

RESOLUTION NO. 18-023

**CALLING A GENERAL MUNICIPAL ELECTION
IN THE CITY OF PACIFIC GROVE ON NOVEMBER 6, 2018
FOR ELECTION OF MAYOR AND COUNCILMEMBERS,
PLACING AN INITIATIVE ON THE GENERAL ELECTION,
REQUESTING THE COUNTY ELECTIONS DEPARTMENT CONDUCT THE
ELECTION AND CONSOLIDATE THE ELECTION WITH THE
GENERAL STATEWIDE ELECTION**

FINDINGS

1. In accord with Article 8 of the Charter of the City of Pacific Grove and the General Laws of the State of California, a General Municipal Election shall be held in the City of Pacific Grove for election of a Mayor for the full term of two years, and three Councilmembers for full terms of four years each. The General Election shall be held on Tuesday, November 6, 2018, from the hours of 7:00 a.m. until 8:00 p.m.; thereafter polls shall be closed.
2. Qualified electors at said Election shall be entitled to vote for nominees for the following offices: Office of Mayor (a two-year term), with one person to be elected; and Office of Councilmember (four-year terms), with three persons to be elected. Additionally, the term for any Councilmember who files for the office of Mayor shall automatically expire on the Tuesday following the election, and the nomination filing period for the unexpired term for that seat shall be extended to **August 15, 2018**. Qualified electors at said Election shall also be entitled to vote for any initiative(s) and/or measure(s) that may hereafter qualify for placing on the ballot.
3. Pursuant to Elections Code Section 13307, the City resolves that each candidate shall pay for cost of his or her candidate's statement; each statement shall not exceed 200 words.
4. Elections Code Section 15651 requires the city or district to determine the means and manner in which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes ("tie votes") for an office to be voted upon. The City Clerk shall resolve any tie vote by coin toss.
5. Petitioners submitted to the City of Pacific Grove (City) a Notice of Intent to Circulate an Initiative Petition entitled the "Initiative to Preserve and Protect Pacific Grove's Residential Character," amending Section 23.64.350 to the Pacific Grove Municipal Code," and subsequently filed Proof of Publication of the Notice.
6. The stated reasons for the Initiative Petition are to amend the Pacific Grove General Plan and Municipal Code Section 23.64.350 prohibiting short-term rentals in residential districts outside the Coastal Zone, provide an 18-month phase-out period for existing permitted short-term rentals that become nonconforming uses under the measure, and require voter approve of any changes to the measure, except with regard to the Coastal

Zone or enforcement.

7. On June 6, 2018, the City's Elections Official certified to the City Council that the Initiative to Preserve and Protect Pacific Grove Residential Character bears sufficient, valid signatures to qualify for the ballot.
8. California Elections Code section 1405(a) provides that with certain exceptions, the election for a municipal initiative that qualifies pursuant to Section 9215 shall be held not less than 88 nor more than 103 days after the date of the order of election.
9. Pursuant to Section 9215(b), the City Council has determined the ordinance petitioned for is required to be submitted to the voters at the next regular statewide election pursuant to subdivision (a) of Section 1405.
10. The Pacific Grove City Council requests the Monterey County Board of Supervisors consolidate the General Municipal Election with the General Statewide Election scheduled for Tuesday, November 6, 2018. The City Council requests consolidation of election precincts, polling places and voting booths be the same as for the General Statewide Election, and to further that the form of a ballot used within the City of Pacific Grove specify duly qualified candidates for the offices and for any initiative(s) and/or measure(s) that may hereafter qualify for the ballot.
11. The Pacific Grove City Council further requests the Monterey County Board of Supervisors order the County Registrar of Voters prepare and mail sample ballots with candidates' statement and any initiative(s) and/or measure(s) ballot that may hereafter qualify for placement on the ballot to the qualified electors of the City; obtain appropriate precinct locations and trained precinct workers; prepare and count the ballots on Election Night or thereafter; and certify the election results, in the manner provided by law.
12. The City Clerk and County Registrar of Voters are authorized to print forms, publish notices and provide information as may be necessary or convenient to assure the orderly conduct of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner consistent with law.
13. Pursuant to Elections Code Section 10002, The Registrar of Voters is authorized to bill the City, on a prorated basis, for costs associated with this General Municipal Election.
14. A Notice of Election shall be published in an official newspaper of general circulation in the City in accordance with the Elections Code 12101.
15. Except as otherwise recited in this resolution, the election shall be held and conducted as provided by the general law for holding municipal elections.
16. The City Council requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and the City shall reimburse the county in full for the services performed upon

presentation of a bill pursuant to Elections Code Section 10002.

17. Pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections. Such election for cities and special districts may be either completely or partially consolidated.

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

1. The foregoing Findings are adopted as findings of the City Council as though set forth fully herein.
2. Pursuant to Articles 8 and 16 of the Pacific Grove Charter and the laws of the State of California relating to general law cities, the City Council hereby orders the Monterey County Elections Department to conduct an election of a Mayor for the full term of two years, and three Councilmembers for full terms of four years each, and to conduct an election to approve or reject the Measure set forth in the "Initiative to Preserve and Protect Pacific Grove's Residential Character."
3. The City Council requests the Board of Supervisors permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services.
4. The City Manager is authorized to execute all documents and to perform all other necessary City acts to enter into a service agreement for the provision of election services with Monterey County Registrar of Voters.
5. The Agreement entitled, "Service Agreement for the Provision of Election Services between the City of Pacific Grove and Monterey County Registrar of Voters" is hereby approved and incorporated herein by reference.
6. The text of the ballot measure is attached to this Resolution as Exhibit 1. The text of the measure shall be printed in the ballot materials; a copy of the measure shall be available for public inspection in the City Clerk's office at 300 Forest Avenue, Pacific Grove, and on the City's website at www.cityofpacificgrove.org/about-city/city-clerk. If not provided in the voter guide, upon request, copies will be sent at the expense of the City.
7. The ballot question for the Ballot Measure to Amend the Pacific Grove Municipal Code Section 23.64.350 shall be substantially as follows:

CITY MEASURE ()

Shall the Pacific Grove Municipal Code Section 23.64.350 be amended to prohibit short-term rentals in residential districts outside the Coastal Zone, provide an 18-month phase-out period for existing permitted short-term rentals that become nonconforming uses under the measure, and require voter approval of any changes to the measure except with regard to the Coastal Zone or enforcement?

Yes (____)

No (____)

8. Ballot used at the election shall be in form and content as required by law.
9. The notice of the time and place of holding the election is given and the City Clerk in time, form and manner as required by law.
10. The last day to submit arguments (300 words) for or against the proposed measure shall be **August 16, 2018**. Submittals are to be delivered to the City Clerk on or before 5:00 p.m.
11. The last day to submit rebuttal arguments (250 words) for the proposed measure shall be **August 23, 2018**. Submittals are to be delivered to the City Clerk on or before 5:00 p.m.
12. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney and directs the City Attorney to prepare an impartial analysis (500 words) of the measure pursuant to Elections Code section 9280 no later than **August 16, 2018**.
13. The initiative measure shall pass only if a majority of the votes cast on the measure are “yes” votes.
14. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by the general law for holding municipal elections.
15. The Monterey County Election Department is authorized to canvass the returns of the Municipal Election.
16. The City Council shall meet to declare the results of the election called for by this Resolution at their first regular meeting following certification of election results.
17. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Monterey County Election Department.

18. The City Clerk shall publish a copy of this Resolution in a newspaper of general circulation within the City once within fifteen (15) days after the adoption of this Resolution.
19. The City Council finds this is not a project under the California Environmental Quality Act by virtue of the State CEQA Guidelines, 14 Code of California Regulations section 15378, subdivision (b)(3) and, therefore, no environmental impact assessment is necessary.
20. If any provision of this Resolution, or any provision of the measure authorized by this Resolution, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.
21. This resolution shall become effective immediately following passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 20th day of June, 2018, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Garfield, Huitt, Peake, and Smith.

NOES: None.

