



Thursday, May 27, 2021

6:30 Open Session

AGENDA

**REGULAR MEETING
PLANNING COMMISSION**
Marina City Council Chambers
211 Hillcrest Avenue
Marina, CA

Zoom Meeting URL: <https://us02web.zoom.us/j/88453801683>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 884 5380 1683

In response to Governor Newsom’s Executive Order N.29-20 and City Council Resolution 2020-29 ratifying the Proclamation of a Local Emergency by the City Manager/Director of Emergency Services related to the COVID-19 (coronavirus) pandemic, public participation in the City of Marina City Council and other public meetings shall be electronic only and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. This meeting is being broadcast “live” on Access Media Productions (AMP) Community Television Cable 25 and on the City of Marina Channel and on the internet at <https://accessmediaproductions.org/>

PARTICIPATION

You may participate in the Planning Commission meeting in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. Instructions on how to access, view and participate in remote meetings are provided by visiting the City’s home page at <https://cityofmarina.org/>. Attendees can make oral comments during the meeting by using the “Raise Your Hand” feature in the webinar or by pressing *9 on your telephone keypad if joining by phone only. If you are unable to participate in real-time, you may email to marina@cityofmarina.org with the subject line “Public Comment Item# __” (insert the item number relevant to your comment) or “Public Comment – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. Planning Commission will have the option to modify their action on items based on comments received.

AGENDA MATERIALS

Agenda materials, staff reports and background information related to regular agenda items are available on the City of Marina’s website www.cityofmarina.org. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet will be made available on the City of Marina website www.cityofmarina.org subject to City staff’s ability to post the documents before the meeting.

VISION STATEMENT

Marina will grow and mature from a small town bedroom community to a small city which is diversified, vibrant and through positive relationships with regional agencies, self-sufficient. The City will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting. **(Resolution No. 2006-112 – May 2, 2006)**

MISSION STATEMENT

The City Council will provide the leadership in protecting Marina's natural setting while developing the City on a way that provides a balance of housing, jobs and business opportunities that will result in a community characterized by a desirable quality of life, including recreation and cultural opportunities, a safe environment and an economic viability that supports a high level of municipal services and infrastructure. **(Resolution No. 2006-112 – May 2, 2006)**

1. CALL TO ORDER

2. ROLL CALL & ESTABLISHMENT OF QUORUM

Chair Brian McCarthy, Vice Chair David Bielsker, Nancy Amadeo, Hyunsoo Hur, Surinder Rana, Audra Walton. Glenn Woodson

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR

Announcements of special events or meeting of interest as information to Board and Public. At this time any person may comment on any item, which is not on the agenda. Please state your name and address for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on the next agenda. Planning Commission members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of Four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the Planning Commission.

5. CONSENT AGENDA

Background information has been provided to the Planning Commission on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the Planning Commission may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.

6. PUBLIC HEARINGS

Time will be set aside during the Public Hearing to receive oral comments on all items listed as Public Hearings. Staff will present the project brought forth for Planning Commission consideration and possible action and answer questions from the Planning Commissioners. The applicant will then have the opportunity to raise any issues. The public will then be invited to approach the podium to provide up to four (4) minutes of public testimony.

a. Conditional Use Permit – 120 Reservation Rd., Hampton Inn

Planning Commission of the City of Marina to Open a Public Hearing, Take Any Testimony from the Public, and Consider Adopting a Resolution Approving Conditional Use Permit UP2021-01 to Allow the Sale of Beer and Wine for On-Site Consumption (Type 70 ABC License) at the Hampton Inn located at 120 Reservation Road (APN 033-111-033)

7. ACTION ITEMS

Action listed for each Agenda item is that which is brought forth for Planning Commission consideration and possible action. The Planning Commission may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.

8. **OTHER ACTION ITEMS**
9. **DISCUSSION ITEMS**
10. **COMMISSIONER COMMENTS AND STAFF INFORMATIONAL REPORTS**
11. **CORRESPONDENCE**
12. **ADJOURNMENT**

CERTIFICATION:

I, Erin Fernando, Administrative Assistant (Job Title) for the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at Marina City Council Chambers bulletin board, 211 Hillcrest Avenue; City Kiosk at the corner of Del Monte Boulevard and Reservation Road; and Monterey County Free Library Marina Branch at 190 Seaside Circle on or before 6:30 p.m. Friday, May 21, 2021.

