

ORDINANCE NO. 3762 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

**REZONING THE PROPERTY AT 875 SPENCER STREET AS A CITY HISTORIC RESOURCE
FROM R-3-5 TO R-3-5-H-2**

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

SECTION 1:

WHEREAS, Michael D. Legan and Heidi J. Legan, owners of the residence at 875 Spencer Street, requested H-2 (City Historic Resource) overlay zoning (Exhibit A);

WHEREAS, adoption of H-2 zoning requires the Historic Preservation Commission (HPC) to recommend to the Planning Commission (PC) to recommend to the City Council to adopt an ordinance rezoning the property;

WHEREAS, as required by Monterey City Code, an intensive historic survey (DPR 523B form) prepared by Qualified Architectural Historian Kent Seavey was submitted as part of the application;

WHEREAS, the subject property is significant under Criterion 3 (Design) as it embodies the distinctive characteristics of a type, period, or method of construction; or that represent the work of a master; or that possess high artistic values. The Henry Linares House is eligible under this criterion because it is a good, intact example of Art Moderne architecture by owner-builder Henry Linares. The Art Moderne Style evolved from Art Deco and what was called Streamline Moderne from the 1920s to 1940s. The property retains all seven aspects of its historic integrity, including retaining a strong sense of time and place, generally unaltered design, and its exterior materials are largely unaltered, preserving its original workmanship. The property retains its feeling and association with its historic New Monterey Neighborhood;

WHEREAS, the HPC, at a property noticed public hearing on July 13, 2023, carefully considered all of the information presented to it, including the agenda report and information submitted at the public hearing by interested persons, and adopted a resolution recommending that the PC recommend that the City Council adopt an ordinance rezoning the property and Mills Act contract;

WHEREAS, the PC, at a properly noticed public hearing on September 26, 2023, carefully considered all of the information presented to it, including the agenda report and information submitted at the public hearing by interested persons, and adopted a resolution recommending that the City Council adopt an ordinance rezoning the property;

WHEREAS, the City Council, at a properly noticed public hearing on October 3, 2023, carefully considered all of the information presented to it, including the agenda report and information submitted at the public hearing by interested persons; 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, Class 5) because the addition of H-2 overlay zoning to the property will not result in significant changes to land use limitations and will maintain a designated historic building consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Mills Act contracts require that all work performed subsequent to entering into a contract is consistent with those standards. 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 addition of H-2 overlay zoning would not impact a resource of critical concern. The environment is not particularly sensitive (existing building and paved areas).

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 addition of H-2 overlay zoning would add an additional layer of protection to the resource. The project proposes maintenance of a building consistent with the Secretary of the Interior's Standards. No cumulative impacts would 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. No unusual circumstances exist at the site. The building is an existing structure and the surrounding environment is an established residential area. The addition of H-2 overlay zoning would add an additional layer of protection to the resource. The project proposes to maintain the structure consistent with the Secretary of the Interior's Standards for Rehabilitation. Therefore, a significant effect would not 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 proposes maintenance of a building consistent with the Secretary of the Interior's Standards. The property is not located on or viewable from a state scenic highway. Therefore, impacts to scenic highways would 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 project site is not listed pursuant to Government Code Section 65962.5. The project would have no impact to hazardous waste sites.

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 building is eligible as a local historic resource and the addition of H-2 overlay zoning would add an additional layer of protection to the resource. The building maintenance would be consistent with the Secretary of the Interior's Standards for Rehabilitation. The project would not cause an adverse change to the historic resource.

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: The property at 875 Spencer Street is hereby rezoned from R-3-5 to R-3-5-H-2, as shown in Exhibit A.

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 7th day of November, 2023, by the following vote:


AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

DocuSigned by:

183885C4EE3E4F5

 Mayor of said City

DocuSigned by:

ED9463A4F62C4AA...

 City Clerk thereof

875 Spencer Street

