

# City of Pacific Grove, California

## City Council Policy

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City Benches	100-7	December 18, 2002	Page 1 of 3

**BACKGROUND:** Throughout the City, there are benches that have been installed by various persons on City property. These benches are installed for various reasons, such as memorials to deceased family members, to commemorate charitable organization, and to otherwise recognize persons and entities.

**PURPOSE:**

The purpose of this policy is to create an inventory of the location and physical condition of existing benches, to identify locations for new benches, and to provide for the placement and replacement of benches.

**POLICY:**

1. City staff shall generate an initial inventory of existing benches, noting the location, inscription/ownership information, and condition (wooden slats, metal legs, hardware) of the benches by March 31, 2003.
2. Based on this inventory, if benches exist that are in need of repair/replacement, bench location holders shall be contacted and informed of this need and such repairs shall be completed within six months after notification. If the bench location holder is not reachable/contactable, the bench location shall be offered to person(s) on the bench waiting list maintained by the Public Works Department, in chronological order of requests made.
3. Based on the inventory required under paragraph 1, and if new bench locations are identified by City staff where no benches are presently located, a new bench location shall be offered to person(s) on the bench waiting list maintained by the Public Works Department, in the chronological order of requests made, after the exhaustion of bench placement offers under paragraph 2.
4. After all existing benches have been repaired/replaced, and after any new bench locations have had benches installed pursuant to paragraph 3, no new bench sites/locations will be allowed/considered along the ocean front, recreational trail, cemetery, park & open space areas or in the commercial/retail/business districts. New bench locations will only be considered for residential areas/neighborhoods outside the areas listed in the previous sentence.
5. For new residential area benches, the following procedure will be followed. Proponent locates location(s), then contacts Department of Public Works (Department).

Department staff reviews location and determines if the site is appropriate (ADA considerations, etc.). If found to be appropriate, proponent then consults with neighboring property owners to ensure no negative impacts will result from bench placement at proposed location. If these conditions are met to the satisfaction of the Department, then bench placement can proceed.

Effective upon the adoption of this policy, the following policy shall be followed with respect to existing as well as new benches placed in the City:

- (a) No new bench locations except in residential areas/neighborhoods;
- (b) After completion of the inventory and filling of bench locations set forth in Paragraph 3 above, the "list" of persons waiting for a bench location other than in a residential area will be limited to twenty (20) persons. These names shall be initially obtained from the existing bench waiting list and in the chronological order of requests made. After this new list of twenty (20) persons is established, all remaining person(s) on the existing bench waiting list shall be notified by letter of the current policy/program, and they shall be dropped from the bench waiting list for non-residential bench locations. Additionally, this letter shall include alternate options such as the residential bench placement program and the Beautification Program.
- (c) Person(s) on the list of persons waiting for a non-residential bench location shall be contacted only in the case of replacement of an existing bench in an existing location;
- (d) Should a person on the non-residential bench location waiting list decline an offer of a bench location, the person shall be dropped from the waiting list; when the list of twenty (20) persons has been exhausted, either through acceptance of bench locations, or removal of names from the list due to non-acceptance, the City shall advertise in a newspaper of general circulation that the City will accept applications for non-residential bench locations. Twenty (20) of the applications shall be selected, by random drawing, thereby refreshing the list. This process may be repeated from time to time as necessary.
- (e) The costs associated with the bench program shall be as adopted from time to time in the City's fee schedule;
- (f) All bench location holders shall be notified that as of the date of adoption of this policy, benches are a "permitted" activity in the City, and bench location holders shall be required to obtain a permit to continue their holding of the bench location. The permit is valid for five (5) years, and the initial permit fee is \$100.00. At the end of five years, and every five (5) years thereafter, all bench location holders/owners will be contacted and a renewal fee of \$100.00 is due and payable. For this permit fee, the bench will be maintained by City staff (the bench's structural condition--wood slats and metal supports, etc.). Any cosmetic maintenance (e.g., cleaning) or any improvements (e.g., varnishing) will be/remain the responsibility of the bench location holder.
- (g) If a current bench location holder should not obtain or renew the permit with the City, the City will offer the bench location to the next person on the list of persons waiting for a bench location along the beach/waterfront, then next to the persons on the bench waiting list for other locations. Costs of transferring the bench

to the new bench location holder will be the obligation of the new bench location holder.

(h) The City Council will not consider bench placement requests, nor entertain appeals of bench placement decisions of the Department. Should the City, at any time, not be able to provide the services for ordering, engraving, installing, etc., any bench, the City reserves the right to contract with outside vendors for such services and bill the bench location holder accordingly.

(j) Notwithstanding the term set forth in any permit issued pursuant to this policy, if, in the sole discretion of the Director of Public Works/City Engineer, a bench must be removed in the interests of public health, safety or welfare, the bench may be removed, and the bench location holder shall not be entitled to any refund of permit fees or any other expenses associated with the installation or maintenance of the bench.

Adopted: December 18, 2002  
Resolution No.: 2-064