

**ORDINANCE NO. 3675 C.S.**

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

**REZONING THE PROPERTY AT 581 LARKIN STREET AS A CITY HISTORIC RESOURCE  
FROM R-3-6 TO R-3-6-H-2**

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

SECTION 1:

WHEREAS, John Scourkes, applicant, and Liam O'Brien and David McLoughlin, owners of the residence at 581 Larkin 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 Meg Clovis was submitted as part of the application;

WHEREAS, the subject property is significant under Criterion 1 (Event) as it is associated with events that have made a significant contribution to the broad patterns of our history. The Frank Hellam House is eligible under this criterion because it is representative of residential development in lower Old Town during the last quarter of the 19th century. The property is eligible under California Register Criterion 2 (Person) as the family home of Frank Hellam, who had several businesses in Monterey and is the only extant building that was owned and continuously occupied by Mr. Hellam and his family;

WHEREAS, the HPC, at a properly noticed public hearing on September 14, 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 November 7, 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 property 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 as it is developed with an 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. 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. 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. 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.

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 581 Larkin Street is hereby rezoned from R-3-6 to R-3-6-H-2, as shown in Exhibit A.

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

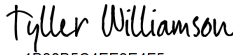
SECTION 5: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.



PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 21st 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:  
  
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 \_\_\_\_\_  
 Mayor of said City

DocuSigned by:  
   
ED8459A4F62C4AA...  
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 City Clerk thereof

581 Larkin Street

