. The court, in any action brought by the City either for civil penalties, pursuant to this section, or for abatement of any encroachment which is a public nuisance, shall award to the City its reasonable costs and attorneys' fees in bringing such action

15.01.330 Administrative review.
In addition to any other remedies provided herein, violation of any provision of this chapter shall be subject to an administrative fine or penalty as provided under Chapter 1-30

15.01.340 Authority of Encroachment Officer and inspectors.
The Encroachment Officer and any inspectors acting on his/her behalf shall have authority to enforce any of the provisions set forth herein. In addition, for purposes of the Administrative Review of Ordinance Violations as provided in Chapter 1.16, the Encroachment Officer and any inspectors acting on his/her behalf shall be included within the definition of "Code Enforcement Officer" for purposes of issuing an administrative notice and order.

15.01.350 Penalties for violation.
Any person violating any provision of this chapter, or any permit issued pursuant to this chapter, shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Chapter 1.16

15.01.360 Remedies cumulative.
The remedies provided for in this chapter shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the City.

Chapter 15.08

HOUSE NUMBERS

Sections:
15.08.010 House numbers required – Map – Assigning – Display.

15.08.010 House numbers required – Map – Assigning – Display.

(a) Every house and building in the city shall bear a street number in accordance with the city's house numbering map, on file in the office of the community development department.

(b) The street number of a new house or building shall be that assigned on the building permit for said house or building.

(c) Street numbers affixed to a location on a house or building less than 50 feet from the fronting roadway shall be a minimum of four inches in height. Street numbers so affixed 50 feet or more from the fronting roadway shall be a minimum of five inches in height. Houses and buildings located more than 100 feet from the fronting roadway shall be approved by the fire chief as to the location and position of posted addresses. All numbers shall have a minimum width of one-half-inch stroke.

(d) The numbers shall have or be affixed upon a contrasting background and shall be clearly legible and visible from the roadway.

(e) Street number signs exceeding either (1) two per address, or (2) one square foot per premises in commercial and industrial areas or 124 square inches in residential areas, shall require review pursuant to Chapter 20.04 PGMC.

(f) In the case of new construction, renovation or remodel, street numbers shall be posted from the first day of such new construction, renovation or remodel.

(g) A violation of this section shall be an infraction, and may be prosecuted pursuant to Chapter 1.16 PGMC. [Ord. 08-006 § 57, 2008; Ord. 1662 N.S. § 1, 1989; Ord. 833 N.S. § 12, 1975; Ord. 210 N.S. § 5-510, 1952].

~~Chapter 15.12~~

~~CEMENT CONSTRUCTION~~

~~Sections:~~

~~15.12.010 Compliance with state standards.~~

~~15.12.010 Compliance with state standards.~~

~~All portland cement concrete construction work on all public property, within the city of Pacific Grove, shall conform to the appropriate section, or sections, of "Standard Specifications" published by the state of California, Department of Public Works, Division of Highways, dated January, 1949, and any subsequent amendments thereto. [Ord. 210 N.S. § 5-511, 1952].~~

Chapter 15.16

SIDEWALKS

Sections:

15.16.010 Definitions.
15.16.020 Sidewalk width, curb lines established.
15.16.030 Repair procedure.
15.16.040 Sidewalk encroachment.
~~15.16.045 Sidewalk seating and sidewalk dining.~~ ~~Suspended Ord. 22-006~~
~~15.16.050 Retaining wall construction.~~
15.16.060 Curbs – Address numbers.

15.16.010 Definitions.

Except as otherwise provided, the following words shall have the meanings ascribed to them in this section:

"Curb line" means the established line to which the edge of curb nearest the center of the street shall be constructed.

"Encroachment" means any unmovable object that impedes the free flow of pedestrian traffic, and includes but is not limited to such things as walls, fences, hedges, trees, shrubbery or ground cover. "Encroachment" also means gravel, rocks, bark, wood chips or other loosely placed material susceptible to scattering beyond the area of initial placement.

"Gutters" means the portion of roadway adjacent to the curbs.

"Retaining wall" means any structure placed for the purpose of retaining earth.

"Roadway" means the portion of street between the curb lines.

"Sidewalk" means the graded or paved portion of the sidewalk space, and also includes curbing, retaining walls or other works for the protection of the sidewalk space.

"Sidewalk space" means the portion of street between the property line and the nearest curb line. [Ord. 1827 N.S. § 1, 1992; Ord. 1697 N.S. § 1, 1989; Ord. 525 N.S., 1965; Ord. 210 N.S. § 5-201, 1952].

15.16.020 Sidewalk width, curb lines established.

The establishment of curb lines and the width of sidewalk space on all public streets shall be fixed by the city through the council. Installation and maintenance of sidewalks shall be in accordance with Council Policy 700-4, "Sidewalk Development." [Ord. 18-007 § 2, 2018; Ord. 210 N.S. § 5-202, 1952].

15.16.030 Repair procedure.

Owners of property abutting sidewalks, or possessors of sidewalks, shall have the duty of maintaining the same and shall be subject to all of the liabilities and procedures prescribed by Chapter 22, Division 7, Part 3, commencing at Section 5600, of the Streets and Highways Code of the state of California. The Streets and Highways Code, Chapter 22, Maintenance of Sidewalks, provides that the owners of lots or portions of lots fronting any portion of the public street are responsible for maintaining sidewalks in a condition which will not interfere with the public convenience in their use. The city shall have all of the rights therein provided, including the right to lien and collection. No person except city employees, or persons under contract with the city, shall install or repair any curb, gutter, corner ramp, or sidewalk within or along any street in the city without having applied for and received an encroachment permit from the city. Utility encroachments shall also be subject to Chapter 15.30 PGMC. Application for any such permit will be made in writing on a form or forms supplied for that purpose by the city. [Ord. 19-002 § 3, 2019; Ord. 18-007 § 2, 2018; Ord. 877 N.S. § 1, 1975; Ord. 285 N.S., 1956; Ord. 210 N.S. § 5-203, 1952].

15.16.040 Sidewalk encroachment.

It is unlawful to construct, plant, or maintain any encroachment in a sidewalk space, except for city-sponsored amenities and activities, public utilities, mailboxes, bus shelters and benches~~, and except as permitted under PGMC 15.16.045. [Ord. 15-005 § 3, 2015]~~.

~~**15.16.045 Sidewalk seating and sidewalk dining.** Suspension Ord. 22-006~~

~~The zoning administrator, after holding a duly noticed public hearing, shall have the authority to allow, deny, or condition placement of tables, chairs, benches, and other normally associated furniture to encroach on public sidewalks abutting eating establishments for sidewalk dining purposes within all commercial zoning districts, subject to the following restrictions and conditions:~~

~~(a) Tables, chairs, benches, umbrellas, waiter stands, barriers, tray stands, planters, trash receptacles, and other furniture normally associated with dining (collectively hereafter, for convenience, "furniture") may be placed on the sidewalk but shall not be placed so as to obstruct the minimum unobstructed pedestrian travel width of the sidewalk defined as a minimum of five feet. All applicable Americans with Disabilities (ADA) requirement minimums shall be met. Sidewalk dining furniture placed on the sidewalk shall be of a consistent design and employ similar materials and colors as approved by the city to complement all other approved sidewalk furniture and fixtures, such as street lights and bicycle racks, throughout the city.~~

~~(b) Furniture shall not be attached, drilled into, adhered to, chained to, or otherwise affixed to the sidewalk, tree, pole, or other furniture, or to any permanent structure or building.~~

~~(c) Sidewalk dining furniture shall be placed immediately adjacent to and abutting the eating establishment and shall not be placed adjacent to the curb. Exceptions to this requirement may be made for self-serve seating (i.e., no table service).~~

~~(d) Eating establishments serving alcohol shall delineate and separate the sidewalk dining area with a painted line on the sidewalk surface delineating the allowable area for the sidewalk dining establishment as defined below in subsection (h) of this section approved by the zoning administrator. Eating establishments that do not serve alcohol are not permitted to delineate the sidewalk dining area with a barrier in order to keep the appearance of an open sidewalk.~~

~~(e) The line shall be painted a color and width specified by the zoning administrator.~~

~~(f) Eating establishments, and all others, are prohibited from making any modification to the public sidewalk. Minor patching of holes and cracks, and the elimination of trip and fall hazards, are to be referred to the public works department for modification.~~

~~(g) Use of sound amplification on the exterior of an eating establishment is prohibited.~~

~~(h) Sidewalk dining and associated furniture as listed in subsection (a) of this section is prohibited on any public sidewalk that is less than seven feet wide unless the storefront is set back from the back of sidewalk. Further, sidewalk dining and associated furniture shall not occupy more than 45 percent of the gross total width of any public sidewalk.~~

~~(i) The eating establishment placing the furniture shall provide proof of public liability insurance, naming the city as an additional insured, in the amount and form subject to approval of the city attorney.~~

~~(j) Businesses placing furniture shall be responsible for keeping the furniture and immediately surrounding area clean and presentable at all times, and to this end shall promptly clean and remove all litter, spillage, and other materials.~~

~~(k) Approved sidewalk dining permits allowing placement of furniture or associated furniture may be revoked by the zoning administrator at any time, for violation of any of these restrictions or conditions.~~

~~(l) Application for sidewalk dining and placement of furniture shall be made on a form provided by the community and economic development department. The zoning administrator may refer the application to any city department,~~

~~commission or committee for a recommendation. The decision of the zoning administrator shall be subject to direct appeal to the planning commission in accord with PGMC 23.74.020(b) and 23.74.030.~~

~~(m) At least 10 days prior to the zoning administrator's public hearing on the sidewalk dining permit, the property abutting the sidewalk location shall be posted with notice of the request for and pending decision on the permit. Two identical notices shall be posted on public property within 200 feet of the property site in positions clearly visible to the public.~~

~~(n) Sidewalk dining permits are interruptible and terminable licenses for use granted by the city. No property interest shall be conveyed to the eating establishment or to any other person. The city shall have the right and power, acting through the zoning administrator, to revoke, prohibit, or limit operation and use of a sidewalk dining permit at any time by reason of anticipated, threatened, or actual problems or conflicts in the use for the sidewalk area. Such circumstances may arise from, but are not limited to, changing patterns of sidewalk use, scheduled festivals or similar events, parades or marches, repairs to the street or sidewalk, or for any other reason.~~

~~(o) Sidewalk dining furniture, equipment, and other amenities must be removed from the public sidewalk dining area for extended periods of eating establishment closure (two weeks or more). The city may require removal during special events, etc. The city shall have the right to unilaterally remove unapproved exterior furniture and/or equipment from the sidewalk dining space, and costs of removal shall be borne by the eating establishment.~~

~~(p) Sidewalk dining furniture, equipment, and other amenities shall be constructed of metal, unless an alternative material is approved in advance by the zoning administrator.~~

~~(q) Each eating establishment may use umbrellas provided each shall maintain the seven-foot minimum sidewalk clearance for the entire height of the umbrella. The base weight of the umbrella shall be of appropriate size and design to avoid tipping over in the wind. Freestanding gas heaters shall not be utilized where umbrellas are present, for fire safety. Umbrellas shall not bear commercial logos.~~

~~(r) Each sidewalk dining permit shall require payment of two fees: (1) the general encroachment permit fee (a one-time fee for placing furniture on the public sidewalk); and (2) an annual sidewalk dining license fee associated with continued use of the public sidewalk. The city council shall set both fees by resolution in its master fee schedule.~~

~~(s) Applications for each sidewalk dining permit must submit:~~

~~(1) Description. A brief written description to include the name and address of the eating establishment, a description of the proposed sidewalk dining space, the number of tables and seats, whether the eating establishments intends to serve alcohol, and whether water credits or water allocations are needed for the proposed permit.~~

~~(2) Site Plan. A plan, drawn to scale, showing the proposed sidewalk dining space including all tables, seats, associated furniture, and barrier lines; the plan shall show all sidewalk clearance dimensions and elevations. Specifications shall be provided for any sidewalk heaters.~~

~~(3) Photos or Drawings. Color photos, renderings, and/or graphics shall show the setup, type of furniture, and materials to be used for all surfaces, including barrier lines or umbrellas.~~

~~(t) The zoning administrator is authorized to place or modify conditions under this section on sidewalk dining adjacent to eating establishments to promote public health and/or safety, or to address unique site factors that apply to a specific location.~~

~~(u) Sidewalk dining permits and/or encroachment permits issued under this section do not afford an exclusive right for use by the eating establishment or its patrons. The general public may make reasonable temporary use of the area and furniture at that location provided this public use does not interfere with the sidewalk dining use. [Ord. 17-008 § 3, 2017; Ord. 16-004 § 3, 2016; Ord. 13-003 § 7, 2013].~~

~~15.16.050 Retaining wall construction.~~

~~All retaining walls and fences require a building permit. Retaining walls shall be constructed as follows:~~

~~(a) For heights up to 12 inches, there are no construction requirements.~~

~~(b) For heights from 12 to 36 inches, retaining walls must be of permanent type material. Detailed plans and reinforcing steel are recommended but not required under ordinary conditions.~~

~~(c) For heights from 36 inches, a continuous concrete footing is required, with a width equal to not less than one-third the height of the wall, and a thickness of not less than eight inches. The entire footing should be below the grade of undisturbed soil, or other method of keying giving equivalent resistance should be provided.~~

~~(d) The minimum thickness of the wall for concrete or masonry shall be eight inches. All hollow masonry walls shall be poured solid with grout and contain one-half inch reinforcing bars 24 inches center to center horizontally and vertically with one bar in the top bond beam. A building permit is required and a plan must be provided showing the location of the wall on the site, any surcharge, and detailing a section of the wall at its maximum height.~~

~~(e) For heights of 72 inches and over, permits will be issued only on designs of a registered engineer or architect.~~

~~(f) Drainage must be provided to carry trapped water by pipe from behind a retaining wall to the face of the curb and constructed so as not to create an unsafe condition.~~

~~Variations from the above may be granted if built in conformance with engineered plans. A copy of said plan must be on file in the community development department. No fee shall be charged for building permits issued for fences, and no fee shall be charged for retaining walls up to 12 inches in height. [Ord. 525 N.S. § 3, 1965].~~

15.16.060 Curbs – Address numbers.

An owner of property may affix the property's address number to an abutting curb.~~, subject to the following restrictions:~~

~~(a) The color, size of numerals, paint or other substance used to so affix, and location of the address number on the curb shall be as established by the director of public works.~~

~~(b) Any person proposing to affix an address number shall first obtain the permission of the public works director.~~

~~(c) Any person in the business of affixing address numbers shall be required to obtain other appropriate permits, including, without limitation, a business license and solicitor's license.~~

~~(d) The provisions of this section shall not be construed to excuse the requirement, found at Chapter 15.08 PGMC, that house numbers shall be affixed to a location on a building or house on a property. [Ord. 96-17 § 1, 1996].~~

Chapter 15.20

DRIVEWAYS

Sections:

15.20.010 Permit to construct, maintain – Required.
15.20.020 Construction to conform to plans and specifications.
15.20.030 Size for single, double – Number per site.
15.20.040 Distance from crosswalk.
~~15.20.050 Adjoining driveways – Safety space between.~~
15.20.060 Apron not to extend into street.
15.20.070 Alteration to conform – Procedure – Lien.
~~15.20.080 Variance.~~
15.20.090 Exemption.

15.20.010 Permit to construct, maintain – Required.
No person, firm or corporation shall construct or maintain, or cause to be constructed or maintained any driveway across any public sidewalk or curbing in the city of Pacific Grove without first obtaining a permit therefor from the city engineer. [Ord. 249 N.S. § 1, 1954].

15.20.020 Construction to conform to plans and specifications.
All construction of such driveways shall be done in a good and workmanlike manner and in conformity with the plans and specifications for such work on file in the office of the city clerk, and here referred to for further particulars. [Ord. 249 N.S. § 2, 1954].

15.20.030 Size for single, double – Number per site.
No driveway shall exceed 10 feet for a single driveway or 18 feet for a double driveway on streets 40 feet or more in width, and 12 feet for a single driveway or 20 feet for a double driveway on streets less than 40 feet in width. Only one driveway shall be permitted for any one building site, or for more than one building site when such building sites are in the same block and are used in the conduct of one business. [Ord. 249 N.S. § 3, 1954].

15.20.040 Distance from crosswalk.
In the construction of driveways no curbing shall be disturbed within four feet of the regular street crosswalk. [Ord. 249 N.S. § 4, 1954].

~~**15.20.050 Adjoining driveways – Safety space between.**~~
~~Where two or more adjoining driveways are provided for the same property, a safety island space of at least 20 feet measured along the outer or street edge of the sidewalk shall be provided between said driveways. [Ord. 249 N.S. § 5, 1954].~~

15.20.060 Apron not to extend into street.
No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. [Ord. 249 N.S. § 6, 1954].

15.20.070 Alteration to conform – Procedure – Lien.
Any existing driveway violating any of the provisions of PGMC 15.20.020 through 15.20.060 inclusive shall be altered to conform to said sections whenever in the judgment of the council the public interest, convenience or safety requires such alteration; provided, however, that the owner, or owners, of the premises affected shall be afforded an opportunity for a hearing prior to any such alteration or alterations being ordered by the council and at least five days' notice of such hearing in writing, which shall be mailed to such owner, or owners, by the city clerk, postage prepaid, at the Post Office, Pacific Grove, California, addressed to such owner, or owners at their last known address, or in the event the same is unknown, to General Delivery, Pacific Grove, California, and a similar notice shall be posted on the property affected by the city engineer at least five days prior to such hearing. The failure of the clerk to mail such notice shall not, however, affect the jurisdiction of the council to order said work. Upon such hearing the council shall have jurisdiction to order the work done as noticed and the owner, or owners, shall have 10 days thereafter within which to commence said work and a reasonable time thereafter to complete the same. In the

event that said work is not commenced by such owner, or owners, within said period of 10 days the city engineer shall cause the same to be done and upon the completion thereof, the cost bill for the same shall be filed by said city engineer in the office of the city clerk and a copy thereof mailed by said clerk, postage prepaid, to the last known address of said owner, or to General Delivery, Pacific Grove, California, and if the bill is not paid into the city treasury by said owner, or owners, within 10 days thereafter the same shall be and become a lien upon the real property affected or benefited by said improvement and shall be a charge against said property on the tax roll and shall be collected at the time and in the manner the general municipal taxes of the city are collected, and shall bear like penalties and carry like interest charges for delinquencies. [Ord. 249 N.S. § 7, 1954].

~~**15.20.080 Variance.**~~

~~Nothing contained herein shall prohibit the owner of any property, where exceptional circumstances exist, from applying to the planning commission of the city for variances from the terms of PGMC 15.20.020 through 15.20.070 inclusive, after first obtaining the recommendation of the city manager and/or city engineer. [Ord. 249 N.S. § 8, 1954].~~

15.20.090 Exemption.

The provisions of this chapter shall not apply to developments being considered by the community development department under application for use permit., ~~in cases where a use permit is required and where the planning commission prescribes the driveway requirements for the project in granting the use permit. The planning commission shall adhere to the general purposes of this chapter in prescribing driveway requirements. [Ord. 717 N.S. § 1, 1972].~~

Chapter 15.19

EXCAVATIONS

Sections:
15.24.010 Permit required – Resurfacing.

15.24.010 Permit required – Resurfacing.

(a) Permit Required. Before any person, firm or corporation may cut any pavement or sidewalk or make any excavation in any public street for the purpose of installing or repairing any sewer, water, gas, electric or other utility pipes, conduits, wires or other structure, he or she shall secure a written permit therefor from the proper city authority, in accordance with any regulations then in effect and pertaining thereto, and shall pay the required fees and deposits.

(b) Resurfacing. After any such cut is made in any pavement, sidewalk or street, the person or firm doing such work shall immediately upon completion of the work, refill, settle and resurface such cut, to the satisfaction of the city manager. If such work is not done satisfactorily the city may complete the same, and such person or firm will be liable to the city for all costs and expenses in completing such work. [Ord. 210 N.S. § 5-101, 1952].

Chapter 15.26

TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY

Sections:

15.26.010 Authority.
15.26.020 Purpose.
15.26.030 Scope.
15.26.040 Definitions.
15.26.050 Administration.
15.26.060 General standards for wireless telecommunications facilities in the rights-of-way.
15.26.070 Application submission requirements.
15.26.080 Termination of permit/breach.
15.26.090 Vertical infrastructure controlled by city.
15.26.100 Nondiscrimination.

15.26.010 Authority.

The city derives the authority for this chapter from the City Charter Articles 4 and 5, and Chapter 2.04 PGMC. This chapter, and any rules, regulations, specifications and agreements adopted pursuant to this chapter, complies with all applicable federal and state law. [Ord. 18-019 § 2, 2018].

15.26.020 Purpose.

This chapter establishes a process for managing, and uniform standards for acting upon, requests for the placement of wireless telecommunications facilities within the rights-of-way of the city of Pacific Grove consistent with the city's obligation to promote the public health, safety and welfare, to manage the public rights-of-way, and to ensure that the public is not incommoded by the use of the rights-of-way for the placement of wireless telecommunications facilities. The city recognizes the importance of wireless telecommunications facilities to provide high-quality communications service to the residents and businesses within the city, and the city also recognizes its obligation to comply with applicable federal and state law regarding the placement of wireless telecommunications facilities in its rights-of-way, and this chapter shall be interpreted consistent with those provisions. [Ord. 18-019 § 2, 2018].

15.26.030 Scope.

(a) In General. Unless exempted, every person who desires to place a wireless telecommunications facility in the rights-of-way or modify an existing wireless telecommunications facility must obtain a wireless placement permit authorizing the placement or modification.

(b) Exemptions. Except as to this section and PGMC 15.26.050, this chapter does not apply to:

(1) The placement or modification of wireless telecommunications facilities on supporting structures owned, or under the control of, the city, the use of which is subject to a contract for use of the facility between the city and the entity or entities that own or control the wireless telecommunications facility.

(2) The placement or modification of wireless facilities by the city or by any other agency of the state solely for public safety purposes.

(3) Modifications to an existing wireless telecommunications facility that makes no material change to the footprint of a facility or to the surface or subsurface of a public street if the activity does not disrupt or impede traffic in the traveled portion of a street, and if the work activity does not change the visual or audible characteristics of the wireless telecommunications facility. The city, by wireless regulation, may also exempt wireless telecommunications facilities that otherwise are subject to the provisions of this section from the obligation to obtain a permit to install or modify a wireless telecommunications facility where it is determined that because of the physical characteristics of the proposed facilities, and the work associated with them, such a permit is not required to protect the public health, welfare or safety, to maintain the character of a neighborhood or corridor, or to otherwise serve the purposes of this chapter.

(4) Installation of a “cell on wheels,” “cell on truck” or a similar structure for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event; provided, that installation does not involve excavation, movement or removal of existing facilities.

(5) Installation of a wireless facility on the strand between two utility poles; provided, that the cumulative volume of all wireless facilities on the strand shall not exceed one cubic foot; and provided further, that the installation does not require replacement of the strand, or excavation, modification or replacement of the utility poles.

(c) Other Applicable Requirements. In addition to the wireless telecommunications permit required herein, the placement of a wireless telecommunications facility in the public rights-of-way requires the persons who will own or control those facilities to obtain the franchises and permits required by applicable law, and to comply with applicable law.

(d) Public Use. Except as otherwise provided by California law, any use of the right-of-way authorized pursuant to this chapter will be subordinate to the city’s use and use by the public. [Ord. 18-019 § 2, 2018].

15.26.040 Definitions.

Terms used in this chapter shall have the following meanings:

“Applicant” means a person filing an application for placement or modification of a wireless telecommunications facility in the rights-of-way.

“Application” means a formal request, including all required and requested documentation and information submitted by an applicant to the city, for a wireless placement permit.

Base Station. The term “base station” shall have the same meaning as in 47 C.F.R. Section 1.40001, as may be amended.

“Certificate of completion” means a document that is required from and issued by the city confirming all work described in the application, as approved: (a) was properly permitted, including, without limitation, all required permits for building, electrical work, street or curb cutting, and excavation; (b) was done in compliance with and fulfillment of all conditions of all permits, including all stated deadlines; (c) was fully constructed or placed as approved and permitted; and (d) was finally inspected by the city, and was approved by the city after said final inspection.

“Rights-of-way” means any portion of any road or public way which the city has the responsibility to maintain or manage.

“Support structure” means any structure capable of supporting a base station.

“Tower” means any structure built for the sole or primary purpose of supporting any Federal Communications Commission (FCC) licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

“Underground areas” means those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right-of-way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled to be converted from overhead to underground. Electrical facilities are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages more than 35,000 volts.

“Utility pole” means a structure in the rights-of-way designed to support electric, telephone and similar utility lines. A tower is not a utility pole.

“Wireless infrastructure provider” means a person that owns, controls, operates or manages a wireless telecommunications facility or portion thereof within the right-of-way.

"Wireless permit" means a permit issued pursuant to this chapter and authorizing the placement or modification of a wireless telecommunications facility of a design specified in the permit at a particular location within the rights-of-way; and the modification of any existing support structure to which the wireless telecommunications facility is proposed to be attached.

"Wireless regulations" means those regulations adopted pursuant to PGMC 15.26.050 and implementing the provisions of this chapter.

"Wireless service provider" means an entity that provides wireless services to end users.

"Wireless telecommunications facility" or "facility" means a facility at a fixed location consisting of a base station, any accessory equipment, and the tower, if any, associated with the base station. [Ord. 18-019 § 2, 2018].

15.26.050 Administration.

(a) City Manager. The city manager or designee is responsible for administering this chapter. As part of the administration of this chapter, the city manager or designee may:

(1) Adopt regulations governing the placement and modification of wireless telecommunications facilities consistent with the requirements of this chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless telecommunications facilities;

(2) Interpret the provisions of this chapter;

(3) As part of the foregoing, develop acceptable designs for wireless telecommunications facilities in particular corridors, taking into account the zoning districts bounding the rights-of-way;

(4) Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;

(5) Develop forms and procedures for submission of applications for placement or modification of wireless telecommunications facilities, and proposed changes to any support structure consistent with this chapter;

(6) Collect, as a condition of the completeness of any application, any fee established by resolution of the city council;

(7) Require, as part of and as a condition of completeness of any application, notice to members of the public that may be affected by the placement or modification of the wireless telecommunications facility, and proposed changes to any support structure;

(8) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations;

(9) Subject to appeal as provided herein, determine whether to grant, grant subject to conditions, or deny an application; and

(10) Take such other steps as may be required to timely act upon applications for placement of wireless telecommunications facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

(b) Appeal.

(1) Any person adversely affected by the decision of the city manager may appeal the decision to the city council, which may decide the issues de novo, and whose written decision will be the final decision of the city. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the wireless telecommunications facility.

(2) Where the city manager grants an application based on a finding that denial would result in a prohibition or effective prohibition under applicable federal law, the decision shall be automatically appealed to the city

council. Otherwise, appeals that involve eligible facilities requests, as defined in 47 C.F.R. Section 1.40001, as may be amended, must be filed within five business days of the written decision of the city manager; all other appeals must be filed within 10 business days of the written decision of the city manager, unless the city manager extends the time therefor. An extension may not be granted where extension would result in approval of the application by operation of law.

(3) Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law. [Ord. 18-019 § 2, 2018].

15.26.060 General standards for wireless telecommunications facilities in the rights-of-way.

(a) Generally. Wireless telecommunications facilities shall meet the minimum requirements set forth in this chapter and the wireless regulations, in addition to the requirements of any other applicable law.

(b) Regulations. The wireless regulations and decisions on applications for placement of wireless telecommunications facilities in the rights-of-way shall, at a minimum, ensure that the requirements of this section are satisfied, unless it is determined that applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this chapter and the wireless regulations manual may be waived, but only to the minimum extent required to avoid the prohibition.

(c) Standards. Wireless telecommunications facilities shall be installed and modified in a manner that minimizes risks to public safety, avoids placement of aboveground facilities in underground areas, avoids installation of new support structures or equipment cabinets in the public rights-of-way and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located. City shall ensure that wireless telecommunications facilities are subject to periodic review to minimize the intrusion on the rights-of-way; that the city bears no risk, liability, or expense as a result of the installations; that the facilities do not inconvenience the public, or interfere with the primary uses of the public rights-of-way; and that the facilities do not hinder the ability of the city or other government agencies to improve, modify, relocate, abandon or vacate the public rights-of-way or any portion thereof, or damage or otherwise unduly interfere with other structures in the rights-of-way.

(d) Concealment. Permits for wireless telecommunications facilities shall incorporate specific concealment elements to minimize visual impacts, and design requirements ensuring compliance with all standards for noise emissions. Unless it is determined that another design is less intrusive, or placement is required under applicable law:

(1) Antennas located at the top of support structures shall be incorporated into the structure or placed within shrouds of a size such that the antenna appears to be part of the support structure.

(2) Antennas placed elsewhere on a support structure shall be integrated into the structure or be designed and placed to minimize visual impacts.

(3) Radio units or equipment cabinets holding radio units and mounted on a utility pole shall be placed as high as possible on a support structure, placed to avoid interfering or creating any hazard to any other use of the public rights-of-way, and located on one side of the utility pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on utility poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the support structure on which they are placed.

(4) Wiring and cabling shall be neat and concealed within or flush to the support structure, ensuring concealment of these components to the greatest extent possible.

(5) Ground-mounted equipment associated with a wireless telecommunications facility shall be permitted only where consistent with the portion of the corridor in which it is to be placed, and may be required to be underground, located in alleys or otherwise shielded. In no event may ground-mounted equipment interfere with pedestrian or vehicular traffic.

(6) No permit shall be issued or effective unless it is shown that the wireless telecommunications facility will comply with FCC regulations governing radio frequency ("RF") emissions. Every wireless facility shall at all times comply with applicable FCC regulations governing RF emissions, and failure to comply shall be treated as a material violation of the terms of any permit or lease.

(7) No towers shall be permitted in the public rights-of-way, and no wireless telecommunications facilities shall be permitted above-ground in underground areas; provided, that the city may permit placements where all elements of the wireless telecommunications facility are concealed, and the facility does not appear to a casual observer to be a wireless telecommunications facility.

(8) No permit shall issue except to wireless service providers with immediate plans for use of the proposed wireless telecommunications facility, or wireless infrastructure providers with contracts with wireless service providers which require the service provider immediately to use the proposed wireless telecommunications facility. [Ord. 18-019 § 2, 2018].

15.26.070 Application submission requirements.

(a) Submission. Unless the wireless regulations otherwise provide, applicant shall submit a paper copy and an electronic copy of any application, amendments or supplements to an application, or responses to requests for information regarding an application to the city manager.

(b) Content. An application must contain:

(1) Any information required pursuant to the wireless regulations.

(2) The name of the applicant, its telephone number and contact information, and if the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider that will be using the wireless telecommunications facility.

(3) A complete description of the proposed wireless telecommunications facility and the work that will be required to install or modify it, including but not limited to detail regarding proposed excavations, if any; detailed site plans showing the location of the wireless telecommunications facility, and specifications for each element of the wireless telecommunications facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. Before and after 360-degree photo simulations must be provided. The electronic version of an application must be in a standard format that can be easily uploaded on a web page for review by the public.

(4) If the application is an eligible facilities request, within the meaning of 47 C.F.R. Section 1.40001, as may be amended, the application must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must show that there is an existing wireless telecommunications facility that was approved by the city pursuant to this chapter. Before and after 360-degree photo simulations must be provided; which and detailed specification of the (1) An application for a permit shall be submitted in the format and manner specified by the wireless facilities regulations, as applicable. For permits for wireless telecommunications facilities, if no form or manner has been specified, applications must contain all information necessary to show that applicant is entitled to the permit requested.

(5) If applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent city from complying with any deadline for action on an application.

(6) Proof that notice has been mailed to owners of all property within 300 feet of the proposed wireless telecommunications facility.

(7) Any required fees.

(c) Fees. For wireless telecommunications facilities, applicant must provide an initial deposit and agree as part of its application to pay all costs reasonably incurred by city in reviewing the application, including costs incurred in retaining outside consultants. Fees shall be reviewed periodically and raised or lowered based on costs the city expects to incur, with a review commencing by the first anniversary of the effective date of the ordinance codified in this chapter.

