

ORDINANCE AMENDING PARKING ADJUSTMENT FEES WITHIN
THE CITY OF MONTEREY AND ESTABLISHING A
TRANSPORTATION MANAGEMENT FUND

THE COUNCIL OF THE CITY OF MONTEREY does hereby ordain
as follows:

SECTION 1. The Council hereby finds and determines
that:

a. It is physically and/or economically infeasible
for some commercial property owners within the City to
provide parking as required by the Monterey Zoning
Ordinance on their individual properties.

b. Adequate parking in the various parking districts
can best be provided by centralized facilities, including
multi-level parking structures.

c. The City has provided certain facilities through
various forms of financing, including bonded debt, and
there will be a need in the future to provide additional
facilities and/or alternate modes of transportation as
parking demands within the areas increase.

SECTION 2. The purpose of this ordinance is to
provide for an equitable fee system for any owner who
wishes to develop or redevelop property in such a manner
that will increase the need for parking within the district
by building on vacant property or expanding the square
footage of any existing building, and who cannot provide

any or all of the parking on said property that would be required by the Zoning Ordinance. Said funds are user fees to be used for transportation management or the construction, operation and maintenance of common public parking facilities within the districts where needed.

SECTION 3. Adjustments shall be granted or denied, in whole or in part, in accordance with the Zoning Ordinance. This ordinance shall not be construed to give a property owner the vested right to pay a fee in lieu of providing parking. Said determination shall be within the sound discretion of the Planning Commission.

SECTION 4. Each owner of property within the Adjustment Fee Districts shall pay a fee for each parking space for which a parking adjustment is granted.

The Adjustment fee shall be charged in the following situations:

a. New construction on vacant property, including when a building is demolished in order to build a new one.

b. Expansion of an existing building by adding gross building square footage.

The adjustment fee for the New Monterey Parking Adjustment District is hereby waived for new construction or expansion commenced on or after July 1, 1994.

SECTION 5. All fees imposed and established prior to July 1, 1994, shall continue to be collected and deposited

in an appropriately entitled account for the parking adjustment district from which collected. Any interest accruing on funds in such accounts shall remain with that account unless otherwise specified in the action establishing the parking adjustment district.

These funds shall be used solely for the purpose of paying bonded indebtedness on existing public parking facilities, purchase of land for parking, improvement of parking facilities including street parking, replacement of existing improvements and maintenance and operation of public parking facilities.

6. There is hereby created the Transportation Management Fund, a special fund created for transportation related matters, including, but not limited to, acquisition of land, development of parking facilities, and support of parking operations, shuttle buses, or similar transportation oriented issues. All interest accrual will be maintained in the fund. The City Council will annually determine how the Transportation Management Fund is to be expended to benefit the existing parking districts.

All fees collected for new parking adjustments granted after July 1, 1994, shall be directed to the Transportation Management Fund.

SECTION 6. The following areas are existing Parking Adjustment Districts and consist of all properties within the boundaries as set forth on the map attached hereto and

incorporated herein by reference as Exhibit "A":

The Downtown Parking Adjustment District

The South Cannery Row Parking Adjustment District

The New Monterey Parking Adjustment District

The Cannery Row Parking Adjustment District

SECTION 7. Each owner receiving a parking adjustment shall pay an adjustment fee for each space adjusted. The adjustment fee for all Parking Adjustment Districts, except the New Monterey Parking Adjustment District, shall be calculated as follows:

a. The number of spaces adjusted shall be the number of spaces required to be provided in the then current Zoning Ordinance on the date of granting of any zoning permit or building permit issuance, whichever is first, less any spaces provided on site.

b. The current fee for each adjusted parking space is \$5,872.50 per space or \$49.50 per month in lieu of the full fee. This fee shall automatically be increased each July 1st in an amount equal to the increase in the San Francisco/Oakland Bay Area Consumer Price Index, All Urban Consumers ("CPI"). The CPI annual increases will only effect new adjustments granted after July 1, 1994. Fees established in existing contracts shall not be effected or adjusted by the provisions of this Ordinance, and shall remain as established therein through the life of the use permit.

As set forth above, payment of fees are waived in the New Monterey Parking Adjustment District, with the current fee for this District set at \$0.

SECTION 8. In the event any zoning permit is issued for the project, said permit shall not be valid until the fees are paid or a contract in lieu of fees is executed by the property owner. In the event a building permit is required, other than a permit for minor remodeling, approval of final occupancy shall not be granted until either the fees are paid in full or a contract agreeing to make monthly payments in lieu of fees is executed by the property owner. If the fee is paid as a one-time total payment, the parking adjustment will run with the land. This fee will be non-refundable and irrevocable. Any reduction or deintensification of use will not result in a credit or refund to the land owner.

SECTION 9. As noted above, the owner may elect to contractually agree to pay a monthly payment in lieu of the full fee. If the owner elects the monthly payment fee option, the fee shall be required to be paid as long as the use remains on the property.

Should any monthly payment be late, there shall be immediately due a 10% penalty on the overdue balance, plus interest shall accrue on the balance at the statutory rate for unpaid judgments. Should it be necessary to collect any unpaid balance by legal action, the prevailing party

shall be entitled to reasonable costs and fees, including attorneys' fees.

The City Council may accept other consideration in lieu of the adjustment under such terms and conditions as may be approved by Resolution from time to time.

