NOTICE OF MEETING

CITY OF PACIFIC GROVE

CITY COUNCIL

CLOSED SESSION MEETING AGENDA

Wednesday, May 1, 2024, 5:00 P.M.

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

Under the Brown Act, public comment for matters on the agenda must relate to that agenda item and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. This is a warning that if a member of the public attending this meeting remotely or in-person violates the Brown Act by failing to comply with these requirements of the Brown Act, then the Mayor or Chair may request that speaker be muted. If a member of the public attending this meeting in-person engages in disruptive behavior that disturbs the orderly conduct of the meeting, they may be removed from the meeting after a warning, pursuant to Council Policy 000-17.

PACIFIC GROVE MEETINGS ARE CONDUCTED IN PERSON AT CITY HALL COUNCIL CHAMBER AND VIRTUALLY.

PLEASE NOTE THE MEETING WILL PROCEED AS NORMAL EVEN IF THERE ARE TECHNICAL DIFFICULTIES ACCESSING ZOOM.
THE CITY WILL DO ITS BEST TO RESOLVE ANY TECHNICAL ISSUES AS QUICKLY AS POSSIBLE.

Join the Zoom Meeting to participate live at:
https://www.cityofpacificgrove.org/Zoom_Closed

Please click here for directions to dial into the meeting audio.

AGENDA

CALL TO ORDER

APPROVAL OF AGENDA

CLOSED SESSION

PUBLIC COMMENT ON CLOSED SESSION MATTERS

Comments from the public will not receive Council action. Comments must deal with matters on the Closed Session agenda and will be limited to three minutes

1. Written Public Comment

A. Conference with Legal Counsel--Anticipated Litigation
Significant exposure to litigation pursuant to Government Code Section 54956.9 (d)(2)
One potential case (Employee Complaint)

ADJOURNMENT

NOTICE OF MEETING

CITY OF PACIFIC GROVE

CITY COUNCIL

REGULAR MEETING AGENDA

Wednesday, May 1, 2024, 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.

Under the Brown Act, public comment for matters on the agenda must relate to that agenda item and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. This is a warning that if a member of the public attending this meeting remotely or in-person violates the Brown Act by failing to comply with these requirements of the Brown Act, then the Mayor or Chair may request that speaker be muted. If a member of the public attending this meeting in-person engages in disruptive behavior that disturbs the orderly conduct of the meeting, they may be removed from the meeting after a warning, pursuant to Council Policy 000-17.

PACIFIC GROVE COUNCIL MEETINGS ARE CONDUCTED IN PERSON AT CITY HALL COUNCIL CHAMBER AND VIRTUALLY.

PLEASE NOTE THE MEETING WILL PROCEED AS NORMAL EVEN IF THERE ARE TECHNICAL DIFFICULTIES ACCESSING ZOOM.
THE CITY WILL DO ITS BEST TO RESOLVE ANY TECHNICAL ISSUES AS QUICKLY AS POSSIBLE.

THE PUBLIC MAY ALSO VIEW THE MEETING ON PENINSULA CHANNEL 25.

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
https://www.cityofpacificgrove.org/Zoom_CC

Please click here for directions to dial into the meeting audio.

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE: Councilmember Beck

1. **APPROVAL OF AGENDA**

2. **PRESENTATIONS**

A. Mayor's Proclamation: Asian American and Pacific Islander Month **PG 10**
Reference: Bill Peake, Mayor
Recommended Action: Receive proclamation.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

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

A. Report on Closed Session by City Attorney

B. Other

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

A. Written General Public Comment

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 April 17, 2024 City Council Regular Meeting **PG 12**
Reference: Sandra Kandell, City Clerk
Recommended Action: Approve minutes.

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

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

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

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 Transmit Meeting Minutes for March 11, 2024 **PG 19**
Reference: Joe Amelio, Councilmember
Recommended Action: Receive minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. Annual Report of the Code Compliance Program **PG 28**
Reference: Karen Vaughn, Community Development Director
Recommended Action: Receive informational report.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

C. Housing Element Monthly Status Update **PG 43**
Reference: Alyssa Kroeger, Housing Program Manager
Recommended Action:

1. Receive the report.
2. Alternatively, discuss and take other action related to this item.

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. George Washington Park Playground Equipment Selection **PG 45**
Reference: Daniel Gho, Public Works Director/Deputy City Manager

Recommended Action:

1. Authorize an agreement with Park Planet, option 1, for a cost not to exceed $106,880.31 for the procurement, preparation of the site, and installation of playground equipment at George Washington Park.
2. Alternative, take other action related to this item.

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

B. Fire Station Bathroom & Shower Remodel Project (CIP23-12) **PG 167**

Reference: Joyce Halabi, Deputy Public Works Director

Recommended Action:

1. Reallocating $108,643 of American Rescue Plan Act (ARPA) funds towards the Station Bathroom & Shower Remodel Project (CIP23-12) from other ARPA funded projects
2. Authorize an agreement with Shellco General Contractors in an amount not to exceed $134,950 plus a 10% contingency
3. Alternatively, discuss and take other action on this item

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

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

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

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 Amending the Fiscal Year 2023-24 Budget **PG 171**

Reference: Joyce Halabi, Deputy Public Works Director

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 first reading of an ordinance amending the Fiscal Year 2023-24 Operating and Capital Improvement Budget; and
4. Direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

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

B. First Reading of an Ordinance to Amend the Salary Classification Schedule for City Manager and City Manager Pro Tempore **PG 175**
Reference: Leticia Livian, Human Resources Director, and Robert Perrault, Interim City Manager
Recommended Action:

1. Request City Attorney to read title of ordinance;
2. Motion to waive further reading of the ordinance;
3. Introduce and hold for first reading an Ordinance Amending Salary Classification Schedule to include salary for City Manager and City Manager Pro Tempore;
4. Direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

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

12. UNFINISHED AND ONGOING BUSINESS

A. AB 481 Military Equipment Annual Report for 2023 **PG 179**
Reference: Brian Anderson, Police Commander
Recommended Action: Receive the AB 481 Annual Report for 2023.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. FY23/24 Street Rehabilitation Project **PG 199**
Reference: Daniel Gho, Public Works Director/Deputy City Manager
Recommended Action: 1. Authorize an agreement with Monterey Peninsula Engineering for the FY23/24 Street Rehabilitation Project on segments of Locust, Willow, Wood, Grand and Pearl St in an amount not to exceed $1,657,025 plus a 15% contingency.
2. Alternatively, discuss and take other action on this item.
CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

C. Initiative No, 21-0042A1, The Taxpayer Protection and Government Accountability Act.
Reference: Robert Perrault, City Manager **PG 199**
Recommended Action: Adopt a Resolution opposing initiative No. 21-0042A1, the Tax Payer Protection and Accountability Act.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

13. NEW BUSINESS

A. Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ending June 30, 2023 **PG 206**
Reference: Tori Hannah, Administrative Services Director/Assistant City Manager

Recommended Action:

- Receive the Annual Comprehensive Annual Financial Report, which includes the Auditors' Opinion on the City's financial statements
- Receive the Single Audit Report and Independent Auditors' Report
- Receive the Transportation Safety and Investment Plan Account Fund (TAMC Measure X) Report, which includes the Auditors' Report
- Receive the Independent Accountants' Report on Agreed-Upon Procedures Applied to the Appropriations Limit Schedule (GANN Limit)
- Receive a status on improvements based on the auditor's recommendations that are being implemented, and provide any desired direction

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

B. IT Infrastructure High Availability Assessment Report **PG 257**

Reference: Mohammed Khasimi, Chief Information Officer

Recommended Action: Receive the IT infrastructure high availability assessment report and presentation.

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

C. Consider Three (3) Planning Commission Resolutions of Intention to Amend Chapter 23 of the Pacific Grove Municipal Code **PG 298**

Reference: Robert Perrault, Interim City Manager

Recommended Action: Do not move forward with the proposed Zoning Code text amendments at this time due to other priorities.

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

D. Direction to City Manager to Notify Candidates Regarding Posting of Signs Before Election

Reference: Brian Pierik, City Attorney **PG 358**

Recommended Action:

1. Motion to direct City Manager to work with City Clerk on providing notice to candidates advising them there is no time limit in advance of an election for the posting of signs.
2. Take Alternative Action Related to this item.

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

14. **FULL PRESENTATIONS**

15. **CLOSED SESSION**

ADJOURNMENT

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

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: May 01, 2024

SUBJECT: Mayor's Proclamation: Asian American and Pacific Islander Month

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

RECOMMENDATION

Receive proclamation.

Attachments

AAPI Proclamation

Mayor's Proclamation
May 2024
Asian American and Pacific Islander Heritage Month

WHEREAS, since President Jimmy Carter annual proclamations have been made starting with Asian/Pacific American Heritage Week and evolving to AAPI Heritage Month under President H.W. Bush in 2009; and

WHEREAS, this month coincides with two key milestones: the arrival of the nation's first Japanese immigrants (May 7, 1843) and Chinese workers' pivotal role in building the transcontinental railroad (completed May 10, 1869); and

WHEREAS, by the mid to late 1800's Asian immigrants arrived on the Monterey Peninsula, notably establishing the Point Almejas – Point Alones Chinese Fishing Village in Pacific Grove which tragically burned down in 1906, and by early 1900 a Japanese business was operating downtown Pacific Grove and a Japanese tea house was built at Lover's Point; and

WHEREAS, this month recognizes and honors the contributions, achievements, and influence of Asian Americans and Pacific Islander Americans (AAPI) who have positively shaped the culture and enriched the history of the United States despite segregation and discrimination; and

WHEREAS, our community supports local AAPI organizations including the Japanese American Citizens League – Monterey Bay Chapter (JACL), Monterey Bay Chinese Association (MBCA), and Monterey Peninsula College Asian Student Association.

NOW THEREFORE, I, Bill Peake, by virtue of the authority vested in me as Mayor of the City of Pacific Grove do hereby recognize the many ways AAPI citizens enrich and strengthen our community.

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: May 01, 2024

SUBJECT: Minutes of the April 17, 2024 City Council Regular Meeting

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

REGULAR MEETING

Wednesday, April 17, 2024, 6:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
https://www.cityofpacificgrove.org/Zoom_CC

CALL TO ORDER
Mayor Peake called the meeting to order at 6:00 p.m. Present in Chamber: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Coletti, McDonnell, and Poduri. Absent: Councilmember Beck.

PLEDGE OF ALLEGIANCE
Councilmember Poduri led the pledge of allegiance.

1. **APPROVAL OF AGENDA**
Action: Regular Agenda item 13B was moved and heard immediately following the Consent Agenda.

Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Amelio and Coletti, Council voted 6-0-1, Councilmember Beck absent, to approve the agenda as modified.

2. **PRESENTATIONS**

A. Mayor's Proclamation: Arbor Day
Action: Received proclamation.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. Service Awards for 5 Years: Clarissa Carillo, David Moya and Steven Speed
Action: Received presentations.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

C. Certificates of Appreciation to Interns: Carolin Abele, Lara Forderer, Claire Karo, Stefanie Keller, and Jasmin Mayer
Action: Received presentations.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

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

A. Council and staff made general announcements.

DRAFT

4. **GENERAL PUBLIC COMMENT**
General Public Comment received from Kris Lindstrom, Dan Miller, Bill Kampe, Mike Gibbs, Vince Tuminello, Carmelita Garcia, and Sally Moore.

A. Written General Public Comment

CONSENT AGENDA

Action: Consent Agenda items 6A and 6B were pulled and considered immediately following the Consent Agenda.

Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Amelio, Council voted 6-0-1, Councilmember Beck absent, to approve the Consent Agenda as modified.

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

A. Minutes of the March 30, 2024 City Council Special Closed Session
Action: Approved minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. Minutes of the April 3, 2024 Closed Session and Regular Meetings
Action: Approved minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

6. **RESOLUTIONS**

A. Resolution of Intention to Levy the Annual Assessment for the Hospitality Improvement District (HID) ***This item was pulled and considered immediately following the Consent Agenda.***
Reference: Lori Frati, Finance Manager
Recommended Action:
1. Approved a Resolution of Intention to Levy an Assessment for the Hospitality Improvement District for Fiscal Year 2024-25.
2. Directed staff to notice a public hearing to be held on May 15, 2024 for the purpose of hearing any protests and determining whether to levy the assessment.

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

B. Resolution of Intention to Levy the Annual Assessment for the Downtown Business Improvement District (BID) ***This item was pulled and considered immediately following the Consent Agenda.***
Reference: Lori Frati, Finance Manager
Recommended Action:
1. Approved the attached Resolution of Intention to Levy an Assessment for the Downtown Business Improvement District for Fiscal Year 24-25.
2. Directed staff to notice a public hearing on May 15, 2024 to hear protests and determining whether to levy the assessment.

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

DRAFT

7. **ORDINANCES**

A. Second reading of an ordinance to amend the City Salary Classification Schedule
Action: Held second reading and adopted Ordinance No. 24-006 to amend the salary classification schedule.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

8. **REPORTS – INFORMATION ONLY**

A. March 2024 Check Register
Action: Received the Check Register.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

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

9. **REPORTS – REQUIRING ACTION**

A. FY23/24 Crack & Slurry Seal
Action: Authorized an agreement with VSS International for the FY23/24 Crack and Slurry Seal project in an amount not to exceed $341,247.90 plus an 5% contingency.
CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

B. Appointment to Administrative Enforcement Hearing Officer Panel
Action: Approved appointment of Mike Milliorn to the Administrative Enforcement Hearing Officer Panel ending January 31, 2026.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

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

A. Architectural Review Board Minutes: March 12, 2024
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

B. Beautification and Natural Resources Commission Minutes: November 11, 2023, December 19, 2023, January 30, 2024, and February 20, 2024
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

C. Diversity, Equity and Inclusion Minutes: March 11, 2024
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

DRAFT

D. Historic Resources Committee Meeting Minutes: November 15, 2023, December 20, 2023, January 24, 2024, and February 28, 2024
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

****

6.A. Resolution of Intention to Levy the Annual Assessment for the Hospitality Improvement District (HID)
Public comment received from
Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Amelio, Council voted 6-0-1, Councilmember Beck absent, to

1. Approve a Resolution of Intention to Levy an Assessment for the Hospitality Improvement District for Fiscal Year 2024-25, adding "revenue and number of licenses" (Resolution No. 24-014).
2. Direct staff to notice a public hearing to be held on May 15, 2024 for the purpose of hearing any protests and determining whether to levy the assessment.

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

6.B. Resolution of Intention to Levy the Annual Assessment for the Downtown Business Improvement District (BID)
Public comment received from Mike Gibbs.

Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Amelio, Council voted 6-0-1, Councilmember Beck absent, to

1. Approve the attached Resolution of Intention to Levy an Assessment for the Downtown Business Improvement District for Fiscal Year 24-25, adding "revenue and number of licenses" (Resolution No. 24-015).
2. Direct staff to notice a public hearing on May 15, 2024 to hear protests and determining whether to levy the assessment.

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

13.B. Resolution Approving Employment Agreement Between the City of Pacific Grove and Matthew Mogensen for the position of City Manager
Public comment received from Carmelita Garcia, Vince Tuminello, Kris Lindstrom, and Richard Paquette.

Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Amelio, Council voted 6-0-1, Councilmember Beck absent, to

1. Adopt Resolution No. 24-016 approving employment agreement between the City of Pacific Grove and Matthew Mogensen for the position of City Manager.

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

DRAFT

REGULAR AGENDA

11. **PUBLIC HEARINGS**

12. **UNFINISHED AND ONGOING BUSINESS**

A. Ballot Measure(s) to Amend PGMC 23.45 and PGMC 6.11 ***This item was continued from the Council's April 3, 2024 meeting.***
No public comment received.

Action: Upon motion by Mayor Pro Tem Smith and seconded by Mayor Peake, Council voted 6-0-1, Councilmember Beck absent, to direct the City Manager to return to the Council with the documents necessary to place a measure(s) on the November 5, 2024, ballot asking the voters to amend Measure B (PGMC 23.45) and Measure C (PGMC 6.11) to implement the following:

1. Amend PGMC 23.45 to: (1) provide a definition for "timeshare" or "timeshare project," including those fractional interest uses marketed, sold, and managed as timeshares, and
(2) allow the City Council to make any future amendments to the definition via Council Ordinance.
2. Amend (or rescind) PGMC 6.11 in order to be consistent with: (1) the proposed voter-adopted definition(s), and (2) the City's transient occupancy tax rate (i.e., existing timeshare projects (there are two) shall be taxed at the same rate as hotels/motels per PGMC 6.09).

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

B. Cedar, Sunset & Congress Intersection Improvements Project
Public comment received from unnamed speaker, Dan Miller, Mike Becker, Carmelita Garcia, Inge Lorentzen Daumer and Kim Akeman.

Action: Council received the report and provided direction to the City Manager.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

Action: Council took a break from 8:24 – 8:34 p.m.

13. **NEW BUSINESS**

A. Authorize the City Manager to send a letter to Monterey One Water affirming the City of Pacific Grove's intent to move the City's Billing for Wastewater (Sewer) charges to the County of Monterey Property tax bill
Public comment received from Mike Bekker and Inge Lorentzen Daumer.

Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Coletti, Council voted 6-0-1, Councilmember Beck absent, to direct the City Manager to send a letter to Monterey One Water confirming the City's Intent to move City's charges for wastewater collection to the County of Monterey's property tax bill and carry out the tasks with City staff and Monterey One Water staff necessary to effectuate the change July 1, 2024.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines

DRAFT

Section 15378

B. Resolution Approving Employment Agreement Between the City of Pacific Grove and Matthew Mogensen for the position of City Manager ***During the Approval of the Agenda, this item was heard immediately following the Consent Agenda.***
Reference: Brian Pierik, City Attorney
Recommended Action:
1. Motion to adopt Resolution Approving Employment Agreement Between the City of Pacific Grove and Matthew Mogensen for the position of City Manager.
2. Alternative action based on direction of City Council related to this subject matter.

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

14. **FULL PRESENTATIONS**

A. Monterey Peninsula Water Supply Project Update by Josh Stratton, Cal Am External Affairs
Action: Received presentation.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

15. **CLOSED SESSION**

ADJOURNMENT
Council adjourned the regular meeting at 9:52 p.m.

Respectfully Submitted,

Sandra Kandell
City Clerk

DRAFT

Approved by Mayor: _____Date_____

Attest by Interim City Manager Pro Tempore: _____Date_____

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: May 01, 2024

SUBJECT: Monterey-Salinas Transmit Meeting Minutes for March 11, 2024

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

March 11, 2024

10:00 am (Pacific)

Present:	Anna Velazquez, Chair	City of Soledad
	Mary Ann Carbone, Vice Chair	City of Sand City
	Kim Shirley	City of Del Rey Oaks
	Lorraine Worthy	City of Gonzales
	Mike LeBarre	City of King
	Liesbeth Visscher	City of Marina
	Ed Smith	City of Monterey
	Joe Amelio	City of Pacific Grove
	Tony Barrera	City of Salinas
	Dave Pacheco	City of Seaside
	Luis Alejo	County of Monterey
Absent:	Jeff Baron	City of Carmel-by-the-Sea
	Ariana Rodriguez	City of Greenfield
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 and Innovation
	Jeanette Alegar-Rocha	Deputy Secretary/Clerk to the Board
	Beronica Carriedo	C/S & Community Relations Supervisor
	Christine Church	Communications Services Supervisor
	Daniel Bruno	Scheduling Assistant
	David Bielsker	Transit Scheduler
	Deanna Smith	Civil Rights Officer
	Emma Patel	Planning Manager
	Ezequiel Rebollar	IT System Engineer
	Hector Martinez	Coach Operator

	Ikuyo Yoneda-Lopez	Marketing & Communications Manager
	Jacob Huggins	IT Specialist
	Jacqueline Munoz	C/S Representative
	Jaime Molina	Communications Specialist
	Jason Anderson	Drug & Alcohol Program Coordinator
	Jose Barajas	Communications Specialist
	Kevin Allshouse	Contract Services Manager
	Marzette Henderson	Transportation Manager
	Matthew Deal	Grants Analyst
	Natlalie Flores	Assistant Planner
	Paul Lopez	Facilities Manager
	Reymund Rivera	Coach Operator
	Rolando Munoz	Mobility Specialist
	Scott Taylor	IT Manager
	Sherman Upshaw	Facilities Technician
	Sonjé Dayries	Compliance Analyst
	Steven Bruno	Purchasing Agent
	Tizianno Minelli	Operations Superintendent
	Vince Dang	Project Management Coordinator
Public:	Bryan Rosen	Member of the Public
	Christine Duymich	AMBAG
	Constantine Politis	Comtech Project Manager
	Jasmine Megia Cortez	Monterey County Board of Supervisors
	Javier Gomez	Monterey County Board of Supervisors
	Linda Gonzales	Monterey County Board of Supervisors
	Lorna Moffett	Member of the Public
	John McPherson	Alliance on Aging
	Maribel Trejo	Alliance on Aging
	P.K. Diffenbaugh	MPUSD
	Todd Muck	TAMC

1. CALL TO ORDER

1-1. Roll Call. (Jeanette Alegar-Rocha)

1-2. Pledge of Allegiance.

Chair Velazquez called the meeting to order at 10:00 a.m. Roll call was taken and a quorum was established. Director Barrera led the pledge of allegiance.

1-3. Review Highlights of the agenda. (Carl Sedoryk)

Carl Sedoryk, General Manager/CEO, reviewed the highlights of the agenda. Under recognitions and special presentations, an item not on the agenda was added to recognize Reymund Rivera, coach operator, for 25 years of service. This was a carryover from the February 12, 2024 board agenda as Mr. Rivera was unable to attend the meeting.

2. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Bryan Rosen commented that people who ride buses tend to be poor people and stated a concern with the cost of SURF! Project, its effect on traffic congestion as compared to using rail transit as well as its impact to the environment.

Lorna Moffett commented on how transit funding could be used on projects to improve the environment.

Mary Ann Carbone arrived at 10:06 a.m.

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. Adopt Resolution 2024-17 Recognizing Steven Bruno, Purchasing Agent as Employee of the Month for March 2024. (Manager) (Page 7)

3-2. Approve Minutes of the MST Board Meeting on February 12, 2024. (Jeanette Alegar-Rocha) (Page 9)

3-3. Receive Draft Minutes of the MST Board Operations Performance Committee Meeting on February 12, 2024. (Jeanette Alegar-Rocha) (Page 17)

3-4. Receive Report on Lost and Found Items Left on MST Property for the Month of October 2023. (Beronica Carriedo) (Page 21)

3-5. Financial Reports – January 2024. (Lori Lee) (Page 23)

a) Accept Report of January 2024 Cash Flow Presented in Attachment 1,

b) Approve January 2024 Disbursements Listed in Attachment 2, and

c) Accept Report of January 2024 Treasury Transactions Listed in Attachment 3.

3-6. Authorize the General Manager/CEO to Enter into a Five-Year Contract with Thomas Walters & Associates, Inc. for Federal Legislative Consulting Services, in an Amount not to Exceed $270,000, or $54,000/year. (Steven Bruno) (Page 35)

3-7. Reject Claim for Insufficiency by the Claimant Maria Barona Garcia. (Lisa Cox) (Page 37)

3-8. Authorize the General Manager/CEO to Purchase Four (4) Ford Trucks at the Lowest Price/Best Options Available at the Time of Purchase Utilizing the CA Department of General Services (DGS) Contract #1-22-23-20F in an Amount not to Exceed $347,800. (Norman K. Tuitavuki) (Page 39)

3-9. Authorize the General Manager/CEO to Purchase 19 Bus Stop Shelters from Tolar Manufacturing at the Lowest Price/Best Options Available at the Time of Purchase Utilizing the Morongo Basin Transit Authority (MBTA) CalACT RFP Contract #21-01 in an Amount not to Exceed $254,495. (Norman K. Tuitavuki) (Page 41)

3-10. Receive Draft Minutes of the Mobility Advisory Committee Meeting on January 31, 2024. (Ruben Gomez) (Page 43)

3-11. Appoint Membership to the Mobility Advisory Committee (MAC). (Cristy Sugabo) (Page 47)

There were no public comments on the Consent Agenda.

On a motion by Director Amelio, seconded by Director Smith and carried by the following roll call vote, the Board approved all items on the consent agenda:

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

4. PUBLIC HEARINGS

None

5. ACTION ITEMS

5-1. Select an Option to Support the Alliance on Aging's Request for Free or Reduced Cost Bus Passes. (Norman K. Tuitavuki) (Page 49)

Public Comments:

John McPherson, Executive Director of Alliance on Aging commented that he sent an email to the Board urging support and that he can be reached for any questions.

Lorna Moffet commented in support of funding for Alliance on Aging.

Maria Trejo, Transportation Coordinator for Alliance on Aging, commented that their agency clients are on limited income and would greatly benefit from the Board decision for continued support through grant funding.

Bryan Rosen commented in support of reducing the cost of bus rides for the elderly.

On a motion by Director Pacheco, seconded by Director Amelio and carried by the following vote, the Board approved item #5-1 Option 2 with the addition of non-profit human services entities eligible for discounted passes (50% off monthly GoPasses). The Board also approved providing a letter from MST to TAMC recommending TAMC consider funding transit bus passes for human services agencies and highlight the current and future demographic needs in Monterey County.

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

5-2. Receive Update on the SURF! Busway and Bus Rapid Transit Project. (Lisa Rheinheimer) (Page 53)

The Board received an update on the SURF! Busway and Bus Rapid Transit Project including highlights, budget, schedule, outreach, and risks as detailed in the Board packet attachment.

Bryan Rosen, a member of the public, commented that the public funding could be better applied to rail instead of the SURF! Project.

Lorna Moffett, a member of the public, asked how many trees and railways will be removed as a result of the SURF! Project. She remains steadfast in her opinion to use SURF! Project funds to improve existing bus routes and impacts to the environment.

Lisa Rheinheimer, Assistant General Manager, responded that grants awarded to the SURF! Project are restricted and cannot be used for other services or projects. With respect to trees in the City of Marina, 92 trees will be replaced with 123 trees. Rail tracks will be removed or covered-up in limited locations to accommodate the SURF! Project. The railroad tracks would need to be removed and rebuilt to meet Federal Railroad Administration safety standards as the tracks are not structurally sound. Ms. Rheinheimer added that MST is only operating with zero emissions buses on the SURF! Project.

5-3. Receive an Update on the First Year of the Better Bus Network. (Michelle Overmeyer/Emma Patel) (Page 59)

The Board received an update which included key findings from the first year of the Better Bus Network.

5-4. Approve Extension of the School Pass Program. (Michelle Overmeyer) (Page 77)

P.K. Diffenbaugh, from Monterey Peninsula Unified School District commented on the school pass benefits to students and urged the Board to support continuation of the School Pass Program.

On a motion by Director Pacheco, seconded by Director Smith and carried by the following vote, the Board approved item #5-4 Option 2 continuing to offer a discount on bus passes to eligible schools under MST's School Bus Pass Program. A $13 monthly pass will be sold to eligible participants for $6.50 per pass and MST contributes $6.50 per pass using general funds. Based on past demand from the schools, up to $25,000 in MST funds would be needed for the remainder of FY 2023/24. This amount is not included in the adopted MST operating budget but there is adequate reserve funding available to cover the cost. This option also directs staff to budget for the anticipated amount in future budgets.

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

6. RECOGNITIONS AND SPECIAL PRESENTATIONS

6-1. March 2024 Employee of the Month – Steven Bruno, Purchasing Agent. (Lisa Rheinheimer)

The MST Board recognized Steven Bruno, Purchasing Agent, as the March 2024 Employee of the Month for his outstanding contribution to MST and the entire community.

6-2. 25-Year Service Anniversary – Hector Martinez, Coach Operator. (Marzette Henderson)

The MST Board recognized Hector Martinez, Coach Operator, for his 25-year Service Anniversary and for his outstanding contribution to MST and the entire community.

25-Year Service Anniversary – Reymund Rivera, Coach Operator. (Marzette Henderson)

The MST Board also recognized Reymund Rivera, Coach Operator, for his 25-year Service Anniversary and for his outstanding contribution to MST and the entire community.

6-3. Receive Government Finance Officers Association Certificate of Achievement for Excellence in Finance Reporting. (Lisa Rheinheimer)

This item will be brought back at the April 15, 2024 Board meeting.

6-4. Staff Recognition of Coach Operator Recruitment and Hiring Efforts. (Carl Sedoryk)

The MST Board recognized staff for their contributions to achieving the milestone of the largest single class of new Coach Operators in the history of MST who started on February 13, 2024.

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 – January 2024 (Page 81)

7-2. Federal Legislative Advocacy Report (Page 83)

7-3. State Legislative Advocacy Update (Page 87)

7-4. Staff Trip Reports – (Pages 91-103)

7-5. Correspondence – (Page 105)

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.

9. ATTACHMENTS

9-1. The Detailed Monthly Performance Statistics and Disbursement Journal for January 2024 can be viewed online within the GM Report at http://mst.org/about-mst/board-of-directors/board-meetings/

10. CLOSED SESSION

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

10-1. Conference with Legal Counsel under § 54956.9(d)(2): Existing Litigation (Maria Arevalo Martinez; Jorge Luis Razo [Executive Facility Services]; Monterey Superior Court & Case # 24CV000557)

Michael Laredo, MST General Counsel, reported that the Board met and discussed closed session item 10-1. The Board provided general direction but no reportable action was taken.

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

11. ADJOURN

With no further business to discuss, Chair Velazquez adjourned the meeting at 12:06 p.m. (Pacific) in memory of the victims of the City of King mass shooting.

Prepared by: _____ Reviewed by: _____

Jeanette Alegar-Rocha
Deputy Secretary/Clerk to the Board

Carl G. Sedoryk
General Manager/C

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Andrew Butler, Code Compliance Officer

MEETING DATE: May 01, 2024

SUBJECT: Annual Report of the Code Compliance Program

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

RECOMMENDATION

Receive informational report.

DISCUSSION

This is a yearly report of the Code Compliance Program for calendar year 2023. The Code Compliance Program works on a complaint-driven format. When staff receives a complaint, a case is created. Staff conducts background research, performs an investigation, and makes contact with the property owner for a site inspection. If no violation is found, the case is closed and no further action is needed. If the merits of the complaint are confirmed, staff then work to educate the property owner of the City's codes and provide the pathway and timeframe for compliance. Most cases are closed within 30 days. The overarching goal is to achieve compliance in order to maintain the health, safety and welfare of residents and visitors.

Examples of typical complaints received are construction without permits, health and safety/unsafe dwellings, encroachment or obstruction, fence height, tall weeds, gas powered leaf blowers, unlicensed transient use, discharge into storm drain, property maintenance required, tree work without permit, and other municipal code violations.

For calendar year 2023, Code Compliance staff received 244 complaints. Staff were able to gain voluntary compliance on 240 of the 244 cases (98% closure rate). Staff is following the standard administrative process for compliance for the remaining four cases (attached).

Code Compliance staff also oversee the Administrative Enforcement Panel. For the 2023 year, we had six volunteer hearing officers that heard cases ranging from parking citation appeals for parking related offenses to administrative citations received for work without obtaining proper permits. Of the 28 cases heard by the officers, 22 were found in favor of the city (79%) and six cases were found in favor of the Appellant (21%) and were issued full or partial refunds.

Code Compliance staff also oversee the Residential Zoning Records Reports (RZRR). RZRR’s are required per Pacific Grove Municipal Code section 23.78 for the sale or transfer of any residential property within the City. In 2023, staff received 133 RZRR applications and provided those reports

prior to the transfer of title.

Utilizing the short-term rental software (Deckard Technologies), staff found 22 unlicensed short-term rentals (STR's) and have collected approximately $24,000 in administrative penalties. There is currently one pending case that is on track to collect approximately $4,000 in penalties for unlicensed short-term renting of a property.

In comparison to the previous year, Code Compliance saw an increase in cases reported by roughly 3%. The closure and compliance rate increased from 90% in 2022 to 98% in 2023.

OPTIONS

N/A

FINANCIAL IMPACT:

No financial impact.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

2023 PPT

2022 Code Compliance Report and PPT

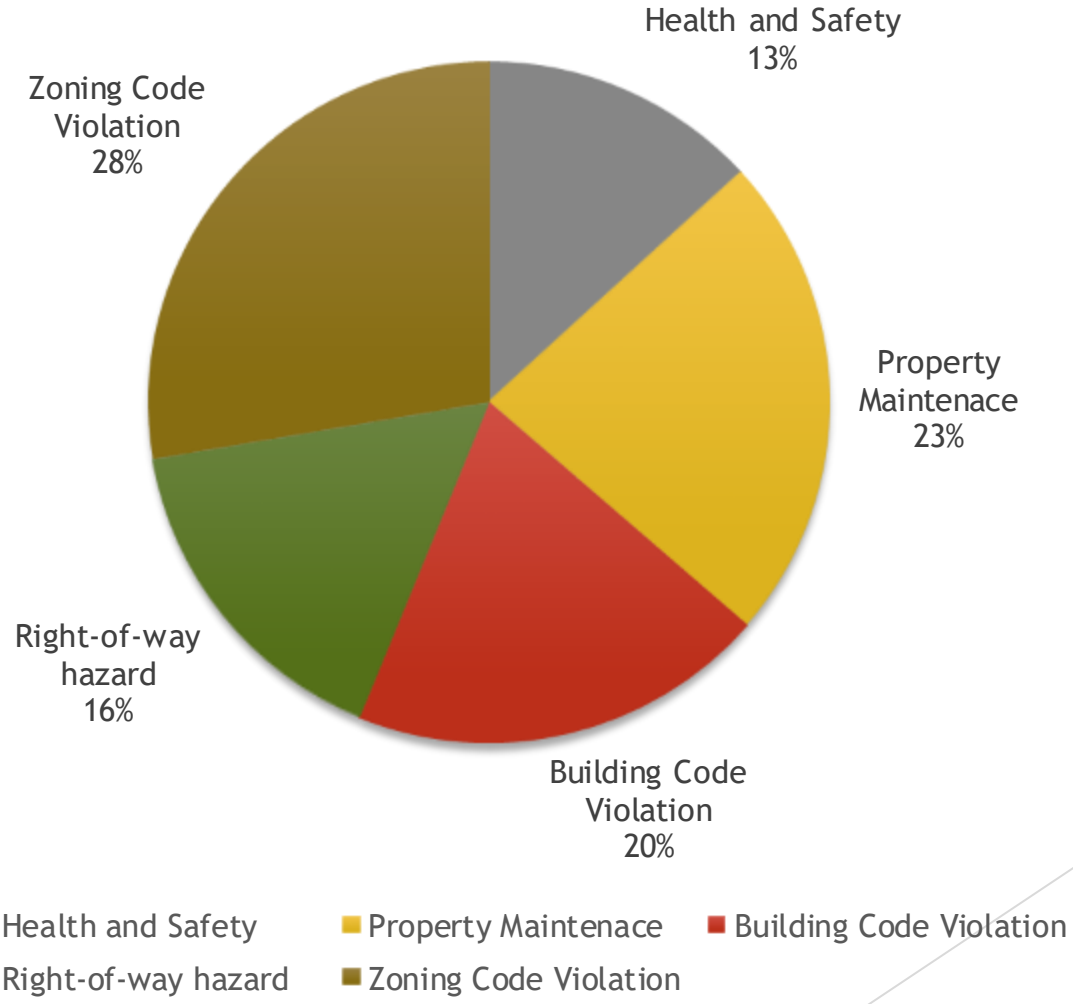
Code Compliance Administrative Procedures

Annual Report on Code Compliance Program (2023)

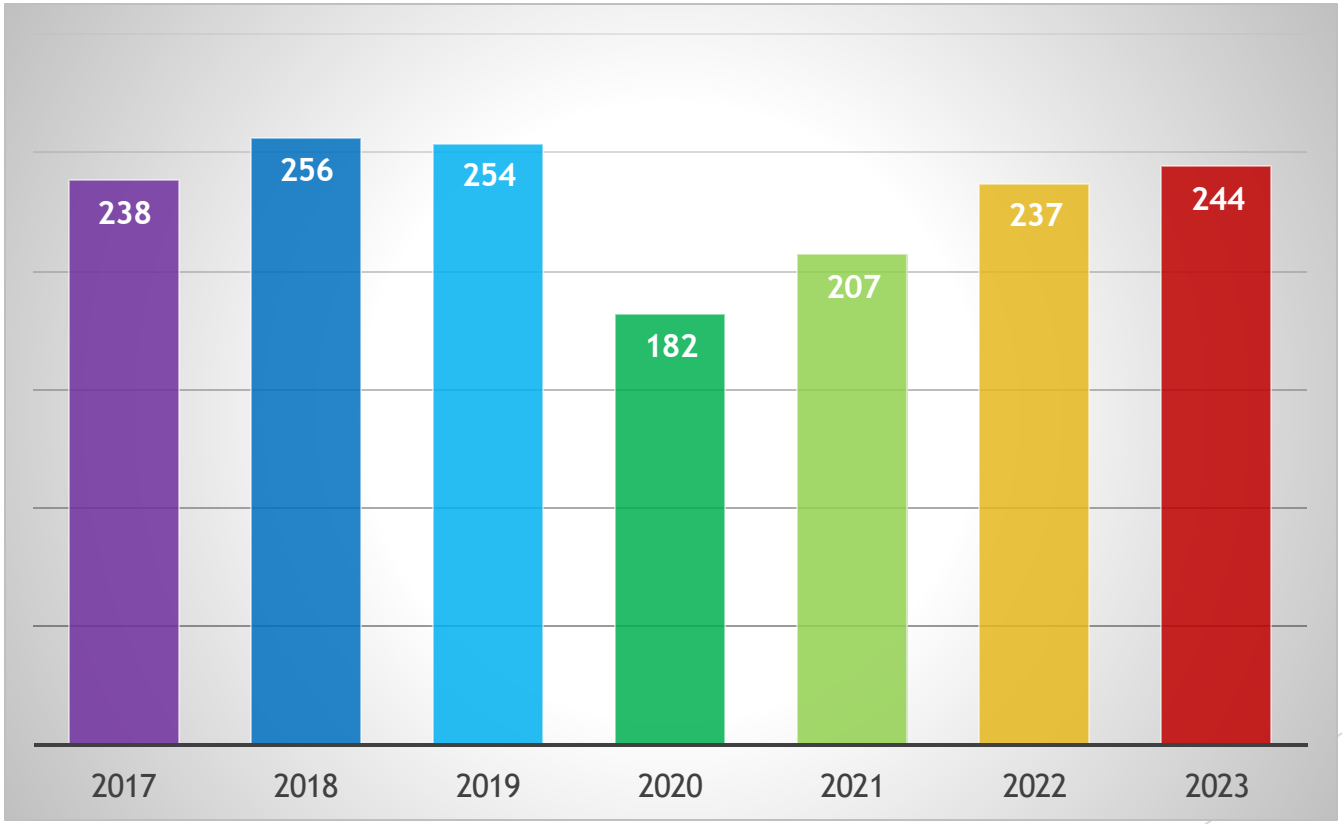
City Council

City of Pacific Grove

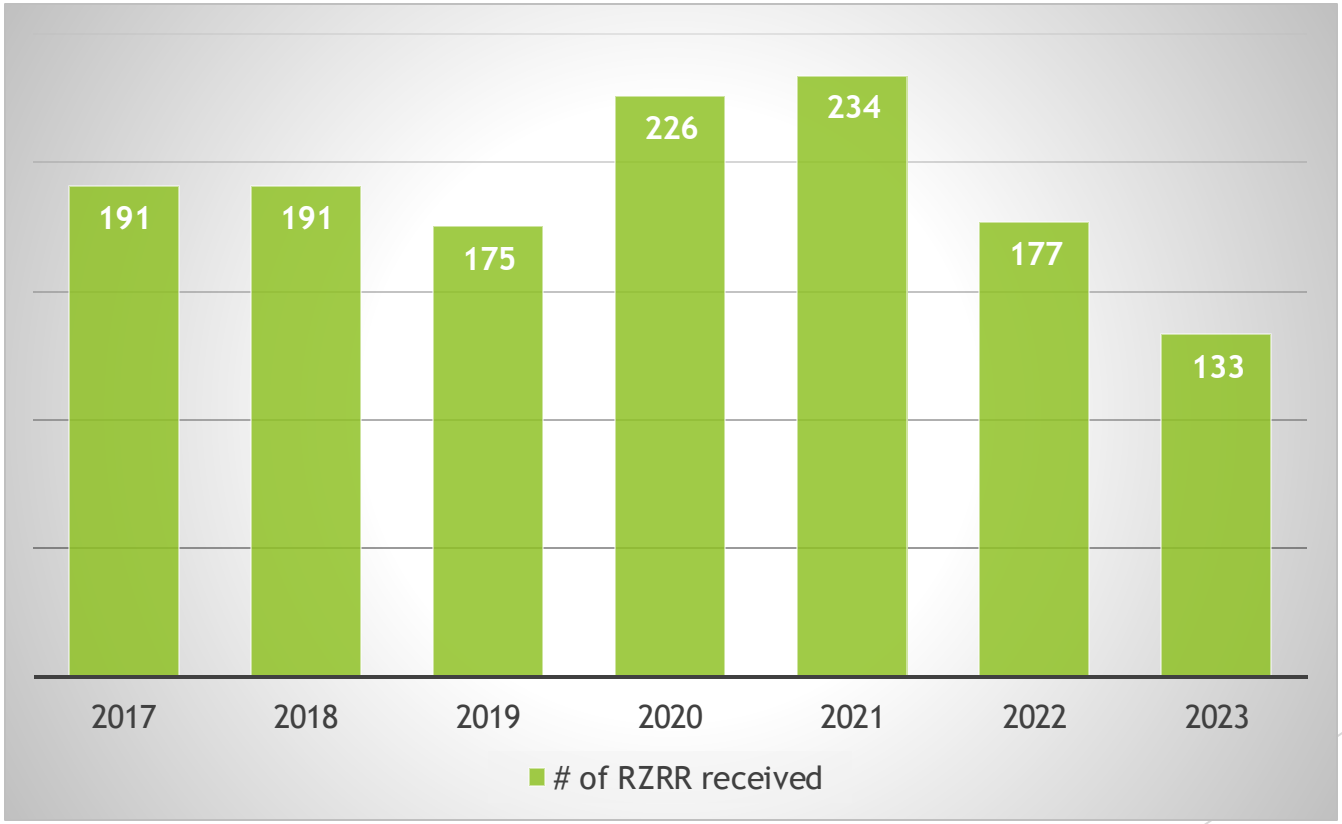
Types of Code Compliance Cases



Code Cases Created



Residential Zoning Records Report



CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Andrew Butler, Code Compliance Officer
MEETING DATE:	February 1, 2023
SUBJECT:	Update on Code Compliance Program
CEQA:	Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive the report.

DISCUSSION

This is a yearly update for the code compliance program. For the 2022 calendar year, City Code Compliance staff received 237 complaints, with 22 of those still pending per the standard process for compliance (attached). Code Compliance staff also oversees the Administrative Enforcement Panel where 41 administrative hearings were conducted, and decisions were produced by the hearing officers from the City's Administrative Hearing Officer Panel. Code Compliance staff also oversees the Residential Zoning Records Reports (RZRR) where staff received 177 applications and provided those reports prior to transfer of titles. Code Compliance staff also monitors the Forestry replant program, and has sent out 29 reminders for tree replants, which are required after one or multiple trees are removed from private property. In February 2022, Deckard Technologies software was deployed for assistance in short-term rental code compliance. Utilizing this software, staff found 31 unlicensed short-term rentals and subsequently collected approximately $20,604.07 in administrative penalties through the code compliance process. There is currently one pending case that is on track to collect approximately $5,000 in penalties for unlicensed short-term rental of a property. At this time City staff is pleased with the selection of Deckard Technologies, and plan on renewing the contract/license agreement.

OPTIONS

N/A; no recommended action.

FINANCIAL IMPACT:

Receiving this report has no financial impact.

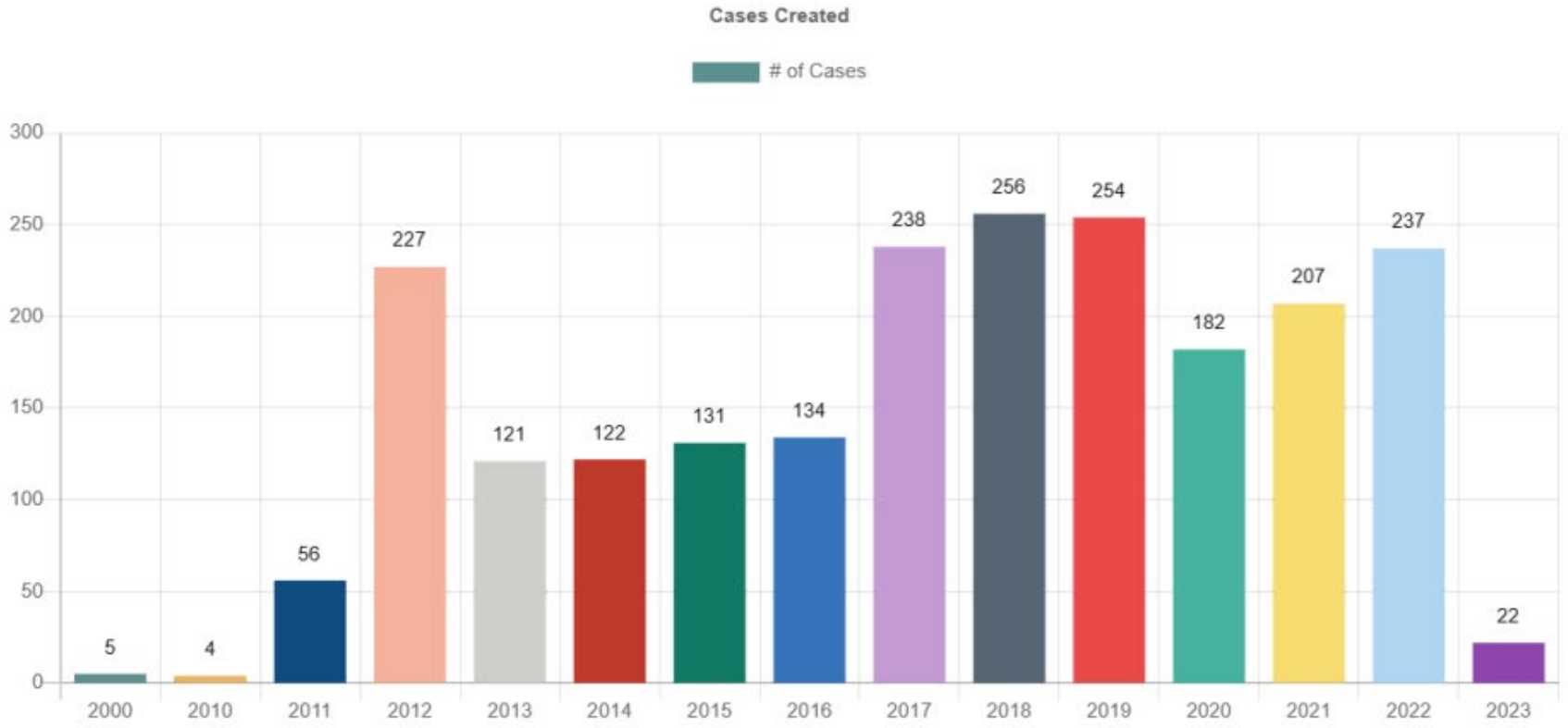
FOCUSED PRIORITY AREA: Not Applicable.

Attachments

PPT

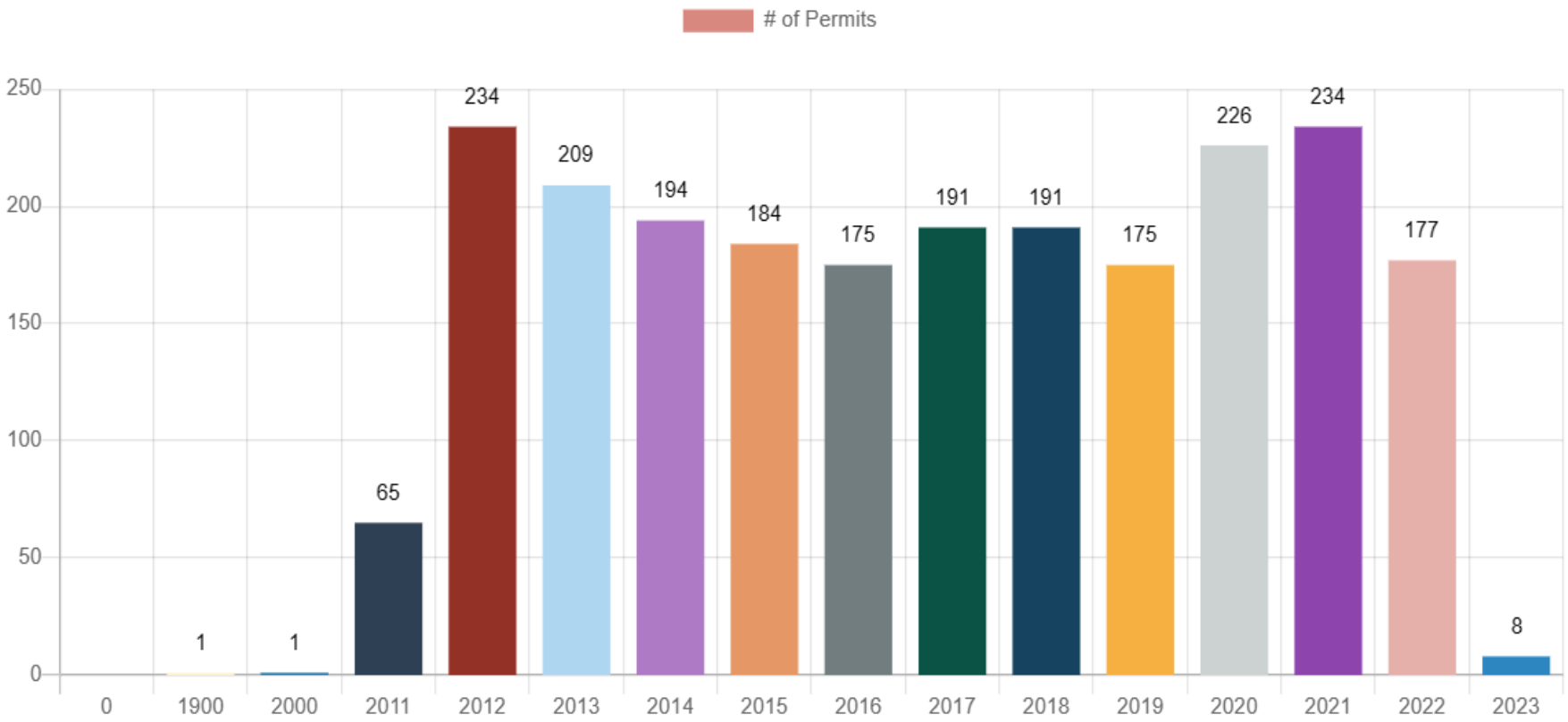
Update on Code Compliance Program

Annual Code Cases

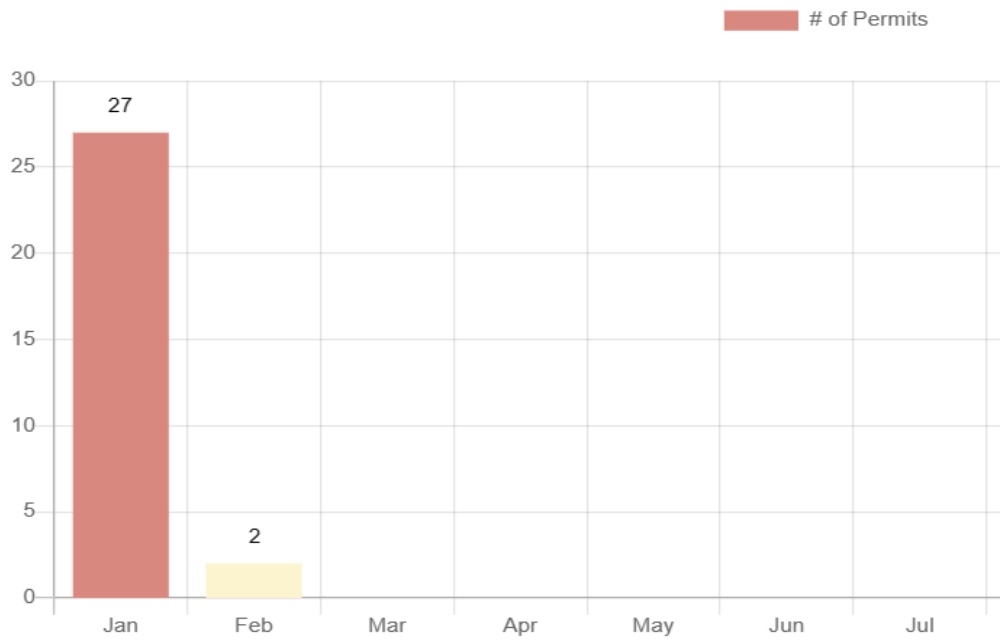


Display: Year

Residential Zoning Records Reports



Tree Replant Reminders



City Council

City of Pacific Grove

Short Term Rental Enforcement

Zone	Live	Title	First Seen	Rental Type	Minimum Night Stay	Advertised	Future Activity	Nights Booked To Date (Year-to-date)	Booking Frequency (AVG last 12	Average Price/Day (Year-to-date)
R-1	airbnb	Quaint Pacific Grove/Pebble Beach	2016-07-03	Current STR (28 nights or less)	3	2	Has Bookings	20	33	$156
R-1	airbnb	Asilomar Beach Redwood Retreat	2017-03-20	Current STR (28 nights or less)	14	3	Has Availability	0	0	$325
R-1	airbnb	Private Room in Pacific Grove	2021-12-29	Previously an STR		1	Has Bookings	0	2	
R-1-H	vrbo	5 MINUTE STROLL TO OCEAN BEACH THIS UPSCALE RETREAT PERFECT FOR FAMILIES/FRIENDS	2014-04-26	Current STR (28 nights or less)	27	3	Has Availability	0	0	$799
R-1-H	airbnb	Cheerful 3-bedroom home 2 blocks from the beach	2022-04-14	Current STR (28 nights or less)	27	3	Has Availability	0	1	$389
Coastal Zone,R-3-PGR	airbnb	Jewell Cottage 2 Bedroom Suite - Seven Gables Inn	2018-06-27	Current STR (28 nights or less)	1	2	Has Bookings	11	51	$731
R-1	vrbo	Spectacular Lover's Point And Ocean Views	2015-04-16	Current STR (28 nights or less)	28	3	Has Availability	0	0	$425
Coastal Zone,R-3-PGR	airbnb	3263 Nightly Rental ~ Almost Oceanfront! Walk to A	2017-08-07	Current STR (28 nights or less)	2	3	Has Bookings	21	56	$503
Coastal Zone,R-1-B-	vrbo	Asilomar 1/2 Acre Retreat!	2008-05-01	Current STR (28 nights or less)	2	2	Has Availability	0	33	$616
R-1	airbnb	CA Dreaming w/Ocean View, Fire pit and Gardens	2010-05-26	Current STR (28 nights or less)	1	1	Has Bookings	10	4	$135
Coastal Zone,R-3-PGR	airbnb	Historic Victorian Cottage Steps to Ocean!	2019-12-28	Current STR (28 nights or less)	5	4	Has Availability	0	5	$675

Questions?

Pacific Grove Administrative Code Compliance Procedures

1. Complaint or staff referral received by Code Compliance Officer (CCO). *(Anonymous complaints may be given lower priority unless Health & Safety related.)*

2. CCO reviews documents to verify jurisdiction, zoning, permit status, property ownership, applicable code provisions, prior complaint history.

3a. If no evidence of violation, case is closed. CCO notifies Complainant.

3b. If code violation suspected, an *Introduction and Inspection Request Letter* is sent to the property owner(s) and occupant(s)—as a courtesy.

4. If no response within 30 days by owner(s), CCO sends *Follow up Letter* to owners and occupants specifying a date/time for inspection.

5a. If no response or inspection request denied, proceed to 7.

5b. CCO conducts inspection. Photograph and document apparent violations(s) and proceed to 6.

5c. If no evidence of violation, case is closed. Memo placed in file; property owner(s) and complainant contacted by phone or email if so requested.

6. CCO sends letter to property owner(s) informing them of violation and specific steps to resolve, including, usually a 30-day compliance date. If owner clears violation, proceed to 8a. If no response within 30 days, proceed to 7.

7. CCO sends *Compliance Order* to property owners(s) and occupant(s) per MC Section 1.19.160, with usually 30 days to respond.

8a. Compliance achieved. CCO prepares memo to file; contact property owner(s) via phone or email.

8b. Compliance not achieved. Hearing Officer (HO) schedules hearing per MC Section 1.19.180.

9. CCO sends *Notice of Compliance Hearing* to property owner(s) and occupant(s). CCO posts property and at City Hall display cabinet (10 days notice prior the hearing).

10. CCO prepares hearing report and supporting evidence.

11. HO conducts Hearing.

12. HO makes findings and determination in accordance with MC Section 1.19.180(e).

13a. If HO finds a violation, HO issues an Administrative Order (AO) per MC Section 1.19.190.

13b. If HO finds no violation or the violation is corrected within the time specified, the HO issues a finding as to those facts. Case closed.

14. HO sends notice of entry of the Administrative Order, copy of Order and findings to owner(s) and occupant(s).

15a. Property owner fails to comply. Case held for the 90 day appeal period pursuant to MC Section 1.16.

15b. Property owner submits evidence but City Manager disputes compliance, proceed to 17. Owner may dispute City Manager's decision by requesting a HO hearing.

15c. Property owner submits evidence of compliance in accordance with the schedule. If City Manager agrees *Compliance Report* submitted to Hearing Panel. Case closed.

⇨

16a. If Compliance Dispute, Compliance Hearing scheduled upon request per MC Section 1.19.250.

16b. If no hearing request, case referred to City Attorney for enforcement pursuant to MC Section 1.16.

⇨

17a. HO holds hearing and finds compliance.

17b. If non-compliance, staff requests City Council to impose lien on Property.

Post Hearing Process

1. If fines or cost imposed by HO are not paid within 90 days, a lien against the real property may be imposed.

⇨

2. Person subject to lien may protest to City Council.

⇨

3. Council's decision adopted by resolution.

⇨

4. If Council imposes lien, City Attorney files lien with County Recorder's office.

⇨

5. When lien is satisfied, City will produce Notice of Satisfaction for lienee to record.

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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Alyssa Kroeger, Housing Program Manager
MEETING DATE: May 01, 2024
SUBJECT: Housing Element Monthly Status Update
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

1. Receive the report.
2. Alternatively, discuss and take other action related to this item.

DISCUSSION

On December 20, 2023, City Council approved the first amendment to the contract with Rincon Consultants, initiating the preparation of the Housing Element Update (HEU), along with related General Plan Amendments, Zoning Amendments, and Environmental Impact Report (EIR). Subsequently, City Staff and Rincon Consultants continued/commenced work and provided the third monthly progress report update to Council on April 3, 2024. Since then, the following tasks have been undertaken:

- **April 2, 2024:** Housing Element Team coordination meeting to discuss new invoicing format and contract management regarding the out-of-scope activity per the City Council direction to consider alternative sites and rezoning/upzoning to accommodate the necessary housing unit capacity.
- **April 4, 2024:** Rincon provided staff with an initial draft assessment of the current Objective Development Design Standards (ODDS) within the City's zoning code and suggested changes to implement housing goals for further review and discussion. This information will inform the proposed zoning text amendments as part of the overall Housing Element/General Plan Update.
- **April 11, 2024:** Ongoing Housing Element Team collaboration on potential alternative sites and rezoning/upzoning. Discussions included feasibility and potential capacity of identified sites. Discussed strategy for informing property owners so that they can participate in the process. Also, continued discussions on outreach activities for CDD's Good Old Days table in May. Outreach activity will focus on the Health and Safety General Plan element. Also discussed revisions to the City's adopted Vehicle Miles Traveled (VMT) policy and tentative dates for Planning Commission and City Council presentations.
- **April 12, 2024:** Rincon provided staff with a draft health and climate change outreach activity concept to be developed and administered at CDD's Good Old Days table. Responses may be used to help inform the forthcoming focused general plan work under the Land Use and Health and Safety Elements.
- **April 18, 2024:** Internal staff coordination meeting to discuss next steps in reviewing and providing feedback to consultants on the initial draft ODDS zoning code assessment.

Housing Element Team includes City Planning, Housing, and City Manager staff, City legal representation, and Rincon/subconsultant staff.

Staff will provide a monthly status update to the Council throughout the process, leading to an adopted and certified Housing Element. For more information, please visit the Housing Element Webpage: https://www.cityofpacificgrove.org/our_city/departments/community_development/housing/housing_element.php

OPTIONS

N/A - This is information only.

FINANCIAL IMPACT:

There is no fiscal impact associated with receiving this report.

FOCUSED PRIORITY AREA: Affordable Housing

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Daniel Gho, Public Works Director/Deputy City Manager

MEETING DATE: May 01, 2024

SUBJECT: George Washington Park Playground Equipment Selection

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

---

RECOMMENDATION

1. Authorize an agreement with Park Planet, option 1, for a cost not to exceed $106,880.31 for the procurement, preparation of the site, and installation of playground equipment at George Washington Park.
2. Alternative, take other action related to this item.

DISCUSSION

As a part of the FY22/23 Capital Improvement Plan (CIP), the City Council approved the George Washington Park (GWP) Children's Playground Equipment Project with a $25,000 American Rescue Plan Act (ARPA) funding. The California department of Parks and Recreation, via the Parks Bond Act Per Capita Grant Program, awarded an additional $81,952 of funds. The total available funding for the project is $106,952.

On February 24, 2023, the City issued a Request for Proposal (RFP) for playground equipment for George Washington Park (GWP) to supplement the existing equipment, which is a structure that is geared towards kids that are 5-12 years of age.

The scope of work for the project consisted of the design, procurement, preparation of the grounds and the boarders, and installation of a playground system. The vision is to supplement the existing play equipment in the park with equipment that matches the general aesthetic of the park, and accommodates young children.

In February of 2023, the City received one proposal from Playcore Wisconsin Inc. DBA Gametime. Their proposal included 3 options, but neither of the options met the Recreation Board's vision for the playground equipment. The board wanted non-traditional equipment that matched the natural aesthetic of the park.

The City reissued a new RFP on January 2, 2024; this RFP specified that the play equipment should have a natural look. Five (5) proposals were received on February 9, 2024.

Company	Cost
Gametime (attachment 1)	$106,927.24
Zoom Recreation (attachment 2)	$138,973.60
Park Planet (attachment 3)	Option 1: $106,880.31 Option 2: $106,739.45
Playworld (attachment4)	Option 1: $125,720.00 Option 2: $187,867.00
Miracle (attachment 5)	$97,763.66

City staff presented the results of the rebid process to the Recreation Board at their March 28, 2024 meeting. The Board recommends that the City Council approve an agreement with Park Planet, option 1, stating that this proposal is in line with their previous request for natural-looking equipment and their vision for the park.

The new equipment will be placed between the swings and the existing park equipment with a new border (location picture is included as Attachment 6).

Please note that no trees will be removed though some trimming may have to occur. If trimming does need to occur the City will perform the work under the supervision of the City Arborist. Public Works will obtain all the necessary permits for the installation of the playground equipment and for any tree trimming if deemed necessary.

AGREEMENT
If awarded, the City will use the standard construction contract approved by the City's insurer, California Joint Powers Insurance Authority (CJPIA).

NEXT STEPS
Once a contract is executed, the City will work with the contractor to develop a construction schedule.

Project updates will be provided on the Clear Gov **project page**.

OPTIONS

1. Select alternative equipment from the proposals.
2. Do not approve the project.

FINANCIAL IMPACT:
This project has a budget of $106,952.00. The City has allocated $25,000 from American Rescue Plan Act (ARPA) funds and the remaining project budget of $81,952.00 is grant-funded, derived from a Parks Bond Act Per Capita Grant Program.

FOCUSED PRIORITY AREA: Recreation Services

Attachments

Gametime
Zoom Recreation
Park Planet

Playworld
Miracle
Location

C/O MRC
PO Box 106
Spring Lake, NJ 07762
Ph: 732-458-1111
Em: MRC@GAMETIME.COM
Web: www.mrcrec.com

02/08/2024
Quote #
110192-01-11

CA Pacific Grove City of George Washington Park 2-5 Playground

City of Pacific Grove Recreation
Attn: Daniel Gho
2100 Sunset Drive
Pacific Grove, CA 93955
Phone: 831-648-5722 Ext. 4203
dgho@cityofpacificgrove.org

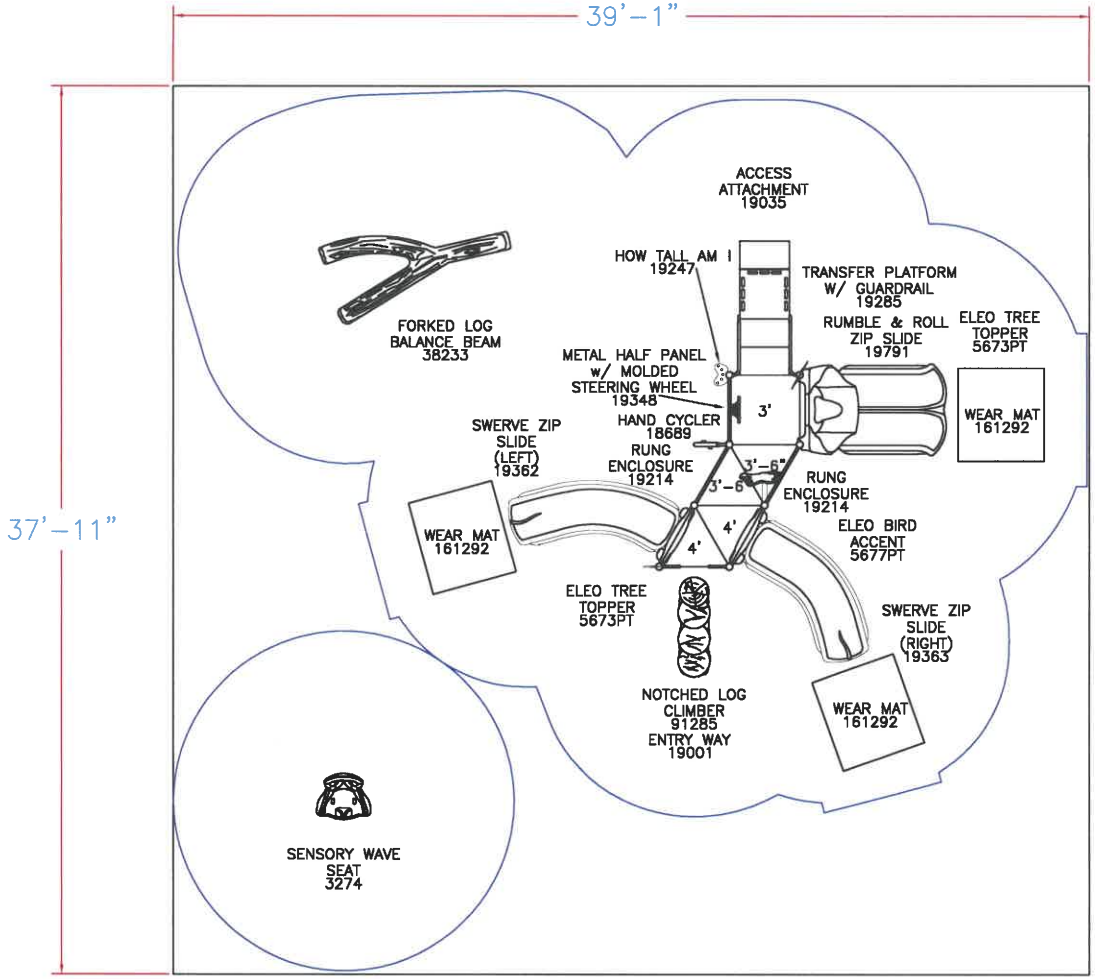
Ship to Zip 93950

Quantity	Part #	Description	Unit Price	Amount
1	RDU	GameTime - PrimeTime Custom 2-5 Unit		
1	3274	GameTime - Sensory Wave Seat		
1	38233	GameTime - Forked Balance Beam		
1	TEC	GameTime - Equipment, Freight, and Sales Tax Total	$41,747.24	$41,747.24
1	INSTALL	GameTime - by a GameTime certified installer- Labor: $41,100.00 Received and Store Equipment Excavate an area of 41' x 40' x 12" Deep Grade Surrounding Provide Temporary Fencing Install Gametime Custom Playground equipment for 2-5 Concrete Curb $14,500.00 Furnish and Install 158 LF of 8" Wide x 12" Deep Concrete Curb Surfacing $9,580.00 Furnish and Install 74 Cubic Yard of EWF Furnish and Install (3) Wear Mats Exclusion: . Responsibility for any underground utilities at and around the job site . Furnish of Play Equipment . Third Parties Playground Inspection . Permits and fees . Excludes all others not included in our scope of work . Site preparation by others and not included in our scope of work	$65,180.00	$65,180.00
			Sub Total	$106,927.24
			Total	**$106,927.24**

Comments

jp af

CHOOSE YOUR COLOR SCHEME: IT IS VERY IMPORTANT THAT YOU CHOOSE A COLOR SCHEME FOR YOUR MODULAR PLAYGROUND UNIT AT TIME OF ORDER. PLEASE SELECT FROM ONE OF THE MANY **"PLAY PALETTES"** LISTED IN THE BACK OF THE GAMETIME CATALOG OR ON OUR WEBSITE: www.gametime.com. INDICATE YOUR SELECTION BELOW. **GAMETIME PLAY PALETTE: _____ NOTE: COLOR SELECTION FOR ALL OTHER EQUIPMENT SHOULD BE ENTERED IN THE SPACE PROVIDED UNDER THAT SPECIFIC ITEM.**



GameTime
A PLAYCORE Company
150 PlayCore Drive SE
Fort Payne, AL 35967
www.gametime.com

ISO 9001 CERTIFIED

George Washington Park
Pacifica Grove CA

Representative
MRC

This play equipment is recommended for children ages
2-5

Minimum Area Required:

Scale: 1" = 5'-0"

This drawing can be scaled only when in an 11" x 17" format

IMPORTANT: Soft resilient surfacing should be placed in the use zones of all equipment, as specified for each type of equipment, and at depths to meet the critical fall heights as specified by the U.S. consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CAN/CSA-Z-614

Drawn By: jp af
Date: 2.7.24
Drawing Name: 110192-01-11

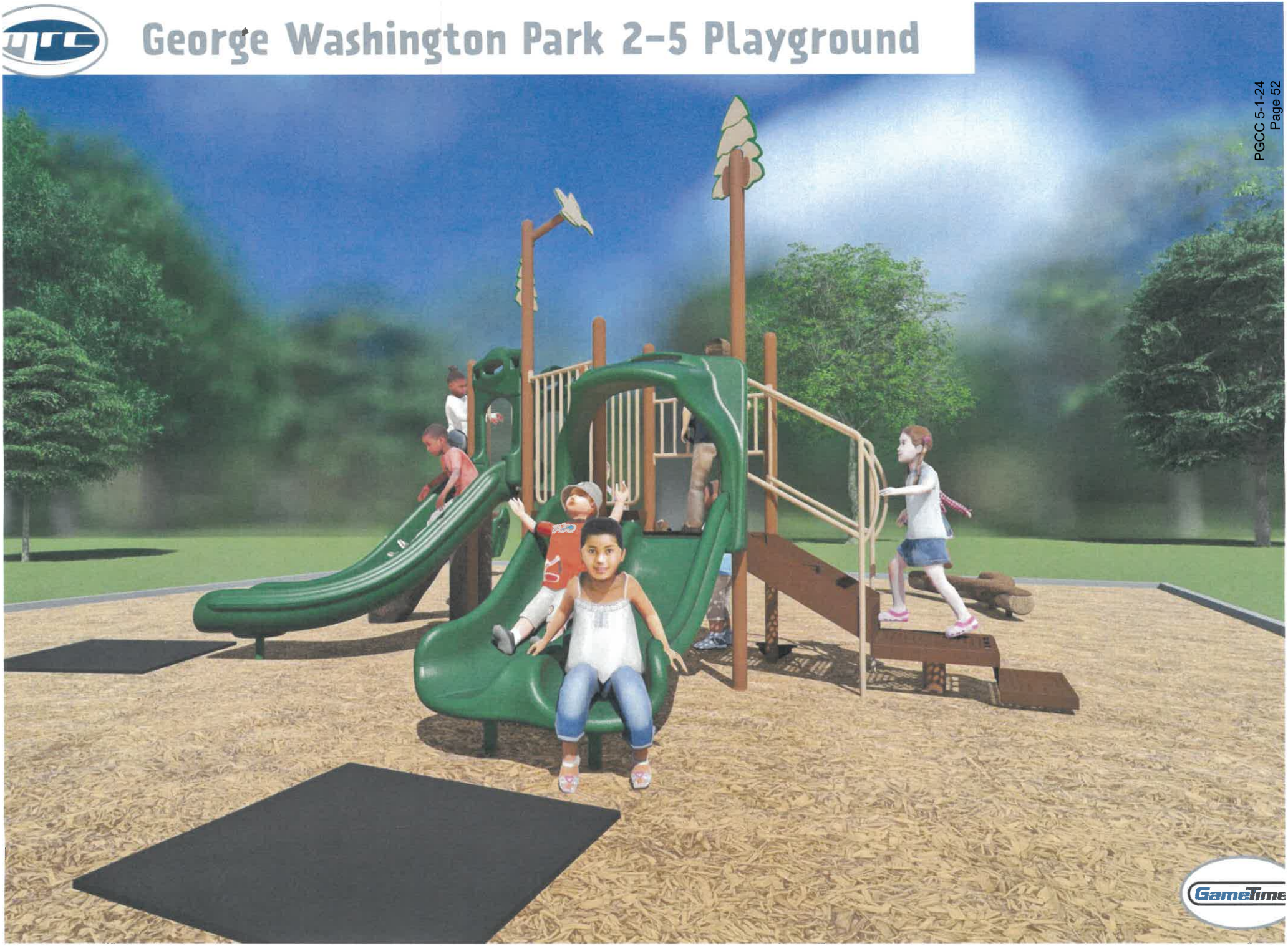
George Washington Park 2-5 Playground



George Washington Park 2-5 Playground



George Washington Park 2-5 Playground



George Washington Park 2-5 Playground



George Washington Park 2-5 Playground



zoom RECREATION

Superior RECREATIONAL PRODUCTS A PLAYCORE Company







GEORGE WASHINGTON PARK PLAYGROUND

Pacific Grove, CA

zoom RECREATION

Superior RECREATIONAL PRODUCTS a PLAYCORE Company



WHY ZOOM?
WHY SUPERIOR?

WE'VE GOT YOU COVERED

1. All our equipment is proudly made in the USA.
2. CPSI & ASTM certified designers and installers to ensure safety comes first on every project.
3. Fully licensed, bonded and insured.
4. Turn-Key. We handle both the design and installation.
5. Exclusive rights partner of Superior Recreational Products



Project:
George Washington Park Pacific Grove

Quote:
QUO0277387

Preliminary Concept Design

Conceptual Renderings Only. Subject to change without notice at SRP's Discretion

Transfer

Steel

2-12
Age Group

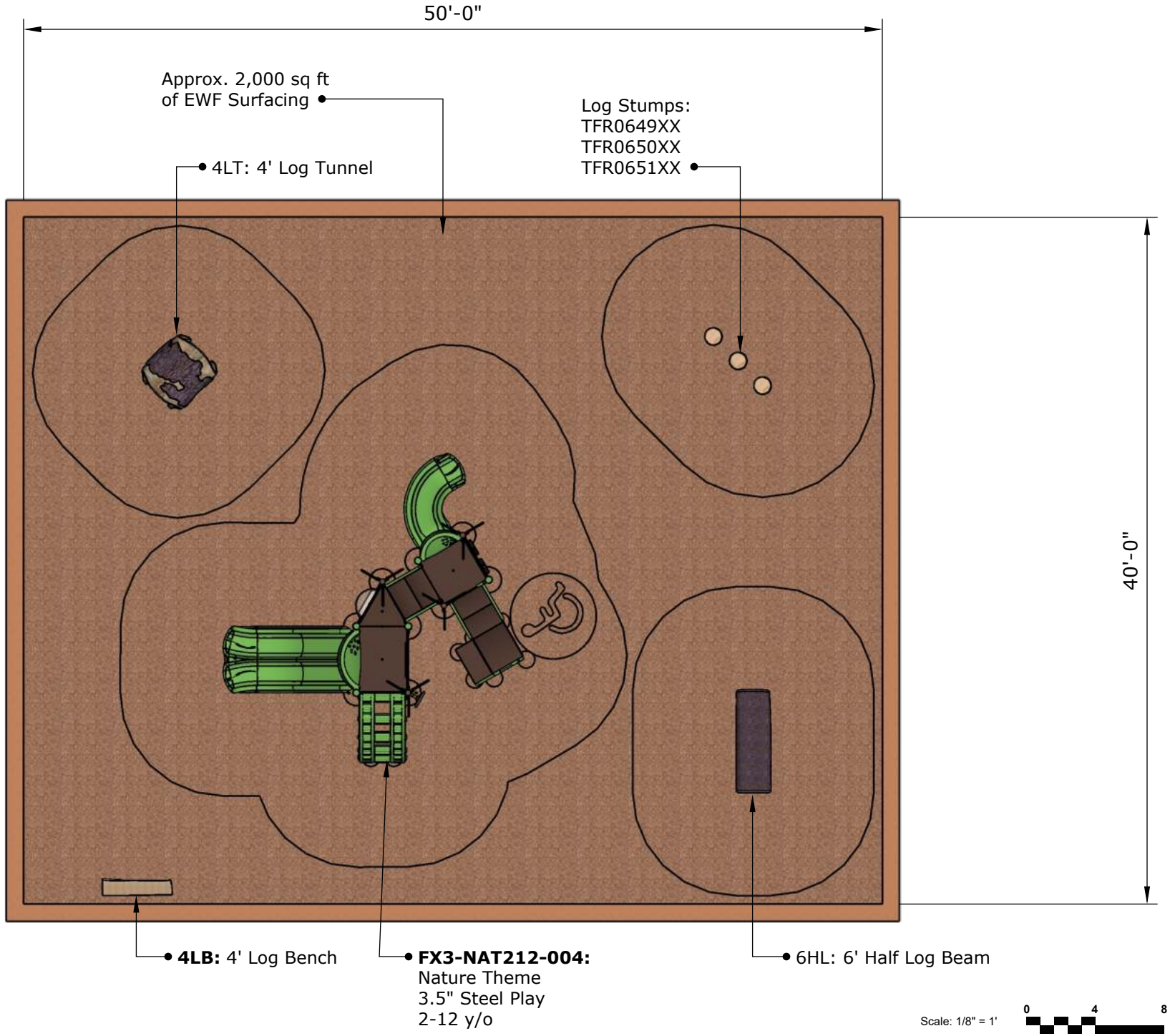
Designer: E.Carter

Date: 02/06/2024









Conceptual Renderings Only. Subject to change without notice at SRP's Discretion





Structure: FX3-NAT212-004-00
Age: 2-12 / Series: 3.5” Steel / Theme: Nature

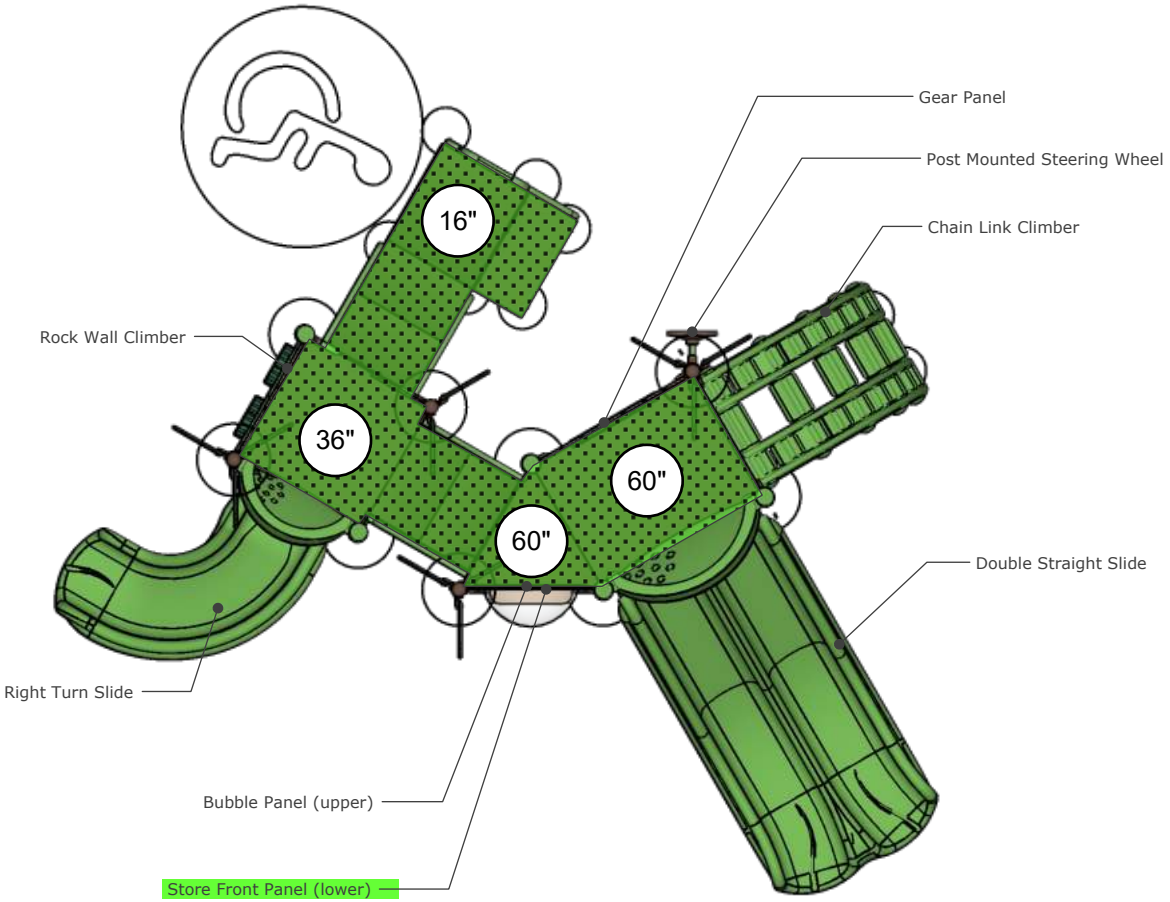
Preliminary Concept Design

Conceptual Renderings Only. Subject to change without notice at SRP’s Discretion





Accessible On-Route Elevated Path
Non-Accessible Elevated Path
Accessible On-Route Ground Level Activities



Minimal Fall Zone Surfaced with Resilient Material

Use Zone Area: 600 SqFt
Use Zone Perimeter: 96' Ft
Use Zone Dimensions: 31'x28'

Structure Size: 19'x16'
Structure Overall Height: 16'6"

Structure is Designed for Children
Ages: 2-12

Post Diameter: 3.5" Steel

User Capacity: 27

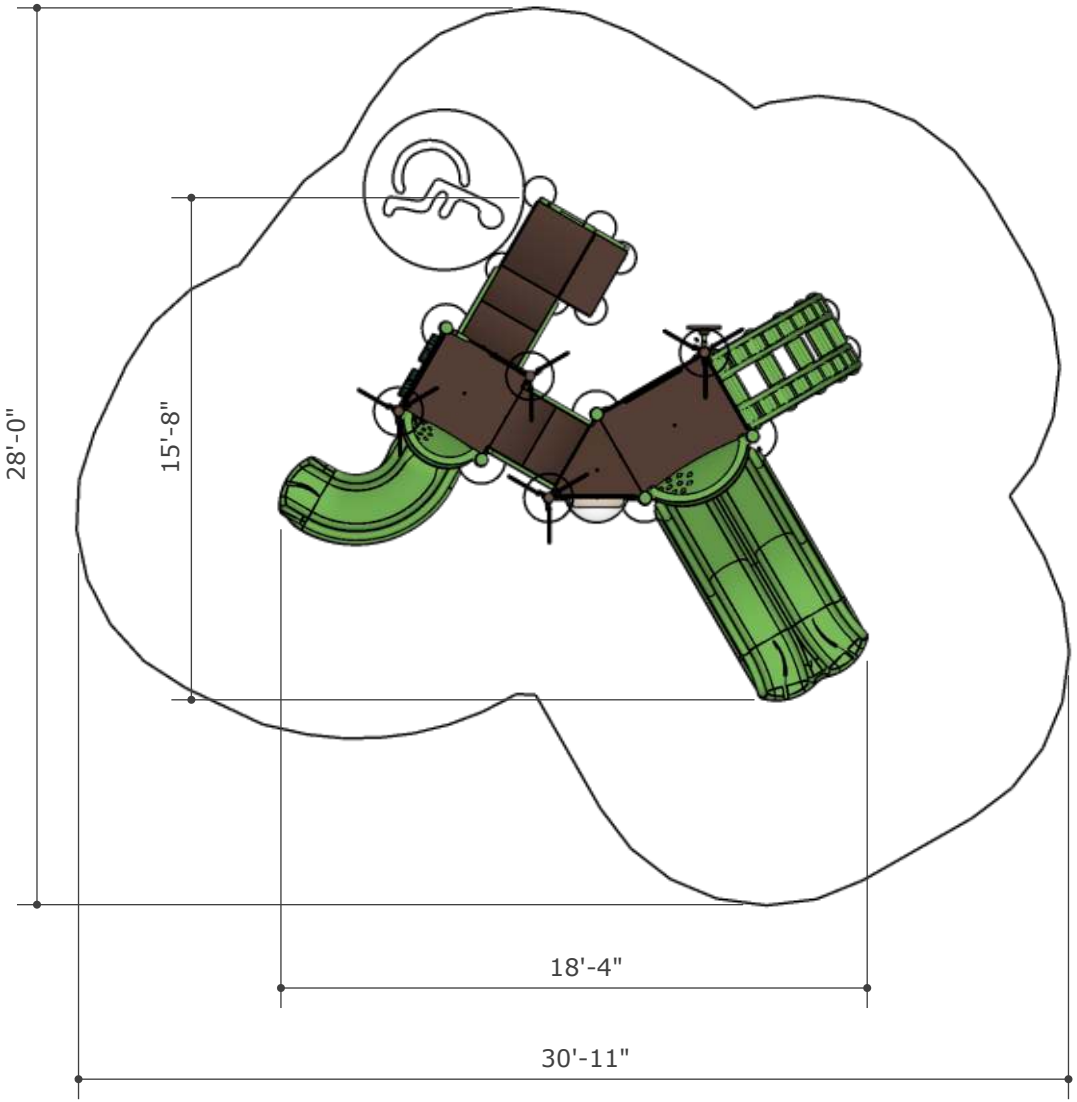
Fall Height: 5'

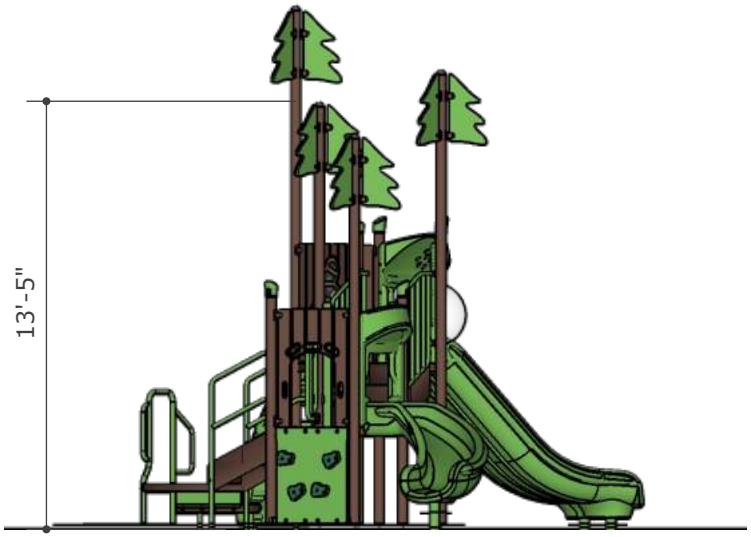
48" Timber Count: 34

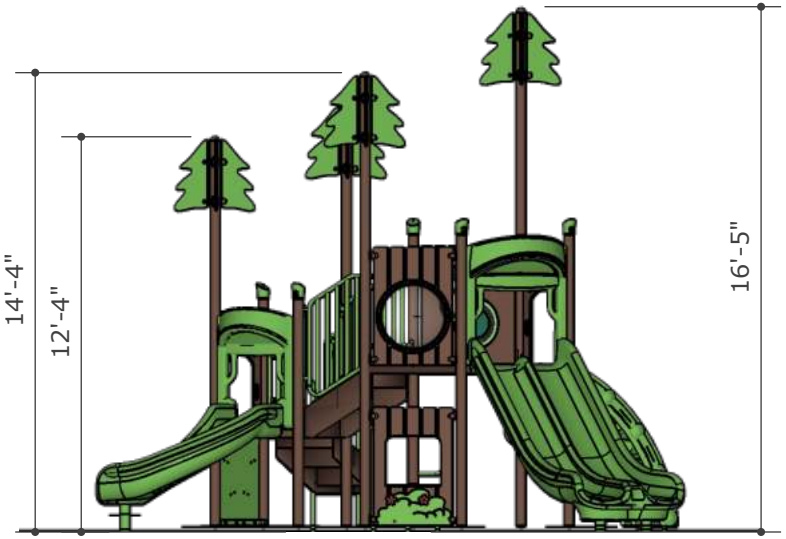
Designer: N Guice

Revised By:

ADA Accessibility		
Number of Play Events	8	
Number of Elevated Play Events	6	
Number of Elevated Play Events Accessible By Ramp	0	Required 0
Number of Elevated Play Events Accessible by Transfer System	Provided 6	Required 53
Number of Ground Level Play Events on Accessible Route	Provided 2	Required 2
Number of Types of Ground Level Play Events on Accessible Route	Provided 2	Required 2







0 3 6
Scale: 1" = 6'

Partner

Superior RECREATIONAL PRODUCTS A PLAYCORE Company

https://srpplayground.com/

SRPEX

srpplayground.com
866-795-7545









Zoom Recreation
4000 Barranca Parkway Suite 250-659
Irvine, CA 92604
+1 8665165439
scheduling@zoomrecreation.com

Quote

ADDRESS
City of Pacific Grove
2100 Sunset Dr. Pacific Grove, CA 93950

SHIP TO
City of Pacific Grove
700 Alder St, Pacific Grove, CA 93950

QUOTE # 3447
DATE 02/05/2024
EXPIRATION DATE 04/30/2024

PROJECT MANAGER
Toby Fernie

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	FX3-NAT212-004	FX3-NAT212-004 Themed Economy Series: Nature Age: 2-12 Capacity: 27 Size: 19’ x 16’ Use Zone: 31’ x 28’ Fall Height: 5’ Est. Height: 34	1	30,506.00	30,506.00T
	4LT	Product Name: 4LT 4’ Log Tunnel Age Group: 2-5, 5-12 Space Required: 15’ 5" x 151 8"	1	6,374.00	6,374.00T
	TFR0645XX	Product Name: TFR0645XX 12"" Tree Stumps with Moss Age Group: 2-5, 5-12	1	2,175.00	2,175.00T
	TFR0650XX	Product Name: TFR0650XX 20" Standard Tree Stumps Age Group: 2-5, 5-12	2	2,575.00	5,150.00T
	TFR0651XX	Product Name: TFR0651XX 28" Standard Tree Stumps Age Group: 2-5, 5-12	1	2,775.00	2,775.00T
	6HL	Product Name: 6HL 6’ Half Log Beam Age Group: 2-5, 5-12 Use Zone: 18’ x 14’	1	3,745.00	3,745.00T
	4LB	Product Name: 4LB 4’ Log Bench Age Group: 2-5, 5-12 Dimensions: 4’ x 2’ Material: GFRC (Glass Fiber Reinforced Concrete)	1	3,372.00	3,372.00T
	Professional Certified Installation of Playground(s)	Professional Certified Installation of Playground(s) -Unloading - Layout	1	48,375.00	48,375.00

LICENSE # 1067651 (A, C61/D34)
DIR #1000655676

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
		- Excavation -In-ground footers - All concrete and required rebar/steel reinforcement - Assembly of structure - Haul and dispose of spoils offsite Wage type: Prevailing Includes treated borders around the outside of the play space to contain EWF.			
	Professional Certified Installation of Playground(s)	Provide and Installation of pressure treated wooden borders around perimeter of play box - 40’ x 50’ x 12" Depth	1	9,000.00	9,000.00
	Engineered Wood Fiber	Engineered Wood Chip ASTM Certified Engineered Wood Chips with BLOWN IN Installation 2000 square feet at 12 inch FINAL THICKNESS AFTER NATURAL COMPACTION 96 cubic yards Fabric Landscape Fabric per Square Foot INSTALLATION -FABRIC LANDSCAPE FABRIC INSTALLATION Includes prevailing wages differential	1	11,395.00	11,395.00T
	Custom-Service	CPSI third party inspection of new playground and safety surfacing.	1	1,000.00	1,000.00
	Storage Container	Secure storage container to be staged onsite. Dimensions of storage containers vary based on size of the project. -Storage container is required to be either purchased through Zoom Recreation, or provided by the client prior to the start of the project -Zoom Recreation bills $1,150/month for a minimum of two months for 20’ long storage containers	1	2,300.00	2,300.00T

Installations scheduled after 90 days of proposal acceptance may be subject to price adjustments.

This proposal does not provide for the following:
- Service items, unless stated: receipt, inventory, loading, unloading, storage, security of equipment, or security fencing
- Site sub-grade issues: material not suitable for footings, material requiring demolition, or contaminates that may require remediation, or in-place mechanical systems, including, but not limited to: irrigation, water, electric, sewer, or gas.

Client acknowledges that Zoom Recreation is not liable for any damage to existing concrete, landscaping or other surfaces while installing and/or using heavy machinery on-site.

SUBTOTAL	143,308.00
TAX	6,270.76
SHIPPING	6,535.84
TOTAL	**$138,973.60**

Park Planet

George Washington Park

OPTION 1

Themed Concepts



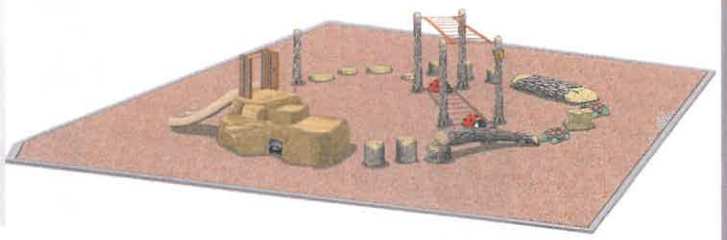
Tammie Ward
Direct: 831-747-0585
Email: Tammie@parkplanet.com

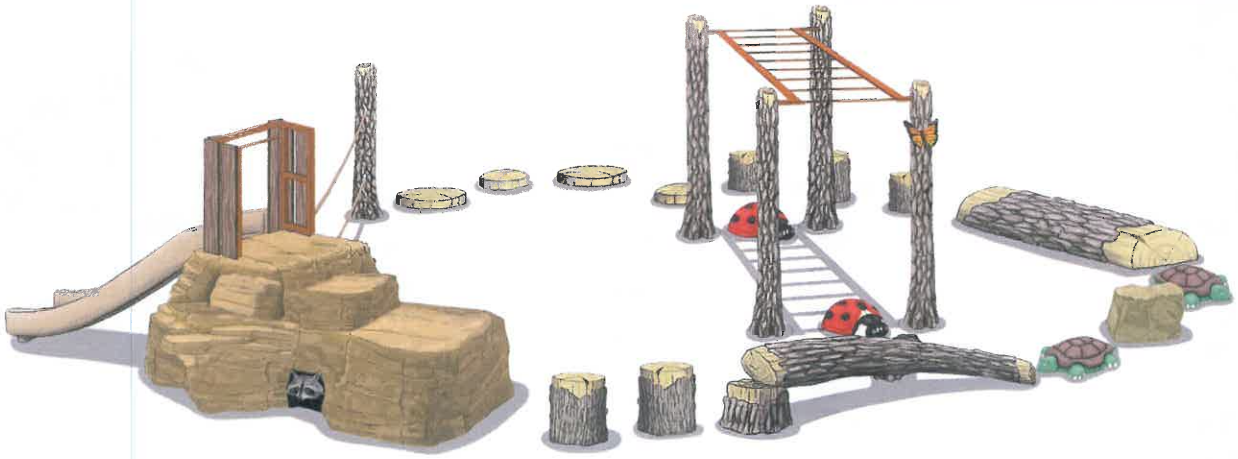
Playit Creations

Site Renders

The project design contained within this presentation has been developed in response to your unique project requirements.

The artwork, CAD layouts or other created images are an exclusive, genuine creation of Playit Creations

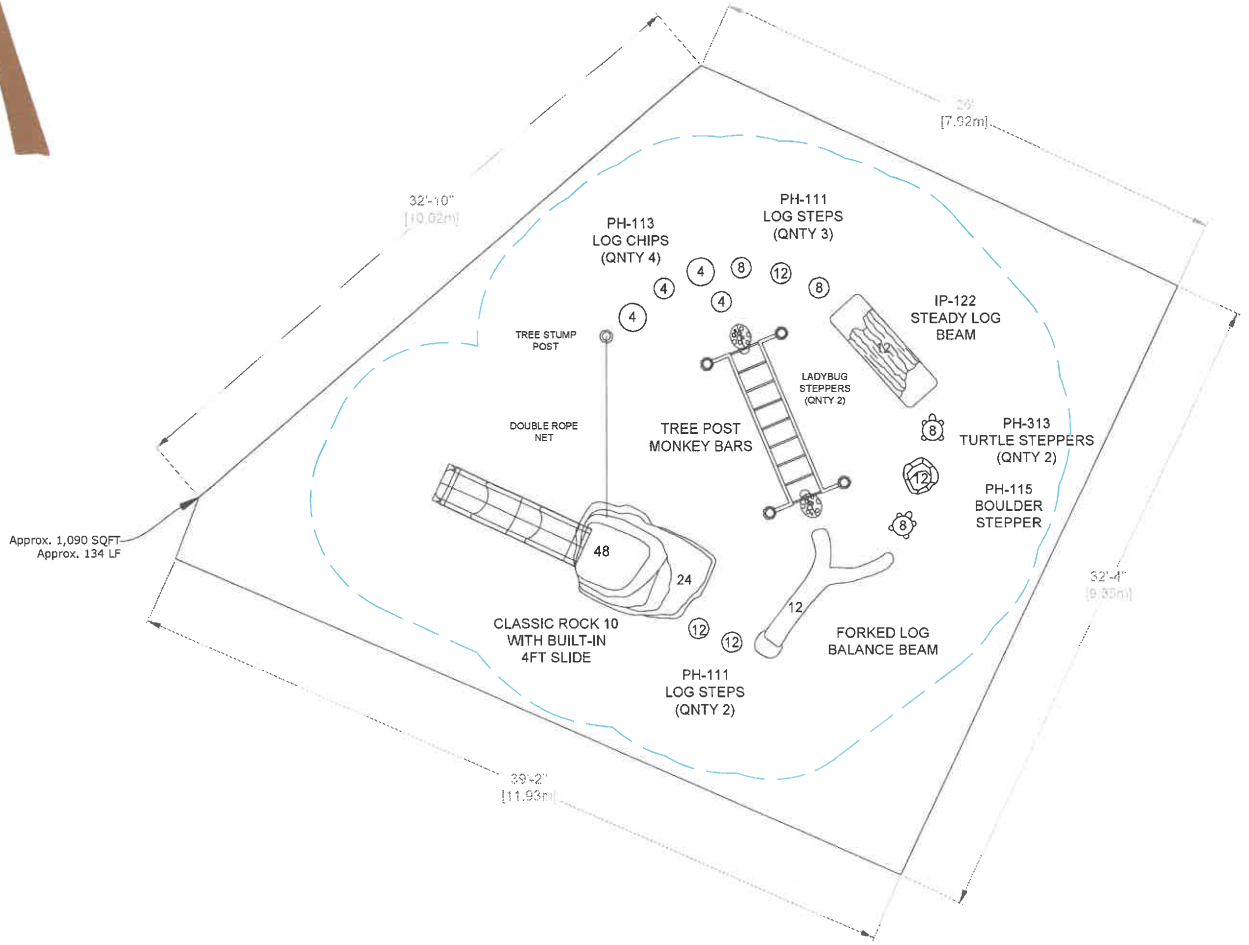




Park Planet

Playit Creations

CAD Layout



PRESENTED PROJECT

PROJECT NAME
Washington Park
PROJECT NO
24-117
DRAWN BY
KN
DATE
2/8/2024

PROJECT DETAILS

AGE GROUP
2-12
ADA ACCESSIBLE
N/A
FALL HEIGHT
66"
REQUIRED SPACE
31'4" x 34'6"

COMPONENTS

CAPACITY
45

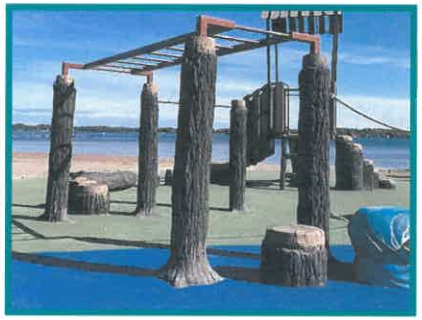
The artwork, CAD layouts or other created images are an exclusive, genuine creation of Playit Creations

Park Planet

Playit Creations

Design Features

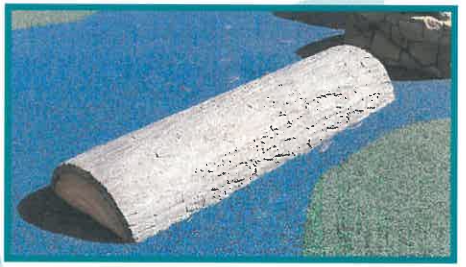
TREE POST MONKEY BAR EXAMPLE



LOG STUMP STEPPERS

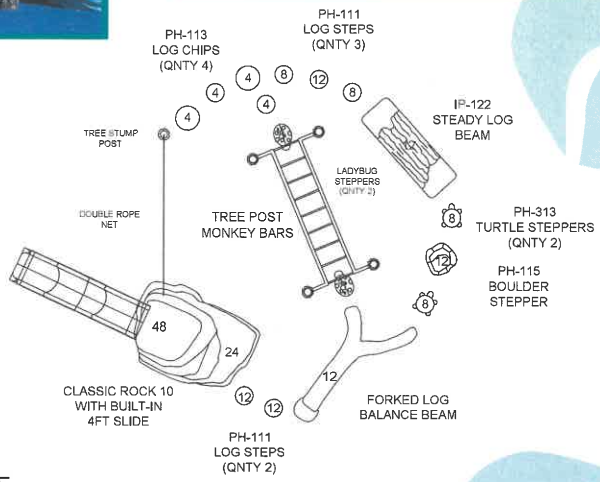


FALLEN STEADY LOG



ROCK SLIDE EXAMPLE





BOULDER STEP



LOG CHIPS



LADYBUG STEPS



TURTLE STEPS



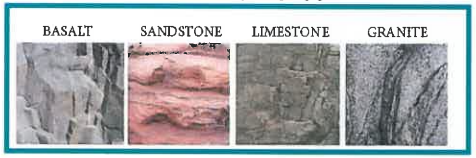
ROCK 11 WITH NET TO TREE STUMP POST EXAMPLE



FORKED LOG EXAMPLE



Rock Textures



Bark Textures



Park Planet

The artwork, CAD layouts or other created images are an exclusive, genuine creation of Playit Creations

Playit Creations

Nets







ROPES & NETS

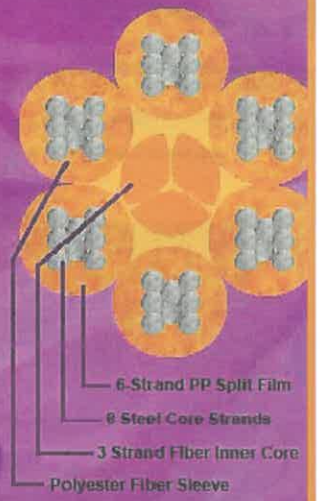


Themed Concepts' nets and rope climbers are made of the highest quality 6-Strand PP split film construction. In each strand, there are 8 steel wires wrapped in a polyester sleeve for added strength and ultimate durability.

Available rope sizes are 16mm and 18mm, which are easy to grab yet soft on small hands. Colors available are black, green, blue, tan, red and yellow. Contact Themed Concepts for any special size or color needs.

Connections on all Themed Concepts nets are made using pressed aluminum ferrules and button stop clamps in combination with stainless steel hardware and accessories. A variety of adaptors and custom connections can be integrated into our current line of nets. Contact Themed Concepts for any special connection requests.





PRODUCT FEATURES:

- Available in 16mm and 18mm diameters
- Long life expectancy
- Standard designs and custom designs available
- 8 Galvanized steel wires in each strand
- Three strand twisted fiber core
- Available in Black, Green, Blue, Tan, Red and Yellow

Playit Creations

Warrany and About Us

Product Limited Warranty

This warranty is exclusive and shall be accepted in lieu of all other warranties. All product and/or service warranties begin on the date shown on the official sales invoice document.

Should any breach of this warranty appear within the stated applicable warranty period, Playit Creations, shall,upon notification in writing of the defect, correct such nonconformity either by repairing any defective product or parts, or by making available a replacement part at Playit Creations option, within 60 days of written notification. The option to repair or replace product or parts shall be at the sole discretion of Playit Creations. Playit Creations shall make repairs to the product or part on site, deliver the repaired or replaced product or part to the site free of charge, but will not be responsible for providing labor or the cost of labor for the removal of the defective product or parts and the installation of any replacement product or parts. Replaced or repaired parts shall be warranted for the balance of the original part's applicable warranty period. Replacement of a product or part shall not, under any circumstance, exceed the suggested retail price of the product or part at the original date of purchase.

All warranties are null and void if the products and/or part(s) are not erected and installed properly and in total conformity with Playit Creations installation instructions and maintained and inspected in accordance to procedures furnished by Playit Creations.

Playit Creations does not warranty any wear and tear resulting from normal use of the product. Cosmetic issues such as surface scratches, chips, hairline cracks, wearing or fading paint, efflorescence visible on the product, or plastic warping or gaping as well as other cosmetic issues are not covered. Any deviation from the installation instructions and/or recommended maintenance procedures provided by Playit Creations to the customer will void any manufacturers' warranty on the product. Playit Creations does not warranty any product failure or damage due to vandalism.

Playit Creations shall not be held liable due to unforeseen circumstances or causes beyond its control, including but not limited to strike, embargo, riot, war, fire, act of God, vendor delays, or subcontractor or customer caused delays.

To make a claim, please mail your written statement of warranty claim along with your project number and invoice number to:

Playit Creations
5100 130th St N
Hugo, MN 55038 USA

Limited Warranty Lengths:

1-Year Limited Warranty: On all rotationally molded plastic components and High Density Polyethylene plastic sheet, not including plastic products encased in GFRC All structural steel framework and steel components against structural failure due to manufacturing defects or defects in materials.

10-Year Limited Warranty: On all GFRC based products against manufacturing defects and structural failure due to natural causes. Product warranty does not cover surface scratches, hairline cracks, chips in GFRC based products, efflorescence, or wearing of surface pigments or paints. Recycled plastic lumber provided by Playit Creations.

5-Year Limited Warranty: On all steel components manufactured by other pre-approved playground manufacturers that are encased in GFRC based materials. The warranty will not cover any manufacturing defects of these products; the warranty only extends to the GFRC application to the product.

3-Year Limited Warranty: On all ropes, nets and cables, swing components, swing hangers, and rubber or plastic swing seats due to manufacturing defects or defects in materials.

1-Year Limited Warranty: On all plastic components manufactured by other pre-approved playground manufacturers that are encased in GFRC based materials. The warranty will not cover any manufacturing defects of these products; the warranty only extends to the GFRC application to the product.

*Playit Creations, a DBA of WELDIT METAL WORKS INC reserves the right to accept or reject any claim in whole or in part.

playitcreations.com
5100 130th St N • Hugo, MN 55308 USA
+1-888-7PLAYIT
info@playitcreations.com

About



Playit Creations may be new but it has a long history of experience thanks to our employees. Many Playit Creations' employees have been working in the playground industry for several years thanks to their job experience in playground manufacturing. In addition to years in the business, many employees have work experience in multiple areas of the theming industry and hold certifications in their fields.

Along with extensive time spent in the industry and at their craft, Playit Creations also takes pride in its employees from diverse career backgrounds. From welding industrial structures to creating 3D models on a computer, our employees come from all walks of life and bring to Playit Creations skills that are ideal for new playground innovations.

The employees of Playit Creations and the company itself have an exciting future ahead in the playground industry. With a new website, new organization, and new ideas; we want to provide incredible experiences and memories for all who encounter our creations.

Benefits of GFRC Equipment

Our play equipment is made from GFRC, which is Glass Fiber Reinforced Concrete. This material is created from a combination of Portland cement, silica, sand, alkaline-resistant-chopped fiberglass along with additional ingredients.



Unlike Wood, GFRC is...

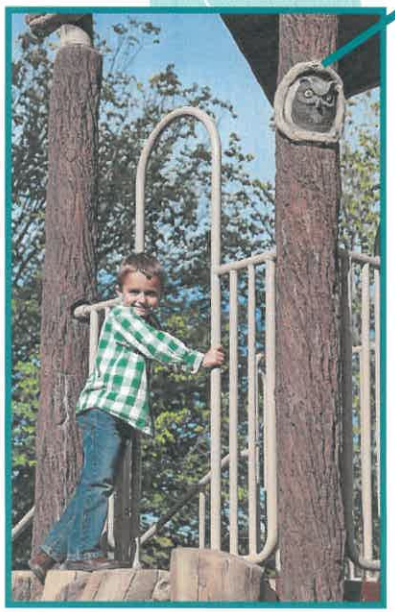
- **Not susceptible to rot or insects**
- **Better resistance to wear and tear**
- **No splinters to worry about**

Unlike Rock, GFRC is...

- **Lighter, making install less demanding**
- **Easier to repair from damage or vandalism**
- **Less likely to have unknown abbrasive areas**

Playit Creations

Critters & Crawlers

















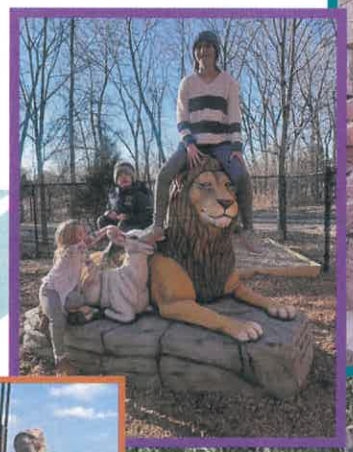
Check out website for enitre selection or we can custom make one.

Whether poking out of the tree house knotholes or tucked away in a little nook, these critters are a great way to add exploratory and tactile value to any of our standard or custom play pieces. At Playit Creations, we understand that it's the attention to detail that can make or break a perfectly designed project.

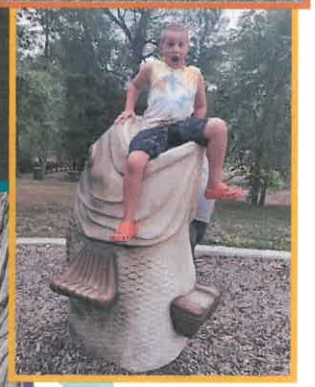
Park Planet

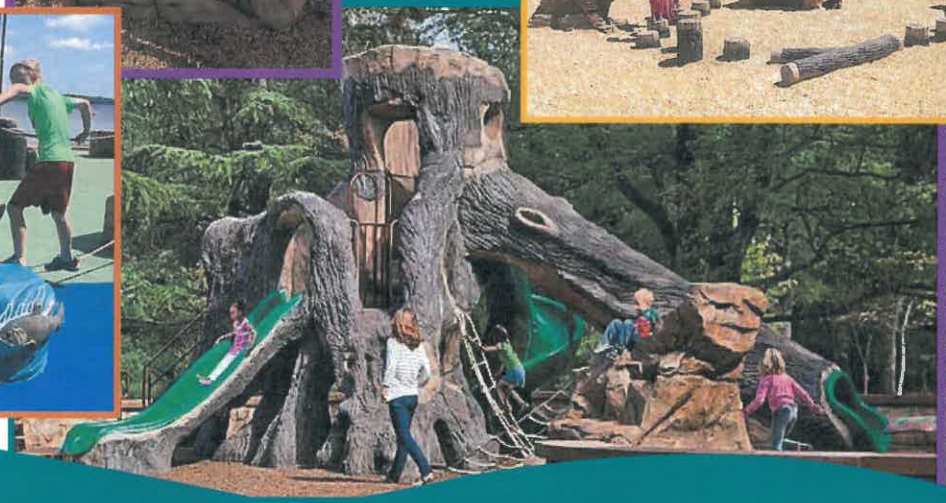
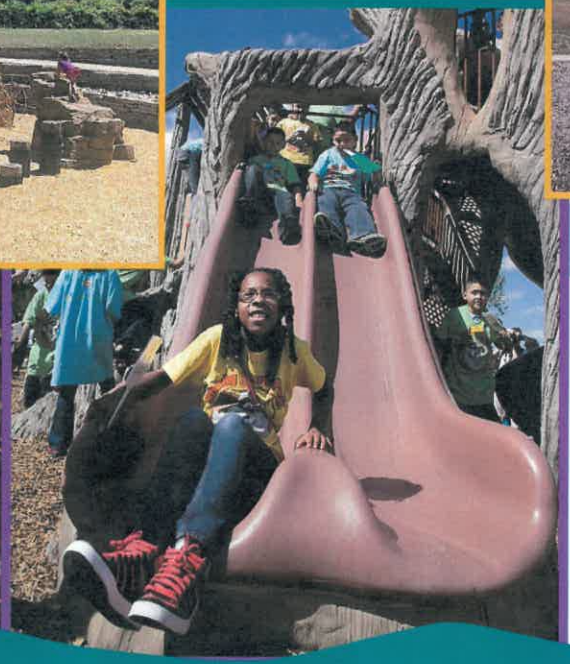
Playit Creations

Play in Action





*Reference photos are chosen by similarity to products shown in Illustrations and do not necessarily to show the exact product

Park Planet

Playit Creations

Park Planet



See More On Our Website:
playitcreations.com

+1-888-7PLAYIT
info@playitcreations.com

Park Planet
a Division of Park Associates, Inc.
415 Elm Street
Red Bluff CA 96080

Quote# Q24-1348

George Washington Park
OPTION 1 - Themed Concepts

Bill To:

City of Pacific Grove
300 Forest Ave, 1st Floor
Pacific Grove CA 93950
United States

Quote Date: 02/09/2024
Quote Expires: 03/10/2024
Terms: Net 30

Quote Total: $106,880.31

Contact Name	Contact Phone	Contact Email	Sales Rep	Sales Rep Email
Daniel Gho	+18316485722 ext. 4200	dgho@cityofpacificgrove.org	Tammie Ward	tammie@parkplanet.com

Description	Vendor	Qty	Rate	Amount
PLAYIT CREATIONS EQUIPMENT				
Themed Concepts - Custom IP-144 Forked Log Beam	Themed Concepts	1	$6,253.00	$6,253.00
Themed Concepts - Custom IP-122 Full Steady Log	Themed Concepts	1	$3,612.00	$3,612.00
Themed Concepts - Custom PH-111 Log Steppers	Themed Concepts	5	$644.00	$3,220.00
Themed Concepts - Custom PH-012 Ladybug Steppers	Themed Concepts	2	$840.00	$1,680.00
Themed Concepts - Custom PH-112 Log Chips	Themed Concepts	4	$481.00	$1,924.00
Themed Concepts - Custom PH-313 Turtle Steppers	Themed Concepts	2	$840.00	$1,680.00
Themed Concepts - Custom PH-115 Boulder Bump	Themed Concepts	1	$1,307.00	$1,307.00
Themed Concepts - Custom CR-010 Classic Rock - Includes built in slide transfer on 4' rock platform & 4' Slide	Themed Concepts	1	$13,020.00	$13,020.00
Themed Concepts - Custom Cust-2 Tree Stump Post - Includes cable core double net linking from tree stump to rock climber (Net available in Tan or Black Only)	Themed Concepts	1	$3,715.00	$3,715.00
Themed Concepts - Custom Cust-3 Tree Post Monkey Bars	Themed Concepts	1	$8,680.00	$8,680.00
Themed Concepts - Custom CC Critters & Crawlers - -Includes choice of 3 GFRC animal tactiles from Themed Concepts "Critters & Crawlers" line to be placed on rocks listed above.	Themed Concepts	1	$0.00	$0.00
FREIGHT				
Themed Concepts Freight Themed Concepts Freight PLEASE NOTE! Themed Concepts equipment is EXTREMELY heavy and will require special equipment to offload. Please discuss with a Park Planet representative PRIOR to placing an order.	Themed Concepts	1	$8,500.00	$8,500.00

Park Planet
a Division of Park Associates, Inc.
415 Elm Street
Red Bluff CA 96080

Quote# Q24-1348

George Washington Park
OPTION 1 - Themed Concepts

Description	Vendor	Qty	Rate	Amount
WOOD FIBER SAFETY SURFACING				
Wood Fiber - CC Wood Fiber Materials- Chinese Camp Mill	Park Associates dba PARK PLANET	53	$16.00	$848.00
Site #1: 53 CY				
Site Address: Sinex Ave, Pacific Grove, CA				
JM B/I Blown-In Delivery		1	$1,932.00	$1,932.00
BDF Bettendorf Freight	Bettendorf Enterprises, Inc.	1	$1,100.00	$1,100.00
INSTALLATION				
Installation by Park Associates Inc. CA - Lic# 959805 DIR# PW-LR-0000423561 Wage Rate: Prevailing Installation assumes normal digging conditions with standard bobcat & auger. Bobcat & concrete truck access required.				
Install - CA Temporary Security Fencing for Duration of Project	Park Associates dba PARK PLANET	1	$1,714.00	$1,714.00
Install - CA Light Grading	Park Associates dba PARK PLANET	1	$1,429.00	$1,429.00
Install - CA 134 LF of Wood Playbox Border Containment	Park Associates dba PARK PLANET	1	$9,469.00	$9,469.00
Install - CA ADA Concrete Ramp	Park Associates dba PARK PLANET	1	$5,700.00	$5,700.00
Install - CA Installation of Themed Concepts Design Per Option 1	Park Associates dba PARK PLANET	1	$23,288.00	$23,288.00
PAYMENT & PERFORMANCE BOND				
BOND Payment & Performance Bond - *Subject to surety approval	Park Associates dba PARK PLANET	1	$2,095.24	$2,095.24
SAFTEY INSPECTION				
Fees - Service CPSI Inspection	Park Associates dba PARK PLANET	1	$1,286.00	$1,286.00
NOTES				

Park Planet
a Division of Park Associates, Inc.
415 Elm Street
Red Bluff CA 96080

Quote# Q24-1348

George Washington Park
OPTION 1 - Themed Concepts

Description	Vendor	Qty	Rate	Amount

EXCLUSIONS
Location/Marking of utility, plumbing and irrigation lines
Dumpster for trash and packaging materials
Offloading and storage of equipment
Moving equipment from storage site to construction site
Site preparation not specifically stated
Drainage Consideration
Inspections, material testing, or applicable permits and fees
Removal of obstacles in access route
Landscape/Hardscape repair based on access route
Cleaning of structure(s) is excluded unless otherwise stated
Site security including security fencing
Bonding or Special Insurance - fees may apply if required

By signing below, you acknowledge and agree to our Contract; Exclusions, Conditions & Payment Terms, which are to be included in, and supersede any additional contracts or sub-contract agreements made separately based on this "Estimate". Unless otherwise specified above we Exclude Responsibility for: additional mobilizations due to delays or layout conflicts, conditions unforeseen and/or not disclosed at time of estimate, repairing unmarked underground utilities and pipes. Site Conditions Prior to Installation: Grades; stable, compacted, & workable (rough grade to be taken + or - one tenth of one inch), adequate access to work site provided for workmen, materials, tools & equipment. Quote assumes all labor to be completed without interruption.

Special inspections & applicable permits and fees not within supplier's scope of work.

Proposal does not include engineering and calculations. If required additional engineering & equiment cost will apply.

Subtotal	$102,452.24
Tax Total (%)	$4,428.07
Total	$106,880.31

A PURCHASE ORDER OR SIGNED CHANGE ORDER MUST BE RECEIVED BEFORE ADDITIONAL EQUIPMENT, INSTALLATION, OR SERVICES CAN PROCEED. IF PAYING BY CREDIT CARD, A SURCHARGE WILL BE ASSESSED ON PAYMENT AMOUNT FOR 3.5% VISA/MC OR 5% AMEX.

Printed Name:_____ Title:_____

Authorized Signature: _____ Date:_____

**Purchasing agent who is authorized to enter into binding agreement for quoted entity.

**By signing this quote, I have read and agree to the quote Terms & Conditions listed below, on the following page.

Park Planet
a Division of Park Associates, Inc.
415 Elm Street
Red Bluff CA 96080

Quote# Q24-1348

George Washington Park
OPTION 1 - Themed Concepts

TERMS & CONDITIONS

1. General NotesAssembly, Installation and Offloading NOT included unless otherwise noted.
   Payment and Performance bonds, Builder's Risk and special insurance NOT included unless stated and quoted.
   Customer responsible for quantities and model numbers. Revised quote needed if quantities revised.
2. Payment / OrderingCredit terms specific to each customer. See terms in upper right corner of Park Planet quotes..
   Purchase orders or purchase contracts are needed to order. If none available, a signed Park Planet quote may be used in lieu of a formal PO.
   All past due accounts subject to 1 ½ % monthly finance charge. In the event legal action is required to effect collection, venue shall be Red Bluff, CA.
3. Shipping / UnloadingShipped by Common Carrier – Customer will need 2 to 4 people to unload. Liftgate NOT included unless quoted. Items will be boxed and / or stretch wrapped to pallets and customer is responsible for offloading. Delivery Drivers do NOT unload.
   IMPORTANT: Customer is responsible for receiving and checking quantities and condition at time of delivery Please note any shortages or damages on delivery copy.
   Notwithstanding anything to the contrary in any Contract Documents, Customer understands that estimated shipment times for materials are an estimate only. We have no control over shipment dates. We thus make no guarantee to Owner or Customer regarding the projected shipment dates for materials and shall not be liable for any loss caused by the timing of shipments.
4. Engineered Wood Fiber
   Customer to provide access for Engineered Wood Fiber delivery with tractor truck and 53' trailer.
   Compaction of the Engineered Wood Fiber is NOT included in the installation cost, if desired, please request an updated proposal.
5. General Notes for Purchased Installation
   Installation does NOT include ground preparation, excavation, safety surfacing, and/or safety surfacing borders, prep work, flat work, grading, rerouting of water, electric, drainage or sprinkler lines unless otherwise noted in the proposal.
   Demo of existing equipment or safety surfacing is NOT included unless otherwise stated in the proposal.
   ROCK CLAUSE: Pricing is based on normal soil conditions which would allow an auger on a tractor to dig footings. If rocks/boulders interfere with the progress of the excavation, additional fees may apply.
   ACCESS CLAUSE: Installation based on clear access to area. Crane service is NOT included. Customer to provide access for bobcat to work area, bobcat will be provided by the installer. Minimum access shall be 7' wide and 7' high. If adequate access is not provided additional charges may apply and repairs to landscape and irrigation may be required. Customer is responsible for any repairs to landscape if proper access is not provided.
   UTILITY CLAUSE: Unless stated in writing in the quote proposal, installation does not include marking of utilities by Dig Alert or other similar entities. Customer can, however, call Dig Alert directly. Dig Alert CANNOT locate any private lines, PVC or plastic water lines. Installation does NOT include repair or relocating any underground utilities, such as drainage, irrigation, live water lines, main low voltage lines, gas, electrical, communication, or sewer etc.
   Customers responsibility to provide locations of any utilities prior to commencement of work.
   Customer is responsible for all landscape repairs such as, but not limited to damaged trees, bushes, lawn, curbing, sidewalks and/or asphalt paving caused by materials truck and/or 2ton bobcat needed to complete project.
6. Temporary Fencing
   Security guards and/or temporary fencing to prevent injuries, vandalism and/or accidental damage to install area or to the rubberized surface while it sets is NOT included unless noted on quote. If desired, the installers can put up caution tape, but Temporary Fencing is recommended. Although the fencing, if provided, is intended to provide this security, the overall security of the property is ultimately the responsibility of customer. We are not responsible for any vandalism or injuries even with the provision of the fencing.
7. ADA Access
   Play Equipment MUST be installed over an impact absorbing surface such as ADA compliant Engineered Wood Fiber or Rubber Surfacing. If not quoted, please call for details.
   This area is NOT ADA compliant without the installation of compliant surfacing and an accessible route up to and into the playground area. Please call for details.
8. Poured in Place Rubber Surfacing
   Rubber Surfacing cannot be installed during extreme weather conditions and may not be installed if rain or frost is forecasted during 48-72 hr. cure time. 24 Hour Manned Security is NOT included in Park Planet quotes.
9. Shade Shelters (non DSA)
   Shade Shelter installation price EXCLUDES – unless otherwise stated in this quote engineering, drawings, calculations, permits, permit submittal, site plans, special inspections, soil reports, impact fees, special assessment fees. Customer is responsible for any and all of these items if required by the City/County.
   PLEASE NOTE: Shade Orders are NOT released into production until permit is issued!
   Shade Shelter installation price EXCLUDES concrete pad, footings, masonry columns, electrical wiring and lights unless otherwise noted.
10. Shade Shelters (DSA)
    Fabrication cannot begin until AFTER DSA approval by your architect
    DSA in-plant Welding Inspector to be hired by the School District. Welding Inspector fee has NOT been quoted.
    School District / Architect responsible for submission of plans to DSA for DSA approval
    Pricing does NOT include footings, steel cages, anchor bolts, or erecting of shade shelter unless otherwise noted.
11. Prevailing Wages – assumed and quoted unless specifically excluded due to private works.
    Park Planet does not meet the Skilled & Trained Workforce Requirements and will not participate in same. Park Planet will not sign any PLA's for Union Work and is not signatory to any unions.
12. Indemnity Provision
    Notwithstanding anything to the contrary in any Contract Documents we shall have no duty to defend or indemnify Owner, Customer, or any other party we agree to defend or indemnify in any Contract Documents for that portion of any claim arising out of the comparative fault of any party we agree to defend or indemnify in any Contract Documents.

Park Planet

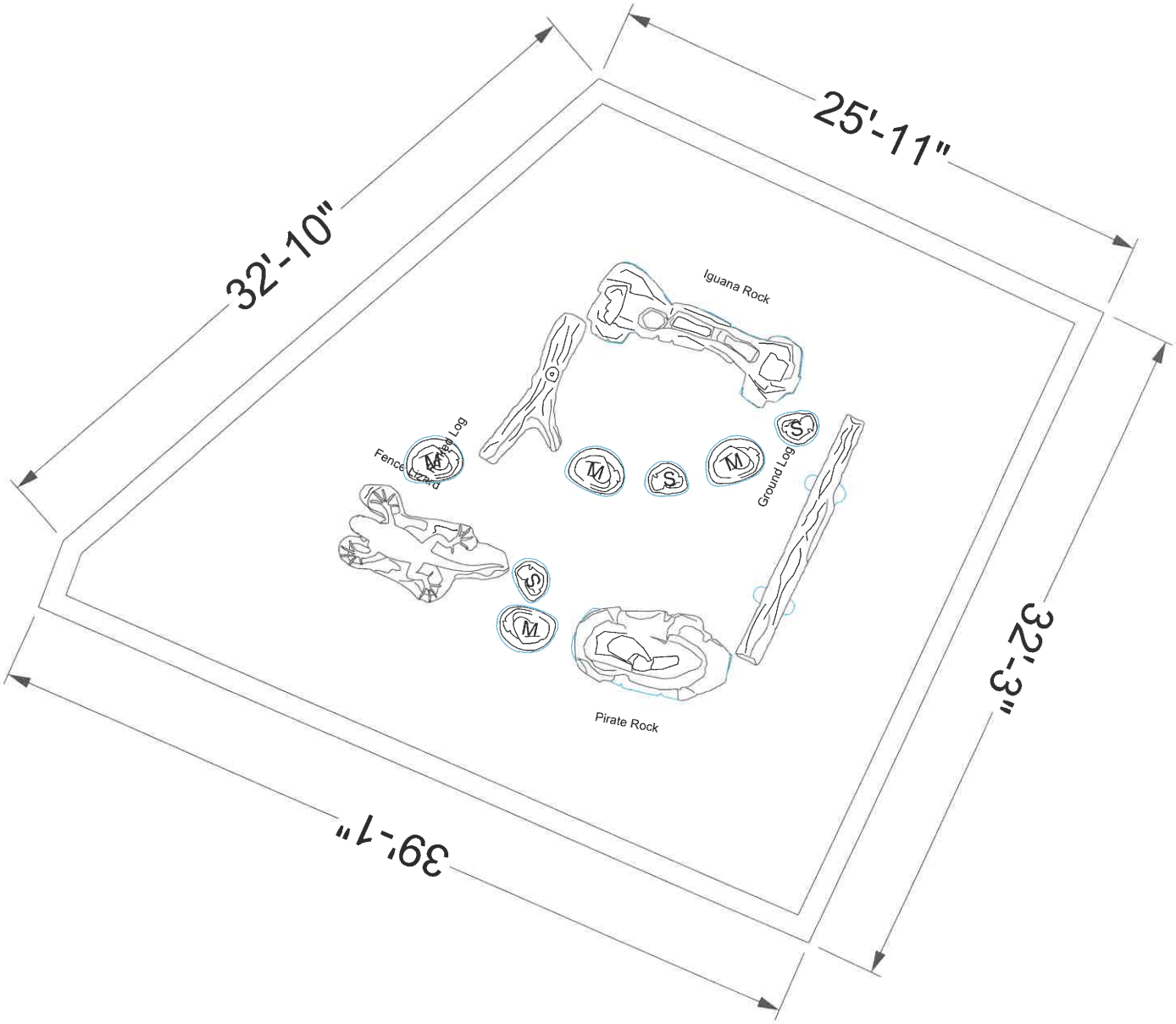
George Washington Park

OPTION 2

UPC PARKS



Tammie Ward
Direct: 831-747-0585
Email: Tammie@parkplanet.com



George Washington Part Option 2

Warranty

Universal Precast Concrete, Inc. ("UPC Parks") warrants, that its Rocks & Ropes Adventure Playgrounds are free from defects in material and workmanship. This warranty is valid for twenty (20) years for the Polyfibercrete® and precast concrete features, five (5) years for single strand rope elements, and one year (1) for rope nets and rubber elements, from the date of delivery, excluding normal wear and tear. If the purchaser discovers within this period a failure of the product to conform to specifications, or a defect in material or workmanship, the purchaser must promptly notify UPC Parks in writing within thirty (30) days of discovering the defect. Within a reasonable time after notification, UPC Parks shall repair or supply replacement parts for any failure of the product to conform to specifications or any defect in material or workmanship, at UPC Parks expense.

UPC Parks does not warranty (a) normal wear and tear; (b) any product, components, or parts not manufactured by UPC Parks; (c) defects caused by failure to provide a suitable installation environment for the play structure; (d) defects caused by use of the play structure for purposes other than those for which it was designed; (e) damage caused by disasters such as fire, flood, wind, and lightning; (f) damage caused by unauthorized attachments or modifications; (g) damage during shipment; (h) any other abuse or misuse by the purchaser or users; or (i) damage which results from installation that does not conform to UPC Parks specifications.

Normal wear and tear of Polyfibercrete® consists of, but is not limited to, shrinkage and expansion cracks, the smoothing or polishing of wear points, hairline cracks at grouted seams, and fading of the rock coloring. Playground Ropes and nets, and rubber surfaces, such as Rubber Hop Rocks, will wear with time and need to be replaced at the owners expense. The amount of time between replacement varies with use. Replacement of worn items is not covered under this warranty.

Warranty extends to harsh environments, such as within three miles of salt water, only if parts are quoted and sold, and noted as such, on quotes and sales confirmation orders. A surcharge will apply for products receiving a harsh environment warranty extension. For harsh environments, metal reinforcing will be coated or treated for the harsh environment, and the full warranty will apply to the Polyfibercrete®, Rubber components, and rope components. Stainless Steel Rope Anchors will be used, and may show minor rust blemishes, over time, when used in harsh environments, which is not covered under warranty.

All Products manufactured or supplied by:
UPC Parks, a division of;
Universal Precast Concrete, Inc
16538 Clear Creek Rd,
Redding CA 96001

January 15, 2019

530-605-2664
www.upcparks.com

ROCKS & ROPES
ADVENTURE PLAYGROUNDS

Warranty

Disclaimer of warranty. The foregoing warranties are in lieu of all other warranties, express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose.

Limitation of remedies. In no event will UPC Parks be liable for any special, incidental, or consequential damages based on breach of warranty, breach of contract, negligence, strict tort, or any other legal theory. Damages that UPC Parks will not be responsible for include, but are not limited, loss of profits; loss of savings or revenue; loss of use of the product or any associated equipment; cost of capital; cost of any substitute equipment, facilities, or services; down time; the claims of third parties included guests, invitees and bystanders; and injury to property.

Time limit for bringing suit. Any action for breach of warranty must be commenced the earlier of one (1) year following the date of discovery of the defect or the expiration of the warranty period.

No other warranties. Unless modified in writing, signed by both UPC Parks and purchaser, this agreement is understood to be the complete and exclusive agreement between the parties, superseding all oral or written prior agreements and all other communications between the parties relating to the subject of this agreement, including statements made by salespersons. No employee of UPC Parks or any other party is authorized to make any warranty in addition to those made in this agreement. The purchaser is warned to check this warranty carefully to see that it correctly reflects those terms that are important to the purchaser.

Allocation of risks. This agreement allocates the risks of product failure between UPC Parks and the purchaser. This allocation is recognized by both parties and is reflected in the price of the goods. The purchaser acknowledges that they have read this agreement, understand it, and is bound by its terms.

Rights vary from state to state. This warranty gives the purchaser specific legal rights, and purchaser may also have other rights which vary from state to state.

All Products manufactured or supplied by:
UPC Parks, a division of;
Universal Precast Concrete, Inc
16538 Clear Creek Rd,
Redding CA 96001

January 15, 2019

UPC Parks
530-605-2664
www.upcparks.com

Maintenance

General
Rocks & Ropes Adventure Playgrounds consist primarily of Polyfibercrete®, a lightweight precast concrete. Maintenance is similar to precast site furnishings (picnic tables & benches), with some additional requirements because of their location within Playgrounds.

Cleaning
All Rocks & Ropes components (Polyfibercrete®, Rubber Hop Rocks, Ropes) can be cleaned with a mild detergent.

Graffiti Removal
Polyfibercrete® comes with an acrylic sealer, which is graffiti resistant (as opposed to an anti-graffiti coating which effects the climbing texture). The first step is scrubbing with a green pad and mild cleanser. Minor graffiti residue is acceptable, if it can be covered with touch up stain. If this method proves insufficient, pressure washing may be used, starting with a low pressure. Care must be used when using a pressure washer with Polyfibercrete®

Touch Up Stain
Replacement stain is available from UPC Parks at minimal or no cost, and comes with instructions in its use. Use this in areas where the stain is removed to the extent that new stain is needed to make the rocks appear natural.

Impact Damage
General, it is preferred to repair impact damage by removing any loose parts of concrete, burning off any visible fiber (with a butane torch or Bic lighter), smooth any rough edges with sandpaper or rough stone, and applying touch up stain. In rare instances, it may be appropriate to apply a repair material to a damaged area.

Efflorescence
Efflorescence is caused when salts come to the surface of concrete and mortars. It's caused by low temperatures and moist conditions. While not dangerous it is sometimes considered unsightly. There are various products designed to remove these buildups from concrete available at most hardware stores. UPC Parks does not supply these, as there can be issues with shipping these products. We suggest a locally purchased product, and testing it on a small area of the Polyfibercrete® to insure the result is acceptable.

Surface Cracking
All large pieces of concrete have some level of surfacing cracking. Polyfibercrete®, by its nature, has more than most other types of concrete. Small cracks should not be repaired. A crack that is large enough to slip a dime into should be filled. This is done by forcing grout into the crack using a tile sponge with hand pressure.

All Products manufactured or supplied by:
UPC Parks, a division of;
Universal Precast Concrete, Inc
16538 Clear Creek Rd,
Redding CA 96001

January 15, 2019

530-605-2664
www.upcparks.com

ROCKS & ROPES
ADVENTURE PLAYGROUNDS

Maintenance

Rubber Hop Rocks
The Rubber Hop Rocks have a thick layer of bonded stranded rubber on the top surface. This layer is 6" to 7" thick, and is intended as a wear surface. Over the years, depending on usage, this surface will be worn down. This is normal and requires no maintenance. The rock type color will be worn off, showing the black color of the rubber. Touch up stain may be applied on a yearly basis, if so desired.

Single Strand Ropes used to form Rope Bridges
The ropes will wear over time, depending on usage. It is not necessary to replace the ropes unless portions of the steel core become visible. This can happen quite quickly when used near sand play areas, or when sand or gravel is used as a safety surface. Otherwise, ropes should last two to six years before needing to be replaced. Replacement ropes are available from your local sales rep or UPC Parks, and come with instructions on installation.

Ropes nets, spider webs, and other combined rope applications
Rope wear will be similar to single strand ropes, with the important exception that replacing these types of items are more costly, because of the fabrication required prior to shipping to a park location.

Monthly Maintenance
Consists of visual inspection of all Polyfibercrete® and Rubber Hop Rock surfaces for protrusions, sharp edges, damage, vandalism, and unwanted substances (gum, for example), and the correction of any observable problem. Ropes should be inspected along their entire length for damage, sharp protrusions, etc. with special care given to the connection to the stainless steel bracket assembly where the rope attaches to the rock.

In addition, the surfacing should be inspected to insure the adequate depth of loose fill is maintained. Typically 12 inches of wood chip type material is used. If a rubber type surfacing is used, insure the surface is in good condition

Yearly Maintenance
Same as Monthly Maintenance, with the additional requirement to clean all surfaces with high pressure water and apply a matte concrete sealer, such as Behr Concrete Sealer, to all Polyfibercrete® surfaces. This sealer will help prevent Efflorescence and help with graffiti resistance. In particularly dry climates and where graffiti is not a concern, the owner may choose to apply concrete sealer every other year.

The Titan Concrete Screws – used to bolt the Monoliths to their slabs – should be inspected every other year. One screw per play area should be removed and inspected for corrosion. If there is no corrosion present, it should be reinstalled. If corrosion is present, contact the manufacturer

Make sure you have the most up-to-date maintenance information by checking www.upcparks.com. Do not hesitate to call UPC Parks with particular questions regarding your maintenance situation.

All Products manufactured or supplied by:
UPC Parks, a division of;
Universal Precast Concrete, Inc
16538 Clear Creek Rd,
Redding CA 96001

January 15, 2019

UPC Parks
530-605-2664
www.upcparks.com

Park Planet
a Division of Park Associates, Inc.
415 Elm Street
Red Bluff CA 96080

Quote# Q24-1355

George Washington Park
OPTION 2 - UPC PARKS

Bill To:

City of Pacific Grove
300 Forest Ave, 1st Floor
Pacific Grove CA 93950
United States

Quote Date: 02/09/2024
Quote Expires: 03/10/2024
Terms: Net 30

Quote Total: $106,739.45

Contact Name	Contact Phone	Contact Email	Sales Rep	Sales Rep Email
Daniel Gho	+18316485722 ext. 4200	dgho@cityofpacificgrove.org	Tammie Ward	tammie@parkplanet.com

Description	Vendor	Qty	Rate	Amount
UPC PARKS EQUIPMENT				
12919a Bumble Bridge/Stump Rock/Fish Tail	UPC Parks / Universal Precast Inc	1	$15,516.00	$15,516.00
14806 Rock Crab	UPC Parks / Universal Precast Inc	1	$4,144.00	$4,144.00
14803 Starfish	UPC Parks / Universal Precast Inc	1	$4,052.00	$4,052.00
13520 Lighthouse	UPC Parks / Universal Precast Inc	1	$11,958.00	$11,958.00
12404a Rolling Stone	UPC Parks / Universal Precast Inc	1	$904.00	$904.00
12402 Small Hop Rock	UPC Parks / Universal Precast Inc	4	$447.00	$1,788.00
12403 Medium Hop Rock	UPC Parks / Universal Precast Inc	1	$664.00	$664.00
12404 Large Hop Rock	UPC Parks / Universal Precast Inc	1	$864.00	$864.00
15510 Oak Branch	UPC Parks / Universal Precast Inc	1	$5,757.00	$5,757.00
FREIGHT				
Themed Concepts Freight Themed Concepts Freight PLEASE NOTE! Themed Concepts equipment is EXTREMELY heavy and will require special equipment to offload. Please discuss with a Park Planet representative PRIOR to placing an order.	Themed Concepts	1	$3,900.00	$3,900.00
WOOD FIBER SAFETY SURFACING				
Wood Fiber - CC Wood Fiber Materials- Chinese Camp Mill Site #1: 53 CY Site Address: Sinex Ave, Pacific Grove, CA	Park Associates dba PARK PLANET	53	$16.00	$848.00

Park Planet
a Division of Park Associates, Inc.
415 Elm Street
Red Bluff CA 96080

Quote# Q24-1355

George Washington Park
OPTION 2 - UPC PARKS

Description	Vendor	Qty	Rate	Amount
JM B/I Blown-In Delivery		1	$1,932.00	$1,932.00
BDF Bettendorf Freight	Bettendorf Enterprises, Inc.	1	$1,100.00	$1,100.00
INSTALLATION				
Installation by Park Associates Inc. CA - Lic# 959805 DIR# PW-LR-0000423561 Wage Rate: Prevailing Installation assumes normal digging conditions with standard bobcat & auger. Bobcat & concrete truck access required.				
Install - CA Temporary Security Fencing for Duration of Project	Park Associates dba PARK PLANET	1	$1,714.00	$1,714.00
Install - CA Light Grading	Park Associates dba PARK PLANET	1	$1,429.00	$1,429.00
Install - CA 134 LF of Wood Playbox Border Containment	Park Associates dba PARK PLANET	1	$9,469.00	$9,469.00
Install - CA ADA Concrete Ramp	Park Associates dba PARK PLANET	1	$5,700.00	$5,700.00
Install - CA Installation of UPC Design Per Option 2	Park Associates dba PARK PLANET	1	$27,143.00	$27,143.00
PAYMENT & PERFORMANCE BOND				
BOND Payment & Performance Bond - *Subject to surety approval	Park Associates dba PARK PLANET	1	$2,092.95	$2,092.95
SAFTEY INSPECTION				
Fees - Service CPSI Inspection	Park Associates dba PARK PLANET	1	$1,285.00	$1,285.00
NOTES				

Park Planet
a Division of Park Associates, Inc.
415 Elm Street
Red Bluff CA 96080

Quote# Q24-1355

George Washington Park
OPTION 2 - UPC PARKS

Description	Vendor	Qty	Rate	Amount

EXCLUSIONS
Location/Marking of utility, plumbing and irrigation lines
Dumpster for trash and packaging materials
Offloading and storage of equipment
Moving equipment from storage site to construction site
Site preparation not specifically stated
Drainage Consideration
Inspections, material testing, or applicable permits and fees
Removal of obstacles in access route
Landscape/Hardscape repair based on access route
Cleaning of structure(s) is excluded unless otherwise stated
Site security including security fencing
Bonding or Special Insurance - fees may apply if required

By signing below, you acknowledge and agree to our Contract; Exclusions, Conditions & Payment Terms, which are to be included in, and supersede any additional contracts or sub-contract agreements made separately based on this "Estimate". Unless otherwise specified above we Exclude Responsibility for: additional mobilizations due to delays or layout conflicts, conditions unforeseen and/or not disclosed at time of estimate, repairing unmarked underground utilities and pipes. Site Conditions Prior to Installation: Grades; stable, compacted, & workable (rough grade to be taken + or - one tenth of one inch), adequate access to work site provided for workmen, materials, tools & equipment. Quote assumes all labor to be completed without interruption.

Special inspections & applicable permits and fees not within supplier's scope of work.

Proposal does not include engineering and calculations. If required additional engineering & equiment cost will apply.

Subtotal	$102,259.95
Tax Total (%)	$4,479.50
Total	$106,739.45

A PURCHASE ORDER OR SIGNED CHANGE ORDER MUST BE RECEIVED BEFORE ADDITIONAL EQUIPMENT, INSTALLATION, OR SERVICES CAN PROCEED. IF PAYING BY CREDIT CARD, A SURCHARGE WILL BE ASSESSED ON PAYMENT AMOUNT FOR 3.5% VISA/MC OR 5% AMEX.

Printed Name:_____ Title:_____

Authorized Signature: _____ Date:_____
**Purchasing agent who is authorized to enter into binding agreement for quoted entity.
**By signing this quote, I have read and agree to the quote Terms & Conditions listed below, on the following page.

Park Planet
a Division of Park Associates, Inc.
415 Elm Street
Red Bluff CA 96080

Quote# Q24-1355
George Washington Park
OPTION 2 - UPC PARKS

TERMS & CONDITIONS

1. General NotesAssembly, Installation and Offloading NOT included unless otherwise noted.
   Payment and Performance bonds, Builder's Risk and special insurance NOT included unless stated and quoted.
   Customer responsible for quantities and model numbers. Revised quote needed if quantities revised.
2. Payment / OrderingCredit terms specific to each customer. See terms in upper right corner of Park Planet quotes..
   Purchase orders or purchase contracts are needed to order. If none available, a signed Park Planet quote may be used in lieu of a formal PO.
   All past due accounts subject to 1 ½ % monthly finance charge. In the event legal action is required to effect collection, venue shall be Red Bluff, CA.
3. Shipping / UnloadingShipped by Common Carrier – Customer will need 2 to 4 people to unload. Liftgate NOT included unless quoted. Items will be boxed and / or stretch wrapped to pallets and customer is responsible for offloading. Delivery Drivers do NOT unload.
   IMPORTANT: Customer is responsible for receiving and checking quantities and condition at time of delivery Please note any shortages or damages on delivery copy.
   Notwithstanding anything to the contrary in any Contract Documents, Customer understands that estimated shipment times for materials are an estimate only. We have no control over shipment dates. We thus make no guarantee to Owner or Customer regarding the projected shipment dates for materials and shall not be liable for any loss caused by the timing of shipments.
4. Engineered Wood Fiber
   Customer to provide access for Engineered Wood Fiber delivery with tractor truck and 53' trailer.
   Compaction of the Engineered Wood Fiber is NOT included in the installation cost, if desired, please request an updated proposal.
5. General Notes for Purchased Installation
   Installation does NOT include ground preparation, excavation, safety surfacing, and/or safety surfacing borders, prep work, flat work, grading, rerouting of water, electric, drainage or sprinkler lines unless otherwise noted in the proposal.
   Demo of existing equipment or safety surfacing is NOT included unless otherwise stated in the proposal.
   ROCK CLAUSE: Pricing is based on normal soil conditions which would allow an auger on a tractor to dig footings. If rocks/boulders interfere with the progress of the excavation, additional fees may apply.
   ACCESS CLAUSE: Installation based on clear access to area. Crane service is NOT included. Customer to provide access for bobcat to work area, bobcat will be provided by the installer. Minimum access shall be 7' wide and 7' high. If adequate access is not provided additional charges may apply and repairs to landscape and irrigation may be required. Customer is responsible for any repairs to landscape if proper access is not provided.
   UTILITY CLAUSE: Unless stated in writing in the quote proposal, installation does not include marking of utilities by Dig Alert or other similar entities. Customer can, however, call Dig Alert directly. Dig Alert CANNOT locate any private lines, PVC or plastic water lines. Installation does NOT include repair or relocating any underground utilities, such as drainage, irrigation, live water lines, main low voltage lines, gas, electrical, communication, or sewer etc.
   Customers responsibility to provide locations of any utilities prior to commencement of work.
   Customer is responsible for all landscape repairs such as, but not limited to damaged trees, bushes, lawn, curbing, sidewalks and/or asphalt paving caused by materials truck and/or 2ton bobcat needed to complete project.
6. Temporary Fencing
   Security guards and/or temporary fencing to prevent injuries, vandalism and/or accidental damage to install area or to the rubberized surface while it sets is NOT included unless noted on quote. If desired, the installers can put up caution tape, but Temporary Fencing is recommended. Although the fencing, if provided, is intended to provide this security, the overall security of the property is ultimately the responsibility of customer. We are not responsible for any vandalism or injuries even with the provision of the fencing.
7. ADA Access
   Play Equipment MUST be installed over an impact absorbing surface such as ADA compliant Engineered Wood Fiber or Rubber Surfacing. If not quoted, please call for details.
   This area is NOT ADA compliant without the installation of compliant surfacing and an accessible route up to and into the playground area. Please call for details.
8. Poured in Place Rubber Surfacing
   Rubber Surfacing cannot be installed during extreme weather conditions and may not be installed if rain or frost is forecasted during 48-72 hr. cure time. 24 Hour Manned Security is NOT included in Park Planet quotes.
9. Shade Shelters (non DSA)
   Shade Shelter installation price EXCLUDES – unless otherwise stated in this quote engineering, drawings, calculations, permits, permit submittal, site plans, special inspections, soil reports, impact fees, special assessment fees. Customer is responsible for any and all of these items if required by the City/County.
   PLEASE NOTE: Shade Orders are NOT released into production until permit is issued!
   Shade Shelter installation price EXCLUDES concrete pad, footings, masonry columns, electrical wiring and lights unless otherwise noted.
10. Shade Shelters (DSA)
    Fabrication cannot begin until AFTER DSA approval by your architect
    DSA in-plant Welding Inspector to be hired by the School District. Welding Inspector fee has NOT been quoted.
    School District / Architect responsible for submission of plans to DSA for DSA approval
    Pricing does NOT include footings, steel cages, anchor bolts, or erecting of shade shelter unless otherwise noted.
11. Prevailing Wages – assumed and quoted unless specifically excluded due to private works.
    Park Planet does not meet the Skilled & Trained Workforce Requirements and will not participate in same. Park Planet will not sign any PLA's for Union Work and is not signatory to any unions.
12. Indemnity Provision
    Notwithstanding anything to the contrary in any Contract Documents we shall have no duty to defend or indemnify Owner, Customer, or any other party we agree to defend or indemnify in any Contract Documents for that portion of any claim arising out of the comparative fault of any party we agree to defend or indemnify in any Contract Documents.

James Breneman PO Box 1055 Concord, CA 94522 DIR# 1000063511 Lic# 1048840

925-457-2026 jim@jbreneman.com

CUSTOMER

City of Pacific Grove

ESTIMATE NO

916

DATE

2/9/2024

ADDRESS

CITY/STATE/ZIP

Pacific Grove, CA

PHONE

E-MAIL

SALESPERSON

PROJECT

George Washington Park

PREPARED BY:

ATTENTION

PAYMENT TERMS

Net 30

DUE DATE

2/9/2024

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Mobilization and General Conditions	$5,000.00	**$5,000.00**
1	Demo existing play equipment	$8,500.00	**$8,500.00**
1	Move, save, and reuse existing EWF. Add new EWF to top	$7,400.00	**$7,400.00**
1	Provide and place new wood border	$7,200.00	**$7,200.00**
1	New Play structure	$63,720.00	**$63,720.00**
1	Labor to install new play structure	$33,900.00	**$33,900.00**

SUBTOTAL	**$125,720.00**
TAX RATE	
SALES TAX	**$0.00**
OTHER	
TOTAL	**$125,720.00**

THIS PROPOSAL INCLUDES THE CONDITIONS NOTED:

Install play equipment (labor only) Excludes: unstable soil, rock, surface repair, damaged utilities, bonds, permits, demolition, or any other work obstructions. We are signatory to Local 355 and Local 38 (Underground pipefitters and Landscape pipefitters). We are certified installers for LSI, Kompan, Playworld, and Granitecrete. Price is based on a single mobilization. A fee of $4,000 will be charged for additional mobilizations.

Sign Below to Accept Quote:

Authorized Rep

Date



COLOR PALETTE

MANUFACTURER: PLAYWORLD

PROJECT: GEORGE WASHINGTON PARK
PACIFIC GROVE, CA - OPTION 2

DESIGNED BY: JACKIE BOWKER
JANUARY 16, 2024
DRAWING # C24009CH
PROJECT # 24000177

DRAWING TYPE

dave bang associates inc. since 1979


PLAYWORLD
GEORGE WASHINGTON PARK
PACIFIC GROVE, CA - OPTION 2
JACKIE BOWKER
JANUARY 16, 2024
DRAWING # C24009CH
PROJECT # 24000177
davebang
associates inc.

PLAYWORLD
GEORGE WASHINGTON PARK
PACIFIC GROVE, CA - OPTION 2
JACOBE BOWKER
JANUARY 16, 2024
DRAWING # C24009CH
PROJECT # 24000177
davebang
associates inc.



COLOR PALETTE

MANUFACTURER: PLAYWORLD

PROJECT: GEORGE WASHINGTON PARK
PACIFIC GROVE, CA - OPTION 2

DESIGNED BY: JACKIE BOWKER
JANUARY 16, 2024
DRAWING # C24009CH
PROJECT # 24000177

DESIGNED FOR:

dave bang associates, inc.



SELECTED COLORS

POST: BEIGE

COMPONENT 1: DARK BROWN

COMPONENT 2: FOREST GREEN

ROTOMOLDED PLASTIC 1: BROWNSTONE

ROTOMOLDED PLASTIC 2: FOREST GREEN

ROTOMOLDED PLASTIC 3: N/A

SHEET PLASTIC 1: DARK BROWN

SHEET PLASTIC 2: N/A

2-TONE PLASTIC: DARK BROWN/ SAND

ROPE: N/A

ECO-ARMOR: BROWN

MODIFIED COLORS LISTED BELOW

MODPOD/TWIST N SHOUT: FOREST GREEN

COLOR PALETTE

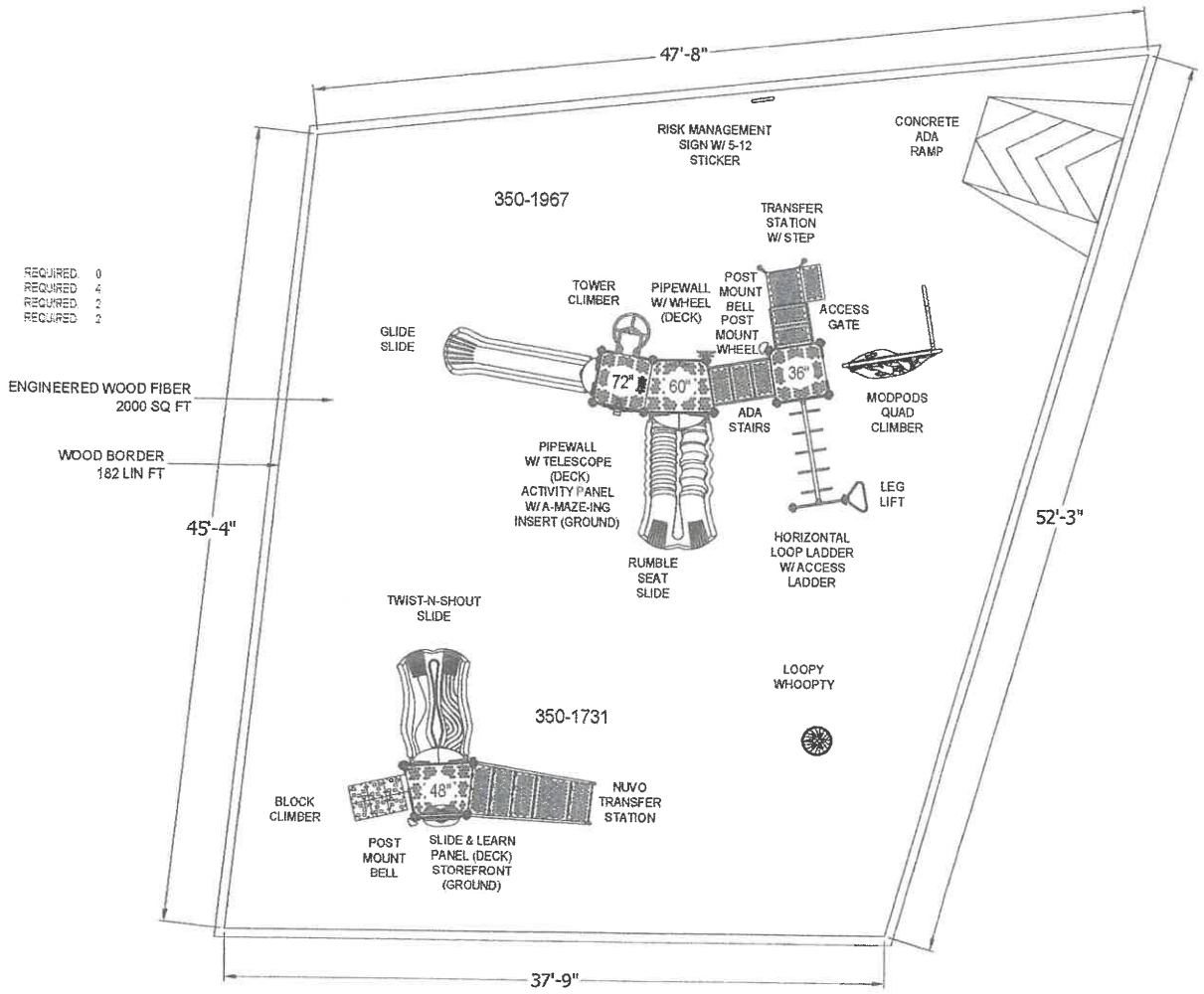
MANUFACTURED BY: PLAYWORLD

PROJECT: GEORGE WASHINGTON PARK
PACIFIC GROVE, CA - OPTION 2

DESIGNED BY: JACKIE BOWKER
JANUARY 16, 2024
DRAWING # C24009CH
PROJECT # 24000177

DESIGNED FOR:

dave bang associates, inc. SINCE 1978



350-1967

TOTAL ELEVATED PLAY COMPONENTS:	7		
TOTAL ELEVATED PLAY COMPONENTS ACCESSIBLE BY RAMP:	0	REQUIRED:	0
TOTAL ELEVATED PLAY COMPONENTS ACCESSIBLE BY TRANSFER:	4	REQUIRED:	4
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN:	4	REQUIRED:	2
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS OF DIFFERENT TYPES:	3	REQUIRED:	2

* APPLICABLE ONLY WITH ADA COMPLIANT SURFACING.

0 5' 10'

350-1731

TOTAL ELEVATED PLAY COMPONENTS:	3		
TOTAL ELEVATED PLAY COMPONENTS ACCESSIBLE BY RAMP:	0	REQUIRED:	0
TOTAL ELEVATED PLAY COMPONENTS ACCESSIBLE BY TRANSFER:	3	REQUIRED:	2
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS SHOWN:	2	REQUIRED:	1
TOTAL ACCESSIBLE GROUND LEVEL COMPONENTS OF DIFFERENT TYPES:	2	REQUIRED:	1

* APPLICABLE ONLY WITH ADA COMPLIANT SURFACING.

PLAY STRUCTURE AND LAYOUT OF THE COMPONENTS CONFORM TO ASTM F1487-21 AND CPSC #325 GUIDELINES AND CCR TITLE 22, DIVISION 4 CHAPTER 22.
CRITICAL FALL HEIGHT OF OVERALL PLAY AREA: 101"

PROJECT:

GEORGE WASHINGTON PARK

PACIFIC GROVE, CA - OPTION 2

DESIGNED BY: JACKIE BOWKER
JANUARY 15, 2024
DRAWING # C24009CH
PROJECT # 24000177

DESIGNED FOR AGES 5-12

dave bang associates inc

George Washington Park

Design Number: C24009CH - Compliance and Technical Data
Reference Document: ASTM F1487

Ref. No.	Part No.	Qty.	Description	Unit ASTM Status	Total Weight (lbs)	Pre- Post-Consumer Recycled Content (lbs)	CO2e Footprint (kgs)	Users	Install Hours	Concrete (Yds3)	Active Play Events
1	ZZCH0018	2	POST W/RIVETED CAP 3.5in OD x 124in STEEL	Certified	77.82			0	2.00	0.25	0
2	ZZCH0028	8	POST W/ RIVETED CAP 3.5in OD x 136in STEEL	Certified	348.08			0	8.00	1.00	0
3	ZZCH0038	2	POST W/ RIVETED CAP 3.5in OD x 148in STEEL	Certified	94.22			0	2.00	0.25	0
4	ZZCH0048	4	W/ RIVETED CAP 3.5in OD x 160in STEEL POST	Certified	200.84			0	4.00	0.50	0
5	ZZCH0616	2	SQUARE COATED DECK ASSEMBLY	Certified	109.72			6	2.00	0.00	0
6	ZZCH0636	2	ASSEMBLY DOUBLE SLIDE COATED DECK	Certified	127.72			6	2.00	0.00	0
7	ZZCH0684	1	NUVO- 48in TRANSFER STATION	Certified	341.94			3	4.00	0.12	0
8	ZZCH2007	1	GUARDRAILS (36in DECK) TRANSFER STATION w/TALL	Certified	144.90			2	2.00	0.09	0
9	ZZCH2530	1	12in DECK TO DECK KICK PLATE	Certified	8.85			0	0.50	0.00	0
10	ZZCH2696	1	GLIDE SLIDE (72in DECK)	Certified	151.63			2	1.50	0.03	1
11	ZZCH2727	1	(48in DECK) TWIST AND SHOUT	Certified	183.86			4	3.00	0.06	1
12	ZZCH2737	1	(60in DECK) RUMBLE SEAT	Certified	201.86			4	3.00	0.06	1
13	ZZCH4095	2	CENTERLINE PIPE WALL BARRIER	Certified	57.48			0	1.00	0.00	0
14	ZZCH4288	1	ACCESS GATE	Certified	17.34			0	0.50	0.00	0
15	ZZCH4290	1	POST MOUNTED STEERING WHEEL	Certified	7.83			1	0.25	0.00	1
16	ZZCH4446	1	SLIDE-N-LEARN PANEL	Certified	57.80			1	1.00	0.00	1
17	ZZCH4556	1	7in BELL (POST MOUNT)	Certified	4.61			1	0.25	0.00	1
18	ZZCH4558	1	9in BELL (POST MOUNT)	Certified	6.21			1	0.25	0.00	1
19	ZZCH4646	1	STORE FRONT PANEL	Certified	33.98			3	1.00	0.00	1
20	ZZCH4672	1	CH PANEL FRAME- GROUND LEVEL	Certified	32.14			0	1.00	0.00	0
21	ZZCH5770	1	LEG LIFT	Certified	6.76			1	0.50	0.00	1
22	ZZCH5780	1	6ft HORIZONTAL LOOP LADDER	Certified	55.72			4	1.00	0.00	1
23	ZZCH5970	1	(36in DECK) OVERHEAD EVENT ACCESS LADDER	Certified	25.12			1	1.50	0.06	0

George Washington Park

Design Number: C24009CH - Compliance and Technical Data
Reference Document: ASTM F1487

Ref. No.	Part No.	Qty.	Description	Unit ASTM Status	Total Weight (lbs)	Pre-Consumer Recycled Content (lbs)	Post-Consumer Recycled Content (lbs)	CO2e Footprint (kgs)	Users	Install Hours	Concrete (Yds3)	Active Play Events
24	ZZCH7088	1	CLIMBER (48in) CLIMBING SQUARES BLOCK	Certified	181.10				3	6.00	0.15	1
25	ZZCH7168	1	6ft TOWER CLIMBER	Certified	100.77				2	2.00	0.06	1
26	ZZCH9170	1	(DECK TO DECK) 24in ACCESS STEPPED PLATFORM	Certified	135.24				1	2.00	0.00	0
27	ZZUN2019	1	STATION APPROACH STEP FOR TRANSFER	Certified	35.83				1	1.00	0.04	0
28	ZZUN4279	1	(CH/EX) TELESCOPE PIPE WALL MOUNT	Certified	12.23				1	0.50	0.00	1
29	ZZUN4299	1	WALL MOUNT FOR 4in CENTERS) STEERING WHEEL (CH/EX PIPE	Certified	5.29				1	0.25	0.00	1
30	ZZUN4673	1	A-MAZE-ING INSERT	Certified	14.51				2	0.25	0.00	1
31	ZZUN6840	1	MODPODS QUAD- VERTICAL	Certified	324.09				4	3.00	0.39	1
32	ZZUN7096	1	LOOPY WHOOP	Certified	99.15				3	2.00	0.18	1
				Totals:	**3,204.64**	**413**	**829**	**8,668**	**58**	**59.25**	**3.24**	**17**
					0 Kg	**0 Kg**	**0 Kg**	**0 Metric Tons**			**0 m3**	

George Washington Park

Design Number: C24009CH - Compliance and Technical Data
Reference Document: ASTM F1487

Ref. No.	Part No.	Qty.	Description	Unit ASTM Status	Total Weight (lbs)	Pre-Consumer Recycled Content (lbs)	Post-Consumer Recycled Content (lbs)	CO2e Footprint (kgs)	Users	Install Hours	Concrete (Yds3)	Active Play Events

ASTM F1487

The lay-out for this custom playscape, design number C24009CH, has been configured to meet the requirements of the ASTM F1487 standard. In addition, each of the above components listed as "Certified" have been tested and are IPEMA certified. Components listed as "Not Applicable" do not fall within the scope of the ASTM F1487 standard and have not been tested. IPEMA certification can be verified on the IPEMA website, www.ipema.org. In the interest of playground safety, IPEMA provides a Third Party Certification Service which validates compliance.

2010 ADA Standards for Accessible Design

The lay-out was also designed to meet the 2010 Standards published 15-Sep-2010, by the Department of Justice when installed over a properly maintained surfacing material that is in compliance with ASTM F1951 "Accessibility of Surface Systems Under and Around Playground Equipment" as well as ASTM F1292, "Impact Attenuation of Surfacing Materials Within the Use Zone of Playground Equipment", appropriate for the fall height of the structure.

Installation Times

Installation times are based on one experienced installer. A crew of three experienced individuals can perform the installation within the given time, each member working 1/3 of the given hours. [Eg. Installation Time = 30 hours. For a crew of three, each member will work 10 hours on the installation for a total of 30 hours on the project.]

Carbon Footprint

The CO2e (carbon footprint given in Kilograms and Metric Tons) listed above is a measure of the environmental impact this play structure represents from harvesting raw materials to the time it leaves our shipping dock. Playworld Systems nurtures a total corporate culture that is focused on eliminating carbon producing processes and products, reducing our use of precious raw materials, reusing materials whenever possible and recycling materials at every opportunity. Playworld Systems elected to adopt the Publicly Available Specification; PAS 2050 as published by the British Standards Institute and sponsored by Defra and the Carbon Trust. The PAS 2050 has gained international acceptance as a specification that measures the greenhouse gas emissions in services and goods throughout their entire life cycle.

Pre-Consumer Recycle Content

A measurement, in pounds, that qualifies the amount of material that was captured as waste and diverted from landfill during an initial manufacturing process and is being redirected to a separate manufacturing process to become a different product. E.g. 100% of our Aluminum Tubing is made from captured waste material during the manufacturing process of extruded Aluminum products such as rods, flat bars and H-channels.

Post-Consumer Recycle Content

A measurement, in pounds, that qualifies the amount of material that was once another product that has completed its lifecycle and has been diverted from a landfill as a solid waste through recycling and is now being used in a Playworld Systems' product. E.g. **20% to 40% of the steel in our steel tubing and sheet steel have been diverted from landfills. Automobiles are scrapped and recyclable steel is purchased by the steel mill that produces our raw product.

** The amount of Post-Consumer recycled steel fluctuates daily based on the availability of the recycled steel.

James Breneman PO Box 1055 Concord, CA 94522 DIR# 1000063511 Lic# 1048640

925-457-2026 jim@jbreneman.com

CUSTOMER
City of Pacific Grove

ESTIMATE NO
915

DATE
2/9/2024

ADDRESS

CITY/STATE/ZIP
Pacific Grove, CA

PHONE

E-MAIL

SALESPERSON

PROJECT
George Washington Park

PREPARED BY:

ATTENTION

PAYMENT TERMS
Net 30

DUE DATE
2/9/2024

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Mobilization and General Conditions	$5,000.00	**$5,000.00**
1	Demo existing play equipment	$8,500.00	**$8,500.00**
1	Move, save, and reuse existing EWF. Add new EWF to top	$7,400.00	**$7,400.00**
1	Provide and place new wood border	$7,200.00	**$7,200.00**
1	New Play structure	$121,067.00	**$121,067.00**
1	Labor to install new play structure	$38,700.00	**$38,700.00**

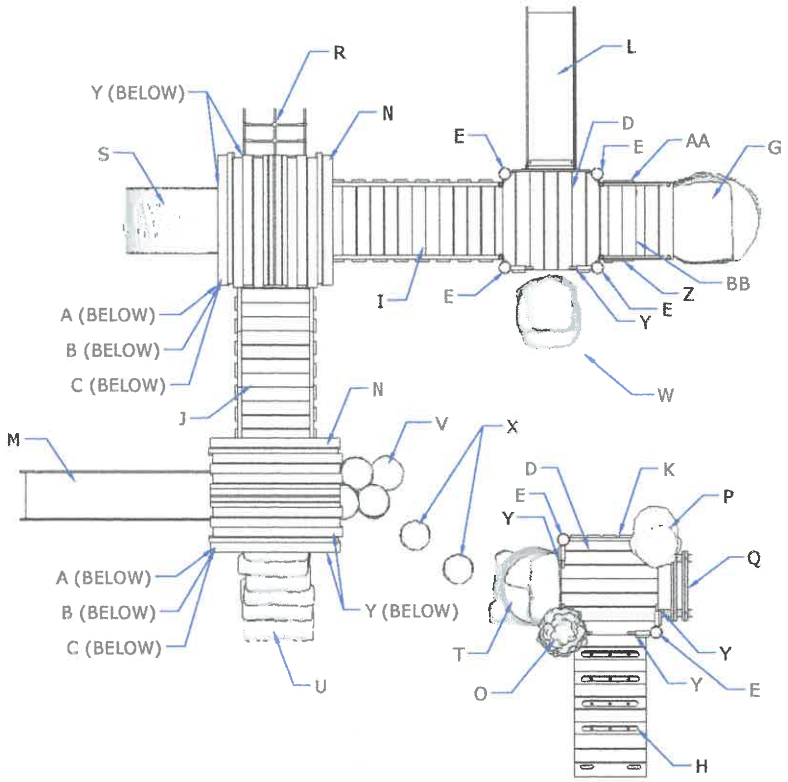
SUBTOTAL	**$187,867.00**
TAX RATE	
SALES TAX	**$0.00**
OTHER	
TOTAL	**$187,867.00**

THIS PROPOSAL INCLUDES THE CONDITIONS NOTED:

Install play equipment (labor only) Excludes: unstable soil, rock, surface repair, damaged utilities, bonds, permits, demolition, or any other work obstructions. We are signatory to Local 355 and Local 38 (Underground pipefitters and Landscape pipefitters). We are certified installers for LSI, Kompan, Playworld, and Granitecrete. Price is based on a single mobilization. A fee of $4,000 will be charged for additional mobilizations.

Sign Below to Accept Quote:

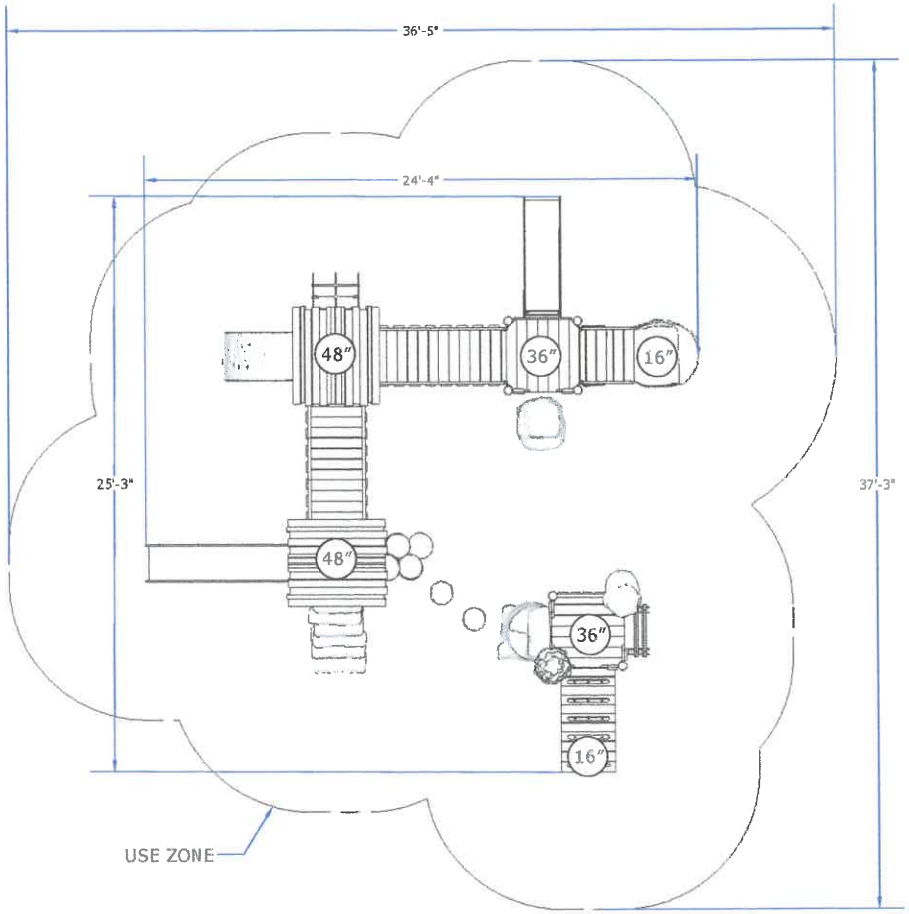
Authorized Rep Date



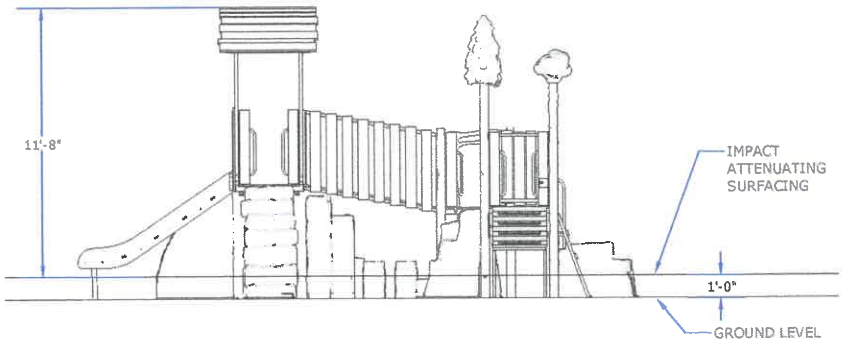
#	Part Number	Component	Install Number	Qua
A	FA1000	Deck Assembly (Tree Fort)	TF24	2
B	FA1101	Post-Roof (Tree Fort)	FA4900	8
C	FA1202	Base-48 (Tree Fort)	TF24	2
D	FA2000	Deck Assembly (Tree Post)	TP24	2
E	FA2101	Post-36 (Tree Post)	TP24	6
F	FA2111	Post-36-Topper	FA4902	2
G	FA4000	Log Transfer Platform-3'	FA4000	1
H	FA4006	Transfer Plank-3'	FA4006	1
I	FA4304	Dip Bridge	FA4303	1
J	FA4305	Incline bridge-1' Rise	FA4303	1
K	FA4500	Wood Plank Enclosure	FA4500	1
L	FA4701	Stream Slide-3'	FA4701	1
M	FA4702	Stream Slide-4'	FA4701	1
N	FA4900	Clubhouse Roof (Tree Fort)	FA4900	2
O	FA4902	Pine Tree Topper (Tree Post)	FA4902	1
P	FA4903	Tree Canopy Post (Tree Post)	FA4902	1
Q	FA5103	Ladder Climber-3'	FA5103	1
R	FA5110	Cargo Net Climber-4'	FA5110	1
S	FA5118	Oak Slice-4'	FA5118	1
T	FA5119	Tree Stump Climber-3'	FA5119	1
U	FA5121	Wood Pile Climber-4'	FA5121	1
V	FA5124	Log Pillar Climber-4'	FA5124	1
W	FA5132	Boulder Climber (Lg)-3'	FA5132	1
X	1000050	Log Stepper - 8in	1000050	2
Y	FA4505	Enclosure-15"	FA4505	8
Z	FA5300	Nutty Squirrel Panel	FA4000S	1
AA	FA5301	Finger Maze Panel	FA4000S	1
BB	VA3002	2-12 Age Appropriate Name Plate	N/A	1



All images and concepts are Copyright © 2023, Cre8Play, LLC - All rights reserved. Drawings are not to scale unless otherwise specified.



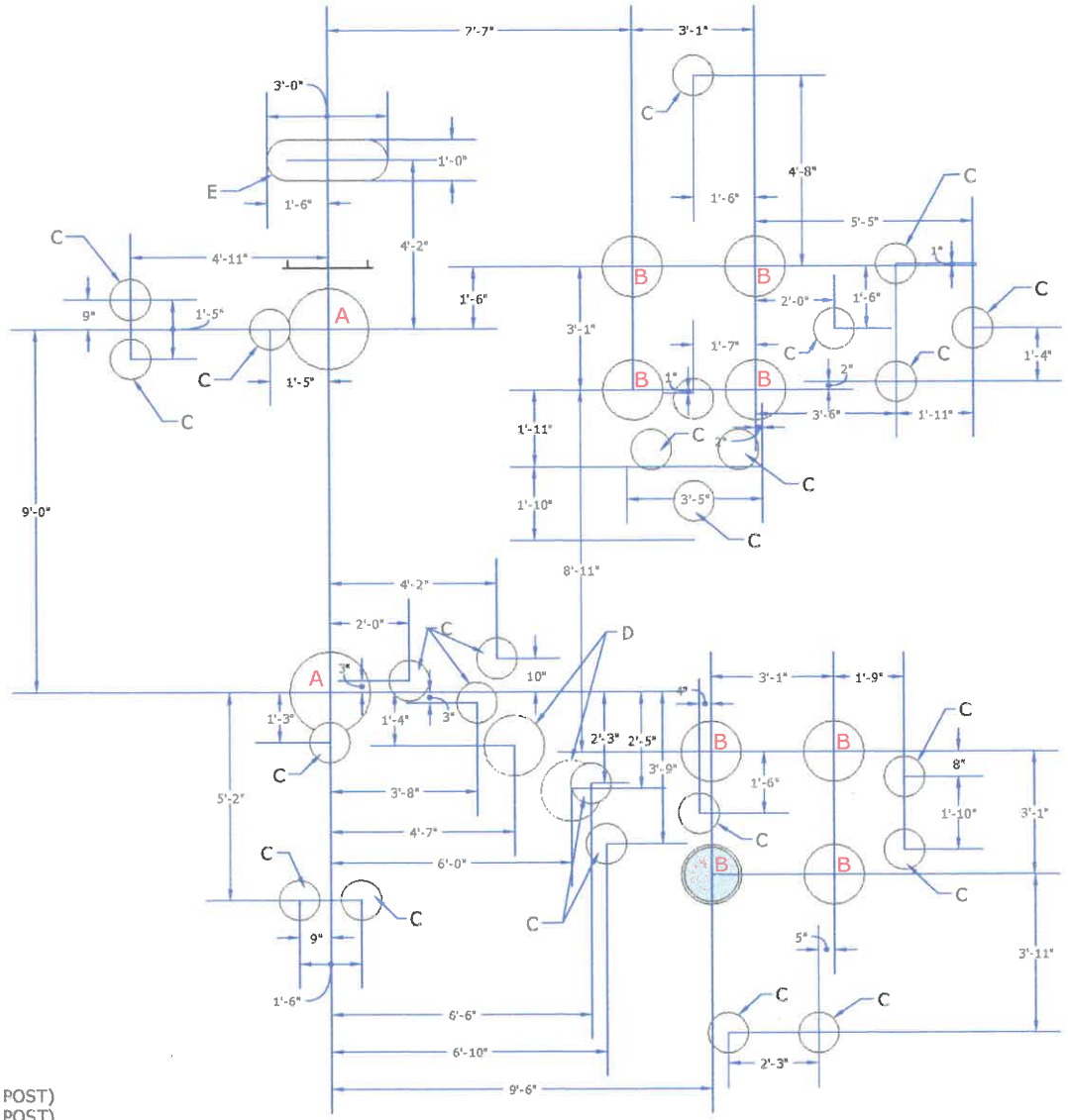
A/2 80004-PINE CREEK
PLAN VIEW



B/2 80004-PINE CREEK
ELEVATION

Installation Notes:
1- Paved surfaces, such as asphalt and concrete, are NOT acceptable for use under your structure.
2- It is the consumer's responsibility to check with local utilities prior to excavating footings for any underground utility lines that may exist within the installation area.
3- It is the consumer's responsibility to check local soil conditions and drainage within the site area. Inquire with local contractors for appropriate recommendations.
4- Assemble the entire structure BEFORE anchoring to concrete unless instructed in the individual component installation instructions.
5- Read the installation instructions provided prior to beginning construction.
6- The complete area under and around your play structure must be covered with impact attenuating material.

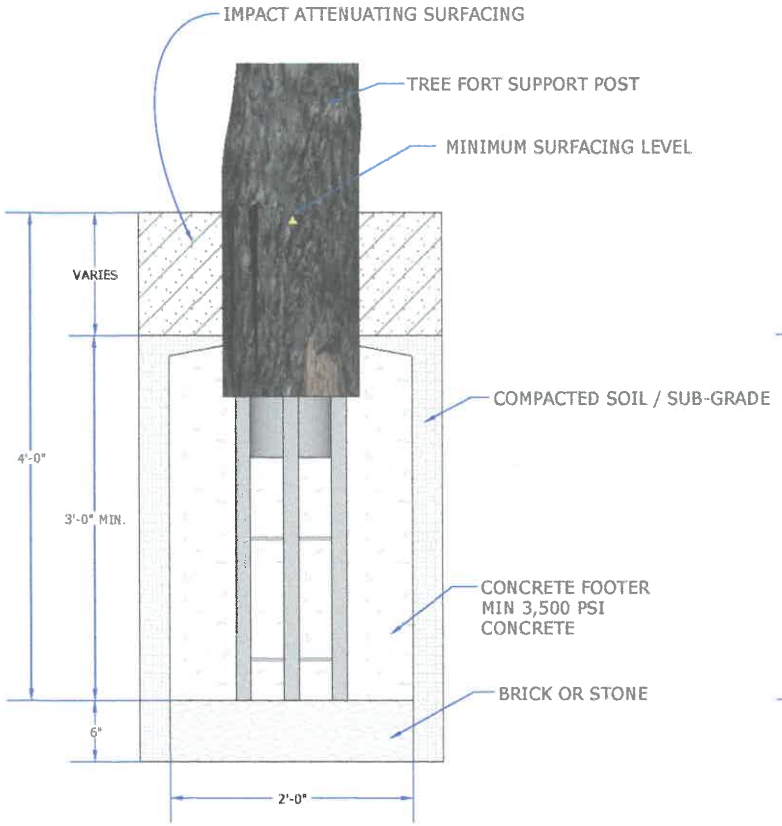
All images and concepts are Copyright © 2023, Cre8Play, LLC - All rights reserved. Drawings are not to scale unless otherwise specified.



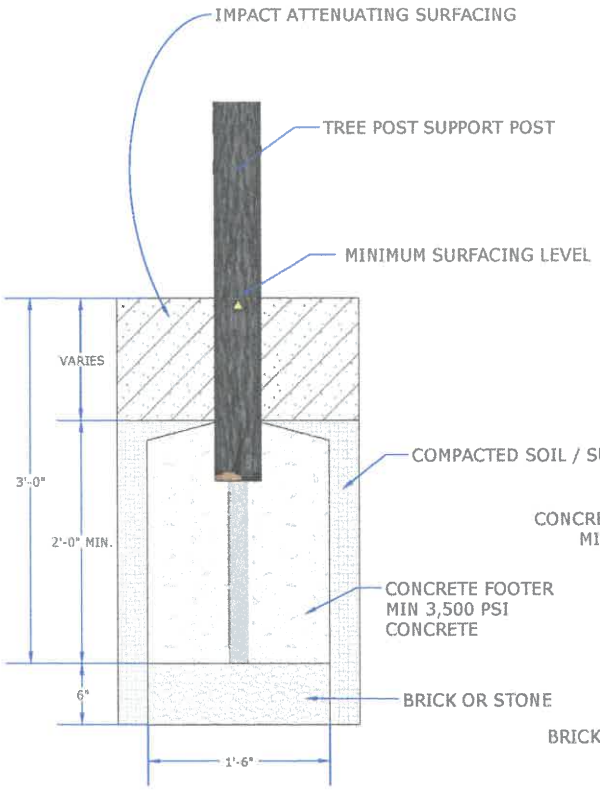
A = 24" DIAMETER X 36" DEEP FOOTING (SUPPORT POST)
B = 18" DIAMETER X 24" DEEP FOOTING (SUPPORT POST)
C = 12" DIAMETER X 12" DEEP FOOTING (COMPONENT)
D = 18" DIAMETER X 18" DEEP FOOTING (COMPONENT)
E = 12" X 36" X 24" DEEP FOOTING (COMPONENT)

A/3 CONCRETE FOOTERS
PLAN VIEW

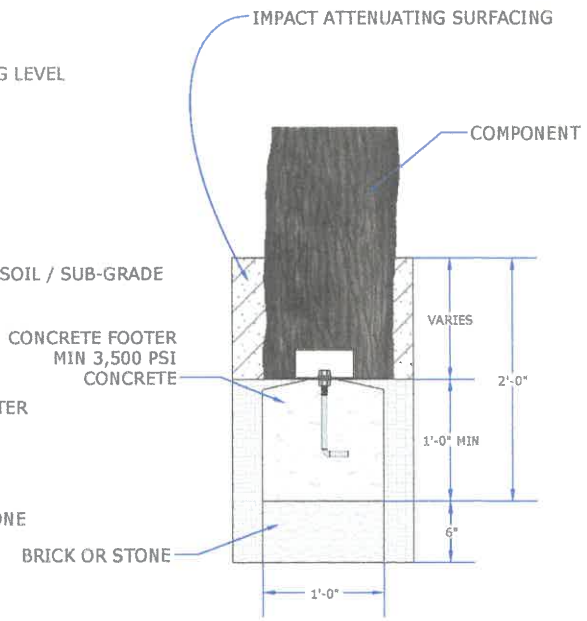
All images and concepts are Copyright © 2023, Cre8Play, LLC - All rights reserved. Drawings are not to scale unless otherwise specified.



A CONCRETE FOOTING SECTION
SECTION-ELEVATION



B CONCRETE FOOTING SECTION
SECTION-ELEVATION

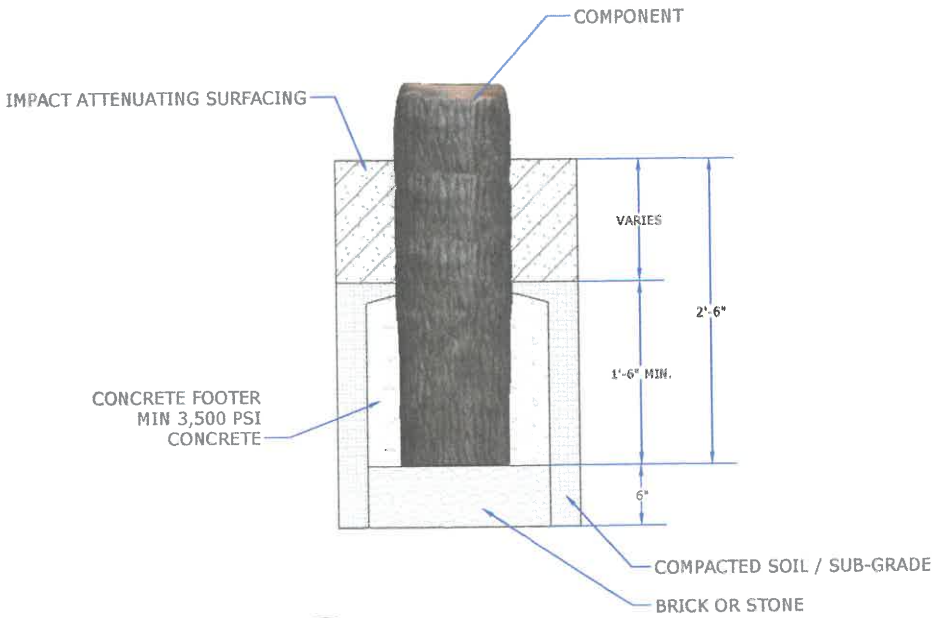


C CONCRETE FOOTING SECTION
SECTION-ELEVATION

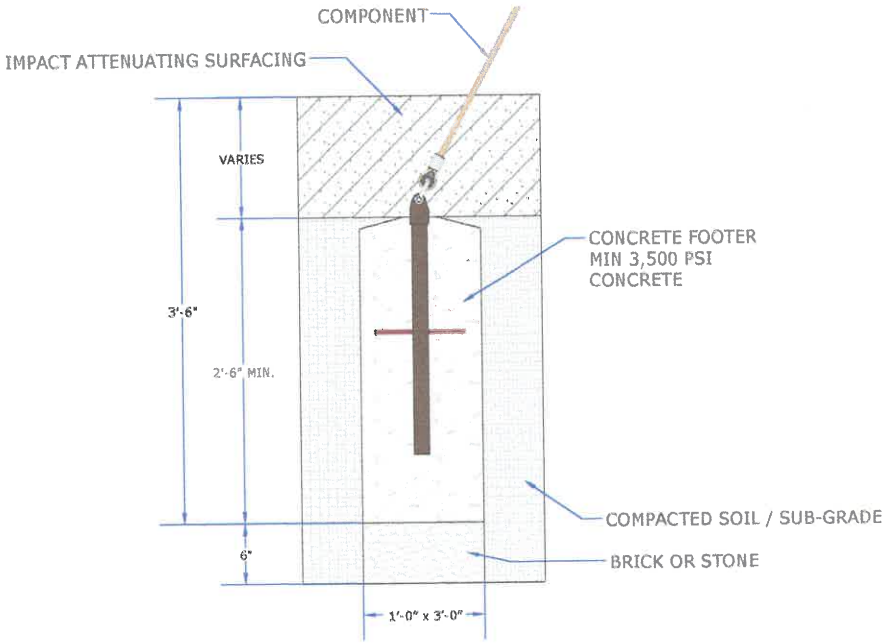
Footing Notes:

1- Do not encase the bottom of the support post in concrete. Place the post directly on packed stone or brick.
2- The footings shown in this document are recommendations based on historical performance in average soil conditions.
Footing dimensions may be modified by owner based on actual soil conditions.
Before changing footing dimensions, we strongly recommend the footings be reviewed and approved by a registered engineer.
3- The base of the footings must be below the frost line.
4- Assemble the entire play structure before pouring concrete unless instructed to do so in the individual play component.

