

RESOLUTION NO. 2022-55

AUTHORIZING RELEASE OF A REQUEST FOR PROPOSALS FOR CONSULTANT SERVICES TO PREPARE OBJECTIVE DESIGN STANDARDS FOR SINGLE-FAMILY, MULTIPLE-FAMILY AND MIXED-USE DEVELOPMENTS; AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, recent changes to State law require that cities adopt and act on residential development applications based on whether the project complies with objective design and development standards; and,

WHEREAS, objective standards require no interpretation or personal judgment, as opposed to subjective standards that are subject to interpretation; and,

WHEREAS, objective design standards are intended to be measurable and verifiable (i.e., no “gray” area for interpretation) and adoption of clear and understandable guidelines to follow to develop residential and mixed-use development will provide predictability to the community and developers in the development process and ensure that the City of Marina is compliance with State Law; and,

WHEREAS, the City expects this project to provide standards that will be consistent with the requirements for objective standards in compliance with Senate Bill (SB) 35 (Government Code Section 65913.4) and the Housing Accountability Act, as amended in 2019 by SB 330, and the requirements of Senate Bill (SB) 9 ; and,

WHEREAS, the City was awarded a \$165,000 REAP grant from the Association of Monterey Bay Area Governments and a \$150,000 LEAP grant from the California Department of Housing and Community Development for the preparation and adoption of planning documents, process improvements that accelerate housing development, and to facilitate compliance in implementing the sixth cycle of the regional housing need allocation (RHNA) and these grant funds will be utilized for this project; and,

WHEREAS, in order to complete the project, the City will hire a qualified consultant to develop objective design standards for three housing types: single-family residential, multi-family residential and mixed-use; and,

WHEREAS, it is estimated that the total cost for the preparation of the Objective Design Standards will be funded by the awarded LEAP and REAP grants; and,

WHEREAS, the City of Marina determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 (“CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Marina hereby:

1. Authorizes release of a Request for Proposals for Consultant Services to prepare objective design standards for single-family, multiple-family, and mixed-use developments; and authorizing the Finance Director to make necessary budget and accounting entries; and,
2. Authorizing the City Manager to execute agreement on behalf of the City subject to final review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 17th day of May 2022, by the following vote:

AYES, COUNCIL MEMBERS: Medina Dirksen, Burnett, Biala, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: Berkley

ABSTAIN, COUNCIL MEMBERS: None

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

April 28, 2022

Item No: **8f(2)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of May 17, 2022

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2022-AUTHORIZING RELEASE OF A REQUEST FOR PROPOSALS FOR CONSULTANT SERVICES TO PREPARE OBJECTIVE DESIGN STANDARDS FOR SINGLE-FAMILY, MULTIPLE-FAMILY AND MIXED-USE DEVELOPMENTS; AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

REQUEST:

It is requested that City Council consider

1. Adopting Resolution No. 2022-, authorizing release of a Request for Proposals for Consultant Services to prepare objective design standards for single-family, multiple-family, and mixed-use developments; and authorizing the Finance Director to make necessary budget and accounting entries; and,
2. Authorizing the City Manager to execute agreement on behalf of the City subject to final review and approval by the City Attorney.

BACKGROUND:

Recent changes to State law require that cities adopt and act on residential development applications based on whether the project complies with objective design and development standards. Objective standards require no interpretation or personal judgment, as opposed to subjective standards that are subject to interpretation. Objective design standards are intended to be measurable and verifiable (i.e., no “gray” area for interpretation). Adoption of clear and understandable guidelines to follow to develop residential and mixed-use development will provide predictability to the community and developers in the development process and ensure that the City of Marina is compliance with State Law.

Although State laws apply to projects with more than one residential unit (2+), this scope of work and final deliverable will apply to all residential projects, including single-family, multi-family and mixed-use residential projects. It is critically important that the City update current regulations to clearly lay out objective standards that reflect the community’s standards, so that the City will have the ability to shape the design of new residential developments. The City currently relies on a combination of objective and subjective design standards, implemented through a design review process with the City’s Site and Architectural Design Review Board and Planning Commission, to regulate the design of most housing projects. This includes meeting largely subjective design review criteria as part of the findings to grant project approval. The City is interested in creating a thorough set of objective design standards to govern the development of single-family, multi-family, and mixed-use residential development proposals. The City expects this project to provide standards that will be consistent with the requirements for objective standards in compliance with Senate Bill (SB) 35 (Government Code Section 65913.4) and the Housing Accountability Act, as amended in 2019 by SB 330, and the requirements of Senate Bill (SB) 9.

Regional Early Action Planning (REAP) and Local Early Action Planning Grants (LEAP)

The City was awarded a \$165,000 REAP grant from the Association of Monterey Bay Area Governments and a \$150,000 LEAP grant from the California Department of Housing and Community Development for the preparation and adoption of planning documents, process improvements that accelerate housing development, and to facilitate compliance in implementing the sixth cycle of the regional housing need allocation (RHNA). These grant funds will be utilized for this project.

ANALYSIS:

In order to complete the project, the City will hire a qualified consultant to develop objective design standards for three housing types: single-family residential, multi-family residential and mixed-use. With the input of residents, stakeholders, and staff, the City desires to produce objective design standards that reflect the goals and priorities of the City while satisfying the requirements of State law.

The consultant will be responsible for undertaking all necessary steps for this analysis and resulting modifications to the Zoning Ordinance, as directed by staff, and meet all timeline benchmarks. Modifications must be integrated into the City's regulatory framework established within the existing Zoning Ordinance in a manner that ensures overall quality and structure of the current Code, procedural consistency, aligns with state and local legal requirements, provides clarity as to applicability of existing regulations, and maximizes effectiveness of the code.

Staff recommends that the City Council authorize staff to release a Request for Proposals to hire a qualified consultant to prepare the Objective Design Standards.

FISCAL IMPACT:

It is estimated that the total cost for the preparation of the Objective Design Standards will be funded by the awarded LEAP and REAP grants.

ENVIRONMENTAL DETERMINATION

The City of Marina determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

CONCLUSION:

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

Respectfully submitted,

Christy Hopper
Planning Services Manager
Community Development Department
City of Marina

REVIEWED/CONCUR:

Guido F. Persicone AICP
Community Development Director
Community Development Department
City of Marina

Layne P. Long
City Manager
City of Marina