

ORDINANCE NO. 3661 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMENDING MONTEREY CITY CODE SECTION 19-103 TO FULLY RECOVER COSTS OF APPEALS AND HISTORIC PRESERVATION APPLICATIONS

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

SECTION 1:

WHEREAS, on June 2, 1992, the City adopted Ordinance 3100 to recover the percentage of costs reasonably borne in providing the products or services as established in the ordinance;

WHEREAS, existing policy is to recover 10% of the City's costs in administering appeals before the City Council and the City's Boards and Commissions. This means that the General Fund is subsidizing 90% of third-party appeals. The cost of administering appeals ranges from \$938.63 to \$1,835.50. The purpose of this amendment is to recover 100% of the costs reasonably borne that are necessary to process and administer appeals;

WHEREAS, the City's current policy is to 100% subsidize Historic Rezone, Mills Act, Historic Permits, Historic Survey Reviews, and Historic Report Reviews. Staff is proposing to charge fees for properties seeking historic designation, tax incentives (Mills Act), permits and review of Historic Preservation Reports. The city at one time charged these fees, but they were eliminated to incentivize historic preservation. The amount of the City's subsidy ranges from \$3,117.50 to \$4,422.58 per application. The purpose of this amendment is to recover 100% of the costs connected with historic preservation applications; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines"), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

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: Monterey City Code, Chapter 19, Section 19-103(a)'s table of fees and service charges, (I.)(11) is hereby amended to read as follows:

- I. Development Services:
 - (11.) Appeals 100%

- VI. Administrative Services
 - (13.) Appeals staffed by City Attorney's Office 100%

SECTION 4: Monterey City Code, Chapter 19, Section 19-103(a)'s table of fees and service charges, (I.)(27) is hereby amended to read as follows:

- I. Development Services:
 - (27.) Historic Rezone, Mills Act, Historic Permits, Historic Survey Review, Historic Report Review 100%

SECTION 5: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

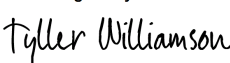
SECTION 6: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 4th day of April, 2023, by the following vote:

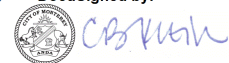
AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

DocuSigned by:

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 Mayor of said City

DocuSigned by:

 ED8453A4F62C4AA...

 City Clerk thereof