

**RESOLUTION NO. 15-018**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE  
APPROVING THE RECORDATION OF A LIEN AT 1009 FOREST AVENUE**

**FACTS**

1. On August 1, 2014 the owner of 1009 Forest Avenue in Pacific Grove, Rose Marie Coleman (Property Owner), was issued a Compliance Order identifying violations of Pacific Grove Municipal Code Sections 23.16.021, 18.04.010; International Property Maintenance Code Sections 308.1, 304.5, 603.2; and California Residential Code Section 105.1. A Compliance Date of August 15, 2014 was given to the Property Owner.

2. The Property Owner failed to remedy the violations of the Municipal and other codes within the prescribed time.

3. A duly noticed Administrative Hearing was held on July 30, 2013.

4. On August 22, 2013, Administrative Hearing Carl Munteer issued an Administrative Decision/Order. Pursuant to the Decision/Order to date the Property Owners must pay the City the following sums:

Administrative penalties calculated from August 1, 2014 through April 1, 2015 for the failure to complete the work required in the Order is assessed at \$50 per day for 243 days equals \$12,150.00.

Total Penalties	\$12,150.00
City enforcement costs:	<u>\$ 519.00</u>
<b>TOTAL LIEN</b>	<b>\$ 12,669.00</b>

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

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

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

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

9. 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.

10. 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 1009 Forest Avenue (APN: 006-701-022-000) in the amount of \$12,669.25 and penalties and fines shall continue to accrue until paid in full.

SECTION 3. The City Manager, or his/her designee, is hereby authorized to place additional liens on 1009 Forest 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 1<sup>st</sup> day of April, 2015, by the following vote:

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

NOES: None

ABSENT: Councilmember Lucius

APPROVED:

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BILL KAMPE, Mayor

ATTEST:

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SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

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DAVID C. LAREDO, City Attorney