All images and concepts are Copyright © 2023, Cre8Play, LLC - All rights reserved. Drawings are not to scale unless otherwise specified.



D CONCRETE FOOTING SECTION
SECTION-ELEVATION



E CONCRETE FOOTING SECTION
SECTION-ELEVATION

Footing Notes:
1- Do not encase the bottom of the support post in concrete. Place the post directly on packed stone or brick.
2- The footings shown in this document are recommendations based on historical performance in average soil conditions.
Footing dimensions may be modified by owner based on actual soil conditions.
Before changing footing dimensions, we strongly recommend the footings be reviewed and approved by a registered engineer.
3- The base of the footings must be below the frost line.
4- Assemble the entire play structure before pouring concrete unless instructed to do so in the individual play component.

All images and concepts are Copyright © 2023, Cre8Play, LLC - All rights reserved. Drawings are not to scale unless otherwise specified.



COLOR PALETTE:

MANUFACTURER: cre8play

PROJECT:

GEORGE WASHINGTON PARK

PACIFIC GROVE, CA - OPTION 1

DESIGNED BY:
JACKIE BOWKER
JANUARY 15, 2024
DRAWING # C24015SP
PROJECT # 24000172

DESIGNED FOR:

since 1979
davebang associates inc.



COLOR PALETTE:

MANUFACTURER: cre8play

PROJECT:

GEORGE WASHINGTON PARK

PACIFIC GROVE, CA - OPTION 1

DESIGNED BY:
JACKIE BOWKER
JANUARY 15, 2024
DRAWING # C24015SP
PROJECT # 24000172

DESIGNED FOR:

dave bang associates, inc. since 1976



COLOR PALETTE:

MANUFACTURER: cre8play

PROJECT: GEORGE WASHINGTON PARK
PACIFIC GROVE, CA - OPTION 1

DESIGNED BY: JACKIE BOWKER
JANUARY 15, 2024
DRAWING # C24015SP
PROJECT # 24000172

DESIGNED FOR:

since 1978 davebang associates inc.



COLOR PALETTE:

MANUFACTURER: cre8play

PROJECT:
GEORGE WASHINGTON PARK
PACIFIC GROVE, CA - OPTION 1

DESIGNED BY:
JACKIE BOWKER
JANUARY 15, 2024
DRAWING # C24015SP
PROJECT # 24000172

DESIGNED FOR:

dave bang associates inc. since 1978



COLOR PALETTE:

MANUFACTURER: cre8play

PROJECT:

GEORGE WASHINGTON PARK

PACIFIC GROVE, CA - OPTION 1

DESIGNED BY:
JACKIE BOWKER
JANUARY 15, 2024
DRAWING # C24015SP
PROJECT # 24000172

DESIGNED FOR:

since 1978
davebang associates inc.



MIRACLE playsystems DESIGNING PLAY

Proposal for George Washington Park

January 24, 2024

PREPARED BY:

Miracle Playsystems
Jean Tyan, Sales Account Manager
P.O. Box 263, Alamo, CA 94507
(C) (650) 930-0459
jean@miracleplaygroup.com

MIRACLE playsystems DESIGNING PLAY

PREPARED FOR:

City of Pacific Grove
Attn: Daniel Gho, Public Works
Director/Deputy City Manager
2100 Sunset Drive
Pacific Grove, CA 93950
dgho@cityofpg.org
(831) 648-5722 x 4203

CITY OF PACIFIC GROVE, CA. - INC. 1889

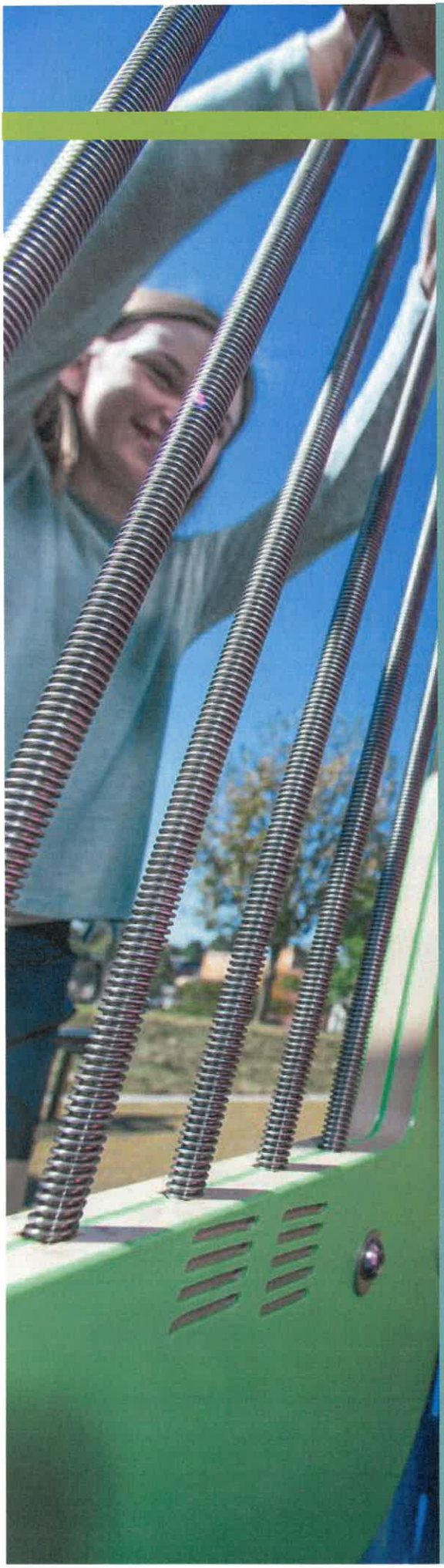


TABLE OF CONTENTS

1.	Cover Letter	01
2.	Drawings	02
	Construction Plan	
	Plan View	
	Renderings	
	Components	03
	Specifications	04
	Color Chart	05
	Warranty	08
	Certificates	
3.	Bid Price	09
4.	References	10
5.	Firm Background	13
6.	Qualifications	14
	Why Choose Miracle	14
	Miracle Advantage	15
	Compliance and Quality Control	16
7.	Project Team	17

1. Cover Letter

City of Pacific Grove
George Washington Park
Daniel Gho
2100 Sunset Drive
Pacific Grove, CA 93950

February 5, 2024

Dear Mr. Gho,
Thank you for considering Miracle Playsystems for your additional play area at George Washington Park. We are excited to add to the existing playground since the original equipment onsite is our equipment, Miracle. We included a proposal that would compliment what exists on onsite and is developmentally appropriate. We have visited the site, evaluated the path of travel, the tree roots and assessed the slope conditions to determine the appropriate dimensions and ideal location for the new inclusive play area.

Our understanding of the work to be performed includes:
1. Play elements that complement the natural setting and the existing Miracle play structure and swing set.
2. Play elements that are for all abilities and age appropriate for 2-5 ages
3. Play elements that meet and/or exceed allfederal and State CA standards, ASTM, CPSC, IPEMA.
4. ADA compliant access ramp into the new play area
5. **Quote for Miracle Play equipment in the plan, site work, certified installation, playbox borders, safety surfacing, performance bond, and CPSI final inspection/report**

Miracle Playsystems commitment to our clients includes offering the right price on the most extensive selection of play equipment that meets the industry's highest standards of safety, durability, structural integrity, and accessibility around the world. Each playground is designed to welcome everyone of different ages and abilities and supports the following five fundamentals:
1. Provide multi-sensory play experiences
2. Encourage all children to play together
3. Allow greater accessibility
4. Ensure kids do not get overwhelmed
5. Create welcoming social environments



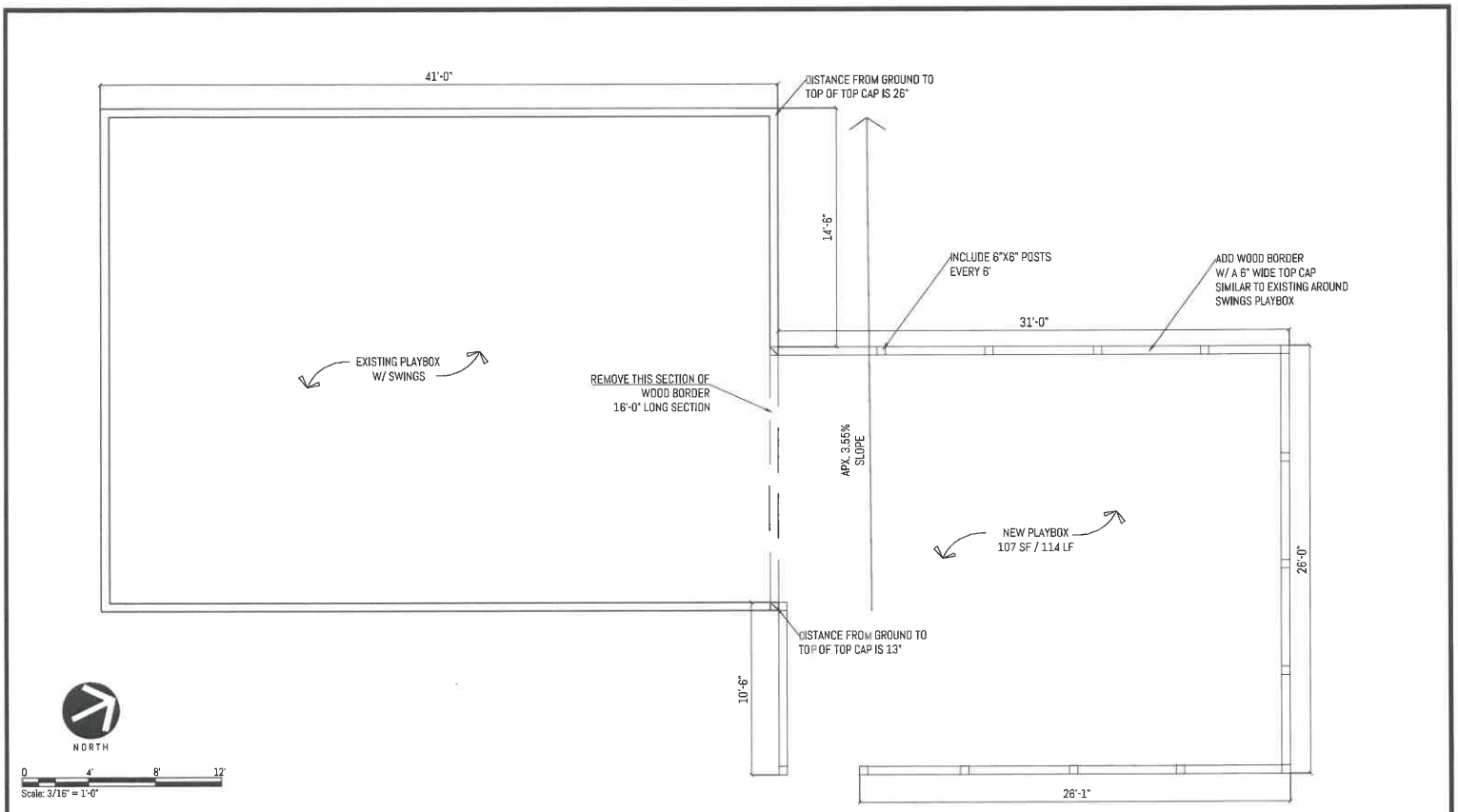
Thank you,

Jean Tyan
Sales | San Francisco Peninsula Central Coast
Certified Playground Safety Inspector
jean@miracleplaygroup.com
Tel# 650.930.0459
Miracle Playsystems

2. Drawings

Plans and Renderings

Please find the attached plans with renderings for George Washington Park. We added a separate plan showing the Elements of Play to explain the Inclusive features of each design as well as an ADA Compliance Plan which lists the ADA Components Count for each type of play.



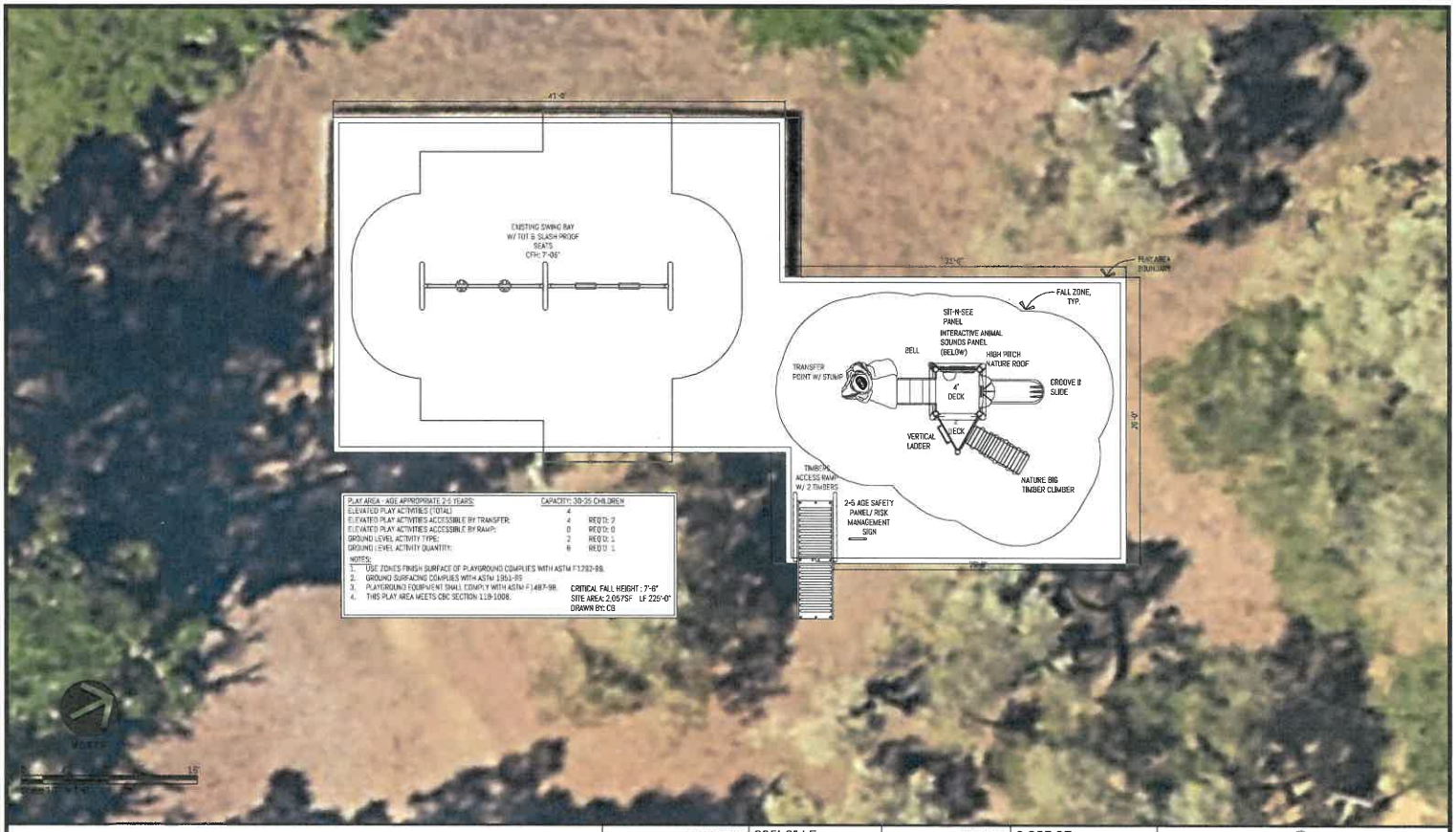
George Washington Park

Pacific Grove, CA

LINEAR FEET:	225'-0" LF	SITE AREA:	2,057 SF
CRITICAL FALL HEIGHT:	7'-06" CFH	SCALE:	3/16" = 1'-0"
23_2064_GeorgeWashington_002		DATE:	1/24/2024
		DRAWN BY:	CG

MIRACLE playsystems DESIGNING PLAY

ALL DRAWINGS ARE SUBJECT TO CHANGE AND SHOULD BE REVIEWED BEFORE FINAL SALE. ALL SITE DIMENSIONS WILL NEED TO BE VERIFIED PRIOR TO SALE AND INSTALLATION.



George Washington Park

Pacific Grove, CA

LINEAR FEET:	225'-0" LF	SITE AREA:	2,057 SF
CRITICAL FALL HEIGHT:	7'-06" CFH	SCALE:	1/8"=1'-0"
23_2064_GeorgeWashington_002		DATE:	1/24/2024
		DRAWN BY:	CG

MIRACLE playsystems DESIGNING PLAY

ALL DRAWINGS ARE SUBJECT TO CHANGE AND SHOULD BE REVIEWED BEFORE FINAL SALE. ALL SITE DIMENSIONS WILL NEED TO BE VERIFIED PRIOR TO SALE AND INSTALLATION.

Elements of Play

1 Multi-Sensory Play Elements

- Vestibular (movement and balance)
- Proprioceptive (body position)
- Tactile (touch)
- Auditory (hearing)
- Visual
- Olfactory

2 All Children Encouraged to Play

- Providing a graduated range of challenge
- Grouping similar equipment together
- Offering equipment for multiple age groups
- Providing real choices of play for each child

3 Accessibility

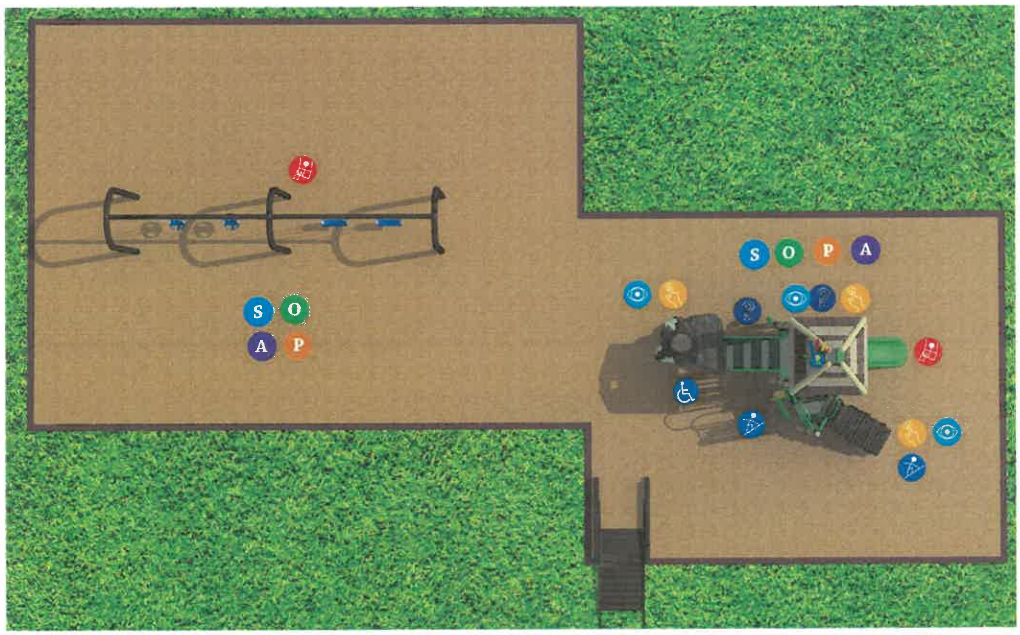
- Protective, shock-absorbing unitary surfacing
- Wide movement routes
- Smooth, even transitions on and off equipment

4 Opportunity for Calm

- Offering cozy, quite spaces
- Establishing perimeter paths and fences
- Providing a wayfinding system that includes an orientation path

5 Social Environments

- S Solitary play - Children play alone
- O Onlooker play - Children watch others play but do not engage in play
- P Parallel play - Children play next to each other but are engaged in their own activities
- A Associative play - Children are still playing independently but often do the same thing as others
- C Cooperative play - Children interact together for the purpose of play

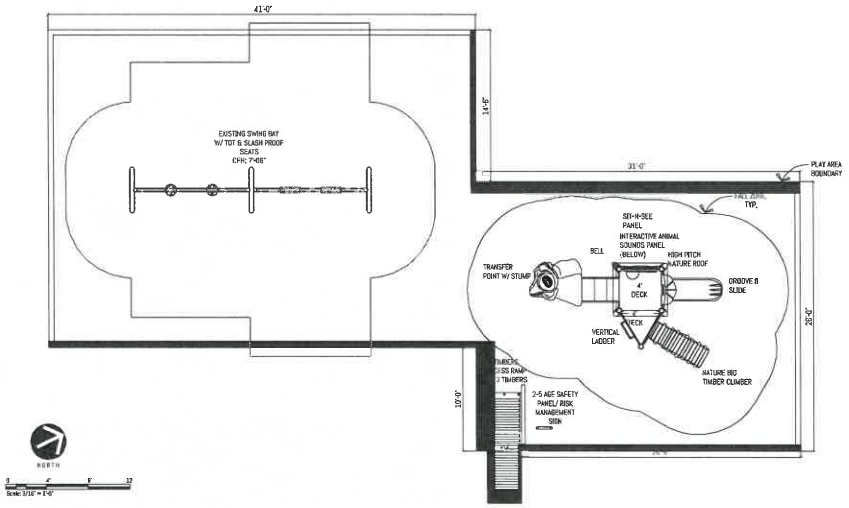


ADA COMPONENTS COUNTS

PLAY AREA - AGE APPROPRIATE 2-12 YEARS:	CAPACITY: 30 -35CHILDREN	
ELEVATED PLAY ACTIVITIES (TOTAL)	4	
- Groove II Slide		
- Nature Big Timber Climber		
- Vertical Ladder		
- Sit-N-See Panel		
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER:	4	REQ'D: 2
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP:	0	REQ'D: 0
GROUND LEVEL ACTIVITY TYPE:	2	REQ'D: 1
- Swinging (Existing)		
- Sound		
GROUND LEVEL ACTIVITY QUANTITY:	6	REQ'D 1
- Belt Swings (2 Existing)		
- 360° Tot Swing (2 Existing)		
- Bell		
- Electronic Animal Sounds		

ADA NOTES:
1. USE ZONES FINISH SURFACE OF PLAYGROUND COMPLIES WITH ASTM F1292-99.3.
2. GROUND SURFACING COMPLIES WITH ASTM 1951-994.
3. PLAYGROUND EQUIPMENT SHALL COMPLY WITH ASTM F1487-98.5.
4. THIS PLAY AREA MEETS CBC SECTION 118-1008.

Compliance Review



ASTM INTERNATIONAL

ADA Compliant



Colors Used In Rendering:

*Colors shown in rendering are for illustrative purposes only. Actual color and pattern may vary slightly.

Hunter Green Decks | Forest Green | Green | Lime | Dark Brown | Beige

1/24/2024
23_2064_GeorgeWashingtonPark_002

Creating Fun Play Environments to Enrich Communities

MIRACLE playsystems DESIGNING PLAY



*Colors shown in rendering are for illustrative purposes only. Actual color and pattern may vary slightly.



*Colors shown in rendering are for illustrative purposes only. Actual color and pattern may vary slightly.

1/24/2024
23_2064_GeorgeWashingtonPark_002

Creating Fun Play Environments to Enrich Communities

MIRACLE playsystems DESIGNING PLAY

2. Drawings

Component Images

Component images pages are as follows:

-Access Ramp

-Big Timber Log Climber

-Groove II Slide

-Transfer Point with Stump

-Vertical Ladder

-Bell

-Sit-N-See Panel

-Electronic Animal Sounds Panel

-High Pitch Nature Roof

Component Images





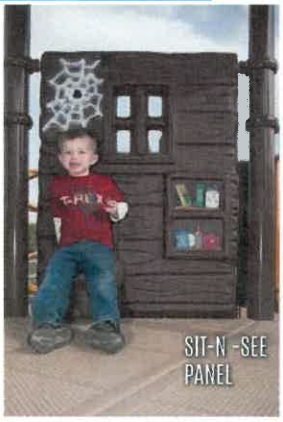


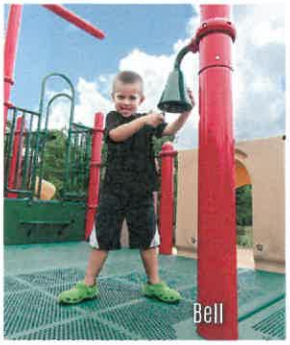


MIRACLE playsystems DESIGNING PLAY

Creating Fun Play Environments to Enrich Communities

Component Images











MIRACLE playsystems DESIGNING PLAY

Creating Fun Play Environments to Enrich Communities

2. Drawings
Specifications

Product specification sheets are as follows:

-Access Ramp

-Big Timber Log Climber

-Groove II Slide

-Transfer Point with Stump

-Vertical Ladder

-Bell

-Sit - N- See Panel

-Electronic Animal Sounds Panel

-High Pitch Nature Roof

Product Specifications

MIRACLE RECREATION EQUIPMENT COMPANY

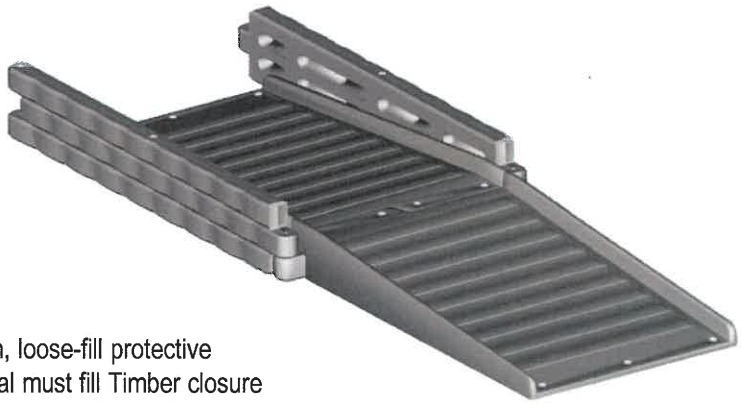
Access Ramp for **Miracle Timbers** including (2) Ramp Sections, (1) Single Timber (regular), (1) Single Timber With Two Male Ends, and (13) Stakes

IMPORTANT NOTE: ***Miracle Timbers are not structural components. They are intended only to contain engineered surfacing for fall zones around playground equipment. They are not intended for retention of soil or heavy backfill.***

440-6 and 440-6R*

Access Ramp for Miracle Timbers

* Model # 440-6R Access Ramp (Recycled) for Miracle Timbers differs in material only.



Upon installation, loose-fill protective surfacing material must fill Timber closure and overlay enclosed section of Access Ramp to apex level.

Access Ramp for Miracle Timbers

MODEL #	PRODUCT	GROUND SPACE
440-6	Access Ramp for Miracle Timbers	4'-1" x 10'-10"
440-6R	Access Ramp (Recycled) for Miracle Timbers	4'-1" x 10'-10"

DESCRIPTION

Access Ramps for Miracle Timbers are designed to provide a gradual slope to traverse from ground level up onto the protective surfacing materials which fill a Timber closure.

MATERIALS

Ramp Section: The interlocking ramp sections shall be constructed of 1/4" thick Rockite or Recycled Rockite measuring 66" long by 40" wide with a 4-1/2" stub molded in, a rise of 6-1/2" and 2-1/2" side rails.

Timber: Timbers shall be constructed of Rockite or recycled Rockite and shall measure 4" thick x 12" high x approximately 76" long. This assembly contains a standard Single Timber Section (with a male and a female end) and a Single Timber With Two Male Ends. Recycled Rockite is produced from resins obtained from finished Rockite trim which has been cut, ground, and pulverized into a powdered state.

Stake: Stakes shall be constructed of 3/4" hot dipped galvanized steel bar 30" in length.

Finishes: Rockite components shall have color molded in. Recycled Rockite shall be available in black only. Stakes shall have a galvanized finish.

Consult Miracle's "Glossary of Technical Data for Materials, Processes and Finishes" for specifications of underlined items.

Kids' Choice® - Mira-Therm II

Decks

Deck Posts not included in these assemblies.

714-501-9

Triangle Deck

Model # 714-501-9 requires three (3) Posts.



714-502-9

Square Deck

Model # 714-502-9 requires four (4) Posts.



714-503-9

Half Hex Deck (Full)

Model # 714-503-9 requires four (4) Posts.



714-504-9

Half Hex Deck

Model # 714-504-9 requires five (5) Posts.



Kids' Choice® - Mira-Therm II

Decks

714-508-9

Rectangle Deck (Full)

Model # 714-508-9 requires four (4) Posts.



714-509-9

Rectangle Deck (Half Open)

Model # 714-509-9 requires five (5) Posts.



714-510-9

Rectangle Deck (Open)

Model # 714-510-9 requires six (6) Posts.



Kids' Choice® - Mira-Therm II

Decks

714-512-9

Pentagon Deck

Model # 714-512-9 requires five (5) Posts.



714-517-9

Heptagon Deck

Model # 714-517-9 requires seven (7) Posts and one (1) middle support post.



THIS SPACE INTENTIONALLY LEFT BLANK

Kids' Choice® - Mira-Therm II

Decks

MODEL #	PRODUCT	POSTS REQ'D	DECK SURFACE	CONCRETE
714-501-9	Triangle Deck	3	7 sq. ft.	See Post specs
714-502-9	Square Deck	4	16 sq. ft.	"
714-503-9	Half Hex Deck (Full)	4	21 sq. ft.	"
714-504-9	Half Hex Deck (Open)	5	21 sq. ft.	"
714-508-9	Rectangle Deck (Full)	4	32 sq. ft.	"
714-509-9	Rectangle Deck (Half Open)	5	32 sq. ft.	"
714-510-9	Rectangle Deck (Open)	6	32 sq. ft.	"
714-512-9	Pentagon Deck	5	26.5 sq. ft.	"
714-517-9	Heptagon Deck	7	55 sq. ft.	"

DESCRIPTION

Mira-Therm II deck models include an equilateral triangle deck, a square deck, two half hexagon decks, three rectangular decks, a pentagon deck, and a heptagon deck. Decks are designed for maximum flexibility in height of deck surface, from 0" to 6'-6" (in 6" increments), though 3', 5', and 6'-6" are considered standard deck heights.

Decks are designed on a 48" center-to-center spacing on 5" deck posts, at equal or varied heights. All deck-to-post connections are made with a deck support clamp. All deck connections are made beneath deck with no exposed fasteners on deck perimeter. Decks with 8' wide open side are designed to attach to another deck with 8' wide open side at same deck height.

MATERIALS

Decks: All decks shall be constructed with folded 11 ga. steel sheet forming 3" tall sides. Decking sheets shall be perforated with a staggered pattern of 3/8" diameter holes at 5/8" apart center-to-center. The decking shall have 7 ga. by 2" flat steel braces and corner braces of 7 ga. steel. The entire assembly shall be solid welded prior to PVC coating.

Fasteners: Deck assemblies shall contain Versalok Fasteners and Fastener Style A hardware.

Finishes: All deck surfaces shall be coated in Mira-Therm. Clamps shall have a Mira-Cote finish.

Consult Miracle's "Glossary of Technical Data for Materials, Processes & Finishes" for specifications of underlined items.

Kids' Choice®

Steel Posts (5" O.D., 11 ga. Round Tube) & Aluminum Posts

Steel Posts - 5" O.D., 11ga.

MODEL	DESCRIPTION	USES	PART NUMBER
714-545-3	144" Deck Post (Cheer Roof)	3' Deck	997292*
714-545-5	168" Deck Post (Cheer Roof)	5' Deck	997294*
714-545-6	186" Deck Post (Cheer Roof)	6'-6" Deck	908813*
714-545-8	204" Deck Post (Cheer Roof)	8' Deck	997297*
714-545-10	228" Deck Post (Cheer Roof)	10" Deck	908812*
714-549-1	88" Maze Post	Sensory Panel	925341*
714-549-3	112" Deck Post	3' Decks	995228*
714-549-4	124" Deck Post	4' Decks	995229*
714-550-3	206" Deck Post (PlayCover)	3' Deck & less	997215*
714-550-5	219" Deck Post (PlayCover)	3'-6" to 5' Decks	997218*
714-550-6	243" Deck Post (PlayCover)	5'-6" to 6'-6" Decks	997203*
714-550-8	258" Deck Post (PlayCover)	7' to 8' Decks	997315*
714-551	106" Deck Post	2'-6" Decks & less	713551*
714-552	136" Deck Post	3' to 5' Decks	713552*
714-552L	136" Deck Post w/CPSIA Label	3' to 5' Decks	996061*
714-553	160" Deck Post	5'-6" to 6'-6" Decks	713553*
714-554	178" Deck Post	7' to 8' Decks	713554*
714-556	196" Deck Post	10' Deck	985244*
714-571	106" Post (Roof)	Ground Level	713561*
714-571L	106" Post (Roof) w/CPSIA Label	Ground Level	996352*

Note: An (*) by a part number indicate: Color Code Required.

Consult Miracle's "Glossary of Technical Data for Materials, Processes and Finishes" for specifications of underlined items.

5" O.D., 11 ga. Steel Posts & Aluminum Posts

714-545-3, 714-545-5, 714-545-6, 714-545-8, 714-545-10, 714-549-1, 714-549-3, 714-549-32, 714-549-4, 714-549-42, 714-550-3, 714-550-5, 714-550-6, 714-550-8, 714-551, 714-551-2, 714-552, 714-552L, 714-552-2, 714-552-2L, 714-553, 714-553-2, 714-554, 714-554-2, 714-556, 714-571, 714-571-2, 714-571L, 714-572, 714-572-2, 714-573, 714-573-2, 714-574, 714-574-2, 714-575, 714-576, 714-576-8, 714-576-10

5" O.D., 11 ga. Steel Posts & Aluminum Posts

Kids' Choice®

Steel Posts (5" O.D., 11 ga. Round Tube) & Aluminum Posts

Steel Posts - 5" O.D., 11ga. cont.

MODEL	DESCRIPTION	USES	PART NUMBER
714-572	144" Deck Post (Roof)	3' Decks & less	713572*
714-573	168" Deck Post (Roof)	3'-6" to 5' Decks	713573*
714-574	186" Deck Post (Roof)	5'-6" to 6'-6" Decks	713574*
714-575	196" Deck Post (Uses 2 for Flippo Roof)	6'-6" Deck	985260*
714-576	204" Deck Post (Roof)	8' Deck	713818*
714-576-8	228" Deck Post (Topper)	8' Deck	994097*
714-576-10	252" Deck Post (Topper)	10' Deck	994407*

Aluminum Posts - 5" O.D.

MODEL	DESCRIPTION	USES	PART NUMBER
714-549-32	112" Deck Post	3' Decks	995230*
714-549-42	124" Deck Post	4' Decks	995231*
714-551-2	106" Deck Post	2'-6" Decks & less	713593*
714-552-2	136" Deck Post	5' Decks	713594*
714-552-2L	136" Deck Post w/CPSIA Label	5' Decks	996065*
714-553-2	160" Deck Post	5'-6" to 6'-6" Decks	713595*
714-554-2	178" Deck Post	7' to 8' Decks	713599*
714-571-2	106" Post (Roof)	Ground Level	713588*
714-572-2	144" Deck Post (Roof)	3' Decks & less	713589*
714-573-2	168" Deck Post (Roof)	3'-6" to 5' Decks	713590*
714-574-2	186" Deck Post (Roof)	5'-6" to 6'-6" Decks	713591*

Consult Miracle's "Glossary of Technical Data for Materials, Processes and Finishes" for specifications of underlined items.

714-545-3, 714-545-5, 714-545-6, 714-545-8, 714-545-10, 714-549-1, 714-549-3, 714-549-32, 714-549-4, 714-549-42, 714-550-3, 714-550-5, 714-550-6, 714-550-8, 714-551, 714-551-2, 714-552, 714-552L, 714-552-2, 714-552-2L, 714-553, 714-553-2, 714-554, 714-554-2, 714-556, 714-571, 714-571-2, 714-571L, 714-572, 714-572-2, 714-573, 714-573-2, 714-574, 714-574-2, 714-575, 714-576, 714-576-8, 714-576-10

Kids' Choice®

Steel Posts (5" O.D., 11 ga. Round Tube) & Aluminum Posts

CONCRETE 0.13 cubic yards required per post
0.26 cubic yards per post for model's 714-550-3, 714-550-5, 714-550-6 and 714-550-8.

DESCRIPTION Posts are used for support of deck systems and freestanding components.

MATERIALS

Steel Post Assembly: Steel posts shall be constructed of 5" tube, 11 ga. Posts not designed for roof assemblies shall have 5" round end caps pressed in at the factory.

Aluminum Post Assembly: Aluminum posts shall be constructed of 5" aluminum tube. Posts not designed for roof assemblies shall have 5" round end caps pressed in at the factory.

Fasteners: Components shall be field assembled to Posts by means of Versalok Fasteners, Fastener Style A hardware and/or Fastener Style B hardware.

Finishes: Post assemblies and clamps shall be finished in Mira-Cote.

Consult Miracle's "Glossary of Technical Data for Materials, Processes and Finishes" for specifications of underlined items.

5" O.D., 11 ga. Steel Posts & Aluminum Posts

714-545-3, 714-545-5, 714-545-6, 714-545-8, 714-545-10, 714-549-1, 714-549-3, 714-549-32, 714-549-4, 714-549-42, 714-550-3, 714-550-5, 714-550-6, 714-550-8, 714-551, 714-551-2, 714-552, 714-552L, 714-552-2, 714-552-2L, 714-553, 714-553-2, 714-554, 714-554-2, 714-556, 714-571, 714-571-2, 714-571L, 714-572, 714-572-2, 714-573, 714-573-2, 714-574, 714-574-2, 714-575, 714-576, 714-576-8, 714-576-10

Kids' Choice®

Big Timber® Climbers to Deck, Nature Enclosure

- Log Climber and Bear Paw Climber

714-623CR1

Log Climber to Deck, Nature Enclosure



714-623SR1

Bear Paw Climber to Deck, Nature Enclosure



MODEL #	PRODUCT	GRD SPACE	PROT AREA	CONCRETE
714-623CR1	Big Timber Log Climber to Deck, Nature Enclosure	2'-5" x 5'-10 1/4"	14'-11" x 12'-1 1/4"	0.04 cu. yds.
714-623SR1	Big Timber Bear Paw Climber to Deck, Nature Enclosure	2'-5" x 5'-10 1/4"	14'-11" x 12'-1 1/4"	0.04 cu. yds.

DESCRIPTION

The Big Timber Log Climber and Bear Paw Climber are ground-to-deck climbing components.

MATERIALS

Log Climber: Log Climber shall be constructed of Rockite with a sculpted log and wood pattern. Log Climber shall measure 47" in length, 21-58" in width and 15-9/16" in height.

Bear Paw Climber: Bear Paw Climber shall be constructed of Rockite with a sculpted log and wood pattern with staggered paw prints along its length. Bear Paw Climber shall measure 47" in length, 21-58" in width and 15-9/16" in height.

Climber Leg: Climber Leg shall comprise an upright and angle bracket. Upright shall be constructed of 1-1/2" pipe and shall measure 29-13/16" in height, solid welded to a 20" x 2-1/2" angle bracket constructed of 11 ga. sheet.

Enclosure: The Nature Arch Enclosure shall comprise two top supports and arched upright of 1" pipe solid welded. Brackets of 11 ga. galvanized sheet steel are stitch welded to the 1" pipe frame. Boards of 1" x 5.5" recycled plastic and wood composite are fastened to the frame with Fastener Style A hardware.

Fill Plate: Fill plate shall be constructed of 11 ga. sheet steel, A-60. Fill plate shall measure 21-1/2" in length and 4-1/2" in height.

Consult Miracle's "Glossary of Technical Data for Materials, Processes & Finishes" for specifications of underlined items.

Kids' Choice®

Vortex Groove II® Slides

714-638-4U

4' Vortex Groove II Slide



714-638-5U

5' Vortex Groove II Slide



714-638-6U

6' & 6'-6" Vortex Groove II Slide



714-638-8U

8' VortexGroove II Slide



MODEL #	PRODUCT	GRND SPC.	PROT. AREA	CONCRETE
714-638-4U	4' Vortex Groove II Slide	2'-2" x 5'-9"	16' x 15'	.04 cu. yds.
714-638-5U	5' Vortex Groove II Slide	2'-2" x 7'-6"	20' x 15'	.04 cu. yds.
714-638-6U	6' & 6'-6" Vortex Groove II Slide	2'-2" x 10'-3"	24' x 15'	.08 cu. yds.
714-638-8U	8' Vortex Groove II Slide	2'-2" x 13'-1"	28' x 15'	.08 cu. yds.

DESCRIPTION

The Vortex Groove II Slides features a hooded canopy and a streamline slide design. Groove II is designed to exit from either a 4', 5', 6', 6'-6" or 8' Deck.

Miracle

Kids' Choice®

Vortex Groove II® Slides

MATERIALS:

Slide: The canopy panel and one-piece slide shall be constructed of double wall Rockite. The slide shall have 6" high side rails, an overall width of 25", an 18" wide sliding surface and approximate 7' (714-638-4), 9' (714-638-5), 12' (714-638-6) and 15' (714-638-8) bedway length. The canopy panel shall be field mounted to deck and to post clamps via a 41-1/2" long rung constructed of 1" pipe.

Legs: The legs shall be 2" pipe, welded to an 11 ga. A-60 Galvannealed mounting bracket.

Fasteners: Each assembly shall contain Versalok Fasteners and Fastener Style A hardware.

Finishes: The rung, legs, and clamps shall have a Mira-Cote finish. The Rockite slide and canopy shall have molded-in color.

Miracle Product Specifications

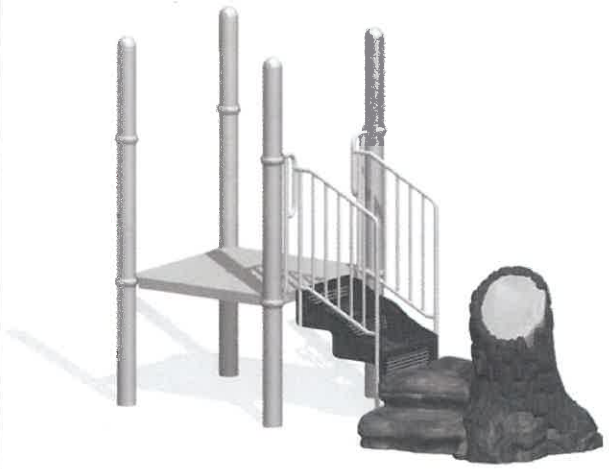
Kids' Choice® - Mira-Therm II

Square Transfer Points - 3', 4', 5' and 6' & 6'-6" Decks

with Handrails& Stump

714-671-39

Square Transfer Point for 3' Deck w/ Stump



714-671-49

Square Transfer Point for 4' Deck w/ Stump



714-671-59

Square Transfer Point for 5' Deck w/ Stump



714-671-69

Square Transfer Point for 6' Deck w/ Stump



714-671-39, 714-671-49, 714-671-59, 714-671-69

Square Transfer Points

Kids' Choice® - Mira-Therm II

Square Transfer Points

MODEL #	PRODUCT	GRND. SPC.	PROT. AREA	CONCRETE
714-671-39	Sqr. Transfer Point, 3' Dk w/Stump	4'-9" x 7'-6"	17'-7" x 13'-3"	0.09 cu. yds.
714-671-49	Sqr. Transfer Point, 4' Dk w/Stump	4'-9" x 8'-7"	17'-7" x 14'-9"	0.09 cu. yds.
714-671-59	Sqr. Transfer Point, 5' Dk w/Stump	4'-9" x 10'-11"	17'-7" x 16'-9"	0.09 cu. yds.
714-851-69	Sqr. Transfer Point, 6' Dk w/Stump	4-9" x 13'-5"	19'-6" x 16'-9"	0.17 cu. yds.

DESCRIPTION

These models are designed to assist disabled users gain access to and egress from a deck system.

MATERIALS

Stair Assembly: Each stair assembly shall be constructed of 11 ga. steel stringers solid welded to 11 ga. steel sheet decking that is perforated in a staggered pattern of 3/8" diameter holes at 5/8" apart center-to-center. Approximate dimensions of stair assembly shall be 26" overall width, 14" deep step tread and 8" high step rise.

Rock/Stump: Rock with Stump shall be constructed of PolyFiberCrete®.

Bottom Step: The bottom step shall be constructed of 11 ga. steel sheet (with folded edges) perforated in an identical pattern. The step shall be approximately 26" wide by 14" deep by 6-1/2" high.

Deck Enclosures: Deck enclosures shall be constructed of formed 1" pipe, including a welded upright of the same material. Each assembly shall be drilled for field assembly of a stair handrail, and shall have its bottom end mashed and punched for field assembly to deck.

Stair Handrail and Stair/Deck Handrail: Stair handrail assemblies shall be welded upper and lower handrails of formed 1" pipe. Closed handrails shall contain vertical uprights of 3/4" x 1" oval tube welded within. Swaged handrail extensions for field assembly to handrails shall be constructed of 1" pipe. A transfer deck handrail constructed of formed 1" pipe shall be field assembled to one handrail newel upright and transfer point deck edge. Models designed for assembly to 5' and 6' or 6'-6" decks shall contain handrail sleeve supports constructed of 1-1/4" pipe, 10 ga.

Rung Leg: The rung leg shall be 1" pipe with ends mashed and punched for field assembly to bottom step.

Fasteners: Each assembly shall contain Versalok Fasteners and Fastener Style A hardware.

Finishes The stairs, bottom step, and transfer point deck shall be finished in Mira-Therm. The deck enclosures, handrails, extensions, sleeves, and leg shall be finished in Mira-Cote.

714-671-39, 714-671-49, 714-671-59, 714-671-69

Consult Miracle's "Glossary of Technical Data for Materials, Processes & Finishes" for specifications of underlined items.

Kids' Choice®

Electronic Panels - Below Deck

714-715-16B
Electronic Piano Panel



714-715-17B
Electronic Animal Panel



DESCRIPTION

These below deck electronic activity panels are designed to enhance imagination and creative play. Panels play either music or animal noises to incorporate sound and learning into any playground theme.

MATERIALS

Panels:	The panels shall be constructed of Mira-Lene with all corners rounded. The panels shall measure 36-1/2" x 40" and designs routed in the front and back.
Rung/Brackets:	The rung shall be constructed of 1" pipe Gator Grip, bracket tabs shall be constructed of 11 ga. A-60 Galvannealed sheet, all solid welded.
Batteries:	Each assembly shall contain three (3) "D" size alkaline batteries.
Fasteners:	Each assembly shall contain Versalok Fasteners and Fastener Style A hardware.
Finishes:	The rung brackets and clamps shall have a Mira-Cote finish.

Product Specifications

Mar. 4, 2003

Rev. A

MIRACLE RECREATION EQUIPMENT COMPANY

Kids' Choice® - Big Timber® Adventure Series

Sit N' See Panel and Fence Post Panel

714-966-2 and **714-966-3**

Sit N' See Panel (Big Timber)

OUTSIDE



DECK-SIDE



Fence Post Panel (Big Timber)



Big Timber™ Panels

714-966-2, 714-966-3

Big Timber™ Panels

Kids' Choice® - Big Timber® Adventure Series

Sit N' See Panel and Fence Post Panel

MODEL #	PRODUCT
714-966-2	Sit N' See Panel (Big Timber)
714-966-3	Fence Post Panel (Big Timber)

DESCRIPTION

The Big Timber™ Adventure Series panels resemble natural wood in color, form and texture, and contain molded-in graphics to enhance imaginative play.

MATERIALS

Panel: The panels shall be constructed of Rockite with all corners rounded. The Sit N' See Panel shall measure 38-7/8" wide by 54-1/4" high by 5" thick, with a seat on one side measuring 11 high (installed height, from deck surface) by 14" wide by 9-5/8" deep. The Fence Post Panel shall measure 38-13/16" wide by 42-7/8" high by 2-7/8" thick, and shall have view slots of 3" width maximum.

Rung: The rung shall be constructed of 1" pipe.

Fasteners: The assembly shall contain Versalok Fasteners and Fastener Style A hardware.

Finishes: The panels shall have molded-in color. The rung and clamps shall be finished in Mira-Cote.

714-966-2, 714-966-3

Consult Miracle's "Glossary of Technical Data for Materials, Processes & Finishes" for specifications of underlined items.

Kids' Choice®

Bell, Post Mount

714796P1

Bell, Post Mount



Model #	Product	Protective Area	Ground Space	Concrete
714796P1	BELL, POST MOUNT	none	1' x 1'	none

Bell, Post Mount

Kids' Choice®

Bell, Post Mount

DESCRIPTION

This post mount Bell is designed to add noisy, imaginative play to any pre-existing deck post.

MATERIALS

Bell Assembly	The Bell Assembly shall consist of a Bell, a Bell Support, a 7-link Chain, an eyebolt, and Fastener Style A hardware. The Bell shall be constructed of A-60 Galvannealed. The Bell Support shall be constructed of 1" Pipe, Gator Grip. The Bell Chain shall be constructed of 1/4" diameter, 316 stainless steel chain. The Eyebolt shall be 3/8" diameter zinc plated steel. The Bell shall be assembled to 1" Pipe, Gator Grip.
Finishes	The Bell shall have a Mira-Cote™ finish

Consult Miracle's "Glossary of Technical Data for Materials, Processes & Finishes" for specifications of underlined items.

714796P1

MIRACLE
RECREATION EQUIPMENT COMPANY

PRODUCT SPECIFICATIONS

Model 714-815: Vertical Ladder for 5' Deck
Model 714-815-3: Vertical Ladder for 3' Deck
Model 714-815-6: Look-Out Ladder for 6'-6" Deck
Model 714-815-8: Look-Out Ladder for 8' Deck

Dec. 19, 2002 Rev. E



714-815-3



714-815



714-815-6



714-815-8

PRODUCT SPECIFICATIONS

Model 714-815: Vertical Ladder for 5' Deck
Model 714-815-3: Vertical Ladder for 3' Deck
Model 714-815-6: Look-Out Ladder for 6'-6" Deck
Model 714-815-8: Look-Out Ladder for 8' Deck

Dec. 19, 2002 Rev. E

DESCRIPTION:
The vertical ladder is used as an entry to or an exit from a 3', 5', 6'-6" or 8' high deck.

Model	Ground Space	Deck Ht.
714-815	3'-4" x 2"	5' deck
714-815-3	3'-4" x 2"	3' deck
714-815-6	3'-4" x 2"	6'-6" deck
714-815-8	3'-4" x 2"	8' deck

Concrete for footing: .10 cubic yards required.

MATERIALS:

Ladder: The ladder consists of siderails with inserts and rungs, all constructed of 1" pipe, and all solid welded.

Enclosure Assembly: The enclosure assembly consists of top supports, a bottom support, and an arched upright, which are constructed of 1" pipe, drilled, formed, and mashed, and vertical rungs which are constructed of 1" tube. The enclosure assembly is solid welded.

Fasteners: All hardware is fastener style A.

Versalok Fasteners: All Versalok Fasteners for deck and component attachment are aluminum alloy.

Finishes: The ladder assemblies, enclosure assembly, and clamps have a Mira-Cote finish.

(CONSULT THE GLOSSARY OF TECHNICAL DATA FOR MATERIALS, PROCESSES AND FINISHES OF THE UNDERLINED ITEMS.)

Kids' Choice®

High Pitch Nature Roofs for Square & Hexagon Decks

714-862-4R2

High Pitch Nature Roof, Square Deck



714-862-6R2

High Pitch Nature Roof, Hexagon Deck



MODEL #	PRODUCT
714-862-4R2	High Pitch Nature Roof for Square Deck
714-862-6R2	High Pitch Nature Roof for Square Deck

Note: Refer to Deck system specs for concrete, ground space and protective area requirements.

DESCRIPTION

These trussed roofs are constructed of recycled Trex material with open tops for 4 and 6 sided Kids' Choice®, Center Stage® or City Park Series deck systems, offering superior durability in most environmental conditions.

MATERIALS

Panels: The panel frame shall be constructed of 16 ga. A-60 Galvannealed sheet with a formed "lip" at the panel's top edge to provide additional stability during installation. Boards of recycled plastic and wood composite, 1" x 5.5, will be attached to steel frame.

Trusses: Roof truss assemblies shall be constructed of a roof mount swaged stub of either 5" tube for Kids Choice or 3-1/2" tube for Tots Choice Expansion, solid welded at a 45° angle to truss of 5" tube containing bolting tabs on both sides of 11 ga. G-90 galvanized. 5" round end caps shall close open ends of trusses.

Fasteners: All hardware shall be Fastener Style A.

Finishes: The steel roof panels and trusses shall have a Mira-Cote finish.

Consult Miracle's "Glossary of Technical Data for Materials, Processes and Finishes" for specifications of underlined items.

Risk Management Sign



Note: English version shown.

MODEL	PRODUCT	GROUND SPACE	CONCRETE
787	Risk Management Sign - English	1'-6" x 3'-6"	0.09 cu. yd.
787FR	Risk Management Sign - French	1'-6" x 3'-6"	0.09 cu. yd.
787FRENG	Risk Management Sign - French/English	1'-6" x 3'-6"	0.09 cu. yd.
787SP	Risk Management Sign - Spanish	1'-6" x 3'-6"	0.09 cu. yd.
787BD	Risk Management Sign - English Surface MT	1'-6" x 3'-6"	site specific
787BDFR	Risk Management Sign - French Surface MT	1'-6" x 3'-6"	site specific
787BDFRENG	Risk Management Sign - French/English SM	1'-6" x 3'-6"	site specific
787BDSP	Risk Management Sign - Spanish Surface MT	1'-6" x 3'-6"	site specific

DESCRIPTION

The Risk Management Sign is intended to inform the parents and children that adult supervision is recommended, along with smart play on the equipment in the play area.

MATERIAL

Sign: Fiberglass embedded, gloss finish, 0.125" thick.

Steel Frame: 2-3/8" OD 12 gauge galvanized steel tubing, 13 gauge galvanized steel sheet for mounting sign, and 3/8" thick hot rolled steel base plate on each leg.

Extension Tube: 2.375 12GA GLV-IL X 24' tube round.

Hardware: Stainless steel that requires tooling to install or remove.

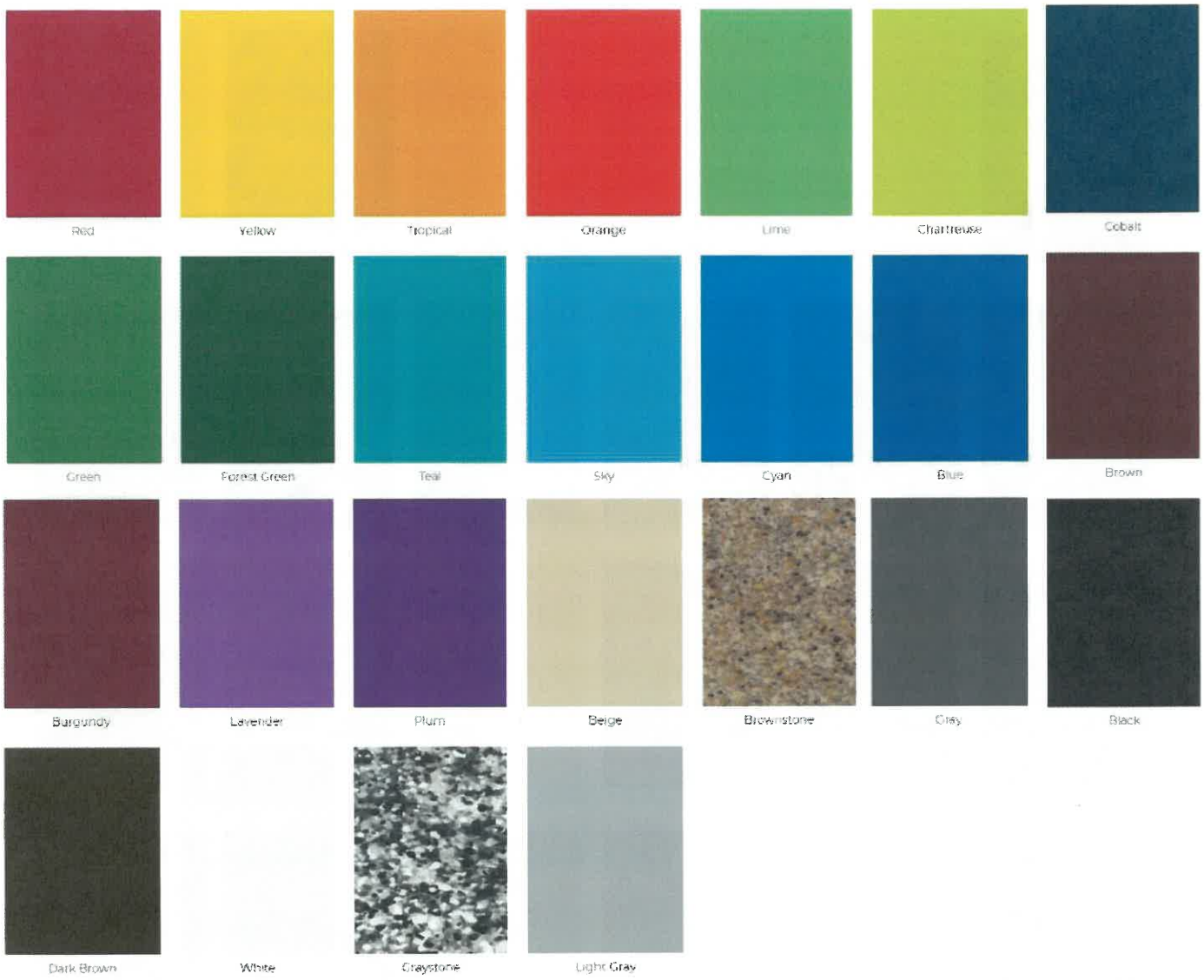
Finish: The frame shall have a Mira-Cote finish.

2. Drawings

Color Chart

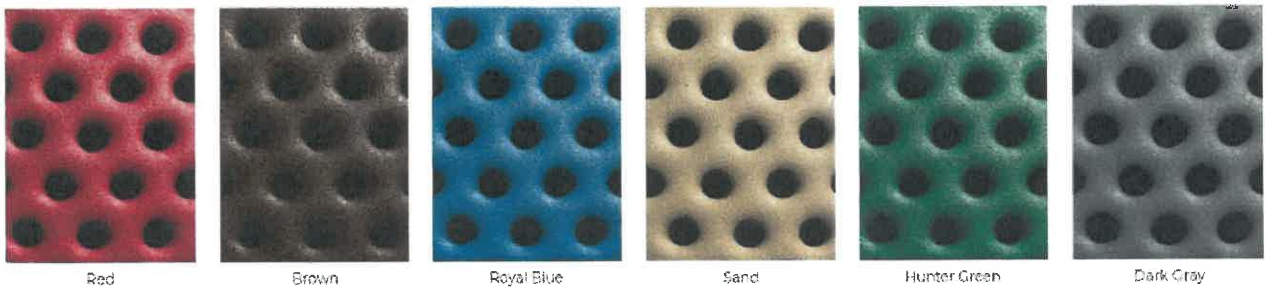
Rock-ite® Plastic Playground Colors

Roofs, Slides, Big Timber® Components, Crawl Tubes, Bongos™, Bumpers, and Panels



Textured Mira-Therm™ Playground Colors

Mira-Therm™ coatings for Decks, Steps, Ramps, Bridges and Cargo Climbers are available in either orthophtalate free Mira-Therm™ 2 (vinyl) or Mira-Therm™ PE (polyethylene) based coatings with anti-microbial enhancements



2. Drawings
Color Chart

Mira-Cote® Powder-Coated Painted Metal Playground Colors

Posts, Arches, Swings, and Accents (Railings and Climbers)

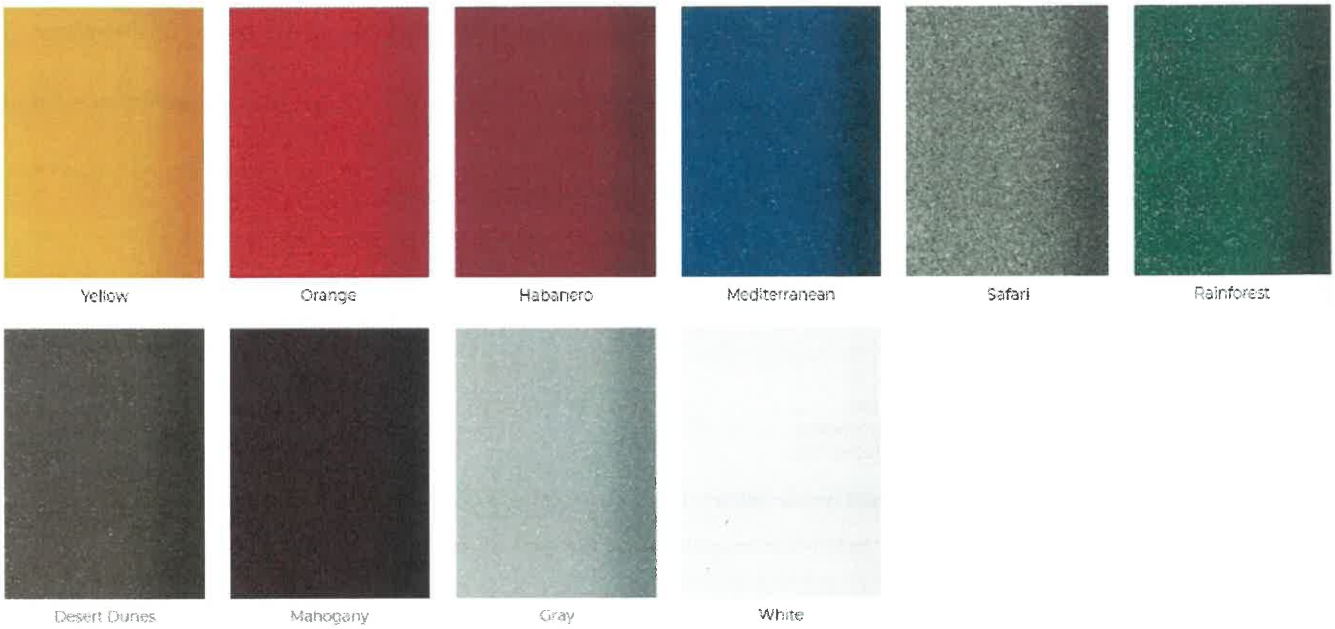


2. Drawings

Color Chart

Anti-Microbial Painted Metal Playground Paint Colors

This proprietary treatment helps prevent bacterial mold, algae growth, and stains



Mira-Lene™ Playground Panel Colors



2. Drawings

Miracle Recreation Warranty

Miracle Recreation Equipment Company warrants its products against structural failure due to defects in materials and workmanship for the warranty periods and material categories prescribed below.

Buyer agrees that products sold by Miracle Recreation Equipment Company carry only the following warranties:

LIMITED WARRANTY FOR AS LONG AS YOU OWN THE PRODUCT: Aluminum deck posts, steel deck posts, VersaLok® fastening system, cast aluminum parts, and stainless steel hardware.

LIMITED FIFTEEN (15) YEAR WARRANTY: All rigid steel playground components, decks, steps, and weldments, rotationally molded and sheet plastic components, plastic lumber, roof panels, and stainless steel slides, except as otherwise specified below.

LIMITED TEN (10) YEAR WARRANTY: Fabric shade steel frames, and Shadesure™ and Colourshade FR fabrics (Note Exception: Limited Five (5) Year Warranty on Shadesure™ fabrics in colors Red, Yellow, Electric Purple, Zesty Lime, Cinnamon, and Olive.)

LIMITED EIGHT (8) YEAR WARRANTY:
- Fiberglass signage, accessible swing seats, precast PolyFiberCrete or precast concrete products.
- Play Terrain Synthetic Turf safety surfacing against deterioration of specified attenuation performance and appearance.
- Integrated shade fabric and components against rot, UV deterioration and defects in materials and workmanship (Note Exception: Limited Three (3) Year Warranty for fabric in shades of red).

LIMITED FIVE (5) YEAR WARRANTY:
- Heavy duty diamond barrier mesh and Kidrox™ Climbing Rocks.
- Mira-Therm™ PVC coating and PE coating against cracking or peeling.
- Park and Site Amenities (i.e. benches, tables, trash receptacles, etc.).
- GFRP (Glass Fiber Reinforced Polymer) Products.
- Steel core cable nets and rope fittings and connections (Note Exception: Warranty does not cover normal wear and tear such as fraying or facing of cable coating).

