

ORDINANCE NO. 16-022

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 the ARB, Planning Commission and City 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 Council announcements or general non-agenda 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.*

(e) (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*.

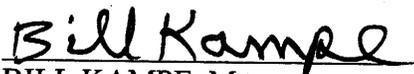
SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

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 7th day of December, 2016, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Garfield, Huitt, Peake and Smith.
NOES: None.
ABSENT: None.

APPROVED:

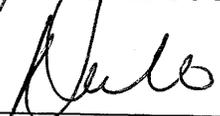

BILL KAMPE, Mayor

ATTEST:



SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney