



NOTICE OF MEETING

CITY OF PACIFIC GROVE

CITY COUNCIL

SPECIAL MEETING AGENDA

Wednesday, October 1, 2025, 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 THE AGENDA

SPECIAL MEETING

PUBLIC COMMENT ON SPECIAL MEETING MATTERS

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

- A. Conference with Real Property Negotiators (Government Code § 54956.8)
Property: Point Pinos Grill, 79 Asilomar Blvd, Pacific Grove
Agency Negotiator(s): Matthew Mogensen, City Manager; Brian Pierik, City Attorney; Dan Gho, Public Works Director/Deputy City Manager; Fred Marsh, Administrative Services Director
Negotiating Party(ies): Tamie Aceves
Under negotiation: Price and terms of payment of lease.

ADJOURNMENT



NOTICE OF MEETING

CITY OF PACIFIC GROVE

CITY COUNCIL

REGULAR MEETING AGENDA

Wednesday, October 1, 2025, 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. Public comments received through this email address by noon on the day of the meeting will be posted with the corresponding agenda item.

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 Rau

1. APPROVAL OF AGENDA

2. PRESENTATIONS

- A. Mayor's Proclamation: Declaring October 2025 as National Women's Small Business Month
Reference: Nick Smith, Mayor **PG 8**

Recommended Action: Present 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 September 17, 2025 City Council Special and Regular Meetings
Reference: Staphany Arriola, Management Analyst **PG 10**

Recommended Action: Approve the minutes.

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

6. **RESOLUTIONS**

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

7. **ORDINANCES**

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

- A. Second Reading and Adoption of Ordinance Regarding Code Enforcement Adding Chapter 1.17, Amending Chapter 1.18, Repealing and Replacing Chapter 1.19, Repealing and Reserving Chapter 3.30, Amending Chapter 6.09, Amending Chapter 7.40, and Amending Chapter 9.17 **PG 18**

Reference: Brian Pierik, City Attorney

Recommended Action: Hold second reading and adopt an Ordinance Regarding Code Enforcement Adding Chapter 1.17, Amending Chapter 1.18, Repealing and Replacing Chapter 1.19, Repealing and Reserving Chapter 3.30, Amending Chapter 6.09, Amending Chapter 7.40, and Amending Chapter 9.17.

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

8. **REPORTS – INFORMATION ONLY**

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

- A. 2025-2027 Community Goals and Workplan Matrix Quarterly Update **PG 68**

Reference: Matthew Mogensen, City Manager

Recommended Action: Receive and file the 2025-2027 Community Goals and Workplan Matrix Quarterly Update.

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

- B. Community Human Services Highlights for September 18, 2025 **PG 72**

Reference: Lori McDonnell, Councilmember

Recommended Action: Receive the highlights.

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

10. **MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES** *Items pulled from this section will be placed under 13. New Business*

- A. Library Board Special Meeting Minutes: July 29, 2025 **PG 75**
Reference: Rachel Gaither, Library Director
Recommended Action: Receive the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

REGULAR AGENDA

11. **PUBLIC HEARINGS**

For public hearings involving a quasi-judicial determination by the Council, the proponent of an item may be given 10 minutes to speak and others in support of the proponent's position may be given three minutes each. A designated spokesperson for opposition to the item may be given 10 minutes to speak and all others in opposition may be given three minutes each. Very brief rebuttal and surrebuttal may be allowed in the sole discretion of the Council. In public hearings not involving a quasi-judicial determination by the Council, all persons may be given three minutes to speak on the matter.

- A. An Ordinance Adopting with California Building Standards Code with Local Amendments
Reference: John Kuehl, Building Official **PG 78**
Recommended Action:
1. Request that the City Attorney read the title of the ordinance.
 2. Motion, followed by a second, to waive further reading of the ordinance.
 3. Introduce and hold first reading of an ordinance that adopts the 2025 Edition of the California Building Standards Code, with local amendments.
 4. Direct that publication of the ordinance be satisfied by publication of a summary approved by the City Attorney.
- CEQA:** Categorical Exemption, CEQA Guidelines Section 15061(b)(3)

12. **UNFINISHED AND ONGOING BUSINESS**

13. **NEW BUSINESS**

- A. Hops and Fog Sidewalk, Bulb Out, Expansion **PG 94**
Reference: Daniel Ghossein, Public Works Director/Deputy City Manager
Recommended Action:
1. Authorize an encroachment permit to be issued to Hops and Fog Brewing Company, located at 511 Lighthouse Avenue, to construct a bulb-out for sidewalk dining.
 2. Alternatively, discuss and take other action related to this item.
- CEQA:** Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

B. Recreation Board Needs Assessment Recommendation **PG 101**

Reference: Joe Amelio, Mayor Pro Tem

Recommended Action: Develop recreational needs assessment.

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

C. Proposal to draft an Ordinance to Regulate Operation of Unmanned Aircraft Systems (drones) to Prevent Wildlife Disturbances **PG 104**

Reference: Council Member Lori McDonnell

Recommended Action: Provide direction to staff to return to City Council with language for an ordinance regulating operation of Unmanned Aircraft Systems (UAS, aka drones).

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: Nick Smith, Mayor
MEETING DATE: October 01, 2025
SUBJECT: Mayor's Proclamation: Declaring October 2025 as National Women's Small Business Month
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Present proclamation.

Attachments

Proclamation



CITY OF PACIFIC GROVE

MAYOR'S PROCLAMATION

Declaring October 2025 as
National Women's Small
Business Month



WHEREAS, in 1972 there were just over 400,000 women-owned businesses in the United States; and

WHEREAS, women in the United States were not allowed to get a business loan without the signature of a male relative to cosign for them until 1988; and

WHEREAS, October is recognized as Women's Small Business Month because the law that allowed women to take out a loan in their own name, the Women's Business Ownership Act of 1988 (Public Law 100-533), was signed on October 25, 1988; and

WHEREAS, according to the Small Business Administration, as of 2022, women-owned businesses make up 42% of all US businesses. That's more than 13 million businesses, employing over 10 million people and generating \$1.9 trillion in revenue; and

WHEREAS, the celebration of "National Women's Small Business Month" honors the efforts of women business owners and women entrepreneurs and recognizes the significance of the contributions of these business owners and entrepreneurs to the small business community; and

WHEREAS, women-owned businesses are key to our overall economic success, and their importance is rapidly growing.

NOW, THEREFORE, I Nick Smith, Mayor of the City of Pacific Grove, hereby recognize the month of October 2025 as "National Women's Small Business Month" and recognize the numerous successful women-owned businesses that help our local economy thrive.

Mayor Smith



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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Staphany Arriola, Management Analyst (Confidential)
MEETING DATE: October 01, 2025
SUBJECT: Minutes of the September 17, 2025 City Council Special and Regular Meetings
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Approve the minutes.

Attachments

Minutes



DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

SPECIAL MEETING

Wednesday, September 17, 2025, 5:00 P.M.

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

Join the Zoom Meeting to participate live at:

https://www.cityofpacificgrove.org/Zoom_Closed

CALL TO ORDER

Mayor Smith called the meeting to order at 5:00 p.m. Mayor Smith indicated Councilmember Walkingstick would not be appearing remotely. Present in Chamber: Smith, Councilmembers Garfield, McDonnell, Poduri, and Rau. Absent: Mayor Pro Tem Amelio and Councilmember Walkingstick.

SPECIAL MEETING

PUBLIC COMMENT ON SPECIAL MEETING MATTERS

No public comment received.

- A. Conference with Real Property Negotiators (Government Code § 54956.8)
Property: Point Pinos Grill, 79 Asilomar Blvd, Pacific Grove
Agency Negotiator(s): Matthew Mogensen, City Manager; Brian Pierik, City Attorney; Dan Gho, Public Works Director/Deputy City Manager; Nicholas Cina, Financial Management Analyst
Negotiating Party(ies): Tamie Aceves
Under negotiation: Price and terms of payment of lease.



DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

REGULAR MEETING

Wednesday, September 17, 2025, 6:00 P.M.

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

Appearing Remotely Via Zoom:

Councilmember Walkingstick

3450 Cahuenga Boulevard West

Los Angeles, CA 90068

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:

[https://www.cityofpacificgrove.org/Zoom CC](https://www.cityofpacificgrove.org/Zoom_CC)

CALL TO ORDER

Mayor Smith called the meeting to order at 6:15 p.m. Mayor Smith indicated Councilmember Walkingstick would not be appearing remotely. Present in Chamber: Smith, Councilmembers Garfield, McDonnell, Poduri, and Rau. Absent: Mayor Pro Tem Amelio and Councilmember Walkingstick.

PLEDGE OF ALLEGIANCE

Councilmember Poduri led the pledge of allegiance

1. APPROVAL OF AGENDA

Upon motion by Councilmember Rau and seconded by Councilmember Poduri, Council voted 5-0-2, Mayor Pro Tem Amelio and Councilmember Walkingstick absent, to approve the Regular Meeting Agenda.

2. PRESENTATIONS

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

A. Report on Closed Session by City Attorney

Conference with Real Property Negotiators (Government Code § 54956.8)

Property: Point Pinos Grill, 79 Asilomar Blvd, Pacific Grove

Agency Negotiator(s): Matthew Mogensen, City Manager; Brian Pierik, City Attorney;

Dan Gho, Public Works Director/Deputy City Manager; Nicholas Cina, Financial

Management Analyst

Negotiating Party(ies): Tamie Aceves

Under negotiation: Price and terms of payment of lease.

City Attorney Brian Pierik reported no action was taken.

B. Council and staff made general announcements.

4. **GENERAL PUBLIC COMMENT**

General public comment received from Dan Miller, Susan Goldbeck, Andy Kubica, Tancy, Kris Lindstrom and Christie Thomas.

A. Written General Public Comment

CONSENT AGENDA

Action: Consent Agenda item 8B was pulled and considered immediately following the Consent Agenda.

Action: Upon motion by Councilmember Poduri and seconded by Councilmember McDonnell, Council voted 5-0-2, Mayor Pro Tem Amelio and Councilmember Walkingstick absent, to approve the Consent Agenda as modified, with addition of resolution

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

A. Minutes of the September 3, 2025 City Council Special and Regular Meetings

Action: Approved the minutes.

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

6. **RESOLUTIONS**

7. **ORDINANCES**

A. Second Reading of Ordinance Repealing Ordinance No. 25-007 Increasing the Compensation of the Mayor and City Councilmembers

Recommended Action: Held second reading and adopted Ordinance No. 26-016

Repealing Ordinance No. 25-007 Increasing the Compensation of the Mayor and City Councilmembers.

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

B. Second Read of an Ordinance Regarding Central, Grand & Fountain Avenue Street Improvements Project

Action: Held second reading and adopted Ordinance No. 25-017 Amending the Operating and Capital Projects Budget for FY25/26

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

8. **REPORTS – INFORMATION ONLY**

A. Check Register and Core Fund Summary - August 2025

Action: Received the Check Register and Core Fund Summary.

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

B. Fourth Quarter FY 24/25 Capital Project Report & Update ***This item was pulled and considered immediately following the Consent Agenda.***

Action: Received the report.

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

- C. Fourth Quarter Treasurer's Quarterly Report
Action: Received the report.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378
- D. Fourth Quarter 24-25 Interim Financial Statements
Action: Received the report.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378
- E. Report on the August 25, 2025 City/PGUSD Joint Subcommittee Meeting
Action: Received and Filed Report on the August 25, 2025 City/PGUSD Joint Subcommittee Meeting
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378
- F. Monterey Salinas Transit Meeting Minutes for August 11, 2025
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378
9. **REPORTS – REQUIRING ACTION**
- A. Waste Hauler Franchise Agreement Matters Memorandum of Understanding with ReGen Monterey and Participating Member Agencies
Action:
 1. Approved the Memorandum of Understanding with ReGen Monterey and participating member agencies regarding assistance with franchise agreement matters; and
 2. Authorized the Mayor to sign the MOU on behalf of the City of Pacific Grove.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378
- B. Designation of Official City Newspapers
Action: Authorized the City Manager to award the designation of 2025-2026 Official Newspaper to the Monterey Herald, the Monterey County Weekly, and the Carmel Pine Cone (Resolution 25-023).
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 Meeting Minutes: August 12, 2025
Action: Received the minutes.
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

8.B.Fourth Quarter FY 24/25 Capital Project Report & Update *This item was pulled from the Consent Agenda.*

Public comment received from Andy Kubica, Dan Miller, Vince Turminello, Kris Lindstrom, and Debby Beck.

Action: Received the report.

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

REGULAR AGENDA

11. PUBLIC HEARINGS

- A. Proposed Ordinance Regarding Code Enforcement Adding Chapter 1.17, Amending Chapter 1.18, Repealing and Replacing Chapter 1.19, Repealing and Reserving Chapter 3.30, Amending Chapter 6.09, Amending Chapter 7.40, and Amending Chapter 9.17

Public comment received from Susan Goldbeck, Inge Lorentzen Daumer, Colleen Ingram and Antony Tersol.

Action: Mayor Smith requested the City Attorney read the title of the Ordinance.

Action: Upon motion by Mayor Smith and seconded by Councilmember Poduri, Council voted to

3. Waive further reading of the Ordinance
4. Introduce and hold first reading of an Ordinance Regarding Code Enforcement Adding Chapter 1.17, and Amending Chapter 1.18, Repealing and Replacing Chapter 1.19, Repealing and Reserving Chapter 3.30, Amending Chapter 6.09, Amending Chapter 7.40, and Amending Chapter 9.17 with the changes referenced this date.
5. Direct that publication of the Ordinance will be satisfied by publication of a summary approved by the City Attorney.

Motion carried 5-0-2 by the following vote:

Ayes: Mayor Smith, Councilmembers Garfield, McDonnell, Poduri, and Rau.

Noes: None.

Absent: Mayor Pro Tem Amelio and Councilmember Walkingstick.

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

12. UNFINISHED AND ONGOING BUSINESS

- A. Cedar, Sunset & Congress Intersection Improvements Project
Public comment received from Vince Tuminello, Dan Miller, Andy Kubica, Christie Thomas, Inge Lorentzen Daumer, and Kris Lindstrom.

Action: Upon motion by Councilmember Poduri and seconded by Councilmember Rau, Council voted 5-0-2, Mayor Pro Tem Amelio and Councilmember Walkingstick absent, to

1. Authorize staff to begin working with the Transportation Agency for Monterey County (TAMC) to amend the funding agreement for the Cedar, Sunset and Congress Intersection Project, requesting a funding increase of \$137,961, to

continue with the Design Engineering Evaluation Report, for a Round-a-Bout at the intersection.

2. Bring back the TAMC funding agreement and GHD amendment at a future Council meeting for consideration.

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

Action: Council took a break until 8:25 p.m

13. **NEW BUSINESS**

- A. Responsibilities and Authority of the Historic Resources Committee
Public comment received from Lisa Ciani, Inge Lorentzen Daumer, Jane Haines, and Vicki Pearse.

Action: Upon motion by Councilmember Garfield and seconded by Mayor Smith, Council voted to direct staff to return to Council and fold into his conceptualization a concept that absolutely reserves a seat at the table on the board for a member of the Heritage Society to be nominated by the Heritage Society, subsequently appointed by the Mayor, confirmed by the Council, and further, that if a member of the Heritage Society is not nominated the Mayor may appoint in his/her discretion.

Motion carried 5-0-2 by the following vote:

Ayes: Mayor Smith, Councilmembers Garfield, McDonnell, Poduri, and Rau.
Noes: None.
Absent: Mayor Pro Tem Amelio and Councilmember Walkingstick.

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

14. **FULL PRESENTATIONS**

- A. Hopkins Marine Station Update
Public comment received from Inge Lorentzen Daumer and Lisa Ciani.

Action: Received the 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 9:27 p.m.

Respectfully Submitted,

Staphany Arriola, Management Analyst (Confidential) for

Sandra Kandell, City Clerk

Approved by Mayor: _____Date_____

Attest by City Manager: _____Date_____

Draft



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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Brian Pierik, City Attorney
MEETING DATE: October 01, 2025
SUBJECT: Second Reading and Adoption of Ordinance Regarding Code Enforcement Adding Chapter 1.17, Amending Chapter 1.18, Repealing and Replacing Chapter 1.19, Repealing and Reserving Chapter 3.30, Amending Chapter 6.09, Amending Chapter 7.40, and Amending Chapter 9.17
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Hold second reading and adopt an Ordinance Regarding Code Enforcement Adding Chapter 1.17, Amending Chapter 1.18, Repealing and Replacing Chapter 1.19, Repealing and Reserving Chapter 3.30, Amending Chapter 6.09, Amending Chapter 7.40, and Amending Chapter 9.17.

DISCUSSION

On September 17, 2025, there was a discussion by the City Council for a proposed Ordinance Regarding Code Enforcement Adding Chapter 1.17, Amending Chapter 1.18, Repealing and Replacing Chapter 1.19, Repealing and Reserving Chapter 3.30, Amending Chapter 6.09, Amending Chapter 7.40, and Amending Chapter 9.17.

During that discussion, the Council requested changes to the Proposed Ordinance and then voted to introduce the Proposed Ordinance with those changes.

Attachment 1 is Redline version of the Proposed Ordinance which shows the changes to the Proposed Ordinance that were made at the Council meeting on September 17, 2025.

Attachment 2 is a Clean version of the Proposed Ordinance which accepts the changes that were made on September 17, 2025.

The City Clerk caused a summary of the ordinance to be published on September 25, 2025.

OPTIONS

1. Take no action
2. Take other action related to this Agenda item.

FINANCIAL IMPACT:

The proposed Ordinance does not have any fiscal impact. There will be financial impact in the future depending upon what code enforcement actions are taken by the City.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

- 1 Redline Version of Proposed Ordinance
- 2 Clean Version of Proposed Ordinance

ATTACHMENT 1 - REDLINE

ORDINANCE NO. 25-_____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE ADDING CHAPTER 1.17, AMENDING CHAPTER 1.18, REPEALING AND REPLACING CHAPTER 1.19, REPEALING AND RESERVING CHAPTER 3.30, AMENDING CHAPTER 6.09, AMENDING CHAPTER 7.40, AND AMENDING CHAPTER 9.17 OF THE PACIFIC GROVE MUNICIPAL CODE REGARDING CODE ENFORCEMENT PROCESSES

FINDINGS

1. The City of Pacific Grove is authorized by California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. Pursuant to California Constitution, Article XI, Section 5 and Pacific Grove City Charter Article 5, the City, as a charter city, has plenary authority to make and enforce within its limits all ordinances and regulations in respect to municipal affairs.
2. Government Code section 53069.4(a) authorizes a city to adopt an ordinance providing for imposition of administrative fines for municipal code violations.
3. Government Code sections 38773.1 and 38773.5 provide that a city may, by ordinance, provide for the recovery of nuisance abatement costs, including attorneys' fees, in any action, administrative proceeding, or special proceeding to abate a nuisance.
4. In accordance with these grants of authority, the City has adopted Pacific Grove Municipal Code (PGMC) chapter 1.19 [Municipal Code and Ordinance Enforcement]. Chapter 1.19 with two distinct processes that would be more efficiently be included in separate provisions of the City Municipal Code ordinance: the administrative citation procedure (Sections 1.19.040–1.19.150) and the nuisance abatement procedure (Sections 1.19.150–1.19.290).
5. Infraction violations of local, state, and federal regulations governing the standing or parking of vehicles are subject to fines and are enforced by the civil administrative process in Vehicle Code sections 40200–40230. Anyone may contest a parking violation in accordance with the process set forth in Vehicle Code section 40215 and any implementing ordinance. In accordance with Vehicle Code section 40215, the City has adopted PGMC chapter 1.18 [Motor Vehicle Parking Violation Enforcement].
6. The City places a high value on protecting community character, land values, and the general public, health, safety and welfare, and has previously adopted numerous

ordinances to help ensure such protection. The purpose of this ordinance is to improve the efficiency of the City's code enforcement processes in order to make the City's code enforcement efforts more efficient and effective. The purpose of this ordinance is also to further modernize the code enforcement and nuisance abatement tools to help improve the efficiency of the City's code enforcement processes and to protect the public health, safety and welfare, and to ensure cost recovery to the fullest extent as authorized by law.

