

ORDINANCE NO. 3501 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

**REMOVING THE HISTORIC LANDMARK DESIGNATION ON A PORTION OF A LOT, AND
REZONING IT FROM R-E-20-D1-H1 to R-E-20-D1 AT 720 AND 750 VIA MIRADA**

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

SECTION 1:

WHEREAS, the property owners (Pierre and Marietta Bain and Monterey Peninsula Museum of Art Association) proposed to adjust an existing lot line between 720 and 750 Via Mirada; and the Planning Commission approved this proposal to resolve an ongoing privacy issue between the properties;

WHEREAS, the lot line was moved approximately 25' feet north towards the museum and 65' west towards Mesa Road;

WHEREAS, the subject area is currently occupied by a rhododendron garden and is proposed to be rezoned from R-E-20-D1-H1 to R-E-20-D1 which will remove the historic overlay zoning on this portion of the lot;

WHEREAS, by removing the historic overlay, the Bains will be able to incorporate this yard into their property and construct a fence to resolve an ongoing privacy issue;

WHEREAS, information has been submitted indicating that the Rhododendron garden was planted in the 1980s and would not be considered a historic landscape;

WHEREAS, the City's Zoning Code (38-75.F) states, "it is not the general intention of the City to remove historic designation from a property; however, the City Council may rezone a property to remove Historic Zoning...if the historic resource no longer meets the Criteria for designation";

WHEREAS, in this particular case, evidence in the form of newspaper articles has been provided that indicates that the garden is a modern feature and is not considered to be a historic attribute of the property;

WHEREAS, the Historic Preservation Commission reviewed this issue and recommended rezoning the property to the Planning Commission;

WHEREAS, the Planning Commission reviewed the HPC recommendation and also recommended rezoning the property; and

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was posted according to the California Environmental Quality Act (CEQA) Section 15072 and a Draft Initial Study and Negative Declaration (IS/ND) were circulated for public review for the required 20-day public review period, from February 5, 2014 to February 26, 2014 (CEQA Section 15073), during which time all related documents were made available at the Monterey City Hall Planning Office and on the City's website. Based on the whole record, staff has concluded that there is no substantial evidence that the project will have a significant effect on the environment.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: A portion of the property at 720 and 750 Via Mirada property is hereby rezoned from R-E-20-D1-H1 to R-E-20-D1 as shown on Exhibit A.

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 August, 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



