

ORDINANCE NO. 3567 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMEND M.C.C. SECTION 38-106(A), EXCEPTIONS TO HEIGHT LIMITS, TO ALLOW ENHANCEMENTS FOR ENERGY CONSERVATION – ROOFING MATERIALS AND INSULATION

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

SECTION 1:

WHEREAS, the State of California has adopted more stringent energy requirements;

WHEREAS, it can be difficult to retrofit existing buildings;

WHEREAS, improvements can be made to an existing roof for purposes of retrofitting to enhance a structure's energy conservation;

WHEREAS, these improvements could exceed the City's height limits in a particular zoning district;

WHEREAS, M.C.C. Section 38-106 specifies exceptions to height limits;

WHEREAS, the City proposes to amend its code to promote energy conservation;

WHEREAS, on November 8, 2016, the Planning Commission held a duly noticed public hearing, took public testimony, and recommended that the City Council amend the zoning ordinance;

WHEREAS, the City Council held a duly noticed public hearing on March 21, 2017, took public testimony, and considered the ordinance amendment; and,

WHEREAS, the City of Monterey Planning Office determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines (Article 19, Section 15305) because the project involves minor changes to land use regulations that will not result in changes to land use or density.

Furthermore, the project does not qualify for any of the exceptions to the categorical exemptions found at CEQA Guidelines Section 15300.2.

Exception a - Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are

considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The zoning ordinance amendment does not apply to a particular location or specific site. Therefore, no potential issues related to an environmental resource of hazardous or critical concern will directly result.

Exception b - Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. The zoning ordinance amendment does not apply to a particular location or specific site and the proposed height exception is minor. Therefore, no potential issues related to cumulative impacts will directly result.

Exception c - Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The zoning ordinance amendment does not apply to a particular location or specific site and the proposed height exception is minor. Therefore, no potential issues related to unusual environmental circumstances will directly result.

Exception d - Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified Environmental Impact Report (EIR). The zoning ordinance amendment does not apply to a particular location or specific site and the proposed height exception is minor. Therefore, no potential issues related to state scenic highways will directly result.

Exception e - Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. The zoning ordinance amendment does not apply to a particular location or specific site. Therefore, no potential issues related to hazardous waste sites pursuant to Government Code Section 65962.5 will directly result.

Exception f - Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The zoning ordinance amendment does not apply to a particular location or specific site and the proposed height exception is minor. Therefore, no potential issues related to historical resources will directly result.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code, Chapter 38, Section 38-106(a) is hereby amended:

38-106 Exceptions to Height Limits

Height limitations stipulated in this chapter shall not apply to:

- a. church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, distribution and transmission towers, lines and poles, windmills, chimneys, smokestacks, flagpoles, and radio towers; to existing structures for solar collection devices, water catchment, green roof elements, and enhancements for energy conservation on existing buildings (roofing materials and insulation); to masts and aerials except as regulated in Section 38-108; and to parapet walls extending not more than four feet above the limiting height of the building.

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 April, 2017, by the following vote:

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

APPROVED:



[Signature]

Mayor of said City