7. Further, the purpose of this ordinance is to authorize the City to retain a professional hearing officer to preside over administrative citation, nuisance abatement, and parking citation appeals, in lieu of the hearing officer panel. A single, professionally trained hearing officer ensures consistency of procedure and decision-making and efficient handling of matters.
8. The City Council finds that the adoption of this proposed ordinance is within the City's power and authority to protect the public health, safety, and welfare of the City's residents.
9. This ordinance amends the PGMC to create a new Chapter 1.17 entitled "Administrative Citations" to provide an efficient administrative mechanism to enforce the PGMC through the imposition of fines, as authorized by Government Code section 53069.4.
10. This ordinance amends the PGMC by repealing and replacing Chapter 1.19 with an ordinance entitled "Nuisance Abatement" to establish procedures for abating public nuisances and related cost recovery, Government Code sections 38773.1 and 38773.5.
11. This ordinance amends the PGMC by amending Chapters 1.18, 6.09, 7.40, and 9.17 related to appeals and the hearing officer authority.
12. All legal prerequisites to the adoption of the ordinance have occurred.
13. 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

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

SECTION 1. Incorporation of Findings. The foregoing findings are adopted by the City Council as though set forth in fully within the body of this ordinance.

SECTION 2. Pacific Grove Municipal Code Chapter 1.17 is hereby added to read as set forth in Exhibit A attached hereto.

SECTION 3. Pacific Grove Municipal Code Chapter 1.18 is hereby amended to read as set forth in Exhibit B attached hereto.

SECTION 4. Pacific Grove Municipal Code Chapter 1.19 is hereby repealed and replaced to read as set forth in Exhibit C attached hereto.

SECTION 5. Pacific Grove Municipal Code Chapter 3.30 is hereby repealed and reserved.

SECTION 6. Pacific Grove Municipal Code Chapter 6.09 is hereby amended to read as set forth in Exhibit D attached hereto.

SECTION 7. Pacific Grove Municipal Code Chapter 7.40 is hereby amended to read as set forth in Exhibit E attached hereto.

SECTION 8. Pacific Grove Municipal Code Chapter 9.17 is hereby amended to read as set forth in Exhibit F attached hereto.

SECTION 9. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 10. Effectiveness. In accordance with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following its passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

NICK SMITH, Mayor

ATTEST:
DATED: _____

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

BRIAN A. PIERIK, City Attorney

EXHIBIT A

CHAPTER 1.17 - ADMINISTRATIVE CITATIONS

1.17.010 Purpose

This chapter provides an efficient, administrative mechanism to enforce the Pacific Grove Municipal Code through the imposition of fines, as authorized by Government Code section 53069.4 and other applicable law.

1.17.020 Definitions

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

“Appellant” means a citee who files an appeal.

“Citee” means a responsible person who has been issued an administrative citation under this chapter.

“City Manager” means the City Manager or their designee.

“Enforcement officer” means any City employee or agent of the City designated by the City Manager who has the authority to enforce the Pacific Grove Municipal Code.

“Responsible person” means any person that, by their action or failure to act, causes, maintains, allows, permits, aids, abets, or suffers a violation of this code. For the purposes of this definition, “person” means any natural individual or any organization that the law recognizes as having rights or duties, including, without limitation, a firm, association, partnership, joint venture, trust, estate, receiver, limited liability company, corporation, or any other legal or commercial entity.

1.17.030 Scope and Authorization to Enforce Chapter

(a) The provisions of this chapter apply to any violation of this code or any violation of a condition of approval of any permit, license, or other approval issued by the City.

(b) The City Manager has the authority to administer and enforce this chapter. The City Manager may adopt supplemental regulations or policies to implement and interpret this chapter. These regulations or policies must conform with the purpose of this chapter.

1.17.040 Use of Administrative Citations

(c) Whenever an enforcement officer determines that a violation subject to this chapter has occurred, the enforcement officer may issue an administrative citation to a responsible person in accordance with the requirements of this chapter.

(d) Each day, or any portion thereof, that a prohibited condition, use, or activity under the code is committed, continued or permitted shall constitute a separate violation for which an

administrative fine may be imposed. A single citation may charge multiple violations of the code; however, each violation is subject to a separate and distinct administrative fine.

(e) The remedies and procedures provided by this chapter are cumulative to each other and to any other available under City, state, or federal law. The use of an administrative citation in place of or in addition to other remedies is at the discretion of the City.

1.17.050 Fine Amount

(f) *Default Fine.* Unless the City Council adopts a different fine amount by ordinance or resolution, the default fine amount for each violation is as follows:

- (1) A fine not exceeding \$100 for a first violation;
- (2) A fine not exceeding \$200 for a second violation within one year; and
- (3) A fine not exceeding \$500 for each additional violation within one year.

(g) *Fine Resolution Authorized.* By resolution, the City Council may set, and later revise, fine amounts that differ from the default in subsection (a) for any particular violation or group of violations.

1.17.060 Citation Contents

(h) *Required Contents.* Each citation must contain the following information:

- (1) The name of the responsible person.
- (2) The date of the violation(s).
- (3) The address or a clear description of the location where the violation was observed.
- (4) The code section(s) violated and a concise description of the facts.
- (5) The amount of the fine for each violation.
- (6) Instructions for paying the fine, including the payment deadline.
- (7) An order to correct or cease the violation.
- (8) A concise summary of the hearing and appeal process, including identification of the right to appeal and the appeal deadline.
- (9) The name of the enforcement officer issuing the administrative citation.

(i) *Substantial Compliance.* The purpose of the citation content requirements is to provide fair notice to the responsible person and to encourage compliance with applicable laws. Substantial compliance with these content requirements is deemed sufficient to effectuate these purposes. Any defect in the form or content of a citation does not constitute a ground for invalidating the

citation, provided that the citation substantially complies with the requirements of this section and under the circumstances affords the responsible person adequate notice of the alleged violation and the opportunity to respond.

1.17.070 Service Requirements

(j) *Authorized Means of Service.* Any document or notice required to be served under this chapter must be completed as follows:

(1) Personal service.

(2) Mail via first class mail to the last known address of the responsible person.

(3) If notice via personal service or mail is not possible, for citations involving a real property-related violation, the document or notice may be served via posting in a prominent place on the real property.

(k) *Effectiveness of Service.* Service by mail is complete upon deposit with the U.S. Postal Service. Service by posting is complete on the date of posting. Failure of any intended recipient to receive any properly mailed or posted notice does not affect the validity of the notice or any proceeding conducted under this chapter.

1.17.080 Satisfaction of Administrative Citation

(l) *Payment.* The responsible person must pay the fine to the City within 30 days after the citation is served, or within 30 days after service of a decision of the hearing officer upholding a fine in the event of an appeal. All fines assessed shall be payable to the City of Pacific Grove and submitted to the City or its designee. Payment of the fine waives the citee's right to contest the citation. Payment of a fine does not excuse or authorize any continuing violation, discharge a failure to correct a continuing violation, or bar further enforcement action by the City.

(m) *Remedy the Violation.* If the violation is of a continuing nature, pertains to building, plumbing, electrical, or other similar structural or zoning issues, is deemed by the enforcement officer not to create an immediate danger to health and safety, and is fully and timely corrected within the time given to correct or cease the violation, then no fine is imposed.

(n) *Request a Hearing.* As an alternative to payment of the fine or correction of continuing violation as set forth in this section, a citee may appeal the administrative citation as set forth in Section 1.17.090.

1.17.090 Request for Hearing

(o) A citee may appeal an administrative citation and contest that there was a violation or that they are the responsible person by completing and filing a request for hearing form and returning it to the City within 14 days of service of the administrative citation, together with advance payment of the fine, unless a hardship waiver is granted under Section 1.17.100. No fee is due for the filing of an appeal.

(p) The request for hearing must contain the full name, mailing address, e-mail address, and telephone number of each appellant who is appealing the citation, the number of the citation, and the grounds for appeal in sufficient detail to enable the hearing officer to understand the nature of the controversy.

(q) A failure to file a request for hearing with all of the requirements set forth in this section is a waiver of the right to appeal the citation and to seek judicial review. In this event, the citation is final and binding.

1.17.100 Advance Deposit Hardship Waiver

Any appellant who is financially unable to deposit the administrative fines required may file a request for an advance deposit hardship waiver. The request must be filed with the City Manager at the time the appellant requests a hearing. The City Manager may waive the advance deposit requirement if the appellant files a sworn affidavit, with any supporting documents, demonstrating to the satisfaction of the City Manager the person's financial hardship or inability to deposit the fine. The City Manager's decision whether to issue a hardship waiver is final and not appealable. Failure to timely submit a completed form is a waiver of the right to apply for a hardship waiver. If a hardship waiver is denied, the person requesting the waiver must deposit the fine amount within the timeframe set by the City Manager.

1.17.110 Selection of Hearing Officer

The City Manager may select a qualified person to serve as the hearing officer for the administrative citation hearing. Hearing officers must be selected in a manner that avoids the potential for pecuniary or other bias. For purposes of this section, a qualified person includes an individual with a background in the practice of law or local governance or enforcement matters, or who is otherwise deemed qualified by the City Manager.

1.17.120 Powers and Duties of Hearing Officer

(r) The hearing officer hears all appeals in accordance with the procedures contained in this chapter. The hearing officer is authorized to issue decisions and take all actions necessary and proper to carry out the functions of the hearing officer in this chapter, including administer oaths and affirmations, hear testimony, determine admissibility, relevancy, weight, and credibility of testimony and evidence, rule upon requests of the parties, and issue a final order which includes findings of fact and conclusions of law. The hearing officer must ensure that parties receive a fair hearing and are afforded due process in accordance with the applicable State and federal law governing such hearings.

1.17.130 Hearing Notice Procedures

(s) *Hearing Preconditions.* No hearing to contest an administrative citation may proceed unless a timely and proper request for hearing form has been submitted, and the fine has been deposited in advance, or a hardship waiver has been timely requested and approved.

(t) *Timeframe for Hearing.* After receipt of the request for hearing form, and fine deposit or hardship waiver, a hearing before the hearing officer must be set for a date that is not less than 15

and not more than 45 days from the date that the request for hearing form is filed. The failure to hold the hearing within this time period does not invalidate any action of the hearing officer.

(u) *Notice of Hearing*. The appellant must be notified of the time and place set for the hearing by first class mail at least 10 days before the date of the hearing. The notice of hearing may be served by any of the methods of service listed in Section 1.17.070.

(v) *Continuance of Hearing*. The appellant may request one continuance of the hearing, but in no event may the hearing commence later than 60 days after receipt of the request for hearing form from the appellant. Further continuances or any continuance that will extend the commencement of the hearing beyond 60 days after receipt of the request for hearing may be granted at the discretion of the hearing officer for good cause or by stipulation of the appellant and the City.

1.17.140 Conduct of Hearing

(w) *Participation*. The hearing officer must be present, either in person or remotely, at all times to preside over the hearing. The failure of any recipient of an administrative citation to appear at the hearing constitutes a forfeiture of the fine and a bar to judicial review of the hearing officer decision, based upon a failure to exhaust administrative remedies. Hearings may be opened to the public at the discretion of the hearing officer.

(x) *Evidence and Witnesses*. Administrative hearings are informal, and formal rules of evidence and discovery do not apply. Each party has the opportunity to present evidence in support of that party's case, and to cross-examine witnesses. The rules of privilege are effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence may be excluded. Oral evidence may be taken only on oath or affirmation. The hearing officer may only consider evidence that is relevant to whether the violation occurred, and whether the responsible person has caused or maintained the violation on the date(s) specified in the administrative citation.

(y) *Proof*. The City bears the burden of proving the violation by a preponderance of the evidence. The administrative citation and any additional documents submitted by the issuing enforcement officer constitutes prima facie evidence of the respective facts contained in those documents.

(z) *Interpretation and Recordation*. The appellant may bring an interpreter to the hearing at the appellant's sole expense. The City may, at its discretion, record the hearing by stenographer, court reporter, audio recording, or video recording.

1.17.150 Decision of the Hearing Officer

(aa) *Decision Requirements*. The hearing officer must render their decision in accordance with the provisions of this chapter. The hearing officer's decision must be in writing and must set forth the hearing officer's findings of fact and conclusions of law. The hearing officer must serve a decision within 15 days following the conclusion of the hearing. Failure of the hearing officer to render a decision within this time period does not invalidate any action of the hearing officer.

(bb) *Disposition of Deposited Fines.* If the hearing officer determines the administrative citation should be upheld, then the fine amount on deposit with the City may be retained by the City. If the hearing officer determines the administrative citation should be canceled and the fine was deposited with the City, then the City must promptly refund the amount of any deposited fine.

1.17.160 Judicial Review

An appellant may seek review of the hearing officer's decision in the Monterey County Superior Court in accordance with Government Code section 53069.4.

1.17.170 Late Charges and Fine Collection

(cc) *Late Charges.* Failure to pay an administrative fine by the due date will result in the assessment of a late charge. The late charge will be equal to 100 percent of unpaid fine. Failure to pay an administrative fine by the due date may also result in the imposition of an interest charge at a rate established by resolution of the City Council.

(dd) *Collection.* Any unpaid fine, late charge, or interest is a debt that is immediately due and owing to the City. The City may collect any such debt through any method allowed by law. Commencement of an action to collect the debt does not preclude issuance of additional administrative citations to the responsible person should the violations persist.

Lien and Special Assessment Authority. Any unpaid fine, late charge, or interest that is final and in connection with real property may be collected by means of a lien or a special assessment against the real property on which the violation occurred.”

EXHIBIT B

1.18.100 Administrative hearing officer selection.

The City Manager ~~will~~^{may} select a qualified person to serve as the hearing officer for the administrative citation hearing. Hearing officers must be selected in a manner that avoids the potential for pecuniary or other bias. For purposes of this section, a qualified person includes an individual with a background in the practice of law or local governance or enforcement matters, or who is otherwise deemed qualified by the City Manager.

1.18.230 Hearing officer's decision.

(ee) After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the citation and shall list the reasons for that decision. The decision of the hearing officer shall be final for purposes of administrative review.

(ff) If the hearing officer determines that the citation should be upheld, then the fine amount on deposit with the city shall be retained by the city. If the fine has not been deposited, the hearing officer shall set forth in the decision a payment schedule for the fine.

(gg) If the hearing officer determines that the citation should be canceled and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine, together with interest. If the fine has not been deposited, the hearing officer shall cancel the obligation to tender the fine.

The hearing officer's decision shall be personally served or served by first class mail.

”

EXHIBIT C

CHAPTER 1.19 - NUISANCE ABATEMENT

1.19.010 Purpose

This chapter establishes procedures for abating public nuisances and related cost recovery, as authorized by Government Code sections 38773.1 and 38773.5. It supplements every other enforcement remedy available to the City. Use of this nuisance abatement process is at the sole discretion of the City.

1.19.020 Definitions

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

“Abatement costs” means all costs, fees, and expenses, incidental or otherwise, including reasonable attorney fees, incurred by the City in investigating and abating a public nuisance.

“City Manager” means the City Manager or their designee.

“Enforcement officer” means any City employee or agent of the City designated by the City Manager who has the authority to enforce the Pacific Grove Municipal Code.

“Junk” means waste, rubbish, appliances, scrap metal, building materials, and similar miscellaneous items.

“Responsible person” means any person that, by their action or failure to act, causes, maintains, allows, permits, aids, abets, or suffers a violation of this code. For the purposes of this definition, “person” means any natural individual or any organization that the law recognizes as having rights or duties, including, without limitation, a firm, association, partnership, joint venture, trust, estate, receiver, limited liability company, corporation, or any other legal or commercial entity.

1.19.030 Scope

The provisions of this chapter apply to all real property in the City except those parcels owned by the City of Pacific Grove.

1.19.040 Administration and Enforcement

The administration and enforcement of this chapter is the responsibility of the enforcement officer, unless otherwise expressly stated herein.

1.19.050 Service

(a) *Authorized Means of Service.* Any document or notice required to be served under this chapter must be completed as follows:

(1) Personal service.

(2) Mail via first class mail to the last known address of the responsible person.

(3) If notice via personal service or mail is not possible, for citations involving a real property-related violation, the document or notice may be served via posting in a prominent place on the real property.

(b) *Effectiveness of Service*. Service by mail is complete upon deposit with the U.S. Postal Service. Service by posting is complete on the date of posting. Failure of any intended recipient to receive any properly mailed or posted notice does not affect the validity of the notice or proceedings conducted under this chapter.

1.19.060 Designated Nuisances

It is unlawful for any person owning, leasing, renting, occupying, or having charge or possession of any property in the City to maintain the property or allow the property to be maintained, with any of the following conditions:

(a) *Junk, Trash, and Debris*. Accumulations of junk, trash, or debris in a manner visible from a public right-of-way or adjacent property.

(b) *Abandoned or Damaged Buildings*. Buildings that are abandoned, partially destroyed, or permitted to remain unreasonably in a state of partial construction.

(c) *Broken Windows*. Broken windows, which constitute hazardous conditions and invite trespassers and malicious mischief.

(d) *Overgrown Vegetation*. Overgrown weeds, grass, or vegetation.

(e) *Dead, Decayed, or Diseased Vegetation*. Dead, decayed, diseased, or hazardous trees, weeds, and other vegetation that is: (1) constituting unsightly appearance, (2) dangerous to public safety and welfare, or (3) detrimental to nearby property or property values.

(f) *Detriment to Public Health, Safety, and General Welfare*. Maintenance of premises in such condition as to be detrimental to the public health, safety, or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code section 3480.

(g) *Fire Hazard*. All dry, dead shrubs, dead trees, combustible refuse and waste, or any material growing around the streets, sidewalks, or upon private property within the City, which by reason of its size, manner, or growth or location constitutes a fire hazard to any building, improvements, crops, or other property, or when dry, will in reasonable probability constitute a fire hazard.

(h) *Detrimental to Enjoyment or Use of Property*. Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties.

(i) *Polluted Water*. Any swimming pool, pond or other body of water which is abandoned, unattended, unfiltered, or not maintained, resulting in the water becoming polluted. “Polluted water,” for the purpose of this Chapter, means water contained in a swimming pool, pond, or other body of water, which includes, but is not limited to, bacterial growth, including algae, remains of rubbish, refuse, debris, papers, or any other foreign matter which, because of its nature or location, constitutes an unhealthy, unsafe or unsightly condition.

(j) *Graffiti*. Graffiti or other defacement of real or personal property present or remaining on a building, structure or vehicle, or portion thereof, that is visible from a public right-of-way or adjacent property.

(k) *Inoperable Vehicles*. Abandoned, dismantled, inoperable or wrecked vessels, campers, motorcycles, trailers, vehicles, or parts thereof, unless kept, placed, parked, or stored inside of a completely enclosed, lawfully constructed building or structure.

(l) Any violation of the Pacific Grove Municipal Code.

1.19.070 Compliance Orders

(a) *Authority to Issue*. An enforcement officer may issue a written compliance order to any responsible person when the officer determines that a violation is occurring or exists.

(b) *Required Contents*. A compliance order issued under this chapter must contain the following information:

(1) The address of the real property on which the alleged nuisance condition exists;

(2) A description of the alleged nuisance conditions and the code section prohibiting the alleged nuisance condition.