SECTION 10. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. This ordinance shall be in full force and effect 30 days after its final passage and adoption.


PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 21 st day of June, 1994, by the following vote:

AYES: 4 COUNCILMEMBERS: CANEPA, EDGREN, VREELAND, ALBERT

NOES: 0 COUNCILMEMBERS: NONE

ABSENT: 1 COUNCILMEMBERS: POTTER

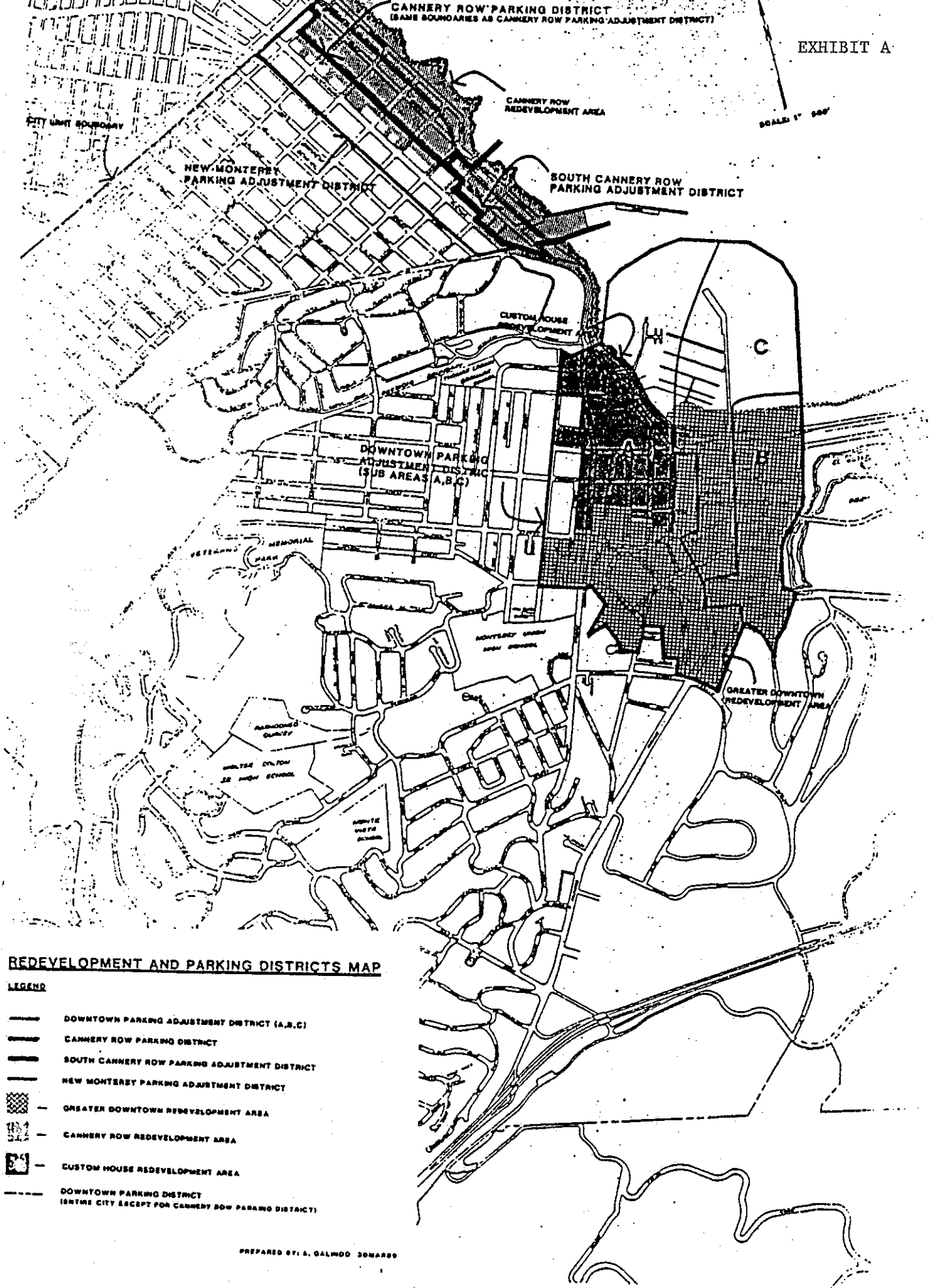
APPROVED:


/s/DANIEL ALBERT
Mayor of said City

ATTEST:


/s/CYNTHIA PARHAM
City Clerk thereof

SCALE 1" = 500'



REDEVELOPMENT AND PARKING DISTRICTS MAP

LEGEND

- DOWNTOWN PARKING ADJUSTMENT DISTRICT (A, B, C)
- ▨ CANNERY ROW PARKING DISTRICT
- ▨ SOUTH CANNERY ROW PARKING ADJUSTMENT DISTRICT
- ▨ NEW MONTEREY PARKING ADJUSTMENT DISTRICT
- ▨ GREATER DOWNTOWN REDEVELOPMENT AREA
- ▨ CANNERY ROW REDEVELOPMENT AREA
- ▨ CUSTOM HOUSE REDEVELOPMENT AREA
- - - DOWNTOWN PARKING DISTRICT (ENTIRE CITY EXCEPT FOR CANNERY ROW PARKING DISTRICT)