(d) Waivers. Requests for waivers from any requirement of this section shall be made in writing to the city manager or designee. The same may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the city will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the permit sought.

(e) Rejection for Incompleteness. For personal wireless facilities, as that term is defined under federal law, and eligible facilities requests, as that term is defined under federal law, applications will be processed, and notices of incompleteness provided, in conformity with state, and local and federal law. If such an application is incomplete, it may be rejected by a written order specifying the material omitted from the application, or the city may notify the applicant of the material omitted and provide an opportunity to submit the missing material. [Ord. 18-019 § 2, 2018].

15.26.080 Termination of permit/breach.

(a) For Breach. A wireless telecommunications permit may be revoked for failure to comply with the conditions of the permit, franchise or applicable law. Upon revocation, the wireless telecommunications facility must be removed; provided, that removal of support structure owned by city, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the city. All costs incurred by the city in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless telecommunications facility.

(b) For Installation without a Permit. A wireless telecommunications facility installed without a wireless permit (except for those exempted by this chapter) must be removed; provided, that a support structure owned by city, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the city. All costs incurred by the city in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless telecommunications facility.

(c) Term. A wireless permit, other than a permit issued pursuant to an eligible facilities request, shall be valid for a period of 10 years. An eligible facilities permit shall expire at the same time the permit for the underlying existing wireless telecommunications facility expires. A person holding a wireless telecommunications permit must either remove the wireless telecommunications facility upon expiration (provided, that a support structure owned by city, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the city); or, at least 90 days prior to expiration, must submit an application to renew the permit, which application must demonstrate that the impact of the wireless telecommunications facility cannot be reduced. The wireless telecommunications facility must remain in place until it is acted upon by the city, and any appeals from the city's decision exhausted.

(d) Municipal Infraction. Any violation of this chapter may be enforced pursuant to Chapters 1.16 and 1.19 PGMC. [Ord. 18-019 § 2, 2018].

15.26.090 Vertical infrastructure controlled by city.

The city, as a matter of policy, will negotiate agreements for use of city owned or controlled light standards and traffic signals in the public rights-of-way. The placement of wireless telecommunications facilities on those structures shall be subject to the agreement. The agreement shall specify the compensation to the city for use of the structures. The person seeking the agreement shall additionally reimburse the city for all costs the city incurs in connection with its review of, and action upon, the person's request for an agreement. [Ord. 18-019 § 2, 2018].

15.26.100 Nondiscrimination.

In establishing the rights, obligations and conditions set forth in this chapter, it is the intent of the city to treat each applicant or public right-of-way user in a competitively neutral and nondiscriminatory manner, to the extent required

by law, and with considerations that may be unique to the technologies, situation and legal status of each particular applicant or request for use of the public rights-of-way. [Ord. 18-019 § 2, 2018].

Chapter 15.28

UTILITY POLES

Sections:

15.28.010 Regulation of placement on Lighthouse Avenue.

15.28.010 Regulation of placement on Lighthouse Avenue.

There shall be no telephone, telegraph, electric light, or other light or power poles or posts in or upon Lighthouse Avenue from its intersection with the westerly line of Nineteenth Street to the easterly line of Fountain Avenue, but nothing herein shall apply to the street lighting system of the city for said street. [Ord. 210 N.S. § 5-102, 1952].

Chapter 15.29

UNDERGROUNDING UTILITIES

Sections:

15.29.010 Definitions.
15.29.020 Public hearing by council.
15.29.030 Designating districts by resolution.
15.29.040 Unlawful acts.
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15.29.060 Other exceptions.
15.29.070 Notice to property owners, utility companies.
15.29.080 Responsibility of utility companies.
15.29.090 Responsibility of property owners.
15.29.100 Responsibility of city.
15.29.110 Extension of time.
15.29.120 Enforcement.

15.29.010 Definitions.

Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

"Commission" means the Public Utilities Commission of the state of California.

"Person" means and includes individuals, firms, corporations, partnerships, and their agents and employees.

"Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossbeams, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district and used or useful in supplying electric, communication or similar or associated service.

"Underground utility district" or "district" means that area in the city within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of PGMC 15.29.030.

"Utility" includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. [Ord. 598 N.S. § 1, 1968].

15.29.020 Public hearing by council.

The council may, from time to time, call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The city clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least 10 days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. [Ord. 598 N.S. § 1, 1968].

15.29.030 Designating districts by resolution.

If, after any such public hearing, the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. The resolution shall include a description of the area comprising the district and shall fix the time within which the removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for removal and underground installation, having due

regard for the availability of labor, materials and equipment necessary for removal and for the installation of such underground facilities as may be occasioned thereby. [Ord. 598 N.S. § 1, 1968].

15.29.040 Unlawful acts.
Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in PGMC 15.29.030 hereof, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in PGMC 15.29.090 hereof, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this chapter. [Ord. 598 N.S. § 1, 1968].

15.29.050 Exception for emergency or unusual circumstances.
Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed 10 days, without authority of the council in order to provide emergency service. The council may grant special permission, on such terms as the council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. [Ord. 598 N.S. § 1, 1968].

15.29.060 Other exceptions.
This chapter and any resolution adopted pursuant to PGMC 15.29.030 hereof shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

(a) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;

(b) Poles, or electroliers used exclusively for street lighting;

(c) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

(d) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;

(e) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;

(f) Antennas, associated equipment and supporting structures, used by a utility for furnishing communication services;

(g) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;

(h) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. [Ord. 598 N.S. § 1, 1968].

15.29.070 Notice to property owners, utility companies.
Within 10 days after the effective date of a resolution adopted pursuant to PGMC 15.29.030 hereof, the city clerk shall notify all affected utilities and all persons owning real property within the district created by the resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to PGMC 15.29.030, together with a copy of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. [Ord. 598 N.S. § 1, 1968].

15.29.080 Responsibility of utility companies.
If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to PGMC 15.29.030 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations, and tariffs on file with the commission. [Ord. 598 N.S. § 1, 1968].

15.29.090 Responsibility of property owners.
(a) Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his or her property between the facilities referred to in PGMC 15.29.080 and the termination facility on or within the building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to PGMC 15.29.030 hereof, the city engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within 10 days after receipt of such notice.

(b) The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, city of Pacific Grove. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within 48 hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the city engineer shall, within 48 hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by 10 inches in size, to be posted in a conspicuous place, on said premises.

(c) The notice given by the city engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if the work is not completed within 30 days after receipt of such notice, the city engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

(d) If upon the expiration of the 30-day period, the required underground facilities have not been provided, the city engineer shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the city engineer shall in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the city engineer, he or she shall file a written report with the city council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which time shall not be less than 10 days thereafter.

(e) The city engineer shall forthwith, upon the time for hearing protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the council will pass upon such report and will hear protests against the assessment. Such notice shall also set forth the amount of the proposed assessment.

(f) Upon the date and hour set for the hearing of protests, the council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

(g) If any assessment is not paid within five days after its confirmation by the council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the city engineer, and the city

engineer is directed to turn over to the assessor and tax collector and record with the county recorder a notice of lien on each of the properties on which the assessment has not been paid. The assessment shall be due and payable at the same time as the property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per annum. [Ord. 598 N.S. § 1, 1968].

15.29.100 Responsibility of city.
The city shall remove at its own expense all city-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to PGMC 15.29.030 hereof. [Ord. 598 N.S. § 1, 1968].

15.29.110 Extension of time.
In the event that any act required by this chapter or by a resolution adopted pursuant to PGMC 15.29.030 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. [Ord. 598 N.S. § 1, 1968].

15.29.120 Enforcement.
It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor, and may be prosecuted pursuant to Chapter 1.16 PGMC. [Ord. 08-006 § 58, 2008; Ord. 598 N.S. § 1, 1968].

Chapter 15.32

UTILITY ENCROACHMENTS IN PUBLIC RIGHTS-OF-WAY

Sections:
15.30.010 Scope.
15.30.020 Administration.

15.30.010 Scope.

Any permanent structure or object of any kind or character placed in, over or under any street, alley, sidewalk, or right-of-way (collectively, the "right-of-way") by a public utility or entity holding a state or local franchise authorizing right-of-way occupancy shall be subject to the control of the city as to matters affecting the health, convenience, and safety of the general public, including but not limited to matters such as the use and repair of public streets, or the location of the poles, wires, mains, or conduits on, under, or above any rights-of-way within the limits of the city. [Ord. 19-002 § 2, 2019].

15.30.020 Administration.

The city public works director, building official or designee may adopt forms, manuals and regulations or implement practices to ensure that a public utility or entity holding a state or local franchise authorizing occupancy of the rights-of-way bears the risks and expense associated with their use of the rights-of-way; to protect the public health, safety and welfare; to ensure that the construction, installation, maintenance and operation of any facility does not incommode the public use of the rights-of-way; and to control the time, place, and manner in which rights-of-way are accessed. [Ord. 19-002 § 2, 2019].

Chapter 15.33

HOUSE MOVING

Sections:

15.32.010 Permit—Required—Deposit.
15.32.020 Deposit—Refund.
15.32.030 Notification of wire cutting—Duty.
15.32.040 Reimbursing city for damage.
15.32.050 Permit to specify location—Traffic not to be obstructed.
15.32.060 Owner liable for street damage.

15.32.010 Permit—Required—Deposit.

It is unlawful for any person to move any house, building, or other structure into, through, along, or across any public street, square, or place, without having first obtained a permit from the proper city authority, and deposited with the city treasurer a fee as established by resolution of the council. The sum shall be used for the purpose of paying for any damage caused by the moving of the building or other structure where such moving will necessitate the cutting or other interfering with any line or wire of any telegraph, telephone, electric light or power company, including the establishment of temporary connections, where necessary, and the restoration after the completion of such moving of the lines or wires to their former position. Any such damages shall be paid by the city treasurer out of the fund, upon a verified claim therefor duly filed within 10 days thereafter with the city treasurer, who must present the same to the council at its next regular meeting. If upon a hearing thereof, the council deems the applicant entitled to the whole or any part thereof, such claim shall be paid out of said funds so deposited with the treasurer. Should there be an insufficient amount of money deposited to pay all of said claims, the council shall order the claims paid pro rata. [Ord. 1765 N.S. § 9, 1991; Ord. 210 N.S. § 5-503(1), 1952].

15.32.020 Deposit—Refund.

If no claim is filed within 10 days after the moving of any building or structure, or if there is a surplus after all claims are paid, the city treasurer shall deliver the money deposited or the certified check or such portions thereof as remains after paying all claims, upon demand therefor, to the party or parties depositing the same. [Ord. 210 N.S. § 5-503(2), 1952].

15.32.030 Notification of wire cutting—Duty.

It shall be the duty of the applicant, immediately upon obtaining the permit provided for in this chapter, to notify the person, firm or corporation whose line or lines, wire or wires, are to be cut or interfered with in such moving or interference, of such permit and of the date when such moving or interference will take place.

Such notice must be served at least 24 hours before such moving, cutting or interference with said lines will be commenced or become necessary. [Ord. 210 N.S. § 5-503(3, 4), 1952].

15.32.040 Reimbursing city for damage.

It shall be incumbent upon the owner of the house or structure being moved, to reimburse the city for any damage done to any public buildings, streets, alleys, ways, or sidewalks, and to reimburse the owner of any private property of whatever nature that may be damaged through the moving of said house or structure. [Ord. 210 N.S. § 5-503(5), 1952].

15.32.050 Permit to specify location—Traffic not to be obstructed.

No permit to move any house, building, or structure into, through, along, or across any public street, alley, square, or place shall be issued unless such street, alley, square or place shall be mentioned and described in the permit provided for in this chapter. Moving shall be performed and carried on in a manner and time so as not to wholly obstruct vehicular traffic upon such street, alley, square or place. [Ord. 210 N.S. § 5-503(6), 1952].

15.32.060 Owner liable for street damage.

The owner of such house or structure will be liable for any or all damages caused by the occupancy of the street by the house or structure. [Ord. 210 N.S. § 5-503(7), 1952].

Chapter 15.40

REFUSE AND STORAGE CONTAINERS ON CITY STREETS

Sections:

15.40.010 Definitions.
15.40.020 Permit required for storage container or refuse container on city street.
15.40.030 Permits for storage containers.
15.40.040 Permits for large refuse containers.
15.40.050 Permitted use with a valid building permit.

15.40.010 Definitions.

For the purpose of this chapter the following terms shall apply:

"City" shall mean the city of Pacific Grove.

"Large refuse containers" shall mean refuse containers in excess of 100-gallon capacity used for collection of garbage, rubbish and/or refuse, which containers are kept on or placed for collection on any city streets, roadway or alley.

"Storage containers" shall mean any container, storage unit, shed-like container, "portable on-demand storage structures (PODS)," or other portable structure that can be or is used for any purpose and is placed on any public street, roadway or alley. [Ord. 07-019 § 2, 2007].

15.40.020 Permit required for storage container or refuse container on city street.

(a) No person shall cause or allow a large refuse container or storage container to be placed on any city street, roadway or alley without first obtaining a permit from the city.

(b) Before placing a large refuse container or storage container on any city street, roadway or alley a person must submit an application and receive a permit from the police department. An insurance certificate providing liability insurance in the amount of $100,000 provided by the company supplying the refuse container or storage container must accompany the permit application. The fee for such permit shall be set forth by the city council. [Ord. 07-019 § 2, 2007].

15.40.030 Permits for storage containers.

Storage container permits will be granted for a period of seven days. At the expiration of the seven-day period applicants may seek a one-time extension of their permits for an additional seven days by submitting an extension application for cause to the police department. Permit fees and any fee for extension thereof will be set forth by resolution of the city council. No applicant shall be granted more than two storage container permits within any 12-month period. An extension of a permit shall be deemed to be a second permit. Only one refuse container or storage container unit may be placed pursuant to a permit and permits shall not be granted so as to run either concurrently or consecutively except in the case of an extension. [Ord. 07-019 § 2, 2007].

15.40.040 Permits for large refuse containers.

Large refuse container permits will be granted for a period of seven days. At the expiration of the seven-day period, applicants may seek a one-time extension of their permit for an additional seven days by submitting an extension application for cause to the police department. Permit fees and any fee for extension thereof will be set forth by resolution of the city council. No applicant shall be granted more than two refuse container permits within any 12-month period. An extension of a permit shall be deemed to be a second permit. Only one refuse container unit may be placed pursuant to a permit and permits shall not be granted so as to run either concurrently or consecutively except in the case of an extension. [Ord. 07-019 § 2, 2007].

15.40.050 Permitted use with a valid building permit.

(a) The provisions of this chapter shall not apply to the use or placement of construction refuse containers or storage containers pursuant to a valid building permit.

(b) Persons obtaining a building permit from the city must receive approval from the police department and the community development department for the location and duration of the placement of the refuse container and/or storage container prior to the issuance of said building permit. There shall be no fees associated with the approved placement of the construction refuse container or the storage container with a valid building permit if said container is placed on private property. [Ord. 07-019 § 2, 2007].

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, Councilmember

MEETING DATE: April 5, 2023

SUBJECT: Monterey-Salinas Transit Minutes: February 13, 2023

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

RECOMMENDATION

Receive minutes.

Attachments

MST Minutes

MEETING OF THE MST BOARD OF DIRECTORS

MEETING MINUTES

February 13, 2023
10:00 am (Pacific)

Present:	Anna Velazquez, Chair	City of Soledad
	Mary Ann Carbone, Vice Chair	City of Sand City
	Jeff Baron	City of Carmel-by-the-Sea
	Kim Shirley	City of Del Rey Oaks
	Lorraine Worthy	City of Gonzales
	Yanely Martinez	City of Greenfield
	Mike LeBarre	City of King
	Liesbeth Visscher	City of Marina
	Ed Smith	City of Monterey
	Tony Barrera	City of Salinas
	Dave Pacheco	City of Seaside
Absent:	Joe Amelio (Family Emergency)	City of Pacific Grove
	Luis Alejo (Conference)	County of Monterey
Counsel:	Michael D. Laredo	De Lay & Laredo
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
	Jeanette Alegar-Rocha	Deputy Secretary/Clerk to the Board
	Andrea Williams	Finance Manager
	Beronica Carriedo	C/S & Community Relations Supervisor
	Claudia Valencia	Mobility Specialist
	Cristy Sugabo	Mobility Services Supervisor
	David Bielsker	Transit Scheduler
	Elena Grigorichina	Operations Analyst
	Emma Patel	Associate Planner
	Ezequiel Rebollar	IT Technician
	Ikuyo Yoneda-Lopez	Marketing & Communications Manager
	Juanita Lopez	C/S Representative
	Kevin Allshouse	Contract Services Manager
	Marzette Henderson	Transportation Manager

	Matthew Deal	Grants Analyst
	Natalie Flores	Assistant Planner
	Paul Lopez	Facilities Manager
	Scott Taylor	IT Manager
	Ursulla Scardina	Marketing Assistant
	Vince Dang	Project Management Coordinator
Public:	Freida Pachter	Legislative Assistant, Senator Dianne Feinstein
	Joanne Hayes-White	SF Office of Senator Dianne Feinstein
	Zac Vaden	SF Office of Senator Dianne Feinstein
	Donna Marks	MST Transit Customer and MPC Student
	David Signer	MST Transit Customer and MPC Student
	Jim Fink	MST Transit Customer
	Christopher Wilmot	MST Transit Customer and MPC Student
	Melodie Bahou	MPC Student
	Janet Wilson	Resident, City of Pacific Grove
	Sloan Campi	Transportation Program Manager, CSUMB
	Mike Iswalt	Sr. Project Manager, Kimley-Horn
	Chris Duymich	AMBAG
	Linda Gonzales	Office of County Supervisor Luis Alejo
	Fred Simkins	ATU 1225

1. CALL TO ORDER

1-1. Conduct Swearing-In of New Board member, Kim Shirley, City of Del Rey Oaks

1-2. Roll Call.

1-3. Pledge of Allegiance.

Chair Velazquez called the meeting to order at 10:04 a.m. Roll call was taken, a quorum was established with Directors Alejo (Conference) and Amelio (Family Emergency) noted as absent. City of Del Rey Oaks Councilmember, Kim Shirley, was sworn in as a newly appointed MST Board member. Director Shirley led the pledge of allegiance.

1-4. Review Highlights of the agenda. (Carl Sedoryk)

Chair Velazquez asked if there was objection to moving agenda items 4-3 and 4-4 Resolutions of Appreciation before Public Comments and Consent. Seeing no objection, Chair Velazquez presented the resolution of appreciation to Senator Feinstein for her consistent support of legislation and funding initiatives to improve access to public transit. Senator Feinstein's staff members, Freda Pachter, Joanne Hewitt-White, and Zac Vader were present to accept the resolution on Senator Feinstein's behalf.

There was no representation from Senator Padilla's office for agenda item 4-3.

2. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Donna Marks, a transit customer, Monterey Peninsula College (MPC) student, and Seaside resident asked to restore bus line 18 service to MPC to accommodate riders with mobility needs.

David Signer, a transit customer, Monterey Peninsula College (MPC) student, and Pacific Grove resident asked if bus stops in Pacific Grove could be reinstated for riders with mobility needs like himself who use a wheelchair.

Christopher Wilmot a transit customer and MPC student asked for a stop at the top of the MPC hill by the admissions office for riders with mobility needs. He asked that MST advance longer distance routes from Salinas to Gilroy/Santa Cruz/San Jose.

Janet Wilson a blind transit customer and Pacific Grove resident asked for the return of the bus stop in the Del Monte Park neighborhood of Pacific Grove. She addressed the Board two months previous and was provided information on how to use alternative transportation but wants to use fixed-route transit.

Melodie Bahou, an MPC student requested service be restored in front of the college riders with mobility needs and to eliminate a barrier.

Sloan Campi thanked MST for the return of Line 25 service in support of CSUMB students and wants to continue its partnership and coordination with MST.

Jim Fink, a transit rider, asked to restore transit service from Salinas/Monterey to Gilroy/San Jose, Line 43 service to San Joaquin and Pajaro Streets in Salinas, and service on Line 78 Salinas/Santa Cruz.

Chair Velazquez thanked members of the public for their comments and stated that staff will obtain their contact information to follow-up.

3. CONSENT AGENDA

These items will be approved by a single motion. Anyone may request that an item be discussed and considered separately.

3-1. Approve Resolution 2023-22 Authorizing Remote Teleconference Meetings. (Carl Sedoryk)

3-2. Adopt Resolution 2023-23 Recognizing Mago Rodriguez, Coach Operator, as Employee of the Month for February 2023. (Norman Tuitavuki)

3-3. Approve Minutes of the MST Board Meeting on December 12, 2022. (Jeanette Alegar-Rocha)

3-4. Receive Minutes of the MST Board Operations Performance Committee Meeting on December 12, 2022. (Jeanette Alegar-Rocha)

3-5. Financial Reports – November and December 2022. (Lori Lee)

a&b.
a) Accept reports of November and December 2022 Cash Flow
b) Approve November and December 2022 Disbursements
c) Accept Report of November and December Treasury Transactions

3-6. Receive Report on Lost and Found Items Left on MST Property for the Month of September 2022. (Beronica Carriedo)

3-7. Approve Minutes of the MST Board Meeting on January 9, 2023. (Jeanette Alegar-Rocha)

3-8. Authorize the General Manager/CEO to Enter into a Three-Year Agreement with Remix Technologies, LLC., for a Transit Planning Web-Based Platform Subscription in an Amount Not to Exceed $140,000. (Steven Bruno)

3-9. Authorize the General Manager/CEO to Purchase Three (3) Toyota RAV4 Hybrid Vehicles at the Lowest Price/Best Options at the Time of Purchase Utilizing the California Department of General Services (DGS) Contract #1-22-23-23C in an Amount Not to Exceed $102,000.(Norman K. Tuitavuki)

3-10. Approve Resolution 2023-24 Authorizing the General Manager/CEO to Execute Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements Which Must Be Executed with the California Department of Transportation Before Such Funds Can Be Claimed. (Matt Deal)

3-11. Adopt Resolution 2023-25 in Appreciation of the Honorable Senator Diane Feinstein for Her Support of Monterey-Salinas Transit District. (Carl Sedoryk)

3-12. Adopt Resolution 2023-26 in Appreciation of the Honorable Senator Alex Padilla for His Support of Monterey-Salinas Transit District. (Carl Sedoryk)

3-13. Adopt Resolution 2023-27 in Appreciation of the Honorable, Congressman Jimmy Panetta for His Support of Monterey-Salinas Transit District. (Carl Sedoryk)

3-14. Receive Minutes of the Mobility Advisory Committee Meeting on September 28, 2022. (Claudia Valencia)

3-15. Appoint Membership of Steve Macias, Jennifer Ramirez, Bobby Merritt, and Maria Magaña to MST's Mobility Advisory Committee (MAC). (Cristy Sugabo)

3-16. Reject Claim by the Claimant Jacquelin Silva. (Lisa Cox)

3-17. Reject Claim for Insufficiency by the Claimant LaTasha Nichole Weston. (Lisa Cox)

End of Consent Agenda

There were no public comments on the consent agenda items.

On a motion by Director Carbone, seconded by Director Worthy and carried by the following vote, which was conducted by roll call, the Board approved items 3-1 through 3-17 on the consent agenda:

AYES:	**11**	**Baron, Barrera, Carbone, LeBarre, Martinez, Pacheco, Shirley, Smith, Velazquez, Visscher, and Worthy**
NOES:	**0**	
ABSENT:	**2**	**Alejo and Amelio**
ABSTAIN:	**0**	

4. RECOGNITIONS AND SPECIAL PRESENTATIONS

4-1. February 2023 Employee of the Month –Mago Rodriguez, Coach Operator (Norman Tuitavuki)

4-2. 25-Year Service Anniversary – Kim Moore (Norman Tuitavuki)

4-3. Resolution of Appreciation – Senator Diane Feinstein (Carl Sedoryk)

4-4. Resolution of Appreciation – Senator Alex Padilla (Carl Sedoryk)

4-5. Resolution of Appreciation – Congressman Jimmy Panetta (Carl Sedoryk)

4-6. Receive a Presentation on Transit-Oriented Development (TOD) Planning Study. (Michelle Overmeyer)

The MST Board received a presentation from Michelle Overmeyer and Mike Iswalt of Kimley-Horn, on a Transit-Oriented Development (TOD) planning study currently underway to support the SURF! project.

Congressman Panetta arrived at 11:00 a.m. Pacific Time.

Chair Velazquez moved to agenda item 4-5 and presented the Resolution of Appreciation to Congressman Jimmy Panetta.

4-7. 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)

Carl Sedoryk informed the Board that there is no report this month and that no future reports will be provided due to state and federal emergencies planned end.

5. PUBLIC HEARINGS

None

6. ACTION ITEMS

6-1. Approve Termination of MST Resolution 2020-18 Declaration of Fiscal Emergency Response to COVID-19 Pandemic in Conjunction with the Termination of the State of California COVID-19 Health Emergency Currently Planned for February 28, 2023. (Carl Sedoryk)

There were no public comments on Action Item 6-1.

On a motion by Director Worthy, seconded by Director Pacheco and carried by the following vote, which was conducted by roll call, the Board approved the termination of MST Resolution 2020-18 Declaration of Fiscal Emergency Response to COVID-19 pandemic in conjunction with the termination of the State of California COVID-19 health emergency planned for February 28, 2023.

AYES:	**11**	**Baron, Barrera, Carbone, LeBarre, Martinez, Pacheco, Shirley, Smith, Velazquez, Visscher, and Worthy**
NOES:	**0**	
ABSENT:	**2**	**Alejo and Amelio**
ABSTAIN:	**0**	

6-2. Approve Termination of Board Hybrid/In-Person Board Meeting Policy in Conjunction with the End of the State of California COVID-19 Emergency Declaration. (Carl Sedoryk)

There were no public comments on Action Item 6-2.

On a motion by Director Baron, seconded by Director Barrera and carried by the following vote, which was conducted by roll call, the Board approved the termination of the Board Hybrid/In-Person Board Meeting Policy in conjunction with the End of the State of California COVID-19 Emergency Declaration.

AYES:	**11**	**Baron, Barrera, Carbone, LeBarre, Martinez, Pacheco, Shirley, Smith, Velazquez, Visscher, Worthy**
NOES:	**0**	
ABSENT:	**2**	**Alejo and Amelio**
ABSTAIN:	**0**	

Director Pacheco left the meeting at 11:30 a.m.

6-3. Receive Summary and Direct Staff to Hold Meetings in Accordance with the Brown Act (Gov't Code § 54953(b)). (Michael Laredo/Carl Sedoryk)

There were no public comments on Action Item 6-3.

On a motion by Director Baron seconded by Director Vischer and carried by the following vote, which was conducted by roll call, the Board approved to hold meetings in accordance with the Brown Act (Gov't Code § 54953(b)).

AYES:	**10**	**Baron, Barrera, Carbone, LeBarre, Martinez, Shirley, Smith, Velazquez, Visscher, and Worthy**
NOES:	**0**	
ABSENT:	**3**	**Alejo, Amelio, and Pacheco**
ABSTAIN:	**0**	

6-4. Introduce and Hold a First Reading of an Ordinance Adopting Rules of Conduct for Attending Meetings of Legislative Bodies at MST Facilities. (Michael Laredo/Carl Sedoryk)

A motion by Director Baron, seconded by Director Shirley was made to approve Action Item 6-4.

A substitute motion by Director LeBarre, seconded by Director Smith to modify the ordinance requiring a local declaration of emergency to require the use of masks failed due to a lack of the required majority vote conducted by the following roll call:

AYES:	**6**	**Barrera, Carbone, LeBarre, Martinez, Smith, and Worthy**
NOES:	**4**	**Baron, Shirley, Velazquez, and Visscher**
ABSENT:	**3**	**Alejo, Amelio, and Pacheco**
ABSTAIN:	**0**	

Director Worthy left the meeting at approximately 12:00 PM.

A motion by Director Baron was made, seconded by Director Shirley to approve a First Reading of an Ordinance Adopting Rules of Conduct for Attending Meetings of Legislative Bodies at MST Facilities. A vote on the original motion failed due to a lack of a majority vote conducted by the following roll call:

AYES:	**4**	**Baron, Shirley, Velazquez, and Visscher**
NOES:	**5**	**Barrera, Carbone, LeBarre, Martinez, and Smith**
ABSENT:	**4**	**Alejo, Amelio, Pacheco, and Worthy**
ABSTAIN:	**0**	

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 Monthly Report – November and December 2022

7-2. Federal Legislative Advocacy Report

7-3. State Legislative Advocacy Update

7-4. Staff Trip Reports

7-5. Correspondence – FTA Categorical Exclusion Letter

7-6. After Action Report- Winter Storms/Atmospheric Rivers-January 2023

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.

8-3. Board Member Referrals for Future Agendas.

Vice Chair Carbone requested to add the First Reading of an Ordinance Adopting Rules of Conduct for Attending Meetings of Legislative Bodies at MST Facilities to the March agenda.

9. ATTACHMENTS

9-1. The Detailed Monthly Performance Statistics and Disbursement Journal for November and December 2022 can be viewed online within the GM Report at http://mst.org/about-mst/board-of-directors/board-meetings/

10. CLOSED SESSION

None

11. ADJOURN

With no further business to discuss, Chair Velazquez adjourned the meeting at 12:28 p.m. (Pacific).

Prepared by: _____
Jeanette Alegar-Rocha

Reviewed by: _____
Carl G. Sedoryk

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 5, 2023

SUBJECT: Civicwell Policymakers Conference

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

RECOMMENDATION

Receive report.

DISCUSSION

Civicwell (formerly known as the Local Government Commission) is a nonprofit organization supporting policies and policymakers to pursue innovative smart-growth and climate-resilient strategies. The organization has been in existence since 1982.

This year Civicwell held its Policymakers Conference at the Asilomar Hotel and Conference Grounds from March 16-19, 2023. I attended the event which offered an avenue to connect with local and state representatives sharing common interests. Attached are some of the insights from various panels.

OPTIONS

N/A

FINANCIAL IMPACT:

There is no fiscal impact.

GOAL ALIGNMENT: Not Applicable.

