

ORDINANCE NO. 3427 C.S.

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY
AMENDING SECTION 19-103 SCHEDULE OF FEES AND SERVICE CHARGES
AND SECTION 19-104 DEVELOPMENT PROJECT FEES:
PUBLIC HEARING, NOTICE, PROVISION OF DATA**

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

SECTION 1. Findings

- A. The Council of the City of Monterey finds that on June 2, 1992, the Council of the City of Monterey adopted Ordinance 3100 (now codified as Monterey City Code Article 4 Chapter 19 Establishing a Fee and Service Charge Revenue/Cost Comparison System) with the intent to require the ascertainment and recovery of costs reasonably borne from fees, charges and regulatory license fees levied therefore in providing the regulation, products or services enumerated therein.
- B. The Council of the City of Monterey finds that the fee and service charge revenue/cost comparison system set forth in the Monterey City Code provides a mechanism for ensuring that fees adopted by the City for services rendered do not exceed the reasonable estimated cost for providing the services for which the fees are charged.
- C. The Council of the City of Monterey finds that certain development related permit and planning services have been provided by the Planning, Engineering, and Environmental Compliance Division free of charge and should be added to the City's list of City costs to be recovered.
- D. The Council of the City of Monterey finds that State law mandates jurisdictions to adopt a General Plan and zoning ordinance that reflects the City's vision and goals for new development and sets forth policies and development standards that ensure that new development achieves the City's vision and goals.
- E. The Council of the City of Monterey finds that State law mandates jurisdictions to update their General Plans and zoning ordinances periodically to ensure that the application of policies and development standards continues to direct new development that is consistent with the City's vision and goals for new development, which represents a considerable effort and expense.
- F. The Council of the City of Monterey finds that the goals, policies, objectives, development standards, and design guidelines of the City's General Plan and other planning and policy documents, including the Local Coastal Plans, zoning ordinance, Area Plans, and design guidelines, are applied during the planning and building permit process to ensure that new development reflects the City's vision and goals for new development.
- G. The Council of the City of Monterey finds that ongoing maintenance of the City's General Plan and other planning and policy documents is required because as building permits for new development are issued over time, the City's vision and goals are implemented, which creates the need to update the City's vision and goals for new development in terms of goals, policies, objectives, development standards, and design guidelines.

- H. The Council of the City of Monterey finds that if building permits are not issued, then General Plan goals, policies and programs and other planning and policy documents would not require ongoing maintenance because goals, policies, objectives, development standards, and design guidelines would not be applied, development would not result, and City's vision and goals for new development would not be implemented.
- I. The Council of the City of Monterey finds that, once staff time is added to the cost of the current Housing Element update consultant contract amount, the total cost will exceed \$80,000.
- J. The Council of the City of Monterey finds that jurisdictions typically spend approximately \$500,000 - \$900,000 on a General Plan update and associated environmental impact report, and \$50 - \$100,000 each on Area Plan updates, of which Monterey has 12, zoning ordinance updates, Local Coastal Plan updates, and design guidelines.
- K. The Council of the City of Monterey finds that exactions from new development are necessary to provide a portion of the funding for the maintenance and periodic comprehensive update of the General plan and other planning and policy documents.
- L. The Council of the City of Monterey finds there is a reasonable relationship between the use of the General Plan Fee to pay for the ongoing maintenance and occasional comprehensive update of the General Plan and other planning and policy documents and the development projects upon which the fee is imposed because in order to issue planning and development permits, the City's General Plan as well as other planning and policy documents require ongoing maintenance to ensure adequate implementation of the City's mission and vision for future growth and development; and because failure to update General Plan goals, policies and programs and other planning and policy documents may result in development that is not consistent with the City's vision, mission, and goals; and because adequate maintenance and updating of its General Plan and other planning and policy documents is reasonably necessary before the City can make any necessary findings and determinations on allowing new development.
- M. The Council of the City of Monterey finds that the revenue of approximately \$800,000 over 10 years expected to be collected through the General Plan fee, charged as 15% of all building permit and plan check fees will not exceed the projected costs of ongoing maintenance and occasional comprehensive update of the General Plan and other planning and policy documents, because the cost of a General Plan update and associated environmental impact report, zoning ordinance update, 12 Area Plan updates, and updates of other related planning and policy documents would likely exceed \$800,000 over a 10 year period.
- N. The Council of the City of Monterey finds that the fees collected through the General Plan fee shall only be used to finance the maintenance and occasional comprehensive update of the General Plan and other planning and policy documents because the City will create a special General Plan/planning policy document update fund and limit its use to such updates.

SECTION 2. Monterey City Code Section 19-103 (Schedule of Fees and Service Charges) Subsection (a) and (l.) are hereby amended to read as follows:

(a) The fees and service charges listed below shall be automatically adjusted annually in July for Consumer Price Index (CPI) increase so as to recover the listed percentage of costs reasonably borne necessary to provide the listed regulation, product or service. The City Manager, Finance Director and each City department head, under the direction of the City Manager, shall review the fees and services charges periodically and provide, if necessary, an adjusted fee or charge schedule to the City Council for its consideration, in place of or in addition to the automatic annual CPI increase. A full analysis of City costs reasonably borne, as defined in Section 19-102, shall be conducted not less than every five years.

