

ORDINANCE NO. 3490 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

REPEALING MONTEREY CITY CODE SECTION 38-112.3 (GREEN BUILDING ORDINANCE)

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

SECTION 1:

WHEREAS, for the first time, the City of Monterey will be adopting the 2013 California Green Building Standards Code (Cal Green); and

WHEREAS, in 2008, the City adopted Section 38-112.3 as it contained more restrictive requirements applicable to the Monterey Environment; and

WHEREAS, the State of California has now revised Cal Green to a point where it is now consistent with Section 38-112.3; and

WHEREAS, repealing Section 38-112.3 is required to avoid unnecessary duplication;
and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities 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. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter, repealing a City Code, does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code section 38-112.3 – Green Building Ordinance, is hereby repealed and deleted in its entirety.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.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 on January 1, 2014.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 19th day of November, 2013, by the following vote:

AYES:	5	COUNCILMEMBERS:	Downey, Haffa, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City



Catherine A. Raynor

City Clerk thereof