ORDINANCE NO. 22-005

AN ORDINANCE OF THE CITY OF PACIFIC GROVE AMENDING CHAPTERS 11.68.015 AND 23.73.050 OF THE PACIFIC GROVE MUNICIPAL CODE REGARDING THE CITY’S TIME LIMITS AND EXTENSIONS FOR ARCHITECTURAL PERMITS ON THE CITY’S WATER WAIT LIST

WHEREAS, this Ordinance amends PGMC Section 23.73.050, entitled “Time Limits and Extensions”;

WHEREAS, since the establishment of the State Water Resources Control Board’s (SWRCB) cease-and-desist order (CDO) against California American Water (Cal-Am) on October 20, 2009, owners of vacant properties within the Cal-Am services area have been unable to obtain a water meter necessary to the development of their property;

WHEREAS, in 2019, the City’s Local Water Project (LWP) became operational allowing the City to sell water entitlements under certain conditions to those properties with existing meters;

WHEREAS, in an effort to establish a list of future water purchasers who could be “entitled” to the water allotment established through the operation of the LWP, the City created a Water Wait List (WWL) which has been updated and administered by Community Development Department (CDD) staff since its inception;

WHEREAS, several owners of vacant properties received approvals of discretionary Architectural Permits (AP) during this time;

WHEREAS, per PGMC Section 23.73.050, discretionary approvals are allowed to be extended twice, each for one (1) year. As a result, there are 7 expired permits on the WWL;

WHEREAS, given the cost associated with the preparation of plans and permit fees, at the January 19, 2022 City Council meeting City Staff presented the City Council with options to assist the property owners who are on the WWL;

WHEREAS, at the January 19th Council meeting, the Council directed Staff to amend to the City’s Municipal Code to allow a permit to be considered valid for five years with a one-time five year renewal option;

WHEREAS, in the enactment of this Ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.;

WHEREAS, this ordinance applies only to the four (4) properties on the WWL as of the date it is enacted that have active Planning permits: 503 Chestnut St., 506 Walnut St., 420 Monterey Ave., and 508 Evergreen Rd,

WHEREAS, amendment of PGMC Section 23.73.050 pertaining to the Time Limits and Extensions will not result in a significant impact to the environment and is, therefore, categorically exempt from review under the California Environmental Quality Act (CEQA) per Section 15378 of the CEQA Guidelines.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:
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 11.68.015 shall be amended by the addition of all text shown in bold, italic, underscored text (bold, italic, underscored text), as follows:

Project applications placed on any water wait list will be eligible for water on priority date basis provided the project is then able to use the water; if not, the available water will be passed to the next buildable project and the delayed project shall remain on the water wait list; the project shall retain its original priority date water wait list until it acquires water available for use. **No additions to the water wait list shall be allowed after April 20, 2022.**

SECTION 3. Pacific Grove Municipal Code Section 23.73.050 shall be amended by deletion of all text shown in strikeout text (strikeout text) and the addition of all text shown in bold, italic, underscored text (bold, italic, underscored text), as follows:

... 

(b) Extensions of Time by Review Authority. The initial review authority is authorized to extend the period for use of a community development permit up to two years from the date of approval, as an express provision at the time of approval, where it is anticipated that the processing of other governmental approvals related to the project will delay start of construction beyond the year.

(c) Extensions of Time by Chief Planner. The chief planner is authorized to renew any community development permit that would otherwise expire after one year. Renewals shall be for one year with a maximum of two renewals. **If the property, as on or before April 20, 2022, is on the Water Wait List described in Chapter 11.68 PGMC, the community development permit shall be valid for five (5) years from the effective date of this ordinance, and also thereafter for one additional five (5) year optional renewal period.**

(d) Action on Extension Requests. An application for a time extension shall be made prior to the permit expiration date. If a finding is made that the applicant could not have avoided the delay, the application shall be granted up to the maximum allowable under subsection (c) of this section.

SECTION 4. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement 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 April, 2022, by the following vote:

AYES: Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Coletti, Poduri, Smith, and Tomlinson.

NOES: None.

ABSENT: Councilmember Amelio.

APPROVED:

BILL PEAKE, Mayor

ATTEST DATED: 4/25/2022

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney