

ORDINANCE NO. 3343 C.S.

**AN ORDINANCE ESTABLISHING A BUSINESS IMPROVEMENT AREA
TO BE KNOWN AS THE "CANNERY ROW
BUSINESS IMPROVEMENT DISTRICT".**

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

SECTION 1. This ordinance is adopted pursuant to Resolution 04-76, the Resolution of Intent to Establish the Cannery Row Business Improvement District, adopted on the 18th day of May, 2004, which set forth the intent of the Monterey City Council to establish a business and improvement area to be known as the "Cannery Row Business Improvement District".

SECTION 2. Pursuant to said Resolution of Intent, a Public Hearing was held, protests heard, and evidence taken for and against the formation of said proposed Cannery Row Business Improvement District by the Monterey City Council on June 15, 2004 at 7:00 PM, in the City Council Chambers, City Hall, Monterey, California. No finding of a majority protest against the proposed business improvement district was found by the City Council following said public hearing. A "majority protest", pursuant to California Streets and Highways Code Section 36525, would have consisted of written protests received from the business owners which will pay 50% or more of the proposed assessment.

SECTION 3. The City Council hereby finds that the business and property within the District will be benefited by the improvements and activities to be funded by the assessments to be levied.

SECTION 4. Therefore, the City Council hereby establishes a Business Improvement District to be known as the Cannery Row Business Improvement District.

SECTION 5. The boundaries of said Cannery Row Business Improvement District are shown on attached Map 1 which is made a part of this ordinance and is described below:

Starting at the corner of the Monterey Peninsula Recreation Trail and entrance to the Coast Guard Pier, the Cannery Row Business Improvement District includes the properties between the Recreation Trail and Monterey Bay up to the intersection of Drake Avenue and the Recreation Trail. At Drake Avenue, the Cannery Row Business Improvement District continues to the City's western boundary and includes all properties abutting Wave Street and all properties to the Monterey Bay.

SECTION 6. All businesses in the District shall be subject to an annual assessment in the amount equivalent to 100% surcharge to business license fee of each business up to a maximum of \$5,000 (except for professional services). For businesses classified as professional services, the assessment shall be 25% surcharge to the business license fee up to a maximum of \$500 per fiscal year. These fees shall be assessed and collected annually at the beginning of each City fiscal year.

SECTION 7. The following improvements and activities within the District shall be funded by the levy of assessments described in Section 6 above:

- a. Improve traffic and parking in Cannery Row;
- b. Improve streetscape cleanliness (such as improved trash service, sidewalk cleaning, etc.)
- c. Improve the physical appearance and attractiveness of the area;
- d. Improve the area's economic vitality;
- e. Advocate Cannery Row Business Improvement District projects and interests;
- f. Improve public safety services;
- g. Administration of the Cannery Row Business Improvement District, as well as other permitted uses for such funds as set forth in the Parking and Business Improvement Area Law of 1989.

SECTION 8. Businesses in the Cannery Row Business Improvement District established by this ordinance shall be subject to any amendments to the Parking and Business Improvement Area Law of 1989 (at Streets and Highways Code Section 36500 et. seq.).

SECTION 9. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. This ordinance shall take effect and be in force thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 6th day of July 2004, by the following vote:

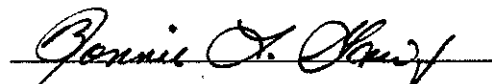
AYES:	5	COUNCILMEMBERS:	ALBERT, CANEPA, DELLA SALA ROBERSON, VREELAND
NOES:	0	COUNCILMEMBERS:	
ABSENT:	0	COUNCILMEMBERS:	

APPROVED:



Mayor of said City

ATTEST:



City Clerk thereof

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)
CITY OF MONTEREY)

PUBLICATION DATE: Jun 27, 2004

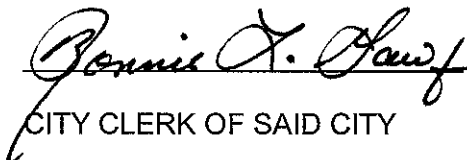
I, Bonnie L. Gawf, CITY CLERK OF THE CITY OF MONTEREY, AND EX-OFFICIO CLERK OF THE COUNCIL THEREOF, HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY PASSED TO PRINT IN THE OFFICIAL NEWSPAPER OF SAID CITY BY THE COUNCIL THEREOF ON THE 15th day of June 2004, BY THE FOLLOWING VOTE:

AYES: 5 COUNCILMEMBERS: ALBERT, CANEPA, DELLA SALA, ROBERSON,
VREELAND

NOES: 0 COUNCILMEMBERS: NONE

ABSENT: 0 COUNCILMEMBERS: NONE

DATED: June 16, 2004


CITY CLERK OF SAID CITY