

**ORDINANCE NO. 3405 C.S.**

**AMENDING ORDINANCE 3153 C.S. (AS AMENDED BY ORDINANCE 3233 C.S.)  
PARKING ADJUSTMENT FEES AND TRANSPORTATION MANAGEMENT FUND**

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

Ordinance #3153 C.S., as amended by Ordinance #3233 C.S., shall be amended to read:

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:

- a. Building on vacant property.
- b. Expanding the square footage of any existing building.
- c. Expansion of a demolished and reconstructed building beyond the original building area.

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.
- b. Expansion of an existing building by adding gross building square footage.
- c. Expansion of a demolished and reconstructed building beyond the original building area.

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.

SECTION 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 7. 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 8. Each owner receiving a parking adjustment shall pay an adjustment fee for each space adjusted. The adjustment fee for all Parking Adjustment Districts 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 1<sup>st</sup> in an amount equal to the increase in the San Francisco-Oakland-San Jose Consumer Price Index, All Urban Consumers (CPI-U). The CPI-U 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.

SECTION 9. 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 10. 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 judgements. 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 11. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 12. 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 5th day of February 2008 by the following votes:

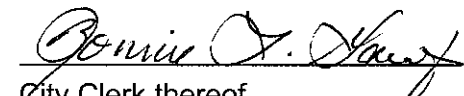
AYES:	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

APPROVED:



Mayor of Said City

ATTEST:

  
City Clerk thereof

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

PUBLICATION DATE: January 28, 2008

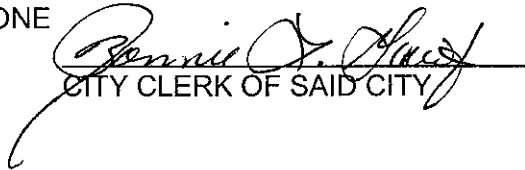
I, Bonnie L. Gawf, CITY CLERK OF THE CITY OF MONTEREY, AND EX-OFFICIO CLERK OF THE COUNCIL THEREOF, HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY PASSED TO PRINT IN THE OFFICIAL NEWSPAPER OF SAID CITY BY THE COUNCIL THEREOF ON THE 15th day of January 2008, BY THE FOLLOWING VOTE:

AYES: 5 COUNCILMEMBERS: DELLA SALA, DOWNEY, HAFERMAN, SELFRIDGE, SOLLECITO

NOES: 0 COUNCILMEMBERS: NONE

ABSENT: 0 COUNCILMEMBERS: NONE

Dated: January 25, 2008

  
CITY CLERK OF SAID CITY