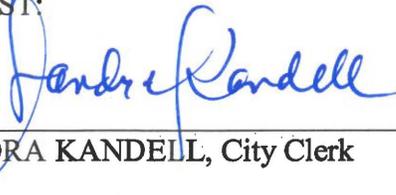
ABSENT: None.

APPROVED:



BILL KAMPE, Mayor

ATTEST:



SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney

EXHIBIT 1

To the Honorable City Clerk of the City of Pacific Grove: We, the undersigned, registered and qualified voters of the City of Pacific Grove, hereby propose an initiative measure to amend the Pacific Grove General Plan and the Pacific Grove Municipal Code. We petition you to submit this measure to the City Council of the City of Pacific Grove for adoption of the measure outright, or for submission of the measure to the voters of the City of Pacific Grove at the earliest election for which it qualifies.

The measure provides as follows:

Initiative to Preserve and Protect Pacific Grove's Residential Character

The people of the City of Pacific Grove do ordain as follows:

SECTION 1: PURPOSE, EFFECT, AND FINDINGS

- A. Purpose:** The purpose of this *Initiative to Preserve and Protect Pacific Grove's Residential Character* ("Initiative") is to prohibit and phase out existing permitted short-term rentals in residential neighborhoods, thereby advancing the central premise of the City of Pacific Grove's charter that business and industry shall be compatible with Pacific Grove's residential character.
- B. Effect:** This Initiative amends the City of Pacific Grove's General Plan and Municipal Code to prohibit and phase out existing permitted short-term rentals in residential districts, except in the Coastal Zone. It establishes an 18-month sunset period for short-term rentals prohibited under this Initiative. It does not change existing rules for licensing short-term rentals where they are not prohibited or existing rules permitting home sharing.
- C. Findings:** The people of the City of Pacific Grove find that this Initiative promotes and protects the health, safety, welfare, and quality of life of City residents, based upon the following findings, any one of which is sufficient to support adoption of this Initiative:
- 1. Pacific Grove Is Primarily a City of Homes and the City Must Protect Its Residential Character.** As of December 21, 2017, the date that the notice of intention to circulate this Initiative was submitted to the elections official of the City of Pacific Grove ("Submittal Date"), the Pacific Grove City Charter, in Article 5.5, the Pacific Grove General Plan, and the Pacific Grove Municipal Code recognize that Pacific Grove is "primarily a city of homes" and that "business and industry shall be compatible with its residential character."
 - 2. Residential Land Use Designations Protect Residential Uses.** The purpose of Pacific Grove's residential districts is to provide appropriately zoned areas within the City for long-term residents and to enhance and maintain the residential character of the City. The City of Pacific Grove's Zoning Map depicting the City's residential districts is attached as Exhibit A for informational purposes.
 - 3. Residential Districts Are Intended for Long-Term Housing.** The Pacific Grove General Plan defines "dwelling unit" as "A room or group of rooms—including sleeping, eating, cooking, and sanitation facilities—that constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis (i.e., for more than 30 days.)" (Pacific Grove General Plan, Glossary, p. 175). This Initiative protects the integrity of residential neighborhoods by prohibiting short-term rental of residential property in residential districts outside the Coastal Zone.
 - 4. Short-Term Rental Is a Commercial Use Incompatible with Residential Uses.** The short-term rental of residential property is a commercial use that is in conflict with the longstanding definition of a "dwelling unit" as a "long-term" residence and is incompatible with the character of residential neighborhoods.

