



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

AGENDA REPORT

TO: Honorable Mayor and Members of City Council

FROM: Daniel Gho, Public Works Director
Ben Harvey, City Manager

MEETING DATE: March 4, 2016

SUBJECT: Receive Update to the Use Permit Appeal 16-093 for Golf Course Netting at 77 Asilomar

CEQA STATUS: Categorical Exemption, Section 15303, Class 3

RECOMMENDATION

Receive an update to Use Permit 16-093, installation of Golf Course Netting, at 77 Asilomar

BACKGROUND

On October 16, 2015 the City of Pacific Grove (City) entered into a Stipulation for Entry of Final Judgement (Stipulated Judgement) that required removal of 6 Blue Gum Eucalyptus Trees identified as numbers 916,917,918,919,924,925 (Attachment A – Stipulated Judgment). These trees were located along the fifth hole of Pacific Grove Golf Links at 77 Asilomar Avenue (APN 006-094-099).

Based on several arborist reports prepared for the trees, it was determined that decay within the trees warranted removal. The Stipulated Judgement is an Order of the Superior Court, signed by Judge Wills. The Court Order required the City to remove the six trees; cost of the removal is to be split equally between plaintiffs and the City. The City is also required to promptly install netting on the golf course where the trees were removed. The City will bear all costs of the netting. After netting is installed, the City is required to plant replacement trees of a suitable species, likely Cypress Trees.

As a means to protect persons or property from errant golf balls, the City applied for a Use Permit (Use Permit No. 16-093) to allow installation of protective golf barrier netting, including 7 poles, and planting of 6 trees. This effort also complies with the Court Order and Stipulated Judgement. On March 3, 2016, the Planning Commission held a hearing and approved Use Permit 16-093.

On March 11, 2016, Ms. Pamela Silkwood, an attorney with Horan Lloyd Legal, submitted an appeal of the Planning Commission's approval of the permit (Attachment L – Appellant Letter and Continuance Request). This appeal was required to be processed in accord with PGMC

Chapter 23.74. Paragraph B (1) of PGMC section 23.74.030 requires any appeal to be filed within 10 days of the action being appealed.

UPDATE

At the April 6, 2016 City Council Meeting, the Council heard an appeal of Use Permit 16-093, which would install a net at a height of 35 feet and a length of 320 feet, which was approved by the Planning Commission on March 3, 2016. During the appeal, the City Council directed staff to contact PARSAC, the City's Third Party Liability Pool Administrator, in order to best determine the specifics of the proposed netting, including requisite height. The City Manager and Director of Public Works met with PARSAC in the field on April 25, 2016 and reviewed the site, the tentative height of the netting, the existing netting, the surrounding homes and the layout of the golf course. It was recommended by PARSAC that the City should retain a golf architect and/or golf netting subject matter expert to evaluate the situation and provide the City with a proposed solution. Accordingly, the City is currently in the process of receiving quotes for expert analysis, and will bring a proposed solution back for City Council review and consideration at the May 18, 2016 regular City Council meeting.

FISCAL IMPACT:

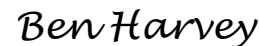
There is no fiscal impact by receiving this update.

RESPECTFULLY SUBMITTED:



Daniel Gho
Public Works Director

REVIEWED BY:



Ben Harvey
City Manager