

ORDINANCE NO. 3485 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMENDING MONTEREY CITY CODE SECTION 20-48.4 TO ALLOW BICYCLES AND
TRANSIT ON THE ALVARADO MALL

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, Monterey City Code Section 20-48.4 (Alvarado Street Mall – regulation of vehicles) states that motor vehicles and bicycles are prohibited along the Alvarado Street Mall;

WHEREAS, the Downtown Specific Plan includes a proposal to allow bicycle and transit access along this section of Alvarado Street to link to an extension of Scott Street through Custom House Plaza to the waterfront parking lot, thereby requiring the amendment of City Code Section 20-48.4;

WHEREAS, the City Code text amendment changes land use regulations and therefore qualifies as a project under the California Environmental Quality Act (CEQA);

WHEREAS, the City Council adopted a Mitigated Negative Declaration for the ordinance amending the City Code Section 20-48.4, which was prepared according to the California Environmental Quality Act (CEQA) Guidelines Section 15072 and circulated for public review for the required 30-day public review period, from June 19, 2013 to July 19, 2013 (CEQA Guidelines Section 15073), during which time all related documents were made available at the Monterey City Hall Planning Office and on the City's website;

WHEREAS, at a duly noticed public hearing of August 27 and September 10, 2013, the Planning Commission received a report, considered public testimony, held a discussion, and recommended that the City Council adopt an ordinance to repeal City Code Section 20-48.4; and

WHEREAS, at a duly noticed public hearing of October 23, 2013, the City Council received a report, considered public testimony, and held a discussion.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code, Chapter 20, Section 20-48.4 is hereby amended.

Sec. 20-48.4. Alvarado Street Mall - regulation of vehicles.

(a) Motor vehicles and bicycles prohibited. No person shall drive, operate or propel any motor vehicle or bicycle on the Alvarado Street Mall. ~~The walking of bicycles shall be permitted.~~

(b) Definitions.

1. The definition of "motor vehicle" and "bicycle" are as set forth in the State Vehicle Code.
2. "Alvarado Street Mall" is defined as the northerly end of Alvarado Street commencing approximately 130 feet northerly of Del Monte Avenue and specifically designated by signs indicating motor vehicles and bicycles are not permitted beyond said point and continuing northerly to the end of Alvarado Street.

(c) Exemptions. The following vehicles are exempt from the prohibitions set forth in subsection (a):

1. Police, fire, ambulance, and other emergency vehicles owned or franchised by the State of California or any of its political subdivisions.
2. Vehicles owned or operated by a public utility, or the contractor of a public utility, while engaged in the construction or repair of public utilities within the right-of-way.
3. Repair vehicles of the City of Monterey while engaged in the construction or repair of public property.
4. Vehicles, excluding automobiles, while being operated by handicapped persons.

5. Bicycles.

6. Public Transit vehicles.

(d) Permits. The City Manager may issue special permits to allow motor vehicles to operate on the Alvarado Street Mall under unusual circumstances, such as delivery of heavy equipment, emergency repairs due to fire, flood or other calamity and work that must be done by specialized vehicles. Permits shall not be granted for delivery of goods, wares or merchandise, normal repairs, service or refuse pick-up. In granting permits, the City Manager may make reasonable rules concerning time, place, manner, and duration of the operation of use to insure the safety of pedestrians using the Mall and the quiet enjoyment of occupants to the adjacent structures.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.


SECTION 4: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 5th day of November, 2013, by the following vote:

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| AYES: | 5 | COUNCILMEMBERS: | Downey, Haffa, Selfridge, Sollecito, Della Sala |
| NOES: | 0 | COUNCILMEMBERS: | |
| ABSENT: | 0 | COUNCILMEMBERS: | |
| ABSTAIN: | 0 | COUNCILMEMBERS: | |

APPROVED:

ATTEST:



Mayor of said City



City Clerk thereof