LIMITED THREE (3) YEAR WARRANTY: Flexible belting, plastic border timbers and accessories, and electronic panel speakers, sound chips, and circuit boards.

LIMITED ONE (1) YEAR WARRANTY:
- Slashproof Swing Seats, 360° Bucket Tot Swing Seats, and Tuff Net no climbing mesh.
- Pool slide support structures, stairways, landings and railings.
- All other products, components and custom pieces that are not specifically listed above, including, without limitation, all moving parts, such as swing hangers and bearings, swivels, chains, whirls, springs and flexible components, and all high wear items, such as trolleys, cables, wheels, and bumper stops related to rail and cable ride products.

BUYER'S REMEDY: If any products prove defective or non-conforming under normal use and within the above-prescribed warranty periods and material categories, Buyer must promptly notify Miracle in writing at 878 E. Hwy 60, Monett, MO 65708 USA. Miracle does not warranty that any particular color will be available for any period of time, and reserves the right to discontinue any color for any reason, without recourse by the Purchaser or Owner of the discontinued color. Miracle may elect to inspect the alleged defect at Buyer's site or at Miracle's facility. Buyer shall not return products to Miracle unless authorized by Miracle to do so. Authorized returns must be properly packaged and shipped prepaid and insured, at Buyer's expense. Upon verification of warranty coverage, Miracle may elect, in its sole discretion, to repair defective or non-conforming products, or replace them by delivering products or part(s) of similar functionality free of charge to the site. Miracle's limited warranties do not cover the cost of labor to remove defective or non -conforming part(s) or to install repaired or replacement part(s). By use of these limited warranties, Buyer accepts their terms and limitations, and waives any rights it would otherwise have to claim or assert that such warranties fail of their essential purpose. Buyer agrees that venue for any court action to enforce these limited warranties shall be in Barry or Greene Counties in the State of Missouri.

LIMITATIONS: All warranty periods begin on the date of Miracle's invoice. Repaired and/or replacement part(s) are warranted only for the balance of the original limited warranty period. Warranties extend only to the original Buyer/end user for products purchased from Miracle or a Miracle authorized reseller, and are not transferrable.

Warranties apply only to Miracle products that are erected and installed in conformance with Miracle's installation instructions, and that are maintained and inspected in conformance with Miracle maintenance and operational instructions.

Warranties specifically do not cover Miracle products:
- for cosmetic damage or flaws occurring under normal use, such as surface scratches, minor chips, hairline cracks, dents, marring, efflorescence, color fade (except for shade fabric as noted above), discoloration, corrosion/rust, fraying, or warping of recycled plastic lumber;
- that have been modified, altered, or repaired by unauthorized third parties;
- that have not been used as designed or intended, or misused;
- to which non-Miracle parts have been added or substituted;
- that have been removed from their original location and re-installed elsewhere, without pre-approval by Miracle;
- or that have been damaged due to excessive wear and tear, vandalism, abnormal use, abuse, negligence, environmental factors (such as wind-blown sand, salt spray, or airborne emissions from industrial sources), extreme weather (such as hail, flooding, lightning, tornados, sandstorms, earthquakes, or wind storms), and acts of God.

THE FOREGOING LIMITED WARRANTY IS THE SOLE AND EXCLUSIVE WARRANTY FOR SELLER'S PRODUCTS, AND IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, IN LAW OR IN FACT. SELLER SPECIFICALLY DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE OR PURPOSE, AND ANY IMPLIED WARRANTIES ARISING OUT OF COURSE OF DEALING OR PERFORMANCE OR TRADE USAGE. SELLER SHALL NOT BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, SPECIAL, OR PUNITIVE DAMAGES, OR ANY LOSS OF REVENUE, PROFIT OR USE, ARISING OUT OF A BREACH OF THIS WARRANTY OR IN CONNECTION WITH THE SALE, INSTALLATION, MAINTENANCE, USE, OPERATION OR REPAIR OF ANY PRODUCT. IN NO EVENT WILL SELLER BE LIABLE FOR ANY AMOUNT GREATER THAN THE PURCHASE PRICE OF A DEFECTIVE PRODUCT.

IPEMA Certificate of Compliance

CERTIFICATE

ISSUE DATE: 10/7/2009

In the interest of public playground safety, IPEMA provides a third-party certification service whereby Detroit Testing Laboratory, Inc. validates a manufacturer's certification of conformance to the ASTM F1487-07 (excluding sections 7.1.1, 10 and 12.6.1) Standard Consumer Safety Performance Specification for Playground Equipment for Public Use.

The manufacturer listed below has received written validation from Detroit Testing Laboratory, Inc. that the products listed below conform with the requirements of ASTM F1487-07 (excluding sections 7.1.1, 10 and 12.6.1).

Manufacturer
Miracle Recreation
878 East Highway 60,
Monett, MO 65708

PRODUCT #	PRODUCT LINE	DESCRIPTION
714-248	Kids' Choice	KC 4 DECK SYSTEM, MTHERM II

You may verify this certificate by visiting IPEMA's website at http://www.ipema.org

3. Bid Price

Job Number: 23-2064
Job: George Washington Park
Quote Name: Quote-23-2064-George Washington Park_002
Quote Number: Q-06851

Prepared by:
JeanTyan
jean@miracleplaygroup.com

Terms: Net 30
Remit to: Miracle Playsystems, Inc.
1276 S Main St., Salinas, CA 93901

Sub Total: $87,964.01
Freight: $5,781.00
Estimated Tax: $4,018.65
Total: $97,763.66

Miracle

Product Code	Description	Qty	Rate	Total	Estimated Tax (if applicable)
MREC EQUIP	Miracle Play Equipment Per Plan_23_2064_GeorgeWashingtonPark_002_BOM	1	$33,851.00	$33,851.00	$3,131.23

Installation Services

State Prevailing Wages Applied
Trucking and Bobcat Access Required

Product Code	Description	Qty	Rate	Total	Estimated Tax (if applicable)
B03	Remove Wood Border 16 LF Removal and Disposal Approx. 16' LF Playground Wood Border.	1	$4,724.00	$4,724.00	$0.00
C15	New Wood Border 95 LF Provide materials to Construct Approx. 95' LF Playground Wood Border to Best Match Existing 3% + - Average Slope Using Redwood Sides/Cap and Pressure Treated Inground Posts.	1	$8,179.00	$8,179.00	$756.57
B24	Provide Labor to Construct Approx. 95' LF Playground Wood Border to Best Match Existing 3% + - Average Slope Using Redwood Sides/Cap and Pressure Treated Inground Posts.	1	$12,269.00	$12,269.00	$0.00
B15	MREC 23_2064_GeorgeWashington_002 Installation Only of Owner Provided MREC 2-5 Age Play Structures Per Plan 23_2064_GeorgeWashington_002 Dated 1/23/2024 to Manufacturer Recommendations Through Soil. Footing Spoils Disposed Off-site.	1	$19,459.00	$19,459.00	$0.00

B13	Offload & Storage Provide Labor and Storage to Offload MRED Shipment at Our Santa Clara Facility and Deliver to Job Site Once Ready for Installation, Includes Disposal of Shipment Packaging.	1	$2,098.00	$2,098.00	$0.00

Wood Fiber Surfacing

State Prevailing Wages Applied
Access Must be dry, Safe and Stable. Site Must be Accessible by a 65 Ft. Long Semi-Truck

Product Code	Description	Qty	Rate	Total	Estimated Tax (if applicable)
C16	Wood Fiber Material Only - Provide 806 Square Feet @ 12" Depth After Natural Compaction 39 Cubic Yards.	39	$36.27	$1,414.53	$130.85
C13	Wood Fiber Blown In Installation of 806 Square Feet @ 12" Depth After Natural Compaction 39 Cubic Yards.	39	$54.41	$2,121.99	$0.00

CPSI Inspection

Product Code	Description	Qty	Rate	Total	Estimated Tax (if applicable)
B22	CPSI Inspection	1	$1,000.00	$1,000.00	$0.00

Bonds

Product Code	Description	Qty	Rate	Total	Estimated Tax (if applicable)
BONDING	Bonding Fees	1	$2,847.49	$2,847.49	$0.00

Sub Total: $87,964.01
Total Freight: $5,781.00
Total Estimated Tax: $4,018.65
Grand Total: $97,763.66

Company: _____

Signature: _____

Name: _____

Date: _____

Location is between swing set and other play structure. Picture is looking east



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: May 01, 2024

SUBJECT: Fire Station Bathroom & Shower Remodel Project (CIP23-12)

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

RECOMMENDATION

1. Authorize an agreement with Shellco General Contractors in an amount not to exceed $134,950 plus a 10% contingency
2. Alternatively, discuss and take other action on this item

DISCUSSION

Background

The Fire Station Bathroom & Shower Remodel Project (CIP23-12) was funded in the FY22/23 Capital Improvement Plan (CIP) with a $50,000 budget derived from American Rescue Plan Act (ARPA) funds.

The purpose of the project is to enhance the functionality of the bathroom facilities located on the dorm side on the Fire Station by designing and constructing improvements that allow for separate shower and restroom facilities that can be used interchangeably by female and male firefighters without privacy concerns. In addition to addressing the functionality and efficient usage of restroom facilities, the project aims to modernize the bathroom by replacing worn appliances that have surpassed their 20-year lifespan, ensuring the safety, efficiency, and comfort of the fire station's facilities.

Currently, there are two (2) bathroom facilities located on the dorm side of the Fire Station:

- One has a large shower area with three shower heads with no separation for privacy.
- The other contains a toilet and a urinal with dividers.

When decontaminating after exposure (fire and other types), multiple crew members should be able to shower concurrently or use the restroom without privacy concerns. The current configuration allows for only one crew member to take a shower at a given time.

Engineering Process

The project was engineered by August Design & Build. The design makes the two bathrooms equivalent and consistent by allowing both spaces to have a shower, toilet, and sink – making the two restrooms usable by any staff member without privacy concerns.

The improvements were designed in a cost-efficient way to harness existing spaces with no large structural modifications; the project entails reconfiguration of the existing spaces, plumbing and electrical work and purchase/installation of new fixtures.

Bid Process
Following engineering, the project was put out to bid on May 25, 2023. The bid process closed on June 16, 2023. One bid was received from Shellco General Contractor; the bid amount was $147,895, well over the allocated budget.

City Staff worked with August Design & Build to value engineer the project. Value engineering was achieved by removing the specificity of materials and fixture types (brand, model, etc.), allowing the contractor to select a cost-efficient model for fixtures and materials vs. sourcing a specific type of material. The value engineered project was rebid.

The rebid process began in September 2023 and closed on October 13, 2023. Four (4) bids were received.

Company	Bid Amount
Shellco General Contractor	$134,950
T&S Intermodal Maintenance, Inc.	$147,953
Commercial Solutions Group, Inc.	$163,757.42
David Construction & Management, Inc	$147,953

Shellco General Contractor was the lowest bidder. The low bid was still well above the project budget with a $104,173 deficit to fund the base bid ($134,950 plus a standard 10% construction contingency).

City Council Direction
On March 20, 2024, staff brought the item forward to council to request direction on how to proceed because there was not sufficient budget to proceed with construction. The original agenda report can be found here.

City Council directed staff to return with a plan to bridge the project funding delta.

Bridging the Delta - Reallocating ARPA Funding to the Fire Station Shower & Bathroom Remodel Project
Staff suggests reallocating funds from four (4) ARPA-funded projects to the Fire Station Bathroom and Shower remodel. This proposal includes reallocating funds from three (3) projects completed under budget and defunding one (1) project that isn't expected to be complete within the December 31, 2024 ARPA deadline. Details are provided below.

1. Chataqua Hall Bathroom Repairs - Completed Under Budget
The completed project replaced old linoleum flooring with new tiles, installed tile wainscoting, and toilets. A $2,928 surplus remains. Staff suggests transferring the leftover ARPA budget to the Fire Station Shower and Bathroom Remodel.

2. City Hall Roof Repairs – Completed Under Budget
This project effectively fixed known roof leaks at City Hall by:

- Installing copper sheet metal on the chimney and existing roof vent to replace deteriorated metal

causing water intrusion.
- Adding step flashing and Reglet seals along the tower for better protection.
- Replacing about 300 square feet of roof sheathing, along with new membrane and roofing.
- Installing a new roof vent on the deteriorated section.

Further inspection revealed that the remaining roof doesn't currently need replacement. The repairs, finished in November 2023, have successfully withstood subsequent rain events. With the project completed, Staff recommends reallocating the remaining $30,278 project funding to the Fire Station Shower and Bathroom Remodel.

3. Recreation Board Park Inventory – Substantially Completed Under Budget
In July 2022, the Recreation Board requested the project funding be put toward various recreational upgrades listed in the Recreation Board Park Inventory, including new picnic tables at several parks and storm drain upgrades at Arnett Park.

Although picnic tables were installed and stormwater improvements were completed, the replacement of the Gazebo at Elmarie Dyke Park was delayed due to plans for the proposed Chinese Pavilion and Moon Wall Project in the Gazebo's location. The Council endorsed Elmarie Dyke Park as the desired at their March 3, 2024, meeting. As a result, the pavilion will replace the deteriorated gazebo, negating the need for the gazebo replacement via this project. The Chinese Pavilion and Moon Wall Project will be funded via Donations from the Monterey Bay Chinese Association and incorporated on the FY24/25 CIP.

Consequently, staff suggests reallocating $29,888 of the remaining funding to the Fire Station Shower Bathroom and Remodel Project. This leaves $15,000 for the Recreation Board and city staff to choose additional enhancements from the Park Inventory.

4. Restroom Replacement at Crespi Pond (CIP23-15) – Project Development Phase
The Restroom Replacement at Crespi Pond project was funded with a $50,000 ARPA budget in the FY22/23 CIP. The Historic Resource Commission (HRC) determined, at their April 26, 2023 meeting, that the property didn't meet criteria for inclusion in the Historic Resources Inventory (HRI). Community interest in preserving the structure's exterior led staff to consider interior improvements instead of replacing it entirely. However, due to ongoing deterioration and the need for temporary repairs to the pump station at Crespi Pond, focus shifted to the higher-priority Pump Station 15.5 Project.

Progress on the Crespi Pond Bathroom Repairs project has been limited. Meanwhile, the Pump Station 15.5 Project's design and engineering, including a permit application for a Coastal Development Permit (CDP), are completed.

Staff proposes reallocating the remaining $45,549 of funding to the Fire Station Bathroom and Shower Remodel as it is unlikely the Crespi Pond Restroom project would be completed before the ARPA funding deadline.

The unfunded Crespi Pond project may be reconsidered for FY24/25 CIP funding. Alternatively, the Council can use unassigned general funds for the Fire Station project, but staff does not recommend this to ensure ARPA funds are utilized appropriately.

AGREEMENT
If awarded, Staff will draft an agreement, harnessing the standard construction contract approved by the City's insurer, California Joint Powers Insurance Authority (CJPIA).

NEXT STEPS
Once a contract is executed, the City will work with the contractor to develop a construction schedule. It is anticipated that all work will be completed well before the December 31, 2024, ARPA funding deadline. Project updates will be provided on the Clear Gov project page: https://cleargov.com/california/monterey/city/pacific-grove

OPTIONS

1. Authorize the agreement
2. Do not authorize the agreement

FINANCIAL IMPACT:
The original $50,000 project budget was derived from ARPA funds. To date, $5,728 has been expended on the design project. $44,272 remains in the project budget.

As an element of this agenda report, staff is requesting reallocation of $108,643 of ARPA funds to bridge the project delta. If approved, the reallocation paired with the remaining original budget, allows for sufficient funding to award the agreement for $134,950 plus a 10% contingency and to allow for any additional construction services of August Design & Build, the project engineer, during construction (if needed). See breakdown below.

CIP Code	Project	Funding Transferred to Fire Station Bathroom & Remodel
CIP 23-13	Chataqua Hall Bathroom Repairs	$2,928
CIP 23-15	Crespi Pond Bathroom Repairs	$45,549
CIP 23-18	City Hall Roof Repairs	$30,278
CIP 23-22	Recreation Board Park Inventory	$29,888
TOTAL TO BE TRANSFERRED TO THE PROJECT		**$108,643**

FOCUSED PRIORITY AREA: Infrastructure

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: May 01, 2024

SUBJECT: First Reading of an Ordinance Amending the Fiscal Year 2023-24 Budget

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 first reading of an ordinance amending the Fiscal Year 2023-24 Operating and Capital Improvement Budget; and
4. Direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

DISCUSSION

The City Council gave its approval for the Fiscal Year 2023-24 Budget on June 21, 2023. It's a customary practice to revisit the Council to make any necessary adjustments to the budget in alignment with the Council's objectives.

Approval from the City Council is required for any amendments to the budget. Enclosed with this agenda report is an ordinance detailing these changes, along with a summary of the proposed modifications.

This budget amendment request focuses on allocating additional sewer funding for the approved FY23/24 Street Rehabilitation Capital Improvement Plan (CIP) project (CIP24-01).

The FY23/24 Street Rehabilitation Project, part of the FY23/24 CIP, targets the aging road infrastructure network, on segments of failed segments of roadway on Locust, Willow, Wood, Grand, and Pearl Streets. These segments were selected based on comprehensive assessments from the City's Pavement Management Program and in-field evaluations.

During the engineering phase, underground infrastructure was CCTV videoed to assess existing conditions. It was anticipated, based on the age of the lines and construction records, that some of the 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 that all of the sewer lines on Locust, Willow, and Wood Street are in a deteriorated state and in need of replacement, from Sinex to Junipero. Additionally, the sewer line on Grand Avenue needs to be replaced from Gibson to Junipero. Between the 4 road segments, 2,540 linear feet of deteriorated sanitary sewer main will be replaced.

The FY23/24 Street Rehabilitation Project is funded from the Capital Improvement Fund, Measure X, Road Maintenance and Rehabilitation Account (RMRA) and the Sewer Fund with a total approved budget of $1,941,137, as shown below.

Funding Source	**Approved Budget**
Fund 63 – Capital Improvement Fund	$300,000
Fund 17 - Measure X Fund	$536,088
Fund 47 – RMRA (SB1)	$505,049
Fund 76 – Sewer Fund	$600,000
TOTAL FUNDING	**$1,941,137**

At the time of this writing, approximately $116,000 has been spent on engineering, leaving $1.8 million of construction funding.

Following a competitive bid process, there is sufficient funding to allow for the road improvements. However, an additional $272,000 of Sewer Funding is required to fund the vital sewer elements of this project following the competitive bid process. This funding will allow for construction of the underground sewer infrastructure, a 10% sewer construction contingency, and any remaining engineering and construction management activities from the City Engineer.

Undertaking underground sewer work is crucial for health and safety and ensures that investments in pavement infrastructure reach their intended service life by preventing the need for disruptive road cuts for underground repairs.

As such, staff has prepared the requested budget amendment to allocate the additional sewer funding needed

OPTIONS

1. Proceed with Staff recommendation
2. Do not proceed with the Staff recommendation
3. Provide alternate direction to staff

FINANCIAL IMPACT:

There is sufficient funding in the Sewer Enterprise Fund to allow an additional $272,000 allocation to the Street Rehabilitation Project as noted in the attached ordinance.

FOCUSED PRIORITY AREA: Infrastructure

Attachments

Budget Ordinance

ORDINANCE NO. xx-xxx

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AMENDING THE OPERATING AND CAPITAL PROJECTS BUDGET FOR THE FISCAL YEAR (FY) 2023-24

FACTS

1. The City Council approved the Fiscal Year 2023-24 Budget on June 21, 2023.

2. It is customary to amend the budget to adjust revenues and expenditures to reflect updated information since the adoption of the Fiscal Year 2023-24 Budget.

3. The City Manager is recommending amendments to the Fiscal Year 2023-24 Budget to reflect the City Council goals for the fiscal year budget.

4. The Council has determined it is appropriate to amend the approved budget for FY 2023-24.

5. Pursuant to Charter Article 15, an amendment of the budget must be approved by ordinance.

6. A summary of the Ordinance, approved by the City Attorney, was published on _____.

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

8. Enactment of this ordinance action does not constitute a "project" as defined by California Environmental Quality Act (CEQA) Guidelines Section 15378 because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

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

SECTION 1. The foregoing facts are adopted as findings of the City Council as set forth fully within the body of this ordinance.

SECTION 2. The expenditure budget for the following funds is amended, as stated herein, which by this reference are incorporated as set forth in its entirety.

Expenditures		Increase / Decrease
76	Sewer Fund	($272,000)

SECTION 3. The Fiscal Year 2023/24 estimated fund balances based on this adjustment, are referenced herein:

Fund	Beginning Fund Balance	Revenue FY 23/24	Expenditures FY 23/24	Preliminary Estimated Ending Fund Balance
76	$22,925,363	$4,040,500	$6,534,165	$20,431,698

The estimated ending "available" fund balance for the Sewer Fund is $4,804,405.

SECTION 4. In accord with Article 15 of the City Charter, this ordinance shall become effective upon adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 15th day of May, 2024, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN A. PIERIK, City Attorney

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: May 01, 2024

SUBJECT: First Reading of an Ordinance to Amend the Salary Classification Schedule for City Manager and City Manager Pro Tempore

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

RECOMMENDATION

1. Request City Attorney to read title of ordinance;
2. Motion to waive further reading of the ordinance;
3. Introduce and hold for first reading an Ordinance Amending Salary Classification Schedule to include salary for City Manager and City Manager Pro Tempore;
4. Direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

DISCUSSION

On April 17, 2024, the City Council approved the employment contract for City Manager which included a change in the annual base salary from the current City Manager classification listed on the City's salary classification schedule. The salary for City Manager is $121.00 an hour ($251,680 annually) effective retroactively to May 6, 2024 (a second reading of the ordinance will be May 15, 2024). Since the City Manager Pro Tempore classification aligns with the City Manager classification, it will also be amended to the same hourly rate. The City Manager Pro Temp position is filled only in the event of a vacancy or an extended absence in the City Manager's position.

Attached to this Agenda Report is a proposed Ordinance Amending Salary Classification Schedule to include the salary for City Manager and City Manager Pro Tempore.

The recommended action is for the City Council to request the City Attorney to read the title of the Ordinance and to waive further reading and introduce for first reading an Ordinance Amending Salary Classification Schedule to include Salary for City Manager and City Manager Pro Tempore.

The requested change to the salary classification schedule will only impact the City Manager and City Manager Pro Tempore classifications. All other classification hourly salary ranges will remain the same. To view the entire salary schedule, please refer to the City's website. To view the revised classification hourly salary ranges for the classifications listed below, please see the related ordinance linked to this agenda report.

OPTIONS

1. Not approve the Ordinance amending the salary classification schedule for City Manager and City Manager Pro Tempore.
2. Provide alternative direction to staff.

FINANCIAL IMPACT:

City Manager
No impact to the FY 23/24 budget as this position is budgeted for the fiscal year.

City Manager Pro Tempore
When the position is assigned, cost will be an off-set because the City Manager Pro Tempore will generally serve as the City Manager in the City Manager's vacancy.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

Proposed Ordinance

ORDINANCE NO. 24-0XX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AMENDING THE CLASSIFICATION SCHEDULE TO INCLUDE A SALARY FOR CITY MANAGER CITY AND CITY MANAGERPRO TEMPORE

Findings

1. On April 17, 2024, the City Council approved the employment contract for City Manager which included a change in the annual base salary from the current City Manager classification listed on the City's salary classification schedule. The salary for City Manager is $121.00 an hour ($251,680 annually) effective retroactively to May 6, 2024. Since the City Manager Pro Tempore classification aligns with the City Manager classification, it will also be amended to the same hourly rate; and

2. Amendments to the salary classification plan must be adopted by the City Council pursuant to Charter Article 25 and Pacific Grove Municipal Code (PGMC) Section 4.20.280; and

3. 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 Charter Article 15 and PGMC § 4.20.280 is hereby amended to include a salary for City Manager and City Manager Pro Tempore at $121.00 per hour effective retroactive to May 6, 2024.

SECTION 3. In accord with Article 15 of the City Charter, this ordinance shall become effective upon the second reading of the ordinance.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 15th day of May 2024, by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:
DATED:_____

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN PIERIK, City Attorney

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Brian Anderson, Police Commander
MEETING DATE:	May 01, 2024
SUBJECT:	AB 481 Military Equipment Annual Report for 2023.
CEQA:	Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive the AB 481 Annual Report for 2023.

DISCUSSION

BACKGROUND

On September 30, 2021, Governor Newsom signed California Assembly Bill (AB) 481. AB 481 requires California law enforcement agencies to obtain approval for a Military Equipment Use Policy from their applicable governing body before taking certain actions related to the funding, acquisition, or use of military equipment as defined by the legislature.

The intention behind AB481 is to increase transparency, accountability, and oversight for the acquisition and use of equipment. It safeguards the public's welfare, safety, civil rights, and liberties.

The Pacific Grove Police Department does not participate in the 1033 Program. It has not obtained any military equipment from the military, nor does it possess any equipment that was designed for military use.

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

The Pacific Grove Police Department has a robust military equipment policy. The policy is available to the public on the Department's website.

SUMMARY OF USE

The Pacific Grove Police Department did not use any of the listed military use equipment during 2023. There were instances where officers had military equipment ready for use in the field. However, there were no direct uses of any military equipment acquired by the Pacific Grove Police Department.

COMMUNITY ENGAGEMENT

Pacific Grove Police Department policy states that within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

The Pacific Grove Police Department conducted a public meeting regarding the Military Equipment Policy on March 27, 2024. The meeting was held in the City Council Chambers at 6 p.m., was open to the public, and was advertised on the police department's website, social media, and the City of Pacific Grove website.

The meeting was available for those who wanted to attend in person and those who wanted to attend virtually. No members of the public attended in person or virtually. The meeting was recorded and is available on the department website.

ANALYSIS

Pacific Grove Police Department policy section 706.7 ANNUAL REPORT states:
The Chief of Police or the authorized designee shall submit a military equipment report to the City Council for each type of military equipment approved within one year of approval and annually thereafter, for as long as the military equipment is available for use (Government Code § 7072). The Chief of Police or the authorized designee shall also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use.

The report shall include the following information for the immediately preceding calendar year as required by Government Code § 7072 for each type of military equipment in department inventory.

1. A summary of how the military equipment was used and the purpose of its use.
2. A summary of any complaints or concerns received concerning the military equipment.
3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing expenses, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
5. The quantity possessed for each type of military equipment.
6. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Department Responses:

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

The equipment was available to officers during their daily activities. None of the listed equipment was directly used, but it was used during training.

2. A summary of any complaints or concerns related to military equipment.

The Department did not receive any complaints concerning military equipment in 2023.

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

A monthly audit/inventory is taken for ALL firearms owned by the Pacific Grove Police

Department. There were no discrepancies during any of the audits. The audits include all rifles and less lethal launchers included in the military equipment use policy. There were no violations of the military equipment use policy.

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

Rifle/Pistol Ammunition: 13,000 rounds/$5266.77 (Practice ammunition)
Total cost for ammunition: $5,266.77

- **Training: Firearms/Less Lethal**

  Rifle training for the Pacific Grove Police Department is conducted simultaneously with pistol training during two annual firearms training days. To complete training for the entire Department while maintaining adequate patrol staffing, most of this training is conducted on officers' days off and compensated as overtime.

In 2023, the Department completed 240 hours of firearms training. To fulfill mandated safety ratios for training, 128 instructor hours were used. Not all the instructor hours were conducted as overtime, and the cost was covered as "on-duty" hours.

The total cost for firearms training was approximately $19,900.00

- **Less Lethal:**

  Less lethal training is conducted bi-annually. No Less Lethal training was conducted in 2023.
- **Maintenance:**

  Department armorers did it on duty as needed—no additional costs for 2023.
- **Storage:**

  They are stored on-site in the department armory—no additional costs.
- **Transportation:**

  Equipment is carried daily in officers' police vehicles and transported to and from training sites in police vehicles. There are no additional costs.
- **Upgrades:**

  No equipment was upgraded in 2023.
- **Ongoing costs:**

  There are no additional ongoing costs for the military equipment.
- **Funding Source:**

  All equipment was acquired through the Department's equipment fund, and all training was completed either on duty or during overtime and funded through the Department's FY 23/24 operating budget.

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

See attached tables of military equipment.

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

The Pacific Grove Police Department plans to acquire five additional rifles in the next year at an approximate cost of $7,767.68. The Department has no other plans to acquire additional military equipment next year. In the event any of the currently owned equipment becomes non-operational or needs replacement, we will replace it. Replaced equipment will be noted in the subsequent annual report. Training and Duty ammunition will be used and replenished as needed and will be listed in the subsequent annual report.

COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department's policy. Military equipment used by other jurisdictions providing aid to the Pacific Grove Police Department shall comply with their respective military equipment use policies in rendering mutual aid.

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department's policy. Military equipment used by other jurisdictions providing aid to the Pacific Grove Police Department shall comply with their respective military equipment use policies in rendering mutual aid.

The Pacific Grove Police Department is a participating member of the Monterey Peninsula Regional Special Response Unit (MPRSRU), which collaborates with other law enforcement agencies on the Monterey Peninsula. The MPRSRU provides capabilities to address specific law enforcement issues, such as active shooter incidents, hostage situations, barricaded subject incidents, etc. The Pacific Grove Police Department also collaborates with the Monterey County Sheriff's and other local, state, and federal law enforcement agencies that may be needed to aid the Pacific Grove Police Department.

The Pacific Grove Police Department currently has one officer assigned to the Special Response Unit as a team member, one sergeant and one corporal assigned as tactical negotiators. While deployed with the MPRSRU, our members must follow all the policies of the Pacific Grove Police Department.

OPTIONS

Not applicable.

FINANCIAL IMPACT:

1. Rifle/Pistol Ammunition: 13,000 rounds/$5266.77 (Practice ammunition) Total cost for ammunition: $5,266.77 which was budgeted in the FY 23/24.
2. The total cost for firearms training was approximately $19,900.00 which was budgeted in the FY 23/24.
3. The Pacific Grove Police Department plans to acquire five additional rifles in the next year at an approximate cost of $7,767.68 from the FY budget 24/25.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

Military equipment list 2024

AB 481 power point

Less Lethal Weapon	
Type	40mm Launcher
Description	Penn Arms GL1 40mm launcher
Quantity	2
Capabilities	The Penn Arms GL 40mm launcher will launch a 40mm less lethal projectile approximately 130 feet
Expected lifespan	15 years
Manufacturer's description	A 40mm compact single-shot break-open frame launcher with a rifled barrel and folding stock. Features include: Double-action trigger, trigger lock push button and hammer lock safeties
Purpose and authorized uses	To compel an individual to cease his/her actions when such less lethal weapon presents a reasonable option. A verbal warning of the intended use of the device should precede its application.
Fiscal impact	$1500 (each)
Legal and procedural rules	Refer to policies 300, 301, 301.8-301.11
Required training	Sworn members utilizing the 40mm less lethal impact rounds are trained in their use by CA POST certified less lethal instructors.
Compliance mechanisms	Use is subject to the applicable policies (300.5, 300.5.1, 300.5.3, 301, 303.4).

Less Lethal Weapon	
Type	Less Lethal Shotgun
Description	Remington 870 Less Lethal Shotgun with Orange Stock and Fore-end denoting less lethal
Quantity	5
Capabilities	The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-guauge Drag Stabilized Round up to a distance of 75 feet
Expected lifespan	25 years
Manufacturer's description	The Remington Model 870 Pump Shotgun is a reliable 12-gauge with double-action bars for smooth pump operation. A steel-lined/grooved fore-end provides a stronger grip, while the Flexitab feeding system provides positive and easier cycling. A less-lethal application shotgun is available with the addition of a blaze orange synthetic SpeedFeed stock and fore-end for the instant recognition required.
Purpose and authorized uses	To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.
Fiscal impact	$950 each
Legal and procedural rules	Refer to policies 300, 301, 301.8-301.11
Required training	Sworn members utilizing the Remington 870 less lethal shotguns are trained in their use by CA POST certified less lethal instructors.
Compliance mechanisms	Use is subject to the applicable policies (300.5, 300.5.1, 300.5.3, 301, 303.4).

Less Lethal Ammunition	
Type	Defense Technology Exact Impact 40mm kinetic energy projectiles
Description	40mm, foam-tipped kinetic energy fired from an agency-authorized 40mm launcher.
Quantity	36
Capabilities	Operational range 5-131 ft.
Expected lifespan	5 yrs.
Manufacturer's description	The eXact iMpact™ 40 mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications.
Purpose and authorized uses	To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.
Fiscal impact	Approximately $20 per projectile
Legal and procedural rules	Refer to policies 300, 301, 301.8-301.11
Required training	Sworn members utilizing the 40mm less lethal impact rounds are trained in their use by CA POST certified less lethal instructors.
Compliance mechanisms	Use is subject to the applicable policies (300.5, 300.5.1, 300.5.3, 301, 303.4).

Less Lethal Ammunition	
Type	Defense Technology/Safariland Drag Stabilized 12-Guage Less Lethal Round
Description	A less lethal 2.5-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270 feet per second (FPS).
Quantity	145
Capabilities	12-guauge Drag Stabilized Round has an effective range from 20 feet up to a distance of 75 feet
Expected lifespan	5 years
Manufacturer's description	The 12-Gauge Drag Stabilized™ Round is comprised of a translucent 12-Gauge shell loaded with a 40 gram, tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four (4) stabilizing tails. The 12-Gauge Drag Stabilized™ Round utilizes smokeless powder as the propellant.
Purpose and authorized uses	To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.
Fiscal impact	Approximately $5 per round
Legal and procedural rules	Refer to policies 300, 301, 301.8-301.11
Required training	Sworn members utilizing the Remington 870 less lethal shotguns are trained in their use by CA POST certified less lethal instructors.
Compliance mechanisms	Use is subject to the applicable policies (300.5, 300.5.1, 300.5.3, 301, 303.4).

Lethal Weapon	
Type	Semi-Auto Patrol Rifle
Description	Daniel Defense DDM4V7, Semi-Auto rifle, black in color, with aluminum handguard, and adjustable stock.
Quantity	9
Capabilities	A rifle that fires an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol.
Expected lifespan	10 years
Manufacturer's description	The DDM4 V7 AR15 style firearm features M-LOK attachment technology with the Daniel Defense MFR 15.0 rail. Built around a Cold Hammer Forged, 16-inch barrel, the V7 has a DD improved Flash Suppressor to reduce flash signature. The mid-length gas system provides smooth and reliable cycling under any condition and reduces both perceived recoil and wear on moving parts. With the M-LOK attachment points that run along 7 positions and an uninterrupted 1913 Picatinny rail on top, the V7 has plenty of room for the sights, optics, and accessories the user may require. The independently ambi GRIP-N-RIP Charging Handle accommodates left- and right-handed shooters. This rifle also comes with the ergonomic Daniel Defense Buttstock and Pistol Grip.
Purpose and authorized uses	The Daniel Defense DDM4V7 enables officers when in compliance with the PGPD's Use of Force Policy, to address short to long distance threats, or those threats who are heavily armed, armored or both. Further, in both short and long-distance deployments, they allow officers precision shot placement minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance and precision.
Fiscal impact	$1,422.00 (each)
Legal and procedural rules	Refer to policies 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.2, 300.5.3, 300.11, 303
Required training	Sworn members utilizing the Daniel Defense DDM4V7 are trained is their use by CA POST certified firearms instructors.
Compliance mechanisms	Use is subject to the applicable policies (300.4, 300.9, 303.3.2, 303.5, 303.7, 303.8, 303.9)

Lethal Weapon	
Type	Semi-Auto Patrol Rifle
Description	Colt LE6920, Semi-Auto rifle, black in color, with plastic handguard, and adjustable stock.
Quantity	13
Capabilities	A rifle that fires an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol.
Expected lifespan	10 years
Manufacturer's description	The Colt M4 Carbine is a Gas Operated Semi-Auto rifle, chambered in 223 Remington/5.56 NATO. The M4 Carbine features a 16.1" barrel and Reversible safety selector and has an overall expanded length of 35.5". The M4 Carbine utilizes a 4-position collapsible stock and A2 flash hider.
Purpose and authorized uses	The Colt M4 Carbine enables officers when in compliance with the PGPD's Use of Force Policy, to address short to long distance threats, or those threats who are heavily armed, armored or both. Further, in both short and long-distance deployments, they allow officers precision shot placement minimizing the risk to officers and innocent citizens. There are no known alternatives to these weapons that will provide the same level of distance and precision.
Fiscal impact	$1,100 (each)
Legal and procedural rules	Refer to policies 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.2, 300.5.3, 300.11, 303
Required training	Sworn members utilizing the Colt M4 Carbine are trained is their use by CA POST certified firearms instructors.
Compliance mechanisms	Use is subject to the applicable policies (300.4, 300.9, 303.3.2, 303.5, 303.7, 303.8, 303.9)

Lethal Ammunition	
Type	Speer Gold Dot Duty Ammunition .223 Caliber 55 grain rifle round
Description	Speer Gold Dot features nickel plated brass cases and Boxer primers and is a non-corrosive round. The Gold Dot projectile goes through a process of joining the jacket and core one molecule at a time which eradicates the potential for the leading cause of bullet failure (jacket/core separation). This process will guarantee extraordinary weight retention through barriers as strong as auto-glass. Gold Dot rifle ammunition asserts remarkable accuracy with exact tolerances and unparalleled bullet uniformity.
Quantity	1,500
Capabilities	Operational range 0-300 yards
Expected lifespan	10 years
Manufacturer's description	SPEER LE® Gold Dot® Duty Rifle brings proven bullet technology to rifle platform. The Gold Dot® bullet was the first high performance, bonded-core bullet available in handgun ammunition, and has since set the bar for duty ammunition. The nation's number one law enforcement option is now available in rifle ammunition for agencies everywhere. These specially designed loads bring law enforcement rifle ammunition to the next level. Gold Dot rifle bullets are optimized to ensure expansion out of barrels down to 10" at a wide variety of velocities out to 200 yards. This kind of performance greatly increases the capabilities of duty rifles and gives law enforcement personnel a distinct advantage when it matters most. In addition, these new loads boast outstanding feeding in short, very short and standard-length AR platforms. Like their handgun counterparts, the Gold Dot rifle bullets are constructed using Gold Dot technology. The process of joining the jacket and core one molecule at a time eliminates the potential for the leading cause of bullet failure—jacket/core separation. It also ensures impressive weight retention through barriers as tough as auto-glass. In addition to being tough, Gold Dot rifle loads boast outstanding accuracy. Exact tolerances and unprecedented bullet uniformity of jacket thickness give Gold Dot rifle loads outstanding accuracy. In addition, these loads feature flash suppressed propellants and a muzzle velocity of up to 3000 fps. The versatility, reliability, and superior construction of the new Speer LE Gold Dot Duty Rifle loads allow law enforcement agencies to utilize this tested and proven bullet technology in duty rifles with complete confidence.
Purpose and authorized uses	To project a force against a selected target to have an effect and stop the threat when other reasonable options are not viable. A verbal warning should precede its application.
Fiscal impact	$560.00 per case of 1000
Legal and procedural rules	Refer to policies 300, 300.4, 300.4.1, 300.5, 300.5.1, 300.5.3, 300.11, 303, 303.3
Required training	Sworn members utilizing Speer Gold Dot ammunition are trained in their use by CA POST certified instructors.
Compliance mechanisms	Use is subject to applicable policies (303.3, 303.3.2)

Lethal Ammunition	
Type	Winchester Target Ammunition 5.56 Caliber 55 grain rifle round
Description	Winchester Target Ammunition features brass cases and Boxer primers and is a non-corrosive round. This ammunition is loaded with a full metal jacket bullet which is known for its positive functioning and exceptional accuracy. On impact this bullet does not expand and is ideal for target shooting.
Quantity	14,000
Capabilities	0-300 yards
Expected lifespan	10 years
Manufacturer's description	Winchester "USA White Box" stands for consistent performance and outstanding value, offering high-quality ammunition to suit a wide range of shooter's needs by providing consistent accuracy, positive functioning, and no expansion.
Purpose and authorized uses	Practice
Fiscal impact	$380.00 per case of 1000
Legal and procedural rules	Refer to policies 300, 300.4, 300.4.1, 300.4.2, 300.5.1, 300.5.3, 300.11 303
Required training	Sworn members utilizing Winchester Target Ammunition are trained in their use by CA POST certified instructors.
Compliance mechanisms	Use is subject to applicable policies (303.3, 303.3.2)

AB 481

Military Equipment City Council Presentation

City Council Meeting May 1, 2024

AB 481 Background

- September 30, 2021 – Governor Newsom signed AB 481
- Increase transparency, accountability, oversight for acquisition and use of military equipment
- Provide safeguards to protect public's welfare, safety, civil rights and liberties

Annual Reporting

- Annual town hall meeting at least 30 days before presenting the annual report to City Council.
- Community meeting March 27th, 2024

Annual Report

1. A summary of:
   - How military equipment was used & its purpose.
   - Complaints or concerns related to military equipment and any actions taken in response.

2. The total annual cost for each type of military equipment, and how the funds were sourced.

3. The quantity possessed for each type of military equipment.

4. Intention to acquire additional military equipment in the current or following year, the quantity sought for each type of military equipment.

PGPD Military Equipment

- (2) 40mm Projectile Launchers
- (5) Less Lethal Shotguns
- (22) Department Issued Rifles
- (5) Additional Rifles to be acquired in 2024

Acquisition of (5) Additional Rifles

- **Operational Need:** Enhance our capability with responding to critical incidents.
- **Uniformity in Training:** Every officer will be using the same platform.
- **Spare Rifles:** Will ensures that we can replace malfunctioning equipment.
- **Technological Advancements:** Improved accuracy & accessory compatibility.

Monterey Peninsula Regional Special Response Unit (MPRSRU)

- PGPD receives and provides mutual aid to/from all area law enforcement agencies.
- Agencies are required by AB 481 to get approval from Governing Body for the equipment owned. <u>There is currently no SRU equipment owned or maintained by the City of Pacific Grove.</u>
- One member on SRU and two members on CNT
- SRU did not respond to any incidents in Pacific Grove during 2023

Questions?

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Daniel Gho, Public Works Director/Deputy City Manager

MEETING DATE: May 01, 2024

SUBJECT: FY23/24 Street Rehabilitation Project

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

RECOMMENDATION

1. Authorize an agreement with Monterey Peninsula Engineering for the FY23/24 Street Rehabilitation Project on segments of Locust, Willow, Wood, Grand and Pearl St in an amount not to exceed $1,657,025 plus a 15% contingency.
2. Alternatively, discuss and take other action on this item.

DISCUSSION

The FY23/24 Street Rehabilitation Project was approved as part of the FY23/24 Capital Improvement Plan (CIP)to address the aging road infrastructure network on:

· Locust Street, between Sinex Ave & Junipero Ave (PCI 3)
· Willow Street, between Sinex Ave & Junipero Ave (PCI 7)
· Wood Street, between Sinex Ave & Junipero Ave (PCI 19)
· Grand Avenue, between Gibson & Junipero Ave(PCI 10)
· Pearl Street, between Monterey & 8th Street (PCI 0)

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

None of these road segments have ever received a formal rehabilitation treatment since construction; they are all in a failed state and in dire need of replacement. All these roads have significantly deteriorated and need immediate attention.

Engineering Process

During the engineering phase, underground infrastructure was CCTV videoed to assess existing conditions. It was anticipated, based on the age of the lines and construction records, that some of the 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 that all of the sewer lines on Locust, Willow, and Wood Street are in a deteriorated state and in need of replacement, from Sinex to Junipero. Additionally, the sewer line on Grand Avenue needs to be replaced from Gibson to Junipero. Between the 4 road segments, 2,540 linear feet of deteriorated sanitary sewer main will be replaced and upsized from 6" vitrified clay pipe to 8" PVC.

Competitive Bidding Process
Construction documents were completed in March of 2024 and a request for proposals was issued. On April 5, 2024, the bid period closed. Three (3) bids were received:

Contractor	Base Bid
Monterey Peninsula Engineering	**$1,657,025**
Coastal Paving & Excavating	**$1,940,940**
Precision Grade	**1,876,580**

Monterey Peninsula Engineering (MPE) has been qualified as the lowest, responsible bidder. Their bid was competitive and is below the engineer's estimate which is $1,866,250. MPE is well qualified to perform this work and has successfully completed several paving and sewer projects for the City.

Scope of Work:
The scope of work for the FY23/24 Street Rehabilitation Project bid includes:
· Reconstruction of 39,400 SF of deteriorated pavement
· Construction of 19 driveway approaches for entrance onto roadways and 1 curb ramp
· Reconstruction of 2,850 SF of sidewalk
· Construction of 810 LF of curb and gutter
· Replacement of 2,540 LF of sewer main line
· Reconstruction of 12 manholes

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.

Agreement
If awarded, Staff will begin collecting the necessary insurance documents and prepare the agreement, harnessing the standard construction contract approved by the City's insurer, California Joint Powers Insurance Authority (CJPIA).

An agreement will not be routed for execution until the second read of the budget adjustment is heard and approved (see financial impact section below for additional details).

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 project will be completed by the summer.

Updated timelines will be posted to the Clear Gov Page linked here:
https://cleargov.com/california/monterey/city/pacific-grove/projects

OPTIONS

1. Authorize an agreement
2. Do not authorize the agreement. Failure to authorize an agreement could impact the ability to meet MOE requirements and would significantly delay the project.

FINANCIAL IMPACT:

The total approved project budget is $1,941,137 derived from the Capital Improvement Fund, Measure X, Road Maintenance and Rehabilitation Account (RMRA) and the Sewer Fund as specified below.

Funding Source	Approved Budget
Fund 63 – Capital Improvement Fund	$300,000
Fund 17 – Measure X	$536,088
Fund 47- RMRA (SB1)	$505,049
Fund 76- Sewer Fund	$600,000
TOTAL	**$1,941,137**

At the time of this writing, approximately $116,000 has been spent on engineering, leaving $1.8 million of construction funding.

There is sufficient funding to allow for the road improvements. However, an additional $272,000 of Sewer Funding is required to fund the vital sewer elements of this project following the competitive bid process. This funding will allow for construction of the underground sewer infrastructure, a 10% sewer construction contingency, and any remaining engineering and construction management activities from the City Engineer.

Undertaking underground sewer work is crucial for health and safety and ensures that investments in pavement infrastructure reach their intended service life by preventing the need for disruptive road cuts for underground repairs.

A budget amendment has been prepared to allocate an additional $272,000 as an element of tonight's agenda. If approved, there is sufficient funding to accommodate the full construction contract.

Maintenance of Effort Compliance

$300,000 of the project funding is derived from the City's Capital Improvement Fund and goes directly toward meeting annual Maintenance of Effort (MOE) requirements. The MOE must be met in order to be eligible for continued Measure X and RMRA/Senate Bill 1 funding. The City is on track to meet MOE requirements in the current fiscal year.

FOCUSED PRIORITY AREA: Infrastructure

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Robert Perrault, City Manager
MEETING DATE:	May 01, 2024
SUBJECT:	Initiative No, 21-0042A1, The Taxpayer Protection and Government Accountability Act.
CEQA:	Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Adopt a Resolution opposing Initiative No. 21-0042A1, the Tax Payer Protection and Accountability Act.

DISCUSSION

The Taxpayer Protection and Government Accountability Act would revise the California Constitution with provisions that limit voters' authority and input, adopt new and stricter rules for raising taxes and fees, and may make it more difficult to impose fines and penalties for violation of state and local laws. The measure could have a significant negative impact on the City of Pacific Grove and its ability to sustain service levels that are expected by community members. The proposed initiative is sponsored by the California Taxpayers Association, The California Business Roundtable, and Howard Jarvis Taxpayers Association. Opponents to the measure include the League of California Cities and every other City Council within the County of Monterey.

Some of the key elements contained within the initiative that could impact cities:

1. Requires greater definitions and specificity for language in proposed ballot measures.
2. Tax measures approved after January 1, 2022, that do not comply with new rules are void unless rewritten and reenacted.
3. Requires fees and charges paid for the use of local and state government property to be "reasonable" but there is no definition of reasonable"
4. Prohibits indexing for inflation when setting fees.
5. Expressly prohibits local advisory measures which allow local voters to express a preference for how local general tax dollars should be spent.
6. New taxes can only be specified for a specific time period.
7. City Charters cannot be amended to include a tax or a fee.
8. Could limit the city's ability to collect certain fees associated with property use or services provided to a property.
9. Prohibits development project conditions which are dependent on vehicle miles traveled (vmt) calculation for project users and residents.

There are several additional elements that could impact the City. Although the intent of the legislation is broad and much of the initiative language is vague. Ultimately, the impact on cities will be determined according to further court action and language interpretation.

OPTIONS

The following options are presented for Council consideration:

1. Adopt the Resolution opposing the proposed initiative;
2. Modify and adopt the resolution;
3. Do not adopt a Resolution in opposition to the proposed initiative; or
4. Provide staff other direction.

FINANCIAL IMPACT:

It is likely that the claw back provisions included in the initiative would be to nullify the voter approved city initiative to adjust the sales tax by 1/2 percent. This initiative was approved in November of 2022, and most likely did not meet the specificity and definition requirements that are outlined in the initiative. The sales tax adjustment provides $1.2 million in revenue to the city's general fund annually. There may be other impacts relating to the restricted ability to increase or change fees for a variety of city services.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

Proposed Resolution

RESOLUTION NO. 24-XXX

A RESOLUTION OF THE CITY COUNCIL OPPOSING INITIATIATIVE NO. 21-0042A1, THE TAXPAYER PROTECTION AND GOVERNMENT ACT

FINDINGS

WHEREAS, The City of Pacific Grove is a charter city organized under the constitution of the State of California;

WHEREAS, Several state-wide property tax associations have drafted Initiative no. 21-0042 A1 and said initiative would revise the California State Constitution as it related to the city's ability to place revenue raising measures on the ballot and collect certain fees for services rendered; and

WHEREAS, the City Manager has provided a report to the City Council describing several restrictions and requirements that would adversely affect the city's ability to raise the needed revenue and or increase fees for services rendered by the city.

WHEREAS, The City Manager has determined that the claw back provision of the initiative would nullify the Sales Tax Adjustment Measure approved by the voters in November 2022 resulting in a loss of $1.2 million in annual revenue to the City of Pacific Grove;

WHEREAS, the current California State Constitution also provides voter approved protections that limits the state and local government's ability to adjust and collect certain taxes and fees including voter approved: Proposition 13, Proposition 218 and Proposition 26.

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

1. The Council determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.

2. The Council Adopts a position of opposition to Initiative No.21-00421A1, Taxpayer Protection and Accountability Act.

3. This Resolution shall become effective immediately following passage and adoption thereof.

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

AYES:
NOES:
ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:
DATED:_____

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN A. PIERIK, City Attorney

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

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

MEETING DATE: May 01, 2024

SUBJECT: Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ending June 30, 2023

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

RECOMMENDATION

- Receive the Annual Comprehensive Annual Financial Report, which includes the Auditors' Opinion on the City's financial statements
- Receive the Single Audit Report and Independent Auditors' Report
- Receive the Transportation Safety and Investment Plan Account Fund (TAMC Measure X) Report, which includes the Auditors' Report
- Receive the Independent Accountants' Report on Agreed-Upon Procedures Applied to the Appropriations Limit Schedule (GANN Limit)
- Receive a status on improvements based on the auditor's recommendations that are being implemented, and provide any desired direction

DISCUSSION

The City contracted with The Pun Group, a firm of licensed certified public accountants, to audit the City of Pacific Grove's financial statements for the fiscal year ending June 30, 2023. The goal of the independent audit is to provide reasonable assurance that the basic financial statements are free from material misstatement.

Coley Delaney, CPA, and Partner with The Pun Group, will present the audit information remotely at the Council Meeting.

A brief overview of each report is provided below.

Annual Financial Statements and Independent Auditors' Report

The Independent Auditor's Report, which is included on Page 1 of the Annual Comprehensive Financial Report (ACFR), indicates that the financial statements are presented fairly, in all material respects, the financial position of the City (pdf page 25). This "unmodified" opinion is the optimal opinion to receive from an external auditor.

The report also identifies three prior period adjustments. These adjustments were identified as part of a change to a new audit firm. These methods of recording have been in place for a number of years and have been accepted under prior audits. These include the allocation of an estimated portion of the Other Post Employment Benefit (OPEB) liability and related transactions from the General Fund to the Enterprise and Internal Service Funds; changing the offsetting account for the value of housing loans, and a year-end interest accrual adjustment. In Fiscal Year 21/22 and prior years, the value of loans receivable was offset by an equivalent amount of unearned revenue to show that these funds were not readily available for appropriation. As part of the Fiscal Year 22/23 audit, this method changed to offsetting the value of the loans receivable to a restricted fund balance. This change in accounting practice does not change the amount that was previously reported as available for the purpose of issuing new loans or funding housing-related expenses. It should also be noted that the City reported the full value of the loans receivable at the full and correct amount, with additional disclosures placed in Note 6 of the prior statements; and the value of the OPEB liability and the related deferred outflows and inflows were disclosed in total, at their correct amount.

As stated in the Prior Period Adjustments Section on the same page of the Independent Auditors Report, these adjustments do not impact the independent auditors' opinion in relation to fair presentation of the City's financial statements.

The Fiscal Year 22/23 ACFR can be accessed through this link.

The Government Finance Officers Association (GFOA) of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting for the City's ACFR for the fiscal year ended June 30, 2023. This represents the sixth year that the City has received this prestigious award. A Certificate of Achievement is valid for a period of one year only. Staff believes that the Fiscal Year 22/23 ACFR continues to meet the program requirements; and the City will be submitting the attached ACFR to GFOA for consideration of another certificate.

Additional information can be found in the ACFR, while select highlights pertaining to the General Fund and Capital Improvement Funds are listed below.

Fund Balance

- The General Fund's year-end unrestricted fund balance increased from $12.2 million to $15.0 million. The $2.8 million increase primarily reflects greater than anticipated revenues, the reduced use of contract and professional services; salary savings from vacant positions, and approximately $890,000 in encumbered funds that were carried forward into the next fiscal year. The unassigned fund balance was $15.0 million or 51.9% of total General Fund expenditures, prior to transfers.

- The City's financial statements consolidate several minor funds with the General Fund for financial statement reporting purposes. This differs from the budgetary presentation. The budgetary General Fund Balance is $14.8 million, with approximately $191,000 attributed to minor sub-funds. This amount aligns with the General Fund beginning fund balance that was referenced in Fiscal Year 23/24 budget amendment ordinances. The separate unassigned General Fund balance is approximately 53% of the General Fund expenditures, prior to transfers.

- The unassigned General Fund balance, from both a budgetary and financial statement perspective, is above the City's policy level, which targets a minimum unassigned fund balance at 35% of operating expenditures and debt service.

- The Capital Improvement Fund's year-end balance was $22,626.

Revenues and Expenditures

- General Fund revenues for this fiscal year were $31.5 million. This represents an increase in revenues of $3.9 million when compared to the prior year. This was largely attributed to the addition of Measure A taxes for the first three quarters of the year; strong performance in other tax revenue categories, and growth in the charges for services classification.

- General Fund expenses for this fiscal year were $28.9 million, prior to transfers. This was an increase of $3.4 million when compared to the prior year expenditures. The annual difference reflects planned growth to align with economic recovery and estimated revenue increases; and includes funding for cost of living adjustments, rising unfunded liability payments, and the purchase of a new fire engine.

- The net general fund transfers for Fiscal Year 22/23 was $172,641. This includes transfers-out of approximately $588,000 to support capital improvements, $224,000 for emergency communication services, a transfer of $162,500 in water entitlement sales to the Local Water Project; and $1,419 in minor transfers. These are net of $803,278 in transfers-in, which includes an $800,000 transfer from the American Rescue Plan Act Fund.

Transportation Safety and Investment Plan Account Fund (TAMC - Measure X)

A copy of the Transportation Safety and Investment Plan Account Fund (TAMC - Measure X), which includes the Independent Auditors' Reports and Financial Statements is attached for reference. The independent auditor's statement confirms that the City is compliant, in all material respects, with the type of compliance requirements for Measure X. This information is included on Page 19 of the TAMC Audit Report (pdf page 23).

Single Audit and Independent Auditors' Report (Federal Funds - American Rescue Plan Act)

A copy of the Single Audit and Independent Auditors' Report is attached for reference. A Single Audit is required when the City receives $750,000 or more in federal grant funding. In Fiscal Year 22/23, the City met this criteria by expending more than $1.07 million in American Rescue Plan Act (ARPA) funds. The Independent Auditors' Report is on page 3 of the report and indicates that the City complied, in all material respects, with the types of compliance requirements referred to within the document that could have a direct and material effect on its major federal programs.

The report did note an internal control weakness or "finding" in relation to the timely identification of the prior period adjustments for the OPEB liability allocation and the housing loans receivable offsetting account (page 9). There were no internal control weaknesses or compliance issues in relation to the audited federal programs (ARPA) on this same page. Additional details and management's response is on page 11, while page 12 confirms that there were no findings or questioned costs on the City's major federal programs (ARPA) for Fiscal Year 22/23.

Independent Accountants' Report on Agreed-Upon Procedures Applied to the Appropriations Limit Schedule (GANN Limit)

There were no exceptions noted to the City's presentation of the GANN limit. This information can be found on page 2 of the attached report.

OPTIONS

- Receive Report

FINANCIAL IMPACT:
There is no fiscal impact associated with receiving this report.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

Independent Auditors' Report - Transportation Safety and Investment Plan Account Fund (TAMC Measure X)

Independent Auditors' Report - Single Audit

Independent Auditors' Report - GANN Limit

City of Pacific Grove
Transportation Safety and Investment Plan Account Fund

Pacific Grove, California

Independent Auditors' Reports and Financial Statements

For the Year Ended June 30, 2023

THE PUN GROUP
ACCOUNTANTS & ADVISORS

City of Pacific Grove
Transportation Safety and Investment Plan Account Fund

Table of Contents

Page

Independent Auditors' Report 1

Financial Statements:

Balance Sheet 7

Statement of Revenues, Expenditures, and Change in Fund Balance 8

Notes to the Financial Statements 9

Supplementary Information:

Schedule of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual 15

Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Governmental Auditing Standards* ..... …17

Independent Auditors' Report on Compliance with TAMC Ordinance No. 2019-01 for Transportation Safety and Investment Plan Fund; and Report on Internal Control Over Compliance 19

Schedule of Findings and Questioned Costs 22

This page intentionally left blank.

THE PUN GROUP
ACCOUNTANTS & ADVISORS

200 E. Sandpointe Avenue, Suite 600
Santa Ana, California 92707

www.pungroup.cpa

INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and the Members of City Council
of the City of Pacific Grove
Pacific Grove, California

Report on the Audit of the Financial Statements

Opinion

We have audited the accompanying financial statements of the Transportation Safety and Investment Plan Account Fund (the "Fund") of the City of Pacific Grove, California (the "City"), which comprise the balance sheet as of June 30, 2023 and the related statement of revenues, expenditures, and changes in fund balance for the year then ended, and the related notes to the financial statements, as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Fund as of June 30, 2023, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America ("GAAS") and the standard applicable to financial audits contained in *Governmental Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Emphasis of Matter

As discussed in Note 1, the financial statements present only the Fund and do not purport to, and do not, present fairly the financial position of the City, as of June 30, 2023, the changes in its financial position, or where applicable, its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and G*overnment Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Management has omitted Management's Discussion and Analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Supplementary Information

Our audit was conducted for the purpose forming an opinion on the financial statements of the Fund. The Supplementary Information, as listed in the table of contents are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the Fund's financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplementary information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 19, 2023, on our consideration of the Fund's internal control over financial reporting and on our tests of its compliance with the requirements described in the Transportation Agency for Monterey County's ("TMAC") Ordinance No. 2016-01 and in the agreement between TMAC and the City. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Fund's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Fund's internal control over financial reporting and compliance.

The Pun Group, LLP

Santa Ana, California
December 19, 2023

This page intentionally left blank.

FINANCIAL STATEMENTS

This page intentionally left blank.

City of Pacific Grove
Transportation Safety and Investment Plan Account Fund
Balance Sheet
June 30, 2023

ASSETS		
Cash and investments	$	1,228,038
Intergovernmental receivable		204,458
Total assets	$	1,432,496
LIABILITIES, AND FUND BALANCE		
Liabilities:		
Accounts payable	$	277,739
Total liabilities		277,739
Fund Balance:		
Restricted		1,154,757
Total fund balance		1,154,757
Total liabilities, and fund balance	$	1,432,496

See accompanying Notes to the Financial Statements.

City of Pacific Grove
Transportation Safety and Investment Plan Account Fund
Statement of Revenues, Expenditures, and Change in Fund Balance
For the Year Ended June 30, 2023

REVENUES:		
Transportation Safety and Investment Plan Account revenue	$	786,743
Investment earnings		7,570
Total revenues		794,313
EXPENDITURES:		
Capital outlay		595,120
Total expenditures		595,120
NET CHANGE IN FUND BALANCE		199,193
FUND BALANCE:		
Beginning of year		955,564
End of year	$	1,154,757

See accompanying Notes to the Financial Statements.

Note 1 – Summary of Significant Accounting Policies

Basis of Accounting

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. The Transportation Safety and Investment Plan Account Fund (the "Fund") of the City of Pacific Grove (the "City") is a governmental fund type. Governmental funds are accounted for using a "*current financial resources*" measurement focus. The application of this measurement focus provides that, in general, only current assets and current liabilities are present on the balance sheet. Operating statements of these funds present revenues and expenditures.

The modified accrual basis of accounting is used for the Fund. Under the modified accrual basis of accounting, revenues are recognized when they become susceptible to accrual (i.e., both measurable and available). Measurable means that the amount of the transaction can be determined. Available means the funds are collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

Expenditures of governmental funds are generally recognized when the related fund liability is incurred.

Reporting Entity

The Transportation Safety and Investment Plan Account Fund from the Transportation Agency for Monterey County ("TMAC") was approved on November 8, 2016. The revenue from the Measure X sales tax measure will be used to fund transportation safety and mobility projects in Monterey County. Expenditures are restricted to road improvements, pothole repairs, street and road maintenance, traffic deduction and regional safety, mobility and walkability.

The Fund financial statements and related accounting policies of the City conform with accounting principles generally accepted in the United States of America ("US GAAP") applicable to governments in the United States of America. The Governmental Accounting Standards Board ("GASB") is the accepted standard-setting body for establishing governmental accounting and financial reporting principles.

The financial statements present only the Fund of the City and do not purport to, and do not present, the City's financial position and changes in financial position. The City's basic financial statements are available from the Finance Department at City's address and website.

A. Fund Balances

The Fund reports fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the City is bound to honor constraints on how specific amounts can be spent. Fund balances are categorized as follows:

> <u>*Restricted*</u> - This amount indicates the portion of fund balances which has been restricted; a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; b) imposed by law through constitutional provisions or enabling legislation.

The County Council establishes, modifies, or rescinds fund balance commitments and assignments by passage of an ordinance or resolution. This is done through adoption of the budget and subsequent budget amendments that occur throughout the year.

Note 1 – Summary of Significant Accounting Policies (Continued)

A. Fund Balances (Continued)

When expenditures are incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) fund balances are available, the County's policy is to first apply restricted fund balance. When expenditures are incurred for purposes for which committed, assigned, or unassigned fund balances are available, the County's policy is to first apply committed fund balance, then assigned fund balance, and finally unassigned fund balance.

B. Use of Estimates

The preparation of financial statements in accordance with U.S. GAAP requires management to make estimates and assumptions. These estimates and assumptions affect certain reported amounts and disclosures. Accordingly, actual results could differ from these estimates and assumptions.

Note 2 – Cash

The City follows the practice of pooling cash and investments for all funds (including the Fund) under its direct daily control. Interest earned on pooled cash and investments is allocated periodically to the various funds based on average cash balances. Detailed disclosure regarding the City's cash and investment is included in the notes to City's basic financial statements.

