

**ORDINANCE NO. 3563 C.S.**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY**

**AMEND MONTEREY CITY CODE SECTION 23-4(c) TO ALLOW ALCOHOL AT FRANK E. SOLLECITO, JR. BALLPARK WITH A VALID WRITTEN PERMIT**

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

**SECTION 1:**

WHEREAS, Monterey City Code section 23-4 prohibits alcoholic beverages in any park or recreation area, except within the areas specifically designated as picnic/barbecue facilities, and at Colton Hall Lawn, Friendly Plaza, Monterey Bay Park and the Lower Presidio Historic Park with a valid written permit issued by the Director;

WHEREAS, the City wants to accommodate requests for alcohol to be served at events taking place at the Frank E. Sollecito, Jr. Ballpark;

WHEREAS, the ordinance amendment will allow alcohol to be served at events of less than 150 people taking place at the Frank E. Sollecito, Jr., Ballpark with a written permit issued by the Director and for events of greater than 150 people with a Special Event Permit;

WHEREAS, the Director may condition the manner by which alcohol sales and service shall be conducted; 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: The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 3: Monterey City Code, Chapter 23, Section 23-4(c) is hereby amended to read as shown:

"Sec. 23-4.

- (c) Alcoholic beverages are permitted at Colton Hall Lawn, Friendly Plaza, Monterey Bay Park, and the Lower Presidio Historic Park, and Frank E. Sollecito, Jr. Ballpark with a valid written permit issued by the Director.

SECTION 4: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 5: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: 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 21st day of February, 2017, by the following vote:

AYES:	4	COUNCILMEMBERS:	Albert, Barrett, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	1	COUNCILMEMBERS:	Haffa
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

  
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Mayor of said City