Attachments

Ayala Remote Workforce
Gunda Offshore Wind
Pepper Solar Battery Storage
Wong Building Electrification



Air Quality and Teleworking & Teleconferencing (*and some equity considerations*)

Alberto Ayala, PhD, MSE

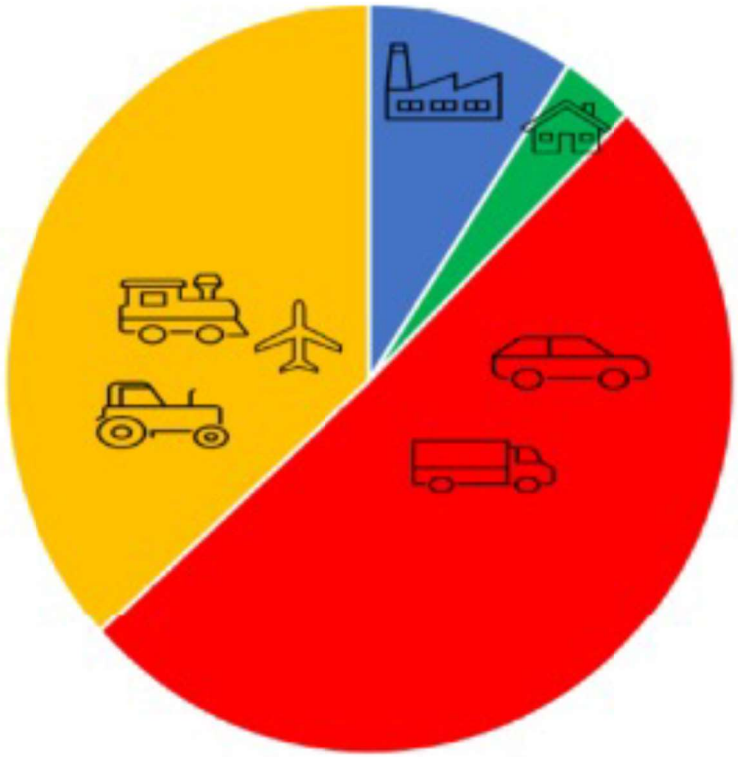
Executive Director, Sacramento Metropolitan Air Quality Management District

Adjunct Professor, Mechanical Engineering, West Virginia University

fmr. Deputy Executive Officer, California Air Resources Board

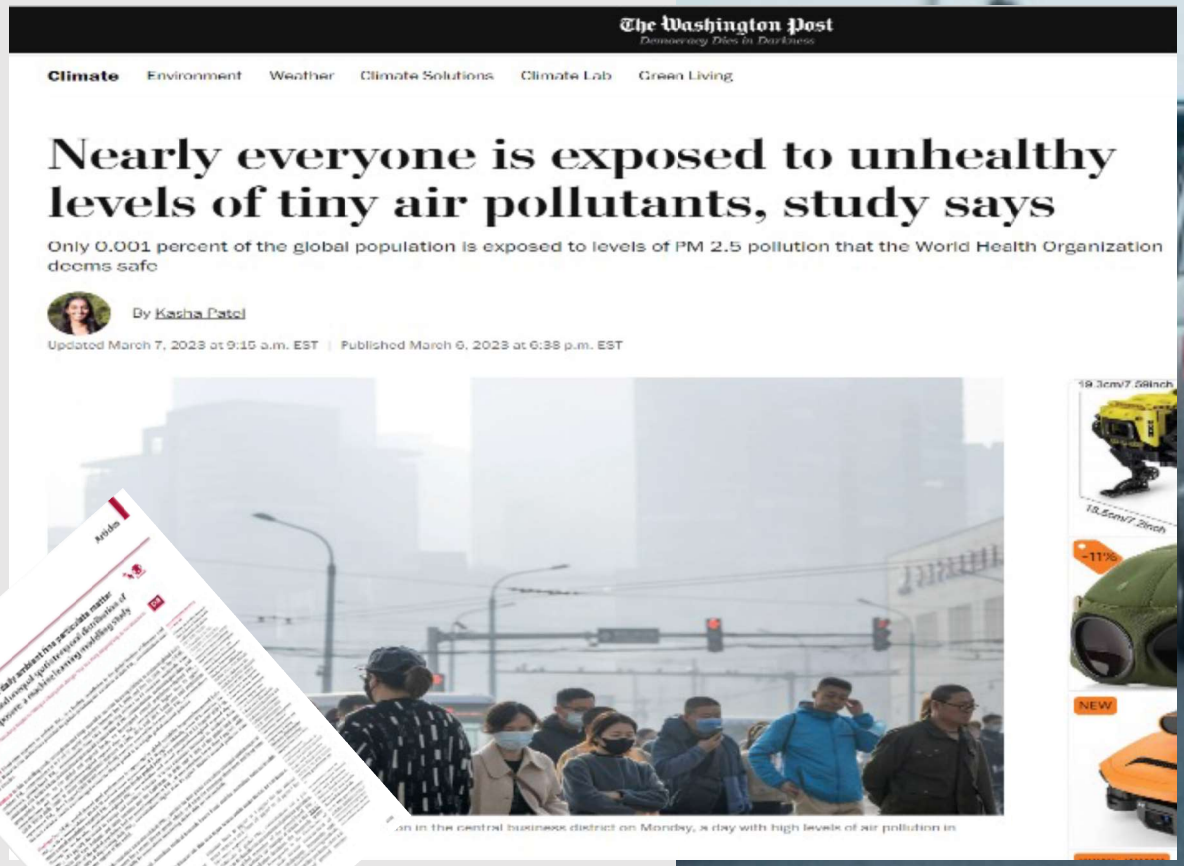
Transportation sector is largest source of air and climate pollution…

…due to near-exclusive dependance on fossil fuels



Sources of smog-forming emissions in the region

Making progress, but still much more to be done



The Washington Post
Democracy Dies in Darkness

Climate Environment Weather Climate Solutions Climate Lab Green Living

Nearly everyone is exposed to unhealthy levels of tiny air pollutants, study says

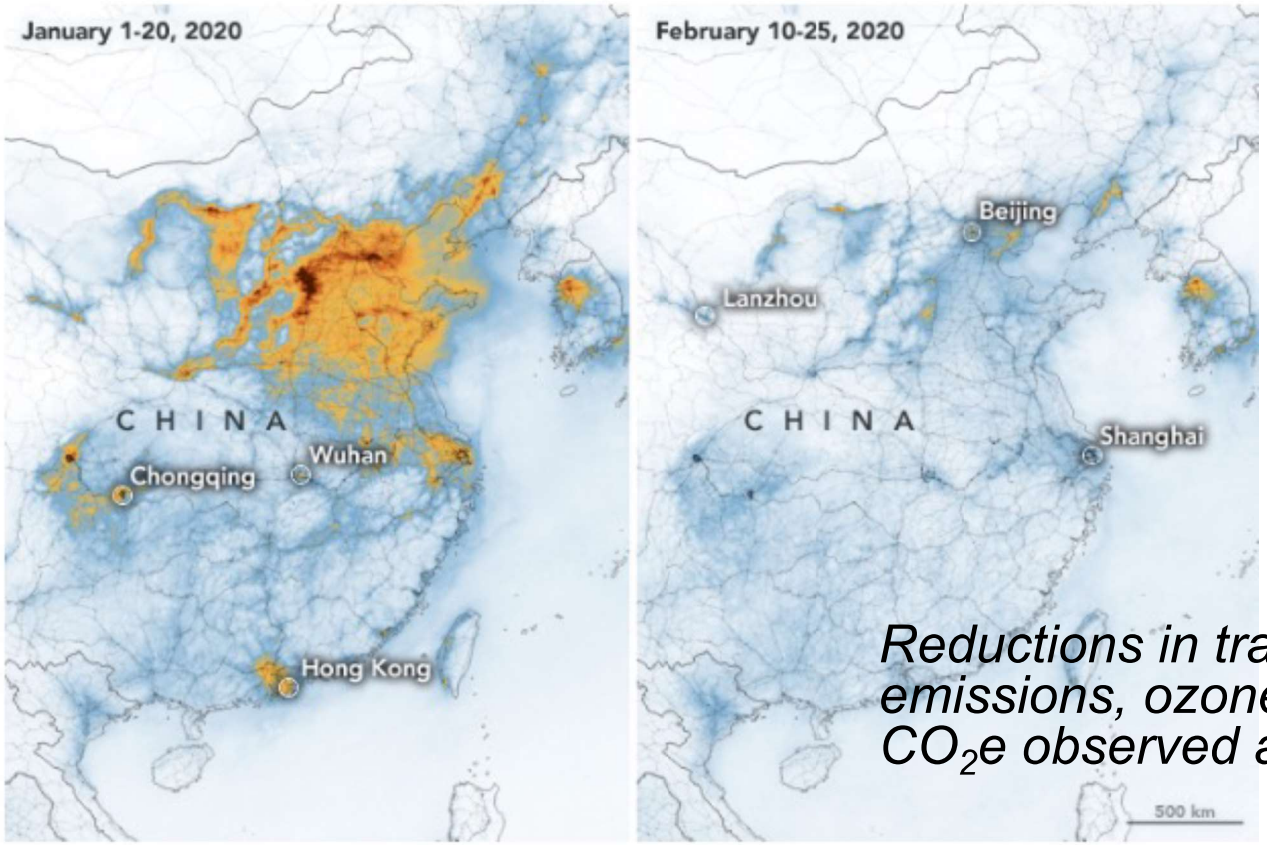
Only 0.001 percent of the global population is exposed to levels of PM 2.5 pollution that the World Health Organization deems safe

By Kasha Patel

Updated March 7, 2023 at 9:15 a.m. EST | Published March 6, 2023 at 6:38 p.m. EST

...on in the central business district on Monday, a day with high levels of air pollution in

Lockdown Silver Lining: Air Pollution Reductions



Reductions in traffic-related emissions, ozone precursors, and CO_2e observed across globe

https://earthobservatory.nasa.gov/images/146362/airborne-nitrogen-dioxide-plummets-over-china?

Week 1 March 2020 → Week 2 April 2020

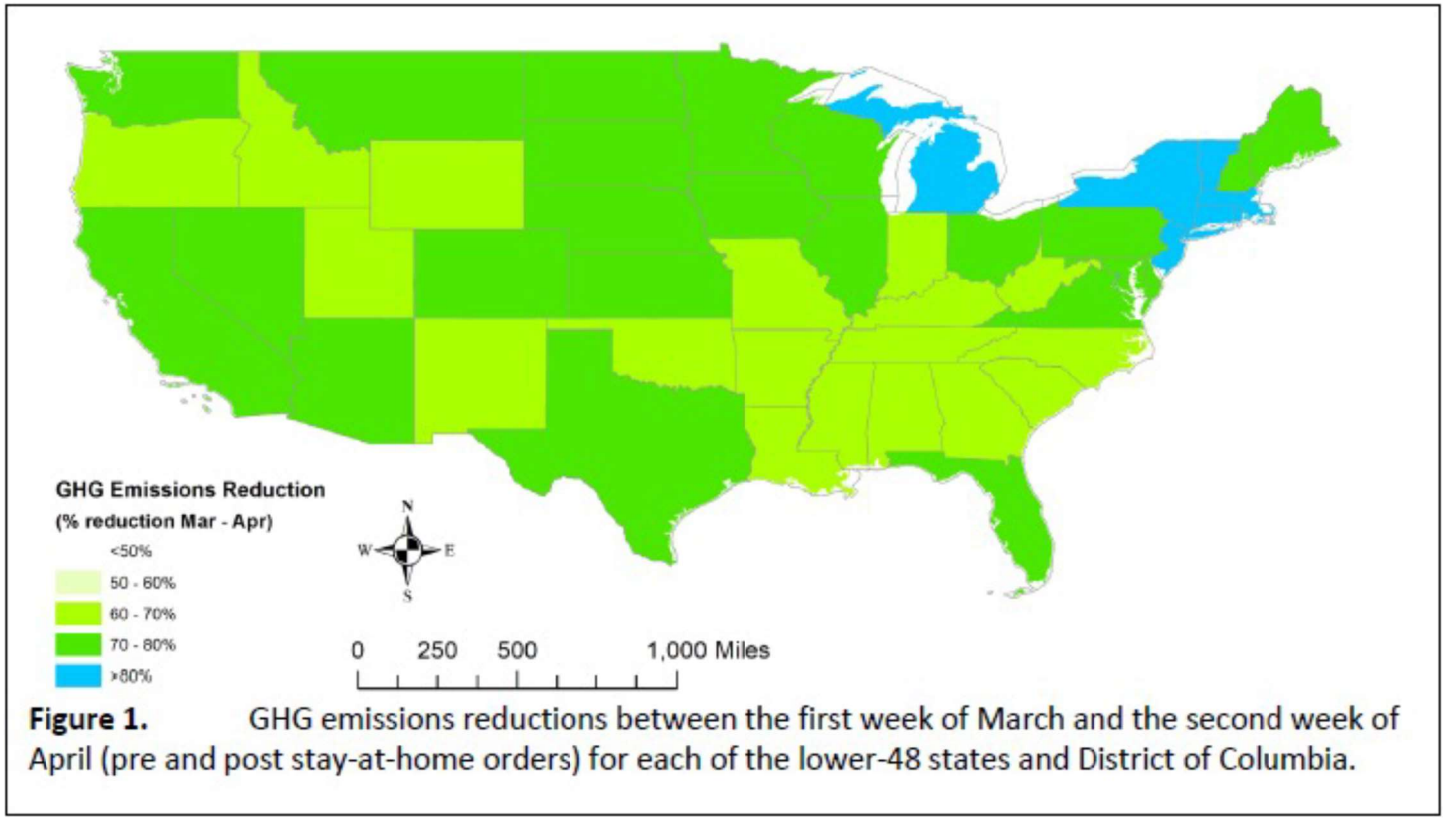
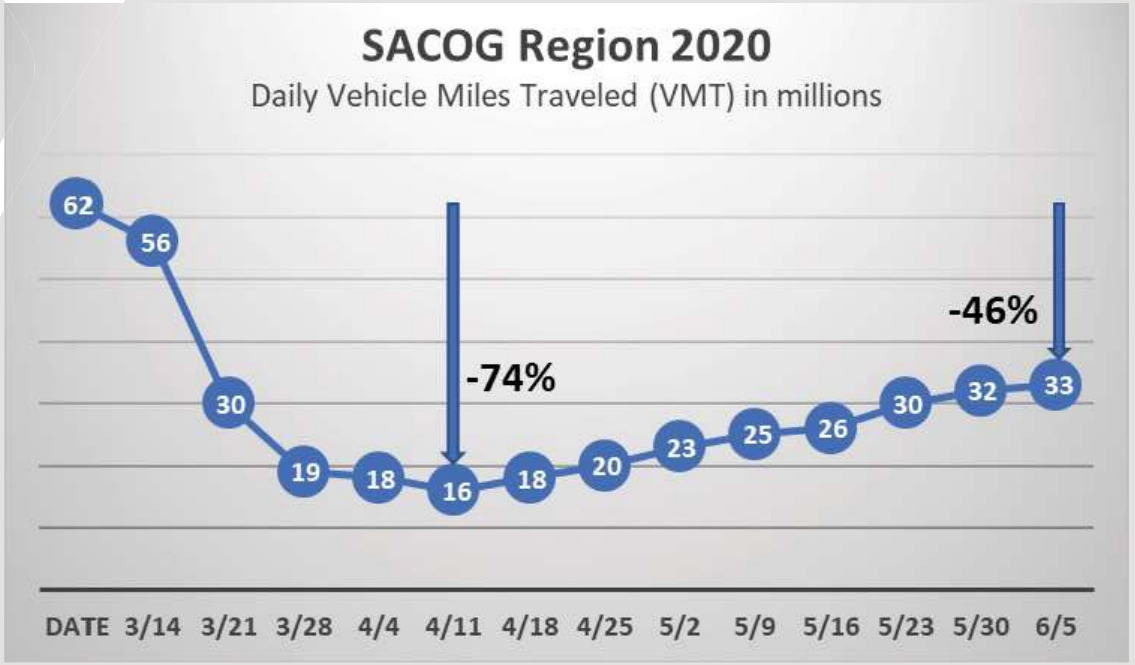


Figure 1. GHG emissions reductions between the first week of March and the second week of April (pre and post stay-at-home orders) for each of the lower-48 states and District of Columbia.

https://roadecology.ucdavis.edu/files/content/projects/COVID_CHIPs_Impacts_updated_430.pdf

Reference: UC Davis Special Report 3: Impact of COVID19 Mitigation on Traffic, Fuel Use and Climate Change; Fraser Shilling, Ph.D.


Sacramento Area Council of Governments
SACOG
Sacramento
Metropolitan
Planning Area

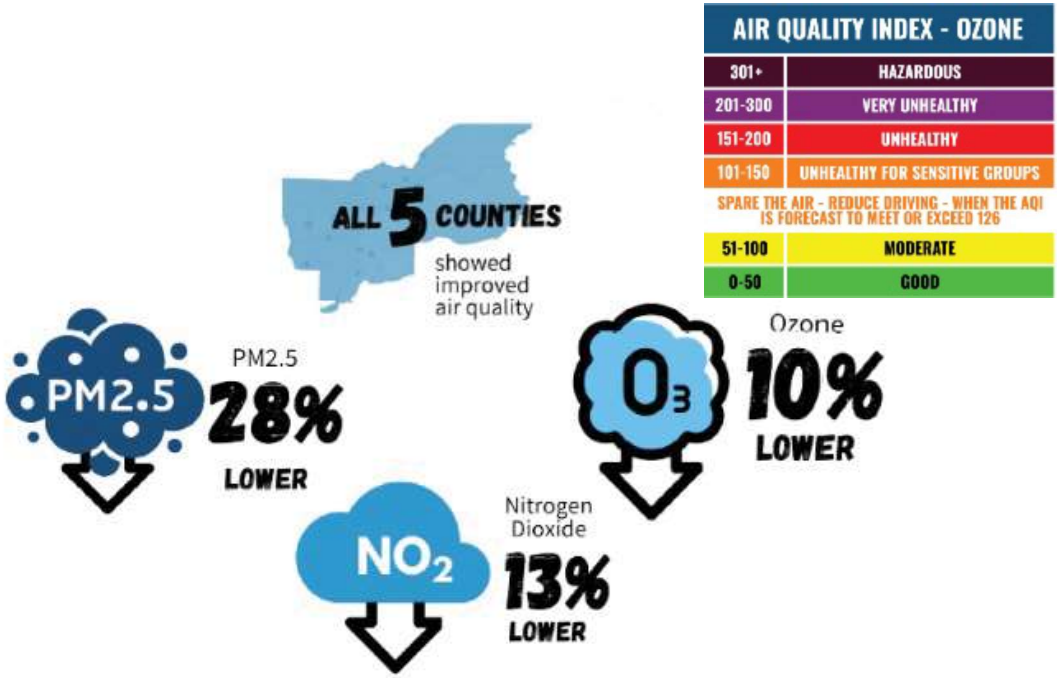

SACOG Region 2020
Daily Vehicle Miles Traveled (VMT) in millions
62
56
30
19
18
16
18
20
23
25
26
30
32
33
-74%
-46%
DATE 3/14 3/21 3/28 4/4 4/11 4/18 4/25 5/2 5/9 5/16 5/23 5/30 6/5

Air Quality Benefits of Teleworking & Teleconferencing

Shelter-In-Place Air Quality Study

Shelter in place data from

MARCH – JULY 2020



Sac Metro Air District's Key Findings

The study showed significantly lower air pollution in all five counties in the Sacramento Federal Nonattainment Area during shelter-in-place restrictions, which resulted in:

- **28% less particulate matter pollution** ($PM_{2.5}$)
- **13% less nitrogen dioxide** (NO_2)
- **10% less ground-level ozone**, also known as smog (O_3)



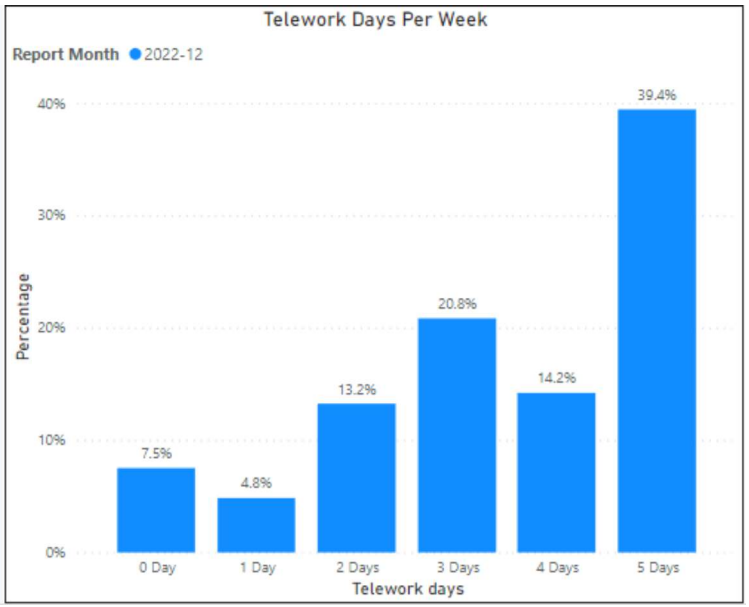
Promoting and encouraging teleconferencing for public meetings and telework when possible

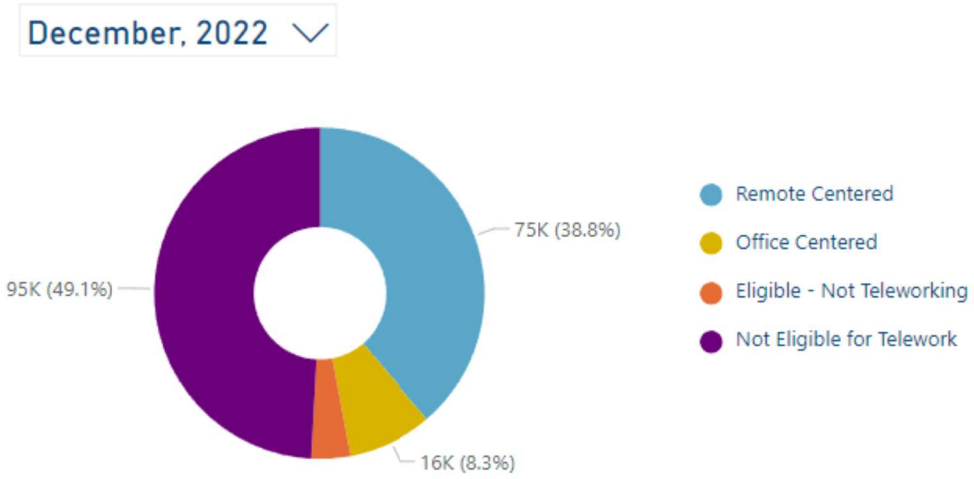
- Recommendations widely distributed in Sacramento region
- Encouraging public entities use teleconferencing for public meetings based on “traditional” Brown Act provisions
- State agencies use similar provision under Bagley-Keene Open Meeting Act
    - Joining meetings remotely from publicly accessible locations w/in jurisdiction
    - Posting locations at least 72 hrs prior to meeting

AQ Benefits of Telework Teleconference FINAL 2-28-23 (airquality.org)

End of lockdown, start of the “New Normal”

State Hybrid Workforce Dashboard



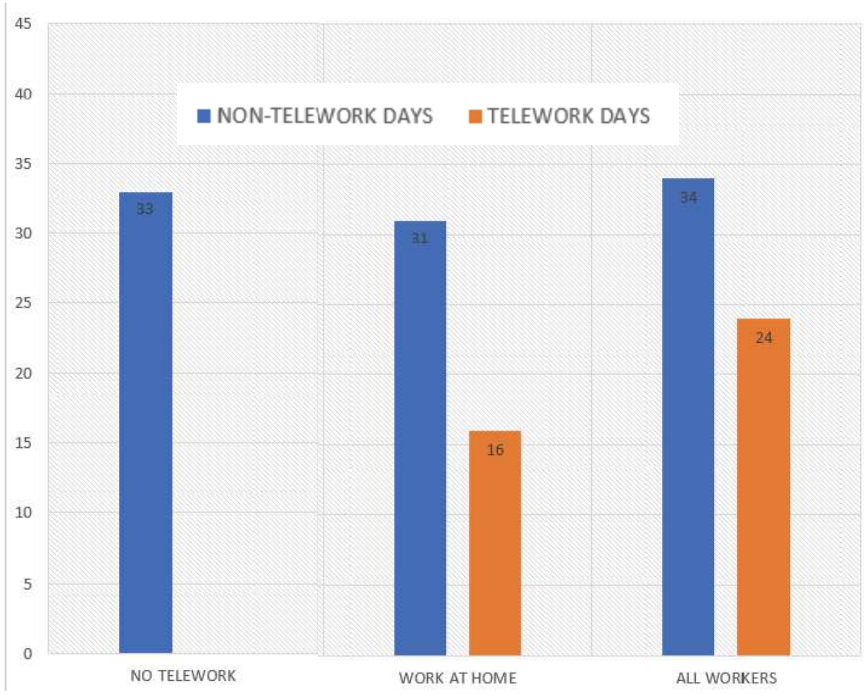


Lockdown ≠ Telework

- Childcare unavailable
- Distance learning
- Non-essential businesses closed
- Essential workers still commuting:
  - Lower income than non-essential workers
  - More likely to be people of color
  - More likely to use transit during pandemic







VMT Per Worker Per Day For All Trips in Sacramento Area

- *Driving more*
- *More non-commute trips*
- *Shifting patterns away from sustainable modes*



Closing remarks



- Remote-centered employment will remain significant
- It can have important air quality benefits if it leads to less driving
- However, more local trips throughout the day by teleworkers
- Replacing combustion cars with sustainable modes a *must*
- Is there an equitable alternative for essential workers?



Offshore Wind in California

Siva Gunda, Vice Chair, California Energy Commission

California's Bold Climate Actions



- 100% Carbon Free Electricity by 2045
- Carbon Neutrality by 2045
- 100% ZEV by 2035
- Protect 30% of land and water by 2030
- August 2022: Offshore Wind Planning Goal

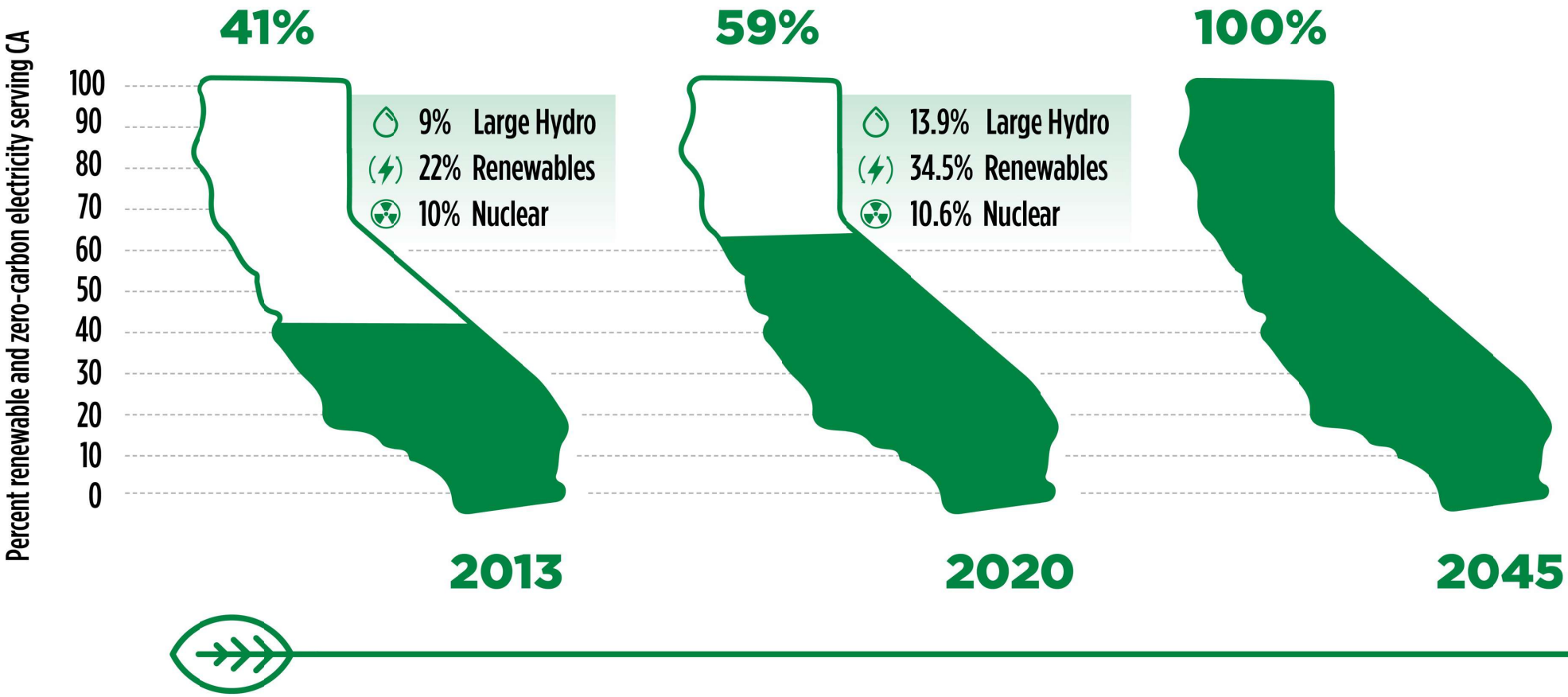
OTHER ENTITIES ENGAGED ON ENERGY

Public Utilities Commission (CPUC)

Independent System Operator (CAISO)

Air Resources Board (CARB)

Progress to 100% Clean Electricity



To Achieve Clean Energy

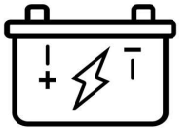
Development Needs
To Rapidly Accelerate



Solar & Wind

3X

Solar and wind build rates need to nearly triple*



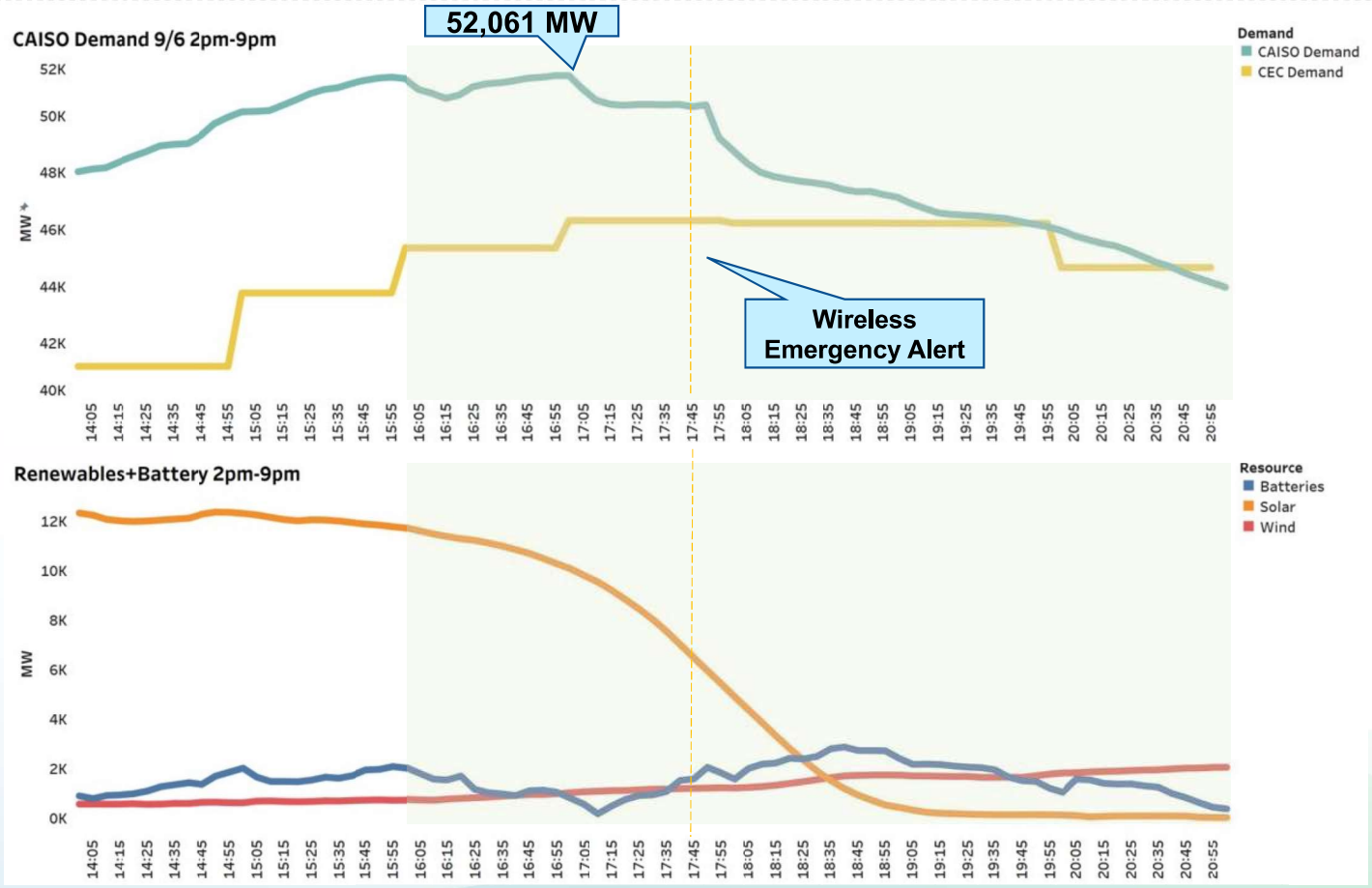
Battery

8X

Battery storage build rates need to increase by nearly eightfold**

*Based on 10-year average | **Based on 2020

September 6 Demand and Generation



AB 525 Legislative Findings

- Provides economic and environmental benefits
- Advances climate goals and diversifying the energy portfolio
- Improves grid reliability
- Serves electricity needs and improve air quality in disadvantaged communities.
- Stimulates state and local economic and workforce development

