

ORDINANCE NO. 20-016

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE
AMENDING CHAPTERS 23.24 AND 23.28
OF THE PACIFIC GROVE MUNICIPAL CODE
REGARDING MULTI-FAMILY HOUSING**

WHEREAS, the City of Pacific Grove (City) Housing Element 2015-2023 was adopted by the City Council in March 2016; and

WHEREAS, in response to State law, the City Council adopted City Council Goal #6 to reduce barriers, streamline approval, and further accommodate the development of affordable housing; and

WHEREAS, the California State Legislature brought forward several bills in 2019 relating to the planning of housing development; and

WHEREAS, the City planned to amend Pacific Grove Municipal Code (PGMC) Title 23 as part of the long term plans in the Housing Element; and

WHEREAS, the R-3 and R-4 zoning districts allow for multi-family developments of up to seven units with an Architectural Permit, but eight or more units require a Use Permit in addition to the Architectural Permit which requires additional expense and time for a multiple hearing process; and

WHEREAS, the City determined that it is appropriate to amend PGMC Chapters 23.24 (R-3) and 23.28 (R-4), to comply with the Housing Element and City Council goals to provide a more streamlined process for the development of additional affordable housing opportunities; and

WHEREAS, Housing Element Program 3.3c furthers this general goal by specifically recommending deletion of certain portions of the PGMC to expedite development processes; and

WHEREAS, notice of a public hearing before the Planning Commission was published in the Monterey County Weekly on February 24, 2020, posted at City Hall on February 24, 2020. Notice of the City Council hearing was published in the Monterey County Weekly on April 24, 2020 and posted at City Hall; and

WHEREAS, this Ordinance amends PGMC Sections 23.24 (R-3 District) and 23.28 (R-4 District).

WHEREAS, the amendments are exempt from environmental review per [Section 15061\(b\)\(3\)](#) of the California Environmental Quality Act (CEQA) Guidelines that provide that the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

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 PGMC Chapter 23.24, R-3 Districts, shall be amended by deletion of all text shown in ~~strikeout~~ (strikeout-text) to read as follows:

Chapter 23.24

R-3 DISTRICTS

Sections:

23.24.010 Generally.

23.24.020 Uses permitted.

23.24.030 Building height limit.

23.24.040 Building site area required.

23.24.050 Allowed building coverage.

23.24.051 Allowed site coverage.

23.24.060 Yards required.

23.24.070 Garbage areas.

23.24.010 Generally

The regulations found in this chapter shall apply to all R-3 districts and shall be subject to the provisions of Chapter 23.64 PGMC.

23.24.020 Uses permitted

The following uses shall be permitted in the R-3 district:

(a) Single- or two-family dwellings;

(b) Second units as permitted by Chapter 23.80 PGMC;

(c) Multiple dwellings, apartment houses and dwelling groups, ~~subject to first securing a use permit in either of the following cases:~~

~~(1) The total number of family units shall exceed seven on a building site; or~~

~~(2) The proposed development includes a combination of an existing structure (whether or not altered) with a new structure or additions to an existing structure on one building site;~~

- (d) Rooming or boarding houses, subject to first securing a use permit;
- (e) Accessory uses and buildings normally incidental to any in this section;
- (f) State-licensed residential care facilities for seven or more persons, subject to first securing a use permit.

23.24.030 Building height limit

The maximum height of main buildings shall be 30 feet.

23.24.040 Building site area required

For each building, or group of buildings, a minimum of 4,000 square feet and minimum width of 40 feet shall be required on interior lots. A minimum of 6,000 square feet and a minimum width of 60 feet shall be required on corner lots. In the subdivisions designated as additions to Pacific Grove Retreat and in the Pacific Grove Retreat, where the lot sizes, as legally subdivided, are 30 by 60 feet, the minimum lot size shall be 3,600 square feet, with the lot lines along the lines of said subdivisions. Nothing contained herein shall authorize such smaller minimum lot sizes for any future subdivisions.

SECTION 3. Existing PGMC Chapter 23.28, R-4 District, shall be amended by deletion of all text shown in ~~strikeout~~ (strikeout text) to read as follows:

Chapter 23.28

R-4 DISTRICT

Sections:

23.28.010 Generally.

23.28.020 Uses permitted.

23.28.030 Building height limit – Site area – Lot coverage – Yards.

23.28.010 Generally

The regulations found in this chapter shall apply in all R-4 districts and shall be subject to the provisions of Chapter 23.64 PGMC.

23.28.020 Uses permitted

The following uses shall be permitted in the R-4 district:

- (a) Single- or two-family dwellings;
- (b) Second units as permitted by Chapter 23.80 PGMC;
- (c) Multiple dwellings, apartment houses, ~~subject to first securing a use permit in either of the following cases:~~

~~(1) The total number of family units shall exceed seven on a building site, or~~

~~(2) Additions or structural alterations are made to an existing structure;~~

(d) Rooming or boarding houses, subject to first securing a use permit;

(e) Dwelling groups subject to first securing a use permit in either of the following cases:

~~(1) The total number of family units shall exceed seven on a building site, or~~

~~(2) The proposed development includes a combination of an existing structure (whether or not altered) with a new structure or additions to an existing structure on one building site.~~

(f) Professional uses allowed are: accountants, advertisers, appraisers, architects, assayers, attorneys, beauty shops, building designers, chiropractors, chiropodists, clinical laboratories, collection agencies, contractors (no warehousing of material), dental laboratories, detective agencies, dentists, geologists, insurance adjusters, interior decorator services (no display rooms, retail sales, and no warehousing of materials), insurance offices, land surveyors, medical doctors, medical laboratories, oculists, opticians, optometrists, osteopaths, physical therapists, podiatrists, private detectives, professional engineers, psychologists, real estate offices, secretary services and telephone answering services, subject to first securing a use permit;

SECTION 4. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 5. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 6. 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 20th day of May 2020, by the following vote:

AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, McAdams, and Tomlinson.

NOES: None.

ABSENT: Councilmember Smith.

APPROVED:

DocuSigned by:
Bill Peake
6C7CB8B632C34D9...

BILL PEAKE, Mayor

ATTEST: 5/21/2020
DATED: _____

DocuSigned by:
Sandra Kandell
4F11A61C850B4E1...

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DocuSigned by:
David C. Laredo
F06545E32B2846E...

DAVID C. LAREDO, City Attorney