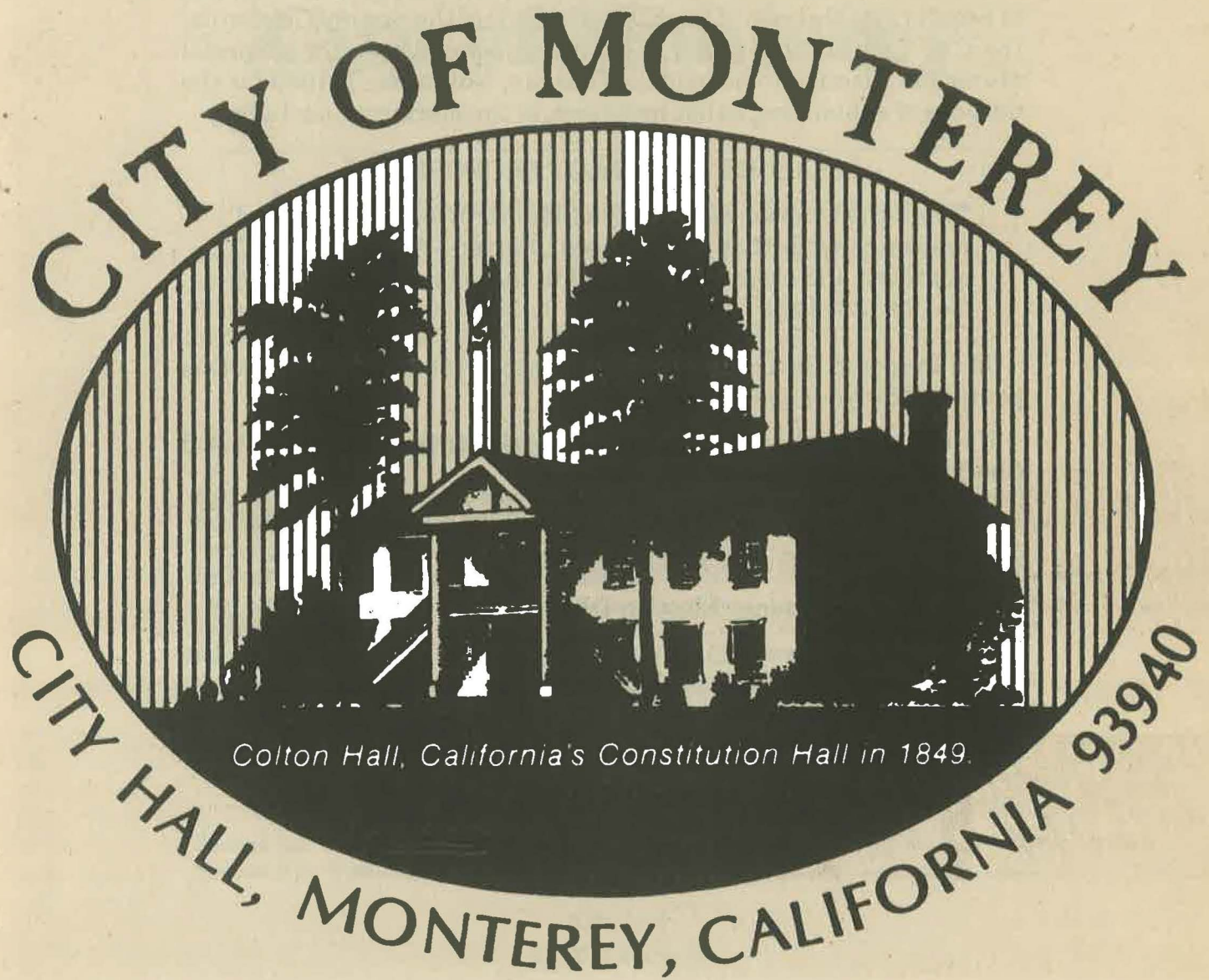


SEP 26 1989



**City of Monterey**  
**Amended Charter**

**to be Submitted to the Voters for Approval  
on November 7, 1989**

## Legal Advertisement

Pursuant to Section 2.3 of the Charter of the City of Monterey and to Section 22600 et seq. of the Elections Code of the State of California, the City Council of the City of Monterey hereby calls for a Special Municipal Election to be held on Tuesday, November 7, 1989 for the purpose of submitting ballot measures to the electorate, including:

### MEASURE D—BALLOT PROPOSITION

“Shall the Charter of the City of Monterey be amended and revised as set forth in the “Revised Charter—August 1, 1989,” approved and ordered submitted to the voters by Resolution No. 89-134 of the City Council?”

