

RESOLUTION NO. 2018-132

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL ADOPTING A NEGATIVE DECLARATION PREPARED FOR A COMBINED DEVELOPMENT PERMIT APPLICATION CONSISTING OF: 1) A GENERAL PLAN AMENDMENT (GP 2016-03) TO CHANGE THE LAND USE DESIGNATION FROM “MULTIPLE USE” TO “MULTI-FAMILY RESIDENTIAL”; 2) A ZONING MAP AMENDMENT (ZM 2016-04) FOR CHANGE THE ZONING CLASSIFICATION FROM “C-1/RETAIL BUSINESS DISTRICT” TO “SP-SHORES AT MARINA” (SPECIFIC PLAN) ZONING DESIGNATION; 3) A GENERAL PLAN AMENDMENT TO DELETE POLICY 2.63.5 TO ELIMINATE THE REQUIREMENT FOR THE PROVISION OF CHILDCARE; 4) A SPECIFIC PLAN (SP 2016-04) TO GUIDE DEVELOPMENT OF PROJECT SITE; 5) AMENDMENT TO THE OFFICIAL PLAN LINE (OPL) TO ELIMINATE THE CUL DE SAC AT THE END OF THE DE FOREST ROAD EXTENSION; 6) A CONDITIONAL USE PERMIT (CUP) FOR A MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT EXCEEDING 25 UNITS PER ACRE; AND 7) SITE AND ARCHITECTURAL DESIGN REVIEW (DR2016-11) FOR A NEW FIVE-STORY, FIFTY-EIGHT (58) UNIT APARTMENT COMPLEX 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include a General Plan Amendment (GP 2016-03) to reclassify the land use designation from “Multiple Use” to “Multiple-Family Residential”; a Zoning Map Amendment (ZM 2016-04) to reclassify the zoning designation from “C-1/Retail Business District” to “SP-Shores at Marina”; adoption of a Specific Plan (SP 2016-04) which incorporates Site and Architectural Design Review (DR 2016-11) for the Site Plan, Building Elevations, and Conceptual Landscape Plan for the project; and

WHEREAS, Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review is there is substantial evidence that the project may have a significant effect on the environment; and

WHEREAS, in compliance with the California Environmental Quality Act, an Initial Study/Negative Declaration has been prepared and publicly circulated for a period of 30 days (March 20, 2018 through April 20, 2018) and has been submitted for review and consideration by the Planning Commission; and

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project’s potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, can be considered to be “less than significant” without mitigation; and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the Project, considered all public testimony, written and oral, presented at the public hearing and received and considered the written information and recommendation of the staff report for the June 14, 2018 meeting and adopted Resolution 2018-07 recommending approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the Project, considered all public testimony, written and oral, presented at the public hearing and received and considered the written information and recommendation of the staff report for the August 8, 2018 and October 2, 2018 meetings related to the proposed use.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby adopts a Initial Study/Negative Declaration prepared for a Combined Development Permit application consisting of: 1) A General Plan Amendment (GP 2016-03) to change the land use designation from "Multiple Use" to "Multi-Family Residential"; 2) A Zoning Map Amendment (ZM 2016-04) for change the zoning classification from "C-1/Retail Business District" to "SP-Shores at Marina" (Specific Plan) zoning designation; 3) A General Plan Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare; 4) A Specific Plan (SP 2016-04) to guide development of project site; 5) Amendment to the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the De Forest Road extension; 6) A Conditional Use Permit (CUP) for a multiple family residential development exceeding 25 units per acre; and 7) Site and Architectural Design Review (DR2016-11) for a new five-story, fifty-eight (58) unit apartment complex 3125 De Forest Road (APN: 032-171-018).

FINDINGS

1. The Initial Study/Negative Declaration of environmental impact were released for the public review and the project as proposed and designed would avoid the effects or mitigate the effects to a point of "less than significance.
2. There is no substantial evidence in light of the whole record before the City of Marina that the project may have a significant effect on the environment.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Brown, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-133

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A GENERAL PLAN LAND USE MAP AMENDMENT (GP 2016-03) TO RECLASSIFY THE PROPERTY LAND USE DESIGNATION FROM “MULTIPLE USE” TO “MULTI-FAMILY RESIDENTIAL” FOR THE PROPERTY LOCATED AT 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include a General Plan Land Use Amendment (GP 2016-03) to reclassify the property land use designation from “Multiple Use” to “Multi-Family Residential”, as shown in “**EXHIBIT A**” attached hereto; and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider a General Plan Land Use Map Amendment (GP 2016-03) to reclassify the property land use designation from “Multiple Use” to “Multi-Family Residential”, considered all public testimony, written and oral, presented at the public hearing; and received and considered the written information and recommendation of the staff report for the June 14, 2018 meeting and adopted Resolution 2018-08 recommending approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the Project, considered all public testimony, written and oral, presented at the public hearing and received and considered the written information and recommendation of the staff report for the August 8, 2018 and October 2, 2018 meetings related to the proposed use.

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project’s potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are “less than significant” without mitigation

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves the requested General Plan Land Use Map Amendment (GP 2016-03) to reclassify the property land use designation from “Multiple Use” to “Multi-Family Residential” for the property located on a + 1.43-acre project site at 3125 De Forest Road (APN 032-171-018).

FINDINGS

1. General Plan Land Use Map Amendment – The General Plan Land Use Amendment is not detrimental to the public health, safety or general welfare of the Marina community or the surrounding area and is consistent with the following General Plan Policies:
 - (a) City of Marina Housing Element 2008-2014
The Housing Element of the Marina General Plan identifies the Specific Plan Area in its inventory of vacant or underutilized infill parcels in Central Marina with residential development potential.
 - (b) Program 1.1 of the Housing Element requires that the City provide for a minimum of 27 acres that accommodate at least 20 units per site at a density of at least 20 units per acre within downtown Marina. The development of the site with 58 apartments at a density of 35 units per acre will realize this infill potential, address the need for affordable apartments and help the City of Marina to achieve its Housing Element goals.

- (c) Policy 2.4.8 calls for construction of a broad range of housing types to be permitted and promoted in order to provide greater housing choice and diversity.
- (d) Policy 2.31.6 requires that new housing shall be constructed at densities and in patterns which conserve land, reduce reliance on the private automobile and result in walkable, attractive neighborhoods.
- (e) Policy 2.4.5 requires that all land development, including that involving infilling of existing neighborhoods or commercial areas shall be organized and have sufficient intensity to help ensure the longer-term feasibility of public transit for work and other purposes, and to create a pedestrian-oriented community.
- (f) Policy 3.3.8 requires that the City link existing and future areas of the City with an integrated system of roads, transit, footpaths and bikeways that connects neighborhoods, commercial areas, schools, parks, and other major community-serving destinations.
- (g) Policy 3.34.6 directs that new development and redevelopment within the City of Marina should be designed with a network of streets to disperse traffic loads evenly and provide route options and direct travel for pedestrians and bicyclists.
- (h) Policy 3.3.5 requires that the City ensure that walking and bicycling routes are integral parts of street design and form a safe and preferred transportation network.
- (i) Policy 4.73.4 seeks to provide a pedestrian/bicycle link to residences south of Reservation Road via an extension of De Forest Road.
- (j) Policy 3.34.1, the City's Pedestrian Network Map identifies this link as part of the City's future pedestrian network.
- (k) Policy 3.35.1 requires that adequate bicycle parking shall be provided at all existing civic and recreational destinations, including comprehensive support facilities and in all new multi-family residential projects

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Brown, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-134

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL ADOPTING AN ORDINANCE AMENDING THE CITY OF MARINA ZONING MAP (ZM 2016-04) REZONING THE PROPERTY LOCATED AT 3125 DEFOREST ROAD (APN: 032-171-018) FROM “C-1/RETAIL BUSINESS DISTRICT” TO “SP – SHORES AT MARINA (SPECIFIC PLAN)

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include a Zoning Map amendment to change the zoning classification from “C-1/Retail Business District” to “SP-Shores at Marina”, as shown in “**EXHIBIT 1” TO EXHIBIT A**” attached hereto; and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider recommending that the City Council adopt an ordinance amending the City of Marina Zoning Map rezoning the property from “C-1/Retail Business District” to “SP-Shores at Marina”, considered all public testimony, written and oral, presented at the public hearing; and received and considered the written information and recommendation of the staff report for the June 14, 2018 meeting and adopted Resolution 2018-09 recommending approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the Project, considered all public testimony, written and oral, presented at the public hearing and received and considered the written information and recommendation of the staff report for the August 8, 2018 and October 2, 2018 meetings related to the proposed use.