AB 525 Required Interim Work Products

June 1, 2022

- Evaluate and quantify maximum feasible capacity of offshore wind
- Establish megawatt planning goals for 2030 and 2045

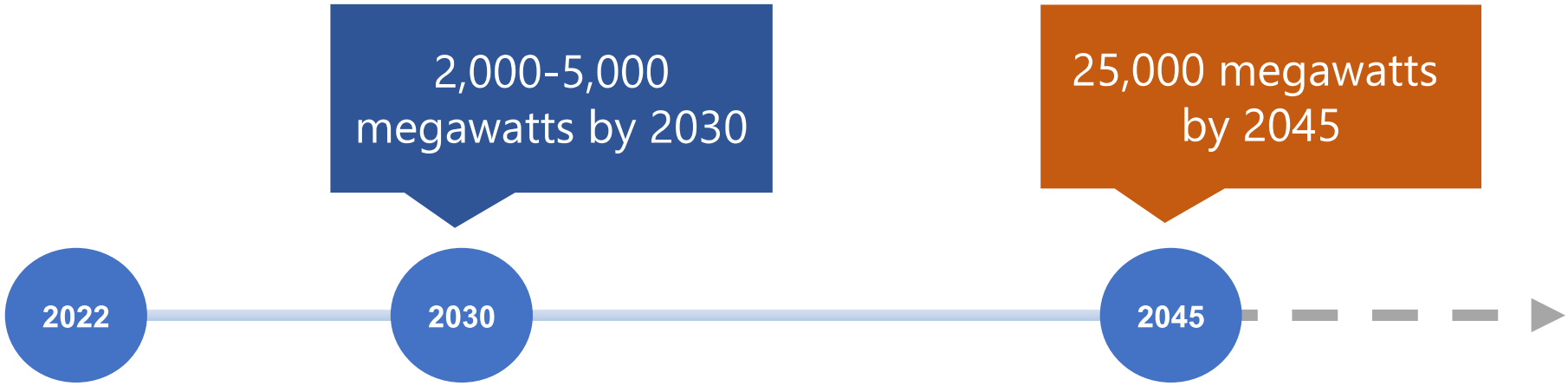
December 31, 2022

- Preliminary assessment of economic benefits related to seaports and workforce development needs and standards
- Develop a permitting roadmap

July 30, 2023

- Develop a strategic plan for offshore wind off the California coast in federal waters

CEC Established OSW Planning Goals

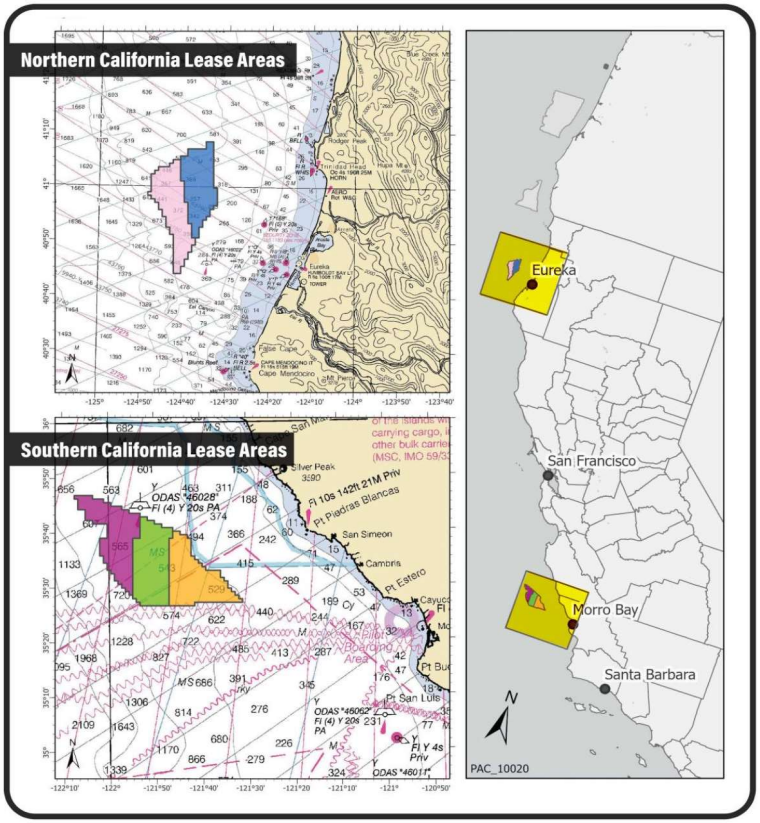


CEC Report: *Offshore Wind Energy Development off the California Coast: Maximum Feasible Capacity and Megawatt Planning Goals for 2030 and 2045*

California's 5 Provisional Leaseholders

LEASE AREA	Provisional Winners of the California Lease Areas, $757,100,000 in High Bids	
OCS-P0561	RWE Offshore Wind Holdings, LLC	$157,700,000
OCS-P0562	California North Floating LLC	$173,800,000
OCS-P0563	Equinor Wind US LLC	$130,000,000
OCS-P0564	Central California Offshore Wind LLC	$150,300,000
OCS-P0565	Invenergy California Offshore LLC	$145,300,000

BOEM Bureau of Ocean Energy Management

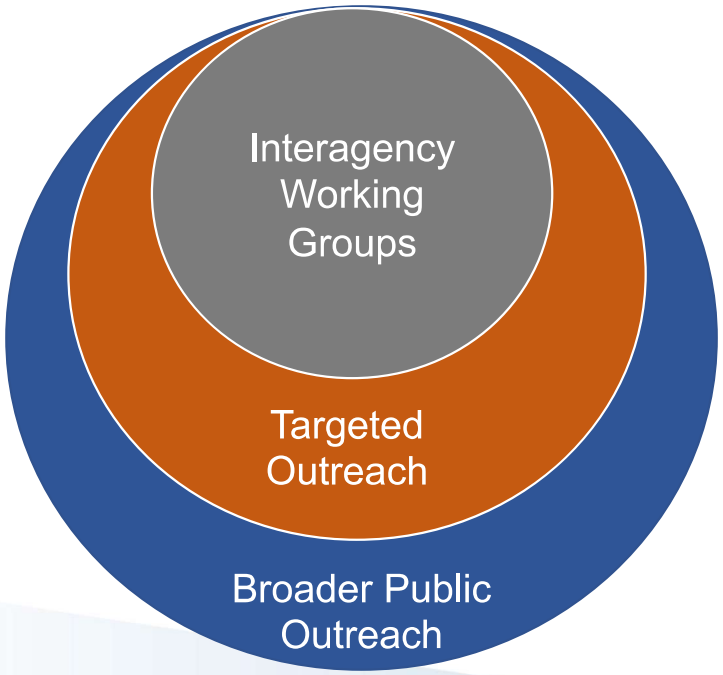


OSW Strategic Plan

- Identify sea space.
- Focused actions for economic and workforce development and identification of port space and infrastructure.
- Assess transmission planning investments and upgrades.
- Develop a permitting roadmap for offshore wind energy facilities and related infrastructure.
- Identify and address potential impacts to coastal resources, fisheries, Native American and Indigenous peoples, and national defense.

The Strategic Plan is due to CNRA and the Legislature by June 30, 2023

Coordination, Outreach, and Engagement



Interagency Working Groups: Topically focused interagency working groups on permitting, seas space, transmission, and economic benefits

Targeted Outreach: Engaging with key stakeholder groups based on legislative directive, technical expertise, interest, etc.

Broader Public Outreach: Engaging broader stakeholders and interested parties

California Focused Activities

2021-2022 and 2022-2023 State Budget Investments

- $20 million to support environmental research, stakeholder engagement, and infrastructure upgrades
- $45 million to support waterfront facility improvements
- $4.1 million to support Assembly Bill 525 implementation
- Voluntary Offshore Wind and Coastal Resources Protection Program

Electric Program Investment Charge (EPIC)

- $8 million spent to advance offshore wind
- $14 million currently available

Integrated Resource and Transmission Planning

- Assess within resource portfolios and in longer-term transmission outlooks

Bureau of Ocean Energy Management (BOEM)

- BOEM-CA Intergovernmental Task Force
- Coordination with the 5 California provisional lease holders

Biden Administration

- Deploy 30 GW nationwide of OSW by 2030
- Floating Offshore Wind Shot- $45/MWh by 2035
- 15 GW of floating technology nationwide by 2035

Thank you

Tribal Outreach

CEC adopted Resolution to Support Tribal Energy Sovereignty

- Support tribal sovereignty
- Enhance tribal consultation
- Increase tribal access to funding opportunities
- Provide opportunities for economic diversification for tribes
- Protect cultural resources
- Prioritize community benefits



CEC/CPUC Tribal En Banc, March 2023

PENINSULA CLEAN ENERGY

Solar, Battery Storage, and Grid Reliability

CivicWell Policymakers Conference at Asilomar

March 18, 2023

Jan Pepper, CEO, Peninsula Clean Energy





What is Peninsula Clean Energy?

- Community choice energy not-for-profit public agency (JPA) launched in 2016 to reduce carbon emissions and expand access to sustainable and affordable energy
- 23-member board – every city, town and county in San Mateo plus Los Banos - total population of ~810,000
- All residents and businesses automatically enrolled to receive electricity generation services from PCE
    - 50% renewable, 100% clean, priced at 5% less than PG&E
- 2 investment grade credit ratings



How it works



Generation

Peninsula Clean Energy

Delivery

PG&E

Savings

You

Community Impact



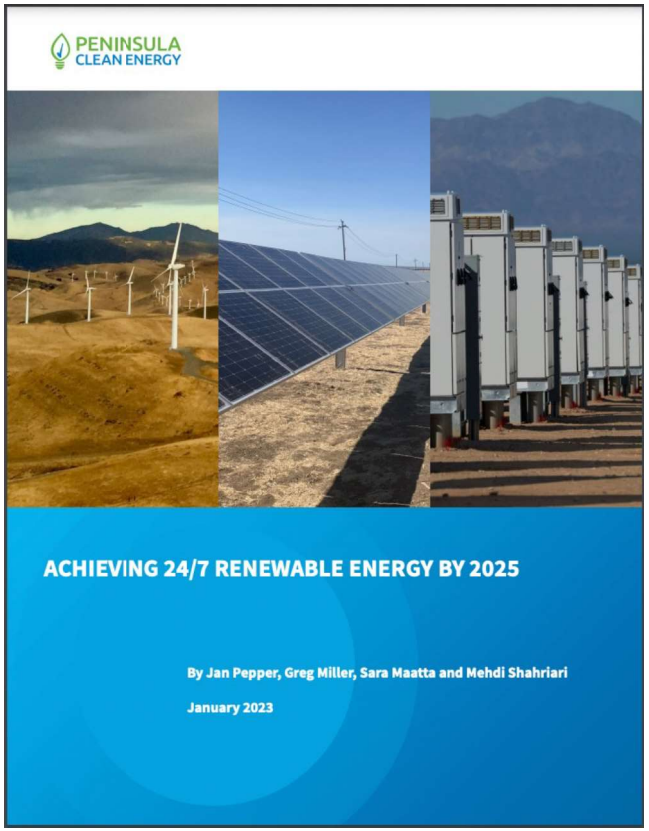
Since Peninsula Clean Energy launched in October 2016:

Over $90 million in savings for our electric customers

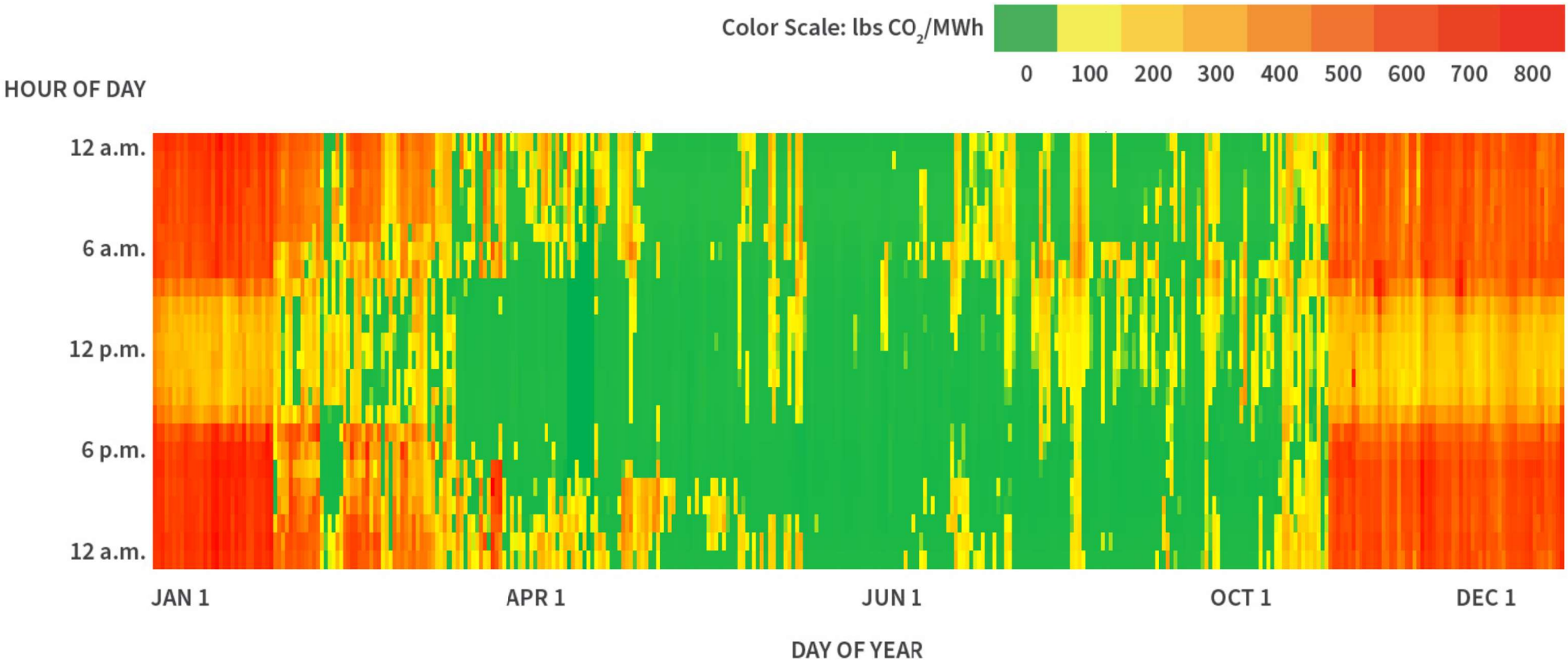
1.2 million metric tons CO2e avoided from electricity generation compared to 2016 baseline, *equivalent to 141 million gallons of gasoline use*

Our Priorities: Renewable Energy & Decarbonization

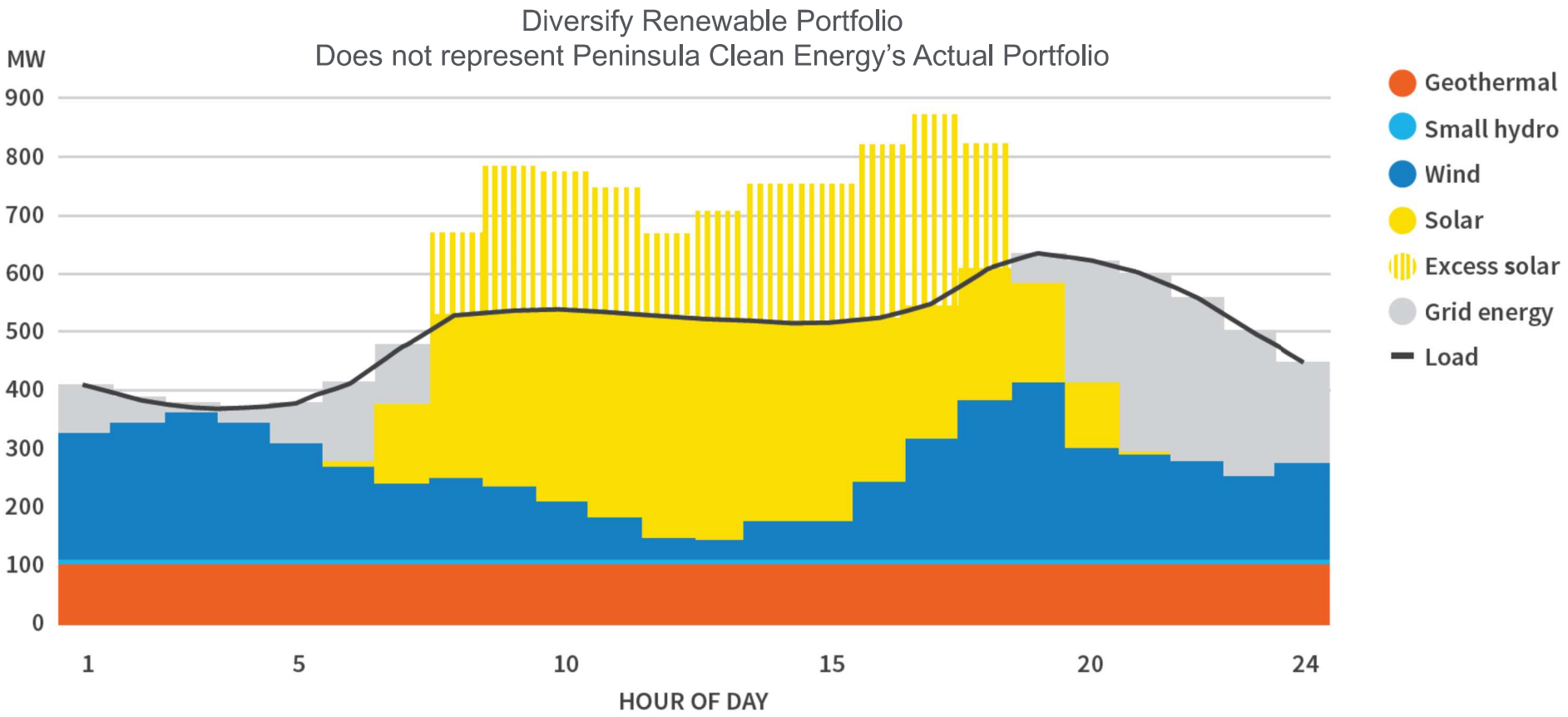
- Design a power portfolio that is sourced by 100% renewable energy by 2025 that aligns supply and consumer demand on a 24x7 basis
  - Reduces emissions
  - Benefits grid
  - Improves reliability
- Contribute to member jurisdictions reaching the state's goal to be 100% greenhouse gas-free by 2035



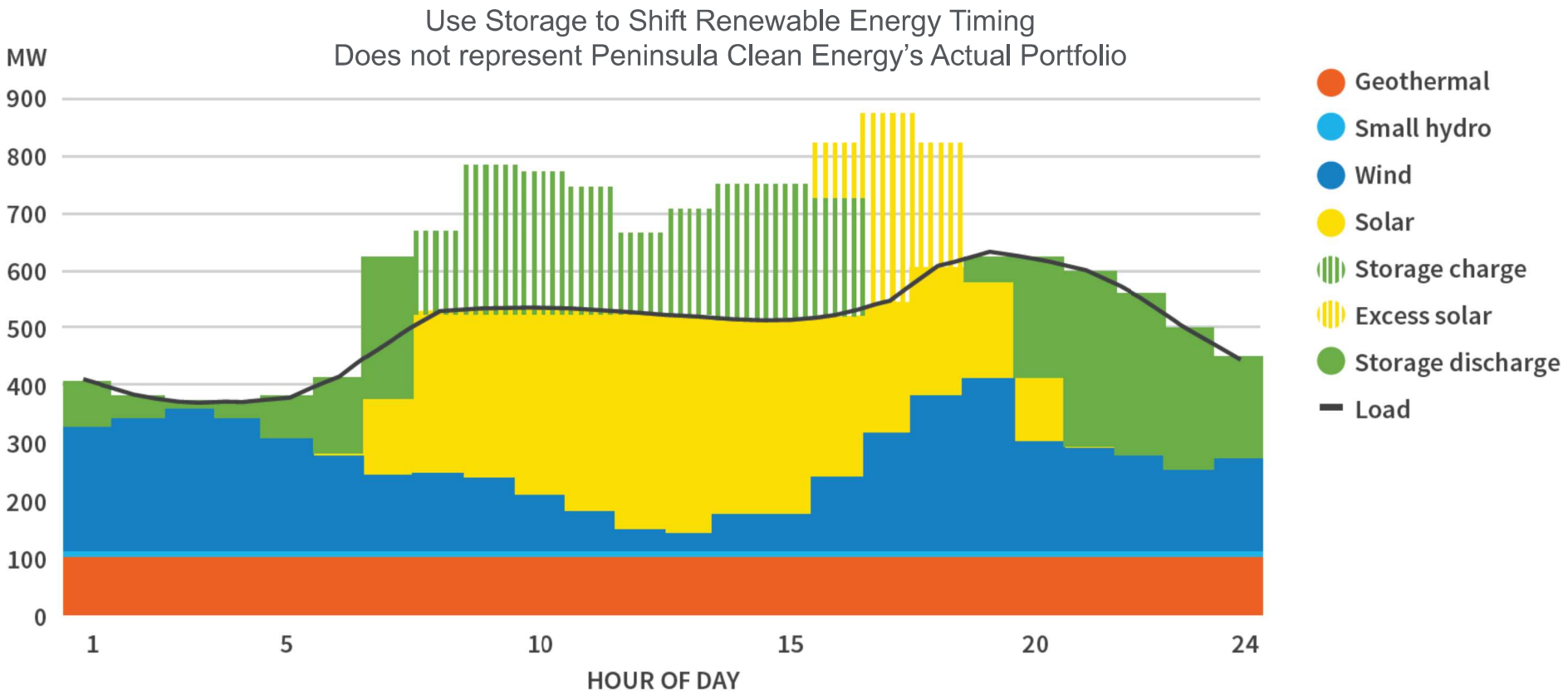
2021 Peninsula Clean Energy 24/7 Emissions Footprint
due to use of California grid energy



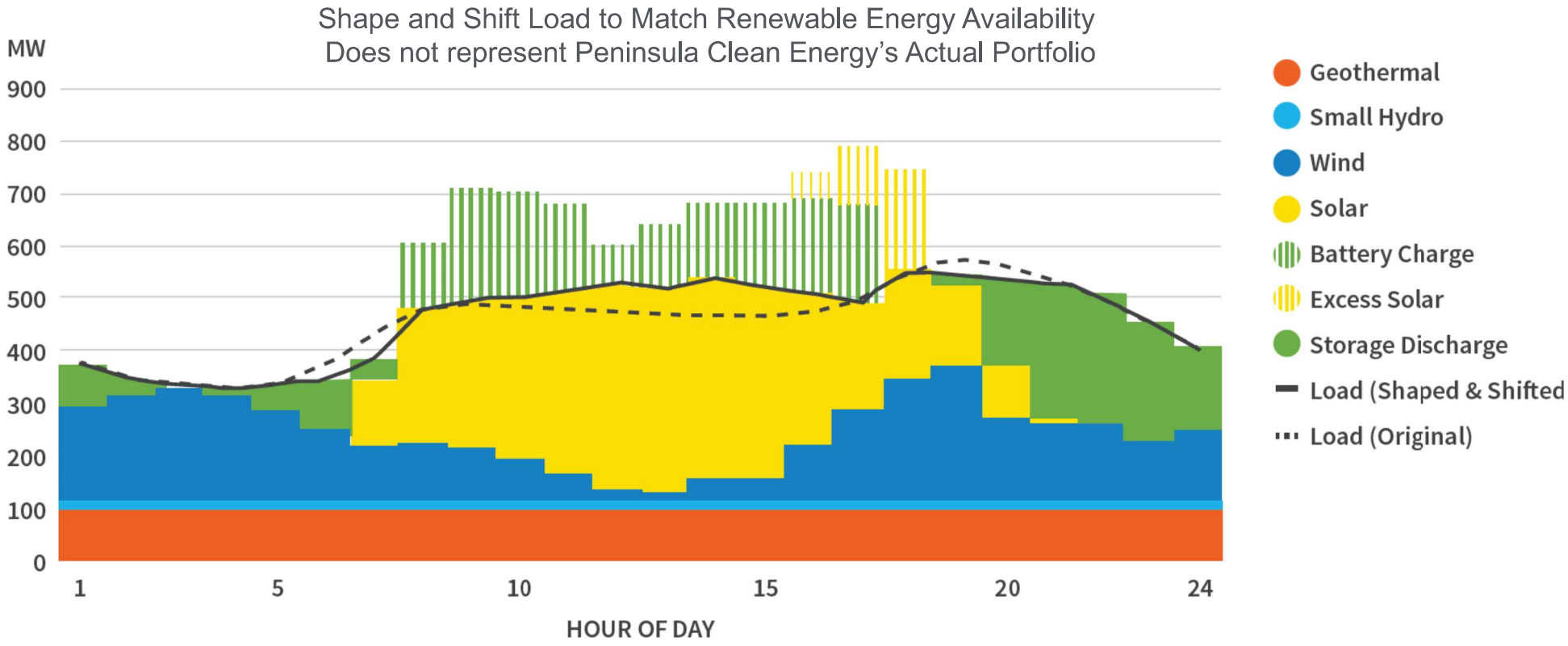
Step 1: Diversify the Renewable Portfolio



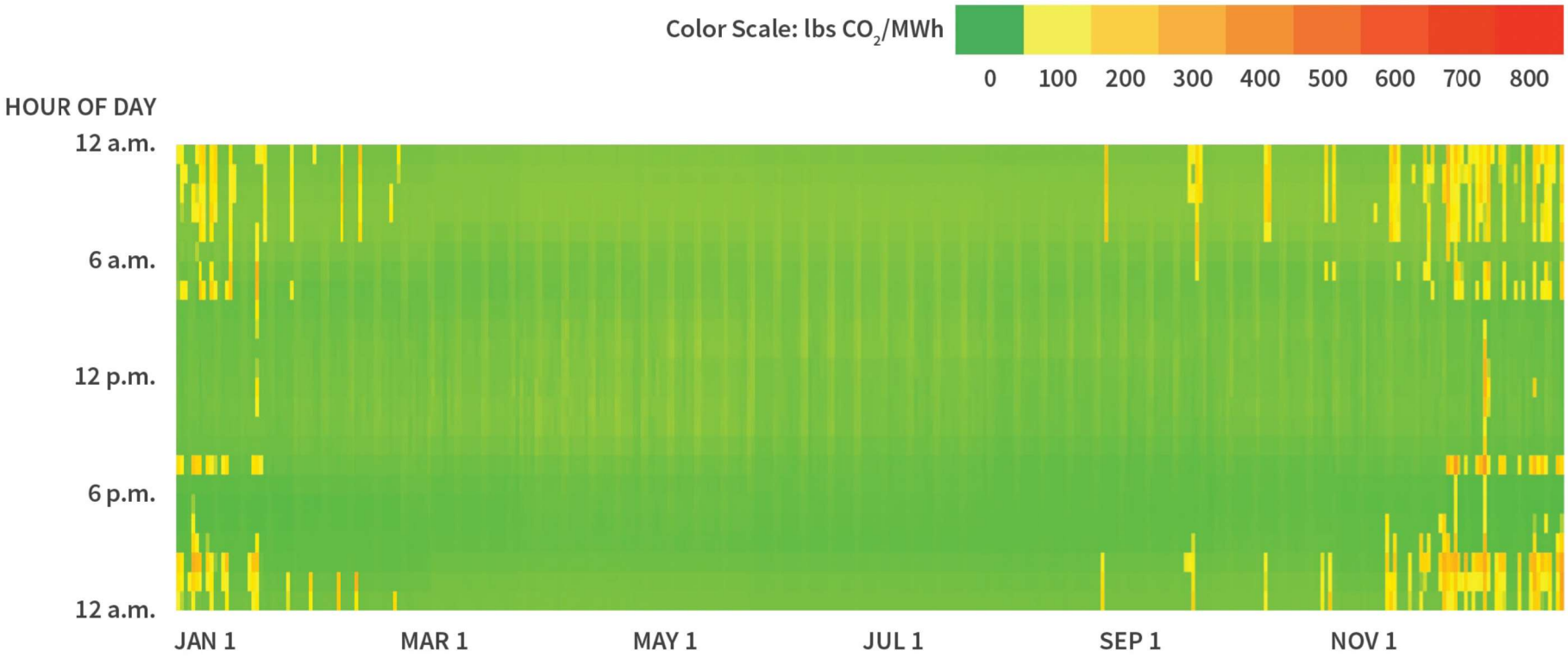
Step 2: Use storage to shift renewable energy timing



Step 3: Shape and Shift Load on the Demand Side



Hourly average emissions intensity heatmap for Hourly 99% scenario in 2025 (26 lbs CO2e/MWh)



Solar & Storage on Public Buildings

Goal: Accelerates local renewable energy and resiliency at local government and other public facilities

Peninsula Clean Energy is:

- Aggregating sites
- Contracting for installations
- Providing PPA to site at lower electricity rate
- First 2 rounds preserve NEM 2.0 tariff

First round:

12 municipal sites with nearly 2 MW of solar and 2 kW of storage

Second round:

Underway with over 120 candidate sites



Thank you!

Our vision:

A sustainable world with clean energy for everyone

Jan Pepper, CEO
jpepper@peninsulacleanenergy.com



Building Electrification
What Local Governments Can Do

Policymakers Conference 2023

Garrett Wong

Climate Program Manager
County of Santa Barbara

Collaborative Manager
Santa Barbara County Regional Climate Collaborative

Board Member
Local Government Sustainable Energy Coalition

Sr. Sustainability Analyst (prior)
City of Santa Monica

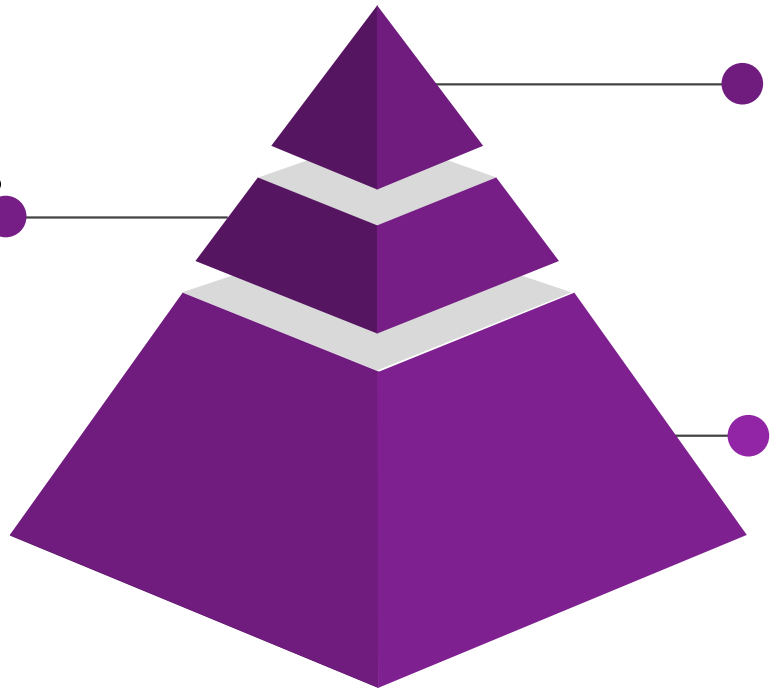
Areas of Expertise

- Climate action & adaptation
- Energy policy, programs and projects
- Transportation policy, programs and projects
- Regional collaboration
- Community engagement
- Diversity, equity & inclusion

Building Electrification Potential

New Construction <10%

- Regulatory control
- Low-hanging fruit



Municipal Buildings <5%

- Direct operational and financial control
- Least amount of buildings relative to community

Existing Buildings >90%

- Least amount of control
- Largest source of building emissions
- Most challenging

What about the “What abouts”?



What about...