Highly liquid market investments with maturities of one year or less at time of purchase are stated at amortized cost. All other investments are stated at fair value. Market value is used as fair value for those securities for which market quotations are readily available.

Interest income earned on pooled cash and investments is allocated on an accounting period basis to the various funds based on the period-end cash and investment balances. Interest income from cash and investments with fiscal agents is credited directly to the related fund.

Certain disclosure requirements, if applicable, for deposits and investment risks in the following areas:

- Interest rate risk
- Credit risk
  - Overall
  - Custodial credit risk
  - Concentration of credit risk
- Foreign currency risk

In addition, other disclosures are specified including use of certain methods to present deposits and investments, highly sensitive investments, credit quality at year-end and other disclosures.

Note 3 – Maintenance of Effort

The Measure X Master Programs Funding Agreement between the City and the TAMC as amended, requires that the City must expend each fiscal year from its General Fund for street and highway purposes an amount not less than the annual average of its expenditures from its General Fund during the 2009-10, 2010-11, and 2011-12 fiscal years, but not less than what was expended in 2016-17 (when Measure X passed), as reported to the Controller pursuant to Streets and Highways Code section 2151 ("Maintenance of Effort"). This baseline amount is indexed annually to the Engineering News Record construction index.

The following expenditures were made:

Fiscal year ended June 30:		
2010	$	326,756
2011		396,862
2012		720,604
Total	$	1,444,222
Three-year average	$	481,407
Fiscal year ended June 30, 2017	$	912,274
Maintenance of effort baseline	$	912,274
Engineering News Record construction index FY 2020/21		1.27%
Engineering News Record construction index FY 2021/22		2.05%
Engineering News Record construction index FY 2022/23		7.34%
Index-adjusted maintenance of effort requirement	$	1,025,842
Current year eligible expenditures	$	1,429,478
Compliant (Yes or No)		Yes

Total expenditures from the General Fund for street and highway purposes for the fiscal year ended June 30, 2023 were $1,429,478 and consisted of salaries and construction costs. The City was in compliance with the Maintenance of Effort requirement of the Measure X Master Programs Funding Agreement between the City and the TAMC.

This page intentionally let blank.

SUPPLEMENTARY INFORMATION

This page intentionally left blank.

City of Pacific Grove
Transportation Safety and Investment Plan Account Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual
For the Year Ended June 30, 2023

	Original Budget	Final Budget	Actual	Variance with Final Budget Over/(Under)
REVENUES:				
Transportation Safety and Investment Plan Account revenue	$ 769,992	$ 769,992	$ 786,743	$ 16,751
Investment earnings	5,000	5,000	7,570	2,570
Total Revenues	774,992	774,992	794,313	19,321
EXPENDITURES:				
Capital outlay	896,304	1,705,146	595,120	1,110,026
NET CHANGE IN FUND BALANCE	$ (121,312)	$ (930,154)	199,193	$ 1,129,347
FUND BALANCE:				
Beginning of year			955,564	
End of year			$ 1,154,757	

This page intentionally left blank.

THE PUN GROUP
ACCOUNTANTS & ADVISORS

200 E. Sandpointe Avenue, Suite 600
Santa Ana, California 92707

www.pungroup.cpa

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

Independent Auditors' Report

To the Honorable Mayor and the Members of City Council
of the City of Pacific Grove
Pacific Grove, California

We have audited, in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Transportation Safety and Investment Plan Account Fund (the "Fund") of the City of Pacific Grove, California (the "City"), as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Fund's financial statements, and have issued our report thereon dated December XX, 2023.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Fund's internal control over financial reporting (the "internal control") as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Fund's internal control. Accordingly, we do not express an opinion on the effectiveness of the Fund's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

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

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Fund's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of that report is solely to report our opinion on compliance and to describe the scope of our testing of internal control over financial reporting and the results of that testing, and not to provide an opinion on the effectiveness of the Fund's internal control over financial reporting. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. This report is intended solely for the information and use of City Council, management of the Transportation Agency for Monterey County and for filing with the appropriate regulatory agencies and is not intended to be and should not be used by anyone other than these specified parties.

The Pun Group, LLP

Santa Ana, California
December 19, 2023

THE PUN GROUP
ACCOUNTANTS & ADVISORS

200 E. Sandpointe Avenue, Suite 600
Santa Ana, California 92707

www.pungroup.cpa

REPORT ON COMPLIANCE WITH TAMC ORDINANCE NO. 2019-01 TRANSPORTATION SAFETY AND INVESTMENT PLAN FUND; AND REPORT ON INTERNAL CONTROL OVER COMPLIANCE

Independent Auditors' Report

To the Honorable Mayor and the Members of City Council
Of the City of Pacific Grove
City of Pacific Grove, California

Report on Compliance with TAMC Ordinance No. 2019-01 for Transportation Safety and Investment Plan Fund

Opinion

We have audited the City of Pacific Grove, California's (the "City") compliance with the types of compliance requirements described in Transportation Agency's for Monterey County's (the "TAMC") Ordinance No. 2019-01 and Measure X Master Programs Funding Agreement between TAMC and the City (the "Agreement"), for the year ended June 30, 2023.

In our opinion, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on the Agreement for the year ended June 30, 2023.

Basis for Opinion

We conducted our audit of compliance in accordance with auditing standards accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of City and TAMC and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for the TAMC. Our audit does not provide a legal determination of the TAMC's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to the City.

Auditors' Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the City's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America, *Government Auditing Standards* will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements as a whole.

In performing an audit in accordance with auditing standards generally accepted in the United States of America, *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.

- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the Fund's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.

- Obtain an understanding of the Fund's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the *Government Auditing Standards*, but not for the purpose of expressing an opinion on the effectiveness of the Fund's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on Internal Control Over Compliance

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a compliance requirement on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a compliance requirement will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a compliance requirement that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over compliance.

Our consideration of internal control over compliance was for the limited purpose described in the Auditors' Responsibilities for the Audit of Compliance section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing on internal control over compliance and the results of that testing based on the requirements of TAMC Ordinance No. 2019-01. Accordingly, this report is not suitable for any other purpose.

The Pun Group, LLP

Santa Ana, California
December 19, 2023

City of Pacific Grove
Transport Safety and Investment Plan Account Fund
Schedule of Findings and Questioned Costs
For the Year Ended June 30, 2023

Audit Findings and Questioned Costs

A. Current Year Findings and Questioned Costs

No current year findings were noted

B. Prior Year Findings and Questioned Costs

No prior year findings were noted

City of Pacific Grove

Pacific Grove, California

Single Audit and Independent Auditors' Reports

For the Year Ended June 30, 2023

THE PUN GROUP
ACCOUNTANTS & ADVISORS

City of Pacific Grove

Table of Contents

Page

Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* 1

Independent Auditors' Report on Compliance for Each Major Federal Program, and Report on Internal Control Over Compliance Required by the Uniform Guidance, and Report on Schedule of Expenditures of Federal Awards 3

Schedule of Expenditures of Federal Awards 7

Notes to the Schedule of Expenditures of Federal Awards 8

Schedule of Findings and Questioned Costs 9

This page intentionally left blank

THE PUN GROUP
ACCOUNTANTS & ADVISORS

200 E. Sandpointe Avenue, Suite 600
Santa Ana, California 92707

www.pungroup.cpa

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

Independent Auditors' Report

To the Honorable Mayor and Members of City Council
of the City of Pacific Grove
Pacific Grove, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Pacific Grove, California (the "City"), as of and for the year ended June 30, 2023, and the related notes to the basic financial statements which collectively comprise the City's basic financial statements and have issued our report thereon dated April 15, 2024.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we identified certain deficiencies in internal control, described in the accompanying Schedule of Findings and Questioned Costs as item 2023-001 that we consider to be a material weakness.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's basic financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards.*

The City's Response to the Finding

Government Auditing Standards requires the auditor to perform limited procedures on the City's response to the finding identified in our audit and described in the accompanying Schedule of Findings and Questioned Costs. The City's responses were not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

The Pun Group, LLP

Santa Ana, California
April 15, 2024

THE PUN GROUP
ACCOUNTANTS & ADVISORS

200 E. Sandpointe Avenue, Suite 600
Santa Ana, California 92707

www.pungroup.cpa

REPORT ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM, REPORT ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE, AND REPORT ON SCHEDULE OF EXPENDITURS OF FEDERAL AWARDS

Independent Auditors' Report

To the Honorable Mayor and Members of City Council
of the City of Pacific Grove
Pacific Grove, California

Report on Compliance for Each Major Federal Program

Opinion on Each Major Federal Program

We have audited the City of Pacific Grove, California's (the "City") compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the City's major federal programs for the year ended June 30, 2023. The City's major federal programs are identified in the summary of the auditors' results section of the accompanying Schedule of Findings and Questioned Costs.

In our opinion, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2023.

Basis for Opinion on Each Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditors' Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of the City's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to the City's federal programs.

Auditors' Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the City's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with auditing standards generally accepted in the United States of America, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.

- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the City's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.

- Obtain an understanding of the City's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on Internal Control over Compliance

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the Auditors' Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Expenditures of Federal Awards

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the City as of and for the year ended June 30, 2023, and the related notes to the financial statements, and have issued our report thereon dated April 15, 2024, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming our opinions on the City's financial statements. The accompanying Schedule of Expenditures of Federal Awards, as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain other procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Schedule of Expenditures of Federal Awards is fairly stated in all material respects in relation to the basic financial statements as a whole.



Santa Ana, California
April 15, 2024

This page intentionally left blank

City of Pacific Grove
Schedule of Expenditures of Federal Awards
For the Year Ended June 30, 2023

Federal Grantor/Pass-Through Grantor Program Title	Assistance Listing Number	Grant Award Number	Federal Expenditures
U.S. Department of the Treasury:			
Passed-through the State of California			
Coronavirus State and Local Fiscal Recovery Funds	21.027	n/a	$ 1,071,924
		Total U.S. Department of the Treasury	1,071,924
		Total Expenditures of Federal Awards	$ 1,071,924

See accompanying notes to the Schedule of Expenditures of Federal Awards.

City of Pacific Grove
Notes to the Schedule of Expenditures of Federal Awards
For the Year Ended June 30, 2023

Note 1 – Reporting Entity

The City of Pacific Grove, California (the "City") is primarily a residential community located at the tip of the Monterey Peninsula on the Central California coast. The community was incorporated as a city on July 16, 1889. It was granted a charter by the State on April 22, 1927. The City operates under a council-manager form of government. The seven-member City Council appoints a City Manager, who is the administrative head of the municipal government. City amenities include a library, natural history museum, a community center, a youth center, a senior center, a golf course, a cemetery, sewer services, a monarch butterfly sanctuary and habitat preserve and general administration services. The City Council acts as the governing board. In addition, City staff perform all administrative and accounting functions for these entities and these entities provide their services entirely to the City. Blended component units, although legally separate entities are, in substance, part of the City's operations and data from these units are combined with data of the City. The City had no component units as of June 30, 2023.

Note 2 – Basis of Presentation

The accompanying schedule of expenditures of federal awards (the "Schedule") includes the federal grant activity of the City under programs of the federal government for the year ended June 30, 2023. The information in this schedule is presented in accordance with the requirements of the Office of Management and Budget *Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Because the schedule presents only a selected portion of the operations of the City, it is not intended to and does not present the financial position, changes in net position, or cash flows of the City and some amounts in this schedule may differ from amounts presented in the City's financial statements.

Note 3 – Summary of Significant Accounting Policies

Expenditures reported on the schedule are reported on the modified accrual basis of accounting. Such expenditures are recognized following the cost principles contained in Title 2 U.S. *Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, wherein certain types of expenditures are not allowable or are limited as to reimbursement. Negative amounts shown on the schedule represent adjustments or credits made in the normal course of business to amounts reported as expenditures in prior years. Pass-through entity identifying numbers are presented where available.

Note 4 – Indirect Cost Rate

The City has not elected to use the 10-percent de minimis indirect rate as allowed under the Uniform Guidance.

Note 5 – Subrecipients

The City did not provide funding to subrecipients during the year ended June 30, 2023.

Note 6 – Contingencies

Under the terms of federal and state grants, additional audits may be requested by the grantor agencies and certain costs may be questioned as not being appropriate expenditures under the terms of the grants. Such audits could lead to a request for reimbursement to the grantor agencies.

City of Pacific Grove
Schedule of Findings and Questioned Costs
For the Year Ended June 30, 2023

Section I – Summary of Auditors' Results

Financial Statements

Type of report the auditors issued on whether the financial statements audited were prepared in accordance with GAAP:	Unmodified
Internal control over financial reporting:	
• Material weakness(es) identified?	2023-001
• Significant deficiency(ies) identified?	None Reported
Noncompliance material to financial statements noted?	No

Federal Awards

Internal control over major programs:	
• Material weakness(es) identified?	No
• Significant deficiency(ies) identified?	None Reported
Type of auditor's report issued on compliance for major programs	Unmodified
Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516(a)?	No

Identification of major programs:

AL Number(s)	Name of Federal Program or Cluster	Expenditures
21.027	Coronavirus State and Local Fiscal Recovery Funds	$ 1,071,924
	Total Expenditures of All Major Federal Programs	$ 1,071,924
	Total Expenditures of Federal Awards	$ 1,071,924
	Percentage of Total Expenditures of Federal Awards	100.00%

Dollar threshold used to distinguish between type A and type B programs	$750,000
Auditee qualified as low-risk auditee in accordance with 2 CFR 200.520?	No

Section II – Financial Statement Findings

A. Current Year Findings – Financial Statement Audit

Finding 2023-001 Internal Control Over Financial Reporting – Prior Period Adjustments

Criteria:

Management is responsible for the preparation and fair presentation as well as the accuracy of its financial statements including disclosures in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error. As part of satisfying that responsibility, staff should possess that skills, knowledge, and experience necessary to complete year-end close and diligently employ that knowledge, skill, and experience to produce reliable and accurate financial information.

Generally accepted auditing standards defined internal control as a process – affected by the members of City Council, management, and other personnel – designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

- Reliability of financial reporting,
- Effectiveness and efficiency of operations, and
- Compliance with applicable laws and regulations.

The Committee of Sponsoring Organizations of the Treadway Commission ("COSO") established the following framework that stress the need for policies and procedures to promote effective internal control for an entity:

- Control Environment – establish structures, reporting lines, authorities and responsibilities,
- Risk Assessment– select and develop control activities that mitigate risks,
- Control Activities – deploy control activities through policies and procedures,
- Information and Communication – communicate internal control information internally, and
- Monitoring – evaluations are used to determine if controls are present and functioning.

An overall purpose of internal control over financial reporting is to foster the preparation of reliable financial statements. Reliable financial statements must be materially accurate.

Conditions:

The City previously recorded unavailable revenue in certain governmental funds as an offset to loans receivable rather than recording non-spendable or restricted fund balance, as appropriate.

Additionally, the City had not previously allocated the net OPEB liability, OPEB-related deferred outflows and deferred inflows of resources, and OPEB expense to enterprise funds or internal service funds, despite having OPEB-eligible employees' payroll and related expenses charged to those funds.

Section II – Financial Statement Findings (Continued)

A. Current Year Findings – Financial Statement (Continued)

Finding 2023-001 Internal Control Over Financial Reporting – Prior Period Adjustments (Continued)

Cause:

The City has a small Finance Department, with limited staff with technical knowledge. Most staffing resources were focused on internal controls with current accounting functions, as well as implementing new GASB pronouncements. The City did not have sufficient technical staff to revisit transactions that were deemed acceptable in the prior audit.

Effect or Potential Effect:

Certain material prior period adjustments were necessary to correct fund balance/net position as of July 1, 2022 as follows:

- Reallocate the beginning balance of OPEB-related items:
  - Cemetery Enterprise Fund - $(100,659)
  - Sewer Enterprise Fund - $(247,964)
  - Business-type activities - $(348,623)
- Adjust unearned revenue related to loans receivable:
  - CDBG Grant Special Revenue Fund - $789,439
  - CalHOME Reuse Special Revenue Fund - $302,888
  - Housing Special Revenue Fund - $290,841

Other prior period adjustments were made (see Note 16 in the Annual Comprehensive Financial Report for details) that were immaterial and did not rise to the level of a finding.

Context:

See conditions above for context of the finding.

Recommendation:

The City should enhance its review processes to ensure the accurate and complete year-end closing of the general ledger and the preparation of its basic financial statements.

Section II – Financial Statement Findings (Continued)

A. Current Year Findings – Financial Statement (Continued)

Finding 2023-001 Internal Control Over Financial Reporting – Prior Period Adjustments (Continued)

Management View and Corrective Action Plan:

The City agrees with making this update and these items have been adjusted in the Fiscal Year 22/2023 Annual Comprehensive Financial Report.

The City would like to clarify that the value of loans receivable was disclosed at the full and correct amount, with an equivalent offset to unearned revenue, in the Fiscal Year 21/2022 financial statements. Additional information regarding the loans receivable and the associated unearned revenue was also disclosed to readers in Note 6 of the prior year financial statements. In funds that were subject to this change and reported an "available" restricted fund balance, the amount available for appropriation was also reported appropriately. As the audit firm indicated, this adjustment changes the accounting treatment by offsetting the value of loans receivable with an equivalent amount of restricted fund balance, rather than offsetting the loans receivable with unearned revenue.

The City would also like to clarify that the value of the OPEB liability and the related deferred outflows and inflows of resources were disclosed in total, at their correct amount. This adjustment reflects a revised estimate of the amounts allocated to the enterprise and internal service funds. The original estimate was conducted at the time the prior audit firm was retained and the amount allocated was determined to be immaterial.

These updates were identified as part of a change in audit firms. The methods of recording had been accepted under prior audits.

B. Prior Year Findings – Financial Statement Audit

No findings were noted on the City's financial statement audit for the year ended June 30, 2022.

Section III – Federal Award Findings

A. Current Year Findings and Questioned Costs – Major Federal Award Program Audit

No findings or questioned costs were noted on the City's major federal programs for the year ended June 30, 2023.

B. Prior Year Findings and Questioned Costs – Major Federal Award Program Audit

No findings or questioned costs were noted on the City's major federal programs for the year ended June 30, 2022.

This page intentionally left blank.

City of Pacific Grove

Pacific Grove, California

Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Schedule

For the Year Ending June 30, 2024

THE PUN GROUP
ACCOUNTANTS & ADVISORS

THE PUN GROUP
ACCOUNTANTS & ADVISORS

200 E. Sandpointe Avenue, Suite 600
Santa Ana, California 92707

www.pungroup.cpa

INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

To the Honorable Mayor and Members of City Council
of the City of Pacific Grove
Pacific Grove, California

We have performed the procedures enumerated below to the accompanying Appropriations Limit Schedule of the City of Pacific Grove, California (the "City") for the year ending June 30, 2024. The City's management is responsible for the Appropriations Limit Schedule.

The City has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of meeting the requirements set forth in Section 1.5 of Article XIII-B of the California Constitution. These procedures, which were suggested by the League of California Cities and presented in the publication entitled *Agreed-upon Procedures Applied to the Appropriations Limitation Prescribed by Article XIII-B of the California Constitution,* were performed solely to assist you in meeting the requirements. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

1. We obtained the completed worksheets used by the City to calculate its appropriations limit for the year ending June 30, 2024, and compared the limit and annual calculation factors that were adopted by resolution of the City Council. We also compared that the population and inflation options included in the aforementioned worksheets were selected by a recorded vote of the City Council.

   Finding: No exceptions were noted as a result of our procedures.

2. For the accompanying Appropriations Limit Schedule, we added the prior year's limit to the total adjustments, and compared the resulting amount to the current year's limit.

   Finding: No exceptions were noted as a result of our procedures.

3. We compared the current year information presented in the accompanying Appropriations Limit Schedule to corresponding information in worksheets used by the City.

   Finding: No exceptions were noted as a result of our procedures.

4. We compared the prior year appropriations limit presented in the accompanying Appropriations Limit Schedule to the appropriations limit adopted by the City Council for the prior year.

   Finding: No exceptions were noted as a result of our procedures.

We were engaged by the City to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an audit or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on the accompanying Appropriations Limit Schedule. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the City, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the City Council and management of the City and is not intended to be and should not be used by anyone other than those specified parties. However, this report is a matter of public record and its distribution is not limited.

The Pun Group, LLP

Santa Ana, California
April 15, 2024

City of Pacific Grove
Appropriations Limit Schedule
For the Year Ending June 30, 2024

	Amount	Source
A. Appropriations Limit from FY 2022-2023	$ 45,591,100	*Prior Year appropriations limit adopted by the City*
B. Adjustment Factors:		
1. Growth in City Population	1.0008	*State Department of Finance*
2. California per Capita Personal Income Growth	1.0444	*State Department of Finance*
3. Adjustment Factor	1.0452	B1*B2
C. Annual Adjustment Increase	2,062,337	A * (B3 - 1)
D. Other Adjustments:		
1) Loss reponsibility (-)	–	N/A
2) Transfer to private (-)	–	N/A
3) Transfer to fees (-)	–	N/A
4) Assumed responsibility (-)	–	N/A
E. Total Adjustments	2,062,337	(C+D)
F. Appropriations Limit FY 2023-2024	$ 47,653,437	(A+E)

See accompanying Notes to the Appropriations Limit Schedule.

City of Pacific Grove
Notes to the Appropriations Limit Schedule
For the Year Ending June 30, 2024

Note 1 – Purpose of Limited Procedures Review

Under Article XIII-B of the California Constitution (the Gann Spending Limitation Initiative), California governmental agencies are restricted as to the amount of annual appropriations from proceeds of taxes. Effective for years beginning on or after July 1, 1990, under Section 1.5 of Article XIII-B, the annual calculation of the appropriations limit is subject to a limited procedures review in connection with the annual audit.

Note 2 – Method of Calculation

Under Section 10.5 of Article XIIIB, for fiscal years beginning on or after July 1, 1990, the appropriations limit is required to be calculated based on the limit for the fiscal year 1986-87, adjusted for the inflation and population factors discussed in Notes 3 and 4 below.

Note 3 – Population Factors

A California governmental agency may use as its population factor either the annual percentage change of the jurisdiction's own population or the annual percentage change in population of the county where the jurisdiction is located. The factor adopted by the City for the year ending June 30, 2024, represents the annual percentage change in population for the county.

Note 4 – Inflation Factors

A California governmental agency may use as its inflation factor either the annual percentage change in the 4th quarter per capita personal income (which percentage is supplied by the State Department of Finance) or the percentage change in the local assessment roll from the preceding year due to the change of local nonresidential construction. The factor adopted by the City for the year ending June 30, 2024, represents the percentage change in California per capita personal income.

Note 5 – Other Adjustments

A California government agency may be required to adjust its appropriations limit when certain events occur, such as the transfer of responsibility for municipal services to, or from, another government agency or private entity. The City had no such adjustments for the year ending June 30, 2024.

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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Mohammed Khasimi, Chief Information Officer
MEETING DATE: May 01, 2024
SUBJECT: IT Infrastructure High Availability Assessment Report
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION
Receive the IT infrastructure high availability assessment report and presentation.

DISCUSSION
The city has been experiencing outages related to its IT infrastructure components. These outages cause disruption of the city's business and services to the community.

Staff realized that the majority of these outages could be avoided by making the City's IT infrastructure more resilient by adding redundancy and providing high availability to its various components. Therefore, upon direction from the former City Manager, staff selected and contracted with ClientFirst Consulting Group, LLC, to perform a comprehensive assessment of the City's IT infrastructure for high availability.

The project started late last year. Over the last few months, the consultant interviewed the City's departments and the IT staff to gather information; identify the City's most critical operations and services; and assess the IT infrastructure.

The consultant then prepared a High Availability Assessment Report, which included recommended improvements to the City's IT infrastructure to improve its resiliency to meet the demands for critical operations and services. These recommendations also enhance the City's data protection and security, and include disaster recovery initiatives and cloud backups. A five-year proposed budget plan for implementing the recommended improvements are included in the attached agenda report.

The information can be further evaluated and prioritized for consideration in future budgets.

OPTIONS
- Receive the IT infrastructure high availability assessment report and presentation
- Provide alternate direction

FINANCIAL IMPACT:

There is no fiscal impact associated with receiving this report. While a five-year budget plan is attached for implementing the recommended improvements to the City's IT infrastructure, these recommendations will be further assessed and prioritized as part of each years' annual budget process.

GOAL ALIGNMENT: Not Applicable.

Attachments

HA Assessment Report

HA Assessment Report - Budget Plan

HA Assessment Report - Summary Presentation

Technology High Availability Assessment

March 2024

Optimal Technology Guidance

Client Locations
Coast-to-Coast

Practice Locations
California
Illinois
North Carolina
Texas

800.806.3080
www.clientfirstcg.com

CLIENTFIRST
TECHNOLOGY CONSULTING

Table of Contents

1. INTERNET BANDWIDTH 3
2. COUNCIL CHAMBERS AUDIOVISUAL UPGRADE 4
3. BACKUPS 5
4. NETWORK UPGRADE 6
5. VMWARE UPGRADE AND SERVER REFRESH 7
6. DISASTER RECOVERY PLANNING 8
7. COMPUTER EQUIPMENT REPLACEMENT PLANNING 9
8. NETWORK MANAGEMENT TOOLS 10
9. COMPUTER ROOM POWER AND POWER DISTRIBUTION 12
10. VOIP PHONE SYSTEM IMPROVEMENTS 13
11. STRUCTURED CONNECTIVITY SYSTEM 15
12. SINGLE SIGN-ON 16
13. FIBER CAPACITY PLANNING STUDY (OPTIONAL) 17

1. Internet Bandwidth

Background

Increased Internet bandwidth and high availability are becoming increasingly important to organizations for daily functionality. They allow for additional resources to become available during peak Internet usage and provide resiliency when disasters cause primary Internet connections to be no longer accessible.

Findings and Observations

- Primary Internet connectivity for the City is a 100Mb fiber-based AT&T connection.
- City Hall Internet firewalls are configured in High Availability mode.
- Secondary Internet connectivity is a 100Mb down and 25Mb up Comcast Business Class coaxial connection located at the Police Department.
- Bandwidth issues, including noticeable delays in Council meeting videos, have been documented.
- The Library has a single 1Gb Internet connection provided by CENIC.
  - By contract, this connection is limited to patron use.
  - A single firewall supports this connection.
- Public Works and the Lighthouse have separate Internet connections, supported by single firewalls.

Recommendations

- Upgrade both City Hall Internet connections to a minimum of 500Mb fiber-based connections.
  - If the cost difference is small, upgrade both Internet connections to 1Gb.
  - As a Best Practice, maintain two different Internet connections from different providers at the same speed.
    - Utilize automatic load-balancing and failover to increase resiliency.
- Upgrade the Police Department firewall to a High Availability pair.
  - Implement internal and external load balancing to maintain inbound and outbound communications.
- When conducting the Fiber Optic Assessment, consider utilizing City private fiber as a pathway to City Hall Internet for the Library and Public Works.
  - This would provide the Library and Public Works with resilient Internet connectivity.
- Add a tertiary Internet connection at City Hall using satellite Internet connectivity if 100Mb upload speeds are available.
  - City Hall connection to serve Police Department in the event of an issue with fiber based internet.
  - Consider adding satellite Internet or redundant Internet to the Library. Note that Erate does not subsidize redundant Internet connections for libraries.

Benefits

- Improved performance
- Increased Internet uptime
- Increased resiliency, providing increased cloud-based applications and services uptime

- Reduced risk and liability
- Disaster recovery safeguard

2. Council Chambers Audiovisual Upgrade

Background

Council Chambers audiovisual (AV) tools record and stream public meetings to the Internet. The resulting recording can be matched with the agenda items through software to allow interested parties to select an item and click directly to the related video.

Findings and Observations

- Council chambers audiovisual equipment is located in a small room next to the council chambers.
  - Very little space is available within the room for additional switching equipment.
  - The room does not have air conditioning or environmental control for humidity.
- The audiovisual computer room equipment utilizes a single electrical circuit for power.
  - A large UPS is installed in the room to provide some protection in the event of power spikes or outages.
  - A recent power outage caused the Extron to require re-configuration.
- Internet failures cause the failure of Council meeting streaming.
- During a recent upgrade, individual councilmember displays were implemented on the dais.
  - An Extron switch, network switch, and UPS for these displays are located underneath the Clerk's desk.
  - A single network cable runs from this equipment back to the audiovisual equipment room.
  - The network switch fan is loud, reducing the Clerks' ability to hear some meeting speakers.

Recommendations

- Implement an HVAC system in the audiovisual control room.
  - Implement an environmental monitor in the room to provide staff with temperature or humidity alerts.
- Consolidate all cabling and switching equipment to the audiovisual control room.
  - An initial review highlighted the need for a small wall-mount cabinet to house the relocated equipment.
- Add a second data circuit in the audiovisual control room.
  - Revise power cabling to match best practices.
- Follow recommendations for secondary and tertiary Internet connections in the City.
  - Test network routing to verify streaming functions in the event of a network outage during a broadcast.

Audio/Visual Equipment Recommendation

- Approximately 5 minutes of downtime:
  - Alternate system failover – includes: MICs, speakers, camera (one), control panel and switching equipment

Benefits

- Improved production quality of City meetings and other public meetings held in the Council Chambers
- Improved government transparency
- Improved uptime of broadcast capability

3. Backups

Findings and Observations

- The City utilizes Veeam as a backup solution, performing daily local backups.
- GIS servers are not backed up.
- Microsoft Azure and Office 365 cloud-based services are not backed up.
  - It is best practice to back up Microsoft cloud-based services to a separate service.
  - Office 365 is also used as an electronic mail archive for Public Records Requests and legal holds.
- The City has purchased Veeam Cloud Restore but has not implemented it yet.

Recommendations

- Expand backups to include GIS and any other on-premise storage.
- Expand the use of Veeam to include Azure servers.
- Implement an Office 365/SharePoint/Teams backup solution.
- Test backups on a regular basis.
  - Conduct individual file restoration tests until cloud-based server recovery is in place.
  - Once cloud-based server recovery has been implemented, test a full server restore every quarter.



- Implement Veeam Cloud Backup and Disaster Recovery.
  - Consider utilizing a Veeam Disaster Recovery as a Service partner to manage cloud DR.

Benefits

- Ultimate fallback in the event of malware attack.
- Ability to restore in the event of a catastrophic failure

4. Network Upgrade

Background

A Local Area Network (LAN) is a group of interconnected computers that span a building using copper, fiber cabling, or wireless technology as a means of communication. Typically, access to a LAN is controlled by authentication software integrated with Active Directory. Authorized users can access the network and use resources and applications assigned to them. LANs are very common due to their small size, low maintenance, fast speeds, and ease of use.

Findings and Observations

- City LANs consist primarily HPE/Aruba data switches.
  - City Hall switches were purchased in late 2018.
- There is a single Police Department core switch.
  - A high availability design would include redundant core switches at Police.
  - The Police Department core switch becomes end-of-life in 2023.
- Dynamic Host Control Protocol (DHCP) controls IP address assignments for all computers.
  - A single DHCP server is installed at City Hall.



- Domain Controllers handle authentication and other critical network services.
  - There is a single Domain Controller configured at Police Department.
  - There is a single Domain Controller configured at City Hall.
- Micro-segmentation is a cybersecurity trend, and virtual networking is a network management trend.

Recommendations

- Replace the end-of-life Police Department Core switch.
  - Include a redundant switch in the procurement.
  - Include redundant power supplies for each switch.
- Procure a redundant network switch at the Library.
  - Include redundant power supplies.
- Move DHCP services to firewalls as a part of the High Availability implementation.
- Move primary Domain Controllers to Microsoft Azure cloud-based services.
  - Utilize redundant domain controllers at City Hall and Police.
- Expand VLANs to separate critical applications (micro-segmentation) further.
  - Expand the use of VLANs to increase prioritization and security.
    - Add VLANs to segment system backups.
  - Determine the best method of implementation of port-level security to prevent unauthorized connections.

Benefits

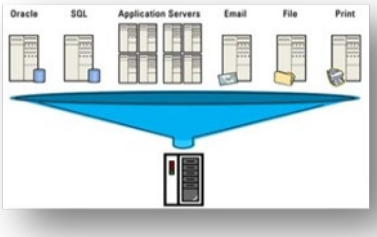
- Improved network performance and reliability
- Increased security on network and resources
- Reduced costs associated with replacements and failures
- Ability to establish an internal SLA (99.9% would be standard for local government.)
- Improved budget and project planning
- Increased network resiliency and performance
- Reduced IT staff support effort

5. VMware Upgrade and Server Refresh

Background

Hardware virtualization refers to the creation of virtual machine(s) that act like a real computer with an operating system. Software executed on a virtual machine is separated from the underlying hardware resources. Virtualization enables servers to be easier to implement and less costly to own and manage.

Findings and Observations



- City IT has implemented VMware for server virtualization.
  - City Hall and Police have server installations.
- At City Hall, there are two VMware servers.
  - It takes three VMware servers to create a resilient server cluster.
- At Police, there is a single Hyper-V server.
  - At Police, limited resource requirements will allow for the creation of a redundant pair of servers.
- At City Hall, disk storage is provided by a Nimble Storage Area Network (SAN).
  - The SAN is connected to the servers using shared HPE/Aruba network switches.

Recommendations

- Purchase and configure additional servers for City Hall and Police Department to build resilient server infrastructure.
- Revise network connectivity through core switching to assure resiliency.
- Move Police Department to VMware for consistency.
- Purchase standalone redundant switches to connect.

Benefits

- Reduced data center space needs
- Reduced power requirements
- Improved failover and reliability
- Increased uptime

6. Disaster Recovery Planning

Background

Disaster recovery planning is a critical component of cyber security readiness. A disaster recovery plan outlines expected timeframes and work steps to restore computer systems should a significant incident cause a long-term (usually expected to be greater than 24 hours) outage. Expected recovery timeframes should be documented as service-level agreements between the IT function and the Departments for recovery of systems and maximum data loss.

A disaster recovery plan should contain the detailed work steps required for recovery. The City cannot assume that primary IT staff will be available in the event of a disaster.

Findings and Observations

- The City does not have Disaster Recovery, Business Continuity, or Cybersecurity Incident Response plans.
- As a part of this engagement, the Departments requested the following recovery timeframes:
  - Internet and authentication availability to be as close to utility grade.
    - Utility grade = 99.999% or less than five minutes of downtime per year.
  - On-premise systems are to be restored in less than four hours.
- In the event of a local emergency, the Library is a designated Shelter.
  - We have found that Internet access is very important to residents and visitors in the event of an emergency.
- System restoration capabilities are on-premise.
  - Cloud-based backups and virtual recovery servers have not been implemented.
  - A cloud-based backup and recovery tool has been purchased.

Recommendations

- Implement primary, secondary, and tertiary Internet connections for City Hall and Police.
- Implement primary, secondary, and tertiary Internet connections for the Library.
  - Alternatively, connect the Library with City Hall through underground fiber optic cable.
- Implement cloud-based backup solutions as recommended in this Assessment.
  - Consider a Disaster Recovery as a Service vendor to manage cloud-based backup and disaster recovery capabilities with the capability of meeting the above Service Level Agreement of restoration in under four hours.
  - Include the ability to activate virtual servers in the cloud in the event of a disaster.
  - Best practice for cloud-based backup is a system that protects against malware attacks through additional separation from production systems (immutable backups).
  - Test virtual server recovery on a quarterly basis.
- Develop recovery a Disaster Recovery Plan/Business Continuity Plan.
  - Include detailed instructions for user access to cloud-based recovered applications.

- Develop strategies for the restoration of high-priority applications.
  - Develop plans for continued staff access to applications in the event a major District facility is no longer available.



Benefits

- Emergency preparedness compliance
- Improved communication
- Awareness of procedures
- Better diagnostics and problem identification
- Reduced risk and liability
- Faster, well-informed decision-making
- Identification of business-critical functions
- Decreased recovery times and exposure to system failures
- Awareness of immediate actions

7. Computer Equipment Replacement Planning

Findings and Observations

- The City has a replacement schedule for most capital computer equipment, including servers, storage, switches, or firewalls.
- IT replaces desktop PCs and laptops on a regular basis, approximately every five years.
- Other technology systems, such as audiovisual systems, camera systems, door access control systems (pending), video surveillance, and UPS systems, do not have formal replacement schedules.

IT Equipment	Recommended Replacement Cycle (Years)
Network Switches	7
Phone System Upgrade	5
Phone System Replacement	10
Audiovisual Equipment	5
Servers	5

Recommendations

- Maintain current systems across the organization if at all possible.
- Create and maintain an inventory of all technology-related equipment, year purchased, warranty duration, and other useful information.
  - Expand the inventory to all technology with a standard life expectancy.
- Develop a ten-year, rolling computer equipment replacement plan and budget accordingly.
- Allow customized length of time for replacement of any technology that may have a unique end-of-life.
- Continue to purchase discounted extended warranties at the time of purchase that will cover the equipment throughout its useful life (e.g., five years for computers and servers).

Disk Storage	5
PCs	5
Laptops	4
Mobile Devices	2
Wireless Devices:	
Point-to-Point	5
Wireless LAN	4
Windows Software	+/- 5
MS Office	+/- 5
Printers, Scanners	5
Plotters	5

Benefits

- Reduced end-user downtime
- Improve computer performance
- Better forecasting of purchases
- Managed process that flattens capital expenditures over time
- Better ability to patch and maintain workstations
- Improved portability through the use of a single device
- Ability to keep spare equipment around to be reissued, eliminating employee downtime
- Increased employee performance by eliminating the use of old, slow, and post-life cycle technology
- Reduced total cost of ownership

8. Network Management Tools

Background

Network management is the general term used for the activities, procedures, and tools related to the operation, administration, provisioning, and maintenance of computer network systems, keeping the network running smoothly while monitoring the system to identify potential problems quickly.

Findings and Observations

- The City uses a product for Security Event and Incident Management (SEIM).
  - Only Microsoft Azure default logs are currently ingested by the system.
- The City utilizes a tool for device inventory, patching, software push, and other operational needs.
- The City does not utilize a network management tool for alerts and alarms.
  - Network management tools can provide early warning of potential and actual network failures.
  - Network management tools can simplify configuration updates by automatically storing configuration files and tracking revision levels.

Network Management

- ✓ Network Device Monitoring
- ✓ Performance Monitoring
- ✓ Bandwidth Monitoring
- ✓ Firewall Management
- ✓ Router/Switch Management
- ✓ Proactive Monitoring
- ✓ Threshold Customizations
- ✓ Altering
- ✓ Network Interface Stats

Recommendations

- Expand SEIM tool utilization to include ingesting logs from all City infrastructure devices.
- Select and implement a tool for network management, including alerts and alarms.
  - Consider PRTG, ManageEngine, What's Up Gold, or similar.
  - Configure alarms for common issues:
    - Low disk space
    - High memory utilization
    - Network segment failure
    - Internet service provider failure

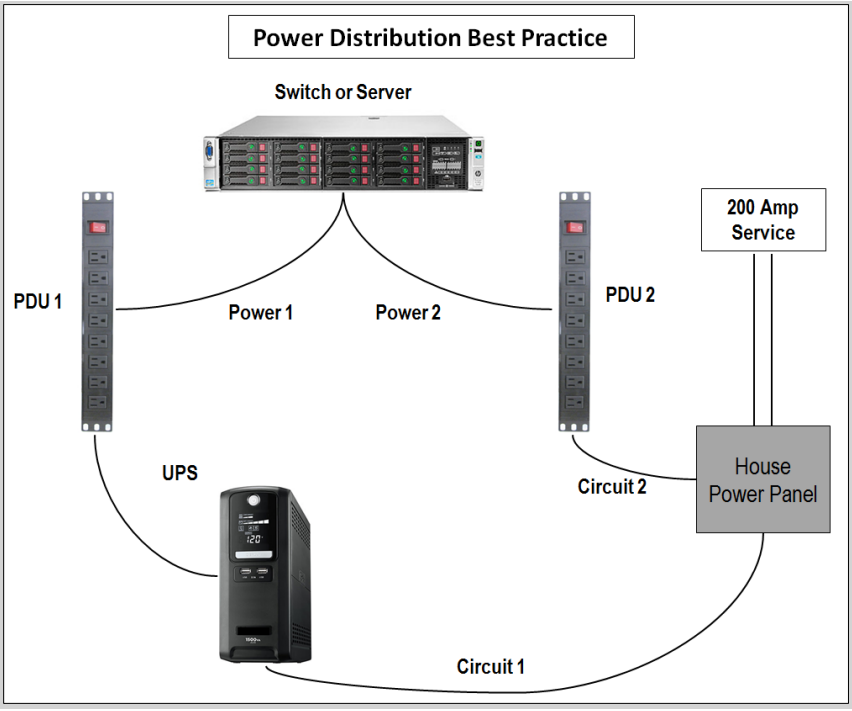
Benefits

- Reduced downtime due to more rapid notification of issues
- Proactive management of internet bandwidth, network and servers
- Less time manually managing and monitoring
- Increased utilization
- Increased resource access
- Centralized access to multiple applications and platforms

9. Computer Room Power and Power Distribution

Findings and Observations

- Some computer room electric power sources utilize UPS systems, while other servers are plugged directly into generator-driven power outlets.
  - Generators have been known to create power spikes and brown-outs that decrease the life of attached equipment.
- Power distribution units (PDUs) are used within the City Hall Police Department computer rooms.
  - In some cases, redundant PDUs are plugged into the same UPS.
  - PDUs can extend the life of network hardware by utilizing power more efficiently.
  - PDUs can be used to monitor and remotely control power distribution to computer infrastructure equipment.
  - Some of the PDUs in place can be connected to the network for remote control and monitoring.
- The UPS units in place are not advanced enough to support Best Practices monitoring and management functions.
  - Not all UPS systems have network monitoring capabilities.
- There are no additional available electrical circuits at the City Hall or Police computer rooms.
  - These rooms are central communication hubs and will require redundant systems to maximize applications regardless of on-premise or cloud-based applications.
- Police Department UPS systems vary in size, reducing their ability to perform redundantly.
- One recent outage was caused by a clogged condenser drain dripping on a UPS.



Recommendations

- Evaluate all electrical connections and develop a detailed list of improvements.
- Budget for redundant circuits in the City Hall and Police Department computer rooms.
- Budget for additional replacement UPS systems that can be network attached.
  - Procure and utilize network management software for UPS systems.
- Budget for and implement PDUs for any connections that do not have them.
- Create battery and PDU replacement cycle.
- Procure “water snakes” to provide network management alerts in the event water is detected on the floor of a computer room.

Benefits

- Reduces power-related failures
- Improved support for electronic devices
- Improved management and monitoring capabilities
- Longer-lasting equipment
- Reduced cost in replacement of failed hardware

10. VoIP Phone System Improvements

Background

Voice over Internet Protocol (VoIP) technology uses an Internet connection to transmit calls. It is highly reliable and fast when compared to conventional telephone systems and is an accepted communication standard. Benefits include reduced costs, the ability to change numbers as needed easily, and increased features and support. VoIP hardware upgrades can occur automatically and seamlessly.

Findings and Observations

- The City implemented an on-premise MITEL VoIP system in late 2019 or early 2020.
- The on-premise system was initially designed with local controllers at any City facility with more than five phones.
  - Local analog backup lines were included in the initial design to allow outboard calling in the event of a network outage.
  - The local controller at Public Works was destroyed in the fire.
    - Public Works phones now receive dial tone through the City Hall controller.
  - Configuration issues have been uncovered at:
    - Community Center
    - Cemetery
    - Lighthouse

Recommendations

- Utilize the telephone system maintenance vendor to update the facilities with configuration issues.
- Determine whether additional analog backup capability is required at Public Works.

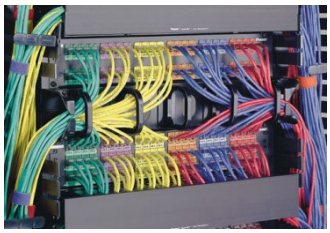
- Public Works staff may feel that emergency analog phones would be sufficient instead of a dedicated on-premise controller with emergency analog lines.

Benefits

- Reduced implementation, support, and maintenance costs
- Ability to dial E911 when the network fails
- Continued communications in the event of a network failure
- Enhanced communications
- Increased use of features
- Improved user experiences
- Reduced total cost of ownership

11. Structured Connectivity System

A *Structured Connectivity System* is a complete set of cabling and connectivity products that integrate voice, data, video, and other technology systems into a comprehensive infrastructure.



Findings and Observations

- Police Department computer room patch cables and layout have deteriorated and are no longer configured in a Best Practices manner.
  - Some communications system patch panels, wiring blocks, and faceplates are not labeled in a reliable manner and/or, in some cases, are not labeled at all.
  - Cabling at the Police Department is Category 5 and must be upgraded to support current applications.
  - The computer rack is on wheels and should be secured to the structure as a part of earthquake mitigation.
  - A few small, unmanaged network switches have been added to the system over time. These switches are a cyber security and reliability risk.
- The Library tele/data closet has been moved away from the source of many of the environmental issues that have plagued the equipment.
  - IT has installed a sensor to monitor temperature and humidity
- One City Hall computer rack is also on wheels.
- The fiber-optic backbone system varies throughout the buildings and, in some cases, has bandwidth limitations at 1 GB.
- Equipment racks and cabinets are not properly fastened to floors and walls.
- Equipment racks and cabinets are not grounded.
- Communications wiring rooms do not have sufficient cooling, power, and/or emergency backup equipment.
- As-built record documentation related to the horizontal and backbone communications system does not exist.
- Computer rooms and tele/data closets have keyed entry systems.
  - In some cases, non-IT staff have access to these rooms.
  - Keyed entry systems do not provide for audit logs of entry as required by CJIS and HIPPA.

Recommendations

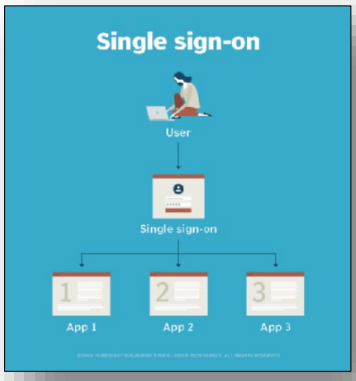
- Provide a suitable patch cord management system at equipment racks and/or cabinets in all facilities.
- Develop and issue an RFP to upgrade deficient structured cabling and electrical grounding systems at Police and Public Works.
- Secure the computer racks to the structure for earthquake mitigation.
- Upgrade to a digital proximity ID-based door access control system.

Benefits

- Can reduce mistakes and accidental termination of connectivity.
- Reduces troubleshooting time, increasing uptime and system availability.

12. Single Sign-On

Background



Single Sign-On is an authentication scheme that allows a user to log in with a single ID and password to any of several related yet independent applications. True single sign-on allows users to log in once and access services without re-entering authentication factors.

Many enterprise applications integrate with Active Directory, allowing users to sign on to Active Directory and access additional applications. Many other applications do not integrate with Active Directory, forcing users to sign on to each application individually. This causes users to track and change multiple user IDs and passwords.

Findings and Observations

- Some City applications integrate with Active Directory; some do not.
  - The applications that do not integrate with Active Directory cause users to maintain a separate user ID and password for each system.
- It is advantageous to use Active Directory integration when available.
  - Single sign-on reduces the number of individual user ID/password combinations staff must remember.
- Upcoming CJIS (Criminal Justice Information System) regulations will be expanded, requiring Multi-Factor Authentication (MFA) even when in a secure facility.
  - Single sign-on can reduce the amount of times a user must utilize MFA.
- Single sign-on capabilities exist through Microsoft Azure.
- The IT function has recommended utilizing a Security Assertion Markup Language (SAML) standard for town cloud-based applications.
- SAML will allow third-party cloud applications to integrate with Active Directory, providing for Single Sign-on to the application.

Recommendations

- Inventory major applications to determine which integrate with Active Directory.
- Continue to implement Active Directory integration where available.
- Consider the implementation of a single sign-on solution for those major applications that do not integrate with Active Directory.
- Formalize the recommendation of SAML capabilities in cloud-based applications.
- Determine if current application vendors' cloud-based solutions support SAML.
- Include SAML requirements in future application system selections.
- Implement a password manager application for staff.

Benefits

- Improved functionality and security
- Reduced application administration
- Reduced password management
- Reduced time spent logging into applications

13. Fiber Capacity Planning Study (Optional)

Background

The need for fiber-optic cabling to support agency inter-site bandwidth needs, Internet of Things connectivity, or municipal wireless has increased dramatically. Many agencies are incorporating fiber optic pathway planning into upcoming public works projects and adding additional capacity to support the local business community or residents' broadband needs.

Federal funding is available through the National Telecommunications and Information Administration for public broadband initiatives where the private sector cannot or will not meet minimum bandwidth requirements. The priority for funding is to provide broadband to unserved areas (those below 25/3 Mbps), followed by underserved areas (those below 100/20 Mbps), and then serve community anchor institutions (1/1 Gbps).

Findings and Observations

- City Hall and Police Department are interconnected using private fiber.
- Community Center and Public Works are connected to City Hall through AT&T fiber-based WAN connections.
- At one time, the Community Center and Public Works were also interconnected using private fiber.
  - We have been told that the fiber-optic cable to these locations exists, but for some unknown reason, the connections are not functioning.
- The Library and other small sites are connected to the City through an Internet-based point-to-point virtual private network (VPN).
- Software Defined Networks (SDWAN) provide a primary connection and a secondary cellular failover connection.
  - Software Defined Network failover where 5G cellular service is available provides sufficient bandwidth for ongoing operations.

Recommendations

- Assess existing fiber-optic network connections and repair them as necessary.
- Assess connectivity alternatives to add the Library to the City MAN and procure using best practices.
- Leverage increased MAN speeds to consolidate servers to the data center.
  - Library CENIC connectivity for patron Internet access should remain at the Library.
- Move to a Software Defined Network WAN using CALNet and 5G cellular SDWAN devices.
  - Connect all major sites using SDWAN technology until fiber optic connectivity is available.
  - Utilize the Library to City Hall path as a backup to Library Internet.

Benefits

- Development of a Fiber Optic WAN Strategy and Sustainable Plan.
- Timely access to information for serving emergency operations, residents, and public
- Reliability, dependability, and consistency of network communication Internet connectivity

HA Assessment - Budget Plan

Initiative No.	Technology Initiatives	Comments	Priority	Budget Range		FY 2024-25		FY 2025-26		FY 2026-27		FY 2027-28		FY 2028-29	
				Low	High	Enterprise Grade	Utility Grade	Enterprise Grade	Utility Grade	Enterprise Grade	Utility Grade	Enterprise Grade	Utility Grade	Enterprise Grade	Utility Grade
1	**Internet Bandwidth**	Add secondary internet connection to increase uptime. Complete High Availability firewall implementation.	H	Ongoing Cost	Ongoing Cost	$43,500		$21,000		$21,000		$21,000		$21,000	
1a	**StarLink for Tertiary Citywide Internet**	Tertiary internet connection at City Hall & PD.	H	Ongoing Cost	Ongoing Cost	$11,700		$11,700		$11,700		$11,700		$11,700	
1b	**High Availability Firewalls at Library**	Tertiary internet connection at Library	H	Ongoing Cost	Ongoing Cost		$49,100		$25,200		$25,200		$25,200		$25,200
2	**Council Chambers Audiovisual Improvements**	Move dais switching equipment to A/V room. HVAC for A/V room. Improved power distribution.	H	$25,000	$50,000			$97,000		$15,000					
2a	**Failover A/V System**	Backup A/V equipment and rack	H	$125,000	$200,000				$172,000						
3	**Backups**	Expand backups to include cloud based and Office 365. Includes cloud-based restoration.	H	Ongoing Cost	Ongoing Cost	$45,600		$33,600		$33,600		$33,600		$33,600	
4	**Network Upgrade**	Build in additional redundancy at City Hall and Police Department computer rooms. Core switch redundancy City Hall, Police, Library, Council Chambers A/V	H	$25,000	$50,000	$62,000						$40,000			
4a	**Council Chambers Switch Redundancy**	Includes redundant connection to City Hall computer room	H	$15,000	$25,000				$17,900						
5	**VMware Upgrade and Server Refresh**	Implement resilient server configurations at City Hall in current budget year. Police Department to Microsoft Azure next budget year.	H	Ongoing Cost	Ongoing Cost	$71,000				$45,000		$18,000		$18,000	
5a	**Replication City Hall VMware at Police**	Replicate City Hall VMware cluster at Police. Requires additional rack, power.	H	$125,000	$175,000				$156,000						
6	**Disaster Recovery/Incident Response Planning**	Develop a plan to document malware/ransomware incident response. Disaster recovery plan for application systems restoration.	M	$15,000	$25,000			$15,000		$15,000					
7	**Computer Equipment Replacement Planning**	Scheduled replacement of infrastructure equipment to pro-actively eliminate end-of-life devices.	H					$51,000		$51,000		$35,000		$35,000	
8	**Network Management Tools**	Implement network management tools to provide automated alerts in the event of an issue.	H	$35,000	$50,000					$42,000		$15,000		$15,000	
9	**Computer Room Power and Power Distribution**	Add second electronic circuit in City Hall, Police Department, Library and Council Chambers A/V computer rooms.	H	$25,000	$50,000							$40,000		$25,000	
9a	**Secondary Power at Council Chambers A/V**		H	$10,000	$25,000				$25,000						
10	**VoIP Improvements**	Assess and implement backup analog connections in phone system controllers.	H	Ongoing Cost	Ongoing Cost	$5,000		$6,000		$6,000		$6,000		$6,000	
11	**Structured Connectivity System**	Upgrades to cabling system to improve ease of troubleshooting and reduce risk of failure.	H	$15,000	$25,000							$25,000			
12	**Single Sign-On**	Long term project to reduce separate application sign-ons	M	$25,000	$50,000					$37,600					
13	**Fiber Capacity Planning Study (Optional)**	Study to determine feasibility of fiber optic based connections to City facilities.	M	$25,000	$40,000					$40,000					
					Recommended Project Subtotal	**$238,800**	**$49,100**	**$235,300**	**$396,100**	**$317,900**	**$25,200**	**$245,300**	**$25,200**	**$165,300**	**$25,200**
					Enterprise Grade Implementation			**$1,202,600**				**Utility Grade Implementation (additional)**			**$520,800**
														Grand Total	**$1,723,400**
	Implementation Project Management (Optional)	Provide implementation project management and procurement assistance.	H	$5,000	$15,000	$9,750		$19,500		$19,500		$16,400			
														Project Management Subtotal	**$65,150**



CLIENTFIRST
TECHNOLOGY CONSULTING

High Availability Assessment

City of Pacific Grove

Presented by
Tom Jakobsen, Senior Partner, ClientFirst Technology Consulting

Introduction

Who We Are

CLIENTFIRST
TECHNOLOGY CONSULTING

Tom Jakobsen

Partner, IT Support and Infrastructure Practice Leader, ClientFirst



Tom has over 40 years of experience in the information technology arena. He serves as an IT Strategic Advisor for several agencies and focuses on IT management, infrastructure, and cybersecurity-related issues in local government.

- Specialties include:
  - IT Operations Management
  - IT Staffing
  - Cybersecurity
  - Disaster Recovery
  - Project Management
  - Assessments, Strategy, and Planning
  - Contract and Interim CIO/IT Management

ClientFirst California Clients



Scope and Methodology

CLIENTFIRST TECHNOLOGY CONSULTING

Project Scope

- Assess Pacific Grove's IT infrastructure.
  - Focus on core systems resiliency.
- Provide recommendations to increase the availability of technology services. Two levels:
  - Enterprise-grade availability
    - Downtime approximately one hour per year
  - Utility-grade availability
    - Downtime approximately five minutes per year
- Areas of Focus:
  - Police Department
  - Council Chambers Audio Visual
  - Library
  - City Hall systems



Proprietary – Not for Redistribution © 2023 ClientFirst Consulting Group, LLC. All rights reserved.

Methodology

- Review IT documentation
- Interview IT staff:
  - Review recent downtime events
  - Discuss initial ideas for improvement
- Evaluate all components from the electrical outlet to the internet
- Interview departments to gather requirements
- Draft detailed report and budget
- Workshop results with IT
- Prepare summary presentation and deliver



Key Findings

Critical Needs

CLIENTFIRST TECHNOLOGY CONSULTING

Key Findings

- IT Staff working hard to improve infrastructure
  - Busy just keeping the wheels on
- Best Practice redundancies not in place
  - From power plug to the internet
  - Several projects started but not quite finished
- Third-party assistance necessary to implement report recommendations
  - Subject-Matter Expertise
  - Project Management
- Budget includes third-party assistance and optional project management



Key Findings - Internet

- Limited Internet fiber transit points on the peninsula
  - Add StarLink backup for City Hall, PD, and Library
- Staff complaints of internet slowness
  - Upgrade internet speeds at City Hall and Police
  - City Hall and Police internet recommended to be the same speed
- Internet connectivity lacks full redundancy
  - Complete implementation if high-availability firewall and core switch pairs



Why important?

1) Most frequent failure point
2) Need access to cloud services

Key Findings – Council Chambers A/V

- Council Chambers A/V Issues:
  - Equipment reliability
    - Recommend separate HVAC for A/V room
    - Review power distribution to validate UPS utilization
  - Noisy switch under Clerks desk
    - Re-cable Councilmember displays directly to A/V room
  - Internet slowness reported
    - Increase internet speeds
  - For utility grade redundancy, implement:
    - Redundant network switches and cabling
    - Alternate Failover A/V equipment

Why important?

1) Broadcasts are key to transparency
2) Equipment is complicated. Difficult to troubleshoot.

Key Findings – Backups and Planning

- Expand backups to include all City data
  - Cloud-based services (Azure)
  - GIS
  - Office 365
- Complete implementation of cloud backup and restoration solution
- Create Disaster Recovery and Incident Response plans

Why important?

1) Backups are a legal requirement
2) Ultimate anti-malware defense



Key Findings – Network and Servers

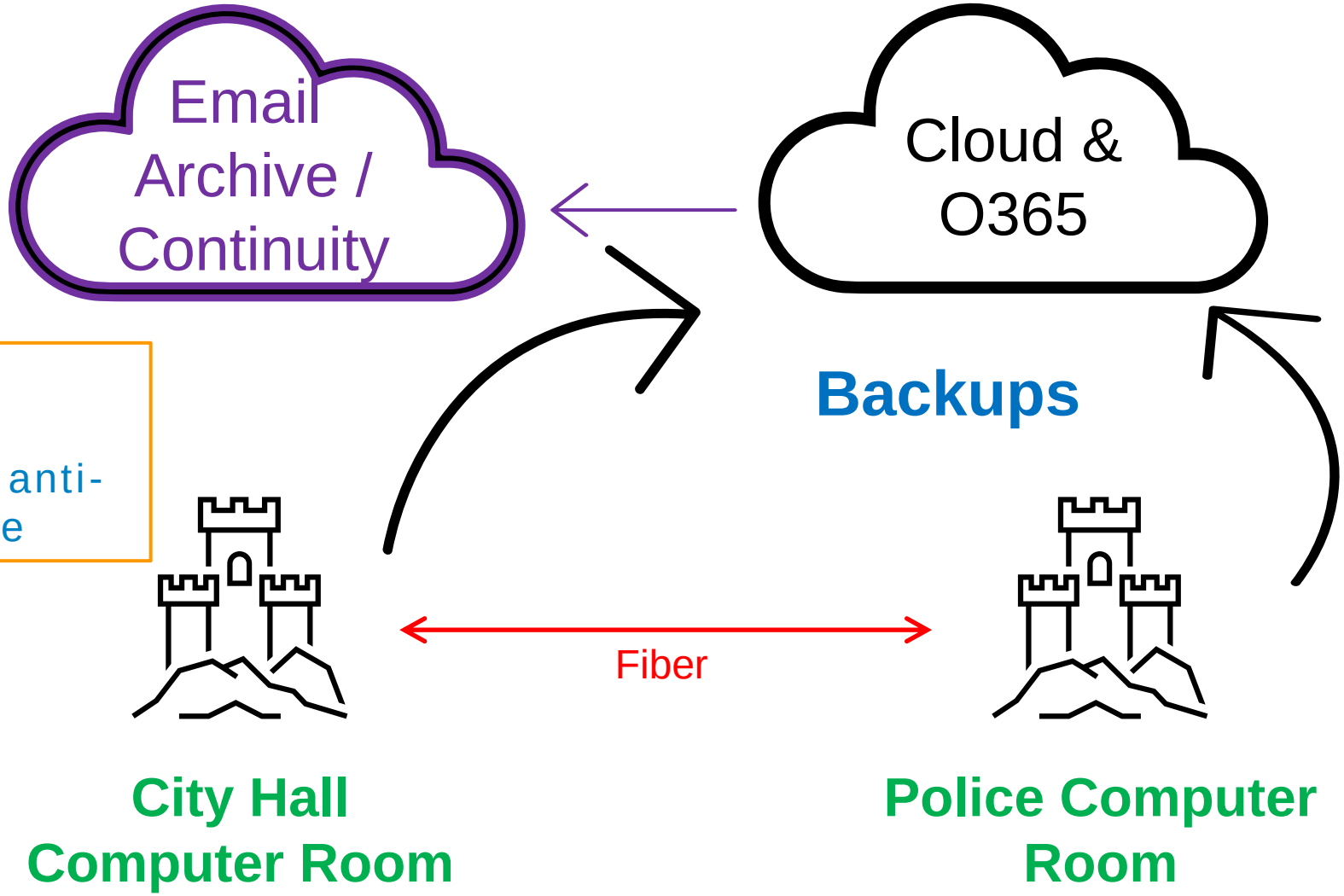
- Network and Servers lack redundancy
  - Implement redundant core switches
    - City Hall, Police, and Library
  - Complete build-out of resilient server infrastructure
    - Third server for City Hall cluster
    - PD requires a second server for failover
    - Move to Best Practice server/storage area network connectivity
  - For utility grade redundancy:
    - Replicate City Hall VMware cluster to PD
    - Replicate PD file servers to the cloud



Why important?

1) Network and server failures are Top 5 in probability

Best practice Disaster Recovery with Cloud Backups & O365



Why important?

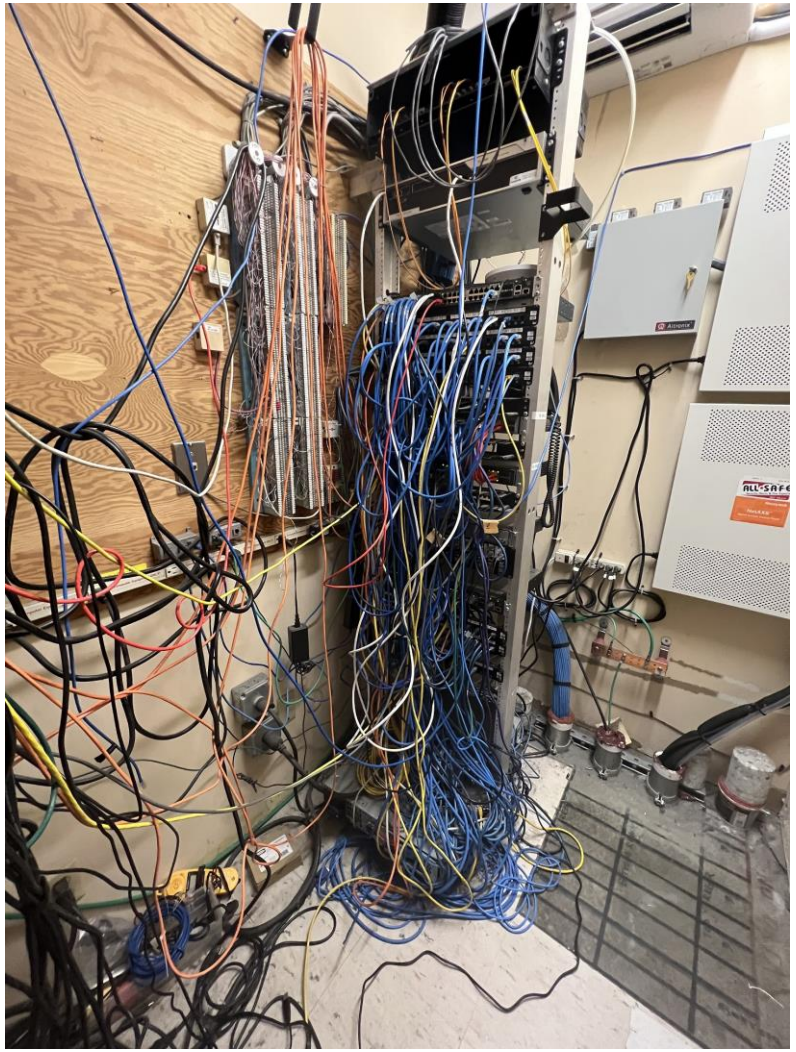
1) Part of ultimate anti-malware defense

Key Findings – Computer Room

- Computer room improvement necessary
  - Police computer room requires re-cabling
  - City Hall computer room has a short list of improvements
  - Public Works tele/data closet needs environmental controls
  - Library computer room move complete

Why important?