(3) A brief description of the required corrective actions.

(4) The deadline to complete the corrective actions.

(5) A statement that the City may record a Notice of Violation with the Monterey County Recorder’s Office against the premises

(6) The enforcement officer’s name.

(7) The period and manner in which a responsible person may contest the compliance order as set forth in Section 1.19.080.

(c) *Additional Requirements for Demolition*. Whenever the enforcement officer intends to abate a public nuisance by demolition of a building or structure if the responsible person fails to comply, then the City must comply with the following additional requirements:

(1) The compliance order must contain a statement that the City intends to abate the nuisance with City personnel or contractors by demolition of a building or structure if the nuisance

conditions are not repaired, rehabilitated, removed, terminated, or demolished within the deadline set forth in the compliance order; and

(2) The City must serve the compliance order on all secured lienholders of record with the Monterey County Recorder's Office.

(d) *Service.* Any compliance order issued under this section must be served in the manner required under Section 1.19.050.

(e) *Exemption for Emergency Abatement.* The provisions of this section do not apply in cases involving emergency abatement under Section 1.19.110.

1.19.080 Compliance Order Appeals

(a) *Right to Appeal.* Any person issued a compliance order has a right to appeal the City's nuisance determination in accordance with this chapter.

(b) *Appeal Requirements.* An appeal must be filed within ~~30~~⁴⁵ calendar days following the date of service of the compliance order. A written notice of appeal must contain the full name, mailing address, e-mail address, and telephone number and the grounds for appeal in sufficient detail to enable the hearing officer and City to understand the nature of the controversy.

(c) *Effect of Failure to Appeal.* A person who does not properly and timely appeal a compliance order waives the right to challenge it and has failed to exhaust administrative remedies. In this event, the compliance order is final.

1.19.090 Appeal Hearings

(a) *Selection of Hearing Officer.* The City Manager may select the hearing officer. The hearing officer must be selected in a manner that avoids the potential for pecuniary or other bias.

(b) *Scheduling and Noticing of the Hearing.* If a timely and proper appeal is filed, then the City Clerk must schedule the hearing no sooner than 15 days and no later than 60 days from receipt of the notice of appeal, unless the parties waive such time limits. The failure to hold the hearing within this time period does not invalidate any action of the hearing officer. The City Clerk must notify the appellant in writing of the date, time, and location of the hearing at least 10 days before the date of the scheduled hearing. The notice of hearing must be served in accordance with Section 1.19.050.

(c) *Issues on Appeal.* The City bears the burden of proof to establish a nuisance exists by a preponderance of evidence. The issuance of a compliance order is prima facie evidence of the existence of a violation. The scope of the appeal is limited to whether any nuisance condition identified in the compliance order exists.

(d) *Evidence, Witnesses, and Recording.* All parties have the right to present evidence and witnesses. The formal rules of evidence and discovery do not apply. The rules of privilege apply as they do in civil actions. Irrelevant or unduly repetitious evidence may be excluded. Oral evidence may be taken only on oath or affirmation. The appellant and respondent may represent

themselves or be represented by anyone of their choice. No party has the right to cross-examine any other party or witness except for good cause shown to the satisfaction of the hearing officer. The appellant may bring an interpreter to the hearing at their sole expense. The City may, at its discretion, record the hearing by stenographer, court reporter, audio recording, or video recording.

(e) *Decision of the Hearing Officer.* The hearing officer's decision must be in writing, set forth the hearing officer's findings of fact and conclusions of law, order the abatement of any confirmed nuisance conditions within a deadline determined by the hearing officer to be reasonable, and include a statement that if the nuisance is not abated then it may be abated by the City. If the hearing officer determines that each nuisance condition described in the compliance order is nonexistent, the compliance order is deemed cancelled. The hearing officer must render a decision within 15 days following the conclusion of the hearing. Failure of the hearing officer to render a decision within this time period does not invalidate any action of the hearing officer or automatically grant the appeal. The hearing officer's decision must be served in accordance with Section 1.19.050. The hearing officer's decision is the final administrative decision of the City regarding the compliance order. The hearing officer's decision is effective on the date of service of the decision. The decision must contain the following statement: "The decision of the hearing officer is final and binding. Judicial review of this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure section 1094.6 et seq."

1.19.100 City Abatement

If a nuisance is not completely abated within the time prescribed by the compliance order, or, if appealed, in the hearing officer's decision, the City is authorized to abate a nuisance by City staff or private contractor. The City and its agents are expressly authorized to enter the premises for such purpose. Except in cases involving an imminent hazard, entry onto any real property to abate a public nuisance must be pursuant to a warrant issued by a court of competent jurisdiction.

1.19.110 Emergency Abatement

(a) If, in the reasonable opinion of the enforcement officer, there exists a condition that constitutes an imminent threat of harm to public health or safety, or imminent hazard to real or personal property, the enforcement officer may cause the conditions to be summarily abated in accordance with the following procedure. When determining whether a hazard is sufficiently imminent to warrant emergency abatement, the enforcement officer may consider whether there is insufficient time to follow the administrative process for non-emergency abatements described in this chapter.

(b) If time permits, the enforcement officer may attempt to contact the owner or occupant of the property to notify the responsible person that the condition must be immediately abated to eliminate the imminent hazard.

(c) If the enforcement officer is unable to make contact, or if after contact with the owner or occupant does not take action within the time prescribed by the enforcement officer, he or she is authorized to take all actions necessary to eliminate or mitigate the hazardous condition, utilizing the City's own forces or private contractor.

(d) As soon as reasonably possible under the circumstances, following any emergency abatement action by the City to abate an immediate hazard, the City must provide each responsible person with a “Notice of Summary Abatement.” The Notice of Summary Abatement must be served in accordance with Section 1.19.050 and contain the following information:

- (1) A brief description of the condition and reasons why it constituted an imminent threat or hazard;
- (2) A brief description of the law prohibiting or pertaining to the imminent threat or hazard; and
- (3) A brief description of the actions the City took to abate the imminent threat or hazard.

(e) The City’s determination that a condition constituted an imminent threat or hazard may be appealed as set forth in Section 1.19.080.

(f) The enforcement officer must keep an itemized account of the costs incurred by the City in abating the public nuisance. The City is entitled to recover all abatement costs incurred in the abatement of an imminent threat or hazard in accordance with the procedures set forth in this chapter.

1.19.120 Notice of Violation Recordation

(a) *Recordation Authorization.* If a nuisance is not completely abated as determined by the City within the time prescribed by the compliance order, if appealed, in the hearing officer’s decision, the City may record a Notice of Violation with the Monterey County Recorder’s Office against the premises.

(b) *Rescission.* The City ~~may~~**must** record a Notice of Rescission of Notice of Violation with the Monterey County Recorder’s Office within 10 business days of its determination that the violation has been fully abated or corrected.

(c) *Service.* Upon recordation, the City must serve a copy of the recorded Notice of Violation or Notice of Rescission on each person having an ownership interest in the property.

1.19.130 Cost Recovery Authorization

(a) *City’s Right to Recover Nuisance Abatement Costs.* Whenever the City incurs abatement costs in abating a public nuisance or seeking to abate a code violation or public nuisance, the City is entitled to recover the abatement costs related to those code enforcement efforts in accordance with the procedure set forth in this chapter. The City may commence cost recovery proceedings at any time.

(b) *Recoverable Abatement Costs.* Recoverable costs include all abatement costs. Recoverable costs may not exceed the actual and reasonable costs of nuisance abatement.

1.19.140 Cost Recovery Initiation

(a) *Report of Abatement Costs.* To initiate the process for recovery of abatement costs, the City must serve an itemized report of abatement costs on the responsible person identifying all abatement costs and demanding payment. The report must provide notice that any unpaid amounts may become a lien and special assessment against the property unless the City receives full and timely payment.

(b) *Service of Report of Abatement Costs.* The report of abatement costs must be served in accordance with Section 1.19.050. If the code violation or public nuisance relates to real property, then the report of abatement costs must be served on each person with a recorded interest in the property.

(c) *Payment.* Timely, full payment of the abatement costs must be remitted to the City within 45 calendar days following the date of service of the report of abatement costs.

(d) *Right to Appeal.* Any person issued a report of abatement costs has a right to appeal the report of abatement costs. An appeal must be filed within 15 calendar days following the date of service of the report of abatement costs. The right to appeal and procedures must be specified in the report. A written notice of appeal must contain the following information: (1) the name and contact information of the appellant, and (2) the grounds for appeal in sufficient detail to enable the hearing officer and City to understand the nature of the controversy. The failure of any person who has been served with proper notice to timely file an appeal is a failure to exhaust administrative remedies.

1.19.150 Cost Recovery Hearings and Appeals

(a) *Cost Recovery Appeal.* These hearing procedures supplement and augment those above. The scope of the appeal is limited to the appropriateness of the amount of the abatement costs, and the hearing officer's decision may confirm, discharge, or modify the amount of costs.

(b) *Decision.* The hearing officer's decision must be in writing, set forth the hearing officer's findings of fact and conclusions of law, and demand payment of any confirmed abatement costs within 30 calendar days following the date of service of the hearing officer's decision.

(c) *Payment of Confirmed Costs.* Any confirmed abatement costs must be tendered to the City within 30 calendar days following the date of service of the hearing officer's decision.

1.19.160 Cost Collection Initiation

(a) Upon expiration of 45 days after the report of abatement costs, or 30 days after the hearing officer's decision in the event of an appeal, if the full amount of the final abatement costs has not been paid, any unpaid costs may be collected by the City in accordance with Sections 1.19.160 through 1.19.190.

(b) To collect the unpaid costs via a lien or special assessment, the City Council, after a public hearing, may adopt a resolution confirming imposition of the debt and approving filing a lien or special assessment against the subject real property.

1.19.170 Lien Cost Collection

- (a) In accordance with Government Code section 38773.1, abatement costs may be levied by the City as a lien against the property on which the nuisance was abated. The City may record a lien against the nuisance property for any unpaid amount. Before recording a lien, the City must serve each person with a recorded interest in the subject property with notice of the lien. In addition, any owner of record must be served in accordance with Government Code section 38773.1.
- (b) The nuisance abatement lien must be recorded in the office of the County Recorder of Monterey County, California; and from the date of recording, the nuisance abatement lien will have the force, effect, and priority of a judgment lien, and will continue in effect until discharged by the City.
- (c) The lien must specify the City as the agency for whose benefit the lien is established, the amount of the lien, the date of any abatement order, the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.
- (d) The nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment. All costs and expenses relating to the processing, recording, and enforcement of the abatement lien, including recording fees, noticing costs and attorney fees may be added to the amount of the lien and will be secured thereby.
- (e) Upon payment or other satisfaction of the abatement lien, a notice of release of lien must be prepared and recorded by the City forthwith.

1.19.180 Special Assessment Cost Collection

- (a) In accordance with Government Code section 38773.5, abatement costs may be levied by the City as a special assessment against the property on which the nuisance was abated. If the abatement costs have not been paid in full within the time required by this Chapter, the City may levy a special assessment against the real property on which the violation occurred. The City must serve each person with a recorded interest in the subject property with notice of the imposition of the special assessment. In addition, any owner of record must be served in accordance with Government Code section 38773.5. The notice must specify that the property may be sold after three years by the Tax Collector for unpaid delinquent assessments.
- (b) The notice of special assessment is entitled to recordation with the Monterey County Recorder's Office. A copy of the notice of special assessment must be transmitted to the County Tax Assessor and Tax Collector, whereupon the Tax Assessor and Tax Collector must add the amount of the special assessment on the next regular bill for real estate taxes levied against the property identified in the notice of special assessment. Thereafter, the special assessment will be collected at the same time and in the same manner as ordinary municipal taxes are collected, and will be subject to the same penalties and the same procedure and sale in the case of delinquency as provided by law for ordinary municipal taxes. After recordation, the special assessment may be foreclosed on as a lien in the manner and means provided by law.

1.19.190 Civil Action Cost Collection

(a) In addition to any other remedies set forth in this Code or otherwise provided by law, the City Attorney is authorized to bring a civil action, at the City Attorney's discretion, to recover the City's abatement costs.

1.19.200 Combined Notices

The notices that are authorized by this chapter may be combined in the discretion of the City.

1.19.210 Enforcement

(a) It is unlawful and declared a public nuisance for any person to violate any provision of this chapter. It is unlawful and declared a public nuisance for any person to violate any order of a hearing officer made under this chapter.

(b) Any person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of up to \$1,000, or by imprisonment in the County jail not exceeding six months, or by both, except the City Attorney or enforcement officer may prosecute a violation of this chapter as an infraction, in his or her discretion.

(c) Violation of this chapter may be punished by issuance of an administrative citation fine, as set forth in Chapter 1.17.

(d) The City Attorney is authorized to bring a civil or equitable action, at his or her discretion, to seek the abatement of any violation of this chapter or enforcement of any provision of this chapter.

(e) Each and every day a violation is maintained, caused, aided, abetted, concealed, suffered, or permitted is a separate offense.

(f) The regulations, remedies, procedures, and penalties provided by this chapter are cumulative to each other and to any other available under City, State, or federal law.

1.19.220 Attorney Fee Recovery

The prevailing party in any judicial action, administrative proceeding, or special proceeding to abate a nuisance may recover its incurred attorney fees, provided that the City elected, at the initiation of such individual action or proceeding, to recover its own attorney fees. In no judicial action or administrative proceeding may an award of attorney fees to a prevailing party exceed the amount of reasonable attorney fees incurred by the City in the judicial action or administrative proceeding. A judicial action includes, but is not limited to, any civil action, inspection or abatement warrant, administrative proceeding, or appeal from an administrative proceeding. Any recovery of attorney fees for abatement of a nuisance must be in accordance with this section."

EXHIBIT D

6.09.080 Failure to collect and report tax – Determination of tax by tax administrator.

If any operator shall fail or refuse to collect said tax and to make, within the time provided in this chapter, any report and remittance of said tax or any portion thereof required by this chapter, the tax administrator shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the tax administrator shall procure such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he or she shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his or her last known place of address. ~~Such operator may within 10 days after the serving or mailing of such notice, make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is made, the tax administrator shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the tax administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after 15 days unless an appeal is taken as provided in PGMC 6.09.090.~~

6.09.090 Appeals.

(a) *Right to Appeal.* Any person aggrieved by any decision of the tax administrator with respect to the amount of such tax, interest and penalties, if any, has a right to file a written appeal the within 15 calendar days following the date of service of the determination of tax due.

(b) *Effect of Failure to Appeal.* Failure to appeal is waiver of the right to challenge the decision and failure to exhaust administrative remedies. In this event, the decision order is final, and any tax, interest, and penalties are immediately due and payable.

(c) *Selection of Hearing Officer.* The City Manager may select the hearing officer. The hearing officer must be selected in a manner that avoids the potential for pecuniary or other bias.

(d) *Scheduling and Noticing of the Hearing.* If a timely and proper appeal is filed, then the City Clerk must schedule the hearing no sooner than 15 days and no later than 60 days from receipt of the notice of appeal, unless the parties waive such time limits. The failure to hold the hearing

within this time period does not invalidate any action of the hearing officer. The City Clerk must notify the appellant in writing of the date, time, and location of the hearing at least 10 days before the date of the scheduled hearing. The notice of hearing must be served personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at their last known place of address.

(e) *Burdens and Standard.* The City bears the initial burden to produce evidence showing a reasonable basis for the estimate and assessment made under this chapter. If the City meets that burden, the operator bears the burden to produce records or other evidence sufficient to rebut the estimate and assessment.

(f) *Decision.* The hearing officer's decision must be in writing, set forth the hearing officer's findings of fact and conclusions of law, determine the proper tax to be remitted, and include a 15-day deadline for payment of any upheld amount to the City. If the hearing officer determines that each nuisance condition described in the compliance order is nonexistent, the compliance order is deemed cancelled. The hearing officer must render a decision within 15 days following the conclusion of the hearing. Failure of the hearing officer to render a decision within this time period does not invalidate any action of the hearing officer or automatically grant the appeal. The hearing officer's decision must be served personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at their last known place of address. The decision must contain the following statement: "The decision of the hearing officer is final and binding. Judicial review of this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure section 1094.6 et seq."

EXHIBIT E

7.40.160 Appeal of tax.

Any person aggrieved by any decision of the city with respect to the amount of the transient occupancy tax or fees associated thereto may appeal to a hearing officer in accordance with Section 6.09.090.

EXHIBIT F

9.17.130 Enforcement.

(a) Beginning January 1, 2024, if the city determines that a generator, responsible party, self-hauler, hauler, tier one or tier two commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance with this chapter, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this section, as needed.

(b) Violation of any of the provisions of this chapter shall constitute an infraction or misdemeanor and shall be punishable as set forth in Chapter 1.16 PGMC.

(c) Notwithstanding any other legal remedy, violation of any of the provisions of this chapter may be enforced pursuant to Chapter 1.19 PGMC.

(d) Notwithstanding any other legal remedy, violation of any of the provisions of this chapter shall constitute a public nuisance and shall be subject to abatement, injunction, or other civil remedy as appropriate.

(e) Notice of Violation.

(1) City enforcement officials or their designee will monitor compliance randomly and through compliance reviews, route reviews, investigation of complaints, and an inspection program (that may include remote monitoring).

(2) For incidences of prohibited container contaminants found in containers, city will issue a notice of contamination to any generator or responsible party found to have prohibited container contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the prohibited container contaminants or within 10 business days after determining that a violation has occurred. If the city observes prohibited container contaminants in a responsible party's containers on more than three consecutive occasions, the city may assess contamination processing fees or contamination penalties on the generator.

(3) City shall issue a notice of violation requiring compliance within a maximum of 60 days of issuance of the notice. Notices shall be sent to "Owner" at the official address of the owner maintained by the tax collector for the city or if no such address is available, to the owner at the address of the multifamily premises or commercial premises or to the responsible party for the collection services, depending upon available information.

(f) Penalty Amounts for Types of Violations. Penalties may be assessed for violations as provided in Chapters 1.16 and/or 1.19 PGMC. Any person causing or permitting a violation of this code shall be regarded as committing a separate offense on each day that the violation occurs or continues.

ATTACHMENT 2 – CLEAN

ORDINANCE NO. 25-_____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE ADDING CHAPTER 1.17, AMENDING CHAPTER 1.18, REPEALING AND REPLACING CHAPTER 1.19, REPEALING AND RESERVING CHAPTER 3.30, AMENDING CHAPTER 6.09, AMENDING CHAPTER 7.40, AND AMENDING CHAPTER 9.17 OF THE PACIFIC GROVE MUNICIPAL CODE REGARDING CODE ENFORCEMENT PROCESSES

FINDINGS

1. The City of Pacific Grove is authorized by California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. Pursuant to California Constitution, Article XI, Section 5 and Pacific Grove City Charter Article 5, the City, as a charter city, has plenary authority to make and enforce within its limits all ordinances and regulations in respect to municipal affairs.
2. Government Code section 53069.4(a) authorizes a city to adopt an ordinance providing for imposition of administrative fines for municipal code violations.
3. Government Code sections 38773.1 and 38773.5 provide that a city may, by ordinance, provide for the recovery of nuisance abatement costs, including attorneys' fees, in any action, administrative proceeding, or special proceeding to abate a nuisance.
4. In accordance with these grants of authority, the City has adopted Pacific Grove Municipal Code (PGMC) chapter 1.19 [Municipal Code and Ordinance Enforcement]. Chapter 1.19 with two distinct processes that would be more efficiently be included in separate provisions of the City Municipal Code ordinance: the administrative citation procedure (Sections 1.19.040–1.19.150) and the nuisance abatement procedure (Sections 1.19.150–1.19.290).
5. Infraction violations of local, state, and federal regulations governing the standing or parking of vehicles are subject to fines and are enforced by the civil administrative process in Vehicle Code sections 40200–40230. Anyone may contest a parking violation in accordance with the process set forth in Vehicle Code section 40215 and any implementing ordinance. In accordance with Vehicle Code section 40215, the City has adopted PGMC chapter 1.18 [Motor Vehicle Parking Violation Enforcement].
6. The City places a high value on protecting community character, land values, and the general public, health, safety and welfare, and has previously adopted numerous

ordinances to help ensure such protection. The purpose of this ordinance is to improve the efficiency of the City's code enforcement processes in order to make the City's code enforcement efforts more efficient and effective. The purpose of this ordinance is also to further modernize the code enforcement and nuisance abatement tools to help improve the efficiency of the City's code enforcement processes and to protect the public health, safety and welfare, and to ensure cost recovery to the fullest extent as authorized by law.