- Electricity costs
- Construction costs
- Market vs. Government
- Customer choice
- Availability of equipment and contractors
- Equity

Tips for Implementation

1. Hire sustainability staff
2. Join a Community Choice Energy program and/or Regional Energy Network (or start one!)
3. Provide a clearinghouse of information and resources
4. Partner with others
5. Get involved in energy regulation



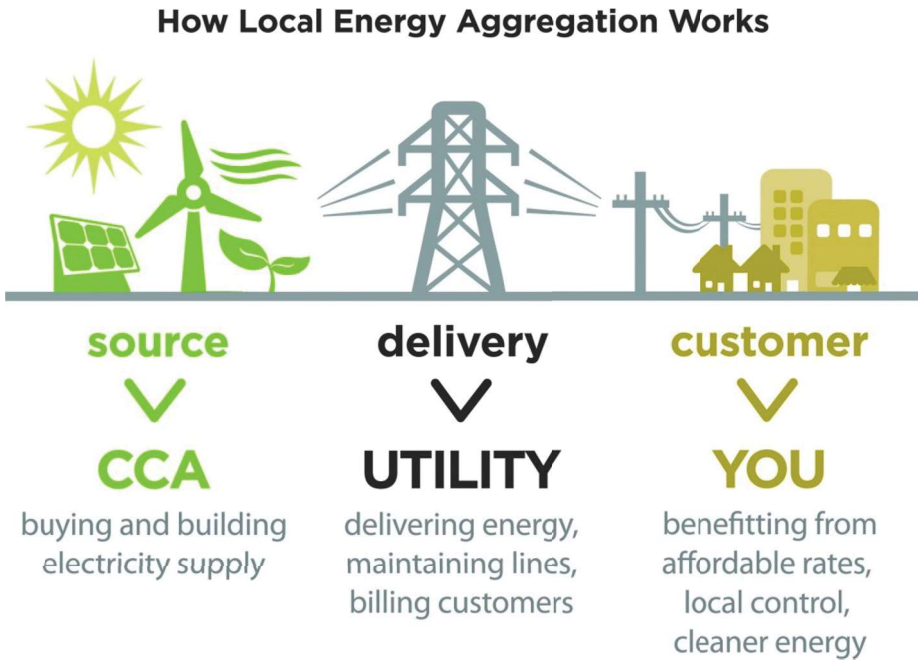
Tips for Implementation

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Tips for Implementation

1. Hire sustainability staff
2. **Join a Community Choice Energy program and/or Regional Energy Network (or start one!)**
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4. Partner with others
5. Get involved in energy regulation



Tips for Implementation

1. Hire sustainability staff
2. Join a Community Choice Energy program and/or Regional Energy Network (or start one!)
3. **Provide a clearinghouse of information and resources**

   EXTRA CREDIT: Secure external funding or establish public-private partnership to accelerate transition

1. Partner with others
2. Get involved in energy regulation

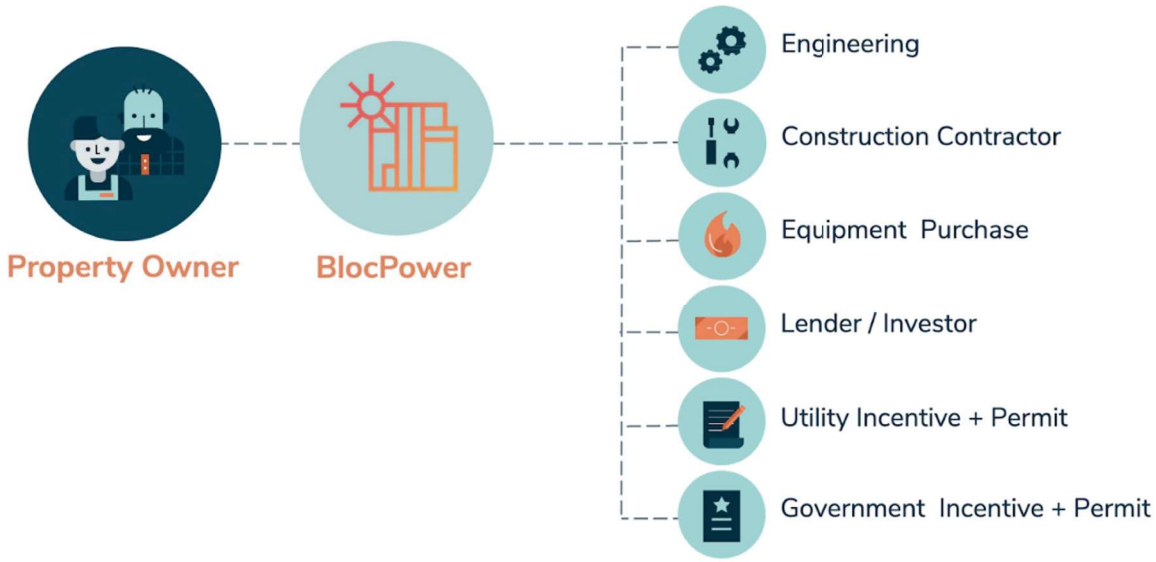



Federal
Tax Credits for Electrification Projects
Grants for Custom Programs and Projects
State
CA Energy Smart Homes - Incentives for New Construction & Alterations
BUILD - Incentives for New Construction
TECH - Incentives for Heat Pump Appliance Replacements
HOMES program - Performance-based rebates for whole-house energy saving retrofits
HEEHRA program - Point-of-sale rebates for qualified electrification projects in LMI households
Equitable Building Decarbonization Program - Direct install and incentives targeted to low-inco
CA Electric Homes Program - Incentives for all-electric market rate homes + storage
Grants for Custom Programs and Projects
Utilities
Rate Design
Technical assistance
Incentive programs
CCEs & RENs
Rate Design
Incentive programs
Workforce, education & training
Local Govt
Local incentive programs
Streamlined permitting, reduced fees
Public-Private Partnerships

Public Private Partnerships

BlocPower delivers a one-stop solution for building owners, working with local partners

The solution: a steward of the customer experience



Software streamlines project management and keeps costs low

Financial offering eliminates upfront cost & structures payments to match savings

Tips for Implementation

1. Hire sustainability staff
2. Join a Community Choice Energy program and/or Regional Energy Network (or start one!)
3. Provide a clearinghouse of information and resources
4. **Partner with others**
5. Get involved in energy regulation

Reach Code Development:

- Technical assistance
- Stakeholder outreach
- Regional consistency

Ex. County of SB, Goleta and Carpinteria

Regional Funding & Implementation:

- Regional capacity building
- Collaborative grant applications
- Scaled implementation

Ex. Regional Climate and Electrification Grant Administration (Monterey, Santa Cruz & San Benito Counties)

Tips for Implementation

1. Hire sustainability staff
2. Join a Community Choice Energy program and/or Regional Energy Network (or start one!)
3. Provide a clearinghouse of information and resources
4. Partner with others
5. **Get involved in energy regulation**



Do you care about...?

- Utility Actions
  - Programs, accountability, transparency
- Energy Reliability
  - Public safety power shutoffs, resilient infrastructure, microgrids
- Energy Equity
  - Utility rates, solar rates (NEM), utility programs, financing & funding, accessibility
- Gas Infrastructure
  - Safety, cost shifting, just transition, stranded customers

LOCAL GOVERNMENT
SUSTAINABLE
ENERGY COALITION

LGSEC represents 39 local and regional public agencies, non-profits, and businesses.

LGSEC provides much needed capacity to its members to advocate for policies, programs and institutional reform to ensure local governments and their communities have a greater role in achieving a clean energy future.



contact@lgsec.org

LOCAL GOVERNMENT SUSTAINABLE ENERGY COALITION

Member Benefits

- **Monthly Regulatory Engagement Calls**
- Regulatory Advocacy
- Working Groups
- Newsletter
- Forums
- Webinars (public)
- Member Portal
- Member Network

- Proceeding Updates
- IOU Rate Forecasts
- Guest Speakers from State Agencies
- Member Updates

LGSEC has been invaluable in helping our team keep up with the latest State & Federal proceedings that could impact our jurisdiction. As a small City, this coalition has helped us leverage collective power to get our needs heard at the State level, which we would not have been able to otherwise do due to capacity constraints.

- ***City of Goleta***

LOCAL GOVERNMENT SUSTAINABLE ENERGY COALITION

LGSEC Regulatory Engagement

- **Why do we engage in the regulatory space?**
  - Local governments must adhere to statewide regulations
  - Local capacity and knowledge of the regulatory space is limited
  - IOUs and Local Government responsibilities overlap
  - Advocate for LGSEC members and other partner stakeholders

- **How do we engage in the regulatory space?**
  - Becoming parties to proceedings/dockets
  - Submitting joint letters of support/oppositions
  - Attendings workshops and hearings
  - Update members during monthly regulatory calls

Thank you

Garrett Wong

gwong@countyofsb.org

Resources

- Local Energy Reach Codes
- Beneficial Electrification Toolkit
- Building Decarbonization Coalition
- California Climate & Energy Collaborative
- Local Government Sustainable Energy Coalition

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, Community Development Director
MEETING DATE:	April 5, 2023
SUBJECT:	Contract Amendment for professional contract planner services with Harris & Associates, Inc.
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Approve an agreement amendment not to exceed $208,145.00 up until June 30, 2024, approximately $58,145.00 through June 30, 2023, for Fiscal Year 22-23 and $150,000 for Fiscal Year 23-24 for professional contract planner services with Harris & Associates, Inc.

DISCUSSION

In 2021, the City executed an agreement with Harris & Associates, Inc. (Harris) for a temporary contract planner to backfill the City's vacant Senior Planner position within the Community Development Department (CDD). The City's Senior Planner position remains vacant following unsuccessful recruitment efforts. The City recently lost its only full-time Associate Planner. The City has recently filled a full-time Assistant Planner position. In addition to this recent new placement, the City also has a 30 hour/week Associate Planner, who dedicates 8 of those 30 weekly hours towards economic development tasks.

Harris has been providing exemplary in-person service to the City, serving as a trusted urban planning subject-matter expert, staff liaison to the Planning Commission, counter planning services, and other duties within CDD.

Recent recruitment for Assistant and Associate Planner positions have been convened. The City is finalizing the hiring process for an Associate Planner candidate. Neither the recently-hired Assistant Planner nor the soon to be hired Associate Planner are able to fulfill the Senior Planner role. CDD intends to keep the Senior Planner role filled with the existing contract Harris staff planner that has key experience with understanding Coastal Commission, CEQA, and other core needs, including Planning Commission liaison. A strong Senior Planner position is necessary to assist lower level planners as they onboard and learn the unique planning needs of the City.

To provide business continuity, allow for a smooth transition, and ensure adequate resources for projects, it is recommended that the City contract with Harris for continued contract planner services until such time that new planners can be trained to adequately serve the planning needs of the community. The scope of Harris' services, which will serve as Attachment A to the proposed

agreement, is attached to this agenda report for reference.

OPTIONS

1. Take no action. Note: taking no action would result in the conclusion of Harris' contract services to the City, and would result in an impact to CDD service delivery levels.
2. Provide alternative direction, such as authorizing a contract with Harris for a different amount and/or period of time.

FINANCIAL IMPACT:

For Fiscal Year 2022-2023, the proposed funding for this contract would come from $34,662 in estimated salary savings, along with an additional appropriation of $23,483. If approved, a budget amendment will be brought forward for the additional appropriation. This amount will come from the Unassigned General Fund balance.

For Fiscal Year 2023-2024, estimated salary savings of $52,371 will be available to support this contract. An additional appropriation of $97,629 will be needed to fund the remaining balance of this agreement. If approved, these amounts will be incorporated into the Proposed Fiscal Year 2023-24 Budget.

GOAL ALIGNMENT: Not Applicable.

Attachments

Harris Planning Services Contract Amendment 2023-2024

AMENDMENT #1
AGREEMENT FOR PROFESSIONAL SERVICES WITH **HARRIS & ASSOCIATES**

WHEREAS, the City of Pacific Grove ("City") and **Harris & Associates, Inc.** ("Contractor") entered into a Professional Services Agreement ("Agreement") dated July 1, 2022; and

WHEREAS, the City and Contractor desire to amend certain terms of the Agreement; NOW, THEREFORE, the parties agree as follows:

A. The Agreement is amended as follows:

1. SERVICES TO BE PROVIDED. The City hereby engages CONTRACTOR to perform, and CONTRACTOR hereby agrees to perform, the services described in **Exhibit A** in conformity with the terms of this Agreement. The services are generally described as follows: Provide contract planning services.

2. PAYMENTS BY CITY. City shall pay the CONTRACTOR in accordance with the payment provisions set forth in Exhibit A, subject to the limitations set forth in this Agreement. The total amount payable by City to CONTRACTOR under this Agreement shall not exceed the sum of **$343,145.00.**

3. TERM OF AGREEMENT. The term of this Agreement is from July 1, 2022, to June 30, 2024, unless sooner terminated pursuant to the terms of this Agreement. This Agreement is of no force or effect until signed by both CONTRACTOR and City and with City signing last, and CONTRACTOR may not commence work before City signs this Agreement.

B. All other terms of the Agreement remain the same.

Dated: _____

_____
Kate Elliott, Director, Environmental Planning + Compliance

Dated: _____

_____
Anastacia Wyatt, Community Development Director

Dated: _____

_____
Tori Hannah, Administrative Services Director

Dated: _____

_____
Gregory Rubens, City Attorney

Dated: _____

_____
Bill Peake, Mayor

EXHIBIT A
SCOPE OF SERVICES / PAYMENT PROVISIONS

CONTRACTOR shall provide contract planning services provided by a senior planner, as approved by the City Manager and/or Director of Community Development. The planner will provide in-person (City Hall) and/or remote contract planning services (as approved by the Director of Community Development) to support City planning staff. The planner will provide senior planning support up to four (4) days (32 hours) per week, as determined by the City Manager and/or Director of Community Development. Duties may include, but would not be limited to, the following:

- Customer service/counter support
- Phone calls and email correspondence
- Ministerial and discretionary project review
- Staff report/resolution and ordinance preparation
- Current planning support including large, controversial development applications
- Public hearing support

City shall pay CONTRACTOR $170 per hour for existing senior planner at a discounted rate, and $200 per hour for Project Manager contract management. Project management services are anticipated to require one (1) hour per month. Payment shall be made by City after submittal of an invoice from CONTRACTOR itemizing the costs incurred by City.

CITY OF PACIFIC GROVE AGREEMENT FOR PROFESSIONAL SERVICES (OVER $40,000)[1]

This Professional Services Agreement ("Agreement") is made by and between the City of Pacific Grove, a political subdivision of the State of California (hereinafter "City") and Harris & Associates, Inc., (hereinafter "CONTRACTOR").

In consideration of the mutual covenants and conditions set forth in this Agreement, the parties agree as follows:

1. **SERVICES TO BE PROVIDED.** The City hereby engages CONTRACTOR to perform, and CONTRACTOR hereby agrees to perform, the services described in **Exhibit A** in conformity with the terms of this Agreement. The services are generally described as follows: Provide contract planning services.

2. **PAYMENTS BY CITY.** City shall pay the CONTRACTOR in accordance with the payment provisions set forth in **Exhibit A**, subject to the limitations set forth in this Agreement. The total amount payable by City to CONTRACTOR under this Agreement shall not exceed the sum of **$ 135,000.00.**[1]

3. **TERM OF AGREEMENT.** The term of this Agreement is from July 1, 2022, to June 30, 2023, unless sooner terminated pursuant to the terms of this Agreement. This Agreement is of no force or effect until signed by both CONTRACTOR and City and with City signing last, and CONTRACTOR may not commence work before City signs this Agreement.

4. **ADDITIONAL PROVISIONS/EXHIBITS.** The following attached exhibits are incorporated herein by reference and constitute a part of this Agreement: **Exhibit A: Scope of Services / Payment Provisions**

5. **PERFORMANCE STANDARDS.**

5.01. CONTRACTOR warrants that CONTRACTOR and CONTRACTOR's agents, employees, and subcontractors performing services under this Agreement are specially trained, experienced, competent, and appropriately licensed to perform the work and deliver the services required under this Agreement and are not employees of the City, or immediate family of an employee of the City.

5.02. CONTRACTOR, its agents, employees, and subcontractors shall perform all work in a safe and skillful manner and in compliance with all applicable laws and regulations. All work performed under this Agreement that is required by law to be performed or supervised by licensed personnel shall be performed in accordance with such licensing requirements.

5.03. CONTRACTOR shall furnish, at its own expense, all materials, equipment, and personnel necessary to carry out the terms of this Agreement, except as otherwise specified in this Agreement. CONTRACTOR shall not use City premises, property (including equipment, instruments, or supplies) or personnel for any purpose other than in the performance of its obligations under this Agreement.

6. **PAYMENT CONDITIONS.**

6.01. CONTRACTOR shall submit to the Contract Administrator an invoice on a form acceptable to City. If not otherwise specified, the CONTRACTOR may submit such invoice monthly or at the completion of each phase of the project, as provided on page 6 of the proposal, but in any event, not later than 30 days after completion of services. The invoice shall set forth the amounts claimed by CONTRACTOR for the previous period, together

[1] Approved by the Pacific Grove City Council on June 15, 2022.

with an itemized basis for the amounts claimed, and such other information pertinent to the invoice as the City may require. The Contract Administrator or his or her designee shall certify the invoice, either in the requested amount or in such other amount as the City approves in conformity with this Agreement, and shall promptly submit such invoice to the City Auditor-Controller for payment. The City Auditor-Controller shall pay the amount certified within 30 days of receiving the certified invoice.

6.02. CONTRACTOR shall not receive reimbursement for travel.

6.03 All payments by the City will be made by Electronic Funds Transfer (EFT). CONTRACTOR will provide the City with its bank ABA number, account number and designation of the account to which such EFT shall be made. CONTRACTOR will be responsible for notifying the City when CONTRACTOR's EFT information changes. Payments shall be for the invoiced amount, with no retention.

7. **TERMINATION.**

7.01. During the term of this Agreement, the City may terminate the Agreement, with or without cause, by giving written notice of termination to the CONTRACTOR at least thirty (30) days prior to the effective date of termination. Such notice shall set forth the effective date of termination. In the event of such termination, CONTRACTOR shall cease immediately all work in progress.

7.02. CONTRACTOR may terminate this Agreement at any time upon thirty (30) days' written notice of termination to City.

7.03. If either CONTRACTOR or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either CONTRACTOR or City may terminate this Agreement immediately upon written notice.

7.04. Upon termination of this Agreement by either CONTRACTOR or City, all property belonging exclusively to City which is in CONTRACTOR's possession shall be returned to City. CONTRACTOR shall furnish to City a final invoice for work performed and expenses incurred by CONTRACTOR, prepared as set forth in Section 6 of this Agreement. This final invoice shall be reviewed and paid in the same manner as set forth in Section 6 of this Agreement.

8. **INDEMNIFICATION.**

8.01. As respects all acts or omissions which do not arise directly out of the performance of professional services, including but not limited to those acts or omissions normally covered by general and automobile liability insurance, CONTRACTOR shall indemnify, defend, and hold harmless the City, its officers, agents, and employees, from and against any and all claims, liabilities, and losses whatsoever (including damages to property and injuries to or death of persons, court costs, and reasonable attorneys' fees) occurring or resulting to any and all persons, firms or corporations furnishing or supplying work, services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims, liabilities, and losses occurring or resulting to any person, firm, or corporation for damage, injury, or death to the extent caused by CONTRACTOR's negligence, negligent acts, errors or omissions.

❑ Exemption/Modification (Justification attached; subject to approval).

9. **INSURANCE.**

9.01. Insurance Coverage Requirements: Without limiting CONTRACTOR's duty to indemnify, CONTRACTOR shall maintain in effect throughout the term of this Agreement a policy or policies of insurance with the following minimum limits of liability:

Commercial general liability insurance, no less broad than Insurance Services Office (ISO) CG 00 01, including but not limited to premises and operations, including coverage for Bodily Injury and Property Damage, Personal Injury, Contractual Liability, Broadform Property Damage, Independent Contractors, Products/Completed Operations, with minimum limits: $1,000,000 per Occurrence; $2,000,000 General Aggregate; $2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Excess or Umbrella Liability Insurance. If CONTRACTOR maintains higher limits than the specified minimum limits, City requires and shall be entitled to coverage for the higher limits maintained by CONTRACTOR.

❑ Exemption/Modification (Justification attached; subject to approval).

Business automobile liability insurance, covering all motor vehicles, including owned, leased, non-owned, and hired vehicles, used in providing services under this Agreement, with a combined single limit for Bodily Injury and Property Damage of not less than $1,000,000 per occurrence.

❑ Exemption/Modification (Justification attached; subject to approval).

Workers' Compensation Insurance, if CONTRACTOR employs others in the performance of this Agreement, in accordance with California Labor Code section 3700 and with Employer's Liability limits not less than $1,000,000 each person, $1,000,000 each accident and $1,000,000 each disease.

❑ Exemption/Modification (Justification attached; subject to approval).

Professional liability insurance, if required for the professional services being provided, (e.g., those persons authorized by a license to engage in a business or profession regulated by the California Business and Professions Code), in the amount of not less than $1,000,000 per claim and $2,000,000 in the aggregate, to cover liability for malpractice or errors or omissions made in the course of rendering professional services. If professional liability insurance is written on a "claims-made" basis rather than an occurrence basis, the retroactive date shall be no later than the commencement of the work. Coverage applicable to the work performed under this Agreement shall be continued for three (3) years after completion of the work. Such continuation coverage may be provided by one of the following: (1) renewal of the existing policy; (2) an extended reporting period endorsement; or (3) replacement insurance with a retroactive date no later than the commencement of the work under this Agreement.

❑ Exemption/Modification (Justification attached; subject to approval).

9.02. Other Insurance Requirements. All insurance required by this Agreement shall be with a company acceptable to the City and issued and executed by an admitted insurer authorized to transact Insurance business in the State of California. Unless otherwise specified by this Agreement, all such insurance shall be written on an occurrence basis, or, if the policy is not written on an occurrence basis, such policy with the coverage required herein shall continue in effect for a period of three years following the date CONTRACTOR completes its performance of services under this Agreement.

CONTRACTOR shall provide immediate written notice if (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; (3) or the deductible or self-insured retention is increased. In the event of any cancellation or reduction in coverage or limits of any insurance, CONTRACTOR shall forthwith obtain and submit proof of substitute insurance. Should CONTRACTOR fail to immediately procure other insurance, as specified, to substitute for any canceled policy, the City may procure such insurance at CONTRACTOR's sole cost and expense.

Commercial general liability and automobile liability policies shall provide an endorsement naming the City of Pacific Grove, its officers, agents, and employees as Additional Insureds with respect to liability arising out of the CONTRACTOR'S work, including ongoing and completed operations, and shall further provide that

such insurance is primary insurance to any insurance or self-insurance maintained by the City and that the insurance of the Additional Insureds shall not be called upon to contribute to a loss covered by the CONTRACTOR'S insurance. The required endorsement form for Commercial General Liability Additional Insured **is ISO Form CG 20 10 11-85 or CG 20 10 10 01 in tandem with CG 20 37 10 01 (2000)**. The required endorsement form for Automobile Additional Insured endorsement is **ISO Form CA 20 48 02 99**.

The general liability policy shall cover inter-insured suits and include a "separation of Insureds" or "severability" clause which treats each insured separately.

CONTRACTOR shall provide to City an endorsement that the insurer waives the right of subrogation against the City, its officers, officials, employees, agents and volunteers.

Prior to the execution of this Agreement by the City, CONTRACTOR shall file certificates of insurance with the City's contract administrator and City's Contracts/Purchasing Division, showing that the CONTRACTOR has in effect the insurance required by this Agreement. The CONTRACTOR shall file a new or amended certificate of insurance within five calendar days after any change is made in any insurance policy which would alter the information on the certificate then on file. Acceptance or approval of insurance shall in no way modify or change the indemnification clause in this Agreement, which shall continue in full force and effect.

CONTRACTOR shall at all times during the term of this Agreement maintain in force the insurance coverage required under this Agreement and shall send, without demand by City, annual certificates to City's Contract Administrator and City's Contracts/Purchasing Division. If the certificate is not received by the expiration date, City shall notify CONTRACTOR and CONTRACTOR shall have five calendar days to send in the certificate, evidencing no lapse in coverage during the interim. Failure by CONTRACTOR to maintain such insurance is a default of this Agreement which entitles City, at its sole discretion, to terminate this Agreement immediately.

10. **RECORDS AND CONFIDENTIALITY.**

10.01. Confidentiality. CONTRACTOR and its officers, employees, agents, and subcontractors shall comply with any and all federal, state, and local laws which provide for the confidentiality of records and other information. CONTRACTOR shall not disclose any confidential records or other confidential information received from the City or prepared in connection with the performance of this Agreement, unless City specifically permits CONTRACTOR to disclose such records or information. CONTRACTOR shall promptly transmit to City any and all requests for disclosure of any such confidential records or information. CONTRACTOR shall not use any confidential information gained by CONTRACTOR in the performance of this Agreement except for the sole purpose of carrying out CONTRACTOR's obligations under this Agreement.

10.02. City Records. When this Agreement expires or terminates, CONTRACTOR shall return to City any City records which CONTRACTOR used or received from City to perform services under this Agreement.

10.03. Maintenance of Records. CONTRACTOR shall prepare, maintain, and preserve all reports and records that may be required by federal, state, and City rules and regulations related to services performed under this Agreement. CONTRACTOR shall maintain such records for a period of at least three years after receipt of final payment under this Agreement. If any litigation, claim, negotiation, audit exception, or other action relating to this Agreement is pending at the end of the three-year period, then CONTRACTOR shall retain said records until such action is resolved.

10.04. Access to and Audit of Records. The City shall have the right to examine, monitor and audit all records, documents, conditions, and activities of the CONTRACTOR and its subcontractors related to services provided under this Agreement. Pursuant to Government Code section 8546.7, if this Agreement involves the expenditure of public funds in excess of $10,000, the parties to this Agreement may be subject, at the request of

the City or as part of any audit of the City, to the examination and audit of the State Auditor pertaining to matters connected with the performance of this Agreement for a period of three years after final payment under the Agreement.

10.05. Royalties and Inventions. City shall have a royalty-free, exclusive and irrevocable license to reproduce, publish, and use, and authorize others to do so, all original computer programs, writings, sound recordings, pictorial reproductions, drawings, and other works of similar nature produced in the course of or under this Agreement. CONTRACTOR shall not publish any such material without the prior written approval of City.

11. **NON-DISCRIMINATION**. During the performance of this Agreement, CONTRACTOR, and its subcontractors, shall not unlawfully discriminate against any person because of race, religious creed, color, sex, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age (over 40), or sexual orientation, either in CONTRACTOR's employment practices or in the furnishing of services to recipients. CONTRACTOR shall ensure that the evaluation and treatment of its employees and applicants for employment and all persons receiving and requesting services are free of such discrimination. CONTRACTOR and any subcontractor shall, in the performance of this Agreement, fully comply with all federal, state, and local laws and regulations which prohibit discrimination. The provision of services primarily or exclusively to such target population as may be designated in this Agreement shall not be deemed to be prohibited discrimination.

12. **COMPLIANCE WITH TERMS OF STATE OR FEDERAL GRANT.** If this Agreement has been or will be funded with monies received by the City pursuant to a contract with the state or federal government in which the City is the grantee, CONTRACTOR will comply with all the provisions of said contract, to the extent applicable to CONTRACTOR as a subgrantee under said contract, and said provisions shall be deemed a part of this Agreement, as though fully set forth herein. Upon request, City will deliver a copy of said contract to CONTRACTOR, at no cost to CONTRACTOR.

13. **INDEPENDENT CONTRACTOR.** In the performance of work, duties, and obligations under this Agreement, CONTRACTOR is at all times acting and performing as an independent contractor and not as an employee of the City. No offer or obligation of permanent employment with the City or particular City department or agency is intended in any manner, and CONTRACTOR shall not become entitled by virtue of this Agreement to receive from City any form of employee benefits including but not limited to sick leave, vacation, retirement benefits, workers' compensation coverage, insurance or disability benefits. CONTRACTOR shall be solely liable for and obligated to pay directly all applicable taxes, including federal and state income taxes and social security, arising out of CONTRACTOR's performance of this Agreement. In connection therewith, CONTRACTOR shall defend, indemnify, and hold City harmless from any and all liability which City may incur because of CONTRACTOR's failure to pay such taxes.

14. **NOTICES.** Notices required under this Agreement shall be delivered personally or by first-class, postage pre-paid mail to the City's and CONTRACTOR'S contract administrators at the addresses listed below:

FOR CITY:	**FOR CONTRACTOR:**
John Kuehl, Interim Director Community Development Department Name and Title	Kate Elliott, Director Cc: David Mack, Joseph Sidor Name and Title
City of Pacific Grove 300 Forest Avenue	Harris & Associates, Inc. 450 Lincoln Avenue, Suite 103

Pacific Grove, CA 93950 Address	Salinas, CA 93940 Address
(831) 648-3127 Phone	(831) 789-8670 Phone

15. **MISCELLANEOUS PROVISIONS.**

15.01. Conflict of Interest. CONTRACTOR represents that it presently has no interest and agrees not to acquire any interest during the term of this Agreement which would directly or indirectly conflict in any manner or to any degree with the full and complete performance of the professional services required to be rendered under this Agreement.

15.02. Amendment. This Agreement may be amended or modified only by an instrument in writing signed by the City and the CONTRACTOR.

15.03. Waiver. Any waiver of any terms and conditions of this Agreement must be in writing and signed by the City and the CONTRACTOR. A waiver of any of the terms and conditions of this Agreement shall not be construed as a waiver of any other terms or conditions in this Agreement.

15.04. Contractor. The term "CONTRACTOR" as used in this Agreement includes CONTRACTOR's officers, agents, and employees acting on CONTRACTOR's behalf in the performance of this Agreement.

15.05. Disputes. CONTRACTOR shall continue to perform under this Agreement during any dispute. Contractor and the CITY hereby agree to make good faith efforts to resolve disputes as quickly as possible. In the event any dispute arising from or related to this Agreement results in litigation or arbitration, the prevailing party shall be entitled to recover all reasonable costs incurred, including court costs, attorney fees, expenses for expert witnesses (whether or not called to testify), expenses for accountants or appraisers (whether or not called to testify), and other related expenses. Recovery of these expenses shall be as additional costs awarded to the prevailing party, and shall not require initiation of a separate legal proceeding.

15.06. Assignment and Subcontracting. The CONTRACTOR shall not assign, sell, or otherwise transfer its interest or obligations in this Agreement without the prior written consent of the City. None of the services covered by this Agreement shall be subcontracted without the prior written approval of the City. Notwithstanding any such subcontract, CONTRACTOR shall continue to be liable for the performance of all requirements of this Agreement.

15.07. Successors and Assigns. This Agreement and the rights, privileges, duties, and obligations of the City and CONTRACTOR under this Agreement, to the extent assignable or delegable, shall be binding upon and inure to the benefit of the parties and their respective successors, permitted assigns, and heirs.

15.08. Compliance with Applicable Law. The parties shall comply with all applicable federal, state, and local laws and regulations in performing this Agreement.

15.09. Headings. The headings are for convenience only and shall not be used to interpret the terms of this Agreement.

15.10. Time is of the Essence. Time is of the essence in each and all of the provisions of this Agreement.

15.11. Governing Law. This Agreement shall be governed by and interpreted under the laws of the State of California.

15.12. Non-exclusive Agreement. This Agreement is non-exclusive and both City and CONTRACTOR expressly reserve the right to contract with other entities for the same or similar services.

15.13. Construction of Agreement. The City and CONTRACTOR agree that each party has fully participated in the review and revision of this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendment to this Agreement.

15.14. Counterparts and Electronic Signatures. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement. By executing this Agreement, the City and CONTRACTOR also consent and agree that any electronic signature, as defined by Civil Code § 1633.2(h), affixed thereon shall have the full force and effect as a wet or manual signature.

15.15. Authority. Any individual executing this Agreement on behalf of the City or the CONTRACTOR represents and warrants hereby that he or she has the requisite authority to enter into this Agreement on behalf of such party and bind the party to the terms and conditions of this Agreement.

