



NOTICE OF MEETING

CITY OF PACIFIC GROVE
CITY COUNCIL
ERRATA SHEET



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

ERRATA SHEET

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: Sandra Kandell, City Clerk/DEI Coordinator
MEETING DATE: 09/18/2024
SUBJECT: City Council Meeting Agenda- Errata Sheet

Attached is additional information for your consideration at the September 18, 2024 City Council Meeting:

Agenda Item	Information Provided/Corrected
11A	FY24-25 Adopted Budget-Capital Projects - additional information for Council consideration. (See attached.)
11B	1) Revision to Resolution of Intent to include the public hearing date of October 16, 2024. (See redlined Resolution attached.) 2) Revision to Ordinance Section 6 to reflect Ordinance, not Resolution. (See redlined Ordinance attached.)

Attachments

11A - FY24-25 Adopted Budget-Capital Projects
11B - Redlined Resolution of Intent
11B - Redlined Ordinance

Multi-Year Project Funding Summary

Represents Projects Included in the Fiscal Year 24/25 Adopted Budget ⁽¹⁾

Project Code	Project	Source	Est. FY 23/24 and Prior Years	Est. FY 24/25	Est. FY 25/26	Est. FY 26/27	Est. FY 27/28	Est. FY 28/29	Total
CIP25-03	Pedestrian Safety - Central Ave. & Foundation Ave.	General Fund	-	202,500	-	-	-	-	\$ 270,000
		Capital Contribution	-	67,500	-	-	-	-	
CIP 23-06	Pump Station 15.5	Sewer Fund	110,000	250,000	-	-	-	-	360,000
CIP 25-04	Community Center Sewer Repairs	Sewer Fund	-	50,000	-	-	-	-	50,000
CIP25-05	PG Museum of National History Flooring Replacement	Museum Improvement Fund	-	35,000	-	-	-	-	35,000
CIP25-06	Museum Roof Repair (Storage Garage)	Museum Improvement Fund	-	17,000	-	-	-	-	17,000
CIP25-07	Point Pinos Lighthouse Electrical Panel	Lighthouse Fund	-	20,000	-	-	-	-	20,000
CIP25-08	Golf Course Water Heater	Golf Course Fund	-	20,000	-	-	-	-	20,000
CIP25-09	Library Door Repair	ARPA Fund	-	22,000	-	-	-	-	22,000
CIP25-10	Recreation Trail Improvements (Esplanade Park)	Strong Disbursement Fund	-	20,000	40,000	-	-	-	60,000
CIP25-11	Pico Ave. & Crocker Ave. Stormwater Improvements	Strong Disbursement Fund	-	45,000	-	-	-	-	45,000
CIP25-12	Tee Expansion & Renovation	Golf Course Fund	-	16,500	20,000	-	-	-	73,000
		CourseCo Contribution	-	16,500	20,000	-	-	-	
CIP25-13	Cart Path Improvements	Golf Course Fund	-	27,500	22,000	-	-	-	99,000
		CourseCo Contribution	-	27,500	22,000	-	-	-	
CIP25-01	FY 24/25 Street Rehabilitation Project	General Fund	-	300,000	-	-	-	-	300,000
		Measure X	-	730,000	-	-	-	-	730,000
		RMRA/SB1	-	386,065	-	-	-	-	386,065
		Sewer Fund	-	300,000	-	-	-	-	300,000
CIP25-02	FY 24/25 Crack and Slurry Seal	General Fund	-	200,000	-	-	-	-	200,000
		Measure X	-	200,000	-	-	-	-	200,000
General Fund Total			\$ -	\$ 702,500	\$ -	\$ -	\$ -	\$ -	\$ 702,500
General Fund: Grants and Capital Contributions			-	111,500	42,000	-	-	-	153,500
Pending			-	-	-	-	-	-	-
Non-General Fund Total			110,000	2,139,065	82,000	-	-	-	2,331,065
Capital Improvement Projects Total			\$ 110,000	\$ 2,953,065	\$ 124,000	\$ -	\$ -	\$ -	\$ 3,187,065

(1) Multi-Year Projects represent only those projects funded in Fiscal Year 24/25. The list does not include projects that were completed in Fiscal Year 23/24 or projects that have yet to be appropriated in Fiscal Years 24/25.