The Proposed Revised Charter—August 1, 1989 is included in this pamphlet for your convenience.

If you have questions regarding the election or the proposed Revised Charter, you may call:

City of Monterey City Attorney's Office	646-3915
City of Monterey City Clerk's Office	646-3935
Monterey County Election Department	647-7621

Copies of the existing Charter are available for review in the Monterey Public Library at Madison and Pacific Streets.

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# The Charter of the City of Monterey

SEP 26 1989

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**Article 1**

**Name, Boundaries, and Powers of the City**

**Section 1.1**

**Name**

The municipal corporation now existing and known as the "City of Monterey" shall remain and continue a body politic and corporate as at present, in fact and in law, by the name of the "City of Monterey," and by such name shall have perpetual succession.

**Section 1.2**

**Boundaries**

The boundaries of the City of Monterey shall continue as now established until changed in some manner authorized by law.

**Section 1.3**

**Rights and Liabilities**

The City of Monterey shall remain vested with and continue to have, hold, and enjoy all property, rights of property, and rights of action of every nature and description now pertaining to said municipality and is hereby declared to be the successor to same. No right, liability, pending suit, or prosecution on behalf of, or against, the City shall be affected by the adoption of, or any amendment to, this Charter. All contracts entered into by the City prior to the taking effect of this Charter, or any amendment hereto, shall continue in full force and effect.

**Section 1.4**

**Powers**

The City shall have all powers to make and enforce all laws and regulations with respect to its municipal affairs, subject only to such limitations and restrictions as may be provided in this Charter and in the Constitution of the State of California. The City may exercise any right, power, or privilege granted to municipal corporations by the general laws of the State of California.

**Section 1.5**

**Tidelands Inalienable**

The City may lease its tidelands, subject to the terms and conditions of the grant, but they shall be otherwise inalienable.

**Article 2**

**Elections, Initiative, Referendum, and Recall**

**Section 2.1**

**Elective Officers**

Elective officers of the City of Monterey shall be a Mayor and four (4) Councilmembers.

**Section 2.2**

**Eligibility of Elective Officers**

No person shall be eligible for election to, or hold, any elective office of the City unless he/she shall have been a resident and elector of the City for the period of time and have such other qualifications as are prescribed by State law for Councilmembers of General Law Cities.

**Section 2.3**

**Elections**

General Municipal elections shall be held in said City on the first Tuesday after the first Monday in November in each even-numbered year under and pursuant to the provisions of the general laws of the State of California so far as they may be applicable, except as otherwise may be provided herein. All other municipal elections may be held by authority of this Charter, ordinance, or the general laws of the State of California. Elections to incur bonded indebtedness, to impose special assessments, or to annex territory shall be held in conformance with the general laws of the State.

**Section 2.4**

**Canvass of Returns**

The Council of said City shall meet at its usual meeting place at the first regular or adjourned meeting following certification of the election results

of any municipal election and duly canvass the returns and declare the results thereof. The Council shall install any newly elected officers as soon after said canvass as possible, provided, however, that no officer shall be installed prior to filing by said officer of all disclosure or other statements required by ordinance or State law.

**Section 2.5**

**Vacancies**

A vacancy in an elective office shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election and until a successor is elected and installed. Should the Council fail to fill any such vacancy within forty (40) days after the same occurs, then it shall be filled by appointment by the Mayor. Such successor shall be elected for the unexpired term of his/her predecessor at the general municipal election next succeeding such appointment.

If the offices of a majority or more of the Council become vacant, the City Clerk shall call a special municipal election to fill said vacancies, which election shall be held within sixty (60) days of the existence of said vacancies. Each candidate elected at such election shall hold office for the unexpired term of his/her predecessor. The candidate or candidates receiving the highest number of votes shall be deemed to fill the longest unexpired term or terms. Said vacancies, whether occurring by recall, resignation, legal disability, or physical disability, shall be filled by the persons holding the following offices and in the following order: Chairperson of the Planning Commission, Chairperson of the Parks and Recreation Commission, Chairperson of the Library Board of Trustees. Such persons shall serve as interim elective officers until said vacancies are filled by election and the newly elected officers are installed. Said persons shall be sworn in by the City Clerk in the same



## Legal Advertisement

manner and form as elected officers as soon as possible after the vacancy or vacancies occur and shall have all the rights, duties, and obligations of an elected officer during said interim appointment.

In the event of a vacancy in the office of the Mayor, the remaining elective officers, including any interim elective officers appointed pursuant to this Section, shall elect one of their number to serve as Mayor during the period of said vacancy.

### Section 2.6

#### **Initiative, Referendum, and Recall**

Unless otherwise provided by ordinance hereafter enacted, the provisions of the general laws of the State of California, as the same now exist or may hereafter be amended, governing the initiative and referendum and the recall of municipal officers shall apply in the City insofar as such provisions of the general laws are not in conflict with this Charter.

With regard to recall, any elective officers may be recalled from office under and in pursuance of the provisions of the Constitution and general laws, provided, however, that in no case shall candidates be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant and shall be filled by appointment as set forth in Section 2.5.

### Section 2.7

#### **Voter Approval Required for Eminent Domain Actions to Acquire Property for Resale in Redevelopment Projects**

In any Redevelopment Project adopted or substantially amended after May 1, 1983, neither the City nor Redevelopment Agency shall by eminent domain proceedings acquire property within a Redevelopment Project for the purpose of resale for private redevelopment without first submitting to and receiving the approval of the electorate.

This section shall not prohibit either the City or Redevelopment Agency from acquiring property by eminent domain proceedings for any other public purpose nor shall it prohibit either the City or Agency from acquiring property within a Redevelopment Project from a willing seller for any purpose.

The proposal to acquire property within a Redevelopment Project for resale to private redevelopers shall be placed before the electorate at either a general election or special election called for that purpose.

### Section 2.8

#### **Term of Office of Councilmember Filing as a Candidate for Mayor**

Terms of office for Councilmembers who file for the office of Mayor shall automatically expire on the date the next municipal election is held after filing. The filing period for candidates to fill the Councilmember's term shall be extended an additional five (5) days.

## **Article 3 The Mayor**

### Section 3.1

#### **The Mayor**

The Mayor shall be a member of the City Council and entitled to vote on all matters coming before the Council. He/she shall preside at all meetings of the City Council and perform such other duties as prescribed by the Council consistent with the office of Mayor. The Mayor shall execute all official documents of the City as required by law or order and shall represent the City at ceremonial functions as he/she deems appropriate.

A Mayor shall be elected at each general municipal election and shall hold office for the term of two (2) years from and after his/her installation and until his/her successor is elected and qualified. The Mayor shall be ineligible to hold any other office or employment with the City

except as a member of any board, commission, or committee thereof or to which he/she is constituted such member by general law or appointed by the Council.

### Section 3.2

#### **Vice-Mayor**

The Council shall select one of its members to serve as Vice-Mayor. The Vice-Mayor shall serve in the absence or incapacity of the Mayor and shall have all rights and duties of the Mayor in his/her absence. The term of Vice-Mayor shall be coterminous with that of the Mayor unless a specific term is established by the City Council. The Vice-Mayor shall serve at the pleasure of the City Council.

## **Article 4 City Council**

### Section 4.1

#### **The Council**

The Council shall be comprised of the Mayor and four (4) Councilmembers and shall be the legislative body of the City.

Two (2) Councilmembers shall be elected at each general municipal election and shall hold office for the term of four (4) years from and after their installation in office and until their successors are elected and qualified.

Councilmembers shall not be eligible to hold any other office or employment with the City except as members of boards, commissions, or other agencies of which they are constituted such a member by General Law or by appointment of the Mayor and/or Council.

The Council may, by ordinance, provide for the compensation of Councilmembers, provided that said compensation shall not exceed the amount permitted by State Law for General Law Cities of the same population; may provide for additional compensation for the Mayor and may provide that increases shall take effect during the term of office of Councilmembers.



Monies paid by other agencies to Councilmembers serving on the legislative body of said agencies shall not be considered compensation for the purposes of this Section.

