

ORDINANCE NO. 2025-15

AN ORDINANCE OF THE CITY OF MARINA AMENDING CHAPTER 3.26  
OF THE MARINA MUNICIPAL CODE REGARDING  
MITIGATION FEES FOR NEW DEVELOPMENT

WHEREAS, the Mitigation Fee Act, at Sections 66000 and following of the California Government Code, provides authority for imposing and charging mitigation fees; and

WHEREAS, in accordance with Chapter 3.26 of the Municipal Code, the Community Development Director has caused to be prepared and has reviewed a revised version of the “Development Impact Fee Study” initially prepared by RBF Kimley Horn on, dated July 20, 2007 (the “Initial Study”), as updated by RBF Consulting on April 25, 2011, Kimley Horn & Associates, Inc. on May 18, 2016; and further updated by Kimley Horn on September 2, 2025 and Economic and Planning Systems, Inc, (EPS) on September 3, 2025 (the “Updated Study”), incorporated herein by this reference, and on file in the office of the Public Works Division and City Clerk; and

WHEREAS, the Updated Study evaluates the impacts of contemplated future development on existing public facilities, public safety, transportation (roadways and intersections), and parks (collectively “Facilities”) in the City of Marina along with an analysis of the need for new Facilities and improvements required by such new development, sets forth the reasonable relationship between such needs and the impacts of the various types of development pending or anticipated for which this fee is charged and describes the estimated costs of those improvements and the continued need for those improvements; and

WHEREAS, the update to the Initial Study by Kimley Horn and EPS were necessary due to the requirements of California Government Code Section 66016.5(c)(8), changes in the City’s Capital Improvement Program, and revised cost estimates which occurred or were determined subsequent to the completion of the Initial Study; and

WHEREAS, to comply with the Government Code and the City’s Municipal Code, the following public notifications were undertaken:

- Adopted Resolution 2025-56, acknowledging the Public Hearing Notice and ratifying the setting of a Public Hearing for July 1, 2025 on the proposed intention to adopt an Impact Fee Nexus Study and to amend Chapter 3.26 of the Marina Municipal Code Regarding Mitigation Fees for New Development within the City of Marina; and
- Published the notice of public hearing for July 1, 2025, on May 30, 2025, on the City’s website and with the June 3, 2025, City Council agenda packet; and
- Placed a public notice ten days prior to the July 1, 2025, Council Meeting in the Monterey Herald newspaper on June 20, 2025, and June 26, 2025;; and
- Published a copy of the new Development Impact Fee Nexus Studies, prior study, and additional related information on the City’s website on June 20, 2025; and
- Continued the Public Hearing at the July 1, 2025, Council Meeting; and provided notice of continuation on the City website; and
- Published a notice of public hearing for September 16, 2025, on August 18, 2025, on the City’s website, Council Chambers Bulletin Board, Monterey County Library Marina Branch; and the City Bulletin Board at the corner of Reservation Road and Del Monte Boulevard; and

- Placed a public notice ten days prior to the September 16, 2025, Council Meeting in the Monterey Herald newspaper on September 4, 2025, and September 10, 2025; and
- Published a copy of the revised new Development Impact Fee Nexus Studies, proposed fee schedule, and a comparative fee schedule on the City's website on September 4, 2025: [Development Impact Fees Study Update | Marina, CA - Official Website](#).

WHEREAS, a duly noticed public meeting regarding the mitigation fees recommended by the update to the Study was held before this Council pursuant to Section 3.26.070 (B)(1) of the Municipal Code and California Government Code Section 66016 on September 16, 2025, and the Updated Study was made available to the public at least 10 days prior to the meeting; and

WHEREAS, a duly noticed public hearing regarding the mitigation fees recommended by the Updated Study was held before this Council pursuant to Section 3.26.070(B)(4) of the Municipal Code and California Government Code Section 66018 on September 16, 2025.

THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES FIND AS FOLLOWS:

a) Having reviewed and considered the Updated Study and the testimony and materials presented at the public hearing, this Council approves and adopts the Updated Study and further finds that new development in the City of Marina will generate additional population within the City and will impact the Facilities defined and analyzed in the Updated Study.

b) There is a need in the City of Marina for Facilities that have not been constructed, or have been constructed but for which new development has not contributed its fair share of facility costs, and said Facilities have been called for in or are consistent with Updated Study. The cost estimates set forth in the Updated Study are the reasonable cost estimates in 2024 dollars for constructing these Facilities, and the fees expected to be generated by new development will not exceed the total of these costs.

c) The facts and evidence presented establish that there is a reasonable relationship between the need for the described Facilities and the impacts of the types of development described herein by **Exhibit A**, herein adopted and incorporated by reference as if set forth herein in their entirety, and there is a reasonable relationship between the fee's use and the type of development for which the fee is charged, as these reasonable relationships and nexus are in more detail described in the Updated Study.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA INCORPORATES THE ABOVE RECITALS AND FINDINGS AS IF FULLY SET FORTH HEREIN AND DOES ORDAIN AS FOLLOWS:

1. Section 3.26.050 Amended: Section 3.26.050 of Chapter 3.26, entitled

“Payment of Fees” is hereby amended to read in its entirety as follows:

**“3.26.050 Payment of fees.**

For new development, mitigation fees shall be charged and payable as set out in Table 1 of this chapter, as set forth in the attached one (1) page, marked Exhibit “A,” and incorporated herein by this reference thereto. The director shall determine, based on the type of development, the corresponding fee to be paid pursuant to this chapter. Except as otherwise provided by law or development agreement, the fees shall be paid at the time of issuance of any building permit for new development within the city.

2. Effective Date. This ordinance shall take effect and be in force sixty (60) days from and after its final passage.

3. Posting of Ordinance. Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted in the three (3) public places designated by resolution of City Council.

4. Any fee, ordinance or resolution previously adopted in conflict with this Ordinance hereby is repealed as to any portion thereof in conflict with this Ordinance.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on 16<sup>th</sup> day of September 2025, and was passed and adopted at a regular meeting duly held on the 7th day of October 2025, by the following roll call vote:

AYES: COUNCIL MEMBERS: McAdams, McCarthy, Biala, Visscher, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

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Bruce C. Delgado, Mayor

ATTEST:

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Anita Sharp, Deputy City Clerk

## Exhibit A

### Public Facilities, Public Safety, Parks, Intersections and Roadways

| Land Use Category      | per Unit | Public Facility | Public Safety | Parks   | Intersections | Roadways |
|------------------------|----------|-----------------|---------------|---------|---------------|----------|
| <b>Residential</b>     |          |                 |               |         |               |          |
| Single Family          | per KSF  | \$804           | \$1,948       | \$4,661 | \$2,134       | \$6,015  |
| Senior Homes           | per KSF  | \$1,307         | \$3,168       | \$7,578 | -             | -        |
| Senior Homes           | per DU   | -               | -             | -       | \$2,438       | \$6,873  |
| Assisted Living        | per KSF  | \$653           | \$1,584       | \$3,789 | -             | -        |
| Assisted Living        | per DU   | -               | -             | -       | \$1,471       | \$4,146  |
| Multifamily            | per KSF  | \$1,547         | \$3,749       | \$8,971 | -             | -        |
| Multifamily            | per DU   | -               | -             | -       | \$3,813       | \$10,748 |
| <b>Nonresidential</b>  |          |                 |               |         |               |          |
| Office/Research        | per KSF  | \$956           | \$2,318       | -       | \$6,069       | \$17,108 |
| Retail/Service         | per KSF  | \$574           | \$1,391       | -       | \$9,688       | \$27,309 |
| Industrial             | per KSF  | \$191           | \$464         | -       | \$2,783       | \$7,846  |
| Hotel                  | per Room | \$144           | \$348         | -       | \$4,473       | \$12,610 |
| Church                 | per KSF  | \$191           | \$464         | -       | \$4,033       | \$11,370 |
| Daycare Center         | per KSF  | \$765           | \$1,854       | -       | \$23,883      | \$67,327 |
| Animal Hospital/Clinic | per KSF  | \$1,147         | \$2,781       | -       | \$12,288      | \$34,639 |
| Medical/Dental         | per KSF  | \$1,147         | \$2,781       | -       | \$20,575      | \$58,000 |

(1) SF = Square Feet, KSF = 1000 Square Feet, DU = Dwelling Units, Hotel Fees are per Room.

(2) Adjustments for rounding of \$1 or less on total fees have been made to reflect rounding in the study.