

**Ordinance No. 14-013**

**ORDINANCE TO AMEND SECTION 23.80.060(m) OF THE PACIFIC GROVE MUNICIPAL CODE PERTAINING TO OCCUPANCY RESTRICTIONS OF SECOND UNIT PROPERTIES WHERE THE SECOND UNIT WAS CONSTRUCTED PRIOR TO AUGUST 5, 1992**

**WHEREAS**, on April 17, 2014, the Planning Commission considered an application to amend a use permit which would allow the primary residence of a property with a second unit to be used as a “second home” by the property owners, and not as their primary residence; and

**WHEREAS**, the Planning Commission found that property owner maintenance responsibilities would also be insured when one of the units was used as a second home of the property owner, as was the case with the use permit amendment request being considered; and

**WHEREAS**, on May 22, 2014, the Planning Commission recommended that Municipal Code Section 23.80.060(m) be amended by the City Council in order to allow an adjustment to occupancy restrictions pertaining to a limited number of second units constructed prior to August 5, 1992, based on its tentative action of April 17, 2014 to approve a related use permit amendment application;

**WHEREAS**, this ordinance is categorically exempt under CEQA as Class 1 and Class Exemptions: Permitting Existing Facilities (section 15301) and Conversion of Small Structures (section 15303); and

**WHEREAS**, the ordinance language provided below is the same language approved by the Planning Commission on May 22, 2014, and recommended for adoption.

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

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

SECTION 2. Pacific Grove Municipal Code Section 23.80.060(m) Occupancy of Second Units, is hereby amended to add subsection (4), to read: “The restrictions of subsections (1) and (2) shall not apply to properties with second units constructed prior to August 5, 1992 provided the primary or second unit is a second home to be occupied by the property owner. Under no circumstances are both units to be rented.”

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 4. Effective Date. This ordinance shall become effective thirty days following the date of its adoption.

**PASSED AND ADOPTED** by the City Council of Pacific Grove on this 20th day of august, 2014 by the following vote:

AYES: Mayor Kampe, Councilmembers Cohen, Cuneo, Huitt, Miller

NOES: Councilmember Lucius

ABSENT: Councilmember Fischer

ABSTAIN: None

APPROVED:

\_\_\_\_\_  
Bill Kampe, Mayor

ATTEST:

\_\_\_\_\_  
Ann Camel, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David Laredo, City Attorney

---

---