

ORDINANCE NO. 3524 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

**AMENDING MONTEREY CITY CODE SECTION 33-7 TO UPDATE THE DEFINITION OF
“SUBDIVISION” AND SECTION 33-101 TO CLARIFY WHEN LOTS MAY BE MERGED**

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

SECTION 1:

WHEREAS, the Monterey City Council seeks to conform the Subdivision Ordinance to the Government Code by amending the definition of the term “subdivision” and updating the requirements regarding when the City Council may merge contiguous parcels; 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 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, Chapter 33, Section 7’s definition of “Subdivision” subsection (d) under the heading “Subdivision does not include the following” is hereby amended to read as follows:

“(d) A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created; however, the lot line adjustment must be approved by the Minor Subdivision Committee.”

SECTION 3: Monterey City Code, Chapter 33, Section 101 is hereby amended to read as follows:

“Two or more contiguous parcels or units of land may be merged by the City Council when held by the same owner if any of the contiguous parcels or units held by the same owner does not conform to the standards for minimum parcel size, and if all of the following requirements are satisfied:

(a) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is partially sited on a contiguous parcel or unit, and,

(b) With respect to any affected parcel, one or more of the following conditions exist:

1. Comprises less than 5,000 square feet in area at the time of determination of merger.
2. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
3. Does not meet current standards for sewage disposal and domestic water supply.
4. Does not meet slope stability standards.
5. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
6. Its development would create health and safety standards.

7. Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

(c) For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded.”

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.


SECTION 5: 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 15th day of September, 2015, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barrett, Downey, Haffa, Roberson, Smith
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City



City Clerk thereof