RESOLUTION NO. 24-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE, CALIFORNIA, DECLARING THE CITY’S INTENT TO VACATE EXCESS RIGHT-OF-WAY LOCATED ON SLOAT AVENUE, EXCEPTING AND RESERVING RIGHTS FOR EXISTING PUBLIC UTILITY FACILITIES, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON SAID RIGHT-OF-WAY VACATION

WHEREAS, the vacation of public easements and rights-of-way in California is governed by the provisions under Division 9, Part 3 of the California Streets and Highways Code (“CSHC”) and extends from section 8300 through 8368; and

WHEREAS, Section 8320 of the CSHC sets forth the procedure by which a city may initiate a proceeding to vacate a right-of-way on its own initiative by setting a hearing and causing the publishing and posting of the notices of the hearing; and

WHEREAS, Section 8324 of the CSHC authorizes the City Council to impose conditions on the vacation of a street or highway, which conditions shall be satisfied before the resolution of vacation is recorded and effective; and

WHEREAS, the City of Pacific Grove (“City”) currently maintains for roadway purposes an easement approximating 26,778 square feet used for public road right-of-way purposes located in the City on Sloat Avenue of which a portion consisting of 19,602 square feet, more or less (the “Excess Right-of-Way”), is adjacent to the proposed American Tin Cannery (“ATC”) Hotel and Commercial development (together, the “ATC Development”). Notwithstanding this intent to vacate the City retains any other interest it may have in the Excess Right of Way; and

WHEREAS, on January 12, 2022, the City Council of the City of Pacific Grove certified an EIR (SCH #2019110152) for the ATC Development and approved the requisite planning approvals for the ATC Development; and

WHEREAS, on April 11, 2024, the California Coastal Commission (“CCC”) conducted appellate proceedings on the City’s approval of the ATC Development, determined that the ATC Development as modified will not result in any significant environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A), and approved the ATC Development subject to five (5) standard conditions and sixteen (16) special conditions; and

WHEREAS, given the ATC Development approval by the City and the CCC, the Excess Right-of- Way is currently used by the City as a public road right-of-way but is no longer needed for this purpose; and

WHEREAS, the City intends to initiate the process for vacating the Excess Right-of- Way, by setting a time and place for a public hearing on the vacation and directing the City Clerk to provide, publish, and post all required notices; and

WHEREAS, Article 15 of the Charter of the City of Pacific Grove provides, in pertinent part, that no action for the disposition of real property of the City, or any interest therein, shall be taken except by ordinance; and

WHEREAS, although Section 8324 of the CSHC specifies a resolution be adopted to vacate right of way, Section 50020 of the California Government Code Section 50020 provides that “[w]hen a statute requires a local agency to take legislative action by resolution and the local agency is required by its charter to take legislative action by ordinance, action by ordinance is compliance with the statute for all purposes.”

NOW, THEREFORE, BE IT FOUND, DETERMINED, AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE, MONTEREY COUNTY, CALIFORNIA, AS FOLLOWS:

SECTION 1. Each finding set forth above is adopted as true and correct.

SECTION 2. The location of the Excess Right-of-Way subject to vacation is described in Exhibit A and depicted in Exhibit B, each such Exhibit attached to this Resolution and incorporated herein, and is summarized as that portion of right-of-way approximating 19,602 square feet and located on Sloat Avenue between Eardley Avenue and Dewey Avenue.

SECTION 3. The City Council hereby declares an intention to initiate the process for vacating the Excess Right-of-Way, pursuant to Section 8320 of the CSHC, subject to those terms and conditions set forth in the vacation ordinance.

SECTION 4. The City certified an Environmental Impact Report (“EIR”) on January 12, 2022 for the ATC Development (SCH #2019110152) and made the requisite CEQA findings for the certification of the EIR. Subsequently, the CCC determined that the ATC Development as modified by the CCC in its approval action will not result in any significant environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(A). The EIR evaluated the environmental impacts of the project including the development and uses of the subject Property, and as modified and conditioned by the CCC, no additional CEQA review is required.

SECTION 5. The City Council hereby sets a public hearing on the proposed vacation of the Excess Right-of-Way for **October 16**, 2024 at 6:00 pm, or as soon thereafter as the matter may be heard, at the City Council Chamber, 300 Forest Ave, Pacific Grove, California 93950. At the conclusion of the public hearing, the City Council shall determine, from all evidence submitted, whether or not the Excess Right-of-Way proposed to be vacated is necessary for present or prospective public use.

SECTION 6. The City Clerk is hereby directed to post this Resolution of Intention and publish notices of the public hearing for at least two successive weeks prior to the date set for public hearing, pursuant to the requirements of CSHC Section 8322. Notices of the proposed vacation shall additionally be posted along the line of the Excess Right-of-Way proposed to be vacated, pursuant to the requirements of CSHC Section 8323.

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

AYES:

NOES:

ABSENT:

APPROVED:

BILL PEAKE, Mayor

ATTEST:

SANDRA ANN KANDELL, City Clerk

APPROVED AS TO FORM:

BRIAN PIERIK, City Attorney
Burke, Williams & Sorensen, LLP

Exhibit A

Legal Description and Depiction

EXHIBIT "A"
AREA PROPOSED FOR VACATION: SLOAT AVENUE
LEGAL DESCRIPTION

Certain real property situate in the City of Pacific Grove, County of Monterey, State of California, described as follows:

Being a portion of that certain street shown as Sloats Avenue (commonly known as Sloat Avenue) on that certain map filed on August 17, 1909 as Volume 2 Cities and Towns at Page 21 of said County, more particularly described as follows:

Being that portion right of way of Sloat Avenue lying between Blocks 1 and 4 lying southeasterly of the northeasterly prolongation of the northwesterly line of Lot 10 in said Block 4.

Containing an area of 0.45 acres, more or less.

Attached hereto is a plat to accompany legal description, and by this reference made a part hereof