1) Speeds troubleshooting, ultimately reducing downtime.



Key Findings – Network Management

- A Security Event and Incident Management (SEIM) tool has been implemented
  - Currently limited to Microsoft Azure logs
- Network Management, Alert, and Alarm software are not in place
  - IT posture is reactive, waiting for notification from user community of an issue
- Recommend utilizing a third party to:
  - Expand SEIM tool implementation
  - Implement a network management tool

Why important?

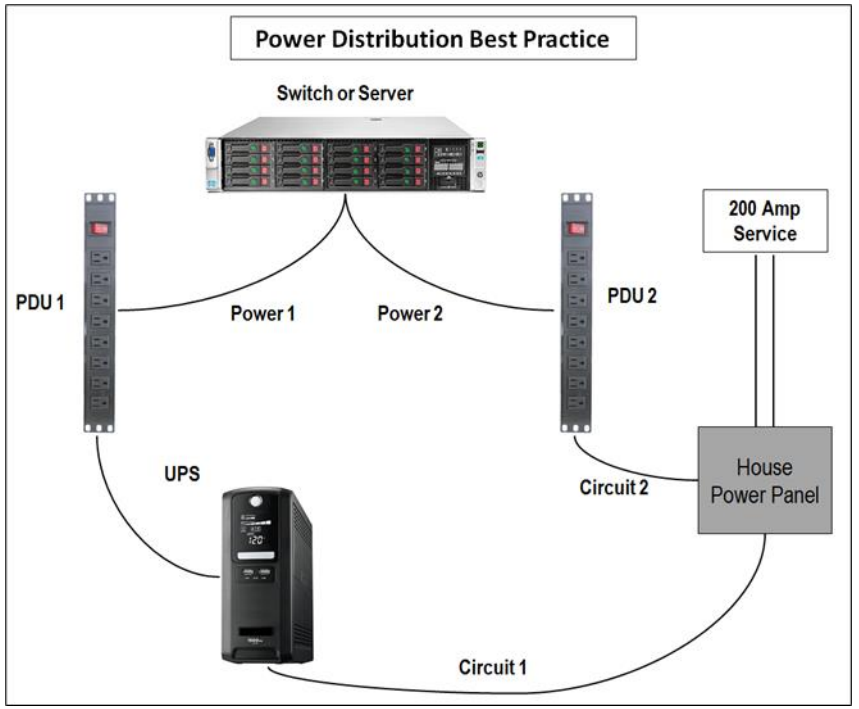
1) Provides early warnings
2) Key to pro-active issue resolution

Key Findings – Power Distribution

- Power distribution limited
  - Single electrical circuit available in computer rooms
  - Various UPS systems in place
    - Must be inventoried and expanded
  - Some Power Distribution Unit (PDU) improvements are necessary

Why important?

1) Power outages are a top 5 issue (probably #2).



Key Findings – Phone System

- The phone system implementation lacked appropriate fail-over capabilities
  - Staff have identified specific issues
  - Staff is working to enhance fail-over capabilities
    - No additional equipment is required
- The fire destroyed the phone controller at Public Works
  - Staff feel analog “red phones” will be sufficient as backup

Why important?

1) Must be able to contact emergency responders.

Budgets

CLIENTFIRST
TECHNOLOGY CONSULTING

High Availability – Implementation Budget

Initiative No.	Technology Initiatives	Comments	Priority	Budget Range		FY 2024-25		FY 2025-26		FY 2026-27		FY 2027-28		FY 2028-29	
				Low	High	Enterprise Grade	Utility Grade	Enterprise Grade	Utility Grade	Enterprise Grade	Utility Grade	Enterprise Grade	Utility Grade	Enterprise Grade	Utility Grade
1	**Internet Bandwidth**	Add secondary internet connection to increase uptime. Complete High Availability firewall implementation.	H	Ongoing Cost	Ongoing Cost	$43,500		$21,000		$21,000		$21,000		$21,000	
1a	**StarLink for Tertiary Citywide Internet**	Tertiary internet connection at City Hall & PD.	H	Ongoing Cost	Ongoing Cost	$11,700		$11,700		$11,700		$11,700		$11,700	
1b	**High Availability Firewalls at Library**	Tertiary internet connection at Library	H	Ongoing Cost	Ongoing Cost		$49,100		$25,200		$25,200		$25,200		$25,200
2	**Council Chambers Audiovisual Improvements**	Move dais switching equipment to A/V room. HVAC for A/V room. Improved power distribution.	H	$25,000	$50,000			$97,000		$15,000					
2a	**Failover A/V System**	Backup A/V equipment and rack	H	$125,000	$200,000				$172,000						
3	**Backups**	Expand backups to include cloud based and Office 365. Includes cloud-based restoration.	H	Ongoing Cost	Ongoing Cost	$45,600		$33,600		$33,600		$33,600		$33,600	
4	**Network Upgrade**	Build in additional redundancy at City Hall and Police Department computer rooms. Core switch redundancy City Hall, Police, Library, Council Chambers A/V	H	$25,000	$50,000	$62,000						$40,000			
4a	**Council Chambers Switch Redundancy**	Includes redundant connection to City Hall computer room	H	$15,000	$25,000				$17,900						
5	**VMware Upgrade and Server Refresh**	Implement resilient server configurations at City Hall in current budget year. Police Department to Microsoft Azure next budget year.	H	Ongoing Cost	Ongoing Cost	$71,000				$45,000		$18,000		$18,000	
5a	**Replication City Hall VMware at Police**	Replicate City Hall VMware cluster at Police. Requires additional rack, power.	H	$125,000	$175,000				$156,000						
6	**Disaster Recovery/Incident Response Planning**	Develop a plan to document malware/ransomware incident response. Disaster recovery plan for application systems restoration.	M	$15,000	$25,000			$15,000		$15,000					
7	**Computer Equipment Replacement Planning**	Scheduled replacement of infrastructure equipment to pro-actively eliminate end-of-life devices.	H					$51,000		$51,000		$35,000		$35,000	
8	**Network Management Tools**	Implement network management tools to provide automated alerts in the event of an issue.	H	$35,000	$50,000					$42,000		$15,000		$15,000	
9	**Computer Room Power and Power Distribution**	Add second electronic circuit in City Hall, Police Department, Library and Council Chambers A/V computer rooms.	H	$25,000	$50,000							$40,000		$25,000	
9a	**Secondary Power at Council Chambers A/V**		H	$10,000	$25,000				$25,000						
10	**VoIP Improvements**	Assess and implement backup analog connections in phone system controllers.	H	Ongoing Cost	Ongoing Cost	$5,000		$6,000		$6,000		$6,000		$6,000	
11	**Structured Connectivity System**	Upgrades to cabling system to improve ease of troubleshooting and reduce risk of failure.	H	$15,000	$25,000							$25,000			
12	**Single Sign-On**	Long term project to reduce separate application sign-ons	M	$25,000	$50,000					$37,600					
13	**Fiber Capacity Planning Study (Optional)**	Study to determine feasibility of fiber optic based connections to City facilities.	M	$25,000	$40,000					$40,000					
			Recommended Project Subtotal			**$238,800**	**$49,100**	**$235,300**	**$396,100**	**$317,900**	**$25,200**	**$245,300**	**$25,200**	**$165,300**	**$25,200**
					Enterprise Grade Implementation		**$1,202,600**							**Utility Grade Implementation (additional)**	**$520,800**
														Grand Total	**$1,723,400**
	Implementation Project Management (Optional)	Provide implementation project management and procurement assistance.	H	$5,000	$15,000	$9,750		$19,500		$19,500		$16,400			
														Project Management Subtotal	**$65,150**

Questions and Answers

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Robert Perrault, Interim City Manager
MEETING DATE:	May 01, 2024
SUBJECT:	Consider Three (3) Planning Commission Resolutions of Intention to Amend Chapter 23 of the Pacific Grove Municipal Code
CEQA:	Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Do not move forward with the proposed Zoning Code text amendments at this time due to other priorities.

DISCUSSION

1. At their December 14, 2023 and January 11, 2024 public meetings, the Planning Commission voted to forward three Resolutions of Intention (ROI) to amend sections of Chapter 23 (Zoning) of the Pacific Grove Municipal Code (PGMC). The three ROI's pertain to the following topical areas:

- Hotel Parking Requirements;
- Story Poles;
- Clarification of Various Sections including Interpretations; Definitions; R-H District Special Regulations; Height Limits for Fences; Types of Review, Application and Roles of Review Authorities; Historic Resources Committee/ Notice of Hearing for Architectural Permits; Accessory Buildings and Structures; Counter Review and Determinations; and Staff Approvals.

The ROI's seek approval to allocate Staff and City Attorney resources to assist the Planning Commission with the proposed Zoning Code text amendments. If directed, Staff and City Attorney work would include review of proposed edits for consistency with other PGMC provisions, consistency with other City policy and regulatory documents, consistency with applicable Federal, State and Local laws and regulations, environmental analysis in conformance with the California Environmental Quality Act (CEQA), practical application and enforcement, and preparation of materials for public hearings.

The Zoning Code is the tool for implementation of the City's adopted General Plan. The City is currently working on updates to the Housing Element, Land Use Element, and Health and Safety Element of the General Plan. Zoning code amendments are also proposed in order to implement the updated General Plan Elements. This work is underway and Staff anticipates completion within the first half of 2025.

Subsequent to those General Plan and Zoning amendments noted above, the City is considering a second phase of General Plan amendments to update the remaining Elements. Zoning code amendments would also be needed at that time in order to align with and implement the updated General Plan.

In a cursory review of the proposed Zoning Code text amendments, Staff suggests the following considerations be taken into account:

Hotel Parking

- The proposed change to require one garage parking space per room could potentially create new non-conforming conditions for existing and approved, but not yet constructed, hotels within the City. This could have subsequent implications pertaining to property insurance, future land valuation and transactions, and application of additional zoning code regulations pertaining to Non-Conforming Uses and Buildings (Chapter 23.68 PGMC).
- The existing code language allows for flexibility to apply parking standards with consideration to individual hotel development proposals. Hotel projects often include parking programs such as valet, off-site parking, shuttle services, and concierge services including rideshare programs. Requiring a more stringent parking ratio would remove flexibility in considering project-specific parking study recommendations and creative parking solutions.
- Changes to commercial parking requirements are generally considered as part of an overall policy discussion and with the assistance of a Parking Study (analysis and recommendations).

Story Poles

- Staff currently relies upon the City's adopted Story Pole Policy (Council Resolution No. 09-028) and subsequent Advisory Committee memorandum, dated February 19, 2020.
- The City Manager's Story Pole Advisory Committee, convened in 2020, determined that "staking requirements should not be codified, but rather should remain as enforceable requirements".
- Addition of Story Pole requirements to the City's Municipal Code would require CEQA analysis. It could also require amendments to the City's LCP.

Clarification of Various Sections

- The proposed changes in definitions could create conflicts with other sections of the Code and may inadvertently change current City policies. For instance, the proposed text changes to the definitions of "Grade" and "Height" would require a property owner to commission a property survey in order to satisfy the definition as part of any proposed project. The City does not currently require property surveys as part of permit submittal packages. This would be a policy change resulting in additional cost burden to applicants.
- The proposed text changes could potentially create new non-conforming conditions. For instance, the proposed text change to 23.64.135 Prohibited Fences, includes chainlink fencing as prohibited where it is not currently.
- The proposed changes appear to remove some authority currently assigned to the City Manager and Staff.

Because there is no time-sensitive issue being addressed by the proposed Zoning Code text amendments and no alignment with the City Council's established goals and priorities, Staff does not recommend moving forward with the proposals at this time. To do so would redirect Staff time away from other priority areas such as the Housing Element Update, LCP Amendments for Coastal Hazards

(grant-funded/time-sensitive) and meeting state mandated timelines for permit processing. If Council wishes to grant a pathway forward for the proposed work, Staff would suggest the inclusion of the proposed Zoning Code text amendments in a future workplan associated with General Plan and Zoning Code Updates (Phase 2, after completion of the Housing Element Update).

OPTIONS

1. Do not move forward with the proposed Zoning Code text amendments at this time. (Staff recommendation)
2. Direct Staff to include the proposed Zoning Code text amendments as part of a future workplan in conjunction with the second phase of updates to the City's General Plan.
3. Direct Staff and the City Attorney to assist the Planning Commission with the preparation, analysis, review and public hearing consideration of the proposed Zoning Code text amendments.
4. Provide other direction.

FINANCIAL IMPACT:

Should the Council wish to direct Staff and the City Attorney to assist the Planning Commission with the proposed Zoning Code text amendments, the financial impact would be borne by the City and would include Staff time, City Attorney time, required CEQA analysis, and final codification.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

PC Resolution No. 2023-01 Hotel Parking

PC Resolution No. 2024-01 Story Poles

PC Resolution No. 2024-02 Clarifying Various Existing Provisions

Planning Commission agenda reports and materials

Story Pole Advisory Committee Memorandum, dated February 19, 2020

CC Resolution No. 09-028 Noticing and Story Poles

DocuSign Envelope ID: ECB6A0FF-1CE8-4FC2-B8B2-B3698BA6BBF9

RESOLUTION NO. 2023-001

A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE TO INITIATE AN AMENDMENT TO THE ZONING CODE (TITLE 23 OF THE PACIFIC GROVE MUNICIPAL CODE) RELATED TO HOTEL PARKING STANDARDS

WHEREAS, Section 23.84.010 of the Pacific Grove Municipal Code (PGMC) provides that the Planning Commission by initiate a legislative amendment to the general plan, zoning code, zoning map, the local coastal program, specific plans, or other amendments whenever required by public necessity and general welfare; and

WHEREAS, Section 23.84.020 of the PGMC provides that the Planning Commission must adopt a Resolution of Intention to initiate a legislative amendment; and

WHEREAS, the Planning Commission desires to initiate an amendment to the Zoning Code to increase the off-street garage parking requirements for hotels to one space per hotel room; and

WHEREAS, the Planning Commission desires to have City staff support and City Attorney support in the preparation of the proposed legislative amendment and related documents.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of Pacific Grove does hereby:

1. Declare its intention to initiate a legislative amendment to the Zoning Code for the purpose of increasing the off-street garage parking requirements for hotels from one space for each four hotel rooms to one space for each hotel room.
2. Request the City Manager authorize City staff and the City Attorney's Office to assist the Planning Commission in the preparation of the proposed legislative amendment.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE this 14th day December 2023, by the following vote:

AYES: Chair Lilley, Vice Chair Murphy, Commissioners Sawyer, Kubica, Nodzenski, Fredrickson
NOES: None
ABSENT: Commissioner Davison

APPROVED:
DocuSigned by:
Steven Lilley
CD11E6F20E2340...
STEVEN LILLEY, Chair

ATTEST:

Secretary

RESOLUTION NO. 2024-001

A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE TO INITIATE AN AMENDMENT TO THE ZONING CODE (TITLE 23 OF THE PACIFIC GROVE MUNICIPAL CODE) RELATED TO STORY POLES

WHEREAS, Section 23.84.010 of the Pacific Grove Municipal Code (PGMC) provides that the Planning Commission by initiate a legislative amendment to the general plan, zoning code, zoning map, the local coastal program, specific plans, or other amendments whenever required by public necessity and general welfare; and

WHEREAS, Section 23.84.020 of the PGMC provides that the Planning Commission must adopt a Resolution of Intention to initiate a legislative amendment; and

WHEREAS, the Planning Commission desires to initiate an amendment to the Zoning Code to address requirements to install story poles for pending project applications; and

WHEREAS, the Planning Commission desires to have City staff support and City Attorney support in the preparation of the proposed legislative amendment and related documents.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of Pacific Grove does hereby:

1. Declare its intention to initiate a legislative amendment to the Zoning Code for the purpose of requiring story poles to be installed for pending project applications consistent with a proposed story pole policy also proposed by the Planning Commission.
2. Request City Council authorize the City Manager to direct City staff and the City Attorney's Office to assist the Planning Commission in the preparation of the proposed legislative amendment.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE this 11th day of January 2024, by the following vote:

AYES: Chair Lilley, Vice Chair Murphy, Commissioners Nodzinski, Fredrickson, Sawyer, and Kubica.
NOES: None
ABSENT: Commissioner Davison

APPROVED:

STEVEN LILLEY, Chair

ATTEST: _____
Secretary

RESOLUTION NO. 2024-002

A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE TO INITIATE AN AMENDMENT TO THE ZONING CODE (TITLE 23 OF THE PACIFIC GROVE MUNICIPAL CODE) FOR THE PURPOSES OF CLARIFYING VARIOUS EXISTING PROVISIONS

WHEREAS, Section 23.84.010 of the Pacific Grove Municipal Code (PGMC) provides that the Planning Commission by initiate a legislative amendment to the general plan, zoning code, zoning map, the local coastal program, specific plans, or other amendments whenever required by public necessity and general welfare; and

WHEREAS, Section 23.84.020 of the PGMC provides that the Planning Commission must adopt a Resolution of Intention to initiate a legislative amendment; and

WHEREAS, the Planning Commission desires to initiate an amendment to the Zoning Code to clarify various provisions of the Zoning Code; and

WHEREAS, the Planning Commission desires to have City staff support and City Attorney support in the preparation of the proposed legislative amendment and related documents.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of Pacific Grove does hereby:

1. Declare its intention to initiate a legislative amendment to the Zoning Code for the purpose of clarifying various provisions of the Zoning Code.
2. Request City Council authorize the City Manager to direct City staff and the City Attorney's Office to assist the Planning Commission in the preparation of the proposed legislative amendment.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE this 11th day January 2024, by the following vote:

AYES: Chair Lilley, Vice Chair Murphy, Commissioners Nodzinski, Fredrickson, Sawyer, and Kubica.
NOES: None
ABSENT: Commissioner Davison

APPROVED:

STEVEN LILLEY, Chair

ATTEST:

Secretary

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION
FROM:	Steven Lilley, Planning Commission Chair
MEETING DATE:	12/14/2023
SUBJECT:	Adoption of a Resolution of Intention to Amend Chapter 23.64.190(d) of the Pacific Grove Municipal Code (PGMC) related to Hotel Parking.
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

It is recommended that the Planning Commission (PC) consider 1) confirming a motion adopted on December 8, 2022, recommending changes to the municipal code related to hotel parking; 2) adopting the attached Resolution of Intention (RoI); and 3) requesting that the City manager authorize staff and legal resources necessary to assist the PC in preparing the final proposed legislative amendment for Council consideration.

DISCUSSION

Procedure for Legislative Amendments

Chapter 23.84 PGMC sets forth the procedure for legislative amendments to the general plan, Chapter 23 of the PGMC, the zoning map, the local coastal program, specific plans, or other amendments. PGMC 23.84.020 authorizes the PC to initiate amendments through a Resolution of Intention (RoI). Following adoption of the RoI and drafting of the proposed amendment and findings required under PGMC 23.84.060, the PC then holds a noticed public hearing on the proposed amendment and whether to recommend to the Council adoption of the amendment. The amendment and the Commission's recommendation are then forwarded to the Council who shall approve, approve in modified form, or disapprove the proposed amendment based upon the findings in PGMC 23.84.060. For zoning code amendments, these findings require that the a) proposed amendment is consistent with the general plan and local coastal plan; b) the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city; and c) there is internal consistency with other applicable provisions of the code regulations.

In general, planning and legal staff support is recommended to assist the PC in preparation of the proposed legislative amendments. In particular, the City Attorney plays a crucial role in assisting in the drafting of all ordinances, including zoning amendments. Legal oversight and review of the proposed amendments ensures that proposed zoning amendments do not conflict with the City Code, State Constitution, and laws of California and the United States; appropriate findings are made;

internal code consistency is achieved; and that appropriate noticing and public hearings are conducted. Further, the attorney confirms that the appropriate level of environmental review is determined and that CEQA compliance is achieved.

Depending on the complexity and/or number of proposed amendments by the PC, it is important to confirm that there are budgeted funds and adequate staff resources available to support the work of the PC. The City's Boards, Committees, and Commissions Handbook provides that staff may accept assignments from a Committee given City management or Department Head concurrence. Accordingly, it is recommended that the PC forward a request to City Manager, concurrent with the RoI for each proposed amendment, requesting legal and staff resources necessary to finalize and process the amendment proposed to be considered by the City Council.

Prior Consideration of this matter by the PC

At two previous meetings in 2022, a member of the community proposed that the Planning Commission consider recommending to the City Council an amendment to PGMC Chapter 23.64.190 regarding hotel parking. That amendment would require not less than one garage space for each guest room in any hotel.

Chapter 23.64.190 Off-Street Parking and Storage addresses space for the parking of automobiles off the street in any district. Chapter 23.64.190(d) provides that "Not less than one garage space for each four guest rooms in any hotel and not less than one parking space for each unit in a motel." Other subsections of Chapter 23.64.190 merit mention. Chapter 23.64.190(g) stipulates, "Parking space required for other uses allowed in any district and not set forth above shall be determined by the planning commission and set forth as a condition to the granting of the use permit for such use."

On December 8, 2022, after consideration of this matter, the Planning Commission passed a motion, "to direct staff to prepare a resolution of intention to initiate an amendment to the PGMC consistent with the Commission's direction."

At the November 9, 2023, Planning Commission meeting, staff stated that legal review would be requested by Thanksgiving (November 23). On November 12, 2023, with subsequent confirmation on December 2, 2023, Chair Lilley requested staff place the Hotel Parking Requirements matter the December 14, 2023, agenda, so that the Planning Commission could review the matter and determine how best to proceed. Accordingly, it is recommended that the Planning Commission (PC) consider 1) confirming a motion adopted on December 8, 2022, recommending changes to the municipal code related to hotel parking; 2) adopting the attached Resolution of Intention (RoI); and 3) requesting that the City manager authorize staff and legal resources necessary to assist the commission prepare the final proposed legislative amendment for Council consideration.

Tourism is a leading industry for Monterey Peninsula communities, including Pacific Grove. With the COVID-19 State of Emergency behind us, people are traveling again and utilizing services and facilities here. A new downtown hotel is under construction and a second one has been approved by the City Council. This will result in increased traffic and parking needs in the community.

The Planning Commission has expressed an interest in considering whether to recommend an increase in the ratio of garage parking spaces to guest rooms in future hotel development, in order to minimize parking impacts on nearby neighborhoods. Currently, three neighboring cities, Carmel, Monterey, and Marina already have ordinances that require one parking space for each hotel guest room. Typically, hotels in those areas have parking facilities on site or nearby.

There is the point of view that hotel parking need not be at a ratio of one garage parking space to one guest room, because some guests ride by Uber or Lyft to the hotel. However, no one has provided a study of the frequency of such ride volume to any overnight facility in Pacific Grove.

Some also may point out that the ratio of one garage space to one guest room ignores additional parking needs for hotel staff, on-site restaurant use, or convention meeting facilities attendance. Again, Chapter 23.64.190(g), gives the Planning Commission the flexibility and authority to require parking spaces for other uses when not set forth in the municipal code and as a condition for the granting of use permits.

Therefore, this proposal changes two words in the first sentence of Chapter 23.64.190(d). It would read, "Not less than one garage space for each guest room in any hotel and not less than one parking space for each unit in a motel." (See Attached Amendment to Chapter 23.64.190 PGMC). Note that this proposal ensures that requirements for motel parking remain unchanged, as would provisions of Chapter 23.64.190(g) and 23.64.190(i). In addition, no project approved before the date of adoption of this proposed amendment by the City Council would be subject to the ordinance change.

The Planning Commission's adopted motion requesting a resolution of intention one year ago would have advised the City Council that a proposed ordinance change was coming. Therefore, it is recommended that to mitigate further delay in this process, the PC should move forward with the recommended action.

Attachments

Draft Amendments Hotel Parking

RoI Hotel Parking

ATTACHED AMENDMENT TO CHAPTER 23.64.190 PACIFIC GROVE MUNICIPAL CODE (PGMC):

Chapter 23.64.190 PGMC is annotated with a change removing the word "four" before the word "guest" and the letter "s" at end of word "room" on the first line of Chapter 23.64.190(d). The word and letter to be removed are shown in bold red with strikethrough on the following page.

ATTACHED AMENDMENT
CHAPTER 23.64.190 PGMC WITH ANNOTATED CHANGE TO 23.64.190(d)

23.64.190 Off-street parking, storage.

Storage or parking space for the parking of automobiles off the street shall be provided in any district as follows:

(a) Not less than two garage or carport spaces for each single-family dwelling; provided, however, in cases of single-family dwellings on lots of 5,000 square feet or less, on which the living space floor area is 1,000 square feet or less, and in which there are less than three bedrooms, one garage or carport shall be required and tandem parking shall be allowed;

(b) For each family unit in a duplex, apartment house or dwelling group, parking spaces may be tandem and shall be provided as follows:
  (1) One and one-half spaces for each unit having less than two bedrooms; and
  (2) Two spaces for all other units;
  (3) One space for each unit shall be in a garage or carport;

(c) Not less than one garage space for each two guest rooms in any rooming house;

(d) Not less than one garage space for each ~~**four**~~ guest room~~**s**~~ in any hotel and not less than one parking space for each unit in a motel. The planning commission may require additional parking at a ratio of one space for each 50 square feet of accessory dining area within the R-3-M district;

(e) Not less than one parking space for each 300 square feet of floor area in each professional office building permitted, except that for office buildings located in areas assessed for the payment of off-street parking lots, parking spaces shall not be required as set forth in subsection (g) of this section;

(f) Not less than one parking space for each six seats provided for visitors to churches, community centers, social halls, lodges, and clubs and not less than one parking space for each six beds and one parking space for each employee on the shift with the maximum number of employees in any rest home, nursing home, convalescent home or hospital;

(g) Parking space required for other uses allowed in any district and not set forth above shall be determined by the planning commission and set forth as a condition to the granting of the use permit for such use;

(h) The review authority shall be authorized to approve compact parking spaces under the following conditions:
  (1) Where a minimum of eight standard spaces are provided for commercial or industrial parking lots, 50 percent of parking in excess of the eight may be compact size; and
  (2) Fifty percent of the parking provided in excess of that required for any R district use may be compact size;

(i) Low Vehicle Ownership Reduced Parking Requirement. For uses that serve tenants with low vehicle ownership rates, like special needs housing facilities, and that can demonstrate a reduced parking need, the review authority may allow for a reduction in parking spaces;

(j) Shared parking may be permitted.

[Ord. 21-008 §4, 2021; Ord. 13-003 §18, 2013; Ord. 1715 N.S. §§1, 2, 1990; Ord. 1332 N.S. §1, 1983; Ord. 1194 N.S. §1, 1980; Ord. 1065 N.S. §12, 1979; Ord. 975 N.S. §1, 1977; Ord. 720 N.S. §7, 1972; Ord. 593 N.S., 1968; Ord. 459 N.S., 1964; Ord. 382 N.S., 1962; Ord. 210 N.S. §11-141(e), 1952].

RESOLUTION NO. 2023-_____

A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE TO INITIATE AN AMENDMENT TO THE ZONING CODE (TITLE 23 OF THE PACIFIC GROVE MUNICIPAL CODE) RELATED TO HOTEL PARKING STANDARDS

WHEREAS, Section 23.84.010 of the Pacific Grove Municipal Code (PGMC) provides that the Planning Commission by initiate a legislative amendment to the general plan, zoning code, zoning map, the local coastal program, specific plans, or other amendments whenever required by public necessity and general welfare; and

WHEREAS, Section 23.84.020 of the PGMC provides that the Planning Commission must adopt a Resolution of Intention to initiate a legislative amendment; and

WHEREAS, the Planning Commission desires to initiate an amendment to the Zoning Code to increase the off-street garage parking requirements for hotels to one space per hotel room; and

WHEREAS, the Planning Commission desires to have City staff support and City Attorney support in the preparation of the proposed legislative amendment and related documents.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of Pacific Grove does hereby:

1. Declare its intention to initiate a legislative amendment to the Zoning Code for the purpose of increasing the off-street garage parking requirements for hotels from one space for each four hotel rooms to one space for each hotel room.
2. Request the City Manager authorize City staff and the City Attorney's Office to assist the Planning Commission in the preparation of the proposed legislative amendment.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE this 14th day December 2023, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

APPROVED:

_____
STEVEN LILLEY, Chair

ATTEST:

_____
Secretary

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION
FROM:	Steven Lilley, Planning Commission Chair
MEETING DATE:	12/14/2023
SUBJECT:	Adoption of a Resolution of Intention to Amend Selected Provisions of Chapter 23 of the Pacific Grove Municipal Code (PGMC) to clarify selected code provisions.
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

It is recommended that the Planning Commission (PC) consider Adoption of a Resolution of Intention to Amend Selected Provisions of Chapter 23 of the Pacific Grove Municipal Code (PGMC) to clarify selected code provisions and requesting that the City manager authorize staff and legal resources necessary to assist the PC in preparing the final proposed legislative amendments for Council consideration.

DISCUSSION

Procedure for Legislative Amendments

Chapter 23.84 PGMC sets forth the procedure for legislative amendments to the general plan, Chapter 23 of the PGMC, the zoning map, the local coastal program, specific plans, or other amendments. PGMC 23.84.020 authorizes the PC to initiate amendments through a Resolution of Intention (RoI). Following adoption of the RoI and drafting of the proposed amendment and findings required under PGMC 23.84.060, the PC then holds a noticed public hearing on the proposed amendment and whether to recommend to the Council adoption of the amendment. The amendment and the Commission's recommendation are then forwarded to the Council who shall approve, approve in modified form, or disapprove the proposed amendment based upon the findings in PGMC 23.84.060. For zoning code amendments, these findings require that the a) proposed amendment is consistent with the general plan and local coastal plan; b) the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city; and c) there is internal consistency with other applicable provisions of the code regulations.

In general, planning and legal staff support is recommended to assist the PC in preparation of the proposed legislative amendments. In particular, the City Attorney plays a crucial role in assisting in the drafting of all ordinances, including zoning amendments. Legal oversight and review of the proposed amendments ensures that proposed zoning amendments do not conflict with the City Code, State Constitution, and laws of California and the United States; appropriate findings are made;

internal code consistency is achieved; and that appropriate noticing and public hearings are conducted. Further, the attorney confirms that the appropriate level of environmental review is determined and that CEQA compliance is achieved.

Depending on the complexity and/or number of proposed amendments by the PC, it is important to confirm that there are budgeted funds and adequate staff resources available to support the work of the PC. The City's Boards, Committees, and Commissions Handbook provides that staff may accept assignments from a Committee given City management or Department Head concurrence. Accordingly, it is recommended that the PC forward a request to City Manager, concurrent with the RoI for each proposed amendment, requesting legal and staff resources necessary to finalize and process the amendment proposed to be considered by the City Council.

Prior Consideration of this matter by the PC

On August 12, 2021, the Planning Commission established a Policy and Ordinance Subcommittee to review and propose revised ordinances and policies for recommendation to the Commission and subsequent action by the City Council. Initially, two commissioners volunteered to serve on the subcommittee. Subsequently, Commissioners Sawyer (chair), Murphy, and Aeschliman completed subcommittee work.

The subcommittee primarily focused on revisions of definitions in Chapter 23 PGMC, as requested by staff. The subcommittee selected items from a list of some 47 different subject areas provided by the Community Development Department (CDD) director and the Planning Commission chair. The subcommittee, which met multiple times, reviewed concepts and issues with staff on an ongoing basis.

On December 8, 2022, the subcommittee presented its recommendations to the Planning Commission. At that meeting, a motion passed, "to direct staff to prepare a draft ordinance for Commission consideration." To date, that draft ordinance has not been prepared, as staff requested that a legal review be completed.

At the November 9, 2023, Planning Commission meeting, staff stated that legal review would be requested by Thanksgiving (November 23). Initially, on November 12, 2023, with subsequent confirmation on December 2, 2023, Chair Lilley requested that staff place the Chapter 23 Amendments on the December 14, 2023, agenda, so that the Planning Commission could review the matter and determine how best to proceed. Therefore, it is recommended that to mitigate further delay in this process the PC should move forward with the recommended action.

Attachments

RoI Various Zoning Amendments

Draft Amendments Title 23

RESOLUTION NO. 2023-_____

A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE TO INITIATE AN AMENDMENT TO THE ZONING CODE (TITLE 23 OF THE PACIFIC GROVE MUNICIPAL CODE) FOR THE PURPOSES OF CLARIFYING VARIOUS EXISTING PROVISIONS

WHEREAS, Section 23.84.010 of the Pacific Grove Municipal Code (PGMC) provides that the Planning Commission by initiate a legislative amendment to the general plan, zoning code, zoning map, the local coastal program, specific plans, or other amendments whenever required by public necessity and general welfare; and

WHEREAS, Section 23.84.020 of the PGMC provides that the Planning Commission must adopt a Resolution of Intention to initiate a legislative amendment; and

WHEREAS, the Planning Commission desires to initiate an amendment to the Zoning Code to clarify various provisions of the Zoning Code; and

WHEREAS, the Planning Commission desires to have City staff support and City Attorney support in the preparation of the proposed legislative amendment and related documents.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of Pacific Grove does hereby:

1. Declare its intention to initiate a legislative amendment to the Zoning Code for the purpose of clarifying various provisions of the Zoning Code.
2. Request the City Manager authorize City staff and the City Attorney's Office to assist the Planning Commission in the preparation of the proposed legislative amendment.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE this 14th day December 2023, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

APPROVED:

_____
STEVEN LILLEY, Chair

ATTEST:

_____
Secretary

Planning Commission Policy and Ordinance Subcommittee Municipal Code Change/Additions Recommendations Nov. 10, 2022

Key

BOLD = new language for PGMC Title 23

~~Strikethrough~~ = language to be removed from PGMC Title 23

23.04.040(a) Interpretations

Authority. The chief planner has the authority to interpret any provision of these regulations. Whenever the chief planner determines that the meaning or applicability of any requirement of these zoning regulations is subject to interpretation, the chief planner may issue an official interpretation. The planning commission shall be notified of such official interpretations. ~~The city manager may make exceptions to these regulations, with planning commission notification, where a substantial hardship or other unusual condition warrants.~~

23.08.020 Definitions

"**Antiques**" **means objects that have an enhanced value because of their considerable age, collectability, attention to design and are generally more than one hundred years old.**

"Appurtenance" means A non-structural portion of a roof system (includes heating and air conditioning equipment), elevator shaft housings, stair towers, other electrical mechanical building systems, chimneys, solar energy panels, railings, trellises, signs, antennas.

'Architectural Features' means Features that do not add floor area to a building but add architecturally to the design of the building or meet functional requirements: Open porch, chimneys, mechanical equipment, elevator shaft housings, stair towers, parapets, wooden awnings, smoke and ventilation stacks, flag poles. These features may encroach on required setbacks and height limits PGMC 23.20.70(d)

"Attached" means a structure connected to another structure by a common wall or roof.

"Benefit/thrift" means Nonprofit business or organization specializing in the sale of previously owned goods.

"Court" means an open, uncovered, unobstructed space on the same lot as a building.

"Detached" means a structure that does not share a wall or roof with another structure, not joined to another structure.

"Fence" means ~~any vertical structure, not integral to any building, used as a barrier to define boundaries, to prevent the passage of people and animals, and/or screen off or enclose a portion of property, not including structures, or portions of structures, designed to support a roof, awning, or other horizontal structure, such as the wall of a building. Wing walls or other extensions of a building wall that do not support the building shall be included in the definition of a fence for purposes of this title.~~ A barrier for the purpose of enclosing space or separating lots, composed of masonry, concrete walls, wood, metal, or concrete posts connected by boards, rails, panels, wire, or mesh, and excluding retaining walls. Height limit as established by PGMC 23.64.130. Chain link fences not allowed except with use permit PGMC 23.64.135(b).

"Grade" means

(1) "Existing Grade" means the surface of the ground as it exists prior to disturbance, **established by a survey,** in preparation for a project regulated by the Pacific Grove Municipal Code.

(2) "Natural grade" ~~means the elevation of the ground in its natural state, before grading, excavation, or filling.~~ See 23.08(G)(1)

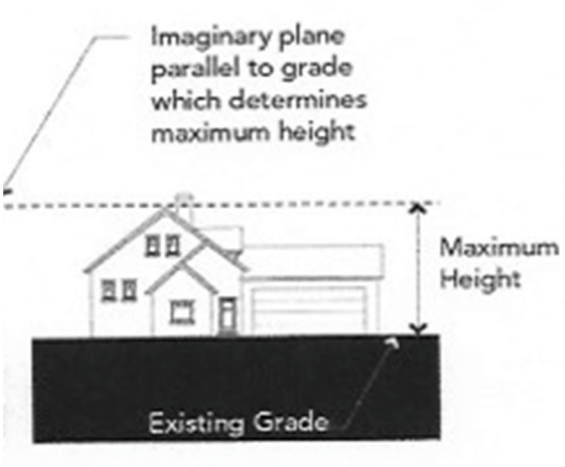
(3) "Finished grade" means the final elevation of the ground level after grading, excavation, or filling along the perimeter of the building and may include the entire site.

"Height" means ~~the vertical distance from any point on the top of a structure to a line connecting grades on opposite sides of a structure's exterior. If finished, natural, or existing grades are different at the structure's exterior, the lowest of these is used in applying this definition~~. the vertical distance measured from the top most portion of a structure (roof, ridge, or parapet wall) excluding appurtenances, to a line connecting legally established existing grades on opposite sides of a structure's exterior.

"Height limit " means the measured vertical distance from the legally established existing grade of the site to a parallel plane determined by the maximum allowable height above the legal existing grade

(See following diagram.)

Change Diagram notation to: Plane parallel to legally established grade which determines maximum height



23.08.020(R) Definitions

"Retail, general" means a retail business selling merchandise directly to the end consumer. Examples of these stores and lines of merchandise include:

Apparel and accessories	Food and grocery, including convenience markets with accessory catering for consumption off-premises, produce markets, delicatessens, bakeries, candy shops, and cheese shops
Antiques	Furniture, including home and office furniture, **jewelry, art**

"Setback" means the distance between any structure and property line, street or alley, right-of-way line, easement, building, or mean high tide line.

(1) "Front setback" means a space measured from the edge of a private or public road right-of-way or front property line to nearest point of a structure.

(2) "Side setback" means a space measured between the side property line of a lot and the nearest line of structure.

(3) "Rear setback" means a space measured between the rear property line of a lot and the nearest point of a structure.

"Vintage/Collectibles" means items that are from an earlier age, generally more than twenty years old and less than one hundred years old, that are collected and considered to have value.

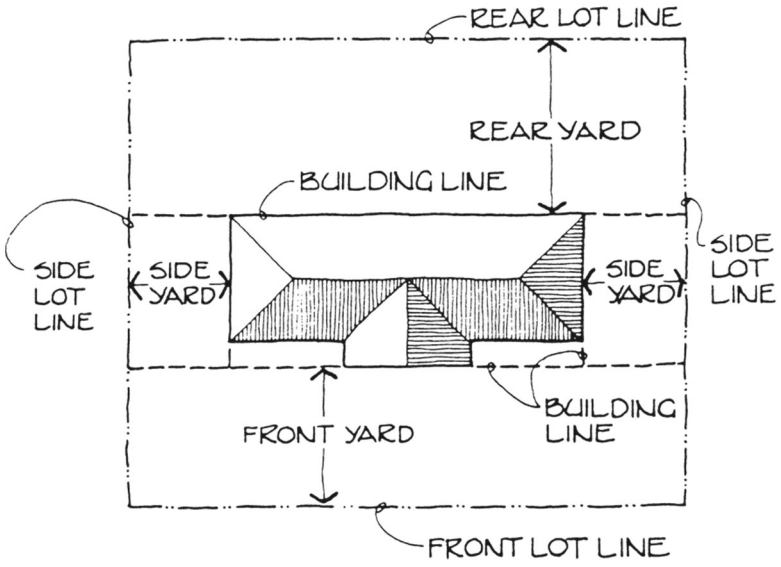
"Yard" means an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise permitted in PGMC 23.64.150 to 23.64.180, inclusive. [Ord. 21-008 § 2, 2021; Ord. 20-001 § 2 (Exh. A), 2020; Ord. 16-005 § 3, 2016; Ord. 13-008 § 2, 2013; Ord. 13-003 § 5, 2013].

(1) "Front Yard" means an area extending across full width of the lot between the front lot line and primary structure.

(2) "Rear Yard" means an area extending the full width of the lot between the rear lot line and the primary structure.

(3) "Side Yard" means an area between side lot line and the primary structure extending between the front and rear yards.

Diagram for further descriptions of yard.



23.16.060 ~~Yards~~ Yard Setbacks required – Garage openings – Architectural feature projections.

(a) Front Yards. Minimum of 15 feet.

(b)(1) Side Yards for Interior Sites. **Each side yard shall be** ten percent of site width, with minimum of three feet and maximum required 10 feet. Exception: **with administrative approval** ~~the total of side yards may be 20 percent of site width with a minimum three feet required on each side; maximum required on each side is 10 feet.~~ **side yard setbacks may be averaged to total 20% of site width with a minimum three feet on one side.**

(2)**Exception** ~~Side Yards for~~ Corner Sites. The side yard setback abutting the street shall be 20 percent of site width, but need not exceed 10 feet. **With administrative approval interior side yard coverage may be reduced with a minimum three feet required.**

23.20.70 ~~Yards~~ Yard Setbacks required - Garage openings - Architectural Feature projections

(b) (2) Side Yard setbacks for corner sites~~. Ten percent of site width, with a minimum of three feet and maximum required 10 feet; provided, the~~ **except, a** ~~side yard abutting the street shall be 20 percent of the site width, but need not exceed 10 feet~~. **Refer to 23.16.060(b)(2)**

(c) Rear Yard setbacks. ~~Minimum of 10 feet; provided, that~~ **except**~~, a rear yard fronting on a street shall be a minimum of 15 feet.~~ **Refer to 23.16.060(b)(1)**

23.34.020 Numerical and size limitations established.

Table 23.34.020 lists the numerical and size limitations for certain restricted uses consistent with the land use regulations for zoning districts in the city in which they may be located and the purposes of the chapter.

Table 23.34.020: Limitations on Restricted Commercial Uses

Use	Limit on the Number Allowed	Other Limitations	Type of Permit Required
Benefit~~/resale~~/consignment	12 in total and only 2 permitted on Lighthouse Avenue	Uses may be located on an upper floor in the (C-D)(C-1-T) downtown commercial zones	Occupancy permit business license
Reserved			
Reserved			

23.56.015 R-H District: Special regulations

Except as specifically provided by this section, R-1 requirements shall apply in the R-H district.

~~(b) Roof Pitch. No portion of a roof above 18 feet shall have a pitch less than 3:12.~~

~~(c)~~ **(b)** Building Coverage. Maximum building coverage is 40 percent for one story or for buildings up to 16 feet high, and 35 percent for two stories or for buildings over 16 feet high.

~~(d)~~ **(c)** Site Coverage. Maximum site coverage on all sites is 60 percent.

~~(e)~~ **(d)** Side Yards. For new single-family dwellings constructed after May 17, 1991 (effective date of the ordinance codified in this chapter) side yards shall be 10 percent of lot width but need not exceed 10 feet; provided, however, on corner lots, the side yard abutting the street shall be 20 percent of the width of the lot, but need not exceed 15 feet.

23.64.130 Height limits – Fences, hedges or other visual obstructions

(d) Exceptions Pertaining to Deer Fencing. The purpose of this subsection is to allow for protection of property from deer.

(1) Deer fencing may be permitted up to six feet in height along the front property line ~~to the front of any~~**.** ~~dwelling if an administrative use permit is first obtained~~.

(2) The following materials, or materials of similar aesthetics and durability, shall be used: two-inch by four-inch or four-inch by four-inch galvanized metal wire, with wrapped (not welded) joints for durability, in black, green or metallic finishes, or transparent or semi-transparent aviary mesh screen, in black or green.

(3) Deer fencing may be constructed with wood, metal, or fiberglass posts or attached at the top of an existing, and otherwise conforming, fence.

~~(c) Exceptions Pertaining to Fences on Retaining Walls.~~ **Fences with elevation changes at property line.**

(1) **For elevation changes at property line, a fence shall be measured from grade level and shall meet requirements set forth in 23.64.130(a) Fences**

~~(1) For retaining walls located on a property line, a fence constructed on top of the wall shall be measured from the grade level on the higher side, as shown in Figure 3, with a combined height limited to four feet in height forward of the front yard setback line along the property lines, and six feet in height to the rear of the front yard setback along the property lines. From the lower side, the combined height shall be limited to six feet in height forward of the front yard setback line along the property lines and eight feet in height to the rear of the front yard setback along the property lines.~~

~~(2) For retaining walls located entirely on a single property, a fence constructed on top of a retaining wall shall be measured from the grade level of the same property, with a combined height limited to four feet in height forward of the front yard setback line and six feet in height to the rear of the front yard setback.~~

~~(3)~~ (2) If a fence is on one property and the retaining wall on the abutting property, regardless of the retaining wall height, and as measured from the grade level on the property where the fence is located, the maximum fence height is limited to four feet in height forward of the front yard setback line and six feet in height to the rear of the front yard setback, as measured from the grade level of the property upon which the fence is located.

23.64.135 (b) Prohibited Fences

(a) Prohibition. It is unlawful for any person to erect or maintain a fence constructed completely or in part of any of the following: wires carrying an electric current of greater than 0.006 amperes (six milliamperes), razor ribbon, barbed wire, wooden fence spikes,

broken glass, protruding nails or spikes or any other like or similar material or device designed to cause trauma when touched. ~~While not prohibited,~~ Chain link fences are ~~discouraged for aesthetic reasons~~ **prohibited.**

(b) Exceptions. Fences constructed of materials described in subsection (a) of this section shall be allowed subject to first obtaining a use permit in the following cases: fences bordering public utility facilities or facilities in the C-2 and I districts**.** ~~and fences in residential districts designed to protect private property.~~

23.70.012-1 Types of Review, Application and Roles of Review Authorities

Historic Resources Committee: For the following applications:							
Historic determination (PGMC 23.70.070, 23.76.030)					Decision	Appeal	Appeal
Architectural permit for major alteration – on HRI (PGMC 23.70.070)					Decision	Appeal	Appeal
Historic preservation permit (PGMC 23.70.070, 23.76.060)					Decision	Appeal	Appeal
Historic demolition permit (PGMC 23.70.070, 23.76.090)					Decision	Appeal	Appeal
Historic relocation permit – off-site (PGMC 23.70.070, 23.76.100)					Decision	Appeal	Appeal
Initial historic screening (PGMC 23.70.070)	~~Decision~~				~~Recommend~~ **Decision**	**Appeal~~l~~**	**Appeal**

23.70.070 Historic Resources Committee

(c) Applicability

(2) Recommending Authority. As summarized in Table 23.70.012-1, the historic resources committee is the ~~recommending~~ authority for initial historic screening requests. The committee shall make a ~~recommendation to the director~~ **decision** as to whether a determination of ineligibility can be made or if a Phase 1 historic assessment is needed to determine the historicity of a structure. **Phase I and Phase II historic assessments are reviewed by the Historic Resources Committee and are subject to 23.70.070 (e)(f).**

23.86.040 Notice of Hearing for Architectural Permits

Notice of public hearings for architectural permits, and for administrative architectural permits if a hearing is necessary, shall be given as required by this section and by any additional noticing procedures adopted by council resolution. Such additional noticing requirements are available in the community development department and address, among other items, the applicant's responsibilities to install story poles and netting.

(4) Timeline. The notice shall be mailed and posted no later than **10 days** ~~15 days following the submittal of a complete application to the department and seven days~~ before the scheduled date of the initial review by the architectural review board or zoning administrator, including conceptual review.

23.64.180 Accessory buildings and structures

Table 23.64.180 – Accessory Buildings and Structures – R Districts

	Category 1	Category 2	Category 3
Description	Detached nonhabitable structures that are 70 square feet or more in area (such as garages, carports, workshops, and gazebos)	Detached nonhabitable structures that are less than 70 square feet in area (such as storage, garden or utility sheds)	Portable or built-in hot tubs (including equipment)

Table 23.64.180 – Accessory Buildings and Structures – R Districts

	Category 1	Category 2	Category 3
Number Allowed in Each Category without UP/AP[1]	1	1	1
Additional Allowed in Each Category with UP/AUP[1]	120 sq. ft. or less: Additional structure(s) allowed subject to approval of an administrative use permit (AUP) Larger than 120 sq. ft.: Additional structure(s) allowed subject to approval of a use permit (UP)	Additional structure(s) allowed subject to approval of an administrative use permit (AUP)	Additional structure(s) allowed subject to approval of an administrative use permit (AUP)
Design Review Required	120 sq. ft. or less: No Larger than 120 sq. ft.: Yes, see PGMC 23.70.030(b)(2)(G) and 23.70.060(c)(3)	No	No
Counted in Floor Area and Building Coverage	120 sq. ft. or less: No Larger than 120 sq. ft.: Yes	No	No
Counted in Site Coverage	Yes	Yes	Yes
Use Permit Required for Plumbing	~~Yes~~ **No**	~~Yes~~ **No**	Yes

Table 23.64.180 – Accessory Buildings and Structures – R Districts

	Category 1	Category 2	Category 3
Building Separation	At least 3 1/2 feet from any dwelling or building on the same building site	Not required	Not required
Front Setback	As prescribed by the zoning district	As prescribed by the zoning district	As prescribed by the zoning district
Rear Setback	5 ft.	Over 6 ft. in height: 5 ft. 6 ft. or less in height: None required	Over 4 ft. in height: 5 ft. 4 ft. or less in height: None required
Side Setback	As prescribed by the zoning district	Over 6 ft. in height: As prescribed by the zoning district up to a maximum requirement of 5 ft. 6 ft. or less in height: None required	Over 4 ft. in height: As prescribed by the zoning district 4 ft. or less in height: None required
Height	15 ft. maximum	8 ft. maximum	Not regulated

23.70.020 Counter review and determination.

(a) Purpose. To comply with the zoning code, some specific projects require the chief planner or designee to verify facts or make determinations regarding such zoning standards as floor area percentages or visual significance. A counter review and determination is used by the city to determine if such projects comply with the zoning code and may proceed without further community development permits.

(b) Applicability. The following project types must receive a determination by the chief planner or designee before proceeding without further community development permits. Exceptions: If a new use permit, variance, or historic preservation

permit is also required, see instead PGMC 23.70.030 (Staff approvals), PGMC 23.70.040 (Zoning administrator), PGMC 23.70.060(Architectural review board), or PGMC 23.70.080 (Planning commission). If an administrative use permit or administrative variance is required, any of the projects listed under subsections (b)(1), (3), (4), (5) and (6) of this section, if located outside of the coastal zone, shall also require an administrative architectural permit, which shall be processed concurrently, pursuant to PGMC 23.70.030 (Staff approvals). If located within the coastal zone, an architectural permit shall be required for projects listed under subsections (b)(1)(A), (C) and (D), (b)(2)(F), and (b)(3)(A) and (C) of this section, pursuant to PGMC 23.70.060 (Architectural review board).

(1) For nonhistoric properties (buildings determined by the city to be ineligible for the historic resources inventory (HRI), or less than 50 years of age):

(A) In the R-1 zoning districts outside of the coastal zone:

(i) An exterior addition to a single-family home where the addition is less than 25 percent of existing floor area and does not enlarge or create a second story. Visual significance is not a factor;

(ii) Exterior modifications and additions to a single-family home, duplex or triplex, that are 25 percent or more of existing floor area and do not enlarge or create a second story, and that the chief planner determines to be “visually insignificant” as viewed from the adjacent street(s); and

(iii) Any new impervious surfaces.

(B) In the R-1 zoning districts, both within and outside the coastal zone:

(i) Replacement of chimneys, siding, doors, porches, decks, or other exterior feature(s) on a single-family home, duplex or triplex, if the replacement materials and design are either in-kind or matching the existing or original materials and

design, such that the change is determined by the chief planner to be "visually insignificant" as viewed from the adjacent street(s);

(ii) Replacement of windows (including change in window location of up to 12 inches from existing location) on a single-family home, duplex or triplex, if the replacement materials are either in-kind, matching or are considered an upgrade of the existing or original materials, which would meet the definition of "visually insignificant," pursuant to the Window Guidelines, Appendix IV of the Pacific Grove Architectural Review Guidelines; and

(iii) Roof material change and/or roof pitch change, such that the change is determined by the chief planner to be "visually insignificant" as viewed from the adjacent street(s) or is considered appropriate to the architectural style of the structure.

(C) In all other residential zoning districts outside of the coastal zone, exterior modifications or an exterior addition to a single-family home, duplex or triplex where the addition is less than 400 square feet or 10 percent of existing floor area, whichever is less, and where the alterations and/or addition is determined to be "visually insignificant" as viewed from the adjacent street(s) and does not enlarge or create a second story.

(D) In all other residential zoning districts outside of the coastal zone, any new impervious surfaces.

(E) In all residential zoning districts outside of the coastal zone, deer fencing meeting the height limits of PGMC 23.64.130(d).

(F) In the C-D, C-FH, and C-V zoning districts, any exterior modifications that are 25 percent or less of a building's front façade and do not enlarge the building and if the replacement materials and design are determined by the director to be "visually insignificant" as viewed from the adjacent street(s).

23.70.030 Staff approvals.

(2) Administrative Architectural Permits (Not on HRI). Administrative architectural permits may be granted for the following structures and the following alterations to a building that has been determined by the city to be ineligible for the historic resources inventory, or is less than 50 years of age:

(A) In the R-1 zoning districts outside of the coastal zone, any exterior modifications or additions to a single-family home, duplex or triplex that are 25 percent or more of existing floor area and do not enlarge or create a second story, if the director determines that the exterior modifications and additions are "visually significant" as viewed from the adjacent street(s);

(B) In the R-1 zoning districts outside of the coastal zone, any of the following modifications to a single-family home, duplex or triplex:

(i) Replacement of chimneys, siding, doors, porches, decks, or other exterior feature(s), if the replacement materials and design are determined by the director to be "visually significant" as viewed from the adjacent street(s);

(ii) Replacement of windows (including change in window location of up to 12 inches from existing location), if the replacement materials meet the definition of "visually significant," pursuant to the Window Guidelines, Appendix IV of the Pacific Grove Architectural Review Guidelines; and

(iii) Roof material change and/or roof pitch change, such that the change is determined by the director to be "visually significant" as viewed from the adjacent street(s);

(C) In the C-D, C-FH, C-V zoning districts, any exterior modifications that are 25 percent or less of a building's front façade and do not enlarge the building and if the replacement materials and design are determined by the director to be "visually significant" as viewed from the adjacent street(s);

Page left blank intentionally

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

AGENDA REPORT

TO:	HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION
FROM:	Claudia Sawyer, Planning Commissioner
MEETING DATE:	12/14/2023
SUBJECT:	Adoption of a Resolution of Intention to Amend Chapter 23 of the Pacific Grove Municipal Code (PGMC) related to Story Poles.
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

It is recommended that the Planning Commission (PC) consider adopting the attached Resolution of Intention (RoI) and requesting that the City manager authorize staff and legal resources necessary to assist the PC in preparing the final proposed legislative amendment for Council consideration.

DISCUSSION

Procedure for Legislative Amendments

Chapter 23.84 PGMC sets forth the procedure for legislative amendments to the general plan, Chapter 23 of the PGMC, the zoning map, the local coastal program, specific plans, or other amendments. PGMC 23.84.020 authorizes the PC to initiate amendments through a Resolution of Intention (RoI). Following adoption of the RoI and drafting of the proposed amendment and findings required under PGMC 23.84.060, the PC then holds a noticed public hearing on the proposed amendment and whether to recommend to the Council adoption of the amendment. The amendment and the Commission's recommendation are then forwarded to the Council who shall approve, approve in modified form, or disapprove the proposed amendment based upon the findings in PGMC 23.84.060. For zoning code amendments, these findings require that the a) proposed amendment is consistent with the general plan and local coastal plan; b) the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city; and c) there is internal consistency with other applicable provisions of the code regulations.

In general, planning and legal staff support is recommended to assist the PC in preparation of the proposed legislative amendments. In particular, the City Attorney plays a crucial role in assisting in the drafting of all ordinances, including zoning amendments. Legal oversight and review of the proposed amendments ensures that proposed zoning amendments do not conflict with the City Code, State Constitution, and laws of California and the United States; appropriate findings are made; internal code consistency is achieved; and that appropriate noticing and public hearings are conducted. Further, the attorney confirms that the appropriate level of environmental review is determined and that CEQA

compliance is achieved.

Depending on the complexity and/or number of proposed amendments by the PC, it is important to confirm that there are budgeted funds and adequate staff resources available to support the work of the PC. The City's Boards, Committees, and Commissions Handbook provides that staff may accept assignments from a Committee given City management or Department Head concurrence. Accordingly, it is recommended that the PC forward a request to City Manager, concurrent with the RoI for each proposed amendment, requesting legal and staff resources necessary to finalize and process the amendment proposed to be considered by the City Council.

Prior Consideration of this matter by the PC

At the June 8, 2023 Planning Commission meeting a Story Pole subcommittee was created in response to questions and concerns, regarding Story Pole application in the City of Pacific Grove, voiced by members of the public. Three members of the Planning Commission volunteered to serve on the subcommittee; Commissioners Sawyer (chair), Kubica and Nodzenski.

The subcommittee reviewed City of Pacific Grove municipal codes, resolutions, policies and city Story Pole Advisory Committee memos regarding the use of story poles. The subcommittee also reviewed four local and ten other cities Story Pole municipal codes, policies or guidelines. The subcommittee investigated use of Story Pole exceptions and waivers, liability and certification letters, Story Pole alternatives, and project signage utilized in these municipalities. Five local architects were interviewed regarding the application and use of Story Poles.

The subcommittee met ten times and reported monthly to the Planning Commission. Concepts and issues were reviewed with staff several times. A draft policy and draft Municipal Code were developed.

The city appears to have no single procedure, guideline or municipal code pertaining to the use of Story Poles, but rather a collection of resolutions, requirements, handouts, memos, and two notations regarding Story Poles in Chapter 23 of the City's Municipal Code. The following examples illustrate the lack of a unified approach and clear guidelines for the public, applicants and staff to Story Poles in the City of Pacific Grove. It should be pointed out that 23.90.160(b)(1)(E) could be applied city wide.

1. Resolution No. 09-028 adopted by the City Council in July, 2009 approved procedures and requirements for mailing of legal notices, publishing and posting legal notices, story poles and netting. Attachment A of the Resolution, Section II Noticing and Netting Procedures for Architectural Approvals delineated Community Development Department responsibilities and Applicant responsibilities.

See attachment 1.

2. A slightly modified version of above Attachment A, Section II was adopted by Community Development Department as a handout entitled Applicant Requirements for Staking and Story Poles. This handout also includes Due dates for netting and submittal site plans which is not clearly explained and a netting sample depiction.

See attachment 2.

3. A memo dated Feb. 19, 2020 addressed to the members of the City Manager's Story Pole Advisory Committee noted the following determinations:

A. Story Poles should continue to be required for residential zoning districts with exceptions for unusual circumstances or safety concerns
B. Projects where story poles may pose safety concerns are delineated:

1. Multistory building without adequate space to brace poles
2. Projects with high voltage wire located nearby
3. Projects directly abutting the City's right of way, CDD Director should require photo illustration of project
4. Applicant should continue to be required to certify story poles are at correct height and accurately portray the proposed construction
5. Staking should not be codified
6. Requiring story poles for ADUs not recommended

The memo noted that the Committee's observations do not require a change to City's Staking Requirements.
See attachment 3.

4. Story Poles are noted twice in Chapter 23 of the City's Municipal Code:

A. **23.86.040 Notice of hearings for architectural permits**

The first paragraph notes "the applicant's responsibilities to install story poles and netting."

B. **23.90.160(b)(1)(E) Scenic resources**

This section refers to Site -Specific Visual Analysis which notes what should be included at a minimum to determine visual impacts.
"Any other information deemed necessary to determine the visual impact of the proposed project, including but limited to analysis of the heights of existing buildings within 150 feet of the proposed structure; story poles and netting showing proposed ridgelines; and visual simulations to help identify potential visual impacts".
See attachment 4 and 5.

The Draft Story Pole Policy and proposed Draft Municipal Code represent definitive delineation of Story Pole purpose, procedures, exceptions and exemptions. The public, applicants and staff are provided clear guidance in the application and installation of Story Poles.

Attachments

Reso 09-028
Handout Story Poles
Memo 2-19-20
PGMC 23.86.040
PGMC 23.90.160
Final SP Policy
ROI Story Poles

RESOLUTION NO. 09-028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AMENDING RESOLUTION NO. 6-023 ADOPTING PROCEDURES AND REQUIREMENTS FOR MAILING OF LEGAL NOTICES, PUBLISHING AND POSTING LEGAL NOTICES, STORY POLES AND NETTING

WHEREAS, on October 4, 2006, the City Council adopted Resolution 6-023, specifying procedures and requirements for mailing of legal notices, publishing and posting legal notices, story poles and netting; and

WHEREAS, based on the Planning Commission's review and the practicalities of implementing this resolution, the modifications to Resolution 6-023 clarify and improve the noticing procedures for all types of permits, including netting and story pole requirements for architectural approvals involving building additions or modifications to height and mass; and

WHEREAS, due to budget constraints, streamlining of noticing procedures and requirements are necessary to reduce the time and cost associated with planning permit review and approval; and

WHEREAS, the procedures and requirements for noticing for use permits, variances, or equivalent permits are consistent with California Planning and Zoning Laws, as defined by Government Code Sections 65090, 65091 and 65905;

WHEREAS, the procedures and requirements for noticing of Architectural Approvals are consistent with Municipal Code Section 23.73.050 and the City of Pacific Grove Architectural Review Guidelines for Single-Family Residences.

WHEREAS, the Planning Commission reviewed this resolution and recommends the Council adopt it as presented; and

WHEREAS, adoption of this resolution is not defined as a project under the California Environmental Quality Act (CEQA), as set forth in CEQA Guideline Section 15378(B)(5)), organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment;

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

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

SECTION 2. This council hereby adopts as City Policy the procedures specified in attachment "A," attached hereto and incorporated herein by reference, regarding mailing legal notices, publishing and posting legal notices, story poles and netting and projects for which story poles and netting are required.

ATTACHMENT #1

SECTION 3. The Chief Planner, and his/her designates, is directed to administer these new policies and ensure compliance for all projects where these policies are applicable.

SECTION 4. This resolution shall become effective immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS 15th day of July, 2009, by the following vote:

AYES: Council Members Bennett, Cohen, Garcia, Kampe, Lindsay, and Stilwell

NOES: None

ABSENT: Mayor Cort

APPROVED:

DANIEL E. CORT, Mayor

ATTEST:

JAMES L. BECKLENBERG, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney

Attachment A

I. PROCEDURES FOR NOTICING OF PUBLIC HEARINGS FOR VARIANCE, USE PERMIT, AND HISTORIC PRESERVATION PERMIT APPLICATIONS AND RELATED APPEALS

Community Development Department Responsibilities:

1. Use the Notice of Public Hearing format in Attachment C for posting on site as well as for mailing. The Notice of Public Hearing shall include the project's status under the California Environmental Quality Act.