7. Further, the purpose of this ordinance is to authorize the City to retain a professional hearing officer to preside over administrative citation, nuisance abatement, and parking citation appeals, in lieu of the hearing officer panel. A single, professionally trained hearing officer ensures consistency of procedure and decision-making and efficient handling of matters.
8. The City Council finds that the adoption of this proposed ordinance is within the City's power and authority to protect the public health, safety, and welfare of the City's residents.
9. This ordinance amends the PGMC to create a new Chapter 1.17 entitled "Administrative Citations" to provide an efficient administrative mechanism to enforce the PGMC through the imposition of fines, as authorized by Government Code section 53069.4.
10. This ordinance amends the PGMC by repealing and replacing Chapter 1.19 with an ordinance entitled "Nuisance Abatement" to establish procedures for abating public nuisances and related cost recovery, Government Code sections 38773.1 and 38773.5.
11. This ordinance amends the PGMC by amending Chapters 1.18, 6.09, 7.40, and 9.17 related to appeals and the hearing officer authority.
12. All legal prerequisites to the adoption of the ordinance have occurred.
13. 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

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

SECTION 1. Incorporation of Findings. The foregoing findings are adopted by the City Council as though set forth in fully within the body of this ordinance.

SECTION 2. Pacific Grove Municipal Code Chapter 1.17 is hereby added to read as set forth in Exhibit A attached hereto.

SECTION 3. Pacific Grove Municipal Code Chapter 1.18 is hereby amended to read as set forth in Exhibit B attached hereto.

SECTION 4. Pacific Grove Municipal Code Chapter 1.19 is hereby repealed and replaced to read as set forth in Exhibit C attached hereto.

SECTION 5. Pacific Grove Municipal Code Chapter 3.30 is hereby repealed and reserved.

SECTION 6. Pacific Grove Municipal Code Chapter 6.09 is hereby amended to read as set forth in Exhibit D attached hereto.

SECTION 7. Pacific Grove Municipal Code Chapter 7.40 is hereby amended to read as set forth in Exhibit E attached hereto.

SECTION 8. Pacific Grove Municipal Code Chapter 9.17 is hereby amended to read as set forth in Exhibit F attached hereto.

SECTION 9. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 10. Effectiveness. In accordance with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following its passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

NICK SMITH, Mayor

ATTEST:
DATED: _____

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

BRIAN A. PIERIK, City Attorney

EXHIBIT A

CHAPTER 1.17 - ADMINISTRATIVE CITATIONS

1.17.010 Purpose

This chapter provides an efficient, administrative mechanism to enforce the Pacific Grove Municipal Code through the imposition of fines, as authorized by Government Code section 53069.4 and other applicable law.

1.17.020 Definitions

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

“Appellant” means a citee who files an appeal.

“Citee” means a responsible person who has been issued an administrative citation under this chapter.

“City Manager” means the City Manager or their designee.

“Enforcement officer” means any City employee or agent of the City designated by the City Manager who has the authority to enforce the Pacific Grove Municipal Code.

“Responsible person” means any person that, by their action or failure to act, causes, maintains, allows, permits, aids, abets, or suffers a violation of this code. For the purposes of this definition, “person” means any natural individual or any organization that the law recognizes as having rights or duties, including, without limitation, a firm, association, partnership, joint venture, trust, estate, receiver, limited liability company, corporation, or any other legal or commercial entity.

1.17.030 Scope and Authorization to Enforce Chapter

(a) The provisions of this chapter apply to any violation of this code or any violation of a condition of approval of any permit, license, or other approval issued by the City.

(b) The City Manager has the authority to administer and enforce this chapter. The City Manager may adopt supplemental regulations or policies to implement and interpret this chapter. These regulations or policies must conform with the purpose of this chapter.

1.17.040 Use of Administrative Citations

(c) Whenever an enforcement officer determines that a violation subject to this chapter has occurred, the enforcement officer may issue an administrative citation to a responsible person in accordance with the requirements of this chapter.

(d) Each day, or any portion thereof, that a prohibited condition, use, or activity under the code is committed, continued or permitted shall constitute a separate violation for which an

administrative fine may be imposed. A single citation may charge multiple violations of the code; however, each violation is subject to a separate and distinct administrative fine.

(e) The remedies and procedures provided by this chapter are cumulative to each other and to any other available under City, state, or federal law. The use of an administrative citation in place of or in addition to other remedies is at the discretion of the City.

1.17.050 Fine Amount

(f) *Default Fine.* Unless the City Council adopts a different fine amount by ordinance or resolution, the default fine amount for each violation is as follows:

- (1) A fine not exceeding \$100 for a first violation;
- (2) A fine not exceeding \$200 for a second violation within one year; and
- (3) A fine not exceeding \$500 for each additional violation within one year.

(g) *Fine Resolution Authorized.* By resolution, the City Council may set, and later revise, fine amounts that differ from the default in subsection (a) for any particular violation or group of violations.

1.17.060 Citation Contents

(h) *Required Contents.* Each citation must contain the following information:

- (1) The name of the responsible person.
- (2) The date of the violation(s).
- (3) The address or a clear description of the location where the violation was observed.
- (4) The code section(s) violated and a concise description of the facts.
- (5) The amount of the fine for each violation.
- (6) Instructions for paying the fine, including the payment deadline.
- (7) An order to correct or cease the violation.
- (8) A concise summary of the hearing and appeal process, including identification of the right to appeal and the appeal deadline.
- (9) The name of the enforcement officer issuing the administrative citation.

(i) *Substantial Compliance.* The purpose of the citation content requirements is to provide fair notice to the responsible person and to encourage compliance with applicable laws. Substantial compliance with these content requirements is deemed sufficient to effectuate these purposes. Any defect in the form or content of a citation does not constitute a ground for invalidating the

citation, provided that the citation substantially complies with the requirements of this section and under the circumstances affords the responsible person adequate notice of the alleged violation and the opportunity to respond.

1.17.070 Service Requirements

(j) *Authorized Means of Service.* Any document or notice required to be served under this chapter must be completed as follows:

(1) Personal service.

(2) Mail via first class mail to the last known address of the responsible person.

(3) If notice via personal service or mail is not possible, for citations involving a real property-related violation, the document or notice may be served via posting in a prominent place on the real property.

(k) *Effectiveness of Service.* Service by mail is complete upon deposit with the U.S. Postal Service. Service by posting is complete on the date of posting. Failure of any intended recipient to receive any properly mailed or posted notice does not affect the validity of the notice or any proceeding conducted under this chapter.

1.17.080 Satisfaction of Administrative Citation

(l) *Payment.* The responsible person must pay the fine to the City within 30 days after the citation is served, or within 30 days after service of a decision of the hearing officer upholding a fine in the event of an appeal. All fines assessed shall be payable to the City of Pacific Grove and submitted to the City or its designee. Payment of the fine waives the citee's right to contest the citation. Payment of a fine does not excuse or authorize any continuing violation, discharge a failure to correct a continuing violation, or bar further enforcement action by the City.

(m) *Remedy the Violation.* If the violation is of a continuing nature, pertains to building, plumbing, electrical, or other similar structural or zoning issues, is deemed by the enforcement officer not to create an immediate danger to health and safety, and is fully and timely corrected within the time given to correct or cease the violation, then no fine is imposed.

(n) *Request a Hearing.* As an alternative to payment of the fine or correction of continuing violation as set forth in this section, a citee may appeal the administrative citation as set forth in Section 1.17.090.

1.17.090 Request for Hearing

(o) A citee may appeal an administrative citation and contest that there was a violation or that they are the responsible person by completing and filing a request for hearing form and returning it to the City within 14 days of service of the administrative citation, together with advance payment of the fine, unless a hardship waiver is granted under Section 1.17.100. No fee is due for the filing of an appeal.

(p) The request for hearing must contain the full name, mailing address, e-mail address, and telephone number of each appellant who is appealing the citation, the number of the citation, and the grounds for appeal in sufficient detail to enable the hearing officer to understand the nature of the controversy.

(q) A failure to file a request for hearing with all of the requirements set forth in this section is a waiver of the right to appeal the citation and to seek judicial review. In this event, the citation is final and binding.

1.17.100 Advance Deposit Hardship Waiver

Any appellant who is financially unable to deposit the administrative fines required may file a request for an advance deposit hardship waiver. The request must be filed with the City Manager at the time the appellant requests a hearing. The City Manager may waive the advance deposit requirement if the appellant files a sworn affidavit, with any supporting documents, demonstrating to the satisfaction of the City Manager the person's financial hardship or inability to deposit the fine. The City Manager's decision whether to issue a hardship waiver is final and not appealable. Failure to timely submit a completed form is a waiver of the right to apply for a hardship waiver. If a hardship waiver is denied, the person requesting the waiver must deposit the fine amount within the timeframe set by the City Manager.

1.17.110 Selection of Hearing Officer

The City Manager may select a qualified person to serve as the hearing officer for the administrative citation hearing. Hearing officers must be selected in a manner that avoids the potential for pecuniary or other bias. For purposes of this section, a qualified person includes an individual with a background in the practice of law or local governance or enforcement matters, or who is otherwise deemed qualified by the City Manager.

1.17.120 Powers and Duties of Hearing Officer

(r) The hearing officer hears all appeals in accordance with the procedures contained in this chapter. The hearing officer is authorized to issue decisions and take all actions necessary and proper to carry out the functions of the hearing officer in this chapter, including administer oaths and affirmations, hear testimony, determine admissibility, relevancy, weight, and credibility of testimony and evidence, rule upon requests of the parties, and issue a final order which includes findings of fact and conclusions of law. The hearing officer must ensure that parties receive a fair hearing and are afforded due process in accordance with the applicable State and federal law governing such hearings.

1.17.130 Hearing Notice Procedures

(s) *Hearing Preconditions.* No hearing to contest an administrative citation may proceed unless a timely and proper request for hearing form has been submitted, and the fine has been deposited in advance, or a hardship waiver has been timely requested and approved.

(t) *Timeframe for Hearing.* After receipt of the request for hearing form, and fine deposit or hardship waiver, a hearing before the hearing officer must be set for a date that is not less than 15

and not more than 45 days from the date that the request for hearing form is filed. The failure to hold the hearing within this time period does not invalidate any action of the hearing officer.

(u) *Notice of Hearing.* The appellant must be notified of the time and place set for the hearing by first class mail at least 10 days before the date of the hearing. The notice of hearing may be served by any of the methods of service listed in Section 1.17.070.

(v) *Continuance of Hearing.* The appellant may request one continuance of the hearing, but in no event may the hearing commence later than 60 days after receipt of the request for hearing form from the appellant. Further continuances or any continuance that will extend the commencement of the hearing beyond 60 days after receipt of the request for hearing may be granted at the discretion of the hearing officer for good cause or by stipulation of the appellant and the City.

1.17.140 Conduct of Hearing

(w) *Participation.* The hearing officer must be present, either in person or remotely, at all times to preside over the hearing. The failure of any recipient of an administrative citation to appear at the hearing constitutes a forfeiture of the fine and a bar to judicial review of the hearing officer decision, based upon a failure to exhaust administrative remedies. Hearings may be opened to the public at the discretion of the hearing officer.

(x) *Evidence and Witnesses.* Administrative hearings are informal, and formal rules of evidence and discovery do not apply. Each party has the opportunity to present evidence in support of that party's case, and to cross-examine witnesses. The rules of privilege are effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence may be excluded. Oral evidence may be taken only on oath or affirmation. The hearing officer may only consider evidence that is relevant to whether the violation occurred, and whether the responsible person has caused or maintained the violation on the date(s) specified in the administrative citation.

(y) *Proof.* The City bears the burden of proving the violation by a preponderance of the evidence. The administrative citation and any additional documents submitted by the issuing enforcement officer constitutes prima facie evidence of the respective facts contained in those documents.

(z) *Interpretation and Recordation.* The appellant may bring an interpreter to the hearing at the appellant's sole expense. The City may, at its discretion, record the hearing by stenographer, court reporter, audio recording, or video recording.

1.17.150 Decision of the Hearing Officer

(aa) *Decision Requirements.* The hearing officer must render their decision in accordance with the provisions of this chapter. The hearing officer's decision must be in writing and must set forth the hearing officer's findings of fact and conclusions of law. The hearing officer must serve a decision within 15 days following the conclusion of the hearing. Failure of the hearing officer to render a decision within this time period does not invalidate any action of the hearing officer.

(bb) *Disposition of Deposited Fines.* If the hearing officer determines the administrative citation should be upheld, then the fine amount on deposit with the City may be retained by the City. If the hearing officer determines the administrative citation should be canceled and the fine was deposited with the City, then the City must promptly refund the amount of any deposited fine.

1.17.160 Judicial Review

An appellant may seek review of the hearing officer's decision in the Monterey County Superior Court in accordance with Government Code section 53069.4.

1.17.170 Late Charges and Fine Collection

(cc) *Late Charges.* Failure to pay an administrative fine by the due date will result in the assessment of a late charge. The late charge will be equal to 100 percent of unpaid fine. Failure to pay an administrative fine by the due date may also result in the imposition of an interest charge at a rate established by resolution of the City Council.

(dd) *Collection.* Any unpaid fine, late charge, or interest is a debt that is immediately due and owing to the City. The City may collect any such debt through any method allowed by law. Commencement of an action to collect the debt does not preclude issuance of additional administrative citations to the responsible person should the violations persist.

Lien and Special Assessment Authority. Any unpaid fine, late charge, or interest that is final and in connection with real property may be collected by means of a lien or a special assessment against the real property on which the violation occurred.”

EXHIBIT B

1.18.100 Administrative hearing officer selection.

The City Manager will select a qualified person to serve as the hearing officer for the administrative citation hearing. Hearing officers must be selected in a manner that avoids the potential for pecuniary or other bias. For purposes of this section, a qualified person includes an individual with a background in the practice of law or local governance or enforcement matters, or who is otherwise deemed qualified by the City Manager.

1.18.230 Hearing officer's decision.

(ee) After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the citation and shall list the reasons for that decision. The decision of the hearing officer shall be final for purposes of administrative review.

(ff) If the hearing officer determines that the citation should be upheld, then the fine amount on deposit with the city shall be retained by the city. If the fine has not been deposited, the hearing officer shall set forth in the decision a payment schedule for the fine.

(gg) If the hearing officer determines that the citation should be canceled and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine, together with interest. If the fine has not been deposited, the hearing officer shall cancel the obligation to tender the fine.

The hearing officer's decision shall be personally served or served by first class mail.

”

EXHIBIT C

CHAPTER 1.19 - NUISANCE ABATEMENT

1.19.010 Purpose

This chapter establishes procedures for abating public nuisances and related cost recovery, as authorized by Government Code sections 38773.1 and 38773.5. It supplements every other enforcement remedy available to the City. Use of this nuisance abatement process is at the sole discretion of the City.

1.19.020 Definitions

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

“Abatement costs” means all costs, fees, and expenses, incidental or otherwise, including reasonable attorney fees, incurred by the City in investigating and abating a public nuisance.

“City Manager” means the City Manager or their designee.

“Enforcement officer” means any City employee or agent of the City designated by the City Manager who has the authority to enforce the Pacific Grove Municipal Code.

“Junk” means waste, rubbish, appliances, scrap metal, building materials, and similar miscellaneous items.

“Responsible person” means any person that, by their action or failure to act, causes, maintains, allows, permits, aids, abets, or suffers a violation of this code. For the purposes of this definition, “person” means any natural individual or any organization that the law recognizes as having rights or duties, including, without limitation, a firm, association, partnership, joint venture, trust, estate, receiver, limited liability company, corporation, or any other legal or commercial entity.

1.19.030 Scope

The provisions of this chapter apply to all real property in the City except those parcels owned by the City of Pacific Grove.

1.19.040 Administration and Enforcement

The administration and enforcement of this chapter is the responsibility of the enforcement officer, unless otherwise expressly stated herein.

1.19.050 Service

(a) *Authorized Means of Service.* Any document or notice required to be served under this chapter must be completed as follows:

(1) Personal service.

(2) Mail via first class mail to the last known address of the responsible person.

(3) If notice via personal service or mail is not possible, for citations involving a real property-related violation, the document or notice may be served via posting in a prominent place on the real property.

(b) *Effectiveness of Service.* Service by mail is complete upon deposit with the U.S. Postal Service. Service by posting is complete on the date of posting. Failure of any intended recipient to receive any properly mailed or posted notice does not affect the validity of the notice or proceedings conducted under this chapter.

1.19.060 Designated Nuisances

It is unlawful for any person owning, leasing, renting, occupying, or having charge or possession of any property in the City to maintain the property or allow the property to be maintained, with any of the following conditions:

(a) *Junk, Trash, and Debris.* Accumulations of junk, trash, or debris in a manner visible from a public right-of-way or adjacent property.

(b) *Abandoned or Damaged Buildings.* Buildings that are abandoned, partially destroyed, or permitted to remain unreasonably in a state of partial construction.

(c) *Broken Windows.* Broken windows, which constitute hazardous conditions and invite trespassers and malicious mischief.

(d) *Overgrown Vegetation.* Overgrown weeds, grass, or vegetation.

(e) *Dead, Decayed, or Diseased Vegetation.* Dead, decayed, diseased, or hazardous trees, weeds, and other vegetation that is: (1) constituting unsightly appearance, (2) dangerous to public safety and welfare, or (3) detrimental to nearby property or property values.

(f) *Detriment to Public Health, Safety, and General Welfare.* Maintenance of premises in such condition as to be detrimental to the public health, safety, or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code section 3480.

(g) *Fire Hazard.* All dry, dead shrubs, dead trees, combustible refuse and waste, or any material growing around the streets, sidewalks, or upon private property within the City, which by reason of its size, manner, or growth or location constitutes a fire hazard to any building, improvements, crops, or other property, or when dry, will in reasonable probability constitute a fire hazard.

(h) *Detrimental to Enjoyment or Use of Property.* Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties.

(i) *Polluted Water*. Any swimming pool, pond or other body of water which is abandoned, unattended, unfiltered, or not maintained, resulting in the water becoming polluted. “Polluted water,” for the purpose of this Chapter, means water contained in a swimming pool, pond, or other body of water, which includes, but is not limited to, bacterial growth, including algae, remains of rubbish, refuse, debris, papers, or any other foreign matter which, because of its nature or location, constitutes an unhealthy, unsafe or unsightly condition.

(j) *Graffiti*. Graffiti or other defacement of real or personal property present or remaining on a building, structure or vehicle, or portion thereof, that is visible from a public right-of-way or adjacent property.

(k) *Inoperable Vehicles*. Abandoned, dismantled, inoperable or wrecked vessels, campers, motorcycles, trailers, vehicles, or parts thereof, unless kept, placed, parked, or stored inside of a completely enclosed, lawfully constructed building or structure.

(l) Any violation of the Pacific Grove Municipal Code.

1.19.070 Compliance Orders

(a) *Authority to Issue*. An enforcement officer may issue a written compliance order to any responsible person when the officer determines that a violation is occurring or exists.

(b) *Required Contents*. A compliance order issued under this chapter must contain the following information:

(1) The address of the real property on which the alleged nuisance condition exists;

(2) A description of the alleged nuisance conditions and the code section prohibiting the alleged nuisance condition.

(3) A brief description of the required corrective actions.

(4) The deadline to complete the corrective actions.

(5) A statement that the City may record a Notice of Violation with the Monterey County Recorder’s Office against the premises

(6) The enforcement officer’s name.

(7) The period and manner in which a responsible person may contest the compliance order as set forth in Section 1.19.080.

(c) *Additional Requirements for Demolition*. Whenever the enforcement officer intends to abate a public nuisance by demolition of a building or structure if the responsible person fails to comply, then the City must comply with the following additional requirements:

(1) The compliance order must contain a statement that the City intends to abate the nuisance with City personnel or contractors by demolition of a building or structure if the nuisance

conditions are not repaired, rehabilitated, removed, terminated, or demolished within the deadline set forth in the compliance order; and

(2) The City must serve the compliance order on all secured lienholders of record with the Monterey County Recorder's Office.

(d) *Service.* Any compliance order issued under this section must be served in the manner required under Section 1.19.050.

(e) *Exemption for Emergency Abatement.* The provisions of this section do not apply in cases involving emergency abatement under Section 1.19.110.

1.19.080 Compliance Order Appeals

(a) *Right to Appeal.* Any person issued a compliance order has a right to appeal the City's nuisance determination in accordance with this chapter.

(b) *Appeal Requirements.* An appeal must be filed within 30 calendar days following the date of service of the compliance order. A written notice of appeal must contain the full name, mailing address, e-mail address, and telephone number and the grounds for appeal in sufficient detail to enable the hearing officer and City to understand the nature of the controversy.

(c) *Effect of Failure to Appeal.* A person who does not properly and timely appeal a compliance order waives the right to challenge it and has failed to exhaust administrative remedies. In this event, the compliance order is final.

1.19.090 Appeal Hearings

(a) *Selection of Hearing Officer.* The City Manager may select the hearing officer. The hearing officer must be selected in a manner that avoids the potential for pecuniary or other bias.

(b) *Scheduling and Noticing of the Hearing.* If a timely and proper appeal is filed, then the City Clerk must schedule the hearing no sooner than 15 days and no later than 60 days from receipt of the notice of appeal, unless the parties waive such time limits. The failure to hold the hearing within this time period does not invalidate any action of the hearing officer. The City Clerk must notify the appellant in writing of the date, time, and location of the hearing at least 10 days before the date of the scheduled hearing. The notice of hearing must be served in accordance with Section 1.19.050.

(c) *Issues on Appeal.* The City bears the burden of proof to establish a nuisance exists by a preponderance of evidence. The issuance of a compliance order is prima facie evidence of the existence of a violation. The scope of the appeal is limited to whether any nuisance condition identified in the compliance order exists.

(d) *Evidence, Witnesses, and Recording.* All parties have the right to present evidence and witnesses. The formal rules of evidence and discovery do not apply. The rules of privilege apply as they do in civil actions. Irrelevant or unduly repetitious evidence may be excluded. Oral evidence may be taken only on oath or affirmation. The appellant and respondent may represent

themselves or be represented by anyone of their choice. No party has the right to cross-examine any other party or witness except for good cause shown to the satisfaction of the hearing officer. The appellant may bring an interpreter to the hearing at their sole expense. The City may, at its discretion, record the hearing by stenographer, court reporter, audio recording, or video recording.

(e) *Decision of the Hearing Officer.* The hearing officer's decision must be in writing, set forth the hearing officer's findings of fact and conclusions of law, order the abatement of any confirmed nuisance conditions within a deadline determined by the hearing officer to be reasonable, and include a statement that if the nuisance is not abated then it may be abated by the City. If the hearing officer determines that each nuisance condition described in the compliance order is nonexistent, the compliance order is deemed cancelled. The hearing officer must render a decision within 15 days following the conclusion of the hearing. Failure of the hearing officer to render a decision within this time period does not invalidate any action of the hearing officer or automatically grant the appeal. The hearing officer's decision must be served in accordance with Section 1.19.050. The hearing officer's decision is the final administrative decision of the City regarding the compliance order. The hearing officer's decision is effective on the date of service of the decision. The decision must contain the following statement: "The decision of the hearing officer is final and binding. Judicial review of this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure section 1094.6 et seq."

1.19.100 City Abatement

If a nuisance is not completely abated within the time prescribed by the compliance order, or, if appealed, in the hearing officer's decision, the City is authorized to abate a nuisance by City staff or private contractor. The City and its agents are expressly authorized to enter the premises for such purpose. Except in cases involving an imminent hazard, entry onto any real property to abate a public nuisance must be pursuant to a warrant issued by a court of competent jurisdiction.

1.19.110 Emergency Abatement

(a) If, in the reasonable opinion of the enforcement officer, there exists a condition that constitutes an imminent threat of harm to public health or safety, or imminent hazard to real or personal property, the enforcement officer may cause the conditions to be summarily abated in accordance with the following procedure. When determining whether a hazard is sufficiently imminent to warrant emergency abatement, the enforcement officer may consider whether there is insufficient time to follow the administrative process for non-emergency abatements described in this chapter.

(b) If time permits, the enforcement officer may attempt to contact the owner or occupant of the property to notify the responsible person that the condition must be immediately abated to eliminate the imminent hazard.

(c) If the enforcement officer is unable to make contact, or if after contact with the owner or occupant does not take action within the time prescribed by the enforcement officer, he or she is authorized to take all actions necessary to eliminate or mitigate the hazardous condition, utilizing the City's own forces or private contractor.

(d) As soon as reasonably possible under the circumstances, following any emergency abatement action by the City to abate an immediate hazard, the City must provide each responsible person with a “Notice of Summary Abatement.” The Notice of Summary Abatement must be served in accordance with Section 1.19.050 and contain the following information:

(1) A brief description of the condition and reasons why it constituted an imminent threat or hazard;

(2) A brief description of the law prohibiting or pertaining to the imminent threat or hazard; and

(3) A brief description of the actions the City took to abate the imminent threat or hazard.

(e) The City’s determination that a condition constituted an imminent threat or hazard may be appealed as set forth in Section 1.19.080.

(f) The enforcement officer must keep an itemized account of the costs incurred by the City in abating the public nuisance. The City is entitled to recover all abatement costs incurred in the abatement of an imminent threat or hazard in accordance with the procedures set forth in this chapter.

1.19.120 Notice of Violation Recordation

(a) *Recordation Authorization.* If a nuisance is not completely abated as determined by the City within the time prescribed by the compliance order, if appealed, in the hearing officer’s decision, the City may record a Notice of Violation with the Monterey County Recorder’s Office against the premises.

(b) *Rescission.* The City may record a Notice of Rescission of Notice of Violation with the Monterey County Recorder’s Office within 10 business days of its determination that the violation has been fully abated or corrected.

(c) *Service.* Upon recordation, the City must serve a copy of the recorded Notice of Violation or Notice of Rescission on each person having an ownership interest in the property.

1.19.130 Cost Recovery Authorization

(a) *City’s Right to Recover Nuisance Abatement Costs.* Whenever the City incurs abatement costs in abating a public nuisance or seeking to abate a code violation or public nuisance, the City is entitled to recover the abatement costs related to those code enforcement efforts in accordance with the procedure set forth in this chapter. The City may commence cost recovery proceedings at any time.

(b) *Recoverable Abatement Costs.* Recoverable costs include all abatement costs. Recoverable costs may not exceed the actual and reasonable costs of nuisance abatement.

1.19.140 Cost Recovery Initiation

(a) *Report of Abatement Costs.* To initiate the process for recovery of abatement costs, the City must serve an itemized report of abatement costs on the responsible person identifying all abatement costs and demanding payment. The report must provide notice that any unpaid amounts may become a lien and special assessment against the property unless the City receives full and timely payment.

(b) *Service of Report of Abatement Costs.* The report of abatement costs must be served in accordance with Section 1.19.050. If the code violation or public nuisance relates to real property, then the report of abatement costs must be served on each person with a recorded interest in the property.

(c) *Payment.* Timely, full payment of the abatement costs must be remitted to the City within 45 calendar days following the date of service of the report of abatement costs.

(d) *Right to Appeal.* Any person issued a report of abatement costs has a right to appeal the report of abatement costs. An appeal must be filed within 15 calendar days following the date of service of the report of abatement costs. The right to appeal and procedures must be specified in the report. A written notice of appeal must contain the following information: (1) the name and contact information of the appellant, and (2) the grounds for appeal in sufficient detail to enable the hearing officer and City to understand the nature of the controversy. The failure of any person who has been served with proper notice to timely file an appeal is a failure to exhaust administrative remedies.

1.19.150 Cost Recovery Hearings and Appeals

(a) *Cost Recovery Appeal.* These hearing procedures supplement and augment those above. The scope of the appeal is limited to the appropriateness of the amount of the abatement costs, and the hearing officer's decision may confirm, discharge, or modify the amount of costs.

(b) *Decision.* The hearing officer's decision must be in writing, set forth the hearing officer's findings of fact and conclusions of law, and demand payment of any confirmed abatement costs within 30 calendar days following the date of service of the hearing officer's decision.

(c) *Payment of Confirmed Costs.* Any confirmed abatement costs must be tendered to the City within 30 calendar days following the date of service of the hearing officer's decision.

1.19.160 Cost Collection Initiation

(a) Upon expiration of 45 days after the report of abatement costs, or 30 days after the hearing officer's decision in the event of an appeal, if the full amount of the final abatement costs has not been paid, any unpaid costs may be collected by the City in accordance with Sections 1.19.160 through 1.19.190.

(b) To collect the unpaid costs via a lien or special assessment, the City Council, after a public hearing, may adopt a resolution confirming imposition of the debt and approving filing a lien or special assessment against the subject real property.

1.19.170 Lien Cost Collection

- (a) In accordance with Government Code section 38773.1, abatement costs may be levied by the City as a lien against the property on which the nuisance was abated. The City may record a lien against the nuisance property for any unpaid amount. Before recording a lien, the City must serve each person with a recorded interest in the subject property with notice of the lien. In addition, any owner of record must be served in accordance with Government Code section 38773.1.
- (b) The nuisance abatement lien must be recorded in the office of the County Recorder of Monterey County, California; and from the date of recording, the nuisance abatement lien will have the force, effect, and priority of a judgment lien, and will continue in effect until discharged by the City.
- (c) The lien must specify the City as the agency for whose benefit the lien is established, the amount of the lien, the date of any abatement order, the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.
- (d) The nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment. All costs and expenses relating to the processing, recording, and enforcement of the abatement lien, including recording fees, noticing costs and attorney fees may be added to the amount of the lien and will be secured thereby.
- (e) Upon payment or other satisfaction of the abatement lien, a notice of release of lien must be prepared and recorded by the City forthwith.

1.19.180 Special Assessment Cost Collection

- (a) In accordance with Government Code section 38773.5, abatement costs may be levied by the City as a special assessment against the property on which the nuisance was abated. If the abatement costs have not been paid in full within the time required by this Chapter, the City may levy a special assessment against the real property on which the violation occurred. The City must serve each person with a recorded interest in the subject property with notice of the imposition of the special assessment. In addition, any owner of record must be served in accordance with Government Code section 38773.5. The notice must specify that the property may be sold after three years by the Tax Collector for unpaid delinquent assessments.
- (b) The notice of special assessment is entitled to recordation with the Monterey County Recorder's Office. A copy of the notice of special assessment must be transmitted to the County Tax Assessor and Tax Collector, whereupon the Tax Assessor and Tax Collector must add the amount of the special assessment on the next regular bill for real estate taxes levied against the property identified in the notice of special assessment. Thereafter, the special assessment will be collected at the same time and in the same manner as ordinary municipal taxes are collected, and will be subject to the same penalties and the same procedure and sale in the case of delinquency as provided by law for ordinary municipal taxes. After recordation, the special assessment may be foreclosed on as a lien in the manner and means provided by law.

1.19.190 Civil Action Cost Collection

(a) In addition to any other remedies set forth in this Code or otherwise provided by law, the City Attorney is authorized to bring a civil action, at the City Attorney's discretion, to recover the City's abatement costs.

1.19.200 Combined Notices

The notices that are authorized by this chapter may be combined in the discretion of the City.

1.19.210 Enforcement

(a) It is unlawful and declared a public nuisance for any person to violate any provision of this chapter. It is unlawful and declared a public nuisance for any person to violate any order of a hearing officer made under this chapter.

(b) Any person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of up to \$1,000, or by imprisonment in the County jail not exceeding six months, or by both, except the City Attorney or enforcement officer may prosecute a violation of this chapter as an infraction, in his or her discretion.

(c) Violation of this chapter may be punished by issuance of an administrative citation fine, as set forth in Chapter 1.17.

(d) The City Attorney is authorized to bring a civil or equitable action, at his or her discretion, to seek the abatement of any violation of this chapter or enforcement of any provision of this chapter.

(e) Each and every day a violation is maintained, caused, aided, abetted, concealed, suffered, or permitted is a separate offense.

(f) The regulations, remedies, procedures, and penalties provided by this chapter are cumulative to each other and to any other available under City, State, or federal law.

1.19.220 Attorney Fee Recovery

The prevailing party in any judicial action, administrative proceeding, or special proceeding to abate a nuisance may recover its incurred attorney fees, provided that the City elected, at the initiation of such individual action or proceeding, to recover its own attorney fees. In no judicial action or administrative proceeding may an award of attorney fees to a prevailing party exceed the amount of reasonable attorney fees incurred by the City in the judicial action or administrative proceeding. A judicial action includes, but is not limited to, any civil action, inspection or abatement warrant, administrative proceeding, or appeal from an administrative proceeding. Any recovery of attorney fees for abatement of a nuisance must be in accordance with this section."

EXHIBIT D

6.09.080 Failure to collect and report tax – Determination of tax by tax administrator.

If any operator shall fail or refuse to collect said tax and to make, within the time provided in this chapter, any report and remittance of said tax or any portion thereof required by this chapter, the tax administrator shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the tax administrator shall procure such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he or she shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his or her last known place of address. ~~Such operator may within 10 days after the serving or mailing of such notice, make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is made, the tax administrator shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the tax administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after 15 days unless an appeal is taken as provided in PGMC 6.09.090.~~

6.09.090 Appeals.

(a) *Right to Appeal.* Any person aggrieved by any decision of the tax administrator with respect to the amount of such tax, interest and penalties, if any, has a right to file a written appeal the within 15 calendar days following the date of service of the determination of tax due.

(b) *Effect of Failure to Appeal.* Failure to appeal is waiver of the right to challenge the decision and failure to exhaust administrative remedies. In this event, the decision order is final, and any tax, interest, and penalties are immediately due and payable.

(c) *Selection of Hearing Officer.* The City Manager may select the hearing officer. The hearing officer must be selected in a manner that avoids the potential for pecuniary or other bias.

(d) *Scheduling and Noticing of the Hearing.* If a timely and proper appeal is filed, then the City Clerk must schedule the hearing no sooner than 15 days and no later than 60 days from receipt of the notice of appeal, unless the parties waive such time limits. The failure to hold the hearing

within this time period does not invalidate any action of the hearing officer. The City Clerk must notify the appellant in writing of the date, time, and location of the hearing at least 10 days before the date of the scheduled hearing. The notice of hearing must be served personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at their last known place of address.

(e) *Burdens and Standard.* The City bears the initial burden to produce evidence showing a reasonable basis for the estimate and assessment made under this chapter. If the City meets that burden, the operator bears the burden to produce records or other evidence sufficient to rebut the estimate and assessment.

(f) *Decision.* The hearing officer's decision must be in writing, set forth the hearing officer's findings of fact and conclusions of law, determine the proper tax to be remitted, and include a 15-day deadline for payment of any upheld amount to the City. If the hearing officer determines that each nuisance condition described in the compliance order is nonexistent, the compliance order is deemed cancelled. The hearing officer must render a decision within 15 days following the conclusion of the hearing. Failure of the hearing officer to render a decision within this time period does not invalidate any action of the hearing officer or automatically grant the appeal. The hearing officer's decision must be served personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at their last known place of address. The decision must contain the following statement: "The decision of the hearing officer is final and binding. Judicial review of this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure section 1094.6 et seq."

EXHIBIT E

7.40.160 Appeal of tax.

Any person aggrieved by any decision of the city with respect to the amount of the transient occupancy tax or fees associated thereto may appeal to a hearing officer in accordance with Section 6.09.090.

EXHIBIT F

9.17.130 Enforcement.

(a) Beginning January 1, 2024, if the city determines that a generator, responsible party, self-hauler, hauler, tier one or tier two commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance with this chapter, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this section, as needed.

(b) Violation of any of the provisions of this chapter shall constitute an infraction or misdemeanor and shall be punishable as set forth in Chapter 1.16 PGMC.

(c) Notwithstanding any other legal remedy, violation of any of the provisions of this chapter may be enforced pursuant to Chapter 1.19 PGMC.

(d) Notwithstanding any other legal remedy, violation of any of the provisions of this chapter shall constitute a public nuisance and shall be subject to abatement, injunction, or other civil remedy as appropriate.

(e) Notice of Violation.

(1) City enforcement officials or their designee will monitor compliance randomly and through compliance reviews, route reviews, investigation of complaints, and an inspection program (that may include remote monitoring).

(2) For incidences of prohibited container contaminants found in containers, city will issue a notice of contamination to any generator or responsible party found to have prohibited container contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the prohibited container contaminants or within 10 business days after determining that a violation has occurred. If the city observes prohibited container contaminants in a responsible party's containers on more than three consecutive occasions, the city may assess contamination processing fees or contamination penalties on the generator.

(3) City shall issue a notice of violation requiring compliance within a maximum of 60 days of issuance of the notice. Notices shall be sent to "Owner" at the official address of the owner maintained by the tax collector for the city or if no such address is available, to the owner at the address of the multifamily premises or commercial premises or to the responsible party for the collection services, depending upon available information.

(f) Penalty Amounts for Types of Violations. Penalties may be assessed for violations as provided in Chapters 1.16 and/or 1.19 PGMC. Any person causing or permitting a violation of this code shall be regarded as committing a separate offense on each day that the violation occurs or continues.



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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Matthew Mogensen, City Manager
MEETING DATE: October 01, 2025
SUBJECT: 2025-2027 Community Goals and Workplan Matrix Quarterly Update
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive and file the 2025-2027 Community Goals and Workplan Matrix Quarterly Update.

DISCUSSION

The 2025-2027 Community Goals and Workplan and Matrix was developed through a series of meetings with the City Council. On February 26, 2025 the City Council received a status report on the 23-2025 Community Goals and Workplan, and reviewed the current challenges and opportunities facing the City. At the March 5, 2025, City Council Meeting, the Council received the Mid-year Financial Report that detailed the expenditures and revenues at the halfway point of the current fiscal year. The Council also received a summary of the input provided by the City's Board, Commission, Committees, and Task Force for consideration in the development of the Council's goals. At successive City Council meetings, the Council finalized the four Focus Areas, provided value policy statements, approved supporting goals and finalized the Supporting Tasks portion of the Workplan for use in the budget preparation for the next two fiscal years.

The 2025-2027 Community Goals and Workplan Matrix contained in Attachment 1 is the first quarterly update of the 2-year cycle. The Matrix provides targets for quarters in which each tasks will be completed. These targets were set based on the known workload, steps that will be required to complete task, precursor tasks, budget availability and other information factors. As we move through the 2-year cycle there are expected to be adjustments to the target completion quarters which might include moving a completion up or back.