5. **Use of Residential Property for Short-Term Rentals Threatens Residential Neighborhoods.** As the California Court of Appeal recognized in *Ewing v. City of Carmel-By-The-Sea* (1991) 234 Cal.App.3d 1579, short-term rentals have unmitigable, adverse impacts because they threaten the character and stability of a residential neighborhood. Short-term tenants have little interest in the welfare of Pacific Grove's residents or local government; the *Ewing* court observed that transient visitors are "here today and gone tomorrow – without engaging in the sort of activities that weld and strengthen a community."
6. **The City's Actions to Allow Short-Term Rentals Interfere with Pacific Grove's Residential Character.** In 2010, the City began allowing rentals for stays of less than 30 days in residential districts. The City's attempts to regulate short-term rentals have been inadequate to manage the adverse impacts of these commercial uses on Pacific Grove's residential character. Short-term rentals have increased traffic, parking demand, light and glare, and noise, to the detriment of surrounding residential uses and the general welfare of Pacific Grove. In addition, management and enforcement needs have imposed new demands on city resources, including police, community development, and code enforcement, while burdening neighbors with unwanted monitoring and reporting responsibilities.
7. **The City's Recent Efforts to Mitigate Adverse Impacts of Short-Term Rentals Are Insufficient.** In 2017, the City adopted a cap on short-term rental licenses and limits on density with the stated intent of eliminating over-concentration of short-term rentals in particular neighborhoods. However, these regulations will be ineffective because the City included a "grandfathering" provision that will allow existing short-term rentals to continue operating indefinitely. The new regulations will not generate a meaningful reduction in the adverse impacts of short-term rentals in Pacific Grove.
8. **Pacific Grove Provides Ample Lodging for Visitors Without Short-Term Rentals in Residential Districts.** This Initiative does not change existing rules for bed and breakfast inns, motels, hotels, and other visitor lodging in Pacific Grove. In addition, in 2011, Pacific Grove voters approved Measure U, which allows for additional motel guest units and room tax revenue. Further, residents may allow short-term occupancy of their homes for home sharing, house swaps, house sitting, pet sitting, work trade, and similar arrangements. These additional activities are compatible with residential uses and are not prohibited by this Initiative. These types of accommodations provide ample lodging to serve visitors while preserving Pacific Grove's residential character.

D. **Flexibility:** This Initiative preserves important flexibility for the City, based upon the following:

1. **The City May Address Short-Term Rentals in the Coastal Zone in the Local Coastal Program Update.** The California Coastal Act imposes restrictions on the use of land in the Coastal Zone, including Pacific Grove's coast. The California Coastal Commission, which implements the Coastal Act, has stated that regulation of short-term rentals in the Coastal Zone must occur within the context of the Local Coastal Program, subject to Commission review. The City is currently drafting a comprehensive update to Pacific Grove's Local Coastal Program. While this Initiative does not prohibit short-term rentals in the Coastal Zone, it identifies local conditions that the Commission has acknowledged may support short-term rental restrictions in the Coastal Zone, namely that the community "already provides an ample supply of vacation rentals" and that "further proliferation of vacation rentals would impact community character." This Initiative does not prevent the City from imposing a short-term rental ban or further limitations in the Coastal Zone. The City of Pacific Grove's Coastal Zone Land Use Plan, Figure 4, depicting the Coastal Zone boundaries is attached as Exhibit B for informational purposes.
2. **The City May Adopt Additional Rules to Facilitate Effective Enforcement.** This Initiative is enforceable under existing provisions of the Pacific Grove Municipal Code. It does not constrain the City's authority to conduct code enforcement in the manner that best protects the welfare of the entire community.

3. **Limited Sharing of Single-Family Homes Will Not Erode Pacific Grove’s Residential Character.** Under the permitting scheme established by the Pacific Grove home sharing ordinance in effect as of the Submittal Date, a long-term resident may rent one or two rooms in a single-family home to a maximum of two adults and two children, while the long-term resident also occupies the home. The ordinance’s home sharing permit requirement and strict limits on home sharing protect Pacific Grove’s residential character and ensure that residential property is used by long-term residents. This Initiative does not change the City’s existing rules for home sharing.
4. **Future General Plan Updates Must Be Consistent with This Initiative.** As of the Submittal Date, the City of Pacific Grove was considering possible General Plan amendments directed at short-term rentals. Adoption of this Initiative ensures that the will of the people to prohibit short-term rentals in residential districts, as described in this Initiative, is fulfilled. This Initiative is not intended to direct or constrain the City with respect to its ability to amend, revise, or update the General Plan or other land use regulations. However, if this Initiative is adopted, any amendment, revision, or update to the General Plan adopted after the Submittal Date shall be amended to ensure consistency with this Initiative.