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project’s potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are “less than significant” without mitigation

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby adopts an ordinance amending the City of Marina Zoning Map rezoning the property located at 3125 De Forest Road (APN 032-171-018) from “C-1/Retail Business District” to “SP-Shores at Marina”, making the following findings:

FINDINGS

1. Zoning Map Amendment – That Zoning Map Amendment ZM 2016-04 will maintain zoning consistency with General Plan Land Use Map Amendment GP 2016-03 and that ZM 2016-04 will not be detrimental to the public health, safety or general welfare of the Marina community or the surrounding area.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O’Connell, Brown, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-135

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A GENERAL PLAN CODE TEXT AMENDMENT TO DELETE POLICY 2.63.5 TO ELIMINATE THE REQUIREMENT FOR THE PROVISION OF CHILDCARE FOR THE PROPERTY LOCATED AT 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include a General Plan Code Text Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare as shown on “**EXHIBIT A**”, and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider General Plan Code Text Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare, considered all public testimony, written and oral, presented at the public hearing; and received and considered the written information and recommendation of the staff report for the June 14, 2018 meeting and adopted Resolution 2018-10 recommending approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the Project, considered all public testimony, written and oral, presented at the public hearing and received and considered the written information and recommendation of the staff report for the August 8, 2018 meeting related to the proposed use; and

WHEREAS, the deletion of the General Plan Policy 2.63.5 furthers the Goals and Policies of the General Plan by allowing the development of the project site with multi-family residential dwelling units (apartments), which fulfills the City’s desire to increase housing stock, including affordable housing, and helps the City achieve its Housing Element Goals.

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project’s potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are “less than significant” without mitigation

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves the requested General Plan Code Text Amendment to delete Policy 2.63.5 to eliminate the requirement for the provision of childcare for the property located on a + 1.43-acre project site at 3125 De Forest Road (APN 032-171-018).

FINDINGS

1. General Plan Land Use Map Amendment – The General Plan Code Text Amendment is not detrimental to the public health, safety or general welfare of the Marina community or the surrounding area and is consistent with the following General Plan Policies:

(a) City of Marina Housing Element 2008-2014

The Housing Element of the Marina General Plan identifies the Specific Plan Area in its inventory of vacant or underutilized infill parcels in Central Marina with residential development potential.

- (b) Program 1.1 of the Housing Element requires that the City provide for a minimum of 27 acres that accommodate at least 20 units per site at a density of at least 20 units per acre within downtown Marina. The development of the site with 58 apartments at a density of 35 units per acre will realize this infill potential, address the need for affordable apartments and help the City of Marina to achieve its Housing Element goals.
- (c) Policy 2.4.8 calls for construction of a broad range of housing types to be permitted and promoted in order to provide greater housing choice and diversity.
- (d) Policy 2.31.6 requires that new housing shall be constructed at densities and in patterns which conserve land, reduce reliance on the private automobile and result in walkable, attractive neighborhoods.
- (e) Policy 2.4.5 requires that all land development, including that involving infilling of existing neighborhoods or commercial areas shall be organized and have sufficient intensity to help ensure the longer-term feasibility of public transit for work and other purposes, and to create a pedestrian-oriented community.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Brown, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-136

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A SPECIFIC PLAN (SP 2016-04) FOR A ±1.43 ACRE PROJECT SITE LOCATED AT 3125 DE FOREST AVENUE (APN 032-171-018), SUBJECT TO CONDITIONS

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Avenue; and

WHEREAS, the subject property is located within the boundary of the Downtown Vitalization Area and General Plan Policy 2.63.51 requires that, prior to approval of any development other than temporary projects/uses or projects already entitled to be built, a specific plan shall be prepared which legally establishes development, design, and infrastructure requirements in accordance with General Plan principles and policies, and;

WHEREAS, the Specific Plan has been prepared pursuant to Government Code Sections 65450-6547, and;

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider Specific Plan (SP 2016-04) for a ±1.43 acre project site located at 3125 De Forest Avenue (APN 032-171-018), considered all public testimony, written and oral, presented at the public hearing; and received and considered the written information and recommendation of the staff report for the June 14, 2018, meeting and adopted Resolution 2018-11 recommending approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the Project, considered all public testimony, written and oral, presented at the public hearing and received and considered the written information and recommendation of the staff report for the August 8, 2018 and October 2, 2018 meetings related to the proposed use.

WHEREAS, in compliance with the California Environmental Quality Act, an Initial Study/Negative Declaration has been prepared and publicly circulated for a period of 30 days (March 20, 2018 through April 20, 2018) and has been submitted for review and consideration by the Planning Commission; and

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project's potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are "less than significant" without mitigation; and

FINDINGS

1. Specific Plan -

The Specific Plan for the "Shores at Marina" Apartments has been prepared in accordance with General Plan Policy 2.63.51 and with the requirements of the California Government Code, Sections 65450-65457. These sections establish the Specific Plan as a legal mechanism which allows a particular area's development, design and infrastructure requirements to be established separately and to supersede any previously established zoning in a manner that is consistent with the goals, policies and implementation objectives of the City of Marina General Plan.

The Specific Plan for the “Shores at Marina” is consistent with and furthers the goals, policies and implementation objectives of the Marina General Plan in that it provides details regarding the development of an infill site near the Marina transit exchange to develop the site in a manner that will enhance both the image and the fiscal base of the City of Marina.

CONDITIONS OF APPROVAL

1. Substantial Compliance - The project shall be accomplished in substantial compliance with the “Shores at Marina” Specific Plan (“**EXHIBIT A**”) attached to this resolution.
2. Permits - The applicant shall obtain all required grading and/or building permits prior to initiating construction.
3. Indemnification - The applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of the project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O’Connell, Brown, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-137

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A RESOLUTION TO AMEND THE OFFICIAL PLAN LINE (OPL) TO ELIMINATE THE CUL-DE-SAC AT THE END OF THE DE FOREST ROAD EXTENSION FOR THE PROPERTY LOCATED AT 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted a Combined Development Permit application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 De Forest Road; and

WHEREAS, entitlements requested include an amendment to the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the De Forest Road Extension; and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the requested amendment to the Official Plan Line to eliminate the cul-de-sac at the end of the De Forest Road extension, considered all public testimony, written and oral, presented at the public hearing; and received and considered the written information and recommendation of the staff report for the June 14, 2018 and recommended approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the Project, considered all public testimony, written and oral, presented at the public hearing and received and considered the written information and recommendation of the staff report for the August 8, 2018 and October 2, 2018 meetings related to the proposed use; and

WHEREAS, the amendment to the Official Plan Line to eliminate the cul-de-sac at the end of the De Forest Road extension furthers the Goals and Policies of the General Plan by allowing the development of the project site and future potential connection of De Forest Road to Carmel Avenue (via Busby Lane) which fulfills the City's desire to increase roadway circulation networks for both vehicles and pedestrians and helps the City achieve its desire to improve pedestrian and citizen access to surrounding neighbors and commercial/shopping areas.

WHEREAS, the Initial Study/Negative Declaration (SCH No. 2018031057) determined that the project's potentially significant environmental impacts related to: Aesthetics, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Population/Housing, Public Services, and Transportation/Traffic, are "less than significant" without mitigation

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves the requested amendment to the Official Plan Line (OPL) to eliminate the cul-de-sac at the end of the De Forest Road extension for the property located on a + 1.43-acre project site at 3125 De Forest Road (APN 032-171-018).

FINDINGS

1. Official Plan Line (OPL) Amendment – The amendment to the Official Plan Line (OPL) is not detrimental to the public health, safety or general welfare of the Marina community or the surrounding area and is consistent with the following General Plan Policies:
 - (a) Policy 3.3.8 requires linking of existing and future areas of the City with an integrated system of roads, transit, footpaths and bikeways that connects neighborhoods, commercial areas, schools, parks, and other major community-serving destinations.
 - (b) Policy 2.31.6 requires that new housing developments shall be constructed at densities and in patterns which conserve land, reduce reliance on the private automobile and result in walkable, attractive neighborhoods. The amendment of to the Official Plan Line to remove the cul-de-sac at the end of De Forest Road will allow a potential future connection to Carmel Avenue.
 - (c) Policy 2.4.5 requires that all land development, including that involving infilling of existing neighborhoods or commercial areas shall be organized and have sufficient intensity to help ensure the longer-term feasibility of public transit for work and other purposes, and to create a pedestrian-oriented community.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O’Connell, Brown, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2018-138

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A COMBINED DEVELOPMENT PERMIT CONSISTING OF A CONDITIONAL USE PERMIT (CUP) FOR A MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT EXCEEDING 25 UNITS PER ACRE AND SITE AND ARCHITECTURAL DESIGN REVIEW (DR 2016-011) FOR A NEW FIVE-STORY, FIFTY-EIGHT (58) UNIT APARTMENT COMPLEX AT 3125 DEFOREST ROAD (APN: 032-171-018).

WHEREAS, on October 7, 2016, Ocean Point Development, applicant and property owner, submitted an application to construct a new five-story fifty-eight (58) unit apartment building on the vacant site at 3125 DeForest Road; and

WHEREAS, the applicant has applied for a General Plan Amendment (GP 2016-03) to reclassify the land use designation from “Multiple Use” to “Multiple-Family Residential” which would allow the development of multi-family apartment style residential units; and

WHEREAS, the applicant has applied for a Zoning Map Amendment (ZM 2016-04) to reclassify the zoning designation from “C-1/Retail Business District” to “SP-Shores at Marina” Specific Plan zoning; and

WHEREAS, the overall project application is a Combined Development Permit consisting of:

- A Conditional Use Permit (CUP) for a multiple family residential development exceeding 25 units per acre;
- Site and Architectural Design Review (DR2016-11) for a new five-story, fifty-eight (58) unit apartment complex;

WHEREAS, the subject property is located within the boundary of the Downtown Vitalization Area. General Plan Policy 2.63.51 requires that, prior to approval of any development other than temporary projects/uses or projects already entitled to be built, a specific plan shall be prepared which legally establishes development, design, and infrastructure requirements in accordance with General Plan principles and policies. As such, a Specific Plan and associated development plans have been prepared for the project; and

WHEREAS, the project is subject to Site and Architectural Design Review per City Code Section 17.59.040 (A); and

WHEREAS, on December 20, 2017, the Design Review Board (DRB) considered the Site and Architectural Design Review portion (DR2016-11) of the Combined Development Permit and adopted a Resolution recommending Planning Commission approval of the site plan design and overall building layout (DRB Resolution No. 2017-07); and

WHEREAS, on June 14, 2018, the Planning Commission of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the Project, considered all public testimony, written and oral, presented at the public hearing and received and considered the written information and recommendation of the staff report for the June 14, 2018 meeting and adopted Resolution 2018-12 recommending approval to the City Council.; and

WHEREAS, on August 8, October 2, November 7, and November 20, 2018, the City Council of the City of Marina conducted a duly noticed public hearing to consider the Negative Declaration of environmental impacts for the Project, considered all public testimony, written and oral, presented at the public hearing and received and considered the written information and recommendation of the staff report for the June 14, 2018 meeting related to the proposed use.

WHEREAS, development standards and design guidelines pertaining to multi-family residential dwellings have been incorporated into the proposed project; and

WHEREAS, in compliance with the California Environmental Quality Act, an Initial Study/Negative Declaration has been prepared and publicly circulated for a period of 30 days (March 20, 2018 through April 20, 2018) and has been submitted for review and consideration by the Planning Commission.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves the Ocean Point Development Combined Development consisting of a Conditional Use Permit (CUP) for a multiple family residential development exceeding 25 units per acre and Site and Architectural Design Review (DR 2016-011) for a new five-story, fifty-eight (58) unit apartment complex located on a + 1.43-acre project site (APN 032-171-018) located at 3125 De Forest Road as reflected in the Specific Plan for the site.

Findings

1. The project must be consistent with the General Plan and Zoning Ordinance.

The project is consistent with requested General Plan Land Use designation of Multi-family residential and the R-4 zoning designation in that the project proposed a multi-family development of 35 units per acre.

General Plan Goals and Policies

Community Goals

- Goal 1.17 states:

“The overall goal of the Marina General Plan is the creation of a community which provides a high quality of life for all its residents; which offers a broad range of housing, transportation, and recreation choices; and which conserves irreplaceable natural resources.”

- Goal 1.18.1 states:

“Housing within the means of households of all economic levels, ages and lifestyles, and therefore, a diversified and integrated housing supply in which new residential development emphasizes a mix of housing types and lot sizes at the neighborhood level.

- Goal 1.18.5 states:

“A city designed for and attractive to pedestrians, in which most of the housing, shops, businesses, and community facilities are within easy walking distance of each other.”

- Goal 1.18.8 envisions:

“A city physically and visually distinguish-able from the other communities of the Monterey Bay region, with a sense of place and identity in which residents can take pride.”

- Goal 1.18.15 requires:

“Attractive, distinctive residential neighborhoods and commercial districts which contribute to the overall vitality, image and identity of the city.”

Community Land Use Policies

- Policy 2.4.5 states:
“Future land development, whether it involves development of new areas, infilling of existing neighborhoods or commercial areas...shall be organized and have sufficient intensity...to create a pedestrian-oriented community.”

Housing Policies

- Policy 2.31.6 states:
“New housing shall be constructed at densities and in patterns which conserve land, reduce reliance on the private automobile and result in walkable, attractive neighborhoods.”
- Policy 2.31.8 states:
“New housing shall be integrated into the fabric of the City in such a way that it complements existing housing areas and contributes to the overall stability, image, and sense of community of the City.”

Transit and Supportive Land Use Policies

- Policy 3.35.1 states:
“Safe and secure bicycle parking shall...be provided in all new multi-family residential projects.”

The Project is consistent with the Goals and Policies contained within the Marina General Plan pertaining to provisions of housing at varying income levels, promoting of pedestrian oriented and friendly development, and establishing community character, vision and identity. The Project includes the provision of bicycle parking/storage facilities.

The Project is consistent with the applicable development standards within the Marina Municipal Code (Zoning Ordinance) and/or superseding state laws for multiple family developments, specifically to the requirements of density, parking, and the provision of open space (public and private). The Project does request two development incentives, additional height/stories and waving of the unit mix requirement, in exchange for the provision of “very low income” housing.

2. The project must be consistent with the Citywide Design Standards and Guidelines.

The project is consistent with the Citywide Design Standards and Guidelines. The project site and parking plan provide for adequate and safe pedestrian and vehicular traffic. Vehicular routes are separated from pedestrian routes and the project includes a separate pedestrian walkway to the adjacent transit center, which is sited independently from the streetscape area. Parking stall sizes and circulation patterns allow for adequate vehicular movement. Landscaping is in common open space areas between paved areas to soften the hardscape development(s).

3. That the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons riding or working in the neighborhood and the use will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

The use of the site as a higher-density development will not be detrimental to the neighborhood, as it has been designed to be pedestrian-friendly, includes a turn-around to meet the needs of general vehicular traffic, and reduces reliance on the automobile based on its location. In addition, the location of building at the street would begin to create a street wall which will visually connect the side streets to the future downtown and increase walkability.

4. *The project must be designed and constructed, and so located, that the project will not be unsightly, undesirable or obnoxious in appearance to the extent that they will hinder the orderly and harmonious development of the city, impair the desirability of residence or investment or occupation in the city, limit the opportunity to obtain the optimum use and value of the land and improvements, impair the desirability of living conditions on or adjacent to the subject site, conform with the standards included in the local coastal land use plan and/or otherwise adversely affect the general welfare of the community.*

The Shores at Marina development has been designed as an upscale, multi-family landmark development in the center of the City's business district. The modern/urban design aesthetic is intended to set a new standard for similar and future development in the City. The project has also been designed to be complimentary to the adjacent and previously entitled "Junsay Oaks" project (across De Forest Rd.). The project includes pedestrian linkages to the adjacent MST Transit Center and surrounding shopping centers/facilities.

Conditions of Approval

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans dated November 13, 2017 and attached hereto as "**EXHIBIT A**".
2. Permit Expiration (City Council) - This permit will expire 24 months from the date of approval by the City Council, unless a valid building permit has been issued and construction of the project has commenced prior to expiration. The applicant may apply for an extension of this permit, by submitting an extension request application and applicable fees, no less than 30 days prior to expiration date. No renewal notice will be sent to the applicant or property owner.
3. Cultural Resources – Negative Archaeological Report – If during the course of construction, cultural, archaeological, historical, or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The City of Marina and a qualified archaeologist (i.e. an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contact, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper measures required for the discovery.
4. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.

5. Utilities–Underground – All new utility and distribution lines shall be placed underground.
6. Verification of Building Height – Prior to issuance of a building permit, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Community Development-Planning and the Chief Building Official for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved and associate with the project.
7. Preconstruction Meeting – Prior to the commencement of any grading or construction activities, a preconstruction meeting shall be held on the site. The meeting shall include representative of each of the selected contractors, any consultant who will conduct required monitoring, the owner/applicant, Community Development-Planning, Community Development-Building, Engineering, Marina Fire, and/or any other appropriate departments/agency. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the development.
8. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the application of its obligations under this condition.
9. Development of Pedestrian Pathway – The Owner/Applicant, shall develop and construct a pedestrian walkway along the northern property boundary, linking the project site to the Seacrest Shopping Center located to the north-west, and the MST Transit Exchange site to the north, all within substantial conformance of Sheet A1.02 of the project plans dated November 13, 2017.
10. Affordable Housing Agreement/Program – Prior to issuance of the first construction permit, the Owner/Applicant shall development, sign, notarize and record an Affordable Housing Agreement with the City of Marina. Such agreement shall clearly identify the number of affordable units, the income level of affordability (very low income), the estimated rent to be collected for each unit, and the term (length) of all affordability restrictions. The Agreement shall be prepared in substantial conformance with the specifications mentioned and approved in the Specific Plan prepared for the project.
11. Development of De Forest Road and Dedication – Prior to issuance of building and/or grading permit(s), the Owner/Applicant shall develop plans for public street/sidewalk improvements to allow adequate turning movements at the end of De Forest Road. Such improvements shall include the dedication of a 30-foot right-of-way on the western one-half of De Forest Road, curb, gutter, sidewalk, parking strip, and parking in a manner that allows a compact cul-de-sac feature within the south-western portion of De Forest Road. The improvements shall be installed prior to issuance of occupancy for the development.

Prior to construction of these improvements, the Owner/Applicant shall enter into a Public Improvement Agreement (PIA), which shall be accepted by the City Council. Upon completion and/or demand of the City of Marina, the Owner/applicant shall dedicate that portion of land to the City of Marian for use a public road.

12. Fire Department – The construction plans shall indicate that the sprinkler plans will be a deferred submittal for a “13” system that includes stand pipes on each floor.
13. Fire Department – The construction plans will include the installation of a generator of the appropriate size to power an electric fire pump sized for the proposed structure(s), elevator(s), and emergency lighting and signage for the overall development.
14. Fire Department – The development shall include “rolled curbing” in areas determined by the Fire Chief, to allow large vehicle/fire truck access and appropriate turnaround abilities.
15. Landscape Surety Bond – Prior to the issuance of a building permit, the applicant shall provide a bond or other surety acceptable to the City to guarantee that the installed landscaping shall remain in a healthy and growing condition for a minimum of two years from the date of occupancy approval. The amount of the surety shall be a minimum of ten percent of the actual or estimated costs of the installation accepted by the Planning Services Division. An amount greater than ten percent may be required by the Planning Services Division if more exotic, less reliable plant material is specified in the approved planting plan. Two years after the approval of occupancy, the applicant shall contact the Planning Services Division to arrange for an inspection of the landscaping. If or when all landscaping shown on the approved plans is in place and is in healthy and growing condition, the surety shall be returned to the entity that provided the surety or to another entity upon proof of transfer. If plant material is dead, dying or missing and the applicant does not take steps to restore the landscaping, the City shall have the authority to use the surety for the restoration of the landscaping.
16. Bicycle Facilities – On the Site Plan the applicant shall show the location(s) of indoor and outdoor bicycle lockers, including but not limited to bicycle racks placed in a secure and prominent location.
17. Trash Enclosures and Maintenance Building - Prior to the issuance of building permits the applicant submit shall coordinate with the waste hauler and the Monterey Regional Waste Management District to ensure that adequate current and future waste services will be accommodated for the project site. Proof of adequate services shall be submitted to the CDD-Planning department.
18. Monterey Bay Air Resources District (Permit) - Prior to issuance of construction permit(s), the Owner/Applicant shall submit evidence, to the Planning Department, that the appropriate permits have been obtained from the Monterey Bay Air Resources District for use of stationary emission sources (boilers and/or generators). Questions regarding MBARD permitting should be directed to MBARD staff at (831) 647-9411.
19. Monterey Bay Air Resources District (BMPs) - The Owner/Applicant shall utilize Best Management Practices (BMPs) for fugitive dust control measures. BMP notes shall be included on all building and/or grading permits for construction activities that may result in soil/ground disturbance.

20. Monterey Bay Air Resources District (Construction Equipment) - The Owner/Applicant shall utilize construction equipment that conforms to Air Resources Board (ARBs) Tier 3 or Tier 4 emission standards, which include but are not limited to, use of alternative fuels such as compressed natural gas, propane, electricity or biodiesel.

21. Landscaping Rock Garden- Prior to issuance of the first building permit, the Owner/Applicant shall submit a revised Landscaping Plan that reflects the unique culture of the City and creates continuity of design with the immediately adjacent neighborhood that will support landscaping sustainability through reduced water demand using a rock garden concept and will enhance the pedestrian experience through use of park benches and/or other aesthetic elements that integrate the rock garden themes.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 20th day of November 2018, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Brown, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of November 20, 2018

REQUEST TO OPEN A PUBLIC HEARING, TAKE TESTIMONY FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTIONS APPROVING A SPECIFIC PLAN AND A COMBINED DEVELOPMENT PERMIT TO ALLOW THE DEVELOPMENT OF A THREE-STORY, ELEVEN (11) UNIT APARTMENT COMPLEX AT 3108 SEACREST AVENUE (APN: 032-201-138). EXEMPT FROM CEQA PER ARTICLE 19, SECTION 15195.

RECOMMENDATION:

The City Council takes the following actions:

- 1) Adopt Resolution No. 2018-, approving a Specific Plan (SP 2017-01) to guide development of the project site at 3108 Seacrest Avenue (APN: 032-201-138); and
- 2) Adopt Resolution No. 2018-, approving a Combined Development Permit consisting of a Conditional Use Permit (CUP) (UP 2017-06) for a multiple family residential development and a Site and Architectural Design Review (DR 2017-06) for a three-story, eleven (11) unit apartment complex, as currently sited and designed, including the requested project incentive allowing for a decrease in common open space requirements at 3108 Seacrest Avenue (APN: 032-201-138).

BACKGROUND:

Hearing History

On April 4, 2017, Mr. Peter Taormina, applicant and property owner, submitted an initial proposal to construct a new multi-family residential development (two-story, 10-unit apartment complex) on a vacant site at 3108 Seacrest Avenue.

On February 21, 2018, and March 21, 2018, the initial proposal was brought before the DRB for consideration and discussion. On March 21, 2018, the DRB, following a recommendation from staff, recommended Planning Commission denial of the application, due to inconsistencies with the General Plan, Zoning Ordinance, and Citywide Design Guidelines. [NOTE: The Planning Commission recommended City Council denial of the initial development application on April 12, 2018 (PC Resolution 2018-05)]. Due, to the Planning Commission recommendation, Mr. Taormina significantly redesigned the project proposal. The redesigned project proposal is being analyzed and considered on its own merits.

On September 19, 2018, the Site and Architectural Design Review Board (DRB) considered the redesigned project and recommended Planning Commission consideration of the amended Site and Architectural Design Review 2017-06 based on a 4-0 vote (1 member absent), (DRB Resolution No. 2018-05 – Attachment 3) with two recommended conditions of approval: 1) installation of an ornamental door/gate on both the rear and front of the first floor; and 2) inclusion of a vertical architectural element to the north in a contrasting material/color. These conditions were added to the Draft Resolution of approval.

On October 11, 2018, the Planning Commission considered the redesigned project and recommended City Council consideration of the Combined Development Permit and associated Specific Plan via a 6-0 vote [PC Resolution No. 2018-14 (Specific Plan) and No. 2018-05 (Combined Development Permit) – Attachments 4 and 5 respectively].

Environmental Determination

The City of Marina Planning Division determined the project is exempt from the California Environmental Quality Act (CEQA) Guidelines (Article 12.5, Section 15195) applicable to residential infill development that provides: less than 100 units, a project density above 20 units per acre; and affordable housing. There is no reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. No further environmental review is necessary.

FISCAL IMPACT:

All development application fees have been paid by the application and were included in the 2017-2018 FY budget. Actual construction permit fees, construction costs, and associated impact fees will also be paid by the developer and included in associated in associated departments for the 2018-2019 FY.

ANALYSIS

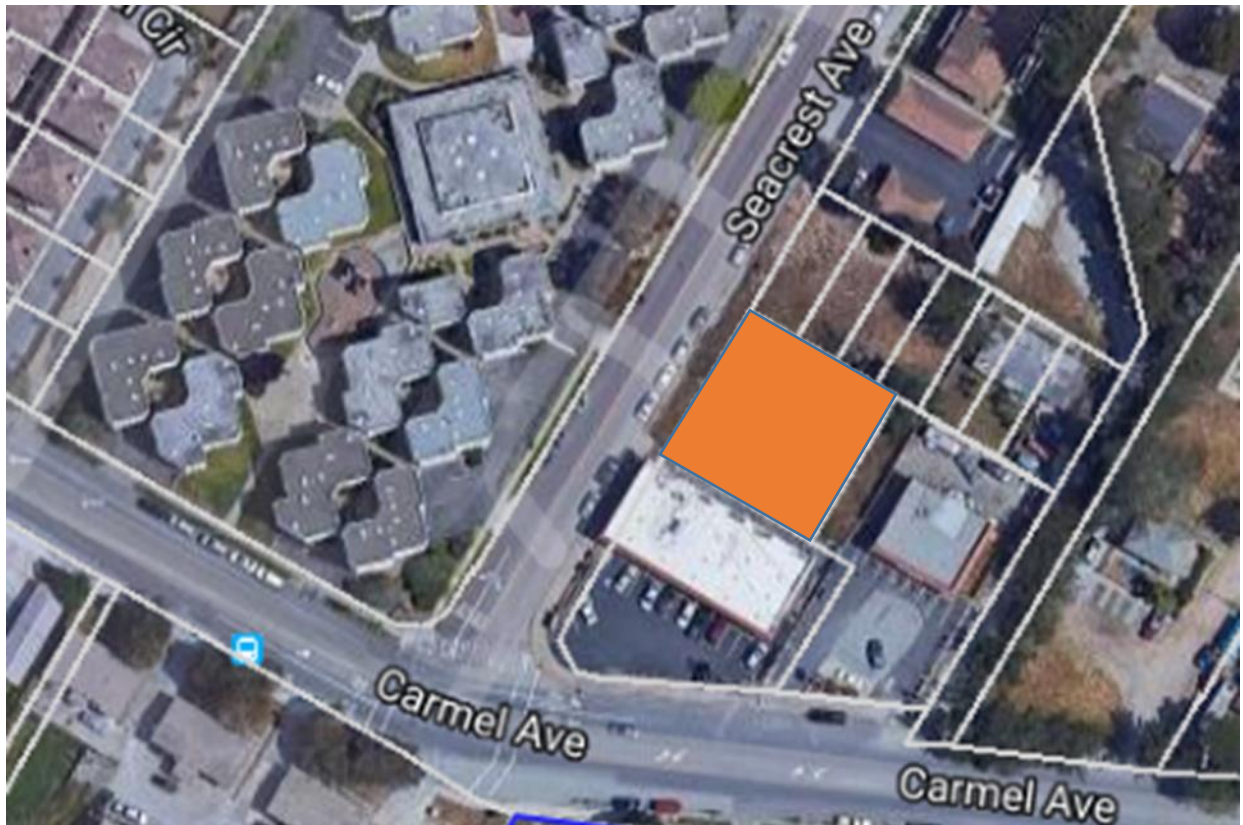
The overall project application is a Combined Development Permit application consisting of:

- A Specific Plan (SP 2016-01) to guide development of project site;
- A Conditional Use Permit (CUP) (UP 2017-06) for a multiple family residential development exceeding 25 units per acre;
- Site and Architectural Design Review (DR 2017-06)) for a new three-story, eleven (11) unit apartment complex;
- An Affordable/Inclusionary Housing Proposal to provide 12% of the units (1 unit) on-site as “low income”;
- A 23% Density Bonus and project incentives to allow development of a three-story apartment complex and modifications to development standards;
- Modified Parking requirements as specified for Government Code Section 65915(p)(2) – Transit Orientated Developments (TODs).

Note: The project does not require rezoning of the property to SP – Specific Plan because the project meets the development standards in the C-R zoning district.

PROJECT LOCATION

The 10,596 square foot (.243 acre) vacant site is located on the east side of Seacrest Avenue just north of the intersection of Carmel and Seacrest Avenues. The property is surrounded by a commercial building to the vacant site to the north, commercial buildings to the east and south and a large apartment complex to the west (Charles Apartments).



General Plan and Zoning: The General Plan Land Use Designation for the property is Multiple-Use which allows exclusively residential use on site of less than one acre. The Zoning Designation is C-R (Commercial/Multiple Family Residential District). Multiple dwellings at densities between 20 and 35 units per acre are permitted in this district with the issuance of a Conditional Use Permit. Site Plan and Architectural Design Review is required for projects that include more than one dwelling unit on a single parcel.

The location of the project within a one-half (0.5) mile of the MST Transfer Station qualifies the Project as transit-oriented development, as defined by government code Section 65915(p)(2). Pursuant to Section 65915(p)(4), “...the development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking”, therefore, the requirement for “covered parking” is waived for projects classified as transit-oriented development(s).

TODs are a compact mixture of residential, employment, shopping and civic uses located within a short walk of bus or rail transit center. The Project is uniquely suited to qualify as TOD, in that it is located directly within one-half mile of the MST site and the downtown shopping and services district, which will encourage tenants to walk, bike, or use public transportation to complete many of their daily tasks.

The property is located with the Downtown Vitalization area which is currently under a temporary moratorium on the issuance of Conditional Use Permits and any new or replaced square footage (initiated by the City Council on August 2, 2017 and extended until April 1, 2019). The moratorium is an urgency measure to limit development within the planning area that may conflict with the City’s efforts to create a plan that will define the desired uses, circulation patterns, block standards and site and building development standards and guidelines within the downtown area. During this period, Planning Division staff will also be developing design standards for multifamily residential developments.

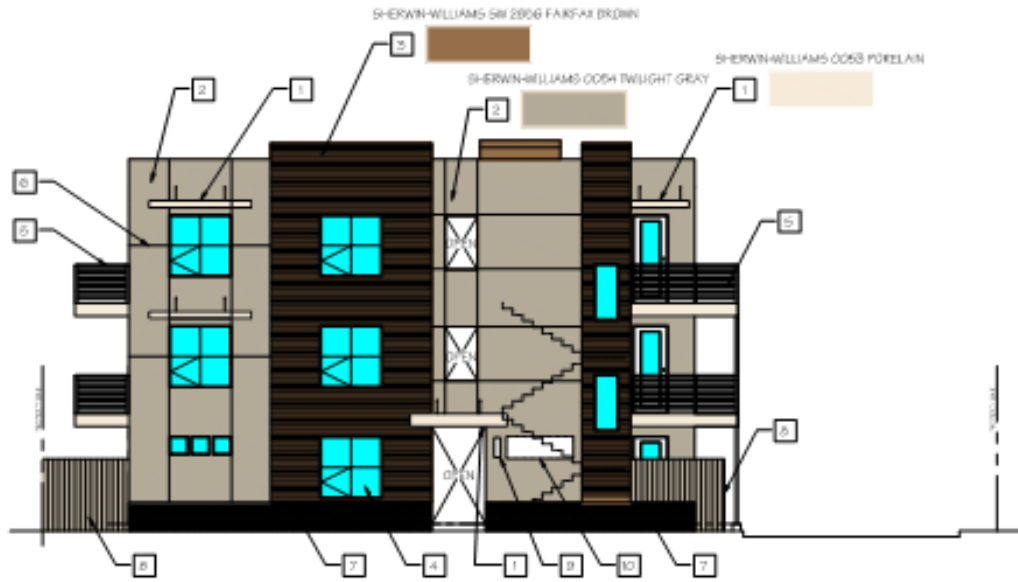
On August 2, 2017, the City Council exempted from the moratorium the project at 3108 Seacrest Avenue currently under review and described below, because the project application was substantially “complete” and the applicant is not requesting a zoning ordinance or General Plan amendment. The exemption from the moratorium does not obligate the City to approve the project.

PROJECT DESIGN/LAYOUT

The proposed project would develop an existing vacant site with a new multi-family, three-story 5,962 square-foot apartment complex, consisting of eight (8) one-bedroom apartments and three (3) studio apartments, for a total of eleven (11) units. Each unit is approximately 542 square feet in size. Room arrangement for the complex is: three (3) first floor units; four (4) second floor units; and four (4) third-floor units. Associated amenities include an on-site laundry facility and attached patio/porches for ranging in size from 58.75 square feet (standard units/studios) and 77.5 square feet (corner units).

The proposed project consists of one multi-level building orientated on the northwest portion of the parcel, an access driveway along the southern boundary of the parcel, and 11 parking stalls situated in the rear of the building along the south-eastern boundary of the parcel. Trash and recycling enclosures are located on the ground level of the building with access to the enclosure being provided from the central parking area. See Page A-1 of the project plans.

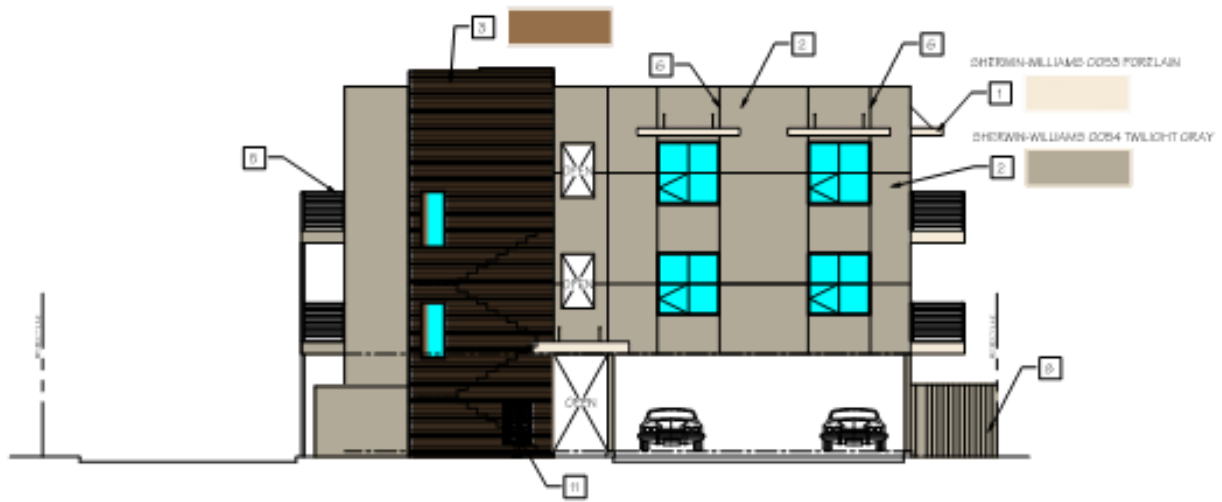
The “Seacrest Apartments” is proposed to be constructed of a “modern” architectural style, with bold straight lines, accented by large glass windows and walls. The design incorporates patios/decks on all sides, and a ground-level “breezeway” walkway.



WEST ELEVATION

1/8" = 1'-0"

SHERWIN-WILLIAMS GW 2806 FAIRFAX BROWN



EAST ELEVATION

1/8" = 1'-0"

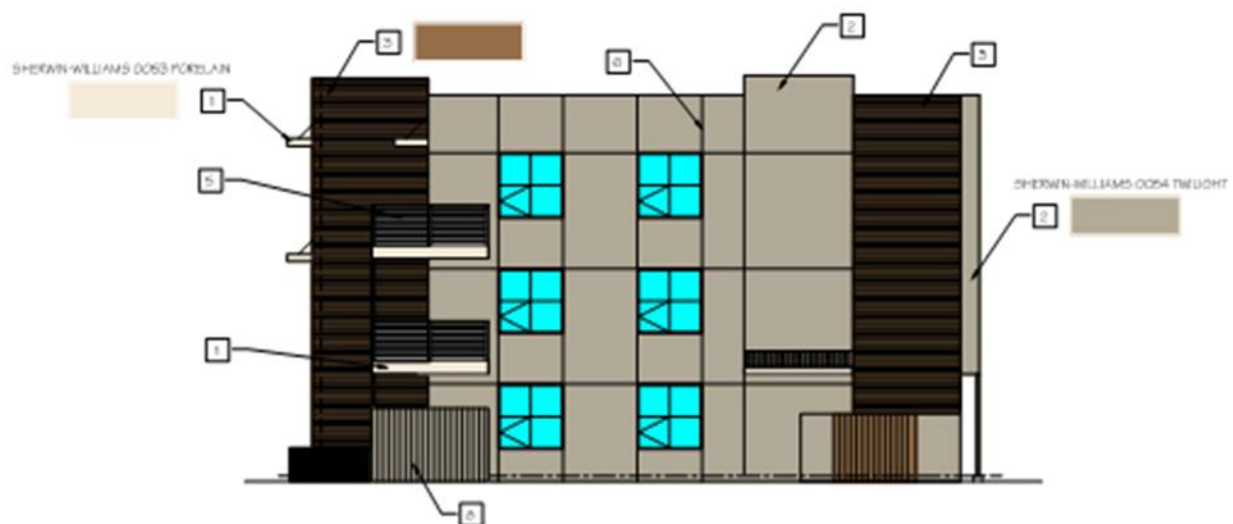
West Elevation (viewed from Seacrest Avenue) / **East Elevation** (view from back of lot)



NORTH ELEVATION

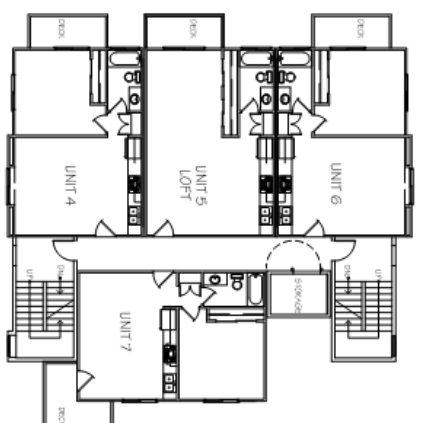
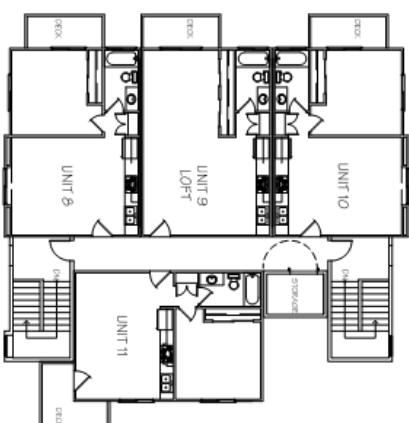
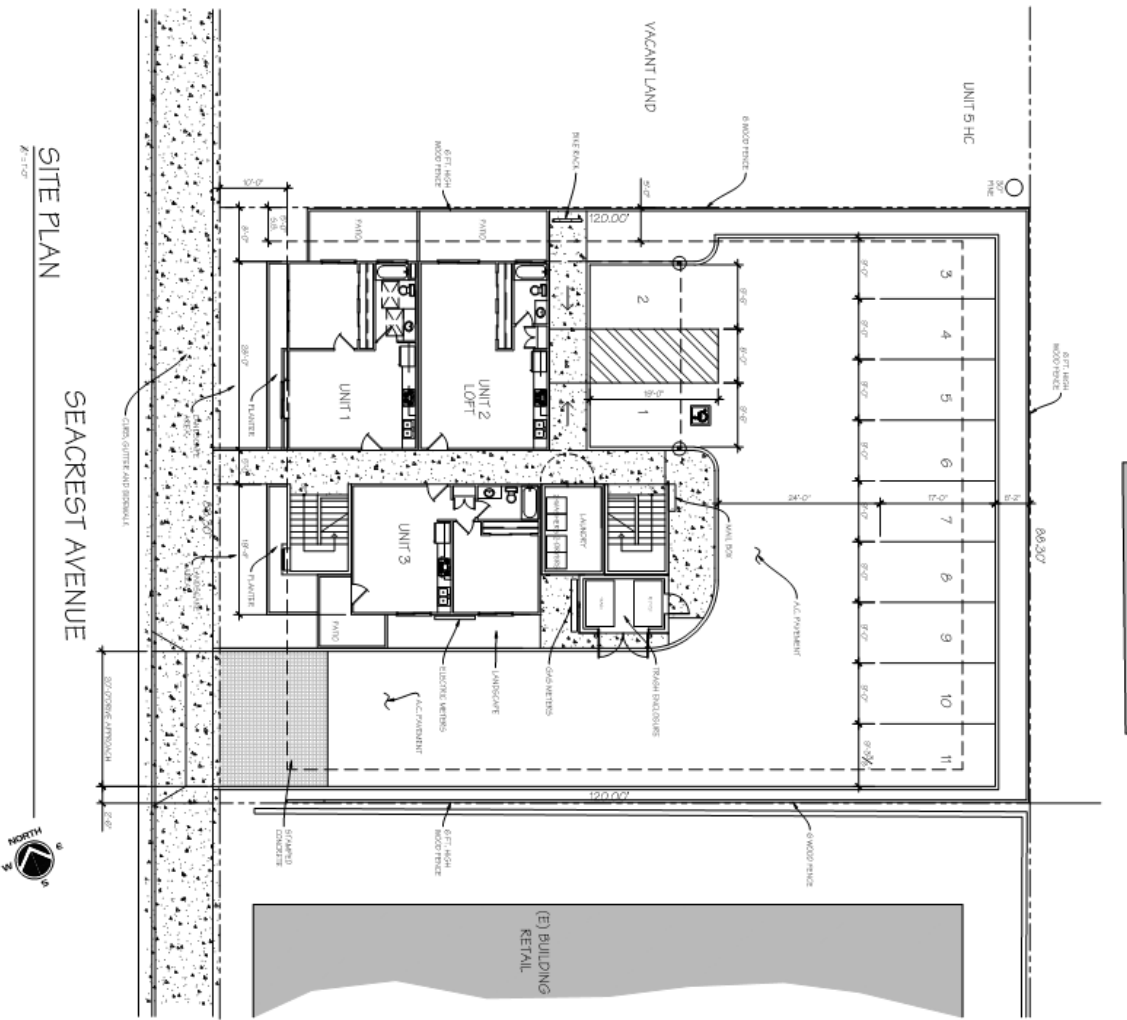
1/8" = 1'-0"

SHERWIN-WILLIAMS SW 2005 FAIRFAX BROWN



SOUTH ELEVATION

1/8" = 1'-0"



SUMMARY OF SITE STATISTICS – “C-R” (Commercial-Residential):

Zoning Standards	Standard	Proposed	Consistency Determination
Building Setbacks	Front 10 feet Rear 10 feet Sides 5 feet	Front 10 feet Rear 50+ feet Sides 8+ feet	Consistent Consistent Consistent
Density	20-35 units/acre	35 units/acre	Consistent plus a 23% Density Bonus for “affordable housing projects.”
Height	55 feet 4 stories	33 feet 3 stories	Consistent Consistent
Open Space	<p><u>Common Open Space:</u> 350 SF /1-bed unit (11 units)</p> <p>Total Required: 3850 SF (11 units)</p> <p><u>Private Open Space:</u> 1st Floor – 80 SF min/unit (3 units = 240 SF)</p> <p>2nd floor/3rd floor - 40 SF min/unit (8 units = 320 SF)</p> <p>Total Required: 560 SF</p>	<p><u>Common Open Space:</u></p> <p>Total Provided: 0 SF</p> <p><u>Private Open Space –</u> 1st floor units: Patios (3) = 348 SF total</p> <p>2nd/ 3rd floor units: Decks (8) = 520 SF total</p> <p>Total Provided: 868 SF</p>	<p><i>Consistent due to provision of affordable housing.</i></p> <p>(1 requested entitled concession)</p> <p>Consistent</p>
Parking – Multiple Dwelling Units	<p>11 total units; 3 – Studio units 8 – 1-bed units</p> <p><u>Studio/Loft Units</u> 1space/unit (covered) plus 1 addition space/5 units.</p> <p><u>One Bedroom Units:</u> 1 space/unit (covered) plus 1 additional space/5 units.</p> <p><i>11 units = 14 parking</i></p>	<p>11 spaces provided (all uncovered)</p> <p>NOTE: <i>The project qualifies for a parking reduction for transit-oriented development, as defined under Density Bonus Law, due to being located within 0.25 mile of a major transit stop.</i></p> <p><i>Per Government Code 65915(p)(2)...if a development includes</i></p>	<p><i>Consistent with Government Code 65915 applicable to applications with a requested density bonus.</i></p>

	<p><i>spaces required (11 spaces covered).</i></p> <p>Total Spaces Required – 14 spaces (11 spaces covered)</p> <p>Parking spaces shall be a minimum of 9' x 19'.</p> <p>Parking spaces can also be designed to measure 17.5 feet in length with an 18-inch overhang.</p>	<p><i>the maximum percentage of “low income” or “very low income” units and is located within one-half (0.5) miles of a major transit stop...and there is unobstructed access to the major transit stop from the development, then, upon request of the developer, a city, county, or city and county, <u>shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom.</u></i></p> <p>The project provides the required amount of “low income” housing and is located within 0.50 mile of the MST transit stop; therefore, the parking requirement is 0.5 spaces per bedroom.</p> <p>The includes 11 total bedrooms = 6 required parking spaces.</p> <p>The project proposal includes 11 parking spaces for 11 total units.</p> <p>Spaces measure 9' x 17.5' with an 18-inch overhang space.</p>	<p>Consistent</p>
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PROJECT ANALYSIS/CONCERNS:

Development Standards

The proposed project, as designed, is consistent with all applicable development setbacks except for the provision of common open space (see separate section below).

The Project has been designed to hold a front setback of 10 feet (10 feet is required), position buildings more than 8 feet from the side property lines (5 feet is required) and will maintain a rear setback exceeding 50 feet (10 feet is required). Furthermore, the proposed maximum height of the develop is 32.5 feet and 3 stories (55 feet and 4 stories allowed).

Site Density/Number of Units

The maximum allowable density in the “C-R” land use designation is 20 to 35 units per acre, for developments that are exclusively residential, and parcels less than one-acre can be developed for exclusively residential uses. Based on a parcel size of 10,596 square foot (.243 acre), this site is allowed to contain exclusively residential development, and would be allowed a total of 9 units (base density). The Project proposes the construction of 11 total units, of which 1 unit (12 percent) are proposed to be “low income”.

Per state law, project which provide 12 percent of low-income units shall be granted a density bonus of 23 percent and one project incentives. Based on a maximum density of 8 units for the site, the 23 percent density bonus would allow an additional 2 units for a total of 11 units on the site.

Open Space Requirements

The “C-R” development standards (Section 17.21.090 – Open Space) requires that multiple-family dwellings on a building site within the C-R district provide a minimum of three-hundred (300) square feet per one-bedroom unit, and fifty (50) square feet for each additional bedroom. Furthermore, a portion or all the required usable open space shall be private or shared; a minimum of eighty (80) square feet private open space shall be supplied for ground floor units and a minimum of forty (40) square feet private open space for units located on the second level or higher.

Based on a proposal of 11 units (8 one-bedroom; 3 studios/lofts) the total open space required is 3,300 square feet (11 x 300). Included in the total provision of open space, each ground floor unit is required to have 80 square feet of private open space, and each unit on the second level or higher shall be provided with 40 square feet of private open space.

The Project provides approximately zero (0) square feet of common open space and a total of 868 square feet of private open space through ground floor patios (348 square feet) and second and third story balconies (520 square feet).

As designed, the provision of common open space is not in keeping or compliance with the requirement found in the “C-R” zoning designation; however, the applicant taking the waving/reduction of the open space requirement as their one entitled incentive for providing “low income” housing (1 unit).

However, as the above table shows, each ground floor unit is allocated more than 80 square feet (average of 116 square feet/unit for a total of 348 square feet on the first floor); while units located on the second level or higher are allocated more than 40 square feet (average of 65 square feet/unit). The provision of private open space is in compliance with applicable regulations.

Parking Requirements.

Marina Municipal Code (Section 17.44.020.D – Parking Requirements) require that multiple-family dwelling projects (apartments) provide the following number of parking spaces per dwelling unit:

One-Bedroom Units – 1 space (covered) for each unit, plus 1 additional space for every five units or fraction thereof;

Visitor Parking Twenty (20) percent of required parking spaces shall be unreserved and labeled for visitor parking.

Based on a proposal of 11 units (8 one-bedroom; 3 studios/lofts) the total required parking spaces is 14 total spaces, of which 3 should be reserved for visitor parking. However, as mentioned above, the Project is located within 0.25 mile of the MST Transfer Station and qualifies as Transit-Oriented Development (TOD). As a TOD related project with a requested density bonus, the Project qualifies for parking provision reductions under Government Code 65915, which supersedes the Zoning Code parking requirements

Per Government Code 65915(p)(2)...if a development includes the maximum percentage of “low income” units and is located within one-half (0.5) miles of a major transit stop...and there is unobstructed access to the major transit stop from the development, then, upon request of the developer, a city, county, or city and county, shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom.

The project provides the required amount of “low income” housing for the proposed development and is within 0.5 mile of the MST transit stop; therefore, the parking requirement is 0.5 spaces per bedroom. The proposal includes 11 total bedrooms and is required to provide 6 parking spaces all of which can be uncovered. As designed the Project includes 11 total parking spaces, exceeding the 6-space requirement. The provision of parking spaces is compliant with applicable regulations.

REQUIRED FINDINGS:

1. *The project must be consistent with the General Plan and Zoning Ordinance.*

The project is consistent with requested General Plan Land Use designation of Multiple Use and “C-R” zoning designation in that the project proposed a multi-family development of 35 units per acre.

General Plan Goals and Policies

Community Goals

- Goal 1.17 states:
“The overall goal of the Marina General Plan is the creation of a community which provides a high quality of life for all its residents; which offers a broad range of housing, transportation, and recreation choices; and which conserves irreplaceable natural resources.”
- Goal 1.18.1 states:
“Housing within the means of households of all economic levels, ages and lifestyles, and therefore, a diversified and integrated housing supply in which new residential development emphasizes a mix of housing types and lot sizes at the neighborhood level.”
- Goal 1.18.5 states:
“A city designed for and attractive to pedestrians, in which most of the housing, shops, businesses, and community facilities are within easy walking distance of each other.”
- Goal 1.18.8 envisions:
“A city physically and visually distinguish-able from the other communities of the Monterey Bay region, with a sense of place and identity in which residents can take pride.”
- Goal 1.18.15 requires:
“Attractive, distinctive residential neighborhoods and commercial districts which contribute to the overall vitality, image and identity of the city.”

Community Land Use Policies

- Policy 2.4.5 states:
“Future land development, whether it involves development of new areas, infilling of existing neighborhoods or commercial areas...shall be organized and have sufficient intensity...to create a pedestrian-oriented community.”

Housing Policies

- Policy 2.31.6 states:
“New housing shall be constructed at densities and in patterns which conserve land, reduce reliance on the private automobile and result in walkable, attractive neighborhoods.”
- Policy 2.31.8 states:
“New housing shall be integrated into the fabric of the City in such a way that it complements existing housing areas and contributes to the overall stability, image, and sense of community of the City.”

The Project is consistent with the Goals and Policies contained within the Marina General Plan pertaining to provisions of housing at varying income levels, promoting of pedestrian oriented and friendly development, and establishing community character, vision and identity.

The Project is consistent with the applicable development standards within the Marina Municipal Code (Zoning Ordinance) and/or superseding state laws for multiple family developments, specifically to the requirements of density, parking, and the provision of private open space. The Project does request one development incentive, waiving/elimination of the provision of public open space, in exchange for the provision of “low income” housing.

Floor Area Ratio

The project proposes an FAR of .559 (55.9%). The minimum and maximum floor area ratio (FAR) is established by General Plan policy 2.57 which states:

“A minimum FAR of 0.25 shall be required, and FAR’s of up to 0.90 may be permitted for well-designed projects which achieve General Plan objectives such as effectively integrating two or more uses; providing for a pedestrian orientation, including landscaped courtyards, plazas and walkways; incorporating visually attractive or high-caliber architectural design, detail and materials; and providing for landscaping beyond the required minimum. The precise upper limit shall be determined by subsequent specific plans in areas subject to a specific plan requirement.”

In this particular case, the project is proposing a visually attractive design and materials; is providing for pedestrian friendly orientation by removing pedestrian movements from vehicular areas and providing direct access to the streetscape; and has maximized the available space on the small lot. Based on these factors, staff believes that a 0.559 FAR is reasonable and supportable for this particular project.

2. *The project must be consistent with the Citywide Design Standards and Guidelines.*

The project is consistent with the Citywide Design Standards and Guidelines. The project site and parking plan provide for adequate and safe pedestrian and vehicular traffic. Vehicular routes are separated from pedestrian routes and the project is sited independently from the streetscape area. Parking stall sizes and circulation patterns allow for adequate vehicular movement. Landscaping is in common open space areas between paved areas to soften the hardscape development(s).

3. *That the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons riding or working in the neighborhood and the use will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.*

The use of the site as a higher-density development will not be detrimental to the neighborhood, as it has been designed to be pedestrian-friendly and reduce reliance on the automobile. In addition, the location of building at the street would begin to create a street wall which will visually connect the side streets to the future downtown and increase walkability.

4. *The project must be designed and constructed, and so located, that the project will not be unsightly, undesirable or obnoxious in appearance to the extent that they will hinder the orderly and harmonious development of the city, impair the desirability of*

residence or investment or occupation in the city, limit the opportunity to obtain the optimum use and value of the land and improvements, impair the desirability of living conditions on or adjacent to the subject site, conform with the standards included in the local coastal land use plan and/or otherwise adversely affect the general welfare of the community.

The development has been designed as an upscale, multi-family landmark development just outside the City's anticipated central business district (CBD). The modern/urban design aesthetic is intended to set a new standard for similar and future development in the City. The project includes clear pedestrian access to the surrounding shopping centers/facilities.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

David J. R. Mack, AICP
Senior Planner, Planning Division
Community Development Department
City of Marina

REVIEWED/CONCUR:

J. Fred Aegerter, AICP
Community Development Director
City of Marina

Layne P. Long
City Manager
City of Marina

Attachments:

1. Draft City Council Resolution approving a Specific Plan dated June 25, 2018.
 - a. Exhibit A – Specific Plan
2. Draft City Council Resolution approving a Combined Development Permit.
 - a. Exhibit A – Project Plans.
3. Site and Architectural Design Review Board (DRB) Resolution 2018-05, dated September 19, 2018.
4. Planning Commission Resolution 2018-14 (Specific Plan) dated October 11, 2018.
5. Planning Commission Resolution 2018-15 (Combined Development Permit) dated October 11, 2018.