

ORDINANCE NO. 3678 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMENDING CHAPTER 38 OF THE CITY OF MONTEREY CODE RELATED TO VISITOR ACCOMMODATION FACILITY PARKING STANDARDS (38-36A), OFF-STREET PARKING AND LOADING SPACES (38-115), OFFSTREET PARKING AND LOADING STANDARDS (38-115) AND REDUCED PARKING FOR OTHER USES (38-117)

WHEREAS, the amendments to the Zoning Ordinance are intended to clarify the applicability of the parking standards, in response to comments received for the 2101 North Fremont Street infill development project, involving the demolition of an existing 1-story, 18 guest room hotel, and 134-seat restaurant and the construction of a new 25,000 square-foot, 4-story, 42 guest room branded hotel and 42-space surface parking lot;

WHEREAS, the City of Monterey Community Development Department has prepared an EIR for the 2101 North Fremont Street Hotel Project (including the proposed text amendment) pursuant to the requirements of the CEQA Guidelines Sections 15120 to 15132. Pursuant to the requirements of CEQA Guidelines 15082, the City distributed the Notice of Preparation (NOP) of the EIR for a 30-day agency and public review period starting on June 24, 2022 and ending on July 25, 2022. During the 30-day review period, the NOP was available on the City's website at: www.monterey.org/planning. The purpose of the NOP was to solicit agency and public input on the scope and content of the EIR. The City received letters from the following five agencies and one Native American Tribe in response to the NOP during the public review period: California Department of Fish and Wildlife (CDFW), California Department of Toxic Substances Control, Monterey County Airport Land Use Commission (ALUC), Native American Heritage Commission, Transportation Agency for Monterey County, and KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria. NOP comments were primarily related to nesting birds, hazardous materials (including in demolished materials and imported soils), tribal consultation, traffic impacts, and cultural monitoring during construction. Comments and responses received on the NOP were incorporated into the Draft EIR and summarized in Section 1.0, Introduction, of the Draft EIR;

WHEREAS, pursuant to the requirements of CEQA Guidelines 15087, the Draft EIR was circulated for public review between July 7, 2023 and August 21, 2023 to solicit comments regarding the environmental issues associated with the proposed project. During the public review period, the Draft EIR was available on the City's website at: www.monterey.org/planning. Two comment letters on the Draft EIR were received: from Fenton & Keller (on behalf of the Mahroom family who own the apartment building located to the north of the project site) and the California Department of Fish and Wildlife (CDFW). The comments from Fenton & Keller expressed opposition to the project and were primarily related to noise, building height, parking, safety, traffic, and water supply. The comments from CDFW stated that the mitigation measures included in the Draft EIR are sufficient for mitigation of impacts to biological resources (no mitigation measures for biological resources were identified as required in the Draft EIR). The comment letters and responses were addressed in Section 7.0, Response to Comments, of the Final EIR;

WHEREAS, the EIR identifies that the project could result in potentially significant environmental impacts associated with cultural resources, paleontological resources, hazards and hazardous materials, noise, and tribal cultural resources. Mitigation measures have been required that would reduce all of these potential impacts to a less than significant level;

WHEREAS, on November 28, 2023, the Planning Commission held a duly noticed public hearing, took public testimony, and recommended that the City Council adopt the ordinance amendments;

WHEREAS, on December 15, 2023, the City Council held a duly noticed public hearing and took public testimony;

WHEREAS, the City Council finds that the amendment is consistent with the purposes of the General Plan, the purposes of the Municipal Code, and other applicable City ordinances; and

WHEREAS, the facts set forth in the recitals in this Ordinance are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony, and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Ordinance.

NOW, THEREFORE, the Monterey City Council does ordain as follows:

SECTION 1. Monterey City Code, Section 38-36(A), Number of Off-Street Parking Spaces Required is hereby amended to read as follows:

Hotels and Motels	One per guest room; plus two for every 50 rooms for hotels and motels with over 49 rooms; plus parking, as required for accessory uses.
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SECTION 2 Monterey City Code, Section 38-115, Off-Street Parking and Loading Spaces Required Schedule A table is hereby amended to read as follows:

Hotels and Motels	One per guest room; plus two for every 50 rooms for hotels and motels with over 49 rooms; plus parking, as required for accessory uses.
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SECTION 3 Monterey City Code, Section 38-117, Reduced Parking for Other Uses is hereby amended to read as follows:

A use permit may be approved for nonresidential uses, reducing the number of parking spaces or loading spaces to less than the number and size specified in the schedules in Section 38-115, provided that the following findings are made:

A. The parking demand will be less than the requirement in Schedule A or B; and

B. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand; or

C. There is significant public parking within a reasonable distance that has been provided or will be provided within a reasonable time. In reaching a decision, the Planning Commission shall consider survey data submitted by an applicant or collected at the applicant's request and expense.

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

SECTION 5. Severability. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have adopted the Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

SECTION 6. This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.


SECTION 7. Publication. Pursuant to Charter section 4.4, this ordinance shall be published in the Monterey County Herald, a newspaper printed and published in the County of Monterey, at least three days before its adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 16th day of January, 2024, by the following vote:

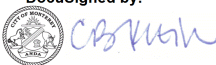
AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

DocuSigned by:

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 Mayor of said City

DocuSigned by:

 ED8463A4F62C4AA...

 City Clerk thereof