No former Mayor or Councilmember shall hold any compensated appointive City office or regular City employment until one (1) year after the expiration of the term for which he/she was elected to the Council.

#### Section 4.2

##### **Meetings of the Council**

The Council shall provide by ordinance for the conduct, time, and place of holding its meetings and the manner in which its special meetings may be called, provided, however, that there shall be at least one (1) regular meeting each month.

#### Section 4.3

##### **Quorum**

A majority of the Council shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time and postpone the consideration of or action upon pending business in like manner.

#### Section 4.4

##### **Legislation**

In addition to other acts required by law or specific provisions of this Charter to be done by ordinance, acts which provide for the following shall be done by ordinance:

(a) Provide for a criminal or civil penalty or adopt any rule or regulation for violation of which a criminal or civil penalty is imposed.

(b) Levy any tax.

(c) Regulate the use of property or regulate the conduct of persons.

No ordinance or resolution shall be passed without receiving the affirmative vote of at least three (3) members of the Council.

No ordinance shall be passed by the Council on the day of its introduction, or within five (5) days thereafter, or at any time other than a regular, adjourned, or special

meeting or until its publication at least three (3) days before its adoption. In the case of an ordinance being amended before its adoption as amended, and where such amendment is made for the correction of clerical error or omission of form only, then such ordinance need not be republished.

Ordinances and resolutions need not be read either in whole or in part prior to their adoption except as may be otherwise required by ordinance or general law.

An ordinance shall take effect thirty (30) days after its final passage, except that an ordinance shall take effect immediately if it is an ordinance:

(a) Relating to an election.

(b) For the immediate preservation of the public peace, health, or safety; containing a declaration of the facts constituting the urgency; and is passed by a four-fifths (4/5) vote of the Council.

(c) Relating to taxes for the usual and current expenses of the City.

(d) Covered by particular provisions of law prescribing the manner of its passage and adoption.

No ordinance, or portion thereof, shall be amended or repealed except by ordinance.

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

#### Section 4.5

##### **Appointment and Removal of Officers, Employees, and Appointees**

(a) Appointment of Officers and Employees:

1. The Council shall appoint a City Manager and a City Attorney by affirmative vote of three (3) of its members. The City Council may retain the City Manager and City Attorney by contract setting forth the terms and conditions of employment. In the event said contract provides conditions of employment contrary to this Charter or any ordinance, rule, or regulation, provided

said provisions are lawful, the provisions of said contract shall prevail.

In addition to the City Manager and City Attorney, the Council shall designate and determine the compensation of all employees. The City Council may authorize the City Manager to employ said officers by contract.

2. The Council shall appoint, by affirmative vote of three (3) of its members, all members of municipal boards, commissions, committees, and representatives of the City to other agencies.

3. The City Manager shall appoint all other officers and employees of the City except as otherwise herein provided.

4. The City Attorney shall appoint all officers and employees of the City Attorney's Department.

(b) Removal of Officers:

1. The Council may remove any of its appointees at pleasure without cause stated or hearing had by affirmative vote of four (4) members, and may remove any of its appointees for cause after a hearing by affirmative vote of three (3) of its members.

2. The City Manager may remove any of the officers appointed by him/her at pleasure, provided that:

(i) said officer is served with reasonable written notice of the reason for such removal.

(ii) said officer shall have the right of appeal to the City Council, the procedures for which shall be established by ordinance or resolution. The decision of the City Council shall be final.

(c) Removal of Subordinate Officers and Employees: The City Manager and City Attorney may remove all other officers and employees appointed by them only for cause. An officer or employee removed for cause shall have the right of appeal to and a hearing before the City Council. The procedures for removal for cause, appeal, and hearing shall be established by ordinance or resolution.



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### (d) Limitations on Removals:

1. The Council shall not remove any officers within three (3) months next succeeding a general municipal election except for cause.

2. The City Manager shall not remove any employee within three (3) months next succeeding the City Manager's appointment except for cause.

(e) Suspension in Lieu of Removal: Any officer or employee, in lieu of removal, may be suspended up to thirty (30) days with or without pay for the same reasons or on the same grounds and on the same procedure as herein provided for removal.

### Section 4.6

#### Residential Qualification

All voting members of City boards and commissions shall be residents of the City of Monterey.

### Section 4.7

#### Interference With or By City Manager

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his/ her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

The Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager or the City Attorney solely through the City Manager or the City Attorney, and neither the Council nor its members shall give orders to any subordinate officer or employee, either publicly or privately.

No elective officer, nor candidate for elective office of the City, shall solicit support for nomination or election from any salaried officer, appointee, or employee of the City, except members of boards, commissions, and committees appointed by

the City Council. Support includes but is not limited to financial contribution, services, or endorsement.

### Section 4.8

#### Contract Work

The construction, reconstruction, or improvement of any public works in excess of \$25,000.00, including the supplying of materials, supplies, or labor, shall be let by contract to the lowest responsible bidder after public bidding. The Council shall, by ordinance, establish the procedures for public bidding, contracting for public works less than \$25,000.00, and the purchase of equipment, supplies, materials, or services.

The \$25,000.00 limit set forth above shall be increased by \$5,000.00 on July 1, 1995 and by the same amount on July 1st of each fifth year thereafter.

The City may contract with other governmental agencies or with public utility companies for the erection of public works, or for the purchase of equipment, supplies, materials, or services, where it finds that there is substantial compliance with the City's bidding and/or purchasing procedures.

In the event of an emergency caused by fire, flood, earthquake, storm, or other similar disaster, the Mayor or the City Manager may order the suspension of the purchasing requirements and purchase such supplies, materials, or services as may be necessary to meet the emergency. The Council shall, if possible, meet within seventy-two (72) hours to consider further suspension of the purchasing procedures for a period of time necessary to meet the emergency condition.

### Section 4.9

#### Membership on Intergovernmental Agencies

Councilmembers may be members of the governing body of any board, commission, agency, or other intergovernmental agency to which the City is entitled to appoint a representative. A Councilmember shall

be appointed by and serve at the pleasure of the City Council.

### Section 4.10

#### Adoption of Codes by Reference

Any code or codification of ordinances may be adopted by reference. To adopt a code by reference, the Council shall pass to print an ordinance stating the general contents of the code to be adopted, the place or places where said code is available for public inspection, and the date, time, and place where interested parties may appear before the Council and speak for or against the adoption of the code. The ordinance shall be published in the manner provided for all ordinances. The code need not be published. Following public testimony, the Council may adopt the code, reject it, or adopt the code with modifications. Once adopted, a code may be amended in the same manner as provided for the amendment of an ordinance.

## Article 5

### City Manager and Administrative Department

### Section 5.1

#### City Manager

The Council shall select the City Manager, who shall serve at the pleasure of the City Council, except as otherwise provided by contract. The City Manager shall be the administrative head of the City and shall have such powers as are necessary to carry out and enforce all ordinances, resolutions, rules, and directions of the City Council and the general laws of the State of California applicable to the City.

The City Manager shall appoint and remove all officers and employees of the City except those appointed by the City Council, in accordance with the rules and regulations established by the City Council for appointment and removal.



The City Manager may appoint an Assistant City Manager who shall have all of the powers and duties of the City Manager in the event of the City Manager's absence or disability. In the absence of the Assistant City Manager and the City Manager, the Council may appoint an Interim City Manager to act during the absence or disability of the City Manager.

The City Manager may appoint a Secretary to the City Manager, who shall serve at the pleasure of the City Manager, the provision of this Charter or any ordinance, resolution, or regulation pertaining to the removal of officers and employees notwithstanding.

The City Manager shall appoint a City Clerk, who shall maintain the official records of the City and perform such other duties as required.

#### Section 5.2

##### **City Attorney**

The Council shall select the City Attorney, who shall serve at the pleasure of the City Council, except as otherwise provided by contract. The City Attorney shall be the legal advisor to the City Council, its boards and commissions, and the officers and employees of the City on all matters concerning the municipal affairs of the City, and shall have such other duties and responsibilities as prescribed by the City Council. The City Attorney shall at all times be licensed to practice law in the State of California.

#### Section 5.3

##### **Compensation of Officers and Employees**

The compensation of all officers and employees of the City shall be fixed, increased, or changed by ordinance or resolution, adopted by the four-fifths (4/5) vote of the Council.

### **Article 6**

## **Fiscal Administration**

#### Section 6.1

##### **Fiscal Year**

The fiscal year of the City shall commence on the 1st day of July of each year, or at such other time as may be fixed by ordinance.

#### Section 6.2

##### **Annual Financial Audit**

The City shall employ a certified public accountant annually to investigate the accounts and transactions of all City officers and employees having the collection, custody, or disbursement of public money or property, or the power to approve, allow, or audit demands on the City treasury. As part of the annual audit, the money and securities in the City treasury shall be verified.

#### Section 6.3

##### **Budget**

Based upon the recommendation of the City Manager, the City Council shall adopt a budget estimating the revenues and expenditures of the City for the period covered.

#### Section 6.4

##### **Leases of City Property**

All leases of City property shall be at fair market rent, as established by sound appraisal practices. All leases in excess of one (1) year shall contain a provision for the increase or reconsideration of rent at fair market value in accordance with accepted commercial lease practices.

#### Section 6.5

##### **Levy and Collection of Taxes**

The City Council shall have the power to levy and collect any tax that may be lawful to levy for municipal purposes, including but not limited to assessments and taxes to retire bonded debt.

#### Section 6.6

##### **Neighborhood and Community Improvement Program**

(a) Purpose: The purpose of the Neighborhood and Community Improvement Program is to insure that a minimum portion of the City's annual budget is expended to improve the residential neighborhoods of the City and to provide for capital projects of community-wide benefit.

(b) Capital Projects Defined: Capital Projects include but are not limited to streets, storm drains, sewers, sidewalks, lighting, traffic control devices, landscaping and beautification, parks, recreational facilities, and other public buildings. Capital Projects do not include ordinary services.

(c) Annual Budget: As part of the annual budget, the City Council shall appropriate at least sixteen percent (16%) of the Transient Occupancy Tax estimated to be collected during the fiscal year to be expended on Neighborhood and Community Improvements. If the Council determines that there are insufficient funds available to provide for the ordinary and necessary services in any budget year, they may, by an affirmative vote of four (4) members of the City Council, reduce the amount to be appropriated for Neighborhood and Community Improvements.

(d) Neighborhood Improvement Program Committee: The City Council shall appoint at least one (1) resident from each residential neighborhood to the Neighborhood Improvement Program Committee. The Committee shall recommend a list of capital improvements desired to be accomplished in each neighborhood. Recommendations may include multi-year projects and funding.

(e) Council Action: From the recommendations of the Neighborhood



Improvement Program Committee, the Council shall include a Neighborhood Improvement Program in the annual budget. The determination of the projects, priorities, and expenditures shall be within the sound discretion of the City Council.

## **Article 7 Public Library**

### **Section 7.1**

#### **Public Library and Board of Library Trustees**

There shall be a Board of Library Trustees consisting of five (5) members to be appointed by the Council. Terms of Library Trustees shall be four (4) years. The terms shall be staggered.

The Board of Library Trustees shall have the following powers, duties, and responsibilities:

(a) To select all books, magazines, periodicals, recordings, films, pictures, photographs, programs received through electronic media, documents, or any other cultural items for circulation from or study in the Monterey Public Library.

(b) To make and enforce such bylaws, rules, and regulations as it may deem necessary for the administration of the Monterey Public Library program.

(c) To appoint and remove the Library Director, who shall be the department head, and any such other library personnel as may be necessary for the operation of the library program.

(d) To perform such additional duties and have such additional powers as may be prescribed by ordinance or resolution.

There shall be maintained a library trust fund, which shall consist of the present library trust fund together with all gifts, devises, or bequests received for the use of the library hereafter and all miscellaneous revenues of the library, except fines. Expenditures from said fund shall be made by the Council for such library purposes as are requested by

the Library Board and as are in conformity with the conditions of any such gifts, devises, or bequests.

## **Article 8 General Provisions**

### **Section 8.1**

#### **Visitor Accommodation Zone**

There is hereby established a Visitor Accommodation Zone. No hotel, motel, bed and breakfast, or other overnight accommodation facilities, as more precisely defined in Appendix A, shall be permitted except in said zone. Ancillary facilities, such as conference and meeting rooms and recreational facilities for guests, may be constructed on property adjacent to any VAF zone if the Zoning Ordinance permits said uses.

Appendix A, entitled "Visitor Accommodation Facility (VAF) Zone," sets forth the development standards, uses, and procedures for said zone and is hereby made a part of this Charter.

Appendix B, consisting of the following seven (7) zoning maps, designates those parcels which are zoned VAF: 1. Cannery Row; 2. Downtown; 3. Munras Avenue Area; 4. Aguajito Area; 5. Fremont; 6. Del Monte Avenue; 7. Highway 68. Appendix B is hereby made a part of this Charter. Said maps shall be as amended through November 4, 1986.

Visitor Accommodation Facilities shall not be developed on any parcel except those zoned VAF by Appendix B, including parcels subsequently annexed to the City.

The Zoning Ordinance is hereby amended to delete Visitor Accommodation Facilities as a principal or conditional use on all other parcels.

The development standards and related matters may be amended, or additional parcels zoned VAF, only by amendment of Appendices A and B of this Charter.

## **Appendix A to Section 8.1**

### **Article 21A**

#### **Visitor Accommodation Facility (VAF) Zone**

### **Section 38-147A**

#### **Description and Purpose**

A zone which establishes the requirements for development of Visitor Accommodation Facilities in the City of Monterey. A Visitor Accommodation Facility is defined as any building, portion of any building, or group of buildings in which there are guest rooms or suites, including housekeeping units, for transient guests where lodging with or without meals is provided in the Zoning Ordinance. Visitor Accommodation Facilities are those required to pay transient occupancy tax by Article 3, Chapter 35 of this Code. Visitor Accommodation Facilities include limited-occupancy visitor accommodations as defined in Section 38-151A, below. Visitor Accommodation Facilities include hotels, motels, bed and breakfast inns, and hostels.

### **Section 38-148A**

#### **Principal Permitted Uses**

None.

### **Section 38-149A**

#### **Accessory Uses**

Commercial incidental uses of a Visitor Accommodation Facility, such as sale of candy, magazines, sundries, and similar items; beauty and barber shops; recreation facilities to serve guests and employees; living accommodations for manager or caretaker; facilities for conferences and meetings; commercial restaurant businesses; clothes and cleaning pick-up agency; and related personal visitor sales and services when related to and developed as an incidental part of a Visitor Accommodation Facility.



Section 38-150A

**Conditional Uses**

(a) Visitor Accommodation Facilities as defined in Section 38-147A, above.

(b) Any conditions of an existing Use Permit or Special Permit shall remain in force.

Section 38-151A

**Property Development Standards**

(a) Hotels and Motels. Visitor Accommodation Facilities shall contain not less than one thousand (1,000) square feet of site area per sleeping unit for one-story units, and eight hundred (800) square feet of site area per sleeping unit for structures of two (2) stories and over, provided, however, that the Planning Commission or City Council may, as a part of the Use Permit application, consider a density of up to six hundred (600) square feet of site area per sleeping unit for structures containing three (3) stories or more. The exception to these standards may be those standards which are specified in an adopted area or coastal plan in the City of Monterey.

(b) Bed and Breakfast Inns (Limited-Occupancy Visitor Accommodation Facilities). The following standards are adopted to establish minimum standards for approval of Limited-Occupancy Visitor Accommodation Facilities in residential areas (Planning Commission Resolution No. 83-05). Compliance by an applicant does not, in any manner, ensure approval, and each application will be judged on its individual merits by the Planning Commission based on the criteria set forth herein and in the Zoning Ordinance, and compatibility with the surrounding neighborhood.

1. Limited-Occupancy Visitor Accommodation Facilities are hereby defined as the conversion of single-family residences to country inns or bed and breakfast types of use, whereby limited numbers of visitors may obtain accommodations and a

single meal upon the premises. Only existing single-family dwellings that present unique historical or architectural features shall be considered as Limited-Occupancy Visitor Accommodation Facilities.

2. Minimum site area is one-half (1/2) acre.

3. The number of guest rooms shall be limited to one per five thousand (5,000) square feet of land area, provided, however, that in no event shall the number of permissible rental rooms exceed ten (10). This shall not include manager quarters or accommodations.

4. Off-street parking: one (1) per guest room; plus two (2) for the resident family. If more than eight (8) rooms, add employee parking; if ten (10) rooms, add visitor parking.