15.16. Integration. This Agreement, including the exhibits any documents incorporated by reference, represent the entire Agreement between the City and the CONTRACTOR with respect to the subject matter of this Agreement and shall supersede all prior negotiations, representations, or agreements, either written or oral, between the City and the CONTRACTOR as of the effective date of this Agreement, which is the date that the City signs the Agreement.

15.17. Interpretation of Conflicting Provisions. In the event of any conflict or inconsistency between the provisions of this Agreement and the Provisions of any exhibit or other attachment to this Agreement, the provisions of this Agreement shall prevail and control.

15.18 Severability. If any of the provisions contained in the Contract are held illegal, invalid, or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability and indemnities shall survive termination of the Contract for any cause. If a part of this Contract is valid, all valid parts that are severable from the invalid part remain in effect. If a part of this Contract is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

This space is left blank, intentionally.

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

CITY OF PACIFIC GROVE

By: _____
City Mayor

Date: _____

By: _____
Department Head

Date: _____

Approved as to Form

By: _____
City Attorney

Date: _____

[2]

Approved as to Fiscal Provisions

By: _____
Finance

Date: _____

Approved as to Liability Provisions [3]

By: _____
Risk Management

Date: _____

CONTRACTOR

Harris & Associates, Inc.
Contractor's Business Name*

By: _____
(Signature of Chair, President, or Vice-President)*

Diane Sandman, Vice President, EPC
Name and Title

Date: _____

By: _____
(Signature of Secretary, Asst. Secretary, CFO, or Asst. Treasurer)*

_____
Name and Title

Date: _____

City Agreement Number: _____.

[2] Approval by Finance necessary only if financial questions or issues raised in Council approval of agreement.

[3] Approval by Risk Management is necessary only if changes are made in paragraph 8 or 9.

*INSTRUCTIONS: If CONTRACTOR is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers. If CONTRACTOR is a partnership, the name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement.

EXHIBIT A
SCOPE OF SERVICES / PAYMENT PROVISIONS

CONTRACTOR shall provide contract planning services provided by a senior planner, as approved by the City Manager and/or Director of Community Development. The planner will provide in-person (City Hall) and/or remote contract planning services (as approved by the Director of Community Development) to support City planning staff. The planner will provide planning support up to three (3) days (24 hours) per week, as determined by the City Manager and/or Director of Community Development. Duties may include, but would not be limited to, the following:

- Customer service/counter support
- Phone calls and email correspondence
- Ministerial and discretionary project review
- Staff report/resolution and ordinance preparation
- Current planning support including large, controversial development applications
- Public hearing support

City shall pay CONTRACTOR $165 per hour for Senior Planner staffing support services, and $190 per hour for Project Manager contract management. Project management services are anticipated to require one (1) hour per month. Payment shall be made by City after submittal of an invoice from CONTRACTOR itemizing the costs incurred by City.

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 5, 2023

SUBJECT: Library Board Appointment

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

RECOMMENDATION

Approve Aparna Sreenivasan appointment to Library Board with term ending January 31, 2027.

DISCUSSION

The Aparna Sreenivasan appointment fills a current vacancy.

City committees play a vital role in city government and provide opportunities for residents to become engaged in civic activities and work to improve local governance. We are very fortunate to have many highly qualified and talented residents willing to serve on City committees.

The term for Library Board appointments is 4 years.

Mayoral appointments to City committees must be confirmed by Council (Charter Article 26). Further regulations and policy regarding appointments can be found in PGMC Chapter 3.02 and Policy 000-5.

OPTIONS

N/A

FINANCIAL IMPACT:

There is no fiscal impact.

GOAL ALIGNMENT: Not Applicable.

Attachments

Redacted App & CV

CITY OF PACIFIC GROVE
www.ci.pacific-grove.ca.us

Application for Appointment to a Public Board, Commission, or Committee

Persons interested in being appointed to serve on a board, commission, or committee of the City of Pacific Grove are invited to complete the following application.

Name:
Aparna Sreenivasan

Street Address:
999 Benito Ct

City:	**State:**	**ZIP Code:**
Pacific Grove	CA	93950

Residence Telephone Number:	**Work Telephone Number:**	**E-Mail Address:**
831-917-7424	831-582-3210	indiagenetic1971@gmail.com

Name of Board, Commission, or Committee on which you would like to serve:
Library

Brief Description of Background and Qualifications (Additional Information May Be Attached on Separate Sheets): ATTACHMENT OF A RESUME IS DESIRABLE.

I hold a doctorate in Molecular Cell and Developmental Biology and a Science Communication certificate from UC Santa Cruz. I was a freelance science writer for more than a decade and now write a blog called Indianamericantalk.org, which focuses on the Indian American experience in the United States. I have also recently written for Voices of Monterey Bay. I am currently a Professor of Genetics and Molecular Biology at CSU Monterey Bay, where I have worked for almost 20 years teaching Genetics, Biochemistry, Bioethics, and the senior capstone course which focuses on research, presentations, and writing. I was instrumental in starting the Biology and Chemistry program at CSUMB in 2009 and run a research laboratory focusing on cell division. In this capacity I have trained more than 100 students in my laboratory over the years, and mentored and taught thousands. I currently manage an NIH funded program in collaboration with UC Santa Cruz's Stem Cell Department, which brings postdoctoral fellows to CSUMB for teaching training purposes.

As a community member, I was on the Founding Board of the Bay View Academy Charter school, which is now a successful K-8 in Monterey County. In addition to my love of writing, both in the sciences and for the lay public, I am an avid reader of fiction and non fiction and have been since a very young age. I would be an ideal member for the Library Board, based on my extensive knowledge of research, ability to communicate effectively both orally and in written format, and my commitment to this community, as a Professor of the local University and mother of two children in the PG schools.

I hereby certify that I am a registered voter of the City of Pacific Grove (not required for EDC appointees)

Signature of Applicant:	**Date:**
Aparna Sreenivasan	12-21-22

FOR CITY USE ONLY

Appointed to: _____

Date of Appointment: _____ ***Expiration:*** _____

Date of Reappointment: _____ ***End of Term:*** _____

Date Certification of Appreciation Awarded: _____

Aparna Sreenivasan, Ph.D.
Department of Biology and Chemistry
California State University, Monterey Bay
Chapman Science Center, Bldg. 53/307
Seaside, CA 93955-8001
[redacted]

Research Interests

Yeast genetics
The early G1 cell cycle checkpoint.
Genomics and bioinformatics
Biofuels

Educational Background

2002 Post-Doctoral Fellowship, Microbiology and Immunology, University of California San Francisco.

2001 Science Communication Certificate, University of California Santa Cruz.

2000 Ph.D. Molecular, Cellular, and Developmental Biology, University of California Santa Cruz, September.

1993 B.S. Microbiology and Molecular Genetics, University of California Los Angeles.

Professional Background

2021	Professor of Genetics and Molecular Biology, CSUMB
2019-2020	Biology and Chemistry Department Co-Chair
2015 - Present	Associate Professor of Genetics and Molecular Biology, CSUMB
2010- 2016, 2018	Biology Program Coordinator, CSUMB
2009-2015	Assistant Professor of Genetics and Cell and Molecular Biology, CSUMB
2004-2009	Adjunct Researcher and Lecturer, CSUMB
2006- 2010	ASAP Science Tutor Coordinator, CSUMB
2005- 2012	Consultant, Riverside Publishing
2003-2004	Science Content Editor, CTB McGraw Hill
2002-2003	Scientific Analyst, Lieff, Cabraser, Heimann and Bernstein
2001- Present	Freelance Science Writer

Teaching and Learning



Honors and Awards

May 2012: UROC Mentor Award
April 2008: The Allen Griffin Award for Excellence in Teaching
August 2001: NIH/UCSF Post-Doctoral Training Fellowship
September 2000: University of California Regent's Fellowship for Science Writing
September 2000: David and Lucille Packard Fellowship for Science Writing
Fall 1997-Spring 1998: Graduate Admissions Committee, UCSC MCD Department
September 1995: University of California Regent's Fellowship

Teaching

Courses Taught:

BIO 240 with lab- Ecology Evolution and Biodiversity. *Spring 2004-Spring 2008 (4 semesters). Examines the evolutionary and ecological relationships of organisms with their environment, as well as the breadth of biological diversity. Laboratory focuses on designing and performing basic scientific experiments using hypothesis and generating conclusions based on experimental results. Also focuses on science writing/how to write a good lab report.*

BIO 241with lab- Cellular and Molecular Biology. *Fall 2005-Fall 2006 (3 semesters) Introduces structure and function of biological molecules, cellular and molecular biology, cell metabolism including respiration and photosynthesis, principles of genetics, immunity, biotechnology, and genomics.Laboratory focuses on performing basic molecular biology experiments and learning to use basic molecular biology tools like pipetmen etc… Also focuses on science writing/ how to write a good lab report.*

ESSP 300 (now ENVS300) – Reading Writing and Critical Thinking for ESSP Majors. *Fall 2004-Spring 2007 (5 semesters). Students develop library research, writing, and critical analysis skills they will need to link science to policy decisions. Students develop a learning plan that integrates their ESSP concentration, capstone interests, and personal and professional goals. This course fulfills the Graduate Writing Assessment Requirement: All students must exhibit a subset of critical analysis and writing skills to pass the GWAR segment of this course. This course is the gateway to the upper division segment of the major and provides the base skills needed to successfully enter into the capstone.*

ESSP 286 (now ENVS 212) – Ethics, Science and Environmental Policy- *Spring 2006 (1 semester). Introduces ethical theory in a science and environmental policy context.Students develop personal statements of ethics combining analysis with introspection. Develops reading, writing, critical thinking, speaking, and listening skills.*

BIO 300- Issues and Ethics in Biology- *Spring 2008, Spring 2009, Spring 2010, Fall 2010, Spring 2011, Spring 2012, Spring 2013, Fall 2017, Fall 2018. Develops library research, writing, oral and critical analysis skills needed to link science to ethics in biology. Covers current issues that involve biology, ethics and society. Students develop a learning plan that integrates their Biology concentration, capstone and internship interests, and personal and professional goals. This course fulfills the Graduate Writing Assessment Requirement, all students must exhibit a subset of*

critical analysis and writing skills to pass the GWAR segment of this course. This course is the gateway to the upper division segment of the major and provides the base skills needed to successfully enter into the capstone.
*Developed the curriculum and taught the course.

BIO 311- Genetics – *Fall 2007, Fall 2008, Fall 2009, Summer 2011, Fall 2011, Summer 2012, Summer 2013, Summer 2014, Spring 2015, Summer 2015, Summer 2016, Spring 2016, Summer 2017, Spring 2018, Summer 2018, Summer 2019, Summer 2020, Fall 2020, Spring 2021, Summer 2021). Applies the principles of Mendelian inheritance anchromosomal basis of heredity in prokaryotes and eukaryotes. Covers recombination, biochemical genetics, mutation, DNA, genetic code, gene regulation, genes in populations. Introduces the molecular genetics of four systems: bacteria, yeast, Drosophila, and mouse/humans.*
*Developed the curriculum and taught the course.

BIO344L- Environmental Biotechnology – Fall 2009, Fall 2010 *Laboratory course covering techniques eukaryotic DNA purification, amplification, subcloning, and sequence analysis. Additional knowledge and skills acquired include microbial and eukaryotic cell culture, primer design, proposal writing. Lab course fee may be charged.*
*Developed the curriculum and taught the course.

BIO 361 (Now 461)- Eukaryotic Molecular Biology – *Fall 2011, Fall 2012, Fall 2013, Fall 2014, Fall 2015, Fall 2017, Fall 2018, Fall 2019 Advanced project-based lab and lecture course develops skills and understanding of current techniques in eukaryotic genetics and molecular biology. Six hours lab and two hours lecture per week.*
Developed the curriculum and taught the course.

BIO 392 – Biology Seminar Series – *Fall 2010, Spring 2011, Fall 2011, Spring 2012, Fall 2012, Spring 2013, Fall 2013, Spring 2014, Fall 2014, Fall 2015, Spring 2016.*

BIO 414- Advanced Cell Biology-*Fall 2008, Spring 2010, Spring 2011, Spring 2012, Spring 2013, Spring 2014, Spring 2015, Spring 2016, Spring 2018, Spring 2019, Spring 2020, Spring 2021. Cell structure, membrane transport, cell division, molecular genetics, recombinant DNA, mechanisms of evolution, and the basis of classification. Applies fundamental principles and experimental approaches in four areas of cell biology: cell cycle regulation, signal transduction, intracellular protein transport, and structure and function of cytoskeleton, including cell-cell and cell-substrate interactions. Explores recent advances in the fields of molecular and cell biology.*
Developed curriculum and taught the course

BIO490 (Now BIO 491)- Biology Capstone – *Fall 2008, Spring 2009, Fall 2009, Spring 2010, Fall 2010, Spring 2011, Fall 2011, Spring 2012, Fall 2012, Spring 2013, Fall 2013, Fall 2014 Fall 2017, Spring 2018, Fall 2018, Spring 2019, Fall 2019, Fall 2020. Assists students in completing the Capstone project developed in previous or concurrent course, including a written Capstone report and an oral presentation to BIO faculty and students. Requires prior completion of three upper-division BIO courses with grades of C or above.*

BIO 492 – Biology Course Based Capstone – *Fall 2013, Spring 2016, Fall 2017, Spring 2019, Spring 2020*

BIO 397/497 – Independent Research – *Fall 2017, Spring 2018, Fall 2018, Spring 2019, Fall 2019, Spring 2020, Fall 2020, Spring 2020,*

First year seminar Science Focus – *Fall 2007-Fall 2008 (2 semesters).*
Provides an introduction to academic life at CSUMB and the division of science and environmental policy. Teaches skills necessary to succeed in the various scientific disciplines, mathematics, chemistry and biology and works with students to build a foundation to learning as a lifelong process. Students identify the knowledge, skills, and abilities they will need to meet their personal, social, academic, and professional goals and connect with faculty in the sciences
Developed curriculum and taught the course

Short Courses and Trainings conducted:

Faculty Learning Program Lead, CSUMB, Fall 2020-Current

BD2K Genetics Crash Course Winter 2018, Winter 2019, Winter 2020

Genomics Education Partnership New Faculty Training – Summer 2020 *Virtual GEP training

Osher Lifelong Learning Institute Monterey – Summer 2016 – Short course – The Genetics of the Sense of Smell

Mentored Faculty:
Laura Serbus
Jennifer Betancourt
Charmaine Robinson
Eric Crandall
JP Dundore-Arias
Simon Titen
Elizabeth Mosquedo
Arun Sharma
Arun Jani
Elizabeth Alter
Frank Macabenta
Harold Hickey

Research Mentoring:
Post Doctoral Fellows:
Fall 2020 to present: Kelsie Rodriguez, Gina Mawla, Ben Topacio, Bryce Manso

Graduate Students:
Fall 2011: Scott Blanco
Fall 2009: William Brandt
Fall 2009: Erin Stanfield

Select Undergraduates:
Fall 2022 - Kaitlyn Link, Kailee Martinez
Fall 2021- Destani Derrico, Frankie Leyva, Robert Hayes
Spring 2021 – Destani Derrico, Carlos Rosas, Tyler Garrett,
Fall 2020 – Destani Derrico, Carlos Rosas, Gavin Drumm, Angela Albanese
Spring 2020 – Angela Albanese, Carlos Rosas, Madeline Hayman, Adam Azizi
Spring 2019 and Fall 2019 – Donny Wilson, Angela Albanese, Carlos Rosas, Katarina Wildermuth
Spring 2018 and Fall 2018 Dominic DiSilva, Jasmine Vargas, Donny Wilson

Fall 2016 and Spring 2017 Alex Ferriera, Jasmine Vargas, Leah Thompson
Fall 2015 and Spring 2016 – Sabbatical
Spring 2015 Carl Thacker, Charlie Farber, Austin Kim
Fall 2014: Elizabeth Ramsey, Andrea Valdez, SomairTaj, Austin Kim
Spring 2014: Abel Duarte, Alex Sigala, Maria Patino
Fall 2013: Stuti Desai, Edwin Sahami
Spring 2013: Alec Goldman, Kyle Roeder
Fall 2012: Michael Diaz, Sarah Siefert
Spring 2012: Kevin Johnson, Anthony Basilio
Fall 2011: Ben Longcor
Spring 2011: Jen Cleveland
Fall 2010: Pierre Boivin, Heart Dominguez
Spring 2010: Adan Romero, John Rowney, Becky Keates, Steven Bruce
Fall 2009: co-advised Lindsey Flores, Kenneth Stout, Priya Patel

Before 2009:
Spring 2008: Dawn Dallaire, Erika Valle, Mark Jenness
Spring 2007: Ashley Keels
Spring 2006: Rebecca Sipe, MaryAlison Higi

Curriculum Development Workshops attended:
Spring 2020 – Faculty Learning Program Workshop, Berkeley CA.

Spring 2018 – Writing Enriched Curriculum Conference / Workshops, Minneapolis, Minnesota

Spring 2016 – HSI Stem and Articulation Workshop (CSU Stanislaus)

Summer 2015 – Genomics Education Partnership Alumni Workshop, Washington University St. Louis MO.

Fall 2013: Bioinformatics Short Course UC Davis

Summer 2013: Genomics Education Partnership Alumni Workshop, Washington University St. Louis MO.

Summer 2013: BIO-CSU Course Redesign Workshop

Summer 2012: Genomics Education Partnership Alumni Workshop, Washington University St. Louis MO.

Spring 2012 : TLA Cooperative: Grant Writing CSUMB

Summer 2011: Genomics Education Partnership, Washington University St. Louis, MO.

Summer 2010: Silencing Genomes follow up, Cold Spring Harbor Labs, Pasadena, CA

Spring 2010: TLA Cooperative: Teaching Portfolios. CSUMB

Summer 2009: Silencing Genomes, Cold Spring Harbor Labs, CSU Dominguez Hills

Research

Grants Awarded

Spring 2021- CGN 2020: Genentech-sponsored Academic Inspiration Network (GAIN) Grant Request ID: G-89316. "The Genentech Foundation ("Foundation") $399,839.00. *joint with UCSC –**Sreenivasan Co-PI.**

Fall 2020 1K12GM139185-01NIH Institutional Research and Academic Career Award K12 GM139185 IRACDA *joint with UCSC $4.2 million total. CSUMB portion: $263,306 **Sreenivasan Co-PI.**

Fall 2014 Water Resources and Policy Initiatives (WRPI) Grant ($5146) **Sreenivasan - PI.**

Fall 2013 Chancellor's office Course Redesign ($5000) **Sreenivasan - PI.**

Fall 2013: New Biology research internship – (1-year pilot) ($5000) **Sreenivasan - PI.**

Spring 2012 CSUMB Faculty Incentive Grant – ($5000) **Sreenivasan - PI.**

Spring 2011 CSU Council on Ocean Affairs Science and Technology (COAST) Research Incentive Award – ($5146) **Sreenivasan - PI.**

Fall 2010: CSUMB Biology Seminar Series (5-year funding) ($25,000) **Sreenivasan - PI.**

Spring 2009 CSU Program for Research in Biotechnology Programmatic Grant ($15,000) **Sreenivasan - PI.**

Before 2009
Spring 2008: TLA Research Grant ($500), CSU Monterey Bay **Sreenivasan - PI.**

Spring 2007: CSUMB mini seed grant – ($5000) **Srenivasan - PI..**

Grants Listed as Key Personnel
1/1/19 – 12/31/21 National Endowment for the Humanities
Improving Learning and Achievement with Reading/Writing-Enriched Curriculum (RWEC) in the Disciplines $32,414

7/1/19 – 6/30/21 NIH/NIMHHD
Innovative Research Education and Articulation in the Preparation of Under-Represented and First-Generation Students for Careers in Biomedical Data Science $191,236

8/1/17 – 7/1/20 (extended) W.M. Keck Foundation
Modernizing Undergraduate Biology Education through the Integration of Genomics and Bioinformatics $66,260

9/1/17 – 8/31/22 U.S. Department of Education Ronald E. McNair Postbaccalaureate Achievement Program $244,214

4/15/15 – 3/31/20 NIH/IPERT Expanding the Genomics Education Partnership: Regional Mentoring and Training Networks to Diversify Bioinformatics Education and Research $444,131

Submitted Grants (unfunded and / or collaborated):

Spring 2018 – NSF-IUSE collaborative proposal with CSUMB/Hartnell College/MPC/Cabrillo College (assisted in writing and idea generation)

Spring 2018 – DiSilva D and Sreenivasan A. The Role of the PP2A Kinase Domain in the Cell Size Checkpoint in *S. cerevisiae*. President's Commission Scholars Program.

Fall 2014: NASA MUREP MIRO Notice of Intent submitted

Fall 2014: Minority Serving Institution Fellowship

Fall 2013: Water Resources Protection Initiative WRPI proposal.

Spring 2013: RFA-RM-13-001 Planning Grants for the NIH Building Infrastructure Leading to Diversity (BUILD) Initiative (P20). Collaboration with Humboldt State University.

Fall 2012: Participated in collaborative NSF proposal with Stanford University Carnegie Institute

Spring 2012: National Institutes of Health Support of Competitive Research (SCORE) SC2 Grant

Spring 2012: CSU Program for Research in Biotechnology New Investigator Grant

Spring 2011: Participated in a collaborative NSF proposal with UC Santa Cruz Department of Molecular Cell and Developmental Biology (Grant Hartzog lead)

Spring 2011: CSU Program for Research in Biotechnology New Investigator Grant

Summer 2011: Contributed to Biology Section of the HSI Stem & Articulation Grant submitted by UROC.

Spring 2010: Collaborative proposal with UC Davis Department of Microbiology for the NSF/IGERT grant

Spring 2010: LONG Family Foundation by Invitation

Spring 2010: Seagrant with Dr. Corey Garza

Spring 2010: NIH/HACU

Student / Faculty Submitted and Accepted Research Awards

(combined $18,000 over 10 years)

September 2021 TRIBETA Research Scholarship – Angela Albanese, **Aparna Sreenivasan** ($500)
September 2020 TRIBETA Research Scholarship – Carlos Rosas, **Aparna Sreenivasan** ($500)
September 2020 TRIBETA Research Scholarship – Angela Albanese, **Aparna Sreenivasan** ($500)
September 2019 TRIBETA Research Scholarship – Donny Wilson, **Aparna Sreenivasan** ($500)
September 2019 TRIBETA Research Scholarship – Angela Albanese, **Aparna Sreenivasan** ($500)

September 2019 TRIBETA Research Scholarship – Carlos Rosas, **Aparna Sreenivasan** ($500)
September 2018 TRIBETA Research Scholarship – Dominic DiSilva **Aparna Sreenivasan** ($500)
September 2018 TRIBETA Research Scholarship – Jasmine Vargas, **Aparna Sreenivasan** ($500)
September 2018 TRIBETA Research Scholarship – Donny Wilson, **Aparna Sreenivasan** ($500)
September 2017 TRIBETA Research Scholarship – Alex Ferreria, **Aparna Sreenivasan** ($500)
September 2017 TRIBETA Research Scholarship – Leah Martin, **Aparna Sreenivasan** ($500)
September 2017 TRIBETA Research Scholarship – Jasmine Vargas, **Aparna Sreenivasan** ($500)
September 2015 TRIBETA Research Scholarship – Charlie Farber, **Aparna Sreenivasan** ($500)
September 2015 TRIBETA Research Scholarship – Carl Thacker, **Aparna Sreenivasan** ($500)
September 2014 -TRIBETA Research Scholarship – Austin Kim **Aparna Sreenivasan,** ($500)
September 2014 -TRIBETA Research Scholarship – Elisabeth Carillo **Aparna Sreenivasan,** ($500)
September 2013 -TRIBETA Research Scholarship – Abel Duarte **Aparna Sreenivasan,** ($500)
September 2013 – TRIBETA Research Scholarship – Austin Kim, **Aparna Sreenivasan,** ($500)
October 2012 CSU COAST Undergraduate Research Awards – Abel Duarte **Aparna Sreenivasan**. (submitted).
October 2012 CSU COAST Undergraduate Research Awards – Alex Sigala, **Aparna Sreenivasan**. (submitted)
September 2012 TRIBETA Research Scholarship – Abel Duarte, **Aparna Sreenivasan** Research Mentor ($500).
September 2012 TRIBETA Research Scholarship – Alex Sigala **Aparna Sreenivasan** ($500).
October 2011 CSU COAST Undergraduate Research Awards – Kevin Johnson **Aparna Sreenivasan**. ($1500).
September 2011 TRIBETA Research Scholarship – Kevin Johnson **Aparna Sreenivasan** ($500)
September 2011 TRIBETA Research Scholarship – Michael Diaz, **Aparna Sreenivasan** ($500).
September 2010 TRIBETA Research Scholarship – Jena Cleveland **Aparna Sreenivasan** ($500)

Peer-Reviewed Publications

Lopatto D, Rosenwald AG, et al., including **Sreenivasan A**, Elgin SCR. **2020 Feb 28** Facilitating Growth through Frustration: Using Genomics Research in a Course-Based Undergraduate Research Experience. J Microbiol Biol Educ.**21(1):21.1.6.** doi: 10.1128/jmbe.v21i1.2005. PMID: 32148609; PMCID: PMC7048401.

Leung W, Shaffer CD, Reed LK et al., including **Sreenivasan A**...Elgin SC (**2015 Mar4**) Drosophila muller f elements maintain a distinct set of genomic properties over 40 million years of evolution. G3 (Bethesda).**5(5):719-40.** doi: 10.1534/g3.114.015966. PMID: 25740935; PMCID: PMC4426361.

Lopatto D, Hauser C, et al., including **Sreenivasan A**…Elgin SC. (**2014 Winter**) A Central Support System Can Facilitate Implementation and Sustainability of a Classroom-Based Undergraduate Research Experience (CURE) in Genomics. CBE Life Sci Educ.;13(4):711-23. doi: 10.1187/cbe.13-10-0200. PMID:5452493

Shaffer, CD et al. including **Sreenivasan A**…Elgin SCR **(2014)** A Course-Based Research Experience: How Benefits Change with Increased Investment in Instructional Time. CBE Life Sciences. 13(1):111-30.

***Gap here indicates time working in science communication and as a lecturer as well as time starting the biology program at CSUMB.**

Sreenivasan A., Bishop AC, Shokat, KM, and Kellogg DR. **(2003)** Specific Inhibition of Elm1 Kinase Activity Reveals Functions Required for G1 Events. *Mol. Cell Biol.* 23:6327-6337

Sreenivasan A. and Kellogg D. **(1999)** The Elm1 Kinase Functions in a Mitotic Signaling Network. *Mol. Cell Biol.* 19:7983-7994,.

Sreenivasan A. and Kellogg D. **(1999)** The Roles of the Elm1 and Swe1 Kinases in the Control of Mitotic Events in Budding Yeast. *CSH Press* 221a.

Manuscripts in Review/Revision or Preparation

Lopatto D, Rosenwald AG …including **Sreenivasan A,** Elgin SCR, Reed LK. **(2021)** Features of a successful genomics CURE: Faculty actions that promote student engagement and learning. J Microbiol Biol Educ. Submitted

Invited Presentations

Selected Presentations (*denotes undergraduate co-authors)

Jue N, **Sreenivasan A (2021)** Designing a CURE Infused Curriculum in the Biological Sciences National Council for Undergraduate Research, Bozeman MO (Abstract accepted for Presentation and workshop). *VIRTUAL FORMAT April 2021

Sreenivasan A (2021) Student Voice and Choice: How CUREs Develop Student Agency (workshop organizer and facilitator). CSUPERB Annual Symposium LINK: CSUPERB symposium *VIRTUAL FORMAT

Jue N, **Sreenivasan A (2020)** Designing a CURE Infused Curriculum in the Biological Sciences National Council for Undergraduate Research, Bozeman MO (Presentation and workshop). *This was cancelled due to the COVID-19 pandemic.

Fischauber P, Haeger, H, McDonald K, Slown C, **Sreenivasan A (2020)** Faculty Workshop: Effective STEM Education – Assessment of Course-based Undergraduate Research Experiences (CUREs) LINK CSUPERB symposium program *LEAD organizer and facilitator.

Lillig J, Mazzag B, Stone K, Sreenivasan A **(2020)** Active Bystander Workshop: See something, Say something, Do something! CSUPERB Annual Symposium. LINK: CSUPERB symposium program *LEAD organizer and facilitator.

Goodman A, Jue N, Malloy S, Rhoads D, Slown C, **Sreenivasan A (2019)** Effective STEM Education – Course-based Undergraduate Research Experiences (CURES). CSUPERB Annual Symposium LINK 2019 CSUPERB symposium *LEAD organizer and facilitator.

Lillig J, Mazzog B, Stone K, Sreenivasan A **(2019)** Bullying in the Workplace, School-place, and Research Space CSUPERB Annual Symposium *Lead organizer and facilitator. LINK: 2019 Symposium Program *LEAD organizer and facilitator.

DiSilva D*, Kellogg DR, **Sreenivasan A. (2019)** The Generation of Temperature Sensitive Mutants in the Lip1 Protein in *S. cerevisiae* to Investigate the Early G1 Checkpoint. TRIBETA regional convention, San Francisco CA. (Poster presentation).

Ferreira A*, Kellogg DR, **Sreenivasan A. (2018)** The Investigation of LAC1 in the Early G1 Events in *Saccharomyces cerevisiae.* TRIBETA National Convention, Pacific Grove CA. (Poster presentation)

Heager H, Oehlman N, **Sreenivasan A. (2018)** High Stakes, High Impact model of Support for High Stakes Writing in Undergraduate Research, National Council for Undergraduate Research Conference, Arlington VA. (oral presentation)

Thacker C*, Farber C*, **Sreenivasan A. (2016)** Deletion of a serine/threonine domain of PP2Arts1 using in vivo Plasmid Construction via Homologous Recombination in the yeast *Saccharomyces cerevisiae*. TRIBETA Regional Conference, CA. (Poster presentation)

Thacker C*, Farber C*, **Sreenivasan A. (2016)** Deletion of a serine/threonine domain of PP2Arts1 using in vivo Plasmid Construction via Homologous Recombination in the yeast *Saccharomyces cerevisiae*. CSU Student Research Competition. (oral presentation)

Sreenivasan A (2016) Journal Club: A Tool for Teaching Critical Disciplinary Reading and Oral Presentation CSUMB Teaching Learning and Assessment (oral presentation)

Sreenivasan A, Oehlman N **(2016)** Writing and Mentoring Together: Supporting Professional Writing Practices Through Modeling the Writing Process with Undergraduate Researchers. Council for Undergraduate Research Biannual Conference (oral presentation)

Sreenivasan A, Oehlman N **(2016)** This Is How I Do It: Using the "Think Aloud" Protocol to Support Critical Reading and Writing Across the Science Curriculum, Council for Undergraduate Research Biannual Conference (Workshop)

Sreenivasan A, Oehlman N. **(2016)** Modeling Critical Reading and Writing Strategies Using Think Alouds to Support Learning Across the Science Curriculum. AHSIE conference, San Marcos, CA. (Workshop)

Ana Maria Barral, **Aparna Sreenivasan**, Christopher D. Shaffer, Wilson Leung, David Lopatto, and Sarah CR Elgin. **(2015)** The Genomics Education Partnership Provides Undergraduate Research Using Bioinformatics. American Association for the Advancement of Science (AAAS). (Poster Presentation)

Michael JW, Jennifer RCA, Goodman AL, Leung W, Lopatto D, Rosenwald AG, Shaffer CD, **Sreenivasan A**, and Elgin SCR. **(2012).** The Genomics Education Partnership (GEP): An Undergraduate Active-Learning Experience in Genomics. American Society for Cell Biology Meeting. (Oral Presentation)

Sreenivasan A. (2012) The Toxicity of Pinto Lake, Watsonville CA. Biology Seminar

Series, California State University, Fresno. Oral Presentation.