SECTION 2: PACIFIC GROVE GENERAL PLAN AMENDMENTS

- A. This Initiative hereby amends the Pacific Grove General Plan (“General Plan”), as amended through the Submittal Date. Text to be inserted in the General Plan by this Initiative is indicated in **bold** type. The language adopted by this Section 2 may be repealed or amended only by a vote of the people.
- B. The General Plan Land Use Element (which is a part of the General Plan) is amended to add the following new Policy 1.5:

Policy 1.5 Protect Pacific Grove’s residential character by prohibiting the short-term (less than 30 consecutive calendar days) rental of residential property in residential zoning districts, except to the extent such use is allowed in the Coastal Zone under the Local Coastal Program. The Pacific Grove Municipal Code shall be consistent with this Policy.

- C. The General Plan Land Use Element is amended to add the following text after Policy 1.5:

Policy 1.5 was added by the *Initiative to Preserve and Protect Pacific Grove’s Residential Character*. Policy 1.5 may be repealed or amended only by a vote of the people. The Initiative also amended the Pacific Grove Municipal Code to be consistent with Policy 1.5, including a requirement that existing transient use of residential property inconsistent with Policy 1.5 be discontinued within 18 months from the date the Initiative was approved by the voters.

SECTION 3: PACIFIC GROVE MUNICIPAL CODE AMENDMENTS

- A. This Initiative hereby amends the Pacific Grove Municipal Code (“Municipal Code” or “PGMC”), as amended through the Submittal Date. New text to be inserted in the Municipal Code is indicated in **bold** type, and text to be deleted is indicated in ~~strike through~~ type. Text in standard type currently appears in the Municipal Code.
- B. PGMC 23.64.350, “Transient use of residential property for remuneration,” is amended and readopted in full as follows:

23.64.350 Transient use of residential property for remuneration.

(a) Definitions. For the purpose of this chapter certain terms used herein shall have the meanings set forth in this chapter, and such meanings shall prevail in case of conflict with the definitions set forth in Chapter 23.08 PGMC.

- (1) "Person" means an individual, a group of individuals, or an association, firm, partnership, corporation or other entity, public or private.
- (2) "Owner" means the person who possesses fee title to a transient use site.
- (3) "Owner representative" means any person authorized by the owner to fully manage the transient use site.
- (4) "Remuneration" means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.
- (5) "Residential property" means any dwelling unit, except those dwelling units lawfully established as ~~second units established pursuant to Chapter 23.80 PGMC~~ or as part of a bed and breakfast inn, motel, hotel, timeshare development, or other transient use **not prohibited by this section.**
- (6) "Responsible tenant" means a person aged 18 or older who has received notice of occupancy, parking and other limits and regulations that apply to the transient use site, and who has agreed to be responsible to ensure that impermissible or inappropriate behavior does not occur at the transient use site.
- (7) "Transient" means a period of time less than 30 consecutive calendar days.
- (8) "Transient use of residential property" means the commercial use, by any person, of residential property for transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is less than 30 consecutive calendar days.
- (9) "Transient use site" and "transient use" mean property occupied and used for transient or short-term rental purposes.
- (10) "Use" means the purpose for which land or premises of a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

(b) Transient use of residential property must comply with General Plan Policy 1.5. Specifically, transient use of residential property for remuneration is prohibited, and no transient use license may be issued, in any residential zoning district, including R-1, R-H, R-1-H, R-1-B-2, R-1-B-3, R-2, R-2-B-3, R-3, R-3-P.G.R., R-3-M, R-4, and all PUD Districts, except to the extent that such use is both (1) in the Coastal Zone and permitted under the Local Coastal Program, and (2) permitted by a transient use license issued by the City. Transient use of residential property for remuneration in non-residential zoning districts is prohibited, except (1) as otherwise expressly permitted by this title, or (2) when such use is permitted by a transient use license issued ~~in accord with Chapter 7.40 PGMC~~ by the City. Transient use of residential property for remuneration does not include "home sharing" permitted by the City or house swaps, house sitting, pet sitting, work trade, and similar non-commercial arrangements that do not involve an exchange of money.