END OF DESCRIPTION

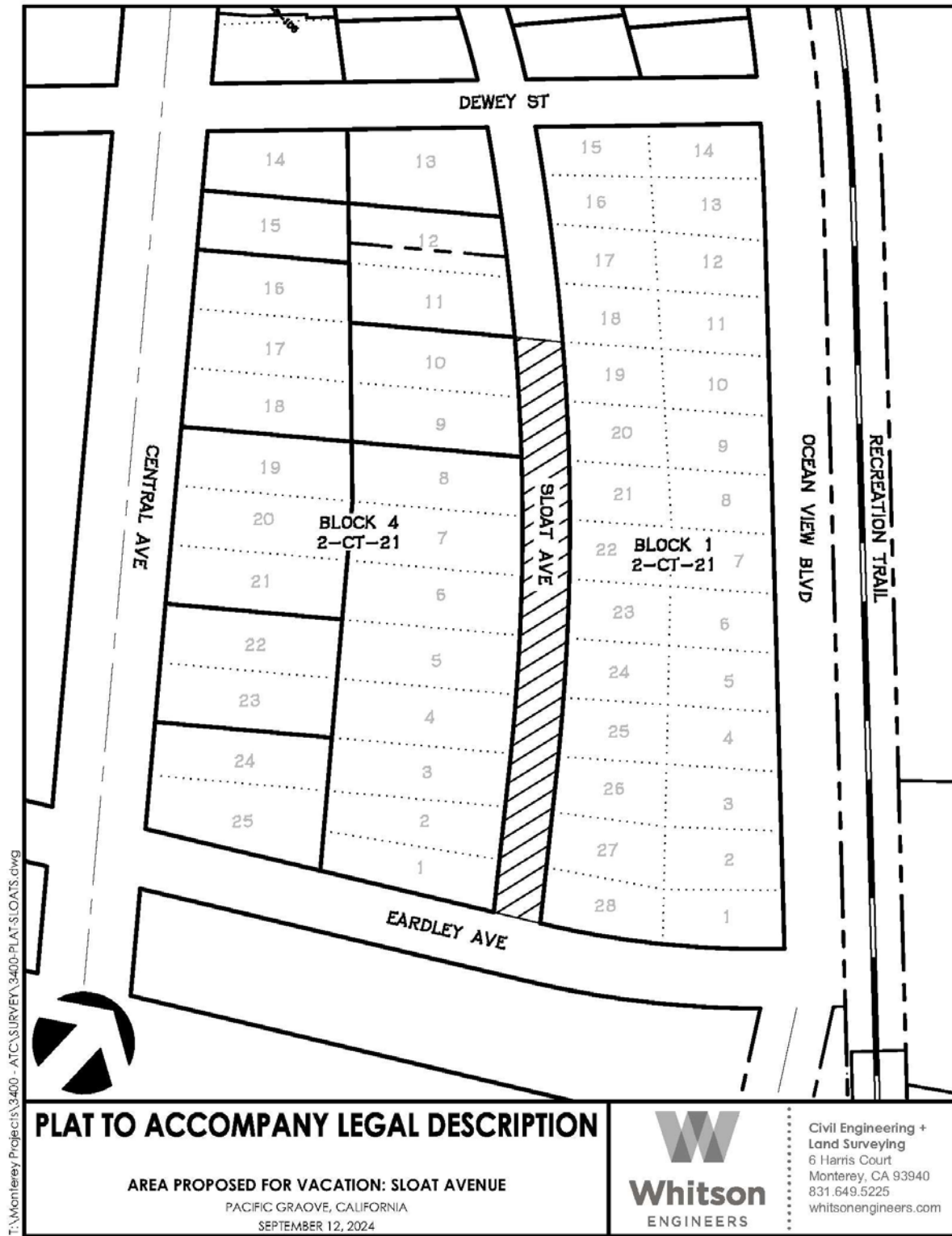
PREPARED BY:
WHITSON ENGINEERS

RICHARD P. WEBER P.L.S.
L.S. NO. 8002
Job No.: 3400.00



Exhibit B

Plot Depiction



ORDINANCE NO. 24-__

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE CONDITIONALLY ORDERING THE VACATION OF EXCESS RIGHT-OF-WAY LOCATED ON SLOAT AVENUE, EXCEPTING AND RESERVING RIGHTS FOR EXISTING AND PROPOSED PUBLIC UTILITY FACILITIES

FACTS

1. The City of Pacific Grove (“City”) passed Resolution No. 24-__ on September 18, 2024, declaring its intention to vacate the excess public right-of-way easement on the real property located on Sloat Avenue (the “Excess Right-of-Way”), which is approximately 19,602 square feet and adjacent to the proposed American Tin Cannery Hotel and Commercial development (together, the “ATC Development”).

2. The proposed adjacent ATC Development includes certain development and uses on a portion of the Excess Right-of-Way which the City will no longer need to maintain once the ATC Development is approved and constructed.

3. The City certified an Environmental Impact Report (EIR) on January 12, 2022, for the ATC Development (SCH #2019110152) and made the requisite CEQA findings for the certification of the EIR. The EIR evaluated the environmental impacts of the project including the development and uses of the subject Excess Right-Of-Way, and as such, no additional CEQA review is required.

4. On October 28, 2021 and November 18, 2021, the Planning Commission conducted a duly-noticed public hearing on the ATC Development and reviewed the vacation for conformity with the General Plan in accordance with Government Code Section 65402.

5. On January 12, 2022, the City Council heard an appeal of the Planning Commission’s decision on the ATC Development and reviewed the vacation for conformity with the General Plan in accordance with Government Code Section 65402. The City Council found the vacation of the subject Excess Right-of-Way to be in conformance with the City’s General Plan.

6. On April 11, 2024, the California Coastal Commission (“CCC”) conducted appellate proceedings on the City’s approval of the ATC Development, determined that the ATC Development as modified will not result in any significant environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A), and approved the ATC Development subject to five (5) standard conditions and sixteen (16) special conditions.