Wolyniak MJ, Roecklein-Canfield JA, Goodman AL, Leung W, Lopatto D, Rosenwald AG, Shaffer CD, **Sreenivasan A**, and Elgin SCR. **(2012)** The Genomics Education Partnership: An undergraduate team research experience. American Society for Cell Biology Meeting December. (Poster Presentation)

Diaz M*., **Sreenivasan A,** Benbow ME. **(2012)**. Examining the Carbon-level Metabolic Profile of Blow Fly Associated Bacteria. TriBeta National Convention, San Juan, Puerto Rico, May 14-20, 2012. (Poster Presentation)

Diaz M*., **Sreenivasan A**, Benbow ME. (**2012**). Examining the Carbon-level Metabolic Profile of Blow Fly Associated Bacteria. TriBeta Western Regional Convention, Seaside, CA, April 7, 2012. (Poster Presentation)

Diaz M*., **Sreenivasan A,** Benbow ME. **(2012).** The Metabolic Diversity of Blow Fly (*Lucilia sericata*) Bacteria. Emerging Researchers National, Atlanta, Georgia, Feb. 23-25, 2012. (Poster Presentation).

Stanfield E*., LosHuertos MLH, **Sreenivasan A (2011)** Environmental factors associated with toxic cyanobacteria blooms in Pinto Lake, a Montery Bay Area coastal lake US Harmful Algal Bloom Symposium (Oral Presentation)

Stanfield E*., LosHuertos MLH, **Sreenivasan A (2011)** Presence and toxicity of freshwater cyanobacteria in a California Central Coast Lake European Science Foundation - Conference on Molecular Bioenergetics of Cyanobacteria (Poster Presentation)

Stanfield E.*, LosHuertos MLH, **Sreenivasan A (2010)** Diversity and abundance of potentially toxic cyanobacteria in a Monterey Bay Area coastal lake Monterey National Marine Sanctuary Currents Symposium (Poster Presentation).

Stanfield E*., LosHuertos MLH, **Sreenivasan A.(2009)** Investigating environmental factors associated with bloom-forming and potentially toxic cyanobacteria in two California Central Coast lakes Western Society of Naturalists Conference 2009 (Poster Presentation).

Johnson KE*, LosHuertos MLH, **Sreenivasan A.(2012)** The Presence of Microcystin Producing Cyanobacteria in Two Contrasting California Coastal Lakes. Beta Beta Beta Biological Society Regional Conference, Monterey CA.. 1st Place Award. (Poster Presentation).

Johnson KE*, LosHuertos MLH, **Sreenivasan A. (2011)** The Presence of Microcystin Producing Cyanobacteria in Two Contrasting California Coastal Lakes. California State University Research Competition 2011. Second Place Award. (Oral Presentation).

Johnson KE*, LosHuertos MLH, **Sreenivasan A. (2011)** The Presence of Microcystin Producing Cyanobacteria in Two Contrasting California Coastal Lakes. CSU Program for Research

in Biotechnology Conference (Orange County California) January 2011. (Poster Presentation).

Johnson KE*, LosHuertos MLH, **Sreenivasan A. (2011)** The Presence of Microcystin Producing Cyanobacteria in Two Contrasting California Coastal Lakes. AAAS/NSF Emerging Researchers National Conference in Stem (Washington D.C.) February 2011. 1st Place award. (Poster Presentation).

Johnson KE*, LosHuertos MLH, **Sreenivasan A. (2011)** The Presence of Microcystin Producing Cyanobacteria in Two Contrasting California Coastal Lakes. Monterey National Marine Sanctuary Currents Symposium (Poster Presentation).

Johnson KE*, LosHuertos MLH, **Sreenivasan A. (2010)** The Presence of Microcystin Producing Cyanobacteria in Two Contrasting California Coastal Lakes. Monterey National Marine Sanctuary Currents Symposium (Poster Presentation).

Professional Application

External Service:
2021- (Spring) Hosting Regional TRIBETA Symposium at CSUMB

2020- Program Reviewer CSU Bakersfield

2020- Invited Presenter to UCSC Graduate Course – Career Talk

2019 – Present CSUPERB Strategic Planning Council Member (elected)

2019 – Present Lead – CSUPERB CURES Network (appointed)

2019 – Present Lead Genomics Education Partnership Western Node

2018 – Present District Director West -2 Beta Beta Beta Biological Honor Society (appointed)

2018 – Hosted National TRIBETA symposium at CSUMB

2017 - Hosted Regional TRIBETA symposium at CSUMB

2015 – Invited Presenter UCSC Career Talk

2014 – Hosted Regional TRIBETA symposium at CSUMB

2014: Reviewer for the National Science Foundation Graduate Research Fellowship

2014: Invited presenter for UCSF IRACDA Postdoctoral fellows writing retreat Asilomar

2011- Present: Vice Chair of the CSU Biology Council

2011 – Present: Editorial Board member Journal of Microbiology & Biology Education, http://jmbe.asm.org/index.php/jmbe/about/editorialTeam.

2011-2019: Member of the CSUPERB Genomics Curriculum and Technology (GCAT) consortium.

2009- Present: Member CSUPERB Faculty Consensus Group (FCG)

Professional Associations:
2014- Present : Member, American Association for the Advancement of Science

2011- Present: Council for Undergraduate Research (CUR)

2010- Present: Genomics Education Partnership

2010-Present: CSU COAST

2009-Present: CSUPERB

2010- Present: TRIBETA National Honor Society – Graduate Member / Faculty sponsor

2009- present: Member, CSUPERB Faculty consensus group

2007- 2014: Member, National Science Teachers Association

2004: ASCB Local Arrangements Committee Member

2001 – 2006: Member, American Society for Microbiology

2000- 2006: Member, Northern California Science Writer's Association

2000 – 2019: Member, National Science Writer's Association

1999: Graduate Representative, International Teaching Evaluation

1997- Present: Member American Society for Cell Biology

Peer Review

Grants

Spring 2016 – CSUPERB New Investigator proposals

Spring 2015 – NSF Graduate Research Fellowship proposals

Fall 2014- NSF Graduate Research fellowship proposals

Fall 2013- COAST graduate marine research proposals

Fall 2012 – COAST graduate marine research proposals

Fall 2012 – COAST undergraduate marine research proposals

Fall 2012 – CSUPERB Symposium Abstracts

Spring 2012 – CSUPERB Entrepreneurial Joint Venture Grant Proposals

Spring 2012- COAST graduate marine research proposals

Spring 2012 – COAST undergraduate marine research proposals

Summer 2011 - SEAGRANT proposal

Spring 2010 – CSUPERB Research Grants

Research Awards Reviewer:
Fall 2017: Pauling Student awards committee

Fall 2011: CSUPERB Howell Student awards committee

Fall 2010: CSUPERB Abstract reviewer for symposium awards committee

Collaborative Partnerships and Research Experiences:
Ongoing research and teaching partnership with the UC Santa Cruz Stem Cell Institute

Ongoing collaborative partnership with Dr. William Sullivan at UC Santa Cruz

Ongoing collaborative partnership with Dr. Joseph DeRisi at UC San Francisco

Research experience for Undergraduates personal collaborative partnership with UC Davis' Department of Microbiology as their sister HSI

Research experience for Undergraduates personal collaboration with Dr. Angus Murphy's lab at Purdue University (collaborative effort with Dr. Henrik Kibak).

Research experience for Undergraduates personal collaboration with Dr. Karen Ottemann at UC Santa Cruz

Webinars:
Fall 2020 – Sreenivasan A and Valdez C - CSUPERB – Prepare for Fall LINK

Fall 2019 – McDonald K and Sreenivasan A – Course Based Research Experiences (CURES) A High Impact Practice To Support Diversity and Success in Stem LINK

Science Communication:
Journalism Experience:
Freelance science writer, July 2001- Present.
Intern, *National Science Foundation*, April 2001- July 2001.
Intern, *Monterey County Herald*, January 2001-April 2001.

Selected General Audience Publications:

Sreenivasan A. Community Care in the Time of COVID (2020) Voices of Monterey Bay https://voicesofmontereybay.org/

Sreenivasan A. Pandemic Puts a Hold on Lettuce Research (2020) Voices of Monterey Bay https://voicesofmontereybay.org/

Sreenivasan A. Thriving During the Pandemic (2020) Voices of Monterey Bay https://voicesofmontereybay.org/

Sreenivasan A. Mindful Moments with Buck Roggeman (2020) Voices of Monterey Bay https://voicesofmontereybay.org/

Sreenivasan A. Contributer. Bauman. R. (2007) *Microbiology with Diseases by Taxonomy,* Pearson Benjamin Cummings San Francisco, CA.

Sreenivasan A. Battle of the Bugs, *ScienceNOW*, July 21, 2005 http://www.sciencenow.org.

Sreenivasan A. In this Issue, Journal of Cell Biology, May 2004 – July 2004.

Sreenivasan A. Biodiversity Getting Baked, *ScienceNOW*, Jan. 7, 2004, http://www.sciencenow.sciencemag.org/dgi/content/full/2004/107/2.

Sreenivasan A. In Sex Reversal, Protein Deterred by Nuclear Barrier, *Science Magazine*, Vol. 302 pg 2050, Dec. 19, 2003.

Sreenivasan A. The Power of Webbed Feet, *ScienceNOW*, July 2, 2003. http://www.sciencenow.org.

Sreenivasan A. Real-Time PCR Gets Personal, *The Scientist* 17:13,43-44 June 30, 2003.

Sreenivasan A. Vintners Go High Tech *Science's Next Wave US Feature*, Nov. 2002. http://www.nextwave.org.

Sreenivasan A. Keeping Up With the Cones, *Natural History Magazine*, Feb. 2002.

Selected General Audience Publications:
Sreenivasan A. Naming Nature, Book Review, *The San Francisco Chronicle*, September 2009.

Sreenivasan A. The Evolution of Science, Book Review, *The San Francisco Chronicle*, April 2006.
Sreenivasan A. Miss Corpus, Book Review *The San Francisco Chronicle*, Feb. 2003.

Sreenivasan A. Entanglement: the greatest mystery in physics Book Review *The San Francisco Chronicle*, Nov. 2002.

Sreenivasan A. Entanglement: the greatest mystery in physics Book Review *The San Francisco Chronicle*, Nov. 2002.

University Service

Fall 2022 - Present - Lead Faculty Learning Program CSUMB

Fall 2021 – Present – Faculty At Large, Academic Senate Executive Committee

Fall 2021- Chemistry Search Committee member

Fall 2021 – Biology and Chemistry Program review co-lead CSUMB

Fall 2019 / Spring 2020 – Chair Population Genetics and Evolutionary Biology Search Committee

Spring 2020 – Present – Member COS Curriculum Committee

Spring 2019 - Fall 2019 – Member CSUMB Building Planning committee

Fall 2020 – COS Chair Elections Committee

Spring 2020- Marine Science Department RTP Committee

Spring 2020 – Biology and Chemistry Department RTP Committee

Spring 2019 – Biology and Chemistry Department RTP Committee

Fall 2018 / Spring 2019 Chair Plant Pathology Search Committee

Spring 2018 – Biology and Chemistry Department RTP Committee

Fall 2017-Present – Chair Faculty Affairs Committee CSUMB

Fall 2017 – Member, Associate Dean for College of Science Search Committee

Fall 2017/ Spring 2018 – Biology and Chemistry Department RTP committee

Fall 2015/ Spring 2016 – Biology and Chemistry Department RTP committee

Spring 2015 Wrote and Conducted Biology Program Review

Spring 2015 – Chair Population Genetics and Evolutionary Biology Search Committee

Fall 2014- Member, Population Genetics and Computational Biology Search Committee (replacement search)

Fall 2013: CSUMB Athletics Advisory Board Member

Fall 2013: Chair, Plant Pathology Search Committee

Fall 2012 – Chair Population Genetics and Computational Biology Search Committee

Spring 2012 – Member Evolutionary Developmental Biologist Search Committee

August 2011 – CSUMB Foundation Board member

Spring 2011 – Chair Microbiology Search committee

August 2010-2018 – Biology Major Coordinator

August 2011 – 2017 – UROC Advisory Board member

August 2010- 2018 SEP Ad-hoc Adjunct Faculty Committee

August 2010- Present Founding faculty PhiBeta Chapter of TRIBETA Honor Society CSUMB

August 2010- CSUMB Biology Seminar Series coordinator

January 2010- August 2010- Co-Chair Marine Organismal Physiology search committee

January 2010- April 2010 – Member, University Wide Nursing Search committee

July 2009- 2014 SEP CWSP committee member

January 2008- August 2010, Chair, Biology major planning committee.

September 2006 – September 2009, EngCom ULR Committee, CSUMB

September 2006 – September 2010, ASAP Science Tutor coordinator, CSUMB

September 2006 – September 2010 Biology Planning committee, CSUMB

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 5, 2023

SUBJECT: Public Hearing Procedure in Council Policy 000-9

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

RECOMMENDATION

Direct the City Attorney to prepare a Resolution amending Council Policy 000-9 (Council Guidelines) to implement the proposed public hearing and appeal procedures.

DISCUSSION

The aim of this policy amendment is to provide a clear public hearing procedure and identify the appropriate city codes that govern hearings and appeals. In doing so, it is more likely that hearings will be conducted correctly, and everyone will know beforehand what steps are to be taken.

Only Sections II and IV of Policy 000-9 are being amended.

Clarification of public hearing and appeal procedures is needed for two reasons. Existing policy could be more precisely written. Current practice has evolved.

OPTIONS

Provide alternate direction or do not approve.

FINANCIAL IMPACT:

There is no fiscal impact.

GOAL ALIGNMENT: Not Applicable.

Attachments

1 Redlined amended Policy 000-9

2 Clean amended Policy 000-9

CITY OF PACIFIC GROVE
CITY COUNCIL POLICY

Policy Governing	Policy No.	Effective Date	Page
Council Guidelines	000-9	February 3, 2010	1 of 4

I. AGENDA PACKET PREPARATION AND DISTRIBUTION

1. Agenda packets will be prepared and distributed in accordance with PGMC 2.04.050 and the Ralph M. Brown Act. However, the deadline for agenda submittals may be sooner to account for any scheduled workdays off that are necessary for publishing and distribution. Publishing/distribution of the agenda packet to Council is by email notification (preferred) unless otherwise instructed.

2. The goal is to have a complete agenda packet at the time of its distribution. If, however, staff receives substantiating information, reports, proposed emergency ordinances and other such information to the Council after packet distribution, including at the time of the Council meeting, staff may provide this material, so long as the public is correspondingly informed and is given access in accordance with the Brown Act.

3. Nothing contained in this policy shall prevent the normal flow of legally permissible information from staff to the Council needed to keep the Council informed.

II. PUBLIC HEARING PROCEDURES

PGMC Chapter 23.86 Public Meeting and Hearing Procedures shall be adhered to.

Action on Coastal Development Permit applications require adherence to PGMC 23.90.070 CDP application public notice and hearing.

For public hearings involving a quasi-judicial determination by Council ~~(e.g. where a decision modifies vested property rights, or when a matter is raised by appeal pursuant to the Municipal Code),~~ the following procedure applies:

1. Council Ex parte communication is disclosed.
2. Staff provides a report on the public hearing item, including correspondence.
3. Public hearing is opened.
4. The applicant or appellant of the item shall be allocated a maximum of 10 minutes to speak. If a single designated spokesperson is provided to the City Clerk, in advance of the meeting, names of persons who request the spokesperson to speak on their behalf, such persons being 10 or greater in number, that single spokesperson shall be allocated an increased amount of time to speak, not to exceed an additional 10 minutes.
5. If a single designated spokesperson in opposition is provided to the City Clerk, in advance of the meeting, names of persons who request the spokesperson to speak on their behalf, such persons being 10 or greater in number, that single spokesperson shall be allocated a maximum of 10 minutes to speak.
6. Public speakers other than the applicant or appellant or designated spokesperson will each be allocated a maximum of 3 minutes or less to speak, whether in support or opposition.
7. Applicant or appellant of the item shall be allocated a maximum of 5 minutes to speak on rebuttal.

8. Opposition spokesperson shall be allocated a maximum of 5 minutes to speak on surrebuttal.
9. Public hearing is closed.
10. Council dialogue is followed by motion to adopt findings and decision.

~~Each public hearing on the City Council agenda will be called in the order noted on the agenda. Staff will first present a brief report on the public hearing item, including correspondence.~~

~~The public hearing will then be opened. For public hearings involving a quasi-judicial determination by the Council (e.g. where a decision modifies vested property rights, or when a matter is raised by appeal pursuant to the Municipal Code), the applicant or proponent of an item shall be allocated a maximum of 10 minutes to speak. If a single designated spokesperson provides the City Clerk, in advance of the meeting, names of persons who request her or him to speak on their behalf, such persons being 10 or greater in number, that single spokesperson shall be allocated an increased amount of time to speak, not to exceed 10 minutes. Depending on time available and the number of people wishing to speak, all other speakers will be limited in their allocated time to 3 minutes each or less.~~

~~In public hearings not involving a quasi-judicial determination by the Council, all speakers will be limited in their allocated time to 3 minutes each or less, whether in support or opposition to the item.~~

~~Very brief rebuttal and surrebuttal may be allowed, at the sole discretion of the Council.~~

~~Questions by any speaker shall be directed to the Mayor.~~

~~Once all persons desiring to address the Council have done so, or the allotted time has expired, the matter will then be returned to the Council. All questions having been directed to the Mayor will then be addressed by staff, in the order and format as directed by the Mayor.~~

~~The Mayor has the option of requesting that a motion be made to move the item or first facilitating discussion of the issue at hand, to allow the Council to explore the various views and available options. Once a motion is made and seconded, Council Members will discuss and then vote on the motion. If the motion fails, additional discussion and motions can follow, until the matter is resolved.~~

III. RECOGNITION BY CHAIR

All persons, including members of the Council, wishing to speak shall first be recognized by the Chair.

IV. APPEAL HEARING ~~FROM PLANNING COMMISSION~~

PGMC Chapter 23.74.050 (d) Processing of appeals and call-ups – Actions and Findings shall be adhered to.

PGMC Chapter 23.90.100 Appeals of CDP decisions shall be adhered to for Coastal Development Permit application appeals.

PGMC Chapter 12.70 Appeals shall be adhered to for tree decisions.

~~In accordance with Municipal Code Section 23.72.130, any person aggrieved by an action or decision of the Planning Commission, may appeal to the City Council, by paying a prescribed fee and submitting a written statement of the grounds for appeal. The Code also requires notice to the Planning Commission of such appeal, and a report submitted by the Planning Commission to the City Council, setting forth the reasons for action taken, or the Planning Commission shall be represented at the Council meeting. The City Council shall render its decision within 45 days after the filing of such appeal.~~

~~Further, Section 23.72.130(f) reserves the Council's authority to review any action or decision of the Planning Commission, and to make its own decision on such action or matter. The Council shall always have until its next regularly scheduled meeting following such action for review.~~

The Council shall hold a hearing de novo on appeals ~~and matters called~~. A de novo hearing on appeal is not dependent on the record of the body from which an appeal is taken. Evidence is taken, witnesses appear and statements are made, all without regard to whether precisely the same evidence, witnesses and statements were recorded at the hearing below. Thus, although the Municipal Code labels it an appeal, it is in fact a second (or third, if it is a hearing on the Planning Commission's decision on appeal from the Architectural Review Board) full, *de novo* consideration of the issue.

~~The Council may also return an appeal to the Planning Commission because the Council has heard new evidence. From the description above, Council will infer that virtually no hearing de novo will result in a duplication of the hearing below—something, some statements, some piece of documentation, will be new.~~

Failure of the Council to reverse, uphold, or uphold with modifications the action appealed or called up, results in the Beautification and Natural Resources Commission or Planning Commission action standing as decided. (Such failure would occur, for example, in the event of a Council tie vote.)

V. APPOINTMENT OF COUNCIL COMMITTEES

From time to time, the Council may see fit to appoint an *ad hoc* committee. When a Council committee is appointed, the Mayor will assign a maximum of three Council Members.

The Mayor designates the Council Member to serve as Committee Chair. In the event of a change in Council or committee assignments, the senior member of the Council will serve as Committee Chair. If there is a Council-Planning Commission committee, a member of the Council shall serve as Chair for the group.

VI. VOTES REQUIRED FOR ACTION

Article 15 of the Charter provides that four affirmative votes of the Council are necessary to adopt ordinances, resolutions, or claims against the City. Except as specified elsewhere, it is also Council policy that all actions of the Council (except those calling for five votes, such as urgency ordinances) require the affirmative vote of four members, irrespective of the number in attendance when an action is taken.

VII. BROWN ACT PROCEDURES

The City Council operates in accordance with the provisions set forth in the Ralph M. Brown Act (Brown Act). The City Attorney shall provide training and written materials on the Brown Act.

CITY OF PACIFIC GROVE
CITY COUNCIL POLICY

Policy Governing	Policy No.	Effective Date	Page
Council Guidelines	000-9	February 3, 2010	1 of 4

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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/DEI Coordinator

MEETING DATE: April 5, 2023

SUBJECT: Economic Development Commission Meeting Minutes: 8/11/2022, 9/22/2022, 10/13/2022, and 11/20/2022.

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

RECOMMENDATION

Receive minutes.

Attachments

EDC Minutes

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MEETING MINUTES

CITY OF PACIFIC GROVE

ECONOMIC DEVELOPMENT COMMISSION

REGULAR MEETING AGENDA

Thursday, August 11, 2022, 4:00 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 WEBINAR TO PARTICIPATE LIVE AT:

https://us02web.zoom.us/j/87227739875

To participate telephonically, call any number below:

877 853 5247 (Toll Free)
888 788 0099 (Toll Free)
669 900 9128

Webinar Meeting ID: 872 2773 9875

CALL TO ORDER

The meeting was called to order at 4:00 pm and roll call was conducted with the following Commissioners present via Zoom Webinar: Commissioners, Markowitz, Uppman, and Zina, and Ex-Officio Member MacMurdo. Chair Mourlam and Commissioner Richmond absent.

1. **APPROVAL OF AGENDA**

Agenda approved.

Approved 3-0-2, by the following roll call vote:

AYES:	Commissioners Markowitz, Uppman, and Zina.
NOES:	None.
ABSENT:	Chair Mourlam and Commissioner Richmond.

2. **COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)**

Commissioners and staff made general announcements.

3. **COUNCIL LIAISON ANNOUNCEMENTS**

Council Liaison McAdams made general announcements.

4. **GENERAL PUBLIC COMMENT**

No public comment.

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5. **APPROVAL OF THE MINUTES**

A. Economic Development Commission Meeting Minutes: July 14, 2022

Action: Approved minutes.

Approved 3-0-2, by the following roll call vote:

AYES:	Chair Mourlam, Commissioners Markowitz, Uppman, and Zina.
NOES:	None.
ABSENT:	Chair Mourlam and Commissioner Richmond.

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

REGULAR AGENDA

6. Bank Closures

Public comment received from Matthew Bosworth, Mike Wachs, and Debby Beck.

Action: Discussed bank closures.

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

7. Request for Information for Parties Interested in a Potential "Makers Space" or "Craftsmen Collective" Retail Space

Public comment received from Mike Wachs.

Action: Upon motion by Commissioner Zina and seconded by Commissioner Uppman, the Commission approved the release of a Request for Information (RFI) for parties interested in a potential makers' space retail store and provided at least one month for respondents to submit their answers with the potential to extend the deadline.

Motion carried 3-0-2, by the following roll call vote:

AYES:	Chair Mourlam, Commissioners Markowitz, Uppman, and Zina.
NOES:	None.
ABSENT:	Chair Mourlam and Commissioner Richmond.

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

8. Economic Development Webpage Preview

Public comment received from Mike Wachs.

Action: Received the presentation.

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

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9. Oral Update from Laurel O'Halloran, Associate Planner/Economic Development Coordinator
No public comment received.

Action: Received the update.

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

10. UNFINISHED AND ONGOING BUSINESS

ADJOURNMENT
The meeting adjourned at 5:15 pm. The next regular meeting is scheduled for September 8, 2022.

Respectfully Submitted,

DocuSigned by:
Sandra Yandell
4F11A61C850B4E1...
FOR Kerry Lindstrom
Deputy City Clerk

Approved by Chair: DocuSigned by: Erik Uppman 47A86DB007D5470 Date 3/28/2023

DocuSign Envelope ID: 33B31FF0-A66E-4FD0-9AF5-0EA095AA622C

MEETING MINUTES

CITY OF PACIFIC GROVE

ECONOMIC DEVELOPMENT COMMISSION

REGULAR MEETING AGENDA

Thursday, September 22, 2022, 4:00 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 WEBINAR TO PARTICIPATE LIVE AT:

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888 788 0099 (Toll Free)
+1 669 900 9128

Webinar Meeting ID: 872 2773 9875

CALL TO ORDER:
CHAIR MOURLAM CANCELED THE MEETING DUE TO THE ABSENCE OF A QUORUM.

1. **APPROVAL OF AGENDA**

2. **COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)**

3. **COUNCIL LIAISON ANNOUNCEMENTS**

4. **GENERAL PUBLIC COMMENT**

5. **APPROVAL OF THE MINUTES**

REGULAR AGENDA

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6. Proposed Program Modification to EDC Women and Minority Business Owner Grant

Action: Recommend that the EDC Women and Minority-Owned Business Grant Program be modified to allow for EDC recommendation of proposed grant recipients for City Council consideration of award.

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

7. PickPG Economic Development Webpage Update

Action: Receive the update.

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

8. Update re. Request for Information for Parties Interested in a Potential "Makers Space" or "Craftsman Collective" Retail Space

Action: Receive the update.

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

9. Presentation from Guest Business Owner Speaker: Sara Pryer, Grand Avenue Flooring

Action: Receive the presentation.

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

10. UNFINISHED AND ONGOING BUSINESS

ADJOURNMENT

The meeting was canceled at 4:09 pm. The next regular meeting is scheduled for October 13, 2022.

Respectfully Submitted,

DocuSigned by:
Sandra Yandell
4F11A61C850B4E1...

FOR Kerry Lindstrom
Deputy City Clerk

Approved by Chair: DocuSigned by: Erik Uppman 47A86DB007D5470... Date 3/28/2023

DocuSign Envelope ID: 6B81BBD6-1ED8-400B-B6C0-91634905D0F5

MEETING MINUTES

CITY OF PACIFIC GROVE

ECONOMIC DEVELOPMENT COMMISSION

REGULAR MEETING AGENDA

Thursday, October 13, 2022, 4:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

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

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

THE 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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Webinar ID: 872 2773 9875

CALL TO ORDER
The meeting was called to order at 4:00 pm. The following Commissioners were present in Chamber: Chair Mourlam, Commissioners Richmond and Zina, and Ex-Officio Member MacMurdo. Present via Zoom Webinar: Commissioners Markowitz and Uppman.

1. **APPROVAL OF AGENDA**
Agenda approved.

Approved 5-0, by the following roll call vote:

AYES:	Chair Mourlam, Commissioners Markowitz, Richmond, Uppman, and Zina.
NOES:	None.
ABSENT:	None.

2. **COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)**
Commissioners and staff made general announcements.

DocuSign Envelope ID: 6B81BBD6-1ED8-400B-B6C0-91634905D0F5

3. **COUNCIL LIAISON ANNOUNCEMENTS**
Council Liaison McAdams made general announcements.

4. **GENERAL PUBLIC COMMENT**
No public comment was received.

5. **APPROVAL OF THE MINUTES**

REGULAR AGENDA

6. Proposed Program Modification to EDC Women and Minority Business Owner Grant
No public comment was received.

Action: Upon motion by Commissioner Uppman and seconded by Commissioner Zina, the Commission approved the recommendation by the City Attorney to include the City Council review of the recommendation for the Women and Minority owned business grant program in order to confirm the final recipients.

Motion carried 5-0, by the following roll call vote:

AYES:	Chair Mourlam, Commissioners Markowitz, Richmond, Uppman, and Zina.
NOES:	None.
ABSENT:	None.

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

7. PickPG Economic Development Webpage Update
No public comment received.

Action: Received the update.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

8. Search Engine Marketing for Economic Development Website
No public comment received.

Action: Upon motion by Chair Mourlam and seconded by Commissioner Zina, the Commission recommended the EDC allocate up to $3,000 for Search Engine Marketing (SEM) using Google Ad Campaigns and an additional, up to $2000, towards other social media platforms to promote the Economic Development website.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

Motion carried 5-0, by the following roll call vote:

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AYES:	Chair Mourlam, Commissioners Markowitz, Richmond, Uppman, and Zina.
NOES:	None.
ABSENT:	None.

9. Re-opening of the Request for Information (RFI) for Parties Interested in a Potential Makers' Space Retail Store

No public comment received.
Action: Upon motion by Commissioner Markowitz and seconded by Commissioner Richmond, the Commission approved the re-opening of the Request for Information (RFI) for parties interested in a potential makers' space retail store, with a focus on potential private leaseholders, and provide, through December 31, 2022, for respondents to submit their answers.

Motion carried 5-0, by the following roll call vote:

AYES:	Chair Mourlam, Commissioners Markowitz, Richmond, Uppman, and Zina.
NOES:	None.
ABSENT:	None.

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

10. Small Business Recovery Action Plan Report ***This item was continued to the November 2022 meeting.***

Reference: Kirstin Hinds, HdL Companies

Recommended Action: Receive report and provide input.

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

Action: Upon motion by Chair Mourlam and seconded by Commissioner Richmond, the Commission voted to continue Item 10, Small Business Recovery Action Plan, to the November 2022 meeting.

Motion carried 5-0, by the following roll call vote:

AYES:	Chair Mourlam, Commissioners Markowitz, Richmond, Uppman, and Zina.
NOES:	None.
ABSENT:	None.

11. UNFINISHED AND ONGOING BUSINESS

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ADJOURNMENT

The meeting adjourned at 5:25 pm. The next regular meeting is scheduled for November 10, 2022.

Respectfully Submitted,

DocuSigned by:
Sandra Yandell
4F11A61C850B4E1...

FOR Kerry Lindstrom
Deputy City Clerk

Approved by Chair: DocuSigned by: Erik Uppman 47A86DB007D5470... Date 3/28/2023

DocuSign Envelope ID: F2A078B6-E65F-4042-B0BB-B3A8C85A8268

MEETING MINUTES

CITY OF PACIFIC GROVE

ECONOMIC DEVELOPMENT COMMISSION

REGULAR MEETING AGENDA

Thursday, November 10, 2022, 4:00 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 WEBINAR TO PARTICIPATE LIVE AT:
https://us02web.zoom.us/j/87227739875

To participate telephonically, call any number below:
877 853 5247 (Toll Free)
888 788 0099 (Toll Free)
+1 669 900 9128

Webinar Meeting ID: 872 2773 9875

CALL TO ORDER
The meeting was called to order at 4:02 pm. The following Commissioners were present via Zoom Webinar: Chair Mourlam, Commissioners Markowitz, Uppman, and Zina (arriving approximately at 4:10 pm), and Ex-Officio Member MacMurdo. Commissioner Richmond absent.

1. **APPROVAL OF AGENDA**
Chair Mourlam requested Item 8 be moved to the beginning of the Regular Agenda.

Action: Upon motion by Chair Mourlam and seconded by Commissioner Uppman, the Commission voted to approve the agenda as amended.

Motion carried 3-0-2, by the following roll call vote:

AYES:	Chair Mourlam, Commissioners Markowitz, Richmond, and Uppman..
NOES:	None.
ABSENT:	Commissioners Richmond and Zina

2. **COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)**
Commissioners and staff made general announcements.

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3. **COUNCIL LIAISON ANNOUNCEMENTS**
Council Liaison McAdams made general announcements.

4. **GENERAL PUBLIC COMMENT**
No public comment was received.

5. **APPROVAL OF THE MINUTES**

REGULAR AGENDA

6. Small Business Recovery Action Plan Report ***This item was continued from the October 13, 2022 meeting and moved to the beginning of the Regular Agenda.***
Public comment received from Liz Jacobs.

Action: Received report and provided input.

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

7. Budget Update ***This item was continued to the December 2022 meeting.***

Reference: Ben Harvey, City Manager

Action: Receive the report and appoint a subcommittee to determine proposed expenditures for consideration at the December 8, 2022 meeting.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

Action: Upon motion by Chair Mourlam and seconded by Commissioner Uppman, the Commission voted to continue Item 6, Budget Update, to the December 2022 meeting.

Motion carried 4-0-1, by the following roll call vote:

AYES:	Chair Mourlam, Commissioners Markowitz, Uppman, and Zina.
NOES:	None.
ABSENT:	Commissioner Richmond.