(c) In order to provide a reasonable phase-out of transient uses of residential property for remuneration, notwithstanding any other provision of this Code, all uses that become nonconforming as a result of the amendment to this section by the *Initiative to Preserve and Protect Pacific Grove's Residential Character*, including uses permitted under short-term rental licenses, shall be discontinued within 18 months from the date that the Initiative was approved by the voters. Nothing in this subsection is intended to affect any City authority to terminate uses found to be a nuisance, or that are otherwise unlawful.

(d) Liability and Enforcement.

(1) Any owner, owner representative, responsible tenant, person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who uses, arranges, or negotiates for the use of residential property in violation of the provisions of this chapter is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this chapter.

(2) Any owner, owner representative, responsible tenant, or other person who uses, or allows the use of, residential property in violation of the provisions of this chapter is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this chapter.

(3) Violations of this chapter may be prosecuted pursuant to Chapter 1.16 PGMC, or enforced pursuant to Chapter 1.19 PGMC.

(4) Penalties may be assessed for violations as provided in Chapters 1.16, 1.19, and/or 7.40 PGMC. The maximum limits set for administrative penalties in PGMC 1.19.200, however, shall not apply to any violation of this chapter or Chapter 7.40 PGMC.

(e) This section may be repealed or amended only by a vote of the people, except that amendments do not require a vote of the people if they (1) apply only in the Coastal Zone or (2) amend subsection (d) concerning liability and enforcement.

- C. This Initiative does not prohibit the City from taking action to regulate transient use of residential property in the Coastal Zone or in non-residential districts. Such regulations may be adopted by the City Council as it deems necessary and appropriate.

SECTION 4: APPLICATION

- A. The provisions of this Initiative shall not apply to the extent, but only to the extent, that they would violate the constitution or laws of the United States or the State of California.
- B. In the event a property owner contends that application of this Initiative effects an unconstitutional taking of property, the City may grant, upon request of the affected property owner, an exception to the application of any provision of this Initiative if the City finds, based on substantial evidence, that both (1) the application of that provision of this Initiative could constitute an unconstitutional taking of property, and (2) the exception will allow additional or continued land uses only to the minimum extent necessary to avoid such a taking.

SECTION 5: IMPLEMENTATION

- A. **Effective Date:** "Effective Date" means the date that this Initiative became effective pursuant to State law.
- B. **Pacific Grove General Plan:** Upon the Effective Date of this Initiative, the provisions of Section 2 of the Initiative are hereby inserted into the Pacific Grove General Plan, as an amendment thereof; except that if the four amendments of the mandatory elements of the General Plan permitted by State law for any given calendar year have already been used in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment inserted into the General Plan on January 1 of the following year. Upon the Effective Date of this Initiative, any provisions of the Pacific Grove Municipal Code or any other City of Pacific Grove ordinance or resolution that are inconsistent with the provisions adopted by this Initiative shall not be enforced in a manner inconsistent with this Initiative.
- C. **Interim Amendments:** All references in this Initiative to the Pacific Grove General Plan are to the General Plan in effect on the Submittal Date. That General Plan, as amended by this Initiative, comprises an

integrated, internally consistent, and compatible statement of policies for the City of Pacific Grove. In order to ensure that nothing in this Initiative prevents the General Plan from being an integrated, internally consistent, and compatible statement of the policies of the City, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment or update to the General Plan that is adopted between the Submittal Date and the date that the General Plan is amended by this Initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the General Plan.

- D. **Other Plans, Ordinances, and Policies:** The City of Pacific Grove is hereby authorized and directed to amend the Pacific Grove General Plan and Municipal Code, and other ordinances and policies affected by this Initiative, as soon as possible and periodically thereafter as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the General Plan, Municipal Code, and other City plans, ordinances, and policies.
- E. **Reorganization:** The Pacific Grove General Plan and Municipal Code may be reorganized or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan and Municipal Code, provided that the provisions adopted or readopted in Sections 2 and 3 of this Initiative shall remain in the General Plan and Municipal Code, respectively, unless earlier repealed or amended by vote of the people of the City of Pacific Grove.
- F. **Implementing Ordinances:** The City Council is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.
- G. **Defense of Initiative:** The City Council shall take all steps reasonably necessary to defend this Initiative against any challenge to its validity.
- H. **Project Approvals:** Upon the Effective Date of this Initiative, the City of Pacific Grove shall not grant, or by inaction allow to be approved by operation of law, any General Plan amendment, rezoning, specific plan, license, use permit, development agreement, or any other discretionary entitlement that is inconsistent with this Initiative. This Section does not prohibit the City from renewing a short-term rental license for a short-term rental in existence on the date this Initiative is adopted, provided that the renewal shall not continue beyond the phase-out date established by PGMC 23.64.350(c), as amended by this Initiative.

