RESOLUTION NO. 21-017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
AUTHORIZING RECORDATION OF A SPECIAL ASSESSMENT AT
212 FOUNTAIN AVENUE

FACTS

1. Mark and Dorothy Enayati (Property Owners) are the sole owners of record for the
property located at 212 Fountain Avenue APN: 006-283-008-000 (the Property).

2. On July 30, 2019, the Property Owners were issued a Compliance Order identifying
Pacific Grove Municipal Code (PGMC) violations concerning their property. These violations
involved PGMC sections 15.16.040, 23.76.080 and 11.101.040(d).

3. Property Owners failed to remedy the Code violations within the prescribed time and the
matter was set for an Administrative Hearing.

4. A duly noticed Administrative Hearing was held on November 6, 2019. On December
16, 2019, Administrative Hearing Officer Terry Burns issued Administrative Decision/Order
#19-094. The Decision/Order found Property Owners liable for violation of PGMC §23.76.080
and §18.04.010 (a)(1). The Decision/Order required Property Owners pay the following sums to
the City:

<table>
<thead>
<tr>
<th>Penalty/Amount</th>
<th>Days in Violation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Fees 1/24/20</td>
<td>$697</td>
<td></td>
</tr>
<tr>
<td>Administrative Penalty due 3/16/20</td>
<td>$52,000</td>
<td>495 $52,000</td>
</tr>
<tr>
<td>$1,000 per day:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Penalties from 3/16/20 $2,000 per day:</td>
<td>$886,000</td>
<td>443 &gt;$100,000</td>
</tr>
<tr>
<td>TOTAL SPECIAL ASSESSMENT (maximum $100,000)</td>
<td></td>
<td>$100,000</td>
</tr>
</tbody>
</table>

5. Property Owners did not appeal the Decision/Order and time to appeal the
Decision/Order has lapsed.

6. PGMC section 1.19.260 authorizes the City to place a special assessment on real property
when a penalty and/or administrative costs imposed by a hearing officer have not been timely
paid.

7. In the review of this matter, the City followed the guidelines adopted by the State of
California and published in the California Code of Regulations, Title 14, Section 15000, et seq.
and action for this matter does not constitute a “project” under California Environmental Quality
Act (CEQA) Guidelines 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, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
PACIFIC GROVE:
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 due and payable to the City is $100,000; this amount remains unpaid. A special assessment in this amount shall be placed against the property at 212 Fountain Avenue (APN: 006-283-008-000) in the amount of $100,000; the special assessment shall further accrue penalties and fines until the special assessment is paid in full.

SECTION 3. The City Manager, or his/her designee, is hereby authorized to place additional special assessments on 212 Fountain Avenue as may be needed to secure payment of future unpaid administrative penalties and/or costs authorized pursuant to Administrative Decision/Order #19-094.

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

SECTION 4. This Resolution shall take effect immediately following its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE THIS 2nd day of June 2021, by the following vote:

AYES: Mayor Peake, Councilmembers Amelio, Coletti, McAdams, Poduri, Smith, and Tomlinson.

NOES: None.

ABSENT: None.

APPROVED:

BILL PEAKE, Mayor

ATTEST: 6/4/2021

DATED: __________________________

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney