



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

**AGENDA REPORT**

**TO:** HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** Mark Brodeur, Community and Economic Development Director  
**MEETING DATE:** November 16, 2016  
**SUBJECT:** First Reading of an Ordinance to Amend Chapter 23.74 (Call Up Authority) of the Pacific Grove Municipal Code  
**CEQA:** Does not constitute a “Project” under California Environmental Quality Act (CEQA) Guidelines

**RECOMMENDATION**

Introduce and hold first reading of an ordinance to amend Chapter 23.74 of the Pacific Grove Municipal Code (PGMC) regarding City call up review processes, and direct publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney.

**DISCUSSION**

Pacific Grove Municipal Code (PGMC) Chapter 23.74 enables its boards, commissions and council to call up decisions of subordinate bodies in lieu of the right of appeal that applies to the public at large. The call up procedure is ambiguous and unclear and its provisions at times have proven difficult to construe and apply. The proposed ordinance will amend Chapter 23.74 to clarify the call up process.

The proposed measure will clarify the time for any board, commission or council to exercise its right of call up. If approved, the call up request must be made at a regularly scheduled meeting that convenes within 21 calendar days following the final date of the determination or action that is subject to the call up. If a meeting is not convened within 21 calendar days following the final date of determination, the right of call up shall lapse.

The process to make the call up is also clarified to ensure the request to call up is made during the portion of the meeting agenda during which comments are allowed by members of that board, commission or council. No separate agenda item shall be required to enable a call up request.

Finally former language calling for the “vote” of three members shall be modified to clarify that the call up is made by a request, instead of a “vote”. The requirement that three members agree to the call up, however, is unchanged. At the time a matter or action is called for review, each

member stating a request for review may make a brief statement of reasons for his or her call up request.

Enactment of this ordinance action does not constitute a “project” as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

This ordinance does not constitute a “Project” under California Environmental Quality Act (CEQA) Guidelines.

**FISCAL IMPACT**

None.

**ALTERNATIVES**

1. Choose to not amend Chapter 23.74 (take no action).
2. Provide alternate direction.

**ATTACHMENTS**

- Draft Ordinance No. 16-\_\_\_\_\_

**RESPECTFULLY SUBMITTED,**

**REVIEWED BY,**



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Mark Brodeur  
Community and Economic Development Director

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Ben Harvey  
City Manager

**ORDINANCE NO. 16-\_\_\_\_\_**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
PACIFIC GROVE AMENDING SECTION 23.74.040 OF  
CHAPTER 23.74 OF THE PACIFIC GROVE MUNICIPAL CODE  
REGARDING APPEALS AND CALL UP RULES**

**FINDINGS**

1. Pacific Grove Municipal Code (PGMC) Chapter 23.74 enables its boards, commissions and council to call up decisions of subordinate bodies in lieu of the right of appeal that applies to the public at large; and
2. The call up procedure is ambiguous and unclear; its provisions are difficult to construe and apply. The City Council has determined it is appropriate to amend Chapter 23.74 to clarify the call up process; and
3. This ordinance amends Section 23.74.040 of PGMC Chapter 23.74; and
4. Enactment of this ordinance action does not constitute a “project” as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:**

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Existing Municipal Code section 23.74, entitled “Appeals and Call-Ups” shall be amended by the deletion of all text shown in ~~strikeout text~~ and by the addition of all text shown in bold, italic text (***bold italic text***), as follows:

**23.74.040 Call-up authority and time limits.**

(a) The council may call up for review any action or decision of the planning commission or any other review authority, and make its own decision on the action or matter. The architectural review board and planning commission have the authority to call up certain actions or decisions of any review body for which they are the appeal authority, in accordance with Table 23.70.012-1.

***(b) The request to call up any action or decision shall be made during the portion of the regular meeting agenda during which comments are allowed by members of that board, commission or council. No separate agenda item shall be required to enable a call up request.***

~~(b)~~ (c) Notwithstanding any time limits otherwise prescribed in this code for appeal, the call-up authority shall always have until its next regularly scheduled meeting **provided it convenes within 21 calendar days**; following **the final date of the determination or an** action **that is subject to** ~~decide to~~ **the** call up the action or matter for review. **If a regular or special meeting is not convened within 21 calendar days following the final date of determination, the right of call up shall lapse.**

~~(c)~~ (d) In the case of the council, planning commission, ~~and~~ **or** architectural review board, the ~~vote~~ **request** of three members shall suffice to call up an action or matter for review. At the time a matter or action is called for review, each member ~~voting~~ **stating a request** for review ~~shall~~ **may** make a brief statement of ~~the grounds~~ **reasons** for his or her ~~vote~~ **call up request.**

SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 4. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

**PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE**  
this \_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
BILL KAMPE, Mayor

ATTEST:

\_\_\_\_\_  
SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID C. LAREDO, City Attorney