

RESOLUTION NO. 15-017

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
APPROVING RECORDATION OF A LIEN AT 505 GRAND AVENUE**

FACTS

1. On August 6, 2014 the owner of 505 Grand Avenue in Pacific Grove, Jack Van Bebbler (Property Owner), was issued a Compliance Order identifying violations of Pacific Grove Municipal Code Sections 9.16.030, 1.16.010; International Property Maintenance Code Sections 302.1, 305.5, 308.1, 404.7; and California Building Code Section 105.1. A Compliance Date of August 27, 2014 was given to the Property Owners.

2. The Property Owners failed to remedy the violations of the Municipal Code within the prescribed time.

3. A duly noticed Administrative Hearing was held on September 24, 2014.

4. On October 28, 2014, Administrative Hearing Officer Kim Murdock issued an Administrative Decision/Order. Pursuant to the Decision/Order to date, the Property Owners owe payments to the City.

5. The Administrative penalties for the failure to complete the work required by the Order, assessed at \$100 per day for 238 days, from August 6, 2014 through April 1, 2015, plus enforcement costs, yield the following amounts owed:

| | |
|-------------------------|---------------------|
| Total penalties | \$23,800.00 |
| City enforcement costs: | \$ 960.00 |
| TOTAL LIEN | \$ 24,760.00 |

6. To date, compliance has not been met. Pursuant to PGMC 1.19.200(a), administrative penalties are limited to \$100,000, exclusive of costs.

7. The maximum administrative penalty amount has not been reached.

8. The time to appeal the Administrative Decision/Order has expired.

9. The property owner has failed to comply with the Compliance Order and penalties and fines continue to accrue.

10. Section 1.19.260 of the Pacific Grove Municipal Code authorizes liens on real property when a penalty and/or administrative cost imposed by a hearing officer have not been timely paid.

11. In reviewing this matter, the City followed the guidelines adopted the CEQA Guidelines of the State of California, published in the California Code of Regulations, Title 14, Section 15000, et seq. and found this action does not constitute a “Project” as defined by CEQA Guideline section 15378; this is an organizational or administrative activity that will not result in direct or reasonably foreseeable indirect physical changes in the environment.

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

SECTION 1. The City Council finds the Facts set forth above to be true and correct, and by this reference incorporates each as an integral part of this Resolution.

SECTION 2. The total amount payable to the City is confirmed, and shall constitute a lien against the property at 505 Grand Avenue (APN: 006-486-013-000) in the amount of \$24,758.50 as of April 1, 2015. Penalties and administrative costs shall continue to accrue until paid in full, to a maximum of \$100,000.

SECTION 3. The City Manager, or his/her designee, is hereby authorized to place additional liens on 505 Grand Avenue for any future unpaid administrative penalties and/or costs authorized pursuant to the Administrative Decision/Order.

SECTION 4. The City Manager is directed to take all action necessary to implement this Resolution.

SECTION 5. This Resolution shall take effect immediately following its adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 1st day of April, 2015, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Miller, Peake

NOES: None

ABSENT: Councilmember Lucius

APPROVED:

BILL KAMPE, Mayor

ATTEST:

SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney