

ORDINANCE NO. 3568 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMENDING MONTEREY CITY CODE SECTION 23-5 TO RESTRICT PARKING IN CITY PARK PARKING LOTS BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M., EXCEPT BY PERMIT OR WRITTEN AUTHORIZATION FROM THE COMMUNITY SERVICES DIRECTOR

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

SECTION 1:

WHEREAS, Monterey City Code section 23-5 currently prohibits any person from entering or remaining on the premises of any City park between the hours of 10:00 p.m. and 6:00 a.m. without written authorization from the Community Services Director;

WHEREAS, California Vehicle Code Section 22519 allows local agencies to restrict parking in any off-street parking facility which it owns and operates;

WHEREAS, Monterey City Code section 23-3 contains regulations applicable in all recreation areas;

WHEREAS, City parks with gates across parking areas are able to enforce closed City park hours but City parks without gates across parking areas are not;

WHEREAS, vehicles with persons remaining on the premises of City parks between the hours of 10:00 p.m. and 6:00 a.m. has presented an increase in quality of life issues including alcohol and drug related crime, litter, dumping, etc. Prohibiting parking in City parks between 10:00 p.m. and 6:00 a.m. is expected to improve public safety;

WHEREAS, the proposed revision will add prohibit vehicles from being in City parks between the hours of 10:00 p.m. and 6:00 a.m. without written authorization from the Community Services Director, and;

WHEREAS, (Exempt from CEQA Article 19, Section 15301, Class 1)

Exemption:

The City of Monterey Planning Office determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines (Article 19, Section 15301, Class 1) because the project proposes to restrict overnight parking in City parks and post signs on existing sign posts in City parks. 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 an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. Exception a – Location – does not apply to Class 1.

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 proposed project includes attaching signs to existing sign posts. No cumulative impacts will occur.

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 proposed project includes erecting parking signs in existing paved parking lots. There are no unusual circumstances with the nature of the work or the sites.

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 proposed parking signs will not change the overall appearance of the existing parking lots and will not be visible from scenic highways. Therefore, impacts to scenic highways will not occur.

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 proposed signs would not be located on hazardous waste sites which are included on any list compiled pursuant to Section 65962.5 of the Government Code.

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 signs would be attached to existing sign posts. No ground disturbance would occur. No historic resources would be affected. New sign posts are not a part of this project. New sign posts will be reviewed as a separate action and 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, Article 1, Section 5 is hereby amended to read as shown below:

Sec. 23-5. Park Closing Hours.

“It shall be unlawful for any person or vehicle to enter or remain on the premises of any City park, including park grounds and parking lots, between the hours of 10:00 p.m. and 6:00 a.m., except by permit or written authorization from the Community Services 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 6th day of June, 2017, by the following vote:

AYES:	4	COUNCILMEMBERS:	Barrett, Haffa, Roberson
NOES:	0	COUNCILMEMBERS:	
ABSENT:	1	COUNCILMEMBERS:	
ABSTAIN:	0	COUNCILMEMBERS:	

APPROVED:

ATTEST:





Mayor of said City