The changes and updates provided for the first quarter update to the Matrix are noted in yellow on Attachment 1. The changes include moving two Supporting Tasks from the first quarter to the second quarter target completion to allow more time to adequately develop these issues before presentation to the City Council. The notes section includes a status update on the Supporting Tasks. Supporting Tasks with no notes indicate no work has been performed yet.

OPTIONS

Discuss and take an alternative action.

FINANCIAL IMPACT:

Any direct financial impact associated with the Supporting Tasks of the Workplan have been allocated previously by the City Council through the budget or will require a future City Council budget allocation to complete.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

1st Quarter Update of 2025.26 Community Goals and Work Plan Matrix Final 9.23.25

2025/2026 Community Goals and Workplan Matrix												
PRIORITY AREA: 1. Fiscal Sustainability												
POLICY VALUE STATEMENT: Pacific Grove manages the City's financial resources to ensure the long-term delivery of municipal services												
Goal	Supporting Task	Lead Division/ Support	FY 2025/26				FY 2026/27				Complete	Notes
			Q1 9/30	Q2 12/31	Q3 3/30	Q4 6/30	Q1 9/30	Q2 12/31	Q3 3/30	Q4 6/30		
1.1 Identify a program to reduce unfunded liabilities	Develop a plan to reduce our long-term pension obligations	AS		x								Tentatively scheduled for December 3, 2025
	Secure funding to repay the debt service for the water reclamation facility	PW, AS				x						Will be addressed through extension of golf contract
	Develop options to fund long-term storm drain infrastructure needs	PW, AS						x				In process with "New Revenue Sources" Task
1.2 Review and revise reserve policies to meet equipment and facility needs	Update the City Council Financial and Budgetary Policies to revise the City's reserve fund policies and present to the City Council	AS		x								Tenatively scheduled for October 15, 2025
	Create Capital Replacement Funds to plan for regular maintenance and replacement of vehicles, facilities, equipment, infrastructure and park amenities, and present to the City Council	AS, PW, CM				x						To be addressed as part of Council report on October 15, 2025
1.3 Identify and reduce expenditures and enhance revenues	Review low/no cost recovery programs for effectiveness and recommend improvements	All Depts				x						Reviewing Recreation Programs currently
	Identify potential new revenue sources and present to the City Council	AS & CM lead		x								Tenatively scheduled for October 15, 2025
	Implement risk management assessments findings and recommendations to reduce workers compensation and liability claim exposures	AS & CM			x							Findings not yet received
PRIORITY AREA: 2. Infrastructure												
POLICY VALUE STATEMENT: Pacific Grove prioritizes the provision of facility, human, and technology infrastructure that enhances the quality of life for residents and businesses												
Goal	Supporting Task	Lead Division/ Support	FY 2025/26 Quarter of				FY 2026/27 Quarter of				Complete	Notes
			Q1 9/30	Q2 12/31	Q3 3/30	Q4 6/30	Q1 9/30	Q2 12/31	Q3 3/30	Q4 6/30		
2.1 Complete a five-year capital improvement program to address the completion of priority public facility projects (sidewalks, streets, water, wastewater, parks)	Develop and present a 5-year CIP plan to the City Council	AS, PW		x								Tenatively scheduled for October 15, 2025
	Develop a new asset management database	AS, PW			x							New Assessments recently completed. Analyzing Data that will be included in the database
	Present updates to City Council Policy 700-4 regarding sidewalk repairs and installation, to include a plan for City property and a sidewalk repair process for private property owners	PW, CD			x							Reviewing Policy 700-4
2.2 Invest in technology and workforce systems	Develop RFP and select vendor for new Enterprise Resource System	AS						x				
	Develop a business continuity plan for IT infrastructure and electronic databases	AS				x						
	Develop a plan to develop and retain key staff members	CM				x						In process of developing programs to enhance and promote a positive work environment.
2.3 Address critical physical infrastructure needs	Develop a safe route to school plan and present to the City Council	PW					x					Speaking with PGUSD and TAMC
	Create a downtown streetscape improvement plan	PW, CD, CM					x					
	Release a sewer master plan RFP	PW								x		
PRIORITY AREA: 3. Environmental Stewardship												
POLICY VALUE STATEMENT: Pacific Grove cares for and protects its natural resources and amenities												
Goal	Supporting Task	Lead Division/ Support	FY 2025/26 Quarter of				FY 2026/27 Quarter of				Complete	Notes
			Q1 9/30	Q2 12/31	Q3 3/30	Q4 6/30	Q1 9/30	Q2 12/31	Q3 3/30	Q4 6/30		
3.1 Complete Climate Action and Adaptation Efforts	Present a Climate Action and Adaptation Plan to the City Council for approval	PW			x							Document being prepared by consultant
	Provide fire safety inspection services for residents living near George Washington Park and in High Fire Severity Zones	Fire		x								Monterey Fire to complete
	Complete a George Washington Park Master Plan	PW, CD				x						Under review by new Forester

3.2 Protect and Preserve the Natural Resources of Pacific Grove	Complete the comprehensive update to Title 12 of the municipal code; revisions to focus on replanting compliance and tree appeal process; to be presented to the City Council for approval	PW		x								Under review by new Forester
	Assess Wildlife Protection efforts in the City that can be achieved, within available resources and present feasible measures to the City Council for consideration	PD, PW				x						Under review by PD
PRIORITY AREA: 4. Community Development												
POLICY VALUE STATEMENT: Pacific Grove strategically implements programs to promote housing and economic opportunities												
Goal	Supporting Task	Lead Division/ Support	FY 2025/26 Quarter of				FY 2026/27 Quarter of				Complete	Notes
			Q1 9/30	Q2 12/31	Q3 3/30	Q4 6/30	Q1 9/30	Q2 12/31	Q3 3/30	Q4 6/30		
4.1 Explore options for an affordable housing project and partner opportunities	Present findings and staff recommendations to City Council for direction regarding unpermitted ADUs	CD			x							Researching options
	Identify a preferred affordable housing project location	CD				x						
4.2 Review all Permit processes to eliminate barriers to housing and economic development	Evaluate the City's current and future water allocations and facilitate a City Council discussion on the prioritization of water credits	CD, CM		x								To be presented to Council 10/15
	Review business license process and implement efficiency measures	CD, CM		x								DCM assessing and making adjustments to improve the processing of business licenses
	Evaluate timelines and permit processes for commercial and residential permits and implement efficiency measures where feasible	CD, PW, PD				x						Under review by CDD director
A.S. = Administrative Services	P.D. = Police Department											
C.D = Community Development	FIRE = Fire											
C.M. = City Manager	LIB. = Library											
P.W. = Public Works	REC = Recreation											



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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Lori McDonnell, Councilmember
MEETING DATE: October 01, 2025
SUBJECT: Community Human Services Highlights for September 18, 2025
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Recieve the highlights.

Attachments

CHS Highlights

**HIGHLIGHTS OF
REGULAR BOARD MEETING
September 18, 2025**

1. *Mary Ann Carbone, Board Chair, called the meeting to order at 11:11 a.m. at the City Hall of Sand City.*
2. *Board approved Consent items: August 21, 2025 Board minutes and Disbursements for the period of August 1, 2025 through August 31, 2025, in the amount of \$1,299,898.19*
3. *The Board received a PowerPoint Presentation of Off Main Clinic by Counselor I Sara Huerta and Counselor I Cindy Fleshman.*
4. *Robin McCrae, CEO, report showed a very busy month. September was filled with planning and executing events for Overdose Awareness Day (two events), National Recovery Month (one event), and a direct mail letter devoted to raising funds for our substance use treatment programs. Planning for an October donor appreciation event is underway. A Party with a Heart will be held on Tuesday, October 21st. A ribbon-cutting ceremony hosted by the Monterey Peninsula Chamber of Commerce marked the grand opening of our new adolescent treatment program. The event, held on September 9th, was well attended. Planning for Monterey County Gives has also started. The goal this year is to raise \$200,000. We gave a tour of the SHARE Center to new board members and staff on September 10th.*
5. *Development Director & COO reports were included in the board packet for review.*
6. *Annette Yee-Steck, Finance Committee Chair, reported that the Finance Committee met earlier in the day. The dashboard is looking good for the beginning of the fiscal year with a net income of \$132K. The finance committee also reviewed action item K.1 Restatement of Financial Statements for FY ending June 30, 2024, which is on the agenda for approval. Annette, who is also on the Audit Committee, reported that the committee met earlier in the month to also review action item K.1.*
7. *Mary Ann Carbone, Board Chair, reported out for the Transition Committee. The committee has hired Kittleman and Associates to conduct the CEO recruitment and selection process. Meetings have been set up for the firm to meet with board members and management team. A survey also went out to all staff asking about skills and qualities desired in a new CEO. The firm will be in town on September 25th & 26th.*
8. *Lori McDonnell, Personnel Committee member, reported that the Personnel Committee met to discuss action item K.2 Family Service Centers – Management Reorganization which is included in the agenda for review & approval.*
9. *The Board accepted the Restated Financials Statements for FY ending June 30, 2024, as recommended.*
10. *Robin McCrae, CEO, gave a PowerPoint presentation regarding 5-year Funding Projection for the Homeless Programs.*

- 11. Antia Crawley, Board member, handed out Monterey Peninsula College Annual Reports to share.*
- 12. Mary Ann Carbone asked Executive Assistant Rosie Angulo to send out an invite to the Missing and Murdered Indigenous People (MMIP) Law Enforcement Training Conference taking place on Friday, November 14th, 2025. See attached.*
- 13. The meeting adjourned at 1:42 p.m.*

The next regular board meeting is scheduled for Thursday, October 16, 2025 from 11:00 a.m. to 1:00 p.m. at the Sand City City Hall, Sand City, CA.



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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Rachel Gaither, Library Director
MEETING DATE: October 01, 2025
SUBJECT: Library Board Special Meeting Minutes: July 29, 2025
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines
Section 15378

RECOMMENDATION

Receive the minutes.

Attachments

LAB Minutes July 2025



MEETING MINUTES
CITY OF PACIFIC GROVE

LIBRARY BOARD

SPECIAL MEETING

Tuesday, July 29, 2025, 4:00 p.m.

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

LIVE VIA ZOOM AT: https://www.cityofpacificgrove.org/Zoom_LB

CALL TO ORDER/ROLL CALL

The meeting was called to order at 4 p.m. by Chair Alycia Perez who conducted roll call with the following LAB Members present in person: Chair Alycia Perez, Vice-chair Lucy Moore, Member Tom Oldham, Secretary Tama Olver, and Member Meganne Yeoman.

Absent: None.

1. APPROVAL OF AGENDA

Action: Upon motion by Member Oldham and seconded by Member Moore, the Board voted unanimously (5/0/0) to approve the agenda.

2. COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)

The Board received announcements from Library Director Rachel Gaither.

3. COUNCIL LIAISON ANNOUNCEMENTS

The Board received announcements from Council Liaison Lori McDonnell.

4. GENERAL PUBLIC COMMENT/WRITTEN PUBLIC COMMENT

No public comment was made.

5. APPROVAL OF THE MINUTES

May 6, 2025, Library Board Regular Meeting Minutes

Action: Upon motion by Member Oldham and seconded by Member Moore, the Board voted unanimously (5/0/0) to approve the minutes.

REGULAR AGENDA

6. UNFINISHED AND ONGOING BUSINESS

A. Work Plan for the Board

No public comment was received.

Action: The board reached consensus for updates to the plan which will appear in the next meeting's agenda packet.

7. NEW BUSINESS

A. Future Agendas

No public comment was received.

Action: The board agreed to include the following items in the agenda:

Unfinished and ongoing business

- Review and update the work plan.

New business

- Review Patron Behavior and Collection Development Policies
- Discuss how the board's goals fit into the city's goals and objectives and decide whether any action is required

Next Meeting – September 2, 2025

ADJOURNMENT – The meeting was adjourned at 4:30 p.m.

Respectfully submitted,



Tama Olver (Sep 4, 2025 09:38:09 PDT)

Tama Olver
Secretary

Approved by Chair: Alycia Usher Perez
Alycia Usher Perez (Sep 4, 2025 09:25:41 PDT)

Date: 9-4-25



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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: John Kuehl, Building Official
MEETING DATE: October 01, 2025
SUBJECT: An Ordinance Adopting with California Building Standards Code with Local Amendments
CEQA: Categorical Exemption, CEQA Guidelines Section 15061(b)(3)

RECOMMENDATION

1. Request that the City Attorney read the title of the ordinance.
2. Motion, followed by a second, to waive further reading of the ordinance.
3. Introduce and hold first reading of an ordinance that adopts the 2025 Edition of the California Building Standards Code, with local amendments.
4. Direct that publication of the ordinance be satisfied by publication of a summary approved by the City Attorney.

DISCUSSION

The California Building Standards Code, which includes sections regulating building, fire, electrical, plumbing, and mechanical construction and installation standards are revised on a multi-year cycle. In January 2025, the State adopted and approved the 2025 Edition of the Building Standards Code, also known as the 2025 California Codes. These codes were published July 1, 2025 and will become effective January 1, 2026.

All local jurisdictions in California are mandated to begin enforcement of these new codes and standards by January 1, 2026.

Typically, and in accordance with state law, local jurisdictions incorporate additional regulations that address special circumstances in the community or area. The need for these amendments are to address local geographical, topographical, climatic, or environmental conditions and each amendment is supported by a finding that identifies which of these local conditions is being addressed. City staff have developed and incorporated a few local amendments into the Building Code being considered by the City Council. These amendments are consistent with and were included in past code adoptions and are an element of the existing codes in effect. However, not all the past amendments have been carried over because they have been incorporated into the 2025 California Code and thus there is no longer a need to include them as local amendments.

For each amendment to be effective, they must be adopted by the City Council along with the model codes that have been adopted by the state. Council could choose to adopt the new 2025 Edition of the Building Standards Code with no changes. However, the amendments have been found necessary to

address local conditions and it is staff's opinion that the amendments be adopted.

Staff have worked with the Deputy Fire Marshall on local code amendments to include the addition of fire sprinklers on major remodel projects. These fire sprinkler requirements have been included among the amendments of prior code adoptions, and it is appropriate to adopt them again. It is also important to note that the State has printed a new Building Standards Code. This is now referred to as the Wildland-Urban Interface Code. The information contained in this new code is not new. In the previous editions the information was built into the body of both the Building and Fire Codes. Now it is a stand-alone code. This new code applies to new construction, and not to be confused with the recently adopted fire severity zone maps. The California State Fire Marshal will be providing the State with new guidelines and requirements for the maintenance of the exterior of existing properties.

The introduction of the 2025 California Codes with local amendments will allow staff to return at the next City Council meeting with an ordinance that is ready for adoption. If adopted at the next meeting of the City Council, the 2025 California Building Code will be ready for implementation on January 1, 2026, in line with state laws, and the codes will continue to mandate construction and installation standards that provide for improvements that result in safe and habitable structures in the City.

OPTIONS

1. Adopt the 2025 California Building Code with proposed amendments.
2. Adopt the 2025 California Building Code with no changes or amendments.
3. Decline adoption of the 2025 California Building Code and allow it to become effective on January 1, 2026 by process of law.

FINANCIAL IMPACT:

No significant fiscal impacts are expected in the adoption of an ordinance that implements the 2025 California Codes.

FOCUSED PRIORITY AREA: Community Development

Attachments

Attachment 1 An Ordinance Adopting the California Building Standards Code

ORDINANCE NO. 25 –

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE AMENDING
CHAPTERS 18.04 AND 18.32 OF THE PACIFIC GROVE MUNICIPAL
CODE ADOPTING THE 2025 CALIFORNIA BUILDING STANDARDS CODE
(TITLE 24, CALIFORNIA CODE OF REGULATIONS, PARTS 1 THROUGH 12)
AND THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND
ADOPTING LOCAL AMENDMENTS TO PARTS 2.5 AND 9 OF THE 2025
CALIFORNIA BUILDING STANDARDS CODE**

WHEREAS, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City of Pacific Grove (“City”) may adopt the provisions of the International Building Code, the Plumbing Code, the Mechanical Code, the Fire Code, the, and the National Electrical Code, to protect the health, welfare and safety of the citizens of Pacific Grove because of local climatic, geological, topographical, and Environmental conditions; and

WHEREAS, pursuant to Government Code 50020, the public hearing occurs at the second reading of this ordinance et seq; and

WHEREAS, this Ordinance is found to be categorically exempt from environmental review, per the provisions of Section 15061(b)(3) of the California Environmental Quality Act (“CEQA”) of 1970, as amended; and

WHEREAS, in accordance with state law, local jurisdictions can incorporate additional regulations that address special circumstances in the community or area provided that they are at least as restrictive as the statewide codes.

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

SECTION 1. FINDINGS. The Pacific Grove City Council hereby finds as follows:

a. Each recital set forth above to be true and correct, and by this reference incorporates each as an integral part of this Ordinance.

b. This Ordinance includes specific amendments which are more restrictive in nature than those sections adopted by the State of California (State Building Standards Code, and State Housing and Community Development Code) commonly referred to as Title 24 and Title 25 of the California Administrative Code. These “Findings of Fact” are submitted and made a part of this Ordinance pursuant to Section 17958.5 and Section 17958.7 of the California Health and Safety Code. Under the provisions of Section 17922.2 of the California Health and Safety Code, local amendments shall be based on climatic, geographical, or topographical conditions. The Findings of Fact contained

herein shall address each of these situations and shall present the local situation, which either singularly or in combination causes the established amendments to be adopted.

c. The City of Pacific Grove encompasses an area of 4 square miles of land, with resident population of 15,569 as of the 2020 census. The physical location of the city is between the adjacent lands of the City of Monterey and the City of Carmel. The placement of the residential and commercial development within the City of Pacific Grove has generally adopted itself to areas of least resistance, within the confines of ridges, foothills, mesas, and canyons. Other unique environmental characteristics include the flatter plains that contain the shoreline of Monterey Bay, which create boundaries that attract the visitor population. Throughout the City of Pacific Grove there are major roadways and highways that create barriers. Other barriers could be considered the military facilities, which include the United States Army, Presidio of Monterey, United States Naval Postgraduate School, and the United States Coast Guard Station as well as the Monterey Peninsula Airport.

While the adoption of the local amendments may not prevent the incidence of fire or building related accidents, implementation of these various regulations and/or requirements may serve to reduce the severity and potential loss of life and property.

e. The following are established and submitted as the Findings of Fact to support the amendments to the State Building Standards Code included in this Ordinance. These Findings of Fact, which identify the various “climatic, geographical, and topographical” conditions, are considered reasonably necessary to modify the requirements established pursuant to Health and Safety Code Section 17922 based upon local conditions:

Climatic I: The climate weather patterns within the City of Pacific Grove are considered to be moderately affected by the ocean bodies of the Pacific Ocean and Monterey Bay, which extend the year around growing season of vegetation. The normal year’s rainfall is approximately eighteen to nineteen (18-19) inches on the average yearly calendar. Summer conditions, with the prevalent Pacific High Cell create mid-day fog normally associated with Pacific Grove. This climatic fog assists the natural vegetation in growth.

Later in the year, the winds and drying vegetation mix to create a hazardous fuel condition, which has caused grassland and brush land fires in recent years. While normal temperatures usually do not exceed 75-80 degrees, during late summer and early fall (August, September, October) the temperatures can climb to 85 degrees plus. The afternoon winds can move a fire quickly in the hillsides and canyon areas of the city.

Because of weather patterns and population increases, the City of Pacific Grove (like other California cities) has experienced water rationing and water allocation. Due to storage capacities and consumption, as well as climatic conditions, limited water resources are an issue.

