

ORDINANCE NO. 3651 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMENDING MONTEREY CITY CODE SECTION 38-15 TO ESTABLISH A BICYCLE/EQUIPMENT RENTALS USE CLASSIFICATION AND SECTION 38-44 TO ADD BICYCLE/EQUIPMENT RENTALS AS A PRINCIPALLY PERMITTED USE IN THE O DISTRICT

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

SECTION 1:

WHEREAS, Bicycle/Equipment Rentals, as defined below, is a recreational use that fits well with the Open Space District objectives;

WHEREAS, the purpose of the Open Space Zoning District is to provide a suitable classification for large public or private sites permanently designated for open space use or currently in an open space use, and to protect public health and safety by limiting lands subject to flooding, slides, or other hazards to open space use;

WHEREAS, the ordinance amendments would facilitate access to the City's existing open space areas and trails via the use of bicycles. The ordinance would provide another form of recreation for those that currently use the City's open space areas, and enable those that cannot or will not own a bike to rent a bike and use the City's existing open space areas. The ordinance amendments would not increase the area of lands subject to flooding, slides, or other hazards that may affect public health or safety;

WHEREAS, the ordinance is consistent with General Plan Circulation Element goals, policies, and programs, including:

Goal d: Promote a pedestrian/bicycle-friendly environment where public spaces, streets, and off-street paths offer a level of convenience, safety, and attractiveness that encourage and reward the use of alternative modes of transportation.

Policy d.1: Build on the success of the Recreation Trail to make walking and bicycling through Monterey safe and enjoyable.

Program d.1.1: Implement and maintain the continuous network of safe and convenient bikeways specified in the City's Bikeways Plan to provide a viable alternative to making short vehicle trips.

Policy d.8: Maintain designated bicycle routes as attractive and safe transportation facilities that provide a viable alternative to auto travel into and throughout the city;

WHEREAS, expanding access to bicycles in our community would meet our City's General Plan vision of a community that supports multiple transportation choices;

WHEREAS, the ordinance would align with the City's established Vision, Mission, Value Drivers, and Strategic Priorities, including:

Quality of Life Strategic Priority: Foster opportunities for the public to stay physically and mentally active through activities and services in our parks, trails, beaches, campgrounds, sports center, and community centers.

Active Mobility Value Driver: Expand opportunities for people of all ages and abilities to bike and walk safely through active transportation, accessibility, and safety features;

WHEREAS, the ordinance would align with the City's Healthy Eating Active Living (HEAL) program, including its intent to reduce and prevent obesity by engaging municipal leaders to champion healthy eating and active living in their communities through adoption of policy and promotion of opportunities for residents and municipal employees;

WHEREAS, Bicycle/Equipment Rentals would not create any significant negative impacts to adjacent uses, Open Space Districts, or surrounding residential districts;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on March 8, 2022, took public testimony, held a discussion, considered the proposed amendment as a recommendation to the City Council, and directed City staff to consider limitations on higher-speed electric bicycles due to safety concerns and public comment;

WHEREAS, electric bicycles are categorized into three general types, including Class 1, 2, and 3. Class 1 provides pedal assistance up to 20 miles per hour; Class 2 provides throttle assistance up to 20 miles per hour, and Class 3 provides pedal assistance up to 28 miles per hour;

WHEREAS, the Planning Commission recommends that Class 2 and Class 3 electric bicycles would not be principally permitted to be rented due to the following reasons. The throttle assist provided by Class 2 electric bicycles would provide a different sensation that may result in unsafe driving on the City's bikeways that are shared with pedestrians. The higher speed Class 3 electric bicycles are not allowed on the Recreation Trail and renting these types of electric bicycles within the City would result in a higher potential for unsafe riding;

WHEREAS, the Planning Commission held a duly noticed public hearing on April 12, 2022, took public testimony, held a discussion, and voted to recommend City Council adoption of the Zoning Ordinance amendment with revisions;

WHEREAS, the City Council does not share the safety concerns held by the Planning Commission with respect to Class 2 bicycles. Cyclists can safely operate Class 2 electric bicycles, and the City Council would like to provide businesses and customers with the opportunity to rent Class 2 bicycles. The City Council finds that principally permitting Class 2 electric bicycle rentals is appropriate and in the best interests of the City as it further expands opportunities for people to use bicycles;

WHEREAS, the City of Monterey Planning Office determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines (Article 19, Section 15305, Class 5) because the project consists of a zoning ordinance and specific plan amendments to allow

bicycle/equipment rentals in zones with existing recreational uses or developed commercial areas, which would not result in any changes in density or traffic patterns. 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. The environment is not particularly sensitive because bicycle/equipment rentals would occur from existing buildings. If a new building was proposed, it would undergo its own environmental review.

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. No cumulative impact would occur because allowing limited bicycle/equipment rentals from existing developed property would not result in any changes in density or traffic patterns.

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. There are no unusual circumstances with this project due to its limited scope. Therefore, no significant effect would occur.

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 project is purely a zoning amendment, which would not damage scenic resources. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

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 project is purely a zoning amendment. Therefore, impacts to hazardous waste sites would not occur. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

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 project is purely a zoning amendment. Therefore, impacts to historic resources would not occur as existing buildings are re-utilized for a new purpose. 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 above recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 3: Monterey City Code, Chapter 38, Section 15 is hereby amended to read as follows:

38-15 Commercial Use Classifications

OO. Bicycle/Equipment Rentals. Rental of bicycles, electric bicycles, and associated equipment (e.g., helmets, bike gloves, etc.), including storage and repairs. A bicycle is a vehicle with two wheels, propelled by human power through a system of belts, chain, or gears. This definition excludes scooters and quadricycles/surreys. For purposes of this Use Classification, the term "electric bicycle" encompasses Class 1 and Class 2 electric bicycles only, and does not include Class 3 electric bicycles, as these classes are defined under California Vehicle Code section 312.5.

SECTION 4: Monterey City Code, Chapter 38, Section 44 is hereby amended to read as follows:

38-44 O Open Space District

O DISTRICTS LAND USE REGULATIONS

Bicycle/Equipment Rentals P See Note 8

Notes:

8 No parking spaces are required.

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 17th day of May, 2022, by the following vote:

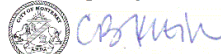
| | | | |
|----------|---|-----------------|--|
| AYES: | 5 | COUNCILMEMBERS: | Albert, Haffa, Smith, Williamson, Roberson |
| NOES: | 0 | COUNCILMEMBERS: | |
| ABSENT: | 0 | COUNCILMEMBERS: | |
| ABSTAIN: | 0 | COUNCILMEMBERS: | |

APPROVED:

ATTEST:

DocuSigned by:

FA1984217DDE4EB

 Mayor of said City

DocuSigned by:

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 City Clerk thereof