SECTION 6: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE SAME BALLOT

This Initiative adopts a comprehensive scheme prohibiting short-term rentals in residential districts, except in the Coastal Zone. By voting for this Initiative, the voters expressly declare their intent that any other measure which appears on the same ballot as this Initiative and addresses short-term rentals in residential districts, except in the Coastal Zone, or conflicts with any provision of this Initiative, shall be deemed to conflict with the entire cohesive scheme adopted by this Initiative. Because of this conflict, if this Initiative and any such other City of Pacific Grove measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take effect. For the purposes of this Section 6, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to directly conflict with this entire Initiative.

SECTION 7: SEVERABILITY AND INTERPRETATION

This Initiative shall be broadly construed in order to achieve its purpose.

This Initiative shall be interpreted so as to be consistent with all applicable Federal and State laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof

would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions were declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application.

Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

SECTION 8: AMENDMENT OR REPEAL

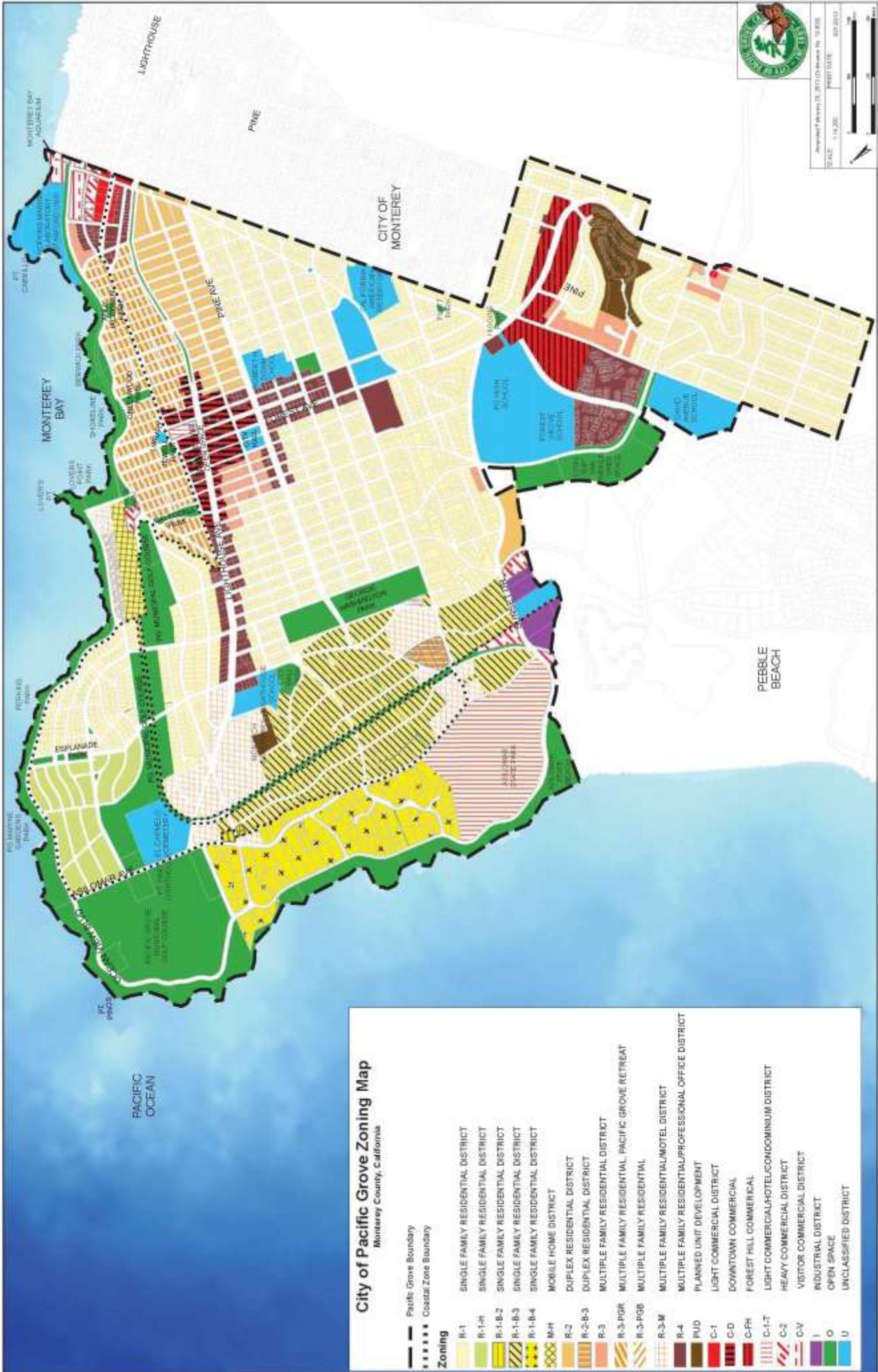
Except as otherwise provided in this Initiative, this Initiative may be amended or repealed only by the voters of the City of Pacific Grove.