Signature _____

_____ Date Posted

PLANNING COMMISSION NOTES:

1. The Marina Planning Commission regularly meets at 6:30 P.M. on the second and fourth Thursdays of each month.
2. The Planning Commission follows procedures intended to allow for project applicants and members of the public the fullest possible opportunity to be heard, while enabling the Commission to complete its meetings within a reasonable time.
3. Copies of staff reports are available to the public on the Friday afternoon, prior to the Thursday meetings at the Community Development Department office located at 209 Cypress Avenue.
4. Planning Commission subcommittees include the Marina Design Review Board (DRB) and Tree Committee. The DRB regularly meets at 6:30 P.M. on the third Wednesday of each month and the Tree Committee meets quarterly on the 2nd Wednesday of January, April, July and October... All meetings take place in the Council Chambers unless otherwise noticed... Public notices and agendas are posted at the following locations: Monterey County Library Marina Branch, Kiosk at the corner of Del Monte Blvd. and Reservation Rd., and Marina City Council Chambers Bulletin Board.
5. The public is invited and encouraged to participate in all meetings of the Planning Commission and its subcommittees.
6. ALL MEETINGS ARE OPEN TO THE PUBLIC. THE CITY OF MARINA DOES NOT DISCRIMINATE AGAINST PERSONS WITH DISABILITIES. Council Chambers are wheelchair accessible. Meetings are broadcast on cable channel 25 and recordings of meetings can be provided upon request. To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please call (831) 884-1278 or e-mail: marina@cityofmarina.org . Requests must be made at least **48 hours** in advance of the meeting.



COMMUNITY DEVELOPMENT
City of Marina

STAFF REPORT

February 16, 2017

Agenda Item #
Planning Commission
February 23, 2017

TO: Planning Commission Members

FROM: Christy Hopper, Planning Service Manager

RE: Open a Public Hearing, Take Any Testimony from the Public, and Consider Adopting a Resolution Approving Conditional Use Permit UP2021-01 to Allow the Sale of Beer and Wine for On-Site Consumption (Type 70 ABC License) at the Hampton Inn located at 120 Reservation Road (APN 033-111-033)

Applicant/Owner:

Philip Lee
Exdev Hotel 1 LLC
17777 Center Court Dr.
Cerritos, CA

Summary of Issues

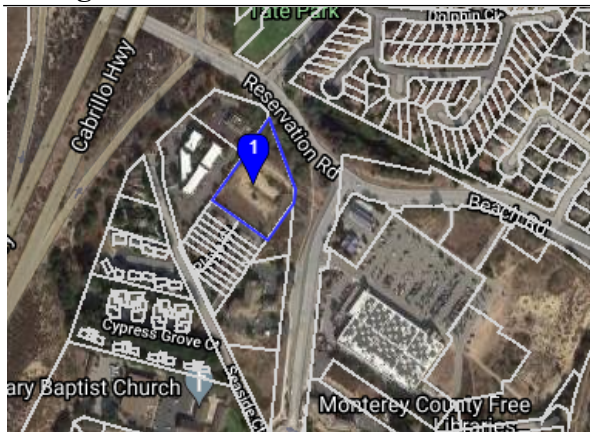
Does the proposal for sale of alcohol for consumption on-site at a full service restaurant at this location meet the requirements of the City of Marina, particularly:

17.06.020 Use regulations
1748.040 Action by appropriate authority

Environmental Determination

The City of Marina Planning Division determined that this project is categorically exempt from environmental review in accordance with Section 15301 of the California Environmental Quality Act (CEQA) applicable to the operation, repair, maintenance or minor alteration of existing structures or facilities.

Background



The project site is located on the southwest corner of the intersection of Reservation and Beach Roads.

The site is zoned C-1 (Retail Business) with a General Plan designation of Visitor-Serving.

The applicant is requesting that the City approve a conditional use permit to allow the sale of beer and wine for on-site consumption in conjunction with a new hotel currently under construction (Hampton Inn). The license type that the applicant is requesting from the Alcohol Beverage Control is a Type 70. This license type authorizes the

sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. In this case, the business owner intends to only permit the sale of beer and wine.

Section 17.06.020 of the Marina City Code requires approval of a use permit for both on-sale and off-sale of alcoholic beverages. In addition, in areas of undue concentration, a special finding of public convenience or necessity is required.

An area of undue concentration is an area within the City that is either located in a crime reporting area that has 20 percent greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts, or, the premises is located in a census tract where the number of on-sale or off-sale retail alcohol licenses (with respect to the application in question) exceeds the ratio of on- or off-sale licenses to population.

The Alcohol Beverage Control allows, based on population within this census tract, six (6) on-sale and three (3) off-sale licenses. Currently there are ten (10) on-sale and three (3) off-sale licenses within the census tract. Therefore, this application is in an area of undue concentration.

Analysis

USE PERMIT FINDINGS

The Planning Commission must make the following general findings for consideration of a use permit (17.48.040):

1. 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 residing or working in the neighborhood.

Staff Response: The sale of alcohol for consumption on the premises in conjunction with a hotel serves as a convenience to the public and an overall improvement to the experience for guests and courtesy granted to other hotels in the vicinity and City as a whole.

2. That the use will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city

Staff Response: The sale of alcohol for consumption on the premises in conjunction with a hotel will not be detrimental or injurious to property because the use is within a fully enclosed building.

