

ORDINANCE NO. 3494 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

**AMENDING MONTEREY CITY CODE SECTION 20-48.4, SUBSECTIONS (a) AND (b), TO
ALLOW BICYCLES ON THE ALVARADO MALL**

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

SECTION 1:

WHEREAS, the City Council amended the Municipal Code to allow bicycles on the Alvarado Mall as part of the adoption of the Downtown Specific Plan;

WHEREAS, a couple of additional references were discovered that were not deleted and staff has prepared an Ordinance deleting these references to eliminate the conflict between code sections;

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 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. The intent of the original amendment was to allow bicycles on Alvarado Mall and all impacts were evaluated in the CEQA document and there has been no change in circumstance since the Mitigated Negative Declaration was certified;

WHEREAS, at duly noticed public hearings on 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 on October 23, 2013, the City Council received a report, considered public testimony, held a discussion and amended the Ordinance to allow bicycles on the Alvarado Mall;

WHEREAS, at a duly noticed public hearing on February 18, 2014, the City Council received a report, considered public testimony, and amended the Ordinance to allow bicycles on the Alvarado Mall;

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code, Chapter 20, Section 20-48.4, subsections (a) and (b) are hereby amended:

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

(a) Motor vehicles prohibited. No person shall drive, operate or propel any motor vehicle on the Alvarado Street Mall.

(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 are not permitted beyond said point and continuing northerly to the end of Alvarado Street.

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 18th day of March, 2014, 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



City Clerk thereof