While sound management of the water resources is possible, actual demands on an already stressed water supply can most assuredly be predicted.

Geographical I: The mountains and canyons accent one another, as they wind around the city. The forested areas along with the lower brush lands give a feel of balance and a sort of backdrop for the city itself. These geographical features establish the roadways and building sites, as well create barriers for accessibility for fire suppression forces.

The forested areas of oak and pines create windbreaks from oncoming winds, while producing fuel from the annual fall leaves, which drop to the ground, as well as from decayed trees and branches. The dry vegetation, mountainous terrain, and minimal water available tend to cause concern and added fire problems.

The City of Pacific Grove has within its boundaries potentially active seismic hazards with respect to the “Navy,” “Berwick Canyon,” “Chupines” and “Seaside” faults. While systems have been developed to study and monitor the activity of earthquakes, science has not yet been able to predict (with reliability) the potential for activity on these or any active fault.

Seismic activity within the City occurs yearly with little or no damage, although real potential for damage does exist with these four active faults. New construction may be limited by its respective distance to such faults, and replacement of existing structures could be costly.

The geographical layout of the forested areas creates hazardous conditions when a storm of gale-force winds causes trees to fall onto roadways used for access by Fire Department equipment and personnel. The growing pattern and inherent nature of the Monterey Pine lends itself to being blown over easily. This is due in part to the shallow root system associated with the Monterey Pine tree.

Landslides have also been experienced within the City of Pacific Grove, due to excessive land cuts associated with the roadway systems designed within the city. While stability can sometimes be provided, heavy rainfall has caused failures. These failures have closed roadways within the city, again making accessibility impossible until properly cleared.

Mountains and hills surrounding and within the City of Pacific Grove, create more than 60% slopes with an overall average of between five to ten percent throughout (if an average slope were to be accessed). The City of Pacific Grove has a start at sea level and extends to areas more than 600 feet above sea level. The elevation change caused by the mountains and hills creates the geographical foundation on which the city has built and will continue to build. With much of the flatlands already built upon, it can be anticipated that future growth will occur on steeper slopes and with greater contrasts in terrain.

Geographical II: The region is in an area of high seismic activity as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activity has indicated the lack of flexibility of materials and/or building systems has been a contributing factor to damages that reduced the protection of the life-safety of building occupants and increased the cost of rehabilitation of structures. Activities have indicated the need for increased levels of safety in buildings systems, including but not limited to means of egress, wiring systems, and fire protection systems.

Topographical: The topographical finding is associated closely with Geographical finding II. While the geographic features create topographic conditions, the findings in this section are caused by the construction and design of the City of

Pacific Grove, due to the elevation changes, as well as mountains and hills, that dissect the City.

The water supply (domestic and fire flow) system is directly affected by the topographic layout. The distribution system consists of water lines that carry the water from storage tanks and dammed areas to the public via pipes. These street mains create lift-zones where the pressure and flows are adequate at lower elevations and minimal, sometimes critical supplies at the top. Water supplies within the City of Pacific Grove vary from less than 250 gallons per minute to flow more than 5,500 gallons-per-minute. This wide variation may cause problems for development, as well as fire suppression forces.

The roadway system is designed around the topography with respect to narrow, windy, steep grades and overhanging tree branches. The grades on the roadway surfaces exceed 25% and widths of less than twelve (12) feet for access are not uncommon. Due to traffic congestion on many streets, especially the commercial downtown area, vehicles double park for loading and unloading purposes. This creates barriers that reduce response time of fire equipment.

The topography also makes construction more restricted to the level portions of the city with higher concentrations of building in these areas. The existing structures are being removed and replaced with larger, more cost-effective buildings. Those existing structures which remain cause concern to the Fire Department because of their lack of adequate fire protection (firewalls, fire extinguishing systems, etc.). The hazard exposure created by these structures poses a separate and significant problem.

It is not uncommon to see a single or two-story building torn down and replaced with a two-story building. For practical and cost reasons, these new structures are built of wood (Type V). The potential for conflagration exists with the high build out of the various specific areas of Pacific Grove. The concentrated commercial, as well as residential occupancies cause concern regarding the exposure elements of building-to-building and building-to-grassland areas of this City.

The topographical nature of Pacific Grove also lends itself to power failures caused when trees and tree limbs damage sections of electrical transmission lines. These power failures cause the electrical pumps to become inactive, interrupting water supplies. Vehicular accidents also have been known to interrupt this pumping operation, due to the narrow streets, which are congested with residents and visitors.

The natural rocky shorelines of Pacific Grove create a situation by which access to the building can only be made from the street. The front of the building is essentially the only accessibility point for responding firefighters. Built property-line to property-line, these structures create an element of construction of nearly nine blocks of continuous construction. Residential as well as commercial occupancies can be found along the entire shoreline of Monterey Bay.

Lastly, some older buildings in the City are constructed closer than would be presently allowed under the International Building Code. Construction methods were also less restrictive than would be required today. These structures and settings create barriers, which firefighters must work around and protect them from exposure.

Findings for Residential Unit impacts: “(1) The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025.

(2) The commission deems those changes or modifications necessary as emergency standards to protect health and safety.

(3) The changes or modifications relate to home hardening.

(4) The building standards relate to home hardening and are proposed for adoption by a local fire prevention district pursuant to Section 13869.7.

(5) The changes or modifications are necessary to implement a local code amendment that is adopted to align with a general plan approved on or before June 10, 2025, and that permits mixed-fuel residential construction consistent with federal law while also incentivizing all-electric construction as part of an adopted greenhouse gas emissions reduction strategy.

(6) The changes or modifications are related to administrative practices, are proposed for adoption during the intervening period pursuant to Section 18942, and exclusively result in any of the following:

(A) Reductions in time for a local agency to issue a post entitlement permit.

(B) Alterations to a local agency’s post entitlement fee schedule.

(C) Modernization of, or adoption of, new permitting platforms and software utilized by the local agency.

(D) Reductions in cost of internal operation for a local agency.

(E) Establishment, alteration, or removal of local programs related to enforcement of building code violations or complaints alleging building code violations.”

SECTION 2. AMENDMENT OF SECTION 18.04.010. Section 18.04.010 of the Pacific Grove Municipal Code is amended in its entirety to read as follows:

18.04.010 Adoption of building codes; amendments.

Except as amended by this section and other sections within this title 18, the following amended model codes are hereby adopted by reference and are incorporated in this chapter as if fully set forth herein, as authorized by Government Code Section [50020](#) et seq. The city manager may enforce these codes in accord with the enforcement procedures and remedies set forth in Chapter [1.19](#) PGMC, in addition to any other provision of law.

(a) Model Codes Adopted. The following amended model codes are hereby adopted by reference as if set forth fully herein:

(1) 2025 California Administrative Code (Title 24, California Code of Regulations, Part 1);

- (2) 2025 California Building Code (Title 24, California Code of Regulations, Part 2);
- (3) 2025 California Residential Code (Title 24, California Code of Regulations, Part 2.5, including Appendix BO);
- (4) 2025 California Electric Code (Title 24, California Code of Regulations, Part 3);
- (5) 2025 California Mechanical Code (Title 24, California Code of Regulations, Part 4);
- (6) 2025 California Plumbing Code (Title 24, California Code of Regulations, Part 5);
- (7) 2025 California Energy Code (Title 24, California Code of Regulations, Part 6);
- (8) 2025 California Wildland-Urban Interface Code (Title 24, California Code of Regulations, Part 7);
- (9) 2025 California Historic Building Code (Title 24, California Code of Regulations, Part 8);
- (9) 2025 California Fire Code (Title 24, California Code of Regulations, Part 9 including appendix B, BB, C, CC, D, E, F, G, H, I, J, K, L, N, O, P, Q);
- (10) 2025 California Existing Building Code (Title 24, California Code of Regulations, Part 10);
- (11) 2025 California Green Building Standards Code (Title 24, California Code of Regulations, Part 11);
- (12) 2025 California Reference Standard Code (Title 24, California Code of Regulations, Part 12); and
- (13) 2024 International Property Maintenance Code;

(b) Local Amendments. The Model Codes adopted in paragraph (a) of this section are amended as follows:

- (1) Residential Code – Amendments to the California Residential Code.

Section R309.2 exception 1 is hereby amended to read as follows:

FINDINGS; The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025. Topographical, Geographical 1, Climatic 1.

Section R309.2 exception 1 An automatic sprinkler system shall not be installed for additions, alterations, or repairs to existing buildings which involve the removal or replacement to fifty (50) percent or less of the linear length of walls of the building (exterior plus interior) within a five-year period shall meet the requirements of new construction or this code. To qualify as an alteration or repair, the wall must be physically added, removed, replaced or relocated; removal of wall coverings does not constitute an alteration or repair.

(2) Fire Code- Amendments to the California Fire Code.

Section 101.1 of the CFC is deleted in its entirety and replaced with the following:

FINDINGS; The changes or modifications are related to administrative practices, are proposed for adoption during the intervening period pursuant to Section 18942, and exclusively result in any of the following:

(A) Reductions in time for a local agency to issue a post entitlement permit.

101.1 Title. These regulations shall be known as the Fire Code for the City of Pacific Grove, hereinafter referred to as “Fire Code.”

Section 202 of the CFC is amended to add the following definitions:

FINDINGS; No residential impacts, Topographic 1.

202 Definitions

ALL WEATHER SURFACE. A road surface constructed to the minimum standards approved by the jurisdiction.

BRIDGE. A structure to carry a roadway over a depression or obstacle.

IDLE PALLET. A pallet or similar product storage and/or lifting device not currently in use and empty of product.

Section 307.1.1 is deleted in its entirety and replaced with the following:

FINDINGS; The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025. Geographical 1, Climatic 1.

307.1.1 Prohibited open burning. Open burning shall be prohibited, including outdoor rubbish fires and bonfires, unless:

1. the fire is confined to an approved container as defined by the Uniform Mechanical Code and authorized by the Monterey Bay Air Pollution Control District.
2. a special condition or circumstance exists, and written authorization is granted by the Fire Chief.

Section 505.1 of the CFC is deleted in its entirety and replaced with the following:

FINDINGS; The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025. Geographical 1, Climatic 1.

505.1 Address Identification. New and existing buildings shall be provided with an approved address identification. The address identification shall be legible and placed in a position that is visible at all times from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4" high with a minimum width stroke of one-half inch for single family dwellings and duplexes. For all other occupancies each character shall be not less than a minimum of 4" high with a minimum stroke of one-half inch unless otherwise required by the Fire Code Official.

Section 605.3 of the CFC is amended to add Section 605.3.1 to read as follows:

FINDINGS; The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025. Geographical 1, Climatic 1.

605.3.1 Spark arrestors.

605.3.1.1 An approved spark arrestor shall be installed on all chimneys, incinerators, smokestacks or similar devices using solid fuel for conveying smoke or hot gases to the outer air.

605.3.1.2 Spark arrestors shall have openings in accordance with Section 2113.9.2(3) of the California Building Code and Section 1003.9.2 of the California Residential Code with minimum openings of 3/8" and maximum openings of 1/2".

Section 901.1 of the CFC is amended to add Section 901.1.1 to read as follows:

FINDINGS; The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025. Geographical 1, Climatic 1.

901.1.1 Responsibility. The owner of the protected premises shall be responsible for all fire protection systems within the protected premises, whether existing or installed under this Code.

Section 901.2 of the CFC is amended to add Section 901.2.2 to read as follows:

**FINDINGS; The changes or modifications are related to administrative practices, are proposed for adoption during the intervening period pursuant to Section 18942, and exclusively result in any of the following:
(A) Reductions in time for a local agency to issue a post entitlement permit.**

901.2.2 Additional documentation. Additional documentation as required by the Fire Code Official shall be provided to the Fire Code Official in an acceptable format.

Section 903.2 of the CFC is deleted in its entirety and replaced with the following:

FINDINGS; The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025. Geographical 1, Climatic 1.

903.2 Where required. Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction.

Exceptions:

- (1) Structures not classified as Group R occupancies and not more than five hundred (500) square feet in total floor area.
- (2) Detached agricultural buildings, as defined by this code and the CBC, located at least one hundred feet (100) from any other structure or the property line, whichever is closer, and with a maximum size of 10,000 square feet.
- (3) Accessory structures not classified as R occupancies associated with existing non-sprinklered R-3 occupancies (one- or two-family dwellings) and less than one thousand five hundred (1500) square feet in total fire area with a clearance from the existing R-3 occupancy of not less than twenty (20) feet.

Sections 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.3, 903.2.4, 903.2.4.1, 903.7.1, 903.7.3, 903.2.9, 903.2.9.1 and 903.2.9.2 of the CFC are amended as follows:

**FINDINGS; The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025.
Geographical 1, Climatic 1.**

The following Sections are amended by changing requirements to five hundred (500) square feet for fire sprinkler installation, as follows (the complete text of the section is not provided):

903.2.1.1 Group A-1. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.1.2 Group A-2. Change five thousand (5,000) square feet to five hundred (500) square feet.

903.2.1.3 Group A-3. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.1.4 Group A-4. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.1.5 Group A-5. Change one thousand (1,000) square feet to five hundred (500) square feet.

903.2.3 Group E. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.4 Group F-1. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.4.1 Group F-1. Change two thousand five hundred (2,500) square feet for

woodworking operations to five hundred (500) square feet.

903.2.7.1 Group M. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.7.3 Group M. Change twenty-four thousand (24,000) square feet to five hundred (500) square feet.

903.2.9 Group S-1. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.9.1 Repair Garages. Change ten thousand (10,000) square feet (2 story buildings) and twelve thousand (12,000) square feet (1 story buildings) to five hundred (500) square feet.

903.2.9.2 Bulk storage of tires. Change twenty thousand (20,000) cubic feet to five hundred (500) square feet.

Section 903.2.8 of the CFC, first paragraph is deleted in its entirety and replaced with the following: Exceptions remain unchanged.

FINDINGS; The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025. Geographical 1, Climatic 1.

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all buildings with a Group R fire area, including, but not limited to, one- and two-family dwellings, townhomes, and manufactured homes and mobile homes located outside of licensed mobile home parks hereafter constructed, moved into or relocated within the jurisdiction, including all additions to buildings already equipped with automatic fire sprinkler systems.

(Exceptions remain per 2025 California Fire Code)

Section 903.2.22 of the CFC is added to read as follows:

FINDINGS; No residential impacts, Climatic 1, Topographical

903.2.22 Change of use. Automatic fire sprinklers shall be installed when the occupancy changes from a single occupancy to a mixed-use occupancy which would require the installation of an occupancy separation, or when the occupancy changes from any type of occupancy to an Assembly use occupancy.

Sections 903.3.1.2, 903.3.1.2.1, 903.3.1.2.3, of the CFC are deleted in its entirety and replaced with the following:

FINDINGS; The changes or modifications relate to home hardening,

Climatic 1, Topographical

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies up to and including four stories in height shall be permitted to be installed throughout in accordance with NFPA 13R as amended in this Code.

903.3.1.2.1 Balconies and decks. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of fourteen (14) inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

903.3.1.2.3 Attics. Where NFPA 13R sprinkler systems are installed, all attic areas shall be provided with sprinkler protection in accordance with NFPA 13.

903.3.1.2.4 Sprinkler control valves. Where NFPA 13R sprinkler systems are installed, sprinkler system control valves shall be installed in accordance with NFPA 13.

Sections 903.3.1.2, is amended to add section 903.1.2.4, 903.3.1.2.5, 903.1.2.6 and 903.3.1.2.7 to read as follows:

FINDINGS; The changes or modifications relate to home hardening, Climatic 1, Topographical

903.3.1.2.4 Sprinkler control valves. Where NFPA 13R sprinkler systems are installed, sprinkler system control valves shall be installed in accordance with NFPA 13.

903.3.1.2.5 Bathrooms. Automatic sprinklers shall be installed in all bathrooms, regardless of square footage.

903.3.1.2.6 Accessible storage areas. Automatic sprinklers shall be installed in all accessible storage areas.

903.3.1.2.7 Under-stair spaces. Automatic sprinklers shall be installed in all under-stair spaces including all under-stair closets.

Section 5704.2.9.6.1 is amended to add Section 5704.2.9.6.1.0 to read as follows:

FINDINGS: The changes or modifications relate to home hardening, Climatic 1, Topographical

5704.2.9.6.1.0 Outdoor storage containers and portable tanks. Storage of Class 1 and Class II liquids in above ground tanks outside of buildings is prohibited within the limits established by law as the limits of the jurisdiction in which storage is prohibited except as permitted by the zoning ordinance.

Exceptions:

1. For marine fueling operations, a maximum of 2000 gallons of diesel fuel may be stored and dispensed from an above ground tank as approved by the Fire Chief.
2. Storage tanks of 500-gallons maximum capacity may be used only in conjunction with emergency generators as approved by the Fire Chief.

Section 6104.2 of the CFC is deleted in its entirety and replaced with the following:

FINDINGS: The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025. **Climatic 1, Topographical**

6104.2 Maximum capacity within established limits. For the protection of heavily populated or congested areas, storage of liquified petroleum gas shall not exceed an aggregate capacity in any one mercantile occupancy of 200 gallons (757 L) or 40 5-gallon LPG tanks within the jurisdiction unless approved by the Fire Code Official.

Exception: In all other occupancy classifications, the capacity limit shall not exceed 10 5-gallon LPG containers or as determined by the Fire Code Official.

Section D103.2 of the CFC is deleted in its entirety and replaced with the following:

FINDINGS: Not residential impact, . Climatic 1, Topographical

D103.2 Grade. Fire apparatus access roads shall not exceed fifteen (15) percent in grade with a maximum side slope of five (5) percent.

EXCEPTION: Grades steeper than fifteen (15) percent, if approved by the Fire Code Official, shall be paved with perpendicularly grooved concrete.

SECTION 3. REPEAL OF SECTION 18.32.010. Section 18.32.010 of the Pacific Grove Municipal Code is hereby repealed.

SECTION 4. This Ordinance shall take effect on January 1, 2026.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
THIS ____ day of _____, 2025, by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Nick Smith Mayor

ATTEST:

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: Daniel Gho, Public Works Director/Deputy City Manager
MEETING DATE: October 01, 2025
SUBJECT: Hops and Fog Sidewalk, Bulb Out, Expansion
CEQA: Categorical Exemption, CEQA Guidelines Section 15301, Class I, Existing Facilities

RECOMMENDATION

1. Authorize an encroachment permit to be issued to Hops and Fog Brewing Company, located at 511 Lighthouse Avenue, to construct a bulb-out for sidewalk dining.
2. Alternatively, discuss and take other action related to this item.

DISCUSSION

Hops and Fog, located at 511 Lighthouse Avenue, has submitted a request for a sidewalk extension, a bulb out, to accommodate outdoor dining. In July of 2025, City staff were approached by the ownership of Hops and Fogs, requesting a permit for sidewalk dining. Upon review, it was determined that expansive sidewalk dining could not be accommodated based on the parameters set forth in the sidewalk dining manual. The City's engineering team reviewed the location and presented a sidewalk bulb-out to Hops and Fog that could accommodate sidewalk dining while still meeting the criteria for pedestrian thoroughfares, per the Sidewalk Dining Manual.

Hops and Fog reviewed the draft bulb-out design, expanded upon the concept, and provided the City with a plan (Attachment 1) that could be harnessed to obtain an encroachment permit, allowing Hops and Fog to construct the bulb out. City staff has reviewed the plan. Public Works approves the concept and does not anticipate any issues with stormwater management or pedestrian access.

An encroachment permit is required when private or project-related construction activities extend into public land, such as sidewalks, streets, or utility easements. In this case, the final design deviates from the standard encroachment permit, as the bulb out will remove a parking space in front of 511 Lighthouse Avenue, creating an expansive sidewalk bulb-out that will encroach into the public right of way.