SECTION 9: EXHIBITS

Two maps are attached to this Initiative as Exhibits for illustrative purposes only: (A) the City of Pacific Grove Zoning Map, and (B) the City of Pacific Grove Coastal Zone Land Use Plan, Figure 4. These maps are not affected by this Initiative.

Exhibit A

Attached, for illustrative purposes only, is the City of Pacific Grove Zoning Map depicting the City's zoning districts. This is a reduced copy of the version of the Zoning Map that was posted on the City's website as of the Submittal Date. This map is not affected by this Initiative.



City of Pacific Grove Zoning Map

Monterey County, California

	Pacific Grove Boundary
	Coastal Zone Boundary
Zoning	
	R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
	R-1-H SINGLE FAMILY RESIDENTIAL DISTRICT
	R-1-B-2 SINGLE FAMILY RESIDENTIAL DISTRICT
	R-1-B-3 SINGLE FAMILY RESIDENTIAL DISTRICT
	R-1-B-4 SINGLE FAMILY RESIDENTIAL DISTRICT
	MH MOBILE HOME DISTRICT
	R-2 DUPLEX RESIDENTIAL DISTRICT
	R-2-B-3 DUPLEX RESIDENTIAL DISTRICT
	R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT
	R-3-PGR MULTIPLE FAMILY RESIDENTIAL, PACIFIC GROVE RETREAT
	R-3-PGB MULTIPLE FAMILY RESIDENTIAL
	R-3-M MULTIPLE FAMILY RESIDENTIAL/MOTEL DISTRICT
	R-4 MULTIPLE FAMILY RESIDENTIAL/PROFESSIONAL OFFICE DISTRICT
	PUD PLANNED UNIT DEVELOPMENT
	C-1 LIGHT COMMERCIAL DISTRICT
	C-D DOWNTOWN COMMERCIAL
	C-PH FOREST HILL COMMERCIAL
	C-1-T LIGHT COMMERCIAL/HOTEL/CONDOMINIUM DISTRICT
	C-2 HEAVY COMMERCIAL DISTRICT
	C-V VISITOR COMMERCIAL DISTRICT
	I INDUSTRIAL DISTRICT
	O OPEN SPACE
	U UNCLASSIFIED DISTRICT

Approved February 28, 2013 Ordinance No. 13-002
 SCALE: 1"=1/2" DISTRICT DATE: 03/2013

Exhibit B

Attached, for illustrative purposes only, is the Coastal Zone Land Use Plan, Figure 4, depicting the Coastal Zone boundaries. This is a reduced copy of the version of the Coastal Zone Land Use Plan, Figure 4, that was posted on the City's website as of the Submittal Date. This map is not affected by this Initiative.

Coastal Zone Land Use Plan

Figure 4