I. Development Services

<u>Regulation, Product or Service To Be Recovered</u>	<u>% of Costs Reasonably Borne</u>
1. Residential Property Inspection	100
2. Amendment to Zoning Map or Text	100
3. Amendment to General Plan, Area Plan, or LCP Map or Text	100
4. Environmental Determination	100
5. Environmental Impact Report Review	100
6. Historic Preservation Review (major, minor, Mill's Act, survey, DPR form review, report review, revised report review)	100
7. PUD review	100
8. Conditional Use Permit (major)	100
9. Conditional Use Permit (minor)	100
10. Reopen Use Permit	100
11. Variance Permit (major)	100
12. Variance Permit (minor)	100
13. Parking Adjustment Review	50
14. Permit Reconsideration	100
15. Permit Extension	100
16. Fisherman's Wharf Project Review (major)	100
17. Fisherman's Wharf Project Review (minor)	100
18. Architectural Review Committee Review (major)	100
19. Architectural Review Committee Review (minor)	100
20. Sign Review (major)	100
21. Sign Review (minor)	100
22. Architectural Review Committee Appeal	20
23. Planning Commission Appeal	20
24. Zoning Administrator Appeal	20
25. Demolition Permit	100
26. Preliminary Map	100
27. Minor Subdivision Map	100
28. Tentative Subdivision Map	100
29. Lot Line Adjustment	100
30. Parcel Map Check	100
31. Final Subdivision Map check	100
32. Certificate of Compliance	100
33. Special Permit (bingo, pet, temporary use, tree removal)	100
34. Banner Permits	100
35. Stormwater Erosion Control Plan	100
36. Administrative Fee for Notification to Obtain a Necessary Permit	100

37. Maintenance of General Plan and other planning and policy documents	100
38. Residential Plan Check (Major)	100
39. Residential Plan Check (Minor)	100 (Ord. 3310; 08/02)
40. Commercial Plan Check (Major)	100
41. Commercial Plan Check (Minor)	100 (Ord. 3310; 08/02)
42. Residential Building Permit (Major)	100
43. Residential Building Permit (Minor)	100 (Ord. 3310; 08/02)
44. Commercial Building Permit (Major)	100
45. Commercial Building Permit (Minor)	100 (Ord. 3310; 08/02)
46. Temporary Encroachment Permit	100
47. Permanent Encroachment Permit	100
48. Street Opening Permit	100
49. Street Patch Charge	100
50. Driveway, Curb, Gutter, and Sidewalk Permit	100
51. Public Improvement Design Service	100
52. Public Improvement Plan Check	100
53. Public Improvement Inspection	100
54. Parking Adjustments	fees set by resolution

SECTION 3. Monterey City Code Section 19-104 Development Project Fees: Public Hearing, Notice, Provision of Data is hereby amended to read as follows:

Sec. 19-104. Development Project Fees: Public Hearing, Notice, Provision of Data.

- (a) Public Hearing. The City Council periodically shall receive at a regularly scheduled meeting oral and written presentations concerning development project fees and charges (as defined in Government Code Section 66000 et seq.) to ensure that increases adequately reflect increases in the cost of services. Such notice, oral and written presentation, and public hearing shall be provided prior to the City Council taking any action on any new or increased project fees or charges in place of or in addition to the automatic annual CPI increase. At least one such public hearing shall be held per the requirements of Government Code Section 66018 or other State law.
- (b) Notice. The City Clerk shall cause notice of said public meeting to be provided as set out in Government Code Sections 66016, 55018 and 6062a. Said notice shall contain the time and place of the hearing, a general explanation of the matter to be considered, and a statement that the data required by Government Code Section 66016 (as set forth in subsection (c) below) is available for public inspection.
- (c) Provision of Data. Pursuant to Government Code Section 60016 or other state law, at least ten (10) days prior to the required public hearing as set forth in subsection (a) above, the City Manager shall make available to the public data indicating the cost or estimated cost required to provide the service for which the fee or charge is levied and the revenue sources anticipated to provide the service, including general fund revenues. The City Manager also shall provide a summary of the present fee and charge schedules and those proposed at such public hearing.

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

SECTION 5: 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 3rd day of March, 2009, by the following vote:

AYES: 4 COUNCILMEMBERS: Della Sala, Downey, Haferman, Sollecito
NOES: 1 COUNCILMEMBERS: Selfridge
ABSENT: 0 COUNCILMEMBERS:

APPROVED:


Mayor of said City

ATTEST:


City Clerk thereof

STATE OF CALIFORNIA
COUNTY OF MONTEREY
CITY OF MONTEREY

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 17th DAY OF February, 2009 BY THE FOLLOWING VOTE:

AYES: 5 COUNCILMEMBERS: Della Sala, Downey, Haferman, Selfridge, Sollecito

NOES: 0 COUNCILMEMBERS: None

ABSTAIN: 0 COUNCILMEMBERS: None


CITY CLERK OF SAID CITY

PUBLICATION: February 23, 2009