8. Proposed Downtown Business Sign - Ocean View Blvd. & Eardley Ave. ***This item was continued to the December 2022 meeting.***

Action: Allocate $5,000 of the EDC budget for the creation of a new sign that is either a map of the downtown businesses or a directional sign toward the businesses.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

Action: Upon motion by Chair Mourlam and seconded by Commissioner Uppman, the Commission voted to continue Item 6, Budget Update, to the December 2022 meeting.

Motion carried 4-0-1, by the following roll call vote:

AYES:	Chair Mourlam, Commissioners Markowitz, Uppman, and Zina.
NOES:	None.
ABSENT:	Commissioner Richmond.

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9. Small Business Recovery Action Plan Report ***This item was continued from the October 13, 2022 meeting and moved to the beginning of the Regular Agenda.***

Action: Receive report and provide input.

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

10. Pacific Grove Art District
No public comment received.

Action: Upon motion by Commissioner Zina and seconded by Ex-Officio Member MacMurdo, the Commission formed a subcommittee focused on the Pacific Grove Art District with Commissioner Zina, Ex-Officio Member MacMurdo, and Liz Jacobs members of the subcommittee.

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

11. Preview of PickPG.org Economic Development Website
No public comment received.

Action: Received the presentation.

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

12. UNFINISHED AND ONGOING BUSINESS

ADJOURNMENT
The meeting adjourned at 5:32 pm. The next regular meeting is scheduled for December 8, 2022.

Respectfully Submitted,

DocuSigned by:
Sandra Landell
4F11A61C850B4E1...
FOR Kerry Lindstrom
Deputy City Clerk

Approved by Chair: DocuSigned by: Erik Uppman 47A86DB007D5470 Date 3/28/2023

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Leticia Livian, Human Resources Director

MEETING DATE: April 5, 2023

SUBJECT: First reading of an ordinance to amend the City Salary Classification Schedule - Adding a new classification

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

RECOMMENDATION

1. Request the City Attorney read the title of the ordinance;
2. Motion to waive further reading of the ordinance;
3. Introduce and hold a first reading of an ordinance to amend the salary classification schedule to establish a salary range for new classification of Property and Evidence Technician and approve the amendment; and
4. Direct that a summary of a proposed ordinance be published as approved by the City Attorney.

DISCUSSION

The City's salary schedule identifies job classifications that have been approved by Council (e.g., Administrative Technician) and the hourly rates of pay for each classification at each step authorized by the Personnel Rules. Pursuant to Charter Article 25 and the Pacific Grove Municipal Code (PGMC) Section 4.20.280, approval and amendment to the salary schedule must be adopted by the Council. The requested changes seek to establish a salary range for Property and Evidence Technician. All other classifications in the salary schedule remain the same. To view the entire salary schedule, please refer to the City's website.

Staff is recommending an amendment to the salary classification schedule to establish a salary range for Property and Evidence Technician. This classification is non-exempt and aligns with the General Employees Association (GEA).

This new classification is responsible for receiving, transporting, verifying, storing, recording, safeguarding, releasing and disposing of evidence, including firearms, and other property booked into Police Department. Historically, these tasks have been performed by a Police Services Technician with specialized training, skills and certification.

A 5% Property and Evidence Management certification pay was provided to the incumbent in this role. It is recommended the 5% certification pay be rolled into the proposed hourly rate for Management certification be required to obtain within the first six months of employment in this classification.

The proposed hourly salary starting step is 5% above Police Services Technician classification starting hourly rate. Steps 1 through 5 have a 5% spread between the steps. Steps 6 and 7 have a 3.75% spread between the steps as these were formal longevity steps and are consistent with the salary structure for classifications represented by the GEA.

Classification	Step	Step	Step	Step	Step	Step	Step
Property and Evidence Technician	1A	2B	3C	4D	5E	6F	7G
Hourly Salary Rate	28.01	29.41	30.88	32.43	34.05	35.32	36.65

OPTIONS

1. Take no action.
2. Provide alternate direction.

FINANCIAL IMPACT:
The addition of the Property and Evidence Technician is cost neutral.

GOAL ALIGNMENT: Not Applicable.

Attachments

Ordinance
Property and Evidence Technician

ORDINANCE NO. 23-____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AMENDING THE SALARY SCHEDULE TO ADD THE PROPERTY AND EVIDENCE TECHNICIAN CLASSIFICATION

Findings

1. Staff is recommending adding a new Property and Evidence classification to the salary schedule; and

2. This new classification is responsible for receiving, transporting, verifying, storing, recording, safeguarding, releasing and disposing of evidence, including firearms, and other property booked into Police Department; and

3. This work has historically been performed by a Police Services Technician with specialized skills; and

4. The salary schedule amendment seeks to establish salary ranges for Property and Evidence Technician; and

5. Amendment to the salary schedule classification plan must be adopted by the City Council pursuant to Pacific Grove Municipal Code (PGMC) Section 4.20.280; and

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. Enactment of this ordinance action does not constitute 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 pursuant Section 15378.

Ordinance

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

SECTION 1. The foregoing findings of the City Council are incorporated into this Ordinance as if set forth in full.

SECTION 2. The position classification plan approved and adopted by the City Council pursuant to PGMC § 4.20.280 is amended to add the Property and Evidence Technician classification.

Classification	Step	Step	Step	Step	Step	Step	Step
Property and Evidence Technician	1A	2B	3C	4D	5E	6F	7G
Hourly Salary Rate	28.01	29.41	30.88	32.43	34.05	35.32	36.65

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. In accord with Article 15 of the City Charter, this ordinance shall become effective on April 19, 2023.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this _____ day of April 2023, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN PIERIK, City Attorney

Property and Evidence Technician
Classification/Job Description

SUMMARY:

Under general supervision, to receive, load, transport, verify, store, record, safeguard, release and dispose of evidence and other property booked into Police Department and maintain related property records, and perform related work as required.

The Police Property and Evidence Specialist handles a broad range of confidential and sensitive records, maintains the integrity and security of criminal evidence, including the handling of hazardous and bio-hazardous substances in a variety of containers and packaging.

ESSENTIAL FUNCTIONS: As defined under the Americans with Disabilities Act, essential functions may include any of the following representative duties, knowledge, and skills. This is not a comprehensive listing of all functions and duties performed by incumbents of this class; employees may be assigned duties which are not listed below; reasonable accommodation will be made as required. The job description does not constitute an employment agreement and is subject to change at any time by the employer. Essential duties and responsibilities may include, but are not limited to, the following:

Essential duties and responsibilities may include, but are not limited to, the following:

- Receives property and evidence, documents receipt, maintains the physical integrity and control and the chain of custody, and physically stores property and evidence in the designated property and evidence areas.
- Prepares evidence for submittal to the District Attorney's Office, outside law enforcement agencies or labs for analysis; including packaging, securing, and preserving evidence items, preparing required forms, and submitting forms with evidence.
- Coordinates with crime laboratories; determines and justifies which evidence to refer; prepares and transports evidence including weapons, narcotics, and biological specimens for analysis and processing by others.
- Manages digital evidence system, including recordings from body worn cameras, in-car cameras, surveillance footage and photographs; ensures files are properly maintained, processes duplication requests from the District Attorney's Office and responds to Public Records Act requests.
- Releases and purges property and evidence following appropriate Federal, State, and local laws and regulations; prepares evidence and property for auction and/or disposal upon completion of court proceedings.

- Acts as liaison to the court and other offices requiring the transmission of property and evidence; prepares evidence for officers and investigators for court proceedings; maintains records and tracks such actions.

- Releases property to the public; prepares the proper paperwork and prepares evidence for pick-up; completes the necessary reports and documentation for release.

- Performs difficult, complex, technical and/or specialized administrative work that requires the exercise of independent judgment, the application of technical skills, and a detailed knowledge of the activities and procedures specific to the Police Department.

- Prepares correspondence, reports, forms, receipts, and specialized documents such as property claim letters to citizens, and other correspondence.

- Performs general oversight of the Department's equipment and supply function, to include issuing and receiving equipment and other supplies to Department personnel, making equipment and supply purchases, and maintaining inventory records.

- Supports the relationship between the City of Pacific Grove and the general public by demonstrating courteous and cooperative behavior when interacting with community members, visitors, and City staff; maintains confidentiality of work-related issues and City information; performs other duties as required or assigned.

- Acts in a lead capacity through cross-training, developing, scheduling, and designating property and evidence-related tasks to secondary assigned staff person; trains department staff on best practices and safety protocols.

- Works in the Police Records Unit as needed and performs other duties as assigned.

Minimum Qualifications:

Education, Training and Experience Guidelines:

High School Diploma or GED equivalent; AND two years of work experience in a law enforcement agency; OR an equivalent combination of education, training, and experience.

Knowledge of:

- City policies and procedures.
- Criminal codes, vehicle codes, and municipal codes.
- Policies, rules and regulations governing property and evidence management.
- National Crime Information Center (NCIC), and California Law Enforcement Telecommunications System (CLETS) quality and security standards for police records.

- Occupational Health and Safety Administration (OSHA) requirements for handling and disposing of evidence with blood borne pathogens, infectious diseases, and other related body fluid contamination.
- Principles and practices of confidential records management, and file maintenance.
- Modern office practices, methods, and computer equipment and applications related to the work, including police records management systems, data tracking, word processing, and spreadsheet applications.
- Business arithmetic and basic statistical techniques.
- English usage, grammar, spelling, vocabulary, and punctuation.
- Procedures for the collection, processing and packaging of evidence.

Skill in:

- Interpreting and explaining standards and protocols for maintenance, analysis, release and disposal of property and evidence.
- Analyzing technical issues, evaluating alternatives, and making recommendations based on findings.
- Proper handling of property and evidence, including firearms and narcotics.
- Explaining Federal and State rules and regulations, and City policies and procedures.
- Assessing and prioritizing multiple tasks, projects and demands.
- Using initiative and independent judgment within established procedural guidelines.
- Dealing tactfully and courteously with the public.
- Establishing and maintaining cooperative working relationships with co-workers and members of outside agencies.
- Communicating effectively verbally and in writing.
- Conducting audits and inventories.
- Property and evidence guidelines and procedures.
- Use computers for word processing and information storage and retrieval.
- Organize, research, and maintain technical and administrative files.
- Enter data into a computer system and prepare written materials with sufficient speed and accuracy to perform the work.
- Organize own work, set priorities, and meet critical time deadlines.

Licensing and Certification:

LICENSE AND CERTIFICATION REQUIREMENTS:

- A valid California State Driver's License is required.
- Terminal Operator Certification for access to NCIC/CLETS is required within thirty days of employment.
- Ability to complete Property and Evidence Management training through the International Association of Property and Evidence; California Property and Evidence Association; or California Commission on Peace Officer Standards and Training (POST) within eighteen months of employment.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT:

Work is in a standard office environment and occasionally in the field. Required to handle firearms and narcotics. Exposure to strong unpleasant odors, infectious bio-hazardous materials such as blood, urine and semen; dust, pollens, chemical irritants; toxic substances; evidence that may be disturbing such as homicide evidence. Ability to lift and carry moderately heavy and bulky items.

Must be able to pass a law enforcement background investigation. Must be willing to work extended shifts or be called back in emergency situations and work with exposure to difficult circumstances.

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Joyce Halabi, Deputy Public Works Director

MEETING DATE: April 5, 2023

SUBJECT: FY22/23 Street Rehabilitation Project

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

RECOMMENDATION

Authorize an agreement with Monterey Peninsula Engineering for the FY22/23 Street Rehabilitation Project on segments of 13th, 15th and 16th St in an amount not to exceed $1,520,048 plus a 9% contingency.

DISCUSSION

The FY22/23 Street Rehabilitation Project was approved as part of the FY22/23 Capital Improvement Plan (CIP) to address the aging road infrastructure network on:

- 13th Street, between Lighthouse Ave & Central Ave (PCI 16)
- 15th Street, between Lighthouse Ave& Ocean View Blvd (PCI 9)
- 16th Street, between Central Ave & Ocean View Blvd (PCI 46)
- 16th Street, between Pine Ave & Spruce Ave (PCI 47)

These segments were selected for rehabilitation based on a thorough review of the City's Pavement Management Program, existing road conditions, and in-field observations.

EXISTING CONDITIONS

The segments of 13th St and 15th St, noted above, are classified as "failed" roadways, with PCIs of 16 and 9 respectively, and are in dire need of repair. Both segments of 16th St are classified in "poor" condition, with PCIs of 46 and 47 respectively, and are also in need of rehabilitation.
None of these roadways have received formal rehabilitation treatment since being constructed. Only one of the above noted segments, 16th St (from Ocean View Blvd to Central), has ever received a maintenance treatment, a crack & slurry treatment over 10 years ago. Despite the maintenance treatment, the road has significantly deteriorated.

ENGINEERING PROCESS

During the engineering phase, underground infrastructure was CCTV videoed to assess existing conditions. It was anticipated, based on age of the lines and construction records, that segments of the sewer infrastructure would need to be replaced. As such, the project budget included Sewer Enterprise Funds to address this anticipated need.

While videoing, staff discovered the sewer line on 16th Street from Pine to Junipero Ave was in a deteriorated state and in need of replacement. Although it was outside the bounds of the original segment of 16th St that was to be addressed, due to the critical nature of sewer infrastructure, improvements to 16th St between Spruce Ave and Junipero Ave were engineered.

Based on the engineers' estimate, there was sufficient sewer funding in the approved budget to accommodate these additional sewer improvements, but not sufficient funding via the street related funding sources (derived from a combination of General Fund, Measure X, and SB1) to accommodate pavement rehabilitation following the sewer improvements. As such, the street improvements on 16th St (from Spruce to Junipero) were included as a bid additive (bid additive 2). The sewer elements were included in the base bid.

Bid additives allow flexibility to add additional elements via the bidding process, that fall outside of the most critical project scope components (which serve as the 'base' bid), without being locked into funding those additional elements. This allows the City to obtain competitive pricing on additional scope elements and provides flexibility on a path forward (ex: options to fund or not fund additional elements). Including bid additives to a project often creates more competitive pricing as mobilization and material costs are often decreased as the scope of the project increases.

Additionally, due to public inquiries and the failed road conditions on the segment of 13th St from Central to Ocean View Blvd (PCI 16), this segment was also engineered as a bid additive (bid additive 1).

Attachment 1 provides a visual representation of the base bid and bid additive boundaries.

BIDDING PROCESS

Construction documents were completed in January 2023. On February 3, 2023, the City released a call for bids. On March 8, 2023, the bid period closed. Two (2) bids were received:

CONTRACTOR	BASE BID	BID ADDITIVE 1	BID ADDITIVE 2
Monterey Peninsula Engineering	$1,370,128	$149,920	$180,935
Coastal Paving & Excavating	$1,668,110	$168,010	$184,780

Monterey Peninsula Engineering (MPE) has been qualified as the lowest, responsible bidder. Their bid was competitive and well below the engineer's estimate. MPE is well qualified to perform this work and has successfully completed several paving and sewer projects for the city.

Due to insufficient project funding to fund the base bid and both bid additives, Staff is recommending authorization of an agreement for:

- The base bid, which includes the most integral elements of the project, and the original project proposed as part of the CIP (noted in the Scope of Work below), and
- Additive 1 which will expand the scope of the 13th St pavement improvements to address an additional 10,000 SF of failed roadway from Central Ave to Ocean View Blvd.

The base bid and bid additive 1 equates to a total of $1,520,048.

Staff will return to Council soon to provide options to fund bid additive 2 via a non-general funding source. The competitive pricing for the bid additive, and the positive impact the work will have on the

pavement conditions, make this work ideal. The contractor indicated interest in honoring the bid additive pricing, following award of this contract, should the council elect to proceed with the bid additive 2 at a future meeting.

SCOPE OF WORK

The scope of work for the base bid includes:

- Reconstruction of 48,200 SF of deteriorated pavement
- Construction of 303 LF of curb and gutter
- Reconstruction of 1,675 SF of sidewalk, construction of 395 SF of sidewalk
- Reconstruction of 22 curb ramps
- Various sewer improvements including 1,240 LF of sewer line replacement, 1 sewer line spot repair, and reconstruction of 3 manholes
- Various stormwater improvements including installation/replacement of 288 LF of storm drainpipe, construction of 8 storm drain inlets
- Thermoplastic pavement markings

The scope of Bid Additive 1 work, includes an additional 10,000 SF of pavement reconstruction and various pavement markings on 13th Street between Central Ave and Oceanview Blvd.

As noted above, the staff recommendation is to authorize only the base bid and additive 1. If approved, the City's standard agreement (reviewed and approved by the City Attorney, Risk Management and the California Joint Powers Insurance Authority) will be prepared for the Mayor's signature per the standard contracting process.

The scope of work for bid additive 2, which will return to council for funding, includes 5,700 SF of pavement reconstruction on 16th Street between Spruce and Junipero Avenue. City Staff will evaluate the fund balances in the Sewer Fund or RMRA/SB1 fund as options to perform the street rehabilitation. If additive 2 is not performed, trench rehabilitation will be completed.

Utility Agency Coordination

The City has worked closely with California American Water (CalAm) to coordinate vital water main replacements to occur on these segments of roadway within the project area. Project coordination with CalAm allows for improved long-term pavement preservation.

Construction Schedule

Following contract execution, a pre-construction meeting will be held to determine a project schedule. It is anticipated that all work associated with the base bid and bid additive 1 will be completed by the end of the fiscal year. If bid additive 2 is approved at a future council meeting, staff will enter into a new contract for that segment of pavement rehabilitation and will develop a new schedule for additive 2.

Updates on construction timelines will be provided to the Council and posted to the Clear Gov project page: https://pacificgrove-ca.cleargov.com/projects

Permitting

The City has received a Coastal Development Permit Exemption, in accordance with PGMC 23.90.040.C: Repair or Maintenance Activities, from the Community Development Department.

Tribal & Archeological Monitoring

Tribal and Archeological Monitoring will occur during ground disturbance activities in the coastal zone.

OPTIONS

1. Authorize an agreement for the base bid
2. Do not authorize an agreement for the base bid. Failure to authorize an agreement could impact the ability to meet MOE requirements and would significantly delay the project.

FINANCIAL IMPACT:

The approved project budget is $1,919,442 derived from the Capital Improvement Fund, Measure X, Road Maintenance and Rehabilitation Account (RMRA) and the Sewer Fund as specified below.

FUND	FUND NAME	AMOUNT
Fund 63	Capital Improvement Fund	$300,000
Fund 17	Measure X	$1,015,304
Fund 47	RMRA (SB1)	$354,138
Fund 76	Sewer Fund	$250,000
	TOTAL	**$1,919,442**

There is sufficient funding to accommodate a contract for the base bid and additive 1, $1,520,048 plus a 9% contingency. The remaining funding has been expended on engineering ($183,733) or will be expended on construction management services ($50,000) performed by the City Engineer, Neill Engineers Corp.
As noted above, Staff will return soon with options to allocate additional funding to proceed with bid additive two.

GOAL ALIGNMENT: City Asset Stewardship: Repair, maintain and improve City assets, including streets, sidewalks, sewer systems, buildings, and parks and trails.

Attachments

Attachment 1 - Scope of Work Overview Map

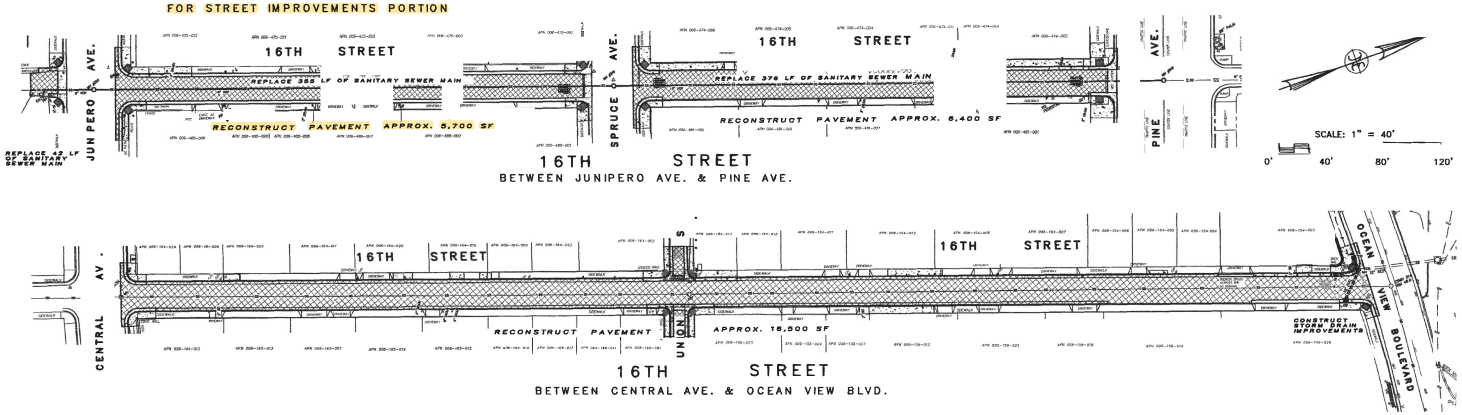
PROJECT OVERVIEW

FY 2022/2023 STREET REHABILITATION

CITY OF PACIFIC GROVE, CALIFORNIA

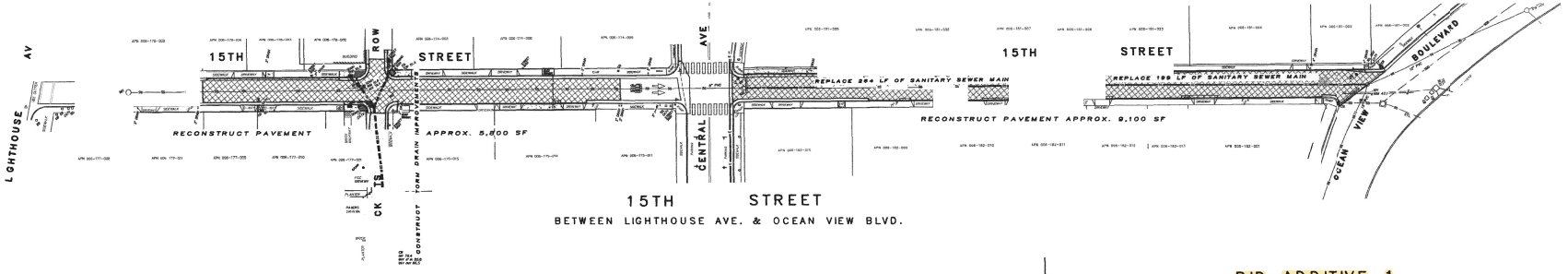
BID ADDITIVE 2

FOR STREET IMPROVEMENTS PORTION



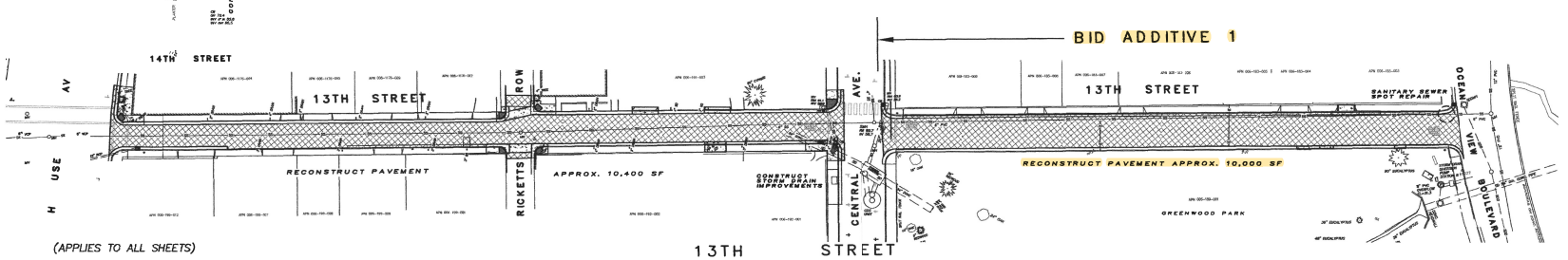
16TH STREET
BETWEEN JUNIPERO AVE. & PINE AVE.

16TH STREET
BETWEEN CENTRAL AVE. & OCEAN VIEW BLVD.



15TH STREET
BETWEEN LIGHTHOUSE AVE. & OCEAN VIEW BLVD.

BID ADDITIVE 1



13TH STREET
BETWEEN LIGHTHOUSE AVE. & OCEAN VIEW BLVD.

LEGEND (APPLIES TO ALL SHEETS)

- SURVEY CONTROL PT.
- SPOT ELEVATION
- NAIL & CIRCLE PROPERTY CORNER
- SEWER CLEAN OUT
- SEWER OR STORM DRAIN MANHOLE
- NEW SANITARY SEWER
- SEWER LATERAL RECONNECTION
- NEW STORM DRAIN
- NEW OR RECONSTRUCT MANHOLE
- NEW CURB INLET
- NEW CATCH BASIN
- REPLACE MANHOLE FRAME & COVER
- POWER POLE
- WATER METER
- WATER VALVE
- CATCH BASIN
- REMOVE CATCH BASIN
- REMOVE CURB INLET
- TREE - DID NOT LOCATE ALL TREES
- FINISHED GRADE ELEV.
  - TC = TOP OF CURB
  - SWK = SIDEWALK
  - FL = FLOWLINE
  - LIP = LIP OF GUTTER
- WATER MAIN
- WATER SERVICE
- GAS MAIN
- GAS SERVICE
- SANITARY SEWER MAIN
- CAPPED SANITARY SEWER
- UNDERGROUND ELECTRICAL
- UNDERGROUND TELEPHONE DUCT BANK
- STORM DRAIN
- REMOVE STORM DRAIN
- RECONSTRUCT PAVEMENT
- REPLACE PCC

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Joyce Halabi, Deputy Public Works Director

MEETING DATE: April 5, 2023

SUBJECT: CONCEPT REVIEW: Proposed Skatepark Project

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

RECOMMENDATION

1. Determine if City Council consensus exists for a proposed skatepark project;
2. If consensus exists, review Recreation Board proposed potential skatepark project location recommendations;
3. If Recreation Board location recommendations are accepted, direct staff to pursue discussions with Pacific Grove Unified School District (PGUSD) regarding feasibility for either site; and
4. Return to City Council to present PGUSD discussion outcome.

DISCUSSION

Background

As part of the FY22/23 Capital Improvement Program (CIP), the City Council allocated $158,000 of American Rescue Plan Act (ARPA) funding for a proposed skatepark project. If advanced beyond the exploration phase, the proposal would result in a multi-year project for the construction of an all ages skatepark suitable for multiple types of users and non-motorized wheeled riding.

Execution of a proposed large-scale project of this nature entails several steps, which have been enumerated in previous staff reports, provided here. The vital first step of this lengthy process requires determining a location for proposed skatepark development.

To create a transparent and robust public process, the various sub-steps of the location assessment process have been shepherded through the Recreation Board and the Board's Skatepark Subcommittee. Since the commencement of the project at the start of FY22/23, 6 agenda items have been brought forth to the Recreation Board and one (1) update on the process and approach has been brought forth to the City Council. The Skatepark Subcommittee, comprised of two Recreation Board Members and a member of the public, has also convened several times to review/assess information and provide recommendations to the Recreation Board.

Throughout this process, several sites have been assessed for feasibility. Thousands of community members have voiced their opinion via public meetings, the community survey, and emails to the Recreation Board and City Council. This process has revealed that there isn't a "perfect site." Each site

presents its own unique challenges and opportunities. The Recreation Board has recommended that the City continue to pursue the two (2) Pacific Grove Unified School District (PGUSD) Sites (Forest Lodge Road and David Ave Community High School Field/ David Ave Community High School field*) and to remove George Washington Park from consideration.

**Please note, that although there is a name discrepancy between the Recreation Board's recommendation ("David Avenue Community High School Field") and the public survey ("David Avenue Charter School Field") these reference the same parcel (Parcel #007102006000). A specific location within this parcel would ultimately be determined by PGUSD, as it is their property.*

Below is a summary of the Recreation Board's location assessment steps and, ultimately, their recommendation on a path forward to City Council.

LOCATION ASSESSMENT

1. **Initial Site Skate Park Criteria Scoring Assessment.** At their June 23, 2022, meeting, the Recreation Board recommended staff evaluate suitable locations using a Skatepark Site Selection Criteria Scoring Sheet. This scoring sheet, developed by skatepark industry expert, provides various lenses to assess and evaluate sites. Items assessed include skatepark user amenities such as restrooms, picnic tables, drinking fountains, benches, and other recreational features, including athletic facilities and children's play structures.
2. **Community Survey.** At their August 25, 2022, meeting, the Recreation Board recommended:

    - Proceeding with George Washington Park as the primary skate park location and Arnett Park as secondary location, and to simultaneously initiate discussions with PGUSD regarding Forest Lodge.
    - Removal of Caledonia and Berwick Parks from consideration due to infeasibility.
    - City Staff to begin public outreach efforts, developing a survey noting George Washington Park, Arnett Park, Forest Lodge Road, and stemming from staff conversations with PGUSD staff, the field at the David Avenue Charter School parcel as a potential site.

    The community survey was released on November 18, 2022, and was open through December 23, 2022. Availability of the survey was announced on the City's social media accounts, the City Manager's Report, mailers to every Pacific Grove address, and physical posters (in English and Spanish) at each of the sites. 2,329 responses were received. The final report, prepared by City vendor Zencity, provides an analysis of the survey responses. The final report can be found at: www.cityofpg.org/skateparkproject.

    At the January 26, 2023, Recreation Board meeting, City Staff presented the survey results which were harnessed by the Board as one source of feedback and data when considering a site recommendation to the City Council.

    City staff meet with the Skatepark Subcommittee on January 30, 2023, to discuss the survey results and for the members of the skate park subcommittee to provide a recommendation to the Recreation Board.

SKATE PARK SUBCOMITTEE RECOMMENDATION TO THE RECREATION BOARD

At their February 23, 2023, meeting, after months of assessment and public feedback, the Recreation Board's Skate Park Subcommittee brought forth a site location recommendation to the full Recreation Board. The Skatepark Subcommittee recommended that the Recreation Board recommend to the City Council to proceed with the David Ave Community High School field as the primary location for the proposed skate park. The Subcommittee recommendation was based on their assessment of the robust

information obtained from the various data collection methods listed above. The Subcommittee also selected George Washington Park as the second desired location and Forest Lodge Road as the third desired location.

RECREATION BOARD RECOMMENDATION TO CITY COUNCIL

At their February 23, 2023, meeting, the Recreation Board voted 3-1-1 (with one recusal and one "no" vote) to recommend that the City Council:

- Proceed with the two (2) PGUSD sites (Forest Lodge Road and David Ave Community High School Field), and
- Remove George Washington Park as a potential site.

PRELIMINARY PGUSD DISCUSSIONS

Following the Recreation Board's recommendation, City Staff met with PGUSD representatives to discuss the recommendation, gauge PGUSD's interest to proceed, and outline/understand the immediate next steps in the process if the Council were to direct staff to continue to pursue a proposed PGUSD skatepark project site.

PGUSD staff indicated that the previous PGUSD Board expressed willingness to explore the proposed skatepark project. PGUSD staff also indicated both PGUSD sites have deed restrictions that include non-reassignment clauses, meaning the property cannot be sold, and clauses that limit the use of the land to educational purposes.

NEXT STEPS

If City Council consensus exists for a proposed skatepark project, City staff (including the City Attorney's Office) should be directed to resume feasability discussions with PGUSD for both of the proposed locations, and return to the City Council with the discussion outcome for review/consideration.

OPTIONS

1. Determine that there is no City Council consensus for a proposed skatepark project. Selecting this option would end the City's effort in this area.
2. Provide alternate direction (different proposed location, etc.).

FINANCIAL IMPACT:

As part of the FY22/23 Capital Improvement Program (CIP), the City Council allocated $158,000 of American Rescue Plan Act (ARPA) funding for a proposed skatepark project. Less than $5,000 of this allocation has been spent to date, although significant Public Works Department staff time has been allocated towards this effort.

GOAL ALIGNMENT: Not Applicable.