7. No further CEQA review or action is required in connection with this condition order of vacation of the Excess Right-of Way pursuant to Division 9, Part 3, Chapter 3 of the Streets and Highways Code of the State of California (the “Vacation Statute”).

8. The Vacation Statute allows the City Council to adopt a resolution vacating excess street rights-of-way that are no longer required for street purposes, excepting and reserving rights for existing and proposed public utility facilities.

9. Article 15(g) of the City's Charter provides, in pertinent part, that except as provided by General Law, or by this Charter, no action providing for the....acquisition, sale, lease, encumbrancing or disposition of real property of the City, or any interest therein....shall be taken except by ordinance.

10. Government Code Section 50020 provides that "[w]hen a statute requires a local agency to take legislative action by resolution and the local agency is required by its charter to take legislative action by ordinance, action by ordinance is compliance with the statute for all purposes."

11. The Excess Right-of-Way described in both legal and map form in Exhibits A and B, is no longer needed for street purposes should the ATC Development receive all necessary Building Permits as well as approvals for any associated relocation or rerouting of existing public and private utilities; and

12. The City Council has duly considered the staff report and public comments, if any, and desires to vacate the Excess Right-of-Way.

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

SECTION 1. The foregoing Facts are adopted as findings of the City Council as though set forth in full within the body of this ordinance.

SECTION 2. The City Council hereby elects to proceed under and pursuant to the provision of Division 9, Part 3, Chapter 3 of the Streets and Highways Code of the State of California, and in particular, Sections 8324 thereof, and hereby orders the vacation of the Excess Right-of-Way described in Exhibit A, and shown on the plot labeled Exhibit B, each such Exhibit attached hereto and made a part hereof by this reference.

SECTION 3. This ordinance shall take effect only upon, and the vacation of the Excess Right-of-Way is conditioned upon and shall not be effective until, the occurrence of all of the following:

- a. Developer of the ATC Development (the "Developer") has submitted a plan or plans for utility relocation and maintenance (including the temporary protection or provision for utility connection to adjacent properties throughout the course of construction) of existing public and private utilities, including but not limited to fiber optics owned by the Monterey Bay Aquarium Foundation, which is approved by the City and the appropriate utility; and
- b. The City and Developer have entered into a legally binding agreement (the "Agreement") for the conveyance of the City's interest in the land underlying the existing easement. If the City and Developer do not enter into such

agreement within ninety (90) days of the date of adoption of this ordinance, this ordinance will be null and void; and

- c. The City has to its reasonable satisfaction determined that the existing rights of the property owners in the vicinity of the Excess Right-of-Way, including the right to access, use, and develop their parcels now and in the future, consistent with state and local law, have been maintained or an alternative arrangement has been made consistent with the terms of the ATC Development approvals, including CEQA and applicable mitigation measures.
- d. Pursuant to the Agreement the City's interest in the land underlying the Excess Right-of-Way has been conveyed from the City to the Developer; and
- e. This ordinance has been recorded by the City Clerk with the Monterey County Recorder following the Close of Escrow, as that term is defined in the Agreement, and the City's interest in the underlying property has been quit claimed from the City to the Developer.
- f. The passage of thirty (30) days following the adoption of this ordinance in accordance with Article 15 of the City Charter.

SECTION 4. That from and after the date this ordinance is recorded, the Excess Right-of-Way is vacated and no longer constitutes a public right-of-way.

SECTION 5. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign and the City Clerk shall attest to the passage of this ~~Ordinance. Resolution.~~

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 16th day of October, 2024, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL PEAKE, Mayor

ATTEST:

DATED:_____

SANDRA ANN KANDELL, City Clerk

APPROVED AS TO FORM:

BRIAN PIERIK, City Attorney
Burke, Williams & Sorensen, LLP

Exhibit A

Legal Description

EXHIBIT "A"
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Containing an area of 0.45 acres, more or less.

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END OF DESCRIPTION

PREPARED BY:
WHITSON ENGINEERS

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L.S. NO. 8002
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Exhibit B

Plot Depiction