FINDING OF PUBLIC CONVENIENCE OR NECESSITY

The Planning Commission must make the following findings for consideration of a use permit for the sale of alcohol within an area of undue concentration (17.06.020 (B)):

1. That the sale of alcohol will not constitute a public nuisance.

Staff Response: The sale of alcohol for consumption on the premises in conjunction with a hotel serves as a convenience to the public and an overall improvement to the experience for guests and has been determined that the use will not constitute a public nuisance.

2. That the sale of alcohol will not occur within 500 feet of a park or school or place of public assembly.

Staff Response: No parks, schools or place of public assembly are within 500 feet of the site as measured from the front door of the hotel.

3. That the sale of alcohol will not contribute to law enforcement problems associated with an undue concentration of on- and/or off-sale licenses in the vicinity of the subject business.

Staff Response: The use is not likely to contribute to law enforcement problems based on the secure location of the alcohol sales, restricted access for guests and because the service of alcohol is an incidental part of the hotel operation.

Recommended Motion

Based on Staff recommendation, a recommended motion is included.

MOTION

Move to adopt a resolution approving Conditional Use Permit UP2021-01 to Allow the Sale of Beer and Wine for On-Site Consumption (Type 70 ABC License) at the Hampton Inn located at 120 Reservation Road (APN 033-111-033)

Attachments: 1. Draft Resolution

RESOLUTION NO. 2021-

A RESOLUTION FROM THE MARINA PLANNING COMMISSION
APPROVING CONDITIONAL USE PERMIT UP2021-01 TO ALLOW THE
SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION (TYPE 70 ABC
LICENSE) AT THE HAMPTON INN LOCATED AT 120 RESERVATION
ROAD (APN 033-111-033)

WHEREAS, Philip Lee of Exdev Hotel 1, LLC, applicant and property owner, submitted an application for a conditional use permit for on-sale alcohol at a new hotel at 120 Reservation Road; and,

WHEREAS, the site is zoned C-1 (Retail Business) with a General Plan designation of Visitor-Serving; and,

WHEREAS, Section 17.06.020 of the Marina City Code requires approval of a use permit for both on-sale and off-sale of alcoholic beverages, and, in areas of undue concentration, a special finding of public convenience or necessity is required; and,

WHEREAS, the Planning Commission, at a properly noticed public hearing on May 27, 2021, carefully considered all of the information presented to it, including the staff report and information submitted at the public hearing by interested persons; and,

WHEREAS, notice is hereby given the decisions of the Planning Commission are appealable to the City Council within 10 days of the date of this action; and,

WHEREAS, the City of Marina Planning Division determined that this project is categorically exempt from environmental review in accordance with Section 15301 of the California Environmental Quality Act (CEQA) applicable to the operation, repair, maintenance or minor alteration of existing structures or facilities.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby approves Conditional Use Permit UP2021-01 to allow the sale of Beer and Wine for On-Site Consumption (Type 70 ABC License) at the Hampton Inn located at 120 Reservation Road (APN 033-111-033) based upon the following findings and subject to the following conditions of approval:

FINDINGS

Conditional Use Permit

1. 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 residing or working in the neighborhood in that the sale of alcohol for consumption on the premises in conjunction with a hotel serves as a convenience to the public and an overall improvement to the experience for guests and courtesy granted to other hotels in the vicinity and City as a whole.

2. That the use will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city in that the sale of alcohol for consumption on the premises in conjunction with a hotel will not be detrimental or injurious to property because the use is within a fully enclosed building.

Public Convenience or Necessity

1. That the sale of alcohol will not constitute a public nuisance in that the sale of alcohol for consumption on the premises in conjunction with a hotel serves as a convenience to the public and an overall improvement to the experience for guests and has been determined that the use will not constitute a public nuisance.
2. That the sale of alcohol will not occur within 500 feet of a park or school or place of public assembly in that no parks, schools or place of public assembly are within 500 feet of the site as measured from the front door of the hotel.
3. That the sale of alcohol will not contribute to law enforcement problems associated with an undue concentration of on- and/or off-sale licenses in the vicinity of the subject business in that the use is not likely to contribute to law enforcement problems based on the secure location of the alcohol sales, restricted access for guests and because the service of alcohol is an incidental part of the hotel operation.

CONDITIONS OF APPROVAL

1. Substantial Compliance – That the use shall be accomplished in substantial accordance with the project description submitted to the Planning Division on April 1, 2021, except as conditioned herein.
2. Enforcement – In the event that the use results in increased service calls, other public nuisance or violation of any code of law, the City may bring this Use Permit before the Planning Commission for possible revocation.
3. Permit Expiration – That this approval will expire 24 months from the date of approval by the Planning Commission unless the use is established within that time period. The applicant may apply for an extension of this permit, by submitting an extension request application and applicable fees, no less than 60 days prior to expiration date. No renewal notice will be sent to the applicant or property owner.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 27th day of May 2021, by the following vote:

AYES, COMMISSIONERS:

NOES COMMISSIONERS:

ABSENT, COMMISSIONERS:

ABSTAIN, COMMISSIONERS:

Brian McCarthy, Chair

ATTEST:

Christy Hopper
Planning Services Manager
City of Marina