   A. The onsite posting shall consist of the two following elements, each on a separate sheet of 11x17-inch bright yellow paper: 1) A copy of the Notice of Public Hearing and 2) The most affected elevation(s) of the project.

   B. The two sheets shall be laminated and secured side by side to a signboard by the Community Development Department.

   C. A signboard with the public notice and drawings of the project (if applicable) shall be posted on each street frontage of the subject site within three feet of the property line in a place that is visible from the street and sidewalk. The signboards and notice(s) must remain on site until the appeal period has closed, and shall not be removed except by Community Development Department staff.

2. Mailed notices shall be sent ten days in advance of the public hearing and mailed to owners and occupants within a 300 foot radius of the project site, except for projects in the Asilomar Dunes neighborhood, as delineated in the Land Use Plan of the Local Coastal Program, where the mailing radius shall be 350 feet.

3. For adoption of zoning amendments or projects that may impact residents throughout the City, additional forms of noticing may also be required, as determined by the Planning Commission.

4. Publish notices in the legal section of a newspaper of general circulation within the City of Pacific Grove at least ten days in advance of the public hearing at which an application will be considered. Consolidate items for the same meeting into one notice and include the City seal.

5. Post all vital information from the notices in agenda form on the City of Pacific Grove website. After the hearings, leave agendas on the website for no less than two years.

6. Post courtesy copies of notices and agendas at the Pacific Grove Public Library.

7. Post agendas on the exterior City Hall bulletin board.

8. Upon request, send courtesy notices and/or agendas by mail or e-mail at no cost to the recipient. Post this policy on the agenda section of the City of Pacific Grove website.

9. The subject property shall have a notice posted on site at least ten days in advance of the hearing.

10. Include the following in the submittal checklist for all applications: "Owners and applicants are encouraged to contact adjacent property owners and discuss the proposed project with them."

Applicant Responsibilities:

1. The applicant shall ensure the notice(s) are maintained in good condition until the appeal period is over.

2. For commercial or multi-family projects greater than 7,000 square feet, the Planning Commission may determine noticing may be required beyond the minimum mailing radius, prior to the application being deemed complete. Such additional noticing shall be at the expense of the applicant.

II. NOTICING AND NETTING PROCEDURES FOR ARCHITECTURAL APPROVALS

Community Development Department Responsibilities:

1. Notices of Architectural Review Board hearings shall be posted at the project site (as specified in Municipal Code Section 23.73.050) and mailed to the owners and occupants of adjacent properties and those directly across the street. The City is required to post notices at least seven days in advance of the hearing.

Applicant Responsibilities:

1. Story poles and netting are required for all projects involving building additions or modification of massing or height. They shall be installed and maintained by the applicant as follows:

   A. The proposed ridgelines and exterior wall lines of such projects shall be delineated with international orange netting supported by poles or other appropriate materials. Netting shall be a minimum of one foot in width.

   B. The netting and supports shall accurately reflect the extent of the proposed project as well as its position on the site. A pole and flag shall indicate the chimney height. New or modified architectural details such as windows, doors, or small gables need not be indicated by netting. Changes to exterior materials also are exempt.

   C. Story Poles and netting shall be in place at the time the public notice or notices are posted for "concept" architectural approval of building height and mass of a building addition or modification. Netting shall remain in place until all appeal and call-up periods have ended for the "concept" architectural approval. If substantial building mass or height changes are made to the project after

"concept" approval, new story poles and netting may be needed, as determined by the Chief Planner.

D. Story poles and netting shall not be required for "final" architectural approval.

E. Netting and its supports shall be kept in an accurate, well-maintained, and safe condition until the end of the appeal period, or as long as they remain in place.

F. If trees or branches are proposed for removal as part of a project, they shall have fluorescent pink or red flagging ribbon, with a minimum width of 1", tied around their most visible portion. This ribbon shall be in place by the time the notice or notices are posted and shall remain in place until the end of the appeal period.

G. It is the applicant/property owner's responsibility to ensure the accuracy of the staking and flagging of the proposed project. If staking and netting is found to be inaccurate in the field, the project may be continued to a future meeting date.

H. In rare cases where the size or position of a proposed project renders these story pole and netting procedures infeasible, applicants may seek relief and directions for effective alternatives from the Chief Planner. These alternatives may include broader mailings of public notices, a newspaper ad, photomontages, flagging, or a combination of the above or other methods.

I. EXCEPTIONS: Proposed netting procedures will not apply to projects deemed eligible for administrative approval by the Chief Planner or to projects that are exempt from discretionary review. Refer to Section 23.73.042 of the Pacific Grove Municipal Code for these exceptions.

ATTACHMENT #1

CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICANT REQUIREMENTS FOR PROJECT STAKING AND STORY POLES & IDENTIFICATION OF TREES OR BRANCHES PROPOSED FOR REMOVAL

Story poles and netting are required for all projects involving building additions or modification of massing or height. They shall be installed and maintained by the applicant as follows:

A. The proposed ridgelines and exterior wall lines of such projects shall be delineated with international orange netting supported by poles or other appropriate materials. Netting shall be a minimum of one foot in width.

B. The netting and supports shall accurately reflect the extent of the proposed project as well as its position on the site. A pole and flag shall indicate the chimney height. New or modified architectural details such as windows, doors, or small gables need not be indicated by netting. Changes to exterior materials also are exempt.

C. Story Poles and netting shall be in place at the time the public notice or notices are posted for architectural approval. Netting shall remain in place until all appeal and call-up periods have ended.

D. Netting and its supports shall be kept in an accurate, well-maintained, and safe condition until the end of the appeal period, or as long as they remain in place.

E. If trees or branches are proposed for removal as part of a project, they shall have fluorescent pink or red flagging ribbon, with a minimum width of 1", tied around their most visible portion. This ribbon shall be in place by the time the notice or notices are posted and shall remain in place until the end of the appeal period.

F. It is the applicant/property owner's responsibility to ensure the accuracy of the staking and flagging of the proposed project. If staking and netting is found to be inaccurate in the field, the project may be continued to a future meeting date.

G. In rare cases where the size or position of a proposed project renders these story pole and netting procedures infeasible, applicants may seek relief and directions for effective alternatives from the CDD Director. These alternatives may include broader mailings of public notices, a newspaper ad, photomontages, flagging, or a combination of the above or other methods.

H. EXCEPTIONS: Proposed netting procedures will not apply to projects deemed eligible for administrative approval by the CDD Director or to projects that are exempt from discretionary review. Refer to Section 23.73.042 of the Pacific Grove Municipal Code for these exceptions.

Approved by City Council on July 15, 2009

ATTACHMENT #2

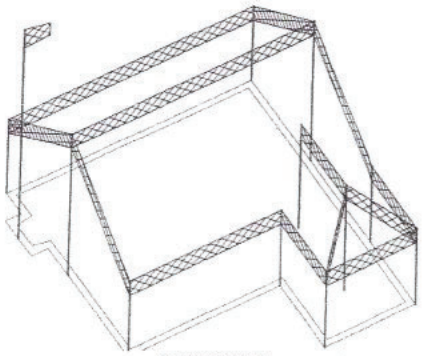
DUE DATES FOR NETTING AND SUBMITTAL OF SITE PLAN

PLANNING COMMISSION MEETINGS

Monday	Tuesday	Wednesday	Thursday	Friday
NETTING & PLAN DUE				
Monday	Tuesday	Wednesday	Thursday MEETING DAY	Friday

ARCHITECTURAL REVIEW BOARD MEETINGS

Monday	Tuesday	Wednesday	Thursday	Friday
				Netting and Plan Due for Historic Preservation Permit Projects
Monday Netting and Plan Due for Architectural Approval Projects	Tuesday	Wednesday	Thursday	Friday
Monday	Tuesday MEETING DAY	Wednesday	Thursday	Friday



NETTING SAMPLE

ATTACHMENT #2

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

TO: Members of the City Manager's Story Pole Advisory Committee:

- Michael Gunby, Architectural Review Board Member
- Terrence Cohen, Architectural Review Board Member
- Mark Travaille, Historic Resources Committee Member
- Steven Lilley, Planning Commission Member

FROM: Ben Harvey, City Manager
Laurel O'Halloran, Associate Planner

DATE: February 19, 2020

SUBJECT: Summary of review of the City's story pole and netting requirements/process

Thank you for your time and effort in reviewing and discussing the City of Pacific Grove's (City) story pole and netting requirements and process.

On July 15, 2009, the City Council approved applicant requirements for netting, staking and story poles for Architectural Permit (AP) projects involving building additions (see attached document - City of Pacific Grove Community Development Department Applicant Requirements for Project Staking and Story Poles). In 2019, the City Manager convened a committee (Committee) tasked with reviewing the story pole and netting requirements and process (Staking requirements) in response to questions received both from applicants and the public.

In August 2019, the Committee met, and following review of the City's existing Staking Requirements, made the following determinations:

1. Story poles and netting should continue to be required for residential zoning districts, with the exception of projects with unusual circumstances, or where story poles and netting pose safety concerns.

2. Projects where story poles and netting may pose safety concerns may include, but are not limited to the following:

    a) Multi-story buildings without adequate space to brace the poles;
    b) Projects with a high voltage wire located nearby; and
    c) Projects directly abutting the City's right-of-way.

Phone (831) 648-3106 ▪ Fax (831) 657-9361 ▪ www.cityofpacificgrove.org

ATTACHMENT #3

In instances such as these, and in lieu of story poles and netting, the Community Development Director should require a photo illustration of the project with proper context and shadow cast at a specific time of the day.

3. The Owner, or applicant or contractor, should continue to be required to certify the story poles and netting are at the correct height, and accurately portray the proposed construction. This certification may include a written document stating the height and netting posted on-site.

4. Staking Requirements should not be codified, but rather should remain as enforceable requirements, approved by the Council.

5. Requiring story poles for accessory dwelling units (ADU) is not recommended, as per state law, the City has no discretionary review over ADUs.

Next Steps:

The Committee's observations do not require changes to the City's Staking Requirements. No further action is needed.

Attachment

City of Pacific Grove Community Development Department Applicant Requirements for Project Staking and Story Poles & Identification of Trees or Branches Proposed for Removal

cc: Members of the City Council
Members of the Planning Commission
Members of the Architectural Review Board
Members of the Historic Resources Committee
Assistant City Attorney
Community Development Department

2

ATTACHMENT #3

23.86.040 Notice of hearings for architectural permits.

Notice of public hearings for architectural permits, and for administrative architectural permits if a hearing is necessary, shall be given as required by this section and by any additional noticing procedures adopted by council resolution. Such additional noticing requirements are available in the community development department and address, among other items, the applicant's responsibilities to install story poles and netting.

(a) Contents of Notice. The contents of the notice shall be as provided in PGMC 23.86.020(a).

(b) Method of Notice Distribution. A notice shall be given as follows:

(1) Mailed Notice. Mailed notice shall be provided to:

(A) Owners of all property abutting the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized county assessment roll, as updated from time to time; and

(B) Any person who has filed a written request for notice with the department and has paid the required fee for the notice.

(2) Posting. The department shall conspicuously post notice on the subject lot in a location that can be viewed from the nearest street. If the subject lot is a through lot, a notice shall be conspicuously posted adjacent to each street frontage in a location that can be viewed from the street.

(3) Timeline. The notice shall be mailed and posted no later than 15 days following the submittal of a complete application to the department and seven days before the scheduled date of the initial review by the architectural review board or zoning administrator, including conceptual review.

(4) Duration of Posting. The notice shall be continuously posted from the date required by subsection (b)(3) of this section, until 10 days following action by the architectural review board or zoning administrator. [Ord. 12-005 § 5, 2012; Ord. 11-001 § 2, 2011].

ATTACHMENT #4

23.90.160 Scenic resources.

(a) In order to enhance public views and the scenic qualities of the city's coastal zone, and to maintain consistency with the LCP's land use plan (LUP), development shall conform to all applicable land use plan scenic resources policies and the following requirements.

(b) Applications for Development in Scenic Areas. The following documentation and requirements shall be provided for all CDP applications within scenic areas, including those mapped in LUP Figure 4; all development on, seaward, or visible from Ocean View Boulevard, Sunset Drive, and the pedestrian recreational trails seaward of these roads; and any other development that may adversely impact public views:

(1) Site-Specific Visual Analysis. At a minimum, the visual analysis shall include the following:

(A) A site plan that identifies all public view corridors and pictures of existing public views of and including the project site from public viewing areas, including all before-and-after public views of and towards the ocean.

(B) Project plans that confirm height is within the requirements of the zoning district in which it is located. Exceptions are allowed only for chimneys, vents, and similar vertical extensions, not to exceed an additional four feet, and not to comprise more than five percent of a building's roof area. In all cases, heights may be further limited in order to meet LCP scenic resource protection requirements.

(C) When trees defined as major vegetation are proposed for removal, ribbons showing the location of the removal must be installed.

(D) Illustration showing the colors, textures, and architectural styles to show the exterior facades are compatible with development on adjacent blocks and the city's overall architectural character and do not cause the project to stand out from surrounding built and natural features.

(E) Any other information deemed necessary to determine the visual impact of the proposed project, including but not limited to analysis of the heights of existing buildings within 150 feet of the proposed structure; story poles and netting showing proposed ridgelines; and visual simulations to help identify potential visual impacts.

ATTACHMENT #5

Story Pole Policy Draft
Proposed Municipal Code

Purpose:

Story Pole placement is used to demonstrate proposed rooflines, ridgeline heights and locations, indicate massing and project placement on a site. They are intended to provide visual simulation of potential impact on views and privacy of surrounding properties. Story Poles are utilized to aid residents, city staff and members of decision-making bodies in their evaluation of the proposed project.

Story Pole and Netting Procedure

1. Story Pole installation:
    a. Story Poles are installed when project application is deemed complete by assigned planner
    b. Applicant is notified in writing of proposed project approval, sent story pole procedure, and provided with public hearing date by assigned planner
    c. Story Poles shall be erected ten (10) days prior to public hearing

2. Story Pole Materials, Netting and Placement:
    a. Poles or other appropriate materials for example; 2x4 lumber, metal poles or other sturdy building material
    b. Plastic orange snowdrift netting: one foot width minimum
    c. Placement will demonstrate corners, exterior wall lines, proposed ridgelines and rooflines
    d. Story Poles and netting to be placed, braced and supported to ensure safety and general welfare of the public

3. Letter of Certification and Annotated Photos
    a. Letter of Certification with annotated Story Pole photos must be submitted to CDD after Story Poles are installed and placed in CDD property file
    b. Annotated photos to include date, property address and location of photo. Front, side(s), rear views of proposed project are required
    c. Certification Letter confirms Story Poles demonstrate proposed height, ridge lines at the highest peak of each roof line, locations of proposed structure or addition(s) on site
    d. Certified by one of the following licensed in CA:
        (1) Surveyor
        (2) Civil Engineer
        (3) Contractor

4. Liability Agreement
    a. Applicant or its legal representative shall indemnify and hold the city harmless from any and all claims, damages, losses or legal actions associated with the use of or related to the installation, use, or removal of Story Poles
    b. When received, planner notes receipt of Signed Liability Agreement. Liability Agreement placed in CDD property file

5. Public noticing
    As required by PGMC

6. Project Signage (Reference PGMC 20.04.020, 20.04.120**)**
    a. Sign Content includes the following:
        (1) Project Address
        (2) Project Description
        (3) Proposed Project Drawing or Elevation
        (4) Applicant Information – Contact number
        (5) City of PG CDD contact information
    b. Sign Material – Durable Weather-resistant material
    c. Sign Maintenance required throughout life of project
    d. Size

Residential – 11 inches x 17 inches (minimum)

(1) Placement on main frontage road of property
(2) Four feet above existing grade
(3) Within Three feet of front property line

C-D district Remodel/ New Construction - One 2ft. x 3ft.

(1) May be posted inside window if outside posting not feasible
(2) Sign must be visible from public locations outside building

Commercial/Industrial/Mixed Use - 4 ft. x 4 ft.

(1) Placed on each property frontage
(2) Visible to public right of way.
(3) Four feet above existing grade
(4) Within Three feet of front property line

7. Adjustment of Story Poles
    May be required by decision making body (Architectural Review Board, Historic Resources Committee, Planning Commission, City Council) if significant change (20 %) of project height, site coverage or change of location on site.

8. Story Pole Removal
    Within ten (10 days) after all appeal and call-up periods have ended

9. Story Pole Exceptions
    a. Written requests for an exception will be considered if the applicant demonstrates the reasons why an exception to the Story Pole requirement is warranted. Applicant must include a proposed alternative plan
    b. Examples of alternative means of illustrating a project:
        (1) Commercial grade balloons with pennant tape or netting
        (2) Boom lifts
        (3) Poles with flags
        (4) Hybrid mix of non-traditional and traditional story poles
        (5) Non-standard approaches that adequately show height and scale of the project
    c. CDD director or Director's designee will review requests for Story Pole exception within 10 days of receipt of request and place matter on the next Planning Commission agenda for discussion and decision

10. Exemptions to Story Poles (References PGMC 23.70.030**,** Resolution 09-028 July 15, 2009)
    a. Projects that are deemed eligible for administrative approval by the CDD Director
    b. Projects that are exempt from discretionary review, which includes ADUs.

DRAFT PROPOSED MUNICIPAL CODE

The following proposed code utilizes existing municipal ordinance code and resolution as noted.

1. New construction and building additions requiring ministerial approval must have story poles erected as part of the application process.
    a. Corners, exterior wall lines of proposed project, rooflines, and ridgelines are delineated through the use of story poles and netting.

2. Exceptions
    a. Request for Story Pole Exceptions will be considered if the applicant demonstrates in writing reasons for an exception and includes an alternative plan.
    b. Community Development Department (CDD) director or the Director's designee will review requests for Story Pole exceptions within 10 days of receipt of written request.
    c. Exception requests shall be placed on the next Planning Commission agenda for discussion and decision.

3. Exemptions **(**Reference PGMC 23.70.030, Resolution 09-028 July 15, 2009)
    a. Story Poles and netting will not apply to projects deemed eligible for administrative approval by the CDD director or the Director's designee.
    b. Projects that are exempt from discretionary review, which includes ADUs.

DRAFT STORY POLE HEIGHT AND LOCATION CERTIFICATION LETTER

Instructions:
The Story Pole Heights and Location Certification must be certified by a Licensed land surveyor, civil engineer or building contractor. This certification submitted to the City prior to public noticing.

Certification Statement:
I hereby certify that the story poles located on the referenced site are a true and correct representation of the design, height and locations of the proposed structure or addition.
I further certify that story pole heights and proposed maximum height elevations are true and correct. I acknowledge that the required story poles are for the purpose of informing the owner, architect, designer, City staff and the public of the accurate location and exterior dimensions of the proposed structure or addition(s).

_____ **Please stamp & sign below**
Signature of land surveyor,
Civil Engineer, or Building Contractor

_____
Name (Printed or typed)

_____
License No./Expiration Date

Date_____

Suggested Definitions

1. Annotated Photographs – Photographs labeled with specified information e.g. date, street address, side of project

2. CDD – City of Pacific Grove Community Development Department

3. Decision Making Bodies – Architectural Review Board, Historic Resources Committee, Planning Commission, City Council

4. Development – Any property within the City of Pacific Grove where new construction, additions, renovation or alterations is proposed

5. PGMC – Pacific Grove Municipal Code

6. Property File – File in CDD which contains collection of documents regarding the plot of land together with the buildings and structures thereon.

7. Story Poles – Temporary structures erected on development site to represent height, mass, and overall dimensions of a proposed project

RESOLUTION NO. 2023-_____

A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE TO INITIATE AN AMENDMENT TO THE ZONING CODE (TITLE 23 OF THE PACIFIC GROVE MUNICIPAL CODE) RELATED TO STORY POLES

WHEREAS, Section 23.84.010 of the Pacific Grove Municipal Code (PGMC) provides that the Planning Commission by initiate a legislative amendment to the general plan, zoning code, zoning map, the local coastal program, specific plans, or other amendments whenever required by public necessity and general welfare; and

WHEREAS, Section 23.84.020 of the PGMC provides that the Planning Commission must adopt a Resolution of Intention to initiate a legislative amendment; and

WHEREAS, the Planning Commission desires to initiate an amendment to the Zoning Code to address requirements to install story poles for pending project applications; and

WHEREAS, the Planning Commission desires to have City staff support and City Attorney support in the preparation of the proposed legislative amendment and related documents.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of Pacific Grove does hereby:

1. Declare its intention to initiate a legislative amendment to the Zoning Code for the purpose of requiring story poles to be installed for pending project applications consistent with a proposed story pole policy also proposed by the Planning Commission.
2. Request the City Manager authorize City staff and the City Attorney's Office to assist the Planning Commission in the preparation of the proposed legislative amendment.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE this 14th day of December 2023, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

APPROVED:

_____
STEVEN LILLEY, Chair

ATTEST:
_____, Secretary

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

TO: Members of the City Manager's Story Pole Advisory Committee:

- Michael Gunby, Architectural Review Board Member
- Terrence Cohen, Architectural Review Board Member
- Mark Travaille, Historic Resources Committee Member
- Steven Lilley, Planning Commission Member

FROM: Ben Harvey, City Manager
Laurel O'Halloran, Associate Planner

DATE: February 19, 2020

SUBJECT: Summary of review of the City's story pole and netting requirements/process

Thank you for your time and effort in reviewing and discussing the City of Pacific Grove's (City) story pole and netting requirements and process.

On July 15, 2009, the City Council approved applicant requirements for netting, staking and story poles for Architectural Permit (AP) projects involving building additions (see attached document - City of Pacific Grove Community Development Department Applicant Requirements for Project Staking and Story Poles). In 2019, the City Manager convened a committee (Committee) tasked with reviewing the story pole and netting requirements and process (Staking requirements) in response to questions received both from applicants and the public.

In August 2019, the Committee met, and following review of the City's existing Staking Requirements, made the following determinations:

1. Story poles and netting should continue to be required for residential zoning districts, with the exception of projects with unusual circumstances, or where story poles and netting pose safety concerns.

2. Projects where story poles and netting may pose safety concerns may include, but are not limited to the following:

    a) Multi-story buildings without adequate space to brace the poles;
    b) Projects with a high voltage wire located nearby; and
    c) Projects directly abutting the City's right-of-way.

In instances such as these, and in lieu of story poles and netting, the Community Development Director should require a photo illustration of the project with proper context and shadow cast at a specific time of the day.

3. The Owner, or applicant or contractor, should continue to be required to certify the story poles and netting are at the correct height, and accurately portray the proposed construction. This certification may include a written document stating the height and netting posted on-site.

4. Staking Requirements should not be codified, but rather should remain as enforceable requirements, approved by the Council.

5. Requiring story poles for accessory dwelling units (ADU) is not recommended, as per state law, the City has no discretionary review over ADUs.

Next Steps:

The Committee's observations do not require changes to the City's Staking Requirements. No further action is needed.

Attachment

City of Pacific Grove Community Development Department Applicant Requirements for Project Staking and Story Poles & Identification of Trees or Branches Proposed for Removal

cc: Members of the City Council
Members of the Planning Commission
Members of the Architectural Review Board
Members of the Historic Resources Committee
Assistant City Attorney
Community Development Department

CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICANT REQUIREMENTS FOR PROJECT STAKING AND STORY POLES & IDENTIFICATION OF TREES OR BRANCHES PROPOSED FOR REMOVAL

Story poles and netting are required for all projects involving building additions or modification of massing or height. They shall be installed and maintained by the applicant as follows:

A. The proposed ridgelines and exterior wall lines of such projects shall be delineated with international orange netting supported by poles or other appropriate materials. Netting shall be a minimum of one foot in width.

B. The netting and supports shall accurately reflect the extent of the proposed project as well as its position on the site. A pole and flag shall indicate the chimney height. New or modified architectural details such as windows, doors, or small gables need not be indicated by netting. Changes to exterior materials also are exempt.

C. Story Poles and netting shall be in place at the time the public notice or notices are posted for architectural approval. Netting shall remain in place until all appeal and call-up periods have ended.

D. Netting and its supports shall be kept in an accurate, well-maintained, and safe condition until the end of the appeal period, or as long as they remain in place.

E. If trees or branches are proposed for removal as part of a project, they shall have fluorescent pink or red flagging ribbon, with a minimum width of 1", tied around their most visible portion. This ribbon shall be in place by the time the notice or notices are posted and shall remain in place until the end of the appeal period.

F. It is the applicant/property owner's responsibility to ensure the accuracy of the staking and flagging of the proposed project. If staking and netting is found to be inaccurate in the field, the project may be continued to a future meeting date.

G. In rare cases where the size or position of a proposed project renders these story pole and netting procedures infeasible, applicants may seek relief and directions for effective alternatives from the CDD Director. These alternatives may include broader mailings of public notices, a newspaper ad, photomontages, flagging, or a combination of the above or other methods.

H. EXCEPTIONS: Proposed netting procedures will not apply to projects deemed eligible for administrative approval by the CEDD Director or to projects that are exempt from discretionary review.

Approved by City Council on July 15, 2009

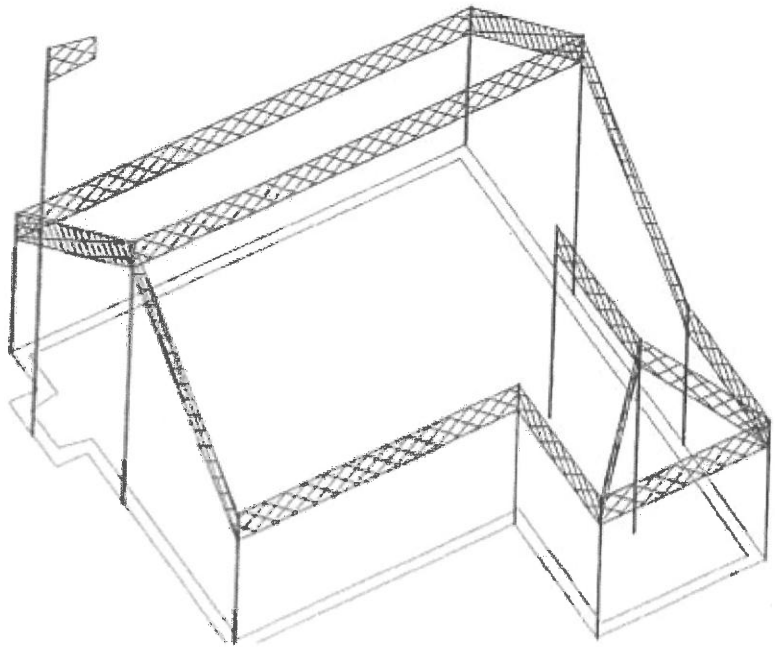
DUE DATES FOR NETTING AND SUBMITTAL OF SITE PLAN

PLANNING COMMISSION MEETINGS

Monday	Tuesday	Wednesday	Thursday	Friday
NETTING & PLAN DUE				
Monday	Tuesday	Wednesday	Thursday MEETING DAY	Friday

ARCHITECTURAL REVIEW BOARD MEETINGS

Monday	Tuesday	Wednesday	Thursday	Friday
				Netting and Plan Due for Historic Preservation Permit Projects
Monday Netting and Plan Due for Architectural Approval Projects	Tuesday	Wednesday	Thursday	Friday
Monday	Tuesday MEETING DAY	Wednesday	Thursday	Friday



NETTING SAMPLE

RESOLUTION NO. 09-028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AMENDING RESOLUTION NO. 6-023 ADOPTING PROCEDURES AND REQUIREMENTS FOR MAILING OF LEGAL NOTICES, PUBLISHING AND POSTING LEGAL NOTICES, STORY POLES AND NETTING

WHEREAS, on October 4, 2006, the City Council adopted Resolution 6-023, specifying procedures and requirements for mailing of legal notices, publishing and posting legal notices, story poles and netting; and

WHEREAS, based on the Planning Commission's review and the practicalities of implementing this resolution, the modifications to Resolution 6-023 clarify and improve the noticing procedures for all types of permits, including netting and story pole requirements for architectural approvals involving building additions or modifications to height and mass; and

WHEREAS, due to budget constraints, streamlining of noticing procedures and requirements are necessary to reduce the time and cost associated with planning permit review and approval; and

WHEREAS, the procedures and requirements for noticing for use permits, variances, or equivalent permits are consistent with California Planning and Zoning Laws, as defined by Government Code Sections 65090, 65091 and 65905;

WHEREAS, the procedures and requirements for noticing of Architectural Approvals are consistent with Municipal Code Section 23.73.050 and the City of Pacific Grove Architectural Review Guidelines for Single-Family Residences.

WHEREAS, the Planning Commission reviewed this resolution and recommends the Council adopt it as presented; and

WHEREAS, adoption of this resolution is not defined as a project under the California Environmental Quality Act (CEQA), as set forth in CEQA Guideline Section 15378(B)(5)), organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment;

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

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

SECTION 2. This council hereby adopts as City Policy the procedures specified in attachment "A," attached hereto and incorporated herein by reference, regarding mailing legal notices, publishing and posting legal notices, story poles and netting and projects for which story poles and netting are required.

SECTION 3. The Chief Planner, and his/her designates, is directed to administer these new policies and ensure compliance for all projects where these policies are applicable.

SECTION 4. This resolution shall become effective immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS 15th day of July, 2009, by the following vote:

AYES: Council Members Bennett, Cohen, Garcia, Kampe, Lindsay, and Stilwell

NOES: None

ABSENT: Mayor Cort

APPROVED:

DANIEL E. CORT, Mayor

ATTEST:

JAMES L. BECKLENBERG, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney

Attachment A

I. PROCEDURES FOR NOTICING OF PUBLIC HEARINGS FOR VARIANCE, USE PERMIT, AND HISTORIC PRESERVATION PERMIT APPLICATIONS AND RELATED APPEALS

Community Development Department Responsibilities:

1. Use the Notice of Public Hearing format in Attachment C for posting on site as well as for mailing. The Notice of Public Hearing shall include the project's status under the California Environmental Quality Act.

    A. The onsite posting shall consist of the two following elements, each on a separate sheet of 11x17-inch bright yellow paper: 1) A copy of the Notice of Public Hearing and 2) The most affected elevation(s) of the project.

    B. The two sheets shall be laminated and secured side by side to a signboard by the Community Development Department.

    C. A signboard with the public notice and drawings of the project (if applicable) shall be posted on each street frontage of the subject site within three feet of the property line in a place that is visible from the street and sidewalk. The signboards and notice(s) must remain on site until the appeal period has closed, and shall not be removed except by Community Development Department staff.

2. Mailed notices shall be sent ten days in advance of the public hearing and mailed to owners and occupants within a 300 foot radius of the project site, except for projects in the Asilomar Dunes neighborhood, as delineated in the Land Use Plan of the Local Coastal Program, where the mailing radius shall be 350 feet.

3. For adoption of zoning amendments or projects that may impact residents throughout the City, additional forms of noticing may also be required, as determined by the Planning Commission.

4. Publish notices in the legal section of a newspaper of general circulation within the City of Pacific Grove at least ten days in advance of the public hearing at which an application will be considered. Consolidate items for the same meeting into one notice and include the City seal.

5. Post all vital information from the notices in agenda form on the City of Pacific Grove website. After the hearings, leave agendas on the website for no less than two years.

6. Post courtesy copies of notices and agendas at the Pacific Grove Public Library.

7. Post agendas on the exterior City Hall bulletin board.

8. Upon request, send courtesy notices and/or agendas by mail or e-mail at no cost to the recipient. Post this policy on the agenda section of the City of Pacific Grove website.

9. The subject property shall have a notice posted on site at least ten days in advance of the hearing.

10. Include the following in the submittal checklist for all applications: "Owners and applicants are encouraged to contact adjacent property owners and discuss the proposed project with them."

Applicant Responsibilities:

1. The applicant shall ensure the notice(s) are maintained in good condition until the appeal period is over.

2. For commercial or multi-family projects greater than 7,000 square feet, the Planning Commission may determine noticing may be required beyond the minimum mailing radius, prior to the application being deemed complete. Such additional noticing shall be at the expense of the applicant.

II. NOTICING AND NETTING PROCEDURES FOR ARCHITECTURAL APPROVALS

Community Development Department Responsibilities:

1. Notices of Architectural Review Board hearings shall be posted at the project site (as specified in Municipal Code Section 23.73.050) and mailed to the owners and occupants of adjacent properties and those directly across the street. The City is required to post notices at least seven days in advance of the hearing.

Applicant Responsibilities:

1. Story poles and netting are required for all projects involving building additions or modification of massing or height. They shall be installed and maintained by the applicant as follows:

   A. The proposed ridgelines and exterior wall lines of such projects shall be delineated with international orange netting supported by poles or other appropriate materials. Netting shall be a minimum of one foot in width.

   B. The netting and supports shall accurately reflect the extent of the proposed project as well as its position on the site. A pole and flag shall indicate the chimney height. New or modified architectural details such as windows, doors, or small gables need not be indicated by netting. Changes to exterior materials also are exempt.

   C. Story Poles and netting shall be in place at the time the public notice or notices are posted for "concept" architectural approval of building height and mass of a building addition or modification. Netting shall remain in place until all appeal and call-up periods have ended for the "concept" architectural approval. If substantial building mass or height changes are made to the project after

"concept" approval, new story poles and netting may be needed, as determined by the Chief Planner.

D. Story poles and netting shall not be required for "final" architectural approval.

E. Netting and its supports shall be kept in an accurate, well-maintained, and safe condition until the end of the appeal period, or as long as they remain in place.

F. If trees or branches are proposed for removal as part of a project, they shall have fluorescent pink or red flagging ribbon, with a minimum width of 1", tied around their most visible portion. This ribbon shall be in place by the time the notice or notices are posted and shall remain in place until the end of the appeal period.

G. It is the applicant/property owner's responsibility to ensure the accuracy of the staking and flagging of the proposed project. If staking and netting is found to be inaccurate in the field, the project may be continued to a future meeting date.

H. In rare cases where the size or position of a proposed project renders these story pole and netting procedures infeasible, applicants may seek relief and directions for effective alternatives from the Chief Planner. These alternatives may include broader mailings of public notices, a newspaper ad, photomontages, flagging, or a combination of the above or other methods.

I. EXCEPTIONS: Proposed netting procedures will not apply to projects deemed eligible for administrative approval by the Chief Planner or to projects that are exempt from discretionary review. Refer to Section 23.73.042 of the Pacific Grove Municipal Code for these exceptions.

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

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Brian Pierik, City Attorney
MEETING DATE:	May 01, 2024
SUBJECT:	Direction to City Manager to Notify Candidates Regarding Posting of Signs Before Election
CEQA:	Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

1. Motion to direct City Manager to work with City Clerk on providing notice to candidates advising them there is no time limit in advance of an election for the posting of signs.
2. Take Alternative Action Related to this item

DISCUSSION

A. Legal Background

Local agencies may regulate the placement of signs and billboards.[1] However, because signs and billboards involve speech, their regulation implicates First Amendment concerns. Regulation of political signs is a particularly sensitive area because "the constitutional guarantee has its fullest and most urgent application precisely to the conduct of campaigns for political office."[2]

B. City's Sign Code Regarding Political Signs

PGMC Section 20.04.150(h) defines "political sign" as "a sign intended to draw attention to or communicate a position on any issue, candidate or measure in any national, state or local election."

> PGMC Section 20.04.020 (h) provides the following:
> "The following signs shall be allowed without a sign permit under the noted conditions and shall not be included in the determination of type, number or area of signs allowed on premises. However, exempt signs are subject to the provisions of PGMC 20.04.120 regarding maintenance of signs.
>
> . . . .
>
> (h) Any number of nonilluminated political signs limited to a combined sign area not exceeding 16 square feet in residential zones and 20 square feet in other zones; provided:
> (1) There is no limit to the number or area of political window signs; and
> (2) Political signs shall be placed, posted or erected no earlier than six weeks before the election to which they pertain, and shall be removed within seven days following such

election”

C. Location of Political Signs

1. Private Property

On private property, no permits are required to post political signs. Provided that permission has been obtained from the property owner, any number of nonilluminated political signs are allowed. However, the signs are limited to a combined sign area not exceeding 16 square feet in residential zones and 20 square feet in other zones. There is no limit to the number or area of political window signs. All signs must be maintained in good condition; dilapidated signs will be repaired or removed upon order of the community development department.

2. Public Property

On public property, no signs, including political signs, may be attached, maintained, painted, printed, or otherwise affixed to a curbstone, lamppost, hydrant, tree, shrub, tree stake or guard, utility pole, wire, bench, sidewalk, crosswalk, traffic signpost, traffic-control device, parking meter or structure in or upon any public street, alley, or upon any other public property, except by a duly authorized public employee or required or permitted by law.

D. Time Limits on Placement of Political Signs in advance of an Election

As noted above, PGMC Section 20.04.020 (h) provides that political signs may not be placed earlier than six weeks before the election to which they pertain.

However, the City cannot enforce the time limits on placing political signs in advance of an election because Courts have struck down such time limits.[3]

Other restrictions, such as size and height of signs, total aggregate area of signs/total cumulative size limit (as long as not limited to one candidate), etc., have been upheld by courts.

A requirement that political signs be removed 10 days after the election previously survived challenge in the 9th Circuit, with the court holding that signs supporting issues and candidates following an election do not raise significant First Amendment issues.[4]

Therefore, the City may not enforce its requirement that political signs to be posted no earlier than six weeks before the election the recommended action is a motion to direct the City Manager to work with City Clerk on providing notice to candidates advising them there is no time limit in advance of an election for the posting of signs.

---

[1] Gov. Code, §§ 38774, 65850.
[2] Monitor Patriot Co. v. Roy (1971) 401 U.S. 265, 272.
[3] See City of Antioch v. Candidates' Outdoor Graphic Serv. (N.D.Cal. 1982) 557 F.Supp. 52, 60 [60-day pre-election time limit invalidated]; Orazio v. Town of N. Hempstead (E.D.N.Y. 1977) 426 F.Supp. 1144, 1147 [6-week pre-election time limit invalidated].
[4] Baldwin v. Redwood City (9th Cir. 1976) 540 F.2d 1360, 1374; But see Whitton v. Gladstone (8th Cir. 1995) 54 F.3d 1400 [7 day removal rule held unconstitutional].)

OPTIONS

1. Take Alternative Action Related to this item
2. Take no Action

FINANCIAL IMPACT:

None.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

1 - Signs Code PGMC Chapter 20.04

Chapter 20.04
SIGNS

Sections:

20.04.010 Purposes.
20.04.020 Exempt signs – No permit required.
20.04.030 Prohibited signs.
20.04.040 Permit required.
20.04.050 Sign standards.
20.04.060 Exceptions to standards.
20.04.070 Staff sign approvals.
20.04.080 Permit applications.
20.04.090 Permit application fee.
20.04.100 Action on permit application.
20.04.110 Appeals.
20.04.120 Maintenance of signs.
20.04.130 Abatement of nonconforming signs.
20.04.140 Enforcement.
20.04.150 Definitions.
20.04.160 Inapplicability to U and O zone districts.

20.04.010 Purposes.

The city of Pacific Grove is a city possessed of natural beauty, distinctive architectural styles and historic character. The city's economy is dependent on both a vigorous local business community and residential environment. The city acknowledges that signs and identification are important and necessary to the successful communication of business and commercial activities. Therefore, given Pacific Grove's setting, the provisions of this chapter are intended to:

(a) Encourage the use of signs that:

(1) Protect and enhance the architectural character and harmony, and natural beauty of the community, its buildings and its various neighborhoods and districts;

(2) Possess a satisfactory aesthetic effect and pleasing elements of design, which are form, proportion, material, surface treatment, and position;

(3) Effectively communicate business identity and type to the public;

(4) Are as small in size and few in number as is consistent with their purpose of communicating identification and essential information;

(b) Protect the city from sign clutter and visual blight resulting from excessive and redundant signs;

(c) Protect the right of the public to be directed, warned, advised and informed;

(d) Provide the ability to utilize temporary signs for limited times with lesser visual impact than primary signs;

(e) Eliminate unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety;

(f) Assure normal and necessary maintenance and repair of signs;

(g) Implement applicable policies and objectives of the general plan. [Ord. 1664 N.S. § 2, 1989].

20.04.020 Exempt signs – No permit required.

The following signs shall be allowed without a sign permit under the noted conditions and shall not be included in the determination of type, number or area of signs allowed on premises. However, exempt signs are subject to the provisions of PGMC 20.04.120 regarding maintenance of signs.

(a) Official federal, state or local government flags, emblems and historic markers;

(b) Official federal, state or local government traffic, directional, regulatory and informational signs, and notices issued by any court, person or officer in performance of a public duty, or any other sign lawfully posted by any government agency;

(c) Temporary signs warning of construction, excavation or similar hazards so long as the situation exists;

(d) One or more temporary sign(s) not exceeding 24 square feet in combined area used to indicate owner, general contractor, architect and other pertinent data regarding building construction on a building site during construction only;

(e) Temporary holiday decorations which do not display the name of a business or product or other advertising material;

(f) Directional signs not exceeding two square feet in area and containing no advertising material;

(g) Signs, erected by recognized historical agencies, which show names of buildings, dates of erection and related information, provided the sign does not exceed two square feet in area;

(h) Any number of nonilluminated political signs limited to a combined sign area not exceeding 16 square feet in residential zones and **20** square feet in other zones; provided:

(1) There is no limit to the number or area of political window signs; and

(2) Political signs shall be placed, posted or erected no earlier than six weeks before the election to which they pertain, and shall be removed within seven days following such election;

(i) On each street frontage, for any lot or building, one single- or double-faced nonilluminated primary sign which serves solely to advertise the actual intent to sell, lease or rent or offer to build to suit on the premises where the sign is located, and two single- or double-faced nonilluminated secondary signs which serve solely to advertise information regarding the property or agent, such as but not limited to "do not disturb occupants" or an agent's name, provided the maximum dimensions of each secondary sign are limited to six inches by 24 inches and the total combined area of the primary and secondary signs shall not exceed five square feet;

(j) Nonilluminated flat signs of not more than one square foot each which contain words protective of an occupant, such as "no trespassing," "beware of dog," "no circulars," and the like, with a maximum of two such signs per premises;

(k) For each service station, not more than one freestanding sign not exceeding **20** square feet for each frontage, located on the property;

(l) Nonilluminated temporary window signs on commercially zoned property (C-1, C-FH, C-2, I, and V-C zoning districts); provided, that the total of permanent plus temporary window signs shall not exceed 25 percent of the window area of that business on any frontage. Temporary signs shall not be displayed for more than 30 consecutive days. The date of the first day of display shall be clearly indicated in the lowest left-hand corner of each sign;

(m) Signs showing the location of public telephones and signs placed by utilities to show the location of underground and other public utilities;

(n) Street number signs not exceeding two per address and not exceeding one square foot per premises in commercial and industrial areas, nor 124 square inches in residential areas;

(o) Menus on premises occupied by restaurants of the size normally used within the restaurants, provided such size does not exceed two square feet;

(p) One temporary commercial banner announcing a special event, such as a grand opening; provided, that such banner shall not exceed **20** square feet in area. The banner shall be maintained flat and against the building wall, and displayed no longer than **20** consecutive days. No more than one banner shall be displayed at any time. No more than two banners may be displayed on a premises during any 12-month period; provided, the applicant shall register with the community development department the date the banner is placed and removed;

(q) Nonilluminated, off-site, portable signs, placed on private property, containing directions to the location of an open house which is for sale, unlimited in total number, but limited to one single-faced or double-faced sign per intersection corner; provided, the signs (1) shall not exceed two square feet or four feet in height, and (2) shall be removed daily immediately following a scheduled open house;

(r) Advertising devices which move in the wind (for example, stringers, pennants, pinwheels, balloons, etc.) when displayed for seven or fewer consecutive days or for fewer than 14 days in a 12-month period and when not displayed in or over the public way;

(s) Banners for events of citywide importance conducted for noncommercial purposes;

(t) On commercially zoned property (C-1, C-FH, C-2, I and V-C) and on property whereon a motel is an established legal use, one exposed luminary source neon tube sign of no more than three square feet, with an informational message (such as but not limited to “open,” “vacancy,” “no vacancy”). No other message or advertising of any kind may be carried on signs under this exemption. [Ord. 13-023 § 4, 2013; Ord. 13-003 § 14, 2013; Ord. 09-005 § 29, 2009; Ord. 99-08 § 1, 1999; Ord. 1875 N.S. §§ 1, 3, 1993; Ord. 1664 N.S. § 2, 1989].

20.04.030 Prohibited signs.

In addition to any sign not specifically in accordance with this chapter, the following signs are prohibited:

(a) Abandoned signs, including all structural, support, and other componential elements;

(b) Flashing or blinking signs, except signal lights and other public safety signs maintained by government authority;

(c) Billboards;

(d) Advertising devices which move in the wind (for example, stringers, pennants, pinwheels, balloons, etc.) when displayed for more than seven consecutive days or for more than 14 days in a 12-month period;

(e) Flags, except the flag of any governmental entity;

(f) Signs that rotate or move in any fashion, except barber poles;

(g) Any sign which simulates or imitates any traffic sign or signal or which makes use of words, symbols or characters in such manner to interfere with, mislead or confuse pedestrian or vehicular traffic;

(h) Any sign, including a political sign, attached, maintained, painted, printed or otherwise affixed to a curbstone, lamppost, hydrant, tree, shrub, tree stake or guard, utility pole, wire, bench, sidewalk, crosswalk, traffic signpost, traffic-control device, parking meter or structure in or upon any public street, alley, or upon any other public property, except by a duly authorized public employee or required or permitted by law. Any sign prohibited by this subsection may be removed by city personnel, and persons responsible for placing the signs shall be liable for cost of removal;

(i) Any sign, except as may be required by law, placed or maintained so as to interfere with free ingress to or egress from any door, window or fire escape;

(j) Signs located so as to obstruct the view of a traffic sign, signal or device, or located so as to confuse the viewers of same;

(k) Signs located on or extending over public property, except as otherwise provided in this chapter, without a valid license from the council to encroach;

(l) Signs made wholly or partially of highly reflective material;

(m) Signs not conforming with the following clearance requirements for communication lines, utility lines, provided further restrictions adopted by the Public Utilities Commission shall be adhered to:

Table 20.04.030 – Minimum Clearance of Signs from Conductors

	Less than 750 volts	More than 750 volts
Vertical Clearance		
Above sign	3 feet	8 feet
Below sign	3 feet	Prohibited
Horizontal Clearance		
From conductors	3 feet	6 feet
From poles	4 feet	6 feet

(n) Signs temporarily affixed upon a vehicle parked so as to attempt to direct attention to a place of business. This shall apply to vehicles parked on either public or private property;

(o) Exposed luminary source signs, which are signs whose illumination source is the signing element to be read directly, without diffusion or reflection, such as exposed bulbs or tubes or neon, in any residentially zoned district;

(p) Off-premises advertising. [Ord. 1664 N.S. § 2, 1989].

20.04.040 Permit required.

No sign shall be displayed, erected, installed, suspended, attached, moved, replaced or altered except pursuant to a sign permit obtained as provided in this chapter, unless the sign is specifically exempted from permit requirements. Except for sign approvals by staff pursuant to PGMC 20.04.070, the architectural review board shall determine whether the sign permit shall be issued. A separate sign permit shall not be required for any sign subject to architectural review board approval as part of an architectural permit application for a project when reviewed as part of that project.

As an exception to this section, signs that comply with Chapter 20.05 PGMC may be displayed, erected or installed within the C-D and C-1-T zoning districts. [Ord. 13-023 § 4, 2013; Ord. 11-001 § 7, 2011; Ord. 1664 N.S. § 2, 1989].

20.04.050 Sign standards.

Except for signs within the C-D and C-1-T zoning districts where Chapter 20.05 PGMC applies, all signs requiring permit approval shall comply with the following standards and regulations, to the extent applicable, and these standards and regulations shall be considered in reviewing applications for sign permits:

(a) Within residential zones, one identification sign may be allowed on each frontage of a planned unit development, multiple-family building, condominium complex, or institution use.

(b) An individual business shall be allowed one primary sign. Additional primary signs, generally smaller in scale, may be allowed on a case-by-case basis, consideration being given to building architecture, business frontage, building size, type of business and other factors deemed pertinent to allowing more than one primary sign.

(c) Signs mounted on a building shall be integrated into the building and designed so that the architectural features and expression of the building are not obscured. Signs mounted on a building include, among others, signs painted on or attached to awnings; window signs; wall signs; signs mounted on or above the roof of a building; projecting signs; suspended signs. The maximum allowed sign area on a primary business frontage is one square foot for each lineal foot of primary business frontage. One-half square foot of sign area for each lineal foot of secondary business frontage may be allowed on a secondary business frontage. No sign shall

exceed 150 square feet in area. The architectural review board may restrict sign size to a lesser size than the maximum standards pursuant to the purposes of this chapter.

(1) Signs mounted on or above the roof of a building, or attached to the fascia but exceeding the height of the fascia, shall be discouraged unless no feasible alternative is available, or unless such signs clearly further the purposes of this chapter.

(2) To encourage variety and interest, projecting signs on private property may extend up to four feet from a building face. Council approval of an encroachment permit shall be required for all signs projecting into the public right-of-way.

(3) Projecting signs, marquee signs, awning signs, and suspended signs shall maintain a minimum eight-foot clearance between the lowest point of a sign and the grade immediately below.

(d) Freestanding signs and their support structures shall be designed to respond to building architecture and setting. Freestanding signs shall not exceed 12 feet in height. The architectural review board may restrict sign height to a lesser size than the maximum standard pursuant to the purposes of this chapter.

(e) A master signing program is generally required by the architectural review board for any buildings and projects containing two or more individual businesses.

(1) When a master signing program is required, the property owner shall be responsible for permit application and maintenance of the master signing program.

(2) The master sign program shall include location of signs, size, type, method of mounting, illumination, and an accurate graphic representation of the actual sign design, if available.

(3) Amendments to an approved master signing program may be considered by the architectural review board upon presentation of an application with the written consent of the property owner.

(4) Additional tenant signs shall be reviewed on an individual basis to conform to the master sign program.

(f) Use of illuminated signs shall be designed to respond to the following guidelines and regulations so as to correspond with the policies of this chapter:

(1) Illumination of nonprimary signs may be allowed on commercially zoned property (C-1, C-FH, C-2, I, and V-C zoning districts), subject to the following restrictions:

(A) No more than one illuminated nonprimary sign per business; and

(B) The area of an illuminated nonprimary sign shall not exceed three square feet.

(2) Light sources for sign illumination shall be the least visibly obtrusive of the available installation options and shall not be visible beyond the premises. The order of preference for the type of illumination is as follows, beginning with the preferred method of illumination:

(A) Indirectly illuminated signs;

(B) Internally illuminated backlit signs;

(C) Internally illuminated face signs;

(D) Exposed luminary source signs;

(E) Reflecting signs.

(3) Sign illumination shall be designed so as not to display beyond the limits of the sign area or create excessive glare. Illuminated signs shall be subject to review by the architectural review board three months after approval to assure compliance with this standard.

(4) Adjacent or surrounding light sources are to be considered in evaluating illuminated signs to avoid the overall appearance of glare or competition.

(g) In nonresidential and R-3-M zones, miscellaneous nonilluminated permanent information signs, with an aggregate not to exceed two square feet at each public entrance or 10 square feet total, indicating address, hours and days of operation, whether a business is open or closed, credit information and emergency address and telephone number, may be approved as part of the signs for an establishment and in addition to the sign area allowed in subsection (c) of this section.

(h) Portable signs, such as A-frame or sandwich signs, may be allowed on private property in the C-1, C-FH, C-2, and I zones. Only one portable sign, not to exceed three and one-half feet in height and two feet in width, may be allowed per business premises. Such signage may be displayed only during business hours and shall not impede safe pedestrian passage. They shall be weighted sufficiently to keep them upright in the wind and have legs with nonskid bases.

(i) Menu board signs, either fixed or freestanding, may be allowed on private property in the C-1, C-FH, C-2, or I zone. Only one menu board sign, not to exceed 18 inches by 24 inches, may be allowed per business premises. Freestanding signs shall not impede safe pedestrian passage and shall be weighted sufficiently to keep them upright in the wind and shall have legs with nonskid bases. [Ord. 13-023 § 4, 2013; Ord. 13-003 § 14, 2013; Ord. 09-005 § 30, 2009; Ord. 02-32 § 1, 2002; Ord. 1875 N.S. §§ 4, 5, 1993; Ord. 1664 N.S. § 2, 1989].

20.04.060 Exceptions to standards.

The standards and requirements pertaining to signs contained in PGMC 20.04.050 may be modified when the architectural review board finds that a sign of unique design provides an aesthetically beneficial impact that could not be obtained through strict adherence to the provisions of this chapter, or where unusual design of a building requires special consideration. [Ord. 1664 N.S. § 2, 1989].

20.04.070 Staff sign approvals.

Except for signs within the C-D and C-1-T zoning districts where Chapter 20.05 PGMC applies, an administrative sign permit shall be issued, pursuant to the procedures in PGMC 23.70.030, for the signs described in subsection (a) of this section without the requirement for architectural permit approval. The sign described in subsection (b) of this section may be reviewed by means of a counter review and determination, pursuant to the procedures in PGMC 23.70.020, without the requirement for architectural permit approval.

(a) Any flat sign in the C-1, C-FH, C-2, or I zone which has a sign area of 25 square feet or less and which is attached to or is painted on a building so as not to project more than six inches from the building and which is the only permanent sign displayed on the premises;

(b) A minor sign face change within an existing and approved sign frame and/or substantially conforming to the existing sign approval and which complies with the requirements of this chapter. [Ord. 13-023 § 4, 2013; Ord. 13-003 § 14, 2013; Ord. 11-001 § 7, 2011; Ord. 1875 N.S. § 2, 1993; Ord. 1664 N.S. § 2, 1989].

20.04.080 Permit applications.

Any person desiring to obtain a sign permit shall submit an application, signed by the property owner and the applicant, to the department of community development, on a form provided by the department director, accompanied by the following information:

(a) An elevation, perspective or photograph, to scale, showing the proposed sign as it will appear on the project and showing its relationship to its surroundings;

(b) In the case of a freestanding sign, a site plan showing the location of the proposed freestanding sign;

(c) A drawing or illustration, to scale, of the sign, depicting the style of lettering and showing the complete lettering;

(d) Dimensions of building, sign and letters;

(e) Sign materials – background and lettering;

(f) Color samples;

(g) Description of any proposed illumination:

(1) Applications for illuminated signs shall include sufficient technical data of all proposed illumination systems so as to allow evaluation of proposed light levels.

(2) All fixtures, types, locations, mounting and wattages shall be shown on plans and elevations, as well as catalog cut sheets.

(3) Samples of sign materials related to light transmission or reflection shall be provided with the application, depicting finishes of proposed components;

(h) Construction information, including method of attachment to building, and support and base when freestanding;

(i) The extent to which, if any, the sign is proposed to project into or over public property;

(j) Any additional information the department deems relevant to the application. [Ord. 1664 N.S. § 2, 1989].

20.04.090 Permit application fee.

Each application shall be accompanied by payment of the appropriate fee as prescribed by resolution of the council. [Ord. 1664 N.S. § 2, 1989].

20.04.100 Action on permit application.

Action on sign permits by the architectural review board shall be in accordance with the provisions of PGMC 23.70.060. Action on sign approvals by staff shall be in accordance with the provisions of PGMC 23.70.020 and 23.70.030. [Ord. 11-001 § 7, 2011; Ord. 1664 N.S. § 2, 1989].

20.04.110 Appeals.

Any person not satisfied with the action of the architectural review board may appeal pursuant to Chapter 23.74 PGMC (Appeals and Call-Ups). All appeals shall be accompanied by payment of the appropriate fee as prescribed in the city's approved schedule of fees, which is available

from the community development department and on the city's website. [Ord. 11-001 § 7, 2011; Ord. 1664 N.S. § 2, 1989].

20.04.120 Maintenance of signs.

All signs and their supporting members shall be maintained in good condition. Dilapidated signs shall be repaired or removed upon order by the department of community development. [Ord. 1664 N.S. § 2, 1989].

20.04.130 Abatement of nonconforming signs.

Signs which do not conform to the provisions of this chapter, but which lawfully existed and were maintained prior to April 5, 1989, shall be removed or made to conform within 60 days following written notice by the department of community development, when:

(a) A sign is more than 50 percent destroyed, and the destruction is other than facial copy replacement, and the sign is not repaired within 30 days of its destruction;

(b) A sign owner, outside a change of copy, requests permission to remodel and remodels that sign, or expands or enlarges the building or land use upon which the sign is located, and the sign is affected by the construction, employment or remodeling, or the cost of construction, enlargement or remodeling of the sign exceeds 50 percent of the cost of reconstruction of the building, or an owner seeks relocation of and relocates a sign;

(c) A sign is or may become a danger to the public or is unsafe; or

(d) A sign constitutes a traffic hazard not created by relocation of streets or by other action of the city. [Ord. 1664 N.S. § 2, 1989].

20.04.140 Enforcement.

It is unlawful, a misdemeanor, and a public nuisance for any person to construct, maintain, display or alter, or cause to be constructed, maintained, displayed or altered any sign except in conformance with this chapter. Violations of any provisions of this chapter may be prosecuted pursuant to Chapter 1.16 PGMC. [Ord. 08-006 § 76, 2008; Ord. 1664 N.S. § 2, 1989].

20.04.150 Definitions.

As used in this chapter the following terms and phrases shall have the indicated meanings:

“Abandoned sign” means a sign, including all structural, support, and other componential elements on a premises or structure vacant for a period of 90 days, a sign pertaining to any occupant or business different from the present occupant or business, a sign pertaining to a past event, or an illuminated sign not capable of being illuminated due to its state of repair.

“Ambient building light” means light from interior or exterior lighting fixtures installed on, in or about a building or premises for the purposes of illuminating areas of circulation or task activity, excluding fixtures used solely for decoration or advertising.

“Area of sign” means the number of square feet enclosed within a perimeter composed of a maximum of six sides, all at right angles, within which a sign face can be enclosed. In determining the area of an individual sign which has more than one face, the greatest area of sign faces visible from any one point shall be used.

“Awning” means a shelter projecting from and supported by the exterior wall of a building, constructed of nonrigid materials on a supporting framework. In determining sign area, only the portion of an awning occupied by lettering and/or logo or other graphic representation shall be counted.

“Banner” means a flexible sign characteristically supported at two or more points and hung on a building or otherwise suspended down or along its face, or across a public street of the city. The banner may or may not include copy or other graphic symbols. It is generally made of fabric or other nonrigid materials with no enclosing frame.

“Billboard” means a sign structure which is made available for lease or rent.

“Building face” means the whole of a building visible in an elevation of the building above the adjacent sidewalk level excluding sloped-roof surfaces.

“Bulletin board” means a sign on a premises which accommodates changeable copy and which displays information on activities and events.

“Business frontage” means that portion of a building which faces a street, parking lot, pedestrian mall, arcade or walkway. The primary business frontage is one which contains a customer entrance or which includes a glass-enclosed showroom facing the street. If a building has more than one business frontage with a customer entrance, the property owner must designate one of them as the primary business frontage. Unless otherwise stated, the phrase “business frontage” means “primary business frontage.” All other business frontage is secondary frontage. As used in this definition, “parking lot” means either a publicly owned and operated parking lot or a parking lot located on the same zoning parcel as the business frontage.

“Channel letters” are fabricated or formed three-dimensional letters used as building signs that may accommodate an internal light source. Channel letters are typically greater than three inches in depth.

“Dilapidated sign” means a sign: (a) where the lettering or background material or any part of the sign has flaked, broken off, changed color; or (b) where structural supports or frame members are visibly corroded, stained, bent, broken, dented or where the sign or supports are twisted, leaning, or at angles other than those at which the sign was originally erected.

“Directional sign” means a sign which facilitates traffic flow and safety, not erected by a governmental agency, containing generic information such as but not limited to entrance/exit, caution, parking, right or left turn only, stop, towaway zone.

“Directory sign” means a sign identifying the location of occupants of a building or group of buildings which are divided into rooms, suites or similar subdivisions used as separate stores, offices, studios or similar tenancies.

“Exposed luminary source” means a sign whose illumination source is the signing element to be read directly, without diffusion or reflection, such as exposed bulbs or tubes or neon.

“Fascia” is a horizontal band or broad fillet covering the joint between the top of a wall and the roof surface, capping or enclosing the ends of eaves or roof framing.

“Freestanding sign” means a sign not attached to any building and having its own support structure.

“Height of sign” means the vertical distance from average adjacent ground level to the top of the sign, including the support structure and any design elements.

“Illuminated backlit sign” means a sign that is illuminated by a light source that projects light on surfaces adjacent to the sign components in order to generate contrast with the nonlit sign components.

“Illuminated sign” means any sign which incorporates mechanisms that reflect or glow so as to generate an illumination level of the sign that is greater than the illumination level of the adjacent surface, or the surrounding area.

“Indirectly illuminated sign” means any sign that is illuminated from an external source that projects light onto the sign surface.

“Internally illuminated sign” means any sign that is illuminated by a concealed light source that projects light through the sign face.

“Marquee sign” means a sign placed on the face of a permanent roofed structure projecting over the building entrance, which is an integral part of the building (usually a theater or hotel) and is not a fascia, extension of the roof, or eave.

“Master sign program” means and includes the location of a sign or signs for an overall building complex or a building identification, including individual business signs and their location, size, type, method of mounting, illumination, and the relationship among all these elements.

“Nonresidential zone” means any zone other than any R zone.

“Off-premises sign” means any sign which directs attention to a business, service, product or entertainment not sold or offered or only incidentally sold or offered on the premises on which the sign is located.

“Pennant” means a long, tapering flag, triangular or swallow-tailed in shape.

“Permanent sign” means any sign which remains in use more than 30 days.

“Person” means any individual, partnership, corporation, association or government or any other legal entity.

“Political sign” means a sign intended to draw attention to or communicate a position on any issue, candidate or measure in any national, state or local election.

“Premises” is a building or unified complex of buildings on one lot or on two or more contiguous lots under common ownership.

“Price sign (fuel)” means a sign on the premises of a gasoline station, which contains information on the cost and type or grade of motor fuel only.

“Primary sign” means the basic sign(s) containing the name and/or logo of a business, office or other establishment.

“Projecting sign” means a sign which extends out from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall.

“Public entrance” is a place of entry at a premises which is accessible to the general public.

“Reflecting sign” is a sign whose surface material reflects light so as to generate a contrast between the sign and adjacent surfaces or surrounding area.

“Residential identification sign” means any sign identifying an institution in a residential zone, occupant, apartment, residence, school or church, and not advertising any product or service.

“Roof sign” means any sign located on or attached to and extending above any portion of the roof of a building.

“Sign” means any visual device or representation designed or used for the purpose of communicating a message or identifying or attracting attention to a premises, project, service, person, organization, business or event, with or without the use of words, visible from outside the premises on which such device is located.

“Sign face” means the visible sign proper including all characters and symbols (excluding essential structural elements which are not an integral part of the display) and including nonstructural frame and any material or color forming an integral part of the display or used to differentiate the message from the background.

Sign Area. See “area of sign.”

“Suspended sign” means a sign attached to and located below any permanent eave, roof or canopy and not mounted to a wall in any way.

“Temporary sign” means any sign which remains in use not more than 30 consecutive days or such other period limited to the duration of a condition or activity specified in this chapter.

“Wall sign” means a single-faced sign painted on or attached parallel to a building or wall.

“Window sign” means a sign applied to or attached to the surface of a window or displayed inside a building and visible through a window or similar opening for the primary purpose of exterior visibility. Nonilluminated signs located within three feet of a window and illuminated signs located within five feet of a window are considered to be window signs and are subject to the provisions of this chapter. [Ord. 13-023 § 4, 2013; Ord. 1664 N.S. § 2, 1989].

20.04.160 Inapplicability to U and O zone districts.

The provisions of this chapter shall not be applicable to the erection or maintenance of signs in the U and O zone districts. (See Chapters 23.42 and 23.44 PGMC.) [Ord. 1664 N.S. § 2, 1989].