The City does not have any policies or procedures set forth that would allow for a private business owner to encroach beyond their typical storefront sidewalk or property. Allowing Hops and Fog to construct a bulb out at the corner of Lighthouse and 15th Street is a significant deviation from a normal encroachment permit. City Staff supports the plan presented by Hops and Fog and is requesting that the City Council authorize staff to issue an encroachment permit.

City staff is working on policies and procedures for City Council consideration, related to expansive sidewalks and bulb-outs, that would be used for sidewalk dining. Staff anticipates bringing forward these procedures and accompanying policies at a near future Council meeting.

OPTIONS

Do not approve the bulb-out

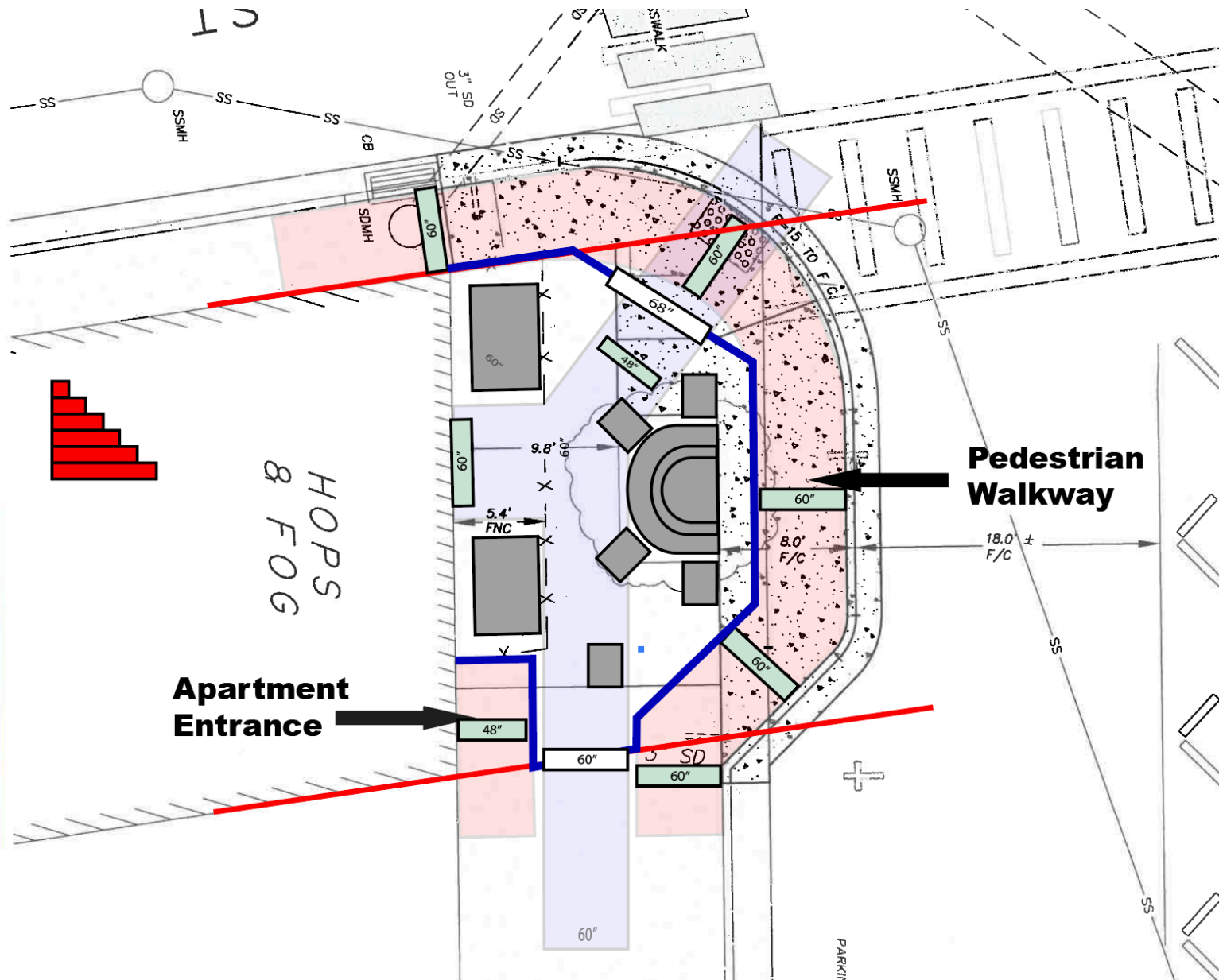
FINANCIAL IMPACT:

There is no impact to the City's budget by issuing this encroachment permit. All permit fees and construction costs will be the responsibility of the business owner. The initial engineered concept was performed under Neil Engineering's monthly retainer. There are no additional City costs.

FOCUSED PRIORITY AREA: Infrastructure

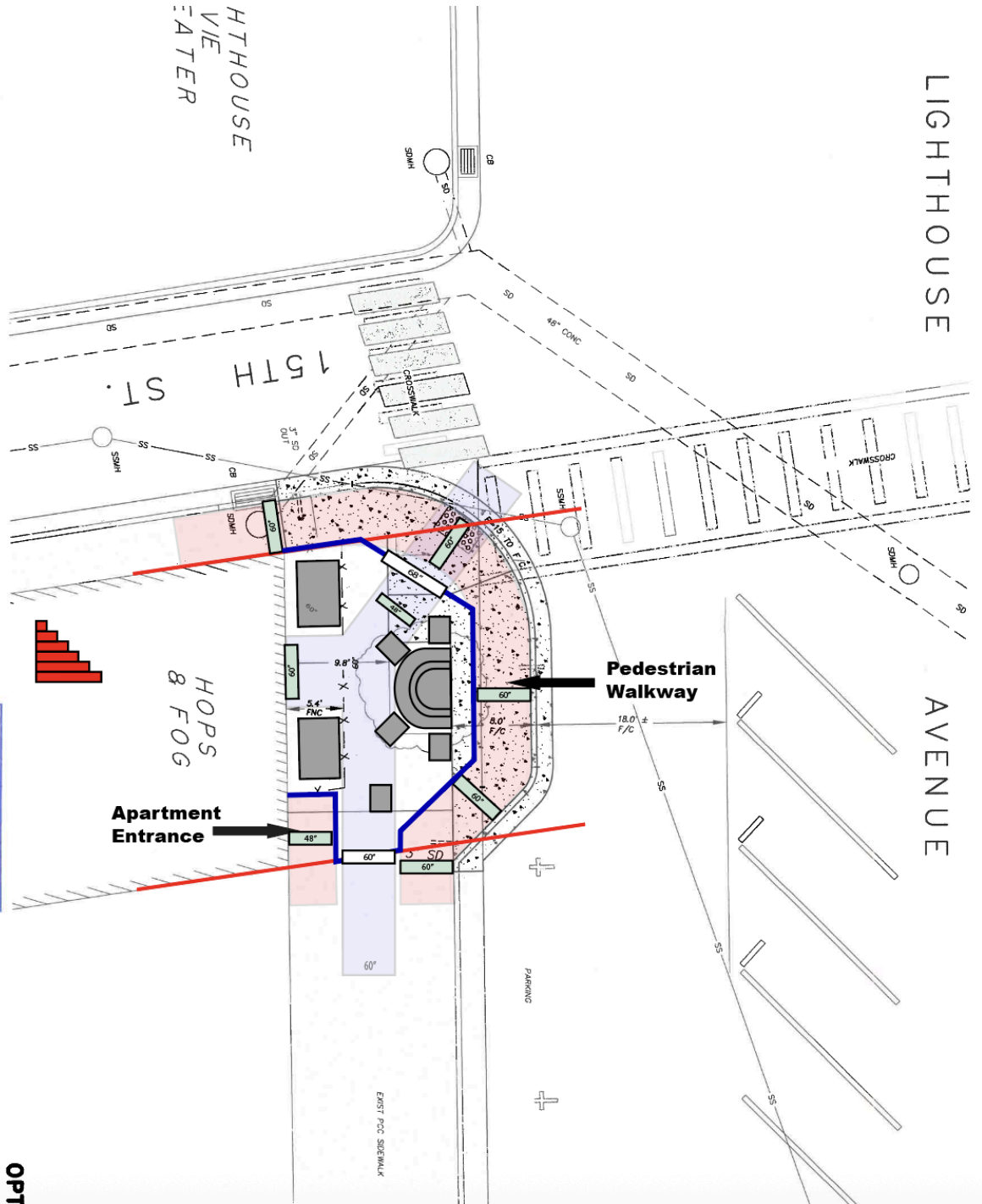
Attachments

Hops and Fog Bulb Out



LIGHTHOUSE

AVENUE

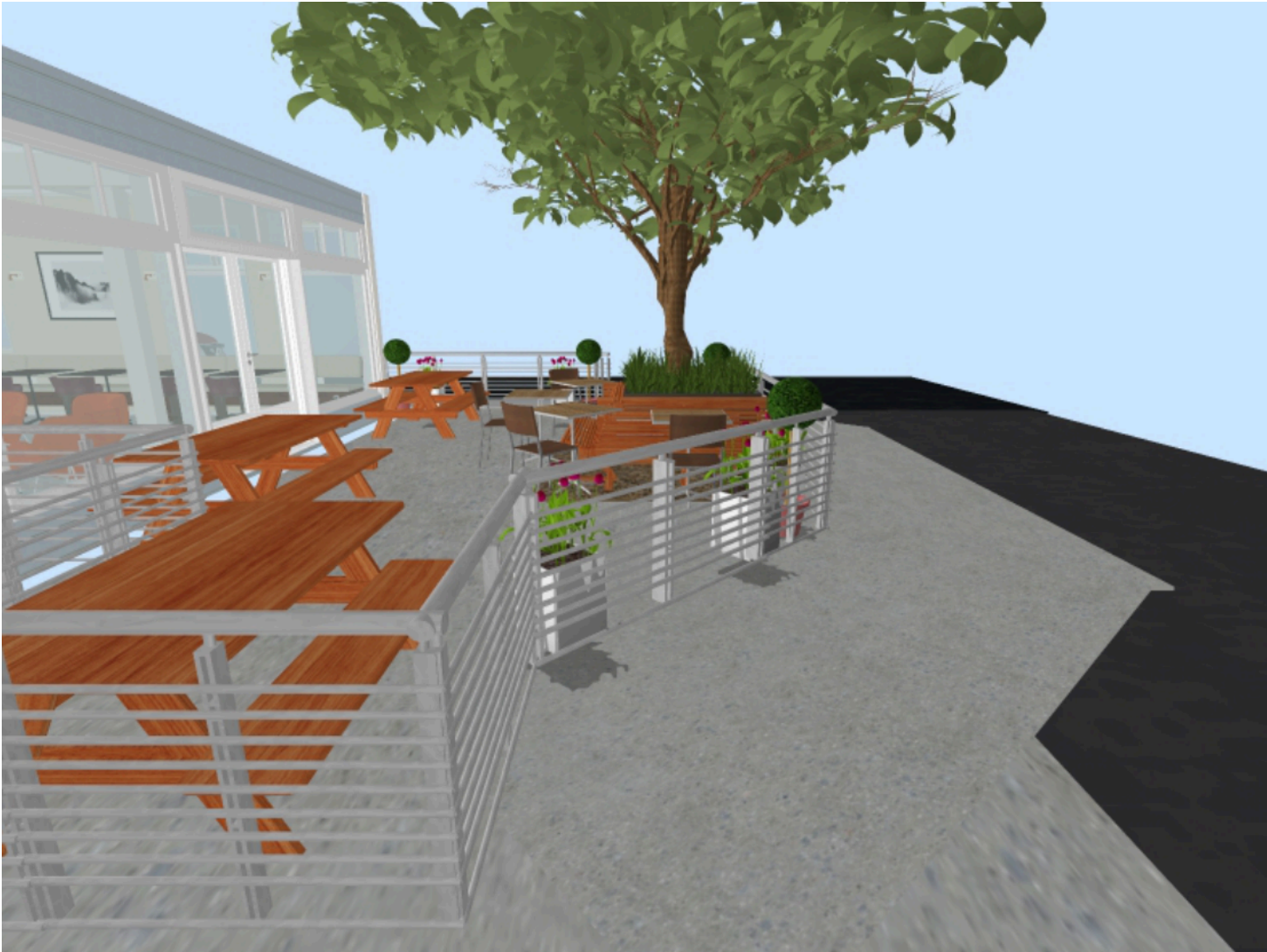


NEILL ENGINEERS
JUL 17 2025
CARMEL, CA

OPT
NEILL ENGINEERS CORP.
CONCE
BULB-OUT /
15TH ST. & L
CITY OF PACIFIC

W.O. RET

JULY 2025









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, Mayor Pro Tem
MEETING DATE: October 01, 2025
SUBJECT: Recreation Board Needs Assessment Recommendation
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Develop recreational needs assessment.

DISCUSSION

The Recreation board voted 3-0 to request up to 20 hours of staff time for the development of a community needs assessment focused on recreation. The 2018 survey was developed by Deputy City Manager Joyce Halabi.

I understand that the 2018 survey took Ms. Halabi approximately 100 hours to develop in 2018.

I have heard from a recreation commissioner that the 2018 survey was great and may need a few more questions.

OPTIONS

1. Use 2018 survey and the Recreation Board develop new questions that are needed and have the Recreation Coordinator attach to the website for responses.
2. Take an alternative action.

FINANCIAL IMPACT:

The Recreation Board's request for up to 20 hours of staff time will not be adequate if new questions are introduced and the survey is recreated. As noted above the task took over 100 hours to perform in 2018. To create and conduct a new survey today, the City Council will need to consider authorizing staff to engage with an outside outreach consultant that can dedicate the time and professional care needed to conduct a viable survey.

Should the City Council wish to use the existing survey and ask the questions already in place again, the task will take approximately 30 hours of staff time. This time can be allocated as time permits amongst the many City Council priorities currently underway.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

BCC recommendation



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

Committee Recommendation

TO: (Council Liaison) Joe Amelio
FROM: (Chairperson) Jay Tulley
COMMITTEE: Recreation
DATE: 5-14-2025

RECOMENDATION (include date of committee vote)

At the 4-24 meeting, the board voted (3-0) to request up to 20 hours of staff time for support the development of .
a community needs assessment focused on recreation. Staff would use the 2018 survey as a baseline.

DISCUSSION(attach continued discussion)

The last recreation needs assessment was done in 2018. It was a comprehensive survey developed
primarily by Ms Halabi. It was an excellent survey and the board wishes to do an updated survey to
see how the community views have changed and to see where we may have progressed or regressed.
The board will review the prior survey and communicate with staff to develop updated questions.

FISCAL IMPACT (if known)

There is no increase of required funds. This would simply take some staff time over the next few months.

ATTACHMENTS



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

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Council Member Lori McDonnell
MEETING DATE: October 01, 2025
SUBJECT: Proposal to draft an Ordinance to Regulate Operation of Unmanned Aircraft Systems (drones) to Prevent Wildlife Disturbances
CEQA: Does not constitute a Project per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Provide direction to staff to return to City Council with language for an ordinance regulating operation of Unmanned Aircraft Systems (UAS, aka drones).

DISCUSSION

The City of Pacific Grove has faced ongoing challenges with wildlife disturbances due to recreational Unmanned Aerial Vehicles (UAVs) or Systems (UASs), also referred to as “drones,” being flown within the city limits, and particularly along the coastline, that are impacting our wildlife, residents, and tourists.

- There has been an increasing number of interactions with Volunteer Naturalists monitoring our local wildlife along the city’s coastline.
- The researcher who ran Monterey Audubon’s Seawatch migratory seabird census at Pt. Pinos for six weeks in November -December of 2022 reported “Almost every day of my 45-day stint at Pinos, I saw at least one UAV being flown in the immediate vicinity of Pt. Pinos. To see multiple (generally 2-3) UAVs being flown daily was the norm I observed, and on a few days there were at least 4.”
- Data from the Central Coast Black Oystercatcher Monitoring Program shows ongoing documented drone disturbances.
- There has been increased demand for drones used in research.
- Data for permitted research drones being flown in the NOAA Overflight restricted area (NROZ) shows an increase in research drone flights from 1 flight in 2017 to 124 flights in 2022.

Detection of illegal flights often falls to the various agencies whose volunteers monitor the wildlife including Bay Net (NOAA) and the Central Coast Black Oystercatcher Monitoring Project (BLM/Monterey Audubon). Numerous cases of drone flights disturbing wildlife, including nesting shorebirds and harbor seals, have been documented by these volunteers, but they lack enforcement authority regarding the launching and landing of drones within the City of Pacific Grove.

While the current Pacific Grove drone ordinance prohibits the flying of unmanned aircraft without a permit, it does not contain language indicating that it is unlawful to disturb wildlife as included in the Marine Mammal Protection Act, The Endangered Species Act, Migratory Bird Treaty Act, and Airborne Hunting Act (see below). These federal acts prohibit the disturbance of a variety of species and apply

to drone operations.

PG Municipal Code 11.72.010: It is unlawful for any person to launch or land an aircraft, including a helicopter, drone, or other unmanned aircraft, without a permit. [Ord. 17-025 § 2, 2017; Ord. 1511 N.S. § 1, 1986].

The Code of Federal Regulations, in Subpart M - Monterey Bay National Marine Sanctuary, § 922.132 Prohibited or otherwise regulated activities, prohibits disturbances to marine mammals or seabirds. Although the City of Pacific Grove was not included in the designated Marine Protected Areas (MPAs) at the time of their creation, this statute clearly indicates “Failure to maintain a minimum altitude of 1,000 feet above ground level above any such zone is presumed to disturb marine mammals or seabirds.”

Airborne Hunting Act (16 U.S. Code § 742j- 1): Any person who—

(2) uses an aircraft to harass any bird, fish, or other animal; or

(3) knowingly participates in using an aircraft for any purpose referred to in paragraph (1) or (2); shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

(*) “Aircraft” is defined in this provision as any contrivance used for flight in the air.

History of the Item

The agenda item Wildlife Disturbances Caused by Operation of Unmanned Aircraft Systems (“drones”) was received by council on February 15, 2023 detailing the escalating disturbances to wildlife by drones. Over 20 letters in support of regulations banning recreational drone flights were received for that item when the report was received.

Good City was previously hired to collaborate with the former Police Chief and the City Council Wildlife Subcommittee to develop wildlife protections and enforcement, including drone restrictions. This project was not completed, so the community and council supported protections were never incorporated.

The purpose of this agenda item is to receive council feedback and provide direction to staff in support of completing this task. As the remaining member of the wildlife subcommittee, I researched existing ordinances for wildlife protection in coastal areas and developed preliminary language for an ordinance to eliminate the need for added cost to hire a consultant to complete the task. Herrick Hanks, head of the California Central Coast Black Oystercatcher (BLOY) Project, also provided input related to drone impacts from his experience managing the BLOY research and monitoring project.

Next Steps:

Banning recreational drone flights is an important step in mitigating negative impacts on our protected and sensitive wildlife and the privacy of our residents and visitors. It would enable research and limited commercial drone flights to be more easily monitored and managed, make enforcement easier, and provide regulatory consistency with Pebble Beach, Asilomar State Park, and all National Parks, which have outlawed recreational drones.

It is requested that Council take the recommended action to enable the protections to be in place prior to the annual fall migratory bird count and spring nesting and pupping seasons.

OPTIONS

1. Do nothing
2. Provide alternate direction

FINANCIAL IMPACT:

Cost of time for staff and City Attorney to review and revise the proposed ordinance as needed, and return to council with the proposed ordinance.

FOCUSED PRIORITY AREA: Environmental Stewardship