5. The property owner shall occupy and manage the Limited-Occupancy Visitor Accommodation Facility.

6. Breakfast to guests shall be the only meal and persons served.

7. Nolong-term rental of rooms shall be permitted. The maximum stay for guests shall not exceed fourteen (14) days.

8. The Architectural Review Committee and the Site Plan Review Committee shall review the proposed Limited-Occupancy Visitor Accommodation Facility prior to Planning Commission review, and their recommendations shall be considered by the Planning Commission in imposing Conditions of Approval on the project.

9. Signs: The maximum sign area shall not exceed four (4) square feet and shall be approved by the Architectural Review Committee. Wording such as "motel," "hotel," "motor hotel," "lodge," etc. will not be permitted. The establishment shall be referred to as an "Inn." The sign may only be externally illuminated.

10. No cooking facilities shall be allowed in the guest rooms.

11. Applications shall be subject to a two-year (2-year) review

period, as established by the Planning Commission.

12. If the application becomes objectionable at any time, the application may be reopened for possible revocation.

(c) Hostel.

(d) When computing the number of units permitted under the above provisions, all areas on the site to be devoted to non-Visitor Accommodation Facility uses, such as restaurants, cocktail lounges, retail and service stores, service stations, and similar uses, including related parking areas as required by this Chapter, shall be deducted from the gross site area.

(e) The buildings shall not occupy, in the aggregate, more than thirty percent (30%) of the area of the lot.

(f) All areas not used for access, parking, circulation, buildings, and services shall be completely and permanently landscaped, and the entire site maintained in good condition.

(g) All buildings shall be located not less than ten feet (10') from all lot lines and shall respect all zoning district setback lines.

(h) Off-street parking shall be provided as stipulated in the Zoning Ordinance. However, the Planning Commission may adjust the parking requirements whenever restaurants, bars and night clubs, auditoriums, ballrooms, theaters, assembly halls, or meeting rooms occur on the same site with Visitor Accommodation Facility complexes. There shall be no reduction in the parking requirements for Visitor Accommodation Facilities. The parking requirements of other uses outlined above shall not be adjusted more than fifty percent (50%). The Planning Commission may allow such reductions when it finds:

1. That all required parking to be provided for all proposed uses will occupy the same parking facility.

2. That the proposed uses and proposed parking facilities are to be



located on the same site in one ownership.

3. That if the proposed uses and proposed parking facilities are not to be located on the same site, parking may be located on adjacent sites if in the same ownership.

(i) Any Visitor Accommodation Facility may be expanded, provided it meets the above development standards. Any existing facility which exceeds the above standards and is substantially destroyed by fire, earthquake, or other natural disaster may be reconstructed substantially as it was prior to said destruction.

(j) Accessory facilities on property zoned VAF may be added to Visitor Accommodation Facilities with a Use Permit.

(k) All proposals for structural remodeling, as defined in the Zoning Ordinance, shall be reviewed by the Planning Commission. Ordinary non-structural repairs, alterations, or maintenance shall be reviewed by the Architectural Review Committee. The procedures for said review, including the right of appeal, shall be the same as for a Use Permit.

(l) Development Review Committee and Architectural Review Committee approval is required for all proposed Visitor Accommodation Facility expansions.

(m) All remodelings of existing Visitor Accommodation Facilities and accessory uses appurtenant thereof which involve changes in exterior appearance shall be subject to review and approval by the Architectural Review Committee, including exterior landscaping changes.

## **Appendix B to Section 8.1**

### **Zoning Maps**

The Zoning Maps are too large and cumbersome to be printed as part of this Charter. Said certified maps, indicating the property zoned VAF, are on file in the offices of the City Clerk and are incorporated herein by reference as if fully set forth herein.



# The Herald

PUBLISHED BY THE MONTEREY PENINSULA HERALD COMPANY

## PROOF OF PUBLICATION

STATE OF CALIFORNIA

SEP 26 1989

County of Monterey

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of The Herald, a newspaper of general circulation, printed and published daily and Sunday in the City of Monterey, County of Monterey, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Monterey, State of California; that the notice, of which the annexed is a printed copy (set in type not smaller than 6 point), has been <sup>inserted</sup> ~~published~~ in each <sup>City of Monterey</sup> regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Sept 25, 1989

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed on

Sept 25, 1989

at Monterey, CA.

Karlyn L. Vogel

Signature

9/25/89

This space is for the County Clerk's Filing Stamp

No.

Amended Charter

(attached)